

# As Reported by the House Finance Committee

135th General Assembly

Regular Session

2023-2024

Sub. H. B. No. 33

Representative Edwards

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5166.01, and 5167.16; to amend, for the purpose of 355  
adopting new section numbers as indicated in 356  
parentheses, sections 3301.90 (5104.50), 3701.61 357  
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(5180.12), 5123.024 (5180.31), 5123.0421 364  
(5180.32), 5123.0422 (5180.34), and 5123.0423 365  
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5180.30; and to repeal section 3301.521 of the 367  
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5733.38, and 6109.121 of the Revised Code and to 388  
amend the versions of sections 921.06, 3737.83, 389  
and 3781.10 of the Revised Code that are scheduled 390  
to take effect December 29, 2023, and the version 391  
of section 3701.63 of the Revised Code that is 392  
scheduled to take effect September 30, 2024, to 393  
continue the changes on and after those effective 394  
dates; to amend sections 127.15, 173.03, 753.19, 395  
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5751.40; to enact sections 1509.031 and 3745.019; 412  
to repeal section 5123.195 of the Revised Code and 413  
to amend the versions of sections 3772.13 and 414  
3772.131 of the Revised Code that are scheduled to 415  
take effect December 29, 2023, to continue the 416  
changes on and after that effective date; to amend 417  
sections 2925.01, 3701.33, 3701.83, 3717.27, 418  
3717.47, 3718.011, 3718.03, 3742.03, 4736.01, 419  
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4736.11, 4736.12, 4736.13, 4736.14, 4736.15, 421  
4743.05, 4776.20, and 5903.12; to amend, for the 422  
purpose of adopting new section numbers as 423  
indicated in parentheses, sections 4736.01 424  
(3776.01), 4736.02 (3776.02), 4736.03 (3776.03), 425  
4736.07 (3776.04), 4736.08 (3776.05), 4736.09 426  
(3776.06), 4736.11 (3776.07), 4736.12 (3776.08), 427  
4736.13 (3776.09), 4736.14 (3776.10), 4736.15 428  
(3776.11), 4736.17 (3776.12), and 4736.18 429  
(3776.13); to repeal sections 4736.05, 4736.06, 430  
and 4736.10 of the Revised Code; to amend the 431  
version of section 3701.83 of the Revised Code 432  
that is scheduled to take effect September 30, 433  
2024; to amend the version of section 4736.14 of 434  
the Revised Code that is scheduled to take effect 435  
December 29, 2023; to amend the version of section 436  
4736.14 (3776.10) of the Revised Code that is 437  
scheduled to take effect December 29, 2023, for 438  
the purpose of adopting a new section number as 439  
indicated in parentheses; and to repeal the 440  
version of section 4736.10 of the Revised Code 441  
that is scheduled to take effect December 29, 442  
2023; and to amend the version of section 3701.351 443  
that is scheduled to take effect September 30, 444  
2024; to repeal the versions of sections 3727.70 445  
and 4723.431 of the Revised Code that are 446  
scheduled to take effect September 30, 2024; to 447  
amend Section 5 of H.B. 29 of the 134th General 448  
Assembly; to amend Sections 130.11 and 130.12 as 449  
subsequently amended of H.B. 110 of the 134th 450  
General Assembly; to amend sections 128.01, 451  
128.02, 128.021, 128.022, 128.03, 128.06, 128.07, 452  
128.08, 128.12, 128.18, 128.22, 128.32, 128.34, 453

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128.60, 128.63, 128.99, 149.43, 2913.01, 4776.20, 456  
5703.052, 5733.55, and 5751.01; to amend, for the 457  
purpose of adopting new section numbers as 458  
indicated in parentheses, sections 128.18 459  
(128.33), 128.22 (128.35), 128.32 (128.96), 128.34 460  
(128.98), 128.40 (128.20), 128.42 (128.40), and 461  
128.45 (128.451); to enact new sections 128.22, 462  
128.25, 128.26, 128.27, 128.42, and 128.45 and 463  
sections 128.05, 128.21, 128.211, 128.212, 464  
128.221, 128.23, 128.24, 128.241, 128.242, 465  
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128.421, 128.422, and 128.43; and to repeal 468  
sections 128.04, 128.09, 128.15, 128.25, 128.26, 469  
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4742.04, 4742.05, 4742.06, and 4742.07 of the 471  
Revised Code; to amend Sections 2, 3, and 8 of 472  
H.B. 509 of the 134th General Assembly; to amend 473  
Section 207.14 of H.B. 597 of the 134th General 474  
Assembly; to amend Sections 213.10, 237.10 as 475  
subsequently amended, 237.13 as subsequently 476  
amended, 237.15, and 237.30 of H.B. 687 of the 477  
134th General Assembly; to amend Sections 280.12, 478  
280.28, and 285.12 of H.B. 45 of the 134th General 479  
Assembly; to amend Sections 125.10 and 125.11 of 480  
H.B. 59 of the 130th General Assembly, as 481  
subsequently amended; and to repeal Section 5 of 482  
H.B. 371 of the 134th General Assembly; to repeal 483  
Section 3 of H.B. 669 of the 133rd General 484  
Assembly; and to repeal Section 21 of H.B. 790 of 485  
the 120th General Assembly to make operating 486

appropriations for the biennium beginning July 1, 487  
2023, and ending June 30, 2025, to levy taxes, and 488  
to provide authorization and conditions for the 489  
operation of state programs. 490

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

**Section 101.01.** That sections 101.35, 101.352, 101.353, 491  
101.354, 101.38, 103.0521, 103.414, 103.60, 106.02, 106.031, 492  
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5751.01, 5751.02, 5751.033, 5751.06, 5751.51, 5753.031, 5910.01, 615  
5913.01, 5919.34, 5922.01, 5923.12, 6119.10, 6121.02, and 6131.43 616  
be amended; that sections 113.41 (125.903), 125.22 (126.42), 617  
2151.3534 (2151.3527), 3333.03 (3333.01), and 5103.422 (5103.42) 618  
be amended, for the purpose of adopting new section numbers as 619  
indicated in parentheses; and sections 5.2320, 5.55, 9.17, 119.05, 620  
121.376, 125.183, 135.98, 135.981, 135.982, 135.983, 135.984, 621  
135.985, 135.986, 149.3010, 173.525, 175.16, 191.01, 191.02, 622  
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5709.56, 5713.031, 5725.36, 5726.58, 5728.16, 5729.19, 5739.093, 662  
5743.06, 5747.64, 5747.83, 5747.84, 5913.012, and 6301.113 of the 663  
Revised Code be enacted to read as follows: 664

Sec. 5.2320. The twenty-sixth day of October is designated as 665  
"Sudden Unexpected Death in Epilepsy Awareness Day." Sudden 666  
unexpected death in epilepsy (SUDEP) is the sudden, unexpected 667  
death of someone with epilepsy who was otherwise healthy. 668

Sec. 5.55. The month of April is designated as the "Month of 669  
the Military Child." 670

Sec. 9.17. (A) The amount for purposes of a provision of the 671  
Revised Code that references this section shall be as follows: 672

(1) Beginning on the effective date of this section through 673

calendar year 2024, seventy-five thousand dollars; 674

(2) For each calendar year thereafter, the amount for the 675  
previous calendar year increased by three per cent as determined 676  
and published by the director of commerce. 677

**Sec. 101.35.** There is hereby created in the general assembly 678  
the joint committee on agency rule review. The committee shall 679  
consist of five members of the house of representatives and five 680  
members of the senate. Within fifteen days after the commencement 681  
of the first regular session of each general assembly, the speaker 682  
of the house of representatives shall appoint the members of the 683  
committee from the house of representatives, and the president of 684  
the senate shall appoint the members of the committee from the 685  
senate. Not more than three of the members from each house shall 686  
be of the same political party. ~~In the first regular session of a~~ 687  
~~general assembly, the chairperson of the committee shall be~~ 688  
~~appointed by the~~ The speaker of the house shall appoint a house 689  
chairperson from among the house members of the committee, and the 690  
~~vice chairperson shall be appointed by the~~ president of the senate 691  
~~shall appoint a senate chairperson~~ from among the senate members 692  
of the committee. ~~In~~ During the first regular session of a general 693  
assembly, the committee shall meet at the call of the house 694  
chairperson, and the house chairperson shall conduct each meeting. 695  
During the second regular session of a general assembly, the 696  
committee shall meet at the call of the senate chairperson, and 697  
the senate chairperson shall ~~be appointed by the president of the~~ 698  
~~senate from among the senate members of the committee, and the~~ 699  
~~vice chairperson shall be appointed by the speaker of the house~~ 700  
~~from among the house members of the committee~~ conduct each 701  
meeting. If the chairperson responsible for calling and conducting 702  
committee meetings is absent or otherwise temporarily unable to 703  
perform the chairperson's duties, the other chairperson shall act 704  
as a substitute. ~~The chairperson, vice chairperson, chairpersons~~ 705

and members of the committee shall serve until their respective 706  
successors are appointed or until they are no longer members of 707  
the general assembly. When a vacancy occurs among the officers or 708  
members of the committee, it shall be filled in the same manner as 709  
the original appointment. 710

Notwithstanding section 101.26 of the Revised Code, the 711  
members, when engaged in their duties as members of the committee 712  
on days when there is not a voting session of the member's house 713  
of the general assembly, shall be paid at the per diem rate of one 714  
hundred fifty dollars, and their necessary traveling expenses, 715  
which shall be paid from the funds appropriated for the payment of 716  
expenses of legislative committees. 717

The committee has the same powers as other standing or select 718  
committees of the general assembly. Six members constitute a 719  
quorum. The concurrence of six members is required for the 720  
recommendation of a concurrent resolution invalidating a proposed 721  
rule under section 106.021 of the Revised Code. The concurrence of 722  
seven members is required for the recommendation of a concurrent 723  
resolution invalidating an existing rule under section 106.031 of 724  
the Revised Code. 725

When a member of the committee is absent, the president or 726  
speaker, as the case may be, may designate a substitute from the 727  
same house and political party as the absent member. The 728  
substitute shall serve on the committee in the member's absence, 729  
and is entitled to perform the duties of a member of the 730  
committee. For serving on the committee, the substitute shall be 731  
paid the same per diem and necessary traveling expenses as the 732  
substitute would be entitled to receive if the substitute were a 733  
member of the committee. 734

The president or speaker shall inform the executive director 735  
of the committee of a substitution. If the executive director 736

learns of a substitution sufficiently in advance of the meeting of 737  
the committee the substitute is to attend, the executive director 738  
shall publish notice of the substitution on the internet, make 739  
reasonable effort to inform of the substitution persons who are 740  
known to the executive director to be interested in rules that are 741  
scheduled for review at the meeting, and inform of the 742  
substitution persons who inquire of the executive director 743  
concerning the meeting. 744

The committee may meet during periods in which the general 745  
assembly has adjourned. 746

At meetings of the committee, the committee may request an 747  
agency, as defined in section 106.01 of the Revised Code, to 748  
provide information relative to the agency's implementation of its 749  
statutory authority. 750

A member of the committee, and the executive director and 751  
staff of the committee, are entitled in their official capacities 752  
to attend, but not in their official capacities to participate in, 753  
a public hearing conducted by an agency on a proposed rule. 754

The executive director serves at the pleasure of the 755  
president and speaker by mutual consensus. The executive director 756  
may employ such technical, professional, and clerical employees as 757  
are necessary to carry out the powers and administrative duties of 758  
the committee. 759

**Sec. 101.352.** If the joint committee on agency rule review 760  
becomes aware that an agency subject to its jurisdiction is 761  
relying upon a principle of law or policy that, under section 762  
121.93 of the Revised Code, should have been supplanted by its 763  
restatement in a rule, the chairperson of the joint committee 764  
responsible for calling and conducting meetings under section 765  
101.35 of the Revised Code, in ~~the~~ that chairperson's sole 766  
discretion, may request the agency to appear before the joint 767

committee to address why, notwithstanding section 121.93 of the Revised Code, it is so relying. The request shall specify the time and place at which a designee of the agency is to appear before the joint committee to address, and to answer the joint committee's questions concerning, the agency's reliance. The date set for the appearance shall be not earlier than thirty days after the joint committee transmits the request to the agency. The joint committee shall transmit the request to the agency electronically. The joint committee also shall publish the request on its web site, as part of the relevant meeting agenda, and shall indicate in conjunction with the published request that any person is invited to appear before the joint committee when the agency appears to offer and make comments to the joint committee concerning the agency's reliance.

Upon receiving the request, the agency shall designate a suitable agency officer or employee to appear on behalf of the agency before the joint committee as directed in the request. The agency electronically shall notify the joint committee of the name, title, telephone number, and electronic mail address of the officer or employee who has been designated to appear before the joint committee in response to the request.

Upon appearing before the joint committee, the agency's designee shall address why the agency is relying upon a principle of law or policy that, notwithstanding section 121.93 of the Revised Code, has not been supplanted by its restatement in a rule. The members of the joint committee may question the agency's designee concerning the agency's reliance. Any person may offer and make comments to the joint committee concerning the agency's reliance.

After the appearance has concluded, the joint committee, by vote of a majority of its members, in writing may recommend to the

agency that it supplant the principle of law or policy that it is 799  
relying upon by its restatement in a rule. The joint committee 800  
shall support its recommendation with a brief rationale of why, 801  
under section 121.93 of the Revised Code, the principle of law or 802  
policy should be supplanted by its restatement in a rule. The 803  
joint committee shall transmit the recommendation electronically 804  
to the agency. 805

After receiving the recommendation from the joint committee, 806  
the agency shall commence the rule-making process as soon as it is 807  
reasonably feasible to do so, but not later than the date that is 808  
six months after the recommendation was received. The principle of 809  
law or policy as it is restated in a rule does not need to be 810  
wholly congruent with the supplanted principle of law or policy. 811  
The agency lawfully may improve or develop further the supplanted 812  
principle of law or policy as it is restated in a rule. 813

The agency may continue to rely upon the principle of law or 814  
policy, but only while it is complying with the preceding 815  
paragraph. The agency may not rely upon the principle of law or 816  
policy in advising with regard to or in determining the rights or 817  
liabilities of a person if the agency fails to commence the 818  
rule-making process by the deadline specified in the preceding 819  
paragraph, or if, after commencing the rule-making process, the 820  
agency neglects or abandons the rule-making process before it is 821  
completed. 822

**Sec. 101.353.** If the joint committee on agency rule review 823  
becomes aware, such as through its own inquiries or by receiving 824  
complaints from interested parties or stakeholders, that an agency 825  
subject to its jurisdiction is required expressly or impliedly by 826  
a statute to adopt a rule but appears neither to have done so nor 827  
to have commenced the rule-making process, the chairperson of the 828  
joint committee responsible for calling and conducting meetings 829

under section 101.35 of the Revised Code, in ~~the~~ that 830  
chairperson's sole discretion, may request the agency to appear 831  
before the joint committee to address its apparent dereliction. 832  
The request shall specify the time and place at which a designee 833  
of the agency is to appear before the joint committee to address, 834  
and answer the joint committee's questions concerning, the 835  
agency's apparent dereliction. The request shall identify the 836  
statute that expressly or impliedly requires rule-making and that 837  
apparently has not been complied with. The joint committee shall 838  
transmit the request to the agency electronically. The joint 839  
committee also shall publish the request on its web site, and 840  
shall indicate in conjunction with the published request that any 841  
person is invited to appear before the joint committee when the 842  
agency appears to offer and make comments to the joint committee 843  
concerning the agency's apparent dereliction. 844

Upon receiving the request, the agency shall designate a 845  
suitable agency officer or employee to appear on behalf of the 846  
agency before the joint committee as directed in the request. The 847  
agency electronically shall notify the joint committee of the 848  
name, title, telephone number, and electronic mail address of the 849  
officer or employee who has been designated to appear before the 850  
joint committee in response to the request. 851

Upon appearing before the joint committee, the agency's 852  
designee shall address why the agency apparently has neither 853  
adopted a rule nor commenced the rule-making process as expressly 854  
or impliedly required by the statute. The members of the joint 855  
committee may question the agency's designee concerning the 856  
agency's apparent dereliction. Any person may offer and make 857  
comments to the joint committee concerning the agency's apparent 858  
dereliction. 859

After the appearance has concluded, the joint committee, by 860

vote of a majority of its members, in writing may advise the 861  
agency to commence rule-making proceedings under the statute, as 862  
soon as it is reasonably feasible for the agency to do so. The 863  
joint committee shall transmit the advisory electronically to the 864  
agency. The joint committee also shall publish the advisory on its 865  
web site. 866

**Sec. 101.354.** (A) The joint committee on agency rule review 867  
shall advise and assist state agencies in preparing revised 868  
inventories of regulatory restrictions and shall advise and assist 869  
state agencies in achieving specified percentage reductions in 870  
regulatory restrictions in the Administrative Code in accordance 871  
with sections 121.95, 121.951, 121.952, and 121.953, ~~and 121.954~~ 872  
of the Revised Code. 873

(B)(1) Not later than June 15, 2022, the executive director 874  
of the joint committee shall prepare a report aggregating the base 875  
inventories received from state agencies under section 121.95 of 876  
the Revised Code. 877

(2) Beginning in 2023, not later than the fifteenth day of 878  
December each year, the executive director of the joint committee 879  
shall prepare an historical report aggregating the reports 880  
received from state agencies for the preceding fiscal year. In the 881  
report, the executive director also shall describe the work of the 882  
joint committee over the preceding fiscal year with respect to 883  
reduction of regulatory restrictions and shall indicate, out of 884  
the total number of regulatory restrictions inventoried by state 885  
agencies, the percentage by which state agencies have reduced 886  
those regulatory restrictions. The report also shall provide 887  
recommendations for statutory changes, where appropriate, brought 888  
to the attention of the joint committee as contributing to the 889  
adoption of regulatory restrictions. 890

(3) The executive director shall submit the report required 891

under divisions (B)(1) and (2) of this section to the members of 892  
the joint committee, which shall publish the report on its web 893  
site and transmit copies of the report electronically to the 894  
speaker of the house of representatives and the president of the 895  
senate. 896

**Sec. 101.38.** (A) As used in this section, "relative" means a 897  
spouse, parent, parent-in-law, sibling, sibling-in-law, child, 898  
child-in-law, grandparent, aunt, or uncle. 899

(B) There is hereby created the Ohio cystic fibrosis 900  
legislative task force to study and make recommendations on issues 901  
pertaining to the care and treatment of individuals with cystic 902  
fibrosis. The task force shall study and make recommendations on 903  
the following issues: 904

(1) Use of prescription drug and innovative therapies under 905  
the program for ~~medically handicapped~~ children and youth with 906  
special health care needs established under section 3701.023 of 907  
the Revised Code and the program for adults with cystic fibrosis 908  
administered by the department of health under division (G) of 909  
that section; 910

(2) Screening of newborn children for the presence of genetic 911  
disorders, as required under section 3701.501 of the Revised Code; 912

(3) Any other issues the task force considers appropriate. 913

(C) The task force shall consist of the following members, 914  
each with the authority to vote on matters before the task force: 915

(1) Three members of the senate: two appointed by the 916  
president of the senate from the majority party and one appointed 917  
by the minority leader of the senate; 918

(2) Three members of the house of representatives: two 919  
appointed by the speaker of the house of representatives from the 920  
majority party and one appointed by the minority leader of the 921

house of representatives; 922

(3) Three members, at least two of whom have been diagnosed 923  
with cystic fibrosis or are relatives of individuals who have been 924  
diagnosed with cystic fibrosis, appointed by the president of the 925  
senate; 926

(4) Three members, at least two of whom have been diagnosed 927  
with cystic fibrosis or are relatives of individuals who have been 928  
diagnosed with cystic fibrosis, appointed by the speaker of the 929  
house of representatives. 930

Appointments to the task force shall be made within 931  
forty-five days after the commencement of the first regular 932  
session of each general assembly in the manner prescribed in this 933  
division. 934

(D) Members of the task force shall serve on the task force 935  
until the appointments are made in the first regular session of 936  
the following general assembly or, in the case of task force 937  
members who also are general assembly members when appointed, 938  
until they are no longer general assembly members. 939

(E) A vacancy shall be filled in the same manner as the 940  
original appointment. Any member appointed to fill a vacancy 941  
occurring prior to the expiration date of the term for which the 942  
member's predecessor was appointed shall hold office as a member 943  
for the remainder of that term. 944

(F) Members of the task force shall elect a chair. A vacancy 945  
of the chair position shall be filled by election. 946

(G) Members of the task force shall receive no compensation, 947  
except to the extent that serving as a member is part of the 948  
individual's regular duties of employment and except for the 949  
reimbursement of expenses that may be provided under division (H) 950  
of this section. 951

(H) The task force may solicit and accept grants from public 952  
and private sources. Grant funds may be used to reimburse members 953  
for expenses incurred in the performance of official task force 954  
duties and to pursue initiatives pertaining to the care and 955  
treatment of individuals with cystic fibrosis. 956

(I) A majority of the members of the task force constitutes a 957  
quorum for the conduct of task force meetings. 958

**Sec. 103.0521.** If a rule currently in effect is obsolete 959  
because the rule was adopted by an agency that is no longer in 960  
existence and jurisdiction over the rule has not been transferred 961  
to another agency, and if that status is verified by the executive 962  
director of the joint committee on agency rule review, the 963  
executive director shall prepare, for consideration of the joint 964  
committee, a motion that the director of the legislative service 965  
commission remove the obsolete rule from the Administrative Code. 966  
The executive director shall transmit a copy of the motion to the 967  
common sense initiative office before the next meeting of the 968  
joint committee. 969

The chairperson of the joint committee responsible for 970  
calling and conducting meetings under section 101.35 of the 971  
Revised Code, or another member of the joint committee delegated 972  
by ~~the~~ that chairperson, shall offer the motion at the next 973  
meeting of the joint committee. If the motion is agreed to by the 974  
joint committee, the executive director shall transmit a copy of 975  
the motion to the director of the legislative service commission. 976  
The executive director shall certify on the copy transmitted that 977  
the motion was agreed to by the joint committee. 978

Upon receiving the certified motion, the director of the 979  
legislative service commission shall remove the obsolete rule from 980  
the Administrative Code as directed in the motion. The director 981  
thereafter shall maintain the removed obsolete rule in a file of 982

obsolete rules. The file of obsolete rules may be maintained in 983  
electronic form. 984

Sec. 103.414. Not later than the first day of October of 985  
every even-numbered calendar year, the department of medicaid 986  
shall submit to JMOC a report of the department's historical and 987  
projected medicaid program expenditure and utilization trend rates 988  
by medicaid program and service category, for each year of the 989  
upcoming fiscal biennium. The report shall include all actuarial 990  
data the department used in producing the trends. The report also 991  
shall detail interventions taken by the department to restrain the 992  
growth in the per member per month cost of the medicaid program, 993  
as required by section 5162.70 of the Revised Code. 994

Before the beginning of each fiscal biennium, JMOC shall 995  
contract with an actuary to determine the projected medical 996  
inflation rate for the upcoming fiscal biennium. The contract 997  
shall require the actuary to make the determination using the same 998  
types of classifications and sub-classifications of medical care 999  
that the United States bureau of labor statistics uses in 1000  
determining the inflation rate for medical care in the consumer 1001  
price index. The contract also shall require the actuary to 1002  
provide JMOC a report with its determination at least one hundred 1003  
twenty days before the governor is required to submit a state 1004  
budget for the fiscal biennium to the general assembly under 1005  
section 107.03 of the Revised Code. 1006

On receipt of the actuary's report, JMOC shall determine 1007  
whether it agrees with the actuary's projected medical inflation 1008  
rate. If JMOC disagrees with the actuary's projected medical 1009  
inflation rate, JMOC shall determine a different projected medical 1010  
inflation rate for the upcoming fiscal biennium. 1011

The actuary and, if JMOC determines a different projected 1012  
medical inflation rate, JMOC shall determine the projected medical 1013

inflation rate for the state unless that is not practicable in 1014  
which case the determination shall be made for the midwest region. 1015

Regardless of whether it agrees with the actuary's projected 1016  
medical inflation rate or determines a different projected medical 1017  
inflation rate, JMOC shall complete a report regarding the 1018  
projected medical inflation rate. JMOC shall include a copy of the 1019  
actuary's report in JMOC's report. JMOC's report shall state 1020  
whether JMOC agrees with the actuary's projected medical inflation 1021  
rate and, if JMOC disagrees, the reason why JMOC disagrees and the 1022  
different medical inflation rate JMOC determined. At least ninety 1023  
days before the governor is required to submit a state budget for 1024  
the upcoming fiscal biennium to the general assembly under section 1025  
107.03 of the Revised Code, JMOC shall submit a copy of the report 1026  
to the general assembly in accordance with section 101.68 of the 1027  
Revised Code and to the governor and medicaid director. 1028

**Sec. 103.60.** (A) As used in this section, "rare disease" 1029  
means a disease or condition that affects fewer than 200,000 1030  
people living in the United States. 1031

(B) There is hereby created the rare disease advisory 1032  
council. The purpose of the council is to advise the general 1033  
assembly regarding research, diagnosis, and treatment efforts 1034  
related to rare diseases across the state. 1035

(C) The council shall consist of the following thirty-one 1036  
members: 1037

(1) The following members appointed by the governor: 1038

(a) One individual who is a medical researcher with 1039  
experience researching rare diseases; 1040

(b) One individual who represents an academic research 1041  
institution in this state that receives funding for rare disease 1042  
research; 1043

(c) One individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery who has experience researching, diagnosing, and treating rare diseases;	1044 1045 1046 1047
(d) One individual authorized under Chapter 4723. of the Revised Code to practice nursing as a registered nurse who has experience providing nursing care to patients with rare diseases;	1048 1049 1050
(e) One individual authorized under Chapter 4778. of the Revised Code to practice as a genetic counselor who is currently practicing at a children's hospital;	1051 1052 1053
(f) Three members of the public who are living with a rare disease or represent an individual living with a rare disease;	1054 1055
(g) One representative of a national organization representing patients with a rare disease;	1056 1057
(h) One representative of a rare disease foundation operating in this state;	1058 1059
(i) Two representatives of the department of health, one of whom is a representative of the <u>program for children and youth with <del>medical handicaps program</del> special health care needs</u> ;	1060 1061 1062
(j) One representative of the department of medicaid;	1063
(k) One representative of the department of insurance;	1064
(l) One representative of the commission on minority health;	1065
(m) One representative of the Ohio hospital association;	1066
(n) One representative of Ohio health insurers;	1067
(o) One representative of bioOhio;	1068
(p) One representative of the association of Ohio health commissioners;	1069 1070
(q) One representative of the pharmaceutical research and manufacturers of America.	1071 1072

(2) The following members appointed by the president of the senate:	1073 1074
(a) Two members of the senate, one from the majority party and one from the minority party;	1075 1076
(b) Three members of the public, one of whom is recommended by the minority leader of the senate.	1077 1078
(3) The following members appointed by the speaker of the house of representatives:	1079 1080
(a) Two members of the house of representatives, one from the majority party and one from the minority party;	1081 1082
(b) Three members of the public, one of whom is recommended by the minority leader of the house of representatives.	1083 1084
(4) The governor or the governor's designee.	1085
(D)(1) Not later than April 23, 2021, initial appointments shall be made to the council. Thereafter, appointments shall be made every two years, not later than thirty days after the commencement of the first regular session of each general assembly.	1086 1087 1088 1089 1090
(2) Each member shall serve on the council until appointments are made following the commencement of the next general assembly. Members may be reappointed; however, no member shall serve more than four consecutive terms on the council.	1091 1092 1093 1094
(E) Prior to the expiration of each term, the council shall prepare and submit a report to the general assembly detailing the following:	1095 1096 1097
(1) The coordination of statewide efforts for studying the incidence of rare diseases in this state;	1098 1099
(2) The council's findings and recommendations regarding rare disease research and care in this state;	1100 1101

(3) Efforts to promote collaboration among rare disease organizations, clinicians, academic research institutions, and the general assembly to better understand the incidence of rare diseases in this state.

(F) The council shall annually select from among its members a chairperson or co-chairpersons.

(G) The council shall meet at the call of the chairperson, but not less than quarterly. A majority of the members of the council shall constitute a quorum. The chairperson shall provide members with at least five days written notice of all meetings.

(H) Members shall serve without compensation except to the extent that serving on the council is considered part of the member's regular duties of employment. The council shall reimburse each member for actual and necessary expenses incurred in the performance of the member's official duties.

**Sec. 106.02.** ~~When~~ (A) Subject to division (B) of this section, when an agency files a proposed rule and rule summary and fiscal analysis with the joint committee on agency rule review, the joint committee shall review the proposed rule and rule summary and fiscal analysis, and an invalidating concurrent resolution may be adopted, not later than the sixty-fifth day after the day on which the proposed rule was filed with the joint committee. If, after filing the original version of a proposed rule, the agency makes a revision in the proposed rule, the agency shall file the revised proposed rule and a revised rule summary and fiscal analysis with the joint committee. If the revised proposed rule is filed thirty-five or fewer days after the original version of the proposed rule was filed, the joint committee shall review the revised proposed rule and revised rule summary and fiscal analysis, and an invalidating concurrent resolution may be adopted, not later than the sixty-fifth day

after the original version of the proposed rule was filed. If, 1133  
however, the revised proposed rule is filed more than thirty-five 1134  
days after the original version of the proposed rule was filed, 1135  
the joint committee shall review the revised proposed rule and 1136  
revised rule summary and fiscal analysis, and an invalidating 1137  
concurrent resolution may be adopted, not later than the thirtieth 1138  
day after the revised proposed rule was filed with the joint 1139  
committee. 1140

(B) If, after filing a proposed rule and rule summary and 1141  
fiscal analysis with the joint committee, an agency determines 1142  
that it needs additional time to consider the proposed rule and 1143  
possibly file a revised proposed rule, the agency may notify the 1144  
joint committee of the agency's intention to file a revised 1145  
proposed rule. When the agency notifies the joint committee of its 1146  
intention to file a revised proposed rule, the running of the time 1147  
within which an invalidating concurrent resolution may be adopted 1148  
is tolled. 1149

If, after notifying the joint committee of the agency's 1150  
intention to file a revised proposed rule, the agency makes a 1151  
revision in the proposed rule, the agency shall file the revised 1152  
proposed rule and a revised rule summary and fiscal analysis with 1153  
the joint committee. If the revised proposed rule is filed 1154  
thirty-five or fewer days after the agency filed the original 1155  
version of the proposed rule, the joint committee shall review the 1156  
revised proposed rule and revised rule summary and fiscal 1157  
analysis, and an invalidating concurrent resolution may be 1158  
adopted, not later than the sixty-fifth day after the agency filed 1159  
the original version of the proposed rule. If, however, the 1160  
revised proposed rule is filed more than thirty-five days after 1161  
the agency filed the original version of the proposed rule, the 1162  
joint committee shall review the revised proposed rule and revised 1163  
rule summary and fiscal analysis, and an invalidating concurrent 1164

resolution may be adopted, not later than the thirtieth day after 1165  
the revised proposed rule is filed with the joint committee. 1166

(C) When ~~the~~ an original or revised version of a proposed 1167  
rule and rule summary and fiscal analysis is filed with the joint 1168  
committee in December or in the following January before the first 1169  
day of the legislative session, the joint committee shall review 1170  
the proposed rule and rule summary and fiscal analysis, and an 1171  
invalidating concurrent resolution may be adopted, as if the 1172  
original version of the proposed rule and rule summary and fiscal 1173  
analysis had been filed with the joint committee on the first day 1174  
of the legislative session in the following January. If, however, 1175  
the original version of a proposed rule and rule summary and 1176  
fiscal analysis have been pending before the joint committee for 1177  
more than thirty-five days, and the proposed rule and rule summary 1178  
and fiscal analysis are revised in December or in the following 1179  
January before the first day of the legislative session, the joint 1180  
committee shall review the revised proposed rule and revised rule 1181  
summary and fiscal analysis, and an invalidating concurrent 1182  
resolution may be adopted, not later than the thirtieth day after 1183  
the first day of the legislative session in the following January. 1184

(D) A revised proposed rule supersedes each earlier version 1185  
of the same proposed rule. 1186

(E) The joint committee shall endeavor not to hold its public 1187  
hearing on a proposed rule earlier than the forty-first day after 1188  
the proposed rule was filed with the joint committee. The 1189  
chairperson of the joint committee responsible for calling and 1190  
conducting meetings under section 101.35 of the Revised Code may 1191  
select a date for the committee's public hearing on a proposed 1192  
rule that is earlier than the forty-first day after the proposed 1193  
rule was filed. 1194

**Sec. 106.031.** If an agency, on the basis of its review of a 1195

rule under section 106.03 of the Revised Code, determines that the 1196  
rule does not need to be amended or rescinded, proceedings shall 1197  
be had as follows: 1198

(A)(1) If, considering only the standard of review specified 1199  
in division (A)(7) of section 106.03 of the Revised Code, the rule 1200  
has an adverse impact on businesses, the agency shall prepare a 1201  
business impact analysis that describes its review of the rule 1202  
under that division and that explains why the regulatory intent of 1203  
the rule justifies its adverse impact on businesses. If the rule 1204  
does not have an adverse impact on businesses, the agency may 1205  
proceed under division (B) of this section. 1206

(2) The agency shall transmit a copy of the full text of the 1207  
rule and the business impact analysis electronically to the common 1208  
sense initiative office. The office shall make the rule and 1209  
analysis available to the public on its web site under section 1210  
107.62 of the Revised Code. 1211

(3) The agency shall consider any recommendations made by the 1212  
office. 1213

(4) Not earlier than the sixteenth business day after 1214  
transmitting the rule and analysis to the office, the agency shall 1215  
either (a) proceed under divisions (A)(5) and (B) of this section 1216  
or (b) commence, under division (B)(1) of section 106.03 of the 1217  
Revised Code, the process of rescinding the rule or of amending 1218  
the rule to incorporate into the rule features the recommendations 1219  
suggest will eliminate or reduce the adverse impact the rule has 1220  
on businesses. If the agency determines to amend or rescind the 1221  
rule, the agency is not subject to the time limit specified in 1222  
division (B)(1) of section 106.03 of the Revised Code. 1223

(5) If the agency receives recommendations from the office, 1224  
and determines not to amend or rescind the rule, the agency shall 1225  
prepare a memorandum of response that explains why the rule is not 1226

being rescinded or why the recommendations are not being 1227  
incorporated into the rule. 1228

(B) The agency shall assign a new review date to the rule. 1229  
The review date assigned shall be not later than five years after 1230  
the immediately preceding review date pertaining to the rule. If 1231  
the agency assigns a review date that exceeds the five-year 1232  
maximum, the review date is five years after the immediately 1233  
preceding review date. The immediately preceding review date 1234  
includes the date of the review of a rule under section 106.032 of 1235  
the Revised Code. 1236

~~(C)(1)(C)~~ The agency shall file all the following, in 1237  
electronic form, with the joint committee on agency rule review, 1238  
the secretary of state, and the director of the legislative 1239  
service commission: a copy of the rule specifying its new review 1240  
date, a complete and accurate rule summary and fiscal analysis, 1241  
and, if relevant, a business impact analysis of the rule, any 1242  
recommendations received from the common sense initiative office, 1243  
and any memorandum of response. 1244

~~(2) Subject to section 106.05 of the Revised Code, the joint 1245  
committee does not have jurisdiction to review, and shall reject, 1246  
the filing of a rule under division (C)(1) of this section if, at 1247  
any time while the rule is in its possession, it discovers that 1248  
the rule has an adverse impact on businesses and the agency has 1249  
not complied with division (A) of this section. The joint 1250  
committee shall electronically return a rule that is rejected to 1251  
the agency, together with any documents that were part of the 1252  
filing. Such a rejection does not preclude the agency from 1253  
refiling the rule under division (C)(1) of this section after 1254  
complying with division (A) of this section. When the filing of a 1255  
rule is rejected under this division, it is as if the filing had 1256  
not been made. 1257~~

(D) The joint committee shall publish notice of the agency's 1258

determination not to amend or rescind the rule in the register of 1259  
Ohio for four consecutive weeks after the rule is filed under 1260  
division (C) of this section. 1261

(E) During the ninety-day period after a rule is filed under 1262  
division (C) of this section, but after the four-week notice 1263  
period required by division (D) of this section has ended, the 1264  
joint committee may recommend to the senate and house of 1265  
representatives the adoption of a concurrent resolution 1266  
invalidating the rule if the joint committee finds any of the 1267  
following: 1268

(1) The agency improperly applied the standards in division 1269  
(A) of section 106.03 of the Revised Code in reviewing the rule 1270  
and in determining that the rule did not need amendment or 1271  
rescission. 1272

(2) The rule has an adverse impact on businesses, and the 1273  
agency has failed to demonstrate through a business impact 1274  
analysis, recommendations from the common sense initiative office, 1275  
and a memorandum of response that the regulatory intent of the 1276  
rule justifies its adverse impact on businesses. 1277

(3) If the rule incorporates a text or other material by 1278  
reference, any of the following applies: 1279

(a) The citation accompanying the incorporation by reference 1280  
is not such as reasonably would enable a reasonable person to whom 1281  
the rule applies readily and without charge to find and inspect 1282  
the incorporated text or other material; 1283

(b) The citation accompanying the incorporation by reference 1284  
is not such as reasonably would enable the joint committee readily 1285  
and without charge to find and inspect the incorporated text or 1286  
other material; or 1287

(c) The rule has been exempted in whole or in part from 1288  
sections 121.71 to 121.74 of the Revised Code on grounds the 1289

incorporated text or other material has one or more of the 1290  
characteristics described in division (B) of section 121.75 of the 1291  
Revised Code, but the incorporated text or other material actually 1292  
does not have any of those characteristics. 1293

(4) If the agency is subject to sections 121.95, 121.951, 1294  
121.952, and 121.953 of the Revised Code, the agency has failed to 1295  
justify the retention of a rule containing a regulatory 1296  
restriction. 1297

(5) The rule implements a federal law or rule in a manner 1298  
that is more stringent or burdensome than the federal law or rule 1299  
requires. 1300

If the agency fails to comply with section 106.03 or 106.031 1301  
of the Revised Code, the joint committee shall afford the agency 1302  
an opportunity to appear before the joint committee to show cause 1303  
why the agency has not complied with either or both of those 1304  
sections. If the agency appears before the joint committee at the 1305  
time scheduled for the agency to show cause, and fails to do so, 1306  
the joint committee, by vote of a majority of its members present, 1307  
may recommend the adoption of a concurrent resolution invalidating 1308  
the rule for the agency's failure to show cause. Or if the agency 1309  
fails to appear before the joint committee at the time scheduled 1310  
for the agency to show cause, the joint committee, by vote of a 1311  
majority of its members present, may recommend adoption of a 1312  
concurrent resolution invalidating the rule for the agency's 1313  
default. 1314

When the joint committee recommends that a rule be 1315  
invalidated, the recommendation does not suspend operation of the 1316  
rule, and the rule remains operational pending action by the 1317  
senate and house of representatives on the concurrent resolution 1318  
embodying the recommendation. If the senate and house of 1319  
representatives adopt the concurrent resolution, the rule is 1320  
invalid. If, however, the senate and house of representatives do 1321

not adopt the resolution, the rule continues in effect, and shall 1322  
next be reviewed according to the new review date assigned to the 1323  
rule. 1324

**Sec. 106.032.** If the chairperson of the joint committee on 1325  
agency rule review responsible for calling and conducting meetings 1326  
under section 101.35 of the Revised Code becomes aware that an 1327  
existing rule has had or is having an unintended or unexpected 1328  
effect on businesses that is not reasonably within the express or 1329  
implied scope of the statute under which the existing rule 1330  
purportedly was adopted, ~~the~~ that chairperson may move that the 1331  
joint committee order the agency that is administering the 1332  
existing rule to submit the existing rule for review under section 1333  
106.031 of the Revised Code, the same as if the agency had made a 1334  
determination with regard to the existing rule under division 1335  
(B)(2) of section 106.03 of the Revised Code. The joint committee 1336  
may adopt the motion by vote of a majority of its members. The 1337  
joint committee shall not adopt a motion under this paragraph for 1338  
a rule if the joint committee previously has adopted a motion 1339  
under this paragraph for the same rule within the immediately 1340  
preceding five-year period. 1341

The joint committee shall prepare the order in writing, and 1342  
shall transmit the order electronically to the agency. The joint 1343  
committee also shall transmit a copy of the order electronically 1344  
to the director of the legislative service commission and to the 1345  
common sense initiative office. The joint committee shall indicate 1346  
in the order the date on which the order is transmitted. The 1347  
director shall publish the order in the register of Ohio. 1348

Upon receiving the order, the agency shall comply with the 1349  
order as soon as reasonably possible, but shall commence 1350  
compliance with the order not later than thirty days after the 1351  
date on which the order was transmitted. 1352

When an agency complies with the order, proceedings are to be 1353  
had with regard to the existing rule under section 106.031 of the 1354  
Revised Code, the same as if the agency had made a determination 1355  
with regard to the existing rule under division (B)(2) of section 1356  
106.03 of the Revised Code. In addition to the standards of review 1357  
stated in division (E) of section 106.031 of the Revised Code, the 1358  
joint committee may recommend to the senate and house of 1359  
representatives the adoption of a concurrent resolution 1360  
invalidating the existing rule if the joint committee finds that 1361  
the existing rule has an unintended or unexpected effect on 1362  
businesses that is not reasonably within the express or implied 1363  
scope of the statute under which the agency purportedly adopted 1364  
the existing rule. 1365

**Sec. 106.04.** When the joint committee on agency rule review 1366  
recommends invalidation of a proposed or existing rule under 1367  
section 106.021 or 106.031 of the Revised Code, the chairperson of 1368  
the joint committee responsible for calling and conducting 1369  
meetings under section 101.35 of the Revised Code, or another 1370  
member of the joint committee designated by ~~the~~ that chairperson, 1371  
shall prepare the recommendation of invalidation in writing. The 1372  
recommendation shall identify the proposed or existing rule, the 1373  
agency that proposed or submitted the proposed or existing rule, 1374  
and the finding that caused the joint committee to make the 1375  
recommendation. The recommendation briefly shall explain the 1376  
finding. 1377

The chairperson of the joint committee responsible for 1378  
calling and conducting meetings under section 101.35 of the 1379  
Revised Code shall request the legislative service commission to 1380  
prepare a concurrent resolution to invalidate the proposed or 1381  
existing rule according to the recommendation. The concurrent 1382  
resolution shall state the finding that caused the joint committee 1383  
to recommend invalidation of the rule. 1384

**Sec. 106.041.** The chairperson of the joint committee on 1385  
agency rule review responsible for calling and conducting meetings 1386  
under section 101.35 of the Revised Code, or another member of the 1387  
joint committee designated by ~~the~~ that chairperson, shall submit a 1388  
concurrent resolution to invalidate a proposed or existing rule to 1389  
the clerk of either house of the general assembly. The 1390  
recommendation of invalidation and a copy of the proposed or 1391  
existing rule also shall be submitted to the clerk along with the 1392  
concurrent resolution. 1393

**Sec. 107.51.** As used in sections 107.51 to 107.55 of the 1394  
Revised Code, "agency" and "draft rule" have the meanings defined 1395  
in section 121.81 of the Revised Code. 1396

Sections 107.51 to 107.55 and 107.61 to 107.63 of the Revised 1397  
Code are complementary to sections 121.81 to ~~121.83~~ 121.82 of the 1398  
Revised Code. 1399

**Sec. 107.63.** As used in this section, "small business" means 1400  
an independently owned and operated for-profit or nonprofit 1401  
business entity, including affiliates, that has fewer than five 1402  
hundred full time employees or gross annual sales of less than six 1403  
million dollars, and has operations located in the state. 1404

The small business advisory council is established in the 1405  
office of the governor. The council shall advise the governor, the 1406  
lieutenant governor, and the common sense initiative office on the 1407  
adverse impact draft and existing rules might have on small 1408  
businesses. The council shall meet at ~~least quarterly~~ the 1409  
discretion of the director of the common sense initiative office. 1410

The council consists of nine members. The governor, or the 1411  
person to whom the governor has delegated responsibilities for the 1412  
common sense initiative office under section 107.61 of the Revised 1413  
Code, shall appoint five members, the president of the senate 1414

shall appoint two members, and the speaker of the house of 1415  
representatives shall appoint two members. A member serves at the 1416  
pleasure of the member's appointing authority. The appointing 1417  
authorities shall consult with each other and appoint only 1418  
individuals who are representative of small businesses, and shall 1419  
do so in such a manner that the membership of the council is 1420  
composed of representatives of small businesses that are of 1421  
different sizes, engaged in different lines of business, and 1422  
located in different parts of the state. 1423

**Sec. 109.42.** (A) The attorney general shall prepare and have 1424  
printed a pamphlet that contains a compilation of all 1425  
constitutional provisions and statutes relative to victim's rights 1426  
in which the attorney general lists and explains the 1427  
constitutional provisions and statutes in the form of a victim's 1428  
bill of rights. The attorney general shall make the pamphlet 1429  
available to all sheriffs, marshals, municipal corporation and 1430  
township police departments, constables, and other law enforcement 1431  
agencies, to all prosecuting attorneys, city directors of law, 1432  
village solicitors, and other similar chief legal officers of 1433  
municipal corporations, and to organizations that represent or 1434  
provide services for victims of crime. The victim's bill of rights 1435  
set forth in the pamphlet shall contain a description of all of 1436  
the rights of victims that are provided for in the Ohio 1437  
Constitution, or in Chapter 2930. or any other section of the 1438  
Revised Code and shall include, but not be limited to, all of the 1439  
following: 1440

(1) The right of a victim and a victim's representative, if 1441  
applicable, to attend a proceeding before a grand jury, in a 1442  
juvenile delinquency case, or in a criminal case without being 1443  
discharged from the victim's or victim's representative's 1444  
employment, having the victim's or victim's representative's 1445  
employment terminated, having the victim's or victim's 1446

representative's pay decreased or withheld, or otherwise being 1447  
punished, penalized, or threatened as a result of time lost from 1448  
regular employment because of the victim's or victim's 1449  
representative's attendance at the proceeding, as set forth in 1450  
section 2151.211, 2930.18, 2939.121, or 2945.451 of the Revised 1451  
Code; 1452

(2) The potential availability pursuant to section 2151.359 1453  
or 2152.61 of the Revised Code of a forfeited recognizance to pay 1454  
damages caused by a child when the delinquency of the child or 1455  
child's violation of probation or community control is found to be 1456  
proximately caused by the failure of the child's parent or 1457  
guardian to subject the child to reasonable parental authority or 1458  
to faithfully discharge the conditions of probation or community 1459  
control; 1460

(3) The availability of awards of reparations pursuant to 1461  
sections 2743.51 to 2743.72 of the Revised Code for injuries 1462  
caused by criminal offenses; 1463

(4) The opportunity to obtain a court order, pursuant to 1464  
section 2945.04 of the Revised Code, to prevent or stop the 1465  
commission of the offense of intimidation of a crime victim or 1466  
witness or an offense against the person or property of the 1467  
complainant, or of the complainant's ward or child; 1468

(5) The right of the victim and the victim's representative 1469  
pursuant to the Ohio Constitution and sections 2151.38, 2929.20, 1470  
2930.10, 2930.16, and 2930.17 of the Revised Code to receive 1471  
notice of a pending motion for judicial release or other early 1472  
release of the person who committed the offense against the 1473  
victim, to make a statement orally, in writing, or both at the 1474  
court hearing on the motion, and to be notified of the court's 1475  
decision on the motion; 1476

(6) The right of the victim and the victim's representative, 1477

if applicable, pursuant to the Ohio Constitution and section 1478  
2930.16, 2967.12, 2967.26, 2967.271, or 5139.56 of the Revised 1479  
Code to receive notice of any pending commutation, pardon, parole, 1480  
transitional control, discharge, other form of authorized release, 1481  
post-release control, or supervised release for the person who 1482  
committed the offense against the victim or any application for 1483  
release of that person and to send a written statement relative to 1484  
the victimization and the pending action to the adult parole 1485  
authority or the release authority of the department of youth 1486  
services; 1487

(7) The right of the victim to bring a civil action pursuant 1488  
to sections 2969.01 to 2969.06 of the Revised Code to obtain money 1489  
from the offender's profit fund; 1490

(8) The right, pursuant to section 3109.09 of the Revised 1491  
Code, to maintain a civil action to recover compensatory damages 1492  
not exceeding ten thousand dollars and costs from the parent of a 1493  
minor who willfully damages property through the commission of an 1494  
act that would be a theft offense, as defined in section 2913.01 1495  
of the Revised Code, if committed by an adult; 1496

(9) The right, pursuant to section 3109.10 of the Revised 1497  
Code, to maintain a civil action to recover compensatory damages 1498  
not exceeding ten thousand dollars and costs from the parent of a 1499  
minor who willfully and maliciously assaults a person; 1500

(10) The right of the victim, pursuant to section 2152.20, 1501  
2152.203, 2929.18, 2929.28, or 2929.281 of the Revised Code, to 1502  
receive restitution from an offender or a delinquent child; 1503

(11) The right of a victim of domestic violence, including 1504  
domestic violence in a dating relationship as defined in section 1505  
3113.31 of the Revised Code, to seek the issuance of a civil 1506  
protection order pursuant to that section, the right of a victim 1507  
of a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 1508

2911.211, or 2919.22 of the Revised Code, a violation of a 1509  
substantially similar municipal ordinance, or an offense of 1510  
violence who is a family or household member of the offender at 1511  
the time of the offense to seek the issuance of a temporary 1512  
protection order pursuant to section 2919.26 of the Revised Code, 1513  
and the right of both types of victims to be accompanied by a 1514  
victim advocate during court proceedings; 1515

(12) The right of a victim of a sexually oriented offense or 1516  
of a child-victim oriented offense that is committed by a person 1517  
who is convicted of, pleads guilty to, or is adjudicated a 1518  
delinquent child for committing the offense and who is in a 1519  
category specified in division (B) of section 2950.10 of the 1520  
Revised Code to receive, pursuant to that section, notice that the 1521  
person has registered with a sheriff under section 2950.04, 1522  
2950.041, or 2950.05 of the Revised Code and notice of the 1523  
person's name, the person's residence that is registered, and the 1524  
offender's school, institution of higher education, or place of 1525  
employment address or addresses that are registered, the person's 1526  
photograph, and a summary of the manner in which the victim must 1527  
make a request to receive the notice. As used in this division, 1528  
"sexually oriented offense" and "child-victim oriented offense" 1529  
have the same meanings as in section 2950.01 of the Revised Code. 1530

(13) The right of a victim of certain sexually violent 1531  
offenses committed by an offender who also is convicted of or 1532  
pleads guilty to a sexually violent predator specification and who 1533  
is sentenced to a prison term pursuant to division (A)(3) of 1534  
section 2971.03 of the Revised Code, of a victim of a violation of 1535  
division (A)(1)(b) of section 2907.02 of the Revised Code 1536  
committed on or after January 2, 2007, by an offender who is 1537  
sentenced for the violation pursuant to division (B)(1)(a), (b), 1538  
or (c) of section 2971.03 of the Revised Code, of a victim of an 1539  
attempted rape committed on or after January 2, 2007, by an 1540

offender who also is convicted of or pleads guilty to a 1541  
specification of the type described in section 2941.1418, 1542  
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 1543  
the violation pursuant to division (B)(2)(a), (b), or (c) of 1544  
section 2971.03 of the Revised Code, and of a victim of an offense 1545  
that is described in division (B)(3)(a), (b), (c), or (d) of 1546  
section 2971.03 of the Revised Code and is committed by an 1547  
offender who is sentenced pursuant to one of those divisions to 1548  
receive, pursuant to section 2930.16 of the Revised Code, notice 1549  
of a hearing to determine whether to modify the requirement that 1550  
the offender serve the entire prison term in a state correctional 1551  
facility, whether to continue, revise, or revoke any existing 1552  
modification of that requirement, or whether to terminate the 1553  
prison term. As used in this division, "sexually violent offense" 1554  
and "sexually violent predator specification" have the same 1555  
meanings as in section 2971.01 of the Revised Code. 1556

(14) The right of a victim of a sexually oriented offense to 1557  
information regarding the status of the sexual assault examination 1558  
kit collected from the victim pursuant to section 109.68 of the 1559  
Revised Code. 1560

(B)(1)(a) A prosecuting attorney, assistant prosecuting 1561  
attorney, city director of law, assistant city director of law, 1562  
village solicitor, assistant village solicitor, or similar chief 1563  
legal officer of a municipal corporation or an assistant of any of 1564  
those officers who prosecutes an offense committed in this state, 1565  
upon first contact with the victim of the offense, the victim's 1566  
family, or the victim's dependents, shall give the victim, the 1567  
victim's family, or the victim's dependents a copy of the victim's 1568  
rights request form created under section 2930.04 of the Revised 1569  
Code, or a similar form that, at a minimum, contains all the 1570  
required information listed in that section, and the pamphlet 1571  
prepared pursuant to division (A) of this section and explain, 1572

upon request, the information in the form and pamphlet to the 1573  
victim, the victim's family, or the victim's dependents. The 1574  
victim may receive either through the online version of the 1575  
pamphlet published to the attorney general's web site, or as a 1576  
paper copy, upon request. 1577

(b) A law enforcement agency that investigates a criminal 1578  
offense or delinquent act committed in this state shall give the 1579  
victim of the criminal offense or delinquent act, the victim's 1580  
family, or the victim's dependents a copy of the form and pamphlet 1581  
prepared pursuant to division (A) of this section at one of the 1582  
following times: 1583

(i) Upon first contact with the victim, the victim's family, 1584  
or the victim's dependents, a peace officer from the law 1585  
enforcement agency investigating the criminal offense or 1586  
delinquent act against the victim shall determine whether the 1587  
victim has access to the internet and whether the victim would 1588  
prefer to access the victim's rights pamphlet online or if the 1589  
victim requires a paper copy. The peace officer may give the 1590  
victim a paper copy upon first contact, if requested, or the peace 1591  
officer may provide the victim with the attorney general's 1592  
telephone number to access the pamphlet at a later time. The 1593  
attorney general shall provide a web site address at which a 1594  
printable version of the victim's rights pamphlet that can be 1595  
downloaded and printed locally may be found. The attorney general 1596  
shall provide limited paper copies of the victim's rights 1597  
pamphlets upon request to law enforcement agencies that order 1598  
copies directly from the attorney general and to law enforcement 1599  
agencies and prosecutors to provide to victims who do not have 1600  
internet access or who would prefer a paper copy. The attorney 1601  
general shall create a page within the attorney general's web site 1602  
that is easy to access and navigate that contains the entire 1603  
content of the victim's rights pamphlet and a link to the web site 1604

address at which a printable version of the victim's rights pamphlet may be found. 1605  
1606

(ii) If the circumstances of the criminal offense or delinquent act and the condition of the victim, the victim's family, or the victim's dependents indicate that the victim, the victim's family, or the victim's dependents will not be able to understand the significance of the form and pamphlet upon first contact with the agency, and if the agency anticipates that it will have an additional contact with the victim, the victim's family, or the victim's dependents, upon the agency's second contact with the victim, the victim's family, or the victim's dependents. 1607  
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If the agency does not give the victim, the victim's family, or the victim's dependents a copy of the form and pamphlet upon first contact with them and does not have a second contact with the victim, the victim's family, or the victim's dependents, the agency shall mail a copy of the form and pamphlet to the victim, the victim's family, or the victim's dependents at their last known address. 1617  
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(c)(i) The attorney general shall create an information card which contains all of the following: 1624  
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(I) An outline list of victim's rights contained in the Ohio Constitution and Revised Code; 1626  
1627

(II) A reference to the victim's rights request form; 1628

(III) The attorney general's crime victim's services office telephone number, electronic mailing address, web site address, and contact address, and a description of how to access victim's rights information; 1629  
1630  
1631  
1632

(IV) The Ohio crime victim's justice center's telephone number, electronic mailing address, and contact address, and the web site address for accessing the center's victim's rights 1633  
1634  
1635

toolkit.	1636
(ii) Upon first contact with the victim, the law enforcement agency shall provide the victim with the information card.	1637 1638
(2) A law enforcement agency, a prosecuting attorney or assistant prosecuting attorney, or a city director of law, assistant city director of law, village solicitor, assistant village solicitor, or similar chief legal officer of a municipal corporation that distributes a copy of the form and pamphlet prepared pursuant to division (A) of this section shall not be required to distribute a copy of an information card or other printed material provided by the clerk of the court of claims pursuant to section 2743.71 of the Revised Code.	1639 1640 1641 1642 1643 1644 1645 1646 1647
(C) The cost of printing and distributing the form and pamphlet prepared pursuant to division (A) of this section shall be paid out of the reparations fund, created pursuant to section 2743.191 of the Revised Code, in accordance with division (D) of that section.	1648 1649 1650 1651 1652
(D) As used in this section:	1653
(1) "Criminal offense," "delinquent act," and "victim's representative" have the same meanings as in section 2930.01 of the Revised Code;	1654 1655 1656
(2) "Victim advocate" has the same meaning as in section 2919.26 of the Revised Code.	1657 1658
<b>Sec. 109.57.</b> (A)(1) The superintendent of the bureau of criminal identification and investigation shall procure from wherever procurable and file for record photographs, pictures, descriptions, fingerprints, measurements, and other information that may be pertinent of all persons who have been convicted of committing within this state a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent	1659 1660 1661 1662 1663 1664 1665

offenses, or any misdemeanor described in division (A)(1)(a), 1666  
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code, of 1667  
all children under eighteen years of age who have been adjudicated 1668  
delinquent children for committing within this state an act that 1669  
would be a felony or an offense of violence if committed by an 1670  
adult or who have been convicted of or pleaded guilty to 1671  
committing within this state a felony or an offense of violence, 1672  
and of all well-known and habitual criminals. The person in charge 1673  
of any county, multicounty, municipal, municipal-county, or 1674  
multicounty-municipal jail or workhouse, community-based 1675  
correctional facility, halfway house, alternative residential 1676  
facility, or state correctional institution and the person in 1677  
charge of any state institution having custody of a person 1678  
suspected of having committed a felony, any crime constituting a 1679  
misdemeanor on the first offense and a felony on subsequent 1680  
offenses, or any misdemeanor described in division (A)(1)(a), 1681  
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code or 1682  
having custody of a child under eighteen years of age with respect 1683  
to whom there is probable cause to believe that the child may have 1684  
committed an act that would be a felony or an offense of violence 1685  
if committed by an adult shall furnish such material to the 1686  
superintendent of the bureau. Fingerprints, photographs, or other 1687  
descriptive information of a child who is under eighteen years of 1688  
age, has not been arrested or otherwise taken into custody for 1689  
committing an act that would be a felony or an offense of violence 1690  
who is not in any other category of child specified in this 1691  
division, if committed by an adult, has not been adjudicated a 1692  
delinquent child for committing an act that would be a felony or 1693  
an offense of violence if committed by an adult, has not been 1694  
convicted of or pleaded guilty to committing a felony or an 1695  
offense of violence, and is not a child with respect to whom there 1696  
is probable cause to believe that the child may have committed an 1697

act that would be a felony or an offense of violence if committed 1698  
by an adult shall not be procured by the superintendent or 1699  
furnished by any person in charge of any county, multicounty, 1700  
municipal, municipal-county, or multicounty-municipal jail or 1701  
workhouse, community-based correctional facility, halfway house, 1702  
alternative residential facility, or state correctional 1703  
institution, except as authorized in section 2151.313 of the 1704  
Revised Code. 1705

(2) Every clerk of a court of record in this state, other 1706  
than the supreme court or a court of appeals, shall send to the 1707  
superintendent of the bureau a weekly report containing a summary 1708  
of each case involving a felony, involving any crime constituting 1709  
a misdemeanor on the first offense and a felony on subsequent 1710  
offenses, involving a misdemeanor described in division (A)(1)(a), 1711  
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code, or 1712  
involving an adjudication in a case in which a child under 1713  
eighteen years of age was alleged to be a delinquent child for 1714  
committing an act that would be a felony or an offense of violence 1715  
if committed by an adult. The clerk of the court of common pleas 1716  
shall include in the report and summary the clerk sends under this 1717  
division all information described in divisions (A)(2)(a) to (f) 1718  
of this section regarding a case before the court of appeals that 1719  
is served by that clerk. The summary shall be written on the 1720  
standard forms furnished by the superintendent pursuant to 1721  
division (B) of this section and shall include the following 1722  
information: 1723

(a) The incident tracking number contained on the standard 1724  
forms furnished by the superintendent pursuant to division (B) of 1725  
this section; 1726

(b) The style and number of the case; 1727

(c) The date of arrest, offense, summons, or arraignment; 1728

(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;

(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;

(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.

If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.

(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in division (A)(1)(a), (A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code and of all children under eighteen years of age

arrested or otherwise taken into custody for committing an act 1761  
that would be a felony or an offense of violence if committed by 1762  
an adult. The superintendent also shall file for record the 1763  
fingerprint impressions of all persons confined in a county, 1764  
multicounty, municipal, municipal-county, or multicounty-municipal 1765  
jail or workhouse, community-based correctional facility, halfway 1766  
house, alternative residential facility, or state correctional 1767  
institution for the violation of state laws and of all children 1768  
under eighteen years of age who are confined in a county, 1769  
multicounty, municipal, municipal-county, or multicounty-municipal 1770  
jail or workhouse, community-based correctional facility, halfway 1771  
house, alternative residential facility, or state correctional 1772  
institution or in any facility for delinquent children for 1773  
committing an act that would be a felony or an offense of violence 1774  
if committed by an adult, and any other information that the 1775  
superintendent may receive from law enforcement officials of the 1776  
state and its political subdivisions. 1777

(4) The superintendent shall carry out Chapter 2950. of the 1778  
Revised Code with respect to the registration of persons who are 1779  
convicted of or plead guilty to a sexually oriented offense or a 1780  
child-victim oriented offense and with respect to all other duties 1781  
imposed on the bureau under that chapter. 1782

(5) The bureau shall perform centralized recordkeeping 1783  
functions for criminal history records and services in this state 1784  
for purposes of the national crime prevention and privacy compact 1785  
set forth in section 109.571 of the Revised Code and is the 1786  
criminal history record repository as defined in that section for 1787  
purposes of that compact. The superintendent or the 1788  
superintendent's designee is the compact officer for purposes of 1789  
that compact and shall carry out the responsibilities of the 1790  
compact officer specified in that compact. 1791

(6) The superintendent shall, upon request, assist a county 1792

coroner in the identification of a deceased person through the use 1793  
of fingerprint impressions obtained pursuant to division (A)(1) of 1794  
this section or collected pursuant to section 109.572 or 311.41 of 1795  
the Revised Code. 1796

(B) The superintendent shall prepare and furnish to every 1797  
county, multicounty, municipal, municipal-county, or 1798  
multicounty-municipal jail or workhouse, community-based 1799  
correctional facility, halfway house, alternative residential 1800  
facility, or state correctional institution and to every clerk of 1801  
a court in this state specified in division (A)(2) of this section 1802  
standard forms for reporting the information required under 1803  
division (A) of this section. The standard forms that the 1804  
superintendent prepares pursuant to this division may be in a 1805  
tangible format, in an electronic format, or in both tangible 1806  
formats and electronic formats. 1807

(C)(1) The superintendent may operate a center for 1808  
electronic, automated, or other data processing for the storage 1809  
and retrieval of information, data, and statistics pertaining to 1810  
criminals and to children under eighteen years of age who are 1811  
adjudicated delinquent children for committing an act that would 1812  
be a felony or an offense of violence if committed by an adult, 1813  
criminal activity, crime prevention, law enforcement, and criminal 1814  
justice, and may establish and operate a statewide communications 1815  
network to be known as the Ohio law enforcement gateway to gather 1816  
and disseminate information, data, and statistics for the use of 1817  
law enforcement agencies and for other uses specified in this 1818  
division. The superintendent may gather, store, retrieve, and 1819  
disseminate information, data, and statistics that pertain to 1820  
children who are under eighteen years of age and that are gathered 1821  
pursuant to sections 109.57 to 109.61 of the Revised Code together 1822  
with information, data, and statistics that pertain to adults and 1823  
that are gathered pursuant to those sections. 1824

(2) The superintendent or the superintendent's designee shall 1825  
gather information of the nature described in division (C)(1) of 1826  
this section that pertains to the offense and delinquency history 1827  
of a person who has been convicted of, pleaded guilty to, or been 1828  
adjudicated a delinquent child for committing a sexually oriented 1829  
offense or a child-victim oriented offense for inclusion in the 1830  
state registry of sex offenders and child-victim offenders 1831  
maintained pursuant to division (A)(1) of section 2950.13 of the 1832  
Revised Code and in the internet database operated pursuant to 1833  
division (A)(13) of that section and for possible inclusion in the 1834  
internet database operated pursuant to division (A)(11) of that 1835  
section. 1836

(3) In addition to any other authorized use of information, 1837  
data, and statistics of the nature described in division (C)(1) of 1838  
this section, the superintendent or the superintendent's designee 1839  
may provide and exchange the information, data, and statistics 1840  
pursuant to the national crime prevention and privacy compact as 1841  
described in division (A)(5) of this section. 1842

(4) The Ohio law enforcement gateway shall contain the name, 1843  
confidential address, and telephone number of program participants 1844  
in the address confidentiality program established under sections 1845  
111.41 to 111.47 of the Revised Code. 1846

(5) The attorney general may adopt rules under Chapter 119. 1847  
of the Revised Code establishing guidelines for the operation of 1848  
and participation in the Ohio law enforcement gateway. The rules 1849  
may include criteria for granting and restricting access to 1850  
information gathered and disseminated through the Ohio law 1851  
enforcement gateway. The attorney general shall adopt rules under 1852  
Chapter 119. of the Revised Code that grant access to information 1853  
in the gateway regarding an address confidentiality program 1854  
participant under sections 111.41 to 111.47 of the Revised Code to 1855  
only chiefs of police, village marshals, county sheriffs, county 1856

prosecuting attorneys, and a designee of each of these 1857  
individuals. The attorney general shall permit an office of a 1858  
county coroner, the state medical board, and board of nursing to 1859  
access and view, but not alter, information gathered and 1860  
disseminated through the Ohio law enforcement gateway. 1861

The attorney general may appoint a steering committee to 1862  
advise the attorney general in the operation of the Ohio law 1863  
enforcement gateway that is comprised of persons who are 1864  
representatives of the criminal justice agencies in this state 1865  
that use the Ohio law enforcement gateway and is chaired by the 1866  
superintendent or the superintendent's designee. 1867

(D)(1) The following are not public records under section 1868  
149.43 of the Revised Code: 1869

(a) Information and materials furnished to the superintendent 1870  
pursuant to division (A) of this section; 1871

(b) Information, data, and statistics gathered or 1872  
disseminated through the Ohio law enforcement gateway pursuant to 1873  
division (C)(1) of this section; 1874

(c) Information and materials furnished to any board or 1875  
person under division (F) or (G) of this section. 1876

(2) The superintendent or the superintendent's designee shall 1877  
gather and retain information so furnished under division (A) of 1878  
this section that pertains to the offense and delinquency history 1879  
of a person who has been convicted of, pleaded guilty to, or been 1880  
adjudicated a delinquent child for committing a sexually oriented 1881  
offense or a child-victim oriented offense for the purposes 1882  
described in division (C)(2) of this section. 1883

(E)(1) The attorney general shall adopt rules, in accordance 1884  
with Chapter 119. of the Revised Code and subject to division 1885  
(E)(2) of this section, setting forth the procedure by which a 1886  
person may receive or release information gathered by the 1887

superintendent pursuant to division (A) of this section. A 1888  
reasonable fee may be charged for this service. If a temporary 1889  
employment service submits a request for a determination of 1890  
whether a person the service plans to refer to an employment 1891  
position has been convicted of or pleaded guilty to an offense 1892  
listed or described in division (A)(1), (2), or (3) of section 1893  
109.572 of the Revised Code, the request shall be treated as a 1894  
single request and only one fee shall be charged. 1895

(2) Except as otherwise provided in this division or division 1896  
(E)(3) or (4) of this section, a rule adopted under division 1897  
(E)(1) of this section may provide only for the release of 1898  
information gathered pursuant to division (A) of this section that 1899  
relates to the conviction of a person, or a person's plea of 1900  
guilty to, a criminal offense or to the arrest of a person as 1901  
provided in division (E)(3) of this section. The superintendent 1902  
shall not release, and the attorney general shall not adopt any 1903  
rule under division (E)(1) of this section that permits the 1904  
release of, any information gathered pursuant to division (A) of 1905  
this section that relates to an adjudication of a child as a 1906  
delinquent child, or that relates to a criminal conviction of a 1907  
person under eighteen years of age if the person's case was 1908  
transferred back to a juvenile court under division (B)(2) or (3) 1909  
of section 2152.121 of the Revised Code and the juvenile court 1910  
imposed a disposition or serious youthful offender disposition 1911  
upon the person under either division, unless either of the 1912  
following applies with respect to the adjudication or conviction: 1913

(a) The adjudication or conviction was for a violation of 1914  
section 2903.01 or 2903.02 of the Revised Code. 1915

(b) The adjudication or conviction was for a sexually 1916  
oriented offense, the juvenile court was required to classify the 1917  
child a juvenile offender registrant for that offense under 1918  
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 1919

classification has not been removed, and the records of the 1920  
adjudication or conviction have not been sealed or expunged 1921  
pursuant to sections 2151.355 to 2151.358 or sealed or expunged 1922  
pursuant to section 2953.32 of the Revised Code. 1923

(3) A rule adopted under division (E)(1) of this section may 1924  
provide for the release of information gathered pursuant to 1925  
division (A) of this section that relates to the arrest of a 1926  
person who is eighteen years of age or older when the person has 1927  
not been convicted as a result of that arrest if any of the 1928  
following applies: 1929

(a) The arrest was made outside of this state. 1930

(b) A criminal action resulting from the arrest is pending, 1931  
and the superintendent confirms that the criminal action has not 1932  
been resolved at the time the criminal records check is performed. 1933

(c) The bureau cannot reasonably determine whether a criminal 1934  
action resulting from the arrest is pending, and not more than one 1935  
year has elapsed since the date of the arrest. 1936

(4) A rule adopted under division (E)(1) of this section may 1937  
provide for the release of information gathered pursuant to 1938  
division (A) of this section that relates to an adjudication of a 1939  
child as a delinquent child if not more than five years have 1940  
elapsed since the date of the adjudication, the adjudication was 1941  
for an act that would have been a felony if committed by an adult, 1942  
the records of the adjudication have not been sealed or expunged 1943  
pursuant to sections 2151.355 to 2151.358 of the Revised Code, and 1944  
the request for information is made under division (F) of this 1945  
section or under section 109.572 of the Revised Code. In the case 1946  
of an adjudication for a violation of the terms of community 1947  
control or supervised release, the five-year period shall be 1948  
calculated from the date of the adjudication to which the 1949  
community control or supervised release pertains. 1950

(F)(1) As used in division (F)(2) of this section, "head start agency" means an entity in this state that has been approved to be an agency for purposes of subchapter II of the "Community Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, as amended.

(2)(a) In addition to or in conjunction with any request that is required to be made under section 109.572, 2151.86, 3301.32, 3301.541, division (C) of section 3310.58, or section 3319.39, 3319.391, 3327.10, 3740.11, 5103.251, 5103.252, 5103.253, 5104.013, 5123.081, or 5153.111 of the Revised Code or that is made under section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the board of education of any school district; the director of developmental disabilities; any county board of developmental disabilities; the director of job and family services; any provider or subcontractor as defined in section 5123.081 of the Revised Code; the chief administrator of any chartered nonpublic school; the chief administrator of a registered private provider that is not also a chartered nonpublic school; the chief administrator of any home health agency; the chief administrator of or person operating any child day-care center, type A family day-care home, or type B family day-care home licensed under Chapter 5104. of the Revised Code; the chief administrator of any head start agency; the executive director of a public children services agency; a private company described in section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code; or an employer described in division (J)(2) of section 3327.10 of the Revised Code may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied for employment in any position after October 2, 1989, or any individual wishing to apply for employment with a board of education may request, with regard to the individual, whether the bureau has any information gathered under division (A) of this section that pertains to that individual. On

receipt of the request, subject to division (E)(2) of this 1984  
section, the superintendent shall determine whether that 1985  
information exists and, upon request of the person, board, or 1986  
entity requesting information, also shall request from the federal 1987  
bureau of investigation any criminal records it has pertaining to 1988  
that individual. The superintendent or the superintendent's 1989  
designee also may request criminal history records from other 1990  
states or the federal government pursuant to the national crime 1991  
prevention and privacy compact set forth in section 109.571 of the 1992  
Revised Code. Within thirty days of the date that the 1993  
superintendent receives a request, subject to division (E)(2) of 1994  
this section, the superintendent shall send to the board, entity, 1995  
or person a report of any information that the superintendent 1996  
determines exists, including information contained in records that 1997  
have been sealed under section 2953.32 of the Revised Code, and, 1998  
within thirty days of its receipt, subject to division (E)(2) of 1999  
this section, shall send the board, entity, or person a report of 2000  
any information received from the federal bureau of investigation, 2001  
other than information the dissemination of which is prohibited by 2002  
federal law. 2003

(b) When a board of education or a registered private 2004  
provider is required to receive information under this section as 2005  
a prerequisite to employment of an individual pursuant to division 2006  
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 2007  
may accept a certified copy of records that were issued by the 2008  
bureau of criminal identification and investigation and that are 2009  
presented by an individual applying for employment with the 2010  
district in lieu of requesting that information itself. In such a 2011  
case, the board shall accept the certified copy issued by the 2012  
bureau in order to make a photocopy of it for that individual's 2013  
employment application documents and shall return the certified 2014  
copy to the individual. In a case of that nature, a district or 2015  
provider only shall accept a certified copy of records of that 2016

nature within one year after the date of their issuance by the bureau. 2017  
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(c) Notwithstanding division (F)(2)(a) of this section, in the case of a request under section 3319.39, 3319.391, or 3327.10 of the Revised Code only for criminal records maintained by the federal bureau of investigation, the superintendent shall not determine whether any information gathered under division (A) of this section exists on the person for whom the request is made. 2019  
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(3) The state board of education may request, with respect to any individual who has applied for employment after October 2, 1989, in any position with the state board or the department of education, any information that a school district board of education is authorized to request under division (F)(2) of this section, and the superintendent of the bureau shall proceed as if the request has been received from a school district board of education under division (F)(2) of this section. 2025  
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(4) When the superintendent of the bureau receives a request for information under section 3319.291 of the Revised Code, the superintendent shall proceed as if the request has been received from a school district board of education and shall comply with divisions (F)(2)(a) and (c) of this section. 2033  
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(G) In addition to or in conjunction with any request that is required to be made under section 3712.09, 3721.121, or 3740.11 of the Revised Code with respect to an individual who has applied for employment in a position that involves providing direct care to an older adult or adult resident, the chief administrator of a home health agency, hospice care program, home licensed under Chapter 3721. of the Revised Code, or adult day-care program operated pursuant to rules adopted under section 3721.04 of the Revised Code may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied after January 27, 1997, for employment in a position that does not 2038  
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involve providing direct care to an older adult or adult resident, 2049  
whether the bureau has any information gathered under division (A) 2050  
of this section that pertains to that individual. 2051

In addition to or in conjunction with any request that is 2052  
required to be made under section 173.27 of the Revised Code with 2053  
respect to an individual who has applied for employment in a 2054  
position that involves providing ombudsman services to residents 2055  
of long-term care facilities or recipients of community-based 2056  
long-term care services, the state long-term care ombudsman, the 2057  
director of aging, a regional long-term care ombudsman program, or 2058  
the designee of the ombudsman, director, or program may request 2059  
that the superintendent investigate and determine, with respect to 2060  
any individual who has applied for employment in a position that 2061  
does not involve providing such ombudsman services, whether the 2062  
bureau has any information gathered under division (A) of this 2063  
section that pertains to that applicant. 2064

In addition to or in conjunction with any request that is 2065  
required to be made under section 173.38 of the Revised Code with 2066  
respect to an individual who has applied for employment in a 2067  
direct-care position, the chief administrator of a provider, as 2068  
defined in section 173.39 of the Revised Code, may request that 2069  
the superintendent investigate and determine, with respect to any 2070  
individual who has applied for employment in a position that is 2071  
not a direct-care position, whether the bureau has any information 2072  
gathered under division (A) of this section that pertains to that 2073  
applicant. 2074

In addition to or in conjunction with any request that is 2075  
required to be made under section 3712.09 of the Revised Code with 2076  
respect to an individual who has applied for employment in a 2077  
position that involves providing direct care to a pediatric 2078  
respite care patient, the chief administrator of a pediatric 2079  
respite care program may request that the superintendent of the 2080

bureau investigate and determine, with respect to any individual 2081  
who has applied for employment in a position that does not involve 2082  
providing direct care to a pediatric respite care patient, whether 2083  
the bureau has any information gathered under division (A) of this 2084  
section that pertains to that individual. 2085

On receipt of a request under this division, the 2086  
superintendent shall determine whether that information exists 2087  
and, on request of the individual requesting information, shall 2088  
also request from the federal bureau of investigation any criminal 2089  
records it has pertaining to the applicant. The superintendent or 2090  
the superintendent's designee also may request criminal history 2091  
records from other states or the federal government pursuant to 2092  
the national crime prevention and privacy compact set forth in 2093  
section 109.571 of the Revised Code. Within thirty days of the 2094  
date a request is received, subject to division (E)(2) of this 2095  
section, the superintendent shall send to the requester a report 2096  
of any information determined to exist, including information 2097  
contained in records that have been sealed under section 2953.32 2098  
of the Revised Code, and, within thirty days of its receipt, shall 2099  
send the requester a report of any information received from the 2100  
federal bureau of investigation, other than information the 2101  
dissemination of which is prohibited by federal law. 2102

(H) Information obtained by a government entity or person 2103  
under this section is confidential and shall not be released or 2104  
disseminated. 2105

(I) The superintendent may charge a reasonable fee for 2106  
providing information or criminal records under division (F)(2) or 2107  
(G) of this section. 2108

(J) As used in this section: 2109

(1) "Pediatric respite care program" and "pediatric care 2110  
patient" have the same meanings as in section 3712.01 of the 2111

Revised Code.	2112
(2) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.	2113 2114 2115
(3) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.	2116 2117 2118 2119 2120 2121
<b>Sec. 109.572.</b> (A)(1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:	2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132
(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 of the	2133 2134 2135 2136 2137 2138 2139 2140 2141 2142

Revised Code, felonious sexual penetration in violation of former 2143  
section 2907.12 of the Revised Code, a violation of section 2144  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 2145  
violation of section 2919.23 of the Revised Code that would have 2146  
been a violation of section 2905.04 of the Revised Code as it 2147  
existed prior to July 1, 1996, had the violation been committed 2148  
prior to that date, or a violation of section 2925.11 of the 2149  
Revised Code that is not a minor drug possession offense; 2150

(b) A violation of an existing or former law of this state, 2151  
any other state, or the United States that is substantially 2152  
equivalent to any of the offenses listed in division (A)(1)(a) of 2153  
this section; 2154

(c) If the request is made pursuant to section 3319.39 of the 2155  
Revised Code for an applicant who is a teacher, any offense 2156  
specified under section 9.79 of the Revised Code or in section 2157  
3319.31 of the Revised Code. 2158

(2) On receipt of a request pursuant to section 3712.09 or 2159  
3721.121 of the Revised Code, a completed form prescribed pursuant 2160  
to division (C)(1) of this section, and a set of fingerprint 2161  
impressions obtained in the manner described in division (C)(2) of 2162  
this section, the superintendent of the bureau of criminal 2163  
identification and investigation shall conduct a criminal records 2164  
check with respect to any person who has applied for employment in 2165  
a position for which a criminal records check is required by those 2166  
sections. The superintendent shall conduct the criminal records 2167  
check in the manner described in division (B) of this section to 2168  
determine whether any information exists that indicates that the 2169  
person who is the subject of the request previously has been 2170  
convicted of or pleaded guilty to any of the following: 2171

(a) A violation of section 2903.01, 2903.02, 2903.03, 2172  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2173  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2174

2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2175  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2176  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2177  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2178  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2179  
2925.22, 2925.23, or 3716.11 of the Revised Code; 2180

(b) An existing or former law of this state, any other state, 2181  
or the United States that is substantially equivalent to any of 2182  
the offenses listed in division (A)(2)(a) of this section. 2183

(3) On receipt of a request pursuant to section 173.27, 2184  
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 2185  
5123.081, or 5123.169 of the Revised Code, a completed form 2186  
prescribed pursuant to division (C)(1) of this section, and a set 2187  
of fingerprint impressions obtained in the manner described in 2188  
division (C)(2) of this section, the superintendent of the bureau 2189  
of criminal identification and investigation shall conduct a 2190  
criminal records check of the person for whom the request is made. 2191  
The superintendent shall conduct the criminal records check in the 2192  
manner described in division (B) of this section to determine 2193  
whether any information exists that indicates that the person who 2194  
is the subject of the request previously has been convicted of, 2195  
has pleaded guilty to, or (except in the case of a request 2196  
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 2197  
Code) has been found eligible for intervention in lieu of 2198  
conviction for any of the following, regardless of the date of the 2199  
conviction, the date of entry of the guilty plea, or (except in 2200  
the case of a request pursuant to section 5164.34, 5164.341, or 2201  
5164.342 of the Revised Code) the date the person was found 2202  
eligible for intervention in lieu of conviction: 2203

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2204  
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2205  
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2206

2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02,	2207
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09,	2208
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32,	2209
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04,	2210
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12,	2211
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21,	2212
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44,	2213
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51,	2214
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123,	2215
2919.124, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11,	2216
2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34,	2217
2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13,	2218
2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03,	2219
2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13,	2220
2925.14, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56,	2221
2927.12, or 3716.11 of the Revised Code;	2222
(b) Felonious sexual penetration in violation of former	2223
section 2907.12 of the Revised Code;	2224
(c) A violation of section 2905.04 of the Revised Code as it	2225
existed prior to July 1, 1996;	2226
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	2227
the Revised Code when the underlying offense that is the object of	2228
the conspiracy, attempt, or complicity is one of the offenses	2229
listed in divisions (A)(3)(a) to (c) of this section;	2230
(e) A violation of an existing or former municipal ordinance	2231
or law of this state, any other state, or the United States that	2232
is substantially equivalent to any of the offenses listed in	2233
divisions (A)(3)(a) to (d) of this section.	2234
(4) On receipt of a request pursuant to section 2151.86 <del>or</del>	2235
2151.904, <u>5103.251, 5103.252, or 5103.253</u> of the Revised Code, a	2236
completed form prescribed pursuant to division (C)(1) of this	2237

section, and a set of fingerprint impressions obtained in the 2238  
manner described in division (C)(2) of this section, the 2239  
superintendent of the bureau of criminal identification and 2240  
investigation shall conduct a criminal records check in the manner 2241  
described in division (B) of this section to determine whether any 2242  
information exists that indicates that the person who is the 2243  
subject of the request previously has been convicted of or pleaded 2244  
guilty to any of the following: 2245

(a) A violation of section 959.13, 2151.421, 2903.01, 2246  
2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2247  
2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2248  
2903.32, 2903.34, 2905.01, 2905.02, 2905.05, 2905.32, 2907.02, 2249  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2250  
2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2251  
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2252  
2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2253  
2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2254  
2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 2925.041, 2255  
2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2256  
2925.32, 2925.36, 2925.37, 2927.12, or 3716.11 of the Revised 2257  
Code, a violation of section 2905.04 of the Revised Code as it 2258  
existed prior to July 1, 1996, a violation of section 2919.23 of 2259  
the Revised Code that would have been a violation of section 2260  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 2261  
had the violation been committed prior to that date, a violation 2262  
of section 2925.11 of the Revised Code that is not a minor drug 2263  
possession offense, two or more OVI or OVUAC violations committed 2264  
within the three years immediately preceding the submission of the 2265  
application or petition that is the basis of the request, or 2266  
felonious sexual penetration in violation of former section 2267  
2907.12 of the Revised Code, or a violation of Chapter 2919. of 2268  
the Revised Code that is a felony; 2269

(b) A violation of an existing or former law of this state, 2270  
any other state, or the United States that is substantially 2271  
equivalent to any of the offenses listed in division (A)(4)(a) of 2272  
this section. 2273

(5) Upon receipt of a request pursuant to section 5104.013 of 2274  
the Revised Code, a completed form prescribed pursuant to division 2275  
(C)(1) of this section, and a set of fingerprint impressions 2276  
obtained in the manner described in division (C)(2) of this 2277  
section, the superintendent of the bureau of criminal 2278  
identification and investigation shall conduct a criminal records 2279  
check in the manner described in division (B) of this section to 2280  
determine whether any information exists that indicates that the 2281  
person who is the subject of the request has been convicted of or 2282  
pleaded guilty to any of the following: 2283

(a) A violation of section 2151.421, 2903.01, 2903.02, 2284  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2285  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2286  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2287  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2288  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2289  
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2290  
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2291  
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2292  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2293  
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2294  
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2295  
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2296  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 2297  
Revised Code, felonious sexual penetration in violation of former 2298  
section 2907.12 of the Revised Code, a violation of section 2299  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 2300  
violation of section 2919.23 of the Revised Code that would have 2301

been a violation of section 2905.04 of the Revised Code as it 2302  
existed prior to July 1, 1996, had the violation been committed 2303  
prior to that date, a violation of section 2925.11 of the Revised 2304  
Code that is not a minor drug possession offense, a violation of 2305  
section 2923.02 or 2923.03 of the Revised Code that relates to a 2306  
crime specified in this division, or a second violation of section 2307  
4511.19 of the Revised Code within five years of the date of 2308  
application for licensure or certification. 2309

(b) A violation of an existing or former law of this state, 2310  
any other state, or the United States that is substantially 2311  
equivalent to any of the offenses or violations described in 2312  
division (A)(5)(a) of this section. 2313

(6) Upon receipt of a request pursuant to section 5153.111 of 2314  
the Revised Code, a completed form prescribed pursuant to division 2315  
(C)(1) of this section, and a set of fingerprint impressions 2316  
obtained in the manner described in division (C)(2) of this 2317  
section, the superintendent of the bureau of criminal 2318  
identification and investigation shall conduct a criminal records 2319  
check in the manner described in division (B) of this section to 2320  
determine whether any information exists that indicates that the 2321  
person who is the subject of the request previously has been 2322  
convicted of or pleaded guilty to any of the following: 2323

(a) A violation of section 2903.01, 2903.02, 2903.03, 2324  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2325  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2326  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2327  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2328  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2329  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2330  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 2331  
felonious sexual penetration in violation of former section 2332  
2907.12 of the Revised Code, a violation of section 2905.04 of the 2333

Revised Code as it existed prior to July 1, 1996, a violation of 2334  
section 2919.23 of the Revised Code that would have been a 2335  
violation of section 2905.04 of the Revised Code as it existed 2336  
prior to July 1, 1996, had the violation been committed prior to 2337  
that date, or a violation of section 2925.11 of the Revised Code 2338  
that is not a minor drug possession offense; 2339

(b) A violation of an existing or former law of this state, 2340  
any other state, or the United States that is substantially 2341  
equivalent to any of the offenses listed in division (A)(6)(a) of 2342  
this section. 2343

(7) On receipt of a request for a criminal records check from 2344  
an individual pursuant to section 4749.03 or 4749.06 of the 2345  
Revised Code, accompanied by a completed copy of the form 2346  
prescribed in division (C)(1) of this section and a set of 2347  
fingerprint impressions obtained in a manner described in division 2348  
(C)(2) of this section, the superintendent of the bureau of 2349  
criminal identification and investigation shall conduct a criminal 2350  
records check in the manner described in division (B) of this 2351  
section to determine whether any information exists indicating 2352  
that the person who is the subject of the request has been 2353  
convicted of or pleaded guilty to any criminal offense in this 2354  
state or in any other state. If the individual indicates that a 2355  
firearm will be carried in the course of business, the 2356  
superintendent shall require information from the federal bureau 2357  
of investigation as described in division (B)(2) of this section. 2358  
Subject to division (F) of this section, the superintendent shall 2359  
report the findings of the criminal records check and any 2360  
information the federal bureau of investigation provides to the 2361  
director of public safety. 2362

(8) On receipt of a request pursuant to section 1321.37, 2363  
1321.53, or 4763.05 of the Revised Code, a completed form 2364  
prescribed pursuant to division (C)(1) of this section, and a set 2365

of fingerprint impressions obtained in the manner described in 2366  
division (C)(2) of this section, the superintendent of the bureau 2367  
of criminal identification and investigation shall conduct a 2368  
criminal records check with respect to any person who has applied 2369  
for a license, permit, or certification from the department of 2370  
commerce or a division in the department. The superintendent shall 2371  
conduct the criminal records check in the manner described in 2372  
division (B) of this section to determine whether any information 2373  
exists that indicates that the person who is the subject of the 2374  
request previously has been convicted of or pleaded guilty to any 2375  
criminal offense in this state, any other state, or the United 2376  
States. 2377

(9) On receipt of a request for a criminal records check from 2378  
the treasurer of state under section 113.041 of the Revised Code 2379  
or from an individual under section 928.03, 4701.08, 4715.101, 2380  
4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 2381  
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 2382  
4731.281, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 2383  
4747.051, 4751.20, 4751.201, 4751.21, 4753.061, 4755.70, 4757.101, 2384  
4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 2385  
4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, ~~or~~ 2386  
4783.04, or 4787.05 of the Revised Code, accompanied by a 2387  
completed form prescribed under division (C)(1) of this section 2388  
and a set of fingerprint impressions obtained in the manner 2389  
described in division (C)(2) of this section, the superintendent 2390  
of the bureau of criminal identification and investigation shall 2391  
conduct a criminal records check in the manner described in 2392  
division (B) of this section to determine whether any information 2393  
exists that indicates that the person who is the subject of the 2394  
request has been convicted of or pleaded guilty to any criminal 2395  
offense in this state or any other state. Subject to division (F) 2396  
of this section, the superintendent shall send the results of a 2397  
check requested under section 113.041 of the Revised Code to the 2398

treasurer of state and shall send the results of a check requested 2399  
under any of the other listed sections to the licensing board 2400  
specified by the individual in the request. 2401

(10) On receipt of a request pursuant to section 124.74, 2402  
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 2403  
Code, a completed form prescribed pursuant to division (C)(1) of 2404  
this section, and a set of fingerprint impressions obtained in the 2405  
manner described in division (C)(2) of this section, the 2406  
superintendent of the bureau of criminal identification and 2407  
investigation shall conduct a criminal records check in the manner 2408  
described in division (B) of this section to determine whether any 2409  
information exists that indicates that the person who is the 2410  
subject of the request previously has been convicted of or pleaded 2411  
guilty to any criminal offense under any existing or former law of 2412  
this state, any other state, or the United States. 2413

(11) On receipt of a request for a criminal records check 2414  
from an appointing or licensing authority under section 3772.07 of 2415  
the Revised Code, a completed form prescribed under division 2416  
(C)(1) of this section, and a set of fingerprint impressions 2417  
obtained in the manner prescribed in division (C)(2) of this 2418  
section, the superintendent of the bureau of criminal 2419  
identification and investigation shall conduct a criminal records 2420  
check in the manner described in division (B) of this section to 2421  
determine whether any information exists that indicates that the 2422  
person who is the subject of the request previously has been 2423  
convicted of or pleaded guilty or no contest to any offense under 2424  
any existing or former law of this state, any other state, or the 2425  
United States that makes the person ineligible for appointment or 2426  
retention under section 3772.07 of the Revised Code or that is a 2427  
disqualifying offense as defined in that section or substantially 2428  
equivalent to a disqualifying offense, as applicable. 2429

(12) On receipt of a request pursuant to section 2151.33 or 2430

2151.412 of the Revised Code, a completed form prescribed pursuant 2431  
to division (C)(1) of this section, and a set of fingerprint 2432  
impressions obtained in the manner described in division (C)(2) of 2433  
this section, the superintendent of the bureau of criminal 2434  
identification and investigation shall conduct a criminal records 2435  
check with respect to any person for whom a criminal records check 2436  
is required under that section. The superintendent shall conduct 2437  
the criminal records check in the manner described in division (B) 2438  
of this section to determine whether any information exists that 2439  
indicates that the person who is the subject of the request 2440  
previously has been convicted of or pleaded guilty to any of the 2441  
following: 2442

(a) A violation of section 2903.01, 2903.02, 2903.03, 2443  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2444  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2445  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2446  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2447  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2448  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2449  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2450  
2925.22, 2925.23, or 3716.11 of the Revised Code; 2451

(b) An existing or former law of this state, any other state, 2452  
or the United States that is substantially equivalent to any of 2453  
the offenses listed in division (A)(12)(a) of this section. 2454

(13) On receipt of a request pursuant to section 3796.12 of 2455  
the Revised Code, a completed form prescribed pursuant to division 2456  
(C)(1) of this section, and a set of fingerprint impressions 2457  
obtained in a manner described in division (C)(2) of this section, 2458  
the superintendent of the bureau of criminal identification and 2459  
investigation shall conduct a criminal records check in the manner 2460  
described in division (B) of this section to determine whether any 2461  
information exists that indicates that the person who is the 2462

subject of the request previously has been convicted of or pleaded 2463  
guilty to ~~the following~~: 2464

~~(a) A~~ a disqualifying offense as specified in rules adopted 2465  
under section 9.79 and division (B)(2)(b) of section 3796.03 of 2466  
the Revised Code if the person who is the subject of the request 2467  
is an administrator or other person responsible for the daily 2468  
operation of, or an owner or prospective owner, officer or 2469  
prospective officer, or board member or prospective board member 2470  
of, an entity seeking a license from the department of commerce 2471  
under Chapter 3796. of the Revised Code: 2472

~~(b) A disqualifying offense as specified in rules adopted 2473  
under section 9.79 and division (B)(2)(b) of section 3796.04 of 2474  
the Revised Code if the person who is the subject of the request 2475  
is an administrator or other person responsible for the daily 2476  
operation of, or an owner or prospective owner, officer or 2477  
prospective officer, or board member or prospective board member 2478  
of, an entity seeking a license from the state board of pharmacy 2479  
under Chapter 3796. of the Revised Code. 2480~~

(14) On receipt of a request required by section 3796.13 of 2481  
the Revised Code, a completed form prescribed pursuant to division 2482  
(C)(1) of this section, and a set of fingerprint impressions 2483  
obtained in a manner described in division (C)(2) of this section, 2484  
the superintendent of the bureau of criminal identification and 2485  
investigation shall conduct a criminal records check in the manner 2486  
described in division (B) of this section to determine whether any 2487  
information exists that indicates that the person who is the 2488  
subject of the request previously has been convicted of or pleaded 2489  
guilty to ~~the following~~: 2490

~~(a) A~~ a disqualifying offense as specified in rules adopted 2491  
under division ~~(B)(8)(a)~~ (B)(14)(a) of section 3796.03 of the 2492  
Revised Code if the person who is the subject of the request is 2493  
seeking employment with an entity licensed by the department of 2494

commerce under Chapter 3796. of the Revised Code	2495
<del>(b) A disqualifying offense as specified in rules adopted</del>	2496
<del>under division (B)(14)(a) of section 3796.04 of the Revised Code</del>	2497
<del>if the person who is the subject of the request is seeking</del>	2498
<del>employment with an entity licensed by the state board of pharmacy</del>	2499
<del>under Chapter 3796. of the Revised Code.</del>	2500
(15) On receipt of a request pursuant to section 4768.06 of	2501
the Revised Code, a completed form prescribed under division	2502
(C)(1) of this section, and a set of fingerprint impressions	2503
obtained in the manner described in division (C)(2) of this	2504
section, the superintendent of the bureau of criminal	2505
identification and investigation shall conduct a criminal records	2506
check in the manner described in division (B) of this section to	2507
determine whether any information exists indicating that the	2508
person who is the subject of the request has been convicted of or	2509
pleaded guilty to any criminal offense in this state or in any	2510
other state.	2511
(16) On receipt of a request pursuant to division (B) of	2512
section 4764.07 or division (A) of section 4735.143 of the Revised	2513
Code, a completed form prescribed under division (C)(1) of this	2514
section, and a set of fingerprint impressions obtained in the	2515
manner described in division (C)(2) of this section, the	2516
superintendent of the bureau of criminal identification and	2517
investigation shall conduct a criminal records check in the manner	2518
described in division (B) of this section to determine whether any	2519
information exists indicating that the person who is the subject	2520
of the request has been convicted of or pleaded guilty to any	2521
criminal offense in any state or the United States.	2522
(17) On receipt of a request for a criminal records check	2523
under section 147.022 of the Revised Code, a completed form	2524
prescribed under division (C)(1) of this section, and a set of	2525
fingerprint impressions obtained in the manner prescribed in	2526

division (C)(2) of this section, the superintendent of the bureau 2527  
of criminal identification and investigation shall conduct a 2528  
criminal records check in the manner described in division (B) of 2529  
this section to determine whether any information exists that 2530  
indicates that the person who is the subject of the request 2531  
previously has been convicted of or pleaded guilty or no contest 2532  
to any criminal offense under any existing or former law of this 2533  
state, any other state, or the United States. 2534

(18) Upon receipt of a request pursuant to division (F) of 2535  
section 2915.081 or division (E) of section 2915.082 of the 2536  
Revised Code, a completed form prescribed under division (C)(1) of 2537  
this section, and a set of fingerprint impressions obtained in the 2538  
manner described in division (C)(2) of this section, the 2539  
superintendent of the bureau of criminal identification and 2540  
investigation shall conduct a criminal records check in the manner 2541  
described in division (B) of this section to determine whether any 2542  
information exists indicating that the person who is the subject 2543  
of the request has been convicted of or pleaded guilty or no 2544  
contest to any offense that is a violation of Chapter 2915. of the 2545  
Revised Code or to any offense under any existing or former law of 2546  
this state, any other state, or the United States that is 2547  
substantially equivalent to such an offense. 2548

(19) On receipt of a request pursuant to section 3775.03 of 2549  
the Revised Code, a completed form prescribed under division 2550  
(C)(1) of this section, and a set of fingerprint impressions 2551  
obtained in the manner described in division (C)(2) of this 2552  
section, the superintendent of the bureau of criminal 2553  
identification and investigation shall conduct a criminal records 2554  
check in the manner described in division (B) of this section and 2555  
shall request information from the federal bureau of investigation 2556  
to determine whether any information exists indicating that the 2557  
person who is the subject of the request has been convicted of any 2558

offense under any existing or former law of this state, any other 2559  
state, or the United States that is a disqualifying offense as 2560  
defined in section 3772.07 of the Revised Code. 2561

(B) Subject to division (F) of this section, the 2562  
superintendent shall conduct any criminal records check to be 2563  
conducted under this section as follows: 2564

(1) The superintendent shall review or cause to be reviewed 2565  
any relevant information gathered and compiled by the bureau under 2566  
division (A) of section 109.57 of the Revised Code that relates to 2567  
the person who is the subject of the criminal records check, 2568  
including, if the criminal records check was requested under 2569  
section 113.041, 121.08, 124.74, 173.27, 173.38, 173.381, 718.131, 2570  
928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 2571  
2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 3712.09, 3721.121, 2572  
3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 2573  
4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5103.251, 2574  
5103.252, 5103.253, 5104.013, 5164.34, 5164.341, 5164.342, 2575  
5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant 2576  
information contained in records that have been sealed under 2577  
section 2953.32 of the Revised Code; 2578

(2) If the request received by the superintendent asks for 2579  
information from the federal bureau of investigation, the 2580  
superintendent shall request from the federal bureau of 2581  
investigation any information it has with respect to the person 2582  
who is the subject of the criminal records check, including 2583  
fingerprint-based checks of national crime information databases 2584  
as described in 42 U.S.C. 671 if the request is made pursuant to 2585  
section 2151.86, 5103.251, 5103.252, 5103.253, or 5104.013 of the 2586  
Revised Code or if any other Revised Code section requires 2587  
fingerprint-based checks of that nature, and shall review or cause 2588  
to be reviewed any information the superintendent receives from 2589  
that bureau. If a request under section 3319.39 of the Revised 2590

Code asks only for information from the federal bureau of 2591  
investigation, the superintendent shall not conduct the review 2592  
prescribed by division (B)(1) of this section. 2593

(3) The superintendent or the superintendent's designee may 2594  
request criminal history records from other states or the federal 2595  
government pursuant to the national crime prevention and privacy 2596  
compact set forth in section 109.571 of the Revised Code. 2597

(4) The superintendent shall include in the results of the 2598  
criminal records check a list or description of the offenses 2599  
listed or described in the relevant provision of division (A) of 2600  
this section. The superintendent shall exclude from the results 2601  
any information the dissemination of which is prohibited by 2602  
federal law. 2603

(5) The superintendent shall send the results of the criminal 2604  
records check to the person to whom it is to be sent not later 2605  
than the following number of days after the date the 2606  
superintendent receives the request for the criminal records 2607  
check, the completed form prescribed under division (C)(1) of this 2608  
section, and the set of fingerprint impressions obtained in the 2609  
manner described in division (C)(2) of this section: 2610

(a) If the superintendent is required by division (A) of this 2611  
section (other than division (A)(3) of this section) to conduct 2612  
the criminal records check, thirty; 2613

(b) If the superintendent is required by division (A)(3) of 2614  
this section to conduct the criminal records check, sixty. 2615

(C)(1) The superintendent shall prescribe a form to obtain 2616  
the information necessary to conduct a criminal records check from 2617  
any person for whom a criminal records check is to be conducted 2618  
under this section. The form that the superintendent prescribes 2619  
pursuant to this division may be in a tangible format, in an 2620  
electronic format, or in both tangible and electronic formats. 2621

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

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

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

(D) The results of a criminal records check conducted under this section, other than a criminal records check specified in division (A)(7) of this section, are valid for the person who is the subject of the criminal records check for a period of one year from the date upon which the superintendent completes the criminal records check. If during that period the superintendent receives

another request for a criminal records check to be conducted under 2654  
this section for that person, the superintendent shall provide the 2655  
results from the previous criminal records check of the person at 2656  
a lower fee than the fee prescribed for the initial criminal 2657  
records check. 2658

(E) When the superintendent receives a request for 2659  
information from a registered private provider, the superintendent 2660  
shall proceed as if the request was received from a school 2661  
district board of education under section 3319.39 of the Revised 2662  
Code. The superintendent shall apply division (A)(1)(c) of this 2663  
section to any such request for an applicant who is a teacher. 2664

(F)(1) Subject to division (F)(2) of this section, all 2665  
information regarding the results of a criminal records check 2666  
conducted under this section that the superintendent reports or 2667  
sends under division (A)(7) or (9) of this section to the director 2668  
of public safety, the treasurer of state, or the person, board, or 2669  
entity that made the request for the criminal records check shall 2670  
relate to the conviction of the subject person, or the subject 2671  
person's plea of guilty to, a criminal offense. 2672

(2) Division (F)(1) of this section does not limit, restrict, 2673  
or preclude the superintendent's release of information that 2674  
relates to the arrest of a person who is eighteen years of age or 2675  
older, to an adjudication of a child as a delinquent child, or to 2676  
a criminal conviction of a person under eighteen years of age in 2677  
circumstances in which a release of that nature is authorized 2678  
under division (E)(2), (3), or (4) of section 109.57 of the 2679  
Revised Code pursuant to a rule adopted under division (E)(1) of 2680  
that section. 2681

(G) As used in this section: 2682

(1) "Criminal records check" means any criminal records check 2683  
conducted by the superintendent of the bureau of criminal 2684

identification and investigation in accordance with division (B) 2685  
of this section. 2686

(2) "Minor drug possession offense" has the same meaning as 2687  
in section 2925.01 of the Revised Code. 2688

(3) "OVI or OVUAC violation" means a violation of section 2689  
4511.19 of the Revised Code or a violation of an existing or 2690  
former law of this state, any other state, or the United States 2691  
that is substantially equivalent to section 4511.19 of the Revised 2692  
Code. 2693

(4) "Registered private provider" means a nonpublic school or 2694  
entity registered with the superintendent of public instruction 2695  
under section 3310.41 of the Revised Code to participate in the 2696  
autism scholarship program or section 3310.58 of the Revised Code 2697  
to participate in the Jon Peterson special needs scholarship 2698  
program. 2699

**Sec. 109.68.** (A) As used in this section, "victim" means a 2700  
person from whom a sexual assault examination kit was collected. 2701

(B) In consultation with the attorney general's advisory 2702  
group on sexual assault examination kit tracking, the attorney 2703  
general shall develop recommendations for establishing a statewide 2704  
sexual assault examination kit tracking system. Based on those 2705  
recommendations, the attorney general shall create, operate, and 2706  
maintain the statewide tracking system and shall identify and 2707  
allocate money for that purpose from the appropriate funds 2708  
available to the attorney general. 2709

~~(B)~~(C) The attorney general may contract with state or 2710  
private entities, including private software and technology 2711  
providers, for the creation, operation, and maintenance of the 2712  
statewide tracking system. The tracking system shall do all of the 2713  
following: 2714

(1) Track the status of sexual assault examination kits from the collection site through the criminal justice process, including the initial collection at medical facilities, inventory and storage by law enforcement agencies, analysis at crime laboratories, and storage or destruction after completion of analysis;

(2) Allow all entities that receive, maintain, store, or preserve sexual assault examination kits to update the status and location of the kits;

(3) Allow individuals to anonymously access the statewide tracking system regarding the location and status of their sexual assault examination kit.

(C)(D)(1) A victim may request the following from the appropriate official with custody of the kit:

(a) Information regarding the testing date and results of the kit;

(b) Whether a DNA profile was obtained from the kit;

(c) Whether a match was found to that DNA profile in state or federal databases;

(d) The estimated destruction date of the kit.

The victim is entitled to receive this information in writing, by electronic mail, or by telephone, as designated by the victim.

(2) A victim who has requested information regarding the tracking of the victim's sexual assault examination kit shall be informed by the appropriate official with custody of the kit when there is any change in the status of the case, including if the case has been closed or reopened.

(3) A victim may request written notification from the appropriate official with custody of the kit notice of the

destruction or disposal date of the kit and shall receive that 2745  
notice not later than sixty days before the date of the intended 2746  
destruction or disposal. 2747

(4) A victim may request further preservation of the sexual 2748  
assault examination kit or its probative contents beyond the 2749  
intended destruction or disposal date as provided under section 2750  
2933.82 of the Revised Code, for a period of up to thirty years. 2751

(5) In responding to a victim's request under divisions 2752  
(D)(1) to (4) of this section, the appropriate official with 2753  
custody of the kit also shall provide the victim with information 2754  
about the victim's right to apply for an award of reparations 2755  
pursuant to section 2743.56 of the Revised Code. 2756

(E) Not later than one year after creation of the statewide 2757  
tracking system, all entities in the chain of custody of sexual 2758  
assault examination kits shall participate in the system. 2759

~~(D)~~(F) The attorney general may adopt rules under Chapter 2760  
119. of the Revised Code to facilitate the implementation of the 2761  
statewide sexual assault examination kit tracking system pursuant 2762  
to this section. Except as provided in division (B)(3) of this 2763  
section, information contained in the statewide tracking system is 2764  
confidential and not subject to public disclosure. 2765

**Sec. 109.803.** (A)(1) Subject to divisions (A)(2) and (B) of 2766  
this section, every appointing authority shall require each of its 2767  
appointed peace officers and troopers to complete ~~up to~~ 2768  
twenty-four hours of continuing professional training each 2769  
calendar year, ~~as directed by the Ohio peace officer training~~ 2770  
~~commission. The number of hours directed by the commission, up to~~ 2771  
~~twenty-four~~ Twenty-four hours, is intended to be a minimum 2772  
requirement, and appointing authorities are encouraged to exceed 2773  
the number of hours the commission directs as the twenty-four hour 2774  
minimum. ~~The commission shall set the required minimum number of~~ 2775

~~hours based upon available funding for reimbursement as described~~ 2776  
~~in this division. If no funding for the reimbursement is~~ 2777  
~~available, no continuing professional training will be required~~ A 2778  
minimum of twenty-four hours of continuing professional training 2779  
shall be reimbursed each calendar year and a maximum of forty 2780  
hours of continuing professional training may be reimbursed each 2781  
calendar year. 2782

(2) An appointing authority may submit a written request to 2783  
the peace officer training commission that requests for a calendar 2784  
year because of emergency circumstances an extension of the time 2785  
within which one or more of its appointed peace officers or 2786  
troopers must complete the required minimum number of hours of 2787  
continuing professional training set by the commission, as 2788  
described in division (A)(1) of this section. A request made under 2789  
this division shall set forth the name of each of the appointing 2790  
authority's peace officers or troopers for whom an extension is 2791  
requested, identify the emergency circumstances related to that 2792  
peace officer or trooper, include documentation of those emergency 2793  
circumstances, and set forth the date on which the request is 2794  
submitted to the commission. A request shall be made under this 2795  
division not later than the fifteenth day of December in the 2796  
calendar year for which the extension is requested. 2797

Upon receipt of a written request made under this division, 2798  
the executive director of the commission shall review the request 2799  
and the submitted documentation. If the executive director of the 2800  
commission is satisfied that emergency circumstances exist for any 2801  
peace officer or trooper for whom a request was made under this 2802  
division, the executive director may approve the request for that 2803  
peace officer or trooper and grant an extension of the time within 2804  
which that peace officer or trooper must complete the required 2805  
minimum number of hours of continuing professional training set by 2806  
the commission. An extension granted under this division may be 2807

for any period of time the executive director believes to be 2808  
appropriate, and the executive director shall specify in the 2809  
notice granting the extension the date on which the extension 2810  
ends. Not later than thirty days after the date on which a request 2811  
is submitted to the commission, for each peace officer and trooper 2812  
for whom an extension is requested, the executive director either 2813  
shall approve the request and grant an extension or deny the 2814  
request and deny an extension and shall send to the appointing 2815  
authority that submitted the request written notice of the 2816  
executive director's decision. 2817

If the executive director grants an extension of the time 2818  
within which a particular appointed peace officer or trooper of an 2819  
appointing authority must complete the required minimum number of 2820  
hours of continuing professional training set by the commission, 2821  
the appointing authority shall require that peace officer or 2822  
trooper to complete the required minimum number of hours of 2823  
training not later than the date on which the extension ends. 2824

(B) With the advice of the Ohio peace officer training 2825  
commission, the attorney general shall adopt in accordance with 2826  
Chapter 119. of the Revised Code rules setting forth minimum 2827  
standards for continuing professional training for peace officers 2828  
and troopers and governing the administration of continuing 2829  
professional training programs for peace officers and troopers. 2830  
The rules adopted by the attorney general under division (B) of 2831  
this section shall do all of the following: 2832

(1) Allow peace officers and troopers to earn credit for up 2833  
to four hours of continuing professional training for time spent 2834  
while on duty providing drug use prevention education training 2835  
that utilizes evidence-based curricula to students in school 2836  
districts, community schools established under Chapter 3314., STEM 2837  
schools established under Chapter 3326., and college-preparatory 2838  
boarding schools established under Chapter 3328. of the Revised 2839

Code.	2840
(2) Allow a peace officer or trooper appointed by a law enforcement agency to earn hours of continuing professional training for other peace officers or troopers appointed by the law enforcement agency by providing drug use prevention education training under division (B)(1) of this section so that hours earned by the peace officer or trooper providing the training in excess of four hours may be applied to offset the number of continuing professional training hours required of another peace officer or trooper appointed by that law enforcement agency.	2841 2842 2843 2844 2845 2846 2847 2848 2849
(3) Prohibit the use of continuing professional training hours earned under division (B)(1) or (2) of this section from being used to offset any mandatory hands-on training requirement.	2850 2851 2852
(4) Require a peace officer to complete training on proper interactions with civilians during traffic stops and other in-person encounters, which training shall have an online offering and shall include all of the following topics:	2853 2854 2855 2856
(a) A person's rights during an interaction with a peace officer, including all of the following:	2857 2858
(i) When a peace officer may require a person to exit a vehicle;	2859 2860
(ii) Constitutional protections from illegal search and seizure;	2861 2862
(iii) The rights of a passenger in a vehicle who has been pulled over for a traffic stop;	2863 2864
(iv) The right for a citizen to record an encounter with a peace officer.	2865 2866
(b) Proper actions for interacting with a civilian and methods for diffusing a stressful encounter with a civilian;	2867 2868
(c) Laws regarding questioning and detention by peace	2869

officers, including any law requiring a person to present proof of identity to a peace officer, and the consequences for a person's or officer's failure to comply with those laws;

(d) Any other requirements and procedures necessary for the proper implementation of this section.

(C) The attorney general shall transmit a certified copy of any rule adopted under this section to the secretary of state.

(D) As used in this section:

(1) "Peace officer" has the same meaning as in section 109.71 of the Revised Code.

(2) "Trooper" means an individual appointed as a state highway patrol trooper under section 5503.01 of the Revised Code.

(3) "Appointing authority" means any agency or entity that appoints a peace officer or trooper.

**Sec. 111.15.** (A) As used in this section:

(1) "Rule" includes any rule, regulation, bylaw, or standard having a general and uniform operation adopted by an agency under the authority of the laws governing the agency; any appendix to a rule; and any internal management rule. "Rule" does not include any guideline adopted pursuant to section 3301.0714 of the Revised Code, any order respecting the duties of employees, any finding, any determination of a question of law or fact in a matter presented to an agency, or any rule promulgated pursuant to Chapter 119. or division (C)(1) or (2) of section 5117.02 of the Revised Code. "Rule" includes any amendment or rescission of a rule.

(2) "Agency" means any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, or institution, ~~state college or university, community college district, technical~~

~~college district, or state community college.~~ "Agency" does not 2900  
include the general assembly, the controlling board, the adjutant 2901  
general's department, a state college or university, a community 2902  
college district, a technical college district, a state community 2903  
college, or any court. 2904

(3) "Internal management rule" means any rule, regulation, 2905  
bylaw, or standard governing the day-to-day staff procedures and 2906  
operations within an agency. 2907

(B)(1) Any rule, other than a rule of an emergency nature, 2908  
adopted by any agency pursuant to this section shall be effective 2909  
on the tenth day after the day on which the rule in final form and 2910  
in compliance with division (B)(3) of this section is filed as 2911  
follows: 2912

(a) The rule shall be filed in electronic form with both the 2913  
secretary of state and the director of the legislative service 2914  
commission; 2915

(b) The rule shall be filed in electronic form with the joint 2916  
committee on agency rule review. Division (B)(1)(b) of this 2917  
section does not apply to any rule to which division (D) of this 2918  
section does not apply. 2919

An agency that adopts or amends a rule that is subject to 2920  
division (D) of this section shall assign a review date to the 2921  
rule that is not later than five years after its effective date. 2922  
If a review date assigned to a rule exceeds the five-year maximum, 2923  
the review date for the rule is five years after its effective 2924  
date. A rule with a review date is subject to review under section 2925  
106.03 of the Revised Code. ~~This paragraph does not apply to a~~ 2926  
~~rule of a state college or university, community college district,~~ 2927  
~~technical college district, or state community college.~~ 2928

If an agency in adopting a rule designates an effective date 2929  
that is later than the effective date provided for by division 2930

(B)(1) of this section, the rule if filed as required by such 2931  
division shall become effective on the later date designated by 2932  
the agency. 2933

Any rule that is required to be filed under division (B)(1) 2934  
of this section is also subject to division (D) of this section if 2935  
not exempted by that division. 2936

If a rule incorporates a text or other material by reference, 2937  
the agency shall comply with sections 121.71 to 121.75 of the 2938  
Revised Code. 2939

(2) A rule of an emergency nature necessary for the immediate 2940  
preservation of the public peace, health, or safety shall state 2941  
the reasons for the necessity. The emergency rule, in final form 2942  
and in compliance with division (B)(3) of this section, shall be 2943  
filed in electronic form with the secretary of state, the director 2944  
of the legislative service commission, and the joint committee on 2945  
agency rule review. The emergency rule is effective immediately 2946  
upon completion of the latest filing, except that if the agency in 2947  
adopting the emergency rule designates an effective date, or date 2948  
and time of day, that is later than the effective date and time 2949  
provided for by division (B)(2) of this section, the emergency 2950  
rule if filed as required by such division shall become effective 2951  
at the later date, or later date and time of day, designated by 2952  
the agency. 2953

Except as provided in section 107.43 of the Revised Code, an 2954  
emergency rule becomes invalid at the end of the one hundred 2955  
twentieth day it is in effect. Prior to that date, the agency may 2956  
file the emergency rule as a nonemergency rule in compliance with 2957  
division (B)(1) of this section. The agency may not refile the 2958  
emergency rule in compliance with division (B)(2) of this section 2959  
so that, upon the emergency rule becoming invalid under such 2960  
division, the emergency rule will continue in effect without 2961  
interruption for another one hundred twenty-day period. 2962

The adoption of an emergency rule under division (B)(2) of 2963  
this section in response to a state of emergency, as defined under 2964  
section 107.42 of the Revised Code, may be invalidated by the 2965  
general assembly, in whole or in part, by adopting a concurrent 2966  
resolution in accordance with section 107.43 of the Revised Code. 2967

(3) An agency shall file a rule under division (B)(1) or (2) 2968  
of this section in compliance with the following standards and 2969  
procedures: 2970

(a) The rule shall be numbered in accordance with the 2971  
numbering system devised by the director for the Ohio 2972  
administrative code. 2973

(b) The rule shall be prepared and submitted in compliance 2974  
with the rules of the legislative service commission. 2975

(c) The rule shall clearly state the date on which it is to 2976  
be effective and the date on which it will expire, if known. 2977

(d) Each rule that amends or rescinds another rule shall 2978  
clearly refer to the rule that is amended or rescinded. Each 2979  
amendment shall fully restate the rule as amended. 2980

If the director of the legislative service commission or the 2981  
director's designee gives an agency notice pursuant to section 2982  
103.05 of the Revised Code that a rule filed by the agency is not 2983  
in compliance with the rules of the legislative service 2984  
commission, the agency shall within thirty days after receipt of 2985  
the notice conform the rule to the rules of the commission as 2986  
directed in the notice. 2987

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 2988  
of this section shall be recorded by the secretary of state and 2989  
the director under the title of the agency adopting the rule and 2990  
shall be numbered according to the numbering system devised by the 2991  
director. The secretary of state and the director shall preserve 2992  
the rules in an accessible manner. Each such rule shall be a 2993

public record open to public inspection and may be transmitted to 2994  
any law publishing company that wishes to reproduce it. 2995

(D) At least sixty-five days before a board, commission, 2996  
department, division, or bureau of the government of the state 2997  
files a rule under division (B)(1) of this section, it shall file 2998  
the full text of the proposed rule in electronic form with the 2999  
joint committee on agency rule review, and the proposed rule is 3000  
subject to legislative review and invalidation under section 3001  
106.021 of the Revised Code. If a state board, commission, 3002  
department, division, or bureau makes a revision in a proposed 3003  
rule after it is filed with the joint committee, the state board, 3004  
commission, department, division, or bureau shall promptly file 3005  
the full text of the proposed rule in its revised form in 3006  
electronic form with the joint committee. A state board, 3007  
commission, department, division, or bureau shall also file the 3008  
rule summary and fiscal analysis prepared under section 106.024 of 3009  
the Revised Code in electronic form along with a proposed rule, 3010  
and along with a proposed rule in revised form, that is filed 3011  
under this division. If a proposed rule has an adverse impact on 3012  
businesses, the state board, commission, department, division, or 3013  
bureau also shall file the business impact analysis, any 3014  
recommendations received from the common sense initiative office, 3015  
and the associated memorandum of response, if any, in electronic 3016  
form along with the proposed rule, or the proposed rule in revised 3017  
form, that is filed under this division. 3018

A proposed rule that is subject to legislative review under 3019  
this division may not be adopted and filed in final form under 3020  
division (B)(1) of this section unless the proposed rule has been 3021  
filed with the joint committee on agency rule review under this 3022  
division and the time for the joint committee to review the 3023  
proposed rule has expired without recommendation of a concurrent 3024  
resolution to invalidate the proposed rule. 3025

If a proposed rule that is subject to legislative review 3026  
under this division implements a federal law or rule, the agency 3027  
shall provide to the joint committee a citation to the federal law 3028  
or rule the proposed rule implements and a statement as to whether 3029  
the proposed rule implements the federal law or rule in a manner 3030  
that is more or less stringent or burdensome than the federal law 3031  
or rule requires. 3032

As used in this division, "commission" includes the public 3033  
utilities commission when adopting rules under a federal or state 3034  
statute. 3035

This division does not apply to any of the following: 3036

(1) A proposed rule of an emergency nature; 3037

(2) A rule proposed under section 1121.05, 1121.06, 1349.33, 3038  
1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 3039  
4123.345, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised 3040  
Code; 3041

(3) A rule proposed by an agency other than a board, 3042  
commission, department, division, or bureau of the government of 3043  
the state; 3044

(4) A proposed internal management rule of a board, 3045  
commission, department, division, or bureau of the government of 3046  
the state; 3047

(5) Any proposed rule that must be adopted verbatim by an 3048  
agency pursuant to federal law or rule, to become effective within 3049  
sixty days of adoption, in order to continue the operation of a 3050  
federally reimbursed program in this state, so long as the 3051  
proposed rule contains both of the following: 3052

(a) A statement that it is proposed for the purpose of 3053  
complying with a federal law or rule; 3054

(b) A citation to the federal law or rule that requires 3055

verbatim compliance. 3056

(6) An initial rule proposed by the director of health to 3057  
impose safety standards and quality-of-care standards with respect 3058  
to a health service specified in section 3702.11 of the Revised 3059  
Code, or an initial rule proposed by the director to impose 3060  
quality standards on a health care facility as defined in section 3061  
3702.30 of the Revised Code, if section 3702.12 of the Revised 3062  
Code requires that the rule be adopted under this section; 3063

(7) A rule of the state lottery commission pertaining to 3064  
instant game rules. 3065

If a rule is exempt from legislative review under division 3066  
(D)(5) of this section, and if the federal law or rule pursuant to 3067  
which the rule was adopted expires, is repealed or rescinded, or 3068  
otherwise terminates, the rule is thereafter subject to 3069  
legislative review under division (D) of this section. 3070

Whenever a state board, commission, department, division, or 3071  
bureau files a proposed rule or a proposed rule in revised form 3072  
under division (D) of this section, it shall also file the full 3073  
text of the same proposed rule or proposed rule in revised form in 3074  
electronic form with the secretary of state and the director of 3075  
the legislative service commission. A state board, commission, 3076  
department, division, or bureau shall file the rule summary and 3077  
fiscal analysis prepared under section 106.024 of the Revised Code 3078  
in electronic form along with a proposed rule or proposed rule in 3079  
revised form that is filed with the secretary of state or the 3080  
director of the legislative service commission. 3081

**Sec. 113.60.** (A) As used in this section and sections 113.61 3082  
and 113.62 of the Revised Code: 3083

(1) "Service intermediary" means a person or entity that 3084  
enters into a pay for success contract under this section and 3085

sections 113.61 and 113.62 of the Revised Code. The service 3086  
intermediary may act as the service provider that delivers the 3087  
services specified in the contract or may contract with a separate 3088  
service provider to deliver those services. 3089

(2) "State agency" and "political subdivision" have the same 3090  
meanings as in section 9.23 of the Revised Code. 3091

(B) The treasurer of state shall administer the pay for 3092  
success contracting program, shall develop procedures for awarding 3093  
pay for success contracts, and may take any action necessary to 3094  
implement and administer the program. Under the program, the 3095  
treasurer of state may enter into a pay for success contract with 3096  
a service intermediary for the delivery of specified services that 3097  
benefit the state, a political subdivision, or a group of 3098  
political subdivisions, such as programs addressing education, 3099  
public health, criminal justice, or natural resource management. 3100  
In the case of a contract for the delivery of services that 3101  
benefit the state, the treasurer of state shall enter into the 3102  
contract jointly with the director of administrative services. The 3103  
treasurer of state and, as applicable, the director of 3104  
administrative services, may enter into a pay for success contract 3105  
under either of the following circumstances: 3106

(1) Upon receiving an appropriation from the general assembly 3107  
for the purpose of entering into a pay for success contract; 3108

(2)(a) At the request of a state agency, a political 3109  
subdivision, or a group of state agencies or political 3110  
subdivisions that the treasurer of state and, as applicable, the 3111  
director of administrative services, enter into a pay for success 3112  
contract on behalf of the requesting state agency, political 3113  
subdivision, or group. The requesting state agency, political 3114  
subdivision, or group shall deposit the cost of the contract with 3115  
the treasurer of state in the appropriate fund established in 3116  
section 113.62 of the Revised Code. 3117

(b) A political subdivision or group of political subdivisions that requests the treasurer of state to enter into a pay for success contract on behalf of the political subdivision or group shall not use state funds to pay the cost of the contract.

(c) The treasurer of state may apply for federal grant moneys on behalf of a requesting state agency, political subdivision, or group to pay the cost of all or part of the contract. The treasurer of state shall not apply for federal grant moneys for the purpose of entering into a pay for success contract without first entering into an agreement with a requesting state agency, political subdivision, or group for the treasurer of state to apply for those moneys.

(C) The treasurer of state may adopt rules in accordance with Chapter 119. of the Revised Code to administer the pay for success contracting program, including rules concerning ~~both of~~ the following:

(1) The procedure for a state agency, political subdivision, or group of state agencies or political subdivisions to request the treasurer of state and, as applicable, the director of administrative services to enter into a pay for success contract and to deposit the cost of the contract with the treasurer of state;

(2) The types of services that are appropriate for a service provider to provide under a pay for success contract;

(3) Any other rule necessary for the implementation and administration of section 113.60 to 113.62 of the Revised Code.

~~(D) The rules of the treasurer of state shall include both of the following:~~

~~(1) A requirement that for not less than seventy five per cent of the pay for success contracts entered into under this section, the performance targets specified in the contract require~~

~~that, based on available regional or national data, the 3149  
improvement in the status of this state or the relevant area of 3150  
this state with respect to the issue the contract is meant to 3151  
address be greater than the average improvement in status with 3152  
respect to that issue in other geographical areas during the 3153  
period of the contract; 3154~~

~~(2) A process to ensure that any regional or national data 3155  
used to determine whether a service provider has met its 3156  
performance targets under a pay for success contract are 3157  
scientifically valid. 3158~~

**Sec. 117.34.** No cause of action on any matter set forth in 3159  
any report of the auditor of state made under this chapter shall 3160  
accrue until the report is filed with the officer or legal counsel 3161  
whose duty it is to institute civil actions for enforcement. No 3162  
statutes of limitations otherwise applicable to the cause of 3163  
action shall begin to run until the date of filing. Once a report 3164  
is submitted to the attorney general under this chapter, the 3165  
amount payable shall be a final, certified claim under section 3166  
131.02 of the Revised Code. The amount payable may be satisfied 3167  
under the process provided in section 5747.12 of the Revised Code. 3168

**Sec. 117.46.** Each biennium the auditor of state shall conduct 3169  
a minimum of four performance audits under this section. Except as 3170  
otherwise provided in this section, at least two of the audits 3171  
shall be of state agencies selected from a list comprised of the 3172  
administrative departments listed in section 121.02 of the Revised 3173  
Code and the department of education and at least two of the 3174  
audits shall be of other state agencies. At the auditor of state's 3175  
discretion, the auditor of state may also conduct performance 3176  
audits of state institutions of higher education. The offices of 3177  
the attorney general, auditor of state, governor, secretary of 3178  
state, and treasurer of state and agencies of the legislative and 3179

judicial branches are not subject to an audit under this section. 3180

3181

The auditor shall select each agency or institution to be 3182

audited and shall determine whether to audit the entire agency or 3183

institution or a portion of the agency or institution by auditing 3184

one or more programs, offices, boards, councils, or other entities 3185

within that agency or institution. The auditor shall make the 3186

selection and determination in consultation with the governor and 3187

the speaker and minority leader of the house of representatives 3188

and president and minority leader of the senate. 3189

An audit of a portion of an agency or institution shall be 3190

considered an audit of one agency or institution. The authority to 3191

audit a portion of an agency or institution in no way limits the 3192

auditor's ability to audit an entire agency or institution if it 3193

is in the best interest of the state. 3194

The performance audits under this section shall be conducted 3195

pursuant to sections 117.01 and 117.13 of the Revised Code. In 3196

conducting a performance audit, the auditor of state shall 3197

determine the scope of the audit, but shall consider, if 3198

appropriate, supervisory and subordinate level operations in the 3199

agency or institution. A performance audit under this section 3200

shall not include review or evaluation of an institution's 3201

academic performance. 3202

As used in this section and in sections 117.461, 117.462, 3203

117.463, and 117.47, ~~117.471, and 147.472~~ of the Revised Code, 3204

"state institution of higher education" has the meaning defined in 3205

section 3345.011 of the Revised Code. 3206

**Sec. 117.47.** There is hereby created in the state treasury 3207

the ~~leverage for efficiency, accountability, and performance~~ 3208

auditor's innovation fund. The auditor of state ~~shall~~ may use the 3209

fund to: 3210

~~(A) Make loans to state agencies, local public offices, and 3211  
state institutions of higher education that have applied to and 3212  
been approved by the auditor of state to receive the loans and to 3213  
pay the costs of conducting performance audits incurred by the 3214  
auditor of state; or 3215~~

~~(B) Pay the costs the auditor of state or the auditor's 3216  
auditing team incurs to conduct a feasibility study requested 3217  
under section 117.473 of the Revised Code for innovative audit, 3218  
accounting, or local government assistance services that improve 3219  
the quality or increase the range of services offered to local 3220  
governments and school districts. 3221~~

~~The fund shall consist of money appropriated to it plus the 3222  
repayments of principal and interest on loans made from the fund. 3223  
Interest earned on money in the fund shall be credited to the 3224  
fund. 3225~~

~~During a fiscal year, the auditor of state shall use not more 3226  
than fifty per cent of the fund to make loans under division (A) 3227  
of this section and not more than fifty per cent to pay costs 3228  
under division (B) of this section. 3229~~

**Sec. 117.473.** A state agency or local public office may 3230  
request that the auditor of state conduct a feasibility study to 3231  
determine if greater efficiency or cost savings could be realized 3232  
by the state agency or local public office sharing services or 3233  
facilities with other state agencies or local public offices. In 3234  
the request, the requesting state agency or local public office 3235  
shall identify for the auditor of state the specific state 3236  
agencies or local public offices that may be included within the 3237  
proposed plan for sharing services or facilities. The auditor of 3238  
state may proceed with a requested feasibility study at the 3239

discretion of the auditor of state. 3240

The auditor of state shall provide written notification to 3241  
each state agency and local public office that is identified in a 3242  
request. The auditor of state may review only those identified 3243  
state agencies or local public offices that do not opt out. To opt 3244  
out, a state agency or local public office shall provide an opt 3245  
out notice to the auditor of state within sixty days of the date 3246  
on which the auditor's notification to the state agency or local 3247  
public office is postmarked. If a state agency or local public 3248  
office opts out of a requested feasibility study, the auditor of 3249  
state, at the auditor's discretion, may cancel the feasibility 3250  
study or may proceed to conduct the feasibility study considering 3251  
only the identified state agencies and local public offices that 3252  
have not opted out. 3253

~~The auditing team that conducts performance audits shall 3254  
conduct the feasibility study requested by a state agency or local 3255  
public office as funds are allowed and available under section 3256  
117.47 of the Revised Code.~~ 3257

Not later than ten days before commencing a feasibility study 3258  
requested under this section, the auditor of state shall provide 3259  
written notice to the requesting state agency or local public 3260  
office, and any other state agency or local public office that 3261  
consented to being reviewed, of the date the study will be 3262  
commenced. 3263

The auditor of state shall pay the costs incurred by the 3264  
auditor or the auditing team in conducting feasibility studies 3265  
under this section. 3266

Not later than one hundred eighty days after completing a 3267  
feasibility study, the auditor of state shall conduct a public 3268  
hearing on the feasibility study findings. Not later than ten days 3269  
before the date of the public hearing, the auditor shall give 3270

notice of the date, time, and location of the public hearing in 3271  
writing to the state agency or local public office that requested 3272  
the feasibility study, to any other state agency or local public 3273  
office that consented to being reviewed, and on the auditor's web 3274  
site. 3275

**Sec. 119.01.** As used in sections 119.01 to 119.13 of the 3276  
Revised Code: 3277

(A)(1) "Agency" means, except as limited by this division, 3278  
any official, board, or commission having authority to promulgate 3279  
rules or make adjudications in the civil service commission, the 3280  
division of liquor control, the department of taxation, the 3281  
industrial commission, the bureau of workers' compensation, the 3282  
functions of any administrative or executive officer, department, 3283  
division, bureau, board, or commission of the government of the 3284  
state specifically made subject to sections 119.01 to 119.13 of 3285  
the Revised Code, and the licensing functions of any 3286  
administrative or executive officer, department, division, bureau, 3287  
board, or commission of the government of the state having the 3288  
authority or responsibility of issuing, suspending, revoking, or 3289  
canceling licenses. 3290

Sections 119.01 to 119.13 of the Revised Code do not apply to 3291  
the public utilities commission. Sections 119.01 to 119.13 of the 3292  
Revised Code do not apply to the utility radiological safety 3293  
board; to the controlling board; to actions of the superintendent 3294  
of financial institutions and the superintendent of insurance in 3295  
the taking possession of, and rehabilitation or liquidation of, 3296  
the business and property of banks, savings and loan associations, 3297  
savings banks, credit unions, insurance companies, associations, 3298  
reciprocal fraternal benefit societies, and bond investment 3299  
companies; to any action taken by the division of securities under 3300  
section 1707.201 of the Revised Code; or to any action that may be 3301

taken by the superintendent of financial institutions under 3302  
section 1113.03, 1121.06, 1121.10, 1125.09, 1125.12, 1125.18, 3303  
1349.33, 1733.35, 1733.361, 1733.37, or 1761.03 of the Revised 3304  
Code. 3305

Sections 119.01 to 119.13 of the Revised Code do not apply to 3306  
actions of the industrial commission or the bureau of workers' 3307  
compensation under sections 4123.01 to 4123.94 of the Revised Code 3308  
with respect to all matters of adjudication, or to the actions of 3309  
the industrial commission, bureau of workers' compensation board 3310  
of directors, and bureau of workers' compensation under division 3311  
(D) of section 4121.32, sections 4123.29, 4123.34, 4123.341, 3312  
4123.342, 4123.345, 4123.40, 4123.411, 4123.44, 4123.442, 4127.07, 3313  
divisions (B), (C), and (E) of section 4131.04, and divisions (B), 3314  
(C), and (E) of section 4131.14 of the Revised Code with respect 3315  
to all matters concerning the establishment of premium, 3316  
contribution, and assessment rates. 3317

(2) "Agency" also means any official or work unit having 3318  
authority to promulgate rules or make adjudications in the 3319  
department of job and family services, but only with respect to 3320  
both of the following: 3321

(a) The adoption, amendment, or rescission of rules that 3322  
section 5101.09 of the Revised Code requires be adopted in 3323  
accordance with this chapter; 3324

(b) The issuance, suspension, revocation, or cancellation of 3325  
licenses. 3326

(B) "License" means any license, permit, certificate, 3327  
commission, or charter issued by any agency. "License" does not 3328  
include any arrangement whereby a person or government entity 3329  
furnishes medicaid services under a provider agreement with the 3330  
department of medicaid. 3331

(C) "Rule" means any rule, regulation, or standard, having a 3332

general and uniform operation, adopted, promulgated, and enforced 3333  
by any agency under the authority of the laws governing such 3334  
agency, and includes any appendix to a rule. "Rule" does not 3335  
include any internal management rule of an agency unless the 3336  
internal management rule affects private rights and does not 3337  
include any guideline adopted pursuant to section 3301.0714 of the 3338  
Revised Code. 3339

(D) "Adjudication" means the determination by the highest or 3340  
ultimate authority of an agency of the rights, duties, privileges, 3341  
benefits, or legal relationships of a specified person, but does 3342  
not include the issuance of a license in response to an 3343  
application with respect to which no question is raised, nor other 3344  
acts of a ministerial nature. 3345

(E) "Hearing" means a public hearing by any agency in 3346  
compliance with procedural safeguards afforded by sections 119.01 3347  
to 119.13 of the Revised Code. 3348

(F) "Person" means a person, firm, corporation, association, 3349  
or partnership. 3350

(G) "Party" means the person whose interests are the subject 3351  
of an adjudication by an agency. 3352

(H) "Appeal" means the procedure by which a person, aggrieved 3353  
by a finding, decision, order, or adjudication of any agency, 3354  
invokes the jurisdiction of a court. 3355

(I) "Internal management rule" means any rule, regulation, or 3356  
standard governing the day-to-day staff procedures and operations 3357  
within an agency. 3358

**Sec. 119.05.** (A) As used in this section: 3359

(1) "Last known address" means the mailing address or the 3360  
electronic mail address appearing in an agency's official records. 3361

(2) "Traceable delivery service" means a delivery service 3362

provided by the United States postal service or a domestic 3363  
commercial delivery service allowing the sender to track a sent 3364  
item's progress and providing notice of a completed delivery to 3365  
the sender. 3366

(B) Unless otherwise provided by law, in an adjudication 3367  
conducted in accordance with sections 119.01 to 119.13 of the 3368  
Revised Code, an agency may serve a document on a party to the 3369  
adjudication through any of the following methods: 3370

(1) Electronic mail at the party's last known address; 3371

(2) Facsimile transmission at the party's facsimile number 3372  
appearing in the agency's official records; 3373

(3) Traceable delivery service at the party's last known 3374  
address; 3375

(4) Personal service at the party's last known address. 3376

(C) Service of a document using a method listed in division 3377  
(B) of this section is complete on the following dates: 3378

(1) For electronic mail, the date receipt of the document is 3379  
relayed electronically to the agency either by a direct reply from 3380  
the recipient or through electronic tracking software 3381  
demonstrating that the recipient accessed the document. 3382

(2) For facsimile transmission, the date indicated on the 3383  
facsimile transmission confirmation page. 3384

(3) For traceable delivery service, the date of delivery 3385  
indicated on the notice of completed delivery provided to the 3386  
agency by the United States postal service or domestic commercial 3387  
delivery service. 3388

(4) For personal service, the date indicated on a document 3389  
confirming physical delivery signed by either the intended 3390  
recipient, an adult located at the intended recipient's address, 3391  
or delivery personnel. 3392

(D) If an agency fails to complete service under division (C) of this section using a party's last known address or facsimile number, the agency may complete service by any method described in division (B) of this section at an alternative address or facsimile number. The agency shall verify the alternative address or number as current before service. If an agency completes service at an alternative address, the agency is not required to complete service under division (E) of this section.

(E) If an agency is unable to complete service using a method described in division (B) of this section, the agency shall publish a summary of the notice's substantive provisions in a newspaper of general circulation in the county where the last known address of the party is located. Notice by publication under this division is complete on the date of publication. An agency that completes service by publication under this division shall send a proof of publication affidavit, with the publication of the notice set forth in the affidavit, to the party by ordinary mail at the party's last known address.

**Sec. 119.06.** No adjudication order of an agency shall be valid unless the agency is specifically authorized by law to make such order.

No adjudication order shall be valid unless an opportunity for a hearing is afforded in accordance with sections 119.01 to 119.13 of the Revised Code. Such opportunity for a hearing shall be given before making the adjudication order except in those situations where this section provides otherwise.

The following adjudication orders shall be effective without a hearing:

(A) Orders revoking a license in cases where an agency is required by statute to revoke a license pursuant to the judgment of a court;

(B) Orders suspending a license where a statute specifically 3424  
permits the suspension of a license without a hearing; 3425

(C) Orders or decisions of an authority within an agency if 3426  
the rules of the agency or the statutes pertaining to such agency 3427  
specifically give a right of appeal to a higher authority within 3428  
such agency, to another agency, or to the board of tax appeals, 3429  
and also give the appellant a right to a hearing on such appeal. 3430

When a statute permits the suspension of a license without a 3431  
prior hearing, any agency issuing an order pursuant to such 3432  
statute shall afford the person to whom the order is issued a 3433  
hearing upon request. 3434

Whenever an agency claims that a person is required by 3435  
statute to obtain a license, it shall afford a hearing upon the 3436  
request of a person who claims that the law does not impose such a 3437  
requirement. 3438

Every agency shall afford a hearing upon the request of any 3439  
person who has been refused admission to an examination where such 3440  
examination is a prerequisite to the issuance of a license unless 3441  
a hearing was held prior to such refusal. 3442

Unless a hearing was held prior to the refusal to issue the 3443  
license, every agency shall afford a hearing upon the request of a 3444  
person whose application for a license has been rejected and to 3445  
whom the agency has refused to issue a license, whether it is a 3446  
renewal or a new license, except that the following are not 3447  
required to afford a hearing to a person to whom a new license has 3448  
been refused because the person failed a licensing examination: 3449  
the state medical board, state chiropractic board, architects 3450  
board, Ohio landscape architects board, and any section of the 3451  
Ohio occupational therapy, physical therapy, and athletic trainers 3452  
board. 3453

When periodic registration of licenses is required by law, 3454

the agency shall afford a hearing upon the request of any licensee 3455  
whose registration has been denied, unless a hearing was held 3456  
prior to such denial. 3457

When periodic registration of licenses or renewal of licenses 3458  
is required by law, a licensee who has filed an application for 3459  
registration or renewal within the time and in the manner provided 3460  
by statute or rule of the agency shall not be required to 3461  
discontinue a licensed business or profession merely because of 3462  
the failure of the agency to act on the licensee's application. 3463  
~~Action of an agency rejecting any such~~ An agency's rejection of an 3464  
application for registration or renewal shall not be effective 3465  
~~prior to fifteen days~~ until the fifteenth day after the notice of 3466  
the rejection is mailed to the licensee. 3467

**Sec. 119.062.** (A) Notwithstanding section 119.06 of the 3468  
Revised Code, the registrar of motor vehicles is not required to 3469  
hold any hearing in connection with an order canceling or 3470  
suspending a motor vehicle driver's or commercial driver's license 3471  
pursuant to section 2903.06, 2903.08, 2921.331, 4549.02, 4549.021, 3472  
or 5743.99 or any provision of Chapter 2925., 4509., 4510., or 3473  
4511. of the Revised Code or in connection with an out-of-service 3474  
order issued under Chapter 4506. of the Revised Code. 3475

(B) Notwithstanding section 119.07 of the Revised Code, the 3476  
registrar is not required to ~~use registered mail, return receipt~~ 3477  
~~requested,~~ comply with section 119.05 of the Revised Code in 3478  
connection with an order canceling or suspending a motor vehicle 3479  
driver's or commercial driver's license or a notification to a 3480  
person to surrender a certificate of registration and registration 3481  
plates. 3482

**Sec. 119.07.** Except when a statute prescribes a notice and 3483  
the persons to whom it shall be given, in all cases in which 3484

section 119.06 of the Revised Code requires an agency to afford an opportunity for a hearing prior to the issuance of an order, the agency shall give notice to the party informing the party of the party's right to a hearing. Notice shall be ~~given by registered mail, return receipt requested,~~ served in accordance with section 119.05 of the Revised Code and shall include the charges or other reasons for the proposed action, the law or rule directly involved, and a statement informing the party that the party is entitled to a hearing if the party requests it within thirty days of the time of ~~mailing the notice~~ service. The notice shall also inform the party that at the hearing the party may appear in person, by the party's attorney, or by such other representative as is permitted to practice before the agency, or may present the party's position, arguments, or contentions in writing and that at the hearing the party may present evidence and examine witnesses appearing for and against the party. A copy of the notice shall be ~~mailed~~ provided to attorneys or other representatives of record representing the party. This paragraph does not apply to situations in which such section provides for a hearing only when it is requested by the party.

When a statute specifically permits the suspension of a license without a prior hearing, notice of the agency's order shall be ~~sent to~~ served on the party ~~by registered mail, return receipt requested,~~ in accordance with section 119.05 of the Revised Code not later than the business day next succeeding such order. The notice shall state the reasons for the agency's action, cite the law or rule directly involved, and state that the party will be afforded a hearing if the party requests it within thirty days of the ~~time of mailing the~~ date on which notice is served. A copy of the notice shall be ~~mailed~~ provided to attorneys or other representatives of record representing the party.

Whenever a party requests a hearing in accordance with this

section and section 119.06 of the Revised Code, the agency shall 3517  
immediately set the date, time, and place for the hearing and 3518  
~~forthwith notify~~ serve the party ~~thereof~~ with notice of the 3519  
hearing. The date set for the hearing shall be within fifteen 3520  
days, but not earlier than seven days, after the party has 3521  
requested a hearing, unless otherwise agreed to by both the agency 3522  
and the party. 3523

~~When any notice sent by registered mail, as required by 3524  
sections 119.01 to 119.13 of the Revised Code, is returned because 3525  
the party fails to claim the notice, the agency shall send the 3526  
notice by ordinary mail to the party at the party's last known 3527  
address and shall obtain a certificate of mailing. Service by 3528  
ordinary mail is complete when the certificate of mailing is 3529  
obtained unless the notice is returned showing failure of 3530  
delivery. 3531~~

~~If any notice sent by registered or ordinary mail is returned 3532  
for failure of delivery, the agency either shall make personal 3533  
delivery of the notice by an employee or agent of the agency or 3534  
shall cause a summary of the substantive provisions of the notice 3535  
to be published once a week for three consecutive weeks in a 3536  
newspaper of general circulation in the county where the last 3537  
known address of the party is located. When notice is given by 3538  
publication, a proof of publication affidavit, with the first 3539  
publication of the notice set forth in the affidavit, shall be 3540  
mailed by ordinary mail to the party at the party's last known 3541  
address and the notice shall be deemed received as of the date of 3542  
the last publication. An employee or agent of the agency may make 3543  
personal delivery of the notice upon a party at any time. 3544~~

~~Refusal of delivery by personal service or by mail is not 3545  
failure of delivery and service is deemed to be complete. Failure 3546  
of delivery occurs only when a mailed notice is returned by the 3547  
postal authorities marked undeliverable, address or addressee 3548~~

~~unknown, or forwarding address unknown or expired. A party's last 3549  
known address is the mailing address of the party appearing in the 3550  
records of the agency. 3551~~

The failure of an agency to ~~give~~ serve the notices for any 3552  
hearing required by sections 119.01 to 119.13 of the Revised Code 3553  
in the manner provided in ~~this~~ section 119.05 of the Revised Code 3554  
shall invalidate any order entered pursuant to the hearing. 3555

**Sec. 119.09.** As used in this section "stenographic record" 3556  
means a record provided by stenographic means or by the use of 3557  
audio electronic recording devices, as the agency determines. 3558

For the purpose of conducting any adjudication hearing 3559  
required by sections 119.01 to 119.13 of the Revised Code, the 3560  
agency may require the attendance of such witnesses and the 3561  
production of such books, records, and papers as it desires, and 3562  
it may take the depositions of witnesses residing within or 3563  
without the state in the same manner as is prescribed by law for 3564  
the taking of depositions in civil actions in the court of common 3565  
pleas, and for that purpose the agency may, and upon the request 3566  
of any party receiving notice of the hearing as required by 3567  
section 119.07 of the Revised Code shall, issue a subpoena for any 3568  
witness or a subpoena duces tecum to compel the production of any 3569  
books, records, or papers, directed to the sheriff of the county 3570  
where such witness resides or is found, which shall be served and 3571  
returned in the same manner as a subpoena in a criminal case is 3572  
served and returned. The sheriff shall be paid the same fees for 3573  
services as are allowed in the court of common pleas in criminal 3574  
cases. Witnesses shall be paid the fees and mileage provided for 3575  
under section 119.094 of the Revised Code. Fees and mileage shall 3576  
be paid from the fund in the state treasury for the use of the 3577  
agency in the same manner as other expenses of the agency are 3578  
paid. 3579

An agency may postpone or continue any adjudication hearing 3580  
upon the application of any party or upon its own motion. 3581

In any case of disobedience or neglect of any subpoena served 3582  
on any person or the refusal of any witness to testify to any 3583  
matter regarding which the witness may lawfully be interrogated, 3584  
the court of common pleas of any county where such disobedience, 3585  
neglect, or refusal occurs or any judge thereof, on application by 3586  
the agency shall compel obedience by attachment proceedings for 3587  
contempt, as in the case of disobedience of the requirements of a 3588  
subpoena issued from such court, or a refusal to testify therein. 3589

At any adjudication hearing required by sections 119.01 to 3590  
119.13 of the Revised Code, the record of which may be the basis 3591  
of an appeal to court, a stenographic record of the testimony and 3592  
other evidence submitted shall be taken at the expense of the 3593  
agency. Such record shall include all of the testimony and other 3594  
evidence, and rulings on the admissibility thereof presented at 3595  
the hearing. This paragraph does not require a stenographic record 3596  
at every adjudication hearing. In any situation where an 3597  
adjudication hearing is required by sections 119.01 to 119.13 of 3598  
the Revised Code, if an adjudication order is made without a 3599  
stenographic record of the hearing, the agency shall, on request 3600  
of the party, afford a hearing or rehearing for the purpose of 3601  
making such a record which may be the basis of an appeal to court. 3602  
The rules of an agency may specify the situations in which a 3603  
stenographic record will be made only on request of the party; 3604  
otherwise such a record shall be made at every adjudication 3605  
hearing from which an appeal to court might be taken. 3606

The agency shall pass upon the admissibility of evidence, but 3607  
a party may at the time make objection to the rulings of the 3608  
agency thereon, and if the agency refuses to admit evidence, the 3609  
party offering the same shall make a proffer thereof, and such 3610  
proffer shall be made a part of the record of such hearing. 3611

In any adjudication hearing required by sections 119.01 to 3612  
119.13 of the Revised Code, the agency may call any party to 3613  
testify under oath as upon cross-examination. 3614

The agency, or any one delegated by it to conduct an 3615  
adjudication hearing, may administer oaths or affirmations. 3616

In any adjudication hearing required by sections 119.01 to 3617  
119.13 of the Revised Code, the agency may appoint a referee or 3618  
examiner to conduct the hearing. The referee or examiner shall 3619  
have the same powers and authority in conducting the hearing as is 3620  
granted to the agency. Such referee or examiner shall have been 3621  
admitted to the practice of law in the state and be possessed of 3622  
such additional qualifications as the agency requires. The referee 3623  
or examiner shall submit to the agency a written report setting 3624  
forth the referee's or examiner's findings of fact and conclusions 3625  
of law and a recommendation of the action to be taken by the 3626  
agency. A copy of such written report and recommendation of the 3627  
referee or examiner shall within five days of the date ~~of filing~~ 3628  
~~thereof it is submitted to the agency~~, be served upon the party or 3629  
the party's attorney or other representative of record, ~~by~~ 3630  
~~certified mail in accordance with section 119.05 of the Revised~~ 3631  
Code. The party may, within ten days of ~~receipt of such copy~~ 3632  
service of such written report and recommendation, file with the 3633  
agency written objections to the report and recommendation, which 3634  
objections shall be considered by the agency before approving, 3635  
modifying, or disapproving the recommendation. The agency may 3636  
grant extensions of time to the party within which to file such 3637  
objections. No recommendation of the referee or examiner shall be 3638  
approved, modified, or disapproved by the agency until after ten 3639  
days after service of such report and recommendation ~~as provided~~ 3640  
~~in this section~~. The agency may order additional testimony to be 3641  
taken or permit the introduction of further documentary evidence. 3642  
The recommendation of the referee or examiner may be approved, 3643

modified, or disapproved by the agency, and the order of the 3644  
agency based on such report, recommendation, transcript of 3645  
testimony and evidence, or objections of the parties, and 3646  
additional testimony and evidence shall have the same effect as if 3647  
such hearing had been conducted by the agency. No such 3648  
recommendation shall be final until confirmed and approved by the 3649  
agency as indicated by the order entered on its record of 3650  
proceedings, and if the agency modifies or disapproves the 3651  
recommendations of the referee or examiner it shall include in the 3652  
record of its proceedings the reasons for such modification or 3653  
disapproval. 3654

After such order is entered on its journal, the agency shall, 3655  
in accordance with section 119.05 of the Revised Code, serve ~~by~~ 3656  
~~certified mail, return receipt requested, upon~~ the party affected 3657  
thereby, a certified copy of the order and a statement of the time 3658  
and method by which an appeal may be perfected. A copy of such 3659  
order shall be ~~mailed~~ provided to the attorneys or other 3660  
representatives of record representing the party. 3661

**Sec. 119.092.** (A) As used in this section: 3662

(1) "Eligible party" means a party to an adjudication hearing 3663  
other than the following: 3664

(a) The agency; 3665

(b) An individual whose net worth exceeded one million 3666  
dollars at the time ~~he~~ the individual received notification of the 3667  
hearing; 3668

(c) A sole owner of an unincorporated business that had, or a 3669  
partnership, corporation, association, or organization that had, a 3670  
net worth exceeding five million dollars at the time the party 3671  
received notification of the hearing, except that an organization 3672  
that is described in subsection 501(c)(3) and is tax exempt under 3673

subsection 501(a) of the Internal Revenue Code, shall not be 3674  
excluded as an eligible party under this division because of its 3675  
net worth; 3676

(d) A sole owner of an unincorporated business that employed, 3677  
or a partnership, corporation, association, or organization that 3678  
employed, more than five hundred persons at the time the party 3679  
received notification of the hearing. 3680

(2) "Fees" means reasonable attorney's fees, in an amount not 3681  
to exceed seventy-five dollars per hour or a higher hourly fee 3682  
that the agency establishes by rule and that is applicable under 3683  
the circumstances. 3684

(3) "Internal Revenue Code" means the "Internal Revenue Code 3685  
of 1954," 68A Stat. 3, 26 U.S.C. 1, as amended. 3686

(4) "Prevailing eligible party" means an eligible party that 3687  
prevails after an adjudication hearing, as reflected in an order 3688  
entered in the journal of the agency. 3689

(B)(1) Except as provided in divisions (B)(2) and (F) of this 3690  
section, if an agency conducts an adjudication hearing under this 3691  
chapter, the prevailing eligible party is entitled, upon filing a 3692  
motion in accordance with this division, to compensation for fees 3693  
incurred by that party in connection with the hearing. A 3694  
prevailing eligible party that desires an award of compensation 3695  
for fees shall file a motion requesting the award with the agency 3696  
within thirty days after the date that the order of the agency is 3697  
entered in its journal. The motion shall do all of the following: 3698

(a) Identify the party; 3699

(b) Indicate that the party is the prevailing eligible party 3700  
and is entitled to receive an award of compensation for fees; 3701

(c) Include a statement that the agency's position in 3702  
initiating the matter in controversy was not substantially 3703

justified; 3704

(d) Indicate the amount sought as an award; 3705

(e) Itemize all fees sought in the requested award. This 3706  
itemization shall include a statement from any attorney who 3707  
represented the prevailing eligible party, that indicates the fees 3708  
charged, the actual time expended, and the rate at which the fees 3709  
were calculated. 3710

(2) Upon the filing of a motion under this section, the 3711  
request for the award shall be reviewed by the referee or examiner 3712  
who conducted the adjudication hearing or, if none, by the agency 3713  
involved. In the review, the referee, examiner, or agency shall 3714  
determine whether the fees incurred by the prevailing eligible 3715  
party exceeded one hundred dollars, whether the position of the 3716  
agency in initiating the matter in controversy was substantially 3717  
justified, whether special circumstances make an award unjust, and 3718  
whether the prevailing eligible party engaged in conduct during 3719  
the course of the hearing that unduly and unreasonably protracted 3720  
the final resolution of the matter in controversy. The referee, 3721  
examiner, or agency shall issue a determination, in writing, on 3722  
the motion of the prevailing eligible party, which determination 3723  
shall include a statement indicating whether an award has been 3724  
granted, the findings and conclusions underlying it, the reasons 3725  
or bases for the findings and conclusions, and, if an award has 3726  
been granted, its amount. The determination shall be entered in 3727  
the record of the prevailing eligible party's case, and a copy of 3728  
it ~~mailed to~~ served on the prevailing eligible party in accordance 3729  
with section 119.05 of the Revised Code. 3730

With respect to a motion under this section, the agency 3731  
involved, through any representative it designates, has the burden 3732  
of proving that its position in initiating the matter in 3733  
controversy was substantially justified, that special 3734  
circumstances make an award unjust, or that the prevailing 3735

eligible party engaged in conduct during the course of the hearing 3736  
that unduly and unreasonably protracted the final resolution of 3737  
the matter in controversy. A referee, examiner, or agency 3738  
considering a motion under this section may deny an award 3739  
entirely, or reduce the amount of an award that otherwise would be 3740  
payable, to a prevailing eligible party only as follows: 3741

(a) If the determination is that the agency has sustained its 3742  
burden of proof that its position in initiating the matter in 3743  
controversy was substantially justified or that special 3744  
circumstances make an award unjust, the motion shall be denied; 3745

(b) If the determination is that the agency has sustained its 3746  
burden of proof that the prevailing eligible party engaged in 3747  
conduct during the course of the hearing that unduly and 3748  
unreasonably protracted the final resolution of the matter in 3749  
controversy, the referee, examiner, or agency may reduce the 3750  
amount of an award, or deny an award, to that party to the extent 3751  
of that conduct; 3752

(c) If the determination is that the fees of the prevailing 3753  
eligible party were not in excess of one hundred dollars, the 3754  
referee, agency, or examiner shall deny the motion. 3755

(3) For purposes of this section, decisions by referees or 3756  
examiners upon motions are final and are not subject to review and 3757  
approval by an agency. These decisions constitute final 3758  
determinations of the agency for purposes of appeals under 3759  
division (C) of this section. 3760

(C) A prevailing eligible party that files a motion for an 3761  
award of compensation for fees under this section and that is 3762  
denied an award or receives a reduced award may appeal the 3763  
determination of the referee, examiner, or agency to the same 3764  
court, as determined under section 119.12 of the Revised Code, as 3765  
the party could have appealed the adjudication order of the agency 3766

had the party been adversely affected by it. An agency may appeal 3767  
the grant of an award to this same court if a referee or examiner 3768  
made the final determination pursuant to division (B)(3) of this 3769  
section. Notices of appeal shall be filed in the manner and within 3770  
the period specified in section 119.12 of the Revised Code. 3771

Upon the filing of an appeal under this division, the agency 3772  
shall prepare and certify to the court involved a complete record 3773  
of the case, and the court shall conduct a hearing on the appeal. 3774  
The agency and the court shall do so in accordance with the 3775  
procedures established in section 119.12 of the Revised Code for 3776  
appeals pursuant to that section, unless otherwise provided in 3777  
this division. 3778

The court hearing an appeal under this division may modify 3779  
the determination of the referee, examiner, or agency with respect 3780  
to the motion for compensation for fees only if the court finds 3781  
that the failure to grant an award, or the calculation of the 3782  
amount of an award, involved an abuse of discretion. The judgment 3783  
of the court is final and not appealable, and a copy of it shall 3784  
be certified to the agency involved and the prevailing eligible 3785  
party. 3786

(D) Compensation for fees awarded to a prevailing eligible 3787  
party under this section may be paid by an agency from any funds 3788  
available to it for payment of such compensation. If an agency 3789  
does not pay compensation from such funds or no such funds are 3790  
available, upon the filing of a referee's, examiner's, agency's, 3791  
or court's determination or judgment in favor of the prevailing 3792  
eligible party with the clerk of the court of claims, the 3793  
determination or judgment awarding compensation for fees shall be 3794  
treated as if it were a judgment under Chapter 2743. of the 3795  
Revised Code and be payable in accordance with the procedures 3796  
specified in section 2743.19 of the Revised Code, except that 3797  
interest shall not be paid in relation to the award. 3798

(E) Each agency that is required to pay compensation for fees to a prevailing eligible party pursuant to this section during any fiscal year shall prepare a report for that year. The report shall be completed no later than the first day of October of the fiscal year following the fiscal year covered by the report, and copies of it shall be filed with the general assembly. It shall contain the following information for the covered fiscal year:

(1) The total amount and total number of the awards of compensation for fees required to be paid by the agency;

(2) The amount and nature of each individual award that the agency was required to pay;

(3) Any other relevant information that may aid the general assembly in evaluating the scope and impact of awards of compensation for fees.

(F) The provisions of this section do not apply when any of the following circumstances are involved:

(1) An adjudication hearing was conducted for the purpose of establishing or fixing a rate;

(2) An adjudication hearing was conducted for the purpose of determining the eligibility or entitlement of any individual to benefits;

(3) A prevailing eligible party was represented in an adjudication hearing by an attorney who was paid pursuant to an appropriation by the federal or state government or a local government;

(4) An adjudication hearing was conducted by the state personnel board of review pursuant to authority conferred by section 124.03 of the Revised Code, or by the state employment relations board pursuant to authority conferred by Chapter 4117. of the Revised Code.

Sec. 119.12. (A)(1) Except as provided in division (A)(2) or 3829  
(3) of this section, any party adversely affected by any order of 3830  
an agency issued pursuant to an adjudication denying an applicant 3831  
admission to an examination, or denying the issuance or renewal of 3832  
a license or registration of a licensee, or revoking or suspending 3833  
a license, or allowing the payment of a forfeiture under section 3834  
4301.252 of the Revised Code may appeal from the order of the 3835  
agency to the court of common pleas of the county in which the 3836  
place of business of the licensee is located or the county in 3837  
which the licensee is a resident. 3838

(2) An appeal from an order described in division (A)(1) of 3839  
this section issued by any of the following agencies shall be made 3840  
to the court of common pleas of Franklin county: 3841

(a) The liquor control commission; 3842

(b) The Ohio casino control commission; 3843

(c) The state medical board; 3844

~~(e)~~(d) The state chiropractic board; 3845

~~(d)~~(e) The board of nursing; 3846

~~(e)~~(f) The bureau of workers' compensation regarding 3847  
participation in the health partnership program created in 3848  
sections 4121.44 and 4121.441 of the Revised Code. 3849

(3) If any party appealing from an order described in 3850  
division (A)(1) of this section is not a resident of and has no 3851  
place of business in this state, the party may appeal to the court 3852  
of common pleas of Franklin county. 3853

(B) Any party adversely affected by any order of an agency 3854  
issued pursuant to any other adjudication may appeal to the court 3855  
of common pleas of Franklin county, except that appeals from 3856  
orders of the fire marshal issued under Chapter 3737. of the 3857  
Revised Code may be to the court of common pleas of the county in 3858

which the building of the aggrieved person is located and except 3859  
that appeals under division (B) of section 124.34 of the Revised 3860  
Code from a decision of the state personnel board of review or a 3861  
municipal or civil service township civil service commission shall 3862  
be taken to the court of common pleas of the county in which the 3863  
appointing authority is located or, in the case of an appeal by 3864  
the department of rehabilitation and correction, to the court of 3865  
common pleas of Franklin county. 3866

(C) This section does not apply to appeals from the 3867  
department of taxation. 3868

(D) Any party desiring to appeal shall file a notice of 3869  
appeal with the agency setting forth the order appealed from and 3870  
stating that the agency's order is not supported by reliable, 3871  
probative, and substantial evidence and is not in accordance with 3872  
law. The notice of appeal may, but need not, set forth the 3873  
specific grounds of the party's appeal beyond the statement that 3874  
the agency's order is not supported by reliable, probative, and 3875  
substantial evidence and is not in accordance with law. The notice 3876  
of appeal shall also be filed by the appellant with the court. In 3877  
filing a notice of appeal with the agency or court, the notice 3878  
that is filed may be either the original notice or a copy of the 3879  
original notice. Unless otherwise provided by law relating to a 3880  
particular agency, notices of appeal shall be filed within fifteen 3881  
days after the ~~mailing~~ service of the notice of the agency's order 3882  
as provided in ~~this~~ section 119.05 of the Revised Code. For 3883  
purposes of this paragraph, an order includes a determination 3884  
appealed pursuant to division (C) of section 119.092 of the 3885  
Revised Code. The amendments made to this paragraph by Sub. H.B. 3886  
215 of the 128th general assembly are procedural, and this 3887  
paragraph as amended by those amendments shall be applied 3888  
retrospectively to all appeals pursuant to this paragraph filed 3889  
before September 13, 2010, but not earlier than May 7, 2009, which 3890

was the date the supreme court of Ohio released its opinion and 3891  
judgment in *Medcorp, Inc. v. Ohio Dep't. of Job and Family Servs.* 3892  
(2009), 121 Ohio St.3d 622. 3893

(E) The filing of a notice of appeal shall not automatically 3894  
operate as a suspension of the order of an agency. If it appears 3895  
to the court that an unusual hardship to the appellant will result 3896  
from the execution of the agency's order pending determination of 3897  
the appeal, the court may grant a suspension and fix its terms. If 3898  
an appeal is taken from the judgment of the court and the court 3899  
has previously granted a suspension of the agency's order as 3900  
provided in this section, the suspension of the agency's order 3901  
shall not be vacated and shall be given full force and effect 3902  
until the matter is finally adjudicated. No renewal of a license 3903  
or permit shall be denied by reason of the suspended order during 3904  
the period of the appeal from the decision of the court of common 3905  
pleas. In the case of an appeal from the Ohio casino control 3906  
commission, the state medical board, or the state chiropractic 3907  
board, the court may grant a suspension and fix its terms if it 3908  
appears to the court that an unusual hardship to the appellant 3909  
will result from the execution of the agency's order pending 3910  
determination of the appeal and the health, safety, and welfare of 3911  
the public will not be threatened by suspension of the order. This 3912  
provision shall not be construed to limit the factors the court 3913  
may consider in determining whether to suspend an order of any 3914  
other agency pending determination of an appeal. 3915

(F) The final order of adjudication may apply to any renewal 3916  
of a license or permit which has been granted during the period of 3917  
the appeal. 3918

(G) Notwithstanding any other provision of this section, any 3919  
order issued by a court of common pleas or a court of appeals 3920  
suspending the effect of an order of the liquor control commission 3921  
issued pursuant to Chapter 4301. or 4303. of the Revised Code that 3922

suspends, revokes, or cancels a permit issued under Chapter 4303. 3923  
of the Revised Code or that allows the payment of a forfeiture 3924  
under section 4301.252 of the Revised Code shall terminate not 3925  
more than six months after the date of the filing of the record of 3926  
the liquor control commission with the clerk of the court of 3927  
common pleas and shall not be extended. The court of common pleas, 3928  
or the court of appeals on appeal, shall render a judgment in that 3929  
matter within six months after the date of the filing of the 3930  
record of the liquor control commission with the clerk of the 3931  
court of common pleas. A court of appeals shall not issue an order 3932  
suspending the effect of an order of the liquor control commission 3933  
that extends beyond six months after the date on which the record 3934  
of the liquor control commission is filed with a court of common 3935  
pleas. 3936

(H) Notwithstanding any other provision of this section, any 3937  
order issued by a court of common pleas or a court of appeals 3938  
suspending the effect of an order of the Ohio casino control 3939  
commission issued under Chapter 3772. of the Revised Code that 3940  
limits, conditions, restricts, suspends, revokes, denies, not 3941  
renews, fines, or otherwise penalizes an applicant, licensee, or 3942  
person excluded or ejected from a casino facility in accordance 3943  
with section 3772.031 of the Revised Code shall terminate not more 3944  
than six months after the date of the filing of the record of the 3945  
Ohio casino control commission with the clerk of the court of 3946  
common pleas and shall not be extended. The court of common pleas, 3947  
or the court of appeals on appeal, shall render a judgment in that 3948  
matter within six months after the date of the filing of the 3949  
record of the Ohio casino control commission with the clerk of the 3950  
court of common pleas. A court of appeals shall not issue an order 3951  
suspending the effect of an order of the Ohio casino control 3952  
commission that extends beyond six months after the date on which 3953  
the record of the Ohio casino control commission is filed with the 3954  
clerk of a court of common pleas. 3955

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

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

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

required to prepare or transcribe the record of any of its 3988  
proceedings unless the appellant has provided the deposit 3989  
described above. The failure of the board to prepare or transcribe 3990  
a record for an appellant who has not provided a security deposit 3991  
shall not cause a court to enter a finding adverse to the board. 3992

~~(K)~~(L) Unless otherwise provided by law, in the hearing of 3993  
the appeal, the court is confined to the record as certified to it 3994  
by the agency. Unless otherwise provided by law, the court may 3995  
grant a request for the admission of additional evidence when 3996  
satisfied that the additional evidence is newly discovered and 3997  
could not with reasonable diligence have been ascertained prior to 3998  
the hearing before the agency. 3999

~~(I)~~(M) The court shall conduct a hearing on the appeal and 4000  
shall give preference to all proceedings under sections 119.01 to 4001  
119.13 of the Revised Code, over all other civil cases, 4002  
irrespective of the position of the proceedings on the calendar of 4003  
the court. An appeal from an order of the state medical board 4004  
issued pursuant to division (G) of either section 4730.25 or 4005  
4731.22 of the Revised Code, the state chiropractic board issued 4006  
pursuant to section 4734.37 of the Revised Code, the liquor 4007  
control commission issued pursuant to Chapter 4301. or 4303. of 4008  
the Revised Code, or the Ohio casino control commission issued 4009  
pursuant to Chapter 3772. of the Revised Code shall be set down 4010  
for hearing at the earliest possible time and takes precedence 4011  
over all other actions. The hearing in the court of common pleas 4012  
shall proceed as in the trial of a civil action, and the court 4013  
shall determine the rights of the parties in accordance with the 4014  
laws applicable to a civil action. At the hearing, counsel may be 4015  
heard on oral argument, briefs may be submitted, and evidence may 4016  
be introduced if the court has granted a request for the 4017  
presentation of additional evidence. 4018

~~(M)~~(N) The court may affirm the order of the agency 4019

complained of in the appeal if it finds, upon consideration of the 4020  
entire record and any additional evidence the court has admitted, 4021  
that the order is supported by reliable, probative, and 4022  
substantial evidence and is in accordance with law. In the absence 4023  
of this finding, it may reverse, vacate, or modify the order or 4024  
make such other ruling as is supported by reliable, probative, and 4025  
substantial evidence and is in accordance with law. The court 4026  
shall award compensation for fees in accordance with section 4027  
2335.39 of the Revised Code to a prevailing party, other than an 4028  
agency, in an appeal filed pursuant to this section. 4029

~~(N)~~(O) The judgment of the court shall be final and 4030  
conclusive unless reversed, vacated, or modified on appeal. These 4031  
appeals may be taken either by the party or the agency, shall 4032  
proceed as in the case of appeals in civil actions, and shall be 4033  
pursuant to the Rules of Appellate Procedure and, to the extent 4034  
not in conflict with those rules, Chapter 2505. of the Revised 4035  
Code. An appeal by the agency shall be taken on questions of law 4036  
relating to the constitutionality, construction, or interpretation 4037  
of statutes and rules of the agency, and, in the appeal, the court 4038  
may also review and determine the correctness of the judgment of 4039  
the court of common pleas that the order of the agency is not 4040  
supported by any reliable, probative, and substantial evidence in 4041  
the entire record. 4042

The court shall certify its judgment to the agency or take 4043  
any other action necessary to give its judgment effect. 4044

**Sec. 120.04.** (A) The state public defender shall serve at the 4045  
pleasure of the Ohio public defender commission and shall be an 4046  
attorney with a minimum of four years of experience in the 4047  
practice of law and be admitted to the practice of law in this 4048  
state at least one year prior to appointment. 4049

(B) The state public defender shall do all of the following: 4050

(1) Maintain a central office in Columbus. The central office shall be provided with a library of adequate size, considering the needs of the office and the accessibility of other libraries, and other necessary facilities and equipment.

(2) Appoint assistant state public defenders, all of whom shall be attorneys admitted to the practice of law in this state, and other personnel necessary for the operation of the state public defender office. Assistant state public defenders shall be appointed on a full-time basis. The state public defender, assistant state public defenders, and employees appointed by the state public defender shall not engage in the private practice of law.

(3) Supervise the compliance of county public defender offices, joint county public defender offices, and county appointed counsel systems with standards established by rules of the Ohio public defender commission pursuant to division (B) of section 120.03 of the Revised Code;

(4) Keep and maintain financial records of all cases handled and develop records for use in the calculation of direct and indirect costs, in the operation of the office, and report periodically, but not less than annually, to the commission on all relevant data on the operations of the office, costs, projected needs, and recommendations for legislation or amendments to court rules, as may be appropriate to improve the criminal justice system;

(5) Collect all moneys due the state for reimbursement for legal services under this chapter and under section 2941.51 of the Revised Code and institute any actions in court on behalf of the state for the collection of such sums that the state public defender considers advisable. Except as provided otherwise in division (D) of section 120.06 of the Revised Code, all moneys collected by the state public defender under this chapter and

section 2941.51 of the Revised Code shall be deposited in the 4083  
state treasury to the credit of the client payment fund, which is 4084  
hereby created. All moneys credited to the fund shall be used by 4085  
the state public defender to appoint assistant state public 4086  
defenders and to provide other personnel, equipment, and 4087  
facilities necessary for the operation of the state public 4088  
defender office, to reimburse counties for the operation of county 4089  
public defender offices, joint county public defender offices, and 4090  
county appointed counsel systems pursuant to sections 120.18, 4091  
120.28, and 120.33 of the Revised Code, or to provide assistance 4092  
to counties in the operation of county indigent defense systems. 4093

(6) With respect to funds appropriated to the commission to 4094  
pay criminal costs, perform the duties imposed by sections 2949.19 4095  
and 2949.201 of the Revised Code; 4096

(7) Establish standards and guidelines for the reimbursement, 4097  
pursuant to sections 120.18, 120.28, 120.33, 2941.51, and 2949.19 4098  
of the Revised Code, of counties for the operation of county 4099  
public defender offices, joint county public defender offices, and 4100  
county appointed counsel systems and for other costs related to 4101  
felony prosecutions; 4102

(8) Establish maximum amounts that the state will reimburse 4103  
the counties pursuant to sections 120.18, 120.28, 120.33, and 4104  
2941.51 of the Revised Code; 4105

(9) Establish maximum amounts that the state will reimburse 4106  
the counties pursuant to section 120.33 of the Revised Code for 4107  
each specific type of legal service performed by a county 4108  
appointed counsel system; 4109

(10) Administer sections 120.18, 120.28, 120.33, 2941.51, and 4110  
2949.19 of the Revised Code and make reimbursements pursuant to 4111  
those sections; 4112

(11) Administer the program established pursuant to sections 4113

120.51 to 120.55 of the Revised Code for the charitable public 4114  
purpose of providing financial assistance to legal aid societies. 4115  
Neither the state public defender nor any of the state public 4116  
defender's employees who is responsible in any way for the 4117  
administration of that program and who performs those 4118  
administrative responsibilities in good faith is in any manner 4119  
liable if a legal aid society that is provided financial 4120  
assistance under the program uses the financial assistance other 4121  
than in accordance with sections 120.51 to 120.55 of the Revised 4122  
Code or fails to comply with the requirements of those sections. 4123

(12) Establish an office for the handling of appeal and 4124  
postconviction matters; 4125

(13) Provide technical aid and assistance to county public 4126  
defender offices, joint county public defender offices, and other 4127  
local counsel providing legal representation to indigent persons, 4128  
including representation and assistance on appeals. 4129

(C) The state public defender may do any of the following: 4130

(1) In providing legal representation, conduct 4131  
investigations, obtain expert testimony, take depositions, use 4132  
other discovery methods, order transcripts, and make all other 4133  
preparations which are appropriate and necessary to an adequate 4134  
defense or the prosecution of appeals and other legal proceedings; 4135

(2) Seek, solicit, and apply for grants for the operation of 4136  
programs for the defense of indigent persons from any public or 4137  
private source, and may receive donations, grants, awards, and 4138  
similar funds from any lawful source. Such funds shall be 4139  
deposited in the state treasury to the credit of the public 4140  
defender gifts and grants fund, which is hereby created. 4141

(3) Make all the necessary arrangements to coordinate the 4142  
services of the office with any federal, county, or private 4143  
programs established to provide legal representation to indigent 4144

persons and others, and to obtain and provide all funds allowable 4145  
under any such programs; 4146

(4) Consult and cooperate with professional groups concerned 4147  
with the causes of criminal conduct, the reduction of crime, the 4148  
rehabilitation and correction of persons convicted of crime, the 4149  
administration of criminal justice, and the administration and 4150  
operation of the state public defender's office; 4151

(5) Accept the services of volunteer workers and consultants 4152  
at no compensation other than reimbursement for actual and 4153  
necessary expenses; 4154

(6) Prescribe any forms that are necessary for the uniform 4155  
operation of this chapter; 4156

(7) Contract with a county public defender commission or a 4157  
joint county public defender commission to provide all or any part 4158  
of the services that a county public defender or joint county 4159  
public defender is required or permitted to provide by this 4160  
chapter, or contract with a board of county commissioners of a 4161  
county that is not served by a county public defender commission 4162  
or a joint county public defender commission for the provision of 4163  
services in accordance with section 120.33 of the Revised Code. 4164  
All money received by the state public defender pursuant to such a 4165  
contract shall be credited to ~~either the multicounty: county share~~ 4166  
~~fund or, if received as a result of a contract with Trumbull~~ 4167  
~~county, the Trumbull county: county share fund~~ the indigent 4168  
defense support fund created in section 120.08 of the Revised 4169  
Code. The state public defender shall pay one hundred per cent of 4170  
the eligible costs of indigent defense in counties that contract 4171  
with the state public defender pursuant to this division. 4172

(8) Authorize persons employed as criminal investigators to 4173  
attend the Ohio peace officer training academy or any other peace 4174  
officer training school for training; 4175

(9) Procure a policy or policies of malpractice insurance 4176  
that provide coverage for the state public defender and assistant 4177  
state public defenders in connection with malpractice claims that 4178  
may arise from their actions or omissions related to 4179  
responsibilities derived pursuant to this chapter; 4180

(10) Enter into agreements to license, lease, sell, and 4181  
market for sale intellectual property owned by the office and 4182  
receive payments from those agreements for use in the operation of 4183  
the office and programs for the defense of indigent persons. All 4184  
funds received by the state public defender pursuant to such 4185  
agreements shall be deposited in the state treasury to the credit 4186  
of the public defender gifts and grants fund. 4187

(D) No person employed by the state public defender as a 4188  
criminal investigator shall attend the Ohio peace officer training 4189  
academy or any other peace officer training school unless 4190  
authorized to do so by the state public defender. 4191

**Sec. 120.06.** (A)(1) The state public defender, when 4192  
designated by the court or requested by a county public defender 4193  
or joint county public defender, may provide legal representation 4194  
in all courts throughout the state to indigent adults and 4195  
juveniles who are charged with the commission of an offense or act 4196  
for which the penalty or any possible adjudication includes the 4197  
potential loss of liberty. 4198

(2) The state public defender may provide legal 4199  
representation to any indigent person who, while incarcerated in 4200  
any state correctional institution, is charged with a felony 4201  
offense, for which the penalty or any possible adjudication that 4202  
may be imposed by a court upon conviction includes the potential 4203  
loss of liberty. 4204

(3) The state public defender may provide legal 4205  
representation to any person incarcerated in any correctional 4206

institution of the state, in any matter in which the person 4207  
asserts the person is unlawfully imprisoned or detained. 4208

(4) The state public defender, in any case in which the state 4209  
public defender has provided legal representation or is requested 4210  
to do so by a county public defender or joint county public 4211  
defender, may provide legal representation on appeal. 4212

~~(5) The (5)(a) Except as provided in division (A)(5)(b) of 4213  
this section, the state public defender, when designated by the 4214  
court or requested by a county public defender, joint county 4215  
public defender, or the director of rehabilitation and correction, 4216  
shall provide legal representation in parole and probation 4217  
revocation matters or matters relating to the revocation of 4218  
community control or post-release control under a community 4219  
control sanction or post-release control sanction, unless the 4220  
state public defender finds that the alleged parole or probation 4221  
violation or alleged violator of a community control sanction or 4222  
post-release control sanction has the financial capacity to retain 4223  
the alleged violator's own counsel. 4224~~

(b) If the state public defender decides to provide the legal 4225  
representation described in division (A)(5)(a) of this section, 4226  
but determines that it does not have the capacity to provide the 4227  
legal representation described in division (A)(5)(a) of this 4228  
section, the state public defender may contract with private 4229  
counsel to provide the legal representation described in division 4230  
(A)(5)(a) of this section. 4231

~~(6)(a) Except as provided in division (A)(6)(b) of this 4232  
section, the state public defender may provide legal 4233  
representation in full board hearings pursuant to section 5149.101 4234  
of the Revised Code or parole eligibility hearings pursuant to 4235  
section 2967.132 of the Revised Code unless the state public 4236  
defender finds that the person subject to the full board hearing 4237  
or parole eligibility hearing has the financial capacity to retain 4238~~

the person's own counsel. 4239

(b) If the state public defender decides to provide the legal representation described in division (A)(6)(a) of this section, but determines that it does not have the capacity to provide the legal representation described in division (A)(6)(a) of this section, the state public defender may contract with private counsel to provide the legal representation described in division (A)(6)(a) of this section. 4240  
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(7) If the state public defender contracts with a county public defender commission, a joint county public defender commission, or a board of county commissioners for the provision of services, under authority of division (C)(7) of section 120.04 of the Revised Code, the state public defender shall provide legal representation in accordance with the contract. The state public defender shall reimburse one hundred per cent of the eligible costs of indigent defense for counties that contract with the state public defender pursuant to that section that are not directly provided by the state public defender. 4247  
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(B) The state public defender shall not be required to prosecute any appeal, postconviction remedy, or other proceeding pursuant to division (A)(3), (4), or (5) of this section, unless the state public defender first is satisfied that there is arguable merit to the proceeding. 4257  
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(C) A court may appoint counsel or allow an indigent person to select the indigent's own personal counsel to assist the state public defender as co-counsel when the interests of justice so require. When co-counsel is appointed to assist the state public defender, the co-counsel shall receive any compensation that the court may approve, not to exceed the amounts provided for in section 2941.51 of the Revised Code. 4262  
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(D)(1) When the state public defender is designated by the 4269

court or requested by a county public defender or joint county public defender to provide legal representation for an indigent person in any case, other than pursuant to a contract entered into under authority of division (C)(7) of section 120.04 of the Revised Code, the state public defender shall send to the county in which the case is filed a bill detailing the actual cost of the representation that separately itemizes legal fees and expenses. The county, upon receipt of an itemized bill from the state public defender pursuant to this division, shall pay the state public defender one hundred per cent of the amount identified as legal fees and expenses in the itemized bill.

(2) Upon payment of the itemized bill under division (D)(1) of this section, the county may submit the cost of the legal fees and expenses to the state public defender for reimbursement pursuant to section 120.33 of the Revised Code.

(3) When the state public defender provides investigation or mitigation services to private appointed counsel or to a county or joint county public defender as approved by the appointing court, other than pursuant to a contract entered into under authority of division (C)(7) of section 120.04 of the Revised Code, the state public defender shall send to the county in which the case is filed a bill itemizing the actual cost of the services provided. The county, upon receipt of an itemized bill from the state public defender pursuant to this division, shall pay one hundred per cent of the amount as set forth in the itemized bill. Upon payment of the itemized bill received pursuant to this division, the county may submit the cost of the investigation and mitigation services to the state public defender for reimbursement pursuant to section 120.33 of the Revised Code.

(4) When the state public defender decides to provide the legal representation described in division (A)(5)(a) or (6)(a) of this section, but does not have the capacity to provide the legal

representation described in division (A)(5)(a) or (6)(a) of this 4302  
section and the state public defender contracts with private 4303  
counsel to provide the legal representation described in division 4304  
(A)(5)(a) or (6)(a) of this section, the state public defender 4305  
shall directly pay private counsel's legal fees and expenses from 4306  
the indigent defense support fund pursuant to section 120.08 of 4307  
the Revised Code. 4308

(5) There is hereby created in the state treasury the county 4309  
representation fund for the deposit of moneys received from 4310  
counties under this division. All moneys credited to the fund 4311  
shall be used by the state public defender to provide legal 4312  
representation for indigent persons when designated by the court 4313  
or requested by a county or joint county public defender or to 4314  
provide investigation or mitigation services, including 4315  
investigation or mitigation services to private appointed counsel 4316  
or a county or joint county public defender, as approved by the 4317  
court. 4318

(E)(1) Notwithstanding any contrary provision of sections 4319  
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code 4320  
that pertains to representation by the attorney general, an 4321  
assistant attorney general, or special counsel of an officer or 4322  
employee, as defined in section 109.36 of the Revised Code, or of 4323  
an entity of state government, the state public defender may elect 4324  
to contract with, and to have the state pay pursuant to division 4325  
(E)(2) of this section for the services of, private legal counsel 4326  
to represent the Ohio public defender commission, the state public 4327  
defender, assistant state public defenders, other employees of the 4328  
commission or the state public defender, and attorneys described 4329  
in division (C) of section 120.41 of the Revised Code in a 4330  
malpractice or other civil action or proceeding that arises from 4331  
alleged actions or omissions related to responsibilities derived 4332  
pursuant to this chapter, or in a civil action that is based upon 4333

alleged violations of the constitution or statutes of the United States, including section 1983 of Title 42 of the United States Code, 93 Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that arises from alleged actions or omissions related to responsibilities derived pursuant to this chapter, if the state public defender determines, in good faith, that the defendant in the civil action or proceeding did not act manifestly outside the scope of the defendant's employment or official responsibilities, with malicious purpose, in bad faith, or in a wanton or reckless manner. If the state public defender elects not to contract pursuant to this division for private legal counsel in a civil action or proceeding, then, in accordance with sections 109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the attorney general shall represent or provide for the representation of the Ohio public defender commission, the state public defender, assistant state public defenders, other employees of the commission or the state public defender, or attorneys described in division (C) of section 120.41 of the Revised Code in the civil action or proceeding.

(2)(a) Subject to division (E)(2)(b) of this section, payment from the state treasury for the services of private legal counsel with whom the state public defender has contracted pursuant to division (E)(1) of this section shall be accomplished only through the following procedure:

(i) The private legal counsel shall file with the attorney general a copy of the contract; a request for an award of legal fees, court costs, and expenses earned or incurred in connection with the defense of the Ohio public defender commission, the state public defender, an assistant state public defender, an employee, or an attorney in a specified civil action or proceeding; a written itemization of those fees, costs, and expenses, including the signature of the state public defender and the state public

defender's attestation that the fees, costs, and expenses were 4366  
earned or incurred pursuant to division (E)(1) of this section to 4367  
the best of the state public defender's knowledge and information; 4368  
a written statement whether the fees, costs, and expenses are for 4369  
all legal services to be rendered in connection with that defense, 4370  
are only for legal services rendered to the date of the request 4371  
and additional legal services likely will have to be provided in 4372  
connection with that defense, or are for the final legal services 4373  
rendered in connection with that defense; a written statement 4374  
indicating whether the private legal counsel previously submitted 4375  
a request for an award under division (E)(2) of this section in 4376  
connection with that defense and, if so, the date and the amount 4377  
of each award granted; and, if the fees, costs, and expenses are 4378  
for all legal services to be rendered in connection with that 4379  
defense or are for the final legal services rendered in connection 4380  
with that defense, a certified copy of any judgment entry in the 4381  
civil action or proceeding or a signed copy of any settlement 4382  
agreement entered into between the parties to the civil action or 4383  
proceeding. 4384

(ii) Upon receipt of a request for an award of legal fees, 4385  
court costs, and expenses and the requisite supportive 4386  
documentation described in division (E)(2)(a)(i) of this section, 4387  
the attorney general shall review the request and documentation; 4388  
determine whether any of the limitations specified in division 4389  
(E)(2)(b) of this section apply to the request; and, if an award 4390  
of legal fees, court costs, or expenses is permissible after 4391  
applying the limitations, prepare a document awarding legal fees, 4392  
court costs, or expenses to the private legal counsel. The 4393  
document shall name the private legal counsel as the recipient of 4394  
the award; specify the total amount of the award as determined by 4395  
the attorney general; itemize the portions of the award that 4396  
represent legal fees, court costs, and expenses; specify any 4397  
limitation applied pursuant to division (E)(2)(b) of this section 4398

to reduce the amount of the award sought by the private legal 4399  
counsel; state that the award is payable from the state treasury 4400  
pursuant to division (E)(2)(a)(iii) of this section; and be 4401  
approved by the inclusion of the signatures of the attorney 4402  
general, the state public defender, and the private legal counsel. 4403

(iii) The attorney general shall forward a copy of the 4404  
document prepared pursuant to division (E)(2)(a)(ii) of this 4405  
section to the director of budget and management. The award of 4406  
legal fees, court costs, or expenses shall be paid out of the 4407  
state public defender's appropriations, to the extent there is a 4408  
sufficient available balance in those appropriations. If the state 4409  
public defender does not have a sufficient available balance in 4410  
the state public defender's appropriations to pay the entire award 4411  
of legal fees, court costs, or expenses, the director shall make 4412  
application for a transfer of appropriations out of the emergency 4413  
purposes account or any other appropriation for emergencies or 4414  
contingencies in an amount equal to the portion of the award that 4415  
exceeds the sufficient available balance in the state public 4416  
defender's appropriations. A transfer of appropriations out of the 4417  
emergency purposes account or any other appropriation for 4418  
emergencies or contingencies shall be authorized if there are 4419  
sufficient moneys greater than the sum total of then pending 4420  
emergency purposes account requests, or requests for releases from 4421  
the other appropriation. If a transfer of appropriations out of 4422  
the emergency purposes account or other appropriation for 4423  
emergencies or contingencies is made to pay an amount equal to the 4424  
portion of the award that exceeds the sufficient available balance 4425  
in the state public defender's appropriations, the director shall 4426  
cause the payment to be made to the private legal counsel. If 4427  
sufficient moneys do not exist in the emergency purposes account 4428  
or other appropriation for emergencies or contingencies to pay an 4429  
amount equal to the portion of the award that exceeds the 4430  
sufficient available balance in the state public defender's 4431

appropriations, the private legal counsel shall request the 4432  
general assembly to make an appropriation sufficient to pay an 4433  
amount equal to the portion of the award that exceeds the 4434  
sufficient available balance in the state public defender's 4435  
appropriations, and no payment in that amount shall be made until 4436  
the appropriation has been made. The private legal counsel shall 4437  
make the request during the current biennium and during each 4438  
succeeding biennium until a sufficient appropriation is made. 4439

(b) An award of legal fees, court costs, and expenses 4440  
pursuant to division (E) of this section is subject to the 4441  
following limitations: 4442

(i) The maximum award or maximum aggregate of a series of 4443  
awards of legal fees, court costs, and expenses to the private 4444  
legal counsel in connection with the defense of the Ohio public 4445  
defender commission, the state public defender, an assistant state 4446  
public defender, an employee, or an attorney in a specified civil 4447  
action or proceeding shall not exceed fifty thousand dollars. 4448

(ii) The private legal counsel shall not be awarded legal 4449  
fees, court costs, or expenses to the extent the fees, costs, or 4450  
expenses are covered by a policy of malpractice or other 4451  
insurance. 4452

(iii) The private legal counsel shall be awarded legal fees 4453  
and expenses only to the extent that the fees and expenses are 4454  
reasonable in light of the legal services rendered by the private 4455  
legal counsel in connection with the defense of the Ohio public 4456  
defender commission, the state public defender, an assistant state 4457  
public defender, an employee, or an attorney in a specified civil 4458  
action or proceeding. 4459

(c) If, pursuant to division (E)(2)(a) of this section, the 4460  
attorney general denies a request for an award of legal fees, 4461  
court costs, or expenses to private legal counsel because of the 4462

application of a limitation specified in division (E)(2)(b) of 4463  
this section, the attorney general shall notify the private legal 4464  
counsel in writing of the denial and of the limitation applied. 4465

(d) If, pursuant to division (E)(2)(c) of this section, a 4466  
private legal counsel receives a denial of an award notification 4467  
or if a private legal counsel refuses to approve a document under 4468  
division (E)(2)(a)(ii) of this section because of the proposed 4469  
application of a limitation specified in division (E)(2)(b) of 4470  
this section, the private legal counsel may commence a civil 4471  
action against the attorney general in the court of claims to 4472  
prove the private legal counsel's entitlement to the award sought, 4473  
to prove that division (E)(2)(b) of this section does not prohibit 4474  
or otherwise limit the award sought, and to recover a judgment for 4475  
the amount of the award sought. A civil action under division 4476  
(E)(2)(d) of this section shall be commenced no later than two 4477  
years after receipt of a denial of award notification or, if the 4478  
private legal counsel refused to approve a document under division 4479  
(E)(2)(a)(ii) of this section because of the proposed application 4480  
of a limitation specified in division (E)(2)(b) of this section, 4481  
no later than two years after the refusal. Any judgment of the 4482  
court of claims in favor of the private legal counsel shall be 4483  
paid from the state treasury in accordance with division (E)(2)(a) 4484  
of this section. 4485

(F) If a court appoints the office of the state public 4486  
defender to represent a petitioner in a postconviction relief 4487  
proceeding under section 2953.21 of the Revised Code, the 4488  
petitioner has received a sentence of death, and the proceeding 4489  
relates to that sentence, all of the attorneys who represent the 4490  
petitioner in the proceeding pursuant to the appointment, whether 4491  
an assistant state public defender, the state public defender, or 4492  
another attorney, shall be certified under Rule 20 of the Rules of 4493  
Superintendence for the Courts of Ohio to represent indigent 4494

defendants charged with or convicted of an offense for which the 4495  
death penalty can be or has been imposed. 4496

(G)(1) The state public defender may conduct a legal 4497  
assistance referral service for children committed to the 4498  
department of youth services relative to conditions of confinement 4499  
claims. If the legal assistance referral service receives a 4500  
request for assistance from a child confined in a facility 4501  
operated, or contracted for, by the department of youth services 4502  
and the state public defender determines that the child has a 4503  
conditions of confinement claim that has merit, the state public 4504  
defender may refer the child to a private attorney. If no private 4505  
attorney who the child has been referred to by the state public 4506  
defender accepts the case within a reasonable time, the state 4507  
public defender may prepare, as appropriate, pro se pleadings in 4508  
the form of a complaint regarding the conditions of confinement at 4509  
the facility where the child is confined with a motion for 4510  
appointment of counsel and other applicable pleadings necessary 4511  
for sufficient pro se representation. 4512

(2) Division (G)(1) of this section does not authorize the 4513  
state public defender to represent a child committed to the 4514  
department of youth services in general civil matters arising 4515  
solely out of state law. 4516

(3) The state public defender shall not undertake the 4517  
representation of a child in court based on a conditions of 4518  
confinement claim arising under this division. 4519

(H) A child's right to representation or services under this 4520  
section is not affected by the child, or another person on behalf 4521  
of the child, previously having paid for similar representation or 4522  
services or having waived legal representation. 4523

(I) The state public defender shall have reasonable access to 4524  
any child committed to the department of youth services, 4525

department of youth services institution, and department of youth 4526  
services record as needed to implement this section. 4527

(J) As used in this section: 4528

(1) "Community control sanction" has the same meaning as in 4529  
section 2929.01 of the Revised Code. 4530

(2) "Conditions of confinement" means any issue involving a 4531  
constitutional right or other civil right related to a child's 4532  
incarceration, including, but not limited to, actions cognizable 4533  
under 42 U.S.C. 1983. 4534

(3) "Post-release control sanction" has the same meaning as 4535  
in section 2967.01 of the Revised Code. 4536

**Sec. 120.08.** (A) There is hereby created in the state 4537  
treasury the indigent defense support fund, consisting of money 4538  
paid into the fund pursuant to sections 120.04, 4507.45, 4509.101, 4539  
4510.22, and 4511.19 of the Revised Code and pursuant to sections 4540  
2937.22, 2949.091, and 2949.094 of the Revised Code out of the 4541  
additional court costs imposed under those sections. ~~The~~ 4542

(B) Except as provided in division (E) of this section, the 4543  
state public defender shall use at least eighty-three per cent of 4544  
the money in the fund for the following purposes of reimbursing: 4545

(1) Reimbursing county governments for expenses incurred 4546  
pursuant to sections 120.18, 120.28, and 120.33 of the Revised 4547  
Code ~~and operating;~~ 4548

(2) Operating its system pursuant to division (C)(7) of 4549  
section 120.04 of the Revised Code and division (B) of section 4550  
120.33 of the Revised Code; 4551

(3) Directly paying private counsel's legal fees and expenses 4552  
pursuant to division (D)(4) of section 120.06 of the Revised Code. 4553  
~~Disbursements~~ 4554

(C) Disbursements from the fund to county governments shall 4555  
be made at least once per year and shall be allocated 4556  
proportionately so that each county receives an equal percentage 4557  
of its cost for operating its county public defender system, its 4558  
joint county public defender system, its county appointed counsel 4559  
system, or its system operated under division (C)(7) of section 4560  
120.04 of the Revised Code and division (B) of section 120.33 of 4561  
the Revised Code. ~~The~~ 4562

(D) Except as provided in division (F) of this section, the 4563  
state public defender may use not more than seventeen per cent of 4564  
the money in the fund for the purposes of appointing assistant 4565  
state public defenders, providing other personnel, equipment, and 4566  
facilities necessary for the operation of the state public 4567  
defender office, and providing training, developing and 4568  
implementing electronic forms, or establishing and maintaining an 4569  
information technology system used for the uniform operation of 4570  
this chapter. 4571

(E) From the portion of the fund allotted to reimbursing 4572  
county governments, the state public defender shall first pay one 4573  
hundred per cent of the eligible costs of indigent defense in 4574  
counties that contract with the state public defender pursuant to 4575  
division (C)(7) of section 120.04 of the Revised Code or division 4576  
(B) of section 120.33 of the Revised Code. Reimbursement to 4577  
counties that do not contract with the state public defender 4578  
pursuant to either of those sections shall be made from the 4579  
remaining funds at least once per year and shall be allocated 4580  
proportionately so that each county receives an equal proportion 4581  
of its cost for operating its county public defender system, its 4582  
joint county public defender system, or its county appointed 4583  
counsel system. 4584

(F) Regardless of the distribution outlined in division (A) 4585  
of this section, the state public defender may use up to ten per 4586

cent of any amount credited to the indigent defense support fund 4587  
pursuant to a contract under division (C)(7) of section 120.04 of 4588  
the Revised Code for the purposes of providing administrative or 4589  
other personnel, equipment, and facilities necessary to support 4590  
the state public defender office in that county or region. 4591

**Sec. 120.33.** (A) In lieu of using a county public defender or 4592  
joint county public defender to represent indigent persons in the 4593  
proceedings set forth in division (A) of section 120.16 of the 4594  
Revised Code, the board of county commissioners of any county may 4595  
adopt a resolution to pay counsel who are either personally 4596  
selected by the indigent person or appointed by the court. The 4597  
resolution shall include those provisions the board of county 4598  
commissioners considers necessary to provide effective 4599  
representation of indigent persons in any proceeding for which 4600  
counsel is provided under this section. The resolution shall 4601  
include provisions for contracts with any municipal corporation 4602  
under which the municipal corporation shall reimburse the county 4603  
for counsel appointed to represent indigent persons charged with 4604  
violations of the ordinances of the municipal corporation. 4605

(1) In a county that adopts a resolution to pay counsel, an 4606  
indigent person shall have the right to do either of the 4607  
following: 4608

(a) To select the person's own personal counsel to represent 4609  
the person in any proceeding included within the provisions of the 4610  
resolution; 4611

(b) To request the court to appoint counsel to represent the 4612  
person in such a proceeding. 4613

(2) The court having jurisdiction over the proceeding in a 4614  
county that adopts a resolution to pay counsel shall, after 4615  
determining that the person is indigent and entitled to legal 4616  
representation under this section, do either of the following: 4617

(a) By signed journal entry recorded on its docket, enter the 4618  
name of the lawyer selected by the indigent person as counsel of 4619  
record; 4620

(b) Appoint counsel for the indigent person if the person has 4621  
requested the court to appoint counsel and, by signed journal 4622  
entry recorded on its dockets, enter the name of the lawyer 4623  
appointed for the indigent person as counsel of record. 4624

(3) The board of county commissioners shall establish a 4625  
schedule of fees by case or on an hourly basis to be paid to 4626  
counsel for legal services provided pursuant to a resolution 4627  
adopted under this section. Prior to establishing the schedule, 4628  
the board of county commissioners shall request the bar 4629  
association or associations of the county to submit a proposed 4630  
schedule for cases other than capital cases. The schedule 4631  
submitted shall be subject to the review, amendment, and approval 4632  
of the board of county commissioners, except with respect to 4633  
capital cases. With respect to capital cases, the schedule shall 4634  
provide for fees by case or on an hourly basis to be paid to 4635  
counsel in the amount or at the rate set by the capital case 4636  
attorney fee council pursuant to division (D) of this section, and 4637  
the board of county commissioners shall approve that amount or 4638  
rate. 4639

(4) Counsel selected by the indigent person or appointed by 4640  
the court at the request of an indigent person in a county that 4641  
adopts a resolution to pay counsel, except for counsel appointed 4642  
to represent a person charged with any violation of an ordinance 4643  
of a municipal corporation that has not contracted with the county 4644  
commissioners for the payment of appointed counsel, shall be paid 4645  
by the county and shall receive the compensation and expenses the 4646  
court approves. With respect to capital cases, the court shall 4647  
approve compensation and expenses in accordance with the amount or 4648  
at the rate set by the capital case attorney fee council pursuant 4649

to division (D) of this section. Each request for payment shall 4650  
include a financial disclosure form completed by the indigent 4651  
person on a form prescribed by the state public defender. 4652  
Compensation and expenses shall not exceed the amounts fixed by 4653  
the board of county commissioners in the schedule adopted pursuant 4654  
to division (A)(3) of this section. No court shall approve 4655  
compensation and expenses that exceed the amount fixed pursuant to 4656  
division (A)(3) of this section. 4657

The fees and expenses approved by the court shall not be 4658  
taxed as part of the costs and shall be paid by the county. 4659  
However, if the person represented has, or may reasonably be 4660  
expected to have, the means to meet some part of the cost of the 4661  
services rendered to the person, the person shall pay the county 4662  
an amount that the person reasonably can be expected to pay. 4663  
Pursuant to section 120.04 of the Revised Code, the county shall 4664  
pay to the state public defender a percentage of the payment 4665  
received from the person in an amount proportionate to the 4666  
percentage of the costs of the person's case that were paid to the 4667  
county by the state public defender pursuant to this section. The 4668  
money paid to the state public defender shall be credited to the 4669  
client payment fund created pursuant to division (B)(5) of section 4670  
120.04 of the Revised Code. 4671

The county auditor shall draw a warrant on the county 4672  
treasurer for the payment of counsel in the amount fixed by the 4673  
court, plus the expenses the court fixes and certifies to the 4674  
auditor. The county auditor shall report periodically, but not 4675  
less than annually, to the board of county commissioners and to 4676  
the state public defender the amounts paid out pursuant to the 4677  
approval of the court. The board of county commissioners, after 4678  
review and approval of the auditor's report, or the county 4679  
auditor, with permission from and notice to the board of county 4680  
commissioners, may then certify it to the state public defender 4681

for reimbursement. The state public defender may pay a requested 4682  
reimbursement only if the request for reimbursement includes a 4683  
financial disclosure form completed by the indigent person on a 4684  
form prescribed by the state public defender or if the court 4685  
certifies by electronic signature as prescribed by the state 4686  
public defender that a financial disclosure form has been 4687  
completed by the indigent person and is available for inspection. 4688  
If a request for the reimbursement of the cost of counsel in any 4689  
case is not received by the state public defender within ninety 4690  
days after the end of the calendar month in which the case is 4691  
finally disposed of by the court, unless the county has requested 4692  
and the state public defender has granted an extension of the 4693  
ninety-day limit, the state public defender shall not pay the 4694  
requested reimbursement. The state public defender shall also 4695  
review the report and, in accordance with the standards, 4696  
guidelines, and maximums established pursuant to divisions (B)(7) 4697  
and (8) of section 120.04 of the Revised Code and the payment 4698  
determination provisions of section 120.34 of the Revised Code, 4699  
prepare a voucher for the cost of each county appointed counsel 4700  
system in the period of time covered by the certified report and a 4701  
voucher for the costs and expenses that are reimbursable under 4702  
section 120.35 of the Revised Code, if any. The amount of payments 4703  
to be included in and made under the voucher shall be determined 4704  
as specified in section 120.34 of the Revised Code. 4705

(5) If any county appointed counsel system fails to maintain 4706  
the standards for the conduct of the system established by the 4707  
rules of the Ohio public defender commission pursuant to divisions 4708  
(B) and (C) of section 120.03 or the standards established by the 4709  
state public defender pursuant to division (B)(7) of section 4710  
120.04 of the Revised Code, the Ohio public defender commission 4711  
shall notify the board of county commissioners of the county that 4712  
the county appointed counsel system has failed to comply with its 4713  
rules or the standards of the state public defender. Unless the 4714

board of county commissioners corrects the conduct of its 4715  
appointed counsel system to comply with the rules and standards 4716  
within ninety days after the date of the notice, the state public 4717  
defender may deny all or part of the county's reimbursement from 4718  
the state provided for in division (A)(4) of this section. 4719

(B) In lieu of using a county public defender or joint county 4720  
public defender to represent indigent persons in the proceedings 4721  
set forth in division (A) of section 120.16 of the Revised Code, 4722  
and in lieu of adopting the resolution and following the procedure 4723  
described in division (A) of this section, the board of county 4724  
commissioners of any county may contract with the state public 4725  
defender for the state public defender's legal representation of 4726  
indigent persons. A contract entered into pursuant to this 4727  
division may provide for payment for the services provided on a 4728  
per case, hourly, or fixed contract basis. For a county that has 4729  
entered into a contract with the state public defender under this 4730  
division, the state public defender shall reimburse one hundred 4731  
per cent of the eligible costs of the remaining indigent defense 4732  
needs of that county that are not covered by the contract. 4733

(C) If a court appoints an attorney pursuant to this section 4734  
to represent a petitioner in a postconviction relief proceeding 4735  
under section 2953.21 of the Revised Code, the petitioner has 4736  
received a sentence of death, and the proceeding relates to that 4737  
sentence, the attorney who represents the petitioner in the 4738  
proceeding pursuant to the appointment shall be certified under 4739  
Rule 20 of the Rules of Superintendence for the Courts of Ohio to 4740  
represent indigent defendants charged with or convicted of an 4741  
offense for which the death penalty can be or has been imposed. 4742

(D)(1) There is hereby created the capital case attorney fee 4743  
council, appointed as described in division (D)(2) of this 4744  
section. The council shall set an amount by case, or a rate on an 4745  
hourly basis, to be paid under this section to counsel in a 4746

capital case. 4747

(2) The capital case attorney fee council shall consist of 4748  
five members, all of whom shall be active judges serving on one of 4749  
the district courts of appeals in this state. Terms for council 4750  
members shall be the lesser of three years or until the member 4751  
ceases to be an active judge of a district court of appeals. The 4752  
initial terms shall commence ninety days after September 28, 2016. 4753  
The chief justice of the supreme court shall appoint the members 4754  
of the council, and shall make all of the appointments not later 4755  
than sixty days after September 28, 2016. When any vacancy occurs, 4756  
the chief justice shall appoint an active judge of a district 4757  
court of appeals in this state to fill the vacancy for the 4758  
unexpired term, in the same manner as prescribed in this division. 4759  
The chief justice shall designate a chairperson from the appointed 4760  
members of the council. Members of the council shall receive no 4761  
additional compensation for their service as a member, but may be 4762  
reimbursed for expenses reasonably incurred in service to the 4763  
council, to be paid by the supreme court. The supreme court may 4764  
provide administrative support to the council. 4765

(3) The capital case attorney fee council initially shall 4766  
meet not later than one hundred twenty days after September 28, 4767  
2016. Thereafter, the council shall meet not less than annually. 4768

(4) Upon setting the amount or rate described in division 4769  
(D)(1) of this section, the chairperson of the capital case 4770  
attorney fee council promptly shall provide written notice to the 4771  
state public defender of the amount or rate so set. The amount or 4772  
rate so set shall become effective ninety days after the date on 4773  
which the chairperson provides that written notice to the state 4774  
public defender. The council shall specify that effective date in 4775  
the written notice provided to the state public defender. All 4776  
amounts or rates set by the council shall be final, subject to 4777  
modification as described in division (D)(5) of this section, and 4778

not subject to appeal. 4779

(5) The capital case attorney fee council may modify an 4780  
amount or rate set as described in division (D)(4) of this 4781  
section. The provisions of that division apply with respect to any 4782  
such modification of an amount or rate. 4783

**Sec. 120.34.** (A) The total amount of money paid to counties 4784  
in any fiscal year pursuant to sections 120.08, 120.18, 120.28, 4785  
120.33, 120.35, and 2941.51 of the Revised Code for the 4786  
reimbursement of the counties' cost of operating county public 4787  
defender offices, joint county public defender offices, and county 4788  
appointed counsel systems, the counties' costs and expenses of 4789  
conducting the defense in capital cases, and the counties' costs 4790  
and expenses of appointed counsel covered by section 2941.51 of 4791  
the Revised Code shall be determined as specified in this section. 4792

(B) Except as provided in division (F) of this section, the 4793  
state public defender shall first pay one hundred per cent of the 4794  
eligible costs of indigent defense in counties that contract with 4795  
the state public defender pursuant to division (C)(7) of section 4796  
120.04 of the Revised Code or division (B) of section 120.33 of 4797  
the Revised Code. 4798

(C) Except as provided in division (F) of this section, the 4799  
total amount of money paid to ~~all~~ counties not reimbursed under 4800  
division (B) of this section in any fiscal year pursuant to 4801  
sections 120.08, 120.18, 120.28, 120.33, 120.35, and 2941.51 of 4802  
the Revised Code for the reimbursement of the counties' cost of 4803  
operating county public defender offices, joint county public 4804  
defender offices, and county appointed counsel systems, the 4805  
counties' costs and expenses of conducting the defense in capital 4806  
cases, and the counties' costs and expenses of appointed counsel 4807  
covered by section 2941.51 of the Revised Code shall not exceed 4808  
the total amount appropriated for that fiscal year by the general 4809

assembly for the reimbursement of the counties for the operation 4810  
of the offices and systems and for those appointed counsel costs 4811  
and expenses, ~~and shall be determined as specified in this~~ 4812  
~~section.~~ If the amount appropriated by the general assembly in any 4813  
fiscal year is insufficient to pay the cost in the fiscal year of 4814  
all county public defender offices, all joint county public 4815  
defender offices, all county appointed counsel systems, and all 4816  
costs and expenses of appointed counsel covered by section 2941.51 4817  
of the Revised Code, the amount of money paid in that fiscal year 4818  
pursuant to sections 120.18, 120.28, 120.33, 120.35, and 2941.51 4819  
of the Revised Code to each county for the fiscal year shall be 4820  
reduced proportionately so that each county is paid an equal 4821  
percentage of its cost in the fiscal year for operating its county 4822  
public defender system, its joint county public defender system, 4823  
and its county appointed counsel system, an equal percentage of 4824  
its costs and expenses of conducting the defense in capital cases 4825  
in the fiscal year, and an equal percentage of its costs and 4826  
expenses of appointed counsel covered by section 2941.51 of the 4827  
Revised Code. 4828

(D) If any county receives an amount of money pursuant to 4829  
section 120.08, 120.18, 120.28, 120.33, 120.35, or 2941.51 of the 4830  
Revised Code that is in excess of the amount of reimbursement it 4831  
is entitled to receive pursuant to this section, the state public 4832  
defender shall request the board of county commissioners to return 4833  
the excess payment and the board of county commissioners, upon 4834  
receipt of the request, shall direct the appropriate county 4835  
officer to return the excess payment to the state. 4836

(E) Within thirty days of the end of each fiscal quarter, the 4837  
state public defender shall provide to the office of budget and 4838  
management and the legislative service commission an estimate of 4839  
the amount of money that will be required for the balance of the 4840  
fiscal year to make the payments required by sections 120.08, 4841

120.18, 120.28, 120.33, 120.35, and 2941.51 of the Revised Code. 4842

(F) No reimbursement shall be made under this section for 4843  
costs of indigent defense to the extent that those costs exceed 4844  
the hourly rate, if any, established by the general assembly. 4845

**Sec. 121.031.** The administrative department head of an 4846  
administrative department created under section 121.02 of the 4847  
Revised Code or an administrative department head appointed under 4848  
section 121.03 of the Revised Code may direct an otherwise 4849  
independent official or state agency that is organized under the 4850  
administrative department or administrative department head as 4851  
necessary to achieve reductions in regulatory restrictions in 4852  
rules in compliance with sections 121.95, 121.951, 121.952, and 4853  
~~121.953, and 121.954~~ of the Revised Code. 4854

**Sec. 121.04.** Offices are created within the several 4855  
departments as follows: 4856

In the department of commerce: 4857

Commissioner of securities; 4858

Superintendent of real estate and professional 4859  
licensing;

Superintendent of financial institutions; 4860

State fire marshal; 4861

Superintendent of industrial compliance; 4862

Superintendent of liquor control; 4863

Superintendent of unclaimed funds; 4864

Superintendent of marijuana control. 4865

In the department of administrative services: 4866

Equal employment opportunity coordinator. 4867

In the department of agriculture: 4868

Chiefs of divisions as follows: 4869

Administration;	4870
Animal health;	4871
Livestock environmental permitting;	4872
Soil and water conservation;	4873
Dairy;	4874
Food safety;	4875
Plant health;	4876
Markets;	4877
Meat inspection;	4878
Consumer protection laboratory;	4879
Amusement ride safety;	4880
Enforcement;	4881
Weights and measures.	4882
In the department of natural resources:	4883
Chiefs of divisions as follows:	4884
Mineral resources management;	4885
Oil and gas resources management;	4886
Forestry;	4887
Natural areas and preserves;	4888
Wildlife;	4889
Geological survey;	4890
Parks and watercraft;	4891 4892
Water resources;	4893
Engineering.	4894
In the department of insurance:	4895
Deputy superintendent of insurance;	4896
Assistant superintendent of insurance, technical;	4897
Assistant superintendent of insurance, administrative;	4898
Assistant superintendent of insurance, research.	4899
<b>Sec. 121.08.</b> (A) There is hereby created in the department of	4900

commerce the position of deputy director of administration. This 4901  
officer shall be appointed by the director of commerce, serve 4902  
under the director's direction, supervision, and control, perform 4903  
the duties the director prescribes, and hold office during the 4904  
director's pleasure. The director of commerce may designate an 4905  
assistant director of commerce to serve as the deputy director of 4906  
administration. The deputy director of administration shall 4907  
perform the duties prescribed by the director of commerce in 4908  
supervising the activities of the division of administration of 4909  
the department of commerce. 4910

(B) Except as provided in section 121.07 of the Revised Code, 4911  
the department of commerce shall have all powers and perform all 4912  
duties vested in the deputy director of administration, the state 4913  
fire marshal, the superintendent of financial institutions, the 4914  
superintendent of real estate and professional licensing, the 4915  
superintendent of liquor control, the superintendent of industrial 4916  
compliance, the superintendent of unclaimed funds, the 4917  
superintendent of marijuana control, and the commissioner of 4918  
securities, and shall have all powers and perform all duties 4919  
vested by law in all officers, deputies, and employees of those 4920  
offices. Except as provided in section 121.07 of the Revised Code, 4921  
wherever powers are conferred or duties imposed upon any of those 4922  
officers, the powers and duties shall be construed as vested in 4923  
the department of commerce. 4924

(C)(1) There is hereby created in the department of commerce 4925  
a division of financial institutions, which shall have all powers 4926  
and perform all duties vested by law in the superintendent of 4927  
financial institutions. Wherever powers are conferred or duties 4928  
imposed upon the superintendent of financial institutions, those 4929  
powers and duties shall be construed as vested in the division of 4930  
financial institutions. The division of financial institutions 4931  
shall be administered by the superintendent of financial 4932

institutions. 4933

(2) All provisions of law governing the superintendent of 4934  
financial institutions shall apply to and govern the 4935  
superintendent of financial institutions provided for in this 4936  
section; all authority vested by law in the superintendent of 4937  
financial institutions with respect to the management of the 4938  
division of financial institutions shall be construed as vested in 4939  
the superintendent of financial institutions created by this 4940  
section with respect to the division of financial institutions 4941  
provided for in this section; and all rights, privileges, and 4942  
emoluments conferred by law upon the superintendent of financial 4943  
institutions shall be construed as conferred upon the 4944  
superintendent of financial institutions as head of the division 4945  
of financial institutions. The director of commerce shall not 4946  
transfer from the division of financial institutions any of the 4947  
functions specified in division (C)(2) of this section. 4948

(D) There is hereby created in the department of commerce a 4949  
division of liquor control, which shall have all powers and 4950  
perform all duties vested by law in the superintendent of liquor 4951  
control. Wherever powers are conferred or duties are imposed upon 4952  
the superintendent of liquor control, those powers and duties 4953  
shall be construed as vested in the division of liquor control. 4954  
The division of liquor control shall be administered by the 4955  
superintendent of liquor control. 4956

(E) The director of commerce shall not be interested, 4957  
directly or indirectly, in any firm or corporation which is a 4958  
dealer in securities as defined in sections 1707.01 and 1707.14 of 4959  
the Revised Code, or in any firm or corporation licensed under 4960  
sections 1321.01 to 1321.19 of the Revised Code. 4961

(F) The director of commerce shall not have any official 4962  
connection with a savings and loan association, a savings bank, a 4963  
bank, a bank holding company, a savings and loan association 4964

holding company, a consumer finance company, or a credit union 4965  
that is under the supervision of the division of financial 4966  
institutions, or a subsidiary of any of the preceding entities, or 4967  
be interested in the business thereof. 4968

(G) There is hereby created in the state treasury the 4969  
division of administration fund. The fund shall receive 4970  
assessments on the operating funds of the department of commerce 4971  
in accordance with procedures prescribed by the director of 4972  
commerce. All operating expenses of the division of administration 4973  
shall be paid from the division of administration fund. 4974

(H) There is hereby created in the department of commerce a 4975  
division of real estate and professional licensing, which shall be 4976  
under the control and supervision of the director of commerce. The 4977  
division of real estate and professional licensing shall be 4978  
administered by the superintendent of real estate and professional 4979  
licensing. The superintendent of real estate and professional 4980  
licensing shall exercise the powers and perform the functions and 4981  
duties delegated to the superintendent under Chapters 4735., 4982  
4763., 4764., 4767., and 4768. of the Revised Code. 4983

(I) There is hereby created in the department of commerce a 4984  
division of industrial compliance, which shall have all powers and 4985  
perform all duties vested by law in the superintendent of 4986  
industrial compliance. Wherever powers are conferred or duties 4987  
imposed upon the superintendent of industrial compliance, those 4988  
powers and duties shall be construed as vested in the division of 4989  
industrial compliance. The division of industrial compliance shall 4990  
be under the control and supervision of the director of commerce 4991  
and be administered by the superintendent of industrial 4992  
compliance. 4993

(J) There is hereby created in the department of commerce a 4994  
division of unclaimed funds, which shall have all powers and 4995  
perform all duties delegated to or vested by law in the 4996

superintendent of unclaimed funds. Wherever powers are conferred 4997  
or duties imposed upon the superintendent of unclaimed funds, 4998  
those powers and duties shall be construed as vested in the 4999  
division of unclaimed funds. The division of unclaimed funds shall 5000  
be under the control and supervision of the director of commerce 5001  
and shall be administered by the superintendent of unclaimed 5002  
funds. The superintendent of unclaimed funds shall exercise the 5003  
powers and perform the functions and duties delegated to the 5004  
superintendent by the director of commerce under section 121.07 5005  
and Chapter 169. of the Revised Code, and as may otherwise be 5006  
provided by law. 5007

(K) There is hereby created in the department of commerce a 5008  
division of marijuana control, which shall have all powers and 5009  
perform all duties vested by law in the superintendent of 5010  
marijuana control. Wherever powers are conferred or duties are 5011  
imposed upon the superintendent of marijuana control, those powers 5012  
and duties shall be construed as vested in the division of 5013  
marijuana control. The division of marijuana control shall be 5014  
under the control and supervision of the director of commerce and 5015  
be administered by the superintendent of marijuana control. 5016

(L) The department of commerce or a division of the 5017  
department created by the Revised Code that is acting with 5018  
authorization on the department's behalf may request from the 5019  
bureau of criminal identification and investigation pursuant to 5020  
section 109.572 of the Revised Code, or coordinate with 5021  
appropriate federal, state, and local government agencies to 5022  
accomplish, criminal records checks for the persons whose 5023  
identities are required to be disclosed by an applicant for the 5024  
issuance or transfer of a permit, license, certificate of 5025  
registration, or certification issued or transferred by the 5026  
department or division. At or before the time of making a request 5027  
for a criminal records check, the department or division may 5028

require any person whose identity is required to be disclosed by 5029  
an applicant for the issuance or transfer of such a license, 5030  
permit, certificate of registration, or certification to submit to 5031  
the department or division valid fingerprint impressions in a 5032  
format and by any media or means acceptable to the bureau of 5033  
criminal identification and investigation and, when applicable, 5034  
the federal bureau of investigation. The department or division 5035  
may cause the bureau of criminal identification and investigation 5036  
to conduct a criminal records check through the federal bureau of 5037  
investigation only if the person for whom the criminal records 5038  
check would be conducted resides or works outside of this state or 5039  
has resided or worked outside of this state during the preceding 5040  
five years, or if a criminal records check conducted by the bureau 5041  
of criminal identification and investigation within this state 5042  
indicates that the person may have a criminal record outside of 5043  
this state. 5044

In the case of a criminal records check under section 109.572 5045  
of the Revised Code, the department or division shall forward to 5046  
the bureau of criminal identification and investigation the 5047  
requisite form, fingerprint impressions, and fee described in 5048  
division (C) of that section. When requested by the department or 5049  
division in accordance with this section, the bureau of criminal 5050  
identification and investigation shall request from the federal 5051  
bureau of investigation any information it has with respect to the 5052  
person who is the subject of the requested criminal records check 5053  
and shall forward the requisite fingerprint impressions and 5054  
information to the federal bureau of investigation for that 5055  
criminal records check. After conducting a criminal records check 5056  
or receiving the results of a criminal records check from the 5057  
federal bureau of investigation, the bureau of criminal 5058  
identification and investigation shall provide the results to the 5059  
department or division. 5060

The department or division may require any person about whom 5061  
a criminal records check is requested to pay to the department or 5062  
division the amount necessary to cover the fee charged to the 5063  
department or division by the bureau of criminal identification 5064  
and investigation under division (C)(3) of section 109.572 of the 5065  
Revised Code, including, when applicable, any fee for a criminal 5066  
records check conducted by the federal bureau of investigation. 5067

~~(L)~~(M) The director of commerce, or the director's designee, 5068  
may adopt rules to enhance compliance with statutes pertaining to, 5069  
and rules adopted by, divisions under the direction, supervision, 5070  
and control of the department or director by offering 5071  
incentive-based programs that ensure safety and soundness while 5072  
promoting growth and prosperity in the state. 5073

**Sec. 121.37.** (A)(1) There is hereby created the Ohio family 5074  
and children first cabinet council. The council shall be composed 5075  
of the superintendent of public instruction, the executive 5076  
director of the opportunities for Ohioans with disabilities 5077  
agency, the medicaid director, and the directors of youth 5078  
services, job and family services, mental health and addiction 5079  
services, health, developmental disabilities, aging, 5080  
rehabilitation and correction, and budget and management. The 5081  
chairperson of the council shall be the governor or the governor's 5082  
designee and shall establish procedures for the council's internal 5083  
control and management. 5084

The purpose of the cabinet council is to help families 5085  
seeking government services. This section shall not be interpreted 5086  
or applied to usurp the role of parents, but solely to streamline 5087  
and coordinate existing government services for families seeking 5088  
assistance for their children. 5089

(2) In seeking to fulfill its purpose, the council may do any 5090  
of the following: 5091

(a) Advise and make recommendations to the governor and general assembly regarding the provision of services to children;	5092 5093
(b) Advise and assess local governments on the coordination of service delivery to children;	5094 5095
(c) Hold meetings at such times and places as may be prescribed by the council's procedures and maintain records of the meetings, except that records identifying individual children are confidential and shall be disclosed only as provided by law;	5096 5097 5098 5099
(d) Develop programs and projects, including pilot projects, to encourage coordinated efforts at the state and local level to improve the state's social service delivery system;	5100 5101 5102
(e) Enter into contracts with and administer grants to county family and children first councils, as well as other county or multicounty organizations to plan and coordinate service delivery between state agencies and local service providers for families and children;	5103 5104 5105 5106 5107
(f) Enter into contracts with and apply for grants from federal agencies or private organizations;	5108 5109
(g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include provisions regarding the receipt, transfer, and expenditure of funds;	5110 5111 5112 5113 5114
(h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services;	5115 5116 5117 5118
(i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the	5119 5120 5121

programs;	5122
(j) Identify and disseminate publications regarding alleged	5123
or adjudicated unruly children and children who are at risk of	5124
being alleged or adjudicated unruly children and regarding	5125
programs serving those types of children;	5126
(k) Maintain an inventory of strategic planning facilitators	5127
for use by government or nonprofit entities that serve alleged or	5128
adjudicated unruly children or children who are at risk of being	5129
alleged or adjudicated unruly children.	5130
(3) The cabinet council shall provide for the following:	5131
(a) Reviews of service and treatment plans for children for	5132
which such reviews are requested;	5133
(b) Assistance as the council determines to be necessary to	5134
meet the needs of children referred by county family and children	5135
first councils;	5136
(c) Monitoring and supervision of a statewide, comprehensive,	5137
coordinated, multi-disciplinary, interagency system for infants	5138
and toddlers with developmental disabilities or delays and their	5139
families, as established pursuant to federal grants received and	5140
administered by the department of <del>health</del> <u>developmental</u>	5141
<u>disabilities</u> for early intervention services under the	5142
"Individuals with Disabilities Education Act of 2004," 118 Stat.	5143
2744, 20 U.S.C.A. 1400, as amended;	5144
<u>(d) Establishing and maintaining the Ohio automated service</u>	5145
<u>coordination system pursuant to section 121.376 of the Revised</u>	5146
<u>Code.</u>	5147
(4) The cabinet council shall develop and implement the	5148
following:	5149
(a) An interagency process to select the indicators that will	5150
be used to measure progress toward increasing child well-being in	5151

the state and to update the indicators on an annual basis. The 5152  
~~indicators shall focus on expectant parents and newborns thriving;~~ 5153  
~~infants and toddlers thriving; children being ready for school;~~ 5154  
~~children and youth succeeding in school; youth choosing healthy~~ 5155  
~~behaviors; and youth successfully transitioning into adulthood.~~ 5156

(b) An interagency system to offer guidance and monitor 5157  
progress toward increasing child well-being in the state and in 5158  
each county; 5159

(c) An annual plan that identifies state-level agency efforts 5160  
taken to ensure progress towards increasing child well-being in 5161  
the state; 5162

(d) A state appeals process to resolve disputes among the 5163  
members of a county council, established under division (B) of 5164  
this section, concerning whether reasonable responsibilities are 5165  
being shared. The appeals process may be accessed only by a 5166  
majority vote of the council members who are required to serve on 5167  
the council. Upon appeal, the cabinet council may order that state 5168  
funds for services to children and families be redirected to a 5169  
county's board of county commissioners. 5170

(5) On an annual basis, the cabinet council shall submit to 5171  
the governor and the general assembly a report on the status of 5172  
efforts to increase child well-being in the state. This report 5173  
shall be made available to any other person on request. 5174

(6) The cabinet council state office may adopt rules 5175  
governing the responsibilities of county family and children first 5176  
councils established in division (B)(3) of this section. 5177

(B)(1) Each board of county commissioners shall establish a 5178  
county family and children first council. The board may invite any 5179  
local public or private agency or group that funds, advocates, or 5180  
provides services to children and families to have a 5181  
representative become a permanent or temporary member of its 5182

county council. Each county council must include the following 5183  
individuals: 5184

(a) At least three individuals who are not employed by an 5185  
agency represented on the council and whose families are or have 5186  
received services from an agency represented on the council or 5187  
another county's council. Where possible, the number of members 5188  
representing families shall be equal to twenty per cent of the 5189  
council's membership. 5190

(b) The director of the board of alcohol, drug addiction, and 5191  
mental health services that serves the county, or, in the case of 5192  
a county that has a board of alcohol and drug addiction services 5193  
and a community mental health board, the directors of both boards. 5194  
If a board of alcohol, drug addiction, and mental health services 5195  
covers more than one county, the director may designate a person 5196  
to participate on the county's council. 5197

(c) The health commissioner, or the commissioner's designee, 5198  
of the board of health of each city and general health district in 5199  
the county. If the county has two or more health districts, the 5200  
health commissioner membership may be limited to the commissioners 5201  
of the two districts with the largest populations. 5202

(d) The director of the county department of job and family 5203  
services; 5204

(e) The executive director of the public children services 5205  
agency; 5206

(f) The superintendent of the county board of developmental 5207  
disabilities or, if the superintendent serves as superintendent of 5208  
more than one county board of developmental disabilities, the 5209  
superintendent's designee; 5210

(g) The superintendent of the city, exempted village, or 5211  
local school district with the largest number of pupils residing 5212  
in the county, as determined by the department of education, which 5213

shall notify each board of county commissioners of its 5214  
determination at least biennially; 5215

(h) A school superintendent representing all other school 5216  
districts with territory in the county, as designated at a 5217  
biennial meeting of the superintendents of those districts; 5218

(i) A representative of the municipal corporation with the 5219  
largest population in the county; 5220

(j) The president of the board of county commissioners or an 5221  
individual designated by the board; 5222

(k) A representative of the department of youth services or 5223  
an individual designated by the department; 5224

(l) A representative of the county's head start agencies, as 5225  
defined in section 3301.32 of the Revised Code; 5226

(m) A representative of the county's early intervention 5227  
collaborative established pursuant to the federal early 5228  
intervention program operated under the "Individuals with 5229  
Disabilities Education Act of 2004"; 5230

(n) A representative of a local nonprofit entity that funds, 5231  
advocates, or provides services to children and families. 5232

Notwithstanding any other provision of law, the public 5233  
members of a county council are not prohibited from serving on the 5234  
council and making decisions regarding the duties of the council, 5235  
including those involving the funding of joint projects and those 5236  
outlined in the county's service coordination mechanism 5237  
implemented pursuant to division (C) of this section. 5238

~~The cabinet council shall establish a state appeals process 5239  
to resolve disputes among the members of a county council 5240  
concerning whether reasonable responsibilities as members are 5241  
being shared. The appeals process may be accessed only by a 5242  
majority vote of the council members who are required to serve on 5243~~

~~the council. Upon appeal, the cabinet council may order that state 5244  
funds for services to children and families be redirected to a 5245  
county's board of county commissioners. 5246~~

The county's juvenile court judge senior in service or 5247  
another judge of the juvenile court designated by the 5248  
administrative judge or, where there is no administrative judge, 5249  
by the judge senior in service shall serve as the judicial advisor 5250  
to the county family and children first council. The judge may 5251  
advise the county council on the court's utilization of resources, 5252  
services, or programs provided by the entities represented by the 5253  
members of the county council and how those resources, services, 5254  
or programs assist the court in its administration of justice. 5255  
Service of a judge as a judicial advisor pursuant to this section 5256  
is a judicial function. 5257

(2) The purpose of the county council is to streamline and 5258  
coordinate existing government services for families seeking 5259  
services for their children. In seeking to fulfill its purpose, a 5260  
county council shall provide for the following: 5261

(a) Referrals to the cabinet council of those children for 5262  
whom the county council cannot provide adequate services; 5263

(b) Development and implementation of a process that annually 5264  
evaluates and prioritizes services, fills service gaps where 5265  
possible, and invents new approaches to achieve better results for 5266  
families and children; 5267

(c) Participation in the development of a countywide, 5268  
comprehensive, coordinated, multi-disciplinary, interagency system 5269  
for infants and toddlers with developmental disabilities or delays 5270  
and their families, as established pursuant to federal grants 5271  
received and administered by the department of ~~health~~ 5272  
developmental disabilities for early intervention services under 5273  
the "Individuals with Disabilities Education Act of 2004"; 5274

(d) Maintenance of an accountability system to monitor the county council's progress in achieving results for families and children;	5275 5276 5277
(e) Establishment of a mechanism to ensure ongoing input from a broad representation of families who are receiving services within the county system.	5278 5279 5280
(3) A county council shall develop and implement the following:	5281 5282
(a) An interagency process to establish local indicators and monitor the county's progress toward increasing child well-being in the county;	5283 5284 5285
(b) An interagency process to identify local priorities to increase child well-being. <del>The local priorities shall focus on expectant parents and newborns thriving; infants and toddlers thriving; children being ready for school; children and youth succeeding in school; youth choosing healthy behaviors; and youth successfully transitioning into adulthood and take into account the indicators established by the cabinet council under division (A)(4)(a) of this section.</del>	5286 5287 5288 5289 5290 5291 5292 5293
(c) An annual plan that identifies the county's interagency efforts to increase child well-being in the county.	5294 5295
On an annual basis, the county council shall submit a report on the status of efforts by the county to increase child well-being in the county to the county's board of county commissioners and the cabinet council. This report shall be made available to any other person on request.	5296 5297 5298 5299 5300
(4)(a) Except as provided in division (B)(4)(b) of this section, a county council shall comply with the policies, procedures, and activities prescribed by the rules or interagency agreements of a state department participating on the cabinet council whenever the county council performs a function subject to	5301 5302 5303 5304 5305

those rules or agreements. 5306

(b) On application of a county council, the cabinet council 5307  
may grant an exemption from any rules or interagency agreements of 5308  
a state department participating on the council if an exemption is 5309  
necessary for the council to implement an alternative program or 5310  
approach for service delivery to families and children. The 5311  
application shall describe the proposed program or approach and 5312  
specify the rules or interagency agreements from which an 5313  
exemption is necessary. The cabinet council shall approve or 5314  
disapprove the application in accordance with standards and 5315  
procedures it shall adopt. If an application is approved, the 5316  
exemption is effective only while the program or approach is being 5317  
implemented, including a reasonable period during which the 5318  
program or approach is being evaluated for effectiveness. 5319

(5)(a) Each county council shall designate an administrative 5320  
agent for the council from among the following public entities: 5321  
the board of alcohol, drug addiction, and mental health services, 5322  
including a board of alcohol and drug addiction or a community 5323  
mental health board if the county is served by separate boards; 5324  
the board of county commissioners; any board of health of the 5325  
county's city and general health districts; the county department 5326  
of job and family services; the county agency responsible for the 5327  
administration of children services pursuant to section 5153.15 of 5328  
the Revised Code; the county board of developmental disabilities; 5329  
any of the county's boards of education or governing boards of 5330  
educational service centers; or the county's juvenile court. Any 5331  
of the foregoing public entities, other than the board of county 5332  
commissioners, may decline to serve as the council's 5333  
administrative agent. 5334

A county council's administrative agent shall serve as the 5335  
council's appointing authority for any employees of the council. 5336  
The council shall file an annual budget with its administrative 5337

agent, with copies filed with the county auditor and with the 5338  
board of county commissioners, unless the board is serving as the 5339  
council's administrative agent. The council's administrative agent 5340  
shall ensure that all expenditures are handled in accordance with 5341  
policies, procedures, and activities prescribed by state 5342  
departments in rules, grant agreements, or interagency agreements 5343  
that are applicable to the council's functions. 5344

The administrative agent of a county council shall send 5345  
notice of a member's absence if a member listed in division (B)(1) 5346  
of this section has been absent from either three consecutive 5347  
meetings of the county council or a county council subcommittee, 5348  
or from one-quarter of such meetings in a calendar year, whichever 5349  
is less. The notice shall be sent to the board of county 5350  
commissioners that establishes the county council and, for the 5351  
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 5352  
section, to the governing board overseeing the respective entity; 5353  
for the member listed in division (B)(1)(f) of this section, to 5354  
the county board of developmental disabilities that employs the 5355  
superintendent; for a member listed in division (B)(1)(g) or (h) 5356  
of this section, to the school board that employs the 5357  
superintendent; for the member listed in division (B)(1)(i) of 5358  
this section, to the mayor of the municipal corporation; for the 5359  
member listed in division (B)(1)(k) of this section, to the 5360  
director of youth services; and for the member listed in division 5361  
(B)(1)(n) of this section, to that member's board of trustees. 5362

The administrative agent for a county council may do any of 5363  
the following on behalf of the council: 5364

(i) Enter into agreements or administer contracts with public 5365  
or private entities to fulfill specific council business. Such 5366  
agreements and contracts are exempt from the competitive bidding 5367  
requirements of section 307.86 of the Revised Code if they have 5368  
been approved by the county council and they are for the purchase 5369

~~of family and child welfare or child protection services or other~~ 5370  
~~social or job and family~~ services for families and children. The 5371  
approval of the county council is not required to exempt 5372  
agreements or contracts entered into under section 5139.34, 5373  
5139.41, or 5139.43 of the Revised Code from the competitive 5374  
bidding requirements of section 307.86 of the Revised Code. 5375

(ii) As determined by the council, provide financial 5376  
stipends, reimbursements, or both, to family representatives for 5377  
expenses related to council activity; 5378

(iii) Receive by gift, grant, devise, or bequest any moneys, 5379  
lands, or other property for the purposes for which the council is 5380  
established. The agent shall hold, apply, and dispose of the 5381  
moneys, lands, or other property according to the terms of the 5382  
gift, grant, devise, or bequest. Any interest or earnings shall be 5383  
treated in the same manner and are subject to the same terms as 5384  
the gift, grant, devise, or bequest from which it accrues. 5385

(b)(i) If the county council designates the board of county 5386  
commissioners as its administrative agent, the board may, by 5387  
resolution, delegate any of its powers and duties as 5388  
administrative agent to an executive committee the board 5389  
establishes from the membership of the county council. The board 5390  
shall name to the executive committee at least the individuals 5391  
described in divisions (B)(1)(b) to (h) of this section and may 5392  
appoint the president of the board or another individual as the 5393  
chair of the executive committee. The executive committee must 5394  
include at least one family county council representative who does 5395  
not have a family member employed by an agency represented on the 5396  
council. 5397

(ii) The executive committee may, with the approval of the 5398  
board, hire an executive director to assist the county council in 5399  
administering its powers and duties. The executive director shall 5400  
serve in the unclassified civil service at the pleasure of the 5401

executive committee. The executive director may, with the approval 5402  
of the executive committee, hire other employees as necessary to 5403  
properly conduct the county council's business. 5404

(iii) The board may require the executive committee to submit 5405  
an annual budget to the board for approval and may amend or repeal 5406  
the resolution that delegated to the executive committee its 5407  
authority as the county council's administrative agent. 5408

(6) Two or more county councils may enter into an agreement 5409  
to administer their county councils jointly by creating a regional 5410  
family and children first council. A regional council possesses 5411  
the same duties and authority possessed by a county council, 5412  
except that the duties and authority apply regionally rather than 5413  
to individual counties. Prior to entering into an agreement to 5414  
create a regional council, the members of each county council to 5415  
be part of the regional council shall meet to determine whether 5416  
all or part of the members of each county council will serve as 5417  
members of the regional council. 5418

(7) A board of county commissioners may approve a resolution 5419  
by a majority vote of the board's members that requires the county 5420  
council to submit a statement to the board each time the council 5421  
proposes to enter into an agreement, adopt a plan, or make a 5422  
decision, other than a decision pursuant to section 121.38 of the 5423  
Revised Code, that requires the expenditure of funds for two or 5424  
more families. The statement shall describe the proposed 5425  
agreement, plan, or decision. 5426

Not later than fifteen days after the board receives the 5427  
statement, it shall, by resolution approved by a majority of its 5428  
members, approve or disapprove the agreement, plan, or decision. 5429  
Failure of the board to pass a resolution during that time period 5430  
shall be considered approval of the agreement, plan, or decision. 5431

An agreement, plan, or decision for which a statement is 5432

required to be submitted to the board shall be implemented only if 5433  
it is approved by the board. 5434

(C) Each county shall develop a county service coordination 5435  
mechanism. The county service coordination mechanism shall serve 5436  
as the guiding document for coordination of services in the 5437  
county. For children who also receive services under the ~~help-me~~ 5438  
~~grow program~~ early intervention program, the main provider of 5439  
service coordination ~~mechanism~~ shall be ~~consistent with rules~~ 5440  
~~adopted by the department of health under~~ an early intervention 5441  
service coordinator to ensure compliance with section ~~3701.61~~ 5442  
5123.02 of the Revised Code. All family service coordination plans 5443  
shall be developed in accordance with the county service 5444  
coordination mechanism. The mechanism shall be developed and 5445  
approved with the participation of the county entities 5446  
representing child welfare; developmental disabilities; alcohol, 5447  
drug addiction, and mental health services; health; juvenile 5448  
judges; education; the county family and children first council; 5449  
and the county early intervention collaborative established 5450  
pursuant to the federal early intervention program operated under 5451  
the "Individuals with Disabilities Education Act of 2004." The 5452  
county shall establish an implementation schedule for the 5453  
mechanism. The cabinet council may monitor the implementation and 5454  
administration of each county's service coordination mechanism. 5455

Each mechanism shall include all of the following: 5456

(1) A procedure for an agency, including a juvenile court, or 5457  
a family voluntarily seeking service coordination, to refer the 5458  
child and family to the county council for service coordination in 5459  
accordance with the mechanism; 5460

(2) A procedure ensuring that a family and all appropriate 5461  
staff from involved agencies, including a representative from the 5462  
appropriate school district, are notified of and invited to 5463  
participate in all family service coordination plan meetings; 5464

(3) A procedure that permits a family to initiate a meeting 5465  
to develop or review the family's service coordination plan and 5466  
allows the family to invite a family advocate, mentor, or support 5467  
person of the family's choice to participate in any such meeting; 5468

(4) A procedure for ensuring that a family service 5469  
coordination plan meeting is conducted for each child who receives 5470  
service coordination under the mechanism and for whom an emergency 5471  
out-of-home placement has been made or for whom a nonemergency 5472  
out-of-home placement is being considered. The meeting shall be 5473  
conducted within ten days of an emergency out-of-home placement. 5474  
The meeting shall be conducted before a nonemergency out-of-home 5475  
placement. The family service coordination plan shall outline how 5476  
the county council members will jointly pay for services, where 5477  
applicable, and provide services in the least restrictive 5478  
environment. 5479

(5) A procedure for monitoring the progress and tracking the 5480  
outcomes of each service coordination plan requested in the county 5481  
including monitoring and tracking children in out-of-home 5482  
placements to assure continued progress, appropriateness of 5483  
placement, and continuity of care after discharge from placement 5484  
with appropriate arrangements for housing, treatment, and 5485  
education; 5486

(6) A procedure for protecting the confidentiality of all 5487  
personal family information disclosed during service coordination 5488  
meetings or contained in the comprehensive family service 5489  
coordination plan; 5490

(7) A procedure for assessing the needs and strengths of any 5491  
child or family that has been referred to the council for service 5492  
coordination, including a child whose parent or custodian is 5493  
voluntarily seeking services, and for ensuring that parents and 5494  
custodians are afforded the opportunity to participate; 5495

(8) A procedure for development of a family service 5496  
coordination plan described in division (D) of this section; 5497

(9) A local dispute resolution process to serve as the 5498  
process that must be used first to resolve disputes among the 5499  
agencies represented on the county council concerning the 5500  
provision of services to children, including children who are 5501  
abused, neglected, dependent, unruly, alleged unruly, or 5502  
delinquent children and under the jurisdiction of the juvenile 5503  
court and children whose parents or custodians are voluntarily 5504  
seeking services. The local dispute resolution process shall 5505  
comply with sections 121.38, 121.381, and 121.382 of the Revised 5506  
Code. The local dispute resolution process shall be used to 5507  
resolve disputes between a child's parents or custodians and the 5508  
county council regarding service coordination. The county council 5509  
shall inform the parents or custodians of their right to use the 5510  
dispute resolution process. Parents or custodians shall use 5511  
existing local agency grievance procedures to address disputes not 5512  
involving service coordination. The dispute resolution process is 5513  
in addition to and does not replace other rights or procedures 5514  
that parents or custodians may have under other sections of the 5515  
Revised Code. 5516

The cabinet council shall adopt rules in accordance with 5517  
Chapter 119. of the Revised Code establishing an administrative 5518  
review process to address problems that arise concerning the 5519  
operation of a local dispute resolution process. 5520

Nothing in division (C)(4) of this section shall be 5521  
interpreted as overriding or affecting decisions of a juvenile 5522  
court or public children services agency regarding an out-of-home 5523  
placement, long-term placement, or emergency out-of-home 5524  
placement. 5525

(D) Each county shall develop a family service coordination 5526  
plan that does all of the following: 5527

(1) Designates service responsibilities among the various state and local agencies that provide services to children and their families, including children who are abused, neglected, dependent, unruly, or delinquent children and under the jurisdiction of the juvenile court and children whose parents or custodians are voluntarily seeking services;

(2) Designates an individual, approved by the family, to track the progress of the family service coordination plan, schedule reviews as necessary, and facilitate the family service coordination plan meeting process;

(3) Ensures that assistance and services to be provided are responsive to the strengths and needs of the family, as well as the family's culture, race, and ethnic group, by allowing the family to offer information and suggestions and participate in decisions. Identified assistance and services shall be provided in the least restrictive environment possible.

(4) Includes a process for dealing with a child who is alleged to be an unruly child. The process shall include methods to divert the child from the juvenile court system;

(5) Includes timelines for completion of goals specified in the plan with regular reviews scheduled to monitor progress toward those goals;

(6) Includes a plan for dealing with short-term crisis situations and safety concerns.

(E)(1) The process provided for under division (D)(4) of this section may include, but is not limited to, the following:

(a) Designation of the person or agency to conduct the assessment of the child and the child's family as described in division (C)(7) of this section and designation of the instrument or instruments to be used to conduct the assessment;

(b) An emphasis on the personal responsibilities of the child	5558
and the parental responsibilities of the parents, guardian, or	5559
custodian of the child;	5560
(c) Involvement of local law enforcement agencies and	5561
officials.	5562
(2) The method to divert a child from the juvenile court	5563
system that must be included in the service coordination process	5564
may include, but is not limited to, the following:	5565
(a) The preparation of a complaint under section 2151.27 of	5566
the Revised Code alleging that the child is an unruly child and	5567
notifying the child and the parents, guardian, or custodian that	5568
the complaint has been prepared to encourage the child and the	5569
parents, guardian, or custodian to comply with other methods to	5570
divert the child from the juvenile court system;	5571
(b) Conducting a meeting with the child, the parents,	5572
guardian, or custodian, and other interested parties to determine	5573
the appropriate methods to divert the child from the juvenile	5574
court system;	5575
(c) A method to provide to the child and the child's family a	5576
short-term respite from a short-term crisis situation involving a	5577
confrontation between the child and the parents, guardian, or	5578
custodian;	5579
(d) A program to provide a mentor to the child or the	5580
parents, guardian, or custodian;	5581
(e) A program to provide parenting education to the parents,	5582
guardian, or custodian;	5583
(f) An alternative school program for children who are truant	5584
from school, repeatedly disruptive in school, or suspended or	5585
expelled from school;	5586
(g) Other appropriate measures, including, but not limited	5587

to, any alternative methods to divert a child from the juvenile 5588  
court system that are identified by the Ohio family and children 5589  
first cabinet council. 5590

(F) Each county may review and revise the service 5591  
coordination process described in division (D) of this section 5592  
based on the availability of funds under Title IV-A of the "Social 5593  
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 5594  
or to the extent resources are available from any other federal, 5595  
state, or local funds. 5596

(G) As used in this section, "early intervention service 5597  
coordinator" means a person who holds an early intervention 5598  
service coordinator credential or an early intervention service 5599  
coordination supervisor credential issued by the department of 5600  
developmental disabilities and who assists and enables an infant 5601  
or toddler with a developmental delay or disability and the 5602  
child's family to receive the services and rights, including 5603  
procedural safeguards, required under part C of the "Individuals 5604  
with Disabilities Education Act of 2004," 20 U.S.C. 1400, as 5605  
amended. 5606

**Sec. 121.376.** (A) The Ohio family and children first cabinet 5607  
council state office shall establish and maintain the Ohio 5608  
automated service coordination information system. The information 5609  
system shall contain county family and children first council 5610  
records detailing funding sources and information regarding 5611  
families seeking services from a county council including: 5612

(1) Demographics including: 5613

(a) Number and relationship of family members; 5614

(b) Genders of youth; 5615

(c) Ages of youth; 5616

(d) Races of youth; 5617

<u>(e) Education of youth.</u>	5618
<u>(2) Youth financial resource eligibility information;</u>	5619
<u>(3) History and desired outcomes;</u>	5620
<u>(4) Youth's physical and behavioral health histories, when available;</u>	5621 5622
<u>(5) Names of youth's insurers and physicians, when available;</u>	5623
<u>(6) Individualized plans including:</u>	5624
<u>(a) Referrals made to services;</u>	5625
<u>(b) Services and supports received;</u>	5626
<u>(c) Crisis plans;</u>	5627
<u>(d) Safety plans.</u>	5628
<u>(7) All relevant case file documents;</u>	5629
<u>(8) Any other information related to families served, services provided, or the financial resources used to provide the services.</u>	5630 5631 5632
<u>(B) Each county family and children first council shall enter and update information in the Ohio automated service coordination information system as information becomes available or within five business days of acquiring new information. Failure to enter information may result in the withholding of state funding.</u>	5633 5634 5635 5636 5637
<u>(C) The data in the Ohio automated service coordination information system is confidential, and release of information is limited to those with whom the county family and children first council is permitted by law to share the information. Access to and use of data in the Ohio automated service coordination information system shall be limited to the extent necessary to carry out the duties of the family and children first cabinet council and the county family and children first councils established in section 121.37 of the Revised Code.</u>	5638 5639 5640 5641 5642 5643 5644 5645 5646

(D) Personnel having access to the Ohio automated service coordination information system shall be limited to those individuals who have been educated on the confidentiality requirements of the Ohio automated service coordination information system, who are informed of all penalties, who have been educated in security procedures, and who have provided acknowledgement of rules developed by the Ohio family and children first cabinet council. 5647  
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(E) Each county family and children first council shall do both of the following: 5655  
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(1) Establish and implement a policy establishing administrative penalties, up to and including dismissal from employment, for unauthorized access to, disclosure of, or use of data in the Ohio automated service coordination information system; 5657  
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(2) Monitor access to and use of the Ohio automated service coordination information system to prevent and identify unauthorized use of the system. 5662  
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(F) No direct access to the Ohio automated service coordination information system shall be requested by or on behalf of, nor approved for or granted to, any researcher conducting research. 5665  
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(G) The Ohio family and children first cabinet council state office may adopt rules, in accordance with Chapter 119. Of the Revised Code, governing county family and children first councils' access to, entry of, and use of information in the Ohio automated service coordination information system. 5669  
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**Sec. 121.381.** A parent or custodian who disagrees with a decision rendered by a county family and children first council regarding services for a child may initiate the dispute resolution 5674  
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process established in the county service coordination mechanism 5677  
pursuant to division ~~(C)(10)~~(C)(9) of section 121.37 of the 5678  
Revised Code. 5679

Not later than sixty days after the parent or custodian 5680  
initiates the dispute resolution process, the council shall make 5681  
findings regarding the dispute and issue a written determination 5682  
of its findings. 5683

**Sec. 121.49.** (A) Subject to division (B) of this section, 5684  
only an individual who meets one or more of the following 5685  
qualifications is eligible to be appointed inspector general: 5686

(1) At least five years experience as a law enforcement 5687  
officer in this or any other state; 5688

(2) Admission to the bar of this or any other state; 5689

(3) Certification as a certified public accountant in this or 5690  
any other state; 5691

(4) At least five years service as the comptroller or similar 5692  
officer of a public or private entity in this or any other state; 5693

(5) At least five years service as a deputy inspector general 5694  
in this or any other state. 5695

(B) No individual who has been convicted, in this or any 5696  
other state, of a felony or of any crime involving fraud, 5697  
dishonesty, or moral turpitude shall be appointed inspector 5698  
general. 5699

**Sec. 121.81.** As used in sections 121.81 to ~~121.83~~ 121.82 of 5700  
the Revised Code: 5701

(A) "Agency" means a state agency that is required to file 5702  
proposed rules for legislative review under division (D) of 5703  
section 111.15 or division (C) of section 119.03 of the Revised 5704

Code. 5705

(B) "Draft rule" means any newly proposed rule and any 5706  
proposed amendment, adoption, or rescission of a rule prior to the 5707  
filing of that rule for legislative review under division (D) of 5708  
section 111.15 or division (C) of section 119.03 of the Revised 5709  
Code and includes a proposed amendment, adoption, or rescission of 5710  
a rule in both its original and any revised form. "Draft rule" 5711  
does not include an emergency rule adopted under division (B)(2) 5712  
of section 111.15 or division (G) of section 119.03 of the Revised 5713  
Code, but does include a rule that is proposed to replace an 5714  
emergency rule that expires under those divisions. 5715

Sections 121.81 to ~~121.83~~ 121.82 and 121.91 of the Revised 5716  
Code are complementary to sections 107.51 to 107.55 and 107.61 to 5717  
107.63 of the Revised Code. 5718

**Sec. 121.811.** The offices of the governor, lieutenant 5719  
governor, auditor of state, secretary of state, treasurer of 5720  
state, and attorney general shall comply with the business review 5721  
provisions of sections 106.03 and 106.031 and 121.81 to ~~121.83~~ 5722  
121.82 of the Revised Code, but are not required to submit any 5723  
document to the common sense initiative office or to prepare any 5724  
document that would have been prepared in response to 5725  
recommendations of the common sense initiative office, but rather 5726  
shall prepare all other documents required under the business 5727  
review provisions and submit them directly to the joint committee 5728  
on agency rule review along with the proposed or existing rule. 5729  
The offices of the governor, lieutenant governor, auditor of 5730  
state, secretary of state, treasurer of state, and attorney 5731  
general are subject, however, to section 106.05 of the Revised 5732  
Code. 5733

**Sec. 121.93.** (A) ~~An~~ Except as provided in division (E) of 5734

this section, an agency shall review its operations to identify 5735  
principles of law or policy that have not been stated in a rule 5736  
and that the agency is relying upon in conducting adjudications or 5737  
other determinations of rights and liabilities or in issuing 5738  
writings and other materials, such as instructions, directives, 5739  
policy statements, guidelines, handbooks, manuals, advisories, 5740  
notices, circulars, advertisements, forms, letters, and opinions. 5741  
An agency is not required to identify principles of law or policy 5742  
relied upon in issuing internal management rules as defined n 5743  
section 111.15 of the Revised Code. The agency shall complete at 5744  
least one of the reviews during a governor's term. 5745

Within ~~three~~ six months after the expiration of a governor's 5746  
term, the agency electronically shall transmit a report to the 5747  
joint committee on agency rule review containing the following: 5748

(1) A statement that the agency has completed one or more of 5749  
the reviews, specifying the exact number of reviews completed 5750  
during the governor's expired term; 5751

(2) The principles of law or policies identified under this 5752  
division; 5753

(3) The agency's considerations regarding the identified 5754  
principles of law or policies under division (B) of this section; 5755

(4) Any principles of law or policies for which the agency 5756  
determines rulemaking is indicated or for which the agency has 5757  
commenced the rule-making process under division (C) of this 5758  
section. 5759

The joint committee on agency rule review shall make the 5760  
reports available on its web site. 5761

(B) The agency shall determine whether a principle of law or 5762  
policy thus identified has a general and uniform operation and 5763  
establishes a legal regulation or standard that would not exist in 5764

its absence. If the principle of law or policy has these 5765  
characteristics, the agency shall determine whether the principle 5766  
of law or policy should be supplanted by its restatement in a rule 5767  
to achieve one or more of the following as they are relevant to 5768  
the principle of law or policy: 5769

(1) Assert the general and uniform operation of the principle 5770  
of law or policy; 5771

(2) Make the principle of law or policy more readily 5772  
available to the public; 5773

(3) Make the principle of law or policy more readily 5774  
available to persons who specifically are affected by the 5775  
principle of law or policy; 5776

(4) Enable the principle of law or policy to be better known 5777  
in advance of its application; 5778

(5) Enable greater public participation in improvement and 5779  
further development of the principle of law or policy; 5780

(6) Enable greater participation by persons specifically 5781  
affected by the principle of law or policy in the improvement and 5782  
further development of the principle of law or policy; 5783

(7) Make the principle of law or policy more easily 5784  
understandable; or 5785

(8) Make the principle of law or policy more readily 5786  
available to those legally charged with monitoring or reviewing 5787  
the agency's operations. 5788

If a principle of law or policy aids in the interpretation of 5789  
an existing rule or statute, the agency shall consider whether the 5790  
aiding effect clarifies or otherwise resolves an uncertainty in 5791  
the existing rule or statute. If the principle of law or policy 5792  
can be so characterized, the agency shall consider whether the 5793  
principle of law or policy should be supplanted by its restatement 5794

in an interpretive rule. The agency may not presume that a 5795  
principle of law or policy that aids in the interpretation of an 5796  
existing rule or statute is simply a reiteration of the existing 5797  
rule or statute. 5798

(C) If the agency determines, in light of the foregoing 5799  
standards, that rulemaking is indicated, the agency shall commence 5800  
the rule-making process as soon as it is reasonably feasible to do 5801  
so, but not later than the date that is six months after the 5802  
determination was made. The principle of law or policy as it is 5803  
restated in a rule does not need to be wholly congruent with the 5804  
supplanted principle of law or policy. The agency lawfully may 5805  
improve or develop further the supplanted principle of law or 5806  
policy as it is restated in a rule. 5807

The agency may continue to rely upon the principle of law or 5808  
policy, but only while it is complying with the preceding 5809  
paragraph. The agency may not rely upon the principle of law or 5810  
policy in advising with regard to or in determining the rights or 5811  
liabilities of a person if the agency fails to commence the 5812  
rule-making process by the deadline specified in the preceding 5813  
paragraph, or if, after commencing the rule-making process, the 5814  
agency neglects or abandons the rule-making process before it is 5815  
completed. 5816

(D) A principle of law or policy that is relied upon directly 5817  
or by clear implication from a statute applying to the agency does 5818  
not need to be supplanted by rule. 5819

(E) This section does not apply to an agency, commission, or 5820  
committee created in the legislative branch of government or to 5821  
serve the general assembly including, but not limited to, all of 5822  
the following: 5823

(1) The joint legislative ethics committee; 5824

(2) The joint medicaid oversight committee; 5825

- (3) The correctional institution inspection committee; 5826
- (4) The legislative service commission; 5827
- (5) The legislative information services; 5828
- (6) The capitol square review and advisory board. 5829

**Sec. 121.95.** (A) As used in sections 121.95, 121.951, 5830  
121.952, and 121.953, ~~and 121.954~~ of the Revised Code, "state 5831  
agency" means an administrative department created under section 5832  
121.02 of the Revised Code, an administrative department head 5833  
appointed under section 121.03 of the Revised Code, and a state 5834  
agency organized under an administrative department or 5835  
administrative department head. "State agency" also includes the 5836  
department of education, the state lottery commission, the Ohio 5837  
casino control commission, the state racing commission, and the 5838  
public utilities commission of Ohio. Rules adopted by an otherwise 5839  
independent official or entity organized under a state agency 5840  
shall be attributed to the agency under which the official or 5841  
entity is organized for the purposes of sections 121.95, 121.951, 5842  
121.952, and 121.953 ~~, and 121.954~~ of the Revised Code. 5843

(B) Not later than December 31, 2019, a state agency shall 5844  
review its existing rules to identify rules having one or more 5845  
regulatory restrictions that require or prohibit an action and 5846  
prepare a base inventory of the regulatory restrictions in its 5847  
existing rules. Rules that include the words "shall," "must," 5848  
"require," "shall not," "may not," and "prohibit" shall be 5849  
considered to contain regulatory restrictions. 5850

(C) In the base inventory, the state agency shall indicate 5851  
all of the following concerning each regulatory restriction: 5852

(1) A description of the regulatory restriction; 5853

(2) The rule number of the rule in which the regulatory 5854  
restriction appears; 5855

(3) The statute under which the regulatory restriction was adopted;	5856 5857
(4) Whether state or federal law expressly and specifically requires the agency to adopt the regulatory restriction or the agency adopted the regulatory restriction under the agency's general authority;	5858 5859 5860 5861
(5) Whether removing the regulatory restriction would require a change to state or federal law, provided that removing a regulatory restriction adopted under a law granting the agency general authority shall be presumed not to require a change to state or federal law;	5862 5863 5864 5865 5866
(6) Any other information the joint committee on agency rule review considers necessary.	5867 5868
(D) The state agency shall compute and state the total number of regulatory restrictions indicated in the base inventory, shall post the base inventory on its web site, and shall electronically transmit a copy of the inventory to the joint committee. The joint committee shall review the base inventory, then transmit it electronically to the speaker of the house of representatives and the president of the senate.	5869 5870 5871 5872 5873 5874 5875
(E) The following types of rules or regulatory restrictions are not <del>required to be included in a state agency's inventory of regulatory restrictions</del> <u>subject to this section or sections 121.951 to 121.953 of the Revised Code:</u>	5876 5877 5878 5879
(1) An internal management rule;	5880
(2) An emergency rule;	5881
(3) A rule that state or federal law requires the state agency to adopt verbatim;	5882 5883
(4) A regulatory restriction contained in materials or documents incorporated by reference into a rule pursuant to	5884 5885

sections 121.71 to 121.75 of the Revised Code;	5886
(5) A rule adopted pursuant to section 1347.15 of the Revised Code;	5887 5888
(6) A rule concerning instant lottery games;	5889
(7) A rule adopted by the Ohio casino control commission or the state lottery commission concerning sports gaming;	5890 5891
(8) Any other rule that is not subject to review under Chapter 106. of the Revised Code.	5892 5893
(F) Beginning on October 17, 2019, and ending on June 30, 2025, a state agency may not adopt a new regulatory restriction unless it simultaneously removes two or more other existing regulatory restrictions. The state agency may not satisfy this section by merging two or more existing regulatory restrictions into a single surviving regulatory restriction.	5894 5895 5896 5897 5898 5899
<b>Sec. 122.07.</b> (A) There is hereby created within the <u>department of development</u> <del>services agency</del> an office to be known as the office of TourismOhio. The office shall be under the supervision of a director who shall be of equivalent rank of deputy director of the agency and shall serve at the pleasure of the director of development <del>services</del> .	5900 5901 5902 5903 5904 5905
(B) The office shall do both of the following:	5906
(1) Promote the state as a <del>travel</del> destination <u>for living, learning, working, and traveling</u> , and provide related services or otherwise carry out the promotional functions or duties of the <del>agency</del> <u>department</u> , as necessary;	5907 5908 5909 5910
(2) Perform an annual return-on-investment study analyzing the office's success in promoting Ohio <del>tourism</del> . A report containing the findings of the study shall be submitted to the governor, the speaker and minority leader of the house of representatives, and the president and minority leader of the	5911 5912 5913 5914 5915

senate. The report shall also be made available to the public. 5916

**Sec. 122.072.** There is hereby created in the state treasury 5917  
the tourism fund consisting of money credited or transferred to it 5918  
and grants, gifts, and contributions made directly to it. Money in 5919  
the fund shall be used to defray costs incurred by the office of 5920  
TourismOhio in promoting this state ~~as a travel destination.~~ 5921

**Sec. 122.17.** (A) As used in this section: 5922

(1) "Payroll" means the total taxable income paid by the 5923  
employer during the employer's taxable year, or during the 5924  
calendar year that includes the employer's tax period, to each 5925  
employee or each home-based employee employed in the project to 5926  
the extent such payroll is not used to determine the credit under 5927  
section 122.171 of the Revised Code. "Payroll" excludes amounts 5928  
paid before the day the taxpayer becomes eligible for the credit 5929  
and retirement or other benefits paid or contributed by the 5930  
employer to or on behalf of employees. 5931

(2) "Baseline payroll" means Ohio employee payroll, except 5932  
that the applicable measurement period is the twelve months 5933  
immediately preceding the date the tax credit authority approves 5934  
the taxpayer's application or the date the tax credit authority 5935  
receives the recommendation described in division (C)(2)(a) of 5936  
this section, whichever occurs first, multiplied by the sum of one 5937  
plus an annual pay increase factor to be determined by the tax 5938  
credit authority. 5939

(3) "Ohio employee payroll" means the amount of compensation 5940  
used to determine the withholding obligations in division (A) of 5941  
section 5747.06 of the Revised Code and paid by the employer 5942  
during the employer's taxable year, or during the calendar year 5943  
that includes the employer's tax period, to the following: 5944

(a) An employee employed in the project who is a resident of 5945

this state including a qualifying work-from-home employee not 5946  
designated as a home-based employee by an applicant under division 5947  
(C)(1) of this section; 5948

(b) An employee employed at the project location who is not a 5949  
resident and whose compensation is not exempt from the tax imposed 5950  
under section 5747.02 of the Revised Code pursuant to a 5951  
reciprocity agreement with another state under division (A)(3) of 5952  
section 5747.05 of the Revised Code; 5953

(c) A home-based employee employed in the project. 5954

"Ohio employee payroll" excludes any such compensation to the 5955  
extent it is used to determine the credit under section 122.171 of 5956  
the Revised Code, and excludes amounts paid before the day the 5957  
taxpayer becomes eligible for the credit under this section. 5958

(4) "Excess payroll" means Ohio employee payroll minus 5959  
baseline payroll. 5960

(5) "Home-based employee" means an employee whose services 5961  
are performed primarily from the employee's residence in this 5962  
state exclusively for the benefit of the project and whose rate of 5963  
pay is at least one hundred thirty-one per cent of the federal 5964  
minimum wage under 29 U.S.C. 206. 5965

(6) "Full-time equivalent employees" means the quotient 5966  
obtained by dividing the total number of hours for which employees 5967  
were compensated for employment in the project by two thousand 5968  
eighty. "Full-time equivalent employees" excludes hours that are 5969  
counted for a credit under section 122.171 of the Revised Code. 5970

(7) "Metric evaluation date" means the date by which the 5971  
taxpayer must meet all of the commitments included in the 5972  
agreement. 5973

(8) "Qualifying work-from-home employee" means an employee 5974  
who is a resident of this state and whose services are supervised 5975

from the employer's project location and performed primarily from 5976  
a residence of the employee located in this state. 5977

(9) "Resident" or "resident of this state" means an 5978  
individual who is a resident as defined in section 5747.01 of the 5979  
Revised Code. 5980

(10) "Reporting period" means a period corresponding to the 5981  
annual report required under division (D)(6) of this section. 5982

(11) "Megaproject" means a project in this state that meets 5983  
all of the following requirements: 5984

(a) At least one of the following applies: 5985

(i) The project requires unique sites, extremely robust 5986  
utility service, and a technically skilled workforce. 5987

(ii) The megaproject operator of the project has its 5988  
corporate headquarters in the United States, incurs more than 5989  
fifty per cent of its research and development expenses in the 5990  
United States in the year preceding the date the tax credit 5991  
authority approves the project for a credit under this section, 5992  
and builds and operates semiconductor wafer manufacturing 5993  
factories in this state or intends to do so by the metric 5994  
evaluation date applicable to the megaproject operator. 5995

(b) The megaproject operator of the project agrees, in an 5996  
agreement with the tax credit authority under division (D) of this 5997  
section, that, on and after the metric evaluation date applicable 5998  
to the megaproject operator and until the end of the last year for 5999  
which the megaproject qualifies for the credit authorized under 6000  
this section, the megaproject operator will compensate the 6001  
project's employees at an average hourly wage of at least three 6002  
hundred per cent of the federal minimum wage under 29 U.S.C. 206, 6003  
exclusive of employee benefits, as determined at the time the tax 6004  
credit authority approves the project for a credit under this 6005  
section. 6006

(c) The megaproject operator agrees, in an agreement with the tax credit authority under division (D) of this section, to satisfy either of the following by the metric evaluation date applicable to the project:

(i) The megaproject operator makes at least one billion dollars, as adjusted under division (V)(1) of this section, in fixed-asset investments in the project.

(ii) The megaproject operator creates at least seventy-five million dollars, as adjusted under division (V)(1) of this section, in Ohio employee payroll at the project.

(d) The megaproject operator agrees, in an agreement with the tax credit authority under division (D) of this section, that if the project satisfies division (A)(11)(c)(ii) of this section, then, on and after the metric evaluation date and until the end of the last year for which the megaproject qualifies for the credit authorized under this section, the megaproject operator will maintain at least the amount in Ohio employee payroll at the project required under that division for each year in that period.

(12) "Megaproject operator" means a taxpayer that, separately or collectively with other taxpayers, undertakes and operates a megaproject. Such a taxpayer becomes a megaproject operator effective the first day of the calendar year in which the taxpayer and the tax credit authority enter into an agreement under division (D) of this section with respect to the megaproject. More than one taxpayer may be designated by the tax credit authority as a megaproject operator for the same megaproject.

(13) "Megaproject supplier" means a supplier in this state that meets either or both of the following requirements:

(a) The supplier sells tangible personal property directly to a megaproject operator of a megaproject that satisfies the criteria described in division (A)(11)(a)(ii) of this section for

use at a megaproject site, provided that such property was subject 6038  
to substantial manufacturing, assembly, or processing in this 6039  
state at a facility owned or operated by the supplier; 6040

(b) The supplier sells tangible personal property directly to 6041  
a megaproject operator for use at a megaproject site, provided 6042  
that the supplier agrees, in an agreement with the tax credit 6043  
authority under division (D) of this section, to meet all of the 6044  
following requirements: 6045

(i) By the metric evaluation date applicable to the supplier, 6046  
makes at least one hundred million dollars, as adjusted under 6047  
division (V)(2) of this section, in fixed-asset investments in 6048  
this state; 6049

(ii) By the metric evaluation date applicable to the 6050  
supplier, creates at least ten million dollars, as adjusted under 6051  
division (V)(2) of this section, in Ohio employee payroll; 6052

(iii) On and after the metric evaluation date applicable to 6053  
the supplier, until the end of the last year for which the 6054  
supplier qualifies for the credit authorized under this section, 6055  
maintains at least the amount in Ohio employee payroll required 6056  
under division (A)(13)(b)(ii) of this section for each year in 6057  
that period. 6058

(B) The tax credit authority may make grants under this 6059  
section to foster job creation in this state. Such a grant shall 6060  
take the form of a refundable credit allowed against the tax 6061  
imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, or 6062  
5747.02 or levied under Chapter 5751. of the Revised Code. The 6063  
credit shall be claimed for the taxable years or tax periods 6064  
specified in the taxpayer's agreement with the tax credit 6065  
authority under division (D) of this section. With respect to 6066  
taxes imposed under section 5726.02, 5733.06, or 5747.02 or 6067  
Chapter 5751. of the Revised Code, the credit shall be claimed in 6068

the order required under section 5726.98, 5733.98, 5747.98, or 6069  
5751.98 of the Revised Code. The amount of the credit available 6070  
for a taxable year or for a calendar year that includes a tax 6071  
period equals the excess payroll for that year multiplied by the 6072  
percentage specified in the agreement with the tax credit 6073  
authority. 6074

(C)(1) A taxpayer or potential taxpayer who proposes a 6075  
project to create new jobs in this state may apply to the tax 6076  
credit authority to enter into an agreement for a tax credit under 6077  
this section. 6078

An application shall not propose to include both home-based 6079  
employees and employees who are not home-based employees in the 6080  
computation of Ohio employee payroll for the purposes of the same 6081  
tax credit agreement, except that a qualifying work-from-home 6082  
employee shall not be considered to be a home-based employee 6083  
unless so designated by the applicant. If a taxpayer or potential 6084  
taxpayer employs both home-based employees and employees who are 6085  
not home-based employees in a project, the taxpayer shall submit 6086  
separate applications for separate tax credit agreements for the 6087  
project, one of which shall include home-based employees in the 6088  
computation of Ohio employee payroll and one of which shall 6089  
include all other employees in the computation of Ohio employee 6090  
payroll. 6091

The director of development shall prescribe the form of the 6092  
application. After receipt of an application, the authority may 6093  
enter into an agreement with the taxpayer for a credit under this 6094  
section if it determines all of the following: 6095

(a) The taxpayer's project will increase payroll; 6096

(b) The taxpayer's project is economically sound and will 6097  
benefit the people of this state by increasing opportunities for 6098  
employment and strengthening the economy of this state; 6099

(c) Receiving the tax credit is a major factor in the 6100  
taxpayer's decision to go forward with the project. 6101

(2)(a) A taxpayer that chooses to begin the project prior to 6102  
receiving the determination of the authority may, upon submitting 6103  
the taxpayer's application to the authority, request that the 6104  
chief investment officer of the nonprofit corporation formed under 6105  
section 187.01 of the Revised Code and the director review the 6106  
taxpayer's application and recommend to the authority that the 6107  
taxpayer's application be considered. As soon as possible after 6108  
receiving such a request, the chief investment officer and the 6109  
director shall review the taxpayer's application and, if they 6110  
determine that the application warrants consideration by the 6111  
authority, make that recommendation to the authority not later 6112  
than six months after the application is received by the 6113  
authority. 6114

(b) The authority shall consider any taxpayer's application 6115  
for which it receives a recommendation under division (C)(2)(a) of 6116  
this section. If the authority determines that the taxpayer does 6117  
not meet all of the criteria set forth in division (C)(1) of this 6118  
section, the authority and the department of development shall 6119  
proceed in accordance with rules adopted by the director pursuant 6120  
to division (I) of this section. 6121

(D) An agreement under this section shall include all of the 6122  
following: 6123

(1) A detailed description of the project that is the subject 6124  
of the agreement; 6125

(2)(a) The term of the tax credit, which, except as provided 6126  
in division (D)(2)(b) or (C) of this section, shall not exceed 6127  
fifteen years, and the first taxable year, or first calendar year 6128  
that includes a tax period, for which the credit may be claimed; 6129

(b) If the tax credit is computed on the basis of home-based 6130

employees, the term of the credit shall expire on or before the 6131  
last day of the taxable or calendar year ending before the 6132  
beginning of the seventh year after September 6, 2012, the 6133  
effective date of H.B. 327 of the 129th general assembly. 6134

(c) If the taxpayer is a megaproject operator or a 6135  
megaproject supplier that meets the requirements described in 6136  
division (A)(13)(b) of this section, the term of the tax credit 6137  
shall not exceed thirty years. 6138

(3) A requirement that the taxpayer shall maintain operations 6139  
at the project location for at least the greater of seven years or 6140  
the term of the credit plus three years; 6141

(4) The percentage, as determined by the tax credit 6142  
authority, of excess payroll that will be allowed as the amount of 6143  
the credit for each taxable year or for each calendar year that 6144  
includes a tax period; 6145

(5) The pay increase factor to be applied to the taxpayer's 6146  
baseline payroll; 6147

(6) A requirement that the taxpayer annually shall report to 6148  
the director of development full-time equivalent employees, 6149  
payroll, Ohio employee payroll, investment, the provision of 6150  
health care benefits and tuition reimbursement if required in the 6151  
agreement, and other information the director needs to perform the 6152  
director's duties under this section; 6153

(7) A requirement that the director of development annually 6154  
review the information reported under division (D)(6) of this 6155  
section and verify compliance with the agreement; if the taxpayer 6156  
is in compliance, a requirement that the director issue a 6157  
certificate to the taxpayer stating that the information has been 6158  
verified and identifying the amount of the credit that may be 6159  
claimed for the taxable or calendar year. If the taxpayer is a 6160  
megaproject supplier, the director shall issue such a certificate 6161

to the megaproject supplier and to any megaproject operator (a) to 6162  
which the megaproject supplier directly sells tangible personal 6163  
property and (b) that is authorized to claim the credit pursuant 6164  
to division (D)(10) of this section. 6165

(8) A provision providing that the taxpayer may not relocate 6166  
a substantial number of employment positions from elsewhere in 6167  
this state to the project location unless the director of 6168  
development determines that the legislative authority of the 6169  
county, township, or municipal corporation from which the 6170  
employment positions would be relocated has been notified by the 6171  
taxpayer of the relocation. 6172

For purposes of this section, the movement of an employment 6173  
position from one political subdivision to another political 6174  
subdivision shall be considered a relocation of an employment 6175  
position unless the employment position in the first political 6176  
subdivision is replaced. The movement of a qualifying 6177  
work-from-home employee to a different residence located in this 6178  
state or to the project location shall not be considered a 6179  
relocation of an employment position. 6180

(9) If the tax credit is computed on the basis of home-based 6181  
employees, that the tax credit may not be claimed by the taxpayer 6182  
until the taxable year or tax period in which the taxpayer employs 6183  
at least two hundred employees more than the number of employees 6184  
the taxpayer employed on June 30, 2011; 6185

(10) If the taxpayer is a megaproject supplier, the 6186  
percentage of the annual tax credit certified under division 6187  
(D)(7) of this section, up to one hundred per cent, that may be 6188  
claimed by each megaproject operator to which the megaproject 6189  
supplier directly sells tangible personal property, rather than by 6190  
that megaproject supplier, on the condition that the megaproject 6191  
operator continues to qualify as a megaproject operator; 6192

(11) If the taxpayer is a megaproject operator or megaproject supplier, a requirement that the taxpayer meet and maintain compliance with all thresholds and requirements to which the taxpayer agreed, pursuant to division (A)(11) or (13) of this section, respectively, as a condition of the operator's project qualifying as a megaproject or the supplier qualifying as a megaproject supplier until the end of the last year for which the taxpayer qualifies for the credit authorized under this section. In each year that a megaproject operator or megaproject supplier is subject to an agreement with the tax credit authority under this section and meets the requirements of this division, the director of development shall issue a certificate to the megaproject operator or megaproject supplier stating that the megaproject operator or megaproject supplier continues to meet those requirements.

(12) If the taxpayer is a megaproject operator, a requirement that the megaproject operator submit, in a form acceptable to the director of development, an economic impact report with respect to each megaproject for which the megaproject operator is designated, summarizing all of the following for the reporting year:

(a) The aggregate amount of purchases made by the megaproject operator for such megaproject from megaproject suppliers;

(b) The aggregate amount of purchases made by the megaproject operator for such megaproject from suppliers other than megaproject suppliers;

(c) A summary of the construction activity for any facilities at the site of the megaproject in that year;

(d) The aggregate amount expended by the megaproject operator on research and development at the site of the megaproject in that year;

(e) The number of employees working at the site of the

megaproject and the counties in which those employees reside; 6224

(f) A summary of the supply chain activity in support of the 6225  
megaproject, including a list of the twenty-five suppliers with a 6226  
physical presence in Ohio from which the megaproject operator made 6227  
the most purchases in that year. 6228

The economic impact report shall be due on or before the 6229  
first day of July of each year, beginning in the year specified in 6230  
the agreement with the tax credit authority. The information 6231  
required in the report shall be certified as true and correct by 6232  
an officer of the megaproject operator. If there is more than one 6233  
megaproject operator designated for a single megaproject, all of 6234  
the megaproject operators designated for the megaproject may 6235  
jointly submit a single report. Any information contained in the 6236  
report is a public record for purposes of section 149.43 of the 6237  
Revised Code and shall be published on the department of 6238  
development's web site. 6239

(E)(1) If a taxpayer fails to meet or comply with any 6240  
condition or requirement set forth in a tax credit agreement, the 6241  
tax credit authority may amend the agreement to reduce the 6242  
percentage or term of the tax credit. The reduction of the 6243  
percentage or term may take effect in the current taxable or 6244  
calendar year. 6245

(2) If the tax credit authority determines that a taxpayer 6246  
that is a megaproject operator of a megaproject described in 6247  
division (A)(11)(a)(ii) of this section is not fully compliant 6248  
with the requirements of the agreement, the authority may impose a 6249  
recoupment payment on the taxpayer in accordance with the 6250  
following: 6251

(a) If, on the metric evaluation date, the taxpayer fails to 6252  
substantially meet the capital investment, full-time equivalent 6253  
employee, or payroll requirements included in the agreement, an 6254

amount determined at the discretion of the authority, not to 6255  
exceed the sum of the following for all years prior to the metric 6256  
evaluation date: (i) the amount of taxes that would have been 6257  
imposed under Chapters 5739. and 5741. of the Revised Code in the 6258  
absence of the agreement, and (ii) the amount of taxes that would 6259  
have been imposed under Chapter 5751. of the Revised Code on 6260  
receipts realized from sales to the taxpayer in the absence of the 6261  
agreement; 6262

(b) If the taxpayer fails to substantially maintain the 6263  
capital investment, full-time equivalent employee, or payroll 6264  
requirements included in the agreement in any year after the 6265  
metric evaluation date, an amount determined at the discretion of 6266  
the authority, not to exceed the sum of the following for the 6267  
calendar year in which taxpayer failed to meet the requirements: 6268  
(i) the amount of taxes that would have been imposed under 6269  
Chapters 5739. and 5741. of the Revised Code in the absence of the 6270  
agreement, and (ii) the amount of taxes that would have been 6271  
imposed under Chapter 5751. of the Revised Code on receipts 6272  
realized from sales to the taxpayer in the absence of the 6273  
agreement. 6274

(3) The tax credit authority may, subject to any requirements 6275  
of the tax credit agreement, take into consideration the 6276  
taxpayer's prior performance and any market conditions impacting 6277  
the taxpayer when determining the amount of the recoupment payment 6278  
described in division (E)(2) of this section. 6279

(F) Projects that consist solely of point-of-final-purchase 6280  
retail facilities are not eligible for a tax credit under this 6281  
section. If a project consists of both point-of-final-purchase 6282  
retail facilities and nonretail facilities, only the portion of 6283  
the project consisting of the nonretail facilities is eligible for 6284  
a tax credit and only the excess payroll from the nonretail 6285  
facilities shall be considered when computing the amount of the 6286

tax credit. If a warehouse facility is part of a 6287  
point-of-final-purchase retail facility and supplies only that 6288  
facility, the warehouse facility is not eligible for a tax credit. 6289  
Catalog distribution centers are not considered 6290  
point-of-final-purchase retail facilities for the purposes of this 6291  
division, and are eligible for tax credits under this section. 6292

(G) Financial statements and other information submitted to 6293  
the department of development or the tax credit authority by an 6294  
applicant or recipient of a tax credit under this section, and any 6295  
information taken for any purpose from such statements or 6296  
information, are not public records subject to section 149.43 of 6297  
the Revised Code. However, the chairperson of the authority may 6298  
make use of the statements and other information for purposes of 6299  
issuing public reports or in connection with court proceedings 6300  
concerning tax credit agreements under this section. Upon the 6301  
request of the tax commissioner or, if the applicant or recipient 6302  
is an insurance company, upon the request of the superintendent of 6303  
insurance, the chairperson of the authority shall provide to the 6304  
commissioner or superintendent any statement or information 6305  
submitted by an applicant or recipient of a tax credit in 6306  
connection with the credit. The commissioner or superintendent 6307  
shall preserve the confidentiality of the statement or 6308  
information. 6309

(H) A taxpayer claiming a credit under this section shall 6310  
submit to the tax commissioner or, if the taxpayer is an insurance 6311  
company, to the superintendent of insurance, a copy of the 6312  
director of development's certificate of verification under 6313  
division (D)(7) of this section with the taxpayer's tax report or 6314  
return for the taxable year or for the calendar year that includes 6315  
the tax period. Failure to submit a copy of the certificate with 6316  
the report or return does not invalidate a claim for a credit if 6317  
the taxpayer submits a copy of the certificate to the commissioner 6318

or superintendent within the time prescribed by section 5703.0510 6319  
of the Revised Code or within thirty days after the commissioner 6320  
or superintendent requests it. 6321

(I) The director of development, after consultation with the 6322  
tax commissioner and the superintendent of insurance and in 6323  
accordance with Chapter 119. of the Revised Code, shall adopt 6324  
rules necessary to implement this section, including rules that 6325  
establish a procedure to be followed by the tax credit authority 6326  
and the department of development in the event the authority 6327  
considers a taxpayer's application for which it receives a 6328  
recommendation under division (C)(2)(a) of this section but does 6329  
not approve it. The rules may provide for recipients of tax 6330  
credits under this section to be charged fees to cover 6331  
administrative costs of the tax credit program. For the purposes 6332  
of these rules, a qualifying work-from-home employee shall be 6333  
considered to be an employee employed at the applicant's project 6334  
location. The fees collected shall be credited to the tax 6335  
incentives operating fund created in section 122.174 of the 6336  
Revised Code. At the time the director gives public notice under 6337  
division (A) of section 119.03 of the Revised Code of the adoption 6338  
of the rules, the director shall submit copies of the proposed 6339  
rules to the chairpersons of the standing committees on economic 6340  
development in the senate and the house of representatives. 6341

(J) For the purposes of this section, a taxpayer may include 6342  
a partnership, a corporation that has made an election under 6343  
subchapter S of chapter one of subtitle A of the Internal Revenue 6344  
Code, or any other business entity through which income flows as a 6345  
distributive share to its owners. A partnership, S-corporation, or 6346  
other such business entity may elect to pass the credit received 6347  
under this section through to the persons to whom the income or 6348  
profit of the partnership, S-corporation, or other entity is 6349  
distributed. The election shall be made on the annual report 6350

required under division (D)(6) of this section. The election 6351  
applies to and is irrevocable for the credit for which the report 6352  
is submitted. If the election is made, the credit shall be 6353  
apportioned among those persons in the same proportions as those 6354  
in which the income or profit is distributed. 6355

(K)(1) If the director of development determines that a 6356  
taxpayer who has received a credit under this section is not 6357  
complying with the requirements of the agreement, the director 6358  
shall notify the tax credit authority of the noncompliance. After 6359  
receiving such a notice, and after giving the taxpayer an 6360  
opportunity to explain the noncompliance, the tax credit authority 6361  
may require the taxpayer to refund to this state a portion of the 6362  
credit in accordance with the following: 6363

(a) If the taxpayer fails to comply with the requirement 6364  
under division (D)(3) of this section, an amount determined in 6365  
accordance with the following: 6366

(i) If the taxpayer maintained operations at the project 6367  
location for a period less than or equal to the term of the 6368  
credit, an amount not exceeding one hundred per cent of the sum of 6369  
any credits allowed and received under this section; 6370

(ii) If the taxpayer maintained operations at the project 6371  
location for a period longer than the term of the credit, but less 6372  
than the greater of seven years or the term of the credit plus 6373  
three years, an amount not exceeding seventy-five per cent of the 6374  
sum of any credits allowed and received under this section. 6375

(b) If, on the metric evaluation date, the taxpayer fails to 6376  
substantially meet the job creation, payroll, or investment 6377  
requirements included in the agreement, an amount determined at 6378  
the discretion of the authority; 6379

(c) If the taxpayer fails to substantially maintain the 6380  
number of new full-time equivalent employees or amount of payroll 6381

required under the agreement at any time during the term of the 6382  
agreement after the metric evaluation date, an amount determined 6383  
at the discretion of the authority. 6384

(2) If a taxpayer files for bankruptcy and fails as described 6385  
in division (K)(1)(a), (b), or (c) of this section, the director 6386  
may immediately commence an action to recoup an amount not 6387  
exceeding one hundred per cent of the sum of any credits received 6388  
by the taxpayer under this section. 6389

(3) In determining the portion of the tax credit to be 6390  
refunded to this state, the tax credit authority shall consider 6391  
the effect of market conditions on the taxpayer's project and 6392  
whether the taxpayer continues to maintain other operations in 6393  
this state. After making the determination, the authority shall 6394  
certify the amount to be refunded to the tax commissioner or 6395  
superintendent of insurance, as appropriate. If the amount is 6396  
certified to the commissioner, the commissioner shall make an 6397  
assessment for that amount against the taxpayer under Chapter 6398  
5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the 6399  
amount is certified to the superintendent, the superintendent 6400  
shall make an assessment for that amount against the taxpayer 6401  
under Chapter 5725. or 5729. of the Revised Code. The time 6402  
limitations on assessments under those chapters do not apply to an 6403  
assessment under this division, but the commissioner or 6404  
superintendent, as appropriate, shall make the assessment within 6405  
one year after the date the authority certifies to the 6406  
commissioner or superintendent the amount to be refunded. Within 6407  
ninety days after certifying the amount to be refunded, if 6408  
circumstances have changed, the authority may adjust the amount to 6409  
be refunded and certify the adjusted amount to the commissioner or 6410  
superintendent. The authority may only adjust the amount to be 6411  
refunded one time and only if the amount initially certified by 6412  
the authority has not been repaid, in whole or in part, by the 6413

taxpayer or certified to the attorney general for collection under 6414  
section 131.02 of the Revised Code. 6415

(L) On or before the first day of August each year, the 6416  
director of development shall submit a report to the governor, the 6417  
president of the senate, and the speaker of the house of 6418  
representatives on the tax credit program under this section. The 6419  
report shall include information on the number of agreements that 6420  
were entered into under this section during the preceding calendar 6421  
year, a description of the project that is the subject of each 6422  
such agreement, and an update on the status of projects under 6423  
agreements entered into before the preceding calendar year. 6424

(M) There is hereby created the tax credit authority, which 6425  
consists of the director of development and four other members 6426  
appointed as follows: the governor, the president of the senate, 6427  
and the speaker of the house of representatives each shall appoint 6428  
one member who shall be a specialist in economic development; the 6429  
governor also shall appoint a member who is a specialist in 6430  
taxation. Terms of office shall be for four years. Each member 6431  
shall serve on the authority until the end of the term for which 6432  
the member was appointed. Vacancies shall be filled in the same 6433  
manner provided for original appointments. Any member appointed to 6434  
fill a vacancy occurring prior to the expiration of the term for 6435  
which the member's predecessor was appointed shall hold office for 6436  
the remainder of that term. Members may be reappointed to the 6437  
authority. Members of the authority shall receive their necessary 6438  
and actual expenses while engaged in the business of the 6439  
authority. The director of development shall serve as chairperson 6440  
of the authority, and the members annually shall elect a 6441  
vice-chairperson from among themselves. Three members of the 6442  
authority constitute a quorum to transact and vote on the business 6443  
of the authority. The majority vote of the membership of the 6444  
authority is necessary to approve any such business, including the 6445

election of the vice-chairperson. 6446

The director of development may appoint a professional 6447  
employee of the department of development to serve as the 6448  
director's substitute at a meeting of the authority. The director 6449  
shall make the appointment in writing. In the absence of the 6450  
director from a meeting of the authority, the appointed substitute 6451  
shall serve as chairperson. In the absence of both the director 6452  
and the director's substitute from a meeting, the vice-chairperson 6453  
shall serve as chairperson. 6454

(N) For purposes of the credits granted by this section 6455  
against the taxes imposed under sections 5725.18 and 5729.03 of 6456  
the Revised Code, "taxable year" means the period covered by the 6457  
taxpayer's annual statement to the superintendent of insurance. 6458

(O) On or before the first day of March of each of the five 6459  
calendar years beginning with 2014, each taxpayer subject to an 6460  
agreement with the tax credit authority under this section on the 6461  
basis of home-based employees shall report the number of 6462  
home-based employees and other employees employed by the taxpayer 6463  
in this state to the department of development. 6464

(P) On or before the first day of January of 2019, the 6465  
director of development shall submit a report to the governor, the 6466  
president of the senate, and the speaker of the house of 6467  
representatives on the effect of agreements entered into under 6468  
this section in which the taxpayer included home-based employees 6469  
in the computation of income tax revenue, as that term was defined 6470  
in this section prior to the amendment of this section by H.B. 64 6471  
of the 131st general assembly. The report shall include 6472  
information on the number of such agreements that were entered 6473  
into in the preceding six years, a description of the projects 6474  
that were the subjects of such agreements, and an analysis of 6475  
nationwide home-based employment trends, including the number of 6476  
home-based jobs created from July 1, 2011, through June 30, 2017, 6477

and a description of any home-based employment tax incentives 6478  
provided by other states during that time. 6479

(Q) The director of development may require any agreement 6480  
entered into under this section for a tax credit computed on the 6481  
basis of home-based employees to contain a provision that the 6482  
taxpayer makes available health care benefits and tuition 6483  
reimbursement to all employees. 6484

(R) Original agreements approved by the tax credit authority 6485  
under this section in 2014 or 2015 before September 29, 2015, may 6486  
be revised at the request of the taxpayer to conform with the 6487  
amendments to this section and sections 5733.0610, 5736.50, 6488  
5747.058, and 5751.50 of the Revised Code by H.B. 64 of the 131st 6489  
general assembly, upon mutual agreement of the taxpayer and the 6490  
department of development, and approval by the tax credit 6491  
authority. 6492

(S)(1) As used in division (S) of this section: 6493

(a) "Eligible agreement" means an agreement approved by the 6494  
tax credit authority under this section on or before December 31, 6495  
2013. 6496

(b) "Income tax revenue" has the same meaning as under this 6497  
section as it existed before September 29, 2015, the effective 6498  
date of the amendment of this section by H.B. 64 of the 131st 6499  
general assembly. 6500

(2) In calendar year 2016 and thereafter, the tax credit 6501  
authority shall annually determine a withholding adjustment factor 6502  
to be used in the computation of income tax revenue for eligible 6503  
agreements. The withholding adjustment factor shall be a numerical 6504  
percentage that equals the percentage that employer income tax 6505  
withholding rates have been increased or decreased as a result of 6506  
changes in the income tax rates prescribed by section 5747.02 of 6507  
the Revised Code by amendment of that section taking effect on or 6508

after June 29, 2013. 6509

(3) Except as provided in division (S)(4) of this section, 6510  
for reporting periods ending in 2015 and thereafter for taxpayers 6511  
subject to eligible agreements, the tax credit authority shall 6512  
adjust the income tax revenue reported on the taxpayer's annual 6513  
report by multiplying the withholding adjustment factor by the 6514  
taxpayer's income tax revenue and doing one of the following: 6515

(a) If the income tax rates prescribed by section 5747.02 of 6516  
the Revised Code have decreased by amendment of that section 6517  
taking effect on or after June 29, 2013, add the product to the 6518  
taxpayer's income tax revenue. 6519

(b) If the income tax rates prescribed by section 5747.02 of 6520  
the Revised Code have increased by amendment of that section 6521  
taking effect on or after June 29, 2013, subtract the product from 6522  
the taxpayer's income tax revenue. 6523

(4) Division (S)(3) of this section shall not apply unless 6524  
all of the following apply for the reporting period with respect 6525  
to the eligible agreement: 6526

(a) The taxpayer has achieved one hundred per cent of the new 6527  
employment commitment identified in the agreement. 6528

(b) If applicable, the taxpayer has achieved one hundred per 6529  
cent of the new payroll commitment identified in the agreement. 6530

(c) If applicable, the taxpayer has achieved one hundred per 6531  
cent of the investment commitment identified in the agreement. 6532

(5) Failure by a taxpayer to have achieved any of the 6533  
applicable commitments described in divisions (S)(4)(a) to (c) of 6534  
this section in a reporting period does not disqualify the 6535  
taxpayer for the adjustment under division (S) of this section for 6536  
an ensuing reporting period. 6537

(T) For reporting periods ending in calendar year 2020 or 6538

thereafter, any taxpayer may include qualifying work-from-home 6539  
employees in its report required under division (D)(6) of this 6540  
section, and the compensation of such employees shall qualify as 6541  
Ohio employee payroll under division (A)(3)(a) of this section, 6542  
even if the taxpayer's application to the tax credit authority to 6543  
enter into an agreement for a tax credit under this section was 6544  
approved before September 29, 2017, the effective date of the 6545  
amendment of this section by H.B. 49 of the 132nd general 6546  
assembly. 6547

(U) The director of development ~~services~~ shall notify the tax 6548  
commissioner if the director determines that a megaproject 6549  
operator or megaproject supplier is not in compliance with the 6550  
agreement pursuant to a review conducted under division (D)(11) of 6551  
this section. 6552

(V) Beginning in 2025 and in each fifth calendar year 6553  
thereafter, the tax commissioner shall adjust the following 6554  
amounts in September of that year: 6555

(1) The fixed-asset investment threshold described in 6556  
division (A)(11)(c)(i) of this section and the Ohio employee 6557  
payroll threshold described in division (A)(11)(c)(ii) of this 6558  
section by completing the following calculations: 6559

(a) Determine the percentage increase in the gross domestic 6560  
product deflator determined by the bureau of economic analysis of 6561  
the United States department of commerce from the first day of 6562  
January of the fifth preceding calendar year to the last day of 6563  
December of the preceding calendar year; 6564

(b) Multiply that percentage increase by the fixed-asset 6565  
investment threshold and the Ohio employee payroll threshold for 6566  
the current year; 6567

(c) Add the resulting products to the corresponding 6568  
fixed-asset investment threshold and Ohio employee payroll 6569

threshold for the current year; 6570

(d) Round the resulting fixed-asset investment sum to the 6571  
nearest multiple of ten million dollars and the Ohio employee 6572  
payroll sum to the nearest multiple of one million dollars. 6573

(2) The fixed-asset investment threshold described in 6574  
division (A)(13)(b)(i) of this section and the Ohio employee 6575  
payroll threshold described in division (A)(13)(b)(ii) of this 6576  
section by completing the calculations described in divisions 6577  
(V)(1)(a) to (c) of this section and rounding the resulting 6578  
fixed-asset investment sum to the nearest multiple of one million 6579  
dollars and the Ohio employee payroll sum to the nearest multiple 6580  
of one hundred thousand dollars. 6581

The commissioner shall certify the amount of the adjustments 6582  
under divisions (V)(1) and (2) of this section to the director of 6583  
development ~~services~~ and to the tax credit authority not later 6584  
than the first day of December of the year the commissioner 6585  
computes the adjustment. Each certified amount applies to the 6586  
ensuing calendar year and each calendar year thereafter until the 6587  
tax commissioner makes a new adjustment. The tax commissioner 6588  
shall not calculate a new adjustment in any year in which the 6589  
resulting amount from the adjustment would be less than the 6590  
corresponding amount for the current year. 6591

**Sec. 122.171.** (A) As used in this section: 6592

(1) "Capital investment project" means a plan of investment 6593  
at a project site for the acquisition, construction, renovation, 6594  
or repair of buildings, machinery, or equipment, or for 6595  
capitalized costs of basic research and new product development 6596  
determined in accordance with generally accepted accounting 6597  
principles, but does not include any of the following: 6598

(a) Payments made for the acquisition of personal property 6599

through operating leases; 6600

(b) Project costs paid before January 1, 2002; 6601

(c) Payments made to a related member as defined in section 6602  
5733.042 of the Revised Code or to a consolidated elected taxpayer 6603  
or a combined taxpayer as defined in section 5751.01 of the 6604  
Revised Code. 6605

(2) "Eligible business" means a taxpayer and its related 6606  
members with Ohio operations that had a capital investment project 6607  
reviewed and approved by the tax credit authority as provided in 6608  
divisions (C), (D), and (E) of this section and that satisfies 6609  
either of the following requirements: 6610

(a) If engaged at the project site primarily in significant 6611  
corporate administrative functions, as defined by the director of 6612  
development by rule, the taxpayer meets both of the following 6613  
criteria: 6614

(i) The taxpayer either is located in a foreign trade zone, 6615  
employs at least five hundred full-time equivalent employees, or 6616  
has an annual Ohio employee payroll of at least thirty-five 6617  
million dollars at the time the tax credit authority grants the 6618  
tax credit under this section; 6619

(ii) The taxpayer makes or causes to be made payments for the 6620  
capital investment project of at least twenty million dollars in 6621  
the aggregate at the project site during a period of three 6622  
consecutive calendar years including the calendar year that 6623  
includes a day of the taxpayer's taxable year or tax period with 6624  
respect to which the credit is granted. 6625

(b) If engaged at the project site primarily as a 6626  
manufacturer, the taxpayer makes or causes to be made payments for 6627  
the capital investment project at the project site during a period 6628  
of three consecutive calendar years, including the calendar year 6629  
that includes a day of the taxpayer's taxable year or tax period 6630

with respect to which the credit is granted, in an amount that in 6631  
the aggregate equals or exceeds the lesser of the following: 6632

(i) Fifty million dollars; 6633

(ii) Five per cent of the net book value of all tangible 6634  
personal property used at the project site as of the last day of 6635  
the three-year period in which the capital investment payments are 6636  
made. 6637

(3) "Full-time equivalent employees" means the quotient 6638  
obtained by dividing the total number of hours for which employees 6639  
were compensated for employment in the project by two thousand 6640  
eighty. "Full-time equivalent employees" shall exclude hours that 6641  
are counted for a credit under section 122.17 of the Revised Code. 6642

(4) "Ohio employee payroll" has the same meaning as in 6643  
section 122.17 of the Revised Code. 6644

(5) "Manufacturer" has the same meaning as in section 6645  
5739.011 of the Revised Code. 6646

(6) "Project site" means an integrated complex of facilities 6647  
in this state, as specified by the tax credit authority under this 6648  
section, within a fifteen-mile radius where a taxpayer is 6649  
primarily operating as an eligible business. 6650

(7) "Related member" has the same meaning as in section 6651  
5733.042 of the Revised Code as that section existed on the 6652  
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 6653  
general assembly, September 29, 1997. 6654

(8) "Taxable year" includes, in the case of a domestic or 6655  
foreign insurance company, the calendar year ending on the 6656  
thirty-first day of December preceding the day the superintendent 6657  
of insurance is required to certify to the treasurer of state 6658  
under section 5725.20 or 5729.05 of the Revised Code the amount of 6659  
taxes due from insurance companies. 6660

(9) "Foreign trade zone" means a general purpose foreign trade zone or a special purpose subzone for which, pursuant to 19 U.S.C. 81a, as amended, a permit for foreign trade zone status has been granted and remains active, including special purpose subzones for which a permit has been granted and remains active.

(B) The tax credit authority created under section 122.17 of the Revised Code may grant a nonrefundable tax credit to an eligible business under this section for the purpose of fostering job retention in this state. Upon application by an eligible business and upon consideration of the determination of the director of budget and management, tax commissioner, and the superintendent of insurance in the case of an insurance company, the recommendation and determination of the director of development under division (C)(1) of this section, and a review of the criteria described in division (C)(2) of this section, the tax credit authority may grant the credit against the tax imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, 5747.02, or 5751.02 of the Revised Code.

The credit authorized in this section may be granted for a period up to fifteen taxable years or, in the case of the tax levied by section 5736.02 or 5751.02 of the Revised Code, for a period of up to fifteen calendar years. The credit amount for a taxable year or a calendar year that includes the tax period for which a credit may be claimed equals the Ohio employee payroll for that year multiplied by the percentage specified in the agreement with the tax credit authority. The credit shall be claimed in the order required under section 5725.98, 5726.98, 5729.98, 5733.98, 5747.98, or 5751.98 of the Revised Code. In determining the percentage and term of the credit, the tax credit authority shall consider both the number of full-time equivalent employees and the value of the capital investment project. The credit amount may not be based on the Ohio employee payroll for a calendar year before

the calendar year in which the tax credit authority specifies the 6693  
tax credit is to begin, and the credit shall be claimed only for 6694  
the taxable years or tax periods specified in the eligible 6695  
business' agreement with the tax credit authority. In no event 6696  
shall the credit be claimed for a taxable year or tax period 6697  
terminating before the date specified in the agreement. 6698

If a credit allowed under this section for a taxable year or 6699  
tax period exceeds the taxpayer's tax liability for that year or 6700  
period, the excess may be carried forward for the three succeeding 6701  
taxable or calendar years, but the amount of any excess credit 6702  
allowed in any taxable year or tax period shall be deducted from 6703  
the balance carried forward to the succeeding year or period. 6704

(C)(1) A taxpayer that proposes a capital investment project 6705  
to retain jobs in this state may apply to the tax credit authority 6706  
to enter into an agreement for a tax credit under this section. 6707  
The director of development shall prescribe the form of the 6708  
application. After receipt of an application, the authority shall 6709  
forward copies of the application to the director of budget and 6710  
management, the tax commissioner, and the superintendent of 6711  
insurance in the case of an insurance company, each of whom shall 6712  
review the application to determine the economic impact the 6713  
proposed project would have on the state and the affected 6714  
political subdivisions and shall submit a summary of their 6715  
determinations to the authority. The authority shall also forward 6716  
a copy of the application to the director of development, who 6717  
shall review the application to determine the economic impact the 6718  
proposed project would have on the state and the affected 6719  
political subdivisions and shall submit a summary of the 6720  
director's determinations and recommendations to the authority. 6721

(2) The director of development, in reviewing applications 6722  
and making recommendations to the tax credit authority, and the 6723  
authority, in selecting taxpayers with which to enter into an 6724

agreement under division (D) of this section, shall give priority 6725  
to applications that meet one or more of the following criteria, 6726  
with greater priority given to applications that meet more of the 6727  
criteria: 6728

(a) Within the preceding five years, the applicant has not 6729  
received a credit under this section or section 122.17 of the 6730  
Revised Code for a project at the same project site as that 6731  
proposed in the application. 6732

(b) The applicant is not currently receiving a credit under 6733  
this section or section 122.17 of the Revised Code. 6734

(c) The applicant has operated at the project site for at 6735  
least the preceding ten years. 6736

(d) The project involves a significant upgrade of the project 6737  
site, rather than only routine maintenance of existing facilities, 6738  
such as an increase in capacity of a facility, new product 6739  
development, or technology upgrades or other facility 6740  
modernization. 6741

(e) The applicant intends to use machinery, equipment, and 6742  
materials supplied by Ohio businesses in the project when 6743  
possible. 6744

(D) Upon review and consideration of the determinations, 6745  
recommendations, and criteria described in division (C) of this 6746  
section, the tax credit authority may enter into an agreement with 6747  
the taxpayer for a credit under this section if the authority 6748  
determines all of the following: 6749

(1) The taxpayer's capital investment project will result in 6750  
the retention of employment in this state. 6751

(2) The taxpayer is economically sound and has the ability to 6752  
complete the proposed capital investment project. 6753

(3) The taxpayer intends to and has the ability to maintain 6754

operations at the project site for at least the greater of (a) the 6755  
term of the credit plus three years, or (b) seven years. 6756

(4) Receiving the credit is a major factor in the taxpayer's 6757  
decision to begin, continue with, or complete the project. 6758

(E) An agreement under this section shall include all of the 6759  
following: 6760

(1) A detailed description of the project that is the subject 6761  
of the agreement, including the amount of the investment, the 6762  
period over which the investment has been or is being made, the 6763  
number of full-time equivalent employees at the project site, and 6764  
the anticipated Ohio employee payroll to be generated. 6765

(2) The term of the credit, the percentage of the tax credit, 6766  
the maximum annual value of tax credits that may be allowed each 6767  
year, and the first year for which the credit may be claimed. 6768

(3) A requirement that the taxpayer maintain operations at 6769  
the project site for at least the greater of (a) the term of the 6770  
credit plus three years, or (b) seven years. 6771

(4)(a) If the taxpayer is engaged at the project site 6772  
primarily in significant corporate administrative functions, a 6773  
requirement that the taxpayer either retain at least five hundred 6774  
full-time equivalent employees at the project site and within this 6775  
state for the entire term of the credit, maintain an annual Ohio 6776  
employee payroll of at least thirty-five million dollars for the 6777  
entire term of the credit, or remain located in a foreign trade 6778  
zone for the entire term of the credit; 6779

(b) If the taxpayer is engaged at the project site primarily 6780  
as a manufacturer, a requirement that the taxpayer maintain at 6781  
least the number of full-time equivalent employees specified in 6782  
the agreement pursuant to division (E)(1) of this section at the 6783  
project site and within this state for the entire term of the 6784  
credit. 6785

(5) A requirement that the taxpayer annually report to the director of development full-time equivalent employees, Ohio employee payroll, capital investment, and other information the director needs to perform the director's duties under this section.

(6) A requirement that the director of development annually review the annual reports of the taxpayer to verify the information reported under division (E)(5) of this section and compliance with the agreement. Upon verification, the director shall issue a certificate to the taxpayer stating that the information has been verified and identifying the amount of the credit for the taxable year or calendar year that includes the tax period. In determining the number of full-time equivalent employees, no position shall be counted that is filled by an employee who is included in the calculation of a tax credit under section 122.17 of the Revised Code.

(7) A provision providing that the taxpayer may not relocate a substantial number of employment positions from elsewhere in this state to the project site unless the director of development determines that the taxpayer notified the legislative authority of the county, township, or municipal corporation from which the employment positions would be relocated.

For purposes of this section, the movement of an employment position from one political subdivision to another political subdivision shall be considered a relocation of an employment position unless the movement is confined to the project site. The transfer of an employment position from one political subdivision to another political subdivision shall not be considered a relocation of an employment position if the employment position in the first political subdivision is replaced by another employment position.

(8) A waiver by the taxpayer of any limitations periods

relating to assessments or adjustments resulting from the 6818  
taxpayer's failure to comply with the agreement. 6819

(F) If a taxpayer fails to meet or comply with any condition 6820  
or requirement set forth in a tax credit agreement, the tax credit 6821  
authority may amend the agreement to reduce the percentage or term 6822  
of the credit. The reduction of the percentage or term may take 6823  
effect in the current taxable or calendar year. 6824

(G) Financial statements and other information submitted to 6825  
the department of development or the tax credit authority by an 6826  
applicant for or recipient of a tax credit under this section, and 6827  
any information taken for any purpose from such statements or 6828  
information, are not public records subject to section 149.43 of 6829  
the Revised Code. However, the chairperson of the authority may 6830  
make use of the statements and other information for purposes of 6831  
issuing public reports or in connection with court proceedings 6832  
concerning tax credit agreements under this section. Upon the 6833  
request of the tax commissioner, or the superintendent of 6834  
insurance in the case of an insurance company, the chairperson of 6835  
the authority shall provide to the commissioner or superintendent 6836  
any statement or other information submitted by an applicant for 6837  
or recipient of a tax credit in connection with the credit. The 6838  
commissioner or superintendent shall preserve the confidentiality 6839  
of the statement or other information. 6840

(H) A taxpayer claiming a tax credit under this section shall 6841  
submit to the tax commissioner or, in the case of an insurance 6842  
company, to the superintendent of insurance, a copy of the 6843  
director of development's certificate of verification under 6844  
division (E)(6) of this section with the taxpayer's tax report or 6845  
return for the taxable year or for the calendar year that includes 6846  
the tax period. Failure to submit a copy of the certificate with 6847  
the report or return does not invalidate a claim for a credit if 6848  
the taxpayer submits a copy of the certificate to the commissioner 6849

or superintendent within the time prescribed by section 5703.0510 6850  
of the Revised Code or within thirty days after the commissioner 6851  
or superintendent requests it. 6852

(I) For the purposes of this section, a taxpayer may include 6853  
a partnership, a corporation that has made an election under 6854  
subchapter S of chapter one of subtitle A of the Internal Revenue 6855  
Code, or any other business entity through which income flows as a 6856  
distributive share to its owners. A partnership, S-corporation, or 6857  
other such business entity may elect to pass the credit received 6858  
under this section through to the persons to whom the income or 6859  
profit of the partnership, S-corporation, or other entity is 6860  
distributed. The election shall be made on the annual report 6861  
required under division (E)(5) of this section. The election 6862  
applies to and is irrevocable for the credit for which the report 6863  
is submitted. If the election is made, the credit shall be 6864  
apportioned among those persons in the same proportions as those 6865  
in which the income or profit is distributed. 6866

(J)(1) If the director of development determines that a 6867  
taxpayer that received a certificate under division (E)(6) of this 6868  
section is not complying with the requirements of the agreement, 6869  
the director shall notify the tax credit authority of the 6870  
noncompliance. After receiving such a notice, and after giving the 6871  
taxpayer an opportunity to explain the noncompliance, the 6872  
authority may terminate the agreement and require the taxpayer, or 6873  
any related member or members that claimed the tax credit under 6874  
division (N) of this section, to refund to the state all or a 6875  
portion of the credit claimed in previous years, as follows: 6876

(a) If the taxpayer fails to comply with the requirement 6877  
under division (E)(3) of this section, an amount determined in 6878  
accordance with the following: 6879

(i) If the taxpayer maintained operations at the project site 6880  
for less than or equal to the term of the credit, an amount not to 6881

exceed one hundred per cent of the sum of any tax credits allowed 6882  
and received under this section. 6883

(ii) If the taxpayer maintained operations at the project 6884  
site longer than the term of the credit, but less than the greater 6885  
of seven years or the term of the credit plus three years, the 6886  
amount required to be refunded shall not exceed seventy-five per 6887  
cent of the sum of any tax credits allowed and received under this 6888  
section. 6889

(b) If the taxpayer fails to substantially, satisfy the 6890  
employment, payroll, or location requirements required under the 6891  
agreement, as prescribed under division (E)(4)(a) or (b), as 6892  
applicable to the taxpayer, at any time during the term of the 6893  
agreement or during the post-term reporting period, an amount 6894  
determined at the discretion of the authority. 6895

(2) If a taxpayer files for bankruptcy and fails as described 6896  
in division (J)(1)(a) or (b) of this section, the director may 6897  
immediately commence an action to recoup an amount not exceeding 6898  
one hundred per cent of the sum of any credits received by the 6899  
taxpayer under this section. 6900

(3) In determining the portion of the credit to be refunded 6901  
to this state, the authority shall consider the effect of market 6902  
conditions on the taxpayer's project and whether the taxpayer 6903  
continues to maintain other operations in this state. After making 6904  
the determination, the authority shall certify the amount to be 6905  
refunded to the tax commissioner or the superintendent of 6906  
insurance. If the taxpayer, or any related member or members who 6907  
claimed the tax credit under division (N) of this section, is not 6908  
an insurance company, the commissioner shall make an assessment 6909  
for that amount against the taxpayer under Chapter 5726., 5733., 6910  
5736., 5747., or 5751. of the Revised Code. If the taxpayer, or 6911  
any related member or members that claimed the tax credit under 6912  
division (N) of this section, is an insurance company, the 6913

superintendent of insurance shall make an assessment under section 6914  
5725.222 or 5729.102 of the Revised Code. The time limitations on 6915  
assessments under those chapters and sections do not apply to an 6916  
assessment under this division, but the commissioner or 6917  
superintendent shall make the assessment within one year after the 6918  
date the authority certifies to the commissioner or superintendent 6919  
the amount to be refunded. Within ninety days after certifying the 6920  
amount to be refunded, if circumstances have changed, the 6921  
authority may adjust the amount to be refunded and certify the 6922  
adjusted amount to the commissioner or superintendent. The 6923  
authority may only adjust the amount to be refunded one time and 6924  
only if the amount initially certified by the authority has not 6925  
been repaid, in whole or in part, by the taxpayer or certified to 6926  
the attorney general for collection under section 131.02 of the 6927  
Revised Code. 6928

(K) The director of development, after consultation with the 6929  
tax commissioner and the superintendent of insurance and in 6930  
accordance with Chapter 119. of the Revised Code, shall adopt 6931  
rules necessary to implement this section. The rules may provide 6932  
for recipients of tax credits under this section to be charged 6933  
fees to cover administrative costs of the tax credit program. The 6934  
fees collected shall be credited to the tax incentives operating 6935  
fund created in section 122.174 of the Revised Code. At the time 6936  
the director gives public notice under division (A) of section 6937  
119.03 of the Revised Code of the adoption of the rules, the 6938  
director shall submit copies of the proposed rules to the 6939  
chairpersons of the standing committees on economic development in 6940  
the senate and the house of representatives. 6941

(L) On or before the first day of August of each year, the 6942  
director of development shall submit a report to the governor, the 6943  
president of the senate, and the speaker of the house of 6944  
representatives on the tax credit program under this section. The 6945

report shall include information on the number of agreements that 6946  
were entered into under this section during the preceding calendar 6947  
year, a description of the project that is the subject of each 6948  
such agreement, and an update on the status of projects under 6949  
agreements entered into before the preceding calendar year. 6950

(M) The aggregate amount of nonrefundable tax credits issued 6951  
under this section during any calendar year for capital investment 6952  
projects reviewed and approved by the tax credit authority may not 6953  
exceed the following amounts: 6954

(1) For 2010, thirteen million dollars; 6955

(2) For 2011 through 2023, the amount of the limit for the 6956  
preceding calendar year plus thirteen million dollars; 6957

(3) For 2024 and each year thereafter, one hundred 6958  
ninety-five million dollars. 6959

The limitations in division (M) of this section do not apply 6960  
to credits for capital investment projects approved by the tax 6961  
credit authority before July 1, 2009. 6962

(N) This division applies only to an eligible business that 6963  
is part of an affiliated group that includes a diversified savings 6964  
and loan holding company or a grandfathered unitary savings and 6965  
loan holding company, as those terms are defined in section 6966  
5726.01 of the Revised Code. Notwithstanding any contrary 6967  
provision of the agreement between such an eligible business and 6968  
the tax credit authority, any credit granted under this section 6969  
against the tax imposed by section 5725.18, 5729.03, 5733.06, 6970  
5747.02, or 5751.02 of the Revised Code to the eligible business, 6971  
at the election of the eligible business and without any action by 6972  
the tax credit authority, may be shared with any member or members 6973  
of the affiliated group that includes the eligible business, which 6974  
member or members may claim the credit against the taxes imposed 6975  
by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 6976

of the Revised Code. Credits shall be claimed by the eligible 6977  
business in sequential order, as applicable, first claiming the 6978  
credits to the fullest extent possible against the tax that the 6979  
certificate holder is subject to, then against the tax imposed by, 6980  
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 6981  
lastly 5726.02 of the Revised Code. The credits may be allocated 6982  
among the members of the affiliated group in such manner as the 6983  
eligible business elects, but subject to the sequential order 6984  
required under this division. This division applies to credits 6985  
granted before, on, or after March 27, 2013, the effective date of 6986  
H.B. 510 of the 129th general assembly. Credits granted before 6987  
that effective date that are shared and allocated under this 6988  
division may be claimed in those calendar years in which the 6989  
remaining taxable years specified in the agreement end. 6990

As used in this division, "affiliated group" means a group of 6991  
two or more persons with fifty per cent or greater of the value of 6992  
each person's ownership interests owned or controlled directly, 6993  
indirectly, or constructively through related interests by common 6994  
owners during all or any portion of the taxable year, and the 6995  
common owners. "Affiliated group" includes, but is not limited to, 6996  
any person eligible to be included in a consolidated elected 6997  
taxpayer group under section 5751.011 of the Revised Code or a 6998  
combined taxpayer group under section 5751.012 of the Revised 6999  
Code. 7000

(O)(1) As used in division (O) of this section: 7001

(a) "Eligible agreement" means an agreement approved by the 7002  
tax credit authority under this section on or before December 31, 7003  
2013. 7004

(b) "Reporting period" means a period corresponding to the 7005  
annual report required under division (E)(5) of this section. 7006

(c) "Income tax revenue" has the same meaning as under 7007

division (S) of section 122.17 of the Revised Code. 7008

(2) In calendar year 2016 and thereafter, the tax credit 7009  
authority shall annually determine a withholding adjustment factor 7010  
to be used in the computation of income tax revenue for eligible 7011  
agreements. The withholding adjustment factor shall be a numerical 7012  
percentage that equals the percentage that employer income tax 7013  
withholding rates have been increased or decreased as a result of 7014  
changes in the income tax rates prescribed by section 5747.02 of 7015  
the Revised Code by amendment of that section taking effect on or 7016  
after June 29, 2013. 7017

(3) Except as provided in division (O)(4) of this section, 7018  
for reporting periods ending in 2015 and thereafter for taxpayers 7019  
subject to eligible agreements, the tax credit authority shall 7020  
adjust the income tax revenue reported on the taxpayer's annual 7021  
report by multiplying the withholding adjustment factor by the 7022  
taxpayer's income tax revenue and doing one of the following: 7023

(a) If the income tax rates prescribed by section 5747.02 of 7024  
the Revised Code have decreased by amendment of this section 7025  
taking effect on or after June 29, 2013, add the product to the 7026  
taxpayer's income tax revenue. 7027

(b) If the income tax rates prescribed by section 5747.02 of 7028  
the Revised Code have increased by amendment of this section 7029  
taking effect on or after June 29, 2013, subtract the product from 7030  
the taxpayer's income tax revenue. 7031

(4) Division (O)(3) of this section shall not apply unless 7032  
all of the following apply with respect to the eligible agreement: 7033

(a) If applicable, the taxpayer has achieved one hundred per 7034  
cent of the job retention commitment identified in the agreement. 7035

(b) If applicable, the taxpayer has achieved one hundred per 7036  
cent of the payroll retention commitment identified in the 7037  
agreement." 7038

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

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

**Sec. 122.1710.** (A) As used in this section:

(1) "Low-income individual" has the same meaning as "low-income person" in section 122.66 of the Revised Code.

(2) "Microcredential" has the same meaning as in section 122.178 of the Revised Code.

(3) "OhioMeansJobs web site" has the same meaning as in section 6301.01 of the Revised Code.

(4) "Partially unemployed" and "totally unemployed" have the same meanings as in section 4141.01 of the Revised Code.

(5) "Training provider" means all of the following:

(a) A state institution of higher education as defined in section 3345.011 of the Revised Code;

(b) An Ohio technical center as defined in section 3333.94 of the Revised Code;

(c) A private business or institution that offers training to allow an individual to earn one or more microcredentials.

(B) There is hereby created the individual microcredential assistance program to reimburse training providers for training costs for individuals to earn a microcredential. The department of development services agency, in consultation with the governor's office of workforce transformation, shall administer the program.

(C) A training provider seeking to participate in the program

shall submit an application to the director of development 7068  
services. The training provider shall include in the application 7069  
all of the following information: 7070

(1) The number of microcredentials the training provider will 7071  
seek a reimbursement for and the names of the microcredentials; 7072

(2) The cost of the training for each microcredential; 7073

(3) The total amount of the reimbursement the training 7074  
provider will seek; 7075

(4) The training provider's plan to provide opportunities for 7076  
individuals who are low income, partially unemployed, or totally 7077  
unemployed to participate in a training program and receive a 7078  
microcredential; 7079

(5) Any other information the director requires. 7080

(D)(1) The director shall consider the following factors in 7081  
determining whether to approve an application submitted under 7082  
division (C) of this section: 7083

(a) The duration of the training program; 7084

(b) The cost of the training; 7085

(c) Whether approving an application will promote regional 7086  
diversity in apportioning reimbursements uniformly across the 7087  
state; 7088

(d) The training provider's commitment to providing 7089  
opportunities for individuals who are low income, partially 7090  
unemployed, or totally unemployed to participate in a training 7091  
program and receive a microcredential. 7092

(2) In determining regional diversity under division 7093  
(D)(1)(c) of this section, the director shall use the regions 7094  
established under division (G) of section 122.178 of the Revised 7095  
Code. 7096

(3) The director shall not approve an application submitted under this section if either of the following apply:	7097 7098
(a) The microcredentials identified in the application are not included in the list the chancellor of higher education establishes under section 122.178 of the Revised Code.	7099 7100 7101
(b) The training provider has violated Chapter 4111. of the Revised Code within the four fiscal years immediately preceding the date of application.	7102 7103 7104
(4) The director shall notify a training provider in writing of the director's decision to approve or deny the training provider's application to participate in the program.	7105 7106 7107
(E) A participating training provider shall not charge an individual participating in a training program to earn a microcredential for which the training provider is seeking a reimbursement for either of the following:	7108 7109 7110 7111
(1) Any costs associated with the individual's participation in the training program;	7112 7113
(2) Any costs to the training provider resulting from an individual not completing the training program.	7114 7115
(F)(1) Each participating training provider seeking reimbursement for training costs for one or more microcredentials earned by one or more individuals in a training program shall submit an application to the director after the individual or individuals have earned a microcredential. The training provider shall include in the reimbursement application all of the following information:	7116 7117 7118 7119 7120 7121 7122
(a) The actual cost for the training provider to provide each individual with the training;	7123 7124
(b) Evidence that each individual earned a microcredential;	7125
(c) Any demographic information of each individual that the	7126

individual provides to the training provider, including race and gender. 7127  
7128

(2) The amount of the reimbursement shall be not more than 7129  
three thousand dollars for each microcredential an individual 7130  
receives. A participating training provider may not receive a 7131  
reimbursement for any additional individual who earns a 7132  
microcredential beyond the number of microcredentials included in 7133  
the application under division (C) of this section. A 7134  
participating training provider may receive a total reimbursement 7135  
of ~~two~~ five hundred ~~fifty~~ thousand dollars in a fiscal year. 7136

(3) A training provider may request that an individual 7137  
participating in the training provider's program provide 7138  
demographic information to the training provider, including race 7139  
and gender. An individual is not required to provide that 7140  
information. 7141

(G) The director shall do both of the following regarding the 7142  
operation of the program: 7143

(1) Create an application to participate in the program and 7144  
an application for reimbursement; 7145

(2) Create and distribute a survey to each individual who 7146  
successfully earned a microcredential because of a reimbursement 7147  
to a training provider under this section inquiring as to the 7148  
individual's occupation and wages at the time of completing the 7149  
survey. 7150

(H) The director shall include on the internet web site 7151  
maintained by the ~~development services agency~~ department, and the 7152  
governor's office of workforce transformation shall include on the 7153  
office's internet web site and the OhioMeansJobs web site, all of 7154  
the content created under division (G) of this section. 7155

(I) The director may adopt rules in accordance with Chapter 7156  
119. of the Revised Code as the director considers necessary to 7157

implement this section, including establishing priority guidelines 7158  
for approving applications under division (D) of this section. 7159

(J) Any personal information of an individual the director 7160  
receives in connection with the individual microcredential 7161  
assistance program created under this section is not a public 7162  
record for purposes of section 149.43 of the Revised Code. 7163  
However, the director may use the information as necessary to 7164  
complete the reports required under section 122.1711 of the 7165  
Revised Code. 7166

**Sec. 122.23.** As used in sections 122.23 to 122.27 of the 7167  
Revised Code: 7168

(A) "Distressed area" means a county with a population of 7169  
less than one hundred twenty-five thousand that meets at least two 7170  
of the following criteria of economic distress: 7171

(1) Its average rate of unemployment, during the most recent 7172  
five-year period for which data are available, is equal to at 7173  
least one hundred twenty-five per cent of the average rate of 7174  
unemployment for the United States for the same period. 7175

(2) It has a per capita income equal to or below eighty per 7176  
cent of the median county per capita income of the United States 7177  
as determined by the most recently available figures from the 7178  
United States census bureau. 7179

(3) In intercensal years, the county has a ratio of transfer 7180  
payment income to total county income equal to or greater than 7181  
twenty-five per cent. 7182

(B) "Eligible applicant" means any of the following that is 7183  
designated by the governing body of an eligible area as provided 7184  
in division (B)(1) of section 122.27 of the Revised Code: 7185

(1) A port authority as defined in division (A) of section 7186  
4582.01 or division (A) of section 4582.21 of the Revised Code; 7187

(2) A community improvement corporation as defined in section 1724.01 of the Revised Code;	7188 7189
(3) A community-based organization or action group that provides social services and has experience in economic development;	7190 7191 7192
(4) Any other nonprofit economic development entity;	7193
(5) A private developer that previously has not received financial assistance under section 122.24 of the Revised Code <u>in the current biennium</u> and that has experience and a successful history in industrial development.	7194 7195 7196 7197
(C) "Eligible area" means a distressed area, a labor surplus area, a rural area, or a situational distress area, as designated annually by the director of development pursuant to division (A) of section 122.25 of the Revised Code.	7198 7199 7200 7201
(D) "Labor surplus area" means an area designated as a labor surplus area by the United States department of labor.	7202 7203
(E) "Official poverty line" has the same meaning as in division (A) of section 3923.51 of the Revised Code.	7204 7205
(F) "Situational distress area" means a county that has a population of less than one hundred twenty-five thousand, or a municipal corporation in such a county, that has experienced or is experiencing a closing or downsizing of a major employer that will adversely affect the county's or municipal corporation's economy. In order to be designated as a situational distress area for a period not to exceed thirty-six months, the county or municipal corporation may petition the director of development. The petition shall include documentation that demonstrates all of the following:	7206 7207 7208 7209 7210 7211 7212 7213 7214 7215
(1) The number of jobs lost by the closing or downsizing;	7216
(2) The impact that the job loss has on the county's or	7217

municipal corporation's unemployment rate as measured by the	7218
director of job and family services;	7219
(3) The annual payroll associated with the job loss;	7220
(4) The amount of state and local taxes associated with the	7221
job loss;	7222
(5) The impact that the closing or downsizing has on the	7223
suppliers located in the rural county or municipal corporation.	7224
(G) "Governing body" means, in the case of a county, the	7225
board of county commissioners; in the case of a municipal	7226
corporation, the legislative authority; and in the case of a	7227
township, the board of township trustees.	7228
(H) "Infrastructure improvements" includes site preparation,	7229
including building demolition and removal; retention ponds and	7230
flood and drainage improvements; streets, roads, bridges, and	7231
traffic control devices; parking lots and facilities; water and	7232
sewer lines and treatment plants; gas, electric, and	7233
telecommunications hook-ups; and waterway and railway access	7234
improvements.	7235
(I) "Private developer" means any individual, firm,	7236
corporation, or entity, other than a nonprofit entity, limited	7237
profit entity, or governmental entity.	7238
(J) "Rural area" means any Ohio county that was an eligible	7239
area immediately prior to <del>the effective date of this amendment</del>	7240
<u>September 30, 2021</u> , and any other Ohio county that is not	7241
designated as part of a metropolitan statistical area by the	7242
United States office of management and budget.	7243
<b>Sec. 122.27.</b> (A) In order to be eligible for financial	7244
assistance under section 122.24 of the Revised Code, an applicant	7245
shall demonstrate to the director of development the applicant's	7246
capacity to undertake and oversee the project, as evidenced by	7247

documentation of the applicant's past performance in economic 7248  
development projects. 7249

(B) In order for an applicant to be eligible for financial 7250  
assistance under section 122.24 of the Revised Code, both of the 7251  
following apply: 7252

(1) The governing body of the entity that has been designated 7253  
as an eligible area by the director of development under division 7254  
(A) of section 122.25 of the Revised Code, by resolution or 7255  
ordinance, shall designate the applicant that will carry out the 7256  
project for the purposes described in section 122.24 of the 7257  
Revised Code and specify the eligible area's financial 7258  
participation in the project. 7259

(2) The board of county commissioners of a county that has 7260  
been designated as an eligible area by the director of development 7261  
under division (A)(1) of section 122.25 of the Revised Code shall 7262  
certify, by resolution, that no existing industrial park is 7263  
located in the county that would compete against an industrial 7264  
park that would be developed and improved in the county through 7265  
the use of financial assistance provided to the applicant under 7266  
the rural industrial park loan program. Guidelines regarding 7267  
situations in which industrial parks would be considered to 7268  
compete against one another shall be established by rule in 7269  
accordance with division (A)(8)(d) of section 122.25 of the 7270  
Revised Code. However, an existing industrial park owner's consent 7271  
to the new industrial park is sufficient to demonstrate 7272  
noncompetition. 7273

(C) Solely for the purpose of applying for assistance for 7274  
infrastructure improvements, a governing body may designate itself 7275  
as an eligible applicant. 7276

**Sec. 122.4017.** (A) The broadband expansion program authority 7277  
shall award program grants under the Ohio residential broadband 7278

expansion grant program using funds from the Ohio residential 7279  
broadband expansion grant program fund created in section 122.4037 7280  
of the Revised Code and other funds appropriated by the general 7281  
assembly. 7282

(B) If an appropriation for the program includes funds that 7283  
are not state funds or if the director of development receives 7284  
funds that are in the form of a gift, grant, or contribution to 7285  
the broadband expansion grant program fund, the broadband 7286  
expansion program authority shall award those funds as described 7287  
in sections 122.40 to 122.4077 of the Revised Code, except as 7288  
provided in division (C) of this section. 7289

(C) If the use of the funds described in division (B) of this 7290  
section is contingent upon meeting application, scoring, or other 7291  
requirements that are different from program requirements under 7292  
sections 122.40 to 122.4077 of the Revised Code, the department of 7293  
development shall adopt the requirements and publish a description 7294  
of the different requirements with the program application as 7295  
required under section 122.4040 of the Revised Code. 7296

**Sec. 122.4037.** Any gift, grant, and contribution received by 7297  
the director of development for the Ohio residential broadband 7298  
expansion grant program and any money collected under section 7299  
122.4036 of the Revised Code shall be deposited into the Ohio 7300  
residential broadband expansion grant program fund, which is 7301  
hereby created in the state treasury. All amounts in the fund, 7302  
including interest earned on those amounts, shall be used by the 7303  
department of development ~~services agency~~ exclusively for grants 7304  
under sections 122.40 to 122.4077 of the Revised Code. 7305

**Sec. 122.4040.** The department of development ~~services agency~~, 7306  
in consultation with the broadband expansion program authority, 7307  
shall establish a weighted scoring system to evaluate and select 7308

applications for program grants. The scoring system shall be 7309  
available on the ~~agency's~~ department's web site at least thirty 7310  
days before the beginning of the application submission period set 7311  
by the ~~agency~~ department by rule. A description of any differences 7312  
in application, scoring system, or other program requirements 7313  
adopted under division (C) of section 122.4017 of the Revised Code 7314  
shall be available with the application on the department's web 7315  
site at least thirty days before the beginning of the application 7316  
submission period. 7317

**Sec. 122.60.** As used in sections 122.60 to 122.605 of the 7318  
Revised Code: 7319

(A) "Capital access loan" means a loan made by a 7320  
participating financial institution to an eligible business that 7321  
may be secured by a deposit of money from the fund into the 7322  
participating financial institution's program reserve account. 7323

(B) "Eligible business" means a for-profit business entity, 7324  
or a nonprofit entity, that had total annual sales in its most 7325  
recently completed fiscal year of less than ten million dollars 7326  
and that has a principal place of for-profit business or nonprofit 7327  
entity activity within the state, the operation of which, alone or 7328  
in conjunction with other facilities, will create new jobs or 7329  
preserve existing jobs and employment opportunities and will 7330  
improve the economic welfare of the people of the state. As used 7331  
in this division, "new jobs" does not include existing jobs 7332  
transferred from another facility within the state, and "existing 7333  
jobs" means only existing jobs at facilities within the same 7334  
municipal corporation or township in which the project, activity, 7335  
or enterprise that is the subject of a capital access loan is 7336  
located. 7337

(C) "Financial institution" means any bank, credit union, 7338

trust company, savings bank, or savings and loan association that 7339  
is chartered by and has a significant presence in the state, or 7340  
any national bank, federally chartered credit union, federal 7341  
savings and loan association, or federal savings bank that has a 7342  
significant presence in the state. 7343

(D) "Fund" means the capital access loan program fund. 7344

(E) "Minority business supplier development council" has the 7345  
same meaning as in section 122.71 of the Revised Code. 7346

(F) "Participating financial institution" means a financial 7347  
institution that has a valid, current participation agreement with 7348  
the department of development. 7349

(G) "Participation agreement" means the agreement between a 7350  
financial institution and the department under which a financial 7351  
institution may participate in the program. 7352

(H) "Passive real estate ownership" means the ownership of 7353  
real estate for the sole purpose of deriving income from it by 7354  
speculation, trade, or rental. 7355

(I) "Program" means the capital access loan program created 7356  
under section 122.602 of the Revised Code. 7357

(J) "Program reserve account" means a dedicated account at 7358  
each participating financial institution that is the property of 7359  
the state and may be used by the participating financial 7360  
institution only for the purpose of recovering a claim under 7361  
section 122.604 of the Revised Code arising from a default on a 7362  
loan made by the participating financial institution under the 7363  
program. 7364

**Sec. 122.6511.** (A) As used in this section and section 7365  
122.6512 of the Revised Code, "brownfield" and "remediation" have 7366  
the same meanings as in section 122.65 of the Revised Code. 7367

(B)(1) There is hereby created the brownfield remediation 7368

program to award grants for the remediation of brownfield sites 7369  
throughout Ohio. The program shall be administered by the director 7370  
of development pursuant to this section and rules adopted pursuant 7371  
to division (B)(2) of this section. 7372

(2) The director shall adopt rules, under Chapter 119. of the 7373  
Revised Code, for the administration of the program. The rules 7374  
shall include provisions for determining project and project 7375  
sponsor eligibility, program administration, and any other 7376  
provisions the director finds necessary. 7377

(3) The director shall ensure that the program is operational 7378  
and accepting proposals for grants not later than ninety days 7379  
after ~~the effective date of this section~~ September 30, 2021. 7380

(C)(1) There is hereby created in the state treasury the 7381  
brownfield remediation fund. The fund shall consist of moneys 7382  
appropriated to it by the general assembly, and investment 7383  
earnings on moneys in the fund shall be credited to the fund. 7384

(2) The director shall reserve funds from ~~each~~ the 7385  
appropriation to the fund made in the first fiscal year from the 7386  
biennial operating appropriations act to each county in the state. 7387  
The amount reserved shall be one million dollars per county, or, 7388  
if an appropriation is less than eighty-eight million dollars, a 7389  
proportionate amount to each county. Amounts reserved pursuant to 7390  
this section are reserved for one calendar year from the date of 7391  
the appropriation. After one calendar year, the funds shall be 7392  
available pursuant to division (C)(3) of this section. 7393

(3) Funds from an appropriation not reserved under division 7394  
(C)(2) of this section shall be available for grants to projects 7395  
located anywhere in the state, and grants from those funds shall 7396  
be awarded to qualifying projects on a first-come, first-served 7397  
basis. Grants awarded pursuant to this division shall be limited 7398  
to seventy-five per cent of a project's total cost. 7399

Sec. 122.6512. (A)(1) There is hereby created the building 7400  
demolition and site revitalization program to award grants for the 7401  
demolition of commercial and residential buildings and 7402  
revitalization of surrounding properties on sites that are not 7403  
brownfields. The program shall be administered by the director of 7404  
development pursuant to this section and rules adopted pursuant to 7405  
division (A)(2) of this section. 7406

(2) The director shall adopt rules, under Chapter 119. of the 7407  
Revised Code, for the administration of the program. The rules 7408  
shall include provisions for determining project and project 7409  
sponsor eligibility, program administration, and any other 7410  
provisions the director finds necessary. 7411

(3) The director shall ensure that the program is operational 7412  
and accepting proposals for grants not later than ninety days 7413  
after ~~the effective date of this section~~ September 30, 2021. 7414

(B)(1) There is hereby created in the state treasury the 7415  
building demolition and site revitalization fund. The fund shall 7416  
consist of moneys appropriated to it by the general assembly, and 7417  
investment earnings on moneys in the fund shall be credited to the 7418  
fund. 7419

(2) The director shall reserve funds from ~~each~~ the 7420  
appropriation to the fund made in the first fiscal year from the 7421  
biennial operating appropriations act to each county in the state. 7422  
The amount reserved shall be five hundred thousand dollars per 7423  
county, or, if an appropriation is less than forty-four million 7424  
dollars, a proportionate amount to each county. Amounts reserved 7425  
pursuant to this section are reserved for one calendar year from 7426  
the date of the appropriation. After one calendar year, the funds 7427  
shall be available pursuant to division (B)(3) of this section. 7428

(3) Funds from an appropriation not reserved under division 7429  
(B)(2) of this section shall be available for grants to projects 7430

located anywhere in the state, and grants from those funds shall 7431  
be awarded to qualifying projects on a first-come, first-served 7432  
basis. Grants awarded pursuant to this division shall be limited 7433  
to seventy-five per cent of a project's total cost. 7434

**Sec. 122.85.** (A) As used in this section and in sections 7435  
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 7436

(1) "Tax credit-eligible production" means a motion picture 7437  
or Broadway theatrical production certified by the director of 7438  
development under division (B) of this section as qualifying the 7439  
production company for a tax credit under section 5726.55, 7440  
5733.59, 5747.66, or 5751.54 of the Revised Code. 7441

(2) "Certificate owner" means a production company to which a 7442  
tax credit certificate is issued. 7443

(3) "Production company" means an individual, corporation, 7444  
partnership, limited liability company, or other form of business 7445  
association that is registered with the secretary of state and 7446  
that is producing a motion picture or Broadway theatrical 7447  
production. 7448

(4) "Eligible expenditures" means expenditures made after 7449  
June 30, 2009, for goods or services purchased and consumed in 7450  
this state by a production company directly for the production of 7451  
a tax credit-eligible production, for postproduction activities, 7452  
or for advertising and promotion of the production. 7453

"Eligible expenditures" include expenditures for cast and 7454  
crew wages, accommodations, costs of set construction and 7455  
operations, editing and related services, photography, sound 7456  
synchronization, lighting, wardrobe, makeup and accessories, film 7457  
processing, transfer, sound mixing, special and visual effects, 7458  
music, location fees, and the purchase or rental of facilities and 7459  
equipment. 7460

(5) "Motion picture" means entertainment content created in whole or in part within this state for distribution or exhibition to the general public, including, but not limited to, feature-length films; documentaries; long-form, specials, miniseries, series, and interstitial television programming; interactive web sites; sound recordings; videos; music videos; interactive television; interactive games; video games; commercials; any format of digital media; and any trailer, pilot, video teaser, or demo created primarily to stimulate the sale, marketing, promotion, or exploitation of future investment in either a product or a motion picture by any means and media in any digital media format, film, or videotape, provided the motion picture qualifies as a motion picture. "Motion picture" does not include any television program created primarily as news, weather, or financial market reports, a production featuring current events or sporting events, an awards show or other gala event, a production whose sole purpose is fundraising, a long-form production that primarily markets a product or service or in-house corporate advertising or other similar productions, a production for purposes of political advocacy, or any production for which records are required to be maintained under 18 U.S.C. 2257 with respect to sexually explicit content.

(6) "Broadway theatrical production" means a prebroadway production, long run production, or tour launch that is directed, managed, and performed by a professional cast and crew and that is directly associated with New York city's Broadway theater district.

(7) "Prebroadway production" means a live stage production that is scheduled for presentation in New York city's Broadway theater district after the original or adaptive version is performed in a qualified production facility.

(8) "Long run production" means a live stage production that

is scheduled to be performed at a qualified production facility 7493  
for more than five weeks, with an average of at least six 7494  
performances per week. 7495

(9) "Tour launch" means a live stage production for which the 7496  
activities comprising the technical period are conducted at a 7497  
qualified production facility before a tour of the original or 7498  
adaptive version of the production begins. 7499

(10) "Qualified production facility" means a facility located 7500  
in this state that is used in the development or presentation to 7501  
the public of theater productions. 7502

(B) For the purpose of encouraging and developing strong film 7503  
and theater industries in this state, the director of development 7504  
may certify a motion picture or Broadway theatrical production 7505  
produced by a production company as a tax credit-eligible 7506  
production. In the case of a television series, the director may 7507  
certify the production of each episode of the series as a separate 7508  
tax credit-eligible production. A production company shall apply 7509  
for certification of a motion picture or Broadway theatrical 7510  
production as a tax credit-eligible production on a form and in 7511  
the manner prescribed by the director. Each application shall 7512  
include the following information: 7513

(1) The name and telephone number of the production company; 7514

(2) The name and telephone number of the company's contact 7515  
person; 7516

(3) A list of the first preproduction date through the last 7517  
production and postproduction dates in Ohio and, in the case of a 7518  
Broadway theatrical production, a list of each scheduled 7519  
performance in a qualified production facility; 7520

(4) The Ohio production office or qualified production 7521  
facility address and telephone number; 7522

(5) The total production budget;	7523
(6) The total budgeted eligible expenditures and the percentage that amount is of the total production budget of the motion picture or Broadway theatrical production;	7524 7525 7526
(7) In the case of a motion picture, the total percentage of the production being shot in Ohio;	7527 7528
(8) The level of employment of cast and crew who reside in Ohio;	7529 7530
(9) A synopsis of the script;	7531
(10) In the case of a motion picture, the shooting script;	7532
(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;	7533 7534
(12) Documentation of financial ability to undertake and complete the motion picture or Broadway theatrical production, including documentation that shows that the company has secured funding equal to at least fifty per cent of the total production budget;	7535 7536 7537 7538 7539
(13) Estimated value of the tax credit based upon total budgeted eligible expenditures;	7540 7541
(14) Estimated amount of state and local taxes to be generated in this state from the production;	7542 7543
(15) Estimated economic impact of the production in this state;	7544 7545
(16) Any other information considered necessary by the director.	7546 7547
Within ninety days after certification of a motion picture or Broadway theatrical production as a tax credit-eligible production, and any time thereafter upon the request of the director, the production company shall present to the director	7548 7549 7550 7551

sufficient evidence of reviewable progress. If the production 7552  
company fails to present sufficient evidence, the director may 7553  
rescind the certification. If the production of a motion picture 7554  
or Broadway theatrical production does not begin within ninety 7555  
days after the date it is certified as a tax credit-eligible 7556  
production, the director shall rescind the certification unless 7557  
the director finds that the production company shows good cause 7558  
for the delay, meaning that the production was delayed due to 7559  
unforeseeable circumstances beyond the production company's 7560  
control or due to action or inaction by a government agency. Upon 7561  
rescission, the director shall notify the applicant that the 7562  
certification has been rescinded. Nothing in this section 7563  
prohibits an applicant whose tax credit-eligible production 7564  
certification has been rescinded from submitting a subsequent 7565  
application for certification. 7566

(C)(1) A production company whose motion picture or Broadway 7567  
theatrical production has been certified as a tax credit-eligible 7568  
production may apply to the director of development on or after 7569  
July 1, 2009, for a refundable credit against the tax imposed by 7570  
section 5726.02, 5733.06, 5747.02, or 5751.02 of the Revised Code. 7571  
The director in consultation with the tax commissioner shall 7572  
prescribe the form and manner of the application and the 7573  
information or documentation required to be submitted with the 7574  
application. 7575

The credit is determined as follows: 7576

(a) If the total budgeted eligible expenditures stated in the 7577  
application submitted under division (B) of this section or the 7578  
actual eligible expenditures as finally determined under division 7579  
(D) of this section, whichever is least, is less than or equal to 7580  
three hundred thousand dollars, no credit is allowed; 7581

(b) If the total budgeted eligible expenditures stated in the 7582  
application submitted under division (B) of this section or the 7583

actual eligible expenditures as finally determined under division 7584  
(D) of this section, whichever is least, is greater than three 7585  
hundred thousand dollars, the credit equals thirty per cent of the 7586  
least of such budgeted or actual eligible expenditure amounts. 7587

(2) Except as provided in division (C)(4) of this section, if 7588  
the director of development approves a production company's 7589  
application for a credit, the director shall issue a tax credit 7590  
certificate to the company. The director in consultation with the 7591  
tax commissioner shall prescribe the form and manner of issuing 7592  
certificates. The director shall assign a unique identifying 7593  
number to each tax credit certificate and shall record the 7594  
certificate in a register devised and maintained by the director 7595  
for that purpose. The certificate shall state the amount of the 7596  
eligible expenditures on which the credit is based and the amount 7597  
of the credit. Upon the issuance of a certificate, the director 7598  
shall certify to the tax commissioner the name of the production 7599  
company to which the certificate was issued, the amount of 7600  
eligible expenditures shown on the certificate, the amount of the 7601  
credit, and any other information required by the rules adopted to 7602  
administer this section. 7603

(3) The amount of eligible expenditures for which a tax 7604  
credit may be claimed is subject to inspection and examination by 7605  
the tax commissioner or employees of the commissioner under 7606  
section 5703.19 of the Revised Code and any other applicable law. 7607  
Once the eligible expenditures are finally determined under 7608  
section 5703.19 of the Revised Code and division (D) of this 7609  
section, the credit amount is not subject to adjustment unless the 7610  
director determines an error was committed in the computation of 7611  
the credit amount. 7612

(4) No tax credit certificate may be issued before the 7613  
completion of the tax credit-eligible production. Not more than 7614  
~~forty~~ seventy-five million dollars of tax credit may be allowed 7615

per fiscal year provided that, for any fiscal year in which the amount of tax credits allowed under this section is less than that maximum annual amount, the amount not allowed for that fiscal year shall be added to the maximum annual amount that may be allowed for the following fiscal year.

(5) The director shall review and approve applications for tax credits in two rounds each fiscal year. The first round of credits shall be awarded not later than the last day of July of the fiscal year, and the second round of credits shall be awarded not later than the last day of the ensuing January. The amount of credits awarded in the first round of applications each fiscal year shall not exceed ~~twenty~~ thirty-seven million five hundred thousand dollars plus any credit allotment that was not awarded in the preceding fiscal year and carried over under division (C)(4) of this section. For each round, the director shall rank applications on the basis of the extent of positive economic impact each tax credit-eligible production is likely to have in this state and the effect on developing a permanent workforce in motion picture or theatrical production industries in the state. For the purpose of such ranking, the director shall give priority to tax-credit eligible productions that are television series or miniseries due to the long-term commitment typically associated with such productions. The economic impact ranking shall be based on the production company's total expenditures in this state directly associated with the tax credit-eligible production. The effect on developing a permanent workforce in the motion picture or theatrical production industries shall be evaluated first by the number of new jobs created and second by amount of payroll added with respect to employees in this state.

The director shall approve productions in the order of their ranking, from those with the greatest positive economic impact and workforce development effect to those with the least positive

economic impact and workforce development effect. 7648

(D) A production company whose motion picture or Broadway theatrical production has been certified as a tax credit-eligible production shall engage, at the company's expense, an independent certified public accountant to examine the company's production, postproduction, and advertising and promotion expenditures to identify the expenditures that qualify as eligible expenditures. The certified public accountant shall issue a report to the company and to the director of development certifying the company's eligible expenditures and any other information required by the director. Upon receiving and examining the report, the director may disallow any expenditure the director determines is not an eligible expenditure. If the director disallows an expenditure, the director shall issue a written notice to the production company stating that the expenditure is disallowed and the reason for the disallowance. Upon examination of the report and disallowance of any expenditures, the director shall determine finally the lesser of the total budgeted eligible expenditures stated in the application submitted under division (B) of this section or the actual eligible expenditures for the purpose of computing the amount of the credit. 7649  
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(E) No credit shall be allowed under section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code unless the director has reviewed the report and made the determination prescribed by division (D) of this section. 7669  
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(F) This state reserves the right to refuse the use of this state's name in the credits of any tax credit-eligible motion picture production or program of any Broadway theatrical production. 7673  
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(G)(1) The director of development in consultation with the tax commissioner shall adopt rules for the administration of this section, including rules setting forth and governing the criteria 7677  
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for determining whether a motion picture or Broadway theatrical 7680  
production is a tax credit-eligible production; activities that 7681  
constitute the production or postproduction of a motion picture or 7682  
Broadway theatrical production; reporting sufficient evidence of 7683  
reviewable progress; expenditures that qualify as eligible 7684  
expenditures; a schedule and deadlines for applications to be 7685  
submitted and reviewed; a competitive process for approving 7686  
credits based on likely economic impact in this state and 7687  
development of a permanent workforce in motion picture or 7688  
theatrical production industries in this state; consideration of 7689  
geographic distribution of credits; and implementation of the 7690  
program described in division (H) of this section. The rules shall 7691  
be adopted under Chapter 119. of the Revised Code. 7692

(2) To cover the administrative costs of the program, the 7693  
director shall require each applicant to pay an application fee 7694  
equal to the lesser of ten thousand dollars or one per cent of the 7695  
estimated value of the tax credit as stated in the application. 7696  
The fees collected shall be credited to the tax incentives 7697  
operating fund created in section 122.174 of the Revised Code. All 7698  
grants, gifts, fees, and contributions made to the director for 7699  
marketing and promotion of the motion picture industry within this 7700  
state shall also be credited to the fund. 7701

(H) The director of development shall establish a program for 7702  
the training of Ohio residents who are or wish to be employed in 7703  
the film or multimedia industry. Under the program, the director 7704  
shall: 7705

(1) Certify individuals as film and multimedia trainees. In 7706  
order to receive such a certification, an individual must be an 7707  
Ohio resident, have participated in relevant on-the-job training 7708  
or have completed a relevant training course approved by the 7709  
director, and have met any other requirements established by the 7710  
director. 7711

(2) Accept applications from production companies that intend 7712  
to hire and provide on-the-job training to one or more certified 7713  
film and multimedia trainees who will be employed in the company's 7714  
tax credit-eligible production-i 7715

(3) Upon completion of a tax-credit eligible production, and 7716  
upon the receipt of any salary information and other documentation 7717  
required by the director, authorize a reimbursement payment to 7718  
each production company whose application was approved under 7719  
division (H)(2) of this section. The payment shall equal fifty per 7720  
cent of the salaries paid to film and multimedia trainees employed 7721  
in the production. 7722

**Sec. 123.211.** (A) Notwithstanding any contrary provision of 7723  
section 123.21 of the Revised Code, the executive director of the 7724  
Ohio facilities construction commission may authorize any of the 7725  
following agencies to administer any capital facilities project, 7726  
the estimated cost of which, including design fees, construction, 7727  
equipment, and contingency amounts, is less than three million 7728  
dollars: 7729

- (1) The department of mental health and addiction services; 7730
- (2) The department of developmental disabilities; 7731
- (3) The department of agriculture; 7732
- (4) The department of job and family services; 7733
- (5) The department of rehabilitation and correction; 7734
- (6) The department of youth services; 7735
- (7) The department of public safety; 7736
- (8) The department of transportation; 7737
- (9) The department of veterans services; 7738
- (10) The bureau of workers' compensation; 7739

(11) The department of administrative services;	7740
(12) <del>The state school for the deaf;</del>	7741
<del>(13) The state school for the blind</del> <u>Ohio deaf and blind</u> <u>education services.</u>	7742 7743
(B) A state agency that wishes to administer a project under division (A) of this section shall submit a request for authorization through the Ohio administrative knowledge system capital improvements application. Upon the release of funds for the projects by the controlling board or the director of budget and management, the agency may administer the capital project or projects for which agency administration has been authorized without the supervision, control, or approval of the executive director of the Ohio facilities construction commission.	7744 7745 7746 7747 7748 7749 7750 7751 7752
(C) A state agency authorized by the executive director of the Ohio facilities construction commission to administer capital facilities projects pursuant to this section shall comply with the applicable procedures and guidelines established in Chapter 153. of the Revised Code and shall track all project information in the Ohio administrative knowledge system capital improvements application pursuant to Ohio facilities construction commission guidelines.	7753 7754 7755 7756 7757 7758 7759 7760
<b>Sec. 124.136.</b> (A) As used in this section:	7761
(1) "Fetal death" has the same meaning as in section 3705.01 of the Revised Code.	7762 7763
(2) "Stillborn" means that an infant of at least twenty weeks of gestation suffered a fetal death.	7764 7765
(B)(1) Each permanent full-time and permanent part-time employee paid in accordance with section 124.152 of the Revised Code and each employee listed in division (B)(2), (3), or (4) of section 124.14 of the Revised Code who works thirty or more hours	7766 7767 7768 7769

per week, and who meets the requirement of division (B)(2)(a) of 7770  
this section is eligible, upon the birth, stillbirth, or adoption 7771  
of a child, for a parental leave of absence and parental leave 7772  
benefits under this section. If the employee takes leave under 7773  
this section for a stillbirth, the employee is ineligible for 7774  
leave under section 124.387 of the Revised Code. 7775

(2)(a) To be eligible for leave and benefits under this 7776  
section, an employee must be one of the following: 7777

(i) A parent, as listed on the birth certificate, of a newly 7778  
born child; 7779

(ii) A parent, as listed on the fetal death certificate, of a 7780  
stillborn child; 7781

(iii) A legal guardian of ~~and reside~~ a newly adopted child 7782  
who resides in the same household as ~~a newly adopted~~ that child. 7783

(b) Employees may elect to receive five thousand dollars for 7784  
adoption expenses in lieu of receiving the paid leave benefit 7785  
provided under this section. Such payment may be requested upon 7786  
placement of the child in the employee's home. If the child is 7787  
already residing in the home, payment may be requested at the time 7788  
the adoption is approved. 7789

(3) The average number of regular hours worked, which shall 7790  
include all hours of holiday pay and other types of paid leave, 7791  
during the three-month period immediately preceding the day 7792  
parental leave of absence begins shall be used to determine 7793  
eligibility and benefits under this section for part-time 7794  
employees, but such benefits shall not exceed forty hours per 7795  
week. If an employee has not worked for a three-month period, the 7796  
number of hours for which the employee has been scheduled to work 7797  
per week during the employee's period of employment shall be used 7798  
to determine eligibility and benefits under this section. 7799

(C) Parental leave granted under this section shall not 7800

exceed ~~six~~ twelve consecutive weeks, which shall include four 7801  
~~weeks or one~~ hundred ~~sixty~~ eighty hours of paid leave for 7802  
permanent full-time employees and a prorated number of hours of 7803  
paid leave for permanent part-time employees. Parental leave shall 7804  
be taken within one year of the birth of the child, delivery of 7805  
the stillborn child, or placement of the child for adoption. ~~All~~ 7806  
~~employees granted parental leave shall serve a waiting period of~~ 7807  
~~fourteen days that begins on the day parental leave begins and~~ 7808  
~~during which they shall not receive paid leave under this section.~~ 7809  
~~Employees may choose to work during the waiting period.~~ During the 7810  
~~remaining four weeks of the~~ leave period, employees shall receive 7811  
paid leave equal to seventy per cent of their base rate of pay. 7812  
All of the following apply to employees granted parental leave: 7813

(1) They remain eligible to receive all employer-paid 7814  
benefits and continue to accrue all other forms of paid leave as 7815  
if they were in active pay status. 7816

(2) They are ineligible to receive overtime pay, and no 7817  
portion of their parental leave shall be included in calculating 7818  
their overtime pay. 7819

(3) They are ineligible to receive holiday pay. A holiday 7820  
occurring during the leave period shall be counted as one day of 7821  
parental leave and be paid as such. 7822

(D) Employees receiving parental leave may utilize available 7823  
sick leave, personal leave, vacation leave, or compensatory time 7824  
balances in order to ~~be paid during the fourteen-day waiting~~ 7825  
~~period and to~~ supplement the seventy per cent of their base rate 7826  
of pay received during the ~~remaining part of their~~ parental leave 7827  
period, in an amount sufficient to give them up to one hundred per 7828  
cent of their pay for time on parental leave. 7829

Use of parental leave does not affect an employee's 7830  
eligibility for other forms of paid leave granted under this 7831

chapter and does not prohibit an employee from taking leave under 7832  
the "Family and Medical Leave Act of 1993," 107 Stat. 6, 29 7833  
U.S.C.A. 2601, except that parental leave shall be included in any 7834  
leave time provided under that act. An employee may not receive 7835  
parental leave under this section after exhausting leave under the 7836  
Family and Medical Leave Act of 1993 for the birth of the child, 7837  
delivery of the stillborn child, or placement of the child for 7838  
adoption. 7839

(E) Employees receiving disability leave benefits under 7840  
section 124.385 of the Revised Code prior to becoming eligible for 7841  
parental leave shall continue to receive disability leave benefits 7842  
for the duration of their disabling condition or as otherwise 7843  
provided under the disability leave benefits program. If an 7844  
employee is receiving disability leave benefits because of 7845  
pregnancy and these benefits expire prior to the expiration date 7846  
of any benefits the employee would have been entitled to receive 7847  
under this section, the employee shall receive parental leave for 7848  
such additional time ~~without being required to serve an additional~~ 7849  
~~waiting period if the parental leave is contiguous to the~~ 7850  
~~disability leave.~~ 7851

**Sec. 124.14.** (A)(1) The director of administrative services 7852  
shall establish, and may modify or rescind, a job classification 7853  
plan for all positions, offices, and employments in the service of 7854  
the state. The director shall group jobs within a classification 7855  
so that the positions are similar enough in duties and 7856  
responsibilities to be described by the same title, to have the 7857  
same pay assigned with equity, and to have the same qualifications 7858  
for selection applied. The director shall assign a classification 7859  
title to each classification within the classification plan. 7860  
However, the director shall consider in establishing 7861  
classifications, including classifications with parenthetical 7862  
titles, and assigning pay ranges such factors as duties performed 7863

only on one shift, special skills in short supply in the labor 7864  
market, recruitment problems, separation rates, comparative salary 7865  
rates, the amount of training required, and other conditions 7866  
affecting employment. The director shall describe the duties and 7867  
responsibilities of the class, establish the qualifications for 7868  
being employed in each position in the class, and file with the 7869  
secretary of state a copy of specifications for all of the 7870  
classifications. The director shall file new, additional, or 7871  
revised specifications with the secretary of state before they are 7872  
used. 7873

The director shall assign each classification, either on a 7874  
statewide basis or in particular counties or state institutions, 7875  
to a pay range established under section 124.15 or section 124.152 7876  
of the Revised Code. The director may assign a classification to a 7877  
pay range on a temporary basis for a period of six months. The 7878  
director may establish experimental classification plans for some 7879  
or all employees paid directly by warrant of the director of 7880  
budget and management. Any such experimental classification plan 7881  
shall include specifications for each classification within the 7882  
plan and shall specifically address compensation ranges, and 7883  
methods for advancing within the ranges, for the classifications, 7884  
which may be assigned to pay ranges other than the pay ranges 7885  
established under section 124.15 or 124.152 of the Revised Code. 7886

(2) The director of administrative services may reassign to a 7887  
proper classification those positions that have been assigned to 7888  
an improper classification. If the compensation of an employee in 7889  
such a reassigned position exceeds the maximum rate of pay for the 7890  
employee's new classification, the employee shall be placed in pay 7891  
step X and shall not receive an increase in compensation until the 7892  
maximum rate of pay for that classification exceeds the employee's 7893  
compensation. 7894

(3) The director may reassign an exempt employee, as defined 7895

in section 124.152 of the Revised Code, to a bargaining unit 7896  
classification if the director determines that the bargaining unit 7897  
classification is the proper classification for that employee. 7898  
Notwithstanding Chapter 4117. of the Revised Code or instruments 7899  
and contracts negotiated under it, these placements are at the 7900  
director's discretion. 7901

(4) The director shall assign related classifications, which 7902  
form a career progression, to a classification series. The 7903  
director shall assign each classification in the classification 7904  
plan a five-digit number, the first four digits of which shall 7905  
denote the classification series to which the classification is 7906  
assigned. When a career progression encompasses more than ten 7907  
classifications, the director shall identify the additional 7908  
classifications belonging to a classification series. The 7909  
additional classifications shall be part of the classification 7910  
series, notwithstanding the fact that the first four digits of the 7911  
number assigned to the additional classifications do not 7912  
correspond to the first four digits of the numbers assigned to 7913  
other classifications in the classification series. 7914

(B) Division (A) of this section and sections 124.15 and 7915  
124.152 of the Revised Code do not apply to the following persons, 7916  
positions, offices, and employments: 7917

(1) Elected officials; 7918

(2) Legislative employees, employees of the legislative 7919  
service commission, employees in the office of the governor, 7920  
employees who are in the unclassified civil service and exempt 7921  
from collective bargaining coverage in the office of the secretary 7922  
of state, auditor of state, treasurer of state, and attorney 7923  
general, and employees of the supreme court; 7924

(3) Any position for which the authority to determine 7925  
compensation is given by law to another individual or entity; 7926

(4) Employees of the bureau of workers' compensation whose 7927  
compensation the administrator of workers' compensation 7928  
establishes under division (B) of section 4121.121 of the Revised 7929  
Code. 7930

(C) The director may employ a consulting agency to aid and 7931  
assist the director in carrying out this section. 7932

(D)(1) When the director proposes to modify a classification 7933  
or the assignment of classes to appropriate pay ranges, the 7934  
director shall notify the appointing authorities of the affected 7935  
employees before implementing the modification. The director's 7936  
notice shall include the effective date of the modification. The 7937  
appointing authorities shall notify the affected employees 7938  
regarding the modification. 7939

(2) When the director proposes to reclassify any employee in 7940  
the service of the state so that the employee is adversely 7941  
affected, the director shall give to the employee affected and to 7942  
the employee's appointing authority a written notice setting forth 7943  
the proposed new classification, pay range, and salary. Upon the 7944  
request of any classified employee in the service of the state who 7945  
is not serving in a probationary period, the director shall 7946  
perform a job audit to review the classification of the employee's 7947  
position to determine whether the position is properly classified. 7948  
The director shall give to the employee affected and to the 7949  
employee's appointing authority a written notice of the director's 7950  
determination whether or not to reclassify the position or to 7951  
reassign the employee to another classification. An employee or 7952  
appointing authority desiring a hearing shall file a written 7953  
request for the hearing with the state personnel board of review 7954  
within thirty days after receiving the notice. The board shall set 7955  
the matter for a hearing and notify the employee and appointing 7956  
authority of the time and place of the hearing. The employee, the 7957  
appointing authority, or any authorized representative of the 7958

employee who wishes to submit facts for the consideration of the 7959  
board shall be afforded reasonable opportunity to do so. After the 7960  
hearing, the board shall consider anew the reclassification and 7961  
may order the reclassification of the employee and require the 7962  
director to assign the employee to such appropriate classification 7963  
as the facts and evidence warrant. As provided in division (A)(1) 7964  
of section 124.03 of the Revised Code, the board may determine the 7965  
most appropriate classification for the position of any employee 7966  
coming before the board, with or without a job audit. The board 7967  
shall disallow any reclassification or reassignment classification 7968  
of any employee when it finds that changes have been made in the 7969  
duties and responsibilities of any particular employee for 7970  
political, religious, or other unjust reasons. 7971

(E)(1) Employees of each county department of job and family 7972  
services shall be paid a salary or wage established by the board 7973  
of county commissioners. The provisions of section 124.18 of the 7974  
Revised Code concerning the standard work week apply to employees 7975  
of county departments of job and family services. A board of 7976  
county commissioners may do either of the following: 7977

(a) Notwithstanding any other section of the Revised Code, 7978  
supplement the sick leave, vacation leave, personal leave, and 7979  
other benefits of any employee of the county department of job and 7980  
family services of that county, if the employee is eligible for 7981  
the supplement under a written policy providing for the 7982  
supplement; 7983

(b) Notwithstanding any other section of the Revised Code, 7984  
establish alternative schedules of sick leave, vacation leave, 7985  
personal leave, or other benefits for employees not inconsistent 7986  
with the provisions of a collective bargaining agreement covering 7987  
the affected employees. 7988

(2) Division (E)(1) of this section does not apply to 7989  
employees for whom the state employment relations board 7990

establishes appropriate bargaining units pursuant to section 7991  
4117.06 of the Revised Code, except in either of the following 7992  
situations: 7993

(a) The employees for whom the state employment relations 7994  
board establishes appropriate bargaining units elect no 7995  
representative in a board-conducted representation election. 7996

(b) After the state employment relations board establishes 7997  
appropriate bargaining units for such employees, all employee 7998  
organizations withdraw from a representation election. 7999

(F)(1) Notwithstanding any contrary provision of sections 8000  
124.01 to 124.64 of the Revised Code, the board of trustees of 8001  
each state university or college, as defined in section 3345.12 of 8002  
the Revised Code, shall carry out all matters of governance 8003  
involving the officers and employees of the university or college, 8004  
including, but not limited to, the powers, duties, and functions 8005  
of the department of administrative services and the director of 8006  
administrative services specified in this chapter. Officers and 8007  
employees of a state university or college shall have the right of 8008  
appeal to the state personnel board of review as provided in this 8009  
chapter. 8010

(2) Each board of trustees shall adopt rules ~~under section~~ 8011  
~~111.15 of the Revised Code~~ to carry out the matters of governance 8012  
described in division (F)(1) of this section. Until the board of 8013  
trustees adopts those rules, a state university or college shall 8014  
continue to operate pursuant to the applicable rules adopted by 8015  
the director of administrative services under this chapter. 8016

(G)(1) Each board of county commissioners may, by a 8017  
resolution adopted by a majority of its members, establish a 8018  
county personnel department to exercise the powers, duties, and 8019  
functions specified in division (G) of this section. As used in 8020  
division (G) of this section, "county personnel department" means 8021

a county personnel department established by a board of county commissioners under division (G)(1) of this section. 8022  
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(2)(a) Each board of county commissioners, by a resolution adopted by a majority of its members, may designate the county personnel department of the county to exercise the powers, duties, and functions specified in sections 124.01 to 124.64 and Chapter 325. of the Revised Code with regard to employees in the service of the county, except for the powers and duties of the state personnel board of review, which powers and duties shall not be construed as having been modified or diminished in any manner by division (G)(2) of this section, with respect to the employees for whom the board of county commissioners is the appointing authority or co-appointing authority. 8024  
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(b) Nothing in division (G)(2) of this section shall be construed to limit the right of any employee who possesses the right of appeal to the state personnel board of review to continue to possess that right of appeal. 8035  
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(c) Any board of county commissioners that has established a county personnel department may contract with the department of administrative services, in accordance with division (H) of this section, another political subdivision, or an appropriate public or private entity to provide competitive testing services or other appropriate services. 8039  
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(3) After the county personnel department of a county has been established as described in division (G)(2) of this section, any elected official, board, agency, or other appointing authority of that county, upon written notification to the county personnel department, may elect to use the services and facilities of the county personnel department. Upon receipt of the notification by the county personnel department, the county personnel department shall exercise the powers, duties, and functions as described in division (G)(2) of this section with respect to the employees of 8045  
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that elected official, board, agency, or other appointing authority. 8054  
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(4) Each board of county commissioners, by a resolution adopted by a majority of its members, may disband the county personnel department. 8056  
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(5) Any elected official, board, agency, or appointing authority of a county may end its involvement with a county personnel department upon actual receipt by the department of a certified copy of the notification that contains the decision to no longer participate. 8059  
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(6) A county personnel department, in carrying out its duties, shall adhere to merit system principles with regard to employees of county departments of job and family services, child support enforcement agencies, and public child welfare agencies so that there is no threatened loss of federal funding for these agencies, and the county is financially liable to the state for any loss of federal funds due to the action or inaction of the county personnel department. 8064  
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(H) County agencies may contract with the department of administrative services for any human resources services, including, but not limited to, establishment and modification of job classification plans, competitive testing services, and periodic audits and reviews of the county's uniform application of the powers, duties, and functions specified in sections 124.01 to 124.64 and Chapter 325. of the Revised Code with regard to employees in the service of the county. Nothing in this division modifies the powers and duties of the state personnel board of review with respect to employees in the service of the county. Nothing in this division limits the right of any employee who possesses the right of appeal to the state personnel board of review to continue to possess that right of appeal. 8072  
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(I) The director of administrative services shall establish 8085  
the rate and method of compensation for all employees who are paid 8086  
directly by warrant of the director of budget and management and 8087  
who are serving in positions that the director of administrative 8088  
services has determined impracticable to include in the state job 8089  
classification plan. This division does not apply to elected 8090  
officials, legislative employees, employees of the legislative 8091  
service commission, employees who are in the unclassified civil 8092  
service and exempt from collective bargaining coverage in the 8093  
office of the secretary of state, auditor of state, treasurer of 8094  
state, and attorney general, employees of the courts, employees of 8095  
the bureau of workers' compensation whose compensation the 8096  
administrator of workers' compensation establishes under division 8097  
(B) of section 4121.121 of the Revised Code, or employees of an 8098  
appointing authority authorized by law to fix the compensation of 8099  
those employees. 8100

(J) The director of administrative services shall set the 8101  
rate of compensation for all intermittent, seasonal, temporary, 8102  
emergency, and casual employees in the service of the state who 8103  
are not considered public employees under section 4117.01 of the 8104  
Revised Code. Those employees are not entitled to receive employee 8105  
benefits, unless otherwise required by law. This rate of 8106  
compensation shall be equitable in terms of the rate of employees 8107  
serving in the same or similar classifications. This division does 8108  
not apply to elected officials, legislative employees, employees 8109  
of the legislative service commission, employees who are in the 8110  
unclassified civil service and exempt from collective bargaining 8111  
coverage in the office of the secretary of state, auditor of 8112  
state, treasurer of state, and attorney general, employees of the 8113  
courts, employees of the bureau of workers' compensation whose 8114  
compensation the administrator establishes under division (B) of 8115  
section 4121.121 of the Revised Code, or employees of an 8116  
appointing authority authorized by law to fix the compensation of 8117

those employees. 8118

**Sec. 124.15.** (A) Board and commission members appointed prior 8119  
to July 1, 1991, shall be paid a salary or wage in accordance with 8120  
the following schedules of rates: 8121

Schedule B 8122

Pay Ranges and Step Values 8123

Range	Step 1	Step 2	Step 3	Step 4	
23 Hourly	5.72	5.91	6.10	6.31	8124
Annually	11897.60	12292.80	12688.00	13124.80	8125
	Step 5	Step 6			8126
Hourly	6.52	6.75			8127
Annually	13561.60	14040.00			8128
	Step 1	Step 2	Step 3	Step 4	8129
24 Hourly	6.00	6.20	6.41	6.63	8130
Annually	12480.00	12896.00	13332.80	13790.40	8131
	Step 5	Step 6			8132
Hourly	6.87	7.10			8133
Annually	14289.60	14768.00			8134
	Step 1	Step 2	Step 3	Step 4	8135
25 Hourly	6.31	6.52	6.75	6.99	8136
Annually	13124.80	13561.60	14040.00	14539.20	8137
	Step 5	Step 6			8138
Hourly	7.23	7.41			8139
Annually	15038.40	15412.80			8140
	Step 1	Step 2	Step 3	Step 4	8141
26 Hourly	6.63	6.87	7.10	7.32	8142
Annually	13790.40	14289.60	14768.00	15225.60	8143
	Step 5	Step 6			8144
Hourly	7.53	7.77			8145
Annually	15662.40	16161.60			8146
	Step 1	Step 2	Step 3	Step 4	8147
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27	Hourly	6.99	7.23	7.41	7.64	8149
	Annually	14534.20	15038.40	15412.80	15891.20	8150
		Step 5	Step 6	Step 7		8151
	Hourly	7.88	8.15	8.46		8152
	Annually	16390.40	16952.00	17596.80		8153
		Step 1	Step 2	Step 3	Step 4	8154
28	Hourly	7.41	7.64	7.88	8.15	8155
	Annually	15412.80	15891.20	16390.40	16952.00	8156
		Step 5	Step 6	Step 7		8157
	Hourly	8.46	8.79	9.15		8158
	Annually	17596.80	18283.20	19032.00		8159
		Step 1	Step 2	Step 3	Step 4	8160
29	Hourly	7.88	8.15	8.46	8.79	8161
	Annually	16390.40	16952.00	17596.80	18283.20	8162
		Step 5	Step 6	Step 7		8163
	Hourly	9.15	9.58	10.01		8164
	Annually	19032.00	19926.40	20820.80		8165
		Step 1	Step 2	Step 3	Step 4	8166
30	Hourly	8.46	8.79	9.15	9.58	8167
	Annually	17596.80	18283.20	19032.00	19926.40	8168
		Step 5	Step 6	Step 7		8169
	Hourly	10.01	10.46	10.99		8170
	Annually	20820.80	21756.80	22859.20		8171
		Step 1	Step 2	Step 3	Step 4	8172
31	Hourly	9.15	9.58	10.01	10.46	8173
	Annually	19032.00	19962.40	20820.80	21756.80	8174
		Step 5	Step 6	Step 7		8175
	Hourly	10.99	11.52	12.09		8176
	Annually	22859.20	23961.60	25147.20		8177
		Step 1	Step 2	Step 3	Step 4	8178
32	Hourly	10.01	10.46	10.99	11.52	8179
	Annually	20820.80	21756.80	22859.20	23961.60	8180
		Step 5	Step 6	Step 7	Step 8	8181

	Hourly	12.09	12.68	13.29	13.94	8182
	Annually	25147.20	26374.40	27643.20	28995.20	8183
		Step 1	Step 2	Step 3	Step 4	8184
33	Hourly	10.99	11.52	12.09	12.68	8185
	Annually	22859.20	23961.60	25147.20	26374.40	8186
		Step 5	Step 6	Step 7	Step 8	8187
	Hourly	13.29	13.94	14.63	15.35	8188
	Annually	27643.20	28995.20	30430.40	31928.00	8189
		Step 1	Step 2	Step 3	Step 4	8190
34	Hourly	12.09	12.68	13.29	13.94	8191
	Annually	25147.20	26374.40	27643.20	28995.20	8192
		Step 5	Step 6	Step 7	Step 8	8193
	Hourly	14.63	15.35	16.11	16.91	8194
	Annually	30430.40	31928.00	33508.80	35172.80	8195
		Step 1	Step 2	Step 3	Step 4	8196
35	Hourly	13.29	13.94	14.63	15.35	8197
	Annually	27643.20	28995.20	30430.40	31928.00	8198
		Step 5	Step 6	Step 7	Step 8	8199
	Hourly	16.11	16.91	17.73	18.62	8200
	Annually	33508.80	35172.80	36878.40	38729.60	8201
		Step 1	Step 2	Step 3	Step 4	8202
36	Hourly	14.63	15.35	16.11	16.91	8203
	Annually	30430.40	31928.00	33508.80	35172.80	8204
		Step 5	Step 6	Step 7	Step 8	8205
	Hourly	17.73	18.62	19.54	20.51	8206
	Annually	36878.40	38729.60	40643.20	42660.80	8207
	Schedule C					8208
		Pay Range and Values				8209
	Range	Minimum		Maximum		8210
41	Hourly	10.44		15.72		8211
	Annually	21715.20		32697.60		8212
42	Hourly	11.51		17.35		8213
	Annually	23940.80		36088.00		8214

43 Hourly	12.68	19.12	8215
Annually	26374.40	39769.60	8216
44 Hourly	13.99	20.87	8217
Annually	29099.20	43409.60	8218
45 Hourly	15.44	22.80	8219
Annually	32115.20	47424.00	8220
46 Hourly	17.01	24.90	8221
Annually	35380.80	51792.00	8222
47 Hourly	18.75	27.18	8223
Annually	39000.00	56534.40	8224
48 Hourly	20.67	29.69	8225
Annually	42993.60	61755.20	8226
49 Hourly	22.80	32.06	8227
Annually	47424.00	66684.80	8228

(B) The pay schedule of all employees shall be on a biweekly basis, with amounts computed on an hourly basis. 8229  
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(C) Part-time employees shall be compensated on an hourly basis for time worked, at the rates shown in division (A) of this section or in section 124.152 of the Revised Code. 8231  
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(D) The salary and wage rates in division (A) of this section or in section 124.152 of the Revised Code represent base rates of compensation and may be augmented by the provisions of section 124.181 of the Revised Code. In those cases where lodging, meals, laundry, or other personal services are furnished an employee in the service of the state, the actual costs or fair market value of the personal services shall be paid by the employee in such amounts and manner as determined by the director of administrative services and approved by the director of budget and management, and those personal services shall not be considered as a part of the employee's compensation. An appointing authority that appoints employees in the service of the state, with the approval of the director of administrative services and the director of budget and 8234  
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management, may establish payments to employees for uniforms, 8247  
tools, equipment, and other requirements of the department and 8248  
payments for the maintenance of them. 8249

The director of administrative services may review collective 8250  
bargaining agreements entered into under Chapter 4117. of the 8251  
Revised Code that cover employees in the service of the state and 8252  
determine whether certain benefits or payments provided to the 8253  
employees covered by those agreements should also be provided to 8254  
employees in the service of the state who are exempt from 8255  
collective bargaining coverage and are paid in accordance with 8256  
section 124.152 of the Revised Code or are listed in division 8257  
(B)(2) or (4) of section 124.14 of the Revised Code. On completing 8258  
the review, the director of administrative services, with the 8259  
approval of the director of budget and management, may provide to 8260  
some or all of these employees any payment or benefit, except for 8261  
salary, contained in such a collective bargaining agreement even 8262  
if it is similar to a payment or benefit already provided by law 8263  
to some or all of these employees. Any payment or benefit so 8264  
provided shall not exceed the highest level for that payment or 8265  
benefit specified in such a collective bargaining agreement. The 8266  
director of administrative services shall not provide, and the 8267  
director of budget and management shall not approve, any payment 8268  
or benefit to such an employee under this division unless the 8269  
payment or benefit is provided pursuant to a collective bargaining 8270  
agreement to a state employee who is in a position with similar 8271  
duties as, is supervised by, or is employed by the same appointing 8272  
authority as, the employee to whom the benefit or payment is to be 8273  
provided. 8274

As used in this division, "payment or benefit already 8275  
provided by law" includes, but is not limited to, bereavement, 8276  
personal, vacation, administrative, and sick leave, disability 8277  
benefits, holiday pay, and pay supplements provided under the 8278

Revised Code, but does not include wages or salary. 8279

(E) New employees paid in accordance with schedule B of 8280  
division (A) of this section or schedule E-1 of section 124.152 of 8281  
the Revised Code shall be employed at the minimum rate established 8282  
for the range unless otherwise provided. Employees with 8283  
qualifications that are beyond the minimum normally required for 8284  
the position and that are determined by the director to be 8285  
exceptional may be employed in, or may be transferred or promoted 8286  
to, a position at an advanced step of the range. Further, in time 8287  
of a serious labor market condition when it is relatively 8288  
impossible to recruit employees at the minimum rate for a 8289  
particular classification, the entrance rate may be set at an 8290  
advanced step in the range by the director of administrative 8291  
services. This rate may be limited to geographical regions of the 8292  
state. Appointments made to an advanced step under the provision 8293  
regarding exceptional qualifications shall not affect the step 8294  
assignment of employees already serving. However, anytime the 8295  
hiring rate of an entire classification is advanced to a higher 8296  
step, all incumbents of that classification being paid at a step 8297  
lower than that being used for hiring, shall be advanced beginning 8298  
at the start of the first pay period thereafter to the new hiring 8299  
rate, and any time accrued at the lower step will be used to 8300  
calculate advancement to a succeeding step. If the hiring rate of 8301  
a classification is increased for only a geographical region of 8302  
the state, only incumbents who work in that geographical region 8303  
shall be advanced to a higher step. When an employee in the 8304  
unclassified service changes from one state position to another or 8305  
is appointed to a position in the classified service, or if an 8306  
employee in the classified service is appointed to a position in 8307  
the unclassified service, the employee's salary or wage in the new 8308  
position shall be determined in the same manner as if the employee 8309  
were an employee in the classified service. When an employee in 8310  
the unclassified service who is not eligible for step increases is 8311

appointed to a classification in the classified service under 8312  
which step increases are provided, future step increases shall be 8313  
based on the date on which the employee last received a pay 8314  
increase. If the employee has not received an increase during the 8315  
previous year, the date of the appointment to the classified 8316  
service shall be used to determine the employee's annual step 8317  
advancement eligibility date. In reassigning any employee to a 8318  
classification resulting in a pay range increase or to a new pay 8319  
range as a result of a promotion, an increase pay range 8320  
adjustment, or other classification change resulting in a pay 8321  
range increase, the director shall assign such employee to the 8322  
step in the new pay range that will provide an increase of 8323  
approximately four per cent if the new pay range can accommodate 8324  
the increase. When an employee is being assigned to a 8325  
classification or new pay range as the result of a class plan 8326  
change, if the employee has completed a probationary period, the 8327  
employee shall be placed in a step no lower than step two of the 8328  
new pay range. If the employee has not completed a probationary 8329  
period, the employee may be placed in step one of the new pay 8330  
range. Such new salary or wage shall become effective on such date 8331  
as the director determines. 8332

(F) If employment conditions and the urgency of the work 8333  
require such action, the director of administrative services may, 8334  
upon the application of a department head, authorize payment at 8335  
any rate established within the range for the class of work, for 8336  
work of a casual or intermittent nature or on a project basis. 8337  
Payment at such rates shall not be made to the same individual for 8338  
more than three calendar months in any one calendar year. Any such 8339  
action shall be subject to the approval of the director of budget 8340  
and management as to the availability of funds. This section and 8341  
sections 124.14 and 124.152 of the Revised Code do not repeal any 8342  
authority of any department or public official to contract with or 8343  
fix the compensation of professional persons who may be employed 8344

temporarily for work of a casual nature or for work on a project 8345  
basis. 8346

(G)(1) Except as provided in divisions (G)(2) and (3) of this 8347  
section, each state employee paid in accordance with schedule B of 8348  
this section or schedule E-1 of section 124.152 of the Revised 8349  
Code shall be eligible for advancement to succeeding steps in the 8350  
range for the employee's class or grade according to the schedule 8351  
established in this division. Beginning on the first day of the 8352  
pay period within which the employee completes the prescribed 8353  
probationary period in the employee's classification with the 8354  
state, each employee shall receive an automatic salary adjustment 8355  
equivalent to the next higher step within the pay range for the 8356  
employee's class or grade. 8357

Except as provided in divisions (G)(2) and (3) of this 8358  
section, each employee paid in accordance with schedule E-1 of 8359  
section 124.152 of the Revised Code shall be eligible to advance 8360  
to the next higher step until the employee reaches the top step in 8361  
the range for the employee's class or grade, if the employee has 8362  
maintained satisfactory performance in accordance with criteria 8363  
established by the employee's appointing authority. Those step 8364  
advancements shall not occur more frequently than once in any 8365  
twelve-month period. 8366

When an employee is promoted, the step entry date shall be 8367  
set to account for a probationary period. When an employee is 8368  
reassigned to a higher pay range, the step entry date shall be set 8369  
to allow an employee who is not at the highest step of the range 8370  
to receive a step advancement one year from the reassignment date. 8371  
Step advancement shall not be affected by demotion. A promoted 8372  
employee shall advance to the next higher step of the pay range on 8373  
the first day of the pay period in which the required probationary 8374  
period is completed. Step advancement shall become effective at 8375  
the beginning of the pay period within which the employee attains 8376

the necessary length of service. Time spent on authorized leave of absence shall be counted for this purpose. 8377  
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If determined to be in the best interest of the state service, the director of administrative services may, either statewide or in selected agencies, adjust the dates on which annual step advancements are received by employees paid in accordance with schedule E-1 of section 124.152 of the Revised Code. 8379  
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(2)(a) There shall be a moratorium on annual step advancements under division (G)(1) of this section beginning June 21, 2009, through June 20, 2011. Step advancements shall resume with the pay period beginning June 21, 2011. Upon the resumption of step advancements, there shall be no retroactive step advancements for the period the moratorium was in effect. The moratorium shall not affect an employee's performance evaluation schedule. 8385  
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An employee who begins a probationary period before June 21, 2009, shall advance to the next step in the employee's pay range at the end of probation, and then become subject to the moratorium. An employee who is hired, promoted, or reassigned to a higher pay range between June 21, 2009, through June 20, 2011, shall not advance to the next step in the employee's pay range until the next anniversary of the employee's date of hire, promotion, or reassignment that occurs on or after June 21, 2011. 8393  
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(b) The moratorium under division (G)(2)(a) of this section shall apply to the employees of the secretary of state, the auditor of state, the treasurer of state, and the attorney general, who are subject to this section unless the secretary of state, the auditor of state, the treasurer of state, or the attorney general decides to exempt the office's employees from the moratorium and so notifies the director of administrative services in writing on or before July 1, 2009. 8401  
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(3) Employees in intermittent positions shall be employed at 8409  
the minimum rate established for the pay range for their 8410  
classification and are not eligible for step advancements. 8411

(H) Employees in appointive managerial or professional 8412  
positions paid in accordance with schedule C of this section or 8413  
schedule E-2 of section 124.152 of the Revised Code may be 8414  
appointed at any rate within the appropriate pay range. This rate 8415  
of pay may be adjusted higher or lower within the respective pay 8416  
range at any time the appointing authority so desires as long as 8417  
the adjustment is based on the employee's ability to successfully 8418  
administer those duties assigned to the employee. Salary 8419  
adjustments shall not be made more frequently than once in any 8420  
six-month period under this provision to incumbents holding the 8421  
same position and classification. 8422

(I) When an employee is assigned to duty outside this state, 8423  
the employee may be compensated, upon request of the department 8424  
head and with the approval of the director of administrative 8425  
services, at a rate not to exceed fifty per cent in excess of the 8426  
employee's current base rate for the period of time spent on that 8427  
duty. 8428

(J) Unless compensation for members of a board or commission 8429  
is otherwise specifically provided by law, the director of 8430  
administrative services shall establish the rate and method of 8431  
payment for members of boards and commissions pursuant to the pay 8432  
schedules listed in section 124.152 of the Revised Code. 8433

(K) Regular full-time employees in positions assigned to 8434  
classes within the instruction and education administration series 8435  
under the job classification plans of the director of 8436  
administrative services, except certificated employees on the 8437  
instructional staff of ~~the state school for the blind or the state~~ 8438  
~~school for the deaf~~ Ohio deaf and blind education services, whose 8439  
positions are scheduled to work on the basis of an academic year 8440

rather than a full calendar year, shall be paid according to the 8441  
pay range assigned by the applicable job classification plan, but 8442  
only during those pay periods included in the academic year of the 8443  
school where the employee is located. 8444

(1) Part-time or substitute teachers or those whose period of 8445  
employment is other than the full academic year shall be 8446  
compensated for the actual time worked at the rate established by 8447  
this section. 8448

(2) Employees governed by this division are exempt from 8449  
sections 124.13 and 124.19 of the Revised Code. 8450

(3) Length of service for the purpose of determining 8451  
eligibility for step advancements as provided by division (G) of 8452  
this section and for the purpose of determining eligibility for 8453  
longevity pay supplements as provided by division (E) of section 8454  
124.181 of the Revised Code shall be computed on the basis of one 8455  
full year of service for the completion of each academic year. 8456

(L) The superintendent of ~~the state school for the deaf and~~ 8457  
~~the superintendent of the state school for the blind~~ Ohio deaf and 8458  
blind education services shall, subject to the approval of the 8459  
superintendent of public instruction, carry out both of the 8460  
following: 8461

(1) Annually, between the first day of April and the last day 8462  
of June, establish for the ensuing fiscal year a schedule of 8463  
hourly rates for the compensation of each certificated employee on 8464  
the instructional staff of ~~that superintendent's respective school~~ 8465  
Ohio deaf and blind education services constructed as follows: 8466

(a) Determine for each level of training, experience, and 8467  
other professional qualification for which an hourly rate is set 8468  
forth in the current schedule, the per cent that rate is of the 8469  
rate set forth in such schedule for a teacher with a bachelor's 8470  
degree and no experience. If there is more than one such rate for 8471

such a teacher, the lowest rate shall be used to make the 8472  
computation. 8473

(b) Determine which six city, local, and exempted village 8474  
school districts with territory in Franklin county have in effect 8475  
on, or have adopted by, the first day of April for the school year 8476  
that begins on the ensuing first day of July, teacher salary 8477  
schedules with the highest minimum salaries for a teacher with a 8478  
bachelor's degree and no experience; 8479

(c) Divide the sum of such six highest minimum salaries by 8480  
ten thousand five hundred sixty; 8481

(d) Multiply each per cent determined in division (L)(1)(a) 8482  
of this section by the quotient obtained in division (L)(1)(c) of 8483  
this section; 8484

(e) One hundred five per cent of each product thus obtained 8485  
shall be the hourly rate for the corresponding level of training, 8486  
experience, or other professional qualification in the schedule 8487  
for the ensuing fiscal year. 8488

(2) Annually, assign each certificated employee on the 8489  
instructional staff of ~~the superintendent's respective school~~ Ohio 8490  
deaf and blind education services to an hourly rate on the 8491  
schedule that is commensurate with the employee's training, 8492  
experience, and other professional qualifications. 8493

If an employee is employed on the basis of an academic year, 8494  
the employee's annual salary shall be calculated by multiplying 8495  
the employee's assigned hourly rate times one thousand seven 8496  
hundred sixty. If an employee is not employed on the basis of an 8497  
academic year, the employee's annual salary shall be calculated in 8498  
accordance with the following formula: 8499

(a) Multiply the number of days the employee is required to 8500  
work pursuant to the employee's contract by eight; 8501

(b) Multiply the product of division (L)(2)(a) of this section by the employee's assigned hourly rate.

Each employee shall be paid an annual salary in biweekly installments. The amount of each installment shall be calculated by dividing the employee's annual salary by the number of biweekly installments to be paid during the year.

Sections 124.13 and 124.19 of the Revised Code do not apply to an employee who is paid under this division.

As used in this division, "academic year" means the number of days in each school year that the ~~schools~~ state school for the deaf and the state school for the blind are required to be open for instruction with pupils in attendance. Upon completing an academic year, an employee paid under this division shall be deemed to have completed one year of service. An employee paid under this division is eligible to receive a pay supplement under division (L)(1), (2), or (3) of section 124.181 of the Revised Code for which the employee qualifies, but is not eligible to receive a pay supplement under division (L)(4) or (5) of that section. An employee paid under this division is eligible to receive a pay supplement under division (L)(6) of section 124.181 of the Revised Code for which the employee qualifies, except that the supplement is not limited to a maximum of five per cent of the employee's regular base salary in a calendar year.

(M) Division (A) of this section does not apply to "exempt employees," as defined in section 124.152 of the Revised Code, who are paid under that section.

Notwithstanding any other provisions of this chapter, when an employee transfers between bargaining units or transfers out of or into a bargaining unit, the director of administrative services shall establish the employee's compensation and adjust the maximum leave accrual schedule as the director deems equitable.

Sec. 124.387. (A) As used in this section, "stillborn" has 8533  
the same meaning as in section 124.136 of the Revised Code. 8534

(B) Each full-time permanent and part-time permanent employee 8535  
whose salary or wage is paid directly by warrant of the director 8536  
of budget and management shall be granted three days of 8537  
bereavement leave with pay ~~upon~~ due to the death of a member of 8538  
the employee's immediate family. 8539

(C) Except as provided in division (E) of this section, an 8540  
employee described in division (B) of this section may use 8541  
bereavement leave under this section when the employee is the 8542  
parent of a miscarried or stillborn child. An employee using 8543  
bereavement leave based on a miscarriage shall provide appropriate 8544  
medical documentation of the miscarriage. An employee using 8545  
bereavement leave based on a stillbirth shall provide a copy of 8546  
the fetal death certificate. 8547

(D) The bereavement leave described in this section begins 8548  
within one of the following time periods: 8549

(1) Not more than five calendar days after the immediate 8550  
family member's death; 8551

(2) Not more than five days before or five days after the 8552  
date of the immediate family member's funeral. 8553

(E) An employee who takes bereavement leave granted under 8554  
this section on the basis of a stillbirth is ineligible for 8555  
parental leave or benefits under section 124.136 of the Revised 8556  
Code based on the same stillbirth. 8557

(F) Compensation for bereavement leave shall be equal to the 8558  
employee's base rate of pay. 8559

**Sec. 125.01.** As used in this chapter: 8560

(A) "Order" means a copy of a contract or a statement of the 8561

nature of a contemplated expenditure, a description of the 8562  
property or supplies to be purchased or service to be performed, 8563  
other than a service performed by officers and regular employees 8564  
of the state, and per diem of the national guard, and the total 8565  
sum of the expenditure to be made therefor, if the sum is fixed 8566  
and ascertained, otherwise the estimated sum thereof, and an 8567  
authorization to pay for the contemplated expenditure, signed by 8568  
the person instructed and authorized to pay upon receipt of a 8569  
proper invoice. 8570

(B) "Invoice" means an itemized listing showing delivery of 8571  
the supplies or performance of the service described in the order 8572  
including all of the following: 8573

(1) The date of the purchase or rendering of the service; 8574

(2) An itemization of the things done, material supplied, or 8575  
labor furnished; 8576

(3) The sum due pursuant to the contract or obligation. 8577

(C) "Products" means materials, ~~manufacturer's~~ supplies, 8578  
merchandise, goods, wares, and foodstuffs. 8579

(D) "Produced" means the manufacturing, processing, mining, 8580  
developing, and making of a thing into a new article with a 8581  
distinct character in use through the application of input, within 8582  
the state or a state bordering Ohio, of Buy Ohio products, labor, 8583  
skill, or other services. "Produced" does not include the mere 8584  
assembling or putting together of ~~non-Ohio~~ products or materials 8585  
from outside of Ohio or a state bordering Ohio. 8586

(E) "Buy Ohio products" means products that are mined, 8587  
excavated, produced, manufactured, raised, or grown in the state 8588  
~~by a person~~ or a state bordering Ohio where the input of Buy Ohio 8589  
products, labor, skill, or other services constitutes no less than 8590  
twenty-five per cent of the manufactured cost. With respect to 8591  
mined products, such products shall be mined or excavated in this 8592

state or a state bordering Ohio. 8593

(F) "Purchase" means to buy, rent, lease, lease purchase, or 8594  
otherwise acquire supplies or services. "Purchase" also includes 8595  
all functions that pertain to the obtaining of supplies or 8596  
services, including description of requirements, selection and 8597  
solicitation of sources, preparation and award of contracts, all 8598  
phases of contract administration, and receipt and acceptance of 8599  
the supplies and services and payment for them. 8600

(G) "Services" means the furnishing of labor, time, or effort 8601  
by a person, not involving the delivery of a specific end product 8602  
other than a report which, if provided, is merely incidental to 8603  
the required performance. "Services" does not include services 8604  
furnished pursuant to employment agreements or collective 8605  
bargaining agreements. 8606

(H) "Supplies" means all property, including, but not limited 8607  
to, equipment, materials, and other tangible assets, and 8608  
~~insurance,~~ but excluding real property or an interest in real 8609  
property. 8610

(I) "Competitive selection" means any of the following 8611  
procedures for making purchases: 8612

(1) Competitive sealed bidding under section 125.07 of the 8613  
Revised Code; 8614

(2) Competitive sealed proposals under section 125.071 of the 8615  
Revised Code; 8616

(3) Reverse auctions under section 125.072 of the Revised 8617  
Code; 8618

(4) Electronic procurement under section 125.073 of the 8619  
Revised Code. 8620

(J) "Direct purchasing authority" means the authority of a 8621  
state agency to make a purchase without competitive selection 8622

pursuant to sections 125.05 and 127.16 of the Revised Code. 8623

**Sec. 125.035.** (A) Except as otherwise provided in the Revised 8624  
Code, a state agency wanting to purchase supplies or services 8625  
shall make the purchase subject to the requirements of an 8626  
applicable first or second requisite procurement program described 8627  
in this section, or obtain a determination ~~from the department of~~ 8628  
~~administrative services~~ that the purchase is not subject to a 8629  
first or second requisite procurement program. State agencies 8630  
shall submit a purchase request ~~to~~ in a manner and form as 8631  
prescribed by the department of administrative services ~~unless the~~ 8632  
~~department has determined the request does not require a review.~~ 8633  
The director of administrative services shall adopt rules under 8634  
Chapter 119. of the Revised Code to provide for the manner of 8635  
carrying out the function and the power and duties imposed upon 8636  
and vested in the director by this section. 8637

(B) The following programs are first requisite procurement 8638  
programs that shall be given preference in the following order in 8639  
fulfilling a purchase request: 8640

(1) Ohio penal industries within the department of 8641  
rehabilitation and correction; and 8642

(2) Community rehabilitation programs administered by the 8643  
department of administrative services under sections 125.601 to 8644  
125.6012 of the Revised Code. 8645

(C) The following programs are second requisite procurement 8646  
programs that may be able to fulfill the purchase request if the 8647  
first requisite procurement programs are unable to do so: 8648

(1) Business enterprise program at the opportunities for 8649  
Ohioans with disabilities agency as prescribed in sections 3304.28 8650  
to 3304.33 of the Revised Code; 8651

(2) Office of information technology at the department of 8652

administrative services as established in section 125.18 of the Revised Code; 8653  
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(3) Office of state printing and mail services at the department of administrative services as prescribed in Chapter 125. of the Revised Code; 8655  
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(4) Ohio pharmacy services at the department of mental health and addiction services as prescribed in section 5119.44 of the Revised Code; 8658  
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(5) Ohio facilities construction commission established in section 123.20 of the Revised Code; and 8661  
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(6) Any other program within, or administered by, a state agency that, by law, requires purchases to be made by, or with the approval of, the state agency. 8663  
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(D) Upon receipt of a purchase request, the ~~department of administrative services shall provide the requesting agency a notification of receipt of the purchase request. The department then shall determine whether the request can be fulfilled through a first requisite procurement program. In making the determination, the department may consult with each of the applicable representative of the first and second requisite procurement programs shall review the request to determine whether the request can be fulfilled based on the products and services the requisite procurement program can provide.~~ When the ~~department representative~~ has made ~~its~~ a determination, ~~it~~ the representative shall do one of the following: 8666  
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(1) Direct the requesting agency to obtain the desired supplies or services through the proper ~~first~~ requisite procurement program; 8678  
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(2) Provide the agency with a waiver from the use of the applicable ~~first~~ requisite procurement ~~programs under sections 125.609 or 5147.07 of the Revised Code; or~~ 8681  
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~~(3) Determine whether the purchase can be fulfilled through a second requisite procurement program under division (E) of this section.~~ 8684  
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~~(E) In making the determination that a purchase is subject to a second requisite procurement program, the department shall identify potentially applicable programs and notify each program of the requested purchase. The notified second requisite procurement program shall respond to the department within two business days with regard to its ability to provide the requested purchase. If the second requisite procurement program can provide the requested purchase, the department shall direct the requesting agency to make the requested purchase from the appropriate second requisite procurement program. If the department has not received notification from a second requisite procurement program within two business days and the department has made the determination that the purchase is not subject to a second requisite procurement program, the department shall provide a waiver to the requesting agency.~~ 8687  
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~~(F) Within five business days after receipt of a request, the department applicable representative of the requisite procurement program shall notify the requesting agency of its determination and provide any waiver under ~~divisions~~ division (D) ~~or (E)~~ of this section. If the ~~department~~ representative fails to respond within five business days or fails to provide an explanation for any further delay within that time, the requesting agency may use direct purchasing authority to make the requested purchase, subject to the requirements of division ~~(G)~~(F) of this section, division ~~(E)~~(F) of section 125.05, and section 127.16 of the Revised Code.~~ 8702  
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~~(G)~~(F) As provided in sections 125.02 and 125.05 of the Revised Code and subject to such rules as the director of administrative services may adopt, the department may issue a 8713  
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release and permit to the agency to secure supplies or services. A 8716  
release and permit shall specify the supplies or services to which 8717  
it applies, the time during which it is operative, and the reason 8718  
for its issuance. A release and permit for telephone, other 8719  
telecommunications, and computer services shall be provided in 8720  
accordance with section 125.18 of the Revised Code and shall 8721  
specify the type of services to be rendered, the number and type 8722  
of hardware to be used, and may specify the amount of such 8723  
services to be performed. No requesting agency shall proceed with 8724  
such purchase until it has received an approved release and permit 8725  
from the director of administrative services or the director's 8726  
designee. 8727

**Sec. 125.041.** (A) Nothing in sections 125.02, 125.04 to 8728  
125.08, 125.12 to 125.16, 125.18, 125.31 to 125.76, or 125.831 of 8729  
the Revised Code shall be construed as limiting the attorney 8730  
general, auditor of state, secretary of state, or treasurer of 8731  
state in any of the following: 8732

(1) Purchases for less than the dollar amounts for the 8733  
purchase of supplies or services determined under section 125.05 8734  
of the Revised Code; 8735

(2) Purchases that equal or exceed the dollar amounts for the 8736  
purchase of supplies or services determined under section 125.05 8737  
of the Revised Code with the approval of the controlling board, if 8738  
that approval is required by section 127.16 of the Revised Code; 8739

(3) The final determination of the nature or quantity of any 8740  
purchase of supplies or services under division (B) of section 8741  
125.02 or under division ~~(G)~~(F) of section 125.035 of the Revised 8742  
Code; 8743

(4) The final determination and disposal of excess and 8744  
surplus supplies; 8745

(5) The inventory of state property; 8746

(6) The purchase of printing; 8747

(7) Activities related to information technology development 8748  
and use; 8749

(8) The fleet management program. 8750

(B) Nothing in this section shall be construed as preventing 8751  
the attorney general, auditor of state, secretary of state, or 8752  
treasurer of state from complying with or participating in any 8753  
aspect of Chapter 125. of the Revised Code through the department 8754  
of administrative services. 8755

**Sec. 125.05.** ~~Except as provided in division (D) or (E) of~~ 8756  
~~this section, no~~ No state agency shall purchase any supplies or 8757  
services except as provided in ~~divisions (A) to (C) of this~~ 8758  
section and section 127.16 of the Revised Code. When exercising 8759  
direct purchasing authority the agency shall utilize a selection 8760  
process that complies with all applicable laws, rules, or 8761  
regulations of the department of administrative services. 8762

(A) A state agency may, without competitive selection, make 8763  
any purchase of supplies or services that cost less than fifty 8764  
thousand dollars after complying with divisions (A) to (E) of 8765  
section 125.035 of the Revised Code. The agency may make the 8766  
purchase directly or may make the purchase from or through the 8767  
department of administrative services, whichever the agency 8768  
determines. The agency shall adopt written procedures consistent 8769  
with the department's purchasing procedures and shall use those 8770  
procedures when making purchases under this division. 8771

Section 127.16 of the Revised Code does not apply to 8772  
purchases made under this division. 8773

(B) A state agency shall make purchases of supplies and 8774  
services that cost fifty thousand dollars or more through the 8775

department of administrative services and the process provided in 8776  
section 125.035 of the Revised Code, unless the department grants 8777  
a waiver ~~under division (D) or (E) of that section~~ and a release 8778  
and permit under ~~division (G) of~~ that section. 8779

(C) An agency that has been granted a release and permit 8780  
under ~~division (G) of~~ section 125.035 of the Revised Code to make 8781  
a purchase may make the purchase without competitive selection if 8782  
after making the purchase the cumulative purchase threshold as 8783  
computed under division (E) of section 127.16 of the Revised Code 8784  
would: 8785

(1) Be exceeded and the controlling board approves the 8786  
purchase; 8787

(2) Not be exceeded and the department of administrative 8788  
services approves the purchase. 8789

(D) An agency that has been granted a release and permit 8790  
under division (G) of section 125.035 of the Revised Code to make 8791  
a purchase may make the purchase by utilizing the electronic 8792  
procurement system established by the department of administrative 8793  
services under section 125.073 of the Revised Code. Such purchases 8794  
constitute a competitive selection through the department. 8795

(E) If the department of education or the Ohio education 8796  
computer network determines that it can purchase software services 8797  
or supplies for specified school districts at a price less than 8798  
the price for which the districts could purchase the same software 8799  
services or supplies for themselves, the department or network 8800  
shall certify that fact to the department of administrative 8801  
services and, acting as an agent for the specified school 8802  
districts, shall make that purchase without following the 8803  
provisions in divisions (A) to (D) of this section. 8804

~~(E)~~(F) When the purchase cost of personal protective 8805  
equipment is less than fifty thousand dollars, a state agency 8806

shall comply with ~~divisions (A) to (E)~~ of section 125.035 of the Revised Code. If the purchase is not subject to the requirements of an applicable first or second requisite procurement program, the agency shall apply the same preferences in section 125.09 of the Revised Code when making the purchase. As used in this division, "personal protective equipment" means equipment worn to minimize exposure to hazards that cause workplace injuries and illnesses.

**Sec. 125.071.** (A) In accordance with rules the director of administrative services shall adopt, the director may make purchases by competitive sealed proposal whenever the director determines that the use of competitive sealed bidding is not possible or not advantageous to the state.

(B) Proposals shall be solicited through a request for proposals. The request for proposals shall state the relative importance of price and other evaluation factors. Notice of the request for proposals shall be given in accordance with rules the director shall adopt.

(C) Proposals shall be opened so as to avoid disclosure of contents to competing offerors.

In order to ensure fair and impartial evaluation, proposals and related documents submitted in response to a request for proposals are not available for public inspection and copying under section 149.43 of the Revised Code until after the award of the contract.

(D) As provided in the request for proposals, and under rules the director shall adopt, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of ensuring full understanding of, and responsiveness to, solicitation requirements. Offerors shall be accorded fair and

equal treatment with respect to any opportunity for discussion 8838  
regarding any clarification, correction, or revision of proposals. 8839  
No disclosure of any information derived from proposals submitted 8840  
by competing offerors shall occur when discussions are conducted. 8841

(E) Award may be made to the ~~offeror~~ offerors whose ~~proposal~~ 8842  
~~is proposals are~~ determined to be the most advantageous to this 8843  
state, taking into consideration factors such as price and the 8844  
evaluation criteria set forth in the request for proposals. The 8845  
contract file shall contain the basis on which the award is made. 8846

**Sec. 125.073.** ~~(A)~~ The department of administrative services 8847  
shall actively promote and accelerate the use of electronic 8848  
procurement, including reverse auctions as defined by section 8849  
125.072 of the Revised Code, ~~by implementing the relevant~~ 8850  
~~recommendations concerning electronic procurement from the "2000~~ 8851  
~~Management Improvement Commission Report to the Governor"~~ when 8852  
exercising its statutory powers. 8853

~~(B) Beginning July 1, 2004, the department shall annually on~~ 8854  
~~or before the first day of July report to the committees in each~~ 8855  
~~house of the general assembly dealing with finance indicating the~~ 8856  
~~effectiveness of electronic procurement.~~ 8857

**Sec. 125.09.** (A) Pursuant to sections 125.07, 125.071, and 8858  
125.072 of the Revised Code, the department of administrative 8859  
services may prescribe such conditions under which competitive 8860  
sealed bids, competitive sealed proposals, and bids in reverse 8861  
auctions will be received and terms of the proposed purchase as it 8862  
considers necessary; provided, that all such conditions and terms 8863  
shall be reasonable and shall not unreasonably restrict 8864  
competition, and bidders may bid and offerors may propose upon all 8865  
or any item of the products, ~~supplies,~~ or services listed in such 8866  
notice. Those bidders and offerors claiming the preference 8867

outlined in this chapter shall designate in their bid or offer 8868  
either that whether the product ~~or supply~~ is ~~produced or~~ mined, 8869  
excavated, produced, manufactured, raised, or grown in the United 8870  
States and is either ~~an~~ a Buy Ohio product or that the product, 8871  
~~supply,~~ or service is provided by a bidder or offeror that 8872  
qualifies as having a significant ~~Ohio~~ economic presence in the 8873  
state or a state bordering Ohio, under the rules established by 8874  
the director of administrative services, and whether the bidder or 8875  
offeror is a certified veteran-friendly business enterprise under 8876  
section 122.925 of the Revised Code. 8877

(B) ~~The department may require that each bidder or offeror~~ 8878  
~~provide sufficient information about the energy efficiency or~~ 8879  
~~energy usage of the bidder's or offeror's product, supply, or~~ 8880  
~~service.~~ 8881

~~(C)~~ The director of administrative services shall, by rule 8882  
adopted pursuant to Chapter 119. of the Revised Code, prescribe 8883  
criteria and procedures for use by all state agencies in giving 8884  
preference under this section as required by division (B) of 8885  
section 125.11 of the Revised Code. The rules shall extend to: 8886

(1) Criteria for determining that a product is ~~produced or~~ 8887  
mined, excavated, produced, manufactured, raised, or grown in the 8888  
United States rather than in another country or territory; 8889

(2) Criteria for determining that a product is ~~produced or~~ 8890  
mined in a Buy Ohio product; 8891

(3) Information to be submitted by bidders or offerors as to 8892  
the nature of a product and the location where it is ~~produced or~~ 8893  
mined, excavated, produced, manufactured, raised, or grown; 8894

(4) Criteria and procedures to be used by the director to 8895  
qualify bidders or offerors located in states bordering Ohio who 8896  
might otherwise be excluded from being awarded a contract by 8897  
operation of this section and section 125.11 of the Revised Code. 8898

The criteria and procedures shall recognize the level and 8899  
regularity of interstate commerce between Ohio and the border 8900  
states and provide that the non-Ohio businesses may qualify for 8901  
award of a contract as long as they are located in a state that 8902  
imposes no greater restrictions than are contained in this section 8903  
and section 125.11 of the Revised Code upon persons located in 8904  
Ohio selling products or services to agencies of that state. The 8905  
criteria and procedures shall also provide that a non-Ohio 8906  
business shall not bid on a contract for state printing in this 8907  
state if the business is located in a state that excludes Ohio 8908  
businesses from bidding on state printing contracts in that state. 8909

(5) Criteria and procedures to be used to qualify bidders and 8910  
offerors whose manufactured products, except for mined products, 8911  
are produced in other states or in North America, but the bidders 8912  
or offerors have a significant Ohio economic presence in terms of 8913  
the number of employees or capital investment a bidder or offeror 8914  
has in this state. Bidders and offerors with a significant Ohio 8915  
economic presence shall qualify for award of a contract on the 8916  
same basis as if their products were produced in this state or as 8917  
if the bidder or offeror was domiciled in this state. 8918

(6) Criteria and procedures for the director to grant waivers 8919  
of the requirements of division (B) of section 125.11 of the 8920  
Revised Code on a contract-by-contract basis where compliance with 8921  
those requirements would ~~result in the state agency paying an~~ 8922  
~~excessive price for the product or acquiring a disproportionately~~ 8923  
~~inferior product~~ not be in the best interest of the state or is 8924  
otherwise prohibited; 8925

(7) Criteria for applying a preference to bids and offers 8926  
received from a certified veteran-friendly business enterprise; 8927

(8) Such other requirements or procedures reasonably 8928  
necessary to implement the system of preferences established 8929  
pursuant to division (B) of section 125.11 of the Revised Code. 8930

In adopting the rules required under this division, the 8931  
director shall, to the maximum extent possible, conform to the 8932  
requirements of the federal "Buy ~~America~~ American Act," ~~47 Stat.~~ 8933  
~~1520, (1933),~~ 41 U.S.C.A. ~~10a-10d~~ U.S.C. 8301-8305, as amended, 8934  
and to the regulations adopted thereunder. 8935

**Sec. 125.10.** (A) The department of administrative services 8936  
may require that all competitive sealed bids, competitive sealed 8937  
proposals, and bids received in a reverse auction be accompanied 8938  
by a performance bond or other financial assurance acceptable to 8939  
the director of administrative services, in the sum and with the 8940  
sureties it prescribes, payable to the state, and conditioned that 8941  
the person submitting the bid or proposal, if that person's bid or 8942  
proposal is accepted, will faithfully execute the terms of the 8943  
contract and promptly make deliveries of the supplies purchased. 8944

(B) A sealed copy of each competitive sealed bid or 8945  
competitive sealed proposal shall be filed with the department 8946  
prior to the time specified in the notice for opening of the bids 8947  
or proposals. All competitive sealed bids and competitive sealed 8948  
proposals shall be ~~publicly~~ opened in the ~~office of~~ standardized 8949  
system of electronic procurement by the department at the time 8950  
specified in the notice. ~~A representative of the auditor of state~~ 8951  
~~shall be present at the opening of all competitive sealed bids and~~ 8952  
~~competitive sealed proposals, and shall certify the opening of~~ 8953  
~~each competitive sealed bid and competitive sealed proposal. No~~ 8954  
~~competitive sealed bid or competitive sealed proposal shall be~~ 8955  
~~considered valid unless it is so certified.~~ 8956

**Sec. 125.11.** (A) Subject to division (B) of this section, 8957  
contracts awarded pursuant to a reverse auction under section 8958  
125.072 of the Revised Code or pursuant to competitive sealed 8959  
bidding, including contracts awarded under section 125.081 of the 8960  
Revised Code, shall be awarded to the lowest responsive and 8961

responsible bidder in accordance with section 9.312 of the Revised Code. ~~When the contract is for meat products as defined in section 918.01 of the Revised Code or poultry products as defined in section 918.21 of the Revised Code, only those bids received from vendors under inspection of the United States department of agriculture or who are licensed by the Ohio department of agriculture shall be eligible for acceptance. The department of administrative services may accept or reject any or all bids in whole or by items, except that when the contract is for services or products available from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code, the contract shall be awarded to that agency and contracts awarded pursuant to a competitive sealed proposal shall be awarded to the offeror determined to be the most advantageous to this state.~~

(B) Prior to awarding a contract under division (A) of this section, the department of administrative services or the state agency responsible for evaluating a contract for the purchase of products or services shall evaluate the bids and offers received according to the criteria and procedures established pursuant to ~~divisions (C)(1) and (2)~~ division (B) of section 125.09 of the Revised Code for determining if a product is ~~produced or mined,~~ excavated, produced, manufactured, raised, or grown in the United States and, if a product is produced or mined in this state, or in a state bordering Ohio, whether the bid or offer was received from a Buy Ohio supplier, and whether the bid or offer was received from a certified veteran-friendly business enterprise. ~~The department or other state agency shall first consider bids that offer products that have been or that will be produced or mined in the United States. From among the remaining bids, the department or other state agency shall select the lowest responsive and responsible bid, in accordance with section 9.312 of the Revised~~

~~Code, from among the bids that offer products that have been~~ 8994  
~~produced or mined in this state~~ These requirements shall be 8995  
applied where sufficient competition can be generated ~~within this~~ 8996  
~~state to ensure that compliance with these requirements will not~~ 8997  
~~result in an excessive price for the product or acquiring a~~ 8998  
~~disproportionately inferior product~~ be in the best interest of the 8999  
state unless otherwise prohibited. 9000

(C) Division (B) of this section applies to contracts for 9001  
which competitive ~~bidding~~ selection is waived by the controlling 9002  
board. 9003

(D) Division (B) of this section does not apply to the 9004  
purchase by the division of liquor control of spirituous liquor. 9005

~~(E) The director of administrative services shall publish in~~ 9006  
~~the form of a model act for use by counties, townships, municipal~~ 9007  
~~corporations, or any other political subdivision described in~~ 9008  
~~division (B) of section 125.04 of the Revised Code, a system of~~ 9009  
~~preferences for products mined and produced in this state and in~~ 9010  
~~the United States and for Ohio based contractors. The model act~~ 9011  
~~shall reflect substantial equivalence to the system of preferences~~ 9012  
~~in purchasing and public improvement contracting procedures under~~ 9013  
~~which the state operates pursuant to this chapter and section~~ 9014  
~~153.012 of the Revised Code. To the maximum extent possible,~~ 9015  
~~consistent with the Ohio system of preferences in purchasing and~~ 9016  
~~public improvement contracting procedures, the model act shall~~ 9017  
~~incorporate all of the requirements of the federal "Buy America~~ 9018  
~~Act," 47 Stat. 1520 (1933), 41 U.S.C. 10a to 10d, as amended, and~~ 9019  
~~the rules adopted under that act.~~ 9020

~~Before and during the development and promulgation of the~~ 9021  
~~model act, the director shall consult with appropriate statewide~~ 9022  
~~organizations representing counties, townships, and municipal~~ 9023  
~~corporations so as to identify the special requirements and~~ 9024  
~~concerns these political subdivisions have in their purchasing and~~ 9025

~~public improvement contracting procedures. The director shall 9026  
promulgate the model act by rule adopted pursuant to Chapter 119. 9027  
of the Revised Code and shall revise the act as necessary to 9028  
reflect changes in this chapter or section 153.012 of the Revised 9029  
Code. 9030~~

~~The director shall make available copies of the model act, 9031  
supporting information, and technical assistance to any township, 9032  
county, or municipal corporation wishing to incorporate the 9033  
provisions of the act into its purchasing or public improvement 9034  
contracting procedure. 9035~~

**Sec. 125.18.** (A) There is hereby established the office of 9037  
information technology within the department of administrative 9038  
services. The office shall be under the supervision of a state 9039  
chief information officer to be appointed by the director of 9040  
administrative services and subject to removal at the pleasure of 9041  
the director. The chief information officer is an assistant 9042  
director of administrative services. 9043

(B) Under the direction of the director of administrative 9044  
services, the state chief information officer shall lead, oversee, 9045  
and direct state agency activities related to information 9046  
technology development and use. In that regard, the state chief 9047  
information officer shall do all of the following: 9048

(1) Coordinate and superintend statewide efforts to promote 9049  
common use and development of technology by state agencies. The 9050  
office of information technology shall establish policies and 9051  
standards that govern and direct state agency participation in 9052  
statewide programs and initiatives. 9053

(2) Coordinate with the office of procurement services to 9054  
establish policies and standards for state agency acquisition of 9055  
information technology supplies and services; 9056

(3) Establish policies and standards for the use of common information technology by state agencies, including, but not limited to, hardware, software, technology services, and security, and the extension of the service life of information technology systems, with which state agencies shall comply;

(4) Establish criteria and review processes to identify state agency information technology projects or purchases that require alignment or oversight. As appropriate, the department of administrative services shall provide the governor and the director of budget and management with notice and advice regarding the appropriate allocation of resources for those projects. The state chief information officer may require state agencies to provide, and may prescribe the form and manner by which they must provide, information to fulfill the state chief information officer's alignment and oversight role;

(5) Establish policies and procedures for the security of personal information that is maintained and destroyed by state agencies;

(6) Employ a chief information security officer who is responsible for the implementation of the policies and procedures described in division (B)(5) of this section and for coordinating the implementation of those policies and procedures in all of the state agencies;

(7) Employ a chief privacy officer who is responsible for advising state agencies when establishing policies and procedures for the security of personal information and developing education and training programs regarding the state's security procedures;

(8) Establish policies on the purchasing, use, and reimbursement for use of handheld computing and telecommunications devices by state agency employees;

(9) Establish policies for the reduction of printing and for

the increased use of electronic records by state agencies; 9088

(10) Establish policies for the reduction of energy 9089  
consumption by state agencies; 9090

(11) Compute the amount of revenue attributable to the 9091  
amortization of all equipment purchases and capitalized systems 9092  
from information technology service delivery and major information 9093  
technology purchases, MARCS administration, and enterprise 9094  
~~applications, and the professions licensing system~~ operating 9095  
appropriation items and major computer purchases capital 9096  
appropriation items that is recovered as part of the information 9097  
technology services rates the department of administrative 9098  
services charges and deposits into the information technology fund 9099  
created in section 125.15 of the Revised Code, and the user fees 9100  
the department of administrative services charges and deposits in 9101  
the MARCS administration fund created in section 4501.29 of the 9102  
Revised Code, the rates the department of administrative services 9103  
charges to benefiting agencies for the operation and management of 9104  
information technology applications and deposits in the enterprise 9105  
applications fund, ~~and the rates the department of administrative~~ 9106  
~~services charges for the cost of ongoing maintenance of the~~ 9107  
~~professions licensing system and deposits in the professions~~ 9108  
~~licensing system fund.~~ The enterprise applications fund is hereby 9109  
created in the state treasury. 9110

(12) Regularly review and make recommendations regarding 9111  
improving the infrastructure of the state's cybersecurity 9112  
operations with existing resources and through partnerships 9113  
between government, business, and institutions of higher 9114  
education; 9115

(13) Assist, as needed, with general state efforts to grow 9116  
the cybersecurity industry in this state. 9117

(C)(1) The chief information security officer shall assist 9118

each state agency with the development of an information 9119  
technology security strategic plan and review that plan, and each 9120  
state agency shall submit that plan to the state chief information 9121  
officer. The chief information security officer may require that 9122  
each state agency update its information technology security 9123  
strategic plan annually as determined by the state chief 9124  
information officer. 9125

(2) Prior to the implementation of any information technology 9126  
data system, a state agency shall prepare or have prepared a 9127  
privacy impact statement for that system. 9128

(D) When a state agency requests a purchase of information 9129  
technology supplies or services under Chapter 125. of the Revised 9130  
Code, the state chief information officer may review and reject 9131  
the requested purchase for noncompliance with information 9132  
technology direction, plans, policies, standards, or 9133  
project-alignment criteria. 9134

(E) The office of information technology may operate 9135  
technology services for state agencies in accordance with this 9136  
chapter. 9137

Notwithstanding any provision of the Revised Code to the 9138  
contrary, the office of information technology may assess a 9139  
transaction fee on each license or registration issued as part of 9140  
an electronic licensing system operated by the office in an amount 9141  
determined by the office not to exceed three dollars and fifty 9142  
cents. The transaction fee shall apply to all transactions, 9143  
regardless of form, that immediately precede the issuance, 9144  
renewal, reinstatement, reactivation of, or other activity that 9145  
results in, a license or registration to operate as a regulated 9146  
professional or entity. Each license or registration is a separate 9147  
transaction to which a fee under this division applies. 9148  
Notwithstanding any provision of the Revised Code to the contrary, 9149  
if a fee is assessed under this section, no agency, board, or 9150

commission shall issue a license or registration unless a fee 9151  
required by this division has been received. The director of 9152  
administrative services may collect the fee or require a state 9153  
agency, board, or commission for which the system is being 9154  
operated to collect the fee. Amounts received under this division 9155  
shall be deposited in or transferred to the ~~professions licensing~~ 9156  
~~system~~ occupational licensing and regulatory fund created in 9157  
~~division (H) of this~~ section 4743.05 or the Revised Code. 9158

(F) With the approval of the director of administrative 9159  
services, the office of information technology may establish 9160  
cooperative agreements with federal and local government agencies 9161  
and state agencies that are not under the authority of the 9162  
governor for the provision of technology services and the 9163  
development of technology projects. 9164

(G) The office of information technology may operate a 9165  
program to make information technology purchases. The director of 9166  
administrative services may recover the cost of operating the 9167  
program from all participating government entities by issuing 9168  
intrastate transfer voucher billings for the procured technology 9169  
or through any pass-through billing method agreed to by the 9170  
director of administrative services, the director of budget and 9171  
management, and the participating government entities that will 9172  
receive the procured technology. 9173

If the director of administrative services chooses to recover 9174  
the program costs through intrastate transfer voucher billings, 9175  
the participating government entities shall process the intrastate 9176  
transfer vouchers to pay for the cost. Amounts received under this 9177  
section for the information technology purchase program shall be 9178  
deposited to the credit of the information technology governance 9179  
fund created in section 125.15 of the Revised Code. 9180

(H) Upon request from the director of administrative 9181  
services, the director of budget and management may transfer cash 9182

from the information technology fund created in section 125.15 of 9183  
the Revised Code, the MARCS administration fund created in section 9184  
4501.29 of the Revised Code, or the enterprise applications fund 9185  
created in division (B)(11) of this section, ~~or the professions~~ 9186  
~~licensing system fund created in division (I) of this section to~~ 9187  
the major information technology purchases fund in an amount not 9188  
to exceed the amount computed under division (B)(11) of this 9189  
section. The major information technology purchases fund is hereby 9190  
created in the state treasury. 9191

~~(I) There is hereby created in the state treasury the 9192  
professions licensing system fund. The fund shall be used to 9193  
operate the electronic licensing system referenced in division (E) 9194  
of this section. 9195~~

~~(J) As used in this section: 9196~~

(1) "Personal information" has the same meaning as in section 9197  
149.45 of the Revised Code. 9198

(2) "State agency" means every organized body, office, or 9199  
agency established by the laws of the state for the exercise of 9200  
any function of state government, other than any state-supported 9201  
institution of higher education, the office of the auditor of 9202  
state, treasurer of state, secretary of state, or attorney 9203  
general, the adjutant general's department, the bureau of workers' 9204  
compensation, the industrial commission, the public employees 9205  
retirement system, the Ohio police and fire pension fund, the 9206  
state teachers retirement system, the school employees retirement 9207  
system, the state highway patrol retirement system, the general 9208  
assembly or any legislative agency, the capitol square review 9209  
advisory board, or the courts or any judicial agency. 9210

**Sec. 125.183. (A) As used in this section:** 9211

(1) "Covered application" means all of the following: 9212

(a) The TikTok application and service or any successor application or service developed or provided by ByteDance limited or an entity owned by ByteDance limited; 9213  
9214  
9215

(b) The WeChat application and service or any successor application or service developed or provided by Tencent holdings limited or an entity owned by Tencent holdings limited; 9216  
9217  
9218

(c) Any application or service owned by an entity located in China, including QQ International (QQi), Ozone, Weibo, Xiao HongShu, Zhihu, Meituan, Toutiao, Alipay, Xiami Music, Tiantian Music, DingTalkDing Ding, Douban, RenRen, Youku/Tudou, Little Red Book, and Zhihu. 9219  
9220  
9221  
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(2) "State agency" means every organized body, office, or agency established by the laws of this state for the exercise of any function of state government, other than any state-supported institution of higher education, the courts, or any judicial agency. "State agency" includes the general assembly, any legislative agency, and the capitol square review and advisory board. 9224  
9225  
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(B) Subject to division (C) of this section, the state chief information officer shall adopt rules under Chapter 119. of the Revised Code to do all of the following: 9231  
9232  
9233

(1) Require state agencies immediately to remove any covered application from all equipment they own or lease; 9234  
9235

(2) Prohibit all of the following on equipment owned or leased by a state agency: 9236  
9237

(a) The downloading, installation, or use of a covered application; 9238  
9239

(b) The downloading, installation, or use of a covered application using an internet connection provided by a state agency; 9240  
9241  
9242

(c) The downloading, installation, or use of a covered application by any officer, employee, or contractor of a state agency. 9243  
9244  
9245

(3) Require state agencies to take measures to prevent the downloading, installation, or use of a covered application as described in division (B)(2) of this section. 9246  
9247  
9248

(C) The rules adopted under division (B) of this section shall include exceptions to allow a qualified person to download, install, or use a covered application for law enforcement or information technology security purposes, so long as the person takes appropriate measures to mitigate the security risks involved in doing so. 9249  
9250  
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(D) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code. 9255  
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9258

**Sec. 125.901.** (A) There is hereby established the Ohio geographically referenced information program council within the department of administrative services to coordinate the property owned by the state. The department of administrative services shall provide administrative support for the council. 9259  
9260  
9261  
9262  
9263

(B) The council shall consist of the following ~~fifteen~~ sixteen members: 9264  
9265

(1) The state chief information officer, or the officer's designee, who shall serve as the council chair; 9266  
9267

(2) The director of natural resources, or the director's designee; 9268  
9269

(3) The director of transportation, or the director's designee; 9270  
9271

(4) The director of environmental protection, or the 9272

director's designee;	9273
(5) The director of development <del>services</del> , or the director's designee;	9274 9275
(6) <del>The treasurer of state, or the treasurer of state's designee;</del>	9276 9277
<del>(7)</del> The attorney general, or the attorney general's designee;	9278
<del>(8)</del> <u>(7)</u> The chancellor of higher education or the chancellor's designee;	9279 9280
<del>(9)</del> <u>(8)</u> The chief of the division of oil and gas resources management in the department of natural resources or the chief's designee;	9281 9282 9283
<del>(10)</del> <u>(9)</u> The director of public safety or the director's designee;	9284 9285
<del>(11)</del> <u>(10)</u> The executive director of the county auditors' association or the executive director's designee;	9286 9287
<del>(12)</del> <u>(11)</u> The executive director of the county commissioners' association or the executive director's designee;	9288 9289
<del>(13)</del> <u>(12)</u> The executive director of the county engineers' association or the executive director's designee;	9290 9291
<del>(14)</del> <u>(13)</u> The executive director of the Ohio municipal league or the executive director's designee;	9292 9293
<del>(15)</del> <u>(14)</u> The executive director of the Ohio townships association or the executive director's designee;	9294 9295
<u>(15) A member of the senate, appointed by the president of the senate;</u>	9296 9297
<u>(16) A member of the house of representatives, appointed by the speaker of the house of representatives.</u>	9298 9299
(C) Members of the council shall serve without compensation.	9300

~~Sec. 113.41~~ 125.903. (A) The ~~treasurer~~ department of state 9301  
administrative services shall develop and maintain a comprehensive 9302  
and descriptive database of all real property under the custody 9303  
and control of the state, except when otherwise required for 9304  
reasons of homeland security. The database shall adequately 9305  
describe, when known, the location, boundary, and acreage of the 9306  
property, the use and name of the property, and the contact 9307  
information and name of the state agency managing the property. 9308  
The information in the database shall be available to the public 9309  
free of charge through a searchable internet web site. ~~The~~ 9310  
~~treasurer of state shall allow for public comment on property~~ 9311  
~~owned by the state.~~ 9312

(B) ~~For purposes of the database, Each landholding state~~ 9313  
agency shall collect and maintain a geographic information systems 9314  
database of its respective landholdings, and shall provide the 9315  
database to the Ohio geographically referenced information program 9316  
council established in section 125.901 of the Revised Code ~~shall~~ 9317  
~~provide to the treasurer of state, and the treasurer of state~~ 9318  
~~shall collect, information, in a format prescribed by the~~ 9319  
~~treasurer of state, that adequately describes, when known, the~~ 9320  
~~location, acreage, and use of state owned property. The council~~ 9321  
~~shall make its best efforts to obtain the required information on~~ 9322  
~~the state owned property and shall submit updated information to~~ 9323  
~~the treasurer of state as it becomes available.~~ 9324

(C) As used in this section, "state-owned property" does not 9325  
include state property owned or under the control of the general 9326  
assembly or any legislative agency, any court or judicial agency, 9327  
the secretary of state, auditor of state, treasurer of state, or 9328  
attorney general and their respective offices. 9329

**Sec. 126.21.** (A) The director of budget and management shall 9330  
do all of the following: 9331

- (1) Keep all necessary accounting records; 9332
- (2) Prescribe and maintain the accounting system of the state 9333  
and establish appropriate accounting procedures and charts of 9334  
accounts; 9335
- (3) Establish procedures for the use of written, electronic, 9336  
optical, or other communications media for approving and reviewing 9337  
payment vouchers; 9338
- (4) Reconcile, in the case of any variation between the 9339  
amount of any appropriation and the aggregate amount of items of 9340  
the appropriation, with the advice and assistance of the state 9341  
agency affected by it and the legislative service commission, 9342  
totals so as to correspond in the aggregate with the total 9343  
appropriation. In the case of a conflict between the item and the 9344  
total of which it is a part, the item shall be considered the 9345  
intended appropriation. 9346
- (5) Evaluate on an ongoing basis and, if necessary, recommend 9347  
improvements to the internal controls used in state agencies; 9348
- (6) Authorize the establishment of petty cash accounts. The 9349  
director may withdraw approval for any petty cash account and 9350  
require the officer in charge to return to the state treasury any 9351  
unexpended balance shown by the officer's accounts to be on hand. 9352  
Any officer who is issued a warrant for petty cash shall render a 9353  
detailed account of the expenditures of the petty cash and shall 9354  
report when requested the balance of petty cash on hand at any 9355  
time. 9356
- (7) Process orders, invoices, vouchers, claims, and payrolls 9357  
and prepare financial reports and statements; 9358
- (8) Perform extensions, reviews, and compliance checks prior 9359  
to or after approving a payment as the director considers 9360  
necessary; 9361

(9) Issue the official annual comprehensive ~~annual~~ financial 9362  
report of the state. The report shall cover all funds of the state 9363  
reporting entity and shall include basic financial statements and 9364  
required supplementary information prepared in accordance with 9365  
generally accepted accounting principles and other information as 9366  
the director provides. All state agencies, authorities, 9367  
institutions, offices, retirement systems, and other component 9368  
units of the state reporting entity as determined by the director 9369  
shall furnish the director whatever financial statements and other 9370  
information the director requests for the report, in the form, at 9371  
the times, covering the periods, and with the attestation the 9372  
director prescribes. The information for state institutions of 9373  
higher education, as defined in section 3345.011 of the Revised 9374  
Code, shall be submitted to the chancellor of higher education by 9375  
the ~~Ohio board~~ department of ~~regents~~ higher education. The ~~board~~ 9376  
chancellor shall establish a due date by which each such 9377  
institution shall submit the information to the ~~board~~ department, 9378  
but no such date shall be later than one hundred twenty days after 9379  
the end of the state fiscal year unless a later date is approved 9380  
by the director. 9381

(B) In addition to the director's duties under division (A) 9382  
of this section, the director may establish and administer one or 9383  
more payment card programs that permit state agencies and 9384  
political subdivisions to use a payment card to purchase 9385  
equipment, materials, supplies, or services in accordance with 9386  
guidelines issued by the director. The chief administrative 9387  
officer of a state agency or political subdivision that uses a 9388  
payment card for such purposes shall ensure that purchases made 9389  
with the card are made in accordance with the guidelines issued by 9390  
the director. State agencies may participate in only those payment 9391  
card programs that the director establishes pursuant to this 9392  
section. 9393

(C) In addition to the director's duties under divisions (A) 9394  
and (B) of this section, the director may enter into any contract 9395  
or agreement necessary for and incidental to the performance of 9396  
the director's duties or the duties of the office of budget and 9397  
management. 9398

(D) In addition to the director's duties under divisions (A), 9399  
(B), and (C) of this section, the director may operate a shared 9400  
services center within the office of budget and management for the 9401  
purpose of consolidating common business functions and 9402  
transactional processes. The services offered by the shared 9403  
services center may be provided to any state agency or political 9404  
subdivision. In consultation with the director of administrative 9405  
services, the director may appoint and fix the compensation of 9406  
employees of the office whose primary duties include the 9407  
consolidation of common business functions and transactional 9408  
processes. 9409

(E) The director may transfer cash between funds other than 9410  
the general revenue fund in order to correct an erroneous payment 9411  
or deposit regardless of the fiscal year during which the 9412  
erroneous payment or deposit occurred. 9413

(F) As used in divisions (B) and (D) of this section: 9414

(1) "Political subdivision" has the same meaning as in 9415  
section 2744.01 of the Revised Code. 9416

(2) "State agency" has the same meaning as in section 9.482 9417  
of the Revised Code. 9418

**Sec. 126.25.** The services provided by the director of budget 9419  
and management under ~~section~~ sections 126.21 and 126.42 of the 9420  
Revised Code shall be supported by charges. The director shall 9421  
determine a rate that is sufficient to defray the expense of those 9422  
services and the manner by which those charges shall be collected. 9423

All money collected from the charges shall be deposited in the 9424  
state treasury to the credit of the accounting and budgeting fund, 9425  
which is hereby created. Rebates or revenue shares received from 9426  
any payment card program established under division (B) of section 9427  
126.21 of the Revised Code and miscellaneous payments that 9428  
reimburse expenses paid from the accounting and budgeting fund may 9429  
be deposited into the accounting and budgeting fund and used to 9430  
support the services provided by the director. 9431

**Sec. 126.30.** (A) Any state agency that purchases, leases, or 9432  
otherwise acquires any equipment, materials, goods, supplies, or 9433  
services from any person and fails to make payment for the 9434  
equipment, materials, goods, supplies, or services by the required 9435  
payment date shall pay an interest charge to the person in 9436  
accordance with division (E) of this section, unless the amount of 9437  
the interest charge is less than ten dollars. Except as otherwise 9438  
provided in division (B), (C), or (D) of this section, the 9439  
required payment date shall be the date on which payment is due 9440  
under the terms of a written agreement between the state agency 9441  
and the person or, if a specific payment date is not established 9442  
by such a written agreement, the required payment date shall be 9443  
thirty days after the state agency receives a proper invoice for 9444  
the amount of the payment due. 9445

(B) If the invoice submitted to the state agency contains a 9446  
defect or impropriety, the agency shall send written notification 9447  
to the person within fifteen days after receipt of the invoice. 9448  
The notice shall contain a description of the defect or 9449  
impropriety and any additional information necessary to correct 9450  
the defect or impropriety. If the agency sends such written 9451  
notification to the person, the required payment date shall be 9452  
thirty days after the state agency receives a proper invoice. 9453

(C) In applying this section to claims submitted to the 9454

department of job and family services by providers of equipment, 9455  
materials, goods, supplies, or services, the required payment date 9456  
shall be the date on which payment is due under the terms of a 9457  
written agreement between the department and the provider. If a 9458  
specific payment date is not established by a written agreement, 9459  
the required payment date shall be thirty days after the 9460  
department receives a proper claim. If the department determines 9461  
that the claim is improperly executed or that additional evidence 9462  
of the validity of the claim is required, the department shall 9463  
notify the claimant in writing or by telephone within fifteen days 9464  
after receipt of the claim. The notice shall state that the claim 9465  
is improperly executed and needs correction or that additional 9466  
information is necessary to establish the validity of the claim. 9467  
If the department makes such notification to the provider, the 9468  
required payment date shall be thirty days after the department 9469  
receives the corrected claim or such additional information as may 9470  
be necessary to establish the validity of the claim. 9471

(D) In applying this section to invoices submitted to the 9472  
bureau of workers' compensation for equipment, materials, goods, 9473  
supplies, or services provided to employees in connection with an 9474  
employee's claim against the state insurance fund, the public 9475  
work-relief employees' compensation fund, the coal-workers 9476  
pneumoconiosis fund, or the marine industry fund as compensation 9477  
for injuries or occupational disease pursuant to Chapter 4123., 9478  
4127., or 4131. of the Revised Code, the required payment date 9479  
shall be the date on which payment is due under the terms of a 9480  
written agreement between the bureau and the provider. If a 9481  
specific payment date is not established by a written agreement, 9482  
the required payment date shall be thirty days after the bureau 9483  
receives a proper invoice for the amount of the payment due or 9484  
thirty days after the final adjudication allowing payment of an 9485  
award to the employee, whichever is later. Nothing in this section 9486  
shall supersede any faster timetable for payments to health care 9487

providers contained in sections 4121.44 and 4123.512 of the Revised Code. 9488  
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For purposes of this division, a "proper invoice" includes the claimant's name, claim number and date of injury, employer's name, the provider's name and address, the provider's assigned payee number, a description of the equipment, materials, goods, supplies, or services provided by the provider to the claimant, the date provided, and the amount of the charge. If more than one item of equipment, materials, goods, supplies, or services is listed by a provider on a single application for payment, each item shall be considered separately in determining if it is a proper invoice. 9490  
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If prior to a final adjudication the bureau determines that the invoice contains a defect, the bureau shall notify the provider in writing at least fifteen days prior to what would be the required payment date if the invoice did not contain a defect. The notice shall contain a description of the defect and any additional information necessary to correct the defect. If the bureau sends a notification to the provider, the required payment date shall be redetermined in accordance with this division after the bureau receives a proper invoice. 9500  
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For purposes of this division, "final adjudication" means the later of the date of the decision or other action by the bureau, the industrial commission, or a court allowing payment of the award to the employee from which there is no further right to reconsideration or appeal that would require the bureau to withhold compensation and benefits, or the date on which the rights to reconsideration or appeal have expired without an application therefor having been filed or, if later, the date on which an application for reconsideration or appeal is withdrawn. If after final adjudication, the administrator of the bureau of workers' compensation or the industrial commission makes a 9509  
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modification with respect to former findings or orders, pursuant 9520  
to Chapter 4123., 4127., or 4131. of the Revised Code or pursuant 9521  
to court order, the adjudication process shall no longer be 9522  
considered final for purposes of determining the required payment 9523  
date for invoices for equipment, materials, goods, supplies, or 9524  
services provided after the date of the modification when the 9525  
propriety of the invoices is affected by the modification. 9526

(E) The interest charge on amounts due shall be paid to the 9527  
person for the period beginning on the day after the required 9528  
payment date and ending on the day that payment of the amount due 9529  
is made. The amount of the interest charge that remains unpaid at 9530  
the end of any thirty-day period after the required payment date, 9531  
including amounts under ten dollars, shall be added to the 9532  
principal amount of the debt and thereafter the interest charge 9533  
shall accrue on the principal amount of the debt plus the added 9534  
interest charge. The interest charge shall be at the rate per 9535  
calendar month that equals one-twelfth of the rate per annum 9536  
prescribed by section 5703.47 of the Revised Code for the calendar 9537  
year that includes the month for which the interest charge 9538  
accrues. 9539

(F) No appropriations shall be made for the payment of any 9540  
interest charges required by this section. Any state agency 9541  
required to pay interest charges under this section shall make the 9542  
payments from moneys available for the administration of agency 9543  
programs. 9544

If a state agency pays interest charges under this section, 9545  
but determines that all or part of the interest charges should 9546  
have been paid by another state agency, the state agency that paid 9547  
the interest charges may request the attorney general to determine 9548  
the amount of the interest charges that each state agency should 9549  
have paid under this section. If the attorney general determines 9550  
that the state agency that paid the interest charges should have 9551

paid none or only a part of the interest charges, the attorney 9552  
general shall notify the state agency that paid the interest 9553  
charges, any other state agency that should have paid all or part 9554  
of the interest charges, and the director of budget and management 9555  
of the attorney general's decision, stating the amount of interest 9556  
charges that each state agency should have paid. The director 9557  
shall transfer from the appropriate funds of any other state 9558  
agency that should have paid all or part of the interest charges 9559  
to the appropriate funds of the state agency that paid the 9560  
interest charges an amount necessary to implement the attorney 9561  
general's decision. 9562

(G) ~~Not later than forty five days after the end of each~~ 9563  
~~fiscal year, each state agency shall file with the~~ The director of 9564  
~~budget and management a detailed report concerning the interest~~ 9565  
~~charges the agency paid under this section during the previous~~ 9566  
~~fiscal year. The report shall include the number, amounts, and~~ 9567  
~~frequency of interest charges the agency incurred during the~~ 9568  
~~previous fiscal year and the reasons why the interest charges were~~ 9569  
~~not avoided by payment prior to the required payment date. The~~ 9570  
~~director shall compile a summary of all the reports submitted~~ 9571  
~~under this division~~ interest charges paid under this section 9572  
during the previous fiscal year and shall submit a copy of the 9573  
summary to the president and minority leader of the senate and to 9574  
the speaker and minority leader of the house of representatives no 9575  
later than the thirtieth day of September of each year. 9576

**Sec. ~~125.22~~ 126.42.** (A) ~~The department of administrative~~ 9577  
~~services~~ Notwithstanding any provision of law to the contrary, the 9578  
office of budget and management shall ~~establish the central~~ 9579  
~~service agency~~ to perform routine support for the following boards 9580  
and commissions: 9581

(1) Architects board; 9582

(2) State chiropractic board;	9583
(3) State cosmetology and barber board;	9584
(4) Accountancy board;	9585
(5) State dental board;	9586
(6) Ohio occupational therapy, physical therapy, and athletic trainers board;	9587 9588
(7) State board of registration for professional engineers and surveyors;	9589 9590
(8) Board of embalmers and funeral directors;	9591
(9) State board of psychology;	9592
(10) Counselor, social worker, and marriage and family therapist board;	9593 9594
(11) State veterinary medical licensing board;	9595
(12) Commission on Hispanic-Latino affairs;	9596
(13) Commission on African-Americans;	9597
(14) Chemical dependency professionals board;	9598
(15) State vision professionals board;	9599
(16) State speech and hearing professionals board.	9600
(B)(1) <del>Notwithstanding any other</del> <u>For purposes of this</u> section	9601
<del>of the Revised Code, the agency</del> <u>office of budget and management</u>	9602
shall perform the following routine support services for the	9603
boards and commissions named in division (A) of this section	9604
unless the controlling board exempts a board or commission from	9605
this requirement on the recommendation of the <del>director of</del>	9606
<del>administrative services</del> <u>office of budget and management:</u>	9607
(a) Preparing and processing payroll and other personnel documents;	9608 9609
(b) Preparing and processing vouchers, purchase orders,	9610

encumbrances, and other accounting documents; 9611

(c) Maintaining ledgers of accounts and balances; 9612

(d) Preparing and monitoring budgets and allotment plans in 9613  
consultation with the boards and commissions; 9614

(e) Routine human resources and personnel services; 9615

(f) Other routine support services that the director of 9616  
~~administrative services~~ budget and management considers 9617  
appropriate to achieve efficiency. 9618

(2) ~~The agency~~ In addition to the routine support services 9619  
listed in division (B)(1) of this section, the office of budget 9620  
and management may perform other services which a board or 9621  
commission named in division (A) of this section delegates to the 9622  
agency office and the agency office accepts. 9623

(3) The ~~agency~~ office of budget and management may perform 9624  
~~any service~~ routine support services for any professional or 9625  
occupational licensing board or commission not named in division 9626  
(A) of this section ~~or any commission if~~ at the request of the 9627  
board or commission ~~requests such service and the agency accepts.~~ 9628

(C) ~~The director of administrative services shall be the 9629~~  
~~appointing authority for the agency.~~ 9630

~~(D) The agency~~ office of budget and management shall 9631  
determine the fees to be charged to the boards and commissions, 9632  
which shall be in proportion to the services performed for each 9633  
board or commission. 9634

~~(E) Each board or commission named in division (A) of this 9635~~  
~~section and any other board or commission requesting services from 9636~~  
~~the agency shall pay these fees to the agency from the general 9637~~  
~~revenue fund maintenance account of the board or commission or 9638~~  
~~from such other fund as the operating expenses of the board or 9639~~  
~~commission are paid. Any amounts set aside for a fiscal year by a 9640~~

~~board or commission to allow for the payment of fees shall be used 9641  
only for the services performed by the agency in that fiscal year. 9642  
All receipts collected by the agency shall be deposited in the 9643  
state treasury to the credit of the central service agency fund, 9644  
which is hereby created. All expenses incurred by the agency in 9645  
performing services for the boards or commissions shall be paid 9646  
from the fund. 9647~~

~~(F) Nothing in this section shall be construed as a grant of 9648  
authority for the central service agency to initiate or deny 9649  
personnel or fiscal actions for the boards and commissions. 9650~~

**Sec. 126.46.** (A)(1) There is hereby created the state audit 9651  
committee, consisting of the following five members: one public 9652  
member appointed by the governor; two public members appointed by 9653  
the speaker of the house of representatives, one of which may be a 9654  
person who is recommended by the minority leader of the house of 9655  
representatives; and two public members appointed by the president 9656  
of the senate, one of which may be a person who is recommended by 9657  
the minority leader of the senate. Not more than two of the four 9658  
members appointed by the speaker of the house of representatives 9659  
and the president of the senate shall belong to or be affiliated 9660  
with the same political party. The member appointed by the 9661  
governor shall have the program and management expertise required 9662  
to perform the duties of the committee's chairperson. 9663

Each member of the committee shall be external to the 9664  
management structure of state government and shall serve a 9665  
three-year term. Each term shall commence on the first day of July 9666  
and end on the thirtieth day of June. Any member may continue in 9667  
office subsequent to the expiration date of the member's term 9668  
until the member's successor takes office or until a period of 9669  
ninety days has elapsed, whichever occurs first. Members may be 9670  
reappointed to serve one additional term. 9671

On September 29, 2011, the terms of the members shall be 9672  
altered as follows: 9673

(a) The terms of the members appointed by the president shall 9674  
expire on June 30, 2012. 9675

(b) The term of the member appointed by the speaker scheduled 9676  
to expire on November 17, 2012, shall expire on June 30, 2013. 9677

(c) The term of the other member appointed by the speaker 9678  
shall expire on June 30, 2014. 9679

(d) The term of the member appointed by the governor shall 9680  
expire on June 30, 2014. 9681

The committee shall include at least one member who is a 9682  
financial expert; at least one member who is an active, inactive, 9683  
or retired certified public accountant; at least one member who is 9684  
familiar with governmental financial accounting; at least one 9685  
member who is familiar with information technology systems and 9686  
services; and at least one member who is a representative of the 9687  
public. 9688

Any vacancy on the committee shall be filled in the same 9689  
manner as provided in this division, and, when applicable, the 9690  
person appointed to fill a vacancy shall serve the remainder of 9691  
the predecessor's term. 9692

(2) Members of the committee shall receive reimbursement for 9693  
actual and necessary expenses incurred in the discharge of their 9694  
duties. 9695

(3) The member of the committee appointed by the governor 9696  
shall serve as the committee's chairperson. 9697

(4) Members of the committee shall be subject to the 9698  
disclosure statement requirements of section 102.02 of the Revised 9699  
Code. 9700

(B) The state audit committee shall do all of the following: 9701

(1) Evaluate whether the internal audits directed by the office of internal audit in the office of budget and management conform to the institute of internal auditors' international professional practices framework for internal auditing and to the institute of internal auditors' code of ethics;

(2) Review and comment on the process used by the office of budget and management to prepare the state's annual comprehensive ~~annual~~ financial report required under division (A)(9) of section 126.21 of the Revised Code;

(3) Review and comment on unaudited financial statements submitted to the auditor of state and communicate with external auditors as required by government auditing standards;

(4) Perform the additional functions imposed upon it by section 126.47 of the Revised Code.

(C) As used in this section, "financial expert" means a person who has all of the following:

(1) An understanding of generally accepted accounting principles and financial statements;

(2) The ability to assess the general application of those principles in connection with accounting for estimates, accruals, and reserves;

(3) Experience preparing, auditing, analyzing, or evaluating financial statements presenting accounting issues that generally are of comparable breadth and level of complexity to those likely to be presented by a state agency's financial statements, or experience actively supervising one or more persons engaged in those activities;

(4) An understanding of internal controls and procedures for financial reporting; and

(5) An understanding of audit committee functions.

Sec. 126.62. (A) The investing in all Ohio future fund is 9732  
hereby created in the state treasury. Moneys The fund shall 9733  
consist of money credited to it and any donations, gifts, 9734  
bequests, or other money received for deposit in the fund. All 9735  
investment earnings of the fund shall be credited to the fund. 9736  
Money in the fund shall be used to provide financial assistance 9737  
through loans, grants, or other incentives that promote economic 9738  
development throughout the state, including infrastructure 9739  
improvements. Such improvements include electric infrastructure 9740  
development approved by the public utilities commission under 9741  
sections 4928.85 to 4928.89 of the Revised Code and electric 9742  
infrastructure improvements made by electric cooperatives and 9743  
municipal electric utilities as those utilities are defined in 9744  
section 4928.01 of the Revised Code. 9745

(B) The director of development shall adopt rules in 9746  
accordance with Chapter 119. of the Revised Code that establish 9747  
requirements and procedures to provide financial assistance from 9748  
the all Ohio future fund to eligible economic development 9749  
projects. The director shall consult with JobsOhio in adopting the 9750  
rules. 9751

The rules shall include all of the following: 9752

(1) All forms and materials required to apply for financial 9753  
assistance from the all Ohio future fund; 9754

(2) Requirements, procedures, and criteria that the director 9755  
shall use in selecting sites to receive financial assistance from 9756  
the fund. The rules shall require the director to consider sites 9757  
that JobsOhio and local and regional economic development 9758  
organizations have identified for economic development. 9759

The criteria adopted in rules for site selection shall 9760  
include a means to identify and designate economic development 9761  
projects into the following development tiers: 9762

<u>(a) A tier one project is a megaproject, as defined in</u>	9763
<u>section 122.17 of the Revised Code;</u>	9764
<u>(b) A tier two project is a megaproject supplier, as defined</u>	9765
<u>in section 122.17 of the Revised Code;</u>	9766
<u>(c) A tier three project is a project in an industrial park</u>	9767
<u>or a site that is zoned industrial.</u>	9768
<u>(3) Any other requirements or procedures necessary to</u>	9769
<u>administer this section.</u>	9770
<u>(C) When awarding financial assistance under this section and</u>	9771
<u>rules adopted under it, the director shall do both of the</u>	9772
<u>following:</u>	9773
<u>(1) Unless a higher amount is approved by the controlling</u>	9774
<u>board, limit financial assistance amounts as follows:</u>	9775
<u>(a) For tier one projects, not more than two hundred million</u>	9776
<u>dollars per project;</u>	9777
<u>(b) For tier two projects, not more than seventy-five million</u>	9778
<u>dollars per project;</u>	9779
<u>(c) For tier three projects, not more than twenty-five</u>	9780
<u>million dollars per project.</u>	9781
<u>(2) Give preference to sites that are publicly owned.</u>	9782
<u>(D) The director may provide grants and loans under this</u>	9783
<u>section to port authorities, community improvement corporations,</u>	9784
<u>joint economic development districts, and public private</u>	9785
<u>partnerships to aid in the acquisition of land necessary for site</u>	9786
<u>development.</u>	9787
<u>(E) Notwithstanding section 131.35 of the Revised Code, the</u>	9788
<u>controlling board may exceed the limitation in division (E) of</u>	9789
<u>that section to increase appropriation to the all Ohio future</u>	9790
<u>fund, provided that there is a sufficient cash balance in the fund</u>	9791
<u>to support the requested increase.</u>	9792

(F) No money shall be expended from the all Ohio future fund, 9793  
pursuant to appropriation, until it has been released by the 9794  
controlling board. 9795

(G) Notwithstanding any provision of section 121.95 of the 9796  
Revised Code to the contrary, a regulatory restriction contained 9797  
in a rule adopted under this section is not subject to sections 9798  
121.95 to 121.953 of the Revised Code. 9799

**Sec. 127.16.** (A) Upon the request of either a state agency or 9800  
the director of budget and management and after the controlling 9801  
board determines that an emergency or a sufficient economic reason 9802  
exists, the controlling board may approve the making of a purchase 9803  
without competitive selection as provided in division (B) of this 9804  
section. 9805

(B) Except as otherwise provided in this section, no state 9806  
agency, using money that has been appropriated to it directly, 9807  
shall: 9808

(1) Make any purchase from a particular supplier, that would 9809  
amount to fifty thousand dollars or more when combined with both 9810  
the amount of all disbursements to the supplier during the fiscal 9811  
year for purchases made by the agency and the amount of all 9812  
outstanding encumbrances for purchases made by the agency from the 9813  
supplier, unless the purchase is made by competitive selection or 9814  
with the approval of the controlling board; 9815

(2) Lease real estate from a particular supplier, if the 9816  
lease would amount to seventy-five thousand dollars or more when 9817  
combined with both the amount of all disbursements to the supplier 9818  
during the fiscal year for real estate leases made by the agency 9819  
and the amount of all outstanding encumbrances for real estate 9820  
leases made by the agency from the supplier, unless the lease is 9821  
made by competitive selection or with the approval of the 9822  
controlling board. 9823

(C) Any person who authorizes a purchase in violation of 9824  
division (B) of this section shall be liable to the state for any 9825  
state funds spent on the purchase, and the attorney general shall 9826  
collect the amount from the person. 9827

(D) Nothing in division (B) of this section shall be 9828  
construed as: 9829

(1) A limitation upon the authority of the director of 9830  
transportation as granted in sections 5501.17, 5517.02, and 9831  
5525.14 of the Revised Code; 9832

(2) Applying to medicaid provider agreements under the 9833  
medicaid program; 9834

(3) Applying to the purchase of examinations from a sole 9835  
supplier by a state licensing board under Title XLVII of the 9836  
Revised Code; 9837

(4) Applying to entertainment contracts for the Ohio state 9838  
fair entered into by the Ohio expositions commission, provided 9839  
that the controlling board has given its approval to the 9840  
commission to enter into such contracts and has approved a total 9841  
budget amount for such contracts as agreed upon by commission 9842  
action, and that the commission causes to be kept itemized records 9843  
of the amounts of money spent under each contract and annually 9844  
files those records with the clerk of the house of representatives 9845  
and the clerk of the senate following the close of the fair; 9846

(5) Limiting the authority of the chief of the division of 9847  
mineral resources management to contract for reclamation work with 9848  
an operator mining adjacent land as provided in section 1513.27 of 9849  
the Revised Code; 9850

(6) Applying to investment transactions and procedures of any 9851  
state agency, except that the agency shall file with the board the 9852  
name of any person with whom the agency contracts to make, broker, 9853  
service, or otherwise manage its investments, as well as the 9854

commission, rate, or schedule of charges of such person with 9855  
respect to any investment transactions to be undertaken on behalf 9856  
of the agency. The filing shall be in a form and at such times as 9857  
the board considers appropriate. 9858

(7) Applying to purchases made with money for the per cent 9859  
for arts program established by section 3379.10 of the Revised 9860  
Code; 9861

(8) Applying to purchases made by the opportunities for 9862  
Ohioans with disabilities agency of services, or supplies, that 9863  
are provided to persons with disabilities, or to purchases made by 9864  
the agency in connection with the eligibility determinations it 9865  
makes for applicants of programs administered by the social 9866  
security administration; 9867

(9) Applying to payments by the department of medicaid under 9868  
section 5164.85 of the Revised Code for group health plan 9869  
premiums, deductibles, coinsurance, and other cost-sharing 9870  
expenses; 9871

(10) Applying to any agency of the legislative branch of the 9872  
state government; 9873

(11) Applying to agreements or contracts entered into under 9874  
section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the 9875  
Revised Code; 9876

(12) Applying to purchases of services by the adult parole 9877  
authority under section 2967.14 of the Revised Code or by the 9878  
department of youth services under section 5139.08 of the Revised 9879  
Code; 9880

(13) Applying to dues or fees paid for membership in an 9881  
organization or association; 9882

(14) Applying to purchases of utility services pursuant to 9883  
section 9.30 of the Revised Code; 9884

(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	9885 9886 9887 9888
(16) Applying to purchases of tickets for passenger air transportation;	9889 9890
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	9891 9892 9893
(18) Applying to the judicial branch of state government;	9894
(19) Applying to purchases of liquor for resale by the division of liquor control;	9895 9896
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	9897 9898 9899
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	9900 9901 9902 9903
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	9904 9905 9906
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education or the Ohio history connection;	9907 9908 9909
(24) Applying to purchases from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code;	9910 9911 9912
(25) Applying to payments by the department of job and family services to the United States department of health and human	9913 9914

services for printing and mailing notices pertaining to the tax	9915
refund offset program of the internal revenue service of the	9916
United States department of the treasury;	9917
(26) Applying to contracts entered into by the department of	9918
developmental disabilities under section 5123.18 of the Revised	9919
Code;	9920
(27) Applying to payments made by the department of mental	9921
health and addiction services under a physician recruitment	9922
program authorized by section 5119.185 of the Revised Code;	9923
(28) Applying to contracts entered into with persons by the	9924
director of commerce for unclaimed funds collection and remittance	9925
efforts as provided in division (G) of section 169.03 of the	9926
Revised Code. The director shall keep an itemized accounting of	9927
unclaimed funds collected by those persons and amounts paid to	9928
them for their services.	9929
(29) Applying to purchases made by a state institution of	9930
higher education in accordance with the terms of a contract	9931
between the vendor and an inter-university purchasing group	9932
comprised of purchasing officers of state institutions of higher	9933
education;	9934
(30) Applying to the department of medicaid's purchases of	9935
health assistance services under the children's health insurance	9936
program;	9937
(31) Applying to payments by the attorney general from the	9938
reparations fund to hospitals and other emergency medical	9939
facilities for performing medical examinations to collect physical	9940
evidence pursuant to section 2907.28 of the Revised Code;	9941
(32) Applying to contracts with a contracting authority or	9942
administrative receiver under division (B) of section 5126.056 of	9943
the Revised Code;	9944

(33) Applying to purchases of goods and services by the department of veterans services in accordance with the terms of contracts entered into by the United States department of veterans affairs;	9945 9946 9947 9948
(34) Applying to payments by the superintendent of the bureau of criminal identification and investigation to the federal bureau of investigation for criminal records checks pursuant to section 109.572 of the Revised Code;	9949 9950 9951 9952
(35) Applying to contracts entered into by the department of medicaid under section 5164.47 of the Revised Code;	9953 9954
(36) Applying to contracts entered into under section 5160.12 of the Revised Code;	9955 9956
(37) Applying to payments to the Ohio history connection from other state agencies.	9957 9958
(E) When determining whether a state agency has reached the cumulative purchase thresholds established in divisions (B)(1) and (2) of this section, <del>all of</del> the following purchases by such agency shall not be considered:	9959 9960 9961 9962
(1) Purchases made through competitive selection or with controlling board approval;	9963 9964
(2) Purchases listed in division (D) of this section;	9965
(3) For the purposes of the threshold of division (B)(1) of this section only, leases of real estate.	9966 9967
(F) <u>A state agency, when exercising direct purchasing authority under this section, shall utilize a selection process that complies with all applicable laws, rules, or regulations of the department of administrative services.</u>	9968 9969 9970 9971
(G) As used in this section, "competitive selection," " <u>direct purchasing authority</u> ," "purchase," "supplies," and "services" have the same meanings as in section 125.01 of the Revised Code.	9972 9973 9974

Sec. 131.02. (A) Except as otherwise provided in section 9975  
4123.37, section 5703.061, and division (K) of section 4123.511 of 9976  
the Revised Code, whenever any amount is payable to the state, the 9977  
officer, employee, or agent responsible for administering the law 9978  
under which the amount is payable shall immediately proceed to 9979  
collect the amount or cause the amount to be collected and shall 9980  
pay the amount into the state treasury or into the appropriate 9981  
custodial fund in the manner set forth pursuant to section 113.08 9982  
of the Revised Code. Except as otherwise provided in this 9983  
division, if the amount is not paid within forty-five days after 9984  
payment is due, the officer, employee, or agent shall certify the 9985  
amount due to the attorney general, in the form and manner 9986  
prescribed by the attorney general, ~~and notify the director of~~ 9987  
~~budget and management thereof~~. In the case of an amount payable by 9988  
a student enrolled in a state institution of higher education, the 9989  
amount shall be certified within the later of forty-five days 9990  
after the amount is due or the tenth day after the beginning of 9991  
the next academic semester, quarter, or other session following 9992  
the session for which the payment is payable. The attorney general 9993  
may assess the collection cost to the amount certified in such 9994  
manner and amount as prescribed by the attorney general. If an 9995  
amount payable to a political subdivision is past due, the 9996  
political subdivision may, with the approval of the attorney 9997  
general, certify the amount to the attorney general pursuant to 9998  
this section. 9999

For the purposes of this section, the attorney general and 10000  
the officer, employee, or agent responsible for administering the 10001  
law under which the amount is payable shall agree on the time a 10002  
payment is due, and that agreed upon time shall be one of the 10003  
following times: 10004

(1) If a law, including an administrative rule, of this state 10005  
prescribes the time a payment is required to be made or reported, 10006

when the payment is required by that law to be paid or reported.	10007
(2) If the payment is for services rendered, when the rendering of the services is completed.	10008 10009
(3) If the payment is reimbursement for a loss, when the loss is incurred.	10010 10011
(4) In the case of a fine or penalty for which a law or administrative rule does not prescribe a time for payment, when the fine or penalty is first assessed.	10012 10013 10014
(5) If the payment arises from a legal finding, judgment, or adjudication order, when the finding, judgment, or order is rendered or issued.	10015 10016 10017
(6) If the payment arises from an overpayment of money by the state to another person, when the overpayment is discovered.	10018 10019
(7) The date on which the amount for which an individual is personally liable under section 5735.35, section 5739.33, or division (G) of section 5747.07 of the Revised Code is determined.	10020 10021 10022
(8) Upon proof of claim being filed in a bankruptcy case.	10023
(9) Any other appropriate time determined by the attorney general and the officer, employee, or agent responsible for administering the law under which the amount is payable on the basis of statutory requirements or ordinary business processes of the agency, institution, or political subdivision to which the payment is owed.	10024 10025 10026 10027 10028 10029
(B)(1) The attorney general shall give immediate notice by mail or otherwise to the party indebted of the nature and amount of the indebtedness.	10030 10031 10032
(2) If the amount payable to this state arises from a tax levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the Revised Code, the notice also shall specify all of the following:	10033 10034 10035
(a) The assessment or case number;	10036

(b) The tax pursuant to which the assessment is made;	10037
(c) The reason for the liability, including, if applicable, that a penalty or interest is due;	10038 10039
(d) An explanation of how and when interest will be added to the amount assessed;	10040 10041
(e) That the attorney general and tax commissioner, acting together, have the authority, but are not required, to compromise the claim and accept payment over a reasonable time, if such actions are in the best interest of the state.	10042 10043 10044 10045
(C) The attorney general shall collect the claim or secure a judgment and issue an execution for its collection.	10046 10047
(D) Each claim shall bear interest, from the day on which the claim became due, at the rate per annum required by section 5703.47 of the Revised Code.	10048 10049 10050
(E) The attorney general and the chief officer of the agency reporting a claim, acting together, may do any of the following if such action is in the best interests of the state:	10051 10052 10053
(1) Compromise the claim;	10054
(2) Extend for a reasonable period the time for payment of the claim by agreeing to accept monthly or other periodic payments. The agreement may require security for payment of the claim.	10055 10056 10057 10058
(3) Add fees to recover the cost of processing checks or other draft instruments returned for insufficient funds and the cost of providing electronic payment options.	10059 10060 10061
(F)(1) Except as provided in division (F)(2) of this section, if the attorney general finds, after investigation, that any claim due and owing to the state is uncollectible, the attorney general, with the consent of the chief officer of the agency reporting the claim, may do the following:	10062 10063 10064 10065 10066

(a) Sell, convey, or otherwise transfer the claim to one or more private entities for collection; 10067  
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(b) Cancel the claim or cause it to be canceled. 10069

(2) The attorney general shall cancel or cause to be canceled an unsatisfied claim on the date that is forty years after the date the claim is certified, unless the attorney general has adopted a rule under division (F)(5) of this section shortening this time frame with respect to a subset of claims. 10070  
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(3) No initial action shall be commenced to collect any tax payable to the state that is administered by the tax commissioner, whether or not such tax is subject to division (B) of this section, or any penalty, interest, or additional charge on such tax, after the expiration of the period ending on the later of the dates specified in divisions (F)(3)(a) and (b) of this section, provided that such period shall be extended by the period of any stay to such collection or by any other period to which the parties mutually agree. If the initial action in aid of execution is commenced before the later of the dates specified in divisions (F)(3)(a) and (b) of this section, any and all subsequent actions may be pursued in aid of execution of judgment for as long as the debt exists. 10075  
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(a) Seven years after the assessment of the tax, penalty, interest, or additional charge is issued. 10088  
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(b) Four years after the assessment of the tax, penalty, interest, or additional charge becomes final. For the purposes of division (F)(3)(b) of this section, the assessment becomes final at the latest of the following: upon expiration of the period to petition for reassessment, or if applicable, to appeal a final determination of the commissioner or decision of the board of tax appeals or a court, or, if applicable, upon decision of the United States supreme court. 10090  
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For the purposes of division (F)(3) of this section, an initial action to collect a tax debt is commenced at the time when a certified copy of the tax commissioner's entry making an assessment final has been filed in the office of the clerk of court of common pleas in the county in which the taxpayer resides or has its principal place of business in this state, or in the office of the clerk of court of common pleas of Franklin county, as provided in section 5739.13, 5741.14, 5747.13, or 5751.09 of the Revised Code or in any other applicable law requiring such a filing. If an assessment has not been issued and there is no time limitation on the issuance of an assessment under applicable law, an action to collect a tax debt commences when the action is filed in the courts of this state to collect the liability.

(4) If information contained in a claim that is sold, conveyed, or transferred to a private entity pursuant to this section is confidential pursuant to federal law or a section of the Revised Code that implements a federal law governing confidentiality, such information remains subject to that law during and following the sale, conveyance, or transfer.

(5) The attorney general may adopt rules to aid in the implementation of this section.

**Sec. 131.43.** There is hereby created in the state treasury the budget stabilization fund. All investment earnings of the fund shall be credited to the general revenue fund. It is the intent of the general assembly to maintain an amount of money in the budget stabilization fund that amounts to approximately eight and one-half per cent of the general revenue fund revenues for the preceding fiscal year. The governor shall include in the state budget the governor submits to the general assembly under section 107.03 of the Revised Code proposals for transfers between the general revenue fund and the budget stabilization fund for the

ensuing fiscal biennium. The balance in the fund may be combined 10129  
with the balance in the general revenue fund for purposes of cash 10130  
management. 10131

**Sec. 131.51.** (A) On or before the seventh day of each month, 10132  
the director of budget and management shall credit to the local 10133  
government fund one and ~~sixty-six one-hundredths~~ seven-tenths per 10134  
cent of the total tax revenue credited to the general revenue fund 10135  
during the preceding month. In determining the total tax revenue 10136  
credited to the general revenue fund during the preceding month, 10137  
the director shall include amounts transferred from the fund 10138  
during the preceding month under this division and division (B) of 10139  
this section. Money shall be distributed from the local government 10140  
fund as required under sections 5747.50 and 5747.503 of the 10141  
Revised Code during the same month in which it is credited to the 10142  
fund. 10143

(B) On or before the seventh day of each month, the director 10144  
of budget and management shall credit to the public library fund 10145  
one and ~~sixty-six one-hundredths~~ seven-tenths per cent of the 10146  
total tax revenue credited to the general revenue fund during the 10147  
preceding month. In determining the total tax revenue credited to 10148  
the general revenue fund during the preceding month, the director 10149  
shall include amounts transferred from the fund during the 10150  
preceding month under this division and division (A) of this 10151  
section. Money shall be distributed from the public library fund 10152  
as required under section 5747.47 of the Revised Code during the 10153  
same month in which it is credited to the fund. 10154

(C) The director of budget and management shall develop a 10155  
schedule identifying the specific tax revenue sources to be used 10156  
to make the monthly transfers required under divisions (A) and (B) 10157  
of this section. The director may, from time to time, revise the 10158  
schedule as the director considers necessary. 10159

**Sec. 135.63.** The treasurer of state may invest in linked 10160  
deposits under sections 135.61 to 135.67, short-term installment 10161  
loan linked deposits under sections 135.68 to 135.70, agricultural 10162  
linked deposits under sections 135.71 to 135.76, business linked 10163  
deposits under sections 135.77 to 135.774, adoption linked 10164  
deposits under sections 135.79 to 135.796, housing linked deposits 10165  
under sections 135.81 to 135.87, assistive technology device 10166  
linked deposits under sections 135.91 to 135.97, ~~and~~ SaveNOW 10167  
linked deposits under sections 135.101 to 135.106 ~~of the Revised~~ 10168  
Code, and homeownership savings linked deposits under sections 10169  
135.98 to 135.986 of the Revised Code provided that at the time of 10170  
placement of any such linked deposit the combined amount of 10171  
investments in all such linked deposits is not more than twelve 10172  
per cent of the state's total average investment portfolio as 10173  
determined by the treasurer of state. When deciding whether to 10174  
invest in any such linked deposits, the treasurer of state shall 10175  
give priority to the investment, liquidity, and cash flow needs of 10176  
the state. 10177

**Sec. 135.78.** (A) As used in this section: 10178

(1) "Eligible lending institution" means an eligible lending 10179  
institution as defined in section 135.61, 135.68, 135.71, 135.77, 10180  
or 135.79 of the Revised Code, as applicable. 10181

(2) "Eligible savings institution" means an eligible savings 10182  
institution as defined in section 135.98 of the Revised Code. 10183

(3) "Prevailing interest rate" means a current interest rate 10184  
benchmark selected by the treasurer of state that banks are 10185  
willing to pay to hold deposits for a specific time period, as 10186  
measured by a third-party organization. 10187

~~(3)~~(4) "Treasurer's assessment rate" means a number not 10188  
exceeding ten per cent that is calculated in a manner determined 10189

by the treasurer of state and that seeks to account for the effect 10190  
that varying tax treatment among different types of financial 10191  
institutions has on the ability of financial institutions to pay 10192  
competitive interest rates to hold deposits. 10193

(B) The treasurer of state shall, in accordance with Chapter 10194  
111. of the Revised Code, adopt rules addressing the participation 10195  
of eligible lending institutions in the agricultural linked 10196  
deposit program under sections 135.71 to 135.76 of the Revised 10197  
Code, the business linked deposit program under sections 135.77 to 10198  
135.774 of the Revised Code, ~~and~~ the adoption linked deposit 10199  
program under sections 135.79 to 135.796 of the ~~Ohio~~ Revised Code, 10200  
and eligible savings institutions in the homeownership savings 10201  
linked deposit program under sections 135.98 to 135.986 of the 10202  
Revised Code, including, but not limited to, the manner in which 10203  
an eligible lending institution or eligible savings institution is 10204  
designated and the linked deposits are placed, held, and 10205  
collateralized. Participation of eligible lending institutions and 10206  
savings institutions in those linked deposit programs shall not 10207  
begin until these rules have been adopted. 10208

(C) Notwithstanding any provision of law to the contrary, the 10209  
treasurer of state may require an eligible lending institution or 10210  
eligible savings institution that holds public deposits under 10211  
sections 135.61 to 135.67, 135.68 to 135.70, 135.71 to 135.76, 10212  
135.77 to 135.774, ~~or~~ 135.79 to 135.796, or 135.98 to 135.986 of 10213  
the Revised Code, and any institution mentioned in section 135.03 10214  
of the Revised Code that holds public deposits under sections 10215  
135.71 to 135.76 of the Revised Code, to pay interest at a rate 10216  
not lower than the product of the prevailing interest rate 10217  
multiplied by the sum of one plus the treasurer's assessment rate. 10218  
The treasurer may adopt rules necessary for the implementation of 10219  
this division. The rules shall be adopted in accordance with 10220  
Chapter 119. of the Revised Code. 10221

<u>Sec. 135.98. As used in sections 135.98 to 135.986 of the</u>	10222
<u>Revised Code:</u>	10223
<u>(A) "Closing costs" means a disbursement listed on a closing</u>	10224
<u>disclosure for the purchase of a home by an eligible participant.</u>	10225
<u>(B) "Closing disclosure" means the statement of receipts and</u>	10226
<u>disbursements for a transaction related to real estate, including</u>	10227
<u>a disclosure statement described under the "Real Estate Settlement</u>	10228
<u>Procedures Act of 1974," 12 U.S.C. 2601 et seq., and regulations</u>	10229
<u>thereunder.</u>	10230
<u>(C) "Discount interest rate" means an interest rate below the</u>	10231
<u>prevailing interest rate that the treasurer of state determines</u>	10232
<u>eligible savings institutions are willing to pay to hold</u>	10233
<u>homeownership savings linked deposits.</u>	10234
<u>(D) "Eligible home costs" means the down payment and closing</u>	10235
<u>costs for the purchase of a home by an eligible participant, or</u>	10236
<u>the transfer of funds from one homeownership savings linked</u>	10237
<u>deposit account to another homeownership savings linked deposit</u>	10238
<u>account at a different eligible savings institution.</u>	10239
<u>(E) "Eligible participant" means an individual who meets all</u>	10240
<u>the requirements necessary to participate in the homeownership</u>	10241
<u>savings linked deposit program created under sections 135.98 to</u>	10242
<u>135.986 of the Revised Code.</u>	10243
<u>(F) "Eligible savings institution" means a financial</u>	10244
<u>institution that is eligible to offer accounts to residents of</u>	10245
<u>this state for the purpose of saving eligible home costs, agrees</u>	10246
<u>to participate in the homeownership savings linked deposit</u>	10247
<u>program, and is either of the following:</u>	10248
<u>(1) A public depository of state funds under section 135.03</u>	10249
<u>of the Revised Code;</u>	10250
<u>(2) Notwithstanding any provision of sections 135.01 to</u>	10251

135.21 of the Revised Code to the contrary, a federal credit union, a foreign credit union licensed pursuant to section 1733.39 of the Revised Code, or a credit union as defined in section 1733.01 of the Revised Code, located in this state. 10252  
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(G) "Home" means a dwelling in this state to be owned and occupied as a homestead by an eligible participant. "Home" includes a house, condominium, unit in a multiple-unit dwelling, manufactured home or mobile home taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code, or any other real property that qualifies for a reduction under division (B) of section 323.152 of the Revised Code, and so includes as much of the land surrounding the dwelling as is reasonably necessary for the use of the dwelling as a residence, as determined by the treasurer of state. 10256  
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(H) "Homeownership savings linked deposit account" means a linked deposit savings account opened exclusively for the purpose of paying eligible home costs and in compliance with the requirements of sections 135.98 to 135.986 of the Revised Code. 10266  
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(I) "Homestead" has the same meaning as in section 322.151 of the Revised Code. 10270  
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(J) "Linked deposit" means a certificate of deposit, share certificate, other financial institution instrument, or portion of an existing deposit of interim funds made in accordance with section 135.09 of the Revised Code that is placed, purchased, or designated by the treasurer of state with an eligible savings institution; provided the institution agrees to pay the premium savings rate to approved eligible participants, in accordance with the deposit agreement required by section 135.983 of the Revised Code. 10272  
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(K) "Manufactured home" has the same meaning as in section 3781.06 of the Revised Code. 10281  
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(L) "Mobile home" has the same meaning as in section 4501.01 of the Revised Code. 10283  
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(M) "Other financial institution instrument" means a product that otherwise would pay the prevailing interest rate approved by the treasurer of state, for the purpose of providing eligible participants with the benefits of the applicable linked deposit program, and in accordance with the deposit agreement provided in section 135.983 of the Revised Code. 10285  
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(N) "Premium savings rate" means a rate, as established in section 135.984 of the Revised Code, that reflects the percentage rate increase above the present savings rate, as determined by the eligible savings institution, applicable to each eligible participant. 10291  
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(O) "Prevailing interest rate" means a current market interest rate selected by the treasurer of state that eligible savings institutions are willing to pay to hold deposits of the treasurer of state. 10296  
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(P) "Program period" means five years from the date the eligible participant opens a homeownership savings linked deposit account with the eligible savings institution. 10300  
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(Q) "Treasurer of state's assessment rate" means a number not exceeding ten per cent that is calculated in a manner determined by the treasurer of state and that seeks to account for the effect that varying tax treatment among different types of financial institutions has on the ability of financial institutions to pay competitive interest rates to hold deposits. 10303  
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**Sec. 135.981.** (A) An eligible savings institution that desires to receive a linked deposit shall accept and review applications for a homeownership savings linked deposit account from eligible participants for the homeownership savings linked 10309  
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deposit program in which the eligible savings institution 10313  
participates. 10314

(B) An eligible participant shall certify on the 10315  
participant's homeownership savings linked deposit account 10316  
application that the eligible participant resides in the state, 10317  
that the funds in the homeownership savings linked deposit account 10318  
will be used exclusively for eligible program costs, and that the 10319  
eligible participant will hold not more than one homeownership 10320  
savings linked deposit account per program period at any eligible 10321  
savings institution. Whoever knowingly makes a false statement 10322  
concerning such application is guilty of the offense of 10323  
falsification under section 2921.13 of the Revised Code. 10324

(C) The eligible savings institution shall forward to the 10325  
treasurer of state a homeownership savings linked deposit package, 10326  
in the form and manner prescribed by the treasurer of state. The 10327  
package shall include such information as required by the 10328  
treasurer of state. The institution shall certify that each 10329  
applicant is an eligible participant. 10330

(D) No fee shall be charged to any party for the preparation, 10331  
processing, or reporting of any application to an eligible savings 10332  
institution for participation in a linked deposit program. 10333

**Sec. 135.982.** (A) The treasurer of state may accept or reject 10334  
a homeownership savings linked deposit package, or any portion of 10335  
it, based on the treasurer of state's evaluation of the amount of 10336  
state funds to be deposited with an eligible savings institution. 10337  
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(B) Upon acceptance of the homeownership savings linked 10339  
deposit package, or any portion of it, the treasurer of state may 10340  
place, purchase, or designate a linked deposit with the eligible 10341  
savings institution at the discount interest rate, and in 10342

accordance with the deposit agreement required under section 10343  
135.983 of the Revised Code and the procedures established by the 10344  
treasurer of state. 10345

(C) Eligible savings institutions shall comply fully with 10346  
Chapter 135. of the Revised Code. 10347

**Sec. 135.983.** (A) An eligible savings institution shall enter 10348  
into a deposit agreement with the treasurer of state, which shall 10349  
include the requirements necessary to carry out the purposes of 10350  
sections 135.98 to 135.986 of the Revised Code. 10351

(B) The deposit agreement shall specify the maturity period 10352  
of the linked deposit considered appropriate by the treasurer of 10353  
state, which shall not exceed the length of the program period, as 10354  
well as any other information, terms, or conditions the treasurer 10355  
of state may require. Interest shall be paid by the eligible 10356  
savings institution at the times determined by the treasurer of 10357  
state. 10358

**Sec. 135.984.** (A)(1) Upon the treasurer of state placing, 10359  
purchasing, or designating a homeownership savings linked deposit, 10360  
the eligible savings institution shall offer the premium savings 10361  
rate on a homeownership savings linked deposit account to each 10362  
approved eligible participant listed in the accepted homeownership 10363  
savings linked deposit package, and in accordance with the deposit 10364  
agreement required by section 135.983 of the Revised Code. The 10365  
premium savings rate shall apply to a homeownership savings linked 10366  
deposit account as determined by the treasurer of state. Unless 10367  
otherwise specified in the deposit agreement, the premium savings 10368  
rate shall be at a rate equal to or greater than the present 10369  
savings rate applicable to each specific eligible participant in 10370  
the accepted homeownership savings linked deposit package plus the 10371  
difference between the prevailing interest rate and the discount 10372

interest rate at which the linked deposits were placed, made, or designated. 10373  
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(2) The premium savings rate shall only apply to a homeownership savings linked deposit account for the duration of the program period. After such time, the savings account is no longer a homeownership savings linked deposit account, and the eligible savings institution shall determine and apply a market interest rate to the eligible participant's savings account. 10375  
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(B) The eligible savings institution shall provide to the treasurer of state a certificate of compliance with division (A) of this section in the form and manner prescribed by the treasurer of state. 10381  
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(C) At the time of maturity, the eligible savings institution shall return the amount of the corresponding linked deposit to the treasurer of state in a timely manner, as prescribed by the treasurer of state. 10385  
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(D) The treasurer of state shall take any and all steps necessary to implement and administer the homeownership savings linked deposit program under sections 135.98 to 135.986 of the Revised Code, including the adoption of rules. Such rules shall be adopted in accordance with section 111.15 of the Revised Code. 10389  
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Sec. 135.985. (A) The state and the treasurer of state are not liable to any eligible savings institution or any eligible participant in any manner for the terms associated with a homeownership savings linked deposit account. Any misuse or misconduct on the part of an eligible savings institution or eligible participant does not in any manner affect the deposit agreement required by section 135.983 of the Revised Code between the eligible savings institution and the treasurer of state. 10394  
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(B) If an eligible savings institution changes the terms of 10402

an eligible participant's homeownership savings linked deposit 10403  
account, the amount of the linked deposit associated with the 10404  
account plus applicable interest and without early withdrawal 10405  
penalties shall be returned to the treasurer of state by the 10406  
eligible savings institution in a timely manner, as prescribed by 10407  
the treasurer of state. 10408

Sec. 135.986. (A) The general assembly finds that making 10409  
homeownership more attainable is an important part of fostering a 10410  
robust and lasting population across the state. However, 10411  
individuals often struggle to accumulate the financial resources 10412  
needed to purchase a home. Accordingly, it is declared to be the 10413  
public policy of the state through the homeownership savings 10414  
linked deposit program to create an availability of premium rate 10415  
savings accounts for the down payment and closing costs associated 10416  
with the purchase of a home. 10417

(B) An eligible participant for the homeownership savings 10418  
linked deposit program is an individual who is a resident of this 10419  
state and has applied for a homeownership savings account at an 10420  
eligible savings institution. 10421

(C) An eligible participant shall certify on the application 10422  
that the funds in the homeownership savings linked deposit account 10423  
will be used exclusively for eligible home costs. 10424

(D) A homeownership savings linked deposit account shall be 10425  
owned by not more than one eligible participant and an eligible 10426  
participant shall hold not more than one homeownership savings 10427  
linked deposit account per program period at any eligible savings 10428  
institution. 10429

(E) Not later than January 31, 2027, the treasurer of state 10430  
and the tax commissioner shall issue a report regarding the 10431  
efficacy of the homeownership savings linked deposit program 10432  
created in sections 135.98 to 135.986 of the Revised Code. The 10433

<u>report shall contain all of the following:</u>	10434
<u>(1) The number of accounts created;</u>	10435
<u>(2) The number of participating eligible savings</u> <u>institutions;</u>	10436 10437
<u>(3) The total amount contributed into the accounts;</u>	10438
<u>(4) The total tax deductions claimed for the accounts under</u> <u>division (A)(41) of section 5747.01 of the Revised Code;</u>	10439 10440
<u>(5) The average yield on the accounts;</u>	10441
<u>(6) Any other information the treasurer of state or tax</u> <u>commissioner deem relevant.</u>	10442 10443
<u>The report shall be delivered to the governor, the speaker of</u> <u>the house of representatives, and the president of the senate.</u>	10444 10445
<b>Sec. 145.201.</b> (A) Subject to the limit described in division (C) of this section, any member who is or has been an elected official of the state or any political subdivision thereof or has been appointed <u>either</u> by the governor with the advice and consent of the senate <u>or directly by the speaker of the house of</u> <u>representatives or president of the senate</u> to serve full-time as a member of a board, commission, or other public body may at any time prior to retirement purchase additional service credit in an amount not to exceed thirty-five per cent of the service credit allowed the member for the period of service as an elected or appointed official subsequent to January 1, 1935, other than credit for military service, part-time service, and service subject to the tax on wages imposed by the "Federal Insurance Contributions Act," 68A Stat. 415 (1954), 26 U.S.C.A. 3101, as amended.	10446 10447 10448 10449 10450 10451 10452 10453 10454 10455 10456 10457 10458 10459 10460
For each year of additional service credit purchased under this section, the member shall pay into the employees' savings fund an amount specified by the public employees retirement board	10461 10462 10463

that is equal to one hundred per cent of the additional liability 10464  
resulting from the purchase of that year or portion of a year of 10465  
credit as determined by an actuary employed by the board. The 10466  
member shall receive full credit for such additional elective 10467  
service in computing an allowance or benefit under section 145.33, 10468  
145.331, 145.332, 145.36, 145.361, or 145.46 of the Revised Code, 10469  
notwithstanding any other provision of this chapter. The payment 10470  
to the employees' savings fund, and payments made to the 10471  
employers' accumulation fund prior to ~~the effective date of this~~ 10472  
~~amendment~~ January 7, 2013, for such additional elective service 10473  
credit shall, in the event of death or withdrawal from service, be 10474  
considered as accumulated contributions of the member. 10475

The board may determine by rule what constitutes full- or 10476  
part-time service for purposes of this section. 10477

(B) Notwithstanding division (A) of this section, a member 10478  
who purchased service credit under this section prior to January 10479  
1, 1980, on the basis of part-time service shall be permitted to 10480  
retain the credit and shall be given full credit for it in 10481  
computing an allowance or benefit under section 145.33, 145.331, 10482  
145.332, 145.36, 145.361, or 145.46 of the Revised Code. The 10483  
public employees retirement board has no authority to cancel or 10484  
rescind such credit. 10485

(C) A purchase made under this section shall not exceed the 10486  
limits established by division (n) of section 415 of the "Internal 10487  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415(n), as 10488  
amended. 10489

(D) Subject to rules adopted by the public employees 10490  
retirement board, a member who has purchased service credit under 10491  
this section is entitled to be refunded all or a portion of the 10492  
actual amount the member paid for the service credit if, in 10493  
computing an age and service retirement allowance under division 10494  
(A) of section 145.33 or section 145.332 of Revised Code, the 10495

allowance exceeds a limit established by either of those sections. 10496

A refund under this division cancels the equivalent amount of 10497  
service credit. 10498

Sec. 149.3010. The Ohio history connection, in addition to 10499  
its other functions, may use any land owned by the Ohio history 10500  
connection, any land owned by the state and in the Ohio history 10501  
connection's custody and control, any land leased by the Ohio 10502  
history connection, or any land that the Ohio history connection 10503  
has agreed to lease to another entity or organization, for the 10504  
purpose of repatriation of American Indian human remains. 10505

The Ohio history connection shall work with and cooperate 10506  
with federally recognized Indian tribal governments in the 10507  
selection, management, and use of burial sites under this section. 10508  
The Ohio history connection shall implement reasonable standards 10509  
for the use and maintenance of the burial sites. In the event the 10510  
Ohio history connection shall deaccession, otherwise dispose of, 10511  
or no longer have custody and control of a burial site, the Ohio 10512  
history connection shall retain access and authority to maintain 10513  
the site or the Ohio history connection shall assign its right of 10514  
access and maintenance to the person acquiring the site. 10515

Chapters 517., 759., 1721., and 4767. of the Revised Code do 10516  
not apply to burial sites under this section. 10517

**Sec. 149.311.** (A) As used in this section: 10518

(1) "Historic building" means a building, including its 10519  
structural components, that is located in this state and that is 10520  
either individually listed on the national register of historic 10521  
places under 16 U.S.C. 470a, located in a registered historic 10522  
district, and certified by the state historic preservation officer 10523  
as being of historic significance to the district, or is 10524  
individually listed as an historic landmark designated by a local 10525

government certified under 16 U.S.C. 470a(c). 10526

(2) "Qualified rehabilitation expenditures" means 10527  
expenditures paid or incurred during the rehabilitation period, 10528  
and before and after that period as determined under 26 U.S.C. 47, 10529  
by an owner or qualified lessee of an historic building to 10530  
rehabilitate the building. "Qualified rehabilitation expenditures" 10531  
includes architectural or engineering fees paid or incurred in 10532  
connection with the rehabilitation, and expenses incurred in the 10533  
preparation of nomination forms for listing on the national 10534  
register of historic places. "Qualified rehabilitation 10535  
expenditures" does not include any of the following: 10536

(a) The cost of acquiring, expanding, or enlarging an 10537  
historic building; 10538

(b) Expenditures attributable to work done to facilities 10539  
related to the building, such as parking lots, sidewalks, and 10540  
landscaping; 10541

(c) New building construction costs. 10542

(3) "Owner" of an historic building means a person holding 10543  
the fee simple interest in the building. "Owner" does not include 10544  
the state or a state agency, or any political subdivision as 10545  
defined in section 9.23 of the Revised Code. 10546

(4) "Qualified lessee" means a person subject to a lease 10547  
agreement for an historic building and eligible for the federal 10548  
rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" 10549  
does not include the state or a state agency or political 10550  
subdivision as defined in section 9.23 of the Revised Code. 10551

(5) "Certificate owner" means the owner or qualified lessee 10552  
of an historic building to which a rehabilitation tax credit 10553  
certificate was issued under this section. 10554

(6) "Registered historic district" means an historic district 10555

listed in the national register of historic places under 16 U.S.C. 10556  
470a, an historic district designated by a local government 10557  
certified under 16 U.S.C. 470a(c), or a local historic district 10558  
certified under 36 C.F.R. 67.8 and 67.9. 10559

(7) "Rehabilitation" means the process of repairing or 10560  
altering an historic building or buildings, making possible an 10561  
efficient use while preserving those portions and features of the 10562  
building and its site and environment that are significant to its 10563  
historic, architectural, and cultural values. 10564

(8) "Rehabilitation period" means one of the following: 10565

(a) If the rehabilitation initially was not planned to be 10566  
completed in stages, a period chosen by the owner or qualified 10567  
lessee not to exceed twenty-four months during which 10568  
rehabilitation occurs; 10569

(b) If the rehabilitation initially was planned to be 10570  
completed in stages, a period chosen by the owner or qualified 10571  
lessee not to exceed sixty months during which rehabilitation 10572  
occurs. Each stage shall be reviewed as a phase of a 10573  
rehabilitation as determined under 26 C.F.R. 1.48-12 or a 10574  
successor to that section. 10575

(9) "State historic preservation officer" or "officer" means 10576  
the state historic preservation officer appointed by the governor 10577  
under 16 U.S.C. 470a. 10578

(10) "Catalytic project" means the rehabilitation of an 10579  
historic building, the rehabilitation of which will foster 10580  
economic development within two thousand five hundred feet of the 10581  
historic building. 10582

(B) The owner or qualified lessee of an historic building may 10583  
apply to the director of development for a rehabilitation tax 10584  
credit certificate for qualified rehabilitation expenditures paid 10585  
or incurred by such owner or qualified lessee after April 4, 2007, 10586

for rehabilitation of an historic building. If the owner of an 10587  
historic building enters a pass-through agreement with a qualified 10588  
lessee for the purposes of the federal rehabilitation tax credit 10589  
under 26 U.S.C. 47, the qualified rehabilitation expenditures paid 10590  
or incurred by the owner after April 4, 2007, may be attributed to 10591  
the qualified lessee. 10592

The form and manner of filing such applications shall be 10593  
prescribed by rule of the director. Each application shall state 10594  
the amount of qualified rehabilitation expenditures the applicant 10595  
estimates will be paid or incurred and shall indicate whether the 10596  
historic building was used as a theater before, and is intended to 10597  
be used as a theater after, the rehabilitation. The director may 10598  
require applicants to furnish documentation of such estimates. 10599

The director, after consultation with the tax commissioner 10600  
and in accordance with Chapter 119. of the Revised Code, shall 10601  
adopt rules that establish all of the following: 10602

(1) Forms and procedures by which applicants may apply for 10603  
rehabilitation tax credit certificates; 10604

(2) Criteria for reviewing, evaluating, and approving 10605  
applications for certificates within the limitations under 10606  
division (D) of this section, criteria for assuring that the 10607  
certificates issued encompass a mixture of high and low qualified 10608  
rehabilitation expenditures, and criteria for issuing certificates 10609  
under division (C)(3)(b) of this section; 10610

(3) Eligibility requirements for obtaining a certificate 10611  
under this section; 10612

(4) The form of rehabilitation tax credit certificates; 10613

(5) Reporting requirements and monitoring procedures; 10614

(6) Procedures and criteria for conducting cost-benefit 10615  
analyses of historic buildings that are the subjects of 10616

applications filed under this section. The purpose of a 10617  
cost-benefit analysis shall be to determine whether rehabilitation 10618  
of the historic building will result in a net revenue gain in 10619  
state and local taxes once the building is used. 10620

(7) Any other rules necessary to implement and administer 10621  
this section. 10622

(C) The director shall review the applications with the 10623  
assistance of the state historic preservation officer and 10624  
determine whether all of the following criteria are met: 10625

(1) That the building that is the subject of the application 10626  
is an historic building and the applicant is the owner or 10627  
qualified lessee of the building; 10628

(2) That the rehabilitation will satisfy standards prescribed 10629  
by the United States secretary of the interior under 16 U.S.C. 10630  
470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to 10631  
that section; 10632

(3) That receiving a rehabilitation tax credit certificate 10633  
under this section is a major factor in: 10634

(a) The applicant's decision to rehabilitate the historic 10635  
building; or 10636

(b) To increase the level of investment in such 10637  
rehabilitation. 10638

(4) The historic building that is the subject of the 10639  
application is not, and will not upon completion of the 10640  
rehabilitation project be, part of a qualified low-income housing 10641  
project allocated a tax credit pursuant to section 42 of the 10642  
Internal Revenue Code. 10643

An applicant shall demonstrate to the satisfaction of the 10644  
state historic preservation officer and director that the 10645  
rehabilitation will satisfy the standards described in division 10646

(C)(2) of this section before the applicant begins the physical rehabilitation of the historic building. 10647  
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(D)(1) If the director determines that an application meets the criteria in division (C) of this section, the director shall conduct a cost-benefit analysis for the historic building that is the subject of the application to determine whether rehabilitation of the historic building will result in a net revenue gain in state and local taxes once the building is used. The director shall consider the results of the cost-benefit analysis in determining whether to approve the application. The director shall also consider the potential economic impact and the regional distributive balance of the credits throughout the state. The director may approve an application only after completion of the cost-benefit analysis. 10649  
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(2) A rehabilitation tax credit certificate shall not be issued for an amount greater than the estimated amount furnished by the applicant on the application for such certificate and approved by the director. The director shall not approve more than a total of one hundred twenty million dollars of rehabilitation tax credits for each of fiscal years 2023 ~~and~~, 2024, and 2025, and sixty million dollars of rehabilitation tax credits for each fiscal year thereafter but the director may reallocate unused tax credits from a prior fiscal year for new applicants and such reallocated credits shall not apply toward the dollar limit of this division. 10661  
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(3) For rehabilitations with a rehabilitation period not exceeding twenty-four months as provided in division (A)(8)(a) of this section, a rehabilitation tax credit certificate shall not be issued before the rehabilitation of the historic building is completed. 10672  
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(4) For rehabilitations with a rehabilitation period not exceeding sixty months as provided in division (A)(8)(b) of this 10677  
10678

section, a rehabilitation tax credit certificate shall not be 10679  
issued before a stage of rehabilitation is completed. After all 10680  
stages of rehabilitation are completed, if the director cannot 10681  
determine that the criteria in division (C) of this section are 10682  
satisfied for all stages of rehabilitations, the director shall 10683  
certify this finding to the tax commissioner, and any 10684  
rehabilitation tax credits received by the applicant shall be 10685  
repaid by the applicant and may be collected by assessment as 10686  
unpaid tax by the commissioner. 10687

(5) The director shall require the applicant to provide a 10688  
third-party cost certification by a certified public accountant of 10689  
the actual costs attributed to the rehabilitation of the historic 10690  
building when qualified rehabilitation expenditures exceed two 10691  
hundred thousand dollars. 10692

If an applicant whose application is approved for receipt of 10693  
a rehabilitation tax credit certificate fails to provide to the 10694  
director sufficient evidence of reviewable progress, including a 10695  
viable financial plan, copies of final construction drawings, and 10696  
evidence that the applicant has obtained all historic approvals 10697  
within twelve months after the date the applicant received 10698  
notification of approval, and if the applicant fails to provide 10699  
evidence to the director that the applicant has secured and closed 10700  
on financing for the rehabilitation within eighteen months after 10701  
receiving notification of approval, the director may rescind the 10702  
approval of the application. The director shall notify the 10703  
applicant if the approval has been rescinded. Credits that would 10704  
have been available to an applicant whose approval was rescinded 10705  
shall be available for other qualified applicants. Nothing in this 10706  
division prohibits an applicant whose approval has been rescinded 10707  
from submitting a new application for a rehabilitation tax credit 10708  
certificate. 10709

(6) The director may approve the application of, and issue a 10710

rehabilitation tax credit certificate to, the owner of a catalytic 10711  
project, provided the application otherwise meets the criteria 10712  
described in divisions (C) and (D) of this section. The director 10713  
may not approve more than one application for a rehabilitation tax 10714  
credit certificate under division (D)(6) of this section during 10715  
each state fiscal biennium. The director shall not approve an 10716  
application for a rehabilitation tax credit certificate under 10717  
division (D)(6) of this section during the state fiscal biennium 10718  
beginning July 1, 2017, or during any state fiscal biennium 10719  
thereafter. The director shall consider the following criteria in 10720  
determining whether to approve an application for a certificate 10721  
under division (D)(6) of this section: 10722

(a) Whether the historic building is a catalytic project; 10723

(b) The effect issuance of the certificate would have on the 10724  
availability of credits for other applicants that qualify for a 10725  
credit certificate within the credit dollar limit described in 10726  
division (D)(2) of this section; 10727

(c) The number of jobs, if any, the catalytic project will 10728  
create. 10729

(7)(a) The owner or qualified lessee of a historic building 10730  
may apply for a rehabilitation tax credit certificate under both 10731  
divisions (B) and (D)(6) of this section. In such a case, the 10732  
director shall consider each application at the time the 10733  
application is submitted. 10734

(b) The director shall not issue more than one certificate 10735  
under this section with respect to the same qualified 10736  
rehabilitation expenditures. 10737

(8) The director shall give consideration for tax credits 10738  
awarded under this section to rehabilitations of historic 10739  
buildings used as a theater before, and intended to be used as a 10740  
theater after, the rehabilitation. In determining whether to 10741

approve an application for such a rehabilitation, the director 10742  
shall consider the extent to which the rehabilitation will 10743  
increase attendance at the theater and increase the theater's 10744  
gross revenue. 10745

(9) The director shall rescind the approval of any 10746  
application if the building that is the subject of the application 10747  
is part of a qualified low-income housing project allocated a tax 10748  
credit pursuant to section 42 of the Internal Revenue Code at any 10749  
time before the building's rehabilitation is complete. 10750

(E) Issuance of a certificate represents a finding by the 10751  
director of the matters described in divisions (C)(1), (2), and 10752  
(3) of this section only; issuance of a certificate does not 10753  
represent a verification or certification by the director of the 10754  
amount of qualified rehabilitation expenditures for which a tax 10755  
credit may be claimed under section 5725.151, 5725.34, 5726.52, 10756  
5729.17, 5733.47, or 5747.76 of the Revised Code. The amount of 10757  
qualified rehabilitation expenditures for which a tax credit may 10758  
be claimed is subject to inspection and examination by the tax 10759  
commissioner or employees of the commissioner under section 10760  
5703.19 of the Revised Code and any other applicable law. Upon the 10761  
issuance of a certificate, the director shall certify to the tax 10762  
commissioner, in the form and manner requested by the tax 10763  
commissioner, the name of the applicant, the amount of qualified 10764  
rehabilitation expenditures shown on the certificate, and any 10765  
other information required by the rules adopted under this 10766  
section. 10767

(F)(1) On or before the first day of August each year, the 10768  
director and tax commissioner jointly shall submit to the 10769  
president of the senate and the speaker of the house of 10770  
representatives a report on the tax credit program established 10771  
under this section and sections 5725.151, 5725.34, 5726.52, 10772  
5729.17, 5733.47, and 5747.76 of the Revised Code. The report 10773

shall present an overview of the program and shall include 10774  
information on the number of rehabilitation tax credit 10775  
certificates issued under this section during the preceding fiscal 10776  
year, an update on the status of each historic building for which 10777  
an application was approved under this section, the dollar amount 10778  
of the tax credits granted under sections 5725.151, 5725.34, 10779  
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, and 10780  
any other information the director and commissioner consider 10781  
relevant to the topics addressed in the report. 10782

(2) On or before December 1, 2015, the director and tax 10783  
commissioner jointly shall submit to the president of the senate 10784  
and the speaker of the house of representatives a comprehensive 10785  
report that includes the information required by division (F)(1) 10786  
of this section and a detailed analysis of the effectiveness of 10787  
issuing tax credits for rehabilitating historic buildings. The 10788  
report shall be prepared with the assistance of an economic 10789  
research organization jointly chosen by the director and 10790  
commissioner. 10791

(G) There is hereby created in the state treasury the 10792  
historic rehabilitation tax credit operating fund. The director is 10793  
authorized to charge reasonable application and other fees in 10794  
connection with the administration of tax credits authorized by 10795  
this section and sections 5725.151, 5725.34, 5726.52, 5729.17, 10796  
5733.47, and 5747.76 of the Revised Code. Any such fees collected 10797  
shall be credited to the fund and used to pay reasonable costs 10798  
incurred by the department of development in administering this 10799  
section and sections 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, 10800  
and 5747.76 of the Revised Code. 10801

The Ohio historic preservation office is authorized to charge 10802  
reasonable fees in connection with its review and approval of 10803  
applications under this section. Any such fees collected shall be 10804  
credited to the fund and used to pay administrative costs incurred 10805

by the Ohio historic preservation office pursuant to this section. 10806

(H) Notwithstanding sections 5725.151, 5725.34, 5726.52, 10807  
5729.17, 5733.47, and 5747.76 of the Revised Code, the certificate 10808  
owner of a tax credit certificate issued under division (D)(6) of 10809  
this section may claim a tax credit equal to twenty-five per cent 10810  
of the dollar amount indicated on the certificate for a total 10811  
credit of not more than twenty-five million dollars. The credit 10812  
claimed by such a certificate owner for any calendar year, tax 10813  
year, or taxable year under section 5725.151, 5725.34, 5726.52, 10814  
5729.17, 5733.47, or 5747.76 of the Revised Code shall not exceed 10815  
five million dollars. If the certificate owner is eligible for 10816  
more than five million dollars in total credits, the certificate 10817  
owner may carry forward the balance of the credit in excess of the 10818  
amount claimed for that year for not more than five ensuing 10819  
calendar years, tax years, or taxable years. If the credit claimed 10820  
in any calendar year, tax year, or taxable year exceeds the tax 10821  
otherwise due, the excess shall be refunded to the taxpayer. 10822

(I) Notwithstanding sections 5725.151, 5725.34, 5726.52, 10823  
5729.17, 5733.47, and 5747.76 of the Revised Code, the following 10824  
apply to a tax credit approved under this section after September 10825  
13, 2022, and before July 1, 2024: 10826

(1) The certificate holder may claim a tax credit equal to 10827  
thirty-five per cent of the dollar amount indicated on the tax 10828  
credit certificate if any county, township, or municipal 10829  
corporation within which the project is located has a population 10830  
of less than three hundred thousand according to the 2020 10831  
decennial census. The tax credit equals twenty-five per cent of 10832  
the dollar amount indicated on the certificate if the project is 10833  
not located within such a county, township, or municipal 10834  
corporation. 10835

(2) The total tax credit claimed under section 5725.151, 10836  
5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised Code 10837

for any one project shall not exceed ten million dollars for any 10838  
calendar year, tax year, or taxable year. 10839

(3) If the credit claimed in any calendar year, tax year, or 10840  
taxable year exceeds the tax otherwise due, the excess shall be 10841  
refunded to the taxpayer, subject to division (I)(2) of this 10842  
section. 10843

(J) The director of development, in consultation with the 10844  
director of budget and management, shall develop and adopt a 10845  
system of tracking any information necessary to anticipate the 10846  
impact of credits issued under this section on tax revenues for 10847  
current and future fiscal years. Such information may include the 10848  
number of applications approved, the estimated rehabilitation 10849  
expenditures and rehabilitation period associated with such 10850  
applications, the number and amount of tax credit certificates 10851  
issued, and any other information the director of budget and 10852  
management requires for the purposes of this division. 10853

(K) For purposes of this section and Chapter 122:19-1 of the 10854  
Ohio Administrative Code, a tax credit certificate issued under 10855  
this section is effective on the date that all historic buildings 10856  
rehabilitated by the project are "placed in service," as that term 10857  
is used in section 47 of the Internal Revenue Code. 10858

**Sec. 149.43.** (A) As used in this section: 10859

(1) "Public record" means records kept by any public office, 10860  
including, but not limited to, state, county, city, village, 10861  
township, and school district units, and records pertaining to the 10862  
delivery of educational services by an alternative school in this 10863  
state kept by the nonprofit or for-profit entity operating the 10864  
alternative school pursuant to section 3313.533 of the Revised 10865  
Code. "Public record" does not mean any of the following: 10866

(a) Medical records; 10867

(b) Records pertaining to probation and parole proceedings,	10868
to proceedings related to the imposition of community control	10869
sanctions and post-release control sanctions, or to proceedings	10870
related to determinations under section 2967.271 of the Revised	10871
Code regarding the release or maintained incarceration of an	10872
offender to whom that section applies;	10873
(c) Records pertaining to actions under section 2151.85 and	10874
division (C) of section 2919.121 of the Revised Code and to	10875
appeals of actions arising under those sections;	10876
(d) Records pertaining to adoption proceedings, including the	10877
contents of an adoption file maintained by the department of	10878
health under sections 3705.12 to 3705.124 of the Revised Code;	10879
(e) Information in a record contained in the putative father	10880
registry established by section 3107.062 of the Revised Code,	10881
regardless of whether the information is held by the department of	10882
job and family services or, pursuant to section 3111.69 of the	10883
Revised Code, the office of child support in the department or a	10884
child support enforcement agency;	10885
(f) Records specified in division (A) of section 3107.52 of	10886
the Revised Code;	10887
(g) Trial preparation records <u>prior to the conclusion of all</u>	10888
<u>direct appeals or, if no appeal is filed, at the expiration of the</u>	10889
<u>time during which an appeal may be filed;</u>	10890
(h) Confidential law enforcement investigatory records;	10891
(i) Records containing information that is confidential under	10892
section 2710.03 or 4112.05 of the Revised Code;	10893
(j) DNA records stored in the DNA database pursuant to	10894
section 109.573 of the Revised Code;	10895
(k) Inmate records released by the department of	10896
rehabilitation and correction to the department of youth services	10897

or a court of record pursuant to division (E) of section 5120.21 10898  
of the Revised Code; 10899

(l) Records maintained by the department of youth services 10900  
pertaining to children in its custody released by the department 10901  
of youth services to the department of rehabilitation and 10902  
correction pursuant to section 5139.05 of the Revised Code; 10903

(m) Intellectual property records; 10904

(n) Donor profile records; 10905

(o) Records maintained by the department of job and family 10906  
services pursuant to section 3121.894 of the Revised Code; 10907

(p) Designated public service worker residential and familial 10908  
information; 10909

(q) In the case of a county hospital operated pursuant to 10910  
Chapter 339. of the Revised Code or a municipal hospital operated 10911  
pursuant to Chapter 749. of the Revised Code, information that 10912  
constitutes a trade secret, as defined in section 1333.61 of the 10913  
Revised Code; 10914

(r) Information pertaining to the recreational activities of 10915  
a person under the age of eighteen; 10916

(s) In the case of a child fatality review board acting under 10917  
sections 307.621 to 307.629 of the Revised Code or a review 10918  
conducted pursuant to guidelines established by the director of 10919  
health under section 3701.70 of the Revised Code, records provided 10920  
to the board or director, statements made by board members during 10921  
meetings of the board or by persons participating in the 10922  
director's review, and all work products of the board or director, 10923  
and in the case of a child fatality review board, child fatality 10924  
review data submitted by the board to the department of health or 10925  
a national child death review database, other than the report 10926  
prepared pursuant to division (A) of section 307.626 of the 10927

Revised Code;	10928
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	10929 10930 10931 10932
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.15 of the Revised Code or contracts under that section with a private or government entity to administer;	10933 10934 10935 10936 10937 10938
(v) Records the release of which is prohibited by state or federal law;	10939 10940
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	10941 10942 10943
(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	10944 10945 10946 10947 10948 10949
(y) Records listed in section 5101.29 of the Revised Code;	10950
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;	10951 10952 10953
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	10954 10955 10956
(bb) Records described in division (C) of section 187.04 of	10957

the Revised Code that are not designated to be made available to 10958  
the public as provided in that division; 10959

(cc) Information and records that are made confidential, 10960  
privileged, and not subject to disclosure under divisions (B) and 10961  
(C) of section 2949.221 of the Revised Code; 10962

(dd) Personal information, as defined in section 149.45 of 10963  
the Revised Code; 10964

(ee) The confidential name, address, and other personally 10965  
identifiable information of a program participant in the address 10966  
confidentiality program established under sections 111.41 to 10967  
111.47 of the Revised Code, including the contents of any 10968  
application for absent voter's ballots, absent voter's ballot 10969  
identification envelope statement of voter, or provisional ballot 10970  
affirmation completed by a program participant who has a 10971  
confidential voter registration record; records or portions of 10972  
records pertaining to that program that identify the number of 10973  
program participants that reside within a precinct, ward, 10974  
township, municipal corporation, county, or any other geographic 10975  
area smaller than the state; and any real property confidentiality 10976  
notice filed under section 111.431 of the Revised Code and the 10977  
information described in division (C) of that section. As used in 10978  
this division, "confidential address" and "program participant" 10979  
have the meaning defined in section 111.41 of the Revised Code. 10980

(ff) Orders for active military service of an individual 10981  
serving or with previous service in the armed forces of the United 10982  
States, including a reserve component, or the Ohio organized 10983  
militia, except that, such order becomes a public record on the 10984  
day that is fifteen years after the published date or effective 10985  
date of the call to order; 10986

(gg) The name, address, contact information, or other 10987  
personal information of an individual who is less than eighteen 10988

years of age that is included in any record related to a traffic 10989  
accident involving a school vehicle in which the individual was an 10990  
occupant at the time of the accident; 10991

(hh) Protected health information, as defined in 45 C.F.R. 10992  
160.103, that is in a claim for payment for a health care product, 10993  
service, or procedure, as well as any other health claims data in 10994  
another document that reveals the identity of an individual who is 10995  
the subject of the data or could be used to reveal that 10996  
individual's identity; 10997

(ii) Any depiction by photograph, film, videotape, or printed 10998  
or digital image under either of the following circumstances: 10999

(i) The depiction is that of a victim of an offense the 11000  
release of which would be, to a reasonable person of ordinary 11001  
sensibilities, an offensive and objectionable intrusion into the 11002  
victim's expectation of bodily privacy and integrity. 11003

(ii) The depiction captures or depicts the victim of a 11004  
sexually oriented offense, as defined in section 2950.01 of the 11005  
Revised Code, at the actual occurrence of that offense. 11006

(jj) Restricted portions of a body-worn camera or dashboard 11007  
camera recording; 11008

(kk) In the case of a fetal-infant mortality review board 11009  
acting under sections 3707.70 to 3707.77 of the Revised Code, 11010  
records, documents, reports, or other information presented to the 11011  
board or a person abstracting such materials on the board's 11012  
behalf, statements made by review board members during board 11013  
meetings, all work products of the board, and data submitted by 11014  
the board to the department of health or a national infant death 11015  
review database, other than the report prepared pursuant to 11016  
section 3707.77 of the Revised Code. 11017

(ll) Records, documents, reports, or other information 11018  
presented to the pregnancy-associated mortality review board 11019

established under section 3738.01 of the Revised Code, statements 11020  
made by board members during board meetings, all work products of 11021  
the board, and data submitted by the board to the department of 11022  
health, other than the biennial reports prepared under section 11023  
3738.08 of the Revised Code; 11024

(mm) Except as otherwise provided in division (A)(1)(oo) of 11025  
this section, telephone numbers for a victim, as defined in 11026  
section 2930.01 of the Revised Code or a witness to a crime that 11027  
are listed on any law enforcement record or report. 11028

(nn) A preneed funeral contract, as defined in section 11029  
4717.01 of the Revised Code, and contract terms and personally 11030  
identifying information of a preneed funeral contract, that is 11031  
contained in a report submitted by or for a funeral home to the 11032  
board of embalmers and funeral directors under division (C) of 11033  
section 4717.13, division (J) of section 4717.31, or section 11034  
4717.41 of the Revised Code. 11035

(oo) Telephone numbers for a party to a motor vehicle 11036  
accident subject to the requirements of section 5502.11 of the 11037  
Revised Code that are listed on any law enforcement record or 11038  
report, except that the telephone numbers described in this 11039  
division are not excluded from the definition of "public record" 11040  
under this division on and after the thirtieth day after the 11041  
occurrence of the motor vehicle accident. 11042

(pp) Records pertaining to individuals who complete training 11043  
under section 5502.703 of the Revised Code to be permitted by a 11044  
school district board of education or governing body of a 11045  
community school established under Chapter 3314. of the Revised 11046  
Code, a STEM school established under Chapter 3326. of the Revised 11047  
Code, or a chartered nonpublic school to convey deadly weapons or 11048  
dangerous ordnance into a school safety zone; 11049

(qq) Records, documents, reports, or other information 11050

presented to a domestic violence fatality review board established 11051  
under section 307.651 of the Revised Code, statements made by 11052  
board members during board meetings, all work products of the 11053  
board, and data submitted by the board to the department of 11054  
health, other than a report prepared pursuant to section 307.656 11055  
of the Revised Code; 11056

(rr) Records, documents, and information the release of which 11057  
is prohibited under sections 2930.04 and 2930.07 of the Revised 11058  
Code. 11059

(ss) Records of an existing qualified nonprofit corporation 11060  
that creates a special improvement district under Chapter 1710. of 11061  
the Revised Code that do not pertain to a purpose for which the 11062  
district is created; 11063

(tt) Attorney work product record at any time. 11064

A record that is not a public record under division (A)(1) of 11065  
this section and that, under law, is permanently retained becomes 11066  
a public record on the day that is seventy-five years after the 11067  
day on which the record was created, except for any record 11068  
protected by the attorney-client privilege, a trial preparation 11069  
record as defined in this section, a statement prohibiting the 11070  
release of identifying information signed under section 3107.083 11071  
of the Revised Code, a denial of release form filed pursuant to 11072  
section 3107.46 of the Revised Code, or any record that is exempt 11073  
from release or disclosure under section 149.433 of the Revised 11074  
Code. If the record is a birth certificate and a biological 11075  
parent's name redaction request form has been accepted under 11076  
section 3107.391 of the Revised Code, the name of that parent 11077  
shall be redacted from the birth certificate before it is released 11078  
under this paragraph. If any other section of the Revised Code 11079  
establishes a time period for disclosure of a record that 11080  
conflicts with the time period specified in this section, the time 11081  
period in the other section prevails. 11082

~~(2)(2)(a)~~ "Confidential law enforcement investigatory record" 11083  
means any record that pertains to a law enforcement matter of a 11084  
criminal, quasi-criminal, civil, or administrative nature, but 11085  
only to the extent that the release of the record would create a 11086  
high probability of disclosure of any of the following: 11087

~~(a)(i)~~ The identity of a suspect who has not been charged 11088  
with the offense to which the record pertains, or of an 11089  
information source or witness to whom confidentiality has been 11090  
reasonably promised; 11091

~~(b)(ii)~~ Information provided by an information source or 11092  
witness to whom confidentiality has been reasonably promised, 11093  
which information would reasonably tend to disclose the source's 11094  
or witness's identity; 11095

~~(e)(iii)~~ Specific confidential investigatory techniques or 11096  
procedures or specific investigatory work product; 11097

~~(d)(iv)~~ Information that would endanger the life or physical 11098  
safety of law enforcement personnel, a crime victim, a witness, or 11099  
a confidential information source. 11100

(b) As used in division (A)(2) of this section, "specific 11101  
investigatory work product" means any record, thing, or item that 11102  
documents the independent thought processes, factual findings, 11103  
mental impressions, theories, strategies, opinions, or analyses of 11104  
an investigating officer or an agent of an investigative agency 11105  
and also includes any documents and evidence collected, written or 11106  
recorded interviews or statements, interview notes, test results, 11107  
lab results, preliminary lab results, and other internal 11108  
memoranda, things, or items created during any point of an 11109  
investigation. "Specific investigatory work product" does not 11110  
include basic information regarding date, time, address, and type 11111  
of incident. 11112

(3) "Medical record" means any document or combination of 11113

documents, except births, deaths, and the fact of admission to or 11114  
discharge from a hospital, that pertains to the medical history, 11115  
diagnosis, prognosis, or medical condition of a patient and that 11116  
is generated and maintained in the process of medical treatment. 11117

(4) "Trial preparation record" means any record that is not a 11118  
confidential law enforcement investigatory record or attorney work 11119  
product record and that contains factual information that is 11120  
specifically compiled in reasonable anticipation of, or in defense 11121  
of, a civil or criminal action or proceeding, ~~including the~~ 11122  
~~independent thought processes and personal trial preparation of an~~ 11123  
~~attorney.~~ 11124

(5) "Intellectual property record" means a record, other than 11125  
a financial or administrative record, that is produced or 11126  
collected by or for faculty or staff of a state institution of 11127  
higher learning in the conduct of or as a result of study or 11128  
research on an educational, commercial, scientific, artistic, 11129  
technical, or scholarly issue, regardless of whether the study or 11130  
research was sponsored by the institution alone or in conjunction 11131  
with a governmental body or private concern, and that has not been 11132  
publicly released, published, or patented. 11133

(6) "Donor profile record" means all records about donors or 11134  
potential donors to a public institution of higher education 11135  
except the names and reported addresses of the actual donors and 11136  
the date, amount, and conditions of the actual donation. 11137

(7) "Designated public service worker" means a peace officer, 11138  
parole officer, probation officer, bailiff, prosecuting attorney, 11139  
assistant prosecuting attorney, correctional employee, county or 11140  
multicounty corrections officer, community-based correctional 11141  
facility employee, designated Ohio national guard member, 11142  
protective services worker, youth services employee, firefighter, 11143  
EMT, medical director or member of a cooperating physician 11144  
advisory board of an emergency medical service organization, state 11145

board of pharmacy employee, investigator of the bureau of criminal 11146  
identification and investigation, emergency service 11147  
telecommunicator, forensic mental health provider, mental health 11148  
evaluation provider, regional psychiatric hospital employee, 11149  
judge, magistrate, or federal law enforcement officer. 11150

(8) "Designated public service worker residential and 11151  
familial information" means any information that discloses any of 11152  
the following about a designated public service worker: 11153

(a) The address of the actual personal residence of a 11154  
designated public service worker, except for the following 11155  
information: 11156

(i) The address of the actual personal residence of a 11157  
prosecuting attorney or judge; and 11158

(ii) The state or political subdivision in which a designated 11159  
public service worker resides. 11160

(b) Information compiled from referral to or participation in 11161  
an employee assistance program; 11162

(c) The social security number, the residential telephone 11163  
number, any bank account, debit card, charge card, or credit card 11164  
number, or the emergency telephone number of, or any medical 11165  
information pertaining to, a designated public service worker; 11166

(d) The name of any beneficiary of employment benefits, 11167  
including, but not limited to, life insurance benefits, provided 11168  
to a designated public service worker by the designated public 11169  
service worker's employer; 11170

(e) The identity and amount of any charitable or employment 11171  
benefit deduction made by the designated public service worker's 11172  
employer from the designated public service worker's compensation, 11173  
unless the amount of the deduction is required by state or federal 11174  
law; 11175

(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a designated public service worker;

(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority.

(9) As used in divisions (A)(7) and (15) to (17) of this section:

"Peace officer" has the meaning defined in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

"Correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with inmates and persons under supervision.

"County or multicounty corrections officer" means any corrections officer employed by any county or multicounty correctional facility.

"Designated Ohio national guard member" means a member of the Ohio national guard who is participating in duties related to remotely piloted aircraft, including, but not limited to, pilots, sensor operators, and mission intelligence personnel, duties related to special forces operations, or duties related to cybersecurity, and is designated by the adjutant general as a

designated public service worker for those purposes. 11207

"Protective services worker" means any employee of a county 11208  
agency who is responsible for child protective services, child 11209  
support services, or adult protective services. 11210

"Youth services employee" means any employee of the 11211  
department of youth services who in the course of performing the 11212  
employee's job duties has or has had contact with children 11213  
committed to the custody of the department of youth services. 11214

"Firefighter" means any regular, paid or volunteer, member of 11215  
a lawfully constituted fire department of a municipal corporation, 11216  
township, fire district, or village. 11217

"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 11218  
emergency medical services for a public emergency medical service 11219  
organization. "Emergency medical service organization," 11220  
"EMT-basic," "EMT-I," and "paramedic" have the meanings defined in 11221  
section 4765.01 of the Revised Code. 11222

"Investigator of the bureau of criminal identification and 11223  
investigation" has the meaning defined in section 2903.11 of the 11224  
Revised Code. 11225

"Emergency service telecommunicator" has the meaning defined 11226  
in section 4742.01 of the Revised Code. 11227

"Forensic mental health provider" means any employee of a 11228  
community mental health service provider or local alcohol, drug 11229  
addiction, and mental health services board who, in the course of 11230  
the employee's duties, has contact with persons committed to a 11231  
local alcohol, drug addiction, and mental health services board by 11232  
a court order pursuant to section 2945.38, 2945.39, 2945.40, or 11233  
2945.402 of the Revised Code. 11234

"Mental health evaluation provider" means an individual who, 11235  
under Chapter 5122. of the Revised Code, examines a respondent who 11236

is alleged to be a mentally ill person subject to court order, as 11237  
defined in section 5122.01 of the Revised Code, and reports to the 11238  
probate court the respondent's mental condition. 11239

"Regional psychiatric hospital employee" means any employee 11240  
of the department of mental health and addiction services who, in 11241  
the course of performing the employee's duties, has contact with 11242  
patients committed to the department of mental health and 11243  
addiction services by a court order pursuant to section 2945.38, 11244  
2945.39, 2945.40, or 2945.402 of the Revised Code. 11245

"Federal law enforcement officer" has the meaning defined in 11246  
section 9.88 of the Revised Code. 11247

(10) "Information pertaining to the recreational activities 11248  
of a person under the age of eighteen" means information that is 11249  
kept in the ordinary course of business by a public office, that 11250  
pertains to the recreational activities of a person under the age 11251  
of eighteen years, and that discloses any of the following: 11252

(a) The address or telephone number of a person under the age 11253  
of eighteen or the address or telephone number of that person's 11254  
parent, guardian, custodian, or emergency contact person; 11255

(b) The social security number, birth date, or photographic 11256  
image of a person under the age of eighteen; 11257

(c) Any medical record, history, or information pertaining to 11258  
a person under the age of eighteen; 11259

(d) Any additional information sought or required about a 11260  
person under the age of eighteen for the purpose of allowing that 11261  
person to participate in any recreational activity conducted or 11262  
sponsored by a public office or to use or obtain admission 11263  
privileges to any recreational facility owned or operated by a 11264  
public office. 11265

(11) "Community control sanction" has the meaning defined in 11266

section 2929.01 of the Revised Code.	11267
(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.	11268 11269
(13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.	11270 11271 11272 11273
(14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code.	11274 11275
(15) "Body-worn camera" means a visual and audio recording device worn on the person of a correctional employee, youth services employee, or peace officer while the correctional employee, youth services employee, or peace officer is engaged in the performance of official duties.	11276 11277 11278 11279 11280
(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.	11281 11282 11283 11284
(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:	11285 11286 11287 11288
(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the department of rehabilitation and correction, department of youth services, or the law enforcement agency knows or has reason to know the person is a child based on the department's or law enforcement agency's records or the content of the recording;	11289 11290 11291 11292 11293 11294 11295
(b) The death of a person or a deceased person's body, unless	11296

the death was caused by a correctional employee, youth services employee, or peace officer or, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;

(c) The death of a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the decedent was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;

(d) Grievous bodily harm, unless the injury was effected by a correctional employee, youth services employee, or peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(e) An act of severe violence against a person that results in serious physical harm to the person, unless the act and injury was effected by a correctional employee, youth services employee, or peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(f) Grievous bodily harm to a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(g) An act of severe violence resulting in serious physical harm against a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H)(1) of this

section, the consent of the injured person or the injured person's guardian has been obtained; 11328  
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(h) A person's nude body, unless, subject to division (H)(1) of this section, the person's consent has been obtained; 11330  
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(i) Protected health information, the identity of a person in a health care facility who is not the subject of a correctional, youth services, or law enforcement encounter, or any other information in a health care facility that could identify a person who is not the subject of a correctional, youth services, or law enforcement encounter; 11332  
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(j) Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence; 11338  
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(k) Information, that does not constitute a confidential law enforcement investigatory record, that could identify a person who provides sensitive or confidential information to the department of rehabilitation and correction, the department of youth services, or a law enforcement agency when the disclosure of the person's identity or the information provided could reasonably be expected to threaten or endanger the safety or property of the person or another person; 11340  
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(l) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer; 11348  
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(m) Proprietary correctional, youth services, or police contingency plans or tactics that are intended to prevent crime and maintain public order and safety; 11350  
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(n) A personal conversation unrelated to work between correctional employees, youth services employees, or peace officers or between a correctional employee, youth services employee, or peace officer and an employee of a law enforcement agency; 11353  
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(o) A conversation between a correctional employee, youth services employee, or peace officer and a member of the public that does not concern correctional, youth services, or law enforcement activities;

(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a correctional employee, youth services employee, or peace officer;

(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a correctional employee, youth services employee, or peace officer occurs in that location.

As used in division (A)(17) of this section:

"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.

"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.

"Protected health information" has the same meaning as in 45 C.F.R. 160.103.

"Law enforcement agency" means a government entity that employs peace officers to perform law enforcement duties.

"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.

"Sex offense" has the same meaning as in section 2907.10 of the Revised Code.

"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code.

(18) "Attorney work product record" means any record that

documents the independent thought processes, mental impressions, 11388  
legal theories, strategies, opinions, analysis, or reasoning of an 11389  
attorney for the state including reports, memoranda, or other 11390  
internal documents made by a prosecuting attorney, or the 11391  
prosecuting attorney's agent, in connection with the investigation 11392  
or prosecution of a case. 11393

(B)(1) Upon request by any person and subject to division 11394  
(B)(8) of this section, all public records responsive to the 11395  
request shall be promptly prepared and made available for 11396  
inspection to the requester at all reasonable times during regular 11397  
business hours. Subject to division (B)(8) of this section, upon 11398  
request by any person, a public office or person responsible for 11399  
public records shall make copies of the requested public record 11400  
available to the requester at cost and within a reasonable period 11401  
of time. If a public record contains information that is exempt 11402  
from the duty to permit public inspection or to copy the public 11403  
record, the public office or the person responsible for the public 11404  
record shall make available all of the information within the 11405  
public record that is not exempt. When making that public record 11406  
available for public inspection or copying that public record, the 11407  
public office or the person responsible for the public record 11408  
shall notify the requester of any redaction or make the redaction 11409  
plainly visible. A redaction shall be deemed a denial of a request 11410  
to inspect or copy the redacted information, except if federal or 11411  
state law authorizes or requires a public office to make the 11412  
redaction. 11413

(2) To facilitate broader access to public records, a public 11414  
office or the person responsible for public records shall organize 11415  
and maintain public records in a manner that they can be made 11416  
available for inspection or copying in accordance with division 11417  
(B) of this section. A public office also shall have available a 11418  
copy of its current records retention schedule at a location 11419

readily available to the public. If a requester makes an ambiguous 11420  
or overly broad request or has difficulty in making a request for 11421  
copies or inspection of public records under this section such 11422  
that the public office or the person responsible for the requested 11423  
public record cannot reasonably identify what public records are 11424  
being requested, the public office or the person responsible for 11425  
the requested public record may deny the request but shall provide 11426  
the requester with an opportunity to revise the request by 11427  
informing the requester of the manner in which records are 11428  
maintained by the public office and accessed in the ordinary 11429  
course of the public office's or person's duties. 11430

(3) If a request is ultimately denied, in part or in whole, 11431  
the public office or the person responsible for the requested 11432  
public record shall provide the requester with an explanation, 11433  
including legal authority, setting forth why the request was 11434  
denied. If the initial request was provided in writing, the 11435  
explanation also shall be provided to the requester in writing. 11436  
The explanation shall not preclude the public office or the person 11437  
responsible for the requested public record from relying upon 11438  
additional reasons or legal authority in defending an action 11439  
commenced under division (C) of this section. 11440

(4) Unless specifically required or authorized by state or 11441  
federal law or in accordance with division (B) of this section, no 11442  
public office or person responsible for public records may limit 11443  
or condition the availability of public records by requiring 11444  
disclosure of the requester's identity or the intended use of the 11445  
requested public record. Any requirement that the requester 11446  
disclose the requester's identity or the intended use of the 11447  
requested public record constitutes a denial of the request. 11448

(5) A public office or person responsible for public records 11449  
may ask a requester to make the request in writing, may ask for 11450  
the requester's identity, and may inquire about the intended use 11451

of the information requested, but may do so only after disclosing 11452  
to the requester that a written request is not mandatory, that the 11453  
requester may decline to reveal the requester's identity or the 11454  
intended use, and when a written request or disclosure of the 11455  
identity or intended use would benefit the requester by enhancing 11456  
the ability of the public office or person responsible for public 11457  
records to identify, locate, or deliver the public records sought 11458  
by the requester. 11459

(6) If any person requests a copy of a public record in 11460  
accordance with division (B) of this section, the public office or 11461  
person responsible for the public record may require the requester 11462  
to pay in advance the cost involved in providing the copy of the 11463  
public record in accordance with the choice made by the requester 11464  
under this division. The public office or the person responsible 11465  
for the public record shall permit the requester to choose to have 11466  
the public record duplicated upon paper, upon the same medium upon 11467  
which the public office or person responsible for the public 11468  
record keeps it, or upon any other medium upon which the public 11469  
office or person responsible for the public record determines that 11470  
it reasonably can be duplicated as an integral part of the normal 11471  
operations of the public office or person responsible for the 11472  
public record. When the requester makes a choice under this 11473  
division, the public office or person responsible for the public 11474  
record shall provide a copy of it in accordance with the choice 11475  
made by the requester. Nothing in this section requires a public 11476  
office or person responsible for the public record to allow the 11477  
requester of a copy of the public record to make the copies of the 11478  
public record. 11479

(7)(a) Upon a request made in accordance with division (B) of 11480  
this section and subject to division (B)(6) of this section, a 11481  
public office or person responsible for public records shall 11482  
transmit a copy of a public record to any person by United States 11483

mail or by any other means of delivery or transmission within a 11484  
reasonable period of time after receiving the request for the 11485  
copy. The public office or person responsible for the public 11486  
record may require the person making the request to pay in advance 11487  
the cost of postage if the copy is transmitted by United States 11488  
mail or the cost of delivery if the copy is transmitted other than 11489  
by United States mail, and to pay in advance the costs incurred 11490  
for other supplies used in the mailing, delivery, or transmission. 11491

(b) Any public office may adopt a policy and procedures that 11492  
it will follow in transmitting, within a reasonable period of time 11493  
after receiving a request, copies of public records by United 11494  
States mail or by any other means of delivery or transmission 11495  
pursuant to division (B)(7) of this section. A public office that 11496  
adopts a policy and procedures under division (B)(7) of this 11497  
section shall comply with them in performing its duties under that 11498  
division. 11499

(c) In any policy and procedures adopted under division 11500  
(B)(7) of this section: 11501

(i) A public office may limit the number of records requested 11502  
by a person that the office will physically deliver by United 11503  
States mail or by another delivery service to ten per month, 11504  
unless the person certifies to the office in writing that the 11505  
person does not intend to use or forward the requested records, or 11506  
the information contained in them, for commercial purposes; 11507

(ii) A public office that chooses to provide some or all of 11508  
its public records on a web site that is fully accessible to and 11509  
searchable by members of the public at all times, other than 11510  
during acts of God outside the public office's control or 11511  
maintenance, and that charges no fee to search, access, download, 11512  
or otherwise receive records provided on the web site, may limit 11513  
to ten per month the number of records requested by a person that 11514  
the office will deliver in a digital format, unless the requested 11515

records are not provided on the web site and unless the person 11516  
certifies to the office in writing that the person does not intend 11517  
to use or forward the requested records, or the information 11518  
contained in them, for commercial purposes. 11519

(iii) For purposes of division (B)(7) of this section, 11520  
"commercial" shall be narrowly construed and does not include 11521  
reporting or gathering news, reporting or gathering information to 11522  
assist citizen oversight or understanding of the operation or 11523  
activities of government, or nonprofit educational research. 11524

(8) A public office or person responsible for public records 11525  
is not required to permit a person who is incarcerated pursuant to 11526  
a criminal conviction or a juvenile adjudication to inspect or to 11527  
obtain a copy of any public record concerning a criminal 11528  
investigation or prosecution or concerning what would be a 11529  
criminal investigation or prosecution if the subject of the 11530  
investigation or prosecution were an adult, unless the request to 11531  
inspect or to obtain a copy of the record is for the purpose of 11532  
acquiring information that is subject to release as a public 11533  
record under this section and the judge who imposed the sentence 11534  
or made the adjudication with respect to the person, or the 11535  
judge's successor in office, finds that the information sought in 11536  
the public record is necessary to support what appears to be a 11537  
justiciable claim of the person. 11538

(9)(a) Upon written request made and signed by a journalist, 11539  
a public office, or person responsible for public records, having 11540  
custody of the records of the agency employing a specified 11541  
designated public service worker shall disclose to the journalist 11542  
the address of the actual personal residence of the designated 11543  
public service worker and, if the designated public service 11544  
worker's spouse, former spouse, or child is employed by a public 11545  
office, the name and address of the employer of the designated 11546  
public service worker's spouse, former spouse, or child. The 11547

request shall include the journalist's name and title and the name 11548  
and address of the journalist's employer and shall state that 11549  
disclosure of the information sought would be in the public 11550  
interest. 11551

(b) Division (B)(9)(a) of this section also applies to 11552  
journalist requests for: 11553

(i) Customer information maintained by a municipally owned or 11554  
operated public utility, other than social security numbers and 11555  
any private financial information such as credit reports, payment 11556  
methods, credit card numbers, and bank account information; 11557

(ii) Information about minors involved in a school vehicle 11558  
accident as provided in division (A)(1)(gg) of this section, other 11559  
than personal information as defined in section 149.45 of the 11560  
Revised Code. 11561

(c) As used in division (B)(9) of this section, "journalist" 11562  
means a person engaged in, connected with, or employed by any news 11563  
medium, including a newspaper, magazine, press association, news 11564  
agency, or wire service, a radio or television station, or a 11565  
similar medium, for the purpose of gathering, processing, 11566  
transmitting, compiling, editing, or disseminating information for 11567  
the general public. 11568

(10) Upon a request made by a victim, victim's attorney, or 11569  
victim's representative, as that term is used in section 2930.02 11570  
of the Revised Code, a public office or person responsible for 11571  
public records shall transmit a copy of a depiction of the victim 11572  
as described in division (A)(1)(ii) of this section to the victim, 11573  
victim's attorney, or victim's representative. 11574

(C)(1) If a person allegedly is aggrieved by the failure of a 11575  
public office or the person responsible for public records to 11576  
promptly prepare a public record and to make it available to the 11577  
person for inspection in accordance with division (B) of this 11578

section or by any other failure of a public office or the person 11579  
responsible for public records to comply with an obligation in 11580  
accordance with division (B) of this section, the person allegedly 11581  
aggrieved may do only one of the following, and not both: 11582

(a) File a complaint with the clerk of the court of claims or 11583  
the clerk of the court of common pleas under section 2743.75 of 11584  
the Revised Code; 11585

(b) Commence a mandamus action to obtain a judgment that 11586  
orders the public office or the person responsible for the public 11587  
record to comply with division (B) of this section, that awards 11588  
court costs and reasonable attorney's fees to the person that 11589  
instituted the mandamus action, and, if applicable, that includes 11590  
an order fixing statutory damages under division (C)(2) of this 11591  
section. The mandamus action may be commenced in the court of 11592  
common pleas of the county in which division (B) of this section 11593  
allegedly was not complied with, in the supreme court pursuant to 11594  
its original jurisdiction under Section 2 of Article IV, Ohio 11595  
Constitution, or in the court of appeals for the appellate 11596  
district in which division (B) of this section allegedly was not 11597  
complied with pursuant to its original jurisdiction under Section 11598  
3 of Article IV, Ohio Constitution. 11599

(2) If a requester transmits a written request by hand 11600  
delivery, electronic submission, or certified mail to inspect or 11601  
receive copies of any public record in a manner that fairly 11602  
describes the public record or class of public records to the 11603  
public office or person responsible for the requested public 11604  
records, except as otherwise provided in this section, the 11605  
requester shall be entitled to recover the amount of statutory 11606  
damages set forth in this division if a court determines that the 11607  
public office or the person responsible for public records failed 11608  
to comply with an obligation in accordance with division (B) of 11609  
this section. 11610

The amount of statutory damages shall be fixed at one hundred 11611  
dollars for each business day during which the public office or 11612  
person responsible for the requested public records failed to 11613  
comply with an obligation in accordance with division (B) of this 11614  
section, beginning with the day on which the requester files a 11615  
mandamus action to recover statutory damages, up to a maximum of 11616  
one thousand dollars. The award of statutory damages shall not be 11617  
construed as a penalty, but as compensation for injury arising 11618  
from lost use of the requested information. The existence of this 11619  
injury shall be conclusively presumed. The award of statutory 11620  
damages shall be in addition to all other remedies authorized by 11621  
this section. 11622

The court may reduce an award of statutory damages or not 11623  
award statutory damages if the court determines both of the 11624  
following: 11625

(a) That, based on the ordinary application of statutory law 11626  
and case law as it existed at the time of the conduct or 11627  
threatened conduct of the public office or person responsible for 11628  
the requested public records that allegedly constitutes a failure 11629  
to comply with an obligation in accordance with division (B) of 11630  
this section and that was the basis of the mandamus action, a 11631  
well-informed public office or person responsible for the 11632  
requested public records reasonably would believe that the conduct 11633  
or threatened conduct of the public office or person responsible 11634  
for the requested public records did not constitute a failure to 11635  
comply with an obligation in accordance with division (B) of this 11636  
section; 11637

(b) That a well-informed public office or person responsible 11638  
for the requested public records reasonably would believe that the 11639  
conduct or threatened conduct of the public office or person 11640  
responsible for the requested public records would serve the 11641  
public policy that underlies the authority that is asserted as 11642

permitting that conduct or threatened conduct. 11643

(3) In a mandamus action filed under division (C)(1) of this 11644  
section, the following apply: 11645

(a)(i) If the court orders the public office or the person 11646  
responsible for the public record to comply with division (B) of 11647  
this section, the court shall determine and award to the relator 11648  
all court costs, which shall be construed as remedial and not 11649  
punitive. 11650

(ii) If the court makes a determination described in division 11651  
(C)(3)(b)(iii) of this section, the court shall determine and 11652  
award to the relator all court costs, which shall be construed as 11653  
remedial and not punitive. 11654

(b) If the court renders a judgment that orders the public 11655  
office or the person responsible for the public record to comply 11656  
with division (B) of this section or if the court determines any 11657  
of the following, the court may award reasonable attorney's fees 11658  
to the relator, subject to division (C)(4) of this section: 11659

(i) The public office or the person responsible for the 11660  
public records failed to respond affirmatively or negatively to 11661  
the public records request in accordance with the time allowed 11662  
under division (B) of this section. 11663

(ii) The public office or the person responsible for the 11664  
public records promised to permit the relator to inspect or 11665  
receive copies of the public records requested within a specified 11666  
period of time but failed to fulfill that promise within that 11667  
specified period of time. 11668

(iii) The public office or the person responsible for the 11669  
public records acted in bad faith when the office or person 11670  
voluntarily made the public records available to the relator for 11671  
the first time after the relator commenced the mandamus action, 11672  
but before the court issued any order concluding whether or not 11673

the public office or person was required to comply with division 11674  
(B) of this section. No discovery may be conducted on the issue of 11675  
the alleged bad faith of the public office or person responsible 11676  
for the public records. This division shall not be construed as 11677  
creating a presumption that the public office or the person 11678  
responsible for the public records acted in bad faith when the 11679  
office or person voluntarily made the public records available to 11680  
the relator for the first time after the relator commenced the 11681  
mandamus action, but before the court issued any order described 11682  
in this division. 11683

(c) The court shall not award attorney's fees to the relator 11684  
if the court determines both of the following: 11685

(i) That, based on the ordinary application of statutory law 11686  
and case law as it existed at the time of the conduct or 11687  
threatened conduct of the public office or person responsible for 11688  
the requested public records that allegedly constitutes a failure 11689  
to comply with an obligation in accordance with division (B) of 11690  
this section and that was the basis of the mandamus action, a 11691  
well-informed public office or person responsible for the 11692  
requested public records reasonably would believe that the conduct 11693  
or threatened conduct of the public office or person responsible 11694  
for the requested public records did not constitute a failure to 11695  
comply with an obligation in accordance with division (B) of this 11696  
section; 11697

(ii) That a well-informed public office or person responsible 11698  
for the requested public records reasonably would believe that the 11699  
conduct or threatened conduct of the public office or person 11700  
responsible for the requested public records would serve the 11701  
public policy that underlies the authority that is asserted as 11702  
permitting that conduct or threatened conduct. 11703

(4) All of the following apply to any award of reasonable 11704  
attorney's fees awarded under division (C)(3)(b) of this section: 11705

(a) The fees shall be construed as remedial and not punitive.	11706
(b) The fees awarded shall not exceed the total of the	11707
reasonable attorney's fees incurred before the public record was	11708
made available to the relator and the fees described in division	11709
(C)(4)(c) of this section.	11710
(c) Reasonable attorney's fees shall include reasonable fees	11711
incurred to produce proof of the reasonableness and amount of the	11712
fees and to otherwise litigate entitlement to the fees.	11713
(d) The court may reduce the amount of fees awarded if the	11714
court determines that, given the factual circumstances involved	11715
with the specific public records request, an alternative means	11716
should have been pursued to more effectively and efficiently	11717
resolve the dispute that was subject to the mandamus action filed	11718
under division (C)(1) of this section.	11719
(5) If the court does not issue a writ of mandamus under	11720
division (C) of this section and the court determines at that time	11721
that the bringing of the mandamus action was frivolous conduct as	11722
defined in division (A) of section 2323.51 of the Revised Code,	11723
the court may award to the public office all court costs,	11724
expenses, and reasonable attorney's fees, as determined by the	11725
court.	11726
(D) Chapter 1347. of the Revised Code does not limit the	11727
provisions of this section.	11728
(E)(1) To ensure that all employees of public offices are	11729
appropriately educated about a public office's obligations under	11730
division (B) of this section, all elected officials or their	11731
appropriate designees shall attend training approved by the	11732
attorney general as provided in section 109.43 of the Revised	11733
Code. A future official may satisfy the requirements of this	11734
division by attending the training before taking office, provided	11735
that the future official may not send a designee in the future	11736

official's place. 11737

(2) All public offices shall adopt a public records policy in 11738  
compliance with this section for responding to public records 11739  
requests. In adopting a public records policy under this division, 11740  
a public office may obtain guidance from the model public records 11741  
policy developed and provided to the public office by the attorney 11742  
general under section 109.43 of the Revised Code. Except as 11743  
otherwise provided in this section, the policy may not limit the 11744  
number of public records that the public office will make 11745  
available to a single person, may not limit the number of public 11746  
records that it will make available during a fixed period of time, 11747  
and may not establish a fixed period of time before it will 11748  
respond to a request for inspection or copying of public records, 11749  
unless that period is less than eight hours. 11750

The public office shall distribute the public records policy 11751  
adopted by the public office under this division to the employee 11752  
of the public office who is the records custodian or records 11753  
manager or otherwise has custody of the records of that office. 11754  
The public office shall require that employee to acknowledge 11755  
receipt of the copy of the public records policy. The public 11756  
office shall create a poster that describes its public records 11757  
policy and shall post the poster in a conspicuous place in the 11758  
public office and in all locations where the public office has 11759  
branch offices. The public office may post its public records 11760  
policy on the internet web site of the public office if the public 11761  
office maintains an internet web site. A public office that has 11762  
established a manual or handbook of its general policies and 11763  
procedures for all employees of the public office shall include 11764  
the public records policy of the public office in the manual or 11765  
handbook. 11766

(F)(1) The bureau of motor vehicles may adopt rules pursuant 11767  
to Chapter 119. of the Revised Code to reasonably limit the number 11768

of bulk commercial special extraction requests made by a person 11769  
for the same records or for updated records during a calendar 11770  
year. The rules may include provisions for charges to be made for 11771  
bulk commercial special extraction requests for the actual cost of 11772  
the bureau, plus special extraction costs, plus ten per cent. The 11773  
bureau may charge for expenses for redacting information, the 11774  
release of which is prohibited by law. 11775

(2) As used in division (F)(1) of this section: 11776

(a) "Actual cost" means the cost of depleted supplies, 11777  
records storage media costs, actual mailing and alternative 11778  
delivery costs, or other transmitting costs, and any direct 11779  
equipment operating and maintenance costs, including actual costs 11780  
paid to private contractors for copying services. 11781

(b) "Bulk commercial special extraction request" means a 11782  
request for copies of a record for information in a format other 11783  
than the format already available, or information that cannot be 11784  
extracted without examination of all items in a records series, 11785  
class of records, or database by a person who intends to use or 11786  
forward the copies for surveys, marketing, solicitation, or resale 11787  
for commercial purposes. "Bulk commercial special extraction 11788  
request" does not include a request by a person who gives 11789  
assurance to the bureau that the person making the request does 11790  
not intend to use or forward the requested copies for surveys, 11791  
marketing, solicitation, or resale for commercial purposes. 11792

(c) "Commercial" means profit-seeking production, buying, or 11793  
selling of any good, service, or other product. 11794

(d) "Special extraction costs" means the cost of the time 11795  
spent by the lowest paid employee competent to perform the task, 11796  
the actual amount paid to outside private contractors employed by 11797  
the bureau, or the actual cost incurred to create computer 11798  
programs to make the special extraction. "Special extraction 11799

costs" include any charges paid to a public agency for computer or records services.

(3) For purposes of divisions (F)(1) and (2) of this section, "surveys, marketing, solicitation, or resale for commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

(G) A request by a defendant, counsel of a defendant, or any agent of a defendant in a criminal action that public records related to that action be made available under this section shall be considered a demand for discovery pursuant to the Criminal Rules, except to the extent that the Criminal Rules plainly indicate a contrary intent. The defendant, counsel of the defendant, or agent of the defendant making a request under this division shall serve a copy of the request on the prosecuting attorney, director of law, or other chief legal officer responsible for prosecuting the action.

(H)(1) Any portion of a body-worn camera or dashboard camera recording described in divisions (A)(17)(b) to (h) of this section may be released by consent of the subject of the recording or a representative of that person, as specified in those divisions, only if either of the following applies:

(a) The recording will not be used in connection with any probable or pending criminal proceedings;

(b) The recording has been used in connection with a criminal proceeding that was dismissed or for which a judgment has been entered pursuant to Rule 32 of the Rules of Criminal Procedure, and will not be used again in connection with any probable or pending criminal proceedings.

(2) If a public office denies a request to release a

restricted portion of a body-worn camera or dashboard camera 11831  
recording, as defined in division (A)(17) of this section, any 11832  
person may file a mandamus action pursuant to this section or a 11833  
complaint with the clerk of the court of claims pursuant to 11834  
section 2743.75 of the Revised Code, requesting the court to order 11835  
the release of all or portions of the recording. If the court 11836  
considering the request determines that the filing articulates by 11837  
clear and convincing evidence that the public interest in the 11838  
recording substantially outweighs privacy interests and other 11839  
interests asserted to deny release, the court shall order the 11840  
public office to release the recording. 11841

**Sec. 153.12.** (A) With respect to award of any contract for 11842  
the construction, reconstruction, improvement, enlargement, 11843  
alteration, repair, painting, or decoration of a public 11844  
improvement made by the state, or any county, township, municipal 11845  
corporation, school district, or other political subdivision, or 11846  
any public board, commission, authority, instrumentality, or 11847  
special purpose district of or in the state or a political 11848  
subdivision or that is authorized by state law, the award, and 11849  
execution of the contract, shall be made within sixty days after 11850  
the date on which the bids are opened. The failure to award and 11851  
execute the contract within sixty days invalidates the entire bid 11852  
proceedings and all bids submitted, unless the time for awarding 11853  
and executing the contract is extended by mutual consent of the 11854  
owner or its representatives and the bidder whose bid the owner 11855  
accepts and with respect to whom the owner subsequently awards and 11856  
executes a contract. The public owners referred to in this section 11857  
shall include, in the plans and specifications for the project for 11858  
which bids are solicited, the estimate of cost. The bid for which 11859  
the award is to be made shall be opened at the time and place 11860  
named in the advertisement for bids, unless extended by the owner 11861  
or its representative or unless, within seventy-two hours prior to 11862

the published time for the opening of bids, excluding Saturdays, 11863  
Sundays, and legal holidays, any modification of the plans or 11864  
specifications and estimates of cost for the project for which 11865  
bids are solicited is issued and mailed or otherwise furnished to 11866  
persons who have obtained plans or specifications for the project, 11867  
for which the time for opening of bids shall be extended one week, 11868  
with no further advertising of bids required. The contractor, upon 11869  
request, is entitled to a notice to proceed with the work by the 11870  
owner or its representative upon execution of the contract. No 11871  
contract to which this section applies shall be entered into if 11872  
the price of the contract, or, if the project involves multiple 11873  
contracts where the total price of all contracts for the project, 11874  
is in excess of ~~ten~~ twenty per cent above the entire estimate 11875  
thereof, nor shall the entire cost of the construction, 11876  
reconstruction, repair, painting, decorating, improvement, 11877  
alteration, addition, or installation, including changes and 11878  
estimates of expenses for architects or engineers, exceed in the 11879  
aggregate the amount authorized by law. 11880

The unit or lump sum price stated in the contract shall be 11881  
used in determining the amount to be paid and shall constitute 11882  
full and final compensation for all the work. 11883

Partial payment to the contractor for work performed under 11884  
the lump sum price shall be based on a schedule prepared by the 11885  
contractor and approved by the architect or engineer who shall 11886  
apportion the lump sum price to the major components entering into 11887  
or forming a part of the work under the lump sum price. 11888

Partial payments to the contractor for labor performed under 11889  
either a unit or lump sum price contract shall be made at the rate 11890  
of ninety-two per cent of the estimates prepared by the contractor 11891  
and approved by the architect or engineer. All labor performed 11892  
after the job is fifty per cent completed shall be paid for at the 11893  
rate of one hundred per cent of the estimates submitted by the 11894

contractor and approved by the architect or engineer. 11895

The amounts and time of payments of any public improvements 11896  
contract made by the state or any county, township, municipal 11897  
corporation, school district, or other political subdivision, or 11898  
any public board, commission, authority, instrumentality, or 11899  
special purpose district of or in the state or a political 11900  
subdivision or that is authorized by state law, except as provided 11901  
in section 5525.19 of the Revised Code, shall be governed by this 11902  
section and sections 153.13 and 153.14 of the Revised Code. If the 11903  
time for awarding the contract is extended by mutual consent, or 11904  
if the owner or its representative fails to issue a timely notice 11905  
to proceed as required by this section, the owner or its 11906  
representative shall issue a change order authorizing delay costs 11907  
to the contractor, which does not invalidate the contract. The 11908  
amount of such a change order to the owner shall be determined in 11909  
accordance with the provisions of the contract for change orders 11910  
or force accounts or, if no such provision is set forth in the 11911  
contract, the cost to the owner shall be the contractor's actual 11912  
costs including wages, labor costs other than wages, wage taxes, 11913  
materials, equipment costs and rentals, insurance, and 11914  
subcontracts attributable to the delay, plus a reasonable sum for 11915  
overhead. In the event of a dispute between the owner and the 11916  
contractor concerning such change order, procedures shall be 11917  
commenced under the applicable terms of the contract, or, if the 11918  
contract contains no provision for resolving the dispute, it shall 11919  
be resolved pursuant to the procedures for arbitration in Chapter 11920  
2711. of the Revised Code, except as provided in division (B) of 11921  
this section. Nothing in this division shall be construed as a 11922  
limitation upon the authority of the director of transportation 11923  
granted in Chapter 5525. of the Revised Code. 11924

(B) If a dispute arises between the state and a contractor 11925  
concerning the terms of a public improvement contract let by the 11926

state or concerning a breach of the contract, and after 11927  
administrative remedies provided for in such contract and any 11928  
alternative dispute resolution procedures provided in accordance 11929  
with guidelines established by the executive director of the Ohio 11930  
facilities construction commission are exhausted, the contractor 11931  
may bring an action to the court of claims in accordance with 11932  
Chapter 2743. of the Revised Code. The state or the contractor may 11933  
request the chief justice of the supreme court to appoint a 11934  
referee or panel of referees in accordance with division (C)(3) of 11935  
section 2743.03 of the Revised Code. As used in this division, 11936  
"dispute" means a disagreement between the state and the 11937  
contractor concerning a public improvement contract let by the 11938  
state. 11939

(C) No public entity subject to competitive bidding 11940  
requirements under any section of the Revised Code shall subdivide 11941  
a purchase, lease, project, or other expenditure into component 11942  
parts, separate projects, or separate items of work in order to 11943  
avoid the applicable competitive bidding requirements. 11944

**Sec. 153.17.** (A) When in the opinion of the owner referred to 11945  
in section 153.01 of the Revised Code, the work under any contract 11946  
made under any law of the state is neglected by the contractor or 11947  
such work is not prosecuted with the diligence and force specified 11948  
or intended in the contract, such owner may make requisition upon 11949  
the contractor for such additional specific force or materials to 11950  
be brought into the work under such contract or to remove improper 11951  
materials from the grounds as in their judgment the contract and 11952  
its faithful fulfillment requires. 11953

Not less than five days' notice in writing of such action 11954  
shall be served upon the contractor or the contractor's agent in 11955  
charge of the work. If the contractor fails to comply with such 11956  
requisition within fifteen days, such owner with the written 11957

consent of the Ohio facilities construction commission, may employ 11958  
upon the work the additional force, or supply the special 11959  
materials or such part of either as is considered proper, and may 11960  
remove improper materials from the grounds. 11961

(B) When the original contractor has defaulted on a contract 11962  
and the surety has declined to take over the project, the owner 11963  
may contract with one or more takeover contractors to complete 11964  
work that was not finished because of the default of the original 11965  
contractor. The owner may enter into a contract with a takeover 11966  
contractor without competitive bidding or controlling board 11967  
approval. ~~Upon execution of a takeover contract, the owner shall~~ 11968  
~~notify the director of budget and management.~~ 11969

When the owner has taken over a project after a default has 11970  
occurred, any moneys that the owner receives from the surety as a 11971  
settlement for completion of the project shall be deposited in the 11972  
original fund from which the capital appropriation for the project 11973  
was made. The executive director, without controlling board 11974  
approval, may authorize specified additional uses for the moneys 11975  
related to completion of the project and may increase the 11976  
appropriation authority in the appropriation line item used to 11977  
fund the project by an amount equal to the moneys received from 11978  
the surety. 11979

**Sec. 153.54.** (A) Except with respect to a contract described 11980  
in section 9.334 or 153.693 of the Revised Code, each person 11981  
bidding for a contract with the state or any political 11982  
subdivision, district, institution, or other agency thereof, 11983  
excluding therefrom the department of transportation, for any 11984  
public improvement shall file with the bid, a bid guaranty in the 11985  
form of either: 11986

(1) A bond in accordance with division (B) of this section 11987  
for the full amount of the bid; 11988

(2) A certified check, cashier's check, or letter of credit 11989  
pursuant to Chapter 1305. of the Revised Code, in accordance with 11990  
division (C) of this section. Any such letter of credit is 11991  
revocable only at the option of the beneficiary state, political 11992  
subdivision, district, institution, or agency. The amount of the 11993  
certified check, cashier's check, or letter of credit shall be 11994  
equal to ten per cent of the bid. 11995

(B) A bid guaranty filed pursuant to division (A)(1) of this 11996  
section shall be conditioned to: 11997

(1) Provide that, if the bid is accepted, the bidder, after 11998  
the awarding or the recommendation for the award of the contract, 11999  
whichever the contracting authority designates, will enter into a 12000  
proper contract in accordance with the bid, plans, details, and 12001  
specifications. If for any reason, other than as authorized by 12002  
section 9.31 of the Revised Code or division (G) of this section, 12003  
the bidder fails to enter into the contract, and the contracting 12004  
authority awards the contract to the next lowest bidder, the 12005  
bidder and the surety on the bidder's bond are liable to the 12006  
state, political subdivision, district, institution, or agency for 12007  
the difference between the bid and that of the next lowest bidder, 12008  
or for a penal sum not to exceed ten per cent of the amount of the 12009  
bond, whichever is less. If the state, political subdivision, 12010  
district, institution, or agency does not award the contract to 12011  
the next lowest bidder but resubmits the project for bidding, the 12012  
bidder failing to enter into the contract and the surety on the 12013  
bidder's bond, except as provided in division (G) of this section, 12014  
are liable to the state, political subdivision, district, 12015  
institution, or agency for a penal sum not to exceed ten per cent 12016  
of the amount of the bid or the costs in connection with the 12017  
resubmission of printing new contract documents, required 12018  
advertising, and printing and mailing notices to prospective 12019  
bidders, whichever is less. 12020

(2) Indemnify the state, political subdivision, district, institution, or agency against all damage suffered by failure to perform the contract according to its provisions and in accordance with the plans, details, and specifications therefor and to pay all lawful claims of subcontractors, material suppliers, and laborers for labor performed or material furnished in carrying forward, performing, or completing the contract; and agree and assent that this undertaking is for the benefit of any subcontractor, material supplier, or laborer having a just claim, as well as for the state, political subdivision, district, institution, or agency.

(C)(1) A bid guaranty filed pursuant to division (A)(2) of this section shall be conditioned to provide that if the bid is accepted, the bidder, after the awarding or the recommendation for the award of the contract, whichever the contracting authority designates, will enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material. If for any reason, other than as authorized by section 9.31 of the Revised Code or division (G) of this section, the bidder fails to enter into the contract, and the contracting authority awards the contract to the next lowest bidder, the bidder is liable to the state, political subdivision, district, institution, or agency for the difference between the bidder's bid and that of the next lowest bidder, or for a penal sum not to exceed ten per cent of the amount of the bid, whichever is less. If the state, political subdivision, district, institution, or agency does not award the contract to the next lowest bidder but resubmits the project for bidding, the bidder failing to enter into the contract, except as provided in division (G) of this section, is liable to the state, political subdivision, district, institution, or agency for a penal sum not to exceed ten per cent of the amount of the bid or the costs in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing

notices to prospective bidders, whichever is less. 12054

If the bidder enters into the contract, the bidder, at the 12055  
time the contract is entered to, shall file a bond for the amount 12056  
of the contract to indemnify the state, political subdivision, 12057  
district, institution, or agency against all damage suffered by 12058  
failure to perform the contract according to its provisions and in 12059  
accordance with the plans, details, and specifications and to pay 12060  
all lawful claims of subcontractors, material suppliers, and 12061  
laborers for labor performed or material furnished in carrying 12062  
forward, performing, or completing the contract; and agree and 12063  
assent that this undertaking is for the benefit of any 12064  
subcontractor, material supplier, or laborer having a just claim, 12065  
as well as for the state, political subdivision, district, 12066  
institution, or agency. 12067

(2) A construction manager who enters into a contract 12068  
pursuant to sections 9.33 to 9.333 of the Revised Code, if 12069  
required by the public authority at the time the construction 12070  
manager enters into the contract, shall file a letter of credit 12071  
pursuant to Chapter 1305. of the Revised Code, bond, certified 12072  
check, or cashier's check, for the value of the construction 12073  
management contract to indemnify the state, political subdivision, 12074  
district, institution, or agency against all damage suffered by 12075  
the construction manager's failure to perform the contract 12076  
according to its provisions, and shall agree and assent that this 12077  
undertaking is for the benefit of the state, political 12078  
subdivision, district, institution, or agency. A letter of credit 12079  
provided by the construction manager is revocable only at the 12080  
option of the beneficiary state, political subdivision, district, 12081  
institution, or agency. 12082

(D) Where the state, political subdivision, district, 12083  
institution, or agency accepts a bid but the bidder fails or 12084  
refuses to enter into a proper contract in accordance with the 12085

bid, plans, details, and specifications within ten days after the 12086  
awarding of the contract, the bidder and the surety on any bond, 12087  
except as provided in division (G) of this section, are liable for 12088  
the amount of the difference between the bidder's bid and that of 12089  
the next lowest bidder, but not in excess of the liability 12090  
specified in division (B)(1) or (C) of this section. Where the 12091  
state, political subdivision, district, institution, or agency 12092  
then awards the bid to such next lowest bidder and such next 12093  
lowest bidder also fails or refuses to enter into a proper 12094  
contract in accordance with the bid, plans, details, and 12095  
specifications within ten days after the awarding of the contract, 12096  
the liability of such next lowest bidder, except as provided in 12097  
division (G) of this section, is the amount of the difference 12098  
between the bids of such next lowest bidder and the third lowest 12099  
bidder, but not in excess of the liability specified in division 12100  
(B)(1) or (C) of this section. Liability on account of an award to 12101  
any lowest bidder beyond the third lowest bidder shall be 12102  
determined in like manner. 12103

(E) Notwithstanding division (C) of this section, where the 12104  
state, political subdivision, district, institution, or agency 12105  
resubmits the project for bidding, each bidder whose bid was 12106  
accepted but who failed or refused to enter into a proper 12107  
contract, except as provided in division (G) of this section, is 12108  
liable for an equal share of a penal sum in connection with the 12109  
resubmission, of printing new contract documents, required 12110  
advertising, and printing and mailing notices to prospective 12111  
bidders, but no bidder's liability shall exceed the amount of the 12112  
bidder's bid guaranty. 12113

(F) All bid guaranties filed pursuant to this section shall 12114  
be payable to the state, political subdivision, district, 12115  
institution, or agency, be for the benefit of the state, political 12116  
subdivision, district, institution, or agency or any person having 12117

a right of action thereon, and be deposited with, and held by, the board, officer, or agent contracting on behalf of the state, political subdivision, district, institution, or agency. All bonds filed pursuant to this section shall be issued by a surety company authorized to do business in this state as surety approved by the board, officer, or agent awarding the contract on behalf of the state, political subdivision, district, institution, or agency.

(G) A bidder for a contract with the state or any political subdivision, district, institution, or other agency thereof, excluding therefrom the Ohio department of transportation, for a public improvement costing less than one-half million dollars may withdraw the bid from consideration if the bidder's bid for some other contract with the state or any political subdivision, district, institution, or other agency thereof, excluding therefrom the department of transportation, for the public improvement costing less than one-half million dollars has already been accepted, if the bidder certifies in good faith that the total amount of all the bidder's current contracts is less than one-half million dollars, and if the surety certifies in good faith that the bidder is unable to perform the subsequent contract because to do so would exceed the bidder's bonding capacity. If a bid is withdrawn under authority of this division, the contracting authority may award the contract to the next lowest bidder or reject all bids and resubmit the project for bidding, and neither the bidder nor the surety on the bidder's bond are liable for the difference between the bidder's bid and that of the next lowest bidder, for a penal sum, or for the costs of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders.

(H) Bid guaranties filed pursuant to division (A) of this section shall be returned to all unsuccessful bidders immediately after the contract is executed. The bid guaranty filed pursuant to

division (A)(2) of this section shall be returned to the 12150  
successful bidder upon filing of the bond required in division (C) 12151  
of this section. 12152

~~(I) For the purposes of this section, "next lowest bidder"~~ 12153  
~~means, in the case of a political subdivision that has adopted the~~ 12154  
~~model Ohio and United States preference requirements promulgated~~ 12155  
~~pursuant to division (E) of section 125.11 of the Revised Code,~~ 12156  
~~the next lowest bidder that qualifies under those preference~~ 12157  
~~requirements.~~ 12158

~~(J)~~ For the purposes of this section and sections 153.56, 12159  
153.57, and 153.571 of the Revised Code, "public improvement," 12160  
"subcontractor," "material supplier," "laborer," and "materials" 12161  
have the same meanings as in section 1311.25 of the Revised Code. 12162

**Sec. 173.03.** (A) There is hereby created the Ohio advisory 12163  
council for the aging, which shall consist of twelve members to be 12164  
appointed by the governor with the advice and consent of the 12165  
senate. Two ex officio members of the council shall be members of 12166  
the house of representatives appointed by the speaker of the house 12167  
of representatives and shall be members of two different political 12168  
parties. Two ex officio members of the council shall be members of 12169  
the senate appointed by the president of the senate and shall be 12170  
members of two different political parties. The medicaid director 12171  
and directors of mental health and addiction services, 12172  
developmental disabilities, health, and job and family services, 12173  
or their designees, shall serve as ex officio members of the 12174  
council. ~~The purpose of the council shall carry out its role as~~ 12175  
~~defined under~~ is to advise the department of aging on the 12176  
objectives of the "Older Americans Act of 1965," 79 Stat. 219, 42 12177  
U.S.C. 3001, as amended and as directed by the governor. 12178

~~At the first meeting of the council, and annually thereafter~~ 12179  
Annually, the members shall select one of their members to serve 12180

as chairperson and one of their members to serve as 12181  
vice-chairperson. 12182

(B) Members of the council appointed by the governor shall be 12183  
appointed for a term of three years, ~~except that for the first~~ 12184  
~~appointment members of the Ohio commission on aging who were~~ 12185  
~~serving on the commission immediately prior to July 26, 1984,~~ 12186  
~~shall become members of the council for the remainder of their~~ 12187  
~~unexpired terms. Thereafter, appointment to the council shall be~~ 12188  
~~for a three year term by the governor.~~ Each member shall hold 12189  
office from the date of appointment until the end of the term for 12190  
which the member was appointed. Any member appointed to fill a 12191  
vacancy occurring prior to the expiration of the term for which 12192  
the member's predecessor was appointed shall hold office for the 12193  
remainder of the term. No member shall continue in office 12194  
subsequent to the expiration date of the member's term unless 12195  
reappointed under the provisions of this section, and no member 12196  
shall serve more than three consecutive terms on the council. 12197

(C) Membership of the council shall represent all areas of 12198  
Ohio and shall be as follows: 12199

(1) A majority of members of the council shall have attained 12200  
the age of fifty and have a knowledge of and continuing interest 12201  
in the affairs and welfare of the older citizens of Ohio. The 12202  
fields of business, labor, health, law, and human services shall 12203  
be represented in the membership. 12204

(2) No more than seven members shall be of the same political 12205  
party. 12206

(D) Any member of the council may be removed from office by 12207  
the governor for neglect of duty, misconduct, or malfeasance in 12208  
office after being informed in writing of the charges and afforded 12209  
an opportunity for a hearing. Two consecutive unexcused absences 12210  
from regularly scheduled meetings constitute neglect of duty. 12211

(E) The director of aging may reimburse a member for actual 12212  
and necessary traveling and other expenses incurred in the 12213  
discharge of official duties. But reimbursement shall be made in 12214  
the manner and at rates that do not exceed those prescribed by the 12215  
director of budget and management for any officer, member, or 12216  
employee of, or consultant to, any state agency. 12217

(F) Council members are not limited as to the number of terms 12218  
they may serve. 12219

(G)(1) The department of aging may award grants to or enter 12220  
into contracts with a member of the advisory council or an entity 12221  
that the member represents if any of the following apply: 12222

(a) The department determines that the member or the entity 12223  
the member represents is capable of providing the goods or 12224  
services specified under the terms of the grant or contract. 12225

(b) The member has not taken part in any discussion or vote 12226  
of the council related to whether the council should recommend 12227  
that the department of aging award the grant to or enter into the 12228  
contract with the member of the advisory council or the entity 12229  
that the member represents. 12230

(2) A member of the advisory council is not in violation of 12231  
Chapter 102. or section 2921.42 of the Revised Code with regard to 12232  
receiving a grant or entering into a contract under this section 12233  
if the conditions of division (G)(1)(a) and (b) of this section 12234  
have been met. 12235

**Sec. 173.06.** (A) The director of aging shall establish a 12236  
golden buckeye card program and provide a golden buckeye card to 12237  
any resident of this state who applies to the director for a card 12238  
and is sixty years of age or older or is a person with a 12239  
disability and is eighteen years of age or older. The A golden 12240  
buckeye card may be physical or electronic and may be an 12241

individual card or an endorsement on a card for one or more other 12242  
programs. 12243

The director shall devise programs to provide benefits of any 12244  
kind to card holders, and encourage support and participation in 12245  
them by all persons, including governmental organizations. Card 12246  
holders ~~shall be~~ are entitled to any benefits granted to them by 12247  
private persons or organizations, the laws of this state, or 12248  
ordinances or resolutions of political subdivisions. This section 12249  
does not require any person or organization to provide benefits to 12250  
any card holder. The department of aging shall bear all costs of 12251  
the program. 12252

(B) Before issuing a golden buckeye card to any person, the 12253  
director shall establish the identity of any person who applies 12254  
for a card and shall ascertain that such person is sixty years of 12255  
age or older or is a person with a disability and is eighteen 12256  
years of age or older. The director shall adopt rules under 12257  
Chapter 119. of the Revised Code to prevent the issuance of cards 12258  
to persons not qualified to have them. Cards shall contain ~~the~~ 12259  
~~signature of the card holder and any other~~ information the 12260  
director considers necessary to carry out the purposes of the 12261  
golden buckeye card program under this section. Any card that the 12262  
director issues shall be held in perpetuity by the original card 12263  
holder and shall not be transferable to any other person. A person 12264  
who loses the person's card may obtain another card from the 12265  
director ~~upon~~ on providing the same information to the director as 12266  
was required for the issuance of the original card. 12267

(C) No person shall use a golden buckeye card except to 12268  
obtain a benefit for the holder of the card to which the holder is 12269  
entitled under the conditions of the offer. 12270

(D) As used in this section, "person with a disability" means 12271  
a person who has some impairment of body or mind and has been 12272  
certified as permanently and totally disabled by an agency of this 12273

state or the United States having the function of so classifying 12274  
persons. 12275

**Sec. 173.21.** (A) The office of the state long-term care 12276  
ombudsman program, through the state long-term care ombudsman and 12277  
the regional long-term care ombudsman programs, shall require each 12278  
representative of the office to complete a training and 12279  
certification ~~program~~ in accordance with this section and to meet 12280  
~~the~~ any continuing education requirements that may be established 12281  
under in rules adopted under division (B) of this section. 12282

(B) The department of aging shall adopt rules in accordance 12283  
with Chapter 119. of the Revised Code specifying the content of 12284  
training ~~programs~~ for representatives of the office of the state 12285  
long-term care ombudsman program. Training for representatives 12286  
other than those who are volunteers providing services through 12287  
regional long-term care ombudsman programs shall include 12288  
instruction regarding federal, state, and local laws, rules, and 12289  
policies on long-term care facilities and community-based 12290  
long-term care services; investigative techniques; and other 12291  
topics considered relevant by the department ~~and shall consist.~~ 12292  
All of the following apply to training for representatives other 12293  
than volunteers: 12294

(1) A Representatives shall complete a minimum of ~~forty clock~~ 12295  
~~thirty-six~~ hours of basic instruction, which shall be completed 12296  
before the trainee is permitted to handle complaints without the 12297  
supervision of a representative of the office certified under this 12298  
section; 12299

(2) ~~An additional sixty clock~~ Additional hours of 12300  
instruction, ~~which shall be completed within the first fifteen~~ 12301  
~~months of employment~~ may include an internship, in-service 12302  
training, and continuing education requirements as may be required 12303  
in rules adopted under division (B) of this section; 12304

~~(3) An internship of twenty clock hours, which shall be completed within the first twenty four months of employment, including instruction in, and observation of, basic nursing care and long term care provider operations and procedures. The internship shall be performed at a site that has been approved as an internship site by the state long term care ombudsman.~~

~~(4) One of the following, which shall be completed within the first twenty four months of employment:~~

~~(a) Observation of a survey conducted by the director of health to certify a nursing facility to participate in the medicaid program;~~

~~(b) Observation of an inspection conducted by the director of mental health and addiction services to license a residential facility under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults.~~

~~(5) Any Representatives may be required to complete any other training considered appropriate by the department.~~

~~(C) Any person who for a period of at least six months prior to June 11, 1990, served as an ombudsman through the long term care ombudsman program established by the department of aging under section 173.01 of the Revised Code shall not be required to complete a training program. Such a person and persons who complete a training program shall take an examination administered by the department of aging. On attainment of a passing score, the person shall be certified by the department as a representative of the office. The department shall issue the person an identification card, which the representative shall show at the request of any person with whom the representative deals while performing the representative's duties and which shall be surrendered at the time the representative separates from the~~

~~office.~~ 12336

~~(D)~~ The state ombudsman and each regional program shall 12337  
~~conduct training programs for~~ train volunteers on their respective 12338  
staffs in accordance with the rules ~~of the department of aging~~ 12339  
adopted under division (B) of this section. ~~Training programs~~ 12340  
Volunteers may be ~~conducted that train volunteers~~ trained to 12341  
complete some, but not all, of the duties of a representative of 12342  
the office. Each regional office shall bear the cost of training 12343  
its representatives who are volunteers. On completion of a 12344  
training ~~program~~, the representative shall take an examination 12345  
administered by the department of aging. On attainment of a 12346  
passing score, a volunteer shall be certified by the department as 12347  
a representative authorized to perform services specified in the 12348  
certification. The department shall issue an identification card, 12349  
which the representative shall show at the request of any person 12350  
with whom the representative deals while performing the 12351  
representative's duties and which shall be surrendered at the time 12352  
the representative separates from the office. Except as a 12353  
supervised part of a training ~~program~~, no volunteer shall perform 12354  
any duty unless the volunteer is certified as a representative 12355  
having received appropriate training for that duty. 12356

~~(E)~~(D) The state ombudsman shall provide technical assistance 12357  
to regional programs conducting training ~~programs~~ for volunteers 12358  
and shall monitor the training ~~programs~~. 12359

~~(F)~~ ~~Prior to scheduling an observation of a certification~~ 12360  
~~survey or licensing inspection for purposes of division (B)(4) of~~ 12361  
~~this section, the state ombudsman shall obtain permission to have~~ 12362  
~~the survey or inspection observed from both the long term care~~ 12363  
~~facility at which the survey or inspection is to take place and,~~ 12364  
~~as the case may be, the director of health or director of mental~~ 12365  
~~health and addiction services.~~ 12366

~~(G)~~ ~~The department of aging shall establish continuing~~ 12367

~~education requirements for representatives of the office.~~ 12368

**Sec. 173.51.** As used in sections 173.51 to 173.56 of the 12369  
Revised Code: 12370

"Area agency on aging" has the same meaning as in section 12371  
173.14 of the Revised Code. 12372

"Assisted living program" means the program that consists of 12373  
a medicaid-funded component created under section 173.54 of the 12374  
Revised Code and a state-funded component created under section 12375  
173.543 of the Revised Code and provides assisted living services 12376  
to individuals who meet the program's applicable eligibility 12377  
requirements. 12378

"Assisted living services" means the following home and 12379  
community-based services: personal care, homemaker, chore, 12380  
attendant care, companion, medication oversight, and therapeutic 12381  
social and recreational programming. 12382

"Assisted living waiver" means the federal medicaid waiver 12383  
granted by the United States secretary of health and human 12384  
services that authorizes the medicaid-funded component of the 12385  
assisted living program. 12386

"County or district home" means a county or district home 12387  
operated under Chapter 5155. of the Revised Code. 12388

"Long-term care consultation program" means the program the 12389  
department of aging is required to develop under section 173.42 of 12390  
the Revised Code. 12391

"Long-term care consultation program administrator" or 12392  
"administrator" means the department of aging or, if the 12393  
department contracts with an area agency on aging or other entity 12394  
to administer the long-term care consultation program for a 12395  
particular area, that agency or entity. 12396

"Medicaid waiver component" has the same meaning as in 12397

section 5166.01 of the Revised Code. 12398

"Nursing facility" has the same meaning as in section 5165.01 12399  
of the Revised Code. 12400

"PASSPORT program" means the preadmission screening system 12401  
providing options and resources today program (PASSPORT) that 12402  
consists of a medicaid-funded component created under section 12403  
173.52 of the Revised Code and a state-funded component created 12404  
under section 173.522 of the Revised Code and provides home and 12405  
community-based services as an alternative to nursing facility 12406  
placement for individuals who are aged and disabled and meet the 12407  
program's applicable eligibility requirements. 12408

"PASSPORT waiver" means the federal medicaid waiver granted 12409  
by the United States secretary of health and human services that 12410  
authorizes the medicaid-funded component of the PASSPORT program. 12411

"Representative" means a person acting on behalf of an 12412  
applicant for the medicaid-funded component or state-funded 12413  
component of the assisted living program. A representative may be 12414  
a family member, attorney, hospital social worker, or any other 12415  
person chosen to act on behalf of an applicant. 12416

"Residential care facility" has the same meaning as in 12417  
section 3721.01 of the Revised Code. 12418

~~"Unified long term services and support medicaid waiver~~ 12419  
~~component" means the medicaid waiver component authorized by~~ 12420  
~~section 5166.14 of the Revised Code.~~ 12421

**Sec. 173.52.** (A) The department of medicaid shall create the 12422  
medicaid-funded component of the PASSPORT program. In creating the 12423  
medicaid-funded component, the department of medicaid shall 12424  
collaborate with the department of aging. 12425

(B) ~~Unless the medicaid funded component of the PASSPORT~~ 12426  
~~program is terminated under division (C) of this section, all All~~ 12427

of the following apply to the medicaid-funded component of the 12428  
PASSPORT program: 12429

(1) The department of aging shall administer the 12430  
medicaid-funded component through a contract entered into with the 12431  
department of medicaid under section 5162.35 of the Revised Code. 12432

(2) The medicaid-funded component shall be operated as a 12433  
separate medicaid waiver component. 12434

(3) For an individual to be eligible for the medicaid-funded 12435  
component, the individual must be a medicaid recipient and meet 12436  
the additional eligibility requirements applicable to the 12437  
individual established in rules adopted under division (B)(4) of 12438  
this section. 12439

(4) To the extent authorized by rules ~~authorization~~ 12440  
authorized by section 5162.021 of the Revised Code, the director 12441  
of aging shall adopt rules in accordance with Chapter 119. of the 12442  
Revised Code to implement the medicaid-funded component. 12443

~~(C) If the unified long term services and support medicaid 12444  
waiver component is created, the departments of aging and medicaid 12445  
shall work together to determine whether the medicaid funded 12446  
component of the PASSPORT program should continue to operate as a 12447  
separate medicaid waiver component or be terminated. If the 12448  
departments determine that the medicaid funded component of the 12449  
PASSPORT program should be terminated, the medicaid funded 12450  
component shall cease to exist on a date the departments shall 12451  
specify. 12452~~

**Sec. 173.521.** ~~(A) Unless the medicaid funded component of the 12453  
PASSPORT program is terminated pursuant to division (C) of section 12454  
173.52 of the Revised Code, the The department shall establish a 12455  
home first component of the PASSPORT program under which eligible 12456  
individuals may be enrolled in the medicaid-funded component of 12457~~

the PASSPORT program in accordance with this section. An 12458  
individual is eligible for the PASSPORT program's home first 12459  
component if both of the following apply: 12460

(1) The individual has been determined to be eligible for the 12461  
medicaid-funded component of the PASSPORT program. 12462

(2) At least one of the following applies: 12463

(a) The individual has been admitted to a nursing facility. 12464

(b) A physician has determined and documented in writing that 12465  
the individual has a medical condition that, unless the individual 12466  
is enrolled in home and community-based services such as the 12467  
PASSPORT program, will require the individual to be admitted to a 12468  
nursing facility within thirty days of the physician's 12469  
determination. 12470

(c) The individual has been hospitalized and a physician has 12471  
determined and documented in writing that, unless the individual 12472  
is enrolled in home and community-based services such as the 12473  
PASSPORT program, the individual is to be transported directly 12474  
from the hospital to a nursing facility and admitted. 12475

(d) Both of the following apply: 12476

(i) The individual is the subject of a report made under 12477  
section 5101.63 of the Revised Code regarding abuse, neglect, or 12478  
exploitation or such a report referred to a county department of 12479  
job and family services under section 5126.31 of the Revised Code 12480  
or has made a request to a county department for protective 12481  
services as defined in section 5101.60 of the Revised Code. 12482

(ii) A county department of job and family services and an 12483  
area agency on aging have jointly documented in writing that, 12484  
unless the individual is enrolled in home and community-based 12485  
services such as the PASSPORT program, the individual should be 12486  
admitted to a nursing facility. 12487

(B) Each month, each area agency on aging shall identify 12488  
individuals residing in the area that the agency serves who are 12489  
eligible for the home first component of the PASSPORT program. 12490  
When an area agency on aging identifies such an individual, the 12491  
agency shall notify the long-term care consultation program 12492  
administrator serving the area in which the individual resides. 12493  
The administrator shall determine whether the PASSPORT program is 12494  
appropriate for the individual and whether the individual would 12495  
rather participate in the PASSPORT program than continue or begin 12496  
to reside in a nursing facility. If the administrator determines 12497  
that the PASSPORT program is appropriate for the individual and 12498  
the individual would rather participate in the PASSPORT program 12499  
than continue or begin to reside in a nursing facility, the 12500  
administrator shall so notify the department of aging. On receipt 12501  
of the notice from the administrator, the department shall approve 12502  
the individual's enrollment in the medicaid-funded component of 12503  
the PASSPORT program regardless of the unified waiting list 12504  
established under section 173.55 of the Revised Code, unless the 12505  
enrollment would cause the component to exceed any limit on the 12506  
number of individuals who may be enrolled in the component as set 12507  
by the United States secretary of health and human services in the 12508  
PASSPORT waiver. 12509

**Sec. 173.522.** (A) The department of aging shall create and 12510  
administer the state-funded component of the PASSPORT program. The 12511  
state-funded component shall not be administered as part of the 12512  
medicaid program. 12513

(B) For an individual to be eligible for the state-funded 12514  
component of the PASSPORT program, the individual must meet one of 12515  
the following requirements and meet the additional eligibility 12516  
requirements applicable to the individual established in rules 12517  
adopted under division (D) of this section: 12518

(1) The individual must have been enrolled in the state-funded component on September 1, 1991, (as the state-funded component was authorized by uncodified law in effect at that time) and have had one or more applications for enrollment in the medicaid-funded component of the PASSPORT program ~~(or, if the medicaid-funded component is terminated under division (C) of section 173.52 of the Revised Code, the unified long term services and support medicaid waiver component)~~ denied.

(2) The individual must have an application for the medicaid-funded component of the PASSPORT program ~~(or, if the medicaid-funded component is terminated under division (C) of section 173.52 of the Revised Code, the unified long term services and support medicaid waiver component)~~ pending and the department or the department's designee must have determined that the individual meets the nonfinancial eligibility requirements of the medicaid-funded component ~~(or, if the medicaid-funded component is terminated under division (C) of section 173.52 of the Revised Code, the unified long term services and support medicaid waiver component)~~ and not have reason to doubt that the individual meets the financial eligibility requirements of the medicaid-funded component ~~(or, if the medicaid-funded component is terminated under division (C) of section 173.52 of the Revised Code, the unified long term services and support medicaid waiver component)~~.

(C) An individual who is eligible for the state-funded component of the PASSPORT program because the individual meets the requirement of division (B)(2) of this section may participate in the component on that basis for a period of time specified in rules adopted under division (D) of this section.

(D)(1) The director of aging shall adopt rules in accordance with section 111.15 of the Revised Code to implement the state-funded component of the PASSPORT program.

The rules shall include all of the following:

(a) Additional eligibility requirements for an individual to be eligible for the state-funded component of the PASSPORT program; 12551  
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(b) The duration that an individual eligible for the state-funded component of the PASSPORT program under division (B)(2) of this section may participate in that component; 12554  
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(c) Any other rules the director considers appropriate to implement the state-funded component of the PASSPORT program. 12557  
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(2) The additional eligibility requirements established in the rules may vary for the different groups of individuals specified in divisions (B)(1) and (2) of this section. 12559  
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Sec. 173.525. (A)(1) In addition to any other eligibility requirement of this chapter, to be eligible to serve as a home health aide or personal care aide under the PASSPORT program, an individual must successfully complete eight hours of pre-service training acceptable to the department of aging. 12562  
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To maintain eligibility, each home health aide or personal care aide must successfully complete six hours of in-service training acceptable to the department. Such training must be completed every twelve months. 12567  
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(2) In administering the PASSPORT program, the department shall not require an individual or aide described in division (A)(1) of this section to do either of the following: 12571  
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(a) Complete more than eight hours of pre-service training; 12574

(b) Complete more than six hours of in-service training in a twelve-month period. 12575  
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(B) Only the following may supervise a home health aide or personal care aide under the PASSPORT program: 12577  
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(1) A registered nurse; 12579

(2) A licensed practical nurse under the direction of a 12580  
registered nurse; 12581

(3) A nurse aide under the direction of a nurse described in 12582  
division (B)(1) or (2) of this section. 12583

**Sec. 173.54.** (A) The department of medicaid shall create the 12584  
medicaid-funded component of the assisted living program. In 12585  
creating the medicaid-funded component, the department of medicaid 12586  
shall collaborate with the department of aging. 12587

(B) Unless the medicaid-funded component of the assisted 12588  
living program is terminated under division (C) of this section, 12589  
all of the following apply: 12590

(1) The department of aging shall administer the 12591  
medicaid-funded component through a contract entered into with the 12592  
department of medicaid under section 5162.35 of the Revised Code. 12593

(2) The contract shall include an estimate of the 12594  
medicaid-funded component's costs. 12595

(3) The medicaid-funded component shall be operated as a 12596  
separate medicaid waiver component. 12597

(4) The medicaid-funded component may not serve more 12598  
individuals than is set by the United States secretary of health 12599  
and human services in the assisted living waiver. 12600

(5) To the extent authorized by rules authorized by section 12601  
5162.021 of the Revised Code, the director of aging may adopt 12602  
rules under Chapter 119. of the Revised Code regarding the 12603  
medicaid-funded component. 12604

~~(C) If the unified long term services and support medicaid~~ 12605  
~~waiver component is created, the departments of aging and medicaid~~ 12606  
~~shall collaborate to determine whether the medicaid funded~~ 12607  
~~component of the assisted living program should continue to~~ 12608  
~~operate as a separate medicaid waiver component or be terminated.~~ 12609

~~If the departments determine that the medicaid funded component of the assisted living program should be terminated, the medicaid funded component shall cease to exist on a date the departments shall specify.~~

**Sec. 173.542.** (A) ~~Unless the medicaid funded component of the assisted living program is terminated pursuant to division (C) of section 173.54 of the Revised Code, the~~ The department of aging shall establish a home first component of the assisted living program under which eligible individuals may be enrolled in the medicaid-funded component of the assisted living program in accordance with this section. An individual is eligible for the assisted living program's home first component if both of the following apply:

(1) The individual has been determined to be eligible for the medicaid-funded component of the assisted living program.

(2) At least one of the following applies:

(a) The individual has been admitted to a nursing facility.

(b) A physician has determined and documented in writing that the individual has a medical condition that, unless the individual is enrolled in home and community-based services such as the assisted living program, will require the individual to be admitted to a nursing facility within thirty days of the physician's determination.

(c) The individual has been hospitalized and a physician has determined and documented in writing that, unless the individual is enrolled in home and community-based services such as the assisted living program, the individual is to be transported directly from the hospital to a nursing facility and admitted.

(d) Both of the following apply:

(i) The individual is the subject of a report made under

section 5101.63 of the Revised Code regarding abuse, neglect, or 12640  
exploitation or such a report referred to a county department of 12641  
job and family services under section 5126.31 of the Revised Code 12642  
or has made a request to a county department for protective 12643  
services as defined in section 5101.60 of the Revised Code. 12644

(ii) A county department of job and family services and an 12645  
area agency on aging have jointly documented in writing that, 12646  
unless the individual is enrolled in home and community-based 12647  
services such as the assisted living program, the individual 12648  
should be admitted to a nursing facility. 12649

(B) Each month, each area agency on aging shall identify 12650  
individuals residing in the area that the area agency on aging 12651  
serves who are eligible for the home first component of the 12652  
assisted living program. When an area agency on aging identifies 12653  
such an individual and determines that there is a vacancy in a 12654  
residential care facility participating in the medicaid-funded 12655  
component of the assisted living program that is acceptable to the 12656  
individual, the agency shall notify the long-term care 12657  
consultation program administrator serving the area in which the 12658  
individual resides. The administrator shall determine whether the 12659  
assisted living program is appropriate for the individual and 12660  
whether the individual would rather participate in the assisted 12661  
living program than continue or begin to reside in a nursing 12662  
facility. If the administrator determines that the assisted living 12663  
program is appropriate for the individual and the individual would 12664  
rather participate in the assisted living program than continue or 12665  
begin to reside in a nursing facility, the administrator shall so 12666  
notify the department of aging. On receipt of the notice from the 12667  
administrator, the department shall approve the individual's 12668  
enrollment in the medicaid-funded component of the assisted living 12669  
program regardless of the unified waiting list established under 12670  
section 173.55 of the Revised Code, unless the enrollment would 12671

cause the component to exceed any limit on the number of 12672  
individuals who may participate in the component as set by the 12673  
United States secretary of health and human services in the 12674  
assisted living waiver. 12675

**Sec. 173.544.** To be eligible for the state-funded component 12676  
of the assisted living program, an individual must meet all of the 12677  
following requirements: 12678

(A) The individual must need an intermediate level of care as 12679  
determined by an assessment conducted under section 173.546 of the 12680  
Revised Code. 12681

(B) The individual must have an application for the 12682  
medicaid-funded component of the assisted living program ~~(or, if~~ 12683  
~~the medicaid funded component is terminated under division (C) of~~ 12684  
~~section 173.54 of the Revised Code, the unified long term services~~ 12685  
~~and support medicaid waiver component)~~ pending and the department 12686  
or the department's designee must have determined that the 12687  
individual meets the nonfinancial eligibility requirements of the 12688  
medicaid-funded component ~~(or, if the medicaid funded component is~~ 12689  
~~terminated under division (C) of section 173.54 of the Revised~~ 12690  
~~Code, the unified long term services and support medicaid waiver~~ 12691  
~~component)~~ and not have reason to doubt that the individual meets 12692  
the financial eligibility requirements of the medicaid-funded 12693  
component ~~(or, if the medicaid funded component is terminated~~ 12694  
~~under division (C) of section 173.54 of the Revised Code, the~~ 12695  
~~unified long term services and support medicaid waiver component).~~ 12696

(C) While receiving assisted living services under the 12697  
state-funded component, the individual must reside in a 12698  
residential care facility that is authorized by a valid provider 12699  
agreement to participate in the component, including both of the 12700  
following: 12701

(1) A residential care facility that is owned or operated by 12702

a metropolitan housing authority that has a contract with the United States department of housing and urban development to receive an operating subsidy or rental assistance for the residents of the facility;

(2) A county or district home licensed as a residential care facility.

(D) The individual must meet all other eligibility requirements for the state-funded component established in rules adopted under section 173.543 of the Revised Code.

**Sec. 173.60.** (A) As used in this section:

(1) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.

(2) "Person-centered care" means a relationship-based approach to care that honors and respects the opinions of individuals receiving care and those working closely with them.

(B) The department of aging shall implement a nursing home quality initiative to improve the provision of person-centered care in nursing homes. The office of the state long-term care ombudsman program shall assist the department with the initiative. The initiative shall include quality improvement projects that provide nursing homes with resources and on-site education promoting person-centered care strategies and positive resident outcomes, as well as other assistance designed to improve the quality of nursing home services. The department may offer any of the projects.

~~(C)~~(C)(1) The department shall make available a list of quality improvement projects that may be used by nursing homes in meeting the requirements of section 3721.072 of the Revised Code. In addition to any of the projects offered by the department pursuant to division (B) of this section, the list may include

projects offered by any of the following:	12733
<del>(1)</del> (a) Other state agencies;	12734
<del>(2)</del> (b) A quality improvement organization under contract with the United States secretary of health and human services to carry out in this state the functions described in the "Social Security Act," section 1154, 42 U.S.C. 1320c-3;	12735 12736 12737 12738
<del>(3)</del> (c) The Ohio person-centered care coalition;	12739
<del>(4)</del> (d) Any other academic, research, or health care entity identified by the department.	12740 12741
<u>(2) The department shall offer to nursing homes and other long-term care facility settings infection prevention and control and facility technical assistance, including services, programs, and content expertise, as a project authorized under division (C)(1) of this section to improve quality of care and quality of life, subject to the availability of funds.</u>	12742 12743 12744 12745 12746 12747
(D) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section.	12748 12749 12750
<b>Sec. 175.12.</b> (A) This chapter, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect its purposes and the purposes of Section 14, of Article VIII and Section 16, Article VIII, Ohio Constitution.	12751 12752 12753 12754
(B) The following are not public records subject to section 149.43 of the Revised Code:	12755 12756
(1) Financial statements and data submitted for any purpose to the Ohio housing finance agency or the controlling board by any person in connection with applying for, receiving, or accounting for financial assistance the agency provides;	12757 12758 12759 12760
(2) Information that identifies any individual who benefits	12761

directly or indirectly from financial assistance the agency 12762  
provides; 12763

(3) Information provided to the tax commissioner under 12764  
section 175.16 of the Revised Code or information provided under 12765  
divisions (I)(1) to (3) of section 175.16 of the Revised Code. 12766

(C)(1) The agencies of this state shall cooperate fully with 12767  
the Ohio housing finance agency and shall provide information the 12768  
Ohio housing finance agency determines is necessary or helpful for 12769  
its operation. 12770

(2) The Ohio housing finance agency may arrange with and 12771  
enter into contracts with other entities to perform functions this 12772  
chapter authorizes the agency to perform and compensate those 12773  
entities for performing those functions. 12774

(3) The agency may enter into contracts with state entities 12775  
as described in this chapter. 12776

(D) Any state agency that provides supplies, equipment, or 12777  
services directly related to the mission of the Ohio housing 12778  
finance agency as described in section 175.02 of the Revised Code 12779  
may enter into an agreement with the Ohio housing finance agency 12780  
to furnish those supplies, equipment, or services pursuant to 12781  
terms both agencies agree upon for remuneration to the state 12782  
agency. 12783

(E) The Ohio housing finance agency is exempt from the 12784  
requirements of Chapters 123. and 125. and sections 127.16 and 12785  
5147.07 of the Revised Code. 12786

**Sec. 175.16. (A) As used in this section:** 12787

(1) "Federal credit" means the tax credit authorized under 12788  
section 42 of the Internal Revenue Code. 12789

(2) "Credit period," "qualified low-income building," and 12790  
"qualified basis" have the same meanings as in section 42 of the 12791

<u>Internal Revenue Code.</u>	12792
<u>(3) "Qualified project" means a qualified low-income building that is located in Ohio, is placed in service on or after January 1, 2023, and for which the director reserves a tax credit under division (B) of this section before January 1, 2029.</u>	12793 12794 12795 12796
<u>(4) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.</u>	12797 12798
<u>(5) "Project owner" means a person holding a fee simple interest or a leasehold interest pursuant to a ground lease in the land on which a qualified project sits.</u>	12799 12800 12801
<u>(6) "Reserved credit amount" means the amount determined by the director and stipulated in the notice sent to each owner of a qualified project under division (B) of this section.</u>	12802 12803 12804
<u>(7) "Annual credit amount" means the amount computed by the director under division (D) of this section prior to issuing an eligibility certificate.</u>	12805 12806 12807
<u>(8) "Equity owner" means a direct or indirect owner of a project owner, provided the project owner is a pass-through entity, as determined under applicable state law governing such an entity.</u>	12808 12809 12810 12811
<u>(9) "Person" has the same meaning as in section 5701.01 of the Revised Code.</u>	12812 12813
<u>(10) "Eligibility certificate" means a certificate issued by the director to each owner of a qualified project under division (D) of this section stating the amount of credit that may be claimed for each year of the credit period.</u>	12814 12815 12816 12817
<u>(11) "Qualified allocation plan" means the plan developed by the Ohio housing finance agency, as required under section 175.06 of the Revised Code, for evaluating and selecting projects for the federal credit pursuant to the mandates and requirements within</u>	12818 12819 12820 12821

<u>section 42 of the Internal Revenue Code.</u>	12822
<u>(12) "Internal Revenue Code" has the same meaning as in</u>	12823
<u>section 5747.01 of the Revised Code.</u>	12824
<u>(13) "Pass-through certification" means a writing submitted</u>	12825
<u>with a project owner's applicable return or report pursuant to</u>	12826
<u>division (F)(2) of this section.</u>	12827
<u>(14) "Designated reporter" means the project owner or one of</u>	12828
<u>the project owner's equity owners designated pursuant to division</u>	12829
<u>(I)(1) of this section.</u>	12830
<u>(15) "Director" means the executive director of the Ohio</u>	12831
<u>housing finance agency.</u>	12832
<u>(B) Except as otherwise provided by this division, the</u>	12833
<u>director, upon allocating a federal credit and issuing a binding</u>	12834
<u>reservation or letter of eligibility, pursuant to the Ohio housing</u>	12835
<u>finance agency's qualified allocation plan, for a qualified</u>	12836
<u>low-income building that is located in this state and placed in</u>	12837
<u>service on or after January 1, 2023, may reserve a tax credit</u>	12838
<u>under this section for the project owners so long as doing so will</u>	12839
<u>not result in exceeding the annual credit cap prescribed by</u>	12840
<u>division (C) of this section. The director shall not reserve a tax</u>	12841
<u>credit under this section after December 31, 2028.</u>	12842
<u>The director shall send written notice of the reservation to</u>	12843
<u>each project owner. The notice shall state the aggregate credit</u>	12844
<u>amount reserved for all years of the qualified project's credit</u>	12845
<u>period and stipulate that receipt of the credit is contingent upon</u>	12846
<u>issuance of an eligibility certificate.</u>	12847
<u>The agency shall determine the credit amount reserved for</u>	12848
<u>each qualified project. The reserved credit amount shall not</u>	12849
<u>exceed the amount necessary, when combined with the federal</u>	12850
<u>credit, to ensure the financial feasibility of the qualified</u>	12851
<u>project.</u>	12852

(C) The aggregate amount of credits reserved by the director under division (B) of this section in a fiscal year shall not exceed the sum of (1) five hundred million dollars, (2) the amount, if any, by which the credit cap prescribed by this division for the preceding fiscal year exceeds the credits reserved by the director in that year, and (3) the amount of tax credits recaptured and collected pursuant to an assessment issued by the tax commissioner or superintendent of insurance or otherwise disallowed under division (G) of this section in the preceding fiscal year.

For the purpose of computing and determining compliance with the credit cap prescribed by this division, the credit amount reserved for the project owners of a qualified project is the full amount for all years of the qualified project's credit period.

(D) Immediately after approving the final cost certification for a qualified project for which a tax credit under this section is reserved, or upon otherwise determining the qualified basis of the qualified project and the date it was placed into service as required by section 42(m) of the Internal Revenue Code, the director shall compute the annual credit amount and issue an eligibility certificate to each project owner. The director shall send copies of all eligibility certificates issued each calendar year to the tax commissioner and the superintendent of insurance.

The annual credit amount shall equal the lesser of the following:

(1) The amount of the federal credit that would be awarded to the owners of the qualified project for the first year of the credit period if not for the adjustment required under section 42(f)(2) of the Internal Revenue Code;

(2) One-tenth of the reserved credit amount stated in the notice issued under division (B) of this section.

(E) Each eligibility certificate shall state the annual credit amount, the years that comprise the credit period, the name, address, and taxpayer identification number of each project owner, the date the certificate is issued, a unique identifying number, and any additional information prescribed by a rule adopted under division (H) of this section. A project owner, if the project owner is a pass-through entity shall provide a copy of the eligibility certificate to each equity owner that has been allocated a credit under division (F)(2) of this section. 12884  
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(F)(1) For each year of a qualified project's credit period, the project owner or an equity owner may claim a nonrefundable credit against the tax imposed by section 5725.18, 5726.02, 5729.03, 5729.06, or 5747.02 of the Revised Code equal to all or a portion of the annual credit amount stated on the eligibility certificate. The credit shall be claimed in the manner prescribed by section 5725.36, 5726.58, 5729.19, or 5747.83 of the Revised Code, as applicable. 12893  
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(2) If a project owner is a pass-through entity, the annual credit amount for any year of a qualified project's credit period may be allocated by the project owner among one or more equity owners, and any such equity owner that is itself a pass-through entity may reallocate its portion of a credit to its own equity owners, as described in division (F)(5) of this section, and may be applied by those equity owners against more than one tax over more than one calendar year, tax year, taxable year, or tax period, but the total credits claimed in connection with that year of the qualified project's credit period by all project owners and equity owners against all taxes over all calendar years, tax years, taxable years, and tax periods, shall not exceed the annual credit amount stated on the eligibility certificate. 12901  
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A project owner or equity owner that is a pass-through entity that allocates a credit to its equity owners under this division 12914  
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shall list, in a writing submitted with the project owner's or 12916  
equity owner's applicable return or report, the amount of the 12917  
credit reflected on the eligibility certificate that is allocated 12918  
to each equity owner. 12919

(3) A project owner or equity owner may claim the credit 12920  
authorized by division (F)(1) of this section for a calendar year, 12921  
tax year, taxable year, or tax period that ends after the date the 12922  
qualified project is placed into service but for which the project 12923  
owner or equity owner files its original tax return or report 12924  
claiming the credit before the director issues the project owner 12925  
an eligibility certificate under division (D) of this section. If 12926  
a credit is claimed before an eligibility certificate is issued, 12927  
the project owner or equity owner claiming the credit may claim an 12928  
amount that is not more than one-tenth of the reserved credit 12929  
amount. After the eligibility certificate is issued, if the annual 12930  
credit amount is different than one-tenth of the reserved credit 12931  
amount, the project owner or equity owner that claimed a tax 12932  
credit under division (F)(3) of this section shall reconcile that 12933  
difference through filing an amended tax return or report under 12934  
Chapter 5725., 5726., 5729., or 5747. of the Revised Code, as 12935  
applicable. 12936

(4) A project owner or equity owner that claims or allocates 12937  
a tax credit under division (F)(1) or (2) of this section shall 12938  
submit a copy of the eligibility certificate with the project 12939  
owner's or equity owner's tax return or report. A project owner or 12940  
equity owner that claims or allocates a credit under division 12941  
(F)(3) of this section shall submit a copy of the notice stating 12942  
the reserved credit amount, issued under division (B) of this 12943  
section with the project owner's or equity owner's tax return or 12944  
report. Upon request of the tax commissioner or the superintendent 12945  
of insurance, any project owner or equity owner claiming a tax 12946  
credit under this section shall provide the commissioner or 12947

superintendent other documentation that may be necessary to verify 12948  
that the project owner or equity owner is entitled to the credit. 12949

(5) A project owner that is a pass-through entity may 12950  
allocate the credit authorized by this section to its equity 12951  
owners, and any such equity owner that is itself a pass-through 12952  
entity may reallocate its portion of a credit to its own equity 12953  
owners, under division (F)(2) of this section in any manner agreed 12954  
to by such persons regardless of whether such equity owners are 12955  
eligible for an allocation of the federal credit, whether the 12956  
allocation of the credit under the terms of the agreement has 12957  
substantial economic effect within the meaning of section 704(b) 12958  
of the Internal Revenue Code, and whether any such person is 12959  
deemed a partner of the project owner or equity owner for federal 12960  
income tax purposes as long as the equity owner acquired its 12961  
ownership interest prior to claiming the credit. The allocation 12962  
shall be allowed without regard to any provision of the Internal 12963  
Revenue Code, or regulation promulgated pursuant to it, that may 12964  
be interpreted as contrary to the allocation, including, without 12965  
limitation, the treatment of the allocation as a disguised sale. 12966

(6) An equity owner may assign all or any part of its 12967  
interest in a qualified project, including its interest in the tax 12968  
credits authorized by this section, to one or more other equity 12969  
owners, in whole or in part, one or more times, and each assignee 12970  
shall be able to claim the credit so long as its interest is 12971  
acquired prior to the filing of its tax return or report or 12972  
amended tax return or report claiming the credit and the equity 12973  
owner's ownership interest is identified in the report required by 12974  
division (I) of this section. Each equity owner to whom the right 12975  
to claim a tax credit authorized by this section is assigned shall 12976  
provide the designated reporter with evidence of that transfer so 12977  
the designated reporter may identify the transferee in the report 12978  
required by division (I) of this section. 12979

(G) If any portion of the federal credit allocated to a 12980  
qualified project is recaptured under section 42(j) of the 12981  
Internal Revenue Code or is otherwise disallowed, the director 12982  
shall recapture a proportionate amount of the tax credit claimed 12983  
pursuant to this section in connection with the same qualified 12984  
project. 12985

If the director determines to recapture such a tax credit, 12986  
the director shall certify the name of each project owner and the 12987  
amount to be recaptured to the tax commissioner and to the 12988  
superintendent of insurance. The commissioner or superintendent 12989  
shall determine the taxpayer or taxpayers that claimed the credit, 12990  
the tax against which the credit was claimed, and the amount to be 12991  
recaptured and make an assessment against the taxpayer or 12992  
taxpayers under Chapter 5725., 5726., 5729., or 5747. of the 12993  
Revised Code, as applicable, for the amount of the tax credit to 12994  
be recaptured. The time limitations on assessments under those 12995  
chapters do not bar an assessment made under this division. 12996  
Nothing in this section shall prohibit an assessment that 12997  
otherwise may be timely made by law. 12998

(H) The director, in consultation with the tax commissioner 12999  
and the superintendent of insurance, shall adopt any rules 13000  
necessary to implement this section in accordance with Chapter 13001  
119. of the Revised Code. Notwithstanding any provision of section 13002  
121.95 of the Revised Code to the contrary, a regulatory 13003  
restriction contained in a rule adopted under division (H) of this 13004  
section is not subject to sections 121.95 to 121.953 of the 13005  
Revised Code. 13006

(I)(1) Each project owner shall designate itself or one of 13007  
its equity owners as designated reporter. The designation shall be 13008  
made to the tax commissioner and superintendent of insurance at 13009  
the time and in the manner prescribed by the commissioner and 13010  
superintendent. 13011

(2) For each calendar year, a designated reporter shall 13012  
provide the tax commissioner and the superintendent of insurance, 13013  
at the time and in the form prescribed by the tax commissioner in 13014  
consultation with the superintendent of insurance, a summary 13015  
report of all pass-through certifications issued, and assignment 13016  
notifications received pursuant to division (F)(6) of this 13017  
section, in connection with a qualified project. The report shall 13018  
contain all of the following: 13019

(a) The name, address, and taxpayer identification number of 13020  
each equity owner that has been allocated a portion of the annual 13021  
credit awarded by the eligibility certificate for that year; 13022

(b) The amount of the annual credit allocated to each such 13023  
equity owner for such year and the tax against which the credit 13024  
will be claimed; 13025

(c) The total of the amounts listed for each equity owner 13026  
under division (I)(1)(b) of this section; 13027

(d) The annual credit amount. 13028

(3) A designated reporter shall notify the tax commissioner 13029  
and the superintendent of insurance of any changes to the 13030  
information reported in division (I)(2) of this section in the 13031  
time and manner prescribed by the commissioner and superintendent. 13032

(4) No credit allocated under this section may be claimed by 13033  
an equity owner for a year unless that equity owner and the amount 13034  
of the credit allocated to that owner appear on the report 13035  
required by division (I)(1) of this section for that year. 13036

(J) The Ohio housing finance agency shall disclose to the tax 13037  
commissioner and the superintendent of insurance any information 13038  
in the possession of the agency that is necessary to ensure 13039  
compliance with the laws of this state governing taxation and to 13040  
verify information reported to the agency, commissioner, or 13041  
superintendent pursuant to this section. If not provided upon the 13042

agency's initiative, the tax commissioner may request such 13043  
information and the agency shall respond with the requested 13044  
information. 13045

Sec. 191.01. As used in sections 191.01 to 191.45 of the 13046  
Revised Code: 13047

(A) "Affiliate" means a person or entity under common 13048  
ownership or control with, or a participant in a joint venture, 13049  
partnership, consortium, or similar business arrangement with, 13050  
another person or entity pertaining to the provision of broadband 13051  
service. 13052

(B) "Broadband expansion program authority" means the entity 13053  
created under section 122.403 of the Revised Code. 13054

(C) "Broadband infrastructure" means facilities that are 13055  
used, in whole or in part, to provide qualifying broadband service 13056  
access to residences and businesses. 13057

(D) "Mid-span pole installation" means the installation of, 13058  
and attachment of broadband infrastructure to, a new utility pole 13059  
that is installed between or adjacent to one or more existing 13060  
utility poles or replaced utility poles to which poles broadband 13061  
infrastructure is attached. 13062

(E) "Pole owner" means any person or entity that owns or 13063  
controls a utility pole. 13064

(F) "Pole replacement" means the removal of an existing 13065  
utility pole and replacement of that pole with a new utility pole 13066  
to which a provider attaches broadband infrastructure. 13067

(G) "Provider" means an entity, including a pole owner or 13068  
affiliate, that provides qualifying broadband service. 13069

(H) "Qualifying broadband service" means a retail wireline 13070  
broadband service that is capable of delivering symmetrical 13071  
internet access at download and upload speeds of at least one 13072

hundred megabits per second with a latency level sufficient to 13073  
permit real-time, interactive applications. 13074

(I) "Undergrounding" means the placement of broadband 13075  
infrastructure underground, including by directly burying the 13076  
infrastructure or through the underground placement of new ducts 13077  
or conduits and installation of the infrastructure in them. 13078

(J) "Unserved area" means an area in the state that is 13079  
without access to fixed, terrestrial broadband service capable of 13080  
delivering internet access at download speeds of at least 13081  
twenty-five megabits per second and upload speeds of at least 13082  
three megabits per second. 13083

(K) "Utility pole" means any pole used, in whole or in part, 13084  
for any wired communications or electric distribution, 13085  
irrespective of who owns or operates such pole. 13086

Sec. 191.02. There is hereby established the Ohio broadband 13087  
pole replacement and undergrounding program within the department 13088  
of development to advance the provision of qualifying broadband 13089  
service access to residences and businesses in an unserved area by 13090  
reimbursing certain costs of pole replacements, mid-span pole 13091  
installations, and undergrounding. 13092

The department shall administer and provide staff assistance 13093  
for the program. The department shall be responsible for receiving 13094  
and reviewing program applications and for sending completed 13095  
applications to the broadband expansion program authority for 13096  
final review and award of program reimbursements. 13097

Sec. 191.03. (A) The department of development shall 13098  
establish an administrative process to award program 13099  
reimbursements under the Ohio broadband pole replacement and 13100  
undergrounding program according to the provisions of sections 13101  
191.03 to 191.45 of the Revised Code. 13102

(B) The broadband expansion program authority shall award program reimbursements after reviewing program applications and determining whether the applications meet the program's requirements for reimbursement. 13103  
13104  
13105  
13106

**Sec. 191.05.** For the purposes of an application under the Ohio broadband pole replacement and undergrounding program, an area of the state shall be considered to be an unserved area, if one of the following applies: 13107  
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13109  
13110

(A) Under a program to deploy broadband service to unserved areas, a governmental entity has awarded a broadband grant for the area after determining the area to be an eligible unserved area under that program. 13111  
13112  
13113  
13114

(B) The area has not been awarded any broadband grant funding, and the most recent mapping information published by the federal communications commission indicates that the area is an unserved area. 13115  
13116  
13117  
13118

**Sec. 191.07.** (A) The broadband expansion program authority shall not award program reimbursements to an applicant under the Ohio broadband pole replacement and undergrounding program, if any of the following apply: 13119  
13120  
13121  
13122

(1) The broadband infrastructure deployed is used only for the provision of wholesale broadband service and is not used by the applicant to provide qualifying broadband service directly to residences or businesses. 13123  
13124  
13125  
13126

(2) A provider, other than the applicant, is meeting the terms of a legally binding commitment to a governmental entity to deploy qualifying broadband service in the unserved area. 13127  
13128  
13129

(3) For program reimbursements that are funded by federal funds deposited in the pole replacement fund, the applicant fails to commit to compliance with any conditions required by the 13130  
13131  
13132

federal government in connection with the funds. 13133

(B) The authority shall not award program reimbursements that 13134  
are federally funded, if the reimbursements are inconsistent with 13135  
federal requirements. 13136

**Sec. 191.10.** In accordance with sections 191.10 to 191.45 of 13137  
the Revised Code, a provider may submit an application for a 13138  
program reimbursement under the Ohio broadband pole replacement 13139  
and undergrounding program, if the provider has deployed 13140  
qualifying broadband infrastructure in an unserved area and has 13141  
paid any of the following costs in connection with the deployment 13142  
of such broadband infrastructure: 13143

(A) Pole replacement costs; 13144

(B) Mid-span pole installation costs; 13145

(C) Undergrounding costs. 13146

The application shall be submitted on a form prescribed by 13147  
the department of development. 13148

**Sec. 191.13.** (A) Not later than sixty days after the pole 13149  
replacement fund created in section 191.27 of the Revised Code 13150  
receives funds for the purpose of providing program reimbursements 13151  
under the Ohio broadband pole replacement and undergrounding 13152  
program, the department of development shall develop and publish 13153  
an application form for the program and post the form on the 13154  
department web site. 13155

(B) An application shall include the following information: 13156

(1) The number, cost, and locations of pole replacements, 13157  
mid-span pole installations, and undergrounding for which 13158  
reimbursement is requested; 13159

(2) Documentation sufficient to establish that the pole 13160  
replacements, mid-span pole installations, and undergrounding 13161

<u>described in the application have been completed;</u>	13162
<u>(3) Documentation sufficient to establish how the costs for which reimbursement is requested comport with the reimbursement requirements under the program;</u>	13163
	13164
	13165
<u>(4) The reimbursement amount requested under the program;</u>	13166
<u>(5) Documentation of any broadband grant funding awarded or received for the area described in the application;</u>	13167
	13168
<u>(6) Accounting information that is sufficient to demonstrate that costs for which a program reimbursement is requested are eligible for a program reimbursement pursuant to division (C) of section 191.21 of the Revised Code, if the applicant has received any grant funding described in division (B)(5) of this section;</u>	13169
	13170
	13171
	13172
	13173
<u>(7) A notarized statement, from an officer or agent of the applicant, that the contents of the application are true and accurate and that the applicant accepts the requirements of the program as a condition of receiving a program reimbursement;</u>	13174
	13175
	13176
	13177
<u>(8) Any information necessary to demonstrate the applicant's compliance, and agreement to comply, with any conditions associated with the reimbursement awarded to the applicant;</u>	13178
	13179
	13180
<u>(9) Any other information the department considers necessary for final review and for the award and payment of program reimbursements.</u>	13181
	13182
	13183
<u>(C) If any federal funds are used for any awards under the program, the application form shall identify and describe any additional federal conditions required in connection with the use of the federal funds.</u>	13184
	13185
	13186
	13187
<b><u>Sec. 191.15. (A) Before receiving a program reimbursement under the Ohio broadband pole replacement and undergrounding program, each applicant shall agree to do the following:</u></b>	13188
	13189
	13190

<u>(1) Not later than ninety days after receipt of a program</u>	13191
<u>reimbursement, activate qualifying broadband service to end users</u>	13192
<u>utilizing the broadband infrastructure for which the applicant has</u>	13193
<u>received reimbursement for pole replacement, mid-span pole</u>	13194
<u>installation, or undergrounding costs;</u>	13195
<u>(2) Certify the application's compliance with the</u>	13196
<u>requirements of sections 191.10 to 191.24 of the Revised Code;</u>	13197
<u>(3) Comply with any federal requirements associated with the</u>	13198
<u>funding used by the broadband expansion program authority in</u>	13199
<u>connection with the award;</u>	13200
<u>(4) Refund all or any portion of reimbursements received</u>	13201
<u>under the program as specified in section 191.30 of the Revised</u>	13202
<u>Code, if pursuant to that section the applicant is found to have</u>	13203
<u>materially violated any of the requirements of sections 191.10 to</u>	13204
<u>191.24 of the Revised Code.</u>	13205
<u>(B) For an application regarding a pole replacement or</u>	13206
<u>mid-span pole installation, the applicant shall do the following</u>	13207
<u>if the applicant is the pole owner, or affiliate of the pole</u>	13208
<u>owner:</u>	13209
<u>(1) Comply with division (A) of this section;</u>	13210
<u>(2) Commit that the pole owner will comply with all</u>	13211
<u>applicable pole attachment regulations and requirements imposed by</u>	13212
<u>the state or federal government;</u>	13213
<u>(3) Commit that the pole owner will exclude from its costs</u>	13214
<u>used to calculate its rates or charges for access to its utility</u>	13215
<u>poles for which the applicant has been reimbursed as follows:</u>	13216
<u>(a) Under the Ohio broadband pole replacement and</u>	13217
<u>undergrounding program or any other broadband grant program;</u>	13218
<u>(b) By a provider, for make-ready charges;</u>	13219
<u>(4)(a) Commit that the pole owner will maintain and make</u>	13220

available, upon reasonable request, to the department of 13221  
development or to a party subject to the rates and charges 13222  
described in division (B)(3) of this section, accounting 13223  
documentation sufficient to demonstrate compliance with division 13224  
(B)(3) of this section; 13225

(b) Division (B)(4)(a) of this section does not apply to an 13226  
electric distribution utility as defined in section 4928.01 of the 13227  
Revised Code, unless the electric distribution utility is the 13228  
applicant. 13229

**Sec. 191.17.** (A) Not later than sixty days after receiving an 13230  
application forwarded by the department of development, the 13231  
broadband expansion program authority shall award program 13232  
reimbursements to the applicant for costs described in divisions 13233  
(A) and (B) of section 191.21 of the Revised Code after reviewing 13234  
the application, and establishing the applicant's eligibility for 13235  
reimbursement under the Ohio broadband pole replacement and 13236  
undergrounding program. Except as provided in division (B) of this 13237  
section, program reimbursements shall be in an amount equal to the 13238  
lesser of seven thousand five hundred dollars or seventy-five per 13239  
cent of the total amount paid by the applicant for each pole 13240  
replacement or mid-span pole installation. 13241

(B) For undergrounding costs described under division (B) of 13242  
section 191.21 of the Revised Code, the authority shall approve 13243  
program reimbursements as provided in division (A) of this 13244  
section, except that the reimbursements may not exceed the 13245  
reimbursement amount that would be available under division (A) of 13246  
this section, if the applicant had attached broadband 13247  
infrastructure to utility poles instead of undergrounding that 13248  
infrastructure. 13249

**Sec. 191.19.** (A) The department of development, at the 13250

direction of the broadband expansion program authority, shall 13251  
issue program reimbursements awarded for applications approved 13252  
under the Ohio broadband pole replacement and undergrounding 13253  
program. The reimbursements shall be made using money available 13254  
for this purpose in the broadband pole replacement fund created in 13255  
section 191.27 of the Revised Code. The authority shall award, and 13256  
the department shall fund, reimbursements until funds available 13257  
for that purpose are no longer available. 13258

(B) If, upon the exhaustion of the fund, there are any 13259  
applications pending, the applications shall be denied. 13260  
Applications that have been denied pursuant to this division may 13261  
be resubmitted to the department, and, if sufficient money is 13262  
later deposited in the fund, reimbursements may be awarded 13263  
according to the application and award process under sections 13264  
191.10 to 191.24 of the Revised Code. 13265

**Sec. 191.21.** If the broadband expansion program authority 13266  
approves an application under the Ohio broadband pole replacement 13267  
and undergrounding program, the following costs are eligible for 13268  
reimbursement under the program: 13269

(A) Actual and reasonable costs to perform a pole replacement 13270  
or mid-span pole installation, including the amount of any 13271  
expenditures to remove and dispose of an existing utility pole, 13272  
purchase and install a replacement utility pole, and transfer any 13273  
existing facilities to the new pole; 13274

(B) Actual and reasonable undergrounding costs, including the 13275  
costs to dig a trench, perform directional boring, install 13276  
conduit, and seal the trench, if the undergrounding is either of 13277  
the following: 13278

(1) Required by law, regulation, or local ordinance; 13279

(2) More economical than the cost of performing a pole 13280

replacement. 13281

(C)(1) Costs of deploying qualifying broadband service for 13282  
which the applicant is entitled to obtain full reimbursement from 13283  
another governmental entity are not eligible for reimbursement 13284  
under the program, except as provided in division (C)(2) of this 13285  
section. 13286

(2) If an applicant's costs for deploying such service are 13287  
reimbursed in part by a governmental entity, the applicant may 13288  
apply for and obtain reimbursement under the program for the 13289  
portion of the eligible costs for which the applicant was not 13290  
reimbursed. 13291

(D) For applicants that obtain broadband grant funding from 13292  
sources other than reimbursements under the program, the authority 13293  
may require the applicants to maintain accounting records 13294  
sufficient to demonstrate that the other grant funds do not fully 13295  
reimburse the same costs as those reimbursed under the program. 13296

**Sec. 191.24.** A pole owner that provides information and 13297  
documentation to a provider to enable the provider to submit an 13298  
application to the Ohio broadband pole replacement and 13299  
undergrounding program may require the provider to reimburse the 13300  
owner for the owner's actual and reasonable administrative 13301  
expenses, the total of which shall not exceed five per cent of the 13302  
pole replacement or mid-span pole installation costs. Such costs 13303  
are not eligible for reimbursement under the program. 13304

**Sec. 191.27.** There is hereby created in the state treasury 13305  
the broadband pole replacement fund consisting of money credited 13306  
or transferred to the fund, money appropriated by the general 13307  
assembly, including from available federal funds, or money 13308  
authorized for expenditure by the state controlling board under 13309  
section 131.35 of the Revised Code from available federal funds, 13310

and grants, gifts, and contributions made directly to the fund. 13311  
Money in the fund shall be used by the department of development 13312  
to provide reimbursements awarded under the Ohio broadband pole 13313  
replacement and undergrounding program and by the director of 13314  
development to administer the program. 13315

**Sec. 191.30.** (A) The department of development shall direct 13316  
an applicant that has been awarded a program reimbursement under 13317  
the Ohio broadband pole replacement and undergrounding program to 13318  
refund, with interest, all or any portion of the reimbursements 13319  
the applicant received under the program, if the department finds, 13320  
upon substantial evidence and after notice and the opportunity to 13321  
respond, that the applicant materially violated any of the 13322  
requirements agreed to under sections 191.10 to 191.24 of the 13323  
Revised Code with respect to all or any portion of the 13324  
reimbursements received. The interest included with a refund under 13325  
this section shall be at the applicable federal funds rate as 13326  
specified in division (B) of section 1304.84 of the Revised Code. 13327

(B) At the direction of the department, refunds submitted 13328  
under division (A) of this section shall be deposited into the 13329  
broadband pole replacement fund created in section 191.27 of the 13330  
Revised Code or the general revenue fund. 13331

**Sec. 191.33.** Not later than sixty days after the first amount 13332  
of money is deposited to the credit of the broadband pole 13333  
replacement fund created in section 191.27 of the Revised Code, 13334  
the department of development shall publish and regularly update 13335  
on its web site the following program information: 13336

(A) The number of program applications received, processed, 13337  
and rejected by the broadband expansion program authority; 13338

(B) The number, reimbursement amount, and status of program 13339  
reimbursements awarded by the authority; 13340

<u>(C) The number of providers receiving reimbursements;</u>	13341
<u>(D) The balance remaining in the fund at the time of the</u>	13342
<u>latest program update on the web site.</u>	13343
<u>Sec. 191.35. Beginning not later than one year after the</u>	13344
<u>first amount of money is deposited to the credit of the broadband</u>	13345
<u>pole replacement fund created in section 191.27 of the Revised</u>	13346
<u>Code and annually thereafter, the auditor of state shall audit the</u>	13347
<u>fund and its administration by the broadband expansion program</u>	13348
<u>authority and the department of development for compliance with</u>	13349
<u>the requirements of sections 191.02 to 191.45 of the Revised Code.</u>	13350
<u>Sec. 191.37. Not later than one year after each time money in</u>	13351
<u>the broadband pole replacement fund created in section 191.27 of</u>	13352
<u>the Revised Code is exhausted, the broadband expansion program</u>	13353
<u>authority shall identify, examine, and report on the deployment of</u>	13354
<u>qualifying broadband infrastructure under the Ohio broadband pole</u>	13355
<u>replacement and undergrounding program and the technology</u>	13356
<u>facilitated by the program reimbursements the authority has</u>	13357
<u>awarded. The report shall be published on the department of</u>	13358
<u>development web site.</u>	13359
<u>Sec. 191.40. Not later than ninety days after the effective</u>	13360
<u>date of this section, the director of development shall adopt</u>	13361
<u>rules under Chapter 119. of the Revised Code that are necessary</u>	13362
<u>for successful and efficient administration of the broadband pole</u>	13363
<u>replacement and undergrounding program.</u>	13364
<u>Notwithstanding any provision of section 121.95 of the</u>	13365
<u>Revised Code to the contrary, a regulatory restriction contained</u>	13366
<u>in a rule adopted under this section is not subject to sections</u>	13367
<u>121.95 to 121.953 of the Revised Code.</u>	13368
<u>Sec. 191.43. On the date that is six years after the</u>	13369

effective date of this section, payments under the Ohio broadband pole replacement fund shall cease and section 191.27 of the Revised Code shall not be in force or have further application, except as described in sections 191.44 and 191.45 of the Revised Code.

**Sec. 191.44.** The department of development in coordination with the Ohio broadband expansion program authority shall do the following, for the period ending six months after the date described in section 191.43 of the Revised Code:

(A) Complete the review of any program applications that were submitted prior to the date described in section 191.43 of the Revised Code and pay program reimbursements for the approved applications;

(B) Complete the review of any program applications submitted not later than four months after the date described in section 191.43 of the Revised Code and pay program reimbursements for the approved applications, if the reimbursements are for costs that were incurred prior to the date described in section 191.43 of the Revised Code.

**Sec. 191.45.** If there is an outstanding balance in the broadband pole replacement fund after the Ohio broadband pole replacement program reimbursements are paid pursuant to section 191.44 of the Revised Code, the remaining balance shall be returned to the original funding sources as determined by the department of development.

**Sec. 301.27.** (A) As used in this section:

(1) "Credit card" includes gasoline and telephone credit cards but excludes any procurement card authorized under section 301.29 of the Revised Code.

(2) "Officer" includes an individual who also is an appointing authority.	13399 13400
(3) "Gasoline and oil expenses" and "motor vehicle repair and maintenance expenses" refer to only those expenses incurred for motor vehicles owned or leased by the county.	13401 13402 13403
(B)(1) A credit card held by a board of county commissioners or the office of any other county appointing authority shall be used only to pay the following work-related expenses:	13404 13405 13406
(a) Food expenses;	13407
(b) Transportation expenses;	13408
(c) Gasoline and oil expenses;	13409
(d) Motor vehicle repair and maintenance expenses;	13410
(e) Telephone expenses;	13411
(f) Lodging expenses;	13412
(g) Internet service provider expenses;	13413
(h) In the case of a public children services agency, expenses for purchases for children for whom the agency is providing temporary emergency care pursuant to section 5153.16 of the Revised Code, children in the temporary or permanent custody of the agency, and children in a planned permanent living arrangement;	13414 13415 13416 13417 13418 13419
(i) Webinar expenses;	13420
(j) The expenses for purchases of automatic or electronic data processing or record-keeping equipment, software, or services, provided that, in a county that has established an automatic data processing board, the county office and the county officer or employee authorized to use the credit card comply with sections 307.84 to 307.847 of the Revised Code. The expenses paid by a credit card under division (B)(1)(j) of this section shall	13421 13422 13423 13424 13425 13426 13427

not exceed ten thousand dollars per quarter, unless the board of 13428  
county commissioners adopts a resolution approving the payment by 13429  
credit card of such expenses that exceed that amount during that 13430  
time period; 13431

(k) Expenses related to temporary and necessary assistance 13432  
care provided by the county veterans service office; 13433

(1) Fees or charges related to a state-issued license or 13434  
certificate. 13435

(2) No late charges or finance charges shall be allowed as an 13436  
allowable expense unless authorized by the board of county 13437  
commissioners. 13438

(C) A county appointing authority may apply to the board of 13439  
county commissioners for authorization to have an officer or 13440  
employee of the appointing authority use a credit card held by 13441  
that appointing authority. The authorization request shall state 13442  
whether the card is to be issued only in the name of the office of 13443  
the appointing authority or whether the issued card also shall 13444  
include the name of a specified officer or employee. 13445

(D) The debt incurred as a result of the use of a credit card 13446  
pursuant to this section shall be paid from moneys appropriated to 13447  
specific appropriation line items of the appointing authority for 13448  
work-related expenses listed in division (B)(1) of this section. 13449

(E)(1) Except as otherwise provided in division (E)(2) of 13450  
this section, every officer or employee authorized to use a credit 13451  
card held by the board or appointing authority shall submit to the 13452  
board by the first day of each month an estimate of the officer's 13453  
or employee's work-related expenses listed in division (B)(1) of 13454  
this section for that month along with the specific appropriation 13455  
line items from which those expenditures are to be made, unless 13456  
the board authorizes, by resolution, the officer or employee to 13457  
submit to the board such an estimate for a period longer than one 13458

month. The board may revise the estimate and determine the amount 13459  
it approves, if any, not to exceed the estimated amount. The board 13460  
shall certify the amount of its determination to the county 13461  
auditor along with the specific appropriation line items from 13462  
which the expenditures are to be made. After receiving 13463  
certification from the county auditor that the determined sum of 13464  
money is in the treasury or in the process of collection to the 13465  
credit of the specific appropriation line items for which the 13466  
credit card is approved for use, and is free from previous and 13467  
then-outstanding obligations or certifications, the board shall 13468  
authorize the officer or employee to incur debt for the expenses 13469  
against the county's credit up to the authorized amount. 13470

(2) In lieu of following the procedure set forth in division 13471  
(E)(1) of this section, a board of county commissioners may adopt 13472  
a resolution authorizing an officer or employee of an appointing 13473  
authority to use a county credit card to pay for specific classes 13474  
of the work-related expenses listed in division (B)(1) of this 13475  
section, or use a specific credit card for any of those 13476  
work-related expenses listed in division (B)(1) of this section, 13477  
without submitting an estimate of those expenses to the board as 13478  
required by division (E)(1) of this section. Prior to adopting the 13479  
resolution, the board shall notify the county auditor. The 13480  
resolution shall specify whether the officer's or employee's 13481  
exemption extends to the use of a specific credit card, which card 13482  
shall be identified by its number, or to one or more specific 13483  
work-related uses from the classes of uses permitted under 13484  
division (B)(1) of this section. Before any credit card exempted 13485  
for specific uses may be used to make purchases for uses other 13486  
than those specific uses listed in the resolution, the procedures 13487  
outlined in division (E)(1) of this section must be followed or 13488  
the use shall be considered an unauthorized use. Use of any credit 13489  
card under division (E)(2) of this section shall be limited to the 13490  
amount appropriated and encumbered in a specific appropriation 13491

line item for the permitted use or uses designated in the 13492  
authorizing resolution, or, in the case of a resolution that 13493  
authorizes use of a specific credit card, for each of the 13494  
permitted uses listed in division (B) of this section, but only to 13495  
the extent the moneys in those specific appropriation line items 13496  
are not otherwise encumbered. 13497

(F)(1) Any time a county credit card approved for use for an 13498  
authorized amount under division (E)(1) of this section is used 13499  
for more than that authorized amount, the appointing authority may 13500  
request the board of county commissioners to authorize after the 13501  
fact the expenditure of any amount charged beyond the originally 13502  
authorized amount if, upon the board's request, the county auditor 13503  
certifies that sum of money is in the treasury or in the process 13504  
of collection to the credit of the appropriate appropriation line 13505  
item for which the credit card was used, and is free from previous 13506  
and then-outstanding obligations or certifications. If the card is 13507  
used for more than the amount originally authorized and if for any 13508  
reason that amount is not authorized after the fact, the county 13509  
treasury shall be reimbursed for any amount spent beyond the 13510  
originally authorized amount in the following manner: 13511

(a) If the card is issued in the name of a specific officer 13512  
or employee, that officer or employee is liable in person and upon 13513  
any official bond the officer or employee has given to the county 13514  
to reimburse the county treasury for the amount charged to the 13515  
county beyond the originally authorized amount. 13516

(b) If the card is issued to the office of the appointing 13517  
authority, the appointing authority is liable in person and upon 13518  
any official bond the appointing authority has given to the county 13519  
for the amount charged to the county beyond the originally 13520  
authorized amount. 13521

(2) Any time a county credit card authorized for use under 13522  
division (E)(2) of this section is used for more than the amount 13523

appropriated under that division, the county treasury shall be 13524  
reimbursed for any amount spent beyond the originally appropriated 13525  
amount in the following manner: 13526

(a) If the card is issued in the name of a specific officer 13527  
or employee, that officer or employee is liable in person and upon 13528  
any official bond the officer or employee has given to the county 13529  
for reimbursing the county treasury for any amount charged on the 13530  
card beyond the originally appropriated amount. 13531

(b) If the card is issued in the name of the office of the 13532  
appointing authority, the appointing authority is liable in person 13533  
and upon any official bond the appointing authority has given to 13534  
the county for reimbursement for any amount charged on the card 13535  
beyond the originally appropriated amount. 13536

(3) Whenever any officer or employee who is authorized to use 13537  
a credit card held by the board or the office of any other county 13538  
appointing authority suspects the loss, theft, or possibility of 13539  
unauthorized use of the card, the officer or employee shall notify 13540  
the county auditor and either the officer's or employee's 13541  
appointing authority or the board immediately and in writing. 13542

(4) If the county auditor determines there has been a credit 13543  
card expenditure beyond the appropriated or authorized amount as 13544  
provided in division (E) of this section, the auditor immediately 13545  
shall notify the board of county commissioners. When the board 13546  
determines, on its own or after notification from the county 13547  
auditor, that the county treasury should be reimbursed for credit 13548  
card expenditures beyond the appropriated or authorized amount as 13549  
provided in divisions (F)(1) and (2) of this section, it shall 13550  
give written notice to the county auditor and to the officer or 13551  
employee or appointing authority liable to the treasury as 13552  
provided in those divisions. If, within thirty days after issuance 13553  
of the written notice, the county treasury is not reimbursed for 13554  
the amount shown on the written notice, the prosecuting attorney 13555

of the county shall recover that amount from the officer or 13556  
employee or appointing authority who is liable under this section 13557  
by civil action in any court of appropriate jurisdiction. 13558

(G) Use of a county credit card for any use other than those 13559  
permitted under division (B)(1) of this section is a violation of 13560  
section 2913.21 of the Revised Code. 13561

**Sec. 307.01.** (A) A courthouse, ~~jail~~, public comfort station, 13562  
offices for county officers, and a county home shall be provided 13563  
by the board of county commissioners when, in its judgment, any of 13564  
them are needed. Subject to Chapter 342. of the Revised Code, a 13565  
jail shall be provided by the board of county commissioners when, 13566  
in its judgment, it is needed. The buildings and offices shall be 13567  
of such style, dimensions, and expense as the board determines. 13568  
All new jails and renovations to existing jails shall be designed, 13569  
and all existing jails shall be operated in such a manner as to 13570  
comply substantially with the minimum standards for jails in Ohio 13571  
adopted by the department of rehabilitation and correction. The 13572  
board shall also provide equipment, stationery, and postage, as it 13573  
considers reasonably necessary for the proper and convenient 13574  
conduct of county offices, and such facilities as will result in 13575  
expeditious and economical administration of such offices, except 13576  
that, for the purpose of obtaining federal or state reimbursement, 13577  
the board may impose on the public children services agency 13578  
reasonable charges, not exceeding the amount for which 13579  
reimbursement will be made and consistent with cost-allocation 13580  
standards adopted by the department of job and family services, 13581  
for the provision of office space, supplies, stationery, 13582  
utilities, telephone use, postage, and general support services. 13583

The board of county commissioners shall provide all rooms, 13584  
fireproof and burglarproof vaults, safes, and other means of 13585  
security in the office of the county treasurer that are necessary 13586

for the protection of public moneys and property in the office. 13587

(B) The court of common pleas shall annually submit a written 13588  
request for an appropriation to the board of county commissioners 13589  
that shall set forth estimated administrative expenses of the 13590  
court that the court considers reasonably necessary for its 13591  
operation. The board shall conduct a public hearing with respect 13592  
to the written request submitted by the court and shall 13593  
appropriate the amount of money each year that it determines, 13594  
after conducting the public hearing and considering the written 13595  
request of the court, is reasonably necessary to meet all 13596  
administrative expenses of the court. 13597

If the court considers the appropriation made by the board 13598  
pursuant to this division insufficient to meet all the 13599  
administrative expenses of the court, it shall commence an action 13600  
under Chapter 2731. of the Revised Code in the court of appeals 13601  
for the judicial district for a determination of the duty of the 13602  
board of county commissioners to appropriate the amount of money 13603  
in dispute. The court of appeals shall give priority to the action 13604  
filed by the court of common pleas over all cases pending on its 13605  
docket. The burden shall be on the court of common pleas to prove 13606  
that the appropriation requested is reasonably necessary to meet 13607  
all its administrative expenses. If, prior to the filing of an 13608  
action under Chapter 2731. of the Revised Code or during the 13609  
pendency of the action, any judge of the court exercises the 13610  
contempt power of the court of common pleas in order to obtain the 13611  
amount of money in dispute, the judge shall not order the 13612  
imprisonment of any member of the board of county commissioners 13613  
notwithstanding sections 2705.02 to 2705.06 of the Revised Code. 13614

(C) Division (B) of this section does not apply to 13615  
appropriations for the probate court or the juvenile court that 13616  
are subject to section 2101.11 or 2151.10 of the Revised Code. 13617

(D) The board of county commissioners may provide offices for 13618

or lease offices to a county land reutilization corporation 13619  
organized under Chapter 1724. of the Revised Code and, in 13620  
connection with such a lease, charge rentals that are at or below 13621  
the market rentals for such offices, if the board determines that 13622  
providing offices for or leasing offices to the corporation will 13623  
promote economic development or the general welfare of the people 13624  
of the county through a plan of providing affordable housing, land 13625  
reutilization, and community development. 13626

**Sec. 307.021.** (A) It is hereby declared to be a public 13627  
purpose and function of the state, and a matter of urgent 13628  
necessity, that the state acquire, construct, or renovate capital 13629  
facilities for use as county, multicounty, municipal-county, and 13630  
multicounty-municipal jail facilities or workhouses, as 13631  
single-county or district community-based correctional facilities 13632  
authorized under section 2301.51 of the Revised Code, as minimum 13633  
security misdemeanor jails under sections 341.34 and 753.21 of 13634  
the Revised Code, and as single-county or joint-county juvenile 13635  
facilities authorized under section 2151.65 of the Revised Code in 13636  
order to comply with constitutional standards and laws for the 13637  
incarceration of alleged and convicted offenders against state and 13638  
local laws, and for use as county family court centers. For these 13639  
purposes, counties and municipal corporations are designated as 13640  
state agencies to perform duties of the state in relation to such 13641  
facilities, workhouses, jails, and centers, and such facilities, 13642  
workhouses, jails, and centers are designated as state capital 13643  
facilities. The treasurer of state is authorized to issue revenue 13644  
obligations under Chapter 154. of the Revised Code to pay all or 13645  
part of the cost of such state capital facilities as are 13646  
designated by law. 13647

The office of the sheriff, due to its responsibilities 13648  
concerning alleged and convicted offenders against state laws, is 13649  
designated as the state agency having jurisdiction over such jail, 13650

workhouse, community-based correctional, or county minimum 13651  
security misdemeanor jail capital facilities in any one county or 13652  
over any district community-based correctional facilities. The 13653  
corrections commission, due to its responsibilities in relation to 13654  
such offenders, is designated as the state agency having 13655  
jurisdiction over any such multicounty, municipal-county, or 13656  
multicounty-municipal jail, workhouse, or correctional capital 13657  
facilities. The office of the chief of police or marshal of a 13658  
municipal corporation, due to its responsibilities concerning 13659  
certain alleged and convicted criminal offenders, is designated as 13660  
the state agency having jurisdiction over any such municipal 13661  
corporation minimum security misdemeanor jail capital facilities 13662  
in the municipal corporation. The juvenile court, as defined in 13663  
section 2151.011 of the Revised Code, is designated as the branch 13664  
of state government having jurisdiction over any such family court 13665  
center or single-county or joint-county juvenile capital 13666  
facilities. It is hereby determined and declared that such capital 13667  
facilities are for the purpose of housing such state agencies, 13668  
their functions, equipment, and personnel. 13669

(B) The capital facilities provided for in this section may 13670  
be included in capital facilities in which one or more 13671  
governmental entities are participating or in which other 13672  
facilities of the county or counties, or any municipal 13673  
corporations, are included pursuant to division (B) of section 13674  
154.24 of the Revised Code or in an agreement between any county 13675  
or counties and any municipal corporation or municipal 13676  
corporations for participating in the joint construction, 13677  
acquisition, or improvement of public works, public buildings, or 13678  
improvements benefiting the parties in the same manner as set 13679  
forth in section 153.61 of the Revised Code. 13680

(C) A county or counties or a municipal corporation or 13681  
municipal corporations may contribute to the cost of capital 13682

facilities authorized under this section. 13683

(D) A county or counties, and any municipal corporations, 13684  
shall lease capital facilities described in this section that are 13685  
constructed, reconstructed, or otherwise improved, which 13686  
facilities are financed by the treasurer of state pursuant to 13687  
Chapter 154. of the Revised Code, for the use of the county or 13688  
counties and any municipal corporations, and may enter into other 13689  
agreements ancillary to the construction, reconstruction, 13690  
improvement, financing, leasing, or operation of such capital 13691  
facilities, including, but not limited to, any agreements required 13692  
by the applicable bond proceedings authorized by Chapter 154. of 13693  
the Revised Code. 13694

Such lease may obligate the county or counties and any 13695  
municipal corporation, as using state agencies under Chapter 154. 13696  
of the Revised Code, to occupy and operate such capital facilities 13697  
for such period of time as may be specified by law and to pay such 13698  
rent as the treasurer of state determines to be appropriate. 13699  
Notwithstanding any other section of the Revised Code, any county 13700  
or counties or municipal corporation may enter into such a lease, 13701  
and any such lease is legally sufficient to obligate the political 13702  
subdivision for the term stated in the lease. Any such lease 13703  
constitutes an agreement described in division (D) of section 13704  
154.06 of the Revised Code. 13705

(E) If rental payments required from the county or counties 13706  
or municipal corporation by a lease established pursuant to this 13707  
section are not paid in accordance with such lease, the funds 13708  
which otherwise would be apportioned to the lessees from the 13709  
county undivided local government fund, pursuant to sections 13710  
5747.51 to 5747.53 of the Revised Code, shall be reduced by the 13711  
amount of rent owed. The county treasurer immediately shall pay 13712  
the amount of such reductions to the treasurer of state. 13713

(F) Any lease of capital facilities authorized by this 13714

section, the rentals of which are payable in whole or in part from 13715  
appropriations made by the general assembly, is governed by 13716  
Chapter 154. of the Revised Code. Such rentals constitute 13717  
available receipts as defined in section 154.24 of the Revised 13718  
Code and may be pledged for the payment of bond service charges as 13719  
provided in that section. 13720

(G) Any provision of section 123.01 of the Revised Code that 13721  
applies to buildings and facilities also applies to the buildings 13722  
and facilities described in this section, unless it is 13723  
inconsistent with this section. 13724

(H) This section applies to the acquisition, construction, 13725  
and renovation of jail facilities constructed pursuant to Chapter 13726  
342. of the Revised Code. 13727

**Sec. 307.86.** Anything to be purchased, leased, leased with an 13728  
option or agreement to purchase, or constructed, including, but 13729  
not limited to, any product, structure, construction, 13730  
reconstruction, improvement, maintenance, repair, or service, 13731  
except the services of an accountant, architect, attorney at law, 13732  
physician, professional engineer, construction project manager, 13733  
consultant, surveyor, or appraiser, by or on behalf of the county 13734  
or contracting authority, as defined in section 307.92 of the 13735  
Revised Code, at a cost in excess of ~~fifty thousand dollars~~ the 13736  
amount specified in section 9.17 of the Revised Code, except as 13737  
otherwise provided in division (D) of section 713.23 and in 13738  
sections 9.48, 125.04, 125.60 to 125.6012, 307.022, 307.041, 13739  
307.861, 339.05, 340.036, 4115.31 to 4115.35, 5119.44, 5513.01, 13740  
5543.19, 5713.01, and 6137.05 of the Revised Code, shall be 13741  
obtained through competitive bidding. No purchase, lease, project, 13742  
or other transaction subject to this section shall be divided into 13743  
component parts, separate projects, or separate items of work in 13744  
order to avoid the requirements of this section. However, 13745

competitive bidding is not required when any of the following 13746  
applies: 13747

(A) The board of county commissioners, by a unanimous vote of 13748  
its members, makes a determination that a real and present 13749  
emergency exists, and that determination and the reasons for it 13750  
are entered in the minutes of the proceedings of the board, when 13751  
either of the following applies: 13752

(1) The estimated cost is less than one hundred twenty-five 13753  
thousand dollars. 13754

(2) There is actual physical disaster to structures, radio 13755  
communications equipment, or computers. 13756

For purposes of this division, "unanimous vote" means all 13757  
three members of a board of county commissioners when all three 13758  
members are present, or two members of the board if only two 13759  
members, constituting a quorum, are present. 13760

Whenever a contract of purchase, lease, or construction is 13761  
exempted from competitive bidding under division (A)(1) of this 13762  
section because the estimated cost is less than one hundred 13763  
twenty-five thousand dollars, but the estimated cost is ~~fifty~~ 13764  
~~thousand dollars~~ the amount specified in section 9.17 of the 13765  
Revised Code or more, the county or contracting authority shall 13766  
solicit informal estimates from no fewer than three persons who 13767  
could perform the contract, before awarding the contract. With 13768  
regard to each such contract, the county or contracting authority 13769  
shall maintain a record of such estimates, including the name of 13770  
each person from whom an estimate is solicited. The county or 13771  
contracting authority shall maintain the record for the longer of 13772  
at least one year after the contract is awarded or the amount of 13773  
time the federal government requires. 13774

(B)(1) The purchase consists of supplies or a replacement or 13775

supplemental part or parts for a product or equipment owned or 13776  
leased by the county, and the only source of supply for the 13777  
supplies, part, or parts is limited to a single supplier. 13778

(2) The purchase consists of services related to information 13779  
technology, such as programming services, that are proprietary or 13780  
limited to a single source. 13781

(C) The purchase is from the federal government, the state, 13782  
another county or contracting authority of another county, or a 13783  
board of education, educational service center, township, or 13784  
municipal corporation. 13785

(D) The purchase is made by a county department of job and 13786  
family services under section 329.04 of the Revised Code and 13787  
consists of family services duties or workforce development 13788  
activities or is made by a county board of developmental 13789  
disabilities under section 5126.05 of the Revised Code and 13790  
consists of program services, such as direct and ancillary client 13791  
services, child care, case management services, residential 13792  
services, and family resource services. 13793

(E) The purchase consists of criminal justice services, 13794  
social services programs, family services, or workforce 13795  
development activities by the board of county commissioners from 13796  
nonprofit corporations or associations under programs funded by 13797  
the federal government or by state grants. 13798

(F) The purchase consists of any form of an insurance policy 13799  
or contract authorized to be issued under Title XXXIX of the 13800  
Revised Code or any form of health care plan authorized to be 13801  
issued under Chapter 1751. of the Revised Code, or any combination 13802  
of such policies, contracts, plans, or services that the 13803  
contracting authority is authorized to purchase, and the 13804  
contracting authority does all of the following: 13805

(1) Determines that compliance with the requirements of this 13806

section would increase, rather than decrease, the cost of the purchase; 13807  
13808

(2) Requests issuers of the policies, contracts, plans, or services to submit proposals to the contracting authority, in a form prescribed by the contracting authority, setting forth the coverage and cost of the policies, contracts, plans, or services as the contracting authority desires to purchase; 13809  
13810  
13811  
13812  
13813

(3) Negotiates with the issuers for the purpose of purchasing the policies, contracts, plans, or services at the best and lowest price reasonably possible. 13814  
13815  
13816

(G) The purchase consists of computer hardware, software, or consulting services that are necessary to implement a computerized case management automation project administered by the Ohio prosecuting attorneys association and funded by a grant from the federal government. 13817  
13818  
13819  
13820  
13821

(H) Child care services are purchased for provision to county employees. 13822  
13823

(I)(1) Property, including land, buildings, and other real property, is leased for offices, storage, parking, or other purposes, and all of the following apply: 13824  
13825  
13826

(a) The contracting authority is authorized by the Revised Code to lease the property. 13827  
13828

(b) The contracting authority develops requests for proposals for leasing the property, specifying the criteria that will be considered prior to leasing the property, including the desired size and geographic location of the property. 13829  
13830  
13831  
13832

(c) The contracting authority receives responses from prospective lessors with property meeting the criteria specified in the requests for proposals by giving notice in a manner substantially similar to the procedures established for giving 13833  
13834  
13835  
13836

notice under section 307.87 of the Revised Code. 13837

(d) The contracting authority negotiates with the prospective 13838  
lessors to obtain a lease at the best and lowest price reasonably 13839  
possible considering the fair market value of the property and any 13840  
relocation and operational costs that may be incurred during the 13841  
period the lease is in effect. 13842

(2) The contracting authority may use the services of a real 13843  
estate appraiser to obtain advice, consultations, or other 13844  
recommendations regarding the lease of property under this 13845  
division. 13846

(J) The purchase is made pursuant to section 5139.34 or 13847  
sections 5139.41 to 5139.46 of the Revised Code and is of programs 13848  
or services that provide case management, treatment, or prevention 13849  
services to any felony or misdemeanor delinquent, unruly youth, 13850  
or status offender under the supervision of the juvenile court, 13851  
including, but not limited to, community residential care, day 13852  
treatment, services to children in their home, or electronic 13853  
monitoring. 13854

(K) The purchase is made by a public children services agency 13855  
pursuant to section 307.92 or 5153.16 of the Revised Code and 13856  
consists of family services, programs, or ancillary services that 13857  
provide case management, prevention, or treatment services for 13858  
children at risk of being or alleged to be abused, neglected, or 13859  
dependent children. 13860

(L) The purchase is to obtain the services of emergency 13861  
medical service organizations under a contract made by the board 13862  
of county commissioners pursuant to section 307.05 of the Revised 13863  
Code with a joint emergency medical services district. 13864

(M) The county contracting authority determines that the use 13865  
of competitive sealed proposals would be advantageous to the 13866  
county and the contracting authority complies with section 307.862 13867

of the Revised Code. 13868

(N) The purchase consists of used supplies and is made at a 13869  
public auction. 13870

Any issuer of policies, contracts, plans, or services listed 13871  
in division (F) of this section and any prospective lessor under 13872  
division (I) of this section may have the issuer's or prospective 13873  
lessor's name and address, or the name and address of an agent, 13874  
placed on a special notification list to be kept by the 13875  
contracting authority, by sending the contracting authority that 13876  
name and address. The contracting authority shall send notice to 13877  
all persons listed on the special notification list. Notices shall 13878  
state the deadline and place for submitting proposals. The 13879  
contracting authority shall mail the notices at least six weeks 13880  
prior to the deadline set by the contracting authority for 13881  
submitting proposals. Every five years the contracting authority 13882  
may review this list and remove any person from the list after 13883  
mailing the person notification of that action. 13884

Any contracting authority that negotiates a contract under 13885  
division (F) of this section shall request proposals and negotiate 13886  
with issuers in accordance with that division at least every three 13887  
years from the date of the signing of such a contract, unless the 13888  
parties agree upon terms for extensions or renewals of the 13889  
contract. Such extension or renewal periods shall not exceed six 13890  
years from the date the initial contract is signed. 13891

Any real estate appraiser employed pursuant to division (I) 13892  
of this section shall disclose any fees or compensation received 13893  
from any source in connection with that employment. 13894

As used in division (N) of this section, "supplies" means any 13895  
personal property including equipment, materials, and other 13896  
tangible assets. 13897

**Sec. 307.861.** The county or contracting authority, as defined 13898  
in section 307.92 of the Revised Code, may renew a lease which has 13899  
been entered into for electronic data processing equipment, 13900  
services, or systems, or a radio communications system at a cost 13901  
in excess of ~~fifty thousand dollars~~ the amount specified in 13902  
section 9.17 of the Revised Code as follows: 13903

(A) The lessor shall submit a written bid to the county or 13904  
contracting authority that is the lessee under the lease, stating 13905  
the terms under which the lease would be renewed, including the 13906  
length of the renewal lease, and the cost of the renewal lease to 13907  
the county or contracting authority. The county or contracting 13908  
authority may require the lessor to submit a bond with the bid. 13909

(B) The county or contracting authority shall advertise for 13910  
and receive competitive bids, as provided in sections 307.87 to 13911  
307.90 of the Revised Code, for a lease under the same terms and 13912  
for the same period as provided in the bid of the lessor submitted 13913  
under division (A) of this section. 13914

(C) The county or contracting authority may renew the lease 13915  
with the lessor only if the bid submitted by the lessor under 13916  
division (A) of this section is an amount less than the lowest and 13917  
best bid submitted pursuant to competitive bidding under division 13918  
(B) of this section. 13919

**Sec. 307.87.** Where competitive bidding is required by section 13920  
307.86 of the Revised Code, notice thereof shall be given in the 13921  
following manner: 13922

(A) Notice shall be published once a week for not less than 13923  
two consecutive weeks preceding the day of the opening of bids in 13924  
a newspaper of general circulation within the county for any 13925  
purchase, lease, lease with option or agreement to purchase, or 13926  
construction contract in excess of fifty thousand dollars. The 13927

contracting authority may also cause notice to be inserted in 13928  
trade papers or other publications designated by it or to be 13929  
distributed by electronic means, including posting the notice on 13930  
the contracting authority's internet site on the world wide web. 13931  
If the contracting authority posts the notice on that location on 13932  
the world wide web, it may eliminate the second notice otherwise 13933  
required to be published in a newspaper of general circulation 13934  
within the county, provided that the first notice published in 13935  
such a newspaper meets all of the following requirements: 13936

(1) It is published at least two weeks before the opening of 13937  
bids. 13938

(2) It includes a statement that the notice is posted on the 13939  
contracting authority's internet site on the world wide web. 13940

(3) It includes the internet address of the contracting 13941  
authority's internet site on the world wide web. 13942

(4) It includes instructions describing how the notice may be 13943  
accessed on the contracting authority's internet site on the world 13944  
wide web. 13945

(B) Notices shall state all of the following: 13946

(1) A general description of the subject of the proposed 13947  
contract and the time and place where the plans and specifications 13948  
or itemized list of supplies, facilities, or equipment and 13949  
estimated quantities can be obtained or examined; 13950

(2) The time and place where bids will be opened; 13951

(3) The time and place for filing bids; 13952

(4) The terms of the proposed purchase; 13953

(5) Conditions under which bids will be received; 13954

~~(6) The existence of a system of preference, if any, for 13955  
products mined and produced in Ohio and the United States adopted 13956  
pursuant to section 307.90 of the Revised Code. 13957~~

(C) The contracting authority shall also maintain in a public place in its office or other suitable public place a bulletin board upon which it shall post and maintain a copy of such notice for at least two weeks preceding the day of the opening of the bids.

**Sec. 307.90.** ~~(A)~~ The award of all contracts subject to sections 307.86 to 307.92 of the Revised Code shall be made to the lowest and best bidder. The bond or bid guaranty of all unsuccessful bidders shall be returned to them by the contracting authority immediately upon awarding the contract or rejection of all bids. The contracting authority may reject all bids.

~~(B) With respect to any contract for the purchase of equipment, materials, supplies, insurance, services, or a public improvement into which a county or its officers may enter, a board of county commissioners, by resolution, may adopt the model system of preferences for products mined or produced in Ohio and the United States and for Ohio-based contractors promulgated pursuant to division (E) of section 125.11 of the Revised Code. The resolution shall specify the class or classes of contracts to which the system of preferences apply, and once adopted, operates to modify the awarding of such contracts accordingly. While the system of preferences is in effect, no county officer or employee with the responsibility for doing so shall award a contract to which the system applies in violation of the preference system.~~

**Sec. 308.13.** (A) The board of trustees of a regional airport authority or any officer or employee designated by such board may make without competitive bidding any contract for any purchase, lease, lease with option or agreement to purchase any property, or any construction contract for any work, the cost of which shall not exceed ~~fifty thousand dollars~~ the amount specified in section 9.17 of the Revised Code. Any purchase, lease, lease with option

or agreement to purchase, or construction contract in excess of 13989  
~~fifty thousand dollars~~ the amount specified in section 9.17 of the 13990  
Revised Code shall require that a notice calling for bids be 13991  
published once a week for not less than two consecutive weeks 13992  
preceding the day of the opening of the bids in a newspaper of 13993  
general circulation within the territorial boundaries of the 13994  
regional airport authority. The regional airport authority also 13995  
may cause notice to be inserted in trade papers or other 13996  
publications designated by it or to be distributed by electronic 13997  
means, including posting the notice on the internet site on the 13998  
world wide web of the regional airport authority. If the 13999  
contracting authority posts the notice on that internet web site, 14000  
the requirement that a second notice be published in a newspaper 14001  
of general circulation within the territorial boundaries of the 14002  
regional airport authority does not apply provided the first 14003  
notice published in that newspaper meets all of the following 14004  
requirements: 14005

(1) It is published at least two weeks prior to the day of 14006  
the opening of the bids. 14007

(2) It includes a statement that the notice is posted on the 14008  
internet site on the world wide web of the regional airport 14009  
authority. 14010

(3) It includes the internet address of the internet site on 14011  
the world wide web of the regional airport authority. 14012

(4) It includes instructions describing how the notice may be 14013  
accessed on the internet site on the world wide web of the 14014  
regional airport authority. 14015

No purchase, lease, project, or other transaction subject to 14016  
this section shall be divided into component parts, separate 14017  
projects, or separate items of work in order to avoid the 14018  
requirements of this section. 14019

If the bid is for a contract for the construction, 14020  
demolition, alteration, repair, or reconstruction of an 14021  
improvement, it shall meet the requirements of section 153.54 of 14022  
the Revised Code. If the bid is for any other contract authorized 14023  
by this section, it shall be accompanied by a good and approved 14024  
bond with ample security conditioned on the carrying out of the 14025  
contract as determined by the board. The board may let the 14026  
contract to the lowest and best bidder. Such contract shall be in 14027  
writing and shall be accompanied by or shall refer to plans and 14028  
specifications for the work to be done, as approved by the board. 14029  
The plans and specifications at all times shall be made and 14030  
considered part of the contract. The contract shall be approved by 14031  
the board and signed by its chief executive officer and by the 14032  
contractor, and shall be executed in duplicate. 14033

(B) The competitive bidding procedures described in division 14034  
(A) of this section do not apply in any of the following 14035  
circumstances: 14036

(1) The board of trustees of a regional airport authority, by 14037  
a majority vote of its members present at any meeting, determines 14038  
that a real and present emergency exists under any of the 14039  
following conditions, and the board enters its determination and 14040  
the reasons for it in its proceedings: 14041

(a) Affecting safety, welfare, or the ability to deliver 14042  
services; 14043

(b) Arising out of an interruption of contracts essential to 14044  
the provision of daily air services and other services related to 14045  
the airport; 14046

(c) Involving actual physical damage to structures, supplies, 14047  
equipment, or property requiring immediate repair or replacement. 14048

(2) The purchase consists of goods or services, or any 14049  
combination thereof, and after reasonable inquiry the board or any 14050

officer or designee of the board finds that only one source of 14051  
supply is reasonably available. 14052

(3) The expenditure is for a renewal or renegotiation of a 14053  
lease or license for telecommunications or informational 14054  
technology equipment, services, or systems, or for the upgrade of 14055  
such equipment, services, or systems, or for the maintenance 14056  
thereof as supplied by the original source or its successors or 14057  
assigns. 14058

(4) The purchase of goods or services is made from another 14059  
political subdivision, public agency, public transit system, 14060  
regional transit authority, the state, or the federal government, 14061  
or as a third-party beneficiary under a state or federal 14062  
procurement contract, or as a participant in a department of 14063  
administrative services contract under division (B) of section 14064  
125.04 of the Revised Code or under an approved purchasing plan of 14065  
this state. 14066

(5) The purchase substantially involves services of a 14067  
personal, professional, highly technical, or scientific nature, 14068  
including the services of an attorney, physician, engineer, 14069  
architect, surveyor, appraiser, investigator, adjuster, 14070  
advertising consultant, or licensed broker, or involves the 14071  
special skills or proprietary knowledge required for the operation 14072  
of the airport owned by the regional transit authority. 14073

(6) Services or supplies are available from a qualified 14074  
nonprofit agency pursuant to sections 4115.31 to 4115.35 of the 14075  
Revised Code. 14076

(7) The purchase consists of the product or services of a 14077  
public utility. 14078

**Sec. 308.21.** (A) The board of trustees of a regional airport 14079  
authority, the board of directors of a port authority, or the 14080

legislative authority of a municipal corporation that owns, 14081  
operates, or maintains a qualifying airport may, by resolution 14082  
adopted before January 1, 2024, create an airport development 14083  
district for the purpose of developing and implementing plans for 14084  
public infrastructure improvements that benefit the qualifying 14085  
airport and to finance expenditures to attract or retain airlines, 14086  
increase the number of scheduled flights to and from the 14087  
qualifying airport, or increase use of the airport by aircraft 14088  
having greater passenger capacity or greater first-class seating 14089  
availability. The resolution shall include a development plan for 14090  
the district that, at minimum, specifies all of the following: 14091

(1) The manner in which the nonprofit corporation that is to 14092  
govern the district will be formed, operated, and organized; 14093

(2) The manner in which the board of directors of the 14094  
nonprofit corporation that is to govern the district are 14095  
appointed; 14096

(3) A plan for the public infrastructure improvements and 14097  
other expenditures to be financed by the district; 14098

(4) A description of the territory of the district, which 14099  
shall consist of all parcels of real property that are located 14100  
within five miles of the qualifying airport. For the purpose of 14101  
this division, a parcel is located within five miles of a 14102  
qualifying airport if the distance between any portion of the 14103  
parcel and any portion of the qualifying airport is five miles or 14104  
less. 14105

(B) After adopting a resolution under division (A) of this 14106  
section, the board of trustees of the regional airport authority, 14107  
board of directors of the port authority, or legislative authority 14108  
of the municipal corporation shall submit a copy to the director 14109  
of development ~~services~~. 14110

(C) An airport development district is not a political subdivision for any purpose prescribed in the Revised Code. A district shall be considered a public agency under section 102.01 of the Revised Code and a public authority under section 4115.03 of the Revised Code. Districts are subject to sections 121.22 and 121.23 of the Revised Code, but are not subject to sections 121.81 to ~~121.83~~ 121.82 of the Revised Code.

**Sec. 317.08.** (A) The county recorder shall record all instruments in one general record series to be known as the "official records." The county recorder shall record in the official records all of the following instruments that are presented for recording, upon payment of the fees prescribed by law:

(1) Deeds and other instruments of writing for the absolute and unconditional sale or conveyance of lands, tenements, and hereditaments;

(2) Notices as provided in sections 5301.47 to 5301.56 of the Revised Code;

(3) Judgments or decrees in actions brought under section 5303.01 of the Revised Code;

(4) Declarations and bylaws, and all amendments to declarations and bylaws, as provided in Chapter 5311. of the Revised Code;

(5) Affidavits as provided in sections 5301.252 and 5301.56 of the Revised Code;

(6) Certificates as provided in section 5311.17 of the Revised Code;

(7) Articles dedicating archaeological preserves accepted by the director of the Ohio history connection under section 149.52 of the Revised Code;

(8) Articles dedicating nature preserves accepted by the director of natural resources under section 1517.05 of the Revised Code;	14141 14142 14143
(9) Conveyances of conservation easements and agricultural easements under section 5301.68 of the Revised Code;	14144 14145
(10) Instruments extinguishing agricultural easements under section 901.21 or 5301.691 of the Revised Code or pursuant to the terms of such an easement granted to a charitable organization under section 5301.68 of the Revised Code;	14146 14147 14148 14149
(11) Instruments or orders described in division (B)(2)(b) of section 5301.56 of the Revised Code;	14150 14151
(12) No further action letters issued under section 122.654 or 3746.11 of the Revised Code;	14152 14153
(13) Covenants not to sue issued under section 3746.12 of the Revised Code, including all covenants not to sue issued pursuant to section 122.654 of the Revised Code;	14154 14155 14156
(14) Restrictions on the use of property contained in a no further action letter issued under section 122.654 of the Revised Code, restrictions on the use of property identified pursuant to division (C)(3)(a) of section 3746.10 of the Revised Code, and restrictions on the use of property contained in a deed or other instrument as provided in division (E) or (F) of section 3737.882 of the Revised Code;	14157 14158 14159 14160 14161 14162 14163
(15) Any easement executed or granted under section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code;	14164 14165
(16) Any environmental covenant entered into in accordance with sections 5301.80 to 5301.92 of the Revised Code;	14166 14167
(17) Memoranda of trust, as described in division (A) of section 5301.255 of the Revised Code, that describe specific real property;	14168 14169 14170

(18) Agreements entered into under section 1506.44 of the Revised Code;	14171 14172
(19) Mortgages, including amendments, supplements, modifications, and extensions of mortgages, or other instruments of writing by which lands, tenements, or hereditaments are or may be mortgaged or otherwise conditionally sold, conveyed, affected, or encumbered;	14173 14174 14175 14176 14177
(20) Executory installment contracts for the sale of land executed after September 29, 1961, that by their terms are not required to be fully performed by one or more of the parties to them within one year of the date of the contracts;	14178 14179 14180 14181
(21) Options to purchase real estate, including supplements, modifications, and amendments of the options, but no option of that nature shall be recorded if it does not state a specific day and year of expiration of its validity;	14182 14183 14184 14185
(22) Any tax certificate sold under section 5721.33 of the Revised Code, or memorandum of it, that is presented for filing of record;	14186 14187 14188
(23) Powers of attorney, including all memoranda of trust, as described in division (A) of section 5301.255 of the Revised Code, that do not describe specific real property;	14189 14190 14191
(24) Plats and maps of town lots, of the subdivision of town lots, and of other divisions or surveys of lands, any center line survey of a highway located within the county, the plat of which shall be furnished by the director of transportation or county engineer, and all drawings and amendments to drawings, as provided in Chapter 5311. of the Revised Code;	14192 14193 14194 14195 14196 14197
(25) Leases, memoranda of leases, and supplements, modifications, and amendments of leases and memoranda of leases, including a lease described in section 5301.09 of the Revised Code;	14198 14199 14200 14201

(26) Declarations executed pursuant to section 2133.02 of the Revised Code and durable powers of attorney for health care executed pursuant to section 1337.12 of the Revised Code;

(27) Unemployment compensation liens, internal revenue tax liens, and other liens in favor of the United States as described in division (A) of section 317.09 of the Revised Code, personal tax liens, mechanic's liens, agricultural product liens, notices of liens, certificates of satisfaction or partial release of estate tax liens, discharges of recognizances, excise and franchise tax liens on corporations, broker's liens, and liens provided for in section 1513.33, 1513.37, 3752.13, 4141.23, ~~5111.022~~ 5164.56, or 5311.18 of the Revised Code; ~~and~~

(28) Corrupt activity lien notices filed pursuant to section 2923.36 of the Revised Code and medicaid fraud lien notices filed pursuant to section 2933.75 of the Revised Code;

(29) Deeds for the purchase of burial lots or other interment rights under section 517.07 of the Revised Code.

(B) All instruments or memoranda of instruments entitled to record shall be recorded in the order in which they are presented for recording.

The recording of an option to purchase real estate, including any supplement, modification, and amendment of the option, under this section shall serve as notice to any purchaser of an interest in the real estate covered by the option only during the period of the validity of the option as stated in the option.

(C) In addition to the official records, a county recorder may elect to keep a separate set of records that contain the instruments listed in division (A)(24) of this section.

(D) As part of the official records, the county recorder shall keep a separate set of records containing all transfers, conveyances, or assignments of any type of tangible or intangible

personal property or any rights or interests in that property if 14233  
and to the extent that any person wishes to record that personal 14234  
property transaction and if the applicable instrument is 14235  
acknowledged before a notary public. If the transferor is a 14236  
natural person, the notice of personal property transfer shall be 14237  
recorded in the county in this state in which the transferor 14238  
maintains the transferor's principal residence. If the transferor 14239  
is not a natural person, the notice of personal property transfer 14240  
shall be recorded in the county in this state in which the 14241  
transferor maintains its principal place of business. If the 14242  
transferor does not maintain a principal residence or a principal 14243  
place of business in this state and the transfer is to a trustee 14244  
of a legacy trust formed pursuant to Chapter 5816. of the Revised 14245  
Code, the notice of personal property transfer shall be recorded 14246  
in the county in this state where that trustee maintains a 14247  
principal residence or principal place of business. In all other 14248  
instances, the notice of personal property transfer shall be 14249  
recorded in the county in this state where the property described 14250  
in the notice is located. 14251

**Sec. 317.13.** (A) Except as otherwise provided in division (B) 14252  
of this section, the county recorder shall record in the official 14253  
records, in legible handwriting, typewriting, or printing, or by 14254  
any authorized photographic or electronic process, all deeds, 14255  
mortgages, plats, or other instruments of writing that are 14256  
required or authorized by the Revised Code to be recorded and that 14257  
are presented to the county recorder for that purpose. The county 14258  
recorder shall record the instruments in regular succession, 14259  
according to the priority of presentation, and shall enter the 14260  
file number at the beginning of the record. On the record of each 14261  
instrument, the county recorder shall record the date and precise 14262  
time the instrument was presented for record. All records made, 14263  
prior to July 28, 1949, by means authorized by this section or by 14264

section 9.01 of the Revised Code shall be deemed properly made. 14265

~~(B)(1)~~ The county recorder may refuse to record an 14266  
instrument of writing presented for recording if the instrument is 14267  
not required or authorized by the Revised Code to be recorded or 14268  
the county recorder has reasonable cause to believe the instrument 14269  
is materially false or fraudulent. ~~This division~~ 14270

(2) The county recorder shall refuse to record a 14271  
right-to-list home sale agreement described in division (B) of 14272  
section 5301.94 of the Revised Code. 14273

Division (B) of this section does not create a duty upon a 14274  
recorder to inspect, evaluate, or investigate an instrument of 14275  
writing, including a right-to-list home sale agreement, that is 14276  
presented for recording. 14277

(C) If a person presents an instrument of writing to the 14278  
county recorder for recording and the county recorder, pursuant to 14279  
division (B) of this section, refuses to record the instrument, 14280  
the person has a cause of action for an order from the court of 14281  
common pleas in the county that the county recorder serves, to 14282  
require the county recorder to record the instrument. If the court 14283  
determines that the instrument is required or authorized by the 14284  
Revised Code to be recorded ~~and~~, is not materially false or 14285  
fraudulent, and is not a right-to-list home sale agreement, it 14286  
shall order the county recorder to record the instrument. 14287

(D) The county recorder shall keep confidential information 14288  
that is subject to a real property confidentiality notice under 14289  
section 111.431 of the Revised Code, in accordance with that 14290  
section. A copy of the real property confidentiality notice shall 14291  
accompany subsequent recordings of the property, unless the 14292  
program participant's certification has been canceled under 14293  
section 111.431 or 111.45 of the Revised Code. 14294

Sec. 317.321. (A) Not later than the first day of October of 14295  
any year, the county recorder may submit to the board of county 14296  
commissioners a proposal for funding any of the following: 14297

(1) The acquisition and maintenance of imaging and other 14298  
technological equipment and contract services therefor; 14299

(2) To reserve funds for the office's future technology needs 14300  
if the county recorder has no immediate plans for the acquisition 14301  
of imaging and other technological equipment or contract services, 14302  
or to use the county recorder's technology fund as a dedicated 14303  
revenue source to repay debt to purchase any imaging and other 14304  
technological equipment before the accumulation of adequate 14305  
resources to purchase the equipment with cash. 14306

(3) Subject to division (G) of this section, for other 14307  
expenses associated with the acquisition and maintenance of 14308  
imaging and other technological equipment and contract services. 14309

(B) The proposal shall be in writing and shall include at 14310  
least the following: 14311

(1) A request that an amount not to exceed eight dollars of 14312  
the total base fees collected for filing or recording a document 14313  
for which a fee is charged as required by division (A)(1) of 14314  
section 317.32 or by section 1309.525 or 5310.15 of the Revised 14315  
Code be placed in the county treasury to the credit of the county 14316  
recorder's technology fund; 14317

(2) Except as provided in division (E)(3) of this section, 14318  
the number of years, not to exceed five, for which the county 14319  
recorder requests that the amount requested under division (A)(1) 14320  
of this section be given the designation specified in that 14321  
division; 14322

(3) An estimate of the total amount of fees that will be 14323  
generated for filing or recording a document for which a fee is 14324

charged as required by division (A)(1) or (2) of section 317.32 of 14325  
the Revised Code or by section 1309.525 or 5310.15 of the Revised 14326  
Code; 14327

(4) An estimate of the total amount of fees for filing or 14328  
recording a document for which a fee is charged as required by 14329  
division (A)(1) or (2) of section 317.32 or by section 1309.525 or 14330  
5310.15 of the Revised Code that will be credited to the county 14331  
recorder's technology fund if the request submitted under division 14332  
(B)(1) of this section is approved by the board of county 14333  
commissioners. 14334

(C) A proposal for the purposes of division (A)(1) of this 14335  
section shall include a description or summary of the imaging and 14336  
other technological equipment that the county recorder proposes to 14337  
acquire and maintain, and the nature of contract services that the 14338  
county recorder proposes to utilize, if the proposal is for those 14339  
purposes. A proposal for the purposes of division (A)(2) of this 14340  
section shall explain the general future technology needs of the 14341  
office for imaging and other technological equipment, or for 14342  
revenue to repay debt, if the proposal is for those purposes. A 14343  
proposal for the purposes of division (A)(3) of this section shall 14344  
identify the other expenses associated with the acquisition and 14345  
maintenance of imaging and other technological equipment and 14346  
contract services that the county recorder proposes to pay with 14347  
moneys in the county recorder's technology fund, if the proposal 14348  
is for those purposes. 14349

(D) The board of county commissioners shall receive a 14350  
proposal and the clerk shall enter it on the journal. At the same 14351  
time, the board shall establish a date, not sooner than fifteen or 14352  
later than thirty days after the board receives the proposal, on 14353  
which to meet with the recorder to review the proposal. 14354

(E)(1) Except as provided in division (E)(3) of this section, 14355  
not later than the fifteenth day of December of any year in which 14356

a proposal is submitted under division (A) of this section, the 14357  
board of county commissioners shall approve, reject, or modify the 14358  
proposal and notify the county recorder of its action on the 14359  
proposal. If the board rejects or modifies the proposal, it shall 14360  
make a written finding that the request is for a purpose other 14361  
than for a purpose in division (A) of this section, or that the 14362  
amount requested is excessive as determined by the board. 14363

(2) A proposal submitted under division (A) of this section 14364  
that was approved by the board of county commissioners before, and 14365  
is in effect on ~~the effective date of this amendment~~ the effective 14366  
date of this amendment, shall continue in effect until January 1, 14367  
~~2025~~ 2030, notwithstanding the number of years of funding 14368  
specified in the approved proposal. 14369

(3) A proposal submitted under division (A) of this section 14370  
between October 1, 2019, and October 1, ~~2023~~ 2028, may request 14371  
that an amount that does not exceed three dollars be credited to 14372  
the county recorder's technology fund, in addition to the amount 14373  
previously approved by the board of county commissioners in a 14374  
proposal described in division (E)(2) of this section. The 14375  
proposal may be submitted each year during that time period, but 14376  
shall be limited to funding in the following fiscal year. If the 14377  
total of the amount under division (E)(2) of this section and the 14378  
amount requested under this division does not exceed eight 14379  
dollars, the board shall approve the proposal and notify the 14380  
county recorder of its approval. 14381

(4) If the total amount of fees provided for in divisions 14382  
(B), (E)(2), and (E)(3) of this section is less than eight 14383  
dollars, a proposal requesting additional fees may be submitted to 14384  
the board of county commissioners under division (E)(1) of this 14385  
section, as long as the total amount of the fees in divisions (B) 14386  
and (E)(2), (3), and (4) of this section that are to be credited 14387  
to the county recorder's technology fund does not exceed eight 14388

dollars, and the proposal is for a number of years, not to exceed 14389  
five. 14390

(5) When a proposal is approved by the board of county 14391  
commissioners under division (E) of this section, the county 14392  
recorder's technology fund is established in the county treasury, 14393  
and, beginning on the following first day of January, the fees 14394  
approved shall be deposited in that fund. 14395

(F) The acquisition and maintenance of imaging and other 14396  
technological equipment, and other associated expenses and 14397  
contract services therefor, shall be specifically governed by 14398  
sections 307.80 to 307.806, 307.84 to 307.846, 307.86 to 307.92, 14399  
and 5705.38, and by division (D) of section 5705.41 of the Revised 14400  
Code. 14401

(G) If the use of the county recorder's technology fund for 14402  
the purposes of division (A)(3) of this section includes 14403  
associated expenses for personnel, the use of the fund for 14404  
personnel shall be strictly confined to personnel directly related 14405  
to imaging and other technological equipment, and any compensation 14406  
increases for those personnel shall not exceed the average of the 14407  
annual aggregate percentage increase or decrease in the 14408  
compensation fixed by the board of county commissioners for their 14409  
employees, and for the officers in section 325.27 of the Revised 14410  
Code. Use of the fund for compensation bonuses, or for recognizing 14411  
outstanding employee performance in a manner described in section 14412  
325.25 of the Revised Code, is prohibited. 14413

(H) If a county is under a fiscal caution under section 14414  
118.025 of the Revised Code, or is under a fiscal watch or fiscal 14415  
emergency as defined in section 118.01 of the Revised Code, the 14416  
board of county commissioners, notwithstanding sections 5705.14 to 14417  
5705.16 of the Revised Code, may transfer from the county 14418  
recorder's technology fund any moneys the board deems necessary. 14419

Sec. 319.202. Before the county auditor indorses any real 14420  
property conveyance or manufactured or mobile home conveyance 14421  
presented to the auditor pursuant to section 319.20 of the Revised 14422  
Code or registers any manufactured or mobile home conveyance 14423  
pursuant to section 4503.061 of the Revised Code, the grantee or 14424  
the grantee's representative shall submit ~~in triplicate, either~~ 14425  
electronically or three written copies of, a statement, in the 14426  
form prescribed by the tax commissioner, and other information as 14427  
the county auditor may require, declaring the value of real 14428  
property or manufactured or mobile home conveyed, except that when 14429  
the transfer is exempt under division (G)(3) of section 319.54 of 14430  
the Revised Code only a statement of the reason for the exemption 14431  
shall be required. Each statement submitted under this section 14432  
shall contain the information required under divisions (A) and (B) 14433  
of this section. 14434

(A) Each statement submitted under this section shall either: 14435

(1) Contain an affirmation by the grantee that the grantor 14436  
has been asked by the grantee or the grantee's representative 14437  
whether to the best of the grantor's knowledge either the 14438  
preceding or the current year's taxes on the real property or the 14439  
current or following year's taxes on the manufactured or mobile 14440  
home conveyed will be reduced under division (A) of section 14441  
323.152 or under section 4503.065 of the Revised Code and that the 14442  
grantor indicated that to the best of the grantor's knowledge the 14443  
taxes will not be so reduced; or 14444

(2) Be accompanied by a sworn or affirmed instrument stating: 14445

(a) To the best of the grantor's knowledge the real property 14446  
or the manufactured or mobile home that is the subject of the 14447  
conveyance is eligible for and will receive a reduction in taxes 14448  
for or payable in the current year under division (A) of section 14449  
323.152 or under section 4503.065 of the Revised Code and that the 14450

reduction or reductions will be reflected in the grantee's taxes; 14451

(b) The estimated amount of such reductions that will be 14452  
reflected in the grantee's taxes; 14453

(c) That the grantor and the grantee have considered and 14454  
accounted for the total estimated amount of such reductions to the 14455  
satisfaction of both the grantee and the grantor. The auditor 14456  
shall indorse the instrument, return it to the grantee or the 14457  
grantee's representative, and provide a copy of the indorsed 14458  
instrument to the grantor or the grantor's representative. 14459

(B) Each statement submitted under this section shall either: 14460

(1) Contain an affirmation by the grantee that the grantor 14461  
has been asked by the grantee or the grantee's representative 14462  
whether to the best of the grantor's knowledge the real property 14463  
conveyed qualified for the current agricultural use valuation 14464  
under section 5713.30 of the Revised Code either for the preceding 14465  
or the current year and that the grantor indicated that to the 14466  
best of the grantor's knowledge the property conveyed was not so 14467  
qualified; or 14468

(2) Be accompanied by a sworn or affirmed instrument stating: 14469

(a) To the best of the grantor's knowledge the real property 14470  
conveyed was qualified for the current agricultural use valuation 14471  
under section 5713.30 of the Revised Code either for the preceding 14472  
or the current year; 14473

(b) To the extent that the property will not continue to 14474  
qualify for the current agricultural use valuation either for the 14475  
current or the succeeding year, that the property will be subject 14476  
to a recoupment charge equal to the tax savings in accordance with 14477  
section 5713.34 of the Revised Code; 14478

(c) That the grantor and the grantee have considered and 14479  
accounted for the total estimated amount of such recoupment, if 14480

any, to the satisfaction of both the grantee and the grantor. The 14481  
auditor shall indorse the instrument, forward it to the grantee or 14482  
the grantee's representative, and provide a copy of the indorsed 14483  
instrument to the grantor or the grantor's representative. 14484

(C) The grantor shall pay the fee required by division (G)(3) 14485  
of section 319.54 of the Revised Code; and, in the event the board 14486  
of county commissioners of the county has levied a real property 14487  
or a manufactured home transfer tax pursuant to Chapter 322. of 14488  
the Revised Code, the amount required by the real property or 14489  
manufactured home transfer tax so levied. If the conveyance is 14490  
exempt from the fee provided for in division (G)(3) of section 14491  
319.54 of the Revised Code and the tax, if any, levied pursuant to 14492  
Chapter 322. of the Revised Code, the reason for such exemption 14493  
shall be shown on the statement. "Value" means, in the case of any 14494  
deed or certificate of title not a gift in whole or part, the 14495  
amount of the full consideration therefor, paid or to be paid for 14496  
the real estate or manufactured or mobile home described in the 14497  
deed or title, including the amount of any mortgage or vendor's 14498  
lien thereon. If property sold under a land installment contract 14499  
is conveyed by the seller under such contract to a third party and 14500  
the contract has been of record at least twelve months prior to 14501  
the date of conveyance, "value" means the unpaid balance owed to 14502  
the seller under the contract at the time of the conveyance, but 14503  
the statement shall set forth the amount paid under such contract 14504  
prior to the date of conveyance. In the case of a gift in whole or 14505  
part, "value" means the estimated price the real estate or 14506  
manufactured or mobile home described in the deed or certificate 14507  
of title would bring in the open market and under the then 14508  
existing and prevailing market conditions in a sale between a 14509  
willing seller and a willing buyer, both conversant with the 14510  
property and with prevailing general price levels. No person shall 14511  
willfully falsify the value of property conveyed. 14512

(D) The auditor shall indorse each conveyance on its face to indicate the amount of the conveyance fee and compliance with this section and if the property is residential rental property include a statement that the grantee shall file with the county auditor the information required under division (A) or (C) of section 5323.02 of the Revised Code. The auditor shall retain the original copy of the statement of value, forward to the tax commissioner one copy on which shall be noted the most recent assessed value of the property, and furnish one copy to the grantee or the grantee's representative.

(E) In order to achieve uniform administration and collection of the transfer fee required by division (G)(3) of section 319.54 of the Revised Code, the tax commissioner shall adopt and promulgate rules for the administration and enforcement of the levy and collection of such fee.

(F) As used in this section, "residential rental property" has the same meaning as in section 5323.01 of the Revised Code.

**Sec. 323.152.** In addition to the reduction in taxes required under section 319.302 of the Revised Code, taxes shall be reduced as provided in divisions (A) and (B) of this section.

(A)(1)(a) Division (A)(1) of this section applies to any of the following persons:

(i) A person who is permanently and totally disabled;

(ii) A person who is sixty-five years of age or older;

(iii) A person who is the surviving spouse of a deceased person who was permanently and totally disabled or sixty-five years of age or older and who applied and qualified for a reduction in taxes under this division in the year of death, provided the surviving spouse is at least fifty-nine but not sixty-five or more years of age on the date the deceased spouse

dies. 14543

(b) Real property taxes on a homestead owned and occupied, or 14544  
a homestead in a housing cooperative occupied, by a person to whom 14545  
division (A)(1) of this section applies shall be reduced for each 14546  
year for which an application for the reduction has been approved. 14547  
The reduction shall equal one of the following amounts, as 14548  
applicable to the person: 14549

(i) If the person received a reduction under division (A)(1) 14550  
of this section for tax year 2006, the greater of the reduction 14551  
for that tax year or the amount computed under division (A)(1)(c) 14552  
of this section; 14553

(ii) If the person received, for any homestead, a reduction 14554  
under division (A)(1) of this section for tax year 2013 or under 14555  
division (A) of section 4503.065 of the Revised Code for tax year 14556  
2014 or the person is the surviving spouse of such a person and 14557  
the surviving spouse is at least fifty-nine years of age on the 14558  
date the deceased spouse dies, the amount computed under division 14559  
(A)(1)(c) of this section. ~~For purposes of divisions (A)(1)(b)(ii)~~ 14560  
~~and (iii) of this section, a person receives a reduction under~~ 14561  
~~division (A)(1) of this section or under division (A) of section~~ 14562  
~~4503.065 of the Revised Code for tax year 2013 or 2014,~~ 14563  
~~respectively, if the person files a late application for that~~ 14564  
~~respective tax year that is approved by the county auditor under~~ 14565  
~~section 323.153 or 4503.066 of the Revised Code.~~ 14566

(iii) If the person is not described in division (A)(1)(b)(i) 14567  
or (ii) of this section and the person's total income does not 14568  
exceed thirty thousand dollars, as adjusted under division 14569  
(A)(1)(d) of this section, the amount computed under division 14570  
(A)(1)(c) of this section. 14571

(c) The amount of the reduction under division (A)(1)(c) of 14572  
this section equals the product of the following: 14573

(i) Twenty-five thousand dollars of the true value of the property in money, <u>as adjusted under division (A)(1)(d) of this section;</u>	14574 14575 14576
(ii) The assessment percentage established by the tax commissioner under division (B) of section 5715.01 of the Revised Code, not to exceed thirty-five per cent;	14577 14578 14579
(iii) The effective tax rate used to calculate the taxes charged against the property for the current year, where "effective tax rate" is defined as in section 323.08 of the Revised Code;	14580 14581 14582 14583
(iv) The quantity equal to one minus the sum of the percentage reductions in taxes received by the property for the current tax year under section 319.302 of the Revised Code and division (B) of section 323.152 of the Revised Code.	14584 14585 14586 14587
(d) <del>Each calendar year, the</del> <u>The</u> tax commissioner shall adjust the total income threshold described in division (A)(1)(b)(iii) <u>and the reduction amounts described in divisions (A)(1)(c)(i), (A)(2), and (A)(3)</u> of this section by completing the following calculations in September of each year:	14588 14589 14590 14591 14592
(i) Determine the percentage increase in the gross domestic product deflator determined by the bureau of economic analysis of the United States department of commerce from the first day of January of the preceding calendar year to the last day of December of the preceding calendar year;	14593 14594 14595 14596 14597
(ii) Multiply that percentage increase by the total income threshold <u>or reduction amount</u> for the current tax year, <u>as applicable;</u>	14598 14599 14600
(iii) Add the resulting product to the total income threshold <u>or the reduction amount, as applicable,</u> for the current tax year;	14601 14602
(iv) Round the resulting sum to the nearest multiple of one	14603

hundred dollars. 14604

The commissioner shall certify the amount resulting from ~~the~~ 14605  
each adjustment to each county auditor not later than the first 14606  
day of December each year. The certified total income threshold 14607  
amount applies to the following tax year for persons described in 14608  
division (A)(1)(b)(iii) of this section. The certified reduction 14609  
amount applies to the following tax year. The commissioner shall 14610  
not make the applicable adjustment in any calendar year in which 14611  
the amount resulting from the adjustment would be less than the 14612  
total income threshold or the reduction amount for the current tax 14613  
year. 14614

(2) Real property taxes on a homestead owned and occupied, or 14615  
a homestead in a housing cooperative occupied, by a disabled 14616  
veteran shall be reduced for each year for which an application 14617  
for the reduction has been approved. The reduction shall equal the 14618  
product obtained by multiplying fifty thousand dollars of the true 14619  
value of the property in money, as adjusted under division 14620  
(A)(1)(d) of this section, by the amounts described in divisions 14621  
(A)(1)(c)(ii) to (iv) of this section. The reduction is in lieu of 14622  
any reduction under section 323.158 of the Revised Code or 14623  
division (A)(1) or (3) of this section. The reduction applies to 14624  
only one homestead owned and occupied by a disabled veteran. 14625

If a homestead qualifies for a reduction in taxes under 14626  
division (A)(2) of this section for the year in which the disabled 14627  
veteran dies, and the disabled veteran is survived by a spouse who 14628  
occupied the homestead when the disabled veteran died and who 14629  
acquires ownership of the homestead or, in the case of a homestead 14630  
that is a unit in a housing cooperative, continues to occupy the 14631  
homestead, the reduction shall continue through the year in which 14632  
the surviving spouse dies or remarries. 14633

(3) Real property taxes on a homestead owned and occupied, or 14634  
a homestead in a housing cooperative occupied, by the surviving 14635

spouse of a public service officer killed in the line of duty 14636  
shall be reduced for each year for which an application for the 14637  
reduction has been approved. The reduction shall equal the product 14638  
obtained by multiplying fifty thousand dollars of the true value 14639  
of the property in money, as adjusted under division (A)(1)(d) of 14640  
this section, by the amounts described in divisions (A)(1)(c)(ii) 14641  
to (iv) of this section. The reduction is in lieu of any reduction 14642  
under section 323.158 of the Revised Code or division (A)(1) or 14643  
(2) of this section. The reduction applies to only one homestead 14644  
owned and occupied by such a surviving spouse. A homestead 14645  
qualifies for a reduction in taxes under division (A)(3) of this 14646  
section for the tax year in which the public service officer dies 14647  
through the tax year in which the surviving spouse dies or 14648  
remarries. 14649

(B) To provide a partial exemption, real property taxes on 14650  
any homestead, and manufactured home taxes on any manufactured or 14651  
mobile home on which a manufactured home tax is assessed pursuant 14652  
to division (D)(2) of section 4503.06 of the Revised Code, shall 14653  
be reduced for each year for which an application for the 14654  
reduction has been approved. The amount of the reduction shall 14655  
equal two and one-half per cent of the amount of taxes to be 14656  
levied by qualifying levies on the homestead or the manufactured 14657  
or mobile home after applying section 319.301 of the Revised Code. 14658  
For the purposes of this division, "qualifying levy" has the same 14659  
meaning as in section 319.302 of the Revised Code. 14660

(C) The reductions granted by this section do not apply to 14661  
special assessments or respread of assessments levied against the 14662  
homestead, and if there is a transfer of ownership subsequent to 14663  
the filing of an application for a reduction in taxes, such 14664  
reductions are not forfeited for such year by virtue of such 14665  
transfer. 14666

(D) The reductions in taxable value referred to in this 14667

section shall be applied solely as a factor for the purpose of 14668  
computing the reduction of taxes under this section and shall not 14669  
affect the total value of property in any subdivision or taxing 14670  
district as listed and assessed for taxation on the tax lists and 14671  
duplicates, or any direct or indirect limitations on indebtedness 14672  
of a subdivision or taxing district. If after application of 14673  
sections 5705.31 and 5705.32 of the Revised Code, including the 14674  
allocation of all levies within the ten-mill limitation to debt 14675  
charges to the extent therein provided, there would be 14676  
insufficient funds for payment of debt charges not provided for by 14677  
levies in excess of the ten-mill limitation, the reduction of 14678  
taxes provided for in sections 323.151 to 323.159 of the Revised 14679  
Code shall be proportionately adjusted to the extent necessary to 14680  
provide such funds from levies within the ten-mill limitation. 14681

(E) No reduction shall be made on the taxes due on the 14682  
homestead of any person convicted of violating division (D) or (E) 14683  
of section 323.153 of the Revised Code for a period of three years 14684  
following the conviction. 14685

**Sec. 323.25. (A)** When taxes charged against an entry on the 14686  
tax duplicate, or any part of those taxes, are not paid within 14687  
sixty days after delivery of the delinquent land duplicate to the 14688  
county treasurer as prescribed by section 5721.011 of the Revised 14689  
Code, the county treasurer shall enforce the lien for the taxes by 14690  
civil action in the treasurer's official capacity as treasurer, 14691  
for the sale of such premises in the same way mortgage liens are 14692  
enforced or for the transfer of such premises to an electing 14693  
subdivision pursuant to section 323.28 or 323.78 of the Revised 14694  
Code, in the court of common pleas of the county, in a municipal 14695  
court with jurisdiction, or in the county board of revision with 14696  
jurisdiction pursuant to section 323.66 of the Revised Code. 14697  
Nothing in this section prohibits the treasurer from instituting 14698  
such an action before the delinquent tax list or delinquent vacant 14699

land tax list that includes the premises has been published 14700  
pursuant to division (B) of section 5721.03 of the Revised Code if 14701  
the list is not published within the time prescribed by that 14702  
division. 14703

(B) After the civil action has been instituted, but before 14704  
the expiration of the applicable redemption period, any person 14705  
entitled to redeem the land may do so by tendering to the county 14706  
treasurer an amount sufficient, as determined by the court or 14707  
board of revision, to pay the taxes, assessments, penalties, 14708  
interest, and charges then due and unpaid, and the costs incurred 14709  
in the civil action, and by demonstrating that the property is in 14710  
compliance with all applicable zoning regulations, land use 14711  
restrictions, and building, health, and safety codes. 14712

(C) If the delinquent land duplicate lists minerals or rights 14713  
to minerals listed pursuant to sections 5713.04, 5713.05, and 14714  
5713.06 of the Revised Code, the county treasurer may enforce the 14715  
lien for taxes against such minerals or rights to minerals by 14716  
civil action, in the treasurer's official capacity as treasurer, 14717  
in the manner prescribed by this section, or proceed as provided 14718  
under section 5721.46 of the Revised Code. 14719

(D) If service by publication is necessary, instead of as 14720  
provided by the Rules of Civil Procedure, such publication shall 14721  
either be made (1) once a week for three consecutive weeks instead 14722  
of as provided by the Rules of Civil Procedure, and the service in 14723  
a newspaper of general circulation in the county or (2) once in a 14724  
newspaper of general circulation in the county and, beginning one 14725  
week thereafter, on a web site of the county or of the court, as 14726  
selected by the clerk of the court. Publication on the web site 14727  
shall continue until one year after the date a finding is entered 14728  
under section 323.28 of the Revised Code with respect to such 14729  
property. Any notices published on a web site shall identify the 14730  
date the notice is first published on the web site. If proceeding 14731

under division (D)(1) of this section, the second and third 14732  
publication of the notice may be abbreviated as authorized under 14733  
section 7.16 of the Revised Code. 14734

Service shall be complete, if proceeding under division 14735  
(D)(1) of this section, at the expiration of three weeks after the 14736  
date of the first publication or, if proceeding under division 14737  
(D)(2) of this section, the date that is two weeks after the clerk 14738  
causes the notice to be published on the selected web site. If the 14739  
prosecuting attorney determines that service upon a defendant may 14740  
be obtained ultimately only by publication, the prosecuting 14741  
attorney may cause service to be made simultaneously by certified 14742  
mail, return receipt requested, ordinary mail, and publication. 14743  
The 14744

(E) The county treasurer shall not enforce the lien for taxes 14745  
against real property to which any of the following applies: 14746

~~(A)(1)~~ The real property is the subject of an application for 14747  
exemption from taxation under section 5715.27 of the Revised Code 14748  
and does not appear on the delinquent land duplicate; 14749

~~(B)(2)~~ The real property is the subject of a valid delinquent 14750  
tax contract under section 323.31 of the Revised Code for which 14751  
the county treasurer has not made certification to the county 14752  
auditor that the delinquent tax contract has become void in 14753  
accordance with that section; 14754

~~(C)(3)~~ A tax certificate respecting that property has been 14755  
sold under section 5721.32 or 5721.33 of the Revised Code; 14756  
provided, however, that nothing in this division shall prohibit 14757  
the county treasurer or the county prosecuting attorney from 14758  
enforcing the lien of the state and its political subdivisions for 14759  
taxes against a certificate parcel with respect to any or all of 14760  
such taxes that at the time of enforcement of such lien are not 14761  
the subject of a tax certificate. 14762

(F) Upon application of the plaintiff, the court shall 14763  
advance such cause on the docket, so that it may be first heard. 14764

The court may order that the proceeding be transferred to the 14765  
county board of revision if so authorized under section 323.691 of 14766  
the Revised Code. 14767

**Sec. 323.69.** (A) Upon the completion of the title search 14768  
required by section 323.68 of the Revised Code, the prosecuting 14769  
attorney, representing the county treasurer, the county land 14770  
reutilization corporation, or the certificate holder may file with 14771  
the clerk of court a complaint for the foreclosure of each parcel 14772  
of abandoned land appearing on the abandoned land list, and for 14773  
the equity of redemption on each parcel. The complaint shall name 14774  
all parties having any interest of record in the abandoned land 14775  
that was discovered in the title search. The prosecuting attorney, 14776  
county land reutilization corporation, or certificate holder may 14777  
file such a complaint regardless of whether the parcel has 14778  
appeared on a delinquent tax list or delinquent vacant land tax 14779  
list published pursuant to division (B) of section 5721.03 of the 14780  
Revised Code. 14781

(B)(1) In accordance with Civil Rule 4, the clerk of court 14782  
promptly shall serve notice of the summons and the complaint filed 14783  
under division (A) of this section to the last known address of 14784  
the record owner of the abandoned land and to the last known 14785  
address of each lienholder or other person having a legal or 14786  
equitable ownership interest or security interest of record 14787  
identified by the title search. The notice shall inform the 14788  
addressee that delinquent taxes stand charged against the 14789  
abandoned land; that the land will be sold at public auction or 14790  
otherwise disposed of if not redeemed by the owner or other 14791  
addressee; that the sale or transfer will occur at a date, time, 14792  
and place, and in the manner prescribed in sections 323.65 to 14793

323.79 of the Revised Code; that the owner or other addressee may 14794  
redeem the land by paying the total of the impositions against the 14795  
land at any time before confirmation of sale or transfer of the 14796  
parcel as prescribed in sections 323.65 to 323.79 of the Revised 14797  
Code or before the expiration of the alternative redemption 14798  
period, as may be applicable to the proceeding; that the case is 14799  
being prosecuted by the prosecuting attorney of the county in the 14800  
name of the county treasurer for the county in which the abandoned 14801  
land is located or by a certificate holder, whichever is 14802  
applicable; of the name, address, and telephone number of the 14803  
county board of revision before which the action is pending; of 14804  
the board case number for the action, which shall be maintained in 14805  
the official file and docket of the clerk of court; and that all 14806  
subsequent pleadings, petitions, and papers associated with the 14807  
case and filed by any interested party must be filed with the 14808  
clerk of court and will become part of the case file for the board 14809  
of revision. 14810

(2) The notice required by division (B)(1) of this section 14811  
also shall inform the addressee that any owner of record may, at 14812  
any time on or before the fourteenth day after service of process 14813  
is perfected, file a pleading with the clerk of court requesting 14814  
that the board transfer the case to a court of competent 14815  
jurisdiction to be conducted in accordance with the applicable 14816  
laws. 14817

(C) Subject to division (D) of this section, subsequent 14818  
pleadings, motions, or papers associated with the case and filed 14819  
with the clerk of court shall be served upon all parties of record 14820  
in accordance with Civil Rules 4 and 5, except that service by 14821  
publication in any case requiring such service shall require that 14822  
any such publication shall be advertised in the manner, and for 14823  
the time periods and frequency, prescribed in section 5721.18 of 14824  
the Revised Code. Any inadvertent noncompliance with those rules 14825

does not serve to defeat or terminate the case, or subject the 14826  
case to dismissal, as long as actual notice or service of filed 14827  
papers is shown by a preponderance of the evidence or is 14828  
acknowledged by the party charged with notice or service, 14829  
including by having made an appearance or filing in relation to 14830  
the case. The county board of revision may conduct evidentiary 14831  
hearings on the sufficiency of process, service of process, or 14832  
sufficiency of service of papers in any proceeding arising from a 14833  
complaint filed under this section. Other than the notice and 14834  
service provisions contained in Civil Rules 4 and 5, the Rules of 14835  
Civil Procedure shall not be applicable to the proceedings of the 14836  
board. The board of revision may utilize procedures contained in 14837  
the Rules of Civil Procedure to the extent that such use 14838  
facilitates the needs of the proceedings, such as vacating orders, 14839  
correcting clerical mistakes, and providing notice to parties. To 14840  
the extent not otherwise provided in sections 323.65 to 323.79 of 14841  
the Revised Code, the board may apply the procedures prescribed by 14842  
sections 323.25 to 323.28 or Chapters 5721., 5722., and 5723. of 14843  
the Revised Code. Board practice shall be in accordance with the 14844  
practice and rules, if any, of the board that are promulgated by 14845  
the board under section 323.66 of the Revised Code and are not 14846  
inconsistent with sections 323.65 to 323.79 of the Revised Code. 14847

(D)(1) A party shall be deemed to be in default of the 14848  
proceedings in an action brought under sections 323.65 to 323.79 14849  
of the Revised Code if either of the following occurs: 14850

(a) The party fails to appear at any hearing after being 14851  
served with notice of the summons and complaint by certified or 14852  
ordinary mail. 14853

(b) For a party upon whom notice of summons and complaint is 14854  
required by publication as provided under section 5721.18 of the 14855  
Revised Code and has been considered ~~served~~ complete pursuant to 14856  
that section, the party fails to appear, move, or plead to the 14857

complaint within twenty-eight days after service by publication is 14858  
~~completed~~ considered complete. 14859

(2) If a party is deemed to be in default pursuant to 14860  
division (D)(1) of this section, no further service of any 14861  
subsequent pleadings, papers, or proceedings is required on the 14862  
party by the court or any other party. 14863

(E) At any time after a foreclosure action is filed under 14864  
this section, the county board of revision may, upon its own 14865  
motion, transfer the case to a court pursuant to section 323.691 14866  
of the Revised Code if it determines that, given the complexity of 14867  
the case or other circumstances, a court would be a more 14868  
appropriate forum for the action. 14869

**Sec. 340.01.** (A) As used in this chapter: 14870

(1) "Addiction," "addiction services," "alcohol and drug 14871  
addiction services," ~~"alcoholism,"~~ "alcohol use disorder," 14872  
"certifiable services and supports," "community addiction services 14873  
provider," "community mental health services provider," "drug 14874  
addiction," "gambling addiction services," "included opioid and 14875  
co-occurring drug addiction services and recovery supports," 14876  
"mental health services," "mental illness," "recovery housing 14877  
residence," and "recovery supports" have the same meanings as in 14878  
section 5119.01 of the Revised Code. 14879

(2) "Medication-assisted treatment" means alcohol and drug 14880  
addiction services that are accompanied by medication approved by 14881  
the United States food and drug administration for the treatment 14882  
of ~~alcoholism~~ alcohol use disorder or drug addiction, prevention 14883  
of relapse ~~of alcoholism or drug addiction,~~ or both. 14884

~~(3) "Recovery housing" means housing for individuals 14885  
recovering from alcoholism or drug addiction that provides an 14886  
alcohol and drug free living environment, peer support, assistance 14887~~

~~with obtaining alcohol and drug addiction services, and other 14888~~  
~~alcoholism and drug addiction recovery assistance. 14889~~

(B) An alcohol, drug addiction, and mental health service 14890  
district shall be established in any county or combination of 14891  
counties having a population of at least fifty thousand. With the 14892  
approval of the director of mental health and addiction services, 14893  
any county or combination of counties having a population of less 14894  
than fifty thousand may establish such a district. Districts 14895  
comprising more than one county shall be known as joint-county 14896  
districts. 14897

The board of county commissioners of any county participating 14898  
in a joint-county district may submit a resolution requesting 14899  
withdrawal from the district together with a comprehensive plan or 14900  
plans that are in compliance with rules adopted by the director of 14901  
mental health and addiction services under section 5119.22 of the 14902  
Revised Code, and that provide for the equitable adjustment and 14903  
division of all services, assets, property, debts, and 14904  
obligations, if any, of the joint-county district to the board of 14905  
alcohol, drug addiction, and mental health services, to the boards 14906  
of county commissioners of each county in the district, and to the 14907  
director. No county participating in a joint-county service 14908  
district may withdraw from the district without the consent of the 14909  
director of mental health and addiction services nor earlier than 14910  
one year after the submission of such resolution unless all of the 14911  
participating counties agree to an earlier withdrawal. Any county 14912  
withdrawing from a joint-county district shall continue to have 14913  
levied against its tax list and duplicate any tax levied by the 14914  
district during the period in which the county was a member of the 14915  
district until such time as the levy expires or is renewed or 14916  
replaced. 14917

(C) For any tax levied under section 5705.19 of the Revised 14918  
Code by a board of a joint-county district formed on or after ~~the~~ 14919

~~effective date of this amendment~~ April 3, 2023, revenue from the 14920  
tax shall only be expended for the benefit of the residents of the 14921  
county from which the revenue is derived. For the purpose of this 14922  
division, a joint-county district is not formed by virtue of a 14923  
county joining or withdrawing from a district or if a joint-county 14924  
service district merges with another joint-county district. 14925

**Sec. 340.032.** Subject to rules adopted by the director of 14926  
mental health and addiction services after consultation with 14927  
relevant constituencies as required by division (A)(10) of section 14928  
5119.21 of the Revised Code, each board of alcohol, drug 14929  
addiction, and mental health services shall do all of the 14930  
following: 14931

(A) Establish, to the extent resources are available, a 14932  
community-based continuum of care that includes all of the 14933  
following as essential elements: 14934

(1) Prevention and wellness management services; 14935

(2) At least both of the following outreach and engagement 14936  
activities: 14937

(a) Locating persons in need of addiction services and 14938  
persons in need of mental health services to inform them of 14939  
available addiction services, mental health services, and recovery 14940  
supports; 14941

(b) Helping persons who receive addiction services and 14942  
persons who receive mental health services obtain services 14943  
necessary to meet basic human needs for food, clothing, shelter, 14944  
medical care, personal safety, and income. 14945

(3) Assessment services; 14946

(4) Care coordination; 14947

(5) Residential services; 14948

(6) At least the following outpatient services:	14949
(a) Nonintensive;	14950
(b) Intensive, such as partial hospitalization and assertive community treatment;	14951 14952
(c) Withdrawal management;	14953
(d) Emergency and crisis.	14954
(7) Where appropriate, at least the following inpatient services:	14955 14956
(a) Psychiatric care;	14957
(b) Medically managed alcohol or drug treatment.	14958
(8) At least all of the following recovery supports:	14959
(a) Peer support;	14960
(b) A wide range of housing and support services, including recovery housing <u>residences</u> ;	14961 14962
(c) Employment, vocational, and educational opportunities;	14963
(d) Assistance with social, personal, and living skills;	14964
(e) Multiple paths to recovery such as twelve-step approaches and parent advocacy connection;	14965 14966
(f) Support, assistance, consultation, and education for families, friends, and persons receiving addiction services, mental health services, and recovery supports.	14967 14968 14969
(9) In accordance with section 340.033 of the Revised Code, an array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction;	14970 14971 14972
(10) Any additional elements the department of mental health and addiction services, pursuant to section 5119.21 of the Revised Code, determines are necessary to establish the community-based continuum of care.	14973 14974 14975 14976

(B) Ensure that the rights of persons receiving any elements of the community-based continuum of care are protected; 14977  
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(C) Ensure that persons receiving any elements of the community-based continuum of care are able to utilize grievance procedures applicable to the elements. 14979  
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**Sec. 340.033.** The array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction required by section 340.032 of the Revised Code to be included in a community-based continuum of care established under that section shall include at least ambulatory and sub-acute detoxification, non-intensive and intensive outpatient services, medication-assisted treatment, peer support, residential services, recovery housing residences pursuant to section 340.034 of the Revised Code, and multiple paths to recovery such as twelve-step approaches. The services and supports shall be made available in the service district of each board of alcohol, drug addiction, and mental health services, except as provided by either of the following: 14982  
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(A) Sub-acute detoxification and residential services may be made available through a contract with one or more providers of sub-acute detoxification or residential services located in other service districts. 14995  
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(B) To the extent authorized by a time-limited waiver issued under section 5119.221 of the Revised Code, ambulatory detoxification and medication-assisted treatment may be made available through a contract with one or more community addiction services providers located not more than thirty miles beyond the borders of the board's service district. 14999  
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The services and supports shall be made available in a manner that ensures that recipients are able to access the services and supports they need for opioid and co-occurring drug addiction in 15005  
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an integrated manner and in accordance with their assessed needs 15008  
when changing or obtaining additional addiction services or 15009  
recovery supports for such addiction. An individual seeking a 15010  
service or support for opioid and co-occurring drug addiction 15011  
included in a community-based continuum of care shall not be 15012  
denied the service or support on the basis of the individual's 15013  
prior experience with the service or support. 15014

**Sec. 340.034.** All of the following apply to ~~the~~ recovery 15015  
housing residences required by section 340.033 of the Revised Code 15016  
to be part of included opioid and co-occurring drug addiction 15017  
services and recovery supports: 15018

(A) ~~The~~ A recovery housing residence shall comply with the 15019  
requirements of being monitored by the department of mental health 15020  
and addiction services under sections 5119.39 to 5119.396 of the 15021  
Revised Code and any rules adopted under section 5119.397 of the 15022  
Revised Code, but the residence is not be subject to residential 15023  
facility licensure by the department ~~of mental health and~~ 15024  
~~addiction services~~ under section 5119.34 of the Revised Code. 15025

(B) ~~The recovery housing shall not be subject to~~ 15026  
~~certification as a recovery support under section 5119.36 of the~~ 15027  
~~Revised Code.~~ 15028

~~(C) The~~ A recovery housing residence shall not be ~~owned and~~ 15029  
operated by a board of alcohol, drug addiction, and mental health 15030  
services unless any of the following applies: 15031

(1) The board ~~owns and operates~~ operated the recovery housing 15032  
residence on July 1, 2017. 15033

(2) The board utilizes local funds in the development~~,~~ 15034  
~~purchase,~~ or operation of the recovery housing residence. 15035

(3) The board determines that there is a need for the board 15036  
to assume ~~the ownership and~~ operation of the recovery housing 15037

residence, such as when an existing ~~owner and~~ operator of the 15038  
~~recovery housing~~ residence goes out of business, and the board 15039  
considers the assumption of ~~ownership and~~ operation of the 15040  
~~recovery housing~~ residence to be in the best interest of the 15041  
community. 15042

~~(D)~~ (C) A recovery housing residence shall have protocols 15043  
for all of the following: 15044

(1) Administrative oversight; 15045

(2) Quality standards; 15046

(3) Policies and procedures, including house rules, for its 15047  
residents to which the residents must agree to adhere. 15048

~~(E)~~ (D) Family members of ~~the~~ a resident of a recovery 15049  
~~housing's residents~~ housing residence may reside in the ~~recovery~~ 15050  
~~housing~~ residence to the extent permitted by protocols of the 15051  
~~recovery housing's protocols permit~~ residence. 15052

~~(F)~~ (E) A recovery housing residence shall not limit a 15053  
resident's duration of stay to an arbitrary or fixed amount of 15054  
time. Instead, each resident's duration of stay shall be 15055  
determined by the resident's needs, progress, and willingness to 15056  
abide by the ~~recovery housing's~~ residence's protocols, in 15057  
collaboration with the ~~recovery housing's owner and~~ residence's 15058  
operator, and, if appropriate, in consultation and integration 15059  
with a community addiction services provider. 15060

~~(G)~~ (F) A recovery housing residence may permit its 15061  
residents to receive medication-assisted treatment. 15062

~~(H)~~ (G) A resident of a recovery housing ~~resident~~ residence 15063  
may receive addiction services that are certified by the 15064  
department ~~of mental health and addiction services~~ under section 15065  
5119.36 of the Revised Code. 15066

**Sec. 340.036.** (A) Subject to division (B) of this section and 15067

rules adopted by the director of mental health and addiction	15068
services after consultation with relevant constituencies as	15069
required by division (A)(10) of section 5119.21 of the Revised	15070
Code, each board of alcohol, drug addiction, and mental health	15071
services shall enter into contracts with all of the following:	15072
(1) Public and private facilities for the operation of	15073
facility services;	15074
(2) Community addiction services providers for addiction	15075
services and recovery supports;	15076
(3) Community mental health services providers for mental	15077
health services and recovery supports.	15078
(B) No board shall do any of the following:	15079
(1) Contract with a residential facility required to be	15080
licensed under section 5119.34 of the Revised Code unless the	15081
facility is so licensed;	15082
(2) Contract with a community addiction services provider or	15083
community mental health services provider for certifiable services	15084
and supports unless the certifiable services and supports are	15085
certified under section 5119.36 of the Revised Code;	15086
(3) Contract with a community addiction services provider or	15087
community mental health services provider for recovery supports	15088
that are required by the director to meet quality criteria or core	15089
competencies unless the recovery supports meet the criteria or	15090
competencies.	15091
(C) When a board contracts with a community addiction	15092
services provider or community mental health services provider for	15093
addiction services, mental health services, or recovery supports,	15094
all of the following apply:	15095
(1) The board shall consider both of the following:	15096

(a) The cost effectiveness and quality of the provider's services and supports;	15097 15098
(b) Continuity of care.	15099
(2) The board may review cost elements, including salary costs, of the services and supports.	15100 15101
(3) The board may establish, in a way that is most effective and efficient in meeting local needs, a utilization review process as part of the contract.	15102 15103 15104
<u>(4) The board may contract with a government entity, for-profit entity, or nonprofit entity.</u>	15105 15106
(D) If a party to a contract entered into under this section proposes not to renew the contract or proposes substantial changes in contract terms, the other party shall be given written notice at least one hundred twenty days before the expiration date of the contract. During the first sixty days of this one-hundred-twenty-day period, both parties shall attempt to resolve any dispute through good faith collaboration and negotiation in order to continue to provide services and supports to persons in need. If the dispute has not been resolved sixty days before the expiration date of the contract, either party may notify the director of the unresolved dispute. The director may require both parties to submit the dispute to another entity with the cost to be shared by the parties. Not later than twenty days before the expiration date of the contract or a later date to which both parties agree, the other entity shall issue to the parties and director recommendations on how the dispute may be resolved. The director shall adopt rules establishing the procedures of this dispute resolution process.	15107 15108 15109 15110 15111 15112 15113 15114 15115 15116 15117 15118 15119 15120 15121 15122 15123 15124
(E) Section 307.86 of the Revised Code does not apply to contracts entered into under this section.	15125 15126

Sec. 340.08. In accordance with rules or guidelines issued by 15127  
the director of mental health and addiction services, each board 15128  
of alcohol, drug addiction, and mental health services shall do 15129  
all of the following: 15130

(A) Submit to the department of mental health and addiction 15131  
services a proposed budget of receipts and expenditures for all 15132  
federal, state, and local moneys the board expects to receive. 15133

(1) The proposed budget shall identify funds the board has 15134  
available for included opioid and co-occurring drug addiction 15135  
services and recovery supports. 15136

(2) The proposed budget shall identify funds the board and 15137  
public children services agencies in the board's service district 15138  
have available to fund jointly the services described in section 15139  
340.15 of the Revised Code. 15140

(3) The board's proposed budget for expenditures of state and 15141  
federal funds distributed to the board by the department shall be 15142  
deemed an application for funds, and the department shall approve 15143  
or disapprove the budget for these expenditures in whole or in 15144  
part in accordance with division (G) of section 5119.22 of the 15145  
Revised Code. 15146

If a board determines that it is necessary to amend an 15147  
approved budget, the board shall submit a proposed amendment to 15148  
the director. The director shall approve or disapprove all or part 15149  
of the amendment in accordance with division (H) of section 15150  
5119.22 of the Revised Code. 15151

(B) Submit to the department a proposed list of addiction 15152  
services, mental health services, and recovery supports the board 15153  
intends to make available. The board shall include the services 15154  
and supports required by section 340.032 of the Revised Code to be 15155  
included in the community-based continuum of care and the services 15156

required by section 340.15 of the Revised Code. The board shall 15157  
explain the manner in which the board intends to make such 15158  
services and supports available. The list shall be compatible with 15159  
the budget submitted pursuant to division (A) of this section. The 15160  
department shall approve or disapprove the list in whole or in 15161  
part in accordance with division (G) of section 5119.22 of the 15162  
Revised Code. 15163

If a board determines that it is necessary to amend an 15164  
approved list, the board shall submit a proposed amendment to the 15165  
director. The director shall approve or disapprove all or part of 15166  
the amendment in accordance with division (H) of section 5119.22 15167  
of the Revised Code. 15168

(C) Enter into a continuity of care agreement with the state 15169  
institution operated by the department of mental health and 15170  
addiction services and designated as the institution serving the 15171  
district encompassing the board's service district. The continuity 15172  
of care agreement shall outline the department's and the board's 15173  
responsibilities to plan for and coordinate with each other to 15174  
address the needs of board residents who are patients in the 15175  
institution, with an emphasis on managing appropriate hospital bed 15176  
day use and discharge planning. The continuity of care agreement 15177  
shall not require the board to provide addiction services, mental 15178  
health services, or recovery supports other than those on the list 15179  
of services and supports submitted by the board pursuant to 15180  
division (B) of this section and approved by the department in 15181  
accordance with division (G) of section 5119.22 of the Revised 15182  
Code. 15183

(D) In conjunction with the department, operate a coordinated 15184  
system for tracking and monitoring persons found not guilty by 15185  
reason of insanity and committed pursuant to section 2945.40 of 15186  
the Revised Code who have been granted a conditional release and 15187  
persons found incompetent to stand trial and committed pursuant to 15188

section 2945.39 of the Revised Code who have been granted a conditional release. The system shall do all of the following:	15189 15190
(1) Centralize responsibility for the tracking of those persons;	15191 15192
(2) Provide for uniformity in monitoring those persons;	15193
(3) Provide a mechanism to allow prompt rehospitalization, reinstitutionalization, or detention when a violation of the conditional release or decompensation occurs.	15194 15195 15196
(E) Submit to the department a report summarizing all of the following:	15197 15198
(1) Complaints and grievances received by the board concerning the rights of persons seeking or receiving addiction services, mental health services, or recovery supports;	15199 15200 15201
(2) Investigations of the complaints and grievances;	15202
(3) Outcomes of the investigations.	15203
(F) Provide to the department information to be submitted to the community behavioral health information system or systems established by the department under Chapter 5119. of the Revised Code.	15204 15205 15206 15207
(G) Annually, and upon any change in membership, submit to the department a list of all current members of the board of alcohol, drug addiction, and mental health services, including the appointing authority for each member, and the member's specific qualification for appointment pursuant to section 340.02 or 340.021 of the Revised Code, if applicable.	15208 15209 15210 15211 15212 15213
(H) Submit to the department other information as is reasonably required for purposes of the department's operations, service evaluation, reporting activities, research, system administration, and oversight.	15214 15215 15216 15217
(I) <u>Annually update and publish on the board's web site a</u>	15218

<u>list of all opioid treatment programs licensed under section</u>	15219
<u>5119.37 of the Revised Code that are operating within the board's</u>	15220
<u>district, based on information obtained from any of the following:</u>	15221
<u>(1) The federal substance abuse and mental health services</u>	15222
<u>administration's opioid treatment program directory;</u>	15223
<u>(2) A resource directory created by the department of mental</u>	15224
<u>health and addiction services;</u>	15225
<u>(3) The list maintained by the department of mental health</u>	15226
<u>and addiction services pursuant to division (P) of section 5119.37</u>	15227
<u>of the Revised Code.</u>	15228
<u>Sec. 342.01. As used in this chapter:</u>	15229
<u>"Basic project cost" means an amount determined in accordance</u>	15230
<u>with rules adopted under section 111.15 of the Revised Code by the</u>	15231
<u>Ohio facilities construction commission. The basic project cost</u>	15232
<u>calculation shall take into consideration the square footage and</u>	15233
<u>cost per square foot necessary for the jail facilities, the</u>	15234
<u>variation across the state in construction and related costs, the</u>	15235
<u>cost of the installation of site utilities and site preparation,</u>	15236
<u>the cost of demolition of all or part of any existing jail</u>	15237
<u>facilities that are abandoned under the project, the cost of</u>	15238
<u>insuring the project until it is completed, any contingency</u>	15239
<u>reserve amount prescribed by the commission under division (P) of</u>	15240
<u>section 342.06 of the Revised Code, and the professional planning,</u>	15241
<u>administration, and design fees that a county may have to pay to</u>	15242
<u>undertake a jail facilities project.</u>	15243
<u>"Installation of site utilities" means the installation of a</u>	15244
<u>site domestic water system, site fire protection system, site gas</u>	15245
<u>distribution system, site sanitary system, site storm drainage</u>	15246
<u>system, site electrical service, site generator system, and site</u>	15247
<u>telephone and data system.</u>	15248

"Jail facility" means a county, multicounty, municipal-county, or multicounty-municipal jail facility or workhouse, a minimum security jail under sections 341.34 and 753.21 of the Revised Code, or a single-county or joint-county juvenile facility authorized under section 2151.65 of the Revised Code, or another residential facility used for the confinement of alleged or convicted offenders that is operated by a county or a combination of a county or counties and other political subdivisions of this state. 15249  
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"Multicounty jail facility" means a jail facility intended to serve two or more counties, and that may be located wholly in one county or partly in one or more counties that have made an agreement under section 342.12 of the Revised Code. 15258  
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"Net bonded indebtedness" means the difference between the sum of the par value of all outstanding and unpaid bonds and notes that a board of county commissioners is obligated to pay, and the amount held in a sinking fund and other indebtedness retirement funds for their redemption. 15262  
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"Project" means a project to construct or acquire jail facilities, or to reconstruct or make additions to existing jail facilities. 15267  
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"Site preparation" means the earthwork necessary for preparation of the building foundation system, the paved pedestrian and vehicular circulation system, and lawn and planting on the project site. 15270  
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**Sec. 342.02. (A) The department of taxation shall rank each county based on its financial need with a percentile ranking using the following funding formula:** 15274  
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(1) The department shall determine the total value of all property in the county listed and assessed for taxation on the tax 15277  
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list as reported by the department in the preceding tax year, and 15279  
list each county in order of total value, ascending, so that the 15280  
county with the lowest value is number one on the list; 15281

(2) The department also shall rank each county based on the 15282  
estimate of the gross amount of taxable retail sales sourced to 15283  
the county as reported by the department for the preceding 15284  
calendar year, computed by dividing the total amount of tax 15285  
revenue received by the county during that period from taxes 15286  
levied under sections 5739.021, 5739.026, 5741.021, and 5741.023 15287  
of the Revised Code by the aggregate tax rate levied by the county 15288  
under sections 5739.021 and 5739.026 of the Revised Code on the 15289  
last day of the preceding calendar year, and list each county in 15290  
order of total value, ascending, so that the county with the 15291  
lowest value is number one on the list, except that any county 15292  
that does not currently levy taxes under section 5739.021 or 15293  
5739.026 of the Revised Code shall be ranked at number 15294  
eighty-eight on the list; 15295

(3) The department shall then, for each county, add the 15296  
numbered rank calculated under division (A)(1) of this section to 15297  
the numbered rank calculated under division (A)(2) of this 15298  
section, and shall order the counties according the sum of the two 15299  
ranks, the county with the lowest sum being number one on the 15300  
list. The percentile ranking shall be determined by taking the 15301  
county's ranking on this final list, dividing it by eighty-eight, 15302  
and multiplying it by one hundred. 15303

(4) If the sum calculated under division (A)(3) of this 15304  
section is the same for two or more counties, the county with the 15305  
lowest population shall receive the lowest final ranking. The 15306  
final ranking for the counties should be numbers one through 15307  
eighty-eight. 15308

Every other year, on even-numbered years, the department 15309  
shall conduct the financial ranking described in this division and 15310

report the ranking to the department of rehabilitation and 15311  
correction and the Ohio facilities construction commission. 15312

(B)(1) Upon receiving the financial ranking under division 15313  
(A) of this section, the commission shall select a number of 15314  
counties among the lowest ranking counties, the number of counties 15315  
selected depending upon the commission's projections of the moneys 15316  
available and moneys necessary to undertake projects under this 15317  
chapter for that year, and invite the selected counties to apply 15318  
for assistance under this chapter. Two or more counties may 15319  
jointly apply for assistance under this chapter as long as at 15320  
least one of the counties was invited to apply. The application 15321  
shall be made on a form and in a manner prescribed by the 15322  
commission. Upon the application of a county so invited, the 15323  
commission may shortlist applicants before proceeding, and shall 15324  
proceed with a needs assessment under division (B)(2) of this 15325  
section. 15326

(2) Upon the application and shortlisting of invited counties 15327  
to receive assistance under this chapter, the commission shall 15328  
conduct a needs assessment, or cause a needs assessment to be 15329  
conducted, to determine the jail facility needs of the applicant 15330  
county. The needs assessment, subject to division (B)(3) of this 15331  
section, shall include an on-site assessment of applicable jail 15332  
facilities identified as having jail facility needs. The on-site 15333  
assessment shall assess the county's need to construct or acquire 15334  
new jail facilities and may include an assessment of the county's 15335  
need for facility additions or for the reconstruction of existing 15336  
facilities in lieu of constructing or acquiring replacement 15337  
facilities. 15338

(3) Before conducting an on-site assessment of a county, at 15339  
the request of the board of county commissioners, the Ohio 15340  
facilities construction commission shall examine any jail 15341  
facilities needs assessment that the county has conducted and any 15342

master plan developed for meeting the facility needs of the 15343  
county. If the commission determines that the county's needs 15344  
assessment or master plan is sufficient for its purposes, and that 15345  
any additional needs assessment is not necessary, the commission 15346  
may waive the on-site assessment under division (B)(2) of this 15347  
section. 15348

(4) Upon conducting the on-site assessment, the commission 15349  
shall make a determination of all of the following: 15350

(a) The need of the county for additional jail facilities, or 15351  
for renovations or improvements to existing jail facilities, based 15352  
on whether and to what extent existing facilities comply with the 15353  
standards adopted under division (C) of this section; 15354

(b) The number of jail facilities to be included in a 15355  
project; 15356

(c) The estimated annual, monthly, or daily cost of operating 15357  
the facility once it is operational, as reported and certified by 15358  
the county auditor; 15359

(d) The estimated basic project cost of constructing, 15360  
acquiring, reconstructing, or making additions to each facility; 15361

(e) The amount of the basic project cost that the county can 15362  
supply through the means described in division (A)(2) of section 15363  
342.04 of the Revised Code; 15364

(f) The amount of the cost to be supplied by the state under 15365  
section 342.04 of the Revised Code; 15366

(g) The amount of the state's portion to be encumbered in 15367  
accordance with section 342.04 of the Revised Code in the current 15368  
and subsequent fiscal years from funds appropriated for purposes 15369  
of this chapter. 15370

(5) If the project involves a multicounty jail facility, the 15371  
Ohio facilities construction commission may determine a 15372

multicounty jail facility ranking cost for each county involved. 15373

(C) The commission, in conjunction with the department of rehabilitation and correction, shall develop a set of standards by which the commission may evaluate the condition of existing jail facilities to determine need under this chapter. These standards shall include the standards developed under section 5120.10 of the Revised Code, and other standards that the commission and the department consider appropriate. In developing or changing these standards, the commission and the department shall solicit input from sheriffs and boards of county commissioners or from organizations representing sheriffs or boards of county commissioners in this state. 15374  
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(D) The Ohio facilities construction commission shall then choose from among the applicant counties which counties will receive state funding under this chapter. The commission shall choose based on the results of the financial ranking conducted under division (A) of this section, the results of the needs assessment conducted under division (B) of this section, and the requirements described in sections 342.03 and 342.04 of the Revised Code. If a chosen project is subsequently denied approval by the controlling board under section 342.05 of the Revised Code, or canceled for some other reason, the commission may choose another applicant county under this division that applied for assistance but was not selected under this division. If no counties meet that description, the commission may invite additional counties to apply for assistance under this section. 15385  
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**Sec. 342.03.** The Ohio facilities construction commission, following the completion of a needs assessment conducted under division (B) of section 342.02 of the Revised Code, shall make a determination in favor of constructing, acquiring, reconstructing, or making additions to a jail facility only upon evidence that the 15399  
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proposed project conforms to the construction and renovation standards described in divisions (D) and (E) of section 5120.10 of the Revised Code, and that it keeps with the needs of the county or counties as determined by the needs assessment conducted under division (B) of section 342.02 of the Revised Code. Exceptions shall be authorized only in those areas where topography, sparsity of population, and other factors make larger jail facilities impracticable. 15404  
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If the board of county commissioners, multicounty jail facility commission, or the Ohio facilities construction commission determines that an existing jail facility should be renovated instead of acquiring a comparable jail facility by new construction, the Ohio facilities construction commission may approve the expenditure of project funds for the renovation of that jail facility up to but not exceeding one hundred per cent of the estimated cost of acquiring a comparable jail facility by new construction, if the commission determines that the renovated jail facility will be operationally efficient, will be adequate for the future needs of the county or counties, and will comply with the standards described in section 342.02 of the Revised Code. 15412  
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**Sec. 342.04.** (A)(1) A project proposed under sections 342.02 and 342.03 of the Revised Code may be approved only upon submission of evidence to the Ohio facilities construction commission by the board of county commissioners or, in the case of a multicounty jail facility, by a multicounty jail facility commission, that the county or counties involved in the project will generate adequate revenue to fund the county portion of the basic project cost and the operations and maintenance of the proposed jail facility or facilities. 15424  
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(2) A county may generate the revenue described in division (A)(1) of this section by any of the following means, provided the 15433  
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<u>revenue may be lawfully used for that purpose:</u>	15435
<u>(a) Unencumbered funds of the county;</u>	15436
<u>(b) Issuance of bonds previously authorized by the electors of the county;</u>	15437 15438
<u>(c) Local donated contributions as authorized under section 342.07 of the Revised Code;</u>	15439 15440
<u>(d) A bond issue or tax levy under section 5705.234 of the Revised Code;</u>	15441 15442
<u>(e) The proceeds of any other tax levy that may be lawfully used for that purpose, including a tax levied under division (LL) of section 5705.19 of the Revised Code or section 5705.233 of the Revised Code.</u>	15443 15444 15445 15446
<u>(3) The Ohio facilities construction commission shall not accept a proposal by a county or a multicounty jail facility commission to rent any portion of the jail facility or facilities to other political subdivisions as evidence that the county or multicounty jail facility commission will generate adequate revenue as described in division (A)(1) of this section.</u>	15447 15448 15449 15450 15451 15452
<u>(4) Evidence submitted under division (A)(1) of this section shall not be considered sufficient until it has been certified as true and accurate by the county auditor of each participating county.</u>	15453 15454 15455 15456
<u>(B) Except as otherwise provided in divisions (C) and (D) of this section, the portion of the basic project cost supplied by each county shall be one per cent of the basic project costs times the percentile in which the county ranks according to the department of taxation's ranking under division (A) of section 342.02 of the Revised Code, for the fiscal year preceding the fiscal year in which the controlling board approved the county's or counties' project under section 342.05 of the Revised Code.</u>	15457 15458 15459 15460 15461 15462 15463 15464

The amount of the county's or counties' portion determined 15465  
under this section shall be calculated only as of the date the 15466  
controlling board approved the project. 15467

(C) At no time shall a county's, or all of the counties', 15468  
portion of the basic project cost be greater than seventy-five per 15469  
cent of the total basic project cost. If a county's portion of the 15470  
basic project cost is calculated, under division (B) of this 15471  
section, to be greater than seventy-five per cent of the total 15472  
basic project cost, the county's portion shall be seventy-five per 15473  
cent of the basic project cost. In the case of a multicounty jail 15474  
facility commission, if the sum of two or more counties' portions 15475  
of the total basic project cost are calculated, under division (B) 15476  
of this section, to be greater than seventy-five per cent of the 15477  
total basic project cost, the counties' portions shall be 15478  
determined pro rata, so that the sum of their portions shall be 15479  
equal to seventy-five per cent of the total basic project cost. 15480

(D) If the controlling board approves a project for a county 15481  
that previously received assistance under this chapter within 15482  
twenty years of the date the previous project was approved by the 15483  
controlling board, that county's or counties' portion of the basic 15484  
project cost for the new project shall be the lesser of the 15485  
following: 15486

(1) The portion calculated under division (B) or (C) of this 15487  
section; 15488

(2) The greater of the following: 15489

(a) The required percentage of the basic project costs for 15490  
the new project or, if the project is a multicounty jail facility, 15491  
the county's or counties' required percentage of the basic project 15492  
cost pursuant to an agreement under section 342.12 of the Revised 15493  
Code; 15494

(b) The percentage of the basic project cost paid by the 15495

county or counties for the previous project. 15496

Sec. 342.05. (A) If the Ohio facilities construction 15497  
commission makes a determination under sections 342.01 to 342.04 15498  
of the Revised Code in favor of constructing, acquiring, 15499  
reconstructing, or making additions to a jail facility, the 15500  
project shall be conditionally approved. The conditional approval 15501  
shall be submitted to the controlling board for approval. The 15502  
controlling board shall approve or reject the commission's 15503  
determination, the amount of the state's portion of the basic 15504  
project cost, and the amount of the state's portion to be 15505  
encumbered in the current fiscal year. If approved by the 15506  
controlling board, the commission shall certify the conditional 15507  
approval to the board of county commissioners, or to the 15508  
multicounty jail facilities commission in the case of a 15509  
multicounty jail facilities project undertaken pursuant to section 15510  
342.12 of the Revised Code, and shall encumber from the total 15511  
funds appropriated for the purpose of this chapter the amount 15512  
approved under this section to be encumbered in the current fiscal 15513  
year. 15514

The basic project cost for a project approved under this 15515  
section shall not exceed the cost that otherwise would have to be 15516  
incurred if the jail facilities to be constructed, acquired, or 15517  
reconstructed, or the additions to be made to jail facilities, 15518  
under the project meet, but do not exceed, the specifications for 15519  
plans and materials for jail facilities adopted by the Ohio 15520  
facilities construction commission. 15521

(B) No project proposed by a county that previously received 15522  
assistance under this chapter and that levied a tax under section 15523  
5705.234 of the Revised Code for the purpose of qualifying for 15524  
that previous assistance shall be approved by the controlling 15525  
board in the twenty years following the controlling board's 15526

approval of the previous project unless the board of county 15527  
commissioners or the multicounty jail facility commission 15528  
demonstrates to the satisfaction of the Ohio facilities 15529  
construction commission that the county or counties have 15530  
experienced, since approval of its prior project, an exceptional 15531  
increase in need beyond the design capacity under that prior 15532  
project as determined by the commission. 15533

If the commission finds that a county's or counties' existing 15534  
jail facilities are adequate to meet all of the county's or 15535  
counties' needs, the commission may determine that no additional 15536  
state assistance be awarded to a county or counties under this 15537  
section. 15538

(C) Not later than one hundred twenty days after receiving 15539  
notice of an approval, the board of county commissioners, or the 15540  
multicounty jail facilities commission as applicable, shall accept 15541  
or deny the Ohio facility construction commission's conditional 15542  
approval. Additionally, if one or more counties must issue bonds 15543  
or levy a tax under section 5705.234 of the Revised Code to 15544  
provide adequate revenue for its portion of the basic project 15545  
costs or for the maintenance and operation of the jail facility or 15546  
facilities, the electors of the county or counties shall approve 15547  
the bond issue or levy not later than sixteen months after the 15548  
date the county received the commission's conditional approval. If 15549  
the commission's conditional approval lapses under this division, 15550  
the amount reserved and encumbered for the project shall be 15551  
released. If the amount reserved and encumbered for the county's 15552  
or counties' project is released, the county or counties shall be 15553  
given first priority for project funding as the funds become 15554  
available. 15555

Sec. 342.06. If the requisite favorable vote on an election 15556  
described in section 5705.234 of the Revised Code is obtained or 15557

the county's or counties' share of the basic project cost is 15558  
otherwise met in accordance with section 342.04 of the Revised 15559  
Code, the Ohio facilities construction commission shall enter into 15560  
a written agreement with the board of county commissioners, or 15561  
with the multicounty jail facilities commission in the case of a 15562  
multicounty jail facilities project undertaken pursuant to section 15563  
342.12 of the Revised Code, for the construction of the project. 15564  
The agreement shall include at least the following provisions: 15565

(A) The sale and issuance of bonds or notes in anticipation 15566  
thereof, as soon as practicable after the execution of the 15567  
agreement, in an amount equal to the county's portion of the basic 15568  
project cost, dedicated by the board of county commissioners to 15569  
payment of the county's portion of the basic project cost of the 15570  
project; provided, that if at that time the county treasurer of 15571  
each county in which the facility is located has not commenced the 15572  
collection of taxes for the year in which the controlling board 15573  
approved the project, the board or boards of county commissioners 15574  
shall authorize the issuance of a first installment of bond 15575  
anticipation notes in an amount specified by the agreement. If a 15576  
first installment of bond anticipation notes is issued, the board 15577  
or boards of county commissioners shall, as soon as practicable 15578  
after the county treasurer of each county in which the facilities 15579  
are located has commenced the collection of taxes on the general 15580  
duplicate of real and public utility property for the year in 15581  
which the controlling board approved the project, authorize the 15582  
issuance of a second and final installment of bond anticipation 15583  
notes or a first and final issue of bonds. 15584

The combined value of the first and second installment of 15585  
bond anticipation notes or the value of the first and final issue 15586  
of bonds shall be equal to the county's portion of the basic 15587  
project cost. The proceeds of any of these bonds shall be used 15588  
first to retire any bond anticipation notes. Otherwise, the 15589

proceeds of any of these bonds and of any bond anticipation notes, 15590  
except the premium and accrued interest thereon, shall be 15591  
deposited in the county's project construction fund. In 15592  
determining the amount of net bonded indebtedness for the purpose 15593  
of fixing the amount of an issue of either bonds or bond 15594  
anticipation notes, gross indebtedness shall be reduced by moneys 15595  
in the bond retirement fund only to the extent of the moneys 15596  
therein on the first day of the year preceding the year in which 15597  
the controlling board approved the project. The maximum amount of 15598  
indebtedness to be incurred by any board of county commissioners 15599  
as its share of the cost of the project is either an amount that 15600  
will cause its net bonded indebtedness, as of the first day of the 15601  
year following the year in which the controlling board approved 15602  
the project, to be within five thousand dollars of the required 15603  
level of indebtedness, or an amount equal to the required 15604  
percentage of the basic project costs, whichever is greater. All 15605  
bonds and bond anticipation notes shall be issued in accordance 15606  
with Chapter 133. of the Revised Code, and notes may be renewed as 15607  
provided in section 133.22 of the Revised Code. 15608

(B) The transfer of the funds of the board of county 15609  
commissioners available for the project, together with the 15610  
proceeds of the sale of the bonds or notes, except premium, 15611  
accrued interest, and interest included in the amount of the 15612  
issue, to the county's project construction fund; 15613

(C) Dedication of any local donated contribution as provided 15614  
for under section 342.07 of the Revised Code; 15615

(D) Ownership of or interest in the project during the period 15616  
of construction, which shall be divided between the Ohio 15617  
facilities construction commission and the board or boards of 15618  
county commissioners in proportion to their respective 15619  
contributions to the county's or counties' project construction 15620  
fund; 15621

(E) Maintenance of the state's interest in the project until 15622  
any obligations issued for the project under this chapter are no 15623  
longer outstanding; 15624

(F) The insurance of the project by the county or counties 15625  
from the time there is an insurable interest therein and so long 15626  
as the state retains any ownership or interest in the project 15627  
pursuant to division (D) of this section, in amounts and against 15628  
risks as the Ohio facilities construction commission shall 15629  
require; provided, that the cost of any required insurance until 15630  
the project is completed shall be a part of the basic project 15631  
cost; 15632

(G) The certification by the director of budget and 15633  
management that funds are available and have been set aside to 15634  
meet the state's share of the basic project cost as approved by 15635  
the controlling board pursuant to section 342.05 of the Revised 15636  
Code; 15637

(H) Authorization of the board of county commissioners or the 15638  
multicounty jail facility commission to advertise for and receive 15639  
construction bids for the project, for and on behalf of the Ohio 15640  
facilities construction commission, and to award contracts in the 15641  
name of the state subject to approval by the commission; 15642

(I) Provisions for the disbursement of moneys from the 15643  
county's project account upon issuance by the Ohio facilities 15644  
construction commission or the commission's designated 15645  
representative of vouchers for work done to be certified to the 15646  
commission by the county auditor of each participating county; 15647

(J) Disposal of any balance left in the county's project 15648  
construction fund upon completion of the project; 15649

(K) Provision for deposit of an executed copy of the 15650  
agreement in the office of the commission; 15651

(L) Provision for termination of the contract and release of 15652

the funds encumbered at the time of the conditional approval, if 15653  
the proceeds of the sale of the bonds of the board of county 15654  
commissioners are not paid into the county's project construction 15655  
fund and if bids for the construction of the project have not been 15656  
taken within this period after the execution of the agreement as 15657  
may be fixed by the Ohio facilities construction commission; 15658

(M) A requirement that the county or counties maintain the 15659  
project in accordance with a facilities maintenance plan approved 15660  
by the Ohio facilities construction commission; 15661

(N) Provision that all state funds reserved and encumbered to 15662  
pay the state share of the cost of the project and the funds 15663  
provided by the county or counties to pay for its share of the 15664  
project cost be spent on the construction and acquisition of the 15665  
project simultaneously in proportion to the state's and each 15666  
county's respective shares of that basic project cost as 15667  
determined under section 342.04 or section 342.12 of the Revised 15668  
Code, as applicable. However, if a board of county commissioners 15669  
certifies to the commission that expenditure by the county is 15670  
necessary to maintain the federal tax status or tax-exempt status 15671  
of notes or bonds issued by the county to pay for its share of the 15672  
project cost or to comply with applicable temporary investment 15673  
periods or spending exceptions to rebate as provided for under 15674  
federal law in regard to those notes or bonds, the board may 15675  
commit to spend, or may spend, a greater portion of the funds it 15676  
provides during any specific period than otherwise would be 15677  
required under this division. 15678

(O) A provision stipulating that the Ohio facilities 15679  
construction commission may prohibit the board from proceeding 15680  
with any project if the commission determines that the site is not 15681  
suitable for construction purposes. The commission may perform 15682  
soil tests in its determination of whether a site is appropriate 15683  
for construction purposes. 15684

(P) A provision stipulating that, unless otherwise authorized 15685  
by the commission, any contingency reserve portion of the 15686  
construction budget prescribed by the commission shall be used 15687  
only to pay costs resulting from unforeseen job conditions, to 15688  
comply with rulings regarding building and other codes, to pay 15689  
costs related to design clarifications or corrections to contract 15690  
documents, and to pay the costs of settlements or judgments 15691  
related to the project. 15692

**Sec. 342.07.** (A) As used in this section, "local donated 15693  
contribution" means any of the following: 15694

(1) Any moneys irrevocably donated or granted to a board of 15695  
county commissioners or multicounty jail facility commission by a 15696  
source other than the state that the board or multicounty jail 15697  
facility commission has the authority to apply to the project 15698  
under this chapter and that the board or multicounty jail facility 15699  
commission has pledged for that purpose by resolution adopted by a 15700  
majority of its members; 15701

(2) Any irrevocable letter of credit issued on behalf of a 15702  
county that the board has encumbered for payment of the county's 15703  
share of its project under this chapter that has been approved by 15704  
the Ohio facilities construction commission; 15705

(3) Any cash a county has on hand that the board has 15706  
encumbered for payment of the county's share of its project under 15707  
this chapter that has been approved by the Ohio facilities 15708  
construction commission, including any year-end operating fund 15709  
balances that can be spent for jail facilities; 15710

(4) Any moneys spent by a source other than the county or the 15711  
state for construction or renovation of specific jail facilities 15712  
that have been approved by the Ohio facilities construction 15713  
commission as part of the basic project cost of the county's 15714  
project. The board, the commission, and the entity providing the 15715

local donated contribution under division (A)(4) of this section 15716  
shall enter into an agreement identifying the jail facilities to 15717  
be acquired by the expenditures made by that entity. The agreement 15718  
shall include stipulations that require an audit by the Ohio 15719  
facilities construction commission of these expenditures made on 15720  
behalf of the county or multicounty jail facility commission and 15721  
that specify the maximum amount of credit to be allowed for those 15722  
expenditures. Upon completion of the construction or renovation, 15723  
the Ohio facilities construction commission shall determine the 15724  
actual amount that the commission will credit, at the request of 15725  
the board or multicounty jail facility commission, toward the 15726  
county's or counties' portion of the basic project cost, or any 15727  
project cost overruns. The actual amount of the credit shall not 15728  
exceed the lesser of the amount specified in the agreement or the 15729  
actual cost of the construction or renovation. 15730

(B) A board of county commissioners or multicounty jail 15731  
facility commission may apply a local donated contribution to the 15732  
county's or counties' share of the basic project cost or use the 15733  
contribution for maintenance and operation of the jail facility or 15734  
facilities that are constructed, acquired, reconstructed, or 15735  
expanded by the project. 15736

(C) If the county is required to issue bonds or levy tax 15737  
under section 5705.234 of the Revised Code as a condition of 15738  
receiving assistance under this chapter, the board of county 15739  
commissioners may, with the approval of the Ohio facilities 15740  
construction commission, reduce the principal amount of bonds 15741  
issued or the rate of the tax levied under that section by an 15742  
amount commensurate with the local donated contributions applied 15743  
to the same purposes. The commission shall not approve a board of 15744  
county commissioners' proposal to reduce the amount of bonds 15745  
issued or the rate of a tax levied under section 5705.234 of the 15746  
Revised Code unless the board demonstrates to the satisfaction of 15747

the commission that the revenue generated under the proposal, when 15748  
supplemented by the local donated contributions, is sufficient to 15749  
pay the county's share of the basic project cost and provide for 15750  
operation and maintenance of the jail facility or facilities. 15751

(D) Except as provided in division (E) of this section, no 15752  
state moneys shall be released for a project to which this section 15753  
applies until both of the following have occurred: 15754

(1) Any local donated contribution authorized under this 15755  
section is first deposited into the county's project construction 15756  
fund. 15757

(2) The board or multicounty jail facility commission and the 15758  
commission have included a stipulation in their agreement entered 15759  
into under section 342.06 of the Revised Code under which the 15760  
board or multicounty jail facility commission will deposit into a 15761  
fund approved by the commission according to a schedule that does 15762  
not extend beyond the anticipated completion date of the project 15763  
the total amount of any local donated contribution dedicated by 15764  
the board or multicounty jail facility commission for that 15765  
purpose. 15766

(E) If any local donated contribution described in division 15767  
(A)(4) of this section has been approved under this section, the 15768  
state moneys may be released even if the entity providing the 15769  
local donated contribution has not spent the moneys so dedicated 15770  
as long as the agreement required under that division has been 15771  
executed. 15772

**Sec. 342.08.** (A) Promptly after the board of county 15773  
commissioners, or the multicounty jail facilities commission, and 15774  
the Ohio facilities construction commission have entered into the 15775  
written agreement, the board or boards of county commissioners 15776  
shall issue its bonds or notes in anticipation of the agreement 15777  
pursuant to the provision of the agreement required by division 15778

(A) of section 342.06 of the Revised Code, or required by section 15779  
342.12 of the Revised Code in the case of an agreement between 15780  
boards of county commissioners for a multicounty jail facilities 15781  
project, and deposit the proceeds of the agreement in the county's 15782  
project construction fund pursuant to the provision of the 15783  
agreement required by division (B) of section 342.06 of the 15784  
Revised Code. The board of county commissioners or the multicounty 15785  
jail facilities commission, with the approval of the Ohio 15786  
facilities construction commission, also shall employ a qualified 15787  
professional person to prepare preliminary plans, working 15788  
drawings, specifications, estimates of cost, and such data as the 15789  
board of county commissioners, or the multicounty jail facilities 15790  
commission, and the Ohio facilities construction commission 15791  
consider necessary for the project. When the preliminary plans and 15792  
preliminary estimates of cost have been prepared, and approved by 15793  
the board of county commissioners, or the multicounty jail 15794  
facility commission, if applicable, the plans shall be submitted 15795  
to the Ohio facilities construction commission and the department 15796  
of rehabilitation and correction for approval, modification, or 15797  
rejection. The Ohio facilities construction commission shall 15798  
consult with the department to ensure that the plans and materials 15799  
proposed for use in the project comply with specifications for 15800  
plans and materials that shall be established by the commission in 15801  
accordance with division (C) of section 342.02 of the Revised 15802  
Code. When these preliminary plans and preliminary estimates of 15803  
cost and any modifications thereof have been approved by the 15804  
commission and the board of county commissioners, or multicounty 15805  
jail facility commission if applicable, the board or multicounty 15806  
jail facility commission shall cause the qualified professional 15807  
person to prepare the working drawings, specifications, and 15808  
estimates of cost. 15809

(B) Whenever project plans submitted to the commission for 15810  
approval under division (A) of this section propose to locate a 15811

facility on a state route or United States highway or within one 15812  
mile of a state route or United States highway, the commission 15813  
shall send a copy of the plans to the director of transportation. 15814  
The director shall review the plans to determine the feasibility 15815  
of the proposed ingress and egress to the facility, the traffic 15816  
circulation pattern on roadways around the facility, and any 15817  
improvements that would be necessary to conform the roadways to 15818  
provisions of the manual adopted by the department of 15819  
transportation under section 4511.09 of the Revised Code or state 15820  
or federal law. The director shall provide a written summary of 15821  
the director's findings to the commission in a timely manner. The 15822  
commission shall consider the findings in deciding whether to 15823  
approve the plans. 15824

Sec. 342.09. When the working drawings, specifications, and 15825  
estimates of cost have been approved by the board of county 15826  
commissioners, or the multicounty jail facilities commission if 15827  
applicable, and the Ohio facilities construction commission 15828  
pursuant to section 342.08 of the Revised Code, or section 342.12 15829  
of the Revised Code if applicable, the board of county 15830  
commissioners or the multicounty jail facilities commission shall 15831  
advertise for construction bids in accordance with section 307.86 15832  
of the Revised Code. These notices shall state that plans and 15833  
specifications for the project are on file in the office of the 15834  
Ohio facilities construction commission, at the office of the 15835  
department of rehabilitation and correction, and other places as 15836  
may be designated in the notice, and the time and place when and 15837  
where bids will be received. 15838

The form of proposal to be submitted by bidders shall be 15839  
supplied by the Ohio facilities construction commission. Bidders 15840  
may be permitted to bid on all or any of the branches of work and 15841  
materials to be furnished and supplied. 15842

When the construction bids for all branches of work and materials have been tabulated, the commission shall prepare a revised estimate of the basic project cost based upon the lowest responsive and responsible bids received. If the revised estimate exceeds the estimated basic project cost as approved by the controlling board pursuant to section 342.05 of the Revised Code, no contracts may be entered into pursuant to this section unless this revised estimate is approved by the commission and by the controlling board. When this revised estimate has been prepared, and after approvals are given, if necessary, and if the board or boards of county commissioners have caused to be transferred to the project construction fund the proceeds from the sale of the first or first and final installment of its bonds or bond anticipation notes pursuant to the provision of the written agreement required by section 342.06 of the Revised Code, and section 342.12 of the Revised Code, and when the director of budget and management has certified that there is a balance in the appropriation, not otherwise obligated to pay precedent obligations, pursuant to which the state's share of this revised estimate is required to be paid, the contract for all branches of work and materials to be furnished and supplied, or for any branch thereof as determined by the board of county commissioners or the multicounty jail facilities commission, shall be awarded by the board of county commissioners or the multicounty jail facilities commission to the lowest responsible and responsive bidder subject to the approval of the Ohio facilities construction commission. The award shall be made not later than sixty days after the date on which the bids are opened, and the successful bidder shall enter into a contract not later than ten days after the successful bidder is notified of the award of the contract.

Subject to the approval of the Ohio facilities construction commission, the board of county commissioners or multicounty jail facilities commission may reject all bids and readvertise. Any

contract made under this section shall be made in the name of the 15876  
state and executed on its behalf by the president of the board of 15877  
county commissioners and the county auditor of each participating 15878  
county. 15879

The provisions of sections 9.312 and 307.86 of the Revised 15880  
Code which are applicable to construction contracts shall apply to 15881  
construction contracts for the project. 15882

The remedies afforded to any subcontractor, materials 15883  
supplier, laborer, mechanic, or persons furnishing material or 15884  
machinery for the project under sections 1311.26 to 1311.32 of the 15885  
Revised Code, shall apply to contracts entered into under this 15886  
section and the itemized statement required by section 1311.26 of 15887  
the Revised Code shall be filed with the board of county 15888  
commissioners or the multicounty jail facilities commission if 15889  
applicable. 15890

Notwithstanding the requirements of this section, a county or 15891  
multicounty jail facility commission, with the approval of the 15892  
commission, may utilize any otherwise lawful alternative 15893  
construction delivery method for the construction of the project. 15894

**Sec. 342.10.** For any project undertaken with financial 15895  
assistance from the state under this chapter, the amount of state 15896  
appropriations to be encumbered for the project in each fiscal 15897  
year shall be determined by the Ohio facilities construction 15898  
commission based on the project's estimated construction schedule 15899  
for that year. In each fiscal year subsequent to the first year in 15900  
which state appropriations are encumbered for the project, the 15901  
commission shall grant the project priority for state funds over 15902  
projects for which initial state funding is sought. 15903

**Sec. 342.11.** (A) The Ohio facilities construction commission 15904  
shall request that the controlling board transfer to the county's 15905

or counties' project construction fund the necessary amounts from 15906  
amounts appropriated by the general assembly and set aside for 15907  
this purpose, from time to time as may be necessary to pay 15908  
obligations chargeable to the fund when due. All investment 15909  
earnings of a county's project construction fund shall be credited 15910  
to the fund. 15911

(B)(1) The county auditor shall disburse funds from the 15912  
county's project construction fund, including investment earnings 15913  
credited to the fund, only upon the approval of the commission or 15914  
the commission's designated representative. The commission or the 15915  
commission's designated representative shall issue vouchers 15916  
against the fund, in amounts and at times as required by the 15917  
contracts for construction of the project. 15918

(2) Notwithstanding anything to the contrary in division 15919  
(B)(1) of this section, the board of county commissioners may, by 15920  
a duly adopted resolution, choose to use all or part of the 15921  
investment earnings of the county's project construction fund that 15922  
are attributable to the county's contribution to the fund to pay 15923  
the cost of jail facilities or portions or components of jail 15924  
facilities that are not included in the county's basic project 15925  
cost but that are related to the county's project. If the board of 15926  
county commissioners adopts a resolution in favor of using those 15927  
investment earnings as authorized under division (B)(2) of this 15928  
section, the county auditor shall disburse the amount as 15929  
designated and directed by the board. However, if the board 15930  
chooses to use any part of the investment earnings for jail 15931  
facilities or portions or components of jail facilities that are 15932  
not included in the basic project cost, as authorized under 15933  
division (B)(2) of this section, and, subsequently, the cost of 15934  
the project exceeds the amount in the project construction fund, 15935  
the board shall restore to the project construction fund the full 15936  
amount of the investment earnings used under division (B)(2) of 15937

this section before any additional state moneys shall be released 15938  
for the project. 15939

(C) After a certificate of completion has been issued for a 15940  
project under section 342.15 of the Revised Code, all of the 15941  
following apply: 15942

(1) At the discretion of the board of county commissioners, 15943  
any investment earnings remaining in the project construction fund 15944  
that are attributable to the county's contribution to the fund 15945  
shall be: 15946

(a) Retained in the project construction fund for future 15947  
projects; 15948

(b) Transferred to a special fund of the county treasury to 15949  
be used solely for maintaining the jail facilities included in the 15950  
project; or 15951

(c) Transferred to the county's permanent improvement fund. 15952

(2) Any investment earnings remaining in the project 15953  
construction fund that are attributable to the state's 15954  
contribution to the fund shall be transferred to the Ohio 15955  
facilities construction commission for expenditure pursuant to 15956  
this chapter. 15957

(3) Any other surplus remaining in the county's project 15958  
construction fund shall be transferred to the commission and the 15959  
board of county commissioners in proportion to their respective 15960  
contributions to the fund. The commission shall use the money 15961  
transferred to it under this division for expenditures pursuant to 15962  
this chapter. 15963

**Sec. 342.12.** (A) Two or more boards of county commissioners 15964  
under this chapter may, by agreement, build a multicounty jail 15965  
facility. The terms of this agreement may be added to an agreement 15966  
under section 342.06 of the Revised Code, or may be made a 15967

supplemental agreement. The boards of county commissioners of each 15968  
county may, at their discretion, form a multicounty jail 15969  
facilities commission to carry out the tasks of this section. The 15970  
commission, if formed, shall administer the agreement. 15971

(B) The contracting counties may agree to apportion their 15972  
share of the cost according to their need as ranked by the 15973  
department of taxation under section 342.02 of the Revised Code. 15974  
Each county shall fund its portion of the cost as otherwise 15975  
provided in this chapter. If the electors of one of the counties 15976  
fail to approve the tax levy or the issuance of bonds necessary to 15977  
fund the county's portion of the cost under section 5705.234 of 15978  
the Revised Code within ninety days of the most recent election in 15979  
which the electors of a contracting county have approved the tax 15980  
levy or issuance of bonds, the other contracting counties are not 15981  
obliged to pay any portion of the cost of the county in which the 15982  
levy or issuance was not approved. 15983

(C) An agreement under division (A) of this section shall do 15984  
all of the following: 15985

(1) Prescribe the structure, management, and responsibilities 15986  
of the multicounty jail facilities commission; 15987

(2) Provide for a process to establish the annual budget for 15988  
the commission that includes a requirement that the annual budget 15989  
be approved by all of the boards of county commissioners of the 15990  
member counties; 15991

(3) Apportion the annual operating costs of the commission to 15992  
each member county; 15993

(4) Designate the expenditure of funds from the county jail 15994  
facilities construction fund of each member county; 15995

(5) Provide for the timing of necessary elections in each 15996  
county, in accordance with division (B) of this section, for the 15997  
purpose of levies adopted under and bonds issued under section 15998

<u>5705.234 of the Revised Code;</u>	15999
<u>(6) Provide that each contracting board of county</u>	16000
<u>commissioners fulfill its obligations under this chapter once an</u>	16001
<u>agreement is reached;</u>	16002
<u>(7) Allocate interest in real property purchased with moneys</u>	16003
<u>in each county's project construction fund;</u>	16004
<u>(8) Address amendments to the contract.</u>	16005
<u>(D) An agreement to build a multicounty jail facility under</u>	16006
<u>this section is subject to the approval of the Ohio facilities</u>	16007
<u>construction commission.</u>	16008
<u>Sec. 342.13. There is created the jail facility building fund</u>	16009
<u>in the state treasury consisting of any moneys transferred or</u>	16010
<u>appropriated to the fund by the general assembly, and any grants,</u>	16011
<u>gifts, or contributions received by the Ohio facilities</u>	16012
<u>construction commission to be used for the purposes of the fund.</u>	16013
<u>All investment earnings of the fund shall be credited to the fund.</u>	16014
<u>Moneys transferred or appropriated to the fund by the general</u>	16015
<u>assembly and moneys in the fund from grants, gifts, and</u>	16016
<u>contributions shall be used for the purposes of this chapter as</u>	16017
<u>prescribed by the general assembly and may be used to pay the</u>	16018
<u>costs of administering the program under this chapter.</u>	16019
<u>Sec. 342.14. The Ohio facilities construction commission</u>	16020
<u>shall have an interest in real property purchased with moneys in</u>	16021
<u>the county's project construction fund.</u>	16022
<u>Once obligations issued to finance a project under this</u>	16023
<u>chapter are no longer outstanding, any interest held by the</u>	16024
<u>commission shall be transferred to the county or multicounty jail</u>	16025
<u>facility commission, in the latter case to be allocated to the</u>	16026
<u>member counties according to the terms of the agreement under</u>	16027

section 342.12 of the Revised Code. 16028

Sec. 342.15. (A) When all of the following have occurred, a project undertaken under this chapter shall be considered complete and the Ohio facilities construction commission shall issue a certificate of completion to the board of county commissioners, or to a multicounty jail facilities commission if applicable: 16029  
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16031  
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(1) All facilities to be constructed under the project, as specified in the project agreement entered into under section 342.06 of the Revised Code, have been completed in compliance with the standards described in division (C) of section 342.02 of the Revised Code, and the board has received a permanent certificate of occupancy for each of those facilities. 16034  
16035  
16036  
16037  
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(2) The Ohio facilities construction commission has completed a final accounting of the project construction fund of each participating county and has determined that all payments from the fund or funds were made in compliance with all policies of the commission. 16040  
16041  
16042  
16043  
16044

(3) Any litigation concerning the project has been finally resolved with no chance of appeal. 16045  
16046

(4) All construction management services typically provided by the commission to counties have been delivered and the commission has canceled any remaining encumbrance of funds for those services. 16047  
16048  
16049  
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(B) The Ohio facilities construction commission may issue a certificate of completion to a board of county commissioners, or to a multicounty jail facilities commission if applicable, before all of the conditions described in division (A) of this section being satisfied, if the commission determines that the circumstances preventing the conditions from being satisfied are so minor in nature that the project should be considered complete. 16051  
16052  
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When issuing a certificate of completion under this division, the 16058  
commission may specify any of the following: 16059

(1) Any construction or work that has yet to be completed and 16060  
the manner in which the board or multicounty jail facilities 16061  
commission shall oversee its completion, which may include 16062  
procedures for reporting progress to the Ohio facilities 16063  
construction commission and for accounting of expenditures; 16064

(2) Terms and conditions for the resolution of any pending 16065  
litigation; 16066

(3) Any remaining responsibilities of the construction 16067  
manager regarding the project. 16068

(C) The Ohio facilities construction commission may issue a 16069  
certificate of completion to a board of county commissioners or 16070  
multicounty jail facilities commission that does not voluntarily 16071  
participate in the process of closing out the county's project, if 16072  
the construction manager for the project verifies that all 16073  
facilities to be constructed under the project, as specified in 16074  
the project agreement entered into under section 342.06 of the 16075  
Revised Code, have been completed and the Ohio facilities 16076  
construction commission determines that those facilities have been 16077  
occupied for at least one year. In that case, all funds due to the 16078  
commission under division (C) of section 342.11 of the Revised 16079  
Code shall be returned to the commission not later than thirty 16080  
days after receipt of the certificate of completion. If the funds 16081  
due to the commission have not been returned within sixty days 16082  
after receipt of the certificate of completion, the auditor of 16083  
state shall issue a finding for recovery against the county or 16084  
counties and shall request legal action under section 117.42 of 16085  
the Revised Code. 16086

(D) Upon issuance of a certificate of completion under this 16087  
section, the Ohio facilities construction commission's ownership 16088

of and interest in the project, as specified in division (D) of 16089  
section 342.06 of the Revised Code, shall cease. This cessation 16090  
shall not alter or otherwise affect the state's or the 16091  
commission's interest in the project or any limitations on the use 16092  
of the project as specified in the project agreement pursuant to 16093  
divisions (E) and (J) of that section or as specified in section 16094  
342.14 of the Revised Code. 16095

Sec. 342.16. (A) The corrective action program is established 16096  
to provide funding for the correction of work, in connection with 16097  
a project funded under this chapter, that is found after occupancy 16098  
of the facility to be defective or to have been omitted. 16099

(B) The Ohio facilities construction commission may provide 16100  
funding under this section only if at least one contracting county 16101  
notifies the executive director of the commission of the defective 16102  
or omitted work within five years after occupancy of the facility 16103  
for which the county seeks the funding. 16104

(C) The commission shall establish procedures and deadlines 16105  
for counties to follow in applying for assistance under this 16106  
section. The procedures shall include definitions of "defective" 16107  
and "omitted," and shall require that remediation efforts focus 16108  
first on engaging the respective contractors that designed and 16109  
constructed the areas that have design or construction-related 16110  
issues. The commission shall consider applications on a 16111  
case-by-case basis, taking into account the amount of money 16112  
appropriated and available for purposes of this section. 16113

(D) The commission may provide funding assistance necessary 16114  
to take corrective measures after evaluating the defective or 16115  
omitted work. 16116

(1) If the work to be corrected or remediated is part of a 16117  
project not yet completed, the commission may amend the project 16118  
agreement to increase the project budget and use corrective action 16119

funding to provide the state portion of the amendment. If the work 16120  
to be corrected or remediated is part of a completed project and 16121  
funds were retained or transferred pursuant to division (C) of 16122  
section 342.11 of the Revised Code, the commission may enter into 16123  
a new agreement to address the corrective action. 16124

(2) Whether or not the project is completed, the county or 16125  
counties shall contribute a portion of the cost of the corrective 16126  
action, to be determined in accordance with section 342.04 of the 16127  
Revised Code. 16128

(E) The commission shall assess responsibility for the 16129  
defective or omitted work and seek cost recovery from responsible 16130  
parties, if applicable. Any recovery of the expense of remediation 16131  
shall be applied first to the county's or counties' portion of the 16132  
cost of the corrective action. Any remaining funds shall be 16133  
applied to the state portion. 16134

**Sec. 349.01.** As used in this chapter: 16135

(A) "New community" means a community or development of 16136  
property in relation to an existing community planned so that the 16137  
resulting community includes facilities for the conduct of 16138  
industrial, commercial, residential, cultural, educational, and 16139  
recreational activities, and designed in accordance with planning 16140  
concepts for the placement of utility, open space, and other 16141  
supportive facilities. 16142

(B) "New community development program" means a program for 16143  
the development of a new community characterized by well-balanced 16144  
and diversified land use patterns and which includes land 16145  
acquisition and land development, the acquisition, construction, 16146  
operation, and maintenance of community facilities, and the 16147  
provision of services authorized in this chapter. 16148

A new community development program may take into account any 16149

existing community in relation to which a new community is 16150  
developed for purposes of being characterized by well-balanced and 16151  
diversified land use patterns. 16152

(C) "New community district" means the area of land described 16153  
by the developer in the petition as set forth in division (A) of 16154  
section 349.03 of the Revised Code for development as a new 16155  
community and any lands added to the district by amendment of the 16156  
resolution establishing the community authority. 16157

(D) "New community authority" means a body corporate and 16158  
politic in this state, established pursuant to section 349.03 of 16159  
the Revised Code and governed by a board of trustees as provided 16160  
in section 349.04 of the Revised Code. 16161

(E) "Developer" means any person, organized for carrying out 16162  
a new community development program who owns or controls, through 16163  
leases of at least seventy-five years' duration, options, or 16164  
contracts to purchase, the land within a new community district, 16165  
or any municipal corporation, township, county, or port authority 16166  
that owns the land within a new community district, or has the 16167  
ability to acquire such land, either by voluntary acquisition or 16168  
condemnation in order to eliminate slum, blighted, and 16169  
deteriorated or deteriorating areas and to prevent the recurrence 16170  
thereof. "Developer" may also mean a person, municipal 16171  
corporation, township, county, or port authority that controls 16172  
land within a new community district through leases of at least 16173  
seventy-five years' duration. "Developer" includes a lessor that 16174  
continues to own and control land for purposes of this chapter 16175  
pursuant to leases with a ninety-nine-year renewable term, so long 16176  
as all of the following apply: 16177

(1) The developer's new community district consists of at 16178  
least five leases described in this section. 16179

(2) The leases are subject to forfeiture for all of the 16180

following:	16181
(a) Failing to pay taxes and assessments;	16182
(b) Failing to pay an annual fee of up to one per cent of rent for sanitary purposes and improvements made to streets;	16183 16184
(c) Failing to keep the premises as required by sanitary and police regulations of the developer.	16185 16186
(3) The new community authority is established on or before December 31, 2024.	16187 16188
(F) "Organizational board of commissioners" means <u>any of</u> the following:	16189 16190
(1) For a new community district that is located in only one county, the board of county commissioners of that county;	16191 16192
(2) For a new community district that is located in more than one county, a board consisting of the members of the board of county commissioners of each of the counties in which the district is located, provided that action of the board shall require a majority vote of the members of each separate board of county commissioners; <del>or</del>	16193 16194 16195 16196 16197 16198
(3) For a new community district that is located entirely within the boundaries of a municipal corporation or for a new community district where more than half of the new community district is located within the boundaries of the most populous municipal corporation of a county, the legislative authority of the municipal corporation;	16199 16200 16201 16202 16203 16204
<u>(4) For a new community district that is comprised entirely of unincorporated territory within the boundaries of a township with a population of at least five thousand, and located in a county with a population of at least two hundred thousand and not more than four hundred thousand, the board of township trustees of the township.</u>	16205 16206 16207 16208 16209 16210

(G) "Land acquisition" means the acquisition of real property 16211  
and interests in real property as part of a new community 16212  
development program. 16213

(H) "Land development" means the process of clearing and 16214  
grading land, making, installing, or constructing water 16215  
distribution systems, sewers, sewage collection systems, steam, 16216  
gas, and electric lines, roads, streets, curbs, gutters, 16217  
sidewalks, storm drainage facilities, and other installations or 16218  
work, whether within or without the new community district, and 16219  
the construction of community facilities. 16220

(I) "Community facilities" means all real property, 16221  
buildings, structures, or other facilities, including related 16222  
fixtures, equipment, and furnishings, to be owned, operated, 16223  
financed, constructed, and maintained under this chapter or in 16224  
furtherance of community activities, whether within or without the 16225  
new community district, including public, community, village, 16226  
neighborhood, or town buildings, centers and plazas, auditoriums, 16227  
day care centers, recreation halls, educational facilities, health 16228  
care facilities including hospital facilities as defined in 16229  
section 140.01 of the Revised Code, telecommunications facilities, 16230  
including all facilities necessary to provide telecommunications 16231  
service as defined in section 4927.01 of the Revised Code, 16232  
recreational facilities, natural resource facilities, including 16233  
parks and other open space land, lakes and streams, cultural 16234  
facilities, community streets and off-street parking facilities, 16235  
pathway and bikeway systems, pedestrian underpasses and 16236  
overpasses, lighting facilities, design amenities, or other 16237  
community facilities, and buildings needed in connection with 16238  
water supply or sewage disposal installations, or energy 16239  
facilities including those for renewable or sustainable energy 16240  
sources, and steam, gas, or electric lines or installation. 16241

(J) "Cost" as applied to a new community development program 16242

means all costs related to land acquisition and land development, 16243  
the acquisition, construction, maintenance, and operation of 16244  
community facilities and offices of the community authority, and 16245  
of providing furnishings and equipment therefor, financing charges 16246  
including interest prior to and during construction and for the 16247  
duration of the new community development program, planning 16248  
expenses, engineering expenses, administrative expenses including 16249  
working capital, and all other expenses necessary and incident to 16250  
the carrying forward of the new community development program. 16251

(K) "Income source" means any and all sources of income to 16252  
the community authority, including community development charges 16253  
of which the new community authority is the beneficiary as 16254  
provided in section 349.07 of the Revised Code, rentals, user fees 16255  
and other charges received by the new community authority, any 16256  
gift or grant received, any moneys received from any funds 16257  
invested by or on behalf of the new community authority, and 16258  
proceeds from the sale or lease of land and community facilities. 16259

(L) "Community development charge" means: 16260

(1) A dollar amount which shall be determined on the basis of 16261  
the assessed valuation of real property or interests in real 16262  
property in a new community district, the income of the residents 16263  
of such property subject to such charge under section 349.07 of 16264  
the Revised Code, if such property is devoted to residential uses 16265  
or to the profits, gross receipts, or other revenues of any 16266  
business including, but not limited to, rentals received from 16267  
leases of real property located in the district, a uniform or 16268  
other fee on each parcel of such real property in a new community 16269  
district, or any combination of the foregoing bases. 16270

(2) If a new community authority imposes a community 16271  
development charge determined on the basis of rentals received 16272  
from leases of real property, improvements of any real property 16273  
located in the new community district and subject to that charge 16274

may not be exempted from taxation under section 5709.40, 5709.41, 16275  
5709.45, 5709.48, 5709.73, or 5709.78 of the Revised Code. 16276

(M) "Proximate ~~city~~ community" means the following: 16277

(1) For a new community district other than a new community 16278  
district described in division (M)(2) ~~or~~, (3), or (4) of this 16279  
section, any city that, as of the date of filing of the petition 16280  
under section 349.03 of the Revised Code, is the city with the 16281  
greatest population located in the county in which the proposed 16282  
new community district is located, is the city with the greatest 16283  
population located in an adjoining county if any portion of such 16284  
city is within five miles of any part of the boundaries of such 16285  
district, or exercises extraterritorial subdivision authority 16286  
under section 711.09 of the Revised Code with respect to any part 16287  
of such district. 16288

(2) A municipal corporation in which, at the time of filing 16289  
the petition under section 349.03 of the Revised Code, any portion 16290  
of the proposed new community district is located. 16291

(3) For a new community district other than a new community 16292  
district described in division (M)(2) or (4) of this section, if 16293  
at the time of filing the petition under section 349.03 of the 16294  
Revised Code, more than one-half of the proposed district is 16295  
contained within a joint economic development district created 16296  
under sections 715.70 to 715.83 of the Revised Code, the township 16297  
containing the greatest portion of the territory of the joint 16298  
economic development district. 16299

(4) For a new community district other than a new community 16300  
district described in division (M)(2) or (3) of this section, if 16301  
at the time of filing the petition under section 343.03 of the 16302  
Revised Code the proposed new community district is comprised 16303  
entirely of unincorporated territory within the boundaries of a 16304  
township with a population of five thousand, and located in a 16305

county with a population of at least two hundred thousand and not 16306  
more than four hundred thousand, the township in which the 16307  
proposed new community district is located. 16308

(N) "Community activities" means cultural, educational, 16309  
governmental, recreational, residential, industrial, commercial, 16310  
distribution and research activities, or any combination thereof 16311  
~~that includes residential activities.~~ 16312

**Sec. 349.03.** (A) Proceedings for the organization of a new 16313  
community authority shall be initiated by a petition filed by the 16314  
developer in the office of the clerk of ~~the~~ an organizational 16315  
board of commissioners determined based on where the territory of 16316  
the proposed new community district is located. Such petition 16317  
shall be signed by the developer and may be signed by each 16318  
proximate ~~city~~ community. The legislative authorities of each such 16319  
proximate ~~city~~ community shall act in behalf of such ~~city~~ 16320  
community. Such petition shall contain: 16321

(1) The name of the proposed new community authority; 16322

(2) The address where the principal office of the authority 16323  
will be located or the manner in which the location will be 16324  
selected; 16325

(3) A map and a full and accurate description of the 16326  
boundaries of the new community district together with a 16327  
description of the properties within such boundaries, if any, 16328  
which will not be included in the new community district. 16329

(4) A statement setting forth the zoning regulations proposed 16330  
for zoning the area within the boundaries of the new community 16331  
district for comprehensive development as a new community, and if 16332  
the area has been zoned for such development, a certified copy of 16333  
the applicable zoning regulations therefor; 16334

(5) A current plan indicating the proposed development 16335

program for the new community district, the land acquisition and 16336  
land development activities, community facilities, services 16337  
proposed to be undertaken by the new community authority under 16338  
such program, the proposed method of financing such activities and 16339  
services, including a description of the bases, timing, and manner 16340  
of collecting any proposed community development charges, and the 16341  
projected total residential population of, and employment within, 16342  
the new community; 16343

(6) A suggested number of members, consistent with section 16344  
349.04 of the Revised Code, for the board of trustees; 16345

(7) A preliminary economic feasibility analysis, including 16346  
the area development pattern and demand, location and proposed new 16347  
community district size, present and future socio-economic 16348  
conditions, public services provision, financial plan, and the 16349  
developer's management capability; 16350

(8) A statement that the development will comply with all 16351  
applicable environmental laws and regulations. 16352

Upon the filing of such petition, the organizational board of 16353  
commissioners shall determine whether such petition complies with 16354  
the requirements of this section as to form and substance. The 16355  
board in subsequent proceedings may at any time permit the 16356  
petition to be amended in form and substance to conform to the 16357  
facts by correcting any errors in the description of the proposed 16358  
new community district or in any other particular. 16359

Upon the determination of the organizational board of 16360  
commissioners that a sufficient petition has been filed in 16361  
accordance with this section, the board shall fix the time and 16362  
place of a hearing on the petition for the establishment of the 16363  
proposed new community authority. Such hearing shall be held not 16364  
less than ninety-five nor more than one hundred fifteen days after 16365  
the petition filing date, except that if the petition has been 16366

signed by all proximate ~~cities~~ communities or if the 16367  
organizational board of commissioners is the legislative authority 16368  
of the only proximate ~~city~~ community for the proposed new 16369  
community district, such hearing shall be held not less than 16370  
thirty nor more than forty-five days after the petition filing 16371  
date. The clerk of the organizational board of commissioners ~~with~~ 16372  
~~which the petition was filed~~ shall give notice thereof by 16373  
publication once each week for three consecutive weeks, or as 16374  
provided in section 7.16 of the Revised Code, in a newspaper of 16375  
general circulation in any county of which a portion is within the 16376  
proposed new community district. Except where the organizational 16377  
board of commissioners is the legislative authority of the only 16378  
proximate ~~city~~ community for the proposed new community district, 16379  
such clerk shall also give written notice of the date, time, and 16380  
place of the hearing and furnish a certified copy of the petition 16381  
to the clerk of the legislative authority of each proximate ~~city~~ 16382  
community which has not signed such petition. Except where the 16383  
organizational board of commissioners is the legislative authority 16384  
of the only proximate ~~city~~ community for the proposed new 16385  
community district, in the event that the legislative authority of 16386  
a proximate ~~city~~ community which did not sign the petition does 16387  
not approve by ordinance, resolution, or motion the establishment 16388  
of the proposed new community authority and does not deliver such 16389  
ordinance, resolution, or motion to the clerk of the 16390  
organizational board of commissioners ~~with which the petition was~~ 16391  
~~filed~~ within ninety days following the date of the first 16392  
publication of the notice of the public hearing, the 16393  
organizational board of commissioners shall cancel such public 16394  
hearing and terminate the proceedings for the establishment of the 16395  
new community authority. 16396

Upon the hearing, if the organizational board of 16397  
commissioners determines by resolution that the proposed new 16398  
community district will be conducive to the public health, safety, 16399

convenience, and welfare, and is intended to result in the 16400  
development of a new community, the board shall by its resolution, 16401  
declare the new community authority to be organized and a body 16402  
politic and corporate with the corporate name designated in the 16403  
resolution, and define the boundary of the new community district. 16404  
In addition, the resolution shall provide the method of selecting 16405  
the board of trustees of the new community authority and fix the 16406  
surety for their bonds in accordance with section 349.04 of the 16407  
Revised Code. 16408

If the organizational board of commissioners finds that the 16409  
establishment of the district will not be conducive to the public 16410  
health, safety, convenience, or welfare, or is not intended to 16411  
result in the development of a new community, it shall reject the 16412  
petition thereby terminating the proceedings for the establishment 16413  
of the new community authority. 16414

~~(B)~~(B)(1) At any time after the creation of a new community 16415  
authority, the developer may file an application with the clerk of 16416  
the organizational board of commissioners with which the original 16417  
petition was filed, setting forth a general description of 16418  
territory it desires to add or to delete from such district, that 16419  
such change will be conducive to the public health, safety, 16420  
convenience, and welfare, and will be consistent with the 16421  
development of a new community and will not jeopardize the plan of 16422  
the new community. If 16423

(2) If the territory to be added or deleted from a new 16424  
community district meets the criteria described in either division 16425  
(F)(3) or (4) of section 349.01 of the Revised Code, and the 16426  
original petition was not filed with the municipal or township 16427  
organizational board of commissioners described in those 16428  
divisions, the developer shall also file the application to the 16429  
clerk of that municipal or township organizational board of 16430  
commissioners. A municipal or township organizational board of 16431

commissioners that receives an application under division (B)(2) 16432  
of this section is the acting organizational board of 16433  
commissioners for the purposes of division (B)(4) of this section. 16434  
Otherwise, the organizational board of commissioners with which 16435  
the original petition was filed is the acting organizational board 16436  
of commissioners for the purposes of that division. 16437

(3) If the developer is not a municipal corporation, port 16438  
authority, or county, all of such an addition to such a district 16439  
shall be owned by, or under the control through leases of at least 16440  
seventy-five years' duration, options, or contracts to purchase, 16441  
of the developer. ~~Upon~~ 16442

(4) Upon the filing of the application, the acting 16443  
organizational board of commissioners shall follow the same 16444  
procedure as required by this section in relation to the original 16445  
petition for the establishment of the proposed new community. The 16446  
acting organizational board of commissioners also may determine by 16447  
resolution to add territory to such district, provided that the 16448  
owner or other person who controls such territory through leases 16449  
of at least forty years' duration, options, or contracts to 16450  
purchase files a written consent to the addition of such territory 16451  
with the clerk of the acting organizational board of 16452  
commissioners, and neither the developer ~~does not object nor, if~~ 16453  
applicable, the organizational board of commissioners with which 16454  
the original petition was filed objects to the addition of such 16455  
territory by filing a written objection ~~to the addition of such~~ 16456  
~~territory~~ with the clerk of the acting organizational board of 16457  
commissioners before the adoption of the resolution adding such 16458  
territory to the district. The acting organizational board of 16459  
commissioners shall follow the same procedure as required by this 16460  
section in relation to the original petition for the establishment 16461  
of the proposed new community when adopting such a resolution. 16462

(C) If all or any part of the new community district is 16463

annexed to one or more existing municipal corporations, their 16464  
legislative authorities may appoint persons to replace any 16465  
appointed citizen member of the board of trustees. The number of 16466  
such trustees to be replaced by the municipal corporation shall be 16467  
the number, rounded to the lowest integer, bearing the 16468  
proportionate relationship to the number of existing appointed 16469  
citizen members as the acreage of the new community district 16470  
within such municipal corporation bears to the total acreage of 16471  
the new community district. If any such municipal corporation 16472  
chooses to replace an appointed citizen member, it shall do so by 16473  
ordinance, the term of the trustee being replaced shall terminate 16474  
thirty days from the date of passage of such ordinance, and the 16475  
trustee to be replaced shall be determined by lot. Each newly 16476  
appointed member shall assume the term of the member's 16477  
predecessor. 16478

**Sec. 349.04.** The following method of selecting a board of 16479  
trustees is deemed to be a compelling state interest. Within ten 16480  
days after the new community authority has been established, as 16481  
provided in section 349.03 of the Revised Code, an initial board 16482  
of trustees shall be appointed as follows: the organizational 16483  
board of commissioners shall appoint by resolution at least three, 16484  
but not more than six, citizen members of the board of trustees to 16485  
represent the interests of present and future residents and 16486  
employers of the new community district and one member to serve as 16487  
a representative of local government, and the developer shall 16488  
appoint a number of members equal to the number of citizen members 16489  
to serve as representatives of the developer. 16490

Members shall serve two-year overlapping terms, with two of 16491  
each of the initial citizen and developer members appointed to 16492  
serve initial one-year terms. The organizational board of 16493  
commissioners shall adopt, by further resolution adopted within 16494  
one year of such resolution establishing such initial board of 16495

trustees, a method for selection of successor members thereof 16496  
which determines the projected total population of the projected 16497  
new community and meets the following criteria: 16498

(A) The appointed citizen members shall be replaced by 16499  
elected citizen members according to a schedule established by the 16500  
organizational board of commissioners calculated to achieve one 16501  
such replacement each time the new community district gains a 16502  
proportion, having a numerator of one and a denominator of twice 16503  
the number of citizen members, of its projected total population 16504  
until such time as all of the appointed citizen members are 16505  
replaced. 16506

(B) Representatives of the developer shall be replaced by 16507  
elected citizen members according to a schedule established by the 16508  
organizational board of commissioners calculated to achieve one 16509  
such replacement each time the new community district gains a 16510  
proportion, having a numerator of one and a denominator equal to 16511  
the number of developer members, of its projected total population 16512  
until such time as all of the developer's representatives are 16513  
replaced. 16514

(C) The representative of local government shall be replaced 16515  
by an elected citizen member at the time the new community 16516  
district gains three-quarters of its projected total population. 16517

Elected citizen members of the board of trustees shall be 16518  
elected by a majority of the residents of the new community 16519  
district voting at elections held at the times and in the manner 16520  
provided in a resolution of the organizational board of 16521  
commissioners. Each citizen member except an appointed citizen 16522  
member shall be a qualified elector who resides within the new 16523  
community district. The organizational board of commissioners, by 16524  
resolution, may adopt an alternative method of selecting or 16525  
electing successor members of the board of trustees provided that 16526  
if an alternative method of selection is adopted for a new 16527

community authority organized prior to March 22, 2012, the board 16528  
of trustees of that authority shall be limited in the collection 16529  
of a community development charge, collected pursuant to division 16530  
(Q) of section 349.06 of the Revised Code, and the issuance of 16531  
bonds or notes, issued pursuant to section 349.08 of the Revised 16532  
Code, to the amount or to the extent otherwise permitted for a 16533  
board of trustees whose members are not elected by residents of 16534  
the new community district. If the alternative method provides for 16535  
the election of citizen members, the elections may be held at the 16536  
times and in the manner provided in the petition or in a 16537  
resolution of the organizational board of commissioners, and the 16538  
elected citizen members shall be qualified electors who reside in 16539  
the new community district. 16540

Citizen members shall not be employees of or have financial 16541  
interest in the developer. If a vacancy occurs in the office of a 16542  
member other than a member appointed by the developer, the 16543  
organizational board of commissioners may appoint a successor 16544  
member for the remainder of the unexpired term. Any appointed 16545  
member of the board of trustees may at any time be removed by the 16546  
organizational board of commissioners for misfeasance, 16547  
nonfeasance, or malfeasance in office. Members appointed by the 16548  
developer may also at any time be removed by the developer without 16549  
a showing of cause. 16550

Each member of the board of trustees, before entering upon 16551  
official duties, shall take and subscribe to an oath before an 16552  
officer authorized to administer oaths in Ohio that the member 16553  
will honestly and faithfully perform the duties of the member's 16554  
office. Such oath shall be filed in the office of the clerk of the 16555  
organizational board of commissioners ~~with which the petition was~~ 16556  
~~filed~~. Upon taking the oath, the board of trustees shall elect one 16557  
of its number as chairperson and another as vice-chairperson, and 16558  
shall appoint suitable persons as secretary and treasurer who need 16559

not be members of the board. The treasurer shall be the fiscal 16560  
officer of the authority. The board shall adopt by-laws governing 16561  
the administration of the affairs of the new community authority. 16562  
Each member of the board shall post a bond for the faithful 16563  
performance of official duties and give surety therefor in such 16564  
amount, but not less than ten thousand dollars, as the resolution 16565  
creating such board shall prescribe. 16566

All of the powers of the new community authority shall be 16567  
exercised by its board of trustees, but without relief of such 16568  
responsibility, such powers may be delegated to committees of the 16569  
board or its officers and employees in accordance with its 16570  
by-laws. A majority of the board shall constitute a quorum, and a 16571  
concurrence of a majority of a quorum in any matter within the 16572  
board's duties is sufficient for its determination, provided a 16573  
quorum is present when such concurrence is had and a majority of 16574  
those members constituting such quorum are trustees not appointed 16575  
by the developer. All trustees shall be empowered to vote on all 16576  
matters within the authority of the board of trustees, and no vote 16577  
by a member appointed by the developer shall be construed to give 16578  
rise to civil or criminal liability for conflict of interest on 16579  
the part of public officials. 16580

**Sec. 349.14.** Except as provided in section 349.03 of the 16581  
Revised Code, or as otherwise provided in a resolution adopted by 16582  
the organizational board of commissioners of a new community 16583  
authority, a new community authority organized under this chapter 16584  
may be dissolved only on the vote of a majority of the voters of 16585  
the new community district at a special election called by the 16586  
board of trustees on the question of dissolution. Such an election 16587  
may be called only after the board has determined that the new 16588  
community development program has been completed, when no 16589  
community authority bonds or notes are outstanding, and other 16590  
legal indebtedness of the authority has been discharged or 16591

provided for, and only after there has been filed with the board 16592  
of trustees a petition requesting such election, signed by a 16593  
number of qualified electors residing in the new community 16594  
district equal to not less than eight per cent of the total vote 16595  
cast for all candidates for governor in the new community district 16596  
at the most recent general election at which a governor was 16597  
elected. If a majority of the votes cast favor dissolution, the 16598  
board of trustees shall, by resolution, declare the authority 16599  
dissolved and thereupon the community authority shall be 16600  
dissolved. A certified copy of the resolution shall, within 16601  
fifteen days after its adoption, be filed with the clerk of the 16602  
organizational board of commissioners ~~of the county~~ with which the 16603  
original petition for the organization of the new community 16604  
authority was filed and with the clerk of any other organizational 16605  
board of commissioners where territory of the new community 16606  
district was located. 16607

Upon dissolution of a new community authority, the powers 16608  
thereof shall cease to exist. Any property of the new community 16609  
authority shall vest with a municipal corporation, county, or 16610  
township in which that property is located or with the developer 16611  
of the new community authority or the developer's designee, all as 16612  
provided in a resolution adopted by the organizational board of 16613  
commissioners. Any vesting of property in a municipal corporation, 16614  
township, or county shall be subject to acceptance of the property 16615  
by resolution of the legislative authority of the municipal 16616  
corporation, board of township trustees, or board of county 16617  
commissioners, as applicable. If the legislative authority of a 16618  
municipal corporation, board of township trustees, or board of 16619  
county commissioners declines to accept the property, the property 16620  
vests with the developer or the developer's designee. Any funds of 16621  
the community authority at the time of dissolution shall be 16622  
transferred to the municipal corporation and county or township, 16623  
as provided in a resolution, in which the new community district 16624

is located in the proportion to the assessed valuation of taxable 16625  
real property of the new community authority within such municipal 16626  
corporation and township or county as said valuation appears on 16627  
the current assessment rolls. 16628

Sec. 503.59. A board of township trustees that has entered 16629  
into an agreement with the Ohio air quality development authority 16630  
under section 3706.051 of the Revised Code may levy, in accordance 16631  
with that agreement, a special assessment upon real property 16632  
located in the township specially benefited by an air quality 16633  
facility that is the subject of that agreement. 16634

An assessment levied under this section shall be made in any 16635  
manner authorized under section 727.01 of the Revised Code and, 16636  
except as otherwise provided in this section, in accordance with 16637  
the procedures prescribed for special assessments levied by 16638  
municipal corporations under Chapter 727. of the Revised Code, 16639  
except that where that chapter refers to a municipal corporation, 16640  
it shall be deemed to refer to the township and where that chapter 16641  
refers to the legislative authority of a municipal corporation, it 16642  
shall be deemed to refer to the board of township trustees. All 16643  
rights and privileges of an owner of property subject to an 16644  
assessment levied under that chapter shall apply to the owner of 16645  
property assessed under this section. 16646

No special assessment may be levied under this section unless 16647  
the owner of the property to be assessed files a written statement 16648  
with the board of township trustees requesting that the assessment 16649  
be levied. 16650

**Sec. 505.08.** After adopting by a unanimous vote a resolution 16651  
declaring a real and present emergency in connection with the 16652  
administration of township services or the execution of duties 16653  
assigned by law to any officer of a township, the board of 16654

township trustees may, by resolution, enter into a contract, 16655  
without bidding or advertising, for the purchase of services, 16656  
materials, equipment, or supplies needed to meet the emergency if 16657  
the estimated cost of the contract is less than ~~fifty thousand~~ 16658  
~~dollars~~ the amount specified in section 9.17 of the Revised Code. 16659

During the period of the emergency declared by Executive 16660  
Order 2020-01D, issued on March 9, 2020, the board of township 16661  
trustees may, by resolution, enter into a contract, without 16662  
bidding or advertising, for the purchase of personal protective 16663  
equipment needed to meet the emergency, regardless of the 16664  
estimated cost of the contract. 16665

"Personal protective equipment" means equipment worn to 16666  
minimize exposure to hazards that cause workplace injuries and 16667  
illnesses. 16668

**Sec. 505.37.** (A) The board of township trustees may establish 16669  
all necessary rules to guard against the occurrence of fires and 16670  
to protect the property and lives of the citizens against damage 16671  
and accidents, and may, with the approval of the specifications by 16672  
the prosecuting attorney or, if the township has adopted limited 16673  
home rule government under Chapter 504. of the Revised Code, with 16674  
the approval of the specifications by the township's law director, 16675  
purchase, lease, lease with an option to purchase, or otherwise 16676  
provide any fire apparatus, mechanical resuscitators, underwater 16677  
rescue and recovery equipment, or other fire equipment, 16678  
appliances, materials, fire hydrants, and water supply for 16679  
fire-fighting and fire and rescue purposes that seems advisable to 16680  
the board. The board shall provide for the care and maintenance of 16681  
such fire equipment, and, for these purposes, may purchase, lease, 16682  
lease with an option to purchase, or construct and maintain 16683  
necessary buildings, and it may establish and maintain lines of 16684  
fire-alarm communications within the limits of the township. The 16685

board may employ one or more persons to maintain and operate such 16686  
fire equipment, or it may enter into an agreement with a volunteer 16687  
fire company for the use and operation of the equipment. The board 16688  
may compensate the members of a volunteer fire company on any 16689  
basis and in any amount that it considers equitable. 16690

16691

When the estimated cost to purchase fire apparatus, 16692  
mechanical resuscitators, underwater rescue and recovery 16693  
equipment, or other fire equipment, appliances, materials, fire 16694  
hydrants, buildings, or fire-alarm communications equipment or 16695  
services exceeds ~~fifty thousand dollars~~ the amount specified in 16696  
section 9.17 of the Revised Code, the contract shall be let by 16697  
competitive bidding. No purchase or other transaction subject to 16698  
this section shall be divided into component parts in order to 16699  
avoid the requirements of this section. When competitive bidding 16700  
is required, the board shall advertise once a week for not less 16701  
than two consecutive weeks in a newspaper of general circulation 16702  
within the township. The board may also cause notice to be 16703  
inserted in trade papers or other publications designated by it or 16704  
to be distributed by electronic means, including posting the 16705  
notice on the board's internet web site. If the board posts the 16706  
notice on its web site, it may eliminate the second notice 16707  
otherwise required to be published in a newspaper of general 16708  
circulation within the township, provided that the first notice 16709  
published in such newspaper meets all of the following 16710  
requirements: 16711

(1) It is published at least two weeks before the opening of 16712  
bids. 16713

(2) It includes a statement that the notice is posted on the 16714  
board's internet web site. 16715

(3) It includes the internet address of the board's internet 16716

web site. 16717

(4) It includes instructions describing how the notice may be 16718  
accessed on the board's internet web site. 16719

The advertisement shall include the time, date, and place 16720  
where the clerk of the township, or the clerk's designee, will 16721  
read bids publicly. The time, date, and place of bid openings may 16722  
be extended to a later date by the board of township trustees, 16723  
provided that written or oral notice of the change shall be given 16724  
to all persons who have received or requested specifications not 16725  
later than ninety-six hours prior to the original time and date 16726  
fixed for the opening. The board may reject all the bids or accept 16727  
the lowest and best bid, provided that the successful bidder meets 16728  
the requirements of section 153.54 of the Revised Code when the 16729  
contract is for the construction, demolition, alteration, repair, 16730  
or reconstruction of an improvement. 16731

(B) The boards of township trustees of any two or more 16732  
townships, or the legislative authorities of any two or more 16733  
political subdivisions, or any combination of these, may, through 16734  
joint action, unite in the joint purchase, lease, lease with an 16735  
option to purchase, maintenance, use, and operation of fire 16736  
equipment described in division (A) of this section, or for any 16737  
other purpose designated in sections 505.37 to 505.42 of the 16738  
Revised Code, and may prorate the expense of the joint action on 16739  
any terms that are mutually agreed upon. 16740

(C) The board of township trustees of any township may, by 16741  
resolution, whenever it is expedient and necessary to guard 16742  
against the occurrence of fires or to protect the property and 16743  
lives of the citizens against damages resulting from their 16744  
occurrence, create a fire district of any portions of the township 16745  
that it considers necessary. The board may purchase, lease, lease 16746  
with an option to purchase, or otherwise provide any fire 16747  
apparatus, mechanical resuscitators, underwater rescue and 16748

recovery equipment, or other fire equipment, appliances, 16749  
materials, fire hydrants, and water supply for fire-fighting and 16750  
fire and rescue purposes, or may contract for the fire protection 16751  
for the fire district as provided in section 9.60 of the Revised 16752  
Code. The fire district so created shall be given a separate name 16753  
by which it shall be known. 16754

Additional unincorporated territory of the township may be 16755  
added to a fire district upon the board's adoption of a resolution 16756  
authorizing the addition. A municipal corporation, or a portion of 16757  
a municipal corporation, that is within or adjoining the township 16758  
may be added to a fire district upon the board's adoption of a 16759  
resolution authorizing the addition and the municipal legislative 16760  
authority's adoption of a resolution or ordinance requesting the 16761  
addition of the municipal corporation or a portion of the 16762  
municipal corporation to the fire district. 16763

If the township fire district imposes a tax, additional 16764  
unincorporated territory of the township or a municipal 16765  
corporation or a portion of a municipal corporation that is within 16766  
or adjoining the township shall become part of the fire district 16767  
only after all of the following have occurred: 16768

(1) Adoption by the board of township trustees of a 16769  
resolution approving the expansion of the territorial limits of 16770  
the district and, if the resolution proposes to add a municipal 16771  
corporation or a portion of a municipal corporation, adoption by 16772  
the municipal legislative authority of a resolution or ordinance 16773  
requesting the addition of the municipal corporation or a portion 16774  
of the municipal corporation to the district; 16775

(2) Adoption by the board of township trustees of a 16776  
resolution recommending the extension of the tax to the additional 16777  
territory; 16778

(3) The board requests and obtains from the county auditor 16779

the information required for a tax levy under section 5705.03 of 16780  
the Revised Code, in the manner prescribed in that section, except 16781  
that the levy's annual collections shall be estimated assuming 16782  
that the additional territory has been added to the fire district. 16783

(4) Approval of the tax by the electors of the territory 16784  
proposed for addition to the district. 16785

Each resolution of the board adopted under division (C)(2) of 16786  
this section shall state the name of the fire district, a 16787  
description of the territory to be added, the rate, expressed in 16788  
mills for each one dollar of taxable value, the estimated 16789  
effective rate, expressed in dollars for each one hundred thousand 16790  
dollars of the county auditor's appraised value, and termination 16791  
date of the tax, which shall be the rate, estimated effective 16792  
rate, and termination date of the tax currently in effect in the 16793  
fire district. 16794

The board of trustees shall certify each resolution adopted 16795  
under division (C)(2) of this section and the county auditor's 16796  
certification under division (C)(3) of this section to the board 16797  
of elections in accordance with section 5705.19 of the Revised 16798  
Code. The election required under division (C)(4) of this section 16799  
shall be held, canvassed, and certified in the manner provided for 16800  
the submission of tax levies under section 5705.25 of the Revised 16801  
Code, except that the question appearing on the ballot shall read: 16802

"Shall the territory within \_\_\_\_\_ 16803  
(description of the proposed territory to be added) be added to 16804  
\_\_\_\_\_ (name) fire district, and a property tax, 16805  
that the county auditor estimates will collect \$\_\_\_\_\_ annually, at 16806  
a rate not exceeding \_\_\_\_\_ mills for each \$1 of taxable value, 16807  
which amounts to \$\_\_\_\_\_ (here insert estimated effective rate) 16808  
for each \$100,000 of the county auditor's appraised value, be in 16809  
effect for \_\_\_\_\_ (here insert the number of years the tax is 16810  
to be in effect or "a continuing period of time," as applicable)?" 16811

If the question is approved by at least a majority of the electors voting on it, the joinder shall be effective as of the first day of July of the year following approval, and on that date, the township fire district tax shall be extended to the taxable property within the territory that has been added. If the territory that has been added is a municipal corporation or portion thereof and if it had adopted a tax levy for fire purposes, the levy is terminated on the effective date of the joinder in the area of the municipal corporation added to the district.

Any municipal corporation may withdraw from a township fire district created under division (C) of this section by the adoption by the municipal legislative authority of a resolution or ordinance ordering withdrawal. On the first day of July of the year following the adoption of the resolution or ordinance of withdrawal, the withdrawing municipal corporation or the portion thereof ceases to be a part of the district, and the power of the fire district to levy a tax upon taxable property in the withdrawing municipal corporation or the portion thereof terminates, except that the fire district shall continue to levy and collect taxes for the payment of indebtedness within the territory of the fire district as it was composed at the time the indebtedness was incurred.

Upon the withdrawal of any municipal corporation from a township fire district created under division (C) of this section, the county auditor shall ascertain, apportion, and order a division of the funds on hand, moneys and taxes in the process of collection except for taxes levied for the payment of indebtedness, credits, and real and personal property, either in money or in kind, on the basis of the valuation of the respective tax duplicates of the withdrawing municipal corporation and the remaining territory of the fire district.

A board of township trustees may remove unincorporated territory of the township from the fire district upon the adoption of a resolution authorizing the removal. On the first day of July of the year following the adoption of the resolution, the unincorporated township territory described in the resolution ceases to be a part of the district, and the power of the fire district to levy a tax upon taxable property in that territory terminates, except that the fire district shall continue to levy and collect taxes for the payment of indebtedness within the territory of the fire district as it was composed at the time the indebtedness was incurred.

As used in this section, "the county auditor's appraised value" and "estimated effective rate" have the same meanings as in section 5705.01 of the Revised Code.

(D) The board of township trustees of any township, the board of fire district trustees of a fire district created under section 505.371 of the Revised Code, or the legislative authority of any municipal corporation may purchase, lease, or lease with an option to purchase the necessary fire equipment described in division (A) of this section, buildings, and sites for the township, fire district, or municipal corporation and issue securities for that purpose with maximum maturities as provided in section 133.20 of the Revised Code. The board of township trustees, board of fire district trustees, or legislative authority may also construct any buildings necessary to house fire equipment and issue securities for that purpose with maximum maturities as provided in section 133.20 of the Revised Code.

The board of township trustees, board of fire district trustees, or legislative authority may issue the securities of the township, fire district, or municipal corporation, signed by the board or designated officer of the municipal corporation and attested by the signature of the township fiscal officer, fire

district clerk, or municipal clerk, covering any deferred payments 16876  
and payable at the times provided, which securities shall bear 16877  
interest not to exceed the rate determined as provided in section 16878  
9.95 of the Revised Code, and shall not be subject to Chapter 133. 16879  
of the Revised Code. The legislation authorizing the issuance of 16880  
the securities shall provide for levying and collecting annually 16881  
by taxation, amounts sufficient to pay the interest on and 16882  
principal of the securities. The securities shall be offered for 16883  
sale on the open market or given to the vendor or contractor if no 16884  
sale is made. 16885

Section 505.40 of the Revised Code does not apply to any 16886  
securities issued, or any lease with an option to purchase entered 16887  
into, in accordance with this division. 16888

(E) A board of township trustees of any township or a board 16889  
of fire district trustees of a fire district created under section 16890  
505.371 of the Revised Code may purchase a policy or policies of 16891  
liability insurance for the officers, employees, and appointees of 16892  
the fire department, fire district, or joint fire district 16893  
governed by the board that includes personal injury liability 16894  
coverage as to the civil liability of those officers, employees, 16895  
and appointees for false arrest, detention, or imprisonment, 16896  
malicious prosecution, libel, slander, defamation or other 16897  
violation of the right of privacy, wrongful entry or eviction, or 16898  
other invasion of the right of private occupancy, arising out of 16899  
the performance of their duties. 16900

When a board of township trustees cannot, by deed of gift or 16901  
by purchase and upon terms it considers reasonable, procure land 16902  
for a township fire station that is needed in order to respond in 16903  
reasonable time to a fire or medical emergency, the board may 16904  
appropriate land for that purpose under sections 163.01 to 163.22 16905  
of the Revised Code. If it is necessary to acquire additional 16906  
adjacent land for enlarging or improving the fire station, the 16907

board may purchase, appropriate, or accept a deed of gift for the 16908  
land for these purposes. 16909

(F) As used in this division, "emergency medical service 16910  
organization" has the same meaning as in section 4766.01 of the 16911  
Revised Code. 16912

A board of township trustees, by adoption of an appropriate 16913  
resolution, may choose to have the state board of emergency 16914  
medical, fire, and transportation services license any emergency 16915  
medical service organization it operates. If the board adopts such 16916  
a resolution, Chapter 4766. of the Revised Code, except for 16917  
sections 4766.06 and 4766.99 of the Revised Code, applies to the 16918  
organization. All rules adopted under the applicable sections of 16919  
that chapter also apply to the organization. A board of township 16920  
trustees, by adoption of an appropriate resolution, may remove its 16921  
emergency medical service organization from the jurisdiction of 16922  
the state board of emergency medical, fire, and transportation 16923  
services. 16924

**Sec. 505.376.** When any expenditure of a fire and ambulance 16925  
district, other than for the compensation of district employees, 16926  
exceeds ~~fifty thousand dollars~~ the amount specified in section 16927  
9.17 of the Revised Code, the contract for the expenditure shall 16928  
be in writing and made with the lowest and best bidder after 16929  
advertising once a week for not less than two consecutive weeks in 16930  
a newspaper of general circulation within the district. The board 16931  
of trustees of a fire and ambulance district may also cause notice 16932  
to be inserted in trade papers or other publications designated by 16933  
it or to be distributed by electronic means, including posting the 16934  
notice on the board's internet web site. If the board posts the 16935  
notice on its web site, it may eliminate the second notice 16936  
otherwise required to be published in a newspaper of general 16937  
circulation within the district, provided that the first notice 16938

published in such newspaper meets all of the following 16939  
requirements: 16940

(A) It is published at least two weeks before the opening of 16941  
bids. 16942

(B) It includes a statement that the notice is posted on the 16943  
board's internet web site. 16944

(C) It includes the internet address of the board's internet 16945  
web site. 16946

(D) It includes instructions describing how the notice may be 16947  
accessed on the board's internet web site. 16948

The bids shall be opened and shall be publicly read by the 16949  
clerk of the district, or the clerk's designee, at the time, date, 16950  
and place specified in the advertisement to bidders or the 16951  
specifications. The time, date, and place of bid openings may be 16952  
extended to a later date by the board of trustees of the district, 16953  
provided that written or oral notice of the change shall be given 16954  
to all persons who have received or requested specifications no 16955  
later than ninety-six hours prior to the original time and date 16956  
fixed for the opening. 16957

Each bid on any contract shall contain the full name of every 16958  
person interested in the bid. If the bid is for a contract for the 16959  
construction, demolition, alteration, repair, or reconstruction of 16960  
an improvement, it shall meet the requirements of section 153.54 16961  
of the Revised Code. If the bid is for any other contract, it 16962  
shall be accompanied by a sufficient bond or certified check, 16963  
cashier's check, or money order on a solvent bank or savings and 16964  
loan association that, if the bid is accepted, a contract will be 16965  
entered into and the performance of it will be properly secured. 16966  
If the bid for work embraces both labor and material, it shall be 16967  
separately stated, with the price of the labor and the material. 16968  
The board may reject any and all bids. The contract shall be 16969

between the district and the bidder, and the district shall pay 16970  
the contract price in cash. When a bonus is offered for completion 16971  
of a contract prior to a specified date, the board may exact a 16972  
prorated penalty in like sum for each day of delay beyond the 16973  
specified date. When there is reason to believe there is collusion 16974  
or combination among bidders, the bids of those concerned shall be 16975  
rejected. 16976

No expenditure subject to this section shall be divided into 16977  
component parts, separate projects, or separate items of work in 16978  
order to avoid the requirements of this section. 16979

**Sec. 505.38.** (A) In each township or fire district that has a 16980  
fire department, the head of the department shall be a fire chief, 16981  
appointed by the board of township trustees, except that, in a 16982  
joint fire district, the fire chief shall be appointed by the 16983  
board of fire district trustees. Neither this section nor any 16984  
other section of the Revised Code requires, or shall be construed 16985  
to require, that the fire chief be a resident of the township or 16986  
fire district. 16987

The board shall provide for the employment of firefighters as 16988  
it considers best and shall fix their compensation. No person 16989  
shall be appointed as a permanent full-time paid member, whose 16990  
duties include fire fighting, of the fire department of any 16991  
township or fire district unless that person has received a 16992  
certificate issued under former section 3303.07 or section 4765.55 16993  
of the Revised Code evidencing satisfactory completion of a 16994  
firefighter training program. Those appointees shall continue in 16995  
office until removed from office as provided by sections 733.35 to 16996  
733.39 of the Revised Code. To initiate removal proceedings, and 16997  
for that purpose, the board shall designate the fire chief or a 16998  
private citizen to investigate the conduct and prepare the 16999  
necessary charges in conformity with those sections. 17000

In case of the removal of a fire chief or any member of the fire department of a township or fire district, an appeal may be had from the decision of the board to the court of common pleas of the county in which the township or fire district fire department is situated to determine the sufficiency of the cause of removal. The appeal from the findings of the board shall be taken within ten days.

No person who is appointed as a volunteer firefighter of the fire department of any township or fire district shall remain in that position unless either of the following applies:

(1) Within one year of the appointment, the person has received a certificate issued under former section 3303.07 of the Revised Code or section 4765.55 of the Revised Code evidencing satisfactory completion of a firefighter training program.

(2) The person began serving as a permanent full-time paid firefighter with the fire department of a city or village prior to July 2, 1970, or as a volunteer firefighter with the fire department of a city, village, or other township or fire district prior to July 2, 1979, and receives a certificate issued under ~~division (C)(3)~~ of section 4765.55 of the Revised Code.

No person shall receive an appointment under this section, in the case of a volunteer firefighter, unless the person has, not more than sixty days prior to receiving the appointment, passed a physical examination, given by a licensed physician, a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife, showing that the person meets the physical requirements necessary to perform the duties of the position to which the person is appointed as established by the board of township trustees having jurisdiction over the appointment. The appointing authority, prior to making an appointment, shall file with the Ohio police and fire pension fund or the local volunteer fire fighters' dependents fund board a copy

of the report or findings of that licensed physician, physician 17033  
assistant, clinical nurse specialist, certified nurse 17034  
practitioner, or certified nurse-midwife. The professional fee for 17035  
the physical examination shall be paid for by the board of 17036  
township trustees. 17037

(B) In each township not having a fire department, the board 17038  
of township trustees shall appoint a fire prevention officer who 17039  
shall exercise all of the duties of a fire chief except those 17040  
involving the maintenance and operation of fire apparatus. The 17041  
board may appoint one or more deputy fire prevention officers who 17042  
shall exercise the duties assigned by the fire prevention officer. 17043

The board may fix the compensation for the fire prevention 17044  
officer and the fire prevention officer's deputies as it considers 17045  
best. The board shall appoint each fire prevention officer and 17046  
deputy for a one-year term. An appointee may be reappointed at the 17047  
end of a term to another one-year term. Any appointee may be 17048  
removed from office during a term as provided by sections 733.35 17049  
to 733.39 of the Revised Code. Section 505.45 of the Revised Code 17050  
extends to those officers. 17051

(C)(1) Division (A) of this section does not apply to any 17052  
township that has a population of ten thousand or more persons 17053  
residing within the township and outside of any municipal 17054  
corporation, that has its own fire department employing ten or 17055  
more full-time paid employees, and that has a civil service 17056  
commission established under division (B) of section 124.40 of the 17057  
Revised Code. The township shall comply with the procedures for 17058  
the employment, promotion, and discharge of firefighters provided 17059  
by Chapter 124. of the Revised Code, except as otherwise provided 17060  
in divisions (C)(2) and (3) of this section. 17061

(2) The board of township trustees of the township may 17062  
appoint the fire chief, and any person so appointed shall be in 17063  
the unclassified service under section 124.11 of the Revised Code 17064

and shall serve at the pleasure of the board. Neither this section 17065  
nor any other section of the Revised Code requires, or shall be 17066  
construed to require, that the fire chief be a resident of the 17067  
township. A person who is appointed fire chief under these 17068  
conditions and who is removed by the board or resigns from the 17069  
position is entitled to return to the classified service in the 17070  
township fire department in the position held just prior to the 17071  
appointment as fire chief. 17072

(3) The appointing authority of an urban township, as defined 17073  
in section 504.01 of the Revised Code, may appoint to a vacant 17074  
position any one of the three highest scorers on the eligible list 17075  
for a promotional examination. 17076

(4) The board of township trustees shall determine the number 17077  
of personnel required and establish salary schedules and 17078  
conditions of employment not in conflict with Chapter 124. of the 17079  
Revised Code. 17080

(5) No person shall receive an original appointment as a 17081  
permanent full-time paid member of the fire department of the 17082  
township described in this division unless the person has received 17083  
a certificate issued under former section 3303.07 or section 17084  
4765.55 of the Revised Code evidencing the satisfactory completion 17085  
of a firefighter training program. 17086

(6) Persons employed as firefighters in the township 17087  
described in this division on the date a civil service commission 17088  
is appointed pursuant to division (B) of section 124.40 of the 17089  
Revised Code, without being required to pass a competitive 17090  
examination or a firefighter training program, shall retain their 17091  
employment and any rank previously granted them by action of the 17092  
board of township trustees or otherwise, but those persons are 17093  
eligible for promotion only by compliance with Chapter 124. of the 17094  
Revised Code. 17095

**Sec. 507.02.** When the office of township fiscal officer 17096  
becomes vacant, or when a township fiscal officer is unable to 17097  
carry out the duties of office because of illness, because of 17098  
entering the military service of the United States, because of a 17099  
court ordered suspension as provided for under section 507.13 of 17100  
the Revised Code, or because the fiscal officer is otherwise 17101  
incapacitated or disqualified, the board of township trustees 17102  
shall appoint a deputy fiscal officer, who shall have full power 17103  
to discharge the duties of the office. The deputy fiscal officer 17104  
shall serve during the period of time the fiscal officer is absent 17105  
or incapacitated, or until a successor fiscal officer is appointed 17106  
or elected and qualified as provided in section 503.24 of the 17107  
Revised Code. Except as otherwise provided in section 3.061 of the 17108  
Revised Code, before entering on the discharge of official duties, 17109  
the deputy fiscal officer shall give bond, for the faithful 17110  
discharge of official duties, as required under section 507.03 of 17111  
the Revised Code. The board shall, by resolution, adjust and 17112  
determine the compensation of the fiscal officer and deputy fiscal 17113  
officer. The total compensation of both the fiscal officer and any 17114  
deputy fiscal officer shall not exceed the sums fixed by section 17115  
507.09 of the Revised Code in any one year. 17116

**Sec. 511.01.** If, in a township, a town hall is to be built, 17117  
improved, enlarged, or removed at a cost greater than ~~fifty~~ 17118  
~~thousand dollars~~ the amount specified in section 9.17 of the 17119  
Revised Code, the board of township trustees shall submit the 17120  
question to the electors of such township and shall certify their 17121  
resolution to the board of elections not later than four p.m. of 17122  
the ninetieth day before the day of the election. 17123

**Sec. 511.12.** The board of township trustees may prepare plans 17124  
and specifications and make contracts for the construction and 17125

erection of a memorial building, monument, statue, or memorial, 17126  
for the purposes specified and within the amount authorized by 17127  
section 511.08 of the Revised Code. If the total estimated cost of 17128  
the construction and erection exceeds ~~fifty thousand dollars~~ the 17129  
amount specified in section 9.17 of the Revised Code, the contract 17130  
shall be let by competitive bidding. If the estimated cost is 17131  
~~fifty thousand dollars~~ the amount specified in section 9.17 of the 17132  
Revised Code or less, competitive bidding may be required at the 17133  
board's discretion. In making contracts under this section, the 17134  
board shall be governed as follows: 17135

(A) Contracts for construction when competitive bidding is 17136  
required shall be based upon detailed plans, specifications, forms 17137  
of bids, and estimates of cost, adopted by the board. 17138

(B) Contracts shall be made in writing upon concurrence of a 17139  
majority of the members of the board, and shall be signed by at 17140  
least two of the members and by the contractor. If competitive 17141  
bidding is required, no contract shall be made or signed until an 17142  
advertisement has been placed in a newspaper, published or of 17143  
general circulation in the township, at least twice. The board may 17144  
also cause notice to be inserted in trade papers or other 17145  
publications designated by it or to be distributed by electronic 17146  
means, including posting the notice on the board's internet web 17147  
site. If the board posts the notice on its web site, it may 17148  
eliminate the second notice otherwise required to be published in 17149  
a newspaper published or of general circulation in the township, 17150  
provided that the first notice published in such newspaper meets 17151  
all of the following requirements: 17152

(1) It is published at least two weeks before the opening of 17153  
bids. 17154

(2) It includes a statement that the notice is posted on the 17155  
board's internet web site. 17156

(3) It includes the internet address of the board's internet web site. 17157  
17158

(4) It includes instructions describing how the notice may be accessed on the board's internet web site. 17159  
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(C) No contract shall be let by competitive bidding except to the lowest and best bidder, who shall meet the requirements of section 153.54 of the Revised Code. 17161  
17162  
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(D) When, in the opinion of the board, it becomes necessary in the prosecution of such work to make alterations or modifications in any contract, the alterations or modifications shall be made only by order of the board, and that order shall be of no effect until the price to be paid for the work or materials under the altered or modified contract has been agreed upon in writing and signed by the contractor and at least two members of the board. 17164  
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(E) No contract or alteration or modification of it shall be valid unless made in the manner provided in this section. 17172  
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(F) No project subject to this section shall be divided into component parts, separate projects, or separate items of work in order to avoid the requirements of this section. 17174  
17175  
17176

**Sec. 515.01.** The board of township trustees may provide artificial lights for any road, highway, public place, or building under its supervision or control, or for any territory within the township and outside the boundaries of any municipal corporation, when the board determines that the public safety or welfare requires that the road, highway, public place, building, or territory shall be lighted. The lighting may be procured either by the township installing a lighting system or by contracting with any person or corporation to furnish lights. 17177  
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If lights are furnished under contract, the contract may 17186

provide that the equipment employed may be owned by the township 17187  
or by the person or corporation supplying the lights. 17188

If the board determines to procure lighting by contract and 17189  
the total estimated cost of the contract exceeds ~~fifty thousand~~ 17190  
~~dollars~~ the amount specified in section 9.17 of the Revised Code, 17191  
the board shall prepare plans and specifications for the lighting 17192  
equipment and shall, for two weeks, advertise for bids for 17193  
furnishing the lighting equipment, either by posting the 17194  
advertisement in three conspicuous places in the township or by 17195  
publication of the advertisement once a week, for two consecutive 17196  
weeks, in a newspaper of general circulation in the township. Any 17197  
such contract for lighting shall be made with the lowest and best 17198  
bidder. 17199

The board may also cause notice to be inserted in trade 17200  
papers or other publications designated by it or to be distributed 17201  
by electronic means, including posting the notice on the board's 17202  
internet web site. If the board posts the notice on its web site, 17203  
it may eliminate the second notice otherwise required to be 17204  
published in a newspaper of general circulation in the township, 17205  
provided that the first notice published in such newspaper meets 17206  
all of the following requirements: 17207

(A) It is published at least two weeks before the opening of 17208  
bids. 17209

(B) It includes a statement that the notice is posted on the 17210  
board's internet web site. 17211

(C) It includes the internet address of the board's internet 17212  
web site. 17213

(D) It includes instructions describing how the notice may be 17214  
accessed on the board's internet web site. 17215

No lighting contract awarded by the board shall be made to 17216  
cover a period of more than twenty years. The cost of installing 17217

and operating any lighting system or any light furnished under 17218  
contract shall be paid from the general fund of the township 17219  
treasury. 17220

No procurement subject to this section shall be divided into 17221  
component parts, separate projects, or separate items of work in 17222  
order to avoid the requirements of this section. 17223

**Sec. 517.07.** Upon application, the board of township trustees 17224  
shall sell at a reasonable price the number of lots as public 17225  
wants demand for burial purposes. Purchasers of lots or other 17226  
interment rights, upon complying with the terms of sale, may 17227  
receive deeds for the lots or rights which the board shall execute 17228  
~~and which shall be recorded by the.~~ The township fiscal officer 17229  
shall record each deed in a book the township keeps for that 17230  
purpose or with the county recorder under section 317.08 of the 17231  
Revised Code. The expense of recording shall be paid by the person 17232  
receiving the deed. Upon the application of a head of a family 17233  
living in the township, the board shall, without charge, make and 17234  
deliver to the applicant a deed for a suitable lot or right for 17235  
the interment of the applicant's family, if, in the opinion of the 17236  
board and by reason of the circumstances of the family, the 17237  
payment would be oppressive. 17238

The terms of sale and any deed for lots executed after July 17239  
24, 1986, for an entombment, including a mausoleum, columbarium, 17240  
or other interment right executed on or after September 29, 2015, 17241  
may include the following requirements: 17242

(A) The grantee shall provide to the board of township 17243  
trustees, in writing, a list of the names and addresses of the 17244  
persons to whom the grantee's property would pass by intestate 17245  
succession. 17246

(B) The grantee shall notify the board in writing of any 17247  
subsequent changes in the name or address of any persons to whom 17248

property would descend. 17249

(C) Any person who receives a township cemetery lot or right 17250  
by gift, inheritance, or any other means other than the original 17251  
conveyance shall, within one year after receiving the interest, 17252  
give written notice of the person's name and address to the board 17253  
having control of the cemetery, and shall notify the board of any 17254  
subsequent changes in the person's name or address. 17255

The terms of sale and any deed for any lots or rights 17256  
executed in compliance with the notification requirements set 17257  
forth in divisions (A), (B), and (C) of this section shall state 17258  
that the board of township trustees shall have right of reentry to 17259  
the cemetery lot or right if the notification requirements are not 17260  
met. At least ninety days before establishing reentry, the board 17261  
shall publish a notice on the board's internet web site, if 17262  
applicable, and shall send a notice by certified mail to the last 17263  
known owner at the owner's last known address to inform the owner 17264  
that the owner's interest in the lot or right will cease unless 17265  
the notification requirements are met. If the owner's address is 17266  
unknown and cannot reasonably be obtained, it is sufficient to 17267  
publish the notice once in a newspaper of general circulation in 17268  
the county. In order to establish reentry, the board shall pass a 17269  
resolution stating that the conditions of the sale or of the deed 17270  
have not been fulfilled, and that the board reclaims its interest 17271  
in the lot or right. 17272

The board may limit the terms of sale or the deed for a 17273  
cemetery lot or right by specifying that the owner, a member of 17274  
the owner's family, or an owner's descendant must use the lot, 17275  
tomb, including a mausoleum, or columbarium, or at least a portion 17276  
of the lot, tomb, including a mausoleum, or columbarium, within a 17277  
specified time period. The board may specify this time period to 17278  
be at least twenty but not more than fifty years, with right of 17279  
renewal provided at no cost. At least ninety days before the 17280

termination date for use of the cemetery lot, tomb, including a 17281  
mausoleum, or columbarium, the board shall publish a notice on the 17282  
board's internet web site, if applicable, and shall send a notice 17283  
to the owner to inform the owner that the owner's interest in the 17284  
lot or right will cease on the termination date unless the owner 17285  
contracts for renewal by that date. The board shall send the 17286  
notice by certified mail to the owner if the owner is a resident 17287  
of the township or is a nonresident whose address is known. If the 17288  
owner's address is unknown and cannot reasonably be obtained, it 17289  
is sufficient to publish the notice once in a newspaper of general 17290  
circulation in the county. 17291

The terms of sale and any deed for lots or rights conveyed 17292  
with a termination date shall state that the board shall have 17293  
right of reentry to the lot or right at the end of the specified 17294  
time period if the lot, tomb, including a mausoleum, or 17295  
columbarium, is not used within this time period or renewed for an 17296  
extended period. In order to establish reentry, the board shall 17297  
pass a resolution stating that the conditions of the sale or of 17298  
the deed have not been fulfilled, and that the board reclaims its 17299  
interest in the lot or right. The board shall compensate owners of 17300  
unused lots or rights who do not renew the terms of sale or the 17301  
deed by offering to pay the owner eighty per cent of the purchase 17302  
price or to provide another available lot or right, as applicable, 17303  
at no additional cost. The board may repurchase any cemetery lot 17304  
or right from its owner at any time at a price that is mutually 17305  
agreed upon by the board and the owner. 17306

**Sec. 517.271.** Notwithstanding section 517.22 of the Revised 17307  
Code, the company, association, or religious society that most 17308  
recently owned and operated a cemetery currently owned by a board 17309  
of township trustees may petition the probate court of the county 17310  
in which the cemetery is located to transfer the ownership of the 17311  
cemetery to the petitioner. 17312

If the court determines that the petitioner has met all of 17313  
the following conditions, the court shall transfer the ownership 17314  
of the cemetery to the petitioner and shall order the board and 17315  
county recorder to give the petitioner all necessary records and 17316  
documents concerning the cemetery, including records of the 17317  
board's sale of any lots pursuant to section 517.07 of the Revised 17318  
Code: 17319

(A) The petitioner has the financial resources necessary to 17320  
operate and maintain the cemetery; 17321

(B) The petitioner is in compliance with all applicable laws 17322  
and administrative rules concerning the owners and operators of 17323  
cemeteries, including registration under section 4767.02 of the 17324  
Revised Code; and 17325

(C) The petitioner owes no delinquent taxes. 17326

**Sec. 715.18.** Any municipal corporation may establish and 17327  
furnish the necessary equipment for a department of purchase, 17328  
construction, and repair. Such department shall be under the 17329  
management of the director of public service, who shall purchase 17330  
all material, supplies, tools, machinery, and equipment, and shall 17331  
supervise all construction, alterations, and repairs in each of 17332  
the municipal departments whether established by law or ordinance. 17333

No such purchase, construction, alteration, or repair shall 17334  
be made except upon requisition by the director, the officer at 17335  
the head of the department for which it is to be made or done, or 17336  
upon the order of the legislative authority of the municipal 17337  
corporation, nor shall any purchase, construction, alteration, or 17338  
repair for any of such departments be made or done except on 17339  
authority of the legislative authority and under sections 735.05 17340  
to 735.09 of the Revised Code, if the cost thereof exceeds ~~ten~~ 17341  
~~thousand dollars~~ the amount specified in section 9.17 of the 17342  
Revised Code. 17343

**Sec. 718.01.** Any term used in this chapter that is not 17344  
otherwise defined in this chapter has the same meaning as when 17345  
used in a comparable context in laws of the United States relating 17346  
to federal income taxation or in Title LVII of the Revised Code, 17347  
unless a different meaning is clearly required. Except as provided 17348  
in section 718.81 of the Revised Code, if a term used in this 17349  
chapter that is not otherwise defined in this chapter is used in a 17350  
comparable context in both the laws of the United States relating 17351  
to federal income tax and in Title LVII of the Revised Code and 17352  
the use is not consistent, then the use of the term in the laws of 17353  
the United States relating to federal income tax shall control 17354  
over the use of the term in Title LVII of the Revised Code. 17355

Except as otherwise provided in section 718.81 of the Revised 17356  
Code, as used in this chapter: 17357

(A)(1) "Municipal taxable income" means the following: 17358

(a) For a person other than an individual, income apportioned 17359  
or situated to the municipal corporation under section 718.02 of 17360  
the Revised Code, as applicable, reduced by any pre-2017 net 17361  
operating loss carryforward available to the person for the 17362  
municipal corporation. 17363

(b)(i) For an individual who is a resident of a municipal 17364  
corporation other than a qualified municipal corporation, income 17365  
reduced by exempt income to the extent otherwise included in 17366  
income, then reduced as provided in division (A)(2) of this 17367  
section, and further reduced by any pre-2017 net operating loss 17368  
carryforward available to the individual for the municipal 17369  
corporation. 17370

(ii) For an individual who is a resident of a qualified 17371  
municipal corporation, Ohio adjusted gross income reduced by 17372  
income exempted, and increased by deductions excluded, by the 17373  
qualified municipal corporation from the qualified municipal 17374

corporation's tax. If a qualified municipal corporation, on or 17375  
before December 31, 2013, exempts income earned by individuals who 17376  
are not residents of the qualified municipal corporation and net 17377  
profit of persons that are not wholly located within the qualified 17378  
municipal corporation, such individual or person shall have no 17379  
municipal taxable income for the purposes of the tax levied by the 17380  
qualified municipal corporation and may be exempted by the 17381  
qualified municipal corporation from the requirements of section 17382  
718.03 of the Revised Code. 17383

(c) For an individual who is a nonresident of a municipal 17384  
corporation, income reduced by exempt income to the extent 17385  
otherwise included in income and then, as applicable, apportioned 17386  
or situated to the municipal corporation under section 718.02 of 17387  
the Revised Code, then reduced as provided in division (A)(2) of 17388  
this section, and further reduced by any pre-2017 net operating 17389  
loss carryforward available to the individual for the municipal 17390  
corporation. 17391

(2) In computing the municipal taxable income of a taxpayer 17392  
who is an individual, the taxpayer may subtract, as provided in 17393  
division (A)(1)(b)(i) or (c) of this section, the amount of the 17394  
individual's employee business expenses reported on the 17395  
individual's form 2106 that the individual deducted for federal 17396  
income tax purposes for the taxable year, subject to the 17397  
limitation imposed by section 67 of the Internal Revenue Code. For 17398  
the municipal corporation in which the taxpayer is a resident, the 17399  
taxpayer may deduct all such expenses allowed for federal income 17400  
tax purposes. For a municipal corporation in which the taxpayer is 17401  
not a resident, the taxpayer may deduct such expenses only to the 17402  
extent the expenses are related to the taxpayer's performance of 17403  
personal services in that nonresident municipal corporation. 17404

(B) "Income" means the following: 17405

(1)(a) For residents, all income, salaries, qualifying wages, 17406

commissions, and other compensation from whatever source earned or 17407  
received by the resident, including the resident's distributive 17408  
share of the net profit of pass-through entities owned directly or 17409  
indirectly by the resident and any net profit of the resident, 17410  
except as provided in division (D)(5) of this section. 17411

(b) For the purposes of division (B)(1)(a) of this section: 17412

(i) Any net operating loss of the resident incurred in the 17413  
taxable year and the resident's distributive share of any net 17414  
operating loss generated in the same taxable year and attributable 17415  
to the resident's ownership interest in a pass-through entity 17416  
shall be allowed as a deduction, for that taxable year and the 17417  
following five taxable years, against any other net profit of the 17418  
resident or the resident's distributive share of any net profit 17419  
attributable to the resident's ownership interest in a 17420  
pass-through entity until fully utilized, subject to division 17421  
(B)(1)(d) of this section; 17422

(ii) The resident's distributive share of the net profit of 17423  
each pass-through entity owned directly or indirectly by the 17424  
resident shall be calculated without regard to any net operating 17425  
loss that is carried forward by that entity from a prior taxable 17426  
year and applied to reduce the entity's net profit for the current 17427  
taxable year. 17428

(c) Division (B)(1)(b) of this section does not apply with 17429  
respect to any net profit or net operating loss attributable to an 17430  
ownership interest in an S corporation unless shareholders' 17431  
distributive shares of net profits from S corporations are subject 17432  
to tax in the municipal corporation as provided in division 17433  
(C)(14)(b) or (c) of this section. 17434

(d) Any amount of a net operating loss used to reduce a 17435  
taxpayer's net profit for a taxable year shall reduce the amount 17436  
of net operating loss that may be carried forward to any 17437

subsequent year for use by that taxpayer. In no event shall the 17438  
cumulative deductions for all taxable years with respect to a 17439  
taxpayer's net operating loss exceed the original amount of that 17440  
net operating loss available to that taxpayer. 17441

(2) In the case of nonresidents, all income, salaries, 17442  
qualifying wages, commissions, and other compensation from 17443  
whatever source earned or received by the nonresident for work 17444  
done, services performed or rendered, or activities conducted in 17445  
the municipal corporation, including any net profit of the 17446  
nonresident, but excluding the nonresident's distributive share of 17447  
the net profit or loss of only pass-through entities owned 17448  
directly or indirectly by the nonresident. 17449

(3) For taxpayers that are not individuals, net profit of the 17450  
taxpayer; 17451

(4) Lottery, sweepstakes, gambling and sports winnings, 17452  
winnings from games of chance, and prizes and awards. If the 17453  
taxpayer is a professional gambler for federal income tax 17454  
purposes, the taxpayer may deduct related wagering losses and 17455  
expenses to the extent authorized under the Internal Revenue Code 17456  
and claimed against such winnings. 17457

(C) "Exempt income" means all of the following: 17458

(1) The military pay or allowances of members of the armed 17459  
forces of the United States or members of their reserve 17460  
components, including the national guard of any state; 17461

(2)(a) Except as provided in division (C)(2)(b) of this 17462  
section, intangible income; 17463

(b) A municipal corporation that taxed any type of intangible 17464  
income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 17465  
116th general assembly, may continue to tax that type of income if 17466  
a majority of the electors of the municipal corporation voting on 17467  
the question of whether to permit the taxation of that type of 17468

intangible income after 1988 voted in favor thereof at an election 17469  
held on November 8, 1988. 17470

(3) Social security benefits, railroad retirement benefits, 17471  
unemployment compensation, pensions, retirement benefit payments, 17472  
payments from annuities, and similar payments made to an employee 17473  
or to the beneficiary of an employee under a retirement program or 17474  
plan, disability payments received from private industry or local, 17475  
state, or federal governments or from charitable, religious or 17476  
educational organizations, and the proceeds of sickness, accident, 17477  
or liability insurance policies. As used in division (C)(3) of 17478  
this section, "unemployment compensation" does not include 17479  
supplemental unemployment compensation described in section 17480  
3402(o)(2) of the Internal Revenue Code. 17481

(4) The income of religious, fraternal, charitable, 17482  
scientific, literary, or educational institutions to the extent 17483  
such income is derived from tax-exempt real estate, tax-exempt 17484  
tangible or intangible property, or tax-exempt activities. 17485

(5) Compensation paid under section 3501.28 or 3501.36 of the 17486  
Revised Code to a person serving as a precinct election official 17487  
to the extent that such compensation does not exceed one thousand 17488  
dollars for the taxable year. Such compensation in excess of one 17489  
thousand dollars for the taxable year may be subject to taxation 17490  
by a municipal corporation. A municipal corporation shall not 17491  
require the payer of such compensation to withhold any tax from 17492  
that compensation. 17493

(6) Dues, contributions, and similar payments received by 17494  
charitable, religious, educational, or literary organizations or 17495  
labor unions, lodges, and similar organizations; 17496

(7) Alimony and child support received; 17497

(8) Compensation for personal injuries or for damages to 17498  
property from insurance proceeds or otherwise, excluding 17499

compensation paid for lost salaries or wages or compensation from 17500  
punitive damages; 17501

(9) Income of a public utility when that public utility is 17502  
subject to the tax levied under section 5727.24 or 5727.30 of the 17503  
Revised Code. Division (C)(9) of this section does not apply for 17504  
purposes of Chapter 5745. of the Revised Code. 17505

(10) Gains from involuntary conversions, interest on federal 17506  
obligations, items of income subject to a tax levied by the state 17507  
and that a municipal corporation is specifically prohibited by law 17508  
from taxing, and income of a decedent's estate during the period 17509  
of administration except such income from the operation of a trade 17510  
or business; 17511

(11) Compensation or allowances excluded from federal gross 17512  
income under section 107 of the Internal Revenue Code; 17513

(12) Employee compensation that is not qualifying wages as 17514  
defined in division (R) of this section; 17515

(13) Compensation paid to a person employed within the 17516  
boundaries of a United States air force base under the 17517  
jurisdiction of the United States air force that is used for the 17518  
housing of members of the United States air force and is a center 17519  
for air force operations, unless the person is subject to taxation 17520  
because of residence or domicile. If the compensation is subject 17521  
to taxation because of residence or domicile, tax on such income 17522  
shall be payable only to the municipal corporation of residence or 17523  
domicile. 17524

(14)(a) Except as provided in division (C)(14)(b) or (c) of 17525  
this section, an S corporation shareholder's distributive share of 17526  
net profits of the S corporation, other than any part of the 17527  
distributive share of net profits that represents wages as defined 17528  
in section 3121(a) of the Internal Revenue Code or net earnings 17529  
from self-employment as defined in section 1402(a) of the Internal 17530

Revenue Code. 17531

(b) If, pursuant to division (H) of former section 718.01 of 17532  
the Revised Code as it existed before March 11, 2004, a majority 17533  
of the electors of a municipal corporation voted in favor of the 17534  
question at an election held on November 4, 2003, the municipal 17535  
corporation may continue after 2002 to tax an S corporation 17536  
shareholder's distributive share of net profits of an S 17537  
corporation. 17538

(c) If, on December 6, 2002, a municipal corporation was 17539  
imposing, assessing, and collecting a tax on an S corporation 17540  
shareholder's distributive share of net profits of the S 17541  
corporation to the extent the distributive share would be 17542  
allocated or apportioned to this state under divisions (B)(1) and 17543  
(2) of section 5733.05 of the Revised Code if the S corporation 17544  
were a corporation subject to taxes imposed under Chapter 5733. of 17545  
the Revised Code, the municipal corporation may continue to impose 17546  
the tax on such distributive shares to the extent such shares 17547  
would be so allocated or apportioned to this state only until 17548  
December 31, 2004, unless a majority of the electors of the 17549  
municipal corporation voting on the question of continuing to tax 17550  
such shares after that date voted in favor of that question at an 17551  
election held November 2, 2004. If a majority of those electors 17552  
voted in favor of the question, the municipal corporation may 17553  
continue after December 31, 2004, to impose the tax on such 17554  
distributive shares only to the extent such shares would be so 17555  
allocated or apportioned to this state. 17556

(d) A municipal corporation shall be deemed to have elected 17557  
to tax S corporation shareholders' distributive shares of net 17558  
profits of the S corporation in the hands of the shareholders if a 17559  
majority of the electors of a municipal corporation voted in favor 17560  
of a question at an election held under division (C)(14)(b) or (c) 17561  
of this section. The municipal corporation shall specify by 17562

resolution or ordinance that the tax applies to the distributive 17563  
share of a shareholder of an S corporation in the hands of the 17564  
shareholder of the S corporation. 17565

~~(15) To the extent authorized under a resolution or ordinance 17566  
adopted by a municipal corporation before January 1, 2016, all or 17567  
a portion of the The income of individuals ~~or a class of~~ 17568  
~~individuals~~ under eighteen years of age. 17569~~

(16)(a) Except as provided in divisions (C)(16)(b), (c), and 17570  
(d) of this section, qualifying wages described in division (B)(1) 17571  
or (E) of section 718.011 of the Revised Code to the extent the 17572  
qualifying wages are not subject to withholding for the municipal 17573  
corporation under either of those divisions. 17574

(b) The exemption provided in division (C)(16)(a) of this 17575  
section does not apply with respect to the municipal corporation 17576  
in which the employee resided at the time the employee earned the 17577  
qualifying wages. 17578

(c) The exemption provided in division (C)(16)(a) of this 17579  
section does not apply to qualifying wages that an employer elects 17580  
to withhold under division (D)(2) of section 718.011 of the 17581  
Revised Code. 17582

(d) The exemption provided in division (C)(16)(a) of this 17583  
section does not apply to qualifying wages if both of the 17584  
following conditions apply: 17585

(i) For qualifying wages described in division (B)(1) of 17586  
section 718.011 of the Revised Code, the employee's employer 17587  
withholds and remits tax on the qualifying wages to the municipal 17588  
corporation in which the employee's principal place of work is 17589  
situated, or, for qualifying wages described in division (E) of 17590  
section 718.011 of the Revised Code, the employee's employer 17591  
withholds and remits tax on the qualifying wages to the municipal 17592  
corporation in which the employer's fixed location is located; 17593

(ii) The employee receives a refund of the tax described in 17594  
division (C)(16)(d)(i) of this section on the basis of the 17595  
employee not performing services in that municipal corporation. 17596

(17)(a) Except as provided in division (C)(17)(b) or (c) of 17597  
this section, compensation that is not qualifying wages paid to a 17598  
nonresident individual for personal services performed in the 17599  
municipal corporation on not more than twenty days in a taxable 17600  
year. 17601

(b) The exemption provided in division (C)(17)(a) of this 17602  
section does not apply under either of the following 17603  
circumstances: 17604

(i) The individual's base of operation is located in the 17605  
municipal corporation. 17606

(ii) The individual is a professional athlete, professional 17607  
entertainer, or public figure, and the compensation is paid for 17608  
the performance of services in the individual's capacity as a 17609  
professional athlete, professional entertainer, or public figure. 17610  
For purposes of division (C)(17)(b)(ii) of this section, 17611  
"professional athlete," "professional entertainer," and "public 17612  
figure" have the same meanings as in section 718.011 of the 17613  
Revised Code. 17614

(c) Compensation to which division (C)(17) of this section 17615  
applies shall be treated as earned or received at the individual's 17616  
base of operation. If the individual does not have a base of 17617  
operation, the compensation shall be treated as earned or received 17618  
where the individual is domiciled. 17619

(d) For purposes of division (C)(17) of this section, "base 17620  
of operation" means the location where an individual owns or rents 17621  
an office, storefront, or similar facility to which the individual 17622  
regularly reports and at which the individual regularly performs 17623  
personal services for compensation. 17624

(18) Compensation paid to a person for personal services performed for a political subdivision on property owned by the political subdivision, regardless of whether the compensation is received by an employee of the subdivision or another person performing services for the subdivision under a contract with the subdivision, if the property on which services are performed is annexed to a municipal corporation pursuant to section 709.023 of the Revised Code on or after March 27, 2013, unless the person is subject to such taxation because of residence. If the compensation is subject to taxation because of residence, municipal income tax shall be payable only to the municipal corporation of residence.

(19) In the case of a tax administered, collected, and enforced by a municipal corporation pursuant to an agreement with the board of directors of a joint economic development district under section 715.72 of the Revised Code, the net profits of a business, and the income of the employees of that business, exempted from the tax under division (Q) of that section.

(20) All of the following:

(a) Income derived from disaster work conducted in this state by an out-of-state disaster business during a disaster response period pursuant to a qualifying solicitation received by the business;

(b) Income of a qualifying employee described in division (A)(14)(a) of section 5703.94 of the Revised Code, to the extent such income is derived from disaster work conducted in this state by the employee during a disaster response period pursuant to a qualifying solicitation received by the employee's employer;

(c) Income of a qualifying employee described in division (A)(14)(b) of section 5703.94 of the Revised Code, to the extent such income is derived from disaster work conducted in this state by the employee during a disaster response period on critical

infrastructure owned or used by the employee's employer. 17656

(21) Income the taxation of which is prohibited by the 17657  
constitution or laws of the United States. 17658

Any item of income that is exempt income of a pass-through 17659  
entity under division (C) of this section is exempt income of each 17660  
owner of the pass-through entity to the extent of that owner's 17661  
distributive or proportionate share of that item of the entity's 17662  
income. 17663

(D)(1) "Net profit" for a person who is an individual means 17664  
the individual's net profit required to be reported on schedule C, 17665  
schedule E, or schedule F reduced by any net operating loss 17666  
carried forward. For the purposes of division (D)(1) of this 17667  
section, the net operating loss carried forward shall be 17668  
calculated and deducted in the same manner as provided in division 17669  
(D)(3) of this section. 17670

(2) "Net profit" for a person other than an individual means 17671  
adjusted federal taxable income reduced by any net operating loss 17672  
incurred by the person in a taxable year beginning on or after 17673  
January 1, 2017, subject to the limitations of division (D)(3) of 17674  
this section. 17675

(3)(a) The amount of such net operating loss shall be 17676  
deducted from net profit to the extent necessary to reduce 17677  
municipal taxable income to zero, with any remaining unused 17678  
portion of the net operating loss carried forward to not more than 17679  
five consecutive taxable years following the taxable year in which 17680  
the loss was incurred, but in no case for more years than 17681  
necessary for the deduction to be fully utilized. 17682

(b) No person shall use the deduction allowed by division 17683  
(D)(3) of this section to offset qualifying wages. 17684

(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, 17685  
or 2022, a person may not deduct, for purposes of an income tax 17686

levied by a municipal corporation that levies an income tax before 17687  
January 1, 2016, more than fifty per cent of the amount of the 17688  
deduction otherwise allowed by division (D)(3) of this section. 17689

(ii) For taxable years beginning in 2023 or thereafter, a 17690  
person may deduct, for purposes of an income tax levied by a 17691  
municipal corporation that levies an income tax before January 1, 17692  
2016, the full amount allowed by division (D)(3) of this section 17693  
without regard to the limitation of division 17694  
~~(D)(3)(b)(i)~~(D)(3)(c)(i) of this section. 17695

(d) Any pre-2017 net operating loss carryforward deduction 17696  
that is available may be utilized before a taxpayer may deduct any 17697  
amount pursuant to division (D)(3) of this section. 17698

(e) Nothing in division (D)(3)(c)(i) of this section 17699  
precludes a person from carrying forward, for use with respect to 17700  
any return filed for a taxable year beginning after 2018, any 17701  
amount of net operating loss that was not fully utilized by 17702  
operation of division (D)(3)(c)(i) of this section. To the extent 17703  
that an amount of net operating loss that was not fully utilized 17704  
in one or more taxable years by operation of division (D)(3)(c)(i) 17705  
of this section is carried forward for use with respect to a 17706  
return filed for a taxable year beginning in 2019, 2020, 2021, or 17707  
2022, the limitation described in division (D)(3)(c)(i) of this 17708  
section shall apply to the amount carried forward. 17709

(4) For the purposes of this chapter, and notwithstanding 17710  
division (D)(2) of this section, net profit of a disregarded 17711  
entity shall not be taxable as against that disregarded entity, 17712  
but shall instead be included in the net profit of the owner of 17713  
the disregarded entity. 17714

(5) For the purposes of this chapter, and notwithstanding any 17715  
other provision of this chapter, the net profit of a publicly 17716  
traded partnership that makes the election described in division 17717

(D)(5) of this section shall be taxed as if the partnership were a C corporation, and shall not be treated as the net profit or income of any owner of the partnership.

A publicly traded partnership that is treated as a partnership for federal income tax purposes and that is subject to tax on its net profits in one or more municipal corporations in this state may elect to be treated as a C corporation for municipal income tax purposes. The publicly traded partnership shall make the election in every municipal corporation in which the partnership is subject to taxation on its net profits. The election shall be made on the annual tax return filed in each such municipal corporation. The publicly traded partnership shall not be required to file the election with any municipal corporation in which the partnership is not subject to taxation on its net profits, but division (D)(5) of this section applies to all municipal corporations in which an individual owner of the partnership resides.

(E) "Adjusted federal taxable income," for a person required to file as a C corporation, or for a person that has elected to be taxed as a C corporation under division (D)(5) of this section, means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:

(1) Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.

(2) Add an amount equal to five per cent of intangible income deducted under division (E)(1) of this section, but excluding that portion of intangible income directly related to the sale, exchange, or other disposition of property described in section 1221 of the Internal Revenue Code;

(3) Add any losses allowed as a deduction in the computation 17750  
of federal taxable income if the losses directly relate to the 17751  
sale, exchange, or other disposition of an asset described in 17752  
section 1221 or 1231 of the Internal Revenue Code; 17753

(4)(a) Except as provided in division (E)(4)(b) of this 17754  
section, deduct income and gain included in federal taxable income 17755  
to the extent the income and gain directly relate to the sale, 17756  
exchange, or other disposition of an asset described in section 17757  
1221 or 1231 of the Internal Revenue Code; 17758

(b) Division (E)(4)(a) of this section does not apply to the 17759  
extent the income or gain is income or gain described in section 17760  
1245 or 1250 of the Internal Revenue Code. 17761

(5) Add taxes on or measured by net income allowed as a 17762  
deduction in the computation of federal taxable income; 17763

(6) In the case of a real estate investment trust or 17764  
regulated investment company, add all amounts with respect to 17765  
dividends to, distributions to, or amounts set aside for or 17766  
credited to the benefit of investors and allowed as a deduction in 17767  
the computation of federal taxable income; 17768

(7) Deduct, to the extent not otherwise deducted or excluded 17769  
in computing federal taxable income, any income derived from a 17770  
transfer agreement or from the enterprise transferred under that 17771  
agreement under section 4313.02 of the Revised Code; 17772

(8) Deduct exempt income to the extent not otherwise deducted 17773  
or excluded in computing adjusted federal taxable income. 17774

(9) Deduct any net profit of a pass-through entity owned 17775  
directly or indirectly by the taxpayer and included in the 17776  
taxpayer's federal taxable income unless an affiliated group of 17777  
corporations includes that net profit in the group's federal 17778  
taxable income in accordance with division (E)(3)(b) of section 17779  
718.06 of the Revised Code. 17780

(10) Add any loss incurred by a pass-through entity owned 17781  
directly or indirectly by the taxpayer and included in the 17782  
taxpayer's federal taxable income unless an affiliated group of 17783  
corporations includes that loss in the group's federal taxable 17784  
income in accordance with division (E)(3)(b) of section 718.06 of 17785  
the Revised Code. 17786

If the taxpayer is not a C corporation, is not a disregarded 17787  
entity that has made the election described in division (L)(2) of 17788  
this section, is not a publicly traded partnership that has made 17789  
the election described in division (D)(5) of this section, and is 17790  
not an individual, the taxpayer shall compute adjusted federal 17791  
taxable income under this section as if the taxpayer were a C 17792  
corporation, except guaranteed payments and other similar amounts 17793  
paid or accrued to a partner, former partner, shareholder, former 17794  
shareholder, member, or former member shall not be allowed as a 17795  
deductible expense unless such payments are a pension or 17796  
retirement benefit payment paid to a retired partner, retired 17797  
shareholder, or retired member or are in consideration for the use 17798  
of capital and treated as payment of interest under section 469 of 17799  
the Internal Revenue Code or United States treasury regulations. 17800  
Amounts paid or accrued to a qualified self-employed retirement 17801  
plan with respect to a partner, former partner, shareholder, 17802  
former shareholder, member, or former member of the taxpayer, 17803  
amounts paid or accrued to or for health insurance for a partner, 17804  
former partner, shareholder, former shareholder, member, or former 17805  
member, and amounts paid or accrued to or for life insurance for a 17806  
partner, former partner, shareholder, former shareholder, member, 17807  
or former member shall not be allowed as a deduction. 17808

Nothing in division (E) of this section shall be construed as 17809  
allowing the taxpayer to add or deduct any amount more than once 17810  
or shall be construed as allowing any taxpayer to deduct any 17811  
amount paid to or accrued for purposes of federal self-employment 17812

tax.	17813
(F) "Schedule C" means internal revenue service schedule C (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.	17814 17815 17816
(G) "Schedule E" means internal revenue service schedule E (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.	17817 17818 17819
(H) "Schedule F" means internal revenue service schedule F (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.	17820 17821 17822
(I) "Internal Revenue Code" has the same meaning as in section 5747.01 of the Revised Code.	17823 17824
(J) "Resident" means an individual who is domiciled in the municipal corporation as determined under section 718.012 of the Revised Code.	17825 17826 17827
(K) "Nonresident" means an individual that is not a resident.	17828
(L)(1) "Taxpayer" means a person subject to a tax levied on income by a municipal corporation in accordance with this chapter. "Taxpayer" does not include a grantor trust or, except as provided in division (L)(2)(a) of this section, a disregarded entity.	17829 17830 17831 17832
(2)(a) A single member limited liability company that is a disregarded entity for federal tax purposes may be a separate taxpayer from its single member in all Ohio municipal corporations in which it either filed as a separate taxpayer or did not file for its taxable year ending in 2003, if all of the following conditions are met:	17833 17834 17835 17836 17837 17838
(i) The limited liability company's single member is also a limited liability company.	17839 17840
(ii) The limited liability company and its single member were formed and doing business in one or more Ohio municipal	17841 17842

corporations for at least five years before January 1, 2004. 17843

(iii) Not later than December 31, 2004, the limited liability 17844  
company and its single member each made an election to be treated 17845  
as a separate taxpayer under division (L) of this section as this 17846  
section existed on December 31, 2004. 17847

(iv) The limited liability company was not formed for the 17848  
purpose of evading or reducing Ohio municipal corporation income 17849  
tax liability of the limited liability company or its single 17850  
member. 17851

(v) The Ohio municipal corporation that was the primary place 17852  
of business of the sole member of the limited liability company 17853  
consented to the election. 17854

(b) For purposes of division (L)(2)(a)(v) of this section, a 17855  
municipal corporation was the primary place of business of a 17856  
limited liability company if, for the limited liability company's 17857  
taxable year ending in 2003, its income tax liability was greater 17858  
in that municipal corporation than in any other municipal 17859  
corporation in Ohio, and that tax liability to that municipal 17860  
corporation for its taxable year ending in 2003 was at least four 17861  
hundred thousand dollars. 17862

(M) "Person" includes individuals, firms, companies, joint 17863  
stock companies, business trusts, estates, trusts, partnerships, 17864  
limited liability partnerships, limited liability companies, 17865  
associations, C corporations, S corporations, governmental 17866  
entities, and any other entity. 17867

(N) "Pass-through entity" means a partnership not treated as 17868  
an association taxable as a C corporation for federal income tax 17869  
purposes, a limited liability company not treated as an 17870  
association taxable as a C corporation for federal income tax 17871  
purposes, an S corporation, or any other class of entity from 17872  
which the income or profits of the entity are given pass-through 17873

treatment for federal income tax purposes. "Pass-through entity" 17874  
does not include a trust, estate, grantor of a grantor trust, or 17875  
disregarded entity. 17876

(O) "S corporation" means a person that has made an election 17877  
under subchapter S of Chapter 1 of Subtitle A of the Internal 17878  
Revenue Code for its taxable year. 17879

(P) "Single member limited liability company" means a limited 17880  
liability company that has one direct member. 17881

(Q) "Limited liability company" means a limited liability 17882  
company formed under Chapter 1705. or 1706. of the Revised Code or 17883  
under the laws of another state. 17884

(R) "Qualifying wages" means wages, as defined in section 17885  
3121(a) of the Internal Revenue Code, without regard to any wage 17886  
limitations, adjusted as follows: 17887

(1) Deduct the following amounts: 17888

(a) Any amount included in wages if the amount constitutes 17889  
compensation attributable to a plan or program described in 17890  
section 125 of the Internal Revenue Code. 17891

(b) Any amount included in wages if the amount constitutes 17892  
payment on account of a disability related to sickness or an 17893  
accident paid by a party unrelated to the employer, agent of an 17894  
employer, or other payer. 17895

(c) Any amount attributable to a nonqualified deferred 17896  
compensation plan or program described in section 3121(v)(2)(C) of 17897  
the Internal Revenue Code if the compensation is included in wages 17898  
and the municipal corporation has, by resolution or ordinance 17899  
adopted before January 1, 2016, exempted the amount from 17900  
withholding and tax. 17901

(d) Any amount included in wages if the amount arises from 17902  
the sale, exchange, or other disposition of a stock option, the 17903

exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax. 17904  
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17906  
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(e) Any amount included in wages that is exempt income. 17909

(2) Add the following amounts: 17910

(a) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986. 17911  
17912

(b) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has not, by resolution or ordinance, exempted the amount from withholding and tax adopted before January 1, 2016. Division (R)(2)(b) of this section applies only to those amounts constituting ordinary income. 17913  
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(c) Any amount not included in wages if the amount is an amount described in section 401(k), 403(b), or 457 of the Internal Revenue Code. Division (R)(2)(c) of this section applies only to employee contributions and employee deferrals. 17921  
17922  
17923  
17924

(d) Any amount that is supplemental unemployment compensation benefits described in section 3402(o)(2) of the Internal Revenue Code and not included in wages. 17925  
17926  
17927

(e) Any amount received that is treated as self-employment income for federal tax purposes in accordance with section 1402(a)(8) of the Internal Revenue Code. 17928  
17929  
17930

(f) Any amount not included in wages if all of the following apply: 17931  
17932

(i) For the taxable year the amount is employee compensation 17933

that is earned outside of the United States and that either is 17934  
included in the taxpayer's gross income for federal income tax 17935  
purposes or would have been included in the taxpayer's gross 17936  
income for such purposes if the taxpayer did not elect to exclude 17937  
the income under section 911 of the Internal Revenue Code; 17938

(ii) For no preceding taxable year did the amount constitute 17939  
wages as defined in section 3121(a) of the Internal Revenue Code; 17940

(iii) For no succeeding taxable year will the amount 17941  
constitute wages; and 17942

(iv) For any taxable year the amount has not otherwise been 17943  
added to wages pursuant to either division (R)(2) of this section 17944  
or section 718.03 of the Revised Code, as that section existed 17945  
before the effective date of H.B. 5 of the 130th general assembly, 17946  
March 23, 2015. 17947

(S) "Intangible income" means income of any of the following 17948  
types: income yield, interest, capital gains, dividends, or other 17949  
income arising from the ownership, sale, exchange, or other 17950  
disposition of intangible property including, but not limited to, 17951  
investments, deposits, money, or credits as those terms are 17952  
defined in Chapter 5701. of the Revised Code, and patents, 17953  
copyrights, trademarks, tradenames, investments in real estate 17954  
investment trusts, investments in regulated investment companies, 17955  
and appreciation on deferred compensation. "Intangible income" 17956  
does not include prizes, awards, or other income associated with 17957  
any lottery winnings, gambling winnings, or other similar games of 17958  
chance. 17959

(T) "Taxable year" means the corresponding tax reporting 17960  
period as prescribed for the taxpayer under the Internal Revenue 17961  
Code. 17962

(U)(1) "Tax administrator" means, subject to division (U)(2) 17963  
of this section, the individual charged with direct responsibility 17964

for administration of an income tax levied by a municipal 17965  
corporation in accordance with this chapter, and also includes the 17966  
following: 17967

(a) A municipal corporation acting as the agent of another 17968  
municipal corporation; 17969

(b) A person retained by a municipal corporation to 17970  
administer a tax levied by the municipal corporation, but only if 17971  
the municipal corporation does not compensate the person in whole 17972  
or in part on a contingency basis; 17973

(c) The central collection agency or the regional income tax 17974  
agency or their successors in interest, or another entity 17975  
organized to perform functions similar to those performed by the 17976  
central collection agency and the regional income tax agency. 17977

(2) "Tax administrator" does not include the tax 17978  
commissioner. 17979

(3) A private individual or entity serving in any position 17980  
described in division (U)(1)(b) or (c) of this section shall have 17981  
no access to criminal history record information. 17982

(V) "Employer" means a person that is an employer for federal 17983  
income tax purposes. 17984

(W) "Employee" means an individual who is an employee for 17985  
federal income tax purposes. 17986

(X) "Other payer" means any person, other than an 17987  
individual's employer or the employer's agent, that pays an 17988  
individual any amount included in the federal gross income of the 17989  
individual. "Other payer" includes casino operators and video 17990  
lottery terminal sales agents. 17991

(Y) "Calendar quarter" means the three-month period ending on 17992  
the last day of March, June, September, or December. 17993

(Z) "Form 2106" means internal revenue service form 2106 17994

filed by a taxpayer pursuant to the Internal Revenue Code.	17995
(AA) "Municipal corporation" includes a joint economic development district or joint economic development zone that levies an income tax under section 715.691, 715.70, 715.71, or 715.72 of the Revised Code.	17996 17997 17998 17999
(BB) "Disregarded entity" means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.	18000 18001 18002 18003
(CC) "Generic form" means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or other payer, estimated municipal income taxes, or annual municipal income tax liability or for filing a refund claim.	18004 18005 18006 18007 18008 18009
(DD) "Tax return preparer" means any individual described in section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 301.7701-15.	18010 18011 18012
(EE) "Ohio business gateway" means the online computer network system, created under section 125.30 of the Revised Code, that allows persons to electronically file business reply forms with state agencies and includes any successor electronic filing and payment system.	18013 18014 18015 18016 18017
(FF) "Local board of tax review" and "board of tax review" mean the entity created under section 718.11 of the Revised Code.	18018 18019
(GG) "Net operating loss" means a loss incurred by a person in the operation of a trade or business. "Net operating loss" does not include unutilized losses resulting from basis limitations, at-risk limitations, or passive activity loss limitations.	18020 18021 18022 18023
(HH) "Casino operator" and "casino facility" have the same	18024

meanings as in section 3772.01 of the Revised Code. 18025

(II) "Video lottery terminal" has the same meaning as in 18026  
section 3770.21 of the Revised Code. 18027

(JJ) "Video lottery terminal sales agent" means a lottery 18028  
sales agent licensed under Chapter 3770. of the Revised Code to 18029  
conduct video lottery terminals on behalf of the state pursuant to 18030  
section 3770.21 of the Revised Code. 18031

(KK) "Postal service" means the United States postal service. 18032

(LL) "Certified mail," "express mail," "United States mail," 18033  
"postal service," and similar terms include any delivery service 18034  
authorized pursuant to section 5703.056 of the Revised Code. 18035

(MM) "Postmark date," "date of postmark," and similar terms 18036  
include the date recorded and marked in the manner described in 18037  
division (B)(3) of section 5703.056 of the Revised Code. 18038

(NN) "Related member" means a person that, with respect to 18039  
the taxpayer during all or any portion of the taxable year, is 18040  
either a related entity, a component member as defined in section 18041  
1563(b) of the Internal Revenue Code, or a person to or from whom 18042  
there is attribution of stock ownership in accordance with section 18043  
1563(e) of the Internal Revenue Code except, for purposes of 18044  
determining whether a person is a related member under this 18045  
division, "twenty per cent" shall be substituted for "5 percent" 18046  
wherever "5 percent" appears in section 1563(e) of the Internal 18047  
Revenue Code. 18048

(OO) "Related entity" means any of the following: 18049

(1) An individual stockholder, or a member of the 18050  
stockholder's family enumerated in section 318 of the Internal 18051  
Revenue Code, if the stockholder and the members of the 18052  
stockholder's family own directly, indirectly, beneficially, or 18053  
constructively, in the aggregate, at least fifty per cent of the 18054

value of the taxpayer's outstanding stock; 18055

(2) A stockholder, or a stockholder's partnership, estate, 18056  
trust, or corporation, if the stockholder and the stockholder's 18057  
partnerships, estates, trusts, or corporations own directly, 18058  
indirectly, beneficially, or constructively, in the aggregate, at 18059  
least fifty per cent of the value of the taxpayer's outstanding 18060  
stock; 18061

(3) A corporation, or a party related to the corporation in a 18062  
manner that would require an attribution of stock from the 18063  
corporation to the party or from the party to the corporation 18064  
under division (OO)(4) of this section, provided the taxpayer owns 18065  
directly, indirectly, beneficially, or constructively, at least 18066  
fifty per cent of the value of the corporation's outstanding 18067  
stock; 18068

(4) The attribution rules described in section 318 of the 18069  
Internal Revenue Code apply for the purpose of determining whether 18070  
the ownership requirements in divisions (OO)(1) to (3) of this 18071  
section have been met. 18072

(PP)(1) "Assessment" means a written finding by the tax 18073  
administrator that a person has underpaid municipal income tax, or 18074  
owes penalty and interest, or any combination of tax, penalty, or 18075  
interest, to the municipal corporation that commences the person's 18076  
time limitation for making an appeal to the local board of tax 18077  
review pursuant to section 718.11 of the Revised Code, and has 18078  
"ASSESSMENT" written in all capital letters at the top of such 18079  
finding. 18080

(2) "Assessment" does not include an informal notice denying 18081  
a request for refund issued under division (B)(3) of section 18082  
718.19 of the Revised Code, a billing statement notifying a 18083  
taxpayer of current or past-due balances owed to the municipal 18084  
corporation, a tax administrator's request for additional 18085

information, a notification to the taxpayer of mathematical 18086  
errors, or a tax administrator's other written correspondence to a 18087  
person or taxpayer that does not meet the criteria prescribed by 18088  
division (PP)(1) of this section. 18089

(QQ) "Taxpayers' rights and responsibilities" means the 18090  
rights provided to taxpayers in sections 718.11, 718.12, 718.19, 18091  
718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the 18092  
Revised Code and the responsibilities of taxpayers to file, 18093  
report, withhold, remit, and pay municipal income tax and 18094  
otherwise comply with Chapter 718. of the Revised Code and 18095  
resolutions, ordinances, and rules adopted by a municipal 18096  
corporation for the imposition and administration of a municipal 18097  
income tax. 18098

(RR) "Qualified municipal corporation" means a municipal 18099  
corporation that, by resolution or ordinance adopted on or before 18100  
December 31, 2011, adopted Ohio adjusted gross income, as defined 18101  
by section 5747.01 of the Revised Code, as the income subject to 18102  
tax for the purposes of imposing a municipal income tax. 18103

(SS)(1) "Pre-2017 net operating loss carryforward" means any 18104  
net operating loss incurred in a taxable year beginning before 18105  
January 1, 2017, to the extent such loss was permitted, by a 18106  
resolution or ordinance of the municipal corporation that was 18107  
adopted by the municipal corporation before January 1, 2016, to be 18108  
carried forward and utilized to offset income or net profit 18109  
generated in such municipal corporation in future taxable years. 18110

(2) For the purpose of calculating municipal taxable income, 18111  
any pre-2017 net operating loss carryforward may be carried 18112  
forward to any taxable year, including taxable years beginning in 18113  
2017 or thereafter, for the number of taxable years provided in 18114  
the resolution or ordinance or until fully utilized, whichever is 18115  
earlier. 18116

(TT) "Small employer" means any employer that had total 18117  
revenue of less than five hundred thousand dollars during the 18118  
preceding taxable year. For purposes of this division, "total 18119  
revenue" means receipts of any type or kind, including, but not 18120  
limited to, sales receipts; payments; rents; profits; gains, 18121  
dividends, and other investment income; compensation; commissions; 18122  
premiums; money; property; grants; contributions; donations; 18123  
gifts; program service revenue; patient service revenue; premiums; 18124  
fees, including premium fees and service fees; tuition payments; 18125  
unrelated business revenue; reimbursements; any type of payment 18126  
from a governmental unit, including grants and other allocations; 18127  
and any other similar receipts reported for federal income tax 18128  
purposes or under generally accepted accounting principles. "Small 18129  
employer" does not include the federal government; any state 18130  
government, including any state agency or instrumentality; any 18131  
political subdivision; or any entity treated as a government for 18132  
financial accounting and reporting purposes. 18133

(UU) "Audit" means the examination of a person or the 18134  
inspection of the books, records, memoranda, or accounts of a 18135  
person for the purpose of determining liability for a municipal 18136  
income tax. 18137

(VV) "Publicly traded partnership" means any partnership, an 18138  
interest in which is regularly traded on an established securities 18139  
market. A "publicly traded partnership" may have any number of 18140  
partners. 18141

(WW) "Tax commissioner" means the tax commissioner appointed 18142  
under section 121.03 of the Revised Code. 18143

(XX) "Out-of-state disaster business," "qualifying 18144  
solicitation," "qualifying employee," "disaster work," "critical 18145  
infrastructure," and "disaster response period" have the same 18146  
meanings as in section 5703.94 of the Revised Code. 18147

(YY) "Pension" means a retirement benefit plan, regardless of  
whether the plan satisfies the qualifications described under  
section 401(a) of the Internal Revenue Code, including amounts  
that are taxable under the "Federal Insurance Contributions Act,"  
Chapter 21 of the Internal Revenue Code, excluding employee  
contributions and elective deferrals, and regardless of whether  
such amounts are paid in the same taxable year in which the  
amounts are included in the employee's wages, as defined by  
section 3121(a) of the Internal Revenue Code.

(ZZ) "Retirement benefit plan" means an arrangement whereby  
an entity provides benefits to individuals either on or after  
their termination of service because of retirement or disability.  
"Retirement benefit plan" does not include wage continuation  
payments, severance payments, or payments made for accrued  
personal or vacation time.

**Sec. 718.05.** (A) An annual return with respect to the income  
tax levied by a municipal corporation shall be completed and filed  
by every taxpayer for any taxable year for which the taxpayer is  
liable for the tax. If the total credit allowed against the tax as  
described in division (D) of section 718.04 of the Revised Code  
for the year is equal to or exceeds the tax imposed by the  
municipal corporation, no return shall be required unless the  
municipal ordinance or resolution levying the tax requires the  
filing of a return in such circumstances.

(B) If an individual is deceased, any return or notice  
required of that individual shall be completed and filed by that  
decedent's executor, administrator, or other person charged with  
the property of that decedent.

(C) If an individual is unable to complete and file a return  
or notice required by a municipal corporation in accordance with  
this chapter, the return or notice required of that individual

shall be completed and filed by the individual's duly authorized 18179  
agent, guardian, conservator, fiduciary, or other person charged 18180  
with the care of the person or property of that individual. 18181

(D) Returns or notices required of an estate or a trust shall 18182  
be completed and filed by the fiduciary of the estate or trust. 18183

(E) No municipal corporation shall deny spouses the ability 18184  
to file a joint return. 18185

(F)(1) Each return required to be filed under this section 18186  
shall contain the signature of the taxpayer or the taxpayer's duly 18187  
authorized agent and of the person who prepared the return for the 18188  
taxpayer, and shall include the taxpayer's social security number 18189  
or taxpayer identification number. Each return shall be verified 18190  
by a declaration under penalty of perjury. 18191

(2) A tax administrator may require a taxpayer who is an 18192  
individual to include, with each annual return, amended return, or 18193  
request for refund required under this section, copies of only the 18194  
following documents: all of the taxpayer's Internal Revenue 18195  
Service form W-2, "Wage and Tax Statements," including all 18196  
information reported on the taxpayer's federal W-2, as well as 18197  
taxable wages reported or withheld for any municipal corporation; 18198  
the taxpayer's Internal Revenue Service form 1040 or, in the case 18199  
of a return or request required by a qualified municipal 18200  
corporation, Ohio form IT-1040; and, with respect to an amended 18201  
tax return or refund request, any other documentation necessary to 18202  
support the refund request or the adjustments made in the amended 18203  
return. An individual taxpayer who files the annual return 18204  
required by this section electronically is not required to provide 18205  
paper copies of any of the foregoing to the tax administrator 18206  
unless the tax administrator requests such copies after the return 18207  
has been filed. 18208

(3) A tax administrator may require a taxpayer that is not an 18209

individual to include, with each annual net profit return, amended 18210  
net profit return, or request for refund required under this 18211  
section, copies of only the following documents: the taxpayer's 18212  
Internal Revenue Service form 1041, form 1065, form 1120, form 18213  
1120-REIT, form 1120F, or form 1120S, and, with respect to an 18214  
amended tax return or refund request, any other documentation 18215  
necessary to support the refund request or the adjustments made in 18216  
the amended return. 18217

A taxpayer that is not an individual and that files an annual 18218  
net profit return electronically through the Ohio business gateway 18219  
or in some other manner shall either mail the documents required 18220  
under this division to the tax administrator at the time of filing 18221  
or, if electronic submission is available, submit the documents 18222  
electronically through the Ohio business gateway. The department 18223  
of taxation shall publish a method of electronically submitting 18224  
the documents required under this division through the Ohio 18225  
business gateway on or before January 1, 2016. The department 18226  
shall transmit all documents submitted electronically under this 18227  
division to the appropriate tax administrator. 18228

(4) After a taxpayer files a tax return, the tax 18229  
administrator may request, and the taxpayer shall provide, any 18230  
information, statements, or documents required by the municipal 18231  
corporation to determine and verify the taxpayer's municipal 18232  
income tax liability. The requirements imposed under division (F) 18233  
of this section apply regardless of whether the taxpayer files on 18234  
a generic form or on a form prescribed by the tax administrator. 18235

(G)(1)(a) Except as otherwise provided in this chapter, each 18236  
individual income tax return required to be filed under this 18237  
section shall be completed and filed as required by the tax 18238  
administrator on or before the date prescribed for the filing of 18239  
state individual income tax returns under division (G) of section 18240  
5747.08 of the Revised Code. The taxpayer shall complete and file 18241

the return or notice on forms prescribed by the tax administrator 18242  
or on generic forms, together with remittance made payable to the 18243  
municipal corporation or tax administrator. No remittance is 18244  
required if the amount shown to be due is ten dollars or less. A 18245  
municipal corporation shall not require a qualifying employee 18246  
whose income consists exclusively of exempt income described in 18247  
division (C)(20)(b) or (c) of section 718.01 of the Revised Code 18248  
to file a return under this section. 18249

(b) Except as otherwise provided in this chapter, each annual 18250  
net profit return required to be filed under this section by a 18251  
taxpayer that is not an individual shall be completed and filed as 18252  
required by the tax administrator on or before the fifteenth day 18253  
of the fourth month following the end of the taxpayer's taxable 18254  
year. The taxpayer shall complete and file the return or notice on 18255  
forms prescribed by the tax administrator or on generic forms, 18256  
together with remittance made payable to the municipal corporation 18257  
or tax administrator. No remittance is required if the amount 18258  
shown to be due is ten dollars or less. 18259

(2)(a) Any taxpayer that has duly requested an automatic 18260  
six-month extension for filing the taxpayer's federal income tax 18261  
return shall automatically receive an extension for the filing of 18262  
a municipal income tax return. The extended due date of the 18263  
municipal income tax return for a taxpayer that is an individual 18264  
shall be the fifteenth day of the tenth month after the last day 18265  
of the taxable year to which the return relates. The extended due 18266  
date of the municipal income tax return for a taxpayer that is not 18267  
an individual shall be the fifteenth day of the eleventh month 18268  
after the last day of the taxable year to which the return 18269  
relates. 18270

(b) A taxpayer that has not requested or received a six-month 18271  
extension for filing the taxpayer's federal income tax return may 18272  
request that the tax administrator grant the taxpayer a six-month 18273

extension of the date for filing the taxpayer's municipal income 18274  
tax return. If the request is received by the tax administrator on 18275  
or before the date the municipal income tax return is due, the tax 18276  
administrator shall grant the taxpayer's requested extension. 18277

(c) An extension of time to file under division (G)(2) of 18278  
this section is not an extension of the time to pay any tax due 18279  
unless the tax administrator grants an extension of that date. 18280

(3) If the tax commissioner extends for all taxpayers the 18281  
date for filing state income tax returns under division (G) of 18282  
section 5747.08 of the Revised Code, a taxpayer shall 18283  
automatically receive an extension for the filing of a municipal 18284  
income tax return. The extended due date of the municipal income 18285  
tax return shall be the same as the extended due date of the state 18286  
income tax return. 18287

(4) If the tax administrator considers it necessary in order 18288  
to ensure the payment of the tax imposed by the municipal 18289  
corporation in accordance with this chapter, the tax administrator 18290  
may require taxpayers to file returns and make payments otherwise 18291  
than as provided in this section, including taxpayers not 18292  
otherwise required to file annual returns. 18293

(5) If a taxpayer receives an extension for the filing of a 18294  
municipal income tax return under division (G)(2), (3), or (4) of 18295  
this section, the tax administrator shall not make any inquiry or 18296  
send any notice to the taxpayer with regard to the return on or 18297  
before the date the taxpayer files the return or on or before the 18298  
extended due date to file the return, whichever occurs first. 18299

If a tax administrator violates division (G)(5) of this 18300  
section, the municipal corporation shall reimburse the taxpayer 18301  
for any reasonable costs incurred to respond to such inquiry or 18302  
notice, up to one hundred fifty dollars. 18303

Division (G)(5) of this section does not apply to an 18304

extension received under division (G)(2) of this section if the 18305  
tax administrator has actual knowledge that the taxpayer failed to 18306  
file for a federal extension as required to receive the extension 18307  
under division (G)(2)(a) of this section or failed to file for an 18308  
extension under division (G)(2)(b) of this section. 18309

(6) To the extent that any provision in this division 18310  
conflicts with any provision in section 718.052 of the Revised 18311  
Code, the provision in that section prevails. 18312

(H)(1) For taxable years beginning after 2015, a municipal 18313  
corporation shall not require a taxpayer to remit tax with respect 18314  
to net profits if the amount due is less than ten dollars. 18315

(2) Except as provided in division (H)(3) of this section, 18316  
any taxpayer not required to remit tax to a municipal corporation 18317  
for a taxable year pursuant to division (H)(1) of this section 18318  
shall file with the municipal corporation an annual net profit 18319  
return under division (F)(3) of this section. 18320

(3) A municipal corporation shall not require a person to 18321  
file a net profit return under this section if the person's income 18322  
consists exclusively of exempt income described in division 18323  
(C)(20)(a) of section 718.01 of the Revised Code. 18324

(I)(1) If any report, claim, statement, or other document 18325  
required to be filed, or any payment required to be made, within a 18326  
prescribed period or on or before a prescribed date under this 18327  
chapter is delivered after that period or that date by United 18328  
States mail to the tax administrator or other municipal official 18329  
with which the report, claim, statement, or other document is 18330  
required to be filed, or to which the payment is required to be 18331  
made, the date of the postmark stamped on the cover in which the 18332  
report, claim, statement, or other document, or payment is mailed 18333  
shall be deemed to be the date of delivery or the date of payment. 18334  
"The date of postmark" means, in the event there is more than one 18335

date on the cover, the earliest date imprinted on the cover by the 18336  
postal service. 18337

(2) If a payment under this chapter is made by electronic 18338  
funds transfer, the payment shall be considered to be made on the 18339  
date of the timestamp assigned by the first electronic system 18340  
receiving that payment. 18341

(J) The amounts withheld by an employer, the agent of an 18342  
employer, or an other payer as described in section 718.03 of the 18343  
Revised Code shall be allowed to the recipient of the compensation 18344  
as credits against payment of the tax imposed on the recipient by 18345  
the municipal corporation, unless the amounts withheld were not 18346  
remitted to the municipal corporation and the recipient colluded 18347  
with the employer, agent, or other payer in connection with the 18348  
failure to remit the amounts withheld. 18349

(K) Each return required by a municipal corporation to be 18350  
filed in accordance with this section shall include a box that the 18351  
taxpayer may check to authorize another person, including a tax 18352  
return preparer who prepared the return, to communicate with the 18353  
tax administrator about matters pertaining to the return. The 18354  
return or instructions accompanying the return shall indicate that 18355  
by checking the box the taxpayer authorizes the tax administrator 18356  
to contact the preparer or other person concerning questions that 18357  
arise during the examination or other review of the return and 18358  
authorizes the preparer or other person only to provide the tax 18359  
administrator with information that is missing from the return, to 18360  
contact the tax administrator for information about the 18361  
examination or other review of the return or the status of the 18362  
taxpayer's refund or payments, and to respond to notices about 18363  
mathematical errors, offsets, or return preparation that the 18364  
taxpayer has received from the tax administrator and has shown to 18365  
the preparer or other person. 18366

(L) The tax administrator of a municipal corporation shall 18367

accept for filing a generic form of any income tax return, report, 18368  
or document required by the municipal corporation in accordance 18369  
with this chapter, provided that the generic form, once completed 18370  
and filed, contains all of the information required by ordinance, 18371  
resolution, or rules adopted by the municipal corporation or tax 18372  
administrator, and provided that the taxpayer or tax return 18373  
preparer filing the generic form otherwise complies with the 18374  
provisions of this chapter and of the municipal corporation 18375  
ordinance or resolution governing the filing of returns, reports, 18376  
or documents. 18377

(M) When income tax returns, reports, or other documents 18378  
require the signature of a tax return preparer, the tax 18379  
administrator shall accept a facsimile of such a signature in lieu 18380  
of a manual signature. 18381

(N)(1) As used in this division, "worksite location" has the 18382  
same meaning as in section 718.011 of the Revised Code. 18383

(2) A person may notify a tax administrator that the person 18384  
does not expect to be a taxpayer with respect to the municipal 18385  
corporation for a taxable year if both of the following conditions 18386  
apply: 18387

(a) The person was required to file a tax return with the 18388  
municipal corporation for the immediately preceding taxable year 18389  
because the person performed services at a worksite location 18390  
within that municipal corporation. 18391

(b) The person no longer provides services in the municipal 18392  
corporation and does not expect to be subject to the municipal 18393  
corporation's income tax for the taxable year. 18394

The person shall provide the notice in a signed affidavit 18395  
that briefly explains the person's circumstances, including the 18396  
location of the previous worksite location and the last date on 18397  
which the person performed services or made any sales within the 18398

municipal corporation. The affidavit also shall include the 18399  
following statement: "The affiant has no plans to perform any 18400  
services within the municipal corporation, make any sales in the 18401  
municipal corporation, or otherwise become subject to the tax 18402  
levied by the municipal corporation during the taxable year. If 18403  
the affiant does become subject to the tax levied by the municipal 18404  
corporation for the taxable year, the affiant agrees to be 18405  
considered a taxpayer and to properly register as a taxpayer with 18406  
the municipal corporation if such a registration is required by 18407  
the municipal corporation's resolutions, ordinances, or rules." 18408  
The person shall sign the affidavit under penalty of perjury. 18409

(c) If a person submits an affidavit described in division 18410  
(N)(2) of this section, the tax administrator shall not require 18411  
the person to file any tax return for the taxable year unless the 18412  
tax administrator possesses information that conflicts with the 18413  
affidavit or if the circumstances described in the affidavit 18414  
change. Nothing in division (N) of this section prohibits the tax 18415  
administrator from performing an audit of the person. 18416

**Sec. 718.27.** (A) As used in this section: 18417

(1) "Applicable law" means this chapter, the resolutions, 18418  
ordinances, codes, directives, instructions, and rules adopted by 18419  
a municipal corporation provided such resolutions, ordinances, 18420  
codes, directives, instructions, and rules impose or directly or 18421  
indirectly address the levy, payment, remittance, or filing 18422  
requirements of a municipal income tax. 18423

(2) "Income tax," "estimated income tax," and "withholding 18424  
tax" means any income tax, estimated income tax, and withholding 18425  
tax imposed by a municipal corporation pursuant to applicable law, 18426  
including at any time before January 1, 2016. 18427

(3) A "return" includes any tax return, report, 18428  
reconciliation, schedule, and other document required to be filed 18429

with a tax administrator or municipal corporation by a taxpayer, 18430  
employer, any agent of the employer, or any other payer pursuant 18431  
to applicable law, including at any time before January 1, 2016. 18432

(4) "Federal short-term rate" means the rate of the average 18433  
market yield on outstanding marketable obligations of the United 18434  
States with remaining periods to maturity of three years or less, 18435  
as determined under section 1274 of the Internal Revenue Code, for 18436  
July of the current year. 18437

(5) "Interest rate as described in division (A) of this 18438  
section" means the federal short-term rate, rounded to the nearest 18439  
whole number per cent, plus five per cent. The rate shall apply 18440  
for the calendar year next following the July of the year in which 18441  
the federal short-term rate is determined in accordance with 18442  
division (A)(4) of this section. 18443

(6) "Unpaid estimated income tax" means estimated income tax 18444  
due but not paid by the date the tax is required to be paid under 18445  
applicable law. 18446

(7) "Unpaid income tax" means income tax due but not paid by 18447  
the date the income tax is required to be paid under applicable 18448  
law. 18449

(8) "Unpaid withholding tax" means withholding tax due but 18450  
not paid by the date the withholding tax is required to be paid 18451  
under applicable law. 18452

(9) "Withholding tax" includes amounts an employer, any agent 18453  
of an employer, or any other payer did not withhold in whole or in 18454  
part from an employee's qualifying wages, but that, under 18455  
applicable law, the employer, agent, or other payer is required to 18456  
withhold from an employee's qualifying wages. 18457

(B)(1) This section applies to the following: 18458

(a) Any return required to be filed under applicable law for 18459

taxable years beginning on or after January 1, 2016; 18460

(b) Income tax, estimated income tax, and withholding tax 18461  
required to be paid or remitted to the municipal corporation on or 18462  
after January 1, 2016. 18463

(2) This section does not apply to returns required to be 18464  
filed or payments required to be made before January 1, 2016, 18465  
regardless of the filing or payment date. Returns required to be 18466  
filed or payments required to be made before January 1, 2016, but 18467  
filed or paid after that date shall be subject to the ordinances 18468  
or rules, as adopted before January 1, 2016, of the municipal 18469  
corporation to which the return is to be filed or the payment is 18470  
to be made. 18471

(C) Each municipal corporation levying a tax on income may 18472  
impose on a taxpayer, employer, any agent of the employer, and any 18473  
other payer, and must attempt to collect, the interest amounts and 18474  
penalties prescribed under division (C) of this section when the 18475  
taxpayer, employer, any agent of the employer, or any other payer 18476  
for any reason fails, in whole or in part, to make to the 18477  
municipal corporation timely and full payment or remittance of 18478  
income tax, estimated income tax, or withholding tax or to file 18479  
timely with the municipal corporation any return required to be 18480  
filed. 18481

(1) Interest shall be imposed at the rate described in 18482  
division (A) of this section, per annum, on all unpaid income tax, 18483  
unpaid estimated income tax, and unpaid withholding tax. 18484

(2)(a) With respect to unpaid income tax and unpaid estimated 18485  
income tax, a municipal corporation may impose a penalty equal to 18486  
fifteen per cent of the amount not timely paid. 18487

(b) With respect to any unpaid withholding tax, a municipal 18488  
corporation may impose a penalty not exceeding fifty per cent of 18489  
the amount not timely paid. 18490

(3) With respect to returns other than estimated income tax returns, a municipal corporation may impose a penalty ~~of not~~ not exceeding twenty-five dollars for each failure to timely file each return, regardless of the liability shown thereon ~~for each month, or any fraction thereof, during which the return remains unfiled regardless of the liability shown thereon. The penalty shall not exceed one hundred fifty dollars for each failure, except that a~~ municipal corporation shall abate or refund the penalty assessed on a taxpayer's first failure to timely file a return after the taxpayer files that return.

(D)(1) With respect to the income taxes, estimated income taxes, withholding taxes, and returns, no municipal corporation shall impose, seek to collect, or collect any penalty, amount of interest, charges, or additional fees not described in this section.

(2) With respect to the income taxes, estimated income taxes, withholding taxes, and returns not described in division (A) of this section, nothing in this section requires a municipal corporation to refund or credit any penalty, amount of interest, charges, or additional fees that the municipal corporation has properly imposed or collected before January 1, 2016.

(E) Nothing in this section limits the authority of a municipal corporation to abate or partially abate penalties or interest imposed under this section when the tax administrator determines, in the tax administrator's sole discretion, that such abatement is appropriate.

(F) By the thirty-first day of October of each year the municipal corporation shall publish the rate described in division (A) of this section applicable to the next succeeding calendar year.

(G) The municipal corporation may impose on the taxpayer,

employer, any agent of the employer, or any other payer the 18522  
municipal corporation's post-judgment collection costs and fees, 18523  
including attorney's fees. 18524

**Sec. 718.80.** (A) A taxpayer may elect to be subject to 18525  
sections 718.80 to 718.95 of the Revised Code in lieu of the 18526  
provisions set forth in the remainder of this chapter. 18527  
Notwithstanding any other provision of this chapter, upon the 18528  
taxpayer's election, both of the following shall apply: 18529

(1) The tax commissioner shall serve as the sole 18530  
administrator of each municipal income tax for which the taxpayer 18531  
is liable for the term of the election; 18532

(2) The commissioner shall administer the tax pursuant to 18533  
sections 718.80 to 718.95 of the Revised Code and any applicable 18534  
provision of Chapter 5703. of the Revised Code. 18535

(B)(1) A taxpayer shall make the initial election on or 18536  
before the fifteenth day of the fourth month after the beginning 18537  
of the taxpayer's taxable year by providing to the tax 18538  
commissioner a list of all municipal corporations in which the 18539  
taxpayer conducted business during the previous taxable year, on a 18540  
form prescribed by the tax commissioner. 18541

(2) At least quarterly, the tax commissioner shall notify 18542  
each municipal corporation that a taxpayer lists in its election 18543  
under division (B)(1) of this section that the taxpayer has made 18544  
the election. 18545

(3)(a) The election, once made by the taxpayer, applies to 18546  
the taxable year in which the election is made and to each 18547  
subsequent taxable year until the taxpayer notifies the tax 18548  
commissioner of its termination of the election. 18549

(b) A notification of termination shall be made, on a form 18550  
prescribed by the tax commissioner, on or before the fifteenth day 18551

of the fourth month of any taxable year. 18552

(c) Upon a timely and valid termination of the election, the 18553  
taxpayer is no longer subject to sections 718.80 to 718.95 of the 18554  
Revised Code, and is instead subject to the provisions set forth 18555  
in the remainder of this chapter. 18556

(d) At least quarterly, the tax commissioner shall notify 18557  
each municipal corporation reported on a taxpayer's most recent 18558  
return or declaration filed with the commissioner of the 18559  
taxpayer's termination of its election. 18560

(4) The tax commissioner shall provide to all municipal 18561  
corporations imposing a tax on income on or after January 1, 2018, 18562  
a list of taxpayers that are subject to sections 718.80 to 718.95 18563  
of the Revised Code, including the taxpayers' names, addresses, 18564  
and federal employee identification numbers. The list shall be 18565  
made available via the portal created under section 718.841 of the 18566  
Revised Code. 18567

(C)(1)(a) On or before the thirty-first day of January each 18568  
year, each municipal corporation imposing a tax on income shall 18569  
certify to the tax commissioner the rate of the tax in effect on 18570  
the first day of January of that year. 18571

(b) If, after the thirty-first day of January of any year, 18572  
~~the electors of a municipal corporation approve an increase in~~ 18573  
changes the rate of the municipal corporation's tax on income such 18574  
that a new rate takes effect within that year, the municipal 18575  
corporation shall certify to the tax commissioner the new rate of 18576  
tax not less than sixty days before the effective date of the 18577  
~~increase~~ new rate, after which effective date the commissioner 18578  
shall apply the ~~increased~~ new rate. 18579

(2) A municipal corporation that receives a notification 18580  
under division (B)(2) of this section shall submit to the tax 18581  
commissioner, on a form prescribed by the commissioner and within 18582

the time prescribed by division (C)(3) of this section, the 18583  
following information regarding the taxpayer and any member of an 18584  
affiliated group of corporations included on the taxpayer's 18585  
consolidated tax return, when applicable: 18586

(a) The amount of any net operating loss that the taxpayer is 18587  
entitled to carry forward to a future tax year; 18588

(b) The amount of any net operating loss carryforward 18589  
utilized by the taxpayer in prior years; 18590

(c) Any credits granted by the municipal corporation to which 18591  
the taxpayer is entitled, the amount of such credits, whether the 18592  
credits may be carried forward to future tax years, and, if the 18593  
credits may be carried forward, the duration of any such 18594  
carryforward; 18595

(d) Any overpayments of tax that the taxpayer has elected to 18596  
carry forward to a subsequent tax year; 18597

(e) Any other information the municipal corporation deems 18598  
relevant in order to effectuate the tax commissioner's efficient 18599  
administration of the tax on the municipal corporation's behalf. 18600

(3) A municipal corporation shall submit the information 18601  
required under division (C)(2) of this section to the tax 18602  
commissioner within ninety days after the taxpayer files its final 18603  
return or within fifteen days after the end of the taxable year 18604  
for which the taxpayer made the initial election under division 18605  
(B)(1) of this section, whichever occurs first. For the purposes 18606  
of this section, "final return" means the return filed with the 18607  
municipal corporation for the taxable year immediately preceding 18608  
the taxable year for which the taxpayer made the election under 18609  
division (B)(1) of this section. 18610

(4) If any municipal corporation fails to timely comply with 18611  
division (C)(1), (2), or (3) of this section, the tax commissioner 18612  
may notify the director of budget and management, who, upon 18613

receiving such notification, shall withhold a portion of each 18614  
payment made to the municipal corporation under section 718.83 of 18615  
the Revised Code. The commissioner shall specify the percentage of 18616  
the payment to be withheld, not to exceed fifty per cent of the 18617  
amount of the payment otherwise due to the municipal corporation 18618  
under that section. The director shall compute the withholding on 18619  
the basis of the tax rate most recently certified to the tax 18620  
commissioner until the municipal corporation complies with 18621  
divisions (C)(1), (2), and (3) of this section. 18622

If, after any such withholding, the municipal corporation 18623  
complies with divisions (C)(1), (2), and (3) of this section, the 18624  
tax commissioner shall notify the director of budget and 18625  
management, who shall provide payment to the municipal corporation 18626  
under section 718.83 of the Revised Code of such amounts withheld 18627  
under this division. 18628

(D) The tax commissioner shall enforce and administer 18629  
sections 718.80 to 718.95 of the Revised Code. In addition to any 18630  
other powers conferred upon the tax commissioner by law, the tax 18631  
commissioner may: 18632

(1) Prescribe all forms necessary to administer those 18633  
sections; 18634

(2) Adopt such rules as the tax commissioner finds necessary 18635  
to carry out those sections; 18636

(3) Appoint and employ such personnel as are necessary to 18637  
carry out the duties imposed upon the tax commissioner by those 18638  
sections. 18639

(E) No tax administrator shall utilize sections 718.81 to 18640  
718.95 of the Revised Code in the administrator's administration 18641  
of a municipal income tax, and those sections shall not be applied 18642  
to any taxpayer that has not made the election under this section. 18643

(F) Nothing in this chapter shall be construed to make any 18644

section of this chapter, other than sections 718.01 and 718.80 to 18645  
718.95 of the Revised Code, applicable to the tax commissioner's 18646  
administration of a municipal income tax or to any taxpayer that 18647  
has made the election under this section. 18648

(G) The tax commissioner shall not be considered a tax 18649  
administrator, as that term is defined in section 718.01 of the 18650  
Revised Code. 18651

**Sec. 718.84.** (A) Any information gained as a result of 18652  
returns, investigations, hearings, or verifications required or 18653  
authorized by sections 718.80 to 718.95 of the Revised Code is 18654  
confidential, and no person shall disclose such information, 18655  
except for official purposes, in accordance with a proper judicial 18656  
order, or as provided in section 4123.271 or 5703.21 of the 18657  
Revised Code. The tax commissioner may furnish the internal 18658  
revenue service with copies of returns filed. This section does 18659  
not prohibit the publication of statistics in a form which does 18660  
not disclose information with respect to particular taxpayers. 18661

(B) In May and ~~November~~ December of each year, the tax 18662  
commissioner shall provide each tax administrator with the 18663  
following information for every taxpayer that ~~filed~~ had municipal 18664  
taxable income apportionable to the municipal corporation under 18665  
this chapter on tax returns filed with the commissioner under 18666  
sections 718.80 to 718.95 of the Revised Code ~~and that had~~ 18667  
~~municipal taxable income apportionable to the municipal~~ 18668  
~~corporation under this chapter for any prior year~~ in the preceding 18669  
five or seven months, respectively: 18670

(1) The taxpayer's name, address, and federal employer 18671  
identification number; 18672

(2) The taxpayer's apportionment ratio for, and amount of 18673  
municipal taxable income apportionable to, the municipal 18674  
corporation pursuant to section 718.82 of the Revised Code; 18675

(3) The amount of any pre-2017 net operating loss	18676
carryforward utilized by the taxpayer;	18677
(4) Whether the taxpayer requested that any overpayment be	18678
carried forward to a future taxable year;	18679
(5) The amount of any credit claimed under section 718.94 of	18680
the Revised Code.	18681
(C) Not later than thirty days after each distribution made	18682
to municipal corporations under section 718.83 of the Revised	18683
Code, the tax commissioner shall provide to each municipal	18684
corporation a report stating the name and federal identification	18685
number of every taxpayer that made estimated payments that are	18686
attributable to the municipal corporation and the amount of each	18687
such taxpayer's estimated payment.	18688
(D) Not later than the thirty-first day of January of each	18689
year, every municipal corporation having taxpayers that have made	18690
the election allowed under section 718.80 of the Revised Code	18691
shall provide to the tax commissioner, in a format prescribed by	18692
the commissioner, the name and mailing address of up to two	18693
persons to whom the municipal corporation requests that the	18694
commissioner send the information described in divisions (B) and	18695
(C) of this section. The commissioner shall not provide such	18696
information to any person other than a person who is designated to	18697
receive the information under this section and who is employed by	18698
the municipal corporation or by a tax administrator, as defined in	18699
section 718.01 of the Revised Code, that administers the municipal	18700
corporation's income tax, except as may otherwise be provided by	18701
law.	18702
(E)(1) The tax commissioner may adopt rules that further	18703
govern the terms and conditions under which tax returns filed with	18704
the commissioner under this chapter, and any other information	18705
gained in the performance of the commissioner's duties prescribed	18706

by this chapter, shall be available for inspection by properly 18707  
authorized officers, employees, or agents of the municipal 18708  
corporations to which the taxpayer's net profit is apportioned 18709  
under section 718.82 of the Revised Code. 18710

(2) As used in this division, "properly authorized officer, 18711  
employee, or agent" means an officer, employee, or agent of a 18712  
municipal corporation who is authorized by charter or ordinance of 18713  
the municipal corporation to view or possess information referred 18714  
to in section 718.13 of the Revised Code. 18715

(F)(1) If, upon receiving the information described in 18716  
division (B) of section 718.91 of the Revised Code or division (B) 18717  
or (C) of this section, a municipal corporation discovers that it 18718  
has additional information in its possession that could result in 18719  
a change to a taxpayer's tax liability, the municipal corporation 18720  
may refer the taxpayer to the tax commissioner for an audit. Such 18721  
referral shall be made on a form prescribed by the commissioner 18722  
and shall include any information that forms the basis for the 18723  
referral. 18724

(2) Upon receipt of a referral under division (F)(1) of this 18725  
section, the commissioner shall review the referral and may 18726  
conduct an audit of the taxpayer that is the subject of the 18727  
referral based on the information in the referral and any other 18728  
relevant information available to the commissioner. 18729

(3) Nothing in division (F) of this section shall be 18730  
construed as forming the sole basis upon which the commissioner 18731  
may conduct an audit of a taxpayer. 18732

(4) Nothing in this chapter shall prohibit a municipal 18733  
corporation from filing a writ of mandamus if the municipal 18734  
corporation believes that the commissioner has violated the 18735  
commissioner's fiduciary duty as the administrator of the tax 18736  
levied by the municipal corporation. 18737

**Sec. 718.85.** (A)(1) For each taxable year, every taxpayer 18738  
shall file an annual return. Such return, along with the amount of 18739  
tax shown to be due on the return less the amount paid for the 18740  
taxable year under section 718.88 of the Revised Code, shall be 18741  
submitted to the tax commissioner, on a form and in the manner 18742  
prescribed by the commissioner, on or before the fifteenth day of 18743  
the fourth month following the end of the taxpayer's taxable year. 18744

(2) The remittance shall be made payable to the treasurer of 18745  
state and in the form prescribed by the tax commissioner. If the 18746  
amount payable with the tax return is ten dollars or less, no 18747  
remittance is required. 18748

(B) The tax commissioner shall immediately forward to the 18749  
treasurer of state all amounts the commissioner receives pursuant 18750  
to sections 718.80 to 718.95 of the Revised Code. The treasurer 18751  
shall credit such amounts to the municipal net profit tax fund 18752  
which is hereby created in the state treasury. 18753

(C)(1) Each return required to be filed under this section 18754  
shall contain the signature of the taxpayer or the taxpayer's duly 18755  
authorized agent and of the person who prepared the return for the 18756  
taxpayer, and shall include the taxpayer's identification number. 18757  
Each return shall be verified by a declaration under penalty of 18758  
perjury. 18759

(2)(a) The tax commissioner may require a taxpayer to 18760  
include, with each annual tax return, amended return, or request 18761  
for refund filed with the commissioner under sections 718.80 to 18762  
718.95 of the Revised Code, copies of any relevant documents or 18763  
other information. 18764

(b) A taxpayer that files an annual tax return electronically 18765  
through the Ohio business gateway or in another manner as 18766  
prescribed by the tax commissioner shall either submit the 18767  
documents required under this division electronically as 18768

prescribed at the time of filing or, if electronic submission is 18769  
not available, mail the documents to the tax commissioner. The 18770  
department of taxation shall publish a method of electronically 18771  
submitting the documents required under this division on or before 18772  
January 1, 2019. 18773

(3) After a taxpayer files a tax return, the tax commissioner 18774  
may request, and the taxpayer shall provide, any information, 18775  
statements, or documents required to determine and verify the 18776  
taxpayer's municipal income tax. 18777

(D)(1)(a) Any taxpayer that has duly requested an automatic 18778  
extension for filing the taxpayer's federal income tax return 18779  
shall automatically receive an extension for the filing of a tax 18780  
return with the commissioner under this section. The extended due 18781  
date of the return shall be the fifteenth day of the ~~tenth~~ 18782  
eleventh month after the last day of the taxable year to which the 18783  
return relates. 18784

(b) A taxpayer that has not requested or received a six-month 18785  
extension for filing the taxpayer's federal income tax return may 18786  
request that the commissioner grant the taxpayer a six-month 18787  
extension of the date for filing the taxpayer's ~~municipal income~~ 18788  
tax return. If the commissioner receives the request on or before 18789  
the date the ~~municipal income~~ tax return is due, the commissioner 18790  
shall grant the taxpayer's extension request. 18791

(c) An extension of time to file under division (D)(1) of 18792  
this section is not an extension of the time to pay any tax due 18793  
unless the tax commissioner grants an extension of that date. 18794

(2) If the commissioner considers it necessary in order to 18795  
ensure payment of a tax imposed in accordance with section 718.04 18796  
of the Revised Code, the commissioner may require taxpayers to 18797  
file returns and make payments otherwise than as provided in this 18798  
section, including taxpayers not otherwise required to file annual 18799

returns. 18800

(3) If a taxpayer receives an extension for the filing of a 18801  
tax return under division (D)(1) or (2) of this section, the 18802  
commissioner shall not make any inquiry or send any notice to the 18803  
taxpayer with regard to the return on or before the date the 18804  
taxpayer files the return or on or before the extended due date to 18805  
file the return, whichever occurs first. 18806

If the commissioner violates division (D)(3) of this section, 18807  
the commissioner shall reimburse the taxpayer for any reasonable 18808  
costs incurred to respond to such inquiry or notice, up to one 18809  
hundred fifty dollars. Such reimbursement shall be paid from the 18810  
general revenue fund. 18811

Division (D)(3) of this section does not apply to an 18812  
extension received under division (D)(1) of this section if the 18813  
commissioner has actual knowledge that the taxpayer failed to file 18814  
for a federal extension as required to receive the extension under 18815  
division (D)(1)(a) of this section or failed to file for an 18816  
extension under division (D)(1)(b) of this section. 18817

(E) Each return required to be filed in accordance with this 18818  
section shall include a box that the taxpayer may check to 18819  
authorize another person, including a tax return preparer who 18820  
prepared the return, to communicate with the tax commissioner 18821  
about matters pertaining to the return. The return or instructions 18822  
accompanying the return shall indicate that by checking the box 18823  
the taxpayer authorizes the commissioner to contact the preparer 18824  
or other person concerning questions that arise during the 18825  
examination or other review of the return and authorizes the 18826  
preparer or other person only to provide the commissioner with 18827  
information that is missing from the return, to contact the 18828  
commissioner for information about the examination or other review 18829  
of the return or the status of the taxpayer's refund or payments, 18830  
and to respond to notices about mathematical errors, offsets, or 18831

return preparation that the taxpayer has received from the 18832  
commissioner and has shown to the preparer or other person. 18833

(F) When income tax returns or other documents require the 18834  
signature of a tax return preparer, the tax commissioner shall 18835  
accept a facsimile or electronic version of such a signature in 18836  
lieu of a manual signature. 18837

**Sec. 718.89.** (A) In addition to any other penalty imposed by 18838  
sections 718.80 to 718.95 or Chapter 5703. of the Revised Code, 18839  
the following penalties shall apply: 18840

(1) If a taxpayer required to file a tax return under 18841  
sections 718.80 to 718.95 of the Revised Code fails to make and 18842  
file the return within the time prescribed, including any 18843  
extensions of time granted by the tax commissioner, the 18844  
commissioner may impose a penalty not exceeding twenty-five 18845  
dollars ~~per month or fraction of a month, for each month or~~ 18846  
~~fraction of a month elapsing between the due date, including~~ 18847  
~~extensions of the due date, and the date on which the return is~~ 18848  
~~filed. The aggregate penalty, per instance, under this division~~ 18849  
~~shall not exceed one hundred fifty dollars, except that the~~ 18850  
commissioner shall abate or refund the penalty assessed on a 18851  
taxpayer's first failure to timely file a return after the 18852  
taxpayer files that return. 18853

(2) If a person required to file a tax return electronically 18854  
under sections 718.80 to 718.95 of the Revised Code fails to do 18855  
so, the commissioner may impose a penalty not to exceed the 18856  
following: 18857

(a) For each of the first two failures, five per cent of the 18858  
amount required to be reported on the return; 18859

(b) For the third and any subsequent failure, ten per cent of 18860  
the amount required to be reported on the return. 18861

(3) If a taxpayer that has made the election allowed under section 718.80 of the Revised Code fails to timely pay an amount of tax required to be paid under this chapter, the commissioner may impose a penalty equal to fifteen per cent of the amount not timely paid.

(4) If a taxpayer files what purports to be a tax return required by sections 718.80 to 718.95 of the Revised Code that does not contain information upon which the substantial correctness of the return may be judged or contains information that on its face indicates that the return is substantially incorrect, and the filing of the return in that manner is due to a position that is frivolous or a desire that is apparent from the return to delay or impede the administration of sections 718.80 to 718.95 of the Revised Code, a penalty of up to five hundred dollars may be imposed.

(5) If a taxpayer makes a fraudulent attempt to evade the reporting or payment of the tax required to be shown on any return required under sections 718.80 to 718.95 of the Revised Code, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the tax required to be shown on the return.

(6) If any person makes a false or fraudulent claim for a refund under section 718.91 of the Revised Code, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the claim. Any penalty imposed under this division, any refund issued on the claim, and interest on any refund from the date of the refund, may be assessed under section 718.90 of the Revised Code without regard to any time limitation for the assessment imposed by division (A) of that section.

(B) For purposes of this section, the tax required to be shown on a tax return shall be reduced by the amount of any part of the tax paid on or before the date, including any extensions of

the date, prescribed for filing the return. 18894

(C) Each penalty imposed under this section shall be in 18895  
addition to any other penalty imposed under this section. All or 18896  
part of any penalty imposed under this section may be abated by 18897  
the tax commissioner. The commissioner may adopt rules governing 18898  
the imposition and abatement of such penalties. 18899

(D) All amounts collected under this section shall be 18900  
considered as taxes collected under sections 718.80 to 718.95 of 18901  
the Revised Code and shall be credited and distributed to 18902  
municipal corporations in the same proportion as the underlying 18903  
tax liability is required to be distributed to such municipal 18904  
corporations under section 718.83 of the Revised Code. 18905

**Sec. 727.01.** Each municipal corporation shall have special 18906  
power to levy and collect special assessments. The legislative 18907  
authority of a municipal corporation may assess upon the abutting, 18908  
adjacent, and contiguous, or other specially benefited, lots or 18909  
lands in the municipal corporation, any part of the cost connected 18910  
with the improvement of any street, alley, dock, wharf, pier, 18911  
public road, place, boulevard, parkway, or park entrance or an 18912  
easement of the municipal corporation available for the purpose of 18913  
the improvement to be made in it by grading, draining, curbing, 18914  
paving, repaving, repairing, treating the surface with substances 18915  
designed to lay the dust on it or preserve it, constructing 18916  
sidewalks, piers, wharves, docks, retaining walls, sewers, sewage 18917  
disposal works and treatment plants, sewage pumping stations, 18918  
water treatment plants, water pumping stations, reservoirs, and 18919  
water storage tanks or standpipes, together with the facilities 18920  
and appurtenances necessary and proper therefor, drains, 18921  
storm-water retention basins, watercourses, water mains, or laying 18922  
of water pipe, or the lighting, sprinkling, sweeping, or cleaning 18923  
thereof, or removing snow therefrom, any part of the cost and 18924

expense of planting, maintaining, and removing shade trees 18925  
thereupon; any part of the cost of a voluntary action, as defined 18926  
in section 3746.01 of the Revised Code, undertaken pursuant to 18927  
Chapter 3746. of the Revised Code by a special improvement 18928  
district created under Chapter 1710. of the Revised Code, 18929  
including the cost of acquiring property with respect to which the 18930  
voluntary action is undertaken; any part of the cost and expense 18931  
of constructing, maintaining, repairing, cleaning, and enclosing 18932  
ditches; any part of the cost and expense of operating, 18933  
maintaining, and replacing heating and cooling facilities for 18934  
enclosed pedestrian canopies and malls; any part of the cost and 18935  
expense of acquiring and improving parking facilities and 18936  
structures for off-street parking of motor vehicles or of 18937  
acquiring land and improving it by clearing, grading, draining, 18938  
paving, lighting, erecting, constructing, and equipping it for 18939  
parking facilities and structures for off-street parking of motor 18940  
vehicles, to the extent authorized by section 717.05 of the 18941  
Revised Code, but only if no special assessment made for the 18942  
purpose of developing off-street parking facilities and structures 18943  
is levied against any land being used solely for off-street 18944  
parking or against any land used solely for single or two-family 18945  
dwellings; any part of the cost and expense of operating and 18946  
maintaining the off-street parking facilities and structures; and 18947  
any part of the cost connected with changing the channel of, or 18948  
narrowing, widening, dredging, deepening, or improving, any stream 18949  
or watercourse, and for constructing or improving any levees or 18950  
boulevards on any stream or watercourse, or along or about any 18951  
stream or watercourse, together with any retaining wall, riprap 18952  
protection, bulkhead, culverts, approaches, flood gates, 18953  
waterways, or drains incidental to any stream or watercourse, or 18954  
for making any other improvement of any river or lake front, 18955  
whether it is privately or publicly owned, which the legislative 18956

authority declares conducive to the public health, convenience, or welfare. If a program grant is awarded for an eligible project under sections 122.40 to 122.4077 of the Revised Code, a municipal corporation may levy, against dwellings that are subject to the project, a special assessment for the purpose of providing a contribution from the municipal corporation towards the funding gap for the project. The assessment shall be at a rate that will produce a total assessment that is not more than the municipal corporation's contribution towards the funding gap for the eligible project as described in the application under section 122.4020 of the Revised Code. In addition, a municipal corporation may levy a special assessment for public improvement or public services plans of a district formed under Chapter 1710. of the Revised Code, as provided in that chapter. In addition, a municipal corporation may levy a special assessment for an air quality facility pursuant to an agreement entered into under section 3706.051 of the Revised Code, provided that the owner of the property to be assessed files a written statement with the legislative authority of the municipal corporation requesting that the assessment be levied. Except as otherwise provided in Chapter 1710. of the Revised Code, special assessments may be levied by any of the following methods:

(A) By a percentage of the tax value of the property assessed;

(B) In proportion to the benefits that may result from the improvement;

(C) By the front foot of the property bounding and abutting upon the improvement.

**Sec. 731.141.** In those villages that have established the position of village administrator, as provided by section 735.271

of the Revised Code, the village administrator shall make 18987  
contracts, purchase supplies and materials, and provide labor for 18988  
any work under the administrator's supervision involving not more 18989  
than ~~fifty thousand dollars~~ the amount specified in section 9.17 18990  
of the Revised Code. When an expenditure, other than the 18991  
compensation of persons employed by the village, exceeds ~~fifty~~ 18992  
~~thousand dollars~~ the amount specified in section 9.17 of the 18993  
Revised Code, the expenditure shall first be authorized and 18994  
directed by ordinance of the legislative authority of the village. 18995  
When so authorized and directed, except where the contract is for 18996  
equipment, services, materials, or supplies to be purchased under 18997  
division (D) of section 713.23 or section 125.04 or 5513.01 of the 18998  
Revised Code, available from a qualified nonprofit agency pursuant 18999  
to sections 4115.31 to 4115.35 of the Revised Code, or required to 19000  
be purchased from a qualified nonprofit agency under sections 19001  
125.60 to 125.6012 of the Revised Code, the village administrator 19002  
shall make a written contract with the lowest and best bidder 19003  
after advertisement for not less than two nor more than four 19004  
consecutive weeks in a newspaper of general circulation within the 19005  
village or as provided in section 7.16 of the Revised Code. The 19006  
bids shall be opened and shall be publicly read by the village 19007  
administrator or a person designated by the village administrator 19008  
at the time, date, and place as specified in the advertisement to 19009  
bidders or specifications. The time, date, and place of bid 19010  
openings may be extended to a later date by the village 19011  
administrator, provided that written or oral notice of the change 19012  
shall be given to all persons who have received or requested 19013  
specifications no later than ninety-six hours prior to the 19014  
original time and date fixed for the opening. All contracts shall 19015  
be executed in the name of the village and signed on its behalf by 19016  
the village administrator and the clerk. No expenditure subject to 19017  
this section shall be divided into component parts, separate 19018  
projects, or separate items of work in order to avoid the 19019

requirements of this section. 19020

The legislative authority of a village may provide, by 19021  
ordinance, for central purchasing for all offices, departments, 19022  
divisions, boards, and commissions of the village, under the 19023  
direction of the village administrator, who shall make contracts, 19024  
purchase supplies or materials, and provide labor for any work of 19025  
the village in the manner provided by this section. 19026

**Sec. 735.05.** The director of public service may make any 19027  
contract, purchase supplies or material, or provide labor for any 19028  
work under the supervision of the department of public service 19029  
involving not more than ~~fifty thousand dollars~~ the amount 19030  
specified in section 9.17 of the Revised Code. When an expenditure 19031  
within the department, other than the compensation of persons 19032  
employed in the department, exceeds ~~fifty thousand dollars~~ the 19033  
amount specified in section 9.17 of the Revised Code, the 19034  
expenditure shall first be authorized and directed by ordinance of 19035  
the city legislative authority. When so authorized and directed, 19036  
except where the contract is for equipment, services, materials, 19037  
or supplies to be purchased under division (D) of section 713.23 19038  
or section 125.04 or 5513.01 of the Revised Code or available from 19039  
a qualified nonprofit agency pursuant to sections 4115.31 to 19040  
4115.35 of the Revised Code, the director shall make a written 19041  
contract with the lowest and best bidder after advertisement for 19042  
not less than two nor more than four consecutive weeks in a 19043  
newspaper of general circulation within the city or as provided in 19044  
section 7.16 of the Revised Code. No expenditure subject to this 19045  
section shall be divided into component parts, separate projects, 19046  
or separate items of work in order to avoid the requirements of 19047  
this section. 19048

**Sec. 737.03.** The director of public safety shall manage and 19049  
make all contracts with reference to police stations, fire houses, 19050

reform schools, infirmaries, hospitals other than municipal 19051  
hospitals operated pursuant to Chapter 749. of the Revised Code, 19052  
workhouses, farms, pesthouses, and all other charitable and 19053  
reformatory institutions. In the control and supervision of those 19054  
institutions, the director shall be governed by the provisions of 19055  
Title VII of the Revised Code relating to those institutions. 19056

The director may make all contracts and expenditures of money 19057  
for acquiring lands for the erection or repairing of station 19058  
houses, police stations, fire department buildings, fire cisterns, 19059  
and plugs, that are required, for the purchase of engines, 19060  
apparatus, and all other supplies necessary for the police and 19061  
fire departments, and for other undertakings and departments under 19062  
the director's supervision, but no obligation involving an 19063  
expenditure of more than ~~fifty thousand dollars~~ the amount 19064  
specified in section 9.17 of the Revised Code shall be created 19065  
unless first authorized and directed by ordinance. In making, 19066  
altering, or modifying those contracts, the director shall be 19067  
governed by sections 735.05 to 735.09 of the Revised Code, except 19068  
that all bids shall be filed with and opened by the director. The 19069  
director shall make no sale or disposition of any property 19070  
belonging to the city without first being authorized by resolution 19071  
or ordinance of the city legislative authority. 19072

**Sec. 737.22.** (A) Each village establishing a fire department 19073  
shall have a fire chief as the department's head, appointed by the 19074  
mayor with the advice and consent of the legislative authority of 19075  
the village, who shall continue in office until removed from 19076  
office as provided by sections 733.35 to 733.39 of the Revised 19077  
Code. Neither this section nor any other section of the Revised 19078  
Code requires, or shall be construed to require, that the fire 19079  
chief be a resident of the village. 19080

In each village not having a fire department, the mayor 19081

shall, with the advice and consent of the legislative authority of 19082  
the village, appoint a fire prevention officer who shall exercise 19083  
all of the duties of a fire chief except those involving the 19084  
maintenance and operation of fire apparatus. 19085

The legislative authority of the village may fix the 19086  
compensation it considers best. The appointee shall continue in 19087  
office until removed from office as provided by sections 733.35 to 19088  
733.39 of the Revised Code. Section 737.23 of the Revised Code 19089  
shall extend to the officer. 19090

(B) The legislative authority of the village may provide for 19091  
the appointment of permanent full-time paid firefighters as it 19092  
considers best and fix their compensation, or for the services of 19093  
volunteer firefighters, who shall be appointed by the mayor with 19094  
the advice and consent of the legislative authority, and shall 19095  
continue in office until removed from office. 19096

(1) No person shall be appointed as a permanent full-time 19097  
paid firefighter of a village fire department, unless either of 19098  
the following applies: 19099

(a) The person has received a certificate issued under former 19100  
section 3303.07 of the Revised Code or section 4765.55 of the 19101  
Revised Code evidencing satisfactory completion of a firefighter 19102  
training program. 19103

(b) The person began serving as a permanent full-time paid 19104  
firefighter with the fire department of a city or other village 19105  
prior to July 2, 1970, and receives a fire training certificate 19106  
issued under section 4765.55 of the Revised Code. 19107

(2) No person who is appointed as a volunteer firefighter of 19108  
a village fire department shall remain in that position, unless 19109  
either of the following applies: 19110

(a) Within one year of the appointment, the person has 19111  
received a certificate issued under former section 3303.07 or 19112

section 4765.55 of the Revised Code evidencing satisfactory 19113  
completion of a firefighter training program. 19114

(b) The person has served as a permanent full-time paid 19115  
firefighter with the fire department of a city or other village 19116  
prior to July 2, 1970, or as a volunteer firefighter with the fire 19117  
department of a city, township, fire district, or other village 19118  
prior to July 2, 1979, and receives a certificate issued under 19119  
~~division (C)(3) of~~ section 4765.55 of the Revised Code. 19120

(3) No person shall receive an appointment under this section 19121  
unless the person has, not more than sixty days prior to receiving 19122  
the appointment, passed a physical examination, given by a 19123  
licensed physician, a physician assistant, a clinical nurse 19124  
specialist, a certified nurse practitioner, or a certified 19125  
nurse-midwife, showing that the person meets the physical 19126  
requirements necessary to perform the duties of the position to 19127  
which the person is to be appointed as established by the 19128  
legislative authority of the village. The appointing authority 19129  
shall, prior to making an appointment, file with the Ohio police 19130  
and fire pension fund or the local volunteer fire fighters' 19131  
dependents fund board a copy of the report or findings of that 19132  
licensed physician, physician assistant, clinical nurse 19133  
specialist, certified nurse practitioner, or certified 19134  
nurse-midwife. The professional fee for the physical examination 19135  
shall be paid for by the legislative authority of the village. 19136

**Sec. 907.27.** As used in sections 907.27 to 907.35, inclusive, 19137  
of the Revised Code: 19138

(A) "Person" includes any individual, firm, partnership, 19139  
corporation, company, society, or association. 19140

(B) "Distribute" means to offer for sale, hold for sale, 19141  
sell, barter, or otherwise supply legume inoculants or 19142  
pre-inoculated seed. 19143

(C) "Legume inoculant" means a pure or mixed culture of bacteria of the genus rhizobium capable of effectively inoculating a specific kind or specific kinds of legume plants.

(D) "Brand" means a term, word, number, symbol, design, trademark, or any combination thereof used on the package, tag, or in advertising to identify the legume inoculants of a manufacturer or distributor and to distinguish them from those of others and from each other if on different media or substrata.

(E) "Advertisement" means all representations other than those on the label, disseminated in any manner or by any means relating to legume inoculants and pre-inoculated seed.

(F) "Label" means any written or printed matter on the package of legume inoculant or pre-inoculated seeds, or tag attached thereto, or to the pertinent invoice.

(G) "Registrant" means a person who has currently registered a brand of inoculant.

(H) "Pre-inoculated seeds" means legume seeds which have received prior to sale an application of a legume inoculant purported to be effective until the expiration date shown on the label.

(I) "Custom inoculated seeds" means legume seeds to which application of a legume inoculant is made either at the time of the sale of the seed, or later, or to seed belonging to another person either as a service or as a part of the sales contract involving the sale or distribution either of the legume inoculant or seed not previously inoculated. It also includes subsequent application of legume inoculant to pre-inoculated seed when applied by a custom inoculator.

~~(J) "Legume inoculator" means a person who applies legume inoculant to legume seeds either to produce pre inoculated seed, or custom inoculated seeds but other than for his own use for~~

<del>seeding.</del>	19175
<del>(K)</del> "Sell" includes transfer of ownership or custody, or the receiving of, accepting, or holding on consignment for sale.	19176 19177
<b>Sec. 907.32.</b> The director of agriculture may:	19178
(A) Refuse to register a brand of legume inoculant or <del>he</del> <u>the director</u> may cancel a registration that previously has been approved when, in <del>his</del> <u>the director's</u> opinion, the brand of legume inoculant is distributed under false or misleading claims;	19179 19180 19181 19182
<del>(B) Refuse to license a legume inoculator or revoke a license previously issued for any violation of sections 907.27 to 907.35 of the Revised Code, or rules adopted thereunder;</del>	19183 19184 19185
<del>(C)</del> Issue a stop sale order on any legume inoculant or pre-inoculated seed that is not registered, that is improperly or insufficiently labeled, that is offered for sale after the expiration date printed thereon, or that has been subjected to devitalizing conditions.	19186 19187 19188 19189 19190
<b>Sec. 926.18.</b> (A) When a depositor has made a demand for settlement of an obligation concerning an agricultural commodity on which a fee was required to be remitted under section 926.16 of the Revised Code and the licensed handler is experiencing failure, as "failure" is defined in section 926.021 of the Revised Code, and has failed to honor the demand, the depositor, after providing the director of agriculture or the director's authorized representative with evidence of the depositor's demand and the dishonoring of that demand, may file a claim with the director not later than six months after dishonor of the demand for indemnification of the depositor's damages, from the agricultural commodity depositors fund, to be measured as follows:	19191 19192 19193 19194 19195 19196 19197 19198 19199 19200 19201 19202
(1) The commodity advisory commission created in section 926.32 of the Revised Code shall establish the dollar value of the	19203 19204

loss incurred by a depositor holding a receipt or a ticket for 19205  
agricultural commodities on which a fee was required and that the 19206  
depositor delivered to the handler under a delayed price 19207  
agreement, bailment agreement, or feed agreement, or that the 19208  
depositor delivered to the handler before delivery was due under a 19209  
contract or other agreement between the depositor and handler. The 19210  
value shall be based on the fair market price being paid to 19211  
producers by handlers for the commodities on the date on which the 19212  
director received notice that the receipt or ticket was dishonored 19213  
by the handler. All depositors filing claims under this division 19214  
shall be bound by the value determined by the commission. 19215

(2) The dollar value of the loss incurred by a depositor who 19216  
has sold or delivered for sale, exchange, or solicitation or 19217  
negotiation for sale agricultural commodities on which a fee was 19218  
required and who is a creditor of the handler for all or a part of 19219  
the value of the commodities shall be based on the amount stated 19220  
on the obligation on the date of the sale. 19221

(B) The agricultural commodity depositors fund shall be 19222  
liable to a depositor for any moneys that are owed to the 19223  
depositor for commodities deposited with a licensed handler 19224  
pursuant to a transaction for which the handler must remit a fee 19225  
under division (B) of section 926.16 of the Revised Code and that 19226  
are not recovered through other legal and equitable remedies as 19227  
follows: 19228

(1)(a) The liability of the fund shall equal one hundred per 19229  
cent of the depositor's loss as determined under division (A)(1) 19230  
of this section if any of the following applies: 19231

(i) The commodities were stored with the handler under a 19232  
bailment agreement. 19233

(ii) Payment for the commodities was tendered by the handler 19234  
and subsequently dishonored, such as payment by a check for which 19235

there were insufficient funds or by a check that was written on an 19236  
account that was frozen by the financial institution. 19237

(iii) The commodities were priced not more than ~~thirty~~ 19238  
forty-five days prior to the director's suspension of the 19239  
handler's license under division (E), (G), or (H) of section 19240  
926.10 of the Revised Code, and the handler failed to pay for the 19241  
commodities on or before the date on which the suspension 19242  
occurred. 19243

(iv) The commodities were priced not more than ~~ninety three~~ 19244  
hundred sixty-five days prior to the director's suspension of the 19245  
handler's license under division (E), (G), or (H) of section 19246  
926.10 of the Revised Code, the commodities were subject to a 19247  
signed, written agreement for deferred between the handler and 19248  
depositor to defer payment by the handler not later than ~~ninety~~ 19249  
three hundred sixty-five days following the date of delivery, and 19250  
the handler failed to pay for the commodities on or before the 19251  
payment date established in the written agreement. 19252

(v) The commodities were delivered and marketed under a 19253  
delayed price agreement not more than two years prior to the 19254  
director's suspension of the handler's license under division (E), 19255  
(G), or (H) of section 926.10 of the Revised Code. The delivery 19256  
date as marked on the tickets shall be used to determine the 19257  
two-year period. 19258

(b) If the commodities were delivered and marketed under a 19259  
delayed price agreement more than two years prior to the 19260  
director's suspension of the handler's license under division (E), 19261  
(G), or (H) of section 926.10 of the Revised Code, the fund has no 19262  
liability. 19263

(c) If the deposit of commodities that were the subject of 19264  
the depositor's loss involves circumstances other than those 19265  
described in division (B)(1)(a) or (b) of this section, the 19266

liability of the fund shall equal ~~one hundred~~ seventy-five per 19267  
cent of the ~~first ten thousand dollars of the loss and eighty per~~ 19268  
~~cent of the remaining dollar value of that~~ loss as determined 19269  
under divisions (A)(1) and (2) of this section. 19270

(2) The aggregate amount recovered by a depositor under all 19271  
remedies shall not exceed one hundred per cent of the value of the 19272  
depositor's loss. If the moneys recovered by a depositor under all 19273  
remedies exceed one hundred per cent of the value of the 19274  
depositor's loss, the depositor shall reimburse the fund in the 19275  
amount that exceeds the value of that loss. 19276

(C) The director, with the recommendation of the commodity 19277  
advisory commission, shall determine the validity of all claims 19278  
presented against the fund. A claim filed under this section for 19279  
losses on agricultural commodities other than commodities stored 19280  
under a bailment agreement shall not be valid unless the depositor 19281  
has made a demand for settlement of the obligation within twelve 19282  
months after the commodities are priced. Any depositor whose claim 19283  
has been refused by the director and the commission may appeal the 19284  
refusal either to the court of common pleas of Franklin county or 19285  
the court of common pleas of the county in which the depositor 19286  
resides. 19287

The director shall provide for payment from the fund to any 19288  
depositor whose claim has been found to be valid. 19289

(D) If at any time the fund does not contain sufficient 19290  
assets to pay valid claims, the director shall hold those claims 19291  
for payment until the fund again contains sufficient assets. 19292  
Claims against the fund shall be paid in the order in which they 19293  
are presented and found to be valid. 19294

(E) If a depositor files an action for legal or equitable 19295  
remedies in a state or federal court having jurisdiction in those 19296  
matters that includes a claim against agricultural commodities 19297

upon which the depositor may file a claim against the fund at a 19298  
later date, the depositor also shall file with the director a copy 19299  
of the action filed with the court. 19300

In the event of payment of a loss under this section, the 19301  
director shall be subrogated to the extent of the amount of any 19302  
payments to all rights, powers, privileges, and remedies of the 19303  
depositor against any person regarding the loss. 19304

The depositor shall render all necessary assistance to aid 19305  
the director in securing the rights granted in this section. No 19306  
action or claim initiated by the depositor and pending at the time 19307  
of payment from the fund may be compromised or settled without the 19308  
consent of the director. 19309

(F) If, prior to June 20, 1994, a lawsuit, adversary 19310  
proceeding, or other legal proceeding is brought against a 19311  
depositor to recover money or payments from funds to which a 19312  
depositor has a right of indemnification under this section, and 19313  
the depositor retains legal counsel resulting in a cost or expense 19314  
to the depositor, upon the rendering of a judgment or other 19315  
resolution of the lawsuit, adversary proceeding, or other legal 19316  
proceeding, the director, in the director's discretion and with 19317  
the approval of the commodity advisory commission, may authorize 19318  
indemnification from the fund for attorney's fees paid by the 19319  
depositor. Any claim made by a depositor for the payment of 19320  
attorney's fees under this division shall be made in the same 19321  
manner as a claim under division (A) of this section. 19322

Attorney's fees payable under this division shall be limited 19323  
to the actual hourly fee charged or one hundred dollars per hour, 19324  
whichever is less, and to a total maximum amount of three hundred 19325  
dollars. 19326

**Sec. 955.011.** (A) When an application is made for 19327  
registration of an assistance dog and the owner can show proof by 19328

certificate or other means that the dog is an assistance dog, the 19329  
owner of the dog shall be exempt from any fee for the 19330  
registration. Registration for an assistance dog shall be 19331  
permanent and not subject to annual renewal so long as the dog is 19332  
an assistance dog. Certificates and tags stamped "Ohio Assistance 19333  
Dog-Permanent Registration," with registration number, shall be 19334  
issued upon registration of such a dog. Any certificate and tag 19335  
stamped "Ohio Service Dog-Permanent Registration," with 19336  
registration number, that was issued for a dog in accordance with 19337  
this section as it existed on and after November 26, 2004, but 19338  
prior to June 30, 2006, shall remain in effect as valid proof of 19339  
the registration of the dog on and after November 26, 2004. 19340  
Duplicate certificates and tags for a dog registered in accordance 19341  
with this section, upon proper proof of loss, shall be issued and 19342  
no fee required. Each duplicate certificate and tag that is issued 19343  
shall be stamped "Ohio Assistance Dog-Permanent Registration." 19344

(B) As used in this section and in sections 955.16 and 955.43 19345  
of the Revised Code: 19346

(1) "Person with a mobility impairment" means any person, 19347  
regardless of age, who is subject to a physiological impairment 19348  
regardless of its cause, nature, or extent that renders the person 19349  
unable to move about without the aid of crutches, a wheelchair, or 19350  
any other form of support, or that limits the person's functional 19351  
ability to ambulate, climb, descend, sit, rise, or perform any 19352  
related function. "Person with a mobility impairment" includes a 19353  
person with a neurological or psychological disability that limits 19354  
the person's functional ability to ambulate, climb, descend, sit, 19355  
rise, or perform any related function. "Person with a mobility 19356  
impairment" also includes a person with a seizure disorder and a 19357  
person who is diagnosed with autism. 19358

(2) "Blind" means either of the following: 19359

(a) Vision twenty/two hundred or less in the better eye with 19360

proper correction; 19361

(b) Field defect in the better eye with proper correction 19362  
that contracts the peripheral field so that the diameter of the 19363  
visual field subtends an angle no greater than twenty degrees. 19364

(3) "Assistance dog" means a dog that has been trained by a 19365  
nonprofit or for-profit special agency and that is one of the 19366  
following: 19367

(a) A guide dog, ~~i~~ 19368

(b) A hearing dog, ~~or i~~ 19369

(c) A service dog ~~that has been trained by a nonprofit~~ 19370  
~~special agency.~~ 19371

(4) "Guide dog" means a dog that has been trained or is in 19372  
training to assist a blind person. 19373

(5) "Hearing dog" means a dog that has been trained or is in 19374  
training to assist a deaf or hearing-impaired person. 19375

(6) "Service dog" means a dog that has been trained or is in 19376  
training to assist a person with a mobility impairment. 19377

**Sec. 993.04.** (A)(1) No person shall operate an amusement ride 19378  
within the state without a permit issued by the director of 19379  
agriculture under division (A)(2) of this section. The owner of an 19380  
amusement ride, whether the ride is a temporary amusement ride or 19381  
a permanent amusement ride, who desires to operate the amusement 19382  
ride within the state shall, prior to the operation of the 19383  
amusement ride and annually thereafter, submit to the department 19384  
of agriculture an application for a permit, together with the 19385  
appropriate permit and inspection fee, on a form to be furnished 19386  
by the department. Prior to issuing any permit the department 19387  
shall, within thirty days after the date on which it receives the 19388  
application, inspect each amusement ride described in the 19389  
application. The owner of an amusement ride shall have the 19390

amusement ride ready for inspection not later than two hours after 19391  
the time that is requested by the person for the inspection. 19392

(2) For each amusement ride found to comply with the rules 19393  
adopted by the director under division (B) of this section and 19394  
division (B) of section 993.08 of the Revised Code, the director 19395  
shall issue an annual permit, provided that evidence of liability 19396  
insurance coverage for the amusement ride as required by section 19397  
993.06 of the Revised Code is on file with the department. 19398

(3) The director shall issue with each permit a decal 19399  
indicating that the amusement ride has been issued the permit. The 19400  
owner of the amusement ride shall affix the decal on the ride at a 19401  
location where the decal is easily visible to the patrons of the 19402  
ride. A copy of the permit shall be kept on file at the same 19403  
address as the location of the amusement ride identified on the 19404  
permit, and shall be made available for inspection, upon 19405  
reasonable demand, by any person. An owner may operate an 19406  
amusement ride prior to obtaining a permit, provided that the 19407  
operation is for the purpose of testing the amusement ride or 19408  
training amusement ride operators and other employees of the owner 19409  
and the amusement ride is not open to the public. 19410

(B)(1) The director, in accordance with Chapter 119. of the 19411  
Revised Code, shall adopt rules providing for both of the 19412  
following: 19413

(a) A schedule of fines, with no fine exceeding five thousand 19414  
dollars, for violations of this chapter or any rules adopted under 19415  
this division; 19416

(b) The classification of amusement rides and rules for the 19417  
safe operation and inspection of all amusement rides as are 19418  
necessary for amusement ride safety and for the protection of the 19419  
general public. The classification of amusement rides must 19420  
identify those rides that need more comprehensive inspection and 19421

testing in addition to regular state inspections, taking into 19422  
account hidden components integral to the safety of the ride. 19423

(2)(a) Rules adopted by the director for the safe operation 19424  
and inspection of amusement rides shall be reasonable and shall be 19425  
based upon generally accepted engineering standards and practices. 19426  
The rules shall establish a minimum number of inspections to be 19427  
conducted on each ride depending on the size, complexity, nature 19428  
of the ride, and the number of days the ride is in operation 19429  
during the year for which the applicable permit is valid. The 19430  
rules also shall require the minimum number of inspectors assigned 19431  
to inspect a ride or rides to be reasonable and adequate given the 19432  
number, size, complexity, and nature of the ride or rides. 19433

(b) In adopting rules under this section, the director may 19434  
adopt by reference, in whole or in part, the national fire code or 19435  
the national electrical code (NEC) prepared by the national fire 19436  
protection association or the American national standards 19437  
institute (ANSI), or any other principles, tests, or standards of 19438  
nationally recognized technical or scientific authorities. 19439

(c) In adopting rules under this section, the director shall 19440  
adopt, by reference, the following chapters of the American 19441  
society for testing and materials (ASTM) international regarding 19442  
amusement ride safety standards and any other equivalent national 19443  
standard: 19444

(i) ASTM F1193-18; 19445

(ii) ASTM F770-18; 19446

(iii) ASTM F2291-18. 19447

(d) Insofar as is practicable and consistent with this 19448  
chapter, rules adopted under this division shall be consistent 19449  
with the rules of other states. 19450

(3) The department shall cause this chapter and the rules 19451

adopted in accordance with this division and division (B) of 19452  
section 993.08 of the Revised Code to be published in pamphlet 19453  
form and a copy to be furnished without charge to each owner of an 19454  
amusement ride who holds a current permit or is an applicant 19455  
therefor. 19456

(C) With respect to an application for a permit for an 19457  
amusement ride, an owner may apply to the director for a waiver or 19458  
modification of any rule adopted under division (B) of this 19459  
section if there are practical difficulties or unnecessary 19460  
hardships for the amusement ride to comply with the rules. Any 19461  
application shall set forth the reasons for the request. The 19462  
director, with the approval of the advisory council on amusement 19463  
ride safety, may waive or modify the application of a rule to any 19464  
amusement ride if the public safety is secure. Any authorization 19465  
by the director under this division shall be in writing and shall 19466  
set forth the conditions under which the waiver or modification is 19467  
authorized, and the department shall retain separate records of 19468  
all proceedings under this division. 19469

(D)(1) The director shall employ and provide for training of 19470  
a chief inspector and additional inspectors and employees as may 19471  
be necessary to administer and enforce this chapter. The director 19472  
may appoint or contract with other persons to perform inspections 19473  
of amusement rides, provided that the persons meet the 19474  
qualifications for inspectors established by rules adopted under 19475  
division (B) of this section and are not owners, or employees of 19476  
owners, of any amusement ride subject to inspection under this 19477  
chapter. When employing a new chief inspector or an additional 19478  
inspector after November 6, 2019, the director shall give 19479  
preference to the following: 19480

(a) An individual holding a level one or higher inspector 19481  
certification from either the national association of amusement 19482  
ride safety officials (NAARSO), the amusement industry 19483

manufacturers and suppliers (AIMS) international, or another 19484  
substantially equivalent organization as determined by the 19485  
director; and 19486

(b) An individual who intends, within one year of being hired 19487  
as an inspector, to complete the requirements for issuance of a 19488  
level one or higher inspector certification from NAARSO, AIMS 19489  
International, or another substantially equivalent organization as 19490  
determined by the director. 19491

(2) No person shall inspect an amusement ride who, within six 19492  
months prior to the date of inspection, was an employee of the 19493  
owner of the ride. 19494

(3) Before the director contracts with other persons to 19495  
inspect amusement rides, the director shall seek the advice of the 19496  
advisory council on amusement ride safety on whether to contract 19497  
with those persons. The advice shall not be binding upon the 19498  
director. After having received the advice of the council, the 19499  
director may proceed to contract with inspectors in accordance 19500  
with the procedures specified in division (E)(2) of section 19501  
1711.11 of the Revised Code. 19502

(4) With the advice and consent of the advisory council on 19503  
amusement ride safety, the director may employ a special 19504  
consultant to conduct an independent investigation of an amusement 19505  
ride accident. This consultant need not be in the civil service of 19506  
the state, but shall have qualifications to conduct the 19507  
investigation acceptable to the council. 19508

(E)(1) Except as otherwise provided in division (E)(1) of 19509  
this section, the department shall charge the following amusement 19510  
ride fees: 19511

1	2	19512
A Permit	\$ 225	19513
B Annual inspection and reinspection		19514

per ride:		
C Kiddie rides	\$ 100	19515
D Roller coaster	\$ 1,200	19516
E Aerial lifts or bungee jumping	\$ 450	19517
facilities		
F Go karts, per kart	\$ 5	19518
G Other rides	\$ 160	19519
H Midseason operational inspection	\$ 25	19520
per ride		
I Expedited inspection per ride	\$ 100	19521
J Failure to cancel scheduled	\$ 100	19522
inspection per ride		
K Failure to have amusement ride	\$ 100	19523
ready for inspection per ride		

The go kart inspection fee is in addition to the inspection fee for the go kart track. 19524  
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The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing an annual fee that is less than one hundred five dollars for an inspection and reinspection of an inflatable ride. In adopting the rules, the director shall ensure that the fee reasonably reflects the costs of inspection and reinspection of an inflatable ride. If the director issues a permit for an inflatable ride for a time period of less than one year, the director shall charge a prorated fee for the permit equal to one-twelfth of the annual permit fee multiplied by the number of full months for which the permit is issued. 19526  
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The fees for an expedited inspection, failure to cancel a scheduled inspection, and failure to have an amusement ride ready for inspection do not apply to go karts. 19536  
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As used in division (E)(1) of this section, "expedited inspection" means an inspection of an amusement ride by the department not later than ten days after the owner of the 19539  
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amusement ride files an application for a permit under this 19542  
section. 19543

(2) All fees and fines collected by the department under this 19544  
chapter shall be deposited in the state treasury to the credit of 19545  
the amusement ride inspection fund, which is hereby created, and 19546  
shall be used only for the purpose of administering and enforcing 19547  
section 1711.11 of the Revised Code and this chapter. 19548

(3) The owner of an amusement ride shall be required to pay a 19549  
reinspection fee only if the reinspection is required by division 19550  
(B)(2) of this section or rules adopted under that division, if 19551  
the reinspection was conducted at the owner's request under 19552  
division (F) of this section, if the reinspection is required by 19553  
division (F) of this section because of an accident, or if the 19554  
reinspection is required by division (F) of section 993.07 of the 19555  
Revised Code. If a reinspection is conducted at the request of the 19556  
chief officer of a fair, festival, or event where the ride is 19557  
operating, the reinspection fee shall be charged to the fair, 19558  
festival, or event. 19559

(4) The rules adopted under division (B) of this section 19560  
shall define "roller coaster," "aerial lifts," "go karts," and 19561  
"other rides" for purposes of determining the fees under division 19562  
(E) of this section. The rules shall define "other rides" to 19563  
include go kart tracks. 19564

(F) A reinspection of an amusement ride shall take place if 19565  
an accident occurs, if the owner of the ride or the chief officer 19566  
of the fair, festival, or event where the ride is operating 19567  
requests a reinspection, if the chief inspector determines 19568  
reinspection is necessary in accordance with section 993.042 of 19569  
the Revised Code, or if the reinspection is required by division 19570  
(F) of section 993.07 of the Revised Code. 19571

(G) As a supplement to its annual inspection of a temporary 19572

amusement ride, the department may inspect the ride during each 19573  
scheduled event, as listed in the schedule of events provided to 19574  
the department by the owner pursuant to division (C) of section 19575  
993.07 of the Revised Code, at which the ride is operated in this 19576  
state. These supplemental inspections are in addition to any other 19577  
inspection or reinspection of the ride as may be required under 19578  
this chapter or rules adopted under it, and the owner of the 19579  
temporary amusement ride is not required to pay an inspection or 19580  
reinspection fee for this supplemental inspection unless the 19581  
supplemental inspection is being conducted pursuant to division 19582  
(B)(2) of this section or rules adopted under that division. 19583  
Nothing in this division shall be construed to prohibit the owner 19584  
of a temporary amusement ride having a valid permit to operate in 19585  
this state from operating the ride at a scheduled event before the 19586  
department conducts a supplemental inspection. 19587

(H) The department may annually conduct a midseason 19588  
operational inspection of every amusement ride upon which it 19589  
conducts an annual inspection pursuant to division (A) of this 19590  
section. The midseason operational inspection is in addition to 19591  
any other inspection or reinspection of the amusement ride as may 19592  
be required pursuant to this chapter. The owner of an amusement 19593  
ride shall submit to the department, at the time determined by the 19594  
department, the midseason operational inspection fee specified in 19595  
division (E) of this section. The director, in accordance with 19596  
Chapter 119. of the Revised Code, shall adopt rules specifying the 19597  
time period during which the department will conduct midseason 19598  
operational inspections. 19599

**Sec. 1121.23. (A) As used in this section:** 19600

(1) "Control" means either of the following: 19601

(a) The power to vote, directly or indirectly, at least 19602  
twenty-five per cent of outstanding voting shares or voting 19603

interests of a licensee or person in control of a licensee; 19604

(b) The power to elect or appoint a majority of executive officers or directors. 19605  
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(2) "Director" means an individual elected to serve as the director of a for-profit corporation pursuant to section 1701.55 of the Revised Code or an individual elected to serve as the director of a nonprofit corporation pursuant to section 1702.26 of the Revised Code. 19607  
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(3) "Executive officer" means president, treasurer, secretary, any individual at or above the senior vice-president level or its functional equivalent, any individual at the vice-president level or its functional equivalent if the organization does not have senior vice-presidents, and "manager" as that term is defined in section 1706.01 of the Revised Code. 19612  
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(4) "Incorporator" has the same meaning as in section 1701.01 of the Revised Code. 19618  
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(5) "Organizer" has the same meaning as in section 1706.01 of the Revised Code. 19620  
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(B)(1) A person is presumed to exercise control when the person holds the power to vote, directly or indirectly, at least ten per cent of outstanding voting shares or voting interests of a licensee or person in control of a licensee. 19622  
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(2) A person presumed to exercise control under division (B)(1) of this section can rebut the presumption by establishing, by a preponderance of the evidence, that the person is a passive investor. 19626  
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(C) For purposes of determining the percentage of a person controlled by any person, the person's interest shall be aggregated with the interest of any other immediate family member, including the person's spouse, parents, children, siblings, 19630  
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mothers- and fathers-in law, sons- and daughters-in law, brothers- and sisters-in law, and any other person who shares such person's home. 19634  
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(D) Whenever the approval of the superintendent of financial institutions is required under Chapters 1101. to 1127. of the Revised Code, or under an order or supervisory action issued or taken under those chapters, for a person to serve as an organizer, incorporator, director, executive officer, or person who exercises control, ~~directly or indirectly controls a bank, or to otherwise have a substantial interest in or participate in the management of a bank,~~ the superintendent shall request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the person's fingerprints in accordance with section 109.572 of the Revised Code. The superintendent of financial institutions shall request that criminal record information from the federal bureau of investigation be obtained as part of the criminal records check. Any fee required under division (C)(3) of section 109.572 of the Revised Code shall be paid by the person who is the subject of the request. 19637  
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(E) Nothing in this section prohibits the superintendent of financial institutions from conditionally approving a person to serve as an organizer, incorporator, director, executive officer, or person who exercises control, ~~directly or indirectly, controls a bank, or to otherwise have a substantial interest in or participate in the management of a bank,~~ subject to receiving satisfactory results of the criminal records check. If the superintendent does not receive the results within ninety days after the criminal records check was requested, the superintendent may extend the conditional approval for not more than ninety days. 19654  
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**Sec. 1321.37.** (A) Application for an original or renewal 19664

license to make short-term loans shall be in writing, under oath, 19665  
and in the form prescribed by the superintendent of financial 19666  
institutions, and shall contain the name and address of the 19667  
applicant, the location where the business of making loans is to 19668  
be conducted, and any further information as the superintendent 19669  
requires. At the time of making an application for an original 19670  
license, the applicant shall pay to the superintendent a 19671  
nonrefundable investigation fee of two hundred dollars. No 19672  
investigation fee or any portion thereof shall be refunded after 19673  
an original license has been issued. The application for an 19674  
original or renewal license shall be accompanied by an original or 19675  
renewal license fee, for each business location of one thousand 19676  
dollars, except that applications for original licenses issued on 19677  
or after the first day of July for any year shall be accompanied 19678  
by an original license fee of five hundred dollars, and except 19679  
that an application for an original or renewal license, for a 19680  
nonprofit corporation that is incorporated under Chapter 1702. of 19681  
the Revised Code, shall be accompanied by an original or renewal 19682  
license fee, for each business location, that is one-half of the 19683  
fee otherwise required. All fees paid to the superintendent 19684  
pursuant to this division shall be deposited into the state 19685  
treasury to the credit of the consumer finance fund. 19686

(B) Upon the filing of an application for an original license 19687  
and, with respect to an application filed for a renewal license, 19688  
on a schedule determined by the superintendent by rule adopted 19689  
pursuant to section 1321.43 of the Revised Code, and the payment 19690  
of fees in accordance with division (A) of this section, the 19691  
superintendent shall investigate the facts concerning the 19692  
applicant and the requirements provided by this division. The 19693  
superintendent shall request the superintendent of the bureau of 19694  
criminal identification and investigation, or a vendor approved by 19695  
the bureau, to conduct a criminal records check based on the 19696

applicant's fingerprints in accordance with section 109.572 of the Revised Code. Notwithstanding division ~~(K)~~(L) of section 121.08 of the Revised Code, the superintendent of financial institutions shall request that criminal record information from the federal bureau of investigation be obtained as part of the criminal records check. The superintendent of financial institutions shall conduct a civil records check. The superintendent shall approve an application and issue an original or renewal license to the applicant if the superintendent finds all of the following:

(1) The financial responsibility, experience, and general fitness of the applicant are such as to warrant the belief that the business of making loans will be operated lawfully, honestly, and fairly under sections 1321.35 to 1321.48 of the Revised Code and within the purposes of those sections; that the applicant has fully complied with those sections and any rule or order adopted or issued pursuant to section 1321.43 of the Revised Code; and that the applicant is qualified to engage in the business of making loans under sections 1321.35 to 1321.48 of the Revised Code.

(2) The applicant is financially sound and has a net worth of not less than one hundred thousand dollars, or in the case of a nonprofit corporation that is incorporated under Chapter 1702. of the Revised Code, a net worth of not less than fifty thousand dollars. The applicant's net worth shall be computed according to generally accepted accounting principles.

(3) The applicant has never had revoked a license to make loans under sections 1321.35 to 1321.48 of the Revised Code, under former sections 1315.35 to 1315.44 of the Revised Code, or to do business under sections 1315.21 to 1315.30 of the Revised Code.

(4) Neither the applicant nor any senior officer, or partner of the applicant, has pleaded guilty to or been convicted of a disqualifying offense as determined in accordance with section

9.79 of the Revised Code. 19729

(5) Neither the applicant nor any senior officer, or partner 19730  
of the applicant, has been subject to any adverse judgment for 19731  
conversion, embezzlement, misappropriation of funds, fraud, 19732  
misfeasance or malfeasance, or breach of fiduciary duty, or if the 19733  
applicant or any of those other persons has been subject to such a 19734  
judgment, the applicant has proven to the superintendent, by a 19735  
preponderance of the evidence, that the applicant's or other 19736  
person's activities and employment record since the judgment show 19737  
that the applicant or other person is honest and truthful and 19738  
there is no basis in fact for believing that the applicant or 19739  
other person will be subject to such a judgment again. 19740

(C) If the superintendent finds that the applicant does not 19741  
meet the requirements of division (B) of this section, or the 19742  
superintendent finds that the applicant knowingly or repeatedly 19743  
contracts with or employs persons to directly engage in lending 19744  
activities who have been convicted of a felony crime listed in 19745  
division (B)(5) of this section, the superintendent shall issue an 19746  
order denying the application for an original or renewal license 19747  
and giving the applicant an opportunity for a hearing on the 19748  
denial in accordance with Chapter 119. of the Revised Code. The 19749  
superintendent shall notify the applicant of the denial, the 19750  
grounds for the denial, and the applicant's opportunity for a 19751  
hearing. If the application is denied, the superintendent shall 19752  
return the annual license fee but shall retain the investigation 19753  
fee. 19754

(D) No person licensed under sections 1321.35 to 1321.48 of 19755  
the Revised Code shall conduct business in this state unless the 19756  
licensee has obtained and maintains in effect at all times a 19757  
corporate surety bond issued by a bonding company or insurance 19758  
company authorized to do business in this state. The bond shall be 19759  
in favor of the superintendent and in the penal sum of at least 19760

one hundred thousand dollars, or in the case of a nonprofit 19761  
corporation that is incorporated under Chapter 1702. of the 19762  
Revised Code, in the amount of fifty thousand dollars. The term of 19763  
the bond shall coincide with the term of the license. The licensee 19764  
shall file a copy of the bond with the superintendent. The bond 19765  
shall be for the exclusive benefit of any borrower injured by a 19766  
violation by a licensee or any employee of a licensee, of any 19767  
provision of sections 1321.35 to 1321.48 of the Revised Code. 19768

**Sec. 1321.53.** (A)(1) An application for a certificate of 19769  
registration under sections 1321.51 to 1321.60 of the Revised Code 19770  
shall contain an undertaking by the applicant to abide by those 19771  
sections. The application shall be in writing, under oath, and in 19772  
the form prescribed by the division of financial institutions, and 19773  
shall contain any information that the division may require. 19774  
Applicants that are foreign corporations shall obtain and maintain 19775  
a license pursuant to Chapter 1703. of the Revised Code before a 19776  
certificate is issued or renewed. 19777

(2) Upon the filing of the application and the payment by the 19778  
applicant of a nonrefundable two-hundred-dollar investigation fee 19779  
and a nonrefundable three-hundred-dollar annual registration fee, 19780  
the division shall investigate the relevant facts. If the 19781  
application involves investigation outside this state, the 19782  
applicant may be required by the division to advance sufficient 19783  
funds to pay any of the actual expenses of such investigation, 19784  
when it appears that these expenses will exceed two hundred 19785  
dollars. An itemized statement of any of these expenses which the 19786  
applicant is required to pay shall be furnished to the applicant 19787  
by the division. No certificate shall be issued unless all the 19788  
required fees have been submitted to the division. 19789

(3) The investigation undertaken upon application shall 19790  
include both a civil and criminal records check of the applicant 19791

including any individual whose identity is required to be 19792  
disclosed in the application. Where the applicant is a business 19793  
entity the superintendent shall have the authority to require a 19794  
civil and criminal background check of those persons that in the 19795  
determination of the superintendent have the authority to direct 19796  
and control the operations of the applicant. 19797

(4)(a) Notwithstanding division ~~(K)~~(L) of section 121.08 of 19798  
the Revised Code, the superintendent of financial institutions 19799  
shall obtain a criminal history records check and, as part of that 19800  
records check, request that criminal record information from the 19801  
federal bureau of investigation be obtained. To fulfill this 19802  
requirement, the superintendent shall request the superintendent 19803  
of the bureau of criminal identification and investigation, or a 19804  
vendor approved by the bureau, to conduct a criminal records check 19805  
based on the applicant's fingerprints or, if the fingerprints are 19806  
unreadable, based on the applicant's social security number, in 19807  
accordance with section 109.572 of the Revised Code. 19808

(b) Any fee required under division (C)(3) of section 109.572 19809  
of the Revised Code shall be paid by the applicant. 19810

(5) If an application for a certificate of registration does 19811  
not contain all of the information required under division (A) of 19812  
this section, and if such information is not submitted to the 19813  
division within ninety days after the superintendent requests the 19814  
information in writing, including by electronic transmission or 19815  
facsimile, the superintendent may consider the application 19816  
withdrawn. 19817

(6) If the division finds that the financial responsibility, 19818  
experience, and general fitness of the applicant command the 19819  
confidence of the public and warrant the belief that the business 19820  
will be operated honestly and fairly in compliance with the 19821  
purposes of sections 1321.51 to 1321.60 of the Revised Code and 19822  
the rules adopted thereunder, and that the applicant has the 19823

applicable net worth and assets required by division (B) of this 19824  
section, the division shall thereupon issue a certificate of 19825  
registration to the applicant. The superintendent shall not use a 19826  
credit score as the sole basis for a registration denial. 19827

(a)(i) Certificates of registration issued on or after July 19828  
1, 2010, shall annually expire on the thirty-first day of 19829  
December, unless renewed by the filing of a renewal application 19830  
and payment of a three-hundred-dollar nonrefundable annual 19831  
registration fee and any assessment as determined by the 19832  
superintendent pursuant to division (A)(6)(a)(ii) of this section 19833  
on or before the last day of December of each year. No other fee 19834  
or assessment shall be required of a registrant by the state or 19835  
any political subdivision of this state. 19836

(ii) If the renewal fees billed by the superintendent 19837  
pursuant to division (A)(6)(a)(i) of this section are less than 19838  
the estimated expenditures of the consumer finance section of the 19839  
division of financial institutions, as determined by the 19840  
superintendent, for the following fiscal year, the superintendent 19841  
may assess each registrant at a rate sufficient to equal in the 19842  
aggregate the difference between the renewal fees billed and the 19843  
estimated expenditures. Each registrant shall pay the assessed 19844  
amount to the superintendent prior to the last day of June. In no 19845  
case shall the assessment exceed ten cents per each one hundred 19846  
dollars of interest (excluding charge-off recoveries), points, 19847  
loan origination charges, and credit line charges collected by 19848  
that registrant during the previous calendar year. If such an 19849  
assessment is imposed, it shall not be less than two hundred fifty 19850  
dollars per registrant and shall not exceed thirty thousand 19851  
dollars less the total renewal fees paid pursuant to division 19852  
(A)(6)(a)(i) of this section by each registrant. 19853

(b) Registrants shall timely file renewal applications on 19854  
forms prescribed by the division and provide any further 19855

information that the division may require. If a renewal 19856  
application does not contain all of the information required under 19857  
this section, and if that information is not submitted to the 19858  
division within ninety days after the superintendent requests the 19859  
information in writing, including by electronic transmission or 19860  
facsimile, the superintendent may consider the application 19861  
withdrawn. 19862

(c) Renewal shall not be granted if the applicant's 19863  
certificate of registration is subject to an order of suspension, 19864  
revocation, or an unpaid and past due fine imposed by the 19865  
superintendent. 19866

(d) If the division finds the applicant does not meet the 19867  
conditions set forth in this section, it shall issue a notice of 19868  
intent to deny the application, and forthwith notify the applicant 19869  
of the denial, the grounds for the denial, and the applicant's 19870  
reasonable opportunity to be heard on the action in accordance 19871  
with Chapter 119. of the Revised Code. 19872

(7) If there is a change of five per cent or more in the 19873  
ownership of a registrant, the division may make any investigation 19874  
necessary to determine whether any fact or condition exists that, 19875  
if it had existed at the time of the original application for a 19876  
certificate of registration, the fact or condition would have 19877  
warranted the division to deny the application under division 19878  
(A)(6) of this section. If such a fact or condition is found, the 19879  
division may, in accordance with Chapter 119. of the Revised Code, 19880  
revoke the registrant's certificate. 19881

(B) Each registrant that engages in lending under sections 19882  
1321.51 to 1321.60 of the Revised Code shall maintain both of the 19883  
following: 19884

(1) A net worth of at least fifty thousand dollars; 19885

(2) For each certificate of registration, assets of at least 19886

fifty thousand dollars either in use or readily available for use 19887  
in the conduct of the business. 19888

(C) Not more than one place of business shall be maintained 19889  
under the same certificate, but the division may issue additional 19890  
certificates to the same registrant upon compliance with sections 19891  
1321.51 to 1321.60 of the Revised Code, governing the issuance of 19892  
a single certificate. No change in the place of business of a 19893  
registrant to a location outside the original municipal 19894  
corporation shall be permitted under the same certificate without 19895  
the approval of a new application, the payment of the registration 19896  
fee and, if required by the superintendent, the payment of an 19897  
investigation fee of two hundred dollars. When a registrant wishes 19898  
to change its place of business within the same municipal 19899  
corporation, it shall give written notice of the change in advance 19900  
to the division, which shall provide a certificate for the new 19901  
address without cost. If a registrant changes its name, prior to 19902  
making loans under the new name it shall give written notice of 19903  
the change to the division, which shall provide a certificate in 19904  
the new name without cost. Sections 1321.51 to 1321.60 of the 19905  
Revised Code do not limit the loans of any registrant to residents 19906  
of the community in which the registrant's place of business is 19907  
situated. Each certificate shall be kept conspicuously posted in 19908  
the place of business of the registrant and is not transferable or 19909  
assignable. 19910

(D) Sections 1321.51 to 1321.60 of the Revised Code do not 19911  
apply to any of the following: 19912

(1) Entities chartered and lawfully doing business under the 19913  
authority of any law of this state, another state, or the United 19914  
States as a bank, savings bank, trust company, savings and loan 19915  
association, or credit union, or a subsidiary of any such entity, 19916  
which subsidiary is regulated by a federal banking agency and is 19917  
owned and controlled by such a depository institution; 19918

(2) Life, property, or casualty insurance companies licensed to do business in this state;	19919 19920
(3) Any person that is a lender making a loan pursuant to sections 1321.01 to 1321.19 or sections 1321.62 to 1321.701 of the Revised Code or a business loan as described in division (B)(6) of section 1343.01 of the Revised Code;	19921 19922 19923 19924
(4) Any political subdivision, or any governmental or other public entity, corporation, instrumentality, or agency, in or of the United States or any state of the United States, or any entity described in division (B)(3) of section 1343.01 of the Revised Code;	19925 19926 19927 19928 19929
(5) A college or university, or controlled entity of a college or university, as those terms are defined in section 1713.05 of the Revised Code.	19930 19931 19932
(E) No person engaged in the business of selling tangible goods or services related to tangible goods may receive or retain a certificate under sections 1321.51 to 1321.60 of the Revised Code for such place of business.	19933 19934 19935 19936
<b>Sec. 1321.64.</b> (A) An application for a license shall contain an undertaking by the applicant to abide by those sections. The application shall be in writing, under oath, and in the form prescribed by the superintendent of financial institutions, and shall contain any information that the superintendent may require. Applicants that are foreign corporations shall obtain and maintain a license pursuant to Chapter 1703. of the Revised Code before a license is issued or renewed.	19937 19938 19939 19940 19941 19942 19943 19944
(B) Upon the filing of the application and the payment by the applicant of a nonrefundable investigation fee of two hundred dollars, a nonrefundable annual registration fee of three hundred dollars, and any additional fee required by the NMLSR, the	19945 19946 19947 19948

division of financial institutions shall investigate the relevant 19949  
facts. If the application involves investigation outside this 19950  
state, the applicant may be required by the division to advance 19951  
sufficient funds to pay any of the actual expenses of the 19952  
investigation when it appears that these expenses will exceed two 19953  
hundred dollars. An itemized statement of any of these expenses 19954  
which the applicant is required to pay shall be furnished to the 19955  
applicant by the division. A license shall not be issued unless 19956  
all the required fees have been submitted to the division. 19957

(C)(1) The investigation undertaken upon receipt of an 19958  
application shall include both a civil and criminal records check 19959  
of any control person. 19960

(2)(a) Notwithstanding division ~~(K)~~(L) of section 121.08 of 19961  
the Revised Code, the superintendent shall obtain a criminal 19962  
records check on each control person and, as part of that records 19963  
check, request that criminal records information from the federal 19964  
bureau of investigation be obtained. To fulfill this requirement, 19965  
the superintendent shall do either of the following: 19966

(i) Request the superintendent of the bureau of criminal 19967  
identification and investigation, or a vendor approved by the 19968  
bureau, to conduct a criminal records check based on the control 19969  
person's fingerprints or, if the fingerprints are unreadable, 19970  
based on the control person's social security number, in 19971  
accordance with section 109.572 of the Revised Code; 19972

(ii) Authorize the NMLSR to request a criminal records check 19973  
of the control person. 19974

(b) Any fee required under division (C)(3) of section 109.572 19975  
of the Revised Code or by the NMLSR shall be paid by the 19976  
applicant. 19977

(D) If an application for a license does not contain all of 19978  
the information required under division (A) of this section, and 19979

if such information is not submitted to the division or to the 19980  
NMLSR within ninety days after the superintendent or the NMLSR 19981  
requests the information in writing, including by electronic 19982  
transmission or facsimile, the superintendent may consider the 19983  
application withdrawn. 19984

(E) If the superintendent of financial institutions finds 19985  
that the financial responsibility, experience, and general fitness 19986  
of the applicant command the confidence of the public and warrant 19987  
the belief that the business will be operated honestly and fairly 19988  
in compliance with the purposes of sections 1321.62 to 1321.702 of 19989  
the Revised Code and the rules adopted thereunder, and that the 19990  
applicant has the requisite net worth and assets required under 19991  
section 1321.65 of the Revised Code, the superintendent shall 19992  
issue a license to the applicant. The license shall be valid until 19993  
the thirty-first day of December of the year in which it is 19994  
issued. A person may be licensed under both sections 1321.51 to 19995  
1321.60 and sections 1321.62 to 1321.702 of the Revised Code. 19996

(F) If the superintendent finds that the applicant does not 19997  
meet the conditions set forth in this section, the superintendent 19998  
shall issue a notice of intent to deny the application, and 19999  
promptly notify the applicant of the denial, the grounds for the 20000  
denial, and the applicant's reasonable opportunity to be heard on 20001  
the action in accordance with Chapter 119. of the Revised Code. 20002

**Sec. 1346.03.** Any information provided to the attorney 20003  
general by the department of taxation in accordance with division 20004  
~~(C)(5)~~ (C)(2) of section 5703.21 of the Revised Code shall not be 20005  
disclosed publicly by the attorney general except when it is 20006  
necessary to facilitate compliance with and enforcement of section 20007  
1346.01 or 1346.02 of the Revised Code. 20008

**Sec. 1501.16.** There is hereby created in the state treasury 20009

the performance bond refunds fund. The fund shall consist of money 20010  
received by the department of natural resources from other 20011  
entities as performance security. Upon the completion of work or 20012  
satisfaction of terms for which the performance bond was required, 20013  
the money shall be refunded to the pledging entity. In the event 20014  
that the performance bond is forfeited, the money shall be 20015  
transferred to the appropriate fund within the state treasury. 20016

**Sec. 1506.01.** As used in this chapter: 20017

(A) "Coastal area" means the waters of Lake Erie, the islands 20018  
in the lake, and the lands under and adjacent to the lake, 20019  
including transitional areas, wetlands, and beaches. The coastal 20020  
area extends in Lake Erie to the international boundary line 20021  
between the United States and Canada and landward only to the 20022  
extent necessary to include shorelands, the uses of which have a 20023  
direct and significant impact on coastal waters as determined by 20024  
the director of natural resources. 20025

(B) "Coastal management program" means the comprehensive 20026  
action of the state and its political subdivisions cooperatively 20027  
to preserve, protect, develop, restore, or enhance the resources 20028  
of the coastal area and to ensure wise use of the land and water 20029  
resources of the coastal area, giving attention to natural, 20030  
cultural, historic, and aesthetic values; agricultural, 20031  
recreational, energy, and economic needs; and the national 20032  
interest. "Coastal management program" includes the establishment 20033  
of objectives, policies, standards, and criteria concerning, 20034  
without limitation, protection of air, water, wildlife, rare and 20035  
endangered species, wetlands and natural areas, and other natural 20036  
resources in the coastal area; management of coastal development 20037  
and redevelopment; preservation and restoration of historic, 20038  
cultural, and aesthetic coastal features; and public access to the 20039  
coastal area for recreation purposes. 20040

(C) "Coastal management program document" means a 20041  
comprehensive statement consisting of, without limitation, text, 20042  
maps, and illustrations that is adopted by the director in 20043  
accordance with this chapter, describes the objectives, policies, 20044  
standards, and criteria of the coastal management program for 20045  
guiding public and private uses of lands and waters in the coastal 20046  
area, lists the governmental agencies, including, without 20047  
limitation, state agencies, involved in implementing the coastal 20048  
management program, describes their applicable policies and 20049  
programs, and cites the statutes and rules under which they may 20050  
adopt and implement those policies and programs. 20051

(D) "Person" means any agency of this state, any political 20052  
subdivision of this state or of the United States, and any legal 20053  
entity defined as a person under section 1.59 of the Revised Code. 20054

(E) "Director" means the director of natural resources or the 20055  
director's designee. 20056

(F) "Permanent structure" means any residential, commercial, 20057  
industrial, institutional, or agricultural building, any mobile 20058  
home as defined in division (O) of section 4501.01 of the Revised 20059  
Code, any manufactured home as defined in division (C)(4) of 20060  
section 3781.06 of the Revised Code, and any septic system that 20061  
receives sewage from a single-family, two-family, or three-family 20062  
dwelling, but does not include any recreational vehicle as defined 20063  
in section 4501.01 of the Revised Code. 20064

(G) "State agency" or "agency of the state" has the same 20065  
meaning as "agency" as defined in section 111.15 of the Revised 20066  
Code, except that "state agency" or "agency of the state" includes 20067  
a state college or university, a community college district, a 20068  
technical college district, or state community college. 20069

(H) "Coastal flood hazard area" means any territory within 20070  
the coastal area that has been identified as a flood hazard area 20071

under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 20072  
42 U.S.C.A. 4002, as amended. 20073

(I) "Coastal erosion area" means any territory included in 20074  
Lake Erie coastal erosion areas identified by the director under 20075  
section 1506.06 of the Revised Code. 20076

(J) "Conservancy district" means a conservancy district that 20077  
is established under Chapter 6101. of the Revised Code. 20078

(K) "Park board" means the board of park commissioners of a 20079  
park district that is created under Chapter 1545. of the Revised 20080  
Code. 20081

(L) "Erosion control structure" means a structure that is 20082  
designed solely and specifically to reduce or control erosion of 20083  
the shore along or near Lake Erie, including, without limitation, 20084  
revetments, seawalls, bulkheads, certain breakwaters, and similar 20085  
structures. 20086

(M) "Shore structure" includes, but is not limited to, 20087  
beaches; groins; revetments; bulkheads; seawalls; breakwaters; 20088  
certain dikes designated by the chief of the division of water 20089  
resources; piers; docks; jetties; wharves; marinas; boat ramps; 20090  
any associated fill or debris used as part of the construction of 20091  
shore structures that may affect shore erosion, wave action, or 20092  
inundation; and fill or debris that is placed along or near the 20093  
shore, including bluffs, banks, or beach ridges, for the purpose 20094  
of stabilizing slopes. 20095

**Sec. 1509.01.** As used in this chapter: 20096

(A) "Well" means any borehole, whether drilled or bored, 20097  
within the state for production, extraction, or injection of any 20098  
gas or liquid mineral, excluding potable water to be used as such, 20099  
but including natural or artificial brines and oil field waters. 20100  
"Well" includes a stratigraphic well. 20101

(B) "Oil" means crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir. 20102  
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20104  
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(C) "Gas" means all natural gas and all other fluid hydrocarbons that are not oil, including condensate. 20107  
20108

(D) "Condensate" means liquid hydrocarbons separated at or near the well pad or along the gas production or gathering system prior to gas processing. 20109  
20110  
20111

(E) "Pool" means an underground reservoir containing a common accumulation of oil or gas, or both, but does not include a gas storage reservoir. Each zone of a geological structure that is completely separated from any other zone in the same structure may contain a separate pool. 20112  
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20114  
20115  
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(F) "Field" means the general area underlaid by one or more pools. 20117  
20118

(G) "Drilling unit" means the minimum acreage on which one well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir and does not apply to a stratigraphic well. 20119  
20120  
20121  
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(H) "Waste" includes all of the following: 20123

(1) Physical waste, as that term generally is understood in the oil and gas industry; 20124  
20125

(2) Inefficient, excessive, or improper use, or the unnecessary dissipation, of reservoir energy; 20126  
20127

(3) Inefficient storing of oil or gas; 20128

(4) Locating, drilling, equipping, operating, or producing an oil or gas well in a manner that reduces or tends to reduce the quantity of oil or gas ultimately recoverable under prudent and 20129  
20130  
20131

proper operations from the pool into which it is drilled or that 20132  
causes or tends to cause unnecessary or excessive surface loss or 20133  
destruction of oil or gas; 20134

(5) Other underground or surface waste in the production or 20135  
storage of oil, gas, or condensate, however caused. 20136

(I) "Correlative rights" means the reasonable opportunity to 20137  
every person entitled thereto to recover and receive the oil and 20138  
gas in and under the person's tract or tracts, or the equivalent 20139  
thereof, without having to drill unnecessary wells or incur other 20140  
unnecessary expense. 20141

(J) "Tract" means a single, individual parcel of land or a 20142  
portion of a single, individual parcel of land. 20143

(K) "Owner," unless referring to a mine, means the person who 20144  
has the right to drill on a tract or drilling unit, to drill into 20145  
and produce from a pool, and to appropriate the oil or gas 20146  
produced therefrom either for the person or for others, except 20147  
that a person ceases to be an owner with respect to a well when 20148  
the well has been plugged in accordance with applicable rules 20149  
adopted and orders issued under this chapter. "Owner" does not 20150  
include a person who obtains a lease of the mineral rights for oil 20151  
and gas on a parcel of land if the person does not attempt to 20152  
produce or produce oil or gas from a well or obtain a permit under 20153  
this chapter for a well or if the entire interest of a well is 20154  
transferred to the person in accordance with division (B) of 20155  
section 1509.31 of the Revised Code. 20156

(L) "Royalty interest" means the fee holder's share in the 20157  
production from a well, except a stratigraphic well. 20158

(M) "Discovery well" means the first well, except a 20159  
stratigraphic well capable of producing oil or gas in commercial 20160  
quantities from a pool. 20161

(N) "Prepared clay" means a clay that is plastic and is 20162

thoroughly saturated with fresh water to a weight and consistency 20163  
great enough to settle through saltwater in the well in which it 20164  
is to be used, except as otherwise approved by the chief of the 20165  
division of oil and gas resources management. 20166

(O) "Rock sediment" means the combined cutting and residue 20167  
from drilling sedimentary rocks and formation. 20168

(P) "Excavations and workings," "mine," and "pillar" have the 20169  
same meanings as in section 1561.01 of the Revised Code. 20170

(Q) "Coal bearing township" means a township designated as 20171  
such by the chief of the division of mineral resources management 20172  
under section 1561.06 of the Revised Code. 20173

(R) "Gas storage reservoir" means a continuous area of a 20174  
subterranean porous sand or rock stratum or strata into which gas 20175  
is or may be injected for the purpose of storing it therein and 20176  
removing it therefrom and includes a gas storage reservoir as 20177  
defined in section 1571.01 of the Revised Code. 20178

(S) "Safe Drinking Water Act" means the "Safe Drinking Water 20179  
Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the 20180  
"Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 20181  
U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986," 20182  
100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water 20183  
Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and 20184  
regulations adopted under those acts. 20185

(T) "Person" includes any political subdivision, department, 20186  
agency, or instrumentality of this state; the United States and 20187  
any department, agency, or instrumentality thereof; any legal 20188  
entity defined as a person under section 1.59 of the Revised Code; 20189  
and any other form of business organization or entity recognized 20190  
by the laws of this state. 20191

(U) "Brine" means all saline geological formation water 20192  
resulting from, obtained from, or produced in connection with 20193

exploration, drilling, well stimulation, production of oil or gas, 20194  
or plugging of a well. 20195

(V) "Waters of the state" means all streams, lakes, ponds, 20196  
marshes, watercourses, waterways, springs, irrigation systems, 20197  
drainage systems, and other bodies of water, surface or 20198  
underground, natural or artificial, that are situated wholly or 20199  
partially within this state or within its jurisdiction, except 20200  
those private waters that do not combine or effect a junction with 20201  
natural surface or underground waters. 20202

(W) "Exempt Mississippian well" means a well that meets all 20203  
of the following criteria: 20204

(1) Was drilled and completed before January 1, 1980; 20205

(2) Is located in an unglaciated part of the state; 20206

(3) Was completed in a reservoir no deeper than the 20207  
Mississippian Big Injun sandstone in areas underlain by 20208  
Pennsylvanian or Permian stratigraphy, or the Mississippian Berea 20209  
sandstone in areas directly underlain by Permian stratigraphy; 20210

(4) Is used primarily to provide oil or gas for domestic use. 20211

(X) "Exempt domestic well" means a well that meets all of the 20212  
following criteria: 20213

(1) Is owned by the owner of the surface estate of the tract 20214  
on which the well is located; 20215

(2) Is used primarily to provide gas for the owner's domestic 20216  
use; 20217

(3) Is located more than two hundred feet horizontal distance 20218  
from any inhabited private dwelling house other than an inhabited 20219  
private dwelling house located on the tract on which the well is 20220  
located; 20221

(4) Is located more than two hundred feet horizontal distance 20222  
from any public building that may be used as a place of resort, 20223

assembly, education, entertainment, lodging, trade, manufacture, 20224  
repair, storage, traffic, or occupancy by the public. 20225

(Y) "Urbanized area" means an area where a well or production 20226  
facilities of a well are located within a municipal corporation or 20227  
within a township that has an unincorporated population of more 20228  
than five thousand in the most recent federal decennial census 20229  
prior to the issuance of the permit for the well or production 20230  
facilities. 20231

(Z) "Well stimulation" or "stimulation of a well" means the 20232  
process of enhancing well productivity, including hydraulic 20233  
fracturing operations. 20234

(AA) "Production operation" means all operations and 20235  
activities and all related equipment, facilities, and other 20236  
structures that may be used in or associated with the exploration 20237  
and production of oil, gas, or other mineral resources that are 20238  
regulated under this chapter, including operations and activities 20239  
associated with site preparation, site construction, access road 20240  
construction, well drilling, well completion, well stimulation, 20241  
well site activities, reclamation, and plugging. "Production 20242  
operation" also includes all of the following: 20243

(1) The piping, equipment, and facilities used for the 20244  
production and preparation of hydrocarbon gas or liquids for 20245  
transportation or delivery; 20246

(2) The processes of extraction and recovery, lifting, 20247  
stabilization, treatment, separation, production processing, 20248  
storage, waste disposal, and measurement of hydrocarbon gas and 20249  
liquids, including related equipment and facilities; 20250

(3) The processes and related equipment and facilities 20251  
associated with production compression, gas lift, gas injection, 20252  
fuel gas supply, well drilling, well stimulation, and well 20253  
completion activities, including dikes, pits, and earthen and 20254

other impoundments used for the temporary storage of fluids and 20255  
waste substances associated with well drilling, well stimulation, 20256  
and well completion activities; 20257

(4) Equipment and facilities at a wellpad or other location 20258  
that are used for the transportation, handling, recycling, 20259  
temporary storage, management, processing, or treatment of any 20260  
equipment, material, and by-products or other substances from an 20261  
operation at a wellpad that may be used or reused at the same or 20262  
another operation at a wellpad or that will be disposed of in 20263  
accordance with applicable laws and rules adopted under them. 20264

(BB) "Annular overpressurization" means the accumulation of 20265  
fluids within an annulus with sufficient pressure to allow 20266  
migration of annular fluids into underground sources of drinking 20267  
water. 20268

(CC) "Orphaned well" means a well that has not been properly 20269  
plugged or its land surface restored in accordance with this 20270  
chapter and the rules adopted under it to which either of the 20271  
following apply: 20272

(1) The owner of the well is unknown, deceased, or cannot be 20273  
located and the well is abandoned. 20274

(2) The owner of the well has abandoned the well and there is 20275  
no money available to plug the well in accordance with this 20276  
chapter and the rules adopted under it. 20277

(DD) "Temporarily inactive well" means a well that has been 20278  
granted temporary inactive status under section 1509.062 of the 20279  
Revised Code. 20280

(EE) "Material and substantial violation" means any of the 20281  
following: 20282

(1) Failure to obtain a permit to drill, reopen, convert, 20283  
plugback, or plug a well under this chapter; 20284

(2) Failure to obtain, maintain, update, or submit proof of insurance coverage that is required under this chapter;	20285 20286
(3) Failure to obtain, maintain, update, or submit proof of a surety bond that is required under this chapter;	20287 20288
(4) Failure to restore a disturbed land surface as required by section 1509.072 of the Revised Code;	20289 20290
(5) Failure to reimburse the oil and gas well fund pursuant to a final order issued under section 1509.071 of the Revised Code;	20291 20292 20293
(6) Failure to comply with a final nonappealable order of the chief issued under section 1509.04 of the Revised Code;	20294 20295
(7) Failure to submit a report, test result, fee, or document that is required in this chapter or rules adopted under it.	20296 20297
(FF) "Severer" has the same meaning as in section 5749.01 of the Revised Code.	20298 20299
(GG) "Horizontal well" means a well that is drilled for the production of oil or gas in which the wellbore reaches a horizontal or near horizontal position in the Point Pleasant, Utica, or Marcellus formation and the well is stimulated.	20300 20301 20302 20303
<u>"Horizontal well" does not include a stratigraphic well.</u>	20304
(HH) "Well pad" means the area that is cleared or prepared for the drilling of one or more horizontal wells.	20305 20306
<u>(II) "Stratigraphic well" means a borehole that is drilled within the state on a tract solely to conduct research of the subsurface geology. "Stratigraphic well" does not include a hole drilled for seismic shot.</u>	20307 20308 20309 20310
<b>Sec. 1509.03.</b> (A) The chief of the division of oil and gas resources management shall adopt, rescind, and amend, in accordance with Chapter 119. of the Revised Code, rules for the	20311 20312 20313

administration, implementation, and enforcement of this chapter. 20314

The rules shall include an identification of the subjects that the 20315  
chief shall address when attaching terms and conditions to a 20316  
permit with respect to a well and production facilities of a well 20317  
that are located within an urbanized area or with respect to a 20318  
horizontal well and production facilities associated with a 20319  
horizontal well. The subjects shall include all of the following: 20320

(1) Safety concerning the drilling or operation of a well; 20321

(2) Protection of the public and private water supply, 20322  
including the amount of water used and the source or sources of 20323  
the water; 20324

(3) Fencing and screening of surface facilities of a well; 20325

(4) Containment and disposal of drilling and production 20326  
wastes; 20327

(5) Construction of access roads for purposes of the drilling 20328  
and operation of a well; 20329

(6) Noise mitigation for purposes of the drilling of a well 20330  
and the operation of a well, excluding safety and maintenance 20331  
operations. 20332

No person shall violate any rule of the chief adopted under 20333  
this chapter. 20334

(B)(1) Any order issuing, denying, or modifying a permit or 20335  
notices required to be made by the chief pursuant to this chapter 20336  
shall be made in compliance with Chapter 119. of the Revised Code, 20337  
except that personal service may be used in lieu of service by 20338  
mail. Every order issuing, denying, or modifying a permit under 20339  
this chapter and described as such shall be considered an 20340  
adjudication order for purposes of Chapter 119. of the Revised 20341  
Code. Division (B)(1) of this section does not apply to a permit 20342  
issued under section 1509.06 of the Revised Code. 20343

(2) Where notice to ~~the owners~~ any person is required by this 20344  
chapter, the notice shall be given ~~as prescribed by a rule adopted~~ 20345  
~~by the chief to govern the giving of notices. The rule shall~~ 20346  
~~provide for notice by publication except in those cases where~~ 20347  
~~other types of notice are necessary~~ in order to meet the 20348  
requirements of ~~the~~ law. 20349

(C) The chief or the chief's authorized representative may at 20350  
any time enter upon lands, public or private, for the purpose of 20351  
administration or enforcement of this chapter, the rules adopted 20352  
or orders made thereunder, or terms or conditions of permits or 20353  
registration certificates issued thereunder and may examine and 20354  
copy records pertaining to the drilling, conversion, or operation 20355  
of a well for injection of fluids and logs required by division 20356  
(C) of section 1509.223 of the Revised Code. No person shall 20357  
prevent or hinder the chief or the chief's authorized 20358  
representative in the performance of official duties. If entry is 20359  
prevented or hindered, the chief or the chief's authorized 20360  
representative may apply for, and the court of common pleas may 20361  
issue, an appropriate inspection warrant necessary to achieve the 20362  
purposes of this chapter within the court's territorial 20363  
jurisdiction. 20364

(D) The chief may issue orders to enforce this chapter, rules 20365  
adopted thereunder, and terms or conditions of permits issued 20366  
thereunder. Any such order shall be considered an adjudication 20367  
order for the purposes of Chapter 119. of the Revised Code. No 20368  
person shall violate any order of the chief issued under this 20369  
chapter. No person shall violate a term or condition of a permit 20370  
or registration certificate issued under this chapter. 20371

(E) Orders of the chief denying, suspending, or revoking a 20372  
registration certificate; approving or denying approval of an 20373  
application for revision of a registered transporter's plan for 20374  
disposal; or to implement, administer, or enforce division (A) of 20375

section 1509.224 and sections 1509.22, 1509.222, 1509.223, 20376  
1509.225, and 1509.226 of the Revised Code pertaining to the 20377  
transportation of brine by vehicle and the disposal of brine so 20378  
transported are not adjudication orders for purposes of Chapter 20379  
119. of the Revised Code. The chief shall issue such orders under 20380  
division (A) or (B) of section 1509.224 of the Revised Code, as 20381  
appropriate. 20382

**Sec. 1509.04.** (A) The chief of the division of oil and gas 20383  
resources management, or the chief's authorized representatives, 20384  
shall enforce this chapter and the rules, terms and conditions of 20385  
permits and registration certificates, and orders adopted or 20386  
issued pursuant thereto, except that any peace officer, as defined 20387  
in section 2935.01 of the Revised Code, may arrest for violations 20388  
of this chapter involving transportation of brine by vehicle. The 20389  
enforcement authority of the chief includes the authority to issue 20390  
compliance notices and to enter into compliance agreements. 20391

(B)(1) The chief or the chief's authorized representative may 20392  
issue an administrative order to ~~an owner~~ a person that is subject 20393  
to this chapter or rules adopted under it for a violation of this 20394  
chapter or rules adopted under it, terms and conditions of a 20395  
permit issued under it, a registration certificate that is 20396  
required under this chapter, or orders issued under this chapter. 20397

(2)(a) If ~~an owner or other~~ a person who is required to 20398  
submit a report, test result, fee, or document by this chapter or 20399  
rules adopted under it submits a request for an extension of time 20400  
to submit the report, test result, fee, or document to the chief 20401  
prior to the date on which the report, test result, fee, or 20402  
document is due, the chief may grant an extension of not more than 20403  
sixty additional days from the original date on which the report, 20404  
test result, fee, or document is due. 20405

(b) If ~~an owner or other~~ a person who is required to submit a 20406

report, test result, fee, or document by this chapter or rules 20407  
adopted under it fails to submit the report, test result, fee, or 20408  
document before or on the date on which it is due and the chief 20409  
has not granted an extension of time under division (B)(2)(a) of 20410  
this section, the chief shall make reasonable attempts to notify 20411  
the ~~owner or other~~ person of the failure to submit the report, 20412  
test result, fee, or document. If ~~an owner or other~~ a person who 20413  
receives such a notification fails to submit the report, test 20414  
result, fee, or document on or before thirty days after the date 20415  
on which the chief so notified the ~~owner or other~~ person, the 20416  
chief may issue an order under division ~~(B)(2)(e)~~ (B)(3) of this 20417  
section. 20418

~~(e)~~(3) The chief may issue an order finding that ~~an owner~~ a 20419  
person has committed a material and substantial violation. 20420

(C) The chief, by order, immediately may suspend drilling, 20421  
operating, or plugging activities that are related to a material 20422  
and substantial violation and suspend and revoke an unused permit 20423  
after finding either of the following: 20424

(1) ~~An owner~~ A person has failed to comply with an order 20425  
issued under division ~~(B)(2)(e)~~ (B)(3) of this section that is 20426  
final and nonappealable. 20427

(2) ~~An owner~~ A person that has committed a material and 20428  
substantial violation is causing, engaging in, or maintaining a 20429  
condition or activity that the chief determines presents an 20430  
imminent danger to the health or safety of the public or that 20431  
results in or is likely to result in immediate substantial damage 20432  
to the natural resources of this state. 20433

(D)(1) The chief may issue an order under division (C) of 20434  
this section without prior notification if reasonable attempts to 20435  
notify the ~~owner~~ person have failed or if the ~~owner~~ person is 20436  
currently in material breach of a prior order, but in such an 20437

event notification shall be given as soon thereafter as practical. 20438

(2) Not later than five days after the issuance of an order 20439  
under division (C) of this section, the chief shall provide the 20440  
~~owner~~ person an opportunity to be heard and to present evidence 20441  
that one of the following applies: 20442

(a) The condition or activity does not present an imminent 20443  
danger to the public health or safety or is not likely to result 20444  
in immediate substantial damage to natural resources. 20445

(b) Required records, reports, or logs have been submitted. 20446

(3) If the chief, after considering evidence presented by the 20447  
~~owner~~ person under division (D)(2)(a) of this section, determines 20448  
that the activities do not present such a threat or that the 20449  
required records, reports, or logs have been submitted under 20450  
division (D)(2)(b) of this section, the chief shall revoke the 20451  
order. The ~~owner~~ person may appeal an order to the court of common 20452  
pleas of the county in which the activity that is the subject of 20453  
the order is located. 20454

(E) The chief may issue a bond forfeiture order pursuant to 20455  
section 1509.071 of the Revised Code for failure to comply with a 20456  
final nonappealable order issued or compliance agreement entered 20457  
into under this section. 20458

(F) The chief may notify drilling contractors, transporters, 20459  
service companies, or other similar entities of the compliance 20460  
status of ~~an owner~~ a person that is subject to this chapter or 20461  
rules adopted under it. 20462

If the ~~owner~~ person fails to comply with a prior enforcement 20463  
action of the chief, the chief may issue a suspension order 20464  
without prior notification, but in such an event the chief shall 20465  
give notice as soon thereafter as practical. Not later than five 20466  
calendar days after the issuance of an order, the chief shall 20467  
provide the ~~owner~~ person an opportunity to be heard and to present 20468

evidence that required records, reports, or logs have been 20469  
submitted. If the chief, after considering the evidence presented 20470  
by the ~~owner~~ person, determines that the requirements have been 20471  
satisfied, the chief shall revoke the suspension order. The ~~owner~~ 20472  
person may appeal a suspension order to the court of common pleas 20473  
of the county in which the activity that is the subject of the 20474  
suspension order is located. 20475

(G) The prosecuting attorney of the county or the attorney 20476  
general, upon the request of the chief, may apply to the court of 20477  
common pleas in the county in which any of the provisions of this 20478  
chapter or any rules, terms or conditions of a permit or 20479  
registration certificate, or orders adopted or issued pursuant to 20480  
this chapter are being violated for a temporary restraining order, 20481  
preliminary injunction, or permanent injunction restraining any 20482  
person from such violation. 20483

**Sec. 1509.051.** (A) Except as otherwise provided in division 20484  
(B) of this section, Chapter 1509. of the Revised Code and rules 20485  
adopted under it apply to a stratigraphic well regardless if a 20486  
section refers to a well for oil and gas production or to an 20487  
owner. 20488

(B)(1) Notwithstanding section 1509.06 of the Revised Code, 20489  
an application for a permit to drill a stratigraphic well shall be 20490  
on a form prescribed by the chief of the division of oil and gas 20491  
resources management and shall contain the information required 20492  
under section 1509.06 of the Revised Code that is applicable. 20493

(2) A person shall not submit more than three applications 20494  
per year for a permit to drill a stratigraphic well unless 20495  
otherwise approved by the chief. 20496

(3) All of the following do not apply to a stratigraphic 20497  
well: 20498

<u>(a) Section 1509.062 of the Revised Code;</u>	20499
<u>(b) Section 1509.11 of the Revised Code;</u>	20500
<u>(c) Section 1509.24 of the Revised Code and the rules adopted</u>	20501
<u>under it relative to minimum acreage requirements for a drilling</u>	20502
<u>unit;</u>	20503
<u>(d) Ohio Administrative Code 1501:9-2;</u>	20504
<u>(e) Ohio Administrative Code 1501:9-3;</u>	20505
<u>(f) Ohio Administrative Code 1501:9-4;</u>	20506
<u>(g) Ohio Administrative Code 1501:9-5;</u>	20507
<u>(h) Ohio Administrative Code 1501:9-7.</u>	20508
<u>(4) A stratigraphic well shall not be transferred to another</u>	20509
<u>person.</u>	20510
<u>(5) The surface location of a stratigraphic well shall not be</u>	20511
<u>within one hundred fifty feet from the property line of the tract</u>	20512
<u>on which the well is drilled.</u>	20513
<u>(6) A stratigraphic well shall be plugged one year after the</u>	20514
<u>well is spudded.</u>	20515
<b>Sec. 1509.11.</b> (A)(1) The owner of any well, except a	20516
horizontal well, that is producing or capable of producing oil or	20517
gas shall file with the chief of the division of oil and gas	20518
resources management, on or before the thirty-first day of March,	20519
a statement of production of oil, gas, and brine for the last	20520
preceding calendar year in such form as the chief may prescribe.	20521
An owner that has more than one hundred such wells in this state	20522
shall submit electronically the statement of production in a	20523
format that is approved by the chief.	20524
(2) The owner of any horizontal well that is producing or	20525
capable of producing oil or gas shall file with the chief, on the	20526
forty-fifth day following the close of each calendar quarter, a	20527

statement of production of oil, gas, and brine for the preceding 20528  
calendar quarter in a form that the chief prescribes. An owner 20529  
that has more than one hundred horizontal wells in this state 20530  
shall submit electronically the statement of production in a 20531  
format that is approved by the chief. 20532

(B) The chief shall not disclose information received from 20533  
the department of taxation under ~~division (C)(12)~~ of section 20534  
5703.21 of the Revised Code until the ~~related~~ statement of 20535  
production required by division (A) of this section and related to 20536  
that information is filed with the chief. 20537

**Sec. 1509.22.** (A) Except when acting in accordance with 20538  
section 1509.226 of the Revised Code, no person shall place or 20539  
cause to be placed in ground water or in or on the land or 20540  
discharge or cause to be discharged in surface water brine, crude 20541  
oil, natural gas, or other fluids associated with the exploration, 20542  
development, well stimulation, production operations, or plugging 20543  
of oil and gas resources that causes or could reasonably be 20544  
anticipated to cause damage or injury to public health or safety 20545  
or the environment. 20546

(B)(1) No person shall store or dispose of brine in violation 20547  
of a plan approved under division (A) of section 1509.222 or 20548  
section 1509.226 of the Revised Code, in violation of a resolution 20549  
submitted under section 1509.226 of the Revised Code, or in 20550  
violation of rules or orders applicable to those plans or 20551  
resolutions. 20552

(2)(a) On and after January 1, 2014, no person shall store, 20553  
recycle, treat, process, or dispose of in this state brine or 20554  
other waste substances associated with the exploration, 20555  
development, well stimulation, production operations, or plugging 20556  
of oil and gas resources without an order or a permit issued under 20557  
this section or section 1509.06 or 1509.21 of the Revised Code or 20558

rules adopted under any of those sections. For purposes of 20559  
division (B)(2)(a) of this section, a permit or other form of 20560  
authorization issued by another agency of the state or a political 20561  
subdivision of the state shall not be considered a permit or order 20562  
issued by the chief of the division of oil and gas resources 20563  
management under this chapter. 20564

(b) Division (B)(2)(a) of this section does not apply to a 20565  
person that disposes of such waste substances other than brine in 20566  
accordance with Chapter 3734. of the Revised Code and rules 20567  
adopted under it. 20568

(C) The chief shall adopt rules regarding storage, recycling, 20569  
treatment, processing, and disposal of brine and other waste 20570  
substances. The rules shall establish procedures and requirements 20571  
in accordance with which a person shall apply for a permit or 20572  
order for the storage, recycling, treatment, processing, or 20573  
disposal of brine and other waste substances that are not subject 20574  
to a permit issued under section 1509.06 or 1509.21 of the Revised 20575  
Code and in accordance with which the chief may issue such a 20576  
permit or order. An application for such a permit shall be 20577  
accompanied by a nonrefundable fee of two thousand five hundred 20578  
dollars. 20579

The storage, recycling, treatment, processing, and disposal 20580  
of brine and other waste substances and the chief's rules relating 20581  
to storage, recycling, treatment, processing, and disposal are 20582  
subject to all of the following standards: 20583

(1) Brine from any well except an exempt Mississippian well 20584  
shall be disposed of only as follows: 20585

(a) By injection into an underground formation, including 20586  
annular disposal if approved by rule of the chief, which injection 20587  
shall be subject to division (D) of this section; 20588

(b) By surface application in accordance with section 20589

1509.226 of the Revised Code; 20590

(c) In association with a method of enhanced recovery as 20591  
provided in section 1509.21 of the Revised Code; 20592

(d) In any other manner not specified in divisions (C)(1)(a) 20593  
to (c) of this section that is approved by a permit or order 20594  
issued by the chief. 20595

(2) Brine from exempt Mississippian wells shall not be 20596  
discharged directly into the waters of the state. 20597

(3) Muds, cuttings, and other waste substances shall not be 20598  
disposed of in violation of this chapter or any rule adopted under 20599  
it. 20600

(4) Pits or steel tanks shall be used as authorized by the 20601  
chief for containing brine and other waste substances resulting 20602  
from, obtained from, or produced in connection with drilling, well 20603  
stimulation, reworking, reconditioning, plugging back, or plugging 20604  
operations. The pits and steel tanks shall be constructed and 20605  
maintained to prevent the escape of brine and other waste 20606  
substances. 20607

(5) A dike or pit may be used for spill prevention and 20608  
control. A dike or pit so used shall be constructed and maintained 20609  
to prevent the escape of brine and crude oil, and the reservoir 20610  
within such a dike or pit shall be kept reasonably free of brine, 20611  
crude oil, and other waste substances. 20612

(6) Impoundments constructed utilizing a synthetic liner 20613  
pursuant to the division's specifications may be used for the 20614  
temporary storage of waste substances used in the construction, 20615  
stimulation, or plugging of a well. 20616

(7) No pit or dike shall be used for the temporary storage of 20617  
brine or other waste substances except in accordance with 20618  
divisions (C)(4) and (5) of this section. 20619

(8) No pit or dike shall be used for the ultimate disposal of brine or other liquid waste substances. 20620  
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(D)(1) No person, without first having obtained a permit from the chief, shall inject brine or other waste substances resulting from, obtained from, or produced in connection with oil or gas drilling, exploration, or production into an underground formation unless a rule of the chief expressly authorizes the injection without a permit. The permit shall be in addition to any permit required by section 1509.05 of the Revised Code, and the permit application shall be accompanied by a permit fee of one thousand dollars. The chief shall adopt rules in accordance with Chapter 119. of the Revised Code regarding the injection into wells of brine and other waste substances resulting from, obtained from, or produced in connection with oil or gas drilling, exploration, or production. The rules shall include provisions regarding all of the following: 20622  
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(a) Applications for and issuance of the permits required by this division; 20636  
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(b) Entry to conduct inspections and to examine and copy records to ascertain compliance with this division and rules, orders, and terms and conditions of permits adopted or issued under it; 20638  
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(c) The provision and maintenance of information through monitoring, recordkeeping, and reporting. In addition, the rules shall require the owner of an injection well who has been issued a permit under division (D) of this section to quarterly submit electronically to the chief information concerning each shipment of brine or other waste substances received by the owner for injection into the well. 20642  
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(d) The provision and electronic reporting quarterly of information concerning brine and other waste substances from a 20649  
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transporter that is registered under section 1509.222 of the Revised Code prior to the injection of the transported brine or other waste substances;

(e) Any other provisions in furtherance of the goals of this section and the Safe Drinking Water Act.

(2) The chief may adopt rules in accordance with Chapter 119. of the Revised Code authorizing tests to evaluate whether fluids or carbon dioxide may be injected in a reservoir and to determine the maximum allowable injection pressure, which shall be conducted in accordance with methods prescribed in the rules or in accordance with conditions of the permit. In addition, the chief may adopt rules that do both of the following:

(a) Establish the total depth of a well for which a permit has been applied for or issued under this division;

(b) Establish requirements and procedures to protect public health and safety.

(3) To implement the goals of the Safe Drinking Water Act, the chief shall not issue a permit for the injection of brine or other waste substances resulting from, obtained from, or produced in connection with oil or gas drilling, exploration, or production unless the chief concludes that the applicant has demonstrated that the injection will not result in the presence of any contaminant in ground water that supplies or can reasonably be expected to supply any public water system, such that the presence of the contaminant may result in the system's not complying with any national primary drinking water regulation or may otherwise adversely affect the health of persons.

(4) The chief may issue an order to the owner of a well in existence on September 10, 2012, to make changes in the operation of the well in order to correct problems or to address safety concerns.

(5) This division and rules, orders, and terms and conditions of permits adopted or issued under it shall be construed to be no more stringent than required for compliance with the Safe Drinking Water Act unless essential to ensure that underground sources of drinking water will not be endangered.

(E) The owner holding a permit, or an assignee or transferee who has assumed the obligations and liabilities imposed by this chapter and any rules adopted or orders issued under it pursuant to section 1509.31 of the Revised Code, and the operator of a well shall be liable for a violation of this section or any rules adopted or orders or terms or conditions of a permit issued under it.

(F) An owner shall replace the water supply of the holder of an interest in real property who obtains all or part of the holder's supply of water for domestic, agricultural, industrial, or other legitimate use from an underground or surface source where the supply has been substantially disrupted by contamination, diminution, or interruption proximately resulting from the owner's oil or gas operation, or the owner may elect to compensate the holder of the interest in real property for the difference between the fair market value of the interest before the damage occurred to the water supply and the fair market value after the damage occurred if the cost of replacing the water supply exceeds this difference in fair market values. However, during the pendency of any order issued under this division, the owner shall obtain for the holder or shall reimburse the holder for the reasonable cost of obtaining a water supply from the time of the contamination, diminution, or interruption by the operation until the owner has complied with an order of the chief for compliance with this division or such an order has been revoked or otherwise becomes not effective. If the owner elects to pay the difference in fair market values, but the owner and the holder

have not agreed on the difference within thirty days after the 20714  
chief issues an order for compliance with this division, within 20715  
ten days after the expiration of that thirty-day period, the owner 20716  
and the chief each shall appoint an appraiser to determine the 20717  
difference in fair market values, except that the holder of the 20718  
interest in real property may elect to appoint and compensate the 20719  
holder's own appraiser, in which case the chief shall not appoint 20720  
an appraiser. The two appraisers appointed shall appoint a third 20721  
appraiser, and within thirty days after the appointment of the 20722  
third appraiser, the three appraisers shall hold a hearing to 20723  
determine the difference in fair market values. Within ten days 20724  
after the hearing, the appraisers shall make their determination 20725  
by majority vote and issue their final determination of the 20726  
difference in fair market values. The chief shall accept a 20727  
determination of the difference in fair market values made by 20728  
agreement of the owner and holder or by appraisers under this 20729  
division and shall make and dissolve orders accordingly. This 20730  
division does not affect in any way the right of any person to 20731  
enforce or protect, under applicable law, the person's interest in 20732  
water resources affected by an oil or gas operation. 20733

(G) In any action brought by the state for a violation of 20734  
division (A) of this section involving any well at which annular 20735  
disposal is used, there shall be a rebuttable presumption 20736  
available to the state that the annular disposal caused the 20737  
violation if the well is located within a one-quarter-mile radius 20738  
of the site of the violation. 20739

~~(H)(1)~~(H) There is levied on the owner of an injection well 20740  
who has been issued a permit under division (D) of this section 20741  
the following fees: 20742

~~(a)(1)~~ Five cents per barrel of each substance that is 20743  
delivered to a well to be injected in the well when the substance 20744  
is produced within the division of oil and gas resources 20745

management regulatory district in which the well is located or 20746  
within an adjoining oil and gas resources management regulatory 20747  
district; 20748

~~(b)(2)~~ Twenty cents per barrel of each substance that is 20749  
delivered to a well to be injected in the well when the substance 20750  
is not produced within the division of oil and gas resources 20751  
management regulatory district in which the well is located or 20752  
within an adjoining oil and gas resources management regulatory 20753  
district. 20754

~~(2) The maximum number of barrels of substance per injection 20755  
well in a calendar year on which a fee may be levied under 20756  
division (H) of this section is five hundred thousand. If in a 20757  
calendar year the owner of an injection well receives more than 20758  
five hundred thousand barrels of substance to be injected in the 20759  
owner's well and if the owner receives at least one substance that 20760  
is produced within the division's regulatory district in which the 20761  
well is located or within an adjoining regulatory district and at 20762  
least one substance that is not produced within the division's 20763  
regulatory district in which the well is located or within an 20764  
adjoining regulatory district, the fee shall be calculated first 20765  
on all of the barrels of substance that are not produced within 20766  
the division's regulatory district in which the well is located or 20767  
within an adjoining district at the rate established in division 20768  
(H)(2) of this section. The fee then shall be calculated on the 20769  
barrels of substance that are produced within the division's 20770  
regulatory district in which the well is located or within an 20771  
adjoining district at the rate established in division (H)(1) of 20772  
this section until the maximum number of barrels established in 20773  
division (H)(2) of this section has been attained. 20774~~

~~(3) The (I) After retaining up to three per cent of the fee 20775  
under division (K) of this section, the owner of an injection well 20776  
who is issued a permit under division (D) of this section shall 20777~~

collect the applicable fee levied by division (H) of this section 20778  
~~on behalf of the division of oil and gas resources management and~~ 20779  
forward the fee as follows: 20780

(1) For any fee collected on the first five hundred thousand 20781  
barrels of substance to be injected in the owner's well in a 20782  
calendar year, to the division of oil and gas resources 20783  
management; 20784

(2) For any fee collected after the first five hundred 20785  
thousand barrels in a calendar year, if the well where the 20786  
injection of the substance occurred is located entirely in an 20787  
incorporated area of the county in which the well is located, to 20788  
that county; 20789

(3) For any fee collected after the first five hundred 20790  
thousand barrels in a calendar year, if the well where the 20791  
injection of the substance occurred is located wholly or partially 20792  
in an unincorporated area of the county in which the well is 20793  
located: 20794

(a) Fifty per cent of the fee to that county; 20795

(b) Fifty per cent of the fee to the township where the 20796  
injection of the substance occurred. 20797

(J)(1) The chief shall transmit all money received under 20798  
division ~~(H)~~(I) of this section to the treasurer of state who 20799  
shall deposit the money in the state treasury to the credit of the 20800  
oil and gas well fund created in section 1509.02 of the Revised 20801  
Code. 20802

(2) The county or township shall transmit all money received 20803  
under division (I) of this section to the county or township's 20804  
general fund, as applicable. 20805

(K) The owner of an injection well who collects the fee 20806  
~~levied by~~ pursuant to division (I) of this ~~division~~ section may 20807

retain up to three per cent of the amount that is collected. 20808

~~(4)~~(L) The chief shall adopt rules in accordance with Chapter 20809  
119. of the Revised Code establishing requirements and procedures 20810  
for collection of the fee ~~levied by~~ pursuant to division ~~(H)~~(I) of 20811  
this section. 20812

**Sec. 1521.01.** As used in this chapter: 20813

(A) "Consumptive use" means a use of water resources, other 20814  
than a diversion, that results in a loss of that water to the 20815  
basin from which it is withdrawn and includes, but is not limited 20816  
to, evaporation, evapotranspiration, and incorporation of water 20817  
into a product or agricultural crop. 20818

(B) "Diversion" means a withdrawal of water resources from 20819  
either the Lake Erie or Ohio river drainage basin and transfer to 20820  
another basin without return. "Diversion" does not include 20821  
evaporative loss within the basin of withdrawal. 20822

(C) "Other great lakes states and provinces" means states 20823  
other than this state that are parties to the great lakes basin 20824  
compact under Chapter 6161. of the Revised Code and the Canadian 20825  
provinces of Ontario and Quebec. 20826

(D) "Water resources" means any waters of the state that are 20827  
available or may be made available to agricultural, industrial, 20828  
commercial, and domestic users. 20829

(E) "Waters of the state" includes all streams, lakes, ponds, 20830  
marshes, watercourses, waterways, wells, springs, irrigation 20831  
systems, drainage systems, and other bodies or accumulations of 20832  
water, surface and underground, natural or artificial, regardless 20833  
of the depth of the strata in which underground water is located, 20834  
that are situated wholly or partly within or bordering upon this 20835  
state or are within its jurisdiction. 20836

(F) "Well" means any excavation, regardless of design or 20837

method of construction, created for any of the following purposes: 20838

(1) Removing ground water from or recharging water into an 20839  
aquifer, excluding subsurface drainage systems installed to 20840  
enhance agricultural crop production or urban or suburban 20841  
landscape management or to control seepage in dams and levees; 20842

(2) Determining the quantity, quality, level, or movement of 20843  
ground water in or the stratigraphy of an aquifer, excluding 20844  
borings for instrumentation in dams, levees, or highway 20845  
embankments; 20846

(3) Removing or exchanging heat from ground water, excluding 20847  
horizontal trenches that are installed for water source heat pump 20848  
systems. 20849

(G) "Aquifer" means a consolidated or unconsolidated geologic 20850  
formation or series of formations that are hydraulically 20851  
interconnected and that have the ability to receive, store, or 20852  
transmit water. 20853

(H) "Ground water" means all water occurring in an aquifer. 20854

(I) "Ground water stress area" means a definable geographic 20855  
area in which ground water quantity is being affected by human 20856  
activity or natural forces to the extent that continuous 20857  
availability of supply is jeopardized by withdrawals. 20858

(J) "Person" has the same meaning as in section 1.59 of the 20859  
Revised Code and also includes the United States, the state, any 20860  
political subdivision of the state, and any department, division, 20861  
board, commission, agency, or instrumentality of the United 20862  
States, the state, or a political subdivision of the state. 20863

(K) "State agency" or "agency of the state" has the same 20864  
meaning as "agency" in section 111.15 of the Revised Code, except 20865  
that "state agency" or "agency of the state" includes a state 20866  
college or university, a community college district, a technical 20867

<u>college district, or state community college.</u>	20868
(L) "Cone of depression" means a depression or low point in the water table or potentiometric surface of a body of ground water that develops around a location from which ground water is being withdrawn.	20869 20870 20871 20872
(M) "Facility" has the same meaning as in section 1522.10 of the Revised Code.	20873 20874
(N) "Hydrologic study area" means the area within a four-mile radius from the boundary of the withdrawal area.	20875 20876
(O) "Well field" means a contiguous land area containing two or more wells that provide water to a facility.	20877 20878
(P) "Withdrawal area" means the proposed well or well field location or locations.	20879 20880
(Q) "Development" means any artificial change to improved or unimproved real estate, including the construction of buildings and other structures, any substantial improvement of a structure, mining, dredging, filling, grading, paving, excavating, and drilling operations, and storage of equipment or materials.	20881 20882 20883 20884 20885
(R) "Floodplain" means the area adjoining any river, stream, watercourse, or lake that has been or may be covered by flood water.	20886 20887 20888
(S) "Floodplain management" means the implementation of an overall program of corrective and preventive measures for reducing flood damage, including the collection and dissemination of flood information, construction of flood control works, nonstructural flood damage reduction techniques, and adoption of rules, ordinances, or resolutions governing development in floodplains.	20889 20890 20891 20892 20893 20894
(T) "One-hundred-year flood" means a flood having a one per cent chance of being equaled or exceeded in any given year.	20895 20896
(U) "One-hundred-year floodplain" means that portion of a	20897

floodplain inundated by a one-hundred-year flood. 20898

(V) "Structure" means a walled and roofed building, 20899  
including, without limitation, gas or liquid storage tanks and 20900  
manufactured homes. 20901

(W) "Substantial improvement" means any reconstruction, 20902  
rehabilitation, addition, or other improvement of a structure, the 20903  
cost of which equals or exceeds fifty per cent of the market value 20904  
of the structure before the start of construction of the 20905  
improvement. "Substantial improvement" includes repairs to 20906  
structures that have incurred substantial damage regardless of the 20907  
actual repair work performed. "Substantial improvement" does not 20908  
include either of the following: 20909

(1) Any project for the improvement of a structure to correct 20910  
existing violations of state or local health, sanitary, or safety 20911  
code specifications that have been identified by the state or 20912  
local code enforcement official having jurisdiction and that are 20913  
the minimum necessary to ensure safe living conditions; 20914

(2) Any alteration of an historic structure designated or 20915  
listed pursuant to federal or state law, provided that the 20916  
alteration will not preclude the structure's continued listing or 20917  
designation as an historic structure. 20918

(X) "Substantial damage" means damage of any origin that is 20919  
sustained by a structure if the cost of restoring the structure to 20920  
its condition prior to the damage would equal or exceed fifty per 20921  
cent of the market value of the structure before the damage 20922  
occurred. 20923

(Y) "National flood insurance program" means the national 20924  
flood insurance program established in the "National Flood 20925  
Insurance Act of 1968," 82 Stat. 572, 42 U.S.C. 4001, as amended, 20926  
and regulations adopted under it. 20927

(Z) "Conservancy district" means a conservancy district 20928

established under Chapter 6101. of the Revised Code. 20929

**Sec. 1531.01.** As used in this chapter and Chapter 1533. of 20930  
the Revised Code: 20931

(A) "Person" means a person as defined in section 1.59 of the 20932  
Revised Code or a company; an employee, agent, or officer of such 20933  
a person or company; a combination of individuals; the state; a 20934  
political subdivision of the state; an interstate body created by 20935  
a compact; or the federal government or a department, agency, or 20936  
instrumentality of it. 20937

(B) "Resident" means ~~any~~ either of the following: 20938

(1) An individual who has resided in this state for not less 20939  
than six months preceding the date of making application for a 20940  
license or permit; 20941

(2) An individual who is a full-time student enrolled in an 20942  
accredited Ohio public or private college or university and who 20943  
resides in this state at the time the individual makes application 20944  
for a license or permit and who attests to the individual's 20945  
full-time student status in a manner determined by the chief of 20946  
the division of wildlife. 20947

(C) "Nonresident" means any individual who does not qualify 20948  
as a resident. 20949

(D) "Division rule" or "rule" means any rule adopted by the 20950  
chief of the division of wildlife under section 1531.10 of the 20951  
Revised Code unless the context indicates otherwise. 20952

(E) "Closed season" means that period of time during which 20953  
the taking of wild animals protected by this chapter and Chapter 20954  
1533. of the Revised Code is prohibited. 20955

(F) "Open season" means that period of time during which the 20956  
taking of wild animals protected by this chapter and Chapter 1533. 20957  
of the Revised Code is permitted. 20958

(G) "Take or taking" includes pursuing, shooting, hunting, 20959  
killing, trapping, angling, fishing with a trotline, or netting 20960  
any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, 20961  
wild bird, or wild quadruped, and any lesser act, such as 20962  
wounding, or placing, setting, drawing, or using any other device 20963  
for killing or capturing any wild animal, whether it results in 20964  
killing or capturing the animal or not. "Take or taking" includes 20965  
every attempt to kill or capture and every act of assistance to 20966  
any other person in killing or capturing or attempting to kill or 20967  
capture a wild animal. 20968

(H) "Possession" means both actual and constructive 20969  
possession and any control of things referred to. 20970

(I) "Bag limit" means the number, measurement, or weight of 20971  
any kind of crayfish, aquatic insects, fish, frogs, turtles, wild 20972  
birds, and wild quadrupeds permitted to be taken. 20973

(J) "Transport and transportation" means carrying or moving 20974  
or causing to be carried or moved. 20975

(K) "Sell and sale" means barter, exchange, or offer or 20976  
expose for sale. 20977

(L) "Whole to include part" means that every provision 20978  
relating to any wild animal protected by this chapter and Chapter 20979  
1533. of the Revised Code applies to any part of the wild animal 20980  
with the same effect as it applies to the whole. 20981

(M) "Angling" means fishing with not more than two hand 20982  
lines, not more than two units of rod and line, or a combination 20983  
of not more than one hand line and one rod and line, either in 20984  
hand or under control at any time while fishing. The hand line or 20985  
rod and line shall have attached to it not more than three baited 20986  
hooks, not more than three artificial fly rod lures, or one 20987  
artificial bait casting lure equipped with not more than three 20988  
sets of three hooks each. 20989

(N) "Trotline" means a device for catching fish that consists of a line having suspended from it, at frequent intervals, vertical lines with hooks attached.	20990 20991 20992
(O) "Fish" means a cold-blooded vertebrate having fins.	20993
(P) "Measurement of fish" means length from the end of the nose to the longest tip or end of the tail.	20994 20995
(Q) "Wild birds" includes game birds and nongame birds.	20996
(R) "Game" includes game birds, game quadrupeds, and fur-bearing animals.	20997 20998
(S) "Game birds" includes mourning doves, ringneck pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated grouse, wild turkey, Hungarian partridge, Chukar partridge, woodcocks, black-breasted plover, golden plover, Wilson's snipe or jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, duck, geese, brant, and crows.	20999 21000 21001 21002 21003 21004
(T) "Nongame birds" includes all other wild birds not included and defined as game birds or migratory game birds.	21005 21006
(U) "Wild quadrupeds" includes game quadrupeds and fur-bearing animals.	21007 21008
(V) "Game quadrupeds" includes cottontail rabbits, gray squirrels, black squirrels, fox squirrels, red squirrels, flying squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, wild boar, elk, and black bears.	21009 21010 21011 21012
(W) "Fur-bearing animals" includes minks, weasels, raccoons, skunks, opossums, muskrats, fox, beavers, badgers, otters, coyotes, and bobcats.	21013 21014 21015
(X) "Wild animals" includes mollusks, crustaceans, aquatic insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, and all other wild mammals, but does not include domestic deer.	21016 21017 21018
(Y) "Hunting" means pursuing, shooting, killing, following	21019

after or on the trail of, lying in wait for, shooting at, or 21020  
wounding wild birds or wild quadrupeds while employing any device 21021  
commonly used to kill or wound wild birds or wild quadrupeds 21022  
whether or not the acts result in killing or wounding. "Hunting" 21023  
includes every attempt to kill or wound and every act of 21024  
assistance to any other person in killing or wounding or 21025  
attempting to kill or wound wild birds or wild quadrupeds. 21026

(Z) "Trapping" means securing or attempting to secure 21027  
possession of a wild bird or wild quadruped by means of setting, 21028  
placing, drawing, or using any device that is designed to close 21029  
upon, hold fast, confine, or otherwise capture a wild bird or wild 21030  
quadruped whether or not the means results in capture. "Trapping" 21031  
includes every act of assistance to any other person in capturing 21032  
wild birds or wild quadrupeds by means of the device whether or 21033  
not the means results in capture. 21034

(AA) "Muskrat spear" means any device used in spearing 21035  
muskrats. 21036

(BB) "Channels and passages" means those narrow bodies of 21037  
water lying between islands or between an island and the mainland 21038  
in Lake Erie. 21039

(CC) "Island" means a rock or land elevation above the waters 21040  
of Lake Erie having an area of five or more acres above water. 21041

(DD) "Reef" means an elevation of rock, either broken or in 21042  
place, or gravel shown by the latest United States chart to be 21043  
above the common level of the surrounding bottom of the lake, 21044  
other than the rock bottom, or in place forming the base or 21045  
foundation rock of an island or mainland and sloping from the 21046  
shore of it. "Reef" also means all elevations shown by that chart 21047  
to be above the common level of the sloping base or foundation 21048  
rock of an island or mainland, whether running from the shore of 21049  
an island or parallel with the contour of the shore of an island 21050

or in any other way and whether formed by rock, broken or in 21051  
place, or from gravel. 21052

(EE) "Fur farm" means any area used exclusively for raising 21053  
fur-bearing animals or in addition thereto used for hunting game, 21054  
the boundaries of which are plainly marked as such. 21055

(FF) "Waters" includes any lake, pond, reservoir, stream, 21056  
channel, lagoon, or other body of water, or any part thereof, 21057  
whether natural or artificial. 21058

(GG) "Crib" or "car" refers to that particular compartment of 21059  
the net from which the fish are taken when the net is lifted. 21060

(HH) "Commercial fish" means those species of fish permitted 21061  
to be taken, possessed, bought, or sold unless otherwise 21062  
restricted by the Revised Code or division rule and are alewife 21063  
(*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), bowfin 21064  
(*Amia calva*), burbot (*Lota lota*), carp (*Cyprinus carpio*), 21065  
smallmouth buffalo (*Ictiobus bubalus*), bigmouth buffalo (*Ictiobus* 21066  
*cyprinellus*), black bullhead (*Ictalurus melas*), yellow bullhead 21067  
(*Ictalurus natalis*), brown bullhead (*Ictalurus nebulosus*), channel 21068  
catfish (*Ictalurus punctatus*), flathead catfish (*Pylodictis* 21069  
*olivaris*), whitefish (*Coregonus* sp.), cisco (*Coregonus* sp.), 21070  
freshwater drum or sheepshead (*Aplodinotus grunniens*), gar 21071  
(*Lepisosteus* sp.), gizzard shad (*Dorosoma cepedianum*), goldfish 21072  
(*Carassius auratus*), lake trout (*Salvelinus namaycush*), mooneye 21073  
(*Hiodon tergisus*), quillback (*Carpiodes cyprinus*), smelt 21074  
(*Allosmerus elongatus*, *Hypomesus* sp., *Osmerus* sp., *Spirinchus* 21075  
sp.), sturgeon (*Acipenser* sp., *Scaphirhynchus* sp.), sucker other 21076  
than buffalo and quillback (*Carpiodes* sp., *Catostomus* sp., 21077  
*Hypentelium* sp., *Minytrema* sp., *Moxostoma* sp.), white bass (*Morone* 21078  
*chrysops*), white perch (*Roccus americanus*), and yellow perch 21079  
(*Perca flavescens*). When the common name of a fish is used in this 21080  
chapter or Chapter 1533. of the Revised Code, it refers to the 21081  
fish designated by the scientific name in this definition. 21082

(II) "Fishing" means taking or attempting to take fish by any method, and all other acts such as placing, setting, drawing, or using any device commonly used to take fish whether resulting in a taking or not.

(JJ) "Fillet" means the pieces of flesh taken or cut from both sides of a fish, joined to form one piece of flesh.

(KK) "Part fillet" means a piece of flesh taken or cut from one side of a fish.

(LL) "Round" when used in describing fish means with head and tail intact.

(MM) "Migrate" means the transit or movement of fish to or from one place to another as a result of natural forces or instinct and includes, but is not limited to, movement of fish induced or caused by changes in the water flow.

(NN) "Spreader bar" means a brail or rigid bar placed across the entire width of the back, at the top and bottom of the cars in all trap, crib, and fyke nets for the purpose of keeping the meshes hanging squarely while the nets are fishing.

(OO) "Fishing guide" means any person who, for consideration or hire, operates a boat, rents, leases, or otherwise furnishes angling devices, ice fishing shanties or shelters of any kind, or other fishing equipment, and accompanies, guides, directs, or assists any other person in order for the other person to engage in fishing.

(PP) "Net" means fishing devices with meshes composed of twine or synthetic material and includes, but is not limited to, trap nets, fyke nets, crib nets, carp aprons, dip nets, and seines, except minnow seines and minnow dip nets.

(QQ) "Commercial fishing gear" means seines, trap nets, fyke nets, dip nets, carp aprons, trotlines, other similar gear, and

any boat used in conjunction with that gear, but does not include 21113  
gill nets. 21114

(RR) "Native wildlife" means any species of the animal 21115  
kingdom indigenous to this state. 21116

(SS) "Gill net" means a single section of fabric or netting 21117  
seamed to a float line at the top and a lead line at the bottom, 21118  
which is designed to entangle fish in the net openings as they 21119  
swim into it. 21120

(TT) "Tag fishing tournament" means a contest in which a 21121  
participant pays a fee, or gives other valuable consideration, for 21122  
a chance to win a prize by virtue of catching a tagged or 21123  
otherwise specifically marked fish within a limited period of 21124  
time. 21125

(UU) "Tenant" means an individual who resides on land for 21126  
which the individual pays rent and whose annual income is 21127  
primarily derived from agricultural production conducted on that 21128  
land, as "agricultural production" is defined in section 929.01 of 21129  
the Revised Code. 21130

(VV) "Nonnative wildlife" means any wild animal not 21131  
indigenous to this state, but does not include domestic deer. 21132

(WW) "Reptiles" includes common musk turtle (*sternotherus* 21133  
*odoratus*), common snapping turtle (*Chelydra serpentina* 21134  
*serpentina*), spotted turtle (*Clemmys guttata*), eastern box turtle 21135  
(*Terrapene carolina carolina*), Blanding's turtle (*Emydoidea* 21136  
*blandingii*), common map turtle (*Graptemys geographica*), ouachita 21137  
map turtle (*Graptemys pseudogeographica ouachitensis*), midland 21138  
painted turtle (*Chrysemys picta marginata*), red-eared slider 21139  
(*Trachemys scripta elegans*), eastern spiny softshell turtle 21140  
(*Apalone spinifera spinifera*), midland smooth softshell turtle 21141  
(*Apalone mutica mutica*), northern fence lizard (*Sceloporus* 21142  
*undulatus hyacinthinus*), ground skink (*Scincella lateralis*), 21143

five-lined skink ( <i>Eumeces fasciatus</i> ), broadhead skink ( <i>Eumeces</i>	21144
<i>laticeps</i> ), northern coal skink ( <i>Eumeces anthracinus anthracinus</i> ),	21145
European wall lizard ( <i>Podarcis muralis</i> ), queen snake ( <i>Regina</i>	21146
<i>septemvittata</i> ), Kirtland's snake ( <i>Clonophis kirtlandii</i> ), northern	21147
water snake ( <i>Nerodia sipedon sipedon</i> ), Lake Erie watersnake	21148
( <i>Nerodia sipedon insularum</i> ), copperbelly water snake ( <i>Nerodia</i>	21149
<i>erythrogaster neglecta</i> ), northern brown snake ( <i>Storeria dekayi</i>	21150
<i>dekayi</i> ), midland brown snake ( <i>Storeria dekayi wrightorum</i> ),	21151
northern redbelly snake ( <i>Storeria occipitomaculata</i>	21152
<i>occipitomaculata</i> ), eastern garter snake ( <i>Thamnophis sirtalis</i>	21153
<i>sirtalis</i> ), eastern plains garter snake ( <i>Thamnophis radix radix</i> ),	21154
Butler's garter snake ( <i>Thamnophis butleri</i> ), shorthead garter snake	21155
( <i>Thamnophis brachystoma</i> ), eastern ribbon snake ( <i>Thamnophis</i>	21156
<i>sauritus sauritus</i> ), northern ribbon snake ( <i>Thamnophis sauritus</i>	21157
<i>septentrionalis</i> ), eastern hognose snake ( <i>Heterodon platirhinos</i> ),	21158
eastern smooth earth snake ( <i>Virginia valeriae valeriae</i> ), northern	21159
ringneck snake ( <i>Diadophis punctatus edwardsii</i> ), midwest worm snake	21160
( <i>Carphophis amoenus helenae</i> ), eastern worm snake ( <i>Carphophis</i>	21161
<i>amoenus amoenus</i> ), black racer ( <i>Coluber constrictor constrictor</i> ),	21162
blue racer ( <i>Coluber constrictor foxii</i> ), rough green snake	21163
( <i>opheodrys aestivus</i> ), smooth green snake ( <i>opheodrys vernalis</i>	21164
<i>vernalis</i> ), black rat snake ( <i>Elaphe obsoleta obsoleta</i> ), eastern fox	21165
snake ( <i>Elaphe vulpina gloydi</i> ), black kingsnake ( <i>Lampropeltis</i>	21166
<i>getula nigra</i> ), eastern milk snake ( <i>Lampropeltis triangulum</i>	21167
<i>triangulum</i> ), northern copperhead ( <i>Agkistrodon contortrix mokasen</i> ),	21168
eastern massasauga ( <i>Sistrurus catenatus catenatus</i> ), and timber	21169
rattlesnake ( <i>Crotalus horridus horridus</i> ).	21170
(XX) "Amphibians" includes eastern hellbender ( <i>Cryptobranchus</i>	21171
<i>alleganiensis alleganiensis</i> ), mudpuppy ( <i>Necturus maculosus</i>	21172
<i>maculosus</i> ), red-spotted newt ( <i>Notophthalmus viridescens</i>	21173
<i>viridescens</i> ), Jefferson salamander ( <i>Ambystoma jeffersonianum</i> ),	21174
spotted salamander ( <i>Ambystoma maculatum</i> ), blue-spotted salamander	21175
( <i>Ambystoma laterale</i> ), smallmouth salamander ( <i>Ambystoma texanum</i> ),	21176

streamside salamander ( <i>Ambystoma barbouri</i> ), marbled salamander	21177
( <i>Ambystoma opacum</i> ), eastern tiger salamander ( <i>Ambystoma tigrinum</i>	21178
<i>tigrinum</i> ), northern dusky salamander ( <i>Desmognathus fuscus fuscus</i> ),	21179
mountain dusky salamander ( <i>Desmognathus ochrophaeus</i> ), redback	21180
salamander ( <i>Plethodon cinereus</i> ), ravine salamander ( <i>Plethodon</i>	21181
<i>richmondi</i> ), northern slimy salamander ( <i>Plethodon glutinosus</i> ),	21182
Wehrle's salamander ( <i>Plethodon wehrlei</i> ), four-toed salamander	21183
( <i>Hemidactylium scutatum</i> ), Kentucky spring salamander ( <i>Gyrinophilus</i>	21184
<i>porphyriticus duryi</i> ), northern spring salamander ( <i>Gyrinophilus</i>	21185
<i>porphyriticus porphyriticus</i> ), mud salamander ( <i>Pseudotriton</i>	21186
<i>montanus</i> ), northern red salamander ( <i>Pseudotriton ruber ruber</i> ),	21187
green salamander ( <i>Aneides aeneus</i> ), northern two-lined salamander	21188
( <i>Eurycea bislineata</i> ), longtail salamander ( <i>Eurycea longicauda</i>	21189
<i>longicauda</i> ), cave salamander ( <i>Eurycea lucifuga</i> ), southern	21190
two-lined salamander ( <i>Eurycea cirrigera</i> ), Fowler's toad ( <i>Bufo</i>	21191
<i>woodhousii fowleri</i> ), American toad ( <i>Bufo americanus</i> ), eastern	21192
spadefoot ( <i>Scaphiopus holbrookii</i> ), Blanchard's cricket frog ( <i>Acris</i>	21193
<i>crepitans blanchardi</i> ), northern spring peeper ( <i>Pseudacris crucifer</i>	21194
<i>crucifer</i> ), gray treefrog ( <i>Hyla versicolor</i> ), Cope's gray treefrog	21195
( <i>Hyla chrysoscelis</i> ), western chorus frog ( <i>Pseudacris triseriata</i>	21196
<i>triseriata</i> ), mountain chorus frog ( <i>Pseudacris brachyphona</i> ),	21197
bullfrog ( <i>Rana catesbeiana</i> ), green frog ( <i>Rana clamitans melanota</i> ),	21198
northern leopard frog ( <i>Rana pipiens</i> ), pickerel frog ( <i>Rana</i>	21199
<i>palustris</i> ), southern leopard frog ( <i>Rana utricularia</i> ), and wood	21200
frog ( <i>Rana sylvatica</i> ).	21201
(YY) "Deer" means white-tailed deer ( <i>Odocoileus</i>	21202
<i>virginianus</i> ).	21203
(ZZ) "Domestic deer" means nonnative deer that have been	21204
legally acquired or their offspring and that are held in private	21205
ownership for primarily agricultural purposes.	21206
(AAA) "Migratory game bird" includes waterfowl ( <i>Anatidae</i> );	21207
doves ( <i>Columbidae</i> ); cranes ( <i>Gruidae</i> ); cormorants	21208

(Phalacrocoracidea); rails, coots, and gallinules (Rallidae); and 21209  
woodcock and snipe (Scolopacidae). 21210

(BBB) "Accompany" means to go along with another person while 21211  
staying within a distance from the person that enables 21212  
uninterrupted, unaided visual and auditory communication. 21213

(CCC) "All-purpose vehicle" means any vehicle that is 21214  
designed primarily for cross-country travel on land, water, or 21215  
land and water and that is steered by wheels, caterpillar treads, 21216  
or a combination of wheels and caterpillar treads and includes 21217  
vehicles that operate on a cushion of air, vehicles commonly known 21218  
as all-terrain vehicles, all-season vehicles, mini-bikes, and 21219  
trail bikes. 21220

(DDD) "Wholly enclosed preserve" means an area of land that 21221  
is surrounded by a fence that is at least six feet in height, 21222  
unless otherwise specified in division rule, and is constructed of 21223  
a woven wire mesh, or another enclosure that the division of 21224  
wildlife may approve, where game birds, game quadrupeds, reptiles, 21225  
amphibians, or fur-bearing animals are raised and may be sold 21226  
under the authority of a commercial propagating license or captive 21227  
white-tailed deer propagation license obtained under section 21228  
1533.71 of the Revised Code. 21229

(EEE) "Commercial bird shooting preserve" means an area of 21230  
land where game birds are released and hunted by shooting as 21231  
authorized by a commercial bird shooting preserve license obtained 21232  
under section 1533.72 of the Revised Code. 21233

(FFF) "Wild animal hunting preserve" means an area of land 21234  
where game, captive white-tailed deer, and nonnative wildlife, 21235  
other than game birds, are released and hunted as authorized by a 21236  
wild animal hunting preserve license obtained under section 21237  
1533.721 of the Revised Code. 21238

(GGG) "Captive white-tailed deer" means legally acquired deer 21239

that are held in private ownership at a facility licensed under 21240  
section 943.03 or 943.031 of the Revised Code and under section 21241  
1533.71 or 1533.721 of the Revised Code. 21242

**Sec. 1545.21.** (A) The board of park commissioners, by 21243  
resolution, may submit to the electors of the park district the 21244  
question of levying taxes for the use of the district. The 21245  
resolution shall declare the necessity of levying such taxes, 21246  
shall specify the purpose for which such taxes shall be used, the 21247  
annual rate proposed, and the number of consecutive years the rate 21248  
shall be levied. Such resolution shall be forthwith certified to 21249  
the board of elections in each county in which any part of such 21250  
district is located, not later than the ninetieth day before the 21251  
day of the election, and the question of the levy of taxes as 21252  
provided in such resolution shall be submitted to the electors of 21253  
the district at a special election to be held on whichever of the 21254  
following occurs first: 21255

~~(A)(1)~~ The day of the next general election; 21256

~~(B)(2)~~ The first Tuesday after the first Monday in May in any 21257  
calendar year, except that if a presidential primary election is 21258  
held in that calendar year, then the day of that election. 21259

The A resolution to renew, renew and increase, or renew and 21260  
decrease an existing levy shall not be placed on the ballot unless 21261  
the question is submitted at the general election held during the 21262  
last year the tax to be renewed may be extended on the tax list, 21263  
or at any election described in division (A)(1) or (2) of this 21264  
section in the ensuing year. Such a resolution may specify that 21265  
the renewal, increase, or decrease of the existing levy shall be 21266  
extended on the tax list for the tax year specified in the 21267  
resolution, which may be the last year the existing levy may be 21268  
extended on the list for the ensuing year. If the renewal, 21269  
increase, or decrease is to be extended on the tax list for the 21270

last tax year the existing levy would otherwise be extended, the 21271  
existing levy shall not be extended on the tax list for that last 21272  
year unless the question of the renewal, increase, or decrease is 21273  
not approved by a majority of electors voting on the question, in 21274  
which case the existing levy shall be extended on the tax list for 21275  
that last year. 21276

Except as otherwise prescribed in division (B) of this 21277  
section, the ballot shall set forth the purpose for which the 21278  
taxes shall be levied, the levy's estimated annual collections, 21279  
the annual rate of levy, expressed in mills for each dollar of 21280  
taxable value and in dollars for each one hundred thousand dollars 21281  
of the county auditor's appraised value, and the number of years 21282  
of such levy. If the tax is to be placed on the current tax list, 21283  
the form of the ballot shall state that the tax will be levied in 21284  
the current tax year and shall indicate the first calendar year 21285  
the tax will be due. 21286

(B)(1) If the resolution of the board of park commissioners 21287  
provides that an existing levy will be renewed, increased, or 21288  
decreased upon the passage of the ballot question, the form of the 21289  
ballot shall be the same as prescribed for such levies in 21290  
divisions (B) and (C) of section 5705.25 of the Revised Code. 21291

(2) If the resolution of the board of park commissioners 21292  
provides that an existing levy will be canceled upon the passage 21293  
of the new levy, the board shall request that the county auditor, 21294  
in addition to the information the auditor is required to certify 21295  
under section 5705.03 of the Revised Code, certify the estimated 21296  
effective rate of the existing levy. In such an instance, the 21297  
ballot must include a statement that: "an existing levy of \_\_\_ 21298  
mills (stating the original levy millage) for each \$1 of taxable 21299  
value, which amounts to \$\_\_\_ (estimated effective rate) for each 21300  
\$100,000 of the county auditor's appraised value, having \_\_\_ years 21301  
remaining, will be canceled and replaced upon the passage of this 21302

levy." In such case, the ballot may refer to the new levy as a 21303  
"replacement levy" if the new millage does not exceed the original 21304  
millage of the levy being canceled or as a "replacement and 21305  
additional levy" if the new millage exceeds the original millage 21306  
of the levy being canceled. No such replacement levy shall be 21307  
submitted to electors at an election held on or after January 1, 21308  
2025. ~~¶~~ 21309

(C) If a majority of the electors voting upon the question of 21310  
such levy vote in favor thereof, such taxes shall be levied and 21311  
shall be in addition to the taxes authorized by section 1545.20 of 21312  
the Revised Code, and all other taxes authorized by law. The rate 21313  
submitted to the electors at any one time shall not exceed two 21314  
mills annually upon each dollar of taxable value unless the 21315  
purpose of the levy includes providing operating revenues for one 21316  
of Ohio's major metropolitan zoos, as defined in section 4503.74 21317  
of the Revised Code, in which case the rate shall not exceed three 21318  
mills annually upon each dollar of taxable value. When a tax levy 21319  
has been authorized as provided in this section or in section 21320  
1545.041 of the Revised Code, the board of park commissioners may 21321  
issue bonds pursuant to section 133.24 of the Revised Code in 21322  
anticipation of the collection of such levy, provided that such 21323  
bonds shall be issued only for the purpose of acquiring and 21324  
improving lands. Such levy, when collected, shall be applied in 21325  
payment of the bonds so issued and the interest thereon. The 21326  
amount of bonds so issued and outstanding at any time shall not 21327  
exceed one per cent of the total taxable value in such district. 21328  
Such bonds shall bear interest at a rate not to exceed the rate 21329  
determined as provided in section 9.95 of the Revised Code. 21330

(D) As used in this section, "the county auditor's appraised 21331  
value" and "estimated effective rate" have the same meanings as in 21332  
section 5705.01 of the Revised Code. 21333

Sec. 1546.24. There is hereby created in the state treasury 21334  
the parks and watercraft federal grants fund. The fund shall 21335  
consist of federal funds received by the department of natural 21336  
resources for purposes of this section and any other money 21337  
credited to the fund. The chief of the division of parks and 21338  
watercraft shall use money in the fund for parks and watercraft 21339  
projects approved by the director of natural resources. 21340

**Sec. 1547.25.** (A) No person shall operate or permit to be 21341  
operated any vessel, other than a vessel exempted by rules, on the 21342  
waters in this state: 21343

(1) That is sixteen feet or greater in length without 21344  
carrying aboard one wearable personal flotation device for each 21345  
person aboard and one throwable personal flotation device; 21346

(2) That is less than sixteen feet in length, including 21347  
paddlecraft of any length, without carrying aboard one wearable 21348  
personal flotation device for each person aboard. 21349

(B) No person shall operate or permit to be operated any 21350  
commercial vessel on the waters in this state: 21351

(1) That is less than forty feet in length and is not 21352  
carrying persons for hire without carrying aboard at least one 21353  
wearable personal flotation device for each person aboard; 21354

(2) That is carrying persons for hire or is forty feet in 21355  
length or longer and is not carrying persons for hire without 21356  
carrying aboard at least one wearable personal flotation device 21357  
for each person aboard that complies with all of the following: 21358

(a) It is designed to support the person wearing the wearable 21359  
personal flotation device in the water in an upright or slightly 21360  
backward position and provides support to the head so that the 21361  
face of an unconscious or exhausted person is held above the 21362  
water. 21363

(b) It is capable of turning the person wearing the wearable personal flotation device, upon entering the water, to a safe flotation position. 21364  
21365  
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(c) It is capable of being worn inside out. 21367

(d) It is capable of supporting a minimum of twenty-two pounds in fresh water for forty-eight hours. 21368  
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(e) It is a highly visible color. 21370

(3) That is twenty-six feet in length or longer without carrying aboard at least one throwable personal flotation device in addition to the applicable requirements of divisions (B)(1) and (2) of this section. 21371  
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(C) Each personal flotation device carried aboard a vessel, including a commercial vessel, pursuant to this section shall be coast guard approved and in good and serviceable condition, of appropriate size for the wearer, readily accessible to each person aboard the vessel at all times, and used in accordance with any requirements on its approval label or in accordance with requirements in its owner's manual if the approval label refers to such a manual. 21375  
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(D) A personal flotation device shall not be used in a manner that is inconsistent with any limitations or restrictions related to federal approval under 46 C.F.R. 160 or special instructions for use provided by the manufacturer. Appropriate use shall be indicated on the label of an approved personal flotation device with one or more of the following designations: 21383  
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~~(1) Conditional approval;~~ 21389

~~(2) Performance type;~~ 21390

~~(3) Type one personal flotation device;~~ 21391

~~(4) Type two personal flotation device;~~ 21392

~~(5) Type three personal flotation device;~~ 21393

- ~~(6) Type four personal flotation device;~~ 21394
- ~~(7) Type five personal flotation device;~~ 21395
- ~~(8) Throwable personal flotation device;~~ 21396
- ~~(9) Wearable personal flotation device.~~ 21397

(E) As used in this section, "commercial vessel" means any 21398  
vessel used in the carriage of any person or property for a 21399  
valuable consideration whether flowing directly or indirectly from 21400  
the owner, partner, or agent or any other person interested in the 21401  
vessel. "Commercial vessel" does not include any vessel that is 21402  
manufactured or used primarily for noncommercial use or that is 21403  
leased, rented, or chartered to another for noncommercial use. 21404

**Sec. 1547.27.** (A) Except those powercraft ~~propelled by an~~ 21405  
~~electric motor and those~~ less than twenty-six feet in length 21406  
designed for use with an outboard motor, of open construction that 21407  
is not capable of entrapping explosive or flammable gases or 21408  
vapors, and not carrying passengers for hire, all powercraft shall 21409  
carry fire extinguishers as prescribed in this section. The fire 21410  
extinguishers shall be capable of extinguishing a burning gasoline 21411  
fire, shall be ~~so placed as to be readily accessible and~~ in such 21412  
condition as to be ready for immediate and effective use, and 21413  
shall comply with minimum or higher standards for such 21414  
extinguishers then prevailing as prescribed by the United States 21415  
coast guard. 21416

(B) ~~Class~~ Except for vessels subject to exemptions listed in 21417  
33 C.F.R. 175.380 or 175.390, any vessel not equipped with fixed 21418  
fire extinguishing systems in machinery spaces shall carry the 21419  
following: 21420

(1) Class A and class 1 powercraft shall carry at least one 21421  
~~B-1~~ 5-B portable fire extinguisher. 21422

(2) Class 2 powercraft shall carry at least two ~~B-1~~ 5-B 21423

portable fire extinguishers or at least one ~~B-2~~ 20-B portable fire 21424  
extinguisher. 21425

(3) Class 3 powercraft shall carry at least three ~~B-1~~ 5-B 21426  
portable fire extinguishers, or at least one ~~B-1~~ 5-B portable and 21427  
one ~~B-2~~ 20-B portable fire extinguishers. 21428

(4) Class 4 powercraft shall carry the number and type of 21429  
20-B portable fire extinguishers specified by gross tonnage as 21430  
prescribed by 33 C.F.R. 175, subpart E. 21431

~~A B-1 fire extinguisher is one containing a minimum of one~~ 21432  
~~and one fourth gallons foam, four pounds carbon dioxide, two~~ 21433  
~~pounds dry chemical, two and one half pounds halon, or another~~ 21434  
~~extinguishing material approved by the United States coast guard,~~ 21435  
~~in a quantity approved by the United States coast guard, for such~~ 21436  
~~use. A B-2 fire extinguisher is one containing a minimum of two~~ 21437  
~~and one half gallons foam, fifteen pounds carbon dioxide, ten~~ 21438  
~~pounds dry chemical, ten pounds halon, or another extinguishing~~ 21439  
~~material approved by the United States coast guard, in a quantity~~ 21440  
~~approved by the United States coast guard, for such use.~~ 21441

(C) All portable and semi-portable fire extinguishers for use 21442  
on a vessel shall: 21443

(1) Be on board the vessel and be readily accessible; 21444

(2) Be of an approved type; 21445

(3) Not be expired or appear to have been previously used; 21446

(4) Be maintained in good and serviceable working condition. 21447

As used in division (C)(4) of this section, "good and serviceable 21448  
working condition" means all of the following: 21449

(a) If the fire extinguisher has a pressure gauge or 21450  
indicator, the reading or indicator is in the operable range or 21451  
position; 21452

(b) The fire extinguisher's lock pin is firmly in place; 21453

(c) The fire extinguisher's discharge nozzle is clean and 21454  
free of obstruction; 21455

(d) The fire extinguisher does not show visible signs of 21456  
significant corrosion or damage. 21457

(D) No person shall operate or permit to be operated on the 21458  
waters in this state any powercraft that does not comply with this 21459  
section. 21460

**Sec. 1548.03.** No person, except as provided in section 21461  
1548.05 of the Revised Code, shall sell or otherwise dispose of a 21462  
watercraft or outboard motor without delivering to the purchaser 21463  
or transferee a physical certificate of title with an assignment 21464  
on it as is necessary to show title in the purchaser or 21465  
transferee; nor shall any person purchase or otherwise acquire a 21466  
watercraft or outboard motor without obtaining a certificate of 21467  
title for it in the person's name in accordance with this chapter; 21468  
however, a purchaser may take possession of and operate a 21469  
watercraft or outboard motor on the waters in this state without a 21470  
certificate of title for a period not exceeding ~~thirty~~ sixty days 21471  
if the purchaser has been issued and has in the purchaser's 21472  
possession a dealer's dated bill of sale or, in the case of a 21473  
casual sale, a notarized bill of sale. 21474

**Sec. 1707.01.** As used in this chapter: 21475

(A) Whenever the context requires it, "division" or "division 21476  
of securities" may be read as "director of commerce" or as 21477  
"commissioner of securities." 21478

(B) "Security" means any certificate or instrument, or any 21479  
oral, written, or electronic agreement, understanding, or 21480  
opportunity, that represents title to or interest in, or is 21481  
secured by any lien or charge upon, the capital, assets, profits, 21482  
property, or credit of any person or of any public or governmental 21483

body, subdivision, or agency. It includes shares of stock, 21484  
certificates for shares of stock, an uncertificated security, 21485  
membership interests in limited liability companies, voting-trust 21486  
certificates, warrants and options to purchase securities, 21487  
subscription rights, interim receipts, interim certificates, 21488  
promissory notes, all forms of commercial paper, evidences of 21489  
indebtedness, bonds, debentures, land trust certificates, fee 21490  
certificates, leasehold certificates, syndicate certificates, 21491  
endowment certificates, interests in or under profit-sharing or 21492  
participation agreements, interests in or under oil, gas, or 21493  
mining leases, preorganization or reorganization subscriptions, 21494  
preorganization certificates, reorganization certificates, 21495  
interests in any trust or pretended trust, any investment 21496  
contract, any life settlement interest, any instrument evidencing 21497  
a promise or an agreement to pay money, warehouse receipts for 21498  
intoxicating liquor, and the currency of any government other than 21499  
those of the United States and Canada, but sections 1707.01 to 21500  
1707.50 of the Revised Code do not apply to the sale of real 21501  
estate. 21502

(C)(1) "Sale" has the full meaning of "sale" as applied by or 21503  
accepted in courts of law or equity, and includes every 21504  
disposition, or attempt to dispose, of a security or of an 21505  
interest in a security. "Sale" also includes a contract to sell, 21506  
an exchange, an attempt to sell, an option of sale, a solicitation 21507  
of a sale, a solicitation of an offer to buy, a subscription, or 21508  
an offer to sell, directly or indirectly, by agent, circular, 21509  
pamphlet, advertisement, or otherwise. 21510

(2) "Sell" means any act by which a sale is made. 21511

(3) The use of advertisements, circulars, or pamphlets in 21512  
connection with the sale of securities in this state exclusively 21513  
to the purchasers specified in division (D) of section 1707.03 of 21514  
the Revised Code is not a sale when the advertisements, circulars, 21515

and pamphlets describing and offering those securities bear a 21516  
readily legible legend in substance as follows: "This offer is 21517  
made on behalf of dealers licensed under sections 1707.01 to 21518  
1707.50 of the Revised Code, and is confined in this state 21519  
exclusively to institutional investors and licensed dealers." 21520

(4) The offering of securities by any person in conjunction 21521  
with a licensed dealer by use of advertisement, circular, or 21522  
pamphlet is not a sale if that person does not otherwise attempt 21523  
to sell securities in this state. 21524

(5) Any security given with, or as a bonus on account of, any 21525  
purchase of securities is conclusively presumed to constitute a 21526  
part of the subject of that purchase and has been "sold." 21527

(6) "Sale" by an owner, pledgee, or mortgagee, or by a person 21528  
acting in a representative capacity, includes sale on behalf of 21529  
such party by an agent, including a licensed dealer or 21530  
salesperson. 21531

(D) "Person," except as otherwise provided in this chapter, 21532  
means a natural person, firm, partnership, limited partnership, 21533  
partnership association, syndicate, joint-stock company, 21534  
unincorporated association, trust or trustee except where the 21535  
trust was created or the trustee designated by law or judicial 21536  
authority or by a will, and a corporation or limited liability 21537  
company organized under the laws of any state, any foreign 21538  
government, or any political subdivision of a state or foreign 21539  
government. 21540

(E)(1) "Dealer," except as otherwise provided in this 21541  
chapter, means every person, other than a salesperson, who engages 21542  
or professes to engage, in this state, for either all or part of 21543  
the person's time, directly or indirectly, either in the business 21544  
of the sale of securities for the person's own account, or in the 21545  
business of the purchase or sale of securities for the account of 21546

others in the reasonable expectation of receiving a commission, 21547  
fee, or other remuneration as a result of engaging in the purchase 21548  
and sale of securities. "Dealer" does not mean any of the 21549  
following: 21550

(a) Any issuer, including any officer, director, employee, or 21551  
trustee of, or member or manager of, or partner in, or any general 21552  
partner of, any issuer, that sells, offers for sale, or does any 21553  
act in furtherance of the sale of a security that represents an 21554  
economic interest in that issuer, provided no commission, fee, or 21555  
other similar remuneration is paid to or received by the issuer 21556  
for the sale; 21557

(b) Any licensed attorney, public accountant, or firm of such 21558  
attorneys or accountants, whose activities are incidental to the 21559  
practice of the attorney's, accountant's, or firm's profession; 21560

(c) Any person that, for the account of others, engages in 21561  
the purchase or sale of securities that are issued and outstanding 21562  
before such purchase and sale, if a majority or more of the equity 21563  
interest of an issuer is sold in that transaction, and if, in the 21564  
case of a corporation, the securities sold in that transaction 21565  
represent a majority or more of the voting power of the 21566  
corporation in the election of directors; 21567

(d) Any person that brings an issuer together with a 21568  
potential investor and whose compensation is not directly or 21569  
indirectly based on the sale of any securities by the issuer to 21570  
the investor; 21571

(e) Any bank; 21572

(f) Any person that the division of securities by rule 21573  
exempts from the definition of "dealer" under division (E)(1) of 21574  
this section. 21575

(2) "Licensed dealer" means a dealer licensed under this 21576  
chapter. 21577

(F)(1) "Salesman" or "salesperson" means every natural person, other than a dealer, who is employed, authorized, or appointed by a dealer to sell securities within this state.

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(2) The general partners of a partnership, and the executive officers of a corporation or unincorporated association, licensed as a dealer are not salespersons within the meaning of this definition, nor are clerical or other employees of an issuer or dealer that are employed for work to which the sale of securities is secondary and incidental; but the division of securities may require a license from any such partner, executive officer, or employee if it determines that protection of the public necessitates the licensing.

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(3) "Licensed salesperson" means a salesperson licensed under this chapter.

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(G) "Issuer" means every person who has issued, proposes to issue, or issues any security.

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(H) "Director" means each director or trustee of a corporation, each trustee of a trust, each general partner of a partnership, except a partnership association, each manager of a partnership association, and any person vested with managerial or directory power over an issuer not having a board of directors or trustees.

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(I) "Incorporator" means any incorporator of a corporation and any organizer of, or any person participating, other than in a representative or professional capacity, in the organization of an unincorporated issuer.

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(J) "Fraud," "fraudulent," "fraudulent acts," "fraudulent practices," or "fraudulent transactions" means anything recognized on or after July 22, 1929, as such in courts of law or equity; any device, scheme, or artifice to defraud or to obtain money or property by means of any false pretense, representation, or

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promise; any fictitious or pretended purchase or sale of 21609  
securities; and any act, practice, transaction, or course of 21610  
business relating to the purchase or sale of securities that is 21611  
fraudulent or that has operated or would operate as a fraud upon 21612  
the seller or purchaser. 21613

(K) Except as otherwise specifically provided, whenever any 21614  
classification or computation is based upon "par value," as 21615  
applied to securities without par value, the average of the 21616  
aggregate consideration received or to be received by the issuer 21617  
for each class of those securities shall be used as the basis for 21618  
that classification or computation. 21619

(L)(1) "Intangible property" means patents, copyrights, 21620  
secret processes, formulas, services, good will, promotion and 21621  
organization fees and expenses, trademarks, trade brands, trade 21622  
names, licenses, franchises, any other assets treated as 21623  
intangible according to generally accepted accounting principles, 21624  
and securities, accounts receivable, or contract rights having no 21625  
readily determinable value. 21626

(2) "Tangible property" means all property other than 21627  
intangible property and includes securities, accounts receivable, 21628  
and contract rights, when the securities, accounts receivable, or 21629  
contract rights have a readily determinable value. 21630

(M) "Public utilities" means those utilities defined in 21631  
sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised 21632  
Code; in the case of a foreign corporation, it means those 21633  
utilities defined as public utilities by the laws of its domicile; 21634  
and in the case of any other foreign issuer, it means those 21635  
utilities defined as public utilities by the laws of the situs of 21636  
its principal place of business. The term always includes 21637  
railroads whether or not they are so defined as public utilities. 21638

(N) "State" means any state of the United States, any 21639

territory or possession of the United States, the District of Columbia, and any province of Canada. 21640  
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(O) "Bank" means any bank, trust company, savings and loan association, savings bank, or credit union that is incorporated or organized under the laws of the United States, any state of the United States, Canada, or any province of Canada and that is subject to regulation or supervision by that country, state, or province. 21642  
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(P) "Include," when used in a definition, does not exclude other things or persons otherwise within the meaning of the term defined. 21648  
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(Q)(1) "Registration by description" means that the requirements of section 1707.08 of the Revised Code have been complied with. 21651  
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(2) "Registration by qualification" means that the requirements of sections 1707.09 and 1707.11 of the Revised Code have been complied with. 21654  
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(3) "Registration by coordination" means that there has been compliance with section 1707.091 of the Revised Code. ~~Reference in this chapter to registration by qualification also includes registration by coordination unless the context otherwise indicates~~ 21657  
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(4) Reference in this chapter to "registration by description" or "registration by qualification" does not include registration by coordination. 21662  
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(R) "Intoxicating liquor" includes all liquids and compounds that contain more than three and two-tenths per cent of alcohol by weight and are fit for use for beverage purposes. 21665  
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(S) "Institutional investor" means any of the following, whether acting for itself or for others in a fiduciary capacity: 21668  
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(1) A bank or international banking institution;	21670
(2) An insurance company;	21671
(3) A separate account of an insurance company;	21672
(4) An investment company as defined in the "Investment Company Act of 1940," 15 U.S.C. 80a-3;	21673 21674
(5) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended, or licensed by the division of securities as a dealer;	21675 21676 21677
(6) An employee pension, profit-sharing, or benefit plan if the plan has total assets in excess of ten million dollars or its investment decisions are made by a named fiduciary, as defined in the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, that is one of the following:	21678 21679 21680 21681 21682
(a) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended;	21683 21684
(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;	21685 21686 21687
(c) An investment adviser registered under this chapter, a bank, or an insurance company.	21688 21689
(7) A plan established and maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or a political subdivision of a state for the benefit of its employees, if the plan has total assets in excess of ten million dollars or its investment decisions are made by a duly designated public official or by a named fiduciary, as defined in the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, that is one of the following:	21690 21691 21692 21693 21694 21695 21696 21697
(a) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended;	21698 21699

(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;	21700 21701 21702
(c) An investment adviser registered under this chapter, a bank, or an insurance company.	21703 21704
(8) A trust, if it has total assets in excess of ten million dollars, its trustee is a bank, and its participants are exclusively plans of the types identified in division (S)(6) or (7) of this section, regardless of the size of their assets, except a trust that includes as participants self-directed individual retirement accounts or similar self-directed plans;	21705 21706 21707 21708 21709 21710
(9) An organization described in section 501(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 1, as amended, corporation, Massachusetts trust or similar business trust, limited liability company, or partnership, not formed for the specific purpose of acquiring the securities offered, with total assets in excess of ten million dollars;	21711 21712 21713 21714 21715 21716
(10) A small business investment company licensed by the small business administration under section 301(c) of the "Small Business Investment Act of 1958," 15 U.S.C. 681(c), with total assets in excess of ten million dollars;	21717 21718 21719 21720
(11) A private business development company as defined in section 202(a)(22) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(22), with total assets in excess of ten million dollars;	21721 21722 21723 21724
(12) A federal covered investment adviser acting for its own account;	21725 21726
(13) A "qualified institutional buyer" as defined in 17 C.F.R. 230.144A(a)(1), other than 17 C.F.R. 230.144A(a)(1)(H);	21727 21728
(14) A "major U.S. institutional investor" as defined in 17	21729

C.F.R. 240.15a-6(b)(4)(i);	21730
(15) Any other person, other than an individual, of	21731
institutional character with total assets in excess of ten million	21732
dollars not organized for the specific purpose of evading this	21733
chapter;	21734
(16) Any other person specified by rule adopted or order	21735
issued under this chapter.	21736
(T) A reference to a statute of the United States or to a	21737
rule, regulation, or form promulgated by the securities and	21738
exchange commission or by another federal agency means the	21739
statute, rule, regulation, or form as it exists at the time of the	21740
act, omission, event, or transaction to which it is applied under	21741
this chapter.	21742
(U) "Securities and exchange commission" means the securities	21743
and exchange commission established by the Securities Exchange Act	21744
of 1934.	21745
(V)(1) "Control bid" means the purchase of or offer to	21746
purchase any equity security of a subject company from a resident	21747
of this state if either of the following applies:	21748
(a) After the purchase of that security, the offeror would be	21749
directly or indirectly the beneficial owner of more than ten per	21750
cent of any class of the issued and outstanding equity securities	21751
of the issuer.	21752
(b) The offeror is the subject company, there is a pending	21753
control bid by a person other than the issuer, and the number of	21754
the issued and outstanding shares of the subject company would be	21755
reduced by more than ten per cent.	21756
(2) For purposes of division (V)(1) of this section, "control	21757
bid" does not include any of the following:	21758
(a) A bid made by a dealer for the dealer's own account in	21759

the ordinary course of business of buying and selling securities; 21760

(b) An offer to acquire any equity security solely in 21761  
exchange for any other security, or the acquisition of any equity 21762  
security pursuant to an offer, for the sole account of the 21763  
offeror, in good faith and not for the purpose of avoiding the 21764  
provisions of this chapter, and not involving any public offering 21765  
of the other security within the meaning of Section 4 of Title I 21766  
of the "Securities Act of 1933," 48 Stat. 77, 15 U.S.C.A. 77d(2), 21767  
as amended; 21768

(c) Any other offer to acquire any equity security, or the 21769  
acquisition of any equity security pursuant to an offer, for the 21770  
sole account of the offeror, from not more than fifty persons, in 21771  
good faith and not for the purpose of avoiding the provisions of 21772  
this chapter. 21773

(W) "Offeror" means a person who makes, or in any way 21774  
participates or aids in making, a control bid and includes persons 21775  
acting jointly or in concert, or who intend to exercise jointly or 21776  
in concert any voting rights attached to the securities for which 21777  
the control bid is made and also includes any subject company 21778  
making a control bid for its own securities. 21779

(X)(1) "Investment adviser" means any person who, for 21780  
compensation, engages in the business of advising others, either 21781  
directly or through publications or writings, as to the value of 21782  
securities or as to the advisability of investing in, purchasing, 21783  
or selling securities, or who, for compensation and as a part of 21784  
regular business, issues or promulgates analyses or reports 21785  
concerning securities. 21786

(2) "Investment adviser" does not mean any of the following: 21787

(a) Any attorney, accountant, engineer, or teacher, whose 21788  
performance of investment advisory services described in division 21789  
(X)(1) of this section is solely incidental to the practice of the 21790

attorney's, accountant's, engineer's, or teacher's profession;	21791
(b) A publisher of any bona fide newspaper, news magazine, or business or financial publication of general and regular circulation;	21792 21793 21794
(c) A person who acts solely as an investment adviser representative;	21795 21796
(d) A bank holding company, as defined in the "Bank Holding Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, that is not an investment company;	21797 21798 21799
(e) A bank, or any receiver, conservator, or other liquidating agent of a bank;	21800 21801
(f) Any licensed dealer or licensed salesperson whose performance of investment advisory services described in division (X)(1) of this section is solely incidental to the conduct of the dealer's or salesperson's business as a licensed dealer or licensed salesperson and who receives no special compensation for the services;	21802 21803 21804 21805 21806 21807
(g) Any person, the advice, analyses, or reports of which do not relate to securities other than securities that are direct obligations of, or obligations guaranteed as to principal or interest by, the United States, or securities issued or guaranteed by corporations in which the United States has a direct or indirect interest, and that have been designated by the secretary of the treasury as exempt securities as defined in the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 78c;	21808 21809 21810 21811 21812 21813 21814 21815
(h) Any person that is excluded from the definition of investment adviser pursuant to section 202(a)(11)(A) to (E) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11), or that has received an order from the securities and exchange commission under section 202(a)(11)(F) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11)(F), declaring that the person is not	21816 21817 21818 21819 21820 21821

within the intent of section 202(a)(11) of the Investment Advisers Act of 1940. 21822  
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(i) A person who acts solely as a state retirement system investment officer or as a bureau of workers' compensation chief investment officer; 21824  
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(j) Any other person that the division designates by rule, if the division finds that the designation is necessary or appropriate in the public interest or for the protection of investors or clients and consistent with the purposes fairly intended by the policy and provisions of this chapter. 21827  
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(Y)(1) "Subject company" means an issuer that satisfies both of the following: 21832  
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(a) Its principal place of business or its principal executive office is located in this state, or it owns or controls assets located within this state that have a fair market value of at least one million dollars. 21834  
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(b) More than ten per cent of its beneficial or record equity security holders are resident in this state, more than ten per cent of its equity securities are owned beneficially or of record by residents in this state, or more than one thousand of its beneficial or record equity security holders are resident in this state. 21838  
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(2) The division of securities may adopt rules to establish more specific application of the provisions set forth in division (Y)(1) of this section. Notwithstanding the provisions set forth in division (Y)(1) of this section and any rules adopted under this division, the division, by rule or in an adjudicatory proceeding, may make a determination that an issuer does not constitute a "subject company" under division (Y)(1) of this section if appropriate review of control bids involving the issuer is to be made by any regulatory authority of another jurisdiction. 21844  
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(Z) "Beneficial owner" includes any person who directly or 21853  
indirectly through any contract, arrangement, understanding, or 21854  
relationship has or shares, or otherwise has or shares, the power 21855  
to vote or direct the voting of a security or the power to dispose 21856  
of, or direct the disposition of, the security. "Beneficial 21857  
ownership" includes the right, exercisable within sixty days, to 21858  
acquire any security through the exercise of any option, warrant, 21859  
or right, the conversion of any convertible security, or 21860  
otherwise. Any security subject to any such option, warrant, 21861  
right, or conversion privilege held by any person shall be deemed 21862  
to be outstanding for the purpose of computing the percentage of 21863  
outstanding securities of the class owned by that person, but 21864  
shall not be deemed to be outstanding for the purpose of computing 21865  
the percentage of the class owned by any other person. A person 21866  
shall be deemed the beneficial owner of any security beneficially 21867  
owned by any relative or spouse or relative of the spouse residing 21868  
in the home of that person, any trust or estate in which that 21869  
person owns ten per cent or more of the total beneficial interest 21870  
or serves as trustee or executor, any corporation or entity in 21871  
which that person owns ten per cent or more of the equity, and any 21872  
affiliate or associate of that person. 21873

(AA) "Offeree" means the beneficial or record owner of any 21874  
security that an offeror acquires or offers to acquire in 21875  
connection with a control bid. 21876

(BB) "Equity security" means any share or similar security, 21877  
or any security convertible into any such security, or carrying 21878  
any warrant or right to subscribe to or purchase any such 21879  
security, or any such warrant or right, or any other security 21880  
that, for the protection of security holders, is treated as an 21881  
equity security pursuant to rules of the division of securities. 21882

(CC)(1) "Investment adviser representative" means a 21883  
supervised person of an investment adviser, provided that the 21884

supervised person has more than five clients who are natural 21885  
persons other than excepted persons defined in division (EE) of 21886  
this section, and that more than ten per cent of the supervised 21887  
person's clients are natural persons other than excepted persons 21888  
defined in division (EE) of this section. "Investment adviser 21889  
representative" does not mean any of the following: 21890

(a) A supervised person that does not on a regular basis 21891  
solicit, meet with, or otherwise communicate with clients of the 21892  
investment adviser; 21893

(b) A supervised person that provides only investment 21894  
advisory services described in division (X)(1) of this section by 21895  
means of written materials or oral statements that do not purport 21896  
to meet the objectives or needs of specific individuals or 21897  
accounts; 21898

(c) Any other person that the division designates by rule, if 21899  
the division finds that the designation is necessary or 21900  
appropriate in the public interest or for the protection of 21901  
investors or clients and is consistent with the provisions fairly 21902  
intended by the policy and provisions of this chapter. 21903

(2) For the purpose of the calculation of clients in division 21904  
(CC)(1) of this section, a natural person and the following 21905  
persons are deemed a single client: Any minor child of the natural 21906  
person; any relative, spouse, or relative of the spouse of the 21907  
natural person who has the same principal residence as the natural 21908  
person; all accounts of which the natural person or the persons 21909  
referred to in division (CC)(2) of this section are the only 21910  
primary beneficiaries; and all trusts of which the natural person 21911  
or persons referred to in division (CC)(2) of this section are the 21912  
only primary beneficiaries. Persons who are not residents of the 21913  
United States need not be included in the calculation of clients 21914  
under division (CC)(1) of this section. 21915

(3) If subsequent to March 18, 1999, amendments are enacted 21916  
or adopted defining "investment adviser representative" for 21917  
purposes of the Investment Advisers Act of 1940 or additional 21918  
rules or regulations are promulgated by the securities and 21919  
exchange commission regarding the definition of "investment 21920  
adviser representative" for purposes of the Investment Advisers 21921  
Act of 1940, the division of securities shall, by rule, adopt the 21922  
substance of the amendments, rules, or regulations, unless the 21923  
division finds that the amendments, rules, or regulations are not 21924  
necessary for the protection of investors or in the public 21925  
interest. 21926

(DD) "Supervised person" means a natural person who is any of 21927  
the following: 21928

(1) A partner, officer, or director of an investment adviser, 21929  
or other person occupying a similar status or performing similar 21930  
functions with respect to an investment adviser; 21931

(2) An employee of an investment adviser; 21932

(3) A person who provides investment advisory services 21933  
described in division (X)(1) of this section on behalf of the 21934  
investment adviser and is subject to the supervision and control 21935  
of the investment adviser. 21936

(EE) "Excepted person" means a natural person to whom any of 21937  
the following applies: 21938

(1) Immediately after entering into the investment advisory 21939  
contract with the investment adviser, the person has at least 21940  
seven hundred fifty thousand dollars under the management of the 21941  
investment adviser. 21942

(2) The investment adviser reasonably believes either of the 21943  
following at the time the investment advisory contract is entered 21944  
into with the person: 21945

(a) The person has a net worth, together with assets held jointly with a spouse, of more than one million five hundred thousand dollars.	21946 21947 21948
(b) The person is a qualified purchaser as defined in division (FF) of this section.	21949 21950
(3) Immediately prior to entering into an investment advisory contract with the investment adviser, the person is either of the following:	21951 21952 21953
(a) An executive officer, director, trustee, general partner, or person serving in a similar capacity, of the investment adviser;	21954 21955 21956
(b) An employee of the investment adviser, other than an employee performing solely clerical, secretarial, or administrative functions or duties for the investment adviser, which employee, in connection with the employee's regular functions or duties, participates in the investment activities of the investment adviser, provided that, for at least twelve months, the employee has been performing such nonclerical, nonsecretarial, or nonadministrative functions or duties for or on behalf of the investment adviser or performing substantially similar functions or duties for or on behalf of another company.	21957 21958 21959 21960 21961 21962 21963 21964 21965 21966
If subsequent to March 18, 1999, amendments are enacted or adopted defining "excepted person" for purposes of the Investment Advisers Act of 1940 or additional rules or regulations are promulgated by the securities and exchange commission regarding the definition of "excepted person" for purposes of the Investment Advisers Act of 1940, the division of securities shall, by rule, adopt the substance of the amendments, rules, or regulations, unless the division finds that the amendments, rules, or regulations are not necessary for the protection of investors or in the public interest.	21967 21968 21969 21970 21971 21972 21973 21974 21975 21976

(FF)(1) "Qualified purchaser" means either of the following:	21977
(a) A natural person who owns not less than five million	21978
dollars in investments as defined by rule by the division of	21979
securities;	21980
(b) A natural person, acting for the person's own account or	21981
accounts of other qualified purchasers, who in the aggregate owns	21982
and invests on a discretionary basis, not less than twenty-five	21983
million dollars in investments as defined by rule by the division	21984
of securities.	21985
(2) If subsequent to March 18, 1999, amendments are enacted	21986
or adopted defining "qualified purchaser" for purposes of the	21987
Investment Advisers Act of 1940 or additional rules or regulations	21988
are promulgated by the securities and exchange commission	21989
regarding the definition of "qualified purchaser" for purposes of	21990
the Investment Advisers Act of 1940, the division of securities	21991
shall, by rule, adopt the amendments, rules, or regulations,	21992
unless the division finds that the amendments, rules, or	21993
regulations are not necessary for the protection of investors or	21994
in the public interest.	21995
(GG)(1) "Purchase" has the full meaning of "purchase" as	21996
applied by or accepted in courts of law or equity and includes	21997
every acquisition of, or attempt to acquire, a security or an	21998
interest in a security. "Purchase" also includes a contract to	21999
purchase, an exchange, an attempt to purchase, an option to	22000
purchase, a solicitation of a purchase, a solicitation of an offer	22001
to sell, a subscription, or an offer to purchase, directly or	22002
indirectly, by agent, circular, pamphlet, advertisement, or	22003
otherwise.	22004
(2) "Purchase" means any act by which a purchase is made.	22005
(3) Any security given with, or as a bonus on account of, any	22006
purchase of securities is conclusively presumed to constitute a	22007

part of the subject of that purchase. 22008

(HH) "Life settlement interest" means the entire interest or 22009  
any fractional interest in an insurance policy or certificate of 22010  
insurance, or in an insurance benefit under such a policy or 22011  
certificate, that is the subject of a life settlement contract. 22012

For purposes of this division, "life settlement contract" 22013  
means an agreement for the purchase, sale, assignment, transfer, 22014  
devise, or bequest of any portion of the death benefit or 22015  
ownership of any life insurance policy or contract, in return for 22016  
consideration or any other thing of value that is less than the 22017  
expected death benefit of the life insurance policy or contract. 22018  
"Life settlement contract" includes a viatical settlement contract 22019  
as defined in section 3916.01 of the Revised Code, but does not 22020  
include any of the following: 22021

(1) A loan by an insurer under the terms of a life insurance 22022  
policy, including, but not limited to, a loan secured by the cash 22023  
value of the policy; 22024

(2) An agreement with a bank that takes an assignment of a 22025  
life insurance policy as collateral for a loan; 22026

(3) The provision of accelerated benefits as defined in 22027  
section 3915.21 of the Revised Code; 22028

(4) Any agreement between an insurer and a reinsurer; 22029

(5) An agreement by an individual to purchase an existing 22030  
life insurance policy or contract from the original owner of the 22031  
policy or contract, if the individual does not enter into more 22032  
than one life settlement contract per calendar year; 22033

(6) The initial purchase of an insurance policy or 22034  
certificate of insurance from its owner by a viatical settlement 22035  
provider, as defined in section 3916.01 of the Revised Code, that 22036  
is licensed under Chapter 3916. of the Revised Code. 22037

(II) "State retirement system" means the public employees retirement system, Ohio police and fire pension fund, state teachers retirement system, school employees retirement system, and state highway patrol retirement system.

(JJ) "State retirement system investment officer" means an individual employed by a state retirement system as a chief investment officer, assistant investment officer, or the person in charge of a class of assets or in a position that is substantially equivalent to chief investment officer, assistant investment officer, or person in charge of a class of assets.

(KK) "Bureau of workers' compensation chief investment officer" means an individual employed by the administrator of workers' compensation as a chief investment officer or in a position that is substantially equivalent to a chief investment officer.

**Sec. 1707.09.** (A)(1) All securities, except those enumerated in section 1707.02 of the Revised Code ~~and~~, those that are the subject matter of a transaction permitted by section 1707.03, 1707.04, or 1707.06 of the Revised Code, and those that are subject to registration by coordination under section 1707.091 of the Revised Code, shall be qualified in the manner provided by this section before being sold in this state. No security subject to registration by coordination under section 1707.091 of the Revised Code shall be subject to any provision of this section.

(2) Applications for qualification, on forms prescribed by the division of securities, shall be made in writing either by the issuer of the securities or by any licensed dealer desiring to sell them within this state and shall be signed by the applicant, sworn to by any individual having knowledge of the facts stated in the application, and filed in the office of the division.

(3) The individual who executes the application for

qualification of securities on behalf of the applicant shall state 22069  
the individual's relationship to the applicant and certify that: 22070  
the individual has executed the application on behalf of the 22071  
applicant; the individual is fully authorized to execute and file 22072  
the application on behalf of the applicant; the individual is 22073  
familiar with the applicant's application; and to the best of the 22074  
individual's knowledge, information, and belief, the statements 22075  
made in the application are true, and the documents submitted with 22076  
the application are true copies of the original documents. 22077

(B) The division shall require the applicant for 22078  
qualification of securities to submit to it the following 22079  
information: 22080

(1) The names and addresses of the directors or trustees and 22081  
of the officers of the issuer, if the issuer is a corporation or 22082  
an unincorporated association; of all the members of the issuer, 22083  
if the issuer is a limited liability company in which management 22084  
is reserved to its members; of all the managers of the issuer, if 22085  
the issuer is a limited liability company in which management is 22086  
not reserved to its members; of all partners, if the issuer is a 22087  
general or limited partnership or a partnership association; and 22088  
the name and address of the issuer, if the issuer is an 22089  
individual; 22090

(2) The address of the issuer's principal place of business 22091  
and principal office in this state, if any; 22092

(3) The purposes and general character of the business 22093  
actually being transacted, or to be transacted, by the issuer, and 22094  
the purpose of issuing the securities named in the application; 22095

(4) A statement of the capitalization of the issuer; a 22096  
balance sheet made up as of the most recent practicable date, 22097  
showing the amount and general character of its assets and 22098  
liabilities; a description of the security for the qualification 22099

of which application is being made; and copies of all circulars, 22100  
prospectuses, advertisements, or other descriptions of the 22101  
securities, that are then prepared by or for the issuer, or by or 22102  
for the applicant if the applicant is not the issuer, or by or for 22103  
both, to be used for distribution or publication in this state; 22104

(5) A statement of the amount of the issuer's income, 22105  
expenses, and fixed charges during the last fiscal year or, if the 22106  
issuer has been in actual business less than one year, for the 22107  
time that the issuer has been in actual business; 22108

(6) A statement showing the price at which the security is to 22109  
be offered for sale; 22110

(7) A statement showing the considerations received or to be 22111  
received by the issuer of the securities purchased or to be 22112  
purchased from the issuer and an itemized statement of all 22113  
expenses of financing to be paid from those considerations so as 22114  
to show the aggregate net amount actually received or to be 22115  
received by the issuer; 22116

(8) All other information, including an opinion of counsel as 22117  
to the validity of the securities that are the subject matter of 22118  
the application, that the division considers necessary to enable 22119  
it to ascertain whether the securities are entitled to 22120  
qualification; 22121

(9) If the issuer is a corporation, there shall be filed with 22122  
the application a certified copy of its articles of incorporation 22123  
with all amendments to the articles, if the articles or amendments 22124  
are not already on file in the office of the secretary of state; 22125  
if the issuer is a limited liability company, there shall be filed 22126  
with the application a certified copy of its articles of 22127  
organization with all amendments to the articles, if the articles 22128  
or amendments are not already on file in the office of the 22129  
secretary of state; if the issuer is a trust or trustee, there 22130

shall be filed with the application a copy of all instruments by 22131  
which the trust was created; and if the issuer is a partnership or 22132  
an unincorporated association, or any other form of organization, 22133  
there shall be filed with the application a copy of its articles 22134  
of partnership or association and of all other papers pertaining 22135  
to its organization, if the articles or other papers are not 22136  
already on file in the office of the secretary of state; 22137

(10) If the application is made with respect to securities to 22138  
be sold or distributed by or on behalf of the issuer, or by or on 22139  
behalf of an underwriter, as defined in division (N) of section 22140  
1707.03 of the Revised Code, a statement showing that the issuer 22141  
has received, or will receive at or prior to the delivery of those 22142  
securities, not less than eighty-five per cent of the aggregate 22143  
price at which all those securities are sold by or on behalf of 22144  
the issuer, without deduction for any additional commission, 22145  
directly or indirectly, and without liability to pay any 22146  
additional sum as commission; 22147

(11) If the division so permits with respect to a security, 22148  
an applicant may file with the division, in lieu of the division's 22149  
prescribed forms, a copy of the registration statement relating to 22150  
the security, with all amendments to that statement, previously 22151  
filed with the securities and exchange commission of the United 22152  
States under the "Securities Act of 1933," as amended, together 22153  
with all additional data, information, and documents that the 22154  
division requires. 22155

(C) If the division finds that it is not necessary in the 22156  
public interest and for the protection of investors to require all 22157  
the information specified in divisions (B)(1) to (10) of this 22158  
section, it may permit the filing of applications for 22159  
qualification that contain the information that it considers 22160  
necessary and appropriate in the public interest and for the 22161  
protection of investors, but this provision applies only in the 22162

case of applications for qualification of securities previously 22163  
issued and outstanding that may not be made the subject matter of 22164  
transactions exempt under division (M) of section 1707.03 of the 22165  
Revised Code by reason of the fact that those securities within 22166  
one year were purchased outside this state or within one year were 22167  
transported into this state. 22168

(D) All the statements, exhibits, and documents required by 22169  
the division under this section, except properly certified public 22170  
documents, shall be verified by the oath of the applicant for 22171  
qualification, of the issuer, or of any individual having 22172  
knowledge of the facts, and in the manner and form that may be 22173  
required by the division. Failure or refusal to comply with the 22174  
requests of the division shall be sufficient reason for a refusal 22175  
by the division to register securities. 22176

(E) If it appears to the division that substantially the only 22177  
consideration to be paid for any of the securities to be qualified 22178  
is to be intangible property of doubtful value, the division may 22179  
require that the securities be delivered in escrow to a bank in 22180  
this state under the terms that the division may reasonably 22181  
prescribe or require to prevent a deceitful misrepresentation or 22182  
sale of the securities; that the securities be subordinated in 22183  
favor of those sold for sound value until they have a value 22184  
bearing a reasonable relation to the value of those sold for sound 22185  
value; or that a legend of warning specifying the considerations 22186  
paid or to be paid for the securities be stamped or printed on all 22187  
advertisements, circulars, pamphlets, or subscription blanks used 22188  
in connection with the sale of any securities of the same issuer; 22189  
or it may impose a combination of any two or more of these 22190  
requirements. 22191

(F) At the time of filing the information prescribed in this 22192  
section, the applicant shall pay to the division a filing fee of 22193  
one hundred dollars. 22194

(G)(1) The division, at any time, as a prerequisite to 22195  
qualification, may make an examination of the issuer of securities 22196  
sought to be qualified. The applicant for qualification of any 22197  
securities may be required by the division to advance sufficient 22198  
funds to pay all or any part of the actual expenses of that 22199  
examination, an itemized statement of which shall be furnished the 22200  
applicant. 22201

(2) If the division finds that the business of the issuer is 22202  
not fraudulently conducted, that the proposed offer or disposal of 22203  
securities is not on grossly unfair terms, that the plan of 22204  
issuance and sale of the securities referred to in the proposed 22205  
offer or disposal would not defraud or deceive, or tend to defraud 22206  
or deceive, purchasers, and that division (B)(10) of this section 22207  
applies and has been complied with, the division shall notify the 22208  
applicant of its findings, and, upon payment of a registration fee 22209  
of one-tenth of one per cent of the aggregate price at which the 22210  
securities are to be sold to the public in this state, which fee, 22211  
however, shall in no case be less than one hundred or more than 22212  
one thousand dollars, the division shall register the 22213  
qualification of the securities. 22214

(H) An application for qualification of securities may be 22215  
amended by the person filing it at any time prior to the 22216  
division's action on it either in registering the securities for 22217  
qualification or in refusing to do so. Subsequent to any such 22218  
action by the division, the person who filed the application may 22219  
file with the consent of the division one or more amendments to it 22220  
that shall become effective upon the making by the division of the 22221  
findings enumerated in division (G) of this section; the giving of 22222  
notice of those findings to the applicant by the division; and the 22223  
payment by the applicant of the additional fee that would have 22224  
been payable had the application, as it previously became 22225  
effective, contained the amendment. 22226

(I) When any securities have been qualified and the fees for 22227  
the qualification have been paid as provided in this section, any 22228  
licensed dealer subsequently may sell the securities under the 22229  
qualification, so long as the qualification remains in full force, 22230  
and any dealer of that nature that desires may file with the 22231  
division a written notice of intention to sell the securities or 22232  
any designated portion of them. For that filing, no fee need be 22233  
paid. 22234

**Sec. 1707.091.** (A) Any security for which a registration 22235  
statement has been filed pursuant to Section 6 of the Securities 22236  
Act of 1933 or for which a notification form and offering circular 22237  
has been filed pursuant to regulation A of the general rules and 22238  
regulations of the securities and exchange commission, 17 C.F.R. 22239  
sections 230.251 to 230.256 and 230.258 to 230.263, as amended 22240  
before or after the effective date of this section, in connection 22241  
with the same offering ~~may~~ shall be registered by coordination 22242  
rather than by qualification under section 1707.09 of the Revised 22243  
Code or any other method of registration. 22244

(B) A registration statement filed by or on behalf of the 22245  
issuer under this section with the division of securities shall 22246  
contain the following information and be accompanied by the 22247  
following items in addition to the consent to service of process 22248  
required by section 1707.11 of the Revised Code: 22249

(1) One copy of the latest form of prospectus or offering 22250  
circular and notification filed with the securities and exchange 22251  
commission; 22252

(2) If the division of securities by rule or otherwise 22253  
requires, a copy of the articles of incorporation and code of 22254  
regulations or bylaws, or their substantial equivalents, as 22255  
currently in effect, a copy of any agreements with or among 22256  
underwriters, a copy of any indenture or other instrument 22257

governing the issuance of the security to be registered, and a specimen or copy of the security; 22258  
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(3) If the division of securities requests, any other information, or copies of any other documents, filed with the securities and exchange commission; 22260  
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(4) An undertaking by the issuer to forward to the division, promptly and in any event not later than the first business day after the day they are forwarded to or thereafter are filed with the securities and exchange commission, whichever occurs first, all amendments to the federal prospectus, offering circular, notification form, or other documents filed with the securities and exchange commission, other than an amendment that merely delays the effective date; 22263  
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(5) A filing fee of one hundred dollars. 22271

(C) A registration statement filed under this section becomes effective, without delay or waiver of any condition by the division or issuer, either at the moment the federal registration statement becomes effective or at the time the offering may otherwise be commenced in accordance with the rules, regulations, or orders of the securities and exchange commission, if all of the following conditions are satisfied: 22272  
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(1) No stop order is in effect, no proceeding is pending under section 1707.13 of the Revised Code, and no cease and desist order has been issued pursuant to section 1707.23 of the Revised Code; 22279  
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(2) The registration statement has been on file with the division for at least fifteen days or for such shorter period as the division by rule or otherwise permits; provided, that if the registration statement is not filed with the division within five days of the initial filing with the securities and exchange commission, the registration statement must be on file with the 22283  
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division for thirty days or for such shorter period as the 22289  
division by rule or otherwise permits. 22290

(3) A statement of the maximum and minimum proposed offering 22291  
prices and the maximum underwriting discounts and commissions has 22292  
been on file with the division for two full business days or for 22293  
such shorter period as the division by rule or otherwise permits 22294  
and the offering is made within those limitations; 22295

(4) The division has received a registration fee of one-tenth 22296  
of one per cent of the aggregate price at which the securities are 22297  
to be sold to the public in this state, which fee, however, shall 22298  
in no case be less than one hundred or more than one thousand 22299  
dollars. 22300

(D) The issuer shall promptly notify the division by 22301  
telephone or telegram of the date and time when the federal 22302  
registration statement became effective, or when the offering may 22303  
otherwise be commenced in accordance with the rules, regulations, 22304  
or orders of the securities and exchange commission, and of the 22305  
contents of the price amendment, if any, and shall promptly file 22306  
the price amendment. 22307

"Price amendment" for the purpose of this division, means the 22308  
final federal registration statement amendment that includes a 22309  
statement of the offering price, underwriting and selling 22310  
discounts or commissions, amount of proceeds, conversion rates, 22311  
call prices, and other matters dependent upon the offering price. 22312

If the division fails to receive the required notice and 22313  
required copies of the price amendment, the division may enter a 22314  
provisional stop order retroactively denying effectiveness to the 22315  
registration statement or suspending its effectiveness until there 22316  
is compliance with this division, provided the division promptly 22317  
notifies the issuer or its representative by telephone or 22318  
telegram, and promptly confirms by letter or telegram when it 22319

notifies by telephone, of the entry of the order. If the issuer or  
its representative proves compliance with the requirements of this  
division as to notice and price amendment filing, the stop order  
is void as of the time of its entry. The division may by rule or  
otherwise waive either or both of the conditions specified in  
divisions (C)(2) and (3) of this section. If the federal  
registration statement becomes effective, or if the offering may  
otherwise be commenced in accordance with the rules, regulations,  
or orders of the securities and exchange commission, before all of  
the conditions specified in divisions (C) and (D) of this section  
are satisfied and they are not waived by the division the  
registration statement becomes effective as soon as all of the  
conditions are satisfied.

If the issuer advises the division of the date when the  
federal registration statement is expected to become effective, or  
when the offering may otherwise be commenced in accordance with  
the rules, regulations, or orders of the securities and exchange  
commission, the division shall promptly advise the issuer or its  
representative by telephone or telegram, at the issuer's expense,  
whether all of the conditions have been satisfied or whether the  
division then contemplates the institution of a proceeding under  
section 1707.13 or 1707.23 of the Revised Code, but such advice  
does not preclude the institution of such a proceeding at any  
time.

**Sec. 1707.092.** (A) For the purposes of selling securities in  
this state, except securities that are the subject matter of  
transactions enumerated in section 1707.03 of the Revised Code, an  
investment company, as defined by the Investment Company Act of  
1940, ~~that is registered or has filed a registration statement~~  
~~with the securities and exchange commission under the Investment~~  
~~Company Act of 1940, and a business development company that has~~  
electd to be subject to 15 U.S.C. 80a-54 to 80a-64, shall file

the following with the division of securities: 22352

(1) A notice filing consisting of either of the following: 22353

(a) A copy of the investment company's or business 22354  
development company's federal registration statement as filed with 22355  
the securities and exchange commission; 22356

(b) A form U-1 or form NF of the North American securities 22357  
administrators association. 22358

(2) Appropriate filing fees consisting of both of the 22359  
following: 22360

(a) A flat fee of one hundred dollars; 22361

(b) A fee calculated at one-tenth of one per cent of the 22362  
aggregate price at which the securities are to be sold to the 22363  
public in this state, which calculated fee, however, shall in no 22364  
case be less than one hundred or more than one thousand dollars. 22365

(B)(1) Upon payment of the maximum filing fees as provided in 22366  
division (A)(2) of this section, an investment company or business 22367  
development company may sell an indefinite amount of securities in 22368  
this state. 22369

(2) An investment company or business development company 22370  
making a notice filing as provided in this section shall comply 22371  
with section 1707.11 of the Revised Code. An investment company or 22372  
business development company that previously filed with the 22373  
division a valid consent to service of process pursuant to section 22374  
1707.11 of the Revised Code may incorporate that consent by 22375  
reference. 22376

(C)(1) For offerings involving covered securities, as defined 22377  
in section 18 of the "Securities Act of 1933," 15 U.S.C. 77r, that 22378  
are not subject to section 1707.02, 1707.03, 1707.04, 1707.06, 22379  
1707.08, 1707.09, or 1707.091 of the Revised Code, or division (A) 22380  
of this section, a notice filing shall be submitted to the 22381

division together with a consent to service of process pursuant to 22382  
section 1707.11 of the Revised Code and a filing fee as provided 22383  
in division (A)(2) of this section. 22384

(2) The notice filing described in division (C)(1) of this 22385  
section shall consist of any document filed with the securities 22386  
and exchange commission pursuant to the Securities Act of 1933, 22387  
together with annual or periodic reports of the value of the 22388  
securities sold or offered to be sold to persons located in this 22389  
state. 22390

(D) A notice filing submitted under this section shall be 22391  
effective for thirteen months. 22392

**Sec. 1707.28.** (A) No prosecution or action by the division of 22393  
securities or the director of commerce for a violation of any 22394  
provision of sections 1707.01 to 1707.50 of the Revised Code shall 22395  
bar any prosecution or action by the division of securities or the 22396  
director of commerce, or be barred by any prosecution or other 22397  
action, for the violation of any other provision of any of those 22398  
sections or of any other statute; but prosecutions and actions by 22399  
the division of securities or the director of commerce for a 22400  
violation of any provision of sections 1707.01 to 1707.50 of the 22401  
Revised Code must be commenced within ~~five~~ six years after the 22402  
commission of the alleged violation. 22403

(B) If the period of limitation provided in division (A) of 22404  
this section has expired, prosecution shall be commenced for an 22405  
offense of which an element is fraud or breach of a fiduciary 22406  
duty, within one year after discovery of the offense either by an 22407  
aggrieved person, or by the aggrieved person's legal 22408  
representative who is not a party to the offense. 22409

(C) An offense is committed when every element of the offense 22410  
occurs. In the case of an offense of which an element is a 22411  
continuing course of conduct, the period of limitation does not 22412

begin to run until such a course of conduct or the accused's 22413  
accountability for it terminates, whichever occurs first. 22414

(D) The period of limitation does not run during any time 22415  
when the corpus delicti remains undiscovered. 22416

**Sec. 1710.02.** (A)(1) A special improvement district may be 22417  
created within the boundaries of any one municipal corporation, 22418  
any one township, or any combination of municipal corporations and 22419  
townships within a single county, or counties that adjoin one 22420  
another, for the purpose of developing and implementing plans for 22421  
public improvements and public services that benefit the district. 22422  
A district may be created by petition of the owners of real 22423  
property within the proposed district, or by an existing qualified 22424  
nonprofit corporation. 22425

(2) If the district is created by an existing qualified 22426  
nonprofit corporation, the purposes for which the district is 22427  
created may be supplemental to the other purposes for which the 22428  
corporation is organized. The corporation is considered a special 22429  
improvement district only when it acts with respect to a purpose 22430  
for which the district is created, and not when it acts with 22431  
respect to any other purpose for which it is organized. 22432

(3) All territory in a special improvement district shall be 22433  
contiguous; except that the territory in a special improvement 22434  
district may be noncontiguous if at least one special energy 22435  
improvement project or shoreline improvement project is designated 22436  
for each parcel of real property included within the special 22437  
improvement district. Additional territory may be added to a 22438  
special improvement district created under this chapter for the 22439  
purpose of developing and implementing plans for special energy 22440  
improvement projects or shoreline improvement projects if at least 22441  
one special energy improvement project or shoreline improvement 22442  
project, respectively, is designated for each parcel of real 22443

property included within such additional territory and the 22444  
addition of territory is authorized by the initial plan proposed 22445  
under division (F) of this section or a plan adopted by the board 22446  
of directors of the special improvement district under section 22447  
1710.06 of the Revised Code. 22448

(4) The district shall be governed by the board of trustees 22449  
of a nonprofit corporation. This board shall be known as the board 22450  
of directors of the special improvement district. 22451

(5) No special improvement district shall include any church 22452  
property, or property of the federal or state government or a 22453  
county, township, or municipal corporation, unless the church or 22454  
the county, township, or municipal corporation specifically 22455  
requests in writing that the property be included within the 22456  
district, or unless the church is a member of the existing 22457  
qualified nonprofit corporation creating the district at the time 22458  
the district is created. 22459

(6) A shoreline improvement project may extend into the 22460  
territory of Lake Erie as described in sections 1506.10 and 22461  
1506.11 of the Revised Code. However, the state shall remain 22462  
exempt from any special assessment that may be levied against that 22463  
territory under section 1710.06 and Chapter 727. of the Revised 22464  
Code. 22465

(7) More than one district may be created within a 22466  
participating political subdivision, but no real property may be 22467  
included within more than one district unless the owner of the 22468  
property files a written consent with the clerk of the legislative 22469  
authority, the township fiscal officer, or the village clerk, as 22470  
appropriate. 22471

(8) The area of each district shall be contiguous; except 22472  
that the area of a special improvement district may be 22473  
noncontiguous if all parcels of real property included within such 22474

area contain at least one special energy improvement or shoreline improvement thereon. 22475  
22476

(B) Subject to division (A)(2) of this section, all of the following apply: 22477  
22478

(1) A district created under this chapter is not a political subdivision, except for purposes of section 4905.34 of the Revised Code. 22479  
22480  
22481

(2) A district created under this chapter shall be considered a public agency under section 102.01 and a public authority under section 4115.03 of the Revised Code. 22482  
22483  
22484

(3) Districts created under this chapter are not subject to sections 121.81 to ~~121.83~~ 121.82 of the Revised Code. Districts created under this chapter are subject to sections 121.22 and 121.23 of the Revised Code. 22485  
22486  
22487  
22488

(4) All records of the district are public records under section 149.43 of the Revised Code, except that records of organizations contracting with a district are not public records under section 149.43 or section 149.431 of the Revised Code solely by reason of any contract with a district. 22489  
22490  
22491  
22492  
22493

(C)(1) Subject to division (C)(2) of this section, both of the following apply: 22494  
22495

(a) Membership on the board of directors of the district shall not be considered as holding a public office. However, each member of the board of directors of a district, each member's designee or proxy, and each officer or employee of a district is a public official or employee under section 102.01 and a public official under section 2921.42 of the Revised Code. District officers and district members and directors and their designees or proxies are not required to file a statement with the Ohio ethics commission under section 102.02 of the Revised Code. 22496  
22497  
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(b) Directors and their designees shall be entitled to the 22505  
immunities provided by Chapter 1702. and to the same immunity as 22506  
an employee under division (A)(6) of section 2744.03 of the 22507  
Revised Code, except that directors and their designees shall not 22508  
be entitled to the indemnification provided in section 2744.07 of 22509  
the Revised Code unless the director or designee is an employee or 22510  
official of a participating political subdivision of the district 22511  
and is acting within the scope of the director's or designee's 22512  
employment or official responsibilities. 22513

(2) District officers and district members and directors of a 22514  
district created by an existing qualified nonprofit corporation, 22515  
and their designees or proxies, are public officials or employees 22516  
under section 102.01 and public officials under section 2921.42 of 22517  
the Revised Code by virtue of their positions with the corporation 22518  
only when they act with respect to a purpose for which the 22519  
district is created, and not when they act with respect to any 22520  
other purpose for which the corporation is organized. 22521

(D) Except as otherwise provided in this section, the 22522  
nonprofit corporation that governs a district shall be organized 22523  
in the manner described in Chapter 1702. of the Revised Code. 22524  
Except in the case of a district created by an existing qualified 22525  
nonprofit corporation, the corporation's articles of incorporation 22526  
are required to be approved, as provided in division (E) of this 22527  
section, by resolution of the legislative authority of each 22528  
participating political subdivision of the district. A copy of 22529  
that resolution shall be filed along with the articles of 22530  
incorporation in the secretary of state's office. 22531

In addition to meeting the requirements for articles of 22532  
incorporation set forth in Chapter 1702. of the Revised Code, the 22533  
articles of incorporation for the nonprofit corporation governing 22534  
a district formed under this chapter shall provide all the 22535  
following: 22536

(1) The name for the district, which shall include the name of each participating political subdivision of the district; 22537  
22538

(2) A description of the territory within the district, which may be all or part of each participating political subdivision. 22539  
22540  
The description shall be specific enough to enable real property owners to determine if their property is located within the 22541  
22542  
district. 22543

(3) A description of the procedure by which the articles of incorporation may be amended. The procedure shall include 22544  
22545  
receiving approval of the amendment, by resolution, from the 22546  
22547  
legislative authority of each participating political subdivision 22547  
22548  
and filing the approved amendment and resolution with the 22548  
22549  
secretary of state. 22549

(4) The reasons for creating the district, plus an 22550  
22551  
explanation of how the district will be conducive to the public 22551  
22552  
health, safety, peace, convenience, and welfare of the district. 22552

(E) The articles of incorporation for a nonprofit corporation 22553  
22554  
governing a district created under this chapter and amendments to 22554  
22555  
them shall be submitted to the municipal executive, if any, and 22555  
22556  
the legislative authority of each municipal corporation or 22556  
22557  
township in which the proposed district is to be located. Except 22557  
22558  
in the case of a district created by an existing qualified 22558  
22559  
nonprofit corporation, the articles or amendments shall be 22559  
22560  
accompanied by a petition signed either by the owners of at least 22560  
22561  
sixty per cent of the front footage of all real property located 22561  
22562  
in the proposed district that abuts upon any street, alley, public 22562  
22563  
road, place, boulevard, parkway, park entrance, easement, or other 22563  
22564  
existing public improvement within the proposed district, 22564  
22565  
excluding church property or property owned by the state, county, 22565  
22566  
township, municipal, or federal government, unless a church, 22566  
22567  
county, township, or municipal corporation has specifically 22567  
22568  
requested in writing that the property be included in the 22568

district, or by the owners of at least seventy-five per cent of 22569  
the area of all real property located within the proposed 22570  
district, excluding church property or property owned by the 22571  
state, county, township, municipal, or federal government, unless 22572  
a church, county, township, or municipal corporation has 22573  
specifically requested in writing that the property be included in 22574  
the district. Pursuant to Section 20 of Article VIII, Ohio 22575  
Constitution, the petition required under this division may be for 22576  
the purpose of developing and implementing plans for special 22577  
energy improvement projects or shoreline improvement projects, 22578  
and, in such case, is determined to be in furtherance of the 22579  
purposes set forth in Section 20 of Article VIII, Ohio 22580  
Constitution. Except as provided in division (H) of this section, 22581  
if a special improvement district is being created under this 22582  
chapter for the purpose of developing and implementing plans for 22583  
special energy improvement projects or shoreline improvement 22584  
projects, the petition required under this division shall be 22585  
signed by one hundred per cent of the owners of the area of all 22586  
real property located within the proposed special improvement 22587  
district, at least one special energy improvement project or 22588  
shoreline improvement project shall be designated for each parcel 22589  
of real property within the special improvement district, and the 22590  
special improvement district may include any number of parcels of 22591  
real property as determined by the legislative authority of each 22592  
participating political subdivision in which the proposed special 22593  
improvement district is to be located. For purposes of determining 22594  
compliance with these requirements, the area of the district, or 22595  
the front footage and ownership of property, shall be as shown in 22596  
the most current records available at the county recorder's office 22597  
and the county engineer's office sixty days prior to the date on 22598  
which the petition is filed. 22599

Each municipal corporation or township with which the 22600  
petition is filed has sixty days to approve or disapprove, by 22601

resolution, the petition, including the articles of incorporation. 22602  
In the case of a district created by an existing qualified 22603  
nonprofit corporation, each municipal corporation or township has 22604  
sixty days to approve or disapprove the creation of the district 22605  
after the corporation submits the articles of incorporation or 22606  
amendments thereto. This chapter does not prohibit or restrict the 22607  
rights of municipal corporations under Article XVIII of the Ohio 22608  
Constitution or the right of the municipal legislative authority 22609  
to impose reasonable conditions in a resolution of approval. The 22610  
acquisition, installation, equipping, and improvement of a special 22611  
energy improvement project under this chapter shall not supersede 22612  
any local zoning, environmental, or similar law or regulation. In 22613  
addition, all activities associated with a shoreline improvement 22614  
project that is implemented under this chapter shall comply with 22615  
all applicable local zoning requirements, all local, state, and 22616  
federal environmental laws and regulations, and all applicable 22617  
requirements established in Chapter 1506. of the Revised Code and 22618  
rules adopted under it. 22619

(F) Persons proposing creation and operation of the district 22620  
may propose an initial plan for public services or public 22621  
improvements that benefit all or any part of the district. Any 22622  
initial plan shall be submitted as part of the petition proposing 22623  
creation of the district or, in the case of a district created by 22624  
an existing qualified nonprofit corporation, shall be submitted 22625  
with the articles of incorporation or amendments thereto. 22626

An initial plan may include provisions for the following: 22627

- (1) Creation and operation of the district and of the 22628  
nonprofit corporation to govern the district under this chapter; 22629
- (2) Hiring employees and professional services; 22630
- (3) Contracting for insurance; 22631
- (4) Purchasing or leasing office space and office equipment; 22632

(5) Other actions necessary initially to form, operate, or 22633  
organize the district and the nonprofit corporation to govern the 22634  
district; 22635

(6) A plan for public improvements or public services that 22636  
benefit all or part of the district, which plan shall comply with 22637  
the requirements of division (A) of section 1710.06 of the Revised 22638  
Code and may include, but is not limited to, any of the permissive 22639  
provisions described in the fourth sentence of that division or 22640  
listed in divisions (A)(1) to (7) of that section; 22641

(7) If the special improvement district is being created 22642  
under this chapter for the purpose of developing and implementing 22643  
plans for special energy improvement projects or shoreline 22644  
improvement projects, provision for the addition of territory to 22645  
the special improvement district. 22646

After the initial plan is approved by all municipal 22647  
corporations and townships to which it is submitted for approval 22648  
and the district is created, each participating subdivision shall 22649  
levy a special assessment within its boundaries to pay for the 22650  
costs of the initial plan. The levy shall be for no more than ten 22651  
years from the date of the approval of the initial plan; except 22652  
that if the proceeds of the levy are to be used to pay the costs 22653  
of a special energy improvement project or shoreline improvement 22654  
project, the levy of a special assessment shall be for no more 22655  
than thirty years from the date of approval of the initial plan. 22656  
In the event that additional territory is added to a special 22657  
improvement district, the special assessment to be levied with 22658  
respect to such additional territory shall commence not earlier 22659  
than the date such territory is added and shall be for no more 22660  
than thirty years from such date. For purposes of levying an 22661  
assessment for this initial plan, the services or improvements 22662  
included in the initial plan shall be deemed a special benefit to 22663  
property owners within the district. 22664

(G) Each nonprofit corporation governing a district under this chapter may do the following:	22665 22666
(1) Exercise all powers of nonprofit corporations granted under Chapter 1702. of the Revised Code that do not conflict with this chapter;	22667 22668 22669
(2) Develop, adopt, revise, implement, and repeal plans for public improvements and public services for all or any part of the district;	22670 22671 22672
(3) Contract with any person, political subdivision as defined in section 2744.01 of the Revised Code, or state agency as defined in section 1.60 of the Revised Code to develop and implement plans for public improvements or public services within the district;	22673 22674 22675 22676 22677
(4) Contract and pay for insurance for the district and for directors, officers, agents, contractors, employees, or members of the district for any consequences of the implementation of any plan adopted by the district or any actions of the district.	22678 22679 22680 22681
The board of directors of a special improvement district may, acting as agent and on behalf of a participating political subdivision, sell, transfer, lease, or convey any special energy improvement project owned by the participating political subdivision upon a determination by the legislative authority thereof that the project is not required to be owned exclusively by the participating political subdivision for its purposes, for uses determined by the legislative authority thereof as those that will promote the welfare of the people of such participating political subdivision; improve the quality of life and the general and economic well-being of the people of the participating political subdivision; better ensure the public health, safety, and welfare; protect water and other natural resources; provide for the conservation and preservation of natural and open areas	22682 22683 22684 22685 22686 22687 22688 22689 22690 22691 22692 22693 22694 22695

and farmlands, including by making urban areas more desirable or 22696  
suitable for development and revitalization; control, prevent, 22697  
minimize, clean up, or mediate certain contamination of or 22698  
pollution from lands in the state and water contamination or 22699  
pollution; or provide for safe and natural areas and resources. 22700  
The legislative authority of each participating political 22701  
subdivision shall specify the consideration for such sale, 22702  
transfer, lease, or conveyance and any other terms thereof. Any 22703  
determinations made by a legislative authority of a participating 22704  
political subdivision under this division shall be conclusive. 22705

Any sale, transfer, lease, or conveyance of a special energy 22706  
improvement project by a participating political subdivision or 22707  
the board of directors of the special improvement district may be 22708  
made without advertising, receipt of bids, or other competitive 22709  
bidding procedures applicable to the participating political 22710  
subdivision or the special improvement district under Chapter 153. 22711  
or 735. or section 1710.11 of the Revised Code or other 22712  
representative provisions of the Revised Code. 22713

(H) The owner of real property that is part of a planned 22714  
community or a condominium development is deemed to have signed 22715  
the petitions required under division (E) of this section and 22716  
division (B) of section 1710.06 of the Revised Code with respect 22717  
to a special improvement district that is being created for the 22718  
purpose of developing and implementing plans for shoreline 22719  
improvement projects if the district and the projects have been 22720  
approved through an alternative process prescribed by the bylaws, 22721  
declarations, covenants, and restrictions governing the planned 22722  
community or condominium development. Such an alternative process 22723  
may consist of a vote of the owners association or unit owners 22724  
association, the approval of a specified percentage of property 22725  
owners, or any other procedure authorized by the bylaws, 22726  
declarations, covenants, and restrictions governing the planned 22727

community or condominium development. 22728

As used in this division, "condominium development" and "unit 22729  
owners association" have the same meanings as in section 5311.01 22730  
of the Revised Code, and "planned community," "owners 22731  
association," "bylaws," and "declaration" have the same meanings 22732  
as in section 5312.01 of the Revised Code. 22733

**Sec. 1710.06.** (A) The board of directors of a special 22734  
improvement district may develop and adopt one or more written 22735  
plans for public improvements or public services that benefit all 22736  
or any part of the district. Each plan shall set forth the 22737  
specific public improvements or public services that are to be 22738  
provided, identify the area in which they will be provided, and 22739  
specify the method of assessment to be used. Each plan for public 22740  
improvements or public services shall indicate the period of time 22741  
the assessments are to be levied for the improvements and services 22742  
and, if public services are included in the plan, the period of 22743  
time the services are to remain in effect. Plans for public 22744  
improvements may include the planning, design, construction, 22745  
reconstruction, enlargement, or alteration of any public 22746  
improvements and the acquisition of land for the improvements. 22747  
Plans for public improvements or public services may also include, 22748  
but are not limited to, provisions for the following: 22749

(1) Creating and operating the district and the nonprofit 22750  
corporation under this chapter, including hiring employees and 22751  
professional services, contracting for insurance, and purchasing 22752  
or leasing office space and office equipment and other 22753  
requirements of the district; 22754

(2) Planning, designing, and implementing a public 22755  
improvements or public services plan, including hiring 22756  
architectural, engineering, legal, appraisal, insurance, 22757  
consulting, energy auditing, and planning services, and, for 22758

public services, managing, protecting, and maintaining public and private facilities, including public improvements;	22759 22760
(3) Conducting court proceedings to carry out this chapter;	22761
(4) Paying damages resulting from the provision of public improvements or public services and implementing the plans;	22762 22763
(5) Paying the costs of issuing, paying interest on, and redeeming notes and bonds issued for funding public improvements and public services plans;	22764 22765 22766
(6) Sale, lease, lease with an option to purchase, conveyance of other interests in, or other contracts for the acquisition, construction, maintenance, repair, furnishing, equipping, operation, or improvement of any special energy improvement project by the special improvement district, between a participating political subdivision and the special improvement district, and between the special improvement district and any owner of real property in the special improvement district on which a special energy improvement project has been acquired, installed, equipped, or improved; and	22767 22768 22769 22770 22771 22772 22773 22774 22775 22776
(7) Aggregating the renewable energy credits generated by one or more special energy improvement projects within a special improvement district, upon the consent of the owners of the credits and for the purpose of negotiating and completing the sale of such credits.	22777 22778 22779 22780 22781
(B) Once the board of directors of the special improvement district adopts a plan, it shall submit the plan to the legislative authority of each participating political subdivision and the municipal executive of each municipal corporation in which the district is located, if any. The legislative authorities and municipal executives shall review the plan and, within sixty days after receiving it, may submit their comments and recommendations about it to the district. After reviewing these comments and	22782 22783 22784 22785 22786 22787 22788 22789

recommendations, the board of directors may amend the plan. It may 22790  
then submit the plan, amended or otherwise, in the form of a 22791  
petition to members of the district whose property may be assessed 22792  
for the plan. Once the petition is signed by those members who own 22793  
at least sixty per cent of the front footage of property that is 22794  
to be assessed and that abuts upon a street, alley, public road, 22795  
place, boulevard, parkway, park entrance, easement, or other 22796  
public improvement, or those members who own at least seventy-five 22797  
per cent of the area to be assessed for the improvement or 22798  
service, the petition may be submitted to each legislative 22799  
authority for approval. Except as provided in division (H) of 22800  
section 1710.02 of the Revised Code, if the special improvement 22801  
district was created for the purpose of developing and 22802  
implementing plans for special energy improvement projects or 22803  
shoreline improvement projects, the petition required under this 22804  
division shall be signed by one hundred per cent of the owners of 22805  
the area of all real property located within the area to be 22806  
assessed for the special energy improvement project or shoreline 22807  
improvement project. 22808

Each legislative authority shall, by resolution, approve or 22809  
reject the petition within sixty days after receiving it. If the 22810  
petition is approved by the legislative authority of each 22811  
participating political subdivision, the plan contained in the 22812  
petition shall be effective at the earliest date on which a 22813  
nonemergency resolution of the legislative authority with the 22814  
latest effective date may become effective. A plan may not be 22815  
resubmitted to the legislative authorities and municipal 22816  
executives more than three times in any twelve-month period. 22817

(C) Each participating political subdivision shall levy, by 22818  
special assessment upon specially benefited property located 22819  
within the district, the costs of any public improvements or 22820  
public services plan contained in a petition approved by the 22821

participating political subdivisions under this section or 22822  
division (F) of section 1710.02 of the Revised Code. The levy 22823  
shall be made in accordance with the procedures set forth in 22824  
Chapter 727. of the Revised Code, except that: 22825

(1) The assessment for each improvements or services plan may 22826  
be levied by any one or any combination of the methods of 22827  
assessment listed in section 727.01 of the Revised Code, provided 22828  
that the assessment is uniformly applied. 22829

(2) For the purpose of levying an assessment, the board of 22830  
directors may combine one or more improvements or services plans 22831  
or parts of plans and levy a single assessment against specially 22832  
benefited property. 22833

(3) For purposes of special assessments levied by a township 22834  
pursuant to this chapter, references in Chapter 727. of the 22835  
Revised Code to the municipal corporation shall be deemed to refer 22836  
to the township, and references to the legislative authority of 22837  
the municipal corporation shall be deemed to refer to the board of 22838  
township trustees. 22839

(4) Revenue collected from the levy of a special assessment 22840  
for the cost of a special energy improvement project may be 22841  
assigned and remitted to the Ohio air quality development 22842  
authority pursuant to an agreement entered into under section 22843  
3706.12 of the Revised Code. 22844

Church property or property owned by a political subdivision, 22845  
including any participating political subdivision in which a 22846  
special improvement district is located, shall be included in and 22847  
be subject to special assessments made pursuant to a plan adopted 22848  
under this section or division (F) of section 1710.02 of the 22849  
Revised Code, if the church or political subdivision has 22850  
specifically requested in writing that its property be included 22851  
within the special improvement district and the church or 22852

political subdivision is a member of the district or, in the case 22853  
of a district created by an existing qualified nonprofit 22854  
corporation, if the church is a member of the corporation. 22855

For tax years 2020 to 2024, qualifying real property, as 22856  
defined in section 727.031 of the Revised Code, is exempt from 22857  
special assessments levied under division (C) of this section, 22858  
provided no delinquent special assessments and related interest 22859  
and penalties are levied or assessed against any property owned by 22860  
the owner and operator of the qualifying real property for that 22861  
tax year. 22862

(D) All rights and privileges of property owners who are 22863  
assessed under Chapter 727. of the Revised Code shall be granted 22864  
to property owners assessed under this chapter, including those 22865  
rights and privileges specified in sections 727.15 to 727.17 and 22866  
727.18 to 727.22 of the Revised Code and the right to notice of 22867  
the resolution of necessity and the filing of the estimated 22868  
assessment under section 727.13 of the Revised Code. Property 22869  
owners assessed for public services under this chapter shall have 22870  
the same rights and privileges as property owners assessed for 22871  
public improvements under this chapter. 22872

**"Sec. 1733.04.** (A) In addition to the authority conferred by 22873  
section 1701.13 of the Revised Code, but subject to any 22874  
limitations contained in sections 1733.01 to 1733.45 of the 22875  
Revised Code, and its articles and regulations, a credit union may 22876  
do any of the following: 22877

(1) Make loans as provided in section 1733.25 of the Revised 22878  
Code; 22879

(2) Invest its money as provided in section 1733.30 of the 22880  
Revised Code; 22881

(3) If authorized by the code of regulations, rebate to the 22882

borrowing members a portion of the member's interest paid to the credit union;	22883 22884
(4) If authorized by the regulations, charge a membership or entrance fee;	22885 22886
(5) Purchase group savings life insurance and group credit life insurance;	22887 22888
(6) Make reasonable contributions to any nonprofit civic, charitable, or service organizations;	22889 22890
(7) Act as trustee or custodian, for which reasonable compensation may be received, under any written trust instrument or custodial agreement created or organized in the United States and forming part of a tax-advantaged savings plan that qualifies for specific tax treatment under sections 223, 401(d), 408, 408A, and 530 of the Internal Revenue Code, 26 U.S.C. 223, 401(d), 408, 408A, and 530, as amended, for its members or groups of its members, provided that the funds of such plans are invested in share accounts or share certificate accounts of the credit union. These services include, but are not limited to, acting as a trustee or custodian for member retirement, education, or health savings accounts.	22891 22892 22893 22894 22895 22896 22897 22898 22899 22900 22901 22902
(8) Participate in and pledge assets in connection with the business linked deposit program under sections 135.77 to 135.774 of the Revised Code, the agricultural linked deposit program under sections 135.71 to 135.76 of the Revised Code, <del>and</del> the adoption linked deposit program under sections 135.79 to 135.796 of the Revised Code, <u>and the homeownership savings linked deposit program under sections 135.98 to 135.986 of the Revised Code.</u>	22903 22904 22905 22906 22907 22908 22909
(B) The authority of a credit union shall be subject to the following:	22910 22911
(1) A credit union may not borrow money in excess of twenty-five per cent of its shares and undivided earnings, without	22912 22913

prior specific authorization by the superintendent of credit unions. 22914  
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(2) A credit union may not pay a commission or other compensation to any person for securing members or for the sale of its shares, except that reasonable incentives may be made available directly to members or potential members to promote thrift. 22916  
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(C)(1) A credit union may have service facilities other than its home office. 22921  
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(2) Real estate may be acquired by lease, purchase, or otherwise as necessary and to the extent required for use of the credit union presently and in the future operation of its office or headquarters, and in case of a purchase of real estate, the superintendent must first be notified in writing prior to the purchase of the real estate. Nothing herein contained shall be deemed to prohibit a credit union from taking title to real estate in connection with a default in the payment of a loan, provided that title to such real estate shall not be held by the credit union for more than two years without the prior written approval of the superintendent. A credit union also may lease space in any real estate it acquires in accordance with rules adopted by the superintendent. 22923  
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(D)(1) As used in division (D) of this section: 22936

(a) "School" means an elementary or secondary school. 22937

(b) "Student" means a child enrolled in a school. 22938

(c) "Student branch" means the designation provided to the credit union for the in-school services and financial education offered to students. 22939  
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(2) A credit union, upon agreement with a school board, in the case of a public school, or the governing authority, in the 22942  
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case of a nonpublic school, and with the permission of the 22944  
superintendent, may open and maintain a student branch. 22945

(3) Notwithstanding any other provision of this section, any 22946  
student enrolled in the school maintaining a student branch who is 22947  
not otherwise qualified for membership in the credit union 22948  
maintaining the student branch is qualified to be a member of that 22949  
student branch. 22950

(4) The student's membership in the student branch expires 22951  
upon the student's graduation from secondary school. 22952

(5) The student branch is for the express use of students and 22953  
may not be used by faculty, staff, or lineal ancestors or 22954  
descendents of students. 22955

(6) Faculty, staff, or lineal ancestors or descendents of 22956  
students are not eligible for membership in the credit union 22957  
maintaining the student branch unless otherwise qualified by this 22958  
section to be members. 22959

(7) The superintendent may adopt rules appropriate to the 22960  
formation and operation of student branches. 22961

(E) A credit union may guarantee the signature of a member in 22962  
connection with a transaction involving tangible or intangible 22963  
property in which a member has or seeks to acquire an interest. 22964

**Sec. 1733.24.** (A) A credit union is authorized to receive 22965  
funds for deposit in share accounts, share draft accounts, and 22966  
share certificates from its members, from other credit unions, and 22967  
from an officer, employee, or agent of the federal, state, or 22968  
local governments, or political subdivisions of the state, in 22969  
accordance with such terms, rates, and conditions as may be 22970  
established by its board of directors, and for purposes of the 22971  
agricultural linked deposit program created under sections 135.71 22972  
to 135.76 of the Revised Code, the business linked deposit program 22973

created under sections 135.77 to 135.774 of the Revised Code, ~~and~~ 22974  
the adoption linked deposit program under sections 135.79 to 22975  
135.796 of the Revised Code, and the homeownership savings linked 22976  
deposit program under sections 135.98 to 135.986 of the Revised 22977  
Code. 22978

(B) The shares and share accounts of the credit union may be 22979  
of one or more classes, as designated by the board of directors, 22980  
subject to approval of the superintendent of credit unions based 22981  
on rules that shall assure equitable distribution of dividends 22982  
among classes, considering costs and advantages of each class to 22983  
the members of the credit union, including without limitation 22984  
special services rendered, length of ownership, minimum 22985  
investment, conditions of repurchase, and other appropriate 22986  
standards or combinations thereof. In the event the articles of 22987  
incorporation of the credit union indicate the authorized number 22988  
of shares to be unlimited, the designation of classification of 22989  
shares and share accounts of the credit union may be effected by 22990  
the board of directors, subject to the approval of the 22991  
superintendent, and does not require amendment of the articles of 22992  
incorporation. All shares of the credit union shall have a par 22993  
value per share as set by the board of directors. Redemptions and 22994  
liquidating dividends shall be prorated to each member on the 22995  
basis of the price paid the credit union for such share, 22996  
irrespective of the class of such shares. 22997

(C)(1) Each credit union shall have one class of shares 22998  
designated as "membership share." The membership shares, or if a 22999  
credit union has but one class of shares, then all of the shares 23000  
of the credit union, shall have a par value as set by the board of 23001  
directors. 23002

(2) Two or more persons that are eligible for membership that 23003  
have jointly subscribed for one or more shares under a joint 23004

account each may be admitted to membership. 23005

(D) A credit union need not issue certificates for any or all 23006  
of its classes of shares but irrespective of whether certificates 23007  
are issued, a registry of shares must be kept, including all of 23008  
the transactions of the credit union pertaining to such shares. 23009

(E) A credit union is authorized to maintain share draft 23010  
accounts in accordance with rules prescribed by the 23011  
superintendent. The credit union may pay dividends on share draft 23012  
accounts, may pay dividends at different rates on different types 23013  
of share draft accounts, and may permit the owners of such share 23014  
draft accounts to make withdrawals by negotiable or transferable 23015  
instruments or other orders for the purpose of making transfers to 23016  
third parties. 23017

(F) Unless otherwise provided by written agreement of the 23018  
parties, the rights, responsibilities, and liabilities attaching 23019  
to a share draft withdrawn from, transferred to, or otherwise 23020  
handled by a credit union are defined in and governed by Chapters 23021  
1303. and 1304. of the Revised Code, as if the credit union were a 23022  
bank. 23023

(G) Unless otherwise provided in the articles or regulations, 23024  
a member may designate any person or persons to own or hold 23025  
shares, or share accounts with the member in joint tenancy with 23026  
right of survivorship and not as tenants in common. 23027

(H) Shares or share accounts may be issued in the name of a 23028  
custodian under the Ohio transfers to minors act, a member in 23029  
trust for a beneficiary, a fiduciary or custodian in trust for a 23030  
member beneficiary, or a fiduciary or custodian in trust upon the 23031  
death of a member. Redemption of such shares or payment of such 23032  
share accounts to a member, to the extent of the payment, 23033  
discharges the liability of the credit union to the member and the 23034  
beneficiary, and the credit union shall be under no obligation to 23035

see to the application of the payment. Unless prior to the death 23036  
of a member, the member has notified the credit union in writing 23037  
in a form approved by the credit union of a different beneficiary 23038  
to receive the proceeds of such shares or share accounts, then the 23039  
proceeds shall be paid to the beneficiary or to the beneficiary's 23040  
parent or legal representative. Any payment made pursuant to 23041  
written instructions of the member or pursuant to the provisions 23042  
herein contained shall be a valid and sufficient release and 23043  
discharge of the credit union in connection with any such share or 23044  
share accounts. 23045

(I)(1) Except as otherwise provided in the articles or 23046  
regulations, and subject to the provisions thereof, a minor may 23047  
purchase shares, share accounts, or other depository instruments, 23048  
and except for qualification as a voting member, the credit union 23049  
may deal with the minor with respect to shares, share accounts, or 23050  
other depository instruments owned by the minor as if the minor 23051  
were a person of legal age. 23052

(2) If shares, share accounts, or other depository 23053  
instruments are issued in the name of a minor, redemption of any 23054  
part or all of the shares or withdrawal of funds by payment to the 23055  
minor of the shares or funds and any declared dividends or 23056  
interest releases the credit union from all obligation to the 23057  
minor as to the shares reduced or funds withdrawn. 23058

(J) The regulations may require advance written notice of a 23059  
member's intention to withdraw the member's shares. Such advance 23060  
notice shall not exceed sixty days. 23061

(K) Notwithstanding any provision of law to the contrary, 23062  
funds deposited in a share account, share certificate, or in any 23063  
other manner pursuant to a program offered by a credit union to 23064  
promote consumer savings do not constitute valuable consideration 23065  
for purposes of a scheme of chance under Chapter 2915. of the 23066  
Revised Code. 23067

**Sec. 1739.10.** The superintendent of insurance, or any person appointed by ~~him~~ the superintendent, may examine, as often as ~~he~~ the superintendent or the superintendent's appointee considers it necessary, the affairs of a multiple employer welfare arrangement and its members.

The arrangement shall pay to the superintendent the expenses incurred by the department of insurance in making an examination authorized under this section. To the extent that expenses are the result of the use of the personnel of the examination department of the department of insurance, the superintendent shall remit expenses paid to ~~him~~ the superintendent by the arrangement to the state treasury to the credit of the ~~superintendent's examination department of insurance operating~~ fund pursuant to section ~~3901.071~~ 3901.021 of the Revised Code.

As used in this section, "expenses" has the same meaning as in section 3901.07 of the Revised Code.

**Sec. 1751.34.** (A) Each health insuring corporation and each applicant for a certificate of authority under this chapter shall be subject to examination by the superintendent of insurance in accordance with section 3901.07 of the Revised Code. Section 3901.07 of the Revised Code shall govern every aspect of the examination, including the circumstances under and frequency with which it is conducted, the authority of the superintendent and any examiner or other person appointed by the superintendent, the liability for the assessment of expenses incurred in conducting the examination, and the remittance of the assessment to the ~~superintendent's examination~~ department of insurance operating fund.

(B) The superintendent shall make an examination concerning the matters subject to the superintendent's consideration in

section 1751.04 of the Revised Code as often as the superintendent 23098  
considers it necessary for the protection of the interests of the 23099  
people of this state. The expenses of such examinations shall be 23100  
assessed against the health insuring corporation being examined in 23101  
the manner in which expenses of examinations are assessed against 23102  
an insurance company under section 3901.07 of the Revised Code. 23103  
Nothing in this division requires the superintendent to make an 23104  
examination of any of the following: 23105

(1) A health insuring corporation that covers solely medicaid 23106  
recipients; 23107

(2) A health insuring corporation that covers solely medicare 23108  
beneficiaries; 23109

(3) A health insuring corporation that covers solely medicaid 23110  
recipients and medicare beneficiaries. 23111

(C) An examination, pursuant to section 3901.07 of the 23112  
Revised Code, of an insurance company holding a certificate of 23113  
authority under this chapter to organize and operate a health 23114  
insuring corporation shall include an examination of the health 23115  
insuring corporation pursuant to this section and the examination 23116  
shall satisfy the requirements of divisions (A) and (B) of this 23117  
section. 23118

(D) The superintendent may conduct market conduct 23119  
examinations pursuant to section 3901.011 of the Revised Code of 23120  
any health insuring corporation as often as the superintendent 23121  
considers it necessary for the protection of the interests of 23122  
subscribers and enrollees. The expenses of such market conduct 23123  
examinations shall be assessed against the health insuring 23124  
corporation being examined. All costs, assessments, or fines 23125  
collected under this division shall be paid into the state 23126  
treasury to the credit of the department of insurance operating 23127  
fund. 23128

Sec. 1761.16. (A) A credit union share guaranty corporation 23129  
shall file with the superintendent of credit unions an annual 23130  
report containing audited financial statements, prepared in 23131  
accordance with generally accepted accounting principles or such 23132  
other accounting requirements determined by the superintendent of 23133  
credit unions, covering the fiscal year within one hundred days 23134  
after the close of such fiscal year in accordance with division 23135  
(E) of this section and in the form and with such other relevant 23136  
information as the superintendent of credit unions may require by 23137  
rules adopted under division (C) of section 1761.04 of the Revised 23138  
Code. The audited financial statements shall include at least a 23139  
balance sheet and a statement of income for the year ended on the 23140  
balance sheet date. The report and audited financial statements 23141  
shall be accompanied by a report, certificate, or opinion of an 23142  
independent certified public accountant or independent public 23143  
accountant. Every such report shall be certified by the oath of 23144  
the president and secretary of the corporation, and such 23145  
verification shall state that the report is true and correct in 23146  
all respects to the best of the knowledge and belief of the 23147  
persons verifying it. 23148

(B) If the report, certificate, or opinion of the certified 23149  
public accountant or independent accountant referred to in 23150  
division (A) of this section is qualified pursuant to generally 23151  
accepted auditing standards, the superintendent of credit unions 23152  
shall require the corporation to take such action as ~~he~~ the 23153  
superintendent considers appropriate to permit an independent 23154  
accountant to remove such qualification from the report, 23155  
certificate, or opinion. The superintendent may reject any 23156  
financial statement, report, certificate, or opinion filed 23157  
pursuant to division (A) of this section by notifying the 23158  
corporation of its rejection and the cause thereof. Within thirty 23159  
days after receipt of such notice, the corporation shall correct 23160

such qualification, and the failure to do so is deemed a violation 23161  
of this division. The superintendent shall retain a copy of all 23162  
filings so rejected. 23163

(C) The superintendent of credit unions shall conduct or 23164  
cause to be conducted, not more often than annually and not less 23165  
than every three years, an audit examination of the credit union 23166  
share guaranty corporation. The audit examination shall include an 23167  
actuarial study of the capital adequacy of the corporation. The 23168  
corporation shall be assessed the costs of such audit examination, 23169  
which assessment shall not exceed one per cent of the capital 23170  
contributions and surplus of the corporation. 23171

(D) The superintendent of credit unions may require a special 23172  
examination of the corporation in the event the superintendent 23173  
determines that there is or will be an impairment of the guarantee 23174  
fund as defined in division (C)(1) of section 1761.10 of the 23175  
Revised Code. The corporation shall be assessed the cost of such 23176  
special examination. 23177

(E) The accounting of the corporation shall be on a calendar 23178  
year basis or as otherwise prescribed by the corporation with the 23179  
prior written approval of the superintendent of credit unions. The 23180  
books of the corporation shall be maintained in accordance with 23181  
generally accepted accounting principles. 23182

(F) The corporation shall make any other special report to 23183  
the superintendent of credit unions as ~~he~~ the superintendent may 23184  
from time to time require. Such a report shall be in the form and 23185  
filed at such date as prescribed by the superintendent, and shall, 23186  
if required by the superintendent, be verified in such manner as 23187  
prescribed. 23188

(G) Each credit union share guaranty corporation shall be 23189  
subject to examination by the superintendent of insurance in 23190  
accordance with section 3901.07 of the Revised Code. Section 23191

3901.07 of the Revised Code shall govern every aspect of the 23192  
examination, including the circumstances under and frequency with 23193  
which it is conducted, the authority of the superintendent and any 23194  
examiner or other person appointed by the superintendent, the 23195  
liability for the assessment of expenses incurred in conducting 23196  
the examination, and the remittance of the assessment to the 23197  
~~superintendent's examination~~ department of insurance operating 23198  
fund. 23199

(H) All of the provisions of this section are in addition to 23200  
those chapters of Title XXXIX of the Revised Code specified in 23201  
division (A) of section 1761.04 of the Revised Code. 23202

**Sec. 1901.261.** (A)(1) A municipal court may determine that 23203  
for the efficient operation of the court additional funds are 23204  
required to computerize the court, to make available computerized 23205  
legal research services, or to do both. Upon making a 23206  
determination that additional funds are required for either or 23207  
both of those purposes, the court shall include in its schedule of 23208  
fees and costs under section 1901.26 of the Revised Code one 23209  
additional fee not to exceed three dollars on the filing of each 23210  
cause of action or appeal equivalent to one described in division 23211  
(A), (Q), or (U) of section 2303.20 of the Revised Code and shall 23212  
direct the clerk of the court to charge the fee. 23213

(2) All fees collected under this section shall be paid on or 23214  
before the twentieth day of the month following the month in which 23215  
they are collected to the county treasurer if the court is a 23216  
county-operated municipal court or to the city treasurer if the 23217  
court is not a county-operated municipal court. The treasurer 23218  
shall place the funds from the fees in a separate fund to be 23219  
disbursed upon an order of the court, subject to an appropriation 23220  
by the board of county commissioners if the court is a 23221  
county-operated municipal court or by the legislative authority of 23222

the municipal corporation if the court is not a county-operated 23223  
municipal court, or upon an order of the court, subject to the 23224  
court making an annual report available to the public listing the 23225  
use of all such funds, in an amount not greater than the actual 23226  
cost to the court of computerizing the court, procuring and 23227  
maintaining computerized legal research services, or both. 23228

(3) If the court determines that the funds in the fund 23229  
described in division (A)(2) of this section are more than 23230  
sufficient to satisfy the purpose for which the additional fee 23231  
described in division (A)(1) of this section was imposed, the 23232  
court may declare a surplus in the fund and, subject to an 23233  
appropriation by the board of county commissioners if the court is 23234  
a county-operated municipal court or by the legislative authority 23235  
of the municipal corporation if the court is not a county-operated 23236  
municipal court, expend those surplus funds, or upon an order of 23237  
the court, subject to the court making an annual report available 23238  
to the public listing the use of all such funds, expend those 23239  
surplus funds, for other appropriate technological expenses of the 23240  
court. 23241

(B)(1) A municipal court may determine that, for the 23242  
efficient operation of the court, additional funds are required to 23243  
computerize the office of the clerk of the court and, upon that 23244  
determination, may include in its schedule of fees and costs under 23245  
section 1901.26 of the Revised Code an additional fee not to 23246  
exceed ~~ten~~ twenty dollars on the filing of each cause of action or 23247  
appeal, on the filing, docketing, and endorsing of each 23248  
certificate of judgment, or on the docketing and indexing of each 23249  
aid in execution or petition to vacate, revive, or modify a 23250  
judgment that is equivalent to one described in division (A), (P), 23251  
(Q), (T), or (U) of section 2303.20 of the Revised Code. Subject 23252  
to division (B)(2) of this section, all moneys collected under 23253  
division (B)(1) of this section shall be paid on or before the 23254

twentieth day of the month following the month in which they are 23255  
collected to the county treasurer if the court is a 23256  
county-operated municipal court or to the city treasurer if the 23257  
court is not a county-operated municipal court. The treasurer 23258  
shall place the funds from the fees in a separate fund to be 23259  
disbursed, upon an order of the municipal court and subject to an 23260  
appropriation by the board of county commissioners if the court is 23261  
a county-operated municipal court or by the legislative authority 23262  
of the municipal corporation if the court is not a county-operated 23263  
municipal court, in an amount no greater than the actual cost to 23264  
the court of procuring and maintaining computer systems for the 23265  
office of the clerk of the municipal court. 23266

(2) If a municipal court makes the determination described in 23267  
division (B)(1) of this section, the board of county commissioners 23268  
of the county if the court is a county-operated municipal court or 23269  
the legislative authority of the municipal corporation if the 23270  
court is not a county-operated municipal court, may issue one or 23271  
more general obligation bonds for the purpose of procuring and 23272  
maintaining the computer systems for the office of the clerk of 23273  
the municipal court. In addition to the purposes stated in 23274  
division (B)(1) of this section for which the moneys collected 23275  
under that division may be expended, the moneys additionally may 23276  
be expended to pay debt charges and financing costs related to any 23277  
general obligation bonds issued pursuant to division (B)(2) of 23278  
this section as they become due. General obligation bonds issued 23279  
pursuant to division (B)(2) of this section are Chapter 133. 23280  
securities. 23281

Sec. 1901.313. (A) Pleadings or documents may be filed with 23282  
the clerk of court either in paper format or in electronic format. 23283

(B)(1) The clerk shall determine whether the filing of 23284  
pleadings or documents in electronic format may be accomplished 23285

either by electronic mail or through the use of an online platform. 23286  
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(2) The fee for filing pleadings or documents in electronic format may be paid after the filing. The clerk shall not require that any fee for the filing of pleadings or documents in electronic format be paid before the filing, unless the clerk has provided for an electronic payment system for such filing. 23288  
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(3) The clerk shall not require a fee for the filing of pleadings or documents in electronic format that is greater than the applicable fee for the filing of pleadings or documents in paper format. 23293  
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(C) Pleadings and documents filed in paper format may be converted to an electronic format. Documents created by the clerk of court in the exercise of the clerk's duties may be created in an electronic format. 23297  
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(D) When pleadings or documents are received or created in, or converted to, an electronic format as provided in this section, the pleadings or documents in that format shall be considered the official version of the record. 23301  
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**Sec. 1907.202.** (A) Pleadings or documents may be filed with the clerk of the county court either in paper format or in electronic format. 23305  
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(B)(1) The clerk shall determine whether the filing of pleadings or documents in electronic format may be accomplished either by electronic mail or through the use of an online platform. 23308  
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(2) The fee for filing pleadings or documents in electronic format may be paid after the filing. The clerk shall not require that any fee for the filing of pleadings or documents in electronic format be paid before the filing, unless the clerk has 23312  
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provided for an electronic payment system for such filing. 23316

(3) The clerk shall not require a fee for the filing of 23317  
pleadings or documents in electronic format that is greater than 23318  
the applicable fee for the filing of pleadings or documents in 23319  
paper format. 23320

(C) Pleadings and documents filed in paper format may be 23321  
converted to an electronic format. Documents created by the clerk 23322  
of the county court in the exercise of the clerk's duties may be 23323  
created in an electronic format. 23324

(D) When pleadings or documents are received or created in, 23325  
or converted to, an electronic format as provided in this section, 23326  
the pleadings or documents in that format shall be considered the 23327  
official version of the record. 23328

**Sec. 1907.261.** (A)(1) A county court may determine that for 23329  
the efficient operation of the court additional funds are required 23330  
to computerize the court, to make available computerized legal 23331  
research services, or to do both. Upon making a determination that 23332  
additional funds are required for either or both of those 23333  
purposes, the court shall include in its schedule of fees and 23334  
costs under section 1907.24 of the Revised Code one additional fee 23335  
not to exceed three dollars on the filing of each cause of action 23336  
or appeal equivalent to one described in division (A), (Q), or (U) 23337  
of section 2303.20 of the Revised Code and shall direct the clerk 23338  
of the court to charge the fee. 23339

(2) All fees collected under this section shall be paid on or 23340  
before the twentieth day of the month following the month in which 23341  
they are collected to the county treasurer. The treasurer shall 23342  
place the funds from the fees in a separate fund to be disbursed 23343  
either upon an order of the court, subject to an appropriation by 23344  
the board of county commissioners, or upon an order of the court, 23345  
subject to the court making an annual report available to the 23346

public listing the use of all such funds, in an amount not greater 23347  
than the actual cost to the court of computerizing the court, 23348  
procuring and maintaining computerized legal research services, or 23349  
both. 23350

(3) If the court determines that the funds in the fund 23351  
described in division (A)(2) of this section are more than 23352  
sufficient to satisfy the purpose for which the additional fee 23353  
described in division (A)(1) of this section was imposed, the 23354  
court may declare a surplus in the fund and, subject to an 23355  
appropriation by the board of county commissioners, expend those 23356  
surplus funds, or upon an order of the court, subject to the court 23357  
making an annual report available to the public listing the use of 23358  
all such funds, expend those surplus funds, for other appropriate 23359  
technological expenses of the court. 23360

(B)(1) A county court may determine that, for the efficient 23361  
operation of the court, additional funds are required to 23362  
computerize the office of the clerk of the court and, upon that 23363  
determination, may include in its schedule of fees and costs under 23364  
section 1907.24 of the Revised Code an additional fee not to 23365  
exceed ~~ten~~ twenty dollars on the filing of each cause of action or 23366  
appeal, on the filing, docketing, and endorsing of each 23367  
certificate of judgment, or on the docketing and indexing of each 23368  
aid in execution or petition to vacate, revive, or modify a 23369  
judgment that is equivalent to one described in division (A), (P), 23370  
(Q), (T), or (U) of section 2303.20 of the Revised Code. Subject 23371  
to division (B)(2) of this section, all moneys collected under 23372  
division (B)(1) of this section shall be paid on or before the 23373  
twentieth day of the month following the month in which they are 23374  
collected to the county treasurer. The treasurer shall place the 23375  
funds from the fees in a separate fund to be disbursed, upon an 23376  
order of the county court and subject to an appropriation by the 23377  
board of county commissioners, in an amount no greater than the 23378

actual cost to the court of procuring and maintaining computer 23379  
systems for the office of the clerk of the county court. 23380

(2) If a county court makes the determination described in 23381  
division (B)(1) of this section, the board of county commissioners 23382  
of that county may issue one or more general obligation bonds for 23383  
the purpose of procuring and maintaining the computer systems for 23384  
the office of the clerk of the county court. In addition to the 23385  
purposes stated in division (B)(1) of this section for which the 23386  
moneys collected under that division may be expended, the moneys 23387  
additionally may be expended to pay debt charges and financing 23388  
costs related to any general obligation bonds issued pursuant to 23389  
division (B)(2) of this section as they become due. General 23390  
obligation bonds issued pursuant to division (B)(2) of this 23391  
section are Chapter 133. securities. 23392

**Sec. 2101.16.** (A) Except as provided in section 2101.164 of 23393  
the Revised Code, the fees enumerated in this division shall be 23394  
charged and collected, if possible, by the probate judge and shall 23395  
be in full for all services rendered in the respective 23396  
proceedings: 23397

(1) Account, in addition to advertising charges 23398

..... \$ 12.00 23399

Waivers and proof of notice of hearing on account,  
per page, minimum one dollar

..... \$ 1.00 23401

(2) Account of distribution, in addition to advertising 23402  
charges

..... \$ 7.00 23403

(3) Adoption of child, petition for 23404

..... \$ 20.00 23405

(4) Alter or cancel contract for sale or purchase of real 23406  
property, complaint to

.....	\$ 20.00	23407
(5) Application and order not otherwise provided for in this section or by rule adopted pursuant to division (E) of this section		23408
.....	\$ 5.00	23409
(6) Appropriation suit, per day, hearing in		23410
.....	\$ 20.00	23411
(7) Birth, application for registration of		23412
.....	\$ 7.00	23413
(8) Birth record, application to correct		23414
.....	\$ 5.00	23415
(9) Bond, application for new or additional		23416
.....	\$ 5.00	23417
(10) Bond, application for release of surety or reduction of		23418
.....	\$ 5.00	23419
(11) Bond, receipt for securities deposited in lieu of		23420
.....	\$ 5.00	23421
(12) Certified copy of journal entry, record, or proceeding, per page, minimum fee one dollar		23422
.....	\$ 1.00	23423
(13) Citation and issuing citation, application for		23424
.....	\$ 5.00	23425
(14) Change of name, petition for		23426
.....	\$ 20.00	23427
(15) Claim, application of administrator or executor for allowance of administrator's or executor's own		23428
.....	\$ 10.00	23429
(16) Claim, application to compromise or settle		23430
.....	\$ 10.00	23431
(17) Claim, authority to present		23432
.....	\$ 10.00	23433
(18) Commissioner, appointment of		23434

.....	\$ 5.00	23435
(19) Compensation for extraordinary services and attorney's fees for fiduciary, application for .....	\$ 5.00	23437
(20) Competency, application to procure adjudication of .....	\$ 20.00	23439
(21) Complete contract, application to .....	\$ 10.00	23441
(22) Concealment of assets, citation for .....	\$ 10.00	23443
(23) Construction of will, complaint for .....	\$ 20.00	23445
(24) Continue decedent's business, application to ..... Monthly reports of operation .....	\$ 10.00  \$ 5.00	23447 23448 23449
(25) Declaratory judgment, complaint for .....	\$ 20.00	23451
(26) Deposit of will .....	\$ 5.00	23452 23453
(27) Designation of heir .....	\$ 20.00	23454 23455
(28) Distribution in kind, application, assent, and order for .....	\$ 5.00	23456 23457
(29) Distribution under section 2109.36 of the Revised Code, application for an order of .....	\$ 7.00	23458 23459
(30) Docketing and indexing proceedings, including the filing and noting of all necessary documents, maximum fee, fifteen dollars .....	\$ 15.00	23460 23461
(31) Exceptions to any proceeding named in this section,		23462

contest of appointment or		
.....	\$ 10.00	23463
(32) Election of surviving partner to purchase assets of		23464
partnership, proceedings relating to		
.....	\$ 10.00	23465
(33) Election of surviving spouse under will		23466
.....	\$ 5.00	23467
(34) Fiduciary, including an assignee or trustee of an		23468
insolvent debtor or any guardian or conservator		
accountable to the probate court, appointment of		
.....	\$ 35.00	23469
(35) Foreign will, application to record		23470
.....	\$ 10.00	23471
Record of foreign will, additional, per page		23472
.....	\$ 1.00	23473
(36) Forms when supplied by the probate court, not to		23474
exceed		
.....	\$ 10.00	23475
(37) Heirship, complaint to determine		23476
.....	\$ 20.00	23477
(38) Injunction proceedings		23478
.....	\$ 20.00	23479
(39) Improve real property, petition to		23480
.....	\$ 20.00	23481
(40) Inventory with appraisement		23482
.....	\$ 10.00	23483
(41) Inventory without appraisement		23484
.....	\$ 7.00	23485
(42) Investment or expenditure of funds, application for		23486
.....	\$ 10.00	23487
(43) Invest in real property, application to		23488
.....	\$ 10.00	23489
(44) Lease for oil, gas, coal, or other mineral, petition		23490

to		
.....	\$ 20.00	23491
(45) Lease or lease and improve real property, petition to		23492
.....	\$ 20.00	23493
(46) Marriage license		23494
.....	\$ 10.00	23495
Certified abstract of each marriage		23496
.....	\$ 2.00	23497
(47) Minor or incompetent person, etc., disposal of estate		23498
under twenty-five thousand dollars of		
.....	\$ 10.00	23499
(48) Mortgage or mortgage and repair or improve real		23500
property, complaint to		
.....	\$ 20.00	23501
(49) Newly discovered assets, report of		23502
.....	\$ 7.00	23503
(50) Nonresident executor or administrator to bar		23504
creditors' claims, proceedings by		
.....	\$ 20.00	23505
(51) Power of attorney or revocation of power, bonding		23506
company		
.....	\$ 10.00	23507
(52) Presumption of death, petition to establish		23508
.....	\$ 20.00	23509
(53) Probating will		23510
.....	\$ 15.00	23511
Proof of notice to beneficiaries		23512
.....	\$ 5.00	23513
(54) Purchase personal property, application of surviving		23514
spouse to		
.....	\$ 10.00	23515
(55) Purchase real property at appraised value, petition		23516
of surviving spouse to		

.....	\$ 20.00	23517
(56) Receipts in addition to advertising charges, application and order to record		23518
.....	\$ 5.00	23519
Record of those receipts, additional, per page		23520
.....	\$ 1.00	23521
(57) Record in excess of fifteen hundred words in any proceeding in the probate court, per page		23522
.....	\$ 1.00	23523
(58) Release of estate by mortgagee or other lienholder		23524
.....	\$ 5.00	23525
(59) Relieving an estate from administration under section 2113.03 of the Revised Code or granting an order for a summary release from administration under section 2113.031 of the Revised Code		23526
.....	\$ 60.00	23527
(60) Removal of fiduciary, application for		23528
.....	\$ 10.00	23529
(61) Requalification of executor or administrator		23530
.....	\$ 10.00	23531
(62) Resignation of fiduciary		23532
.....	\$ 5.00	23533
(63) Sale bill, public sale of personal property		23534
.....	\$ 10.00	23535
(64) Sale of personal property and report, application for		23536
.....	\$ 10.00	23537
(65) Sale of real property, petition for		23538
.....	\$ 25.00	23539
(66) Terminate guardianship, petition to		23540
.....	\$ 10.00	23541
(67) Transfer of real property, application, entry, and certificate for		23542
.....	\$ 7.00	23543

(68) Unclaimed money, application to invest	23544
..... \$ 7.00	23545
(69) Vacate approval of account or order of distribution, motion to	23546
..... \$ 10.00	23547
(70) Writ of execution	23548
..... \$ 5.00	23549
(71) Writ of possession	23550
..... \$ 5.00	23551
(72) Wrongful death, application and settlement of claim for	23552
..... \$ 20.00	23553
(73) Year's allowance, petition to review	23554
..... \$ 7.00	23555
(74) Guardian's report, filing and review of	23556
..... \$ 5.00	23557
(75) Person with a mental illness subject to court order, filing of affidavit and proceedings for	23558
..... \$ 25.00	23559
(B)(1) In relation to an application for the appointment of a guardian or the review of a report of a guardian under section 2111.49 of the Revised Code, the probate court, pursuant to court order or in accordance with a court rule, may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.041 or division (A)(2) of section 2111.49 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that an alleged incompetent or a ward is indigent, the court may waive the costs, fees, and expenses of an investigation.	23560 23561 23562 23563 23564 23565 23566 23567 23568 23569 23570 23571
(2) In relation to the appointment or functioning of a guardian for a minor or the guardianship of a minor, the probate	23572 23573

court may direct that the applicant or the estate pay any or all 23574  
of the expenses of an investigation conducted pursuant to section 23575  
2111.042 of the Revised Code. If the investigation is conducted by 23576  
a public employee or investigator who is paid by the county, the 23577  
fees for the investigation shall be paid into the county treasury. 23578  
If the court finds that the guardian or applicant is indigent, the 23579  
court may waive the costs, fees, and expenses of an investigation. 23580

(3) In relation to the filing of an affidavit of mental 23581  
illness for a person with a mental illness subject to court order, 23582  
the court may waive the fee under division (A)(75) of this section 23583  
if the court finds that the affiant is indigent or for good cause 23584  
shown. 23585

(C) Thirty dollars of the thirty-five-dollar fee collected 23586  
pursuant to division (A)(34) of this section and twenty dollars of 23587  
the sixty-dollar fee collected pursuant to division (A)(59) of 23588  
this section shall be deposited by the county treasurer in the 23589  
indigent guardianship fund created pursuant to section 2111.51 of 23590  
the Revised Code. 23591

(D) The fees of witnesses, jurors, sheriffs, coroners, and 23592  
constables for services rendered in the probate court or by order 23593  
of the probate judge shall be the same as provided for similar 23594  
services in the court of common pleas. 23595

(E) The probate court, by rule, may require an advance 23596  
deposit for costs, not to exceed one hundred twenty-five dollars, 23597  
at the time application is made for an appointment as executor or 23598  
administrator or at the time a will is presented for probate. 23599

(F)(1) The "putative father registry fund" is hereby created 23600  
in the state treasury. The department of job and family services 23601  
shall use the money in the fund to fund the department's costs of 23602  
performing its duties related to the putative father registry 23603  
established under section 3107.062 of the Revised Code. 23604

(2) If the department determines that money in the putative father registry fund is more than is needed for its duties related to the putative father registry, the department may use the surplus moneys in the fund as permitted in division ~~(C)~~(D) of section ~~2151.3534~~ 2151.3527, ~~division (B) of section 2151.3535~~, or section 5103.155 of the Revised Code.

**Sec. 2108.35.** (A) There is hereby created within the department of health the second chance trust fund advisory committee, consisting of thirteen members. The members shall include the following:

(1) The chairs of the standing committees of the house of representatives and senate with primary responsibilities for health legislation;

(2) One representative of each of the following appointed by the director of health:

(a) An Ohio organ procurement organization that is a member of the Organ Procurement and Transplantation Network;

(b) An Ohio tissue bank that is an accredited member of the American association of tissue banks;

(c) An Ohio eye bank that is certified by the eye bank association of America;

(d) The Ohio solid organ transplantation consortium;

(e) A hospital to which both of the following apply:

(i) It is a member of the Ohio hospital association.

(ii) It has a transplant program or a facility that has been verified as a level I or level II trauma center by the American college of surgeons.

(f) The department of health.

(3) Three members of the public appointed by the director who

are not affiliated with procurement organizations; 23634

(4) Two members appointed by the director who are either 23635  
affiliated with procurement organizations or members of the 23636  
public. 23637

(B) Of the members first appointed under division (A)(2) of 23638  
this section, the representatives of the organ procurement 23639  
organization, tissue procurement organization, and eye bank shall 23640  
serve terms of three years; the representatives of the department 23641  
of health and Ohio solid organ transplantation consortium shall 23642  
serve terms of two years; and the member representing the Ohio 23643  
hospital association shall serve a term of one year. Thereafter, 23644  
all members shall serve terms of three years. 23645

(C) Members appointed under division (A)(2), (3), or (4) of 23646  
this section shall be geographically and demographically 23647  
representative of the state. No more than a total of three members 23648  
appointed under divisions (A)(2), (3), and (4) of this section 23649  
shall be affiliated with the same procurement organization or 23650  
group of procurement organizations. Procurement organizations that 23651  
recover only one type of organ, tissue, or part, as well as 23652  
procurement organizations that recover more than one type of 23653  
organ, tissue, or part, shall be represented. 23654

~~No individual appointed under division (A)(2), (3), or (4) of~~ 23655  
~~this section shall serve more than two consecutive terms,~~ 23656  
~~regardless of whether the terms were full or partial terms.~~ Each 23657  
member shall serve from the date of appointment until the member's 23658  
successor is appointed. All vacancies on the committee shall be 23659  
filled for the balance of the unexpired term in the same manner as 23660  
the original appointment. 23661

(D) The committee shall ~~annually~~ elect a chairperson from 23662  
among its members and shall establish procedures for the 23663  
governance of its operations. The committee shall meet at least 23664

semiannually. It shall submit an annual report of its activities 23665  
and recommendations to the director of health. 23666

(E) Committee members shall serve without compensation, but 23667  
shall be reimbursed from the second chance trust fund for all 23668  
actual and necessary expenses incurred in the performance of 23669  
official duties. 23670

(F) The committee shall do all of the following: 23671

(1) Make recommendations to the director of health for 23672  
projects for funding from the second chance trust fund; 23673

(2) Consult with the registrar of motor vehicles in 23674  
formulating proposed rules under division (C)(1) of section 23675  
2108.23 of the Revised Code; 23676

(3) As requested, consult with the registrar or director on 23677  
other matters related to organ donation; 23678

(4) Approve brochures, written materials, and electronic 23679  
media regarding anatomical gifts and anatomical gift procedures 23680  
for use in driver training schools pursuant to section 4508.021 of 23681  
the Revised Code. 23682

(G) The committee is not subject to section 101.84 of the 23683  
Revised Code. 23684

**Sec. 2109.21.** (A) An administrator, special administrator, 23685  
administrator de bonis non, or administrator with the will annexed 23686  
shall be a resident of this state and shall be removed on proof 23687  
that the administrator is no longer a resident of this state. 23688

~~(B)(1)~~(B)(1)(a) To qualify for appointment as executor or 23689  
trustee, an executor or a trustee named in a will or nominated in 23690  
accordance with any power of nomination conferred in a will, may 23691  
be a resident of this state or, as provided in this division, a 23692  
nonresident of this state. To qualify for appointment, a 23693  
nonresident executor or trustee named in, or nominated pursuant 23694

to, a will shall be ~~an~~ one of the following: 23695

(i) An individual who is related to the testator by 23696  
consanguinity or affinity, ~~or a~~ 23697

(ii) A private trust company or family trust company 23698  
organized under the laws of any state; 23699

(iii) A person who resides in a state that has statutes or 23700  
rules that authorize the appointment of a nonresident person who 23701  
is not related to the testator by consanguinity or affinity, as an 23702  
executor or trustee when named in, or nominated pursuant to, a 23703  
will. ~~No such~~ 23704

(b) No executor or trustee under division (B)(1)(a) of this 23705  
section shall be refused appointment or removed solely because the 23706  
executor or trustee is not a resident of this state. 23707

(c) The court may require that a nonresident executor or 23708  
trustee named in, or nominated pursuant to, a will assure that all 23709  
of the assets of the decedent that are in the county at the time 23710  
of the death of the decedent will remain in the county until 23711  
distribution or until the court determines that the assets may be 23712  
removed from the county. 23713

(d) The court may require a nonresident private trust company 23714  
or family trust company appointed under division (B)(1)(a)(ii) of 23715  
this section to appoint a resident agent to accept service of 23716  
process, notices, and other documents. 23717

~~(2)~~(2)(a) In accordance with this division and section 23718  
2129.08 of the Revised Code, the court shall appoint as an 23719  
ancillary administrator a person who is named in the will of a 23720  
nonresident decedent, or who is nominated in accordance with any 23721  
power of nomination conferred in the will of a nonresident 23722  
decedent, as a general executor of the decedent's estate or as 23723  
executor of the portion of the decedent's estate located in this 23724  
state, whether or not the person so named or nominated is a 23725

resident of this state. 23726

To qualify for appointment as an ancillary administrator, a 23727  
person who is not a resident of this state and who is named or 23728  
nominated as described in this division, shall be ~~an~~ one of the 23729  
following: 23730

(i) An individual who is related to the testator by 23731  
consanguinity or affinity, ~~or a~~ 23732

(ii) A private trust company or family trust company 23733  
organized under the laws of any state; 23734

(iii) A person who resides in a state that has statutes or 23735  
rules that authorize the appointment of a nonresident of that 23736  
state who is not related to the testator by consanguinity or 23737  
affinity, as an ancillary administrator when the nonresident is 23738  
named in a will or nominated in accordance with any power of 23739  
nomination conferred in a will. ~~¶¶~~ 23740

(b) If a person who is not a resident of this state and who 23741  
is named or nominated as described in ~~this~~ division (B)(2)(a) of 23742  
this section so qualifies for appointment as an ancillary 23743  
administrator and if the provisions of section 2129.08 of the 23744  
Revised Code are satisfied, the court shall not refuse to appoint 23745  
the person, and shall not remove the person, as ancillary 23746  
administrator solely because the person is not a resident of this 23747  
state. 23748

(c) The court may require that an ancillary administrator who 23749  
is not a resident of this state and who is named or nominated as 23750  
described in ~~this~~ division (B)(2)(a) of this section, assure that 23751  
all of the assets of the decedent that are in the county at the 23752  
time of the death of the decedent will remain in the county until 23753  
distribution or until the court determines that the assets may be 23754  
removed from the county. 23755

(d) The court may require a nonresident private trust company 23756

or family trust company appointed under division (B)(2)(a)(ii) of 23757  
this section to appoint a resident agent to accept service of 23758  
process, notices, and other documents. 23759

(C)(1) A guardian of the estate shall be a resident of this 23760  
state, except that the court may appoint a nonresident of this 23761  
state as a guardian of the estate if any of the following applies: 23762

(a) The nonresident is named in a will by a parent of a 23763  
minor. 23764

(b) The nonresident is selected by a minor over the age of 23765  
fourteen years as provided by section 2111.12 of the Revised Code. 23766

(c) The nonresident is nominated in or pursuant to a durable 23767  
power of attorney under section 1337.24 of the Revised Code or a 23768  
writing as described in division (A) of section 2111.121 of the 23769  
Revised Code. 23770

(2) A guardian of the estate, other than a guardian named in 23771  
a will by a parent of a minor, selected by a minor over the age of 23772  
fourteen years, or nominated in or pursuant to a durable power of 23773  
attorney or writing described in division (C)(1)(c) of this 23774  
section, may be removed on proof that the guardian of the estate 23775  
is no longer a resident of this state. 23776

(3) The court may appoint a resident or nonresident of this 23777  
state as a guardian of the person. 23778

(D) Any fiduciary, whose residence qualifications are not 23779  
defined in this section, shall be a resident of this state, and 23780  
shall be removed on proof that the fiduciary is no longer a 23781  
resident of this state. 23782

(E) Any fiduciary, in order to assist in the carrying out of 23783  
the fiduciary's fiduciary duties, may employ agents who are not 23784  
residents of the county or of this state. 23785

(F) Every fiduciary shall sign and file with the court a 23786

statement of permanent address and shall notify the court of any 23787  
change of address. A court may remove a fiduciary if the fiduciary 23788  
fails to comply with this division. 23789

**Sec. 2151.031.** As used in this chapter, an "abused child" 23790  
includes any child who: 23791

(A) Is the victim of "sexual activity" as defined under 23792  
Chapter 2907. of the Revised Code, where such activity would 23793  
constitute an offense under that chapter, except that the court 23794  
need not find that any person has been convicted of the offense in 23795  
order to find that the child is an abused child; 23796

(B) Is the victim of disseminating, obtaining, or displaying 23797  
"materials" or "performances" that are "harmful to juveniles" as 23798  
defined under Chapter 2907. of the Revised Code, where such 23799  
activity would constitute an offense under that chapter, except 23800  
that the court need not find that any person has been convicted of 23801  
the offense in order to find that the child is an abused child; 23802

(C) Is endangered as defined in section 2919.22 of the 23803  
Revised Code, except that the court need not find that any person 23804  
has been convicted under that section in order to find that the 23805  
child is an abused child; 23806

~~(C)~~(D) Exhibits evidence of any physical or mental injury or 23807  
death, inflicted other than by accidental means, or an injury or 23808  
death which is at variance with the history given of it. Except as 23809  
provided in division ~~(D)~~(E) of this section, a child exhibiting 23810  
evidence of corporal punishment or other physical disciplinary 23811  
measure by a parent, guardian, custodian, caretaker, person having 23812  
custody or control, or person in loco parentis of a child is not 23813  
an abused child under this division if the measure is not 23814  
prohibited under section 2919.22 of the Revised Code. 23815

~~(D)~~(E) Because of the acts of ~~his~~ the child's parents, 23816

guardian, ~~or~~ custodian, or caretaker, suffers physical or mental 23817  
injury that harms or threatens to harm the child's health or 23818  
welfare. 23819

~~(E)~~(F) Is subjected to out-of-home care child abuse. 23820

**Sec. 2151.231.** (A) The parent, ~~guardian~~, or ~~eustodian~~ 23821  
caretaker of a child, ~~the person with whom a child resides~~, or the 23822  
child support enforcement agency of the county in which the child, 23823  
parent, ~~guardian~~, or ~~eustodian~~ caretaker of the child resides may 23824  
bring an action in a juvenile court or other court with 23825  
jurisdiction under section 2101.022 or 2301.03 of the Revised Code 23826  
under this section requesting the court to issue an order 23827  
requiring a parent of the child to pay an amount for the support 23828  
of the child without regard to the marital status of the child's 23829  
parents. No action may be brought under this section against a 23830  
person presumed to be the parent of a child based on an 23831  
acknowledgment of paternity that has not yet become final under 23832  
former section 3111.211 or 5101.314 or section 2151.232, 3111.25, 23833  
or 3111.821 of the Revised Code. 23834

The parties to an action under this section may raise the 23835  
issue of the existence or nonexistence of a parent-child 23836  
relationship, unless a final and enforceable determination of the 23837  
issue has been made with respect to the parties pursuant to 23838  
Chapter 3111. of the Revised Code or an acknowledgment of 23839  
paternity signed by the child's parents has become final pursuant 23840  
to former section 3111.211 or 5101.314 or section 2151.232, 23841  
3111.25, or 3111.821 of the Revised Code. If a complaint is filed 23842  
under this section and an issue concerning the existence or 23843  
nonexistence of a parent-child relationship is raised, the court 23844  
shall treat the action as an action pursuant to sections 3111.01 23845  
to 3111.18 of the Revised Code. An order issued in an action under 23846  
this section does not preclude a party to the action from bringing 23847

a subsequent action pursuant to sections 3111.01 to 3111.18 of the Revised Code if the issue concerning the existence or nonexistence of the parent-child relationship was not determined with respect to the party pursuant to a proceeding under this section, a proceeding under Chapter 3111. of the Revised Code, or an acknowledgment of paternity that has become final under former section 3111.211 or 5101.314 or section 2151.232, 3111.25, or 3111.821 of the Revised Code. An order issued pursuant to this section shall remain effective until an order is issued pursuant to sections 3111.01 to 3111.18 of the Revised Code that a parent-child relationship does not exist between the alleged father of the child and the child or until the occurrence of an event described in section 3119.88 of the Revised Code that would require the order to terminate.

The court, in accordance with sections 3119.29 to 3119.56 of the Revised Code, shall include in each support order made under this section the requirement that one or both of the parents provide for the health care needs of the child to the satisfaction of the court.

(B) As used in this section, "caretaker" has the same meaning as in section 3119.01 of the Revised Code.

**Sec. 2151.315.** (A) As used in this section:

(1) "age-appropriate Age-appropriate" means activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity. Age appropriateness is based on the development of cognitive, emotional, physical, and behavioral capacity that is typical for an age or age group.

(2) "Resource caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(B) A child who is placed with a resource caregiver or who is

subject to out-of-home care for alleged or adjudicated abused, 23878  
neglected, or dependent children is entitled to participate in 23879  
age-appropriate extracurricular, enrichment, and social 23880  
activities. 23881

(C) A resource caregiver or a person or facility that is 23882  
providing out-of-home care for an alleged or adjudicated abused, 23883  
neglected, or dependent child shall consider all of the following 23884  
when determining whether to give permission for that child to 23885  
participate in extracurricular, enrichment, or social activities: 23886

(1) The child's age, maturity, and developmental level to 23887  
maintain the overall health and safety of the child; 23888

(2) The potential risk factors and the appropriateness of the 23889  
extracurricular, enrichment, or social activity; 23890

(3) The best interest of the child based on information known 23891  
by the resource caregiver or a person or facility providing 23892  
out-of-home care for ~~an alleged or adjudicated abused, neglected,~~ 23893  
~~or dependent~~ the child; 23894

(4) The importance of encouraging the child's emotional and 23895  
developmental growth; 23896

(5) The importance of providing the child with the most 23897  
family-like living experience possible; 23898

(6) The behavioral history of the child and the child's 23899  
ability to safely participate in the extracurricular, enrichment, 23900  
or social activity. 23901

(D) A resource caregiver or person or facility that provides 23902  
out-of-home care to an alleged or adjudicated abused, neglected, 23903  
or dependent child shall be immune from liability in a civil 23904  
action to recover damages for injury, death, or loss to person or 23905  
property caused to the child who participates in an 23906  
extracurricular, enrichment, or social activity approved by the 23907

resource caregiver, person, or facility provided that the resource caregiver, person, or facility considered the factors described in division (C) of this section. 23908  
23909  
23910

**Sec. 2151.3515.** As used in sections 2151.3515 to ~~2151.3535~~ 23911  
2151.3533 of the Revised Code: 23912

(A) "Emergency medical service organization," "emergency medical technician-basic," "emergency medical technician-intermediate," "first responder," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code. 23913  
23914  
23915  
23916

(B) "Emergency medical service worker" means a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic. 23917  
23918  
23919

(C) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 23920  
23921

(D) "Hospital employee" means any of the following persons: 23922

(1) A physician who has been granted privileges to practice at the hospital; 23923  
23924

(2) A nurse, physician assistant, or nursing assistant employed by the hospital; 23925  
23926

(3) An authorized person employed by the hospital who is acting under the direction of a physician described in division ~~(E)(1)~~(D)(1) of this section. 23927  
23928  
23929

(E) "Law enforcement agency" means an organization or entity made up of peace officers. 23930  
23931

(F) "Nurse" means a person who is licensed under Chapter 4723. of the Revised Code to practice as a registered nurse or licensed practical nurse. 23932  
23933  
23934

(G) "Nursing assistant" means a person designated by a hospital as a nurse aide or nursing assistant whose job is to aid 23935  
23936

nurses, physicians, and physician assistants in the performance of  
their duties. 23937  
23938

(H) "Peace officer" means a sheriff, deputy sheriff,  
constable, police officer of a township or joint police district,  
marshal, deputy marshal, municipal police officer, or a state  
highway patrol trooper. 23939  
23940  
23941  
23942

(I) "Peace officer support employee" means an authorized  
person employed by a law enforcement agency who is acting under  
the direction of a peace officer. 23943  
23944  
23945

(J) "Physician" means an individual authorized under Chapter  
4731. of the Revised Code to practice medicine and surgery,  
osteopathic medicine and surgery, or podiatric medicine and  
surgery. 23946  
23947  
23948  
23949

~~(J)~~(K) "Physician assistant" means an individual who holds a  
current, valid license to practice as a physician assistant issued  
under Chapter 4730. of the Revised Code. 23950  
23951  
23952

**Sec. 2151.3516.** A parent may voluntarily deliver ~~his or her~~  
the parent's child who is not older than thirty days, without  
intent to return for the child, to ~~a~~ any of the following: 23953  
23954  
23955

(A) An entity or person specified in section 2151.3517 of the  
Revised Code ~~or a;~~ 23956  
23957

(B) A peace officer, peace officer support employee, hospital  
employee, or emergency medical service worker specified in section  
2151.3517 of the Revised Code, by calling 9-1-1 and waiting with  
the child until the officer, support employee, employee, or worker  
arrives and takes possession of the child; 23958  
23959  
23960  
23961  
23962

(C) A newborn safety incubator provided by an entity  
~~described~~ specified in that section 2151.3517 of the Revised Code  
and that meets the requirements of section 2151.3532 of the  
Revised Code. 23963  
23964  
23965  
23966

**Sec. 2151.3517.** The following entities or persons, while 23967  
acting in an official capacity on behalf of any of the entities, 23968  
shall take possession of a child delivered in accordance with 23969  
section 2151.3516 of the Revised Code: 23970

(A) A law enforcement agency ~~or~~ a peace officer employed by 23971  
the agency, or a peace officer support employee; 23972

(B) A hospital or a person granted the privilege to practice 23973  
at, or employed by, the hospital; 23974

(C) An emergency medical service organization or an emergency 23975  
medical service worker employed by or providing services to the 23976  
organization. 23977

**Sec. 2151.3518.** (A) On taking possession of a child pursuant 23978  
to section 2151.3517 of the Revised Code, a law enforcement 23979  
agency, hospital, or emergency medical service organization shall 23980  
do all the following: 23981

(1) Perform any act necessary to protect the child's health 23982  
or safety; 23983

(2) Notify the public children services agency of the county 23984  
in which the agency, hospital, or organization is located that the 23985  
child has been taken into possession; 23986

(3) If possible, make available to the parent who delivered 23987  
the child forms developed under section ~~2151.3534~~ 2151.3527 of the 23988  
Revised Code that are designed to gather medical information 23989  
concerning the child and the child's parents; 23990

(4) If possible, make available to the parent who delivered 23991  
the child written materials developed under section ~~2151.3534~~ 23992  
2151.3527 of the Revised Code that describe services available to 23993  
assist parents and newborns; 23994

(5) If the child has suffered a physical or mental wound, 23995

injury, disability, or condition of a nature that reasonably 23996  
indicates abuse or neglect of the child, attempt to identify and 23997  
pursue the person who delivered the child. 23998

(B) An emergency medical service worker who takes possession 23999  
of a child shall, in addition to any act performed under division 24000  
(A)(1) of this section, perform any medical service the worker is 24001  
authorized to perform that is necessary to protect the physical 24002  
health or safety of the child. 24003

**Sec. ~~2151.3534~~2151.3527.** (A) The director of job and family 24004  
services shall promulgate forms designed to gather pertinent 24005  
medical information concerning a deserted child and the child's 24006  
parents. The forms shall clearly and unambiguously state on each 24007  
page that the information requested is to facilitate medical care 24008  
for the child, that the forms may be fully or partially completed 24009  
or left blank, that completing the forms or parts of the forms is 24010  
completely voluntary, and that no adverse legal consequence will 24011  
result from failure to complete any part of the forms. 24012

(B) The director shall promulgate written materials to be 24013  
made available to the parents of a child delivered pursuant to 24014  
section 2151.3516 of the Revised Code. The materials shall 24015  
describe services available to assist parents and newborns and 24016  
shall include information directly relevant to situations that 24017  
might cause parents to desert a child and information on the 24018  
procedures for a person to follow in order to reunite with a child 24019  
the person delivered under section 2151.3516 of the Revised Code, 24020  
including notice that the person will be required to submit to a 24021  
DNA test, at that person's expense, to prove that the person is 24022  
the parent of the child. 24023

(C) The director of job and family services shall distribute 24024  
the medical information forms and written materials promulgated 24025  
pursuant to this section to all of the following: 24026

<u>(1) Entities permitted to receive a deserted child as specified in section 2151.3517 of the Revised Code;</u>	24027 24028
<u>(2) Public children services agencies;</u>	24029
<u>(3) Other public or private agencies that, in the discretion of the director, are best able to disseminate the forms and materials to the persons who are most in need of the forms and materials.</u>	24030 24031 24032 24033
<u>(D) If the department of job and family services determines that money in the putative father registry fund created under section 2101.16 of the Revised Code is more than is needed for its duties related to the putative father registry, the department may use surplus moneys in the fund for costs related to the development, distribution, and publication of forms and materials promulgated pursuant to divisions (A) and (B) of this section.</u>	24034 24035 24036 24037 24038 24039 24040
<u>(E) The department of job and family services shall develop an educational plan, in collaboration with the Ohio family and children first cabinet council, for informing at-risk populations who are most likely to voluntarily deliver a child under section 2151.3516 of the Revised Code concerning the provisions of sections 2151.3515 to 2151.3533 of the Revised Code.</u>	24041 24042 24043 24044 24045 24046
<b>Sec. 2151.3528. A</b> <u>All of the following apply to a parent who voluntarily delivers a child under section 2151.3516 of the Revised Code may:</u>	24047 24048 24049
<u>(A) The parent may complete all or any part of the medical information forms made available under <del>division (A)(3)</del> of section 2151.3518 of the Revised Code. The</u>	24050 24051 24052
<u>(B) The parent may deliver the fully or partially completed forms at the same time as delivering the child or at a later time. The</u>	24053 24054 24055
<u>(C) The parent is not required to complete all or any part of</u>	24056

the forms. 24057

(D) The parent may refuse to accept the materials made 24058  
available under section 2151.3518 of the Revised Code. 24059

~~Sec. 2151.3532. Not later than one hundred eighty days after~~ 24060  
~~the effective date of this section, the~~(A) The director of the 24061  
~~department of health shall adopt rules in accordance with Chapter~~ 24062  
119. of the Revised Code governing newborn safety incubators 24063  
provided by entities described in section 2151.3517 of the Revised 24064  
Code. The rules shall provide for all of the following: 24065

~~(A) Sanitation standards;~~ 24066

~~(B) Procedures to provide emergency care for a child~~ 24067  
~~delivered to an incubator;~~ 24068

~~(C) Manufacturing and manufacturer standards;~~ 24069

~~(D)~~(1) Design and function requirements that include the 24070  
following: 24071

~~(1)~~(a) Take into account installation at a facility operated 24072  
by a law enforcement agency, a hospital, or an emergency medical 24073  
service organization; 24074

~~(2)~~(b) Allow a child to be placed anonymously from outside 24075  
the facility; 24076

~~(3)~~(c) Lock the incubator after a child is placed in it so 24077  
that a person outside the facility is unable to access the child; 24078

~~(4)~~(d) Provide a controlled environment for the care and 24079  
protection of the child; 24080

~~(5)~~(e) Provide notification to a centralized location in the 24081  
facility within thirty seconds of a child being placed in the 24082  
incubator; 24083

~~(6)~~(f) Trigger a 9-1-1 call if a facility does not respond 24084  
within a reasonable amount of time after a child is placed in the 24085

facility's incubator.	24086
<del>(E) Operating(2) Manufacturing and manufacturer standards;</del>	24087
<u>(3) Installation and installer standards, including:</u>	24088
<u>(a) Qualifications for installers, including that installers</u>	24089
<u>must maintain appropriate certification and licensing credentials;</u>	24090
<u>(b) Procedures and forms for registration of newborn safety</u>	24091
<u>incubator installers.</u>	24092
<u>(4) Subject to section 2151.3533 of the Revised Code,</u>	24093
<u>operating policies, supervision, and maintenance requirements for</u>	24094
<u>an incubator, including requirements that only a peace officer,</u>	24095
<u>emergency medical service worker, or hospital employee supervise</u>	24096
<u>the incubator and take custody of a child placed in it;</u>	24097
<del>(F) Qualifications for persons to install incubators;</del>	24098
<del>(G) Procedures and forms for the registration of qualified</del>	24099
<del>incubator installers;</del>	24100
<del>(H)(5) Procedures to provide emergency care for a child</del>	24101
<del>placed into an incubator;</del>	24102
<u>(6) Sanitation standards;</u>	24103
<u>(7) Costs for registering and regulating incubators and fees</u>	24104
<u>to cover those costs;</u>	24105
<del>(I)(8) Creating and posting signs to be placed near or on</del>	24106
<del>incubators to provide information about using them;</del>	24107
<del>(J)(9) Enforcement of and remedies for violations for failure</del>	24108
<del>to comply with the requirements governing incubators;</del>	24109
<del>(K) Any other requirement the department considers necessary</del>	24110
<del>to ensure the safety and welfare of a child placed in an</del>	24111
<del>incubator.</del>	24112
<u>(B) Notwithstanding division (A) of section 2151.3526 of the</u>	24113
<u>Revised Code, video surveillance is permitted at the facility</u>	24114

where the incubator is located. The surveillance footage may be reviewed only when: 24115  
24116

(1) A child has been surrendered under the circumstances described in division (B) of section 2151.3526 of the Revised Code; 24117  
24118  
24119

(2) There is reason to believe a crime has been committed within view of the video surveillance system. 24120  
24121

(C) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under division (A) of this section is not subject to sections 121.95 to 121.953 of the Revised Code. 24122  
24123  
24124  
24125

**Sec. 2151.3533.** (A) In adopting the rules described in division (A)(4) of section 2151.3532 of the Revised Code, the director of health shall specify that a newborn safety incubator is deemed to be supervised when either of the following is the case: 24126  
24127  
24128  
24129  
24130

(1) A person authorized by section 2151.3517 of the Revised Code to take possession of a child is present at the facility where the incubator is located to take possession of a child placed in the incubator. 24131  
24132  
24133  
24134

(2) An alternate peace officer, peace officer support employee, hospital employee, or emergency medical service worker is dispatched by a secondary alarm that triggers a 9-1-1 call, in accordance with division (A)(1)(f) of section 2151.3532 of the Revised Code, when either of the following is the case: 24135  
24136  
24137  
24138  
24139

(a) No individual described in division (A) of this section who is present at the facility responds within a reasonable amount of time after a child is placed in the incubator. 24140  
24141  
24142

(b) Every individual described in section 2151.3517 of the Revised Code who is scheduled to work at the facility when a 24143  
24144

parent places a child into the incubator has been dispatched on an emergency call. 24145  
24146

(B) A person authorized by section 2151.3517 of the Revised Code to take possession of a child is not liable in damages in a civil action for injury, death, or loss to person or property resulting from the person's failure to respond within a reasonable amount of time after a child is placed in the incubator or after the person is dispatched by a secondary alarm, unless that failure constitutes willful or wanton misconduct. 24147  
24148  
24149  
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24151  
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24153

**Sec. 2151.421.** (A)(1)(a) No person described in division 24154  
(A)(1)(b) of this section who is acting in an official or 24155  
professional capacity and knows, or has reasonable cause to 24156  
suspect based on facts that would cause a reasonable person in a 24157  
similar position to suspect, that a child under eighteen years of 24158  
age, or a person under twenty-one years of age with a 24159  
developmental disability or physical impairment, has suffered or 24160  
faces a threat of suffering any physical or mental wound, injury, 24161  
disability, or condition of a nature that reasonably indicates 24162  
abuse or neglect of the child shall fail to immediately report 24163  
that knowledge or reasonable cause to suspect to the entity or 24164  
persons specified in this division. Except as otherwise provided 24165  
in this division or section 5120.173 of the Revised Code, the 24166  
person making the report shall make it to the public children 24167  
services agency or a peace officer in the county in which the 24168  
child resides or in which the abuse or neglect is occurring or has 24169  
occurred. If the person making the report is a peace officer, the 24170  
officer shall make it to the public children services agency in 24171  
the county in which the child resides or in which the abuse or 24172  
neglect is occurring or has occurred. In the circumstances 24173  
described in section 5120.173 of the Revised Code, the person 24174  
making the report shall make it to the entity specified in that 24175  
section. 24176

(b) Division (A)(1)(a) of this section applies to any person 24177  
who is an attorney; health care professional; practitioner of a 24178  
limited branch of medicine as specified in section 4731.15 of the 24179  
Revised Code; licensed school psychologist; independent marriage 24180  
and family therapist or marriage and family therapist; coroner; 24181  
administrator or employee of a child day-care center; 24182  
administrator or employee of a residential camp, child day camp, 24183  
or private, nonprofit therapeutic wilderness camp; administrator 24184  
or employee of a certified child care agency or other public or 24185  
private children services agency; school teacher; school employee; 24186  
school authority; peace officer; humane society agent; dog warden, 24187  
deputy dog warden, or other person appointed to act as an animal 24188  
control officer for a municipal corporation or township in 24189  
accordance with state law, an ordinance, or a resolution; person, 24190  
other than a cleric, rendering spiritual treatment through prayer 24191  
in accordance with the tenets of a well-recognized religion; 24192  
employee of a county department of job and family services who is 24193  
a professional and who works with children and families; 24194  
superintendent or regional administrator employed by the 24195  
department of youth services; superintendent, board member, or 24196  
employee of a county board of developmental disabilities; 24197  
investigative agent contracted with by a county board of 24198  
developmental disabilities; employee of the department of 24199  
developmental disabilities; employee of a facility or home that 24200  
provides respite care in accordance with section 5123.171 of the 24201  
Revised Code; employee of an entity that provides homemaker 24202  
services; employee of a qualified organization as defined in 24203  
section 2151.90 of the Revised Code; a host family as defined in 24204  
section 2151.90 of the Revised Code; foster caregiver; a person 24205  
performing the duties of an assessor pursuant to Chapter 3107. or 24206  
5103. of the Revised Code; third party employed by a public 24207  
children services agency to assist in providing child or family 24208  
related services; court appointed special advocate; or guardian ad 24209

litem. 24210

(c) If two or more health care professionals, after providing 24211  
health care services to a child, determine or suspect that the 24212  
child has been or is being abused or neglected, the health care 24213  
professionals may designate one of the health care professionals 24214  
to report the abuse or neglect. A single report made under this 24215  
division shall meet the reporting requirements of division (A)(1) 24216  
of this section. 24217

(2) Except as provided in division (A)(3) of this section, an 24218  
attorney or a physician is not required to make a report pursuant 24219  
to division (A)(1) of this section concerning any communication 24220  
the attorney or physician receives from a client or patient in an 24221  
attorney-client or physician-patient relationship, if, in 24222  
accordance with division (A) or (B) of section 2317.02 of the 24223  
Revised Code, the attorney or physician could not testify with 24224  
respect to that communication in a civil or criminal proceeding. 24225

(3) The client or patient in an attorney-client or 24226  
physician-patient relationship described in division (A)(2) of 24227  
this section is deemed to have waived any testimonial privilege 24228  
under division (A) or (B) of section 2317.02 of the Revised Code 24229  
with respect to any communication the attorney or physician 24230  
receives from the client or patient in that attorney-client or 24231  
physician-patient relationship, and the attorney or physician 24232  
shall make a report pursuant to division (A)(1) of this section 24233  
with respect to that communication, if all of the following apply: 24234

(a) The client or patient, at the time of the communication, 24235  
is a child under eighteen years of age or is a person under 24236  
twenty-one years of age with a developmental disability or 24237  
physical impairment. 24238

(b) The attorney or physician knows, or has reasonable cause 24239  
to suspect based on facts that would cause a reasonable person in 24240

similar position to suspect that the client or patient has 24241  
suffered or faces a threat of suffering any physical or mental 24242  
wound, injury, disability, or condition of a nature that 24243  
reasonably indicates abuse or neglect of the client or patient. 24244

(c) The abuse or neglect does not arise out of the client's 24245  
or patient's attempt to have an abortion without the notification 24246  
of her parents, guardian, or custodian in accordance with section 24247  
2151.85 of the Revised Code. 24248

(4)(a) No cleric and no person, other than a volunteer, 24249  
designated by any church, religious society, or faith acting as a 24250  
leader, official, or delegate on behalf of the church, religious 24251  
society, or faith who is acting in an official or professional 24252  
capacity, who knows, or has reasonable cause to believe based on 24253  
facts that would cause a reasonable person in a similar position 24254  
to believe, that a child under eighteen years of age, or a person 24255  
under twenty-one years of age with a developmental disability or 24256  
physical impairment, has suffered or faces a threat of suffering 24257  
any physical or mental wound, injury, disability, or condition of 24258  
a nature that reasonably indicates abuse or neglect of the child, 24259  
and who knows, or has reasonable cause to believe based on facts 24260  
that would cause a reasonable person in a similar position to 24261  
believe, that another cleric or another person, other than a 24262  
volunteer, designated by a church, religious society, or faith 24263  
acting as a leader, official, or delegate on behalf of the church, 24264  
religious society, or faith caused, or poses the threat of 24265  
causing, the wound, injury, disability, or condition that 24266  
reasonably indicates abuse or neglect shall fail to immediately 24267  
report that knowledge or reasonable cause to believe to the entity 24268  
or persons specified in this division. Except as provided in 24269  
section 5120.173 of the Revised Code, the person making the report 24270  
shall make it to the public children services agency or a peace 24271  
officer in the county in which the child resides or in which the 24272

abuse or neglect is occurring or has occurred. In the 24273  
circumstances described in section 5120.173 of the Revised Code, 24274  
the person making the report shall make it to the entity specified 24275  
in that section. 24276

(b) Except as provided in division (A)(4)(c) of this section, 24277  
a cleric is not required to make a report pursuant to division 24278  
(A)(4)(a) of this section concerning any communication the cleric 24279  
receives from a penitent in a cleric-penitent relationship, if, in 24280  
accordance with division (C) of section 2317.02 of the Revised 24281  
Code, the cleric could not testify with respect to that 24282  
communication in a civil or criminal proceeding. 24283

(c) The penitent in a cleric-penitent relationship described 24284  
in division (A)(4)(b) of this section is deemed to have waived any 24285  
testimonial privilege under division (C) of section 2317.02 of the 24286  
Revised Code with respect to any communication the cleric receives 24287  
from the penitent in that cleric-penitent relationship, and the 24288  
cleric shall make a report pursuant to division (A)(4)(a) of this 24289  
section with respect to that communication, if all of the 24290  
following apply: 24291

(i) The penitent, at the time of the communication, is a 24292  
child under eighteen years of age or is a person under twenty-one 24293  
years of age with a developmental disability or physical 24294  
impairment. 24295

(ii) The cleric knows, or has reasonable cause to believe 24296  
based on facts that would cause a reasonable person in a similar 24297  
position to believe, as a result of the communication or any 24298  
observations made during that communication, the penitent has 24299  
suffered or faces a threat of suffering any physical or mental 24300  
wound, injury, disability, or condition of a nature that 24301  
reasonably indicates abuse or neglect of the penitent. 24302

(iii) The abuse or neglect does not arise out of the 24303

penitent's attempt to have an abortion performed upon a child 24304  
under eighteen years of age or upon a person under twenty-one 24305  
years of age with a developmental disability or physical 24306  
impairment without the notification of her parents, guardian, or 24307  
custodian in accordance with section 2151.85 of the Revised Code. 24308

(d) Divisions (A)(4)(a) and (c) of this section do not apply 24309  
in a cleric-penitent relationship when the disclosure of any 24310  
communication the cleric receives from the penitent is in 24311  
violation of the sacred trust. 24312

(e) As used in divisions (A)(1) and (4) of this section, 24313  
"cleric" and "sacred trust" have the same meanings as in section 24314  
2317.02 of the Revised Code. 24315

(B) Anyone who knows, or has reasonable cause to suspect 24316  
based on facts that would cause a reasonable person in similar 24317  
circumstances to suspect, that a child under eighteen years of 24318  
age, or a person under twenty-one years of age with a 24319  
developmental disability or physical impairment, has suffered or 24320  
faces a threat of suffering any physical or mental wound, injury, 24321  
disability, or other condition of a nature that reasonably 24322  
indicates abuse or neglect of the child may report or cause 24323  
reports to be made of that knowledge or reasonable cause to 24324  
suspect to the entity or persons specified in this division. 24325  
Except as provided in section 5120.173 of the Revised Code, a 24326  
person making a report or causing a report to be made under this 24327  
division shall make it or cause it to be made to the public 24328  
children services agency or to a peace officer. In the 24329  
circumstances described in section 5120.173 of the Revised Code, a 24330  
person making a report or causing a report to be made under this 24331  
division shall make it or cause it to be made to the entity 24332  
specified in that section. 24333

(C) Any report made pursuant to division (A) or (B) of this 24334  
section shall be made forthwith either by telephone ~~or~~ in person, 24335

or electronically and shall be followed by a written report, if 24336  
requested by the receiving agency or officer. The written report 24337  
shall contain: 24338

(1) The names and addresses of the child and the child's 24339  
parents or the person or persons having custody of the child, if 24340  
known; 24341

(2) The child's age and the nature and extent of the child's 24342  
injuries, abuse, or neglect that is known or reasonably suspected 24343  
or believed, as applicable, to have occurred or of the threat of 24344  
injury, abuse, or neglect that is known or reasonably suspected or 24345  
believed, as applicable, to exist, including any evidence of 24346  
previous injuries, abuse, or neglect; 24347

(3) Any other information, including, but not limited to, 24348  
results and reports of any medical examinations, tests, or 24349  
procedures performed under division (D) of this section, that 24350  
might be helpful in establishing the cause of the injury, abuse, 24351  
or neglect that is known or reasonably suspected or believed, as 24352  
applicable, to have occurred or of the threat of injury, abuse, or 24353  
neglect that is known or reasonably suspected or believed, as 24354  
applicable, to exist. 24355

(D)(1) Any person, who is required by division (A) of this 24356  
section to report child abuse or child neglect that is known or 24357  
reasonably suspected or believed to have occurred, may take or 24358  
cause to be taken color photographs of areas of trauma visible on 24359  
a child and, if medically necessary for the purpose of diagnosing 24360  
or treating injuries that are suspected to have occurred as a 24361  
result of child abuse or child neglect, perform or cause to be 24362  
performed radiological examinations and any other medical 24363  
examinations of, and tests or procedures on, the child. 24364

(2) The results and any available reports of examinations, 24365  
tests, or procedures made under division (D)(1) of this section 24366

shall be included in a report made pursuant to division (A) of 24367  
this section. Any additional reports of examinations, tests, or 24368  
procedures that become available shall be provided to the public 24369  
children services agency, upon request. 24370

(3) If a health care professional provides health care 24371  
services in a hospital, children's advocacy center, or emergency 24372  
medical facility to a child about whom a report has been made 24373  
under division (A) of this section, the health care professional 24374  
may take any steps that are reasonably necessary for the release 24375  
or discharge of the child to an appropriate environment. Before 24376  
the child's release or discharge, the health care professional may 24377  
obtain information, or consider information obtained, from other 24378  
entities or individuals that have knowledge about the child. 24379  
Nothing in division (D)(3) of this section shall be construed to 24380  
alter the responsibilities of any person under sections 2151.27 24381  
and 2151.31 of the Revised Code. 24382

(4) A health care professional may conduct medical 24383  
examinations, tests, or procedures on the siblings of a child 24384  
about whom a report has been made under division (A) of this 24385  
section and on other children who reside in the same home as the 24386  
child, if the professional determines that the examinations, 24387  
tests, or procedures are medically necessary to diagnose or treat 24388  
the siblings or other children in order to determine whether 24389  
reports under division (A) of this section are warranted with 24390  
respect to such siblings or other children. The results of the 24391  
examinations, tests, or procedures on the siblings and other 24392  
children may be included in a report made pursuant to division (A) 24393  
of this section. 24394

(5) Medical examinations, tests, or procedures conducted 24395  
under divisions (D)(1) and (4) of this section and decisions 24396  
regarding the release or discharge of a child under division 24397  
(D)(3) of this section do not constitute a law enforcement 24398

investigation or activity. 24399

(E)(1) When a peace officer receives a report made pursuant 24400  
to division (A) or (B) of this section, upon receipt of the 24401  
report, the peace officer who receives the report shall refer the 24402  
report to the appropriate public children services agency, in 24403  
accordance with requirements specified under division (B)(6) of 24404  
section 2151.4211 of the Revised Code, unless an arrest is made at 24405  
the time of the report that results in the appropriate public 24406  
children services agency being contacted concerning the possible 24407  
abuse or neglect of a child or the possible threat of abuse or 24408  
neglect of a child. 24409

(2) When a public children services agency receives a report 24410  
pursuant to this division or division (A) or (B) of this section, 24411  
upon receipt of the report, the public children services agency 24412  
shall do all of the following: 24413

(a) Comply with section 2151.422 of the Revised Code; 24414

(b) If the county served by the agency is also served by a 24415  
children's advocacy center and the report alleges sexual abuse of 24416  
a child or another type of abuse of a child that is specified in 24417  
the memorandum of understanding that creates the center as being 24418  
within the center's jurisdiction, comply regarding the report with 24419  
the protocol and procedures for referrals and investigations, with 24420  
the coordinating activities, and with the authority or 24421  
responsibility for performing or providing functions, activities, 24422  
and services stipulated in the interagency agreement entered into 24423  
under section 2151.428 of the Revised Code relative to that 24424  
center; 24425

(c) Unless an arrest is made at the time of the report that 24426  
results in the appropriate law enforcement agency being contacted 24427  
concerning the possible abuse or neglect of a child or the 24428  
possible threat of abuse or neglect of a child, and in accordance 24429

with requirements specified under division (B)(6) of section 24430  
2151.4211 of the Revised Code, notify the appropriate law 24431  
enforcement agency of the report, if the public children services 24432  
agency received either of the following: 24433

(i) A report of abuse of a child; 24434

(ii) A report of neglect of a child that alleges a type of 24435  
neglect identified by the department of job and family services in 24436  
rules adopted under division (L)(2) of this section. 24437

(F) No peace officer shall remove a child about whom a report 24438  
is made pursuant to this section from the child's parents, 24439  
stepparents, or guardian or any other persons having custody of 24440  
the child without consultation with the public children services 24441  
agency, unless, in the judgment of the officer, and, if the report 24442  
was made by physician, the physician, immediate removal is 24443  
considered essential to protect the child from further abuse or 24444  
neglect. The agency that must be consulted shall be the agency 24445  
conducting the investigation of the report as determined pursuant 24446  
to section 2151.422 of the Revised Code. 24447

(G)(1) Except as provided in section 2151.422 of the Revised 24448  
Code or in an interagency agreement entered into under section 24449  
2151.428 of the Revised Code that applies to the particular 24450  
report, the public children services agency shall investigate, 24451  
within twenty-four hours, each report of child abuse or child 24452  
neglect that is known or reasonably suspected or believed to have 24453  
occurred and of a threat of child abuse or child neglect that is 24454  
known or reasonably suspected or believed to exist that is 24455  
referred to it under this section to determine the circumstances 24456  
surrounding the injuries, abuse, or neglect or the threat of 24457  
injury, abuse, or neglect, the cause of the injuries, abuse, 24458  
neglect, or threat, and the person or persons responsible. The 24459  
investigation shall be made in cooperation with the law 24460  
enforcement agency and in accordance with the memorandum of 24461

understanding prepared under sections 2151.4210 to 2151.4224 of 24462  
the Revised Code. A representative of the public children services 24463  
agency shall, at the time of initial contact with the person 24464  
subject to the investigation, inform the person of the specific 24465  
complaints or allegations made against the person. The information 24466  
shall be given in a manner that is consistent with division (I)(1) 24467  
and rules adopted under division (L)(3) of this section and 24468  
protects the rights of the person making the report under this 24469  
section. 24470

A failure to make the investigation in accordance with the 24471  
memorandum is not grounds for, and shall not result in, the 24472  
dismissal of any charges or complaint arising from the report or 24473  
the suppression of any evidence obtained as a result of the report 24474  
and does not give, and shall not be construed as giving, any 24475  
rights or any grounds for appeal or post-conviction relief to any 24476  
person. The public children services agency shall report each case 24477  
to the uniform statewide automated child welfare information 24478  
system that the department of job and family services shall 24479  
maintain in accordance with section 5101.13 of the Revised Code. 24480  
The public children services agency shall submit a report of its 24481  
investigation, in writing, to the law enforcement agency. 24482

(2) The public children services agency shall make any 24483  
recommendations to the county prosecuting attorney or city 24484  
director of law that it considers necessary to protect any 24485  
children that are brought to its attention. 24486

(H)(1)(a) Except as provided in divisions (H)(1)(b) and 24487  
(I)(3) of this section, any person, health care professional, 24488  
hospital, institution, school, health department, or agency shall 24489  
be immune from any civil or criminal liability for injury, death, 24490  
or loss to person or property that otherwise might be incurred or 24491  
imposed as a result of any of the following: 24492

(i) Participating in the making of reports pursuant to 24493

division (A) of this section or in the making of reports in good faith, pursuant to division (B) of this section;	24494 24495
(ii) Participating in medical examinations, tests, or procedures under division (D) of this section;	24496 24497
(iii) Providing information used in a report made pursuant to division (A) of this section or providing information in good faith used in a report made pursuant to division (B) of this section;	24498 24499 24500 24501
(iv) Participating in a judicial proceeding resulting from a report made pursuant to division (A) of this section or participating in good faith in a proceeding resulting from a report made pursuant to division (B) of this section.	24502 24503 24504 24505
(b) Immunity under division (H)(1)(a)(ii) of this section shall not apply when a health care provider has deviated from the standard of care applicable to the provider's profession.	24506 24507 24508
(c) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section.	24509 24510 24511 24512 24513 24514
(2) In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought.	24515 24516 24517 24518 24519 24520 24521 24522 24523
(I)(1) Except as provided in divisions (I)(4) and (N) of this	24524

section and sections 2151.423 and 2151.4210 of the Revised Code, a 24525  
report made under this section is confidential. The information 24526  
provided in a report made pursuant to this section and the name of 24527  
the person who made the report shall not be released for use, and 24528  
shall not be used, as evidence in any civil action or proceeding 24529  
brought against the person who made the report. Nothing in this 24530  
division shall preclude the use of reports of other incidents of 24531  
known or suspected abuse or neglect in a civil action or 24532  
proceeding brought pursuant to division (M) of this section 24533  
against a person who is alleged to have violated division (A)(1) 24534  
of this section, provided that any information in a report that 24535  
would identify the child who is the subject of the report or the 24536  
maker of the report, if the maker of the report is not the 24537  
defendant or an agent or employee of the defendant, has been 24538  
redacted. In a criminal proceeding, the report is admissible in 24539  
evidence in accordance with the Rules of Evidence and is subject 24540  
to discovery in accordance with the Rules of Criminal Procedure. 24541

(2)(a) Except as provided in division (I)(2)(b) of this 24542  
section, no person shall permit or encourage the unauthorized 24543  
dissemination of the contents of any report made under this 24544  
section. 24545

(b) A health care professional that obtains the same 24546  
information contained in a report made under this section from a 24547  
source other than the report may disseminate the information, if 24548  
its dissemination is otherwise permitted by law. 24549

(3) A person who knowingly makes or causes another person to 24550  
make a false report under division (B) of this section that 24551  
alleges that any person has committed an act or omission that 24552  
resulted in a child being an abused child or a neglected child is 24553  
guilty of a violation of section 2921.14 of the Revised Code. 24554

(4) If a report is made pursuant to division (A) or (B) of 24555  
this section and the child who is the subject of the report dies 24556

for any reason at any time after the report is made, but before 24557  
the child attains eighteen years of age, the public children 24558  
services agency or peace officer to which the report was made or 24559  
referred, on the request of the child fatality review board, the 24560  
suicide fatality review committee, or the director of health 24561  
pursuant to guidelines established under section 3701.70 of the 24562  
Revised Code, shall submit a summary sheet of information 24563  
providing a summary of the report to the review board or review 24564  
committee of the county in which the deceased child resided at the 24565  
time of death or to the director. On the request of the review 24566  
board, review committee, or director, the agency or peace officer 24567  
may, at its discretion, make the report available to the review 24568  
board, review committee, or director. If the county served by the 24569  
public children services agency is also served by a children's 24570  
advocacy center and the report of alleged sexual abuse of a child 24571  
or another type of abuse of a child is specified in the memorandum 24572  
of understanding that creates the center as being within the 24573  
center's jurisdiction, the agency or center shall perform the 24574  
duties and functions specified in this division in accordance with 24575  
the interagency agreement entered into under section 2151.428 of 24576  
the Revised Code relative to that advocacy center. 24577

(5) A Not later than five business days after the 24578  
determination of a disposition, a public children services agency 24579  
shall advise a person alleged to have inflicted abuse or neglect 24580  
on a child who is the subject of a report made pursuant to this 24581  
section, including a report alleging sexual abuse of a child or 24582  
another type of abuse of a child referred to a children's advocacy 24583  
center pursuant to an interagency agreement entered into under 24584  
section 2151.428 of the Revised Code, in writing of the 24585  
disposition of the investigation. The agency shall not provide to 24586  
the person any information that identifies the person who made the 24587  
report, statements of witnesses, or police or other investigative 24588  
reports. The written notice of disposition shall be made in a form 24589

designated by the department of job and family services and shall 24590  
inform the person of the right to appeal the disposition in 24591  
accordance with rules adopted under division (L)(3) of this 24592  
section. 24593

(J) Any report that is required by this section, other than a 24594  
report that is made to the state highway patrol as described in 24595  
section 5120.173 of the Revised Code, shall result in protective 24596  
services and emergency supportive services being made available by 24597  
the public children services agency on behalf of the children 24598  
about whom the report is made, ~~in an effort to prevent further~~ 24599  
~~neglect or abuse, to enhance their welfare, and, whenever~~ 24600  
~~possible, to preserve the family unit intact.~~ The agency required 24601  
to provide the services shall be the agency conducting the 24602  
investigation of the report pursuant to section 2151.422 of the 24603  
Revised Code. If a child is determined to be a candidate for 24604  
prevention services, the agency also shall make efforts to prevent 24605  
neglect or abuse, to enhance a child's welfare, and to preserve 24606  
the family unit intact by referring a report for assessment and 24607  
provision of services to an agency providing prevention services. 24608

(K)(1) Except as provided in division (K)(4) or (5) of this 24609  
section, a person who is required to make a report under division 24610  
(A) of this section may make a reasonable number of requests of 24611  
the public children services agency that receives or is referred 24612  
the report, or of the children's advocacy center that is referred 24613  
the report if the report is referred to a children's advocacy 24614  
center pursuant to an interagency agreement entered into under 24615  
section 2151.428 of the Revised Code, to be provided with the 24616  
following information: 24617

(a) Whether the agency or center has initiated an 24618  
investigation of the report; 24619

(b) Whether the agency or center is continuing to investigate 24620  
the report; 24621

(c) Whether the agency or center is otherwise involved with the child who is the subject of the report;	24622 24623
(d) The general status of the health and safety of the child who is the subject of the report;	24624 24625
(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.	24626 24627 24628
(2)(a) A person may request the information specified in division (K)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.	24629 24630 24631 24632
(b) When a peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (K)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report.	24633 24634 24635 24636 24637 24638 24639 24640 24641
(c) If the person making the report provides the person's name and contact information on making the report, the public children services agency that received or was referred the report shall send a written notice via United States mail or electronic mail, in accordance with the person's preference, to the person not later than seven calendar days after receipt of the report. The notice shall provide the status of the agency's investigation into the report made, who the person may contact at the agency for further information, and a description of the person's rights under division (K)(1) of this section.	24642 24643 24644 24645 24646 24647 24648 24649 24650 24651
(d) Each request is subject to verification of the identity	24652

of the person making the report. If that person's identity is 24653  
verified, the agency shall provide the person with the information 24654  
described in division (K)(1) of this section a reasonable number 24655  
of times, except that the agency shall not disclose any 24656  
confidential information regarding the child who is the subject of 24657  
the report other than the information described in those 24658  
divisions. 24659

(3) A request made pursuant to division (K)(1) of this 24660  
section is not a substitute for any report required to be made 24661  
pursuant to division (A) of this section. 24662

(4) If an agency other than the agency that received or was 24663  
referred the report is conducting the investigation of the report 24664  
pursuant to section 2151.422 of the Revised Code, the agency 24665  
conducting the investigation shall comply with the requirements of 24666  
division (K) of this section. 24667

(5) A health care professional who made a report under 24668  
division (A) of this section, or on whose behalf such a report was 24669  
made as provided in division (A)(1)(c) of this section, may 24670  
authorize a person to obtain the information described in division 24671  
(K)(1) of this section if the person requesting the information is 24672  
associated with or acting on behalf of the health care 24673  
professional who provided health care services to the child about 24674  
whom the report was made. 24675

(6) If the person making the report provides the person's 24676  
name and contact information on making the report, the public 24677  
children services agency that received or was referred the report 24678  
shall send a written notice via United States mail or electronic 24679  
mail, in accordance with the person's preference, to the person 24680  
not later than seven calendar days after the agency closes the 24681  
investigation into the case reported by the person. The notice 24682  
shall notify the person that the agency has closed the 24683  
investigation. 24684

(L)(1) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The department of job and family services may enter into a plan of cooperation with any other governmental entity to aid in ensuring that children are protected from abuse and neglect. The department shall make recommendations to the attorney general that the department determines are necessary to protect children from child abuse and child neglect.

(2) Not later than ninety days after ~~the effective date of this amendment~~ May 30, 2022, the director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to identify the types of neglect of a child that a public children services agency shall be required to notify law enforcement of pursuant to division (E)(2)(c)(ii) of this section.

(3) Not later than one hundred eighty days after the effective date of this amendment, the director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement a process for a person who is alleged to have inflicted abuse or neglect on a child who is the subject of a report made pursuant to this section to appeal the disposition of such a report. The rules shall include all of the following:

(a) A requirement that the agency notify the person who is the alleged perpetrator of child abuse or neglect that:

(i) The person has been identified as an alleged perpetrator of abuse or neglect upon receipt of a good faith report that the agency screened in for investigation.

(ii) The agency has initiated an investigation of that report.

(iii) The person's name will be entered into the statewide automated child welfare information system.

(iv) The person will receive written notification of the

<u>investigation disposition and instructions on how to appeal the</u>	24716
<u>disposition, if the person chooses to do so.</u>	24717
<u>(b) A requirement that the agency provide the person written</u>	24718
<u>notice of the investigation disposition and of the person's right</u>	24719
<u>to appeal the disposition, not later than five days after the</u>	24720
<u>issuance of the disposition;</u>	24721
<u>(c) Procedures to ensure that notifications under divisions</u>	24722
<u>(L)(3)(a) and (L)(3)(b) of this section are successfully provided</u>	24723
<u>to the person;</u>	24724
<u>(d) The method by which an appeal may be made;</u>	24725
<u>(e) A time limit for the person to file an appeal with the</u>	24726
<u>agency;</u>	24727
<u>(f) A time limit for the agency to respond to a request for</u>	24728
<u>an appeal and issue a decision;</u>	24729
<u>(g) Sanctions that may be applied against an agency for</u>	24730
<u>failing to take action within the required time limits.</u>	24731
<u>(4) Notwithstanding any provision of section 121.95 of the</u>	24732
<u>Revised Code to the contrary, a regulatory restriction contained</u>	24733
<u>in a rule adopted under division (L)(3) of this section is not</u>	24734
<u>subject to sections 121.95 to 121.953 of the Revised Code.</u>	24735
(M) Whoever violates division (A) of this section is liable	24736
for compensatory and exemplary damages to the child who would have	24737
been the subject of the report that was not made. A person who	24738
brings a civil action or proceeding pursuant to this division	24739
against a person who is alleged to have violated division (A)(1)	24740
of this section may use in the action or proceeding reports of	24741
other incidents of known or suspected abuse or neglect, provided	24742
that any information in a report that would identify the child who	24743
is the subject of the report or the maker of the report, if the	24744
maker is not the defendant or an agent or employee of the	24745

defendant, has been redacted. 24746

(N)(1) As used in this division: 24747

(a) "Out-of-home care" includes a nonchartered nonpublic 24748  
school if the alleged child abuse or child neglect, or alleged 24749  
threat of child abuse or child neglect, described in a report 24750  
received by a public children services agency allegedly occurred 24751  
in or involved the nonchartered nonpublic school and the alleged 24752  
perpetrator named in the report holds a certificate, permit, or 24753  
license issued by the state board of education under section 24754  
3301.071 or Chapter 3319. of the Revised Code. 24755

(b) "Administrator, director, or other chief administrative 24756  
officer" means the superintendent of the school district if the 24757  
out-of-home care entity subject to a report made pursuant to this 24758  
section is a school operated by the district. 24759

(2) No later than the end of the day following the day on 24760  
which a public children services agency receives a report of 24761  
alleged child abuse or child neglect, or a report of an alleged 24762  
threat of child abuse or child neglect, that allegedly occurred in 24763  
or involved an out-of-home care entity, the agency shall provide 24764  
written notice of the allegations contained in and the person 24765  
named as the alleged perpetrator in the report to the 24766  
administrator, director, or other chief administrative officer of 24767  
the out-of-home care entity that is the subject of the report 24768  
unless the administrator, director, or other chief administrative 24769  
officer is named as an alleged perpetrator in the report. If the 24770  
administrator, director, or other chief administrative officer of 24771  
an out-of-home care entity is named as an alleged perpetrator in a 24772  
report of alleged child abuse or child neglect, or a report of an 24773  
alleged threat of child abuse or child neglect, that allegedly 24774  
occurred in or involved the out-of-home care entity, the agency 24775  
shall provide the written notice to the owner or governing board 24776  
of the out-of-home care entity that is the subject of the report. 24777

The agency shall not provide witness statements or police or other  
investigative reports. 24778  
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(3) No later than three days after the day on which a public  
children services agency that conducted the investigation as 24780  
determined pursuant to section 2151.422 of the Revised Code makes 24781  
a disposition of an investigation involving a report of alleged 24782  
child abuse or child neglect, or a report of an alleged threat of 24783  
child abuse or child neglect, that allegedly occurred in or 24784  
involved an out-of-home care entity, the agency shall send written 24785  
notice of the disposition of the investigation to the 24786  
administrator, director, or other chief administrative officer and 24787  
the owner or governing board of the out-of-home care entity. The 24788  
agency shall not provide witness statements or police or other 24789  
investigative reports. 24790  
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(0) As used in this section: 24792

(1) "Children's advocacy center" and "sexual abuse of a  
child" have the same meanings as in section 2151.425 of the  
Revised Code. 24793  
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(2) "Health care professional" means an individual who  
provides health-related services including a physician, hospital  
intern or resident, dentist, podiatrist, registered nurse,  
licensed practical nurse, visiting nurse, licensed psychologist,  
speech pathologist, audiologist, person engaged in social work or  
the practice of professional counseling, and employee of a home  
health agency. "Health care professional" does not include a  
practitioner of a limited branch of medicine as specified in  
section 4731.15 of the Revised Code, licensed school psychologist,  
independent marriage and family therapist or marriage and family  
therapist, or coroner. 24796  
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(3) "Investigation" means the public children services  
agency's response to an accepted report of child abuse or neglect 24807  
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through either an alternative response or a traditional response. 24809

(4) "Peace officer" means a sheriff, deputy sheriff, 24810  
constable, police officer of a township or joint police district, 24811  
marshal, deputy marshal, municipal police officer, or a state 24812  
highway patrol trooper. 24813

**Sec. 2151.423.** A public children services agency shall 24814  
disclose confidential information discovered during an 24815  
investigation conducted pursuant to section 2151.421 or 2151.422 24816  
of the Revised Code to any federal, state, or local government 24817  
entity, including any appropriate military authority or any agency 24818  
providing prevention services to the child, that needs the 24819  
information to carry out its responsibilities to protect children 24820  
from abuse or neglect. 24821

Information disclosed pursuant to this section is 24822  
confidential and is not subject to disclosure pursuant to section 24823  
149.43 or 1347.08 of the Revised Code by the agency to whom the 24824  
information was disclosed. The agency receiving the information 24825  
shall maintain the confidentiality of information disclosed 24826  
pursuant to this section. 24827

**Sec. 2151.86.** (A)(1) The appointing or hiring officer of any 24828  
entity that appoints or employs any person responsible for a 24829  
child's care in out-of-home care shall request the superintendent 24830  
of BCII to conduct a criminal records check with respect to any 24831  
person who is under final consideration for appointment or 24832  
employment as a person responsible for a child's care in 24833  
out-of-home care. The request shall be made at the time of initial 24834  
application for appointment or employment and every four years 24835  
thereafter. If the out-of-home care entity is a public school, 24836  
educational service center, or chartered nonpublic school, then 24837  
section 3319.39 of the Revised Code ~~shall apply~~ applies instead. 24838

If the out-of-home care entity is a child day-care center, type A 24839  
family day-care home, type B family day-care home, certified 24840  
in-home aide, or child day camp, then section 5104.013 of the 24841  
Revised Code ~~shall apply~~ applies instead. If the out-of-home care 24842  
entity is an association or institution, including an agency that 24843  
arranges adoptions, then sections 5103.25 to 5103.259 of the 24844  
Revised Code apply instead. 24845

(2) At the times specified in this division, the 24846  
~~administrative director of an agency, or attorney,~~ who arranges an 24847  
adoption for a prospective adoptive parent shall request the 24848  
superintendent of BCII to conduct a criminal records check with 24849  
respect to that prospective adoptive parent and a criminal records 24850  
check with respect to all persons eighteen years of age or older 24851  
who reside with the prospective adoptive parent. The 24852  
~~administrative director or attorney~~ shall request a criminal 24853  
records check pursuant to this division at the time of the initial 24854  
home study, every ~~four~~ five years after the initial home study ~~at~~ 24855  
~~the time of an update,~~ and at the time that an adoptive home study 24856  
is completed as a new home study. 24857

~~(3) Before a recommending agency submits a recommendation to~~ 24858  
~~the department of job and family services on whether the~~ 24859  
~~department should issue a certificate to a foster home under~~ 24860  
~~section 5103.03 of the Revised Code, and every four years~~ 24861  
~~thereafter prior to a recertification under that section, the~~ 24862  
~~administrative director of the agency shall request that the~~ 24863  
~~superintendent of BCII conduct a criminal records check with~~ 24864  
~~respect to the prospective foster caregiver and a criminal records~~ 24865  
~~check with respect to all other persons eighteen years of age or~~ 24866  
~~older who reside with the foster caregiver.~~ 24867

(B)(1) When the appointing or hiring officer requests, at the 24868  
time of initial application for appointment or employment, a 24869  
criminal records check for a person subject to division (A)(1) of 24870

this section, the officer shall request that the superintendent of 24871  
BCII obtain information from the federal bureau of investigation 24872  
as part of the criminal records check, including fingerprint-based 24873  
checks of national crime information databases as described in 42 24874  
U.S.C. 671, for the person subject to the criminal records check. 24875  
In all other cases in which the appointing or hiring officer 24876  
requests a criminal records check for a person pursuant to 24877  
division (A)(1) of this section, the officer may request that the 24878  
superintendent of BCII obtain information from the federal bureau 24879  
of investigation as part of the criminal records check, including 24880  
fingerprint-based checks of national crime information databases 24881  
as described in 42 U.S.C. 671, for the person subject to the 24882  
criminal records check. 24883

(2) When the ~~administrative director of an agency, or~~ 24884  
attorney, who arranges an adoption for a prospective adoptive 24885  
parent requests, at the time of the initial home study, a criminal 24886  
records check for a person pursuant to division (A)(2) of this 24887  
section, the ~~administrative director or~~ attorney shall request 24888  
that the superintendent of BCII obtain information from the 24889  
federal bureau of investigation as part of the criminal records 24890  
check, including fingerprint-based checks of national crime 24891  
information databases as described in 42 U.S.C. 671, for the 24892  
person subject to the criminal records check. In all other cases 24893  
in which the ~~administrative director of an agency, or~~ attorney, 24894  
who arranges an adoption for a prospective adoptive parent 24895  
requests a criminal records check for a person pursuant to 24896  
division (A)(2) of this section, the ~~administrative director or~~ 24897  
attorney may request that the superintendent of BCII include 24898  
information from the federal bureau of investigation in the 24899  
criminal records check, including fingerprint-based checks of 24900  
national crime information databases as described in 42 U.S.C. 24901  
671. 24902

~~When the administrative director of a recommending agency requests, before submitting a recommendation to the department of job and family services on whether the department should issue a certificate to a foster home under section 5103.03 of the Revised Code, a criminal records check for a person pursuant to division (A)(3) of this section, the administrative director shall request that the superintendent of BCII obtain information from the federal bureau of investigation as part of a criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check. In all other cases in which the administrative director of a recommending agency requests a criminal records check for a person pursuant to division (A)(3) of this section, the administrative director may request that the superintendent of BCII include information from the federal bureau of investigation in the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671.~~

(3) Prior to a hearing on a final decree of adoption or interlocutory order of adoption by a probate court, the ~~administrative director of an agency, or an attorney,~~ who arranges an adoption for a prospective parent shall provide to the clerk of the probate court either of the following:

(a) Any information received pursuant to a request made under this division from the superintendent of BCII or the federal bureau of investigation as part of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check;

(b) Written notification that the person subject to a criminal records check pursuant to this division failed upon request to provide the information necessary to complete the form

or failed to provide impressions of the person's fingerprints as 24935  
required under division (B)(2) of this section. 24936

~~(2)(C)(1)~~ An appointing or hiring officer, ~~administrative~~ 24937  
~~director~~, or attorney required by division (A) of this section to 24938  
request a criminal records check shall provide to each person 24939  
subject to a criminal records check a copy of the form prescribed 24940  
pursuant to division (C)(1) of section 109.572 of the Revised Code 24941  
and a standard impression sheet to obtain fingerprint impressions 24942  
prescribed pursuant to division (C)(2) of section 109.572 of the 24943  
Revised Code, obtain the completed form and impression sheet from 24944  
the person, and forward the completed form and impression sheet to 24945  
the superintendent of BCII at the time the criminal records check 24946  
is requested. 24947

(2) Any person subject to a criminal records check who 24948  
receives pursuant to this division a copy of the form prescribed 24949  
pursuant to division (C)(1) of section 109.572 of the Revised Code 24950  
and a copy of an impression sheet prescribed pursuant to division 24951  
(C)(2) of that section and who is requested to complete the form 24952  
and provide a set of fingerprint impressions shall complete the 24953  
form or provide all the information necessary to complete the form 24954  
and shall provide the impression sheet with the impressions of the 24955  
person's fingerprints. If a person subject to a criminal records 24956  
check, upon request, fails to provide the information necessary to 24957  
complete the form or fails to provide impressions of the person's 24958  
fingerprints, the appointing or hiring officer shall not appoint 24959  
or employ the person as a person responsible for a child's care in 24960  
out-of-home care, and a probate court may not issue a final decree 24961  
of adoption or an interlocutory order of adoption making the 24962  
person an adoptive parent, ~~and the department of job and family~~ 24963  
~~services shall not issue a certificate authorizing the prospective~~ 24964  
~~foster caregiver to operate a foster home.~~ 24965

~~(C)(1)(D)~~ No appointing or hiring officer shall appoint or 24966

employ a person as a person responsible for a child's care in 24967  
out-of-home care, ~~the department of job and family services shall~~ 24968  
~~not issue a certificate under section 5103.03 of the Revised Code~~ 24969  
~~authorizing a prospective foster caregiver to operate a foster~~ 24970  
~~home,~~ and no probate court shall issue a final decree of adoption 24971  
or an interlocutory order of adoption making a person an adoptive 24972  
parent if the person or, in the case of a ~~prospective foster~~ 24973  
~~caregiver or~~ prospective adoptive parent, any person eighteen 24974  
years of age or older who resides with the ~~prospective foster~~ 24975  
~~caregiver or~~ prospective adoptive parent, previously has been 24976  
convicted of or pleaded guilty to any of the violations described 24977  
in division (A)(4) of section 109.572 of the Revised Code, unless 24978  
the person meets rehabilitation standards established in rules 24979  
adopted under division (F) of this section. 24980

~~(2) Prior to certification or recertification under section~~ 24981  
~~5103.03 of the Revised Code, the prospective foster caregiver~~ 24982  
~~subject to a criminal records check under division (A)(3) of this~~ 24983  
~~section shall notify the recommending agency of the revocation of~~ 24984  
~~any foster home license, certificate, or other similar~~ 24985  
~~authorization in another state occurring within the five years~~ 24986  
~~prior to the date of application to become a foster caregiver in~~ 24987  
~~this state. The failure of a prospective foster caregiver to~~ 24988  
~~notify the recommending agency of any revocation of that type in~~ 24989  
~~another state that occurred within that five year period shall be~~ 24990  
~~grounds for denial of the person's foster home application or the~~ 24991  
~~revocation of the person's foster home certification, whichever is~~ 24992  
~~applicable. If a person has had a revocation in another state~~ 24993  
~~within the five years prior to the date of the application, the~~ 24994  
~~department of job and family services shall not issue a foster~~ 24995  
~~home certificate to the prospective foster caregiver.~~ 24996

~~(D)(E)~~ The appointing or hiring officer, ~~administrative~~ 24997  
~~director,~~ or attorney shall pay to the bureau of criminal 24998

identification and investigation the fee prescribed pursuant to 24999  
division (C)(3) of section 109.572 of the Revised Code for each 25000  
criminal records check conducted in accordance with that section 25001  
upon a request pursuant to division (A) of this section. The 25002  
officer,~~director~~, or attorney may charge the person subject to 25003  
the criminal records check a fee for the costs the officer, ~~25004  
director~~, or attorney incurs in obtaining the criminal records 25005  
check. A fee charged under this division shall not exceed the 25006  
amount of fees the officer,~~director~~, or attorney pays for the 25007  
criminal records check. If a fee is charged under this division, 25008  
the officer,~~director~~, or attorney shall notify the person who is 25009  
the applicant at the time of the person's initial application for 25010  
appointment or employment, or an adoption to be arranged, ~~or a 25011  
certificate to operate a foster home~~ of the amount of the fee and 25012  
that, unless the fee is paid, the person who is the applicant will 25013  
not be considered for appointment or employment or as an adoptive 25014  
parent ~~or foster caregiver~~. 25015

~~(E)~~(F) The report of any criminal records check conducted by 25016  
the bureau of criminal identification and investigation in 25017  
accordance with section 109.572 of the Revised Code and pursuant 25018  
to a request made under division (A) of this section is not a 25019  
public record for the purposes of section 149.43 of the Revised 25020  
Code and shall not be made available to any person other than the 25021  
following: 25022

(1) The person who is the subject of the criminal records 25023  
check or the person's representative; 25024

(2) The appointing or hiring officer,~~administrative 25025  
director~~, or attorney requesting the criminal records check or the 25026  
officer's,~~director's~~, or attorney's representative; 25027

(3) The department of job and family services, a county 25028  
department of job and family services, or a public children 25029  
services agency; 25030

(4) Any court, hearing officer, or other necessary individual 25031  
involved in a case dealing with the denial of employment, or a 25032  
final decree of adoption or interlocutory order of adoption, ~~or a~~ 25033  
~~foster home certificate.~~ 25034

~~(F)~~(G) The director of job and family services shall adopt 25035  
rules in accordance with Chapter 119. of the Revised Code to 25036  
implement this section. The rules shall include rehabilitation 25037  
standards a person who has been convicted of or pleaded guilty to 25038  
an offense listed in division (A)(4) of section 109.572 of the 25039  
Revised Code must meet for an appointing or hiring officer to 25040  
appoint or employ the person as a person responsible for a child's 25041  
care in out-of-home care, or a probate court to issue a final 25042  
decree of adoption or interlocutory order of adoption making the 25043  
person an adoptive parent, ~~or the department to issue a~~ 25044  
~~certificate authorizing the prospective foster caregiver to~~ 25045  
~~operate a foster home or not revoke a foster home certificate for~~ 25046  
~~a violation specified in section 5103.0328 of the Revised Code.~~ 25047

~~(G)~~(H) An appointing or hiring officer, ~~administrative~~ 25048  
~~director,~~ or attorney required by division (A) of this section to 25049  
request a criminal records check shall inform each person who is 25050  
the applicant, at the time of the person's initial application for 25051  
appointment or employment, or for an adoption to be arranged, ~~or a~~ 25052  
~~foster home certificate,~~ that the person subject to the criminal 25053  
records check is required to provide a set of impressions of the 25054  
person's fingerprints and that a criminal records check is 25055  
required to be conducted and satisfactorily completed in 25056  
accordance with section 109.572 of the Revised Code. 25057

~~(H)~~(I) As used in this section: 25058

(1) "Association" or "institution" have the same meanings as 25059  
in section 5103.02 of the Revised Code. 25060

(2) "Children's hospital" means any of the following: 25061

(a) A hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(b) A distinct portion of a hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, has a total of at least one hundred fifty registered pediatric special care and pediatric acute care beds, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(c) A distinct portion of a hospital, if the hospital is registered under section 3701.07 of the Revised Code as a children's hospital and the children's hospital meets all the requirements of division (H)(1)(a) of this section.

~~(2)~~(3) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

~~(3)~~(4) "Person responsible for a child's care in out-of-home care" has the same meaning as in section 2151.011 of the Revised Code, except that it does not include a prospective or current employee of an association or institution, a child daycare center, type A family day-care home, licensed type B family day-care home, day camp, school district, community school, chartered nonpublic school, educational service center, the department of youth services, a prospective or current foster caregiver, a prospective or current adoptive parent working with an agency that arranges adoptions, or a person responsible for a child's care in a hospital or medical clinic other than a children's hospital.

~~(4)~~(5) "Person subject to a criminal records check" means the

following:	25093
(a) A person who is under final consideration for appointment or employment as a person responsible for a child's care in out-of-home care;	25094 25095 25096
(b) A prospective or current adoptive parent <u>working with an attorney who arranges adoptions;</u>	25097 25098
(c) <del>A prospective or current foster caregiver;</del>	25099
<del>(d)</del> A person eighteen years old or older who resides with a <del>prospective or current foster caregiver or</del> a prospective or current adoptive parent <u>who is working with an attorney who arranges adoptions.</u>	25100 25101 25102 25103
<del>(5)</del> <u>(6)</u> "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency to which the department of job and family services has delegated a duty to inspect and approve foster homes.	25104 25105 25106 25107
<del>(6)</del> <u>(7)</u> "Superintendent of BCII" means the superintendent of the bureau of criminal identification and investigation.	25108 25109
<b>Sec. 2301.51.</b> (A)(1) Any county that has a population of two hundred thousand or more is eligible to formulate a community-based correctional proposal pursuant to this section <u>and</u> <u>Chapter 342. of the Revised Code,</u> that, upon implementation, would provide a community-based correctional facility and program for the use of that county's court of common pleas in accordance with sections 2301.51 to 2301.58 of the Revised Code. Any county that has a population of two hundred thousand or more is eligible to formulate more than one community-based correctional proposal pursuant to this section upon approval of the director of rehabilitation and correction. In determining whether to grant approval to formulate more than one proposal, the director shall consider the rate at which the county commits felony offenders to	25110 25111 25112 25113 25114 25115 25116 25117 25118 25119 25120 25121 25122

the state correctional system. If a county formulates more than 25123  
one proposal, each proposal shall be for a separate 25124  
community-based correctional facility and program. 25125

(2) Two or more adjoining or neighboring counties that have 25126  
an aggregate population of two hundred thousand or more are 25127  
eligible to formulate a district community-based correctional 25128  
proposal pursuant to this section that, upon implementation, would 25129  
provide a district community-based correctional facility and 25130  
program for the use of those counties' courts of common pleas in 25131  
accordance with sections 2301.51 to 2301.58 of the Revised Code. 25132  
Two or more adjoining or neighboring counties that have an 25133  
aggregate population of two hundred thousand or more are eligible 25134  
to formulate more than one district community-based correctional 25135  
proposal upon approval of the director of rehabilitation and 25136  
correction. In determining whether to grant approval for more than 25137  
one proposal, the director shall consider the rate at which the 25138  
counties commit felony offenders to the state correctional system. 25139  
If two or more adjoining or neighboring counties formulate more 25140  
than one proposal, each proposal shall be for a separate district 25141  
community-based correctional facility and program. 25142

(3)(a) The formulation of a proposal for a community-based 25143  
correctional facility or a district community-based correctional 25144  
facility shall begin by the establishment of a judicial advisory 25145  
board by judgment entry. The judicial advisory board shall consist 25146  
of not less than three judges. Each general division judge of the 25147  
court of common pleas in the county or counties wishing to 25148  
formulate a proposal or to continue operation of an existing 25149  
facility is eligible to become a member of the judicial advisory 25150  
board but is not required to do so. In addition, a judicial 25151  
advisory board may invite a ~~non-general~~ nongeneral division judge 25152  
of a court of common pleas from within the county or counties 25153  
proposing the creation of a community-based correctional facility 25154

or district community-based correctional facility or a general 25155  
division judge of a court of common pleas from outside the county 25156  
or counties proposing the creation of a community-based 25157  
correctional facility or district community-based correctional 25158  
facility who regularly sends offenders to its facility to become a 25159  
member of that judicial advisory board. 25160

(b) A judge shall not receive any additional compensation for 25161  
service on a judicial advisory board, but a judge may be 25162  
reimbursed for reasonable and necessary expenses incurred as a 25163  
result of service on the board. Service of a judge on a judicial 25164  
advisory board pursuant to this section is a judicial function. 25165

(c) There shall be a facility governing board for each 25166  
community-based correctional facility and program or district 25167  
community-based correctional facility and program, whose members 25168  
shall be appointed in accordance with division (E) of this 25169  
section. 25170

The judicial advisory board shall meet at least once a year 25171  
to provide advice to the facility governing board regarding the 25172  
public safety needs of the community, admission criteria for any 25173  
community-based correctional facility and program or district 25174  
community-based correctional facility and program, and the general 25175  
requirements of the community-based correctional facility and 25176  
program or district community-based correctional facility and 25177  
program. The judicial advisory board may meet as often as 25178  
considered necessary by its members, may communicate directly with 25179  
the division of parole and community services of the department of 25180  
rehabilitation and correction, and may provide advice to the 25181  
facility governing board specifically regarding the agreement 25182  
entered into between the facility governing board and the division 25183  
of parole and community services pursuant to section 5120.112 of 25184  
the Revised Code. 25185

(4) A facility governing board shall formulate the proposal 25186

for a community-based correctional facility and program or 25187  
district community-based correctional facility and program and 25188  
shall govern the facility. 25189

(5) Chapter 2744. of the Revised Code applies to the county 25190  
or counties served by a community-based correctional facility and 25191  
program or district community-based correctional facility and 25192  
program established and operated under sections 2301.51 to 2301.58 25193  
of the Revised Code, to the community-based correctional facility 25194  
and program or district community-based correctional facility and 25195  
program so established and operated, and to the facility governing 25196  
board of the community-based correctional facility and program or 25197  
district community-based correctional facility and program so 25198  
established and operated. 25199

(6) The members of the judicial advisory board and of the 25200  
facility governing board of a community-based correctional 25201  
facility and program or district community-based correctional 25202  
facility and program established and operated under sections 25203  
2301.51 to 2301.58 of the Revised Code shall be considered to be 25204  
public officials or employees for purposes of Chapter 102. of the 25205  
Revised Code and public officials or public servants for purposes 25206  
of sections 2921.42 and 2921.43 of the Revised Code. 25207

(7) Each member of a facility governing board of a 25208  
community-based correctional facility and program or district 25209  
community-based correctional facility and program established and 25210  
operated under sections 2301.51 to 2301.58 of the Revised Code 25211  
shall attend orientation training developed by the judicial 25212  
advisory board of the community-based correctional facility and 25213  
program or district community-based correctional facility and 25214  
program, as well as annual ethics training developed by the 25215  
judicial advisory board in consultation with the Ohio ethics 25216  
commission or provided by the Ohio ethics commission. 25217

(8) A community-based correctional facility and program or a 25218

district community-based correctional facility and program 25219  
established by a judicial corrections board under a prior version 25220  
of this section shall continue to exist under its existing 25221  
contractual arrangements but, on and after ~~the effective date of~~ 25222  
~~this amendment~~ October 12, 2006, shall be governed by a facility 25223  
governing board and advised by a judicial advisory board created 25224  
according to this section. Appointments to the facility governing 25225  
board shall be made in accordance with the appointment procedure 25226  
set forth in division (E) of this section. The judicial advisory 25227  
board and the board or boards of county commissioners of the 25228  
member counties shall make their respective appointments within 25229  
thirty days after ~~the effective date of this amendment~~ October 12, 25230  
2006. 25231

(B)(1) Each proposal for the establishment of a 25232  
community-based correctional facility and program or district 25233  
community-based correctional facility and program that is 25234  
formulated pursuant to division (A) of this section shall be 25235  
submitted by the facility governing board to the division of 25236  
parole and community services for its approval under section 25237  
5120.10 of the Revised Code. 25238

(2) No person shall be sentenced to or placed in a 25239  
community-based correctional facility and program or to a district 25240  
community-based correctional facility and program by a court 25241  
pursuant to section 2929.16 or 2929.17 of the Revised Code or by 25242  
the parole board pursuant to section 2967.28 of the Revised Code, 25243  
or otherwise committed or admitted to a facility and program of 25244  
that type until after the proposal for the establishment of the 25245  
facility and program has been approved by the division of parole 25246  
and community services under section 5120.10 of the Revised Code. 25247  
A person shall be sentenced to a facility and program of that type 25248  
only pursuant to a sanction imposed by a court pursuant to section 25249  
2929.16 or 2929.17 of the Revised Code as the sentence or as any 25250

part of the sentence of the person or otherwise shall be committed 25251  
or referred to a facility and program of that type only when 25252  
authorized by law. 25253

(C) Upon the approval by the division of parole and community 25254  
services of a proposal for the establishment of a community-based 25255  
correctional facility and program or district community-based 25256  
correctional facility and program submitted to it under division 25257  
(B) of this section, the facility governing board that submitted 25258  
the proposal may establish and operate the facility and program 25259  
addressed by the proposal in accordance with the approved proposal 25260  
and division (B)(2) of this section. The facility governing board 25261  
may submit a request for funding of some or all of its 25262  
community-based correctional facilities and programs or district 25263  
community-based correctional facilities and programs to the board 25264  
of county commissioners of the county, if the facility governing 25265  
board serves a community-based correctional facility and program, 25266  
or to the boards of county commissioners of all of the member 25267  
counties, if the facility governing board serves a district 25268  
community-based correctional facility and program. The board or 25269  
boards may appropriate, but are not required to appropriate, a sum 25270  
of money for funding all aspects of each facility and program as 25271  
outlined in sections 2301.51 to 2301.58 of the Revised Code. The 25272  
facility governing board has no recourse against a board or boards 25273  
of county commissioners if the board or boards of county 25274  
commissioners do not appropriate money for funding any facility 25275  
and program or if they appropriate money for funding a facility 25276  
and program in an amount less than the total amount of the 25277  
submitted request for funding. 25278

(D)(1) If a court of common pleas that is being served by a 25279  
community-based correctional facility and program established 25280  
pursuant to division (C) of this section determines that it no 25281  
longer wants to be served by the facility and program, the 25282

facility governing board, upon the advice of the judicial advisory 25283  
board, may dissolve the facility and program by notifying, in 25284  
writing, the division of parole and community services of the 25285  
determination to dissolve the facility and program. If the court 25286  
is served by more than one community-based correctional facility 25287  
and program, the facility governing board, upon the advice of the 25288  
judicial advisory board, may dissolve some or all of the 25289  
facilities and programs and, if it does not dissolve all of the 25290  
facilities and programs, the facility governing board shall 25291  
continue the operation of the remaining facilities and programs. 25292

(2) If all of the courts of common pleas being served by any 25293  
district community-based correctional facility and program 25294  
established pursuant to division (C) of this section determine 25295  
that they no longer want to be served by the facility and program, 25296  
the facility governing board, upon the advice of the judicial 25297  
advisory board, may dissolve the facility and program by 25298  
notifying, in writing, the division of parole and community 25299  
services of the determination to dissolve the facility and 25300  
program. If the courts are served by more than one district 25301  
community-based correctional facility and program, the facility 25302  
governing board, upon the advice of the judicial advisory board, 25303  
may dissolve some or all of the facilities and programs, and, if 25304  
it does not dissolve all of the facilities and programs, it shall 25305  
continue the operation of the remaining facilities and programs. 25306

(3) If at least one, but not all, of the courts of common 25307  
pleas being served by one or more district community-based 25308  
correctional facilities and programs established pursuant to 25309  
division (C) of this section determines that it no longer wants to 25310  
be served by the facilities and programs, the court may terminate 25311  
its involvement with each of the facilities and programs by 25312  
entering upon the journal of the court the fact of the 25313  
determination to terminate its involvement with the facilities and 25314

programs and by the court notifying, in writing, the division of 25315  
parole and community services of the determination to terminate 25316  
its involvement with the facilities and programs. 25317

If at least one, but not all, of the courts of common pleas 25318  
being served by one or more district community-based correctional 25319  
facilities and programs terminates its involvement with each of 25320  
the facilities and programs in accordance with this division, the 25321  
other courts of common pleas being served by the facilities and 25322  
programs may continue to be served by each of the facilities and 25323  
programs. A court may use a facility and program by remaining as a 25324  
member county of the district community-based correctional 25325  
facility and program or by making a written service agreement with 25326  
the facility governing board without remaining as a member county. 25327

(E) A facility governing board of a community-based 25328  
correctional facility and program shall consist of at least six 25329  
members, each member serving a three-year term. A facility 25330  
governing board of a district community-based correctional 25331  
facility and program shall consist of at least six members, each 25332  
member serving a three-year term, except that not more than 25333  
one-half of the members shall be from any one county. 25334

The judicial advisory board shall appoint two-thirds of the 25335  
members, and the board or boards of county commissioners of the 25336  
member counties shall appoint the remaining one-third, or portion 25337  
thereof, of the members. Of the initial appointments, one-third of 25338  
the members shall be appointed for a one-year term, one-third of 25339  
the members shall be appointed for a two-year term, and the 25340  
remaining one-third or portion thereof of the members shall be 25341  
appointed for a three-year term. Thereafter, terms of persons 25342  
appointed to the facility governing board shall be for a 25343  
three-year term, with each term ending on the same day of the same 25344  
month of the year as did the term it succeeds. 25345

(F) Any member of a facility governing board may be 25346

reappointed to serve additional terms. Vacancies on the board 25347  
shall be filled in the same manner as provided for original 25348  
appointments. Any member of the board who is appointed to fill a 25349  
vacancy occurring before the expiration of the term for which the 25350  
member's predecessor was appointed shall hold office for the 25351  
remainder of the predecessor's term. Members of the board shall 25352  
not receive compensation for their services but may be reimbursed 25353  
for reasonable and necessary expenses incurred as a result of 25354  
service on the board. 25355

(G) Nothing in this section, sections 2301.52 to 2301.58, or 25356  
section 5120.10, 5120.111, or 5120.122 of the Revised Code 25357  
modifies or affects or shall be interpreted as modifying or 25358  
affecting sections 5149.30 to 5149.37 of the Revised Code. 25359

**Sec. 2303.081.** (A) Pleadings or documents may be filed with 25360  
the clerk of court either in paper format or in electronic format. 25361

(B)(1) The clerk shall determine whether the filing of 25362  
pleadings or documents in electronic format may be accomplished 25363  
either by electronic mail or through the use of an online 25364  
platform. 25365

(2) The fee for filing pleadings or documents in electronic 25366  
format may be paid after the filing. The clerk shall not require 25367  
that any fee for the filing of pleadings or documents in 25368  
electronic format be paid before the filing, unless the clerk has 25369  
provided for an electronic payment system for such filing. 25370

(3) The clerk shall not require a fee for the filing of 25371  
pleadings or documents in electronic format that is greater than 25372  
the applicable fee for the filing of pleadings or documents in 25373  
paper format. 25374

(4) Divisions (B)(1), (2), and (3) of this section do not 25375  
apply to the filing of pleadings or documents in a probate court 25376

or juvenile court. 25377

(C) Pleadings and documents filed in paper format may be 25378  
converted to an electronic format. Documents created by the clerk 25379  
of court in the exercise of the clerk's duties may be created in 25380  
an electronic format. 25381

~~(B)~~(D) When pleadings or documents are received or created 25382  
in, or converted to, an electronic format as provided in ~~division~~ 25383  
~~(A)~~ of this section, the pleadings or documents in that format 25384  
shall be considered the official version of the record. 25385

**Sec. 2307.22.** (A) Subject to sections 2307.23 and 2307.24 and 25386  
except as provided in division (B) of section 2307.70, ~~division~~ 25387  
~~(B)~~ divisions (C)(2) and (3) of section 4507.07, section 4399.02, 25388  
or another section of the Revised Code that expressly establishes 25389  
joint and several tort liability for specified persons, joint and 25390  
several tort liability shall be determined as follows: 25391

(1) In a tort action in which the trier of fact determines 25392  
that two or more persons proximately caused the same injury or 25393  
loss to person or property or the same wrongful death and in which 25394  
the trier of fact determines that more than fifty per cent of the 25395  
tortious conduct is attributable to one defendant, that defendant 25396  
shall be jointly and severally liable in tort for all compensatory 25397  
damages that represent economic loss. 25398

(2) If division (A)(1) of this section is applicable, each 25399  
defendant who is determined by the trier of fact to be legally 25400  
responsible for the same injury or loss to person or property or 25401  
the same wrongful death and to whom fifty per cent or less of the 25402  
tortious conduct is attributable shall be liable to the plaintiff 25403  
only for that defendant's proportionate share of the compensatory 25404  
damages that represent economic loss. The proportionate share of a 25405  
defendant shall be calculated by multiplying the total amount of 25406  
the economic damages awarded to the plaintiff by the percentage of 25407

tortious conduct as determined pursuant to section 2307.23 of the Revised Code that is attributable to that defendant.

(3) In a tort action in which the trier of fact determines that two or more persons proximately caused the same injury or loss to person or property or the same wrongful death and in which the trier of fact determines that fifty per cent or less of the tortious conduct is attributable to any defendant against whom an intentional tort claim has been alleged and established, that defendant shall be jointly and severally liable in tort for all compensatory damages that represent economic loss.

(4) If division (A)(3) of this section is applicable, each defendant against whom an intentional tort claim has not been alleged and established, who is determined by the trier of fact to be legally responsible for the same injury or loss to person or property or the same wrongful death, and to whom fifty per cent or less of the tortious conduct is attributable shall be liable to the plaintiff only for that defendant's proportionate share of the compensatory damages that represent economic loss. The proportionate share of a defendant shall be calculated by multiplying the total amount of the economic damages awarded to the plaintiff by the percentage of tortious conduct as determined pursuant to section 2307.23 of the Revised Code that is attributable to that defendant.

(B) Except as otherwise provided in divisions (A)(3) and (4) of this section, in a tort action in which the trier of fact determines that two or more persons proximately caused the same injury or loss to person or property or the same wrongful death and in which the trier of fact determines that fifty per cent or less of the tortious conduct is attributable to each defendant, each defendant shall be liable to the plaintiff only for that defendant's proportionate share of the compensatory damages that represent economic loss. The proportionate share of a defendant

shall be calculated by multiplying the total amount of the 25440  
economic damages awarded to the plaintiff by the percentage of 25441  
tortious conduct as determined pursuant to section 2307.23 of the 25442  
Revised Code that is attributable to that defendant. 25443

(C) In a tort action in which the trier of fact determines 25444  
that two or more persons proximately caused the same injury or 25445  
loss to person or property or the same wrongful death, each 25446  
defendant who is determined by the trier of fact to be legally 25447  
responsible for the same injury or loss to person or property or 25448  
for the same wrongful death shall be liable to the plaintiff only 25449  
for that defendant's proportionate share of the compensatory 25450  
damages that represent noneconomic loss. The proportionate share 25451  
of a defendant shall be calculated by multiplying the total amount 25452  
of the noneconomic damages awarded to the plaintiff by the 25453  
percentage of tortious conduct as determined pursuant to section 25454  
2307.23 of the Revised Code that is attributable to that 25455  
defendant. 25456

(D) Sections 2307.25 to 2307.29 of the Revised Code shall 25457  
apply to joint and several tort liability that is described in 25458  
division (A) of this section. 25459

**Sec. 2307.781.** (A) As used in this section: 25460

(1) "Liquefied petroleum gas" means a material with a vapor 25461  
pressure not exceeding that of commercial propane composed 25462  
predominately of the following hydrocarbons or mixtures: 25463

(a) Propane; 25464

(b) Propylene; 25465

(c) Butane; 25466

(d) Butylene. 25467

(2) "Liquefied petroleum gas equipment" means a liquefied 25468  
petroleum gas appliance, or any equipment, tank, pipe, regulator, 25469

control, valve, fitting, or other equipment or device intended to 25470  
be used in connection with or to supply liquefied petroleum gas to 25471  
one or more liquefied petroleum gas appliances. 25472

(3) "Liquefied petroleum gas supplier" means either of the 25473  
following: 25474

(a) A person that, in the course of a business conducted for 25475  
that purpose, sells, distributes leases, prepares, blends, 25476  
packages, labels, or otherwise participates in the placing of 25477  
liquefied petroleum gas in the stream of commerce at retail; 25478

(b) A person that, in the course of a business conducted for 25479  
that purpose, installs, repairs, or maintains any aspect of 25480  
liquefied petroleum gas equipment that allegedly causes harm. 25481

(4) "Use of liquefied petroleum gas" means the distribution, 25482  
delivery, sale, or use of liquefied petroleum gas, as well as the 25483  
distribution, sale, installation, modification, inspection, or 25484  
repair of liquefied petroleum gas equipment. 25485

(B) A liquefied petroleum gas supplier is not subject to 25486  
liability for compensatory damages or punitive or exemplary 25487  
damages based on a product liability claim that results from the 25488  
installation, modification, repair, or servicing of liquefied 25489  
petroleum gas equipment by a person other than the liquefied 25490  
petroleum gas supplier, unless the liquefied petroleum gas 25491  
supplier had received written notification or other actual 25492  
knowledge of such installation, modification, repair, or servicing 25493  
at least thirty days before the installation, modification, 25494  
repair, or servicing occurred. 25495

(C) A liquefied petroleum gas supplier is not subject to 25496  
liability for compensatory damages or punitive or exemplary 25497  
damages based on a product liability claim that results from the 25498  
use or operation of liquefied petroleum gas equipment in a manner 25499  
or for a purpose other than that for which it was intended. 25500

(D) A liquefied petroleum gas supplier is not subject to liability for compensatory damages or punitive or exemplary damages based on a product liability claim that results from the installation, modification, repair, or servicing of liquefied petroleum gas equipment by a person, other than the liquefied petroleum gas supplier, who is not certified or licensed to install, modify, repair, or service that equipment.

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(E) A liquefied petroleum gas supplier is not subject to liability for compensatory damages or punitive or exemplary damages based on a product liability claim that results from the installation, modification, repair, or servicing of liquefied petroleum gas equipment by a person, other than the liquefied petroleum gas supplier, that did not conform to the warning or instruction of the manufacturer of the liquefied petroleum gas equipment.

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(F) A liquefied petroleum gas supplier is not subject to liability for compensatory damages or punitive or exemplary damages based on a product liability claim that results from the use of liquefied petroleum gas if the actions of the liquefied petroleum gas supplier in connection with that use complied with requirements set forth in the Chapters 4101. and 3737. of the Revised Code and Chapters 901:4-3 and 901:6-2, and rules 1301:7-7-01, 1301:7-7-02, 1301:7-7-09, 1301:7-7-23, 1301:7-7-31, 1301:7-7-33, 1301:7-7-39, 1301:7-7-57, 1301:7-7-58, 1301:7-7-61, 1301-7-7-80, 4101:1-4-01, 4101:1-35-01, 4101:2-2-01, 4101-1:2-15-01, 4101:8-2-01, 4101:8-24-01, 4101:8-44-01, 4123:1-3-16, 4123:1-5-13, and 4501:52-03 of the Administrative Code.

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(G) Divisions (B), (C), (D), (E), and (F) of this section do not apply if the product liability claim was caused in whole or in part by intentional misconduct by the liquefied petroleum gas supplier.

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(H) A user of liquefied petroleum gas is presumed to be aware of the inherent dangerous characteristics of liquefied petroleum gas. A liquefied petroleum gas supplier is not required to provide a warning regarding liquefied petroleum gas except as specified in the Revised Code or Administrative Code.

(I) As a matter of public policy, the general assembly finds that liquefied petroleum gas, without modification, is not a defective product.

**Sec. 2913.46.** (A)(1) As used in this section: 25541

(a) "Electronically transferred benefit" means the transfer of supplemental nutrition assistance program benefits or WIC program benefits through the use of an access device. 25542  
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(b) "WIC program benefits" includes money, coupons, delivery verification receipts, other documents, food, or other property received directly or indirectly pursuant to section 17 of the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as amended. 25545  
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(c) "Access device" means any card, plate, code, account number, or other means of access that can be used, alone or in conjunction with another access device, to obtain payments, allotments, benefits, money, goods, or other things of value or that can be used to initiate a transfer of funds pursuant to section 5101.33 of the Revised Code and the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), or any supplemental food program administered by any department of this state or any county or local agency pursuant to section 17 of the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as amended. An "access device" may include any electronic debit card or other means authorized by section 5101.33 of the Revised Code. 25550  
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(d) "Aggregate value of supplemental nutrition assistance 25562

program benefits, WIC program benefits, and electronically 25563  
transferred benefits involved in the violation" means the total 25564  
face value of any supplemental nutrition assistance program 25565  
benefits, plus the total face value of WIC program coupons or 25566  
delivery verification receipts, plus the total value of other WIC 25567  
program benefits, plus the total value of any electronically 25568  
transferred benefit or other access device, involved in the 25569  
violation. 25570

(e) "Total value of any electronically transferred benefit or 25571  
other access device" means the total value of the payments, 25572  
allotments, benefits, money, goods, or other things of value that 25573  
may be obtained, or the total value of funds that may be 25574  
transferred, by use of any electronically transferred benefit or 25575  
other access device at the time of violation. 25576

(f) "Traffic" has the same meaning as "trafficking," as 25577  
defined in 7 C.F.R. 271.2. 25578

(2) If supplemental nutrition assistance program benefits, 25579  
WIC program benefits, or electronically transferred benefits or 25580  
other access devices of various values are used, transferred, 25581  
bought, acquired, altered, purchased, possessed, presented for 25582  
redemption, or transported in violation of this section over a 25583  
period of twelve months, the course of conduct may be charged as 25584  
one offense and the values of supplemental nutrition assistance 25585  
program benefits, WIC program benefits, or any electronically 25586  
transferred benefits or other access devices may be aggregated in 25587  
determining the degree of the offense. 25588

~~(B)~~(B)(1) No individual shall knowingly solicit, possess, 25589  
buy, sell, use, alter, accept, or transfer supplemental nutrition 25590  
assistance program benefits, WIC program benefits, or any 25591  
electronically transferred benefit in any manner not authorized by 25592  
the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) 25593  
including regulations adopted under that act, or section 17 of the 25594

"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as 25595  
amended. 25596

(2) No individual shall knowingly traffic supplemental 25597  
nutrition assistance program benefits. 25598

(C) No organization, as defined in division (D) of section 25599  
2901.23 of the Revised Code, shall do either of the following: 25600

(1) Knowingly allow an employee or agent to solicit, sell, 25601  
transfer, traffic, or trade items or services, ~~the purchase of~~ 25602  
~~which is prohibited by the Food and Nutrition Act of 2008 (7~~ 25603  
~~U.S.C. 2011 et seq.) or section 17 of the "Child Nutrition Act of~~ 25604  
~~1966," 80 Stat. 885, 42 U.S.C. 1786, as amended, in exchange for~~ 25605  
~~supplemental nutrition assistance program benefits, WIC program~~ 25606  
~~benefits, or any electronically transferred benefit in violation~~ 25607  
~~of division (B) of this section;~~ 25608

(2) Negligently allow an employee or agent to solicit, sell, 25609  
transfer, traffic, or exchange supplemental nutrition assistance 25610  
program benefits, WIC program benefits, or any electronically 25611  
transferred benefit ~~for anything of value~~ in violation of division 25612  
(B) of this section. 25613

(D) Whoever violates this section is guilty of illegal use of 25614  
supplemental nutrition assistance program benefits or WIC program 25615  
benefits. Except as otherwise provided in this division, illegal 25616  
use of supplemental nutrition assistance program benefits or WIC 25617  
program benefits is a felony of the fifth degree. If the aggregate 25618  
value of the supplemental nutrition assistance program benefits, 25619  
WIC program benefits, and electronically transferred benefits 25620  
involved in the violation is one thousand dollars or more and is 25621  
less than seven thousand five hundred dollars, illegal use of 25622  
supplemental nutrition assistance program benefits or WIC program 25623  
benefits is a felony of the fourth degree. If the aggregate value 25624  
of the supplemental nutrition assistance program benefits, WIC 25625

program benefits, and electronically transferred benefits involved 25626  
in the violation is seven thousand five hundred dollars or more 25627  
and is less than one hundred fifty thousand dollars, illegal use 25628  
of supplemental nutrition assistance program benefits or WIC 25629  
program benefits is a felony of the third degree. If the aggregate 25630  
value of the supplemental nutrition assistance program benefits, 25631  
WIC program benefits, and electronically transferred benefits 25632  
involved in the violation is one hundred fifty thousand dollars or 25633  
more, illegal use of supplemental nutrition assistance program 25634  
benefits or WIC program benefits is a felony of the second degree. 25635

**Sec. 2925.11.** (A) No person shall knowingly obtain, possess, 25636  
or use a controlled substance or a controlled substance analog. 25637

(B)(1) This section does not apply to any of the following: 25638

(a) Manufacturers, licensed health professionals authorized 25639  
to prescribe drugs, pharmacists, owners of pharmacies, and other 25640  
persons whose conduct was in accordance with Chapters 3719., 25641  
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code; 25642

(b) If the offense involves an anabolic steroid, any person 25643  
who is conducting or participating in a research project involving 25644  
the use of an anabolic steroid if the project has been approved by 25645  
the United States food and drug administration; 25646

(c) Any person who sells, offers for sale, prescribes, 25647  
dispenses, or administers for livestock or other nonhuman species 25648  
an anabolic steroid that is expressly intended for administration 25649  
through implants to livestock or other nonhuman species and 25650  
approved for that purpose under the "Federal Food, Drug, and 25651  
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 25652  
and is sold, offered for sale, prescribed, dispensed, or 25653  
administered for that purpose in accordance with that act; 25654

(d) Any person who obtained the controlled substance pursuant 25655

to a prescription issued by a licensed health professional 25656  
authorized to prescribe drugs if the prescription was issued for a 25657  
legitimate medical purpose and not altered, forged, or obtained 25658  
through deception or commission of a theft offense. 25659

As used in division (B)(1)(d) of this section, "deception" 25660  
and "theft offense" have the same meanings as in section 2913.01 25661  
of the Revised Code. 25662

(2)(a) As used in division (B)(2) of this section: 25663

~~(i) "Community addiction services provider" has the same 25664  
meaning as in section 5119.01 of the Revised Code. 25665~~

~~(ii) "Community control sanction" and "drug treatment 25666  
program" have has the same meanings meaning as in section 2929.01 25667  
of the Revised Code. 25668~~

~~(iii)~~(ii) "Health care facility" has the same meaning as in 25669  
section 2919.16 of the Revised Code. 25670

~~(iv)~~(iii) "Minor drug possession offense" means a violation 25671  
of this section that is a misdemeanor or a felony of the fifth 25672  
degree. 25673

~~(v)~~(iv) "Post-release control sanction" has the same meaning 25674  
as in section 2967.28 of the Revised Code. 25675

~~(vi)~~(v) "Peace officer" has the same meaning as in section 25676  
2935.01 of the Revised Code. 25677

~~(vii)~~(vi) "Public agency" has the same meaning as in section 25678  
2930.01 of the Revised Code. 25679

~~(viii)~~(vii) "Qualified individual" means a person who is 25680  
acting in good faith who seeks or obtains medical assistance for 25681  
another person who is experiencing a drug overdose, a person who 25682  
experiences a drug overdose and who seeks medical assistance for 25683  
that overdose, or a person who is the subject of another person 25684  
seeking or obtaining medical assistance for that overdose as 25685

described in division (B)(2)(b) of this section. 25686

~~(ix)(viii)~~ "Seek or obtain medical assistance" includes, but 25687  
is not limited to making a 9-1-1 call, contacting in person or by 25688  
telephone call an on-duty peace officer, or transporting or 25689  
presenting a person to a health care facility. 25690

~~(b) Subject to division (B)(2)(e) of this section, a~~ 25691  
qualified individual shall not be arrested, charged, prosecuted, 25692  
convicted, or penalized pursuant to this chapter for a minor drug 25693  
possession offense or a violation of section 2925.12, division 25694  
(C)(1) of section 2925.14, or section 2925.141 of the Revised Code 25695  
if ~~all of the following apply:~~ 25696

~~(i) The~~ the evidence of the obtaining, possession, or use of 25697  
the controlled substance or controlled substance analog, drug 25698  
abuse instruments, or drug paraphernalia that would be the basis 25699  
of the offense was obtained as a result of the qualified 25700  
individual seeking the medical assistance or experiencing an 25701  
overdose and needing medical assistance. 25702

~~(ii) Subject to division (B)(2)(f) of this section, within~~ 25703  
~~thirty days after seeking or obtaining the medical assistance, the~~ 25704  
~~qualified individual seeks and obtains a screening and receives a~~ 25705  
~~referral for treatment from a community addiction services~~ 25706  
~~provider or a properly credentialed addiction treatment~~ 25707  
~~professional.~~ 25708

~~(iii) Subject to division (B)(2)(f) of this section, the~~ 25709  
~~qualified individual who obtains a screening and receives a~~ 25710  
~~referral for treatment under division (B)(2)(b)(ii) of this~~ 25711  
~~section, upon the request of any prosecuting attorney, submits~~ 25712  
~~documentation to the prosecuting attorney that verifies that the~~ 25713  
~~qualified individual satisfied the requirements of that division.~~ 25714  
~~The documentation shall be limited to the date and time of the~~ 25715  
~~screening obtained and referral received.~~ 25716

(c) If a person who is serving a community control sanction 25717  
or is under a sanction on post-release control acts pursuant to 25718  
division (B)(2)(b) of this section, then division (B) of section 25719  
2929.141, division (B)(2) of section 2929.15, division (D)(3) of 25720  
section 2929.25, or division (F)(3) of section 2967.28 of the 25721  
Revised Code applies to the person with respect to any violation 25722  
of the sanction or post-release control sanction based on a minor 25723  
drug possession offense, as defined in section 2925.11 of the 25724  
Revised Code, or a violation of section 2925.12, division (C)(1) 25725  
of section 2925.14, or section 2925.141 of the Revised Code. 25726

(d) Nothing in division (B)(2)(b) of this section shall be 25727  
construed to do any of the following: 25728

(i) Limit the admissibility of any evidence in connection 25729  
with the investigation or prosecution of a crime with regards to a 25730  
defendant who does not qualify for the protections of division 25731  
(B)(2)(b) of this section or with regards to any crime other than 25732  
a minor drug possession offense or a violation of section 2925.12, 25733  
division (C)(1) of section 2925.14, or section 2925.141 of the 25734  
Revised Code committed by a person who qualifies for protection 25735  
pursuant to division (B)(2)(b) of this section; 25736

(ii) Limit any seizure of evidence or contraband otherwise 25737  
permitted by law; 25738

(iii) Limit or abridge the authority of a peace officer to 25739  
detain or take into custody a person in the course of an 25740  
investigation or to effectuate an arrest for any offense except as 25741  
provided in that division; 25742

(iv) Limit, modify, or remove any immunity from liability 25743  
available pursuant to law in effect prior to September 13, 2016, 25744  
to any public agency or to an employee of any public agency. 25745

~~(e) Division (B)(2)(b) of this section does not apply to any 25746  
person who twice previously has been granted an immunity under 25747~~

~~division (B)(2)(b) of this section. No person shall be granted an immunity under division (B)(2)(b) of this section more than two times.~~

~~(f) Nothing in this section shall compel any qualified individual to disclose protected health information in a way that conflicts with the requirements of the "Health Insurance Portability and Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and regulations promulgated by the United States department of health and human services to implement the act or the requirements of 42 C.F.R. Part 2.~~

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

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

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

(b) If the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, aggravated possession of drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.

(c) If the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk

amount, aggravated possession of drugs is a felony of the second 25779  
degree, and the court shall impose as a mandatory prison term a 25780  
second degree felony mandatory prison term. 25781

(d) If the amount of the drug involved equals or exceeds 25782  
fifty times the bulk amount but is less than one hundred times the 25783  
bulk amount, aggravated possession of drugs is a felony of the 25784  
first degree, and the court shall impose as a mandatory prison 25785  
term a first degree felony mandatory prison term. 25786

(e) If the amount of the drug involved equals or exceeds one 25787  
hundred times the bulk amount, aggravated possession of drugs is a 25788  
felony of the first degree, the offender is a major drug offender, 25789  
and the court shall impose as a mandatory prison term a maximum 25790  
first degree felony mandatory prison term. 25791

(2) If the drug involved in the violation is a compound, 25792  
mixture, preparation, or substance included in schedule III, IV, 25793  
or V, whoever violates division (A) of this section is guilty of 25794  
possession of drugs. The penalty for the offense shall be 25795  
determined as follows: 25796

(a) Except as otherwise provided in division (C)(2)(b), (c), 25797  
or (d) of this section, possession of drugs is a misdemeanor of 25798  
the first degree or, if the offender previously has been convicted 25799  
of a drug abuse offense, a felony of the fifth degree. 25800

(b) If the amount of the drug involved equals or exceeds the 25801  
bulk amount but is less than five times the bulk amount, 25802  
possession of drugs is a felony of the fourth degree, and division 25803  
(C) of section 2929.13 of the Revised Code applies in determining 25804  
whether to impose a prison term on the offender. 25805

(c) If the amount of the drug involved equals or exceeds five 25806  
times the bulk amount but is less than fifty times the bulk 25807  
amount, possession of drugs is a felony of the third degree, and 25808  
there is a presumption for a prison term for the offense. 25809

(d) If the amount of the drug involved equals or exceeds 25810  
fifty times the bulk amount, possession of drugs is a felony of 25811  
the second degree, and the court shall impose upon the offender as 25812  
a mandatory prison term a second degree felony mandatory prison 25813  
term. 25814

(3) If the drug involved in the violation is marihuana or a 25815  
compound, mixture, preparation, or substance containing marihuana 25816  
other than hashish, whoever violates division (A) of this section 25817  
is guilty of possession of marihuana. The penalty for the offense 25818  
shall be determined as follows: 25819

(a) Except as otherwise provided in division (C)(3)(b), (c), 25820  
(d), (e), (f), or (g) of this section, possession of marihuana is 25821  
a minor misdemeanor. 25822

(b) If the amount of the drug involved equals or exceeds one 25823  
hundred grams but is less than two hundred grams, possession of 25824  
marihuana is a misdemeanor of the fourth degree. 25825

(c) If the amount of the drug involved equals or exceeds two 25826  
hundred grams but is less than one thousand grams, possession of 25827  
marihuana is a felony of the fifth degree, and division (B) of 25828  
section 2929.13 of the Revised Code applies in determining whether 25829  
to impose a prison term on the offender. 25830

(d) If the amount of the drug involved equals or exceeds one 25831  
thousand grams but is less than five thousand grams, possession of 25832  
marihuana is a felony of the third degree, and division (C) of 25833  
section 2929.13 of the Revised Code applies in determining whether 25834  
to impose a prison term on the offender. 25835

(e) If the amount of the drug involved equals or exceeds five 25836  
thousand grams but is less than twenty thousand grams, possession 25837  
of marihuana is a felony of the third degree, and there is a 25838  
presumption that a prison term shall be imposed for the offense. 25839

(f) If the amount of the drug involved equals or exceeds 25840

twenty thousand grams but is less than forty thousand grams, 25841  
possession of marihuana is a felony of the second degree, and the 25842  
court shall impose as a mandatory prison term a second degree 25843  
felony mandatory prison term of five, six, seven, or eight years. 25844

(g) If the amount of the drug involved equals or exceeds 25845  
forty thousand grams, possession of marihuana is a felony of the 25846  
second degree, and the court shall impose as a mandatory prison 25847  
term a maximum second degree felony mandatory prison term. 25848

(4) If the drug involved in the violation is cocaine or a 25849  
compound, mixture, preparation, or substance containing cocaine, 25850  
whoever violates division (A) of this section is guilty of 25851  
possession of cocaine. The penalty for the offense shall be 25852  
determined as follows: 25853

(a) Except as otherwise provided in division (C)(4)(b), (c), 25854  
(d), (e), or (f) of this section, possession of cocaine is a 25855  
felony of the fifth degree, and division (B) of section 2929.13 of 25856  
the Revised Code applies in determining whether to impose a prison 25857  
term on the offender. 25858

(b) If the amount of the drug involved equals or exceeds five 25859  
grams but is less than ten grams of cocaine, possession of cocaine 25860  
is a felony of the fourth degree, and division (B) of section 25861  
2929.13 of the Revised Code applies in determining whether to 25862  
impose a prison term on the offender. 25863

(c) If the amount of the drug involved equals or exceeds ten 25864  
grams but is less than twenty grams of cocaine, possession of 25865  
cocaine is a felony of the third degree, and, except as otherwise 25866  
provided in this division, there is a presumption for a prison 25867  
term for the offense. If possession of cocaine is a felony of the 25868  
third degree under this division and if the offender two or more 25869  
times previously has been convicted of or pleaded guilty to a 25870  
felony drug abuse offense, the court shall impose as a mandatory 25871

prison term one of the prison terms prescribed for a felony of the 25872  
third degree. 25873

(d) If the amount of the drug involved equals or exceeds 25874  
twenty grams but is less than twenty-seven grams of cocaine, 25875  
possession of cocaine is a felony of the second degree, and the 25876  
court shall impose as a mandatory prison term a second degree 25877  
felony mandatory prison term. 25878

(e) If the amount of the drug involved equals or exceeds 25879  
twenty-seven grams but is less than one hundred grams of cocaine, 25880  
possession of cocaine is a felony of the first degree, and the 25881  
court shall impose as a mandatory prison term a first degree 25882  
felony mandatory prison term. 25883

(f) If the amount of the drug involved equals or exceeds one 25884  
hundred grams of cocaine, possession of cocaine is a felony of the 25885  
first degree, the offender is a major drug offender, and the court 25886  
shall impose as a mandatory prison term a maximum first degree 25887  
felony mandatory prison term. 25888

(5) If the drug involved in the violation is L.S.D., whoever 25889  
violates division (A) of this section is guilty of possession of 25890  
L.S.D. The penalty for the offense shall be determined as follows: 25891

(a) Except as otherwise provided in division (C)(5)(b), (c), 25892  
(d), (e), or (f) of this section, possession of L.S.D. is a felony 25893  
of the fifth degree, and division (B) of section 2929.13 of the 25894  
Revised Code applies in determining whether to impose a prison 25895  
term on the offender. 25896

(b) If the amount of L.S.D. involved equals or exceeds ten 25897  
unit doses but is less than fifty unit doses of L.S.D. in a solid 25898  
form or equals or exceeds one gram but is less than five grams of 25899  
L.S.D. in a liquid concentrate, liquid extract, or liquid 25900  
distillate form, possession of L.S.D. is a felony of the fourth 25901  
degree, and division (C) of section 2929.13 of the Revised Code 25902

applies in determining whether to impose a prison term on the 25903  
offender. 25904

(c) If the amount of L.S.D. involved equals or exceeds fifty 25905  
unit doses, but is less than two hundred fifty unit doses of 25906  
L.S.D. in a solid form or equals or exceeds five grams but is less 25907  
than twenty-five grams of L.S.D. in a liquid concentrate, liquid 25908  
extract, or liquid distillate form, possession of L.S.D. is a 25909  
felony of the third degree, and there is a presumption for a 25910  
prison term for the offense. 25911

(d) If the amount of L.S.D. involved equals or exceeds two 25912  
hundred fifty unit doses but is less than one thousand unit doses 25913  
of L.S.D. in a solid form or equals or exceeds twenty-five grams 25914  
but is less than one hundred grams of L.S.D. in a liquid 25915  
concentrate, liquid extract, or liquid distillate form, possession 25916  
of L.S.D. is a felony of the second degree, and the court shall 25917  
impose as a mandatory prison term a second degree felony mandatory 25918  
prison term. 25919

(e) If the amount of L.S.D. involved equals or exceeds one 25920  
thousand unit doses but is less than five thousand unit doses of 25921  
L.S.D. in a solid form or equals or exceeds one hundred grams but 25922  
is less than five hundred grams of L.S.D. in a liquid concentrate, 25923  
liquid extract, or liquid distillate form, possession of L.S.D. is 25924  
a felony of the first degree, and the court shall impose as a 25925  
mandatory prison term a first degree felony mandatory prison term. 25926

(f) If the amount of L.S.D. involved equals or exceeds five 25927  
thousand unit doses of L.S.D. in a solid form or equals or exceeds 25928  
five hundred grams of L.S.D. in a liquid concentrate, liquid 25929  
extract, or liquid distillate form, possession of L.S.D. is a 25930  
felony of the first degree, the offender is a major drug offender, 25931  
and the court shall impose as a mandatory prison term a maximum 25932  
first degree felony mandatory prison term. 25933

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

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

(b) If the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, possession of heroin is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) If the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, possession of heroin is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) If the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, possession of heroin is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.

(e) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than one thousand unit doses or equals or exceeds fifty grams but is less than one hundred grams, possession of heroin is a felony of the first degree, and the

court shall impose as a mandatory prison term a first degree 25965  
felony mandatory prison term. 25966

(f) If the amount of the drug involved equals or exceeds one 25967  
thousand unit doses or equals or exceeds one hundred grams, 25968  
possession of heroin is a felony of the first degree, the offender 25969  
is a major drug offender, and the court shall impose as a 25970  
mandatory prison term a maximum first degree felony mandatory 25971  
prison term. 25972

(7) If the drug involved in the violation is hashish or a 25973  
compound, mixture, preparation, or substance containing hashish, 25974  
whoever violates division (A) of this section is guilty of 25975  
possession of hashish. The penalty for the offense shall be 25976  
determined as follows: 25977

(a) Except as otherwise provided in division (C)(7)(b), (c), 25978  
(d), (e), (f), or (g) of this section, possession of hashish is a 25979  
minor misdemeanor. 25980

(b) If the amount of the drug involved equals or exceeds five 25981  
grams but is less than ten grams of hashish in a solid form or 25982  
equals or exceeds one gram but is less than two grams of hashish 25983  
in a liquid concentrate, liquid extract, or liquid distillate 25984  
form, possession of hashish is a misdemeanor of the fourth degree. 25985

(c) If the amount of the drug involved equals or exceeds ten 25986  
grams but is less than fifty grams of hashish in a solid form or 25987  
equals or exceeds two grams but is less than ten grams of hashish 25988  
in a liquid concentrate, liquid extract, or liquid distillate 25989  
form, possession of hashish is a felony of the fifth degree, and 25990  
division (B) of section 2929.13 of the Revised Code applies in 25991  
determining whether to impose a prison term on the offender. 25992

(d) If the amount of the drug involved equals or exceeds 25993  
fifty grams but is less than two hundred fifty grams of hashish in 25994  
a solid form or equals or exceeds ten grams but is less than fifty 25995

grams of hashish in a liquid concentrate, liquid extract, or 25996  
liquid distillate form, possession of hashish is a felony of the 25997  
third degree, and division (C) of section 2929.13 of the Revised 25998  
Code applies in determining whether to impose a prison term on the 25999  
offender. 26000

(e) If the amount of the drug involved equals or exceeds two 26001  
hundred fifty grams but is less than one thousand grams of hashish 26002  
in a solid form or equals or exceeds fifty grams but is less than 26003  
two hundred grams of hashish in a liquid concentrate, liquid 26004  
extract, or liquid distillate form, possession of hashish is a 26005  
felony of the third degree, and there is a presumption that a 26006  
prison term shall be imposed for the offense. 26007

(f) If the amount of the drug involved equals or exceeds one 26008  
thousand grams but is less than two thousand grams of hashish in a 26009  
solid form or equals or exceeds two hundred grams but is less than 26010  
four hundred grams of hashish in a liquid concentrate, liquid 26011  
extract, or liquid distillate form, possession of hashish is a 26012  
felony of the second degree, and the court shall impose as a 26013  
mandatory prison term a second degree felony mandatory prison term 26014  
of five, six, seven, or eight years. 26015

(g) If the amount of the drug involved equals or exceeds two 26016  
thousand grams of hashish in a solid form or equals or exceeds 26017  
four hundred grams of hashish in a liquid concentrate, liquid 26018  
extract, or liquid distillate form, possession of hashish is a 26019  
felony of the second degree, and the court shall impose as a 26020  
mandatory prison term a maximum second degree felony mandatory 26021  
prison term. 26022

(8) If the drug involved is a controlled substance analog or 26023  
compound, mixture, preparation, or substance that contains a 26024  
controlled substance analog, whoever violates division (A) of this 26025  
section is guilty of possession of a controlled substance analog. 26026  
The penalty for the offense shall be determined as follows: 26027

(a) Except as otherwise provided in division (C)(8)(b), (c), 26028  
(d), (e), or (f) of this section, possession of a controlled 26029  
substance analog is a felony of the fifth degree, and division (B) 26030  
of section 2929.13 of the Revised Code applies in determining 26031  
whether to impose a prison term on the offender. 26032

(b) If the amount of the drug involved equals or exceeds ten 26033  
grams but is less than twenty grams, possession of a controlled 26034  
substance analog is a felony of the fourth degree, and there is a 26035  
presumption for a prison term for the offense. 26036

(c) If the amount of the drug involved equals or exceeds 26037  
twenty grams but is less than thirty grams, possession of a 26038  
controlled substance analog is a felony of the third degree, and 26039  
there is a presumption for a prison term for the offense. 26040

(d) If the amount of the drug involved equals or exceeds 26041  
thirty grams but is less than forty grams, possession of a 26042  
controlled substance analog is a felony of the second degree, and 26043  
the court shall impose as a mandatory prison term a second degree 26044  
felony mandatory prison term. 26045

(e) If the amount of the drug involved equals or exceeds 26046  
forty grams but is less than fifty grams, possession of a 26047  
controlled substance analog is a felony of the first degree, and 26048  
the court shall impose as a mandatory prison term a first degree 26049  
felony mandatory prison term. 26050

(f) If the amount of the drug involved equals or exceeds 26051  
fifty grams, possession of a controlled substance analog is a 26052  
felony of the first degree, the offender is a major drug offender, 26053  
and the court shall impose as a mandatory prison term a maximum 26054  
first degree felony mandatory prison term. 26055

(9) If the drug involved in the violation is a compound, 26056  
mixture, preparation, or substance that is a combination of a 26057  
fentanyl-related compound and marihuana, one of the following 26058

applies: 26059

(a) Except as otherwise provided in division (C)(9)(b) of 26060  
this section, the offender is guilty of possession of marihuana 26061  
and shall be punished as provided in division (C)(3) of this 26062  
section. Except as otherwise provided in division (C)(9)(b) of 26063  
this section, the offender is not guilty of possession of a 26064  
fentanyl-related compound under division (C)(11) of this section 26065  
and shall not be charged with, convicted of, or punished under 26066  
division (C)(11) of this section for possession of a 26067  
fentanyl-related compound. 26068

(b) If the offender knows or has reason to know that the 26069  
compound, mixture, preparation, or substance that is the drug 26070  
involved contains a fentanyl-related compound, the offender is 26071  
guilty of possession of a fentanyl-related compound and shall be 26072  
punished under division (C)(11) of this section. 26073

(10) If the drug involved in the violation is a compound, 26074  
mixture, preparation, or substance that is a combination of a 26075  
fentanyl-related compound and any schedule III, schedule IV, or 26076  
schedule V controlled substance that is not a fentanyl-related 26077  
compound, one of the following applies: 26078

(a) Except as otherwise provided in division (C)(10)(b) of 26079  
this section, the offender is guilty of possession of drugs and 26080  
shall be punished as provided in division (C)(2) of this section. 26081  
Except as otherwise provided in division (C)(10)(b) of this 26082  
section, the offender is not guilty of possession of a 26083  
fentanyl-related compound under division (C)(11) of this section 26084  
and shall not be charged with, convicted of, or punished under 26085  
division (C)(11) of this section for possession of a 26086  
fentanyl-related compound. 26087

(b) If the offender knows or has reason to know that the 26088  
compound, mixture, preparation, or substance that is the drug 26089

involved contains a fentanyl-related compound, the offender is 26090  
guilty of possession of a fentanyl-related compound and shall be 26091  
punished under division (C)(11) of this section. 26092

(11) If the drug involved in the violation is a 26093  
fentanyl-related compound and neither division (C)(9)(a) nor 26094  
division (C)(10)(a) of this section applies to the drug involved, 26095  
or is a compound, mixture, preparation, or substance that contains 26096  
a fentanyl-related compound or is a combination of a 26097  
fentanyl-related compound and any other controlled substance and 26098  
neither division (C)(9)(a) nor division (C)(10)(a) of this section 26099  
applies to the drug involved, whoever violates division (A) of 26100  
this section is guilty of possession of a fentanyl-related 26101  
compound. The penalty for the offense shall be determined as 26102  
follows: 26103

(a) Except as otherwise provided in division (C)(11)(b), (c), 26104  
(d), (e), (f), or (g) of this section, possession of a 26105  
fentanyl-related compound is a felony of the fifth degree, and 26106  
division (B) of section 2929.13 of the Revised Code applies in 26107  
determining whether to impose a prison term on the offender. 26108

(b) If the amount of the drug involved equals or exceeds ten 26109  
unit doses but is less than fifty unit doses or equals or exceeds 26110  
one gram but is less than five grams, possession of a 26111  
fentanyl-related compound is a felony of the fourth degree, and 26112  
division (C) of section 2929.13 of the Revised Code applies in 26113  
determining whether to impose a prison term on the offender. 26114

(c) If the amount of the drug involved equals or exceeds 26115  
fifty unit doses but is less than one hundred unit doses or equals 26116  
or exceeds five grams but is less than ten grams, possession of a 26117  
fentanyl-related compound is a felony of the third degree, and 26118  
there is a presumption for a prison term for the offense. 26119

(d) If the amount of the drug involved equals or exceeds one 26120

hundred unit doses but is less than two hundred unit doses or 26121  
equals or exceeds ten grams but is less than twenty grams, 26122  
possession of a fentanyl-related compound is a felony of the 26123  
second degree, and the court shall impose as a mandatory prison 26124  
term one of the prison terms prescribed for a felony of the second 26125  
degree. 26126

(e) If the amount of the drug involved equals or exceeds two 26127  
hundred unit doses but is less than five hundred unit doses or 26128  
equals or exceeds twenty grams but is less than fifty grams, 26129  
possession of a fentanyl-related compound is a felony of the first 26130  
degree, and the court shall impose as a mandatory prison term one 26131  
of the prison terms prescribed for a felony of the first degree. 26132

(f) If the amount of the drug involved equals or exceeds five 26133  
hundred unit doses but is less than one thousand unit doses or 26134  
equals or exceeds fifty grams but is less than one hundred grams, 26135  
possession of a fentanyl-related compound is a felony of the first 26136  
degree, and the court shall impose as a mandatory prison term the 26137  
maximum prison term prescribed for a felony of the first degree. 26138

(g) If the amount of the drug involved equals or exceeds one 26139  
thousand unit doses or equals or exceeds one hundred grams, 26140  
possession of a fentanyl-related compound is a felony of the first 26141  
degree, the offender is a major drug offender, and the court shall 26142  
impose as a mandatory prison term the maximum prison term 26143  
prescribed for a felony of the first degree. 26144

(D) Arrest or conviction for a minor misdemeanor violation of 26145  
this section does not constitute a criminal record and need not be 26146  
reported by the person so arrested or convicted in response to any 26147  
inquiries about the person's criminal record, including any 26148  
inquiries contained in any application for employment, license, or 26149  
other right or privilege, or made in connection with the person's 26150  
appearance as a witness. 26151

(E) In addition to any prison term or jail term authorized or required by division (C) of this section and sections 2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in addition to any other sanction that is imposed for the offense under this section, sections 2929.11 to 2929.18, or sections 2929.21 to 2929.28 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may suspend the offender's driver's or commercial driver's license or permit for not more than five years. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. If applicable, the court also shall do the following:

(1)(a) If the violation is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B)(1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent.

(b) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of the court shall pay a mandatory fine or other fine imposed for a violation of this section pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code.

(c) If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts

bail, and forfeits the bail, the clerk shall pay the forfeited 26184  
bail pursuant to division (E)(1)(b) of this section as if it were 26185  
a mandatory fine imposed under division (E)(1)(a) of this section. 26186

(2) If the offender is a professionally licensed person, in 26187  
addition to any other sanction imposed for a violation of this 26188  
section, the court immediately shall comply with section 2925.38 26189  
of the Revised Code. 26190

(F) It is an affirmative defense, as provided in section 26191  
2901.05 of the Revised Code, to a charge of a fourth degree felony 26192  
violation under this section that the controlled substance that 26193  
gave rise to the charge is in an amount, is in a form, is 26194  
prepared, compounded, or mixed with substances that are not 26195  
controlled substances in a manner, or is possessed under any other 26196  
circumstances, that indicate that the substance was possessed 26197  
solely for personal use. Notwithstanding any contrary provision of 26198  
this section, if, in accordance with section 2901.05 of the 26199  
Revised Code, an accused who is charged with a fourth degree 26200  
felony violation of division (C)(2), (4), (5), or (6) of this 26201  
section sustains the burden of going forward with evidence of and 26202  
establishes by a preponderance of the evidence the affirmative 26203  
defense described in this division, the accused may be prosecuted 26204  
for and may plead guilty to or be convicted of a misdemeanor 26205  
violation of division (C)(2) of this section or a fifth degree 26206  
felony violation of division (C)(4), (5), or (6) of this section 26207  
respectively. 26208

(G) When a person is charged with possessing a bulk amount or 26209  
multiple of a bulk amount, division (E) of section 2925.03 of the 26210  
Revised Code applies regarding the determination of the amount of 26211  
the controlled substance involved at the time of the offense. 26212

(H) It is an affirmative defense to a charge of possession of 26213  
a controlled substance analog under division (C)(8) of this 26214  
section that the person charged with violating that offense 26215

obtained, possessed, or used one of the following items that are 26216  
excluded from the meaning of "controlled substance analog" under 26217  
section 3719.01 of the Revised Code: 26218

(1) A controlled substance; 26219

(2) Any substance for which there is an approved new drug 26220  
application; 26221

(3) With respect to a particular person, any substance if an 26222  
exemption is in effect for investigational use for that person 26223  
pursuant to federal law to the extent that conduct with respect to 26224  
that substance is pursuant to that exemption. 26225

(I) Any offender who received a mandatory suspension of the 26226  
offender's driver's or commercial driver's license or permit under 26227  
this section prior to September 13, 2016, may file a motion with 26228  
the sentencing court requesting the termination of the suspension. 26229  
However, an offender who pleaded guilty to or was convicted of a 26230  
violation of section 4511.19 of the Revised Code or a 26231  
substantially similar municipal ordinance or law of another state 26232  
or the United States that arose out of the same set of 26233  
circumstances as the violation for which the offender's license or 26234  
permit was suspended under this section shall not file such a 26235  
motion. 26236

Upon the filing of a motion under division (I) of this 26237  
section, the sentencing court, in its discretion, may terminate 26238  
the suspension. 26239

**Sec. 2927.02.** (A) As used in this section and sections 26240  
2927.021 ~~and 2927.022~~ to 2927.024 of the Revised Code: 26241

(1) "Age verification" means a service provided by an 26242  
independent third party (other than a manufacturer, producer, 26243  
distributor, wholesaler, or retailer of cigarettes, other tobacco 26244  
products, alternative nicotine products, or papers used to roll 26245

cigarettes) that compares information available from a 26246  
commercially available database, or aggregate of databases, that 26247  
regularly are used by government and businesses for the purpose of 26248  
age and identity verification to personal information provided 26249  
during an internet sale or other remote method of sale to 26250  
establish that the purchaser is twenty-one years of age or older. 26251

(2)(a) "Alternative nicotine product" means, subject to 26252  
division (A)(2)(b) of this section, an electronic smoking device, 26253  
vapor product, or any other product or device that consists of or 26254  
contains nicotine that can be ingested into the body by any means, 26255  
including, but not limited to, chewing, smoking, absorbing, 26256  
dissolving, or inhaling. 26257

(b) "Alternative nicotine product" does not include any of 26258  
the following: 26259

(i) Any cigarette or other tobacco product; 26260

(ii) Any product that is a "drug" as that term is defined in 26261  
21 U.S.C. 321(g)(1); 26262

(iii) Any product that is a "device" as that term is defined 26263  
in 21 U.S.C. 321(h); 26264

(iv) Any product that is a "combination product" as described 26265  
in 21 U.S.C. 353(g). 26266

(3) "Cigarette" includes clove cigarettes and hand-rolled 26267  
cigarettes. 26268

(4) "Distribute" means to furnish, give, or provide 26269  
cigarettes, other tobacco products, alternative nicotine products, 26270  
or papers used to roll cigarettes to the ultimate consumer of the 26271  
cigarettes, other tobacco products, alternative nicotine products, 26272  
or papers used to roll cigarettes. 26273

(5) "Electronic smoking device" means any device that can be 26274  
used to deliver aerosolized or vaporized nicotine or any other 26275

substance to the person inhaling from the device including an 26276  
electronic cigarette, electronic cigar, electronic hookah, vaping 26277  
pen, or electronic pipe. "Electronic smoking device" includes any 26278  
component, part, or accessory of such a device, whether or not 26279  
sold separately, and includes any substance intended to be 26280  
aerosolized or vaporized during the use of the device, whether or 26281  
not the substance contains nicotine. "Electronic smoking device" 26282  
does not include any product that is a drug, device, or 26283  
combination product, as those terms are defined or described in 21 26284  
U.S.C. 321 and 353(g). 26285

~~(6) "Proof of age" means a driver's license, a commercial 26286  
driver's license, a military identification card, a passport, or 26287  
an identification card issued under sections 4507.50 to 4507.52 of 26288  
the Revised Code that shows that a person is eighteen years of age 26289  
or older. 26290~~

~~(7)~~ "Tobacco product" means any product that is made or 26291  
derived from tobacco or that contains any form of nicotine, if it 26292  
is intended for human consumption or is likely to be consumed, 26293  
whether smoked, heated, chewed, absorbed, dissolved, inhaled, or 26294  
ingested by any other means, including, but not limited to, a 26295  
cigarette, an electronic smoking device, a cigar, pipe tobacco, 26296  
chewing tobacco, snuff, or snus. "Tobacco product" also means any 26297  
component or accessory used in the consumption of a tobacco 26298  
product, such as filters, rolling papers, pipes, blunt or hemp 26299  
wraps, and liquids used in electronic smoking devices, whether or 26300  
not ~~they contain~~ the component, accessory, or liquid contains 26301  
nicotine. "Tobacco product" does not include any product that is a 26302  
drug, device, or combination product, as those terms are defined 26303  
or described in 21 U.S.C. 321 and 353(g). 26304

~~(8)~~(7) "Vapor product" means a product, other than a 26305  
cigarette or other tobacco product as defined in Chapter 5743. of 26306  
the Revised Code, that contains or is made or derived from 26307

nicotine and that is intended and marketed for human consumption, 26308  
including by smoking, inhaling, snorting, or sniffing. "Vapor 26309  
product" includes any component, part, or additive that is 26310  
intended for use in an electronic smoking device, a mechanical 26311  
heating element, battery, or electronic circuit and is used to 26312  
deliver the product. "Vapor product" does not include any product 26313  
that is a drug, device, or combination product, as those terms are 26314  
defined or described in 21 U.S.C. 321 and 353(g). "Vapor product" 26315  
includes any product containing nicotine, regardless of 26316  
concentration. 26317

~~(9)~~(8) "Vending machine" has the same meaning as "coin 26318  
machine" in section 2913.01 of the Revised Code. 26319

(B) No manufacturer, producer, distributor, wholesaler, or 26320  
retailer of cigarettes, other tobacco products, alternative 26321  
nicotine products, or papers used to roll cigarettes, no agent, 26322  
employee, or representative of a manufacturer, producer, 26323  
distributor, wholesaler, or retailer of cigarettes, other tobacco 26324  
products, alternative nicotine products, or papers used to roll 26325  
cigarettes, and no other person shall do any of the following: 26326

(1) Give, sell, or otherwise distribute cigarettes, other 26327  
tobacco products, alternative nicotine products, or papers used to 26328  
roll cigarettes to any person under twenty-one years of age; 26329

(2) Give away, sell, or distribute cigarettes, other tobacco 26330  
products, alternative nicotine products, or papers used to roll 26331  
cigarettes in any place that does not have posted in a conspicuous 26332  
place a legibly printed sign in letters at least one-half inch 26333  
high stating that giving, selling, or otherwise distributing 26334  
cigarettes, other tobacco products, alternative nicotine products, 26335  
or papers used to roll cigarettes to a person under twenty-one 26336  
years of age is prohibited by law; 26337

(3) Knowingly furnish any false information regarding the 26338

name, age, or other identification of any person under twenty-one 26339  
years of age with purpose to obtain cigarettes, other tobacco 26340  
products, alternative nicotine products, or papers used to roll 26341  
cigarettes for that person; 26342

(4) Manufacture, sell, or distribute in this state any pack 26343  
or other container of cigarettes containing fewer than twenty 26344  
cigarettes or any package of roll-your-own tobacco containing less 26345  
than six-tenths of one ounce of tobacco; 26346

(5) Sell cigarettes or alternative nicotine products in a 26347  
smaller quantity than that placed in the pack or other container 26348  
by the manufacturer; 26349

(6) Give, sell, or otherwise distribute alternative nicotine 26350  
products, papers used to roll cigarettes, or tobacco products 26351  
other than cigarettes over the internet or through another remote 26352  
method without age verification; 26353

(7) Allow an employee under eighteen years of age to sell any 26354  
tobacco product. 26355

(C) No person shall sell or offer to sell cigarettes, other 26356  
tobacco products, or alternative nicotine products by or from a 26357  
vending machine, except in the following locations: 26358

(1) An area within a factory, business, office, or other 26359  
place not open to the general public; 26360

(2) An area to which persons under twenty-one years of age 26361  
are not generally permitted access; 26362

(3) Any other place not identified in division (C)(1) or (2) 26363  
of this section, upon all of the following conditions: 26364

(a) The vending machine is located within the immediate 26365  
vicinity, plain view, and control of the person who owns or 26366  
operates the place, or an employee of that person, so that all 26367  
cigarettes, other tobacco product, and alternative nicotine 26368

product purchases from the vending machine will be readily 26369  
observed by the person who owns or operates the place or an 26370  
employee of that person. For the purpose of this section, a 26371  
vending machine located in any unmonitored area, including an 26372  
unmonitored coatroom, restroom, hallway, or outer waiting area, 26373  
shall not be considered located within the immediate vicinity, 26374  
plain view, and control of the person who owns or operates the 26375  
place, or an employee of that person. 26376

(b) The vending machine is inaccessible to the public when 26377  
the place is closed. 26378

(c) A clearly visible notice is posted in the area where the 26379  
vending machine is located that states the following in letters 26380  
that are legibly printed and at least one-half inch high: 26381

"It is illegal for any person under the age of 21 to purchase 26382  
tobacco or alternative nicotine products." 26383

(D) The following are affirmative defenses to a charge under 26384  
division (B)(1) of this section: 26385

(1) The person under twenty-one years of age was accompanied 26386  
by a parent, spouse who is twenty-one years of age or older, or 26387  
legal guardian of the person under twenty-one years of age. 26388

(2) The person who gave, sold, or distributed cigarettes, 26389  
other tobacco products, alternative nicotine products, or papers 26390  
used to roll cigarettes to a person under twenty-one years of age 26391  
under division (B)(1) of this section is a parent, spouse who is 26392  
twenty-one years of age or older, or legal guardian of the person 26393  
under twenty-one years of age. 26394

~~(E)~~(E)(1) It is not a violation of division (B)(1) or (2) of 26395  
this section for a person to give or otherwise distribute to a 26396  
person under twenty-one years of age cigarettes, other tobacco 26397  
products, alternative nicotine products, or papers used to roll 26398  
cigarettes while the person under twenty-one years of age is 26399

participating in a research protocol if all of the following 26400  
apply: 26401

~~(1)~~(a) The parent, guardian, or legal custodian of the person 26402  
under twenty-one years of age has consented in writing to the 26403  
person under twenty-one years of age participating in the research 26404  
protocol. 26405

~~(2)~~(b) An institutional human subjects protection review 26406  
board, or an equivalent entity, has approved the research 26407  
protocol. 26408

~~(3)~~(c) The person under twenty-one years of age is 26409  
participating in the research protocol at the facility or location 26410  
specified in the research protocol. 26411

(2) It is not a violation of division (B)(1) or (2) of this 26412  
section for an employer to permit an employee eighteen, nineteen, 26413  
or twenty years of age to sell a tobacco product. 26414

(F)(1) Whoever violates division (B)(1), (2), (4), (5), ~~or~~ 26415  
(6), or (7) or (C) of this section is guilty of illegal 26416  
distribution of cigarettes, other tobacco products, or alternative 26417  
nicotine products. Except as otherwise provided in this division, 26418  
illegal distribution of cigarettes, other tobacco products, or 26419  
alternative nicotine products is a misdemeanor of the fourth 26420  
degree. If the offender previously has been convicted of a 26421  
violation of division (B)(1), (2), (4), (5), ~~or (6), or (7)~~ or (C) 26422  
of this section, illegal distribution of cigarettes, other tobacco 26423  
products, or alternative nicotine products is a misdemeanor of the 26424  
third degree. 26425

(2) Whoever violates division (B)(3) of this section is 26426  
guilty of permitting a person under twenty-one years of age to use 26427  
cigarettes, other tobacco products, or alternative nicotine 26428  
products. Except as otherwise provided in this division, 26429  
permitting a person under twenty-one years of age to use 26430

cigarettes, other tobacco products, or alternative nicotine 26431  
products is a misdemeanor of the fourth degree. If the offender 26432  
previously has been convicted of a violation of division (B)(3) of 26433  
this section, permitting a person under twenty-one years of age to 26434  
use cigarettes, other tobacco products, or alternative nicotine 26435  
products is a misdemeanor of the third degree. 26436

(G) Any cigarettes, other tobacco products, alternative 26437  
nicotine products, or papers used to roll cigarettes that are 26438  
given, sold, or otherwise distributed to a person under twenty-one 26439  
years of age in violation of this section and that are used, 26440  
possessed, purchased, or received by a person under twenty-one 26441  
years of age in violation of section 2151.87 of the Revised Code 26442  
are subject to seizure and forfeiture as contraband under Chapter 26443  
2981. of the Revised Code. 26444

**Sec. 2927.023.** (A) As used in this section: 26445

(1) "Authorized recipient of tobacco products" means a: 26446

(a) In the case of cigarettes, a person who is: 26447

~~(a)~~(i) Licensed as a cigarette wholesale dealer under section 26448  
5743.15 of the Revised Code; 26449

~~(b)~~(ii) Licensed as a retail dealer as long as the person 26450  
purchases cigarettes with the appropriate tax stamp affixed; 26451

~~(c)~~(iii) An export warehouse proprietor as defined in section 26452  
5702 of the Internal Revenue Code; 26453

~~(d)~~(iv) An operator of a customs bonded warehouse under 19 26454  
U.S.C. 1311 or 19 U.S.C. 1555; 26455

~~(e)~~(v) An officer, employee, or agent of the federal 26456  
government or of this state acting in the person's official 26457  
capacity; 26458

~~(f)~~(vi) A department, agency, instrumentality, or political 26459

subdivision of the federal government or of this state; or 26460

~~(g)~~(vii) A person having a consent for consumer shipment 26461  
issued by the tax commissioner under section 5743.71 of the 26462  
Revised Code. 26463

(b) In the case of electronic smoking devices or vapor 26464  
products, a person who is: 26465

(i) Licensed as a distributor of tobacco or vapor products 26466  
under section 5743.61 of the Revised Code; 26467

(ii) A retail dealer of vapor products, as defined in 26468  
division (C)(3) of section 5743.01 of the Revised Code, that is 26469  
not licensed as a vapor distributor, as long as the tax levied by 26470  
section 5743.51, 5743.62, or 5743.63 of the Revised Code, as 26471  
applicable, has been paid; 26472

(iii) An operator of a customs bonded warehouse under 19 26473  
U.S.C. 1311 or 19 U.S.C. 1555; 26474

(iv) An officer, employee, or agent of the federal government 26475  
or of this state acting in the person's official capacity; or 26476

(v) A department, agency, instrumentality, or political 26477  
subdivision of the federal government or of this state. 26478

(2) "Motor carrier" has the same meaning as in section 26479  
4923.01 of the Revised Code. 26480

The purpose of this section is to prevent the sale of 26481  
cigarettes, electronic smoking devices, and vapor products to 26482  
minors and to ensure compliance with the Master Settlement 26483  
Agreement, as defined in section 1346.01 of the Revised Code. 26484

(B)(1) No person shall cause to be shipped any cigarettes, 26485  
electronic smoking devices, or vapor products to any person in 26486  
this state other than an authorized recipient of tobacco products. 26487

(2) No motor carrier, or other person shall knowingly 26488  
transport cigarettes, electronic smoking devices, or vapor 26489

products to any person in this state that the carrier or other 26490  
person reasonably believes is not an authorized recipient of 26491  
tobacco products. If cigarettes, electronic smoking devices, or 26492  
vapor products are transported to a home or residence, it shall be 26493  
presumed that the motor carrier, or other person knew that the 26494  
person to whom the cigarettes, electronic smoking devices, or 26495  
vapor products were delivered was not an authorized recipient of 26496  
tobacco products. 26497

(C) No person engaged in the business of selling cigarettes, 26498  
electronic smoking devices, or vapor products who ships or causes 26499  
to be shipped cigarettes, electronic smoking devices, or vapor 26500  
products to any person in this state in any container or wrapping 26501  
other than the original container or wrapping ~~of the cigarettes~~ 26502  
shall fail to plainly and visibly mark the exterior of the 26503  
container or wrapping in which the cigarettes, electronic smoking 26504  
devices, or vapor products are shipped with the words 26505  
"cigarettes-," "electronic smoking devices," or "vapor products," 26506  
as applicable. 26507

(D) A court shall impose a fine of up to one thousand dollars 26508  
for each violation of division (B)(1), (B)(2), or (C) of this 26509  
section. 26510

**Sec. 2927.12.** (A) As used in this section, "disability" has 26511  
the same meaning as in section 4112.01 of the Revised Code. 26512

(B)(1) No person shall violate section 2903.21, 2903.22, 26513  
2909.06, or 2909.07, or division (A)(3), (4), or (5) of section 26514  
2917.21 of the Revised Code by reason of the race, color, 26515  
religion, or national origin of another person or group of 26516  
persons. 26517

~~(B)(2)~~ No person shall violate section 2903.21, 2903.22, 26518  
2909.06, or 2909.07, or division (A)(3), (4), or (5) of section 26519  
2917.21 of the Revised Code by reason of the disability of another 26520

person or group of persons if the other person is a person with a disability, the person knows or reasonably should know that the other person is a person with a disability, and it is the person's specific purpose to commit the offense against a person with a disability.

(C)(1) Whoever violates division (B)(1) of this section is guilty of ethnic intimidation. Ethnic intimidation is an offense of the next higher degree than the offense the commission of which is a necessary element of ethnic intimidation.

(2) Whoever violates division (B)(2) of this section is guilty of disability intimidation. Disability intimidation is an offense of the next higher degree than the offense the commission of which is a necessary element of disability intimidation.

**Sec. 2929.18.** (A) Except as otherwise provided in this division and in addition to imposing court costs pursuant to section 2947.23 of the Revised Code, the court imposing a sentence upon an offender for a felony may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section or, in the circumstances specified in section 2929.32 of the Revised Code, may impose upon the offender a fine in accordance with that section, and shall sentence the offender to make restitution pursuant to this section and section 2929.281 of the Revised Code. The victim has a right not to seek restitution. Financial sanctions that either are required to be or may be imposed pursuant to this section include, but are not limited to, the following:

(1) Restitution by the offender to the victim of the offender's criminal offense or the victim's estate, in an amount based on the victim's economic loss. In open court, the court shall order that full restitution be made to the victim, to the adult probation department that serves the county on behalf of the

victim, to the clerk of courts, or to another agency designated by 26552  
the court. At sentencing, the court shall determine the amount of 26553  
restitution to be made by the offender. The victim, victim's 26554  
representative, victim's attorney, if applicable, the prosecutor 26555  
or the prosecutor's designee, and the offender may provide 26556  
information relevant to the determination of the amount of 26557  
restitution. The amount the court orders as restitution shall not 26558  
exceed the amount of the economic loss suffered by the victim as a 26559  
direct and proximate result of the commission of the offense. If 26560  
the court imposes restitution for the cost of accounting or 26561  
auditing done to determine the extent of economic loss, the court 26562  
may order restitution for any amount of the victim's costs of 26563  
accounting or auditing provided that the amount of restitution is 26564  
reasonable and does not exceed the value of property or services 26565  
stolen or damaged as a result of the offense. The court shall hold 26566  
a hearing on restitution if the offender, victim, victim's 26567  
representative, or victim's estate disputes the amount. The court 26568  
shall determine the amount of full restitution by a preponderance 26569  
of the evidence. All restitution payments shall be credited 26570  
against any recovery of economic loss in a civil action brought by 26571  
the victim or the victim's estate against the offender. 26572

The court may order that the offender pay a surcharge of not 26573  
more than five per cent of the amount of the restitution otherwise 26574  
ordered to the entity responsible for collecting and processing 26575  
restitution payments. 26576

The victim, victim's estate, or victim's attorney, if 26577  
applicable, may file a motion or request that the prosecutor in 26578  
the case file a motion, or the offender may file a motion, for 26579  
modification of the payment terms of any restitution ordered. If 26580  
the court grants the motion, it may modify the payment terms as it 26581  
determines appropriate but shall not reduce the amount of 26582  
restitution ordered, except as provided in division (A) of section 26583

2929.281 of the Revised Code. The court shall not discharge  
restitution until it is fully paid by the offender.

(2) Except as provided in division (B)(1), (3), or (4) of  
this section, a fine payable by the offender to the state, to a  
political subdivision, or as described in division (B)(2) of this  
section to one or more law enforcement agencies, with the amount  
of the fine based on a standard percentage of the offender's daily  
income over a period of time determined by the court and based  
upon the seriousness of the offense. A fine ordered under this  
division shall not exceed the maximum conventional fine amount  
authorized for the level of the offense under division (A)(3) of  
this section.

(3) Except as provided in division (B)(1), (3), or (4) of  
this section, a fine payable by the offender to the state, to a  
political subdivision when appropriate for a felony, or as  
described in division (B)(2) of this section to one or more law  
enforcement agencies, in the following amount:

(a) For a felony of the first degree, not more than twenty  
thousand dollars;

(b) For a felony of the second degree, not more than fifteen  
thousand dollars;

(c) For a felony of the third degree, not more than ten  
thousand dollars;

(d) For a felony of the fourth degree, not more than five  
thousand dollars;

(e) For a felony of the fifth degree, not more than two  
thousand five hundred dollars.

(4) A state fine or costs as defined in section 2949.111 of  
the Revised Code.

(5)(a) Reimbursement by the offender of any or all of the

costs of sanctions incurred by the government, including the 26614  
following: 26615

(i) All or part of the costs of implementing any community 26616  
control sanction, including a supervision fee under section 26617  
2951.021 of the Revised Code; 26618

(ii) All or part of the costs of confinement under a sanction 26619  
imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the 26620  
Revised Code, provided that the amount of reimbursement ordered 26621  
under this division shall not exceed the total amount of 26622  
reimbursement the offender is able to pay as determined at a 26623  
hearing and shall not exceed the actual cost of the confinement; 26624

(iii) All or part of the cost of purchasing and using an 26625  
immobilizing or disabling device, including a certified ignition 26626  
interlock device, or a remote alcohol monitoring device that a 26627  
court orders an offender to use under section 4510.13 of the 26628  
Revised Code. 26629

(b) If the offender is sentenced to a sanction of confinement 26630  
pursuant to section 2929.14 or 2929.16 of the Revised Code that is 26631  
to be served in a facility operated by a board of county 26632  
commissioners, a legislative authority of a municipal corporation, 26633  
or another local governmental entity, if, pursuant to section 26634  
307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, 26635  
or 2947.19 of the Revised Code and section 2929.37 of the Revised 26636  
Code, the board, legislative authority, or other local 26637  
governmental entity requires prisoners to reimburse the county, 26638  
municipal corporation, or other entity for its expenses incurred 26639  
by reason of the prisoner's confinement, and if the court does not 26640  
impose a financial sanction under division (A)(5)(a)(ii) of this 26641  
section, confinement costs may be assessed pursuant to section 26642  
2929.37 of the Revised Code. In addition, the offender may be 26643  
required to pay the fees specified in section 2929.38 of the 26644  
Revised Code in accordance with that section. 26645

(c) Reimbursement by the offender for costs pursuant to 26646  
section 2929.71 of the Revised Code; 26647

(d) Reimbursement by the offender for costs pursuant to 26648  
section 2917.321 of the Revised Code. 26649

(B)(1) For a first, second, or third degree felony violation 26650  
of any provision of Chapter 2925., 3719., or 4729. of the Revised 26651  
Code, the sentencing court shall impose upon the offender a 26652  
mandatory fine of at least one-half of, but not more than, the 26653  
maximum statutory fine amount authorized for the level of the 26654  
offense pursuant to division (A)(3) of this section. If an 26655  
offender alleges in an affidavit filed with the court prior to 26656  
sentencing that the offender is indigent and unable to pay the 26657  
mandatory fine and if the court determines the offender is an 26658  
indigent person and is unable to pay the mandatory fine described 26659  
in this division, the court shall not impose the mandatory fine 26660  
upon the offender. 26661

(2) Any mandatory fine imposed upon an offender under 26662  
division (B)(1) of this section and any fine imposed upon an 26663  
offender under division (A)(2) or (3) of this section for any 26664  
fourth or fifth degree felony violation of any provision of 26665  
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 26666  
to law enforcement agencies pursuant to division (F) of section 26667  
2925.03 of the Revised Code. 26668

(3) For a fourth degree felony OVI offense and for a third 26669  
degree felony OVI offense, the sentencing court shall impose upon 26670  
the offender a mandatory fine in the amount specified in division 26671  
(G)(1)(d) or (e) of section 4511.19 of the Revised Code, whichever 26672  
is applicable. The mandatory fine so imposed shall be disbursed as 26673  
provided in the division pursuant to which it is imposed. 26674

(4) Notwithstanding any fine otherwise authorized or required 26675  
to be imposed under division (A)(2) or (3) or (B)(1) of this 26676

section or section 2929.31 of the Revised Code for a violation of 26677  
section 2925.03 of the Revised Code, in addition to any penalty or 26678  
sanction imposed for that offense under section 2925.03 or 26679  
sections 2929.11 to 2929.18 of the Revised Code and in addition to 26680  
the forfeiture of property in connection with the offense as 26681  
prescribed in Chapter 2981. of the Revised Code, the court that 26682  
sentences an offender for a violation of section 2925.03 of the 26683  
Revised Code may impose upon the offender a fine in addition to 26684  
any fine imposed under division (A)(2) or (3) of this section and 26685  
in addition to any mandatory fine imposed under division (B)(1) of 26686  
this section. The fine imposed under division (B)(4) of this 26687  
section shall be used as provided in division (H) of section 26688  
2925.03 of the Revised Code. A fine imposed under division (B)(4) 26689  
of this section shall not exceed whichever of the following is 26690  
applicable: 26691

(a) The total value of any personal or real property in which 26692  
the offender has an interest and that was used in the course of, 26693  
intended for use in the course of, derived from, or realized 26694  
through conduct in violation of section 2925.03 of the Revised 26695  
Code, including any property that constitutes proceeds derived 26696  
from that offense; 26697

(b) If the offender has no interest in any property of the 26698  
type described in division (B)(4)(a) of this section or if it is 26699  
not possible to ascertain whether the offender has an interest in 26700  
any property of that type in which the offender may have an 26701  
interest, the amount of the mandatory fine for the offense imposed 26702  
under division (B)(1) of this section or, if no mandatory fine is 26703  
imposed under division (B)(1) of this section, the amount of the 26704  
fine authorized for the level of the offense imposed under 26705  
division (A)(3) of this section. 26706

(5) Prior to imposing a fine under division (B)(4) of this 26707  
section, the court shall determine whether the offender has an 26708

interest in any property of the type described in division 26709  
(B)(4)(a) of this section. Except as provided in division (B)(6) 26710  
or (7) of this section, a fine that is authorized and imposed 26711  
under division (B)(4) of this section does not limit or affect the 26712  
imposition of the penalties and sanctions for a violation of 26713  
section 2925.03 of the Revised Code prescribed under those 26714  
sections or sections 2929.11 to 2929.18 of the Revised Code and 26715  
does not limit or affect a forfeiture of property in connection 26716  
with the offense as prescribed in Chapter 2981. of the Revised 26717  
Code. 26718

(6) If the sum total of a mandatory fine amount imposed for a 26719  
first, second, or third degree felony violation of section 2925.03 26720  
of the Revised Code under division (B)(1) of this section plus the 26721  
amount of any fine imposed under division (B)(4) of this section 26722  
does not exceed the maximum statutory fine amount authorized for 26723  
the level of the offense under division (A)(3) of this section or 26724  
section 2929.31 of the Revised Code, the court may impose a fine 26725  
for the offense in addition to the mandatory fine and the fine 26726  
imposed under division (B)(4) of this section. The sum total of 26727  
the amounts of the mandatory fine, the fine imposed under division 26728  
(B)(4) of this section, and the additional fine imposed under 26729  
division (B)(6) of this section shall not exceed the maximum 26730  
statutory fine amount authorized for the level of the offense 26731  
under division (A)(3) of this section or section 2929.31 of the 26732  
Revised Code. The clerk of the court shall pay any fine that is 26733  
imposed under division (B)(6) of this section to the county, 26734  
township, municipal corporation, park district as created pursuant 26735  
to section 511.18 or 1545.04 of the Revised Code, or state law 26736  
enforcement agencies in this state that primarily were responsible 26737  
for or involved in making the arrest of, and in prosecuting, the 26738  
offender pursuant to division (F) of section 2925.03 of the 26739  
Revised Code. 26740

(7) If the sum total of the amount of a mandatory fine 26741  
imposed for a first, second, or third degree felony violation of 26742  
section 2925.03 of the Revised Code plus the amount of any fine 26743  
imposed under division (B)(4) of this section exceeds the maximum 26744  
statutory fine amount authorized for the level of the offense 26745  
under division (A)(3) of this section or section 2929.31 of the 26746  
Revised Code, the court shall not impose a fine under division 26747  
(B)(6) of this section. 26748

(8)(a) If an offender who is convicted of or pleads guilty to 26749  
a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 26750  
2923.32, division (A)(1) or (2) of section 2907.323 involving a 26751  
minor, or division (B)(1), (2), (3), (4), or (5) of section 26752  
2919.22 of the Revised Code also is convicted of or pleads guilty 26753  
to a specification of the type described in section 2941.1422 of 26754  
the Revised Code that charges that the offender knowingly 26755  
committed the offense in furtherance of human trafficking, the 26756  
sentencing court shall sentence the offender to a financial 26757  
sanction of restitution by the offender to the victim or the 26758  
victim's estate, with the restitution including the costs of 26759  
housing, counseling, and medical and legal assistance incurred by 26760  
the victim as a direct result of the offense and the greater of 26761  
the following: 26762

(i) The gross income or value to the offender of the victim's 26763  
labor or services; 26764

(ii) The value of the victim's labor as guaranteed under the 26765  
minimum wage and overtime provisions of the "Federal Fair Labor 26766  
Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and state 26767  
labor laws. 26768

(b) If a court imposing sentence upon an offender for a 26769  
felony is required to impose upon the offender a financial 26770  
sanction of restitution under division (B)(8)(a) of this section, 26771  
in addition to that financial sanction of restitution, the court 26772

may sentence the offender to any other financial sanction or 26773  
combination of financial sanctions authorized under this section, 26774  
including a restitution sanction under division (A)(1) of this 26775  
section. 26776

(9) In addition to any other fine that is or may be imposed 26777  
under this section, the court imposing sentence upon an offender 26778  
for a felony that is a sexually oriented offense or a child-victim 26779  
oriented offense, as those terms are defined in section 2950.01 of 26780  
the Revised Code, may impose a fine of not less than fifty nor 26781  
more than five hundred dollars. 26782

(10) For a felony violation of division (A) of section 26783  
2921.321 of the Revised Code that results in the death of the 26784  
police dog or horse that is the subject of the violation, the 26785  
sentencing court shall impose upon the offender a mandatory fine 26786  
from the range of fines provided under division (A)(3) of this 26787  
section for a felony of the third degree. A mandatory fine imposed 26788  
upon an offender under division (B)(10) of this section shall be 26789  
paid to the law enforcement agency that was served by the police 26790  
dog or horse that was killed in the felony violation of division 26791  
(A) of section 2921.321 of the Revised Code to be used as provided 26792  
in division (E)(1)(b) of that section. 26793

(11) In addition to any other fine that is or may be imposed 26794  
under this section, the court imposing sentence upon an offender 26795  
for any of the following offenses that is a felony may impose a 26796  
fine of not less than seventy nor more than five hundred dollars, 26797  
which, except as provided in division (B)(12) of this section, 26798  
shall be transmitted to the treasurer of state to be credited to 26799  
the address confidentiality program fund created by section 111.48 26800  
of the Revised Code: 26801

(a) Domestic violence; 26802

(b) Menacing by stalking; 26803

(c) Rape;	26804
(d) Sexual battery;	26805
(e) Trafficking in persons;	26806
(f) A violation of section 2905.01, 2905.02, 2907.21,	26807
2907.22, or 2923.32, division (A)(1) or (2) of section 2907.323	26808
involving a minor, or division (B)(1), (2), (3), (4), or (5) of	26809
section 2919.22 of the Revised Code, if the offender also is	26810
convicted of a specification of the type described in section	26811
2941.1422 of the Revised Code that charges that the offender	26812
knowingly committed the offense in furtherance of human	26813
trafficking.	26814
<u>(12)(a) A court that imposes a fine under division (B)(11) of</u>	26815
<u>this section may retain up to twenty-five per cent of amounts</u>	26816
<u>collected in satisfaction of the fine to cover administrative</u>	26817
<u>costs.</u>	26818
<u>(b) A court that imposes a fine under division (B)(11) of</u>	26819
<u>this section may assign up to twenty-five per cent of amounts</u>	26820
<u>collected in satisfaction of the fine to reimburse the prosecuting</u>	26821
<u>attorney for costs associated with prosecution of the offense.</u>	26822
(C)(1) Except as provided in section 2951.021 of the Revised	26823
Code, the offender shall pay reimbursements imposed upon the	26824
offender pursuant to division (A)(5)(a) of this section to pay the	26825
costs incurred by a county pursuant to any sanction imposed under	26826
this section or section 2929.16 or 2929.17 of the Revised Code or	26827
in operating a facility used to confine offenders pursuant to a	26828
sanction imposed under section 2929.16 of the Revised Code to the	26829
county treasurer. The county treasurer shall deposit the	26830
reimbursements in the sanction cost reimbursement fund that each	26831
board of county commissioners shall create in its county treasury.	26832
The county shall use the amounts deposited in the fund to pay the	26833
costs incurred by the county pursuant to any sanction imposed	26834

under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code.

(2) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed upon the offender pursuant to division (A)(5)(a) of this section to pay the costs incurred by a municipal corporation pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code to the treasurer of the municipal corporation. The treasurer shall deposit the reimbursements in a special fund that shall be established in the treasury of each municipal corporation. The municipal corporation shall use the amounts deposited in the fund to pay the costs incurred by the municipal corporation pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code.

(3) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed pursuant to division (A)(5)(a) of this section for the costs incurred by a private provider pursuant to a sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code to the provider.

(D) Except as otherwise provided in this division, a financial sanction imposed pursuant to division (A) or (B) of this section is a judgment in favor of the state or a political subdivision in which the court that imposed the financial sanction is located, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed pursuant to division (A)(5)(a)(ii) of this section upon an offender who is incarcerated in a state facility or a municipal

jail is a judgment in favor of the state or the municipal corporation, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed upon an offender pursuant to this section for costs incurred by a private provider of sanctions is a judgment in favor of the private provider, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of a mandatory fine imposed under division (B)(10) of this section that is required under that division to be paid to a law enforcement agency is a judgment in favor of the specified law enforcement agency, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of restitution imposed pursuant to division (A)(1) or (B)(8) of this section is an order in favor of the victim of the offender's criminal act that can be collected through a certificate of judgment as described in division (D)(1) of this section, through execution as described in division (D)(2) of this section, or through an order as described in division (D)(3) of this section, and the offender shall be considered for purposes of the collection as the judgment debtor. Imposition of a financial sanction and execution on the judgment does not preclude any other power of the court to impose or enforce sanctions on the offender. Once the financial sanction is imposed as a judgment or order under this division, the victim, private provider, state, or political subdivision may do any of the following:

(1) Obtain from the clerk of the court in which the judgment was entered, at no cost, a certificate of judgment that shall be in the same manner and form as a certificate of judgment issued in a civil action;

(2) Obtain execution of the judgment or order through any available procedure, including:

(a) An execution against the property of the judgment debtor

under Chapter 2329. of the Revised Code;	26899
(b) An execution against the person of the judgment debtor under Chapter 2331. of the Revised Code;	26900 26901
(c) A proceeding in aid of execution under Chapter 2333. of the Revised Code, including:	26902 26903
(i) A proceeding for the examination of the judgment debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 of the Revised Code;	26904 26905 26906
(ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code;	26907 26908
(iii) A creditor's suit under section 2333.01 of the Revised Code.	26909 26910
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	26911 26912
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	26913 26914
(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	26915 26916
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	26917 26918 26919 26920
(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed pursuant to this section or section 2929.32 of the Revised	26921 26922 26923 26924 26925 26926 26927 26928

Code. Before entering into a contract for the collection of 26929  
amounts due from an offender pursuant to any financial sanction 26930  
imposed pursuant to this section or section 2929.32 of the Revised 26931  
Code, a court shall comply with sections 307.86 to 307.92 of the 26932  
Revised Code. 26933

(G) If a court that imposes a financial sanction under 26934  
division (A) or (B) of this section finds that an offender 26935  
satisfactorily has completed all other sanctions imposed upon the 26936  
offender and that all restitution that has been ordered has been 26937  
paid as ordered, the court may suspend any financial sanctions 26938  
imposed pursuant to this section or section 2929.32 of the Revised 26939  
Code that have not been paid. 26940

(H) No financial sanction imposed under this section or 26941  
section 2929.32 of the Revised Code shall preclude a victim from 26942  
bringing a civil action against the offender. 26943

(I) If the court imposes restitution, fines, fees, or 26944  
incarceration costs on a business or corporation, it is the duty 26945  
of the person authorized to make disbursements from the assets of 26946  
the business or corporation to pay the restitution, fines, fees, 26947  
or incarceration costs from those assets. 26948

(J) If an offender is sentenced to pay restitution, a fine, 26949  
fee, or incarceration costs, the clerk of the sentencing court, on 26950  
request, shall make the offender's payment history available to 26951  
the prosecutor, victim, victim's representative, victim's 26952  
attorney, if applicable, the probation department, and the court 26953  
without cost. 26954

**Sec. 2929.28.** (A) In addition to imposing court costs 26955  
pursuant to section 2947.23 of the Revised Code, the court 26956  
imposing a sentence upon an offender for a misdemeanor, including 26957  
a minor misdemeanor, may sentence the offender to any financial 26958  
sanction or combination of financial sanctions authorized under 26959

this section and, if the offender is being sentenced for a 26960  
criminal offense as defined in section 2930.01 of the Revised 26961  
Code, shall sentence the offender to make restitution pursuant to 26962  
this section and section 2929.281 of the Revised Code. If the 26963  
court, in its discretion or as required by this section, imposes 26964  
one or more financial sanctions, the financial sanctions that may 26965  
be imposed pursuant to this section include, but are not limited 26966  
to, the following: 26967

(1) Unless the misdemeanor offense could be disposed of by 26968  
the traffic violations bureau serving the court under Traffic Rule 26969  
13, restitution by the offender to the victim of the offender's 26970  
crime or the victim's estate, in an amount based on the victim's 26971  
economic loss. The court may not impose restitution as a sanction 26972  
pursuant to this division if the offense could be disposed of by 26973  
the traffic violations bureau serving the court under Traffic Rule 26974  
13. If the court requires restitution, the court shall order that 26975  
the restitution be made to the victim in open court or to the 26976  
adult probation department that serves the jurisdiction or the 26977  
clerk of the court on behalf of the victim. 26978

The court shall determine the amount of restitution to be 26979  
paid by the offender. The victim, victim's representative, 26980  
victim's attorney, if applicable, the prosecutor or the 26981  
prosecutor's designee, and the offender may provide information 26982  
relevant to the determination of the amount of restitution. The 26983  
amount the court orders as restitution shall not exceed the amount 26984  
of the economic loss suffered by the victim as a direct and 26985  
proximate result of the commission of the offense. If the court 26986  
imposes restitution for the cost of accounting or auditing done to 26987  
determine the extent of economic loss, the court may order 26988  
restitution for any amount of the victim's costs of accounting or 26989  
auditing provided that the amount of restitution is reasonable and 26990  
does not exceed the value of property or services stolen or 26991

damaged as a result of the offense. If the court decides to or is 26992  
required to impose restitution, the court shall hold an 26993  
evidentiary hearing on restitution if the offender, victim, 26994  
victim's representative, victim's attorney, if applicable, or 26995  
victim's estate disputes the amount of restitution. The court 26996  
shall determine the amount of full restitution by a preponderance 26997  
of the evidence. 26998

All restitution payments shall be credited against any 26999  
recovery of economic loss in a civil action brought by the victim 27000  
or the victim's estate against the offender. No person may 27001  
introduce evidence of an award of restitution under this section 27002  
in a civil action for purposes of imposing liability against an 27003  
insurer under section 3937.18 of the Revised Code. 27004

The court may order that the offender pay a surcharge, of not 27005  
more than five per cent of the amount of the restitution otherwise 27006  
ordered, to the entity responsible for collecting and processing 27007  
restitution payments. 27008

The victim, victim's attorney, if applicable, or the attorney 27009  
for the victim's estate may request that the prosecutor in the 27010  
case file a motion, or the offender may file a motion, for 27011  
modification of the payment terms of any restitution ordered. If 27012  
the court grants the motion, it may modify the payment terms as it 27013  
determines appropriate but shall not reduce the amount of 27014  
restitution ordered, except as provided in division (A) of section 27015  
2929.281 of the Revised Code. 27016

(2) A fine of the type described in divisions (A)(2)(a) and 27017  
(b) of this section payable to the appropriate entity as required 27018  
by law: 27019

(a) A fine in the following amount: 27020

(i) For a misdemeanor of the first degree, not more than one 27021  
thousand dollars; 27022

(ii) For a misdemeanor of the second degree, not more than seven hundred fifty dollars;	27023 27024
(iii) For a misdemeanor of the third degree, not more than five hundred dollars;	27025 27026
(iv) For a misdemeanor of the fourth degree, not more than two hundred fifty dollars;	27027 27028
(v) For a minor misdemeanor, not more than one hundred fifty dollars.	27029 27030
(b) A state fine or cost as defined in section 2949.111 of the Revised Code.	27031 27032
(3)(a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:	27033 27034 27035
(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code and the costs of global positioning system device monitoring;	27036 27037 27038 27039
(ii) All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined;	27040 27041 27042 27043 27044
(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a court orders an offender to use under section 4510.13 of the Revised Code.	27045 27046 27047 27048 27049
(b) The amount of reimbursement ordered under division (A)(3)(a) of this section shall not exceed the total amount of reimbursement the offender is able to pay and shall not exceed the	27050 27051 27052

actual cost of the sanctions. The court may collect any amount of reimbursement the offender is required to pay under that division. If the court does not order reimbursement under that division, confinement costs may be assessed pursuant to a repayment policy adopted under section 2929.37 of the Revised Code. In addition, the offender may be required to pay the fees specified in section 2929.38 of the Revised Code in accordance with that section.

(B) If the court determines a hearing is necessary, the court may hold a hearing to determine whether the offender is able to pay the financial sanction imposed pursuant to this section or court costs or is likely in the future to be able to pay the sanction or costs.

If the court determines that the offender is indigent and unable to pay the financial sanction or court costs, the court shall consider imposing and may impose a term of community service under division (A) of section 2929.27 of the Revised Code in lieu of imposing a financial sanction or court costs. If the court does not determine that the offender is indigent, the court may impose a term of community service under division (A) of section 2929.27 of the Revised Code in lieu of or in addition to imposing a financial sanction under this section and in addition to imposing court costs. The court may order community service for a minor misdemeanor pursuant to division (D) of section 2929.27 of the Revised Code in lieu of or in addition to imposing a financial sanction under this section and in addition to imposing court costs. If a person fails to pay a financial sanction or court costs, the court may order community service in lieu of the financial sanction or court costs.

(C)(1) The offender shall pay reimbursements imposed upon the offender pursuant to division (A)(3) of this section to pay the costs incurred by a county pursuant to any sanction imposed under this section or section 2929.26 or 2929.27 of the Revised Code or

in operating a facility used to confine offenders pursuant to a 27085  
sanction imposed under section 2929.26 of the Revised Code to the 27086  
county treasurer. The county treasurer shall deposit the 27087  
reimbursements in the county's general fund. The county shall use 27088  
the amounts deposited in the fund to pay the costs incurred by the 27089  
county pursuant to any sanction imposed under this section or 27090  
section 2929.26 or 2929.27 of the Revised Code or in operating a 27091  
facility used to confine offenders pursuant to a sanction imposed 27092  
under section 2929.26 of the Revised Code. 27093

(2) The offender shall pay reimbursements imposed upon the 27094  
offender pursuant to division (A)(3) of this section to pay the 27095  
costs incurred by a municipal corporation pursuant to any sanction 27096  
imposed under this section or section 2929.26 or 2929.27 of the 27097  
Revised Code or in operating a facility used to confine offenders 27098  
pursuant to a sanction imposed under section 2929.26 of the 27099  
Revised Code to the treasurer of the municipal corporation. The 27100  
treasurer shall deposit the reimbursements in the municipal 27101  
corporation's general fund. The municipal corporation shall use 27102  
the amounts deposited in the fund to pay the costs incurred by the 27103  
municipal corporation pursuant to any sanction imposed under this 27104  
section or section 2929.26 or 2929.27 of the Revised Code or in 27105  
operating a facility used to confine offenders pursuant to a 27106  
sanction imposed under section 2929.26 of the Revised Code. 27107

(3) The offender shall pay reimbursements imposed pursuant to 27108  
division (A)(3) of this section for the costs incurred by a 27109  
private provider pursuant to a sanction imposed under this section 27110  
or section 2929.26 or 2929.27 of the Revised Code to the provider. 27111

~~(D)~~(D)(1) In addition to any other fine that is or may be 27112  
imposed under this section, the court imposing sentence upon an 27113  
offender for misdemeanor domestic violence or menacing by stalking 27114  
may impose a fine of not less than seventy nor more than five 27115  
hundred dollars, which shall, except as provided in divisions 27116

(D)(2) and (3) of this section, be transmitted to the treasurer of 27117  
state to be credited to the address confidentiality program fund 27118  
created by section 111.48 of the Revised Code. 27119

(2) A court that imposes a fine under division (D)(1) of this 27120  
section may retain up to twenty-five per cent of amounts collected 27121  
in satisfaction of the fine to cover administrative costs. 27122

(3) A court that imposes a fine under division (D)(1) of this 27123  
section may assign up to twenty-five per cent of amounts collected 27124  
in satisfaction of the fine to reimburse the prosecuting attorney 27125  
for costs associated with prosecution of the offense. 27126

(E) Except as otherwise provided in this division, a 27127  
financial sanction imposed under division (A) of this section is a 27128  
judgment in favor of the state or the political subdivision that 27129  
operates the court that imposed the financial sanction, and the 27130  
offender subject to the financial sanction is the judgment debtor. 27131  
A financial sanction of reimbursement imposed pursuant to division 27132  
(A)(3)(a)(i) of this section upon an offender is a judgment in 27133  
favor of the entity administering the community control sanction, 27134  
and the offender subject to the financial sanction is the judgment 27135  
debtor. A financial sanction of reimbursement imposed pursuant to 27136  
division (A)(3)(a)(ii) of this section upon an offender confined 27137  
in a jail or other residential facility is a judgment in favor of 27138  
the entity operating the jail or other residential facility, and 27139  
the offender subject to the financial sanction is the judgment 27140  
debtor. A financial sanction of restitution imposed pursuant to 27141  
division (A)(1) of this section is an order in favor of the victim 27142  
of the offender's criminal act that can be collected through a 27143  
certificate of judgment as described in division (E)(1) of this 27144  
section, through execution as described in division (E)(2) of this 27145  
section, or through an order as described in division (E)(3) of 27146  
this section, and the offender shall be considered for purposes of 27147  
the collection as the judgment debtor. 27148

Once the financial sanction is imposed as a judgment or order 27149  
under this division, the victim, private provider, state, or 27150  
political subdivision may do any of the following: 27151

(1) Obtain from the clerk of the court in which the judgment 27152  
was entered, at no charge, a certificate of judgment that shall be 27153  
in the same manner and form as a certificate of judgment issued in 27154  
a civil action; 27155

(2) Obtain execution of the judgment or order through any 27156  
available procedure, including any of the procedures identified in 27157  
divisions (D)(1) and (2) of section 2929.18 of the Revised Code. 27158

(3) Obtain an order for the assignment of wages of the 27159  
judgment debtor under section 1321.33 of the Revised Code. 27160

(F) The civil remedies authorized under division (E) of this 27161  
section for the collection of the financial sanction supplement, 27162  
but do not preclude, enforcement of the criminal sentence. 27163

(G) Each court imposing a financial sanction upon an offender 27164  
under this section may designate the clerk of the court or another 27165  
person to collect the financial sanction. The clerk, or another 27166  
person authorized by law or the court to collect the financial 27167  
sanction may do the following: 27168

(1) Enter into contracts with one or more public agencies or 27169  
private vendors for the collection of amounts due under the 27170  
sanction. Before entering into a contract for the collection of 27171  
amounts due from an offender pursuant to any financial sanction 27172  
imposed pursuant to this section, a court shall comply with 27173  
sections 307.86 to 307.92 of the Revised Code. 27174

(2) Permit payment of all or any portion of the sanction in 27175  
installments, by financial transaction device if the court is a 27176  
county court or a municipal court operated by a county, by credit 27177  
or debit card or by another electronic transfer if the court is a 27178  
municipal court not operated by a county, or by any other 27179

reasonable method, in any time, and on any terms that court 27180  
considers just, except that the maximum time permitted for payment 27181  
shall not exceed five years. If the court is a county court or a 27182  
municipal court operated by a county, the acceptance of payments 27183  
by any financial transaction device shall be governed by the 27184  
policy adopted by the board of county commissioners of the county 27185  
pursuant to section 301.28 of the Revised Code. If the court is a 27186  
municipal court not operated by a county, the clerk may pay any 27187  
fee associated with processing an electronic transfer out of 27188  
public money or may charge the fee to the offender. 27189

(3) To defray administrative costs, charge a reasonable fee 27190  
to an offender who elects a payment plan rather than a lump sum 27191  
payment of any financial sanction. 27192

(H) No financial sanction imposed under this section shall 27193  
preclude a victim from bringing a civil action against the 27194  
offender. 27195

(I) If the court imposes restitution, fines, fees, or 27196  
incarceration costs on a business or corporation, it is the duty 27197  
of the person authorized to make disbursements from assets of the 27198  
business or corporation to pay the restitution, fines, fees, or 27199  
incarceration costs from those assets. 27200

(J) If an offender is sentenced to pay restitution, a fine, 27201  
fee, or incarceration costs, the clerk of the sentencing court, on 27202  
request, shall make the offender's payment history available to 27203  
the victim, victim's representative, victim's attorney, if 27204  
applicable, the prosecutor, the probation department, and the 27205  
court without cost. 27206

**Sec. 2929.34.** (A) A person who is convicted of or pleads 27207  
guilty to aggravated murder, murder, or an offense punishable by 27208  
life imprisonment and who is sentenced to a term of life 27209  
imprisonment or a prison term pursuant to that conviction shall 27210

serve that term in an institution under the control of the 27211  
department of rehabilitation and correction. 27212

(B)(1) A person who is convicted of or pleads guilty to a 27213  
felony other than aggravated murder, murder, or an offense 27214  
punishable by life imprisonment and who is sentenced to a term of 27215  
imprisonment or a prison term pursuant to that conviction shall 27216  
serve that term as follows: 27217

(a) Subject to divisions (B)(1)(b), (B)(2), and (B)(3) of 27218  
this section, in an institution under the control of the 27219  
department of rehabilitation and correction if the term is a 27220  
prison term or as otherwise determined by the sentencing court 27221  
pursuant to section 2929.16 of the Revised Code if the term is not 27222  
a prison term; 27223

(b) In a facility of a type described in division (G)(1) of 27224  
section 2929.13 of the Revised Code, if the offender is sentenced 27225  
pursuant to that division. 27226

(2) If the term is a prison term, the person may be 27227  
imprisoned in a jail that is not a minimum security jail pursuant 27228  
to agreement under section 5120.161 of the Revised Code between 27229  
the department of rehabilitation and correction and the local 27230  
authority that operates the jail. 27231

(3)(a) As used in divisions (B)(3)(a) to (d) of this section, 27232  
"voluntary county" means any county in which the board of county 27233  
commissioners of the county and the administrative judge of the 27234  
general division of the court of common pleas of the county enter 27235  
into an agreement of the type described in division (B)(3)(b) of 27236  
this section and in which the agreement has not been terminated as 27237  
described in that division. 27238

~~(b)(b)(i)~~ In any voluntary county, the board of county 27239  
commissioners of the county and the administrative judge of the 27240

general division of the court of common pleas of the county may 27241  
agree to having the county participate in the ~~procedures regarding~~ 27242  
~~local and state confinement established~~ targeted community 27243  
alternatives to prison (T-CAP) program for prisoners who serve a 27244  
term in a facility ~~under~~ pursuant to division (B)(3)(c) of this 27245  
section by submitting a memorandum of understanding, either as a 27246  
single county or jointly with other counties, to the department of 27247  
rehabilitation and correction for approval, pursuant to section 27248  
5149.38 of the Revised Code. A board of county commissioners and 27249  
an administrative judge of a court of common pleas that enter into 27250  
an agreement of the type described in this division may terminate 27251  
the agreement, but a termination under this division shall take 27252  
effect only at the end of the state fiscal biennium in which the 27253  
termination decision is made. 27254

(ii) The department of rehabilitation and correction shall 27255  
establish deadlines for a voluntary county to indicate the 27256  
voluntary county's participation in the targeted community 27257  
alternatives to prison (T-CAP) program before each state fiscal 27258  
biennium. 27259

(iii) In reviewing a submitted memorandum of understanding 27260  
for approval, the department of rehabilitation and correction 27261  
shall prioritize a voluntary county that has previously been a 27262  
voluntary county. The department of rehabilitation and correction 27263  
may review a memorandum of understanding for a new voluntary 27264  
county if the general assembly has appropriated sufficient funds 27265  
for that purpose. 27266

(c) Except as provided in division (B)(3)(d) of this section, 27267  
in any voluntary county, either division (B)(3)(c)(i) or divisions 27268  
(B)(3)(c)(i) and (ii) of this section shall apply: 27269

(i) On and after July 1, 2018, no person sentenced by the 27270  
court of common pleas of a voluntary county to a prison term for a 27271  
felony of the fifth degree shall serve the term in an institution 27272

under the control of the department of rehabilitation and 27273  
correction. The person shall instead serve the sentence as a term 27274  
of confinement in a facility of a type described in division (C) 27275  
or (D) of this section. 27276

(ii) On and after September 1, 2022, no person sentenced by 27277  
the court of common pleas of a voluntary county to a prison term 27278  
for a felony of the fourth degree shall serve the term in an 27279  
institution under the control of the department of rehabilitation 27280  
and correction. The person shall instead serve the sentence as a 27281  
term of confinement in a facility of a type described in division 27282  
(C) or (D) of this section. 27283

Nothing in this division relieves the state of its obligation 27284  
to pay for the cost of confinement of the person in a 27285  
community-based correctional facility under division (D) of this 27286  
section. 27287

(d) Division (B)(3)(c) of this section does not apply to any 27288  
person to whom any of the following apply: 27289

(i) The felony of the fourth or fifth degree was an offense 27290  
of violence, as defined in section 2901.01 of the Revised Code, a 27291  
sex offense under Chapter 2907. of the Revised Code, a violation 27292  
of section 2925.03 of the Revised Code, or any offense for which a 27293  
mandatory prison term is required. 27294

(ii) The person previously has been convicted of or pleaded 27295  
guilty to any felony offense of violence, as defined in section 27296  
2901.01 of the Revised Code, unless the felony of the fifth degree 27297  
for which the person is being sentenced is a violation of division 27298  
(I)(1) of section 2903.43 of the Revised Code. 27299

(iii) The person previously has been convicted of or pleaded 27300  
guilty to any felony sex offense under Chapter 2907. of the 27301  
Revised Code. 27302

(iv) The person's sentence is required to be served 27303

concurrently to any other sentence imposed upon the person for a 27304  
felony that is required to be served in an institution under the 27305  
control of the department of rehabilitation and correction. 27306

(C) A person who is convicted of or pleads guilty to one or 27307  
more misdemeanors and who is sentenced to a jail term or term of 27308  
imprisonment pursuant to the conviction or convictions shall serve 27309  
that term in a county, multicounty, municipal, municipal-county, 27310  
or multicounty-municipal jail or workhouse; in a community 27311  
alternative sentencing center or district community alternative 27312  
sentencing center when authorized by section 307.932 of the 27313  
Revised Code; or, if the misdemeanor or misdemeanors are not 27314  
offenses of violence, in a minimum security jail. 27315

(D) Nothing in this section prohibits the commitment, 27316  
referral, or sentencing of a person who is convicted of or pleads 27317  
guilty to a felony to a community-based correctional facility. 27318

**Sec. 2930.11.** (A) Except as otherwise provided in this 27319  
section or in Chapter 2981. of the Revised Code, the law 27320  
enforcement agency responsible for investigating a criminal 27321  
offense or delinquent act shall promptly return to the victim of 27322  
the criminal offense or delinquent act any property of the victim 27323  
that was taken in the course of the investigation, and the victim 27324  
shall not be compelled to pay any charge as a condition of 27325  
retrieving that property. In accordance with Criminal Rule 26 or 27326  
an applicable Juvenile Rule, the law enforcement agency may take 27327  
photographs of the property for use as evidence. If the ownership 27328  
of the property is in dispute, the agency shall not return the 27329  
property until the dispute is resolved. 27330

(B) The law enforcement agency responsible for investigating 27331  
a criminal offense or delinquent act shall retain any property of 27332  
the victim of the criminal offense or delinquent act that is 27333  
needed as evidence in the case, including any weapon used in the 27334

commission of the criminal offense or delinquent act, if the 27335  
prosecutor certifies to the court a need to retain the property in 27336  
lieu of a photograph of the property or of another evidentiary 27337  
substitute for the property itself, pursuant to Ohio Rules of 27338  
Appellate Procedure. 27339

(C) If the defendant or alleged juvenile offender in a case 27340  
files a motion requesting the court to order the law enforcement 27341  
agency to retain property of the victim because the property is 27342  
needed for the defense in the case, the agency shall retain the 27343  
property until the court rules on the motion. The court, in making 27344  
a determination on the motion, shall weigh the victim's need for 27345  
the property against the defendant's or alleged juvenile 27346  
offender's assertion that the property has evidentiary value for 27347  
the defense. The court shall rule on the motion in a timely 27348  
fashion. 27349

**Sec. 2930.16.** (A) If a defendant is incarcerated, a victim or 27350  
victim's representative who has requested to receive notice under 27351  
this section shall be given notice of the incarceration of the 27352  
defendant. If an alleged juvenile offender is committed to the 27353  
temporary custody of a school, camp, institution, or other 27354  
facility operated for the care of delinquent children or to the 27355  
legal custody of the department of youth services, a victim or 27356  
victim's representative who has requested to receive notice under 27357  
this section shall be given notice of the commitment. Promptly 27358  
after sentence is imposed upon the defendant or the commitment of 27359  
the alleged juvenile offender is ordered, the court or the court's 27360  
designee shall notify the prosecutor in the case and the 27361  
prosecutor shall notify the victim and the victim's 27362  
representative, if applicable, of the date on which the defendant 27363  
will be released, or initially will be eligible for release, from 27364  
confinement or the prosecutor's reasonable estimate of that date 27365  
or the date on which the alleged juvenile offender will have 27366

served the minimum period of commitment or the prosecutor's 27367  
reasonable estimate of that date. The prosecutor also shall notify 27368  
the victim and the victim's representative of the name of the 27369  
custodial agency of the defendant or alleged juvenile offender and 27370  
tell the victim and the victim's representative how to contact 27371  
that custodial agency. If the custodial agency is the department 27372  
of rehabilitation and correction, the prosecutor shall notify the 27373  
victim and the victim's representative of the services offered by 27374  
the office of victims' services pursuant to section 5120.60 of the 27375  
Revised Code. If the custodial agency is the department of youth 27376  
services, the prosecutor shall notify the victim and the victim's 27377  
representative of the services provided by the office of victims' 27378  
services within the release authority of the department pursuant 27379  
to section 5139.55 of the Revised Code and the victim's right 27380  
pursuant to section 5139.56 of the Revised Code to submit a 27381  
written request to the release authority to be notified of actions 27382  
the release authority takes with respect to the alleged juvenile 27383  
offender. The victim and the victim's representative shall keep 27384  
the custodial agency informed of the victim's or victim's 27385  
representative's current contact information. 27386

(B)(1) Upon the victim's or victim's representative's request 27387  
or in accordance with division (D) of this section, the court or 27388  
the court's designee shall notify the prosecutor in the case and 27389  
the prosecutor promptly, but not later than seven days after the 27390  
hearing is scheduled or the application is filed, shall notify the 27391  
victim and the victim's representative, if applicable, of any 27392  
application or hearing for judicial release of the defendant 27393  
pursuant to section 2929.20 of the Revised Code or of any hearing 27394  
for judicial release or early release of the alleged juvenile 27395  
offender pursuant to section 2151.38 of the Revised Code and of 27396  
the victim's and victim's representative's right to make a 27397  
statement under those sections. If the court does not hold a 27398

hearing or if the victim and victim's representative, if 27399  
applicable, do not attend the hearing or make a statement, the 27400  
court shall notify the victim and victim's representative of its 27401  
ruling in each of those hearings and on each of those 27402  
applications. 27403

(2) If an offender is sentenced to a prison term pursuant to 27404  
division (A)(3) or (B) of section 2971.03 of the Revised Code, on 27405  
the request of the victim or victim's representative or in 27406  
accordance with division (D) of this section, the court or the 27407  
court's designee shall notify the prosecutor in the case and the 27408  
prosecutor promptly shall notify the victim and the victim's 27409  
representative, if applicable, of any hearing to be conducted 27410  
pursuant to section 2971.05 of the Revised Code to determine 27411  
whether to modify the requirement that the offender serve the 27412  
entire prison term in a state correctional facility in accordance 27413  
with division (C) of that section, whether to continue, revise, or 27414  
revoke any existing modification of that requirement, or whether 27415  
to terminate the prison term in accordance with division (D) of 27416  
that section. If the court does not hold a hearing or if the 27417  
victim and victim's representative, if applicable, do not attend 27418  
the hearing or make a statement, the court shall notify the victim 27419  
and the victim's representative of any order issued at the 27420  
conclusion of the hearing. 27421

(C)(1) On first contact with a victim, the custodial agency 27422  
of a defendant or delinquent child shall verify with the victim 27423  
and victim's representative, if applicable, that all information 27424  
and requests are current. If a victim's rights request form was 27425  
not provided by the prosecutor, the custodial agency shall give 27426  
the victim and victim's representative, if applicable, the 27427  
victim's rights request form, or similar form that, at a minimum, 27428  
contains the required information listed in this section and on 27429  
the victim's rights request form. A person claiming direct and 27430

proximate harm as a result of a criminal offense or delinquent act 27431  
must affirmatively identify the person's self and request the 27432  
notifications provided in this section and section 2967.28 of the 27433  
Revised Code. 27434

(2) Upon the victim's or victim's representative's request 27435  
made at any time before the particular notice would be due or in 27436  
accordance with division (D) of this section, the custodial agency 27437  
of a defendant or alleged juvenile offender shall give the victim 27438  
and the victim's representative, if applicable, any of the 27439  
following notices that is applicable: 27440

(a) At least sixty days before the adult parole authority 27441  
recommends a pardon or commutation of sentence for the defendant 27442  
or at least sixty days prior to a hearing before the adult parole 27443  
authority regarding a grant of parole to the defendant, notice of 27444  
the victim's and victim's representative's right to submit a 27445  
statement regarding the impact of the defendant's release in 27446  
accordance with section 2967.12 of the Revised Code and, if 27447  
applicable, of the victim's and victim's representative's right to 27448  
appear at a full board hearing of the parole board to give 27449  
testimony as authorized by section 5149.101 of the Revised Code; 27450  
and at least sixty days prior to a hearing before the department 27451  
regarding a determination of whether the inmate must be released 27452  
under division (C) or (D)(2) of section 2967.271 of the Revised 27453  
Code if the inmate is serving a non-life felony indefinite prison 27454  
term, notice of the fact that the inmate will be having a hearing 27455  
regarding a possible grant of release, the date of any hearing 27456  
regarding a possible grant of release, and the right of any person 27457  
to submit a written statement regarding the pending action; 27458

(b) At least sixty days before the defendant is transferred 27459  
to transitional control under section 2967.26 of the Revised Code, 27460  
notice of the pendency of the transfer and of the victim's and 27461  
victim's representative's right under that section to submit a 27462

statement regarding the impact of the transfer; 27463

(c) At least sixty days before the release authority of the 27464  
department of youth services holds a release review, release 27465  
hearing, or discharge review for the alleged juvenile offender, 27466  
notice of the pendency of the review or hearing, of the victim's 27467  
and victim's representative's right to make an oral or written 27468  
statement regarding the impact of the crime upon the victim or 27469  
regarding the possible release or discharge, and, if the notice 27470  
pertains to a hearing, of the victim's right to attend and make 27471  
statements or comments at the hearing as authorized by section 27472  
5139.56 of the Revised Code; 27473

(d) Prompt notice, but not more than three days after the 27474  
escape, of the defendant's or alleged juvenile offender's escape 27475  
from a facility of the custodial agency in which the defendant was 27476  
incarcerated or in which the alleged juvenile offender was placed 27477  
after commitment, of the defendant's or alleged juvenile 27478  
offender's absence without leave from a mental health or 27479  
developmental disabilities facility or from other custody, and of 27480  
the capture of the defendant or alleged juvenile offender after an 27481  
escape or absence; 27482

(e) Notice of the defendant's or alleged juvenile offender's 27483  
death while in confinement or custody within thirty days of the 27484  
defendant's or alleged juvenile offender's death; 27485

(f) Notice of the filing of a petition by the director of 27486  
rehabilitation and correction pursuant to section 2929.20 of the 27487  
Revised Code requesting the early release of the defendant 27488  
pursuant to a judicial release under that section within thirty 27489  
days of the filing of the petition; 27490

(g) Notice of the defendant's or alleged juvenile offender's 27491  
post-conviction release from confinement or custody, including 27492  
jail or local custody, and the terms and conditions of the release 27493

as soon as the custodial agency becomes aware of the release. 27494

(D)(1) If a defendant is incarcerated for the commission of 27495  
aggravated murder, murder, or an offense of violence that is a 27496  
felony of the first, second, or third degree or is under a 27497  
sentence of life imprisonment or if an alleged juvenile offender 27498  
has been charged with the commission of an act that would be 27499  
aggravated murder, murder, or an offense of violence that is a 27500  
felony of the first, second, or third degree or be subject to a 27501  
sentence of life imprisonment if committed by an adult, except as 27502  
otherwise provided in this division, the notices described in 27503  
divisions (B) and (C) of this section shall be given regardless of 27504  
whether the victim or victim's representative has requested the 27505  
notification. The notices described in divisions (B) and (C) of 27506  
this section shall not be given under this division to a victim or 27507  
victim's representative if the victim or victim's representative 27508  
has requested pursuant to division (B)(2) of section 2930.03 of 27509  
the Revised Code that the victim or victim's representative not be 27510  
provided the notice. Regardless of whether the victim or victim's 27511  
representative has requested that the notices described in 27512  
division (C) of this section be provided or not be provided, the 27513  
custodial agency shall give notice similar to those notices to the 27514  
prosecutor in the case, to the sentencing court, to the law 27515  
enforcement agency that arrested the defendant or alleged juvenile 27516  
offender if any officer of that agency was a victim of the 27517  
offense, and to any member of the victim's immediate family who 27518  
requests notification. If the notice given under this division to 27519  
the victim and victim's representative is based on an offense 27520  
committed prior to March 22, 2013, and if the prosecutor or 27521  
custodial agency has not previously successfully provided any 27522  
notice to the victim and victim's representative under this 27523  
division or division (B) or (C) of this section with respect to 27524  
that offense and the offender who committed it, the notice also 27525  
shall inform the victim and victim's representative that the 27526

victim or victim's representative may request that the victim or 27527  
victim's representative not be provided any further notices with 27528  
respect to that offense and the offender who committed it and 27529  
shall describe the procedure for making that request. If the 27530  
notice given under this division to the victim and victim's 27531  
representative pertains to a hearing regarding a grant of a parole 27532  
to the defendant, the notice also shall inform the victim and 27533  
victim's representative that the victim, a member of the victim's 27534  
immediate family, or the victim's representative may request a 27535  
victim conference, as described in division (E) of this section, 27536  
and shall provide an explanation of a victim conference. 27537

The prosecutor or custodial agency may give the notices to 27538  
which this division applies by any reasonable means, including, 27539  
but not limited to, regular mail, telephone, and electronic mail. 27540  
If the prosecutor or custodial agency attempts to provide notice 27541  
to a victim or victim's representative under this division but the 27542  
attempt is unsuccessful because the prosecutor or custodial agency 27543  
is unable to locate the victim or victim's representative, is 27544  
unable to provide the notice by its chosen method because it 27545  
cannot determine the mailing address, telephone number, or 27546  
electronic mail address at which to provide the notice, or, if the 27547  
notice is sent by mail, the notice is returned, the prosecutor or 27548  
custodial agency shall make another attempt to provide the notice 27549  
to the victim or victim's representative. If the second attempt is 27550  
unsuccessful, the prosecutor or custodial agency shall make at 27551  
least one more attempt to provide the notice. If the notice is 27552  
based on an offense committed prior to March 22, 2013, in each 27553  
attempt to provide the notice to the victim or victim's 27554  
representative, the notice shall include the opt-out information 27555  
described in the preceding paragraph. The prosecutor or custodial 27556  
agency, in accordance with division (D)(2) of this section, shall 27557  
keep a record of all attempts to provide the notice, and of all 27558  
notices provided, under this division. 27559

Division (D)(1) of this section, and the notice-related 27560  
provisions of divisions (E)(2) and (K) of section 2929.20, 27561  
division (H) of section 2967.12, division (E)(1)(b) of section 27562  
2967.19 as it existed prior to the effective date of this 27563  
amendment, division (A)(3)(b) of section 2967.26, division (D)(1) 27564  
of section 2967.28, and division (A)(2) of section 5149.101 of the 27565  
Revised Code enacted in the act in which division (D)(1) of this 27566  
section was enacted, shall be known as "Roberta's Law." 27567

(2) Each prosecutor and custodial agency that attempts to 27568  
give any notice to which division (D)(1) of this section applies 27569  
shall keep a record of all attempts to give the notice. The record 27570  
shall indicate the person who was to be the recipient of the 27571  
notice, the date on which the attempt was made, the manner in 27572  
which the attempt was made, and the person who made the attempt. 27573  
If the attempt is successful and the notice is given, the record 27574  
shall indicate that fact. The record shall be kept in a manner 27575  
that allows public inspection of attempts and notices given to 27576  
persons other than victims or victims' representatives without 27577  
revealing the names, addresses, or other identifying information 27578  
relating to victims or victims' representatives. The record of 27579  
attempts and notices given to victims or victims' representatives 27580  
is not a public record, but the prosecutor or custodial agency 27581  
shall provide upon request a copy of that record to a prosecuting 27582  
attorney, judge, law enforcement agency, or member of the general 27583  
assembly. The record of attempts and notices given to persons 27584  
other than victims or victims' representatives is a public record. 27585  
A record kept under this division may be indexed by offender name, 27586  
or in any other manner determined by the prosecutor or the 27587  
custodial agency. Each prosecutor or custodial agency that is 27588  
required to keep a record under this division shall determine the 27589  
procedures for keeping the record and the manner in which it is to 27590  
be kept, subject to the requirements of this division. 27591

(E) The adult parole authority shall adopt rules under Chapter 119. of the Revised Code providing for a victim conference, upon request of the victim, a member of the victim's immediate family, or the victim's representative, prior to a parole hearing in the case of a prisoner who is incarcerated for the commission of aggravated murder, murder, or an offense of violence that is a felony of the first, second, or third degree or is under a sentence of life imprisonment. The rules shall provide for, but not be limited to, all of the following:

(1) Subject to division (E)(3) of this section, attendance by the victim, members of the victim's immediate family, the victim's representative, and, if practicable, other individuals;

(2) Allotment of up to one hour for the conference;

(3) A specification of the number of persons specified in division (E)(1) of this section who may be present at any single victim conference, if limited by the department pursuant to division (F) of this section.

(F) The department may limit the number of persons specified in division (E)(1) of this section who may be present at any single victim conference, provided that the department shall not limit the number of persons who may be present at any single conference to fewer than three. If the department limits the number of persons who may be present at any single victim conference, the department shall permit and schedule, upon request of the victim, a member of the victim's immediate family, or the victim's representative, multiple victim conferences for the persons specified in division (E)(1) of this section.

(G) Communications during a victim conference held pursuant to division (E) of this section and the rules adopted by the adult parole authority under that division shall be confidential and are not public records under section 149.43 of the Revised Code.

(H) As used in this section, "victim's immediate family" has 27623  
the same meaning as in section 2967.12 of the Revised Code. 27624

**Sec. 2933.82.** (A) As used in this section: 27625

(1)(a) "Biological evidence" means any of the following: 27626

(i) The contents of a sexual assault examination kit; 27627

(ii) Any item that contains blood, semen, hair, saliva, skin 27628  
tissue, fingernail scrapings, bone, bodily fluids, or any other 27629  
identifiable biological material that was collected as part of a 27630  
criminal investigation or delinquent child investigation and that 27631  
reasonably may be used to incriminate or exculpate any person for 27632  
an offense or delinquent act. 27633

(b) The definition of "biological evidence" set forth in 27634  
division (A)(1)(a) of this section applies whether the material in 27635  
question is cataloged separately, such as on a slide or swab or in 27636  
a test tube, or is present on other evidence, including, but not 27637  
limited to, clothing, ligatures, bedding or other household 27638  
material, drinking cups or containers, or cigarettes. 27639

(2) "Biological material" has the same meaning as in section 27640  
2953.71 of the Revised Code. 27641

(3) "DNA," "DNA analysis," "DNA database," "DNA record," and 27642  
"DNA specimen" have the same meanings as in section 109.573 of the 27643  
Revised Code. 27644

(4) "Prosecutor" has the same meaning as in section 2935.01 27645  
of the Revised Code. 27646

(5) "Governmental evidence-retention entity" means all of the 27647  
following: 27648

(a) Any law enforcement agency, prosecutor's office, court, 27649  
public hospital, crime laboratory, or other governmental or public 27650  
entity or individual within this state that is charged with the 27651

collection, storage, or retrieval of biological evidence; 27652

(b) Any official or employee of any entity or individual 27653  
described in division (A)(5)(a) of this section. 27654

(B)(1) Each governmental evidence-retention entity that 27655  
secures any sexual assault examination kit in relation to an 27656  
investigation or prosecution of a criminal offense or delinquent 27657  
act that is a violation of section 2905.32 of the Revised Code, or 27658  
any biological evidence in relation to an investigation or 27659  
prosecution of a criminal offense or delinquent act that is a 27660  
violation of section 2903.01, 2903.02, or 2903.03, a violation of 27661  
section 2903.04 or 2903.06 that is a felony of the first or second 27662  
degree, a violation of section 2907.02 or 2907.03 or division 27663  
(A)(4) or (B) of section 2907.05 of the Revised Code, or an 27664  
attempt to commit a violation of section 2907.02 of the Revised 27665  
Code shall secure the biological evidence for whichever of the 27666  
following periods of time is applicable: 27667

(a) For a violation of section 2903.01 or 2903.02 of the 27668  
Revised Code, for the period of time that the offense or act 27669  
remains unsolved; 27670

(b) For a violation of section 2903.03 or 2905.32, a 27671  
violation of section 2903.04 or 2903.06 that is a felony of the 27672  
first or second degree, a violation of section 2907.02 or 2907.03 27673  
or of division (A)(4) or (B) of section 2907.05 of the Revised 27674  
Code, or an attempt to commit a violation of section 2907.02 of 27675  
the Revised Code, for a period of thirty years if the offense or 27676  
act remains unsolved; 27677

(c) If any person is convicted of or pleads guilty to the 27678  
offense, or is adjudicated a delinquent child for committing the 27679  
delinquent act, for the earlier of the following: (i) the 27680  
expiration of the latest of the following periods of time that 27681  
apply to the person: the period of time that the person is 27682

incarcerated, is in a department of youth services institution or 27683  
other juvenile facility, is under a community control sanction for 27684  
that offense, is under any order of disposition for that act, is 27685  
on probation or parole for that offense, is under judicial release 27686  
or supervised release for that act, is under post-release control 27687  
for that offense, is involved in civil litigation in connection 27688  
with that offense or act, or is subject to registration and other 27689  
duties imposed for that offense or act under sections 2950.04, 27690  
2950.041, 2950.05, and 2950.06 of the Revised Code or (ii) thirty 27691  
years. If after the period of thirty years the person remains 27692  
incarcerated, then the governmental evidence-retention entity 27693  
shall secure the biological evidence until the person is released 27694  
from incarceration or dies. 27695

(2)(a) A law enforcement agency shall review all of its 27696  
records and reports pertaining to its investigation of any offense 27697  
specified in division (B)(1) of this section, except a violation 27698  
of section 2905.32 of the Revised Code, as soon as possible after 27699  
March 23, 2015. A law enforcement agency shall review all of its 27700  
records and reports pertaining to its investigation of any 27701  
violation of section 2905.32 of the Revised Code as soon as 27702  
possible after ~~the effective date of this amendment~~ April 4, 2023. 27703  
If the law enforcement agency's review determines that one or more 27704  
persons may have committed or participated in an offense specified 27705  
in division (B)(1) of this section or another offense committed 27706  
during the course of an offense specified in division (B)(1) of 27707  
this section and the agency is in possession of a sexual assault 27708  
examination kit secured during the course of the agency's 27709  
investigation, as soon as possible, but not later than one year 27710  
after March 23, 2015, or, in the case of a violation of section 27711  
2905.32 of the Revised Code, not later than one year after ~~the~~ 27712  
~~effective date of this amendment~~ April 4, 2023, the agency shall 27713  
forward the contents of the kit to the bureau of criminal 27714  
identification and investigation or another crime laboratory for a 27715

DNA analysis of the contents of the kit if a DNA analysis has not 27716  
previously been performed on the contents of the kit. The law 27717  
enforcement agency shall consider the period of time remaining 27718  
under section 2901.13 of the Revised Code for commencing the 27719  
prosecution of a criminal offense related to the DNA specimens 27720  
from the kit as well as other relevant factors in prioritizing the 27721  
forwarding of the contents of sexual assault examination kits. 27722

(b) If an investigation is initiated on or after March 23, 27723  
2015, or, in the case of a violation of section 2905.32 of the 27724  
Revised Code, on or after ~~the effective date of this amendment~~ 27725  
April 4, 2023, and if a law enforcement agency investigating an 27726  
offense specified in division (B)(1) of this section determines 27727  
that one or more persons may have committed or participated in an 27728  
offense specified in division (B)(1) of this section or another 27729  
offense committed during the course of an offense specified in 27730  
division (B)(1) of this section, the law enforcement agency shall 27731  
forward the contents of a sexual assault examination kit in the 27732  
agency's possession to the bureau or another crime laboratory 27733  
within thirty days for a DNA analysis of the contents of the kit. 27734

(c) A law enforcement agency shall be considered in the 27735  
possession of a sexual assault examination kit that is not in the 27736  
law enforcement agency's possession for purposes of divisions 27737  
(B)(2)(a) and (b) of this section if the sexual assault 27738  
examination kit contains biological evidence related to the law 27739  
enforcement agency's investigation of an offense specified in 27740  
division (B)(1) of this section and is in the possession of 27741  
another government evidence-retention entity. The law enforcement 27742  
agency shall be responsible for retrieving the sexual assault 27743  
examination kit from the government evidence-retention entity and 27744  
forwarding the contents of the kit to the bureau or another crime 27745  
laboratory as required under divisions (B)(2)(a) and (b) of this 27746  
section. 27747

(d)(i) The bureau or a laboratory under contract with the bureau pursuant to division (B)(5) of section 109.573 of the Revised Code shall perform a DNA analysis of the contents of any sexual assault examination kit forwarded to the bureau pursuant to division (B)(2)(a) or (b) of this section as soon as possible after the bureau receives the contents of the kit. The bureau shall enter the resulting DNA record into a DNA database. If the DNA analysis is performed by a laboratory under contract with the bureau, the laboratory shall forward the biological evidence to the bureau immediately after the laboratory performs the DNA analysis. A crime laboratory shall perform a DNA analysis of the contents of any sexual assault examination kit forwarded to the crime laboratory pursuant to division (B)(2)(a) or (b) of this section as soon as possible after the crime laboratory receives the contents of the kit and shall enter the resulting DNA record into a DNA database subject to the applicable DNA index system standards.

(ii) Upon the completion of the DNA analysis by the bureau or a crime laboratory under contract with the bureau under this division, the bureau shall return the contents of the sexual assault examination kit to the law enforcement agency. The law enforcement agency shall secure the contents of the sexual assault examination kit in accordance with division (B)(1) of this section, as applicable.

(e) The failure of any law enforcement agency to comply with any time limit specified in this section shall not create, and shall not be construed as creating, any basis or right to appeal, claim for or right to postconviction relief, or claim for or right to a new trial or any other claim or right to relief by any person.

(f) All governmental evidence-retention entities shall submit reports regarding sexual assault examination kit inventory to the

attorney general as required under section 2933.821 of the Revised Code. 27780  
27781

(3) This section applies to sexual assault examination kits 27782  
in the possession of any governmental evidence-retention entity 27783  
during an investigation or prosecution of a criminal offense or 27784  
delinquent act that is a violation of section 2905.32 of the 27785  
Revised Code, and any evidence likely to contain biological 27786  
material that was in the possession of any governmental 27787  
evidence-retention entity during the investigation and prosecution 27788  
of a criminal case or delinquent child case involving a violation 27789  
of section 2903.01, 2903.02, or 2903.03, a violation of section 27790  
2903.04 or 2903.06 that is a felony of the first or second degree, 27791  
a violation of section 2907.02 or 2907.03 or of division (A)(4) or 27792  
(B) of section 2907.05 of the Revised Code, or an attempt to 27793  
commit a violation of section 2907.02 of the Revised Code. 27794

(4) A governmental evidence-retention entity that possesses 27795  
biological evidence shall retain the biological evidence in the 27796  
amount and manner sufficient to develop a DNA record from the 27797  
biological material contained in or included on the evidence. 27798

(5) Upon written request by the defendant in a criminal case 27799  
or the alleged delinquent child in a delinquent child case 27800  
involving a violation of section 2903.01, 2903.02, 2903.03, or 27801  
2905.32, a violation of section 2903.04 or 2903.06 that is a 27802  
felony of the first or second degree, a violation of section 27803  
2907.02 or 2907.03 or of division (A)(4) or (B) of section 2907.05 27804  
of the Revised Code, or an attempt to commit a violation of 27805  
section 2907.02 of the Revised Code, a governmental 27806  
evidence-retention entity that possesses biological evidence shall 27807  
prepare an inventory of the biological evidence that has been 27808  
preserved in connection with the defendant's criminal case or the 27809  
alleged delinquent child's delinquent child case. 27810

(6) Except as otherwise provided in division (B)(8) of this 27811

section, a governmental evidence-retention entity that possesses 27812  
biological evidence that includes biological material may destroy 27813  
the evidence before the expiration of the applicable period of 27814  
time specified in division (B)(1) of this section if all of the 27815  
following apply: 27816

(a) No other provision of federal or state law requires the 27817  
state to preserve the evidence. 27818

(b) The governmental evidence-retention entity, by certified 27819  
mail, return receipt requested, provides notice of intent to 27820  
destroy the evidence to all of the following: 27821

(i) All persons who remain in custody, incarcerated, in a 27822  
department of youth services institution or other juvenile 27823  
facility, under a community control sanction, under any order of 27824  
disposition, on probation or parole, under judicial release or 27825  
supervised release, under post-release control, involved in civil 27826  
litigation, or subject to registration and other duties imposed 27827  
for that offense or act under sections 2950.04, 2950.041, 2950.05, 27828  
and 2950.06 of the Revised Code as a result of a criminal 27829  
conviction, delinquency adjudication, or commitment related to the 27830  
evidence in question; 27831

(ii) The attorney of record for each person who is in custody 27832  
in any circumstance described in division (B)(6)(b)(i) of this 27833  
section if the attorney of record can be located; 27834

(iii) The state public defender; 27835

(iv) The office of the prosecutor of record in the case that 27836  
resulted in the custody of the person in custody in any 27837  
circumstance described in division (B)(6)(b)(i) of this section; 27838

(v) The attorney general. 27839

(c) No person who is notified under division (B)(6)(b) of 27840  
this section does either of the following within one year after 27841

the date on which the person receives the notice: 27842

(i) Files a motion for testing of evidence under sections 27843  
2953.71 to 2953.81 or section 2953.82 of the Revised Code; 27844

(ii) Submits a written request for retention of evidence to 27845  
the governmental evidence-retention entity that provided notice of 27846  
its intent to destroy evidence under division (B)(6)(b) of this 27847  
section. 27848

(7) Except as otherwise provided in division (B)(8) of this 27849  
section, if, after providing notice under division (B)(6)(b) of 27850  
this section of its intent to destroy evidence, a governmental 27851  
evidence-retention entity receives a written request for retention 27852  
of the evidence from any person to whom the notice is provided, 27853  
the governmental evidence-retention entity shall retain the 27854  
evidence while the person referred to in division (B)(6)(b)(i) of 27855  
this section remains in custody, incarcerated, in a department of 27856  
youth services institution or other juvenile facility, under a 27857  
community control sanction, under any order of disposition, on 27858  
probation or parole, under judicial release or supervised release, 27859  
under post-release control, involved in civil litigation, or 27860  
subject to registration and other duties imposed for that offense 27861  
or act under sections 2950.04, 2950.041, 2950.05, and 2950.06 of 27862  
the Revised Code as a result of a criminal conviction, delinquency 27863  
adjudication, or commitment related to the evidence in question. 27864

(8) A governmental evidence-retention entity that possesses 27865  
biological evidence that includes biological material may destroy 27866  
the evidence five years after a person pleads guilty or no contest 27867  
to a violation of section 2903.01, 2903.02, 2903.03, or 2905.32, a 27868  
violation of section 2903.04 or 2903.06 that is a felony of the 27869  
first or second degree, a violation of section 2907.02, 2907.03, 27870  
division (A)(4) or (B) of section 2907.05, or an attempt to commit 27871  
a violation of section 2907.02 of the Revised Code and all appeals 27872  
have been exhausted unless, ~~upon~~ either of the following applies: 27873

(a) Upon a motion to the court by the person who pleaded 27874  
guilty or no contest or the person's attorney and notice to those 27875  
persons described in division (B)(6)(b) of this section requesting 27876  
that the evidence not be destroyed, the court finds good cause as 27877  
to why that evidence must be retained. 27878

(b) A victim submits a request pursuant to section 109.68 of 27879  
the Revised Code for further preservation of a sexual assault 27880  
examination kit or its probative contents beyond the intended 27881  
destruction or disposal date. 27882

(9) A governmental evidence-retention entity shall not be 27883  
required to preserve physical evidence pursuant to this section 27884  
that is of such a size, bulk, or physical character as to render 27885  
retention impracticable. When retention of physical evidence that 27886  
otherwise would be required to be retained pursuant to this 27887  
section is impracticable as described in this division, the 27888  
governmental evidence-retention entity that otherwise would be 27889  
required to retain the physical evidence shall remove and preserve 27890  
portions of the material evidence likely to contain biological 27891  
evidence related to the offense, in a quantity sufficient to 27892  
permit future DNA testing before returning or disposing of that 27893  
physical evidence. 27894

(C) The office of the attorney general shall administer and 27895  
conduct training programs for law enforcement officers and other 27896  
relevant employees who are charged with preserving and cataloging 27897  
biological evidence regarding the methods and procedures 27898  
referenced in this section. 27899

**Sec. 2933.821.** (A) As used in this section, "governmental 27900  
evidence-retention entity" has the same meaning as in section 27901  
2933.82 of the Revised Code. 27902

(B) Within one hundred eighty days after the effective date 27903  
of this section, and annually thereafter, all governmental 27904

evidence-retention entities that receive, maintain, store, or 27905  
preserve sexual assault evidence kits shall submit a report 27906  
containing all of the following information to the attorney 27907  
general: 27908

(1) The total number of all tested and untested sexual 27909  
assault examination kits in possession of each governmental 27910  
evidence-retention entity, and for each untested kit whether the 27911  
sexual assault was reported to law enforcement or whether the 27912  
victim chose not to file a report with law enforcement. 27913

(2) If the governmental evidence-retention entity is a 27914  
medical facility, the date each untested sexual assault 27915  
examination kit was reported to law enforcement, if applicable, 27916  
and the date the kit was delivered to the medical facility. 27917

(3) If the governmental evidence-retention entity is a law 27918  
enforcement agency, the date each untested sexual assault 27919  
examination kit was received from a medical facility, the date the 27920  
kit was submitted to a crime laboratory, or for any kit not 27921  
submitted to a crime laboratory, the reason the kit was not 27922  
submitted. 27923

(4) If an untested sexual assault examination kit belongs to 27924  
another jurisdiction, the date that jurisdiction was notified and 27925  
the date the kit was retrieved by that jurisdiction, if 27926  
applicable. 27927

(5) If the governmental evidence-retention entity is a crime 27928  
laboratory: 27929

(a) The date each sexual assault examination kit was received 27930  
from law enforcement and from which agency the kit was received; 27931

(b) The date the kit was tested, if applicable; 27932

(c) The date the kit test results were entered into the 27933  
combined DNA index system maintained by the bureau of criminal 27934

identification and investigation or other relevant state or local DNA databases, if applicable, or if a DNA profile has not been created, the reason it was not created; 27935  
27936  
27937

(d) For untested kits, the reason the kit has not been tested; 27938  
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(e) The total number of kits in possession of the entity for more than thirty days; 27940  
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(f) The total number of kits destroyed and the reason for the destruction. 27942  
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(C) The attorney general shall compile the data from the reports in a summary report. The summary report shall include a list of all governmental evidence-retention entities that failed to participate in the preparation of the report. The annual summary report shall be made public on the attorney general's web site, and shall be submitted to the governor, the speaker of the house of representatives, and the president of the senate. 27944  
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**Sec. 2953.25.** (A) As used in this section: 27951

(1) "Collateral sanction" means a penalty, disability, or disadvantage that is related to employment or occupational licensing, however denominated, as a result of the individual's conviction of or plea of guilty to an offense and that applies by operation of law in this state whether or not the penalty, disability, or disadvantage is included in the sentence or judgment imposed. 27952  
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"Collateral sanction" does not include imprisonment, probation, parole, supervised release, forfeiture, restitution, fine, assessment, or costs of prosecution. 27959  
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(2) "Decision-maker" includes, but is not limited to, the state acting through a department, agency, board, commission, or instrumentality established by the law of this state for the 27962  
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27964

exercise of any function of government, a political subdivision, 27965  
an educational institution, or a government contractor or 27966  
subcontractor made subject to this section by contract, law, or 27967  
ordinance. 27968

(3) "Department-funded program" means a residential or 27969  
nonresidential program that is not a term in a state correctional 27970  
institution, that is funded in whole or part by the department of 27971  
rehabilitation and correction, and that is imposed as a sanction 27972  
for an offense, as part of a sanction that is imposed for an 27973  
offense, or as a term or condition of any sanction that is imposed 27974  
for an offense. 27975

(4) "Designee" means the person designated by the deputy 27976  
director of the division of parole and community services to 27977  
perform the duties designated in division (B) of this section. 27978

(5) "Division of parole and community services" means the 27979  
division of parole and community services of the department of 27980  
rehabilitation and correction. 27981

(6) "Offense" means any felony or misdemeanor under the laws 27982  
of this state. 27983

(7) "Political subdivision" has the same meaning as in 27984  
section 2969.21 of the Revised Code. 27985

(8) "Discretionary civil impact," "licensing agency," and 27986  
"mandatory civil impact" have the same meanings as in section 27987  
2961.21 of the Revised Code. 27988

(B)(1) An individual who is subject to one or more collateral 27989  
sanctions as a result of being convicted of or pleading guilty to 27990  
an offense and who either has served a term in a state 27991  
correctional institution for any offense or has spent time in a 27992  
department-funded program for any offense may file a petition with 27993  
the designee of the deputy director of the division of parole and 27994  
community services for a certificate of qualification for 27995

employment. 27996

(2) An individual who is subject to one or more collateral 27997  
sanctions as a result of being convicted of or pleading guilty to 27998  
an offense and who is not in a category described in division 27999  
(B)(1) of this section may file for a certificate of qualification 28000  
for employment by doing either of the following: 28001

(a) In the case of an individual who resides in this state, 28002  
filing a petition with the court of common pleas of the county in 28003  
which the person resides or with the designee of the deputy 28004  
director of the division of parole and community services; 28005

(b) In the case of an individual who resides outside of this 28006  
state, filing a petition with the court of common pleas of any 28007  
county in which any conviction or plea of guilty from which the 28008  
individual seeks relief was entered or with the designee of the 28009  
deputy director of the division of parole and community services. 28010

(3) A petition under division (B)(1) or (2) of this section 28011  
shall be made on a copy of the form prescribed by the division of 28012  
parole and community services under division (J) of this section, 28013  
shall contain all of the information described in division (F) of 28014  
this section, and, except as provided in division (B)(6) of this 28015  
section, shall be accompanied by an application fee of not more 28016  
than fifty dollars, ~~including~~ excluding local court fees. 28017

(4)(a) Except as provided in division (B)(4)(b) of this 28018  
section, an individual may file a petition under division (B)(1) 28019  
or (2) of this section at any time after the expiration of 28020  
whichever of the following is applicable: 28021

(i) If the offense that resulted in the collateral sanction 28022  
from which the individual seeks relief is a felony, at any time 28023  
after the expiration of one year from the date of release of the 28024  
individual from any period of incarceration in a state or local 28025  
correctional facility that was imposed for that offense and all 28026

periods of supervision imposed after release from the period of 28027  
incarceration or, if the individual was not incarcerated for that 28028  
offense, at any time after the expiration of one year from the 28029  
date of the individual's final release from all other sanctions 28030  
imposed for that offense. 28031

(ii) If the offense that resulted in the collateral sanction 28032  
from which the individual seeks relief is a misdemeanor, at any 28033  
time after the expiration of six months from the date of release 28034  
of the individual from any period of incarceration in a local 28035  
correctional facility that was imposed for that offense and all 28036  
periods of supervision imposed after release from the period of 28037  
incarceration or, if the individual was not incarcerated for that 28038  
offense, at any time after the expiration of six months from the 28039  
date of the final release of the individual from all sanctions 28040  
imposed for that offense including any period of supervision. 28041

(b) The department of rehabilitation and correction may 28042  
establish criteria by rule adopted under Chapter 119. of the 28043  
Revised Code that, if satisfied by an individual, would allow the 28044  
individual to file a petition before the expiration of six months 28045  
or one year from the date of final release, whichever is 28046  
applicable under division (B)(4)(a) of this section. 28047

(5)(a) A designee that receives a petition for a certificate 28048  
of qualification for employment from an individual under division 28049  
(B)(1) or (2) of this section shall review the petition to 28050  
determine whether it is complete. If the petition is complete, the 28051  
designee shall forward the petition, the application fee, and any 28052  
other information the designee possesses that relates to the 28053  
petition, to the court of common pleas of the county in which the 28054  
individual resides if the individual submitting the petition 28055  
resides in this state or, if the individual resides outside of 28056  
this state, to the court of common pleas of the county in which 28057  
the conviction or plea of guilty from which the individual seeks 28058

relief was entered. 28059

(b) A court of common pleas that receives a petition for a 28060  
certificate of qualification for employment from an individual 28061  
under division (B)(2) of this section, or that is forwarded a 28062  
petition for such a certificate under division (B)(5)(a) of this 28063  
section, shall attempt to determine all other courts in this state 28064  
in which the individual was convicted of or pleaded guilty to an 28065  
offense other than the offense from which the individual is 28066  
seeking relief. The court that receives or is forwarded the 28067  
petition shall notify all other courts in this state that it 28068  
determines under this division were courts in which the individual 28069  
was convicted of or pleaded guilty to an offense other than the 28070  
offense from which the individual is seeking relief that the 28071  
individual has filed the petition and that the court may send 28072  
comments regarding the possible issuance of the certificate. 28073

A court of common pleas that receives a petition for a 28074  
certificate of qualification for employment under division (B)(2) 28075  
of this section shall notify the county's prosecuting attorney 28076  
that the individual has filed the petition. 28077

A court of common pleas that receives a petition for a 28078  
certificate of qualification for employment under division (B)(2) 28079  
of this section, or that is forwarded a petition for qualification 28080  
under division (B)(5)(a) of this section may direct the clerk of 28081  
court to process and record all notices required in or under this 28082  
section. Except as provided in division (B)(6) of this section, 28083  
the court shall pay thirty dollars of the application fee into the 28084  
state treasury and twenty dollars of the application fee into the 28085  
county general revenue fund. 28086

(6) Upon receiving a petition for a certificate of 28087  
qualification for employment filed by an individual under division 28088  
(B)(1) or (2) of this section, a court of common pleas or the 28089  
designee of the deputy director of the division of parole and 28090

community services who receives the petition may waive all or part 28091  
of the ~~filing~~ application fee of not more than fifty dollars 28092  
described in division (B)(3) of this section, for an applicant who 28093  
presents a poverty affidavit showing that the applicant is 28094  
indigent. If an applicant pays an application fee, the first 28095  
twenty dollars or two-fifths of the fee, whichever is greater, 28096  
that is collected shall be paid into the county general revenue 28097  
fund. If an applicant pays an application fee, the amount 28098  
collected in excess of the amount to be paid into the county 28099  
general revenue fund shall be paid into the state treasury. 28100

(C)(1) Upon receiving a petition for a certificate of 28101  
qualification for employment filed by an individual under division 28102  
(B)(2) of this section or being forwarded a petition for such a 28103  
certificate under division (B)(5)(a) of this section, the court 28104  
shall review the individual's petition, the individual's criminal 28105  
history, except for information contained in any record that has 28106  
been sealed under section 2953.32 of the Revised Code, all filings 28107  
submitted by the prosecutor or by the victim in accordance with 28108  
rules adopted by the division of parole and community services, 28109  
the applicant's military service record, if applicable, and 28110  
whether the applicant has an emotional, mental, or physical 28111  
condition that is traceable to the applicant's military service in 28112  
the armed forces of the United States and that was a contributing 28113  
factor in the commission of the offense or offenses, and all other 28114  
relevant evidence. The court may order any report, investigation, 28115  
or disclosure by the individual that the court believes is 28116  
necessary for the court to reach a decision on whether to approve 28117  
the individual's petition for a certificate of qualification for 28118  
employment, except that the court shall not require an individual 28119  
to disclose information about any record sealed under section 28120  
2953.32 of the Revised Code. 28121

(2) Upon receiving a petition for a certificate of 28122

qualification for employment filed by an individual under division 28123  
(B)(2) of this section or being forwarded a petition for such a 28124  
certificate under division (B)(5)(a) of this section, except as 28125  
otherwise provided in this division, the court shall decide 28126  
whether to issue the certificate within sixty days after the court 28127  
receives or is forwarded the completed petition and all 28128  
information requested for the court to make that decision. Upon 28129  
request of the individual who filed the petition, the court may 28130  
extend the sixty-day period specified in this division. 28131

(3) Except as provided in division (C)(5) of this section and 28132  
subject to division (C)(7) of this section, a court that receives 28133  
an individual's petition for a certificate of qualification for 28134  
employment under division (B)(2) of this section or that is 28135  
forwarded a petition for such a certificate under division 28136  
(B)(5)(a) of this section may issue a certificate of qualification 28137  
for employment, at the court's discretion, if the court finds that 28138  
the individual has established all of the following by a 28139  
preponderance of the evidence: 28140

(a) Granting the petition will materially assist the 28141  
individual in obtaining employment or occupational licensing. 28142

(b) The individual has a substantial need for the relief 28143  
requested in order to live a law-abiding life. 28144

(c) Granting the petition would not pose an unreasonable risk 28145  
to the safety of the public or any individual. 28146

(4) The submission of an incomplete petition by an individual 28147  
shall not be grounds for the designee or court to deny the 28148  
petition. 28149

(5) Subject to division (C)(6) of this section, an individual 28150  
is rebuttably presumed to be eligible for a certificate of 28151  
qualification for employment if the court that receives the 28152  
individual's petition under division (B)(2) of this section or 28153

that is forwarded a petition under division (B)(5)(a) of this 28154  
section finds all of the following: 28155

(a) The application was filed after the expiration of the 28156  
applicable waiting period prescribed in division (B)(4) of this 28157  
section; 28158

(b) If the offense that resulted in the collateral sanction 28159  
from which the individual seeks relief is a felony, at least three 28160  
years have elapsed since the date of release of the individual 28161  
from any period of incarceration in a state or local correctional 28162  
facility that was imposed for that offense and all periods of 28163  
supervision imposed after release from the period of incarceration 28164  
or, if the individual was not incarcerated for that offense, at 28165  
least three years have elapsed since the date of the individual's 28166  
final release from all other sanctions imposed for that offense; 28167

(c) If the offense that resulted in the collateral sanction 28168  
from which the individual seeks relief is a misdemeanor, at least 28169  
one year has elapsed since the date of release of the individual 28170  
from any period of incarceration in a local correctional facility 28171  
that was imposed for that offense and all periods of supervision 28172  
imposed after release from the period of incarceration or, if the 28173  
individual was not incarcerated for that offense, at least one 28174  
year has elapsed since the date of the final release of the 28175  
individual from all sanctions imposed for that offense including 28176  
any period of supervision. 28177

(6) An application that meets all of the requirements for the 28178  
presumption under division (C)(5) of this section shall be denied 28179  
only if the court that receives the petition finds that the 28180  
evidence reviewed under division (C)(1) of this section rebuts the 28181  
presumption of eligibility for issuance by establishing, by clear 28182  
and convincing evidence, that the applicant has not been 28183  
rehabilitated. 28184

(7) A certificate of qualification for employment shall not create relief from any of the following collateral sanctions:	28185 28186
(a) Requirements imposed by Chapter 2950. of the Revised Code and rules adopted under sections 2950.13 and 2950.132 of the Revised Code;	28187 28188 28189
(b) A driver's license, commercial driver's license, or probationary license suspension, cancellation, or revocation pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the Revised Code if the relief sought is available pursuant to section 4510.021 or division (B) of section 4510.13 of the Revised Code;	28190 28191 28192 28193 28194
(c) Restrictions on employment as a prosecutor or law enforcement officer;	28195 28196
(d) The denial, ineligibility, or automatic suspension of a license that is imposed upon an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code if the individual is convicted of, pleads guilty to, is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state under section 2951.041 of the Revised Code, or is subject to treatment or intervention in lieu of conviction for a violation of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, 2911.11, 2919.123, or 2919.124 of the Revised Code;	28197 28198 28199 28200 28201 28202 28203 28204 28205 28206
(e) The immediate suspension of a license, certificate, or evidence of registration that is imposed upon an individual holding a license as a health care professional under Title XLVII of the Revised Code pursuant to division (C) of section 3719.121 of the Revised Code;	28207 28208 28209 28210 28211
(f) The denial or ineligibility for employment in a pain clinic under division (B)(4) of section 4729.552 of the Revised Code;	28212 28213 28214
(g) The mandatory suspension of a license that is imposed on	28215

an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code pursuant to section 3123.43 of the Revised Code.

(8) If a court that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section denies the petition, the court shall provide written notice to the individual of the court's denial. The court may place conditions on the individual regarding the individual's filing of any subsequent petition for a certificate of qualification for employment. The written notice must notify the individual of any conditions placed on the individual's filing of a subsequent petition for a certificate of qualification for employment.

If a court of common pleas that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section denies the petition, the individual may appeal the decision to the court of appeals only if the individual alleges that the denial was an abuse of discretion on the part of the court of common pleas.

(D)(1) A certificate of qualification for employment issued to an individual lifts the automatic bar of a collateral sanction, and a decision-maker shall consider on a case-by-case basis whether to grant or deny the issuance or restoration of an occupational license or an employment opportunity, notwithstanding the individual's possession of the certificate, without, however, reconsidering or rejecting any finding made by a designee or court under division (C)(3) of this section.

(2) The certificate constitutes a rebuttable presumption that the person's criminal convictions are insufficient evidence that

the person is unfit for the license, employment opportunity, or 28248  
certification in question. Notwithstanding the presumption 28249  
established under this division, the agency may deny the license 28250  
or certification for the person if it determines that the person 28251  
is unfit for issuance of the license. 28252

(3) If an employer that has hired a person who has been 28253  
issued a certificate of qualification for employment applies to a 28254  
licensing agency for a license or certification and the person has 28255  
a conviction or guilty plea that otherwise would bar the person's 28256  
employment with the employer or licensure for the employer because 28257  
of a mandatory civil impact, the agency shall give the person 28258  
individualized consideration, notwithstanding the mandatory civil 28259  
impact, the mandatory civil impact shall be considered for all 28260  
purposes to be a discretionary civil impact, and the certificate 28261  
constitutes a rebuttable presumption that the person's criminal 28262  
convictions are insufficient evidence that the person is unfit for 28263  
the employment, or that the employer is unfit for the license or 28264  
certification, in question. 28265

(E) A certificate of qualification for employment does not 28266  
grant the individual to whom the certificate was issued relief 28267  
from the mandatory civil impacts identified in division (A)(1) of 28268  
section 2961.01 or division (B) of section 2961.02 of the Revised 28269  
Code. 28270

(F) A petition for a certificate of qualification for 28271  
employment filed by an individual under division (B)(1) or (2) of 28272  
this section shall include all of the following: 28273

(1) The individual's name, date of birth, and social security 28274  
number; 28275

(2) All aliases of the individual and all social security 28276  
numbers associated with those aliases; 28277

(3) The individual's residence address, including the city, 28278

county, and state of residence and zip code;	28279
(4) The length of time that the individual has resided in the individual's current state of residence, expressed in years and months of residence;	28280 28281 28282
(5) A general statement as to why the individual has filed the petition and how the certificate of qualification for employment would assist the individual;	28283 28284 28285
(6) A summary of the individual's criminal history, except for information contained in any record that has been sealed or expunged under section 2953.32 or 2953.39 of the Revised Code, with respect to each offense that is a disqualification from employment or licensing in an occupation or profession, including the years of each conviction or plea of guilty for each of those offenses;	28286 28287 28288 28289 28290 28291 28292
(7) A summary of the individual's employment history, specifying the name of, and dates of employment with, each employer;	28293 28294 28295
(8) Verifiable references and endorsements;	28296
(9) The name of one or more immediate family members of the individual, or other persons with whom the individual has a close relationship, who support the individual's reentry plan;	28297 28298 28299
(10) A summary of the reason the individual believes the certificate of qualification for employment should be granted;	28300 28301
(11) Any other information required by rule by the department of rehabilitation and correction.	28302 28303
(G)(1) In a judicial or administrative proceeding alleging negligence or other fault, a certificate of qualification for employment issued to an individual under this section may be introduced as evidence of a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or	28304 28305 28306 28307 28308

program, or otherwise transacting business or engaging in activity 28309  
with the individual to whom the certificate of qualification for 28310  
employment was issued if the person knew of the certificate at the 28311  
time of the alleged negligence or other fault. 28312

(2) In any proceeding on a claim against an employer for 28313  
negligent hiring, a certificate of qualification for employment 28314  
issued to an individual under this section shall provide immunity 28315  
for the employer as to the claim if the employer knew of the 28316  
certificate at the time of the alleged negligence. 28317

(3) If an employer hires an individual who has been issued a 28318  
certificate of qualification for employment under this section, if 28319  
the individual, after being hired, subsequently demonstrates 28320  
dangerousness or is convicted of or pleads guilty to a felony, and 28321  
if the employer retains the individual as an employee after the 28322  
demonstration of dangerousness or the conviction or guilty plea, 28323  
the employer may be held liable in a civil action that is based on 28324  
or relates to the retention of the individual as an employee only 28325  
if it is proved by a preponderance of the evidence that the person 28326  
having hiring and firing responsibility for the employer had 28327  
actual knowledge that the employee was dangerous or had been 28328  
convicted of or pleaded guilty to the felony and was willful in 28329  
retaining the individual as an employee after the demonstration of 28330  
dangerousness or the conviction or guilty plea of which the person 28331  
has actual knowledge. 28332

(H) A certificate of qualification for employment issued 28333  
under this section shall be revoked if the individual to whom the 28334  
certificate of qualification for employment was issued is 28335  
convicted of or pleads guilty to a felony offense committed 28336  
subsequent to the issuance of the certificate of qualification for 28337  
employment. The department of rehabilitation and correction shall 28338  
periodically review the certificates listed in the database 28339  
described in division (K) of this section to identify those that 28340

are subject to revocation under this division. Upon identifying a certificate of qualification for employment that is subject to revocation, the department shall note in the database that the certificate has been revoked, the reason for revocation, and the effective date of revocation, which shall be the date of the conviction or plea of guilty subsequent to the issuance of the certificate.

(I) A designee's forwarding, or failure to forward, a petition for a certificate of qualification for employment to a court or a court's issuance, or failure to issue, a petition for a certificate of qualification for employment to an individual under division (B) of this section does not give rise to a claim for damages against the department of rehabilitation and correction or court.

(J) The division of parole and community services shall adopt rules in accordance with Chapter 119. of the Revised Code for the implementation and administration of this section and shall prescribe the form for the petition to be used under division (B)(1) or (2) of this section. The form for the petition shall include places for all of the information specified in division (F) of this section.

(K) The department of rehabilitation and correction shall maintain a database that identifies granted certificates and revoked certificates and tracks the number of certificates granted and revoked, the industries, occupations, and professions with respect to which the certificates have been most applicable, and the types of employers that have accepted the certificates. The department shall annually create a report that summarizes the information maintained in the database and shall make the report available to the public on its internet web site.

**Sec. 2953.32.** (A) Sections 2953.32 to 2953.34 of the Revised

Code do not apply to any of the following:	28372
(1) Convictions under Chapter 4506., 4507., 4510., 4511., or 4549. of the Revised Code, or a conviction for a violation of a municipal ordinance that is substantially similar to any section contained in any of those chapters;	28373 28374 28375 28376
(2) Convictions of a felony offense of violence that is not a sexually oriented offense;	28377 28378
(3) Convictions of a sexually oriented offense when the offender is subject to the requirements of Chapter 2950. of the Revised Code or Chapter 2950. of the Revised Code as it existed prior to January 1, 2008;	28379 28380 28381 28382
(4) Convictions of an offense in circumstances in which the victim of the offense was less than thirteen years of age, except for convictions under section 2919.21 of the Revised Code;	28383 28384 28385
(5) Convictions of a felony of the first or second degree or of more than two felonies of the third degree;	28386 28387
(6) Convictions for a violation of section 2919.25 or 2919.27 of the Revised Code or a conviction for a violation of a municipal ordinance that is substantially similar to either section.	28388 28389 28390
(B)(1) Except as provided in section 2953.61 of the Revised Code or as otherwise provided in division (B)(1)(a)(iii) of this section, an eligible offender may apply to the sentencing court if convicted in this state, or to a court of common pleas if convicted in another state or in a federal court, for the sealing or expungement of the record of the case that pertains to the conviction, except for convictions listed in division (A) of this section. Application may be made at whichever of the following times is applicable regarding the offense:	28391 28392 28393 28394 28395 28396 28397 28398 28399
(a) An application for sealing under this section may be made at whichever of the following times is applicable regarding the	28400 28401

offense: 28402

(i) Except as otherwise provided in division (B)(1)(a)(iv) of 28403  
this section, at the expiration of three years after the 28404  
offender's final discharge if convicted of one or two felonies of 28405  
the third degree, so long as none of the offenses is a violation 28406  
of section 2921.43 of the Revised Code; 28407

(ii) Except as otherwise provided in division (B)(1)(a)(iv) 28408  
of this section, at the expiration of one year after the 28409  
offender's final discharge if convicted of one or more felonies of 28410  
the fourth or fifth degree or one or more misdemeanors, so long as 28411  
none of the offenses is a violation of section 2921.43 of the 28412  
Revised Code or a felony offense of violence; 28413

(iii) At the expiration of seven years after the offender's 28414  
final discharge if the record includes one or more convictions of 28415  
soliciting improper compensation in violation of section 2921.43 28416  
of the Revised Code; 28417

(iv) If the offender was subject to the requirements of 28418  
Chapter 2950. of the Revised Code or Chapter 2950. of the Revised 28419  
Code as it existed prior to January 1, 2008, at the expiration of 28420  
five years after the requirements have ended under section 2950.07 28421  
of the Revised Code or section 2950.07 of the Revised Code as it 28422  
existed prior to January 1, 2008, or are terminated under section 28423  
2950.15 or 2950.151 of the Revised Code; 28424

(v) At the expiration of six months after the offender's 28425  
final discharge if convicted of a minor misdemeanor. 28426

(b) An application for expungement under this section may be 28427  
made at whichever of the following times is applicable regarding 28428  
the offense: 28429

(i) Except as otherwise provided in division (B)(1)(b)(ii) of 28430  
this section, if the offense is a misdemeanor, at the expiration 28431  
of one year after the offender's final discharge; 28432

(ii) If the offense is a minor misdemeanor, at the expiration of six months after the offender's final discharge; 28433  
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(iii) If the offense is a felony, at the expiration of ten years after the time specified in division (B)(1)(a) of this section at which the person may file an application for sealing with respect to that felony offense. 28435  
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(2) Any person who has been arrested for any misdemeanor offense and who has effected a bail forfeiture for the offense charged may apply to the court in which the misdemeanor criminal case was pending when bail was forfeited for the sealing or expungement of the record of the case that pertains to the charge. Except as provided in section 2953.61 of the Revised Code, the application may be filed at whichever of the following times is applicable regarding the offense: 28439  
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(a) An application for sealing may be made at any time after the date on which the bail forfeiture was entered upon the minutes of the court or the journal, whichever entry occurs first. 28447  
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(b) An application for expungement may be made at any time after the expiration of three years from the date on which the bail forfeiture was entered upon the minutes of the court or the journal, whichever entry occurs first. 28450  
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(C) Upon the filing of an application under this section, the court shall set a date for a hearing and shall notify the prosecutor for the case of the hearing on the application not less than sixty days prior to the hearing. The prosecutor shall provide timely notice to a victim and victim's representative, if applicable, if the victim or victim's representative requested notice of the proceedings in the underlying case. The court shall hold the hearing not less than forty-five days and not more than ninety days from the date of the filing of the application. The prosecutor may object to the granting of the application by filing 28454  
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a written objection with the court not later than thirty days 28464  
prior to the date set for the hearing. The prosecutor shall 28465  
specify in the objection the reasons for believing a denial of the 28466  
application is justified. The prosecutor shall provide notice of 28467  
the application and the date and time of the hearing to the victim 28468  
of the offense in the case pursuant to the Ohio Constitution. The 28469  
victim, victim's representative, and victim's attorney, if 28470  
applicable, may be present and heard orally, in writing, or both 28471  
at any hearing under this section. The court shall direct its 28472  
regular probation officer, a state probation officer, or the 28473  
department of probation of the county in which the applicant 28474  
resides to make inquiries and written reports as the court 28475  
requires concerning the applicant. The probation officer or county 28476  
department of probation that the court directs to make inquiries 28477  
and written reports as the court requires concerning the applicant 28478  
shall determine whether or not the applicant was fingerprinted at 28479  
the time of arrest or under section 109.60 of the Revised Code. If 28480  
the applicant was so fingerprinted, the probation officer or 28481  
county department of probation shall include with the written 28482  
report a record of the applicant's fingerprints. If the applicant 28483  
was convicted of or pleaded guilty to a violation of division 28484  
(A)(2) or (B) of section 2919.21 of the Revised Code, the 28485  
probation officer or county department of probation that the court 28486  
directed to make inquiries concerning the applicant shall contact 28487  
the child support enforcement agency enforcing the applicant's 28488  
obligations under the child support order to inquire about the 28489  
offender's compliance with the child support order. 28490

(D)(1) At the hearing held under division (C) of this 28491  
section, the court shall do each of the following: 28492

(a) Determine whether the applicant is pursuing sealing or 28493  
expunging a conviction of an offense that is prohibited under 28494  
division (A) of this section or whether the forfeiture of bail was 28495

agreed to by the applicant and the prosecutor in the case, and 28496  
determine whether the application was made at the time specified 28497  
in division (B)(1)(a) or (b) or division (B)(2)(a) or (b) of this 28498  
section that is applicable with respect to the application and the 28499  
subject offense; 28500

(b) Determine whether criminal proceedings are pending 28501  
against the applicant; 28502

(c) Determine whether the applicant has been rehabilitated to 28503  
the satisfaction of the court; 28504

(d) If the prosecutor has filed an objection in accordance 28505  
with division (C) of this section, consider the reasons against 28506  
granting the application specified by the prosecutor in the 28507  
objection; 28508

(e) If the victim objected, pursuant to the Ohio 28509  
Constitution, consider the reasons against granting the 28510  
application specified by the victim in the objection; 28511

(f) Weigh the interests of the applicant in having the 28512  
records pertaining to the applicant's conviction or bail 28513  
forfeiture sealed or expunged against the legitimate needs, if 28514  
any, of the government to maintain those records; 28515

(g) Consider the oral or written statement of any victim, 28516  
victim's representative, and victim's attorney, if applicable; 28517

(h) If the applicant was an eligible offender of the type 28518  
described in division (A)(3) of section 2953.36 of the Revised 28519  
Code as it existed prior to the effective date of this amendment, 28520  
determine whether the offender has been rehabilitated to a 28521  
satisfactory degree. In making the determination, the court may 28522  
consider all of the following: 28523

(i) The age of the offender; 28524

(ii) The facts and circumstances of the offense; 28525

(iii) The cessation or continuation of criminal behavior;	28526
(iv) The education and employment of the offender;	28527
(v) Any other circumstances that may relate to the offender's rehabilitation.	28528 28529
(2) If the court determines, after complying with division (D)(1) of this section, that the offender is not pursuing sealing or expunging a conviction of an offense that is prohibited under division (A) of this section or that the forfeiture of bail was agreed to by the applicant and the prosecutor in the case, that the application was made at the time specified in division (B)(1)(a) or (b) or division (B)(2)(a) or (b) of this section that is applicable with respect to the application and the subject offense, that no criminal proceeding is pending against the applicant, that the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed or expunged are not outweighed by any legitimate governmental needs to maintain those records, and that the rehabilitation of the applicant has been attained to the satisfaction of the court, both of the following apply:	28530 28531 28532 28533 28534 28535 28536 28537 28538 28539 28540 28541 28542 28543 28544
(a) The court, except as provided in division (D)(4) or (5) of this section or division (D), (F), or (G) of section 2953.34 of the Revised Code, shall order all official records of the case that pertain to the conviction or bail forfeiture sealed if the application was for sealing or expunged if the application was for expungement and, except as provided in division (C) of section 2953.34 of the Revised Code, all index references to the case that pertain to the conviction or bail forfeiture deleted and, in the case of bail forfeitures, shall dismiss the charges in the case.	28545 28546 28547 28548 28549 28550 28551 28552 28553
(b) The proceedings in the case that pertain to the conviction or bail forfeiture shall be considered not to have occurred and the conviction or bail forfeiture of the person who	28554 28555 28556

is the subject of the proceedings shall be sealed if the 28557  
application was for sealing or expunged if the application was for 28558  
expungement, except that upon conviction of a subsequent offense, 28559  
a sealed record of prior conviction or bail forfeiture may be 28560  
considered by the court in determining the sentence or other 28561  
appropriate disposition, including the relief provided for in 28562  
sections 2953.31, 2953.32, and 2953.34 of the Revised Code. 28563

(3) An applicant may request the sealing or expungement of 28564  
the records of more than one case in a single application under 28565  
this section. Upon the filing of an application under this 28566  
section, the applicant, unless the applicant presents a poverty 28567  
affidavit showing that the applicant is indigent, shall pay a fee 28568  
of not more than fifty dollars, ~~including~~ excluding local court 28569  
fees, regardless of the number of records the application requests 28570  
to have sealed or expunged. If the applicant pays a fee, the court 28571  
shall pay three-fifths of the fee collected into the state 28572  
treasury, with half of that amount credited to the attorney 28573  
general reimbursement fund created by section 109.11 of the 28574  
Revised Code. If the applicant pays a fee, the court shall pay 28575  
two-fifths of the fee collected into the county general revenue 28576  
fund if the sealed or expunged conviction or bail forfeiture was 28577  
pursuant to a state statute, or into the general revenue fund of 28578  
the municipal corporation involved if the sealed or expunged 28579  
conviction or bail forfeiture was pursuant to a municipal 28580  
ordinance. 28581

(4) If the court orders the official records pertaining to 28582  
the case sealed or expunged, the court shall do one of the 28583  
following: 28584

(a) If the applicant was fingerprinted at the time of arrest 28585  
or under section 109.60 of the Revised Code and the record of the 28586  
applicant's fingerprints was provided to the court under division 28587  
(C) of this section, forward a copy of the sealing or expungement 28588

order and the record of the applicant's fingerprints to the bureau 28589  
of criminal identification and investigation. 28590

(b) If the applicant was not fingerprinted at the time of 28591  
arrest or under section 109.60 of the Revised Code, or the record 28592  
of the applicant's fingerprints was not provided to the court 28593  
under division (C) of this section, but fingerprinting was 28594  
required for the offense, order the applicant to appear before a 28595  
sheriff to have the applicant's fingerprints taken according to 28596  
the fingerprint system of identification on the forms furnished by 28597  
the superintendent of the bureau of criminal identification and 28598  
investigation. The sheriff shall forward the applicant's 28599  
fingerprints to the court. The court shall forward the applicant's 28600  
fingerprints and a copy of the sealing or expungement order to the 28601  
bureau of criminal identification and investigation. 28602

Failure of the court to order fingerprints at the time of 28603  
sealing or expungement does not constitute a reversible error. 28604

(5) Notwithstanding any other provision of the Revised Code 28605  
to the contrary, when the bureau of criminal identification and 28606  
investigation receives notice from a court that a conviction has 28607  
been expunged under this section, the bureau of criminal 28608  
identification and investigation shall maintain a record of the 28609  
expunged conviction record for the limited purpose of determining 28610  
an individual's qualification or disqualification for employment 28611  
in law enforcement. The bureau of criminal identification and 28612  
investigation shall not be compelled by the court to expunge those 28613  
records. These records may only be disclosed or provided to law 28614  
enforcement for the limited purpose of determining an individual's 28615  
qualification or disqualification for employment in law 28616  
enforcement. 28617

**Sec. 2967.16.** (A) Except as provided in division (D) of this 28618  
section, when a paroled prisoner has faithfully performed the 28619

conditions and obligations of the paroled prisoner's parole and 28620  
has obeyed the rules and regulations adopted by the adult parole 28621  
authority that apply to the paroled prisoner, the authority may 28622  
grant a final release and thereupon shall issue to the paroled 28623  
prisoner a certificate of final release that shall serve as the 28624  
minutes of the authority, but the authority shall not grant a 28625  
final release earlier than one year after the paroled prisoner is 28626  
released from the institution on parole, and, in the case of a 28627  
paroled prisoner whose sentence is life imprisonment, the 28628  
authority shall not grant a final release earlier than five years 28629  
after the paroled prisoner is released from the institution on 28630  
parole. 28631

(B)(1) When a prisoner who has been released under a period 28632  
of post-release control pursuant to section 2967.28 of the Revised 28633  
Code has faithfully performed the conditions and obligations of 28634  
the released prisoner's post-release control sanctions and has 28635  
obeyed the rules and regulations adopted by the adult parole 28636  
authority that apply to the released prisoner or has the period of 28637  
post-release control terminated by a court pursuant to section 28638  
2929.141 of the Revised Code, the authority may terminate the 28639  
period of post-release control and issue to the released prisoner 28640  
a certificate of termination, which shall serve as the minutes of 28641  
the authority. In the case of a prisoner who has been released 28642  
under a period of post-release control pursuant to division (B) of 28643  
section 2967.28 of the Revised Code, the authority shall not 28644  
terminate post-release control earlier than one year after the 28645  
released prisoner is released from the institution under a period 28646  
of post-release control. The authority ~~shall~~ may classify the 28647  
termination of post-release control as ~~favorable or unfavorable~~ 28648  
~~depending on~~ if the offender's conduct and compliance with the 28649  
conditions of supervision is unsatisfactory. If the authority does 28650  
not classify the termination of post-release control as 28651

unfavorable, the offender's conduct and compliance with the 28652  
conditions of post-release control shall be not considered as an 28653  
unfavorable termination under this division by a court when the 28654  
court, at a future sentencing hearing, is considering the factors 28655  
described in division (D)(1) of section 2929.12 of the Revised 28656  
Code. In the case of a released prisoner whose sentence is life 28657  
imprisonment, the authority shall not terminate post-release 28658  
control earlier than five years after the released prisoner is 28659  
released from the institution under a period of post-release 28660  
control. 28661

(2) The department of rehabilitation and correction, no later 28662  
than six months after July 8, 2002, shall adopt a rule in 28663  
accordance with Chapter 119. of the Revised Code that establishes 28664  
the criteria for the classification of a post-release control 28665  
termination as ~~"favorable"~~ or "unfavorable." 28666

(C)(1) Except as provided in division (C)(2) of this section, 28667  
the following prisoners or person shall be restored to the rights 28668  
and privileges forfeited by a conviction: 28669

(a) A prisoner who has served the entire prison term that 28670  
comprises or is part of the prisoner's sentence and has not been 28671  
placed under any post-release control sanctions; 28672

(b) A prisoner who has been granted a final release or 28673  
termination of post-release control by the adult parole authority 28674  
pursuant to division (A) or (B) of this section; 28675

(c) A person who has completed the period of a community 28676  
control sanction or combination of community control sanctions, as 28677  
defined in section 2929.01 of the Revised Code, that was imposed 28678  
by the sentencing court. 28679

(2)(a) As used in division (C)(2)(c) of this section: 28680

(i) "Position of honor, trust, or profit" has the same 28681  
meaning as in section 2929.192 of the Revised Code. 28682

(ii) "Public office" means any elected federal, state, or local government office in this state. 28683  
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(b) For purposes of division (C)(2)(c) of this section, a violation of section 2923.32 of the Revised Code or any other violation or offense that includes as an element a course of conduct or the occurrence of multiple acts is "committed on or after May 13, 2008," if the course of conduct continues, one or more of the multiple acts occurs, or the subject person's accountability for the course of conduct or for one or more of the multiple acts continues, on or after May 13, 2008. 28685  
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(c) Division (C)(1) of this section does not restore a prisoner or person to the privilege of holding a position of honor, trust, or profit if the prisoner or person was convicted of or pleaded guilty to committing on or after May 13, 2008, any of the following offenses that is a felony: 28693  
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(i) A violation of section 2921.02, 2921.03, 2921.05, 2921.41, 2921.42, or 2923.32 of the Revised Code; 28698  
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(ii) A violation of section 2913.42, 2921.04, 2921.11, 2921.12, 2921.31, or 2921.32 of the Revised Code, when the person committed the violation while the person was serving in a public office and the conduct constituting the violation was related to the duties of the person's public office or to the person's actions as a public official holding that public office; 28700  
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(iii) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (C)(2)(c)(i) of this section; 28706  
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(iv) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (C)(2)(c)(ii) of this section, when the person committed the 28710  
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violation while the person was serving in a public office and the 28714  
conduct constituting the violation was related to the duties of 28715  
the person's public office or to the person's actions as a public 28716  
official holding that public office; 28717

(v) A conspiracy to commit, attempt to commit, or complicity 28718  
in committing any offense listed in division (C)(2)(c)(i) or 28719  
described in division (C)(2)(c)(iii) of this section; 28720

(vi) A conspiracy to commit, attempt to commit, or complicity 28721  
in committing any offense listed in division (C)(2)(c)(ii) or 28722  
described in division (C)(2)(c)(iv) of this section, if the person 28723  
committed the violation while the person was serving in a public 28724  
office and the conduct constituting the offense that was the 28725  
subject of the conspiracy, that would have constituted the offense 28726  
attempted, or constituting the offense in which the person was 28727  
complicit was or would have been related to the duties of the 28728  
person's public office or to the person's actions as a public 28729  
official holding that public office. 28730

(D) Division (A) of this section does not apply to a prisoner 28731  
in the shock incarceration program established pursuant to section 28732  
5120.031 of the Revised Code. 28733

(E) The final release certificate of a parolee and the 28734  
certificate of termination of a prisoner shall serve as the 28735  
official minutes of the adult parole authority, and the authority 28736  
shall consider those certificates as its official minutes. 28737

**Sec. 2967.193.** (A)(1) The provisions of this section ~~shall~~ 28738  
~~apply, until the date that is one year after the effective date of~~ 28739  
~~this amendment, April 4, 2024,~~ to persons confined in a state 28740  
correctional institution or in the substance use disorder 28741  
treatment program. On and after April 4, 2024, the provisions of 28742  
section 2967.194 of the Revised Code apply to persons so confined, 28743  
in the manner specified in division (G) of that section. 28744

(2) Except as provided in division (C) of this section and 28745  
subject to the maximum aggregate total specified in division 28746  
(A)(4) of this section, a person confined in a state correctional 28747  
institution or placed in the substance use disorder treatment 28748  
program may provisionally earn one day or five days of credit, 28749  
based on the category set forth in division (D)(1), (2), (3), (4), 28750  
or (5) of this section in which the person is included, toward 28751  
satisfaction of the person's stated prison term, as described in 28752  
division (F) of this section, for each completed month during 28753  
which the person, if confined in a state correctional institution, 28754  
productively participates in an education program, vocational 28755  
training, employment in prison industries, treatment for substance 28756  
abuse, or any other constructive program developed by the 28757  
department of rehabilitation and correction with specific 28758  
standards for performance by prisoners or during which the person, 28759  
if placed in the substance use disorder treatment program, 28760  
productively participates in the program. Except as provided in 28761  
division (C) of this section and subject to the maximum aggregate 28762  
total specified in division (A)(4) of this section, a person so 28763  
confined in a state correctional institution who successfully 28764  
completes two programs or activities of that type may, in 28765  
addition, provisionally earn up to five days of credit toward 28766  
satisfaction of the person's stated prison term, as described in 28767  
division (F) of this section, for the successful completion of the 28768  
second program or activity. The person shall not be awarded any 28769  
provisional days of credit for the successful completion of the 28770  
first program or activity or for the successful completion of any 28771  
program or activity that is completed after the second program or 28772  
activity. At the end of each calendar month in which a person 28773  
productively participates in a program or activity listed in this 28774  
division or successfully completes a program or activity listed in 28775  
this division, the department of rehabilitation and correction 28776  
shall determine and record the total number of days credit that 28777

the person provisionally earned in that calendar month. If the 28778  
person in a state correctional institution violates prison rules 28779  
or the person in the substance use disorder treatment program 28780  
violates program or department rules, the department may deny the 28781  
person a credit that otherwise could have been provisionally 28782  
awarded to the person or may withdraw one or more credits 28783  
previously provisionally earned by the person. Days of credit 28784  
provisionally earned by a person shall be finalized and awarded by 28785  
the department subject to administrative review by the department 28786  
of the person's conduct. 28787

(3) Unless a person is serving a mandatory prison term or a 28788  
prison term for an offense of violence or a sexually oriented 28789  
offense, and notwithstanding the maximum aggregate total specified 28790  
in division (A)(4) of this section, a person who successfully 28791  
completes any of the following shall earn ninety days of credit 28792  
toward satisfaction of the person's stated prison term or a ten 28793  
per cent reduction of the person's stated prison term, whichever 28794  
is less: 28795

(a) An Ohio high school diploma or Ohio certificate of high 28796  
school equivalence certified by the Ohio central school system; 28797

(b) A therapeutic drug community program; 28798

(c) All three phases of the department of rehabilitation and 28799  
correction's intensive outpatient drug treatment program; 28800

(d) A career technical vocational school program; 28801

(e) A college certification program; 28802

(f) The criteria for a certificate of achievement and 28803  
employability as specified in division (A)(1) of section 2961.22 28804  
of the Revised Code. 28805

~~(4)(4)(a)~~ Except for persons described in division (A)(3) of 28806  
this section and subject to division (A)(4)(b) of this section, 28807

the aggregate days of credit provisionally earned by a person for 28808  
program or activity participation and program and activity 28809  
completion under this section and the aggregate days of credit 28810  
finally credited to a person under this section shall not exceed 28811  
eight per cent of the total number of days in the person's stated 28812  
prison term. 28813

(b) If a person is confined in a state correctional 28814  
institution or in the substance use disorder treatment program 28815  
after the effective date of this amendment, and if the person as 28816  
of that effective date has met the eight per cent limit specified 28817  
in division (A)(4)(a) of this section or the person meets that 28818  
eight per cent limit between that effective date and April 3, 28819  
2024, both of the following apply with respect to the person: 28820

(i) On and after the effective date of this amendment, the 28821  
eight per cent limit specified in division (A)(4)(a) of this 28822  
section no longer applies to the person; 28823

(ii) On and after the effective date of this amendment, the 28824  
aggregate days of credit provisionally earned by a person for 28825  
program or activity participation and program and activity 28826  
completion under this section and the aggregate days of credit 28827  
finally credited to a person under this section shall not exceed 28828  
fifteen per cent of the total number of days in the person's 28829  
stated prison term. 28830

(B) The department of rehabilitation and correction shall 28831  
adopt rules that specify the programs or activities for which 28832  
credit may be earned under this section, the criteria for 28833  
determining productive participation in, or completion of, the 28834  
programs or activities and the criteria for awarding credit, 28835  
including criteria for awarding additional credit for successful 28836  
program or activity completion, and the criteria for denying or 28837  
withdrawing previously provisionally earned credit as a result of 28838  
a violation of prison rules, or program or department rules, 28839

whichever is applicable. 28840

(C) No person confined in a state correctional institution or 28841  
placed in a substance use disorder treatment program to whom any 28842  
of the following applies shall be awarded any days of credit under 28843  
division (A) of this section: 28844

(1) The person is serving a prison term that section 2929.13 28845  
or section 2929.14 of the Revised Code specifies cannot be reduced 28846  
pursuant to this section or this chapter or is serving a sentence 28847  
for which section 2967.13 or division (B) of section 2929.143 of 28848  
the Revised Code specifies that the person is not entitled to any 28849  
earned credit under this section. 28850

(2) The person is sentenced to death or is serving a prison 28851  
term or a term of life imprisonment for aggravated murder, murder, 28852  
or a conspiracy or attempt to commit, or complicity in committing, 28853  
aggravated murder or murder. 28854

(3) The person is serving a sentence of life imprisonment 28855  
without parole imposed pursuant to section 2929.03 or 2929.06 of 28856  
the Revised Code, a prison term or a term of life imprisonment 28857  
without parole imposed pursuant to section 2971.03 of the Revised 28858  
Code, or a sentence for a sexually oriented offense that was 28859  
committed on or after September 30, 2011. 28860

(D) This division does not apply to a determination of 28861  
whether a person confined in a state correctional institution or 28862  
placed in a substance use disorder treatment program may earn any 28863  
days of credit under division (A) of this section for successful 28864  
completion of a second program or activity. The determination of 28865  
whether a person confined in a state correctional institution may 28866  
earn one day of credit or five days of credit under division (A) 28867  
of this section for each completed month during which the person 28868  
productively participates in a program or activity specified under 28869  
that division shall be made in accordance with the following: 28870

(1) The offender may earn one day of credit under division 28871  
(A) of this section, except as provided in division (C) of this 28872  
section, if the most serious offense for which the offender is 28873  
confined is any of the following that is a felony of the first or 28874  
second degree: 28875

(a) A violation of division (A) of section 2903.04 or of 28876  
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 28877  
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 28878  
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.15, 2919.151, 28879  
2919.22, 2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, 28880  
or 2927.24 of the Revised Code; 28881

(b) A conspiracy or attempt to commit, or complicity in 28882  
committing, any other offense for which the maximum penalty is 28883  
imprisonment for life or any offense listed in division (D)(1)(a) 28884  
of this section. 28885

(2) The offender may earn one day of credit under division 28886  
(A) of this section, except as provided in division (C) of this 28887  
section, if the offender is serving a stated prison term that 28888  
includes a prison term imposed for a sexually oriented offense 28889  
that the offender committed prior to September 30, 2011. 28890

(3) The offender may earn one day of credit under division 28891  
(A) of this section, except as provided in division (C) of this 28892  
section, if the offender is serving a stated prison term that 28893  
includes a prison term imposed for a felony other than carrying a 28894  
concealed weapon an essential element of which is any conduct or 28895  
failure to act expressly involving any deadly weapon or dangerous 28896  
ordnance. 28897

(4) Except as provided in division (C) of this section, if 28898  
the most serious offense for which the offender is confined is a 28899  
felony of the first or second degree and divisions (D)(1), (2), 28900  
and (3) of this section do not apply to the offender, the offender 28901

may earn one day of credit under division (A) of this section if 28902  
the offender committed that offense prior to September 30, 2011, 28903  
and the offender may earn five days of credit under division (A) 28904  
of this section if the offender committed that offense on or after 28905  
September 30, 2011. 28906

(5) Except as provided in division (C) of this section, if 28907  
the most serious offense for which the offender is confined is a 28908  
felony of the third, fourth, or fifth degree or an unclassified 28909  
felony and neither division (D)(2) nor (3) of this section applies 28910  
to the offender, the offender may earn one day of credit under 28911  
division (A) of this section if the offender committed that 28912  
offense prior to September 30, 2011, and the offender may earn 28913  
five days of credit under division (A) of this section if the 28914  
offender committed that offense on or after September 30, 2011. 28915

(E) The department annually shall seek and consider the 28916  
written feedback of the Ohio prosecuting attorneys association, 28917  
the Ohio judicial conference, the Ohio public defender, the Ohio 28918  
association of criminal defense lawyers, and other organizations 28919  
and associations that have an interest in the operation of the 28920  
corrections system and the earned credits program under this 28921  
section as part of its evaluation of the program and in 28922  
determining whether to modify the program. 28923

(F) Days of credit awarded under this section shall be 28924  
applied toward satisfaction of a person's stated prison term as 28925  
follows: 28926

(1) Toward the definite prison term of a prisoner serving a 28927  
definite prison term as a stated prison term; 28928

(2) Toward the minimum and maximum terms of a prisoner 28929  
serving an indefinite prison term imposed under division (A)(1)(a) 28930  
or (2)(a) of section 2929.14 of the Revised Code for a felony of 28931  
the first or second degree committed on or after March 22, 2019. 28932

(G) As used in this section: 28933

(1) "Sexually oriented offense" has the same meaning as in 28934  
section 2950.01 of the Revised Code. 28935

(2) "Substance use disorder treatment program" means the 28936  
substance use disorder treatment program established by the 28937  
department of rehabilitation and correction under section 5120.035 28938  
of the Revised Code. 28939

**Sec. 2967.194.** (A)(1) ~~Beginning one year after the effective~~ 28940  
~~date of this section~~ April 4, 2024, the provisions of this section 28941  
shall apply, in the manner described in division (G) of this 28942  
section, to persons confined on or after that date in a state 28943  
correctional institution or in the substance use disorder 28944  
treatment program. 28945

(2) Except as provided in division (C) of this section and 28946  
subject to the maximum aggregate total specified in division 28947  
(A)(4) of this section, a person confined in a state correctional 28948  
institution or placed in the substance use disorder treatment 28949  
program may provisionally earn one day or five days of credit, 28950  
based on the category set forth in division (D)(1) or (2) of this 28951  
section in which the person is included, toward satisfaction of 28952  
the person's stated prison term, as described in division (F) of 28953  
this section, for each completed month during which the person, if 28954  
confined in a state correctional institution, productively 28955  
participates in an education program, vocational training, 28956  
employment in prison industries, treatment for substance abuse, or 28957  
any other constructive program developed by the department of 28958  
rehabilitation and correction with specific standards for 28959  
performance by prisoners or during which the person, if placed in 28960  
the substance use disorder treatment program, productively 28961  
participates in the program. Except as provided in division (C) of 28962  
this section and subject to the maximum aggregate total specified 28963

in division (A)(4) of this section, a person so confined in a 28964  
state correctional institution who successfully completes two 28965  
programs or activities of that type may, in addition, 28966  
provisionally earn up to five days of credit toward satisfaction 28967  
of the person's stated prison term, as described in division (F) 28968  
of this section, for the successful completion of the second 28969  
program or activity. The person shall not be awarded any 28970  
provisional days of credit for the successful completion of the 28971  
first program or activity or for the successful completion of any 28972  
program or activity that is completed after the second program or 28973  
activity. At the end of each calendar month in which a person 28974  
productively participates in a program or activity listed in this 28975  
division or successfully completes a program or activity listed in 28976  
this division, the department of rehabilitation and correction 28977  
shall determine and record the total number of days credit that 28978  
the person provisionally earned in that calendar month. If the 28979  
person in a state correctional institution violates prison rules 28980  
or the person in the substance use disorder treatment program 28981  
violates program or department rules, the department may deny the 28982  
person a credit that otherwise could have been provisionally 28983  
awarded to the person or may withdraw one or more credits 28984  
previously provisionally earned by the person. Days of credit 28985  
provisionally earned by a person shall be finalized and awarded by 28986  
the department subject to administrative review by the department 28987  
of the person's conduct. 28988

(3) Except as provided in division (C) of this section, 28989  
unless a person is serving a mandatory prison term or a prison 28990  
term for an offense of violence or a sexually oriented offense, 28991  
and notwithstanding the maximum aggregate total specified in 28992  
division (A)(4) of this section, a person who successfully 28993  
completes any diploma, equivalence, program, or criteria 28994  
identified in divisions (A)(3)(a) to (g) of this section shall 28995  
earn ninety days of credit toward satisfaction of the person's 28996

stated prison term or a ten per cent reduction of the person's 28997  
stated prison term, whichever is less, for each such diploma, 28998  
equivalence, program, or criteria successfully completed. The 28999  
diplomas, equivalences, programs, and criteria for which credit 29000  
shall be granted under this division, upon successful completion, 29001  
are: 29002

(a) An Ohio high school diploma or Ohio certificate of high 29003  
school equivalence certified by the Ohio central school system; 29004

(b) A therapeutic drug community program; 29005

(c) All three phases of the department of rehabilitation and 29006  
correction's intensive outpatient drug treatment program; 29007

(d) A career technical vocational school program; 29008

(e) A college certification program; 29009

(f) The criteria for a certificate of achievement and 29010  
employability as specified in division (A)(1) of section 2961.22 29011  
of the Revised Code; 29012

(g) Any other constructive program developed by the 29013  
department of rehabilitation and correction with specific 29014  
standards for performance by prisoners. 29015

(4) Except for persons described in division (A)(3) of this 29016  
section, the aggregate days of credit provisionally earned by a 29017  
person for program or activity participation and program and 29018  
activity completion under this section and the aggregate days of 29019  
credit finally credited to a person under this section shall not 29020  
exceed fifteen per cent of the total number of days in the 29021  
person's stated prison term. 29022

(B) The department of rehabilitation and correction shall 29023  
adopt rules that specify the programs or activities for which 29024  
credit may be earned under this section, the criteria for 29025  
determining productive participation in, or completion of, the 29026

programs or activities and the criteria for awarding credit, 29027  
including criteria for awarding additional credit for successful 29028  
program or activity completion, and the criteria for denying or 29029  
withdrawing previously provisionally earned credit as a result of 29030  
a violation of prison rules, or program or department rules, 29031  
whichever is applicable. 29032

(C) No person confined in a state correctional institution or 29033  
placed in a substance use disorder treatment program to whom any 29034  
of the following applies shall be awarded any days of credit under 29035  
division (A)(2) or (3) of this section: 29036

(1) The person is serving a prison term that section 2929.13 29037  
or section 2929.14 of the Revised Code specifies cannot be reduced 29038  
pursuant to this section or this chapter or is serving a sentence 29039  
for which section 2967.13 or division (B) of section 2929.143 of 29040  
the Revised Code specifies that the person is not entitled to any 29041  
earned credit under this section. 29042

(2) The person is sentenced to death or is serving a prison 29043  
term or a term of life imprisonment for aggravated murder, murder, 29044  
or a conspiracy or attempt to commit, or complicity in committing, 29045  
aggravated murder or murder. 29046

(3) The person is serving a sentence of life imprisonment 29047  
without parole imposed pursuant to section 2929.03 or 2929.06 of 29048  
the Revised Code, a prison term or a term of life imprisonment 29049  
without parole imposed pursuant to section 2971.03 of the Revised 29050  
Code, or a sentence for a sexually oriented offense that was 29051  
committed on or after September 30, 2011. 29052

(D) This division does not apply to a determination of 29053  
whether a person confined in a state correctional institution or 29054  
placed in a substance use disorder treatment program may earn any 29055  
days of credit under division (A)(2) of this section for 29056  
successful completion of a second program or activity. The 29057

determination of whether a person confined in a state correctional institution may earn one day of credit or five days of credit under division (A)(2) of this section for each completed month during which the person productively participates in a program or activity specified under that division shall be made in accordance with the following:

(1) The offender may earn one day of credit under division (A)(2) of this section, except as provided in division (C) of this section, if the offender is serving a stated prison term that includes a prison term imposed for a sexually oriented offense that the offender committed prior to September 30, 2011.

(2) Except as provided in division (C) of this section, if division (D)(1) of this section does not apply to the offender, the offender may earn five days of credit under division (A)(2) of this section.

(E) The department annually shall seek and consider the written feedback of the Ohio prosecuting attorneys association, the Ohio judicial conference, the Ohio public defender, the Ohio association of criminal defense lawyers, and other organizations and associations that have an interest in the operation of the corrections system and the earned credits program under this section as part of its evaluation of the program and in determining whether to modify the program.

(F) Days of credit awarded under this section shall be applied toward satisfaction of a person's stated prison term as follows:

(1) Toward the definite prison term of a prisoner serving a definite prison term as a stated prison term;

(2) Toward the minimum and maximum terms of a prisoner serving an indefinite prison term imposed under division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised Code for a felony of

the first or second degree committed on or after March 22, 2019. 29089

(G) The provisions of this section apply to persons confined 29090  
in a state correctional institution or in the substance use 29091  
disorder treatment program on or after ~~the date that is one year~~ 29092  
~~after the effective date of this section~~ April 4, 2024, as 29093  
follows: 29094

(1) Subject to division (G)(2) of this section, the 29095  
provisions apply to a person so confined regardless of whether the 29096  
person committed the offense for which the person is confined in 29097  
the institution or was placed in the program prior to, on, or 29098  
~~after the date that is one year after the effective date of this~~ 29099  
~~section~~ April 4, 2024, and regardless of whether the person was 29100  
convicted of or pleaded guilty to that offense prior to, on, or 29101  
~~after the date that is one year after the effective date of this~~ 29102  
~~section~~ April 4, 2024. 29103

(2) The provisions apply to a person so confined only with 29104  
respect to the time that the person is so confined on and after 29105  
~~the date that is one year after the effective date of this section~~ 29106  
April 4, 2024, and the provisions of section 2967.193 of the 29107  
Revised Code that were in effect prior to ~~the date that is one~~ 29108  
~~year after the effective date of this section~~ April 4, 2024, and 29109  
that applied to the person prior to that date, including the 29110  
provisions of division (A)(4) of that section as amended by this 29111  
act, apply to the person with respect to the time that the person 29112  
was so confined prior to ~~the date that is one year after that~~ 29113  
~~effective date~~ April 4, 2024. 29114

(H) As used in this section: 29115

(1) "Sexually oriented offense" has the same meaning as in 29116  
section 2950.01 of the Revised Code. 29117

(2) "Substance use disorder treatment program" means the 29118  
substance use disorder treatment program established by the 29119

department of rehabilitation and correction under section 5120.035 29120  
of the Revised Code. 29121

**Sec. 3101.08.** An ordained or licensed minister of any 29122  
religious society or congregation within this state who is 29123  
licensed to solemnize marriages, a judge of a county court in 29124  
accordance with section 1907.18 of the Revised Code, a judge of a 29125  
municipal court in accordance with section 1901.14 of the Revised 29126  
Code, a probate judge in accordance with section 2101.27 of the 29127  
Revised Code, the mayor of a municipal corporation anywhere within 29128  
this state, the superintendent of ~~the state school for the deaf~~ 29129  
Ohio deaf and blind education services, or any religious society 29130  
in conformity with the rules of its church, may join together as 29131  
husband and wife any persons who are not prohibited by law from 29132  
being joined in marriage. 29133

**Sec. 3103.03.** (A) Each married person must support the 29134  
person's self and spouse out of the person's property or by the 29135  
person's labor. If a married person is unable to do so, the spouse 29136  
of the married person must assist in the support so far as the 29137  
spouse is able. The biological or adoptive parent of a minor child 29138  
must support the parent's minor children out of the parent's 29139  
property or by the parent's labor. 29140

(B) Notwithstanding section 3109.01 of the Revised Code and 29141  
to the extent provided in section 3119.86 of the Revised Code, the 29142  
parental duty of support to children shall continue beyond the age 29143  
of majority as long as the child continuously attends on a 29144  
full-time basis any recognized and accredited high school. That 29145  
duty of support shall continue during seasonal vacation periods. 29146

(C) If a married person neglects to support the person's 29147  
spouse in accordance with this section, any other person, in good 29148  
faith, may supply the spouse with necessaries for the support of 29149

the spouse and recover the reasonable value of the necessities 29150  
supplied from the married person who neglected to support the 29151  
spouse unless the spouse abandons that person without cause. 29152

~~(D)~~(D)(1) If a parent neglects to support the parent's minor 29153  
child in accordance with this section and if the minor child in 29154  
question is unemancipated, any other person, in good faith, may 29155  
supply the minor child with necessities for the support of the 29156  
minor child and recover the reasonable value of the necessities 29157  
supplied from the parent who neglected to support the minor child. 29158

(2) A duty of support may be enforced by a child support 29159  
order, as defined under division (B) of section 3119.01 of the 29160  
Revised Code. 29161

(E) If a decedent during the decedent's lifetime has 29162  
purchased an irrevocable preneed funeral contract pursuant to 29163  
section 4717.34 of the Revised Code, then the duty of support owed 29164  
to a spouse pursuant to this section does not include an 29165  
obligation to pay for the funeral expenses of the deceased spouse. 29166  
This division does not preclude a surviving spouse from assuming 29167  
by contract the obligation to pay for the funeral expenses of the 29168  
deceased spouse. 29169

**Sec. 3107.012.** (A) A foster caregiver may use the application 29170  
prescribed under division (B) of this section to obtain the 29171  
services of an agency to arrange an adoption for the foster 29172  
caregiver if the foster caregiver seeks to adopt the foster 29173  
caregiver's foster child who has resided in the foster caregiver's 29174  
home for at least six months prior to the date the foster 29175  
caregiver submits the application to the agency. 29176

(B) The department of job and family services shall prescribe 29177  
an application for a foster caregiver to use under division (A) of 29178  
this section. The application shall not require that the foster 29179  
caregiver provide any information the foster caregiver already 29180

provided the department, or undergo an inspection the foster 29181  
caregiver already underwent, to obtain a foster home certificate 29182  
under section 5103.03 of the Revised Code. 29183

(C) An agency that receives an application prescribed under 29184  
division (B) of this section from a foster caregiver authorized to 29185  
use the application shall not require, as a condition of the 29186  
agency accepting or approving the application, that the foster 29187  
caregiver undergo a criminal records check under section ~~2151.86~~ 29188  
5103.251 of the Revised Code as a prospective adoptive parent. The 29189  
agency shall inform the foster caregiver, in accordance with 29190  
~~division (C) of section 2151.86~~ 5103.251 of the Revised Code, that 29191  
the foster caregiver must undergo the criminal records check 29192  
before a court may issue a final decree of adoption or 29193  
interlocutory order of adoption under section 3107.14 of the 29194  
Revised Code. 29195

**Sec. 3107.033.** ~~Not later than June 1, 2009, the~~ The director 29196  
of job and family services shall adopt rules in accordance with 29197  
Chapter 119. of the Revised Code specifying both of the following: 29198

(A) The manner in which a home study is to be conducted and 29199  
the information and documents to be included in a home study 29200  
report, which shall include the following: 29201

(1) For adoptions arranged by an attorney, pursuant to 29202  
section 3107.034 of the Revised Code, a summary report of a search 29203  
of the uniform statewide automated child welfare information 29204  
system established in section 5101.13 of the Revised Code and a 29205  
report of a check of a central registry of another state if a 29206  
request for a check of a central registry of another state is 29207  
required under division (A) of section 3107.034 of the Revised 29208  
Code. ~~The director shall ensure that rules adopted under this~~ 29209  
~~section align the home study content, time period, and process~~ 29210  
~~with any foster care home study content, time period, and process~~ 29211

~~required by rules adopted under section 5103.03 of the Revised Code.~~ 29212  
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(2) For adoptions arranged by an agency, pursuant to section 5103.252 of the Revised Code, a summary report of a search of the uniform statewide automated child welfare information system established in section 5101.13 of the Revised Code and a report of a check of a central registry of another state if a request for a check of a central registry of another state is required under of section 5103.254 of the Revised Code. 29214  
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(3) The director shall ensure that rules adopted under divisions (A)(1) and (2) of this section align the home study content, time period, and process with any foster care home study content, time period, and process required by rules adopted under section 5103.03 of the Revised Code. 29221  
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(B) A procedure under which a person whose application for adoption has been denied as a result of a search of the uniform statewide automated child welfare information system established in section 5101.13 of the Revised Code as part of the home study may appeal the denial to the agency that employed the assessor who filed the report. 29226  
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**Sec. 3107.034.** (A) Whenever a prospective adoptive parent or a person eighteen years of age or older who resides with a prospective adoptive parent has resided in another state within the five-year period immediately prior to the date on which a criminal records check is requested for the person under division (A) of section 2151.86 of the Revised Code, the ~~administrative director of an agency, or attorney,~~ who arranges the adoption for the prospective adoptive parent shall request a check of the central registry of abuse and neglect of this state from the department of job and family services regarding the prospective adoptive parent or the person eighteen years of age or older who 29232  
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resides with the prospective adoptive parent to enable the ~~agency~~ 29243  
~~or~~ attorney to check any child abuse and neglect registry 29244  
maintained by that other state. The ~~administrative director or~~ 29245  
attorney shall make the request and shall review the results of 29246  
the check before a final decree of adoption or an interlocutory 29247  
order of adoption making the person an adoptive parent may be 29248  
made. Information received pursuant to the request shall be 29249  
considered for purposes of this chapter as if it were a summary 29250  
report required under section 3107.033 of the Revised Code. The 29251  
department of job and family services shall comply with any 29252  
request to check the central registry that is similar to the 29253  
request described in this division and that is received from any 29254  
other state. 29255

(B) The summary report of a search of the uniform statewide 29256  
automated child welfare information system established in section 29257  
5101.13 of the Revised Code that is required under section 29258  
3107.033 of the Revised Code shall contain, if applicable, a 29259  
chronological list of abuse and neglect determinations or 29260  
allegations of which the person seeking to adopt is subject and in 29261  
regards to which a public children services agency has done one of 29262  
the following: 29263

(1) Determined that abuse or neglect occurred; 29264

(2) Initiated an investigation, and the investigation is 29265  
ongoing; 29266

(3) Initiated an investigation and the agency was unable to 29267  
determine whether abuse or neglect occurred. 29268

(C) The summary report required under section 3107.033 of the 29269  
Revised Code shall not contain any of the following: 29270

(1) An abuse and neglect determination of which the person 29271  
seeking to adopt is subject and in regards to which a public 29272  
children services agency determined that abuse or neglect did not 29273

occur; 29274

(2) Information or reports the dissemination of which is 29275  
prohibited by, or interferes with eligibility under, the "Child 29276  
Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 29277  
5101 et seq., as amended; 29278

(3) The name of the person who or entity that made, or 29279  
participated in the making of, the report of abuse or neglect. 29280

(D)(1) An application for adoption may be denied based on a 29281  
summary report containing the information described under division 29282  
(B)(1) of this section, when considered within the totality of the 29283  
circumstances. An application that is denied may be appealed using 29284  
the procedure adopted pursuant to division (B) of section 3107.033 29285  
of the Revised Code. 29286

(2) An application for adoption shall not be denied solely 29287  
based on a summary report containing the information described 29288  
under division (B)(2) or (3) of this section. 29289

**Sec. 3107.035.** (A) At the time of the initial home study, and 29290  
every two years thereafter, if the home study is updated, and 29291  
until it becomes part of a final decree of adoption or an 29292  
interlocutory order of adoption, the ~~agency~~ or attorney that 29293  
arranges an adoption for the prospective adoptive parent shall 29294  
conduct a search of the United States department of justice 29295  
national sex offender public web site regarding the prospective 29296  
adoptive parent and all persons eighteen years of age or older who 29297  
reside with the prospective adoptive parent. 29298

(B) A petition for adoption may be denied based solely on the 29299  
results of the search of the national sex offender public web 29300  
site. 29301

(C) The director of job and family services shall adopt rules 29302  
in accordance with Chapter 119. of the Revised Code necessary for 29303

the implementation and execution of this section. 29304

**Sec. 3107.14.** (A) The petitioner and the person sought to be 29305  
adopted shall appear at the hearing on the petition, unless the 29306  
presence of either is excused by the court for good cause shown. 29307

(B) The court may continue the hearing from time to time to 29308  
permit further observation, investigation, or consideration of any 29309  
facts or circumstances affecting the granting of the petition, and 29310  
may examine the petitioners separate and apart from each other. 29311

(C) If, at the conclusion of the hearing, the court finds 29312  
that the required consents have been obtained or excused and that 29313  
the adoption is in the best interest of the person sought to be 29314  
adopted as supported by the evidence, it may issue, subject to 29315  
division ~~(C)~~(1)(D) of section 2151.86, section 3107.064, ~~and~~ 29316  
division (E) of section 3107.09, and section 5103.256 of the 29317  
Revised Code, and any other limitations specified in this chapter, 29318  
a final decree of adoption or an interlocutory order of adoption, 29319  
which by its own terms automatically becomes a final decree of 29320  
adoption on a date specified in the order, which, except as 29321  
provided in division (B) of section 3107.13 of the Revised Code, 29322  
shall not be less than six months or more than one year from the 29323  
date the person to be adopted is placed in the petitioner's home, 29324  
unless sooner vacated by the court for good cause shown. In 29325  
determining whether the adoption is in the best interest of the 29326  
person sought to be adopted, the court shall not consider the age 29327  
of the petitioner if the petitioner is old enough to adopt as 29328  
provided by section 3107.03 of the Revised Code. 29329

In an interlocutory order of adoption, the court shall 29330  
provide for observation, investigation, and a further report on 29331  
the adoptive home during the interlocutory period. 29332

(D) If the requirements for a decree under division (C) of 29333  
this section have not been satisfied or the court vacates an 29334

interlocutory order of adoption, or if the court finds that a 29335  
person sought to be adopted was placed in the home of the 29336  
petitioner in violation of law, the court shall dismiss the 29337  
petition and may determine the agency or person to have temporary 29338  
or permanent custody of the person, which may include the agency 29339  
or person that had custody prior to the filing of the petition or 29340  
the petitioner, if the court finds it is in the best interest of 29341  
the person as supported by the evidence, or if the person is a 29342  
minor, the court may certify the case to the juvenile court of the 29343  
county where the minor is then residing for appropriate action and 29344  
disposition. 29345

(E) The issuance of a final decree or interlocutory order of 29346  
adoption for an adult adoption under division (A)(4) of section 29347  
3107.02 of the Revised Code shall not disqualify that adult for 29348  
services under section 2151.82 or 2151.83 of the Revised Code. 29349

**Sec. 3109.15.** There is hereby created within the department 29350  
of job and family services the children's trust fund board 29351  
consisting of fifteen members. The directors of mental health and 29352  
addiction services, health, and job and family services shall be 29353  
members of the board. Eight public members shall be appointed by 29354  
the governor. These members shall be persons with demonstrated 29355  
knowledge in programs for children, shall be representative of the 29356  
demographic composition of this state, and, to the extent 29357  
practicable, shall be representative of the following categories: 29358  
the educational community; the legal community; the social work 29359  
community; the medical community; the voluntary sector; and 29360  
professional providers of child abuse and child neglect services. 29361  
Two members of the board shall be members of the house of 29362  
representatives appointed by the speaker of the house of 29363  
representatives and shall be members of two different political 29364  
parties. Two members of the board shall be members of the senate 29365  
appointed by the president of the senate and shall be members of 29366

two different political parties. All members of the board 29367  
appointed by the speaker of the house of representatives or the 29368  
president of the senate shall serve until the expiration of the 29369  
sessions of the general assembly during which they were appointed. 29370  
They may be reappointed to an unlimited number of successive terms 29371  
of two years at the pleasure of the speaker of the house of 29372  
representatives or president of the senate. ~~Public~~ 29373

Public members shall serve terms of three years. Each member 29374  
shall serve until the member's successor is appointed, or until a 29375  
period of sixty days has elapsed, whichever occurs first. No 29376  
public member may serve more than two consecutive full terms. 29377  
However, a member may serve two consecutive full terms following 29378  
the remainder of a term for which the member was appointed to fill 29379  
a vacancy. 29380

All vacancies on the board shall be filled for the balance of 29381  
the unexpired term in the same manner as the original appointment. 29382

Any member of the board may be removed by the member's 29383  
appointing authority for misconduct, incompetency, or neglect of 29384  
duty after first being given the opportunity to be heard in the 29385  
member's own behalf. Pursuant to section 3.17 of the Revised Code, 29386  
a member, except a member of the general assembly or a judge of 29387  
any court in the state, who fails to attend at least three-fifths 29388  
of the regular and special meetings held by the board during any 29389  
two-year period forfeits the member's position on the board. 29390

Each member of the board shall serve without compensation but 29391  
shall be reimbursed for all actual and necessary expenses incurred 29392  
in the performance of official duties. 29393

At the beginning of the first year of each even-numbered 29394  
general assembly, the chairperson of the board shall be appointed 29395  
by the speaker of the house of representatives from among members 29396  
of the board who are members of the house of representatives. At 29397

the beginning of the first year of each odd-numbered general 29398  
assembly, the chairperson of the board shall be appointed by the 29399  
president of the senate from among the members of the board who 29400  
are senate members. 29401

The board shall biennially select a vice-chair from among its 29402  
nonlegislative members. 29403

**Sec. 3109.16.** (A) The children's trust fund board, upon the 29404  
recommendation of the director of job and family services, shall 29405  
approve the employment of an executive director who will 29406  
administer the programs of the board. 29407

(B) The department of job and family services shall provide 29408  
budgetary, procurement, accounting, and other related management 29409  
functions for the board and may adopt rules in accordance with 29410  
Chapter 119. of the Revised Code for these purposes. An amount not 29411  
to exceed three per cent of the total amount of fees deposited in 29412  
the children's trust fund in each fiscal year may be used for 29413  
costs directly related to these administrative functions of the 29414  
department. Each fiscal year, the board shall approve a budget for 29415  
administrative expenditures for the next fiscal year. 29416

(C) The board may request that the department adopt rules the 29417  
board considers necessary for the purpose of carrying out the 29418  
board's responsibilities under this section, and the department 29419  
may adopt those rules. The department may, after consultation with 29420  
the board and the executive director, adopt any other rules to 29421  
assist the board in carrying out its responsibilities under this 29422  
section. In either case, the rules shall be adopted under Chapter 29423  
119. of the Revised Code. 29424

(D) The board shall meet at least quarterly at the call of 29425  
the chairperson to conduct its official business. All business 29426  
transactions of the board shall be conducted in public meetings. 29427  
~~Eight~~ A majority of the members of appointed to the board 29428

constitute a quorum. A majority of the quorum is required to make 29429  
all decisions of the board. 29430

(E) With respect to funding, all of the following apply: 29431

(1) The board may apply for and accept federal and other 29432  
funds for the purpose of funding child abuse and child neglect 29433  
prevention programs. 29434

(2) The board may solicit and accept gifts, money, and other 29435  
donations from any public or private source, including 29436  
individuals, philanthropic foundations or organizations, 29437  
corporations, or corporation endowments. 29438

(3) The board may develop private-public partnerships to 29439  
support the mission of the children's trust fund. 29440

(4) The acceptance and use of federal and other funds shall 29441  
~~not entail any commitment or pledge of state funds, nor~~ obligate 29442  
the general assembly to continue the programs or activities for 29443  
which the federal and other funds are made available. 29444

(5) All funds received in the manner described in this 29445  
section shall be transmitted to the treasurer of state, who shall 29446  
credit them to the children's trust fund created in section 29447  
3109.14 of the Revised Code. 29448

**Sec. 3109.17.** (A) The children's trust fund board shall 29449  
establish a strategic plan for child abuse and child neglect 29450  
prevention. The plan shall be transmitted to the governor, the 29451  
president and minority leader of the senate, and the speaker and 29452  
minority leader of the house of representatives and shall be made 29453  
available to the general public. 29454

(B) In developing and carrying out the strategic plan, the 29455  
children's trust fund board shall, in accordance with rules 29456  
adopted by the department pursuant to Chapter 119. of the Revised 29457  
Code, do all of the following: 29458

(1) Ensure that an opportunity exists for assistance through	29459
child abuse and child neglect prevention programs to persons	29460
throughout the state of various social and economic backgrounds;	29461
(2) Allocate funds to entities for the purpose of funding	29462
child abuse and child neglect prevention programs that have	29463
statewide significance and that have been approved by the	29464
children's trust fund board;	29465
(3) Provide for the monitoring of expenditures from the	29466
children's trust fund and of programs that receive money from the	29467
children's trust fund;	29468
(4) Establish reporting requirements for <del>both of the</del>	29469
<del>following:</del>	29470
<del>(a) Regional</del> <u>regional</u> child abuse and child neglect	29471
prevention councils, including deadlines for the submission of the	29472
progress and annual reports required under section 3107.172 of the	29473
Revised Code;	29474
<del>(b) Children's advocacy centers, including deadlines for the</del>	29475
<del>submission of reports required under section 3107.178 of the</del>	29476
<del>Revised Code.</del>	29477
(5) Collaborate with appropriate persons and government	29478
entities and facilitate the exchange of information among those	29479
persons and entities for the purpose of child abuse and child	29480
neglect prevention;	29481
(6) Provide for the education of the public and professionals	29482
for the purpose of child abuse and child neglect prevention.	29483
(C) The children's trust fund board shall prepare a report	29484
for each fiscal biennium that delineates the expenditure of money	29485
from the children's trust fund. On or before January 1, 2002, and	29486
on or before the first day of January of a year that follows the	29487
end of a fiscal biennium of this state, the board shall file a	29488

copy of the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. 29489  
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~~(D) The children's trust fund board shall develop a list of all state and federal sources of funding that might be available for establishing, operating, or establishing and operating a children's advocacy center under sections 2151.425 to 2151.428 of the Revised Code. The board periodically shall update the list as necessary. The board shall maintain, or provide for the maintenance of, the list at an appropriate location. That location may be the offices of the department of job and family services. The board shall provide the list upon request to any children's advocacy center or to any person or entity identified in section 2151.426 of the Revised Code as a person or entity that may participate in the establishment of a children's advocacy center.~~ 29492  
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**Sec. 3109.172.** (A) As used in this section, "county prevention specialist" includes the following: 29504  
29505

(1) Members of agencies responsible for the administration of children's services in the counties within a child abuse and child neglect prevention region established in section 3109.171 of the Revised Code; 29506  
29507  
29508  
29509

(2) Providers of alcohol or drug addiction services or members of boards of alcohol, drug addiction, and mental health services that serve counties within a region; 29510  
29511  
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(3) Providers of mental health services or members of boards of alcohol, drug addiction, and mental health services that serve counties within a region; 29513  
29514  
29515

(4) Members of county boards of developmental disabilities that serve counties within a region; 29516  
29517

(5) Members of the educational community appointed by the 29518

superintendent of the school district with the largest enrollment	29519
in the counties within a region;	29520
(6) Juvenile justice officials serving counties within a	29521
region;	29522
(7) Pediatricians, health department nurses, and other	29523
members of the medical community in the counties within a region;	29524
(8) Counselors and social workers serving counties within a	29525
region;	29526
(9) Head start agencies serving counties within a region;	29527
(10) Child care providers serving counties within a region;	29528
(11) <u>Parent advocates with relevant experience and knowledge</u>	29529
<u>of services in a region;</u>	29530
(12) Other persons with demonstrated knowledge in programs	29531
for children serving counties within a region.	29532
(B) Each child abuse and child neglect prevention region	29533
shall have a child abuse and child neglect regional prevention	29534
council as appointed under divisions (C), (D), and (E) of this	29535
section. Each council shall operate in accordance with rules	29536
adopted by the department of job and family services pursuant to	29537
Chapter 119. of the Revised Code.	29538
(C)(1) Each board of county commissioners within a region may	29539
appoint up to two county prevention specialists to the council	29540
representing the county, in accordance with rules adopted by the	29541
department of job and family services under Chapter 119. of the	29542
Revised Code.	29543
(2) The children's trust fund board may appoint additional	29544
county prevention specialists to each region's council at the	29545
board's discretion.	29546
<del>(3) A representative of the council's regional prevention</del>	29547
<del>coordinator shall serve as a nonvoting member of the council.</del>	29548

(D) Each council member appointed under division (C)(1) of 29549  
this section shall be appointed for a two-year term. Each council 29550  
member appointed under division (C)(2) ~~or (3)~~ of this section 29551  
shall be appointed for a three-year term. A member may be 29552  
reappointed, but for two consecutive terms only. 29553

(E) A member may be removed from the council by the member's 29554  
appointing authority for misconduct, incompetence, or neglect of 29555  
duty. 29556

(F) Each appointed member of a council shall serve without 29557  
compensation but shall be reimbursed for all actual and necessary 29558  
expenses incurred in the performance of official duties. 29559

(G) ~~The representative of the regional prevention coordinator~~ 29560  
~~shall serve as~~ A chairperson of the council shall be selected by 29561  
the council's regional prevention coordinator from among the 29562  
county prevention specialists serving on the council. 29563

(1) The chairperson shall serve as a nonvoting member of the 29564  
council. 29565

(2) The chairperson shall preside over council meetings or 29566  
may call upon the vice-chairperson to preside over meetings. 29567

(H) At the first regular meeting of the year, which shall be 29568  
called by the chairperson, the members shall elect a 29569  
vice-chairperson by a majority vote. 29570

(1) The vice-chairperson shall preside over council meetings 29571  
in the absence of the chairperson or upon the request of the 29572  
chairperson. 29573

(2) The vice-chairperson functions in the same capacity as 29574  
the chairperson and becomes a nonvoting member when presiding over 29575  
a council meeting. 29576

(I) Each council shall meet at least quarterly. 29577

~~(I)~~(J) Council members shall do all of the following: 29578

(1) Attend meetings of the council on which they serve;	29579
(2) Assist the regional prevention coordinator in conducting a needs assessment to ascertain the child abuse and child neglect prevention programming and services that are needed in their region;	29580 29581 29582 29583
(3) Collaborate on assembling the council's regional prevention plan based on children's trust fund board guidelines pursuant to section 3109.174 of the Revised Code;	29584 29585 29586
(4) Assist the council's regional prevention coordinator with all of the following:	29587 29588
(a) Implementing the regional prevention plan, including monitoring fulfillment of child abuse and child neglect prevention deliverables and achievement of prevention outcomes;	29589 29590 29591
(b) Coordinating county data collection;	29592
(c) Ensuring timely and accurate reporting to the children's trust fund board.	29593 29594
(5) Any additional duties specified in accordance with rules adopted by the department pursuant to Chapter 119. of the Revised Code.	29595 29596 29597
<del>(J)</del> (K) No council member shall participate in matters of the council pertaining to their own interests, including applications for funding by a council member or any entity, public or private, of which a council member serves as either a board member or employee.	29598 29599 29600 29601 29602
<del>(K)</del> (L) Each council shall file with the children's trust fund board, not later than the due dates specified by the board, a progress report and an annual report regarding the council's child abuse and child neglect prevention programs and activities undertaken in accordance with the council's regional prevention plan. The reports shall contain all information required by the	29603 29604 29605 29606 29607 29608

board. 29609

**Sec. 3109.178.** (A) Each child abuse and child neglect 29610  
regional prevention council may request from the children's trust 29611  
fund board up to five thousand dollars for each county within the 29612  
council's region to be used as one-time, start-up costs for the 29613  
establishment and operation of a children's advocacy center to 29614  
serve each county in the region or a center to serve two or more 29615  
contiguous counties within the region. 29616

(B) On receipt of a request made under this section, the 29617  
board shall review and approve or disapprove the request. 29618

(C) If the board disapproves the request, the board shall 29619  
send to the requesting council written notice of the disapproval 29620  
that states the reasons for the disapproval. 29621

(D) No funds allocated to a council under this section may be 29622  
used as start-up costs for any children's advocacy center unless 29623  
the center has as a component a primary prevention strategy. 29624

(E) A council that receives funds under this section in any 29625  
fiscal year shall not use the funds received in a different fiscal 29626  
year or for a different center in any fiscal year without the 29627  
approval of the board. 29628

(F) A children's advocacy center established using funds 29629  
awarded under this section shall comply with sections 2151.425 to 29630  
2151.428 of the Revised Code. 29631

~~(G) Each children's advocacy center that receives funds under 29632  
this section shall file with its respective council, by the date 29633  
specified by the board, an annual report that includes the 29634  
information required by the board. The council shall forward a 29635  
copy of the annual report to the board. 29636~~

**Sec. 3109.53.** To create a power of attorney under section 29637

3109.52 of the Revised Code, a parent, guardian, or custodian 29638  
shall use a form that is identical in form and content to the 29639  
following: 29640

POWER OF ATTORNEY 29641

I, the undersigned, residing at ....., in the county of 29642  
....., state of ....., hereby appoint the child's 29643  
grandparent, ....., residing at ....., in the county of 29644  
....., in the state of Ohio, with whom the child of whom I 29645  
am the parent, guardian, or custodian is residing, my attorney in 29646  
fact to exercise any and all of my rights and responsibilities 29647  
regarding the care, physical custody, and control of the child, 29648  
....., born ....., having social security number 29649  
(optional) ....., except my authority to consent to marriage 29650  
or adoption of the child ....., and to perform all acts 29651  
necessary in the execution of the rights and responsibilities 29652  
hereby granted, as fully as I might do if personally present. The 29653  
rights I am transferring under this power of attorney include the 29654  
ability to enroll the child in school, to obtain from the school 29655  
district educational and behavioral information about the child, 29656  
to consent to all school-related matters regarding the child, and 29657  
to consent to medical, psychological, or dental treatment for the 29658  
child. This transfer does not affect my rights in any future 29659  
proceedings concerning the custody of the child or the allocation 29660  
of the parental rights and responsibilities for the care of the 29661  
child and does not give the attorney in fact legal custody of the 29662  
child. This transfer does not terminate my right to have regular 29663  
contact with the child. 29664

I hereby certify that I am transferring the rights and 29665  
responsibilities designated in this power of attorney because one 29666  
of the following circumstances exists: 29667

(1) I am: (a) Seriously ill, incarcerated, or about to be 29668

incarcerated, (b) Temporarily unable to provide financial support 29669  
or parental guidance to the child, (c) Temporarily unable to 29670  
provide adequate care and supervision of the child because of my 29671  
physical or mental condition, (d) Homeless or without a residence 29672  
because the current residence is destroyed or otherwise 29673  
uninhabitable, or (e) In or about to enter a residential treatment 29674  
program for substance abuse; 29675

(2) I am a parent of the child, the child's other parent is 29676  
deceased, and I have authority to execute the power of attorney; 29677  
or 29678

(3) I have a well-founded belief that the power of attorney 29679  
is in the child's best interest. 29680

I hereby certify that I am not transferring my rights and 29681  
responsibilities regarding the child for the purpose of enrolling 29682  
the child in a school or school district so that the child may 29683  
participate in the academic or interscholastic athletic programs 29684  
provided by that school or district. 29685

~~I understand that this document does not authorize a child 29686  
support enforcement agency to redirect child support payments to 29687  
the grandparent designated as attorney in fact. I further 29688  
understand that to have an existing child support order modified 29689  
or a new child support order issued administrative or judicial 29690  
proceedings must be initiated. 29691~~

If there is a court order naming me the residential parent 29692  
and legal custodian of the child who is the subject of this power 29693  
of attorney and I am the sole parent signing this document, I 29694  
hereby certify that one of the following is the case: 29695

(1) I have made reasonable efforts to locate and provide 29696  
notice of the creation of this power of attorney to the other 29697  
parent and have been unable to locate that parent; 29698

(2) The other parent is prohibited from receiving a notice of 29699



of ....., .....	29730
.....	29731
Notary Public	29732
Notices:	29733
1. A power of attorney may be executed only if one of the following circumstances exists: (1) The parent, guardian, or custodian of the child is: (a) Seriously ill, incarcerated, or about to be incarcerated; (b) Temporarily unable to provide financial support or parental guidance to the child; (c) Temporarily unable to provide adequate care and supervision of the child because of the parent's, guardian's, or custodian's physical or mental condition; (d) Homeless or without a residence because the current residence is destroyed or otherwise uninhabitable; or (e) In or about to enter a residential treatment program for substance abuse; (2) One of the child's parents is deceased and the other parent, with authority to do so, seeks to execute a power of attorney; or (3) The parent, guardian, or custodian has a well-founded belief that the power of attorney is in the child's best interest.	29734
2. The signatures of the parent, guardian, or custodian of the child and the grandparent designated as the attorney in fact must be notarized by an Ohio notary public.	29735
	29736
3. A parent, guardian, or custodian who creates a power of attorney must notify the parent of the child who is not the residential parent and legal custodian of the child unless one of the following circumstances applies: (a) the parent is prohibited from receiving a notice of relocation in accordance with section 3109.051 of the Revised Code of the creation of the power of attorney; (b) the parent's parental rights have been terminated by order of a juvenile court pursuant to	29737

Chapter 2151. of the Revised Code; (c) the parent cannot be located with reasonable efforts; (d) both parents are executing the power of attorney. The notice must be sent by certified mail not later than five days after the power of attorney is created and must state the name and address of the person designated as the attorney in fact.

4. A parent, guardian, or custodian who creates a power of attorney must file it with the juvenile court of the county in which the attorney in fact resides, or any other court that has jurisdiction over the child under a previously filed motion or proceeding. The power of attorney must be filed not later than five days after the date it is created and be accompanied by a receipt showing that the notice of creation of the power of attorney was sent to the parent who is not the residential parent and legal custodian by certified mail. 29738
5. This power of attorney does not affect the rights of the child's parents, guardian, or custodian regarding any future proceedings concerning the custody of the child or the allocation of the parental rights and responsibilities for the care of the child and does not give the attorney in fact legal custody of the child. 29739
6. A person or entity that relies on this power of attorney, in good faith, has no obligation to make any further inquiry or investigation. 29740
7. This power of attorney terminates on the occurrence of whichever of the following occurs first: (1) the power of attorney is revoked in writing by the person who created it and that person gives written notice of the revocation to the grandparent who is the attorney in fact and the juvenile court with which the power of attorney was filed; (2) the child ceases to live with the grandparent who is the attorney in fact; (3) the power of attorney is terminated by court order; (4) the death of the child who is the subject of the power of 29741

attorney; or (5) the death of the grandparent designated as the attorney in fact.

If this power of attorney terminates other than by the death of the attorney in fact, the grandparent who served as the attorney in fact shall notify, in writing, all of the following: 29742

(a) Any schools, health care providers, or health insurance coverage provider with which the child has been involved through the grandparent; 29743

(b) Any other person or entity that has an ongoing relationship with the child or grandparent such that the other person or entity would reasonably rely on the power of attorney unless notified of the termination; 29744

(c) The court in which the power of attorney was filed after its creation; 29745

(d) The parent who is not the residential parent and legal custodian of the child who is required to be given notice of its creation. The grandparent shall make the notifications not later than one week after the date the power of attorney terminates. 29746

8. If this power of attorney is terminated by written revocation of the person who created it, or the revocation is regarding a second or subsequent power of attorney, a copy of the revocation must be filed with the court with which that power of attorney was filed. 29747

Additional information: 29748

To the grandparent designated as attorney in fact: 29749

29750

1. If the child stops living with you, you are required to notify, in writing, any school, health care provider, or health care insurance provider to which you have given this power of attorney. You are also required to notify, in 29751

writing, any other person or entity that has an ongoing relationship with you or the child such that the person or entity would reasonably rely on the power of attorney unless notified. The notification must be made not later than one week after the child stops living with you.

2. You must include with the power of attorney the following information: 29752

(a) The child's present address, the addresses of the places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period; 29753

(b) Whether you have participated as a party, a witness, or in any other capacity in any other litigation, in this state or any other state, that concerned the allocation, between the parents of the same child, of parental rights and responsibilities for the care of the child and the designation of the residential parent and legal custodian of the child or that otherwise concerned the custody of the same child; 29754

(c) Whether you have information of any parenting proceeding concerning the child pending in a court of this or any other state; 29755

(d) Whether you know of any person who has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who has custody or visitation rights with respect to the child; 29756

(e) Whether you previously have been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child's being an abused child or a neglected child or previously have been determined, in a case in which a child has been adjudicated an abused child or a neglected child, to be the perpetrator of the abusive or neglectful act 29757

that was the basis of the adjudication.

3. If you receive written notice of revocation of the power of attorney or the parent, custodian, or guardian removes the child from your home and if you believe that the revocation or removal is not in the best interest of the child, you may, within fourteen days, file a complaint in the juvenile court to seek custody. You may retain physical custody of the child until the fourteen-day period elapses or, if you file a complaint, until the court orders otherwise. 29758

To school officials: 29759

1. Except as provided in section 3313.649 of the Revised Code, this power of attorney, properly completed and notarized, authorizes the child in question to attend school in the district in which the grandparent designated as attorney in fact resides and that grandparent is authorized to provide consent in all school-related matters and to obtain from the school district educational and behavioral information about the child. This power of attorney does not preclude the parent, guardian, or custodian of the child from having access to all school records pertinent to the child. 29760
2. The school district may require additional reasonable evidence that the grandparent lives in the school district. 29761
3. A school district or school official that reasonably and in good faith relies on this power of attorney has no obligation to make any further inquiry or investigation. 29762

To health care providers: 29763

1. A person or entity that acts in good faith reliance on a power of attorney to provide medical, psychological, or dental treatment, without actual knowledge of facts contrary to those stated in the power of attorney, is not subject to criminal liability or to civil liability to any person or entity, and is not subject to professional disciplinary action, solely for 29764

such reliance if the power of attorney is completed and the signatures of the parent, guardian, or custodian of the child and the grandparent designated as attorney in fact are notarized.

2. The decision of a grandparent designated as attorney in fact, based on a power of attorney, shall be honored by a health care facility or practitioner, school district, or school official. 29765

**Sec. 3109.66.** The caretaker authorization affidavit that a grandparent described in section 3109.65 of the Revised Code may execute shall be identical in form and content to the following: 29766  
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29768

CARETAKER AUTHORIZATION AFFIDAVIT 29769

Use of this affidavit is authorized by sections 3109.65 to 3109.73 of the Ohio Revised Code. 29770  
29771

Completion of items 1-7 and the signing and notarization of this affidavit is sufficient to authorize the grandparent signing to exercise care, physical custody, and control of the child who is its subject, including authority to enroll the child in school, to discuss with the school district the child's educational progress, to consent to all school-related matters regarding the child, and to consent to medical, psychological, or dental treatment for the child. 29772  
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29777  
29778  
29779

The child named below lives in my home, I am 18 years of age or older, and I am the child's grandparent. 29780  
29781

1. Name of child: 29782
2. Child's date and year of birth: 29783
3. Child's social security number (optional): 29784
4. My name: 29785
5. My home address: 29786
6. My date and year of birth: 29787
7. My Ohio driver's license number or identification card number: 29788

8. Despite having made reasonable attempts, I am either: 29789
- (a) Unable to locate or contact the child's parents, or the child's guardian or custodian; or 29790
  - (b) I am unable to locate or contact one of the child's parents and I am not required to contact the other parent because paternity has not been established; or 29791
  - (c) I am unable to locate or contact one of the child's parents and I am not required to contact the other parent because there is a custody order regarding the child and one of the following is the case: 29792
    - (i) The parent has been prohibited from receiving notice of a relocation; or 29793
    - (ii) The parental rights of the parent have been terminated. 29794
9. I hereby certify that this affidavit is not being executed for the purpose of enrolling the child in a school or school district so that the child may participate in the academic or interscholastic athletic programs provided by that school or district. 29795
- ~~I understand that this document does not authorize a child support enforcement agency to redirect child support payments. I further understand that to have an existing child support order modified or a new child support order issued administrative or judicial proceedings must be initiated.~~ 29796
- WARNING: DO NOT SIGN THIS FORM IF ANY OF THE ABOVE STATEMENTS ARE INCORRECT. FALSIFICATION IS A CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY THE SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING A TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR BOTH. 29797 29798 29799 29800 29801
- I declare that the foregoing is true and correct: 29802
- Signed:..... Date:..... 29803
- Grandparent 29804

State of Ohio )	29805
) ss:	29806
County of .....)	29807
Subscribed, sworn to, and acknowledged before me this ..... day	29808
of ....., .....	29809
.....	29810
Notary Public	29811
Notices:	29812
1. The grandparent's signature must be notarized by an Ohio notary public.	29813
2. The grandparent who executed this affidavit must file it with the juvenile court of the county in which the grandparent resides or any other court that has jurisdiction over the child under a previously filed motion or proceeding not later than five days after the date it is executed.	29814
3. This affidavit does not affect the rights of the child's parents, guardian, or custodian regarding the care, physical custody, and control of the child, and does not give the grandparent legal custody of the child.	29815
4. A person or entity that relies on this affidavit, in good faith, has no obligation to make any further inquiry or investigation.	29816
5. This affidavit terminates on the occurrence of whichever of the following occurs first: (1) the child ceases to live with the grandparent who signs this form; (2) the parent, guardian, or custodian of the child acts to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit, and the grandparent either voluntarily returns the child to the physical custody of the parent, guardian, or custodian or fails to file a complaint to seek custody within fourteen days; (3) the affidavit is	29817

terminated by court order; (4) the death of the child who is the subject of the affidavit; or (5) the death of the grandparent who executed the affidavit.

A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit. 29818

If this affidavit terminates other than by the death of the grandparent, the grandparent who signed this affidavit shall notify, in writing, all of the following: 29819

(a) Any schools, health care providers, or health insurance coverage provider with which the child has been involved through the grandparent; 29820

(b) Any other person or entity that has an ongoing relationship with the child or grandparent such that the person or entity would reasonably rely on the affidavit unless notified of the termination; 29821

(c) The court in which the affidavit was filed after its creation. 29822

The grandparent shall make the notifications not later than one week after the date the affidavit terminates. 29823

6. The decision of a grandparent to consent to or to refuse medical treatment or school enrollment for a child is superseded by a contrary decision of a parent, custodian, or guardian of the child, unless the decision of the parent, guardian, or custodian would jeopardize the life, health, or safety of the child. 29824

Additional information: 29825

To caretakers: 29826

1. If the child stops living with you, you are required to 29827

notify, in writing, any school, health care provider, or health care insurance provider to which you have given this affidavit. You are also required to notify, in writing, any other person or entity that has an ongoing relationship with you or the child such that the person or entity would reasonably rely on the affidavit unless notified. The notifications must be made not later than one week after the child stops living with you.

2. If you do not have the information requested in item 7 (Ohio driver's license or identification card), provide another form of identification such as your social security number or medicaid number. 29828
3. You must include with the caretaker authorization affidavit the following information: 29829
  - (a) The child's present address, the addresses of the places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period; 29830
  - (b) Whether you have participated as a party, a witness, or in any other capacity in any other litigation, in this state or any other state, that concerned the allocation, between the parents of the same child, of parental rights and responsibilities for the care of the child and the designation of the residential parent and legal custodian of the child or that otherwise concerned the custody of the same child; 29831
  - (c) Whether you have information of any parenting proceeding concerning the child pending in a court of this or any other state; 29832
  - (d) Whether you know of any person who has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who 29833

has custody or visitation rights with respect to the child;

(e) Whether you previously have been convicted of or 29834  
pleaded guilty to any criminal offense involving any act that  
resulted in a child's being an abused child or a neglected  
child or previously have been determined, in a case in which a  
child has been adjudicated an abused child or a neglected  
child, to be the perpetrator of the abusive or neglectful act  
that was the basis of the adjudication.

4. If the child's parent, guardian, or custodian acts to 29835  
terminate the caretaker authorization affidavit by delivering  
a written notice of negation, reversal, or disapproval of an  
action or decision of yours or removes the child from your  
home and if you believe that the termination or removal is not  
in the best interest of the child, you may, within fourteen  
days, file a complaint in the juvenile court to seek custody.  
You may retain physical custody of the child until the  
fourteen-day period elapses or, if you file a complaint, until  
the court orders otherwise.

To school officials: 29836

1. This affidavit, properly completed and notarized, authorizes 29837  
the child in question to attend school in the district in  
which the grandparent who signed this affidavit resides and  
the grandparent is authorized to provide consent in all  
school-related matters and to discuss with the school district  
the child's educational progress. This affidavit does not  
preclude the parent, guardian, or custodian of the child from  
having access to all school records pertinent to the child.
2. The school district may require additional reasonable evidence 29838  
that the grandparent lives at the address provided in item 5  
of the affidavit.
3. A school district or school official that reasonably and in 29839  
good faith relies on this affidavit has no obligation to make  
any further inquiry or investigation.

4. The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit constitutes termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit. 29840

To health care providers: 29841

1. A person or entity that acts in good faith reliance on a CARETAKER AUTHORIZATION AFFIDAVIT to provide medical, psychological, or dental treatment, without actual knowledge of facts contrary to those stated in the affidavit, is not subject to criminal liability or to civil liability to any person or entity, and is not subject to professional disciplinary action, solely for such reliance if the applicable portions of the form are completed and the grandparent's signature is notarized. 29842

2. The decision of a grandparent, based on a CARETAKER AUTHORIZATION AFFIDAVIT, shall be honored by a health care facility or practitioner, school district, or school official unless the health care facility or practitioner or educational facility or official has actual knowledge that a parent, guardian, or custodian of a child has made a contravening decision to consent to or to refuse medical treatment for the child. 29843

3. The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit constitutes termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of 29844

negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit.

**Sec. 3111.01.** ~~(A)~~(A)(1) As used in sections 3111.01 to 29845  
3111.85 of the Revised Code, "parent and child relationship" means 29846  
the legal relationship that exists between a child and the child's 29847  
natural or adoptive parents and upon which those sections and any 29848  
other provision of the Revised Code confer or impose rights, 29849  
privileges, duties, and obligations. The "parent and child 29850  
relationship" includes the mother and child relationship and the 29851  
father and child relationship. 29852

~~(B)~~(2) The parent and child relationship extends equally to 29853  
all children and all parents, regardless of the marital status of 29854  
the parents. 29855

(B) As used in this chapter, "caretaker" has the same meaning 29856  
as in section 3119.01 of the Revised Code. 29857

**Sec. 3111.04.** (A)(1) Except as provided in division (A)(2) of 29858  
this section, an action to determine the existence or nonexistence 29859  
of the father and child relationship may be brought by the child 29860  
or the child's personal representative, the child's caretaker, the 29861  
child's mother or her personal representative, a man alleged or 29862  
alleging himself to be the child's father, the child support 29863  
enforcement agency of the county in which the child resides if the 29864  
child's mother, father, or alleged father is a recipient of public 29865  
assistance or of services under Title IV-D of the "Social Security 29866  
Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, or the 29867  
alleged father's personal representative. 29868

(2) A man alleged or alleging himself to be the child's 29869  
father is not eligible to file an action under division (A)(1) of 29870  
this section if the man was convicted of or pleaded guilty to rape 29871

or sexual battery, the victim of the rape or sexual battery was 29872  
the child's mother, and the child was conceived as a result of the 29873  
rape or sexual battery. 29874

(B) An agreement does not bar an action under this section. 29875

(C) If an action under this section is brought before the 29876  
birth of the child and if the action is contested, all 29877  
proceedings, except service of process and the taking of 29878  
depositions to perpetuate testimony, may be stayed until after the 29879  
birth. 29880

(D) A recipient of public assistance or of services under 29881  
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 29882  
U.S.C.A. 651, as amended, shall cooperate with the child support 29883  
enforcement agency of the county in which a child resides to 29884  
obtain an administrative determination pursuant to sections 29885  
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 29886  
determination pursuant to sections 3111.01 to 3111.18 of the 29887  
Revised Code, of the existence or nonexistence of a parent and 29888  
child relationship between the father and the child. If the 29889  
recipient fails to cooperate, the agency may commence an action to 29890  
determine the existence or nonexistence of a parent and child 29891  
relationship between the father and the child pursuant to sections 29892  
3111.01 to 3111.18 of the Revised Code. 29893

(E) As used in this section: 29894

(1) "Public assistance" means both of the following: 29895

(a) Medicaid; 29896

(b) Ohio works first under Chapter 5107. of the Revised Code. 29897

(2) "Rape" means a violation of section 2907.02 of the 29898  
Revised Code or similar law of another state. 29899

(3) "Sexual battery" means a violation of section 2907.03 of 29900  
the Revised Code or similar law of another state. 29901

Sec. 3111.041. A caretaker of a child may authorize genetic 29902  
testing of the child pursuant to any action or proceeding under 29903  
Chapter 3111. of the Revised Code. 29904

**Sec. 3111.06.** (A) Except as otherwise provided in division 29905  
(B) ~~or~~, (C), or (D) of section 3111.381 of the Revised Code, an 29906  
action authorized under sections 3111.01 to 3111.18 of the Revised 29907  
Code may be brought in the juvenile court or other court with 29908  
jurisdiction under section 2101.022 or 2301.03 of the Revised Code 29909  
of the county in which the child, the child's mother, or the 29910  
alleged father resides or is found or, if the alleged father is 29911  
deceased, of the county in which proceedings for the probate of 29912  
the alleged father's estate have been or can be commenced, or of 29913  
the county in which the child is being provided support by the 29914  
county department of job and family services of that county. An 29915  
action pursuant to sections 3111.01 to 3111.18 of the Revised Code 29916  
to object to an administrative order issued pursuant to former 29917  
section 3111.21 or 3111.22 or sections 3111.38 to 3111.54 of the 29918  
Revised Code determining the existence or nonexistence of a parent 29919  
and child relationship that has not become final and enforceable, 29920  
may be brought only in the juvenile court or other court with 29921  
jurisdiction of the county in which the child support enforcement 29922  
agency that issued the order is located. If an action for divorce, 29923  
dissolution, or legal separation has been filed in a court of 29924  
common pleas, that court of common pleas has original jurisdiction 29925  
to determine if the parent and child relationship exists between 29926  
one or both of the parties and any child alleged or presumed to be 29927  
the child of one or both of the parties. 29928

(B) A person who has sexual intercourse in this state submits 29929  
to the jurisdiction of the courts of this state as to an action 29930  
brought under sections 3111.01 to 3111.18 of the Revised Code with 29931  
respect to a child who may have been conceived by that act of 29932

intercourse. In addition to any other method provided by the Rules 29933  
of Civil Procedure, personal jurisdiction may be acquired by 29934  
personal service of summons outside this state or by certified 29935  
mail with proof of actual receipt. 29936

**Sec. 3111.07.** (A) The natural mother, each man presumed to be 29937  
the father under section 3111.03 of the Revised Code, ~~and~~ each man 29938  
alleged to be the natural father, and a caretaker of a child shall 29939  
be made parties to the action brought pursuant to sections 3111.01 29940  
to 3111.18 of the Revised Code or, if not subject to the 29941  
jurisdiction of the court, shall be given notice of the action 29942  
pursuant to the Rules of Civil Procedure and shall be given an 29943  
opportunity to be heard. The child support enforcement agency of 29944  
the county in which the action is brought also shall be given 29945  
notice of the action pursuant to the Rules of Civil Procedure and 29946  
shall be given an opportunity to be heard. The court may align the 29947  
parties. The child shall be made a party to the action unless a 29948  
party shows good cause for not doing so. Separate counsel shall be 29949  
appointed for the child if the court finds that the child's 29950  
interests conflict with those of the mother. 29951

If the person bringing the action knows that a particular man 29952  
is not or, based upon the facts and circumstances present, could 29953  
not be the natural father of the child, the person bringing the 29954  
action shall not allege in the action that the man is the natural 29955  
father of the child and shall not make the man a party to the 29956  
action. 29957

(B) If an action is brought pursuant to sections 3111.01 to 29958  
3111.18 of the Revised Code and the child to whom the action 29959  
pertains is or was being provided support by a caretaker, the 29960  
department of job and family services, a county department of job 29961  
and family services, or another public agency, the caretaker, 29962  
department, county department, or agency may intervene for 29963

purposes of collecting or recovering the support. 29964

**Sec. 3111.111.** If an action is brought pursuant to sections 29965  
3111.01 to 3111.18 of the Revised Code to object to a 29966  
determination made pursuant to former section 3111.21 or 3111.22 29967  
or sections 3111.38 to 3111.54 of the Revised Code that the 29968  
alleged father is the natural father of a child, the court, on its 29969  
own motion or on the motion of either party, shall issue a 29970  
temporary order for the support of the child pursuant to Chapters 29971  
3119., 3121., 3123., and 3125. of the Revised Code requiring the 29972  
alleged father to pay support to the natural mother or the 29973  
~~guardian or legal custodian~~ caretaker of the child. The order 29974  
shall remain in effect until the court issues a judgment in the 29975  
action pursuant to section 3111.13 of the Revised Code that 29976  
determines the existence or nonexistence of a father and child 29977  
relationship. If the court, in its judgment, determines that the 29978  
alleged father is not the natural father of the child, the court 29979  
shall order the person to whom the temporary support was paid 29980  
under the order to repay the alleged father all amounts paid for 29981  
support under the temporary order. 29982

**Sec. 3111.15.** (A) If the existence of the father and child 29983  
relationship is declared or if paternity or a duty of support has 29984  
been adjudicated under sections 3111.01 to 3111.18 of the Revised 29985  
Code or under prior law, the obligation of the father may be 29986  
enforced in the same or other proceedings by the mother, the 29987  
child, the caretaker of the child, or the public authority that 29988  
has furnished or may furnish the reasonable expenses of pregnancy, 29989  
confinement, education, support, or funeral, or by any other 29990  
person, including a private agency, to the extent that any of them 29991  
may furnish, has furnished, or is furnishing these expenses. 29992

(B) The court may order support payments to be made to the 29993  
mother, the clerk of the court, the caretaker, or a person or 29994

agency designated to administer them for the benefit of the child 29995  
under the supervision of the court. 29996

(C) Willful failure to obey the judgment or order of the 29997  
court is a civil contempt of the court. 29998

**Sec. 3111.21.** If the natural mother and alleged father of a 29999  
child sign an acknowledgment of paternity affidavit prepared 30000  
pursuant to section 3111.31 of the Revised Code with respect to 30001  
that child at a child support enforcement agency, the agency shall 30002  
provide a notary public to notarize or witnesses to witness the 30003  
acknowledgment. 30004

**Sec. 3111.22.** A child support enforcement agency shall send a 30005  
signed and notarized or witnessed acknowledgment of paternity to 30006  
the office of child support in the department of job and family 30007  
services pursuant to section 3111.23 of the Revised Code. The 30008  
agency shall send the acknowledgment no later than ten days after 30009  
it has been signed and notarized or witnessed. If the agency knows 30010  
a man is presumed under section 3111.03 of the Revised Code to be 30011  
the father of the child and the presumed father is not the man who 30012  
signed an acknowledgment with respect to the child, the agency 30013  
shall not notarize, witness, or send the acknowledgment with 30014  
respect to the child pursuant to this section. 30015

**Sec. 3111.23.** (A) The natural mother, the man acknowledging 30016  
he is the natural father, or the other custodian or guardian of a 30017  
child, a child support enforcement agency pursuant to section 30018  
3111.22 of the Revised Code, a local registrar of vital statistics 30019  
pursuant to section 3705.091 of the Revised Code, or a hospital 30020  
staff person pursuant to section 3727.17 of the Revised Code, ~~in~~ 30021  
~~person or by mail,~~ may file an acknowledgment of paternity with 30022  
the office of child support in the department of job and family 30023  
services, acknowledging that the child is the child of the man who 30024

signed the acknowledgment. The natural mother, the man 30025  
acknowledging he is the natural father, and the other custodian or 30026  
guardian of a child, may file an acknowledgment in person or by 30027  
mail. A child support enforcement agency, a local registrar of 30028  
vital statistics, and a hospital staff person may file an 30029  
acknowledgment electronically, in person, or by mail. 30030

(B) The acknowledgment of paternity shall be made: 30031

(1) Made on the affidavit prepared pursuant to section 30032  
3111.31 of the Revised Code, shall be signed; 30033

(2) Signed by the natural mother and the man acknowledging 30034  
that he is the natural father, and each signature shall be 30035  
notarized. The mother and man may sign and have the signature 30036  
notarized outside of each other's presence. An acknowledgment 30037  
shall be sent and notarized or witnessed in accordance with 30038  
division (C) of this section; 30039

(3) Sent to the office no not later than ten days after it 30040  
has been signed and notarized. 30041

(C) Each signature in an acknowledgment of paternity shall be 30042  
notarized or witnessed by two adult witnesses. The mother and the 30043  
man acknowledging that he is the natural father may sign and have 30044  
the signature notarized or witnessed outside of each other's 30045  
presence. If a person knows a man is presumed under section 30046  
3111.03 of the Revised Code to be the natural father of the child 30047  
described in this section and that the presumed father is not the 30048  
man who signed an acknowledgment with respect to the child, the 30049  
person shall not notarize, witness, or file the acknowledgment 30050  
pursuant to this section. 30051

**Sec. 3111.24.** (A) On the filing of an acknowledgment, the 30052  
office of child support shall examine the acknowledgment to 30053  
determine whether it is completed correctly. The office shall make 30054

the examination no later than five days after the acknowledgment 30055  
is filed. If the acknowledgment is completed correctly, the office 30056  
shall comply with division (B) of this section. ~~If the~~ 30057  
~~acknowledgment is not completed correctly, the office shall return~~ 30058  
~~it to the person or entity that filed it. The person or entity~~ 30059  
~~shall have ten days from the date the office sends the~~ 30060  
~~acknowledgment back to correct it and return it to the office. The~~ 30061  
~~office shall send, along with the acknowledgment, a notice stating~~ 30062  
~~what needs to be corrected and the amount of time the person or~~ 30063  
~~entity has to make the corrections and return the acknowledgment~~ 30064  
~~to the office.~~ 30065

~~If the person or entity returns the acknowledgment in a~~ 30066  
~~timely manner, the office shall examine the acknowledgment again~~ 30067  
~~to determine whether it has been correctly completed. If the~~ 30068  
~~acknowledgment has been correctly completed, the office shall~~ 30069  
~~comply with division (B) of this section. If the acknowledgment~~ 30070  
~~has not been correctly completed the second time or if the~~ 30071  
~~acknowledgment is not returned to the office in a timely manner,~~ 30072  
~~the acknowledgment is invalid and the office shall return it to~~ 30073  
~~the person or entity and shall not enter it into the birth~~ 30074  
~~registry. If the office returns an acknowledgment the second time,~~ 30075  
~~it shall send a notice to the person or entity stating the errors~~ 30076  
~~in the acknowledgment and that the acknowledgment is invalid.~~ 30077

(B) If the office determines an acknowledgment is correctly 30078  
completed, the office shall enter the information on the 30079  
acknowledgment into the birth registry pursuant to sections 30080  
3111.64 and 3111.65 of the Revised Code. After entering the 30081  
information in the registry, the office shall send the 30082  
acknowledgment to the department of health for storage pursuant to 30083  
section 3705.091 of the Revised Code. The office may request that 30084  
the department of health send back to the office any 30085  
acknowledgment that is being stored by the department of health 30086

pursuant to that section. 30087

(C)(1) Not later than one hundred eighty days after the 30088  
effective date of this amendment, the director of job and family 30089  
services shall adopt rules in accordance with Chapter 119. of the 30090  
Revised Code regarding the management of an acknowledgment of 30091  
paternity that is completed incorrectly. The rules shall specify 30092  
that the department provide a new acknowledgment of paternity form 30093  
and a notice describing the errors to the parties who filed it. 30094

(2) Notwithstanding any provision of section 121.95 of the 30095  
Revised Code to the contrary, a regulatory restriction contained 30096  
in a rule adopted under division (C)(1) of this section is not 30097  
subject to sections 121.95 to 121.953 of the Revised Code. 30098

**Sec. 3111.29.** Once an acknowledgment of paternity becomes 30099  
final under section 3111.25 of the Revised Code, the mother or 30100  
~~other custodian or guardian~~ caretaker of the child may do either 30101  
of the following: 30102

(A) File a complaint pursuant to section 2151.231 of the 30103  
Revised Code in the juvenile court or other court with 30104  
jurisdiction under section 2101.022 or 2301.03 of the Revised Code 30105  
of the county in which the child or the ~~guardian or legal~~ 30106  
~~custodian~~ caretaker of the child resides requesting that the court 30107  
order either the father or mother, or both, to pay an amount for 30108  
the support of the child; 30109

(B) Contact the child support enforcement agency for 30110  
assistance in obtaining a child support order as defined in 30111  
section 3119.01 of the Revised Code. 30112

**Sec. 3111.31.** The department of job and family services shall 30113  
prepare an acknowledgment of paternity affidavit that includes in 30114  
boldface type at the top of the affidavit the rights and 30115  
responsibilities of and the due process safeguards afforded to a 30116

person who acknowledges that he is the natural father of a child, 30117  
including that if an alleged father acknowledges a parent and 30118  
child relationship he assumes the parental duty of support, that 30119  
both signators waive any right to bring an action pursuant to 30120  
sections 3111.01 to 3111.18 of the Revised Code or make a request 30121  
pursuant to section 3111.38 of the Revised Code, other than for 30122  
purposes of rescinding the acknowledgment pursuant to section 30123  
3111.27 of the Revised Code in order to ensure expediency in 30124  
resolving the question of the existence of a parent and child 30125  
relationship, that either parent may rescind the acknowledgment 30126  
pursuant to section 3111.27 of the Revised Code, that an action 30127  
may be brought pursuant to section 3111.28 of the Revised Code, or 30128  
a motion may be filed pursuant to section 3119.961 of the Revised 30129  
Code, to rescind the acknowledgment, and that the natural father 30130  
has the right to petition a court pursuant to section 3109.12 of 30131  
the Revised Code for an order granting him reasonable parenting 30132  
time with respect to the child and to petition the court for 30133  
custody of the child pursuant to section 2151.23 of the Revised 30134  
Code. The affidavit shall include all of the following: 30135

(A) Basic instructions for completing the form, including 30136  
instructions that both the natural father and the mother of the 30137  
child are required to sign the statement, that they may sign the 30138  
statement without being in each other's presence, and that the 30139  
signatures must be notarized or witnessed; 30140

(B) Blank spaces to enter the full name, social security 30141  
number, date of birth and address of each parent; 30142

(C) Blank spaces to enter the full name, date of birth, and 30143  
the residence of the child; 30144

(D) A blank space to enter the name of the hospital or 30145  
department of health code number assigned to the hospital, for use 30146  
in situations in which the hospital fills out the form pursuant to 30147

section 3727.17 of the Revised Code; 30148

(E) An affirmation by the mother that the information she 30149  
supplied is true to the best of her knowledge and belief and that 30150  
she is the natural mother of the child named on the form and 30151  
assumes the parental duty of support of the child; 30152

(F) An affirmation by the father that the information he 30153  
supplied is true to the best of his knowledge and belief, that he 30154  
has received information regarding his legal rights and 30155  
responsibilities, that he consents to the jurisdiction of the 30156  
courts of this state, and that he is the natural father of the 30157  
child named on the form and assumes the parental duty of support 30158  
of the child; 30159

(G) Signature lines for the mother of the child and the 30160  
natural father; 30161

(H) Signature lines for the notary public or witnesses; 30162

(I) An instruction to include or attach any other evidence 30163  
necessary to complete the new birth record that is required by the 30164  
department by rule. 30165

**Sec. 3111.38.** At the request of a person described in 30166  
division (A) of section 3111.04 of the Revised Code, the child 30167  
support enforcement agency of the county in which a child resides 30168  
or in which the ~~guardian or legal custodian~~ caretaker of the child 30169  
resides shall determine the existence or nonexistence of a parent 30170  
and child relationship between an alleged father and the child if 30171  
an application for services administered under Title IV-D of the 30172  
"Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as 30173  
amended, or other IV-D referral has been completed and filed. 30174

**Sec. 3111.381.** (A) Except as provided in divisions (B), (C), 30175  
(D), ~~and~~ (E), and (F) of this section, no person may bring an 30176  
action under sections 3111.01 to 3111.18 of the Revised Code 30177

unless the person has requested an administrative determination 30178  
under section 3111.38 of the Revised Code of the existence or 30179  
nonexistence of a parent and child relationship. 30180

(B) An action to determine the existence or nonexistence of a 30181  
parent and child relationship may be brought by the child's mother 30182  
in the appropriate division of the court of common pleas in the 30183  
county in which the child resides, without requesting an 30184  
administrative determination, if the child's mother brings the 30185  
action in order to request an order to determine the allocation of 30186  
parental rights and responsibilities, the payment of all or any 30187  
part of the reasonable expenses of the mother's pregnancy and 30188  
confinement, or support of the child. The clerk of the court shall 30189  
forward a copy of the complaint to the child support enforcement 30190  
agency of the county in which the complaint is filed. 30191

(C) An action to determine the existence or nonexistence of a 30192  
parent and child relationship may be brought by the putative 30193  
father of the child in the appropriate division of the court of 30194  
common pleas in the county in which the child resides, without 30195  
requesting an administrative determination, if the putative father 30196  
brings the action in order to request an order to determine the 30197  
allocation of parental rights and responsibilities. The clerk of 30198  
the court shall forward a copy of the complaint to the child 30199  
support enforcement agency of the county in which the complaint is 30200  
filed. 30201

(D) An action to determine the existence or nonexistence of a 30202  
parent and child relationship may be brought by the caretaker of 30203  
the child in the appropriate division of the court of common pleas 30204  
in the county in which the child resides, without requesting an 30205  
administrative determination, if the caretaker brings the action 30206  
in order to request support of the child. The clerk of the court 30207  
shall forward a copy of the complaint to the child support 30208  
enforcement agency of the county in which the complaint is filed. 30209

(E) If services are requested by the court, under divisions 30210  
(B) ~~and~~, (C), ~~and~~ (D) of this section, of the child support 30211  
enforcement agency to determine the existence or nonexistence of a 30212  
parent and child relationship, a Title IV-D application must be 30213  
completed and delivered to the child support enforcement agency. 30214

~~(E)~~(F) If the alleged father of a child is deceased and 30215  
proceedings for the probate of the estate of the alleged father 30216  
have been or can be commenced, the court with jurisdiction over 30217  
the probate proceedings shall retain jurisdiction to determine the 30218  
existence or nonexistence of a parent and child relationship 30219  
between the alleged father and any child without an administrative 30220  
determination being requested from a child support enforcement 30221  
agency. 30222

If an action for divorce, dissolution of marriage, or legal 30223  
separation, or an action under section 2151.231 or 2151.232 of the 30224  
Revised Code requesting an order requiring the payment of child 30225  
support and provision for the health care of a child, has been 30226  
filed in a court of common pleas and a question as to the 30227  
existence or nonexistence of a parent and child relationship 30228  
arises, the court in which the original action was filed shall 30229  
retain jurisdiction to determine the existence or nonexistence of 30230  
the parent and child relationship without an administrative 30231  
determination being requested from a child support enforcement 30232  
agency. 30233

If a juvenile court or other court with jurisdiction under 30234  
section 2101.022 or 2301.03 of the Revised Code issues a support 30235  
order under section 2151.231 or 2151.232 of the Revised Code 30236  
relying on a presumption under section 3111.03 of the Revised 30237  
Code, the juvenile court or other court with jurisdiction that 30238  
issued the support order shall retain jurisdiction if a question 30239  
as to the existence of a parent and child relationship arises. 30240

**Sec. 3111.44.** After issuing a genetic testing order, the 30241  
administrative officer may schedule a conference with the mother 30242  
and the alleged father to provide information. If a conference is 30243  
scheduled and no other man is presumed to be the father of the 30244  
child under section 3111.03 of the Revised Code, the 30245  
administrative officer shall provide the mother and alleged father 30246  
the opportunity to sign an acknowledgment of paternity affidavit 30247  
prepared pursuant to section 3111.31 of the Revised Code. If they 30248  
sign an acknowledgment of paternity, the administrative officer 30249  
shall cancel the genetic testing order the officer had issued. 30250  
Regardless of whether a conference is held, if the mother and 30251  
alleged father do not sign an acknowledgment of paternity 30252  
affidavit or if an affidavit cannot be notarized or witnessed or 30253  
filed because another man is presumed under section 3111.03 of the 30254  
Revised Code to be the father of the child, the child, the mother, 30255  
and the alleged father shall submit to genetic testing in 30256  
accordance with the order issued by the administrative officer. 30257

**Sec. 3111.48.** An administrative officer shall include in an 30258  
order issued under section 3111.46 of the Revised Code a notice 30259  
that contains the information described in section 3111.49 of the 30260  
Revised Code informing the mother, father, and ~~the guardian or~~ 30261  
~~legal custodian~~ caretaker of the child of the right to bring an 30262  
action under sections 3111.01 to 3111.18 of the Revised Code and 30263  
of the effect of failure to timely bring the action. 30264

An agency shall include in an administrative order issued 30265  
under section 3111.47 of the Revised Code a notice that contains 30266  
the information described in section 3111.50 of the Revised Code 30267  
informing the parties of their right to bring an action under 30268  
sections 3111.01 to 3111.18 of the Revised Code. 30269

**Sec. 3111.49.** The mother, alleged father, and ~~guardian or~~ 30270

~~legal custodian~~ caretaker of a child may object to an 30271  
administrative order determining the existence or nonexistence of 30272  
a parent and child relationship by bringing, within fourteen days 30273  
after the date the administrative officer issues the order, an 30274  
action under sections 3111.01 to 3111.18 of the Revised Code in 30275  
the juvenile court or other court with jurisdiction under section 30276  
2101.022 or 2301.03 of the Revised Code in the county in which the 30277  
child support enforcement agency that employs the administrative 30278  
officer who issued the order is located. If the action is not 30279  
brought within the fourteen-day period, the administrative order 30280  
is final and enforceable by a court and may not be challenged in 30281  
an action or proceeding under Chapter 3111. of the Revised Code. 30282

**Sec. 3111.71.** The department of job and family services shall 30283  
enter into a contract with local hospitals for the provision of 30284  
staff by the hospitals to meet with unmarried women who give birth 30285  
in or en route to the particular hospital. On or before April 1, 30286  
1998, each hospital shall enter into a contract with the 30287  
department of job and family services pursuant to this section 30288  
regarding the duties imposed by this section and section 3727.17 30289  
of the Revised Code concerning paternity establishment. A hospital 30290  
that fails to enter into a contract shall not receive the fee from 30291  
the department for correctly signed and notarized or witnessed 30292  
affidavits submitted by the hospital. 30293

**Sec. 3111.72.** The contract between the department of job and 30294  
family services and a local hospital shall require all of the 30295  
following: 30296

(A) That the hospital provide a staff person to meet with 30297  
each unmarried mother who gave birth in or en route to the 30298  
hospital within twenty-four hours of the birth or before the 30299  
mother is released from the hospital; 30300

(B) That the staff person attempt to meet with the father of 30301  
the unmarried mother's child if possible; 30302

(C) That the staff person explain to the unmarried mother and 30303  
the father, if he is present, the benefit to the child of 30304  
establishing a parent and child relationship between the father 30305  
and the child and the various proper procedures for establishing a 30306  
parent and child relationship; 30307

(D) That the staff person present to the unmarried mother 30308  
and, if possible, the father, the pamphlet or statement regarding 30309  
the rights and responsibilities of a natural parent that is 30310  
prepared and provided by the department of job and family services 30311  
pursuant to section 3111.32 of the Revised Code; 30312

(E) That the staff person provide the mother and, if 30313  
possible, the father, all forms and statements necessary to 30314  
voluntarily establish a parent and child relationship, including, 30315  
but not limited to, the acknowledgment of paternity affidavit 30316  
prepared by the department of job and family services pursuant to 30317  
section 3111.31 of the Revised Code; 30318

(F) That the staff person, at the request of both the mother 30319  
and father, help the mother and father complete any form or 30320  
statement necessary to establish a parent and child relationship; 30321

(G) That the hospital provide a notary public to notarize, or 30322  
witnesses to witness, an acknowledgment of paternity affidavit 30323  
signed by the mother and father; 30324

(H) That the staff person present to an unmarried mother who 30325  
is not participating in the Ohio works first program established 30326  
under Chapter 5107. of the Revised Code or receiving medicaid an 30327  
application for Title IV-D services; 30328

(I) That the staff person forward any completed 30329  
acknowledgment of paternity, no later than ten days after it is 30330  
completed, to the office of child support in the department of job 30331

and family services; 30332

(J) That the department of job and family services pay the 30333  
hospital twenty dollars for every correctly signed and notarized 30334  
or witnessed acknowledgment of paternity affidavit from the 30335  
hospital. 30336

**Sec. 3111.78.** A parent, ~~guardian, or legal custodian of a~~ 30337  
~~child, the person with whom the child resides, or caretaker of the~~ 30338  
child, or the child support enforcement agency of the county in 30339  
which the child, parent, ~~guardian, or legal custodian~~ or caretaker 30340  
of the child resides may do either of the following to require a 30341  
man to pay support and provide for the health care needs of the 30342  
child if the man is presumed to be the natural father of the child 30343  
under section 3111.03 of the Revised Code: 30344

(A) If the presumption is not based on an acknowledgment of 30345  
paternity, file a complaint pursuant to section 2151.231 of the 30346  
Revised Code in the juvenile court or other court with 30347  
jurisdiction under section 2101.022 or 2301.03 of the Revised Code 30348  
of the county in which the child, parent, ~~guardian, or legal~~ 30349  
~~custodian~~ caretaker resides; 30350

(B) Contact a child support enforcement agency to request 30351  
assistance in obtaining an order for support and the provision of 30352  
health care for the child. 30353

**Sec. 3119.01.** (A) As used in the Revised Code, "child support 30354  
enforcement agency" means a child support enforcement agency 30355  
designated under former section 2301.35 of the Revised Code prior 30356  
to October 1, 1997, or a private or government entity designated 30357  
as a child support enforcement agency under section 307.981 of the 30358  
Revised Code. 30359

(B) As used in this chapter and Chapters 3121., 3123., and 30360  
3125. of the Revised Code: 30361

(1) "Administrative child support order" means any order 30362  
issued by a child support enforcement agency for the support of a 30363  
child pursuant to section 3109.19 or 3111.81 of the Revised Code 30364  
or former section 3111.211 of the Revised Code, section 3111.21 of 30365  
the Revised Code as that section existed prior to January 1, 1998, 30366  
or section 3111.20 or 3111.22 of the Revised Code as those 30367  
sections existed prior to March 22, 2001. 30368

(2) "Child support order" means either a court child support 30369  
order or an administrative child support order. 30370

(3) "Obligee" means the person who is entitled to receive the 30371  
support payments under a support order. 30372

(4) "Obligor" means the person who is required to pay support 30373  
under a support order. 30374

(5) "Support order" means either an administrative child 30375  
support order or a court support order. 30376

(C) As used in this chapter: 30377

(1) "Caretaker" means any of the following, other than a 30378  
parent: 30379

(a) A person with whom the child resides for at least thirty 30380  
consecutive days, and who is the child's primary caregiver; 30381

(b) A person who is receiving public assistance on behalf of 30382  
the child; 30383

(c) A person or agency with legal custody of the child, 30384  
including a county department of job and family services or a 30385  
public children services agency; 30386

(d) A guardian of the person or the estate of a child; 30387

(e) Any other appropriate court or agency with custody of the 30388  
child. 30389

"Caretaker" excludes a "host family" as defined under section 30390

<u>2151.90 of the Revised Code.</u>	30391
<u>(2)</u> "Cash medical support" means an amount ordered to be paid	30392
in a child support order toward the ordinary medical expenses	30393
incurred during a calendar year.	30394
<del>(2)</del> <u>(3)</u> "Child care cost" means annual out-of-pocket costs for	30395
the care and supervision of a child or children subject to the	30396
order that is related to work or employment training.	30397
<del>(3)</del> <u>(4)</u> "Court child support order" means any order issued by	30398
a court for the support of a child pursuant to Chapter 3115. of	30399
the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33,	30400
2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13,	30401
3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised	30402
Code, or division (B) of former section 3113.21 of the Revised	30403
Code.	30404
<del>(4)</del> <u>(5)</u> "Court-ordered parenting time" means the amount of	30405
parenting time a parent is to have under a parenting time order or	30406
the amount of time the children are to be in the physical custody	30407
of a parent under a shared parenting order.	30408
<del>(5)</del> <u>(6)</u> "Court support order" means either a court child	30409
support order or an order for the support of a spouse or former	30410
spouse issued pursuant to Chapter 3115. of the Revised Code,	30411
section 3105.18, 3105.65, or 3113.31 of the Revised Code, or	30412
division (B) of former section 3113.21 of the Revised Code.	30413
<del>(6)</del> <u>(7)</u> "CPI-U" means the consumer price index for all urban	30414
consumers, published by the United States department of labor,	30415
bureau of labor statistics.	30416
<del>(7)</del> <u>(8)</u> "Extraordinary medical expenses" means any uninsured	30417
medical expenses incurred for a child during a calendar year that	30418
exceed the total cash medical support amount owed by the parents	30419
during that year.	30420

~~(8)~~(9) "Federal poverty level" has the same meaning as in 30421  
section 5121.30 of the Revised Code. 30422

~~(9)~~ (10) "Income" means either of the following: 30423

(a) For a parent who is employed to full capacity, the gross 30424  
income of the parent; 30425

(b) For a parent who is unemployed or underemployed, the sum 30426  
of the gross income of the parent and any potential income of the 30427  
parent. 30428

~~(10)~~(11) "Income share" means the percentage derived from a 30429  
comparison of each parent's annual income after allowable 30430  
deductions and credits as indicated on the worksheet to the total 30431  
annual income of both parents. 30432

~~(11)~~(12) "Insurer" means any person authorized under Title 30433  
XXXIX of the Revised Code to engage in the business of insurance 30434  
in this state, any health insuring corporation, and any legal 30435  
entity that is self-insured and provides benefits to its employees 30436  
or members. 30437

~~(12)~~(13) "Gross income" means, except as excluded in division 30438  
~~(C)~~(12)~~(C)~~(13) of this section, the total of all earned and 30439  
unearned income from all sources during a calendar year, whether 30440  
or not the income is taxable, and includes income from salaries, 30441  
wages, overtime pay, and bonuses to the extent described in 30442  
division (D) of section 3119.05 of the Revised Code; commissions; 30443  
royalties; tips; rents; dividends; severance pay; pensions; 30444  
interest; trust income; annuities; social security benefits, 30445  
including retirement, disability, and survivor benefits that are 30446  
not means-tested; workers' compensation benefits; unemployment 30447  
insurance benefits; disability insurance benefits; benefits that 30448  
are not means-tested and that are received by and in the 30449  
possession of the veteran who is the beneficiary for any 30450  
service-connected disability under a program or law administered 30451

by the United States department of veterans' affairs or veterans' 30452  
administration; spousal support actually received; and all other 30453  
sources of income. "Gross income" includes income of members of 30454  
any branch of the United States armed services or national guard, 30455  
including, amounts representing base pay, basic allowance for 30456  
quarters, basic allowance for subsistence, supplemental 30457  
subsistence allowance, cost of living adjustment, specialty pay, 30458  
variable housing allowance, and pay for training or other types of 30459  
required drills; self-generated income; and potential cash flow 30460  
from any source. 30461

"Gross income" does not include any of the following: 30462

(a) Benefits received from means-tested government 30463  
administered programs, including Ohio works first; prevention, 30464  
retention, and contingency; means-tested veterans' benefits; 30465  
supplemental security income; supplemental nutrition assistance 30466  
program; disability financial assistance; or other assistance for 30467  
which eligibility is determined on the basis of income or assets; 30468

(b) Benefits for any service-connected disability under a 30469  
program or law administered by the United States department of 30470  
veterans' affairs or veterans' administration that are not 30471  
means-tested, that have not been distributed to the veteran who is 30472  
the beneficiary of the benefits, and that are in the possession of 30473  
the United States department of veterans' affairs or veterans' 30474  
administration; 30475

(c) Child support amounts received for children who are not 30476  
included in the current calculation; 30477

(d) Amounts paid for mandatory deductions from wages such as 30478  
union dues but not taxes, social security, or retirement in lieu 30479  
of social security; 30480

(e) Nonrecurring or unsustainable income or cash flow items; 30481

(f) Adoption assistance, kinship guardianship assistance, and 30482

foster care maintenance payments made pursuant to Title IV-E of 30483  
the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), 30484  
as amended; 30485

(g) State kinship guardianship assistance described in 30486  
section 5153.163 of the Revised Code and payment from the kinship 30487  
support program described in section 5101.881 of the Revised Code. 30488

~~(13)~~(14) "Nonrecurring or unsustainable income or cash flow 30489  
item" means an income or cash flow item the parent receives in any 30490  
year or for any number of years not to exceed three years that the 30491  
parent does not expect to continue to receive on a regular basis. 30492  
"Nonrecurring or unsustainable income or cash flow item" does not 30493  
include a lottery prize award that is not paid in a lump sum or 30494  
any other item of income or cash flow that the parent receives or 30495  
expects to receive for each year for a period of more than three 30496  
years or that the parent receives and invests or otherwise uses to 30497  
produce income or cash flow for a period of more than three years. 30498

~~(14)~~(15) "Ordinary medical expenses" includes copayments and 30499  
deductibles, and uninsured medical-related costs for the children 30500  
of the order. 30501

~~(15)~~(a)~~(16)~~(a) "Ordinary and necessary expenses incurred in 30502  
generating gross receipts" means actual cash items expended by the 30503  
parent or the parent's business and includes depreciation expenses 30504  
of business equipment as shown on the books of a business entity. 30505

(b) Except as specifically included in "ordinary and 30506  
necessary expenses incurred in generating gross receipts" by 30507  
division ~~(c)~~(15)~~(a)~~(c)~~(16)~~(a) of this section, "ordinary and 30508  
necessary expenses incurred in generating gross receipts" does not 30509  
include depreciation expenses and other noncash items that are 30510  
allowed as deductions on any federal tax return of the parent or 30511  
the parent's business. 30512

~~(16)~~(17) "Personal earnings" means compensation paid or 30513

payable for personal services, however denominated, and includes 30514  
wages, salary, commissions, bonuses, draws against commissions, 30515  
profit sharing, vacation pay, or any other compensation. 30516

~~(17)~~(18) "Potential income" means both of the following for a 30517  
parent who the court pursuant to a court support order, or a child 30518  
support enforcement agency pursuant to an administrative child 30519  
support order, determines is voluntarily unemployed or voluntarily 30520  
underemployed: 30521

(a) Imputed income that the court or agency determines the 30522  
parent would have earned if fully employed as determined from the 30523  
following criteria: 30524

(i) The parent's prior employment experience; 30525

(ii) The parent's education; 30526

(iii) The parent's physical and mental disabilities, if any; 30527

(iv) The availability of employment in the geographic area in 30528  
which the parent resides; 30529

(v) The prevailing wage and salary levels in the geographic 30530  
area in which the parent resides; 30531

(vi) The parent's special skills and training; 30532

(vii) Whether there is evidence that the parent has the 30533  
ability to earn the imputed income; 30534

(viii) The age and special needs of the child for whom child 30535  
support is being calculated under this section; 30536

(ix) The parent's increased earning capacity because of 30537  
experience; 30538

(x) The parent's decreased earning capacity because of a 30539  
felony conviction; 30540

(xi) Any other relevant factor. 30541

(b) Imputed income from any nonincome-producing assets of a 30542

parent, as determined from the local passbook savings rate or 30543  
another appropriate rate as determined by the court or agency, not 30544  
to exceed the rate of interest specified in division (A) of 30545  
section 1343.03 of the Revised Code, if the income is significant. 30546

~~(18)~~(19) "Schedule" means the basic child support schedule 30547  
created pursuant to section 3119.021 of the Revised Code. 30548

~~(19)~~(20) "Self-generated income" means gross receipts 30549  
received by a parent from self-employment, proprietorship of a 30550  
business, joint ownership of a partnership or closely held 30551  
corporation, and rents minus ordinary and necessary expenses 30552  
incurred by the parent in generating the gross receipts. 30553  
"Self-generated income" includes expense reimbursements or in-kind 30554  
payments received by a parent from self-employment, the operation 30555  
of a business, or rents, including company cars, free housing, 30556  
reimbursed meals, and other benefits, if the reimbursements are 30557  
significant and reduce personal living expenses. 30558

~~(20)~~(21) "Self-sufficiency reserve" means the minimal amount 30559  
necessary for an obligor to adequately subsist upon, as determined 30560  
under section 3119.021 of the Revised Code. 30561

~~(21)~~(22) "Split parental rights and responsibilities" means a 30562  
situation in which there is more than one child who is the subject 30563  
of an allocation of parental rights and responsibilities and each 30564  
parent is the residential parent and legal custodian of at least 30565  
one of those children. 30566

~~(22)~~(23) "Worksheet" means the applicable worksheet created 30567  
in rules adopted under section 3119.022 of the Revised Code that 30568  
is used to calculate a parent's child support obligation. 30569

**Sec. 3119.06.** (A) Except as otherwise provided in this 30570  
section, in any action in which a court or a child support 30571  
enforcement agency issues or modifies a child support order or in 30572

any other proceeding in which a court or agency determines the 30573  
amount of child support to be paid pursuant to a child support 30574  
order, the court or agency shall issue a minimum child support 30575  
order requiring the obligor to pay a minimum of eighty dollars a 30576  
month for all the children subject to that order. The court or 30577  
agency, in its discretion and in appropriate circumstances, may 30578  
issue a minimum child support order of less than eighty dollars a 30579  
month or issue an order not requiring the obligor to pay any child 30580  
support amount. The circumstances under which a court or agency 30581  
may issue such an order include the nonresidential parent's 30582  
medically verified or documented physical or mental disability or 30583  
institutionalization in a facility for persons with a mental 30584  
illness or any other circumstances considered appropriate by the 30585  
court or agency. 30586

If a court or agency issues a minimum child support 30587  
obligation pursuant to this section and the obligor under the 30588  
support order is the recipient of means-tested public assistance, 30589  
as described in division ~~(C)(12)(a)~~ (C)(13)(a) of section 3119.01 30590  
of the Revised Code, any unpaid amounts of support due under the 30591  
support order shall accrue as arrearages from month to month, and 30592  
the obligor's current obligation to pay the support due under the 30593  
support order is suspended during any period of time that the 30594  
obligor is receiving means-tested public assistance and is 30595  
complying with any seek work orders issued pursuant to section 30596  
3121.03 of the Revised Code. The court, obligee, and child support 30597  
enforcement agency shall not enforce the obligation of the obligor 30598  
to pay the amount of support due under the support order while the 30599  
obligor is receiving means-tested public assistance and is 30600  
complying with any seek work orders issued pursuant to section 30601  
3121.03 of the Revised Code. 30602

(B) As used in this section, "means-tested public assistance" 30603  
includes cash assistance payments under the Ohio works first 30604

program established under Chapter 5107. of the Revised Code, 30605  
financial assistance under the disability financial assistance 30606  
program established under Chapter 5115. of the Revised Code, 30607  
supplemental security income, or means-tested veterans' benefits. 30608

**Sec. 3119.07.** (A) Except when the parents have split parental 30609  
rights and responsibilities, a parent's child support obligation 30610  
for a child for whom the parent is the residential parent and 30611  
legal custodian shall be presumed to be spent on that child and 30612  
shall not become part of a child support order, and a parent's 30613  
child support obligation for a child for whom the parent is not 30614  
the residential parent and legal custodian shall become part of a 30615  
child support order. 30616

(B) If the parents have split parental rights and 30617  
responsibilities, the child support obligations of the parents 30618  
shall be offset, and ~~the court shall issue a child support order~~ 30619  
~~requiring~~ the parent with the larger child support obligation ~~to~~ 30620  
shall pay the net amount pursuant to the child support order. 30621

(C) If neither parent of a child who is the subject of a 30622  
child support order is the residential parent and legal custodian 30623  
of the child and the child resides with a ~~third party who is the~~ 30624  
~~legal custodian of the child caretaker, the court shall issue a~~ 30625  
~~child support order requiring~~ each parent ~~to~~ shall pay that 30626  
parent's child support obligation pursuant to the child support 30627  
order. 30628

**Sec. 3119.95.** A child support order subject to sections 30629  
3119.951 to 3119.9541 of the Revised Code shall include the health 30630  
care coverage and cash medical support required for the child 30631  
subject to the order. 30632

**Sec. 3119.951.** The caretaker of a child may file an 30633  
application for Title IV-D services with the child support 30634

enforcement agency in the county in which the caretaker resides to 30635  
obtain support for the care of the child. 30636

Sec. 3119.9511. Not later than twenty days after completion 30637  
of an investigation of a child support order under section 30638  
3119.955 or 3119.957 of the Revised Code, the child support 30639  
enforcement agency shall determine, based on the information 30640  
gathered, whether the order shall or shall not be redirected under 30641  
sections 3119.9513 and 3119.9515 of the Revised Code. 30642

Sec. 3119.9513. If the child support enforcement agency 30643  
determines that a child support order should be redirected, the 30644  
agency shall do one of the following: 30645

(A) For an administrative child support order, the agency 30646  
shall issue a redirection order that shall include the child 30647  
support amount to be redirected and provisions for redirection 30648  
regarding health care coverage and cash medical support. 30649

(B) For a court child support order, the agency shall 30650  
recommend to the court that has jurisdiction over the support 30651  
order to issue a redirection order and include the child support 30652  
amount to be redirected and provisions for redirection regarding 30653  
health care coverage and cash medical support. 30654

Sec. 3119.9515. (A) On issuing an order or making a 30655  
recommendation under section 3119.9513 of the Revised Code, the 30656  
child support enforcement agency shall provide notice of the 30657  
following to the parent or caretaker of the child subject to the 30658  
order or recommendation: 30659

(1) The results of its investigation under section 3119.955 30660  
or 3119.957 of the Revised Code; 30661

(2) For an administrative child support order, notice of the 30662

<u>following:</u>	30663
<u>(a) That the agency has issued a redirection order under section 3119.9513 of the Revised Code regarding the child support order and a copy of the redirection order;</u>	30664 30665 30666
<u>(b) The right to object to the redirection order by bringing an action under section 2151.231 of the Revised Code not later than fourteen days after the order is issued;</u>	30667 30668 30669
<u>(c) That the order becomes final and enforceable if no timely objection is made;</u>	30670 30671
<u>(d) The effective date of the order as determined under section 3119.9519 of the Revised Code.</u>	30672 30673
<u>(3) For a court child support order, notice of the following:</u>	30674
<u>(a) That the agency has made a recommendation for a redirection order under section 3119.9513 of the Revised Code to the court that has jurisdiction over the court child support order, and a copy of the recommendation;</u>	30675 30676 30677 30678
<u>(b) The right to object to the redirection by requesting a hearing with the court that has jurisdiction over the court child support order not later than fourteen days after the recommendation is issued;</u>	30679 30680 30681 30682
<u>(c) That the recommendation will be submitted to the court for inclusion in a redirection order, unless a request for a court hearing is made not later than fourteen days after the recommendation is issued;</u>	30683 30684 30685 30686
<u>(d) The effective date of the redirection order as determined under section 3119.9519 of the Revised Code.</u>	30687 30688
<u>(B) The notice under division (A) of this section shall be included as part of the applicable order or recommendation.</u>	30689 30690
<u>Sec. 3119.9517. (A) A parent or caretaker may object to an</u>	30691

order issued under section 3119.9513 of the Revised Code by 30692  
bringing an action under section 2151.231 of the Revised Code not 30693  
later than fourteen days after the notice is issued under division 30694  
(A)(2) of section 3119.9515 of the Revised Code. The order shall 30695  
be final and enforceable if no objection is timely made. 30696

(B) A parent or caretaker may object to a recommendation 30697  
issued under section 3119.9513 of the Revised Code by requesting a 30698  
hearing with the court that has jurisdiction over the court child 30699  
support order not later than fourteen days after the 30700  
recommendation is issued under division (A)(3) of section 30701  
3119.9515 of the Revised Code. The recommendation shall be 30702  
submitted to the court for inclusion in a redirection order, 30703  
unless a request for a court hearing is made not later than 30704  
fourteen days after the recommendation is issued. 30705

Sec. 3119.9519. (A) The redirection of a child support order 30706  
under a redirection order that has become final as provided under 30707  
section 3119.9517 of the Revised Code shall take effect as of, and 30708  
relate back to, the date that the child support enforcement agency 30709  
received the Title IV-D services application or referral under 30710  
section 3119.953 of the Revised Code that initiated the 30711  
proceedings resulting in the order. 30712

(B) A redirection order under section 3119.9517 of the 30713  
Revised Code based on a recommendation for redirection shall take 30714  
effect as of, and relate back to, the date that the child support 30715  
enforcement agency received the Title IV-D services application or 30716  
referral under section 3119.953 of the Revised Code that initiated 30717  
the proceedings resulting in the redirection order. 30718

Sec. 3119.9523. If a child support enforcement agency 30719  
determines under section 3119.953 of the Revised Code that the 30720  
child in the care of the caretaker is not subject to an existing 30721

child support order, the agency shall determine, not later than 30722  
twenty days after its receipt of the Title IV-D services 30723  
application or referral under section 3119.953 of the Revised 30724  
Code, whether any reason exists for which a child support order 30725  
for the child should be imposed. That determination shall include 30726  
whether the caretaker is the child's primary caregiver. 30727

**Sec. 3119.9525.** If, pursuant to an investigation under 30728  
section 3119.9523 of the Revised Code, the child support 30729  
enforcement agency determines that a reason exists for a child 30730  
support order to be imposed regarding the child subject of the 30731  
investigation, the agency shall comply with sections 3111.80 to 30732  
3111.84 of the Revised Code. 30733

**Sec. 3119.9527.** If a child support enforcement agency 30734  
receives notice that a caretaker is no longer the primary 30735  
caregiver for a child subject to a redirection order or 30736  
recommendation issued under section 3119.9513 of the Revised Code, 30737  
the agency shall do both of the following: 30738

(A) Investigate whether the caretaker to whom support amounts 30739  
are redirected under the existing redirection order or 30740  
recommendation is still the primary caregiver for the child; 30741

(B) Take action as applicable under sections 3119.9529 to 30742  
3119.9535 of the Revised Code. 30743

**Sec. 3119.9529.** If, upon investigation under section 30744  
3119.9527 of the Revised Code, the child support enforcement 30745  
agency determines that the caretaker to whom support amounts are 30746  
redirected remains the primary caregiver of the child who is the 30747  
subject of the redirection order or recommendation, the agency 30748  
shall take no further action on the notice received under section 30749  
3119.9527 of the Revised Code. 30750

Sec. 3119.953. (A) On receipt of an application for Title IV-D services from the caretaker of a child under section 3119.951 of the Revised Code, or a Title IV-D services referral regarding the child, the child support enforcement agency shall determine whether the child is the subject of an existing child support order. 30751  
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(B) If the child is the subject of an existing child support order, the agency shall comply with sections 3119.955 to 3119.9519 of the Revised Code. 30757  
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(C) If the child is not the subject of an existing child support order, the agency shall comply with sections 3119.9523 and 3119.9525 of the Revised Code. 30760  
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Sec. 3119.9531. If, after an investigation under section 3119.9527 of the Revised Code, the child support enforcement agency determines that a new caretaker is the primary caregiver for the child who is the subject of the redirection order or recommendation, the agency shall do both of the following: 30763  
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(A) Terminate the existing redirection order or request that the court terminate the redirection order based on the recommendation, whichever is applicable; 30768  
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(B) Direct the new caretaker to file an application for Title IV-D services under section 3119.951 of the Revised Code. 30771  
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Sec. 3119.9533. If, after an investigation under section 3119.9527 of the Revised Code, the child support enforcement agency determines that a parent of the child who is the subject of the redirection order or recommendation is the primary caregiver of the child, the agency shall do one of the following: 30773  
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(A) If the parent is the obligee under the child support order that is subject to redirection, terminate the existing 30778  
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redirection order or request the court to terminate the 30780  
redirection order based on the recommendation, whichever is 30781  
applicable. 30782

(B) If the parent is the obligor under the child support 30783  
order that is subject to redirection: 30784

(1) Terminate the existing redirection order or request the 30785  
court to terminate the redirection order based on the 30786  
recommendation, whichever is applicable; and 30787

(2) Notify the obligor that he or she may do the following: 30788

(a) Request that the child support order be terminated 30789  
pursuant to section 3119.87 of the Revised Code; 30790

(b) Request either of the following, whichever is applicable: 30791

(i) For an administrative child support order, request a 30792  
review of the order under sections 3119.60 and 3119.61 of the 30793  
Revised Code; 30794

(ii) For a court child support order, request the court with 30795  
jurisdiction over the order to amend the order. 30796

**Sec. 3119.9535.** If, after an investigation under section 30797  
3119.9527 of the Revised Code, the child support enforcement 30798  
agency determines that the child who is the subject of the 30799  
redirection order or recommendation is not under the care of any 30800  
individual, the agency shall do the following: 30801

(A) Terminate the existing redirection order or request the 30802  
court to terminate the redirection order based on the 30803  
recommendation, whichever is applicable; 30804

(B) If the agency becomes aware of circumstances indicating 30805  
that the child may be abused or neglected, make a report under 30806  
section 2151.421 of the Revised Code. 30807

Sec. 3119.9537. (A) If a child support enforcement agency receives a notification under section 3119.9527 of the Revised Code, the agency shall impound any funds received on behalf of the child pursuant to the child support order to which the notification applies.

(B) Impoundment shall continue under this section until the occurrence of any of the following:

(1) The agency makes a determination under section 3119.9529 of the Revised Code;

(2) The agency issues a redirection order for a new caretaker under sections 3119.951 to 3119.9519 and 3119.9531 of the Revised Code;

(3) The agency, under section 3119.9533 of the Revised Code, terminates the redirection order or a court terminates its redirection order;

(C) On termination of impoundment as described in division (B) of this section, impounded amounts shall be paid to the obligee designated under the child support order or under the applicable redirection order.

Sec. 3119.9539. Impoundment of child support under section 3119.9537 of the Revised Code regarding a redirection order described in section 3119.9535 of the Revised Code shall continue until further order from the child support enforcement agency administering the administrative child support order or from the court with jurisdiction over the court child support order, whichever is applicable.

Sec. 3119.9541. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to provide for both of the following:

(A) Requirements for child support enforcement agencies to  
conduct investigations and issue findings pursuant to sections  
3119.955 and 3119.957 of the Revised Code; 30837  
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(B) Any other standards, forms, or procedures needed to  
ensure uniform implementation of sections 3119.95 to 3119.9539 of  
the Revised Code. 30840  
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**Sec. 3119.955.** (A) If a child support enforcement agency  
determines under section 3119.953 of the Revised Code that there  
is an existing child support order regarding the child in the care  
of a caretaker, the agency shall determine if any reason exists  
for which the child support order should be redirected to the  
caretaker. If the agency determines that the caretaker is the  
primary caregiver of the child, the agency shall determine that a  
reason exists for redirection. 30843  
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(B) If the agency determines that a reason exists for  
redirection, the agency also shall determine all of the following: 30851  
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(1) The amount of each parent's obligation under the existing  
child support order that may be subject to redirection; 30853  
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(2) Whether any prior redirection has been terminated under  
sections 3119.9531 to 3119.9535 of the Revised Code; 30855  
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(3) Whether any arrearages are owed, and the recommended  
payment amount to satisfy such arrears; 30857  
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(4) If more than one child is subject to the existing child  
support order, whether the child support order for all or some of  
the children shall be subject to redirection. 30859  
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(C) The agency shall make the determinations required under  
this section not later than twenty days after receipt of a Title  
IV-D services application or referral under section 3119.953 of  
the Revised Code. 30862  
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Sec. 3119.957. If the child support enforcement agency 30866  
determines under section 3119.955 of the Revised Code that more 30867  
than one child is the subject of a child support order and the 30868  
order for fewer than all of the children should be redirected, the 30869  
agency shall determine the amount of child support to be 30870  
redirected, which amount shall equal the pro rata share of the 30871  
child support amounts for each such child under the child support 30872  
order. The agency also shall make, in relation to the 30873  
determination of the amount of child support that may be 30874  
redirected, a determination regarding the health care coverage and 30875  
cash medical support under the child support order that may be 30876  
redirected. 30877

**Sec. 3121.29.** Each support order, or modification of a 30878  
support order, shall contain a notice that states the following in 30879  
boldface type and in all capital letters: 30880

"EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD 30881  
SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT 30882  
MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE 30883  
TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY 30884  
CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF 30885  
ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, 30886  
WHICHEVER ISSUED THE SUPPORT ORDER. 30887

IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU 30888  
FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO 30889  
\$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR 30890  
EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER 30891  
ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO GIVE 30892  
THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE 30893  
SUBJECTED TO FINES UP TO \$1,000 AND IMPRISONMENT FOR NOT MORE THAN 30894  
90 DAYS. 30895

IF YOU ARE AN OBLIGOR OR OBLIGEE AND YOU FAIL TO GIVE THE 30896  
REQUIRED NOTICES TO THE CHILD SUPPORT ENFORCEMENT AGENCY, YOU MAY 30897  
NOT RECEIVE NOTICE OF THE CHANGES AND REQUESTS TO CHANGE THE CHILD 30898  
SUPPORT AMOUNT, HEALTH CARE PROVISIONS, REDIRECTION, OR 30899  
TERMINATION OF THE CHILD SUPPORT ORDER. IF YOU ARE AN OBLIGOR AND 30900  
YOU FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE 30901  
OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF 30902  
LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR 30903  
OCCUPATIONAL LICENSE, DRIVER'S LICENSE, OR RECREATIONAL LICENSE; 30904  
WITHHOLDING FROM YOUR INCOME; ACCESS RESTRICTION AND DEDUCTION 30905  
FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION 30906  
PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT 30907  
OBLIGATION. " 30908

~~Sec. 3123.89. (A) Subject to section 3770.071 of the Revised 30909  
Code, a child support enforcement agency that determines that an 30910  
obligor who is the recipient of a lottery prize award is subject 30911  
to a final and enforceable determination of default made under 30912  
sections 3123.01 to 3123.07 of the Revised Code shall issue an 30913  
intercept directive to the director of the state lottery 30914  
commission. A copy of this intercept directive shall be sent to 30915  
the obligor. 30916~~

~~(B) The intercept directive shall require the director or the 30917  
director's designee to transmit an amount or amounts from the 30918  
proceeds of the specified lottery prize award to the office of 30919  
child support in the department of job and family services. The 30920  
intercept directive also shall contain all of the following 30921  
information: 30922~~

~~(1) The name, address, and social security number or taxpayer 30923  
identification number of the obligor; 30924~~

~~(2) A statement that the obligor has been determined to be in 30925  
default under a support order; 30926~~

~~(3) The amount of the arrearage owed by the obligor as determined by the agency.~~ 30927  
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~~(C) After receipt of an intercept directive and in accordance with section 3770.071 of the Revised Code, the director or the director's designee shall deduct the amount or amounts specified from the proceeds of the lottery prize award referred to in the directive and transmit the amounts to the office of child support.~~ 30929  
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~~(D)~~ The department of job and family services shall develop and implement a real time data match program with the state lottery commission and its lottery sales agents and lottery agents to identify obligors who are subject to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of the Revised Code ~~in accordance with section 3770.071 of the Revised Code.~~ 30934  
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~~(E)~~(B) Upon the data match program's implementation, the department, in consultation with the commission, shall promulgate rules to facilitate withholding, in appropriate circumstances and in accordance with section 3770.071 of the Revised Code, by the commission or its lottery sales agents or lottery agents of an amount sufficient to satisfy any past due support owed by an obligor from a lottery prize award owed to the obligor up to the amount of the award. The rules shall describe an expedited method for withholding, and the time frame for transmission of the amount withheld to the department. 30941  
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~~(F)~~(C) As used in this section, "lottery prize award" has the same meaning as in section 3770.10 of the Revised Code. 30951  
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**Sec. 3123.90.** (A) As used in this section: 30953

(1) "Casino facility," "casino operator," and "management company" have the meanings defined in section 3772.01 of the Revised Code. 30954  
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(2) "Sports gaming proprietor" has the meaning defined in section 3775.01 of the Revised Code. 30957  
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(B) The department of job and family services shall develop and implement a real time data match program with each casino facility's casino operator or management company and with each sports gaming proprietor to identify obligors who are subject to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of the Revised Code. 30959  
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(C) Upon the data match program's implementation, if a person receives a payout of winnings at a casino facility or from sports gaming in an amount for which reporting to the internal revenue service of the amount is required by section 6041 of the Internal Revenue Code, as amended, the casino operator, management company, or sports gaming proprietor shall refer to the data match program to determine if the person entitled to the winnings is in default under a support order. If the data match program indicates that the person is in default, the casino operator, management company, or sports gaming proprietor shall withhold from the person's winnings an amount sufficient to satisfy any past due support owed by the obligor identified in the data match up to the amount of the winnings. 30965  
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(D) Not later than fourteen days after withholding the amount, the casino operator, management company, or sports gaming proprietor shall electronically transmit any amount withheld to the department as payment on the support obligation. 30978  
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(E) The department, in consultation with the Ohio casino control commission, may adopt rules under Chapter 119. of the Revised Code as are necessary for implementation of this section. 30982  
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**Sec. 3125.18.** A child support enforcement agency shall administer a Title IV-A program identified under division (A)(4)(c) or ~~(g)~~(h) of section 5101.80 of the Revised Code that 30985  
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the department of job and family services provides for the agency 30988  
to administer under the department's supervision pursuant to 30989  
section 5101.801 of the Revised Code. 30990

**Sec. 3301.07.** The state board of education shall exercise 30991  
under the acts of the general assembly general supervision of the 30992  
system of public education in the state. In addition to the powers 30993  
otherwise imposed on the state board under the provisions of law, 30994  
the board shall have the powers described in this section. 30995

(A) The state board shall exercise policy forming, planning, 30996  
and evaluative functions for the public schools of the state 30997  
except as otherwise provided by law. 30998

(B)(1) The state board shall exercise leadership in the 30999  
improvement of public education in this state, and administer the 31000  
educational policies of this state relating to public schools, and 31001  
relating to instruction and instructional material, building and 31002  
equipment, transportation of pupils, administrative 31003  
responsibilities of school officials and personnel, and finance 31004  
and organization of school districts, educational service centers, 31005  
and territory. Consultative and advisory services in such matters 31006  
shall be provided by the board to school districts and educational 31007  
service centers of this state. 31008

(2) The state board also shall develop a standard of 31009  
financial reporting which shall be used by each school district 31010  
board of education and each governing board of an educational 31011  
service center, each governing authority of a community school 31012  
established under Chapter 3314., each governing body of a STEM 31013  
school established under Chapter ~~3328~~. 3326., and each board of 31014  
trustees of a college-preparatory boarding school established 31015  
under Chapter 3328. of the Revised Code to make its financial 31016  
information and annual budgets for each school building under its 31017  
control available to the public in a format understandable by the 31018

average citizen. The format shall show, both at the district and 31019  
at the school building level, revenue by source; expenditures for 31020  
salaries, wages, and benefits of employees, showing such amounts 31021  
separately for classroom teachers, other employees required to 31022  
hold licenses issued pursuant to sections 3319.22 to 3319.31 of 31023  
the Revised Code, and all other employees; expenditures other than 31024  
for personnel, by category, including utilities, textbooks and 31025  
other educational materials, equipment, permanent improvements, 31026  
pupil transportation, extracurricular athletics, and other 31027  
extracurricular activities; and per pupil expenditures. The format 31028  
shall also include information on total revenue and expenditures, 31029  
per pupil revenue, and expenditures for both classroom and 31030  
nonclassroom purposes, as defined by the standards adopted under 31031  
section 3302.20 of the Revised Code in the aggregate and for each 31032  
subgroup of students, as defined by section 3317.40 of the Revised 31033  
Code, that receives services provided for by state or federal 31034  
funding. 31035

(3) Each school district board, governing authority, 31036  
governing body, or board of trustees, or its respective designee, 31037  
shall annually report, to the department of education, all 31038  
financial information required by the standards for financial 31039  
reporting, as prescribed by division (B)(2) of this section and 31040  
adopted by the state board. The department shall make all reports 31041  
submitted pursuant to this division available in such a way that 31042  
allows for comparison between financial information included in 31043  
these reports and financial information included in reports 31044  
produced prior to July 1, 2013. The department shall post these 31045  
reports in a prominent location on its web site and shall notify 31046  
each school when reports are made available. 31047

(C) The state board shall administer and supervise the 31048  
allocation and distribution of all state and federal funds for 31049  
public school education under the provisions of law, and may 31050

prescribe such systems of accounting as are necessary and proper 31051  
to this function. It may require county auditors and treasurers, 31052  
boards of education, educational service center governing boards, 31053  
treasurers of such boards, teachers, and other school officers and 31054  
employees, or other public officers or employees, to file with it 31055  
such reports as it may prescribe relating to such funds, or to the 31056  
management and condition of such funds. 31057

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 31058  
XLVII, and LI of the Revised Code a reference is made to standards 31059  
prescribed under this section or division (D) of this section, 31060  
that reference shall be construed to refer to the standards 31061  
prescribed under division (D)(2) of this section, unless the 31062  
context specifically indicates a different meaning or intent. 31063

(2) The state board shall formulate and prescribe minimum 31064  
standards to be applied to all elementary and secondary schools in 31065  
this state for the purpose of providing children access to a 31066  
general education of high quality according to the learning needs 31067  
of each individual, including students with disabilities, 31068  
economically disadvantaged students, English learners, and 31069  
students identified as gifted. Such standards shall provide 31070  
adequately for: the licensing of teachers, administrators, and 31071  
other professional personnel and their assignment according to 31072  
training and qualifications; efficient and effective instructional 31073  
materials and equipment, including library facilities; the proper 31074  
organization, administration, and supervision of each school, 31075  
including regulations for preparing all necessary records and 31076  
reports and the preparation of a statement of policies and 31077  
objectives for each school; the provision of safe buildings, 31078  
grounds, health and sanitary facilities and services; admission of 31079  
pupils, and such requirements for their promotion from grade to 31080  
grade as will assure that they are capable and prepared for the 31081  
level of study to which they are certified; requirements for 31082

graduation; and such other factors as the board finds necessary. 31083

The state board shall base any standards governing the 31084  
promotion of students or requirements for graduation on the 31085  
ability of students, at any grade level, to earn credits or 31086  
advance upon demonstration of mastery of knowledge and skills 31087  
through competency-based learning models. Credits of grade level 31088  
advancement shall not require a minimum number of days or hours in 31089  
a classroom. 31090

The state board shall base any standards governing the 31091  
assignment of staff on ensuring each school has a sufficient 31092  
number of teachers to ensure a student has an appropriate level of 31093  
interaction to meet each student's personal learning goals. 31094

In the formulation and administration of such standards for 31095  
nonpublic schools the board shall also consider the particular 31096  
needs, methods and objectives of those schools, provided they do 31097  
not conflict with the provision of a general education of a high 31098  
quality and provided that regular procedures shall be followed for 31099  
promotion from grade to grade of pupils who have met the 31100  
educational requirements prescribed. 31101

(3) In addition to the minimum standards required by division 31102  
(D)(2) of this section, the state board may formulate and 31103  
prescribe the following additional minimum operating standards for 31104  
school districts: 31105

(a) Standards for the effective and efficient organization, 31106  
administration, and supervision of each school district with a 31107  
commitment to high expectations for every student based on the 31108  
learning needs of each individual, including students with 31109  
disabilities, economically disadvantaged students, English 31110  
learners, and students identified as gifted, and commitment to 31111  
closing the achievement gap without suppressing the achievement 31112  
levels of higher achieving students so that all students achieve 31113

core knowledge and skills in accordance with the statewide 31114  
academic standards adopted under section 3301.079 of the Revised 31115  
Code; 31116

(b) Standards for the establishment of business advisory 31117  
councils under section 3313.82 of the Revised Code; 31118

(c) Standards for school district buildings that may require 31119  
the effective and efficient organization, administration, and 31120  
supervision of each school district building with a commitment to 31121  
high expectations for every student based on the learning needs of 31122  
each individual, including students with disabilities, 31123  
economically disadvantaged students, English learners, and 31124  
students identified as gifted, and commitment to closing the 31125  
achievement gap without suppressing the achievement levels of 31126  
higher achieving students so that all students achieve core 31127  
knowledge and skills in accordance with the statewide academic 31128  
standards adopted under section 3301.079 of the Revised Code. 31129

(E) The state board may require as part of the health 31130  
curriculum information developed under section 2108.34 of the 31131  
Revised Code promoting the donation of anatomical gifts pursuant 31132  
to Chapter 2108. of the Revised Code and may provide the 31133  
information to high schools, educational service centers, and 31134  
joint vocational school district boards of education; 31135

(F) The state board shall prepare and submit annually to the 31136  
governor and the general assembly a report on the status, needs, 31137  
and major problems of the public schools of the state, with 31138  
recommendations for necessary legislative action and a ten-year 31139  
projection of the state's public and nonpublic school enrollment, 31140  
by year and by grade level. 31141

(G) The state board shall prepare and submit to the director 31142  
of budget and management the biennial budgetary requests of the 31143  
state board of education, for its agencies and for the public 31144

schools of the state. 31145

(H) The state board shall cooperate with federal, state, and 31146  
local agencies concerned with the health and welfare of children 31147  
and youth of the state. 31148

(I) The state board shall require such reports from school 31149  
districts and educational service centers, school officers, and 31150  
employees as are necessary and desirable. The superintendents and 31151  
treasurers of school districts and educational service centers 31152  
shall certify as to the accuracy of all reports required by law or 31153  
state board or state department of education rules to be submitted 31154  
by the district or educational service center and which contain 31155  
information necessary for calculation of state funding. Any 31156  
superintendent who knowingly falsifies such report shall be 31157  
subject to license revocation pursuant to section 3319.31 of the 31158  
Revised Code. 31159

(J) In accordance with Chapter 119. of the Revised Code, the 31160  
state board shall adopt procedures, standards, and guidelines for 31161  
the education of children with disabilities pursuant to Chapter 31162  
3323. of the Revised Code, including procedures, standards, and 31163  
guidelines governing programs and services operated by county 31164  
boards of developmental disabilities pursuant to section 3323.09 31165  
of the Revised Code. 31166

(K) For the purpose of encouraging the development of special 31167  
programs of education for academically gifted children, the state 31168  
board shall employ competent persons to analyze and publish data, 31169  
promote research, advise and counsel with boards of education, and 31170  
encourage the training of teachers in the special instruction of 31171  
gifted children. The board may provide financial assistance out of 31172  
any funds appropriated for this purpose to boards of education and 31173  
educational service center governing boards for developing and 31174  
conducting programs of education for academically gifted children. 31175

(L) The state board shall require that all public schools 31176  
emphasize and encourage, within existing units of study, the 31177  
teaching of energy and resource conservation as recommended to 31178  
each district board of education by leading business persons 31179  
involved in energy production and conservation, beginning in the 31180  
primary grades. 31181

(M) The state board shall formulate and prescribe minimum 31182  
standards requiring the use of phonics as a technique in the 31183  
teaching of reading in grades kindergarten through ~~three~~ five. In 31184  
addition, the state board shall provide in-service training 31185  
programs for teachers on the use of phonics as a technique in the 31186  
teaching of reading in grades kindergarten through ~~three~~ five. 31187

(N) The state board may adopt rules necessary for carrying 31188  
out any function imposed on it by law, and may provide rules as 31189  
are necessary for its government and the government of its 31190  
employees, and may delegate to the superintendent of public 31191  
instruction the management and administration of any function 31192  
imposed on it by law. It may provide for the appointment of board 31193  
members to serve on temporary committees established by the board 31194  
for such purposes as are necessary. Permanent or standing 31195  
committees shall not be created. 31196

(O) Upon application from the board of education of a school 31197  
district, the superintendent of public instruction may issue a 31198  
waiver exempting the district from compliance with the standards 31199  
adopted under divisions (B)(2) and (D) of this section, as they 31200  
relate to the operation of a school operated by the district. The 31201  
state board shall adopt standards for the approval or disapproval 31202  
of waivers under this division. The state superintendent shall 31203  
consider every application for a waiver, and shall determine 31204  
whether to grant or deny a waiver in accordance with the state 31205  
board's standards. For each waiver granted, the state 31206  
superintendent shall specify the period of time during which the 31207

waiver is in effect, which shall not exceed five years. A district 31208  
board may apply to renew a waiver. 31209

**Sec. 3301.071.** (A)(1) In the case of nontax-supported 31210  
schools, standards for teacher certification prescribed under 31211  
section 3301.07 of the Revised Code shall provide for 31212  
certification, without further educational requirements, of any 31213  
administrator, supervisor, or teacher who has attended and 31214  
received a bachelor's degree or a master's degree from a college 31215  
or university accredited by a national or regional association in 31216  
the United States except that, at the discretion of the state 31217  
board of education, this requirement may be met by having an 31218  
equivalent degree from a foreign college or university of 31219  
comparable standing. 31220

(2) In the case of nonchartered, nontax-supported schools, 31221  
the standards for teacher certification prescribed under section 31222  
3301.07 of the Revised Code shall provide for certification, 31223  
without further educational requirements, of any administrator, 31224  
supervisor, or teacher who has attended and received a diploma 31225  
from a "bible college" or "bible institute" described in division 31226  
(E) of section 1713.02 of the Revised Code. 31227

(3) A certificate issued under division (A)(3) of this 31228  
section shall be valid only for teaching foreign language, music, 31229  
religion, computer technology, or fine arts. 31230

Notwithstanding division (A)(1) of this section, the 31231  
standards for teacher certification prescribed under section 31232  
3301.07 of the Revised Code shall provide for certification of a 31233  
person as a teacher upon receipt by the state board of an 31234  
affidavit signed by the chief administrative officer of a 31235  
chartered nonpublic school seeking to employ the person, stating 31236  
that the person meets one of the following conditions: 31237

(a) The person has specialized knowledge, skills, or 31238

expertise that qualifies the person to provide instruction. 31239

(b) The person has provided to the chief administrative 31240  
officer evidence of at least three years of teaching experience in 31241  
a public or nonpublic school. 31242

(c) The person has provided to the chief administrative 31243  
officer evidence of completion of a teacher training program named 31244  
in the affidavit. 31245

(B) Each person applying for a certificate under this section 31246  
for purposes of serving in a nonpublic school chartered by the 31247  
state board under section 3301.16 of the Revised Code shall pay a 31248  
fee in the amount established under division (A) of section 31249  
3319.51 of the Revised Code. Any fees received under this division 31250  
shall be paid into the state treasury to the credit of the state 31251  
board of education certification fund established under division 31252  
(B) of section 3319.51 of the Revised Code. 31253

(C) A person applying for or holding any certificate pursuant 31254  
to this section for purposes of serving in a nonpublic school 31255  
chartered by the state board is subject to sections 3123.41 to 31256  
3123.50 of the Revised Code and any applicable rules adopted under 31257  
section 3123.63 of the Revised Code and sections 3319.31 and 31258  
3319.311 of the Revised Code. 31259

(D) Divisions (B) and (C) of this section and sections 31260  
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 31261  
to any administrators, supervisors, or teachers in nonchartered, 31262  
nontax-supported schools. 31263

**Sec. 3301.0711.** (A) The department of education shall: 31264

(1) Annually furnish to, grade, and score all assessments 31265  
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 31266  
the Revised Code to be administered by city, local, exempted 31267  
village, and joint vocational school districts, except that each 31268

district shall score any assessment administered pursuant to 31269  
division (B)(10) of this section. Each assessment so furnished 31270  
shall include the data verification code of the student to whom 31271  
the assessment will be administered, as assigned pursuant to 31272  
division (D)(2) of section 3301.0714 of the Revised Code. In 31273  
furnishing the practice versions of Ohio graduation tests 31274  
prescribed by division (D) of section 3301.0710 of the Revised 31275  
Code, the department shall make the tests available on its web 31276  
site for reproduction by districts. In awarding contracts for 31277  
grading assessments, the department shall give preference to 31278  
Ohio-based entities employing Ohio residents. 31279

(2) Adopt rules for the ethical use of assessments and 31280  
prescribing the manner in which the assessments prescribed by 31281  
section 3301.0710 of the Revised Code shall be administered to 31282  
students. 31283

(B) Except as provided in divisions (C) and (J) of this 31284  
section, the board of education of each city, local, and exempted 31285  
village school district shall, in accordance with rules adopted 31286  
under division (A) of this section: 31287

(1) ~~Administer~~ Until the 2022-2023 school year, administer 31288  
the English language arts assessments prescribed under division 31289  
(A)(1)(a) of section 3301.0710 of the Revised Code twice annually 31290  
to all students in the third grade who have not attained the score 31291  
designated for that assessment under division (A)(2)(c) of section 31292  
3301.0710 of the Revised Code. Beginning with the 2023-2024 school 31293  
year, the English language arts assessments shall be administered 31294  
only once to all students in the third grade. 31295

(2) Administer the mathematics assessment prescribed under 31296  
division (A)(1)(a) of section 3301.0710 of the Revised Code at 31297  
least once annually to all students in the third grade. 31298

(3) Administer the assessments prescribed under division 31299

(A)(1)(b) of section 3301.0710 of the Revised Code at least once annually to all students in the fourth grade.	31300 31301
(4) Administer the assessments prescribed under division (A)(1)(c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.	31302 31303 31304
(5) Administer the assessments prescribed under division (A)(1)(d) of section 3301.0710 of the Revised Code at least once annually to all students in the sixth grade.	31305 31306 31307
(6) Administer the assessments prescribed under division (A)(1)(e) of section 3301.0710 of the Revised Code at least once annually to all students in the seventh grade.	31308 31309 31310
(7) Administer the assessments prescribed under division (A)(1)(f) of section 3301.0710 of the Revised Code at least once annually to all students in the eighth grade.	31311 31312 31313
(8) Except as provided in division (B)(9) of this section, administer any assessment prescribed under division (B)(1) of section 3301.0710 of the Revised Code as follows:	31314 31315 31316
(a) At least once annually to all tenth grade students and at least twice annually to all students in eleventh or twelfth grade who have not yet attained the score on that assessment designated under that division;	31317 31318 31319 31320
(b) To any person who has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code but has not received a high school diploma and who requests to take such assessment, at any time such assessment is administered in the district.	31321 31322 31323 31324 31325 31326
(9) In lieu of the board of education of any city, local, or exempted village school district in which the student is also enrolled, the board of a joint vocational school district shall	31327 31328 31329

administer any assessment prescribed under division (B)(1) of 31330  
section 3301.0710 of the Revised Code at least twice annually to 31331  
any student enrolled in the joint vocational school district who 31332  
has not yet attained the score on that assessment designated under 31333  
that division. A board of a joint vocational school district may 31334  
also administer such an assessment to any student described in 31335  
division (B)(8)(b) of this section. 31336

(10) If the district has a three-year average graduation rate 31337  
of not more than seventy-five per cent, administer each assessment 31338  
prescribed by division (D) of section 3301.0710 of the Revised 31339  
Code in September to all ninth grade students who entered ninth 31340  
grade prior to July 1, 2014. 31341

Except as provided in section 3313.614 of the Revised Code 31342  
for administration of an assessment to a person who has fulfilled 31343  
the curriculum requirement for a high school diploma but has not 31344  
passed one or more of the required assessments, the assessments 31345  
prescribed under division (B)(1) of section 3301.0710 of the 31346  
Revised Code shall not be administered after the date specified in 31347  
the rules adopted by the state board of education under division 31348  
(D)(1) of section 3301.0712 of the Revised Code. 31349

(11)(a) Except as provided in divisions (B)(11)(b) and (c) of 31350  
this section, administer the assessments prescribed by division 31351  
(B)(2) of section 3301.0710 and section 3301.0712 of the Revised 31352  
Code in accordance with the timeline and plan for implementation 31353  
of those assessments prescribed by rule of the state board adopted 31354  
under division (D)(1) of section 3301.0712 of the Revised Code; 31355

(b) A student who has presented evidence to the district or 31356  
school of having satisfied the condition prescribed by division 31357  
(A)(1) of section 3313.618 of the Revised Code to qualify for a 31358  
high school diploma prior to the date of the administration of the 31359  
assessment prescribed under division (B)(1) of section 3301.0712 31360  
of the Revised Code shall not be required to take that assessment. 31361

However, no board shall prohibit a student who is not required to 31362  
take such assessment from taking the assessment. 31363

(c) A student shall not be required to retake the Algebra I 31364  
end-of-course examination or the English language arts II 31365  
end-of-course examination prescribed under division (B)(2) of 31366  
section 3301.0712 of the Revised Code in grades nine through 31367  
twelve if the student demonstrates at least a proficient level of 31368  
skill, as prescribed under division (B)(5)(a) of that section, or 31369  
achieves a competency score, as prescribed under division (B)(10) 31370  
of that section, in an administration of the examination prior to 31371  
grade nine. 31372

(C)(1)(a) In the case of a student receiving special 31373  
education services under Chapter 3323. of the Revised Code, the 31374  
individualized education program developed for the student under 31375  
that chapter shall specify the manner in which the student will 31376  
participate in the assessments administered under this section, 31377  
except that a student with significant cognitive disabilities to 31378  
whom an alternate assessment is administered in accordance with 31379  
division (C)(1) of this section and a student determined to have a 31380  
disability that includes an intellectual disability as outlined in 31381  
guidance issued by the department shall not be required to take 31382  
the assessment prescribed under division (B)(1) of section 31383  
3301.0712 of the Revised Code. The individualized education 31384  
program may excuse the student from taking any particular 31385  
assessment required to be administered under this section if it 31386  
instead specifies an alternate assessment method approved by the 31387  
department of education as conforming to requirements of federal 31388  
law for receipt of federal funds for disadvantaged pupils. To the 31389  
extent possible, the individualized education program shall not 31390  
excuse the student from taking an assessment unless no reasonable 31391  
accommodation can be made to enable the student to take the 31392  
assessment. No board shall prohibit a student who is not required 31393

to take an assessment under division (C)(1) of this section from 31394  
taking the assessment. 31395

(b) Any alternate assessment approved by the department for a 31396  
student under this division shall produce measurable results 31397  
comparable to those produced by the assessment it replaces in 31398  
order to allow for the student's results to be included in the 31399  
data compiled for a school district or building under section 31400  
3302.03 of the Revised Code. 31401

(c)(i) Any student enrolled in a chartered nonpublic school 31402  
who has been identified, based on an evaluation conducted in 31403  
accordance with section 3323.03 of the Revised Code or section 504 31404  
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 31405  
794, as amended, as a child with a disability shall be excused 31406  
from taking any particular assessment required to be administered 31407  
under this section if either of the following apply: 31408

(I) A plan developed for the student pursuant to rules 31409  
adopted by the state board excuses the student from taking that 31410  
assessment. 31411

(II) The chartered nonpublic school develops a written plan 31412  
in which the school, in consultation with the student's parents, 31413  
determines that an assessment or alternative assessment with 31414  
accommodations does not accurately assess the student's academic 31415  
performance. The plan shall include an academic profile of the 31416  
student's academic performance and shall be reviewed annually to 31417  
determine if the student's needs continue to require excusal from 31418  
taking the assessment. 31419

(ii) A student with significant cognitive disabilities to 31420  
whom an alternate assessment is administered in accordance with 31421  
division (C)(1) of this section and a student determined to have a 31422  
disability that includes an intellectual disability as outlined in 31423  
guidance issued by the department shall not be required to take 31424

the assessment prescribed under division (B)(1) of section 31425  
3301.0712 of the Revised Code. 31426

(iii) In the case of any student so excused from taking an 31427  
assessment under division (C)(1)(c) of this section, the chartered 31428  
nonpublic school shall not prohibit the student from taking the 31429  
assessment. 31430

(2) A district board may, for medical reasons or other good 31431  
cause, excuse a student from taking an assessment administered 31432  
under this section on the date scheduled, but that assessment 31433  
shall be administered to the excused student not later than nine 31434  
days following the scheduled date. The district board shall 31435  
annually report the number of students who have not taken one or 31436  
more of the assessments required by this section to the state 31437  
board not later than the thirtieth day of June. 31438

(3) ~~As used in this division, "English learner" has the same 31439  
meaning as in 20 U.S.C. 7801.~~ 31440

No school district board shall excuse any English learner 31441  
from taking any particular assessment required to be administered 31442  
under this section, except ~~as follows:~~ 31443

~~(a) Any that any English learner who has been enrolled in 31444  
United States schools for less than two years and for whom no 31445  
appropriate accommodations are available based on guidance issued 31446  
by the department shall not be required to take the assessment 31447  
prescribed under division (B)(1) of section 3301.0712 of the 31448  
Revised Code. 31449~~

~~(b) Any English learner who has been enrolled in United 31450  
States schools for less than one full school year shall not be 31451  
required to take any reading, writing, or English language arts 31452  
assessment. 31453~~

However, no board shall prohibit an English learner who is 31454  
not required to take ~~an that assessment under division (C)(3) of~~ 31455

~~this section~~ from taking the assessment. A 31456

A board may permit any English learner to take an assessment 31457  
required to be administered under this section with appropriate 31458  
accommodations, as determined by the department. ~~For~~ 31459

~~For~~ each English learner, each school district shall annually 31460  
assess that student's progress in learning English, in accordance 31461  
with procedures approved by the department. 31462

The guidance and procedures issued by the department for the 31463  
purposes of division (C)(3) of this section shall comply with the 31464  
state board's rules adopted under section 3301.0731 of the Revised 31465  
Code. 31466

(4)(a) The governing authority of a chartered nonpublic 31467  
school may excuse an English learner from taking any assessment 31468  
administered under this section. 31469

(b) No governing authority shall require an English learner 31470  
who has been enrolled in United States schools for less than two 31471  
years and for whom no appropriate accommodations are available 31472  
based on guidance issued by the department to take the assessment 31473  
prescribed under division (B)(1) of section 3301.0712 of the 31474  
Revised Code. 31475

(c) No governing authority shall prohibit an English learner 31476  
from taking an assessment from which the student was excused under 31477  
division (C)(4) of this section. 31478

(D)(1) In the school year next succeeding the school year in 31479  
which the assessments prescribed by division (A)(1) or (B)(1) of 31480  
section 3301.0710 of the Revised Code or former division (A)(1), 31481  
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 31482  
existed prior to September 11, 2001, are administered to any 31483  
student, the board of education of any school district in which 31484  
the student is enrolled in that year shall provide to the student 31485  
intervention services commensurate with the student's performance, 31486

including any intensive intervention required under section 31487  
3313.608 of the Revised Code, in any skill in which the student 31488  
failed to demonstrate at least a score at the proficient level on 31489  
the assessment. 31490

(2) Following any administration of the assessments 31491  
prescribed by division (D) of section 3301.0710 of the Revised 31492  
Code to ninth grade students, each school district that has a 31493  
three-year average graduation rate of not more than seventy-five 31494  
per cent shall determine for each high school in the district 31495  
whether the school shall be required to provide intervention 31496  
services to any students who took the assessments. In determining 31497  
which high schools shall provide intervention services based on 31498  
the resources available, the district shall consider each school's 31499  
graduation rate and scores on the practice assessments. The 31500  
district also shall consider the scores received by ninth grade 31501  
students on the English language arts and mathematics assessments 31502  
prescribed under division (A)(1)(f) of section 3301.0710 of the 31503  
Revised Code in the eighth grade in determining which high schools 31504  
shall provide intervention services. 31505

Each high school selected to provide intervention services 31506  
under this division shall provide intervention services to any 31507  
student whose results indicate that the student is failing to make 31508  
satisfactory progress toward being able to attain scores at the 31509  
proficient level on the Ohio graduation tests. Intervention 31510  
services shall be provided in any skill in which a student 31511  
demonstrates unsatisfactory progress and shall be commensurate 31512  
with the student's performance. Schools shall provide the 31513  
intervention services prior to the end of the school year, during 31514  
the summer following the ninth grade, in the next succeeding 31515  
school year, or at any combination of those times. 31516

(E) Except as provided in section 3313.608 of the Revised 31517  
Code and division (N) of this section, no school district board of 31518

education shall utilize any student's failure to attain a 31519  
specified score on an assessment administered under this section 31520  
as a factor in any decision to deny the student promotion to a 31521  
higher grade level. However, a district board may choose not to 31522  
promote to the next grade level any student who does not take an 31523  
assessment administered under this section or make up an 31524  
assessment as provided by division (C)(2) of this section and who 31525  
is not exempt from the requirement to take the assessment under 31526  
division (C)(3) of this section. 31527

(F) No person shall be charged a fee for taking any 31528  
assessment administered under this section. 31529

(G)(1) Each school district board shall designate one 31530  
location for the collection of assessments administered in the 31531  
spring under division (B)(1) of this section and those 31532  
administered under divisions (B)(2) to (7) of this section. Each 31533  
district board shall submit the assessments to the entity with 31534  
which the department contracts for the scoring of the assessments 31535  
as follows: 31536

(a) If the district's total enrollment in grades kindergarten 31537  
through twelve during the first full school week of October was 31538  
less than two thousand five hundred, not later than the Friday 31539  
after all of the assessments have been administered; 31540

(b) If the district's total enrollment in grades kindergarten 31541  
through twelve during the first full school week of October was 31542  
two thousand five hundred or more, but less than seven thousand, 31543  
not later than the Monday after all of the assessments have been 31544  
administered; 31545

(c) If the district's total enrollment in grades kindergarten 31546  
through twelve during the first full school week of October was 31547  
seven thousand or more, not later than the Tuesday after all of 31548  
the assessments have been administered. 31549

However, any assessment that a student takes during the 31550  
make-up period described in division (C)(2) of this section shall 31551  
be submitted not later than the Friday following the day the 31552  
student takes the assessment. 31553

(2) The department or an entity with which the department 31554  
contracts for the scoring of the assessment shall send to each 31555  
school district board a list of the individual scores of all 31556  
persons taking a state achievement assessment as follows: 31557

(a) Except as provided in division (G)(2)(b) or (c) of this 31558  
section, within forty-five days after the administration of the 31559  
assessments prescribed by sections 3301.0710 and 3301.0712 of the 31560  
Revised Code, but in no case shall the scores be returned later 31561  
than the thirtieth day of June following the administration; 31562

(b) In the case of the third-grade English language arts 31563  
assessment, within forty-five days after the administration of 31564  
that assessment, but in no case shall the scores be returned later 31565  
than the fifteenth day of June following the administration; 31566

(c) In the case of the writing component of an assessment or 31567  
end-of-course examination in the area of English language arts, 31568  
except for the third-grade English language arts assessment, the 31569  
results may be sent after forty-five days of the administration of 31570  
the writing component, but in no case shall the scores be returned 31571  
later than the thirtieth day of June following the administration. 31572

(3) For assessments administered under this section by a 31573  
joint vocational school district, the department or entity shall 31574  
also send to each city, local, or exempted village school district 31575  
a list of the individual scores of any students of such city, 31576  
local, or exempted village school district who are attending 31577  
school in the joint vocational school district. 31578

(4) Beginning with the 2019-2020 school year, a school 31579  
district, other public school, or chartered nonpublic school may 31580

administer the third-grade English language arts or mathematics 31581  
assessment, or both, in a paper format in any school year for 31582  
which the district board of education or school governing body 31583  
adopts a resolution indicating that the district or school chooses 31584  
to administer the assessment in a paper format. The board or 31585  
governing body shall submit a copy of the resolution to the 31586  
department of education not later than the first day of May prior 31587  
to the school year for which it will apply. If the resolution is 31588  
submitted, the district or school shall administer the assessment 31589  
in a paper format to all students in the third grade, except that 31590  
any student whose individualized education program or plan 31591  
developed under section 504 of the "Rehabilitation Act of 1973," 31592  
87 Stat. 355, 29 U.S.C. 794, as amended, specifies that taking the 31593  
assessment in an online format is an appropriate accommodation for 31594  
the student may take the assessment in an online format. 31595

(H) Individual scores on any assessments administered under 31596  
this section shall be released by a district board only in 31597  
accordance with section 3319.321 of the Revised Code and the rules 31598  
adopted under division (A) of this section. No district board or 31599  
its employees shall utilize individual or aggregate results in any 31600  
manner that conflicts with rules for the ethical use of 31601  
assessments adopted pursuant to division (A) of this section. 31602

(I) Except as provided in division (G) of this section, the 31603  
department or an entity with which the department contracts for 31604  
the scoring of the assessment shall not release any individual 31605  
scores on any assessment administered under this section. The 31606  
state board shall adopt rules to ensure the protection of student 31607  
confidentiality at all times. The rules may require the use of the 31608  
data verification codes assigned to students pursuant to division 31609  
(D)(2) of section 3301.0714 of the Revised Code to protect the 31610  
confidentiality of student scores. 31611

(J) Notwithstanding division (D) of section 3311.52 of the 31612

Revised Code, this section does not apply to the board of 31613  
education of any cooperative education school district except as 31614  
provided under rules adopted pursuant to this division. 31615

(1) In accordance with rules that the state board shall 31616  
adopt, the board of education of any city, exempted village, or 31617  
local school district with territory in a cooperative education 31618  
school district established pursuant to divisions (A) to (C) of 31619  
section 3311.52 of the Revised Code may enter into an agreement 31620  
with the board of education of the cooperative education school 31621  
district for administering any assessment prescribed under this 31622  
section to students of the city, exempted village, or local school 31623  
district who are attending school in the cooperative education 31624  
school district. 31625

(2) In accordance with rules that the state board shall 31626  
adopt, the board of education of any city, exempted village, or 31627  
local school district with territory in a cooperative education 31628  
school district established pursuant to section 3311.521 of the 31629  
Revised Code shall enter into an agreement with the cooperative 31630  
district that provides for the administration of any assessment 31631  
prescribed under this section to both of the following: 31632

(a) Students who are attending school in the cooperative 31633  
district and who, if the cooperative district were not 31634  
established, would be entitled to attend school in the city, 31635  
local, or exempted village school district pursuant to section 31636  
3313.64 or 3313.65 of the Revised Code; 31637

(b) Persons described in division (B)(8)(b) of this section. 31638

Any assessment of students pursuant to such an agreement 31639  
shall be in lieu of any assessment of such students or persons 31640  
pursuant to this section. 31641

(K)(1)(a) Except as otherwise provided in division (K)(1) or 31642  
(2) of this section, each chartered nonpublic school for which at 31643

least sixty-five per cent of its total enrollment is made up of 31644  
students who are participating in state scholarship programs shall 31645  
administer the assessments prescribed by division (A) of section 31646  
3301.0710 of the Revised Code or an alternative standardized 31647  
assessment determined by the department. In accordance with 31648  
procedures and deadlines prescribed by the department, the parent 31649  
or guardian of a student enrolled in the school who is not 31650  
participating in a state scholarship program may submit notice to 31651  
the chief administrative officer of the school that the parent or 31652  
guardian does not wish to have the student take the assessments 31653  
prescribed for the student's grade level under division (A) of 31654  
section 3301.0710 of the Revised Code. If a parent or guardian 31655  
submits an opt-out notice, the school shall not administer the 31656  
assessments to that student. This option does not apply to any 31657  
assessment required for a high school diploma under section 31658  
3313.612 of the Revised Code. 31659

(b) Any chartered nonpublic school that enrolls students who 31660  
are participating in state scholarship programs may administer an 31661  
alternative standardized assessment determined by the department 31662  
instead of the assessments prescribed by division (A) of section 31663  
3301.0710 of the Revised Code. 31664

Each chartered nonpublic school subject to division (K)(1)(a) 31665  
or (b) of this section shall report the results of each assessment 31666  
administered under those divisions to the department. 31667

(2) A chartered nonpublic school may submit to the 31668  
superintendent of public instruction a request for a waiver from 31669  
administering the elementary assessments prescribed by division 31670  
(A) of section 3301.0710 of the Revised Code. The state 31671  
superintendent shall approve or disapprove a request for a waiver 31672  
submitted under division (K)(2) of this section. No waiver shall 31673  
be approved for any school year prior to the 2015-2016 school 31674  
year. 31675

To be eligible to submit a request for a waiver, a chartered nonpublic school shall meet the following conditions: 31676  
31677

(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychiatrist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome. 31678  
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(b) The school has solely served a student population described in division (K)(1)(a) of this section for at least ten years. 31687  
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(c) The school provides to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including diagnostic assessments and nationally standardized norm-referenced achievement assessments that measure reading and math skills. 31690  
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(3) Any chartered nonpublic school that is not subject to division (K)(1) of this section may participate in the assessment program by administering any of the assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The chief administrator of the school shall specify which assessments the school will administer. Such specification shall be made in writing to the superintendent of public instruction prior to the first day of August of any school year in which assessments are administered and shall include a pledge that the nonpublic school will administer the specified assessments in the same manner as public schools are required to do under this section and rules adopted by the department. 31696  
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(4) The department of education shall furnish the assessments prescribed by section 3301.0710 of the Revised Code to each chartered nonpublic school that is subject to division (K)(1) of this section or participates under division (K)(3) of this section.

(L) If a chartered nonpublic school is educating students in grades nine through twelve, the following shall apply:

(1) Except as provided in division (L)(4) of this section, for a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states and who is attending the school under a state scholarship program, the student shall either take all of the assessments prescribed by division (B) of section 3301.0712 of the Revised Code or take an alternative assessment approved by the department under section 3313.619 of the Revised Code. However, a student who is excused from taking an assessment under division (C) of this section or has presented evidence to the chartered nonpublic school of having satisfied the condition prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. No governing authority of a chartered nonpublic school shall prohibit a student who is not required to take such assessment from taking the assessment.

(2) For a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states, and who is not attending the school under a state scholarship program, the student shall not be required to take any assessment prescribed under section 3301.0712 or 3313.619 of the Revised Code.

(3)(a) Except as provided in divisions (L)(3)(b) and (4) of

this section, for a student who is enrolled in a chartered 31740  
nonpublic school that is not accredited through the independent 31741  
schools association of the central states, regardless of whether 31742  
the student is attending or is not attending the school under a 31743  
state scholarship program, the student shall do one of the 31744  
following: 31745

(i) Take all of the assessments prescribed by division (B) of 31746  
section 3301.0712 of the Revised Code; 31747

(ii) Take only the assessment prescribed by division (B)(1) 31748  
of section 3301.0712 of the Revised Code, provided that the 31749  
student's school publishes the results of that assessment for each 31750  
graduating class. The published results of that assessment shall 31751  
include the overall composite scores, mean scores, twenty-fifth 31752  
percentile scores, and seventy-fifth percentile scores for each 31753  
subject area of the assessment. 31754

(iii) Take an alternative assessment approved by the 31755  
department under section 3313.619 of the Revised Code. 31756

(b) A student who is excused from taking an assessment under 31757  
division (C) of this section or has presented evidence to the 31758  
chartered nonpublic school of having satisfied the condition 31759  
prescribed by division (A)(1) of section 3313.618 of the Revised 31760  
Code to qualify for a high school diploma prior to the date of the 31761  
administration of the assessment prescribed under division (B)(1) 31762  
of section 3301.0712 of the Revised Code shall not be required to 31763  
take that assessment. No governing authority of a chartered 31764  
nonpublic school shall prohibit a student who is not required to 31765  
take such assessment from taking the assessment. 31766

(4) The assessments prescribed by sections 3301.0712 and 31767  
3313.619 of the Revised Code shall not be administered to any 31768  
student attending the school, if the school meets all of the 31769  
following conditions: 31770

(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychologist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome.

(b) The school has solely served a student population described in division (L)(4)(a) of this section for at least ten years.

(c) The school makes available to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including growth in student achievement in reading or mathematics, or both, as measured by nationally norm-referenced assessments that have developed appropriate standards for students.

Division (L)(4) of this section applies to any student attending such school regardless of whether the student receives special education or related services and regardless of whether the student is attending the school under a state scholarship program.

(M)(1) The superintendent of ~~the state school for the blind and the superintendent of the state school for the deaf~~ Ohio deaf and blind education services shall administer the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code for the state school for the blind and the state school for the deaf. ~~Each~~ The superintendent of Ohio deaf and blind education services shall administer the assessments in the same manner as district boards are required to do under this section and rules

adopted by the department of education and in conformity with 31803  
division (C)(1)(a) of this section. 31804

(2) The department of education shall furnish the assessments 31805  
described by sections 3301.0710 and 3301.0712 of the Revised Code 31806  
to ~~each~~ the superintendent of Ohio deaf and blind education 31807  
services. 31808

(N) Notwithstanding division (E) of this section, a school 31809  
district may use a student's failure to attain a score in at least 31810  
the proficient range on the mathematics assessment described by 31811  
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 31812  
an assessment described by division (A)(1)(b), (c), (d), (e), or 31813  
(f) of section 3301.0710 of the Revised Code as a factor in 31814  
retaining that student in the current grade level. 31815

(O)(1) In the manner specified in divisions (O)(3), (4), (6), 31816  
and (7) of this section, the assessments required by division 31817  
(A)(1) of section 3301.0710 of the Revised Code shall become 31818  
public records pursuant to section 149.43 of the Revised Code on 31819  
the thirty-first day of July following the school year that the 31820  
assessments were administered. 31821

(2) The department may field test proposed questions with 31822  
samples of students to determine the validity, reliability, or 31823  
appropriateness of questions for possible inclusion in a future 31824  
year's assessment. The department also may use anchor questions on 31825  
assessments to ensure that different versions of the same 31826  
assessment are of comparable difficulty. 31827

Field test questions and anchor questions shall not be 31828  
considered in computing scores for individual students. Field test 31829  
questions and anchor questions may be included as part of the 31830  
administration of any assessment required by division (A)(1) or 31831  
(B) of section 3301.0710 and division (B) of section 3301.0712 of 31832  
the Revised Code. 31833

(3) Any field test question or anchor question administered under division (O)(2) of this section shall not be a public record. Such field test questions and anchor questions shall be redacted from any assessments which are released as a public record pursuant to division (O)(1) of this section.

(4) This division applies to the assessments prescribed by division (A) of section 3301.0710 of the Revised Code.

(a) The first administration of each assessment, as specified in former section 3301.0712 of the Revised Code, shall be a public record.

(b) For subsequent administrations of each assessment prior to the 2011-2012 school year, not less than forty per cent of the questions on the assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The preceding sentence does not apply to field test questions that are redacted under division (O)(3) of this section.

(c) The administrations of each assessment in the 2011-2012, 2012-2013, and 2013-2014 school years shall not be a public record.

(5) Each assessment prescribed by division (B)(1) of section 3301.0710 of the Revised Code shall not be a public record.

(6)(a) Except as provided in division (O)(6)(b) of this section, for the administrations in the 2014-2015, 2015-2016, and

2016-2017 school years, questions on the assessments prescribed 31865  
under division (A) of section 3301.0710 and division (B)(2) of 31866  
section 3301.0712 of the Revised Code and the corresponding 31867  
preferred answers that are used to compute a student's score shall 31868  
become a public record as follows: 31869

(i) Forty per cent of the questions and preferred answers on 31870  
the assessments on the thirty-first day of July following the 31871  
administration of the assessment; 31872

(ii) Twenty per cent of the questions and preferred answers 31873  
on the assessment on the thirty-first day of July one year after 31874  
the administration of the assessment; 31875

(iii) The remaining forty per cent of the questions and 31876  
preferred answers on the assessment on the thirty-first day of 31877  
July two years after the administration of the assessment. 31878

The entire content of an assessment shall become a public 31879  
record within three years of its administration. 31880

The department shall make the questions that become a public 31881  
record under this division readily accessible to the public on the 31882  
department's web site. Questions on the spring administration of 31883  
each assessment shall be released on an annual basis, in 31884  
accordance with this division. 31885

(b) No questions and corresponding preferred answers shall 31886  
become a public record under division (O)(6) of this section after 31887  
July 31, 2017. 31888

(7) Division (O)(7) of this section applies to the 31889  
assessments prescribed by division (A) of section 3301.0710 and 31890  
division (B)(2) of section 3301.0712 of the Revised Code. 31891

Beginning with the assessments administered in the spring of 31892  
the 2017-2018 school year, not less than forty per cent of the 31893  
questions on each assessment that are used to compute a student's 31894

score shall be a public record. The department shall determine 31895  
which questions will be needed for reuse on a future assessment 31896  
and those questions shall not be public records and shall be 31897  
redacted from the assessment prior to its release as a public 31898  
record. However, for each redacted question, the department shall 31899  
inform each city, local, and exempted village school district of 31900  
the corresponding statewide academic standard adopted by the state 31901  
board under section 3301.079 of the Revised Code and the 31902  
corresponding benchmark to which the question relates. The 31903  
department is not required to provide corresponding standards and 31904  
benchmarks to field test questions that are redacted under 31905  
division (O)(3) of this section. 31906

(P) As used in this section: 31907

(1) "Three-year average" means the average of the most recent 31908  
consecutive three school years of data. 31909

(2) "Dropout" means a student who withdraws from school 31910  
before completing course requirements for graduation and who is 31911  
not enrolled in an education program approved by the state board 31912  
of education or an education program outside the state. "Dropout" 31913  
does not include a student who has departed the country. 31914

(3) "Graduation rate" means the ratio of students receiving a 31915  
diploma to the number of students who entered ninth grade four 31916  
years earlier. Students who transfer into the district are added 31917  
to the calculation. Students who transfer out of the district for 31918  
reasons other than dropout are subtracted from the calculation. If 31919  
a student who was a dropout in any previous year returns to the 31920  
same school district, that student shall be entered into the 31921  
calculation as if the student had entered ninth grade four years 31922  
before the graduation year of the graduating class that the 31923  
student joins. 31924

(4) "State scholarship programs" means the educational choice 31925

scholarship pilot program established under sections 3310.01 to 31926  
3310.17 of the Revised Code, the autism scholarship program 31927  
established under section 3310.41 of the Revised Code, the Jon 31928  
Peterson special needs scholarship program established under 31929  
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 31930  
project scholarship program established under sections 3313.974 to 31931  
3313.979 of the Revised Code. 31932

(5) "Other public school" means a community school 31933  
established under Chapter 3314., a STEM school established under 31934  
Chapter 3326., or a college-preparatory boarding school 31935  
established under Chapter 3328. of the Revised Code. 31936

(6) "English learner" has the same meaning as in section 31937  
3301.0731 of the Revised Code. 31938

**Sec. 3301.0714.** (A) The state board of education shall adopt 31939  
rules for a statewide education management information system. The 31940  
rules shall require the state board to establish guidelines for 31941  
the establishment and maintenance of the system in accordance with 31942  
this section and the rules adopted under this section. The 31943  
guidelines shall include: 31944

(1) Standards identifying and defining the types of data in 31945  
the system in accordance with divisions (B) and (C) of this 31946  
section; 31947

(2) Procedures for annually collecting and reporting the data 31948  
to the state board in accordance with division (D) of this 31949  
section; 31950

(3) Procedures for annually compiling the data in accordance 31951  
with division (G) of this section; 31952

(4) Procedures for annually reporting the data to the public 31953  
in accordance with division (H) of this section; 31954

(5) Standards to provide strict safeguards to protect the 31955

confidentiality of personally identifiable student data. 31956

(B) The guidelines adopted under this section shall require 31957  
the data maintained in the education management information system 31958  
to include at least the following: 31959

(1) Student participation and performance data, for each 31960  
grade in each school district as a whole and for each grade in 31961  
each school building in each school district, that includes: 31962

(a) The numbers of students receiving each category of 31963  
instructional service offered by the school district, such as 31964  
regular education instruction, vocational education instruction, 31965  
specialized instruction programs or enrichment instruction that is 31966  
part of the educational curriculum, instruction for gifted 31967  
students, instruction for students with disabilities, and remedial 31968  
instruction. The guidelines shall require instructional services 31969  
under this division to be divided into discrete categories if an 31970  
instructional service is limited to a specific subject, a specific 31971  
type of student, or both, such as regular instructional services 31972  
in mathematics, remedial reading instructional services, 31973  
instructional services specifically for students gifted in 31974  
mathematics or some other subject area, or instructional services 31975  
for students with a specific type of disability. The categories of 31976  
instructional services required by the guidelines under this 31977  
division shall be the same as the categories of instructional 31978  
services used in determining cost units pursuant to division 31979  
(C)(3) of this section. 31980

(b) The numbers of students receiving support or 31981  
extracurricular services for each of the support services or 31982  
extracurricular programs offered by the school district, such as 31983  
counseling services, health services, and extracurricular sports 31984  
and fine arts programs. The categories of services required by the 31985  
guidelines under this division shall be the same as the categories 31986  
of services used in determining cost units pursuant to division 31987

(C)(4)(a) of this section.	31988
(c) Average student grades in each subject in grades nine through twelve;	31989 31990
(d) Academic achievement levels as assessed under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	31991 31992
(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	31993 31994 31995
(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	31996 31997 31998
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	31999 32000 32001 32002
(h) Expulsion rates;	32003
(i) Suspension rates;	32004
(j) Dropout rates;	32005
(k) Rates of retention in grade;	32006
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	32007 32008 32009
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	32010 32011 32012 32013 32014
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the	32015 32016

Revised Code to permit a comparison of the academic readiness of 32017  
kindergarten students. However, no district shall be required to 32018  
report to the department the results of any diagnostic assessment 32019  
administered to a kindergarten student, except for the language 32020  
and reading assessment described in division (A)(2) of section 32021  
3301.0715 of the Revised Code, if the parent of that student 32022  
requests the district not to report those results. 32023

(o) Beginning on July 1, 2018, for each disciplinary action 32024  
which is required to be reported under division ~~(B)(4)~~(B)(5) of 32025  
this section, districts and schools also shall include an 32026  
identification of the person or persons, if any, at whom the 32027  
student's violent behavior that resulted in discipline was 32028  
directed. The person or persons shall be identified by the 32029  
respective classification at the district or school, such as 32030  
student, teacher, or nonteaching employee, but shall not be 32031  
identified by name. 32032

Division (B)(1)(o) of this section does not apply after the 32033  
date that is two years following the submission of the report 32034  
required by Section 733.13 of H.B. 49 of the 132nd general 32035  
assembly. 32036

(p) The number of students earning each state diploma seal 32037  
included in the system prescribed under division (A) of section 32038  
3313.6114 of the Revised Code; 32039

(q) The number of students demonstrating competency for 32040  
graduation using each option described in divisions (B)(1)(a) to 32041  
(d) of section 3313.618 of the Revised Code; 32042

(r) The number of students completing each foundational and 32043  
supporting option as part of the demonstration of competency for 32044  
graduation pursuant to division (B)(1)(b) of section 3313.618 of 32045  
the Revised Code; 32046

(s) The number of students enrolled in all-day kindergarten, 32047

as defined in section 3321.05 of the Revised Code. 32048

(2) Personnel and classroom enrollment data for each school 32049  
district, including: 32050

(a) The total numbers of licensed employees and nonlicensed 32051  
employees and the numbers of full-time equivalent licensed 32052  
employees and nonlicensed employees providing each category of 32053  
instructional service, instructional support service, and 32054  
administrative support service used pursuant to division (C)(3) of 32055  
this section. The guidelines adopted under this section shall 32056  
require these categories of data to be maintained for the school 32057  
district as a whole and, wherever applicable, for each grade in 32058  
the school district as a whole, for each school building as a 32059  
whole, and for each grade in each school building. 32060

(b) The total number of employees and the number of full-time 32061  
equivalent employees providing each category of service used 32062  
pursuant to divisions (C)(4)(a) and (b) of this section, and the 32063  
total numbers of licensed employees and nonlicensed employees and 32064  
the numbers of full-time equivalent licensed employees and 32065  
nonlicensed employees providing each category used pursuant to 32066  
division (C)(4)(c) of this section. The guidelines adopted under 32067  
this section shall require these categories of data to be 32068  
maintained for the school district as a whole and, wherever 32069  
applicable, for each grade in the school district as a whole, for 32070  
each school building as a whole, and for each grade in each school 32071  
building. 32072

(c) The total number of regular classroom teachers teaching 32073  
classes of regular education and the average number of pupils 32074  
enrolled in each such class, in each of grades kindergarten 32075  
through five in the district as a whole and in each school 32076  
building in the school district. 32077

(d) The number of lead teachers employed by each school 32078

district and each school building. 32079

(3)(a) Student demographic data for each school district, 32080  
including information regarding the gender ratio of the school 32081  
district's pupils, the racial make-up of the school district's 32082  
pupils, the number of English learners in the district, and an 32083  
appropriate measure of the number of the school district's pupils 32084  
who reside in economically disadvantaged households. The 32085  
demographic data shall be collected in a manner to allow 32086  
correlation with data collected under division (B)(1) of this 32087  
section. Categories for data collected pursuant to division (B)(3) 32088  
of this section shall conform, where appropriate, to standard 32089  
practices of agencies of the federal government. 32090

(b) With respect to each student entering kindergarten, 32091  
whether the student previously participated in a public preschool 32092  
program, a private preschool program, or a head start program, and 32093  
the number of years the student participated in each of these 32094  
programs. 32095

~~(4)(a) The core curriculum and instructional materials~~ 32096  
being used for English language arts in each of grades 32097  
pre-kindergarten to five; 32098

(b) The reading intervention programs being used in each of 32099  
grades pre-kindergarten to twelve. 32100

(5) Any data required to be collected pursuant to federal 32101  
law. 32102

(C) The education management information system shall include 32103  
cost accounting data for each district as a whole and for each 32104  
school building in each school district. The guidelines adopted 32105  
under this section shall require the cost data for each school 32106  
district to be maintained in a system of mutually exclusive cost 32107  
units and shall require all of the costs of each school district 32108  
to be divided among the cost units. The guidelines shall require 32109

the system of mutually exclusive cost units to include at least 32110  
the following: 32111

(1) Administrative costs for the school district as a whole. 32112  
The guidelines shall require the cost units under this division 32113  
(C)(1) to be designed so that each of them may be compiled and 32114  
reported in terms of average expenditure per pupil in enrolled ADM 32115  
in the school district, as determined pursuant to section 3317.03 32116  
of the Revised Code. 32117

(2) Administrative costs for each school building in the 32118  
school district. The guidelines shall require the cost units under 32119  
this division (C)(2) to be designed so that each of them may be 32120  
compiled and reported in terms of average expenditure per 32121  
full-time equivalent pupil receiving instructional or support 32122  
services in each building. 32123

(3) Instructional services costs for each category of 32124  
instructional service provided directly to students and required 32125  
by guidelines adopted pursuant to division (B)(1)(a) of this 32126  
section. The guidelines shall require the cost units under 32127  
division (C)(3) of this section to be designed so that each of 32128  
them may be compiled and reported in terms of average expenditure 32129  
per pupil receiving the service in the school district as a whole 32130  
and average expenditure per pupil receiving the service in each 32131  
building in the school district and in terms of a total cost for 32132  
each category of service and, as a breakdown of the total cost, a 32133  
cost for each of the following components: 32134

(a) The cost of each instructional services category required 32135  
by guidelines adopted under division (B)(1)(a) of this section 32136  
that is provided directly to students by a classroom teacher; 32137

(b) The cost of the instructional support services, such as 32138  
services provided by a speech-language pathologist, classroom 32139  
aide, multimedia aide, or librarian, provided directly to students 32140

in conjunction with each instructional services category; 32141

(c) The cost of the administrative support services related 32142  
to each instructional services category, such as the cost of 32143  
personnel that develop the curriculum for the instructional 32144  
services category and the cost of personnel supervising or 32145  
coordinating the delivery of the instructional services category. 32146

(4) Support or extracurricular services costs for each 32147  
category of service directly provided to students and required by 32148  
guidelines adopted pursuant to division (B)(1)(b) of this section. 32149  
The guidelines shall require the cost units under division (C)(4) 32150  
of this section to be designed so that each of them may be 32151  
compiled and reported in terms of average expenditure per pupil 32152  
receiving the service in the school district as a whole and 32153  
average expenditure per pupil receiving the service in each 32154  
building in the school district and in terms of a total cost for 32155  
each category of service and, as a breakdown of the total cost, a 32156  
cost for each of the following components: 32157

(a) The cost of each support or extracurricular services 32158  
category required by guidelines adopted under division (B)(1)(b) 32159  
of this section that is provided directly to students by a 32160  
licensed employee, such as services provided by a guidance 32161  
counselor or any services provided by a licensed employee under a 32162  
supplemental contract; 32163

(b) The cost of each such services category provided directly 32164  
to students by a nonlicensed employee, such as janitorial 32165  
services, cafeteria services, or services of a sports trainer; 32166

(c) The cost of the administrative services related to each 32167  
services category in division (C)(4)(a) or (b) of this section, 32168  
such as the cost of any licensed or nonlicensed employees that 32169  
develop, supervise, coordinate, or otherwise are involved in 32170  
administering or aiding the delivery of each services category. 32171

(D)(1) The guidelines adopted under this section shall 32172  
require school districts to collect information about individual 32173  
students, staff members, or both in connection with any data 32174  
required by division (B) or (C) of this section or other reporting 32175  
requirements established in the Revised Code. The guidelines may 32176  
also require school districts to report information about 32177  
individual staff members in connection with any data required by 32178  
division (B) or (C) of this section or other reporting 32179  
requirements established in the Revised Code. The guidelines shall 32180  
not authorize school districts to request social security numbers 32181  
of individual students. The guidelines shall prohibit the 32182  
reporting under this section of a student's name, address, and 32183  
social security number to the state board of education or the 32184  
department of education. The guidelines shall also prohibit the 32185  
reporting under this section of any personally identifiable 32186  
information about any student, except for the purpose of assigning 32187  
the data verification code required by division (D)(2) of this 32188  
section, to any other person unless such person is employed by the 32189  
school district or the information technology center operated 32190  
under section 3301.075 of the Revised Code and is authorized by 32191  
the district or technology center to have access to such 32192  
information or is employed by an entity with which the department 32193  
contracts for the scoring or the development of state assessments. 32194  
The guidelines may require school districts to provide the social 32195  
security numbers of individual staff members and the county of 32196  
residence for a student. Nothing in this section prohibits the 32197  
state board of education or department of education from providing 32198  
a student's county of residence to the department of taxation to 32199  
facilitate the distribution of tax revenue. 32200

(2)(a) The guidelines shall provide for each school district 32201  
or community school to assign a data verification code that is 32202  
unique on a statewide basis over time to each student whose 32203  
initial Ohio enrollment is in that district or school and to 32204

report all required individual student data for that student 32205  
utilizing such code. The guidelines shall also provide for 32206  
assigning data verification codes to all students enrolled in 32207  
districts or community schools on the effective date of the 32208  
guidelines established under this section. The assignment of data 32209  
verification codes for other entities, as described in division 32210  
(D)(2)(d) of this section, the use of those codes, and the 32211  
reporting and use of associated individual student data shall be 32212  
coordinated by the department in accordance with state and federal 32213  
law. 32214

School districts shall report individual student data to the 32215  
department through the information technology centers utilizing 32216  
the code. The entities described in division (D)(2)(d) of this 32217  
section shall report individual student data to the department in 32218  
the manner prescribed by the department. 32219

(b)(i) Except as provided in sections 3301.941, 3310.11, 32220  
3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised 32221  
Code, and in division (D)(2)(b)(ii) of this section, at no time 32222  
shall the state board or the department have access to information 32223  
that would enable any data verification code to be matched to 32224  
personally identifiable student data. 32225

(ii) For the purpose of making per-pupil payments to 32226  
community schools under section 3317.022 of the Revised Code, the 32227  
department shall have access to information that would enable any 32228  
data verification code to be matched to personally identifiable 32229  
student data. 32230

(c) Each school district and community school shall ensure 32231  
that the data verification code is included in the student's 32232  
records reported to any subsequent school district, community 32233  
school, or state institution of higher education, as defined in 32234  
section 3345.011 of the Revised Code, in which the student 32235  
enrolls. Any such subsequent district or school shall utilize the 32236

same identifier in its reporting of data under this section. 32237

(d) The director of any state agency that administers a 32238  
publicly funded program providing services to children who are 32239  
younger than compulsory school age, as defined in section 3321.01 32240  
of the Revised Code, including the directors of health, job and 32241  
family services, mental health and addiction services, and 32242  
developmental disabilities, shall request and receive, pursuant to 32243  
sections 3301.0723 and 5123.0423 of the Revised Code, a data 32244  
verification code for a child who is receiving those services. 32245

(E) The guidelines adopted under this section may require 32246  
school districts to collect and report data, information, or 32247  
reports other than that described in divisions (A), (B), and (C) 32248  
of this section for the purpose of complying with other reporting 32249  
requirements established in the Revised Code. The other data, 32250  
information, or reports may be maintained in the education 32251  
management information system but are not required to be compiled 32252  
as part of the profile formats required under division (G) of this 32253  
section or the annual statewide report required under division (H) 32254  
of this section. 32255

(F) Beginning with the school year that begins July 1, 1991, 32256  
the board of education of each school district shall annually 32257  
collect and report to the state board, in accordance with the 32258  
guidelines established by the board, the data required pursuant to 32259  
this section. A school district may collect and report these data 32260  
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 32261

(G) The state board shall, in accordance with the procedures 32262  
it adopts, annually compile the data reported by each school 32263  
district pursuant to division (D) of this section. The state board 32264  
shall design formats for profiling each school district as a whole 32265  
and each school building within each district and shall compile 32266  
the data in accordance with these formats. These profile formats 32267  
shall: 32268

(1) Include all of the data gathered under this section in a manner that facilitates comparison among school districts and among school buildings within each school district;

(2) Present the data on academic achievement levels as assessed by the testing of student achievement maintained pursuant to division (B)(1)(d) of this section.

(H)(1) The state board shall, in accordance with the procedures it adopts, annually prepare a statewide report for all school districts and the general public that includes the profile of each of the school districts developed pursuant to division (G) of this section. Copies of the report shall be sent to each school district.

(2) The state board shall, in accordance with the procedures it adopts, annually prepare an individual report for each school district and the general public that includes the profiles of each of the school buildings in that school district developed pursuant to division (G) of this section. Copies of the report shall be sent to the superintendent of the district and to each member of the district board of education.

(3) Copies of the reports received from the state board under divisions (H)(1) and (2) of this section shall be made available to the general public at each school district's offices. Each district board of education shall make copies of each report available to any person upon request and payment of a reasonable fee for the cost of reproducing the report. The board shall annually publish in a newspaper of general circulation in the school district, at least twice during the two weeks prior to the week in which the reports will first be available, a notice containing the address where the reports are available and the date on which the reports will be available.

(I) Any data that is collected or maintained pursuant to this

section and that identifies an individual pupil is not a public 32300  
record for the purposes of section 149.43 of the Revised Code. 32301

(J) As used in this section: 32302

(1) "School district" means any city, local, exempted 32303  
village, or joint vocational school district and, in accordance 32304  
with section 3314.17 of the Revised Code, any community school. As 32305  
used in division (L) of this section, "school district" also 32306  
includes any educational service center or other educational 32307  
entity required to submit data using the system established under 32308  
this section. 32309

(2) "Cost" means any expenditure for operating expenses made 32310  
by a school district excluding any expenditures for debt 32311  
retirement except for payments made to any commercial lending 32312  
institution for any loan approved pursuant to section 3313.483 of 32313  
the Revised Code. 32314

(K) Any person who removes data from the information system 32315  
established under this section for the purpose of releasing it to 32316  
any person not entitled under law to have access to such 32317  
information is subject to section 2913.42 of the Revised Code 32318  
prohibiting tampering with data. 32319

(L)(1) In accordance with division (L)(2) of this section and 32320  
the rules adopted under division (L)(10) of this section, the 32321  
department of education may sanction any school district that 32322  
reports incomplete or inaccurate data, reports data that does not 32323  
conform to data requirements and descriptions published by the 32324  
department, fails to report data in a timely manner, or otherwise 32325  
does not make a good faith effort to report data as required by 32326  
this section. 32327

(2) If the department decides to sanction a school district 32328  
under this division, the department shall take the following 32329  
sequential actions: 32330

(a) Notify the district in writing that the department has 32331  
determined that data has not been reported as required under this 32332  
section and require the district to review its data submission and 32333  
submit corrected data by a deadline established by the department. 32334  
The department also may require the district to develop a 32335  
corrective action plan, which shall include provisions for the 32336  
district to provide mandatory staff training on data reporting 32337  
procedures. 32338

(b) Withhold up to ten per cent of the total amount of state 32339  
funds due to the district for the current fiscal year and, if not 32340  
previously required under division (L)(2)(a) of this section, 32341  
require the district to develop a corrective action plan in 32342  
accordance with that division; 32343

(c) Withhold an additional amount of up to twenty per cent of 32344  
the total amount of state funds due to the district for the 32345  
current fiscal year; 32346

(d) Direct department staff or an outside entity to 32347  
investigate the district's data reporting practices and make 32348  
recommendations for subsequent actions. The recommendations may 32349  
include one or more of the following actions: 32350

(i) Arrange for an audit of the district's data reporting 32351  
practices by department staff or an outside entity; 32352

(ii) Conduct a site visit and evaluation of the district; 32353

(iii) Withhold an additional amount of up to thirty per cent 32354  
of the total amount of state funds due to the district for the 32355  
current fiscal year; 32356

(iv) Continue monitoring the district's data reporting; 32357

(v) Assign department staff to supervise the district's data 32358  
management system; 32359

(vi) Conduct an investigation to determine whether to suspend 32360

or revoke the license of any district employee in accordance with 32361  
division (N) of this section; 32362

(vii) If the district is issued a report card under section 32363  
3302.03 of the Revised Code, indicate on the report card that the 32364  
district has been sanctioned for failing to report data as 32365  
required by this section; 32366

(viii) If the district is issued a report card under section 32367  
3302.03 of the Revised Code and incomplete or inaccurate data 32368  
submitted by the district likely caused the district to receive a 32369  
higher performance rating than it deserved under that section, 32370  
issue a revised report card for the district; 32371

(ix) Any other action designed to correct the district's data 32372  
reporting problems. 32373

(3) Any time the department takes an action against a school 32374  
district under division (L)(2) of this section, the department 32375  
shall make a report of the circumstances that prompted the action. 32376  
The department shall send a copy of the report to the district 32377  
superintendent or chief administrator and maintain a copy of the 32378  
report in its files. 32379

(4) If any action taken under division (L)(2) of this section 32380  
resolves a school district's data reporting problems to the 32381  
department's satisfaction, the department shall not take any 32382  
further actions described by that division. If the department 32383  
withheld funds from the district under that division, the 32384  
department may release those funds to the district, except that if 32385  
the department withheld funding under division (L)(2)(c) of this 32386  
section, the department shall not release the funds withheld under 32387  
division (L)(2)(b) of this section and, if the department withheld 32388  
funding under division (L)(2)(d) of this section, the department 32389  
shall not release the funds withheld under division (L)(2)(b) or 32390  
(c) of this section. 32391

(5) Notwithstanding anything in this section to the contrary, 32392  
the department may use its own staff or an outside entity to 32393  
conduct an audit of a school district's data reporting practices 32394  
any time the department has reason to believe the district has not 32395  
made a good faith effort to report data as required by this 32396  
section. If any audit conducted by an outside entity under 32397  
division (L)(2)(d)(i) or (5) of this section confirms that a 32398  
district has not made a good faith effort to report data as 32399  
required by this section, the district shall reimburse the 32400  
department for the full cost of the audit. The department may 32401  
withhold state funds due to the district for this purpose. 32402

(6) Prior to issuing a revised report card for a school 32403  
district under division (L)(2)(d)(viii) of this section, the 32404  
department may hold a hearing to provide the district with an 32405  
opportunity to demonstrate that it made a good faith effort to 32406  
report data as required by this section. The hearing shall be 32407  
conducted by a referee appointed by the department. Based on the 32408  
information provided in the hearing, the referee shall recommend 32409  
whether the department should issue a revised report card for the 32410  
district. If the referee affirms the department's contention that 32411  
the district did not make a good faith effort to report data as 32412  
required by this section, the district shall bear the full cost of 32413  
conducting the hearing and of issuing any revised report card. 32414

(7) If the department determines that any inaccurate data 32415  
reported under this section caused a school district to receive 32416  
excess state funds in any fiscal year, the district shall 32417  
reimburse the department an amount equal to the excess funds, in 32418  
accordance with a payment schedule determined by the department. 32419  
The department may withhold state funds due to the district for 32420  
this purpose. 32421

(8) Any school district that has funds withheld under 32422  
division (L)(2) of this section may appeal the withholding in 32423

accordance with Chapter 119. of the Revised Code. 32424

(9) In all cases of a disagreement between the department and 32425  
a school district regarding the appropriateness of an action taken 32426  
under division (L)(2) of this section, the burden of proof shall 32427  
be on the district to demonstrate that it made a good faith effort 32428  
to report data as required by this section. 32429

(10) The state board of education shall adopt rules under 32430  
Chapter 119. of the Revised Code to implement division (L) of this 32431  
section. 32432

(M) No information technology center or school district shall 32433  
acquire, change, or update its student administration software 32434  
package to manage and report data required to be reported to the 32435  
department unless it converts to a student software package that 32436  
is certified by the department. 32437

(N) The state board of education, in accordance with sections 32438  
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 32439  
license as defined under division (A) of section 3319.31 of the 32440  
Revised Code that has been issued to any school district employee 32441  
found to have willfully reported erroneous, inaccurate, or 32442  
incomplete data to the education management information system. 32443

(O) No person shall release or maintain any information about 32444  
any student in violation of this section. Whoever violates this 32445  
division is guilty of a misdemeanor of the fourth degree. 32446

(P) The department shall disaggregate the data collected 32447  
under division (B)(1)(n) of this section according to the race and 32448  
socioeconomic status of the students assessed. 32449

(Q) If the department cannot compile any of the information 32450  
required by division (I) of section 3302.03 of the Revised Code 32451  
based upon the data collected under this section, the department 32452  
shall develop a plan and a reasonable timeline for the collection 32453  
of any data necessary to comply with that division. 32454

Sec. 3301.0731. As used in this section, "English learner" 32455  
has the same meaning as in 20 U.S.C. 7801. 32456

The state board of education shall adopt rules regarding the 32457  
identification, instruction, assessment, and reclassification of 32458  
English learners. The rules shall conform to the department of 32459  
education's plan, as approved by the United States secretary of 32460  
education, to comply with the "Elementary and Secondary Education 32461  
Act of 1965," 20 U.S.C. 6311 to 6339. 32462

Sec. 3301.132. (A)(1) As used in this section, "policy" means 32463  
a written clarification or explanation of a statute or rule that 32464  
is initiated by the department of education. "Policy" does not 32465  
include any educational guideline, suggestion, or case study 32466  
regarding how to comply with a statute or rule or any document or 32467  
guideline regarding the internal organization or operation of the 32468  
department, including matters regarding administration, personnel, 32469  
or accounting. 32470

(2) A policy does not have the force of law. 32471

(B) Policies established by the department shall be subject 32472  
to all of the following requirements: 32473

(1) A policy shall comply with the statutes and rules that 32474  
are in existence at the time the policy is established. 32475

(2) A policy shall not establish any new requirement. 32476

(3) The first page of each policy shall have printed on it 32477  
the following statement in uppercase letters: "THIS POLICY DOES 32478  
NOT HAVE THE FORCE OF LAW." 32479

(4) A policy shall state clearly the statutory provision or 32480  
administrative rule on which it is based. 32481

(C) Not later than ninety days after the effective date of 32482  
this section, and every five years thereafter, the department 32483

shall review each policy that it established prior to the 32484  
effective date of this section or that it establishes after that 32485  
date and shall prepare written documentation certifying that the 32486  
policy has been reviewed. The documentation is a public record 32487  
under section 149.43 of the Revised Code. A policy that has not 32488  
been so reviewed is void. 32489

(D) A person may file a written complaint at any time with 32490  
the superintendent of public instruction alleging that a policy 32491  
established by the department of education does not comply with 32492  
the requirements established under division (B)(1) or (2) of this 32493  
section. Not later than ninety days after receiving the complaint, 32494  
the state superintendent shall review the policy and issue a 32495  
determination as to whether the policy complies with those 32496  
requirements. A determination issued by the state superintendent 32497  
under this division is not a final action that is appealable under 32498  
this chapter. 32499

(E) The department shall post all proposed policies in a 32500  
prominent location on the department's web site. The department 32501  
shall establish a public comment period of not less than sixty 32502  
days for each proposed policy. If the department receives more 32503  
than three public comments during that period, it shall hold at 32504  
least one public hearing on the proposal. 32505

(F) Notwithstanding section 149.43 of the Revised Code, not 32506  
later than ninety days after the effective date of this section, 32507  
the department shall compile a copy of all its policies. The copy 32508  
of policies shall be kept current and made available for public 32509  
inspection and copying. 32510

**Sec. 3301.137.** The superintendent of public instruction shall 32511  
designate at least one employee of the department of education to 32512  
serve as a liaison for school counselors across the state to 32513  
support their efforts to advance students' academic and career 32514

development. The superintendent shall give preference to 32515  
individuals who hold a valid pupil services license in school 32516  
counseling under section 3319.22 of the Revised Code. 32517

**Sec. 3301.163.** (A) ~~Beginning July 1, 2015~~ Until the 2022-2023 32518  
school year, any third-grade student who attends a chartered 32519  
nonpublic school with a scholarship awarded under either the 32520  
educational choice scholarship pilot program, prescribed in 32521  
sections 3310.01 to 3310.17, or the pilot project scholarship 32522  
program prescribed in sections 3313.974 to 3313.979 of the Revised 32523  
Code, shall be subject to the third-grade reading guarantee 32524  
retention provisions under division (A)(2) of section 3313.608 of 32525  
the Revised Code, including the exemptions prescribed by that 32526  
division. For purposes of determining if a child with a disability 32527  
is exempt from retention under this section, an individual 32528  
services plan created for the child that has been reviewed by 32529  
either the student's school district of residence or the school 32530  
district in which the chartered nonpublic school is located and 32531  
that specifies that the student is not subject to retention shall 32532  
be considered in the same manner as an individualized education 32533  
program or plan under section 504 of the "Rehabilitation Act of 32534  
1973," 87 Stat. 355, 29 U.S.C. 794, as amended, as prescribed by 32535  
division (A)(2) of section 3313.608 of the Revised Code. 32536

As used in this section, "child with a disability" and 32537  
"school district of residence" have the same meanings as in 32538  
section 3323.01 of the Revised Code. 32539

(B)(1) Each chartered nonpublic school that enrolls students 32540  
in any of grades kindergarten through three and that accepts 32541  
students under the educational choice scholarship pilot program or 32542  
the pilot project scholarship program shall adopt policies and 32543  
procedures for the annual assessment of the reading skills of 32544  
those students. Each school may use the diagnostic assessment to 32545

measure reading ability for the appropriate grade level prescribed 32546  
in division (D) of section 3301.079 of the Revised Code. If the 32547  
school uses such assessments, the department of education shall 32548  
furnish them to the chartered nonpublic school. 32549

(2) For each student identified as having reading skills 32550  
below grade level, the school shall do both of the following: 32551

(a) Provide to the student's parent or guardian, in writing, 32552  
all of the following: 32553

(i) Notification that the student has been identified as 32554  
having a substantial deficiency in reading; 32555

(ii) Notification Through the 2022-2023 school year, 32556  
notification that if the student attains a score in the range 32557  
designated under division (A)(3) of section 3301.0710 of the 32558  
Revised Code on the assessment prescribed under that section to 32559  
measure skill in English language arts expected at the end of 32560  
third grade, the student shall be retained unless the student is 32561  
exempt under division (A)(1) of section 3313.608 of the Revised 32562  
Code. 32563

(b) Provide intensive reading instruction services, as 32564  
determined appropriate by the school, to each student identified 32565  
under this section. 32566

(C) Each chartered nonpublic school subject to this section 32567  
annually shall report to the department the number of students 32568  
identified as reading at grade level and the number of students 32569  
identified as reading below grade level. 32570

(D) Each chartered nonpublic school shall provide reading 32571  
intervention services required under division (B)(2) of this 32572  
section to either of the following: 32573

(1) A student in grade four or five who has been identified 32574  
as having reading skills below grade level; 32575

(2) A student who has been retained in any of grades 32576  
kindergarten through three and has received remediation in reading 32577  
for two school years but continues to read below grade level. 32578

**Sec. 3301.85.** (A) The department of education shall submit to 32579  
the joint committee on agency rule review, created in section 32580  
101.35 of the Revised Code, any proposed changes to the manual 32581  
containing the standards and procedures the department uses to 32582  
review or audit the full-time equivalency student enrollment 32583  
reporting by community schools established under Chapter 3314. of 32584  
the Revised Code. 32585

(B) When the department submits the proposed changes to the 32586  
manual, the joint committee on agency rule review shall hold one 32587  
or more public hearings at which community schools may present 32588  
testimony on their ability and capacity to comply with the 32589  
proposed changes. 32590

(C) The joint committee on agency rule review shall consider 32591  
any testimony provided at the public hearings required under 32592  
division (B) of this section and vote to determine whether 32593  
community schools can reasonably comply with the proposed changes. 32594

(D) The department shall not implement any changes to the 32595  
manual that may affect community schools without the joint 32596  
committee on agency rule review's determination that community 32597  
schools can reasonably comply with those changes. 32598

**Sec. 3301.91.** (A) As used in this section: 32599

(1) "National school breakfast program" means the federal 32600  
school breakfast program created under 42 U.S.C. 1773. 32601

(2) "National school lunch program" means the federal school 32602  
lunch program created under 42 U.S.C. 1751. 32603

(3) "Public school" means a school building operated by a 32604

school district, a community school established under Chapter 32605  
3314. of the Revised Code, a STEM school established under Chapter 32606  
3326. of the Revised Code, a building operated by an educational 32607  
service center, a special education program operated by the county 32608  
board of developmental disabilities under section 3323.09 of the 32609  
Revised Code, or a facility offering juvenile day treatment 32610  
services. 32611

(B) The department of education shall reimburse each public 32612  
and chartered nonpublic school that participates in the national 32613  
school breakfast program, from funds appropriated by the general 32614  
assembly for that purpose, an amount equal to the difference 32615  
between the federal free reimbursement rate and the federal 32616  
reimbursement for a reduced-price breakfast for each student 32617  
eligible for a reduced-price breakfast and receiving breakfast. 32618

(C) The department of education shall reimburse each public 32619  
school and chartered nonpublic school that participates in the 32620  
national school lunch program, from funds appropriated by the 32621  
general assembly for that purpose, an amount equal to the 32622  
difference between the federal free reimbursement rate and the 32623  
federal reimbursement for a reduced-price lunch for each student 32624  
eligible for a reduced-price lunch and receiving lunch. 32625

**Sec. 3302.03.** Not later than the thirty-first day of July of 32626  
each year, the department of education shall submit preliminary 32627  
report card data for overall academic performance and for each 32628  
separate performance measure for each school district, and each 32629  
school building, in accordance with this section. 32630

Annually, not later than the fifteenth day of September or 32631  
the preceding Friday when that day falls on a Saturday or Sunday, 32632  
the department shall assign a letter grade or performance rating 32633  
for overall academic performance and for each separate performance 32634  
measure for each school district, and each school building in a 32635

district, in accordance with this section. The state board of 32636  
education shall adopt rules pursuant to Chapter 119. of the 32637  
Revised Code to implement this section. The state board's rules 32638  
shall establish performance criteria for each letter grade or 32639  
performance rating and prescribe a method by which the department 32640  
assigns each letter grade or performance rating. For a school 32641  
building to which any of the performance measures do not apply, 32642  
due to grade levels served by the building, the department shall 32643  
designate the performance measures that are applicable to the 32644  
building and that must be calculated separately and used to 32645  
calculate the building's overall grade or performance rating. The 32646  
department shall issue annual report cards reflecting the 32647  
performance of each school district, each building within each 32648  
district, and for the state as a whole using the performance 32649  
measures and letter grade or performance rating system described 32650  
in this section. The department shall include on the report card 32651  
for each district and each building within each district the most 32652  
recent two-year trend data in student achievement for each subject 32653  
and each grade. 32654

(A)(1) For the 2012-2013 school year, the department shall 32655  
issue grades as described in division (F) of this section for each 32656  
of the following performance measures: 32657

(a) Annual measurable objectives; 32658

(b) Performance index score for a school district or 32659  
building. Grades shall be awarded as a percentage of the total 32660  
possible points on the performance index system as adopted by the 32661  
state board. In adopting benchmarks for assigning letter grades 32662  
under division (A)(1)(b) of this section, the state board shall 32663  
designate ninety per cent or higher for an "A," at least seventy 32664  
per cent but not more than eighty per cent for a "C," and less 32665  
than fifty per cent for an "F." 32666

(c) The extent to which the school district or building meets 32667

each of the applicable performance indicators established by the 32668  
state board under section 3302.02 of the Revised Code and the 32669  
percentage of applicable performance indicators that have been 32670  
achieved. In adopting benchmarks for assigning letter grades under 32671  
division (A)(1)(c) of this section, the state board shall 32672  
designate ninety per cent or higher for an "A." 32673

(d) The four- and five-year adjusted cohort graduation rates. 32674

In adopting benchmarks for assigning letter grades under 32675  
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 32676  
department shall designate a four-year adjusted cohort graduation 32677  
rate of ninety-three per cent or higher for an "A" and a five-year 32678  
cohort graduation rate of ninety-five per cent or higher for an 32679  
"A." 32680

(e) The overall score under the value-added progress 32681  
dimension of a school district or building, for which the 32682  
department shall use up to three years of value-added data as 32683  
available. The letter grade assigned for this growth measure shall 32684  
be as follows: 32685

(i) A score that is at least one standard error of measure 32686  
above the mean score shall be designated as an "A." 32687

(ii) A score that is less than one standard error of measure 32688  
above but greater than one standard error of measure below the 32689  
mean score shall be designated as a "B." 32690

(iii) A score that is less than or equal to one standard 32691  
error of measure below the mean score but greater than two 32692  
standard errors of measure below the mean score shall be 32693  
designated as a "C." 32694

(iv) A score that is less than or equal to two standard 32695  
errors of measure below the mean score but is greater than three 32696  
standard errors of measure below the mean score shall be 32697  
designated as a "D." 32698

(v) A score that is less than or equal to three standard errors of measure below the mean score shall be designated as an "F."

Whenever the value-added progress dimension is used as a graded performance measure in this division and divisions (B) and (C) of this section, whether as an overall measure or as a measure of separate subgroups, the grades for the measure shall be calculated in the same manner as prescribed in division (A)(1)(e) of this section.

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.

(2) Not later than April 30, 2013, the state board of education shall adopt a resolution describing the performance measures, benchmarks, and grading system for the 2012-2013 school year and, not later than June 30, 2013, shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, including performance benchmarks for each letter grade.

At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks.

(3) There shall not be an overall letter grade for a school

district or building for the 2012-2013 school year. 32730

(B)(1) For the 2013-2014 school year, the department shall 32731  
issue grades as described in division (F) of this section for each 32732  
of the following performance measures: 32733

(a) Annual measurable objectives; 32734

(b) Performance index score for a school district or 32735  
building. Grades shall be awarded as a percentage of the total 32736  
possible points on the performance index system as created by the 32737  
department. In adopting benchmarks for assigning letter grades 32738  
under division (B)(1)(b) of this section, the state board shall 32739  
designate ninety per cent or higher for an "A," at least seventy 32740  
per cent but not more than eighty per cent for a "C," and less 32741  
than fifty per cent for an "F." 32742

(c) The extent to which the school district or building meets 32743  
each of the applicable performance indicators established by the 32744  
state board under section 3302.03 of the Revised Code and the 32745  
percentage of applicable performance indicators that have been 32746  
achieved. In adopting benchmarks for assigning letter grades under 32747  
division (B)(1)(c) of this section, the state board shall 32748  
designate ninety per cent or higher for an "A." 32749

(d) The four- and five-year adjusted cohort graduation rates; 32750

(e) The overall score under the value-added progress 32751  
dimension of a school district or building, for which the 32752  
department shall use up to three years of value-added data as 32753  
available. 32754

(f) The value-added progress dimension score for a school 32755  
district or building disaggregated for each of the following 32756  
subgroups: students identified as gifted in superior cognitive 32757  
ability and specific academic ability fields under Chapter 3324. 32758  
of the Revised Code, students with disabilities, and students 32759  
whose performance places them in the lowest quintile for 32760

achievement on a statewide basis. Each subgroup shall be a 32761  
separate graded measure. 32762

(g) Whether a school district or building is making progress 32763  
in improving literacy in grades kindergarten through three, as 32764  
determined using a method prescribed by the state board. The state 32765  
board shall adopt rules to prescribe benchmarks and standards for 32766  
assigning grades to districts and buildings for purposes of 32767  
division (B)(1)(g) of this section. In adopting benchmarks for 32768  
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 32769  
this section, the state board shall determine progress made based 32770  
on the reduction in the total percentage of students scoring below 32771  
grade level, or below proficient, compared from year to year on 32772  
the reading and writing diagnostic assessments administered under 32773  
section 3301.0715 of the Revised Code and the third grade English 32774  
language arts assessment under section 3301.0710 of the Revised 32775  
Code, as applicable. The state board shall designate for a "C" 32776  
grade a value that is not lower than the statewide average value 32777  
for this measure. No grade shall be issued under divisions 32778  
(B)(1)(g) and (C)(1)(g) of this section for a district or building 32779  
in which less than five per cent of students have scored below 32780  
grade level on the diagnostic assessment administered to students 32781  
in kindergarten under division (B)(1) of section 3313.608 of the 32782  
Revised Code. 32783

(h) For a high mobility school district or building, an 32784  
additional value-added progress dimension score. For this measure, 32785  
the department shall use value-added data from the most recent 32786  
school year available and shall use assessment scores for only 32787  
those students to whom the district or building has administered 32788  
the assessments prescribed by section 3301.0710 of the Revised 32789  
Code for each of the two most recent consecutive school years. 32790

As used in this division, "high mobility school district or 32791  
building" means a school district or building where at least 32792

twenty-five per cent of its total enrollment is made up of 32793  
students who have attended that school district or building for 32794  
less than one year. 32795

(2) In addition to the graded measures in division (B)(1) of 32796  
this section, the department shall include on a school district's 32797  
or building's report card all of the following without an assigned 32798  
letter grade: 32799

(a) The percentage of students enrolled in a district or 32800  
building participating in advanced placement classes and the 32801  
percentage of those students who received a score of three or 32802  
better on advanced placement examinations; 32803

(b) The number of a district's or building's students who 32804  
have earned at least three college credits through dual enrollment 32805  
or advanced standing programs, such as the post-secondary 32806  
enrollment options program under Chapter 3365. of the Revised Code 32807  
and state-approved career-technical courses offered through dual 32808  
enrollment or statewide articulation, that appear on a student's 32809  
transcript or other official document, either of which is issued 32810  
by the institution of higher education from which the student 32811  
earned the college credit. The credits earned that are reported 32812  
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 32813  
include any that are remedial or developmental and shall include 32814  
those that count toward the curriculum requirements established 32815  
for completion of a degree. 32816

(c) The percentage of students enrolled in a district or 32817  
building who have taken a national standardized test used for 32818  
college admission determinations and the percentage of those 32819  
students who are determined to be remediation-free in accordance 32820  
with standards adopted under division (F) of section 3345.061 of 32821  
the Revised Code; 32822

(d) The percentage of the district's or the building's 32823

students who receive industry-recognized credentials as approved 32824  
under section 3313.6113 of the Revised Code. 32825

(e) The percentage of students enrolled in a district or 32826  
building who are participating in an international baccalaureate 32827  
program and the percentage of those students who receive a score 32828  
of four or better on the international baccalaureate examinations. 32829

(f) The percentage of the district's or building's students 32830  
who receive an honors diploma under division (B) of section 32831  
3313.61 of the Revised Code. 32832

(3) Not later than December 31, 2013, the state board shall 32833  
adopt rules in accordance with Chapter 119. of the Revised Code 32834  
that prescribe the methods by which the performance measures under 32835  
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 32836  
and assigned a letter grade, including performance benchmarks for 32837  
each grade. 32838

At least forty-five days prior to the state board's adoption 32839  
of rules to prescribe the methods by which the performance 32840  
measures under division (B)(1) of this section shall be assessed 32841  
and assigned a letter grade, the department shall conduct a public 32842  
presentation before the standing committees of the house of 32843  
representatives and the senate that consider education legislation 32844  
describing such methods, including performance benchmarks. 32845

(4) There shall not be an overall letter grade for a school 32846  
district or building for the 2013-2014, 2014-2015, 2015-2016, and 32847  
2016-2017 school years. 32848

(C)(1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 32849  
2018-2019, 2019-2020, and 2020-2021 school years, the department 32850  
shall issue grades as described in division (F) of this section 32851  
for each of the performance measures prescribed in division (C)(1) 32852  
of this section. The graded measures are as follows: 32853

(a) Annual measurable objectives. For the 2017-2018 school 32854

year, the department shall not include any subgroup data in the 32855  
annual measurable objectives that includes data from fewer than 32856  
twenty-five students. For the 2018-2019 school year, the 32857  
department shall not include any subgroup data in the annual 32858  
measurable objectives that includes data from fewer than twenty 32859  
students. Beginning with the 2019-2020 school year, the department 32860  
shall not include any subgroup data in the annual measurable 32861  
objectives that includes data from fewer than fifteen students. 32862

(b) Performance index score for a school district or 32863  
building. Grades shall be awarded as a percentage of the total 32864  
possible points on the performance index system as created by the 32865  
department. In adopting benchmarks for assigning letter grades 32866  
under division (C)(1)(b) of this section, the state board shall 32867  
designate ninety per cent or higher for an "A," at least seventy 32868  
per cent but not more than eighty per cent for a "C," and less 32869  
than fifty per cent for an "F." 32870

(c) The extent to which the school district or building meets 32871  
each of the applicable performance indicators established by the 32872  
state board under section 3302.03 of the Revised Code and the 32873  
percentage of applicable performance indicators that have been 32874  
achieved. In adopting benchmarks for assigning letter grades under 32875  
division (C)(1)(c) of this section, the state board shall 32876  
designate ninety per cent or higher for an "A." 32877

(d) The four- and five-year adjusted cohort graduation rates; 32878

(e) The overall score under the value-added progress 32879  
dimension, or another measure of student academic progress if 32880  
adopted by the state board, of a school district or building, for 32881  
which the department shall use up to three years of value-added 32882  
data as available. 32883

In adopting benchmarks for assigning letter grades for 32884  
overall score on value-added progress dimension under division 32885

(C)(1)(e) of this section, the state board shall prohibit the 32886  
assigning of a grade of "A" for that measure unless the district's 32887  
or building's grade assigned for value-added progress dimension 32888  
for all subgroups under division (C)(1)(f) of this section is a 32889  
"C" or higher. 32890

For the metric prescribed by division (C)(1)(e) of this 32891  
section, the state board may adopt a student academic progress 32892  
measure to be used instead of the value-added progress dimension. 32893  
If the state board adopts such a measure, it also shall prescribe 32894  
a method for assigning letter grades for the new measure that is 32895  
comparable to the method prescribed in division (A)(1)(e) of this 32896  
section. 32897

(f) The value-added progress dimension score of a school 32898  
district or building disaggregated for each of the following 32899  
subgroups: students identified as gifted in superior cognitive 32900  
ability and specific academic ability fields under Chapter 3324. 32901  
of the Revised Code, students with disabilities, and students 32902  
whose performance places them in the lowest quintile for 32903  
achievement on a statewide basis, as determined by a method 32904  
prescribed by the state board. Each subgroup shall be a separate 32905  
graded measure. 32906

The state board may adopt student academic progress measures 32907  
to be used instead of the value-added progress dimension. If the 32908  
state board adopts such measures, it also shall prescribe a method 32909  
for assigning letter grades for the new measures that is 32910  
comparable to the method prescribed in division (A)(1)(e) of this 32911  
section. 32912

(g) Whether a school district or building is making progress 32913  
in improving literacy in grades kindergarten through three, as 32914  
determined using a method prescribed by the state board. The state 32915  
board shall adopt rules to prescribe benchmarks and standards for 32916  
assigning grades to a district or building for purposes of 32917

division (C)(1)(g) of this section. The state board shall 32918  
designate for a "C" grade a value that is not lower than the 32919  
statewide average value for this measure. No grade shall be issued 32920  
under division (C)(1)(g) of this section for a district or 32921  
building in which less than five per cent of students have scored 32922  
below grade level on the kindergarten diagnostic assessment under 32923  
division (B)(1) of section 3313.608 of the Revised Code. 32924

(h) For a high mobility school district or building, an 32925  
additional value-added progress dimension score. For this measure, 32926  
the department shall use value-added data from the most recent 32927  
school year available and shall use assessment scores for only 32928  
those students to whom the district or building has administered 32929  
the assessments prescribed by section 3301.0710 of the Revised 32930  
Code for each of the two most recent consecutive school years. 32931

As used in this division, "high mobility school district or 32932  
building" means a school district or building where at least 32933  
twenty-five per cent of its total enrollment is made up of 32934  
students who have attended that school district or building for 32935  
less than one year. 32936

(2) In addition to the graded measures in division (C)(1) of 32937  
this section, the department shall include on a school district's 32938  
or building's report card all of the following without an assigned 32939  
letter grade: 32940

(a) The percentage of students enrolled in a district or 32941  
building who have taken a national standardized test used for 32942  
college admission determinations and the percentage of those 32943  
students who are determined to be remediation-free in accordance 32944  
with the standards adopted under division (F) of section 3345.061 32945  
of the Revised Code; 32946

(b) The percentage of students enrolled in a district or 32947  
building participating in advanced placement classes and the 32948

percentage of those students who received a score of three or better on advanced placement examinations; 32949  
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(c) The percentage of a district's or building's students who have earned at least three college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's college transcript issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B)(2)(b) and (C)(2)(c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree. 32951  
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(d) The percentage of the district's or building's students who receive an honor's diploma under division (B) of section 3313.61 of the Revised Code; 32963  
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(e) The percentage of the district's or building's students who receive industry-recognized credentials as approved under section 3313.6113 of the Revised Code; 32966  
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(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations; 32969  
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(g) The results of the college and career-ready assessments administered under division (B)(1) of section 3301.0712 of the Revised Code; 32973  
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(h) Whether the school district or building has implemented a positive behavior intervention and supports framework in compliance with the requirements of section 3319.46 of the Revised Code, notated as a "yes" or "no" answer. 32976  
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(3) The state board shall adopt rules pursuant to Chapter 32980  
119. of the Revised Code that establish a method to assign an 32981  
overall grade for a school district or school building for the 32982  
2017-2018 school year and each school year thereafter. The rules 32983  
shall group the performance measures in divisions (C)(1) and (2) 32984  
of this section into the following components: 32985

(a) Gap closing, which shall include the performance measure 32986  
in division (C)(1)(a) of this section; 32987

(b) Achievement, which shall include the performance measures 32988  
in divisions (C)(1)(b) and (c) of this section; 32989

(c) Progress, which shall include the performance measures in 32990  
divisions (C)(1)(e) and (f) of this section; 32991

(d) Graduation, which shall include the performance measure 32992  
in division (C)(1)(d) of this section; 32993

(e) Kindergarten through third-grade literacy, which shall 32994  
include the performance measure in division (C)(1)(g) of this 32995  
section; 32996

(f) Prepared for success, which shall include the performance 32997  
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of 32998  
this section. The state board shall develop a method to determine 32999  
a grade for the component in division (C)(3)(f) of this section 33000  
using the performance measures in divisions (C)(2)(a), (b), (c), 33001  
(d), (e), and (f) of this section. When available, the state board 33002  
may incorporate the performance measure under division (C)(2)(g) 33003  
of this section into the component under division (C)(3)(f) of 33004  
this section. When determining the overall grade for the prepared 33005  
for success component prescribed by division (C)(3)(f) of this 33006  
section, no individual student shall be counted in more than one 33007  
performance measure. However, if a student qualifies for more than 33008  
one performance measure in the component, the state board may, in 33009  
its method to determine a grade for the component, specify an 33010

additional weight for such a student that is not greater than or 33011  
equal to 1.0. In determining the overall score under division 33012  
(C)(3)(f) of this section, the state board shall ensure that the 33013  
pool of students included in the performance measures aggregated 33014  
under that division are all of the students included in the four- 33015  
and five-year adjusted graduation cohort. 33016

In the rules adopted under division (C)(3) of this section, 33017  
the state board shall adopt a method for determining a grade for 33018  
each component in divisions (C)(3)(a) to (f) of this section. The 33019  
state board also shall establish a method to assign an overall 33020  
grade of "A," "B," "C," "D," or "F" using the grades assigned for 33021  
each component. The method the state board adopts for assigning an 33022  
overall grade shall give equal weight to the components in 33023  
divisions (C)(3)(b) and (c) of this section. 33024

At least forty-five days prior to the state board's adoption 33025  
of rules to prescribe the methods for calculating the overall 33026  
grade for the report card, as required by this division, the 33027  
department shall conduct a public presentation before the standing 33028  
committees of the house of representatives and the senate that 33029  
consider education legislation describing the format for the 33030  
report card, weights that will be assigned to the components of 33031  
the overall grade, and the method for calculating the overall 33032  
grade. 33033

(D) For the 2021-2022 school year and each school year 33034  
thereafter, all of the following apply: 33035

(1) The department shall include on a school district's or 33036  
building's report card all of the following performance measures 33037  
without an assigned performance rating: 33038

(a) Whether the district or building meets the gifted 33039  
performance indicator under division (A)(2) of section 3302.02 of 33040  
the Revised Code and the extent to which the district or building 33041

meets gifted indicator performance benchmarks; 33042

(b) The extent to which the district or building meets the 33043  
chronic absenteeism indicator under division (A)(3) of section 33044  
3302.02 of the Revised Code; 33045

(c) Performance index score percentage for a district or 33046  
building, which shall be calculated by dividing the district's or 33047  
building's performance index score according to the performance 33048  
index system created by the department by the maximum performance 33049  
index score for a district or building. The maximum performance 33050  
index score shall be as follows: 33051

(i) For a building, the average of the highest two per cent 33052  
of performance index scores achieved by a building for the school 33053  
year for which a report card is issued; 33054

(ii) For a district, the average of the highest two per cent 33055  
of performance index scores achieved by a district for the school 33056  
year for which a report card is issued. 33057

(d) The overall score under the value-added progress 33058  
dimension of a district or building, for which the department 33059  
shall use three consecutive years of value-added data. In using 33060  
three years of value-added data to calculate the measure 33061  
prescribed under division (D)(1)(d) of this section, the 33062  
department shall assign a weight of fifty per cent to the most 33063  
recent year's data and a weight of twenty-five per cent to the 33064  
data of each of the other years. However, if three consecutive 33065  
years of value-added data is not available, the department shall 33066  
use prior years of value-added data to calculate the measure, as 33067  
follows: 33068

(i) If two consecutive years of value-added data is not 33069  
available, the department shall use one year of value-added data 33070  
to calculate the measure. 33071

(ii) If two consecutive years of value-added data is 33072

available, the department shall use two consecutive years of 33073  
value-added data to calculate the measure. In using two years of 33074  
value-added data to calculate the measure, the department shall 33075  
assign a weight of sixty-seven per cent to the most recent year's 33076  
data and a weight of thirty-three per cent to the data of the 33077  
other year. 33078

(e) The four-year adjusted cohort graduation rate. 33079

(f) The five-year adjusted cohort graduation rate. 33080

(g) The percentage of students in the district or building 33081  
who score proficient or higher on the reading segment of the third 33082  
grade English language arts assessment under section 3301.0710 of 33083  
the Revised Code. 33084

To the extent possible, the department shall include the 33085  
results of the summer administration of the third grade reading 33086  
assessment under section 3301.0710 of the Revised Code in the 33087  
performance measures prescribed under divisions (D)(1)(g) and (h) 33088  
of this section. 33089

(h) Whether a district or building is making progress in 33090  
improving literacy in grades kindergarten through three, as 33091  
determined using a method prescribed by the department. The method 33092  
shall determine progress made based on the reduction in the total 33093  
percentage of students scoring below grade level, or below 33094  
proficient, compared from year to year on the reading segments of 33095  
the diagnostic assessments administered under section 3301.0715 of 33096  
the Revised Code, including the kindergarten readiness assessment, 33097  
and the third grade English language arts assessment under section 33098  
3301.0710 of the Revised Code, as applicable. The method shall not 33099  
include a deduction for students who did not pass the third grade 33100  
English language arts assessment under section 3301.0710 of the 33101  
Revised Code and were not on a reading improvement and monitoring 33102  
plan. 33103

The performance measure prescribed under division (D)(1)(h) 33104  
of this section shall not be included on the report card of a 33105  
district or building in which less than ten per cent of students 33106  
have scored below grade level on the diagnostic assessment 33107  
administered to students in kindergarten under division (B)(1) of 33108  
section 3313.608 of the Revised Code. 33109

(i) The percentage of students in a district or building who 33110  
are promoted to the fourth grade and not subject to retention 33111  
under division (A)(2) of section 3313.608 of the Revised Code; 33112

(j) A post-secondary readiness measure. This measure shall be 33113  
calculated by dividing the number of students included in the 33114  
four-year adjusted graduation rate cohort who demonstrate 33115  
post-secondary readiness by the total number of students included 33116  
in the denominator of the four-year adjusted graduation rate 33117  
cohort. Demonstration of post-secondary readiness shall include a 33118  
student doing any of the following: 33119

(i) Attaining a remediation-free score, in accordance with 33120  
standards adopted under division (F) of section 3345.061 of the 33121  
Revised Code, on a nationally standardized assessment prescribed 33122  
under division (B)(1) of section 3301.0712 of the Revised Code; 33123

(ii) Attaining required scores on three or more advanced 33124  
placement or international baccalaureate examinations. The 33125  
required score for an advanced placement examination shall be a 33126  
three or better. The required score for an international 33127  
baccalaureate examination shall be a four or better. A student may 33128  
satisfy this condition with any combination of advanced placement 33129  
or international baccalaureate examinations. 33130

(iii) Earning at least twelve college credits through 33131  
advanced standing programs, such as the college credit plus 33132  
program under Chapter 3365. of the Revised Code, an early college 33133  
high school program under section 3313.6013 of the Revised Code, 33134

and state-approved career-technical courses offered through dual 33135  
enrollment or statewide articulation, that appear on a student's 33136  
college transcript issued by the institution of higher education 33137  
from which the student earned the college credit. Earned credits 33138  
reported under division (D)(1)(j)(iii) of this section shall 33139  
include credits that count toward the curriculum requirements 33140  
established for completion of a degree, but shall not include any 33141  
remedial or developmental credits. 33142

(iv) Meeting the additional criteria for an honors diploma 33143  
under division (B) of section 3313.61 of the Revised Code; 33144

(v) Earning an industry-recognized credential or license 33145  
issued by a state agency or board for practice in a vocation that 33146  
requires an examination for issuance of that license approved 33147  
under section 3313.6113 of the Revised Code; 33148

(vi) Satisfying any of the following conditions: 33149

(I) Completing a pre-apprenticeship aligned with options 33150  
established under section 3313.904 of the Revised Code in the 33151  
student's chosen career field; 33152

(II) Completing an apprenticeship registered with the 33153  
apprenticeship council established under section 4139.02 of the 33154  
Revised Code in the student's chosen career field; 33155

(III) Providing evidence of acceptance into an apprenticeship 33156  
program after high school that is restricted to participants 33157  
eighteen years of age or older. 33158

(vii) Earning a cumulative score of proficient or higher on 33159  
three or more state technical assessments aligned with section 33160  
3313.903 of the Revised Code in a single career pathway; 33161

(viii) Earning an OhioMeansJobs-readiness seal established 33162  
under section 3313.6112 of the Revised Code and completing two 33163  
hundred fifty hours of an internship or other work-based learning 33164

experience that is either:	33165
(I) Approved by the business advisory council established	33166
under section 3313.82 of the Revised Code that represents the	33167
student's district; or	33168
(II) Aligned to the career-technical education pathway	33169
approved by the department in which the student is enrolled.	33170
(ix) Providing evidence that the student has enlisted in a	33171
branch of the armed services of the United States as defined in	33172
section 5910.01 of the Revised Code.	33173
A student who satisfies more than one of the conditions	33174
prescribed under this division shall be counted as one student for	33175
the purposes of calculating the measure prescribed under division	33176
(D)(1)(j) of this section.	33177
(2) In addition to the performance measures under division	33178
(D)(1) of this section, the department shall report on a	33179
district's or building's report card all of the following data	33180
without an assigned performance rating:	33181
(a) The applicable performance indicators established by the	33182
state board under division (A)(1) of section 3302.02 of the	33183
Revised Code;	33184
(b) The overall score under the value-added progress	33185
dimension of a district or building for the most recent school	33186
year;	33187
(c) A composite of the overall scores under the value-added	33188
progress dimension of a district or building for the previous	33189
three school years or, if only two years of value-added data are	33190
available, for the previous two years;	33191
(d) The percentage of students included in the four- and	33192
five-year adjusted cohort graduation rates of a district or	33193
building who did not receive a high school diploma under section	33194

3313.61 or 3325.08 of the Revised Code. To the extent possible, 33195  
the department shall disaggregate that data according to the 33196  
following categories: 33197

(i) Students who are still enrolled in the district or 33198  
building and receiving general education services; 33199

(ii) Students with an individualized education program, as 33200  
defined in section 3323.01 of the Revised Code, who satisfied the 33201  
conditions for a high school diploma under section 3313.61 or 33202  
3325.08 of the Revised Code, but opted not to receive a diploma 33203  
and are still receiving education services; 33204

(iii) Students with an individualized education program who 33205  
have not yet satisfied conditions for a high school diploma under 33206  
section 3313.61 or 3325.08 of the Revised Code and who are still 33207  
receiving education services; 33208

(iv) Students who are no longer enrolled in any district or 33209  
building; 33210

(v) Students who, upon enrollment in the district or building 33211  
for the first time, had completed fewer units of high school 33212  
instruction required under section 3313.603 of the Revised Code 33213  
than other students in the four- or five-year adjusted cohort 33214  
graduation rate. 33215

The department may disaggregate the data prescribed under 33216  
division (D)(2)(d) of this section according to other categories 33217  
that the department determines are appropriate. 33218

(e) The results of the kindergarten diagnostic assessment 33219  
prescribed under division (D) of section 3301.079 of the Revised 33220  
Code; 33221

(f) Post-graduate outcomes for students who were enrolled in 33222  
a district or building and received a high school diploma under 33223  
section 3313.61 or 3325.08 of the Revised Code in the school year 33224

prior to the school year for which the report card is issued, 33225  
including the percentage of students who: 33226

(i) Enrolled in a post-secondary educational institution. To 33227  
the extent possible, the department shall disaggregate that data 33228  
according to whether the student enrolled in a four-year 33229  
institution of higher education, a two-year institution of higher 33230  
education, an Ohio technical center that provides adult technical 33231  
education services and is recognized by the chancellor of higher 33232  
education, or another type of post-secondary educational 33233  
institution. 33234

(ii) Entered an apprenticeship program registered with the 33235  
apprenticeship council established under Chapter 4139. of the 33236  
Revised Code. The department may include other job training 33237  
programs with similar rigor and outcomes. 33238

(iii) Attained gainful employment, as determined by the 33239  
department; 33240

(iv) Enlisted in a branch of the armed forces of the United 33241  
States, as defined in section 5910.01 of the Revised Code. 33242

(g) Whether the school district or building has implemented a 33243  
positive behavior intervention and supports framework in 33244  
compliance with the requirements of section 3319.46 of the Revised 33245  
Code, notated with a "yes" or "no"; 33246

(h) The number and percentage of high school seniors in each 33247  
school year who completed the free application for federal student 33248  
aid; 33249

(i) Beginning with the report card issued under this section 33250  
for the 2022-2023 school year, a student opportunity profile 33251  
measure that reports data regarding the opportunities provided to 33252  
students by a district or building. To the extent possible, and 33253  
when appropriate, the data shall be disaggregated by grade level 33254  
and subgroup. The measure also shall include data regarding the 33255

statewide average, the average for similar school districts, and,	33256
for a building, the average for the district in which the building	33257
is located. The measure shall include all of the following data	33258
for the district or building:	33259
(i) The average ratio of teachers of record to students in	33260
each grade level in a district or building;	33261
(ii) The average ratio of school counselors to students in a	33262
district or building;	33263
(iii) The average ratio of nurses to students in a district	33264
or building;	33265
(iv) The average ratio of licensed librarians and library	33266
media specialists to students in a district or building;	33267
(v) The average ratio of social workers to students in a	33268
district or building;	33269
(vi) The average ratio of mental health professionals to	33270
students in a district or building;	33271
(vii) The average ratio of paraprofessionals to students in a	33272
district or building;	33273
(viii) The percentage of teachers with fewer than three years	33274
of experience teaching in any school;	33275
(ix) The percentage of principals with fewer than three years	33276
of experience as a principal in any school;	33277
(x) The percentage of teachers who are not teaching in the	33278
subject or field for which they are certified or licensed;	33279
(xi) The percentage of kindergarten students who are enrolled	33280
in all-day kindergarten, as defined in section 3321.05 of the	33281
Revised Code;	33282
(xii) The percentage of students enrolled in a performing or	33283
visual arts course;	33284

(xiii) The percentage of students enrolled in a physical education or wellness course;	33285 33286
(xiv) The percentage of students enrolled in a world language course;	33287 33288
(xv) The percentage of students in grades seven through twelve who are enrolled in a career-technical education course;	33289 33290
(xvi) The percentage of students participating in one or more cocurricular activities;	33291 33292
(xvii) The percentage of students participating in advance placement courses, international baccalaureate courses, honors courses, or courses offered through the college credit plus program established under Chapter 3365. of the Revised Code;	33293 33294 33295 33296
(xviii) The percentage of students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code and receiving gifted services pursuant to that chapter;	33297 33298 33299 33300
(xix) The percentage of students participating in enrichment or support programs offered by the district or building outside of the normal school day;	33301 33302 33303
(xx) The percentage of eligible students participating each school day in school breakfast programs offered by the district or building in accordance with section 3313.813 or 3313.818 of the Revised Code;	33304 33305 33306 33307
(xxi) The percentage of students who are transported by a school bus each school day;	33308 33309
(xxii) The ratio of portable technology devices that students may take home to the number of students.	33310 33311
The department shall include only opportunity measures at the building level for which data for buildings is available, as determined by a school district.	33312 33313 33314

(j)(i) The percentage of students included in the four- and 33315  
five-year adjusted cohort graduation rates of the district or 33316  
building who completed all of grades nine through twelve while 33317  
enrolled in the district or building; 33318

(ii) The four-year adjusted cohort graduation rate for only 33319  
those students who were continuously enrolled in the same district 33320  
or building for grades nine through twelve. 33321

(k) The percentage of students in the district or building to 33322  
whom both of the following apply: 33323

(i) The students are promoted to fourth grade and not subject 33324  
to retention under division (A)(2) of section 3313.608 of the 33325  
Revised Code. 33326

(ii) The students completed all of the grade levels offered 33327  
prior to the fourth grade in the district or building. 33328

(3) Except as provided in division (D)(3)(f) of this section, 33329  
the department shall use the state board's method prescribed under 33330  
rules adopted under division (D)(4) of this section to assign 33331  
performance ratings of "one star," "two stars," "three stars," 33332  
"four stars," or "five stars," as described in division (F) of 33333  
this section, for a district or building for the individual 33334  
components prescribed under division (D)(3) of this section. The 33335  
department also shall assign an overall performance rating for a 33336  
district or building in accordance with division (D)(3)(g) of this 33337  
section. The method shall use the performance measures prescribed 33338  
under division (D)(1) of this section to calculate performance 33339  
ratings for components. The method may report data under division 33340  
(D)(2) of this section with corresponding components, but shall 33341  
not use the data to calculate performance ratings for that 33342  
component. The performance measures and reported data shall be 33343  
grouped together into components as follows: 33344

(a) Gap closing. In addition to other criteria determined 33345

appropriate by the department, performance ratings for the gap 33346  
closing component shall reflect whether each of the following 33347  
performance measures are met or not met: 33348

(i) The gifted performance indicator as described in division 33349  
(D)(1)(a) of this section; 33350

(ii) The chronic absenteeism indicator as described in 33351  
division (D)(1)(b) of this section; 33352

(iii) For English learners, an English language proficiency 33353  
improvement indicator established by the department; 33354

(iv) The subgroup graduation targets; 33355

(v) The subgroup achievement targets in both mathematics and 33356  
English language arts; 33357

(vi) The subgroup progress targets in both mathematics and 33358  
English language arts. 33359

Achievement and progress targets under division (D)(3)(a) of 33360  
this section shall be calculated individually, and districts and 33361  
buildings shall receive a status of met or not met on each 33362  
measure. The department shall not require a subgroup of a district 33363  
or building to meet both the achievement and progress targets at 33364  
the same time to receive a status of met. 33365

The department shall not include any subgroup data in this 33366  
measure that includes data from fewer than fifteen students. Any 33367  
penalty for failing to meet the required assessment participation 33368  
rate must be partially in proportion to how close the district or 33369  
building was to meeting the rate requirement. 33370

(b) Achievement, which shall include the performance measure 33371  
in division (D)(1)(c) of this section and the reported data in 33372  
division (D)(2)(a) of this section. Performance ratings for the 33373  
achievement component shall be awarded as a percentage of the 33374  
maximum performance index score described in division (D)(1)(c) of 33375

this section. 33376

(c) Progress, which shall include the performance measure in 33377  
division (D)(1)(d) of this section and the reported data in 33378  
divisions (D)(2)(b) and (c) of this section; 33379

(d) Graduation, which shall include the performance measures 33380  
in divisions (D)(1)(e) and (f) of this section and the reported 33381  
data in divisions (D)(2)(d) and (j) of this section. The four-year 33382  
adjusted cohort graduation rate shall be assigned a weight of 33383  
sixty per cent and the five-year adjusted cohort graduation rate 33384  
shall be assigned a weight of forty per cent; 33385

(e) Early literacy, which shall include the performance 33386  
measures in divisions (D)(1)(g), (h), and (i) of this section and 33387  
the reported data in divisions (D)(2)(e) and (k) of this section. 33388

If the measure prescribed under division (D)(1)(h) of this 33389  
section is included in a report card, performance ratings for the 33390  
early literacy component shall give a weight of forty per cent to 33391  
the measure prescribed under division (D)(1)(g) of this section, a 33392  
weight of thirty-five per cent to the measure prescribed under 33393  
division (D)(1)(i) of this section, and a weight of twenty-five 33394  
per cent to the measure prescribed under division (D)(1)(h) of 33395  
this section. 33396

If the measure prescribed under division (D)(1)(h) of this 33397  
section is not included in a report card of a district or 33398  
building, performance ratings for the early literacy component 33399  
shall give a weight of sixty per cent to the measure prescribed 33400  
under division (D)(1)(g) of this section and a weight of forty per 33401  
cent to the measure prescribed under division (D)(1)(i) of this 33402  
section. 33403

(f) College, career, workforce, and military readiness, which 33404  
shall include the performance measure in division (D)(1)(j) of 33405  
this section and the reported data in division (D)(2)(f) of this 33406

section. 33407

For the 2021-2022, 2022-2023, and 2023-2024 school years, the 33408  
department only shall report the data for, and not assign a 33409  
performance rating to, the college, career, workforce, and 33410  
military readiness component. The reported data shall include the 33411  
percentage of students who demonstrate post-secondary readiness 33412  
using any of the options described in division (D)(1)(j) of this 33413  
section. 33414

The department shall analyze the data included in the 33415  
performance measure prescribed in division (D)(1)(j) of this 33416  
section for the 2021-2022, 2022-2023, and 2023-2024 school years. 33417  
Using that data, the department shall develop and propose rules 33418  
for a method to assign a performance rating to the college, 33419  
career, workforce, and military readiness component based on that 33420  
measure. The method to assign a performance rating shall not 33421  
include a tiered structure or per student bonuses. The rules shall 33422  
specify that a district or building shall not receive lower than a 33423  
performance rating of three stars for the component if the 33424  
district's or building's performance on the component meets or 33425  
exceeds a level of improvement set by the department. 33426  
Notwithstanding division (D)(4)(b) of this section, more than half 33427  
of the total districts and buildings may earn a performance rating 33428  
of three stars on this component to account for the districts and 33429  
buildings that earned a performance rating of three stars because 33430  
they met or exceeded the level of improvement set by the 33431  
department. 33432

The department shall submit the rules to the joint committee 33433  
on agency rule review. The committee shall conduct at least one 33434  
public hearing on the proposed rules and approve or disapprove the 33435  
rules. If the committee approves the rules, the state board shall 33436  
adopt the rules in accordance with Chapter 119. of the Revised 33437  
Code. If the rules are adopted, the department shall assign a 33438

performance rating to the college, career, workforce, and military 33439  
readiness component under the rules beginning with the 2024-2025 33440  
school year, and for each school year thereafter. If the committee 33441  
disapproves the rules, the component shall be included in the 33442  
report card only as reported data for the 2024-2025 school year, 33443  
and each school year thereafter. 33444

(g)(i) Except as provided for in division (D)(3)(g)(ii) of 33445  
this section, beginning with the 2022-2023 school year, under the 33446  
state board's method prescribed under rules adopted in division 33447  
(D)(4) of this section, the department shall use the performance 33448  
ratings assigned for the components prescribed in divisions 33449  
(D)(3)(a) to (e) of this section to determine and assign an 33450  
overall performance rating of "one star," "one and one-half 33451  
stars," "two stars," "two and one-half stars," "three stars," 33452  
"three and one-half stars," "four stars," "four and one-half 33453  
stars," or "five stars" for a district or building. The method 33454  
shall give equal weight to the components in divisions (D)(3)(b) 33455  
and (c) of this section. The method shall give equal weight to the 33456  
components in divisions (D)(3)(a), (d), and (e) of this section. 33457  
The individual weights of each of the components prescribed in 33458  
divisions (D)(3)(a), (d), and (e) of this section shall be equal 33459  
to one-half of the weight given to the component prescribed in 33460  
division (D)(3)(b) of this section. 33461

(ii) If the joint committee on agency rule review approves 33462  
the department's rules regarding the college, career, workforce, 33463  
and military readiness component as described in division 33464  
(D)(3)(f) of this section, for the 2024-2025 school year, and each 33465  
school year thereafter, the state board's method shall use the 33466  
components in divisions (D)(3)(a), (b), (c), (d), (e), and (f) of 33467  
this section to calculate the overall performance rating. The 33468  
method shall give equal weight to the components in divisions 33469  
(D)(3)(b) and (c) of this section. The method shall give equal 33470

weight to the components prescribed in divisions (D)(3)(a), (d), 33471  
(e), and (f) of this section. The individual weights of each of 33472  
the components prescribed in divisions (D)(3)(a), (d), (e), and 33473  
(f) of this section shall be equal to one-half the weight given to 33474  
the component prescribed in division (D)(3)(b) of this section. 33475

If the joint committee on agency rule review disapproves the 33476  
department's rules regarding the college, career, workforce, and 33477  
military readiness component as described in division (D)(3)(f) of 33478  
this section, division (D)(3)(g)(ii) of this section does not 33479  
apply. 33480

(4)(a) The state board shall adopt rules in accordance with 33481  
Chapter 119. of the Revised Code to establish the performance 33482  
criteria, benchmarks, and rating system necessary to implement 33483  
divisions (D) and (F) of this section, including the method for 33484  
the department to assign performance ratings under division (D)(3) 33485  
of this section. 33486

(b) In establishing the performance criteria, benchmarks, and 33487  
rating system, the state board shall consult with stakeholder 33488  
groups and advocates that represent parents, community members, 33489  
students, business leaders, and educators from different school 33490  
typology regions. The state board shall use data from prior school 33491  
years and simulations to ensure that there is meaningful 33492  
differentiation among districts and buildings across all 33493  
performance ratings and that, except as permitted in division 33494  
(D)(3)(f) of this section, more than half of all districts or 33495  
buildings do not earn the same performance rating in any component 33496  
or overall performance rating. 33497

(c) The state board shall adopt the rules prescribed by 33498  
division (D)(4) of this section not later than March 31, 2022. 33499  
However, the department shall notify districts and buildings of 33500  
the changes to the report card prescribed in law not later than 33501  
one week after ~~the effective date of this amendment~~ September 30, 33502

2021. 33503

(d) Prior to adopting or updating rules under division (D)(4) 33504  
of this section, the president of the state board and the 33505  
department shall conduct a public presentation before the standing 33506  
committees of the house of representatives and the senate that 33507  
consider primary and secondary education legislation describing 33508  
the format for the report card and the performance criteria, 33509  
benchmarks, and rating system, including the method to assign 33510  
performance ratings under division (D)(3) of this section. 33511

(E) On or after July 1, 2015, the state board may develop a 33512  
measure of student academic progress for high school students 33513  
using only data from assessments in English language arts and 33514  
mathematics. If the state board develops this measure, each school 33515  
district and applicable school building shall be assigned a 33516  
separate letter grade for it not sooner than the 2017-2018 school 33517  
year. The district's or building's grade for that measure shall 33518  
not be included in determining the district's or building's 33519  
overall letter grade. 33520

(F)(1) The letter grades assigned to a school district or 33521  
building under this section shall be as follows: 33522

(a) "A" for a district or school making excellent progress; 33523

(b) "B" for a district or school making above average 33524  
progress; 33525

(c) "C" for a district or school making average progress; 33526

(d) "D" for a district or school making below average 33527  
progress; 33528

(e) "F" for a district or school failing to meet minimum 33529  
progress. 33530

(2) For the overall performance rating under division (D)(3) 33531  
of this section, the department shall include a descriptor for 33532

each performance rating as follows:	33533
(a) "Significantly exceeds state standards" for a performance rating of five stars;	33534 33535
(b) "Exceeds state standards" for a performance rating of four stars or four and one-half stars;	33536 33537
(c) "Meets state standards" for a performance rating of three stars or three and one-half stars;	33538 33539
(d) "Needs support to meet state standards" for a performance rating of two stars or two and one-half stars;	33540 33541
(e) "Needs significant support to meet state standards" for a performance rating of one star or one and one-half stars.	33542 33543
(3) For performance ratings for each component under divisions (D)(3)(a) to (f) of this section, the state board shall include a description of each component and performance rating. The description shall include component-specific context to each performance rating earned, estimated comparisons to other school districts and buildings if appropriate, and any other information determined by the state board. The descriptions shall be not longer than twenty-five words in length when possible. In addition to such descriptions, the state board shall include the descriptors in division (F)(2) of this section for component performance ratings.	33544 33545 33546 33547 33548 33549 33550 33551 33552 33553 33554
(4) Each report card issued under this section shall include all of the following:	33555 33556
(a) A graphic that depicts the performance ratings of a district or school on a color scale. The color associated with a performance rating of three stars shall be green and the color associated with a performance rating of one star shall be red.	33557 33558 33559 33560
(b) An arrow graphic that shows data trends for performance ratings for school districts or buildings. The state board shall	33561 33562

determine the data to be used for this graphic, which shall 33563  
include at least the three most recent years of data. 33564

(c) A description regarding the weights that are assigned to 33565  
each component and used to determine an overall performance 33566  
rating, as prescribed under division (D)(3)(g) of this section, 33567  
which shall be included in the presentation of the overall 33568  
performance rating on each report card. 33569

(G) When reporting data on student achievement and progress, 33570  
the department shall disaggregate that data according to the 33571  
following categories: 33572

(1) Performance of students by grade-level; 33573

(2) Performance of students by race and ethnic group; 33574

(3) Performance of students by gender; 33575

(4) Performance of students grouped by those who have been 33576  
enrolled in a district or school for three or more years; 33577

(5) Performance of students grouped by those who have been 33578  
enrolled in a district or school for more than one year and less 33579  
than three years; 33580

(6) Performance of students grouped by those who have been 33581  
enrolled in a district or school for one year or less; 33582

(7) Performance of students grouped by those who are 33583  
economically disadvantaged; 33584

(8) Performance of students grouped by those who are enrolled 33585  
in a conversion community school established under Chapter 3314. 33586  
of the Revised Code; 33587

(9) Performance of students grouped by those who are 33588  
classified as English learners; 33589

(10) Performance of students grouped by those who have 33590  
disabilities; 33591

(11) Performance of students grouped by those who are 33592  
classified as migrants; 33593

(12) Performance of students grouped by those who are 33594  
identified as gifted in superior cognitive ability and the 33595  
specific academic ability fields of reading and math pursuant to 33596  
Chapter 3324. of the Revised Code. In disaggregating specific 33597  
academic ability fields for gifted students, the department shall 33598  
use data for those students with specific academic ability in math 33599  
and reading. If any other academic field is assessed, the 33600  
department shall also include data for students with specific 33601  
academic ability in that field as well. 33602

(13) Performance of students grouped by those who perform in 33603  
the lowest quintile for achievement on a statewide basis, as 33604  
determined by a method prescribed by the state board. 33605

The department may disaggregate data on student performance 33606  
according to other categories that the department determines are 33607  
appropriate. To the extent possible, the department shall 33608  
disaggregate data on student performance according to any 33609  
combinations of two or more of the categories listed in divisions 33610  
(G)(1) to (13) of this section that it deems relevant. 33611

In reporting data pursuant to division (G) of this section, 33612  
the department shall not include in the report cards any data 33613  
statistical in nature that is statistically unreliable or that 33614  
could result in the identification of individual students. For 33615  
this purpose, the department shall not report student performance 33616  
data for any group identified in division (G) of this section that 33617  
contains less than ten students. If the department does not report 33618  
student performance data for a group because it contains less than 33619  
ten students, the department shall indicate on the report card 33620  
that is why data was not reported. 33621

(H) The department may include with the report cards any 33622

additional education and fiscal performance data it deems 33623  
valuable. 33624

(I) The department shall include on each report card a list 33625  
of additional information collected by the department that is 33626  
available regarding the district or building for which the report 33627  
card is issued. When available, such additional information shall 33628  
include student mobility data disaggregated by race and 33629  
socioeconomic status, college enrollment data, and the reports 33630  
prepared under section 3302.031 of the Revised Code. 33631

The department shall maintain a site on the world wide web. 33632  
The report card shall include the address of the site and shall 33633  
specify that such additional information is available to the 33634  
public at that site. The department shall also provide a copy of 33635  
each item on the list to the superintendent of each school 33636  
district. The district superintendent shall provide a copy of any 33637  
item on the list to anyone who requests it. 33638

(J)(1)(a) Except as provided in division (J)(1)(b) of this 33639  
section, for any district that sponsors a conversion community 33640  
school under Chapter 3314. of the Revised Code, the department 33641  
shall combine data regarding the academic performance of students 33642  
enrolled in the community school with comparable data from the 33643  
schools of the district for the purpose of determining the 33644  
performance of the district as a whole on the report card issued 33645  
for the district under this section or section 3302.033 of the 33646  
Revised Code. 33647

(b) The department shall not combine data from any conversion 33648  
community school that a district sponsors if a majority of the 33649  
students enrolled in the conversion community school are enrolled 33650  
in a dropout prevention and recovery program that is operated by 33651  
the school, as described in division (A)(4)(a) of section 3314.35 33652  
of the Revised Code. The department shall include as an addendum 33653  
to the district's report card the ratings and performance measures 33654

that are required under section 3314.017 of the Revised Code for 33655  
any community school to which division (J)(1)(b) of this section 33656  
applies. This addendum shall include, at a minimum, the data 33657  
specified in divisions (C)(1)(a), (C)(2), and (C)(3) of section 33658  
3314.017 of the Revised Code. 33659

(2) Any district that leases a building to a community school 33660  
located in the district or that enters into an agreement with a 33661  
community school located in the district whereby the district and 33662  
the school endorse each other's programs may elect to have data 33663  
regarding the academic performance of students enrolled in the 33664  
community school combined with comparable data from the schools of 33665  
the district for the purpose of determining the performance of the 33666  
district as a whole on the district report card. Any district that 33667  
so elects shall annually file a copy of the lease or agreement 33668  
with the department. 33669

(3) Any municipal school district, as defined in section 33670  
3311.71 of the Revised Code, that sponsors a community school 33671  
located within the district's territory, or that enters into an 33672  
agreement with a community school located within the district's 33673  
territory whereby the district and the community school endorse 33674  
each other's programs, may exercise either or both of the 33675  
following elections: 33676

(a) To have data regarding the academic performance of 33677  
students enrolled in that community school combined with 33678  
comparable data from the schools of the district for the purpose 33679  
of determining the performance of the district as a whole on the 33680  
district's report card; 33681

(b) To have the number of students attending that community 33682  
school noted separately on the district's report card. 33683

The election authorized under division (J)(3)(a) of this 33684  
section is subject to approval by the governing authority of the 33685

community school. 33686

Any municipal school district that exercises an election to 33687  
combine or include data under division (J)(3) of this section, by 33688  
the first day of October of each year, shall file with the 33689  
department documentation indicating eligibility for that election, 33690  
as required by the department. 33691

(K) The department shall include on each report card the 33692  
percentage of teachers in the district or building who are 33693  
properly certified or licensed teachers, as defined in section 33694  
3319.074 of the Revised Code, and a comparison of that percentage 33695  
with the percentages of such teachers in similar districts and 33696  
buildings. 33697

(L)(1) In calculating English language arts, mathematics, 33698  
science, American history, or American government assessment 33699  
passage rates used to determine school district or building 33700  
performance under this section, the department shall include all 33701  
students taking an assessment with accommodation or to whom an 33702  
alternate assessment is administered pursuant to division (C)(1) 33703  
or (3) of section 3301.0711 of the Revised Code and all students 33704  
who take substitute examinations approved under division (B)(4) of 33705  
section 3301.0712 of the Revised Code in the subject areas of 33706  
science, American history and American government. 33707

(2) In calculating performance index scores, rates of 33708  
achievement on the performance indicators established by the state 33709  
board under section 3302.02 of the Revised Code, and annual 33710  
measurable objectives for determining adequate yearly progress for 33711  
school districts and buildings under this section, the department 33712  
shall do all of the following: 33713

(a) Include for each district or building only those students 33714  
who are included in the ADM certified for the first full school 33715  
week of October and are continuously enrolled in the district or 33716

building through the time of the spring administration of any 33717  
assessment prescribed by division (A)(1) or (B)(1) of section 33718  
3301.0710 or division (B) of section 3301.0712 of the Revised Code 33719  
that is administered to the student's grade level; 33720

(b) Include cumulative totals from both the fall and spring 33721  
administrations of the third grade English language arts 33722  
achievement assessment and, to the extent possible, the summer 33723  
administration of that assessment; 33724

(c) ~~Except as required by the No Child Left Behind Act of~~ 33725  
~~2001, exclude~~ Include for each district or building any English 33726  
learner ~~who has been enrolled in United States schools for less~~ 33727  
~~than one full school year~~ in accordance with the department's 33728  
plan, as approved by the United States secretary of education, to 33729  
comply with the "Elementary and Secondary Education Act of 1965," 33730  
20 U.S.C. 6311 to 6339. 33731

As used in this section, "English learner" has the same 33732  
meaning as in section 3301.0731 of the Revised Code. 33733

(M) Beginning with the 2015-2016 school year and at least 33734  
once every three years thereafter, the state board of education 33735  
shall review and may adjust the benchmarks for assigning letter 33736  
grades or performance ratings to the performance measures and 33737  
components prescribed under divisions (C)(3), (D), and (E) of this 33738  
section. 33739

**Sec. 3302.151.** (A) Notwithstanding anything to the contrary 33740  
in the Revised Code, a school district that qualifies under 33741  
division (D) of this section shall be exempt from all of the 33742  
following: 33743

(1) The teacher qualification requirements under the 33744  
third-grade reading guarantee, as prescribed under divisions 33745  
(B)(3)(c) and ~~(H)~~(I) of section 3313.608 of the Revised Code. This 33746

exemption does not relieve a teacher from holding a valid Ohio license in a subject area and grade level determined appropriate by the board of education of that district.

(2) The mentoring component of the Ohio teacher residency program established under division (A)(1) of section 3319.223 of the Revised Code, so long as the district utilizes a local approach to train and support new teachers;

(3) Any provision of the Revised Code or rule or standard of the state board of education prescribing a minimum or maximum class size;

(4) Any provision of the Revised Code or rule or standard of the state board requiring teachers to be licensed specifically in the grade level in which they are teaching, except unless otherwise prescribed by federal law. This exemption does not apply to special education teachers. Nor does this exemption relieve a teacher from holding a valid Ohio license in the subject area in which that teacher is teaching and at least some grade level determined appropriate by the district board.

(B)(1) Notwithstanding anything to the contrary in the Revised Code, including sections 3319.30 and 3319.36 of the Revised Code, the superintendent of a school district that qualifies under division (D) of this section may employ an individual who is not licensed as required by sections 3319.22 to 3319.30 of the Revised Code, but who is otherwise qualified based on experience, to teach classes in the district, so long as the board of education of the school district approves the individual's employment and provides mentoring and professional development opportunities to that individual, as determined necessary by the board.

(2) As a condition of employment under this section, an individual shall be subject to a criminal records check as

prescribed by section 3319.391 of the Revised Code. In the manner 33778  
prescribed by the department of education, the individual shall 33779  
submit the criminal records check to the department and shall 33780  
register with the department during the period in which the 33781  
individual is employed by the district. The department shall use 33782  
the information submitted to enroll the individual in the retained 33783  
applicant fingerprint database, established under section 109.5721 33784  
of the Revised Code, in the same manner as any teacher licensed 33785  
under sections 3319.22 to 3319.31 of the Revised Code. 33786

(3) An individual employed pursuant to this division is 33787  
subject to Chapter 3307. of the Revised Code. 33788

If the department receives notification of the arrest or 33789  
conviction of an individual employed under division (B) of this 33790  
section, the department shall promptly notify the employing 33791  
district and may take any action authorized under sections 3319.31 33792  
and 3319.311 of the Revised Code that it considers appropriate. No 33793  
district shall employ any individual under division (B) of this 33794  
section if the district learns that the individual has plead 33795  
guilty to, has been found guilty by a jury or court of, or has 33796  
been convicted of any of the offenses listed in division (C) of 33797  
section 3319.31 of the Revised Code. 33798

(C) Notwithstanding anything to the contrary in the Revised 33799  
Code, noncompliance with any of the requirements listed in 33800  
divisions (A) or (B) of this section shall not disqualify a school 33801  
district that qualifies under division (D) of this section from 33802  
receiving funds under Chapter 3317. of the Revised Code. 33803

(D) In order for a city, local, or exempted village school 33804  
district to qualify for the exemptions described in this section, 33805  
the school district shall meet all of the following benchmarks on 33806  
the most recent report card issued for that district under section 33807  
3302.03 of the Revised Code: 33808

(1) The district received at least eighty-five per cent of 33809  
the total possible points for the performance index score 33810  
calculated under division (C)(1)(b) or (D)(1)(c) of that section; 33811

(2) The district received a grade of an "A" for performance 33812  
indicators met under division (C)(1)(c) of that section. However, 33813  
division (D)(2) of this section shall not apply for the 2021-2022 33814  
school year or any school year thereafter. 33815

(3) The district has a four-year adjusted cohort graduation 33816  
rate of at least ninety-three per cent and a five-year adjusted 33817  
cohort graduation rate of at least ninety-five per cent, as 33818  
calculated under division (C)(1)(d) or divisions (D)(1)(e) and 33819  
(D)(1)(f) of that section. 33820

(E) A school district that meets the requirements prescribed 33821  
by division (D) of this section shall be qualified for the 33822  
exemptions prescribed by this section for three school years, 33823  
beginning with the school year in which the qualifying report card 33824  
is issued. 33825

(F) As used in this section, "license" has the same meaning 33826  
as in section 3319.31 of the Revised Code. 33827

**Sec. 3310.032.** (A) A student is an "eligible student" for 33828  
purposes of the expansion of the educational choice scholarship 33829  
pilot program under this section if the student's resident 33830  
district is not a school district in which the pilot project 33831  
scholarship program is operating under sections 3313.974 to 33832  
3313.979 of the Revised Code, the student is not eligible for an 33833  
educational choice scholarship under section 3310.03 of the 33834  
Revised Code, and either of the following apply: 33835

(1) The student's family income is at or below ~~two~~ four 33836  
hundred fifty per cent of the federal poverty guidelines, as 33837  
defined in section 5101.46 of the Revised Code, when the student 33838

applies for a scholarship under this section. 33839

(2) The student's sibling, as defined in section 3310.033 of 33840  
the Revised Code, receives a scholarship under this section for at 33841  
least one of the following: 33842

(a) For the school year immediately prior to the school year 33843  
for which the student is seeking a scholarship; 33844

(b) For the school year for which the student is seeking a 33845  
scholarship. 33846

(B) In each fiscal year for which the general assembly 33847  
appropriates funds for purposes of this section, the department of 33848  
education shall pay scholarships to attend chartered nonpublic 33849  
schools in accordance with section 3317.022 of the Revised Code. 33850  
The number of scholarships awarded under this section shall not 33851  
exceed the number that can be funded for that school year as 33852  
authorized by the general assembly. 33853

(C) Scholarships under this section shall be awarded as 33854  
follows: 33855

(1) For the 2013-2014 school year, to eligible students who 33856  
are entering kindergarten in that school year for the first time; 33857

(2) For each subsequent school year through the 2019-2020 33858  
school year, scholarships shall be awarded to eligible students in 33859  
the next grade level above the highest grade level awarded in the 33860  
preceding school year, in addition to the grade levels for which 33861  
students received scholarships in the preceding school year; 33862

(3) Beginning with the 2020-2021 school year, to eligible 33863  
students who are entering any of grades kindergarten through 33864  
twelve in that school year for the first time. 33865

(D) If the number of eligible students who apply for a 33866  
scholarship under this section exceeds the scholarships available 33867  
based on the appropriation for this section, the department shall 33868

award scholarships in the following order of priority: 33869

(1) First, to eligible students who received scholarships 33870  
under this section in the prior school year; 33871

(2) Second, to eligible students with family incomes at or 33872  
below ~~one~~ three hundred per cent of the federal poverty 33873  
guidelines. If the number of students described in division (D)(2) 33874  
of this section who apply for a scholarship exceeds the number of 33875  
available scholarships after awards are made under division (D)(1) 33876  
of this section, the department shall select students described in 33877  
division (D)(2) of this section by lot to receive any remaining 33878  
scholarships. 33879

(3) Third, to other eligible students who qualify under this 33880  
section. If the number of students described in division (D)(3) of 33881  
this section exceeds the number of available scholarships after 33882  
awards are made under divisions (D)(1) and (2) of this section, 33883  
the department shall select students described in division (D)(3) 33884  
of this section by lot to receive any remaining scholarships. 33885

(E) A student who receives a scholarship under this section 33886  
remains an eligible student and may continue to receive 33887  
scholarships under this section in subsequent school years until 33888  
the student completes grade twelve, so long as the student 33889  
satisfies the conditions specified in divisions (D)(2) and (3) of 33890  
section 3310.03 of the Revised Code. 33891

Once a scholarship is awarded under this section, the student 33892  
shall remain eligible for that scholarship for the current school 33893  
year and subsequent school years even if the student's family 33894  
income rises above the amount specified in division (A) of this 33895  
section, provided the student remains enrolled in a chartered 33896  
nonpublic school. 33897

**Sec. 3310.13.** (A) No chartered nonpublic school shall charge 33898

any student whose family income is at or below two hundred per 33899  
cent of the federal poverty guidelines, as defined in section 33900  
5101.46 of the Revised Code, a tuition fee that is greater than 33901  
the total amount paid for that student under section 3317.022 of 33902  
the Revised Code. 33903

(B) A chartered nonpublic school may charge any other student 33904  
who is paid a scholarship under that section up to the difference 33905  
between the amount of the scholarship and the regular tuition 33906  
charge of the school. Each chartered nonpublic school may permit 33907  
such an eligible student's family to provide volunteer services in 33908  
lieu of cash payment to pay all or part of the amount of the 33909  
school's tuition not covered by the scholarship paid under section 33910  
3317.022 of the Revised Code. 33911

(C) Each chartered nonpublic school that charges a 33912  
scholarship student an additional amount as authorized under 33913  
division (B) of this section shall annually report to the 33914  
department of education in the manner prescribed by the department 33915  
the following: 33916

(1) The number of students charged; 33917

(2) The average of the amounts charged to such students. 33918

(D) No chartered nonpublic school participating in the 33919  
educational choice scholarship pilot program shall require the 33920  
parent of a student to disclose, as part of the school's admission 33921  
procedure, whether the student's family income is at or below two 33922  
hundred per cent of the federal poverty guidelines. 33923

**Sec. 3310.15.** (A) The department of education annually shall 33924  
compile the scores attained by scholarship students to whom an 33925  
assessment is administered under section 3310.14 of the Revised 33926  
Code. The scores shall be aggregated as follows: 33927

(1) By state, which shall include all students awarded a 33928

scholarship under the educational choice scholarship pilot program 33929  
and who were required to take an assessment under section 3310.14 33930  
of the Revised Code; 33931

(2) By school district, which shall include all scholarship 33932  
students who were required to take an assessment under section 33933  
3310.14 of the Revised Code and for whom the district is the 33934  
student's resident district; 33935

(3) By chartered nonpublic school, which shall include all 33936  
scholarship students enrolled in that school who were required to 33937  
take an assessment under section 3310.14 of the Revised Code. 33938

(B) The department shall disaggregate the student performance 33939  
data described in division (A) of this section according to the 33940  
following categories: 33941

(1) Grade level; 33942

(2) Race and ethnicity; 33943

(3) Gender; 33944

(4) Students who have participated in the scholarship program 33945  
for three or more years; 33946

(5) Students who have participated in the scholarship program 33947  
for more than one year and less than three years; 33948

(6) Students who have participated in the scholarship program 33949  
for one year or less; 33950

(7) Economically disadvantaged students. 33951

(C) The department shall post the student performance data 33952  
required under divisions (A) and (B) of this section on its web 33953  
site and, by the first day of February each year, shall distribute 33954  
that data to the parent of each eligible student. In reporting 33955  
student performance data under this division, the department shall 33956  
not include any data that is statistically unreliable or that 33957  
could result in the identification of individual students. For 33958

this purpose, the department shall not report performance data for 33959  
any group that contains less than ten students. 33960

Not later than July 1, 2024, the department shall develop one 33961  
or more measures to demonstrate the performance of scholarship 33962  
students enrolled in a chartered nonpublic school that will enable 33963  
parents to effectively compare the performance of scholarship 33964  
students against the performance of students enrolled in public 33965  
schools. The superintendent of public instruction's advisory 33966  
committee on chartered nonpublic schools shall review the measures 33967  
and data simulations and may recommend revisions to the measures. 33968  
The department shall adopt rules in accordance with Chapter 119. 33969  
of the Revised Code prior to using any of the measures developed 33970  
under this section. Notwithstanding any provision of section 33971  
121.95 of the Revised Code to the contrary, a regulatory 33972  
restriction contained in a rule adopted under this division is not 33973  
subject to sections 121.95 to 121.953 of the Revised Code. 33974

(D) The department shall provide the parent of each 33975  
scholarship student with information comparing the student's 33976  
performance on the assessments administered under section 3310.14 33977  
of the Revised Code with the average performance of similar 33978  
students enrolled in the building operated by the student's 33979  
resident district that the scholarship student would otherwise 33980  
attend. In calculating the performance of similar students, the 33981  
department shall consider age, grade, race and ethnicity, gender, 33982  
and socioeconomic status. 33983

**Sec. 3310.41.** (A) As used in this section: 33984

(1) "Alternative public provider" means either of the 33985  
following providers that agrees to enroll a child in the 33986  
provider's special education program to implement the child's 33987  
individualized education program and to which the child's parent 33988  
owes fees for the services provided to the child: 33989

(a) A school district that is not the school district in which the child is entitled to attend school;	33990 33991
(b) A public entity other than a school district.	33992
(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.	33993 33994 33995
(3) "Formula ADM" has the same meaning as in section 3317.02 of the Revised Code.	33996 33997
(4) "Preschool child with a disability" and "individualized education program" have the same meanings as in section 3323.01 of the Revised Code.	33998 33999 34000
(5) "Parent" has the same meaning as in section 3313.64 of the Revised Code, except that "parent" does not mean a parent whose custodial rights have been terminated. "Parent" also includes the custodian of a qualified special education child, when a court has granted temporary, legal, or permanent custody of the child to an individual other than either of the natural or adoptive parents of the child or to a government agency.	34001 34002 34003 34004 34005 34006 34007
(6) "Qualified special education child" is a child for whom all of the following conditions apply:	34008 34009
(a) The school district in which the child is entitled to attend school has identified the child as autistic. A child who has been identified as having a "pervasive developmental disorder - not otherwise specified (PPD-NOS)" shall be considered to be an autistic child for purposes of this section.	34010 34011 34012 34013 34014
(b) The school district in which the child is entitled to attend school has developed an individualized education program under Chapter 3323. of the Revised Code for the child.	34015 34016 34017
(c) The child either:	34018
(i) Was enrolled in the school district in which the child is	34019

entitled to attend school in any grade from preschool through 34020  
twelve in the school year prior to the year in which a scholarship 34021  
under this section is first sought for the child; or 34022

(ii) Is eligible to enter school in any grade preschool 34023  
through twelve in the school district in which the child is 34024  
entitled to attend school in the school year in which a 34025  
scholarship under this section is first sought for the child. 34026

(7) "Registered private provider" means a nonpublic school or 34027  
other nonpublic entity that has been approved by the department of 34028  
education to participate in the program established under this 34029  
section. 34030

(8) "Special education program" means a school or facility 34031  
that provides special education and related services to children 34032  
with disabilities. 34033

(B) There is hereby established the autism scholarship 34034  
program. Under the program, the department of education shall pay 34035  
a scholarship under section 3317.022 of the Revised Code to the 34036  
parent of each qualified special education child upon application 34037  
of that parent pursuant to procedures and deadlines established by 34038  
rule of the state board of education. Each scholarship shall be 34039  
used only to pay tuition for the child on whose behalf the 34040  
scholarship is awarded to attend a special education program that 34041  
implements the child's individualized education program and that 34042  
is operated by an alternative public provider or by a registered 34043  
private provider, and to pay for other services agreed to by the 34044  
provider and the parent of a qualified special education child 34045  
that are not included in the individualized education program but 34046  
are associated with educating the child. Upon agreement with the 34047  
parent of a qualified special education child, the alternative 34048  
public provider or the registered private provider may modify the 34049  
services provided to the child. The purpose of the scholarship is 34050  
to permit the parent of a qualified special education child the 34051

choice to send the child to a special education program, instead 34052  
of the one operated by or for the school district in which the 34053  
child is entitled to attend school, to receive the services 34054  
prescribed in the child's individualized education program once 34055  
the individualized education program is finalized and any other 34056  
services agreed to by the provider and the parent of a qualified 34057  
special education child. The services provided under the 34058  
scholarship shall include an educational component or services 34059  
designed to assist the child to benefit from the child's 34060  
education. 34061

A scholarship under this section shall not be awarded to the 34062  
parent of a child while the child's individualized education 34063  
program is being developed by the school district in which the 34064  
child is entitled to attend school, or while any administrative or 34065  
judicial mediation or proceedings with respect to the content of 34066  
the child's individualized education program are pending. A 34067  
scholarship under this section shall not be used for a child to 34068  
attend a public special education program that operates under a 34069  
contract, compact, or other bilateral agreement between the school 34070  
district in which the child is entitled to attend school and 34071  
another school district or other public provider, or for a child 34072  
to attend a community school established under Chapter 3314. of 34073  
the Revised Code. However, nothing in this section or in any rule 34074  
adopted by the state board shall prohibit a parent whose child 34075  
attends a public special education program under a contract, 34076  
compact, or other bilateral agreement, or a parent whose child 34077  
attends a community school, from applying for and accepting a 34078  
scholarship under this section so that the parent may withdraw the 34079  
child from that program or community school and use the 34080  
scholarship for the child to attend a special education program 34081  
for which the parent is required to pay for services for the 34082  
child. 34083

Except for development of the child's individualized education program, the school district in which a qualified special education child is entitled to attend school and the child's school district of residence, as defined in section 3323.01 of the Revised Code, if different, are not obligated to provide the child with a free appropriate public education under Chapter 3323. of the Revised Code for as long as the child continues to attend the special education program operated by either an alternative public provider or a registered private provider for which a scholarship is awarded under the autism scholarship program. If at any time, the eligible applicant for the child decides no longer to accept scholarship payments and enrolls the child in the special education program of the school district in which the child is entitled to attend school, that district shall provide the child with a free appropriate public education under Chapter 3323. of the Revised Code.

A child attending a special education program with a scholarship under this section shall continue to be entitled to transportation to and from that program in the manner prescribed by law.

(C) As prescribed in division (A)(2)(h) of section 3317.03 of the Revised Code, a child who is not a preschool child with a disability for whom a scholarship is awarded under this section shall be counted in the formula ADM of the district in which the child is entitled to attend school and not in the formula ADM of any other school district.

(D) A scholarship shall not be paid under section 3317.022 of the Revised Code to a parent for payment of tuition owed to a nonpublic entity unless that entity is a registered private provider. The department shall approve entities that meet the standards established by rule of the state board for the program established under this section.

(E) The state board shall adopt rules under Chapter 119. of 34116  
the Revised Code prescribing procedures necessary to implement 34117  
this section, including, but not limited to, procedures and 34118  
deadlines for parents to apply for scholarships, standards for 34119  
registered private providers, and procedures for approval of 34120  
entities as registered private providers. 34121

The rules also shall specify that intervention services under 34122  
the autism scholarship program may be provided by a qualified, 34123  
credentialed provider, including, but not limited to, all of the 34124  
following: 34125

(1) A behavior analyst certified by a nationally recognized 34126  
organization that certifies behavior analysts; 34127

(2) A psychologist licensed to practice in this state under 34128  
Chapter 4732. of the Revised Code; 34129

(3) An independent school psychologist or school psychologist 34130  
licensed to practice in this state under Chapter 4732. of the 34131  
Revised Code; 34132

(4) Any person employed by a licensed psychologist, licensed 34133  
independent school psychologist, or licensed school psychologist, 34134  
while carrying out specific tasks, under the licensee's 34135  
supervision, as an extension of the licensee's legal and ethical 34136  
authority as specified under Chapter 4732. of the Revised Code who 34137  
is ascribed as "psychology trainee," "psychology assistant," 34138  
"psychology intern," or other appropriate term that clearly 34139  
implies their supervised or training status; 34140

(5) Unlicensed persons holding a doctoral degree in 34141  
psychology or special education from a program approved by the 34142  
state board; 34143

(6) A "registered behavior technician" as described under 34144  
rule 5123-9-41 of the Administrative Code; 34145

<u>(7) A "certified Ohio behavior analyst" under Chapter 4783.</u>	34146
<u>of the Revised Code;</u>	34147
<u>(8) Any other qualified individual as determined by the state</u>	34148
<u>board.</u>	34149
(F) The department shall provide reasonable notice to all	34150
parents of children receiving a scholarship under the autism	34151
scholarship program, alternative public providers, and registered	34152
private providers of any amendment to a rule governing, or change	34153
in the administration of, the autism scholarship program.	34154
<b>Sec. 3310.43.</b> (A) As used in this section:	34155
(1) "Registered private provider" has the same meaning as in	34156
section 3310.41 of the Revised Code.	34157
(2) "Two years of study" means the equivalent of forty-eight	34158
semester hours or seventy-two quarter hours.	34159
(B) The state board of education may issue an instructional	34160
assistant permit to an individual, upon the request of a	34161
registered private provider, qualifying that individual to provide	34162
services to a child under the autism scholarship program under	34163
section 3310.41 of the Revised Code. The permit shall be valid for	34164
one year from the date of issue and shall be renewable.	34165
For an individual to qualify for a permit under this section,	34166
the registered private provider shall assure to the state board	34167
all of the following:	34168
(1) The individual possesses the appropriate skills necessary	34169
to perform the duties of an instructional assistant, including the	34170
supervision of children and assistance with instructional tasks.	34171
(2) The individual demonstrates the potential to benefit from	34172
and consents to participating in in-service training, as required	34173
by the registered private provider.	34174

(3) The individual either:	34175
(a) Has an associate degree or higher from an accredited institution of higher education;	34176 34177
(b) Has completed at least two years of study at an accredited institution of higher education.	34178 34179
(C) An individual issued a permit under this section may provide instructional services in the home of a child so long as the individual is subject to adequate training and supervision. The state board shall adopt rules, pursuant to Chapter 119. of the Revised Code, regarding how providers will demonstrate this supervision.	34180 34181 34182 34183 34184 34185
(D) An individual issued a permit under this section shall be subject to the requirements of sections 3319.291, 3319.31, 3319.311, and 3319.313 of the Revised Code.	34186 34187 34188
<u>(E) The state board shall not require any of the following providers to receive a permit under this section to qualify to provide services to a child, including in-home services, under the autism scholarship program:</u>	34189 34190 34191 34192
<u>(1) A registered behavior technician as described under rule 5123-9-41 of the Administrative Code;</u>	34193 34194
<u>(2) A certified Ohio behavior technician under Chapter 4783. of the Revised Code.</u>	34195 34196
<b>Sec. 3313.5310.</b> (A)(1) This section applies to both of the following:	34197 34198
(a) Any school operated by a school district board of education;	34199 34200
(b) Any chartered or nonchartered nonpublic school that is subject to the rules of an interscholastic conference or an organization that regulates interscholastic conferences or events.	34201 34202 34203

(2) As used in this section, "athletic activity" means all of the following: 34204  
34205

(a) Interscholastic athletics; 34206

(b) An athletic contest or competition that is sponsored by or associated with a school that is subject to this section, including cheerleading, club-sponsored sports activities, and sports activities sponsored by school-affiliated organizations; 34207  
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(c) Noncompetitive cheerleading that is sponsored by school-affiliated organizations; 34211  
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(d) Practices, interschool practices, and scrimmages for all of the activities described in divisions (A)(2)(a), (b), and (c) of this section. 34213  
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(B) Prior to the start of each athletic season, a school that is subject to this section may hold an informational meeting for students, parents, guardians, other persons having care or charge of a student, physicians, pediatric cardiologists, athletic trainers, and any other persons regarding the symptoms and warning signs of sudden cardiac arrest for all ages of students. 34216  
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(C) No student shall participate in an athletic activity until the student has submitted to a designated school official a form signed by the student and the parent, guardian, or other person having care or charge of the student stating that the student and the parent, guardian, or other person having care or charge of the student have received and reviewed a copy of the information developed by the departments of health and education and posted on their respective internet web sites as required by section 3707.59 of the Revised Code. A completed form shall be submitted each school year, as defined in section 3313.62 of the Revised Code, in which the student participates in an athletic activity. 34222  
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(D) No individual shall coach an athletic activity unless the 34234

individual has completed, ~~on an annual basis,~~ the sudden cardiac 34235  
arrest training course approved by the department of health under 34236  
division (C) of section 3707.59 of the Revised Code in accordance 34237  
with section 3319.303 of the Revised Code. 34238

(E)(1) A student shall not be allowed to participate in an 34239  
athletic activity if either of the following is the case: 34240

(a) The student's biological parent, biological sibling, or 34241  
biological child has previously experienced sudden cardiac arrest, 34242  
and the student has not been evaluated and cleared for 34243  
participation in an athletic activity by a physician authorized 34244  
under Chapter 4731. of the Revised Code to practice medicine and 34245  
surgery or osteopathic medicine and surgery. 34246

(b) The student is known to have exhibited syncope or 34247  
fainting at any time prior to or following an athletic activity 34248  
and has not been evaluated and cleared for return under division 34249  
(E)(3) of this section after exhibiting syncope or fainting. 34250

(2) A student shall be removed by the student's coach from 34251  
participation in an athletic activity if the student exhibits 34252  
syncope or fainting. 34253

(3) If a student is not allowed to participate in or is 34254  
removed from participation in an athletic activity under division 34255  
(E)(1) or (2) of this section, the student shall not be allowed to 34256  
return to participation until the student is evaluated and cleared 34257  
for return in writing by any of the following: 34258

(a) A physician authorized under Chapter 4731. of the Revised 34259  
Code to practice medicine and surgery or osteopathic medicine and 34260  
surgery, including a physician who specializes in cardiology; 34261

(b) A certified nurse practitioner, clinical nurse 34262  
specialist, or certified nurse-midwife who holds a certificate of 34263  
authority issued under Chapter 4723. of the Revised Code; 34264

(c) A physician assistant licensed under Chapter 4730. of the Revised Code;	34265 34266
(d) An athletic trainer licensed under Chapter 4755. of the Revised Code.	34267 34268
The licensed health care providers specified in divisions (E)(3)(a) to (d) of this section may consult with any other licensed or certified health care providers in order to determine whether a student is ready to return to participation.	34269 34270 34271 34272
(F) A school that is subject to this section shall establish penalties for a coach who violates the provisions of division (E) of this section.	34273 34274 34275
(G) Nothing in this section shall be construed to abridge or limit any rights provided under a collective bargaining agreement entered into under Chapter 4117. of the Revised Code prior to March 14, 2017.	34276 34277 34278 34279
(H)(1) A school district, member of a school district board of education, or school district employee or volunteer, including a coach, is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties under this section, unless the act or omission constitutes willful or wanton misconduct.	34280 34281 34282 34283 34284 34285
This section does not eliminate, limit, or reduce any other immunity or defense that a school district, member of a school district board of education, or school district employee or volunteer, including a coach, may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.	34286 34287 34288 34289 34290 34291
(2) A chartered or nonchartered nonpublic school or any officer, director, employee, or volunteer of the school, including a coach, is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from	34292 34293 34294 34295

providing services or performing duties under this section, unless 34296  
the act or omission constitutes willful or wanton misconduct. 34297

Sec. 3313.5318. As used in this section, "athletic activity" 34298  
has the same meaning as in section 3313.5310 of the Revised Code. 34299

(A) No individual shall coach an athletic activity at a 34300  
school operated by a school district board of education or any 34301  
chartered or nonchartered nonpublic school that is subject to the 34302  
rules of an interscholastic conference or an organization that 34303  
regulates interscholastic conferences or events unless the 34304  
individual has completed a student mental health training course 34305  
approved by the department of mental health and addiction services 34306  
pursuant to division (B) of this section. The mental health 34307  
training course may be combined with or part of another training 34308  
course. 34309

(B) On or after the effective date of this section, an 34310  
individual shall complete the training prescribed by division (A) 34311  
of this section each time the individual applies for or renews a 34312  
pupil-activity program permit under section 3319.303 of the 34313  
Revised Code. An individual may complete the training at any time 34314  
within the duration of the individual's new or renewed permit. 34315  
Upon completion, the individual shall present evidence to the 34316  
state board of education that the individual has successfully 34317  
completed the training described in division (A) of this section. 34318

**Sec. 3313.603. (A) As used in this section:** 34319

(1) "One unit" means a minimum of one hundred twenty hours of 34320  
course instruction, except that for a laboratory course, "one 34321  
unit" means a minimum of one hundred fifty hours of course 34322  
instruction. 34323

(2) "One-half unit" means a minimum of sixty hours of course 34324  
instruction, except that for physical education courses, "one-half 34325

unit" means a minimum of one hundred twenty hours of course instruction. 34326  
34327

(B) Beginning September 15, 2001, except as required in 34328  
division (C) of this section and division (C) of section 3313.614 34329  
of the Revised Code, the requirements for graduation from every 34330  
high school shall include twenty units earned in grades nine 34331  
through twelve and shall be distributed as follows: 34332

(1) English language arts, four units; 34333

(2) Health, one-half unit; 34334

(3) Mathematics, three units; 34335

(4) Physical education, one-half unit; 34336

(5) Science, two units until September 15, 2003, and three 34337  
units thereafter, which at all times shall include both of the 34338  
following: 34339

(a) Biological sciences, one unit; 34340

(b) Physical sciences, one unit. 34341

(6) History and government, one unit, which shall comply with 34342  
division (M) of this section and shall include both of the 34343  
following: 34344

(a) American history, one-half unit; 34345

(b) American government, one-half unit. 34346

(7) Social studies, two units. 34347

Beginning with students who enter ninth grade for the first 34348  
time on or after July 1, 2017, the two units of instruction 34349  
prescribed by division (B)(7) of this section shall include at 34350  
least one-half unit of instruction in the study of world history 34351  
and civilizations. 34352

(8) Elective units, seven units until September 15, 2003, and 34353  
six units thereafter. 34354

Each student's electives shall include at least one unit, or 34355  
two half units, chosen from among the areas of 34356  
business/technology, fine arts, and/or foreign language. 34357

(C) Beginning with students who enter ninth grade for the 34358  
first time on or after July 1, 2010, except as provided in 34359  
divisions (D) to (F) of this section, the requirements for 34360  
graduation from every public and chartered nonpublic high school 34361  
shall include twenty units that are designed to prepare students 34362  
for the workforce and college. The units shall be distributed as 34363  
follows: 34364

(1) English language arts, four units; 34365

(2) Health, one-half unit, which shall include instruction in 34366  
nutrition and the benefits of nutritious foods and physical 34367  
activity for overall health; 34368

(3) Mathematics, four units, which shall include one unit of 34369  
algebra II or the equivalent of algebra II, or one unit of 34370  
advanced computer science as described in the standards adopted 34371  
pursuant to division (A)(4) of section 3301.079 of the Revised 34372  
Code. However, students who enter ninth grade for the first time 34373  
on or after July 1, 2015, and who are pursuing a career-technical 34374  
instructional track shall not be required to take algebra II or 34375  
advanced computer science, and instead may complete a career-based 34376  
pathway mathematics course approved by the department of education 34377  
as an alternative. 34378

For students who choose to take advanced computer science in 34379  
lieu of algebra II under division (C)(3) of this section, the 34380  
school shall communicate to those students that some institutions 34381  
of higher education may require algebra II for the purpose of 34382  
college admission. Also, the parent, guardian, or legal custodian 34383  
of each student who chooses to take advanced computer science in 34384  
lieu of algebra II shall sign and submit to the school a document 34385

containing a statement acknowledging that not taking algebra II 34386  
may have an adverse effect on college admission decisions. 34387

A student may fulfill one unit of mathematics under division 34388  
(C)(3) of this section by completing one-half unit of financial 34389  
literacy instruction to satisfy the requirement prescribed under 34390  
division (C)(9) of this section and one-half unit of a mathematics 34391  
course. The one-half unit course in mathematics shall not be in 34392  
algebra II, or its equivalent, or a course for which the state 34393  
board requires an end-of-course examination under section 34394  
3301.0712 of the Revised Code. 34395

Students who choose to take one unit of advanced computer 34396  
science in lieu of algebra II, as described in division (C)(3) of 34397  
this section, shall not be permitted to complete one-half unit of 34398  
financial literacy instruction to satisfy the mathematics unit 34399  
requirements of that division. Instead, those students shall be 34400  
required to complete the one-half unit of financial literacy 34401  
instruction under division (C)(8) of this section. 34402

(4) Physical education, one-half unit; 34403

(5) Science, three units with inquiry-based laboratory 34404  
experience that engages students in asking valid scientific 34405  
questions and gathering and analyzing information, which shall 34406  
include the following, or their equivalent: 34407

(a) Physical sciences, one unit; 34408

(b) Life sciences, one unit; 34409

(c) Advanced study in one or more of the following sciences, 34410  
one unit: 34411

(i) Chemistry, physics, or other physical science; 34412

(ii) Advanced biology or other life science; 34413

(iii) Astronomy, physical geology, or other earth or space 34414  
science; 34415

(iv) Computer science.	34416
No student shall substitute a computer science course for a	34417
life sciences or biology course under division (C)(5) of this	34418
section.	34419
(6) History and government, one unit, which shall comply with	34420
division (M) of this section and shall include both of the	34421
following:	34422
(a) American history, one-half unit;	34423
(b) American government, one-half unit.	34424
(7) Social studies, two units.	34425
Beginning with students who enter ninth grade for the first	34426
time on or after July 1, 2017, the two units of instruction	34427
prescribed by division (C)(7) of this section shall include at	34428
least one-half unit of instruction in the study of world history	34429
and civilizations.	34430
(8) Five units consisting of one or any combination of	34431
foreign language, fine arts, business, career-technical education,	34432
family and consumer sciences, technology which may include	34433
computer science, agricultural education, a junior reserve officer	34434
training corps (JROTC) program approved by the congress of the	34435
United States under title 10 of the United States Code, or English	34436
language arts, mathematics, science, or social studies courses not	34437
otherwise required under division (C) of this section.	34438
One-half unit of instruction under division (C)(8) of this	34439
section may be instruction in financial literacy to satisfy the	34440
requirement under division (C)(9) of this section.	34441
(9)(a) Except as provided in division (C)(9)(b) of this	34442
section, for students who enter ninth grade for the first time on	34443
or after July 1, 2022, financial literacy, one-half unit. Each	34444
student shall elect to complete the one-half unit of instruction	34445

in financial literacy either in lieu of one-half unit of 34446  
instruction in mathematics under division (C)(3) of this section 34447  
or an elective under division (C)(8) of this section. 34448

(b) A student attending a nonpublic school accredited through 34449  
the independent schools association of the central states or any 34450  
other chartered nonpublic school shall not be required to complete 34451  
the one-half unit of financial literacy instruction prescribed in 34452  
division (C)(9)(a) of this section, unless that student is 34453  
attending the school under a state scholarship program as defined 34454  
in section 3301.0711 of the Revised Code. 34455

The study and instruction of financial literacy required 34456  
under division (C)(9) of this section shall align with the 34457  
academic content standards for financial literacy and 34458  
entrepreneurship adopted under division (A)(2) of section 3301.079 34459  
of the Revised Code. Schools shall include in the curriculum for 34460  
the study and instruction of financial literacy instruction on the 34461  
free application for federal student aid. The content and method 34462  
of such instruction shall be determined by each school. In 34463  
developing the curriculum for the study and instruction of 34464  
financial literacy, schools may use available public-private 34465  
partnerships and resources and materials that exist in business, 34466  
industry, and through the centers for economics education at 34467  
institutions of higher education. 34468

Ohioans must be prepared to apply increased knowledge and 34469  
skills in the workplace and to adapt their knowledge and skills 34470  
quickly to meet the rapidly changing conditions of the 34471  
twenty-first century. National studies indicate that all high 34472  
school graduates need the same academic foundation, regardless of 34473  
the opportunities they pursue after graduation. The goal of Ohio's 34474  
system of elementary and secondary education is to prepare all 34475  
students for and seamlessly connect all students to success in 34476  
life beyond high school graduation, regardless of whether the next 34477

step is entering the workforce, beginning an apprenticeship, 34478  
engaging in post-secondary training, serving in the military, or 34479  
pursuing a college degree. 34480

The requirements for graduation prescribed in division (C) of 34481  
this section are the standard expectation for all students 34482  
entering ninth grade for the first time at a public or chartered 34483  
nonpublic high school on or after July 1, 2010. A student may 34484  
satisfy this expectation through a variety of methods, including, 34485  
but not limited to, integrated, applied, career-technical, and 34486  
traditional coursework. 34487

Stronger coordination between high schools and institutions 34488  
of higher education is necessary to prepare students for more 34489  
challenging academic endeavors and to lessen the need for academic 34490  
remediation in college, thereby reducing the costs of higher 34491  
education for Ohio's students, families, and the state. The state 34492  
board and the chancellor of higher education shall develop 34493  
policies to ensure that only in rare instances will students who 34494  
complete the requirements for graduation prescribed in division 34495  
(C) of this section require academic remediation after high 34496  
school. 34497

School districts, community schools, and chartered nonpublic 34498  
schools shall integrate technology into learning experiences 34499  
across the curriculum in order to maximize efficiency, enhance 34500  
learning, and prepare students for success in the 34501  
technology-driven twenty-first century. Districts and schools 34502  
shall use distance and web-based course delivery as a method of 34503  
providing or augmenting all instruction required under this 34504  
division, including laboratory experience in science. Districts 34505  
and schools shall utilize technology access and electronic 34506  
learning opportunities provided by the broadcast educational media 34507  
commission, chancellor, the Ohio learning network, education 34508  
technology centers, public television stations, and other public 34509

and private providers. 34510

(D) Except as provided in division (E) of this section, a 34511  
student who enters ninth grade on or after July 1, 2010, and 34512  
before July 1, 2016, may qualify for graduation from a public or 34513  
chartered nonpublic high school even though the student has not 34514  
completed the requirements for graduation prescribed in division 34515  
(C) of this section if all of the following conditions are 34516  
satisfied: 34517

(1) During the student's third year of attending high school, 34518  
as determined by the school, the student and the student's parent, 34519  
guardian, or custodian sign and file with the school a written 34520  
statement asserting the parent's, guardian's, or custodian's 34521  
consent to the student's graduating without completing the 34522  
requirements for graduation prescribed in division (C) of this 34523  
section and acknowledging that one consequence of not completing 34524  
those requirements is ineligibility to enroll in most state 34525  
universities in Ohio without further coursework. 34526

(2) The student and parent, guardian, or custodian fulfill 34527  
any procedural requirements the school stipulates to ensure the 34528  
student's and parent's, guardian's, or custodian's informed 34529  
consent and to facilitate orderly filing of statements under 34530  
division (D)(1) of this section. Annually, each district or school 34531  
shall notify the department of the number of students who choose 34532  
to qualify for graduation under division (D) of this section and 34533  
the number of students who complete the student's success plan and 34534  
graduate from high school. 34535

(3) The student and the student's parent, guardian, or 34536  
custodian and a representative of the student's high school 34537  
jointly develop a student success plan for the student in the 34538  
manner described in division (C)(1) of section 3313.6020 of the 34539  
Revised Code that specifies the student matriculating to a 34540  
two-year degree program, acquiring a business and 34541

industry-recognized credential, or entering an apprenticeship. 34542

(4) The student's high school provides counseling and support 34543  
for the student related to the plan developed under division 34544  
(D)(3) of this section during the remainder of the student's high 34545  
school experience. 34546

(5)(a) Except as provided in division (D)(5)(b) of this 34547  
section, the student successfully completes, at a minimum, the 34548  
curriculum prescribed in division (B) of this section. 34549

(b) Beginning with students who enter ninth grade for the 34550  
first time on or after July 1, 2014, a student shall be required 34551  
to complete successfully, at the minimum, the curriculum 34552  
prescribed in division (B) of this section, except as follows: 34553

(i) Mathematics, four units, one unit which shall be one of 34554  
the following: 34555

(I) Probability and statistics; 34556

(II) Computer science; 34557

(III) Applied mathematics or quantitative reasoning; 34558

(IV) Any other course approved by the department using 34559  
standards established by the superintendent not later than October 34560  
1, 2014. 34561

(ii) Elective units, five units; 34562

(iii) Science, three units as prescribed by division (B) of 34563  
this section which shall include inquiry-based laboratory 34564  
experience that engages students in asking valid scientific 34565  
questions and gathering and analyzing information. 34566

(E) Each school district and chartered nonpublic school 34567  
retains the authority to require an even more challenging minimum 34568  
curriculum for high school graduation than specified in division 34569  
(B) or (C) of this section. A school district board of education, 34570  
through the adoption of a resolution, or the governing authority 34571

of a chartered nonpublic school may stipulate any of the 34572  
following: 34573

(1) A minimum high school curriculum that requires more than 34574  
twenty units of academic credit to graduate; 34575

(2) An exception to the district's or school's minimum high 34576  
school curriculum that is comparable to the exception provided in 34577  
division (D) of this section but with additional requirements, 34578  
which may include a requirement that the student successfully 34579  
complete more than the minimum curriculum prescribed in division 34580  
(B) of this section; 34581

(3) That no exception comparable to that provided in division 34582  
(D) of this section is available. 34583

If a school district or chartered nonpublic school requires a 34584  
foreign language as an additional graduation requirement under 34585  
division (E) of this section, a student may apply one unit of 34586  
instruction in computer coding to satisfy one unit of foreign 34587  
language. If a student applies more than one computer coding 34588  
course to satisfy the foreign language requirement, the courses 34589  
shall be sequential and progressively more difficult. 34590

(F) A student enrolled in a dropout prevention and recovery 34591  
program, which program has received a waiver from the department, 34592  
may qualify for graduation from high school by successfully 34593  
completing a competency-based instructional program administered 34594  
by the dropout prevention and recovery program in lieu of 34595  
completing the requirements for graduation prescribed in division 34596  
(C) of this section. The department shall grant a waiver to a 34597  
dropout prevention and recovery program, within sixty days after 34598  
the program applies for the waiver, if the program meets all of 34599  
the following conditions: 34600

(1) The program serves only students not younger than sixteen 34601  
years of age and not older than twenty-one years of age. 34602

(2) The program enrolls students who, at the time of their initial enrollment, either, or both, are at least one grade level behind their cohort age groups or experience crises that significantly interfere with their academic progress such that they are prevented from continuing their traditional programs.

(3) The program requires students to attain at least the applicable score designated for each of the assessments prescribed under division (B)(1) of section 3301.0710 of the Revised Code or, to the extent prescribed by rule of the state board under division (D)(5) of section 3301.0712 of the Revised Code, division (B)(2) of that section.

(4) The program develops a student success plan for the student in the manner described in division (C)(1) of section 3313.6020 of the Revised Code that specifies the student's matriculating to a two-year degree program, acquiring a business and industry-recognized credential, or entering an apprenticeship.

(5) The program provides counseling and support for the student related to the plan developed under division (F)(4) of this section during the remainder of the student's high school experience.

(6) The program requires the student and the student's parent, guardian, or custodian to sign and file, in accordance with procedural requirements stipulated by the program, a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the requirements for graduation prescribed in division (C) of this section and acknowledging that one consequence of not completing those requirements is ineligibility to enroll in most state universities in Ohio without further coursework.

(7) Prior to receiving the waiver, the program has submitted to the department an instructional plan that demonstrates how the

academic content standards adopted by the state board under 34634  
section 3301.079 of the Revised Code will be taught and assessed. 34635

(8) Prior to receiving the waiver, the program has submitted 34636  
to the department a policy on career advising that satisfies the 34637  
requirements of section 3313.6020 of the Revised Code, with an 34638  
emphasis on how every student will receive career advising. 34639

(9) Prior to receiving the waiver, the program has submitted 34640  
to the department a written agreement outlining the future 34641  
cooperation between the program and any combination of local job 34642  
training, postsecondary education, nonprofit, and health and 34643  
social service organizations to provide services for students in 34644  
the program and their families. 34645

Divisions (F)(8) and (9) of this section apply only to 34646  
waivers granted on or after July 1, 2015. 34647

If the department does not act either to grant the waiver or 34648  
to reject the program application for the waiver within sixty days 34649  
as required under this section, the waiver shall be considered to 34650  
be granted. 34651

(G) Every high school may permit students below the ninth 34652  
grade to take advanced work. If a high school so permits, it shall 34653  
award high school credit for successful completion of the advanced 34654  
work and shall count such advanced work toward the graduation 34655  
requirements of division (B) or (C) of this section if the 34656  
advanced work was both: 34657

(1) Taught by a person who possesses a license or certificate 34658  
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 34659  
Code that is valid for teaching high school; 34660

(2) Designated by the board of education of the city, local, 34661  
or exempted village school district, the board of the cooperative 34662  
education school district, or the governing authority of the 34663  
chartered nonpublic school as meeting the high school curriculum 34664

requirements. 34665

Each high school shall record on the student's high school transcript all high school credit awarded under division (G) of this section. In addition, if the student completed a seventh- or eighth-grade fine arts course described in division (K) of this section and the course qualified for high school credit under that division, the high school shall record that course on the student's high school transcript. 34666  
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(H) The department shall make its individual academic career plan available through its Ohio career information system web site for districts and schools to use as a tool for communicating with and providing guidance to students and families in selecting high school courses. 34673  
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(I) A school district or chartered nonpublic school may integrate academic content in a subject area for which the state board has adopted standards under section 3301.079 of the Revised Code into a course in a different subject area, including a career-technical education course, in accordance with guidance for integrated coursework developed by the department. Upon successful completion of an integrated course, a student may receive credit for both subject areas that were integrated into the course. Units earned for subject area content delivered through integrated academic and career-technical instruction are eligible to meet the graduation requirements of division (B) or (C) of this section. 34678  
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For purposes of meeting graduation requirements, if an end-of-course examination has been prescribed under section 3301.0712 of the Revised Code for the subject area delivered through integrated instruction, the school district or school may administer the related subject area examinations upon the student's completion of the integrated course. 34689  
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Nothing in division (I) of this section shall be construed to 34695

excuse any school district, chartered nonpublic school, or student 34696  
from any requirement in the Revised Code related to curriculum, 34697  
assessments, or the awarding of a high school diploma. 34698

(J)(1) The state board, in consultation with the chancellor, 34699  
shall adopt a statewide plan implementing methods for students to 34700  
earn units of high school credit based on a demonstration of 34701  
subject area competency, instead of or in combination with 34702  
completing hours of classroom instruction. The state board shall 34703  
adopt the plan not later than March 31, 2009, and commence phasing 34704  
in the plan during the 2009-2010 school year. The plan shall 34705  
include a standard method for recording demonstrated proficiency 34706  
on high school transcripts. Each school district and community 34707  
school shall comply with the state board's plan adopted under this 34708  
division and award units of high school credit in accordance with 34709  
the plan. The state board may adopt existing methods for earning 34710  
high school credit based on a demonstration of subject area 34711  
competency as necessary prior to the 2009-2010 school year. 34712

(2) Not later than December 31, 2015, the state board shall 34713  
update the statewide plan adopted pursuant to division (J)(1) of 34714  
this section to also include methods for students enrolled in 34715  
seventh and eighth grade to meet curriculum requirements based on 34716  
a demonstration of subject area competency, instead of or in 34717  
combination with completing hours of classroom instruction. 34718  
Beginning with the 2017-2018 school year, each school district and 34719  
community school also shall comply with the updated plan adopted 34720  
pursuant to this division and permit students enrolled in seventh 34721  
and eighth grade to meet curriculum requirements based on subject 34722  
area competency in accordance with the plan. 34723

(3) Not later than December 31, 2017, the department shall 34724  
develop a framework for school districts and community schools to 34725  
use in granting units of high school credit to students who 34726  
demonstrate subject area competency through work-based learning 34727

experiences, internships, or cooperative education. Beginning with 34728  
the 2018-2019 school year, each district and community school 34729  
shall comply with the framework. Each district and community 34730  
school also shall review any policy it has adopted regarding the 34731  
demonstration of subject area competency to identify ways to 34732  
incorporate work-based learning experiences, internships, and 34733  
cooperative education into the policy in order to increase student 34734  
engagement and opportunities to earn units of high school credit. 34735

(K) This division does not apply to students who qualify for 34736  
graduation from high school under division (D) or (F) of this 34737  
section, or to students pursuing a career-technical instructional 34738  
track as determined by the school district board of education or 34739  
the chartered nonpublic school's governing authority. 34740  
Nevertheless, the general assembly encourages such students to 34741  
consider enrolling in a fine arts course as an elective. 34742

Beginning with students who enter ninth grade for the first 34743  
time on or after July 1, 2010, each student enrolled in a public 34744  
or chartered nonpublic high school shall complete two semesters or 34745  
the equivalent of fine arts to graduate from high school. The 34746  
coursework may be completed in any of grades seven to twelve. Each 34747  
student who completes a fine arts course in grade seven or eight 34748  
may elect to count that course toward the five units of electives 34749  
required for graduation under division (C)(8) of this section, if 34750  
the course satisfied the requirements of division (G) of this 34751  
section. In that case, the high school shall award the student 34752  
high school credit for the course and count the course toward the 34753  
five units required under division (C)(8) of this section. If the 34754  
course in grade seven or eight did not satisfy the requirements of 34755  
division (G) of this section, the high school shall not award the 34756  
student high school credit for the course but shall count the 34757  
course toward the two semesters or the equivalent of fine arts 34758  
required by this division. 34759

(L) Notwithstanding anything to the contrary in this section, 34760  
the board of education of each school district and the governing 34761  
authority of each chartered nonpublic school may adopt a policy to 34762  
excuse from the high school physical education requirement each 34763  
student who, during high school, has participated in 34764  
interscholastic athletics, marching band, show choir, or 34765  
cheerleading for at least two full seasons or in the junior 34766  
reserve officer training corps for at least two full school years. 34767  
If the board or authority adopts such a policy, the board or 34768  
authority shall not require the student to complete any physical 34769  
education course as a condition to graduate. However, the student 34770  
shall be required to complete one-half unit, consisting of at 34771  
least sixty hours of instruction, in another course of study. In 34772  
the case of a student who has participated in the junior reserve 34773  
officer training corps for at least two full school years, credit 34774  
received for that participation may be used to satisfy the 34775  
requirement to complete one-half unit in another course of study. 34776

(M) It is important that high school students learn and 34777  
understand United States history and the governments of both the 34778  
United States and the state of Ohio. Therefore, beginning with 34779  
students who enter ninth grade for the first time on or after July 34780  
1, 2012, the study of American history and American government 34781  
required by divisions (B)(6) and (C)(6) of this section shall 34782  
include the study of all of the following documents: 34783

(1) The Declaration of Independence; 34784

(2) The Northwest Ordinance; 34785

(3) The Constitution of the United States with emphasis on 34786  
the Bill of Rights; 34787

(4) The Ohio Constitution. 34788

The study of each of the documents prescribed in divisions 34789  
(M)(1) to (4) of this section shall include study of that document 34790

in its original context. 34791

The study of American history and government required by 34792  
divisions (B)(6) and (C)(6) of this section shall include the 34793  
historical evidence of the role of documents such as the 34794  
Federalist Papers and the Anti-Federalist Papers to firmly 34795  
establish the historical background leading to the establishment 34796  
of the provisions of the Constitution and Bill of Rights. 34797

(N) A student may apply one unit of instruction in computer 34798  
science to satisfy one unit of mathematics or one unit of science 34799  
under division (C) of this section as the student chooses, 34800  
regardless of the field of certification of the teacher who 34801  
teaches the course, so long as that teacher meets the licensure 34802  
requirements prescribed by section 3319.236 of the Revised Code 34803  
and, prior to teaching the course, completes a professional 34804  
development program determined to be appropriate by the district 34805  
board. 34806

If a student applies more than one computer science course to 34807  
satisfy curriculum requirements under that division, the courses 34808  
shall be sequential and progressively more difficult or cover 34809  
different subject areas within computer science. 34810

**Sec. 3313.608.** (A)(1) Beginning with students who enter third 34811  
grade in the school year that starts July 1, 2009, and until June 34812  
30, 2013, unless the student is excused under division (C) of 34813  
section 3301.0711 of the Revised Code from taking the assessment 34814  
described in this section, for any student who does not attain at 34815  
least the equivalent level of achievement designated under 34816  
division (A)(3) of section 3301.0710 of the Revised Code on the 34817  
assessment prescribed under that section to measure skill in 34818  
English language arts expected at the end of third grade, each 34819  
school district, in accordance with the policy adopted under 34820  
section 3313.609 of the Revised Code, shall do one of the 34821

following: 34822

(a) Promote the student to fourth grade if the student's principal and reading teacher agree that other evaluations of the student's skill in reading demonstrate that the student is academically prepared to be promoted to fourth grade; 34823  
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(b) Promote the student to fourth grade but provide the student with intensive intervention services in fourth grade; 34827  
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(c) Retain the student in third grade. 34829

(2) Beginning with students who enter third grade in the 2013-2014 school year and until the effective date of this amendment, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, no school district shall promote to fourth grade any student who does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, unless one of the following applies: 34830  
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(a) The student is an English learner who has been enrolled in United States schools for less than three full school years and has had less than three years of instruction in an English as a second language program. 34841  
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(b) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code and the student's individualized education program exempts the student from retention under this division. 34845  
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(c) The student demonstrates an acceptable level of performance on an alternative standardized reading assessment as determined by the department of education. 34849  
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(d) All of the following apply:	34852
(i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code.	34853 34854 34855
(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code.	34856 34857 34858
(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading.	34859 34860 34861 34862 34863
(iv) The student previously was retained in any of grades kindergarten to three.	34864 34865
(e)(i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three.	34866 34867 34868 34869
(ii) A student who is promoted under division (A)(2)(e)(i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies for the student that have been successful in improving reading among low-performing readers.	34870 34871 34872 34873 34874 34875 34876
<u>(3) Beginning with students who enter the third grade in the 2023-2024 school year, no school district shall retain a student under this section based upon the student's score on the assessment prescribed by section 3301.0710 of the Revised Code to measure skill in English language arts expected at the end of third grade. Districts shall continue to offer intervention and</u>	34877 34878 34879 34880 34881 34882

remediation services in the manner prescribed under this section 34883  
for students found to be reading below grade level. 34884

(B)(1) Beginning in the 2012-2013 school year, to assist 34885  
students in meeting the third grade guarantee established by this 34886  
section, each school district board of education shall adopt 34887  
policies and procedures with which it annually shall assess the 34888  
reading skills of each student, except those students with 34889  
significant cognitive disabilities or other disabilities as 34890  
authorized by the department on a case-by-case basis, enrolled in 34891  
kindergarten to third grade and shall identify students who are 34892  
reading below their grade level. The reading skills assessment 34893  
shall be completed by the thirtieth day of September for students 34894  
in grades one to three, and by the twentieth day of instruction of 34895  
the school year for students in kindergarten. Each district shall 34896  
use the diagnostic assessment to measure reading ability for the 34897  
appropriate grade level adopted under section 3301.079 of the 34898  
Revised Code, or a comparable tool approved by the department of 34899  
education, to identify such students. The policies and procedures 34900  
shall require the students' classroom teachers to be involved in 34901  
the assessment and the identification of students reading below 34902  
grade level. The assessment may be administered electronically 34903  
using live, two-way video and audio connections whereby the 34904  
teacher administering the assessment may be in a separate location 34905  
from the student. 34906

(2) For each student identified by the diagnostic assessment 34907  
prescribed under this section as having reading skills below grade 34908  
level, the district shall do both of the following: 34909

(a) Provide to the student's parent or guardian, in writing, 34910  
all of the following: 34911

(i) Notification that the student has been identified as 34912  
having a substantial deficiency in reading; 34913

(ii) A description of the current services that are provided to the student;

(iii) A description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified areas of reading deficiency;

~~(iv) Notification that if the student attains a score in the range designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, the student shall be retained unless the student is exempt under division (A) of this section. The notification shall specify that the assessment under section 3301.0710 of the Revised Code is not the sole determinant of promotion and that additional evaluations and assessments are available to the student to assist parents and the district in knowing when a student is reading at or above grade level and ready for promotion.~~

(b) Provide intensive reading instruction services and regular diagnostic assessments to the student immediately following identification of a reading deficiency until the development of the reading improvement and monitoring plan required by division (C) of this section. These intervention services shall include research-based reading strategies that have been shown to be successful in improving reading among low-performing readers and instruction targeted at the student's identified reading deficiencies.

(3) ~~For~~ Prior to the 2023-2024 school year, for each student retained under division (A) of this section, the district shall do all of the following:

(a) Provide intense remediation services until the student is able to read at grade level. The remediation services shall

include intensive interventions in reading that address the areas 34945  
of deficiencies identified under this section including, but not 34946  
limited to, not less than ninety minutes of reading instruction 34947  
per day, and may include any of the following: 34948

- (i) Small group instruction; 34949
- (ii) Reduced teacher-student ratios; 34950
- (iii) More frequent progress monitoring; 34951
- (iv) Tutoring or mentoring; 34952
- (v) Transition classes containing third and fourth grade 34953  
students; 34954
- (vi) Extended school day, week, or year; 34955
- (vii) Summer reading camps. 34956

(b) Establish a policy for the mid-year promotion of a 34957  
student retained under division (A) of this section who 34958  
demonstrates that the student is reading at or above grade level; 34959

(c) Provide each student with a teacher who satisfies one or 34960  
more of the criteria set forth in division ~~(H)~~(I) of this section. 34961

The district shall offer the option for students to receive 34962  
applicable services from one or more providers other than the 34963  
district. Providers shall be screened and approved by the district 34964  
or the department of education. If the student participates in the 34965  
remediation services and demonstrates reading proficiency in 34966  
accordance with standards adopted by the department prior to the 34967  
start of fourth grade, the district shall promote the student to 34968  
that grade. 34969

(4) For each student retained under division (A) of this 34970  
section who has demonstrated proficiency in a specific academic 34971  
ability field, each district shall provide instruction 34972  
commensurate with student achievement levels in that specific 34973  
academic ability field. 34974

As used in this division, "specific academic ability field"	34975
has the same meaning as in section 3324.01 of the Revised Code.	34976
(C) For each student required to be provided intervention	34977
services under this section, the district shall develop a reading	34978
improvement and monitoring plan within sixty days after receiving	34979
the student's results on the diagnostic assessment or comparable	34980
tool administered under division (B)(1) of this section. The	34981
district shall involve the student's parent or guardian and	34982
classroom teacher in developing the plan. The plan shall include	34983
all of the following:	34984
(1) Identification of the student's specific reading	34985
deficiencies;	34986
(2) A description of the additional instructional services	34987
and support that will be provided to the student to remediate the	34988
identified reading deficiencies;	34989
(3) Opportunities for the student's parent or guardian to be	34990
involved in the instructional services and support described in	34991
division (C)(2) of this section;	34992
(4) A process for monitoring the extent to which the student	34993
receives the instructional services and support described in	34994
division (C)(2) of this section;	34995
(5) A reading curriculum during regular school hours that	34996
does all of the following:	34997
(a) Assists students to read at grade level;	34998
(b) Provides scientifically based and reliable assessment;	34999
(c) Provides initial and ongoing analysis of each student's	35000
reading progress.	35001
<del>(6) A statement that if the student does not attain at least</del>	35002
<del>the equivalent level of achievement designated under division</del>	35003
<del>(A)(3) of section 3301.0710 of the Revised Code on the assessment</del>	35004

~~prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade.~~

Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who satisfies one or more of the criteria set forth in division ~~(H)~~(I) of this section.

The district shall report any information requested by the department about the reading improvement monitoring plans developed under this division in the manner required by the department.

(D) Each school district shall provide reading intervention services required under division (B)(2) of this section and the reading improvement and monitoring plans required under division (C) of this section to either of the following:

(1) A student in grade four or five who has been identified as having reading skills below grade level;

(2) A student who has been retained in any of grades kindergarten through three and has received remediation in reading for two school years but continues to read below grade level.

Each school district shall notify the parent or guardian of students who receive services or a plan under division (D) of this section.

(E) Each school district shall report annually to the department on its implementation and compliance with this section using guidelines prescribed by the superintendent of public instruction. The superintendent of public instruction annually shall report to the governor and general assembly the number and percentage of students in grades kindergarten through four reading below grade level based on the diagnostic assessments administered under division (B) of this section and the achievement assessments

administered under divisions (A)(1)(a) and (b) of section 35036  
3301.0710 of the Revised Code in English language arts, aggregated 35037  
by school district and building; the types of intervention 35038  
services provided to students; and, if available, an evaluation of 35039  
the efficacy of the intervention services provided. 35040

~~(E)~~(F) Any summer remediation services funded in whole or in 35041  
part by the state and offered by school districts to students 35042  
under this section shall meet the following conditions: 35043

(1) The remediation methods are based on reliable educational 35044  
research. 35045

(2) The school districts conduct assessment before and after 35046  
students participate in the program to facilitate monitoring 35047  
results of the remediation services. 35048

(3) The parents of participating students are involved in 35049  
programming decisions. 35050

~~(F)~~(G) Any intervention or remediation services required by 35051  
this section shall include intensive, explicit, and systematic 35052  
instruction. 35053

~~(G)~~(H) This section does not create a new cause of action or 35054  
a substantive legal right for any person. 35055

~~(H)~~(1)~~(I)~~(1) Except as provided under divisions ~~(H)~~(2)~~(I)~~(2), 35056  
(3), and (4) of this section, each student described in division 35057  
(B)(3) ~~or~~, (C), or (D) of this section who enters third grade for 35058  
the first time on or after July 1, 2013, shall be assigned a 35059  
teacher who has at least one year of teaching experience and who 35060  
satisfies one or more of the following criteria: 35061

(a) The teacher holds a reading endorsement on the teacher's 35062  
license and has attained a passing score on the corresponding 35063  
assessment for that endorsement, as applicable. 35064

(b) The teacher has completed a master's degree program with 35065

a major in reading. 35066

(c) The teacher was rated "most effective" for reading 35067  
instruction consecutively for the most recent two years based on 35068  
assessments of student growth measures developed by a vendor and 35069  
that is on the list of student assessments approved by the state 35070  
board under division (B)(2) of section 3319.112 of the Revised 35071  
Code. 35072

(d) The teacher was rated "above expected value added," in 35073  
reading instruction, as determined by criteria established by the 35074  
department, for the most recent, consecutive two years. 35075

(e) The teacher has earned a passing score on a rigorous test 35076  
of principles of scientifically research-based reading instruction 35077  
as approved by the state board. 35078

(f) The teacher holds an educator license for teaching grades 35079  
pre-kindergarten through three or four through nine issued on or 35080  
after July 1, 2017. 35081

(2) Notwithstanding division ~~(H)(1)~~(I)(1) of this section, a 35082  
student described in division (B)(3) ~~or~~, (C), or (D) of this 35083  
section who enters third grade for the first time on or after July 35084  
1, 2013, may be assigned to a teacher with less than one year of 35085  
teaching experience provided that the teacher meets one or more of 35086  
the criteria described in divisions ~~(H)(1)(a)~~(I)(1)(a) to (f) of 35087  
this section and that teacher is assigned a teacher mentor who 35088  
meets the qualifications of division ~~(H)(1)~~(I)(1) of this section. 35089

(3) Notwithstanding division ~~(H)(1)~~(I)(1) of this section, a 35090  
student described in division (B)(3) ~~or~~, (C), or (D) of this 35091  
section who enters third grade for the first time on or after July 35092  
1, 2013, but prior to July 1, 2016, may be assigned to a teacher 35093  
who holds an alternative credential approved by the department or 35094  
who has successfully completed training that is based on 35095  
principles of scientifically research-based reading instruction 35096

that has been approved by the department. Beginning on July 1, 35097  
2014, the alternative credentials and training described in 35098  
division ~~(H)(3)~~(I)(3) of this section shall be aligned with the 35099  
reading competencies adopted by the state board of education under 35100  
section 3301.077 of the Revised Code. 35101

(4) Notwithstanding division ~~(H)(1)~~(I)(1) of this section, a 35102  
student described in division (B)(3) ~~or~~, (C), or (D) of this 35103  
section who enters third grade for the first time on or after July 35104  
1, 2013, may receive reading intervention or remediation services 35105  
under this section from an individual employed as a 35106  
speech-language pathologist who holds a license issued by the 35107  
state speech and hearing professionals board under Chapter 4753. 35108  
of the Revised Code and a professional pupil services license as a 35109  
school speech-language pathologist issued by the state board of 35110  
education. 35111

(5) A teacher, other than a student's teacher of record, may 35112  
provide any services required under this section, so long as that 35113  
other teacher meets the requirements of division ~~(H)~~(I) of this 35114  
section and the teacher of record and the school principal agree 35115  
to the assignment. Any such assignment shall be documented in the 35116  
student's reading improvement and monitoring plan. 35117

As used in this division, "teacher of record" means the 35118  
classroom teacher to whom a student is assigned. 35119

~~(I)~~(J) Notwithstanding division ~~(H)~~(I) of this section, a 35120  
teacher may teach reading to any student who is an English 35121  
language learner, and has been in the United States for three 35122  
years or less, or to a student who has an individualized education 35123  
program developed under Chapter 3323. of the Revised Code if that 35124  
teacher holds an alternative credential approved by the department 35125  
or has successfully completed training that is based on principles 35126  
of scientifically research-based reading instruction that has been 35127  
approved by the department. Beginning on July 1, 2014, the 35128

alternative credentials and training described in this division 35129  
shall be aligned with the reading competencies adopted by the 35130  
state board of education under section 3301.077 of the Revised 35131  
Code. 35132

~~(J)~~(K) If, on or after June 4, 2013, a school district or 35133  
community school cannot furnish the number of teachers needed who 35134  
satisfy one or more of the criteria set forth in division ~~(H)~~(I) 35135  
of this section for the 2013-2014 school year, the school district 35136  
or community school shall develop and submit a staffing plan by 35137  
June 30, 2013. The staffing plan shall include criteria that will 35138  
be used to assign a student described in division (B)(3) ~~or~~ (C) 35139  
or (D) of this section to a teacher, credentials or training held 35140  
by teachers currently teaching at the school, and how the school 35141  
district or community school will meet the requirements of this 35142  
section. The school district or community school shall post the 35143  
staffing plan on its web site for the applicable school year. 35144

Not later than March 1, 2014, and on the first day of March 35145  
in each year thereafter, a school district or community school 35146  
that has submitted a plan under this division shall submit to the 35147  
department a detailed report of the progress the district or 35148  
school has made in meeting the requirements under this section. 35149

A school district or community school may request an 35150  
extension of a staffing plan beyond the 2013-2014 school year. 35151  
Extension requests must be submitted to the department not later 35152  
than the thirtieth day of April prior to the start of the 35153  
applicable school year. The department may grant extensions valid 35154  
through the 2015-2016 school year. 35155

Until June 30, 2015, the department annually shall review all 35156  
staffing plans and report to the state board not later than the 35157  
thirtieth day of June of each year the progress of school 35158  
districts and community schools in meeting the requirements of 35159  
this section. 35160

~~(K)~~(L) The department of education shall designate one or 35161  
more staff members to provide guidance and assistance to school 35162  
districts and community schools in implementing the third grade 35163  
guarantee established by this section, including any standards or 35164  
requirements adopted to implement the guarantee and to provide 35165  
information and support for reading instruction and achievement. 35166

**Sec. 3313.6028.** (A) As used in this section, "three-cueing 35167  
approach" means any model of teaching students to read based on 35168  
meaning, structure and syntax, and visual cues. 35169

(B) The department of education shall establish a list of 35170  
high-quality core curriculum and instructional materials in 35171  
English language arts, and a list of evidence-based reading 35172  
intervention programs, that are aligned with the science of 35173  
reading and strategies for effective literacy instruction. 35174

(C) Beginning not later than the 2024-2025 school year, each 35175  
school district, community school established under Chapter 3314. 35176  
of the Revised Code, and STEM school established under Chapter 35177  
3326. of the Revised Code, shall use core curriculum and 35178  
instructional materials in English language arts and 35179  
evidence-based reading intervention programs only from the lists 35180  
established under division (B) of this section. Except as provided 35181  
in division (D) of this section, no district or school shall use 35182  
any core curriculum, instructional materials, or intervention 35183  
program in grades pre-kindergarten to five that use the 35184  
three-cueing approach to teach students to read. 35185

(D) A district or school may apply to the department for a 35186  
waiver on an individual student basis to use curriculum, 35187  
instructional materials, or an intervention program in grades 35188  
pre-kindergarten through five that uses the three-cueing approach 35189  
to teach students to read, except as follows: 35190

(1) No student for whom a reading improvement and monitoring 35191

plan has been developed under division (C) of section 3313.608 of 35192  
the Revised Code shall be eligible for a waiver. 35193

(2) If a student has an individualized education program that 35194  
explicitly indicates the three-cueing approach is appropriate for 35195  
the student's learning needs, the student shall not be required to 35196  
have a waiver. 35197

In determining whether to approve a waiver requested under 35198  
this section, the department shall consider the performance of the 35199  
student's district or school on the state report card issued under 35200  
section 3302.03 of the Revised Code, including on the early 35201  
literacy component prescribed under division (D)(3)(e) of that 35202  
section. 35203

(E) The department shall identify vendors that provide 35204  
professional development to educators, including pre-service 35205  
teachers and faculty employed by educator preparation programs, on 35206  
the use of high-quality core curriculum and instructional 35207  
materials and reading intervention programs on the lists 35208  
established under division (B) of this section. 35209

**Sec. 3313.61.** (A) A diploma shall be granted by the board of 35210  
education of any city, exempted village, or local school district 35211  
that operates a high school to any person to whom all of the 35212  
following apply: 35213

(1) The person has successfully completed the curriculum in 35214  
any high school or the individualized education program developed 35215  
for the person by any high school pursuant to section 3323.08 of 35216  
the Revised Code, or has qualified under division (D) or (F) of 35217  
section 3313.603 of the Revised Code, provided that no school 35218  
district shall require a student to remain in school for any 35219  
specific number of semesters or other terms if the student 35220  
completes the required curriculum early; 35221

(2) Subject to section 3313.614 of the Revised Code, the person has met the assessment requirements of division (A)(2)(a) or (b) of this section, as applicable.

(a) If the person entered the ninth grade prior to July 1, 2014, the person either:

(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division unless the person was excused from taking any such assessment pursuant to section 3313.532 of the Revised Code or unless division (H) or (L) of this section applies to the person;

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed by section 3313.618 of the Revised Code, except to the extent that the person is excused from an assessment prescribed by that section pursuant to section 3313.532 of the Revised Code or division (H) or (L) of this section.

(3) The person is not eligible to receive an honors diploma granted pursuant to division (B) of this section.

Except as provided in divisions (C), (E), (J), and (L) of this section, no diploma shall be granted under this division to anyone except as provided under this division.

(B) In lieu of a diploma granted under division (A) of this section, an honors diploma shall be granted, in accordance with rules of the state board, by any such district board to anyone who accomplishes all of the following:

(1) Successfully completes the curriculum in any high school or the individualized education program developed for the person

by any high school pursuant to section 3323.08 of the Revised Code; 35252  
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(2) Subject to section 3313.614 of the Revised Code, has met the assessment requirements of division (B)(2)(a) or (b) of this section, as applicable. 35254  
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(a) If the person entered the ninth grade prior to July 1, 2014, the person either: 35257  
35258

(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division; 35259  
35260  
35261

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code. 35262  
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(b) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed under section 3313.618 of the Revised Code. 35264  
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(3) Has met additional criteria established by the state board for the granting of such a diploma. 35267  
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An honors diploma shall not be granted to a student who is subject to the requirements prescribed in division (C) of section 3313.603 of the Revised Code but elects the option of division (D) or (F) of that section. Except as provided in divisions (C), (E), and (J) of this section, no honors diploma shall be granted to anyone failing to comply with this division and no more than one honors diploma shall be granted to any student under this division. 35269  
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The state board shall adopt rules prescribing the granting of honors diplomas under this division. These rules may prescribe the granting of honors diplomas that recognize a student's achievement as a whole or that recognize a student's achievement in one or more specific subjects or both. The rules may prescribe the 35277  
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granting of an honors diploma recognizing technical expertise for 35282  
a career-technical student. In any case, the rules shall designate 35283  
two or more criteria for the granting of each type of honors 35284  
diploma the board establishes under this division and the number 35285  
of such criteria that must be met for the granting of that type of 35286  
diploma. The number of such criteria for any type of honors 35287  
diploma shall be at least one less than the total number of 35288  
criteria designated for that type and no one or more particular 35289  
criteria shall be required of all persons who are to be granted 35290  
that type of diploma. 35291

(C) Any district board administering any of the assessments 35292  
required by section 3301.0710 of the Revised Code to any person 35293  
requesting to take such assessment pursuant to division (B)(8)(b) 35294  
of section 3301.0711 of the Revised Code shall award a diploma to 35295  
such person if the person attains at least the applicable scores 35296  
designated under division (B)(1) of section 3301.0710 of the 35297  
Revised Code on all the assessments administered and if the person 35298  
has previously attained the applicable scores on all the other 35299  
assessments required by division (B)(1) of that section or has 35300  
been exempted or excused from attaining the applicable score on 35301  
any such assessment pursuant to division (H) or (L) of this 35302  
section or from taking any such assessment pursuant to section 35303  
3313.532 of the Revised Code. 35304

(D) Each diploma awarded under this section shall be signed 35305  
by the president and treasurer of the issuing board, the 35306  
superintendent of schools, and the principal of the high school. 35307  
Each diploma shall bear the date of its issue, be in such form as 35308  
the district board prescribes, and be paid for out of the 35309  
district's general fund. 35310

(E) A person who is a resident of Ohio and is eligible under 35311  
state board of education minimum standards to receive a high 35312  
school diploma based in whole or in part on credits earned while 35313

an inmate of a correctional institution operated by the state or 35314  
any political subdivision thereof, shall be granted such diploma 35315  
by the correctional institution operating the programs in which 35316  
such credits were earned, and by the board of education of the 35317  
school district in which the inmate resided immediately prior to 35318  
the inmate's placement in the institution. The diploma granted by 35319  
the correctional institution shall be signed by the director of 35320  
the institution, and by the person serving as principal of the 35321  
institution's high school and shall bear the date of issue. 35322

(F) Persons who are not residents of Ohio but who are inmates 35323  
of correctional institutions operated by the state or any 35324  
political subdivision thereof, and who are eligible under state 35325  
board of education minimum standards to receive a high school 35326  
diploma based in whole or in part on credits earned while an 35327  
inmate of the correctional institution, shall be granted a diploma 35328  
by the correctional institution offering the program in which the 35329  
credits were earned. The diploma granted by the correctional 35330  
institution shall be signed by the director of the institution and 35331  
by the person serving as principal of the institution's high 35332  
school and shall bear the date of issue. 35333

(G) The state board of education shall provide by rule for 35334  
the administration of the assessments required by sections 35335  
3301.0710 and 3301.0712 of the Revised Code to inmates of 35336  
correctional institutions. 35337

(H) Any person to whom all of the following apply shall be 35338  
exempted from attaining the applicable score on the assessment in 35339  
social studies designated under division (B)(1) of section 35340  
3301.0710 of the Revised Code, any American history end-of-course 35341  
examination and any American government end-of-course examination 35342  
required under division (B) of section 3301.0712 of the Revised 35343  
Code if such an exemption is prescribed by rule of the state board 35344  
under division (D)(3) of section 3301.0712 of the Revised Code, or 35345

the test in citizenship designated under former division (B) of 35346  
section 3301.0710 of the Revised Code as it existed prior to 35347  
September 11, 2001: 35348

(1) The person is not a citizen of the United States; 35349

(2) The person is not a permanent resident of the United 35350  
States; 35351

(3) The person indicates no intention to reside in the United 35352  
States after the completion of high school. 35353

(I) Notwithstanding division (D) of section 3311.19 and 35354  
division (D) of section 3311.52 of the Revised Code, this section 35355  
and section 3313.611 of the Revised Code do not apply to the board 35356  
of education of any joint vocational school district or any 35357  
cooperative education school district established pursuant to 35358  
divisions (A) to (C) of section 3311.52 of the Revised Code. 35359

(J) Upon receipt of a notice under division (D) of section 35360  
3325.08 or division (D) of section 3328.25 of the Revised Code 35361  
that a student has received a diploma under either section, the 35362  
board of education receiving the notice may grant a high school 35363  
diploma under this section to the student, except that such board 35364  
shall grant the student a diploma if the student meets the 35365  
graduation requirements that the student would otherwise have had 35366  
to meet to receive a diploma from the district. The diploma 35367  
granted under this section shall be of the same type the notice 35368  
indicates the student received under section 3325.08 or 3328.25 of 35369  
the Revised Code. 35370

(K) As used in this division, "English learner" has the same 35371  
meaning as in ~~division (C)(3) of section 3301.0711~~ 3301.0731 of 35372  
the Revised Code. 35373

Notwithstanding division (C)(3) of section 3301.0711 of the 35374  
Revised Code, no English learner who has not either attained the 35375  
applicable scores designated under division (B)(1) of section 35376

3301.0710 of the Revised Code on all the assessments required by 35377  
that division, or met the requirement prescribed by section 35378  
3313.618 of the Revised Code, shall be awarded a diploma under 35379  
this section. 35380

(L)(1) Any student described by division (A)(1) of this 35381  
section who is subject to divisions (A)(1) to (3) of section 35382  
3313.618 of the Revised Code may be awarded a diploma without 35383  
meeting the requirements prescribed by those divisions provided an 35384  
individualized education program specifically exempts the student 35385  
from meeting such requirement. This division does not negate the 35386  
requirement for a student to take the assessments prescribed by 35387  
section 3301.0710 or under division (B) of section 3301.0712 of 35388  
the Revised Code, or alternate assessments required by division 35389  
(C)(1) of section 3301.0711 of the Revised Code, for the purpose 35390  
of assessing student progress as required by federal law. 35391

(2) Any student described by division (A)(1) of this section 35392  
who is subject to division (B) of section 3313.618 of the Revised 35393  
Code may be awarded a diploma without meeting the requirement 35394  
prescribed by division (B)(1) of that section provided the 35395  
student's individualized education program specifically exempts 35396  
the student from meeting that requirement and either division 35397  
(L)(2)(a) or (b) of this section applies to the student, as 35398  
follows: 35399

(a)(i) The student took an alternate assessment in 35400  
mathematics and English language arts administered to the student 35401  
in accordance with division (C)(1) of section 3301.0711 of the 35402  
Revised Code and failed to attain a score established by the state 35403  
board on one or both assessments. 35404

(ii) The school district offered remedial support to the 35405  
student in each subject area in which the student did not attain 35406  
the established score and the student received that support. 35407

(iii) The student retook each alternate assessment in which the student did not attain the established score and the student did not attain the established score on the retake assessment.

(b)(i) The student took the Algebra I and English language arts II end-of-course examinations and failed to attain the competency score as determined under division (B)(10) of section 3301.0712 of the Revised Code on one or both examinations.

(ii) The school district offered remedial support to the student in each subject area in which the student did not attain the competency score and the student received that support.

(iii) The student retook each examination in which the student did not attain the competency score and the student did not attain the competency score on the retake examination.

**Sec. 3313.611.** (A) The state board of education shall adopt, by rule, standards for awarding high school credit equivalent to credit for completion of high school academic and vocational education courses to applicants for diplomas under this section. The standards may permit high school credit to be granted to an applicant for any of the following:

(1) Work experiences or experiences as a volunteer;

(2) Completion of academic, vocational, or self-improvement courses offered to persons over the age of twenty-one by a chartered public or nonpublic school;

(3) Completion of academic, vocational, or self-improvement courses offered by an organization, individual, or educational institution other than a chartered public or nonpublic school;

(4) Other life experiences considered by the board to provide knowledge and learning experiences comparable to that gained in a classroom setting.

(B) The board of education of any city, exempted village, or

local school district that operates a high school shall grant a diploma of adult education to any applicant if all of the following apply:

(1) The applicant is a resident of the district;

(2) The applicant is over the age of twenty-one and has not been issued a diploma as provided in section 3313.61 of the Revised Code;

(3) Subject to section 3313.614 of the Revised Code, the applicant has met the assessment requirements of division (B)(3)(a) or (b) of this section, as applicable.

(a) Prior to July 1, 2014, the applicant either:

(i) Has attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all of the assessments required by that division or was excused or exempted from any such assessment pursuant to section 3313.532 or was exempted from attaining the applicable score on any such assessment pursuant to division (H) or (L) of section 3313.61 of the Revised Code;

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) On or after July 1, 2014, has met the requirement prescribed by section 3313.618 of the Revised Code, except and only to the extent that the applicant is excused from some portion of that section pursuant to section 3313.532 of the Revised Code or division (H) or (L) of section 3313.61 of the Revised Code.

(4) The district board determines, in accordance with the standards adopted under division (A) of this section, that the applicant has attained sufficient high school credits, including equivalent credits awarded under such standards, to qualify as having successfully completed the curriculum required by the

district for graduation. 35468

(C) If a district board determines that an applicant is not 35469  
eligible for a diploma under division (B) of this section, it 35470  
shall inform the applicant of the reason the applicant is 35471  
ineligible and shall provide a list of any courses required for 35472  
the diploma for which the applicant has not received credit. An 35473  
applicant may reapply for a diploma under this section at any 35474  
time. 35475

(D) If a district board awards an adult education diploma 35476  
under this section, the president and treasurer of the board and 35477  
the superintendent of schools shall sign it. Each diploma shall 35478  
bear the date of its issuance, be in such form as the district 35479  
board prescribes, and be paid for from the district's general 35480  
fund, except that the state board may by rule prescribe standard 35481  
language to be included on each diploma. 35482

(E) As used in this division, "English learner" has the same 35483  
meaning as in ~~division (C)(3) of section 3301.0711~~ 3301.0731 of 35484  
the Revised Code. 35485

Notwithstanding division (C)(3) of section 3301.0711 of the 35486  
Revised Code, no English learner who has not either attained the 35487  
applicable scores designated under division (B)(1) of section 35488  
3301.0710 of the Revised Code on all the assessments required by 35489  
that division, or has not met the requirement prescribed by 35490  
section 3313.618 of the Revised Code, shall be awarded a diploma 35491  
under this section. 35492

**Sec. 3313.612.** (A) No nonpublic school chartered by the state 35493  
board of education shall grant a high school diploma to any person 35494  
unless, subject to section 3313.614 of the Revised Code, the 35495  
person has met the assessment requirements of division (A)(1) or 35496  
(2) of this section, as applicable. 35497

(1) If the person entered the ninth grade prior to July 1, 2014, the person has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(2) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code.

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

(1) Any person with regard to any assessment from which the person was excused pursuant to division (C)(1)(c) of section 3301.0711 of the Revised Code;

(2) Except as provided in division (B)(4) of this section, any person who attends a nonpublic school accredited through the independent schools association of the central states, except for a student attending the school under a state scholarship program as defined in section 3301.0711 of the Revised Code;

(3) Any person with regard to the social studies assessment under division (B)(1) of section 3301.0710 of the Revised Code, any American history end-of-course examination and any American government end-of-course examination required under division (B) of section 3301.0712 of the Revised Code if such an exemption is prescribed by rule of the state board of education under division (D)(3) of section 3301.0712 of the Revised Code, or the citizenship test under former division (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, if all of the following apply:

(a) The person is not a citizen of the United States;

(b) The person is not a permanent resident of the United States;

(c) The person indicates no intention to reside in the United States after completion of high school. 35529  
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(4) Any person who attends a chartered nonpublic school that satisfies the requirements of division (L)(4) of section 3301.0711 of the Revised Code. In the case of such a student, the student's chartered nonpublic school shall determine the student's eligibility for graduation based on the standards of the school's accrediting body. 35531  
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(C) As used in this division, "English learner" has the same meaning as in ~~division (C)(3) of section 3301.0711~~ 3301.0731 of the Revised Code. 35537  
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Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no English learner who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code, shall be awarded a diploma under this section. 35540  
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(D) The state board shall not impose additional requirements or assessments for the granting of a high school diploma under this section that are not prescribed by this section. 35547  
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(E) The department of education shall furnish the assessment administered by a nonpublic school pursuant to division (B)(1) of section 3301.0712 of the Revised Code. 35550  
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**Sec. 3313.7117.** (A) As used in this section: 35553

(1) "Licensed health care professional" means any of the following: 35554  
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(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 35556  
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(b) A registered nurse, advanced practice registered nurse, or licensed practical nurse licensed under Chapter 4723. of the Revised Code; 35559  
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(c) A physician assistant licensed under Chapter 4730. of the Revised Code. 35562  
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(2) "Seizure disorder" means epilepsy or involuntary disturbance of brain function that may manifest as an impairment, loss of consciousness, behavioral abnormalities, sensory disturbance or convulsions. 35564  
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(3) "Treating practitioner" means any of the following who has primary responsibility for treating a student's seizure disorder and has been identified as such by the student's parent, guardian, or other person having care or charge of the student or, if the student is at least eighteen years of age, by the student: 35568  
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(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 35573  
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(b) An advanced practice registered nurse who holds a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code and is designated as a clinical nurse specialist or certified nurse practitioner in accordance with section 4723.42 of the Revised Code; 35576  
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(c) A physician assistant who holds a license issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority. 35582  
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(B) A school nurse, or another district or school employee if a district or school does not have a school nurse, of each city, local, exempted village, and joint vocational school district and the governing authority of a chartered nonpublic school, acting in 35586  
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collaboration with a student's parents or guardian, shall create 35590  
an individualized seizure action plan for each student enrolled in 35591  
the school district or chartered nonpublic school who has an 35592  
active seizure disorder diagnosis. A plan shall include all of the 35593  
following components: 35594

(1) A written request signed by the parent, guardian, or 35595  
other person having care or charge of the student, required by 35596  
division (C)(1) of section 3313.713 of the Revised Code, to have 35597  
one or more drugs prescribed for a seizure disorder administered 35598  
to the student; 35599

(2) A written statement from the student's treating 35600  
practitioner providing the drug information required by division 35601  
(C)(2) of section 3313.713 of the Revised Code for each drug 35602  
prescribed to the student for a seizure disorder. 35603

(3) Any other component required by the state board of 35604  
education. 35605

(C)(1) The school nurse or a school administrator if the 35606  
district does not employ a school nurse, shall notify a school 35607  
employee, contractor, and volunteer in writing regarding the 35608  
existence and content of each seizure action plan in force if the 35609  
employee, contractor, or volunteer does any of the following: 35610

(a) Regularly interacts with the student; 35611

(b) Has legitimate educational interest in the student or is 35612  
responsible for the direct supervision of the student; 35613

(c) Is responsible for transportation of the student to and 35614  
from school. 35615

(2) The school nurse or a school administrator if the 35616  
district does not employ a school nurse, shall identify each 35617  
individual who has received training under division (G) of this 35618  
section in the administration of drugs prescribed for seizure 35619

disorders. The school nurse, or another district employee if a 35620  
district does not employ a school nurse, shall coordinate seizure 35621  
disorder care at that school and ensure that all staff described 35622  
in division (C)(1) of this section are trained in the care of 35623  
students with seizure disorders. 35624

(D) A drug prescribed to a student with a seizure disorder 35625  
shall be provided to the school nurse or another person at the 35626  
school who is authorized to administer it to the student if the 35627  
district does not employ a full-time school nurse. The drug shall 35628  
be provided in the container in which it was dispensed by the 35629  
prescriber or a licensed pharmacist. 35630

(E) A seizure action plan is effective only for the school 35631  
year in which the written request described in division (B)(1) of 35632  
this section was submitted and must be renewed at the beginning of 35633  
each school year. 35634

(F) A seizure action plan created under division (B) of this 35635  
section shall be maintained in the office of the school nurse or 35636  
school administrator if the district does not employ a full-time 35637  
school nurse. 35638

(G) A school district or governing authority of a chartered 35639  
nonpublic school shall designate at least one employee at each 35640  
school building it operates, aside from a school nurse, to be 35641  
trained on the implementation of seizure action plans every two 35642  
years. The district or governing authority shall provide or 35643  
arrange for the training of the employee. The training must 35644  
include and be consistent with guidelines and best practices 35645  
established by a nonprofit organization that supports the welfare 35646  
of individuals with epilepsy and seizure disorders, such as the 35647  
Epilepsy Alliance Ohio or Epilepsy Foundation of Ohio or other 35648  
similar organizations as determined by the department of 35649  
education, and address all of the following: 35650

(1) Recognizing the signs and symptoms of a seizure; 35651

(2) The appropriate treatment for a student who exhibits the symptoms of a seizure; 35652  
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(3) Administering drugs prescribed for seizure disorders, subject to section 3313.713 of the Revised Code. 35654  
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A seizure training program under division (G) of this section shall not exceed one hour and shall qualify as a professional development activity for the renewal of educator licenses, including activities approved by local professional development committees under division (F) of section 3319.22 of the Revised Code. If the training is provided to a school district on portable media by a nonprofit entity, the training shall be provided free of charge. 35656  
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(H) A board of education or governing authority shall require each person it employs as an administrator, guidance counselor, teacher, or bus driver to complete a minimum of one hour of self-study training or in-person training on seizure disorders not later than twenty-four months after the effective date of this section. Any such person employed after that date shall complete the training within ninety days of employment. The training shall qualify as a professional development activity for the renewal of educator licenses, including activities approved by local professional development committees under division (F) of section 3319.22 of the Revised Code. 35664  
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(I)(1) A school or school district, a member of a board or governing authority, or a district or school employee is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing care or performing duties under this section unless the act or omission constitutes willful or wanton misconduct. 35675  
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This section does not eliminate, limit, or reduce any other 35681

immunity or defense that a school district, member of a school district board of education, or school district employee may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state. 35682  
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(2) A chartered nonpublic school or any officer, director, or employee of the school is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing care or performing duties under this section unless the act or omission constitutes willful or wanton misconduct. 35686  
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**Sec. 3313.819.** (A) As used in this section, "national school breakfast program," "national school lunch program," and "public school" all have the same meanings as in section 3301.91 of the Revised Code. 35691  
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(B) A public or chartered nonpublic school that participates in the national school breakfast program shall provide each student eligible for a reduced-price breakfast a breakfast at no cost to the student. 35695  
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A public or chartered nonpublic school that participates in the national school lunch program shall provide each student eligible for a reduced-price lunch a lunch at no cost to the student. 35699  
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**Sec. 3313.901.** (A) As used in this section, "Ohio technical center" has the same meaning as in section 3333.94 of the Revised Code. 35703  
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(B) Upon approval by the department of education, any city, exempted village, local, or joint vocational school district may contract with an Ohio technical center to serve students in any of grades seven to twelve who are enrolled in a career-technical education program at the district but cannot enroll in a course at the district for any of the following reasons: 35706  
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(1) The course is at capacity and cannot serve all students who want to enroll in the course. 35712  
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(2) The student has a scheduling conflict that prevents the student from taking the course at the time offered by the district. 35714  
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(3) The district does not offer the course due to lack of enrollment, lack of a qualified teacher, or lack of facilities. 35717  
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(4) Any other reason determined by the department. 35719

(C) School districts shall apply to the department for approval to contract with an Ohio technical center under this section. Applicants shall submit a plan to the department describing how the district and the Ohio technical center will establish a collaborative partnership to provide career-technical education to students. Prior to approval, the department shall consider the extent to which the partnership will increase access to career-technical education courses for students. 35720  
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(D) If the department approves an application under this section, the school district that received that approval shall do all of the following: 35728  
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(1) Award a student high school credit for completion of any career-technical education course at an Ohio technical center; 35731  
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(2) Report the student in the education management information system established under section 3301.0714 of the Revised Code as enrolled in the district for the time the student is taking a course at an Ohio technical center, but the district shall indicate that the course is being taken through a center rather than at the district; 35733  
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(3) Not count a student taking a course at an Ohio technical center as more than one full-time equivalent student, unless the student is enrolled full-time in the district during the regularly 35739  
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scheduled school day and takes the course at the center during 35742  
time outside of normal school hours; 35743

(4) Pay the Ohio technical center for each student taking a 35744  
course at the technical center. The payment amount shall be the 35745  
lesser of the standard tuition charged for the course by the 35746  
center or the applicable one of the following: 35747

(a) If the center is located on the same campus as the high 35748  
school in which the student is enrolled, the amount equal to the 35749  
statewide average base cost per pupil and the amount applicable to 35750  
the student pursuant to division (C) of section 3317.014 of the 35751  
Revised Code for the portion of the full-time equivalency the 35752  
student is enrolled in the course, without application of the 35753  
district's state share percentage; 35754

(b) If the center is not located on the same campus as the 35755  
high school in which the student is enrolled, \$7,500. 35756

(E) A district and an Ohio technical center may enter into an 35757  
agreement under this section to establish alternate amounts than 35758  
those prescribed under division (D) of this section that the 35759  
district will pay to the center. 35760

(F) A district may use career-technical education funds 35761  
received under division (C) of section 3317.014 of the Revised 35762  
Code to pay for any costs incurred by students enrolling in 35763  
courses at an Ohio technical center under this section. The 35764  
department shall consider that cost as an approved 35765  
career-technical education expense under division (F) of section 35766  
3317.014 of the Revised Code. 35767

(G) Notwithstanding anything to the contrary in the Revised 35768  
Code, an individual who holds an adult education permit issued by 35769  
the state board of education and is employed by an Ohio technical 35770  
center may provide instruction to a student in grades seven 35771  
through twelve who is taking a course at an Ohio technical center 35772

under this section. 35773

(H) If the department approves an application from a school 35774  
district to contract with an Ohio technical center under this 35775  
section, the district shall not prohibit a student enrolled in the 35776  
district from taking any course for which the district has 35777  
contracted at the technical center. 35778

**Sec. 3314.03.** A copy of every contract entered into under 35779  
this section shall be filed with the superintendent of public 35780  
instruction. The department of education shall make available on 35781  
its web site a copy of every approved, executed contract filed 35782  
with the superintendent under this section. 35783

(A) Each contract entered into between a sponsor and the 35784  
governing authority of a community school shall specify the 35785  
following: 35786

(1) That the school shall be established as either of the 35787  
following: 35788

(a) A nonprofit corporation established under Chapter 1702. 35789  
of the Revised Code, if established prior to April 8, 2003; 35790

(b) A public benefit corporation established under Chapter 35791  
1702. of the Revised Code, if established after April 8, 2003. 35792

(2) The education program of the school, including the 35793  
school's mission, the characteristics of the students the school 35794  
is expected to attract, the ages and grades of students, and the 35795  
focus of the curriculum; 35796

(3) The academic goals to be achieved and the method of 35797  
measurement that will be used to determine progress toward those 35798  
goals, which shall include the statewide achievement assessments; 35799

(4) Performance standards, including but not limited to all 35800  
applicable report card measures set forth in section 3302.03 or 35801  
3314.017 of the Revised Code, by which the success of the school 35802

will be evaluated by the sponsor;	35803
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	35804 35805
(6)(a) Dismissal procedures;	35806
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	35807 35808 35809 35810 35811
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	35812 35813
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	35814 35815 35816 35817 35818 35819
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	35820 35821
(a) A detailed description of each facility used for instructional purposes;	35822 35823
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	35824 35825
(c) The annual mortgage principal and interest payments that are paid by the school;	35826 35827
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	35828 35829 35830
(10) Qualifications of <del>teachers</del> <u>employees</u> , including <del>a</del> <u>both</u> <u>of the following:</u>	35831 35832

(a) A requirement that the school's classroom teachers be 35833  
licensed in accordance with sections 3319.22 to 3319.31 of the 35834  
Revised Code, except that a community school may engage 35835  
noncertificated persons to teach up to twelve hours or forty hours 35836  
per week pursuant to section 3319.301 of the Revised Code; 35837

(b) A prohibition against the school employing an individual 35838  
described in section 3314.104 of the Revised Code in any position. 35839

(11) That the school will comply with the following 35840  
requirements: 35841

(a) The school will provide learning opportunities to a 35842  
minimum of twenty-five students for a minimum of nine hundred 35843  
twenty hours per school year. 35844

(b) The governing authority will purchase liability 35845  
insurance, or otherwise provide for the potential liability of the 35846  
school. 35847

(c) The school will be nonsectarian in its programs, 35848  
admission policies, employment practices, and all other 35849  
operations, and will not be operated by a sectarian school or 35850  
religious institution. 35851

(d) The school will comply with sections 9.90, 9.91, 109.65, 35852  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 35853  
3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.472, 35854  
3313.50, 3313.539, 3313.5310, 3313.5318, 3313.608, 3313.609, 35855  
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 35856  
3313.6025, 3313.6026, 3313.643, 3313.648, 3313.6411, 3313.66, 35857  
3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 35858  
3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 35859  
3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.7117, 35860  
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 35861  
3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 35862  
3319.0812, 3319.225, 3319.238, 3319.318, 3319.321, 3319.324, 35863

3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3320.01, 3320.02, 35864  
3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 35865  
3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 35866  
4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 117., 35867  
1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the 35868  
Revised Code as if it were a school district and will comply with 35869  
section 3301.0714 of the Revised Code in the manner specified in 35870  
section 3314.17 of the Revised Code. 35871

(e) The school shall comply with Chapter 102. and section 35872  
2921.42 of the Revised Code. 35873

(f) The school will comply with sections 3313.61, 3313.611, 35874  
3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, 35875  
except that for students who enter ninth grade for the first time 35876  
before July 1, 2010, the requirement in sections 3313.61 and 35877  
3313.611 of the Revised Code that a person must successfully 35878  
complete the curriculum in any high school prior to receiving a 35879  
high school diploma may be met by completing the curriculum 35880  
adopted by the governing authority of the community school rather 35881  
than the curriculum specified in Title XXXIII of the Revised Code 35882  
or any rules of the state board of education. Beginning with 35883  
students who enter ninth grade for the first time on or after July 35884  
1, 2010, the requirement in sections 3313.61 and 3313.611 of the 35885  
Revised Code that a person must successfully complete the 35886  
curriculum of a high school prior to receiving a high school 35887  
diploma shall be met by completing the requirements prescribed in 35888  
section 3313.6027 and division (C) of section 3313.603 of the 35889  
Revised Code, unless the person qualifies under division (D) or 35890  
(F) of that section. Each school shall comply with the plan for 35891  
awarding high school credit based on demonstration of subject area 35892  
competency, and beginning with the 2017-2018 school year, with the 35893  
updated plan that permits students enrolled in seventh and eighth 35894  
grade to meet curriculum requirements based on subject area 35895

competency adopted by the state board of education under divisions 35896  
(J)(1) and (2) of section 3313.603 of the Revised Code. Beginning 35897  
with the 2018-2019 school year, the school shall comply with the 35898  
framework for granting units of high school credit to students who 35899  
demonstrate subject area competency through work-based learning 35900  
experiences, internships, or cooperative education developed by 35901  
the department under division (J)(3) of section 3313.603 of the 35902  
Revised Code. 35903

(g) The school governing authority will submit within four 35904  
months after the end of each school year a report of its 35905  
activities and progress in meeting the goals and standards of 35906  
divisions (A)(3) and (4) of this section and its financial status 35907  
to the sponsor and the parents of all students enrolled in the 35908  
school. 35909

(h) The school, unless it is an internet- or computer-based 35910  
community school, will comply with section 3313.801 of the Revised 35911  
Code as if it were a school district. 35912

(i) If the school is the recipient of moneys from a grant 35913  
awarded under the federal race to the top program, Division (A), 35914  
Title XIV, Sections 14005 and 14006 of the "American Recovery and 35915  
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 35916  
school will pay teachers based upon performance in accordance with 35917  
section 3317.141 and will comply with section 3319.111 of the 35918  
Revised Code as if it were a school district. 35919

(j) If the school operates a preschool program that is 35920  
licensed by the department of education under sections 3301.52 to 35921  
3301.59 of the Revised Code, the school shall comply with sections 35922  
3301.50 to 3301.59 of the Revised Code and the minimum standards 35923  
for preschool programs prescribed in rules adopted by the state 35924  
board under section 3301.53 of the Revised Code. 35925

(k) The school will comply with sections 3313.6021 and 35926

3313.6023 of the Revised Code as if it were a school district	35927
unless it is either of the following:	35928
(i) An internet- or computer-based community school;	35929
(ii) A community school in which a majority of the enrolled	35930
students are children with disabilities as described in division	35931
(A)(4)(b) of section 3314.35 of the Revised Code.	35932
(1) The school will comply with section 3321.191 of the	35933
Revised Code, unless it is an internet- or computer-based	35934
community school that is subject to section 3314.261 of the	35935
Revised Code.	35936
(12) Arrangements for providing health and other benefits to	35937
employees;	35938
(13) The length of the contract, which shall begin at the	35939
beginning of an academic year. No contract shall exceed five years	35940
unless such contract has been renewed pursuant to division (E) of	35941
this section.	35942
(14) The governing authority of the school, which shall be	35943
responsible for carrying out the provisions of the contract;	35944
(15) A financial plan detailing an estimated school budget	35945
for each year of the period of the contract and specifying the	35946
total estimated per pupil expenditure amount for each such year.	35947
(16) Requirements and procedures regarding the disposition of	35948
employees of the school in the event the contract is terminated or	35949
not renewed pursuant to section 3314.07 of the Revised Code;	35950
(17) Whether the school is to be created by converting all or	35951
part of an existing public school or educational service center	35952
building or is to be a new start-up school, and if it is a	35953
converted public school or service center building, specification	35954
of any duties or responsibilities of an employer that the board of	35955
education or service center governing board that operated the	35956

school or building before conversion is delegating to the 35957  
governing authority of the community school with respect to all or 35958  
any specified group of employees provided the delegation is not 35959  
prohibited by a collective bargaining agreement applicable to such 35960  
employees; 35961

(18) Provisions establishing procedures for resolving 35962  
disputes or differences of opinion between the sponsor and the 35963  
governing authority of the community school; 35964

(19) A provision requiring the governing authority to adopt a 35965  
policy regarding the admission of students who reside outside the 35966  
district in which the school is located. That policy shall comply 35967  
with the admissions procedures specified in sections 3314.06 and 35968  
3314.061 of the Revised Code and, at the sole discretion of the 35969  
authority, shall do one of the following: 35970

(a) Prohibit the enrollment of students who reside outside 35971  
the district in which the school is located; 35972

(b) Permit the enrollment of students who reside in districts 35973  
adjacent to the district in which the school is located; 35974

(c) Permit the enrollment of students who reside in any other 35975  
district in the state. 35976

(20) A provision recognizing the authority of the department 35977  
of education to take over the sponsorship of the school in 35978  
accordance with the provisions of division (C) of section 3314.015 35979  
of the Revised Code; 35980

(21) A provision recognizing the sponsor's authority to 35981  
assume the operation of a school under the conditions specified in 35982  
division (B) of section 3314.073 of the Revised Code; 35983

(22) A provision recognizing both of the following: 35984

(a) The authority of public health and safety officials to 35985  
inspect the facilities of the school and to order the facilities 35986

closed if those officials find that the facilities are not in 35987  
compliance with health and safety laws and regulations; 35988

(b) The authority of the department of education as the 35989  
community school oversight body to suspend the operation of the 35990  
school under section 3314.072 of the Revised Code if the 35991  
department has evidence of conditions or violations of law at the 35992  
school that pose an imminent danger to the health and safety of 35993  
the school's students and employees and the sponsor refuses to 35994  
take such action. 35995

(23) A description of the learning opportunities that will be 35996  
offered to students including both classroom-based and 35997  
non-classroom-based learning opportunities that is in compliance 35998  
with criteria for student participation established by the 35999  
department under division (H)(2) of section 3314.08 of the Revised 36000  
Code; 36001

(24) The school will comply with sections 3302.04 and 36002  
3302.041 of the Revised Code, except that any action required to 36003  
be taken by a school district pursuant to those sections shall be 36004  
taken by the sponsor of the school. However, the sponsor shall not 36005  
be required to take any action described in division (F) of 36006  
section 3302.04 of the Revised Code. 36007

(25) Beginning in the 2006-2007 school year, the school will 36008  
open for operation not later than the thirtieth day of September 36009  
each school year, unless the mission of the school as specified 36010  
under division (A)(2) of this section is solely to serve dropouts. 36011  
In its initial year of operation, if the school fails to open by 36012  
the thirtieth day of September, or within one year after the 36013  
adoption of the contract pursuant to division (D) of section 36014  
3314.02 of the Revised Code if the mission of the school is solely 36015  
to serve dropouts, the contract shall be void. 36016

(26) Whether the school's governing authority is planning to 36017

seek designation for the school as a STEM school equivalent under 36018  
section 3326.032 of the Revised Code; 36019

(27) That the school's attendance and participation policies 36020  
will be available for public inspection; 36021

(28) That the school's attendance and participation records 36022  
shall be made available to the department of education, auditor of 36023  
state, and school's sponsor to the extent permitted under and in 36024  
accordance with the "Family Educational Rights and Privacy Act of 36025  
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 36026  
regulations promulgated under that act, and section 3319.321 of 36027  
the Revised Code; 36028

(29) If a school operates using the blended learning model, 36029  
as defined in section 3301.079 of the Revised Code, all of the 36030  
following information: 36031

(a) An indication of what blended learning model or models 36032  
will be used; 36033

(b) A description of how student instructional needs will be 36034  
determined and documented; 36035

(c) The method to be used for determining competency, 36036  
granting credit, and promoting students to a higher grade level; 36037

(d) The school's attendance requirements, including how the 36038  
school will document participation in learning opportunities; 36039

(e) A statement describing how student progress will be 36040  
monitored; 36041

(f) A statement describing how private student data will be 36042  
protected; 36043

(g) A description of the professional development activities 36044  
that will be offered to teachers. 36045

(30) A provision requiring that all moneys the school's 36046  
operator loans to the school, including facilities loans or cash 36047

flow assistance, must be accounted for, documented, and bear 36048  
interest at a fair market rate; 36049

(31) A provision requiring that, if the governing authority 36050  
contracts with an attorney, accountant, or entity specializing in 36051  
audits, the attorney, accountant, or entity shall be independent 36052  
from the operator with which the school has contracted. 36053

(32) A provision requiring the governing authority to adopt 36054  
an enrollment and attendance policy that requires a student's 36055  
parent to notify the community school in which the student is 36056  
enrolled when there is a change in the location of the parent's or 36057  
student's primary residence. 36058

(33) A provision requiring the governing authority to adopt a 36059  
student residence and address verification policy for students 36060  
enrolling in or attending the school. 36061

(B) The community school shall also submit to the sponsor a 36062  
comprehensive plan for the school. The plan shall specify the 36063  
following: 36064

(1) The process by which the governing authority of the 36065  
school will be selected in the future; 36066

(2) The management and administration of the school; 36067

(3) If the community school is a currently existing public 36068  
school or educational service center building, alternative 36069  
arrangements for current public school students who choose not to 36070  
attend the converted school and for teachers who choose not to 36071  
teach in the school or building after conversion; 36072

(4) The instructional program and educational philosophy of 36073  
the school; 36074

(5) Internal financial controls. 36075

When submitting the plan under this division, the school 36076  
shall also submit copies of all policies and procedures regarding 36077

internal financial controls adopted by the governing authority of the school. 36078  
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(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state. 36080  
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(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following: 36090  
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(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract; 36095  
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(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis; 36097  
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(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school; 36100  
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(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract; 36104  
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(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the 36107  
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school to be on probationary status pursuant to section 3314.073 36109  
of the Revised Code, suspend the operation of the school pursuant 36110  
to section 3314.072 of the Revised Code, or terminate the contract 36111  
of the school pursuant to section 3314.07 of the Revised Code as 36112  
determined necessary by the sponsor; 36113

(6) Have in place a plan of action to be undertaken in the 36114  
event the community school experiences financial difficulties or 36115  
closes prior to the end of a school year. 36116

(E) Upon the expiration of a contract entered into under this 36117  
section, the sponsor of a community school may, with the approval 36118  
of the governing authority of the school, renew that contract for 36119  
a period of time determined by the sponsor, but not ending earlier 36120  
than the end of any school year, if the sponsor finds that the 36121  
school's compliance with applicable laws and terms of the contract 36122  
and the school's progress in meeting the academic goals prescribed 36123  
in the contract have been satisfactory. Any contract that is 36124  
renewed under this division remains subject to the provisions of 36125  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 36126

(F) If a community school fails to open for operation within 36127  
one year after the contract entered into under this section is 36128  
adopted pursuant to division (D) of section 3314.02 of the Revised 36129  
Code or permanently closes prior to the expiration of the 36130  
contract, the contract shall be void and the school shall not 36131  
enter into a contract with any other sponsor. A school shall not 36132  
be considered permanently closed because the operations of the 36133  
school have been suspended pursuant to section 3314.072 of the 36134  
Revised Code. 36135

**Sec. 3314.08.** (A) As used in this section: 36136

(1) "IEP" has the same meaning as in section 3323.01 of the 36137  
Revised Code. 36138

(2) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(B) The state board of education shall adopt rules requiring the governing authority of each community school established under this chapter to annually report all of the following:

(1) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;

(2) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;

(3) The number of students reported under division (B)(2) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;

(4) The full-time equivalent number of students reported under divisions (B)(1) and (2) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A)(1) to (5) of section 3317.014 of the Revised Code that are provided by the community school;

(5) The number of students reported under divisions (B)(1) and (2) of this section who are not reported under division (B)(4) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A)(1) to (5) of section 3317.014 of the Revised Code at a joint vocational school district or another district in the career-technical planning district to which the school is assigned;

(6) The number of students reported under divisions (B)(1)

and (2) of this section who are category one to three English learners described in each of divisions (A) to (C) of section 3317.016 of the Revised Code; 36170  
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(7) The number of students reported under divisions (B)(1) and (2) of this section who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (B)(7) of this section based on anything other than family income. 36173  
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(8) For each student, the city, exempted village, or local school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 36178  
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(9) The number of students enrolled in a preschool program operated by the school that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code who are not receiving special education and related services pursuant to an IEP. 36181  
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A school district board and a community school governing authority shall include in their respective reports under division (B) of this section any child admitted in accordance with division (A)(2) of section 3321.01 of the Revised Code. 36186  
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A governing authority of a community school shall not include in its report under divisions (B)(1) to (9) of this section any student for whom tuition is charged under division (F) of this section. 36190  
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(C)(1)(a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the school may submit to the superintendent of public instruction documentation, 36194  
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as prescribed by the superintendent, of all its costs for that 36201  
student. Upon submission of documentation for a student of the 36202  
type and in the manner prescribed, the department shall pay to the 36203  
community school an amount equal to the school's costs for the 36204  
student in excess of the threshold catastrophic costs. 36205

(b) The community school shall report under division 36206  
(C)(1)(a) of this section, and the department shall pay for, only 36207  
the costs of educational expenses and the related services 36208  
provided to the student in accordance with the student's 36209  
individualized education program. Any legal fees, court costs, or 36210  
other costs associated with any cause of action relating to the 36211  
student may not be included in the amount. 36212

(2) In any fiscal year, a community school receiving funds 36213  
under division (A)(7) of section 3317.022 of the Revised Code 36214  
shall spend those funds only for the purposes that the department 36215  
designates as approved for career-technical education expenses. 36216  
Career-technical education expenses approved by the department 36217  
shall include only expenses connected to the delivery of 36218  
career-technical programming to career-technical students. The 36219  
department shall require the school to report data annually so 36220  
that the department may monitor the school's compliance with the 36221  
requirements regarding the manner in which funding received under 36222  
division (A)(7) of section 3317.022 of the Revised Code may be 36223  
spent. 36224

(3) Notwithstanding anything to the contrary in section 36225  
3313.90 of the Revised Code, except as provided in division (C)(5) 36226  
of this section, all funds received under division (A)(7) of 36227  
section 3317.022 of the Revised Code shall be spent in the 36228  
following manner: 36229

(a) At least seventy-five per cent of the funds shall be 36230  
spent on curriculum development, purchase, and implementation; 36231  
instructional resources and supplies; industry-based program 36232

certification; student assessment, credentialing, and placement; 36233  
curriculum specific equipment purchases and leases; 36234  
career-technical student organization fees and expenses; home and 36235  
agency linkages; work-based learning experiences; professional 36236  
development; and other costs directly associated with 36237  
career-technical education programs including development of new 36238  
programs. 36239

(b) Not more than twenty-five per cent of the funds shall be 36240  
used for personnel expenditures. 36241

(4) A community school shall spend the funds it receives 36242  
under division (A)(4) of section 3317.022 of the Revised Code in 36243  
accordance with section 3317.25 of the Revised Code. 36244

(5) The department may waive the requirement in division 36245  
(C)(3) of this section for any community school that exclusively 36246  
provides one or more career-technical workforce development 36247  
programs in arts and communications that are not 36248  
equipment-intensive, as determined by the department. 36249

(6) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a community 36250  
school shall spend the funds it receives under division (A)(5) of 36251  
section 3317.022 of the Revised Code only for services for English 36252  
learners. 36253

(D) A board of education sponsoring a community school may 36254  
utilize local funds to make enhancement grants to the school or 36255  
may agree, either as part of the contract or separately, to 36256  
provide any specific services to the community school at no cost 36257  
to the school. 36258

(E) A community school may not levy taxes or issue bonds 36259  
secured by tax revenues. 36260

(F) No community school shall charge tuition for the 36261  
enrollment of any student who is a resident of this state. A 36262  
community school may charge tuition for the enrollment of any 36263

student who is not a resident of this state. 36264

(G)(1)(a) A community school may borrow money to pay any 36265  
necessary and actual expenses of the school in anticipation of the 36266  
receipt of any portion of the payments to be received by the 36267  
school pursuant to section 3317.022 of the Revised Code. The 36268  
school may issue notes to evidence such borrowing. The proceeds of 36269  
the notes shall be used only for the purposes for which the 36270  
anticipated receipts may be lawfully expended by the school. 36271

(b) A school may also borrow money for a term not to exceed 36272  
fifteen years for the purpose of acquiring facilities. 36273

(2) ~~Except for any amount guaranteed under section 3318.50 of~~ 36274  
~~the Revised Code, the~~ The state is not liable for debt incurred by 36275  
the governing authority of a community school. 36276

(H) The department of education shall adjust the amounts paid 36277  
under section 3317.022 of the Revised Code to reflect any 36278  
enrollment of students in community schools for less than the 36279  
equivalent of a full school year. The state board of education 36280  
within ninety days after April 8, 2003, shall adopt in accordance 36281  
with Chapter 119. of the Revised Code rules governing the payments 36282  
to community schools under section 3317.022 of the Revised Code 36283  
including initial payments in a school year and adjustments and 36284  
reductions made in subsequent periodic payments to community 36285  
schools as provided under section 3317.022 of the Revised Code. 36286  
For purposes of this division: 36287

(1) A student shall be considered enrolled in the community 36288  
school for any portion of the school year the student is 36289  
participating at a college under Chapter 3365. of the Revised 36290  
Code. 36291

(2) A student shall be considered to be enrolled in a 36292  
community school for the period of time beginning on the later of 36293  
the date on which the school both has received documentation of 36294

the student's enrollment from a parent and the student has 36295  
commenced participation in learning opportunities as defined in 36296  
the contract with the sponsor, or thirty days prior to the date on 36297  
which the student is entered into the education management 36298  
information system established under section 3301.0714 of the 36299  
Revised Code. For purposes of applying this division and divisions 36300  
(H)(3) and (4) of this section to a community school student, 36301  
"learning opportunities" shall be defined in the contract, which 36302  
shall describe both classroom-based and non-classroom-based 36303  
learning opportunities and shall be in compliance with criteria 36304  
and documentation requirements for student participation which 36305  
shall be established by the department. Any student's instruction 36306  
time in non-classroom-based learning opportunities shall be 36307  
certified by an employee of the community school. A student's 36308  
enrollment shall be considered to cease on the date on which any 36309  
of the following occur: 36310

(a) The community school receives documentation from a parent 36311  
terminating enrollment of the student. 36312

(b) The community school is provided documentation of a 36313  
student's enrollment in another public or private school. 36314

(c) The community school ceases to offer learning 36315  
opportunities to the student pursuant to the terms of the contract 36316  
with the sponsor or the operation of any provision of this 36317  
chapter. 36318

Except as otherwise specified in this paragraph, beginning in 36319  
the 2011-2012 school year, any student who completed the prior 36320  
school year in an internet- or computer-based community school 36321  
shall be considered to be enrolled in the same school in the 36322  
subsequent school year until the student's enrollment has ceased 36323  
as specified in division (H)(2) of this section. The department 36324  
shall continue paying amounts for the student under section 36325  
3317.022 of the Revised Code without interruption at the start of 36326

the subsequent school year. However, if the student without a 36327  
legitimate excuse fails to participate in the first seventy-two 36328  
consecutive hours of learning opportunities offered to the student 36329  
in that subsequent school year, the student shall be considered 36330  
not to have re-enrolled in the school for that school year and the 36331  
department shall recalculate the payments to the school for that 36332  
school year to account for the fact that the student is not 36333  
enrolled. 36334

(3) The department shall determine each community school 36335  
student's percentage of full-time equivalency based on the 36336  
percentage of learning opportunities offered by the community 36337  
school to that student, reported either as number of hours or 36338  
number of days, is of the total learning opportunities offered by 36339  
the community school to a student who attends for the school's 36340  
entire school year. However, no internet- or computer-based 36341  
community school shall be credited for any time a student spends 36342  
participating in learning opportunities beyond ten hours within 36343  
any period of twenty-four consecutive hours. Whether it reports 36344  
hours or days of learning opportunities, each community school 36345  
shall offer not less than nine hundred twenty hours of learning 36346  
opportunities during the school year. 36347

(4) With respect to the calculation of full-time equivalency 36348  
under division (H)(3) of this section, the department shall waive 36349  
the number of hours or days of learning opportunities not offered 36350  
to a student because the community school was closed during the 36351  
school year due to disease epidemic, hazardous weather conditions, 36352  
law enforcement emergencies, inoperability of school buses or 36353  
other equipment necessary to the school's operation, damage to a 36354  
school building, or other temporary circumstances due to utility 36355  
failure rendering the school building unfit for school use, so 36356  
long as the school was actually open for instruction with students 36357  
in attendance during that school year for not less than the 36358

minimum number of hours required by this chapter. The department 36359  
shall treat the school as if it were open for instruction with 36360  
students in attendance during the hours or days waived under this 36361  
division. 36362

(I) The department of education shall reduce the amounts paid 36363  
under section 3317.022 of the Revised Code to reflect payments 36364  
made to colleges under section 3365.07 of the Revised Code. 36365

(J)(1) No student shall be considered enrolled in any 36366  
internet- or computer-based community school or, if applicable to 36367  
the student, in any community school that is required to provide 36368  
the student with a computer pursuant to division (C) of section 36369  
3314.22 of the Revised Code, unless both of the following 36370  
conditions are satisfied: 36371

(a) The student possesses or has been provided with all 36372  
required hardware and software materials and all such materials 36373  
are operational so that the student is capable of fully 36374  
participating in the learning opportunities specified in the 36375  
contract between the school and the school's sponsor as required 36376  
by division (A)(23) of section 3314.03 of the Revised Code; 36377

(b) The school is in compliance with division (A) of section 36378  
3314.22 of the Revised Code, relative to such student. 36379

(2) In accordance with policies adopted by the superintendent 36380  
of public instruction, in consultation with the auditor of state, 36381  
the department shall reduce the amounts otherwise payable under 36382  
section 3317.022 of the Revised Code to any community school that 36383  
includes in its program the provision of computer hardware and 36384  
software materials to any student, if such hardware and software 36385  
materials have not been delivered, installed, and activated for 36386  
each such student in a timely manner or other educational 36387  
materials or services have not been provided according to the 36388  
contract between the individual community school and its sponsor. 36389

The superintendent of public instruction and the auditor of state shall jointly establish a method for auditing any community school to which this division pertains to ensure compliance with this section. 36390  
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The superintendent, auditor of state, and the governor shall jointly make recommendations to the general assembly for legislative changes that may be required to assure fiscal and academic accountability for such schools. 36394  
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(K)(1) If the department determines that a review of a community school's enrollment is necessary, such review shall be completed and written notice of the findings shall be provided to the governing authority of the community school and its sponsor within ninety days of the end of the community school's fiscal year, unless extended for a period not to exceed thirty additional days for one of the following reasons: 36398  
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(a) The department and the community school mutually agree to the extension. 36405  
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(b) Delays in data submission caused by either a community school or its sponsor. 36407  
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(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply: 36409  
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(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee. 36414  
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(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing. 36417  
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(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(L) The department shall not pay to a community school under section 3317.022 of the Revised Code any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.

(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the

armed forces and who apply for enrollment in a community school 36452  
not later than four years after termination of war or their 36453  
honorable discharge. If, however, any such veteran elects to 36454  
enroll in special courses organized for veterans for whom tuition 36455  
is paid under federal law, or otherwise, the department shall not 36456  
pay to a community school under section 3317.022 of the Revised 36457  
Code any amount for that veteran. 36458

Sec. 3314.104. No community school shall employ an individual 36459  
in any position if the state board of education permanently 36460  
revoked or permanently denied the individual a license under 36461  
section 3319.31 of the Revised Code or if the individual entered 36462  
into a consent agreement under division (E) of section 3319.311 of 36463  
the Revised Code in which the individual agreed never to apply for 36464  
a license after the date on which the agreement was entered into. 36465  
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Sec. 3314.23. (A) Subject to division (B) of this section, 36467  
each internet- or computer-based community school shall comply 36468  
with the national standards developed by the international 36469  
association for K-12 quality online learning developed under a 36470  
project led by a partnership between quality matters, the virtual 36471  
learning leadership alliance, and the digital learning 36472  
collaborative, or any successor organization. 36473

(B) Each internet- or computer-based community school that 36474  
initially opens for operation on or after January 1, 2013, shall 36475  
comply with the standards required by division (A) of this section 36476  
at the time it opens. Each internet- or computer-based community 36477  
school that initially opened for operation prior to January 1, 36478  
2013, shall comply with the standards required by division (A) of 36479  
this section not later than July 1, 2013. 36480

(C) The sponsor of each internet- or computer-based community 36481

school shall be responsible for monitoring, ensuring, and 36482  
reporting compliance with the online learning standards described 36483  
in divisions (A) and (B) of this section. 36484

**Sec. 3315.37.** The board of education of a school district may 36485  
establish a teacher education loan program and may expend school 36486  
funds for the program. The program shall be for the purpose of 36487  
making loans to students who are residents of the school district 36488  
or graduates of schools in the school district, who are enrolled 36489  
in teacher preparation programs at institutions approved by the 36490  
chancellor of ~~the Ohio board of regents~~ higher education pursuant 36491  
to section 3333.048 of the Revised Code, and who indicate an 36492  
intent to teach in the school district providing the loan. The 36493  
district board may forgive the obligation to repay any or all of 36494  
the principal and interest on the loan if the borrower teaches in 36495  
that school district. 36496

The district board shall adopt rules establishing eligibility 36497  
criteria, application procedures, procedures for review of 36498  
applications, loan amounts, interest, repayment schedules, 36499  
conditions under which principal and interest obligations incurred 36500  
under the program will be forgiven, and any other matter 36501  
incidental to the operation of the program. 36502

The board may contract with a private, nonprofit foundation, 36503  
one or more institutions of higher education, or other educational 36504  
agencies to administer the program. 36505

The receipt of a loan under this section does not affect a 36506  
student's eligibility for assistance, or the amount of such 36507  
assistance, granted under section 3315.33, ~~3333.12~~, 3333.122, 36508  
3333.22, 3333.26, 5910.04, or 5919.34 of the Revised Code, but the 36509  
board's rules may provide for taking such assistance into 36510  
consideration when determining a student's eligibility for a loan 36511  
under this section. 36512

**Sec. 3316.042.** The auditor of state, on the auditor of state's initiative, may conduct a performance audit of a school district that is under a fiscal caution under section 3316.031 of the Revised Code, in a state of fiscal watch, or in a state of fiscal emergency, in which the auditor of state reviews any programs or areas of operation in which the auditor of state believes that greater operational efficiencies or enhanced program results can be achieved.

The auditor of state, in consultation with the department of education ~~and the office of budget and management, shall determine for which school districts to conduct performance audits under this section. Priority shall be given to districts,~~ may conduct a performance audit of a school district in fiscal distress, including districts employing fiscal practices or experiencing budgetary conditions that could produce a state of fiscal watch or fiscal emergency, as determined by the auditor of state, ~~in consultation with the department and the office of budget and management.~~

The cost of a performance audit conducted under this section shall be paid by the auditor of state with funds appropriated by the general assembly for that purpose.

A performance audit under this section shall not include review or evaluation of school district academic performance.

**Sec. 3317.011.** This section shall apply only for fiscal years ~~2022~~ 2024 and ~~2023~~ 2025.

(A) As used in this section:

(1) "Average administrative assistant salary" means the average salary of administrative assistants employed by city, local, and exempted village school districts in this state with salaries greater than \$20,000 but less than \$65,000, using fiscal

year ~~2018~~ 2022 data, as determined by the department of education. 36543

(2) "Average bookkeeping and accounting employee salary" 36544  
means the average salary of bookkeeping employees and accounting 36545  
employees employed by city, local, and exempted village school 36546  
districts in this state with salaries greater than \$20,000 but 36547  
less than \$80,000, using fiscal year ~~2018~~ 2022 data, as determined 36548  
by the department. 36549

(3) "Average clerical staff salary" means the average salary 36550  
of clerical staff employed by city, local, and exempted village 36551  
school districts in this state with salaries greater than \$15,000 36552  
but less than \$50,000, using fiscal year ~~2018~~ 2022 data, as 36553  
determined by the department. 36554

(4) "Average counselor salary" means the average salary of 36555  
counselors employed by city, local, and exempted village school 36556  
districts in this state with salaries greater than \$30,000 but 36557  
less than \$95,000, using fiscal year ~~2018~~ 2022 data, as determined 36558  
by the department. 36559

(5) "Average education management information system support 36560  
employee salary" means the average salary of accounting employees 36561  
employed by city, local, and exempted village school districts in 36562  
this state with salaries greater than \$30,000 but less than 36563  
\$90,000, using fiscal year ~~2018~~ 2022 data, as determined by the 36564  
department. 36565

(6) "Average librarian and media staff salary" means the 36566  
average salary of librarians and media staff employed by city, 36567  
local, and exempted village school districts in this state with 36568  
salaries greater than \$30,000 but less than \$95,000, using fiscal 36569  
year ~~2018~~ 2022 data, as determined by the department. 36570

(7) "Average other district administrator salary" means the 36571  
average salary of all assistant superintendents and directors 36572  
employed by city, local, and exempted village school districts in 36573

this state with salaries greater than \$50,000 but less than 36574  
\$135,000, using fiscal year ~~2018~~ 2022 data, as determined by the 36575  
department. 36576

(8) "Average principal salary" means the average salary of 36577  
all principals employed by city, local, and exempted village 36578  
school districts in this state with salaries greater than \$50,000 36579  
but less than \$120,000, using fiscal year ~~2018~~ 2022 data, as 36580  
determined by the department. 36581

(9) "Average superintendent salary" means the average salary 36582  
of all superintendents employed by city, local, and exempted 36583  
village school districts in this state with salaries greater than 36584  
\$60,000 but less than \$180,000, using fiscal year ~~2018~~ 2022 data, 36585  
as determined by the department. 36586

(10) "Average teacher cost" for a fiscal year is equal to the 36587  
sum of the following: 36588

(a) The average salary of teachers employed by city, local, 36589  
and exempted village school districts in this state with salaries 36590  
greater than \$30,000 but less than \$95,000, using fiscal year ~~2018~~ 36591  
2022 data, as determined by the department; 36592

(b) An amount for teacher benefits equal to 0.16 times the 36593  
average salary calculated under division (A)(10)(a) of this 36594  
section; 36595

(c) An amount for district-paid insurance costs equal to the 36596  
following product: 36597

The statewide weighted average employer-paid monthly premium based 36598  
on data reported by city, local, and exempted village school 36599  
districts to the state employment relations board for the health 36600  
insurance survey conducted in accordance with divisions (K)(5) and 36601  
(6) of section 4117.02 of the Revised Code using fiscal year ~~2018~~ 36602  
2022 data X 12 36603

(11) "Eligible school district" means a city, local, or 36604

exempted village school district that satisfies one of the 36605  
following: 36606

(a) The district is a member of an organization that 36607  
regulates interscholastic athletics. 36608

(b) The district has teams in at least three different sports 36609  
that participate in an interscholastic league. 36610

(B) When calculating a district's aggregate base cost under 36611  
this section, the department shall use data from fiscal year ~~2018~~ 36612  
2022 for all of the following: 36613

(1) The average salaries determined under divisions (A)(1), 36614  
(2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of this 36615  
section; 36616

(2) The amount for teacher benefits determined under division 36617  
(A)(10)(b) of this section; 36618

(3) The district-paid insurance costs determined under 36619  
division (A)(10)(c) of this section; 36620

(4) The spending determined under divisions (E)(4)(a), 36621  
(E)(5)(a), (E)(6)(a), and (H)(1) of this section and the 36622  
corresponding student counts determined under divisions (E)(4)(b), 36623  
(E)(5)(b), (E)(6)(b), and (H)(2) of this section; 36624

(5) The information determined under division (G)(3) of this 36625  
section. 36626

(C) A city, local, or exempted village school district's 36627  
aggregate base cost for a fiscal year shall be equal to the 36628  
following sum: 36629

(The district's teacher base cost for that fiscal year computed 36630  
under division (D) of this section) + (the district's student 36631  
support base cost for that fiscal year computed under division (E) 36632  
of this section) + (the district's leadership and accountability 36633  
base cost for that fiscal year computed under division (F) of this 36634

section) + (the district's building leadership and operations base 36635  
cost for that fiscal year computed under division (G) of this 36636  
section) + (the athletic co-curricular activities base cost for 36637  
that fiscal year computed under division (H) of this section, if 36638  
the district is an eligible school district) 36639

(D) The department of education shall compute a district's 36640  
teacher base cost for a fiscal year as follows: 36641

(1) Calculate the district's classroom teacher cost for that 36642  
fiscal year as follows: 36643

(a) Determine the full-time equivalency of students in the 36644  
district's base cost enrolled ADM for that fiscal year that are 36645  
enrolled in kindergarten and divide that number by 20; 36646

(b) Determine the full-time equivalency of students in the 36647  
district's base cost enrolled ADM for that fiscal year that are 36648  
enrolled in grades one through three and divide that number by 23; 36649

(c) Determine the full-time equivalency of students in the 36650  
district's base cost enrolled ADM for that fiscal year that are 36651  
enrolled in grades four through eight but are not enrolled in a 36652  
career-technical education program or class described under 36653  
section 3317.014 of the Revised Code and divide that number by 25; 36654

(d) Determine the full-time equivalency of students in the 36655  
district's base cost enrolled ADM for that fiscal year that are 36656  
enrolled in grades nine through twelve but are not enrolled in a 36657  
career-technical education program or class described under 36658  
section 3317.014 of the Revised Code and divide that number by 27; 36659

(e) Determine the full-time equivalency of students in the 36660  
district's base cost enrolled ADM for that fiscal year that are 36661  
enrolled in a career-technical education program or class, as 36662  
certified under divisions (B)(11), (12), (13), (14), and (15) of 36663  
section 3317.03 of the Revised Code, and divide that number by 18; 36664

(f) Compute the sum of the quotients obtained under divisions 36665

(D)(1)(a), (b), (c), (d), and (e) of this section;	36666
(g) Compute the classroom teacher cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D)(1)(f) of this section.	36667 36668 36669
(2) Calculate the district's special teacher cost for that fiscal year as follows:	36670 36671
(a) Divide the district's base cost enrolled ADM for that fiscal year by 150;	36672 36673
(b) If the quotient obtained under division (D)(2)(a) of this section is greater than 6, the special teacher cost shall be equal to that quotient multiplied by the average teacher cost for that fiscal year.	36674 36675 36676 36677
(c) If the quotient obtained under division (D)(2)(a) of this section is less than or equal to 6, the special teacher cost shall be equal to 6 multiplied by the average teacher cost for that fiscal year.	36678 36679 36680 36681
(3) Calculate the district's substitute teacher cost for that fiscal year in accordance with the following formula:	36682 36683
(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16;	36684 36685
(b) Compute the substitute teacher cost in accordance with the following formula:	36686 36687
[The sum computed under division (D)(1)(f) of this section + (the greater of the quotient obtained under division (D)(2)(a) of this section and 6)] X the amount computed under division (D)(3)(a) of this section X 5	36688 36689 36690 36691
(4) Calculate the district's professional development cost for that fiscal year in accordance with the following formula:	36692 36693
[The sum computed under division (D)(1)(f) of this section + (the greater of the quotient obtained under division (D)(2)(a) of this	36694 36695

section and 6)] X [(the sum of divisions (A)(10)(a) and (b) of 36696  
this section for that fiscal year)/180] X 4 36697

(5) Calculate the district's teacher base cost for that 36698  
fiscal year, which equals the sum of divisions (D)(1), (2), (3), 36699  
and (4) of this section. 36700

(E) The department shall compute a district's student support 36701  
base cost for a fiscal year as follows: 36702

(1) Calculate the district's guidance counselor cost for that 36703  
fiscal year as follows: 36704

(a) Determine the number of students in the district's base 36705  
cost enrolled ADM for that fiscal year that are enrolled in grades 36706  
nine through twelve and divide that number by 360; 36707

(b) Compute the counselor cost in accordance with the 36708  
following formula: 36709

(The greater of the quotient obtained under division (E)(1)(a) of 36710  
this section and 1) X [(the average counselor salary for that 36711  
fiscal year X 1.16) + the amount specified under division 36712  
(A)(10)(c) of this section for that fiscal year] 36713

(2) Calculate the district's librarian and media staff cost 36714  
for that fiscal year as follows: 36715

(a) Divide the district's base cost enrolled ADM for that 36716  
fiscal year by 1,000; 36717

(b) Compute the librarian and media staff cost in accordance 36718  
with the following formula: 36719

The quotient obtained under division (E)(2)(a) of this section X 36720  
[(the average librarian and media staff salary for that fiscal 36721  
year X 1.16) + the amount specified under division (A)(10)(c) of 36722  
this section for that fiscal year] 36723

(3) Calculate the district's staffing cost for student 36724  
wellness and success for that fiscal year as follows: 36725

(a) Divide the district's base cost enrolled ADM for that fiscal year by 250;	36726 36727
(b) Compute the staffing cost for student wellness and success in accordance with the following formula:	36728 36729
(The greater of the quotient obtained under division (E)(3)(a) of this section and 5) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]	36730 36731 36732 36733
(4) Calculate the district's academic co-curricular activities cost for that fiscal year as follows:	36734 36735
(a) Determine the total amount of spending for academic co-curricular activities reported by city, local, and exempted village school districts to the department using fiscal year <del>2018</del> <u>2022</u> data;	36736 36737 36738 36739
(b) Determine the sum of the enrolled ADM of every school district in the state using fiscal year <del>2018</del> <u>2022</u> data as specified under division (E)(4)(a) of this section;	36740 36741 36742
(c) Compute the academic co-curricular activities cost in accordance with the following formula:	36743 36744
(The amount determined under division (E)(4)(a) of this section / the sum determined under division (E)(4)(b) of this section) X the district's base cost enrolled ADM for the fiscal year for which the academic co-curricular activities cost is computed	36745 36746 36747 36748
(5) Calculate the district's building safety and security cost for that fiscal year as follows:	36749 36750
(a) Determine the total amount of spending for building safety and security reported by city, local, and exempted village school districts to the department using fiscal year <del>2018</del> <u>2022</u> data;	36751 36752 36753 36754
(b) Determine the sum of the enrolled ADM of every school	36755

district in the state that reported the data specified under 36756  
division (E)(5)(a) of this section using fiscal year ~~2018~~ 2022 36757  
data; 36758

(c) Compute the building safety and security cost in 36759  
accordance with the following formula: 36760

(The amount determined under division (E)(5)(a) of this section / 36761  
the sum determined under division (E)(5)(a) of this section) X the 36762  
district's base cost enrolled ADM for the fiscal year for which 36763  
the building safety and security cost is computed 36764

(6) Calculate the district's supplies and academic content 36765  
cost for that fiscal year as follows: 36766

(a) Determine the total amount of spending for supplies and 36767  
academic content, excluding supplies for transportation and 36768  
maintenance, reported by city, local, and exempted village school 36769  
districts to the department using fiscal year ~~2018~~ 2022 data; 36770

(b) Determine the sum of the enrolled ADM of every school 36771  
district in the state using fiscal year ~~2018~~ 2022 data as 36772  
specified under division (E)(6)(a) of this section; 36773

(c) Compute the supplies and academic content cost in 36774  
accordance with the following formula: 36775

(The amount determined under division (E)(6)(a) of this section / 36776  
the sum determined under division (E)(6)(b) of this section) X the 36777  
district's base cost enrolled ADM for the fiscal year for which 36778  
the supplies and academic content cost is computed 36779

(7) Calculate the district's technology cost for that fiscal 36780  
year in accordance with the following formula: 36781

\$37.50 X the district's base cost enrolled ADM for that fiscal 36782  
year 36783

(8) Calculate the district's student support base cost for 36784  
that fiscal year, which equals the sum of divisions (E)(1), (2), 36785  
(3), (4), (5), (6), and (7) of this section. 36786

(F) The department shall compute a district's leadership and accountability base cost for a fiscal year as follows: 36787  
36788

(1) Calculate the district's superintendent cost for that fiscal year as follows: 36789  
36790

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's superintendent cost shall be equal to  $[(\$160,000 \times 1.16) + \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}]$ . 36791  
36792  
36793  
36794

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's superintendent cost shall be equal to the sum of the following: 36795  
36796  
36797  
36798

(i)  $(\text{The district's base cost enrolled ADM for that fiscal year} - 500) \times \{[(\$160,000 \times 1.16) - (\$80,000 \times 1.16)]/3500\}$ ; 36799  
36800

(ii)  $(\$80,000 \times 1.16) + \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}$ . 36801  
36802

(c) If the district's base cost enrolled ADM is less than 500, then the district's superintendent cost shall be equal to  $[(\$80,000 \times 1.16) + \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}]$ . 36803  
36804  
36805  
36806

(2) Calculate the district's treasurer cost for that fiscal year as follows: 36807  
36808

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's treasurer cost shall be equal to  $[(\$130,000 \times 1.16) + \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}]$ . 36809  
36810  
36811  
36812

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's treasurer cost shall be equal to the sum of the following: 36813  
36814  
36815  
36816

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X  $\{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\}$ ; 36817  
36818

(ii)  $(\$60,000 \times 1.16)$  + the amount specified under division (A)(10)(c) of this section for that fiscal year. 36819  
36820

(c) If the district's base cost enrolled ADM is less than 500, then the district's treasurer cost shall be equal to  $[(\$60,000 \times 1.16) + \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}]$ . 36821  
36822  
36823  
36824

(3) Calculate the district's other district administrator cost for that fiscal year as follows: 36825  
36826

(a) Divide the average other district administrator salary for that fiscal year by the average superintendent salary for that fiscal year; 36827  
36828  
36829

(b) Divide the district's base cost enrolled ADM for that fiscal year by 750; 36830  
36831

(c) Compute the other district administrator cost in accordance with the following formula: 36832  
36833

$\{[(\text{The district's superintendent cost for that fiscal year calculated under division (F)(1) of this section} - \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}) \times \text{the quotient obtained under division (F)(3)(a) of this section}] + \text{the amount specified under division (A)(10)(c) of this section}\} \times (\text{the greater of the quotient obtained under division (F)(3)(b) of this section and } 2)$  36834  
36835  
36836  
36837  
36838  
36839  
36840

(4) Calculate the district's fiscal support cost for that fiscal year as follows: 36841  
36842

(a) Divide the district's base cost enrolled ADM for that fiscal year by 850; 36843  
36844

(b) Determine the lesser of the following: 36845

(i) The maximum of the quotient obtained under division 36846

(F)(4)(a) of this section and 2;	36847
(ii) 35.	36848
(c) Compute the fiscal support cost in accordance with the following formula:	36849
The number obtained under division (F)(4)(b) of this section X	36851
[(the average bookkeeping and accounting employee salary for that	36852
fiscal year X 1.16) + the amount specified under division	36853
(A)(10)(c) of this section for that fiscal year]	36854
(5) Calculate the district's education management information system support cost for that fiscal year as follows:	36855
(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000;	36857
(b) Compute the education management information system support cost in accordance with the following formula:	36859
(The greater of the quotient obtained under division (F)(5)(a) of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]	36861
(6) Calculate the district's leadership support cost for that fiscal year as follows:	36866
(a) Determine the greater of the quotient obtained under division (F)(3)(b) of this section and 2, and add 1 to that number;	36868
(b) Divide the number obtained under division (F)(6)(a) of this section by 3;	36871
(c) Compute the leadership support cost in accordance with the following formula:	36873
(The greater of the quotient obtained under division (F)(6)(b) of this section and 1) X [(the average administrative assistant	36875
	36876

salary for that fiscal year X 1.16) + the amount specified under	36877
division (A)(10)(c) of this section for that fiscal year]	36878
(7) Calculate the district's information technology center	36879
support cost for that fiscal year in accordance with the following	36880
formula:	36881
\$31 X the district's base cost enrolled ADM for that fiscal year	36882
(8) Calculate the district's district leadership and	36883
accountability base cost for that fiscal year, which equals the	36884
sum of divisions (F)(1), (2), (3), (4), (5), (6), and (7) of this	36885
section.	36886
(G) The department shall compute a district's building	36887
leadership and operations base cost for a fiscal year as follows:	36888
(1) Calculate the district's building leadership cost for	36889
that fiscal year as follows:	36890
(a) Divide the average principal salary for that fiscal year	36891
by the average superintendent salary for that fiscal year;	36892
(b) Divide the district's base cost enrolled ADM for that	36893
fiscal year by 450;	36894
(c) Compute the building leadership cost in accordance with	36895
the following formula:	36896
{[(The district's superintendent cost for that fiscal year	36897
calculated under division (F)(1) of this section - the amount	36898
specified under division (A)(10)(c) of this section for that	36899
fiscal year) X the quotient obtained under division (G)(1)(a) of	36900
this section] + the amount specified under division (A)(10)(c) of	36901
this section for that fiscal year} X the quotient obtained under	36902
division (G)(1)(b) of this section	36903
(2) Calculate the district's building leadership support cost	36904
for that fiscal year as follows:	36905
(a) Divide the district's base cost enrolled ADM for that	36906

fiscal year by 400; 36907

(b) Determine the number of school buildings in the district 36908  
for that fiscal year; 36909

(c) Compute the building leadership support cost in 36910  
accordance with the following formula: 36911

(i) If the quotient obtained under division (G)(2)(a) of this 36912  
section is less than the number obtained under division (G)(2)(b) 36913  
of this section, then the district's building leadership support 36914  
cost shall be equal to {the number obtained under division 36915  
(G)(2)(b) of this section for that fiscal year X [(the average 36916  
clerical staff salary for that fiscal year X 1.16) + the amount 36917  
specified under division (A)(10)(c) of this section for that 36918  
fiscal year]}. 36919

(ii) If the quotient obtained under division (G)(2)(a) of 36920  
this section is greater than or equal to the number obtained under 36921  
division (G)(2)(b) of this section, then the district's building 36922  
leadership support cost shall be equal to {[the lesser of (the 36923  
number obtained under division (G)(2)(b) of this section X 3) and 36924  
the quotient obtained under division (G)(2)(a) of this section] X 36925  
[(the average clerical staff salary for that fiscal year X 1.16) + 36926  
the amount specified under division (A)(10)(c) of this section for 36927  
that fiscal year]}. 36928

(3) Calculate the district's building operations cost for 36929  
that fiscal year as follows: 36930

(a) ~~Using data for the six most recent fiscal years for which~~ 36931  
~~data is available, determine~~ Determine both of the following: 36932

(i) The ~~six-year average of the~~ average building square feet 36933  
per pupil for all city, local, and exempted village school 36934  
district buildings in the state; 36935

(ii) The ~~six-year~~ average cost per square foot for all city, 36936

local, and exempted village school district buildings in the 36937  
state. 36938

(b) Compute the building operations cost in accordance with 36939  
the following formula: 36940

The district's base cost enrolled ADM for that fiscal year X 36941  
[(the number determined under division (G)(3)(a)(i) of this 36942  
section X the number determined under division (G)(3)(a)(ii) of 36943  
this section) - (the amount determined under division (E)(5)(a) of 36944  
this section for that fiscal year/ the sum determined under 36945  
division (E)(5)(b) of this section for that fiscal year)] 36946

(4) Calculate the district's building leadership and 36947  
operations base cost for that fiscal year, which equals the sum of 36948  
divisions (G)(1), (2), and (3) of this section. 36949

(H) If a district is an eligible school district, the 36950  
department shall compute the district's athletic co-curricular 36951  
activities base cost for a fiscal year as follows: 36952

(1) Determine the total amount of spending for athletic 36953  
co-curricular activities reported by city, local, and exempted 36954  
village school districts to the department for that fiscal year; 36955

(2) Determine the sum of the enrolled ADM of every school 36956  
district in the state for that fiscal year; 36957

(3) Compute the district's athletic co-curricular activities 36958  
base cost in accordance with the following formula: 36959

(The amount determined under division (H)(1) of this section / the 36960  
sum determined under division (H)(2) of this section) X the 36961  
district's base cost enrolled ADM for the fiscal year for which 36962  
the funds for athletic co-curricular activities are computed 36963

**Sec. 3317.012.** This section shall apply only for fiscal years 36964  
~~2022 and 2023~~ 2024 and 2025. 36965

(A) As used in this section, "average administrative 36966

assistant salary," "average bookkeeping and accounting employee 36967  
salary," "average clerical staff salary," "average counselor 36968  
salary," "average education management information system support 36969  
employee salary," "average librarian and media staff salary," 36970  
"average other district administrator salary," "average principal 36971  
salary," "average superintendent salary," and "average teacher 36972  
cost" have the same meanings as in section 3317.011 of the Revised 36973  
Code. 36974

(B) When calculating a district's aggregate base cost under 36975  
this section, the department shall use data from fiscal year ~~2018~~ 36976  
2022 for all of the following: 36977

(1) The average salaries determined under divisions (A)(1), 36978  
(2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of section 36979  
3317.011 of the Revised Code; 36980

(2) The amount for teacher benefits determined under division 36981  
(A)(10)(b) of section 3317.011 of the Revised Code; 36982

(3) The district-paid insurance costs determined under 36983  
division (A)(10)(c) of section 3317.011 of the Revised Code; 36984

(4) Spending determined under divisions (E)(4)(a), (E)(5)(a), 36985  
and (H)(1) of section 3317.011 of the Revised Code and the 36986  
corresponding student counts determined under divisions (E)(4)(b), 36987  
(E)(5)(b), and (H)(2) of that section; 36988

(5) The information determined under division (G)(3) of 36989  
section 3317.011 of the Revised Code. 36990

(C) A joint vocational school district's aggregate base cost 36991  
for a fiscal year shall be equal to the following sum: 36992

The district's teacher base cost for that fiscal year computed 36993  
under division (D) of this section + the district's student 36994  
support base cost for that fiscal year computed under division (E) 36995  
of this section + the district's leadership and accountability 36996

base cost for that fiscal year computed under division (F) of this	36997
section + the district's building leadership and operations base	36998
cost for that fiscal year computed under division (G) of this	36999
section	37000
(D) The department of education shall compute a district's	37001
teacher base cost for a fiscal year as follows:	37002
(1) Calculate the district's classroom teacher cost for that	37003
fiscal year as follows:	37004
(a) Determine the full-time equivalency of students in the	37005
district's base cost enrolled ADM for that fiscal year that are	37006
enrolled in a career-technical education program or class, as	37007
certified under divisions (D)(2)(h), (i), (j), (k), and (l) of	37008
section 3317.03 of the Revised Code, and divide that number by 18;	37009
(b) Determine the full-time equivalency of students in the	37010
district's base cost enrolled ADM for that fiscal year that are	37011
enrolled in grades six through eight but are not enrolled in a	37012
career-technical education program or class described under	37013
section 3317.014 of the Revised Code and divide that number by 25;	37014
(c) Determine the full-time equivalency of students in the	37015
district's base cost enrolled ADM for that fiscal year that are	37016
enrolled in grades nine through twelve but are not enrolled in a	37017
career-technical education program or class described under	37018
section 3317.014 of the Revised Code and divide that number by 27;	37019
(d) Compute the sum of the quotients obtained under divisions	37020
(D)(1)(a), (b), and (c) of this section;	37021
(e) Compute the classroom teacher base cost by multiplying	37022
the average teacher cost for that fiscal year by the sum computed	37023
under division (D)(1)(d) of this section.	37024
(2) Calculate the district's cost for that fiscal year for	37025
teachers providing health and physical education, instruction	37026
regarding employability and soft skills, development and	37027

coordination of internships and job placements, career-technical 37028  
student organization activities, pre-apprenticeship and 37029  
apprenticeship coordination, and any assessment related to 37030  
career-technical education, including any nationally recognized 37031  
job skills or end-of-course assessment, as follows: 37032

(a) Divide the district's base cost enrolled ADM for that 37033  
fiscal year by 150; 37034

(b) If the quotient obtained under division (D)(2)(a) of this 37035  
section is greater than 6, the teacher cost shall be equal to that 37036  
quotient multiplied by the average teacher cost for that fiscal 37037  
year. 37038

(c) If the quotient obtained under division (D)(2)(a) of this 37039  
section is less than or equal to 6, the teacher cost shall be 37040  
equal to 6 multiplied by the average teacher cost for that fiscal 37041  
year. 37042

(3) Calculate the district's substitute teacher cost for that 37043  
fiscal year in accordance with the following formula: 37044

(a) Compute the substitute teacher daily rate with benefits 37045  
by multiplying the substitute teacher daily rate of \$90 by 1.16; 37046

(b) Compute the substitute teacher cost in accordance with 37047  
the following formula: 37048

[The sum computed under division (D)(1)(d) of this section + (the 37049  
greater of the quotient obtained under division (D)(2)(a) of this 37050  
section and 6)] X the amount computed under division (D)(3)(a) of 37051  
this section X 5 37052

(4) Calculate the district's professional development cost 37053  
for that fiscal year in accordance with the following formula: 37054

[The sum computed under division (D)(1)(d) of this section + (the 37055  
greater of the quotient obtained under division (D)(2)(a) of this 37056  
section and 6)] X [(the sum of divisions (A)(10)(a) and (b) of 37057

section 3317.011 of the Revised Code for that fiscal year)/180] X 37058  
4 37059

(5) Calculate the district's teacher base cost for that 37060  
fiscal year, which equals the sum of divisions (D)(1), (2), (3), 37061  
and (4) of this section. 37062

(E) The department shall compute a district's student support 37063  
base cost for a fiscal year as follows: 37064

(1) Calculate the district's guidance counselor cost for that 37065  
fiscal year as follows: 37066

(a) Determine the number of students in the district's base 37067  
cost enrolled ADM for that fiscal year that are enrolled in grades 37068  
nine through twelve and divide that number by 360; 37069

(b) Compute the counselor cost in accordance with the 37070  
following formula: 37071

(The greater of the quotient obtained under division (E)(1)(a) of 37072  
this section and 1) X [(the average counselor salary for that 37073  
fiscal year X 1.16) + the amount specified under division 37074  
(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal 37075  
year] 37076

(2) Calculate the district's librarian and media staff cost 37077  
for that fiscal year as follows: 37078

(a) Divide the district's base cost enrolled ADM for that 37079  
fiscal year by 1,000; 37080

(b) Compute the librarian and media staff cost in accordance 37081  
with the following formula: 37082

The quotient obtained under division (E)(2)(a) of this section X 37083  
[(the average librarian and media staff salary for that fiscal 37084  
year X 1.16) + the amount specified under division (A)(10)(c) of 37085  
section 3317.011 of the Revised Code for that fiscal year] 37086

(3) Calculate the district's staffing cost for student 37087

wellness and success for that fiscal year as follows: 37088

(a) Divide the district's base cost enrolled ADM for that 37089  
fiscal year by 250; 37090

(b) Compute the staffing cost for student wellness and 37091  
success in accordance with the following formula: 37092

The quotient obtained under division (E)(3)(a) of this section X 37093  
[(the average counselor salary for that fiscal year X 1.16) + the 37094  
amount specified under division (A)(10)(c) of section 3317.011 of 37095  
the Revised Code for that fiscal year] 37096

(4) Calculate the district's cost for that fiscal year for 37097  
career-technical curriculum specialists and coordinators, career 37098  
assessment and program placement, recruitment and orientation, 37099  
student success coordination, analysis of test results, 37100  
development of intervention and remediation plans and monitoring 37101  
of those plans, and satellite program coordination in accordance 37102  
with the following formula: 37103

[(The amount determined under division (E)(4)(a) of section 37104  
3317.011 of the Revised Code for that fiscal year / the sum 37105  
determined under division (E)(4)(b) of section 3317.011 of the 37106  
Revised Code) + (the amount determined under division (H)(1) of 37107  
section 3317.011 of the Revised Code for that fiscal year / the 37108  
sum determined under division (H)(2) of section 3317.011 of the 37109  
Revised Code)] X the district's base cost enrolled ADM for the 37110  
fiscal year for which the district's cost under this division is 37111  
computed 37112

(5) Compute the district's building safety and security cost 37113  
for that fiscal year in accordance with the following formula: 37114

(The amount determined under division (E)(5)(a) of section 37115  
3317.011 of the Revised Code for that fiscal year / the sum 37116  
determined under division (E)(5)(b) of section 3317.011 of the 37117  
Revised Code) X the district's base cost enrolled ADM for the 37118

fiscal year for which the building safety and security cost is	37119
computed	37120
(6) Compute the district's supplies and academic content cost	37121
for that fiscal year in accordance with the following formula:	37122
(The amount determined under division (E)(6)(a) of section	37123
3317.011 of the Revised Code for that fiscal year / the sum	37124
determined under division (E)(6)(b) of section 3317.011 of the	37125
Revised Code) X the district's base cost enrolled ADM for the	37126
fiscal year for which the supplies and academic content cost is	37127
computed	37128
(7) Calculate the district's technology cost for that fiscal	37129
year in accordance with the following formula:	37130
\$37.50 X the district's base cost enrolled ADM for that fiscal	37131
year	37132
(8) Calculate the district's student support base cost for	37133
that fiscal year, which equals the sum of divisions (E)(1), (2),	37134
(3), (4), (5), (6), and (7) of this section.	37135
(F) The department shall compute a district's leadership and	37136
accountability base cost for a fiscal year as follows:	37137
(1) Calculate the district's superintendent cost for that	37138
fiscal year as follows:	37139
(a) If the district's base cost enrolled ADM for that fiscal	37140
year is greater than 4,000, then the district's superintendent	37141
cost shall be equal to [(\$160,000 X 1.16) + the amount specified	37142
under division (A)(10)(c) of section 3317.011 of the Revised Code	37143
for that fiscal year].	37144
(b) If the district's base cost enrolled ADM for that fiscal	37145
year is less than or equal to 4,000 but greater than or equal to	37146
500, the district's superintendent cost shall be equal to the sum	37147
of the following:	37148
(i) (The district's base cost enrolled ADM for that fiscal	37149

year - 500) X {[(\$160,000 X 1.16) - (\$80,000 X 1.16)]/3500}; 37150

(ii) (\$80,000 X 1.16) + the amount specified under division 37151  
(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal 37152  
year. 37153

(c) If the district's base cost enrolled ADM is less than 37154  
500, then the district's superintendent cost shall be equal to 37155  
[((\$80,000 X 1.16) + the amount specified under division (A)(10)(c) 37156  
of section 3317.011 of the Revised Code for that fiscal year]. 37157

(2) Calculate the district's treasurer cost for that fiscal 37158  
year as follows: 37159

(a) If the district's base cost enrolled ADM for that fiscal 37160  
year is greater than 4,000, then the district's treasurer cost 37161  
shall be equal to [(\$130,000 X 1.16) + the amount specified under 37162  
division (A)(10)(c) of section 3317.011 of the Revised Code for 37163  
that fiscal year]. 37164

(b) If the district's base cost enrolled ADM for that fiscal 37165  
year is less than or equal to 4,000 but greater than or equal to 37166  
500, the district's treasurer cost shall be equal to the sum of 37167  
the following: 37168

(i) (The district's base cost enrolled ADM for that fiscal 37169  
year - 500) X {[(\$130,000 X 1.16) - (\$60,000 X 1.16)]/3500}; 37170

(ii) (\$60,000 X 1.16) + the amount specified under division 37171  
(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal 37172  
year. 37173

(c) If the district's base cost enrolled ADM is less than 37174  
500, then the district's treasurer cost shall be equal to 37175  
[((\$60,000 X 1.16) + the amount specified under division (A)(10)(c) 37176  
of section 3317.011 of the Revised Code for that fiscal year]. 37177

(3) Calculate the district's other district administrator 37178  
cost for that fiscal year as follows: 37179

(a) Divide the average other district administrator salary	37180
for that fiscal year by the average superintendent salary for that	37181
fiscal year;	37182
(b) Divide the district's base cost enrolled ADM for that	37183
fiscal year by 750;	37184
(c) Compute the other district administrator cost in	37185
accordance with the following formula:	37186
{[(The district's superintendent cost for that fiscal year	37187
calculated under division (F)(1) of this section - the amount	37188
specified under division (A)(10)(c) of section 3317.011 of the	37189
Revised Code for that fiscal year) X the quotient obtained under	37190
division (F)(3)(a) of this section] + the amount specified under	37191
division (A)(10)(c) of section 3317.011 of the Revised Code} X	37192
(the greater of the quotient obtained under division (F)(3)(b) of	37193
this section and 2)	37194
(4) Calculate the district's fiscal support cost for that	37195
fiscal year as follows:	37196
(a) Divide the district's base cost enrolled ADM for that	37197
fiscal year by 850;	37198
(b) Determine the lesser of the following:	37199
(i) The maximum of the quotient obtained under division	37200
(F)(4)(a) of this section and 2;	37201
(ii) 35.	37202
(c) Compute the fiscal support cost in accordance with the	37203
following formula:	37204
The number obtained under division (F)(4)(b) of this section X	37205
[(the average bookkeeping and accounting employee salary for that	37206
fiscal year X 1.16) + the amount specified under division	37207
(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal	37208
year]	37209

(5) Calculate the district's education management information system support cost for that fiscal year as follows:	37210 37211
(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000;	37212 37213
(b) Compute the education management information system support cost in accordance with the following formula: (The greater of the quotient obtained under division (F)(5)(a) of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]	37214 37215 37216 37217 37218 37219 37220
(6) Calculate the district's leadership support cost for that fiscal year as follows:	37221 37222
(a) Determine the greater of the quotient obtained under division (F)(3)(b) of this section and 2 and add 1 to that number;	37223 37224
(b) Divide the number obtained under division (F)(6)(a) of this section by 3;	37225 37226
(c) Compute the leadership support cost in accordance with the following formula: (The greater of the quotient obtained under division (F)(6)(b) of this section and 1) X [(the average administrative assistant salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]	37227 37228 37229 37230 37231 37232 37233
(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula: \$31 X the district's base cost enrolled ADM for that fiscal year	37234 37235 37236 37237
(8) Calculate the district's district leadership and accountability base cost for that fiscal year, which equals the	37238 37239

sum of divisions (F)(1), (2), (3), (4), (5), (6), and (7) of this section;	37240 37241
(G) The department shall compute a district's building leadership and operations base cost for a fiscal year as follows:	37242 37243
(1) Calculate the district's building leadership cost for that fiscal year as follows:	37244 37245
(a) Divide the average principal salary for that fiscal year by the average superintendent salary for that fiscal year;	37246 37247
(b) Divide the district's base cost enrolled ADM for that fiscal year by 450;	37248 37249
(c) Compute the building leadership cost in accordance with the following formula:	37250 37251
{[(The district's superintendent cost for that fiscal year calculated under division (F)(1) of this section - the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year) X the quotient obtained under division (G)(1)(a) of this section] + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year} X the quotient obtained under division (G)(1)(b) of this section	37252 37253 37254 37255 37256 37257 37258 37259
(2) Calculate the district's building leadership support cost for that fiscal year as follows:	37260 37261
(a) Divide the district's base cost enrolled ADM for that fiscal year by 400;	37262 37263
(b) Determine the number of school buildings in the district for that fiscal year;	37264 37265
(c) Compute the building leadership support cost in accordance with the following formula:	37266 37267
(i) If the quotient obtained under division (G)(2)(a) of this section is less than the number obtained under division (G)(2)(b)	37268 37269

of this section, then the district's building leadership support 37270  
cost shall be equal to {the number obtained under division 37271  
(G)(2)(b) of this section X [(the average clerical staff salary X 37272  
1.16) + the amount specified under division (A)(10)(c) of section 37273  
3317.011 of the Revised Code for that fiscal year]}.

(ii) If the quotient obtained under division (G)(2)(a) of 37275  
this section is greater than or equal to the number obtained under 37276  
division (G)(2)(b) of this section, then the district's building 37277  
leadership support cost shall be equal to {[the lesser of (the 37278  
number obtained under division (G)(2)(b) of this section X 3) and 37279  
the quotient obtained under division (G)(2)(a) of this section] X 37280  
[(the average clerical staff salary for that fiscal year X 1.16) + 37281  
the amount specified under division (A)(10)(c) of section 3317.011 37282  
of the Revised Code for that fiscal year]}.

(3) Compute the district's building operations cost for that 37284  
fiscal year in accordance with the following formula: 37285  
The district's base cost enrolled ADM for that fiscal year X [(the 37286  
number determined under division (G)(3)(a)(i) of section 3317.011 37287  
of the Revised Code X the number determined under division 37288  
(G)(3)(a)(ii) of section 3317.011 of the Revised Code) - (the 37289  
amount determined under division (E)(5)(a) of section 3317.011 of 37290  
the Revised Code for that fiscal year / the sum determined under 37291  
division (E)(5)(b) of section 3317.011 of the Revised Code for 37292  
that fiscal year)] 37293

(4) Calculate the district's building leadership and 37294  
operations base cost for that fiscal year, which equals the sum of 37295  
divisions (G)(1), (2), and (3) of this section. 37296

**Sec. 3317.014.** (A) The multiples for the following categories 37297  
of career-technical education programs approved by the department 37298  
of education under section 3317.161 of the Revised Code shall be 37299  
as follows: 37300

(1) A multiple of 0.6230 for students enrolled in 37301  
career-technical education workforce development programs in 37302  
agricultural and environmental systems, construction technologies, 37303  
engineering and science technologies, finance, health science, 37304  
information technology, and manufacturing technologies, each of 37305  
which shall be defined by the department in consultation with the 37306  
governor's office of workforce transformation; 37307

(2) A multiple of 0.5905 for students enrolled in workforce 37308  
development programs in business and administration, hospitality 37309  
and tourism, human services, law and public safety, transportation 37310  
systems, and arts and communications, each of which shall be 37311  
defined by the department in consultation with the governor's 37312  
office of workforce transformation; 37313

(3) A multiple of 0.2154 for students enrolled in 37314  
career-based intervention programs, which shall be defined by the 37315  
department in consultation with the governor's office of workforce 37316  
transformation; 37317

(4) A multiple of 0.1830 for students enrolled in workforce 37318  
development programs in education and training, marketing, 37319  
workforce development academics, public administration, and career 37320  
development, each of which shall be defined by the department of 37321  
education in consultation with the governor's office of workforce 37322  
transformation; 37323

(5) A multiple of 0.1570 for students enrolled in family and 37324  
consumer science programs, which shall be defined by the 37325  
department of education in consultation with the governor's office 37326  
of workforce transformation. 37327

(B) The multiple for career-technical education associated 37328  
services, as defined by the department, shall be 0.0294. 37329

(C) The department of education shall calculate 37330  
career-technical education funds for each funding unit that is a 37331

city, local, exempted village, or joint vocational school district 37332  
or the community and STEM school unit as follows: 37333

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the 37334  
following: 37335

(a) The funding unit's category one career-technical 37336  
education ADM X the multiple specified in division (A)(1) of this 37337  
section X the statewide average career-technical base cost per 37338  
pupil for that fiscal year X if the funding unit is a city, local, 37339  
exempted village, or joint vocational school district, the 37340  
district's state share percentage; 37341

(b) The funding unit's category two career-technical 37342  
education ADM X the multiple specified in division (A)(2) of this 37343  
section X the statewide average career-technical base cost per 37344  
pupil for that fiscal year X if the funding unit is a city, local, 37345  
exempted village, or joint vocational school district, the 37346  
district's state share percentage; 37347

(c) The funding unit's category three career-technical 37348  
education ADM X the multiple specified in division (A)(3) of this 37349  
section X the statewide average career-technical base cost per 37350  
pupil for that fiscal year X if the funding unit is a city, local, 37351  
exempted village, or joint vocational school district, the 37352  
district's state share percentage; 37353

(d) The funding unit's category four career-technical 37354  
education ADM X the multiple specified in division (A)(4) of this 37355  
section X the statewide average career-technical base cost per 37356  
pupil for that fiscal year X if the funding unit is a city, local, 37357  
exempted village, or joint vocational school district, the 37358  
district's state share percentage; 37359

(e) The funding unit's category five career-technical 37360  
education ADM X the multiple specified in division (A)(5) of this 37361  
section X the statewide average career-technical base cost per 37362

pupil for that fiscal year X if the funding unit is a city, local, 37363  
exempted village, or joint vocational school district, the 37364  
district's state share percentage. 37365

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 37366  
thereafter, the sum of the following: 37367

(a) An amount calculated in a manner determined by the 37368  
general assembly times the funding unit's category one 37369  
career-technical education ADM; 37370

(b) An amount calculated in a manner determined by the 37371  
general assembly times the funding unit's category two 37372  
career-technical education ADM; 37373

(c) An amount calculated in a manner determined by the 37374  
general assembly times the funding unit's category three 37375  
career-technical education ADM; 37376

(d) An amount calculated in a manner determined by the 37377  
general assembly times the funding unit's category four 37378  
career-technical education ADM; 37379

(e) An amount calculated in a manner determined by the 37380  
general assembly times the funding unit's category five 37381  
career-technical education ADM. 37382

(3) Payment of funds calculated under division (C) of this 37383  
section is subject to approval under section 3317.161 of the 37384  
Revised Code. 37385

(D) Subject to division (I) of section 3317.023 of the 37386  
Revised Code, the department shall calculate career-technical 37387  
associated services funds for each funding unit that is a city, 37388  
local, exempted village, or joint vocational school district or 37389  
the community and STEM school unit as follows: 37390

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the following 37391  
product: 37392

(If the funding unit is a city, local, exempted village, or joint vocational school district, the funding unit's state share percentage) X the multiple for career-technical education associated services specified under division (B) of this section X the statewide average career-technical base cost per pupil for that fiscal year X the sum of the funding unit's categories one through five career-technical education ADM

(2) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly times the funding unit's categories one through five career-technical education ADM.

(E)(1) In accordance with division (I) of section 3317.023 of the Revised Code, the department shall compute career awareness and exploration funds for each city, local, exempted village, and joint vocational school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code that is part of a career technical planning district. The department shall pay the lead district in each career technical planning district as follows:

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount equal to the following product:

The sum of enrolled ADM for all districts and schools within the career technical planning district X ~~\$2.50~~ \$7.50, for fiscal year ~~2022~~ 2024, or ~~\$5~~ \$10, for fiscal year ~~2023~~ 2025

(b) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment to city, local, exempted village, and joint vocational school districts, community schools, and STEM schools.

(2) The lead district of a career technical planning district shall use career awareness and exploration funds in accordance

with division (H) of this section. 37425

(F)(1) In any fiscal year, a school district receiving funds 37426  
calculated under division (C) of this section shall spend those 37427  
funds only for the purposes that the department designates as 37428  
approved for career-technical education expenses. Career-technical 37429  
education expenses approved by the department shall include only 37430  
expenses connected to the delivery of career-technical programming 37431  
to career-technical students. The department shall require the 37432  
school district to report data annually so that the department may 37433  
monitor the district's compliance with the requirements regarding 37434  
the manner in which funding calculated under division (C) of this 37435  
section may be spent. 37436

(2) All funds received under division (C) of this section 37437  
shall be spent in the following manner: 37438

(a) At least seventy-five per cent of the funds shall be 37439  
spent on curriculum development, purchase, and implementation; 37440  
instructional resources and supplies; industry-based program 37441  
certification; student assessment, credentialing, and placement; 37442  
curriculum specific equipment purchases and leases; 37443  
career-technical student organization fees and expenses; home and 37444  
agency linkages; work-based learning experiences; professional 37445  
development; and other costs directly associated with 37446  
career-technical education programs including development of new 37447  
programs. 37448

(b) Not more than twenty-five per cent of the funds shall be 37449  
used for personnel expenditures. 37450

(G) In any fiscal year, a school district receiving funds 37451  
calculated under division (D) of this section, or through a 37452  
transfer of funds pursuant to division (I) of section 3317.023 of 37453  
the Revised Code, shall spend those funds only for the purposes 37454  
that the department designates as approved for career-technical 37455

education associated services expenses, which may include such 37456  
purposes as apprenticeship coordinators, coordinators for other 37457  
career-technical education services, career-technical evaluation, 37458  
and other purposes designated by the department. The department 37459  
may deny payment of funds calculated under division (D) of this 37460  
section to any district that the department determines is not 37461  
operating those services or is using funds calculated under 37462  
division (D) of this section, or through a transfer of funds 37463  
pursuant to division (I) of section 3317.023 of the Revised Code, 37464  
for other purposes. 37465

(H) In any fiscal year, a lead district of a career-technical 37466  
planning district receiving funds under division (E) of this 37467  
section, shall utilize those funds to deliver relevant career 37468  
awareness and exploration programs to all students within its 37469  
career technical planning district in a manner that is consistent 37470  
with the career-technical planning district's plan that is on file 37471  
with the department of education. The lead district that receives 37472  
funds under this division shall spend those funds only for the 37473  
following purposes: 37474

(1) Delivery of career awareness programs to students 37475  
enrolled in grades kindergarten through twelve; 37476

(2) Provision of a common, consistent curriculum to students 37477  
throughout their primary and secondary education; 37478

(3) Assistance to teachers in providing a career development 37479  
curriculum to students; 37480

(4) Development of a career development plan for each student 37481  
that stays with that student for the duration of the student's 37482  
primary and secondary education; 37483

(5) Provision of opportunities for students to engage in 37484  
activities, such as career fairs, hands-on experiences, and job 37485  
shadowing, across all career pathways at each grade level. 37486

The department may deny payment under this division to any district or school that the department determines is using funds paid under this division for other purposes.

**Sec. 3317.016.** As used in this section, "English learner" has the same meaning as in section 3301.0731 of the Revised Code.

The multiples for English learners shall be as follows:

(A) A multiple of 0.2104 for each student who has been identified as an English learner following the state's standardized identification process enrolled in schools in the United States for 180 school days or less.

(B) A multiple of 0.1577 for each student who, for fiscal years ~~2022~~ 2024 and ~~2023~~ 2025 has been identified as an English learner following the state's standardized identification process and enrolled in schools in the United States for more than 180 school days until the student achieves a proficient score on the spring administration of the state's English language proficiency assessments prescribed by division ~~(C)(3)(b)~~ (C)(3) of section 3301.0711 of the Revised Code or who, for fiscal year ~~2024~~ 2026 and each fiscal year thereafter, satisfies criteria specified by the general assembly for purposes of this division.

(C) A multiple of 0.1053 for each student who, for fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, achieves a score of proficient on the spring administration of the state's English language proficiency assessments prescribed by division ~~(C)(3)(b)~~ (C)(3) of section 3301.0711 of the Revised Code for the two school years following the school year in which the student achieved that level of achievement or who, for fiscal year ~~2024~~ 2026 and each fiscal year thereafter, satisfies criteria specified by the general assembly for purposes of this division.

**Sec. 3317.017.** This section shall apply only for fiscal years

~~2022~~ 2024 and ~~2023~~ 2025. 37517

(A) The department of education shall compute a city, local, 37518  
or exempted village school district's per-pupil local capacity 37519  
amount for a fiscal year as follows: 37520

(1) Calculate the district's valuation per pupil for that 37521  
fiscal year as follows: 37522

(a) Determine the minimum of the district's three-year 37523  
average valuation for the fiscal year for which the calculation is 37524  
made and the district's taxable value for the most recent tax year 37525  
for which data is available; 37526

(b) Divide the amount determined under division (A)(1)(a) of 37527  
this section by the district's base cost enrolled ADM for the 37528  
fiscal year for which the calculation is made. 37529

(2) Calculate the district's local share federal adjusted 37530  
gross income per pupil for that fiscal year as follows: 37531

(a) Determine the minimum of the following: 37532

(i) The average of the total federal adjusted gross income of 37533  
the district's residents for the three most recent tax years for 37534  
which data is available, as certified under section 3317.021 of 37535  
the Revised Code; 37536

(ii) The total federal adjusted gross income of the 37537  
district's residents for the most recent tax year for which data 37538  
is available, as certified under section 3317.021 of the Revised 37539  
Code. 37540

(b) Divide the amount determined under division (A)(2)(a) of 37541  
this section by the district's base cost enrolled ADM for the 37542  
fiscal year for which the calculation is made. 37543

(3) Calculate the district's adjusted local share federal 37544  
adjusted gross income per pupil for that fiscal year as follows: 37545

(a) Determine both of the following:	37546
(i) The median federal adjusted gross income of the district's residents for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code;	37547 37548 37549 37550
(ii) The number of state tax returns filed by taxpayers residing in the district for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code.	37551 37552 37553 37554
(b) Compute the product of divisions (A)(3)(a)(i) and (ii) of this section;	37555 37556
(c) Divide the amount determined under division (A)(3)(b) of this section by the district's base cost enrolled ADM for the fiscal year for which the calculation is made.	37557 37558 37559
(4) Calculate the district's per-pupil local capacity percentage as follows:	37560 37561
(a) Determine the median of the median federal adjusted gross incomes determined for all districts statewide under division (A)(3)(a)(i) of this section for that fiscal year;	37562 37563 37564
(b) Divide the district's median federal adjusted gross income for that fiscal year determined under division (A)(3)(a)(i) of this section by the median federal adjusted gross income for all districts statewide determined under division (A)(4)(a) of this section;	37565 37566 37567 37568 37569
(c) Rank all school districts in order of the ratios calculated under division (A)(4)(b) of this section, from the district with the highest ratio calculated under division (A)(4)(b) of this section to the district with the lowest ratio calculated under division (A)(4)(b) of this section;	37570 37571 37572 37573 37574
(d) Determine the district's per-pupil local capacity	37575

percentage as follows: 37576

(i) If the ratio calculated for the district under division 37577  
(A)(4)(b) of this section is greater than or equal to the ratio 37578  
calculated under division (A)(4)(b) of this section for the 37579  
district with the fortieth highest ratio as determined under 37580  
division (A)(4)(c) of this section, the district's per-pupil local 37581  
capacity percentage shall be equal to 0.025. 37582

(ii) If the ratio calculated for the district under division 37583  
(A)(4)(b) of this section is less than the ratio calculated under 37584  
division (A)(4)(b) of this section for the district with the 37585  
fortieth highest ratio as determined under division (A)(4)(c) of 37586  
this section but greater than 1.0, the district's per-pupil local 37587  
capacity percentage shall be equal to an amount calculated as 37588  
follows: 37589

{[(The ratio calculated for the district under division 37590  
(A)(4)(b) of this section - 1) X 0.0025]/ (the ratio calculated 37591  
under division (A)(4)(b) of this section for the district with the 37592  
fortieth highest ratio as determined under division (A)(4)(c) of 37593  
this section - 1)} + 0.0225 37594

(iii) If the ratio calculated for the district under division 37595  
(A)(4)(b) of this section is less than or equal to 1.0, the 37596  
district's per-pupil local capacity percentage shall be equal to 37597  
the amount calculated under division (A)(4)(b) of this section 37598  
times 0.0225. 37599

(5) Calculate the district's per-pupil local capacity amount 37600  
for that fiscal year as follows: 37601

(The district's valuation per pupil calculated under division 37602  
(A)(1) of this section for that fiscal year X the district's 37603  
per-pupil local capacity percentage calculated under division 37604  
(A)(4) of this section X 0.60) + (the district's local share 37605  
adjusted federal gross income per pupil calculated under division 37606

(A)(2) of this section for that fiscal year X the district's 37607  
per-pupil local capacity percentage calculated under division 37608  
(A)(4) of this section X 0.20) + (the district's adjusted local 37609  
share federal adjusted gross income per pupil calculated under 37610  
division (A)(3) of this section for that fiscal year X the 37611  
district's per-pupil local capacity percentage calculated under 37612  
division (A)(4) of this section X 0.20) 37613

(B) The department shall compute a city, local, or exempted 37614  
village school district's state share for a fiscal year as 37615  
follows: 37616

(1) If the district's per-pupil local capacity amount for 37617  
that fiscal year divided by the district's base cost per pupil for 37618  
that fiscal year is greater than 0.95, then the district's state 37619  
share shall be equal to (the district's base cost per pupil for 37620  
that fiscal year X 0.05 X the district's enrolled ADM for that 37621  
fiscal year). 37622

(2) If the district's per-pupil local capacity amount for 37623  
that fiscal year divided by the district's base cost per pupil for 37624  
that fiscal year is less than or equal to 0.95, then the 37625  
district's state share for that fiscal year shall be equal to 37626  
[(the district's base cost per pupil for that fiscal year - the 37627  
district's per-pupil local capacity amount for that fiscal year) X 37628  
the district's enrolled ADM for that fiscal year]. 37629

(C) The department shall compute a city, local, or exempted 37630  
village school district's state share percentage for a fiscal year 37631  
as follows: 37632

(the district's base cost per pupil amount for that fiscal year - 37633  
the district's per pupil local capacity amount for that fiscal 37634  
year)/(the district's base cost per pupil amount for that fiscal 37635  
year). 37636

If the result is less than 0.05, the state share percentage 37637  
shall be 0.05. 37638

**Sec. 3317.018.** (A) The statewide average base cost per pupil shall be determined as follows:

(1) For fiscal year ~~2022~~ 2024, the statewide average base cost per pupil shall be equal to the sum of the aggregate base cost calculated for all city, local, and exempted village school districts in the state for that fiscal year under section 3317.011 of the Revised Code divided by the sum of the base cost enrolled ADMs of all of the city, local, and exempted village school districts in the state for that fiscal year.

(2) For fiscal year ~~2023~~ 2025, the statewide average base cost per pupil shall be equal to the amount calculated under division (A)(1) of this section.

(B) The statewide average career-technical base cost per pupil shall be determined as follows:

(1) For fiscal year ~~2022~~ 2024, the statewide average career-technical base cost per pupil shall be equal to the sum of the aggregate base cost calculated for all joint vocational school districts in the state for that fiscal year under section 3317.012 of the Revised Code divided by the sum of the base cost enrolled ADMs of all of the joint vocational school districts in the state for that fiscal year.

(2) For fiscal year ~~2023~~ 2025, the statewide average career-technical base cost per pupil shall be equal to the amount calculated under division (B)(1) of this section.

**Sec. 3317.019.** (A)(1) Subject to division (C) of this section, for fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department of education shall pay temporary transitional aid to each city, local, and exempted village school district according to the following formula:

(The district's funding base, as that term is defined in section

3317.02 of the Revised Code) - (the district's payment under 37669  
section 3317.022 of the Revised Code - the district's payment for 37670  
supplemental targeted assistance under section 3317.0218 of the 37671  
Revised Code for the fiscal year for which each payment is 37672  
computed) 37673

If the computation made under division (A)(1) of this section 37674  
results in a negative number, the district's funding under 37675  
division (A)(1) of this section shall be zero. 37676

(2) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department 37677  
shall pay temporary transitional transportation aid to that 37678  
district according to the following formula: 37679

(The amount calculated for the district for fiscal year 2020 under 37680  
division (A)(2) of Section 265.220 of H.B. 166 of the 133rd 37681  
general assembly, prior to any funding reductions authorized by 37682  
Executive Order 2020-19D, "Implementing Additional Spending 37683  
Controls to Balance the State Budget" issued on May 7, 2020) - 37684  
(the district's payment for fiscal year 2019 under division (D)(2) 37685  
of section 3314.091 of the Revised Code as that division existed 37686  
prior to September 30, 2021) - (the district's payment under 37687  
section 3317.0212 of the Revised Code for the fiscal year for 37688  
which the payment is computed) 37689

If the computation made under division (A)(2) of this section 37690  
results in a negative number, the district's funding under 37691  
division (A)(2) of this section shall be zero. 37692

(B) If a local school district participates in the 37693  
establishment of a joint vocational school district that begins 37694  
receiving payments under section 3317.16 of the Revised Code for 37695  
fiscal year ~~2022~~ 2024 or fiscal year ~~2023~~ 2025, but does not 37696  
receive payments for the fiscal year immediately preceding that 37697  
fiscal year, the department shall adjust, as necessary, the 37698  
district's funding base, as that term is defined in section 37699  
3317.02 of the Revised Code, according to the amounts received by 37700

the district in the immediately preceding fiscal year for 37701  
career-technical education students who attend the newly 37702  
established joint vocational school district. 37703

(C)(1) For purposes of division (C) of this section, a 37704  
district's "decrease threshold" for a fiscal year is the greater 37705  
of the following: 37706

(a) Twenty; 37707

(b) Ten per cent of the number of the district's students 37708  
counted under division (A)(1)(b) of section 3317.03 of the Revised 37709  
Code for the previous fiscal year. 37710

(2) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, if a district 37711  
has fewer students counted under division (A)(1)(b) of section 37712  
3317.03 of the Revised Code for that fiscal year than for the 37713  
previous fiscal year and the positive difference between those two 37714  
student counts is greater than or equal to the district's decrease 37715  
threshold for that fiscal year, the amount paid to the district 37716  
under division (A) of this section shall be reduced by the 37717  
following amount: 37718

The statewide average base cost per pupil X [(the positive 37719  
difference between the number of the district's students counted 37720  
under division (A)(1)(b) of section 3317.03 of the Revised Code 37721  
for that fiscal year and the number of the district's students 37722  
counted under that division for the previous fiscal year) - the 37723  
district's decrease threshold for that fiscal year] 37724

At no time, however, shall the amount paid to a district 37725  
under division (A) of this section be less than zero. 37726

**Sec. 3317.0110.** This section shall apply only for fiscal 37727  
years ~~2022~~ 2024 and ~~2023~~ 2025. 37728

(A) As used in this section: 37729

(1) "Average teacher cost" for a fiscal year has the same 37730

meaning as in section 3317.011 of the Revised Code. 37731

(2) "Eligible community or STEM school" means a community or 37732  
STEM school that satisfies one of the following: 37733

(a) The school is a member of an organization that regulates 37734  
interscholastic athletics. 37735

(b) The school has teams in at least three different sports 37736  
that participate in an interscholastic league. 37737

(B) When calculating a community or STEM school's aggregate 37738  
base cost under this section, the department shall use data from 37739  
fiscal year ~~2018~~ 2022 for the average teacher cost. 37740

(C) A community or STEM school's aggregate base cost for a 37741  
fiscal year shall be equal to the following sum: 37742

(The school's teacher base cost for that fiscal year computed 37743  
under division (D) of this section) + (the school's student 37744  
support base cost for that fiscal year computed under division (E) 37745  
of this section) + (the school's leadership and accountability 37746  
base cost for that fiscal year computed under division (F) of this 37747  
section) + (the school's building leadership and operations base 37748  
cost for that fiscal year computed under division (G) of this 37749  
section) + (the school's athletic co-curricular activities base 37750  
cost for that fiscal year computed under division (H) of this 37751  
section, if the school is an eligible community or STEM school) 37752

(D) The department of education shall compute a community or 37753  
STEM school's teacher base cost for a fiscal year as follows: 37754

(1) Calculate the school's classroom teacher cost for that 37755  
fiscal year as follows: 37756

(a) Determine the full-time equivalency of students enrolled 37757  
in the school for that fiscal year that are enrolled in 37758  
kindergarten and divide that number by 20; 37759

(b) Determine the full-time equivalency of students enrolled 37760

in the school for that fiscal year that are enrolled in grades one 37761  
through three and divide that number by 23; 37762

(c) Determine the full-time equivalency of students enrolled 37763  
in the school for that fiscal year that are enrolled in grades 37764  
four through eight but are not enrolled in a career-technical 37765  
education program or class described under section 3317.014 of the 37766  
Revised Code and divide that number by 25; 37767

(d) Determine the full-time equivalency of students enrolled 37768  
in the school for that fiscal year that are enrolled in grades 37769  
nine through twelve but are not enrolled in a career-technical 37770  
education program or class described under section 3317.014 of the 37771  
Revised Code and divide that number by 27; 37772

(e) Determine the full-time equivalency of students enrolled 37773  
in the school for that fiscal year that are enrolled in a 37774  
career-technical education program or class, as reported under 37775  
division (B)(4) of section 3314.08 of the Revised Code, and divide 37776  
that number by 18; 37777

(f) Compute the sum of the quotients obtained under divisions 37778  
(D)(1)(a), (b), (c), (d), and (e) of this section; 37779

(g) Compute the classroom teacher cost by multiplying the 37780  
average teacher cost for that fiscal year by the sum computed 37781  
under division (D)(1)(f) of this section. 37782

(2) Calculate the school's special teacher cost for that 37783  
fiscal year as follows: 37784

(a) Divide the number of students enrolled in the school for 37785  
that fiscal year by 150; 37786

(b) Compute the special teacher cost by multiplying the 37787  
quotient obtained under division (D)(2)(a) of this section by the 37788  
average teacher cost for that fiscal year. 37789

(3) Calculate the school's substitute teacher cost for that 37790

fiscal year in accordance with the following formula:	37791
(a) Compute the substitute teacher daily rate with benefits	37792
by multiplying the substitute teacher daily rate of \$90 by 1.16;	37793
(b) Compute the substitute teacher cost in accordance with	37794
the following formula:	37795
(The sum computed under division (D)(1)(f) of this section + the	37796
quotient obtained under division (D)(2)(a) of this section) X the	37797
amount computed under division (D)(3)(a) of this section X 5	37798
(4) Calculate the school's professional development cost for	37799
that fiscal year in accordance with the following formula:	37800
(The sum computed under division (D)(1)(f) of this section + the	37801
quotient obtained under division (D)(2)(a) of this section) X	37802
[(the sum of divisions (A)(10)(a) and (b) of section 3317.011 of	37803
the Revised Code for that fiscal year)/180] X 4	37804
(5) Calculate the school's teacher base cost for that fiscal	37805
year, which equals the sum of divisions (D)(1), (2), (3), and (4)	37806
of this section.	37807
(E) The department shall compute a community or STEM school's	37808
student support base cost for a fiscal year as follows:	37809
The number of students enrolled in the school for that fiscal year	37810
X [(the sum of the student support base cost calculated for all	37811
city, local, and exempted village school districts in the state	37812
for that fiscal year under division (E) of section 3317.011 of the	37813
Revised Code) / the sum of the base cost enrolled ADMs of all of	37814
the city, local, and exempted village school districts in the	37815
state for that fiscal year]	37816
(F) The department shall compute a community or STEM school's	37817
leadership and accountability base cost for a fiscal year as	37818
follows:	37819
The number of students enrolled in the school for that fiscal year	37820
X (the sum of the leadership and accountability base cost	37821

calculated for all city, local, and exempted village school districts in the state for that fiscal year under division (F) of section 3317.011 of the Revised Code / the sum of the base cost enrolled ADMs of all of the city, local, and exempted village school districts in the state for that fiscal year)	37822 37823 37824 37825 37826
(G) The department shall compute a community or STEM school's building leadership and operations base cost for a fiscal year as follows: The number of students enrolled in the school for that fiscal year X (the sum of the building leadership and accountability base cost calculated for all city, local, and exempted village school districts in the state for that fiscal year under division (G) of section 3317.011 of the Revised Code / the sum of the base cost enrolled ADMs of all of the city, local, and exempted village school districts in the state for that fiscal year)	37827 37828 37829 37830 37831 37832 37833 37834 37835 37836
(H) If a community or STEM school is an eligible community or STEM school, the department shall compute the school's athletic co-curricular activities base cost for a fiscal year as follows: The number of students enrolled in the school for that fiscal year X (the amount determined under division (H)(1) of section 3317.011 of the Revised Code / the sum determined under division (H)(2) of section 3317.011 of the Revised Code)	37837 37838 37839 37840 37841 37842 37843
<b>Sec. 3317.02.</b> As used in this chapter:	37844
(A) "Alternative school" has the same meaning as in section 3313.974 of the Revised Code.	37845 37846
(B) "Autism scholarship unit" means a unit that consists of all of the students for whom autism scholarships are awarded under section 3310.41 of the Revised Code.	37847 37848 37849
(C) For fiscal years <del>2022</del> <u>2024</u> and <del>2023</del> <u>2025</u> , a district's "base cost enrolled ADM" for a fiscal year means the greater of the following:	37850 37851 37852

(1) The district's enrolled ADM for the previous fiscal year; 37853

(2) The average of the district's enrolled ADM for the 37854  
previous three fiscal years. 37855

(D)(1) "Base cost per pupil" means the following for a city, 37856  
local, or exempted village school district: 37857

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the aggregate 37858  
base cost calculated for that district for that fiscal year under 37859  
section 3317.011 of the Revised Code divided by the district's 37860  
base cost enrolled ADM for that fiscal year; 37861

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 37862  
thereafter, an amount calculated in a manner determined by the 37863  
general assembly. 37864

(2) "Base cost per pupil" means the following for a joint 37865  
vocational school district: 37866

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the aggregate 37867  
base cost calculated for that district for that fiscal year under 37868  
section 3317.012 of the Revised Code divided by the district's 37869  
base cost enrolled ADM for that fiscal year; 37870

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 37871  
thereafter, an amount calculated in a manner determined by the 37872  
general assembly. 37873

(E)(1) "Category one career-technical education ADM" means 37874  
the enrollment of students during the school year on a full-time 37875  
equivalency basis in career-technical education programs described 37876  
in division (A)(1) of section 3317.014 of the Revised Code and, in 37877  
the case of a funding unit that is a city, local, exempted 37878  
village, or joint vocational school district, certified under 37879  
division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised 37880  
Code or, in the case of the community and STEM school unit, 37881  
reported by all community and STEM schools statewide under 37882

divisions (B)(4) and (5) of section 3314.08 of the Revised Code 37883  
and division (D) of section 3326.32 of the Revised Code. 37884

(2) "Category two career-technical education ADM" means the 37885  
enrollment of students during the school year on a full-time 37886  
equivalency basis in career-technical education programs described 37887  
in division (A)(2) of section 3317.014 of the Revised Code and, in 37888  
the case of a funding unit that is a city, local, exempted 37889  
village, or joint vocational school district, certified under 37890  
division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised 37891  
Code or, in the case of the community and STEM school unit, 37892  
reported by all community and STEM schools statewide under 37893  
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 37894  
and division (D) of section 3326.32 of the Revised Code. 37895

(3) "Category three career-technical education ADM" means the 37896  
enrollment of students during the school year on a full-time 37897  
equivalency basis in career-technical education programs described 37898  
in division (A)(3) of section 3317.014 of the Revised Code and, in 37899  
the case of a funding unit that is a city, local, exempted 37900  
village, or joint vocational school district, certified under 37901  
division (B)(13) or (D)(2)(j) of section 3317.03 of the Revised 37902  
Code or, in the case of the community and STEM school unit, 37903  
reported by all community and STEM schools statewide under 37904  
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 37905  
and division (D) of section 3326.32 of the Revised Code. 37906

(4) "Category four career-technical education ADM" means the 37907  
enrollment of students during the school year on a full-time 37908  
equivalency basis in career-technical education programs described 37909  
in division (A)(4) of section 3317.014 of the Revised Code and, in 37910  
the case of a funding unit that is a city, local, exempted 37911  
village, or joint vocational school district, certified under 37912  
division (B)(14) or (D)(2)(k) of section 3317.03 of the Revised 37913  
Code or, in the case of the community and STEM school unit, 37914

reported by all community and STEM schools statewide under 37915  
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 37916  
and division (D) of section 3326.32 of the Revised Code. 37917

(5) "Category five career-technical education ADM" means the 37918  
enrollment of students during the school year on a full-time 37919  
equivalency basis in career-technical education programs described 37920  
in division (A)(5) of section 3317.014 of the Revised Code and, in 37921  
the case of a funding unit that is a city, local, exempted 37922  
village, or joint vocational school district, certified under 37923  
division (B)(15) or (D)(2)(1) of section 3317.03 of the Revised 37924  
Code or, in the case of the community and STEM school unit, 37925  
reported by all community and STEM schools statewide under 37926  
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 37927  
and division (D) of section 3326.32 of the Revised Code. 37928

(F)(1) "Category one English learner ADM" means the full-time 37929  
equivalent number of English learners described in division (A) of 37930  
section 3317.016 of the Revised Code and, in the case of a funding 37931  
unit that is a city, local, exempted village, or joint vocational 37932  
school district, certified under division (B)(16) or (D)(2)(m) of 37933  
section 3317.03 of the Revised Code or, in the case of the 37934  
community and STEM school unit, reported by all community and STEM 37935  
schools statewide under division (B)(6) of section 3314.08 of the 37936  
Revised Code and division (E) of section 3326.32 of the Revised 37937  
Code. 37938

(2) "Category two English learner ADM" means the full-time 37939  
equivalent number of English learners described in division (B) of 37940  
section 3317.016 of the Revised Code and, in the case of a funding 37941  
unit that is a city, local, exempted village, or joint vocational 37942  
school district, certified under division (B)(17) or (D)(2)(n) of 37943  
section 3317.03 of the Revised Code or, in the case of the 37944  
community and STEM school unit, reported by all community and STEM 37945  
schools statewide under division (B)(6) of section 3314.08 of the 37946

Revised Code and division (E) of section 3326.32 of the Revised Code. 37947  
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(3) "Category three English learner ADM" means the full-time equivalent number of English learners described in division (C) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(18) or (D)(2)(o) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code. 37949  
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(G)(1) "Category one special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for the disability specified in division (A) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code. 37959  
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(2) "Category two special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for those disabilities specified in division (B) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 37970  
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3314.08 of the Revised Code and division (C) of section 3326.32 of 37979  
the Revised Code. 37980

(3) "Category three special education ADM" means the 37981  
full-time equivalent number of students receiving special 37982  
education services for those disabilities specified in division 37983  
(C) of section 3317.013 of the Revised Code, and, in the case of a 37984  
funding unit that is a city, local, exempted village, or joint 37985  
vocational school district, certified under division (B)(7) or 37986  
(D)(2)(d) of section 3317.03 of the Revised Code or, in the case 37987  
of the community and STEM school unit, reported by all community 37988  
and STEM schools statewide under division (B)(3) of section 37989  
3314.08 of the Revised Code and division (C) of section 3326.32 of 37990  
the Revised Code. 37991

(4) "Category four special education ADM" means the full-time 37992  
equivalent number of students receiving special education services 37993  
for those disabilities specified in division (D) of section 37994  
3317.013 of the Revised Code and, in the case of a funding unit 37995  
that is a city, local, exempted village, or joint vocational 37996  
school district, certified under division (B)(8) or (D)(2)(e) of 37997  
section 3317.03 of the Revised Code or, in the case of the 37998  
community and STEM school unit, reported by all community and STEM 37999  
schools statewide under division (B)(3) of section 3314.08 of the 38000  
Revised Code and division (C) of section 3326.32 of the Revised 38001  
Code. 38002

(5) "Category five special education ADM" means the full-time 38003  
equivalent number of students receiving special education services 38004  
for the disabilities specified in division (E) of section 3317.013 38005  
of the Revised Code and, in the case of a funding unit that is a 38006  
city, local, exempted village, or joint vocational school 38007  
district, certified under division (B)(9) or (D)(2)(f) of section 38008  
3317.03 of the Revised Code or, in the case of the community and 38009  
STEM school unit, reported by all community and STEM schools 38010

statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(6) "Category six special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (F) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district certified under division (B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(H) "Community and STEM school unit" means a unit that consists of all of the students enrolled in community schools established under Chapter 3314. of the Revised Code and science, technology, engineering, and mathematics schools established under Chapter 3326. of the Revised Code.

(I)(1) "Economically disadvantaged index for a school district" means the following:

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the square of the quotient of that district's percentage of students in its enrolled ADM who are identified as economically disadvantaged as defined by the department of education, divided by the percentage of students in the statewide ADM identified as economically disadvantaged. For purposes of this calculation:

(i) For a city, local, or exempted village school district, the "statewide ADM" equals the sum of the following:

(I) The enrolled ADM for all city, local, and exempted village school districts combined;

(II) The statewide enrollment of students in community schools established under Chapter 3314. of the Revised Code;

(III) The statewide enrollment of students in science, 38042  
technology, engineering, and mathematics schools established under 38043  
Chapter 3326. of the Revised Code. 38044

(ii) For a joint vocational school district, the "statewide 38045  
ADM" equals the sum of the enrolled ADM for all joint vocational 38046  
school districts combined. 38047

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 38048  
thereafter, an index calculated in a manner determined by the 38049  
general assembly. 38050

(2) "Economically disadvantaged index for a community or STEM 38051  
school" means the following: 38052

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the square of 38053  
the quotient of the percentage of students enrolled in the school 38054  
who are identified as economically disadvantaged as defined by the 38055  
department of education, divided by the percentage of students in 38056  
the statewide ADM identified as economically disadvantaged. For 38057  
purposes of this calculation, the "statewide ADM" equals the 38058  
"statewide ADM" for city, local, and exempted village school 38059  
districts described in division (I)(1)(a)(i) of this section. 38060

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 38061  
thereafter, an index calculated in a manner determined by the 38062  
general assembly. 38063

(J) "Educational choice scholarship unit" means a unit that 38064  
consists of all of the students for whom educational choice 38065  
scholarships are awarded under sections 3310.03 and 3310.032 of 38066  
the Revised Code. 38067

(K) "Enrolled ADM" means the following: 38068

(1) For a city, local, or exempted village school district, 38069  
the enrollment reported under division (A) of section 3317.03 of 38070  
the Revised Code, as verified by the superintendent of public 38071

instruction and adjusted if so ordered under division (K) of that 38072  
section, and as further adjusted by the department of education, 38073  
as follows: 38074

(a) Add the students described in division (A)(1)(b) of 38075  
section 3317.03 of the Revised Code; 38076

(b) Subtract the students counted under divisions (A)(2)(a), 38077  
(b), (d), (g), (h), (i), and (j) of section 3317.03 of the Revised 38078  
Code; 38079

(c) Count only twenty per cent of the number of joint 38080  
vocational school district students counted under division (A)(3) 38081  
of section 3317.03 of the Revised Code; 38082

(d) Add twenty per cent of the number of students who are 38083  
entitled to attend school in the district under section 3313.64 or 38084  
3313.65 of the Revised Code and are enrolled in another school 38085  
district under a career-technical education compact; 38086

(e) Add twenty per cent of the number of students described 38087  
in division (A)(1)(b) of section 3317.03 of the Revised Code who 38088  
enroll in a joint vocational school district or under a 38089  
career-technical education compact. 38090

(2) For a joint vocational school district, the final number 38091  
verified by the superintendent of public instruction, based on the 38092  
enrollment reported and certified under division (D) of section 38093  
3317.03 of the Revised Code, as adjusted, if so ordered, under 38094  
division (K) of that section, and as further adjusted by the 38095  
department of education by adding the students described in 38096  
division (D)(1)(b) of section 3317.03 of the Revised Code; 38097

(3) For the community and STEM school unit, the sum of the 38098  
number of students reported as enrolled in community schools under 38099  
divisions (B)(1) and (2) of section 3314.08 of the Revised Code 38100  
and the number of students reported as enrolled in STEM schools 38101  
under division (A) of section 3326.32 of the Revised Code; 38102

(4) For the educational choice scholarship unit, the number 38103  
of students for whom educational choice scholarships are awarded 38104  
under sections 3310.03 and 3310.032 of the Revised Code as 38105  
reported under division (A)(2)(g) of section 3317.03 of the 38106  
Revised Code; 38107

(5) For the pilot project scholarship unit, the number of 38108  
students for whom pilot project scholarships are awarded under 38109  
sections 3313.974 to 3313.979 of the Revised Code as reported 38110  
under division (A)(2)(b) of section 3317.03 of the Revised Code; 38111

(6) For the autism scholarship unit, the number of students 38112  
for whom autism scholarships are awarded under section 3310.41 of 38113  
the Revised Code as reported under division (A)(2)(h) of section 38114  
3317.03 of the Revised Code; 38115

(7) For the Jon Peterson special needs scholarship unit, the 38116  
number of students for whom Jon Peterson special needs 38117  
scholarships are awarded under sections 3310.51 to 3310.64 of the 38118  
Revised Code as reported under division (A)(2)(h) of section 38119  
3317.03 of the Revised Code. 38120

(L)(1) "Formula ADM" means, for a city, local, or exempted 38121  
village school district, the enrollment reported under division 38122  
(A) of section 3317.03 of the Revised Code, as verified by the 38123  
superintendent of public instruction and adjusted if so ordered 38124  
under division (K) of that section, and as further adjusted by the 38125  
department of education, as follows: 38126

(a) Count only twenty per cent of the number of joint 38127  
vocational school district students counted under division (A)(3) 38128  
of section 3317.03 of the Revised Code; 38129

(b) Add twenty per cent of the number of students who are 38130  
entitled to attend school in the district under section 3313.64 or 38131  
3313.65 of the Revised Code and are enrolled in another school 38132  
district under a career-technical education compact. 38133

(2) "Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section.

(M) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one, two, three, four, or five career-technical education ADM in the same proportion the student is counted in enrolled ADM and formula ADM.

(N) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "funding base" means, for a city, local, or exempted village school district, the sum of the following as calculated by the department:

(1) The district's "general funding base," which equals the amount calculated as follows:

(a) Compute the sum of the following:

(i) The amount calculated for the district for fiscal year 2020 under division (A)(1) of Section 265.220 of H.B. 166 of the 133rd general assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd general assembly and prior to any funding reductions authorized by Executive Order 2020-19D, "Implementing Additional Spending Controls to Balance the State Budget" issued on May 7, 2020;

(ii) ~~Either of the following:~~

~~(I) For fiscal year 2022, the district's payments for fiscal year 2020 under divisions (C)(1), (2), (3), and (4) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021;~~

~~(II)~~ For fiscal ~~year 2023~~ years 2024 and 2025, the district's 38165  
payments for fiscal year 2020 under divisions (C)(1), (3), and (4) 38166  
of section 3313.981 of the Revised Code as those divisions existed 38167  
prior to September 30, 2021. 38168

(b) Subtract from the amount calculated in division (N)(1)(a) 38169  
of this section the sum of the following: 38170

(i) The following difference: 38171  
(The amount paid to the district under division (A)(5) of section 38172  
3317.022 of the Revised Code, as that division existed prior to 38173  
September 30, 2021, for fiscal year 2019) - (the amounts deducted 38174  
from the district and paid to a community school under division 38175  
(C)(1)(e) of section 3314.08 of the Revised Code or a science, 38176  
technology, engineering, and mathematics school under division (E) 38177  
of section 3326.33 of the Revised Code as those divisions existed 38178  
prior to September 30, 2021, for fiscal year 2020 in accordance 38179  
with division (A) of Section 265.235 of H.B. 166 of the 133rd 38180  
general assembly) 38181

(ii) The payments deducted from the district and paid to a 38182  
community school for fiscal year 2020 under divisions (C)(1)(a), 38183  
(b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised 38184  
Code as those divisions existed prior to September 30, 2021, in 38185  
accordance with division (A) of Section 265.230 of H.B. 166 of the 38186  
133rd general assembly; 38187

(iii) The payments deducted from the district and paid to a 38188  
science, technology, engineering, and mathematics school for 38189  
fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), and 38190  
(G) of section 3326.33 of the Revised Code as those divisions 38191  
existed prior to September 30, 2021, in accordance with division 38192  
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly; 38193

(iv) The payments deducted from the district under division 38194  
(C) of section 3310.08 of the Revised Code as that division 38195

existed prior to September 30, 2021, division (C)(2) of section 3310.41 of the Revised Code as that division existed prior to September 30, 2021, and former section 3310.55 of the Revised Code for fiscal year 2020 and, in the case of a pilot project school district as defined in section 3313.975 of the Revised Code, the funds deducted from the district under Section 265.210 of H.B. 166 of the 133rd general assembly to operate the pilot project scholarship program for fiscal year 2020 under sections 3313.974 to 3313.979 of the Revised Code;

(v) ~~Either of the following:~~

~~(I) For fiscal year 2022, the payments subtracted from the district for fiscal year 2020 under divisions (B)(1), (2), and (3) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021;~~

~~(II) For fiscal year 2023 years 2024 and 2025, the payments subtracted from the district for fiscal year 2020 under divisions (B)(1) and (3) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021.~~

(2) The district's "disadvantaged pupil impact aid funding base," which equals the following difference:

(The amount paid to the district under division (A)(5) of section 3317.022 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019) - (the amounts deducted from the district and paid to a community school under division (C)(1)(e) of section 3314.08 of the Revised Code or a science, technology, engineering, and mathematics school under division (E) of section 3326.33 of the Revised Code as those divisions existed prior to September 30, 2021, for fiscal year 2020 in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly)

(O) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "funding base"

means, for a joint vocational school district, the sum of the	38227
following as calculated by the department:	38228
(1) The district's "general funding base," which equals the	38229
amount calculated as follows:	38230
(a) Compute the sum of the following:	38231
(i) The district's payments for fiscal year 2020 under	38232
Section 265.225 of H.B. 166 of the 133rd general assembly after	38233
any adjustments required under Section 265.227 of H.B. 166 of the	38234
133rd general assembly;	38235
(ii) <del>Either of the following:</del>	38236
<del>(I) For fiscal year 2022, the district's payments for fiscal</del>	38237
<del>year 2020 under divisions (D)(1), (2), and (E)(3) of section</del>	38238
<del>3313.981 of the Revised Code as those divisions existed prior to</del>	38239
<del>September 30, 2021;</del>	38240
<del>(II) For fiscal year 2023</del> <u>years 2024 and 2025</u> , the district's	38241
payments for fiscal year 2020 under divisions (D)(1) and (2) of	38242
section 3313.981 of the Revised Code as those divisions existed	38243
prior to September 30, 2021.	38244
(b) Subtract from the amount paid to the district under	38245
division (A)(3) of section 3317.16 of the Revised Code, as that	38246
division existed prior to September 30, 2021, for fiscal year	38247
2019.	38248
(2) The district's "disadvantaged pupil impact aid funding	38249
base," which equals the amount paid to the district under division	38250
(A)(3) of section 3317.16 of the Revised Code, as that division	38251
existed prior to September 30, 2021, for fiscal year 2019.	38252
(P) For fiscal years <del>2022</del> <u>2024</u> and <del>2023</del> <u>2025</u> , "funding base"	38253
for a community school means the following:	38254
(1) For a community school that was in operation for the	38255
entirety of fiscal year 2020, the amount paid to the school for	38256

that fiscal year under division (C)(1) of section 3314.08 of the Revised Code as that division existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly and the amount, if any, paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly;

(2) For a community school that was in operation for part of fiscal year 2020, the amount that would have been paid to the school for that fiscal year under division (C)(1) of section 3314.08 of the Revised Code as that division existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the department;

(3) For a community school that was not in operation for fiscal year 2020, the amount that would have been paid to the school if it was in operation for that school year under division (C)(1) of section 3314.08 of the Revised Code as that division existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of

that fiscal year, as calculated by the department. 38289

(Q) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "funding base" 38290  
for a STEM school means the following: 38291

(1) For a science, technology, engineering, and mathematics 38292  
school that was in operation for the entirety of fiscal year 2020, 38293  
the amount paid to the school for that fiscal year under section 38294  
3326.33 of the Revised Code as that section existed prior to 38295  
September 30, 2021, in accordance with division (A) of Section 38296  
265.235 of H.B. 166 of the 133rd general assembly and the amount, 38297  
if any, paid to the school for that fiscal year under section 38298  
3326.41 of the Revised Code in accordance with division (B) of 38299  
Section 265.235 of H.B. 166 of the 133rd general assembly; 38300

(2) For a science, technology, engineering, and mathematics 38301  
school that was in operation for part of fiscal year 2020, the 38302  
amount that would have been paid to the school for that fiscal 38303  
year under section 3326.33 of the Revised Code as that section 38304  
existed prior to September 30, 2021, in accordance with division 38305  
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly 38306  
if the school had been in operation for the entirety of that 38307  
fiscal year, as calculated by the department, and the amount that 38308  
would have been paid to the school for that fiscal year under 38309  
section 3326.41 of the Revised Code in accordance with division 38310  
(B) of Section 265.235 of H.B. 166 of the 133rd general assembly, 38311  
if any, if the school had been in operation for the entirety of 38312  
that fiscal year, as calculated by the department; 38313

(3) For a science, technology, engineering, and mathematics 38314  
school that was not in operation for fiscal year 2020, the amount 38315  
that would have been paid to the school if it was in operation for 38316  
that school year under section 3326.33 of the Revised Code as that 38317  
section existed prior to September 30, 2021, in accordance with 38318  
division (A) of Section 265.235 of H.B. 166 of the 133rd general 38319  
assembly if the school had been in operation for the entirety of 38320

that fiscal year, as calculated by the department, and the amount 38321  
that would have been paid to the school for that fiscal year under 38322  
section 3326.41 of the Revised Code in accordance with division 38323  
(B) of Section 265.235 of H.B. 166 of the 133rd general assembly, 38324  
if any, if the school had been in operation for the entirety of 38325  
that fiscal year, as calculated by the department. 38326

(R) "Funding unit" means any of the following: 38327

(1) A city, local, exempted village, or joint vocational 38328  
school district; 38329

(2) The community and STEM school unit; 38330

(3) The educational choice scholarship unit; 38331

(4) The pilot project scholarship unit; 38332

(5) The autism scholarship unit; 38333

(6) The Jon Peterson special needs scholarship unit. 38334

(S) "Jon Peterson special needs scholarship unit" means a 38335  
unit that consists of all of the students for whom Jon Peterson 38336  
scholarships are awarded under sections 3310.51 to 3310.64 of the 38337  
Revised Code. 38338

(T) "Internet- or computer-based community school" has the 38339  
same meaning as in section 3314.02 of the Revised Code. 38340

(U) "LRE student with a disability" means a child with a 38341  
disability who has an individualized education program providing 38342  
for the student to spend more than half of each school day in a 38343  
regular school setting with nondisabled students. For purposes of 38344  
this division, "individualized education program" and "child with 38345  
a disability" have the same meanings as in section 3323.01 of the 38346  
Revised Code, and "LRE" is an abbreviation for "least restrictive 38347  
environment." 38348

(V) "Medically fragile child" means a child to whom all of 38349  
the following apply: 38350

(1) The child requires the services of a doctor of medicine 38351  
or osteopathic medicine at least once a week due to the 38352  
instability of the child's medical condition. 38353

(2) The child requires the services of a registered nurse on 38354  
a daily basis. 38355

(3) The child is at risk of institutionalization in a 38356  
hospital, skilled nursing facility, or intermediate care facility 38357  
for individuals with intellectual disabilities. 38358

(W)(1) A child may be identified as having an "other health 38359  
impairment-major" if the child's condition meets the definition of 38360  
"other health impaired" established in rules previously adopted by 38361  
the state board of education and if either of the following apply: 38362

(a) The child is identified as having a medical condition 38363  
that is among those listed by the superintendent of public 38364  
instruction as conditions where a substantial majority of cases 38365  
fall within the definition of "medically fragile child." 38366

(b) The child is determined by the superintendent of public 38367  
instruction to be a medically fragile child. A school district 38368  
superintendent may petition the superintendent of public 38369  
instruction for a determination that a child is a medically 38370  
fragile child. 38371

(2) A child may be identified as having an "other health 38372  
impairment-minor" if the child's condition meets the definition of 38373  
"other health impaired" established in rules previously adopted by 38374  
the state board of education but the child's condition does not 38375  
meet either of the conditions specified in division (W)(1)(a) or 38376  
(b) of this section. 38377

(X)(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a city, 38378  
local, exempted village, or joint vocational school district's, 38379  
community school's, or STEM school's "general phase-in percentage" 38380  
is equal to the percentage for that fiscal year that is determined 38381

by the general assembly. 38382

(2) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a city, local, 38383  
exempted village, or joint vocational school district's "phase-in 38384  
percentage for disadvantaged pupil impact aid" is equal to the 38385  
percentage for that fiscal year that is determined by the general 38386  
assembly. 38387

(Y) "Pilot project scholarship unit" means a unit that 38388  
consists of all of the students for whom pilot project 38389  
scholarships are awarded under sections 3313.974 to 3313.979 of 38390  
the Revised Code. 38391

(Z) "Preschool child with a disability" means a child with a 38392  
disability, as defined in section 3323.01 of the Revised Code, who 38393  
is at least age three but is not of compulsory school age, as 38394  
defined in section 3321.01 of the Revised Code, and who is not 38395  
currently enrolled in kindergarten. 38396

(AA) "Related services" includes: 38397

(1) Child study, special education supervisors and 38398  
coordinators, speech and hearing services, adaptive physical 38399  
development services, occupational or physical therapy, teacher 38400  
assistants for children with disabilities whose disabilities are 38401  
described in division (B) of section 3317.013 or division (G)(3) 38402  
of this section, behavioral intervention, interpreter services, 38403  
work study, nursing services, and specialized integrative services 38404  
as those terms are defined by the department; 38405

(2) Speech and language services provided to any student with 38406  
a disability, including any student whose primary or only 38407  
disability is a speech and language disability; 38408

(3) Any related service not specifically covered by other 38409  
state funds but specified in federal law, including but not 38410  
limited to, audiology and school psychological services; 38411

(4) Any service included in units funded under former division (O)(1) of section 3317.024 of the Revised Code;	38412 38413
(5) Any other related service needed by children with disabilities in accordance with their individualized education programs.	38414 38415 38416
(BB) "School district," unless otherwise specified, means city, local, and exempted village school districts.	38417 38418
(CC) "Separately educated student with a disability" has the same meaning as in section 3313.974 of the Revised Code.	38419 38420
(DD) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	38421 38422
(EE)(1) "State share percentage" means the following for a city, local, or exempted village school district:	38423 38424
(a) For fiscal years <del>2022</del> <u>2024</u> and <del>2023</del> <u>2025</u> , the state share percentage calculated under section 3317.017 of the Revised Code;	38425 38426
(b) For fiscal year <del>2024</del> <u>2026</u> and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly.	38427 38428 38429
(2) "State share percentage" means the following for a joint vocational school district:	38430 38431
(a) For fiscal years <del>2022</del> <u>2024</u> and <del>2023</del> <u>2025</u> , the percentage calculated in accordance with the following formula:	38432 38433
The amount computed for the district under division (A)(1) of section 3317.16 of the Revised Code for that fiscal year / the aggregate base cost calculated for the district for that fiscal year under section 3317.012 of the Revised Code	38434 38435 38436 38437
(b) For fiscal year <del>2024</del> <u>2026</u> and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly.	38438 38439 38440
(FF) "Statewide average base cost per pupil" means the	38441

following: 38442

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the statewide 38443  
average base cost per pupil calculated under division (A) of 38444  
section 3317.018 of the Revised Code; 38445

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 38446  
thereafter, an amount calculated in a manner determined by the 38447  
general assembly. 38448

(GG) "Statewide average career-technical base cost per pupil" 38449  
means the following: 38450

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the statewide 38451  
average career-technical base cost per pupil calculated under 38452  
division (B) of section 3317.018 of the Revised Code; 38453

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 38454  
thereafter, an amount calculated in a manner determined by the 38455  
general assembly. 38456

(HH) "STEM school" means a science, technology, engineering, 38457  
and mathematics school established under Chapter 3326. of the 38458  
Revised Code. 38459

(II) "Taxes charged and payable" means the taxes charged and 38460  
payable against real and public utility property after making the 38461  
reduction required by section 319.301 of the Revised Code, plus 38462  
the taxes levied against tangible personal property. 38463

(JJ) For purposes of sections 3317.017 and 3317.16 of the 38464  
Revised Code, "three-year average valuation" for a fiscal year 38465  
means the average of total taxable value for the three most recent 38466  
tax years for which data is available, as certified under section 38467  
3317.021 of the Revised Code. 38468

(KK) "Total ADM" means, for a city, local, or exempted 38469  
village school district, the enrollment reported under division 38470  
(A) of section 3317.03 of the Revised Code minus the enrollment 38471

reported under divisions (A)(2)(a), (b), (g), (h), and (i) of that section, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section.

(LL) "Total special education ADM" means the sum of categories one through six special education ADM.

(MM) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

(NN) "Tuition discount" means any deduction from the base tuition amount per student charged by a chartered nonpublic school, to which the student's family is entitled due to one or more of the following conditions:

(1) The student's family has multiple children enrolled in the same school.

(2) The student's family is a member of or affiliated with a religious or secular organization that provides oversight of the school or from which the school has agreed to enroll students.

(3) The student's parent is an employee of the school.

(4) Some other qualification not based on the income of the student's family or the student's athletic or academic ability and for which all students in the school may qualify.

**Sec. 3317.021.** (A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education and the office of budget and management the information described in divisions (A)(1) to (5) of this section for each city, exempted village, and local school district, and the information required by divisions (A)(1) and (2) of this section for each joint vocational school district, and it shall be used, along with the information certified under division (B) of this

section, in making the computations for the district under this	38502
chapter.	38503
(1) The taxable value of real and public utility real	38504
property in the school district subject to taxation in the	38505
preceding tax year, by class and by county of location.	38506
(2) The taxable value of tangible personal property,	38507
including public utility personal property, subject to taxation by	38508
the district for the preceding tax year.	38509
(3)(a) The total property tax rate and total taxes charged	38510
and payable for the current expenses for the preceding tax year	38511
and the total property tax rate and the total taxes charged and	38512
payable to a joint vocational district for the preceding tax year	38513
that are limited to or to the extent apportioned to current	38514
expenses.	38515
(b) The portion of the amount of taxes charged and payable	38516
reported for each city, local, and exempted village school	38517
district under division (A)(3)(a) of this section attributable to	38518
a joint vocational school district.	38519
(4) The value of all real and public utility real property in	38520
the school district exempted from taxation minus both of the	38521
following:	38522
(a) The value of real and public utility real property in the	38523
district owned by the United States government and used	38524
exclusively for a public purpose;	38525
(b) The value of real and public utility real property in the	38526
district exempted from taxation under Chapter 725. or 1728. or	38527
section 3735.67, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62,	38528
5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code.	38529
(5) The total federal adjusted gross income of the residents	38530
of the school district, based on tax returns filed by the	38531

residents of the district, for the most recent year for which this 38532  
information is available, and the median Ohio adjusted gross 38533  
income of the residents of the school district determined on the 38534  
basis of tax returns filed for the second preceding tax year by 38535  
the residents of the district. 38536

(6) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the number of 38537  
state tax returns filed by the residents of the district for the 38538  
most recent year for which this information is available. 38539

(B) On or before the first day of May each year, the tax 38540  
commissioner shall certify to the department of education and the 38541  
office of budget and management the total taxable real property 38542  
value of railroads and, separately, the total taxable tangible 38543  
personal property value of all public utilities for the preceding 38544  
tax year, by school district and by county of location. 38545

(C) If on the basis of the information certified under 38546  
division (A) of this section, the department determines that any 38547  
district fails in any year to meet the qualification requirement 38548  
specified in division (A) of section 3317.01 of the Revised Code, 38549  
the department shall immediately request the tax commissioner to 38550  
determine the extent to which any school district income tax 38551  
levied by the district under Chapter 5748. of the Revised Code 38552  
shall be included in meeting that requirement. Within five days of 38553  
receiving such a request from the department, the tax commissioner 38554  
shall make the determination required by this division and report 38555  
the quotient obtained under division (C)(3) of this section to the 38556  
department and the office of budget and management. This quotient 38557  
represents the number of mills that the department shall include 38558  
in determining whether the district meets the qualification 38559  
requirement of division (A) of section 3317.01 of the Revised 38560  
Code. 38561

The tax commissioner shall make the determination required by 38562  
this division as follows: 38563

(1) Multiply one mill times the total taxable value of the district as determined in divisions (A)(1) and (2) of this section;

(2) Estimate the total amount of tax liability for the current tax year under taxes levied by Chapter 5748. of the Revised Code that are apportioned to current operating expenses of the district, excluding any income tax receipts allocated for the project cost, debt service, or maintenance set-aside associated with a state-assisted classroom facilities project as authorized by section 3318.052 of the Revised Code;

(3) Divide the amount estimated under division (C)(2) of this section by the product obtained under division (C)(1) of this section.

**Sec. 3317.022.** The department of education shall compute and distribute state core foundation funding to each eligible funding unit that is a city, local, or exempted village school district, the community and STEM school unit, the educational choice scholarship unit, the pilot project scholarship unit, the autism scholarship unit, and the Jon Peterson special needs scholarship unit for the fiscal year, using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins in accordance with the following:

For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, for a funding unit that is a city, local, or exempted village school district:

The district's funding base + [(the district's state core foundation funding components for that fiscal year calculated under divisions (A)(1), (2), (3), (5), (6), (7), and (8) of this section - the district's general funding base calculated in accordance with division (N)(1) of section 3317.02 of the Revised Code) X the district's general phase-in percentage for that fiscal year] + [(the district's disadvantaged pupil impact aid for that

fiscal year calculated under division (A)(4) of this section - the 38595  
district's disadvantaged pupil impact aid funding base calculated 38596  
in accordance with division (N)(2) of section 3317.02 of the 38597  
Revised Code) X the district's phase-in percentage for 38598  
disadvantaged pupil impact aid for that fiscal year] + the 38599  
district's supplemental targeted assistance funds calculated under 38600  
section 3317.0218 of the Revised Code 38601

For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, 38602  
for a funding unit that is a city, local, or exempted village 38603  
school district, the sum of the district's state core foundation 38604  
funding components for that fiscal year calculated under divisions 38605  
(A)(1), (2), (3), (4), (5), (6), (7), and (8) of this section and 38606  
the district's supplemental targeted assistance funds calculated 38607  
under section 3317.0218 of the Revised Code, if the general 38608  
assembly authorizes such payments to these funding units. 38609

For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, for the community 38610  
and STEM school unit, an amount calculated in accordance with 38611  
section 3317.026 of the Revised Code. 38612

For fiscal years ~~2024~~ 2026 and each fiscal year thereafter, 38613  
for the community and STEM school unit, an amount calculated in 38614  
accordance with divisions (A)(1), (3), (4), (5), (7), (8), and (9) 38615  
of this section, if the general assembly authorizes such payments 38616  
to these funding units. 38617

For the educational choice scholarship unit, the amount 38618  
calculated under division (A)(10) of this section. 38619

For the pilot project scholarship unit, the amount calculated 38620  
under division (A)(11) of this section. 38621

For the autism scholarship unit, the amount calculated under 38622  
division (A)(12) of this section. 38623

For the Jon Peterson special needs scholarship unit, the 38624  
amount calculated under division (A)(13) of this section. 38625

(A) A funding unit's state core foundation funding components shall be the following:	38626 38627
(1)(a) If the funding unit is a city, local, or exempted village school district, the district's state share, which is equal to the following:	38628 38629 38630
(i) For fiscal years <del>2022</del> <u>2024</u> and <del>2023</del> <u>2025</u> , the amount calculated under division (B) of section 3317.017 of the Revised Code;	38631 38632 38633
(ii) For fiscal year <del>2024</del> <u>2026</u> and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	38634 38635 38636
(b) If the funding unit is the community and STEM school unit, the aggregate base cost for all schools in that unit, which is equal to the following:	38637 38638 38639
(i) For fiscal years <del>2022</del> <u>2024</u> and <del>2023</del> <u>2025</u> , the amount calculated under section 3317.0110 of the Revised Code;	38640 38641
(ii) For fiscal year <del>2024</del> <u>2026</u> and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	38642 38643 38644
(2) If the funding unit is a city, local, or exempted village school district, targeted assistance funds equal to the following:	38645 38646
(a) For fiscal years <del>2022</del> <u>2024</u> and <del>2023</del> <u>2025</u> , an amount calculated under section 3317.0217 of the Revised Code;	38647 38648
(b) For fiscal year <del>2024</del> <u>2026</u> and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	38649 38650 38651
(3) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as follows:	38652 38653 38654 38655

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the 38656  
following: 38657

(i) The funding unit's category one special education ADM X 38658  
the multiple specified in division (A) of section 3317.013 of the 38659  
Revised Code X the statewide average base cost per pupil for that 38660  
fiscal year X if the funding unit is a city, local, or exempted 38661  
village school district, the district's state share percentage; 38662

(ii) The funding unit's category two special education ADM X 38663  
the multiple specified in division (B) of section 3317.013 of the 38664  
Revised Code X the statewide average base cost per pupil for that 38665  
fiscal year X if the funding unit is a city, local, or exempted 38666  
village school district, the district's state share percentage; 38667

(iii) The funding unit's category three special education ADM 38668  
X the multiple specified in division (C) of section 3317.013 of 38669  
the Revised Code X the statewide average base cost per pupil for 38670  
that fiscal year X if the funding unit is a city, local, or 38671  
exempted village school district, the district's state share 38672  
percentage; 38673

(iv) The funding unit's category four special education ADM X 38674  
the multiple specified in division (D) of section 3317.013 of the 38675  
Revised Code X the statewide average base cost per pupil for that 38676  
fiscal year X if the funding unit is a city, local, or exempted 38677  
village school district, the district's state share percentage; 38678

(v) The funding unit's category five special education ADM X 38679  
the multiple specified in division (E) of section 3317.013 of the 38680  
Revised Code X the statewide average base cost per pupil for that 38681  
fiscal year X if the funding unit is a city, local, or exempted 38682  
village school district, the district's state share percentage; 38683

(vi) The funding unit's category six special education ADM X 38684  
the multiple specified in division (F) of section 3317.013 of the 38685  
Revised Code X the statewide average base cost per pupil for that 38686

fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage.	38687
	38688
(b) For fiscal year <del>2024</del> <u>2026</u> and each fiscal year thereafter, the sum of the following:	38689
	38690
(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one special education ADM;	38691
	38692
	38693
(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two special education ADM;	38694
	38695
	38696
(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three special education ADM;	38697
	38698
	38699
(iv) An amount calculated in a manner determined by the general assembly times the funding unit's category four special education ADM;	38700
	38701
	38702
(v) An amount calculated in a manner determined by the general assembly times the funding unit's category five special education ADM;	38703
	38704
	38705
(vi) An amount calculated in a manner determined by the general assembly times the funding unit's category six special education ADM.	38706
	38707
	38708
(4) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, disadvantaged pupil impact aid calculated according to the following formula:	38709
	38710
	38711
	38712
(a) If the funding unit is a city, local, or exempted village school district, an amount equal to the following:	38713
	38714
(i) For fiscal years <del>2022</del> <u>2024</u> and <del>2023</del> <u>2025</u> , the following product:	38715
	38716

\$422 X (the district's economically disadvantaged index) X the 38717  
number of students who are economically disadvantaged as certified 38718  
under division (B)(21) of section 3317.03 of the Revised Code 38719

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 38720  
thereafter, an amount calculated in a manner determined by the 38721  
general assembly. 38722

(b) If the funding unit is the community and STEM school 38723  
unit, an amount equal to the following: 38724

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount 38725  
calculated as follows: 38726

(I) For each student in the funding unit's enrolled ADM who 38727  
is economically disadvantaged and is not enrolled in an internet- 38728  
or computer-based community school, multiply \$422 by the 38729  
economically disadvantaged index of the school in which the 38730  
student is enrolled; 38731

(II) Compute the funding unit's disadvantaged pupil impact 38732  
aid by calculating the sum of the amounts determined under 38733  
division (A)(4)(b)(i)(I) of this section. 38734

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 38735  
thereafter, an amount calculated as follows: 38736

(I) For each student in the funding unit's enrolled ADM who 38737  
is economically disadvantaged and is not enrolled in an internet- 38738  
or computer-based community school, calculate an amount in the 38739  
manner determined by the general assembly; 38740

(II) Compute the funding unit's disadvantaged pupil impact 38741  
aid by calculating the sum of the amounts determined under 38742  
division (A)(4)(b)(ii)(I) of this section. 38743

(5) If the funding unit is a city, local, or exempted village 38744  
school district or the community and STEM school unit, English 38745  
learner funds calculated as follows: 38746

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the 38747  
following: 38748

(i) The funding unit's category one English learner ADM X the 38749  
multiple specified in division (A) of section 3317.016 of the 38750  
Revised Code X the statewide average base cost per pupil for that 38751  
fiscal year X if the funding unit is a city, local, or exempted 38752  
village school district, the district's state share percentage; 38753

(ii) The funding unit's category two English learner ADM X 38754  
the multiple specified in division (B) of section 3317.016 of the 38755  
Revised Code X the statewide average base cost per pupil for that 38756  
fiscal year X if the funding unit is a city, local, or exempted 38757  
village school district, the district's state share percentage; 38758

(iii) The funding unit's category three English learner ADM X 38759  
the multiple specified in division (C) of section 3317.016 of the 38760  
Revised Code X the statewide average base cost per pupil for that 38761  
fiscal year X if the funding unit is a city, local, or exempted 38762  
village school district, the district's state share percentage. 38763

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 38764  
thereafter, the sum of the following: 38765

(i) An amount calculated in a manner determined by the 38766  
general assembly times the funding unit's category one English 38767  
learner ADM; 38768

(ii) An amount calculated in a manner determined by the 38769  
general assembly times the funding unit's category two English 38770  
learner ADM; 38771

(iii) An amount calculated in a manner determined by the 38772  
general assembly times the funding unit's category three English 38773  
learner ADM. 38774

(6)(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, if the 38775  
funding unit is a city, local, or exempted village school 38776

district, all of the following:	38777
(i) Gifted identification funds calculated according to the following formula:	38778
\$24 X the district's enrolled ADM for grades kindergarten through	38779
six X the district's state share percentage	38780
(ii) Gifted referral funds calculated according to the following formula:	38781
\$2.50 X the district's enrolled ADM X the district's state share	38782
percentage	38783
(iii) Gifted professional development funds calculated according to the following formula:	38784
(The greater of the number of gifted students enrolled in the district as certified under division (B)(22) of section 3317.03 of the Revised Code and ten per cent of the district's enrolled ADM) X the district's state share percentage X \$7 <u>\$21</u> , for fiscal year <del>2022</del> <u>2024</u> , or \$14 <u>\$28</u> , for fiscal year <del>2023</del> <u>2025</u>	38785
(iv) Gifted unit funding calculated under section 3317.051 of the Revised Code.	38786
(b) For fiscal year <del>2024</del> <u>2026</u> and each fiscal year thereafter, all of the following:	38787
(i) Gifted identification funds calculated in a manner determined by the general assembly;	38788
(ii) Gifted referral funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment;	38789
(iii) Gifted professional development funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment;	38790
(iv) Gifted unit funding calculated in an amount determined by the general assembly.	38791
	38792
	38793
	38794
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	38806

(7) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, career-technical education funds calculated under division (C) of section 3317.014 of the Revised Code.

(8) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, career-technical education associated services funds calculated under division (D) of section 3317.014 of the Revised Code.

(9) If the funding unit is the community and STEM school unit, an amount calculated as follows:

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount equal to the following:

[The number of students in the funding unit's enrolled ADM who are reported under division (B)(5) of section 3314.08 of the Revised Code X (the aggregate base cost calculated for all schools in the funding unit for that fiscal year under section 3317.0110 of the Revised Code / the funding unit's enrolled ADM) X.20]

(b) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(10) If the funding unit is the educational choice scholarship unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM, determine the lesser of the following:

(i) The base tuition of the chartered nonpublic school in which the student is enrolled minus the total amount of any applicable tuition discounts for which the student qualifies;

(ii) \$5,500, if the student is in grades kindergarten through eight, or \$7,500, if the student is in grades nine through twelve.

The amounts specified in division (A)(10)(a)(ii) of this

section shall increase in future fiscal years by the same 38837  
percentage that the statewide average base cost per pupil 38838  
increases in future fiscal years. 38839

(b) Compute the sum of the amounts calculated under division 38840  
(A)(10)(a) of this section. 38841

(11) If the funding unit is the pilot project scholarship 38842  
unit, an amount calculated as follows: 38843

(a) For each student in the funding unit's enrolled ADM, 38844  
determine the lesser of the following: 38845

(i) The net tuition charges of the student's alternative 38846  
school; 38847

(ii) \$5,500, if the student is in grades kindergarten through 38848  
eight, or \$7,500, if the student is in grades nine through twelve. 38849

The amounts specified in division (A)(11)(a)(ii) of this 38850  
section shall increase in future fiscal years by the same 38851  
percentage that the statewide average base cost per pupil 38852  
increases in future fiscal years. 38853

For purposes of division (A)(11)(a) of this section, the net 38854  
tuition and fees charged to a student shall be the tuition amount 38855  
specified by the alternative school minus all other financial aid, 38856  
discounts, and adjustments received for the student. In cases 38857  
where discounts are offered for multiple students from the same 38858  
family, and not all students in the same family are scholarship 38859  
recipients, the net tuition amount attributable to the scholarship 38860  
recipient shall be the lowest net tuition to which the family is 38861  
entitled. 38862

The department shall provide for an increase in the amount 38863  
determined for any student who is an LRE student with a disability 38864  
and shall further increase such amount in the case of any 38865  
separately educated student with a disability, as that term is 38866

defined in section 3313.974 of the Revised Code. Such increases shall take into account the instruction, related services, and transportation costs of educating such students.

(b) Compute the sum of the amounts calculated under division (A)(17)(a) of this section.

(12) If the funding unit is the autism scholarship unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM, determine the lesser of the following:

(i) The tuition charged for the student's special education program, as that term is defined in section 3310.41 of the Revised Code;

(ii) ~~\$31,500, for fiscal year 2022, and \$32,445, for fiscal year 2023 and each fiscal year thereafter.~~

(b) Compute the sum of the amounts calculated under division (A)(12)(a) of this section.

(13) If the funding unit is the Jon Peterson special needs scholarship unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM, determine the least of the following:

(i) The amount of fees charged for that school year by the student's alternative public provider or registered private provider, as those terms are defined in section 3310.51 of the Revised Code;

(ii) ~~\$6,217, for fiscal year 2022, and \$6,414, for fiscal year 2023,~~ \$7,190 plus an amount determined as follows:

(I) If the student is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code, ~~\$1,514, for fiscal year 2022, and \$1,562, for fiscal year 2023~~ \$1,751;

(II) If the student is receiving special education services 38897  
for a disability specified in division (B) of section 3317.013 of 38898  
the Revised Code, ~~\$3,841, for fiscal year 2022, and \$3,963, for~~ 38899  
~~fiscal year 2023~~ \$4,442; 38900

(III) If the student is receiving special education services 38901  
for a disability specified in division (C) of section 3317.013 of 38902  
the Revised Code, ~~\$9,465, for fiscal year 2022, and \$9,522, for~~ 38903  
~~fiscal year 2023~~ \$10,673; 38904

(IV) If the student is receiving special education services 38905  
for a disability specified in division (D) of section 3317.013 of 38906  
the Revised Code, ~~\$12,644, for fiscal year 2022, and \$12,707, for~~ 38907  
~~fiscal year 2023~~ \$14,243; 38908

(V) If the student is receiving special education services 38909  
for a disability specified in division (E) of section 3317.013 of 38910  
the Revised Code, ~~\$17,193, for fiscal year 2022, and \$17,209, for~~ 38911  
~~fiscal year 2023~~ \$19,290; 38912

(VI) If the student is receiving special education services 38913  
for a disability specified in division (F) of section 3317.013 of 38914  
the Revised Code, ~~\$24,591, for fiscal year 2022, and \$25,370, for~~ 38915  
~~fiscal year 2023~~ \$28,438. 38916

(iii) ~~\$27,000~~ \$30,000. 38917

The amount specified ~~for fiscal year 2023~~ in division 38918  
(A)(13)(a)(ii) of this section shall increase in future fiscal 38919  
years by the same percentage that the statewide average base cost 38920  
per pupil increases in future fiscal years. 38921

The amounts specified ~~for fiscal year 2023~~ in divisions 38922  
(A)(13)(a)(ii)(I) to (VI) of this section shall increase in future 38923  
fiscal years by the same percentage that the amounts calculated by 38924  
the general assembly for those categories of special education 38925  
services under division (A)(3) of this section increase in future 38926  
fiscal years. 38927

(b) Compute the sum of the amounts calculated under division 38928  
(A)(13)(a) of this section. 38929

(B) In any fiscal year, a funding unit that is a city, local, 38930  
or exempted village school district shall spend for purposes that 38931  
the department designates as approved for special education and 38932  
related services expenses at least the amount calculated as 38933  
follows: 38934

(The base cost per pupil calculated for the district for that 38935  
fiscal year X the total special education ADM) + (the district's 38936  
category one special education ADM X the multiple specified in 38937  
division (A) of section 3317.013 of the Revised Code X the 38938  
statewide average base cost per pupil) + (the district's category 38939  
two special education ADM X the multiple specified in division (B) 38940  
of section 3317.013 of the Revised Code X the statewide average 38941  
base cost per pupil) + (the district's category three special 38942  
education ADM X the multiple specified in division (C) of section 38943  
3317.013 of the Revised Code X the statewide average base cost per 38944  
pupil) + (the district's category four special education ADM X the 38945  
multiple specified in division (D) of section 3317.013 of the 38946  
Revised Code X the statewide average base cost per pupil) + (the 38947  
district's category five special education ADM X the multiple 38948  
specified in division (E) of section 3317.013 of the Revised Code 38949  
X the statewide average base cost per pupil) + (the district's 38950  
category six special education ADM X the multiple specified in 38951  
division (F) of section 3317.013 of the Revised Code X the 38952  
statewide average base cost per pupil) 38953

The purposes approved by the department for special education 38954  
expenses shall include, but shall not be limited to, 38955  
identification of children with disabilities, compliance with 38956  
state rules governing the education of children with disabilities 38957  
and prescribing the continuum of program options for children with 38958  
disabilities, provision of speech language pathology services, and 38959

the portion of the school district's overall administrative and 38960  
overhead costs that are attributable to the district's special 38961  
education student population. 38962

(C) A funding unit that is a city, local, or exempted village 38963  
school district shall spend the funds it receives under division 38964  
(A)(4) of this section in accordance with section 3317.25 of the 38965  
Revised Code. 38966

(D)(1) Except as provided in division (B) of section 3317.026 38967  
of the Revised Code, the department shall distribute to each 38968  
community school established under Chapter 3314. of the Revised 38969  
Code and to each STEM school established under Chapter 3326. of 38970  
the Revised Code, from the funds paid to the community and STEM 38971  
school unit under this section, an amount for each student 38972  
enrolled in the school equal to the sum of the following: 38973

(a) The school's base cost per pupil for that fiscal year, 38974  
calculated as follows: 38975

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025: 38976  
The aggregate base cost calculated for the school for that fiscal 38977  
year under section 3317.0110 of the Revised Code / the number of 38978  
students enrolled in the school for that fiscal year 38979

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 38980  
thereafter, an amount determined by the general assembly under 38981  
division (A)(1)(b)(ii) of this section divided by the number of 38982  
students enrolled in the school for that fiscal year. 38983

(b) If the student is a special education student: 38984

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the multiple 38985  
specified for the student's special education category under 38986  
section 3317.013 of the Revised Code times the statewide average 38987  
base cost per pupil; 38988

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 38989

thereafter, the amount calculated for the student's special education category in a manner determined by the general assembly under division (A)(3)(b) of this section. 38990  
38991  
38992

(c) If the school is not an internet- or computer-based community school and the student is economically disadvantaged: 38993  
38994

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the amount calculated for the student under division (A)(4)(b)(i)(I) of this section; 38995  
38996  
38997

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, an amount calculated for the student in the manner determined by the general assembly under division (A)(4)(b)(ii)(I) of this section. 38998  
38999  
39000  
39001

(d) If the school is not an internet- or computer-based community school and the student is an English learner: 39002  
39003

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the multiple specified for the student's English learner category under section 3317.016 of the Revised Code times the statewide average base cost per pupil; 39004  
39005  
39006  
39007

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, the amount calculated for the student's special education category in a manner determined by the general assembly under division (A)(5)(b) of this section. 39008  
39009  
39010  
39011

(e) If the student is a career-technical education student: 39012

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the multiple specified for the student's career-technical education category under section 3317.014 of the Revised Code times the statewide average career-technical base cost per pupil; 39013  
39014  
39015  
39016

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, the amount calculated for the student's career-technical education category in a manner determined by the 39017  
39018  
39019

general assembly under section 3317.014 of the Revised Code. 39020

(f) If the student is a career-technical education student: 39021

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the multiple 39022  
for career-technical associated services specified under section 39023  
3317.014 of the Revised Code times the statewide average 39024  
career-technical base cost per pupil; 39025

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 39026  
thereafter, the amount calculated for career-technical associated 39027  
services in a manner determined by the general assembly under 39028  
section 3317.014 of the Revised Code. 39029

(2) The department shall distribute to each community school 39030  
established under Chapter 3314. of the Revised Code and to each 39031  
STEM school established under Chapter 3326. of the Revised Code, 39032  
from the funds paid to the community and STEM school unit under 39033  
this section, an amount equal to the amount calculated for the 39034  
school under division (A)(9) of this section. 39035

(E) The department shall distribute to the parent of each 39036  
student for whom an educational choice scholarship is awarded 39037  
under section 3310.03 or 3310.032 of the Revised Code, or to the 39038  
student if at least eighteen years of age, from the funds paid to 39039  
the educational choice scholarship unit under this section, a 39040  
scholarship equal to the amount calculated for the student under 39041  
division (A)(10)(a) of this section. The scholarship shall be 39042  
distributed in monthly partial payments, and the department shall 39043  
proportionately reduce or terminate the payments for any student 39044  
who withdraws from a chartered nonpublic school prior to the end 39045  
of the school year. 39046

For purposes of divisions (E) and (F) of this section, in the 39047  
case of a student who is not living with the student's parent, the 39048  
department shall distribute the scholarship payments to the 39049  
student's guardian, legal custodian, kinship caregiver, foster 39050

caregiver, or caretaker. For the purposes of this division, 39051  
"caretaker" has the same meaning as in section 3310.033 of the 39052  
Revised Code, "kinship caregiver" has the same meaning as in 39053  
section 5101.85 of the Revised Code, and "foster caregiver" has 39054  
the same meaning as in section 5103.02 of the Revised Code. 39055

(F) If a student is awarded a pilot project scholarship under 39056  
sections 3313.974 to 3313.979 of the Revised Code, the department 39057  
shall distribute to the parent of the student, if the student is 39058  
attending a registered private school as defined in section 39059  
3313.974 of the Revised Code, or the student's school district of 39060  
attendance, if the scholarship is to be used for payments to a 39061  
public school in a school district adjacent to the pilot project 39062  
school district pursuant to section 3327.06 of the Revised Code, a 39063  
scholarship from the funds paid to the pilot project scholarship 39064  
unit under this section that is equal to the amount calculated for 39065  
the student under division (A)(11)(a) of this section. 39066

In the case of a scholarship distributed to a student's 39067  
parent, the scholarship shall be distributed in monthly partial 39068  
payments. The scholarship amount shall be proportionately reduced 39069  
in the case of any such student who is not enrolled in a 39070  
registered private school, as that term is defined in section 39071  
3313.974 of the Revised Code, for the entire school year. 39072

In the case of a scholarship distributed to a student's 39073  
school district of attendance, the department shall, on behalf of 39074  
the student's parents, use the scholarship to make the tuition 39075  
payments required by section 3327.06 of the Revised Code to the 39076  
student's school district of attendance, except that, 39077  
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 39078  
Revised Code, the total payments in any school year shall not 39079  
exceed the scholarship amount calculated for the student under 39080  
division (A)(11)(a) of this section. 39081

(G) The department shall distribute to the parent of each 39082

student for whom an autism scholarship is awarded under section 39083  
3310.41 of the Revised Code, from the funds paid to the autism 39084  
scholarship unit under this section, a scholarship equal to the 39085  
amount calculated for the student under division (A)(12)(a) of 39086  
this section. The scholarship shall be distributed from time to 39087  
time in partial payments. The scholarship amount shall be 39088  
proportionately reduced in the case of any student who is not 39089  
enrolled in the special education program for which a scholarship 39090  
was awarded under section 3310.41 of the Revised Code for the 39091  
entire school year. The department shall make no payments to the 39092  
parent of a student while any administrative or judicial mediation 39093  
or proceedings with respect to the content of the student's 39094  
individualized education program are pending. 39095

(H) The department shall distribute to the parent of each 39096  
student for whom a Jon Peterson special needs scholarship is 39097  
awarded under sections 3310.51 to 3310.64 of the Revised Code, 39098  
from the funds paid to the Jon Peterson special needs scholarship 39099  
unit under this section, a scholarship equal to the amount 39100  
calculated for the student under division (A)(13)(a) of this 39101  
section. The scholarship shall be distributed in periodic 39102  
payments, and the department shall proportionately reduce or 39103  
terminate the payments for any student who is not enrolled in the 39104  
special education program of an alternative public provider or a 39105  
registered private provider, as those terms are defined in section 39106  
3310.51 of the Revised Code, for the entire school year. 39107

(I) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a school 39108  
district shall spend the funds it receives under division (A)(5) 39109  
of this section only for services for English learners. 39110

(J) For fiscal ~~years 2022~~ year 2024 and ~~2023~~ each fiscal year 39111  
thereafter, a school district shall spend the funds it receives 39112  
under division (A)(6) of this section only for the identification 39113  
of gifted students, gifted coordinator services, gifted 39114

intervention specialist services, ~~other service providers approved~~ 39115  
~~by the department of education,~~ and gifted professional 39116  
development. For fiscal ~~years 2022~~ year 2024 and ~~2023~~ each fiscal 39117  
year thereafter, if the department determines that a district is 39118  
not in compliance with this division, it shall reduce the 39119  
district's payments for that fiscal year under this chapter by an 39120  
amount equal to the amount paid to the district for that fiscal 39121  
year under division (A)(6) of this section that was not spent in 39122  
accordance with this division. The department shall reduce the 39123  
payment within one hundred eighty days after the end of that 39124  
fiscal year. 39125

**Sec. 3317.024.** The following shall be distributed monthly, 39126  
quarterly, or annually as may be determined by the state board of 39127  
education: 39128

(A) An amount for each island school district and each joint 39129  
state school district for the operation of each high school and 39130  
each elementary school maintained within such district and for 39131  
capital improvements for such schools. Such amounts shall be 39132  
determined on the basis of standards adopted by the state board of 39133  
education. However, for fiscal years 2012 and 2013, an island 39134  
district shall receive the lesser of its actual cost of operation, 39135  
as certified to the department of education, or ninety-three per 39136  
cent of the amount the district received in state operating 39137  
funding for fiscal year 2011. If an island district received no 39138  
funding for fiscal year 2011, it shall receive no funding for 39139  
either of fiscal year 2012 or 2013. 39140

(B) An amount for each school district required to pay 39141  
tuition for a child in an institution maintained by the department 39142  
of youth services pursuant to section 3317.082 of the Revised 39143  
Code, provided the child was not included in the calculation of 39144  
the district's formula ADM, as that term is defined in section 39145

3317.02 of the Revised Code, for the preceding school year. 39146

(C)(1) An amount for the approved cost of transporting 39147  
eligible pupils with disabilities attending a special education 39148  
program approved by the department of education whom it is 39149  
impossible or impractical to transport by regular school bus in 39150  
the course of regular route transportation provided by the school 39151  
district or educational service center. For fiscal years ~~2022~~ 2024 39152  
and ~~2023~~ 2025, this amount shall be equal to the actual costs 39153  
incurred in the prior fiscal year by the district or service 39154  
center when transporting those students, as reported to the 39155  
department, multiplied by one of the following: 39156

(a) For a district, the percentage determined for the 39157  
district for that fiscal year under divisions (E)(1)(c)(i) and 39158  
(ii) of section 3317.0212 of the Revised Code; 39159

(b) For a service center, ~~twenty-nine~~ thirty-seven and 39160  
~~one-sixth~~ one-half per cent for fiscal year ~~2022~~ 2024 and 39161  
~~thirty-three~~ forty-one and ~~one-third~~ two-thirds per cent for 39162  
fiscal year ~~2023~~ 2025. 39163

(2) No district or service center is eligible to receive a 39164  
payment under division (C) of this section for the cost of 39165  
transporting any pupil whom it transports by regular school bus 39166  
and who is included in the district's transportation ADM. 39167

(3) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, both of the 39168  
following apply: 39169

(a) The state board shall also establish the deadline for 39170  
each district and service center to report its actual costs for 39171  
transporting students described in division (C)(1) of this 39172  
section. 39173

(b) The costs reported by each district and service center 39174  
under division (C) of this section shall be subject to periodic, 39175  
random audits by the department. 39176

(D) An amount to each school district, including each cooperative education school district, pursuant to section 3313.81 of the Revised Code to assist in providing free lunches to needy children. The amounts shall be determined on the basis of rules adopted by the state board of education.

(E)(1) An amount for auxiliary services to each school district, for each pupil attending a chartered nonpublic elementary or high school within the district that has not elected to receive funds under division (E)(2) of this section.

(2)(a) An amount for auxiliary services paid directly to each chartered nonpublic school that has elected to receive funds under division (E)(2) of this section for each pupil attending the school. To elect to receive funds under division (E)(2) of this section, a school, by the first day of April of each odd-numbered year, shall notify the department and the school district in which the school is located of the election and shall submit to the department an affidavit certifying that the school shall expend the funds in the manner outlined in section 3317.062 of the Revised Code. The election shall take effect the following first day of July. The school subsequently may rescind its election, but it may do so only in an odd-numbered year by notifying the department and the school district in which the school is located of the rescission not later than the first day of April of that year. Beginning the following first day of July after the rescission, the school shall receive funds under division (E)(1) of this section.

(b) Not later later than ten days after the notification of approval and issuance of a charter to a nonpublic school, that school may elect to receive funds under division (E)(2) of this section. If no election is made, the chartered nonpublic school shall receive funds under division (E)(1) of this section. The school may subsequently change its election in accordance with

division (E)(2)(a) of this section. 39209

(c) A chartered nonpublic school that elects to receive 39210  
auxiliary services funds under division (E)(2) of this section may 39211  
designate an organization that oversees one or more nonpublic 39212  
schools to receive those funds on its behalf. 39213

(i) Each chartered nonpublic school that designates an 39214  
organization to receive auxiliary services funds on its behalf 39215  
shall notify the department of education of the organization's 39216  
name not later than the first day of April of each odd-numbered 39217  
year. 39218

(ii) A school may rescind its decision, but may do so only in 39219  
each odd-numbered year by notifying the department of that 39220  
rescission not later than the first day of April of that year. A 39221  
rescission submitted in compliance with this division takes effect 39222  
on the following first day of July, and the school district may 39223  
elect to then begin receiving auxiliary services funds directly or 39224  
as specified under division (E)(1) of this section. 39225

(iii) An organization shall disburse the auxiliary services 39226  
funds of all chartered nonpublic schools that have designated the 39227  
organization to receive funds on their behalf in accordance with 39228  
division ~~(E)(2)(b)~~ (E)(2)(c) of this section. If multiple chartered 39229  
nonpublic schools designate the same organization to receive 39230  
auxiliary services funds on their behalf, that organization may 39231  
use one or more accounts for the purposes of managing the funds. 39232  
The organization shall maintain appropriate accounting and 39233  
reporting standards and ensure that each chartered nonpublic 39234  
school receives the auxiliary services funds to which the school 39235  
is entitled. 39236

(iv) Each chartered nonpublic school that elects to receive 39237  
funds directly in accordance with division (E)(2) of this section 39238  
or the organization designated to receive and disburse auxiliary 39239

services funds on behalf of a chartered nonpublic school shall 39240  
maintain records of receipt and expenditures of the funds in a 39241  
manner that conforms with generally accepted accounting 39242  
principles. 39243

(v) The department of education shall create and disseminate 39244  
a standardized reporting form that chartered nonpublic schools and 39245  
organizations designated to receive funds in accordance with 39246  
division ~~(E)(2)(b)~~(E)(2)(c) of this section may use to comply with 39247  
division ~~(E)(2)(b)(iv)~~(E)(2)(c)(iv) of this section. However, the 39248  
department shall not require schools to use that form. 39249

(vi) An organization that manages a school's auxiliary 39250  
services funds pursuant to a designation made in accordance with 39251  
division ~~(E)(2)(b)~~(E)(2)(c) of this section may require the 39252  
school's governing authority to pay a fee for that service that 39253  
does not exceed four per cent of the total amount of payments for 39254  
auxiliary services that the school receives from the state. A 39255  
school may pay any fee assessed pursuant to division 39256  
~~(E)(2)(b)(vi)~~(E)(2)(c)(vi) of this section using auxiliary 39257  
services funds. 39258

~~(e)(d)~~ The amount paid under divisions (E)(1) and (2) of this 39259  
section shall equal the total amount appropriated for the 39260  
implementation of sections 3317.06 and 3317.062 of the Revised 39261  
Code divided by the average daily membership in grades 39262  
kindergarten through twelve in chartered nonpublic elementary and 39263  
high schools within the state as determined as of the last day of 39264  
October of each school year. 39265

(F) An amount for each county board of developmental 39266  
disabilities for the approved cost of transportation required for 39267  
children attending special education programs operated by the 39268  
county board under section 3323.09 of the Revised Code. For fiscal 39269  
years ~~2022~~ 2024 and ~~2023~~ 2025, this amount shall be equal to the 39270  
actual costs incurred in the prior fiscal year by the county board 39271

when transporting those students multiplied by ~~twenty-nine~~ 39272  
~~thirty-seven~~ and ~~one-sixth~~ one-half per cent for fiscal year ~~2022~~ 39273  
2024 and ~~thirty-three~~ forty-one and ~~one-third~~ two-thirds per cent 39274  
for fiscal year ~~2023~~ 2025. 39275

(G) An amount to each institution defined under section 39276  
3317.082 of the Revised Code providing elementary or secondary 39277  
education to children other than children receiving special 39278  
education under section 3323.091 of the Revised Code. This amount 39279  
for any institution in any fiscal year shall equal the total of 39280  
all tuition amounts required to be paid to the institution under 39281  
division (A)(1) of section 3317.082 of the Revised Code. 39282

The state board of education or any other board of education 39283  
or governing board may provide for any resident of a district or 39284  
educational service center territory any educational service for 39285  
which funds are made available to the board by the United States 39286  
under the authority of public law, whether such funds come 39287  
directly or indirectly from the United States or any agency or 39288  
department thereof or through the state or any agency, department, 39289  
or political subdivision thereof. 39290

**Sec. 3317.026.** This section shall apply only for fiscal years 39291  
~~2022~~ 2024 and ~~2023~~ 2025. 39292

(A) For each fiscal year, the department of education shall 39293  
calculate an amount for the community and STEM school unit as 39294  
follows: 39295

(1) For each community school and STEM school, determine the 39296  
sum of the following: 39297

(a) The aggregate base cost calculated for the school for 39298  
that fiscal year under section 3317.0110 of the Revised Code; 39299

(b) The sum of the following: 39300

(i) The school's category one special education ADM X the 39301

multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(ii) The school's category two special education ADM X the multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(iii) The school's category three special education ADM X the multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(iv) The school's category four special education ADM X the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(v) The school's category five special education ADM X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(vi) The school's category six special education ADM X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year.

(c) If the school is not an internet- or computer-based community school, an amount of disadvantaged pupil impact aid equal to the following:

$\$422 \times$  the school's economically disadvantaged index X the number of students in the school's enrolled ADM who are economically disadvantaged

(d) If the school is not an internet- or computer-based community school, the sum of the following:

(i) The school's category one English learner ADM X the multiple specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	39333 39334 39335 39336
(ii) The school's category two English learner ADM X the multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	39337 39338 39339 39340
(iii) The school's category three English learner ADM X the multiple specified in division (C) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year.	39341 39342 39343 39344
(e) The sum of the following:	39345
(i) The school's category one career-technical education ADM X the multiple specified under division (A)(1) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year;	39346 39347 39348 39349
(ii) The school's category two career-technical education ADM X the multiple specified under division (A)(2) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year;	39350 39351 39352 39353
(iii) The school's category three career-technical education ADM X the multiple specified under division (A)(3) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year;	39354 39355 39356 39357
(iv) The school's category four career-technical education ADM X the multiple specified under division (A)(4) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year;	39358 39359 39360 39361
(v) The school's category five career-technical education ADM	39362

X the multiple specified under division (A)(5) of section 3317.014 39363  
of the Revised Code X the statewide average career-technical base 39364  
cost per pupil for that fiscal year. 39365

(f) An amount equal to the following: 39366  
The multiple for career-technical associated services specified 39367  
under division (B) of section 3317.014 of the Revised Code X the 39368  
statewide average career-technical base cost per pupil for that 39369  
fiscal year X the sum of the school's categories one through five 39370  
career-technical education ADM 39371

(g) If the school is a community school, an amount equal to 39372  
the following: 39373  
The number of students reported by the community school under 39374  
division (B)(5) of section 3314.08 of the Revised Code X (the 39375  
aggregate base cost calculated for the school for that fiscal year 39376  
under section 3317.0110 of the Revised Code / the school's 39377  
enrolled ADM) X 0.20 39378

(2) For each community and STEM school, determine the lesser 39379  
of the following: 39380

(a) The following sum: 39381  
The school's funding base + {[the sum calculated for the school 39382  
under division (A) of this section) - the school's funding base] X 39383  
the school's general phase-in percentage for that fiscal year} 39384

(b) The sum of the amounts calculated for the school for that 39385  
fiscal year under division (A) of this section. 39386

(3) Compute the sum of the amounts determined under division 39387  
(B) of this section to determine the amount calculated for the 39388  
community and STEM school unit. 39389

(B) Notwithstanding division (D) of section 3317.022 of the 39390  
Revised Code, for each fiscal year, the department shall 39391  
distribute to each community school and each STEM school, from the 39392  
funds paid to the community and STEM school unit under section 39393

3317.022 of the Revised Code, an amount equal to the amount 39394  
determined for that school under division (A)(2) of this section. 39395

**Sec. 3317.0212.** (A) As used in this section: 39396

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "assigned bus" 39397  
means a school bus used to transport qualifying riders. 39398

(2) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "density" means 39399  
the total riders per square mile of a school district. 39400

(3) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "nontraditional 39401  
ridership" means the average number of qualifying riders who are 39402  
enrolled in a community school established under Chapter 3314. of 39403  
the Revised Code, in a STEM school established under Chapter 3326. 39404  
of the Revised Code, or in a nonpublic school and are provided 39405  
school bus service by a school district during the first full week 39406  
of October. 39407

(4) "Qualifying riders" means the following: 39408

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, resident 39409  
students enrolled in preschool and regular education in grades 39410  
kindergarten to twelve who are provided school bus service by a 39411  
school district, including students with dual enrollment in a 39412  
joint vocational school district or a cooperative education school 39413  
district, and students enrolled in a community school, STEM 39414  
school, or nonpublic school; 39415

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 39416  
thereafter, students specified by the general assembly. 39417

(5) "Qualifying ridership" means the following: 39418

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the greater of 39419  
the average number of qualifying riders counted in the morning or 39420  
counted in the afternoon who are provided school bus service by a 39421  
school district during the first full week of October; 39422

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 39423  
thereafter, a ridership determined in a manner specified by the 39424  
general assembly. 39425

(6) "Rider density" means the following: 39426

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the following 39427  
quotient: 39428

A school district's total number of qualifying riders/ the number 39429  
of square miles in the district 39430

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 39431  
thereafter, a number calculated in a manner determined by the 39432  
general assembly. 39433

(7) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "riders" means 39434  
students enrolled in regular and special education in grades 39435  
kindergarten through twelve who are provided school bus service by 39436  
a school district, including students with dual enrollment in a 39437  
joint vocational school district or a cooperative education school 39438  
district, and students enrolled in a community school, STEM 39439  
school, or nonpublic school. 39440

(8) "School bus service" means a school district's 39441  
transportation of qualifying riders in any of the following types 39442  
of vehicles: 39443

(a) School buses owned or leased by the district; 39444

(b) School buses operated by a private contractor hired by 39445  
the district; 39446

(c) School buses operated by another school district or 39447  
entity with which the district has contracted, either as part of a 39448  
consortium for the provision of transportation or otherwise. 39449

(B) Not later than the first day of November, for fiscal 39450  
years ~~2022~~ 2024 and ~~2023~~ 2025, or a date determined by the general 39451  
assembly, for fiscal year ~~2024~~ 2026 and each fiscal year 39452

thereafter, of each year, each city, local, and exempted village 39453  
school district shall report to the department of education its 39454  
qualifying ridership and any other information requested by the 39455  
department. Subsequent adjustments to the reported numbers shall 39456  
be made only in accordance with rules adopted by the department. 39457

(C) The department shall calculate the statewide 39458  
transportation cost per student as follows: 39459

(1) Determine each city, local, and exempted village school 39460  
district's transportation cost per student by dividing the 39461  
district's total costs for school bus service in the previous 39462  
fiscal year by its qualifying ridership in the previous fiscal 39463  
year. 39464

(2) After excluding districts that do not provide school bus 39465  
service and the ten districts with the highest transportation 39466  
costs per student and the ten districts with the lowest 39467  
transportation costs per student, divide the aggregate cost for 39468  
school bus service for the remaining districts in the previous 39469  
fiscal year by the aggregate qualifying ridership of those 39470  
districts in the previous fiscal year. 39471

(D) The department shall calculate the statewide 39472  
transportation cost per mile as follows: 39473

(1) Determine each city, local, and exempted village school 39474  
district's transportation cost per mile by dividing the district's 39475  
total costs for school bus service in the previous fiscal year by 39476  
its total number of miles driven for school bus service in the 39477  
previous fiscal year. 39478

(2) After excluding districts that do not provide school bus 39479  
service and the ten districts with the highest transportation 39480  
costs per mile and the ten districts with the lowest 39481  
transportation costs per mile, divide the aggregate cost for 39482  
school bus service for the remaining districts in the previous 39483

fiscal year by the aggregate miles driven for school bus service 39484  
in those districts in the previous fiscal year. 39485

(E) The department shall calculate each city, local, and 39486  
exempted village school district's transportation base payment as 39487  
follows: 39488

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025: 39489

(a) Calculate the sum of the following: 39490

(i) The product of the statewide transportation cost per 39491  
student and the number of students counted in the district's 39492  
qualifying ridership for the current fiscal year who are enrolled 39493  
in the district; 39494

(ii) 1.5 times the statewide transportation cost per student 39495  
times the number of students counted in the district's qualifying 39496  
ridership for the current fiscal year who are enrolled in 39497  
community schools established under Chapter 3314. of the Revised 39498  
Code or STEM schools established under Chapter 3326. of the 39499  
Revised Code; 39500

(iii) 2.0 times the statewide transportation cost per student 39501  
times the number of students counted in the district's qualifying 39502  
ridership for the current fiscal year who are enrolled in 39503  
nonpublic schools. 39504

(b) Calculate the sum of the following: 39505

(i) The product of the statewide transportation cost per mile 39506  
and the number of miles driven for school bus service as reported 39507  
for qualifying riders for the current fiscal year who are enrolled 39508  
in the district; 39509

(ii) 1.5 times the statewide transportation cost per mile 39510  
times the number of miles driven for school bus service as 39511  
reported for qualifying riders for the current fiscal year who are 39512  
enrolled in community schools or STEM schools; 39513

(iii) 2.0 times the statewide transportation cost per mile 39514  
times the number of miles driven for school bus service as 39515  
reported for qualifying riders for the current fiscal year who are 39516  
enrolled in nonpublic schools. 39517

(c) Multiply the greater of the amounts calculated under 39518  
divisions (E)(1)(a) and (b) of this section by the following: 39519

(i) For fiscal year ~~2022~~ 2024, the greater of ~~twenty-nine~~ 39520  
~~thirty-seven~~ and ~~one-sixth~~ one-half per cent or the district's 39521  
state share percentage, as defined in section 3317.02 of the 39522  
Revised Code; 39523

(ii) For fiscal year ~~2023~~ 2025, the greater of ~~thirty-three~~ 39524  
~~forty-one~~ and ~~one-third~~ two-thirds per cent or the district's 39525  
state share percentage. 39526

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 39527  
thereafter, an amount determined by the general assembly. 39528

(F) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department 39529  
shall pay a district's efficiency adjustment payment in accordance 39530  
with divisions (F)(1) to (3) of this section. For fiscal year ~~2024~~ 39531  
2026 and each fiscal year thereafter, the department shall pay a 39532  
district's efficiency adjustment payment in a manner determined by 39533  
the general assembly, if the general assembly authorizes such a 39534  
payment to districts. 39535

(1) The department annually shall establish a target number 39536  
of qualifying riders per assigned bus for each city, local, and 39537  
exempted village school district. The department shall use the 39538  
most recently available data in establishing the target number. 39539  
The target number shall be based on the statewide median number of 39540  
riders per assigned bus as adjusted to reflect the district's 39541  
density in comparison to the density of all other districts. The 39542  
department shall post on the department's web site each district's 39543  
target number of riders per assigned bus and a description of how 39544

the target number was determined. 39545

(2) The department shall determine each school district's efficiency index by dividing the district's number of riders per assigned bus by its target number of riders per assigned bus. 39546  
39547  
39548

(3) The department shall determine each city, local, and exempted village school district's efficiency adjustment payment as follows: 39549  
39550  
39551

(a) If the district's efficiency index is equal to or greater than 1.5, the efficiency adjustment payment shall be calculated according to the following formula: 39552  
39553  
39554  
0.15 X the district's transportation base payment calculated under 39555  
division (E) of this section 39556

(b) If the district's efficiency index is less than 1.5 but greater than or equal to 1.0, the efficiency adjustment payment shall be calculated according to the following formula: 39557  
39558  
39559  
{[(The district's efficiency index - 1) X 0.15]/0.5} X the 39560  
district's transportation base payment calculated under division 39561  
(E) of this section 39562

(c) If the district's efficiency index is less than 1.0, the efficiency adjustment payment shall be zero. 39563  
39564

(G) In addition to funds paid under divisions (E), (F), and (H) of this section, each city, local, and exempted village district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than school bus service and whose transportation is not funded under division (C) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students. 39565  
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(H)(1) For purposes of division (H) of this section, a school district's "transportation supplement percentage" means the following: 39573  
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39575

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the following quotient: 39576  
39577

(28 - the district's rider density) / 100 39578

If the result of the calculation for a district under 39579  
division (H)(1)(a) of this section is less than zero, the 39580  
district's transportation supplement percentage shall be zero. 39581

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 39582  
thereafter, a percentage calculated in a manner determined by the 39583  
general assembly. 39584

(2) The department shall pay each district a transportation 39585  
supplement calculated according to the following formula: 39586

The district's transportation supplement percentage X the amount 39587  
calculated for the district under division (E)(1)(b) of this 39588  
section X 0.55 39589

(I)(1) If a school district board and a community school 39590  
governing authority elect to enter into an agreement under 39591  
division (A) of section 3314.091 of the Revised Code, the 39592  
department shall make payments to the community school according 39593  
to the terms of the agreement for each student actually 39594  
transported under division (C)(1) of that section. If a community 39595  
school governing authority accepts transportation responsibility 39596  
under division (B) of that section, the department shall make 39597  
payments to the community school for each student actually 39598  
transported or for whom transportation is arranged by the 39599  
community school under division (C)(1) of that section, calculated 39600  
as follows: 39601

(a) For any fiscal year which the general assembly has 39602  
specified that transportation payments to school districts be 39603  
based on an across-the-board percentage of the district's payment 39604  
for the previous school year, the per pupil payment to the 39605  
community school shall be the following quotient: 39606

(i) The total amount calculated for the school district in which the child is entitled to attend school for student transportation other than transportation of children with disabilities; divided by

(ii) The number of students included in the district's transportation ADM for the current fiscal year, as calculated under section 3317.03 of the Revised Code, plus the number of students enrolled in the community school not counted in the district's transportation ADM who are transported under division (B)(1) or (2) of section 3314.091 of the Revised Code.

(b) For any fiscal year which the general assembly has specified that the transportation payments to school districts be calculated in accordance with this section and any rules of the state board of education implementing this section, the payment to the community school shall be the following:

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, either of the following:

(I) If the school district in which the student is entitled to attend school would have used a method of transportation for the student for which payments are computed and paid under division (E) of this section, 1.0 times the statewide transportation cost per student, as calculated in division (C) of this section;

(II) If the school district in which the student is entitled to attend school would have used a method of transportation for the student for which payments are computed and paid in a manner described in division (G) of this section, the amount that would otherwise be computed for and paid to the district.

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

The community school, however, is not required to use the same method to transport the student.

As used in this division, "entitled to attend school" means entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(2) A community school shall be paid under division (I)(2) of this section only for students who are eligible as specified in section 3327.01 of the Revised Code and division (C)(1) of section 3314.091 of the Revised Code, and whose transportation to and from school is actually provided, who actually utilized transportation arranged, or for whom a payment in lieu of transportation is made by the community school's governing authority. To qualify for the payments, the community school shall report to the department, in the form and manner required by the department, data on the number of students transported or whose transportation is arranged, the number of miles traveled, cost to transport, and any other information requested by the department.

**Sec. 3317.0213.** (A) The department of education shall compute and pay in accordance with this section additional state aid for preschool children with disabilities to each city, local, and exempted village school district and to each institution, as defined in section 3323.091 of the Revised Code. Funding shall be provided for children who are not enrolled in kindergarten and who are under age six on the thirtieth day of September of the academic year, or on the first day of August of the academic year if the school district in which the child is enrolled has adopted a resolution under division (A)(3) of section 3321.01 of the Revised Code, but not less than age three on the first day of December of the academic year.

For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the additional state aid shall be calculated under the following formula:

( $\$4,000 \times$  the number of students who are preschool children with disabilities) + the sum of the following: 39669  
39670

(1) The district's or institution's category one special education students who are preschool children with disabilities  $\times$  the multiple specified in division (A) of section 3317.013 of the Revised Code  $\times$  the statewide average base cost per pupil for that fiscal year  $\times$  the district's state share percentage  $\times$  0.50; 39671  
39672  
39673  
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(2) The district's or institution's category two special education students who are preschool children with disabilities  $\times$  the multiple specified in division (B) of section 3317.013 of the Revised Code  $\times$  the statewide average base cost per pupil for that fiscal year  $\times$  the district's state share percentage  $\times$  0.50; 39676  
39677  
39678  
39679  
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(3) The district's or institution's category three special education students who are preschool children with disabilities  $\times$  the multiple specified in division (C) of section 3317.013 of the Revised Code  $\times$  the statewide average base cost per pupil for that fiscal year  $\times$  the district's state share percentage  $\times$  0.50; 39681  
39682  
39683  
39684  
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(4) The district's or institution's category four special education students who are preschool children with disabilities  $\times$  the multiple specified in division (D) of section 3317.013 of the Revised Code  $\times$  the statewide average base cost per pupil for that fiscal year  $\times$  the district's state share percentage  $\times$  0.50; 39686  
39687  
39688  
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39690

(5) The district's or institution's category five special education students who are preschool children with disabilities  $\times$  the multiple specified in division (E) of section 3317.013 of the Revised Code  $\times$  the statewide average base cost per pupil for that fiscal year  $\times$  the district's state share percentage  $\times$  0.50; 39691  
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39693  
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(6) The district's or institution's category six special education students who are preschool children with disabilities  $\times$  the multiple specified in division (F) of section 3317.013 of the Revised Code  $\times$  the statewide average base cost per pupil for that 39696  
39697  
39698  
39699

fiscal year X the district's state share percentage X 0.50. 39700

For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, 39701  
the additional state aid shall be calculated for each category of 39702  
special education students who are preschool children with 39703  
disabilities using a formula specified by the general assembly. 39704

The special education disability categories for preschool 39705  
children used in this section are the same categories prescribed 39706  
in section 3317.013 of the Revised Code. 39707

As used in division (A) of this section, the state share 39708  
percentage of a student enrolled in an institution is the state 39709  
share percentage of the school district in which the student is 39710  
entitled to attend school under section 3313.64 or 3313.65 of the 39711  
Revised Code. 39712

(B) If an educational service center is providing services to 39713  
students who are preschool children with disabilities under 39714  
agreement with the city, local, or exempted village school 39715  
district in which the students are entitled to attend school, that 39716  
district may authorize the department to transfer funds computed 39717  
under this section to the service center providing those services. 39718

(C) If a county DD board is providing services to students 39719  
who are preschool children with disabilities under agreement with 39720  
the city, local, or exempted village school district in which the 39721  
students are entitled to attend school, the department shall 39722  
deduct from the district's payment computed under division (A) of 39723  
this section the total amount of those funds that are attributable 39724  
to the students served by the county DD board and pay that amount 39725  
to that board. 39726

**Sec. 3317.0215.** (A)(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 39727  
2025, the department of education shall withhold from the 39728  
aggregate amount paid for a fiscal year to each city, local, 39729

exempted village, and joint vocational school district, community 39730  
school established under Chapter 3314. of the Revised Code, and 39731  
science, technology, engineering, and mathematics school 39732  
established under Chapter 3326. of the Revised Code an amount 39733  
equal to the following: 39734

(a) In the case of a city, local, or exempted village school 39735  
district, the aggregate amount of special education funding paid 39736  
to the district under division (A)(3) of section 3317.022 of the 39737  
Revised Code times 0.10, subject to any funding limitations 39738  
enacted by the general assembly to the computation. 39739

(b) In the case of a community school or STEM school, the 39740  
aggregate amount of special education funding paid to the school 39741  
under division (A)(1)(b) of section 3317.026 of the Revised Code 39742  
times 0.10, subject to any funding limitations enacted by the 39743  
general assembly to the computation. 39744

(c) In the case of a joint vocational school district, the 39745  
aggregate amount of special education funding paid to the school 39746  
under division (A)(2) of section 3317.16 of the Revised Code times 39747  
0.10, subject to any funding limitations enacted by the general 39748  
assembly to the computation. 39749

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 39750  
thereafter, the department of education shall withhold from the 39751  
aggregate amount paid for a fiscal year to each city, local, 39752  
exempted village, and joint vocational school district, community 39753  
school, and science, technology, engineering, and mathematics 39754  
school an amount determined by the general assembly, if any, for 39755  
purposes of this section. 39756

(B) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department 39757  
shall use the amount of funds withheld under division (A) of this 39758  
section for purposes of division (C)(1) of section 3314.08 of the 39759  
Revised Code, section 3317.0214 of the Revised Code, division (B) 39760

of section 3317.16 of the Revised Code, and section 3326.34 of the Revised Code. 39761  
39762

For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, 39763  
the department shall use the amount of funds withheld under 39764  
division (A) of this section, if any, for purposes determined by 39765  
the general assembly. 39766

**Sec. 3317.0217.** This section shall apply only for fiscal 39767  
years ~~2022~~ 2024 and ~~2023~~ 2025. 39768

Payment of the amount calculated for a school district under 39769  
this section shall be made under division (A) of section 3317.022 39770  
of the Revised Code. 39771

(A) For each fiscal year, the department of education shall 39772  
compute targeted assistance funds for city, local, and exempted 39773  
village school districts, in accordance with the following 39774  
formula: 39775

A district's capacity amount for that fiscal year calculated under 39776  
division (B) of this section + a district's wealth amount for that 39777  
fiscal year calculated under division (C) of this section 39778

(B) The department shall calculate each district's capacity 39779  
amount for a fiscal year as follows: 39780

(1) Calculate each district's weighted wealth for that fiscal 39781  
year, which equals the following sum: 39782

(The amount determined for the district for that fiscal year under 39783  
division (A)(1)(a) of section 3317.017 of the Revised Code X 0.6) 39784

+ (the amount determined for the district for that fiscal year 39785  
under division (A)(2)(a) of section 3317.017 of the Revised Code X 39786  
0.4) 39787

(2) Determine the median weighted wealth of all school 39788  
districts in this state for that fiscal year; 39789

(3) Compute each district's capacity index for that fiscal 39790

year by dividing the median weighted wealth of all school districts in this state for that fiscal year by the district's weighted wealth for that fiscal year; 39791  
39792  
39793

(4) Compute each district's capacity amount for that fiscal year as follows: 39794  
39795

(a) The district's capacity amount shall be zero if the district satisfies either of the following criteria for that fiscal year: 39796  
39797  
39798

(i) The district's capacity index is less than 1. 39799

(ii) The district's enrolled ADM is less than 200. 39800

(b) If the district does not satisfy either of the criteria specified in division (B)(4)(a) of this section for that fiscal year, the district's capacity amount for that fiscal year shall be calculated as follows: 39801  
39802  
39803  
39804

(i) Compute the following amount for the district: 39805  
(The median weighted wealth of all school districts in this state for that fiscal year X 0.008) - (the district's weighted wealth for that fiscal year X 0.008) 39806  
39807  
39808

(ii) If the district's enrolled ADM for that fiscal year is greater than or equal to 200 but less than or equal to 400, the district's capacity amount for that fiscal year shall be equal to 0.05 X the amount computed under division (B)(4)(b)(i) of this section. 39809  
39810  
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39813

(iii) If the district's enrolled ADM for that fiscal year is greater than 400 and less than 600, the district's capacity amount for that fiscal year shall be calculated in accordance with the following formula: 39814  
39815  
39816  
39817

{[0.95 X (the district's enrolled ADM for that fiscal year - 400)/200] + 0.05} X the amount computed under division (B)(4)(b)(i) of this section 39818  
39819  
39820

(iv) If the district's enrolled ADM for that fiscal year is greater than or equal to 600, the district's capacity amount for that fiscal year shall be equal to the amount computed under division (B)(4)(b)(i) of this section.

(C) The department shall calculate each district's wealth amount for a fiscal year as follows:

(1) Calculate each district's weighted wealth per pupil for that fiscal year, which equals the following quotient:

The district's weighted wealth for that fiscal year calculated under division (B)(1) of this section/ (the district's enrolled ADM for that fiscal year - the students described in division (A)(1)(b) of section 3317.03 of the Revised Code + the students described in division (A)(2)(d) of section 3317.03 of the Revised Code)

(2) Determine the median weighted wealth per pupil of all school districts in this state for that fiscal year;

(3) Compute each district's wealth index for that fiscal year by dividing the median weighted wealth per pupil of all school districts in this state for that fiscal year by the district's weighted wealth per pupil for that fiscal year;

(4) Compute each district's wealth amount for that fiscal year, as follows:

(a) If the district's wealth index computed under division (C)(3) of this section for that fiscal year is less than 0.8, the district's wealth amount for that fiscal year shall be zero.

(b) If the district's wealth index computed under division (C)(3) of this section for that fiscal year is greater than or equal to 0.8, the district's wealth amount for that fiscal year shall be calculated in accordance with the following formula:

[(The median weighted wealth per pupil of all school districts in

this state for that fiscal year X 0.014) - (the district's 39851  
weighted wealth per pupil for that fiscal year X 0.0112)] X the 39852  
district's enrolled ADM for that fiscal year 39853

**Sec. 3317.0218.** This section shall apply only for fiscal 39854  
years ~~2022~~ 2024 and ~~2023~~ 2025. 39855

For each fiscal year, the department of education shall 39856  
compute supplemental targeted assistance for each city, local, and 39857  
exempted village school district as follows: 39858

(A) Determine if the district satisfies both of the following 39859  
criteria: 39860

(1) The wealth index calculated for the district for fiscal 39861  
year 2019 under division (A)(4) of former section 3317.0217 of the 39862  
Revised Code as it existed prior to ~~the effective date of this~~ 39863  
~~section~~ September 30, 2021, is greater than 1.6; 39864

(2) The district's enrolled ADM for fiscal year 2019 is less 39865  
than eighty-eight per cent of the district's total ADM for fiscal 39866  
year 2019. 39867

(B) Determine the maximum of the wealth indices calculated 39868  
under division (A)(4) of former section 3317.0217 of the Revised 39869  
Code as it existed prior to ~~the effective date of this section~~ 39870  
September 30, 2021, for all districts that satisfy both of the 39871  
criteria specified under division (A) of this section; 39872

(C) If the district satisfies both of the criteria specified 39873  
under division (A) of this section, compute the district's 39874  
supplemental amount as the product of the following: 39875

(1)  $\{[(\text{The number specified under division (A)(1) of this}$  39876  
 $\text{section} - 1.6) / (\text{the number determined under division (B) of this}$  39877  
 $\text{section} - 1.6)] \times 675\} + 75;$  39878

(2) The district's enrolled ADM. 39879

(D) If the district does not satisfy both of the criteria 39880

specified under division (A) of this section, the district's 39881  
supplemental amount shall be equal to zero. 39882

**Sec. 3317.051.** (A) The department of education shall compute 39883  
and pay to a school district funds based on units for services to 39884  
students identified as gifted under Chapter 3324. of the Revised 39885  
Code as prescribed by this section. 39886

(B) The department shall allocate gifted units for a school 39887  
district as follows: 39888

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025: 39889

(a) One gifted coordinator unit shall be allocated for every 39890  
3,300 students in a district's enrolled ADM, with a minimum of 0.5 39891  
units and a maximum of 8 units allocated for the district. 39892

(b) One kindergarten through eighth grade gifted intervention 39893  
specialist unit shall be allocated for every 140 gifted students 39894  
enrolled in grades kindergarten through eight in the district, as 39895  
certified under division (B)(22) of section 3317.03 of the Revised 39896  
Code, with a minimum of 0.3 units allocated for the district. 39897

(c) One ninth through twelfth grade gifted intervention 39898  
specialist unit shall be allocated for every 140 gifted students 39899  
enrolled in grades nine through twelve in the district, as 39900  
certified under division (B)(22) of section 3317.03 of the Revised 39901  
Code, with a minimum of 0.3 units allocated for the district. 39902

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 39903  
thereafter, in the manner prescribed by the general assembly. 39904

(C) The department shall pay an amount to a school district 39905  
for gifted units as follows: 39906

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount equal 39907  
to the following sum: 39908

(\$85,776 X the number of units allocated to a school district 39909

under division (B)(1)(a) of this section X the district's state share percentage) + (\$89,378 X the number of units allocated to a school district under division (B)(1)(b) of this section X the district's state share percentage) + (\$80,974 X the number of units allocated to a school district under division (B)(1)(c) of this section X the district's state share percentage) 39910  
39911  
39912  
39913  
39914  
39915

(2) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 39916  
39917  
39918

(D) A school district may assign gifted unit funding that it receives under division (C) of this section to another school district, an educational service center, a community school, or a STEM school as part of an arrangement to provide services to the district. 39919  
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39921  
39922  
39923

**Sec. 3317.11.** (A) As used in this section: 39924

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "base amount" is equal to \$356,250. 39925  
39926

(2) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "funding base" means an amount calculated by the department of education that is equal to the amount an educational service center would have received under Section 265.360 of H.B. 166 of the 133rd general assembly for fiscal year 2020 using the student counts of the school districts with which the service center has service agreements for the fiscal year for which payments under this section are being made. 39927  
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(3) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "general phase-in percentage" for an educational service center means the "general phase-in percentage" for school districts as defined in section 3317.02 of the Revised Code. 39935  
39936  
39937  
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(4) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "student count" 39939

means the count calculated under division (G)(1) of section 3313.843 of the Revised Code. 39940  
39941

(B)(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department of education shall pay the governing board of each educational service center an amount equal to the following: 39942  
39943  
39944

The educational service center's funding base + [(the amount calculated for the educational service center for that fiscal year under division (C) of this section - the educational service center's funding base) X the educational service center's general phase-in percentage for that fiscal year] 39945  
39946  
39947  
39948  
39949

(2) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, the department shall pay the governing board of each educational service center an amount calculated in a manner determined by the general assembly. 39950  
39951  
39952  
39953

(C) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department shall calculate an amount for each educational service center as follows: 39954  
39955  
39956

(1) If the educational service center has a student count of 5,000 students or less, the base amount. 39957  
39958

(2) If the educational service center has a student count greater than 5,000 students but less than or equal to 35,000 students, the following sum: 39959  
39960  
39961

The base amount + [(the educational service center's student count - 5,000) X \$24.72] 39962  
39963

(3) If the educational service center has a student count greater than 35,000 students, the following sum: 39964  
39965

The base amount + (30,000 X \$24.72) + [(the educational service center's student count - 35,000) X \$30.90] 39966  
39967

**Sec. 3317.13.** (A) As used in this section and section 3317.14 of the Revised Code: 39968  
39969

(1) "Years of service" includes the following:	39970
(a) All years of teaching service in the same school district or educational service center, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract;	39971 39972 39973 39974
(b) All years of teaching service in a chartered, nonpublic school located in Ohio as a teacher licensed pursuant to section 3319.22 of the Revised Code or in another public school, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract;	39975 39976 39977 39978 39979
(c) All years of teaching service in a chartered school or institution or a school or institution that subsequently became chartered or a chartered special education program or a special education program that subsequently became chartered operated by the state or by a subdivision or other local governmental unit of this state as a teacher licensed pursuant to section 3319.22 of the Revised Code, regardless of training level, with each year consisting of at least one hundred twenty days; and	39980 39981 39982 39983 39984 39985 39986 39987
(d) All years of active military service in the armed forces of the United States, as defined in section 3307.75 of the Revised Code, to a maximum of five years. For purposes of this calculation, a partial year of active military service of eight continuous months or more in the armed forces shall be counted as a full year.	39988 39989 39990 39991 39992 39993
(2) "Teacher" means all teachers employed by the board of education of any school district, including any cooperative education or joint vocational school district and all teachers employed by any educational service center governing board.	39994 39995 39996 39997
(B) No teacher shall be paid a salary less than that provided in the schedule set forth in division (C) of this section. In calculating the minimum salary any teacher shall be paid pursuant	39998 39999 40000

to this section, years of service shall include the sum of all 40001  
years of the teacher's teaching service included in divisions 40002  
(A)(1)(a), (b), (c), and (d) of this section; except that any 40003  
school district or educational service center employing a teacher 40004  
new to the district or educational service center shall grant such 40005  
teacher a total of not more than ten years of service pursuant to 40006  
divisions (A)(1)(b), (c), and (d) of this section. 40007

Upon written complaint to the superintendent of public 40008  
instruction that the board of education of a district or the 40009  
governing board of an educational service center governing board 40010  
has failed or refused to annually adopt a salary schedule or to 40011  
pay salaries in accordance with the salary schedule set forth in 40012  
division (C) of this section, the superintendent of public 40013  
instruction shall cause to be made an immediate investigation of 40014  
such complaint. If the superintendent finds that the conditions 40015  
complained of exist, the superintendent shall order the board to 40016  
correct such conditions within ten days from the date of the 40017  
finding. No moneys shall be distributed to the district or 40018  
educational service center under this chapter until the 40019  
superintendent has satisfactory evidence of the board of 40020  
education's full compliance with such order. 40021

Each teacher shall be fully credited with placement in the 40022  
appropriate academic training level column in the district's or 40023  
educational service center's salary schedule with years of service 40024  
properly credited pursuant to this section or section 3317.14 of 40025  
the Revised Code. No rule shall be adopted or exercised by any 40026  
board of education or educational service center governing board 40027  
which restricts the placement or the crediting of annual salary 40028  
increments for any teacher according to the appropriate academic 40029  
training level column. 40030

(C) Minimum salaries exclusive of retirement and sick leave 40031  
for teachers shall be as follows: 40032

	Teachers		Teachers with		Teachers				
Years of Service	with Less than Bachelor's Degree	Teachers with a Bachelor's Degree	Five Years of Training, but no Master's Degree	Teachers with a Master's Degree or Higher					
	Per Dollar Cent*	Per Dollar Cent*	Per Dollar Cent*	Per Dollar Cent*	Per Dollar Cent*	Per Dollar Cent*			
0	86.5	\$ 25,950	100.0	\$ 30,000	103.8	\$ 31,140	109.5	\$ 32,850	40033
		<u>34,600</u>		<u>40,000</u>		<u>41,520</u>		<u>43,800</u>	40034
1	90.0	<del>27,000</del>	103.8	<del>31,140</del>	108.1	<del>32,430</del>	114.3	<del>34,290</del>	40035
		<u>36,000</u>		<u>41,520</u>		<u>43,240</u>		<u>45,720</u>	40036
2	93.5	<del>28,050</del>	107.6	<del>32,280</del>	112.4	<del>33,720</del>	119.1	<del>35,730</del>	40037
		<u>37,400</u>		<u>43,040</u>		<u>44,960</u>		<u>47,640</u>	40038
3	97.0	<del>29,100</del>	111.4	<del>33,420</del>	116.7	<del>35,010</del>	123.9	<del>37,170</del>	40039
		<u>38,800</u>		<u>44,560</u>		<u>46,680</u>		<u>49,560</u>	40040
4	100.5	<del>30,150</del>	115.2	<del>34,560</del>	121.0	<del>36,300</del>	128.7	<del>38,610</del>	40041
		<u>40,200</u>		<u>46,080</u>		<u>48,400</u>		<u>51,480</u>	40042
5	104.0	<del>31,200</del>	119.0	<del>35,700</del>	125.3	<del>37,590</del>	133.5	<del>40,050</del>	40043
		<u>41,600</u>		<u>47,600</u>		<u>50,120</u>		<u>53,400</u>	40044
6	104.0	<del>31,200</del>	122.8	<del>36,840</del>	129.6	<del>38,880</del>	138.3	<del>41,490</del>	40045
		<u>41,600</u>		<u>49,120</u>		<u>51,840</u>		<u>55,320</u>	40046
7	104.0	<del>31,200</del>	126.6	<del>37,980</del>	133.9	<del>40,170</del>	143.1	<del>42,930</del>	40047
		<u>41,600</u>		<u>50,640</u>		<u>53,560</u>		<u>57,240</u>	40048
8	104.0	<del>31,200</del>	130.4	<del>39,120</del>	138.2	<del>41,460</del>	147.9	<del>44,370</del>	40049
		<u>41,600</u>		<u>52,160</u>		<u>55,280</u>		<u>59,160</u>	40050
9	104.0	<del>31,200</del>	134.2	<del>40,260</del>	142.5	<del>42,750</del>	152.7	<del>45,810</del>	40051
		<u>41,600</u>		<u>53,680</u>		<u>57,000</u>		<u>61,080</u>	40052
10	104.0	<del>31,200</del>	138.0	<del>41,400</del>	146.8	<del>44,040</del>	157.5	<del>47,250</del>	40053
		<u>41,600</u>		<u>55,200</u>		<u>58,720</u>		<u>63,000</u>	40054
11	104.0	<del>31,200</del>	141.8	<del>42,540</del>	151.1	<del>45,330</del>	162.3	<del>48,690</del>	40055
		<u>41,600</u>		<u>56,720</u>		<u>60,440</u>		<u>64,920</u>	40056

\* Percentages represent the percentage which each salary is 40052

of the base amount. 40053

For purposes of determining the minimum salary at any level 40054  
of training and service, the base of one hundred per cent shall be 40055  
the base amount. The percentages used in this section show the 40056  
relationships between the minimum salaries required by this 40057  
section and the base amount and shall not be construed as 40058  
requiring any school district or educational service center to 40059  
adopt a schedule containing salaries in excess of the amounts set 40060  
forth in this section for corresponding levels of training and 40061  
experience. 40062

As used in this division: 40063

(1) "Base amount" means ~~thirty~~ forty thousand dollars. 40064

(2) "Five years of training" means at least one hundred fifty 40065  
semester hours, or the equivalent, and a bachelor's degree from a 40066  
recognized college or university. 40067

(D) For purposes of this section, all credited training shall 40068  
be from a recognized college or university. 40069

**Sec. 3317.16.** The department of education shall compute and 40070  
distribute state core foundation funding to each funding unit that 40071  
is a joint vocational school district for the fiscal year as 40072  
follows: 40073

For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025: 40074

The district's funding base + [(the district's state core 40075  
foundation funding components for that fiscal year calculated 40076  
under divisions (A)(1), (2), (4), (5), and (6) of this section - 40077  
the district's general funding base) X the district's general 40078  
phase-in percentage for that fiscal year] + [(the district's 40079  
disadvantaged pupil impact aid for that fiscal year calculated 40080  
under division (A)(3) of this section - the district's 40081  
disadvantaged pupil impact aid funding base) X the district's 40082

phase-in percentage for disadvantaged pupil impact aid for that 40083  
fiscal year] 40084

For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, 40085  
the sum of the district's state core foundation funding components 40086  
for that fiscal year calculated under divisions (A)(1), (2), (3), 40087  
(4), (5), and (6) of this section. 40088

(A) A district's state core foundation funding components 40089  
shall be all of the following: 40090

(1) The district's state share of the base cost, which is 40091  
equal to the following: 40092

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount 40093  
calculated according to the following formula: 40094

(The district's base cost calculated under section 3317.012 of the 40095  
Revised Code) - (0.0005 X the lesser of the district's three-year 40096  
average valuation or the district's most recent valuation) 40097

However, no district shall receive an amount under division 40098  
(A)(1) of this section that is less than 0.05 times the base cost 40099  
calculated for the district under section 3317.012 of the Revised 40100  
Code. 40101

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 40102  
thereafter, an amount calculated in a manner determined by the 40103  
general assembly. 40104

(2) Additional state aid for special education and related 40105  
services provided under Chapter 3323. of the Revised Code 40106  
calculated as follows: 40107

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the 40108  
following: 40109

(i) The district's category one special education ADM X the 40110  
multiple specified in division (A) of section 3317.013 of the 40111  
Revised Code X the statewide average base cost per pupil for that 40112

fiscal year X the district's state share percentage;	40113
(ii) The district's category two special education ADM X the multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;	40114 40115 40116 40117
(iii) The district's category three special education ADM X the multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;	40118 40119 40120 40121
(iv) The district's category four special education ADM X the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;	40122 40123 40124 40125
(v) The district's category five special education ADM X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;	40126 40127 40128 40129
(vi) The district's category six special education ADM X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage.	40130 40131 40132 40133
(b) For fiscal year <del>2024</del> <u>2026</u> and each fiscal year thereafter, the sum of the following:	40134 40135
(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one special education ADM;	40136 40137 40138
(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two special education ADM;	40139 40140 40141
(iii) An amount calculated in a manner determined by the	40142

general assembly times the funding unit's category three special education ADM;	40143 40144
(iv) An amount calculated in a manner determined by the general assembly times the funding unit's category four special education ADM;	40145 40146 40147
(v) An amount calculated in a manner determined by the general assembly times the funding unit's category five special education ADM;	40148 40149 40150
(vi) An amount calculated in a manner determined by the general assembly times the funding unit's category six special education ADM.	40151 40152 40153
(3) Disadvantaged pupil impact aid calculated as follows:	40154
(a) For fiscal years <del>2022</del> <u>2024</u> and <del>2023</del> <u>2025</u> , an amount calculated according to the following formula:	40155 40156
\$422 X the district's economically disadvantaged index X the number of students who are economically disadvantaged as certified under division (D)(2)(p) of section 3317.03 of the Revised Code	40157 40158 40159
(b) For fiscal year <del>2024</del> <u>2026</u> and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	40160 40161 40162
(4) English learner funds calculated as follows:	40163
(a) For fiscal years <del>2022</del> <u>2024</u> and <del>2023</del> <u>2025</u> , the sum of the following:	40164 40165
(i) The district's category one English learner ADM X the multiple specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;	40166 40167 40168 40169
(ii) The district's category two English learner ADM X the multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that	40170 40171 40172

fiscal year X the district's state share percentage; 40173

(iii) The district's category three English learner ADM X the 40174  
multiple specified in division (C) of section 3317.016 of the 40175  
Revised Code X the statewide average base cost per pupil for that 40176  
fiscal year X the district's state share percentage. 40177

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 40178  
thereafter, the sum of the following: 40179

(i) An amount calculated in a manner determined by the 40180  
general assembly times the funding unit's category one English 40181  
learner ADM; 40182

(ii) An amount calculated in a manner determined by the 40183  
general assembly times the funding unit's category two English 40184  
learner ADM; 40185

(iii) An amount calculated in a manner determined by the 40186  
general assembly times the funding unit's category three English 40187  
learner ADM. 40188

(5) Career-technical education funds calculated under 40189  
division (C) of section 3317.014 of the Revised Code. 40190

(6) Career-technical education associated services funds 40191  
calculated under division (D) of section 3317.014 of the Revised 40192  
Code. 40193

(B)(1) If a joint vocational school district's costs for a 40194  
fiscal year for a student in its categories two through six 40195  
special education ADM exceed the threshold catastrophic cost for 40196  
serving the student, as specified in division (B) of section 40197  
3317.0214 of the Revised Code, the district may submit to the 40198  
superintendent of public instruction documentation, as prescribed 40199  
by the superintendent, of all of its costs for that student. Upon 40200  
submission of documentation for a student of the type and in the 40201  
manner prescribed, the department shall pay to the district an 40202

amount equal to the sum of the following: 40203

(a) One-half of the district's costs for the student in 40204  
excess of the threshold catastrophic cost; 40205

(b) The product of one-half of the district's costs for the 40206  
student in excess of the threshold catastrophic cost multiplied by 40207  
the district's state share percentage. 40208

(2) The district shall report under division (B)(1) of this 40209  
section, and the department shall pay for, only the costs of 40210  
educational expenses and the related services provided to the 40211  
student in accordance with the student's individualized education 40212  
program. Any legal fees, court costs, or other costs associated 40213  
with any cause of action relating to the student may not be 40214  
included in the amount. 40215

(C)(1) For each student with a disability receiving special 40216  
education and related services under an individualized education 40217  
program, as defined in section 3323.01 of the Revised Code, at a 40218  
joint vocational school district, the resident district or, if the 40219  
student is enrolled in a community school, the community school 40220  
shall be responsible for the amount of any costs of providing 40221  
those special education and related services to that student that 40222  
exceed the sum of the amount calculated for those services 40223  
attributable to that student under division (A) of this section. 40224

Those excess costs shall be calculated using a formula 40225  
approved by the department. 40226

(2) The board of education of the joint vocational school 40227  
district may report the excess costs calculated under division 40228  
(C)(1) of this section to the department of education. 40229

(3) If the board of education of the joint vocational school 40230  
district reports excess costs under division (C)(2) of this 40231  
section, the department shall pay the amount of excess cost 40232  
calculated under division (C)(2) of this section to the joint 40233

vocational school district and shall deduct that amount as 40234  
provided in division (C)(3)(a) or (b) of this section, as 40235  
applicable: 40236

(a) If the student is not enrolled in a community school, the 40237  
department shall deduct the amount from the account of the 40238  
student's resident district pursuant to division (J) of section 40239  
3317.023 of the Revised Code. 40240

(b) If the student is enrolled in a community school, the 40241  
department shall deduct the amount from the account of the 40242  
community school pursuant to section 3314.083 of the Revised Code. 40243

(D) A joint vocational school district shall spend the funds 40244  
it receives under division (A)(3) of this section in accordance 40245  
with section 3317.25 of the Revised Code. 40246

(E) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a school 40247  
district shall spend the funds it receives under division (A)(4) 40248  
of this section only for services for English learners. 40249

(F) As used in this section: 40250

(1) "Community school" means a community school established 40251  
under Chapter 3314. of the Revised Code. 40252

(2) "Resident district" means the city, local, or exempted 40253  
village school district in which a student is entitled to attend 40254  
school under section 3313.64 or 3313.65 of the Revised Code. 40255

**Sec. 3317.162.** (A) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, 40256  
the department of education shall pay temporary transitional aid 40257  
to each joint vocational school district according to the 40258  
following formula: 40259

(The district's funding base, as that term is defined in 40260  
section 3317.02 of the Revised Code) - (the district's payment 40261  
under section 3317.16 of the Revised Code for the fiscal year for 40262  
which the payment is computed) 40263

If the computation made under division (A) of this section 40264  
results in a negative number, the district's funding under 40265  
division (A) of this section shall be zero. 40266

(B) If a joint vocational school district begins receiving 40267  
payments under section 3317.16 of the Revised Code for fiscal year 40268  
~~2022~~ 2024 or fiscal year ~~2023~~ 2025 but does not receive payments 40269  
for the fiscal year immediately preceding that fiscal year, the 40270  
department shall establish the district's funding base, as that 40271  
term is defined in section 3317.02 of the Revised Code, as an 40272  
amount equal to the absolute value of the sum of the associated 40273  
adjustments of any local school district's funding base under 40274  
division (C) of section 3317.019 of the Revised Code. 40275

**Sec. 3317.20.** This section does not apply to preschool 40276  
children with disabilities. 40277

(A) As used in this section: 40278

(1) "Applicable special education amount" means the amount 40279  
specified in section 3317.013 of the Revised Code for a disability 40280  
described in that section. 40281

(2) "Child's school district" means the school district in 40282  
which a child is entitled to attend school pursuant to section 40283  
3313.64 or 3313.65 of the Revised Code. 40284

(3) "State share percentage" means the state share percentage 40285  
of the child's school district. 40286

(B) The department shall annually pay each county board of 40287  
developmental disabilities for each child with a disability, other 40288  
than a preschool child with a disability, for whom the county 40289  
board provides special education and related services an amount 40290  
equal to the following: 40291

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the statewide 40292  
average base cost per pupil + (state share percentage X the 40293

applicable special education multiple X the statewide average base 40294  
cost per pupil); 40295

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 40296  
thereafter, an amount determined by the general assembly. 40297

(C) Each county board of developmental disabilities shall 40298  
report to the department, in the manner specified by the 40299  
department, the name of each child for whom the county board of 40300  
developmental disabilities provides special education and related 40301  
services and the child's school district. 40302

(D)(1) For the purpose of verifying the accuracy of the 40303  
payments under this section, the department may request from 40304  
either of the following entities the data verification code 40305  
assigned under division (D)(2) of section 3301.0714 of the Revised 40306  
Code to any child who is placed with a county board of 40307  
developmental disabilities: 40308

(a) The child's school district; 40309

(b) The independent contractor engaged to create and maintain 40310  
data verification codes. 40311

(2) Upon a request by the department under division (D)(1) of 40312  
this section for the data verification code of a child, the 40313  
child's school district shall submit that code to the department 40314  
in the manner specified by the department. If the child has not 40315  
been assigned a code, the district shall assign a code to that 40316  
child and submit the code to the department by a date specified by 40317  
the department. If the district does not assign a code to the 40318  
child by the specified date, the department shall assign a code to 40319  
the child. 40320

The department annually shall submit to each school district 40321  
the name and data verification code of each child residing in the 40322  
district for whom the department has assigned a code under this 40323  
division. 40324

(3) The department shall not release any data verification code that it receives under division (D) of this section to any person except as provided by law. 40325  
40326  
40327

(E) Any document relative to special education and related services provided by a county board of developmental disabilities that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code. 40328  
40329  
40330  
40331  
40332  
40333

**Sec. 3317.201.** This section does not apply to preschool children with disabilities. 40334  
40335

(A) As used in this section, the "total special education amount" for an institution means the following: 40336  
40337

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the following amounts: 40338  
40339

(a) The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (A) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division multiplied by the statewide average base cost per pupil; 40340  
40341  
40342  
40343  
40344  
40345

(b) The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (B) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division multiplied by the statewide average base cost per pupil; 40346  
40347  
40348  
40349  
40350  
40351

(c) The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (C) of 40352  
40353  
40354

section 3317.013 of the Revised Code multiplied by the multiple 40355  
specified in that division multiplied by the statewide average 40356  
base cost per pupil; 40357

(d) The number of children certified by the institution under 40358  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 40359  
receiving services for a disability described in division (D) of 40360  
section 3317.013 of the Revised Code multiplied by the multiple 40361  
specified in that division multiplied by the statewide average 40362  
base cost per pupil; 40363

(e) The number of children certified by the institution under 40364  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 40365  
receiving services for a disability described in division (E) of 40366  
section 3317.013 of the Revised Code multiplied by the multiple 40367  
specified in that division multiplied by the statewide average 40368  
base cost per pupil; 40369

(f) The number of children certified by the institution under 40370  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 40371  
receiving services for a disability described in division (F) of 40372  
section 3317.013 of the Revised Code multiplied by the multiple 40373  
specified in that division multiplied by the statewide average 40374  
base cost per pupil. 40375

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 40376  
thereafter, the sum of the following amounts: 40377

(a) An amount calculated in a manner determined by the 40378  
general assembly times the number of children certified by the 40379  
institution under division (G)(1)(a)(i) of section 3317.03 of the 40380  
Revised Code as receiving services for a disability described in 40381  
division (A) of section 3317.013 of the Revised Code; 40382

(b) An amount calculated in a manner determined by the 40383  
general assembly times the number of children certified by the 40384  
institution under division (G)(1)(a)(i) of section 3317.03 of the 40385

Revised Code as receiving services for a disability described in 40386  
division (B) of section 3317.013 of the Revised Code; 40387

(c) An amount calculated in a manner determined by the 40388  
general assembly times the number of children certified by the 40389  
institution under division (G)(1)(a)(i) of section 3317.03 of the 40390  
Revised Code as receiving services for a disability described in 40391  
division (C) of section 3317.013 of the Revised Code; 40392

(d) An amount calculated in a manner determined by the 40393  
general assembly times the number of children certified by the 40394  
institution under division (G)(1)(a)(i) of section 3317.03 of the 40395  
Revised Code as receiving services for a disability described in 40396  
division (D) of section 3317.013 of the Revised Code; 40397

(e) An amount calculated in a manner determined by the 40398  
general assembly times the number of children certified by the 40399  
institution under division (G)(1)(a)(i) of section 3317.03 of the 40400  
Revised Code as receiving services for a disability described in 40401  
division (E) of section 3317.013 of the Revised Code; 40402

(f) An amount calculated in a manner determined by the 40403  
general assembly times the number of children certified by the 40404  
institution under division (G)(1)(a)(i) of section 3317.03 of the 40405  
Revised Code as receiving services for a disability described in 40406  
division (F) of section 3317.013 of the Revised Code. 40407

(B) For each fiscal year, the department of education shall 40408  
pay each state institution required to provide special education 40409  
services under division (A) of section 3323.091 of the Revised 40410  
Code an amount equal to the institution's total special education 40411  
amount. 40412

**Sec. 3317.25.** (A) As used in this section, "disadvantaged 40413  
pupil impact aid" means the following: 40414

(1) For a city, local, or exempted village school district, 40415

the funds received under division (A)(4)(a) of section 3317.022 of the Revised Code; 40416  
40417

(2) For a joint vocational school district, the funds received under division (A)(3) of section 3317.16 of the Revised Code; 40418  
40419  
40420

(3) For a community school established under Chapter 3314. of the Revised Code, the funds received under division (A)(4)(b) of section 3317.022 of the Revised Code; 40421  
40422  
40423

(4) For a STEM school established under Chapter 3326. of the Revised Code, the funds received under division (A)(4)(b) of section 3317.022 of the Revised Code. 40424  
40425  
40426

(B)(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a city, local, exempted village, or joint vocational school district, community school, or STEM school shall spend the disadvantaged pupil impact aid it receives for any of the following initiatives or a combination of any of the following initiatives: 40427  
40428  
40429  
40430  
40431

(a) Extended school day and school year; 40432

(b) Reading improvement and intervention that is aligned with the science of reading and evidence-based strategies for effective literacy instruction; 40433  
40434  
40435

(c) Instructional technology or blended learning; 40436

(d) Professional development in the science of reading and evidence-based strategies for effective literacy instruction for teachers of students in kindergarten through third grade; 40437  
40438  
40439

(e) Dropout prevention; 40440

(f) School safety and security measures; 40441

(g) Community learning centers that address barriers to learning; 40442  
40443

(h) Academic interventions for students in any of grades six 40444

through twelve; 40445

(i) Employment of an individual who has successfully 40446  
completed the bright new leaders for Ohio schools program as a 40447  
principal or an assistant principal under section 3319.272 of the 40448  
Revised Code; 40449

(j) Mental health services, including telehealth services, community-based behavioral health services, and recovery supports; 40450  
40451

(k) Culturally appropriate, evidence-based or 40452  
evidence-informed prevention education services, including 40453  
youth-led programming and ~~social and emotional learning~~ curricula 40454  
to promote mental health and prevent substance use and suicide, and trauma-informed services; 40455  
40456

(l) Services for homeless youth; 40457

(m) Services for child welfare involved youth; 40458

(n) Community liaisons or programs that connect students to 40459  
community resources, including behavioral wellness coordinators 40460  
and city connects, communities in schools, and other similar 40461  
programs; 40462

(o) Physical health care services, including telehealth 40463  
services and community-based health services; 40464

(p) Family engagement and support services; 40465

(q) Student services provided prior to or after the regularly 40466  
scheduled school day or any time school is not in session, 40467  
including mentoring programs. 40468

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 40469  
thereafter, each city, local, exempted village, and joint 40470  
vocational school district, community school, and STEM school 40471  
shall spend the disadvantaged pupil impact aid it receives for one 40472  
or more initiatives specified by the general assembly. 40473

(C)(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, each city, 40474

local, exempted village, and joint vocational school district, 40475  
community school, and STEM school that is subject to the 40476  
requirements of this section shall develop a plan for utilizing 40477  
the disadvantaged pupil impact aid it receives in coordination 40478  
with at least one of the following community partners: 40479

(a) A board of alcohol, drug addiction, and mental health 40480  
services established under Chapter 340. of the Revised Code; 40481

(b) An educational service center; 40482

(c) A county board of developmental disabilities; 40483

(d) A community-based mental health treatment provider; 40484

(e) A board of health of a city or general health district; 40485

(f) A county department of job and family services; 40486

(g) A nonprofit organization with experience serving 40487  
children; 40488

(h) A public hospital agency. 40489

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 40490  
thereafter, each city, local, exempted village, and joint 40491  
vocational school district, community school, and STEM school that 40492  
is subject to the requirements of this section shall develop a 40493  
plan for utilizing the disadvantaged pupil impact aid it receives 40494  
in the manner specified by the general assembly, if the general 40495  
assembly requires city, local, exempted village, and joint 40496  
vocational school districts, community schools, and STEM schools 40497  
to develop such a plan. 40498

(D) After the end of each fiscal year, each city, local, 40499  
exempted village, or joint vocational school district, community 40500  
school, and STEM school shall submit a report to the department of 40501  
education describing the initiative or initiatives on which the 40502  
district's or school's disadvantaged pupil impact aid were spent 40503  
during that fiscal year. For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, 40504

this report shall be submitted in a manner prescribed by the 40505  
department and shall also describe the amount of money that was 40506  
spent on each initiative. 40507

(E) Starting in 2015, the department shall submit a report of 40508  
the information it receives under division (C) of this section to 40509  
the general assembly not later than the first day of December of 40510  
each odd-numbered year in accordance with section 101.68 of the 40511  
Revised Code. 40512

Sec. 3317.26. (A) As used in this section, "student wellness 40513  
and success funds" means the following: 40514

(1) For a city, local, or exempted village school district, 40515  
the funds received under division (E)(3) of section 3317.011 of 40516  
the Revised Code, subject to the state share and any phase-in 40517  
established by the general assembly; 40518

(2) For a joint vocational school district, the funds 40519  
received under division (E)(3) of section 3317.012 of the Revised 40520  
Code, subject to the state share and any phase-in established by 40521  
the general assembly; 40522

(3) For a community school established under Chapter 3314. of 40523  
the Revised Code, the funds received under division (E) of section 40524  
3317.0110 of the Revised Code for student wellness and success 40525  
funds, as determined by the department, subject to any phase-in 40526  
established by the general assembly; 40527

(4) For a STEM school established under Chapter 3326. of the 40528  
Revised Code, the funds received under division (E) of section 40529  
3317.0110 of the Revised Code for student wellness and success 40530  
funds, as determined by the department, subject to any phase-in 40531  
established by the general assembly. 40532

(B) For each fiscal year, the department of education shall 40533  
notify each city, local, exempted village, and joint vocational 40534

school district, community school, and STEM school, of the portion 40535  
of the district or school's state share of the base cost 40536  
calculated under section 3317.022 or 3317.16 of the Revised Code, 40537  
that is attributable to the staffing cost for the student wellness 40538  
and success component of the base cost, as determined by the 40539  
department. 40540

(C) In each fiscal year, a city, local, exempted village or 40541  
joint vocational school district, community school, or STEM school 40542  
shall spend the student wellness and success funds it receives for 40543  
any of the initiatives, or a combination of any of the 40544  
initiatives, described in divisions (B)(1)(j) to (g) of section 40545  
3317.25 of the Revised Code. 40546

(D) Not less than fifty per cent of the amount determined 40547  
under division (B) of this section shall be spent on initiatives 40548  
described under division (B)(1)(j) or (o) of section 3317.25 of 40549  
the Revised Code, or a combination of both. 40550

(E) Each city, local, exempted village, joint vocational 40551  
school district, community school, and STEM school that is subject 40552  
to the requirements of this section shall develop a plan to 40553  
utilize the student wellness and success funds it receives in 40554  
coordination with a community mental health prevention or 40555  
treatment provider or local board of alcohol, drug addiction, and 40556  
mental health services established under Chapter 340. of the 40557  
Revised Code and one of the community partners identified under 40558  
division (C) of section 3317.25 of the Revised Code. 40559

(F) Within thirty days of the creation or amendment of the 40560  
plan required under division (E) of this section, each city, 40561  
local, exempted village, or joint vocational school district, 40562  
community school, and STEM school shall share the plan at a public 40563  
meeting of the board of education or governing authority and post 40564  
the plan on the district or school's web site. 40565

(G)(1) All student wellness and success funds allocated in any of fiscal years 2020 to 2023 shall be expended prior to June 30, 2025. Any unexpended funds shall be repaid to the department.

(2) Beginning in fiscal year 2024, all student wellness and success funds shall be spent by the end of the following fiscal year. Any unexpended funds shall be repaid to the department.

(H)(1) If the department determines that a city, local, exempted village, joint vocational school district, community school, or STEM school has not spent funds in accordance with divisions (C) and (D) of this section, the department may require a corrective action plan.

(2) If a city, local, exempted village, joint vocational school district, community school, or STEM school is determined to be out of compliance with the corrective action plan described under division (H)(1) of this section, the department may withhold student wellness and success from that district or school.

(I) At the end of each fiscal year, each district and school shall submit a report to the department, in a manner determined by the department, describing the initiative or initiatives on which the district or school's funds were spent under this section during that fiscal year.

**Sec. 3318.024.** In the first year of a capital biennium, any funds appropriated to the Ohio facilities construction commission for classroom facilities projects under this chapter in the previous capital biennium that were not spent or encumbered, or for which an encumbrance has been canceled under section 3318.05 of the Revised Code, shall be used by the commission only for projects under sections 3318.01 to 3318.20 of the Revised Code, subject to appropriation by the general assembly.

In the second year of a capital biennium, any funds

appropriated to the Ohio facilities construction commission for 40596  
classroom facilities projects under this chapter that were not 40597  
spent or encumbered in the first year of the biennium and which 40598  
are in excess of an amount equal to half of the appropriations for 40599  
the capital biennium, or for which an encumbrance has been 40600  
canceled under section 3318.05 of the Revised Code, shall be used 40601  
by the commission only for projects under sections 3318.01 to 40602  
3318.20, 3318.33, 3318.351, 3318.364, 3318.37, 3318.371, 3318.38, 40603  
and 3318.40 to 3318.46 of the Revised Code, subject to 40604  
appropriation by the general assembly. 40605

**Sec. 3318.032.** (A) Except as otherwise provided in divisions 40606  
(C) and (D) of this section, the portion of the basic project cost 40607  
supplied by the school district shall be the greater of: 40608

(1) The required percentage of the basic project costs; 40609

(2)(a) For all districts except a district that opts to 40610  
divide its entire classroom facilities needs into segments to be 40611  
completed separately as authorized by section 3318.034 of the 40612  
Revised Code, an amount necessary to raise the school district's 40613  
net bonded indebtedness, as of the date the controlling board 40614  
approved the project, to within five thousand dollars of the 40615  
required level of indebtedness; 40616

(b) For a district that opts to divide its entire classroom 40617  
facilities needs into segments to be completed separately as 40618  
authorized by section 3318.034 of the Revised Code, an amount 40619  
necessary to raise the school district's net bonded indebtedness, 40620  
as of the date the controlling board approved the project, to 40621  
within five thousand dollars of the following: 40622

The required level of indebtedness X (the basic 40623  
project cost of the segment as approved 40624  
by the controlling board / the estimated basic 40625  
project cost of the district's entire classroom facilities 40626

needs as determined jointly by the staff of the Ohio 40627  
facilities construction commission and the district) 40628

(B) The amount of the district's share determined under this 40629  
section shall be calculated only as of the date the controlling 40630  
board approved the project, and that amount applies throughout the 40631  
~~thirteen-month~~ sixteen-month period permitted under section 40632  
3318.05 of the Revised Code for the district's electors to approve 40633  
the propositions described in that section. If the amount reserved 40634  
and encumbered for a project is released because the electors do 40635  
not approve those propositions within that period, and the school 40636  
district later receives the controlling board's approval for the 40637  
project, subject to a new project scope and estimated costs under 40638  
section 3318.054 of the Revised Code, the district's portion shall 40639  
be recalculated in accordance with this section as of the date of 40640  
the controlling board's subsequent approval. 40641

(C) At no time shall a school district's portion of the basic 40642  
project cost be greater than ninety-five per cent of the total 40643  
basic project cost. 40644

(D) If the controlling board approves a project under 40645  
sections 3318.01 to 3318.20 of the Revised Code for a school 40646  
district that previously received assistance under those sections 40647  
or section 3318.37 of the Revised Code within the twenty-year 40648  
period prior to the date on which the controlling board approves 40649  
the new project, the district's portion of the basic project cost 40650  
for the new project shall be the lesser of the following: 40651

(1) The portion calculated under division (A) of this 40652  
section; 40653

(2) The greater of the following: 40654

(a) The required percentage of the basic project costs for 40655  
the new project; 40656

(b) The percentage of the basic project cost paid by the 40657

district for the previous project. 40658

**Sec. 3318.05.** The conditional approval of the Ohio facilities 40659  
construction commission for a project shall lapse and the amount 40660  
reserved and encumbered for such project shall be released unless 40661  
the school district board accepts such conditional approval within 40662  
one hundred twenty days following the date of certification of the 40663  
conditional approval to the school district board and the electors 40664  
of the school district vote favorably on both of the propositions 40665  
described in divisions (A) and (B) of this section within ~~thirteen~~ 40666  
sixteen months of the date of such certification, except that a 40667  
school district described in division (C) of this section does not 40668  
need to submit the proposition described in division (B) of this 40669  
section. The propositions described in divisions (A) and (B) of 40670  
this section shall be combined in a single proposal. If the 40671  
district board or the district's electors fail to meet such 40672  
requirements and the amount reserved and encumbered for the 40673  
district's project is released, the district shall be given first 40674  
priority for project funding as such funds become available, 40675  
subject to section 3318.054 of the Revised Code. 40676

40677

(A) On the question of issuing bonds of the school district 40678  
board, for the school district's portion of the basic project 40679  
cost, in an amount equal to the school district's portion of the 40680  
basic project cost less the amount of the proceeds of any 40681  
securities authorized or to be authorized under division (J) of 40682  
section 133.06 of the Revised Code and dedicated by the school 40683  
district board to payment of the district's portion of the basic 40684  
project cost; and 40685

(B) On the question of levying a tax the proceeds of which 40686  
shall be used to pay the cost of maintaining or upgrading the 40687  
classroom facilities included in the project. Such tax shall be at 40688

the rate of not less than one-half mill for each dollar of 40689  
valuation for a period of twenty-three years, subject to any 40690  
extension approved under section 3318.061 of the Revised Code. 40691

(C) If a school district has in place a tax levied under 40692  
section 5705.21 of the Revised Code for general permanent 40693  
improvements for a continuing period of time and the proceeds of 40694  
such tax can be used for maintenance or upgrades, or if a district 40695  
agrees to the transfers described in section 3318.051 of the 40696  
Revised Code, the school district need not levy the additional tax 40697  
required under division (B) of this section, provided the school 40698  
district board includes in the agreement entered into under 40699  
section 3318.08 of the Revised Code provisions either: 40700

(1) Earmarking an amount from the proceeds of that permanent 40701  
improvement tax for maintenance or upgrades of classroom 40702  
facilities equivalent to the amount of the additional tax and for 40703  
the equivalent number of years otherwise required under this 40704  
section; 40705

(2) Requiring the transfer of money in accordance with 40706  
section 3318.051 of the Revised Code. 40707

The district board subsequently may rescind the agreement to 40708  
make the transfers under section 3318.051 of the Revised Code only 40709  
so long as the electors of the district have approved, in 40710  
accordance with section 3318.063 of the Revised Code, the levy of 40711  
a tax for the maintenance or upgrades of the classroom facilities 40712  
acquired under the district's project and that levy continues to 40713  
be collected as approved by the electors. 40714

(D) Proceeds of the tax to be used for maintenance or upgrade 40715  
of the classroom facilities under either division (B) or (C)(1) of 40716  
this section, and transfers of money in accordance with section 40717  
3318.051 of the Revised Code shall be deposited into a separate 40718  
fund established by the school district for such purpose. 40719

(E) Proceeds of the tax to be used for maintenance or 40720  
upgrades of the classroom facilities under either division (B) or 40721  
(C)(1) of this section shall not be used to upgrade classroom 40722  
facilities, unless the district board submits to the Ohio 40723  
facilities construction commission a proposal regarding the use of 40724  
those proceeds for upgrades and the commission approves the 40725  
proposal. 40726

**Sec. 3318.051.** (A) Any city, exempted village, or local 40727  
school district that commences a project under sections 3318.01 to 40728  
3318.20, 3318.33, 3318.36, 3318.37, or 3318.38 of the Revised Code 40729  
~~on or after September 5, 2006,~~ need not levy the tax otherwise 40730  
required under division (B) of section 3318.05 of the Revised 40731  
Code, if the district board of education adopts a resolution 40732  
petitioning the Ohio facilities construction commission to approve 40733  
the transfer of money in accordance with this section and the 40734  
commission approves that transfer. If so approved, the commission 40735  
and the district board shall enter into an agreement under which 40736  
the board, in each of twenty-three consecutive years beginning in 40737  
the year in which the board and the commission enter into the 40738  
project agreement under section 3318.08 of the Revised Code, shall 40739  
transfer into the maintenance fund required by division (D) of 40740  
section 3318.05 of the Revised Code not less than an amount equal 40741  
to one-half mill for each dollar of the district's valuation 40742  
unless and until the agreement to make those transfers is 40743  
rescinded by the district board pursuant to division (F) of this 40744  
section. 40745

(B) On the first day of July each year, or on an alternative 40746  
date prescribed by the commission, the district treasurer shall 40747  
certify to the commission and the auditor of state that the amount 40748  
required for the year has been transferred. The auditor of state 40749  
shall include verification of the transfer as part of any audit of 40750  
the district under section 117.11 of the Revised Code. If the 40751

auditor of state finds that less than the required amount has been 40752  
deposited into a district's maintenance fund, the auditor of state 40753  
shall notify the district board of education in writing of that 40754  
fact and require the board to deposit into the fund, within ninety 40755  
days after the date of the notice, the amount by which the fund is 40756  
deficient for the year. If the district board fails to demonstrate 40757  
to the auditor of state's satisfaction that the board has made the 40758  
deposit required in the notice, the auditor of state shall notify 40759  
the department of education. At that time, the department shall 40760  
withhold an amount equal to ten per cent of the district's funds 40761  
calculated for the current fiscal year under Chapter 3317. of the 40762  
Revised Code until the auditor of state notifies the department 40763  
that the auditor of state is satisfied that the board has made the 40764  
required transfer. 40765

(C) Money transferred to the maintenance fund shall be used 40766  
for the maintenance or, upon approval of the Ohio facilities 40767  
construction commission, upgrade of the facilities acquired under 40768  
the district's project. 40769

(D) The transfers to the maintenance fund under this section 40770  
does not affect a district's obligation to establish and maintain 40771  
a capital and maintenance fund under section 3315.18 of the 40772  
Revised Code. 40773

(E) Any decision by the commission to approve or not approve 40774  
the transfer of money under this section is final and not subject 40775  
to appeal. The commission shall not be responsible for errors or 40776  
miscalculations made in deciding whether to approve a petition to 40777  
make transfers under this section. 40778

(F) If the district board determines that it no longer can 40779  
continue making the transfers agreed to under this section, the 40780  
board may rescind the agreement only so long as the electors of 40781  
the district have approved, in accordance with section 3318.063 of 40782  
the Revised Code, the levy of a tax for the maintenance of the 40783

classroom facilities acquired under the district's project and 40784  
that levy continues to be collected as approved by the electors. 40785  
That levy shall be for a number of years that is equal to the 40786  
difference between twenty-three years and the number of years that 40787  
the district made transfers under this section and shall be at the 40788  
rate of not less than one-half mill for each dollar of the 40789  
district's valuation. The district board shall continue to make 40790  
the transfers agreed to under this section until that levy has 40791  
been approved by the electors. 40792

**Sec. 3318.054.** (A) If conditional approval of a city, 40793  
exempted village, or local school district's project lapses as 40794  
provided in section 3318.05 of the Revised Code, or if conditional 40795  
approval of a joint vocational school district's project lapses as 40796  
provided in division (D) of section 3318.41 of the Revised Code, 40797  
because the district's electors have not approved the ballot 40798  
measures necessary to generate the district's portion of the basic 40799  
project cost, and if the district board desires to seek a new 40800  
conditional approval of the project, the district board shall 40801  
request that the Ohio facilities construction commission set the 40802  
scope, basic project cost, and school district portion of the 40803  
basic project cost prior to resubmitting the ballot measures to 40804  
the electors. To do so, the commission shall use the district's 40805  
current assessed tax valuation and the district's percentile for 40806  
the prior fiscal year. For a district that has entered into an 40807  
agreement under section 3318.36 of the Revised Code and desires to 40808  
proceed with a project under sections 3318.01 to 3318.20 of the 40809  
Revised Code, the district's portion of the basic project cost 40810  
shall be the percentage specified in that agreement. The project 40811  
scope and basic costs established under this division shall be 40812  
valid for ~~thirteen~~ sixteen months from the date the commission 40813  
approves them. 40814

(B) Upon the commission's approval under division (A) of this 40815

section, the district board may submit the ballot measures to the 40816  
district's electors for approval of the project based on the new 40817  
project scope and estimated costs. Upon electoral approval of 40818  
those measures, the district shall be given first priority for 40819  
project funding as such funds become available. 40820

(C) When the commission determines that funds are available 40821  
for the district's project, the commission shall do all of the 40822  
following: 40823

(1) Determine the school district portion of the basic 40824  
project cost under section 3318.032 of the Revised Code, in the 40825  
case of a city, exempted village, or local school district, or 40826  
under section 3318.42 of the Revised Code, in the case of a joint 40827  
vocational school district; 40828

(2) Conditionally approve the project and submit it to the 40829  
controlling board for approval pursuant to section 3318.04 of the 40830  
Revised Code; 40831

(3) Encumber funds for the project under section 3318.11 of 40832  
the Revised Code; 40833

(4) Enter into an agreement with the district board under 40834  
section 3318.08 of the Revised Code. 40835

**Sec. 3318.055.** Notwithstanding any provision to the contrary 40836  
in sections 3318.05, 3318.06, 3318.061, 3318.08, 3318.33, 3318.36, 40837  
3318.361, and 3318.38 of the Revised Code, if the amount of money 40838  
that would be raised in a school district by the twenty-three year 40839  
maintenance tax specified in those sections during the first 40840  
twelve-month period of its collection, as estimated by the 40841  
department of taxation, would be less than ten per cent of the 40842  
amount of money that the school district was required to deposit 40843  
into its capital and maintenance fund during the most recent 40844  
fiscal year under section 3315.18 of the Revised Code, the school 40845

district shall not be required to include such maintenance tax on 40846  
a ballot proposal, as otherwise required under sections 3318.05, 40847  
3318.06, 3318.061, 3318.08, 3318.33, 3318.36, 3318.361, and 40848  
3318.38 of the Revised Code. 40849

**Sec. 3318.084.** (A) Notwithstanding anything to the contrary 40850  
in Chapter 3318. of the Revised Code, a school district board may 40851  
apply any local donated contribution toward any of the following: 40852

(1) The district's portion of the basic project cost of a 40853  
project under either sections 3318.01 to 3318.20 or sections 40854  
3318.40 to 3318.45 of the Revised Code to reduce the amount of 40855  
bonds the district otherwise must issue in order to receive state 40856  
assistance under those sections; 40857

(2) If the school district is not a joint vocational school 40858  
district proceeding under sections 3318.40 to 3318.45 of the 40859  
Revised Code, an offset of all or part of a district's obligation 40860  
to levy the tax described in division (B) of section 3318.05 of 40861  
the Revised Code, which shall be applied only in the manner 40862  
prescribed in division (B) of this section; 40863

(3) If the school district is a joint vocational school 40864  
district proceeding under sections 3318.40 to 3318.45 of the 40865  
Revised Code, all or part of the amount the school district is 40866  
obligated to set aside for maintenance of the classroom facilities 40867  
acquired under that project pursuant to section 3318.43 of the 40868  
Revised Code. 40869

(B) No school district board shall apply any local donated 40870  
contribution under division (A)(2) of this section unless the Ohio 40871  
facilities construction commission first approves that 40872  
application. 40873

Upon the request of the school district board to apply local 40874  
donated contribution under division (A)(2) of this section, the 40875

commission in consultation with the department of taxation shall 40876  
determine the amount of total revenue that likely would be 40877  
generated by one-half mill of the tax described in division (B) of 40878  
section 3318.05 of the Revised Code over the entire 40879  
twenty-three-year period required under that section and shall 40880  
deduct from that amount any amount of local donated contribution 40881  
that the board has committed to apply under division (A)(2) of 40882  
this section. The commission then shall determine in consultation 40883  
with the department of taxation the rate of tax over twenty-three 40884  
years necessary to generate the amount of a one-half mill tax not 40885  
offset by the local donated contribution. Notwithstanding anything 40886  
to the contrary in section 3318.06, 3318.061, or 3318.361 of the 40887  
Revised Code, the rate determined by the commission shall be the 40888  
rate for which the district board shall seek elector approval 40889  
under those sections to meet its obligation under division (B) of 40890  
section 3318.05 of the Revised Code. In the case of a complete 40891  
offset of the district's obligation under division (B) of section 40892  
3318.05 of the Revised Code, the district shall not be required to 40893  
levy the tax otherwise required under that section. At the end of 40894  
the twenty-three-year period of the tax required under division 40895  
(B) of section 3318.05 of the Revised Code, whether or not the tax 40896  
is actually levied, the commission in consultation of the 40897  
department of taxation shall recalculate the amount that would 40898  
have been generated by the tax if it had been levied at one-half 40899  
mill. If the total amount actually generated over that period from 40900  
both the tax that was actually levied and any local donated 40901  
contribution applied under division (A)(2) of this section is less 40902  
than the amount that would have been raised by a one-half mill 40903  
tax, the district shall pay any difference. If the total amount 40904  
actually raised in such manner is greater than the amount that 40905  
would have been raised by a one-half mill tax the difference shall 40906  
be zero and no payments shall be made by either the district or 40907  
the commission. 40908

(C) As used in this section, "local donated contribution" 40909  
means any of the following: 40910

(1) Any moneys irrevocably donated or granted to a school 40911  
district board by a source other than the state which the board 40912  
has the authority to apply to the school district's project under 40913  
sections 3318.01 to 3318.20 of the Revised Code and which the 40914  
board has pledged for that purpose by resolution adopted by a 40915  
majority of its members; 40916

(2) Any irrevocable letter of credit issued on behalf of a 40917  
school district which the school district board has encumbered for 40918  
payment of the school district's share of its project under 40919  
sections 3318.01 to 3318.20 of the Revised Code that has been 40920  
approved by the commission in consultation with the department of 40921  
education; 40922

(3) Any cash a school district has on hand that the school 40923  
district board has encumbered for payment of the school district's 40924  
share of its project under sections 3318.01 to 3318.20 of the 40925  
Revised Code that has been approved by the commission in 40926  
consultation with the department of education, including the 40927  
following: 40928

(a) Any year-end operating fund balances that can be spent 40929  
for classroom facilities; 40930

(b) Any cash resulting from a lease-purchase agreement that 40931  
the school district board has entered into under section 3313.375 40932  
of the Revised Code, provided that the agreement and the related 40933  
financing documents contain provisions protecting the state's 40934  
superior interest in the project. 40935

(4) Any moneys spent by a source other than the school 40936  
district or the state for construction or renovation of specific 40937  
classroom facilities that have been approved by the commission as 40938  
part of the basic project cost of the district's project. The 40939

school district, the commission, and the entity providing the 40940  
local donated contribution under division (C)(4) of this section 40941  
shall enter into an agreement identifying the classroom facilities 40942  
to be acquired by the expenditures made by that entity. The 40943  
agreement shall include, but not be limited to, stipulations that 40944  
require an audit by the commission of such expenditures made on 40945  
behalf of the district and that specify the maximum amount of 40946  
credit to be allowed for those expenditures. Upon completion of 40947  
the construction or renovation, the commission shall determine the 40948  
actual amount that the commission will credit, at the request of 40949  
the district board, toward the district's portion of the basic 40950  
project cost, any project cost overruns, or the basic project cost 40951  
of future segments if the project has been divided into segments 40952  
under section 3318.33 or 3318.38 of the Revised Code. The actual 40953  
amount of the credit shall not exceed the lesser of the amount 40954  
specified in the agreement or the actual cost of the construction 40955  
or renovation. 40956

(D) No state moneys shall be released for a project to which 40957  
this section applies until: 40958

(1) Any local donated contribution authorized under division 40959  
(A)(1) of this section is first deposited into the school 40960  
district's project construction fund. 40961

(2) The school district board and the commission have 40962  
included a stipulation in their agreement entered into under 40963  
section 3318.08 of the Revised Code under which the board will 40964  
deposit into a fund approved by the commission according to a 40965  
schedule that does not extend beyond the anticipated completion 40966  
date of the project the total amount of any local donated 40967  
contribution authorized under division (A)(2) or (3) of this 40968  
section and dedicated by the board for that purpose. 40969

However, if any local donated contribution as described in 40970  
division (C)(4) of this section has been approved under this 40971

section, the state moneys may be released even if the entity 40972  
providing that local donated contribution has not spent the moneys 40973  
so dedicated as long as the agreement required under that section 40974  
has been executed. 40975

Sec. 3318.33. (A) The accelerated Appalachian school building 40976  
assistance program is hereby established. Under the program, 40977  
notwithstanding section 3318.02 of the Revised Code, any school 40978  
district that has any territory within the Appalachian region, as 40979  
defined in section 107.21 of the Revised Code, and that has not 40980  
been approved to receive assistance under sections 3318.01 to 40981  
3318.20 of the Revised Code prior to the effective date of this 40982  
section, may, beginning on that date, apply for approval of and be 40983  
approved for such assistance. Except as otherwise provided in this 40984  
section, any project approved and undertaken pursuant to this 40985  
section shall comply with all provisions of sections 3318.01 to 40986  
3318.20 of the Revised Code. 40987

(B) The Ohio facilities construction commission shall provide 40988  
assistance to school districts eligible for assistance under this 40989  
section in the following manner: 40990

(1) Each fiscal biennium, the commission shall select to 40991  
receive assistance under this section not fewer than three school 40992  
districts eligible for such assistance until all such eligible 40993  
districts have received assistance under sections 3318.01 to 40994  
3318.20 of the Revised Code. 40995

(2) Notwithstanding section 3318.02 of the Revised Code, the 40996  
commission shall conduct an on-site visit and shall assess the 40997  
classroom facilities needs of each school district eligible for 40998  
assistance under this section that is selected under division 40999  
(B)(1) of this section. 41000

(3) Any school district eligible for assistance under this 41001  
section and selected under division (B)(1) of this section may 41002

apply to the commission for conditional approval of its project as 41003  
determined by the assessment conducted under division (B)(2) of 41004  
this section. The commission shall conditionally approve that 41005  
project and submit it to the controlling board for approval 41006  
pursuant to section 3318.04 of the Revised Code. 41007

(C)(1) If the controlling board approves a project submitted 41008  
under division (B)(3) of this section, the commission and the 41009  
school district shall enter into an agreement as prescribed in 41010  
section 3318.05 of the Revised Code. 41011

(2) Any district to which this section applies may opt to 41012  
divide the district's entire classroom facilities needs, as those 41013  
needs are jointly determined by the staff of the commission and 41014  
the school district, into discrete segments as prescribed in 41015  
section 3318.034 of the Revised Code. 41016

(D) Under the program, to incentivize a district's electors 41017  
to vote favorably on both of the propositions described in 41018  
divisions (A) and (B) of section 3318.05 of the Revised Code, the 41019  
commission shall reduce the district's portion of the basic 41020  
project cost, as it is determined under section 3318.032 of the 41021  
Revised Code, as follows: 41022

(1) If, in the first election in which the propositions 41023  
appear on the ballot the district's electors vote favorably for 41024  
the propositions, the district's portion of the basic project cost 41025  
shall be reduced by twenty per cent. 41026

(2) If, in the second election in which the propositions 41027  
appear on the ballot the district's electors vote favorably for 41028  
the propositions, the district's portion of the basic project cost 41029  
shall be reduced by fifteen per cent. 41030

(3) If, in the third election in which the propositions 41031  
appear on the ballot the district's electors vote favorably for 41032  
the propositions, the district's portion of the basic project cost 41033

shall be reduced by twelve per cent. 41034

(E) In the event that the electors of an eligible school district vote favorably on both provisions described in divisions (A) and (B) of this section in the fiscal year in which this section becomes effective but prior to the effective date of this section, that district is entitled to participate in the program in the same manner as a district that passes the propositions on or after the effective date of this section. 41035  
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(F) If, for any fiscal year, the amount appropriated for all projects or segments approved by the commission under the program is not adequate, the commission shall proportionately reduce the amount of state funds each of the districts with an approved project or segment receives under this section for that fiscal year. However, each of those districts shall be eligible for continued assistance under this section in subsequent fiscal years until its project or segment is completed. 41042  
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(G) In any fiscal year in which the general assembly does not fund the program, any eligible school district that has not yet received assistance under the program retains its eligibility to receive assistance under sections 3318.01 to 3318.20 of the Revised Code in the same order it was scheduled to receive assistance prior to becoming eligible for the program. 41050  
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**Sec. 3318.364.** In any fiscal year, the Ohio facilities construction commission may, at its discretion, provide assistance under sections 3318.01 to 3318.20 of the Revised Code to a school district that has entered into an expedited local partnership agreement under section 3318.36 of the Revised Code before the district is otherwise eligible for that assistance based on its percentile rank, if the commission determines all of the following: 41056  
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(A) The district has made an expenditure of local resources 41064

under its expedited local partnership agreement on a discrete part 41065  
of its district-wide project. 41066

(B) The district is ready to complete its district-wide 41067  
project or a segment of the project, in accordance with section 41068  
3318.034 of the Revised Code. 41069

(C) The district is in compliance with division (D)(2) of 41070  
section 3318.36 of the Revised Code. 41071

(D) Sufficient state funds have been appropriated for 41072  
classroom facilities projects for the fiscal year to pay the state 41073  
share of the district's project or segment after paying the state 41074  
share of projects for all of the following: 41075

(1) Districts that previously had their conditional approval 41076  
lapse pursuant to section 3318.05 of the Revised Code; 41077

(2) Districts eligible for assistance under division (B)(2) 41078  
of section 3318.04 of the Revised Code; 41079

(3) Districts participating in the exceptional needs school 41080  
facilities assistance program under section 3318.37 or 3318.371 of 41081  
the Revised Code; 41082

(4) Districts participating in ~~the~~ an accelerated ~~urban~~ 41083  
school building assistance program under section 3318.33 or 41084  
3318.38 of the Revised Code. 41085

Assistance under this section shall be offered to eligible 41086  
districts in the order of their percentile rankings at the time 41087  
they entered into their expedited local partnership agreements, 41088  
from lowest to highest percentile. In the event that more than one 41089  
district has the same percentile ranking, those districts shall be 41090  
offered assistance in the order of the date they entered into 41091  
their expedited local partnership agreements, from earliest to 41092  
latest date. 41093

As used in this section, "local resources" and "percentile" 41094

have the same meanings as in section 3318.36 of the Revised Code. 41095

**Sec. 3318.37.** (A)(1) As used in this section: 41096

(a) "Full maintenance amount" has the same meaning as in 41097  
section 3318.034 of the Revised Code. 41098

(b) A "school district with an exceptional need for immediate 41099  
classroom facilities assistance" means a school district with an 41100  
exceptional need for new facilities in order to protect the health 41101  
and safety of all or a portion of its students. 41102

(2) No school district that participates in the school 41103  
building assistance expedited local partnership program under 41104  
section 3318.36 of the Revised Code shall receive assistance under 41105  
the program established under this section unless the following 41106  
conditions are satisfied: 41107

(a) The district board adopted a resolution certifying its 41108  
intent to participate in the school building assistance expedited 41109  
local partnership program under section 3318.36 of the Revised 41110  
Code prior to September 14, 2000. 41111

(b) The district was selected by the Ohio facilities 41112  
construction commission for participation in the school building 41113  
assistance expedited local partnership program under section 41114  
3318.36 of the Revised Code in the manner prescribed by the 41115  
commission under that section as it existed prior to September 14, 41116  
2000. 41117

(B)(1) There is hereby established the exceptional needs 41118  
school facilities assistance program. Under the program, the Ohio 41119  
facilities construction commission may set aside from the moneys 41120  
annually appropriated to it for classroom facilities assistance 41121  
projects up to twenty-five per cent for assistance to school 41122  
districts with exceptional needs for immediate classroom 41123  
facilities assistance. At least ten per cent of the amount set 41124

aside shall be spent on school districts seeking facilities 41125  
maintenance, repairs, or replacements described in division (E) of 41126  
this section. 41127

(2)(a) After consulting with education and construction 41128  
experts, the commission shall adopt guidelines for identifying 41129  
school districts with an exceptional need for immediate classroom 41130  
facilities assistance. 41131

(b) The guidelines shall include application forms and 41132  
instructions for school districts to use in applying for 41133  
assistance under this section. 41134

(3) The commission shall evaluate the classroom facilities, 41135  
and the need for replacement classroom facilities from the 41136  
applications received under this section. The commission, 41137  
utilizing the guidelines adopted under division (B)(2)(a) of this 41138  
section, shall prioritize the school districts to be assessed. 41139

Notwithstanding section 3318.02 of the Revised Code, the 41140  
commission may conduct on-site evaluation of the school districts 41141  
prioritized under this section and approve and award funds until 41142  
such time as all funds set aside under division (B)(1) of this 41143  
section have been encumbered. However, the commission need not 41144  
conduct the evaluation of facilities if the commission determines 41145  
that a district's assessment conducted under section 3318.36 of 41146  
the Revised Code is sufficient for purposes of this section. 41147

(4) Notwithstanding division (A) of section 3318.05 of the 41148  
Revised Code, the school district's portion of the basic project 41149  
cost under this section shall be the "required percentage of the 41150  
basic project costs," as defined in division (K) of section 41151  
3318.01 of the Revised Code. 41152

(5) Except as otherwise specified in this section, any 41153  
project undertaken with assistance under this section shall comply 41154  
with all provisions of sections 3318.01 to 3318.20 of the Revised 41155

Code. A school district may receive assistance under sections 41156  
3318.01 to 3318.20 of the Revised Code for the remainder of the 41157  
district's classroom facilities needs as assessed under this 41158  
section when the district is eligible for such assistance pursuant 41159  
to section 3318.02 of the Revised Code, but any classroom facility 41160  
constructed with assistance under this section shall not be 41161  
included in a district's project at that time unless the 41162  
commission determines the district has experienced the increased 41163  
enrollment specified in division (B)(1) of section 3318.04 of the 41164  
Revised Code. 41165

(C) No school district shall receive assistance under this 41166  
section for a classroom facility that has been included in the 41167  
discrete part of the district's classroom facilities needs 41168  
identified and addressed in the district's project pursuant to an 41169  
agreement entered into under section 3318.36 of the Revised Code, 41170  
unless the district's entire classroom facilities plan consists of 41171  
only a single building designed to house grades kindergarten 41172  
through twelve. 41173

(D)(1) When undertaking a project under this section, a 41174  
school district may elect to prorate its full maintenance amount 41175  
by setting aside for maintenance the amount calculated under 41176  
division (D)(2) of this section to maintain the classroom 41177  
facilities acquired under the project, if the district will use 41178  
one or more of the alternative methods authorized in sections 41179  
3318.051, 3318.052, and 3318.084 of the Revised Code to generate 41180  
the entire amount calculated under that division. If the district 41181  
so elects, the commission and the district shall include in the 41182  
agreement entered into under section 3318.08 of the Revised Code a 41183  
statement specifying that the district will use the amount 41184  
calculated under that division only to maintain the classroom 41185  
facilities acquired under the project under this section. 41186

(2) The commission shall calculate the amount for a school 41187

district to maintain the classroom facilities acquired under a 41188  
project under this section as follows: 41189

The full maintenance amount X (the school district's portion 41190  
of the basic project cost under this section / the school 41191  
district's portion of the basic project cost for the district's 41192  
entire classroom facilities needs, as determined jointly by the 41193  
staff of the commission and the district) 41194

(3) A school district may elect to prorate its full 41195  
maintenance amount for any number of projects under this section, 41196  
provided the district will use one or more of the alternative 41197  
methods authorized in sections 3318.051, 3318.052, and 3318.084 of 41198  
the Revised Code to generate the entire amount calculated under 41199  
division (D)(2) of this section to maintain the classroom 41200  
facilities acquired under each project for which it so elects. If 41201  
the district cannot use one or more of those alternative methods 41202  
to generate the entire amount calculated under that division, the 41203  
district shall levy the tax described in division (B) of section 41204  
3318.05 of the Revised Code or an extension of that tax under 41205  
section 3318.061 of the Revised Code in an amount necessary to 41206  
generate the remainder of its full maintenance amount. The 41207  
commission shall calculate the remainder of the district's full 41208  
maintenance amount as follows: 41209

The full maintenance amount - the sum of the amounts 41210  
calculated for the district under division (D)(2) of this section 41211  
for each of the district's prior projects under this section 41212

(4) In no case shall the sum of the amounts calculated for a 41213  
school district's maintenance of classroom facilities under 41214  
divisions (D)(2) and (3) of this section exceed the amount that 41215  
would have been required for maintenance if the district had 41216  
elected to meet its entire classroom facilities needs with a 41217  
project under sections 3318.01 to 3318.20 of the Revised Code and 41218  
had not undertaken one or more projects under this section. 41219

(5) If a school district commenced a project under this section prior to September 10, 2012, but has not completed that project, and has not levied the tax described in division (B) of section 3318.05 of the Revised Code or an extension of that tax under section 3318.061 of the Revised Code, the district may request approval from the commission to prorate its full maintenance amount in accordance with divisions (D)(1) to (4) of this section. If the commission approves the request, the commission and the district shall amend the agreement entered into under section 3318.08 of the Revised Code to reflect the change.

(E)(1) A school district that has not been invited to request assistance under this section may do so annually, provided the school district is in need of facilities maintenance, repairs, or replacement and has previously completed a classroom facilities construction project under which the twenty-three year maintenance funding requirement described in division (B) of section 3318.05 of the Revised Code has lapsed.

(2) The commission shall establish an application process for requests submitted under division (E) of this section.

**Sec. 3318.41.** (A)(1) The Ohio facilities construction commission annually shall assess the classroom facilities needs of the number of joint vocational school districts that the commission reasonably expects to be able to provide assistance to in a fiscal year, based on the amount set aside for that fiscal year under division (B) of section 3318.40 of the Revised Code and the order of priority prescribed in division (B) of section 3318.42 of the Revised Code, except that in fiscal year 2004 the commission shall conduct at least the five assessments prescribed in division (E) of section 3318.40 of the Revised Code.

Upon conducting an assessment of the classroom facilities needs of a school district, the commission shall make a

determination of all of the following: 41251

(a) The number of classroom facilities to be included in a 41252  
project and the basic project cost of acquiring the classroom 41253  
facilities included in the project. The number of facilities and 41254  
basic project cost shall be determined in accordance with the 41255  
specifications adopted under section 3318.311 of the Revised Code 41256  
except to the extent that compliance with such specifications is 41257  
waived by the commission pursuant to the rule of the commission 41258  
adopted under division (F) of section 3318.40 of the Revised Code. 41259

(b) The school district's portion of the basic project cost 41260  
as determined under division (C) of section 3318.42 of the Revised 41261  
Code; 41262

(c) The remaining portion of the basic project cost that 41263  
shall be supplied by the state; 41264

(d) The amount of the state's portion of the basic project 41265  
cost to be encumbered in accordance with section 3318.11 of the 41266  
Revised Code in the current and subsequent fiscal years from funds 41267  
set aside under division (B) of section 3318.40 of the Revised 41268  
Code. 41269

(2) Divisions (A), (C), and (D) of section 3318.03 of the 41270  
Revised Code apply to any project under sections 3318.40 to 41271  
3318.45 of the Revised Code. 41272

(B)(1) If the commission makes a determination under division 41273  
(A) of this section in favor of the acquisition of classroom 41274  
facilities for a project under sections 3318.40 to 3318.45 of the 41275  
Revised Code, such project shall be conditionally approved. Such 41276  
conditional approval shall be submitted to the controlling board 41277  
for approval. The controlling board shall immediately approve or 41278  
reject the commission's determination, conditional approval, the 41279  
amount of the state's portion of the basic project cost, and the 41280  
amount of the state's portion of the basic project cost to be 41281

encumbered in the current fiscal year. In the event of approval by 41282  
the controlling board, the commission shall certify the 41283  
conditional approval to the joint vocational school district board 41284  
of education and shall encumber the approved funds for the current 41285  
fiscal year. 41286

(2) No school district that receives assistance under 41287  
sections 3318.40 to 3318.45 of the Revised Code shall have another 41288  
such project conditionally approved until the expiration of twenty 41289  
years after the school district's prior project was conditionally 41290  
approved, unless the school district board demonstrates to the 41291  
satisfaction of the commission that the school district has 41292  
experienced since conditional approval of its prior project an 41293  
exceptional increase in enrollment or program requirements 41294  
significantly above the school district's design capacity under 41295  
that prior project as determined by rule of the commission. Any 41296  
rule adopted by the commission to implement this division shall be 41297  
tailored to address the classroom facilities needs of joint 41298  
vocational school districts. 41299

(C) In addition to generating the amount of the school 41300  
district's portion of the basic project cost as determined under 41301  
division (C) of section 3318.42 of the Revised Code, in order for 41302  
a school district to receive assistance under sections 3318.40 to 41303  
3318.45 of the Revised Code, the school district board shall set 41304  
aside school district moneys for the maintenance of the classroom 41305  
facilities included in the school district's project in the amount 41306  
and manner prescribed in section 3318.43 of the Revised Code. 41307

(D)(1) The conditional approval for a project certified under 41308  
division (B)(1) of this section shall lapse and the amount 41309  
reserved and encumbered for such project shall be released unless 41310  
both of the following conditions are satisfied: 41311

(a) Within one hundred twenty days following the date of 41312  
certification of the conditional approval to the joint vocational 41313

school district board, the school district board accepts the 41314  
conditional approval and certifies to the commission the school 41315  
district board's plan to generate the school district's portion of 41316  
the basic project cost, as determined under division (C) of 41317  
section 3318.42 of the Revised Code, and to set aside moneys for 41318  
maintenance of the classroom facilities acquired under the 41319  
project, as prescribed in section 3318.43 of the Revised Code. 41320

(b) Within ~~thirteen~~ sixteen months following the date of 41321  
certification of the conditional approval to the school district 41322  
board, the electors of the school district vote favorably on any 41323  
ballot measures proposed by the school district board to generate 41324  
the school district's portion of the basic project cost. 41325

(2) If the school district board or electors fail to satisfy 41326  
the conditions prescribed in division (D)(1) of this section and 41327  
the amount reserved and encumbered for the school district's 41328  
project is released, the school district shall be given first 41329  
priority over other joint vocational school districts for project 41330  
funding under sections 3318.40 to 3318.45 of the Revised Code as 41331  
such funds become available, subject to section 3318.054 of the 41332  
Revised Code. 41333

(E) If the conditions prescribed in division (D)(1) of this 41334  
section are satisfied, the commission and the school district 41335  
board shall enter into an agreement as prescribed in section 41336  
3318.08 of the Revised Code and shall proceed with the development 41337  
of plans, cost estimates, designs, drawings, and specifications as 41338  
prescribed in section 3318.091 of the Revised Code. 41339

(F) Costs in excess of those approved by the commission under 41340  
section 3318.091 of the Revised Code shall be payable only as 41341  
provided in sections 3318.042 and 3318.083 of the Revised Code. 41342

(G) Advertisement for bids and the award of contracts for 41343  
construction of any project under sections 3318.40 to 3318.45 of 41344

the Revised Code shall be conducted in accordance with section 41345  
3318.10 of the Revised Code. 41346

(H) In accordance with division (R) of section 3318.08 of the 41347  
Revised Code, the state funds reserved and encumbered and the 41348  
funds provided by the school district to pay the basic project 41349  
cost of a project under sections 3318.40 to 3318.45 of the Revised 41350  
Code shall be spent simultaneously in proportion to the state's 41351  
and the school district's respective portions of that basic 41352  
project cost. 41353

(I) Sections 3318.13, 3318.14, and 3318.16 of the Revised 41354  
Code apply to projects under sections 3318.40 to 3318.45 of the 41355  
Revised Code. 41356

Sec. 3318.63. (A) For purposes of this section, "eligible 41357  
school district" is a city, local, or exempted village school 41358  
district that satisfies all of the following conditions: 41359

(1) The school district has between two thousand and three 41360  
thousand enrolled students; 41361

(2) The school district's annual percentile ranking has 41362  
remained the same for at least three of the four most recent 41363  
years; 41364

(3) One of the district's school buildings is at least one 41365  
hundred years old; 41366

(4) The school district's master facility plan proposes to 41367  
consolidate buildings. 41368

(B) The accelerated school assistance program is created. 41369  
Under the program, the Ohio facilities commission may distribute 41370  
funds to eligible school districts from moneys specifically 41371  
appropriated by the general assembly for the purposes of this 41372  
section. 41373

The commission shall establish procedures and deadlines for 41374

eligible school districts to follow in applying for assistance 41375  
under this section. The commission shall consider such 41376  
applications on a case-by-case basis taking into account the 41377  
amount of moneys available under this section. 41378

The facilities construction commission shall fund eighty per 41379  
cent of a project approved under the program from moneys 41380  
appropriated for that purpose. 41381

**Sec. 3319.077.** (A) As used in this section: 41382

(1) "Dyslexia" has the same meaning as in section 3323.25 of 41383  
the Revised Code. 41384

(2) "Ohio dyslexia committee" means the committee established 41385  
under section 3325.25 of the Revised Code. 41386

(3) "Special education" has the same meaning as in section 41387  
3323.01 of the Revised Code. 41388

(4) "Teacher" does not include any teacher who provides 41389  
instruction in fine arts, music, or physical education. 41390

(B)(1) The department of education, in collaboration with the 41391  
Ohio dyslexia committee, shall maintain a list of training that 41392  
fulfills the professional development requirements prescribed in 41393  
division (C) of this section. The list may consist of online or 41394  
classroom learning models. 41395

(2) Each approved training shall align with the guidebook 41396  
developed under section 3323.25 of the Revised Code, be 41397  
evidence-based, and require instruction and training for 41398  
identifying characteristics of dyslexia and understanding the 41399  
pedagogy for instructing students with dyslexia. 41400

(3) The Ohio dyslexia committee shall prescribe a total 41401  
number of clock hours of instruction in training approved under 41402  
this section for a teacher to complete to satisfy the professional 41403  
development requirements prescribed in division (C) of this 41404

section. The Ohio dyslexia committee shall prescribe a total 41405  
number of clock hours that is not less than six clock hours and 41406  
not more than eighteen clock hours. 41407

(C)(1) Division (C)(1) of this section applies to any teacher 41408  
who was employed by a local, city, or exempted village school 41409  
district on April 12, 2021, and is still employed by that district 41410  
on the dates specified under division (C)(1)(a), (b), or (c) of 41411  
this section as follows: 41412

(a) Not later than the beginning of the 2023-2024 school 41413  
year, each district teacher employed by a local, city, or exempted 41414  
village school district who provides instruction for students in 41415  
kindergarten and first grade, including those providing special 41416  
education instruction, shall complete the number of instructional 41417  
hours in approved professional development training required by 41418  
the committee under this section. 41419

~~(2)(b)~~ Not later than ~~the beginning of the 2024-2025 school~~ 41420  
~~year~~ September 15, 2024, each district teacher employed by a 41421  
school district who provides instruction for students in grades 41422  
two and three, including those providing special education 41423  
instruction, shall complete the number of instructional hours in 41424  
approved professional development training required by the 41425  
committee under this section. 41426

~~(3)(c)~~ Not later than ~~the beginning of the 2025-2026 school~~ 41427  
~~year~~ September 15, 2025, each district teacher employed by a 41428  
school district who provides special education instruction for 41429  
students in grades four through twelve shall complete a 41430  
professional development training approved under division (B) of 41431  
this section. 41432

(2) Any teacher hired by a local, city, or exempted village 41433  
school district after April 12, 2021, who provides instruction for 41434  
students in any of grades kindergarten through three, including a 41435

teacher providing special education instruction, or who provides 41436  
special education instruction for students in any of grades four 41437  
through twelve shall complete professional development training in 41438  
accordance with division (C)(1)(a), (b), or (c) of this section by 41439  
the later of two years after the date of hire or the date 41440  
specified under division (C)(1)(a), (b), or (c) of this section, 41441  
unless the teacher completed the training while employed by a 41442  
different district under division (C)(1) of this section. 41443

(D) Any professional development training completed by a 41444  
teacher prior to April 12, 2021, that is then included on the list 41445  
of training approved under division (B)(1) of this section shall 41446  
count toward the number of instructional hours in approved 41447  
professional development training required under division (C) of 41448  
this section. 41449

(E) Nothing in this section shall prohibit a school district 41450  
from requiring employees who are not subject to this section from 41451  
completing professional development training approved under 41452  
division (B) of this section. 41453

**Sec. 3319.088.** As used in this section, "educational 41454  
assistant" means any nonteaching employee in a school district who 41455  
directly assists a teacher as defined in section 3319.09 of the 41456  
Revised Code, by performing duties for which a license issued 41457  
pursuant to sections 3319.22 to 3319.30 of the Revised Code is not 41458  
required. 41459

(A) The state board of education shall issue educational aide 41460  
permits and educational paraprofessional licenses for educational 41461  
assistants and shall adopt rules for the issuance and renewal of 41462  
such permits and licenses which shall be consistent with the 41463  
provisions of this section. Educational aide permits and 41464  
educational paraprofessional licenses may be of several types and 41465  
the rules shall prescribe the minimum qualifications of education 41466

and health for the service to be authorized under each type. The 41467  
prescribed minimum qualifications may require special training or 41468  
educational courses designed to qualify a person to perform 41469  
effectively the duties authorized under an educational aide permit 41470  
or educational paraprofessional license. 41471

(B)(1) Any application for a permit or license, or a renewal 41472  
or duplicate of a permit or license, under this section shall be 41473  
accompanied by the payment of a fee in the amount established 41474  
under division (A) of section 3319.51 of the Revised Code. Any 41475  
fees received under this division shall be paid into the state 41476  
treasury to the credit of the state board of education licensure 41477  
fund established under division (B) of section 3319.51 of the 41478  
Revised Code. 41479

(2) Any person applying for or holding a permit or license 41480  
pursuant to this section is subject to sections 3123.41 to 3123.50 41481  
of the Revised Code and any applicable rules adopted under section 41482  
3123.63 of the Revised Code and sections 3319.31 and 3319.311 of 41483  
the Revised Code. 41484

(C) Educational assistants shall at all times while in the 41485  
performance of their duties be under the supervision and direction 41486  
of a teacher as defined in section 3319.09 of the Revised Code. 41487  
Educational assistants may assist a teacher to whom assigned in 41488  
the supervision of pupils, in assisting with instructional tasks, 41489  
and in the performance of duties which, in the judgment of the 41490  
teacher to whom the assistant is assigned, may be performed by a 41491  
person not licensed pursuant to sections 3319.22 to 3319.30 of the 41492  
Revised Code and for which a teaching license, issued pursuant to 41493  
sections 3319.22 to 3319.30 of the Revised Code is not required. 41494  
The duties of an educational assistant shall not include the 41495  
assignment of grades to pupils. The duties of an educational 41496  
assistant need not be performed in the physical presence of the 41497  
teacher to whom assigned, but the activity of an educational 41498

assistant shall at all times be under the direction of the teacher 41499  
to whom assigned. The assignment of an educational assistant need 41500  
not be limited to assisting a single teacher. In the event an 41501  
educational assistant is assigned to assist more than one teacher 41502  
the assignments shall be clearly delineated and so arranged that 41503  
the educational assistant shall never be subject to simultaneous 41504  
supervision or direction by more than one teacher. 41505

Educational assistants assigned to supervise children shall, 41506  
when the teacher to whom assigned is not physically present, 41507  
maintain the degree of control and discipline that would be 41508  
maintained by the teacher. 41509

Educational assistants may not be used in place of classroom 41510  
teachers or other employees and any payment of compensation by 41511  
boards of education to educational assistants for such services is 41512  
prohibited. The ratio between the number of licensed teachers and 41513  
the pupils in a school district may not be decreased by 41514  
utilization of educational assistants and no grouping, or other 41515  
organization of pupils, for utilization of educational assistants 41516  
shall be established which is inconsistent with sound educational 41517  
practices and procedures. A school district may employ up to one 41518  
full time equivalent educational assistant for each six full time 41519  
equivalent licensed employees of the district. Educational 41520  
assistants shall not be counted as licensed employees for purposes 41521  
of state support in the school foundation program and no grouping 41522  
or regrouping of pupils with educational assistants may be counted 41523  
as a class or unit for school foundation program purposes. Neither 41524  
special courses required by the regulations of the state board of 41525  
education, prescribing minimum qualifications of education for an 41526  
educational assistant, nor years of service as an educational 41527  
assistant shall be counted in any way toward qualifying for a 41528  
teacher license, for a teacher contract of any type, or for 41529  
determining placement on a salary schedule in a school district as 41530

a teacher. 41531

(D) Educational assistants employed by a board of education 41532  
shall have all rights, benefits, and legal protection available to 41533  
other nonteaching employees in the school district, except that 41534  
provisions of Chapter 124. of the Revised Code shall not apply to 41535  
any person employed as an educational assistant, and shall be 41536  
members of the school employees retirement system. Educational 41537  
assistants shall be compensated according to a salary plan adopted 41538  
annually by the board. 41539

Except as provided in this section nonteaching employees 41540  
shall not serve as educational assistants without first obtaining 41541  
an appropriate educational aide permit or educational 41542  
paraprofessional license from the state board of education. A 41543  
nonteaching employee who is the holder of a valid educational aide 41544  
permit or educational paraprofessional license shall neither 41545  
render nor be required to render services inconsistent with the 41546  
type of services authorized by the permit or license held. No 41547  
person shall receive compensation from a board of education for 41548  
services rendered as an educational assistant in violation of this 41549  
provision. 41550

Nonteaching employees whose functions are solely 41551  
secretarial-clerical and who do not perform any other duties as 41552  
educational assistants, even though they assist a teacher and work 41553  
under the direction of a teacher shall not be required to hold a 41554  
permit or license issued pursuant to this section. ~~Students~~ 41555  
~~preparing to become licensed teachers or educational assistants~~ 41556  
~~shall not be required to hold an educational aide permit or~~ 41557  
~~paraprofessional license for such periods of time as such students~~ 41558  
~~are assigned, as part of their training program, to work with a~~ 41559  
~~teacher in a school district. Such students shall not be~~ 41560  
~~compensated for such services.~~ 41561

Following the determination of the assignment and general job 41562

description of an educational assistant and subject to supervision 41563  
by the teacher's immediate administrative officer, a teacher to 41564  
whom an educational assistant is assigned shall make all final 41565  
determinations of the duties to be assigned to such assistant. 41566  
Teachers shall not be required to hold a license designated for 41567  
being a supervisor or administrator in order to perform the 41568  
necessary supervision of educational assistants. 41569

(E) No person who is, or who has been employed as an 41570  
educational assistant shall divulge, except to the teacher to whom 41571  
assigned, or the administrator of the school in the absence of the 41572  
teacher to whom assigned, or when required to testify in a court 41573  
or proceedings, any personal information concerning any pupil in 41574  
the school district which was obtained or obtainable by the 41575  
educational assistant while so employed. Violation of this 41576  
provision is grounds for disciplinary action or dismissal, or 41577  
both. 41578

(F) Notwithstanding anything to the contrary in this section, 41579  
the superintendent of a school district may allow an employee who 41580  
does not hold a permit or license issued under this section to 41581  
work as a substitute for an educational assistant who is absent on 41582  
account of illness or on a leave of absence, or to fill a 41583  
temporary position created by an emergency, provided that the 41584  
superintendent believes the employee's application materials 41585  
indicate that the employee is qualified to obtain a permit or 41586  
license under this section. 41587

An employee shall begin work as a substitute under this 41588  
division not earlier than on the date on which the employee files 41589  
an application with the state board for a permit or license under 41590  
this section. An employee shall cease working as a substitute 41591  
under this division on the earliest of the following: 41592

(1) The date on which the employee files a valid permit or 41593  
license issued under this section with the superintendent; 41594

(2) The date on which the employee is denied a permit or license under this section; 41595  
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(3) Sixty days following the date on which the employee began work as a substitute under this division. 41597  
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The superintendent shall ensure that an employee assigned to work as a substitute under division (F) of this section has undergone a criminal records check in accordance with section 3319.391 of the Revised Code. 41599  
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Sec. 3319.0812. (A) The state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code, establishing the standards and requirements for obtaining a pre-service teacher permit. The permit shall be required for an individual who is enrolled in an educator preparation program in order to participate in any student classroom teaching or other training experience that involves students in any of grades pre-kindergarten through twelve in a public or chartered nonpublic school and that is required for completion of the program. 41603  
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(B) Notwithstanding section 3319.226 of the Revised Code, a school district or school may employ an individual who holds a permit issued under this section as a substitute teacher. The individual may teach for up to the equivalent of one full semester, subject to the approval of the employing district board of education or school governing authority and may be compensated for that service. The district superintendent or chief administrator of the school may request that the board or governing authority approve one or more additional subsequent semester-long periods of teaching for the individual. 41612  
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(C) A pre-service teacher permit shall be valid for three years. The department of education, on a case-by-case basis, may extend the permit's duration as needed to enable the permit holder to complete the educator preparation program in which the permit 41622  
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holder is enrolled. 41626

(D) An individual applying for a pre-service teacher permit shall be subject to a criminal records check as prescribed by section 3319.39 of the Revised Code. In the manner prescribed by the department, the individual shall submit the criminal records check to the department. The department shall use the information submitted to enroll the individual in the retained applicant fingerprint database, established under section 109.5721 of the Revised Code, in the same manner as any teacher licensed under section 3319.22 to 3319.31 of the Revised Code. 41627  
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If the department receives notification of the arrest or conviction of an individual under division (D) of this section, the department shall promptly notify the applicable educator preparation program and any school district or school in which the pre-service teacher has been employed or assigned as part of the program and may take any action authorized under sections 3319.31 and 3319.311 of the Revised Code that it considers to be appropriate. Upon receiving notification from the department of an arrest or conviction of an individual under division (D) of this section, the educator preparation program shall provide to the department a list of all school districts and schools to which the pre-service teacher has been assigned as a part of the program. 41636  
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**Sec. 3319.22.** (A)(1) The state board of education shall issue the following educator licenses: 41648  
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(a) A resident educator license, which shall be valid for two years and shall be renewable for reasons specified by rules adopted by the state board pursuant to division (A)(3) of this section. The state board, on a case-by-case basis, may extend the license's duration as necessary to enable the license holder to complete the Ohio teacher residency program established under section 3319.223 of the Revised Code; 41650  
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(b) A professional educator license, which shall be valid for 41657  
five years and shall be renewable; 41658

(c) A senior professional educator license, which shall be 41659  
valid for five years and shall be renewable; 41660

(d) A lead professional educator license, which shall be 41661  
valid for five years and shall be renewable. 41662

Licenses issued under division (A)(1) of this section on and 41663  
after November 2, 2018, shall specify whether the educator is 41664  
licensed to teach grades pre-kindergarten through ~~five, grades~~ 41665  
~~four through nine~~ eight, or grades ~~seven~~ six through twelve. The 41666  
changes to the grade band specifications under this ~~amendment~~ 41667  
section shall not apply to a person who holds a license under 41668  
division (A)(1) of this section prior to November 2, 2018. 41669  
Further, the changes to the grade band specifications under this 41670  
~~amendment~~ section shall not apply to any license issued to teach 41671  
in the area of ~~computer information science~~, bilingual education, 41672  
dance, drama or theater, world language, health, library or media, 41673  
music, physical education, teaching English to speakers of other 41674  
languages, career-technical education, or visual arts or to any 41675  
license issued to an intervention specialist, including a gifted 41676  
intervention specialist, or to any other license that does not 41677  
align to the grade band specifications. 41678

(2)(a) Except as provided in division (A)(2)(b) of this 41679  
section, the state board may issue any additional educator 41680  
licenses of categories, types, and levels the board elects to 41681  
provide. 41682

(b) Not later than December 31, 2024, the state board shall 41683  
cease licensing school psychologists. The state board shall 41684  
coordinate with the state board of psychology to transition to 41685  
licensure under Chapter 4732. of the Revised Code any school 41686  
psychologists licensed under rules adopted in accordance with 41687

sections 3301.07 and 3319.22 of the Revised Code. 41688

(3) The state board shall adopt rules establishing the 41689  
standards and requirements for obtaining each educator license 41690  
issued under this section. The rules shall also include the 41691  
reasons for which a resident educator license may be renewed under 41692  
division (A)(1)(a) of this section. 41693

(B) The rules adopted under this section shall require at 41694  
least the following standards and qualifications for the educator 41695  
licenses described in division (A)(1) of this section: 41696

(1) An applicant for a resident educator license shall hold 41697  
at least a bachelor's degree from an accredited teacher 41698  
preparation program or be a participant in the teach for America 41699  
program and meet the qualifications required under section 41700  
3319.227 of the Revised Code. 41701

(2) An applicant for a professional educator license shall: 41702

(a) Hold at least a bachelor's degree from an institution of 41703  
higher education accredited by a regional accrediting 41704  
organization; 41705

(b) Have successfully completed the Ohio teacher residency 41706  
program established under section 3319.223 of the Revised Code, if 41707  
the applicant's current or most recently issued license is a 41708  
resident educator license issued under this section or an 41709  
alternative resident educator license issued under section 3319.26 41710  
of the Revised Code. 41711

(3) An applicant for a senior professional educator license 41712  
shall: 41713

(a) Hold at least a master's degree from an institution of 41714  
higher education accredited by a regional accrediting 41715  
organization; 41716

(b) Have previously held a professional educator license 41717

issued under this section or section 3319.222 or under former 41718  
section 3319.22 of the Revised Code; 41719

(c) Meet the criteria for the accomplished or distinguished 41720  
level of performance, as described in the standards for teachers 41721  
adopted by the state board under section 3319.61 of the Revised 41722  
Code. 41723

(4) An applicant for a lead professional educator license 41724  
shall: 41725

(a) Hold at least a master's degree from an institution of 41726  
higher education accredited by a regional accrediting 41727  
organization; 41728

(b) Have previously held a professional educator license or a 41729  
senior professional educator license issued under this section or 41730  
a professional educator license issued under section 3319.222 or 41731  
former section 3319.22 of the Revised Code; 41732

(c) Meet the criteria for the distinguished level of 41733  
performance, as described in the standards for teachers adopted by 41734  
the state board under section 3319.61 of the Revised Code; 41735

(d) Either hold a valid certificate issued by the national 41736  
board for professional teaching standards or meet the criteria for 41737  
a master teacher or other criteria for a lead teacher adopted by 41738  
the educator standards board under division (F)(4) or (5) of 41739  
section 3319.61 of the Revised Code. 41740

(C) The state board shall align the standards and 41741  
qualifications for obtaining a principal license with the 41742  
standards for principals adopted by the state board under section 41743  
3319.61 of the Revised Code. 41744

(D) If the state board requires any examinations for educator 41745  
licensure, the department of education shall provide the results 41746  
of such examinations received by the department to the chancellor 41747

of higher education, in the manner and to the extent permitted by 41748  
state and federal law. 41749

(E) Any rules the state board of education adopts, amends, or 41750  
rescinds for educator licenses under this section, division (D) of 41751  
section 3301.07 of the Revised Code, or any other law shall be 41752  
adopted, amended, or rescinded under Chapter 119. of the Revised 41753  
Code except as follows: 41754

(1) Notwithstanding division (E) of section 119.03 and 41755  
division (A)(1) of section 119.04 of the Revised Code, in the case 41756  
of the adoption of any rule or the amendment or rescission of any 41757  
rule that necessitates institutions' offering preparation programs 41758  
for educators and other school personnel that are approved by the 41759  
chancellor of higher education under section 3333.048 of the 41760  
Revised Code to revise the curriculum of those programs, the 41761  
effective date shall not be as prescribed in division (E) of 41762  
section 119.03 and division (A)(1) of section 119.04 of the 41763  
Revised Code. Instead, the effective date of such rules, or the 41764  
amendment or rescission of such rules, shall be the date 41765  
prescribed by section 3333.048 of the Revised Code. 41766

(2) Notwithstanding the authority to adopt, amend, or rescind 41767  
emergency rules in division (G) of section 119.03 of the Revised 41768  
Code, this authority shall not apply to the state board of 41769  
education with regard to rules for educator licenses. 41770

(F)(1) The rules adopted under this section establishing 41771  
standards requiring additional coursework for the renewal of any 41772  
educator license shall require a school district and a chartered 41773  
nonpublic school to establish local professional development 41774  
committees. In a nonpublic school, the chief administrative 41775  
officer shall establish the committees in any manner acceptable to 41776  
such officer. The committees established under this division shall 41777  
determine whether coursework that a district or chartered 41778  
nonpublic school teacher proposes to complete meets the 41779

requirement of the rules. The department of education shall 41780  
provide technical assistance and support to committees as the 41781  
committees incorporate the professional development standards 41782  
adopted by the state board of education pursuant to section 41783  
3319.61 of the Revised Code into their review of coursework that 41784  
is appropriate for license renewal. The rules shall establish a 41785  
procedure by which a teacher may appeal the decision of a local 41786  
professional development committee. 41787

(2) In any school district in which there is no exclusive 41788  
representative established under Chapter 4117. of the Revised 41789  
Code, the professional development committees shall be established 41790  
as described in division (F)(2) of this section. 41791

Not later than the effective date of the rules adopted under 41792  
this section, the board of education of each school district shall 41793  
establish the structure for one or more local professional 41794  
development committees to be operated by such school district. The 41795  
committee structure so established by a district board shall 41796  
remain in effect unless within thirty days prior to an anniversary 41797  
of the date upon which the current committee structure was 41798  
established, the board provides notice to all affected district 41799  
employees that the committee structure is to be modified. 41800  
Professional development committees may have a district-level or 41801  
building-level scope of operations, and may be established with 41802  
regard to particular grade or age levels for which an educator 41803  
license is designated. 41804

Each professional development committee shall consist of at 41805  
least three classroom teachers employed by the district, one 41806  
principal employed by the district, and one other employee of the 41807  
district appointed by the district superintendent. For committees 41808  
with a building-level scope, the teacher and principal members 41809  
shall be assigned to that building, and the teacher members shall 41810  
be elected by majority vote of the classroom teachers assigned to 41811

that building. For committees with a district-level scope, the 41812  
teacher members shall be elected by majority vote of the classroom 41813  
teachers of the district, and the principal member shall be 41814  
elected by a majority vote of the principals of the district, 41815  
unless there are two or fewer principals employed by the district, 41816  
in which case the one or two principals employed shall serve on 41817  
the committee. If a committee has a particular grade or age level 41818  
scope, the teacher members shall be licensed to teach such grade 41819  
or age levels, and shall be elected by majority vote of the 41820  
classroom teachers holding such a license and the principal shall 41821  
be elected by all principals serving in buildings where any such 41822  
teachers serve. The district superintendent shall appoint a 41823  
replacement to fill any vacancy that occurs on a professional 41824  
development committee, except in the case of vacancies among the 41825  
elected classroom teacher members, which shall be filled by vote 41826  
of the remaining members of the committee so selected. 41827

Terms of office on professional development committees shall 41828  
be prescribed by the district board establishing the committees. 41829  
The conduct of elections for members of professional development 41830  
committees shall be prescribed by the district board establishing 41831  
the committees. A professional development committee may include 41832  
additional members, except that the majority of members on each 41833  
such committee shall be classroom teachers employed by the 41834  
district. Any member appointed to fill a vacancy occurring prior 41835  
to the expiration date of the term for which a predecessor was 41836  
appointed shall hold office as a member for the remainder of that 41837  
term. 41838

The initial meeting of any professional development 41839  
committee, upon election and appointment of all committee members, 41840  
shall be called by a member designated by the district 41841  
superintendent. At this initial meeting, the committee shall 41842  
select a chairperson and such other officers the committee deems 41843

necessary, and shall adopt rules for the conduct of its meetings. 41844  
Thereafter, the committee shall meet at the call of the 41845  
chairperson or upon the filing of a petition with the district 41846  
superintendent signed by a majority of the committee members 41847  
calling for the committee to meet. 41848

(3) In the case of a school district in which an exclusive 41849  
representative has been established pursuant to Chapter 4117. of 41850  
the Revised Code, professional development committees shall be 41851  
established in accordance with any collective bargaining agreement 41852  
in effect in the district that includes provisions for such 41853  
committees. 41854

If the collective bargaining agreement does not specify a 41855  
different method for the selection of teacher members of the 41856  
committees, the exclusive representative of the district's 41857  
teachers shall select the teacher members. 41858

If the collective bargaining agreement does not specify a 41859  
different structure for the committees, the board of education of 41860  
the school district shall establish the structure, including the 41861  
number of committees and the number of teacher and administrative 41862  
members on each committee; the specific administrative members to 41863  
be part of each committee; whether the scope of the committees 41864  
will be district levels, building levels, or by type of grade or 41865  
age levels for which educator licenses are designated; the lengths 41866  
of terms for members; the manner of filling vacancies on the 41867  
committees; and the frequency and time and place of meetings. 41868  
However, in all cases, except as provided in division (F)(4) of 41869  
this section, there shall be a majority of teacher members of any 41870  
professional development committee, there shall be at least five 41871  
total members of any professional development committee, and the 41872  
exclusive representative shall designate replacement members in 41873  
the case of vacancies among teacher members, unless the collective 41874  
bargaining agreement specifies a different method of selecting 41875

such replacements. 41876

(4) Whenever an administrator's coursework plan is being 41877  
discussed or voted upon, the local professional development 41878  
committee shall, at the request of one of its administrative 41879  
members, cause a majority of the committee to consist of 41880  
administrative members by reducing the number of teacher members 41881  
voting on the plan. 41882

(G)(1) The department of education, educational service 41883  
centers, county boards of developmental disabilities, college and 41884  
university departments of education, head start programs, and the 41885  
Ohio education computer network may establish local professional 41886  
development committees to determine whether the coursework 41887  
proposed by their employees who are licensed or certificated under 41888  
this section or section 3319.222 of the Revised Code, or under the 41889  
former version of either section as it existed prior to October 41890  
16, 2009, meet the requirements of the rules adopted under this 41891  
section. They may establish local professional development 41892  
committees on their own or in collaboration with a school district 41893  
or other agency having authority to establish them. 41894

Local professional development committees established by 41895  
county boards of developmental disabilities shall be structured in 41896  
a manner comparable to the structures prescribed for school 41897  
districts in divisions (F)(2) and (3) of this section, as shall 41898  
the committees established by any other entity specified in 41899  
division (G)(1) of this section that provides educational services 41900  
by employing or contracting for services of classroom teachers 41901  
licensed or certificated under this section or section 3319.222 of 41902  
the Revised Code, or under the former version of either section as 41903  
it existed prior to October 16, 2009. All other entities specified 41904  
in division (G)(1) of this section shall structure their 41905  
committees in accordance with guidelines which shall be issued by 41906  
the state board. 41907

(2) Educational service centers may establish local professional development committees to serve educators who are not employed in schools in this state, including pupil services personnel who are licensed under this section. Local professional development committees shall be structured in a manner comparable to the structures prescribed for school districts in divisions (F)(2) and (3) of this section.

These committees may agree to review the coursework, continuing education units, or other equivalent activities related to classroom teaching or the area of licensure that is proposed by an individual who satisfies both of the following conditions:

(a) The individual is licensed or certificated under this section or under the former version of this section as it existed prior to October 16, 2009.

(b) The individual is not currently employed as an educator or is not currently employed by an entity that operates a local professional development committee under this section.

Any committee that agrees to work with such an individual shall work to determine whether the proposed coursework, continuing education units, or other equivalent activities meet the requirements of the rules adopted by the state board under this section.

(3) Any public agency that is not specified in division (G)(1) or (2) of this section but provides educational services and employs or contracts for services of classroom teachers licensed or certificated under this section or section 3319.222 of the Revised Code, or under the former version of either section as it existed prior to October 16, 2009, may establish a local professional development committee, subject to the approval of the department of education. The committee shall be structured in accordance with guidelines issued by the state board.

(H) Not later than July 1, 2016, the state board, in 41939  
accordance with Chapter 119. of the Revised Code, shall adopt 41940  
rules pursuant to division (A)(3) of this section that do both of 41941  
the following: 41942

(1) Exempt consistently high-performing teachers from the 41943  
requirement to complete any additional coursework for the renewal 41944  
of an educator license issued under this section or section 41945  
3319.26 of the Revised Code. The rules also shall specify that 41946  
such teachers are exempt from any requirements prescribed by 41947  
professional development committees established under divisions 41948  
(F) and (G) of this section. 41949

(2) For purposes of division (H)(1) of this section, the 41950  
state board shall define the term "consistently high-performing 41951  
teacher." 41952

**Sec. 3319.223.** (A) The superintendent of public instruction 41953  
and the chancellor of higher education jointly shall establish the 41954  
Ohio teacher residency program, which shall be a two-year, 41955  
entry-level program for classroom teachers. Except as provided in 41956  
division (B) of this section, the teacher residency program shall 41957  
include at least the following components: 41958

(1) Mentoring by teachers, which may be provided online or 41959  
in person. The department of education shall provide participants 41960  
and mentors with access to online professional development 41961  
resources and sample videos of Ohio classroom lessons submitted 41962  
for the assessment prescribed under division (A)(3) of this 41963  
section at no cost. 41964

(2) Counseling, as determined necessary by the school 41965  
district or school, to ensure that program participants receive 41966  
needed professional development. The department shall provide to 41967  
each participant who does not receive a passing score on the 41968  
assessment under division (A)(3) of this section, at no cost, the 41969

opportunity to meet online with an instructional coach who is a certified assessor of the assessment to review the participant's assessment score results and discuss improvement strategies and professional development. 41970  
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Participants who choose to meet with an instructional coach shall select from an online pool of instructional coaches who have completed training and are approved by the department. The characteristics of each coach's school or district, including its size, typology, and demographics, shall be made available. However, participants shall not be required to choose an instructional coach from a similar district or school. 41974  
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Participants who have not taken the assessment under division (A)(3) of this section may meet online with department-approved instructional coaches if the participant's school district or school pays the costs associated with the meetings. 41981  
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(3) Measures of appropriate progression through the program, which shall include the performance-based assessment prescribed by the state board of education for resident educators. The state board shall not limit the number of attempts to successfully complete the performance-based assessment. 41985  
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An individual may submit the assessment between the first Tuesday of October and the first Friday of April of the individual's second year of the program. The results of the assessment shall be returned within thirty days unless a new assessor is contracted, in which case the results shall be returned in forty-five days. 41990  
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(B) No individual who is teaching career-technical courses under an alternative resident educator license issued under section 3319.26 of the Revised Code or rule of the state board shall be required to do either of the following: 41996  
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(1) Complete the conditions of the Ohio teacher residency 42000

program that a participant, as of September 29, 2015, would have 42001  
been required to complete during the participant's first and 42002  
second year of teaching under an alternative resident educator 42003  
license. 42004

(2) Take a performance-based assessment. 42005

(C) The teacher residency program shall be aligned with the 42006  
standards for teachers adopted by the state board under section 42007  
3319.61 of the Revised Code and best practices identified by the 42008  
superintendent of public instruction. 42009

(D) Each person who holds a resident educator license issued 42010  
under section 3319.22 or 3319.227 of the Revised Code or an 42011  
alternative resident educator license issued under section 3319.26 42012  
of the Revised Code shall participate in the teacher residency 42013  
program. Successful completion of the program shall be required to 42014  
qualify any such person for a professional educator license issued 42015  
under section 3319.22 of the Revised Code. 42016

Sec. 3319.225. Beginning with the first school year that 42017  
begins on or after the effective date of this section, the board 42018  
of education of each school district shall provide one day of 42019  
professional development leave each school year, to observe a 42020  
veteran classroom teacher, for each teacher employed by the 42021  
district who is licensed under section 3319.22 of the Revised Code 42022  
and who is not a superintendent, assistant superintendent, 42023  
principal, assistant principal, or other administrator, as defined 42024  
in section 3319.02 of the Revised Code. 42025

Each local professional development committee established 42026  
under section 3319.22 of the Revised Code shall consider a 42027  
teacher's observation of a veteran teacher as part of the 42028  
continuing education required for license renewal under that 42029  
section. 42030

Sec. 3319.2213. (A) The state board of education shall issue 42031  
an initial five-year professional pupil services license in school 42032  
counseling under section 3319.22 of the Revised Code to an 42033  
applicant for that license if the applicant has done all of the 42034  
following: 42035

(1) Completed a school counselor preparation program approved 42036  
by the state board; 42037

(2) Passed an examination prescribed by the state board; 42038

(3) Attained a master's degree; 42039

(4) Successfully completed a six hundred hour internship in a 42040  
school setting; 42041

(5) Successfully completed twelve hours of training about the 42042  
building and construction trades and available apprenticeships. 42043  
The training shall be completed on a construction site or at a 42044  
training facility for the building and construction trades. An 42045  
applicant may count that twelve hours of training toward meeting 42046  
the six hundred hour internship requirement prescribed in division 42047  
(A)(4) of this section. 42048

The training shall include information about both of the 42049  
following: 42050

(a) The pay and benefits available to people who work in the 42051  
building and construction trades in the applicant's community; 42052

(b) Job opportunities for boilermakers, electrical workers, 42053  
bricklayers, insulators, laborers, iron workers, plumbers and 42054  
pipefitters, roofers, plasterers and cement masons, sheet metal 42055  
workers, painters and glaziers, elevator constructors, operating 42056  
engineers, teamsters, and carpenters. 42057

(B) The state board shall require an individual who holds a 42058  
valid professional pupil services license in school counseling to 42059  
complete four hours of training described in division (A)(5) of 42060

this section to renew that license. An individual may count those 42061  
four hours toward meeting continuing education unit requirements 42062  
established by the state board for licensure renewal. 42063

**Sec. 3319.236.** (A) Except as provided in division (B) or (E) 42064  
of this section, a school district shall require an individual to 42065  
hold a valid educator license in computer science, or have a 42066  
license endorsement in computer technology and a passing score on 42067  
a content examination in the area of computer science, to teach 42068  
computer science courses. 42069

(B) A school district may employ an individual, for the 42070  
purpose of teaching computer science courses, who holds a valid 42071  
educator license ~~in any of grades kindergarten through twelve,~~ 42072  
provided the individual meets the requirements established by 42073  
rules of the state board of education to qualify for a 42074  
supplemental teaching license for teaching computer science. The 42075  
rules shall require an applicant for a supplemental teaching 42076  
license to pass a content examination in the area of computer 42077  
science. The rules also shall permit an individual, after at least 42078  
two years of successfully teaching computer science courses under 42079  
the supplemental teaching license, to advance to a standard 42080  
educator license in computer science by completing a pedagogy 42081  
course applicable to the grade levels in which the individual is 42082  
teaching. However, the rules may exempt an individual teaching 42083  
computer science from the requirement to complete a pedagogy 42084  
course if the individual previously completed a pedagogy course 42085  
applicable to the grade levels in which the individual is 42086  
teaching. 42087

(C) In order for an individual to teach advanced placement 42088  
computer science courses, a school district shall require the 42089  
individual to also complete a professional development program 42090  
endorsed or provided by the organization that creates and 42091

administers national advanced placement examinations. For this 42092  
purpose, the individual may complete the program at any time 42093  
during the calendar year. 42094

(D) Notwithstanding section 3301.012 of the Revised Code, as 42095  
used in this section, "computer science courses" means any courses 42096  
that are reported in the education management information system 42097  
established under section 3301.0714 of the Revised Code as 42098  
computer science courses and which are aligned to computer science 42099  
standards adopted by the state board of education. 42100

(E) The state board of education shall adopt rules to create 42101  
a computer science teaching license for industry professionals to 42102  
teach computer science to specific grades. The holder of a 42103  
computer science teaching license for industry professionals shall 42104  
be limited to teaching forty hours in a week in the subject area 42105  
of computer science, as defined in section 3322.01 of the Revised 42106  
Code. The superintendent of public instruction shall consult with 42107  
the chancellor of higher education in creating and revising the 42108  
requirements for computer science teacher licensure. 42109

(F) Licenses issued under this section shall specify whether 42110  
the educator is licensed to teach grades pre-kindergarten through 42111  
five, grades four through nine, or grades seven through twelve. 42112

**Sec. 3319.26.** (A) The state board of education shall adopt 42113  
rules establishing the standards and requirements for obtaining an 42114  
alternative resident educator license for teaching in grades 42115  
kindergarten to twelve, or the equivalent, in a designated subject 42116  
area or in the area of intervention specialist, as defined by rule 42117  
of the state board. The rules shall also include the reasons for 42118  
which an alternative resident educator license may be renewed 42119  
under division (D) of this section. 42120

(B) The superintendent of public instruction and the 42121  
chancellor of higher education jointly shall develop an intensive 42122

pedagogical training institute to provide instruction in the 42123  
principles and practices of teaching for individuals seeking an 42124  
alternative resident educator license. The instruction shall cover 42125  
such topics as student development and learning, pupil assessment 42126  
procedures, curriculum development, classroom management, and 42127  
teaching methodology. 42128

(C) The rules adopted under this section shall require 42129  
applicants for the alternative resident educator license to 42130  
satisfy the following conditions prior to issuance of the license, 42131  
but they shall not require applicants to have completed a major or 42132  
coursework in the subject area for which application is being 42133  
made: 42134

(1) Hold a minimum of a baccalaureate degree; 42135

(2) Successfully complete the pedagogical training institute 42136  
described in division (B) of this section or the preservice 42137  
training provided to participants of a teacher preparation program 42138  
that has been approved by the chancellor. The chancellor may 42139  
approve any such program that requires participants to hold a 42140  
bachelor's degree; have either a cumulative undergraduate grade 42141  
point average of at least 2.5 out of 4.0, or its equivalent or a 42142  
cumulative graduate school grade point average of at least 3.0 out 42143  
of 4.0; and successfully complete the program's preservice 42144  
training. 42145

(3) Pass an examination in the subject area for which 42146  
application is being made. 42147

(D) An alternative resident educator license shall be valid 42148  
for ~~four~~ two years and shall be renewable for reasons specified by 42149  
rules adopted by the state board pursuant to division (A) of this 42150  
section. The state board, on a case-by-case basis, may extend the 42151  
license's duration as necessary to enable the license holder to 42152  
complete the Ohio teacher residency program established under 42153

section 3319.223 of the Revised Code. 42154

(E) The rules shall require the holder of an alternative 42155  
resident educator license, as a condition of continuing to hold 42156  
the license, to do all of the following: 42157

(1) Participate in the Ohio teacher residency program under 42158  
section 3319.223 of the revised Code; 42159

(2) Show satisfactory progress in taking and successfully 42160  
completing one of the following: 42161

(a) At least twelve additional semester hours, or the 42162  
equivalent, of college coursework in the principles and practices 42163  
of teaching in such topics as student development and learning, 42164  
pupil assessment procedures, curriculum development, classroom 42165  
management, and teaching methodology; 42166

(b) Professional development provided by a teacher 42167  
preparation program that has been approved by the chancellor under 42168  
division (C)(2) of this section. 42169

(3) Take an assessment of professional knowledge in the 42170  
second year of teaching under the license. 42171

(F) The rules shall provide for the granting of a 42172  
professional educator license to a holder of an alternative 42173  
resident educator license upon successfully completing all of the 42174  
following: 42175

(1) ~~Four~~ Two years of teaching under the alternative license; 42176

(2) The additional college coursework or professional 42177  
development described in division (E)(2) of this section; 42178

(3) The assessment of professional knowledge described in 42179  
division (E)(3) of this section. The standards for successfully 42180  
completing this assessment and the manner of conducting the 42181  
assessment shall be the same as for any other individual who is 42182  
required to take the assessment pursuant to rules adopted by the 42183

state board under section 3319.22 of the Revised Code. 42184

(4) The Ohio teacher residency program; 42185

(5) All other requirements for a professional educator 42186  
license adopted by the state board under section 3319.22 of the 42187  
Revised Code. 42188

(G) A person who is assigned to teach in this state as a 42189  
participant in the teach for America program or who has completed 42190  
two years of teaching in another state as a participant in that 42191  
program shall be eligible for a license only under section 42192  
3319.227 of the Revised Code and shall not be eligible for a 42193  
license under this section. 42194

(H) The holder of an alternative resident educator license 42195  
may teach preschool students under that license. 42196

**Sec. 3319.27.** (A) The state board of education shall adopt 42197  
rules that establish an alternative principal license. The rules 42198  
establishing an alternative principal license shall include a 42199  
requirement that an applicant have obtained classroom teaching 42200  
experience. Beginning on the effective date of the rules, the 42201  
state board shall cease to issue temporary educator licenses 42202  
pursuant to former section 3319.225 of the Revised Code as it 42203  
existed prior to April 12, 2021, for employment as a principal. 42204  
Any person who on the effective date of the rules holds a valid 42205  
temporary educator license issued under that section and is 42206  
employed as a principal shall be allowed to continue employment as 42207  
a principal until the expiration of the license. Employment of any 42208  
such person as a principal by a school district after the 42209  
expiration of the temporary educator license shall be contingent 42210  
upon the state board issuing the person an alternative principal 42211  
license in accordance with the rules adopted under this division. 42212

(B) The state board shall adopt rules that establish an 42213

alternative administrator license, which shall be valid for 42214  
employment as a superintendent or in any other administrative 42215  
position except principal. Beginning on the effective date of the 42216  
rules, the state board shall cease to issue temporary educator 42217  
licenses pursuant to former section 3319.225 of the Revised Code 42218  
as it existed prior to April 12, 2021, for employment as a 42219  
superintendent or in any other administrative position except 42220  
principal. Any person who on the effective date of the rules holds 42221  
a valid temporary educator license issued under that section and 42222  
is employed as a superintendent or in any other administrative 42223  
position except principal shall be allowed to continue employment 42224  
in that position until the expiration of the license. Employment 42225  
of any such person as a superintendent or in any other 42226  
administrative position except principal by a school district 42227  
after the expiration of the temporary educator license shall be 42228  
contingent upon the state board issuing the person an alternative 42229  
administrator license in accordance with the rules adopted under 42230  
this division. 42231

Sec. 3319.285. (A) As used in this section: 42232

(1) "Eligible military individual" includes any of the 42233  
following: 42234

(a) An active-duty member of any branch of the United States 42235  
armed forces; 42236

(b) A veteran of any branch of the United States armed forces 42237  
who separated from service with an honorable discharge; 42238

(c) A member of the national guard or a member of a reserve 42239  
component of the United States armed forces; 42240

(d) A spouse of a member or veteran described in division 42241  
(A)(1)(a), (b), or (c) of this section. 42242

(2) "Teacher" has the same meaning as in section 3319.09 of 42243

the Revised Code. 42244

(B) The state board of education, in consultation with the 42245  
chancellor of higher education, shall adopt rules to establish an 42246  
alternative military educator license for eligible military 42247  
individuals. The rules shall ensure that eligible military 42248  
individuals can obtain an educator license to work as a teacher in 42249  
a public school on an expedited timeline. The rules shall allow 42250  
eligible military individuals to apply leadership training or 42251  
other military training toward requirements for college 42252  
coursework, professional development, content knowledge 42253  
examinations, or other licensure requirements. 42254

(C) The department of education may work with the credential 42255  
review board created under section 3319.65 of the Revised Code to 42256  
determine the types of military training that correspond with the 42257  
educational training needed to be a successful teacher. 42258

**Sec. 3319.303.** (A) The state board of education shall adopt 42259  
rules establishing standards and requirements for obtaining a 42260  
pupil-activity program permit for any individual who does not hold 42261  
a valid educator license, certificate, or permit issued by the 42262  
state board under section 3319.22, 3319.26, or 3319.27 of the 42263  
Revised Code. The permit issued under this section shall be valid 42264  
for coaching, supervising, or directing a pupil-activity program 42265  
under section 3313.53 of the Revised Code. Subject to the 42266  
provisions of section 3319.31 of the Revised Code, a permit issued 42267  
under this division shall be valid for three years and shall be 42268  
renewable. 42269

(B) The state board shall adopt rules applicable to 42270  
individuals who hold valid educator licenses, certificates, or 42271  
permits issued by the state board under section 3319.22, 3319.26, 42272  
or 3319.27 of the Revised Code setting forth standards to assure 42273  
any such individual's competence to direct, supervise, or coach a 42274

pupil-activity program described in section 3313.53 of the Revised Code. The rules adopted under this division shall not be more stringent than the standards set forth in rules applicable to individuals who do not hold such licenses, certificates, or permits adopted under division (A) of this section. Subject to the provisions of section 3319.31 of the Revised Code, a permit issued to an individual under this division shall be valid for the same number of years as the individual's educator license, certificate, or permit issued under section 3319.22, 3319.26, or 3319.27 of the Revised Code and shall be renewable.

(C) As a condition to issuing or renewing a pupil-activity program permit to coach interscholastic athletics:

(1) The state board shall require each individual applying for a first permit ~~on or after April 26, 2013,~~ to successfully complete a training program that is specifically focused on brain trauma and brain injury management and the sudden cardiac arrest training course approved by the department of health under division (C) of section 3707.59 of the Revised Code.

(2) The state board shall require each individual applying for a permit renewal ~~on or after that date~~ to present evidence that the individual has successfully completed, within the duration of the individual's previous three years, a permit, both of the following:

(a) A training program in recognizing the symptoms of concussions and head injuries to which the department of health has provided a link on its internet web site under section 3707.52 of the Revised Code or a training program authorized and required by an organization that regulates interscholastic athletic competition and conducts interscholastic athletic events;

(b) The sudden cardiac arrest training course approved by the department of health under division (C) of section 3707.59 of the

Revised Code. 42306

(3) The state board shall require each individual applying 42307  
for a permit renewal on or after the effective date of this 42308  
amendment to present evidence that the individual has complied 42309  
with the student mental health training requirement under section 42310  
3313.5318 of the Revised Code. 42311

**Sec. 3319.324.** (A) As used in this section, "school records" 42312  
includes any academic records, student assessment data, or other 42313  
information for which there is a legitimate educational interest. 42314

(B) When any school district or chartered nonpublic school 42315  
receives a request from another district or school to which a 42316  
student has transferred for that student's school records, the 42317  
district or school receiving the request shall respond, within 42318  
five school days after receiving the request, by transmitting to 42319  
the requesting district or school either the student's school 42320  
records as authorized under section 3319.321 of the Revised Code 42321  
or, if the district or school has no record of the student's 42322  
attendance, a statement of that fact. 42323

The provisions of this section are in addition to, and do not 42324  
affect the obligations of a school district or school to comply 42325  
with, the requirements of division (D) of section 3313.642 and 42326  
section 3313.672 of the Revised Code. 42327

**Sec. 3319.58.** (A) As used in this section: 42328

(1) "Eligible teacher" means an individual who satisfies all 42329  
of the following conditions: 42330

(a) The individual is an Ohio resident. 42331

(b) The individual holds a valid educator license issued 42332  
under section 3319.22 of the Revised Code. 42333

(c) The individual is employed full-time for the first time 42334

as a classroom teacher. 42335

(d) The individual received a bachelor's degree awarded by any public or private institution of higher education in this state. 42336  
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(e) The individual has outstanding student loans for the degree described in division (A)(1)(d) of this section. 42339  
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(f) The individual has made timely payments in accordance with the terms of the individual's repayment schedule for the outstanding student loans described in division (A)(1)(e) of this section. 42341  
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(2) "Qualifying school" means a school building operated by a school district, a community school established under Chapter 3314., a STEM school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code to which the department of education and the chancellor of higher education jointly determine that both of the following applies: 42345  
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(a) The school building has persistently low performance ratings on its state report card under section 3302.03 or 3314.017 of the Revised Code. 42352  
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(b) The school building has difficulty attracting and retaining classroom teachers who hold a valid educator license issued under section 3319.22 of the Revised Code. 42355  
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(B) The department of education and the chancellor of higher education jointly shall establish and administer a teacher loan repayment program. Under the program, the department shall pay the amount specified in division (C) of this section to repay outstanding student loans described in division (A)(1)(e) of this section on behalf of the eligible teacher, if the teacher applies to receive an award under the program upon being employed by a qualifying school and subsequently is employed by that school in a 42358  
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position providing instruction for five consecutive school years 42366  
in a high-needs subject area as determined by the department. An 42367  
eligible teacher shall receive only one award under the program. 42368  
The department shall make a payment directly to the eligible 42369  
teacher's lender. 42370

(C) The amount for each award under the program shall be the 42371  
lesser of forty thousand dollars or the total amount of the 42372  
outstanding student loans described in division (A)(1)(e) of the 42373  
section for an eligible teacher who meets the requirement 42374  
prescribed in division (B) of this section. 42375

(D) The department and the chancellor jointly shall adopt 42376  
rules to administer the program. 42377

(E) The teacher loan repayment fund is hereby created in the 42378  
state treasury, to consist of such amounts designated for the 42379  
purposes of the fund by the general assembly. The fund shall be 42380  
used to make awards under the program established under this 42381  
section. 42382

**Sec. 3322.01. As used in this chapter:** 42383

(A) "Computer science" includes logical reasoning, computing 42384  
systems, networks and the internet, data and data analysis, 42385  
algorithms and programming, impacts of computing, web development, 42386  
and structured problem solving skills related to these 42387  
disciplines. 42388

(B) "Council" means the Ohio computer science council 42389  
established under section 3322.02 of the Revised Code. 42390

(C) "Governing entity" and "nonpublic secondary school" have 42391  
the same meanings as in section 3365.01 of the Revised Code. 42392

(D) "Public secondary school" means a school serving grades 42393  
seven through twelve in a city, local, or exempted village school 42394  
district, a joint vocational school district, a community school 42395

established under Chapter 3314. of the Revised Code, a STEM school 42396  
established under Chapter 3326. of the Revised Code, a 42397  
college-preparatory boarding school established under Chapter 42398  
3328. of the Revised Code, the state school for the deaf, the 42399  
state school for the blind, or an institution operated by the 42400  
department of youth services. 42401

Sec. 3322.02. The Ohio computer science council is hereby 42402  
created. The council shall foster and encourage increased 42403  
participation in computer science education across all counties 42404  
through afterschool programs, summer camps, and other educational 42405  
enrichment partnerships. 42406

The council shall consist of eleven voting members appointed 42407  
by the governor, with the advice and consent of the senate, two 42408  
nonvoting members of the house of representatives appointed by the 42409  
speaker of the house, and two nonvoting members of the senate 42410  
appointed by the president of the senate. The members appointed 42411  
from each house of the general assembly shall not be from the same 42412  
political party. 42413

Terms of office for members appointed by the governor shall 42414  
be for five years, beginning on the second day of July and ending 42415  
on the first day of July. 42416

The legislative members shall be appointed within ten days of 42417  
the convening of the first regular session of each general 42418  
assembly and shall serve through December 31 of the following 42419  
year. Each member shall hold office from the date of appointment 42420  
until the end of the term for which the member was appointed. Any 42421  
member appointed to fill a vacancy occurring prior to the 42422  
expiration of the term for which the member's predecessor was 42423  
appointed shall hold office for the remainder of that term. 42424

Any member appointed by the governor shall continue in office 42425  
subsequent to the expiration date of the member's term until the 42426

member's successor takes office, or until a period of sixty days 42427  
has elapsed, whichever occurs first. The governor shall name the 42428  
chair and vice-chair of the council, who shall serve in those 42429  
positions at the governor's pleasure. Members of the council shall 42430  
serve without compensation but are entitled to reimbursement for 42431  
expenses incurred in connection with official business of the 42432  
council. 42433

Persons appointed to the council by the governor shall have 42434  
broad knowledge and experience in computer science, business, 42435  
primary education, secondary education, or postsecondary 42436  
education. 42437

The chancellor of higher education shall provide staff and 42438  
other administrative services for the council. 42439

**Sec. 3322.03.** The council shall do all of the following: 42440

(A) Survey the computer science educational resources and 42441  
needs of the state; 42442

(B) Develop a plan for and fund grants for afterschool, 42443  
summer, and related enrichment programs to increase participation 42444  
and foster deeper engagement by all youth in the state with 42445  
computer science; 42446

(C) Create and maintain records on the distribution of funds 42447  
awarded through the council. 42448

**Sec. 3322.04.** The council may do all of the following: 42449

(A) Within the limits of available funds, award and 42450  
administer grants for afterschool, summer, and other enrichment 42451  
programs that support the objectives of the council; 42452

(B) Establish and appoint members to advisory committees to 42453  
advise and assist in the performance of its functions, and, within 42454  
the limits of available funds, contract with consultants to 42455

facilitate its work; 42456

(C) Adopt, in accordance with Chapter 119. of the Revised 42457  
Code, any rules necessary to administer Chapter 3322. of the 42458  
Revised Code. 42459

Sec. 3322.05. The council shall meet at least once each 42460  
calendar year and may meet more frequently if its workload 42461  
demands. Council members, however, may not receive expenses for 42462  
attendance at more than four meetings each year. The council may 42463  
meet anywhere in the state. 42464

Sec. 3322.06. The council may receive and administer any 42465  
funds granted to this state by the federal government for purposes 42466  
compatible with the mission of this chapter and shall administer 42467  
any state funds appropriated for that purpose. The council may 42468  
also accept and administer on behalf of the state any gifts, 42469  
donations, or bequests made to it for the encouragement and 42470  
development of computer science education, afterschool programs, 42471  
summer programs, or other related educational enrichment. 42472

Sec. 3322.07. The Ohio computer science council gifts and 42473  
donations fund is hereby created in the state treasury. The fund 42474  
shall consist of gifts and donations made to the council and fees 42475  
paid for conferences the council sponsors. The fund may be used to 42476  
pay for the council's operating expenses, including payroll, 42477  
personnel services, maintenance, equipment, and subsidy payments 42478  
as well as for grants awarded as part of the council's mission. 42479  
All moneys deposited into the fund shall be received and expended 42480  
pursuant to the council's duty to foster and encourage increased 42481  
participation in computer science education across all counties in 42482  
this state through afterschool programs, summer camps, and other 42483  
educational enrichment partnerships. 42484

Sec. 3322.20. (A) The Ohio computer science promise program 42485  
is hereby established. Beginning with the 2024-2025 school year, 42486  
under the program, a student in any of grades seven through twelve 42487  
who is a resident of this state may, at no cost to the student, 42488  
enroll in and receive high school credit for one computer science 42489  
course per academic year that is not offered by the student's 42490  
public or nonpublic secondary school, provided the student is 42491  
accepted into an eligible course offered by an approved provider 42492  
and there are sufficient funds to support enrollment. 42493

(B) All Ohio computer science promise program eligible 42494  
courses and providers shall be approved by the department of 42495  
education in consultation with the chancellor of higher education 42496  
to be eligible for funding. The department annually shall publish 42497  
a list of approved providers and courses. 42498

(C)(1) Any student enrolled in a public secondary school may 42499  
participate in the program if the student meets the applicable 42500  
eligibility criteria. 42501

(2) Any student enrolled in a nonpublic secondary school may 42502  
participate in the program in a manner prescribed by the 42503  
chancellor of higher education if the nonpublic school chooses to 42504  
participate in the program. 42505

(D) Governing entities shall grant high school credit for 42506  
courses approved to receive funding through the Ohio computer 42507  
science promise program. 42508

(E) All public secondary schools shall participate in the 42509  
program and are subject to the requirements of this chapter. Any 42510  
nonpublic secondary school that chooses to participate in the 42511  
program shall also be subject to the requirements of this chapter. 42512

(F) The chancellor of higher education, in accordance with 42513  
Chapter 119. of the Revised Code and in consultation with the 42514

state superintendent, shall adopt rules governing the program. 42515

**Sec. 3322.24.** (A) All governing entities shall count courses 42516  
successfully completed under this chapter for high school credit 42517  
toward the graduation requirements and subject area requirements 42518  
of the governing entity. If a course comparable to one a 42519  
participant completed with an approved provider is offered by the 42520  
governing entity, the governing entity shall award comparable 42521  
credit. If no comparable course is offered, the governing entity 42522  
shall grant an appropriate number of elective credits to the 42523  
participant. 42524

(B) If there is a dispute between the governing entity of a 42525  
participant's school and a participant regarding high school 42526  
credits granted for a course, the participant may appeal the 42527  
decision to the department of education. The department's decision 42528  
regarding any high school credits granted under this section is 42529  
final. 42530

(C) Evidence of successful completion of each course and the 42531  
high school credits awarded by the school shall be included in the 42532  
student's record. The record shall indicate that the credits were 42533  
earned as a participant under this chapter and shall include the 42534  
name of the educational provider at which the credits were earned. 42535

**Sec. 3323.25.** (A) As used in this section and section 42536  
3323.251 of the Revised Code: 42537

(1) "Dyslexia" means a specific learning disorder that is 42538  
neurological in origin and that is characterized by unexpected 42539  
difficulties with accurate or fluent word recognition and by poor 42540  
spelling and decoding abilities not consistent with the person's 42541  
intelligence, motivation, and sensory capabilities, which 42542  
difficulties typically result from a deficit in the phonological 42543  
component of language. 42544

(2) "Appropriate certification" means either of the following: 42545  
42546

(a) Certification at a certified level, or higher, from a research-based, structured literacy program; 42547  
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(b) Any other certification as recognized by a majority vote of the Ohio dyslexia committee. 42549  
42550

(B)(1) The department of education shall establish the Ohio dyslexia committee which shall consist of the following members: 42551  
42552

(a) A school district superintendent appointed by the superintendent of public instruction; 42553  
42554

(b) An elementary school principal appointed by the state superintendent; 42555  
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(c) A classroom teacher appointed by the state superintendent. The teacher shall have an appropriate certification and at least two years of experience teaching in a structured literacy program. 42557  
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(d) An educational service center employee appointed by the state superintendent. The employee shall have an appropriate certification. 42561  
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(e) An employee of the department of education appointed by the state superintendent; 42564  
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(f) A parent of a child with dyslexia or an adult with dyslexia appointed by the international dyslexia association in Ohio; 42566  
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42568

(g) An individual with experience in higher education and teacher preparation programs appointed by the chancellor of higher education. The individual appointed by the chancellor shall have an appropriate certification. 42569  
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(h) A board member of the international dyslexia association in Ohio appointed by the international dyslexia association in 42573  
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Ohio. The board member shall have an appropriate certification.	42575
(i) A school psychologist appointed by the state superintendent;	42576 42577
(j) A reading intervention specialist appointed by the state superintendent. The reading intervention specialist shall have an appropriate certification.	42578 42579 42580
(k) A speech-language pathologist appointed by the state speech and hearing professionals board. The speech-language pathologist shall have an appropriate certification.	42581 42582 42583
(2) Each appointing authority shall determine a selection process for the appointments under this section. Each appointing authority that is not the state superintendent shall make and submit to the department each appointment prescribed under this section not later than thirty days after April 12, 2021. The state superintendent also shall make each appointment prescribed to the state superintendent under this section not later than that date. Members of the committee shall serve at the pleasure of their appointing authority.	42584 42585 42586 42587 42588 42589 42590 42591 42592
(3) An individual may be appointed to the committee without required certification or experience if the appointing authority determines that the individual has sufficient experience in the individual's respective field.	42593 42594 42595 42596
(4) The state superintendent shall convene the first meeting of the committee within thirty days after nine members have been appointed to the committee. At the first meeting, members of the committee shall elect one of the members as chairperson.	42597 42598 42599 42600
(5) The department shall provide facilities for the meetings of the committee.	42601 42602
(C)(1) Not later than December 31, 2021, the Ohio dyslexia committee shall develop a guidebook regarding the best practices	42603 42604

and methods for universal screening, intervention, and remediation 42605  
for children with dyslexia or children displaying dyslexic 42606  
characteristics and tendencies using a structured literacy 42607  
program. 42608

(2) The committee shall provide an opportunity for public 42609  
input when developing the guidebook, in the manner determined by 42610  
the committee. 42611

(3) Prior to its distribution, the guidebook shall be subject 42612  
to final approval by the state board of education. 42613

(4) The guidebook shall be developed and issued to districts 42614  
and schools in an electronic format. After the initial development 42615  
of the guidebook, the Ohio dyslexia committee shall update the 42616  
guidebook as necessary. 42617

(D) Not later than December 31, 2021, the department, in 42618  
collaboration with the Ohio dyslexia committee, shall do all of 42619  
the following: 42620

(1) Provide structured literacy program professional 42621  
development for teachers in evidence-based dyslexia screening and 42622  
intervention practices for the purposes of section 3319.077 of the 42623  
Revised Code. 42624

(2) Assist school districts and other public schools in 42625  
establishing multidisciplinary teams to support the 42626  
identification, intervention, and remediation of dyslexia; 42627

(3) Develop reporting mechanisms for districts and schools to 42628  
submit to the department the information and data required in the 42629  
guidebook developed under this section; 42630

(4) Develop academic standards for kindergarten in reading 42631  
and writing that incorporate a structured literacy program; 42632

(5) Provide on the department's web site information about 42633  
training for teachers about dyslexia that is available at minimal 42634

or no cost. 42635

(E) The department, in collaboration with the Ohio dyslexia 42636  
committee, shall identify reliable, valid, universal, and 42637  
evidence-based screening and intervention measures that evaluate 42638  
the literacy skills of students enrolled in grades kindergarten 42639  
through five using a structured literacy program. The department 42640  
shall identify a tier one dyslexia screening measure by January 1, 42641  
2024, and make that screening measure available to districts and 42642  
schools at no cost to the districts and schools. Districts and 42643  
schools may use the tier one screening measure provided under this 42644  
division to satisfy the screening requirements in section 3323.251 42645  
of the Revised Code beginning in the 2024-2025 school year. 42646

(F) The Ohio dyslexia committee may do any of the following: 42647

(1) Recommend appropriate ratios in school buildings for 42648  
students to teachers who have received certification in 42649  
identifying and addressing dyslexia; 42650

(2) Recommend which other school personnel, including school 42651  
psychologists or speech-language pathologists, should receive 42652  
certification in identifying and addressing dyslexia; 42653

(3) Consider and make recommendations regarding whether 42654  
professional development required under section 3319.077 of the 42655  
Revised Code should require the completion of a practicum. 42656

**Sec. 3323.251.** (A) Each school district and other public 42657  
school shall do all of the following: 42658

(1) For the 2023-2024 school year, administer a tier one 42659  
dyslexia screening measure to a student to whom either of the 42660  
following applies: 42661

(a) The student is enrolled in any of grades kindergarten 42662  
through three, or the student transfers into the district or 42663  
school midyear and is enrolled in any of grades kindergarten 42664

through three. A screening measure shall be administered to a student enrolled in kindergarten after January 1, 2024, but prior to January 1, 2025.

(b) The student is enrolled in any of grades four through six, or the student transfers into the district or school midyear and is enrolled in any of grades four through six, and either of the following applies:

(i) The student's parent, guardian, or custodian requests that the screening measure be administered to the student.

(ii) A classroom teacher requests that the screening measure be administered to the student and the student's parent, guardian, or custodian grants permission for the screening measure to be administered.

A school district may implement the screening under division (A)(1) of this section prior to the 2023-2024 school year.

A screening measure administered under division (A)(1) of this section shall be aligned to the grade level in which the student is enrolled at the time the screening is administered.

(2) For the 2024-2025 school year and each school year thereafter, administer a tier one dyslexia screening measure to a student to whom either of the following applies:

(a) A student enrolled in kindergarten, or a student who transfers into the district or school midyear and is enrolled in kindergarten. A screening measure shall be administered to a student after the first day of January of the school year in which the student is enrolled in kindergarten and prior to the first day of January of the following school year.

(b) A student enrolled in any of grades one through six, or a student who transfers into the district or school midyear and is enrolled in any of grades one through six, if either of the

following applies:	42695
(i) The student's parent, guardian, or custodian requests that the screening measure be administered to the student.	42696 42697
(ii) A classroom teacher requests that the screening measure be administered to the student and the student's parent, guardian, or custodian grants permission for the screening measure to be administered.	42698 42699 42700 42701
A district or school may administer a tier two dyslexia screening measure to a student to whom the district or school administers a tier one screening measure under division (A)(1) or (2) of this section. In that case, a district or school shall not be required to complete division (A)(4) of this section.	42702 42703 42704 42705 42706
<u>A screening measure administered under division (A)(2) of this section shall be aligned to the grade level in which the student is enrolled at the time the screening is administered.</u>	42707 42708 42709
(3) Identify each student that is at risk of dyslexia based on the student's results on the tier one screening measure and notify the student's parent, guardian, or custodian that the student has been identified as being at risk.	42710 42711 42712 42713
(4) Monitor the progress of each at-risk student toward attaining grade-level reading and writing skills for up to six weeks. The district or school shall check each at-risk student's progress on at least the second week, fourth week, and sixth week after the student is identified as being at risk. If no progress is observed during the monitoring period, the district or school shall notify the parent, guardian, or custodian of the student and administer a tier two dyslexia screening measure to the student.	42714 42715 42716 42717 42718 42719 42720 42721
(5) Report to a student's parent or guardian the student's results on a tier two screening measure approved by the Ohio dyslexia committee within thirty days after the measure's administration. If, as determined by the tier two screening	42722 42723 42724 42725

measure, the student is identified as having dyslexia tendencies, 42726  
the student's parent or guardian shall be provided with 42727  
information about reading development, the risk factors for 42728  
dyslexia, and descriptions for evidenced-based interventions. 42729

(6) If a student demonstrates markers for dyslexia, provide 42730  
the student's parents or guardian with a written explanation of 42731  
the district or school's structured literacy program. 42732

~~(B)(1) Beginning in the 2023-2024 school year, each district~~ 42733  
~~or school shall~~ In the case of a transfer student described in 42734  
division (A)(1) or (2) of this section, the following apply: 42735

~~(a) Administer a tier one dyslexia screening measure to each~~ 42736  
~~kindergarten student that transfers into the district or school~~ 42737  
~~midyear during the school's regularly scheduled screening of the~~ 42738  
~~kindergarten class or within thirty days after the student's~~ 42739  
~~enrollment if the screening already has been completed; If the~~ 42740  
~~student is enrolled in kindergarten, the tier one dyslexia~~ 42741  
~~screening measure shall be administered to the student during the~~ 42742  
~~school's regularly scheduled screening of the kindergarten class~~ 42743  
~~or within thirty days after the student's enrollment if so~~ 42744  
~~required under this section, or within thirty days after the~~ 42745  
~~student's parent, guardian, or custodian requests the screening or~~ 42746  
~~grants permission for a screening.~~ 42747

~~(b) Administer a tier one dyslexia screening measure to each~~ 42748  
~~student in grades one through six that transfers into the district~~ 42749  
~~or school midyear within thirty days after the student's~~ 42750  
~~enrollment. If the student is enrolled in any of grades one~~ 42751  
~~through six, the tier one dyslexia screening measure shall be~~ 42752  
~~administered to the student within thirty days after the student's~~ 42753  
~~enrollment if so required under this section, or within thirty~~ 42754  
~~days after the student's parent, guardian, or custodian requests~~ 42755  
~~the screening under division (A)(1)(b)(i) or (A)(2)(b)(i) of this~~ 42756  
~~section or grants permission for the screening under division~~ 42757

(A)(1)(b)(ii) or (A)(2)(b)(ii) of this section. 42758

(c) No district or school shall be required to administer a tier one dyslexia screening measure to a student who transfers into the district or school midyear if the student's records indicate that such a screening was administered to the student by the district or school from which the student transferred during that school year. 42759  
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(2) If a student is identified as being at risk of dyslexia under division (B)(1) of this section, the district or school shall administer a tier two screening measure in a timely manner. 42765  
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(C) Each district or school shall do all of the following: 42768

(1) Comply with any provisions that are statutorily required, as they pertain to the guidebook developed under division (C) of section 3323.25 of the Revised Code; 42769  
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(2) Select screening and intervention measures to administer to students from the measures identified under division (E) of section 3323.25 of the Revised Code; 42772  
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(3) Establish a multidisciplinary team to administer screening and intervention measures and analyze the results of the measures. The team shall include trained and certified personnel and a stakeholder with expertise in the identification, intervention, and remediation of dyslexia. 42775  
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(4) Report to the department of education the results of screening measures administered under this section. 42780  
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In addition, districts and schools may utilize any best practices and recommendations contained in the guidebook developed under division (C) of section 3323.25 of the Revised Code. 42782  
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**Sec. 3324.05.** (A) Each school district shall submit an annual report to the department of education specifying the number of students in each of grades kindergarten through twelve screened, 42785  
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42787

the number assessed, and the number identified as gifted in each 42788  
category specified in section 3324.03 of the Revised Code. ~~For~~ 42789  
~~fiscal years 2022 and 2023, this~~ The report shall also specify the 42790  
number of students served in each category specified in section 42791  
3324.03 of the Revised Code. 42792

(B) ~~For fiscal years 2022 and 2023, not~~ Not later than the 42793  
thirty-first day of October annually, the department shall publish 42794  
both of the following using data submitted by school districts 42795  
under the education management information system established 42796  
under section 3301.0714 of the Revised Code: 42797

(1) Services offered by each school district to students 42798  
identified as gifted in each of the following grade bands: 42799

(a) Kindergarten through ~~third~~ second grade; 42800

(b) Third through sixth grade; 42801

~~Fourth~~ (c) Seventh through eighth grade; 42802

~~(e)~~(d) Ninth through twelfth grade. 42803

(2) The number of licensed gifted intervention specialists 42804  
and coordinators employed or contracted by each school district. 42805

(C) The department of education shall audit each school 42806  
district's identification numbers at least once every three years 42807  
and may select any district at random or upon complaint or 42808  
suspicion of noncompliance for a further audit to determine 42809  
compliance with sections 3324.03 to 3324.06 of the Revised Code. 42810  
~~If a school district's audit under this division occurs during~~ 42811  
~~fiscal year 2022 or 2023, In each year~~ the department audits a 42812  
school district under this section, the department shall also 42813  
audit the district's service numbers. 42814

(D) The department shall provide technical assistance to any 42815  
district found in noncompliance under division (C) of this 42816  
section. For fiscal years 2022 and 2023, the department shall 42817

reduce funds received by the district under Chapter 3317. of the 42818  
Revised Code by any amount if the district continues to be 42819  
noncompliant. For fiscal year 2024 and each fiscal year 42820  
thereafter, the department may reduce funds received by the 42821  
district under Chapter 3317. of the Revised Code by any amount if 42822  
the district continues to be noncompliant. 42823

**Sec. 3324.09.** ~~(A) For fiscal years 2022 and 2023, not~~ Not 42824  
later than the thirtieth day of October annually, the department 42825  
of education shall publish on its web site the funds received for 42826  
the previous fiscal year by each school district under division 42827  
(A)(6) of section 3317.022 of the Revised Code for the 42828  
identification of and services provided to the district's gifted 42829  
students and each district's expenditures of those funds. 42830

~~(B) For fiscal year 2024 and each fiscal year thereafter, not~~ 42831  
~~later than the thirtieth day of October, the department shall~~ 42832  
~~publish on its web site each school district's expenditures for~~ 42833  
~~the previous fiscal year of funds received under division (A)(6)~~ 42834  
~~of section 3317.022 of the Revised Code for the identification of~~ 42835  
~~and services provided to the district's gifted students.~~ 42836

**Sec. 3325.01.** The Ohio deaf and blind education services is 42837  
hereby established and shall include the state school for the deaf 42838  
and the state school for the blind. Ohio deaf and blind education 42839  
services shall be operate under the control and supervision of the 42840  
state board of education. On the recommendation of the 42841  
superintendent of public instruction, the state board of education 42842  
shall appoint a superintendent for Ohio deaf and blind education 42843  
services, who shall supervise the state school for the deaf and a 42844  
~~superintendent for~~ the state school for the blind, ~~each of whom.~~ 42845  
The superintendent of Ohio deaf and blind education services shall 42846  
serve at the pleasure of the state board of education. The 42847  
superintendent of Ohio deaf and blind education services may 42848

create additional divisions to meet the educational needs of 42849  
students throughout the state who are deaf, hard of hearing, 42850  
blind, visually impaired, or deafblind. 42851

**Sec. 3325.011.** Subject to the regulations adopted by the 42852  
state board of education, the state school for the deaf shall be 42853  
open to receive persons who are deaf, ~~partially deaf~~ hard of 42854  
hearing, and ~~both blind and deaf~~ deafblind residents of this 42855  
state, who, in the judgment of the superintendent of public 42856  
instruction and the superintendent of ~~the school for the deaf~~ Ohio 42857  
deaf and blind education services, due to such disability, cannot 42858  
be educated in the public school system and are suitable persons 42859  
to receive instructions according to the methods employed in such 42860  
school. ~~The superintendent of the school for the deaf may pay the~~ 42861  
~~expenses necessary for the instruction of children who are both~~ 42862  
~~blind and deaf, who are resident of this state, in any suitable~~ 42863  
~~institution.~~ 42864

**Sec. 3325.02.** (A) As used in this chapter, a person with a 42865  
"visual impairment" means ~~blindness, partial blindness,~~ 42866  
~~deaf blindness~~ the person is blind, visually impaired, deafblind, 42867  
or has multiple disabilities if one of the disabilities is vision 42868  
related. 42869

(B) Subject to the regulations adopted by the state board of 42870  
education, the state school for the blind shall be open to receive 42871  
persons who are residents of this state, whose disabilities are 42872  
visual impairments, and who, in the judgment of the superintendent 42873  
of public instruction and the superintendent of ~~the school for the~~ 42874  
~~blind~~ Ohio deaf and blind education services, due to such 42875  
disability, cannot be educated in the public school system and are 42876  
suitable persons to receive instructions according to the methods 42877  
employed in the school. 42878

~~Sec. 3325.03. The superintendent of the state school for the deaf or the superintendent of the state school for the blind Ohio deaf and blind education services may return to its parents, guardian, or proper agency any pupil under his the superintendent's jurisdiction, who to the pupil's resident school district if, in the opinion of such the superintendent and the superintendent of public instruction, that pupil is not making sufficient progress in its school or industrial work to justify its continuance as a pupil in such school at the state school for the deaf or the state school for the blind.~~

~~Sec. 3325.04. The superintendent of the state school for the deaf and the superintendent of the state school for the blind Ohio deaf and blind education services, with the approval of the superintendent of public instruction, shall, for their respective schools and subject to the rules and regulations of the civil service, employ suitable teachers, nurses, and other help staff necessary to operate Ohio deaf and blind education services and provide the proper instruction and care for to the pupils under their the jurisdiction of the superintendent of Ohio deaf and blind education services.~~

~~No individual hired on or after the effective date of this amendment as a classroom teacher at the state school for the blind shall be permitted to retain employment as a teacher at the school unless prior to the date of such hiring, or within one year of that date, the individual completes at least two courses of instruction in braille at an institution of higher education or demonstrates equivalent competency in the use of braille to the satisfaction of the superintendent of the state school for the blind.~~

~~Sec. 3325.05. The state board of education may provide for~~

the further and higher education of any blind pupils, who in its 42909  
judgment are capable of receiving sufficient benefit to render 42910  
them more efficient as citizens, by ~~appointing readers for~~ 42911  
providing appropriate assistive technology to enable such persons 42912  
to read from textbooks and pamphlets used in their studies while 42913  
in attendance as regularly matriculated students in any college, 42914  
university, or technical or professional school located in this 42915  
state and authorized to grant degrees. Any fund appropriated for 42916  
such purpose shall be distributed under the direct supervision of 42917  
the state board of education. No person shall receive the benefit 42918  
conferred by this section who has not had an actual residence in 42919  
this state for at least one year. 42920

**Sec. 3325.06.** (A) ~~The state board of~~ Ohio deaf and blind 42921  
education services shall institute and establish a program of 42922  
education ~~by the department of education~~ to train parents of deaf 42923  
or hard of hearing children of preschool age. The object and 42924  
purpose of the educational program shall be to aid and assist the 42925  
parents of deaf or hard of hearing children of preschool age in 42926  
affording to the children the means of optimum communicational 42927  
facilities. 42928

(B) ~~The state board of education~~ Ohio deaf and blind 42929  
education services shall institute and establish a program of 42930  
education to train and assist parents of blind or visually 42931  
impaired children of preschool age ~~whose disabilities are visual~~ 42932  
~~impairments~~. The object and purpose of the educational program 42933  
shall be to enable the parents of blind or visually impaired 42934  
children of preschool age ~~whose disabilities are visual~~ 42935  
~~impairments~~ to provide their children with learning experiences 42936  
that develop early literacy, communication, mobility, and daily 42937  
living skills so the children can function independently in their 42938  
living environments. 42939

**Sec. 3325.07.** ~~The state board of Ohio deaf and blind~~ 42940  
education services in carrying out this section and division (A) 42941  
of section 3325.06 of the Revised Code shall, insofar as 42942  
practicable, plan, present, and carry into effect an educational 42943  
program by means of any of the following methods of instruction: 42944

(A) Classes for parents of deaf or hard of hearing children 42945  
of preschool age; 42946

(B) A ~~nursery school~~ preschool where parent and child ~~would~~ 42947  
may enter the ~~nursery school~~ preschool as a unit; 42948

(C) Correspondence course; 42949

(D) Personal consultations and interviews; 42950

(E) Day-care or child development courses; 42951

(F) Summer enrichment courses; 42952

(G) By such other means or methods as the superintendent of 42953  
~~the state school for the deaf~~ Ohio deaf and blind education 42954  
services deems advisable that would permit a deaf or hard of 42955  
hearing child of preschool age to ~~construct a pattern of~~ build 42956  
communication skills at an early age. 42957

The superintendent may allow children who are not deaf or 42958  
hard of hearing to participate in the methods of instruction 42959  
described in divisions (A) to (G) of this section as a means to 42960  
assist deaf or hard of hearing children to ~~construct a pattern of~~ 42961  
build communication skills. The superintendent shall establish 42962  
policies and procedures regarding the participation of children 42963  
who are not deaf or hard of hearing. 42964

The superintendent may establish reasonable fees for 42965  
participation in the methods of instruction described in divisions 42966  
(A) to (G) of this section to defray the costs of carrying them 42967  
out. The superintendent shall determine the manner by which any 42968  
such fees shall be collected. All fees shall be deposited in the 42969

even start fees and gifts fund, which is hereby created in the 42970  
state treasury. The money in the fund shall be used to implement 42971  
this section. 42972

**Sec. 3325.071.** ~~The state board of~~ Ohio deaf and blind 42973  
education services in carrying out this section and division (B) 42974  
of section 3325.06 of the Revised Code shall, insofar as 42975  
practicable, plan, present, and carry into effect an educational 42976  
program by means of any of the following methods of instruction: 42977

(A) Classes for parents of children of preschool age whose 42978  
disabilities are visual impairments, independently or in 42979  
cooperation with community agencies; 42980

~~Periodic interactive parent child classes for infants and~~ 42981  
~~toddlers whose disabilities are visual impairments~~ A preschool 42982  
where a parent and child may enter the preschool as a unit; 42983

(C) Correspondence course; 42984

(D) Personal consultations and interviews; 42985

(E) Day-care or child development courses for children and 42986  
parents; 42987

(F) Summer enrichment courses; 42988

(G) By such other means or methods as the superintendent of 42989  
~~the state school for the blind~~ Ohio deaf and blind education 42990  
services deems advisable that would permit a child of preschool 42991  
age whose disability is a visual impairment to ~~construct a pattern~~ 42992  
~~of~~ build communication skills and develop literacy, mobility, and 42993  
independence at an early age. 42994

The superintendent may allow children who do not have 42995  
disabilities that are visual impairments to participate in the 42996  
methods of instruction described in divisions (A) to (G) of this 42997  
section so that children of preschool age whose disabilities are 42998  
visual impairments are able to learn alongside their peers while 42999

receiving specialized instruction that is based on early learning 43000  
and development strategies. The superintendent shall establish 43001  
policies and procedures regarding the participation of children 43002  
who do not have disabilities that are visual impairments. 43003

The superintendent may establish reasonable fees for 43004  
participation in the methods of instruction described in divisions 43005  
(A) to (G) of this section to defray the costs of carrying them 43006  
out. The superintendent shall determine the manner by which any 43007  
such fees shall be collected. All fees shall be deposited in the 43008  
state school for the blind even start fees and gifts fund, which 43009  
is hereby created in the state treasury. The money in the fund 43010  
shall be used to implement this section. 43011

**Sec. 3325.08.** (A) A diploma shall be granted by the 43012  
superintendent of ~~the state school for the blind and the~~ 43013  
~~superintendent of the state school for the deaf~~ Ohio deaf and 43014  
blind education services to any student enrolled in ~~one of these~~ 43015  
~~state schools~~ the state school for the blind or the state school 43016  
for the deaf to whom all of the following apply: 43017

(1) The student has successfully completed the individualized 43018  
education program developed for the student for the student's high 43019  
school education pursuant to section 3323.08 of the Revised Code; 43020

(2) Subject to section 3313.614 of the Revised Code, the 43021  
student has met the assessment requirements of division (A)(2)(a) 43022  
or (b) of this section, as applicable. 43023

(a) If the student entered the ninth grade prior to July 1, 43024  
2014, the student either: 43025

(i) Has attained at least the applicable scores designated 43026  
under division (B)(1) of section 3301.0710 of the Revised Code on 43027  
all the assessments prescribed by that division unless division 43028  
(L) of section 3313.61 of the Revised Code applies to the student; 43029

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code. 43030  
43031

(b) If the student entered the ninth grade on or after July 1, 2014, the student has met the requirement prescribed by section 3313.618 of the Revised Code, except to the extent that division (L) of section 3313.61 of the Revised Code applies to the student. 43032  
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(3) The student is not eligible to receive an honors diploma granted pursuant to division (B) of this section. 43036  
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No diploma shall be granted under this division to anyone except as provided under this division. 43038  
43039

(B) In lieu of a diploma granted under division (A) of this section, the superintendent of ~~the state school for the blind and the superintendent of the state school for the deaf~~ Ohio deaf and blind education services shall grant an honors diploma, in the same manner that the boards of education of school districts grant such diplomas under division (B) of section 3313.61 of the Revised Code, to any student enrolled in ~~one of these state schools~~ the state school for the blind or the state school for the deaf who accomplishes all of the following: 43040  
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(1) Successfully completes the individualized education program developed for the student for the student's high school education pursuant to section 3323.08 of the Revised Code; 43049  
43050  
43051

(2) Subject to section 3313.614 of the Revised Code, has met the assessment requirements of division (B)(2)(a) or (b) of this section, as applicable. 43052  
43053  
43054

(a) If the student entered the ninth grade prior to July 1, 2014, the student either: 43055  
43056

(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments prescribed under that division; 43057  
43058  
43059

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code. 43060  
43061

(b) If the student entered the ninth grade on or after July 1, 2014, the student has met the requirement prescribed by section 3313.618 of the Revised Code. 43062  
43063  
43064

(3) Has met additional criteria for granting an honors diploma. 43065  
43066

These additional criteria shall be the same as those prescribed by the state board under division (B) of section 3313.61 of the Revised Code for the granting of such diplomas by school districts. No honors diploma shall be granted to anyone failing to comply with this division and not more than one honors diploma shall be granted to any student under this division. 43067  
43068  
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(C) A diploma or honors diploma awarded under this section shall be signed by the superintendent of public instruction and the superintendent of ~~the state school for the blind or the superintendent of the state school for the deaf, as applicable~~ Ohio deaf and blind education services. Each diploma shall bear the date of its issue and be in such form as the ~~school~~ superintendent of Ohio deaf and blind education services prescribes. 43073  
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(D) Upon granting a diploma to a student under this section, the superintendent of ~~the state school in which the student is enrolled~~ Ohio deaf and blind education services shall provide notice of receipt of the diploma to the board of education of the school district where the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code when not residing at the state school for the blind or the state school for the deaf. The notice shall indicate the type of diploma granted. 43081  
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**Sec. 3325.09.** (A) ~~The state board of~~ Ohio deaf and blind 43089

education services shall institute and establish career-technical 43090  
education and work training programs for secondary and 43091  
post-secondary students ~~whose disabilities are visual impairments~~ 43092  
who are blind, visually impaired, deaf, hard of hearing, or 43093  
deafblind. These programs shall develop communication, mobility, 43094  
and work skills and assist students in becoming productive members 43095  
of society so that they can contribute to their communities and 43096  
living environments. 43097

(B) ~~The state school for the blind~~ Ohio deaf and blind 43098  
education services may use any gifts, donations, or bequests it 43099  
receives under section 3325.10 or 3325.15 of the Revised Code for 43100  
one or more of the following purposes that are related to 43101  
career-technical and work training programs for secondary and 43102  
post-secondary students ~~whose disabilities are visual impairments~~ 43103  
who are blind, visually impaired, deaf, hard of hearing, or 43104  
deafblind: 43105

(1) Room and board; 43106

(2) Training in mobility and orientation; 43107

(3) Activities that teach daily living skills; 43108

(4) Rehabilitation technology; 43109

(5) Activities that teach group and individual social and 43110  
interpersonal skills; 43111

(6) Work placement in the community by the school or a 43112  
community agency; 43113

(7) Transportation to and from work sites or locations of 43114  
community interaction; 43115

(8) Supervision and management of programs and services. 43116

(C) For the purposes of division (B) of this section, Ohio 43117  
deaf and blind education services shall use funds received under 43118

section 3325.10 or 3325.15 of the Revised Code only for the school 43119  
for which the funds were designated. 43120

**Sec. 3325.10.** ~~The state school for the blind~~ Ohio deaf and 43121  
blind education services may receive and administer any federal 43122  
funds relating to the education of students at the state school 43123  
for the blind whose disabilities are visual impairments, including 43124  
secondary and post-secondary students. ~~The school for the blind~~ 43125  
Ohio deaf and blind education services also may accept and 43126  
administer any gifts, donations, or bequests made to it for 43127  
programs or services relating to the education of students at the 43128  
state school for the blind whose disabilities are visual 43129  
impairments, including secondary and post-secondary students. 43130

**Sec. 3325.11.** There is hereby created in the state treasury 43131  
~~the state school for the blind~~ Ohio deaf and blind education 43132  
services student activity and work-study fund. Moneys received 43133  
from donations, bequests, the ~~school~~ vocational ~~program~~ programs 43134  
of the state school for the blind and the state school for the 43135  
deaf, and any other moneys designated for deposit in the fund by 43136  
the superintendent of ~~the state school for the blind~~ Ohio deaf and 43137  
blind education services shall be credited to the fund. 43138  
Notwithstanding section 3325.01 of the Revised Code, the approval 43139  
of the state board of education is not required to designate money 43140  
for deposit into the fund. ~~The school for the blind~~ Ohio deaf and 43141  
blind education services shall use money in the fund for the state 43142  
school for the blind, the state school for the deaf, and Ohio deaf 43143  
and blind education services' operating expenses, including, but 43144  
not limited to, personal services, maintenance, and equipment 43145  
related to student support, activities, and vocational programs, 43146  
and for providing scholarships to students for further training 43147  
upon graduation. 43148

Sec. 3325.12. Money deposited with the superintendent of the 43149  
~~state school for the blind and the superintendent of the state~~ 43150  
~~school for the deaf~~ Ohio deaf and blind education services by 43151  
parents, relatives, guardians, and friends for the special benefit 43152  
of any pupil at the state school for the blind or the state school 43153  
for the deaf shall remain in the hands of the ~~respective~~ 43154  
superintendent for use accordingly. ~~Each~~ The superintendent shall 43155  
deposit the money into one or more personal deposit funds. ~~Each~~ 43156  
The superintendent shall keep itemized book accounts of the 43157  
receipt and disposition of the money, which books shall be open at 43158  
all times to the inspection of the superintendent of public 43159  
instruction. The superintendent of ~~the state school for the blind~~ 43160  
~~and the superintendent of the state school for the deaf~~ each Ohio 43161  
deaf and blind education services shall adopt ~~rules~~ procedures 43162  
governing the deposit, transfer, withdrawal, or investment of the 43163  
money and the investment earnings of the money. 43164

Whenever a pupil ceases to be enrolled in the state school 43165  
for the blind or the state school for the deaf, if personal money 43166  
of the pupil remains in the hands of the ~~respective~~ superintendent 43167  
of Ohio deaf and blind education services and no demand is made 43168  
upon the superintendent by the pupil or the pupil's parent or 43169  
guardian, the superintendent shall hold the money in a personal 43170  
deposit fund for a period of at least one year. During that time, 43171  
the superintendent shall make every effort possible to locate the 43172  
pupil or the pupil's parent or guardian. If, at the end of this 43173  
period, no demand has been made for the money ~~held by~~ of a pupil 43174  
in the state school for the blind, the superintendent ~~of the state~~ 43175  
~~school for the blind~~ shall dispose of the money by transferring it 43176  
to the state school for the blind ~~student activity and work study~~ 43177  
educational program expense fund established by section ~~3325.11~~ 43178  
3325.17 of the Revised Code. If at the end of this period, no 43179  
demand has been made for the money ~~held by~~ of a pupil in the state 43180

school for the deaf, the superintendent ~~of the state school for~~ 43181  
~~the deaf~~ shall dispose of the money by transferring it to the 43182  
state school for the deaf educational program expenses fund 43183  
established by section 3325.16 of the Revised Code. 43184

**Sec. 3325.13.** ~~The state school for the blind~~ Ohio deaf and 43185  
blind education services employees food service fund is hereby 43186  
created in the state treasury. The fund shall consist of payments 43187  
received from employees who make purchases from the ~~school's~~ food 43188  
service program of the state school for the blind or state school 43189  
for the deaf. Notwithstanding section 3325.01 of the Revised Code, 43190  
the approval of the state board of education is not required to 43191  
designate money for deposit into the fund. ~~The school for the~~ 43192  
~~blind~~ Ohio deaf and blind education services shall use money in 43193  
the fund to pay costs associated with ~~the school's~~ Ohio deaf and 43194  
blind education services' food service program. 43195

**Sec. 3325.15.** ~~The state school for the deaf~~ Ohio deaf and 43196  
blind education services may receive and administer any federal 43197  
funds relating to the education of deaf ~~or hearing impaired, hard~~ 43198  
of hearing, or deafblind students. ~~The school for the deaf~~ Ohio 43199  
deaf and blind education services also may accept and administer 43200  
any gifts, donations, or bequests given to it for programs or 43201  
services relating to the education of deaf or ~~hearing impaired~~ 43202  
hard of hearing students and the state school for the deaf. 43203

**Sec. 3325.16.** There is hereby created in the state treasury 43204  
the state school for the deaf educational program expenses fund. 43205  
Moneys received by ~~the~~ Ohio deaf and blind education services for 43206  
the state school for the deaf from donations, bequests, student 43207  
fundraising activities, fees charged for camps and workshops, gate 43208  
receipts from athletic contests, and the student work experience 43209  
program operated by the school, and any other moneys designated 43210

for deposit in the fund by the superintendent of ~~the school~~ Ohio deaf and blind education services, shall be credited to the fund. 43211  
43212  
Notwithstanding section 3325.01 of the Revised Code, the approval 43213  
of the state board of education is not required to designate money 43214  
for deposit into the fund. ~~The state school for the deaf~~ Ohio deaf 43215  
and blind education services shall use moneys in the fund for 43216  
educational programs, after-school activities, and expenses 43217  
associated with student activities and clubs at the state school 43218  
for the deaf. 43219

**Sec. 3325.17.** There is hereby created in the state treasury 43220  
the state school for the blind educational program expense fund. 43221  
Moneys received by ~~the~~ Ohio deaf and blind education services for 43222  
the state school for the blind from donations, bequests, student 43223  
fundraising activities, fees charged for camps, workshops, and 43224  
summer work and learn cooperative programs, gate receipts from 43225  
school activities, and any other moneys designated for deposit in 43226  
the fund by the superintendent of ~~the school~~ Ohio deaf and blind 43227  
education services, shall be credited to the fund. Notwithstanding 43228  
section 3325.01 of the Revised Code, the approval of the state 43229  
board of education is not required to designate money for deposit 43230  
into the fund. ~~The state school for the blind~~ Ohio deaf and blind 43231  
education services shall use moneys in the fund for educational 43232  
programs, after-school activities, and expenses associated with 43233  
student activities at the state school for the blind. 43234

**Sec. 3326.11.** Each science, technology, engineering, and 43235  
mathematics school established under this chapter and its 43236  
governing body shall comply with sections 9.90, 9.91, 109.65, 43237  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 43238  
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 43239  
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 43240

3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.5318 43241  
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 43242  
3313.6021, 3313.6024, 3313.6025, 3313.6026, 3313.61, 3313.611, 43243  
3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 43244  
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 43245  
3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 43246  
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 43247  
3313.719, 3313.7112, 3313.7117, 3313.721, 3313.80, 3313.801, 43248  
3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 43249  
3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 43250  
3319.21, 3319.225, 3319.238, 3319.318, 3319.32, 3319.321, 43251  
3319.324, 3319.35, 3319.39, 3319.391, 3319.393, 3319.41, 3319.45, 43252  
3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 43253  
3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 43254  
3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 43255  
5502.703, and 5705.391 and Chapters 102., 117., 1347., 2744., 43256  
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the 43257  
Revised Code as if it were a school district. 43258

**Sec. 3326.44.** For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a 43259  
STEM school shall spend the funding it receives under division 43260  
(A)(5) of section 3317.022 of the Revised Code only for services 43261  
for English learners. 43262

**Sec. 3327.01.** Notwithstanding division (D) of section 3311.19 43263  
and division (D) of section 3311.52 of the Revised Code, this 43264  
section and sections 3327.011, 3327.012, and 3327.02 of the 43265  
Revised Code do not apply to any joint vocational or cooperative 43266  
education school district. 43267

In all city, local, and exempted village school districts 43268  
where resident school pupils in grades kindergarten through eight 43269  
live more than two miles from the school for which the state board 43270

of education prescribes minimum standards pursuant to division (D) 43271  
of section 3301.07 of the Revised Code and to which they are 43272  
assigned by the board of education of the district of residence or 43273  
to and from the nonpublic or community school which they attend, 43274  
the board of education shall provide transportation for such 43275  
pupils to and from that school except as provided in section 43276  
3327.02 of the Revised Code. 43277

In all city, local, and exempted village school districts 43278  
where pupil transportation is required under a career-technical 43279  
plan approved by the state board of education under section 43280  
3313.90 of the Revised Code, for any student attending a 43281  
career-technical program operated by another school district, 43282  
including a joint vocational school district, as prescribed under 43283  
that section, the board of education of the student's district of 43284  
residence shall provide transportation from the public high school 43285  
operated by that district to which the student is assigned to the 43286  
career-technical program. 43287

In all city, local, and exempted village school districts, 43288  
the board may provide transportation for resident school pupils in 43289  
grades nine through twelve to and from the high school to which 43290  
they are assigned by the board of education of the district of 43291  
residence or to and from the nonpublic or community high school 43292  
which they attend for which the state board of education 43293  
prescribes minimum standards pursuant to division (D) of section 43294  
3301.07 of the Revised Code. 43295

A board of education shall not be required to transport 43296  
elementary or high school pupils to and from a nonpublic or 43297  
community school where such transportation would require more than 43298  
thirty minutes of direct travel time as measured by school bus 43299  
from the public school building to which the pupils would be 43300  
assigned if attending the public school designated by the district 43301  
of residence. 43302

Where it is impractical to transport a pupil by school conveyance, a board of education may offer payment, in lieu of providing such transportation in accordance with section 3327.02 of the Revised Code.

A board of education shall provide transportation to students enrolled in a community school or nonpublic school in accordance with this section on each day in which that school is open for operation with students in attendance, regardless of whether the district's own schools are open for operation with students in attendance on that day. However, a board of education shall not be required to transport elementary or high school pupils to and from a nonpublic or community school on Saturday or Sunday, unless a board of education and a nonpublic or community school have an agreement in place to do so before the first day of July of the school year in which the agreement takes effect.

In all city, local, and exempted village school districts, the board shall provide transportation for all children who are so disabled that they are unable to walk to and from the school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code and which they attend. In case of dispute whether the child is able to walk to and from the school, the health commissioner shall be the judge of such ability. In all city, exempted village, and local school districts, the board shall provide transportation to and from school or special education classes for mentally disabled children in accordance with standards adopted by the state board of education.

When transportation of pupils is provided the conveyance shall be run on a time schedule that shall be adopted and put in force by the board not later than ten days after the beginning of the school term. The operator of every school bus or motor van owned and operated by any school district or educational service

center or privately owned and operated under contract with any 43335  
school district or service center in this state shall deliver 43336  
students enrolled in preschool through twelfth grades to their 43337  
respective public and nonpublic schools not sooner than thirty 43338  
minutes prior to the beginning of school and to be available to 43339  
pick them up not later than thirty minutes after the close of 43340  
their respective schools each day. 43341

A board of education shall provide each pupil in grades 43342  
kindergarten through eight substantially the same level of 43343  
transportation service, route and schedule convenience, and 43344  
pick-up and drop-off times relative to the pupil's school's start 43345  
and end times regardless of whether the pupil attends a school 43346  
operated by the board of education or a nonpublic or community 43347  
school. 43348

The cost of any transportation service authorized by this 43349  
section shall be paid first out of federal funds, if any, 43350  
available for the purpose of pupil transportation, and secondly 43351  
out of state appropriations, in accordance with regulations 43352  
adopted by the state board of education. 43353

No transportation of any pupils shall be provided by any 43354  
board of education to or from any school which in the selection of 43355  
pupils, faculty members, or employees, practices discrimination 43356  
against any person on the grounds of race, color, religion, or 43357  
national origin. 43358

**Sec. 3327.021.** The department of education shall monitor each 43359  
city, local, or exempted village school district's compliance with 43360  
sections 3327.01 and 3327.016 and division (B) of section 3327.017 43361  
of the Revised Code. If the department determines a consistent or 43362  
prolonged period of noncompliance on the part of the school 43363  
district to provide transportation as required under those 43364  
sections, the department shall deduct from the district's payment 43365

for student transportation under Chapter 3317. of the Revised Code 43366  
the ~~total~~ daily amount of that payment, as computed by the 43367  
department, for the number of students who did not receive the 43368  
required transportation, including students who arrived to school 43369  
late, under those sections for each day that the district is not 43370  
in compliance. 43371

This section does not affect the authority of a school 43372  
district to provide payment in lieu of transportation in 43373  
accordance with section 3327.02 of the Revised Code. 43374

**Sec. 3328.24.** A college-preparatory boarding school 43375  
established under this chapter and its board of trustees shall 43376  
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 43377  
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.5318, 3313.6013, 43378  
3313.6021, 3313.6024, 3313.6025, 3313.6026, 3313.617, 3313.618, 43379  
3313.6114, 3313.6411, 3313.668, 3313.669, 3313.6610, 3313.7112, 43380  
3313.7117, 3313.721, 3313.89, 3319.073, 3319.077, 3319.078, 43381  
3319.318, 3319.324, 3319.39, 3319.391, 3319.393, 3319.46, 3320.01, 43382  
3320.02, 3320.03, 3323.251, and 5502.262, and Chapter 3365. of the 43383  
Revised Code as if the school were a school district and the 43384  
school's board of trustees were a district board of education. 43385

**Sec. 3332.092.** Any school subject to this chapter receiving 43386  
money under section ~~3333.12~~ or 3333.122 of the Revised Code on 43387  
behalf of a student who is determined by the state board of career 43388  
colleges and schools to be ineligible under such section because 43389  
the program in which the student is enrolled does not lead to an 43390  
associate or baccalaureate degree, shall be liable to the state 43391  
for the amount specified in section ~~3333.12~~ or 3333.122 of the 43392  
Revised Code. The state board of career colleges and schools shall 43393  
suspend the certificate of registration of a school receiving 43394  
money under section ~~3333.12~~ or 3333.122 of the Revised Code for 43395

such ineligible student until such time as the money is repaid to 43396  
the ~~Ohio board~~ department of ~~regents~~ higher education. 43397

**Sec. ~~3333.03~~ 3333.01.** (A) There is hereby created the 43398  
department of higher education, which shall be composed of the 43399  
chancellor of higher education and the chancellor's employees, 43400  
agents, and representatives. The chancellor shall perform the 43401  
functions, exercise the powers, and discharge the duties as are 43402  
assigned to the chancellor by law. 43403

(B) The governor, with the advice and consent of the senate, 43404  
shall appoint the chancellor of higher education. The chancellor 43405  
shall serve at the pleasure of the governor, and the governor 43406  
shall prescribe the chancellor's duties in addition to the 43407  
chancellor's duties prescribed by law. The governor shall fix the 43408  
compensation for the chancellor. The chancellor shall be a member 43409  
of the governor's cabinet. 43410

(C) The chancellor is responsible for appointing and fixing 43411  
the compensation of all professional, administrative, and clerical 43412  
employees and staff members necessary to assist in the performance 43413  
of the chancellor's duties. All employees and staff shall serve at 43414  
the chancellor's pleasure. 43415

(D) The chancellor shall be a person qualified by training 43416  
and experience to understand the problems and needs of the state 43417  
in the field of higher education and to devise programs, plans, 43418  
and methods of solving the problems and meeting the needs. 43419

(E) Neither the chancellor nor any staff member or employee 43420  
of the chancellor shall be a trustee, officer, or employee of any 43421  
public or private college or university while serving as 43422  
chancellor, staff member, or employee. 43423

**Sec. 3333.012.** Whenever the term "Ohio board of regents" is 43424  
used, referred to, or designated in any statute, rule, contract, 43425

grant, or other document, the use, reference, or designation shall 43426  
be construed to mean the "chancellor of higher education," ~~except~~ 43427  
~~in sections 3333.01, 3333.011, 3333.02, and 3333.032 of the~~ 43428  
~~Revised Code or unless the use, reference, or designation of the~~ 43429  
~~term "Ohio board of regents" relates to the board's duties to give~~ 43430  
~~advice to the chancellor or~~ unless another section of law 43431  
expressly provides otherwise. 43432

Whenever the term "chancellor of the Ohio board of regents" 43433  
or "chancellor" is used, referred to, or designated in any 43434  
statute, rule, contract, grant, or other document, the use, 43435  
reference, or designation shall be construed to mean the 43436  
chancellor of higher education. 43437

**Sec. 3333.021.** As used in this section, "university" means 43438  
any college or university that receives a state appropriation. 43439

(A) This division does not apply to proposed rules, 43440  
amendments, or rescissions subject to legislative review under 43441  
section 106.02 of the Revised Code. No action taken by the 43442  
chancellor of higher education that could reasonably be expected 43443  
to have an effect on the revenue or expenditures of any university 43444  
shall take effect unless at least two weeks prior to the date on 43445  
which the action is taken, the chancellor has filed with the 43446  
speaker of the house of representatives, the president of the 43447  
senate, and the legislative service commission, ~~and the director~~ 43448  
~~of budget and management~~ a fiscal analysis of the proposed action. 43449  
The analysis shall include an estimate of the amount by which, 43450  
during the current and ensuing fiscal biennium, the action would 43451  
increase or decrease the university's revenues or expenditures and 43452  
increase or decrease any state expenditures and any other 43453  
information the chancellor considers necessary to explain the 43454  
action's fiscal effect. 43455

(B) Within three days of the date the chancellor files with 43456

the clerk of the senate a proposed rule, amendment, or rescission 43457  
that is subject to legislative review and invalidation under 43458  
section 106.02 of the Revised Code, the chancellor shall file with 43459  
the speaker of the house of representatives, the president of the 43460  
senate, and the legislative service commission, ~~and the director~~ 43461  
~~of budget and management~~ a fiscal analysis of the proposed rule. 43462  
The analysis shall include an estimate of the amount by which, 43463  
during the current and ensuing fiscal biennium, the action would 43464  
increase or decrease any university's revenues or expenditures and 43465  
increase or decrease state revenues or expenditures and any other 43466  
information the chancellor considers necessary to explain the 43467  
fiscal effect of the rule, amendment, or rescission. No rule, 43468  
amendment, or rescission shall take effect unless the chancellor 43469  
has complied with this division. 43470

**Sec. 3333.032.** The ~~Ohio board~~ chancellor of ~~regents~~ higher 43471  
education shall submit to the general assembly, in accordance with 43472  
division (B) of section 101.68 of the Revised Code, and to the 43473  
governor, an annual report on the condition of higher education in 43474  
this state, ~~including the performance of the chancellor of higher~~ 43475  
~~education.~~ 43476

**Sec. 3333.04.** The chancellor of higher education shall: 43477

(A) Make studies of state policy in the field of higher 43478  
education and formulate a master plan for higher education for the 43479  
state, considering the needs of the people, the needs of the 43480  
state, and the role of individual public and private institutions 43481  
within the state in fulfilling these needs; 43482

(B)(1) Report annually to the governor and the general 43483  
assembly on the findings from the chancellor's studies and the 43484  
master plan for higher education for the state; 43485

(2) Report at least semiannually to the general assembly and 43486

the governor the enrollment numbers at each state-assisted 43487  
institution of higher education. 43488

(C) Approve or disapprove the establishment of new branches 43489  
or academic centers of state colleges and universities; 43490

(D) Approve or disapprove the establishment of state 43491  
technical colleges or any other state institution of higher 43492  
education; 43493

(E) Recommend the nature of the programs, undergraduate, 43494  
graduate, professional, state-financed research, and public 43495  
services which should be offered by the state colleges, 43496  
universities, and other state-assisted institutions of higher 43497  
education in order to utilize to the best advantage their 43498  
facilities and personnel; 43499

(F) Recommend to the state colleges, universities, and other 43500  
state-assisted institutions of higher education graduate or 43501  
professional programs, including, but not limited to, doctor of 43502  
philosophy, doctor of education, and juris doctor programs, that 43503  
could be eliminated because they constitute unnecessary 43504  
duplication, as shall be determined using the process developed 43505  
pursuant to this division, or for other good and sufficient cause. 43506  
Prior to recommending a program for elimination, the chancellor 43507  
shall ~~request the board of regents to~~ hold at least one public 43508  
hearing on the matter ~~and advise the chancellor on~~ to determine 43509  
whether the program should be recommended for elimination. The 43510  
~~board~~ chancellor shall provide notice of each hearing within a 43511  
reasonable amount of time prior to its scheduled date. ~~Following~~ 43512  
~~the hearing, the board shall issue a recommendation to the~~ 43513  
~~chancellor. The chancellor shall consider the board's~~ 43514  
~~recommendation but shall not be required to accept it.~~ 43515

For purposes of determining the amounts of any state 43516  
instructional subsidies paid to state colleges, universities, and 43517

other state-assisted institutions of higher education, the 43518  
chancellor may exclude students enrolled in any program that the 43519  
chancellor has recommended for elimination pursuant to this 43520  
division except that the chancellor shall not exclude any such 43521  
student who enrolled in the program prior to the date on which the 43522  
chancellor initially commences to exclude students under this 43523  
division. 43524

The chancellor and state colleges, universities, and other 43525  
state-assisted institutions of higher education shall jointly 43526  
develop a process for determining which existing graduate or 43527  
professional programs constitute unnecessary duplication. 43528

(G) Recommend to the state colleges, universities, and other 43529  
state-assisted institutions of higher education programs which 43530  
should be added to their present programs; 43531

(H) Conduct studies for the state colleges, universities, and 43532  
other state-assisted institutions of higher education to assist 43533  
them in making the best and most efficient use of their existing 43534  
facilities and personnel; 43535

(I) Make recommendations to the governor and general assembly 43536  
concerning the development of state-financed capital plans for 43537  
higher education; the establishment of new state colleges, 43538  
universities, and other state-assisted institutions of higher 43539  
education; and the establishment of new programs at the existing 43540  
state colleges, universities, and other institutions of higher 43541  
education; 43542

(J) Review the appropriation requests of the public community 43543  
colleges and the state colleges and universities and submit to the 43544  
office of budget and management and to the chairpersons of the 43545  
finance committees of the house of representatives and of the 43546  
senate the chancellor's recommendations in regard to the biennial 43547  
higher education appropriation for the state, including 43548

appropriations for the individual state colleges and universities 43549  
and public community colleges. For the purpose of determining the 43550  
amounts of instructional subsidies to be paid to state-assisted 43551  
colleges and universities, the chancellor shall define "full-time 43552  
equivalent student" by program per academic year. The definition 43553  
may take into account the establishment of minimum enrollment 43554  
levels in technical education programs below which support 43555  
allowances will not be paid. Except as otherwise provided in this 43556  
section, the chancellor shall make no change in the definition of 43557  
"full-time equivalent student" in effect on November 15, 1981, 43558  
which would increase or decrease the number of subsidy-eligible 43559  
full-time equivalent students, without first submitting a fiscal 43560  
impact statement to the president of the senate, the speaker of 43561  
the house of representatives, the legislative service commission, 43562  
and the director of budget and management. The chancellor shall 43563  
work in close cooperation with the director of budget and 43564  
management in this respect and in all other matters concerning the 43565  
expenditures of appropriated funds by state colleges, 43566  
universities, and other institutions of higher education. 43567

(K) Seek the cooperation and advice of the officers and 43568  
trustees of both public and private colleges, universities, and 43569  
other institutions of higher education in the state in performing 43570  
the chancellor's duties and making the chancellor's plans, 43571  
studies, and recommendations; 43572

(L) Appoint advisory committees consisting of persons 43573  
associated with public or private secondary schools, members of 43574  
the state board of education, or personnel of the state department 43575  
of education; 43576

(M) Appoint advisory committees consisting of college and 43577  
university personnel, or other persons knowledgeable in the field 43578  
of higher education, or both, in order to obtain their advice and 43579  
assistance in defining and suggesting solutions for the problems 43580

and needs of higher education in this state; 43581

(N) Approve or disapprove all new degrees and new degree 43582  
programs at all state colleges, universities, and other 43583  
state-assisted institutions of higher education. 43584

When considering approval of a new degree or degree program 43585  
for a state institution of higher education, as defined in section 43586  
3345.011 of the Revised Code, the chancellor shall take into 43587  
account the extent to which the degree or degree program aligns 43588  
with the state's workforce development priorities. 43589

(O) Adopt such rules as are necessary to carry out the 43590  
chancellor's duties and responsibilities. The rules shall 43591  
prescribe procedures for the chancellor to follow when taking 43592  
actions associated with the chancellor's duties and 43593  
responsibilities and shall indicate which types of actions are 43594  
subject to those procedures. The procedures adopted under this 43595  
division shall be in addition to any other procedures prescribed 43596  
by law for such actions. However, if any other provision of the 43597  
Revised Code or rule adopted by the chancellor prescribes 43598  
different procedures for such an action, the procedures adopted 43599  
under this division shall not apply to that action to the extent 43600  
they conflict with the procedures otherwise prescribed by law. The 43601  
procedures adopted under this division shall include at least the 43602  
following: 43603

(1) Provision for public notice of the proposed action; 43604

(2) An opportunity for public comment on the proposed action, 43605  
which may include a public hearing on the action by the ~~board of~~ 43606  
~~regents~~ chancellor; 43607

(3) Methods for parties that may be affected by the proposed 43608  
action to submit comments during the public comment period; 43609

(4) ~~Submission of recommendations from the board of regents~~ 43610  
~~regarding the proposed action, at the request of the chancellor;~~ 43611

~~(5)~~ Written publication of the final action taken by the chancellor and the chancellor's rationale for the action; 43612  
43613

~~(6)~~(5) A timeline for the process described in divisions (O)(1) to ~~(5)~~(4) of this section. 43614  
43615

(P) Make recommendations to the governor and the general assembly regarding the design and funding of the student financial aid programs specified in sections ~~3333.12~~, 3333.122, 3333.21 to 3333.26, and 5910.02 of the Revised Code; 43616  
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(Q) Participate in education-related state or federal programs on behalf of the state and assume responsibility for the administration of such programs in accordance with applicable state or federal law; 43620  
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43623

(R) Adopt rules for student financial aid programs as required by sections ~~3333.12~~, 3333.122, 3333.21 to 3333.26, 3333.28, and 5910.02 of the Revised Code, and perform any other administrative functions assigned to the chancellor by those sections; 43624  
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(S) Conduct enrollment audits of state-supported institutions of higher education; 43629  
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(T) Appoint consortia of college and university personnel to advise or participate in the development and operation of statewide collaborative efforts, including the Ohio supercomputer center, the Ohio academic resources network, OhioLink, and the Ohio learning network. For each consortium, the chancellor shall designate a college or university to serve as that consortium's fiscal agent, financial officer, and employer. Any funds appropriated for the consortia shall be distributed to the fiscal agents for the operation of the consortia. A consortium shall follow the rules of the college or university that serves as its fiscal agent. The chancellor may restructure existing consortia, appointed under this division, in accordance with procedures 43631  
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adopted under divisions (O)(1) to ~~(6)~~(5) of this section. 43643

(U) Adopt rules establishing advisory duties and 43644  
responsibilities of the ~~board~~ department of ~~regents~~ higher 43645  
education not otherwise prescribed by law; 43646

(V) Respond to requests for information about higher 43647  
education from members of the general assembly and direct staff to 43648  
conduct research or analysis as needed for this purpose. 43649

**Sec. 3333.041.** (A) On or before the last day of December of 43650  
each year, the chancellor of higher education shall submit to the 43651  
governor and, in accordance with section 101.68 of the Revised 43652  
Code, the general assembly a report or reports concerning all of 43653  
the following: 43654

(1) The status of graduates of Ohio school districts at state 43655  
institutions of higher education during the twelve-month period 43656  
ending on the thirtieth day of September of the current calendar 43657  
year. The report shall list, by school district, the number of 43658  
graduates of each school district who attended a state institution 43659  
of higher education and the percentage of each district's 43660  
graduates enrolled in a state institution of higher education 43661  
during the reporting period who were required during such period 43662  
by the college or university, as a prerequisite to enrolling in 43663  
those courses generally required for first-year students, to 43664  
enroll in a remedial course in English, including composition or 43665  
reading, mathematics, and any other area designated by the 43666  
chancellor. The chancellor also shall make the information 43667  
described in division (A)(1) of this section available to the 43668  
board of education of each city, exempted village, and local 43669  
school district. 43670

Each state institution of higher education shall, by the 43671  
first day of November of each year, submit to the chancellor in 43672  
the form specified by the chancellor the information the 43673

chancellor requires to compile the report. 43674

(2) The following information with respect to the Ohio 43675  
tuition trust authority: 43676

(a) The name of each investment manager that is a minority 43677  
business enterprise or a women's business enterprise with which 43678  
the chancellor contracts; 43679

(b) The amount of assets managed by investment managers that 43680  
are minority business enterprises or women's business enterprises, 43681  
expressed as a percentage of assets managed by investment managers 43682  
with which the chancellor has contracted; 43683

(c) Efforts by the chancellor to increase utilization of 43684  
investment managers that are minority business enterprises or 43685  
women's business enterprises. 43686

(3) The chancellor's strategy in assigning choose Ohio first 43687  
scholarships, as established under section 3333.61 of the Revised 43688  
Code, among state universities and colleges and how the actual 43689  
awards fit that strategy. 43690

(4) The academic and economic impact of the Ohio 43691  
co-op/internship program established under section 3333.72 of the 43692  
Revised Code. At a minimum, the report shall include the 43693  
following: 43694

(a) Progress and performance metrics for each initiative that 43695  
received an award in the previous fiscal year; 43696

(b) Economic indicators of the impact of each initiative, and 43697  
all initiatives as a whole, on the regional economies and the 43698  
statewide economy; 43699

(c) The chancellor's strategy in allocating awards among 43700  
state institutions of higher education and how the actual awards 43701  
fit that strategy. 43702

(B) On or before the fifteenth day of February of each year, 43703

the ~~director~~ chancellor shall submit to the governor and, in 43704  
accordance with section 101.68 of the Revised Code, the general 43705  
assembly a report concerning aggregate academic growth data for 43706  
students assigned to graduates of teacher preparation programs 43707  
approved under section 3333.048 of the Revised Code who teach 43708  
English language arts or mathematics in any of grades four to 43709  
eight in a public school in Ohio. For this purpose, the ~~director~~ 43710  
chancellor shall use the value-added progress dimension prescribed 43711  
by section 3302.021 of the Revised Code or the alternative student 43712  
academic progress measure if adopted under division (C)(1)(e) of 43713  
section 3302.03 of the Revised Code. The ~~director~~ chancellor shall 43714  
aggregate the data by graduating class for each approved teacher 43715  
preparation program, except that if a particular class has ten or 43716  
fewer graduates to which this division applies, the ~~director~~ 43717  
chancellor shall report the data for a group of classes over a 43718  
three-year period. In no case shall the report identify any 43719  
individual graduate. The department of education shall share any 43720  
data necessary for the report with the ~~director~~ chancellor. 43721

(C) As used in this section: 43722

(1) "Minority business enterprise" has the same meaning as in 43723  
section 122.71 of the Revised Code. 43724

(2) "State institution of higher education" and "state 43725  
university" have the same meanings as in section 3345.011 of the 43726  
Revised Code. 43727

(3) "State university or college" has the same meaning as in 43728  
section 3345.12 of the Revised Code. 43729

(4) "Women's business enterprise" means a business, or a 43730  
partnership, corporation, limited liability company, or joint 43731  
venture of any kind, that is owned and controlled by women who are 43732  
United States citizens and residents of this state. 43733

Sec. 3333.044. (A) The chancellor of higher education may 43734  
contract with any consultants that are necessary for the discharge 43735  
of the chancellor's duties under this chapter. 43736

(B) The chancellor may purchase, upon the terms that the 43737  
chancellor determines to be advisable, one or more policies of 43738  
insurance from insurers authorized to do business in this state 43739  
that insure consultants who have contracted with the chancellor 43740  
under division (A) of this section or members of an advisory 43741  
committee appointed under section 3333.04 of the Revised Code, 43742  
with respect to the activities of the consultants or advisory 43743  
committee members in the course of the performance of their 43744  
responsibilities as consultants or advisory committee members. 43745

(C) Subject to the approval of the controlling board, the 43746  
chancellor may contract with any entities for the discharge of the 43747  
chancellor's duties and responsibilities under any of the programs 43748  
established pursuant to sections ~~3333.12~~, 3333.122, 3333.21 to 43749  
3333.28, and 5120.55, and Chapter 5910. of the Revised Code. The 43750  
chancellor shall not enter into a contract under this division 43751  
unless the proposed contractor demonstrates that its primary 43752  
purpose is to promote access to higher education by providing 43753  
student financial assistance through loans, grants, or 43754  
scholarships, and by providing high quality support services and 43755  
information to students and their families with regard to such 43756  
financial assistance. 43757

Chapter 125. of the Revised Code does not apply to contracts 43758  
entered into pursuant to this section. In awarding contracts under 43759  
this division, the chancellor shall consider factors such as the 43760  
cost of the administration of the contract, the experience of the 43761  
contractor, and the contractor's ability to properly execute the 43762  
contract. 43763

**Sec. 3333.045.** As used in this section, "state university or college" means any state university listed in section 3345.011 of the Revised Code, the northeast Ohio medical university, any community college under Chapter 3354. of the Revised Code, any university branch district under Chapter 3355. of the Revised Code, any technical college under Chapter 3357. of the Revised Code, and any state community college under Chapter 3358. of the Revised Code.

The chancellor of higher education shall work with the attorney general, the auditor of state, and the Ohio ethics commission to develop a model for training members of the boards of trustees of all state universities and colleges ~~and members of the board of regents~~ regarding the authority and responsibilities of a board of trustees ~~or the board of regents~~. This model shall include a review of fiduciary responsibilities, ethics, and fiscal management. Use of this model by members of boards of trustees ~~and the board of regents~~ shall be voluntary.

**Sec. 3333.048.** (A) Not later than one year after October 16, 2009, the chancellor of higher education and, in consultation with the superintendent of public instruction ~~jointly,~~ shall ~~do the following:~~

~~(1) In,~~ in accordance with Chapter 119. of the Revised Code, establish metrics ~~and educator preparation programs~~ for the preparation of educators and other school personnel and the institutions of higher education that are engaged in their preparation. The metrics ~~and~~ to be used in educator preparation programs shall ~~be~~ do all of the following:

(2) Be aligned with the standards and qualifications for educator licenses adopted by the state board of education under section 3319.22 of the Revised Code and the requirements of the

Ohio teacher residency program established under section 3319.223 43794  
of the Revised Code. ~~The metrics and educator preparation programs~~ 43795  
~~also shall ensure;~~ 43796

(2) Ensure that educators and other school personnel are 43797  
adequately prepared to use the value-added progress dimension 43798  
prescribed by section 3302.021 of the Revised Code or the 43799  
alternative student academic progress measure if adopted under 43800  
division (C)(1)(e) of section 3302.03 of the Revised Code. 43801

~~(2) Provide for the inspection of institutions of higher 43802  
education desiring to prepare educators and other school 43803  
personnel. i 43804~~

(3) Ensure that all educators complete coursework in 43805  
evidence-based strategies for effective literacy instruction 43806  
aligned to the science of reading, which includes phonics, 43807  
phonemic awareness, fluency comprehension, and vocabulary 43808  
development, and is part of a structured literacy program; 43809

(4) Ensure that clinical preparation for all educators who 43810  
are responsible for teaching reading only occur in the classrooms 43811  
where the local education agency has verified that the practicing 43812  
teachers have training in literacy instruction strategies aligned 43813  
to the science of reading, use instructional materials aligned to 43814  
the science of reading from the list established under section 43815  
3313.6028 of the Revised Code, and actively implement a structured 43816  
literacy approach. 43817

~~(B) Not later than one year after October 16, 2009, the 43818  
chancellor shall approve institutions of higher education engaged 43819  
in the preparation of educators and other school personnel that 43820  
maintain satisfactory training procedures and records of 43821  
performance, as determined by the The chancellor shall do all of 43822  
the following: 43823~~

(1) Develop an auditing process that clearly documents the 43824

degree to which every educator preparation program at an 43825  
institution of higher education is effectively teaching the 43826  
science of reading as follows: 43827

(a) By December 31, 2023, complete an initial survey of 43828  
educator preparation programs, establish metrics for the audits, 43829  
and update standards to reflect new requirements; 43830

(b) Grant a one-year grace period for all institutions to 43831  
meet new standards and requirements under this section to begin on 43832  
January 1, 2024; 43833

(c) On January 1, 2025, begin conducting audits of each 43834  
institution that offers educator preparation programs. 43835

The chancellor shall revoke approval for programs that are 43836  
found to be not in alignment and do not address the findings of 43837  
the audit within a year. All programs shall be reviewed every four 43838  
years thereafter to ensure continued alignment. 43839

(2) Annually create a summary of literacy instruction 43840  
strategies and practices in place for all educator preparation 43841  
programs based on the program audits, including institution-level 43842  
summaries, until all programs reach the required alignment 43843  
specified in division (A)(3) of this section; 43844

(3) In conjunction with the department of education, do all 43845  
of the following: 43846

(a) Publicly release the summaries with local education 43847  
agencies not later than the thirty-first day of March of each 43848  
year; 43849

(b) Identify a list of approved vendors who can provide 43850  
professional development experiences that are consistent with the 43851  
science of reading to educators who are responsible for teaching 43852  
reading, including faculty in educator preparation programs; 43853

(c) Develop a public dashboard that reports the first-time 43854

passage rates of students, by institution, on the foundations of 43855  
reading licensure test. 43856

(C) If the metrics established under division ~~(A)(1)(A)~~ of 43857  
this section require an institution of higher education that 43858  
prepares teachers to satisfy the standards of an independent 43859  
accreditation organization, the chancellor shall permit each 43860  
institution to satisfy the standards of any applicable national 43861  
educator preparation accrediting agency recognized by the United 43862  
States department of education. 43863

(D) The metrics and educator preparation programs established 43864  
under division ~~(A)(1)(A)~~ of this section may require an 43865  
institution of higher education, as a condition of approval by the 43866  
chancellor, to make changes in the curricula of its preparation 43867  
programs for educators and other school personnel. 43868

Notwithstanding division (E) of section 119.03 and division 43869  
(A)(1) of section 119.04 of the Revised Code, any metrics, 43870  
educator preparation programs, rules, and regulations, or any 43871  
amendment or rescission of such metrics, educator preparation 43872  
programs, rules, and regulations, adopted under this section that 43873  
necessitate institutions offering preparation programs for 43874  
educators and other school personnel approved by the chancellor to 43875  
revise the curricula of those programs shall not be effective for 43876  
at least one year after the first day of January next succeeding 43877  
the publication of the said change. 43878

Each institution shall allocate money from its existing 43879  
revenue sources to pay the cost of making the curricular changes. 43880

(E) The chancellor shall notify the state board of the 43881  
metrics and educator preparation programs established under 43882  
division ~~(A)(1)(A)~~ of this section ~~and the institutions of higher~~ 43883  
~~education approved under division (B) of this section.~~ The state 43884  
board shall publish the metrics, and educator preparation 43885

programs, ~~and approved institutions~~ with the standards and 43886  
qualifications for each type of educator license. 43887

(F) The graduates of educator preparation programs approved 43888  
by the chancellor shall be licensed by the state board in 43889  
accordance with the standards and qualifications adopted under 43890  
section 3319.22 of the Revised Code. 43891

**Sec. 3333.122.** ~~(A)~~(A)(1) As used in this section: 43892

(a) "State university" has the same meaning as in section 43893  
3345.011 of the Revised Code. 43894

(b) "Private university or college" means a private, 43895  
nonprofit institution in this state holding a certificate of 43896  
authorization pursuant to Chapter 1713. of the Revised Code. 43897

(c) "Private career college" means either a career college in 43898  
this state that holds a certificate of registration from the state 43899  
board of career colleges and schools under Chapter 3332. of the 43900  
Revised Code or a private institution exempt from regulation under 43901  
Chapter 3332. of the Revised Code as prescribed in section 43902  
3333.046 of the Revised Code, if the program has a certificate of 43903  
authorization pursuant to Chapter 1713. of the Revised Code. 43904

(2) The chancellor of higher education shall adopt rules to 43905  
carry out this section and as authorized under section 3333.123 of 43906  
the Revised Code. The rules shall include definitions of the terms 43907  
"resident," "expected family contribution," "full-time student," 43908  
"three-quarters-time student," "half-time student," 43909  
"one-quarter-time student," "~~state~~ cost of attendance," and 43910  
"accredited" for the purpose of those sections. 43911

(B) Only an Ohio resident who meets both of the following is 43912  
eligible for a grant awarded under this section: 43913

(1) The resident first enrolls as follows: 43914

(a) Prior to the 2023-2024 academic year and has an expected 43915

family contribution, or the equivalent according to a different 43916  
measure of student financial need established under federal law, 43917  
of two thousand one hundred ninety dollars or less; 43918

(b) For the 2023-2024 academic year or any academic year 43919  
thereafter and has an expected family contribution, or the 43920  
equivalent according to a different measure of student financial 43921  
need established under federal law, of ten thousand dollars or 43922  
less. 43923

(2) The resident enrolls in one of the following: 43924

(a) An undergraduate program, or a nursing diploma program 43925  
approved by the board of nursing under section 4723.06 of the 43926  
Revised Code, at a state-assisted state institution of higher 43927  
education, as defined in section 3345.12 of the Revised Code, if 43928  
the resident first enrolls prior to the 2023-2024 academic year, 43929  
or at the main campus of a state university if the resident first 43930  
enrolls in the 2023-2024 academic year or any academic year 43931  
thereafter, that meets the requirements of Title VI of the Civil 43932  
Rights Act of 1964; 43933

(b) An undergraduate program, or a nursing diploma program 43934  
approved by the board of nursing under section 4723.06 of the 43935  
Revised Code, at a private, ~~nonprofit institution~~ university or 43936  
college in this state ~~holding a certificate of authorization~~ 43937  
~~pursuant to Chapter 1713. of the Revised Code;~~ 43938

(c) An undergraduate program, or a nursing diploma program 43939  
approved by the board of nursing under section 4723.06 of the 43940  
Revised Code, at a private career college in this state ~~that holds~~ 43941  
~~a certificate of registration from the state board of career~~ 43942  
~~colleges and schools under Chapter 3332. of the Revised Code or at~~ 43943  
~~a private institution exempt from regulation under Chapter 3332.~~ 43944  
~~of the Revised Code as prescribed in section 3333.046 of the~~ 43945  
~~Revised Code, if the program has a certificate of authorization~~ 43946

~~pursuant to Chapter 1713. of the Revised Code.~~ 43947

(d) A comprehensive transition and postsecondary program that 43948  
is certified by the United States department of education. For 43949  
purposes of this section, a "comprehensive transition and 43950  
postsecondary program" means a degree, certificate, or non-degree 43951  
program that is designed to support persons with intellectual 43952  
disabilities who are receiving academic, career, technical, and 43953  
independent living instruction at an institution of higher 43954  
education in order to prepare for gainful employment as defined in 43955  
20 U.S.C. 1140. 43956

(C)(1) The chancellor shall establish and administer a 43957  
needs-based financial aid grants program based on the United 43958  
States department of education's method of determining financial 43959  
need. The program shall be known as the Ohio college opportunity 43960  
grant program. The general assembly shall support the needs-based 43961  
financial aid program by such sums and in such manner as it may 43962  
provide, but the chancellor also may receive funds from other 43963  
sources to support the program. If, for any academic year, the 43964  
amounts available for support of the program are inadequate to 43965  
provide grants to all eligible students, the chancellor shall do 43966  
one of the following: 43967

(a) Give preference in the payment of grants based upon 43968  
expected family contribution or a different measure of student 43969  
financial need established under federal law, beginning with the 43970  
~~lowest expected family contribution category~~ neediest students 43971  
based on federal criteria and proceeding upward by category to ~~the~~ 43972  
~~highest expected family contribution category~~ those students with 43973  
less need; 43974

(b) Proportionately reduce the amount of each grant to be 43975  
awarded for the academic year under this section; 43976

(c) Use an alternate formula for such grants that addresses 43977

the shortage of available funds and has been submitted to and 43978  
approved by the controlling board. 43979

(2) The needs-based financial aid grant shall be paid to the 43980  
eligible student through the institution in which the student is 43981  
enrolled, except that no needs-based financial aid grant shall be 43982  
paid to any person serving a term of imprisonment. Applications 43983  
for the grants shall be made as prescribed by the chancellor, and 43984  
such applications may be made in conjunction with and upon the 43985  
basis of information provided in conjunction with student 43986  
assistance programs funded by agencies of the United States 43987  
government or from financial resources of the institution of 43988  
higher education. The institution shall certify that the student 43989  
applicant meets the requirements set forth in division (B) of this 43990  
section. Needs-based financial aid grants shall be provided to an 43991  
eligible student only as long as the student is making appropriate 43992  
progress toward a nursing diploma, an associate or bachelor's 43993  
degree, or completion of a comprehensive transition and 43994  
postsecondary program. No student shall be eligible to receive a 43995  
grant for more than ten semesters, fifteen quarters, or the 43996  
equivalent of five academic years. A grant made to an eligible 43997  
student on the basis of less than full-time enrollment shall be 43998  
based on the number of credit hours for which the student is 43999  
enrolled and shall be computed in accordance with a formula 44000  
adopted by rule issued by the chancellor. No student shall receive 44001  
more than one grant on the basis of less than full-time 44002  
enrollment. 44003

(D)(1) Except as provided in divisions (D)(4) and (5) of this 44004  
section, no grant awarded under this section shall exceed the 44005  
total ~~state~~ cost of attendance. 44006

~~(2)~~(2)(a) Subject to divisions (D)(1), (3), (4), and (5) of 44007  
this section, for students who first enroll prior to the 2023-2024 44008  
academic year, the chancellor shall determine the maximum per 44009

student award amount for each institutional sector by subtracting 44010  
the sum of the maximum Pell grant and maximum expected family 44011  
contribution amounts, as determined by the chancellor, from the 44012  
average instructional and general fees charged by the 44013  
institutional sector. ~~The~~ 44014

(b) Subject to divisions (D)(1), (3), (4) and (5) of this 44015  
section, a student who first enrolls in the 2023-2024 academic 44016  
year shall receive the following award amount for each fiscal year 44017  
for which the student receives a grant awarded under this section: 44018

(i) For a student enrolled in the main campus of a state 44019  
university, four thousand dollars; 44020

(ii) For a student enrolled in a private university or 44021  
college, five thousand dollars; 44022

(iii) For a student enrolled in a private career college, one 44023  
thousand six hundred dollars. 44024

(c) Subject to divisions (D)(1), (3), (4) and (5) of this 44025  
section, a student who first enrolls in the 2024-2025 academic 44026  
year or any academic year thereafter shall receive the following 44027  
award amount for each fiscal year for which the student receives a 44028  
grant awarded under this section: 44029

(i) For a student enrolled in the main campus of a state 44030  
university, six thousand dollars; 44031

(ii) For a student enrolled in a private university or 44032  
college, six thousand dollars; 44033

(iii) For a student enrolled in a private career college, one 44034  
thousand six hundred dollars. 44035

The department of higher education shall publish on its web 44036  
site an annual Ohio college opportunity award table. Except as 44037  
provided for in section 3333.126 of the Revised Code, in no case 44038  
shall the grant amount for such a student exceed any maximum that 44039

the chancellor may set by rule. 44040

(3) For a student enrolled for a semester or quarter in 44041  
addition to the portion of the academic year covered by a grant 44042  
under this section, the maximum grant amount shall be a percentage 44043  
of the maximum specified in any table established in rules adopted 44044  
by the chancellor as provided in division (A) of this section. The 44045  
maximum grant for a fourth quarter shall be one-third of the 44046  
maximum amount so prescribed. The maximum grant for a third 44047  
semester shall be one-half of the maximum amount so prescribed. 44048

(4) If a student is enrolled in a two-year institution of 44049  
higher education and is eligible for an education and training 44050  
voucher through the Ohio education and training voucher program 44051  
that receives federal funding under the John H. Chafee foster care 44052  
independence program, 42 U.S.C. 677, the amount of a grant awarded 44053  
under this section may exceed the total ~~state~~ cost of attendance 44054  
to additionally cover housing costs. 44055

(5) For a student who is receiving federal veterans' benefits 44056  
under the "All-Volunteer Force Educational Assistance Program," 38 44057  
U.S.C. 3001 et seq., or "Post-9/11 Veterans Educational Assistance 44058  
Program," 38 U.S.C. 3301 et seq., or any successor program, the 44059  
amount of a grant awarded under this section shall be applied 44060  
toward the total ~~state~~ cost of attendance and the student's 44061  
housing costs and living expenses. Living expenses shall include 44062  
reasonable costs for room and board. 44063

(E) No grant shall be made to any student in a course of 44064  
study in theology, religion, or other field of preparation for a 44065  
religious profession unless such course of study leads to an 44066  
accredited bachelor of arts, bachelor of science, associate of 44067  
arts, or associate of science degree. 44068

(F)(1) Except as provided in division (F)(2) of this section, 44069  
no grant shall be made to any student for enrollment during a 44070

fiscal year in an institution with a cohort default rate 44071  
determined by the United States secretary of education pursuant to 44072  
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 44073  
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 44074  
preceding the fiscal year, equal to or greater than thirty per 44075  
cent for each of the preceding two fiscal years. 44076

(2) Division (F)(1) of this section does not apply in the 44077  
case of either of the following: 44078

(a) The institution pursuant to federal law appeals its loss 44079  
of eligibility for federal financial aid and the United States 44080  
secretary of education determines its cohort default rate after 44081  
recalculation is lower than the rate specified in division (F)(1) 44082  
of this section or the secretary determines due to mitigating 44083  
circumstances that the institution may continue to participate in 44084  
federal financial aid programs. The chancellor shall adopt rules 44085  
requiring any such appellant to provide information to the 44086  
chancellor regarding an appeal. 44087

(b) Any student who has previously received a grant pursuant 44088  
to any provision of this section, including prior to the section's 44089  
amendment by H.B. 1 of the 128th general assembly, effective July 44090  
17, 2009, and who meets all other eligibility requirements of this 44091  
section. 44092

(3) The chancellor shall adopt rules for the notification of 44093  
all institutions whose students will be ineligible to participate 44094  
in the grant program pursuant to division (F)(1) of this section. 44095

(4) A student's attendance at any institution whose students 44096  
are ineligible for grants due to division (F)(1) of this section 44097  
shall not affect that student's eligibility to receive a grant 44098  
when enrolled in another institution. 44099

(G) Institutions of higher education that enroll students 44100  
receiving needs-based financial aid grants under this section 44101

shall report to the chancellor all students who have received such 44102  
needs-based financial aid grants but are no longer eligible for 44103  
all or part of those grants and shall refund any moneys due the 44104  
state within thirty days after the beginning of the quarter or 44105  
term immediately following the quarter or term in which the 44106  
student was no longer eligible to receive all or part of the 44107  
student's grant. There shall be an interest charge of one per cent 44108  
per month on all moneys due and payable after such thirty-day 44109  
period. The chancellor shall immediately notify ~~the office of~~ 44110  
~~budget and management and~~ the legislative service commission of 44111  
all refunds so received. 44112

(H) Division (H) of this section applies to each state 44113  
university, private university or college, and private career 44114  
college that enrolls students receiving needs-based financial aid 44115  
under this section. 44116

No state university, private university or college, or 44117  
private career college shall make any change to its scholarship or 44118  
financial aid programs with the goal or net effect of shifting the 44119  
cost burden of those programs to the Ohio college opportunity 44120  
grant program. 44121

Each state university, private university or college, and 44122  
private career college shall provide at least the same level of 44123  
needs-based financial aid to its students as it provided in the 44124  
immediately prior academic year in terms of either the aggregate 44125  
aid to all students or on a per student basis. The chancellor may 44126  
grant a university, college, or career college a temporary waiver 44127  
from that requirement if the chancellor determines exceptional 44128  
circumstances make it necessary. The chancellor shall determine 44129  
the terms of the waiver. 44130

**Sec. 3333.127.** (A) As used in this section: 44131

(1) "Cost of attendance" has the same meaning as in 20 U.S.C. 44132

108711.	44133
(2) "Eligible student" means a student to whom all of the following apply:	44134 44135
(a) The student is a resident of this state under rules adopted by the chancellor of higher education under section 3333.31 of the Revised Code.	44136 44137 44138
(b) The student has not attained a bachelor's degree from a qualifying institution or an institution of higher education in another state prior to applying for a grant under this section.	44139 44140 44141
(c) The student, while in good standing, disenrolled from a qualifying institution and did not transfer to a qualifying institution or an institution of higher education in another state in the two semesters <u>or eight months</u> immediately following the student's disenrollment. For the purposes of this division, "good standing" includes being in good academic standing and not having a record of disciplinary issues, including being suspended or expelled from the qualifying institution.	44142 44143 44144 44145 44146 44147 44148 44149
<u>Qualifying institutions that do not use a semester calendar shall use eight months as the metric for determining a student's disenrollment period.</u>	44150 44151 44152
(d) Subject to division (A)(2)(c) of this section, the student enrolls in a qualifying institution within <del>five</del> <u>ten</u> years of disenrolling from the qualifying institution.	44153 44154 44155
(e) The student is not enrolled in the college credit plus program established under Chapter 3365. of the Revised Code.	44156 44157
(f) The student meets any other eligibility criteria determined necessary by the chancellor.	44158 44159
(3) "Qualifying institution" means any of the following:	44160
(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code;	44161 44162

(b) A private nonprofit institution of higher education that 44163  
holds a certificate of authorization pursuant to Chapter 1713. of 44164  
the Revised Code; 44165

(c) An institution with a certificate of registration from 44166  
the state board of career colleges and schools under Chapter 3332. 44167  
of the Revised Code; 44168

(d) A private institution exempt from regulation under 44169  
Chapter 3332. of the Revised Code as prescribed in section 44170  
3333.046 of the Revised Code; 44171

(e) An Ohio technical center, as defined in section 3333.94 44172  
of the Revised Code. 44173

(B) The chancellor shall establish the second chance grant 44174  
program. Under the program, the chancellor shall award a ~~one-time~~ 44175  
grant of not more than ~~two~~ three thousand dollars per academic 44176  
year to each eligible student approved to participate in the 44177  
program. The chancellor may award a grant to a student for each 44178  
academic year until the student completes the degree, if the 44179  
chancellor, in consultation with a qualifying institution, 44180  
determines that subsequent awards beyond the first are an 44181  
essential element of student success and degree completion. 44182

(C) Eligible students shall apply to participate in the 44183  
program in a form and manner prescribed by the chancellor. The 44184  
chancellor shall approve each applicant who is enrolled in a 44185  
qualifying institution and who has a cost of attendance remaining 44186  
for the academic year in which the application is approved after 44187  
all other financial aid for which that applicant qualifies has 44188  
been applied to the applicant's account at the institution. The 44189  
chancellor shall approve applications in the order in which they 44190  
are received. 44191

(D) The chancellor shall pay grants to the qualifying 44192  
institution in which a participant is enrolled in the academic 44193

year in which the participant's application is approved. The 44194  
qualifying institution shall apply the grant to a participant's 44195  
cost of attendance for that academic year. If any amount of the 44196  
grant remains after it is applied to the participant's cost of 44197  
attendance for that year, the qualifying institution shall apply 44198  
that remaining amount to the participant's cost of attendance for 44199  
any other academic year in which the student is enrolled in the 44200  
institution. The qualifying institution shall return to the 44201  
chancellor any grant amount remaining after a participant 44202  
graduates or disenrolls from the institution. 44203

(E) In each academic year, the chancellor shall submit to the 44204  
general assembly, in accordance with section 101.68 of the Revised 44205  
Code, a report that contains all of the following: 44206

(1) The number of eligible students participating in the 44207  
program who received a grant in that academic year; 44208

(2) The qualifying institutions from which the participants 44209  
disenrolled, as described in division (A)(2)(c) of this section; 44210

(3) The types of academic programs in which the participants 44211  
were enrolled prior to disenrolling from qualifying institutions; 44212

(4) The types of academic programs in which participants were 44213  
enrolled when they received grants under the program; 44214

(5) Information regarding how the grants were used; 44215

(6) If the participant completed a degree program with the 44216  
grant. 44217

(F) The second chance grant program fund is hereby created in 44218  
the state treasury, to consist of such amounts designated for the 44219  
purposes of the fund by the general assembly. The fund shall be 44220  
administered by the chancellor and shall be used to pay grants 44221  
under the program established under this section. The fund also 44222  
may be used by the chancellor to implement and administer the 44223

second chance grant program. 44224

(G) The chancellor shall adopt rules to administer the 44225  
program. 44226

**Sec. 3333.16.** (A) As used in this section: 44227

(1) "State institution of higher education" means an 44228  
institution of higher education as defined in section 3345.12 of 44229  
the Revised Code. 44230

(2) "State university" has the same meaning as in section 44231  
3345.011 of the Revised Code. 44232

(B) The chancellor of higher education shall do all of the 44233  
following: 44234

(1) Establish policies and procedures applicable to all state 44235  
institutions of higher education that ensure that students can 44236  
begin higher education at any state institution of higher 44237  
education and transfer coursework and degrees to any other state 44238  
institution of higher education without unnecessary duplication or 44239  
institutional barriers. The purpose of this requirement is to 44240  
allow students to attain their highest educational aspirations in 44241  
the most efficient and effective manner for the students and the 44242  
state. These policies and procedures shall require state 44243  
institutions of higher education to make changes or modifications, 44244  
as needed, to strengthen course content so as to ensure 44245  
equivalency for that course at any state institution of higher 44246  
education. 44247

(2) Develop and implement a universal course equivalency 44248  
classification system for state institutions of higher education 44249  
so that the transfer of students and the transfer and articulation 44250  
of equivalent courses or specified learning modules or units 44251  
completed by students are not inhibited by inconsistent judgment 44252  
about the application of transfer credits. Coursework completed 44253

within such a system at one state institution of higher education 44254  
and transferred to another institution shall be applied to the 44255  
student's degree objective in the same manner as equivalent 44256  
coursework completed at the receiving institution. 44257

(3) Develop an electronic equivalency management tool to 44258  
assist in the transfer of coursework and degrees between state 44259  
institutions of higher education without unnecessary duplication 44260  
or institutional barriers, to help minimize inconsistent judgment 44261  
about the application of transfer credits, and to assist in 44262  
allowing transfer credits to be applied to a student's degree 44263  
objective in the same manner at each state institution of higher 44264  
education. The electronic equivalency management tool shall 44265  
include the universal documentation of course and program 44266  
equivalencies statewide. Additionally, the electronic equivalency 44267  
management tool shall be incorporated into a web site. 44268

(4) Develop a system of transfer policies that ensure that 44269  
graduates with associate degrees which include completion of 44270  
approved transfer modules shall be admitted to a state institution 44271  
of higher education, shall be able to compete for admission to 44272  
specific programs on the same basis as students native to the 44273  
institution, and shall have priority over out-of-state associate 44274  
degree graduates and transfer students. To assist a student in 44275  
advising and transferring, all state institutions of higher 44276  
education shall fully implement the information system for 44277  
advising and transferring selected by, contracted for, or 44278  
developed by the chancellor. 44279

(5) Examine the feasibility of developing a transfer 44280  
marketing agenda that includes materials and interactive 44281  
technology to inform the citizens of Ohio about the availability 44282  
of transfer options at state institutions of higher education and 44283  
to encourage adults to return to colleges and universities for 44284  
additional education; 44285

(6) Study, in consultation with the state board of career colleges and schools, and in light of existing criteria and any other criteria developed by the articulation and transfer advisory council, the feasibility of credit recognition and transferability to state institutions of higher education for graduates who have received associate degrees from a career college or school with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code.

(C) All provisions of the existing articulation and transfer policy developed by the chancellor shall remain in effect except where amended by this section.

(D) ~~Not later than December 1, 2018, the~~ The chancellor shall update and implement the policies and procedures established pursuant to this section to ensure that any associate degree offered at a state institution of higher education may be transferred and applied to a bachelor degree program in an equivalent field at any other state institution of higher education without unnecessary duplication or institutional barriers. The policies and procedures shall ensure that each transferred associate degree applies to the student's degree objective in the same manner as equivalent coursework completed by the student at the receiving institution.

When updating and implementing the policies and procedures pursuant to this division, the chancellor shall seek input from faculty and academic leaders in each academic field or discipline.

(E) If a state university refuses to accept and grant credit for any general education coursework that is both completed at a different state institution of higher education and subject to the policies, procedures, or systems prescribed under division (B) of this section, the state university shall provide the student that did not receive college credit for the completed general education coursework information to utilize the institution's transfer

appeal process and information to utilize the department of higher education's student complaint portal. 44318  
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~~(F) The Ohio articulation and transfer network oversight board established by the chancellor shall conduct a study of current rules regarding the transfer of college credit between state institutions of higher education. Not later than one year after the effective date of this amendment, the board shall issue a report to the general assembly, in accordance with section 101.68 of the Revised Code, that includes the findings of the board's study, as well as any recommendations regarding changes to the rules.~~ 44320  
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**Sec. 3333.24.** (A) As used in this section: 44329

(1) "Eligible student" means a student to whom all of the following apply: 44330  
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(a) The student is a resident of this state under rules adopted by the chancellor of higher education under section 3333.31 of the Revised Code. 44332  
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(b) The student has completed a free application for federal student aid for the year for which the grant is to be awarded. 44335  
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(c) The student enrolls in a qualified program at a community, state community, technical college, an Ohio technical center or state university branch campus. 44337  
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(2) "Qualified program" means a credit or noncredit program that leads to an industry-recognized credential, certificate, or degree and prepares the student for a job that meets either of the following criteria: 44340  
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(a) It is identified as an "in-demand" or "critical" job as determined by the office of workforce transformation. 44344  
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(b) It is submitted by a community, state community, or technical college, an Ohio technical center or state university 44346  
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branch campus and will meet regional workforce needs, as approved 44348  
by the chancellor. 44349

(B) The chancellor of higher education shall establish the 44350  
Ohio work ready grant program. Under the program, the chancellor 44351  
shall award a grant of up to three thousand dollars to eligible 44352  
students enrolled in a qualified program. Grant award amounts made 44353  
to eligible students enrolled on either a full-time or part-time 44354  
basis shall be computed in accordance with rules adopted by the 44355  
chancellor. No student shall be eligible to receive a grant for 44356  
more than six semesters or the equivalent of three academic years. 44357

(C) Eligible students shall apply to participate in the 44358  
program in a form and manner prescribed by the chancellor. The 44359  
chancellor shall determine the form and manner of payments. 44360

(D)(1) The program shall be funded in the sums and manner 44361  
designated for such purpose by the general assembly, but the 44362  
chancellor also may receive funds from other sources to support 44363  
the program. 44364

(2) If, for any academic year, the amounts available for 44365  
support of the program are inadequate to provide grants to all 44366  
eligible students, the chancellor may establish different grant 44367  
amounts based on the number of applicants and the total amount of 44368  
funds set aside for that purpose. 44369

(E) The chancellor, in consultation with the providers of 44370  
qualified programs, shall collect and report program metrics that 44371  
include all of the following: 44372

(1) Demographics of recipients, including: 44373

(a) Age, disaggregated as follows: 44374

(i) Twenty-four years and younger; 44375

(ii) Twenty-five to thirty-four years; 44376

(iii) Thirty-five to forty-nine years; 44377

<u>(iv) Fifty years and older.</u>	44378
<u>(b) Gender;</u>	44379
<u>(c) Race and ethnicity;</u>	44380
<u>(d) Enrollment status as full- or part-time;</u>	44381
<u>(e) Pell grant status.</u>	44382
<u>(2) Success rates of recipients, including program retention and completion;</u>	44383
<u>(3) Total number of industry-recognized credentials awarded, disaggregated by subject or program area.</u>	44384
<b>Sec. 3333.26.</b> (A) Any citizen of this state who has resided within the state for one year, who was in the active service of the United States as a soldier, sailor, nurse, or marine between <del>April 6, 1917</del> <u>September 1, 1939</u> , and <del>November 11, 1918</del> <u>September 2, 1945</u> , and who has been honorably discharged from that service, shall be admitted to any school, college, or university that receives state funds in support thereof, without being required to pay any tuition or matriculation fee, but is not relieved from the payment of laboratory or similar fees.	44387
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(B)(1) As used in this section:	44396
(a) "Volunteer firefighter" has the meaning as in division (B)(1) of section 146.01 of the Revised Code.	44397
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(b) "Public service officer" means an Ohio firefighter, volunteer firefighter, police officer, member of the state highway patrol, employee designated to exercise the powers of police officers pursuant to section 1545.13 of the Revised Code, or other peace officer as defined by division (B) of section 2935.01 of the Revised Code, or a person holding any equivalent position in another state.	44399
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(c) "Qualified former spouse" means the former spouse of a	44406

public service officer, or of a member of the armed services of 44407  
the United States, who is the custodial parent of a minor child of 44408  
that marriage pursuant to an order allocating the parental rights 44409  
and responsibilities for care of the child issued pursuant to 44410  
section 3109.04 of the Revised Code. 44411

(d) "Operation enduring freedom" means that period of 44412  
conflict which began October 7, 2001, and ends on a date declared 44413  
by the president of the United States or the congress. 44414

(e) "Operation Iraqi freedom" means that period of conflict 44415  
which began March 20, 2003, and ends on a date declared by the 44416  
president of the United States or the congress. 44417

(f) "Combat zone" means an area that the president of the 44418  
United States by executive order designates, for purposes of 26 44419  
U.S.C. 112, as an area in which armed forces of the United States 44420  
are or have engaged in combat. 44421

(2) Subject to division (D) of this section, any resident of 44422  
this state who is under twenty-six years of age, or under thirty 44423  
years of age if the resident has been honorably discharged from 44424  
the armed services of the United States, who is the child of a 44425  
public service officer killed in the line of duty or of a member 44426  
of the armed services of the United States killed in the line of 44427  
duty during operation enduring freedom or operation Iraqi freedom, 44428  
and who is admitted to any state university or college as defined 44429  
in division (A)(1) of section 3345.12 of the Revised Code, 44430  
community college, state community college, university branch, or 44431  
technical college shall not be required to pay any tuition or any 44432  
student fee for up to four academic years of education, which 44433  
shall be at the undergraduate level, or a certificate program as 44434  
prescribed under division (E) of this section. 44435

A child of a member of the armed services of the United 44436  
States killed in the line of duty during operation enduring 44437

freedom or operation Iraqi freedom is eligible for a waiver of 44438  
tuition and student fees under this division only if the student 44439  
is not eligible for a war orphans and severely disabled veterans' 44440  
children scholarship authorized by Chapter 5910. of the Revised 44441  
Code. In any year in which the war orphans and severely disabled 44442  
veterans' children scholarship board reduces the percentage of 44443  
tuition covered by a war orphans and severely disabled veterans' 44444  
children scholarship below one hundred per cent pursuant to 44445  
division (A) of section 5910.04 of the Revised Code, the waiver of 44446  
tuition and student fees under this division for a child of a 44447  
member of the armed services of the United States killed in the 44448  
line of duty during operation enduring freedom or operation Iraqi 44449  
freedom shall be reduced by the same percentage. 44450

(3) Subject to division (D) of this section, any resident of 44451  
this state who is the spouse or qualified former spouse of a 44452  
public service officer killed in the line of duty, and who is 44453  
admitted to any state university or college as defined in division 44454  
(A)(1) of section 3345.12 of the Revised Code, community college, 44455  
state community college, university branch, or technical college, 44456  
shall not be required to pay any tuition or any student fee for up 44457  
to four academic years of education, which shall be at the 44458  
undergraduate level, or a certificate program as prescribed under 44459  
division (E) of this section. 44460

(4) Any resident of this state who is the spouse or qualified 44461  
former spouse of a member of the armed services of the United 44462  
States killed in the line of duty while serving in a combat zone 44463  
after May 7, 1975, and who is admitted to any state university or 44464  
college as defined in division (A)(1) of section 3345.12 of the 44465  
Revised Code, community college, state community college, 44466  
university branch, or technical college, shall not be required to 44467  
pay any tuition or any student fee for up to four years of 44468  
academic education, which shall be at the undergraduate level, or 44469

a certificate program as prescribed under division (E) of this 44470  
section. In order to qualify under division (B)(4) of this 44471  
section, the spouse or qualified former spouse shall have been a 44472  
resident of this state at the time the member was killed in the 44473  
line of duty. 44474

(C) Any institution that is not subject to division (B) of 44475  
this section and that holds a valid certificate of registration 44476  
issued under Chapter 3332. of the Revised Code, a valid 44477  
certificate issued under Chapter 4709. of the Revised Code, or a 44478  
valid license issued under Chapter 4713. of the Revised Code, or 44479  
that is nonprofit and has a certificate of authorization issued 44480  
under section 1713.02 of the Revised Code, or that is a private 44481  
institution exempt from regulation under Chapter 3332. of the 44482  
Revised Code as prescribed in section 3333.046 of the Revised 44483  
Code, which reduces tuition and student fees of a student who is 44484  
eligible to attend an institution of higher education under the 44485  
provisions of division (B) of this section by an amount indicated 44486  
by the chancellor of higher education shall be eligible to receive 44487  
a grant in that amount from the chancellor. 44488

Each institution that enrolls students under division (B) of 44489  
this section shall report to the chancellor, by the first day of 44490  
July of each year, the number of students who were so enrolled and 44491  
the average amount of all such tuition and student fees waived 44492  
during the preceding year. The chancellor shall determine the 44493  
average amount of all such tuition and student fees waived during 44494  
the preceding year. The average amount of the tuition and student 44495  
fees waived under division (B) of this section during the 44496  
preceding year shall be the amount of grants that participating 44497  
institutions shall receive under this division during the current 44498  
year, but no grant under this division shall exceed the tuition 44499  
and student fees due and payable by the student prior to the 44500  
reduction referred to in this division. The grants shall be made 44501

for two certificate programs or four years of undergraduate education of an eligible student. 44502  
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(D) Notwithstanding anything to the contrary in section 3333.31 of the Revised Code, for the purposes of divisions (B)(2) and (3) of this section, the child, spouse, or qualified former spouse of a public service officer or a member of the armed services of the United States killed in the line of duty shall be considered a resident of this state for the purposes of this section if the child, spouse, or qualified former spouse was a resident of this state at the time that the public service officer or member of the armed services was killed. 44504  
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However, no child, spouse, or qualified former spouse of a public service officer or a member of the armed services of the United States killed in the line of duty shall be required to be a resident of this state at the time the public service officer or member of the armed services of the United States was killed in order to receive benefits under divisions (B)(2) and (3) of this section. 44513  
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(E) A child, spouse, or qualified former spouse of a public service officer or a member of the armed services killed in the line of duty shall receive benefits for a certificate program in accordance with division (B) or (C) of this section, except that a particular child, spouse, or qualified former spouse shall not receive benefits for: 44520  
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(1) More than two certificate programs; 44526

(2) A total number of academic credits or instructional hours equivalent to more than four academic years; 44527  
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(3) For any particular academic year, an amount that is greater than eight thousand dollars. 44529  
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**Sec. 3333.28.** (A) The chancellor of higher education shall 44531

establish the nurse education assistance program, the purpose of 44532  
which shall be to make loans to students enrolled in prelicensure 44533  
nurse education programs at institutions approved by the board of 44534  
nursing under section 4723.06 of the Revised Code and 44535  
postlicensure nurse education programs approved by the chancellor 44536  
under section 3333.04 of the Revised Code or offered by an 44537  
institution holding a certificate of authorization issued under 44538  
Chapter 1713. of the Revised Code. The board of nursing shall 44539  
assist the chancellor in administering the program. 44540

(B) There is hereby created in the state treasury the nurse 44541  
education assistance fund, which shall consist of all money 44542  
transferred to it pursuant to section 4743.05 of the Revised Code. 44543  
The fund shall be used by the chancellor for loans made under 44544  
division (A) of this section and for expenses of administering the 44545  
loan program. 44546

(C) Between July 1, 2005, and January 1, 2012, the chancellor 44547  
shall distribute money in the nurse education assistance fund in 44548  
the following manner: 44549

(1)(a) Fifty per cent of available funds shall be awarded as 44550  
loans to registered nurses enrolled in postlicensure nurse 44551  
education programs described in division (A) of this section. To 44552  
be eligible for a loan, the applicant shall provide the chancellor 44553  
with a letter of intent to practice as a faculty member at a 44554  
prelicensure or postlicensure program for nursing in this state 44555  
upon completion of the applicant's academic program. 44556

(b) If the borrower of a loan under division (C)(1)(a) of 44557  
this section secures employment as a faculty member of an approved 44558  
nursing education program in this state within six months 44559  
following graduation from an approved nurse education program, the 44560  
chancellor may forgive the principal and interest of the student's 44561  
loans received under division (C)(1)(a) of this section at a rate 44562  
of twenty-five per cent per year, for a maximum of four years, for 44563

each year in which the borrower is so employed. A deferment of the 44564  
service obligation, and other conditions regarding the forgiveness 44565  
of loans may be granted as provided by the rules adopted under 44566  
division (D)(7) of this section. 44567

(c) Loans awarded under division (C)(1)(a) of this section 44568  
shall be awarded on the basis of the student's expected family 44569  
contribution, with preference given to those applicants with the 44570  
lowest expected family contribution. However, the chancellor may 44571  
consider other factors the chancellor determines relevant in 44572  
ranking the applications. 44573

(d) Each loan awarded to a student under division (C)(1)(a) 44574  
of this section shall be not less than five thousand dollars per 44575  
year. 44576

(2) Twenty-five per cent of available funds shall be awarded 44577  
to students enrolled in prelicensure nurse education programs for 44578  
registered nurses, as defined in section 4723.01 of the Revised 44579  
Code. 44580

(3) Twenty-five per cent of available funds shall be awarded 44581  
to students enrolled in nurse education programs as determined by 44582  
the chancellor, with preference given to programs aimed at 44583  
increasing enrollment in an area of need. 44584

After January 1, 2012, the chancellor shall determine the 44585  
manner in which to distribute loans under this section. 44586

(D) Subject to the requirements specified in division (C) of 44587  
this section, the chancellor shall adopt rules in accordance with 44588  
Chapter 119. of the Revised Code establishing: 44589

(1) Eligibility criteria for receipt of a loan; 44590

(2) Loan application procedures; 44591

(3) The amounts in which loans may be made and the total 44592  
amount that may be loaned to an individual; 44593

(4) The total amount of loans that can be made each year;	44594
(5) The percentage of the money in the fund that must remain in the fund at all times as a fund balance;	44595 44596
(6) Interest and principal repayment schedules;	44597
(7) Conditions under which a portion of principal and interest obligations incurred by an individual under the program will be forgiven;	44598 44599 44600
(8) Conditions under which all or a portion of the principal and interest obligations incurred by an individual who is deployed on active duty outside of the state or who is the spouse of a person deployed on active duty outside of the state may be deferred or forgiven.	44601 44602 44603 44604 44605
(9) Ways that the program may be used to encourage individuals who are members of minority groups to enter the nursing profession;	44606 44607 44608
(10) Any other matters incidental to the operation of the program.	44609 44610
(E) The obligation to repay a portion of the principal and interest on a loan made under this section shall be forgiven if the recipient of the loan meets the criteria for forgiveness established by division (C)(1)(b) of this section, in the case of loans awarded under division (C)(1)(a) of this section, or by the chancellor under the rule adopted under division (D)(7) of this section, in the case of other loans awarded under this section.	44611 44612 44613 44614 44615 44616 44617
(F) The obligation to repay all or a portion of the principal and interest on a loan made under this section may be deferred or forgiven if the recipient of the loan meets the criteria for deferment or forgiveness established by the chancellor under the rule adopted under division (D)(8) of this section.	44618 44619 44620 44621 44622
(G) The receipt of a loan under this section shall not affect	44623

a student's eligibility for assistance, or the amount of that 44624  
assistance, granted under section ~~3333.12~~, 3333.122, 3333.22, 44625  
3333.26, 5910.03, 5910.032, or 5919.34 of the Revised Code, but 44626  
the rules of the chancellor may provide for taking assistance 44627  
received under those sections into consideration when determining 44628  
a student's eligibility for a loan under this section. 44629

(H) As used in this section, "active duty" means active duty 44630  
pursuant to an executive order of the president of the United 44631  
States, an act of the congress of the United States, or section 44632  
5919.29 or 5923.21 of the Revised Code. 44633

Sec. 3333.302. (A) As used in this section: 44634

(1) "Academic record" includes grade point average, high 44635  
school and college transcript information, standardized assessment 44636  
scores, scores on the end-of-course examinations prescribed under 44637  
section 3301.0712 of the Revised Code, and any other measure of 44638  
postsecondary readiness determined appropriate by the chancellor 44639  
of higher education. 44640

(2) "Postsecondary institution" means any of the following: 44641

(a) A state institution of higher education, as defined in 44642  
section 3345.011 of the Revised Code; 44643

(b) A private nonprofit institution of higher education that 44644  
holds a certificate of authorization under Chapter 1713. of the 44645  
Revised Code; 44646

(c) An Ohio technical center, as defined in section 3333.94 44647  
of the Revised Code. 44648

(3) "School governing body" means the board of education of a 44649  
city, local, exempted village, or joint vocational school 44650  
district, the governing authority of a chartered nonpublic school, 44651  
the governing authority of a community school established under 44652  
Chapter 3314. of the Revised Code, or the governing body of a STEM 44653

school established under Chapter 3326. of the Revised Code. 44654

(B) The chancellor of higher education, in consultation with 44655  
the superintendent of public instruction, shall establish a direct 44656  
admissions pilot program to notify students enrolled in grade 44657  
twelve at participating high schools about whether they meet the 44658  
admissions criteria for participating postsecondary institutions. 44659

Under the pilot program, the chancellor shall establish a 44660  
process that uses a student's academic record to determine whether 44661  
the student meets the admissions requirements. To the extent 44662  
practicable, and in accordance with applicable law, the chancellor 44663  
shall use using existing primary, secondary, and higher education 44664  
student information systems to automate the process and use 44665  
information held by a participating student's high school to 44666  
minimize the need for the student to provide any additional 44667  
information. 44668

The chancellor shall endeavor to implement the pilot program 44669  
so that students graduating in the 2024-2025 school year may 44670  
participate in the program. 44671

(C) The chancellor may do any of the following: 44672

(1) Establish eligibility requirements for students, school 44673  
governing bodies, and postsecondary institutions who elect to 44674  
participate in the pilot program; 44675

(2) Consult with stakeholders and form advisory councils as 44676  
necessary to design and operate the pilot program; 44677

(3) Terminate the pilot program if the chancellor determines 44678  
its operation is impracticable. 44679

(D) A school governing body or postsecondary institution 44680  
shall apply to participate in the pilot program in a form and 44681  
manner prescribed by the chancellor. The chancellor shall approve 44682  
the applications of school governing bodies or postsecondary 44683

institutions that meet any eligibility requirements established 44684  
under division (C) of this section. 44685

A participating school governing body may adopt a written 44686  
policy authorizing any high school it operates to participate in 44687  
the pilot program. Not later than ninety days after the adoption 44688  
of the policy, the school governing body shall transmit an 44689  
electronic copy of the policy to the chancellor and the state 44690  
superintendent. 44691

A participating school governing body shall develop a 44692  
procedure to determine whether a student who wants to participate 44693  
in the pilot program meets any eligibility requirements 44694  
established under division (C) of this section. 44695

(E) At least once each school year, the chancellor, in 44696  
consultation with the state superintendent, shall issue a report 44697  
on the pilot program. The chancellor shall set a deadline for the 44698  
report's issuance. The report shall include information about the 44699  
number of students who participate in the program. The report also 44700  
shall evaluate, to the extent practicable, the impact of the 44701  
program on postsecondary outcomes for students from populations 44702  
traditionally underserved in higher education. 44703

The chancellor shall submit the report to the governor, the 44704  
president of the senate, and the speaker of the house of 44705  
representatives. 44706

(F) No student, school governing body, or postsecondary 44707  
institution shall be required to participate in the pilot program. 44708

**Sec. 3333.375.** (A)(1) There are hereby created the Ohio 44709  
outstanding scholarship and the Ohio priority needs fellowship 44710  
programs payment funds, which shall be in the custody of the 44711  
treasurer of state, but shall not be a part of the state treasury. 44712

(2) The payment funds shall consist solely of all moneys 44713

returned to the treasurer of state, as issuer of certain 44714  
tax-exempt student loan revenue bonds, from all indentures of 44715  
trust, both presently existing and future, created as a result of 44716  
tax-exempt student loan revenue bonds issued under Chapter 3366. 44717  
of the Revised Code, and any moneys earned from allowable 44718  
investments of the payment funds under division (B) of this 44719  
section. 44720

(3) Except as provided in division (E) of this section, the 44721  
payment funds shall be used solely for scholarship and fellowships 44722  
awarded under sections 3333.37 to 3333.375 of the Revised Code by 44723  
the chancellor of higher education and for any necessary 44724  
administrative expenses incurred by the chancellor in 44725  
administering the scholarship and fellowship programs. 44726

(B) The treasurer of state may invest any moneys in the 44727  
payment funds not currently needed for scholarship and fellowship 44728  
payments in any kind of investments in which moneys of the public 44729  
employees retirement system may be invested under Chapter 145. of 44730  
the Revised Code. 44731

(C)(1) The instruments of title of all investments shall be 44732  
delivered to the treasurer of state or to a qualified trustee 44733  
designated by the treasurer of state as provided in section 135.18 44734  
of the Revised Code. 44735

(2) The treasurer of state shall collect both principal and 44736  
investment earnings on all investments as they become due and pay 44737  
them into the payment funds. 44738

(3) All deposits to the payment funds shall be made in public 44739  
depositories of this state and secured as provided in section 44740  
135.18 of the Revised Code. 44741

(D) On or before March 1, 2001, and on or before the first 44742  
day of March in each subsequent year, the treasurer of state shall 44743  
provide to the chancellor a statement indicating the moneys in the 44744

Ohio outstanding scholarship and the Ohio priority needs 44745  
fellowship programs payment funds that are available for the 44746  
upcoming academic year to award scholarships and fellowships under 44747  
sections 3333.37 to 3333.375 of the Revised Code. 44748

(E) The chancellor may use funds the treasurer has indicated 44749  
as available pursuant to division (D) of this section to support 44750  
distribution of state need-based financial aid in accordance with 44751  
~~sections 3333.12 and~~ section 3333.122 of the Revised Code. 44752

**Sec. 3333.38.** (A) As used in this section: 44753

(1) "Institution of higher education" includes all of the 44754  
following: 44755

(a) A state institution of higher education, as defined in 44756  
section 3345.011 of the Revised Code; 44757

(b) A nonprofit institution issued a certificate of 44758  
authorization under Chapter 1713. of the Revised Code; 44759

(c) A private institution exempt from regulation under 44760  
Chapter 3332. of the Revised Code, as prescribed in section 44761  
3333.046 of the Revised Code; 44762

(d) An institution of higher education with a certificate of 44763  
registration from the state board of career colleges and schools 44764  
under Chapter 3332. of the Revised Code. 44765

(2) "Student financial assistance supported by state funds" 44766  
includes assistance granted under sections 3315.33, ~~3333.12,~~ 44767  
3333.122, 3333.125, 3333.21, 3333.26, 3333.28, 3333.372, 3333.391, 44768  
5910.03, 5910.032, and 5919.34 of the Revised Code, financed by an 44769  
award under the choose Ohio first scholarship program established 44770  
under section 3333.61 of the Revised Code, or financed by an award 44771  
under the Ohio co-op/internship program established under section 44772  
3333.72 of the Revised Code, and any other post-secondary student 44773  
financial assistance supported by state funds. 44774

(B) An individual who is convicted of, pleads guilty to, or is adjudicated a delinquent child for one of the following violations shall be ineligible to receive any student financial assistance supported by state funds at an institution of higher education for two calendar years from the time the individual applies for assistance of that nature:

(1) A violation of section 2917.02 or 2917.03 of the Revised Code;

(2) A violation of section 2917.04 of the Revised Code that is a misdemeanor of the fourth degree;

(3) A violation of section 2917.13 of the Revised Code that is a misdemeanor of the fourth or first degree and occurs within the proximate area where four or more others are acting in a course of conduct in violation of section 2917.11 of the Revised Code.

(C) If an individual is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing a violation of section 2917.02 or 2917.03 of the Revised Code, and if the individual is enrolled in a state-supported institution of higher education, the institution in which the individual is enrolled shall immediately dismiss the individual. No state-supported institution of higher education shall admit an individual of that nature for one academic year after the individual applies for admission to a state-supported institution of higher education. This division does not limit or affect the ability of a state-supported institution of higher education to suspend or otherwise discipline its students.

Sec. 3333.393. (A) As used in this section and in section 3333.394 of the Revised Code:

(1) "Academic year" shall be as defined by the chancellor of

higher education. 44805

(2) "Parent" means the parent, guardian, or custodian of a 44806  
qualified student as described by this section. 44807

(3) "Qualified service" means teaching at a qualifying 44808  
school. 44809

(4) "Qualifying school" means a school district building 44810  
identified as "high need" by the chancellor and meets both of the 44811  
following conditions: 44812

(a) The school building has difficulty attracting and 44813  
retaining classroom teachers who hold a valid educator license 44814  
issued under section 3319.22 of the Revised Code; 44815

(b) The school is operated by the same school district from 44816  
which the recipient of a scholarship graduated from high school or 44817  
was employed. 44818

(5) "Qualifying employee" means an individual employed at a 44819  
qualifying school and who either holds an educational aide permit 44820  
or educational paraprofessional license issued under section 44821  
3319.088 or a substitute license under section 3319.226 of the 44822  
Revised Code. 44823

(B) The grow your own teacher college scholarship program is 44824  
hereby established. Under the program, the chancellor of higher 44825  
education, in conjunction with the department of education, shall 44826  
award scholarships to the following: 44827

(1) Low-income high school seniors who commit to teaching in 44828  
a qualifying school for a minimum of four years upon graduation 44829  
from a teacher training program at a state institution of higher 44830  
education or an Ohio nonprofit institution of higher education 44831  
that has a certificate of authorization under Chapter 1713. of the 44832  
Revised Code. 44833

(2) Qualifying employees who commit to teaching in a 44834

qualifying school for a minimum of four years upon graduation from 44835  
a teacher training program at a state institution of higher 44836  
education or an Ohio nonprofit institution of higher education 44837  
that has a certificate of authorization under Chapter 1713. of the 44838  
Revised Code. 44839

Each scholarship shall be awarded for up to four academic 44840  
years and shall not exceed \$7,500 for each academic year. 44841

(C) The department and the chancellor shall develop an 44842  
application process for awarding scholarships under the program. 44843  
The department and the chancellor also shall appoint a highly 44844  
qualified and diverse application committee to assist in the 44845  
selection of scholarship recipients. 44846

(D)(1) Scholarships shall be awarded to students under 44847  
division (B)(1) of this section who meet both of the following 44848  
conditions: 44849

(a) Received a high school diploma or honors diploma under 44850  
section 3313.61 of the Revised Code; 44851

(b) Commit to completing the four-year teaching obligation 44852  
within not more than six years after graduating from the teacher 44853  
training program. 44854

(2) Scholarships shall be awarded to qualifying employees 44855  
under division (B)(2) of this section who commit to completing the 44856  
four-year teaching obligation within not more than six years after 44857  
graduating from the teacher training program. Qualifying employees 44858  
shall be permitted to complete coursework associated with a 44859  
teacher training program on evenings or weekends as necessary 44860  
while maintaining employment at a qualifying school. 44861

(E) A teacher training program, in consultation with the 44862  
department of education, may grant credit to a qualifying employee 44863  
who has commensurate work experience at a qualifying school under 44864  
this section for completion of a teacher training program. 44865

(F) The chancellor shall require that all applicants to the grow your own teacher program file a statement of service status in compliance with section 3345.32 of the Revised Code, if applicable, and that all applicants have not been convicted of, plead guilty to, or adjudicated a delinquent child for any violation listed in section 3333.38 of the Revised Code. 44866  
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(G) Recipients shall complete the four-year teaching commitment within not more than six years after graduating from the teacher training program. Failure to fulfill the commitment shall convert the scholarship into a loan to be repaid under section 3333.394 of the Revised Code. 44872  
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**Sec. 3333.394.** (A)(1) Each recipient who accepts a scholarship under the grow your own teacher program under section 3333.393 of the Revised Code shall sign a promissory note payable to the state in the event the recipient does not satisfy the service requirement under division (G) of section 3333.393 of the Revised Code or the scholarship is terminated. The amount payable under the note shall be the amount of total scholarships accepted by the recipient under the program. 44877  
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(2) Each recipient shall be awarded an amount of up to \$7,500 at the beginning of each school year in which the recipient begins or maintains qualifying employment as defined in section 3333.393 of the Revised Code. Upon completion of that school year, the amount the recipient received at the beginning of the year shall be forgiven. An individual may receive an award under this division for up to four years. 44885  
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(3) Failure to complete a full school year of employment converts the award made under division (A)(1) of this section into a loan to be repaid. The loan to be repaid shall be the amount of the award made at the beginning of that school year. 44892  
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(4) An award made under this division shall not exceed \$7,500 44896

in each school year. The total amount awarded to an individual 44897  
under this section and section 3333.393 of the Revised Code shall 44898  
not exceed the total cost of a qualifying employee's loans for a 44899  
teacher training program. 44900

(B)(1) As specified in division (A)(2) of this section, the 44901  
amount of the annual award made under division (A) of this section 44902  
shall be forgiven following completion of one year of qualified 44903  
employment by the recipient in accordance with division (G) of 44904  
section 3333.393 of the Revised Code. 44905

(2) An award also shall be forgiven in the event that a 44906  
recipient dies, becomes totally and permanently disabled, or is 44907  
unable to complete the required qualified service as a result of a 44908  
reduction in force at the recipient's school of employment before 44909  
the end of the academic year. 44910

(C) The scholarship shall be deemed terminated upon the 44911  
recipient's separation from employment at a qualifying school or 44912  
the recipient's failure to meet the standards of the scholarship 44913  
as determined by the department and the chancellor and shall be 44914  
converted to a loan to be repaid under division (A) of this 44915  
section. 44916

(D) The chancellor and the attorney general shall collect 44917  
payments on the converted loan in accordance with section 131.02 44918  
of the Revised Code, but shall not charge an interest rate on such 44919  
payments. 44920

**Sec. 3333.70.** (A) The ~~director~~ chancellor of higher education 44921  
shall establish and administer the Ohio higher education 44922  
innovation grant program to promote educational excellence and 44923  
economic efficiency throughout the state in order to stabilize or 44924  
reduce student tuition rates at institutions of higher education. 44925  
Under the program, the ~~director~~ chancellor shall award grants to 44926  
state institutions of higher education, as defined in section 44927

3345.011 of the Revised Code, and private nonprofit institutions 44928  
for innovative projects that incorporate academic achievement and 44929  
economic efficiencies. State institutions of higher education and 44930  
private nonprofit institutions may apply for grants and initiate 44931  
collaboration with other institutions of higher education, either 44932  
public or private, on such projects. 44933

(B) The ~~director~~ chancellor shall adopt rules to administer 44934  
the program including, but not limited to, requirements that each 44935  
grant application provides for all of the following: 44936

(1) A system by which to measure academic achievement and 44937  
reductions in expenditures, both in funding and administration; 44938

(2) Demonstration of how the project will be sustained beyond 44939  
the grant period and continue to provide substantial value and 44940  
lasting impact; 44941

(3) Proof of commitment from all parties responsible for the 44942  
implementation of the project; 44943

(4) Implementation of an ongoing evaluation process and 44944  
improvement plans, as necessary. 44945

(C) As used in this section, "private nonprofit institution" 44946  
means a nonprofit institution in this state that has a certificate 44947  
of authorization pursuant to Chapter 1713. of the Revised Code. 44948

**Sec. 3345.027.** (A) As used in this section, "state 44949  
institution of higher education" has the same meaning as in 44950  
section 3345.011 of the Revised Code. 44951

(B) A state institution of higher education, ~~as defined in~~ 44952  
~~section 3345.011 of the Revised Code,~~ shall not withhold a 44953  
student's official transcripts from a potential employer because 44954  
the student owes money to the institution, provided the student 44955  
has authorized the transcripts to be sent to the employer and the 44956  
employer affirms to the institution that the transcripts are a 44957

prerequisite of employment. 44958

(C)(1) Not later than December 1, 2023, the board of trustees 44959  
of each state institution of higher education shall formally 44960  
consider and adopt a resolution determining whether to end the 44961  
practice of transcript withholding. Once adopted, each state 44962  
institution shall submit a copy of the resolution to the 44963  
chancellor of higher education. 44964

(2) In adopting the resolution required under this division, 44965  
each board of trustees shall consider and evaluate all of the 44966  
following factors: 44967

(a) The extent to which ending the practice of transcript 44968  
withholding will promote the state's post-secondary education 44969  
attainment and workforce goals; 44970

(b) The rate of collection on overdue balances resulting from 44971  
the historical practice of transcript withholding, as documented 44972  
by the attorney general; 44973

(c) The extent to which ending the practice of transcript 44974  
withholding will help students who have disenrolled from the state 44975  
institution complete an education, whether at the same institution 44976  
or another state institution. 44977

If a board of trustees resolves to maintain the practice of 44978  
transcript withholding, the board shall include in the resolution 44979  
a summary of its evaluation of the factors contained in division 44980  
(C)(2) of this section. 44981

(3) Not later than January 1, 2024, the chancellor shall 44982  
provide a copy of each resolution submitted under this division to 44983  
the governor, the speaker of the house of representatives, and the 44984  
president of the senate. 44985

**Sec. 3345.033.** (A) As used in this section: 44986

"Rule" includes the enactment of a new rule or the amendment 44987

or rescission of an existing rule. 44988

"State institution of higher education" means a state 44989  
university identified in section 3345.011 of the Revised Code, the 44990  
northeast Ohio medical university, or a community college, state 44991  
community college, or technical college. 44992

(B) When a state institution of higher education adopts a 44993  
rule, the state institution of higher education shall post the 44994  
rule on its web site, ~~and the director of the legislative service~~ 44995  
~~commission shall publish or cause publication of the rule in the~~ 44996  
~~register of Ohio and in any electronic Administrative Code~~ 44997  
~~published by or under contract with the director. The state~~ 44998  
~~institution of higher education also electronically shall file a~~ 44999  
~~copy of the rule with the joint committee on agency rule review.~~ 45000  
~~The rule is not subject to review by the joint committee. But the~~ 45001  
~~joint committee shall accommodate the rule to the rule watch~~ 45002  
~~system.~~ 45003

(C) A state institution of higher education shall maintain 45004  
the posting of its rules on its web site, and periodically shall 45005  
verify the posting. A state institution of higher education is not 45006  
entitled to rely on a rule that is not currently posted on its web 45007  
site. 45008

(D) A rule posted on a state institution of higher 45009  
education's web site in accordance with this section is not 45010  
subject to review by the joint committee on agency rule review. 45011  
Such a rule is not subject to section 111.15 or 119.03 of the 45012  
Revised Code unless the law requiring or permitting the rule to be 45013  
adopted requires the rule to be adopted under either section. 45014

**Sec. 3345.10.** (A) As used in this section, "state institution 45015  
of higher education" has the same meaning as in section 3345.011 45016  
of the Revised Code. 45017

(B) Each state institution of higher education shall 45018  
establish competitive bidding procedures for the purchase of 45019  
printed material and shall award all contracts for the purchase of 45020  
printed material in accordance with those procedures. The 45021  
procedures shall require the institution to evaluate all bids 45022  
received for all contracts for the purchase of printed material in 45023  
accordance with the criteria and procedures established pursuant 45024  
to divisions ~~(C)(1)~~(B)(1) and (2) of section 125.09 of the Revised 45025  
Code for determining whether bidders will produce the printed 45026  
material at manufacturing facilities within this state or in 45027  
accordance with the criteria and procedures established pursuant 45028  
to division ~~(C)(4)~~(B)(4) or (5) of that section for determining 45029  
whether bidders are otherwise qualified. 45030

An institution shall select, in accordance with the 45031  
procedures it establishes under this section, a bid from among 45032  
bidders that fulfill the criteria specified in the applicable 45033  
divisions of section 125.09 of the Revised Code where sufficient 45034  
competition can be generated within this state to ensure that 45035  
compliance with this requirement will not result in paying an 45036  
excessive price or acquiring a disproportionately inferior 45037  
product. If there are two or more bids from among those bidders, 45038  
it shall be deemed that there is sufficient competition to prevent 45039  
paying an excessive price or acquiring a disproportionately 45040  
inferior product. 45041

**Sec. 3345.14.** (A) As used in this section, "state college or 45042  
university" means any state university or college defined in 45043  
division (A)(1) of section 3345.12 of the Revised Code, and any 45044  
other institution of higher education defined in division (A)(2) 45045  
of that section. 45046

(B) All rights to and interests in discoveries, inventions, 45047  
or patents which result from research or investigation conducted 45048

in any experiment station, bureau, laboratory, research facility, 45049  
or other facility of any state college or university, or by 45050  
employees of any state college or university acting within the 45051  
scope of their employment or with funding, equipment, or 45052  
infrastructure provided by or through any state college or 45053  
university, shall be the sole property of that college or 45054  
university. No person, firm, association, corporation, or 45055  
governmental agency which uses the facilities of such college or 45056  
university in connection with such research or investigation and 45057  
no faculty member, employee, or student of such college or 45058  
university participating in or making such discoveries or 45059  
inventions, shall have any rights to or interests in such 45060  
discoveries or inventions, including income therefrom, except as 45061  
may, by determination of the board of trustees of such college or 45062  
university, be assigned, licensed, transferred, or paid to such 45063  
persons or entities in accordance with division (C) of this 45064  
section or in accordance with rules adopted under division (D) of 45065  
this section. 45066

(C) As may be determined from time to time by the board of 45067  
trustees of any state college or university, the college or 45068  
university may retain, assign, license, transfer, sell, or 45069  
otherwise dispose of, in whole or in part and upon such terms as 45070  
the board of trustees may direct, any and all rights to, interests 45071  
in, or income from any such discoveries, inventions, or patents 45072  
which the college or university owns or may acquire. Such 45073  
dispositions may be to any individual, firm, association, 45074  
corporation, or governmental agency, or to any faculty member, 45075  
employee, or student of the college or university as the board of 45076  
trustees may direct. Any and all income or proceeds derived or 45077  
retained from such dispositions shall be applied to the general or 45078  
special use of the college or university as determined by the 45079  
board of trustees of such college or university. 45080

(D)(1) Notwithstanding any provision of the Revised Code to 45081  
the contrary, including but not limited to sections 102.03, 45082  
102.04, 2921.42, and 2921.43 of the Revised Code, the board of 45083  
trustees of any state college or university shall adopt rules ~~in~~ 45084  
~~accordance with section 111.15 of the Revised Code~~ that set forth 45085  
circumstances under which an employee of the college or university 45086  
may solicit or accept, and under which a person may give or 45087  
promise to give to such an employee, a financial interest in any 45088  
firm, corporation, or other association to which the board has 45089  
assigned, licensed, transferred, or sold the college or 45090  
university's interests in its intellectual property, including 45091  
discoveries or inventions made or created by that employee or in 45092  
patents issued to that employee. 45093

(2) Rules established under division (D)(1) of this section 45094  
shall include the following: 45095

(a) A requirement that each college or university employee 45096  
disclose to the college or university board of trustees any 45097  
financial interest the employee holds in a firm, corporation, or 45098  
other association as described in division (D)(1) of this section; 45099

(b) A requirement that all disclosures made under division 45100  
(D)(2)(a) of this section are reviewed by officials designated by 45101  
the college or university board of trustees. The officials 45102  
designated under this division shall determine the information 45103  
that shall be disclosed and safeguards that shall be applied in 45104  
order to manage, reduce, or eliminate any actual or potential 45105  
conflict of interest. 45106

(c) A requirement that in implementing division (D) of this 45107  
section all members of the college or university board of trustees 45108  
shall be governed by Chapter 102. and sections 2921.42 and 2921.43 45109  
of the Revised Code. 45110

(d) Guidelines to ensure that any financial interest held by 45111

any employee of the college or university does not result in 45112  
misuse of the students, employees, or resources of the college or 45113  
university for the benefit of the firm, corporation, or other 45114  
association in which such interest is held or does not otherwise 45115  
interfere with the duties and responsibilities of the employee who 45116  
holds such an interest. 45117

(3) Rules established under division (D)(1) of this section 45118  
may include other provisions at the discretion of the college or 45119  
university board of trustees. 45120

(E) Notwithstanding division (D) of this section, the Ohio 45121  
ethics commission retains authority to provide assistance to a 45122  
college or university board of trustees in the implementation of 45123  
division (D)(2) of this section and to address any matter that is 45124  
outside the scope of the exception to division (B) of this section 45125  
as set forth in division (D) of this section or as set forth in 45126  
rules established under division (D) of this section. 45127

**Sec. 3345.32.** (A) As used in this section: 45128

(1) "State university or college" means the institutions 45129  
described in section 3345.27 of the Revised Code and the northeast 45130  
Ohio medical university. 45131

(2) "Resident" has the meaning specified by rule of the 45132  
chancellor of higher education. 45133

(3) "Statement of selective service status" means a statement 45134  
certifying one of the following: 45135

(a) That the individual filing the statement has registered 45136  
with the selective service system in accordance with the "Military 45137  
Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as 45138  
amended; 45139

(b) That the individual filing the statement is not required 45140  
to register with the selective service for one of the following 45141

reasons: 45142

(i) The individual is under eighteen or over twenty-six years 45143  
of age. 45144

(ii) The individual is on active duty with the armed forces 45145  
of the United States other than for training in a reserve or 45146  
national guard unit. 45147

(iii) The individual is a nonimmigrant alien lawfully in the 45148  
United States in accordance with section 101 (a)(15) of the 45149  
"Immigration and Nationality Act," 8 U.S.C. 1101, as amended. 45150

(iv) The individual is not a citizen of the United States and 45151  
is a permanent resident of the Trust Territory of the Pacific 45152  
Islands or the Northern Mariana Islands. 45153

(4) "Institution of higher education" means any eligible 45154  
institution approved by the United States department of education 45155  
pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as 45156  
amended, or any institution whose students are eligible for 45157  
financial assistance under any of the programs described by 45158  
division (E) of this section. 45159

(B) The chancellor shall, by rule, specify the form of 45160  
statements of selective service status to be filed in compliance 45161  
with divisions (C) to (E) of this section. Each statement of 45162  
selective service status shall contain a section wherein a male 45163  
student born after December 31, 1959, certifies that the student 45164  
has registered with the selective service system in accordance 45165  
with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. 45166  
App. 453, as amended. For those students not required to register 45167  
with the selective service, as specified in divisions (A)(2)(b)(i) 45168  
to (iv) of this section, a section shall be provided on the 45169  
statement of selective service status for the certification of 45170  
nonregistration and for an explanation of the reason for the 45171  
exemption. The chancellor may require that such statements be 45172

accompanied by documentation specified by rule of the chancellor. 45173

(C) A state university or college that enrolls in any course, 45174  
class, or program a male student born after December 31, 1959, who 45175  
has not filed a statement of selective service status with the 45176  
university or college shall, regardless of the student's 45177  
residency, charge the student any tuition surcharge charged 45178  
students who are not residents of this state. 45179

(D) No male born after December 31, 1959, shall be eligible 45180  
to receive any loan, grant, scholarship, or other financial 45181  
assistance for educational expenses granted under section 3315.33, 45182  
~~3333.127~~, 3333.122, 3333.125, 3333.21, 3333.22, 3333.26, 3333.391, 45183  
5910.03, 5910.032, or 5919.34 of the Revised Code, financed by an 45184  
award under the choose Ohio first scholarship program established 45185  
under section 3333.61 of the Revised Code, or financed by an award 45186  
under the Ohio co-op/internship program established under section 45187  
3333.72 of the Revised Code, unless that person has filed a 45188  
statement of selective service status with that person's 45189  
institution of higher education. 45190

(E) If an institution of higher education receives a 45191  
statement from an individual certifying that the individual has 45192  
registered with the selective service system in accordance with 45193  
the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 45194  
453, as amended, or that the individual is exempt from 45195  
registration for a reason other than that the individual is under 45196  
eighteen years of age, the institution shall not require the 45197  
individual to file any further statements. If it receives a 45198  
statement certifying that the individual is not required to 45199  
register because the individual is under eighteen years of age, 45200  
the institution shall require the individual to file a new 45201  
statement of selective service status each time the individual 45202  
seeks to enroll for a new academic term or makes application for a 45203  
new loan or loan guarantee or for any form of financial assistance 45204

for educational expenses, until it receives a statement certifying 45205  
that the individual has registered with the selective service 45206  
system or is exempt from registration for a reason other than that 45207  
the individual is under eighteen years of age. 45208

**Sec. 3345.57.** (A) As used in this section, "state institution 45209  
of higher education" has the same meaning as in section 3345.011 45210  
of the Revised Code. 45211

(B) A state institution of higher education may establish a 45212  
program under which an employee of the institution may donate that 45213  
employee's accrued but unused paid leave to another employee of 45214  
the institution who has no accrued but unused paid leave and who 45215  
has a critical need for it because of circumstances such as a 45216  
serious illness or the serious illness of a member of the 45217  
employee's immediate family. If a state institution of higher 45218  
education establishes a leave donation program under this section, 45219  
the institution shall adopt rules ~~in accordance with section~~ 45220  
~~111.15 of the Revised Code~~ to provide for the administration of 45221  
the program. These rules shall include, but not be limited to, 45222  
provisions that identify the circumstances under which leave may 45223  
be donated and that specify the amount, types, and value of leave 45224  
that may be donated. 45225

**Sec. 3345.60.** (A) As used in this section, "institution of 45226  
higher education" includes all of the following: 45227

(1) A state institution of higher education as defined in 45228  
section 3345.011 of the Revised Code; 45229

(2) A private, nonprofit institution in this state holding a 45230  
certificate of authorization pursuant to Chapter 1713. of the 45231  
Revised Code; 45232

(3) A career college or school that holds a certificate of 45233  
registration from the state board of career colleges and schools 45234

under Chapter 3332. of the Revised Code or a private institution 45235  
exempt from regulation under Chapter 3332. of the Revised Code as 45236  
prescribed in section 3333.046 of the Revised Code, if the program 45237  
has a certificate of authorization pursuant to Chapter 1713. of 45238  
the Revised Code. 45239

(B) Each institution of higher education shall do both of the 45240  
following: 45241

(1) Make explicitly clear on its web site that a student has 45242  
a right to access a transcript for purposes of seeking employment 45243  
regardless of whether that student owes an institutional debt; 45244

(2) Post a list of resources available to students who owe an 45245  
institutional debt, including payment plans, opportunities for 45246  
settlement, and any other programs that work to prevent students 45247  
from dropping out. 45248

**Sec. 3345.69.** (A) As used in this section: 45249

(1) "State institution of higher education" has the same 45250  
meaning as in section 3345.011 of the Revised Code. 45251

(2) "Board of trustees of a state institution of higher 45252  
education" has the same meaning as in section 3345.61 of the 45253  
Revised Code. 45254

(B) The chairperson of the interuniversity council of Ohio 45255  
and the secretary of the Ohio association of community colleges 45256  
shall assist in coordinating the organization and operation of a 45257  
committee to carry out this section. The committee shall be 45258  
comprised of the presidents of the state institutions of higher 45259  
education or their designees. The committee, in consultation with 45260  
the Ohio facilities construction commission, shall develop 45261  
guidelines for the board of trustees of each state institution of 45262  
higher education to use in ensuring energy efficiency and 45263  
conservation in on- and off-campus buildings. At a minimum, 45264

guidelines under this section shall do all of the following: 45265

(1) Include a goal to reduce on- and off-campus building 45266  
energy consumption by at least twenty per cent by 2014, using 45267  
calendar year 2004 as the benchmark year, while recognizing the 45268  
diverse nature and different energy demands and uses of such 45269  
buildings and measures already taken to increase building energy 45270  
efficiency and conservation; 45271

(2) Prescribe minimum energy efficiency and conservation 45272  
standards for any new, on- or off-campus capital improvement 45273  
project with a construction cost of one hundred thousand dollars 45274  
or more, which standards shall be based on general building type 45275  
and cost-effectiveness; 45276

(3) Prescribe minimum energy efficiency and conservation 45277  
standards for the leasing of an off-campus space of at least 45278  
twenty-thousand square feet; 45279

(4) Incorporate best practices into energy efficiency and 45280  
conservation standards and plans; 45281

(5) Provide that each board develop its own fifteen-year plan 45282  
for phasing in energy efficiency and conservation projects; 45283

(6) Provide that project impact assessments include the 45284  
fiscal effects of energy efficiency and conservation 45285  
recommendations and plans; 45286

(7) Establish mechanisms for each board to report 45287  
periodically to the committee on its progress relative to the 45288  
guidelines. 45289

(C) The board of trustees of a state institution of higher 45290  
education shall adopt rules ~~under section 111.15 of the Revised~~ 45291  
~~Code~~ to carry out the guidelines established pursuant to division 45292  
(B) of this section, including in the execution of the board's 45293  
authority under sections 3345.62 to 3345.66 of the Revised Code. 45294

**Sec. 3354.121.** (A)(1) Each community college district may 45295  
acquire, by purchase, lease, lease-purchase, lease with option to 45296  
purchase, or otherwise, construct, equip, furnish, reconstruct, 45297  
alter, enlarge, remodel, renovate, rehabilitate, improve, 45298  
maintain, repair, and operate, and lease to or from others, 45299  
auxiliary facilities or education facilities, except housing and 45300  
dining facilities, and may pay for the facilities out of available 45301  
receipts of such district. To pay all or part of the costs of 45302  
auxiliary facilities or education facilities, except housing and 45303  
dining facilities, and any combination of them, and to refund 45304  
obligations previously issued for such purpose, each community 45305  
college district may issue obligations in the manner provided by 45306  
and subject to the applicable provisions of section 3345.12 of the 45307  
Revised Code. 45308

(2) A community college district that is located either 45309  
within one mile of a four-year private, nonprofit institution of 45310  
higher education in the state or within one-quarter mile of a 45311  
facility that, on January 1, 2023, rented at least seventy-five 45312  
rooms to students at such district, may acquire, by purchase, 45313  
lease, lease-purchase, lease with option to purchase, or 45314  
otherwise, construct, equip, furnish, reconstruct, alter, enlarge, 45315  
remodel, renovate, rehabilitate, improve, maintain, repair, and 45316  
operate, and lease to or from others, housing and dining 45317  
facilities, and may pay for the facilities out of the available 45318  
receipts of such district. To pay all or part of the costs of the 45319  
housing and dining facilities, and to refund obligations 45320  
previously issued for such purpose, the community college district 45321  
may issue obligations in the manner provided by and subject to the 45322  
applicable provisions of section 3345.12 of the Revised Code. 45323

(B) Except as otherwise provided in this section, the 45324  
definitions set forth in section 3345.12 of the Revised Code apply 45325  
to this section. 45326

(C) Fee variations provided for in division (G) of section 45327  
3354.09 of the Revised Code need not be applied to fees pledged to 45328  
secure obligations. 45329

(D) The obligations authorized by this section are not bonded 45330  
indebtedness of the community college district, shall not 45331  
constitute general obligations or the pledge of the full faith and 45332  
credit of such district, and the holders or owners thereof shall 45333  
have no right to require the board to levy or collect any taxes 45334  
for the payment of bond service charges, but they shall have the 45335  
right to payment thereof solely from the available receipts and 45336  
funds pledged for such payment as authorized by section 3345.12 of 45337  
the Revised Code and this section. 45338

The bond proceedings may provide the method whereby the 45339  
general administrative overhead expense of the district shall be 45340  
allocated among the several operations and facilities of the 45341  
district for purposes of determining any operating and maintenance 45342  
expenses payable from the pledged available receipts prior to the 45343  
provision for payment of bond service charges, and for other 45344  
purposes of the bond proceedings. 45345

(E) The powers granted in this section are in addition to any 45346  
other powers at any time granted by the Constitution and laws of 45347  
the state, and not in derogation thereof or restrictions thereon. 45348

**Sec. 3365.07.** The department of education shall calculate and 45349  
pay state funds to colleges for participants in the college credit 45350  
plus program under division (B) of section 3365.06 of the Revised 45351  
Code pursuant to this section. For a nonpublic secondary school 45352  
participant, a nonchartered nonpublic secondary school 45353  
participant, or a home-instructed participant, the department 45354  
shall pay state funds pursuant to this section only if that 45355  
participant is awarded funding according to rules adopted by the 45356  
chancellor of higher education, in consultation with the 45357

superintendent of public instruction, pursuant to section 3365.071 45358  
of the Revised Code. The program shall be the sole mechanism by 45359  
which state funds are paid to colleges for students to earn 45360  
transcripted credit for college courses while enrolled in both a 45361  
secondary school and a college, with the exception of state funds 45362  
paid to colleges according to an agreement described in division 45363  
(A)(1) of section 3365.02 of the Revised Code. 45364

(A) For each public or nonpublic secondary school participant 45365  
enrolled in a public college: 45366

(1) If no agreement has been entered into under division 45367  
(A)(2) of this section, both of the following shall apply: 45368

(a) The department shall pay to the college the applicable 45369  
amount as follows: 45370

(i) For a participant enrolled in a college course delivered 45371  
on the college campus, at another location operated by the 45372  
college, or online, the lesser of the default ceiling amount or 45373  
the college's standard rate; 45374

(ii) For a participant enrolled in a college course delivered 45375  
at the participant's secondary school but taught by college 45376  
faculty, the lesser of fifty per cent of the default ceiling 45377  
amount or the college's standard rate; 45378

(iii) For a participant enrolled in a college course 45379  
delivered at the participant's secondary school and taught by a 45380  
high school teacher who has met the credential requirements 45381  
established for purposes of the program in rules adopted by the 45382  
chancellor, the default floor amount. 45383

(b) The participant's secondary school shall pay for 45384  
textbooks, and the college shall waive payment of all other fees 45385  
related to participation in the program. 45386

(2) The governing entity of a participant's secondary school 45387

and the college may enter into an agreement to establish an 45388  
alternative payment structure for tuition, textbooks, and fees. 45389  
Under such an agreement, payments for each participant made by the 45390  
department shall be not less than the default floor amount, unless 45391  
approved by the chancellor, and not more than either the default 45392  
ceiling amount or the college's standard rate, whichever is less. 45393  
The chancellor may approve an agreement that includes a payment 45394  
below the default floor amount, as long as the provisions of the 45395  
agreement comply with all other requirements of this chapter to 45396  
ensure program quality. If no agreement is entered into under 45397  
division (A)(2) of this section, both of the following shall 45398  
apply: 45399

(a) The department shall pay to the college the applicable 45400  
default amounts prescribed by division (A)(1)(a) of this section, 45401  
depending upon the method of delivery and instruction. 45402

(b) In accordance with division (A)(1)(b) of this section, 45403  
the participant's secondary school shall pay for textbooks, and 45404  
the college shall waive payment of all other fees related to 45405  
participation in the program. 45406

(3) No participant that is enrolled in a public college shall 45407  
be charged for any tuition, textbooks, or other fees related to 45408  
participation in the program. 45409

(B) For each public secondary school participant enrolled in 45410  
a private college: 45411

(1) If no agreement has been entered into under division 45412  
(B)(2) of this section, the department shall pay to the college 45413  
the applicable amount calculated in the same manner as in division 45414  
(A)(1)(a) of this section. 45415

(2) The governing entity of a participant's secondary school 45416  
and the college may enter into an agreement to establish an 45417  
alternative payment structure for tuition, textbooks, and fees. 45418

Under such an agreement, payments shall be not less than the 45419  
default floor amount, unless approved by the chancellor, and not 45420  
more than either the default ceiling amount or the college's 45421  
standard rate, whichever is less. 45422

If an agreement is entered into under division (B)(2) of this 45423  
section, both of the following shall apply: 45424

(a) The department shall make a payment to the college for 45425  
each participant that is equal to the default floor amount, unless 45426  
approved by the chancellor to pay an amount below the default 45427  
floor amount. The chancellor may approve an agreement that 45428  
includes a payment below the default floor amount, as long as the 45429  
provisions of the agreement comply with all other requirements of 45430  
this chapter to ensure program quality. 45431

(b) Payment for costs for the participant that exceed the 45432  
amount paid by the department pursuant to division (B)(2)(a) of 45433  
this section shall be negotiated by the school and the college. 45434  
The agreement may include a stipulation permitting the charging of 45435  
a participant. 45436

However, under no circumstances shall: 45437

(i) Payments for a participant made by the department under 45438  
division (B)(2) of this section exceed the lesser of the default 45439  
ceiling amount or the college's standard rate; 45440

(ii) The amount charged to a participant under division 45441  
(B)(2) of this section exceed the difference between the maximum 45442  
per participant charge amount and the default floor amount; 45443

(iii) The sum of the payments made by the department for a 45444  
participant and the amount charged to that participant under 45445  
division (B)(2) of this section exceed the following amounts, as 45446  
applicable: 45447

(I) For a participant enrolled in a college course delivered 45448

on the college campus, at another location operated by the 45449  
college, or online, the maximum per participant charge amount; 45450

(II) For a participant enrolled in a college course delivered 45451  
at the participant's secondary school but taught by college 45452  
faculty, one hundred twenty-five dollars; 45453

(III) For a participant enrolled in a college course 45454  
delivered at the participant's secondary school and taught by a 45455  
high school teacher who has met the credential requirements 45456  
established for purposes of the program in rules adopted by the 45457  
chancellor, one hundred dollars. 45458

(iv) A participant that is identified as economically 45459  
disadvantaged according to rules adopted by the department be 45460  
charged under division (B)(2) of this section for any tuition, 45461  
textbooks, or other fees related to participation in the program. 45462

(C) For each nonpublic secondary school participant enrolled 45463  
in a private or eligible out-of-state college, the department 45464  
shall pay to the college the applicable amount calculated in the 45465  
same manner as in division (A)(1)(a) of this section. Payment for 45466  
costs for the participant that exceed the amount paid by the 45467  
department shall be negotiated by the governing body of the 45468  
nonpublic secondary school and the college. 45469

However, under no circumstances shall: 45470

(1) The payments for a participant made by the department 45471  
under this division exceed the lesser of the default ceiling 45472  
amount or the college's standard rate. 45473

(2) Any nonpublic secondary school participant, who is 45474  
enrolled in that secondary school with a scholarship awarded under 45475  
either the educational choice scholarship pilot program, as 45476  
prescribed by sections 3310.01 to 3310.17, or the pilot project 45477  
scholarship program, as prescribed by sections 3313.974 to 45478  
3313.979 of the Revised Code, and who qualifies as a low-income 45479

student under either of those programs, be charged for any 45480  
tuition, textbooks, or other fees related to participation in the 45481  
college credit plus program. 45482

(D) For each nonchartered nonpublic secondary school 45483  
participant and each home-instructed participant enrolled in a 45484  
public, private, or eligible out-of-state college, the department 45485  
shall pay to the college the lesser of the default ceiling amount 45486  
or the college's standard rate, if that participant is enrolled in 45487  
a college course delivered on the college campus, at another 45488  
location operated by the college, or online. 45489

(E) Not later than thirty days after the end of each term, 45490  
each college expecting to receive payment for the costs of a 45491  
participant under this section shall notify the department of the 45492  
number of enrolled credit hours for each participant. 45493

(F) The department shall make the applicable payments under 45494  
this section to each college, which provided proper notification 45495  
to the department under division (E) of this section, for the 45496  
number of enrolled credit hours for participants enrolled in the 45497  
college under division (B) of section 3365.06 of the Revised Code. 45498  
Except in cases involving incomplete participant information or a 45499  
dispute of participant information, payments shall be made by the 45500  
last day of January for participants who were enrolled during the 45501  
fall term and by the last day of July for participants who were 45502  
enrolled during the spring term. The department shall not make any 45503  
payments to a college under this section if a participant withdrew 45504  
from a course prior to the date on which a withdrawal from the 45505  
course would have negatively affected the participant's 45506  
transcripted grade, as prescribed by the college's established 45507  
withdrawal policy. 45508

(1) Payments made for public secondary school participants 45509  
under this section shall be deducted as follows: 45510

(a) For a participant enrolled in a school district, from the school foundation payments made to the participant's school district. If the participant is enrolled in a joint vocational school district, a portion of the amount shall be deducted from the payments to the joint vocational school district and a portion shall be deducted from the payments to the participant's city, local, or exempted village school district in accordance with the full-time equivalency of the student's enrollment in each district.

(b) For a participant enrolled in a community school established under Chapter 3314. of the Revised Code, from the payments made to that school under section 3317.022 of the Revised Code;

(c) For a participant enrolled in a STEM school, from the payments made to that school under section 3317.022 of the Revised Code;

(d) For a participant enrolled in a college-preparatory boarding school, from the payments made to that school under section 3328.34 of the Revised Code;

(e) For a participant enrolled in the state school for the deaf or the state school for the blind, from the amount paid to that school with funds appropriated by the general assembly for support of ~~that school~~ Ohio deaf and blind education services;

(f) For a participant enrolled in an institution operated by the department of youth services, from the amount paid to that institution with funds appropriated by the general assembly for support of that institution.

Amounts deducted under divisions (F)(1)(a) to (f) of this section shall be calculated in accordance with rules adopted by the chancellor, in consultation with the state superintendent, pursuant to division (B) of section 3365.071 of the Revised Code

(2) Payments made for nonpublic secondary school 45542  
participants, nonchartered nonpublic secondary school 45543  
participants, and home-instructed participants under this section 45544  
shall be deducted from moneys appropriated by the general assembly 45545  
for such purpose. Payments shall be allocated and distributed in 45546  
accordance with rules adopted by the chancellor, in consultation 45547  
with the state superintendent, pursuant to division (A) of section 45548  
3365.071 of the Revised Code. 45549

(G) Any public college that enrolls a student under division 45550  
(B) of section 3365.06 of the Revised Code may include that 45551  
student in the calculation used to determine its state share of 45552  
instruction funds appropriated to the department of higher 45553  
education by the general assembly. 45554

Sec. 3365.131. One or more public or nonpublic colleges, in 45555  
collaboration with one or more industry partners, may submit to 45556  
the chancellor of higher education a proposal to establish a 45557  
statewide innovative waiver pathway. Under a pathway established 45558  
under this section, a student who does not otherwise meet 45559  
traditional college readiness standards may participate in the 45560  
college credit plus program. Upon completing a pathway, a student 45561  
shall receive an industry-recognized credential or a certificate 45562  
aligned with an in-demand job, as defined in section 3333.94 of 45563  
the Revised Code. 45564

The chancellor may approve a statewide innovative waiver 45565  
pathway. Any public or nonpublic secondary school or public or 45566  
nonpublic college may use an approved statewide innovative waiver 45567  
pathway. 45568

The chancellor, in consultation with the superintendent of 45569  
public instruction, may adopt guidelines and procedures regarding 45570  
statewide innovative waiver pathways. 45571

Sec. 3375.41. When a board of library trustees appointed 45572  
pursuant to section 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, 45573  
or 3375.30 of the Revised Code determines to construct, demolish, 45574  
alter, repair, or reconstruct a library or make any improvements 45575  
or repairs, the cost of which will exceed ~~fifty thousand dollars~~ 45576  
the amount specified in section 9.17 of the Revised Code, except 45577  
in cases of urgent necessity or for the security and protection of 45578  
library property, it shall proceed as follows: 45579

(A) The board shall advertise for a period of two weeks for 45580  
sealed bids in a newspaper of general circulation in the district 45581  
or as provided in section 7.16 of the Revised Code. If no 45582  
newspaper has a general circulation in the district, the board 45583  
shall post the advertisement in three public places in the 45584  
district. The advertisement shall be entered in full by the fiscal 45585  
officer on the record of proceedings of the board. 45586

(B) The sealed bids shall be filed with the fiscal officer by 45587  
twelve noon of the last day stated in the advertisement. 45588

(C) The sealed bids shall be opened at the next meeting of 45589  
the board, shall be publicly read by the fiscal officer, and shall 45590  
be entered in full on the records of the board; provided that the 45591  
board, by resolution, may provide for the public opening and 45592  
reading of the bids by the fiscal officer, immediately after the 45593  
time for their filing has expired, at the usual place of meeting 45594  
of the board, and for the tabulation of the bids and a report of 45595  
the tabulation to the board at its next meeting. 45596

(D) Each sealed bid shall contain the name of every person 45597  
interested in it and shall meet the requirements of section 153.54 45598  
of the Revised Code. 45599

(E) When both labor and materials are embraced in the work 45600  
bid for, the board may require that each be separately stated in 45601  
the sealed bid, with their price, or may require that bids be 45602

submitted without the separation. 45603

(F) None but the lowest responsible bid shall be accepted. 45604  
The board may reject all the bids or accept any bid for both labor 45605  
and material for the improvement or repair that is the lowest in 45606  
the aggregate. 45607

(G) The contract shall be between the board and the bidders. 45608  
The board shall pay the contract price for the work in cash at the 45609  
times and in the amounts as provided by sections 153.12, 153.13, 45610  
and 153.14 of the Revised Code. 45611

(H) When two or more bids are equal, in whole or in part, and 45612  
are lower than any others, either may be accepted, but in no case 45613  
shall the work be divided between these bidders. 45614

(I) When there is reason to believe there is collusion or 45615  
combination among the bidders, the bids of those concerned in the 45616  
collusion or combination shall be rejected. 45617

(J) No project subject to this section shall be divided into 45618  
component parts, separate projects, or items of work in order to 45619  
avoid the requirements of this section. 45620

**Sec. 3501.01.** As used in the sections of the Revised Code 45621  
relating to elections and political communications: 45622

(A) "General election" means the election held on the first 45623  
Tuesday after the first Monday in each November. 45624

(B) "Regular municipal election" means the election held on 45625  
the first Tuesday after the first Monday in November in each 45626  
odd-numbered year. 45627

(C) "Regular state election" means the election held on the 45628  
first Tuesday after the first Monday in November in each 45629  
even-numbered year. 45630

(D) "Special election" means any election other than those 45631

elections defined in other divisions of this section. A special 45632  
election may be held only on the first Tuesday after the first 45633  
Monday in May or November, on the first Tuesday after the first 45634  
Monday in August in accordance with section 3501.022 of the 45635  
Revised Code, or on the day authorized by a particular municipal 45636  
or county charter for the holding of a primary election, except 45637  
that in any year in which a presidential primary election is held, 45638  
no special election shall be held in May, except as authorized by 45639  
a municipal or county charter, but may be held on the third 45640  
Tuesday after the first Monday in March. 45641

(E)(1) "Primary" or "primary election" means an election held 45642  
for the purpose of nominating persons as candidates of political 45643  
parties for election to offices, and for the purpose of electing 45644  
persons as members of the controlling committees of political 45645  
parties and as delegates and alternates to the conventions of 45646  
political parties. Primary elections shall be held on the first 45647  
Tuesday after the first Monday in May of each year except in years 45648  
in which a presidential primary election is held. 45649

(2) "Presidential primary election" means a primary election 45650  
as defined by division (E)(1) of this section at which an election 45651  
is held for the purpose of choosing delegates and alternates to 45652  
the national conventions of the major political parties pursuant 45653  
to section 3513.12 of the Revised Code. Unless otherwise 45654  
specified, presidential primary elections are included in 45655  
references to primary elections. In years in which a presidential 45656  
primary election is held, all primary elections shall be held on 45657  
the third Tuesday after the first Monday in March except as 45658  
otherwise authorized by a municipal or county charter. 45659

(F) "Political party" means any group of voters meeting the 45660  
requirements set forth in section 3517.01 of the Revised Code for 45661  
the formation and existence of a political party. 45662

(1) "Major political party" means any political party 45663

organized under the laws of this state whose candidate for 45664  
governor or nominees for presidential electors received not less 45665  
than twenty per cent of the total vote cast for such office at the 45666  
most recent regular state election. 45667

(2) "Minor political party" means any political party 45668  
organized under the laws of this state that meets either of the 45669  
following requirements: 45670

(a) Except as otherwise provided in this division, the 45671  
political party's candidate for governor or nominees for 45672  
presidential electors received less than twenty per cent but not 45673  
less than three per cent of the total vote cast for such office at 45674  
the most recent regular state election. A political party that 45675  
meets the requirements of this division remains a political party 45676  
for a period of four years after meeting those requirements. 45677

(b) The political party has filed with the secretary of 45678  
state, subsequent to its failure to meet the requirements of 45679  
division (F)(2)(a) of this section, a petition that meets the 45680  
requirements of section 3517.01 of the Revised Code. 45681

A newly formed political party shall be known as a minor 45682  
political party until the time of the first election for governor 45683  
or president which occurs not less than twelve months subsequent 45684  
to the formation of such party, after which election the status of 45685  
such party shall be determined by the vote for the office of 45686  
governor or president. 45687

(G) "Dominant party in a precinct" or "dominant political 45688  
party in a precinct" means that political party whose candidate 45689  
for election to the office of governor at the most recent regular 45690  
state election at which a governor was elected received more votes 45691  
than any other person received for election to that office in such 45692  
precinct at such election. 45693

(H) "Candidate" means any qualified person certified in 45694

accordance with the provisions of the Revised Code for placement 45695  
on the official ballot of a primary, general, or special election 45696  
to be held in this state, or any qualified person who claims to be 45697  
a write-in candidate, or who knowingly assents to being 45698  
represented as a write-in candidate by another at either a 45699  
primary, general, or special election to be held in this state. 45700

(I) "Independent candidate" means any candidate who claims 45701  
not to be affiliated with a political party, and whose name has 45702  
been certified on the office-type ballot at a general or special 45703  
election through the filing of a statement of candidacy and 45704  
nominating petition, as prescribed in section 3513.257 of the 45705  
Revised Code. 45706

(J) "Nonpartisan candidate" means any candidate whose name is 45707  
required, pursuant to section 3505.04 of the Revised Code, to be 45708  
listed on the nonpartisan ballot, including all candidates for 45709  
judge of a municipal court, county court, or court of common 45710  
pleas, for member of any board of education, for municipal or 45711  
township offices in which primary elections are not held for 45712  
nominating candidates by political parties, and for offices of 45713  
municipal corporations having charters that provide for separate 45714  
ballots for elections for these offices. 45715

(K) "Party candidate" means any candidate who claims to be a 45716  
member of a political party and who has been certified to appear 45717  
on the office-type ballot at a general or special election as the 45718  
nominee of a political party because the candidate has won the 45719  
primary election of the candidate's party for the public office 45720  
the candidate seeks, has been nominated under section 3517.012, or 45721  
is selected by party committee in accordance with section 3513.31 45722  
of the Revised Code. 45723

(L) "Officer of a political party" includes, but is not 45724  
limited to, any member, elected or appointed, of a controlling 45725  
committee, whether representing the territory of the state, a 45726

district therein, a county, township, a city, a ward, a precinct, 45727  
or other territory, of a major or minor political party. 45728

(M) "Question or issue" means any question or issue certified 45729  
in accordance with the Revised Code for placement on an official 45730  
ballot at a general or special election to be held in this state. 45731

(N) "Elector" or "qualified elector" means a person having 45732  
the qualifications provided by law to be entitled to vote. 45733

(O) "Voter" means an elector who votes at an election. 45734

(P) "Voting residence" means that place of residence of an 45735  
elector which shall determine the precinct in which the elector 45736  
may vote. 45737

(Q) "Precinct" means a district within a county established 45738  
by the board of elections of such county within which all 45739  
qualified electors having a voting residence therein may vote at 45740  
the same polling place. 45741

(R) "Polling place" means that place provided for each 45742  
precinct at which the electors having a voting residence in such 45743  
precinct may vote. 45744

(S) "Board" or "board of elections" means the board of 45745  
elections appointed in a county pursuant to section 3501.06 of the 45746  
Revised Code. 45747

(T) "Political subdivision" means a county, township, city, 45748  
village, or school district. 45749

(U) "Election officer" or "election official" means any of 45750  
the following: 45751

(1) Secretary of state; 45752

(2) Employees of the secretary of state serving the division 45753  
of elections in the capacity of attorney, administrative officer, 45754  
administrative assistant, elections administrator, office manager, 45755  
or clerical supervisor; 45756

(3) Director of a board of elections;	45757
(4) Deputy director of a board of elections;	45758
(5) Member of a board of elections;	45759
(6) Employees of a board of elections;	45760
(7) Precinct election officials;	45761
(8) Employees appointed by the boards of elections on a temporary or part-time basis.	45762 45763
(V) "Acknowledgment notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, informing a voter registration applicant or an applicant who wishes to change the applicant's residence or name of the status of the application; the information necessary to complete or update the application, if any; and if the application is complete, the precinct in which the applicant is to vote.	45764 45765 45766 45767 45768 45769 45770
(W) "Confirmation notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, to a registered elector to confirm the registered elector's current address.	45771 45772 45773 45774
(X) "Designated agency" means an office or agency in the state that provides public assistance or that provides state-funded programs primarily engaged in providing services to persons with disabilities and that is required by the National Voter Registration Act of 1993 to implement a program designed and administered by the secretary of state for registering voters, or any other public or government office or agency that implements a program designed and administered by the secretary of state for registering voters, including the department of job and family services, the program administered under section 3701.132 of the Revised Code by the department of health, the department of mental health and addiction services, the department of developmental	45775 45776 45777 45778 45779 45780 45781 45782 45783 45784 45785 45786

disabilities, the opportunities for Ohioans with disabilities 45787  
agency, and any other agency the secretary of state designates. 45788  
"Designated agency" does not include public high schools and 45789  
vocational schools, public libraries, or the office of a county 45790  
treasurer. 45791

(Y) "National Voter Registration Act of 1993" means the 45792  
"National Voter Registration Act of 1993," 107 Stat. 77, 42 45793  
U.S.C.A. 1973gg. 45794

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act 45795  
of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 45796

(AA)(1) "Photo identification" means one of the following 45797  
documents that includes the individual's name and photograph and 45798  
is not expired: 45799

(a) An Ohio driver's license, state identification card, or 45800  
interim identification form issued by the registrar of motor 45801  
vehicles or a deputy registrar under Chapter 4506. or 4507. of the 45802  
Revised Code; 45803

(b) A United States passport or passport card; 45804

(c) A United States military identification card, Ohio 45805  
national guard identification card, or United States department of 45806  
veterans affairs identification card. 45807

(2) A "copy" of an individual's photo identification means 45808  
images of both the front and back of a document described in 45809  
division (AA)(1) of this section, except that if the document is a 45810  
United States passport, a copy of the photo identification means 45811  
an image of the passport's identification page that includes the 45812  
individual's name, photograph, and other identifying information 45813  
and the passport's expiration date. 45814

(BB) "Driver's license" means a license or permit issued by 45815  
the registrar or a deputy registrar under Chapter 4506. or 4507. 45816

of the Revised Code that authorizes an individual to drive. 45817  
"Driver's license" includes a driver's license, commercial 45818  
driver's license, probationary license, restricted license, 45819  
motorcycle operator's license, or temporary instruction permit 45820  
identification card. "Driver's license" does not include a 45821  
~~nonrenewable~~ limited term license issued under section 4507.09 of 45822  
the Revised Code. 45823

(CC) "State identification card" means a card issued by the 45824  
registrar or a deputy registrar under sections 4507.50 to 4507.52 45825  
of the Revised Code. 45826

(DD) "Interim identification form" means the document issued 45827  
by the registrar or a deputy registrar to an applicant for a 45828  
driver's license or state identification card that contains all of 45829  
the information otherwise found on the license or card and that an 45830  
applicant may use as a form of identification until the physical 45831  
license or card arrives in the mail. 45832

**Sec. 3501.27.** (A) All precinct election officials shall 45833  
complete a program of instruction pursuant to division (B) of this 45834  
section. No person who has been convicted of a felony or any 45835  
violation of the election laws, who is unable to read and write 45836  
the English language readily, or who is a candidate for an office 45837  
to be voted for by the voters of the precinct in which the person 45838  
is to serve shall serve as an election officer. A person when 45839  
appointed as an election officer shall receive from the board of 45840  
elections a certificate of appointment that may be revoked at any 45841  
time by the board for good and sufficient reasons. The certificate 45842  
shall be in the form the board prescribes and shall specify the 45843  
precinct, ward, or district in and for which the person to whom it 45844  
is issued is appointed to serve, the date of appointment, and the 45845  
expiration of the person's term of service. 45846

(B) Each board shall establish a program as prescribed by the 45847

secretary of state for the instruction of election officers in the 45848  
rules, procedures, and law relating to elections. In each program, 45849  
the board shall use training materials prepared by the secretary 45850  
of state and may use additional materials prepared by or on behalf 45851  
of the board. The board may use the services of unpaid volunteers 45852  
in conducting its program and may reimburse those volunteers for 45853  
necessary and actual expenses incurred in participating in the 45854  
program. 45855

The board shall train each new election officer before the 45856  
new officer participates in the first election in that capacity. 45857  
The board shall instruct election officials who have been trained 45858  
previously only when the board or secretary of state considers 45859  
that instruction necessary, but the board shall reinstruct such 45860  
persons, other than voting location managers, at least once in 45861  
every three years and shall reinstruct voting location managers 45862  
before the primary election in even-numbered years. The board 45863  
shall schedule any program of instruction within sixty days prior 45864  
to the election in which the officials to be trained will 45865  
participate. 45866

(C) The duties of a precinct election official in each 45867  
polling place shall be performed only by an individual who has 45868  
successfully completed the requirements of the program, unless 45869  
such an individual is unavailable after reasonable efforts to 45870  
obtain such services. 45871

(D) The secretary of state shall establish a program for the 45872  
instruction of members of boards of elections and employees of 45873  
boards in the rules, procedures, and law relating to elections. 45874  
Each member and employee shall complete the training program 45875  
within six months after the member's or employee's original 45876  
appointment or employment, and thereafter each member and employee 45877  
shall complete a training program to update their knowledge once 45878  
every four years or more often as determined by the secretary of 45879

state. 45880

(E) The secretary of state shall ~~reimburse each county for~~ 45881  
~~make grants to the boards of elections to pay~~ the cost of programs 45882  
established pursuant to division (B) of this section, ~~once the~~ 45883  
~~secretary of state has received an itemized statement of expenses~~ 45884  
~~for such instruction programs from the county. The itemized~~ 45885  
~~statement shall be in a form prescribed by the secretary of state.~~ 45886

**Sec. 3509.05.** (A) When an elector receives an absent voter's 45887  
ballot pursuant to the elector's application or request, the 45888  
elector shall, before placing any marks on the ballot, note 45889  
whether there are any voting marks on it. If there are any voting 45890  
marks, the ballot shall be returned immediately to the board of 45891  
elections; otherwise, the elector shall cause the ballot to be 45892  
marked, folded in a manner that the stub on it and the 45893  
indorsements and facsimile signatures of the members of the board 45894  
of elections on the back of it are visible, and placed and sealed 45895  
within the identification envelope received from the board of 45896  
elections for that purpose. Then, the elector shall cause the 45897  
statement of voter on the outside of the identification envelope 45898  
to be completed and signed, under penalty of election 45899  
falsification. 45900

(B) The elector shall provide one of the following: 45901

(1) The elector's Ohio driver's license or state 45902  
identification card number on the statement of voter on the 45903  
identification envelope; 45904

(2) The last four digits of the elector's social security 45905  
number on the statement of voter on the identification envelope; 45906

(3) A copy of the elector's photo identification in the 45907  
return envelope with the identification envelope. 45908

(C)(1) The elector shall mail the identification envelope to 45909

the office of the board of elections in the return envelope, 45910  
postage prepaid, or the elector may personally deliver it to the 45911  
office of the board, or the spouse of the elector, the father, 45912  
mother, father-in-law, mother-in-law, grandfather, grandmother, 45913  
brother, or sister of the whole or half blood, or the son, 45914  
daughter, adopting parent, adopted child, stepparent, stepchild, 45915  
uncle, aunt, nephew, or niece of the elector may deliver it to the 45916  
office of the board. The return envelope shall be returned by no 45917  
other person, in no other manner, and to no other location, except 45918  
as otherwise provided in section 3509.08 of the Revised Code. 45919

(2) If the board maintains multiple offices in the county, as 45920  
permitted under division (C) of section 3501.10 of the Revised 45921  
Code, the board may designate any of its offices for the return of 45922  
absent voter's ballots under this section, provided that the board 45923  
shall designate only one office to which absent voter's ballots 45924  
shall be returned under this section. 45925

(3)(a) The board of elections may place not more than one 45926  
secure receptacle outside the office of the board, on the property 45927  
on which the office of the board is located, for the purpose of 45928  
receiving absent voter's ballots under this section. 45929

(b) A secure receptacle shall be open to receive ballots only 45930  
during the period beginning on the first day after the close of 45931  
voter registration before the election and ending at seven-thirty 45932  
p.m. on the day of the election. The receptacle shall be open to 45933  
receive ballots at all times during that period. 45934

(c) A secure receptacle shall be monitored by recorded video 45935  
surveillance at all times. The video recordings are a public 45936  
record. The board shall do one of the following: 45937

(i) Make the video recordings available for inspection 45938  
~~immediately upon request, notwithstanding any contrary provision~~ 45939  
~~of~~ in accordance with section 149.43 of the Revised Code. 45940

(ii) Make each day's video recording available to the public 45941  
on the internet for streaming or download without charge within 45942  
~~twenty-four~~ seventy-two hours after the recording ends and make 45943  
the video recordings available to the public upon request in 45944  
accordance with section 149.43 of the Revised Code. 45945

(d) Only a bipartisan team of election officials may open a 45946  
secure receptacle or handle its contents. A bipartisan team of 45947  
election officials shall collect the contents of each secure 45948  
receptacle and deliver them to the board for processing at least 45949  
once each day and at seven-thirty p.m. on the day of the election. 45950  
If, at seven-thirty p.m. on the day of the election, there are 45951  
persons waiting in line to deposit absent voter's ballots in a 45952  
receptacle, those persons shall be permitted to deposit the 45953  
ballots. 45954

(4)(a) During the period beginning on the forty-fifth day 45955  
before election day and ending on the day after election day, on 45956  
each day the office of the board of elections is open for 45957  
business, the board shall report to the secretary of state all of 45958  
the following information concerning the previous business day: 45959

(i) The number of return envelopes purporting to contain 45960  
absent voter's ballots or uniformed services or overseas absent 45961  
voter's ballots the board received by personal delivery, other 45962  
than to a receptacle described in division (C)(3) of this section; 45963

(ii) If the board has placed a secure receptacle outside the 45964  
office of the board under division (C)(3) of this section, the 45965  
number of return envelopes purporting to contain absent voter's 45966  
ballots or uniformed services or overseas absent voter's ballots 45967  
the board received in the receptacle. 45968

(b) As soon as practicable after receiving a report under 45969  
division (C)(4)(a) of this section, the secretary of state shall 45970  
make the information in the report available to the public on the 45971

secretary of state's official web site. 45972

(D)(1) Except as otherwise provided in division (D)(2) of 45973  
this section, all envelopes containing marked absent voter's 45974  
ballots shall be delivered to the office of the board not later 45975  
than the close of the polls on the day of an election. Absent 45976  
voter's ballots delivered to the office of the board later than 45977  
the times specified shall not be counted, but shall be kept by the 45978  
board in the sealed identification envelopes in which they are 45979  
delivered, until the time provided by section 3505.31 of the 45980  
Revised Code for the destruction of all other ballots used at the 45981  
election for which ballots were provided, at which time they shall 45982  
be destroyed. 45983

(2)(a) Except as otherwise provided in division (D)(2)(b) of 45984  
this section, any return envelope that is postmarked prior to the 45985  
day of the election shall be delivered to the director prior to 45986  
the fifth day after the election. Ballots delivered in envelopes 45987  
postmarked prior to the day of the election that are received 45988  
after the close of the polls on election day through the fourth 45989  
day thereafter shall be counted on the fifth day at the board of 45990  
elections in the manner provided in divisions (C) and (D) of 45991  
section 3509.06 of the Revised Code or in the manner provided in 45992  
division (E) of that section, as applicable. Any such ballots that 45993  
are received by the director later than the fourth day following 45994  
the election shall not be counted, but shall be kept by the board 45995  
in the sealed identification envelopes as provided in division (A) 45996  
of this section. 45997

(b) Division (D)(2)(a) of this section shall not apply to any 45998  
mail that is postmarked using a postage evidencing system, 45999  
including a postage meter, as defined in 39 C.F.R. 501.1. 46000

**Sec. 3517.02. (A)(1)** All members of controlling committees of 46001  
a major political party shall be elected by direct vote of the 46002

members of the party, except as otherwise provided in section 46003  
3517.05 of the Revised Code. Their names shall be placed upon the 46004  
official ballot, and, notwithstanding division (B) of section 46005  
3513.23 of the Revised Code, the persons receiving the highest 46006  
number of votes for committeepersons shall be the members of those 46007  
controlling committees. ~~Each~~ 46008

(2) Each member of a controlling committee shall be a 46009  
~~resident and~~ qualified elector of this state and, except as 46010  
otherwise provided in division (A)(3) of this section, shall be a 46011  
resident and qualified elector of the district, ward, or precinct 46012  
that the member is elected to represent. ~~All~~ 46013

(3) A county controlling committee may adopt a bylaw 46014  
specifying that a person who is appointed to fill a vacancy on the 46015  
committee under section 3517.05 of the Revised Code is not 46016  
required to be a resident of the precinct the person is to 46017  
represent, so long as the person is a resident of the township or 46018  
municipal corporation in which the precinct is located. A member 46019  
of a county controlling committee who is appointed pursuant to 46020  
such a bylaw shall have the same duties and privileges as a member 46021  
of the committee who resides in the precinct the member 46022  
represents. A county controlling committee that adopts such a 46023  
bylaw shall file a copy of its updated constitution and bylaws 46024  
with the board of elections. 46025

(B) All members of controlling committees of a minor 46026  
political party shall be determined in accordance with party 46027  
rules. 46028

(C) Each political party shall file with the office of the 46029  
secretary of state a copy of its constitution and bylaws, if any, 46030  
within thirty days of adoption or amendment. Each party shall also 46031  
file with the office of the secretary of state a list of members 46032  
of its controlling committees and other party officials within 46033  
thirty days of their election or appointment. 46034

Sec. 3517.03. The controlling committees of each major 46035  
political party or organization shall be a state central committee 46036  
consisting of two members, one a man and one a woman, representing 46037  
either each congressional district in the state or each senatorial 46038  
district in the state, as the outgoing committee determines; a 46039  
county central committee consisting of one member ~~from~~ 46040  
representing each election precinct in the county, or of one 46041  
member ~~from~~ representing each ward in each city and ~~from~~ 46042  
representing each township in the county, as the outgoing 46043  
committee determines; and such district, city, township, or other 46044  
committees as the rules of the party provide. 46045

All the members of such committees shall be members of the 46046  
party and shall be elected for terms of either two or four years, 46047  
as determined by party rules, by direct vote at the primary held 46048  
in an even-numbered year. Except as otherwise provided in section 46049  
3517.02 of the Revised Code, candidates for election as state 46050  
central committee members shall be elected at primaries in the 46051  
same manner as provided in sections 3513.01 to 3513.32 of the 46052  
Revised Code for the nomination of candidates for office in a 46053  
county. Candidates for election as members of the county central 46054  
committee shall be elected at primaries in the same manner as 46055  
provided in those sections for the nomination of candidates for 46056  
county offices, except as otherwise provided in sections 3513.051 46057  
and 3517.02 of the Revised Code. 46058

Each major party controlling committee shall elect an 46059  
executive committee that shall have the powers granted to it by 46060  
the party controlling committee, and provided to it by law. When a 46061  
judicial, senatorial, or congressional district is comprised of 46062  
more than one county, the chairperson and secretary of the county 46063  
central committee from each county in that district shall 46064  
constitute the judicial, senatorial, or congressional committee of 46065  
the district. When a judicial, senatorial, or congressional 46066

district is included within a county, the county central committee 46067  
shall constitute the judicial, senatorial, or congressional 46068  
committee of the district. 46069

A minor political party may elect controlling committees at a 46070  
primary election in the even-numbered year by filing a plan for 46071  
party organization with the secretary of state on or before the 46072  
ninetieth day before the day of the primary election. The plan 46073  
shall specify which offices are to be elected and provide the 46074  
procedure for qualification of candidates for those offices. 46075  
Candidates to be elected pursuant to the plan shall be designated 46076  
and qualified on or before the ninetieth day before the day of the 46077  
election. Such parties may, in lieu of electing a controlling 46078  
committee or other officials, choose such committee or other 46079  
officials in accordance with party rules. Each such party shall 46080  
file the names and addresses of members of its controlling 46081  
committee and party officers with the secretary of state. 46082

**Sec. 3701.021.** (A) The director of health shall adopt, in 46083  
accordance with Chapter 119. of the Revised Code, such rules as 46084  
are necessary to carry out sections 3701.021 to 3701.0210 of the 46085  
Revised Code, including, but not limited to, rules to establish 46086  
the following: 46087

(1) Subject to division (D) of this section, medical and 46088  
financial eligibility requirements for the program for ~~medically~~ 46089  
~~handicapped~~ children and youth with special health care needs; 46090

(2) Subject to division (C) of this section, eligibility 46091  
requirements for providers who provide goods and services for the 46092  
program for ~~medically handicapped~~ children and youth with special 46093  
health care needs; 46094

(3) Procedures to be followed by the department of health in 46095  
disqualifying providers for violating requirements adopted under 46096  
division (A)(2) of this section; 46097

(4) Procedures to be used by the department regarding application for diagnostic services under division (B) of section 3701.023 of the Revised Code and payment for those services under division (E) of that section;	46098 46099 46100 46101
(5) Standards for the provision of service coordination by the department of health and city and general health districts;	46102 46103
(6) Procedures for the department to use to determine the amount to be paid annually by each county for services for <del>medically handicapped</del> children <u>and youth with special health care needs</u> and to allow counties to retain funds under divisions (A)(2) and (3) of section 3701.024 of the Revised Code;	46104 46105 46106 46107 46108
(7) Financial eligibility requirements for services for Ohio residents twenty-one years of age or older who have cystic fibrosis;	46109 46110 46111
(8) Criteria for payment of approved providers who provide goods and services for <del>medically handicapped</del> children <u>and youth with special health care needs</u> ;	46112 46113 46114
(9) Criteria for the department to use in determining whether the payment of health insurance premiums of participants in the program for <del>medically handicapped</del> children <u>and youth with special health care needs</u> is cost-effective;	46115 46116 46117 46118
(10) Procedures for appeal of denials of applications under divisions (A) and (D) of section 3701.023 of the Revised Code, disqualification of providers, and amounts paid for services;	46119 46120 46121
(11) Terms of appointment for members of the <del>medically handicapped children's</del> <u>children and youth with special health care needs</u> medical advisory council created in section 3701.025 of the Revised Code;	46122 46123 46124 46125
(12) Eligibility requirements for the hemophilia program, including income and hardship requirements;	46126 46127

(13) If a manufacturer discount program is established under 46128  
division (J)(1) of section 3701.023 of the Revised Code, 46129  
procedures for administering the program, including criteria and 46130  
other requirements for participation in the program by 46131  
manufacturers of drugs and nutritional formulas. 46132

(B) The department of health shall develop a manual of 46133  
operational procedures and guidelines for the program for 46134  
~~medically handicapped children~~ and youth with special health care 46135  
needs to implement sections 3701.021 to 3701.0210 of the Revised 46136  
Code. 46137

(C) A medicaid provider, as defined in section 5164.01 of the 46138  
Revised Code, is eligible to be a provider of the same goods and 46139  
services for the program for ~~medically handicapped children~~ and 46140  
youth with special health care needs that the provider is approved 46141  
to provide for the medicaid program and the director shall approve 46142  
such a provider for participation in the program for ~~medically~~ 46143  
~~handicapped children~~ and youth with special health care needs. 46144

(D) In establishing medical and financial eligibility 46145  
requirements for the program for ~~medically handicapped children~~ 46146  
and youth with special health care needs, the director of health 46147  
shall not specify an age restriction that excludes from 46148  
eligibility an individual who is either of the following: 46149

(1) Beginning on July 1, 2021, less than twenty-two years of 46150  
age; 46151

(2) Beginning on July 1, 2022, less than twenty-three years 46152  
of age. 46153

**Sec. 3701.022.** As used in sections 3701.021 to 3701.0210 of 46154  
the Revised Code: 46155

(A) "~~Medically handicapped child~~ Child or youth with special 46156  
health care needs" means an Ohio resident who meets the age 46157

requirements set forth in division (D) of section 3701.021 of the Revised Code who ~~suffers primarily from~~ has an organic disease, defect, or a congenital or acquired ~~physically handicapping and associated~~ medical condition that may hinder the achievement of normal growth and development.

(B) "Provider" means a health professional, hospital, medical equipment supplier, and any individual, group, or agency that is approved by the department of health pursuant to division (C) of section 3701.023 of the Revised Code and that provides or intends to provide goods or services to a child who is eligible for the program for ~~medically handicapped~~ children and youth with special health care needs.

(C) "Service coordination" means case management services provided to ~~medically handicapped~~ children and youth with special health care needs that promote effective and efficient organization and utilization of public and private resources and ensure that care rendered is family-centered, community-based, and coordinated.

(D)(1) "Third party" means any person or government entity other than the following:

(a) A ~~medically handicapped~~ child or youth with special health care needs participating in the program for ~~medically handicapped~~ children and youth with special health care needs or the ~~child's~~ child or youth's parent or guardian;

(b) The department or any program administered by the department, including the "Maternal and Child Health Block Grant," Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 U.S.C.A. 701, as amended;

(c) The "caring program for children" operated by the nonprofit community mutual insurance corporation.

(2) "Third party" includes all of the following:

(a) Any trust established to benefit a ~~medically handicapped~~ 46189  
child or youth with special health care needs participating in the 46190  
program or the ~~child's~~ child or youth's family or guardians, if 46191  
the trust was established after the date the ~~medically handicapped~~ 46192  
child or youth with special health care needs applied to 46193  
participate in the program; 46194

(b) That portion of a trust designated to pay for the medical 46195  
and ancillary care of a ~~medically handicapped~~ child or youth with 46196  
special health care needs, if the trust was established on or 46197  
before the date the ~~medically handicapped~~ child or youth with 46198  
special health care needs applied to participate in the program; 46199

(c) The program awarding reparations to victims of crime 46200  
established under sections 2743.51 to 2743.72 of the Revised Code. 46201

(E) "Third-party benefits" means any and all benefits paid by 46202  
a third party to or on behalf of a ~~medically handicapped~~ child or 46203  
youth with special health care needs participating in the program 46204  
or the ~~child's~~ child or youth's parent or guardian for goods or 46205  
services that are authorized by the department pursuant to 46206  
division (B) or (D) of section 3701.023 of the Revised Code. 46207

(F) "Hemophilia program" means the hemophilia program the 46208  
department of health is required to establish and administer under 46209  
section 3701.029 of the Revised Code. 46210

**Sec. 3701.023.** (A) The department of health shall review 46211  
applications for eligibility for the program for ~~medically~~ 46212  
~~handicapped~~ children and youth with special health care needs that 46213  
are submitted to the department by city and general health 46214  
districts and physician providers approved in accordance with 46215  
division (C) of this section. The department shall determine 46216  
whether the applicants meet the medical and financial eligibility 46217  
requirements established by the director of health pursuant to 46218  
division (A)(1) of section 3701.021 of the Revised Code, and by 46219

the department in the manual of operational procedures and 46220  
guidelines for the program for ~~medically handicapped~~ children and 46221  
youth with special health care needs developed pursuant to 46222  
division (B) of that section. Referrals of potentially eligible 46223  
children and youth for the program may be submitted to the 46224  
department on behalf of the child or youth by parents, guardians, 46225  
public health nurses, or any other interested person. The 46226  
department of health may designate other agencies to refer 46227  
applicants to the department of health. 46228

(B) In accordance with the procedures established in rules 46229  
adopted under division (A)(4) of section 3701.021 of the Revised 46230  
Code, the department of health shall authorize a provider or 46231  
providers to provide to any Ohio resident under twenty-one years 46232  
of age, without charge to the resident or the resident's family 46233  
and without restriction as to the economic status of the resident 46234  
or the resident's family, diagnostic services necessary to 46235  
determine whether the resident has a ~~medically handicapping~~ 46236  
medical diagnosis resulting in, or potentially medically 46237  
~~handicapping condition~~ resulting in, special health care needs. 46238

(C) The department of health shall review the applications of 46239  
health professionals, hospitals, medical equipment suppliers, and 46240  
other individuals, groups, or agencies that apply to become 46241  
providers. The department shall enter into a written agreement 46242  
with each applicant who is determined, pursuant to the 46243  
requirements set forth in rules adopted under division (A)(2) of 46244  
section 3701.021 of the Revised Code, to be eligible to be a 46245  
provider in accordance with the provider agreement required by the 46246  
medicaid program. No provider shall charge a ~~medically handicapped~~ 46247  
child or youth with special health care needs or the ~~child's~~ child 46248  
or youth's parent or guardian for services authorized by the 46249  
department under division (B) or (D) of this section. 46250

The department, in accordance with rules adopted under 46251

division (A)(3) of section 3701.021 of the Revised Code, may 46252  
disqualify any provider from further participation in the program 46253  
for violating any requirement set forth in rules adopted under 46254  
division (A)(2) of that section. The disqualification shall not 46255  
take effect until a written notice, specifying the requirement 46256  
violated and describing the nature of the violation, has been 46257  
delivered to the provider and the department has afforded the 46258  
provider an opportunity to appeal the disqualification under 46259  
division (H) of this section. 46260

(D) The department of health shall evaluate applications from 46261  
city and general health districts and approved physician providers 46262  
for authorization to provide treatment services, service 46263  
coordination, and related goods to children or youth determined to 46264  
be eligible for the program for ~~medically handicapped~~ children and 46265  
youth with special health care needs pursuant to division (A) of 46266  
this section. The department shall authorize necessary treatment 46267  
services, service coordination, and related goods for each 46268  
eligible child or youth in accordance with an individual plan of 46269  
treatment for the child or youth. As an alternative, the 46270  
department may authorize payment of health insurance premiums on 46271  
behalf of eligible children or youth when the department 46272  
determines, in accordance with criteria set forth in rules adopted 46273  
under division (A)(9) of section 3701.021 of the Revised Code, 46274  
that payment of the premiums is cost-effective. 46275

(E) The department of health shall pay, from appropriations 46276  
to the department, any necessary expenses, including but not 46277  
limited to, expenses for diagnosis, treatment, service 46278  
coordination, supportive services, transportation, and accessories 46279  
and their upkeep, provided to ~~medically handicapped~~ children and 46280  
youth with special health care needs, provided that the provision 46281  
of the goods or services is authorized by the department under 46282  
division (B) or (D) of this section. Money appropriated to the 46283

department of health may also be expended for reasonable 46284  
administrative costs incurred by the program. The department of 46285  
health also may purchase liability insurance covering the 46286  
provision of services under the program for ~~medically handicapped~~ 46287  
children and youth with special health care needs by physicians 46288  
and other health care professionals. 46289

Payments made to providers by the department of health 46290  
pursuant to this division for inpatient hospital care, outpatient 46291  
care, and all other medical assistance furnished to eligible 46292  
recipients shall be made in accordance with rules adopted by the 46293  
director of health pursuant to division (A) of section 3701.021 of 46294  
the Revised Code. 46295

The departments of health and medicaid shall jointly 46296  
implement procedures to ensure that duplicate payments are not 46297  
made under the program for ~~medically handicapped~~ children and 46298  
youth with special health care needs and the medicaid program and 46299  
to identify and recover duplicate payments. 46300

(F) At the time of applying for participation in the program 46301  
for ~~medically handicapped~~ children and youth with special health 46302  
care needs, a ~~medically handicapped~~ child or youth with special 46303  
health care needs or the ~~child's~~ child or youth's parent or 46304  
guardian shall disclose the identity of any third party against 46305  
whom the child or youth or the ~~child's~~ child or youth's parent or 46306  
guardian has or may have a right of recovery for goods and 46307  
services provided under division (B) or (D) of this section. The 46308  
department of health shall require a ~~medically handicapped~~ child 46309  
or youth with special health care needs who receives services from 46310  
the program or the ~~child's~~ child or youth's parent or guardian to 46311  
apply for all third-party benefits for which the child or youth 46312  
may be eligible and require the child or youth, parent, or 46313  
guardian to apply all third-party benefits received to the amount 46314  
determined under division (E) of this section as the amount 46315

payable for goods and services authorized under division (B) or 46316  
(D) of this section. The department is the payer of last resort 46317  
and shall pay for authorized goods or services, up to the amount 46318  
determined under division (E) of this section for the authorized 46319  
goods or services, only to the extent that payment for the 46320  
authorized goods or services is not made through third-party 46321  
benefits. When a third party fails to act on an application or 46322  
claim for benefits by a ~~medically handicapped~~ child or youth with 46323  
special health care needs or the ~~child's~~ child or youth's parent 46324  
or guardian, the department shall pay for the goods or services 46325  
only after ninety days have elapsed since the date the child or 46326  
youth, parents, or guardians made an application or claim for all 46327  
third-party benefits. Third-party benefits received shall be 46328  
applied to the amount determined under division (E) of this 46329  
section. Third-party payments for goods and services not 46330  
authorized under division (B) or (D) of this section shall not be 46331  
applied to payment amounts determined under division (E) of this 46332  
section. Payment made by the department shall be considered 46333  
payment in full of the amount determined under division (E) of 46334  
this section. Medicaid payments for persons eligible for the 46335  
medicaid program shall be considered payment in full of the amount 46336  
determined under division (E) of this section. 46337

(G) The department of health shall administer a program to 46338  
provide services to Ohio residents who are twenty-one or more 46339  
years of age who have cystic fibrosis and who meet the eligibility 46340  
requirements established in rules adopted by the director of 46341  
health pursuant to division (A)(7) of section 3701.021 of the 46342  
Revised Code, subject to all provisions of this section, but not 46343  
subject to section 3701.024 of the Revised Code. 46344

(H) The department of health shall provide for appeals, in 46345  
accordance with rules adopted under section 3701.021 of the 46346  
Revised Code, of denials of applications for the program for 46347

~~medically handicapped~~ children and youth with special health care  
needs under division (A) or (D) of this section, disqualification  
of providers, or amounts paid under division (E) of this section.  
Appeals under this division are not subject to Chapter 119. of the  
Revised Code.

The department may designate ombudspersons to assist  
~~medically handicapped~~ children and youth with special health care  
needs or their parents or guardians, upon the request of the  
children or youth, parents, or guardians, in filing appeals under  
this division and to serve as ~~children's~~ children or youth's,  
parents', or guardians' advocates in matters pertaining to the  
administration of the program for ~~medically handicapped~~ children  
and youth with special health care needs and eligibility for  
program services. The ombudspersons shall receive no compensation  
but shall be reimbursed by the department, in accordance with  
rules of the office of budget and management, for their actual and  
necessary travel expenses incurred in the performance of their  
duties.

(I) The department of health, and city and general health  
districts providing service coordination pursuant to division  
(A)(2) of section 3701.024 of the Revised Code, shall provide  
service coordination in accordance with the standards set forth in  
the rules adopted under section 3701.021 of the Revised Code,  
without charge, and without restriction as to economic status.

(J)(1) The department of health may establish a manufacturer  
discount program under which a manufacturer of a drug or  
nutritional formula is permitted to enter into an agreement with  
the department to provide a discount on the price of the drug or  
nutritional formula distributed to ~~medically handicapped~~ children  
and youth with special health care needs participating in the  
program for ~~medically handicapped~~ children and youth with special  
health care needs. The program shall be administered in accordance

with rules adopted under section 3701.021 of the Revised Code. 46380

(2) If a manufacturer enters into an agreement with the 46381  
department as described in division (J)(1) of this section, the 46382  
manufacturer and the department may negotiate the amount and terms 46383  
of the discount. 46384

(3) In lieu of establishing a discount program as described 46385  
in division (J)(1) of this section, the department and a 46386  
manufacturer of a drug or nutritional formula may discuss a 46387  
donation of drugs, nutritional formulas, or money by the 46388  
manufacturer to the department. 46389

(K) As used in this division "209(b) option" has the same 46390  
meaning as in section 5166.01 of the Revised Code. 46391

The program for ~~medically handicapped~~ children and youth with 46392  
special health care needs and the program the department of health 46393  
administers pursuant to division (G) of this section shall 46394  
continue to assist individuals who have cystic fibrosis and are 46395  
enrolled in those programs in qualifying for medicaid under the 46396  
spenddown process in the same manner it assists such individuals 46397  
on ~~the effective date of this amendment~~ September 29, 2015, 46398  
regardless of whether the department of medicaid continues to 46399  
implement the 209(b) option. 46400

**Sec. 3701.024.** (A)(1) Under a procedure established in rules 46401  
adopted under section 3701.021 of the Revised Code, the department 46402  
of health shall determine the amount each county shall provide 46403  
annually for the program for ~~medically handicapped~~ children and 46404  
youth with special health care needs, based on a proportion of the 46405  
county's total general property tax duplicate, not to exceed 46406  
one-tenth of a mill, and charge the county for any part of 46407  
expenses incurred under the program for treatment services on 46408  
behalf of ~~medically handicapped~~ children and youth with special 46409  
health care needs having legal settlement in the county that is 46410

not paid from federal funds or through the medicaid program. The 46411  
department shall not charge the county for expenses exceeding the 46412  
difference between the amount determined under division (A)(1) of 46413  
this section and any amounts retained under divisions (A)(2) and 46414  
(3) of this section. 46415

All amounts collected by the department under division (A)(1) 46416  
of this section shall be deposited into the state treasury to the 46417  
credit of the ~~medically handicapped children county~~ children and 46418  
youth with special health care needs-county assessment fund, which 46419  
is hereby created. The fund shall be used by the department to 46420  
comply with sections 3701.021 to 3701.028 of the Revised Code. 46421

(2) The department, in accordance with rules adopted under 46422  
section 3701.021 of the Revised Code, may allow each county to 46423  
retain up to ten per cent of the amount determined under division 46424  
(A)(1) of this section to provide funds to city or general health 46425  
districts of the county with which the districts shall provide 46426  
service coordination, public health nursing, or transportation 46427  
services for ~~medically handicapped children~~ and youth with special 46428  
health care needs. 46429

(3) In addition to any amount retained under division (A)(2) 46430  
of this section, the department, in accordance with rules adopted 46431  
under section 3701.021 of the Revised Code, may allow counties 46432  
that it determines have significant numbers of potentially 46433  
eligible ~~medically handicapped children~~ and youth with special 46434  
health care needs to retain an amount equal to the difference 46435  
between: 46436

(a) Twenty-five per cent of the amount determined under 46437  
division (A)(1) of this section; 46438

(b) Any amount retained under division (A)(2) of this 46439  
section. 46440

Counties shall use amounts retained under division (A)(3) of 46441

this section to provide funds to city or general health districts 46442  
of the county with which the districts shall conduct outreach 46443  
activities to increase participation in the program for ~~medically~~ 46444  
~~handicapped~~ children and youth with special health care needs. 46445

(4) Prior to any increase in the millage charged to a county, 46446  
the director of health shall hold a public hearing on the proposed 46447  
increase and shall give notice of the hearing to each board of 46448  
county commissioners that would be affected by the increase at 46449  
least thirty days prior to the date set for the hearing. Any 46450  
county commissioner may appear and give testimony at the hearing. 46451  
Any increase in the millage any county is required to provide for 46452  
the program for ~~medically handicapped~~ children and youth with 46453  
special health care needs shall be determined, and notice of the 46454  
amount of the increase shall be provided to each affected board of 46455  
county commissioners, no later than the first day of June of the 46456  
fiscal year next preceding the fiscal year in which the increase 46457  
will take effect. 46458

(B) Each board of county commissioners shall establish a 46459  
~~medically handicapped children's~~ children and youth with special 46460  
health care needs fund and shall appropriate thereto an amount, 46461  
determined in accordance with division (A)(1) of this section, for 46462  
the county's share in providing medical, surgical, and other aid 46463  
to ~~medically handicapped~~ children and youth with special health 46464  
care needs residing in such county and for the purposes specified 46465  
in divisions (A)(2) and (3) of this section. Each county shall use 46466  
money retained under divisions (A)(2) and (3) of this section only 46467  
for the purposes specified in those divisions. 46468

**Sec. 3701.025.** There is hereby created the ~~medically~~ 46469  
~~handicapped children's~~ children and youth with special health care 46470  
needs medical advisory council consisting of twenty-one members to 46471  
be appointed by the director of health for terms set in accordance 46472

with rules adopted by the director under division (A)(11) of 46473  
section 3701.021 of the Revised Code. The ~~medically handicapped~~ 46474  
~~children's~~ children and youth with special health care needs 46475  
medical advisory council shall advise the director regarding the 46476  
administration of the program for ~~medically handicapped~~ children 46477  
and youth with special health care needs, the suitable quality of 46478  
medical practice for providers, and the requirements for medical 46479  
eligibility for the program. 46480

All members of the council shall be licensed physicians, 46481  
surgeons, dentists, and other professionals in the field of 46482  
medicine, representative of the various disciplines involved in 46483  
the treatment of children and youth with ~~medically handicapping~~ 46484  
~~conditions~~ special health care needs, and representative of the 46485  
treatment facilities involved, such as hospitals, private and 46486  
public health clinics, and private physicians' offices, and shall 46487  
be eligible for the program. 46488

Members of the council shall receive no compensation, but 46489  
shall receive their actual and necessary travel expenses incurred 46490  
in the performance of their official duties in accordance with the 46491  
rules of the office of budget and management. 46492

**Sec. 3701.026.** (A) The acceptance of assistance under the 46493  
program for ~~medically handicapped~~ children and youth with special 46494  
health care needs gives a right of subrogation to the department 46495  
of health against the liability of a third party for the costs of 46496  
goods or services paid by the department under division (E) of 46497  
section 3701.023 of the Revised Code. The department's subrogation 46498  
claim shall not exceed the total cost of the goods and services 46499  
paid under division (E) of section 3701.023 of the Revised Code. 46500

(B) To enforce its subrogation rights, the department may do 46501  
any of the following: 46502

(1) Intervene or join in any action or proceeding brought by 46503

a ~~medically handicapped~~ child or youth with special health care needs or ~~his~~ the child or youth's parent or guardian against any third party who may be liable for the cost of goods and services paid under division (E) of section 3701.023 of the Revised Code;

(2) Institute and pursue legal proceedings against any third party who may be liable for the cost of goods and services paid under division (E) of section 3701.023 of the Revised Code;

(3) Initiate legal proceedings in conjunction with a ~~medically handicapped~~ child or youth with special health care needs or ~~his~~ the child or youth's parent or guardian against any third party who may be liable for the cost of goods and services paid under division (E) of section 3701.023 of the Revised Code.

(C) When an action or claim is brought against a third party by a ~~medically handicapped~~ child or youth with special health care needs participating in the program or ~~his~~ the child or youth's parent or guardian, the entire amount of any settlement or compromise of the action or claim, or any court award or judgment, is subject to the subrogation right of the department. If all or part of settlement, compromise, award, or judgment is established in the form of a trust to benefit the child or youth or ~~his~~ the child or youth's family or guardians, the department may waive its right of subrogation against all or part of the trust. Any settlement, compromise, award, or judgment that excludes the costs of goods and services paid under division (E) of section 3701.023 of the Revised Code shall not preclude the department from enforcing its subrogation right under this section.

(D) No settlement, compromise, judgment, or award or any recovery in any action or claim by a ~~medically handicapped~~ child or youth with special health care needs or ~~his~~ the child or youth's parent or guardian when the department has a right of subrogation shall be made final without first giving the department notice and the opportunity to perfect its right of

subrogation. If the department is not given notice, the child or 46536  
youth, parent, or guardian is liable to reimburse the department 46537  
for the cost of goods and services paid under division (E) of 46538  
section 3701.023 of the Revised Code out of any recovery received. 46539  
The third party becomes liable to the department as soon as the 46540  
third party is notified in writing of the valid claims for 46541  
subrogation under this section. 46542

(E) Subrogation does not apply to that portion of any 46543  
judgment, award, settlement, or compromise of a claim, to the 46544  
extent that attorney's fees, costs, or other expenses are incurred 46545  
by a ~~medically handicapped~~ child or youth with special health care 46546  
needs or ~~his~~ the child or youth's parent or guardian in securing 46547  
the judgment, award, settlement, or compromise, or to the extent 46548  
that the cost of goods and services specified in divisions (B) and 46549  
(D) of section 3701.023 of the Revised Code are paid by the child 46550  
or youth, parent, or guardian. Attorney's fees and costs or other 46551  
expenses in securing any recovery shall not be assessed against 46552  
any subrogated claim of the department. 46553

**Sec. 3701.027.** The department of health shall administer 46554  
funds received from the "Maternal and Child Health Block Grant," 46555  
Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 46556  
U.S.C.A. 701, as amended, for programs including the program for 46557  
~~medically handicapped~~ children and youth with special health care 46558  
needs, and to provide technical assistance and consultation to 46559  
city and general health districts and local health planning 46560  
organizations in implementing local, community-based, 46561  
family-centered, coordinated systems of care for ~~medically~~ 46562  
~~handicapped~~ children and youth with special health care needs. The 46563  
department may make grants to persons and other entities for the 46564  
provision of services with the funds. In addition, the department 46565  
may use the funds to purchase liability insurance covering the 46566  
provision of services under the programs by physicians and other 46567

health care professionals, and to pay health insurance premiums on 46568  
behalf of ~~medically handicapped~~ children and youth with special 46569  
health care needs participating in the program for ~~medically~~ 46570  
~~handicapped~~ children and youth with special health care needs when 46571  
the department determines, in accordance with criteria set forth 46572  
in rules adopted under division (A)(9) of section 3701.021 of the 46573  
Revised Code, that payment of the premiums is cost effective. 46574

In determining eligibility for services provided with funds 46575  
received from the "Maternal and Child Health Block Grant," the 46576  
department may use the application form established under section 46577  
5163.40 of the Revised Code. The department may require applicants 46578  
to furnish their social security numbers. Funds from the "Maternal 46579  
and Child Health Block Grant" that are administered for the 46580  
purpose of providing family planning services shall be distributed 46581  
in accordance with section 3701.033 of the Revised Code. 46582

**Sec. 3701.028.** (A) The following records of the program for 46583  
~~medically handicapped~~ children and youth with special health care 46584  
needs and of programs funded with funds received from the 46585  
"Maternal and Child Health Block Grant," Title V of the "Social 46586  
Security Act," 95 Stat. 818 (1981), 42 U.S.C.A. 701, as amended, 46587  
are confidential and are not public records within the meaning of 46588  
section 149.43 of the Revised Code: 46589

(1) Records that pertain to medical history, diagnosis, 46590  
treatment, or medical condition; 46591

(2) Reports of psychological diagnosis and treatment and 46592  
reports of social workers; 46593

(3) Reports of public health nurses. 46594

(B) The department of health shall not release any records 46595  
specified in division (A) of this section without consent of the 46596  
subject of the record or, if the subject is a minor, ~~his~~ the 46597

minor's parent or guardian, except as necessary to do any of the 46598  
following: 46599

(1) Administer the program for ~~medically handicapped~~ children 46600  
and youth with special health care needs or other programs funded 46601  
with funds received from the "Maternal and Child Health Block 46602  
Grant"; 46603

(2) Coordinate the provision of services under the programs 46604  
with other state agencies and city and general health districts; 46605

(3) Coordinate payment of providers. 46606

No person or government entity to whom the director, for the 46607  
purposes specified in this division, releases records described in 46608  
division (A) of this section shall release those records without 46609  
consent of the subject of the record or, if the subject is a 46610  
minor, ~~his~~ the minor's parent or guardian, except as necessary for 46611  
any of the reasons described in this division. 46612

**Sec. 3701.0210.** The ~~medically handicapped children's~~ children 46613  
and youth with special health care needs medical advisory council 46614  
shall appoint a hemophilia advisory subcommittee to advise the 46615  
director of health and council on all matters pertaining to the 46616  
care and treatment of persons with hemophilia. The duties of the 46617  
subcommittee include, but are not limited to, the monitoring of 46618  
care and treatment of children and adults who suffer from 46619  
hemophilia or from other similar blood disorders. 46620

The subcommittee shall consist of not fewer than fifteen 46621  
members, each of whom shall be appointed to terms of four years. 46622  
The members of the subcommittee shall elect a chairperson from 46623  
among the appointed membership to serve a term of two years. 46624  
Members of the subcommittee shall serve without compensation, 46625  
except that they may be reimbursed for travel expenses to and from 46626  
meetings of the subcommittee. 46627

Members shall be appointed to represent all geographic areas 46628  
of this state. Not fewer than five members of the subcommittee 46629  
shall be persons with hemophilia or family members of persons with 46630  
hemophilia. Not fewer than five members shall be providers of 46631  
health care services to persons with hemophilia. Not fewer than 46632  
five members shall be experts in fields of importance to treatment 46633  
of persons with hemophilia, including experts in infectious 46634  
diseases, insurance, and law. 46635

Notwithstanding section 101.83 of the Revised Code, that 46636  
section does not apply to the ~~medically handicapped children's~~ 46637  
children and youth with special health care needs medical advisory 46638  
council hemophilia advisory subcommittee, and the subcommittee 46639  
shall not expire under that section. 46640

Sec. 3701.0212. (A) There is created the center for community 46641  
health worker excellence, a public-private partnership to support 46642  
and foster the practice of community health workers and improve 46643  
access to community health worker services across this state. 46644

(B) The center shall be a public-private partnership governed 46646  
by a board of directors comprised of the following members: 46647

(1) The director of the department of health or the 46648  
director's designee; 46649

(2) The executive director of the commission on minority 46650  
health or the director's designee; 46651

(3) The medicaid director or the director's designee; 46652

(4) The executive director of the board of nursing or the 46653  
director's designee; 46654

(5) The superintendent of public instruction or the 46655  
superintendent's designee; 46656

(6) A representative of an OhioMeansJobs center operator, as 46657

defined in section 6301.01 of the Revised Code, appointed by the 46658  
director of job and family services; 46659

(7) An individual who provides services within one or more 46660  
community HUBs that fully or substantially comply with the 46661  
pathways community HUB certification standards developed by the 46662  
pathways community HUB institute, appointed by the director of 46663  
health; 46664

(8) A representative of the Ohio association of community 46665  
health workers, appointed by that entity; 46666

(9) A representative of the Ohio health information 46667  
partnership, appointed by that entity; 46668

(10) A representative of the center for community solutions, 46669  
appointed by that entity; 46670

(11) A representative of the Ohio association of community 46671  
colleges, appointed by that entity; 46672

(12) A representative of the Ohio association of community 46673  
health centers, appointed by that entity; 46674

(13) A representative of the Ohio alliance for population 46675  
health, appointed by that entity; 46676

(14) A member of the house of representatives, appointed by 46677  
the speaker of the house of representatives; 46678

(15) A member of the senate, appointed by the president of 46679  
the senate. 46680

(C) Initial appointments to the committee shall be made not 46681  
later than sixty days after the effective date of this section. 46682  
Terms shall be two years, and members may be reappointed. If an 46683  
appointed member no longer satisfies the grounds upon which the 46684  
member was appointed, the member is ineligible to continue to 46685  
serve, and a new member shall be appointed in accordance with 46686  
division (B) of this section. 46687

Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall hold office as a member for the remainder of that term. 46688  
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Members of the board shall serve without compensation, except to the extent that serving on the board is considered part of the member's regular duties of employment. Members shall be reimbursed for actual and necessary expenses incurred in the performance of official duties. 46693  
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(D) The board of directors shall annually select from its members a chairperson or co-chairpersons. 46698  
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(E) The board of directors shall meet at the call of the chairperson but not less than quarterly. A majority of the members of the board constitutes a quorum. The chairperson shall provide members with at least five days written notice of all meetings. 46700  
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(F) Under the direction and oversight of the board of directors, and as implemented by health impact Ohio and the Ohio alliance for population health at Ohio university, the center shall engage in all of the following activities: 46704  
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(1) Establishing an electronic platform that may be accessed statewide to connect community health workers with individuals or communities in need of their services; 46708  
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(2) Evaluating and reporting on the state of the community health workforce in Ohio, including the total number of community health workers employed, the settings in which they practice, the number certified by the board of nursing, the average income or hourly wage earned by a community health worker, the reimbursement rates and needs of community health workers, and any available funding sources; 46711  
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(3) Creating and maintaining a web site or other electronic 46718

tools to coordinate resources for individuals practicing or 46719  
seeking to practice as community health workers, including 46720  
resources related to recruitment, education, training, 46721  
certification, employment, and mentorships; 46722

(4) Making continuing education hours or credits available 46723  
for free to community health workers certified by the board of 46724  
nursing; 46725

(5) Providing financial assistance to employers that host or 46726  
offer practicums or other training to community health workers 46727  
seeking certification by board of nursing. 46728

In performing the activities, the center, together with 46729  
health impact Ohio and the Ohio alliance for population health at 46730  
Ohio university, may as necessary collaborate with other 46731  
organizations and institutions, in particular, clinisync, unite 46732  
us, Ohio association of community health workers, board of 46733  
nursing, and university of Toledo. 46734

(G) The board shall issue a report to the governor and 46735  
general assembly describing its activities and any recommendations 46736  
pertaining to community health workers by the first of January of 46737  
each odd numbered calendar year. 46738

**Sec. 3701.25.** (A) As used in sections 3701.25 to 3701.255 of 46739  
the Revised Code: 46740

(1) "Certified nurse practitioner" and "clinical nurse 46741  
specialist" have the same meanings as in section 4723.01 of the 46742  
Revised Code. 46743

(2) "Hospital" has the same meaning as in section 3722.01 of 46744  
the Revised Code. 46745

(3) "Parkinson's disease" means a chronic and progressive 46746  
neurological disorder resulting from a deficiency of the 46747  
neurotransmitter dopamine as the consequence of specific 46748

degenerative changes in the area of the brain called the basal ganglia. It is characterized by tremor at rest, slow movements, muscle rigidity, stooped posture, and unsteady or shuffling gait. 46749  
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(4) "Parkinsonisms" means conditions related to Parkinson's disease that cause a combination of the movement abnormalities seen in Parkinson's disease, such as tremor at rest, slow movement, muscle rigidity, impaired speech, or muscle stiffness, which often overlap with and can evolve from what appears to be Parkinson's disease. Examples of Parkinsonisms include: 46752  
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(a) Multiple system atrophy; 46758

(b) Dementia with Lewy bodies; 46759

(c) Corticobasal degeneration; 46760

(d) Progressive supranuclear palsy. 46761

(5) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 46762  
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(6) "Physician assistant" means an individual authorized under Chapter 4730. of the Revised Code to practice as a physician assistant. 46765  
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(B) Within one year of the effective date of this section, the director of health shall establish and maintain a Parkinson's disease registry for the collection and monitoring of the incidence of Parkinson's disease in Ohio. 46768  
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(C) The director shall supervise the registry and the collection and dissemination of data included in the registry. The director may enter into contracts, grants, or other agreements as necessary to maintain the registry, including data sharing contracts with data reporting entities and their associated electronic medical record systems vendors. The director shall include the data collected by the registry in the Ohio public 46772  
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health information warehouse. 46779

(D) Within thirty days of the establishment of the registry 46780  
and at least quarterly thereafter, each individual case of 46781  
Parkinson's disease or a Parkinsonism shall be reported to the 46782  
registry in a format specified by the director by one of the 46783  
following: 46784

(1) The certified nurse practitioner, clinical nurse 46785  
specialist, physician, or physician assistant who diagnosed or 46786  
treated the individual's Parkinson's disease or Parkinsonism; 46787

(2) The group practice, hospital, or other health care 46788  
facility that employs or contracts with the medical professional 46789  
described in division (D)(1) of this section. 46790

(E) Each medical professional or health care facility 46791  
specified in division (D) of this section shall inform patients 46792  
diagnosed with Parkinson's disease or a Parkinsonism at the time 46793  
of diagnosis or treatment of the Parkinson's disease registry and 46794  
of the patient's right not to participate. If a patient chooses 46795  
not to participate in the registry, the medical professional or 46796  
health care facility shall report to the registry only the 46797  
existence of the Parkinson's disease or Parkinsonism case and no 46798  
other information. 46799

(F) The director or a representative of a director may 46800  
inspect upon reasonable notice a representative sample of the 46801  
medical records of patients with Parkinson's disease diagnosed, 46802  
treated, or admitted at a group practice, hospital, or other 46803  
health care facility. 46804

(G) Each medical professional or health care facility 46805  
specified in division (D) of this section who in good faith 46806  
submits a Parkinson's disease report to the registry is not liable 46807  
in any cause of action arising from the submission of the report. 46808

(H) Nothing in sections 3701.25 to 3701.255 of the Revised 46809

Code shall be deemed to compel any individual to submit to any 46810  
medical examination or supervision by the department of health, 46811  
any of its authorized representatives, or an approved researcher. 46812  
No individual who seeks information from or obtains registry data 46813  
pursuant to section 3701.251 of the Revised Code shall contact a 46814  
patient in the registry or a patient's family unless the director 46815  
has first obtained the permission of the patient or the patient's 46816  
family. The director shall coordinate its activities with the 46817  
individual requesting such contact and may authorize the 46818  
individual to perform these contacts under the direction of the 46819  
director. 46820

(I) Facilities or individuals providing diagnostic or 46821  
treatment services to patients with Parkinson's disease may 46822  
maintain separate facility-based Parkinson's disease registries. 46823

(J) Within thirty days of the effective date of this section, 46824  
the director shall publish the reporting requirements established 46825  
by this section on the department of health's internet web site. 46826  
The director also may notify professional associations 46827  
representing health care providers and hospitals of the reporting 46828  
requirements. 46829

**Sec. 3701.251.** (A) Except as otherwise provided in this 46830  
section, all data collected by the Parkinson's disease registry is 46831  
confidential. Notwithstanding any other law to the contrary, any 46832  
disclosure of confidential data authorized by this section shall 46833  
include only the data necessary for the stated purpose of the 46834  
requested disclosure, shall be used only for the approved purpose, 46835  
and shall not be further disclosed. 46836

(B) The director of health may enter into agreements to 46837  
furnish data collected in the Parkinson's disease registry to 46838  
other states' Parkinson's disease registries, federal Parkinson's 46839  
disease control agencies, local health officers, and local health 46840

researchers. Before confidential data is disclosed to an 46841  
out-of-state registry, federal agency, health officer, or 46842  
researcher, the requesting entity shall agree in writing to 46843  
maintain the confidentiality of that information. Researchers also 46844  
shall do the following: 46845

(1) Obtain approval of their institutional review board in 46846  
accordance with federal requirements for the protection of human 46847  
subjects established in 45 C.F.R. 46, and, as applicable, 21 46848  
C.F.R. 56, the HIPAA privacy rule as defined in section 3798.01 of 46849  
the Revised Code, and other relevant federal regulations, state 46850  
laws, and policies of the institution where the research will be 46851  
conducted; 46852

(2) Provide documentation to the director that demonstrates 46853  
to the director's satisfaction that the researcher has established 46854  
the procedures and ability to maintain the confidentiality of the 46855  
information. 46856

(C) The director shall maintain an accurate record of all 46857  
individuals who are given access to confidential data. The record 46858  
shall include the following: 46859

(1) Name of the department of health employee authorizing 46860  
access; 46861

(2) Name, title, address, and organizational affiliation of 46862  
the individual given access; 46863

(3) Dates of access; 46864

(4) Specific purpose for which the data will be used. 46865

Records of access shall be open to public inspection during 46866  
the normal operating hours of the department. 46867

(D) Notwithstanding any other law to the contrary, 46868  
confidential data shall not be disclosed, discoverable, or 46869  
compelled to be produced in any civil, criminal, administrative, 46870

or other proceeding. Confidential data shall not be deemed 46871  
admissible as evidence in any civil, criminal, administrative, or 46872  
other tribunal or court for any reason. 46873

(E) This section does not prohibit the publication of reports 46874  
and aggregate statistical data by the director that do not 46875  
identify individual cases or individual sources of data. 46876

(F) The patient or the patient's guardian to whom the 46877  
information pertains shall have access to the patient's own data. 46878

**Sec. 3701.252.** (A) There is hereby created the Parkinson's 46879  
disease registry advisory committee. The committee shall consist 46880  
of the director of health and the following members appointed by 46881  
the director: 46882

(1) A neurologist; 46883

(2) A movement disorder specialist; 46884

(3) A primary care provider; 46885

(4) A physician informaticist; 46886

(5) A public health professional; 46887

(6) A population health researcher familiar with disease 46888  
registries; 46889

(7) A Parkinson's disease researcher; 46890

(8) A patient living with Parkinson's disease; 46891

(9) Any other members the director deems necessary. 46892

(B) The committee shall do all of the following: 46893

(1) Assist the director of health in the development and 46894  
implementation of the Parkinson's disease registry; 46895

(2) Determine what data shall be collected based on the 46896  
following four core categories of data: 46897

<u>(a) Patient demographics;</u>	46898
<u>(b) Geography;</u>	46899
<u>(c) Diagnosis;</u>	46900
<u>(d) Information that enables de-duplication of patient records in the registry.</u>	46901 46902
<u>(3) Determine the information to be included on the department of health's Ohio Parkinson's research registry internet web site established pursuant to section 3701.254 of the Revised Code;</u>	46903 46904 46905 46906
<u>(4) Advise the director on maintaining and improving the registry;</u>	46907 46908
<u>(5) Conduct a review of the registry within five years of the effective date of this section, including how it is being used and whether it is fulfilling its intended purpose, and recommend any necessary changes to update the registry.</u>	46909 46910 46911 46912
<u>(C) The director shall serve as the chairperson of the committee.</u>	46913 46914
<u>(D) Each member shall serve without compensation except to the extent that serving on the committee is considered part of the member's regular duties of employment.</u>	46915 46916 46917
<u>(E) The committee shall meet at the call of the chairperson but not less than twice annually. The committee's first meeting shall occur within ninety days of the effective date of this section. Meetings may take place in-person or virtually at the discretion of the chairperson.</u>	46918 46919 46920 46921 46922
<u>(F) The department of health shall provide meeting space and other administrative support for the committee.</u>	46923 46924
<u>Sec. 3701.253. Within six months of the establishment of the Parkinson's disease registry, and annually thereafter, the</u>	46925 46926

director of health shall submit a report to the general assembly 46927  
in accordance with section 101.68 of the Revised Code summarizing 46928  
the following: 46929

(A) The incidence and rates of Parkinson's disease in Ohio by 46930  
county; 46931

(B) The number of new cases reported to the Parkinson's 46932  
disease registry in the previous year; 46933

(C) Demographic information including age, gender, and race. 46934

**Sec. 3701.254.** (A) Within one year of the effective date of 46935  
this section, the director of health shall create and maintain the 46936  
Ohio Parkinson's research registry internet web site. 46937

(B) The web site shall describe the registry and provide any 46938  
relevant or helpful information as determined by the Parkinson's 46939  
disease registry advisory committee pursuant to section 3701.252 46940  
of the Revised Code. 46941

(C) The director shall publish the annual report described in 46942  
section 3701.253 of the Revised Code on the web site. 46943

**Sec. 3701.255.** (A) The director of health shall adopt rules 46944  
in accordance with Chapter 119. of the Revised Code to do all of 46945  
the following regarding the Parkinson's disease registry: 46946

(1) Specify the data to be collected and the format in which 46947  
it is to be submitted to the registry, in collaboration with the 46948  
Parkinson's disease registry advisory committee established 46949  
pursuant to section 3701.252 of the Revised Code; 46950

(2) Develop guidelines and procedures for requesting access 46951  
to data, reviewing data access requests, and approving data access 46952  
requests; 46953

(3) Create a coding system to remove individually identifying 46954  
information from the data collected in the registry. 46955

(B) The director shall periodically review and revise data collection requirements to adapt to new knowledge and technology regarding Parkinson's disease and health data collection. 46956  
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(C) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code. 46959  
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**Sec. 3701.501.** (A)(1) Except as provided in division (A)(2) of this section, all newborn children shall be screened for the presence of the genetic, endocrine, and metabolic disorders specified in rules adopted pursuant to this section. 46963  
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(2) Division (A)(1) of this section does not apply in any of the following circumstances: 46967  
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(a) If the parents of the child object to the screening on the grounds that it conflicts with their religious tenets and practices; 46969  
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(b) With respect to the screening for Krabbe disease described in division (C)(1)(b) of this section, if the parents of the child communicate their decision to forgo the screening; 46972  
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(c) If appropriate laboratory equipment is not available. 46975

(B) There is hereby created the newborn screening advisory council to advise the director of health regarding the screening of newborn children for genetic, endocrine, and metabolic disorders. The council shall engage in an ongoing review of the newborn screening requirements established under this section and shall provide recommendations and reports to the director as the director requests and as the council considers necessary. The director may assign other duties to the council, as the director considers appropriate. 46976  
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The council shall consist of fourteen members appointed by 46985

the director. In making appointments, the director shall select 46986  
individuals and representatives of entities with interest and 46987  
expertise in newborn screening, including such individuals and 46988  
entities as health care professionals, hospitals, children's 46989  
hospitals, regional genetic centers, regional sickle cell centers, 46990  
newborn screening coordinators, and members of the public. 46991

The department of health shall provide meeting space, staff 46992  
services, and other technical assistance required by the council 46993  
in carrying out its duties. Members of the council shall serve 46994  
without compensation, but shall be reimbursed for their actual and 46995  
necessary expenses incurred in attending meetings of the council 46996  
or performing assignments for the council. 46997

The council is not subject to sections 101.82 to 101.87 of 46998  
the Revised Code. 46999

(C)(1)(a) Subject to division (C)(1)(b) of this section, the 47000  
director of health shall adopt rules in accordance with Chapter 47001  
119. of the Revised Code specifying the disorders for which each 47002  
newborn child must be screened. 47003

(b) In adopting the rules, all of the following apply: 47004

(i) The director shall specify Krabbe disease as a disorder 47005  
for which a newborn child who is born on or after July 1, 2016, 47006  
must be screened. 47007

(ii) The director shall specify spinal muscular atrophy and 47008  
X-linked adrenoleukodystrophy as disorders for which a newborn 47009  
child who is born on or after ~~the date that is two hundred forty~~ 47010  
~~days after the effective date of this amendment~~ May 28, 2022, must 47011  
be screened. 47012

(iii) The director shall specify Duchenne muscular dystrophy 47013  
as a disorder for which a newborn child who is born on or after 47014  
the date that is two hundred forty days after the effective date 47015  
of this amendment must be screened. 47016

(iv) Not later than six months after receiving a 47017  
recommendation as described in division (C)(3)(b) of this section, 47018  
the director shall specify for screening a disorder recommended as 47019  
described in division (C)(3)(b) of this section, with such 47020  
screening to begin not later than one year after the date that the 47021  
rule specifying the disorder for screening becomes effective. 47022

(2) The newborn screening advisory council shall evaluate 47023  
genetic, metabolic, and endocrine disorders to assist the director 47024  
in determining which disorders should be included in the 47025  
screenings required under this section. In determining whether a 47026  
disorder should be included, the council shall consider all of the 47027  
following: 47028

(a) The disorder's incidence, mortality, and morbidity; 47029

(b) Whether the disorder causes disability if diagnosis, 47030  
treatment, and early intervention are delayed; 47031

(c) The potential for successful treatment of the disorder; 47032

(d) The expected benefits to children and society in relation 47033  
to the risks and costs associated with screening for the disorder; 47034

(e) Whether a screening for the disorder can be conducted 47035  
without taking an additional blood sample or specimen; 47036

(f) Whether the secretary of the United States department of 47037  
health and human services has included the disorder in the federal 47038  
recommended uniform screening panel. 47039

(3)(a) Based on the considerations specified in division 47040  
(C)(2) of this section, the council shall make recommendations to 47041  
the director of health for the adoption of rules under division 47042  
(C)(1) of this section. 47043

(b) In the case of a disorder included within the federal 47044  
recommended uniform screening panel, the council shall determine 47045  
not later than six months after the date of the disorder's 47046

inclusion on the federal panel whether or not to recommend to the 47047  
director that each newborn child be screened for the disorder. If 47048  
the council recommends screening for the disorder, the council 47049  
shall submit to the director as soon as practicable a 47050  
recommendation for such screening. 47051

(c) The director shall promptly and thoroughly review each 47052  
recommendation the council submits. 47053

(D) The director shall adopt rules in accordance with Chapter 47054  
119. of the Revised Code establishing standards and procedures for 47055  
the screenings required by this section. The rules shall include 47056  
standards and procedures for all of the following: 47057

(1) Causing rescreenings to be performed when initial 47058  
screenings have abnormal results; 47059

(2) Designating the person or persons who will be responsible 47060  
for causing screenings and rescreenings to be performed; 47061

(3) Giving to the parents of a child notice of the required 47062  
initial screening and the possibility that rescreenings may be 47063  
necessary; 47064

(4) Communicating to the parents of a child the results of 47065  
the child's screening and any rescreenings that are performed; 47066

(5) Giving notice of the results of an initial screening and 47067  
any rescreenings to the person who caused the child to be screened 47068  
or rescreened, or to another person or government entity when the 47069  
person who caused the child to be screened or rescreened cannot be 47070  
contacted; 47071

(6) Referring children who receive abnormal screening or 47072  
rescreening results to providers of follow-up services, including 47073  
the services made available through funds disbursed under division 47074  
(F) of this section. 47075

(E)(1) Except as provided in divisions (E)(2) and (3) of this 47076

section, all newborn screenings required by this section shall be 47077  
performed by the public health laboratory authorized under section 47078  
3701.22 of the Revised Code. 47079

(2) If the director determines that the public health 47080  
laboratory is unable to perform screenings for all of the 47081  
disorders specified in the rules adopted under division (C) of 47082  
this section, the director shall select another laboratory to 47083  
perform the screenings. The director shall select the laboratory 47084  
by issuing a request for proposals. The director may accept 47085  
proposals submitted by laboratories located outside this state. At 47086  
the conclusion of the selection process, the director shall enter 47087  
into a written contract with the selected laboratory. If the 47088  
director determines that the laboratory is not complying with the 47089  
terms of the contract, the director shall immediately terminate 47090  
the contract and another laboratory shall be selected and 47091  
contracted with in the same manner. 47092

(3) Any rescreening caused to be performed pursuant to this 47093  
section may be performed by the public health laboratory or one or 47094  
more other laboratories designated by the director. Any laboratory 47095  
the director considers qualified to perform rescreenings may be 47096  
designated, including a laboratory located outside this state. If 47097  
more than one laboratory is designated, the person responsible for 47098  
causing a rescreening to be performed is also responsible for 47099  
selecting the laboratory to be used. 47100

(F)(1) The director shall adopt rules in accordance with 47101  
Chapter 119. of the Revised Code establishing a fee that shall be 47102  
charged and collected in addition to or in conjunction with any 47103  
laboratory fee that is charged and collected for performing the 47104  
screenings required by this section. The fee, which shall be not 47105  
less than fourteen dollars, shall be disbursed as follows: 47106

(a) Not less than ten dollars and twenty-five cents shall be 47107  
deposited in the state treasury to the credit of the genetics 47108

services fund, which is hereby created. Not less than seven 47109  
dollars and twenty-five cents of each fee credited to the genetics 47110  
services fund shall be used to defray the costs of the programs 47111  
authorized by section 3701.502 of the Revised Code. Not less than 47112  
three dollars from each fee credited to the genetics services fund 47113  
shall be used to defray costs of phenylketonuria programs. 47114

(b) Not less than three dollars and seventy-five cents shall 47115  
be deposited into the state treasury to the credit of the sickle 47116  
cell fund, which is hereby created. Money credited to the sickle 47117  
cell fund shall be used to defray costs of programs authorized by 47118  
section 3701.131 of the Revised Code. 47119

(2) In adopting rules under division (F)(1) of this section, 47120  
the director shall not establish a fee that differs according to 47121  
whether a screening is performed by the public health laboratory 47122  
or by another laboratory selected by the director pursuant to 47123  
division (E)(2) of this section. 47124

**Sec. 3701.507.** (A) To assist in implementing sections 47125  
3701.503 to 3701.509 of the Revised Code, the ~~medically~~ 47126  
~~handicapped children's~~ children and youth with special health care 47127  
needs medical advisory council created in section 3701.025 of the 47128  
Revised Code shall appoint a permanent infant hearing screening 47129  
subcommittee. The subcommittee shall consist of the following 47130  
members: 47131

(1) One otolaryngologist; 47132

(2) One neonatologist; 47133

(3) One pediatrician; 47134

(4) One neurologist; 47135

(5) One hospital administrator; 47136

(6) Two or more audiologists who are experienced in infant 47137  
hearing screening and evaluation; 47138

(7) One speech-language pathologist licensed under section 4753.07 of the Revised Code;	47139 47140
(8) Two persons who are each a parent of a hearing-impaired child;	47141 47142
(9) One geneticist;	47143
(10) One epidemiologist;	47144
(11) One adult who is deaf or hearing impaired;	47145
(12) One representative from an organization for persons who are deaf or hearing impaired;	47146 47147
(13) One family advocate;	47148
(14) One nurse from a well-baby neonatal nursery;	47149
(15) One nurse from a special care neonatal nursery;	47150
(16) One teacher of persons who are deaf who works with infants and toddlers;	47151 47152
(17) One representative of the health insurance industry;	47153
(18) One representative of the <u>program for children and youth</u> with <del>medical handicaps program</del> <u>special health care needs</u> ;	47154 47155
(19) One representative of the department of education;	47156
(20) One representative of the department of medicaid;	47157
(21) Any other person the advisory council appoints.	47158
(B) The infant hearing subcommittee shall:	47159
(1) Consult with the director of health regarding the administration of sections 3701.503 to 3701.509 of the Revised Code;	47160 47161 47162
(2) Advise and make recommendations regarding proposed rules prior to their adoption by the director under section 3701.508 of the Revised Code;	47163 47164 47165

(3) Consult with the director of health and advise and make 47166  
recommendations regarding program development and implementation 47167  
under sections 3701.503 to 3701.509 of the Revised Code, including 47168  
all of the following: 47169

(a) Establishment under section 3701.504 of the Revised Code 47170  
of the statewide hearing screening, tracking, and early 47171  
intervention program to identify newborn and infant hearing 47172  
impairment; 47173

(b) Identification of locations where hearing evaluations may 47174  
be conducted; 47175

(c) Recommendations for methods and techniques of hearing 47176  
screening and hearing evaluation; 47177

(d) Referral, data recording and compilation, and procedures 47178  
to encourage follow-up hearing care; 47179

(e) Maintenance of a register of newborns and infants who do 47180  
not pass the hearing screening; 47181

(f) Preparation of the information required by section 47182  
3701.506 of the Revised Code. 47183

**Sec. 3701.508.** (A) The director of health shall adopt rules 47184  
governing the statewide hearing screening, tracking, and early 47185  
intervention program established under section 3701.504 of the 47186  
Revised Code, including rules that do all of the following: 47187

(1) Specify how hospitals and freestanding birthing centers 47188  
are to comply with the requirements of section 3701.505 of the 47189  
Revised Code, including methods to be used for hearing screening, 47190  
except that with regard to the physiologic equipment to be used 47191  
for hearing screening, the rules may require only that the 47192  
equipment be capable of giving reliable results and may not 47193  
specify particular equipment or a particular type of equipment; 47194

(2) Provide that no newborn or infant shall be required to 47195

undergo a hearing screening if the parent, guardian, or custodian 47196  
of the newborn or infant objects on the grounds that the screening 47197  
conflicts with the parent's, guardian's, or custodian's religious 47198  
tenets and practices; 47199

(3) Provide for situations in which the parent, guardian, or 47200  
custodian of a newborn or infant objects to a hearing screening 47201  
for reasons other than religious tenets and practices; 47202

(4) Specify how the department of health will determine 47203  
whether a person is financially unable to pay for a hearing 47204  
screening and define "third-party payer" for the purpose of 47205  
reimbursement of hearing screening by the department under section 47206  
3701.505 of the Revised Code; 47207

(5) Specify an inexpensive and efficient format and 47208  
procedures for the submission of hearing screening information 47209  
from hospitals and freestanding birthing centers to the department 47210  
of health; 47211

(6) Specify a procedure whereby the department may conduct 47212  
timely reviews of hearing screening information submissions for 47213  
purposes of quality assurance, training, and disease prevention 47214  
and control; 47215

(7) Specify any additional information that hospitals and 47216  
freestanding birthing centers are to provide to the ~~medically~~ 47217  
~~handicapped children's~~ children and youth with special health care 47218  
needs medical advisory council's infant hearing screening 47219  
subcommittee under section 3701.509 of the Revised Code. 47220

(B) In addition to the rules adopted under division (A) of 47221  
this section, the director shall adopt rules that specify the 47222  
training that must be completed by persons who will conduct 47223  
hearing screenings. In adopting these rules, the director shall 47224  
consider incorporating cost-saving training methods, including 47225  
computer-assisted learning and on-site training. Neither the rules 47226

nor the director of health may establish a minimum educational 47227  
level for persons conducting hearing screenings. 47228

(C) All rules adopted under this section shall be adopted in 47229  
accordance with Chapter 119. of the Revised Code and shall be 47230  
adopted so as to take effect not later than six months after 47231  
August 1, 2002. 47232

**Sec. 3701.509.** (A) The department of health shall develop a 47233  
mechanism to analyze and interpret the hearing screening 47234  
information to be reported under division (B) of this section. The 47235  
department shall notify all hospitals and freestanding birthing 47236  
centers subject to the reporting requirements of the date the 47237  
department anticipates that the mechanism will be complete. After 47238  
the mechanism is complete, the department shall notify each 47239  
hospital and freestanding birthing center subject to the reporting 47240  
requirement of the date by which the hospital or center must 47241  
submit its first report. 47242

(B) Subject to division (A) of this section and in accordance 47243  
with rules adopted by the director of health under section 47244  
3701.508 of the Revised Code, each hospital and freestanding 47245  
birthing center that has conducted a hearing screening required by 47246  
section 3701.505 of the Revised Code shall provide to the 47247  
department of health for use by the ~~medically handicapped~~ 47248  
~~children's~~ children and youth with special health care needs 47249  
medical advisory council's infant hearing screening subcommittee 47250  
information specifying all of the following: 47251

(1) The number of newborns born in the hospital or 47252  
freestanding birthing center and the number of newborns and 47253  
infants not screened because they were transferred to another 47254  
hospital; 47255

(2) The number of newborns and infants referred to the 47256  
hospital or freestanding birthing center for a hearing screening 47257

and the number of those newborns and infants who received a hearing screening;

(3) The number of newborns and infants who did not pass the hearing screenings conducted by the hospital or freestanding birthing center;

(4) Any other information concerning the program established under section 3701.504 of the Revised Code.

(C) The department of health shall conduct a timely review of the information submitted by hospitals and freestanding birthing centers in accordance with rules adopted by the director under section 3701.508 of the Revised Code.

(D) The infant hearing screening subcommittee, with the support of the department of health, shall compile and summarize the information submitted to the department by hospitals and freestanding birthing centers under division (B) of this section. Beginning with the first year after the mechanism developed under division (A) of this section is complete, the subcommittee shall annually prepare and transmit a report to the director of health, the speaker of the house of representatives, and the president of the senate. The council shall make the report available to the public.

(E) The department and all members of the subcommittee shall maintain the confidentiality of patient-identifying information submitted under division (B) of this section and section 3701.505 of the Revised Code. The information is not a public record under section 149.43 of the Revised Code, except to the extent that the information is used in preparing reports under this section.

Nothing in this division prohibits the department from providing patient-identifying information to other entities as it considers necessary to implement the statewide tracking and early intervention components of the program established under section

3701.504 of the Revised Code. Any entity that receives 47289  
patient-identifying information from the department shall maintain 47290  
the confidentiality of the information. 47291

**Sec. 3701.741.** (A) Each health care provider and medical 47292  
records company shall provide copies of medical records in 47293  
accordance with this section. 47294

(B) Except as provided in divisions (C) and (E) of this 47295  
section, a health care provider or medical records company that 47296  
receives a request for a copy of a patient's medical record shall 47297  
charge not more than the amounts set forth in this section. 47298

(1) If the request is made by the patient ~~or~~, the patient's 47299  
personal representative, or an individual authorized to access the 47300  
patient's medical record through a valid power of attorney, total 47301  
costs for copies and all services related to those copies shall 47302  
~~not exceed the sum of the following:~~ 47303

~~(a) Except as provided in division (B)(1)(b) of this section,~~ 47304  
~~with respect to data recorded on paper or electronically, the~~ 47305  
~~following amounts adjusted in accordance with section 3701.742 of~~ 47306  
~~the Revised Code:~~ 47307

~~(i) Two dollars and seventy four cents per page for the first~~ 47308  
~~ten pages;~~ 47309

~~(ii) Fifty seven cents per page for pages eleven through~~ 47310  
~~fifty;~~ 47311

~~(iii) Twenty three cents per page for pages fifty one and~~ 47312  
~~higher;~~ 47313

~~(b) With respect to data resulting from an x ray, magnetic~~ 47314  
~~resonance imaging (MRI), or computed axial tomography (CAT) scan~~ 47315  
~~and recorded on paper or film, one dollar and eighty seven cents~~ 47316  
~~per page;~~ 47317

~~(c) The actual cost of any related postage incurred by the~~ 47318

~~health care provider or medical records company reasonable,~~ 47319  
cost-based amounts permitted to be charged to the patient under 47320  
federal laws and regulations. 47321

(2) If the request is made ~~other than by the patient or the~~ 47322  
~~patient's personal representative~~ anyone other than a person 47323  
identified in division (B)(1) of this section, total costs for 47324  
copies and all services related to those copies shall not exceed 47325  
the sum of the following: 47326

(a) An initial fee of sixteen dollars and eighty-four cents 47327  
adjusted in accordance with section 3701.742 of the Revised Code, 47328  
which shall compensate for the records search; 47329

(b) Except as provided in division (B)(2)(c) of this section, 47330  
with respect to data recorded on paper or electronically, the 47331  
following amounts adjusted in accordance with section 3701.742 of 47332  
the Revised Code: 47333

(i) One dollar and eleven cents per page for the first ten 47334  
pages; 47335

(ii) Fifty-seven cents per page for pages eleven through 47336  
fifty; 47337

(iii) Twenty-three cents per page for pages fifty-one and 47338  
higher. 47339

(c) With respect to data resulting from an x-ray, magnetic 47340  
resonance imaging (MRI), or computed axial tomography (CAT) scan 47341  
and recorded on paper or film, one dollar and eighty-seven cents 47342  
per page; 47343

(d) The actual cost of any related postage incurred by the 47344  
health care provider or medical records company. 47345

(C)(1) On request, a health care provider or medical records 47346  
company shall provide one copy of the patient's medical record and 47347  
one copy of any records regarding treatment performed subsequent 47348

to the original request, not including copies of records already 47349  
provided, without charge to the following: 47350

(a) The bureau of workers' compensation, in accordance with 47351  
Chapters 4121. and 4123. of the Revised Code and the rules adopted 47352  
under those chapters; 47353

(b) The industrial commission, in accordance with Chapters 47354  
4121. and 4123. of the Revised Code and the rules adopted under 47355  
those chapters; 47356

(c) The department of medicaid or a county department of job 47357  
and family services, in accordance with Chapters 5160., 5161., 47358  
5162., 5163., 5164., 5165., 5166., and 5167. of the Revised Code 47359  
and the rules adopted under those chapters; 47360

(d) The attorney general, in accordance with sections 2743.51 47361  
to 2743.72 of the Revised Code and any rules that may be adopted 47362  
under those sections; 47363

(e) A patient, patient's personal representative, or 47364  
authorized person if the medical record is necessary to support a 47365  
claim under Title II or Title XVI of the "Social Security Act," 49 47366  
Stat. 620 (1935), 42 U.S.C.A. 401 and 1381, as amended, and the 47367  
request is accompanied by documentation that a claim has been 47368  
filed. 47369

(2) Nothing in division (C)(1) of this section requires a 47370  
health care provider or medical records company to provide a copy 47371  
without charge to any person or entity not listed in division 47372  
(C)(1) of this section. 47373

(D) Division (C) of this section shall not be construed to 47374  
supersede any rule of the bureau of workers' compensation, the 47375  
industrial commission, or the department of medicaid. 47376

(E) A health care provider or medical records company may 47377  
enter into a contract with either of the following for the copying 47378

of medical records at a fee other than as provided in division (B) 47379  
of this section: 47380

(1) A patient, a patient's personal representative, or an 47381  
authorized person; 47382

(2) An insurer authorized under Title XXXIX of the Revised 47383  
Code to do the business of sickness and accident insurance in this 47384  
state or health insuring corporations holding a certificate of 47385  
authority under Chapter 1751. of the Revised Code. 47386

(F) This section does not apply to medical records the 47387  
copying of which is covered by section 173.20 of the Revised Code 47388  
or by 42 C.F.R. 483.10. 47389

**Sec. 3701.78.** (A) There is hereby created the commission on 47390  
minority health, consisting of ~~twenty-one~~ twenty-two members. The 47391  
governor shall appoint to the commission nine members from among 47392  
health researchers, health planners, and health professionals. The 47393  
governor also shall appoint two members who are representatives of 47394  
the lupus awareness and education program. The speaker of the 47395  
house of representatives shall appoint to the commission two 47396  
members of the house of representatives, not more than one of whom 47397  
is a member of the same political party, and the president of the 47398  
senate shall appoint to the commission two members of the senate, 47399  
not more than one of whom is a member of the same political party. 47400  
The following shall be members of the commission: the directors of 47401  
health, mental health and addiction services, developmental 47402  
disabilities, aging, and job and family services, or their 47403  
designees; the medicaid director, or the director's designee; and 47404  
the superintendent of public instruction, or the superintendent's 47405  
designee. 47406

The commission shall elect a chairperson from among its 47407  
members. 47408

Of the members appointed by the governor, five shall be 47409  
appointed to initial terms of one year, and four shall be 47410  
appointed to initial terms of two years. Thereafter, all members 47411  
appointed by the governor shall be appointed to terms of two 47412  
years. All members of the commission appointed by the speaker of 47413  
the house of representatives or the president of the senate shall 47414  
be nonvoting members of the commission and be appointed within 47415  
thirty days after the commencement of the first regular session of 47416  
each general assembly, and shall serve until the expiration of the 47417  
session of the general assembly during which they were appointed. 47418

Members of the commission shall serve without compensation, 47419  
but shall be reimbursed for the actual and necessary expenses they 47420  
incur in the performance of their official duties. 47421

(B) The commission shall promote health and the prevention of 47422  
disease among members of minority groups. Each year the commission 47423  
shall distribute grants from available funds to community-based 47424  
health groups to be used to promote health and the prevention of 47425  
disease among members of minority groups. As used in this 47426  
division, "minority group" means any of the following economically 47427  
disadvantaged groups: Blacks, American Indians, Hispanics, and 47428  
Orientals. The commission shall adopt and maintain rules pursuant 47429  
to Chapter 119. of the Revised Code to provide for the 47430  
distribution of these grants. No group shall qualify to receive a 47431  
grant from the commission unless it receives at least twenty per 47432  
cent of its funds from sources other than grants distributed under 47433  
this section. 47434

(C) The commission may appoint such employees as it considers 47435  
necessary to carry out its duties under this section. The 47436  
department of health shall provide office space for the 47437  
commission. 47438

(D) The commission shall meet at the call of its chairperson 47439  
to conduct its official business. A majority of the voting members 47440

of the commission constitute a quorum. The votes of at least eight 47441  
voting members of the commission are necessary for the commission 47442  
to take any official action or to approve the distribution of 47443  
grants under this section. 47444

**Sec. 3701.83.** There is hereby created in the state treasury 47445  
the general operations fund. Moneys in the fund shall be used for 47446  
the purposes specified in sections 3701.04, 3701.344, 3702.20, 47447  
3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3724.14, 3729.07, 47448  
3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 47449  
3749.07, 4736.06, and 4769.09 of the Revised Code. 47450

**Sec. 3701.953.** (A) The department of health shall create an 47451  
infant mortality scorecard. The scorecard shall report all of the 47452  
following: 47453

(1) The state's performance on population health measures, 47454  
including the infant mortality rate, preterm birth rate, and low 47455  
birth weight rate, delineated by race, ethnic group, region of the 47456  
state, and the state as a whole; 47457

(2) Preliminary data the department possesses on the state's 47458  
unexpected infant death rate; 47459

(3) To the extent such information is available, the state's 47460  
performance on outcome measures identified by the department that 47461  
are related to preconception health, reproductive health, prenatal 47462  
care, labor and delivery, smoking, infant safe sleep practices, 47463  
breastfeeding, and behavioral health, delineated by race, ethnic 47464  
group, region of the state, and the state as a whole; 47465

(4) A comparison of the state's performance on the population 47466  
health measures specified in division (A)(1) of this section and, 47467  
to the extent such information is available, the state's 47468  
performance on outcome measures specified in division (A)(3) of 47469  
this section with the targets for the measures, or the targets for 47470

the objectives similar to the measures, established by the United States department of health and human services through the healthy people 2020 initiative or a subsequent initiative;

(5) Any other information on maternal and child health that the department considers appropriate.

(B) The scorecard shall be ~~updated each calendar quarter and made available on the department's internet web site~~ built and automated to refresh data in real time on a data dashboard to be made publicly available.

(C) The scorecard shall include a description of the data sources and methodology used to complete the scorecard.

**Sec. 3702.3012.** (A) As used in this section, "surgical smoke" and "surgical smoke evacuation system" have the same meanings as in section 3727.25 of the Revised Code.

(B) Not later than one year after the effective date of this section, each ambulatory surgical facility shall adopt and implement a policy designed to prevent human exposure to surgical smoke during any planned surgical procedure that is likely to generate surgical smoke. The policy shall include the use of a surgical smoke evacuation system.

(C) The director of health may adopt any rules the director considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

**Sec. 3702.511.** (A) Except as provided in division (B) of this section and section 3702.512 of the Revised Code, the following activities are reviewable under sections 3702.51 to 3702.62 of the Revised Code:

(1) Establishment, development, or construction of a new long-term care facility;

(2) Replacement of an existing long-term care facility;	47500
(3) Renovation of or addition to a long-term care facility that involves a capital expenditure of four million dollars or more, not including expenditures for equipment, staffing, or operational costs;	47501 47502 47503 47504
(4) An increase in long-term care bed capacity;	47505
(5) A relocation of long-term care beds from one physical facility or site to another, excluding relocation of beds within a long-term care facility or among buildings of a long-term care facility at the same site;	47506 47507 47508 47509
(6) <del>Expenditure of more than one hundred ten per cent of the maximum expenditure specified in a certificate of need concerning long-term care beds;</del>	47510 47511 47512
<del>(7) Any failure to conduct a reviewable activity in substantial accord with the approved application for which a certificate of need was granted, including a change in the site, if the failure occurs within five years after implementation of the reviewable activity for which the certificate was granted.</del>	47513 47514 47515 47516 47517
(B) The following activities are not subject to review under sections 3702.51 to 3702.62 of the Revised Code:	47518 47519
(1) Acquisition of computer hardware or software;	47520
(2) Acquisition of a telephone system;	47521
(3) Construction or acquisition of parking facilities;	47522
(4) Correction of cited deficiencies that constitute an imminent threat to public health or safety and are in violation of federal, state, or local fire, building, or safety statutes, ordinances, rules, or regulations;	47523 47524 47525 47526
(5) Acquisition of an existing long-term care facility that does not involve a change in the number of the beds;	47527 47528

(6) Mergers, consolidations, or other corporate 47529  
reorganizations of long-term care facilities that do not involve a 47530  
change in the number of beds; 47531

(7) Construction, repair, or renovation of bathroom 47532  
facilities; 47533

(8) Construction of laundry facilities, waste disposal 47534  
facilities, dietary department projects, heating and air 47535  
conditioning projects, administrative offices, and portions of 47536  
medical office buildings used exclusively for physician services; 47537

(9) Removal of asbestos from a health care facility. 47538

Only that portion of a project that is described in this 47539  
division is not reviewable. 47540

**Sec. 3702.52.** The director of health shall administer a state 47541  
certificate of need program in accordance with sections 3702.51 to 47542  
3702.62 of the Revised Code and rules adopted under those 47543  
sections. Administration of the program shall include both a 47544  
standard review process and an expedited review process. 47545

(A) The director shall issue rulings on whether a particular 47546  
proposed project is a reviewable activity. The director shall 47547  
issue a ruling not later than forty-five days after receiving a 47548  
request for a ruling accompanied by the information needed to make 47549  
the ruling, except that if an expedited review is requested, the 47550  
ruling shall be issued not later than thirty days after receiving 47551  
the request for a ruling accompanied by the information needed to 47552  
make the ruling. If the director does not issue a ruling in the 47553  
required time, the project shall be considered to have been ruled 47554  
not a reviewable activity. 47555

(B)(1) Each application for a certificate of need shall be 47556  
submitted to the director on forms and in the manner prescribed by 47557  
the director. An application for which expedited review is 47558

requested must meet the same requirements as all other 47559  
applications. 47560

Each application shall include a plan for obligating the 47561  
capital expenditures or implementing the proposed project on a 47562  
timely basis in accordance with section 3702.524 of the Revised 47563  
Code. Each application shall also include all other information 47564  
required by rules adopted under division (B) of section 3702.57 of 47565  
the Revised Code. 47566

(2) Each application shall be accompanied by the application 47567  
fee established in rules adopted under division ~~(G)~~(F) of section 47568  
3702.57 of the Revised Code. Application fees received by the 47569  
director under this division shall be deposited into the state 47570  
treasury to the credit of the certificate of need fund, which is 47571  
hereby created. The director shall use the fund only to pay the 47572  
costs of administering sections 3702.11 to 3702.20, 3702.30, and 47573  
3702.51 to 3702.62 of the Revised Code and rules adopted under 47574  
those sections. An application fee is nonrefundable unless the 47575  
director determines that the application cannot be accepted. 47576

(3) The director shall review applications for certificates 47577  
of need. As part of a review, the director shall determine whether 47578  
an application is complete. The director shall not consider an 47579  
application to be complete unless the application meets all 47580  
criteria for a complete application specified in rules adopted 47581  
under section 3702.57 of the Revised Code. For an application 47582  
being considered under the standard review process, the director 47583  
shall mail to the applicant a written notice that the application 47584  
is complete, or a written request for additional information, not 47585  
later than thirty days after receiving an application or a 47586  
response to an earlier request for information. For an application 47587  
for which expedited review is requested, the director's notice or 47588  
request shall be mailed not later than fourteen days after the 47589  
director receives the application or a response to an earlier 47590

request for information. Except as provided in section 3702.522 of 47591  
the Revised Code, the director shall not make more than two 47592  
requests for additional information. For either the standard or 47593  
expedited review process, the director shall make a final 47594  
determination regarding an application's completeness and issue a 47595  
notice of the determination not later than one hundred eighty days 47596  
after the date the director received the initial application. 47597

The director's determination that an application is not 47598  
complete is final and not subject to appeal. 47599

(4) Except as necessary to comply with a subpoena issued 47600  
under division (F) of this section, after a notice of completeness 47601  
has been received, no person shall make revisions to information 47602  
that was submitted to the director before the director mailed the 47603  
notice of completeness or knowingly discuss in person or by 47604  
telephone the merits of the application with the director. A 47605  
person may supplement an application after a notice of 47606  
completeness has been received by submitting clarifying 47607  
information to the director. 47608

(C) All of the following apply to the process of granting or 47609  
denying a certificate of need: 47610

(1) If the project proposed in a certificate of need 47611  
application meets all of the applicable certificate of need 47612  
criteria for approval under sections 3702.51 to 3702.62 of the 47613  
Revised Code and the rules adopted under those sections, the 47614  
director shall grant a certificate of need for all or part of the 47615  
project that is the subject of the application by the applicable 47616  
deadline specified in division (C)(4) of this section or any 47617  
extension of it under division (C)(5) of this section. 47618

(2) The director's grant of a certificate of need does not 47619  
affect, and sets no precedent for, the director's decision to 47620  
grant or deny other applications for similar reviewable 47621

activities. 47622

(3) Any affected person may submit written comments regarding 47623  
an application. The director shall consider all written comments 47624  
received by the forty-fifth day after the application is submitted 47625  
to the director, except that to be considered in an expedited 47626  
review, written comments must be received by the twenty-first day 47627  
after the application is submitted. 47628

(4) Except as provided in division (C)(5) of this section, 47629  
the director shall grant or deny certificate of need applications 47630  
not later than sixty days after mailing the notice of completeness 47631  
unless the application is receiving expedited review. If the 47632  
application is receiving expedited review, the director shall 47633  
grant or deny the application not later than forty-five days after 47634  
mailing the notice of completeness. 47635

(5) Except as provided in division (C)(6) of this section, 47636  
the director or the applicant may extend the deadline prescribed 47637  
in division (C)(4) of this section once, for no longer than thirty 47638  
days, by written notice before the end of the deadline prescribed 47639  
by division (C)(4) of this section. An extension by the director 47640  
under division (C)(5) of this section shall apply to all 47641  
applications that are in comparative review. 47642

(6) No applicant in a comparative review may extend the 47643  
deadline specified in division (C)(4) of this section. 47644

(7) If the director does not grant or deny the certificate by 47645  
the applicable deadline specified in division (C)(4) of this 47646  
section or any extension of it under division (C)(5) of this 47647  
section, the certificate shall be considered to have been granted. 47648

~~(8) In granting a certificate of need, the director shall 47649  
specify as the maximum capital expenditure the certificate holder 47650  
may obligate under the certificate a figure equal to one hundred 47651  
ten per cent of the approved project cost. 47652~~

~~(9)~~ In granting a certificate of need, the director may grant the certificate with conditions that must be met by the holder of the certificate.

(D) When a certificate of need is granted for a project under which beds are to be relocated, upon completion of the project for which the certificate of need was granted a number of beds equal to the number of beds relocated shall cease to be operated in the long-term care facility from which they are relocated, except that the beds may continue to be operated for not more than fifteen days to allow relocation of residents to the facility to which the beds have been relocated. Notwithstanding section 3721.03 of the Revised Code, if the relocated beds are in a home licensed under Chapter 3721. of the Revised Code, the facility's license is automatically reduced by the number of beds relocated effective fifteen days after the beds are relocated. If the beds are in a facility that is certified as a skilled nursing facility or nursing facility under Title XVIII or XIX of the "Social Security Act," the certification for the beds shall be surrendered. If the beds are registered under section 3701.07 of the Revised Code as skilled nursing beds or long-term care beds, the director shall remove the beds from registration not later than fifteen days after the beds are relocated.

(E) During the period beginning with the granting of a certificate of need and ending five years after implementation of the reviewable activity for which the certificate was granted, the director shall monitor the activities of the person granted the certificate to determine whether the reviewable activity is conducted in substantial accordance with the certificate. A reviewable activity shall not be determined to be not in substantial accordance with the certificate of need solely because of either of the following:

(1) A decrease in bed capacity;

(2) A change in the owner or operator of the facility unless 47685  
any of the circumstances specified in division (B) of section 47686  
3702.59 of the Revised Code apply to the new owner or operator. 47687

(F) When reviewing applications for certificates of need, 47688  
considering appeals under section 3702.60 of the Revised Code, or 47689  
monitoring activities of persons granted certificates of need, the 47690  
director may issue and enforce, in the manner provided in section 47691  
119.09 of the Revised Code, subpoenas and subpoenas duces tecum to 47692  
compel a person to testify and produce documents relevant to 47693  
review of the application, consideration of the appeal, or 47694  
monitoring of the activities. In addition, the director or the 47695  
director's designee may visit the sites where the activities are 47696  
or will be conducted. 47697

(G) The director may withdraw certificates of need. 47698

(H) All long-term care facilities shall submit to the 47699  
director, upon request, any information prescribed by rules 47700  
adopted under division ~~(H)~~(G) of section 3702.57 of the Revised 47701  
Code that is necessary to conduct reviews of certificate of need 47702  
applications and to develop criteria for reviews. 47703

(I) Any decision to grant or deny a certificate of need shall 47704  
consider the special needs and circumstances resulting from moral 47705  
and ethical values and the free exercise of religious rights of 47706  
long-term care facilities administered by religious organizations, 47707  
and the special needs and circumstances of inner city and rural 47708  
communities. 47709

**Sec. 3702.532.** When the director of health determines that a 47710  
person has violated section 3702.53 of the Revised Code, the 47711  
director shall send a notice to the person by certified mail, 47712  
return receipt requested, specifying the activity constituting the 47713  
violation and the penalties imposed under section 3702.54 ~~or~~ 47714  
~~3702.541~~ of the Revised Code. 47715

~~Sec. 3702.54. Except as provided in section 3702.541 of the~~ 47716  
~~Revised Code, divisions~~ Divisions (A) and (B) of this section 47717  
apply when the director of health determines that a person has 47718  
violated section 3702.53 of the Revised Code. 47719

(A) The director shall impose a civil penalty on the person 47720  
in an amount equal to the greatest of the following: 47721

(1) Three thousand dollars; 47722

(2) Five per cent of the operating cost of the activity that 47723  
constitutes the violation during the period of time it was 47724  
conducted in violation of section 3702.53 of the Revised Code; 47725

(3) If a certificate of need was granted, two per cent of the 47726  
total ~~approved~~ capital cost associated with implementation of the 47727  
activity for which the certificate of need was granted. 47728

In no event, however, shall the penalty exceed two hundred 47729  
fifty thousand dollars. 47730

(B)(1) Notwithstanding section 3702.52 of the Revised Code, 47731  
the director shall refuse to accept for review any application for 47732  
a certificate of need filed by or on behalf of the person, or any 47733  
successor to the person or entity related to the person, for a 47734  
period of not less than one year and not more than three years 47735  
after the director mails the notice of the director's 47736  
determination under section 3702.532 of the Revised Code or, if 47737  
the determination is appealed under section 3702.60 of the Revised 47738  
Code, the issuance of the order upholding the determination that 47739  
is not subject to further appeal. In determining the length of 47740  
time during which applications will not be accepted, the director 47741  
may consider any of the following: 47742

(a) The nature and magnitude of the violation; 47743

(b) The ability of the person to have averted the violation; 47744

(c) Whether the person disclosed the violation to the 47745

director before the director commenced ~~his~~ investigation of the 47746  
violation; 47747

(d) The person's history of compliance with sections 3702.51 47748  
to 3702.62 and the rules adopted under section 3702.57 of the 47749  
Revised Code; 47750

(e) Any community hardship that may result from refusing to 47751  
accept future applications from the person. 47752

(2) Notwithstanding the one-year minimum imposed by division 47753  
(B)(1) of this section, the director may establish a period of 47754  
less than one year during which the director will refuse to accept 47755  
certificate of need applications if, after reviewing all 47756  
information available to the director, the director determines and 47757  
expressly indicates in the notice mailed under section 3702.532 of 47758  
the Revised Code that refusing to accept applications for a longer 47759  
period would result in hardship to the community in which the 47760  
person provides long-term care services. The director's finding of 47761  
community hardship shall not affect the granting or denial of any 47762  
future certificate of need application filed by the person. 47763

**Sec. 3702.544.** Each person required by section 3702.54 ~~or~~ 47764  
~~3702.541~~ of the Revised Code to pay a civil penalty shall do so 47765  
not later than sixty days after receiving the notice mailed under 47766  
section 3702.532 of the Revised Code or, if the person appeals 47767  
under section 3702.60 of the Revised Code the director of health's 47768  
determination that a violation has occurred, not later than sixty 47769  
days after the issuance of an order upholding the director's 47770  
determination that is not subject to further appeal. The civil 47771  
penalties shall be paid to the director. The director shall 47772  
deposit them into the certificate of need fund created by section 47773  
3702.52 of the Revised Code. 47774

**Sec. 3702.55.** A person that the director of health determines 47775

has violated section 3702.53 of the Revised Code shall cease 47776  
conducting the activity that constitutes the violation or 47777  
utilizing the facility resulting from the violation not later than 47778  
thirty days after the person receives the notice mailed under 47779  
section 3702.532 of the Revised Code or, if the person appeals the 47780  
director's determination under section 3702.60 of the Revised 47781  
Code, thirty days after the person receives an order upholding the 47782  
director's determination that is not subject to further appeal. 47783

If any person determined to have violated section 3702.53 of 47784  
the Revised Code fails to cease conducting an activity or using a 47785  
facility as required by this section or if the person continues to 47786  
seek payment or reimbursement for services rendered or costs 47787  
incurred in conducting the activity as prohibited by section 47788  
3702.56 of the Revised Code, in addition to the penalties imposed 47789  
under section 3702.54 ~~or 3702.541~~ of the Revised Code: 47790

(A) The director of health may refuse to include any beds 47791  
involved in the activity in the bed capacity of a hospital for 47792  
purposes of registration under section 3701.07 of the Revised 47793  
Code; 47794

(B) The director of health may refuse to license, or may 47795  
revoke a license or reduce bed capacity previously granted to, a 47796  
hospice care program under section 3712.04 of the Revised Code; a 47797  
nursing home, residential care facility, or home for the aging 47798  
under section 3721.02 of the Revised Code; or any beds within any 47799  
of those facilities that are involved in the activity; 47800

(C) A political subdivision certified under section 3721.09 47801  
of the Revised Code may refuse to license, or may revoke a license 47802  
or reduce bed capacity previously granted to, a nursing home, 47803  
residential care facility, or home for the aging, or any beds 47804  
within any of those facilities that are involved in the activity; 47805

(D) The director of mental health and addiction services may 47806

refuse to license under section 5119.33 of the Revised Code, or 47807  
may revoke a license or reduce bed capacity previously granted to, 47808  
a hospital receiving mentally ill persons or beds within such a 47809  
hospital that are involved in the activity; 47810

(E) The department of medicaid may refuse to enter into a 47811  
provider agreement that includes a facility, beds, or services 47812  
that result from the activity. 47813

**Sec. 3702.57.** (A) The director of health shall adopt rules 47814  
establishing procedures and criteria for reviews of applications 47815  
for certificates of need and issuance, denial, or withdrawal of 47816  
certificates. 47817

(1) In adopting rules that establish criteria for reviews of 47818  
applications of certificates of need, the director shall consider 47819  
the availability of and need for long-term care beds to provide 47820  
care and treatment to persons diagnosed as having traumatic brain 47821  
injuries and shall prescribe criteria for reviewing applications 47822  
that propose to add long-term care beds to provide care and 47823  
treatment to persons diagnosed as having traumatic brain injuries. 47824

(2) The criteria for reviews of applications for certificates 47825  
of need shall relate to the need for the reviewable activity and 47826  
shall pertain to all of the following matters: 47827

(a) The impact of the reviewable activity on the cost and 47828  
quality of long-term care services in the relevant service area, 47829  
including, but not limited, to the historical and projected 47830  
utilization of the services to which the application pertains and 47831  
the effect of the reviewable activity on utilization of other 47832  
providers of similar services; 47833

(b) The quality of the services to be provided as the result 47834  
of the activity, as evidenced by the historical performance of the 47835  
persons that will be involved in providing the services and by the 47836

provisions that are proposed in the application to ensure quality, 47837  
including but not limited to adequate available personnel, 47838  
available ancillary and support services, available equipment, 47839  
size and configuration of physical plant, and relations with other 47840  
providers; 47841

(c) The impact of the reviewable activity on the availability 47842  
and accessibility of the type of services proposed in the 47843  
application to the population of the relevant service area, and 47844  
the level of access to the services proposed in the application 47845  
that will be provided to medically underserved individuals such as 47846  
recipients of public assistance and individuals who have no health 47847  
insurance or whose health insurance is insufficient; 47848

(d) The activity's short- and long-term financial feasibility 47849  
and cost-effectiveness, the impact of the activity on the 47850  
applicant's costs and charges, and a comparison of the applicant's 47851  
costs and charges with those of providers of similar services in 47852  
the applicant's proposed service area; 47853

(e) The advantages, disadvantages, and costs of alternatives 47854  
to the reviewable activity; 47855

(f) The impact of the activity on all other providers of 47856  
similar services in the relevant service area, including the 47857  
impact on their utilization, market share, and financial status; 47858

(g) The historical performance of the applicant and related 47859  
or affiliated parties in complying with previously granted 47860  
certificates of need and any applicable certification, 47861  
accreditation, or licensure requirements; 47862

(h) The historical performance of the applicant and related 47863  
or affiliated parties in providing cost-effective long-term care 47864  
services; 47865

(i) The special needs and circumstances of the applicant or 47866  
population proposed to be served by the proposed project, 47867

including research activities, prevalence of particular diseases, 47868  
unusual demographic characteristics, cost-effective contractual 47869  
affiliations, and other special circumstances; 47870

(j) The appropriateness of the zoning status of the proposed 47871  
site of the activity; 47872

(k) The participation by the applicant in research conducted 47873  
by the United States food and drug administration or clinical 47874  
trials sponsored by the national institutes of health. 47875

(3) The criteria for reviews of applications shall include a 47876  
formula for determining each county's long-term care bed need for 47877  
purposes of section 3702.593 of the Revised Code and may include 47878  
other formulas for determining need for beds. 47879

Any rules prescribing criteria that establish ratios of beds 47880  
to population shall specify the bases for establishing the ratios 47881  
or mitigating factors or exceptions to the ratios. 47882

(B) The director shall adopt rules specifying all of the 47883  
following: 47884

(1) Information that must be provided in applications for 47885  
certificates of need; 47886

(2) Procedures for reviewing applications for completeness of 47887  
information; 47888

(3) Criteria for determining that the application is 47889  
complete; 47890

(4) Procedures for making a final determination regarding an 47891  
application's completeness and issuing a notice of the 47892  
determination within the one-hundred-eighty-day time frame 47893  
specified in division (B)(3) of section 3702.52 of the Revised 47894  
Code. 47895

(C) The director shall adopt rules specifying requirements 47896  
that holders of certificates of need must meet in order for the 47897

certificates to remain valid and establishing definitions and 47898  
requirements for obligation of capital expenditures and 47899  
implementation of projects authorized by certificates of need. 47900

The rules shall not specify a maximum capital expenditure 47901  
that a certificate holder may obligate under a certificate of 47902  
need. 47903

(D) The director shall adopt rules establishing criteria and 47904  
procedures under which the director of health may withdraw a 47905  
certificate of need if the holder fails to meet requirements for 47906  
continued validity of the certificate. 47907

(E) The director shall adopt rules establishing procedures 47908  
under which the department of health shall monitor project 47909  
implementation activities of holders of certificates of need. The 47910  
rules adopted under this division also may establish procedures 47911  
for monitoring implementation activities of persons that have 47912  
received nonreviewability rulings. 47913

~~(F) The director shall adopt rules establishing procedures 47914~~  
~~under which the director of health shall review certificates of 47915~~  
~~need whose holders exceed or appear likely to exceed an 47916~~  
~~expenditure maximum specified in a certificate.~~ 47917

~~(G)~~ The director shall adopt rules establishing certificate 47918  
of need application fees sufficient to pay the costs incurred by 47919  
the department for administering sections 3702.51 to 3702.62 of 47920  
the Revised Code. Unless rules are adopted under this division 47921  
establishing different application fees, the application fee for a 47922  
project not involving a capital expenditure shall be three 47923  
thousand dollars and the application fee for a project involving a 47924  
capital expenditure shall be nine-tenths of one per cent of the 47925  
capital expenditure proposed subject to a minimum of three 47926  
thousand dollars and a maximum of twenty thousand dollars. 47927

~~(H)~~(G) The director shall adopt rules specifying information 47928

that is necessary to conduct reviews of certificate of need 47929  
applications and to develop criteria for reviews that long-term 47930  
care facilities are to submit to the director under division (H) 47931  
of section 3702.52 of the Revised Code. 47932

~~(I)~~(H) The director shall adopt rules defining "affiliated 47933  
person," "related person," and "ultimate controlling interest" for 47934  
purposes of section 3702.523 of the Revised Code. 47935

~~(J)~~(I) The director shall adopt rules prescribing 47936  
requirements for holders of certificates of need to demonstrate to 47937  
the director under section 3702.525 of the Revised Code that 47938  
reasonable progress is being made toward completion of the 47939  
reviewable activity and establishing standards by which the 47940  
director shall determine whether reasonable progress is being 47941  
made. 47942

~~(K)~~(J) The director shall adopt all rules under divisions (A) 47943  
to ~~(J)~~(I) of this section in accordance with Chapter 119. of the 47944  
Revised Code. The director may adopt other rules as necessary to 47945  
carry out the purposes of sections 3702.51 to 3702.62 of the 47946  
Revised Code. 47947

**Sec. 3702.60.** (A) The applicant for a certificate of need may 47948  
appeal to the director of health a decision issued by the director 47949  
to grant or deny a certificate of need application. The person 47950  
that requested a reviewability ruling may appeal to the director 47951  
with respect to the resulting ruling issued by the director. 47952

The appeal by the applicant or person shall be made in 47954  
accordance with Chapter 119. of the Revised Code, and the director 47955  
shall provide an adjudication hearing in accordance with that 47956  
chapter. In the appeal, the applicant or person must prove by a 47957  
preponderance of the evidence that the director's decision or 47958  
ruling is not in accordance with sections 3702.52 to 3702.62 of 47959

the Revised Code or rules adopted under those sections. 47960

The applicant or person that was a party to and participated 47961  
in an adjudication hearing conducted under this division may 47962  
appeal to the tenth district court of appeals the decision issued 47963  
by the director following the adjudication hearing. 47964

(B) The holder of a certificate of need may appeal to the 47965  
director in accordance with Chapter 119. of the Revised Code a 47966  
decision issued by the director under section 3702.52 or 3702.525 47967  
of the Revised Code to withdraw a certificate of need, and the 47968  
director shall provide an adjudication hearing in accordance with 47969  
that chapter. The person may appeal the director's ruling in the 47970  
adjudication hearing to the tenth district court of appeals. 47971

(C) Any person determined by the director to have violated 47972  
section 3702.53 of the Revised Code may appeal that determination, 47973  
or the penalties imposed under section 3702.54 ~~or 3702.541~~ of the 47974  
Revised Code, to the director in accordance with Chapter 119. of 47975  
the Revised Code, and the director shall provide an adjudication 47976  
hearing in accordance with that chapter. The person may appeal the 47977  
director's ruling in the adjudication hearing to the tenth 47978  
district court of appeals. 47979

(D) Each person appealing under this section to the director 47980  
shall file with the director, not later than thirty days after the 47981  
decision, ruling, or determination of the director was mailed, a 47982  
notice of appeal designating the decision, ruling, or 47983  
determination appealed from. 47984

(E) Each person appealing under this section to the tenth 47985  
district court of appeals shall file with the court, not later 47986  
than thirty days after the date the director's adjudication order 47987  
was mailed, a notice of appeal designating the order appealed 47988  
from. The appellant also shall file notice with the director not 47989  
later than thirty days after the date the order was mailed. 47990

(1) Not later than thirty days after receipt of the notice of appeal, the director shall prepare and certify to the court the complete record of the proceedings out of which the appeal arises. The expense of preparing and transcribing the record shall be taxed as part of the costs of the appeal. In the event that the record or a part thereof is not certified within the time prescribed by this division, the appellant may apply to the court for an order that the record be certified.

(2) In hearing the appeal, the court shall consider only the evidence contained in the record certified to it by the director. The court may remand the matter to the director for the admission of additional evidence on a finding that the additional evidence is material, newly discovered, and could not with reasonable diligence have been ascertained before the hearing before the director. Except as otherwise provided by statute, the court shall give the hearing on the appeal preference over all other civil matters, irrespective of the position of the proceedings on the calendar of the court.

(3) The court shall affirm the director's order if it finds, upon consideration of the entire record and any additional evidence admitted under division (E)(2) of this section, that the order is supported by reliable, probative, and substantial evidence and is in accordance with law. In the absence of such a finding, it shall reverse, vacate, or modify the order.

(4) If the court determines that the director committed material procedural error, the court shall remand the matter to the director for further consideration or action.

(F) No person may intervene in an appeal brought under this section.

**Sec. 3702.61.** In addition to the sanctions imposed under sections 3702.54, ~~3702.541~~, and 3702.55 of the Revised Code, if

any person violates section 3702.53 of the Revised Code, the 48022  
attorney general may commence necessary legal proceedings in the 48023  
court of common pleas of Franklin county to enjoin the person from 48024  
such violation until the requirements of sections 3702.51 to 48025  
3702.62 of the Revised Code have been satisfied. At the request of 48026  
the director of health, the attorney general shall commence any 48027  
necessary proceedings. The court has jurisdiction to grant and, on 48028  
a showing of a violation, shall grant appropriate injunctive 48029  
relief. 48030

**Sec. 3704.14.** (A)(1) If the director of environmental 48031  
protection determines that implementation of a motor vehicle 48032  
inspection and maintenance program is necessary for the state to 48033  
effectively comply with the federal Clean Air Act after June 30, 48034  
~~2019~~ 2023, the director may provide for the implementation of the 48035  
program in those counties in this state in which such a program is 48036  
federally mandated. Upon making such a determination, the director 48037  
of environmental protection may request the director of 48038  
administrative services to extend the terms of the contract that 48039  
was entered into under the authority of Am. Sub. H.B. 64 of the 48040  
131st general assembly. Upon receiving the request, the director 48041  
of administrative services shall extend the contract, beginning on 48042  
July 1, ~~2019~~ 2023, in accordance with this section. The contract 48043  
shall be extended for a period of up to twenty-four months with 48044  
the contractor who conducted the motor vehicle inspection and 48045  
maintenance program under that contract. 48046

(2) Prior to the expiration of the contract extension that is 48047  
authorized by division (A)(1) of this section, the director of 48048  
environmental protection shall request the director of 48049  
administrative services to enter into a contract with a vendor to 48050  
operate a decentralized motor vehicle inspection and maintenance 48051  
program in each county in this state in which such a program is 48052  
federally mandated through June 30, ~~2023~~ 2027, with an option for 48053

the state to renew the contract for a period of up to twenty-four 48054  
months through June 30, ~~2025~~ 2029. The contract shall ensure that 48055  
the decentralized motor vehicle inspection and maintenance program 48056  
achieves at least the same emission reductions as achieved by the 48057  
program operated under the authority of the contract that was 48058  
extended under division (A)(1) of this section. The director of 48059  
administrative services shall select a vendor through a 48060  
competitive selection process in compliance with Chapter 125. of 48061  
the Revised Code. 48062

(3) Notwithstanding any law to the contrary, the director of 48063  
administrative services shall ensure that a competitive selection 48064  
process regarding a contract to operate a decentralized motor 48065  
vehicle inspection and maintenance program in this state 48066  
incorporates the following, which shall be included in the 48067  
contract: 48068

(a) For purposes of expanding the number of testing locations 48069  
for consumer convenience, a requirement that the vendor utilize 48070  
established local businesses, auto repair facilities, or leased 48071  
properties to operate state-approved inspection and maintenance 48072  
testing facilities; 48073

(b) A requirement that the vendor selected to operate the 48074  
program provide notification of the program's requirements to each 48075  
owner of a motor vehicle that is required to be inspected under 48076  
the program. The contract shall require the notification to be 48077  
provided not later than sixty days prior to the date by which the 48078  
owner of the motor vehicle is required to have the motor vehicle 48079  
inspected. The director of environmental protection and the vendor 48080  
shall jointly agree on the content of the notice. However, the 48081  
notice shall include at a minimum the locations of all inspection 48082  
facilities within a specified distance of the address that is 48083  
listed on the owner's motor vehicle registration; 48084

(c) A requirement that the vendor comply with testing 48085

methodology and supply the required equipment approved by the 48086  
director of environmental protection as specified in the 48087  
competitive selection process in compliance with Chapter 125. of 48088  
the Revised Code. 48089

(4) A decentralized motor vehicle inspection and maintenance 48090  
program operated under this section shall comply with division (B) 48091  
of this section. The director of environmental protection shall 48092  
administer the decentralized motor vehicle inspection and 48093  
maintenance program operated under this section. 48094

(B) The decentralized motor vehicle inspection and 48095  
maintenance program authorized by this section, at a minimum, 48096  
shall do all of the following: 48097

(1) Comply with the federal Clean Air Act; 48098

(2) Provide for the issuance of inspection certificates; 48099

(3) Provide for a new car exemption for motor vehicles four 48100  
years old or newer and provide that a new motor vehicle is exempt 48101  
for four years regardless of whether legal title to the motor 48102  
vehicle is transferred during that period; 48103

(4) Provide for an exemption for battery electric motor 48104  
vehicles. 48105

(C) The director of environmental protection shall adopt 48106  
rules in accordance with Chapter 119. of the Revised Code that the 48107  
director determines are necessary to implement this section. The 48108  
director may continue to implement and enforce rules pertaining to 48109  
the motor vehicle inspection and maintenance program previously 48110  
implemented under former section 3704.14 of the Revised Code as 48111  
that section existed prior to its repeal and reenactment by Am. 48112  
Sub. H.B. 66 of the 126th general assembly, provided that the 48113  
rules do not conflict with this section. 48114

(D) There is hereby created in the state treasury the auto 48115

emissions test fund, which shall consist of money received by the 48116  
director from any cash transfers, state and local grants, and 48117  
other contributions that are received for the purpose of funding 48118  
the program established under this section. The director of 48119  
environmental protection shall use money in the fund solely for 48120  
the implementation, supervision, administration, operation, and 48121  
enforcement of the motor vehicle inspection and maintenance 48122  
program established under this section. Money in the fund shall 48123  
not be used for either of the following: 48124

(1) To pay for the inspection costs incurred by a motor 48125  
vehicle dealer so that the dealer may provide inspection 48126  
certificates to an individual purchasing a motor vehicle from the 48127  
dealer when that individual resides in a county that is subject to 48128  
the motor vehicle inspection and maintenance program; 48129

(2) To provide payment for more than one free passing 48130  
emissions inspection or a total of three emissions inspections for 48131  
a motor vehicle in any three-hundred-sixty-five-day period. The 48132  
owner or lessee of a motor vehicle is responsible for inspection 48133  
fees that are related to emissions inspections beyond one free 48134  
passing emissions inspection or three total emissions inspections 48135  
in any three-hundred-sixty-five-day period. Inspection fees that 48136  
are charged by a contractor conducting emissions inspections under 48137  
a motor vehicle inspection and maintenance program shall be 48138  
approved by the director of environmental protection. 48139

(E) The motor vehicle inspection and maintenance program 48140  
established under this section expires upon the termination of all 48141  
contracts entered into under this section and shall not be 48142  
implemented beyond the final date on which termination occurs. 48143

(F) As used in this section "battery electric motor vehicle" 48144  
has the same meaning as in section 4501.01 of the Revised Code. 48145

**Sec. 3705.091.** (A) If the natural mother and alleged father 48146

of a child sign an acknowledgment of paternity affidavit prepared 48147  
pursuant to section 3111.31 of the Revised Code with respect to 48148  
that child at the office of the local registrar, the local 48149  
registrar shall provide a notary public to notarize, or witnesses 48150  
to witness, the acknowledgment. The local registrar shall send a 48151  
signed and notarized or witnessed acknowledgment of paternity to 48152  
the office of child support in the department of job and family 48153  
services pursuant to section 3111.22 of the Revised Code. The 48154  
local registrar shall send the acknowledgment no later than ten 48155  
days after it has been signed and notarized or witnessed. If the 48156  
local registrar knows a man is presumed under section 3111.03 of 48157  
the Revised Code to be the father of the child and that the 48158  
presumed father is not the man who signed or is attempting to sign 48159  
an acknowledgment with respect to the child, the local registrar 48160  
shall not notarize, witness, or send the acknowledgment pursuant 48161  
to this section. 48162

(B) The local registrar of vital statistics shall provide an 48163  
acknowledgment of paternity affidavit described in division (A) of 48164  
this section to any person that requests it. 48165

(C) The department of health shall store all acknowledgments 48166  
of paternity affidavits it receives pursuant to section 3111.24 of 48167  
the Revised Code. The department of health shall send to the 48168  
office any acknowledgment the department is storing that the 48169  
office requests. The department of health shall adopt rules 48170  
pursuant to Chapter 119. of the Revised Code to govern the method 48171  
of storage of the acknowledgments and to implement this section. 48172

(D) The department of health and the department of job and 48173  
family services shall enter into an agreement regarding expenses 48174  
incurred by the department of health in comparing acknowledgment 48175  
of paternity affidavits to birth records and storage of 48176  
acknowledgment of paternity affidavits. 48177

Sec. 3705.17. The body of a person whose death occurs in this 48178  
state shall not be interred, deposited in a vault or tomb, 48179  
cremated, or otherwise disposed of by a funeral director until a 48180  
burial permit is issued by a local registrar or sub-registrar of 48181  
vital statistics. No such permit shall be issued by a local 48182  
registrar or sub-registrar until a satisfactory death, fetal 48183  
death, or provisional death certificate is filed with the local 48184  
registrar or sub-registrar. When the medical certification as to 48185  
the cause of death cannot be provided by the attending physician 48186  
or coroner prior to burial, for sufficient cause, as determined by 48187  
rule of the director of health, the funeral director may file a 48188  
provisional death certificate with the local registrar or 48189  
sub-registrar for the purpose of securing a burial or 48190  
burial-transit permit. When the funeral director files a 48191  
provisional death certificate to secure a burial or burial-transit 48192  
permit, the funeral director shall file a satisfactory and 48193  
complete death certificate within five days after the date of 48194  
death. The director of health, by rule, may provide additional 48195  
time for filing a satisfactory death certificate. A burial permit 48196  
authorizing cremation shall not be issued upon the filing of a 48197  
provisional certificate of death. 48198

When a funeral director or other person obtains a burial 48199  
permit from a local registrar or sub-registrar, the registrar or 48200  
sub-registrar shall charge a fee of three dollars for the issuance 48201  
of the burial permit. Two dollars and fifty cents of each fee 48202  
collected for a burial permit shall be paid into the state 48203  
treasury to the credit of the ~~division of real estate in the~~ 48204  
~~department of commerce~~ cemetery registration fund created under 48205  
section 4767.03 of the Revised Code to be used by the division of 48206  
real estate and professional licensing in the department of 48207  
commerce in discharging its duties prescribed in Chapter 4767. of 48208  
the Revised Code and the Ohio cemetery dispute resolution 48209

commission created by section 4767.05 of the Revised Code. A local registrar or sub-registrar shall transmit payments of that portion of the amount of each fee collected under this section to the treasurer of state on a quarterly basis or more frequently, if possible. The director of health, by rule, shall provide for the issuance of a burial permit without the payment of the fee required by this section if the total cost of the burial will be paid by an agency or instrumentality of the United States, the state or a state agency, or a political subdivision of the state.

The director of commerce may by rule adopted in accordance with Chapter 119. of the Revised Code reduce the total amount of the fee required by this section and that portion of the amount of the fee required to be paid to the credit of the division of real estate and professional licensing for the use of the division and the Ohio cemetery dispute resolution commission, if the director determines that the total amount of funds the fee is generating at the amount required by this section exceeds the amount of funds the division of real estate and professional licensing and the commission need to carry out their powers and duties prescribed in Chapter 4767. of the Revised Code.

No person in charge of any premises in which interments or cremations are made shall inter or cremate or otherwise dispose of a body, unless it is accompanied by a burial permit. Each person in charge of a cemetery, crematory, or other place of disposal shall indorse upon a burial permit the date of interment, cremation, or other disposal and shall retain such permits for a period of at least five years. The person in charge shall keep an accurate record of all interments, cremations, or other disposal of dead bodies, made in the premises under the person's charge, stating the name of the deceased person, place of death, date of burial, cremation, or other disposal, and name and address of the funeral director. Such record shall at all times be open to public

inspection. 48242

**Sec. 3706.01.** As used in this chapter: 48243

(A) "Governmental agency" means a department, division, or 48244  
other unit of state government, a municipal corporation, county, 48245  
township, and other political subdivision, or any other public 48246  
corporation or agency having the power to acquire, construct, or 48247  
operate air quality facilities, the United States or any agency 48248  
thereof, and any agency, commission, or authority established 48249  
pursuant to an interstate compact or agreement. 48250

(B) "Person" means any individual, firm, partnership, 48251  
association, or corporation, or any combination thereof. 48252

(C) "Air contaminant" means particulate matter, dust, fumes, 48253  
gas, mist, smoke, noise, vapor, heat, radioactivity, radiation, or 48254  
odorous substance, or any combination thereof. 48255

(D) "Air pollution" means the presence in the ambient air of 48256  
one or more air contaminants in sufficient quantity and of such 48257  
characteristics and duration as to injure human health or welfare, 48258  
plant or animal life, or property, or that unreasonably interferes 48259  
with the comfortable enjoyment of life or property. 48260

(E) "Ambient air" means that portion of the atmosphere 48261  
outside of buildings and other enclosures, stacks, or ducts that 48262  
surrounds human, plant, or animal life, or property. 48263

(F) "Emission" means the release into the outdoor atmosphere 48264  
of an air contaminant. 48265

(G) "Air quality facility" means any of the following: 48266

(1) Any method, modification or replacement of property, 48267  
process, device, structure, or equipment that removes, reduces, 48268  
prevents, contains, alters, conveys, stores, disperses, or 48269  
disposes of air contaminants or substances containing air 48270  
contaminants, or that renders less noxious or reduces the 48271

concentration of air contaminants in the ambient air, including, 48272  
without limitation, facilities and expenditures that qualify as 48273  
air pollution control facilities under section 103 (C)(4)(F) of 48274  
the Internal Revenue Code of 1954, as amended, and regulations 48275  
adopted thereunder; 48276

(2) Motor vehicle inspection stations operated in accordance 48277  
with, and any equipment used for motor vehicle inspections 48278  
conducted under, section 3704.14 of the Revised Code and rules 48279  
adopted under it; 48280

(3) Ethanol or other biofuel facilities, including any 48281  
equipment used at the ethanol or other biofuel facility for the 48282  
production of ethanol or other biofuels; 48283

(4) Any property or portion thereof used for the collection, 48284  
storage, treatment, utilization, processing, or final disposal of 48285  
a by-product or solid waste resulting from any method, process, 48286  
device, structure, or equipment that removes, reduces, prevents, 48287  
contains, alters, conveys, stores, disperses, or disposes of air 48288  
contaminants, or that renders less noxious or reduces the 48289  
concentration of air contaminants in the ambient air; 48290

(5) Any property, device, or equipment that promotes the 48291  
reduction of emissions of air contaminants into the ambient air 48292  
through improvements in the efficiency of energy utilization or 48293  
energy conservation; 48294

(6) Any coal research and development project conducted under 48295  
Chapter 1555. of the Revised Code; 48296

(7) As determined by the director of the Ohio coal 48297  
development office, any property or portion thereof that is used 48298  
for the collection, storage, treatment, utilization, processing, 48299  
or final disposal of a by-product resulting from a coal research 48300  
and development project as defined in section 1555.01 of the 48301  
Revised Code or from the use of clean coal technology, excluding 48302

any property or portion thereof that is used primarily for other 48303  
subsequent commercial purposes; 48304

(8) Any property or portion thereof that is part of the 48305  
FutureGen project of the United States department of energy or 48306  
related to the siting of the FutureGen project; 48307

(9) Any property, device, or equipment that promotes the 48308  
reduction of emissions of air contaminants into the ambient air 48309  
through the generation of clean, renewable energy with renewable 48310  
energy resources or advanced energy resources as defined in 48311  
section 3706.25 of the Revised Code; 48312

(10) Any property, device, structure, or equipment necessary 48313  
for the manufacture and production of equipment described as an 48314  
air quality facility under this chapter; 48315

(11) Any property, device, or equipment related to the 48316  
recharging or refueling of vehicles that promotes the reduction of 48317  
emissions of air contaminants into the ambient air through the use 48318  
of an alternative fuel as defined in section 125.831 of the 48319  
Revised Code or the use of a renewable energy resource as defined 48320  
in section 3706.25 of the Revised Code; 48321

(12) Any special energy improvement project, as defined in 48322  
section 1710.01 of the Revised Code, that promotes the reduction 48323  
of emissions of air contaminants into the ambient air. 48324

"Air quality facility" further includes any property or 48325  
system to be used in whole or in part for any of the purposes in 48326  
divisions (G)(1) to ~~(11)~~ (12) of this section, whether another 48327  
purpose is also served, and any property or system incidental to 48328  
or that has to do with, or the end purpose of which is, any of the 48329  
foregoing. Air quality facilities that are defined in this 48330  
division for industry, commerce, distribution, or research, 48331  
including public utility companies, are hereby determined to be 48332  
those that qualify as facilities for the control of air pollution 48333

and thermal pollution related to air under Section 13 of Article 48334  
VIII, Ohio Constitution. 48335

(H) "Project" or "air quality project" means any air quality 48336  
facility, including undivided or other interests therein, acquired 48337  
or to be acquired or constructed or to be constructed by the Ohio 48338  
air quality development authority under this chapter, or acquired 48339  
or to be acquired or constructed or to be constructed by a 48340  
governmental agency or person with all or a part of the cost 48341  
thereof being paid from a loan or grant from the authority under 48342  
this chapter or otherwise paid from the proceeds of air quality 48343  
revenue bonds, including all buildings and facilities that the 48344  
authority determines necessary for the operation of the project, 48345  
together with all property, rights, easements, and interests that 48346  
may be required for the operation of the project. 48347

(I) "Cost" as applied to an air quality project means the 48348  
cost of acquisition and construction, the cost of acquisition of 48349  
all land, rights-of-way, property rights, easements, franchise 48350  
rights, and interests required for such acquisition and 48351  
construction, the cost of demolishing or removing any buildings or 48352  
structures on land so acquired, including the cost of acquiring 48353  
any lands to which such buildings or structures may be moved, the 48354  
cost of acquiring or constructing and equipping a principal office 48355  
and sub-offices of the authority, the cost of diverting highways, 48356  
interchange of highways, and access roads to private property, 48357  
including the cost of land or easements for such access roads, the 48358  
cost of public utility and common carrier relocation or 48359  
duplication, the cost of all machinery, furnishings, and 48360  
equipment, financing charges, interest prior to and during 48361  
construction and for no more than eighteen months after completion 48362  
of construction, engineering, expenses of research and development 48363  
with respect to air quality facilities, the cost of any commodity 48364  
contract, including fees and expenses related thereto, legal 48365

expenses, plans, specifications, surveys, studies, estimates of 48366  
cost and revenues, working capital, other expenses necessary or 48367  
incident to determining the feasibility or practicability of 48368  
acquiring or constructing such project, administrative expense, 48369  
and such other expense as may be necessary or incident to the 48370  
acquisition or construction of the project, the financing of such 48371  
acquisition or construction, including the amount authorized in 48372  
the resolution of the authority providing for the issuance of air 48373  
quality revenue bonds to be paid into any special funds from the 48374  
proceeds of such bonds, and the financing of the placing of such 48375  
project in operation. Any obligation, cost, or expense incurred by 48376  
any governmental agency or person for surveys, borings, 48377  
preparation of plans and specifications, and other engineering 48378  
services, or any other cost described above, in connection with 48379  
the acquisition or construction of a project may be regarded as a 48380  
part of the cost of that project and may be reimbursed out of the 48381  
proceeds of air quality revenue bonds as authorized by this 48382  
chapter. 48383

(J) "Owner" includes an individual, copartnership, 48384  
association, or corporation having any title or interest in any 48385  
property, rights, easements, or interests authorized to be 48386  
acquired by this chapter. 48387

(K) "Revenues" means all rentals and other charges received 48388  
by the authority for the use or services of any air quality 48389  
project, any gift or grant received with respect to any air 48390  
quality project, any moneys received with respect to the lease, 48391  
sublease, sale, including installment sale or conditional sale, or 48392  
other disposition of an air quality project, moneys received in 48393  
repayment of and for interest on any loans made by the authority 48394  
to a person or governmental agency, whether from the United States 48395  
or any department, administration, or agency thereof, or 48396  
otherwise, proceeds of such bonds to the extent that use thereof 48397

for payment of principal of, premium, if any, or interest on the 48398  
bonds is authorized by the authority, amounts received or 48399  
otherwise derived from a commodity contract or from the sale of 48400  
the related commodity under such a contract, proceeds from any 48401  
insurance, condemnation, or guaranty pertaining to a project or 48402  
property mortgaged to secure bonds or pertaining to the financing 48403  
of the project, and income and profit from the investment of the 48404  
proceeds of air quality revenue bonds or of any revenues. 48405

(L) "Public roads" includes all public highways, roads, and 48406  
streets in the state, whether maintained by the state, county, 48407  
city, township, or other political subdivision. 48408

(M) "Public utility facilities" includes tracks, pipes, 48409  
mains, conduits, cables, wires, towers, poles, and other equipment 48410  
and appliances of any public utility. 48411

(N) "Construction," unless the context indicates a different 48412  
meaning or intent, includes reconstruction, enlargement, 48413  
improvement, or providing furnishings or equipment. 48414

(O) "Air quality revenue bonds," unless the context indicates 48415  
a different meaning or intent, includes air quality revenue notes, 48416  
air quality revenue renewal notes, and air quality revenue 48417  
refunding bonds, except that notes issued in anticipation of the 48418  
issuance of bonds shall have a maximum maturity of five years as 48419  
provided in section 3706.05 of the Revised Code and notes or 48420  
renewal notes issued as the definitive obligation may be issued 48421  
maturing at such time or times with a maximum maturity of forty 48422  
years from the date of issuance of the original note. 48423

(P) "Solid waste" means any garbage; refuse; sludge from a 48424  
waste water treatment plant, water supply treatment plant, or air 48425  
pollution control facility; and other discarded material, 48426  
including solid, liquid, semisolid, or contained gaseous material 48427  
resulting from industrial, commercial, mining, and agricultural 48428

operations, and from community activities, but not including solid 48429  
or dissolved material in domestic sewage, or solid or dissolved 48430  
material in irrigation return flows or industrial discharges that 48431  
are point sources subject to permits under section 402 of the 48432  
"Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 48433  
880, 33 U.S.C.A. 1342, as amended, or source, special nuclear, or 48434  
byproduct material as defined by the "Atomic Energy Act of 1954," 48435  
68 Stat. 921, 42 U.S.C.A. 2011, as amended. 48436

(Q) "Sludge" means any solid, semisolid, or liquid waste, 48437  
other than a recyclable by-product, generated from a municipal, 48438  
commercial, or industrial waste water treatment plant, water 48439  
supply plant, or air pollution control facility or any other such 48440  
wastes having similar characteristics and effects. 48441

(R) "Ethanol or other biofuel facility" means a plant at 48442  
which ethanol or other biofuel is produced. 48443

(S) "Ethanol" means fermentation ethyl alcohol derived from 48444  
agricultural products, including potatoes, cereal, grains, cheese 48445  
whey, and sugar beets; forest products; or other renewable or 48446  
biomass resources, including residue and waste generated from the 48447  
production, processing, and marketing of agricultural products, 48448  
forest products, and other renewable or biomass resources, that 48449  
meets all of the specifications in the American society for 48450  
testing and materials (ASTM) specification D 4806-88 and is 48451  
denatured as specified in Parts 20 and 21 of Title 27 of the Code 48452  
of Federal Regulations. 48453

(T) "Biofuel" means any fuel that is made from cellulosic 48454  
biomass resources, including renewable organic matter, crop waste 48455  
residue, wood, aquatic plants and other crops, animal waste, solid 48456  
waste, or sludge, and that is used for the production of energy 48457  
for transportation or other purposes. 48458

(U) "FutureGen project" means the buildings, equipment, and 48459

real property and functionally related buildings, equipment, and 48460  
real property, including related research projects that support 48461  
the development and operation of the buildings, equipment, and 48462  
real property, designated by the United States department of 48463  
energy and the FutureGen industrial alliance, inc., as the 48464  
coal-fueled, zero-emissions power plant designed to prove the 48465  
technical and economic feasibility of producing electricity and 48466  
hydrogen from coal and nearly eliminating carbon dioxide emissions 48467  
through capture and permanent storage. 48468

(V) "Commodity contract" means a contract or series of 48469  
contracts entered into in connection with the acquisition or 48470  
construction of air quality facilities for the purchase or sale of 48471  
a commodity that is eligible for prepayment with the proceeds of 48472  
federally tax exempt bonds under sections 103, 141, and 148 of the 48473  
Internal Revenue Code of 1986, as amended, and regulations adopted 48474  
under it. 48475

Sec. 3706.051. (A) The Ohio air quality development authority 48476  
may enter into an agreement with the legislative authority of a 48477  
municipal corporation or a board of township trustees that 48478  
provides for all of the following: 48479

(1) The authority may issue revenue bonds or notes under 48480  
section 3706.05 of the Revised Code for the purpose of paying any 48481  
part of the cost of an air quality facility described under 48482  
division (G)(12) of section 3706.01 of the Revised Code. 48483

(2) The municipal corporation or township may levy a special 48484  
assessment under section 503.59 or 727.01 of the Revised Code upon 48485  
property specially benefited by that air quality facility. 48486

(3) The municipal corporation or township shall pledge 48487  
special assessments levied under division (A)(2) of this section 48488  
for the payment of bonds or notes issued under division (A)(1) of 48489  
this section. 48490

(B) If the municipal corporation or township is a participating political subdivision of a special improvement district organized under Chapter 1710. of the Revised Code for the purpose of developing and implementing plans for special energy improvement projects, the municipal corporation or township shall provide notice to the special improvement district of the following:

(1) The agreement entered into under division (A) of this section;

(2) The air quality facility for which property is to be assessed pursuant to that division.

**Sec. 3706.12.** The Ohio air quality development authority may charge, alter, and collect rentals or other charges for the use or services of any air quality project and contract in the manner provided by this section with one or more persons, one or more governmental agencies, or any combination thereof, desiring the use or services of such project, and fix the terms, conditions, rentals, or other charges for such use or services. Such rentals or other charges shall not be subject to supervision or regulation by any other authority, commission, board, bureau, or agency of the state and such contract may provide for acquisition by such person or governmental agency of all or any part of such air quality project for such consideration payable over the period of the contract or otherwise as the authority in its sole discretion determines to be appropriate, but subject to the provisions of any resolution authorizing the issuance of air quality revenue bonds or notes or air quality revenue refunding bonds of the authority or any trust agreement securing the same. Any governmental agency that has power to construct, operate, and maintain air quality facilities may enter into a contract or lease with the authority whereby the use or services of any air quality project of the

authority will be made available to such governmental agency and 48522  
may pay for such use or services such rentals or other charges as 48523  
may be agreed to by the authority and such governmental agency. 48524

Any governmental agency or combination of governmental 48525  
agencies may cooperate with the authority in the acquisition or 48526  
construction of an air quality project and shall enter into such 48527  
agreements with the authority as may be necessary, with a view to 48528  
effective cooperative action and safeguarding of the respective 48529  
interests of the parties thereto, which agreements shall provide 48530  
for such contributions by the parties thereto in such proportion 48531  
as may be agreed upon and such other terms as may be mutually 48532  
satisfactory to the parties including without limitation the 48533  
authorization of the construction of the project by one of the 48534  
parties acting as agent for all of the parties and the ownership 48535  
and control of the project by the authority to the extent 48536  
necessary or appropriate for purposes of the issuance of air 48537  
quality revenue bonds by the authority. Any governmental agency 48538  
may provide the funds for the payment of such contribution as is 48539  
required under such agreements by the levy of taxes, assessments 48540  
or rentals and other charges for the use of the utility system of 48541  
which the air quality project is a part or to which it is 48542  
connected, if otherwise authorized by the laws governing such 48543  
governmental agency in the construction of the type of air quality 48544  
project provided for in the agreements, and may pay the proceeds 48545  
from the collection of such taxes, assessments, utility rentals, 48546  
or other charges to the authority pursuant to such agreements; or 48547  
the governmental agency may issue bonds or notes, if authorized by 48548  
such laws, in anticipation of the collection of such taxes, 48549  
assessments, utility rentals, or other charges and may pay the 48550  
proceeds of such bonds or notes to the authority pursuant to such 48551  
agreements. In addition any governmental agency may provide the 48552  
funds for the payment of such contribution by the appropriation of 48553  
money or, if otherwise authorized by law, by the issuance of bonds 48554

or notes and may pay such appropriated money or the proceeds of 48555  
such bonds or notes to the authority pursuant to such agreements. 48556  
The agreement by the governmental agency to provide such 48557  
contribution, whether from appropriated money or from the proceeds 48558  
of such taxes, assessments, utility rentals, or other charges, or 48559  
such bonds or notes, or any combination thereof, shall not be 48560  
subject to Chapter 133. of the Revised Code or any regulations or 48561  
limitations contained therein. The proceeds from the collection of 48562  
such taxes or assessments, and any interest earned thereon, shall 48563  
be paid into a special fund immediately upon the collection 48564  
thereof by the governmental agency for the purpose of providing 48565  
such contribution at the times required under such agreements. 48566

When the contribution of any governmental agency is to be 48567  
made over a period of time from the proceeds of the collection of 48568  
special assessments, the interest accrued and to accrue before the 48569  
first installment of such assessments shall be collected which is 48570  
payable by such governmental agency on such contribution under the 48571  
terms and provisions of such agreements shall be treated as part 48572  
of the cost of the improvement for which such assessments are 48573  
levied, and that portion of such assessments as are collected in 48574  
installments shall bear interest at the same rate as such 48575  
governmental agency is obligated to pay on such contribution under 48576  
the terms and provisions of such agreements and for the same 48577  
period of time as the contribution is to be made under such 48578  
agreements. If the assessment or any installment thereof is not 48579  
paid when due, it shall bear interest until the payment thereof at 48580  
the same rate as such contribution and the county auditor shall 48581  
annually place on the tax list and duplicate the interest 48582  
applicable to such assessment and the penalty and additional 48583  
interest thereon as otherwise authorized by law. 48584

Any governmental agency, pursuant to a favorable vote of the 48585  
electors in an election held before or after June 1, 1970, for the 48586

purpose of issuing bonds to provide funds to acquire, construct, 48587  
or equip, or provide real estate and interests in real estate for, 48588  
an air quality facility, whether or not such governmental agency, 48589  
at the time of such election, had the authority to pay the 48590  
proceeds from such bonds or notes issued in anticipation thereof 48591  
to the authority as provided in this section, may issue such bonds 48592  
or notes in anticipation of the issuance thereof and pay the 48593  
proceeds thereof to the authority in accordance with its agreement 48594  
with the authority; provided, that the legislative authority of 48595  
the governmental agency find and determine that the air quality 48596  
project to be acquired or constructed by the authority in 48597  
cooperation with such governmental agency will serve the same 48598  
public purpose and meet substantially the same public need as the 48599  
facility otherwise proposed to be acquired or constructed by the 48600  
governmental agency with the proceeds of such bonds or notes. 48601

The authority may enter into an agreement under this section 48602  
with a municipal corporation, a township, or a special improvement 48603  
district created under Chapter 1710. of the Revised Code pursuant 48604  
to which the authority issues air quality revenue bonds or notes 48605  
under section 3706.05 of the Revised Code and remits the proceeds 48606  
to the municipal corporation, township, district, or other party 48607  
to the transaction to pay any part of the cost of an air quality 48608  
facility described in division (G)(12) of section 3706.01 of the 48609  
Revised Code. Under the agreement, the municipal corporation, 48610  
township, or district shall assign and remit the proceeds of a 48611  
special assessment levied under Chapter 727. or section 1710.06 of 48612  
the Revised Code for paying the costs of that air quality facility 48613  
to the authority, or its agents or assignees, for the purpose of 48614  
servicing those bonds and notes. 48615

**Sec. 3711.14.** (A) In accordance with Chapter 119. of the 48616  
Revised Code, the director of health may do any of the following: 48617

(1) Impose a civil penalty of not less than one thousand 48618  
dollars and not more than two hundred fifty thousand dollars on a 48619  
person who violates a provision of this chapter or the rules 48620  
adopted under it; 48621

(2) Summarily suspend, in accordance with division (B) of 48622  
this section, a license issued under this chapter if the director 48623  
believes there is clear and convincing evidence that the continued 48624  
operation of a maternity unit, newborn care nursery, or maternity 48625  
home presents a danger of immediate and serious harm to the 48626  
public; 48627

(3) Revoke a license issued under this chapter if the 48628  
director determines that a violation of a provision of this 48629  
chapter or the rules adopted under it has occurred in such a 48630  
manner as to pose an imminent threat of serious physical or 48631  
life-threatening danger. 48632

(B) If the director suspends a license under division (A)(2) 48633  
of this section, the director shall ~~issue~~ serve a written order of 48634  
suspension ~~and cause it to be delivered by certified mail or in~~ 48635  
~~person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of 48636  
the Revised Code. The order shall not be subject to suspension by 48637  
the court while an appeal filed under section 119.12 of the 48638  
Revised Code is pending. If the individual subject to the 48639  
suspension requests an adjudication, the date set for the 48640  
adjudication shall be within fifteen days but not earlier than 48641  
seven days after the individual makes the request, unless another 48642  
date is agreed to by both the individual and the director. The 48643  
summary suspension shall remain in effect, unless reversed by the 48644  
director, until a final adjudication order issued by the director 48645  
pursuant to this section and Chapter 119. of the Revised Code 48646  
becomes effective. 48647

The director shall issue a final adjudication order not later 48648  
than ninety days after completion of the adjudication. If the 48649

director does not issue a final order within the ninety-day 48650  
period, the summary suspension shall be void, but any final 48651  
adjudication order issued subsequent to the ninety-day period 48652  
shall not be affected. 48653

(C) If the director issues an order revoking or suspending a 48654  
license issued under this chapter and the license holder continues 48655  
to operate a maternity unit, newborn care nursery, or maternity 48656  
home, the director may ask the attorney general to apply to the 48657  
court of common pleas of the county in which the person is located 48658  
for an order enjoining the person from operating the unit, 48659  
nursery, or home. The court shall grant the order on a showing 48660  
that the person is operating the unit, nursery, or home. 48661

**Sec. 3714.073.** (A) In addition to the fee levied under 48662  
division (A)(1) of section 3714.07 of the Revised Code, beginning 48663  
July 1, 2005, there is hereby levied on the disposal of 48664  
construction and demolition debris at a construction and 48665  
demolition debris facility that is licensed under this chapter or 48666  
at a solid waste facility that is licensed under Chapter 3734. of 48667  
the Revised Code and on the disposal of asbestos or 48668  
asbestos-containing materials or products at a construction and 48669  
demolition debris facility that is licensed under this chapter or 48670  
at a solid waste facility that is licensed under Chapter 3734. of 48671  
the Revised Code the following fees: 48672

(1) A fee of twelve and one-half cents per cubic yard or 48673  
twenty-five cents per ton, as applicable, the proceeds of which 48674  
shall be deposited in the state treasury to the credit of the soil 48675  
and water conservation district assistance fund created in section 48676  
940.15 of the Revised Code; 48677

(2) A fee of ~~thirty-seven and one-half~~ thirty-five cents per 48678  
cubic yard or ~~seventy-five~~ seventy cents per ton, as applicable, 48679  
the proceeds of which shall be deposited in the state treasury to 48680

the credit of the recycling and litter prevention fund created in 48681  
section 3736.03 of the Revised Code; 48682

(3) A fee of two and one-half cents per cubic yard or five 48683  
cents per ton, as applicable, the proceeds of which shall be 48684  
deposited in the state treasury to the credit of the waste 48685  
management fund created in section 3734.061 of the Revised Code. 48686

(B) The owner or operator of a construction and demolition 48687  
debris facility or a solid waste facility, as a trustee of the 48688  
state, shall calculate the amount of money generated from the fees 48689  
levied under this section and remit the money from the fees in the 48690  
manner that is established in divisions (A)(2) and (3) of section 48691  
3714.07 of the Revised Code for the fee that is levied under 48692  
division (A)(1) of that section and may enter into an agreement 48693  
for the quarterly payment of money generated from the fees in the 48694  
manner established in division (B) of that section for the 48695  
quarterly payment of money generated from the fee that is levied 48696  
under division (A)(1) of that section. 48697

(C) The amount of money that is calculated by the owner or 48698  
operator of a construction and demolition debris facility or a 48699  
solid waste facility and remitted to a board of health or the 48700  
director of environmental protection, as applicable, pursuant to 48701  
this section shall be transmitted by the board or director to the 48702  
treasurer of state not later than forty-five days after the 48703  
receipt of the money to be credited to the soil and water 48704  
conservation district assistance fund or the recycling and litter 48705  
prevention fund, as applicable. 48706

(D) This section does not apply to the disposal of 48707  
construction and demolition debris at a solid waste facility that 48708  
is licensed under Chapter 3734. of the Revised Code if the owner 48709  
or operator of the facility chooses to collect fees on the 48710  
disposal of the construction and demolition debris and asbestos or 48711  
asbestos-containing materials or products that are identical to 48712

the fees that are collected under Chapters 343. and 3734. of the Revised Code on the disposal of solid wastes at that facility.

(E) This section does not apply to the disposal of source separated materials that are exclusively composed of reinforced or nonreinforced concrete, asphalt, clay tile, building or paving brick, or building or paving stone at a construction and demolition debris facility that is licensed under this chapter when either of the following applies:

(1) The materials are placed within the limits of construction and demolition debris placement at the facility as specified in the license issued to the facility under section 3714.06 of the Revised Code, are not placed within the unloading zone of the facility, and are used as a fire prevention measure in accordance with rules adopted by the director under section 3714.02 of the Revised Code.

(2) The materials are not placed within the unloading zone of the facility or within the limits of construction and demolition debris placement at the facility as specified in the license issued to the facility under section 3714.06 of the Revised Code, but are used as fill material, either alone or in conjunction with clean soil, sand, gravel, or other clean aggregates, in legitimate fill operations for construction purposes at the facility or to bring the facility up to a consistent grade.

**Sec. 3721.01.** (A) As used in sections 3721.01 to 3721.09 and 3721.99 of the Revised Code:

(1)(a) "Home" means an institution, residence, or facility that provides, for a period of more than twenty-four hours, whether for a consideration or not, accommodations to three or more unrelated individuals who are dependent upon the services of others, including a nursing home, residential care facility, home for the aging, and a veterans' home operated under Chapter 5907.

of the Revised Code. 48744

(b) "Home" also means both of the following: 48745

(i) Any facility that a person, as defined in section 3702.51 48746  
of the Revised Code, proposes for certification as a skilled 48747  
nursing facility or nursing facility under Title XVIII or XIX of 48748  
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 48749  
as amended, and for which a certificate of need, other than a 48750  
certificate to recategorize hospital beds as described in section 48751  
3702.521 of the Revised Code or division (R)(7)(d) of the version 48752  
of section 3702.51 of the Revised Code in effect immediately prior 48753  
to April 20, 1995, has been granted to the person under sections 48754  
3702.51 to 3702.62 of the Revised Code after August 5, 1989; 48755

(ii) A county home or district home that is or has been 48756  
licensed as a residential care facility. 48757

(c) "Home" does not mean any of the following: 48758

(i) Except as provided in division (A)(1)(b) of this section, 48759  
a public hospital or hospital as defined in section 3701.01 or 48760  
5122.01 of the Revised Code; 48761

(ii) A residential facility as defined in section 5119.34 of 48762  
the Revised Code; 48763

(iii) A residential facility as defined in section 5123.19 of 48764  
the Revised Code; 48765

(iv) A community addiction services provider as defined in 48766  
section 5119.01 of the Revised Code; 48767

(v) A facility licensed under section 5119.37 of the Revised 48768  
Code to operate an opioid treatment program; 48769

(vi) A facility providing services under contract with the 48770  
department of developmental disabilities under section 5123.18 of 48771  
the Revised Code; 48772

(vii) A facility operated by a hospice care program licensed 48773

under section 3712.04 of the Revised Code that is used exclusively 48774  
for care of hospice patients; 48775

(viii) A facility operated by a pediatric respite care 48776  
program licensed under section 3712.041 of the Revised Code that 48777  
is used exclusively for the care of pediatric respite care 48778  
patients or a location operated by a pediatric transition care 48779  
program registered under section 3712.042 of the Revised Code that 48780  
is used exclusively for the care of pediatric transition care 48781  
patients; 48782

(ix) A facility, infirmary, or other entity that is operated 48783  
by a religious order, provides care exclusively to members of 48784  
religious orders who take vows of celibacy and live by virtue of 48785  
their vows within the orders as if related, and does not 48786  
participate in the medicare program or the medicaid program if on 48787  
January 1, 1994, the facility, infirmary, or entity was providing 48788  
care exclusively to members of the religious order; 48789

(x) A county home or district home that has never been 48790  
licensed as a residential care facility. 48791

(2) "Unrelated individual" means one who is not related to 48792  
the owner or operator of a home or to the spouse of the owner or 48793  
operator as a parent, grandparent, child, grandchild, brother, 48794  
sister, niece, nephew, aunt, uncle, or as the child of an aunt or 48795  
uncle. 48796

(3) "Mental impairment" does not mean mental illness, as 48797  
defined in section 5122.01 of the Revised Code, or developmental 48798  
disability, as defined in section 5123.01 of the Revised Code. 48799

(4) "Skilled nursing care" means procedures that require 48800  
technical skills and knowledge beyond those the untrained person 48801  
possesses and that are commonly employed in providing for the 48802  
physical, mental, and emotional needs of the ill or otherwise 48803  
incapacitated. "Skilled nursing care" includes, but is not limited 48804

to, the following: 48805

(a) Irrigations, catheterizations, application of dressings, 48806  
and supervision of special diets; 48807

(b) Objective observation of changes in the patient's 48808  
condition as a means of analyzing and determining the nursing care 48809  
required and the need for further medical diagnosis and treatment; 48810

(c) Special procedures contributing to rehabilitation; 48811

(d) Administration of medication by any method ordered by a 48812  
physician, such as hypodermically, rectally, or orally, including 48813  
observation of the patient after receipt of the medication; 48814

(e) Carrying out other treatments prescribed by the physician 48815  
that involve a similar level of complexity and skill in 48816  
administration. 48817

(5)(a) "Personal care services" means services including, but 48818  
not limited to, the following: 48819

(i) Assisting residents with activities of daily living; 48820

(ii) Assisting residents with self-administration of 48821  
medication, in accordance with rules adopted under section 3721.04 48822  
of the Revised Code; 48823

(iii) Preparing special diets, other than complex therapeutic 48824  
diets, for residents pursuant to the instructions of a physician 48825  
or a licensed dietitian, in accordance with rules adopted under 48826  
section 3721.04 of the Revised Code. 48827

(b) "Personal care services" does not include "skilled 48828  
nursing care" as defined in division (A)(4) of this section. A 48829  
facility need not provide more than one of the services listed in 48830  
division (A)(5)(a) of this section to be considered to be 48831  
providing personal care services. 48832

(6) "Nursing home" means a home used for the reception and 48833  
care of individuals who by reason of illness or physical or mental 48834

impairment require skilled nursing care and of individuals who 48835  
require personal care services but not skilled nursing care. A 48836  
nursing home is licensed to provide personal care services and 48837  
skilled nursing care. 48838

(7) "Residential care facility" means a home that provides 48839  
either of the following: 48840

(a) Accommodations for seventeen or more unrelated 48841  
individuals and supervision and personal care services for three 48842  
or more of those individuals who are dependent on the services of 48843  
others by reason of age or physical or mental impairment; 48844

(b) Accommodations for three or more unrelated individuals, 48845  
supervision and personal care services for at least three of those 48846  
individuals who are dependent on the services of others by reason 48847  
of age or physical or mental impairment, and, to at least one of 48848  
those individuals, any of the skilled nursing care authorized by 48849  
section 3721.011 of the Revised Code. 48850

(8) "Home for the aging" means a home that provides services 48851  
as a residential care facility and a nursing home, except that the 48852  
home provides its services only to individuals who are dependent 48853  
on the services of others by reason of both age and physical or 48854  
mental impairment. 48855

The part or unit of a home for the aging that provides 48856  
services only as a residential care facility is licensed as a 48857  
residential care facility. The part or unit that may provide 48858  
skilled nursing care beyond the extent authorized by section 48859  
3721.011 of the Revised Code is licensed as a nursing home. 48860

(9) "County home" and "district home" mean a county home or 48861  
district home operated under Chapter 5155. of the Revised Code. 48862

(10) "Change of operator" has the same meaning as in section 48863  
5165.01 of the Revised Code. 48864

(11) "Related party" has the same meaning as in section 48865  
5165.01 of the Revised Code. 48866

(12) "SFF list" means the list of nursing facilities created 48867  
by the United States department of health and human services under 48868  
the special focus facility program. 48869

(13) "Special focus facility program" means the program 48870  
conducted by the United States secretary of health and human 48871  
services pursuant to section 1919(f)(10) of the "Social Security 48872  
Act," 42 U.S.C. 1396r(f)(10). 48873

(B) The director of health may further classify homes. For 48874  
the purposes of this chapter, any residence, institution, hotel, 48875  
congregate housing project, or similar facility that meets the 48876  
definition of a home under this section is such a home regardless 48877  
of how the facility holds itself out to the public. 48878

(C) For purposes of this chapter, personal care services or 48879  
skilled nursing care shall be considered to be provided by a 48880  
facility if they are provided by a person employed by or 48881  
associated with the facility or by another person pursuant to an 48882  
agreement to which neither the resident who receives the services 48883  
nor the resident's sponsor is a party. 48884

(D) Nothing in division (A)(4) of this section shall be 48885  
construed to permit skilled nursing care to be imposed on an 48886  
individual who does not require skilled nursing care. 48887

Nothing in division (A)(5) of this section shall be construed 48888  
to permit personal care services to be imposed on an individual 48889  
who is capable of performing the activity in question without 48890  
assistance. 48891

(E) Division (A)(1)(c)(ix) of this section does not prohibit 48892  
a facility, infirmary, or other entity described in that division 48893  
from seeking licensure under sections 3721.01 to 3721.09 of the 48894  
Revised Code or certification under Title XVIII or XIX of the 48895

"Social Security Act." However, such a facility, infirmary, or 48896  
entity that applies for licensure or certification must meet the 48897  
requirements of those sections or titles and the rules adopted 48898  
under them and obtain a certificate of need from the director of 48899  
health under section 3702.52 of the Revised Code. 48900

(F) Nothing in this chapter, or rules adopted pursuant to it, 48901  
shall be construed as authorizing the supervision, regulation, or 48902  
control of the spiritual care or treatment of residents or 48903  
patients in any home who rely upon treatment by prayer or 48904  
spiritual means in accordance with the creed or tenets of any 48905  
recognized church or religious denomination. 48906

**Sec. 3721.026.** (A) ~~If the operation of a nursing home is~~ 48907  
~~assigned or transferred to a different person, the person to whom~~ 48908  
~~the operation is assigned or transferred must~~ undergoes a change 48909  
of operator, all of the following requirements must be satisfied 48910  
before the director of health may issue a license authorizing the 48911  
person to operate the nursing home, ~~submit to the director~~ 48912  
~~documentation showing that the person meets all of the following~~ 48913  
~~requirements:~~ 48914

(1) ~~Unless the assignment or transfer is in the form of a~~ 48915  
~~lease of the nursing home, the person has financial resources that~~ 48916  
~~the director determines are sufficient to cover any reasonably~~ 48917  
~~anticipated revenue shortfall for at least twelve months after the~~ 48918  
~~assignment or transfer. The person completes a change of operator~~ 48919  
license application on a form prescribed by the director and pays 48920  
the applicable fee as determined by the director. The director 48921  
shall make the application available on the department of health's 48922  
publicly available web site. 48923

The change of operator license application established under 48924  
this section shall include all of the following: 48925

(a) Full and complete disclosure of all direct and indirect 48926

<u>owners owning at least five per cent of each of the following:</u>	48927
<u>(i) The applicant, if the applicant is an entity;</u>	48928
<u>(ii) The owner of the nursing home, if the owner is a different person from the applicant;</u>	48929 48930
<u>(iii) The manager of the nursing home, if the manager is a different person from the applicant;</u>	48931 48932
<u>(iv) Each related party that provides or will provide services to the nursing home, whether through contracts with the applicant, owner, or manager of the nursing home.</u>	48933 48934 48935
<u>(b) Full and complete disclosure of the direct or indirect ownership interest of each individual identified in division (A)(1)(a) of this section in a current or previously licensed nursing home in this state or another state, including disclosure of whether any of the following occurred with respect to an identified nursing home within the five years immediately preceding the date of application:</u>	48936 48937 48938 48939 48940 48941 48942
<u>(i) Voluntary or involuntary closure of the nursing home;</u>	48943
<u>(ii) Voluntary or involuntary bankruptcy proceedings;</u>	48944
<u>(iii) Voluntary or involuntary receivership proceedings;</u>	48945
<u>(iv) License suspension, denial, or revocation;</u>	48946
<u>(v) Injunction proceedings initiated by a regulatory agency;</u>	48947
<u>(vi) The nursing home is listed in table A, table B, or table D on the SFF list under the special focus facility program;</u>	48948 48949
<u>(vii) A civil or criminal action was filed against it by a state or federal entity.</u>	48950 48951
<u>(c) Submission of all fully executed contracts with related parties, lease agreements, and management agreements pertaining to the nursing home;</u>	48952 48953 48954
<u>(d) Any additional information that the director considers</u>	48955

necessary to determine the ownership, operation, management, and control of the nursing home. 48956  
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~~(2) If the assignment or transfer is in the form of a lease of the nursing home, either of the following applies to the person:~~ 48958  
The application fee required under division (A)(1) of this section is credited to the general operations fund established under section 3701.83 of the Revised Code. 48959  
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~~(a) The person has obtained~~ (3) Except for applications that demonstrate that the applicant owns at least fifty per cent of the nursing home and its assets or at least fifty per cent of the entity that owns the nursing home and its assets the applicant submits evidence of a bond that has a term of at least twelve months, has an annual renewal, and is or other financial security reasonably acceptable to the director for an amount not less than one million the product of the number of licensed beds in the nursing home, as reflected in the application, multiplied by ten thousand dollars. 48963  
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(a) The bond or other financial security shall be renewed or maintained for five years after the effective date of the change of operator. If the bond or other financial security is not renewed or maintained in accordance with this division, the director shall revoke the nursing home operator's license. The bond or other financial security shall be released five years after the effective date of the change of operator if none of the events described in division (A)(3)(b) of this section have occurred. 48973  
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~~(b) If the person is unable to obtain a bond that meets the requirements of division (A)(2)(a) of this section at a cost the director determines to be reasonable or operates other nursing homes in this state, the person has financial resources that the director determines are sufficient to cover any reasonably anticipated revenue shortfall for at least twelve months after the~~ 48982  
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~~assignment or transfer. The director may utilize the bond or other~~ 48988  
~~financial security required under division (A)(3) of this section~~ 48989  
~~if any of the following occur during the five-year period for~~ 48990  
~~which the bond or other financial security is required:~~ 48991

(1) The nursing home is voluntarily or involuntarily closed. 48992

(2) The nursing home or its owner or operator is the subject 48993  
of voluntary or involuntary bankruptcy proceedings. 48994

(3) The nursing home or its owner or operator is the subject 48995  
of voluntary or involuntary receivership proceedings. 48996

(4) The license to operate the nursing home is suspended, 48997  
denied, or revoked. 48998

(5) The nursing home undergoes a change of operator, unless 48999  
the new applicant submits a bond or other financial security in 49000  
accordance with this section. 49001

(6) The nursing home appears in table A, table B, or table D 49002  
on the SFF list under the special focus facility program. 49003

~~(3) The person~~ (4) A person who is a direct or indirect owner 49004  
of fifty per cent or more of the applicant is an individual who 49005  
has at least five years of experience as an operator, manager, or 49006  
either of the following: 49007

(a) An administrator of a nursing home located in this state 49008  
or another state; 49009

(b) A direct or indirect owner of at least fifty per cent in 49010  
either of the following: 49011

(i) An operator of a nursing home located in this state or 49012  
another state; 49013

(ii) A manager of a nursing home located in this state or 49014  
another state. 49015

~~(4)(5) The person has~~ applicant submits copies of the nursing 49016

home's policies and procedures, including plans for quality assurance and risk management that are required for the operation of the nursing home. 49017  
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~~(5)(6)~~ The person has applicant submits general and professional liability insurance coverage that provides coverage of at least one million dollars per occurrence and three million dollars aggregate. 49020  
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(7) The applicant demonstrates that sufficient numbers of qualified staff, by training or experience, will be employed to properly care for the type and number of nursing home residents. 49024  
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~~(B) The documentation required by divisions (A)(1) and (2)(b) of this section shall include projected financial statements for director shall conduct a survey of the nursing home for the twelve month period not more than sixty days after the assignment or transfer effective date of the operation of the nursing home change of operator.~~ 49027  
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~~The documentation required by division (A)(3) of this section shall include a list of each currently or previously licensed nursing home located in this or another state in which the person has or previously had any percentage of ownership. The percentage of ownership may have been in the operation, real property, or both of the nursing home.~~ 49033  
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~~(C)(1)~~ The requirements established by this section are in addition to the other requirements established by this chapter and the rules adopted under it for a license to operate a nursing home. The director shall deny a change of operator license application if any of the requirements established by this section are not satisfied license application or if the applicant has or had fifty per cent or more direct or indirect ownership in the operator or manager of a current or previously licensed nursing home in this state or another state with respect to which any of 49039  
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the following occurred within the five years immediately preceding 49048  
the date of application: 49049

(a) Involuntary closure of the nursing home by a regulatory 49050  
agency or voluntary closure in response to licensure or 49051  
certification action; 49052

(b) Voluntary or involuntary bankruptcy proceedings that are 49053  
not dismissed within sixty days; 49054

(c) Voluntary or involuntary receivership proceedings that 49055  
are not dismissed within sixty days; 49056

(d) License suspension, denial, or revocation for failure to 49057  
comply with operating standards. 49058

(2) An applicant may appeal the denial of a change of 49059  
operator license application in accordance with Chapter 119. of 49060  
the Revised Code. 49061

(C) An applicant shall notify the director within ten days of 49062  
any change in the information or documentation required by this 49063  
section, whether the change occurs before or after the effective 49064  
date of the change of operator. If an applicant fails to notify 49065  
the director in accordance with this division, the director shall 49066  
impose a civil penalty of two thousand dollars for each day of 49067  
noncompliance. 49068

(D) If the director becomes aware that a change of operator 49069  
has occurred and the entering operator failed to submit an 49070  
application in accordance with this section, or an application was 49071  
filed but the information provided was fraudulent, the director 49072  
shall impose a civil penalty of two thousand dollars for each day 49073  
of noncompliance after the date the director becomes aware that 49074  
the change of operator has occurred. If the entering operator 49075  
fails to submit an application or new application in accordance 49076  
with this section within sixty days of the director becoming aware 49077  
of the change of operator, the director shall begin the process of 49078

revoking a nursing home license as specified in section 3721.03 of 49079  
the Revised Code. 49080

(E) It is the intent of the general assembly in amending this 49081  
section to require full and complete disclosure and transparency 49082  
with respect to the ownership, operation, and management of each 49083  
licensed nursing home located in this state. The director may 49084  
adopt rules as necessary to implement this section. Any rules 49085  
shall be adopted in accordance with Chapter 119. of the Revised 49086  
Code. 49087

**Sec. 3721.13.** (A) The rights of residents of a home shall 49088  
include, but are not limited to, the following: 49089

(1) The right to a safe and clean living environment pursuant 49090  
to the medicare and medicaid programs and applicable state laws 49091  
and rules adopted by the director of health; 49092

(2) The right to be free from physical, verbal, mental, and 49093  
emotional abuse and to be treated at all times with courtesy, 49094  
respect, and full recognition of dignity and individuality; 49095

(3) Upon admission and thereafter, the right to adequate and 49096  
appropriate medical treatment and nursing care and to other 49097  
ancillary services that comprise necessary and appropriate care 49098  
consistent with the program for which the resident contracted. 49099  
This care shall be provided without regard to considerations such 49100  
as race, color, religion, national origin, age, or source of 49101  
payment for care. 49102

(4) The right to have all reasonable requests and inquiries 49103  
responded to promptly; 49104

(5) The right to have clothes and bed sheets changed as the 49105  
need arises, to ensure the resident's comfort or sanitation; 49106

(6) The right to obtain from the home, upon request, the name 49107  
and any specialty of any physician or other person responsible for 49108

the resident's care or for the coordination of care; 49109

(7) The right, upon request, to be assigned, within the 49110  
capacity of the home to make the assignment, to the staff 49111  
physician of the resident's choice, and the right, in accordance 49112  
with the rules and written policies and procedures of the home, to 49113  
select as the attending physician a physician who is not on the 49114  
staff of the home. If the cost of a physician's services is to be 49115  
met under a federally supported program, the physician shall meet 49116  
the federal laws and regulations governing such services. 49117

(8) The right to participate in decisions that affect the 49118  
resident's life, including the right to communicate with the 49119  
physician and employees of the home in planning the resident's 49120  
treatment or care and to obtain from the attending physician 49121  
complete and current information concerning medical condition, 49122  
prognosis, and treatment plan, in terms the resident can 49123  
reasonably be expected to understand; the right of access to all 49124  
information in the resident's medical record; and the right to 49125  
give or withhold informed consent for treatment after the 49126  
consequences of that choice have been carefully explained. When 49127  
the attending physician finds that it is not medically advisable 49128  
to give the information to the resident, the information shall be 49129  
made available to the resident's sponsor on the resident's behalf, 49130  
if the sponsor has a legal interest or is authorized by the 49131  
resident to receive the information. The home is not liable for a 49132  
violation of this division if the violation is found to be the 49133  
result of an act or omission on the part of a physician selected 49134  
by the resident who is not otherwise affiliated with the home. 49135

(9) The right to withhold payment for physician visitation if 49136  
the physician did not visit the resident; 49137

(10) The right to confidential treatment of personal and 49138  
medical records, and the right to approve or refuse the release of 49139  
these records to any individual outside the home, except in case 49140

of transfer to another home, hospital, or health care system, as 49141  
required by law or rule, or as required by a third-party payment 49142  
contract; 49143

(11) The right to privacy during medical examination or 49144  
treatment and in the care of personal or bodily needs; 49145

(12) The right to refuse, without jeopardizing access to 49146  
appropriate medical care, to serve as a medical research subject; 49147

(13) The right to be free from physical or chemical 49148  
restraints or prolonged isolation except to the minimum extent 49149  
necessary to protect the resident from injury to self, others, or 49150  
to property and except as authorized in writing by the attending 49151  
physician for a specified and limited period of time and 49152  
documented in the resident's medical record. Prior to authorizing 49153  
the use of a physical or chemical restraint on any resident, the 49154  
attending physician shall make a personal examination of the 49155  
resident and an individualized determination of the need to use 49156  
the restraint on that resident. 49157

Physical or chemical restraints or isolation may be used in 49158  
an emergency situation without authorization of the attending 49159  
physician only to protect the resident from injury to self or 49160  
others. Use of the physical or chemical restraints or isolation 49161  
shall not be continued for more than twelve hours after the onset 49162  
of the emergency without personal examination and authorization by 49163  
the attending physician. The attending physician or a staff 49164  
physician may authorize continued use of physical or chemical 49165  
restraints for a period not to exceed thirty days, and at the end 49166  
of this period and any subsequent period may extend the 49167  
authorization for an additional period of not more than thirty 49168  
days. The use of physical or chemical restraints shall not be 49169  
continued without a personal examination of the resident and the 49170  
written authorization of the attending physician stating the 49171  
reasons for continuing the restraint. 49172

If physical or chemical restraints are used under this 49173  
division, the home shall ensure that the restrained resident 49174  
receives a proper diet. In no event shall physical or chemical 49175  
restraints or isolation be used for punishment, incentive, or 49176  
convenience. 49177

(14) The right to the pharmacist of the resident's choice and 49178  
the right to receive pharmaceutical supplies and services at 49179  
reasonable prices not exceeding applicable and normally accepted 49180  
prices for comparably packaged pharmaceutical supplies and 49181  
services within the community; 49182

(15) The right to exercise all civil rights, unless the 49183  
resident has been adjudicated incompetent pursuant to Chapter 49184  
2111. of the Revised Code and has not been restored to legal 49185  
capacity, as well as the right to the cooperation of the home's 49186  
administrator in making arrangements for the exercise of the right 49187  
to vote; 49188

(16) The right of access to opportunities that enable the 49189  
resident, at the resident's own expense or at the expense of a 49190  
third-party payer, to achieve the resident's fullest potential, 49191  
including educational, vocational, social, recreational, and 49192  
habilitation programs; 49193

(17) The right to consume a reasonable amount of alcoholic 49194  
beverages at the resident's own expense, unless not medically 49195  
advisable as documented in the resident's medical record by the 49196  
attending physician or unless contradictory to written admission 49197  
policies; 49198

(18) The right to use tobacco at the resident's own expense 49199  
under the home's safety rules and under applicable laws and rules 49200  
of the state, unless not medically advisable as documented in the 49201  
resident's medical record by the attending physician or unless 49202  
contradictory to written admission policies; 49203

(19) The right to retire and rise in accordance with the 49204  
resident's reasonable requests, if the resident does not disturb 49205  
others or the posted meal schedules and upon the home's request 49206  
remains in a supervised area, unless not medically advisable as 49207  
documented by the attending physician; 49208

(20) The right to observe religious obligations and 49209  
participate in religious activities; the right to maintain 49210  
individual and cultural identity; and the right to meet with and 49211  
participate in activities of social and community groups at the 49212  
resident's or the group's initiative; 49213

(21) The right upon reasonable request to private and 49214  
unrestricted communications with the resident's family, social 49215  
worker, and any other person, unless not medically advisable as 49216  
documented in the resident's medical record by the attending 49217  
physician, except that communications with public officials or 49218  
with the resident's attorney or physician shall not be restricted. 49219  
Private and unrestricted communications shall include, but are not 49220  
limited to, the right to: 49221

(a) Receive, send, and mail sealed, unopened correspondence; 49222

(b) Reasonable access to a telephone for private 49223  
communications; 49224

(c) Private visits at any reasonable hour. 49225

(22) The right to assured privacy for visits by the spouse, 49226  
or if both are residents of the same home, the right to share a 49227  
room within the capacity of the home, unless not medically 49228  
advisable as documented in the resident's medical record by the 49229  
attending physician; 49230

(23) The right upon reasonable request to have room doors 49231  
closed and to have them not opened without knocking, except in the 49232  
case of an emergency or unless not medically advisable as 49233  
documented in the resident's medical record by the attending 49234

physician; 49235

(24) The right to retain and use personal clothing and a 49236  
reasonable amount of possessions, in a reasonably secure manner, 49237  
unless to do so would infringe on the rights of other residents or 49238  
would not be medically advisable as documented in the resident's 49239  
medical record by the attending physician; 49240

(25) The right to be fully informed, prior to or at the time 49241  
of admission and during the resident's stay, in writing, of the 49242  
basic rate charged by the home, of services available in the home, 49243  
and of any additional charges related to such services, including 49244  
charges for services not covered under the medicare or medicaid 49245  
program. The basic rate shall not be changed unless thirty days' 49246  
notice is given to the resident or, if the resident is unable to 49247  
understand this information, to the resident's sponsor. 49248

(26) The right of the resident and person paying for the care 49249  
to examine and receive a bill at least monthly for the resident's 49250  
care from the home that itemizes charges not included in the basic 49251  
rates; 49252

(27)(a) The right to be free from financial exploitation; 49253

(b) The right to manage the resident's own personal financial 49254  
affairs, or, if the resident has delegated this responsibility in 49255  
writing to the home, to receive upon written request at least a 49256  
quarterly accounting statement of financial transactions made on 49257  
the resident's behalf. The statement shall include: 49258

(i) A complete record of all funds, personal property, or 49259  
possessions of a resident from any source whatsoever, that have 49260  
been deposited for safekeeping with the home for use by the 49261  
resident or the resident's sponsor; 49262

(ii) A listing of all deposits and withdrawals transacted, 49263  
which shall be substantiated by receipts which shall be available 49264  
for inspection and copying by the resident or sponsor. 49265

(28) The right of the resident to be allowed unrestricted access to the resident's property on deposit at reasonable hours, unless requests for access to property on deposit are so persistent, continuous, and unreasonable that they constitute a nuisance;

(29) The right to receive reasonable notice before the resident's room or roommate is changed, including an explanation of the reason for either change.

(30) The right not to be transferred or discharged from the home unless the transfer is necessary because of one of the following:

(a) The welfare and needs of the resident cannot be met in the home.

(b) The resident's health has improved sufficiently so that the resident no longer needs the services provided by the home.

(c) The safety of individuals in the home is endangered.

(d) The health of individuals in the home would otherwise be endangered.

(e) The resident has failed, after reasonable and appropriate notice, to pay or to have the medicare or medicaid program pay on the resident's behalf, for the care provided by the home. A resident shall not be considered to have failed to have the resident's care paid for if the resident has applied for medicaid, unless both of the following are the case:

(i) The resident's application, or a substantially similar previous application, has been denied.

(ii) If the resident appealed the denial, the denial was upheld.

(f) The home's license has been revoked, the home is being closed pursuant to section 3721.08, sections 5165.60 to 5165.89,

or section 5155.31 of the Revised Code, or the home otherwise ceases to operate. 49296  
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(g) The resident is a recipient of medicaid, and the home's participation in the medicaid program is involuntarily terminated or denied. 49298  
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(h) The resident is a beneficiary under the medicare program, and the home's participation in the medicare program is involuntarily terminated or denied. 49301  
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(31) The right not to be transferred or discharged from the home to a location that is incapable of meeting the resident's health care and safety needs. 49304  
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(32) The right not to be transferred or discharged from the home without adequate preparation prior to the transfer or discharge to ensure a safe and orderly transfer or discharge from the home, including proper arrangements for medication, equipment, health care services, and other necessary services. 49307  
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(33) All rights provided under 42 C.F.R. 483.15 and 483.21 and any other transfer or discharge rights provided under federal law. 49312  
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(34) The right to voice grievances and recommend changes in policies and services to the home's staff, to employees of the department of health, or to other persons not associated with the operation of the home, of the resident's choice, free from restraint, interference, coercion, discrimination, or reprisal. This right includes access to a residents' rights advocate, and the right to be a member of, to be active in, and to associate with persons who are active in organizations of relatives and friends of nursing home residents and other organizations engaged in assisting residents. 49315  
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~~(32)~~(35) The right to have any significant change in the resident's health status reported to the resident's sponsor. As 49325  
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soon as such a change is known to the home's staff, the home shall 49327  
make a reasonable effort to notify the sponsor within twelve 49328  
hours. 49329

~~(33)~~(36) The right, if the resident has requested the care 49330  
and services of a hospice care program, to choose a hospice care 49331  
program licensed under Chapter 3712. of the Revised Code that best 49332  
meets the resident's needs. 49333

(B) A sponsor may act on a resident's behalf to assure that 49334  
the home does not deny the residents' rights under sections 49335  
3721.10 to 3721.17 of the Revised Code. 49336

(C) Any attempted waiver of the rights listed in division (A) 49337  
of this section is void. 49338

**Sec. 3721.16.** For each resident of a home, ~~notice of all of~~ 49339  
the following apply with respect to a proposed transfer or 49340  
~~discharge shall be in accordance with this section.~~ from the home: 49341

(A)(1) The administrator of a home shall notify a resident in 49342  
writing, and the resident's sponsor in writing by certified mail, 49343  
return receipt requested, in advance of any proposed transfer or 49344  
discharge from the home. The administrator shall send a copy of 49345  
the notice to the state department of health. The notice shall be 49346  
provided at least thirty days in advance of the proposed transfer 49347  
or discharge, unless any of the following applies: 49348

(a) The resident's health has improved sufficiently to allow 49349  
a more immediate discharge or transfer to a less skilled level of 49350  
care; 49351

(b) The resident has resided in the home less than thirty 49352  
days; 49353

(c) An emergency arises in which the safety of individuals in 49354  
the home is endangered; 49355

(d) An emergency arises in which the health of individuals in 49356

the home would otherwise be endangered; 49357

(e) An emergency arises in which the resident's urgent 49358  
medical needs necessitate a more immediate transfer or discharge. 49359

In any of the circumstances described in divisions (A)(1)(a) 49360  
to (e) of this section, the notice shall be provided as many days 49361  
in advance of the proposed transfer or discharge as is 49362  
practicable. 49363

(2) The notice required under division (A)(1) of this section 49364  
shall include all of the following: 49365

(a) The reasons for the proposed transfer or discharge; 49366

(b) The proposed date the resident is to be transferred or 49367  
discharged; 49368

(c) Subject to division (A)(3) of this section, a proposed 49369  
location to which the resident may relocate and a notice that the 49370  
resident and resident's sponsor may choose another location to 49371  
which the resident will relocate; 49372

(d) Notice of the right of the resident and the resident's 49373  
sponsor to an impartial hearing at the home on the proposed 49374  
transfer or discharge, and of the manner in which and the time 49375  
within which the resident or sponsor may request a hearing 49376  
pursuant to section 3721.161 of the Revised Code; 49377

(e) A statement that the resident will not be transferred or 49378  
discharged before the date specified in the notice unless the home 49379  
and the resident or, if the resident is not competent to make a 49380  
decision, the home and the resident's sponsor, agree to an earlier 49381  
date; 49382

(f) The address of the legal services office of the 49383  
department of health; 49384

(g) The name, address, and telephone number of a 49385  
representative of the state long-term care ombudsman program and, 49386

if the resident or patient has a developmental disability or 49387  
mental illness, the name, address, and telephone number of the 49388  
Ohio protection and advocacy system. 49389

(3) The proposed location to which a resident may relocate as 49390  
specified pursuant to division (A)(2)(c) of this section in the 49391  
proposed transfer or discharge notice shall be capable of meeting 49392  
the resident's health-care and safety needs. The proposed location 49393  
for relocation need not have accepted the resident at the time the 49394  
notice is issued to the resident and resident's sponsor. 49395

(B) No home shall transfer or discharge a resident before the 49396  
date specified in the notice required by division (A) of this 49397  
section unless the home and the resident or, if the resident is 49398  
not competent to make a decision, the home and the resident's 49399  
sponsor, agree to an earlier date. 49400

(C) Transfer or discharge actions shall be documented in the 49401  
resident's medical record by the home if there is a medical basis 49402  
for the action. 49403

(D) A resident or resident's sponsor may challenge a transfer 49404  
or discharge by requesting an impartial hearing pursuant to 49405  
section 3721.161 of the Revised Code, unless the transfer or 49406  
discharge is required because of one of the following reasons: 49407

(1) The home's license has been revoked under this chapter; 49408

(2) The home is being closed pursuant to section 3721.08, 49409  
sections 5165.60 to 5165.89, or section 5155.31 of the Revised 49410  
Code; 49411

(3) The resident is a recipient of medicaid and the home's 49412  
participation in the medicaid program has been involuntarily 49413  
terminated or denied by the federal government; 49414

(4) The resident is a beneficiary under the medicare program 49415  
and the home's certification under the medicare program has been 49416

involuntarily terminated or denied by the federal government. 49417

(E) If a resident is to be transferred or discharged pursuant 49418  
to this section, the home ~~from which the resident is being~~ 49419  
~~transferred~~ proposing the transfer or ~~discharged~~ discharge shall 49420  
provide the resident with adequate preparation prior to the 49421  
transfer or discharge to ensure a safe and orderly transfer or 49422  
discharge from the home, and the home or alternative setting to 49423  
which the resident is to be transferred or discharged shall have 49424  
accepted the resident for transfer or discharge. 49425

(F) At the time of a transfer or discharge of a resident who 49426  
is a recipient of medicaid from a home to a hospital or for 49427  
therapeutic leave, the home shall provide notice in writing to the 49428  
resident and in writing by certified mail, return receipt 49429  
requested, to the resident's sponsor, specifying the number of 49430  
days, if any, during which the resident will be permitted under 49431  
the medicaid program to return and resume residence in the home 49432  
and specifying the medicaid program's coverage of the days during 49433  
which the resident is absent from the home. An individual who is 49434  
absent from a home for more than the number of days specified in 49435  
the notice and continues to require the services provided by the 49436  
facility shall be given priority for the first available bed in a 49437  
semi-private room. 49438

**Sec. 3721.161.** (A) Not later than thirty days after the date 49439  
a resident or the resident's sponsor receives under section 49440  
3721.16 of the Revised Code a notice of a proposed transfer or 49441  
discharge, whichever date of receiving the notice is later, the 49442  
resident or resident's sponsor may challenge the proposed transfer 49443  
or discharge by submitting a written request for a hearing to the 49444  
state department of health. On receiving the request, the 49445  
department shall conduct a hearing in accordance with section 49446  
3721.162 of the Revised Code to determine whether the proposed 49447

transfer or discharge complies with ~~division~~ divisions (A)(30) to 49448  
(33) of section 3721.13 and section 3721.16 of the Revised Code. 49449

(B) Except in the circumstances described in divisions 49450  
(A)(1)(a) to (e) of section 3721.16 of the Revised Code, if a 49451  
resident or the resident's sponsor submits a written hearing 49452  
request not later than ten days after the date the resident or ~~the~~ 49453  
resident's sponsor received notice of the proposed transfer or 49454  
discharge, whichever date of receiving the notice is later, the 49455  
home shall not transfer or discharge the resident unless the 49456  
department determines after the hearing that the transfer or 49457  
discharge complies with ~~division~~ divisions (A)(30) to (33) of 49458  
section 3721.13 and section 3721.16 of the Revised Code or the 49459  
department's determination to the contrary is reversed on appeal. 49460

(C) If a resident or the resident's sponsor does not request 49461  
a hearing pursuant to division (A) of this section, the home may 49462  
transfer or discharge the resident on the date specified in the 49463  
notice required by division (A) of section 3721.16 of the Revised 49464  
Code or thereafter, unless the home and the resident or, if the 49465  
resident is not competent to make a decision, the home and the 49466  
resident's sponsor, agree to an earlier date. 49467

(D) If ~~the~~ a resident or the resident's sponsor requests a 49468  
hearing in writing pursuant to division (A) of this section and 49469  
the home transfers or discharges the resident before the 49470  
department issues a hearing decision, the home shall readmit the 49471  
resident in the first available bed if the department determines 49472  
after the hearing that the transfer or discharge does not comply 49473  
with ~~division~~ divisions (A)(30) to (33) of section 3721.13 and 49474  
section 3721.16 of the Revised Code or the department's 49475  
determination to the contrary is reversed on appeal. 49476

**Sec. 3721.162.** (A) On receiving a request pursuant to section 49477  
3721.161 of the Revised Code, the department of health shall 49478

conduct hearings under this section in accordance with 42 C.F.R. 49479  
431, subpart E, to determine whether the proposed transfer or 49480  
discharge of the resident from the home complies with ~~division~~ 49481  
divisions (A)(30) to (33) of section 3721.13 and section 3721.16 49482  
of the Revised Code. 49483

(B) The department shall employ or contract with an attorney 49484  
to serve as hearing officer. The hearing officer shall conduct a 49485  
hearing in the home not later than ten days after the date the 49486  
department receives a request pursuant to section 3721.161 of the 49487  
Revised Code, unless the resident and the home or, if the resident 49488  
is not competent to make a decision, the resident's sponsor and 49489  
the home, agree otherwise. The hearing shall be recorded on 49490  
audiotape, but neither the recording nor a transcript of the 49491  
recording shall be part of the official record of the hearing. A 49492  
hearing conducted under this section is not subject to section 49493  
121.22 of the Revised Code. 49494

(C) Unless the parties otherwise agree, the hearing officer 49495  
shall issue a decision within five days of the date the hearing 49496  
concludes. In all cases, a decision shall be issued not later than 49497  
thirty days after the department receives a request pursuant to 49498  
section 3721.161 of the Revised Code. The hearing officer's 49499  
decision shall be served on the resident or resident's sponsor and 49500  
the home by certified mail. The hearing officer's decision shall 49501  
be considered the final decision of the department. 49502

(D) A resident, resident's sponsor, or home may appeal the 49503  
decision of the department to the court of common pleas pursuant 49504  
to section 119.12 of the Revised Code. The appeal shall be 49505  
governed by section 119.12 of the Revised Code, except for all of 49506  
the following: 49507

(1) The resident, resident's sponsor, or home shall file the 49508  
appeal in the court of common pleas of the county in which the 49509  
home is located. 49510

(2) The resident or resident's sponsor may apply to the court 49511  
for designation as an indigent and, if the court grants the 49512  
application, the resident or resident's sponsor shall not be 49513  
required to furnish the costs of the appeal. 49514

(3) The appeal shall be filed with the department and the 49515  
court within thirty days after the hearing officer's decision is 49516  
served. The appealing party shall serve the opposing party a copy 49517  
of the notice of appeal by hand-delivery or certified mail, return 49518  
receipt requested. If the home is the appealing party, it shall 49519  
provide a copy of the notice of appeal to both the resident and 49520  
the resident's sponsor or attorney, if known. 49521

(4) The department shall not file a transcript of the hearing 49522  
with the court unless the court orders it to do so. The court 49523  
shall issue such an order only if it finds that the parties are 49524  
unable to stipulate to the facts of the case and that the 49525  
transcript is essential to the determination of the appeal. If the 49526  
court orders the department to file the transcript, the department 49527  
shall do so not later than thirty days after the day the court 49528  
issues the order. 49529

(E) The court shall not require an appellant to pay a bond as 49530  
a condition of issuing a stay pending its decision. 49531

(F) The resident, resident's sponsor, home, or department may 49532  
commence a civil action in the court of common pleas of the county 49533  
in which the home is located to enforce the decision of the 49534  
department or the court. If the court finds that the resident or 49535  
home has not complied with the decision, it shall enjoin the 49536  
violation and order other appropriate relief, including attorney's 49537  
fees. 49538

**Sec. 3722.04.** If a hospital licensed under this chapter is 49539  
assigned, sold, or transferred to a new owner, within thirty days 49540  
of the assignment, sale, or transfer, the new owner shall apply to 49541

the director of health for a license transfer. The application 49542  
shall be submitted to the director in the form and manner 49543  
prescribed in rules adopted under section 3722.06 of the Revised 49544  
Code. 49545

The new owner is responsible for compliance with any action 49546  
taken or proposed by the director under section 3722.07 or 3722.08 49547  
of the Revised Code. If a notice has been ~~issued~~ served under 49548  
~~section~~ sections 119.05 and 119.07 of the Revised Code, the new 49549  
owner becomes party to the notice. 49550

**Sec. 3722.07.** (A) Each hospital licensed under this chapter 49551  
shall comply with the requirements of this chapter and the rules 49552  
adopted under it. 49553

(B) In accordance with Chapter 119. of the Revised Code, if 49554  
the director of health finds that a license holder has violated 49555  
any requirement of this chapter or the rules adopted under it, the 49556  
director may do any of the following: 49557

(1) Impose a civil penalty of not less than one thousand 49558  
dollars and not more than two hundred fifty thousand dollars; 49559

(2) Require the license holder to submit a plan to correct or 49560  
mitigate the violation; 49561

(3) Suspend a health care service or revoke a license issued 49562  
under this chapter if the director determines that the license 49563  
holder is not in substantial compliance with this chapter or the 49564  
rules adopted under it. 49565

(C)(1) If the director takes action under division (B)(3) of 49566  
this section, the director shall give written notice of proposed 49567  
action to the hospital. The notice shall specify all of the 49568  
following: 49569

(a) The nature of the conditions giving rise to the 49570

director's judgment; 49571

(b) The measures that the director determines the hospital 49572  
must take to respond to the conditions; 49573

(c) The date, which shall be not later than thirty days after 49574  
the notice is delivered, on which the director intends to suspend 49575  
the health care service or revoke the license if the conditions 49576  
are not corrected and the director determines that the license 49577  
holder has not come into substantial compliance with this chapter 49578  
or the rules adopted under it. 49579

(2) If the licensed hospital notifies the director, within 49580  
the period of time specified in division (C)(1)(c) of this 49581  
section, that the conditions giving rise to the director's 49582  
determination have been corrected and that the hospital is in 49583  
substantial compliance with this chapter and the rules adopted 49584  
under it, the director shall conduct an inspection. The director 49585  
may suspend the health care service or revoke the license if the 49586  
director determines on the basis of the inspection that the 49587  
conditions have not been corrected and the license holder has not 49588  
come into substantial compliance with this chapter or the rules 49589  
adopted under it. 49590

(3) If the licensed hospital fails to notify the director, 49591  
within the period of time specified in division (C)(1)(c) of this 49592  
section, that the conditions giving rise to the director's 49593  
determination have been corrected and that the hospital is in 49594  
substantial compliance with this chapter and the rules adopted 49595  
under it, the director may suspend the health care service or 49596  
revoke the license. 49597

(D) If the director suspends a health care service or revokes 49598  
a license under division (C) of this section, the director shall 49599  
~~issue serve a written order of suspension or revocation and cause~~ 49600  
~~it to be delivered by certified mail or in person~~ in accordance 49601

with ~~section~~ sections 119.05 and 119.07 of the Revised Code. If 49602  
the license holder subject to the suspension or revocation 49603  
requests an adjudication, the date set for the adjudication shall 49604  
be within seven days after the license holder makes the request, 49605  
unless another date is agreed to by both the individual and the 49606  
director. The suspension or revocation shall remain in effect, 49607  
unless reversed by the director, until a final adjudication order 49608  
issued by the director pursuant to this section and Chapter 119. 49609  
of the Revised Code becomes effective. 49610

The director shall issue a final adjudication order not later 49611  
than fourteen days after completion of the adjudication. If the 49612  
director does not issue a final order within the fourteen-day 49613  
period, the suspension or revocation is void, but any final 49614  
adjudication order issued subsequent to the fourteen-day period 49615  
shall not be affected. 49616

(E) If the director issues a final adjudication order 49617  
suspending a health care service or suspending or revoking a 49618  
license issued under this chapter and the license holder continues 49619  
to operate a hospital, the director may ask the attorney general 49620  
to apply to the court of common pleas of the county in which the 49621  
hospital is located for an order enjoining the license holder from 49622  
operating the hospital. 49623

**Sec. 3724.01. As used in this chapter:** 49624

(A) "Controlling person" means either of the following: 49625

(1) A business entity, officer, program administrator, or 49626  
director whose responsibilities include directing the management 49627  
or policies of a health care staffing support service; 49628

(2) An individual who, directly or indirectly, owns an 49629  
interest in a business entity described in division (A)(1) of this 49630  
section. 49631

(B) "Health care personnel" means any licensed health care professional or unlicensed health care personnel who provides care, support, or services directly to patients. 49632  
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(C) "Health care provider" means any of the following: 49635

(1) A home, as defined in section 3721.10 of the Revised Code; 49636  
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(2) A home health agency, as defined in section 3740.01 of the Revised Code; 49638  
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(3) A hospice care program, as defined in section 3712.01 of the Revised Code; 49640  
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(4) A residential facility, as defined in section 5123.19 of the Revised Code; 49642  
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(5) A residential facility, as defined in section 5119.34 of the Revised Code; 49644  
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(6) A community addiction services provider, as defined in section 5119.01 of the Revised Code; 49646  
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(7) A community mental health services provider, as defined in section 5119.01 of the Revised Code; 49648  
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(8) A medicaid provider who provides medicaid waiver component services, as defined in section 5166.01 of the Revised Code. 49650  
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(D) "Health care staffing support service" means a person that is regularly engaged in the business of providing, procuring, or matching, for a fee, health care personnel to serve as temporary staff for health care providers. "Health care staffing support service" includes an online health care staff matching service and a health care worker platform. "Health care staffing support service" does not include either of the following: 49653  
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(1) An individual who is engaged only in providing or offering that individual's services to health care providers as a 49660  
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temporary employee or contractor; 49662

(2) A government entity. 49663

(E) "Online health care staff matching service" means a 49664  
person that operates or offers an electronic platform or 49665  
application on which health care personnel employed by the service 49666  
may be listed as available to serve as temporary staff for health 49667  
care providers. 49668

(F) "Health care worker platform" means a person that 49669  
operates or offers an electronic platform or application on which 49670  
health care personnel who are independent contractors may be 49671  
listed as available to serve as temporary staff for health care 49672  
providers. 49673

**Sec. 3724.02.** (A) Each health care staffing support service 49674  
shall annually register with the director of health. For purposes 49675  
of the registration requirement, each physical location of a 49676  
health care staffing support service shall separately register 49677  
with the director. 49678

(B) The director shall establish registration application 49679  
forms and procedures. Each registration application shall be 49680  
accompanied by the fee set forth in division (C) of this section 49681  
and include at least the following: 49682

(1)(a) The name and address of each owner with an interest of 49683  
five per cent or more in the health care staffing support service, 49684  
except that if that information does not result in a disclosure of 49685  
at least eighty-five per cent of the ownership of the service, all 49686  
owners shall be disclosed; 49687

(b) If an owner is not a natural person, the name and address 49688  
of each natural person with more than a five per cent interest in 49689  
that owner. 49690

(2) If the health care staffing support service or an owner 49691

is a corporation, a copy of the associated articles of 49692  
incorporation and current bylaws, and the name and address of each 49693  
officer and director; 49694

(3) A copy of the health care staffing support service's 49695  
policies and procedures designed to ensure compliance with 49696  
divisions (A)(4) and (5) of section 3724.07 of the Revised Code; 49697

(4) A copy of the health care staffing support service's 49698  
policies and procedures regarding record retention and 49699  
availability designed to ensure compliance with divisions (A)(6) 49700  
and (7) of section 3724.07 of the Revised Code; 49701

(5) Certification that the health care staffing support 49702  
service has not had a registration revoked under this chapter 49703  
within the three years immediately preceding the date of the 49704  
application. 49705

(C) Each applicant for registration of a health care staffing 49706  
support service shall pay an application fee in the amount of two 49707  
thousand dollars. The fee is nonrefundable. 49708

**Sec. 3724.03.** The director of health shall review each 49709  
application received under section 3724.02 of the Revised Code for 49710  
registration of a health care staffing support service. The 49711  
director shall register a health care staffing support service if 49712  
the applicant has submitted a complete application, paid the 49713  
application fee, and demonstrated to the director's satisfaction 49714  
that the requirements for registration as set forth in this 49715  
chapter are met. 49716

**Sec. 3724.04.** A registration issued under this chapter to a 49717  
health care staffing support service is valid for one year from 49718  
the date of its issuance, unless one of the following is the case: 49719

(A) The service's registration is earlier revoked or 49720  
suspended. 49721

(B) The service is sold. 49722

(C) The service's ownership or management is transferred such 49723  
that forty per cent or more of the owners or managers of the 49724  
service were not previously registered under this chapter. 49725

**Sec. 3724.05.** (A) A health care staffing support service that 49726  
has provided staffing support services during the year preceding 49727  
the health care staffing support service's registration renewal 49728  
date may renew the service's registration by applying to the 49729  
director of health using a registration renewal form established 49730  
by the director and complying with any renewal application 49731  
procedures established by the director. 49732

(B) The director of health shall establish forms and 49733  
procedures for processing applications for the annual renewal of 49734  
registrations issued under this chapter. The director shall charge 49735  
a fee of two thousand dollars for renewal. The fee is 49736  
nonrefundable. 49737

(C) An application for renewal shall include all of the 49738  
following information: 49739

(1) A description of any changes to the items described in 49740  
division (B) of section 3724.02 of the Revised Code; 49741

(2) Documentation demonstrating that the health care staffing 49742  
support service provided staffing support services to health care 49743  
providers during the calendar year immediately preceding the 49744  
registration renewal date. 49745

(D) An applicant for registration renewal shall pay the 49746  
renewal fee during the month of the renewal date. If an applicant 49747  
fails to pay the renewal fee during that month, the applicant 49748  
shall pay a late fee of two hundred dollars in addition to the 49749  
renewal fee. If the renewal fee or any late fee is not paid by the 49750  
thirtieth day after the renewal date, the director may, in 49751

accordance with Chapter 119. of the Revised Code, revoke the 49752  
health care staffing support service's registration. 49753

(E) The director shall review all applications received for 49754  
registration renewal. If an application is complete, the renewal 49755  
fee and any late fee have been paid, and the director determines 49756  
that the applicant meets all other eligibility requirements, the 49757  
director shall renew the applicant's registration to operate a 49758  
health care staffing support service. 49759

(F) A health care staffing support service that has not 49760  
provided staffing support services during the year preceding the 49761  
health care staffing support service's registration renewal date 49762  
is ineligible for renewal, but may apply for a new registration 49763  
under section 3724.02 of the Revised Code. 49764

Sec. 3724.06. (A) Except as provided in division (B) of this 49765  
section, no person shall knowingly operate a health care staffing 49766  
support service unless the person is registered under this 49767  
chapter. 49768

(B) In the case of a health care staffing support service 49769  
that is operating on the effective date of this section, an 49770  
application for registration shall be submitted under section 49771  
3724.02 of the Revised Code not later than thirty days after the 49772  
effective date of this section. If the application is submitted 49773  
accordingly, the staffing support service may continue to operate 49774  
without being registered until the earlier of the following: 49775

(1) The date a final decision is made by the director of 49776  
health to deny the registration; 49777

(2) The date that is one hundred twenty days after the 49778  
effective date of this section. 49779

Sec. 3724.07. (A) Each health care staffing support service 49780  
registered under this chapter shall do all of the following: 49781

(1)(a) Except as provided in division (A)(1)(b) of this 49782  
section, ensure that when the health care staffing support service 49783  
assigns or otherwise agrees to provide health care personnel to a 49784  
health care provider to work for a specific shift or other time 49785  
period, the assigned personnel or a substitute works for the 49786  
agreed time period at no additional charge to the provider; 49787

(b) In the case of a health care worker platform utilizing 49788  
independent contractors, do all of the following: 49789

(i) Use its best efforts to secure a substitute for assigned 49790  
personnel who do not work an assigned shift or time period; 49791

(ii) In its contracts with independent contractors, prohibit 49792  
contractors from failing to work an assigned shift or time period, 49793  
except for good cause or with twenty-four hours or more notice; 49794

(iii) Exclude from the platform any contractor who violates 49795  
the contractual provision required by division (A)(1)(b)(ii) of 49796  
this section. 49797

(2) Establish and provide to health care providers a schedule 49798  
of fees and charges that shall not be modified except after 49799  
providing written notice at least thirty days in advance of any 49800  
change, or a shorter notice if the health care provider agrees in 49801  
writing; 49802

(3) Except in the case of a health care worker platform, 49803  
employ, as an employee of the health care staffing support 49804  
service, each individual that the service provides to a health 49805  
care provider to serve as temporary health care personnel; 49806

(4) Verify, maintain, and, upon request of a health care 49807  
provider to which the health care staffing support service 49808  
provides health care personnel, furnish supporting documentation 49809  
that each individual provided to the provider to serve as 49810  
temporary health care personnel, at the time of placement, meets 49811  
all of the following: 49812

<u>(a) Minimum licensing, training, and continuing education standards for the position in which the individual will be working;</u>	49813
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<u>(b) Criminal records check requirements for employees and temporary workers of the health care provider;</u>	49816
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<u>(c) Requirements for reviewing registries of persons with findings of abuse or neglect;</u>	49818
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<u>(d) Requirements for determining whether exclusions from medicare or medicaid exist;</u>	49820
	49821
<u>(e) All of the health care provider's health requirements for employees or temporary workers, including requirements relating to testing for and vaccination against infectious disease and requirements relating to drug testing;</u>	49822
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<u>(f) Any other qualification or requirement mandated by law for a health care provider's employees or temporary workers.</u>	49826
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<u>(5) Prohibit all health care staffing support service employees or contractors from recruiting employees of the health care provider with which health care personnel are placed, and instruct all health care staffing support service employees or contractors regarding this prohibition;</u>	49828
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<u>(6) Make health care staffing support service records immediately available to the director of health during normal business hours;</u>	49833
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<u>(7) Retain health care staffing support service records for a minimum of five years or a longer period if required by state or federal law;</u>	49836
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<u>(8) Except in the case of a health care worker platform that requires its contractors to carry professional liability insurance that meets the requirements of this division, carry professional liability insurance that covers at least one million dollars per</u>	49839
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occurrence and three million dollars aggregate to protect against 49843  
loss, damage, or expense incident to a claim arising out of the 49844  
death or injury of any person as the result of negligence or 49845  
malpractice in the provision of health care services by the health 49846  
care staffing support service or any of the service's employees; 49847

(9) Except in the case of a health care worker platform that 49848  
requires its contractors to carry occupational accident insurance, 49849  
secure and maintain workers' compensation coverage in accordance 49850  
with Chapters 4121., 4123., 4127., and 4131. of the Revised Code; 49851

(10) Except in the case of a health care worker platform that 49852  
requires its contractors to have surety bonds meeting the 49853  
requirements of this division, carry a surety bond for employee 49854  
dishonesty that provides coverage in an amount that is not less 49855  
than one hundred thousand dollars. 49856

(B) A health care staffing support service shall not attempt 49857  
to require a health care provider, by contract or otherwise, to 49858  
waive any of the requirements of this chapter or the rules adopted 49859  
under it as a condition of supplying personnel to the provider. 49860  
Any waiver of the requirements that may result from such an 49861  
attempt is void and unenforceable. 49862

**Sec. 3724.08.** In addition to other activities prohibited by 49863  
this chapter, a health care staffing support service is subject to 49864  
all of the following: 49865

(A) The staffing support service shall not restrict the 49866  
employment opportunities of its employees or contractors, 49867  
including by requiring either of the following: 49868

(1) That an employee or contractor enter into a 49869  
post-termination of services noncompete agreement; 49870

(2) That an employee or contractor accept an employment or 49871  
contractual buyout. 49872

(B) The staffing support service shall not require, in any contract with an employee, independent contractor, or health care provider, the payment of liquidated damages, employment fees, or other compensation related to an employee or contractor being hired as a permanent employee of the health care provider. 49873  
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(C)(1) Except as provided in division (C)(2) of this section, the staffing support service shall not recruit, solicit, or entice an employee of a health care provider to leave employment with the provider. 49878  
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(2) Nothing in division (C)(1) of this section or in any other provision of this chapter shall be construed to prohibit a health care staffing support service from doing either of the following: 49882  
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(a) Generally advertising to the public that the staffing support service is seeking workers or that it may pay a signing bonus; 49886  
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(b) Offering or paying a signing bonus to an individual who was or is an employee of a health care provider so long as the staffing support service did not initiate contact related to employment while the individual was actively employed by a health care provider. 49889  
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(D) The staffing support service shall not pay or make a gift to any employee of a health care provider. 49894  
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(E) Except in the case of a health care worker platform, the staffing support service shall not contract with individuals as independent contractors for use by the service in providing temporary health care personnel to health care providers. 49896  
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**Sec. 3724.09.** (A)(1) A health care staffing support service shall not bill or receive payments from an applicable health care provider for any category of health care personnel listed in the 49900  
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medicaid cost reports submitted under section 5124.10 or 5165.10 49903  
of the Revised Code at a rate that is higher than one hundred 49904  
fifty per cent of the statewide direct care median hourly wage for 49905  
that category of personnel, as that wage is determined by the 49906  
department of medicaid from the cost reports for the most recent 49907  
calendar year for which the department of medicaid has determined 49908  
such a median wage, multiplied by the rate of inflation estimated 49909  
under division (A)(3) of this section. The department of medicaid 49910  
shall calculate and publish statewide direct care median hourly 49911  
wages for all personnel categories reported on the cost reports as 49912  
soon as practicable after receiving the reports. 49913

(2) A maximum rate established under division (A)(1) of this 49914  
section includes all charges for administrative fees, contract 49915  
fees, shift bonuses, or any other charges in addition to the 49916  
hourly rates for the health care personnel supplied to a health 49917  
care provider, except that the health care staffing support 49918  
service may charge the provider an additional hourly amount of not 49919  
more than ten per cent of the maximum rate for an individual who 49920  
directly provides care to patients with an infectious disease for 49921  
which a declared public health emergency is in effect. 49922

(3) The department of medicaid shall estimate the rate of 49923  
inflation for the twelve-month period beginning on the first day 49924  
of July of the cost report year and ending on the last day of June 49925  
of the calendar year for which the rate is determined, using the 49926  
following: 49927

(a) Subject to division (A)(3)(b) of this section, the 49928  
employment cost index for total compensation, health care and 49929  
social assistance component, published by the United States bureau 49930  
of labor statistics; 49931

(b) If the United States bureau of labor statistics ceases to 49932  
publish the index specified in division (A)(3)(a) of this section, 49933

the index that is subsequently published by the bureau and covers 49934  
the staff costs of health care providers. 49935

(B) The medicaid director may establish median hourly wages 49936  
for any category of personnel not reported on cost reports 49937  
submitted under section 5124.10 or 5165.10 of the Revised Code 49938  
based on data submitted by health care providers that utilize that 49939  
category of personnel or based on any other data that the director 49940  
considers appropriate. If the medicaid director establishes a 49941  
median hourly wage for a category of personnel under this 49942  
division, the wage that is established shall be used to set a 49943  
maximum rate for the category of personnel in the same manner that 49944  
a maximum rate applies under division (A) of this section. 49945

**Sec. 3724.10.** (A) An applicant for or holder of a 49946  
registration issued under this chapter is subject to disciplinary 49947  
actions by the director of health as specified in divisions (B) 49948  
and (C) of this section. 49949

(B) The director may deny, refuse to renew, revoke, or 49950  
suspend a health care staffing support service registration for 49951  
any of the following reasons: 49952

(1) Lack of financial solvency or suitability; 49953

(2) Inadequate treatment and care or criminal activity by 49954  
personnel supplied by the staffing support service or by any 49955  
person managing the service, except that the director may not 49956  
revoke the registration of a health care worker platform solely 49957  
for the conduct of independent contractors that are on the 49958  
platform; 49959

(3) Interference with a survey or other inspection conducted 49960  
under section 3724.12 of the Revised Code; 49961

(4) Failure to comply with the conditions or requirements 49962  
that must be met to obtain and retain a registration; 49963

(5) Failure to comply with any other requirement of this chapter or the rules adopted under it. 49964  
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(C) The director shall revoke the registration of a health care staffing support service that knowingly provides to a health care provider a person with an illegally or fraudulently obtained or issued diploma, registration, license, certificate, criminal records check, or other item required for employment by a health care provider. 49966  
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(D) In addition to the disciplinary actions described in divisions (B) and (C) of this section, the director shall fine a health care staffing support service found to be in violation of section 3724.09 of the Revised Code in an amount that is equal to two hundred per cent of the amount billed or received in excess of the maximum permitted under that section. 49972  
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A health care staffing support service may request a reconsideration by the director of a fine imposed under this division. The reconsideration process is not subject to Chapter 119. of the Revised Code. 49978  
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(E) Except as provided in division (D) of this section, all actions for imposing disciplinary actions and fines under this section shall be taken in accordance with Chapter 119. of the Revised Code. 49982  
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(F)(1) The controlling person of a health care staffing support service whose registration has not been renewed or has been revoked is not eligible to apply for or to be granted a registration for five years following the date that the registration is terminated for failure to renew or the date of the final order of revocation. 49986  
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(2) The director shall not issue or renew a registration to operate a health care staffing support service if a controlling person of the staffing support service includes any individual or 49992  
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entity that was a controlling person of a staffing support service 49995  
whose registration was not renewed or was revoked during the 49996  
five-year period immediately preceding the date the application 49997  
for registration or renewal under consideration was submitted. 49998

Sec. 3724.11. The director of health shall establish a system 49999  
for the reporting of complaints against a health care staffing 50000  
support service or its employees or contractors. Reports may be 50001  
made by any individual. The director shall investigate all 50002  
complaints made against a health care staffing support service. 50003

Sec. 3724.12. In addition to administering the registration 50004  
requirements of this chapter and investigating complaints under 50005  
section 3724.11 of the Revised Code, the director of health shall 50006  
oversee the operation of health care staffing support services by 50007  
doing both of the following: 50008

(A) Conducting surveys or other inspections; 50009

(B) Taking any other actions the director considers necessary 50010  
to ensure compliance with this chapter and the rules adopted under 50011  
it. 50012

Sec. 3724.13. The director of health shall adopt rules as the 50013  
director considers necessary to implement this chapter. All rules 50014  
adopted under this section shall be adopted in accordance with 50015  
Chapter 119. of the Revised Code. 50016

Sec. 3724.14. All registration application fees, registration 50017  
renewal fees, and fines collected under this chapter, other than 50018  
financial penalties imposed under section 3724.99 of the Revised 50019  
Code, shall be deposited in the state treasury to the credit of 50020  
the general operations fund created under section 3701.83 of the 50021  
Revised Code. The amounts shall be used solely for purposes of 50022  
administering and enforcing this chapter and the rules adopted 50023

under it. 50024

Sec. 3724.99. Whoever violates section 3724.06 of the Revised 50025  
Code is guilty of a misdemeanor of the second degree on a first 50026  
offense; for each subsequent offense, the person is guilty of a 50027  
misdemeanor of the first degree. 50028

**Sec. 3725.05.** No plasmapheresis center shall be certified by 50029  
the director of health unless all federal requirements for the 50030  
collection of plasma by plasmapheresis under the "Public Health 50031  
Service Act," 58 Stat. 682 (1944) 42 U.S.C. 201, as amended, are 50032  
met and: 50033

(A) A test approved by the director of health for hepatitis B 50034  
antigen is made on a sample of blood taken from the donor at the 50035  
time of blood collection-; 50036

(B) No person who has ever shown a positive test for 50037  
hepatitis B antigen or who has a history of hepatitis serves as a 50038  
donor for plasma, with the exception of plasma intended for 50039  
special purposes approved by the director of health; 50040

(C) A qualified licensed physician, known as the medical 50041  
director, is responsible for compliance with this chapter and 50042  
rules adopted thereunder, and for maintaining the health and 50043  
safety of participants in the plasmapheresis procedure-; 50044

(D) ~~A licensed physician, a registered nurse, or a medical~~ 50045  
~~technologist approved by the director of health~~ One of the 50046  
following individuals is in attendance at all times when a donor 50047  
is undergoing plasmapheresis, and is responsible for supervising 50048  
the procedure and the maintenance of sterile technique-; 50049

(1) A physician authorized under Chapter 4731. of the Revised 50050  
Code to practice medicine and surgery or osteopathic medicine and 50051  
surgery; 50052

<u>(2) A licensed practical nurse or registered nurse as defined</u>	50053
<u>in section 4723.01 of the Revised Code;</u>	50054
<u>(3) An individual who is certified as an emergency medical</u>	50055
<u>technician-intermediate or emergency medical technician-paramedic</u>	50056
<u>under Chapter 4765. of the Revised Code, but is not attending or</u>	50057
<u>supervising the procedure or maintaining sterile technique in the</u>	50058
<u>individual's capacity as an emergency medical technician;</u>	50059
<u>(4) Another qualified medical staff person, including a</u>	50060
<u>medical technologist, approved by the director of health.</u>	50061
(E) Handwashing facilities are present in the room where the	50062
blood is drawn and in the room where the formed elements are	50063
separated from the plasma.	50064
<b>Sec. 3727.11.</b> A hospital shall not represent itself as a	50065
comprehensive stroke center, <u>thrombectomy-capable stroke center,</u>	50066
primary stroke center, or acute stroke ready hospital unless it is	50067
recognized as such by the department of health under section	50068
3727.13 of the Revised Code.	50069
This section does not prohibit a hospital from representing	50070
itself as having a relationship or affiliation with a hospital	50071
recognized by the department of health under section 3727.13 of	50072
the Revised Code or a hospital in another state that is certified	50073
as a comprehensive stroke center, <u>thrombectomy-capable stroke</u>	50074
<u>center,</u> primary stroke center, or acute stroke ready hospital by	50075
an accrediting organization approved by the federal centers for	50076
medicare and medicaid services.	50077
<b>Sec. 3727.12.</b> (A) A person or government entity seeking	50078
recognition of a hospital as a comprehensive stroke center,	50079
<u>thrombectomy-capable stroke center,</u> primary stroke center, or	50080
acute stroke ready hospital by the department of health under	50081
section 3727.13 of the Revised Code shall file with the department	50082

an application for recognition. The application shall be submitted 50083  
in the manner prescribed by the department. 50084

(B)(1) To be eligible for recognition as a comprehensive 50085  
stroke center under section 3727.13 of the Revised Code, a 50086  
hospital must be certified as a comprehensive stroke center by an 50087  
accrediting organization approved by the federal centers for 50088  
medicare and medicaid services or an organization acceptable to 50089  
the department under division (C) of this section. 50090

(2) To be eligible for recognition as a thrombectomy-capable 50091  
stroke center under section 3727.13 of the Revised Code, a 50092  
hospital must be certified as a thrombectomy-capable stroke center 50093  
by an accrediting organization approved by the federal centers for 50094  
medicare and medicaid services or an organization acceptable to 50095  
the department under division (C) of this section. 50096

(3) To be eligible for recognition as a primary stroke center 50097  
under section 3727.13 of the Revised Code, a hospital must be 50098  
certified as a primary stroke center by an accrediting 50099  
organization approved by the federal centers for medicare and 50100  
medicaid services or an organization acceptable to the department 50101  
under division (C) of this section. 50102

~~(3)~~(4) To be eligible for recognition as an acute stroke 50103  
ready hospital under section 3727.13 of the Revised Code, a 50104  
hospital must be certified as an acute stroke ready hospital by an 50105  
accrediting organization approved by the federal centers for 50106  
medicare and medicaid services or an organization acceptable to 50107  
the department under division (C) of this section. 50108

(C) For purposes of division (B) of this section, to be 50109  
acceptable to the department an organization must certify 50110  
comprehensive stroke centers, thrombectomy-capable stroke center, 50111  
primary stroke centers, or acute stroke ready hospitals in 50112  
accordance with nationally recognized certification guidelines. 50113

Sec. 3727.13. (A)(1) The department of health shall recognize 50114  
as a comprehensive stroke center a hospital that satisfies the 50115  
requirements of division (B)(1) of section 3727.12 of the Revised 50116  
Code and submits a complete application. 50117

~~(2)(a)(2)~~ The department shall recognize as a 50118  
thrombectomy-capable stroke center a hospital that satisfies the 50119  
requirements of division (B)(2) of section 3727.12 of the Revised 50120  
Code and submits a complete application. 50121

(3)(a) The department shall recognize as a primary stroke 50122  
center a hospital that satisfies the requirements of division 50123  
~~(B)(2)~~ (B)(3) of section 3727.12 of the Revised Code and submits a 50124  
complete application. 50125

(b) If a hospital satisfying the requirements of division 50126  
~~(B)(2)~~ (B)(3) of section 3727.12 of the Revised Code has attained 50127  
supplementary levels of stroke care distinction as identified by 50128  
an accrediting organization approved by the federal centers for 50129  
medicare and medicaid services or an organization accepted by the 50130  
department under section 3727.12 of the Revised Code, including by 50131  
offering patients mechanical endovascular therapy, the department 50132  
shall include that distinction in its recognition. 50133

~~(3)(4)~~ The department shall recognize as an acute stroke 50134  
ready hospital a hospital that satisfies the requirements of 50135  
division ~~(B)(3)~~ (B)(4) of section 3727.12 of the Revised Code and 50136  
submits a complete application. 50137

(B) The department shall end its recognition of a hospital 50138  
made under division (A) of this section if the accrediting 50139  
organization described in division (B) of section 3727.12 of the 50140  
Revised Code that certified the hospital revokes, rescinds, or 50141  
otherwise terminates the hospital's certification with that 50142  
organization or the certification expires. 50143

(C) Not later than the first day of January and July each year, the department shall compile and send a list of hospitals recognized under division (A) of this section to the medical director and cooperating physician advisory board of each emergency medical service organization, as defined in section 4765.01 of the Revised Code. The department also shall maintain a comprehensive list of recognized hospitals on its internet web site and update the list not later than thirty days after a hospital is recognized under division (A) of this section or its recognition ends under division (B) of this section.

Sec. 3727.131. (A)(1) In an effort to improve the quality of care for patients affected by stroke, the department of health shall establish and maintain a process for the collection, transmission, compilation, and oversight of data related to stroke care. Such data shall be collected, transmitted, compiled, and overseen in a manner prescribed by the director of health.

As part of the process and except as provided in division (A)(2) of this section, the department shall establish or utilize a stroke registry database to store information, statistics, and other data on stroke care, including information, statistics, and data that align with nationally recognized treatment guidelines and performance measures.

(2) If the department established or utilized, prior to the effective date of this section, a stroke registry database that meets the requirements of this section, then both of the following apply:

(a) Division (A)(1) of this section shall not be construed to require the department to establish or utilize another such database.

(b) The department shall maintain both the process and stroke registry database described in this section, including in the

event federal moneys are no longer available to support the 50175  
process or database. 50176

(B) Not later than six months after the effective date of 50177  
this section, the director of health shall adopt rules as 50178  
necessary to implement this section, including rules specifying 50179  
all of the following: 50180

(1) The information, statistics, and other data to be 50181  
collected, which shall do both of the following: 50182

(a) Align with stroke consensus metrics developed and 50183  
approved by both of the following: (i) The United States centers 50184  
for disease control and prevention; (ii) Accreditation 50185  
organizations that are approved by the United States centers for 50186  
medicare and medicaid services and that certify stroke centers. 50187

(b) Include at a minimum both of the following: 50188

(i) Data that is consistent with nationally recognized 50189  
treatment guidelines for patients with confirmed stroke; 50190

(ii) In the case of mechanical endovascular thrombectomy, 50191  
data regarding the treatment's processes, complications, and 50192  
outcomes, including data required by national certifying 50193  
organizations. 50194

(2) The manner in which the information, statistics, and 50195  
other data are to be collected; 50196

(3) The manner in which the information, statistics, and 50197  
other data are to be transmitted for inclusion in the stroke 50198  
registry database. 50199

(C) When adopting rules as described in division (B) of this 50200  
section, all of the following apply: 50201

(1) The director of health shall do all of the following: 50202

(a) Consider nationally recognized stroke care performance 50203  
measures; 50204

(b) Designate an electronic platform for the collection and transmission of data. 50205  
50206

When designating the platform, the director shall consider nationally recognized stroke data platforms. 50207  
50208

(c) In an effort to avoid duplication and redundancy, coordinate, to every extent possible, with hospitals recognized by the department under section 3727.13 of the Revised Code and national voluntary health organizations involved in stroke quality improvement. 50209  
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(2) The director of health may specify that, of the information, statistics, or other data that is collected, only samples are to be transmitted for inclusion in the stroke registry database. 50214  
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(3) The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 50218  
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(4) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code. 50220  
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(D)(1) Except as provided in division (D)(2) of this section, each hospital that is recognized by the department under section 3727.13 of the Revised Code as a comprehensive stroke center, thrombectomy-capable stroke center, or primary stroke center shall do both of the following: 50224  
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(a) Collect the information, statistics, and other data specified by the director in rules adopted under division (B) of this section; 50229  
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(b) Transmit the information, statistics, and other data for inclusion in the stroke registry database. 50232  
50233

A hospital may contract with a third-party organization for 50234

the collection and transmission of the information, statistics, and other data. If a hospital contracts with a third-party organization, the organization shall collect and transmit such information, statistics, and other data for inclusion in the stroke registry database. 50235  
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(2) The data described in division (B)(1)(b)(ii) of this section shall be collected and transmitted only by a hospital that is recognized by the department under section 3727.13 of the Revised Code as a thrombectomy-capable stroke center. 50240  
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(3) In the case of a hospital that is recognized by the department under section 3727.13 of the Revised Code as an acute stroke ready hospital, the collection and transmission of the data described in division (B) of this section is encouraged. 50244  
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(E) The information, statistics, or other data collected or transmitted as required or encouraged by this section shall not identify or tend to identify any particular patient. 50248  
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(F) The department may establish an oversight committee to advise and monitor the department in implementing this section and to assist the department in developing short- and long-term goals for the stroke registry database. 50251  
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If established, the membership of the committee shall consist of individuals with expertise or experience in data collection, data management, or stroke care, including both of the following: 50255  
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(1) Individuals representing organizations advocating on behalf of those with stroke or cardiovascular conditions; 50258  
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(2) Individuals representing hospitals recognized by the department under section 3727.13 of the Revised Code. 50260  
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**Sec. 3727.14.** If an accrediting organization approved by the federal centers for medicare and medicaid services or an organization that certifies hospitals in accordance with 50262  
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nationally recognized certification guidelines establishes a level 50265  
of stroke certification that is in addition to the ~~three~~ four 50266  
levels described in sections 3727.11 to 3727.13 of the Revised 50267  
Code, the department of health shall recognize a hospital 50268  
certified at that additional level. 50269

For purposes of this section, the department and a hospital 50270  
shall comply with sections 3727.11 to 3727.13 of the Revised Code 50271  
as if the certification and recognition described in this section 50272  
were one of the ~~three~~ four levels described in sections 3727.11 to 50273  
3727.13 of the Revised Code. 50274

**Sec. 3727.17.** Each hospital shall provide a staff person to 50275  
do all of the following: 50276

(A) Meet with each unmarried mother who gave birth in or en 50277  
route to the hospital within twenty-four hours after the birth or 50278  
before the mother is released from the hospital; 50279

(B) Attempt to meet with the father of the unmarried mother's 50280  
child if possible; 50281

(C) Explain to the unmarried mother and the father, if the 50282  
father is present, the benefit to the child of establishing a 50283  
parent and child relationship between the father and the child and 50284  
the various proper procedures for establishing a parent and child 50285  
relationship; 50286

(D) Present to the unmarried mother and, if possible, the 50287  
father, the pamphlet or statement regarding the rights and 50288  
responsibilities of a natural parent prepared by the department of 50289  
job and family services pursuant to section 3111.32 of the Revised 50290  
Code; 50291

(E) Provide the unmarried mother, and if possible the father, 50292  
all forms and statements necessary to voluntarily establish a 50293  
parent and child relationship, including the acknowledgment of 50294

paternity form prepared by the department of job and family services pursuant to section 3111.31 of the Revised Code; 50295  
50296

(F) Upon both the mother's and father's request, help the mother and father complete any specific form or statement necessary to establish a parent and child relationship; 50297  
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(G) Present to an unmarried mother who is not a recipient of medicaid or a participant in Ohio works first an application for Title IV-D services; 50300  
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(H) Mail the voluntary acknowledgment of paternity, no later than ten days after it is completed, to the office of child support in the department of job and family services. 50303  
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Each hospital shall provide a notary public to notarize, or witnesses to witness, an acknowledgment of paternity signed by the mother and father. If a hospital knows or determines that a man is presumed under section 3111.03 of the Revised Code to be the father of the child described in this section and that the presumed father is not the man who signed or is attempting to sign an acknowledgment with respect to the child, the hospital shall take no further action with regard to the acknowledgment and shall not mail the acknowledgment pursuant to this section. 50306  
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A hospital may contract with a person or government entity to fulfill its responsibilities under this section and sections 3111.71 to 3111.74 of the Revised Code. Services provided by a hospital under this section or pursuant to a contract under sections 3111.71 and 3111.77 of the Revised Code do not constitute the practice of law. A hospital shall not be subject to criminal or civil liability for any damage or injury alleged to result from services provided pursuant to this section or sections 3111.71 to 3111.74 of the Revised Code unless the hospital acted with malicious purpose, in bad faith, or in a wanton or reckless manner. 50315  
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Sec. 3727.25. (A) As used in this section: 50326

(1) "Surgical smoke" means the airborne byproduct of an 50327  
energy-generating device used in a surgical procedure, including 50328  
smoke plume, bioaerosols, gases, laser-generated contaminants, and 50329  
dust. 50330

(2) "Surgical smoke evacuation system" means equipment 50331  
designed to capture, filter, and eliminate surgical smoke at the 50332  
point of origin, before the smoke makes contact with the eyes or 50333  
respiratory tract of individuals. 50334

(B) Not later than one year after the effective date of this 50335  
section, each hospital that offers surgical services shall adopt 50336  
and implement a policy designed to prevent human exposure to 50337  
surgical smoke during any planned surgical procedure that is 50338  
likely to generate surgical smoke. The policy shall include the 50339  
use of a surgical smoke evacuation system. 50340

(C) The director of health may adopt any rules the director 50341  
considers necessary to implement this section. The rules shall be 50342  
adopted in accordance with Chapter 119. of the Revised Code. 50343

Sec. 3733.41. As used in sections ~~3733.41 to 3733.49~~ of the 50344  
Revised Code this chapter: 50345

(A) "Agricultural labor camp" means one or more buildings or 50346  
structures, trailers, tents, or vehicles, together with any land 50347  
appertaining thereto, established, operated, or used as temporary 50348  
living quarters for two or more families or five or more persons 50349  
intending to engage in or engaged in agriculture or related food 50350  
processing, whether occupancy is by rent, lease, or mutual 50351  
agreement. "Agricultural labor camp" does not include a hotel or 50352  
motel, or a manufactured home park regulated pursuant to sections 50353  
4781.26 to 4781.52 of the Revised Code, and rules adopted 50354  
thereunder. 50355

(B) "Board of health" means the board of health of a city or  
general health district or the authority having the duties of a  
board of health in any city as authorized by section 3709.05 of  
the Revised Code or an authorized representative of the board of  
health.

(C) "Director" means the director of health or the authorized  
representative of the director of health.

(D) "Licensor" means the director of health.

(E) "Person" means the state, any political subdivision,  
public or private corporation, partnership, association, trust,  
individual, or other entity.

(F) "State monitor advocate" means an individual appointed  
under 20 C.F.R. 653.108.

**Sec. 3733.43.** (A) Except as otherwise provided in this  
division, prior to the fifteenth day of April in each year, every  
person who intends to operate an agricultural labor camp shall  
make application to the licensor for a license to operate such  
camp, effective for the calendar year in which it is issued. The  
licensor may accept an application on or after the fifteenth day  
of April. The license fees specified in this division shall be  
submitted to the licensor with the application for a license. No  
agricultural labor camp shall be operated in this state without a  
license. Any person operating an agricultural labor camp without a  
current and valid agricultural labor camp license is not excepted  
from compliance with ~~sections 3733.41 to 3733.49 of the Revised  
Code~~ this chapter by holding a valid and current hotel license.  
Each person proposing to open an agricultural labor camp shall  
submit with the application for a license any plans required by  
any rule adopted under section 3733.42 of the Revised Code. For  
any license issued on or after July 1, 2009, the annual license  
fee is one hundred fifty dollars, unless the application for a

license is made on or after the fifteenth day of April in any 50387  
given year, in which case the annual license fee is one hundred 50388  
sixty-six dollars. For any license issued on or after July 1, 50389  
2009, an additional fee of twenty dollars per housing unit per 50390  
year shall be assessed to defray the costs of enforcing ~~sections~~ 50391  
~~3733.41 to 3733.49 of the Revised Code~~ this chapter, unless the 50392  
application for a license is made on or after the fifteenth day of 50393  
April in any given year, in which case an additional fee of 50394  
forty-two dollars and fifty cents per housing unit shall be 50395  
assessed. All fees collected under this division shall be 50396  
deposited in the state treasury to the credit of the general 50397  
operations fund created in section 3701.83 of the Revised Code and 50398  
shall be used for the administration and enforcement of ~~sections~~ 50399  
~~3733.41 to 3733.49 of the Revised Code~~ this chapter and rules 50400  
adopted thereunder. 50401

(B) Any license under this section may be denied, suspended, 50402  
or revoked by the licensor for violation of ~~sections 3733.41 to~~ 50403  
~~3733.49 of the Revised Code~~ this chapter or the rules adopted 50404  
thereunder. Unless there is an immediate serious public health 50405  
hazard, no denial, suspension, or revocation of a license shall be 50406  
made effective until the person operating the agricultural labor 50407  
camp has been given notice in writing of the specific violations 50408  
and a reasonable time to make corrections. When the licensor 50409  
determines that an immediate serious public health hazard exists, 50410  
the licensor shall issue an order denying or suspending the 50411  
license without a prior hearing. 50412

(C) All proceedings under this section are subject to Chapter 50413  
119. of the Revised Code except as provided in section 3733.431 of 50414  
the Revised Code. 50415

(D) Every occupant of an agricultural labor camp shall keep 50416  
that part of the dwelling unit, and premises thereof, that the 50417  
occupant occupies and controls in a clean and sanitary condition. 50418

Sec. 3733.431. Chapter 119. of the Revised Code applies to 50419  
all adjudications under ~~sections 3733.41 to 3733.49 of the Revised~~ 50420  
~~Code~~ this chapter except that: 50421

(A) The director of health shall notify a licensee that ~~he~~ 50422  
the licensee is entitled to a hearing if ~~he~~ the licensee requests 50423  
it within ten days of the time the notice informing ~~him~~ the 50424  
licensee of ~~his~~ the licensee's right to a hearing was mailed; 50425

(B) If the licensee requests a hearing, the date set for the 50426  
hearing shall be within ten days after the licensee has requested 50427  
a hearing; 50428

(C) The director shall not apply for a postponement or 50429  
continuation of an adjudication hearing. If the licensee requests 50430  
a postponement or continuation of an adjudication hearing, it 50431  
shall not be granted unless the licensee demonstrates that an 50432  
unusual hardship will be incurred in meeting the hearing date. If 50433  
the director grants a postponement or continuation on the grounds 50434  
of an unusual hardship to the licensee, the record shall document 50435  
the nature and cause of the unusual hardship. 50436

(D) If the director of health appoints a referee or examiner 50437  
to conduct the hearing: 50438

(1) A copy of the written adjudication report and 50439  
recommendation of the referee or examiner shall be served by 50440  
certified mail upon the director and the licensee or ~~his~~ the 50441  
licensee's attorney or other representative of record within three 50442  
working days of the conclusion of the hearing; 50443

(2) The licensee is not entitled to file written objections 50444  
to the report; 50445

(3) The director shall approve, modify, or disapprove of the 50446  
report and recommendations within three working days of receiving 50447  
the report. 50448

(E) A notice of appeal of an adverse adjudication decision 50449  
shall be filed within fifteen days of the mailing of the 50450  
director's order; 50451

(F) The court shall not suspend an adjudication order pending 50452  
disposition of the appeal. Any adjudication order issued by the 50453  
director shall remain in force pending final disposition of the 50454  
appeal. 50455

**Sec. 3733.45.** (A) The licensor shall inspect all agricultural 50456  
labor camps and shall require compliance with ~~sections 3733.41 to~~ 50457  
~~3733.49 of the Revised Code~~ this chapter and the rules adopted 50458  
thereunder prior to the issuance of a license. Upon receipt of a 50459  
complaint from the ~~migrant agricultural ombudsperson~~ state monitor 50460  
advocate or upon the basis of a licensor's own information that an 50461  
agricultural labor camp is operating without a license, the 50462  
licensor shall inspect the camp. If the camp is operating without 50463  
a license, the licensor shall require the camp to comply with 50464  
~~sections 3733.41 to 3733.49 of the Revised Code~~ this chapter and 50465  
the rules adopted under ~~those sections~~ it. No license shall be 50466  
issued unless results of water supply tests indicate that the 50467  
water supply meets required standards or if any violations exist 50468  
concerning sanitation, drainage, or habitability of housing units. 50469  
50470

(B) The licensor shall, upon issuance of each license, 50471  
distribute posters containing the toll-free telephone number of 50472  
the ~~migrant agricultural ombudsperson established in section~~ 50473  
~~3733.49 of the Revised Code~~ state monitor advocate and information 50474  
in English and Spanish describing the purpose of the 50475  
~~ombudsperson's state monitor advocate's office, as provided in~~ 50476  
~~that section~~ under 20 C.F.R. Parts 651, 653, 654, and 658. The 50477  
licensor shall provide at least two posters to the licensee, one 50478  
for the licensee's personal use and at least one that shall be 50479

posted in a conspicuous place within the camp. 50480

(C) The licensor may, upon proper identification to the 50481  
operator or the operator's agent, enter on any property or into 50482  
any structure at any reasonable time for the purpose of making 50483  
inspections required by this section. 50484

The licensor shall make at least one inspection prior to 50485  
licensing. The licensor shall make such other inspections as the 50486  
licensor considers necessary to enforce ~~sections 3733.41 to~~ 50487  
~~3733.49 of the Revised Code~~ this chapter adequately. 50488

(D) Any plans submitted to the licensor shall be in 50489  
compliance with rules adopted pursuant to section 3733.42 of the 50490  
Revised Code and shall be approved or disapproved within thirty 50491  
days after they are filed. 50492

(E) The licensor shall issue an annual report that shall 50493  
accurately reflect the results of that year's inspections, 50494  
including, but not limited to, numbers of inspections, number of 50495  
violations found, and action taken in regard to violations. The 50496  
report shall also include an assessment of any problems found in 50497  
that year and proposed solutions for them. 50498

**Sec. 3733.46.** (A) The director of health is the licensor and 50499  
shall administer and enforce ~~sections 3733.41 to 3733.49 of the~~ 50500  
~~Revised Code~~ this chapter and the rules adopted thereunder. 50501

(B) If the director determines that a board of health can 50502  
satisfactorily enforce ~~sections 3733.41 to 3733.49 of the Revised~~ 50503  
~~Code~~ this chapter and the rules adopted thereunder, ~~he~~ the 50504  
director shall delegate ~~his~~ the director's authority to enforce 50505  
~~sections 3733.41 to 3733.49 of the Revised Code~~ this chapter and 50506  
the rules adopted thereunder to the board. The director may enter 50507  
an agreement with a board of health to which ~~he~~ the director has 50508  
delegated ~~his~~ the director's authority to enforce ~~sections 3733.41~~ 50509

~~to 3733.49 of the Revised Code~~ this chapter, to provide funds to 50510  
the board of health to carry out this duty. The director shall 50511  
retain authority to issue, deny, renew, suspend, or revoke 50512  
licenses authorizing the operation of agricultural labor camps. 50513

**Sec. 3733.47.** The attorney general, or the prosecuting 50514  
attorney of the county, or the city director of law shall upon 50515  
complaint of the licenser prosecute to termination or bring an 50516  
action for a temporary restraining order or preliminary or 50517  
permanent injunction against any person violating ~~sections 3733.41~~ 50518  
~~to 3733.49 of the Revised Code~~ this chapter or the rules adopted 50519  
thereunder. The common pleas court in which an action for a 50520  
temporary restraining order or preliminary or permanent injunction 50521  
is filed has the jurisdiction to grant such relief upon a showing 50522  
that the respondent named in the complaint is in violation of 50523  
~~sections 3733.41 to 3733.49 of the Revised Code~~ this chapter or 50524  
the rules adopted thereunder. 50525

**Sec. 3733.471.** (A) Any person who believes that violations of 50526  
~~sections 3733.41 to 3733.49~~ this chapter, Chapter 4109., or 50527  
Chapter 4111. of the Revised Code are taking place may report or 50528  
cause reports to be made of the information directly to the 50529  
~~migrant agricultural ombudsman's office as provided in section~~ 50530  
~~3733.49 of the Revised Code~~ state monitor advocate. No person who 50531  
files a report is liable for civil damages resulting from the 50532  
report if the report was made on the basis of personal knowledge 50533  
and belief, and not on the basis of hearsay, and was made in good 50534  
faith and without recklessness as to the truth of the information 50535  
contained in the report. 50536

(B) The ~~migrant agricultural ombudsman's office~~ state monitor 50537  
advocate shall immediately forward to the attorney general all 50538  
reports that ~~it~~ the state monitor advocate receives under division 50539  
(A) of this section. Within forty-eight hours of receiving a 50540

report alleging that conditions in violation of ~~sections 3733.41~~ 50541  
~~to 3733.49~~ this chapter, Chapter 4109., or Chapter 4111. of the 50542  
Revised Code exist that cause a direct or serious threat to the 50543  
health or safety of migrant agricultural laborers, the attorney 50544  
general, or the attorney general in conjunction with the director 50545  
of health, shall investigate the complaint. If after an 50546  
investigation period, which shall not exceed forty-eight hours, 50547  
the attorney general finds probable cause to believe that existing 50548  
conditions cause a direct or serious threat to the health or 50549  
safety of the laborers, the attorney general, or the attorney 50550  
general in conjunction with the appropriate prosecuting attorney, 50551  
shall bring an action for a temporary restraining order or a 50552  
preliminary or permanent injunction. 50553

(C) The attorney general, or the attorney general in 50554  
conjunction with the director of health, shall, within seven days 50555  
of receiving a complaint that does not allege a serious health or 50556  
safety violation of ~~sections 3733.41 to 3733.49~~ this chapter, 50557  
Chapter 4109., or Chapter 4111. of the Revised Code, begin an 50558  
investigation of the complaint. If after an investigation period, 50559  
which shall not exceed fourteen days, the attorney general finds 50560  
probable cause to believe that a violation of ~~sections 3733.41 to~~ 50561  
~~3733.49~~ this chapter, Chapter 4109., or Chapter 4111. of the 50562  
Revised Code exists, ~~he~~ the attorney general shall refer the 50563  
matter to the appropriate prosecuting attorney, who shall 50564  
prosecute the complaint. 50565

(D) The ~~migrant agricultural ombudsman's office~~ state monitor 50566  
advocate shall treat as confidential all information that ~~it~~ the 50567  
state monitor advocate receives as a result of reports filed with 50568  
~~it~~ the state monitor advocate under division (A) of this section 50569  
and shall not reveal that information to any person except under 50570  
division (B) of this section or as required in the course of an 50571  
investigation or prosecution. 50572

Sec. 3734.01. As used in this chapter: 50573

(A) "Board of health" means the board of health of a city or 50574  
general health district or the authority having the duties of a 50575  
board of health in any city as authorized by section 3709.05 of 50576  
the Revised Code. 50577

(B) "Director" means the director of environmental 50578  
protection. 50579

(C) "Health district" means a city or general health district 50580  
as created by or under authority of Chapter 3709. of the Revised 50581  
Code. 50582

(D) "Agency" means the environmental protection agency. 50583

(E) "Solid wastes" means such unwanted residual solid or 50584  
semisolid material as results from industrial, commercial, 50585  
agricultural, and community operations, excluding earth or 50586  
material from construction, mining, or demolition operations, or 50587  
other waste materials of the type that normally would be included 50588  
in demolition debris, nontoxic fly ash and bottom ash, including 50589  
at least ash that results from the combustion of coal and ash that 50590  
results from the combustion of coal in combination with scrap 50591  
tires where scrap tires comprise not more than fifty per cent of 50592  
heat input in any month, spent nontoxic foundry sand, nontoxic, 50593  
nonhazardous, unwanted fired and unfired, glazed and unglazed, 50594  
structural products made from shale and clay products, and slag 50595  
and other substances that are not harmful or inimical to public 50596  
health, and includes, but is not limited to, garbage, scrap tires, 50597  
combustible and noncombustible material, street dirt, and debris. 50598  
"Solid wastes" does not include any material that is an infectious 50599  
waste ~~or~~, a hazardous waste, or any post-use polymers and 50600  
recovered feedstocks converted at an advanced recycling facility 50601  
or held at such a facility prior to conversion through an advanced 50602  
recycling process. 50603

(F) "Disposal" means the discharge, deposit, injection, 50604  
dumping, spilling, leaking, emitting, or placing of any solid 50605  
wastes or hazardous waste into or on any land or ground or surface 50606  
water or into the air, except if the disposition or placement 50607  
constitutes storage or treatment or, if the solid wastes consist 50608  
of scrap tires, the disposition or placement constitutes a 50609  
beneficial use or occurs at a scrap tire recovery facility 50610  
licensed under section 3734.81 of the Revised Code. "Disposal" 50611  
does not include ~~the process of converting post-use polymers and~~ 50612  
~~recoverable feedstocks using gasification or pyrolysis~~ advanced 50613  
recycling. 50614

(G) "Person" includes the state, any political subdivision 50615  
and other state or local body, the United States and any agency or 50616  
instrumentality thereof, and any legal entity defined as a person 50617  
under section 1.59 of the Revised Code. 50618

(H) "Open burning" means the burning of solid wastes in an 50619  
open area or burning of solid wastes in a type of chamber or 50620  
vessel that is not approved or authorized in rules adopted by the 50621  
director under section 3734.02 of the Revised Code or, if the 50622  
solid wastes consist of scrap tires, in rules adopted under 50623  
division (V) of this section or section 3734.73 of the Revised 50624  
Code, or the burning of treated or untreated infectious wastes in 50625  
an open area or in a type of chamber or vessel that is not 50626  
approved in rules adopted by the director under section 3734.021 50627  
of the Revised Code. 50628

(I) "Open dumping" means the depositing of solid wastes into 50629  
a body or stream of water or onto the surface of the ground at a 50630  
site that is not licensed as a solid waste facility under section 50631  
3734.05 of the Revised Code or, if the solid wastes consist of 50632  
scrap tires, as a scrap tire collection, storage, monocell, 50633  
monofill, or recovery facility under section 3734.81 of the 50634  
Revised Code; the depositing of solid wastes that consist of scrap 50635

tires onto the surface of the ground at a site or in a manner not 50636  
specifically identified in divisions (C)(2) to (5), (7), or (10) 50637  
of section 3734.85 of the Revised Code; the depositing of 50638  
untreated infectious wastes into a body or stream of water or onto 50639  
the surface of the ground; or the depositing of treated infectious 50640  
wastes into a body or stream of water or onto the surface of the 50641  
ground at a site that is not licensed as a solid waste facility 50642  
under section 3734.05 of the Revised Code. 50643

(J) "Hazardous waste" means any waste or combination of 50644  
wastes in solid, liquid, semisolid, or contained gaseous form that 50645  
in the determination of the director, because of its quantity, 50646  
concentration, or physical or chemical characteristics, may do 50647  
either of the following: 50648

(1) Cause or significantly contribute to an increase in 50649  
mortality or an increase in serious irreversible or incapacitating 50650  
reversible illness; 50651

(2) Pose a substantial present or potential hazard to human 50652  
health or safety or to the environment when improperly stored, 50653  
treated, transported, disposed of, or otherwise managed. 50654

"Hazardous waste" includes any substance identified by 50655  
regulation as hazardous waste under the "Resource Conservation and 50656  
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 50657  
amended, and does not include any substance that is subject to the 50658  
"Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as 50659  
amended. 50660

(K) "Treat" or "treatment," when used in connection with 50661  
hazardous waste, means any method, technique, or process, 50662  
including neutralization, designed to change the physical, 50663  
chemical, or biological character or composition of any hazardous 50664  
waste so as to neutralize the waste; recover energy or material 50665  
resources from the waste; render the waste nonhazardous or less 50666

hazardous, safer to transport, store, or dispose of, or amenable 50667  
for recovery or storage; or reduce the volume of the waste. When 50668  
used in connection with infectious wastes, "treat" or "treatment" 50669  
means any method, technique, or process that renders the wastes 50670  
noninfectious so that it is no longer an infectious waste and is 50671  
no longer an infectious substance as defined in applicable federal 50672  
law, including, without limitation, steam sterilization and 50673  
incineration, and, in the instance of wastes identified in 50674  
division (R)(7) of this section, to substantially reduce or 50675  
eliminate the potential for the wastes to cause lacerations or 50676  
puncture wounds. 50677

(L) "Manifest" means the form used for identifying the 50678  
quantity, composition, origin, routing, and destination of 50679  
hazardous waste during its transportation from the point of 50680  
generation to the point of disposal, treatment, or storage. 50681

(M)(1) When used in connection with hazardous waste, 50682  
"storage" means the holding of hazardous waste for a temporary 50683  
period in such a manner that it remains retrievable and 50684  
substantially unchanged physically and chemically and, at the end 50685  
of the period, is treated; disposed of; stored elsewhere; or 50686  
reused, recycled, or reclaimed in a beneficial manner; 50687

(2) When used in connection with scrap tires, "storage" means 50688  
the holding of scrap tires for a temporary period in such a manner 50689  
that they remain retrievable and, at the end of that period, are 50690  
beneficially used; stored elsewhere; placed in a scrap tire 50691  
monocell or monofill facility licensed under section 3734.81 of 50692  
the Revised Code; processed at a scrap tire recovery facility 50693  
licensed under that section or a solid waste incineration or 50694  
energy recovery facility subject to regulation under this chapter; 50695  
or transported to a scrap tire monocell, monofill, or recovery 50696  
facility, any other solid waste facility authorized to dispose of 50697  
scrap tires, or a facility that will beneficially use the scrap 50698

tires, that is located in another state and is operating in 50699  
compliance with the laws of the state in which the facility is 50700  
located; 50701

(3) When used in connection with ~~recoverable~~ recovered 50702  
feedstocks or post-use polymers, "storage" means holding 50703  
~~recoverable~~ recovered feedstocks or post-use polymers for a period 50704  
of less than ninety days, provided all of the following apply: 50705

(a) The ~~recoverable~~ recovered feedstocks or post-use polymers 50706  
remain retrievable and substantially unchanged physically and 50707  
chemically; 50708

(b) The storage of ~~recoverable~~ recovered feedstocks or 50709  
post-use polymers does not cause a nuisance; 50710

(c) The storage of ~~recoverable~~ recovered feedstocks or 50711  
post-use polymers does not pose a threat from vectors; 50712

(d) The storage of ~~recoverable~~ recovered feedstocks or 50713  
post-use polymers does not adversely impact public health, safety, 50714  
or the environment; 50715

(e) Prior to the end of the storage period of less than 50716  
ninety days, the ~~recoverable~~ recovered feedstocks or post-use 50717  
polymers are converted ~~using gasification or pyrolysis through~~ 50718  
advanced recycling. 50719

(N) "Facility" means any site, location, tract of land, 50720  
installation, or building used for incineration, composting, 50721  
sanitary landfilling, or other methods of disposal of solid wastes 50722  
or, if the solid wastes consist of scrap tires, for the 50723  
collection, storage, or processing of the solid wastes; for the 50724  
transfer of solid wastes; for the treatment of infectious wastes; 50725  
or for the storage, treatment, or disposal of hazardous waste. 50726

(O) "Closure" means the time at which a hazardous waste 50727  
facility will no longer accept hazardous waste for treatment, 50728

storage, or disposal, the time at which a solid waste facility 50729  
will no longer accept solid wastes for transfer or disposal or, if 50730  
the solid wastes consist of scrap tires, for storage or 50731  
processing, or the effective date of an order revoking the permit 50732  
for a hazardous waste facility or the registration certificate, 50733  
permit, or license for a solid waste facility, as applicable. 50734  
"Closure" includes measures performed to protect public health or 50735  
safety, to prevent air or water pollution, or to make the facility 50736  
suitable for other uses, if any, including, but not limited to, 50737  
the removal of processing residues resulting from solid wastes 50738  
that consist of scrap tires; the establishment and maintenance of 50739  
a suitable cover of soil and vegetation over cells in which 50740  
hazardous waste or solid wastes are buried; minimization of 50741  
erosion, the infiltration of surface water into such cells, the 50742  
production of leachate, and the accumulation and runoff of 50743  
contaminated surface water; the final construction of facilities 50744  
for the collection and treatment of leachate and contaminated 50745  
surface water runoff, except as otherwise provided in this 50746  
division; the final construction of air and water quality 50747  
monitoring facilities, except as otherwise provided in this 50748  
division; the final construction of methane gas extraction and 50749  
treatment systems; or the removal and proper disposal of hazardous 50750  
waste or solid wastes from a facility when necessary to protect 50751  
public health or safety or to abate or prevent air or water 50752  
pollution. With regard to a solid waste facility that is a scrap 50753  
tire facility, "closure" includes the final construction of 50754  
facilities for the collection and treatment of leachate and 50755  
contaminated surface water runoff and the final construction of 50756  
air and water quality monitoring facilities only if those actions 50757  
are determined to be necessary. 50758

(P) "Premises" means either of the following: 50759

(1) Geographically contiguous property owned by a generator; 50760

(2) Noncontiguous property that is owned by a generator and 50761  
connected by a right-of-way that the generator controls and to 50762  
which the public does not have access. Two or more pieces of 50763  
property that are geographically contiguous and divided by public 50764  
or private right-of-way or rights-of-way are a single premises. 50765

(Q) "Post-closure" means that period of time following 50766  
closure during which a hazardous waste facility is required to be 50767  
monitored and maintained under this chapter and rules adopted 50768  
under it, including, without limitation, operation and maintenance 50769  
of methane gas extraction and treatment systems, or the period of 50770  
time after closure during which a scrap tire monocell or monofill 50771  
facility licensed under section 3734.81 of the Revised Code is 50772  
required to be monitored and maintained under this chapter and 50773  
rules adopted under it. 50774

(R) "Infectious wastes" means any wastes or combination of 50775  
wastes that include cultures and stocks of infectious agents and 50776  
associated biologicals, human blood and blood products, and 50777  
substances that were or are likely to have been exposed to or 50778  
contaminated with or are likely to transmit an infectious agent or 50779  
zoonotic agent, including all of the following: 50780

(1) Laboratory wastes; 50781

(2) Pathological wastes; 50782

(3) Animal blood and blood products; 50783

(4) Animal carcasses and parts; 50784

(5) Waste materials from the rooms of humans, or the 50785  
enclosures of animals, that have been isolated because of 50786  
diagnosed communicable disease that are likely to transmit 50787  
infectious agents. Such waste materials from the rooms of humans 50788  
do not include any wastes of patients who have been placed on 50789  
blood and body fluid precautions under the universal precaution 50790  
system established by the centers for disease control in the 50791

public health service of the United States department of health 50792  
and human services, except to the extent specific wastes generated 50793  
under the universal precautions system have been identified as 50794  
infectious wastes by rules adopted under division (R)(7) of this 50795  
section. 50796

(6) Sharp wastes used in the treatment, diagnosis, or 50797  
inoculation of human beings or animals; 50798

(7) Any other waste materials generated in the diagnosis, 50799  
treatment, or immunization of human beings or animals, in research 50800  
pertaining thereto, or in the production or testing of 50801  
biologicals, that the director of health, by rules adopted in 50802  
accordance with Chapter 119. of the Revised Code, identifies as 50803  
infectious wastes after determining that the wastes present a 50804  
substantial threat to human health when improperly managed because 50805  
they are contaminated with, or are likely to be contaminated with, 50806  
infectious agents. 50807

As used in this division, "blood products" does not include 50808  
patient care waste such as bandages or disposable gowns that are 50809  
lightly soiled with blood or other body fluids unless those wastes 50810  
are soiled to the extent that the generator of the wastes 50811  
determines that they should be managed as infectious wastes. 50812

(S) "Infectious agent" means a type of microorganism, 50813  
pathogen, virus, or proteinaceous infectious particle that can 50814  
cause or significantly contribute to disease in or death of human 50815  
beings. 50816

(T) "Zoonotic agent" means a type of microorganism, pathogen, 50817  
or virus that causes disease in vertebrate animals, is 50818  
transmissible to human beings, and can cause or significantly 50819  
contribute to disease in or death of human beings. 50820

(U) "Solid waste transfer facility" means any site, location, 50821  
tract of land, installation, or building that is used or intended 50822

to be used primarily for the purpose of transferring solid wastes 50823  
that were generated off the premises of the facility from vehicles 50824  
or containers into other vehicles for transportation to a solid 50825  
waste disposal facility. "Solid waste transfer facility" does not 50826  
include an advanced recycling facility or any facility that 50827  
consists solely of portable containers that have an aggregate 50828  
volume of fifty cubic yards or less nor any facility where 50829  
legitimate recycling activities are conducted. 50830

(V) "Beneficially use" includes: 50831

(1) With regard to scrap tires, to use a scrap tire in a 50832  
manner that results in a commodity for sale or exchange or in any 50833  
other manner authorized as a beneficial use in rules adopted by 50834  
the director in accordance with Chapter 119. of the Revised Code; 50835

(2) With regard to material from a horizontal well that has 50836  
come in contact with a refined oil-based substance and that is not 50837  
technologically enhanced naturally occurring radioactive material, 50838  
to use the material in any manner authorized as a beneficial use 50839  
in rules adopted by the director under section 3734.125 of the 50840  
Revised Code. 50841

(W) "Commercial car," "commercial tractor," "farm machinery," 50842  
"motor bus," "vehicles," "motor vehicle," and "semitrailer" have 50843  
the same meanings as in section 4501.01 of the Revised Code. 50844

(X) "Construction equipment" means road rollers, traction 50845  
engines, power shovels, power cranes, and other equipment used in 50846  
construction work, or in mining or producing or processing 50847  
aggregates, and not designed for or used in general highway 50848  
transportation. 50849

(Y) "Motor vehicle salvage dealer" has the same meaning as in 50850  
section 4738.01 of the Revised Code. 50851

(Z) "Scrap tire" means an unwanted or discarded tire. 50852

(AA) "Scrap tire collection facility" means any facility that 50853  
meets all of the following qualifications: 50854

(1) The facility is used for the receipt and storage of whole 50855  
scrap tires from the public prior to their transportation to a 50856  
scrap tire storage, monocell, monofill, or recovery facility 50857  
licensed under section 3734.81 of the Revised Code; a solid waste 50858  
incineration or energy recovery facility subject to regulation 50859  
under this chapter; a premises within the state where the scrap 50860  
tires will be beneficially used; or a scrap tire storage, 50861  
monocell, monofill, or recovery facility, any other solid waste 50862  
disposal facility authorized to dispose of scrap tires, or a 50863  
facility that will beneficially use the scrap tires, that is 50864  
located in another state, and that is operating in compliance with 50865  
the laws of the state in which the facility is located. 50866

(2) The facility exclusively stores scrap tires in portable 50867  
containers. 50868

(3) The aggregate storage of the portable containers in which 50869  
the scrap tires are stored does not exceed five thousand cubic 50870  
feet. 50871

(BB) "Scrap tire monocell facility" means an individual site 50872  
within a solid waste landfill that is used exclusively for the 50873  
environmentally sound storage or disposal of whole scrap tires or 50874  
scrap tires that have been shredded, chipped, or otherwise 50875  
mechanically processed. 50876

(CC) "Scrap tire monofill facility" means an engineered 50877  
facility used or intended to be used exclusively for the storage 50878  
or disposal of scrap tires, including at least facilities for the 50879  
submergence of whole scrap tires in a body of water. 50880

(DD) "Scrap tire recovery facility" means any facility, or 50881  
portion thereof, for the processing of scrap tires for the purpose 50882  
of extracting or producing usable products, materials, or energy 50883

from the scrap tires through a controlled combustion process, 50884  
mechanical process, or chemical process. "Scrap tire recovery 50885  
facility" includes any facility that uses the controlled 50886  
combustion of scrap tires in a manufacturing process to produce 50887  
process heat or steam or any facility that produces usable heat or 50888  
electric power through the controlled combustion of scrap tires in 50889  
combination with another fuel, but does not include any solid 50890  
waste incineration or energy recovery facility that is designed, 50891  
constructed, and used for the primary purpose of incinerating 50892  
mixed municipal solid wastes and that burns scrap tires in 50893  
conjunction with mixed municipal solid wastes, or any tire 50894  
retreading business, tire manufacturing finishing center, or tire 50895  
adjustment center having on the premises of the business a single, 50896  
covered scrap tire storage area at which not more than four 50897  
thousand scrap tires are stored. 50898

(EE) "Scrap tire storage facility" means any facility where 50899  
whole scrap tires are stored prior to their transportation to a 50900  
scrap tire monocell, monofill, or recovery facility licensed under 50901  
section 3734.81 of the Revised Code; a solid waste incineration or 50902  
energy recovery facility subject to regulation under this chapter; 50903  
a premises within the state where the scrap tires will be 50904  
beneficially used; or a scrap tire storage, monocell, monofill, or 50905  
recovery facility, any other solid waste disposal facility 50906  
authorized to dispose of scrap tires, or a facility that will 50907  
beneficially use the scrap tires, that is located in another 50908  
state, and that is operating in compliance with the laws of the 50909  
state in which the facility is located. 50910

(FF) "Used oil" means any oil that has been refined from 50911  
crude oil, or any synthetic oil, that has been used and, as a 50912  
result of that use, is contaminated by physical or chemical 50913  
impurities. "Used oil" includes only those substances identified 50914  
as used oil by the United States environmental protection agency 50915

under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 50916  
U.S.C.A. 6901a, as amended. 50917

(GG) "Accumulated speculatively" has the same meaning as in 50918  
rules adopted by the director under section 3734.12 of the Revised 50919  
Code. 50920

(HH) "Horizontal well" has the same meaning as in section 50921  
1509.01 of the Revised Code. 50922

(II) "Technologically enhanced naturally occurring 50923  
radioactive material" has the same meaning as in section 3748.01 50924  
of the Revised Code. 50925

(JJ) "Post-use polymer" means a plastic ~~polymer~~ to which ~~both~~ 50926  
all of the following apply: 50927

(1) It is derived from any ~~source and is not being used for~~ 50928  
~~its original intended purpose~~ industrial, commercial, 50929  
agricultural, or domestic activities, and includes pre-consumer 50930  
recovered materials and post-consumer materials. 50931

(2) Its use or intended use is ~~to manufacture crude oil,~~ 50932  
~~fuels, other as feedstock for the manufacturing of feedstocks,~~ raw 50933  
materials, other intermediate products, or final products using 50934  
~~pyrolysis or gasification~~ advanced recycling. 50935

~~"Post-use polymer"~~ (3) It has been sorted from solid waste 50936  
and other regulated waste, but may contain incidental contaminants 50937  
or impurities, such as paper labels or metal rings. 50938

(4) It is not mixed with solid waste or hazardous waste 50939  
onsite or during processing at the advanced recycling facility. 50940

(5) It is processed at an advanced recycling facility or held 50941  
at such facility prior to processing. 50942

(KK) "Pyrolysis" means a manufacturing process through which 50943  
post-use polymers or recovered feedstocks are heated in the 50944  
absence of oxygen until melted and thermally decomposed, either 50945

noncatalytically or catalytically, and are then cooled, condensed, 50946  
and converted to one of the following: 50947

~~(1) Crude oil, diesel, gasoline, home heating oil, or another~~ 50948  
~~fuel;~~ 50949

~~(2) Feedstocks;~~ 50950

~~(3) Diesel and gasoline blendstocks;~~ 50951

~~(4) Chemicals, waxes, or lubricants;~~ 50952

~~(5) Other~~ into valuable raw materials, intermediate products, 50953  
~~or~~ final products, plastic monomers, chemicals, naphtha, waxes, or 50954  
plastic and chemical feedstocks that are returned to economic 50955  
utility in the form of raw materials and products. 50956

(LL) "Gasification" means a manufacturing process through 50957  
which ~~recoverable~~ post-use polymers or recovered feedstocks are 50958  
heated ~~and converted into a fuel gas mixture~~ in an 50959  
~~oxygen deficient~~ oxygen-controlled atmosphere, ~~and the mixture is~~ 50960  
converted into fuel, ~~including ethanol and transportation fuel,~~ 50961  
syngas, followed by conversion into valuable raw, intermediate, 50962  
and final products, including plastic monomers, chemicals, ~~or~~ 50963  
~~other~~ waxes, lubricants, coatings, and plastic and chemical 50964  
feedstocks that are returned to economic utility in the form of 50965  
raw materials or products. 50966

(MM) "~~Recoverable~~ Recovered feedstock" means one or more of 50967  
the following materials, ~~derived from nonrecycled waste,~~ that have 50968  
not been mixed with solid waste or hazardous waste on-site or 50969  
during processing at an advanced recycling facility and have been 50970  
processed for use as a feedstock in a gasification facility: 50971

(1) Post-use polymers; 50972

(2) Materials for which the United States environmental 50973  
protection agency has made a non-waste determination ~~under 40~~ 50974  
~~C.F.R. 241.3(e)~~ or has otherwise determined are feedstocks and are 50975

not solid waste. 50976

"Recovered feedstock" does not include unprocessed municipal solid waste. 50977  
50978

(NN) "Advanced recycling" means a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic raw materials, feedstocks, chemicals, and other recycled products through processes that include pyrolysis, gasification, depolymerization, catalytic cracking, reforming, hydrogenation, solvolysis, chemolysis, and other similar technologies. "Advanced recycling" does not include incineration of plastics or waste-to-energy processes and products sold as fuel. "Advanced recycling" is "recycling" as defined in section 3736.01 of the Revised Code. 50979  
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(OO) "Recycled products" include products produced at advanced recycling facilities including, monomers, oligomers, recycled plastics, plastic and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, coatings, and adhesives. 50989  
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(PP) "Advanced recycling facility" means a manufacturing facility that stores and converts post-use polymers and recovered feedstocks it receives using advanced recycling. 50993  
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(OO) "Depolymerization" means a manufacturing process where post-use polymers are broken into smaller molecules such as monomers and oligomers or raw, intermediate, or final products, plastics and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, and coatings. 50996  
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(RR) "Mass balance attribution" means a chain of custody accounting methodology with rules defined by a third-party certification system that enables the attribution of the mass of advanced recycling feedstocks to one or more advanced recycling products. 51001  
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(SS) "Recycled plastic" means products that are produced from 51006

<u>either of the following:</u>	51007
<u>(1) Mechanical recycling of pre-consumer recovered feedstocks or plastics, and post-consumer plastics;</u>	51008
<u>(2) The advanced recycling of pre-consumer recovered feedstocks or plastics, and post-consumer plastics via mass balance attribution under a third party certification system.</u>	51010
<u>(TT) "Solvolysis" means a manufacturing process to make useful products through which post-use polymers are purified by removing additives and contaminants with the aid of solvents and are heated at low temperatures or pressurized. "Solvolysis" includes hydrolysis, aminolysis, ammonolysis, methanolysis, and glycolysis.</u>	51011
<u>(UU) "Useful products" means products produced through solvolysis, including monomers, intermediates, valuable chemicals, plastics and chemical feedstocks, and raw materials.</u>	51012
<u>(VV) "Third-party certification system" means an international and multi-national third-party certification system that consists of a set of rules for the implementation of mass balance attribution approaches for advanced recycling of materials. "Third-party certification system" includes international sustainability and carbon certification, underwriter laboratories, SCS recycled content, roundtable on sustainable biomaterials, ecoloop, and REDcert2.</u>	51013
<u>Sec. 3734.48. (A) As used in this section:</u>	51014
<u>(1) "Coal combustion residuals" means fly ash, bottom ash, boiler slag, and flue gas desulfurization materials generated from burning coal for the purpose of generating electricity by electric utilities and independent power producers, as defined in 40 C.F.R. Part 257.</u>	51015
<u>(2) "Coal combustion residuals landfill" means an area of</u>	51016
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land or an excavation that receives coal combustion residuals that 51037  
is not a coal combustion residuals surface impoundment, an 51038  
underground injection well, a salt dome formation, a salt bed 51039  
formation, an underground or surface mine, or a cave. "Coal 51040  
combustion residuals landfill" includes sand and gravel pits and 51041  
quarries that receive coal combustion residuals, coal combustion 51042  
residuals piles, and any practice that does not meet the 51043  
definition of a beneficial use of coal combustion residuals under 51044  
40 C.F.R. Part 257. 51045

(3) "Coal combustion residuals pile" means any 51046  
noncontainerized accumulation of solid, nonflowing coal combustion 51047  
residuals that is placed on the land. "Coal combustion residuals 51048  
pile" does not mean coal combustion residuals that are 51049  
beneficially used off-site. 51050

(4) "Coal combustion residuals surface impoundment" means a 51051  
natural topographic depression, manmade excavation, or diked area 51052  
that is designed to hold an accumulation of coal combustion 51053  
residuals and liquids and a coal combustion residual unit at which 51054  
coal combustion residuals are treated, stored, or disposed in 51055  
accordance with 40 C.F.R. Part 257. 51056

(5) "Coal combustion residuals unit" means any coal 51057  
combustion residuals landfill, coal combustion residuals surface 51058  
impoundment, including any lateral expansion of a coal combustion 51059  
residuals unit, or a combination thereof. "Coal combustion 51060  
residuals unit" includes both new units and units existing prior 51061  
to the effective date of this section unless otherwise specified 51062  
in 40 C.F.R. Part 257. 51063

(B) The director of environmental protection, in accordance 51064  
with Chapter 119. of the Revised Code, shall adopt rules having 51065  
uniform application throughout the state governing coal combustion 51066  
residuals units. The director shall ensure that the rules are 51067  
equivalent to, but not more stringent than, 40 C.F.R. Part 257. 51068

<u>The rules shall address all of the following:</u>	51069
<u>(1) Additional definitions relating to coal combustion residuals;</u>	51070
<u>(2) Siting criteria;</u>	51071
<u>(3) Groundwater monitoring requirements; (4) Design and construction requirements;</u>	51072
<u>(5) Financial assurance requirements;</u>	51073
<u>(6) Closure and post-closure requirements;</u>	51074
<u>(7) Any other requirement that the director determines is necessary for the administration of this section.</u>	51075
<u>(C) Except as provided in division (D) of this section, a coal combustion residuals unit that is subject to rules adopted under this section or 40 C.F.R. Part 257 is not subject to any of the following:</u>	51076
<u>(1) Any other section of this chapter;</u>	51077
<u>(2) Rules adopted under any other section of this chapter;</u>	51078
<u>(3) Section 6111.04 of the Revised Code.</u>	51079
<u>(D) The director may adopt rules under this section that require a coal combustion residuals unit to obtain a permit-to-install or national pollutant discharge elimination system permit under section 6111.03 of the Revised Code.</u>	51080
<u>(E) The director shall prescribe and furnish any forms necessary to administer and enforce this section. The director may cooperate with and enter into agreements with other state, local, or federal agencies to carry out the purposes of this section.</u>	51081
<u>(F) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code.</u>	51082
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Sec. 3734.57. (A) The following fees are hereby levied on the 51098  
transfer or disposal of solid wastes in this state: 51099

(1) ~~Ninety~~ Seventy-one cents per ton through June 30, ~~2024~~ 51100  
2026, ~~twenty eleven~~ cents of the proceeds of which shall be 51101  
deposited in the state treasury to the credit of the hazardous 51102  
waste facility management fund created in section 3734.18 of the 51103  
Revised Code and ~~seventy sixty~~ sixty cents of the proceeds of which 51104  
shall be deposited in the state treasury to the credit of the 51105  
hazardous waste clean-up fund created in section 3734.28 of the 51106  
Revised Code; 51107

(2) An additional ~~seventy-five~~ ninety cents per ton through 51108  
June 30, ~~2024~~ 2026, the proceeds of which shall be deposited in 51109  
the state treasury to the credit of the waste management fund 51110  
created in section 3734.061 of the Revised Code; 51111

(3) An additional two dollars and ~~eighty-five~~ eighty-one 51112  
cents per ton through June 30, ~~2024~~ 2026, the proceeds of which 51113  
shall be deposited in the state treasury to the credit of the 51114  
environmental protection fund created in section 3745.015 of the 51115  
Revised Code; 51116

(4) An additional twenty-five cents per ton through June 30, 51117  
~~2024~~ 2026, the proceeds of which shall be deposited in the state 51118  
treasury to the credit of the soil and water conservation district 51119  
assistance fund created in section 940.15 of the Revised Code; 51120

(5) An additional eight cents per ton through June 30, 2026, 51121  
the proceeds of which shall be deposited in the state treasury to 51122  
the credit of the national priority list remedial support fund 51123  
created in section 3734.579 of the Revised Code. 51124

In the case of solid wastes that are taken to a solid waste 51125  
transfer facility located in this state prior to being transported 51126  
for disposal at a solid waste disposal facility located in this 51127

state or outside of this state, the fees levied under this 51128  
division shall be collected by the owner or operator of the 51129  
transfer facility as a trustee for the state. The amount of fees 51130  
required to be collected under this division at such a transfer 51131  
facility shall equal the total tonnage of solid wastes received at 51132  
the facility multiplied by the fees levied under this division. In 51133  
the case of solid wastes that are not taken to a solid waste 51134  
transfer facility located in this state prior to being transported 51135  
to a solid waste disposal facility, the fees shall be collected by 51136  
the owner or operator of the solid waste disposal facility as a 51137  
trustee for the state. The amount of fees required to be collected 51138  
under this division at such a disposal facility shall equal the 51139  
total tonnage of solid wastes received at the facility that was 51140  
not previously taken to a solid waste transfer facility located in 51141  
this state multiplied by the fees levied under this division. Fees 51142  
levied under this division do not apply to materials separated 51143  
from a mixed waste stream for recycling by a generator or 51144  
materials removed from the solid waste stream through recycling, 51145  
as "recycling" is defined in rules adopted under section 3734.02 51146  
of the Revised Code. 51147

The owner or operator of a solid waste transfer facility or 51148  
disposal facility, as applicable, shall prepare and file with the 51149  
director of environmental protection each month a return 51150  
indicating the total tonnage of solid wastes received at the 51151  
facility during that month and the total amount of the fees 51152  
required to be collected under this division during that month. In 51153  
addition, the owner or operator of a solid waste disposal facility 51154  
shall indicate on the return the total tonnage of solid wastes 51155  
received from transfer facilities located in this state during 51156  
that month for which the fees were required to be collected by the 51157  
transfer facilities. The monthly returns shall be filed on a form 51158  
prescribed by the director. Not later than thirty days after the 51159  
last day of the month to which a return applies, the owner or 51160

operator shall mail to the director the return for that month 51161  
together with the fees required to be collected under this 51162  
division during that month as indicated on the return or may 51163  
submit the return and fees electronically in a manner approved by 51164  
the director. If the return is filed and the amount of the fees 51165  
due is paid in a timely manner as required in this division, the 51166  
owner or operator may retain a discount of three-fourths of one 51167  
per cent of the total amount of the fees that are required to be 51168  
paid as indicated on the return. 51169

The owner or operator may request an extension of not more 51170  
than thirty days for filing the return and remitting the fees, 51171  
provided that the owner or operator has submitted such a request 51172  
in writing to the director together with a detailed description of 51173  
why the extension is requested, the director has received the 51174  
request not later than the day on which the return is required to 51175  
be filed, and the director has approved the request. If the fees 51176  
are not remitted within thirty days after the last day of the 51177  
month to which the return applies or are not remitted by the last 51178  
day of an extension approved by the director, the owner or 51179  
operator shall not retain the three-fourths of one per cent 51180  
discount and shall pay an additional ten per cent of the amount of 51181  
the fees for each month that they are late. For purposes of 51182  
calculating the late fee, the first month in which fees are late 51183  
begins on the first day after the deadline has passed for timely 51184  
submitting the return and fees, and one additional month shall be 51185  
counted every thirty days thereafter. 51186

The owner or operator of a solid waste facility may request a 51187  
refund or credit of fees levied under this division and remitted 51188  
to the director that have not been paid to the owner or operator. 51189  
Such a request shall be made only if the fees have not been 51190  
collected by the owner or operator, have become a debt that has 51191  
become worthless or uncollectable for a period of six months or 51192

more, and may be claimed as a deduction, including a deduction 51193  
claimed if the owner or operator keeps accounts on an accrual 51194  
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 51195  
U.S.C. 166, as amended, and regulations adopted under it. Prior to 51196  
making a request for a refund or credit, an owner or operator 51197  
shall make reasonable efforts to collect the applicable fees. A 51198  
request for a refund or credit shall not include any costs 51199  
resulting from those efforts to collect unpaid fees. 51200

A request for a refund or credit of fees shall be made in 51201  
writing, on a form prescribed by the director, and shall be 51202  
supported by evidence that may be required in rules adopted by the 51203  
director under this chapter. After reviewing the request, and if 51204  
the request and evidence submitted with the request indicate that 51205  
a refund or credit is warranted, the director shall grant a refund 51206  
to the owner or operator or shall permit a credit to be taken by 51207  
the owner or operator on a subsequent monthly return submitted by 51208  
the owner or operator. The amount of a refund or credit shall not 51209  
exceed an amount that is equal to ninety days' worth of fees owed 51210  
to an owner or operator by a particular debtor of the owner or 51211  
operator. A refund or credit shall not be granted by the director 51212  
to an owner or operator more than once in any twelve-month period 51213  
for fees owed to the owner or operator by a particular debtor. 51214

If, after receiving a refund or credit from the director, an 51215  
owner or operator receives payment of all or part of the fees, the 51216  
owner or operator shall remit the fees with the next monthly 51217  
return submitted to the director together with a written 51218  
explanation of the reason for the submittal. 51219

For purposes of computing the fees levied under this division 51220  
or division (B) of this section, any solid waste transfer or 51221  
disposal facility that does not use scales as a means of 51222  
determining gate receipts shall use a conversion factor of three 51223  
cubic yards per ton of solid waste or one cubic yard per ton for 51224

baled waste, as applicable. 51225

The fees levied under this division and divisions (B) and (C) 51226  
of this section are in addition to all other applicable fees and 51227  
taxes and shall be paid by the customer or a political subdivision 51228  
to the owner or operator of a solid waste transfer or disposal 51229  
facility. In the alternative, the fees shall be paid by a customer 51230  
or political subdivision to a transporter of waste who 51231  
subsequently transfers the fees to the owner or operator of such a 51232  
facility. The fees shall be paid notwithstanding the existence of 51233  
any provision in a contract that the customer or a political 51234  
subdivision may have with the owner or operator or with a 51235  
transporter of waste to the facility that would not require or 51236  
allow such payment regardless of whether the contract was entered 51237  
prior to or after October 16, 2009. For those purposes, "customer" 51238  
means a person who contracts with, or utilizes the solid waste 51239  
services of, the owner or operator of a solid waste transfer or 51240  
disposal facility or a transporter of solid waste to such a 51241  
facility. 51242

(B) For the purposes specified in division (G) of this 51243  
section, the solid waste management policy committee of a county 51244  
or joint solid waste management district may levy fees upon the 51245  
following activities: 51246

(1) The disposal at a solid waste disposal facility located 51247  
in the district of solid wastes generated within the district; 51248

(2) The disposal at a solid waste disposal facility within 51249  
the district of solid wastes generated outside the boundaries of 51250  
the district, but inside this state; 51251

(3) The disposal at a solid waste disposal facility within 51252  
the district of solid wastes generated outside the boundaries of 51253  
this state. 51254

The solid waste management plan of the county or joint 51255

district approved under section 3734.521 or 3734.55 of the Revised Code and any amendments to it, or the resolution adopted under this division, as appropriate, shall establish the rates of the fees levied under divisions (B)(1), (2), and (3) of this section, if any, and shall specify whether the fees are levied on the basis of tons or cubic yards as the unit of measurement. A solid waste management district that levies fees under this division on the basis of cubic yards shall do so in accordance with division (A) of this section.

The fee levied under division (B)(1) of this section shall be not less than one dollar per ton nor more than two dollars per ton, the fee levied under division (B)(2) of this section shall be not less than two dollars per ton nor more than four dollars per ton, and the fee levied under division (B)(3) of this section shall be not more than the fee levied under division (B)(1) of this section.

Prior to the approval of the solid waste management plan of a district under section 3734.55 of the Revised Code, the solid waste management policy committee of a district may levy fees under this division by adopting a resolution establishing the proposed amount of the fees. Upon adopting the resolution, the committee shall deliver a copy of the resolution to the board of county commissioners of each county forming the district and to the legislative authority of each municipal corporation and township under the jurisdiction of the district and shall prepare and publish the resolution and a notice of the time and location where a public hearing on the fees will be held. Upon adopting the resolution, the committee shall deliver written notice of the adoption of the resolution; of the amount of the proposed fees; and of the date, time, and location of the public hearing to the director and to the fifty industrial, commercial, or institutional generators of solid wastes within the district that generate the

largest quantities of solid wastes, as determined by the 51288  
committee, and to their local trade associations. The committee 51289  
shall make good faith efforts to identify those generators within 51290  
the district and their local trade associations, but the 51291  
nonprovision of notice under this division to a particular 51292  
generator or local trade association does not invalidate the 51293  
proceedings under this division. The publication shall occur at 51294  
least thirty days before the hearing. After the hearing, the 51295  
committee may make such revisions to the proposed fees as it 51296  
considers appropriate and thereafter, by resolution, shall adopt 51297  
the revised fee schedule. Upon adopting the revised fee schedule, 51298  
the committee shall deliver a copy of the resolution doing so to 51299  
the board of county commissioners of each county forming the 51300  
district and to the legislative authority of each municipal 51301  
corporation and township under the jurisdiction of the district. 51302  
Within sixty days after the delivery of a copy of the resolution 51303  
adopting the proposed revised fees by the policy committee, each 51304  
such board and legislative authority, by ordinance or resolution, 51305  
shall approve or disapprove the revised fees and deliver a copy of 51306  
the ordinance or resolution to the committee. If any such board or 51307  
legislative authority fails to adopt and deliver to the policy 51308  
committee an ordinance or resolution approving or disapproving the 51309  
revised fees within sixty days after the policy committee 51310  
delivered its resolution adopting the proposed revised fees, it 51311  
shall be conclusively presumed that the board or legislative 51312  
authority has approved the proposed revised fees. The committee 51313  
shall determine if the resolution has been ratified in the same 51314  
manner in which it determines if a draft solid waste management 51315  
plan has been ratified under division (B) of section 3734.55 of 51316  
the Revised Code. 51317

The committee may amend the schedule of fees levied pursuant 51318  
to a resolution adopted and ratified under this division by 51319  
adopting a resolution establishing the proposed amount of the 51320

amended fees. The committee may repeal the fees levied pursuant to 51321  
such a resolution by adopting a resolution proposing to repeal 51322  
them. Upon adopting such a resolution, the committee shall proceed 51323  
to obtain ratification of the resolution in accordance with this 51324  
division. 51325

Not later than fourteen days after declaring the new fees to 51326  
be ratified or the fees to be repealed under this division, the 51327  
committee shall notify by certified mail the owner or operator of 51328  
each solid waste disposal facility that is required to collect the 51329  
fees of the ratification and the amount of the fees or of the 51330  
repeal of the fees. Collection of any fees shall commence or 51331  
collection of repealed fees shall cease on the first day of the 51332  
second month following the month in which notification is sent to 51333  
the owner or operator. 51334

Fees levied under this division also may be established, 51335  
amended, or repealed by a solid waste management policy committee 51336  
through the adoption of a new district solid waste management 51337  
plan, the adoption of an amended plan, or the amendment of the 51338  
plan or amended plan in accordance with sections 3734.55 and 51339  
3734.56 of the Revised Code or the adoption or amendment of a 51340  
district plan in connection with a change in district composition 51341  
under section 3734.521 of the Revised Code. 51342

Not later than fourteen days after the director issues an 51343  
order approving a district's solid waste management plan, amended 51344  
plan, or amendment to a plan or amended plan that establishes, 51345  
amends, or repeals a schedule of fees levied by the district, the 51346  
committee shall notify by certified mail the owner or operator of 51347  
each solid waste disposal facility that is required to collect the 51348  
fees of the approval of the plan or amended plan, or the amendment 51349  
to the plan, as appropriate, and the amount of the fees, if any. 51350  
In the case of an initial or amended plan approved under section 51351  
3734.521 of the Revised Code in connection with a change in 51352

district composition, other than one involving the withdrawal of a 51353  
county from a joint district, the committee, within fourteen days 51354  
after the change takes effect pursuant to division (G) of that 51355  
section, shall notify by certified mail the owner or operator of 51356  
each solid waste disposal facility that is required to collect the 51357  
fees that the change has taken effect and of the amount of the 51358  
fees, if any. Collection of any fees shall commence or collection 51359  
of repealed fees shall cease on the first day of the second month 51360  
following the month in which notification is sent to the owner or 51361  
operator. 51362

If, in the case of a change in district composition involving 51363  
the withdrawal of a county from a joint district, the director 51364  
completes the actions required under division (G)(1) or (3) of 51365  
section 3734.521 of the Revised Code, as appropriate, forty-five 51366  
days or more before the beginning of a calendar year, the policy 51367  
committee of each of the districts resulting from the change that 51368  
obtained the director's approval of an initial or amended plan in 51369  
connection with the change, within fourteen days after the 51370  
director's completion of the required actions, shall notify by 51371  
certified mail the owner or operator of each solid waste disposal 51372  
facility that is required to collect the district's fees that the 51373  
change is to take effect on the first day of January immediately 51374  
following the issuance of the notice and of the amount of the fees 51375  
or amended fees levied under divisions (B)(1) to (3) of this 51376  
section pursuant to the district's initial or amended plan as so 51377  
approved or, if appropriate, the repeal of the district's fees by 51378  
that initial or amended plan. Collection of any fees set forth in 51379  
such a plan or amended plan shall commence on the first day of 51380  
January immediately following the issuance of the notice. If such 51381  
an initial or amended plan repeals a schedule of fees, collection 51382  
of the fees shall cease on that first day of January. 51383

If, in the case of a change in district composition involving 51384

the withdrawal of a county from a joint district, the director 51385  
completes the actions required under division (G)(1) or (3) of 51386  
section 3734.521 of the Revised Code, as appropriate, less than 51387  
forty-five days before the beginning of a calendar year, the 51388  
director, on behalf of each of the districts resulting from the 51389  
change that obtained the director's approval of an initial or 51390  
amended plan in connection with the change proceedings, shall 51391  
notify by certified mail the owner or operator of each solid waste 51392  
disposal facility that is required to collect the district's fees 51393  
that the change is to take effect on the first day of January 51394  
immediately following the mailing of the notice and of the amount 51395  
of the fees or amended fees levied under divisions (B)(1) to (3) 51396  
of this section pursuant to the district's initial or amended plan 51397  
as so approved or, if appropriate, the repeal of the district's 51398  
fees by that initial or amended plan. Collection of any fees set 51399  
forth in such a plan or amended plan shall commence on the first 51400  
day of the second month following the month in which notification 51401  
is sent to the owner or operator. If such an initial or amended 51402  
plan repeals a schedule of fees, collection of the fees shall 51403  
cease on the first day of the second month following the month in 51404  
which notification is sent to the owner or operator. 51405

If the schedule of fees that a solid waste management 51406  
district is levying under divisions (B)(1) to (3) of this section 51407  
is amended or repealed, the fees in effect immediately prior to 51408  
the amendment or repeal shall continue to be collected until 51409  
collection of the amended fees commences or collection of the 51410  
repealed fees ceases, as applicable, as specified in this 51411  
division. In the case of a change in district composition, money 51412  
so received from the collection of the fees of the former 51413  
districts shall be divided among the resulting districts in 51414  
accordance with division (B) of section 343.012 of the Revised 51415  
Code and the agreements entered into under division (B) of section 51416  
343.01 of the Revised Code to establish the former and resulting 51417

districts and any amendments to those agreements. 51418

For the purposes of the provisions of division (B) of this 51419  
section establishing the times when newly established or amended 51420  
fees levied by a district are required to commence and the 51421  
collection of fees that have been amended or repealed is required 51422  
to cease, "fees" or "schedule of fees" includes, in addition to 51423  
fees levied under divisions (B)(1) to (3) of this section, those 51424  
levied under section 3734.573 or 3734.574 of the Revised Code. 51425

(C) For the purposes of defraying the added costs to a 51426  
municipal corporation or township of maintaining roads and other 51427  
public facilities and of providing emergency and other public 51428  
services, and compensating a municipal corporation or township for 51429  
reductions in real property tax revenues due to reductions in real 51430  
property valuations resulting from the location and operation of a 51431  
solid waste disposal facility within the municipal corporation or 51432  
township, a municipal corporation or township in which such a 51433  
solid waste disposal facility is located may levy a fee of not 51434  
more than twenty-five cents per ton on the disposal of solid 51435  
wastes at a solid waste disposal facility located within the 51436  
boundaries of the municipal corporation or township regardless of 51437  
where the wastes were generated. 51438

The legislative authority of a municipal corporation or 51439  
township may levy fees under this division by enacting an 51440  
ordinance or adopting a resolution establishing the amount of the 51441  
fees. Upon so doing the legislative authority shall mail a 51442  
certified copy of the ordinance or resolution to the board of 51443  
county commissioners or directors of the county or joint solid 51444  
waste management district in which the municipal corporation or 51445  
township is located or, if a regional solid waste management 51446  
authority has been formed under section 343.011 of the Revised 51447  
Code, to the board of trustees of that regional authority, the 51448  
owner or operator of each solid waste disposal facility in the 51449

municipal corporation or township that is required to collect the fee by the ordinance or resolution, and the director of environmental protection. Although the fees levied under this division are levied on the basis of tons as the unit of measurement, the legislative authority, in its ordinance or resolution levying the fees under this division, may direct that the fees be levied on the basis of cubic yards as the unit of measurement based upon a conversion factor of three cubic yards per ton generally or one cubic yard per ton for baled wastes.

Not later than five days after enacting an ordinance or adopting a resolution under this division, the legislative authority shall so notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fee. Collection of any fee levied on or after March 24, 1992, shall commence on the first day of the second month following the month in which notification is sent to the owner or operator.

(D)(1) The fees levied under divisions (A), (B), and (C) of this section do not apply to the disposal of solid wastes that:

(a) Are disposed of at a facility owned by the generator of the wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on a premises where the wastes are generated;

(b) Are generated from the combustion of coal, or from the combustion of primarily coal, regardless of whether the disposal facility is located on the premises where the wastes are generated;

(c) Are asbestos or asbestos-containing materials or products disposed of at a construction and demolition debris facility that is licensed under Chapter 3714. of the Revised Code or at a solid waste facility that is licensed under this chapter.

(2) Except as provided in section 3734.571 of the Revised Code, any fees levied under division (B)(1) of this section apply to solid wastes originating outside the boundaries of a county or joint district that are covered by an agreement for the joint use of solid waste facilities entered into under section 343.02 of the Revised Code by the board of county commissioners or board of directors of the county or joint district where the wastes are generated and disposed of.

(3) When solid wastes, other than solid wastes that consist of scrap tires, are burned in a disposal facility that is an incinerator or energy recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash remaining after burning of the solid wastes and shall be collected by the owner or operator of the sanitary landfill where the ash is disposed of.

(4) When solid wastes are delivered to a solid waste transfer facility, the fees levied under divisions (B) and (C) of this section shall be levied upon the disposal of solid wastes transported off the premises of the transfer facility for disposal and shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of.

(5) The fees levied under divisions (A), (B), and (C) of this section do not apply to sewage sludge that is generated by a waste water treatment facility holding a national pollutant discharge elimination system permit and that is disposed of through incineration, land application, or composting or at another resource recovery or disposal facility that is not a landfill.

(6) The fees levied under divisions (A), (B), and (C) of this section do not apply to solid wastes delivered to a solid waste composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility and disposed of at a landfill, the fees levied

under divisions (A), (B), and (C) of this section shall be 51513  
collected by the owner or operator of the landfill where the 51514  
unprocessed waste or compost product is disposed of. 51515

(7) When solid wastes that consist of scrap tires are 51516  
processed at a scrap tire recovery facility, the fees levied under 51517  
divisions (A), (B), and (C) of this section shall be levied upon 51518  
the disposal of the fly ash and bottom ash or other solid wastes 51519  
remaining after the processing of the scrap tires and shall be 51520  
collected by the owner or operator of the solid waste disposal 51521  
facility where the ash or other solid wastes are disposed of. 51522

(8) The director of environmental protection may issue an 51523  
order exempting from the fees levied under this section solid 51524  
wastes, including, but not limited to, scrap tires, that are 51525  
generated, transferred, or disposed of as a result of a contract 51526  
providing for the expenditure of public funds entered into by the 51527  
administrator or regional administrator of the United States 51528  
environmental protection agency, the director of environmental 51529  
protection, or the director of administrative services on behalf 51530  
of the director of environmental protection for the purpose of 51531  
remediating conditions at a hazardous waste facility, solid waste 51532  
facility, or other location at which the administrator or regional 51533  
administrator or the director of environmental protection has 51534  
reason to believe that there is a substantial threat to public 51535  
health or safety or the environment or that the conditions are 51536  
causing or contributing to air or water pollution or soil 51537  
contamination. An order issued by the director of environmental 51538  
protection under division (D)(8) of this section shall include a 51539  
determination that the amount of the fees not received by a solid 51540  
waste management district as a result of the order will not 51541  
adversely impact the implementation and financing of the 51542  
district's approved solid waste management plan and any approved 51543  
amendments to the plan. Such an order is a final action of the 51544

director of environmental protection. 51545

(E) The fees levied under divisions (B) and (C) of this 51546  
section shall be collected by the owner or operator of the solid 51547  
waste disposal facility where the wastes are disposed of as a 51548  
trustee for the county or joint district and municipal corporation 51549  
or township where the wastes are disposed of. Moneys from the fees 51550  
levied under division (B) of this section shall be forwarded to 51551  
the board of county commissioners or board of directors of the 51552  
district in accordance with rules adopted under division (H) of 51553  
this section. Moneys from the fees levied under division (C) of 51554  
this section shall be forwarded to the treasurer or such other 51555  
officer of the municipal corporation as, by virtue of the charter, 51556  
has the duties of the treasurer or to the fiscal officer of the 51557  
township, as appropriate, in accordance with those rules. 51558

(F) Moneys received by the treasurer or other officer of the 51559  
municipal corporation under division (E) of this section shall be 51560  
paid into the general fund of the municipal corporation. Moneys 51561  
received by the fiscal officer of the township under that division 51562  
shall be paid into the general fund of the township. The treasurer 51563  
or other officer of the municipal corporation or the township 51564  
fiscal officer, as appropriate, shall maintain separate records of 51565  
the moneys received from the fees levied under division (C) of 51566  
this section. 51567

(G) Moneys received by the board of county commissioners or 51568  
board of directors under division (E) of this section or section 51569  
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 51570  
shall be paid to the county treasurer, or other official acting in 51571  
a similar capacity under a county charter, in a county district or 51572  
to the county treasurer or other official designated by the board 51573  
of directors in a joint district and kept in a separate and 51574  
distinct fund to the credit of the district. If a regional solid 51575  
waste management authority has been formed under section 343.011 51576

of the Revised Code, moneys received by the board of trustees of 51577  
that regional authority under division (E) of this section shall 51578  
be kept by the board in a separate and distinct fund to the credit 51579  
of the district. Moneys in the special fund of the county or joint 51580  
district arising from the fees levied under division (B) of this 51581  
section and the fee levied under division (A) of section 3734.573 51582  
of the Revised Code shall be expended by the board of county 51583  
commissioners or directors of the district in accordance with the 51584  
district's solid waste management plan or amended plan approved 51585  
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 51586  
exclusively for the following purposes: 51587

(1) Preparation of the solid waste management plan of the 51588  
district under section 3734.54 of the Revised Code, monitoring 51589  
implementation of the plan, and conducting the periodic review and 51590  
amendment of the plan required by section 3734.56 of the Revised 51591  
Code by the solid waste management policy committee; 51592

(2) Implementation of the approved solid waste management 51593  
plan or amended plan of the district, including, without 51594  
limitation, the development and implementation of solid waste 51595  
recycling or reduction programs; 51596

(3) Providing financial assistance to boards of health within 51597  
the district, if solid waste facilities are located within the 51598  
district, for enforcement of this chapter and rules, orders, and 51599  
terms and conditions of permits, licenses, and variances adopted 51600  
or issued under it, other than the hazardous waste provisions of 51601  
this chapter and rules adopted and orders and terms and conditions 51602  
of permits issued under those provisions; 51603

(4) Providing financial assistance to each county within the 51604  
district to defray the added costs of maintaining roads and other 51605  
public facilities and of providing emergency and other public 51606  
services resulting from the location and operation of a solid 51607  
waste facility within the county under the district's approved 51608

solid waste management plan or amended plan; 51609

(5) Pursuant to contracts entered into with boards of health 51610  
within the district, if solid waste facilities contained in the 51611  
district's approved plan or amended plan are located within the 51612  
district, for paying the costs incurred by those boards of health 51613  
for collecting and analyzing samples from public or private water 51614  
wells on lands adjacent to those facilities; 51615

(6) Developing and implementing a program for the inspection 51616  
of solid wastes generated outside the boundaries of this state 51617  
that are disposed of at solid waste facilities included in the 51618  
district's approved solid waste management plan or amended plan; 51619

(7) Providing financial assistance to boards of health within 51620  
the district for the enforcement of section 3734.03 of the Revised 51621  
Code or to local law enforcement agencies having jurisdiction 51622  
within the district for enforcing anti-littering laws and 51623  
ordinances; 51624

(8) Providing financial assistance to boards of health of 51625  
health districts within the district that are on the approved list 51626  
under section 3734.08 of the Revised Code to defray the costs to 51627  
the health districts for the participation of their employees 51628  
responsible for enforcement of the solid waste provisions of this 51629  
chapter and rules adopted and orders and terms and conditions of 51630  
permits, licenses, and variances issued under those provisions in 51631  
the training and certification program as required by rules 51632  
adopted under division (L) of section 3734.02 of the Revised Code; 51633

(9) Providing financial assistance to individual municipal 51634  
corporations and townships within the district to defray their 51635  
added costs of maintaining roads and other public facilities and 51636  
of providing emergency and other public services resulting from 51637  
the location and operation within their boundaries of a 51638  
composting, energy or resource recovery, incineration, or 51639

recycling facility that either is owned by the district or is 51640  
furnishing solid waste management facility or recycling services 51641  
to the district pursuant to a contract or agreement with the board 51642  
of county commissioners or directors of the district; 51643

(10) Payment of any expenses that are agreed to, awarded, or 51644  
ordered to be paid under section 3734.35 of the Revised Code and 51645  
of any administrative costs incurred pursuant to that section. In 51646  
the case of a joint solid waste management district, if the board 51647  
of county commissioners of one of the counties in the district is 51648  
negotiating on behalf of affected communities, as defined in that 51649  
section, in that county, the board shall obtain the approval of 51650  
the board of directors of the district in order to expend moneys 51651  
for administrative costs incurred. 51652

Prior to the approval of the district's solid waste 51653  
management plan under section 3734.55 of the Revised Code, moneys 51654  
in the special fund of the district arising from the fees shall be 51655  
expended for those purposes in the manner prescribed by the solid 51656  
waste management policy committee by resolution. 51657

Notwithstanding division (G)(6) of this section as it existed 51658  
prior to October 29, 1993, or any provision in a district's solid 51659  
waste management plan prepared in accordance with division 51660  
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 51661  
prior to that date, any moneys arising from the fees levied under 51662  
division (B)(3) of this section prior to January 1, 1994, may be 51663  
expended for any of the purposes authorized in divisions (G)(1) to 51664  
(10) of this section. 51665

(H) The director shall adopt rules in accordance with Chapter 51666  
119. of the Revised Code prescribing procedures for collecting and 51667  
forwarding the fees levied under divisions (B) and (C) of this 51668  
section to the boards of county commissioners or directors of 51669  
county or joint solid waste management districts and to the 51670  
treasurers or other officers of municipal corporations and the 51671

fiscal officers of townships. The rules also shall prescribe the 51672  
dates for forwarding the fees to the boards and officials and may 51673  
prescribe any other requirements the director considers necessary 51674  
or appropriate to implement and administer divisions (A), (B), and 51675  
(C) of this section. 51676

Sec. 3734.579. (A) There is hereby created in the state 51677  
treasury the national priority list remedial support fund. The 51678  
fund shall consist of transfer and disposal fees paid into the 51679  
fund under division (A)(5) of section 3734.57 of the Revised Code. 51680

(B) The director of environmental protection shall use the 51681  
fund to pay for the state's removal and remedial actions and long 51682  
term operation and maintenance costs or applicable cost shares for 51683  
actions taken under the federal "Comprehensive Environmental 51684  
Response, Compensation, and Liability Act of 1980," 42 U.S.C. 51685  
9601, et seq. The director may use money in the fund to enter into 51686  
contracts and grant agreements with federal, state, or local 51687  
government agencies, nonprofit organizations, colleges, and 51688  
universities to carry out the responsibilities of the 51689  
environmental protection agency for which money may be expended 51690  
from the fund. 51691

**Sec. 3734.74.** The director of environmental protection, in 51692  
accordance with Chapter 119. of the Revised Code, shall adopt and 51693  
may amend or rescind rules governing the transportation of scrap 51694  
tires and the registration of persons engaged in the 51695  
transportation of scrap tires. The rules shall do all of the 51696  
following: 51697

(A) Require that, before being issued a registration 51698  
certificate under section 3734.83 of the Revised Code, a 51699  
transporter submit a surety bond, a letter of credit, or other 51700  
financial assurance acceptable to the director, as specified by 51701

the director in the rules, in an amount of not ~~less~~ more than 51702  
~~twenty ten~~ thousand dollars as the director considers necessary to 51703  
cover the costs of cleanup of tires improperly accumulated or 51704  
discarded by the transporter and to cover liability for sudden 51705  
accidental occurrences that result in damage or injury to persons 51706  
or property or to the environment; 51707

(B) Establish a system of shipping papers to accompany 51708  
shipments of scrap tires. The shipping paper for each shipment 51709  
shall include at least all of the following information: 51710

(1) The name and address of each transporter who transported 51711  
the shipment of scrap tires; 51712

(2) The number of the registration certificate issued under 51713  
section 3734.83 of the Revised Code for each transporter who 51714  
transported the shipment of scrap tires, the signature of the 51715  
individual transporting the scrap tires for each transporter, and 51716  
the date or dates on which they were transported; 51717

(3) The quantity in weight or volume of the scrap tires being 51718  
transported; 51719

(4) The address of the scrap tire collection, storage, 51720  
monocell, monofill, or recovery facility, or other premises, where 51721  
the scrap tires were deposited, or of any other registered 51722  
transporter with whom the scrap tires were deposited, and the 51723  
signature of the individual accepting receipt of the scrap tires 51724  
for the facility or other transporter. 51725

The rules adopted under division (B) of this section shall 51726  
require that the shipping papers be prepared on a form prescribed 51727  
by the director and that all shipping papers be retained by a 51728  
registered transporter for not less than three years. 51729

(C) Require that each registered transporter submit a report 51730  
to the director not later than the thirty-first day of January of 51731  
each year concerning all shipments of scrap tires transported by 51732

the transporter during the preceding calendar year. The report shall include at least the following information:

(1) The total quantity in weight or volume of scrap tires transported by the registered transporter;

(2) The total quantity in weight or volume of scrap tires transported to each collection, storage, monocell, monofill, or recovery facility, or other premises, or deposited with another registered transporter.

**Sec. 3734.822.** (A) As used in this section, "political subdivision" means any body corporate and politic that is responsible for governmental activities in a geographic area smaller than the state, including a county, municipal corporation, and township.

(B) There is hereby created in the state treasury the scrap tire grant fund, consisting of moneys transferred to the fund under section 3734.82 of the Revised Code. The director of environmental protection may make grants from the fund for the following purposes:

(1) Supporting market development activities for scrap tires and synthetic rubber from tire manufacturing processes and tire recycling processes;

(2) Supporting scrap tire amnesty and cleanup events sponsored or hosted by the state, including any state agency, or by any solid waste management districts district or other political subdivision.

Grants awarded under division ~~(A)(1)~~(B)(1) of this section may be awarded to individuals, businesses, and entities certified under division (F)(6) of section 3734.49 of the Revised Code.

~~(B)~~(C) Projects and activities that are eligible for grants under division ~~(A)(1)~~(B)(1) of this section shall be evaluated for

funding using, at a minimum, the following criteria: 51763

(1) The degree to which a proposed project contributes to the 51764  
increased use of scrap tires generated in this state; 51765

(2) The degree of local financial support for a proposed 51766  
project; 51767

(3) The technical merit and quality of a proposed project. 51768

**Sec. 3734.83.** (A) Except as provided in division (D) of this 51769  
section, no person shall transport scrap tires anywhere in this 51770  
state unless the business or governmental entity that employs the 51771  
person first registers with and obtains a registration certificate 51772  
from the director of environmental protection. No more than one 51773  
registration certificate shall be required of any single business 51774  
or governmental entity. An applicant shall file an application 51775  
with the director in such form as the director prescribes. The 51776  
application shall contain such information as the director 51777  
prescribes, including at least the name and address of the 51778  
principal office of the applicant in this state, provided that the 51779  
information shall not include the license plate number or vehicle 51780  
identification number of any motor vehicle used by the applicant 51781  
to transport scrap tires. ~~Each application for a registration 51782  
certificate shall be accompanied by a registration fee of not more 51783  
than three hundred dollars as established by rules adopted by the 51784  
director in accordance with Chapter 119. of the Revised Code, 51785  
except that a motor vehicle salvage dealer licensed under Chapter 51786  
4738. of the Revised Code shall be issued a registration 51787  
certificate or renewal of a registration certificate under this 51788  
section without the payment of any registration fee if the salvage 51789  
dealer transports only scrap tires obtained as a direct 51790  
consequence of receiving motor vehicles for salvage and transports 51791  
the tires only on motor vehicles owned or leased by him. 51792~~

A registration certificate issued under this section is valid 51793

for one year from its effective date and may be renewed annually 51794  
for a term of one year by submission to the director of a renewal 51795  
application on a form prescribed by the director ~~and payment of~~ 51796  
~~the registration fee established in rules adopted under this~~ 51797  
~~section. The registration and renewal fees shall be credited to~~ 51798  
~~the scrap tire management fund created in section 3734.82 of the~~ 51799  
~~Revised Code.~~ 51800

A transporter registered under this division shall maintain a 51801  
copy of the registration certificate in each motor vehicle used by 51802  
the registrant to transport scrap tires. 51803

(B) The director may issue an order in accordance with 51804  
Chapter 119. of the Revised Code denying, suspending, or revoking 51805  
the registration certificate of a person who is registered under 51806  
this section and who has violated, or whose employee has violated, 51807  
any of the scrap tire provisions of this chapter or a rule adopted 51808  
under them while transporting scrap tires. A transporter whose 51809  
registration certificate has been denied, suspended, or revoked 51810  
shall immediately notify each of ~~his~~ the transporter's customers 51811  
of that fact by certified mail. 51812

(C) Except as provided in division (D) of this section, no 51813  
person who possesses scrap tires shall cause them to be 51814  
transported by any person who is not registered as a transporter 51815  
under this section. 51816

(D) Divisions (A) and (C) of this section do not apply to any 51817  
of the following: 51818

(1) A person who transports ten or fewer scrap tires in a 51819  
single load; ~~any~~ 51820

(2) Any person who transports scrap tires for ~~his~~ the 51821  
person's own use in agriculture or in producing or processing 51822  
aggregates; ~~any~~ 51823

(3) Any political subdivision engaging in the collection of 51824

solid wastes other than scrap tires, or any person engaging in the 51825  
collection of such solid wastes under a license or franchise from 51826  
a political subdivision, when ten or fewer scrap tires are 51827  
transported with any single load of other types of solid wastes; 51828  
~~or any~~ 51829

(4) Any person who is engaged primarily in the retail sale of 51830  
tires for farm machinery, construction equipment, commercial cars, 51831  
commercial tractors, motor buses, or semitrailers and who 51832  
transports twenty-five or fewer whole scrap tires in a single load 51833  
and not more than two hundred fifty scrap tires in a calendar 51834  
year, all of which tires either are or were used primarily as 51835  
tires for farm machinery, construction equipment, commercial cars, 51836  
commercial tractors, motor buses, or semitrailers; 51837

(5) Any of the following entities conducting a scrap tire 51838  
clean up event or community tire amnesty collection event that has 51839  
received written concurrence from the environmental protection 51840  
agency: 51841

(a) A nonprofit organization; 51842

(b) Federal, state, or local government; 51843

(c) A university; 51844

(d) Other civic organization. 51845

(E) A transporter of scrap tires is liable for the safe 51846  
delivery of any scrap tires from the time ~~he~~ the transporter 51847  
obtains them until ~~he~~ the transporter delivers them to a scrap 51848  
tire collection, storage, monocell, monofill, or recovery facility 51849  
licensed under section 3734.81 of the Revised Code; delivers them 51850  
to a solid waste incineration or energy recovery facility subject 51851  
to regulation under this chapter; delivers them to a premises 51852  
where they will be beneficially used; delivers them to another 51853  
transporter registered under this section; or transports them out 51854  
of the state. A generator of scrap tires who has complied with 51855

division (C) of this section is not liable under statute or common 51856  
law in ~~his~~ the capacity as the generator of the scrap tires for 51857  
the actions or omissions of any transporter registered under this 51858  
section or any scrap tire collection, storage, monocell, monofill, 51859  
or recovery facility licensed under section 3734.81 of the Revised 51860  
Code, or any solid waste incineration or energy recovery facility 51861  
subject to regulation under this chapter, with respect to the 51862  
scrap tires transported by the registered transporter and is not 51863  
liable in ~~his~~ the capacity as the generator of the scrap tires for 51864  
violations of any scrap tire provision of this chapter or rules 51865  
adopted under those provisions governing scrap tire collection, 51866  
storage, monocell, monofill, or recovery facilities and the 51867  
transportation of scrap tires, or any other provision of this 51868  
chapter and rules adopted under it governing solid waste 51869  
incineration and energy recovery facilities, with respect to the 51870  
scrap tires handled by any such licensed facility or transported 51871  
by the registered transporter. 51872

This division does not apply to a person who transports ten 51873  
or fewer scrap tires in a single load or who transports any number 51874  
of scrap tires for ~~his~~ the person's own use in agriculture or in 51875  
producing or processing aggregates. 51876

(F) A generator of scrap tires who, in good faith and prior 51877  
to the time when transporters of scrap tires are required to be 51878  
registered pursuant to rules adopted under section 3734.74 of the 51879  
Revised Code, caused scrap tires generated by ~~him~~ the generator to 51880  
be transported by another is not liable under statute or common 51881  
law in ~~his~~ the capacity as the generator of the scrap tires for 51882  
the actions or omissions of the transporter, or of any other 51883  
person to whom the transporter delivered the scrap tires, with 51884  
respect to the scrap tires transported by the transporter. 51885

**Sec. 3734.85.** (A) On and after the effective date of the 51886

rules adopted under sections 3734.70, 3734.71, 3734.72, and 51887  
3734.73 of the Revised Code, the director of environmental 51888  
protection may take action under this section to abate 51889  
accumulations of scrap tires. If the director determines that an 51890  
accumulation of scrap tires constitutes a danger to the public 51891  
health or safety or to the environment, the director shall issue 51892  
an order under section 3734.13 of the Revised Code to the person 51893  
responsible for the accumulation of scrap tires directing that 51894  
~~person, within one hundred twenty days after the issuance of the~~ 51895  
~~order,~~ to remove the accumulation of scrap tires from the premises 51896  
on which it is located and transport the tires to a scrap tire 51897  
storage, monocell, monofill, or recovery facility licensed under 51898  
section 3734.81 of the Revised Code, to such a facility in another 51899  
state operating in compliance with the laws of the state in which 51900  
it is located, or to any other solid waste disposal facility in 51901  
another state that is operating in compliance with the laws of 51902  
that state. If the person responsible for causing the accumulation 51903  
of scrap tires is a person different from the owner of the land on 51904  
which the accumulation is located, the director may issue such an 51905  
order to the landowner. 51906

If the director is unable to ascertain immediately the 51907  
identity of the person responsible for causing the accumulation of 51908  
scrap tires, the director shall examine the records of the 51909  
applicable board of health and law enforcement agencies to 51910  
ascertain that person's identity. Before initiating any 51911  
enforcement or removal actions under this division against the 51912  
owner of the land on which the accumulation is located, the 51913  
director shall initiate any such actions against the person that 51914  
the director has identified as responsible for causing the 51915  
accumulation of scrap tires. Failure of the director to make 51916  
diligent efforts to ascertain the identity of the person 51917  
responsible for causing the accumulation of scrap tires or to 51918  
initiate an action against the person responsible for causing the 51919

accumulation shall not constitute an affirmative defense by a 51920  
landowner to an enforcement action initiated by the director under 51921  
this division requiring immediate removal of any accumulation of 51922  
scrap tires. 51923

Upon the written request of the recipient of an order issued 51924  
under this division, the director may extend the time for 51925  
compliance with the order if the request demonstrates that the 51926  
recipient has acted in good faith to comply with the order. If the 51927  
recipient of an order issued under this division fails to comply 51928  
with each milestone established in the order within ~~one hundred~~ 51929  
~~twenty days after the issuance of~~ the period of time specified in 51930  
the order or, if the time for compliance with the order was so 51931  
extended, within that time, the director shall take such actions 51932  
as the director considers reasonable and necessary to remove and 51933  
properly manage the scrap tires located on the land named in the 51934  
order. The director, through employees of the environmental 51935  
protection agency or a contractor, may enter upon the land on 51936  
which the accumulation of scrap tires is located and remove and 51937  
transport them to a scrap tire recovery facility for processing, 51938  
to a scrap tire storage facility for storage, or to a scrap tire 51939  
monocell or monofill facility for storage or disposal. 51940

When performing a removal action under this section, the 51941  
director also may remove, transport, and dispose of any of the 51942  
following if the removal is required by the order issued under 51943  
this division: 51944

(1) Any additional solid wastes that were open dumped on the 51945  
land named in the order; 51946

(2) Any construction and demolition debris that was illegally 51947  
disposed of on the land named in the order. 51948

The director shall enter into contracts for the storage, 51949  
disposal, or processing of scrap tires removed through removal 51950

operations conducted under this section. 51951

If a person to whom a removal order is issued under this 51952  
division fails to comply with the order and if the director 51953  
performs a removal action under this section, the person to whom 51954  
the removal order is issued is liable to the director for the 51955  
costs incurred by the director for conducting the removal 51956  
operation~~7. The costs incurred include the storage at a scrap tire~~ 51957  
~~storage facility, storage, transportation, processing, or disposal~~ 51958  
~~at a scrap tire monocell or monofill facility, or processing of~~ 51959  
~~the scrap tires so removed, the transportation of the scrap tires~~ 51960  
~~from the site of the accumulation to the scrap tire storage,~~ 51961  
~~monocell, monofill, or recovery facility where the scrap tires~~ 51962  
~~were stored, disposed of, or processed or any additional solid~~ 51963  
~~wastes or construction and demolition debris removed in accordance~~ 51964  
~~with this division,~~ and the administrative and legal expenses 51965  
incurred by the director in connection with the removal operation. 51966  
The director shall keep an itemized record of those costs. Upon 51967  
completion of the actions for which the costs were incurred, the 51968  
director ~~shall~~ may record the costs at the office of the county 51969  
recorder of the county in which the accumulation of scrap tires 51970  
~~was, additional solid wastes, and construction and demolition~~ 51971  
~~debris were~~ located. The costs so recorded constitute a lien on 51972  
the property on which the accumulation of scrap tires ~~was,~~ 51973  
~~additional solid wastes, and construction and demolition debris~~ 51974  
~~were~~ located until discharged. Upon the written request of the 51975  
director, the attorney general shall bring a civil action against 51976  
the person responsible for the accumulation of the scrap tires 51977  
that were the subject of the removal operation to recover the 51978  
costs for which the person is liable under this division. Any 51979  
money so received or recovered shall be credited to the scrap tire 51980  
management fund created in section 3734.82 of the Revised Code. 51981

If, in a civil action brought under this division, an owner 51982

of real property is ordered to pay to the director the costs of a 51983  
removal action that removed an accumulation of scrap tires from 51984  
the person's land or if a lien is placed on the person's land for 51985  
the costs of such a removal action, and, in either case, if the 51986  
landowner was not the person responsible for causing the 51987  
accumulation of scrap tires so removed, the landowner may bring a 51988  
civil action against the person who was responsible for causing 51989  
the accumulation to recover the amount of the removal costs that 51990  
the court ordered the landowner to pay to the director or the 51991  
amount of the removal costs certified to the county recorder as a 51992  
lien on the landowner's property, whichever is applicable. If the 51993  
landowner prevails in the civil action against the person who was 51994  
responsible for causing the accumulation of scrap tires, the 51995  
court, as it considers appropriate, may award to the landowner the 51996  
reasonable attorney's fees incurred by the landowner for bringing 51997  
the action, court costs, and other reasonable expenses incurred by 51998  
the landowner in connection with the civil action. A landowner 51999  
shall bring such a civil action within two years after making the 52000  
final payment of the removal costs to the director pursuant to the 52001  
judgment rendered against the landowner in the civil action 52002  
brought under this division upon the director's request or within 52003  
two years after the director certified the costs of the removal 52004  
action to the county recorder, as appropriate. A person who, at 52005  
the time that a removal action was conducted under this division, 52006  
owned the land on which the removal action was performed may bring 52007  
an action under this division to recover the costs of the removal 52008  
action from the person responsible for causing the accumulation of 52009  
scrap tires so removed regardless of whether the person owns the 52010  
land at the time of bringing the action. 52011

Subject to the limitations set forth in division (G) of 52012  
section 3734.82 of the Revised Code, the director may use moneys 52013  
in the scrap tire management fund for conducting removal actions 52014  
under this division. Any moneys recovered under this division 52015

shall be credited to the scrap tire management fund. 52016

(B) The director shall initiate enforcement and removal 52017  
actions under division (A) of this section in accordance with the 52018  
following descending listing of priorities: 52019

(1) Accumulations of scrap tires that the director finds 52020  
constitute a fire hazard or threat to public health; 52021

(2) Accumulations of scrap tires determined by the director 52022  
to contain more than one million scrap tires; 52023

(3) Accumulations of scrap tires in densely populated areas; 52024

(4) Other accumulations of scrap tires that the director or 52025  
board of health of the health district in which the accumulation 52026  
is located determines constitute a public nuisance; 52027

(5) Any other accumulations of scrap tires present on 52028  
premises operating without a valid license issued under section 52029  
3734.05 or 3734.81 of the Revised Code. 52030

(C) The director shall not take enforcement and removal 52031  
actions under division (A) of this section against the owner or 52032  
operator of, or the owner of the land on which is located, any of 52033  
the following: 52034

(1) A premises where not more than one hundred scrap tires 52035  
are present at any time; 52036

(2) The premises of a business engaging in the sale of tires 52037  
at retail that meets either of the following criteria: 52038

(a) Not more than one thousand scrap tires are present on the 52039  
premises at any time in an unsecured, uncovered outdoor location. 52040

(b) Any number of scrap tires are secured in a building or a 52041  
covered, enclosed container, trailer, or installation. 52042

(3) The premises of a tire retreading business, a tire 52043  
manufacturing finishing center, or a tire adjustment center on 52044

which is located a single, covered scrap tire storage area where 52045  
not more than four thousand scrap tires are stored; 52046

(4) The premises of a business that removes tires from motor 52047  
vehicles in the ordinary course of business and on which is 52048  
located a single scrap tire storage area that occupies not more 52049  
than twenty-five hundred square feet; 52050

(5) A solid waste facility licensed under section 3734.05 of 52051  
the Revised Code that stores scrap tires on the surface of the 52052  
ground if the total land area on which scrap tires are actually 52053  
stored does not exceed ten thousand square feet; 52054

(6) A premises where not more than two hundred fifty scrap 52055  
tires are stored or kept for agricultural use; 52056

(7) A construction site where scrap tires are stored for use 52057  
or used in road resurfacing or the construction of embankments; 52058

(8) A scrap tire collection, storage, monocell, monofill, or 52059  
recovery facility licensed under section 3734.81 of the Revised 52060  
Code; 52061

(9) A solid waste incineration or energy recovery facility 52062  
that is subject to regulation under this chapter and that burns 52063  
scrap tires; 52064

(10) A premises where scrap tires are beneficially used and 52065  
for which the notice required by rules adopted under section 52066  
3734.84 of the Revised Code has been given; 52067

(11) A transporter registered under section 3734.83 of the 52068  
Revised Code that collects and holds scrap tires in a covered 52069  
trailer or vehicle for not longer than thirty days prior to 52070  
transporting them to their final destination. 52071

(D) Nothing in this section restricts any right any person 52072  
may have under statute or common law to enforce or seek 52073  
enforcement of any law applicable to the management of scrap 52074

tires, abate a nuisance, or seek any other appropriate relief. 52075

(E) An owner of real property is not liable under division 52076  
(A) of this section for the cost of the removal of up to ten 52077  
thousand scrap tires on the owner's property, or more at the 52078  
director's discretion, and no lien shall attach to the property 52079  
under this section, if all of the following conditions are met: 52080

(1) The tires were placed on the property after the owner 52081  
acquired title to the property, or the tires were placed on the 52082  
property before the owner acquired title to the property and the 52083  
owner acquired title to the property by bequest or devise. 52084

(2) The owner of the property did not have knowledge that the 52085  
tires were being placed on the property, or the owner posted on 52086  
the property signs prohibiting dumping or took other action to 52087  
prevent the placing of tires on the property. 52088

(3) The owner of the property did not participate in or 52089  
consent to the placing of the tires on the property. 52090

(4) The owner of the property received no financial benefit 52091  
from the placing of the tires on the property or otherwise having 52092  
the tires on the property. 52093

(5) Title to the property was not transferred to the owner 52094  
for the purpose of evading liability under division (A) of this 52095  
section. 52096

(6) The person responsible for placing the tires on the 52097  
property, in doing so, was not acting as an agent for the owner of 52098  
the property. 52099

**Sec. 3734.901.** (A)(1) For the purpose of providing revenue to 52100  
defray the cost of administering and enforcing the scrap tire 52101  
provisions of this chapter, rules adopted under those provisions, 52102  
and terms and conditions of orders, variances, and licenses issued 52103  
under those provisions; to abate accumulations of scrap tires; to 52104

make grants supporting market development activities for scrap 52105  
tires and synthetic rubber from tire manufacturing processes and 52106  
tire recycling processes and to support scrap tire amnesty and 52107  
cleanup events; to make loans to promote the recycling or recovery 52108  
of energy from scrap tires; and to defray the costs of 52109  
administering and enforcing sections 3734.90 to 3734.9014 of the 52110  
Revised Code, a fee of fifty cents per tire is hereby levied on 52111  
the sale of tires. The proceeds of the fee shall be deposited in 52112  
the state treasury to the credit of the scrap tire management fund 52113  
created in section 3734.82 of the Revised Code. The fee is levied 52114  
from the first day of the calendar month that begins next after 52115  
thirty days from October 29, 1993, through June 30, ~~2024~~ 2026. 52116

(2) Beginning on July 1, 2011, and ending on June 30, ~~2024~~ 52117  
2026, there is hereby levied an additional fee of fifty cents per 52118  
tire on the sale of tires the proceeds of which shall be deposited 52119  
in the state treasury to the credit of the soil and water 52120  
conservation district assistance fund created in section 940.15 of 52121  
the Revised Code. 52122

(B) Only one sale of the same article shall be used in 52123  
computing the amount of the fee due. 52124

**Sec. 3737.02.** (A) The fire marshal may collect fees to cover 52125  
the costs of performing inspections and other duties that the fire 52126  
marshal is authorized or required by law to perform. Except as 52127  
provided in division (B) of this section, all fees collected by 52128  
the fire marshal shall be deposited to the credit of the fire 52129  
marshal's fund. 52130

(B)(1) All of the following shall be credited to the 52131  
underground storage tank administration fund, which is hereby 52132  
created in the state treasury: 52133

(a) Fees collected under sections 3737.88 and 3737.881 of the 52134  
Revised Code for operation of the underground storage tank and 52135

underground storage tank installer certification programs; 52136

(b) Moneys recovered under section 3737.89 of the Revised 52137  
Code for the state's costs of undertaking corrective or 52138  
enforcement actions under that section or section 3737.882 of the 52139  
Revised Code; 52140

(c) Fines and penalties collected under section 3737.882 of 52141  
the Revised Code and other moneys, including corrective action 52142  
enforcement case settlements or bankruptcy case awards or 52143  
settlements, received by the fire marshal under sections 3737.88 52144  
to 3737.89 of the Revised Code. 52145

(2) All interest earned on moneys credited to the underground 52146  
storage tank administration fund shall be credited to the fund. 52147  
Moneys credited to the underground storage tank administration 52148  
fund shall be used by the fire marshal for implementation and 52149  
enforcement of underground storage tank, corrective action, and 52150  
installer certification programs under sections 3737.88 to 3737.89 52151  
of the Revised Code. 52152

~~(C) There is hereby created in the state treasury the 52153  
underground storage tank revolving loan fund. The fund shall 52154  
consist of amounts repaid for underground storage tank revolving 52155  
loans under section 3737.883 of the Revised Code and moneys 52156  
described in division (B)(1)(c) of this section that are allocated 52157  
to the fund in accordance with division (D)(1) of this section. 52158  
Moneys in the fund shall be used by the fire marshal to make 52159  
underground storage tank revolving loans under section 3737.883 of 52160  
the Revised Code. 52161~~

~~(D)(1) If the director of commerce determines that the cash 52162  
balance in the underground storage tank administration fund is in 52163  
excess of the amount needed for implementation and enforcement of 52164  
the underground storage tank, corrective action, and installer 52165  
certification programs under sections 3737.88 to 3737.89 of the 52166~~

~~Revised Code, the director may certify the excess amount to the 52167  
director of budget and management. Upon certification, the 52168  
director of budget and management may transfer from the 52169  
underground storage tank administration fund to the underground 52170  
storage tank revolving loan fund any amount up to, but not 52171  
exceeding, the amount certified by the director of commerce, 52172  
provided the amount transferred consists only of moneys described 52173  
in division (B)(1)(c) of this section. 52174~~

~~(2) If the director of commerce determines that the cash 52175  
balance in the underground storage tank administration fund is 52176  
insufficient to implement and enforce the underground storage 52177  
tank, corrective action, and installer certification programs 52178  
under sections 3737.88 to 3737.89 of the Revised Code, the 52179  
director may certify the amount needed to the director of budget 52180  
and management. Upon certification, the director of budget and 52181  
management may transfer from the underground storage tank 52182  
revolving loan fund to the underground storage tank administration 52183  
fund any amount up to, but not exceeding, the amount certified by 52184  
the director of commerce. 52185~~

~~(E) The fire marshal shall take all actions necessary to 52186  
obtain any federal funding available to carry out the fire 52187  
marshal's responsibilities under sections 3737.88 to 3737.89 of 52188  
the Revised Code and federal laws regarding the cleaning up of 52189  
releases of petroleum, as "release" is defined in section 3737.87 52190  
of the Revised Code, including, without limitation, any federal 52191  
funds that are available to reimburse the state for the costs of 52192  
undertaking corrective actions for such releases of petroleum. The 52193  
state may, when appropriate, return to the United States any 52194  
federal funds recovered under sections 3737.882 and 3737.89 of the 52195  
Revised Code. 52196~~

**Sec. 3737.83.** The fire marshal shall, as part of the state 52197

fire code, adopt rules to: 52198

(A) Establish minimum standards of performance for fire 52199  
protection equipment and fire fighting equipment; 52200

(B) Establish minimum standards of training, fix minimum 52201  
qualifications, and require certificates for all persons who 52202  
engage in the business for profit of installing, testing, 52203  
repairing, or maintaining fire protection equipment; 52204

(C) Provide for the issuance of certificates required under 52205  
division (B) of this section and establish the fees to be charged 52206  
for such certificates. A certificate shall be granted, renewed, or 52207  
revoked according to rules the fire marshal shall adopt. 52208

(D) Establish minimum standards of flammability for consumer 52209  
goods in any case where the federal government or any department 52210  
or agency thereof has established, or may from time to time 52211  
establish standards of flammability for consumer goods. The 52212  
standards established by the fire marshal shall be identical to 52213  
the minimum federal standards. 52214

In any case where the federal government or any department or 52215  
agency thereof, establishes standards of flammability for consumer 52216  
goods subsequent to the adoption of a flammability standard by the 52217  
fire marshal, standards previously adopted by the fire marshal 52218  
shall not continue in effect to the extent such standards are not 52219  
identical to the minimum federal standards. 52220

With respect to the adoption of minimum standards of 52221  
flammability, this division shall supersede any authority granted 52222  
a political subdivision by any other section of the Revised Code. 52223

(E) Establish minimum standards pursuant to section 5104.05 52224  
of the Revised Code for fire prevention and fire safety in child 52225  
day-care centers and in type A family day-care homes, as defined 52226  
in section 5104.01 of the Revised Code. 52227

(F) Establish minimum standards for fire prevention and safety in a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults. The fire marshal shall adopt the rules under this division in consultation with the director of mental health and addiction services and interested parties designated by the director of mental health and addiction services.

(G)(1) Establish that occupant load shall not include an exterior patio that has a means of egress on at least three sides or within fifty feet of an open side and in which each means of egress is compliant with the "Americans with Disabilities Act of 1990," 42 U.S.C. 12102, et seq.

(2) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under division (G)(1) of this section is not subject to sections 121.95 to 121.953 of the Revised Code.

**Sec. 3737.833.** (A) As used in this section, "retail establishment" means a place of business open to the general public for the sale of goods or services.

(B) If the fire code official having jurisdiction over a retail establishment, including a retail establishment that is under construction and not yet open to the public, is unable to conduct an inspection or issue a permit required by the state fire code adopted pursuant to sections 3737.82 and 3737.83 of the Revised Code, for more than five business days, the owner, operator, or developer of the retail establishment may seek a temporary permit from any fire code official authorized to conduct such an inspection or issue such a permit elsewhere in this state. If that fire code official grants a temporary permit, the permit is valid for fourteen calendar days.

**Sec. 3737.88.** (A)(1) The fire marshal shall have 52259  
responsibility for implementation of the underground storage tank 52260  
program and corrective action program for releases of petroleum 52261  
from underground storage tanks established by the "Resource 52262  
Conservation and Recovery Act of 1976," 90 Stat. 2795, 42 U.S.C.A. 52263  
6901, as amended. To implement the programs, the fire marshal may 52264  
adopt, amend, and rescind such rules, conduct such inspections, 52265  
require annual registration of underground storage tanks, issue 52266  
such citations and orders to enforce those rules, enter into 52267  
environmental covenants in accordance with sections 5301.80 to 52268  
5301.92 of the Revised Code, and perform such other duties, as are 52269  
consistent with those programs. The fire marshal, by rule, may 52270  
delegate the authority to conduct inspections of underground 52271  
storage tanks to certified fire safety inspectors. 52272

(2) In the place of any rules regarding release containment 52273  
and release detection for underground storage tanks adopted under 52274  
division (A)(1) of this section, the fire marshal, by rule, shall 52275  
designate areas as being sensitive for the protection of human 52276  
health and the environment and adopt alternative rules regarding 52277  
release containment and release detection methods for new and 52278  
upgraded underground storage tank systems located in those areas. 52279  
In designating such areas, the fire marshal shall take into 52280  
consideration such factors as soil conditions, hydrogeology, water 52281  
use, and the location of public and private water supplies. Not 52282  
later than July 11, 1990, the fire marshal shall file the rules 52283  
required under this division with the secretary of state, director 52284  
of the legislative service commission, and joint committee on 52285  
agency rule review in accordance with divisions (B) and (C) of 52286  
section 119.03 of the Revised Code. 52287

(3) Notwithstanding sections 3737.87 to 3737.89 of the 52288  
Revised Code, a person who is not a responsible person, as 52289  
determined by the fire marshal pursuant to this chapter, may 52290

conduct a voluntary action in accordance with Chapter 3746. of the 52291  
Revised Code and rules adopted under it for either of the 52292  
following: 52293

(a) A class C release; 52294

(b) A release, other than a class C release, that is subject 52295  
to the rules adopted by the fire marshal under division (B) of 52296  
section 3737.882 of the Revised Code pertaining to a corrective 52297  
action, provided that both of the following apply: 52298

(i) The voluntary action also addresses hazardous substances 52299  
or petroleum that is not subject to the rules adopted under 52300  
division (B) of section 3737.882 of the Revised Code pertaining to 52301  
a corrective action. 52302

(ii) The fire marshal has not issued an administrative order 52303  
concerning the release or referred the release to the attorney 52304  
general for enforcement. 52305

The director of environmental protection, pursuant to section 52306  
3746.12 of the Revised Code, may issue a covenant not to sue to 52307  
any person who properly completes a voluntary action with respect 52308  
to any such release in accordance with Chapter 3746. of the 52309  
Revised Code and rules adopted under it. 52310

(B) Before adopting any rule under this section or section 52311  
3737.881 or 3737.882 of the Revised Code, the fire marshal shall 52312  
file written notice of the proposed rule with the chairperson of 52313  
the state fire council, and, within sixty days after notice is 52314  
filed, the council may file responses to or comments on and may 52315  
recommend alternative or supplementary rules to the fire marshal. 52316  
At the end of the sixty-day period or upon the filing of 52317  
responses, comments, or recommendations by the council, the fire 52318  
marshal may adopt the rule filed with the council or any 52319  
alternative or supplementary rule recommended by the council. 52320

(C) The state fire council may recommend courses of action to 52321

be taken by the fire marshal in carrying out the fire marshal's 52322  
duties under this section. The council shall file its 52323  
recommendations in the office of the fire marshal, and, within 52324  
sixty days after the recommendations are filed, the fire marshal 52325  
shall file with the chairperson of the council comments on, and 52326  
proposed action in response to, the recommendations. 52327

(D) For the purpose of sections 3737.87 to 3737.89 of the 52328  
Revised Code, the fire marshal shall adopt, and may amend and 52329  
rescind, rules identifying or listing hazardous substances. The 52330  
rules shall be consistent with and equivalent in scope, coverage, 52331  
and content to regulations identifying or listing hazardous 52332  
substances adopted under the "Comprehensive Environmental 52333  
Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 52334  
42 U.S.C.A. 9602, as amended, except that the fire marshal shall 52335  
not identify or list as a hazardous substance any hazardous waste 52336  
identified or listed in rules adopted under division (A) of 52337  
section 3734.12 of the Revised Code. 52338

(E) Except as provided in division (A)(3) of this section, 52339  
the fire marshal shall have exclusive jurisdiction to regulate the 52340  
storage, treatment, and disposal of petroleum contaminated soil 52341  
generated from corrective actions undertaken in response to 52342  
releases of petroleum from underground storage tank systems. The 52343  
fire marshal may adopt, amend, or rescind such rules as the fire 52344  
marshal considers to be necessary or appropriate to regulate the 52345  
storage, treatment, or disposal of petroleum contaminated soil so 52346  
generated. 52347

(F) The fire marshal shall adopt, amend, and rescind rules 52348  
under sections 3737.88 to ~~3737.883~~ 3737.882 of the Revised Code in 52349  
accordance with Chapter 119. of the Revised Code. 52350

**Sec. 3737.882.** (A) If, after an examination or inspection, 52351  
the fire marshal or an assistant fire marshal finds that a release 52352

of petroleum is suspected, the fire marshal shall take such action 52353  
as the fire marshal considers necessary to ensure that a suspected 52354  
release is confirmed or disproved and, if the occurrence of a 52355  
release is confirmed, to correct the release. These actions may 52356  
include one or more of the following: 52357

(1) Issuance of a citation and order requiring the 52358  
responsible person to undertake, in a manner consistent with the 52359  
requirements of section 9003 of the "Resource Conservation and 52360  
Recovery Act of 1976," 98 Stat. 3279, 42 U.S.C.A. 6991b, as 52361  
amended, applicable regulations adopted thereunder, and rules 52362  
adopted under division (B) of this section, such actions as are 52363  
necessary to protect human health and the environment, including, 52364  
without limitation, the investigation of a suspected release; 52365

(2) Requesting the attorney general to bring a civil action 52366  
for appropriate relief, including a temporary restraining order or 52367  
preliminary or permanent injunction, in the court of common pleas 52368  
of the county in which a suspected release is located or in which 52369  
the release occurred, to obtain the corrective action necessary to 52370  
protect human health and the environment. In granting any such 52371  
relief, the court shall ensure that the terms of the temporary 52372  
restraining order or injunction are sufficient to provide 52373  
comprehensive corrective action to protect human health and the 52374  
environment. 52375

(3) Entry onto premises and undertaking corrective action 52376  
with respect to a release of petroleum if, in the fire marshal's 52377  
judgment, such action is necessary to protect human health and the 52378  
environment. Any corrective action undertaken by the fire marshal 52379  
or assistant fire marshal under division (A)(3) of this section 52380  
shall be consistent with the requirements of sections 9003 and 52381  
9005 of the "Resource Conservation and Recovery Act of 1976," 98 52382  
Stat. 3279, 42 U.S.C.A. 6991b, and 98 Stat. 3284, 42 U.S.C.A. 52383  
6991e, respectively, as amended, applicable regulations adopted 52384

thereunder, and rules adopted under division (B) of this section. 52385

(B) The fire marshal shall adopt, and may amend and rescind, 52386  
such rules as the fire marshal considers necessary to establish 52387  
standards for corrective actions for suspected and confirmed 52388  
releases of petroleum and standards for the recovery of costs 52389  
incurred for undertaking corrective or enforcement actions with 52390  
respect to such releases. The rules also shall include 52391  
requirements for financial responsibility for the cost of 52392  
corrective actions for and compensation of bodily injury and 52393  
property damage incurred by third parties that are caused by 52394  
releases of petroleum. Rules regarding financial responsibility 52395  
shall, without limitation, require responsible persons to provide 52396  
evidence that the parties guaranteeing payment of the deductible 52397  
amount established under division (E) or (F) of section 3737.91 of 52398  
the Revised Code are, at a minimum, secondarily liable for all 52399  
corrective action and third-party liability costs incurred within 52400  
the scope of the deductible amount. The rules shall be consistent 52401  
with sections 9003 and 9005 of the "Resource Conservation and 52402  
Recovery Act of 1976," 98 Stat. 3279, 42 U.S.C.A. 6991b, and 98 52403  
Stat. 3284, 42 U.S.C.A. 6991e, respectively, as amended, and 52404  
applicable regulations adopted thereunder. 52405

(C)(1) No person shall violate or fail to comply with a rule 52406  
adopted under division (A) of section 3737.88 of the Revised Code 52407  
or division (B) of this section, and no person shall violate or 52408  
fail to comply with the terms of any order issued under division 52409  
(A) of section 3737.88 of the Revised Code or division (A)(1) of 52410  
this section. 52411

(2) Whoever violates division (C)(1) of this section or 52412  
division (F) of section 3737.881 of the Revised Code shall pay a 52413  
civil penalty of not more than ten thousand dollars for each day 52414  
that the violation continues. The fire marshal may, by order, 52415  
assess a civil penalty under this division, or the fire marshal 52416

may request the attorney general to bring a civil action for 52417  
imposition of the civil penalty in the court of common pleas of 52418  
the county in which the violation occurred. If the fire marshal 52419  
determines that a responsible person is in violation of division 52420  
(C)(1) of this section or division (F) of section 3737.881 of the 52421  
Revised Code, the fire marshal may request the attorney general to 52422  
bring a civil action for appropriate relief, including a temporary 52423  
restraining order or preliminary or permanent injunction, in the 52424  
court of common pleas of the county in which the underground 52425  
storage tank or, in the case of a violation of division (F)(3) of 52426  
section 3737.881 of the Revised Code, the training program that is 52427  
the subject of the violation is located. The court shall issue a 52428  
temporary restraining order or an injunction upon a demonstration 52429  
that a violation of division (C)(1) of this section or division 52430  
(F) of section 3737.881 of the Revised Code has occurred or is 52431  
occurring. 52432

Any action brought by the attorney general under this 52433  
division is a civil action, governed by the Rules of Civil 52434  
Procedure and other rules of practice and procedure applicable to 52435  
civil actions. 52436

~~Nothing in section 3737.883 of the Revised Code limits the 52437  
powers of the fire marshal or the attorney general under this 52438  
division. 52439~~

(D) Orders issued under division (A) of section 3737.88 of 52440  
the Revised Code and divisions (A)(1) and (C) of this section, and 52441  
appeals thereof, are subject to and governed by Chapter 3745. of 52442  
the Revised Code. Such orders shall be issued without the 52443  
necessity for issuance of a proposed action under that chapter. 52444  
For purposes of appeals of any such orders, the term "director" as 52445  
used in Chapter 3745. of the Revised Code includes the fire 52446  
marshal and an assistant fire marshal. 52447

(E) Any restrictions on the use of real property for the 52448

purpose of the achievement by an owner or operator of applicable 52449  
standards pursuant to rules adopted under division (B) of this 52450  
section shall be contained in a deed or in another instrument that 52451  
is signed and acknowledged by the property owner in the same 52452  
manner as a deed or an environmental covenant that is entered into 52453  
in accordance with sections 5301.80 to 5301.92 of the Revised 52454  
Code. The deed, other instrument containing the restrictions, or 52455  
environmental covenant shall be filed and recorded in the office 52456  
of the county recorder of the county in which the property is 52457  
located. Pursuant to Chapter 5309. of the Revised Code, if the use 52458  
restrictions or environmental covenant are connected with 52459  
registered land, as defined in section 5309.01 of the Revised 52460  
Code, the restrictions or environmental covenant shall be entered 52461  
as a memorial on the page of the register where the title of the 52462  
owner is registered. 52463

(F) Any restrictions on the use of real property for the 52464  
purpose of the achievement by a person that is not a responsible 52465  
person, or by a person undertaking a voluntary action of 52466  
applicable standards pursuant to rules adopted under division (B) 52467  
of this section shall be contained in an environmental covenant 52468  
that is entered into in accordance with sections 5301.80 to 52469  
5301.92 of the Revised Code. The environmental covenant shall be 52470  
filed and recorded in the office of the county recorder of the 52471  
county in which the property is located. Pursuant to Chapter 5309. 52472  
of the Revised Code, if the environmental covenant is connected 52473  
with registered land, as defined in section 5309.01 of the Revised 52474  
Code, the environmental covenant shall be entered as a memorial on 52475  
the page of the register where the title of the owner is 52476  
registered. 52477

**Sec. 3740.01.** As used in this chapter: 52478

(A) "Community-based long-term care provider" means a 52479

provider, as defined in section 173.39 of the Revised Code. 52480

(B) "Community-based long-term care subcontractor" means a 52481  
subcontractor, as defined in section 173.38 of the Revised Code. 52482

(C) "Criminal records check" has the same meaning as in 52483  
section 109.572 of the Revised Code. 52484

(D) "Direct care" means any of the following: 52485

(1) Any service identified in divisions (G)(1) to (6) of this 52486  
section that is provided in a patient's place of residence used as 52487  
the patient's home; 52488

(2) Any activity that requires the person performing the 52489  
activity to be routinely alone with a patient or to routinely have 52490  
access to a patient's personal property or financial documents 52491  
regarding a patient; 52492

(3) For each home health agency individually, any other 52493  
routine service or activity that the chief administrator of the 52494  
home health agency designates as direct care. 52495

(E) "Disqualifying offense" means any of the offenses listed 52496  
or described in divisions (A)(3)(a) to (e) of section 109.572 of 52497  
the Revised Code. 52498

(F) "Employee" means a person employed by a home health 52499  
agency in a full-time, part-time, or temporary position that 52500  
involves providing direct care to an individual and a person who 52501  
works in such a position due to being referred to a home health 52502  
agency by an employment service. 52503

(G) "Home health agency" means a person or government entity, 52504  
other than a nursing home, residential care facility, hospice care 52505  
program, pediatric respite care program, pediatric transition care 52506  
program, informal respite care provider, provider certified by the 52507  
department of developmental disabilities under Chapter 5123. of 52508  
the Revised Code, residential facility licensed under section 52509

<u>5119.34 or 5123.19 of the Revised Code</u> , shared living provider, or	52510
immediate family member, that has the primary function of	52511
providing any of the following services to a patient at a place of	52512
residence used as the patient's home:	52513
(1) Skilled nursing care;	52514
(2) Physical therapy;	52515
(3) Occupational therapy;	52516
(4) Speech-language pathology;	52517
(5) Medical social services;	52518
(6) Home health aide services.	52519
(H) "Home health aide services" means any of the following	52520
services provided by an employee of a home health agency:	52521
(1) Hands-on bathing or assistance with a tub bath or shower;	52522
(2) Assistance with dressing, ambulation, and toileting;	52523
(3) Catheter care but not insertion;	52524
(4) Meal preparation and feeding.	52525
(I) "Hospice care program," "pediatric respite care program,"	52526
and "pediatric transition care program" have the same meanings as	52527
in section 3712.01 of the Revised Code.	52528
(J) "Immediate family member" means a parent, stepparent,	52529
grandparent, legal guardian, grandchild, brother, sister,	52530
stepsibling, spouse, son, daughter, stepchild, aunt, uncle,	52531
mother-in-law, father-in-law, brother-in-law, sister-in-law,	52532
son-in-law, and daughter-in-law.	52533
(K) "Medical social services" means services provided by a	52534
social worker under the direction of a patient's attending	52535
physician.	52536
(L) "Minor drug possession offense" has the same meaning as	52537

in section 2925.01 of the Revised Code. 52538

(M) "Nonagency provider" means a person who provides direct 52539  
care to an individual on a self-employed basis and does not 52540  
employ, directly or through contract, another person to provide 52541  
the services. "Nonagency provider" does not include any of the 52542  
following: 52543

(1) A caregiver who is an immediate family member of the 52544  
individual receiving direct care; 52545

(2) A person who provides direct care to not more than two 52546  
individuals who are not immediate family members of the care 52547  
provider; 52548

(3) A volunteer; 52549

(4) A person who is certified under section 5104.12 of the 52550  
Revised Code to provide publicly funded child care as an in-home 52551  
aide; 52552

(5) A person who provides privately funded child care; 52553

(6) A caregiver who is certified by the department of 52554  
developmental disabilities under Chapter 5123. of the Revised 52555  
Code; 52556

(7) A person who operates a residential facility licensed 52557  
under section 5119.34 of the Revised Code; 52558

(8) A person who provides self-directed services, as that 52559  
term is defined in 42 U.S.C. 1396n(i)(1)(G)(iii)(II), including a 52560  
person who is certified by the department of aging or registered 52561  
as a self-directed individual provider through an area agency on 52562  
aging. 52563

(N) "Nonmedical home health services" means any of the 52564  
following: 52565

(1) Any service identified in divisions (H)(1) to (4) of this 52566  
section; 52567

(2) Personal care services;	52568
(3) Any other service the director of health designates as a nonmedical home health service in rules adopted under section 3740.10 of the Revised Code.	52569 52570 52571
(O) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.	52572 52573 52574
(P) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.	52575 52576
(Q) "Personal care services" means any of the following provided to an individual in the individual's home or community:	52577 52578
(1) Hands-on assistance with activities of daily living and instrumental activities of daily living, when incidental to assistance with activities of daily living;	52579 52580 52581
(2) Assistance managing the individual's home and handling personal affairs;	52582 52583
(3) Assistance with self-administration of medications;	52584
(4) Homemaker services when incidental to any of the services identified in divisions (Q)(1) to (3) of this section or when essential to the health and welfare of the individual specifically, not the individual's family;	52585 52586 52587 52588
(5) Respite services for the individual's caregiver;	52589
(6) Errands completed outside of the presence of the individual if needed to maintain the individual's health and safety, including picking up prescriptions and groceries.	52590 52591 52592
(R) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.	52593 52594
<del>(S) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.</del>	52595 52596

~~(T)~~ "Skilled home health services" means any of the following: 52597  
52598

(1) Any service identified in divisions (G)(1) to (5) of this section; 52599  
52600

(2) Any other service the director of health designates as a skilled home health service in rules adopted under section 3740.10 of the Revised Code. 52601  
52602  
52603

~~(U)~~(T) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker. 52604  
52605  
52606

~~(V)~~(U) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code. 52607  
52608

~~(W)~~(V) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code. 52609  
52610

Sec. 3742.11. (A) As used in this section, "renovation, repair, and painting rule" means the rule adopted by the United States environmental protection agency pursuant to the "Toxic Substances Control Act of 1978," 15 U.S.C. 2601. 52611  
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(B) The director of health may enter into agreements with the United States environmental protection agency for the administration and enforcement of the renovation, repair, and painting rule. The director also may accept available assistance in support of any agreement. 52615  
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(C) The director may adopt rules in accordance with Chapter 119. of the Revised Code for the administration and enforcement of this section. If the director adopts such rules, the director shall specify all of the following in the rules: 52620  
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52622  
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(1) Provisions governing application for certification, approval and denial of certification, and renewal, suspension, and revocation of certification under this section; 52624  
52625  
52626

<u>(2) Fees for any certification issued or renewed under this section;</u>	52627
	52628
<u>(3) Requirements for training and certification, which must include levels of training and periodic refresher training for certifications issued under this section;</u>	52629
	52630
	52631
<u>(4) Procedures to be followed by a person certified under this section to undertake renovation, repair, and painting projects and to prevent public exposure to lead hazards and ensure worker protection during renovation, repair, or painting projects;</u>	52632
	52633
	52634
	52635
<u>(5) Provisions governing the imposition of civil penalties for violations of procedures adopted under this section. Civil penalties shall not exceed five thousand dollars per violation.</u>	52636
	52637
	52638
<u>(6) Record-keeping and reporting requirements for a person certified under this section;</u>	52639
	52640
<u>(7) Procedures for the approval of training providers under this section, including specific training course requirements;</u>	52641
	52642
<u>(8) Any other procedures and requirements that the director determines necessary for the implementation of this section.</u>	52643
	52644
<b>Sec. 3745.11.</b> (A) Applicants for and holders of permits, licenses, variances, plan approvals, and certifications issued by the director of environmental protection pursuant to Chapters 3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee to the environmental protection agency for each such issuance and each application for an issuance as provided by this section. No fee shall be charged for any issuance for which no application has been submitted to the director.	52645
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(B) Except as otherwise provided in division (C)(2) of this section, beginning July 1, 1994, each person who owns or operates an air contaminant source and who is required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code	52653
	52654
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shall pay the fees set forth in this division. For the purposes of 52657  
this division, total emissions of air contaminants may be 52658  
calculated using engineering calculations, emissions factors, 52659  
material balance calculations, or performance testing procedures, 52660  
as authorized by the director. 52661

The following fees shall be assessed on the total actual 52662  
emissions from a source in tons per year of the regulated 52663  
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 52664  
organic compounds, and lead: 52665

(1) Fifteen dollars per ton on the total actual emissions of 52666  
each such regulated pollutant during the period July through 52667  
December 1993, to be collected no sooner than July 1, 1994; 52668

(2) Twenty dollars per ton on the total actual emissions of 52669  
each such regulated pollutant during calendar year 1994, to be 52670  
collected no sooner than April 15, 1995; 52671

(3) Twenty-five dollars per ton on the total actual emissions 52672  
of each such regulated pollutant in calendar year 1995, and each 52673  
subsequent calendar year, to be collected no sooner than the 52674  
fifteenth day of April of the year next succeeding the calendar 52675  
year in which the emissions occurred. 52676

The fees levied under this division do not apply to that 52677  
portion of the emissions of a regulated pollutant at a facility 52678  
that exceed four thousand tons during a calendar year. 52679

(C)(1) The fees assessed under division (B) of this section 52680  
are for the purpose of providing funding for the Title V permit 52681  
program. 52682

(2) The fees assessed under division (B) of this section do 52683  
not apply to emissions from any electric generating unit 52684  
designated as a Phase I unit under Title IV of the federal Clean 52685  
Air Act prior to calendar year 2000. Those fees shall be assessed 52686  
on the emissions from such a generating unit commencing in 52687

calendar year 2001 based upon the total actual emissions from the 52688  
generating unit during calendar year 2000 and shall continue to be 52689  
assessed each subsequent calendar year based on the total actual 52690  
emissions from the generating unit during the preceding calendar 52691  
year. 52692

(3) The director shall issue invoices to owners or operators 52693  
of air contaminant sources who are required to pay a fee assessed 52694  
under division (B) or (D) of this section. Any such invoice shall 52695  
be issued no sooner than the applicable date when the fee first 52696  
may be collected in a year under the applicable division, shall 52697  
identify the nature and amount of the fee assessed, and shall 52698  
indicate that the fee is required to be paid within thirty days 52699  
after the issuance of the invoice. 52700

(D)(1) Except as provided in division (D)(2) of this section, 52701  
beginning January 1, 2004, each person who owns or operates an air 52702  
contaminant source; who is required to apply for a permit to 52703  
operate pursuant to rules adopted under division (G), or a 52704  
variance pursuant to division (H), of section 3704.03 of the 52705  
Revised Code; and who is not required to apply for and obtain a 52706  
Title V permit under section 3704.03 of the Revised Code shall pay 52707  
a single fee based upon the sum of the actual annual emissions 52708  
from the facility of the regulated pollutants particulate matter, 52709  
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 52710  
accordance with the following schedule: 52711

Total tons per year of regulated pollutants emitted	Annual fee per facility	
More than 0, but less than 10	\$ 100	52715
10 or more, but less than 50	200	52716
50 or more, but less than 100	300	52717
100 or more	700	52718

(2)(a) As used in division (D) of this section, "synthetic 52719

minor facility" means a facility for which one or more permits to  
install or permits to operate have been issued for the air  
contaminant sources at the facility that include terms and  
conditions that lower the facility's potential to emit air  
contaminants below the major source thresholds established in  
rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2024~~ 2026,  
each person who owns or operates a synthetic minor facility shall  
pay an annual fee based on the sum of the actual annual emissions  
from the facility of particulate matter, sulfur dioxide, nitrogen  
dioxide, organic compounds, and lead in accordance with the  
following schedule:

Combined total tons per year of all regulated pollutants emitted	Annual fee per facility
Less than 10	\$ 170
10 or more, but less than 20	340
20 or more, but less than 30	670
30 or more, but less than 40	1,010
40 or more, but less than 50	1,340
50 or more, but less than 60	1,680
60 or more, but less than 70	2,010
70 or more, but less than 80	2,350
80 or more, but less than 90	2,680
90 or more, but less than 100	3,020
100 or more	3,350

(3) The fees assessed under division (D)(1) of this section  
shall be collected annually no sooner than the fifteenth day of  
April, commencing in 2005. The fees assessed under division (D)(2)  
of this section shall be collected no sooner than the fifteenth  
day of April, commencing in 2000. The fees assessed under division  
(D) of this section in a calendar year shall be based upon the sum

of the actual emissions of those regulated pollutants during the 52752  
preceding calendar year. For the purpose of division (D) of this 52753  
section, emissions of air contaminants may be calculated using 52754  
engineering calculations, emission factors, material balance 52755  
calculations, or performance testing procedures, as authorized by 52756  
the director. The director, by rule, may require persons who are 52757  
required to pay the fees assessed under division (D) of this 52758  
section to pay those fees biennially rather than annually. 52759

(E)(1) Consistent with the need to cover the reasonable costs 52760  
of the Title V permit program, the director annually shall 52761  
increase the fees prescribed in division (B) of this section by 52762  
the percentage, if any, by which the consumer price index for the 52763  
most recent calendar year ending before the beginning of a year 52764  
exceeds the consumer price index for calendar year 1989. Upon 52765  
calculating an increase in fees authorized by division (E)(1) of 52766  
this section, the director shall compile revised fee schedules for 52767  
the purposes of division (B) of this section and shall make the 52768  
revised schedules available to persons required to pay the fees 52769  
assessed under that division and to the public. 52770

(2) For the purposes of division (E)(1) of this section: 52771

(a) The consumer price index for any year is the average of 52772  
the consumer price index for all urban consumers published by the 52773  
United States department of labor as of the close of the 52774  
twelve-month period ending on the thirty-first day of August of 52775  
that year. 52776

(b) If the 1989 consumer price index is revised, the director 52777  
shall use the revision of the consumer price index that is most 52778  
consistent with that for calendar year 1989. 52779

(F) Each person who is issued a permit to install pursuant to 52780  
rules adopted under division (F) of section 3704.03 of the Revised 52781  
Code on or after July 1, 2003, shall pay the fees specified in the 52782

following schedules:		52783
(1) Fuel-burning equipment (boilers, furnaces, or process heaters used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer)		52784
Input capacity (maximum)		52785
(million British thermal units per hour)	Permit to install	52786
Greater than 0, but less than 10	\$ 200	52787
10 or more, but less than 100	400	52788
100 or more, but less than 300	1000	52789
300 or more, but less than 500	2250	52790
500 or more, but less than 1000	3750	52791
1000 or more, but less than 5000	6000	52792
5000 or more	9000	52793
Units burning exclusively natural gas, number two fuel oil, or both shall be assessed a fee that is one-half the applicable amount shown in division (F)(1) of this section.		52794
(2) Combustion turbines and stationary internal combustion engines designed to generate electricity		52795
Generating capacity (mega watts)	Permit to install	52796
0 or more, but less than 10	\$ 25	52797
10 or more, but less than 25	150	52798
25 or more, but less than 50	300	52799
50 or more, but less than 100	500	52800
100 or more, but less than 250	1000	52801
250 or more	2000	52802
(3) Incinerators		52803
Input capacity (pounds per hour)	Permit to install	52804
0 to 100	\$ 100	52805
101 to 500	500	52806
501 to 2000	1000	52807
2001 to 20,000	1500	52808

more than 20,000	3750	52814
(4)(a) Process		52815
Process weight rate (pounds per hour)	Permit to install	52816
0 to 1000	\$ 200	52817
1001 to 5000	500	52818
5001 to 10,000	750	52819
10,001 to 50,000	1000	52820
more than 50,000	1250	52821

In any process where process weight rate cannot be 52822  
ascertained, the minimum fee shall be assessed. A boiler, furnace, 52823  
combustion turbine, stationary internal combustion engine, or 52824  
process heater designed to provide direct heat or power to a 52825  
process not designed to generate electricity shall be assessed a 52826  
fee established in division (F)(4)(a) of this section. A 52827  
combustion turbine or stationary internal combustion engine 52828  
designed to generate electricity shall be assessed a fee 52829  
established in division (F)(2) of this section. 52830

(b) Notwithstanding division (F)(4)(a) of this section, any 52831  
person issued a permit to install pursuant to rules adopted under 52832  
division (F) of section 3704.03 of the Revised Code shall pay the 52833  
fees set forth in division (F)(4)(c) of this section for a process 52834  
used in any of the following industries, as identified by the 52835  
applicable two-digit, three-digit, or four-digit standard 52836  
industrial classification code according to the Standard 52837  
Industrial Classification Manual published by the United States 52838  
office of management and budget in the executive office of the 52839  
president, 1987, as revised: 52840

- Major group 10, metal mining; 52841
- Major group 12, coal mining; 52842
- Major group 14, mining and quarrying of nonmetallic minerals; 52843
- Industry group 204, grain mill products; 52844

2873 Nitrogen fertilizers;	52845
2874 Phosphatic fertilizers;	52846
3281 Cut stone and stone products;	52847
3295 Minerals and earth, ground or otherwise treated;	52848
4221 Grain elevators (storage only);	52849
5159 Farm related raw materials;	52850
5261 Retail nurseries and lawn and garden supply stores.	52851

(c) The fees set forth in the following schedule apply to the issuance of a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code for a process identified in division (F)(4)(b) of this section:

Process weight rate (pounds per hour)	Permit to install	
0 to 10,000	\$ 200	52856
10,001 to 50,000	400	52857
50,001 to 100,000	500	52858
100,001 to 200,000	600	52859
200,001 to 400,000	750	52860
400,001 or more	900	52861

(5) Storage tanks 52863

Gallons (maximum useful capacity)	Permit to install	
0 to 20,000	\$ 100	52864
20,001 to 40,000	150	52865
40,001 to 100,000	250	52866
100,001 to 500,000	400	52867
500,001 or greater	750	52868

(6) Gasoline/fuel dispensing facilities 52870

For each gasoline/fuel dispensing facility (includes all units at the facility)	Permit to install	
	\$ 100	52871

(7) Dry cleaning facilities		52874
For each dry cleaning		52875
facility (includes all units	Permit to install	52876
at the facility)	\$ 100	52877
(8) Registration status		52878
For each source covered	Permit to install	52879
by registration status	\$ 75	52880
(G) An owner or operator who is responsible for an asbestos		52881
demolition or renovation project pursuant to rules adopted under		52882
section 3704.03 of the Revised Code shall pay, upon submitting a		52883
notification pursuant to rules adopted under that section, the		52884
fees set forth in the following schedule:		52885
Action	Fee	52886
Each notification	\$75	52887
Asbestos removal	\$3/unit	52888
Asbestos cleanup	\$4/cubic yard	52889
For purposes of this division, "unit" means any combination of		52890
linear feet or square feet equal to fifty.		52891
(H) A person who is issued an extension of time for a permit		52892
to install an air contaminant source pursuant to rules adopted		52893
under division (F) of section 3704.03 of the Revised Code shall		52894
pay a fee equal to one-half the fee originally assessed for the		52895
permit to install under this section, except that the fee for such		52896
an extension shall not exceed two hundred dollars.		52897
(I) A person who is issued a modification to a permit to		52898
install an air contaminant source pursuant to rules adopted under		52899
section 3704.03 of the Revised Code shall pay a fee equal to		52900
one-half of the fee that would be assessed under this section to		52901
obtain a permit to install the source. The fee assessed by this		52902
division only applies to modifications that are initiated by the		52903
owner or operator of the source and shall not exceed two thousand		52904

dollars. 52905

(J) Notwithstanding division (F) of this section, a person 52906  
who applies for or obtains a permit to install pursuant to rules 52907  
adopted under division (F) of section 3704.03 of the Revised Code 52908  
after the date actual construction of the source began shall pay a 52909  
fee for the permit to install that is equal to twice the fee that 52910  
otherwise would be assessed under the applicable division unless 52911  
the applicant received authorization to begin construction under 52912  
division (W) of section 3704.03 of the Revised Code. This division 52913  
only applies to sources for which actual construction of the 52914  
source begins on or after July 1, 1993. The imposition or payment 52915  
of the fee established in this division does not preclude the 52916  
director from taking any administrative or judicial enforcement 52917  
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 52918  
of the Revised Code, or a rule adopted under any of them, in 52919  
connection with a violation of rules adopted under division (F) of 52920  
section 3704.03 of the Revised Code. 52921

As used in this division, "actual construction of the source" 52922  
means the initiation of physical on-site construction activities 52923  
in connection with improvements to the source that are permanent 52924  
in nature, including, without limitation, the installation of 52925  
building supports and foundations and the laying of underground 52926  
pipework. 52927

(K)(1) Money received under division (B) of this section 52928  
shall be deposited in the state treasury to the credit of the 52929  
Title V clean air fund created in section 3704.035 of the Revised 52930  
Code. Annually, not more than fifty cents per ton of each fee 52931  
assessed under division (B) of this section on actual emissions 52932  
from a source and received by the environmental protection agency 52933  
pursuant to that division may be transferred by the director using 52934  
an interstate transfer voucher to the state treasury to the credit 52935  
of the small business assistance fund created in section 3706.19 52936

of the Revised Code. In addition, annually, the amount of money 52937  
necessary for the operation of the office of ombudsperson as 52938  
determined under division (B) of that section shall be transferred 52939  
to the state treasury to the credit of the small business 52940  
ombudsperson fund created by that section. 52941

(2) Money received by the agency pursuant to divisions (D), 52942  
(F), (G), (H), (I), and (J) of this section shall be deposited in 52943  
the state treasury to the credit of the non-Title V clean air fund 52944  
created in section 3704.035 of the Revised Code. 52945

(L)(1) A person applying for a plan approval for a wastewater 52946  
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 52947  
of the Revised Code shall pay a nonrefundable fee of one hundred 52948  
dollars plus sixty-five one-hundredths of one per cent of the 52949  
estimated project cost through June 30, ~~2024~~ 2026, and a 52950  
nonrefundable application fee of one hundred dollars plus 52951  
two-tenths of one per cent of the estimated project cost on and 52952  
after July 1, ~~2024~~ 2026, except that the total fee shall not 52953  
exceed fifteen thousand dollars through June 30, ~~2024~~ 2026, and 52954  
five thousand dollars on and after July 1, ~~2024~~ 2026. The fee 52955  
shall be paid at the time the application is submitted. 52956

(2) A person who has entered into an agreement with the 52957  
director under section 6111.14 of the Revised Code shall pay an 52958  
administrative service fee for each plan submitted under that 52959  
section for approval that shall not exceed the minimum amount 52960  
necessary to pay administrative costs directly attributable to 52961  
processing plan approvals. The director annually shall calculate 52962  
the fee and shall notify all persons who have entered into 52963  
agreements under that section, or who have applied for agreements, 52964  
of the amount of the fee. 52965

(3)(a)(i) Not later than January 30, ~~2022~~ 2024, and January 52966  
30, ~~2023~~ 2025, a person holding an NPDES discharge permit issued 52967  
pursuant to Chapter 6111. of the Revised Code with an average 52968

daily discharge flow of five thousand gallons or more shall pay a 52969  
nonrefundable annual discharge fee. Any person who fails to pay 52970  
the fee at that time shall pay an additional amount that equals 52971  
ten per cent of the required annual discharge fee. 52972

(ii) The billing year for the annual discharge fee 52973  
established in division (L)(3)(a)(i) of this section shall consist 52974  
of a twelve-month period beginning on the first day of January of 52975  
the year preceding the date when the annual discharge fee is due. 52976  
In the case of an existing source that permanently ceases to 52977  
discharge during a billing year, the director shall reduce the 52978  
annual discharge fee, including the surcharge applicable to 52979  
certain industrial facilities pursuant to division (L)(3)(c) of 52980  
this section, by one-twelfth for each full month during the 52981  
billing year that the source was not discharging, but only if the 52982  
person holding the NPDES discharge permit for the source notifies 52983  
the director in writing, not later than the first day of October 52984  
of the billing year, of the circumstances causing the cessation of 52985  
discharge. 52986

(iii) The annual discharge fee established in division 52987  
(L)(3)(a)(i) of this section, except for the surcharge applicable 52988  
to certain industrial facilities pursuant to division (L)(3)(c) of 52989  
this section, shall be based upon the average daily discharge flow 52990  
in gallons per day calculated using first day of May through 52991  
thirty-first day of October flow data for the period two years 52992  
prior to the date on which the fee is due. In the case of NPDES 52993  
discharge permits for new sources, the fee shall be calculated 52994  
using the average daily design flow of the facility until actual 52995  
average daily discharge flow values are available for the time 52996  
period specified in division (L)(3)(a)(iii) of this section. The 52997  
annual discharge fee may be prorated for a new source as described 52998  
in division (L)(3)(a)(ii) of this section. 52999

(b)(i) An NPDES permit holder that is a public discharger 53000

shall pay the fee specified in the following schedule:		53001
Average daily	Fee due by	53002
discharge flow	January 30,	53003
	<del>2022</del> <u>2024</u> , and	53004
	January 30, <del>2023</del>	53005
	<u>2025</u>	
5,000 to 49,999	\$ 200	53006
50,000 to 100,000	500	53007
100,001 to 250,000	1,050	53008
250,001 to 1,000,000	2,600	53009
1,000,001 to 5,000,000	5,200	53010
5,000,001 to 10,000,000	10,350	53011
10,000,001 to 20,000,000	15,550	53012
20,000,001 to 50,000,000	25,900	53013
50,000,001 to 100,000,000	41,400	53014
100,000,001 or more	62,100	53015
(ii) Public dischargers owning or operating two or more		53016
publicly owned treatment works serving the same political		53017
subdivision, as "treatment works" is defined in section 6111.01 of		53018
the Revised Code, and that serve exclusively political		53019
subdivisions having a population of fewer than one hundred		53020
thousand persons shall pay an annual discharge fee under division		53021
(L)(3)(b)(i) of this section that is based on the combined average		53022
daily discharge flow of the treatment works.		53023
(c)(i) An NPDES permit holder that is an industrial		53024
discharger, other than a coal mining operator identified by P in		53025
the third character of the permittee's NPDES permit number, shall		53026
pay the fee specified in the following schedule:		53027
Average daily	Fee due by	53028
discharge flow	January 30,	53029
	<del>2022</del> <u>2024</u> , and	53030
	January 30, <del>2023</del>	53031

	<u>2025</u>	
5,000 to 49,999	\$ 250	53032
50,000 to 250,000	1,200	53033
250,001 to 1,000,000	2,950	53034
1,000,001 to 5,000,000	5,850	53035
5,000,001 to 10,000,000	8,800	53036
10,000,001 to 20,000,000	11,700	53037
20,000,001 to 100,000,000	14,050	53038
100,000,001 to 250,000,000	16,400	53039
250,000,001 or more	18,700	53040

(ii) In addition to the fee specified in the above schedule, 53041  
an NPDES permit holder that is an industrial discharger classified 53042  
as a major discharger during all or part of the annual discharge 53043  
fee billing year specified in division (L)(3)(a)(ii) of this 53044  
section shall pay a nonrefundable annual surcharge of seven 53045  
thousand five hundred dollars not later than January 30, ~~2022~~ 53046  
2024, and not later than January 30, ~~2023~~ 2025. Any person who 53047  
fails to pay the surcharge at that time shall pay an additional 53048  
amount that equals ten per cent of the amount of the surcharge. 53049

(d) Notwithstanding divisions (L)(3)(b) and (c) of this 53050  
section, a public discharger, that is not a separate municipal 53051  
storm sewer system, identified by I in the third character of the 53052  
permittee's NPDES permit number and an industrial discharger 53053  
identified by I, J, L, V, W, X, Y, or Z in the third character of 53054  
the permittee's NPDES permit number shall pay a nonrefundable 53055  
annual discharge fee of one hundred eighty dollars not later than 53056  
January 30, ~~2022~~ 2024, and not later than January 30, ~~2023~~ 2025. 53057  
Any person who fails to pay the fee at that time shall pay an 53058  
additional amount that equals ten per cent of the required fee. 53059

(4) Each person obtaining an NPDES permit for municipal storm 53060  
water discharge shall pay a nonrefundable storm water annual 53061  
discharge fee of ten dollars per one-tenth of a square mile of 53062

area permitted. The fee shall not exceed ten thousand dollars and 53063  
shall be payable on or before January 30, 2004, and the thirtieth 53064  
day of January of each year thereafter. Any person who fails to 53065  
pay the fee on the date specified in division (L)(4) of this 53066  
section shall pay an additional amount per year equal to ten per 53067  
cent of the annual fee that is unpaid. 53068

(5) The director shall transmit all moneys collected under 53069  
division (L) of this section to the treasurer of state for deposit 53070  
into the state treasury to the credit of the surface water 53071  
protection fund created in section 6111.038 of the Revised Code. 53072

(6) As used in this section: 53073

(a) "NPDES" means the federally approved national pollutant 53074  
discharge elimination system individual and general program for 53075  
issuing, modifying, revoking, reissuing, terminating, monitoring, 53076  
and enforcing permits and imposing and enforcing pretreatment 53077  
requirements under Chapter 6111. of the Revised Code and rules 53078  
adopted under it. 53079

(b) "Public discharger" means any holder of an NPDES permit 53080  
identified by P in the second character of the NPDES permit number 53081  
assigned by the director. 53082

(c) "Industrial discharger" means any holder of an NPDES 53083  
permit identified by I in the second character of the NPDES permit 53084  
number assigned by the director. 53085

(d) "Major discharger" means any holder of an NPDES permit 53086  
classified as major by the regional administrator of the United 53087  
States environmental protection agency in conjunction with the 53088  
director. 53089

(M) Through June 30, ~~2024~~ 2026, a person applying for a 53090  
license or license renewal to operate a public water system under 53091  
section 6109.21 of the Revised Code shall pay the appropriate fee 53092  
established under this division at the time of application to the 53093

director. Any person who fails to pay the fee at that time shall 53094  
pay an additional amount that equals ten per cent of the required 53095  
fee. The director shall transmit all moneys collected under this 53096  
division to the treasurer of state for deposit into the drinking 53097  
water protection fund created in section 6109.30 of the Revised 53098  
Code. 53099

Except as provided in divisions (M)(4) and (5) of this 53100  
section, fees required under this division shall be calculated and 53101  
paid in accordance with the following schedule: 53102

(1) For the initial license required under section 6109.21 of 53103  
the Revised Code for any public water system that is a community 53104  
water system as defined in section 6109.01 of the Revised Code, 53105  
and for each license renewal required for such a system prior to 53106  
January 31, ~~2024~~ 2026, the fee is: 53107

Number of service connections	Fee amount	
Not more than 49	\$ 112	53109
50 to 99	176	53110
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	53112
2,500 to 4,999	1.48	53113
5,000 to 7,499	1.42	53114
7,500 to 9,999	1.34	53115
10,000 to 14,999	1.16	53116
15,000 to 24,999	1.10	53117
25,000 to 49,999	1.04	53118
50,000 to 99,999	.92	53119
100,000 to 149,999	.86	53120
150,000 to 199,999	.80	53121
200,000 or more	.76	53122

A public water system may determine how it will pay the total 53123  
amount of the fee calculated under division (M)(1) of this 53124  
section, including the assessment of additional user fees that may 53125

be assessed on a volumetric basis. 53126

As used in division (M)(1) of this section, "service 53127  
connection" means the number of active or inactive pipes, 53128  
goosenecks, pigtails, and any other fittings connecting a water 53129  
main to any building outlet. 53130

(2) For the initial license required under section 6109.21 of 53131  
the Revised Code for any public water system that is not a 53132  
community water system and serves a nontransient population, and 53133  
for each license renewal required for such a system prior to 53134  
January 31, ~~2024~~ 2026, the fee is: 53135

Population served	Fee amount	
Fewer than 150	\$ 112	53137
150 to 299	176	53138
300 to 749	384	53139
750 to 1,499	628	53140
1,500 to 2,999	1,268	53141
3,000 to 7,499	2,816	53142
7,500 to 14,999	5,510	53143
15,000 to 22,499	9,048	53144
22,500 to 29,999	12,430	53145
30,000 or more	16,820	53146

As used in division (M)(2) of this section, "population 53147  
served" means the total number of individuals having access to the 53148  
water supply during a twenty-four-hour period for at least sixty 53149  
days during any calendar year. In the absence of a specific 53150  
population count, that number shall be calculated at the rate of 53151  
three individuals per service connection. 53152

(3) For the initial license required under section 6109.21 of 53153  
the Revised Code for any public water system that is not a 53154  
community water system and serves a transient population, and for 53155  
each license renewal required for such a system prior to January 53156  
31, ~~2024~~ 2026, the fee is: 53157

Number of wells or sources, other than surface water, supplying system	Fee amount	53158
1	\$112	53159
2	112	53160
3	176	53161
4	278	53162
5	568	53163
System designated as using a surface water source	792	53164 53165
As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.		53166 53167 53168 53169
(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.		53170 53171 53172 53173
(5) An applicant for an initial license who is proposing to operate a new public water supply system shall submit a fee that equals a prorated amount of the appropriate fee for the remainder of the licensing year.		53174 53175 53176 53177
(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, <del>2024</del> <u>2026</u> , and fifteen thousand dollars on and after July 1, <del>2024</del> <u>2026</u> . The fee shall be paid at the time the application is submitted.		53178 53179 53180 53181 53182 53183 53184 53185
(2) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan		53186 53187 53188

submitted under that section for approval that shall not exceed 53189  
the minimum amount necessary to pay administrative costs directly 53190  
attributable to processing plan approvals. The director annually 53191  
shall calculate the fee and shall notify all persons that have 53192  
entered into agreements under that division, or who have applied 53193  
for agreements, of the amount of the fee. 53194

(3) Through June 30, ~~2024~~ 2026, the following fee, on a per 53195  
survey basis, shall be charged any person for services rendered by 53196  
the state in the evaluation of laboratories and laboratory 53197  
personnel for compliance with accepted analytical techniques and 53198  
procedures established pursuant to Chapter 6109. of the Revised 53199  
Code for determining the qualitative characteristics of water: 53200

microbiological		53201
MMO-MUG	\$2,000	53202
MF	2,100	53203
MMO-MUG and MF	2,550	53204
organic chemical	5,400	53205
trace metals	5,400	53206
standard chemistry	2,800	53207
limited chemistry	1,550	53208

On and after July 1, ~~2024~~ 2026, the following fee, on a per 53209  
survey basis, shall be charged any such person: 53210

microbiological	\$ 1,650	53211
organic chemicals	3,500	53212
trace metals	3,500	53213
standard chemistry	1,800	53214
limited chemistry	1,000	53215

The fee for those services shall be paid at the time the request 53216  
for the survey is made. Through June 30, ~~2024~~ 2026, an individual 53217  
laboratory shall not be assessed a fee under this division more 53218  
than once in any three-year period unless the person requests the 53219  
addition of analytical methods or analysts, in which case the 53220

person shall pay five hundred dollars for each additional survey 53221  
requested. 53222

As used in division (N)(3) of this section: 53223

(a) "MF" means membrane filtration. 53224

(b) "MMO" means minimal medium ONPG. 53225

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 53226

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 53227

The director shall transmit all moneys collected under this 53228  
division to the treasurer of state for deposit into the drinking 53229  
water protection fund created in section 6109.30 of the Revised 53230  
Code. 53231

(O) Any person applying to the director to take an 53232  
examination for certification as an operator of a water supply 53233  
system or wastewater system under Chapter 6109. or 6111. of the 53234  
Revised Code that is administered by the director, at the time the 53235  
application is submitted, shall pay a fee in accordance with the 53236  
following schedule through November 30, ~~2024~~ 2026: 53237

Class A operator	\$ 80	53238
Class I operator	105	53239
Class II operator	120	53240
Class III operator	130	53241
Class IV operator	145	53242

On and after December 1, ~~2024~~ 2026, the applicant shall pay a 53243  
fee in accordance with the following schedule: 53244

Class A operator	\$ 50	53245
Class I operator	70	53246
Class II operator	80	53247
Class III operator	90	53248
Class IV operator	100	53249

Any person applying to the director for certification as an 53250

operator of a water supply system or wastewater system who has 53251  
passed an examination administered by an examination provider 53252  
approved by the director shall pay a certification fee of 53253  
forty-five dollars. 53254

A person shall pay a biennial certification renewal fee for 53255  
each applicable class of certification in accordance with the 53256  
following schedule: 53257

Class A operator	\$25	53258
Class I operator	35	53259
Class II operator	45	53260
Class III operator	55	53261
Class IV operator	65	53262

If a certification renewal fee is received by the director 53263  
more than thirty days, but not more than one year, after the 53264  
expiration date of the certification, the person shall pay a 53265  
certification renewal fee in accordance with the following 53266  
schedule: 53267

Class A operator	\$45	53268
Class I operator	55	53269
Class II operator	65	53270
Class III operator	75	53271
Class IV operator	85	53272

A person who requests a replacement certificate shall pay a 53273  
fee of twenty-five dollars at the time the request is made. 53274

Any person applying to be a water supply system or wastewater 53275  
treatment system examination provider shall pay an application fee 53276  
of five hundred dollars. Any person approved by the director as a 53277  
water supply system or wastewater treatment system examination 53278  
provider shall pay an annual fee that is equal to ten per cent of 53279  
the fees that the provider assesses and collects for administering 53280  
water supply system or wastewater treatment system certification 53281  
examinations in this state for the calendar year. The fee shall be 53282

paid not later than forty-five days after the end of a calendar 53283  
year. 53284

The director shall transmit all moneys collected under this 53285  
division to the treasurer of state for deposit into the drinking 53286  
water protection fund created in section 6109.30 of the Revised 53287  
Code. 53288

(P) Any person submitting an application for an industrial 53289  
water pollution control certificate under section 6111.31 of the 53290  
Revised Code, as that section existed before its repeal by H.B. 95 53291  
of the 125th general assembly, shall pay a nonrefundable fee of 53292  
five hundred dollars at the time the application is submitted. The 53293  
director shall transmit all moneys collected under this division 53294  
to the treasurer of state for deposit into the surface water 53295  
protection fund created in section 6111.038 of the Revised Code. A 53296  
person paying a certificate fee under this division shall not pay 53297  
an application fee under division (S)(1) of this section. On and 53298  
after June 26, 2003, persons shall file such applications and pay 53299  
the fee as required under sections 5709.20 to 5709.27 of the 53300  
Revised Code, and proceeds from the fee shall be credited as 53301  
provided in section 5709.212 of the Revised Code. 53302

(Q) Except as otherwise provided in division (R) of this 53303  
section, a person issued a permit by the director for a new solid 53304  
waste disposal facility other than an incineration or composting 53305  
facility, a new infectious waste treatment facility other than an 53306  
incineration facility, or a modification of such an existing 53307  
facility that includes an increase in the total disposal or 53308  
treatment capacity of the facility pursuant to Chapter 3734. of 53309  
the Revised Code shall pay a fee of ten dollars per thousand cubic 53310  
yards of disposal or treatment capacity, or one thousand dollars, 53311  
whichever is greater, except that the total fee for any such 53312  
permit shall not exceed eighty thousand dollars. A person issued a 53313  
modification of a permit for a solid waste disposal facility or an 53314

infectious waste treatment facility that does not involve an 53315  
increase in the total disposal or treatment capacity of the 53316  
facility shall pay a fee of one thousand dollars. A person issued 53317  
a permit to install a new, or modify an existing, solid waste 53318  
transfer facility under that chapter shall pay a fee of two 53319  
thousand five hundred dollars. A person issued a permit to install 53320  
a new or to modify an existing solid waste incineration or 53321  
composting facility, or an existing infectious waste treatment 53322  
facility using incineration as its principal method of treatment, 53323  
under that chapter shall pay a fee of one thousand dollars. The 53324  
increases in the permit fees under this division resulting from 53325  
the amendments made by Amended Substitute House Bill 592 of the 53326  
117th general assembly do not apply to any person who submitted an 53327  
application for a permit to install a new, or modify an existing, 53328  
solid waste disposal facility under that chapter prior to 53329  
September 1, 1987; any such person shall pay the permit fee 53330  
established in this division as it existed prior to June 24, 1988. 53331  
In addition to the applicable permit fee under this division, a 53332  
person issued a permit to install or modify a solid waste facility 53333  
or an infectious waste treatment facility under that chapter who 53334  
fails to pay the permit fee to the director in compliance with 53335  
division (V) of this section shall pay an additional ten per cent 53336  
of the amount of the fee for each week that the permit fee is 53337  
late. 53338

Permit and late payment fees paid to the director under this 53339  
division shall be credited to the general revenue fund. 53340

(R)(1) A person issued a registration certificate for a scrap 53341  
tire collection facility under section 3734.75 of the Revised Code 53342  
shall pay a fee of two hundred dollars, except that if the 53343  
facility is owned or operated by a motor vehicle salvage dealer 53344  
licensed under Chapter 4738. of the Revised Code, the person shall 53345  
pay a fee of twenty-five dollars. 53346

(2) A person issued a registration certificate for a new scrap tire storage facility under section 3734.76 of the Revised Code shall pay a fee of three hundred dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of twenty-five dollars.

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(3) A person issued a permit for a scrap tire storage facility under section 3734.76 of the Revised Code shall pay a fee of one thousand dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of fifty dollars.

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(4) A person issued a permit for a scrap tire monocell or monofill facility under section 3734.77 of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal capacity or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars.

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(5) A person issued a registration certificate for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one hundred dollars.

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(6) A person issued a permit for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one thousand dollars.

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(7) In addition to the applicable registration certificate or permit fee under divisions (R)(1) to (6) of this section, a person issued a registration certificate or permit for any such scrap tire facility who fails to pay the registration certificate or permit fee to the director in compliance with division (V) of this section shall pay an additional ten per cent of the amount of the fee for each week that the fee is late.

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(8) The registration certificate, permit, and late payment fees paid to the director under divisions (R)(1) to (7) of this section shall be credited to the scrap tire management fund created in section 3734.82 of the Revised Code. 53378  
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(S)(1)(a) Except as otherwise provided, any person applying for a permit, variance, or plan approval under Chapter 6109. or 6111. of the Revised Code shall pay a nonrefundable application fee of one hundred dollars at the time the application is submitted through June 30, ~~2024~~ 2026, and a nonrefundable application fee of fifteen dollars at the time the application is submitted on and after July 1, ~~2024~~ 2026. 53382  
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(b)(i) Except as otherwise provided in divisions (S)(1)(b)(iii) and (iv) of this section, through June 30, ~~2024~~ 2026, any person applying for an NPDES permit under Chapter 6111. of the Revised Code shall pay a nonrefundable application fee of two hundred dollars at the time of application for the permit. On and after July 1, ~~2024~~ 2026, such a person shall pay a nonrefundable application fee of fifteen dollars at the time of application. 53389  
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(ii) In addition to the nonrefundable application fee, any person applying for an NPDES permit under Chapter 6111. of the Revised Code shall pay a design flow discharge fee based on each point source to which the issuance is applicable in accordance with the following schedule: 53397  
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Design flow discharge (gallons per day)	Fee	
0 to 1,000	\$ 0	53402 53403
1,001 to 5,000	100	53404
5,001 to 50,000	200	53405
50,001 to 100,000	300	53406
100,001 to 300,000	525	53407
over 300,000	750	53408

(iii) Notwithstanding divisions (S)(1)(b)(i) and (ii) of this 53409

section, the application and design flow discharge fee for an 53410  
NPDES permit for a public discharger identified by the letter I in 53411  
the third character of the NPDES permit number shall not exceed 53412  
nine hundred fifty dollars. 53413

(iv) Notwithstanding divisions (S)(1)(b)(i) and (ii) of this 53414  
section, the application and design flow discharge fee for an 53415  
NPDES permit for a coal mining operation regulated under Chapter 53416  
1513. of the Revised Code shall not exceed four hundred fifty 53417  
dollars per mine. 53418

(v) A person issued a modification of an NPDES permit shall 53419  
pay a nonrefundable modification fee equal to the application fee 53420  
and one-half the design flow discharge fee based on each point 53421  
source, if applicable, that would be charged for an NPDES permit, 53422  
except that the modification fee shall not exceed six hundred 53423  
dollars. 53424

(c) In addition to the application fee established under 53425  
division (S)(1)(b)(i) of this section, any person applying for an 53426  
NPDES general storm water construction permit shall pay a 53427  
nonrefundable fee of twenty dollars per acre for each acre that is 53428  
permitted above five acres at the time the application is 53429  
submitted. However, the per acreage fee shall not exceed three 53430  
hundred dollars. In addition to the application fee established 53431  
under division (S)(1)(b)(i) of this section, any person applying 53432  
for an NPDES general storm water industrial permit shall pay a 53433  
nonrefundable fee of one hundred fifty dollars at the time the 53434  
application is submitted. 53435

(d) The director shall transmit all moneys collected under 53436  
division (S)(1) of this section pursuant to Chapter 6109. of the 53437  
Revised Code to the treasurer of state for deposit into the 53438  
drinking water protection fund created in section 6109.30 of the 53439  
Revised Code. 53440

(e) The director shall transmit all moneys collected under 53441  
division (S)(1) of this section pursuant to Chapter 6111. of the 53442  
Revised Code and under division (S)(2) of this section to the 53443  
treasurer of state for deposit into the surface water protection 53444  
fund created in section 6111.038 of the Revised Code. 53445

(f) If a person submits an electronic application for a 53446  
registration certificate, permit, variance, or plan approval for 53447  
which an application fee is established under division (S)(1) of 53448  
this section, the person shall pay all applicable fees as 53449  
expeditiously as possible after the submission of the electronic 53450  
application. An application for a registration certificate, 53451  
permit, variance, or plan approval for which an application fee is 53452  
established under division (S)(1) of this section shall not be 53453  
reviewed or processed until the applicable application fee, and 53454  
any other fees established under this division, are paid. 53455

(2) A person applying for coverage under an NPDES general 53456  
discharge permit for household sewage treatment systems shall pay 53457  
a nonrefundable fee of two hundred dollars at the time of 53458  
application for initial permit coverage. No fee is required for an 53459  
application for permit coverage renewal. 53460

(T) The director may adopt, amend, and rescind rules in 53461  
accordance with Chapter 119. of the Revised Code that do all of 53462  
the following: 53463

(1) Prescribe fees to be paid by applicants for and holders 53464  
of any license, permit, variance, plan approval, or certification 53465  
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 53466  
the Revised Code that are not specifically established in this 53467  
section. The fees shall be designed to defray the cost of 53468  
processing, issuing, revoking, modifying, denying, and enforcing 53469  
the licenses, permits, variances, plan approvals, and 53470  
certifications. 53471

The director shall transmit all moneys collected under rules 53472  
adopted under division (T)(1) of this section pursuant to Chapter 53473  
6109. of the Revised Code to the treasurer of state for deposit 53474  
into the drinking water protection fund created in section 6109.30 53475  
of the Revised Code. 53476

The director shall transmit all moneys collected under rules 53477  
adopted under division (T)(1) of this section pursuant to Chapter 53478  
6111. of the Revised Code to the treasurer of state for deposit 53479  
into the surface water protection fund created in section 6111.038 53480  
of the Revised Code. 53481

(2) Exempt the state and political subdivisions thereof, 53482  
including education facilities or medical facilities owned by the 53483  
state or a political subdivision, or any person exempted from 53484  
taxation by section 5709.07 or 5709.12 of the Revised Code, from 53485  
any fee required by this section; 53486

(3) Provide for the waiver of any fee, or any part thereof, 53487  
otherwise required by this section whenever the director 53488  
determines that the imposition of the fee would constitute an 53489  
unreasonable cost of doing business for any applicant, class of 53490  
applicants, or other person subject to the fee; 53491

(4) Prescribe measures that the director considers necessary 53492  
to carry out this section. 53493

(U) When the director reasonably demonstrates that the direct 53494  
cost to the state associated with the issuance of a permit, 53495  
license, variance, plan approval, or certification exceeds the fee 53496  
for the issuance or review specified by this section, the director 53497  
may condition the issuance or review on the payment by the person 53498  
receiving the issuance or review of, in addition to the fee 53499  
specified by this section, the amount, or any portion thereof, in 53500  
excess of the fee specified under this section. The director shall 53501  
not so condition issuances for which a fee is prescribed in 53502

division (S)(1)(b)(iii) of this section. 53503

(V) Except as provided in divisions (L), (M), (P), and (S) of 53504  
this section or unless otherwise prescribed by a rule of the 53505  
director adopted pursuant to Chapter 119. of the Revised Code, all 53506  
fees required by this section are payable within thirty days after 53507  
the issuance of an invoice for the fee by the director or the 53508  
effective date of the issuance of the license, permit, variance, 53509  
plan approval, or certification. If payment is late, the person 53510  
responsible for payment of the fee shall pay an additional ten per 53511  
cent of the amount due for each month that it is late. 53512

(W) As used in this section, "fuel-burning equipment," 53513  
"fuel-burning equipment input capacity," "incinerator," 53514  
"incinerator input capacity," "process," "process weight rate," 53515  
"storage tank," "gasoline dispensing facility," "dry cleaning 53516  
facility," "design flow discharge," and "new source treatment 53517  
works" have the meanings ascribed to those terms by applicable 53518  
rules or standards adopted by the director under Chapter 3704. or 53519  
6111. of the Revised Code. 53520

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 53521  
(J) of this section, and in any other provision of this section 53522  
pertaining to fees paid pursuant to Chapter 3704. of the Revised 53523  
Code: 53524

(1) "Facility," "federal Clean Air Act," "person," and "Title 53525  
V permit" have the same meanings as in section 3704.01 of the 53526  
Revised Code. 53527

(2) "Title V permit program" means the following activities 53528  
as necessary to meet the requirements of Title V of the federal 53529  
Clean Air Act and 40 C.F.R. part 70, including at least: 53530

(a) Preparing and adopting, if applicable, generally 53531  
applicable rules or guidance regarding the permit program or its 53532  
implementation or enforcement; 53533

(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal; 53534  
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(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry; 53538  
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(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions; 53541  
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(e) Emission and ambient monitoring; 53544

(f) Modeling, analyses, or demonstrations; 53545

(g) Preparing inventories and tracking emissions; 53546

(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code. 53547  
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(3) "Organic compound" means any chemical compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate. 53554  
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(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The annual volume of sewage sludge treated or disposed of by a sewage 53557  
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sludge facility shall be calculated using the first day of January 53564  
through the thirty-first day of December of the calendar year 53565  
preceding the date on which payment of the fee is due. 53566

(2)(a) Except as provided in division (Y)(2)(d) of this 53567  
section, each sewage sludge facility shall pay a minimum annual 53568  
sewage sludge fee of one hundred dollars. 53569

(b) The annual sludge fee required to be paid by a sewage 53570  
sludge facility that treats or disposes of exceptional quality 53571  
sludge in this state shall be thirty-five per cent less per dry 53572  
ton of exceptional quality sludge than the fee assessed under 53573  
division (Y)(1) of this section, subject to the following 53574  
exceptions: 53575

(i) Except as provided in division (Y)(2)(d) of this section, 53576  
a sewage sludge facility that treats or disposes of exceptional 53577  
quality sludge shall pay a minimum annual sewage sludge fee of one 53578  
hundred dollars. 53579

(ii) A sewage sludge facility that treats or disposes of 53580  
exceptional quality sludge shall not be required to pay the annual 53581  
sludge fee for treatment or disposal in this state of exceptional 53582  
quality sludge generated outside of this state and contained in 53583  
bags or other containers not greater than one hundred pounds in 53584  
capacity. 53585

A thirty-five per cent reduction for exceptional quality 53586  
sludge applies to the maximum annual fees established under 53587  
division (Y)(3) of this section. 53588

(c) A sewage sludge facility that transfers sewage sludge to 53589  
another sewage sludge facility in this state for further treatment 53590  
prior to disposal in this state shall not be required to pay the 53591  
annual sludge fee for the tons of sewage sludge that have been 53592  
transferred. In such a case, the sewage sludge facility that 53593  
disposes of the sewage sludge shall pay the annual sludge fee. 53594

However, the facility transferring the sewage sludge shall pay the one-hundred-dollar minimum fee required under division (Y)(2)(a) of this section.

In the case of a sewage sludge facility that treats sewage sludge in this state and transfers it out of this state to another entity for disposal, the sewage sludge facility in this state shall be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred.

(d) A sewage sludge facility that generates sewage sludge resulting from an average daily discharge flow of less than five thousand gallons per day is not subject to the fees assessed under division (Y) of this section.

(3) No sewage sludge facility required to pay the annual sludge fee shall be required to pay more than the maximum annual fee for each disposal method that the sewage sludge facility uses. The maximum annual fee does not include the additional amount that may be charged under division (Y)(5) of this section for late payment of the annual sludge fee. The maximum annual fee for the following methods of disposal of sewage sludge is as follows:

(a) Incineration: five thousand dollars;

(b) Preexisting land reclamation project or disposal in a landfill: five thousand dollars;

(c) Land application, land reclamation, surface disposal, or any other disposal method not specified in division (Y)(3)(a) or (b) of this section: twenty thousand dollars.

(4)(a) In the case of an entity that generates sewage sludge or a sewage sludge facility that treats sewage sludge and transfers the sewage sludge to an incineration facility for disposal, the incineration facility, and not the entity generating the sewage sludge or the sewage sludge facility treating the sewage sludge, shall pay the annual sludge fee for the tons of

sewage sludge that are transferred. However, the entity or 53626  
facility generating or treating the sewage sludge shall pay the 53627  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 53628  
of this section. 53629

(b) In the case of an entity that generates sewage sludge and 53630  
transfers the sewage sludge to a landfill for disposal or to a 53631  
sewage sludge facility for land reclamation or surface disposal, 53632  
the entity generating the sewage sludge, and not the landfill or 53633  
sewage sludge facility, shall pay the annual sludge fee for the 53634  
tons of sewage sludge that are transferred. 53635

(5) Not later than the first day of April of the calendar 53636  
year following March 17, 2000, and each first day of April 53637  
thereafter, the director shall issue invoices to persons who are 53638  
required to pay the annual sludge fee. The invoice shall identify 53639  
the nature and amount of the annual sludge fee assessed and state 53640  
the first day of May as the deadline for receipt by the director 53641  
of objections regarding the amount of the fee and the first day of 53642  
July as the deadline for payment of the fee. 53643

Not later than the first day of May following receipt of an 53644  
invoice, a person required to pay the annual sludge fee may submit 53645  
objections to the director concerning the accuracy of information 53646  
regarding the number of dry tons of sewage sludge used to 53647  
calculate the amount of the annual sludge fee or regarding whether 53648  
the sewage sludge qualifies for the exceptional quality sludge 53649  
discount established in division (Y)(2)(b) of this section. The 53650  
director may consider the objections and adjust the amount of the 53651  
fee to ensure that it is accurate. 53652

If the director does not adjust the amount of the annual 53653  
sludge fee in response to a person's objections, the person may 53654  
appeal the director's determination in accordance with Chapter 53655  
119. of the Revised Code. 53656

Not later than the first day of June, the director shall 53657  
notify the objecting person regarding whether the director has 53658  
found the objections to be valid and the reasons for the finding. 53659  
If the director finds the objections to be valid and adjusts the 53660  
amount of the annual sludge fee accordingly, the director shall 53661  
issue with the notification a new invoice to the person 53662  
identifying the amount of the annual sludge fee assessed and 53663  
stating the first day of July as the deadline for payment. 53664

Not later than the first day of July, any person who is 53665  
required to do so shall pay the annual sludge fee. Any person who 53666  
is required to pay the fee, but who fails to do so on or before 53667  
that date shall pay an additional amount that equals ten per cent 53668  
of the required annual sludge fee. 53669

(6) The director shall transmit all moneys collected under 53670  
division (Y) of this section to the treasurer of state for deposit 53671  
into the surface water protection fund created in section 6111.038 53672  
of the Revised Code. The moneys shall be used to defray the costs 53673  
of administering and enforcing provisions in Chapter 6111. of the 53674  
Revised Code and rules adopted under it that govern the use, 53675  
storage, treatment, or disposal of sewage sludge. 53676

(7) Beginning in fiscal year 2001, and every two years 53677  
thereafter, the director shall review the total amount of moneys 53678  
generated by the annual sludge fees to determine if that amount 53679  
exceeded six hundred thousand dollars in either of the two 53680  
preceding fiscal years. If the total amount of moneys in the fund 53681  
exceeded six hundred thousand dollars in either fiscal year, the 53682  
director, after review of the fee structure and consultation with 53683  
affected persons, shall issue an order reducing the amount of the 53684  
fees levied under division (Y) of this section so that the 53685  
estimated amount of moneys resulting from the fees will not exceed 53686  
six hundred thousand dollars in any fiscal year. 53687

If, upon review of the fees under division (Y)(7) of this 53688

section and after the fees have been reduced, the director 53689  
determines that the total amount of moneys collected and 53690  
accumulated is less than six hundred thousand dollars, the 53691  
director, after review of the fee structure and consultation with 53692  
affected persons, may issue an order increasing the amount of the 53693  
fees levied under division (Y) of this section so that the 53694  
estimated amount of moneys resulting from the fees will be 53695  
approximately six hundred thousand dollars. Fees shall never be 53696  
increased to an amount exceeding the amount specified in division 53697  
(Y)(7) of this section. 53698

Notwithstanding section 119.06 of the Revised Code, the 53699  
director may issue an order under division (Y)(7) of this section 53700  
without the necessity to hold an adjudicatory hearing in 53701  
connection with the order. The issuance of an order under this 53702  
division is not an act or action for purposes of section 3745.04 53703  
of the Revised Code. 53704

(8) As used in division (Y) of this section: 53705

(a) "Sewage sludge facility" means an entity that performs 53706  
treatment on or is responsible for the disposal of sewage sludge. 53707

(b) "Sewage sludge" means a solid, semi-solid, or liquid 53708  
residue generated during the treatment of domestic sewage in a 53709  
treatment works as defined in section 6111.01 of the Revised Code. 53710  
"Sewage sludge" includes, but is not limited to, scum or solids 53711  
removed in primary, secondary, or advanced wastewater treatment 53712  
processes. "Sewage sludge" does not include ash generated during 53713  
the firing of sewage sludge in a sewage sludge incinerator, grit 53714  
and screenings generated during preliminary treatment of domestic 53715  
sewage in a treatment works, animal manure, residue generated 53716  
during treatment of animal manure, or domestic septage. 53717

(c) "Exceptional quality sludge" means sewage sludge that 53718  
meets all of the following qualifications: 53719

(i) Satisfies the class A pathogen standards in 40 C.F.R. 503.32(a);	53720 53721
(ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);	53722 53723
(iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;	53724 53725
(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.	53726 53727
(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.	53728 53729 53730
(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.	53731 53732 53733
(f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil.	53734 53735 53736 53737 53738
(g) "Land reclamation" means the returning of disturbed land to productive use.	53739 53740
(h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.	53741 53742 53743 53744
(i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.	53745 53746 53747 53748
(j) "Incineration facility" includes all incinerators owned	53749

or operated by the same entity and located on a contiguous tract 53750  
of land. Areas of land are considered to be contiguous even if 53751  
they are separated by a public road or highway. 53752

(k) "Annual sludge fee" means the fee assessed under division 53753  
(Y)(1) of this section. 53754

(l) "Landfill" means a sanitary landfill facility, as defined 53755  
in rules adopted under section 3734.02 of the Revised Code, that 53756  
is licensed under section 3734.05 of the Revised Code. 53757

(m) "Preexisting land reclamation project" means a 53758  
property-specific land reclamation project that has been in 53759  
continuous operation for not less than five years pursuant to 53760  
approval of the activity by the director and includes the 53761  
implementation of a community outreach program concerning the 53762  
activity. 53763

"**Sec. 3748.03.** ~~(A)(1)~~(A)(1)(a) The governor, on behalf of the 53764  
state, may enter into agreements with the United States nuclear 53765  
regulatory commission as authorized by section 274(b) of the 53766  
"Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as 53767  
amended, for the discontinuation of specified licensing and 53768  
related regulatory authority of the commission with respect to 53769  
byproduct material, source material, the commercial disposal of 53770  
low-level radioactive waste, and special nuclear material in 53771  
quantities not sufficient to form a critical mass and the 53772  
assumption of that authority by the state. 53773

(b) The governor, on behalf of the state, may also enter into 53774  
agreements described in division (A)(1)(a) of this section with 53775  
the the United States department of energy or branches of the 53776  
United States military. 53777

(2) The governor shall appoint a state liaison officer to the 53778  
United States nuclear regulatory commission, who shall serve at 53779

the pleasure of the governor. 53780

(B) The ~~general assembly hereby designates the~~ department of 53781  
health, in addition to the Ohio nuclear development authority as 53782  
~~the agency~~ authorized ~~to~~ by division (F) of section 4164.11 of the 53783  
Revised Code, may pursue agreement state status, on behalf of the 53784  
governor, for the assumption by the state of specified licensing 53785  
and related regulatory authority from the commission pursuant to 53786  
division (A) of this section. The department shall and the Ohio 53787  
nuclear development authority may enter into negotiations with the 53788  
commission for that purpose. 53789

(C) Any person who, on the effective date of an agreement 53790  
entered into by the state and the commission pursuant to divisions 53791  
(A) and (B) of this section, holds a license issued by the 53792  
commission for radioactive materials that are subject to the 53793  
agreement is deemed to hold a license issued under this chapter 53794  
and rules adopted under it. That license shall expire ninety days 53795  
after the holder receives a notice of expiration from the 53796  
department or on the date of expiration specified in the license 53797  
issued by the commission, whichever is later, provided that no 53798  
such license shall expire during the ninety days immediately 53799  
following the effective date of the agreement. 53800

Sec. 3748.23. The rules adopted under this chapter shall 53801  
neither conflict with nor supersede the rules adopted under 53802  
Chapter 4164. of the Revised Code. 53803

Sec. 3770.03. (A)(1) The state lottery commission shall 53804  
promulgate rules pursuant to Chapter 119. of the Revised Code, and 53805  
shall adopt operating procedures, under which a statewide lottery 53806  
and statewide joint lottery may be conducted, which includes, and 53807  
since the original enactment of this section has included, the 53808  
authority for the commission to operate video lottery terminal 53809

games and all other lottery games. Any reference in this chapter 53810  
to tickets shall not be construed to in any way limit the 53811  
authority of the commission to operate video lottery terminal 53812  
games or lottery sports gaming. ~~Nothing in this chapter shall~~ 53813  
~~restrict the authority of the commission to promulgate rules~~ 53814  
~~related to the operation of games utilizing video lottery~~ 53815  
~~terminals as described in section 3770.21 of the Revised Code. The~~ 53816  
~~rules shall be promulgated pursuant to Chapter 119. of the Revised~~ 53817  
~~Code, except that instant game rules shall be promulgated pursuant~~ 53818  
~~to section 111.15 of the Revised Code but are not subject to~~ 53819  
~~division (D) of that section. Subjects covered in these rules~~ 53820  
~~shall~~ 53821

(2) Except regarding matters about which this chapter 53822  
explicitly requires the commission to promulgate rules under 53823  
Chapter 119. of the Revised Code, the commission instead may adopt 53824  
operating procedures for the conduct of lottery games. Those 53825  
operating procedures shall include, but need not be limited to, 53826  
the following: 53827

~~(1)~~(a) The type of lottery to be conducted; 53828

~~(2)~~(b) The prices of tickets in the lottery; 53829

~~(3)~~(c) The number, nature, and value of prize awards, the 53830  
manner and frequency of prize drawings, and the manner in which 53831  
prizes shall be awarded to holders of winning tickets. 53832

(3) The commission shall publish all of its operating 53833  
procedures on its official web site and shall make copies of its 53834  
operating procedures available to the public upon request. 53835

(4) An operating procedure adopted under this section is not 53836  
considered a rule under section 111.15 of the Revised Code. 53837

(5) All rules of the commission that are in effect on the 53838  
effective date of this amendment remain effective unless the 53839

commission rescinds them. 53840

(B) The commission shall promulgate rules, ~~in addition to~~ 53841  
~~those described in division (A) of this section,~~ pursuant to 53842  
Chapter 119. of the Revised Code ~~under which a statewide lottery~~ 53843  
~~and statewide joint lottery games may be conducted.~~ Subjects 53844  
~~covered in these rules shall include, but not be limited to,~~ 53845  
concerning all of the following: 53846

(1) The locations at which lottery tickets may be sold and 53847  
the manner in which they are to be sold. These rules may authorize 53848  
the sale of lottery tickets by commission personnel or other 53849  
licensed individuals from traveling show wagons at the state fair, 53850  
and at any other expositions the director of the commission 53851  
considers acceptable. These rules shall prohibit commission 53852  
personnel or other licensed individuals from soliciting from an 53853  
exposition the right to sell lottery tickets at that exposition, 53854  
but shall allow commission personnel or other licensed individuals 53855  
to sell lottery tickets at an exposition if the exposition 53856  
requests commission personnel or licensed individuals to do so. 53857  
These rules may also address the accessibility of sales agent 53858  
locations to commission products in accordance with the "Americans 53859  
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101 et 53860  
seq. 53861

(2) The manner in which lottery sales revenues are to be 53862  
collected, including authorization for the director to impose 53863  
penalties for failure by lottery sales agents to transfer revenues 53864  
to the commission in a timely manner; 53865

(3) The amount of compensation to be paid to licensed lottery 53866  
sales agents; 53867

(4) The substantive criteria for the licensing of lottery 53868  
sales agents consistent with section 3770.05 of the Revised Code, 53869  
and procedures for revoking or suspending their licenses 53870

consistent with Chapter 119. of the Revised Code. If 53871  
circumstances, such as the nonpayment of funds owed by a lottery 53872  
sales agent, or other circumstances related to the public safety, 53873  
convenience, or trust, require immediate action, the director may 53874  
suspend a license without affording an opportunity for a prior 53875  
hearing under section 119.07 of the Revised Code. 53876

(5) Special game rules to implement any agreements signed by 53877  
the governor that the director enters into with other lottery 53878  
jurisdictions under division (J) of section 3770.02 of the Revised 53879  
Code to conduct statewide joint lottery games. The rules shall 53880  
require that the entire net proceeds of those games that remain, 53881  
after associated operating expenses, prize disbursements, lottery 53882  
sales agent bonuses, commissions, and reimbursements, and any 53883  
other expenses necessary to comply with the agreements or the 53884  
rules are deducted from the gross proceeds of those games, be 53885  
transferred to the lottery profits education fund under division 53886  
(B) of section 3770.06 of the Revised Code. 53887

~~(6) Any other subjects the commission determines are necessary~~ 53888  
~~for~~ Rules establishing any of the following with respect to the 53889  
operation of video lottery terminal games, ~~including the~~ 53890  
~~establishment of any:~~ 53891

(a) Any fees, fines, or payment schedules, ~~or the~~ 53892  
~~establishment of a;~~ 53893

(b) Any voluntary exclusion program. 53894

(C) Chapter 2915. of the Revised Code does not apply to, 53895  
affect, or prohibit lotteries conducted pursuant to this chapter. 53896

(D) The commission may promulgate rules, ~~in addition to those~~ 53897  
~~described in divisions (A) and (B) of this section,~~ pursuant to 53898  
Chapter 119. of the Revised Code that establish any standards 53899  
governing the display of advertising and celebrity images on 53900  
lottery tickets and on other items that are used in the conduct 53901

of, or to promote, the statewide lottery and statewide joint 53902  
lottery games. Any revenue derived from the sale of advertising 53903  
displayed on lottery tickets and on those other items shall be 53904  
considered, for purposes of section 3770.06 of the Revised Code, 53905  
to be related proceeds in connection with the statewide lottery or 53906  
gross proceeds from statewide joint lottery games, as applicable. 53907

(E)(1) The commission shall meet with the director at least 53908  
once each month and shall convene other meetings at the request of 53909  
the chairperson or any five of the members. No action taken by the 53910  
commission shall be binding unless at least five of the members 53911  
present vote in favor of the action. A written record shall be 53912  
made of the proceedings of each meeting and shall be transmitted 53913  
forthwith to the governor, the president of the senate, the senate 53914  
minority leader, the speaker of the house of representatives, and 53915  
the house minority leader. 53916

(2) The director shall present to the commission a report 53917  
each month, showing the total revenues, prize disbursements, and 53918  
operating expenses of the state lottery for the preceding month. 53919  
As soon as practicable after the end of each fiscal year, the 53920  
commission shall prepare and transmit to the governor and the 53921  
general assembly a report of lottery revenues, prize 53922  
disbursements, and operating expenses for the preceding fiscal 53923  
year and any recommendations for legislation considered necessary 53924  
by the commission. 53925

**Sec. 3770.06.** (A) There is hereby created the state lottery 53926  
gross revenue fund, which shall be in the custody of the treasurer 53927  
of state but shall not be part of the state treasury. All gross 53928  
revenues received from sales of lottery tickets, fines, fees, and 53929  
related proceeds in connection with the statewide lottery, all 53930  
gross proceeds of lottery sports gaming described in sections 53931  
3770.23 to 3770.25 of the Revised Code, and all gross proceeds 53932

from statewide joint lottery games shall be deposited into the 53933  
fund. The treasurer of state shall invest any portion of the fund 53934  
not needed for immediate use in the same manner as, and subject to 53935  
all provisions of law with respect to the investment of, state 53936  
funds. The treasurer of state shall disburse money from the fund 53937  
on order of the director of the state lottery commission or the 53938  
director's designee. 53939

Except for gross proceeds from statewide joint lottery games, 53940  
all revenues of the state lottery gross revenue fund that are not 53941  
paid to holders of winning lottery tickets, that are not required 53942  
to meet short-term prize liabilities, that are not credited to 53943  
lottery sales agents in the form of bonuses, commissions, or 53944  
reimbursements, that are not paid to financial institutions to 53945  
reimburse those institutions for sales agent nonsufficient funds, 53946  
and that are collected from sales agents for remittance to 53947  
insurers under contract to provide sales agent bonding services 53948  
shall be transferred to the state lottery fund, which is hereby 53949  
created in the state treasury. In addition, all revenues of the 53950  
state lottery gross revenue fund that represent the gross proceeds 53951  
from the statewide joint lottery games and that are not paid to 53952  
holders of winning lottery tickets, that are not required to meet 53953  
short-term prize liabilities, that are not credited to lottery 53954  
sales agents in the form of bonuses, commissions, or 53955  
reimbursements, and that are not necessary to cover operating 53956  
expenses associated with those games or to otherwise comply with 53957  
the agreements signed by the governor that the director enters 53958  
into under division (J) of section 3770.02 of the Revised Code or 53959  
the rules the commission adopts under division (B)(5) of section 53960  
3770.03 of the Revised Code shall be transferred to the state 53961  
lottery fund. All investment earnings of the fund shall be 53962  
credited to the fund. Moneys shall be disbursed from the fund 53963  
pursuant to vouchers approved by the director. Total disbursements 53964

for monetary prize awards to holders of winning lottery tickets in 53965  
connection with the statewide lottery, other than lottery sports 53966  
gaming, and purchases of goods and services awarded as prizes to 53967  
holders of winning lottery tickets shall be of an amount equal to 53968  
at least fifty per cent of the total revenue accruing from the 53969  
sale of lottery tickets. 53970

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 53971  
there is hereby established in the state treasury the lottery 53972  
profits education fund. Whenever, in the judgment of the director 53973  
of the state lottery commission, the amount to the credit of the 53974  
state lottery fund that does not represent proceeds from statewide 53975  
joint lottery games is in excess of that needed to meet the 53976  
maturing obligations of the commission and as working capital for 53977  
its further operations, the director of the state lottery 53978  
commission shall recommend the amount of the excess to be 53979  
transferred to the lottery profits education fund, and the 53980  
director of budget and management may transfer the excess to the 53981  
lottery profits education fund in connection with the statewide 53982  
lottery. In addition, whenever, in the judgment of the director of 53983  
the state lottery commission, the amount to the credit of the 53984  
state lottery fund that represents proceeds from statewide joint 53985  
lottery games equals the entire net proceeds of those games as 53986  
described in division (B)(5) of section 3770.03 of the Revised 53987  
Code and the rules adopted under that division, the director of 53988  
the state lottery commission shall recommend the amount of the 53989  
proceeds to be transferred to the lottery profits education fund, 53990  
and the director of budget and management may transfer those 53991  
proceeds to the lottery profits education fund. Investment 53992  
earnings of the lottery profits education fund shall be credited 53993  
to the fund. 53994

The lottery profits education fund shall be used solely for 53995  
the support of elementary, secondary, vocational, and special 53996

education programs as determined in appropriations made by the 53997  
general assembly, or as provided in applicable bond proceedings 53998  
for the payment of debt service on obligations issued to pay costs 53999  
of capital facilities, including those for a system of common 54000  
schools throughout the state pursuant to section 2n of Article 54001  
VIII, Ohio Constitution. When determining the availability of 54002  
money in the lottery profits education fund, the director of 54003  
budget and management may consider all balances and estimated 54004  
revenues of the fund. 54005

(C) There is hereby established in the state treasury the 54006  
deferred prizes trust fund. With the approval of the director of 54007  
budget and management, an amount sufficient to fund annuity prizes 54008  
shall be transferred from the state lottery fund and credited to 54009  
the trust fund. The treasurer of state shall credit all earnings 54010  
arising from investments purchased under this division to the 54011  
trust fund. Within sixty days after the end of each fiscal year, 54012  
the treasurer of state shall certify to the director of budget and 54013  
management whether the actuarial amount of the trust fund is 54014  
sufficient over the fund's life for continued funding of all 54015  
remaining deferred prize liabilities as of the last day of the 54016  
fiscal year just ended. Also, within that sixty days, the director 54017  
of budget and management shall certify the amount of investment 54018  
earnings necessary to have been credited to the trust fund during 54019  
the fiscal year just ending to provide for such continued funding 54020  
of deferred prizes. Any earnings credited in excess of the latter 54021  
certified amount shall be transferred to the lottery profits 54022  
education fund. 54023

To provide all or a part of the amounts necessary to fund 54024  
deferred prizes awarded by the commission in connection with the 54025  
statewide lottery, the treasurer of state, in consultation with 54026  
the commission, may invest moneys contained in the deferred prizes 54027  
trust fund which represents proceeds from the statewide lottery in 54028

obligations of the type permitted for the investment of state 54029  
funds but whose maturities are thirty years or less. 54030  
Notwithstanding the requirements of any other section of the 54031  
Revised Code, to provide all or part of the amounts necessary to 54032  
fund deferred prizes awarded by the commission in connection with 54033  
statewide joint lottery games, the treasurer of state, in 54034  
consultation with the commission, may invest moneys in the trust 54035  
fund which represent proceeds derived from the statewide joint 54036  
lottery games in accordance with the rules the commission adopts 54037  
under division (B)(5) of section 3770.03 of the Revised Code. 54038  
Investments of the trust fund are not subject to the provisions of 54039  
division (A)(11) of section 135.143 of the Revised Code limiting 54040  
to twenty-five per cent the amount of the state's total average 54041  
portfolio that may be invested in debt interests other than 54042  
commercial paper and limiting to five per cent the amount that may 54043  
be invested in debt interests, including commercial paper, of a 54044  
single issuer. 54045

All purchases made under this division shall be effected on a 54046  
delivery versus payment method and shall be in the custody of the 54047  
treasurer of state. 54048

The treasurer of state may retain an investment advisor, if 54049  
necessary. The commission shall pay any costs incurred by the 54050  
treasurer of state in retaining an investment advisor. 54051

(D) The auditor of state shall conduct annual audits of all 54052  
funds and any other audits as the auditor of state or the general 54053  
assembly considers necessary. The auditor of state may examine all 54054  
records, files, and other documents of the commission, and records 54055  
of lottery sales agents that pertain to their activities as 54056  
agents, for purposes of conducting authorized audits. 54057

(E) The state lottery commission shall establish an internal 54058  
audit plan before the beginning of each fiscal year, subject to 54059  
the approval of the office of internal audit in the office of 54060

budget and management. At the end of each fiscal year, the 54061  
commission shall prepare and submit an annual report to the office 54062  
of internal audit for the office's review and approval, specifying 54063  
the internal audit work completed by the end of that fiscal year 54064  
and reporting on compliance with the annual internal audit plan. 54065  
Any preliminary or final report of the findings and 54066  
recommendations of an internal audit performed by the commission 54067  
under this division, and all associated work papers, are 54068  
confidential and are not public records under section 149.43 of 54069  
the Revised Code until after the final report of the internal 54070  
audit's findings and recommendations is submitted to the director 54071  
of the commission and to the chairperson of the commission or the 54072  
chairperson's designee. 54073

(F) Whenever, in the judgment of the director of budget and 54074  
management, an amount of net state lottery proceeds is necessary 54075  
to be applied to the payment of debt service on obligations, all 54076  
as defined in sections 151.01 and 151.03 of the Revised Code, the 54077  
director shall transfer that amount directly from the state 54078  
lottery fund or from the lottery profits education fund to the 54079  
bond service fund defined in those sections. The provisions of 54080  
this division are subject to any prior pledges or obligation of 54081  
those amounts to the payment of bond service charges as defined in 54082  
division (C) of section 3318.21 of the Revised Code, as referred 54083  
to in division (B) of this section. 54084

**Sec. 3770.071.** ~~(A)(1)~~ If the amount of the prize money or the 54085  
cost of goods or services awarded as a lottery prize award meets 54086  
or exceeds the reportable winnings amounts set by 26 U.S.C. 6041, 54087  
or a subsequent analogous section of the Internal Revenue Code, 54088  
the director of the state lottery commission or the director's 54089  
designee shall ~~require the person entitled to the prize award to~~ 54090  
~~affirm in writing, under oath, or by electronic means, consult the~~ 54091  
data match program established under section 3123.89 of the 54092

~~Revised Code to determine whether or not the person is in subject to a final and enforceable determination of default made under a support order sections 3123.01 to 3123.07 of the Revised Code. The director or the director's designee also may take any additional appropriate steps to determine if the person entitled to the prize award is in default under a support order. If the person entitled to the prize award affirms that the person is in default under a support order, or if the director or the director's designee determines that the person is in default under a support order, the director or the director's designee shall temporarily withhold payment of the prize award and notify the child support enforcement agency that administers the support order that the person is entitled to a prize award, of the amount of the prize award, and, if the prize award is to be paid in annual installments, of the number of installments.~~

~~(2) Upon receipt of the notice from the director or the director's designee, the child support enforcement agency shall conduct an investigation to determine whether the person entitled to the lottery prize award is subject to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of the Revised Code. If the agency determines that the person is so subject, it shall issue an intercept directive as described in section 3123.89 of the Revised Code to the director at lottery commission headquarters requiring the director or the director's designee to deduct shall withhold an amount from any unpaid the prize award or any annual installment payment of an unpaid prize award, a specified amount for support in satisfaction of the support order under which the person is in default in accordance with section 3123.89 of the Revised Code. To the extent possible, the amount specified to be deducted under the intercept directive shall satisfy the amount ordered for support in the support order under which the person is in default.~~

~~A child support enforcement agency shall issue an intercept directive within thirty days from the date the director or the director's designee notifies the agency under division (A)(1) of this section. Within thirty days after the date on which the agency issues the intercept directive, the director or the director's designee shall pay the amount specified in the intercept directive to the office of child support in the department of job and family services. But, if the prize award is to be paid in annual installments, the director or the director's designee, on the date the next installment payment is due, shall deduct the amount specified in the intercept directive from that installment and, if necessary, any subsequent annual installments, at the time those installments become due and owing to the prize winner, and pay the amount to the office of child support.~~

~~(B) As used in this section:~~

~~(1) "Support order" has the same meaning as in section 3119.01 of the Revised Code.~~

~~(2) "Default" has the same meaning as in section 3121.01 of the Revised Code.~~

~~(C) No person shall knowingly make a false affirmation or oath required by division (A) of this section.~~

**Sec. 3770.99.** (A) Whoever is prohibited from claiming a lottery prize award under division (E) of section 3770.07 of the Revised Code and attempts to claim or is paid a lottery prize award is guilty of a minor misdemeanor, and shall provide restitution to the state lottery commission of any moneys erroneously paid as a lottery prize award to that person.

(B) Whoever violates ~~division (C) of section 3770.071 or~~ section 3770.08 of the Revised Code is guilty of a misdemeanor of the third degree.

<b>Sec. 3772.01.</b> As used in this chapter:	54155
(A) "Applicant" means any person who applies to the commission for a license under this chapter.	54156 54157
(B) "Casino control commission fund" means the casino control commission fund described in Section 6(C)(3)(d) of Article XV, Ohio Constitution, the money in which shall be used to fund the commission and its related affairs.	54158 54159 54160 54161
(C) "Casino facility" means a casino facility as defined in Section 6(C)(9) of Article XV, Ohio Constitution.	54162 54163
(D) "Casino game" means any slot machine or table game as defined in this chapter.	54164 54165
(E) "Casino gaming" means any type of slot machine or table game wagering, using money, casino credit, or any representative of value, authorized in any of the states of Indiana, Michigan, Pennsylvania, and West Virginia as of January 1, 2009, and includes slot machine and table game wagering subsequently authorized by, but shall not be limited by, subsequent restrictions placed on such wagering in such states. "Casino gaming" does not include bingo, as authorized in Section 6 of Article XV, Ohio Constitution and conducted as of January 1, 2009; horse racing where the pari-mutuel system of wagering is conducted, as authorized under the laws of this state as of January 1, 2009; or sports gaming.	54166 54167 54168 54169 54170 54171 54172 54173 54174 54175 54176 54177
(F) "Casino gaming employee" means any employee of a casino operator or management company, but not a key employee, and as further defined in section 3772.131 of the Revised Code.	54178 54179 54180
(G) "Casino operator" means any person, trust, corporation, partnership, limited partnership, association, limited liability company, or other business enterprise that directly or indirectly holds an ownership or leasehold interest in a casino facility.	54181 54182 54183 54184

"Casino operator" does not include an agency of the state, any political subdivision of the state, any person, trust, corporation, partnership, limited partnership, association, limited liability company, or other business enterprise that may have an interest in a casino facility, but who is legally or contractually restricted from conducting casino gaming.

(H) "Central system" means a computer system that provides the following functions related to casino gaming equipment used in connection with casino gaming authorized under this chapter: security, auditing, data and information retrieval, and other purposes deemed necessary and authorized by the commission.

(I) "Cheat" means to alter the result of a casino game, the element of chance, the operation of a machine used in a casino game, or the method of selection of criteria that determines (a) the result of the casino game, (b) the amount or frequency of payment in a casino game, (c) the value of a wagering instrument, or (d) the value of a wagering credit. "Cheat" does not include an individual who, without the assistance of another individual or without the use of a physical aid or device of any kind, uses the individual's own ability to keep track of the value of cards played and uses predictions formed as a result of the tracking information in the individual's playing and betting strategy.

(J) "Commission" means the Ohio casino control commission.

(K) "Gaming agent" means a peace officer employed by the commission that is vested with duties to enforce this chapter and conduct other investigations into the conduct of the casino gaming and the maintenance of the equipment that the commission considers necessary and proper and is in compliance with section 109.77 of the Revised Code.

(L) "Gaming-related vendor" means any individual, partnership, corporation, association, trust, or any other group

of individuals, however organized, who supplies gaming-related 54216  
equipment, goods, or services to a casino operator or management 54217  
company, that are directly related to or affect casino gaming 54218  
authorized under this chapter, including, but not limited to, the 54219  
manufacture, sale, distribution, or repair of slot machines and 54220  
table game equipment. 54221

(M) "Holding company" means any corporation, firm, 54222  
partnership, limited partnership, limited liability company, 54223  
trust, or other form of business organization not a natural person 54224  
which directly or indirectly does any of the following: 54225

(1) Has the power or right to control a casino operator, 54226  
management company, or gaming-related vendor license applicant or 54227  
licensee; 54228

(2) Holds an ownership interest of five per cent or more, as 54229  
determined by the commission, in a casino operator, management 54230  
company, or gaming-related vendor license applicant or licensee; 54231

(3) Holds voting rights with the power to vote five per cent 54232  
or more of the outstanding voting rights of a casino operator, 54233  
management company, or gaming-related vendor applicant or 54234  
licensee. 54235

(N) "Initial investment" includes costs related to 54236  
demolition, engineering, architecture, design, site preparation, 54237  
construction, infrastructure improvements, land acquisition, 54238  
fixtures and equipment, insurance related to construction, and 54239  
leasehold improvements. 54240

(O) "Institutional investor" means any of the following 54241  
entities owning five per cent or more, but less than twenty-five 54242  
per cent, of an ownership interest in a casino facility, casino 54243  
operator, management company, or holding company: a corporation, 54244  
bank, insurance company, pension fund or pension fund trust, 54245  
retirement fund, including funds administered by a public agency, 54246

employees' profit-sharing fund or employees' profit-sharing trust, 54247  
any association engaged, as a substantial part of its business or 54248  
operations, in purchasing or holding securities, including a hedge 54249  
fund, mutual fund, or private equity fund, or any trust in respect 54250  
of which a bank is trustee or cotrustee, investment company 54251  
registered under the "Investment Company Act of 1940," 15 U.S.C. 54252  
80a-1 et seq., collective investment trust organized by banks 54253  
under Part Nine of the Rules of the Comptroller of the Currency, 54254  
closed-end investment trust, chartered or licensed life insurance 54255  
company or property and casualty insurance company, investment 54256  
advisor registered under the "Investment Advisors Act of 1940," 15 54257  
U.S.C. 80b-1 et seq., and such other persons as the commission 54258  
may reasonably determine to qualify as an institutional investor 54259  
for reasons consistent with this chapter, and that does not 54260  
exercise control over the affairs of a licensee and its ownership 54261  
interest in a licensee is for investment purposes only, as set 54262  
forth in division (F) of section 3772.10 of the Revised Code. 54263

(P) "Key employee" means any executive, employee, agent, or 54264  
other individual who has the power to exercise significant 54265  
influence over decisions concerning any part of the operation of a 54266  
person that has applied for or holds a casino operator, management 54267  
company, or gaming-related vendor license or the operation of a 54268  
holding company of a person that has applied for or holds a casino 54269  
operator, management company, or gaming-related vendor license, 54270  
including: 54271

(1) An officer, director, trustee, partner, or an equivalent 54272  
fiduciary; 54273

(2) An individual who holds a direct or indirect ownership 54274  
interest of five per cent or more; 54275

(3) An individual who performs the function of a principal 54276  
executive officer, principal operating officer, principal 54277  
accounting officer, or an equivalent officer; 54278

(4) Any other individual the commission determines to have 54279  
the power to exercise significant influence over decisions 54280  
concerning any part of the operation. 54281

(Q) "Licensed casino operator" means a casino operator that 54282  
has been issued a license by the commission and that has been 54283  
certified annually by the commission to have paid all applicable 54284  
fees, taxes, and debts to the state. 54285

(R) "Majority ownership interest" in a license or in a casino 54286  
facility, as the case may be, means ownership of more than fifty 54287  
per cent of such license or casino facility, as the case may be. 54288  
For purposes of the foregoing, whether a majority ownership 54289  
interest is held in a license or in a casino facility, as the case 54290  
may be, shall be determined under the rules for constructive 54291  
ownership of stock provided in Treas. Reg. 1.409A-3(i)(5)(iii) as 54292  
in effect on January 1, 2009. 54293

(S) "Management company" means an organization retained by a 54294  
casino operator to manage a casino facility and provide services 54295  
such as accounting, general administration, maintenance, 54296  
recruitment, and other operational services. 54297

(T) "Ohio law enforcement training fund" means the state law 54298  
enforcement training fund described in Section 6(C)(3)(f) of 54299  
Article XV, Ohio Constitution, the money in which shall be used to 54300  
enhance public safety by providing training opportunities to the 54301  
law enforcement community. 54302

(U) "Person" includes, but is not limited to, an individual 54303  
or a combination of individuals; a sole proprietorship, a firm, a 54304  
company, a joint venture, a partnership of any type, a joint-stock 54305  
company, a corporation of any type, a corporate subsidiary of any 54306  
type, a limited liability company, a business trust, or any other 54307  
business entity or organization; an assignee; a receiver; a 54308  
trustee in bankruptcy; an unincorporated association, club, 54309

society, or other unincorporated entity or organization; entities 54310  
that are disregarded for federal income tax purposes; and any 54311  
other nongovernmental, artificial, legal entity that is capable of 54312  
engaging in business. 54313

(V) "Problem casino gambling and addictions fund" means the 54314  
state problem gambling and addictions fund described in Section 54315  
6(C)(3)(g) of Article XV, Ohio Constitution, the money in which 54316  
shall be used for treatment of problem gambling and substance 54317  
abuse, and for related research. 54318

(W) "Promotional gaming credit" means a slot machine or table 54319  
game credit, discount, or other similar item issued to a patron to 54320  
enable the placement of, or increase in, a wager at a slot machine 54321  
or table game. 54322

(X) "Slot machine" means any mechanical, electrical, or other 54323  
device or machine which, upon insertion of a coin, token, ticket, 54324  
or similar object, or upon payment of any consideration, is 54325  
available to play or operate, the play or operation of which, 54326  
whether by reason of the skill of the operator or application of 54327  
the element of chance, or both, makes individual prize 54328  
determinations for individual participants in cash, premiums, 54329  
merchandise, tokens, or any thing of value, whether the payoff is 54330  
made automatically from the machine or in any other manner, but 54331  
does not include any device that is a skill-based amusement 54332  
machine, or an electronic instant bingo system, as defined in 54333  
section 2915.01 of the Revised Code. 54334

(Y) "Table game" means any game played with cards, dice, or 54335  
any mechanical, electromechanical, or electronic device or machine 54336  
for money, casino credit, or any representative of value. "Table 54337  
game" does not include slot machines. 54338

(Z) "Upfront license" means the first plenary license issued 54339  
to a casino operator. 54340

(AA) "Voluntary exclusion program" means a program provided 54341  
by the commission that allows persons to voluntarily exclude 54342  
themselves from the gaming areas of facilities under the 54343  
jurisdiction of the commission by placing their name on a 54344  
voluntary exclusion list and following the procedures set forth by 54345  
the commission. 54346

(BB) "Sports gaming," "sports gaming proprietor," "sports 54347  
gaming facility," "sporting event," "mobile management services 54348  
provider," and "management services provider" have the same 54349  
meanings as in section 3775.01 of the Revised Code. A person is 54350  
considered to be involved in a sporting event if division (F)(3)  
of section 3775.13 of the Revised Code applies to the person with 54351  
respect to that sporting event. 54352  
54353

**Sec. 3772.031.** (A)(1) The general assembly finds that the 54354  
exclusion or ejection of certain persons from casino facilities 54355  
and from sports gaming is necessary to effectuate the intents and 54356  
purposes of this chapter and Chapter 3775. of the Revised Code and 54357  
to maintain strict and effective regulation of casino gaming and 54358  
sports gaming. The general assembly specifically finds that the 54359  
exclusion from sports gaming of persons who threaten violence or  
harm against persons who are involved in sporting events, where 54360  
the threat is related to sports gaming, is necessary to effectuate  
the intent of Chapter 3775. Of the Revised Code and to protect the 54361  
interests of this state. 54362  
54363  
54364

(2) The commission, by rule, shall provide for a list of 54365  
persons who are to be excluded or ejected from a casino facility 54366  
and a list of persons who are to be excluded or ejected from a 54367  
sports gaming facility and from participating in the play or 54368  
operation of sports gaming in this state. Persons included on an 54369  
exclusion list shall be identified by name and physical 54370  
description. The commission shall publish the exclusion lists on 54371

its web site, and shall transmit a copy of the exclusion lists 54372  
periodically to casino operators and sports gaming proprietors, as 54373  
applicable, as they are initially issued and thereafter as they 54374  
are revised from time to time. 54375

(3) A casino operator shall take steps necessary to ensure 54376  
that all its key employees and casino gaming employees are aware 54377  
of and understand the casino exclusion list and its function, and 54378  
that all its key employees and casino gaming employees are kept 54379  
aware of the content of the casino exclusion list as it is issued 54380  
and thereafter revised from time to time. 54381

(4) A sports gaming proprietor shall take steps necessary to 54382  
ensure that its appropriate agents and employees are aware of and 54383  
understand the sports gaming exclusion list and its function, and 54384  
that all its appropriate agents and employees are kept aware of 54385  
the content of the sports gaming exclusion list as it is issued 54386  
and thereafter revised from time to time. 54387

(B) The casino exclusion list may include any person whose 54388  
presence in a casino facility is determined by the commission to 54389  
pose a threat to the interests of the state, to achieving the 54390  
intents and purposes of this chapter, or to the strict and 54391  
effective regulation of casino gaming. The sports gaming exclusion 54392  
list may include any person who threatens violence or harm against 54393  
any person who is involved in a sporting event, where the threat 54394  
is related to sports gaming, or whose presence in a sports gaming 54395  
facility or whose participation in the play or operation of sports 54396  
gaming in this state is determined by the commission to pose a 54397  
threat to the interests of the state, to achieving the intents and 54398  
purposes of Chapter 3775. of the Revised Code, or to the strict 54399  
and effective regulation of sports gaming. In determining whether 54400  
to include a person on an exclusion list, the commission may 54401  
consider: 54402

(1) Any prior conviction of a crime that is a felony under 54403

the laws of this state, another state, or the United States, a 54404  
crime involving moral turpitude, or a violation of the gaming laws 54405  
of this state, another state, or the United States; and 54406

(2) A violation, or a conspiracy to violate, any provision of 54407  
this chapter or Chapter 3775. of the Revised Code, as applicable, 54408  
that consists of: 54409

(a) A failure to disclose an interest in a gaming facility or 54410  
a sports gaming-related person or entity for which the person must 54411  
obtain a license; 54412

(b) Purposeful evasion of taxes or fees; 54413

(c) A notorious or unsavory reputation that would adversely 54414  
affect public confidence and trust that casino gaming or sports 54415  
gaming is free from criminal or corruptive elements; or 54416

(d) A violation of an order of the commission or of any other 54417  
governmental agency that warrants exclusion or ejection of the 54418  
person from a casino facility, from a sports gaming facility, or 54419  
from participating in the play or operation of sports gaming in 54420  
this state. 54421

(3) If the person has pending charges or indictments for a 54422  
gaming or gambling crime or a crime related to the integrity of 54423  
gaming operations in any state; 54424

(4) If the person's conduct or reputation is such that the 54425  
person's presence within a casino facility or in the sports gaming 54426  
industry in this state may call into question the honesty and 54427  
integrity of the casino gaming or sports gaming operations or 54428  
interfere with the orderly conduct of the casino gaming or sports 54429  
gaming operations; 54430

(5) If the person is a career or professional offender whose 54431  
presence in a casino facility or in the sports gaming industry in 54432  
this state would be adverse to the interest of licensed gaming in 54433

this state; 54434

(6) If the person has a known relationship or connection with 54435  
a career or professional offender whose presence in a casino 54436  
facility or in the sports gaming industry in this state would be 54437  
adverse to the interest of licensed gaming in this state; 54438

(7) If the commission has suspended the person's gaming 54439  
privileges; 54440

(8) If the commission has revoked the person's licenses 54441  
related to this chapter or Chapter 3775. of the Revised Code; 54442

(9) If the commission determines that the person poses a 54443  
threat to the safety of patrons or employees of a casino facility 54444  
or a sports gaming facility; 54445

(10) If the person has threatened violence or harm against a 54446  
person who is involved in the sporting event, where the threat was 54447  
related to sports gaming with respect to that sporting event; 54448

(11) If the person has a history of conduct involving the 54449  
disruption of gaming operations within a casino facility or in the 54450  
sports gaming industry in this state. 54451

Race, color, creed, national origin or ancestry, or sex are 54452  
not grounds for placing a person on an exclusion list. 54453

(C) The commission shall notify a person of the commission's 54454  
intent to include such person on one or both exclusion lists. The 54455  
notice shall be provided by personal service, by certified mail to 54456  
the person's last known address, or, if service cannot be 54457  
accomplished by personal service or certified mail, by publication 54458  
daily for two weeks in a newspaper of general circulation within 54459  
the county in which the person resides and in a newspaper of 54460  
general circulation within each county in which a casino facility 54461  
or sports gaming facility, as applicable, is located. 54462

(D)(1) Except as otherwise provided in this section, a person 54463

who receives notice of intent to include the person on an 54464  
exclusion list is entitled, upon the person's request, to an 54465  
adjudication hearing under Chapter 119. of the Revised Code, in 54466  
which the person may demonstrate why the person should not be 54467  
included on the exclusion list or lists. The person shall request 54468  
such an adjudication hearing not later than thirty days after the 54469  
person receives the notice by personal service or certified mail, 54470  
or not later than thirty days after the last newspaper publication 54471  
of the notice. 54472

(2) If the person does not request a hearing in accordance 54473  
with division (D)(1) of this section, the commission may, but is 54474  
not required to, conduct an adjudication hearing under Chapter 54475  
119. of the Revised Code. The commission may reopen an 54476  
adjudication under this section at any time. 54477

(3) If the adjudication hearing, order, or any appeal thereof 54478  
under Chapter 119. of the Revised Code results in an order that 54479  
the person should not be included on the exclusion list or lists, 54480  
the commission shall publish a revised exclusion list that does 54481  
not include the person. The commission also shall notify casino 54482  
operators or sports gaming proprietors, as applicable, that the 54483  
person has been removed from the exclusion list or lists. A casino 54484  
operator shall take all steps necessary to ensure its key 54485  
employees and casino gaming employees are made aware that the 54486  
person has been removed from the casino exclusion list. A sports 54487  
gaming proprietor shall take all steps necessary to ensure its 54488  
appropriate agents and employees are made aware that the person 54489  
has been removed from the sports gaming exclusion list. 54490

(E) This section does not apply to any voluntary exclusion 54491  
list created as part of a voluntary exclusion program under this 54492  
chapter or Chapter 3775. of the Revised Code. 54493

**Sec. 3775.01.** As used in this chapter: 54494

(A) "Applicant" means a person that applies to the Ohio casino control commission for a license under this chapter.	54495 54496
(B) "Casino operator" has the same meaning as in section 3772.01 of the Revised Code.	54497 54498
(C) "Collegiate sport or athletic event" means a sport or athletic event offered or sponsored by, or played in connection with, a public or private institution that offers educational services beyond the secondary level.	54499 54500 54501 54502
(D) "Commission" means the Ohio casino control commission.	54503
(E) "Esports event" means an organized video game competition that is regulated by a sports governing body and that is held between professional players who play individually or as teams.	54504 54505 54506
(F) "Lottery sports gaming" has the same meaning as in section 3770.23 of the Revised Code.	54507 54508
(G)(1) "Mobile management services provider" means a person that contracts with a type A sports gaming proprietor under section 3775.05 of the Revised Code to operate sports gaming on behalf of the sports gaming proprietor and that is licensed by the Ohio casino control commission as a mobile management services provider under that section.	54509 54510 54511 54512 54513 54514
(2) "Management services provider" means a person that contracts with a type B sports gaming proprietor under section 3775.051 of the Revised Code to operate sports gaming on behalf of the sports gaming proprietor and that is licensed by the Ohio casino control commission as a management services provider under that section.	54515 54516 54517 54518 54519 54520
(H) "Official league data" means statistics, results, outcomes, and other data related to a sporting event provided by the appropriate sports governing body or its designee.	54521 54522 54523
(I) "Online sports pool" means sports gaming in which a wager	54524

on a sporting event is made through a computer or mobile device 54525  
and accepted through an online gaming web site that is operated by 54526  
a type A sports gaming proprietor or mobile management services 54527  
provider. 54528

(J) "Professional sport or athletic event" means an event at 54529  
which two or more persons participate in sports or athletic events 54530  
and receive compensation, or the potential for compensation based 54531  
on their performance, in excess of actual expenses for their 54532  
participation in the event. 54533

(K) "Professional sports organization" means any of the 54534  
following: 54535

(1) The owner of a professional sports team in this state 54536  
that is a member of the national football league, the national 54537  
hockey league, major league baseball, major league soccer, or the 54538  
national basketball association; 54539

(2) The owner of a sports facility in this state that hosts 54540  
an annual tournament on the professional golf association tour or 54541  
a wholly owned for-profit subsidiary of the owner, if the owner is 54542  
a nonprofit corporation or organization; 54543

(3) A promoter of a national association for stock car auto 54544  
racing national touring race conducted in this state. 54545

(L) "Promotional gaming credit" means a credit, discount, or 54546  
other similar item issued to a patron to enable the placement of, 54547  
or increase in, a wager on a sporting event. 54548

(M) "Proposition bet" means a wager on a sporting event that 54549  
is based on whether an identified instance or statistical 54550  
achievement will occur, will be achieved, or will be surpassed, 54551  
other than the score or outcome of the sporting event or parts of 54552  
the sporting event, such as quarters, halves, periods, or innings. 54553

(N)(1) Except as otherwise provided in divisions (N)(2) and 54554

(3) of this section, "sporting event" means any professional sport 54555  
or athletic event, any collegiate sport or athletic event, any 54556  
Olympic or international sports competition event, any motor race 54557  
event, any esports event, or any other special event the Ohio 54558  
casino control commission authorizes for sports gaming, the 54559  
individual performance statistics of athletes or participants in 54560  
such an event, or a combination of those. 54561

(2) "Sporting event" does not include an event for primary or 54562  
secondary school students, whether conducted or sponsored by a 54563  
primary or secondary school or by another person, or the 54564  
individual performance statistics of athletes or participants in 54565  
such an event. 54566

(3) "Sporting event" includes an event that involves athletes 54567  
or participants who are under eighteen years of age, or the 54568  
individual performance statistics of athletes or participants in 54569  
the event, only if the Ohio casino control commission authorizes 54570  
the event for sports gaming. 54571

(0)(1) "Sports gaming" means the business of accepting wagers 54572  
on sporting events. 54573

(2) Except as otherwise provided in division (0)(3) of this 54574  
section and in section 3770.25 of the Revised Code, "sports 54575  
gaming" includes any system or method of wagering on sporting 54576  
events that the Ohio casino control commission approves, including 54577  
exchange wagering, parlays, spreads, over-under, moneyline, 54578  
in-game wagering, single game bets, teaser bets, in-play bets, 54579  
proposition bets, pools, pari-mutuel sports wagering pools, or 54580  
straight bets. 54581

(3) "Sports gaming" does not include any of the following: 54582

(a) Wagering on horse racing; 54583

(b) Lottery games authorized under Chapter 3770. of the 54584  
Revised Code, including video lottery terminals, other than 54585

lottery sports gaming authorized under sections 3770.23 to 3770.25	54586
of the Revised Code;	54587
(c) Casino gaming authorized under division (C) of Section 6	54588
of Article XV, Ohio Constitution and Chapter 3772. of the Revised	54589
Code;	54590
(d) Fantasy contests authorized under Chapter 3774. of the	54591
Revised Code.	54592
(P) "Sports gaming equipment" means any of the following that	54593
directly relate to or affect, or are used or consumed in, the	54594
operation of sports gaming:	54595
(1) Any mechanical, electronic, or other device, mechanism,	54596
or equipment, including a self-service sports gaming terminal;	54597
(2) Any software, application, components, or other goods;	54598
(3) Anything to be installed or used on a patron's personal	54599
device.	54600
(Q) "Sports gaming facility" means a designated area of a	54601
building or structure in which patrons may place wagers on	54602
sporting events with a type B sports gaming proprietor either in	54603
person or using self-service sports gaming terminals.	54604
(R) "Sports gaming license" means a sports gaming proprietor	54605
license, a mobile management services provider license, a	54606
management services provider license, a sports gaming occupational	54607
license, a type C sports gaming host license, or a sports gaming	54608
supplier license issued by the Ohio casino control commission	54609
under this chapter.	54610
(S) "Sports gaming licensee" means a person who holds a valid	54611
sports gaming license.	54612
(T) "Sports gaming proprietor" means a person licensed by the	54613
Ohio casino control commission to offer sports gaming in this	54614
state as a type A, type B, or type C sports gaming proprietor.	54615

(U) "Sports gaming receipts" has the same meaning as in section 5753.01 of the Revised Code. 54616  
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(V)(1) "Sports gaming supplier" means a person or entity that provides sports gaming equipment or related services to a sports gaming proprietor, mobile management services provider, or management services provider, including providing services, directly or indirectly, that are necessary to create a betting market or to determine bet outcomes. 54618  
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(2) A sports gaming supplier that provides sports gaming equipment or services to be used through a sports gaming proprietor, mobile management services provider, or management services provider is not considered a sports gaming proprietor, mobile management services provider, or management services provider solely on that basis. 54624  
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(3) A sports governing body that provides official league data concerning its own sporting event to a sports gaming proprietor, mobile management services provider, management services provider, or sports gaming supplier is not considered a sports gaming supplier solely on that basis. 54630  
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(W) "Sports gaming voluntary exclusion program" means the program described in division (B)(11) of section 3775.02 of the Revised Code. 54635  
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(X) "Sports governing body" means a regional, national, or international organization having ultimate authority over the rules and codes of conduct with respect to a sporting event and the participants in the sporting event. 54638  
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(Y) "Type A sports gaming proprietor" means a sports gaming proprietor licensed by the Ohio casino control commission to offer sports gaming through an online sports pool. 54642  
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(Z) "Type B sports gaming proprietor" means a sports gaming proprietor licensed by the Ohio casino control commission to offer 54645  
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sports gaming at a sports gaming facility. 54647

(AA) "Type C sports gaming proprietor" means a sports gaming 54648  
proprietor licensed by the Ohio casino control commission to offer 54649  
sports gaming through self-service or clerk-operated sports gaming 54650  
terminals located at type C sports gaming hosts' facilities. 54651

(BB) "Type C sports gaming host" means the owner of a 54652  
facility with a an A-1-A, A-1c, D-1, D-2, or D-5 liquor permit 54653  
issued under Chapter 4303. of the Revised Code who is licensed by 54654  
the Ohio casino control commission to offer sports gaming at the 54655  
facility through a type C sports gaming proprietor. 54656

(CC) "Video lottery sales agent" means an agent of the state 54657  
lottery authorized to operate video lottery terminals under 54658  
section 3770.21 of the Revised Code. 54659

(DD) "Wager" or "bet" means to risk a sum of money or thing 54660  
of value on an uncertain occurrence. 54661

**Sec. 3775.04.** (A)(1) A type A sports gaming proprietor 54662  
license authorizes a sports gaming proprietor to offer sports 54663  
gaming through one or more online sports pools. 54664

(2)(a) Except as otherwise provided under division (A)(2)(b) 54665  
of this section, the Ohio casino control commission shall license 54666  
not more than twenty-five type A sports gaming proprietors at any 54667  
one time. 54668

(b) When twenty-five type A sports gaming proprietors are 54669  
licensed in this state, the commission may issue additional type A 54670  
sports gaming proprietor licenses to eligible applicants who 54671  
demonstrate to the commission that the sports gaming market in 54672  
this state needs additional type A sports gaming proprietors. 54673

(3) A type A sports gaming proprietor shall meet at least one 54674  
of the following requirements at all times: 54675

(a) The type A sports gaming proprietor also shall operate a 54676

sports gaming facility under a type B sports gaming proprietor license. 54677  
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(b) The type A sports gaming proprietor shall maintain at least one operational place of business in this state at which the sports gaming proprietor regularly maintains multiple employees. 54679  
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(4) The commission shall adopt by rule a procedure allowing the commission to revoke a type A sports gaming proprietor license if the licensee does not offer sports gaming to patrons under the license for a continuous period of one year or more. 54682  
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(B)(1) A type B sports gaming proprietor license authorizes a sports gaming proprietor to offer sports gaming at one sports gaming facility at a location specified on the license. 54686  
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(2) The commission shall license not more than forty type B sports gaming proprietors at any one time. 54689  
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(3)(a)(i) Except as otherwise provided in division (B)(3)(a)(ii) of this section, no sports gaming facility shall be located in a county with a population of less than one hundred thousand, as determined by the 2010 federal decennial census. 54691  
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(ii) The commission may issue an initial or renewed type B sports gaming proprietor license for one sports gaming facility to be located in a county with a population of fifty thousand or more, but less than one hundred thousand, as determined by the 2010 federal decennial census, at any one time, if the commission determines, in consultation with the department of development, that the county received at least five million visitors for purposes of tourism during the most recent calendar year for which the necessary data are available. 54695  
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(b)(i) Except as otherwise provided in division (B)(3)(b)(ii) of this section, not more than one sports gaming facility shall be located in a county with a population of one hundred thousand or more, but less than four hundred thousand, as determined by the 54704  
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2010 federal decennial census, at any one time. 54708

(ii) Not more than two sports gaming facilities shall be 54709  
located in a county with a population of one hundred thousand or 54710  
more, but less than four hundred thousand, as determined by the 54711  
2010 federal decennial census, at any one time, if a video lottery 54712  
sales agent operates video lottery terminals at a facility in the 54713  
county. 54714

(c) Not more than three sports gaming facilities shall be 54715  
located in a county with a population of four hundred thousand or 54716  
more, but less than eight hundred thousand, as determined by the 54717  
2010 federal decennial census, at any one time. 54718

(d) Not more than ~~five~~ seven sports gaming facilities shall 54719  
be located in a county with a population of eight hundred thousand 54720  
or more, as determined by the 2010 federal decennial census, at 54721  
any one time. 54722

(4) The commission shall issue an initial type B sports 54723  
gaming proprietor license only to a person who conducts 54724  
significant economic activity in the county in which the sports 54725  
gaming facility is to be located, as determined by the commission 54726  
in consultation with the department of development. 54727

(C)(1) A type C sports gaming proprietor license authorizes a 54728  
sports gaming proprietor to offer sports gaming through 54729  
self-service or clerk-operated sports gaming terminals located at 54730  
one or more type C sports gaming hosts' facilities under section 54731  
3770.25 of the Revised Code. 54732

(2) The commission shall license at least two, and not more 54733  
than twenty, type C sports gaming proprietors at any one time. 54734  
However, if only one eligible and suitable person applies for a 54735  
type C sports gaming proprietor license, the commission shall 54736  
issue the license. 54737

(D) An applicant for an initial or renewed type A, type B, or 54738

type C sports gaming proprietor license shall do all of the 54739  
following: 54740

(1) Submit a written application on a form furnished by the 54741  
commission. 54742

(a) If the application is for an initial type B sports gaming 54743  
proprietor license, the application shall specify both of the 54744  
following: 54745

(i) The intended location of the sports gaming facility or, 54746  
at a minimum, the county in which the sports gaming facility is to 54747  
be located if the license is granted; 54748

(ii) The expected overall capital investment in the sports 54749  
gaming facility, including its size, furnishings, and equipment. 54750

(b) If the application is for a renewed type B sports gaming 54751  
proprietor license, the application shall specify one of the 54752  
following, as applicable: 54753

(i) If the sports gaming proprietor does not intend to 54754  
relocate the sports gaming facility, the location of the sports 54755  
gaming facility; 54756

(ii) If the sports gaming proprietor intends to relocate the 54757  
sports gaming facility, the intended new location of the sports 54758  
gaming facility or, at a minimum, the county in which the sports 54759  
gaming facility is to be located if the renewal is granted. 54760

(2) Pay the fee required under division (C)(3) of section 54761  
109.572 of the Revised Code, along with a nonrefundable 54762  
application fee in an amount prescribed by the commission by rule; 54763

(3) Submit an audit of the applicant's financial transactions 54764  
and the condition of the applicant's total operations for the 54765  
previous fiscal year prepared by a certified public accountant in 54766  
accordance with generally accepted accounting principles and state 54767  
and federal laws; 54768

(4) Satisfy any other requirements for licensure under this chapter and rules adopted under this chapter. 54769  
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(E) After receiving a sports gaming proprietor license, the sports gaming proprietor shall pay the following nonrefundable license fees, as applicable, not later than the dates indicated, and shall give to the state a surety bond, in an amount and in the form approved by the commission, to guarantee that the sports gaming proprietor faithfully makes all payments required by this chapter and rules adopted under this chapter during the period of the license: 54771  
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(1) For an initial or renewed type A sports gaming proprietor license: 54779  
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	Upon issuance of license	One year after license issued	Two years after license issued	Three years after license issued	Four years after license issued	
Initial or renewed license - type A sports gaming proprietor that is a professional sports organization and that is not contracting with more than one	\$500,000	\$125,000	\$125,000	\$125,000	\$125,000	54781 54782

mobile management services provider Initial or	\$750,000	\$187,500	\$187,500	\$187,500	\$187,500	54783
renewed license - any other type A sports gaming proprietor that is not contracting with more than one mobile management services provider Initial	\$1,666,667	\$416,667	\$416,667	\$416,667	\$416,667	54784
license - type A sports gaming proprietor that is a professional sports organization and that is contracting with two						

mobile management services providers Initial	\$2,500,000	\$625,000	\$625,000	\$625,000	\$625,000	54785
license - any other type A sports gaming proprietor that is contracting with two mobile management services providers Renewed	\$500,000	\$125,000	\$125,000	\$125,000	\$125,000	54786
license - type A sports gaming proprietor that is a professional sports organization and that is contracting with two mobile management						

services providers						
Renewed	\$750,000	\$187,500	\$187,500	\$187,500	\$187,500	54787
license - any other type A sports gaming proprietor that is contracting with two mobile management services providers						
(2) For an initial or renewed type B sports gaming proprietor						54788
license:						54789
	Upon	One year	Two years	Three years	Four years	54790
	issuance of	after	after	after	after	
	license	license	license	license	license	
		issued	issued	issued	issued	
Type B	\$100,000	\$10,000	\$10,000	\$10,000	\$10,000	54791
sports gaming proprietor that is also a type A sports gaming proprietor						
Type B	\$50,000	\$10,000	\$10,000	\$10,000	\$10,000	54792
sports						

gaming  
proprietor  
that is not  
also a type  
A sports  
gaming  
proprietor

(3) For a type C sports gaming proprietor license, one 54793  
hundred thousand dollars upon being issued an initial license and 54794  
twenty-five thousand dollars upon being issued a renewed license. 54795

(F)(1) A sports gaming proprietor license shall be valid for 54796  
a term of five years. 54797

(2) Upon the expiration of a sports gaming proprietor 54798  
license, the sports gaming proprietor may apply to renew the 54799  
license in the same manner as for an initial license, unless the 54800  
license is suspended or revoked or the commission determines that 54801  
the sports gaming proprietor is not in compliance with this 54802  
chapter and the rules adopted under this chapter. 54803

**Sec. 3775.07.** (A)(1) The owner of a facility with a an A-1-A, 54804  
A-1c, D-1, D-2, or D-5 liquor permit issued under Chapter 4303. of 54805  
the Revised Code who offers sports gaming through a type C sports 54806  
gaming proprietor using self-service or clerk-operated sports 54807  
gaming terminals located at the facility shall hold an appropriate 54808  
and valid type C sports gaming host license issued by the Ohio 54809  
casino control commission at all times. 54810

(2) The commission shall issue a type C sports gaming host 54811  
license to any eligible applicant that the state lottery 54812  
commission recommends. Notwithstanding any contrary provision of 54813  
this chapter, an applicant for an initial or renewed type C sports 54814  
gaming host license is not required to undergo a criminal 54815  
background check or licensure suitability investigation in order 54816

to receive the license. The commission shall investigate the 54817  
applicant to determine whether the applicant is eligible for the 54818  
license and to ensure that the applicant complies with all 54819  
applicable provisions of this chapter and of the rules of the 54820  
commission. 54821

(B) An applicant for an initial or renewed type C sports 54822  
gaming host license shall apply for the license on a form 54823  
prescribed by the commission and shall pay a nonrefundable 54824  
application fee in an amount prescribed by the commission by rule. 54825

(C) Upon receiving an initial or renewed type C sports gaming 54826  
host license, the applicant shall pay a nonrefundable license fee 54827  
of one thousand dollars. 54828

(D)(1) Subject to division (D)(2) of this section, a type C 54829  
sports gaming proprietor and a type C sports gaming host may enter 54830  
into an agreement specifying the terms under which the type C 54831  
sports gaming host offers sports gaming through the type C sports 54832  
gaming proprietor, such as terms requiring the type C sports 54833  
gaming proprietor and the type C sports gaming host to share the 54834  
proceeds of sports gaming conducted at the type C sports gaming 54835  
host's facility. A type C sports gaming proprietor shall notify 54836  
the Ohio casino control commission of each type C sports gaming 54837  
host that offers sports gaming through the type C sports gaming 54838  
proprietor. 54839

(2) A type C sports gaming proprietor shall not require a 54840  
type C sports gaming host to pay any portion of the cost of 54841  
acquiring, installing, operating, adapting, or maintaining any 54842  
self-service sports gaming terminal in a type C sports gaming 54843  
host's facility. 54844

(3) Subject to the terms of the type C sports gaming hosts's 54845  
agreement with a type C sports gaming proprietor, a type C sports 54846  
gaming host may offer sports gaming through a different type C 54847

sports gaming proprietor than the one identified in the type C 54848  
sports gaming host's license application during the period of the 54849  
license. The type C sports gaming proprietor shall notify the 54850  
commission of the change before the change takes effect, in 54851  
accordance with the rules of the commission. 54852

(E) A type C sports gaming host license shall be valid for a 54853  
term of three years. In order to renew a type C sports gaming host 54854  
license, the licensee shall apply to the commission for a renewed 54855  
license in the same manner as for an initial license. 54856

**Sec. 3781.032.** (A) As used in this section: 54857

(1) "Retail establishment" means a place of business open to 54858  
the general public for the sale of goods or services. 54859

(2) "State and local building code" means Chapters 3781. and 54860  
3791. of the Revised Code, rules adopted pursuant to those 54861  
chapters, and municipal corporation regulations adopted in 54862  
accordance with section 3781.01 of the Revised Code. 54863

(B) If the department or agency of the state or any political 54864  
subdivision having jurisdiction to enforce state and local 54865  
building code on a retail establishment, including a retail 54866  
establishment that is under construction and not yet open to the 54867  
public, is unable to conduct an inspection or issue a permit 54868  
required by state and local building code for more than five 54869  
business days, the owner, operator, or developer of the retail 54870  
establishment may seek a temporary permit from any building code 54871  
official authorized to conduct such an inspection or issue such a 54872  
permit elsewhere in this state. If that building code official 54873  
grants a temporary permit, the permit is valid for fourteen 54874  
calendar days. 54875

**Sec. 3781.062.** The director of commerce, in collaboration 54876  
with the state fire marshal, the board of building standards, and 54877

representatives of local building departments, shall develop 54878  
guidelines for the enforcement of the Ohio building code and state 54879  
fire code in a coordinated manner, including the interaction of 54880  
exemptions from one code with the requirements of the other code. 54881

**Sec. 3781.10.** (A)(1) The board of building standards shall 54882  
formulate and adopt rules governing the erection, construction, 54883  
repair, alteration, and maintenance of all buildings or classes of 54884  
buildings specified in section 3781.06 of the Revised Code, 54885  
including land area incidental to those buildings, the 54886  
construction of industrialized units, the installation of 54887  
equipment, and the standards or requirements for materials used in 54888  
connection with those buildings. The board shall incorporate those 54889  
rules into separate residential and nonresidential building codes. 54890  
The standards shall relate to the conservation of energy and the 54891  
safety and sanitation of those buildings. 54892

(2) The rules governing nonresidential buildings are the 54893  
lawful minimum requirements specified for those buildings and 54894  
industrialized units, except that no rule other than as provided 54895  
in division (C) of section 3781.108 of the Revised Code that 54896  
specifies a higher requirement than is imposed by any section of 54897  
the Revised Code is enforceable. The rules governing residential 54898  
buildings are uniform requirements for residential buildings in 54899  
any area with a building department certified to enforce the state 54900  
residential building code. In no case shall any local code or 54901  
regulation differ from the state residential building code unless 54902  
that code or regulation addresses subject matter not addressed by 54903  
the state residential building code or is adopted pursuant to 54904  
section 3781.01 of the Revised Code. 54905

(3) The rules adopted pursuant to this section are complete, 54906  
lawful alternatives to any requirements specified for buildings or 54907  
industrialized units in any section of the Revised Code. Except as 54908

otherwise provided in division (I) of this section, the board 54909  
shall, on its own motion or on application made under sections 54910  
3781.12 and 3781.13 of the Revised Code, formulate, propose, 54911  
adopt, modify, amend, or repeal the rules to the extent necessary 54912  
or desirable to effectuate the purposes of sections 3781.06 to 54913  
3781.18 of the Revised Code. 54914

(B) The board shall report to the general assembly proposals 54915  
for amendments to existing statutes relating to the purposes 54916  
declared in section 3781.06 of the Revised Code that public health 54917  
and safety and the development of the arts require and shall 54918  
recommend any additional legislation to assist in carrying out 54919  
fully, in statutory form, the purposes declared in that section. 54920  
The board shall prepare and submit to the general assembly a 54921  
summary report of the number, nature, and disposition of the 54922  
petitions filed under sections 3781.13 and 3781.14 of the Revised 54923  
Code. 54924

(C) On its own motion or on application made under sections 54925  
3781.12 and 3781.13 of the Revised Code, and after thorough 54926  
testing and evaluation, the board shall determine by rule that any 54927  
particular fixture, device, material, process of manufacture, 54928  
manufactured unit or component, method of manufacture, system, or 54929  
method of construction complies with performance standards adopted 54930  
pursuant to section 3781.11 of the Revised Code. The board shall 54931  
make its determination with regard to adaptability for safe and 54932  
sanitary erection, use, or construction, to that described in any 54933  
section of the Revised Code, wherever the use of a fixture, 54934  
device, material, method of manufacture, system, or method of 54935  
construction described in that section of the Revised Code is 54936  
permitted by law. The board shall amend or annul any rule or issue 54937  
an authorization for the use of a new material or manufactured 54938  
unit on any like application. No department, officer, board, or 54939  
commission of the state other than the board of building standards 54940

or the board of building appeals shall permit the use of any 54941  
fixture, device, material, method of manufacture, newly designed 54942  
product, system, or method of construction at variance with what 54943  
is described in any rule the board of building standards adopts or 54944  
issues or that is authorized by any section of the Revised Code. 54945  
Nothing in this section shall be construed as requiring approval, 54946  
by rule, of plans for an industrialized unit that conforms with 54947  
the rules the board of building standards adopts pursuant to 54948  
section 3781.11 of the Revised Code. 54949

(D) The board shall recommend rules, codes, and standards to 54950  
help carry out the purposes of section 3781.06 of the Revised Code 54951  
and to help secure uniformity of state administrative rulings and 54952  
local legislation and administrative action to the bureau of 54953  
workers' compensation, the director of commerce, any other 54954  
department, officer, board, or commission of the state, and to 54955  
legislative authorities and building departments of counties, 54956  
townships, and municipal corporations, and shall recommend that 54957  
they audit those recommended rules, codes, and standards by any 54958  
appropriate action that they are allowed pursuant to law or the 54959  
constitution. 54960

(E)(1) The board shall certify municipal, township, and 54961  
county building departments, the personnel of those building 54962  
departments, persons described in division (E)(7) of this section, 54963  
and employees of individuals, firms, the state, or corporations 54964  
described in division (E)(7) of this section to exercise 54965  
enforcement authority, to accept and approve plans and 54966  
specifications, and to make inspections, pursuant to sections 54967  
3781.03, 3791.04, and 4104.43 of the Revised Code. 54968

(2) The board shall certify departments, personnel, and 54969  
persons to enforce the state residential building code, to enforce 54970  
the nonresidential building code, or to enforce both the 54971  
residential and the nonresidential building codes. Any department, 54972

personnel, or person may enforce only the type of building code 54973  
for which certified. 54974

(3) The board shall not require a building department, its 54975  
personnel, or any persons that it employs to be certified for 54976  
residential building code enforcement if that building department 54977  
does not enforce the state residential building code. The board 54978  
shall specify, in rules adopted pursuant to Chapter 119. of the 54979  
Revised Code, the requirements for certification for residential 54980  
and nonresidential building code enforcement, which shall be 54981  
consistent with this division. The requirements for residential 54982  
and nonresidential certification may differ. Except as otherwise 54983  
provided in this division, the requirements shall include, but are 54984  
not limited to, the satisfactory completion of an initial 54985  
examination and, to remain certified, the completion of a 54986  
specified number of hours of continuing building code education 54987  
within each three-year period following the date of certification 54988  
which shall be not less than thirty hours. The rules shall provide 54989  
that continuing education credits and certification issued by the 54990  
council of American building officials, national model code 54991  
organizations, and agencies or entities the board recognizes are 54992  
acceptable for purposes of this division. The rules shall specify 54993  
requirements that are consistent with the provisions of section 54994  
5903.12 of the Revised Code relating to active duty military 54995  
service and are compatible, to the extent possible, with 54996  
requirements the council of American building officials and 54997  
national model code organizations establish. 54998

(4) The board shall establish and collect a certification and 54999  
renewal fee for building department personnel, and persons and 55000  
employees of persons, firms, or corporations as described in this 55001  
section, who are certified pursuant to this division. 55002

(5) Any individual certified pursuant to this division shall 55003  
complete the number of hours of continuing building code education 55004

that the board requires or, for failure to do so, forfeit 55005  
certification. 55006

(6) This division does not require or authorize the board to 55007  
certify personnel of municipal, township, and county building 55008  
departments, and persons and employees of persons, firms, or 55009  
corporations as described in this section, whose responsibilities 55010  
do not include the exercise of enforcement authority, the approval 55011  
of plans and specifications, or making inspections under the state 55012  
residential and nonresidential building codes. 55013

(7) Enforcement authority for approval of plans and 55014  
specifications and enforcement authority for inspections may be 55015  
exercised, and plans and specifications may be approved and 55016  
inspections may be made on behalf of a municipal corporation, 55017  
township, or county, by any of the following who the board of 55018  
building standards certifies: 55019

(a) Officers or employees of the municipal corporation, 55020  
township, or county; 55021

(b) Persons, or employees of persons, firms, or corporations, 55022  
pursuant to a contract to furnish architectural, engineering, or 55023  
other services to the municipal corporation, township, or county; 55024

(c) Officers or employees of, and persons under contract 55025  
with, a municipal corporation, township, county, health district, 55026  
or other political subdivision, pursuant to a contract to furnish 55027  
architectural, engineering, or other services; 55028

(d) Officers or employees of the division of industrial 55029  
compliance in the department of commerce pursuant to a contract 55030  
authorized by division (B) of section 121.083 of the Revised Code. 55031

(8) Municipal, township, and county building departments have 55032  
jurisdiction within the meaning of sections 3781.03, 3791.04, and 55033  
4104.43 of the Revised Code, only with respect to the types of 55034  
buildings and subject matters for which they are certified under 55035

this section. 55036

(9) A certified municipal, township, or county building 55037  
department may exercise enforcement authority, accept and approve 55038  
plans and specifications, and make inspections pursuant to 55039  
sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a 55040  
park district created pursuant to Chapter 1545. of the Revised 55041  
Code upon the approval, by resolution, of the board of park 55042  
commissioners of the park district requesting the department to 55043  
exercise that authority and conduct those activities, as 55044  
applicable. 55045

(10) Certification shall be granted upon application by the 55046  
municipal corporation, the board of township trustees, or the 55047  
board of county commissioners and approval of that application by 55048  
the board of building standards. The application shall set forth: 55049

(a) Whether the certification is requested for residential or 55050  
nonresidential buildings, or both; 55051

(b) The number and qualifications of the staff composing the 55052  
building department; 55053

(c) The names, addresses, and qualifications of persons, 55054  
firms, or corporations contracting to furnish work or services 55055  
pursuant to division (E)(7)(b) of this section; 55056

(d) The names of any other municipal corporation, township, 55057  
county, health district, or political subdivision under contract 55058  
to furnish work or services pursuant to division (E)(7) of this 55059  
section; 55060

(e) The proposed budget for the operation of the building 55061  
department. 55062

(11) The board of building standards shall adopt rules 55063  
governing all of the following: 55064

(a) The certification of building department personnel and 55065

persons and employees of persons, firms, or corporations 55066  
exercising authority pursuant to division (E)(7) of this section. 55067  
The rules shall disqualify any employee of the department or 55068  
person who contracts for services with the department from 55069  
performing services for the department when that employee or 55070  
person would have to pass upon, inspect, or otherwise exercise 55071  
authority over any labor, material, or equipment the employee or 55072  
person furnishes for the construction, alteration, or maintenance 55073  
of a building or the preparation of working drawings or 55074  
specifications for work within the jurisdictional area of the 55075  
department. The department shall provide other similarly qualified 55076  
personnel to enforce the residential and nonresidential building 55077  
codes as they pertain to that work. 55078

(b) The minimum services to be provided by a certified 55079  
building department. 55080

(12) The board of building standards may revoke or suspend 55081  
certification to enforce the residential and nonresidential 55082  
building codes, on petition to the board by any person affected by 55083  
that enforcement or approval of plans, or by the board on its own 55084  
motion. Hearings shall be held and appeals permitted on any 55085  
proceedings for certification or revocation or suspension of 55086  
certification in the same manner as provided in section 3781.101 55087  
of the Revised Code for other proceedings of the board of building 55088  
standards. 55089

(13) Upon certification, and until that authority is revoked, 55090  
any county or township building department shall enforce the 55091  
residential and nonresidential building codes for which it is 55092  
certified without regard to limitation upon the authority of 55093  
boards of county commissioners under Chapter 307. of the Revised 55094  
Code or boards of township trustees under Chapter 505. of the 55095  
Revised Code. 55096

(F) In addition to hearings sections 3781.06 to 3781.18 and 55097

3791.04 of the Revised Code require, the board of building 55098  
standards shall make investigations and tests, and require from 55099  
other state departments, officers, boards, and commissions 55100  
information the board considers necessary or desirable to assist 55101  
it in the discharge of any duty or the exercise of any power 55102  
mentioned in this section or in sections 3781.06 to 3781.18, 55103  
3791.04, and 4104.43 of the Revised Code. 55104

(G) The board shall adopt rules and establish reasonable fees 55105  
for the review of all applications submitted where the applicant 55106  
applies for authority to use a new material, assembly, or product 55107  
of a manufacturing process. The fee shall bear some reasonable 55108  
relationship to the cost of the review or testing of the 55109  
materials, assembly, or products and for the notification of 55110  
approval or disapproval as provided in section 3781.12 of the 55111  
Revised Code. 55112

(H) The residential construction advisory committee shall 55113  
provide the board with a proposal for a state residential building 55114  
code that the committee recommends pursuant to division (D)(1) of 55115  
section 4740.14 of the Revised Code. Upon receiving a 55116  
recommendation from the committee that is acceptable to the board, 55117  
the board shall adopt rules establishing that code as the state 55118  
residential building code. 55119

(I)(1) The committee may provide the board with proposed 55120  
rules to update or amend the state residential building code that 55121  
the committee recommends pursuant to division (E) of section 55122  
4740.14 of the Revised Code. 55123

(2) If the board receives a proposed rule to update or amend 55124  
the state residential building code as provided in division (I)(1) 55125  
of this section, the board either may accept or reject the 55126  
proposed rule for incorporation into the residential building 55127  
code. If the board does not act to either accept or reject the 55128  
proposed rule within ninety days after receiving the proposed rule 55129

from the committee as described in division (I)(1) of this 55130  
section, the proposed rule shall become part of the residential 55131  
building code. 55132

(J) The board shall cooperate with the director of job and 55133  
family services when the director promulgates rules pursuant to 55134  
section 5104.05 of the Revised Code regarding safety and 55135  
sanitation in type A family day-care homes. 55136

(K) The board shall adopt rules to implement the requirements 55137  
of section 3781.108 of the Revised Code. 55138

(L) The board shall establish a grant program to assist 55139  
building departments certified by the board pursuant to division 55140  
(E) of this section in the recruitment, training, and retention of 55141  
qualified personnel. 55142

**Sec. 3781.102.** (A) Any county or municipal building 55143  
department certified pursuant to division (E) of section 3781.10 55144  
of the Revised Code as of September 14, 1970, and that, as of that 55145  
date, was inspecting single-family, two-family, and three-family 55146  
residences, and any township building department certified 55147  
pursuant to division (E) of section 3781.10 of the Revised Code, 55148  
is hereby declared to be certified to inspect single-family, 55149  
two-family, and three-family residences containing industrialized 55150  
units, and shall inspect the buildings or classes of buildings 55151  
subject to division (E) of section 3781.10 of the Revised Code. 55152

(B) Each board of county commissioners may adopt, by 55153  
resolution, rules establishing standards and providing for the 55154  
licensing of electrical and heating, ventilating, and air 55155  
conditioning contractors who are not required to hold a valid and 55156  
unexpired license pursuant to Chapter 4740. of the Revised Code. 55157

Rules adopted by a board of county commissioners pursuant to 55158  
this division may be enforced within the unincorporated areas of 55159

the county and within any municipal corporation where the 55160  
legislative authority of the municipal corporation has contracted 55161  
with the board for the enforcement of the county rules within the 55162  
municipal corporation pursuant to section 307.15 of the Revised 55163  
Code. The rules shall not conflict with rules adopted by the board 55164  
of building standards pursuant to section 3781.10 of the Revised 55165  
Code or by the department of commerce pursuant to Chapter 3703. of 55166  
the Revised Code. This division does not impair or restrict the 55167  
power of municipal corporations under Section 3 of Article XVIII, 55168  
Ohio Constitution, to adopt rules concerning the erection, 55169  
construction, repair, alteration, and maintenance of buildings and 55170  
structures or of establishing standards and providing for the 55171  
licensing of specialty contractors pursuant to section 715.27 of 55172  
the Revised Code. 55173

A board of county commissioners, pursuant to this division, 55174  
may require all electrical contractors and heating, ventilating, 55175  
and air conditioning contractors, other than those who hold a 55176  
valid and unexpired license issued pursuant to Chapter 4740. of 55177  
the Revised Code, to successfully complete an examination, test, 55178  
or demonstration of technical skills, and may impose a fee and 55179  
additional requirements for a license to engage in their 55180  
respective occupations within the jurisdiction of the board's 55181  
rules under this division. 55182

(C) No board of county commissioners shall require any 55183  
specialty contractor who holds a valid and unexpired license 55184  
issued pursuant to Chapter 4740. of the Revised Code to 55185  
successfully complete an examination, test, or demonstration of 55186  
technical skills in order to engage in the type of contracting for 55187  
which the license is held, within the unincorporated areas of the 55188  
county and within any municipal corporation whose legislative 55189  
authority has contracted with the board for the enforcement of 55190  
county regulations within the municipal corporation, pursuant to 55191

section 307.15 of the Revised Code. 55192

(D) A board may impose a fee for registration of a specialty 55193  
contractor who holds a valid and unexpired license issued pursuant 55194  
to Chapter 4740. of the Revised Code before that specialty 55195  
contractor may engage in the type of contracting for which the 55196  
license is held within the unincorporated areas of the county and 55197  
within any municipal corporation whose legislative authority has 55198  
contracted with the board for the enforcement of county 55199  
regulations within the municipal corporation, pursuant to section 55200  
307.15 of the Revised Code, provided that the fee is the same for 55201  
all specialty contractors who wish to engage in that type of 55202  
contracting. If a board imposes such a fee, the board immediately 55203  
shall permit a specialty contractor who presents proof of holding 55204  
a valid and unexpired license and pays the required fee to engage 55205  
in the type of contracting for which the license is held within 55206  
the unincorporated areas of the county and within any municipal 55207  
corporation whose legislative authority has contracted with the 55208  
board for the enforcement of county regulations within the 55209  
municipal corporation, pursuant to section 307.15 of the Revised 55210  
Code. 55211

(E) The political subdivision associated with each municipal, 55212  
township, and county building department the board of building 55213  
standards certifies pursuant to division (E) of section 3781.10 of 55214  
the Revised Code may prescribe fees to be paid by persons, 55215  
political subdivisions, or any department, agency, board, 55216  
commission, or institution of the state, for the acceptance and 55217  
approval of plans and specifications, and for the making of 55218  
inspections, pursuant to sections 3781.03 and 3791.04 of the 55219  
Revised Code. 55220

(F) Each political subdivision that prescribes fees pursuant 55221  
to division (E) of this section shall collect, on behalf of the 55222  
board of building standards, fees equal to the following: 55223

(1) Three per cent of the fees the political subdivision collects in connection with nonresidential buildings;	55224 55225
(2) One per cent of the fees the political subdivision collects in connection with residential buildings.	55226 55227
(G)(1) The board shall adopt rules, in accordance with Chapter 119. of the Revised Code, specifying the manner in which the fee assessed pursuant to division (F) of this section shall be collected and remitted monthly to the board. The board shall pay the fees into the state treasury to the credit of the industrial compliance operating fund created in section 121.084 of the Revised Code.	55228 55229 55230 55231 55232 55233 55234
(2) All money credited to the industrial compliance operating fund under this division shall be used exclusively for the following:	55235 55236 55237
(a) Operating costs of the board;	55238
(b) Providing services, including educational programs, for the building departments that are certified by the board pursuant to division (E) of section 3781.10 of the Revised Code;	55239 55240 55241
(c) Paying the expenses of the residential construction advisory committee, including the expenses of committee members as provided in section 4740.14 of the Revised Code.	55242 55243 55244
<u>(d) Implementation of the program established by division (L) of section 3781.10 of the Revised Code.</u>	55245 55246
(H) A board of county commissioners that adopts rules providing for the licensing of electrical and heating, ventilating, and air conditioning contractors, pursuant to division (B) of this section, may accept, for purposes of satisfying the requirements of rules adopted under that division, a valid and unexpired license issued pursuant to Chapter 4740. of the Revised Code that is held by an electrical or heating,	55247 55248 55249 55250 55251 55252 55253

ventilating, and air conditioning contractor, for the 55254  
construction, replacement, maintenance, or repair of one-family, 55255  
two-family, or three-family dwelling houses or accessory 55256  
structures incidental to those dwelling houses. 55257

(I) A board of county commissioners shall not register a 55258  
specialty contractor who is required to hold a license under 55259  
Chapter 4740. of the Revised Code but does not hold a valid 55260  
license issued under that chapter. 55261

(J) As used in this section, "specialty contractor" means a 55262  
heating, ventilating, and air conditioning contractor, 55263  
refrigeration contractor, electrical contractor, plumbing 55264  
contractor, or hydronics contractor, as those contractors are 55265  
described in Chapter 4740. of the Revised Code. 55266

**Sec. 3796.02.** There is hereby established a division of 55267  
marijuana control in the department of commerce. The medical 55268  
~~marijuana control program in the department of commerce and the~~ 55269  
~~state board of pharmacy is hereby established in the division of~~ 55270  
marijuana control. The ~~department~~ division shall provide for the 55271  
licensure of medical marijuana cultivators ~~and~~, processors, retail 55272  
dispensaries, and ~~the licensure of~~ laboratories that test medical 55273  
marijuana. The ~~board~~ division shall also provide for ~~the licensure~~ 55274  
~~of retail dispensaries and~~ the registration of patients and their 55275  
caregivers. The ~~department and board~~ division shall administer the 55276  
medical marijuana control program. 55277

**Sec. 3796.03.** ~~(A)(1) Except as provided in division (A)(2) of~~ 55278  
~~this section, not later than one year after September 8, 2016, the~~ 55279  
~~department of commerce~~ (A) The division of marijuana control shall 55280  
adopt rules establishing standards and procedures for the medical 55281  
marijuana control program. 55282

~~(2) The department shall adopt rules establishing standards~~ 55283

<del>and procedures for the licensure of cultivators not later than two</del>	55284
<del>hundred forty days after September 8, 2016.</del>	55285
<del>(3) All rules adopted under this section shall be adopted in</del>	55286
<del>accordance with Chapter 119. of the Revised Code.</del>	55287
(B) The rules shall do all of the following:	55288
(1) Establish application procedures and fees for licenses it	55289
issues under this chapter;	55290
(2) Specify both of the following:	55291
(a) The conditions that must be met to be eligible for	55292
licensure;	55293
(b) In accordance with section 9.79 of the Revised Code, the	55294
criminal offenses for which an applicant will be disqualified from	55295
licensure pursuant to that section.	55296
(3) Establish, in accordance with section 3796.05 of the	55297
Revised Code, the number of cultivator licenses <u>and retail</u>	55298
<u>dispensary licenses</u> that will be permitted at any one time;	55299
(4) Establish a license renewal schedule, renewal procedures,	55300
and renewal fees;	55301
(5) Specify reasons for which a license may be suspended,	55302
including without prior hearing, revoked, or not be renewed or	55303
issued and the reasons for which a civil penalty may be imposed on	55304
a license holder;	55305
(6) Establish standards under which a license suspension may	55306
be lifted;	55307
(7) <u>Establish procedures for registration of patients and</u>	55308
<u>caregivers and requirements that must be met to be eligible for</u>	55309
<u>registration;</u>	55310
(8) <u>Establish training requirements for employees of retail</u>	55311
<u>dispensaries;</u>	55312

(9) Specify if a cultivator, processor, ~~retail dispensary~~, or laboratory that is licensed under this chapter and that existed at a location before a school, church, public library, public playground, or public park became established within five hundred feet of the cultivator, processor, ~~retail dispensary~~, or laboratory, may remain in operation or shall relocate or have its license revoked by the ~~board~~ division; 55313  
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~~(8)~~(10) Specify, by form and tetrahydrocannabinol content, a maximum ninety-day supply of medical marijuana that may be possessed; 55320  
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(11) Specify the paraphernalia or other accessories that may be used in the administration to a registered patient of medical marijuana; 55323  
55324  
55325

(12) Establish procedures for the issuance of patient or caregiver identification cards; 55326  
55327

(13) Specify the forms of or methods of using medical marijuana that are attractive to children; 55328  
55329

(14) Specify both of the following: 55330

(a) Subject to division ~~(B)(8)(b)~~(B)(14)(b) of this section, the criminal offenses for which a person will be disqualified from employment with a license holder; 55331  
55332  
55333

(b) Which of the criminal offenses specified pursuant to division ~~(B)(8)(a)~~(B)(14)(a) of this section will not disqualify a person from employment with a license holder if the person was convicted of or pleaded guilty to the offense more than five years before the date the employment begins. 55334  
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~~(9)~~(15) Establish a program to assist patients who are veterans or indigent in obtaining medical marijuana in accordance with this chapter; 55339  
55340  
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(16) Establish, in accordance with section 3796.05 of the 55342

Revised Code, standards and procedures for the testing of medical 55343  
marijuana by a laboratory licensed under this chapter. 55344

(C) In addition to the rules described in division (B) of 55345  
this section, the ~~department~~ division may adopt any other rules it 55346  
considers necessary for the program's administration and the 55347  
implementation and enforcement of this chapter. 55348

(D) When adopting rules under this section, the ~~department~~ 55349  
division shall consider standards and procedures that have been 55350  
found to be best practices relative to the use and regulation of 55351  
medical marijuana. 55352

**Sec. 3796.032.** This chapter does not authorize the ~~department~~ 55353  
~~of commerce or the state board of pharmacy~~ division of marijuana 55354  
control to oversee or limit research conducted at a state 55355  
university, academic medical center, or private research and 55356  
development organization that is related to marijuana and is 55357  
approved by an agency, board, center, department, or institute of 55358  
the United States government, including any of the following: 55359

(A) The agency for health care research and quality; 55360

(B) The national institutes of health; 55361

(C) The national academy of sciences; 55362

(D) The centers for medicare and medicaid services; 55363

(E) The United States department of defense; 55364

(F) The centers for disease control and prevention; 55365

(G) The United States department of veterans affairs; 55366

(H) The drug enforcement administration; 55367

(I) The food and drug administration; 55368

(J) Any board recognized by the national institutes of health 55369  
for the purpose of evaluating the medical value of health care 55370

services. 55371

**Sec. 3796.05.** (A) When establishing the number of cultivator 55372  
licenses that will be permitted at any one time, the ~~department of~~ 55373  
~~commerce~~ division of marijuana control shall consider both of the 55374  
following: 55375

(1) The population of this state; 55376

(2) The number of patients seeking to use medical marijuana. 55377

(B) When establishing the number of retail dispensary 55378  
licenses that will be permitted at any one time, the ~~state board~~ 55379  
~~of pharmacy~~ division shall consider all of the following: 55380

(1) The population of this state; 55381

(2) The number of patients seeking to use medical marijuana; 55382

(3) The geographic distribution of dispensary sites in an 55383  
effort to ensure patient access to medical marijuana. 55384

(C) When establishing standards and procedures for the 55385  
testing of medical marijuana, the ~~department~~ division shall do all 55386  
of the following: 55387

(1) Specify when testing must be conducted; 55388

(2) Determine the minimum amount of medical marijuana that 55389  
must be tested; 55390

(3) Specify the manner in which testing is to be conducted in 55391  
an effort to ensure uniformity of medical marijuana products 55392  
processed for and dispensed to patients; 55393

(4) Specify the manner in which test results are provided. 55394

**Sec. 3796.06.** (A) Only the following forms of medical 55395  
marijuana may be dispensed under this chapter: 55396

(1) Oils; 55397

(2) Tinctures;	55398
(3) Plant material;	55399
(4) Edibles;	55400
(5) Patches;	55401
(6) Any other form approved by the <del>state board of pharmacy</del>	55402
<u>division of marijuana control</u> under section 3796.061 of the	55403
Revised Code.	55404
(B) With respect to the methods of using medical marijuana,	55405
all of the following apply:	55406
(1) The smoking or combustion of medical marijuana is	55407
prohibited.	55408
(2) The vaporization of medical marijuana is permitted <del>+</del> .	55409
(3) The <del>state board of pharmacy</del> <u>division</u> may approve	55410
additional methods of using medical marijuana, other than smoking	55411
or combustion, under section 3796.061 of the Revised Code.	55412
(C) Any form or method that is considered attractive to	55413
children, as specified in rules adopted by the <del>board</del> <u>division</u> , is	55414
prohibited.	55415
(D) With respect to tetrahydrocannabinol content, all of the	55416
following apply:	55417
(1) Plant material shall have a tetrahydrocannabinol content	55418
of not more than thirty-five per cent.	55419
(2) Extracts shall have a tetrahydrocannabinol content of not	55420
more than seventy per cent.	55421
<b>Sec. 3796.061.</b> (A) Any person may submit a petition to the	55422
state <del>board of pharmacy</del> <u>division of marijuana control</u> requesting	55423
that a form of or method of using medical marijuana be approved	55424
for the purposes of section 3796.06 of the Revised Code. A	55425

petition shall be submitted to the ~~board~~ division in a manner 55426  
prescribed by the ~~board~~ division. A petition shall not seek to 55427  
approve a method of using medical marijuana that involves smoking 55428  
or combustion. 55429

(B) On receipt of a petition, the ~~board~~ division shall review 55430  
it to determine whether to approve the form of or method of using 55431  
medical marijuana described in the petition. The ~~board~~ division 55432  
may consolidate the review of petitions for the same or similar 55433  
forms or methods. In making its determination, the ~~board~~ division 55434  
shall consult with one or more experts and review any relevant 55435  
scientific evidence. 55436

(C) The ~~board~~ division shall approve or deny the petition in 55437  
accordance with any rules adopted by the ~~board~~ division under this 55438  
section. The ~~board's~~ division's decision is final. 55439

(D) The ~~board~~ division may adopt rules as necessary to 55440  
implement this section. The rules shall be adopted in accordance 55441  
with Chapter 119. of the Revised Code. 55442

**Sec. 3796.08.** (A)(1) A Until one hundred eighty days 55443  
following the effective date of this amendment, a patient seeking 55444  
to use medical marijuana or a caregiver seeking to assist a 55445  
patient in the use or administration of medical marijuana shall 55446  
apply to the state board of pharmacy for registration. On and 55447  
after one hundred eighty days following the effective date of this 55448  
amendment, a patient seeking to use medical marijuana or a 55449  
caregiver seeking to assist a patient in the use or administration 55450  
of medical marijuana shall apply to the division of marijuana 55451  
control for registration. The physician who holds a certificate to 55452  
recommend issued by the state medical board and is treating the 55453  
patient or the physician's delegate shall submit the application 55454  
on the patient's or caregiver's behalf in the manner established 55455  
in rules adopted under section ~~3796.04~~ 3796.03 of the Revised 55456

Code.	55457
(2) The application shall include all of the following:	55458
(a) A statement from the physician certifying all of the following:	55459
	55460
(i) That a bona fide physician-patient relationship exists between the physician and patient;	55461
	55462
(ii) That the patient has been diagnosed with a qualifying medical condition;	55463
	55464
(iii) That the physician or physician delegate has requested from the drug database a report of information related to the patient that covers at least the twelve months immediately preceding the date of the report;	55465
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	55468
(iv) That the physician has informed the patient of the risks and benefits of medical marijuana as it pertains to the patient's qualifying medical condition and medical history.	55469
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	55471
(b) In the case of an application submitted on behalf of a patient, the name or names of the one or more caregivers that will assist the patient in the use or administration of medical marijuana;	55472
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	55475
(c) In the case of an application submitted on behalf of a caregiver, the name of the patient or patients that the caregiver seeks to assist in the use or administration of medical marijuana.	55476
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	55478
(3) If the application is complete and meets the requirements established in rules, the board <u>or division, as applicable,</u> shall register the patient or caregiver and issue to the patient or caregiver an identification card.	55479
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	55482
(B) The board <u>or division, as applicable,</u> shall not make public any information reported to or collected by the board <u>or division, as applicable,</u> under this section that identifies or	55483
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	55485

would tend to identify any specific patient. 55486

Information collected by the board or division, as 55487  
applicable, pursuant to this section is confidential and not a 55488  
public record. The board or division, as applicable, may share 55489  
identifying information with a licensed retail dispensary for the 55490  
purpose of confirming that a person has a valid registration. 55491  
Information that does not identify a person may be released in 55492  
summary, statistical, or aggregate form. 55493

(C) A registration expires according to the renewal schedule 55494  
established in rules adopted under section ~~3796.04~~ 3796.03 of the 55495  
Revised Code and may be renewed in accordance with procedures 55496  
established in those rules. 55497

**Sec. 3796.10.** (A) An entity that seeks to dispense at retail 55498  
medical marijuana shall file an application for licensure with the 55499  
~~state board of pharmacy~~ division of marijuana control. The entity 55500  
shall file an application for each location from which it seeks to 55501  
operate. Each application shall be submitted in accordance with 55502  
rules adopted under section ~~3796.04~~ 3796.03 of the Revised Code. 55503

(B) The ~~board~~ division shall issue a license to an applicant 55504  
if all of the following conditions are met: 55505

(1) The report of the criminal records check conducted 55506  
pursuant to section 3796.12 of the Revised Code with respect to 55507  
the application demonstrates that the person subject to the 55508  
criminal records check requirement has not been convicted of or 55509  
pleaded guilty to any of the disqualifying offenses specified in 55510  
rules adopted under section 9.79 and division (B)(2)(b) of section 55511  
~~3796.04~~ 3796.03 of the Revised Code. 55512

(2) The applicant demonstrates that it does not have an 55513  
ownership or investment interest in or compensation arrangement 55514  
with any of the following: 55515

(a) A laboratory licensed under this chapter;	55516
(b) An applicant for a license to conduct laboratory testing.	55517
(3) The applicant demonstrates that it does not share any corporate officers or employees with any of the following:	55518
	55519
(a) A laboratory licensed under this chapter;	55520
(b) An applicant for a license to conduct laboratory testing.	55521
(4) The applicant demonstrates that it will not be located within five hundred feet of a school, church, public library, public playground, or public park.	55522
	55523
	55524
(5) The information provided to the <del>board</del> <u>division</u> pursuant to section 3796.11 of the Revised Code demonstrates that the applicant is in compliance with the applicable tax laws of this state.	55525
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	55528
(6) The applicant meets all other licensure eligibility conditions established in rules adopted under section <del>3796.04</del> <u>3796.03</u> of the Revised Code.	55529
	55530
	55531
(C) The <del>board</del> <u>division</u> shall issue not less than fifteen per cent of retail dispensary licenses to entities that are owned and controlled by United States citizens who are residents of this state and are members of one of the following economically disadvantaged groups: Blacks or African Americans, American Indians, Hispanics or Latinos, and Asians. If no applications or an insufficient number of applications are submitted by such entities that meet the conditions set forth in division (B) of this section, the licenses shall be issued according to usual procedures.	55532
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As used in this division, "owned and controlled" means that at least fifty-one per cent of the business, including corporate stock if a corporation, is owned by persons who belong to one or more of the groups set forth in this division, and that those	55542
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owners have control over the management and day-to-day operations 55546  
of the business and an interest in the capital, assets, and 55547  
profits and losses of the business proportionate to their 55548  
percentage of ownership. 55549

(D) A license expires according to the renewal schedule 55550  
established in rules adopted under section ~~3796.04~~ 3796.03 of the 55551  
Revised Code and may be renewed in accordance with the procedures 55552  
established in those rules. 55553

**Sec. 3796.11.** (A)(1) Notwithstanding section 149.43 of the 55554  
Revised Code or any other public records law to the contrary or 55555  
any law relating to the confidentiality of tax return information, 55556  
upon the request of the ~~department of commerce or state board of~~ 55557  
~~pharmacy~~ division of marijuana control, the department of taxation 55558  
shall provide to the ~~department of commerce or board~~ division all 55559  
of the following information: 55560

(a) Whether an applicant for licensure under this chapter is 55561  
in compliance with the applicable tax laws of this state; 55562

(b) Any past or pending violation by the applicant of those 55563  
tax laws, and any penalty imposed on the applicant for such a 55564  
violation. 55565

(2) The ~~department of commerce or board~~ division shall 55566  
request the information only as it pertains to an application for 55567  
licensure that the ~~department of commerce or board~~ division, as 55568  
applicable, is reviewing. 55569

(3) The department of taxation may charge the ~~department of~~ 55570  
~~commerce or board~~ division a reasonable fee to cover the 55571  
administrative cost of providing the information. 55572

(B) Information received under this section is confidential. 55573  
Except as otherwise permitted by other state law or federal law, 55574  
the ~~department of commerce or board~~ division shall not make the 55575

information available to any person other than the applicant for 55576  
licensure to whom the information applies. 55577

**Sec. 3796.12.** (A) As used in this section, "criminal records 55578  
check" has the same meaning as in section 109.572 of the Revised 55579  
Code. 55580

(B)(1) As part of the application process for a license 55581  
issued under this chapter, the ~~department of commerce or state~~ 55582  
~~board of pharmacy, whichever is issuing the license,~~ division of 55583  
marijuana control shall require each of the following to complete 55584  
a criminal records check: 55585

(a) An administrator or other person responsible for the 55586  
daily operation of the entity seeking the license; 55587

(b) An owner or prospective owner, officer or prospective 55588  
officer, or board member or prospective board member of the entity 55589  
seeking the license. 55590

(2) If a person subject to the criminal records check 55591  
requirement does not present proof of having been a resident of 55592  
this state for the five-year period immediately prior to the date 55593  
the criminal records check is requested or provide evidence that 55594  
within that five-year period the superintendent of the bureau of 55595  
criminal identification and investigation has requested 55596  
information about the person from the federal bureau of 55597  
investigation in a criminal records check, the ~~department or board~~ 55598  
division shall request that the person obtain through the 55599  
superintendent a criminal records request from the federal bureau 55600  
of investigation as part of the criminal records check of the 55601  
person. Even if a person presents proof of having been a resident 55602  
of this state for the five-year period, the ~~department or board~~ 55603  
division may request that the person obtain information through 55604  
the superintendent from the federal bureau of investigation in the 55605  
criminal records check. 55606

(C) The ~~department or board~~ division shall provide the 55607  
following to each person who is subject to the criminal records 55608  
check requirement: 55609

(1) Information about accessing, completing, and forwarding 55610  
to the superintendent of the bureau of criminal identification and 55611  
investigation the form prescribed pursuant to division (C)(1) of 55612  
section 109.572 of the Revised Code and the standard impression 55613  
sheet to obtain fingerprint impressions prescribed pursuant to 55614  
division (C)(2) of that section; 55615

(2) Written notification that the person is to instruct the 55616  
superintendent to submit the completed report of the criminal 55617  
records check directly to the ~~department or board~~ division. 55618

(D) Each person who is subject to the criminal records check 55619  
requirement shall pay to the bureau of criminal identification and 55620  
investigation the fee prescribed pursuant to division (C)(3) of 55621  
section 109.572 of the Revised Code for the criminal records check 55622  
conducted of the person. 55623

(E) The report of any criminal records check conducted by the 55624  
bureau of criminal identification and investigation in accordance 55625  
with section 109.572 of the Revised Code and pursuant to a request 55626  
made under this section is not a public record for the purposes of 55627  
section 149.43 of the Revised Code and shall not be made available 55628  
to any person other than the following: 55629

(1) The person who is the subject of the criminal records 55630  
check or the person's representative; 55631

(2) The members and staff of the ~~department or board~~ 55632  
division; 55633

(3) A court, hearing officer, or other necessary individual 55634  
involved in a case dealing with either of the following: 55635

(a) A license denial resulting from the criminal records 55636

check; 55637

(b) A civil or criminal action regarding the medical 55638  
marijuana control program or any violation of this chapter. 55639

(F) The ~~department or board~~ division shall deny a license if, 55640  
after receiving the information and notification required by this 55641  
section, a person subject to the criminal records check 55642  
requirement fails to do either of the following: 55643

(1) Access, complete, or forward to the superintendent of the 55644  
bureau of criminal identification and investigation the form 55645  
prescribed pursuant to division (C)(1) of section 109.572 of the 55646  
Revised Code or the standard impression sheet prescribed pursuant 55647  
to division (C)(2) of that section; 55648

(2) Instruct the superintendent to submit the completed 55649  
report of the criminal records check directly to the ~~department or~~ 55650  
~~board~~ division. 55651

**Sec. 3796.13.** (A) Each person seeking employment with an 55652  
entity licensed under this chapter shall comply with sections 55653  
4776.01 to 4776.04 of the Revised Code. Except as provided in 55654  
division (B) of this section, such an entity shall not employ the 55655  
person unless the person ~~complies with those sections and the~~ has 55656  
submitted a criminal records check under those sections. The 55657  
report of the resulting criminal records check ~~demonstrates~~ shall 55658  
demonstrate that the person has not been convicted of or pleaded 55659  
guilty to ~~the following:~~ 55660

~~(1) Any~~ any of the disqualifying offenses specified in rules 55661  
adopted under division ~~(B)(8)(a)~~ (B)(14)(a) of section 3796.03 of 55662  
the Revised Code if the person is seeking employment with an 55663  
entity licensed by the ~~department of commerce~~ division of 55664  
marijuana control under this chapter; 55665

~~(2) Any of the disqualifying offenses specified in rules~~ 55666

~~adopted under division (B)(14)(a) of section 3796.04 of the~~ 55667  
~~Revised Code if the person is seeking employment with an entity~~ 55668  
~~licensed by the state board of pharmacy under this chapter.~~ 55669

(B) An entity is not prohibited by division (A) of this 55670  
section from employing a person if ~~the following applies:~~ 55671

~~(1) In the case of a person seeking employment with an entity~~ 55672  
~~licensed by the department of commerce under this chapter,~~ 55673  
disqualifying offense the person was convicted of or pleaded 55674  
guilty to is one of the offenses specified in rules adopted under 55675  
division ~~(B)(8)(b)~~ (B)(14)(b) of section 3796.03 of the Revised 55676  
Code and the person was convicted of or pleaded guilty to the 55677  
offense more than five years before the date the employment 55678  
begins. 55679

~~(2) In the case of a person seeking employment with an entity~~ 55680  
~~licensed by the state board of pharmacy under this chapter,~~ 55681  
disqualifying offense the person was convicted of or pleaded 55682  
guilty to is one of the offenses specified in rules adopted under 55683  
division ~~(B)(14)(b)~~ of section 3796.04 of the Revised Code and the 55684  
person was convicted of or pleaded guilty to the offense more than 55685  
five years before the date the employment begins. 55686

**Sec. 3796.14.** ~~(A)(1)(A)~~ The department of commerce division 55687  
of marijuana control may do any of the following for any reason 55688  
specified in rules adopted under section 3796.03 of the Revised 55689  
Code: 55690

~~(a)(1)~~ Suspend, suspend without prior hearing, revoke, or 55691  
refuse to renew a license it issued under this chapter or a 55692  
license or a registration the state board of pharmacy issued prior 55693  
to the transfer of regulatory authority over the medical marijuana 55694  
control program to the division; 55695

~~(b)(2)~~ Refuse to issue a license; 55696

~~(e)(3) Impose on a license holder a civil penalty in an amount to be determined by the department division.~~ 55697  
55698

(4) With respect to a suspension of a retail dispensary license without prior hearing, the division may utilize a telephone conference call to review the allegations and take a vote. The division shall suspend a license without prior hearing only if it finds clear and convincing evidence that continued distribution of medical marijuana by the license holder presents a danger of immediate and serious harm to others. The suspension shall remain in effect, unless lifted by the division, until the division issues its final adjudication order. If the division does not issue the order within ninety days after the adjudication hearing, the suspension shall be lifted on the ninety-first day following the hearing. 55699  
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The ~~department's~~ division's actions under ~~this~~ division (A) of this section shall be taken in accordance with Chapter 119. of the Revised Code. 55711  
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~~(2) The department may inspect the premises of an applicant for licensure or holder of a current, valid cultivator, processor, or laboratory license issued under this chapter without prior notice to the applicant or license holder.~~ 55714  
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~~(B)(1) The state board of pharmacy may do any of the following for any reason specified in rules adopted under section 3796.04 of the Revised Code:~~ 55718  
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55720

~~(a) Suspend, suspend without prior hearing, revoke, or refuse to renew a license or registration it issued under this chapter;~~ 55721  
55722

~~(b) Refuse to issue a license;~~ 55723

~~(c) Impose on a license holder a civil penalty in an amount to be determined by the board.~~ 55724  
55725

~~The board's actions under this division shall be taken in~~ 55726

~~accordance with Chapter 119. of the Revised Code.~~ 55727

~~(2)(B) The board division may inspect all of the following 55728  
for any reason specified in rules adopted under section 3796.03 of 55729  
the Revised Code without prior notice to the applicant or license 55730  
holder: 55731~~

~~(a)(1) The premises of an applicant for licensure or holder 55732  
of a current, valid cultivator, processor, retail dispensary, or 55733  
laboratory license issued under this chapter; 55734~~

~~(b) The premises of and all (2) All records maintained 55735  
pursuant to this chapter by a holder of a current, ~~valid retail~~ 55736  
~~dispensary~~ license. 55737~~

~~(3) With respect to a suspension without prior hearing, the 55738  
board may utilize a telephone conference call to review the 55739  
allegations and take a vote. The board shall suspend without prior 55740  
hearing only if it finds clear and convincing evidence that 55741  
continued distribution of medical marijuana presents a danger of 55742  
immediate and serious harm to others. The board shall comply with 55743  
section 119.07 of the Revised Code. 55744~~

~~The suspension shall remain in effect, unless lifted by the 55745  
board, until the board issues its final adjudication order. If the 55746  
board does not issue the order within ninety days after the 55747  
adjudication hearing, the suspension shall be lifted on the 55748  
ninety first day following the hearing. 55749~~

~~(C) Whenever it appears to the division, from its files, upon 55750  
complaint, or otherwise, that any person or entity has engaged in, 55751  
is engaged in, or is about to engage in any practice declared to 55752  
be illegal or prohibited by this chapter or the rules adopted 55753  
under this chapter, or when the division believes it to be in the 55754  
best interest of the public or patients, the division may do any 55755  
of the following: 55756~~

~~(1) Investigate the person or entity as authorized pursuant 55757~~

to this chapter or the rules adopted under this chapter; 55758

(2) Issue subpoenas to any person or entity for the purpose 55759  
of compelling either of the following: 55760

(a) The attendance and testimony of witnesses; 55761

(b) The production of books, accounts, papers, records, or 55762  
documents. 55763

(D) If a person or entity fails to comply with any order of 55764  
the division or a subpoena issued by the division pursuant to this 55765  
section, a judge of the court of common pleas of the county in 55766  
which the person resides or the entity may be served, on 55767  
application of the division, shall compel obedience by attachment 55768  
proceedings as for contempt, as in the case of disobedience with 55769  
respect to the requirements of a subpoena issued from such court 55770  
or a refusal to testify in such court. 55771

**Sec. 3796.15.** (A) ~~The state board of pharmacy division of~~ 55772  
~~marijuana control shall enforce this chapter, or cause it to be~~ 55773  
~~enforced, sections 3796.08, 3796.10, 3796.20, 3796.22, and 3796.23~~ 55774  
~~of the Revised Code. If it the division has information that any~~ 55775  
~~provision of those sections this chapter or any rule adopted under~~ 55776  
this chapter has been violated, it shall investigate the matter 55777  
and take any action as it considers appropriate. 55778

(B) Nothing in this chapter shall be construed to require the 55779  
~~state board of pharmacy division~~ to enforce minor violations if 55780  
the ~~board~~ division determines that the public interest is 55781  
adequately served by a notice or warning to the alleged offender. 55782

(C) If the ~~board~~ division suspends, revokes, or refuses to 55783  
renew any license or registration issued under this chapter and 55784  
determines that there is clear and convincing evidence of a danger 55785  
of immediate and serious harm to any person, the ~~board~~ division 55786  
may place under seal all medical marijuana owned by or in the 55787

possession, custody, or control of the affected license holder or 55788  
registrant. Except as provided in this division, the ~~board~~ 55789  
division of marijuana control shall not dispose of the medical 55790  
marijuana sealed under this division until the license holder or 55791  
registrant exhausts all of the holder's or registrant's appeal 55792  
rights under Chapter 119. of the Revised Code. The court involved 55793  
in such an appeal may order the ~~board~~ division, during the 55794  
pendency of the appeal, to sell medical marijuana that is 55795  
perishable. The ~~board~~ division shall deposit the proceeds of the 55796  
sale with the court. 55797

**Sec. 3796.16.** (A)(1) The ~~state board of pharmacy~~ division of 55798  
marijuana control shall attempt in good faith to negotiate and 55799  
enter into a reciprocity agreement with any other state under 55800  
which a medical marijuana registry identification card or 55801  
equivalent authorization that is issued by the other state is 55802  
recognized in this state, if the ~~board~~ division determines that 55803  
both of the following apply: 55804

(a) The eligibility requirements imposed by the other state 55805  
for that authorization are substantially comparable to the 55806  
eligibility requirements for a patient or caregiver registration 55807  
and identification card issued under this chapter. 55808

(b) The other state recognizes a patient or caregiver 55809  
registration and identification card issued under this chapter. 55810

(2) The ~~board~~ division shall not negotiate any agreement with 55811  
any other state under which an authorization issued by the other 55812  
state is recognized in this state other than as provided in 55813  
division (A)(1) of this section. 55814

(B) If a reciprocity agreement is entered into in accordance 55815  
with division (A) of this section, the authorization issued by the 55816  
other state shall be recognized in this state, shall be accepted 55817  
and valid in this state, and grants the patient or caregiver the 55818

same right to use, possess, obtain, or administer medical 55819  
marijuana in this state as a patient or caregiver who was 55820  
registered and issued an identification card under this chapter. 55821

(C) The ~~board~~ division may adopt any rules as necessary to 55822  
implement this section. 55823

**Sec. 3796.17.** The ~~state board of pharmacy~~ division of 55824  
marijuana control shall establish a toll-free telephone line to 55825  
respond to inquiries from patients, caregivers, and health 55826  
professionals regarding adverse reactions to medical marijuana and 55827  
to provide information about available services and assistance. 55828  
The ~~board~~ division may contract with a separate entity to 55829  
establish and maintain the telephone line on behalf of the ~~board~~ 55830  
division. 55831

**Sec. 3796.19.** (A) Notwithstanding any conflicting provision 55832  
of the Revised Code, the holder of a current, valid processor 55833  
license issued under this chapter may do any of the following: 55834

(1) Obtain medical marijuana from one or more licensed 55835  
cultivators; 55836

(2) Subject to division (B) of this section, process medical 55837  
marijuana obtained from one or more licensed cultivators into a 55838  
form described in section 3796.06 of the Revised Code; 55839

(3) Deliver or sell processed medical marijuana to one or 55840  
more licensed retail dispensaries. 55841

(B) When processing medical marijuana, a licensed processor 55842  
shall do both of the following: 55843

(1) Package the medical marijuana in accordance with 55844  
child-resistant effectiveness standards described in 16 C.F.R. 55845  
1700.15(b) on ~~the effective date of this section~~ September 8, 55846  
2016; 55847

(2) Label the medical marijuana packaging with the product's tetrahydrocannabinol and cannabidiol content;	55848 55849
(3) Comply with any packaging or labeling requirements established in rules adopted by the <del>department of commerce</del> <u>division of marijuana control</u> under section 3796.03 of the Revised Code.	55850 55851 55852 55853
<b>Sec. 3796.20.</b> (A) Notwithstanding any conflicting provision of the Revised Code, the holder of a current, valid retail dispensary license issued under this chapter, <u>or previously issued by the state board of pharmacy,</u> may do both of the following:	55854 55855 55856 55857
(1) Obtain medical marijuana from one or more processors;	55858
(2) Dispense or sell medical marijuana in accordance with division (B) of this section.	55859 55860
(B) When dispensing or selling medical marijuana, a licensed retail dispensary shall do all of the following:	55861 55862
(1) Dispense or sell only upon a showing of a current, valid identification card and in accordance with a written recommendation issued by a physician <del>in accordance with an</del> holding a certificate to recommend issued by the state medical board under section 4731.30 of the Revised Code;	55863 55864 55865 55866 55867
(2) Report to the drug database the information required by section 4729.771 of the Revised Code;	55868 55869
(3) Label the package containing medical marijuana with the following information:	55870 55871
(a) The name and address of the licensed processor and retail dispensary;	55872 55873
(b) The name of the patient and caregiver, if any;	55874
(c) The name of the physician who recommended treatment with medical marijuana;	55875 55876

(d) The directions for use, if any, as recommended by the physician;	55877 55878
(e) The date on which the medical marijuana was dispensed;	55879
(f) The quantity, strength, kind, or form of medical marijuana contained in the package.	55880 55881
(C) When operating a licensed retail dispensary, both of the following apply:	55882 55883
(1) A dispensary shall use only employees who have met the training requirements established in rules adopted under section <del>3796.04</del> <u>3796.03</u> of the Revised Code.	55884 55885 55886
(2) A dispensary shall not make public any information it collects that identifies or would tend to identify any specific patient.	55887 55888 55889
<b>Sec. 3796.22.</b> (A) Notwithstanding any conflicting provision of the Revised Code, a patient registered under this chapter who obtains medical marijuana from a retail dispensary licensed under this chapter may do both of the following:	55890 55891 55892 55893
(1) Use medical marijuana;	55894
(2) Possess medical marijuana, subject to division (B) of this section;	55895 55896
(3) Possess any paraphernalia or accessories specified in rules adopted under section <del>3796.04</del> <u>3796.03</u> of the Revised Code.	55897 55898
(B) The amount of medical marijuana possessed by a registered patient shall not exceed a ninety-day supply, as specified in rules adopted under section <del>3796.04</del> <u>3796.03</u> of the Revised Code.	55899 55900 55901
(C) A registered patient shall not be subject to arrest or criminal prosecution for doing any of the following in accordance with this chapter:	55902 55903 55904
(1) Obtaining, using, or possessing medical marijuana;	55905

(2) Possessing any paraphernalia or accessories specified in 55906  
rules adopted under section ~~3796.04~~ 3796.03 of the ~~Revise~~ Revised 55907  
Code. 55908

(D) This section does not authorize a registered patient to 55909  
operate a vehicle, streetcar, trackless trolley, watercraft, or 55910  
aircraft while under the influence of medical marijuana. 55911

**Sec. 3796.23.** (A) Notwithstanding any conflicting provision 55912  
of the Revised Code, a caregiver registered under this chapter who 55913  
obtains medical marijuana from a retail dispensary licensed under 55914  
this chapter may do both of the following: 55915

(1) Possess medical marijuana on behalf of a registered 55916  
patient under the caregiver's care, subject to division (B) of 55917  
this section; 55918

(2) Assist a registered patient under the caregiver's care in 55919  
the use or administration of medical marijuana; 55920

(3) Possess any paraphernalia or accessories specified in 55921  
rules adopted under section ~~3796.04~~ 3796.03 of the Revised Code. 55922

(B) The amount of medical marijuana possessed by a registered 55923  
caregiver on behalf of a registered patient shall not exceed a 55924  
ninety-day supply, as specified in rules adopted under section 55925  
~~3796.04~~ 3796.03 of the Revised Code. If a caregiver provides care 55926  
to more than one registered patient, the caregiver shall maintain 55927  
separate inventories of medical marijuana for each patient. 55928

(C) A registered caregiver shall not be subject to arrest or 55929  
criminal prosecution for doing any of following in accordance with 55930  
this chapter: 55931

(1) Obtaining or possessing medical marijuana on behalf of a 55932  
registered patient; 55933

(2) Assisting a registered patient in the use or 55934  
administration of medical marijuana; 55935

(3) Possessing any paraphernalia or accessories specified in rules adopted under section <del>3796.04</del> <u>3796.03</u> of the Revised Code.	55936 55937
(D) This section does not permit a registered caregiver to personally use medical marijuana, unless the caregiver is also a registered patient.	55938 55939 55940
<b>Sec. 3796.27.</b> (A) As used in this section:	55941
(1) "Financial institution" means any of the following:	55942
(a) Any bank, trust company, savings and loan association, savings bank, or credit union or any affiliate, agent, or employee of a bank, trust company, savings and loan association, savings bank, or credit union;	55943 55944 55945 55946
(b) Any money transmitter licensed under sections 1315.01 to 1315.18 of the Revised Code or any affiliate, agent, or employee of such a licensee.	55947 55948 55949
(2) "Financial services" means services that a financial institution is authorized to provide under Title XI, sections 1315.01 to 1315.18, or Chapter 1733. of the Revised Code, as applicable.	55950 55951 55952 55953
(B) A financial institution that provides financial services to any cultivator, processor, retail dispensary, or laboratory licensed under this chapter shall be exempt from any criminal law of this state an element of which may be proven by substantiating that a person provides financial services to a person who possesses, delivers, or manufactures marijuana or marijuana derived products, including section 2925.05 of the Revised Code and sections 2923.01 and 2923.03 of the Revised Code as those sections apply to violations of Chapter 2925. of the Revised Code, if the cultivator, processor, retail dispensary, or laboratory is in compliance with this chapter and the applicable tax laws of this state.	55954 55955 55956 55957 55958 55959 55960 55961 55962 55963 55964 55965

(C)(1) Notwithstanding section 149.43 of the Revised Code or 55966  
any other public records law to the contrary, upon the request of 55967  
a financial institution, the ~~department of commerce or state board~~ 55968  
~~of pharmacy~~ division of marijuana control shall provide to the 55969  
financial institution all of the following information: 55970

(a) Whether a person with whom the financial institution is 55971  
seeking to do business is a cultivator, processor, retail 55972  
dispensary, or laboratory licensed under this chapter; 55973

(b) The name of any other business or individual affiliated 55974  
with the person; 55975

(c) An unredacted copy of the application for a license under 55976  
this chapter, and any supporting documentation, that was submitted 55977  
by the person; 55978

(d) If applicable, information relating to sales and volume 55979  
of product sold by the person; 55980

(e) Whether the person is in compliance with this chapter; 55981

(f) Any past or pending violation by the person of this 55982  
chapter, and any penalty imposed on the person for such a 55983  
violation. 55984

(2) The ~~department or board~~ division may charge a financial 55985  
institution a reasonable fee to cover the administrative cost of 55986  
providing the information. 55987

(D) Information received by a financial institution under 55988  
division (C) of this section is confidential. Except as otherwise 55989  
permitted by other state law or federal law, a financial 55990  
institution shall not make the information available to any person 55991  
other than the customer to whom the information applies and any 55992  
trustee, conservator, guardian, personal representative, or agent 55993  
of that customer. 55994

**Sec. 3796.30.** (A) Except as provided in division (B) of this 55995

section, no medical marijuana cultivator, processor, retail 55996  
dispensary, or laboratory that tests medical marijuana shall be 55997  
located within five hundred feet of the boundaries of a parcel of 55998  
real estate having situated on it a school, church, public 55999  
library, public playground, or public park. 56000

If the relocation of a cultivator, processor, retail 56001  
dispensary, or laboratory licensed under this chapter results in 56002  
the cultivator, processor, retail dispensary, or laboratory being 56003  
located within five hundred feet of the boundaries of a parcel of 56004  
real estate having situated on it a school, church, public 56005  
library, public playground, or public park, the ~~department of~~ 56006  
~~commerce or state board of pharmacy~~ division of marijuana control 56007  
shall revoke the license it previously issued to the cultivator, 56008  
processor, retail dispensary, or laboratory. 56009

(B) This section does not apply to research related to 56010  
marijuana conducted at a state university, academic medical 56011  
center, or private research and development organization as part 56012  
of a research protocol approved by an institutional review board 56013  
or equivalent entity. 56014

(C) As used in this section and sections ~~3796.04~~ 3796.03 and 56015  
3796.12 of the Revised Code: 56016

"Church" has the meaning defined in section 1710.01 of the 56017  
Revised Code. 56018

"Public library" means a library provided for under Chapter 56019  
3375. of the Revised Code. 56020

"Public park" means a park established by the state or a 56021  
political subdivision of the state including a county, township, 56022  
municipal corporation, or park district. 56023

"Public playground" means a playground established by the 56024  
state or a political subdivision of the state including a county, 56025  
township, municipal corporation, or park district. 56026

"School" means a child day-care center as defined under 56027  
section 5104.01 of the Revised Code, a preschool as defined under 56028  
section 2950.034 of the Revised Code, or a public or nonpublic 56029  
primary school or secondary school. 56030

Sec. 3796.32. The state board of pharmacy shall allow the 56031  
division of marijuana control to access the drug database 56032  
established and maintained by the board pursuant to section 56033  
4729.75 of the Revised Code as needed to ensure compliance with 56034  
this chapter and rules adopted under this chapter. 56035

**Sec. 3798.12.** As used in this section, "agency" has the same 56036  
meaning as in section 111.15 of the Revised Code, except that 56037  
"agency" includes a state college or university, a community 56038  
college district, a technical college district, or state community 56039  
college. 56040

(A) Except as provided in division (B) of this section, any 56041  
of the following pertaining to the confidentiality, privacy, 56042  
security, or privileged status of protected health information 56043  
transacted, maintained in, or accessed through a health 56044  
information exchange is unenforceable if it conflicts with this 56045  
chapter: 56046

(1) A section of the Revised Code that is not in this 56047  
chapter; 56048

(2) A rule as defined in section 119.01 of the Revised Code; 56049

(3) An internal management rule as defined in section 111.15 56050  
of the Revised Code; 56051

(4) Guidance issued by an agency; 56052

(5) Orders or regulations of a board of health of a city 56053  
health district made under section 3709.20 of the Revised Code; 56054

(6) Orders or regulations of a board of health of a general 56055

health district made under section 3709.21 of the Revised Code;	56056
(7) An ordinance or resolution adopted by a political subdivision;	56057 56058
(8) A professional code of ethics.	56059
(B) Division (A) of this section does not render unenforceable or restrict in any manner any of the following:	56060 56061
(1) A provision of the Revised Code that on <del>the effective date of this section</del> <u>September 10, 2012</u> , requires a person or governmental entity to disclose protected health information to a state agency, political subdivision, or other governmental entity;	56062 56063 56064 56065
(2) The confidential status of proceedings and records within the scope of a peer review committee of a health care entity as described in section 2305.252 of the Revised Code;	56066 56067 56068
(3) The confidential status of quality assurance program activities and quality assurance records as described in section 5122.32 of the Revised Code;	56069 56070 56071
(4) The testimonial privilege established by division (B) of section 2317.02 of the Revised Code;	56072 56073
(5) An item described in divisions (A)(1) to (8) of this section that governs any of the following:	56074 56075
(a) The confidentiality, privacy, security, or privileged status of protected health information in the possession or custody of an agency;	56076 56077 56078
(b) The process for obtaining from a patient consent to the provision of health care or consent for participation in medical or other scientific research;	56079 56080 56081
(c) The process for determining whether an adult has a physical or mental impairment or an adult's capacity to make health care decisions for purposes of Chapter 5126. of the Revised Code;	56082 56083 56084 56085

(d) The process for determining whether a minor has been emancipated. 56086  
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(6) When a minor is authorized to consent to the minor's own receipt of health care or make medical decisions on the minor's own behalf, including the circumstances described in sections 2907.29, 3709.241, 3719.012, 5120.172, 5122.04, and 5126.043 of the Revised Code. 56088  
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**Sec. 3901.021.** (A) Three-fourths of all appointment and other fees collected under division (B) of section 3905.20 of the Revised Code shall be paid into the state treasury to the credit of the department of insurance operating fund, which is hereby created. The remaining one-fourth shall be credited to the general revenue fund. Other revenues collected by the superintendent of insurance, such as registration fees for sponsored seminars or conferences and grants from private entities, shall be paid into the state treasury to the credit of the department of insurance operating fund. 56093  
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(B) Seven-tenths of all fees collected under divisions (A)(2), (A)(3), and (A)(6) of section 3905.40 of the Revised Code shall be paid into the state treasury to the credit of the department of insurance operating fund. The remaining three-tenths shall be credited to the general revenue fund. 56103  
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(C) All operating expenses of the department of insurance ~~except~~, including those expenses defined under section 3901.07 of the Revised Code, shall be paid from the department of insurance operating fund. 56108  
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56111

**Sec. 3901.07.** (A) As used in this section, "insurer" means any person doing or authorized to do any insurance business in this state. 56112  
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(B)(1) Before issuing any license to do the business of 56115

insurance in this state, the superintendent of insurance, or a 56116  
person appointed by ~~him~~ the superintendent, may examine the 56117  
financial affairs of any insurer. 56118

(2) The superintendent, or any person appointed by ~~him~~ the 56119  
superintendent, may examine, as often as ~~he~~ the superintendent or 56120  
appointee considers it desirable, the affairs of any insurer and 56121  
of any person as to any matter relevant to the financial affairs 56122  
of the insurer or to the examination. 56123

(3) The superintendent, or any person appointed by ~~him~~ the 56124  
superintendent, shall examine each domestic insurer at least once 56125  
every three years as to its condition, fulfillment of its 56126  
contractual obligations, and compliance with applicable laws, 56127  
provided that ~~he~~ the superintendent or appointee may defer making 56128  
the examination for a longer period not to exceed five years. 56129

(C) In scheduling and determining the nature, scope, and 56130  
frequency of any examination authorized or required by division 56131  
(B) of this section, the superintendent shall consider such 56132  
matters as the results of financial statement analyses and ratios, 56133  
changes in management or ownership, actuarial opinions, reports of 56134  
independent certified public accountants, and any other criteria 56135  
~~he~~ the superintendent considers appropriate. 56136

(D) The superintendent, in lieu of making any examination 56137  
authorized or required by division (B) of this section, may accept 56138  
the report of an examination of a foreign or alien insurer made 56139  
and certified by the superintendent of insurance or other 56140  
insurance supervisory official of the state or government of 56141  
domicile or state of entry. The examination of an alien insurer 56142  
shall be limited to its United States business except as otherwise 56143  
required by the superintendent. 56144

(E) Whenever the superintendent determines to examine the 56145  
affairs of any insurer pursuant to any examination authorized or 56146

required by division (B) of this section, ~~he~~ the superintendent 56147  
shall appoint as examiners one or more competent persons not 56148  
employed by or interested in any insurer except as a policyholder. 56149  
The superintendent shall instruct the examiners as to the scope of 56150  
the examination. 56151

Each examiner appointed under this division shall have 56152  
convenient access at all reasonable hours to the books, records, 56153  
files, securities, and other documents of the insurer, its 56154  
managers, agents, or other persons that are relevant to the 56155  
examination. The examiner may administer oaths and examine any 56156  
person under oath as to any matter relevant to the affairs of the 56157  
insurer or the examination. 56158

(F) If the superintendent finds the accounts of an insurer 56159  
being examined pursuant to any examination authorized or required 56160  
by division (B) of this section to be inadequate or improperly 56161  
kept or posted and if the insurer has been afforded a reasonable 56162  
opportunity to correct the accounts, the superintendent may employ 56163  
or require the insurer to employ experts to rewrite, post, or 56164  
balance the accounts. The employment of experts under this 56165  
division shall be at the expense of the insurer. 56166

(G) In connection with any examination authorized or required 56167  
by division (B) of this section, the superintendent may appoint 56168  
one or more competent persons to appraise the real property of the 56169  
insurer or any real property on which the insurer holds security. 56170

(H) The examiner in charge of any examination authorized or 56171  
required by division (B) of this section shall make a true report 56172  
of the examination, verified under oath, that shall comprise only 56173  
facts appearing upon the books, records, or other documents of the 56174  
insurer or its agents or other persons examined, or as ascertained 56175  
from the sworn testimony of its officers or agents or other 56176  
persons examined concerning its affairs, and such conclusions and 56177  
recommendations as may be reasonably warranted from those facts. 56178

The reports so verified shall be prima-facie evidence in any 56179  
action or proceeding for the rehabilitation or liquidation of the 56180  
insurer brought in the name of the state against the insurer or 56181  
its officers or agents. 56182

(I) The examined insurer, within thirty days after the 56183  
postmark on the envelope in which the report was mailed, may file 56184  
with the superintendent written objections to the report. The 56185  
objections shall be attached to and made a part of the report, 56186  
which then shall be placed in the files of the department of 56187  
insurance as a public record. 56188

(J)(1) The officers, directors, managers, employees, and 56189  
agents of an insurer shall facilitate in every way any examination 56190  
authorized or required by division (B) of this section and, to the 56191  
extent of their authority, aid the examiners and persons appointed 56192  
or employed pursuant to divisions (E), (F), and (G) of this 56193  
section in conducting the examination. 56194

(2) No officer, director, manager, employee, or agent of an 56195  
insurer shall do any of the following: 56196

(a) Fail to comply with division (J)(1) of this section; 56197

(b) Refuse, without just cause, to be examined under oath; 56198

(c) Knowingly obstruct or interfere with an examiner or any 56199  
person appointed or employed pursuant to division (E), (F), or (G) 56200  
of this section in the exercise of his the examiner's, 56201  
appointee's, or employee's authority under this section. 56202

(3) No insurer shall refuse to submit to an examination 56203  
authorized or required by division (B) of this section. The 56204  
superintendent, in accordance with Chapter 119. of the Revised 56205  
Code, may suspend or revoke or refuse to issue or renew the 56206  
license of any insurer that violates division (J)(3) of this 56207  
section. 56208

(K) Personnel conducting an examination shall be compensated 56209  
for each day or portion thereof worked at the rates provided in 56210  
the examiners' handbook published by the national association of 56211  
insurance commissioners or the rates applicable to such personnel 56212  
under section 124.15 or 124.152 of the Revised Code, whichever are 56213  
higher. Such personnel shall also be reimbursed for their travel 56214  
and living expenses at rates not to exceed the rates provided in 56215  
the examiners' handbook published by the association. Personnel 56216  
who are appointed by the superintendent, but are not employees of 56217  
the department of insurance, shall be compensated for their work 56218  
and travel and living expenses at reasonable and customary rates. 56219

(L) If an examination is made of any insurer, the expenses 56220  
thereof shall be paid by the insurer. 56221

The superintendent shall provide each insurer with an 56222  
itemized statement of the expenses incurred in the performance of 56223  
the examination functions authorized or required by this section. 56224  
Upon receipt of the superintendent's statement, the insurer shall 56225  
remit the amount thereof to the superintendent who shall remit to 56226  
the treasurer of state pursuant to section ~~3901.071~~ 3901.021 of 56227  
the Revised Code for deposit in the ~~superintendent's examination~~  
department of insurance operating fund. 56228  
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(M) As used in this section, "expenses" means: 56230

(1) The entire compensation for each day or portion thereof 56231  
worked by all personnel, including those who are not employees of 56232  
the department of insurance, in: 56233

(a) The conduct of such examination calculated at the rates 56234  
provided in the examiners' handbook published by the national 56235  
association of insurance commissioners; 56236

(b) The review and analysis of the annual and any interim 56237  
financial statements of insurers licensed in this state; 56238

(c) The ongoing evaluation and monitoring of the financial 56239

affairs of licensed insurers;	56240
(d) The preparation of the premium or franchise tax liability of licensed insurers;	56241 56242
(e) The review and evaluation of foreign and alien insurers seeking a license in this state;	56243 56244
(f) A portion of the training and continuing education costs of examiners.	56245 56246
(2) Travel and living expenses of all personnel, including those who are not employees of the department, directly engaged in the conduct of such examination calculated at rates not to exceed the rates provided in the examiners' handbook published by the association;	56247 56248 56249 56250 56251
(3) All other incidental expenses incurred by or on behalf of such personnel in the conduct of such examination;	56252 56253
(4) An allocated share of all expenses not paid as described in division (M)(1), (2), or (3) of this section that are necessarily incurred in carrying out the duties of the superintendent under this section, including the expenses of direct overhead and support staff for the examiners and persons appointed or employed pursuant to divisions (E), (F), and (G) of this section.	56254 56255 56256 56257 56258 56259 56260
<b>Sec. 3901.071.</b> All moneys collected by the superintendent of insurance for expenses incurred by the superintendent in conducting examinations pursuant to the Revised Code of the financial affairs of any insurance company doing business in this state, for which the insurance company examined is required to pay the costs, shall be paid to the superintendent. The superintendent shall deposit the money in the state treasury to the credit of the <del>superintendent's examination fund, which is hereby established.</del> <del>Any funds expended or obligated therefrom by the superintendent</del>	56261 56262 56263 56264 56265 56266 56267 56268 56269

~~shall be expended or obligated solely for defrayment of the costs~~ 56270  
~~of examinations of the financial affairs of insurance companies~~ 56271  
~~made by the superintendent pursuant to the Revised Code department~~ 56272  
~~of insurance operating fund.~~ For purposes of this section, 56273  
"insurance company" means any domestic or foreign stock company, 56274  
risk retention group, mutual company, mutual protective 56275  
association, fraternal benefit society, reciprocal or 56276  
inter-insurance exchange, and health insuring corporation, 56277  
regardless of the type of coverage written, benefits provided, or 56278  
guarantees made by each. 56279

Sec. 3902.63. (A) As used in this section, "licensed health 56280  
professional" means the following: 56281

(1) A physician authorized under Chapter 4731. of the Revised 56282  
Code to practice medicine and surgery or osteopathic medicine and 56283  
surgery; 56284

(2) An advanced practice registered nurse who holds a 56285  
current, valid license issued under Chapter 4723. of the Revised 56286  
Code that authorizes the practice of nursing as an advanced 56287  
practice registered nurse and is designated as a clinical 56288  
specialist, certified nurse-midwife, or certified nurse 56289  
practitioner; 56290

(3) A physician assistant licensed under Chapter 4730. of the 56291  
Revised Code. 56292

(B) A health benefit plan shall cover pasteurized human donor 56293  
milk and human milk fortifiers, in both hospital and home 56294  
settings, for an infant whose gestationally corrected age is less 56295  
than twelve months, if all of the following apply: 56296

(1) A licensed health professional signs an order stating 56297  
that human donor milk or human milk fortifiers are medically 56298  
necessary because the infant meets any of the following criteria: 56299

(a) The infant has a birth weight less than eighteen hundred grams or body weight below healthy levels. 56300  
56301

(b) The infant has a gestational age at birth of thirty-four weeks or less. 56302  
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(c) The infant has any congenital or acquired condition for which the health professional determines that the use of pasteurized human donor milk or human milk fortifiers will support the treatment of the condition and recovery of the infant. 56304  
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(2) The infant is medically or physically unable to receive maternal breast milk or participate in breast-feeding, or the infant's mother is medically or physically unable to produce breast milk in sufficient quantities or of adequate caloric density, despite lactation support. 56308  
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(C) Reimbursement for pasteurized human donor milk and human milk fortifiers shall be separate from the hospital payment for inpatient services. 56313  
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(D) The superintendent of insurance may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. 56316  
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**Sec. 3919.19.** Each corporation, company, or association organized under section 3919.01 of the Revised Code and each applicant for a certificate of authority under this chapter shall be subject to examination by the superintendent of insurance in accordance with section 3901.07 of the Revised Code. Section 3901.07 of the Revised Code shall govern every aspect of the examination, including the circumstances under and frequency with which it is conducted, the authority of the superintendent and any examiner or other person appointed by the superintendent, the liability for the assessment of expenses incurred in conducting the examination, and the remittance of the assessment to the 56319  
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~~superintendent's examination~~ department of insurance operating 56330  
fund. 56331

**Sec. 3921.28.** (A)(1) Each domestic fraternal benefit society 56332  
and each applicant for a certificate of incorporation as a 56333  
domestic fraternal benefit society shall be subject to examination 56334  
by the superintendent of insurance in accordance with section 56335  
3901.07 of the Revised Code. Section 3901.07 of the Revised Code 56336  
shall govern every aspect of the examination, including the 56337  
circumstances under and frequency with which it is conducted, and 56338  
the authority of the superintendent and any examiner or other 56339  
person appointed by the superintendent. 56340

(2)(a) A domestic fraternal benefit society shall be liable 56341  
for the payment of any additional expense of an examination 56342  
resulting from unreasonable delays by the society in fulfilling a 56343  
request for documents or information by the examiner conducting 56344  
the examination. A delay is deemed unreasonable if the examiner 56345  
has made two separate unfulfilled requests for the same documents 56346  
or information. A request for records or information from an 56347  
examiner shall allow the fraternal benefit society a minimum of 56348  
ten business days to fulfill the request. 56349

(b) In the event of an unreasonable delay, the examiner shall 56350  
notify the superintendent, who shall set a hearing, under Chapter 56351  
119. of the Revised Code, to determine if there has been an 56352  
unreasonable delay because of the fraternal benefit society's 56353  
response to a request for documents or information and to 56354  
calculate the additional expense incurred by the superintendent as 56355  
a result of the unreasonable delay. 56356

(3) A summary of the examination of the superintendent and 56357  
any recommendations or statements of the superintendent that 56358  
accompany the report, shall be read at the first meeting of the 56359  
board of directors or corresponding body of the society following 56360

the receipt thereof, and if directed so to do by the 56361  
superintendent, shall also be read at the first meeting of the 56362  
supreme legislative or governing body of the society following the 56363  
receipt thereof. A copy of the report, recommendations, and 56364  
statements of the superintendent shall be furnished by the society 56365  
to each member of the board of directors or other governing body. 56366

(B) Each foreign or alien fraternal benefit society 56367  
transacting or applying for admission to transact business in this 56368  
state shall be subject to examination by the superintendent in 56369  
accordance with section 3901.07 of the Revised Code. Section 56370  
3901.07 of the Revised Code shall govern every aspect of the 56371  
examination, including the circumstances under and frequency with 56372  
which it is conducted, the authority of the superintendent and any 56373  
examiner or other person appointed by the superintendent, the 56374  
liability for the assessment of expenses incurred in conducting 56375  
the examination, and the remittance of the assessment to the 56376  
~~superintendent's examination~~ department of insurance operating 56377  
fund. 56378

**Sec. 3930.13.** The Ohio commercial insurance joint 56379  
underwriting association shall be subject to examination by the 56380  
superintendent of insurance in accordance with section 3901.07 of 56381  
the Revised Code. Section 3901.07 of the Revised Code shall govern 56382  
every aspect of the examination, including the circumstances under 56383  
and frequency with which it is conducted, the authority of the 56384  
superintendent and any examiner or other person appointed by the 56385  
superintendent, the liability for the assessment of expenses 56386  
incurred in conducting the examination, and the remittance of the 56387  
assessment to the ~~superintendent's examination~~ department of 56388  
insurance operating fund. 56389

**Sec. 3931.08.** Each attorney designated under section 3931.01 56390  
of the Revised Code and each applicant for a license under section 56391

3931.10 of the Revised Code shall be subject to examination by the 56392  
superintendent of insurance in accordance with section 3901.07 of 56393  
the Revised Code. Section 3901.07 of the Revised Code shall govern 56394  
every aspect of the examination, including the circumstances under 56395  
and frequency with which it is conducted, the authority of the 56396  
superintendent and any examiner or other person appointed by the 56397  
superintendent, the liability for the assessment of expenses 56398  
incurred in conducting the examination, and the remittance of the 56399  
assessment to the ~~superintendent's examination~~ department of 56400  
insurance operating fund. 56401

As used in section "expenses" means those items included 56402  
under division (M) of section 3901.07 of the Revised Code. 56403

**Sec. 3959.12.** (A) Any license issued under sections 3959.01 56404  
to 3959.16 of the Revised Code may be suspended for a period not 56405  
to exceed two years, revoked, or not renewed by the superintendent 56406  
of insurance after notice to the licensee and hearing in 56407  
accordance with Chapter 119. of the Revised Code. The 56408  
superintendent may suspend, revoke, or refuse to renew a license 56409  
if upon investigation and proof the superintendent finds that the 56410  
licensee has done any of the following: 56411

(1) Knowingly violated any provision of sections 3959.01 to 56412  
3959.16 or 3959.20 of the Revised Code or any rule promulgated by 56413  
the superintendent; 56414

(2) Knowingly made a material misstatement in the application 56415  
for the license; 56416

(3) Obtained or attempted to obtain a license through 56417  
misrepresentation or fraud; 56418

(4) Misappropriated or converted to the licensee's own use or 56419  
improperly withheld insurance company premiums or contributions 56420  
held in a fiduciary capacity, excluding, however, any interest 56421

earnings received by the administrator as disclosed in writing by	56422
the administrator to the plan sponsor;	56423
(5) In the transaction of business under the license, used	56424
fraudulent, coercive, or dishonest practices;	56425
(6) Failed to appear without reasonable cause or excuse in	56426
response to a subpoena, examination, warrant, or other order	56427
lawfully issued by the superintendent;	56428
(7) Is affiliated with or under the same general management	56429
or interlocking directorate or ownership of another administrator	56430
that transacts business in this state and is not licensed under	56431
sections 3959.01 to 3959.16 of the Revised Code;	56432
(8) Had a license suspended, revoked, or not renewed in any	56433
other state, district, territory, or province on grounds identical	56434
to those stated in sections 3959.01 to 3959.16 of the Revised	56435
Code;	56436
(9) Been convicted of a financially related felony;	56437
(10) Failed to report a felony conviction as required under	56438
section 3959.13 of the Revised Code.	56439
(B) Upon receipt of notice of the order of suspension in	56440
accordance with <del>section</del> <u>sections 119.05 and</u> 119.07 of the Revised	56441
Code, the licensee shall promptly deliver the license to the	56442
superintendent, unless the order of suspension is appealed under	56443
section 119.12 of the Revised Code.	56444
(C) Any person whose license is revoked or whose application	56445
is denied pursuant to sections 3959.01 to 3959.16 of the Revised	56446
Code is ineligible to apply for an administrators license for two	56447
years.	56448
(D) The superintendent may impose a monetary fine against a	56449
licensee if, upon investigation and after notice and opportunity	56450
for hearing in accordance with Chapter 119. of the Revised Code,	56451

the superintendent finds that the licensee has done either of the following: 56452  
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(1) Committed fraud or engaged in any illegal or dishonest activity in connection with the administration of pharmacy benefit management services; 56454  
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(2) Violated any provision of section 3959.111 of the Revised Code or any rule adopted by the superintendent pursuant to or to implement that section. 56457  
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**Sec. 3964.03.** (A) A captive insurance company shall be organized under Chapter 1701., 1702., 1705., or 1706. of the Revised Code. 56460  
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(B) A captive insurance company shall not operate in this state unless all of the following are met: 56463  
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(1) The captive insurance company obtains from the superintendent a license to do the business of captive insurance in this state. 56465  
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(2) The captive insurance company's board of directors holds at least one meeting each year in this state. 56468  
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(3) The captive insurance company maintains its principal place of business in this state. 56470  
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(4) The person managing the captive insurance company is a resident of this state. 56472  
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(5) The captive insurance company appoints a registered agent to accept service of process and act on its behalf in this state. 56474  
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(C) Whenever an agent required under division (B)(5) of this section cannot, with reasonable diligence, be found at the registered office of the captive insurance company, the superintendent shall be an agent of such a captive insurance company upon whom any process, notice, or demand may be served. 56476  
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(D) A captive insurance company seeking a license to be a captive insurance company in this state shall file an application with the superintendent and shall submit all of the following along with the application:

(1) A certified copy of its articles of incorporation, bylaws, or other organizational document and code of regulations;

(2) A statement, made under oath by the president and secretary, in a form prescribed by the superintendent, showing the captive insurance company's financial condition;

(3) A statement of the captive insurance company's assets relative to its risks, detailing the amount of assets and their liquidity;

(4) An account of the adequacy of the expertise, experience, and character of the person or persons who will manage the captive insurance company;

(5) An account of the loss prevention programs of the persons that the captive insurance company insures;

(6) Actuarial assumptions and methodologies that will be utilized in calculating reserves;

(7) Any other information considered necessary by the superintendent to determine whether the proposed captive insurance company will be able to meet its obligations.

(E)(1) A special purpose financial captive insurance company shall follow the national association of insurance commissioner's accounting practices and procedures manual.

(2)(a) Upon request, the superintendent may allow a special purpose financial captive insurance company to use a reserve basis other than that found in the national association of insurance commissioner's accounting practices and procedures manual.

(b) The superintendent, in accordance with Chapter 119. of

the Revised Code, shall adopt rules that define acceptable 56511  
alternative reserve bases. 56512

(c) Such rules shall be adopted prior to availability for use 56513  
of any such alternative reserve basis and shall ensure that the 56514  
resulting reserves meet all of the following conditions: 56515

(i) Quantify the benefits and guarantees, and the funding, 56516  
associated with the contracts and their risks at a level of 56517  
conservatism that reflects conditions that include unfavorable 56518  
events that have a reasonable probability of occurring during the 56519  
lifetime of the contracts. For policies or contracts with 56520  
significant tail risk, reflects conditions appropriately adverse 56521  
to quantify the tail risk. 56522

(ii) Incorporate assumptions, risk analysis methods, and 56523  
financial models and management techniques that are consistent 56524  
with, but not necessarily identical to, those utilized within the 56525  
company's overall risk assessment process, while recognizing 56526  
potential differences in financial reporting structures and any 56527  
prescribed assumptions or methods; 56528

(iii) Provide margins for uncertainty including adverse 56529  
deviation and estimation error, such that the greater the 56530  
uncertainty the larger the margin and resulting reserve. 56531

(d) An alternative basis for calculating a reserve approved 56532  
by the superintendent shall be treated as a public document after 56533  
the date the alternative basis for calculating the reserve has 56534  
been approved, regardless of the application of the uniform trade 56535  
secrets act set forth in sections 1333.61 to 1333.69 of the 56536  
Revised Code. 56537

(3) The special purpose financial captive insurance company 56538  
shall submit a request for an alternative reserve basis in 56539  
writing, and affirmed by the company's appointed actuary, that 56540  
includes, at a minimum, the following information for the 56541

superintendent to consider in evaluating the request: 56542

(a) The reserves based on the national association of 56543  
insurance commissioner's accounting practices and procedures 56544  
manual and the reserves based on the proposed alternative method 56545  
for calculation and the difference between these two calculations; 56546

(b) A detailed analysis of the proposed alternative method 56547  
explaining why the use of an alternative basis for calculating the 56548  
reserve is appropriate; 56549

(c) All assumptions utilized within the proposed alternative 56550  
method, together with the source of the assumptions, as well as 56551  
information, satisfactory to the superintendent, supporting the 56552  
appropriateness of the assumptions and analysis and identifying 56553  
the assumptions that result in the greatest variability in the 56554  
reserve and how that analysis was used in setting those 56555  
assumptions; 56556

(d) A detailed overview of the corporate governance and 56557  
oversight of the actuarial valuation function; 56558

(e) Any other information the superintendent may require to 56559  
assess the proposed alternative method for approval or 56560  
disapproval. 56561

(4) At the expense of the special purpose financial captive 56562  
insurance company, the superintendent may require the company to 56563  
secure the affirmation of an independent qualified actuary in 56564  
support of any alternative basis for calculating the reserve that 56565  
is requested pursuant to this section or to assist the 56566  
superintendent in the review of said request. 56567

(5) If the superintendent approves the use of an alternative 56568  
basis for calculating a reserve, the special purpose financial 56569  
captive insurance company, and the ceding insurer shall each 56570  
include a note in its financial statements disclosing the use of a 56571  
basis other than the national association of insurance 56572

commissioner's accounting practices and procedures manual and the 56573  
difference between the reserve amount determined under the 56574  
alternative basis and the reserve amount that would have been 56575  
determined had the company utilized the national association of 56576  
insurance commissioner's accounting practices and procedures 56577  
manual. 56578

(6)(a) The superintendent shall establish an acceptable total 56579  
capital and surplus requirement for each insurance company that 56580  
will cede risks and obligations to a special purpose financial 56581  
captive insurance company. The total capital and surplus 56582  
requirement must be met at the time the special purpose financial 56583  
captive insurance company applies for a license to do the business 56584  
of captive insurance. The total capital and surplus requirement 56585  
shall be determined in accordance with a minimum required total 56586  
capital and surplus methodology that meets both of the following 56587  
requirements: 56588

(i) Is consistent with current risk-based capital principles; 56589

(ii) Takes into account all material risks and obligations, 56590  
as well as the assets, of the insurance company. 56591

(b) An insurance company ceding risks and obligations to a 56592  
special purpose financial captive insurance company shall fully 56593  
disclose all material risks and obligations, as well as its assets 56594  
and all affiliated captive insurance company risks. The ceding 56595  
insurance company shall advise the superintendent whenever there 56596  
is a material change to such risks, obligations, or assets. 56597

(F) In determining whether to approve an application for a 56598  
license, the superintendent shall consider all of the following: 56599

(1) The character, reputation, financial standing, and 56600  
purposes of the incorporators, or other founders, of the captive 56601  
insurance company; 56602

(2) The character, reputation, financial responsibility, 56603

experience relating to insurance, and business qualifications of	56604
the officers and directors of the captive insurance company;	56605
(3) The amount of liquidity and assets of the captive	56606
insurance company relative to the risks to be assumed;	56607
(4) The adequacy of the expertise, experience, and character	56608
of the person or persons who will manage the captive insurance	56609
company;	56610
(5) The overall soundness of the plan of operation;	56611
(6) The adequacy of the loss prevention programs of the	56612
persons that the captive insurance company insures.	56613
(G)(1) Each captive insurance company that offers direct	56614
insurance to its parent shall submit to the superintendent for	56615
approval a detailed description of the coverages, deductibles,	56616
coverage limits, proposed rates or rating plans, documentation	56617
from a qualified actuary that demonstrates the actuarial soundness	56618
of the proposed rates or rating plans, and other such additional	56619
information as the superintendent may require.	56620
(2)(a) Any captive insurance company licensed under the	56621
provisions of this chapter that seeks to make any material change	56622
to any item described in division (G)(1) of this section shall	56623
submit to the superintendent for approval a detailed description	56624
of the revision, documentation from a qualified actuary that	56625
demonstrates the actuarial soundness of the revised rates or	56626
rating plans, and other such additional information as the	56627
superintendent may require.	56628
(b) Each filing under division (G)(2)(a) of this section is	56629
deemed approved thirty days after the filing is received by the	56630
superintendent of insurance, unless the filing is disapproved by	56631
the superintendent during that thirty-day period.	56632
(c) If at any time subsequent to the thirty-day review period	56633

the superintendent finds that a filing does not demonstrate 56634  
actuarial soundness, the superintendent shall hold a hearing 56635  
requiring the captive insurance company to show cause why an order 56636  
should not be made by the superintendent to disapprove the revised 56637  
rates or rating plans. 56638

(d) If, upon such a hearing, the superintendent finds that 56639  
the captive insurance company failed to demonstrate the actuarial 56640  
soundness of the rates or rating plans, the superintendent shall 56641  
issue an order directing the captive insurance company to cease 56642  
and desist from using the revised rates or rating plans and to use 56643  
rates or rating plans as determined appropriate by the 56644  
superintendent. 56645

(H) Except as otherwise provided in this division, documents 56646  
and information submitted by a captive insurance company pursuant 56647  
to this section are not subject to section 149.43 of the Revised 56648  
Code, and are confidential, and may not be disclosed by the 56649  
superintendent or any employee of the department of insurance 56650  
without the written consent of the company. 56651

(1) Such documents and information may be discoverable in a 56652  
civil action in which the captive insurance company filing the 56653  
material is a party upon a finding by a court of competent 56654  
jurisdiction that the information sought is relevant and necessary 56655  
to the case and the information sought is unavailable from other, 56656  
nonconfidential sources. 56657

(2) The superintendent may, at the superintendent's sole 56658  
discretion, share documents required under this section with the 56659  
chief deputy rehabilitator, the chief deputy liquidator, other 56660  
deputy rehabilitators and liquidators, and any other person 56661  
employed by, or acting on behalf of the superintendent pursuant to 56662  
Chapter 3901. or 3903. of the Revised Code, with other local, 56663  
state, federal, and international regulatory and law enforcement 56664  
agencies, with local, state, and federal prosecutors, and with the 56665

national association of insurance commissioners and its affiliates 56666  
and subsidiaries provided that the recipient agrees to maintain 56667  
the confidential or privileged status of the documents and has 56668  
authority to do so. 56669

(I)(1) Each applicant for a license to do the business of a 56670  
captive insurance company in this state shall pay to the 56671  
superintendent a nonrefundable fee of five hundred dollars for 56672  
processing its application for a license. The superintendent is 56673  
authorized to retain legal, financial, and examination services 56674  
from outside the department, at the expense of the applicant. Each 56675  
captive insurance company shall annually pay a license renewal fee 56676  
of five hundred dollars. 56677

(2) The fees collected pursuant to division (I)(1) of this 56678  
section shall be deposited into the state treasury to the credit 56679  
of the ~~captive department of insurance regulation and supervision~~ 56680  
~~operating fund created under section 3964.15 of the Revised Code.~~ 56681

**Sec. 3964.13.** (A)(1) Not later than the second day of March 56682  
of each year, a captive insurance company shall pay to the 56683  
superintendent of insurance a fee computed in accordance with both 56684  
of the following: 56685

(a) 0.35 per cent on its net direct premiums; 56686

(b) 0.15 per cent on revenue from assumed reinsurance 56687  
premiums. 56688

(2) The annual minimum aggregate fee to be paid by a captive 56689  
insurance company calculated under this division shall be seven 56690  
thousand five hundred dollars. The annual maximum aggregate fee to 56691  
be paid by a captive insurance company calculated under this 56692  
division shall be two hundred fifty thousand dollars. 56693

(B) The fee on reinsurance premiums set forth under division 56694  
(A)(1)(b) of this section shall not be levied on premiums for 56695

risks or portions of risks that are subject to the fee under 56696  
division (A)(1)(a) of this section. 56697

(C) A captive insurance company shall not pay any reinsurance 56698  
fee pursuant to division (A)(1)(b) of this section on revenue 56699  
related to the receipt of assets by the captive insurance company 56700  
in exchange for the assumption of loss reserves and other 56701  
liabilities of another insurance company that is under common 56702  
ownership and control with the captive insurance company, if the 56703  
transaction is part of a plan to discontinue the operation of the 56704  
other insurance company and the intent of the exchange is to renew 56705  
or maintain such business with the captive insurance company. 56706

(D)(1) The fee imposed in division (A) of this section shall 56707  
be calculated on an annual basis, notwithstanding policies, 56708  
contracts, insurance, or contracts of reinsurance issued on a 56709  
multi-year basis. 56710

(2) In the case of multi-year policies or contracts, the 56711  
premium shall be prorated for purposes of determining the fee 56712  
required under division (A) of this section. 56713

(E) All fees collected under this section shall be deposited 56714  
into the state treasury to the credit of the ~~captive~~ department of 56715  
insurance ~~regulation and supervision~~ operating fund. 56716

**Sec. 3964.15.** (A) ~~There is hereby created in the state~~ 56717  
~~treasury the captive insurance regulation and supervision fund,~~ 56718  
~~which shall consist of all fees, fines, penalties, and assessments~~ 56719  
~~received by the superintendent under this chapter.~~ 56720

~~(B)~~ The superintendent may charge captive insurance companies 56721  
for any of the following expenses incurred in carrying out this 56722  
chapter: 56723

(1) The entire compensation for each day, or portion thereof, 56724  
worked by all personnel, including those who are not employees of 56725

the department of insurance, in any of the following capacities:	56726
(a) The conduct of an examination, calculated at the rates provided in the financial condition examiners' handbook published by the national association of insurance commissioners;	56727 56728 56729
(b) The review and analysis of a company's annual report submitted pursuant to section 3964.07 of the Revised Code, and any interim financial statements and examination reports or related documents of captive insurance companies in this state;	56730 56731 56732 56733
(c) The ongoing evaluation and monitoring of the financial affairs of captive insurance companies;	56734 56735
(d) The determination and review of the premium franchise fee liability of a captive insurance company;	56736 56737
(e) The training and continuing education costs of examiners and analysts.	56738 56739
(2) Travel and living expenses of all personnel, including those who are not employees of the department of insurance, directly engaged in the conduct of an examination calculated at rates not to exceed the rates provided in the financial condition examiners' handbook published by the national association of insurance commissioners;	56740 56741 56742 56743 56744 56745
(3) All other incidental expenses incurred by or on behalf of such personnel in the conduct of such examination;	56746 56747
(4) An allocated share of all expenses not described in division <del>(B)</del> <u>(1)(A)(1)</u> , (2), or (3) of this section, but that are necessarily incurred in carrying out the duties of the superintendent under this chapter, including the expenses of direct overhead and support staff for the examiners and persons appointed or employed pursuant to section 3964.08 of the Revised Code.	56748 56749 56750 56751 56752 56753 56754
<del>(C)</del> <u>(B)</u> All amounts collected by the superintendent under	56755

division ~~(B)~~(A) of this section shall be deposited into the state 56756  
treasury to the credit of the ~~captive~~ department of insurance 56757  
~~regulation and supervision~~ operating fund. 56758

~~(D) At the discretion of the superintendent, the expenses of~~ 56759  
~~the captive insurance regulation and supervision fund may be~~ 56760  
~~covered by the department of insurance operating fund created~~ 56761  
~~under section 3901.021 of the Revised Code.~~ 56762

~~(E)~~(C) As used in this section, "examination" means the 56763  
examination required under section 3964.08 of the Revised Code. 56764

**Sec. 4117.14.** (A) The procedures contained in this section 56765  
govern the settlement of disputes between an exclusive 56766  
representative and a public employer concerning the termination or 56767  
modification of an existing collective bargaining agreement or 56768  
negotiation of a successor agreement, or the negotiation of an 56769  
initial collective bargaining agreement. 56770

(B)(1) In those cases where there exists a collective 56771  
bargaining agreement, any public employer or exclusive 56772  
representative desiring to terminate, modify, or negotiate a 56773  
successor collective bargaining agreement shall: 56774

(a) Serve written notice upon the other party of the proposed 56775  
termination, modification, or successor agreement. The party must 56776  
serve the notice not less than sixty days prior to the expiration 56777  
date of the existing agreement or, in the event the existing 56778  
collective bargaining agreement does not contain an expiration 56779  
date, not less than sixty days prior to the time it is proposed to 56780  
make the termination or modifications or to make effective a 56781  
successor agreement. 56782

(b) Offer to bargain collectively with the other party for 56783  
the purpose of modifying or terminating any existing agreement or 56784  
negotiating a successor agreement; 56785

(c) Notify the state employment relations board of the offer 56786  
by serving upon the board a copy of the written notice to the 56787  
other party and a copy of the existing collective bargaining 56788  
agreement. 56789

(2) In the case of initial negotiations between a public 56790  
employer and an exclusive representative, where a collective 56791  
bargaining agreement has not been in effect between the parties, 56792  
any party may serve notice upon the board and the other party 56793  
setting forth the names and addresses of the parties and offering 56794  
to meet, for a period of ninety days, with the other party for the 56795  
purpose of negotiating a collective bargaining agreement. 56796

If the settlement procedures specified in divisions (B), (C), 56797  
and (D) of this section govern the parties, where those procedures 56798  
refer to the expiration of a collective bargaining agreement, it 56799  
means the expiration of the sixty-day period to negotiate a 56800  
collective bargaining agreement referred to in this subdivision, 56801  
or in the case of initial negotiations, it means the ninety-day 56802  
period referred to in this subdivision. 56803

(3) The parties shall continue in full force and effect all 56804  
the terms and conditions of any existing collective bargaining 56805  
agreement, without resort to strike or lock-out, for a period of 56806  
sixty days after the party gives notice or until the expiration 56807  
date of the collective bargaining agreement, whichever occurs 56808  
later, or for a period of ninety days where applicable. 56809

(4) Upon receipt of the notice, the parties shall enter into 56810  
collective bargaining. 56811

(C) In the event the parties are unable to reach an 56812  
agreement, they may submit, at any time prior to forty-five days 56813  
before the expiration date of the collective bargaining agreement, 56814  
the issues in dispute to any mutually agreed upon dispute 56815  
settlement procedure which supersedes the procedures contained in 56816

this section.	56817
(1) The procedures may include:	56818
(a) Conventional arbitration of all unsettled issues;	56819
(b) Arbitration confined to a choice between the last offer of each party to the agreement as a single package;	56820 56821
(c) Arbitration confined to a choice of the last offer of each party to the agreement on each issue submitted;	56822 56823
(d) The procedures described in division (C)(1)(a), (b), or (c) of this section and including among the choices for the arbitrator, the recommendations of the fact finder, if there are recommendations, either as a single package or on each issue submitted;	56824 56825 56826 56827 56828
(e) Settlement by a citizens' conciliation council composed of three residents within the jurisdiction of the public employer. The public employer shall select one member and the exclusive representative shall select one member. The two members selected shall select the third member who shall chair the council. If the two members cannot agree upon a third member within five days after their appointments, the board shall appoint the third member. Once appointed, the council shall make a final settlement of the issues submitted to it pursuant to division (G) of this section.	56829 56830 56831 56832 56833 56834 56835 56836 56837 56838
(f) Any other dispute settlement procedure mutually agreed to by the parties.	56839 56840
(2) If, fifty days before the expiration date of the collective bargaining agreement, the parties are unable to reach an agreement, any party may request the state employment relations board to intervene. The request shall set forth the names and addresses of the parties, the issues involved, and, if applicable, the expiration date of any agreement.	56841 56842 56843 56844 56845 56846

The board shall intervene and investigate the dispute to 56847  
determine whether the parties have engaged in collective 56848  
bargaining. 56849

If an impasse exists or forty-five days before the expiration 56850  
date of the collective bargaining agreement if one exists, the 56851  
board shall appoint a mediator to assist the parties in the 56852  
collective bargaining process. 56853

(3) Any time after the appointment of a mediator, either 56854  
party may request the appointment of a fact-finding panel. Within 56855  
fifteen days after receipt of a request for a fact-finding panel, 56856  
the board shall appoint a fact-finding panel of not more than 56857  
three members who have been selected by the parties in accordance 56858  
with rules established by the board, from a list of qualified 56859  
persons maintained by the board. 56860

(a) The fact-finding panel shall, in accordance with rules 56861  
and procedures established by the board that include the 56862  
regulation of costs and expenses of fact-finding, gather facts and 56863  
make recommendations for the resolution of the matter. The board 56864  
shall by its rules require each party to specify in writing the 56865  
unresolved issues and its position on each issue to the 56866  
fact-finding panel. The fact-finding panel shall make final 56867  
recommendations as to all the unresolved issues. 56868

(b) The board may continue mediation, order the parties to 56869  
engage in collective bargaining until the expiration date of the 56870  
agreement, or both. 56871

(4) The following guidelines apply to fact-finding: 56872

(a) The fact-finding panel may establish times and place of 56873  
hearings which shall be, where feasible, in the jurisdiction of 56874  
the state. 56875

(b) The fact-finding panel shall conduct the hearing pursuant 56876  
to rules established by the board. 56877

(c) Upon request of the fact-finding panel, the board shall 56878  
issue subpoenas for hearings conducted by the panel. 56879

(d) The fact-finding panel may administer oaths. 56880

(e) The board shall prescribe guidelines for the fact-finding 56881  
panel to follow in making findings. In making its recommendations, 56882  
the fact-finding panel shall take into consideration the factors 56883  
listed in divisions (G)(7)(a) to (f) of this section. 56884

(f) The fact-finding panel may attempt mediation at any time 56885  
during the fact-finding process. From the time of appointment 56886  
until the fact-finding panel makes a final recommendation, it 56887  
shall not discuss the recommendations for settlement of the 56888  
dispute with parties other than the direct parties to the dispute. 56889

(5) The fact-finding panel, acting by a majority of its 56890  
members, shall transmit its findings of fact and recommendations 56891  
on the unresolved issues to the public employer and employee 56892  
organization involved and to the board no later than fourteen days 56893  
after the appointment of the fact-finding panel, unless the 56894  
parties mutually agree to an extension. The parties shall share 56895  
the cost of the fact-finding panel in a manner agreed to by the 56896  
parties. 56897

(6)(a) Not later than seven days after the findings and 56898  
recommendations are sent, the legislative body, by a three-fifths 56899  
vote of its total membership, and in the case of the public 56900  
employee organization, the membership, by a three-fifths vote of 56901  
the total membership, may reject the recommendations; if neither 56902  
rejects the recommendations, the recommendations shall be deemed 56903  
agreed upon as the final resolution of the issues submitted and a 56904  
collective bargaining agreement shall be executed between the 56905  
parties, including the fact-finding panel's recommendations, 56906  
except as otherwise modified by the parties by mutual agreement. 56907  
If either the legislative body or the public employee organization 56908

rejects the recommendations, the board shall publicize the 56909  
findings of fact and recommendations of the fact-finding panel. 56910  
The board shall adopt rules governing the procedures and methods 56911  
for public employees to vote on the recommendations of the 56912  
fact-finding panel. 56913

(b) As used in division (C)(6)(a) of this section, 56914  
"legislative body" means the controlling board when the state or 56915  
any of its agencies, authorities, commissions, boards, or other 56916  
branch of public employment is party to the fact-finding process. 56917

(D) If the parties are unable to reach agreement within seven 56918  
days after the publication of findings and recommendations from 56919  
the fact-finding panel or the collective bargaining agreement, if 56920  
one exists, has expired, then the: 56921

(1) Public employees, who are members of a police or fire 56922  
department, members of the state highway patrol, deputy sheriffs, 56923  
dispatchers employed by a police, fire, or sheriff's department or 56924  
the state highway patrol or civilian dispatchers employed by a 56925  
public employer other than a police, fire, or sheriff's department 56926  
to dispatch police, fire, sheriff's department, or emergency 56927  
medical or rescue personnel and units, an exclusive nurse's unit, 56928  
employees of ~~the state school for the deaf or the state school for~~ 56929  
~~the blind~~ Ohio deaf and blind education services, employees of any 56930  
public employee retirement system, corrections officers, guards at 56931  
penal or mental institutions, special police officers appointed in 56932  
accordance with sections 5119.08 and 5123.13 of the Revised Code, 56933  
psychiatric attendants employed at mental health forensic 56934  
facilities, youth leaders employed at juvenile correctional 56935  
facilities, or members of a law enforcement security force that is 56936  
established and maintained exclusively by a board of county 56937  
commissioners and whose members are employed by that board, shall 56938  
submit the matter to a final offer settlement procedure pursuant 56939  
to a board order issued forthwith to the parties to settle by a 56940

conciliator selected by the parties. The parties shall request 56941  
from the board a list of five qualified conciliators and the 56942  
parties shall select a single conciliator from the list by 56943  
alternate striking of names. If the parties cannot agree upon a 56944  
conciliator within five days after the board order, the board 56945  
shall on the sixth day after its order appoint a conciliator from 56946  
a list of qualified persons maintained by the board or shall 56947  
request a list of qualified conciliators from the American 56948  
arbitration association and appoint therefrom. 56949

(2) Public employees other than those listed in division 56950  
(D)(1) of this section have the right to strike under Chapter 56951  
4117. of the Revised Code provided that the employee organization 56952  
representing the employees has given a ten-day prior written 56953  
notice of an intent to strike to the public employer and to the 56954  
board, and further provided that the strike is for full, 56955  
consecutive work days and the beginning date of the strike is at 56956  
least ten work days after the ending date of the most recent prior 56957  
strike involving the same bargaining unit; however, the board, at 56958  
its discretion, may attempt mediation at any time. 56959

(E) Nothing in this section shall be construed to prohibit 56960  
the parties, at any time, from voluntarily agreeing to submit any 56961  
or all of the issues in dispute to any other alternative dispute 56962  
settlement procedure. An agreement or statutory requirement to 56963  
arbitrate or to settle a dispute pursuant to a final offer 56964  
settlement procedure and the award issued in accordance with the 56965  
agreement or statutory requirement is enforceable in the same 56966  
manner as specified in division (B) of section 4117.09 of the 56967  
Revised Code. 56968

(F) Nothing in this section shall be construed to prohibit a 56969  
party from seeking enforcement of a collective bargaining 56970  
agreement or a conciliator's award as specified in division (B) of 56971  
section 4117.09 of the Revised Code. 56972

(G) The following guidelines apply to final offer settlement proceedings under division (D)(1) of this section: 56973  
56974

(1) The parties shall submit to final offer settlement those issues that are subject to collective bargaining as provided by section 4117.08 of the Revised Code and upon which the parties have not reached agreement and other matters mutually agreed to by the public employer and the exclusive representative; except that the conciliator may attempt mediation at any time. 56975  
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(2) The conciliator shall hold a hearing within thirty days of the board's order to submit to a final offer settlement procedure, or as soon thereafter as is practicable. 56981  
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(3) The conciliator shall conduct the hearing pursuant to rules developed by the board. The conciliator shall establish the hearing time and place, but it shall be, where feasible, within the jurisdiction of the state. Not later than five calendar days before the hearing, each of the parties shall submit to the conciliator, to the opposing party, and to the board, a written report summarizing the unresolved issues, the party's final offer as to the issues, and the rationale for that position. 56984  
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(4) Upon the request by the conciliator, the board shall issue subpoenas for the hearing. 56992  
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(5) The conciliator may administer oaths. 56994

(6) The conciliator shall hear testimony from the parties and provide for a written record to be made of all statements at the hearing. The board shall submit for inclusion in the record and for consideration by the conciliator the written report and recommendation of the fact-finders. 56995  
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(7) After hearing, the conciliator shall resolve the dispute between the parties by selecting, on an issue-by-issue basis, from between each of the party's final settlement offers, taking into consideration the following: 57000  
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- (a) Past collectively bargained agreements, if any, between the parties; 57004  
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- (b) Comparison of the issues submitted to final offer settlement relative to the employees in the bargaining unit involved with those issues related to other public and private employees doing comparable work, giving consideration to factors peculiar to the area and classification involved; 57006  
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- (c) The interests and welfare of the public, the ability of the public employer to finance and administer the issues proposed, and the effect of the adjustments on the normal standard of public service; 57011  
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- (d) The lawful authority of the public employer; 57015
- (e) The stipulations of the parties; 57016
- (f) Such other factors, not confined to those listed in this section, which are normally or traditionally taken into consideration in the determination of the issues submitted to final offer settlement through voluntary collective bargaining, mediation, fact-finding, or other impasse resolution procedures in the public service or in private employment. 57017  
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- (8) Final offer settlement awards made under Chapter 4117. of the Revised Code are subject to Chapter 2711. of the Revised Code. 57023  
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- (9) If more than one conciliator is used, the determination must be by majority vote. 57025  
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- (10) The conciliator shall make written findings of fact and promulgate a written opinion and order upon the issues presented to the conciliator, and upon the record made before the conciliator and shall mail or otherwise deliver a true copy thereof to the parties and the board. 57027  
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- (11) Increases in rates of compensation and other matters with cost implications awarded by the conciliator may be effective 57032  
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only at the start of the fiscal year next commencing after the 57034  
date of the final offer settlement award; provided that if a new 57035  
fiscal year has commenced since the issuance of the board order to 57036  
submit to a final offer settlement procedure, the awarded 57037  
increases may be retroactive to the commencement of the new fiscal 57038  
year. The parties may, at any time, amend or modify a 57039  
conciliator's award or order by mutual agreement. 57040

(12) The parties shall bear equally the cost of the final 57041  
offer settlement procedure. 57042

(13) Conciliators appointed pursuant to this section shall be 57043  
residents of the state. 57044

(H) All final offer settlement awards and orders of the 57045  
conciliator made pursuant to Chapter 4117. of the Revised Code are 57046  
subject to review by the court of common pleas having jurisdiction 57047  
over the public employer as provided in Chapter 2711. of the 57048  
Revised Code. If the public employer is located in more than one 57049  
court of common pleas district, the court of common pleas in which 57050  
the principal office of the chief executive is located has 57051  
jurisdiction. 57052

(I) The issuance of a final offer settlement award 57053  
constitutes a binding mandate to the public employer and the 57054  
exclusive representative to take whatever actions are necessary to 57055  
implement the award. 57056

**Sec. 4117.15.** (A) Whenever a strike by members of a police or 57057  
fire department, members of the state highway patrol, deputy 57058  
sheriffs, dispatchers employed by a police, fire, or sheriff's 57059  
department or the state highway patrol or civilian dispatchers 57060  
employed by a public employer other than a police, fire, or 57061  
sheriff's department to dispatch police, fire, sheriff's 57062  
department, or emergency medical or rescue personnel and units, an 57063  
exclusive nurse's unit, employees of ~~the state school for the deaf~~ 57064

~~or the state school for the blind~~ Ohio deaf and blind education services, employees of any public employee retirement system, correction officers, guards at penal or mental institutions, or special police officers appointed in accordance with sections 5119.08 and 5123.13 of the Revised Code, psychiatric attendants employed at mental health forensic facilities, youth leaders employed at juvenile correctional facilities, or members of a law enforcement security force that is established and maintained exclusively by a board of county commissioners and whose members are employed by that board, a strike by other public employees during the pendency of the settlement procedures set forth in section 4117.14 of the Revised Code, or a strike during the term or extended term of a collective bargaining agreement occurs, the public employer may seek an injunction against the strike in the court of common pleas of the county in which the strike is located.

(B) An unfair labor practice by a public employer is not a defense to the injunction proceeding noted in division (A) of this section. Allegations of unfair labor practices during the settlement procedures set forth in section 4117.14 of the Revised Code shall receive priority by the state employment relations board.

(C) No public employee is entitled to pay or compensation from the public employer for the period engaged in any strike.

**Sec. 4121.443.** (A) The bureau of workers' compensation may summarily suspend the certification of a provider to participate in the health partnership program created under sections 4121.44 and 4121.441 of the Revised Code without a prior hearing if the bureau determines any of the following apply to the provider:

(1) The professional license, certification, or registration held by the provider to practice the provider's profession has

been revoked or suspended for an indefinite period of time or for 57096  
a period of more than thirty days, subsequent to the provider's 57097  
certification to participate in the health partnership program. 57098

(2) The provider has been convicted of or has pleaded guilty 57099  
to a violation of section 2913.48 or sections 2923.31 to 2923.36 57100  
of the Revised Code or has been convicted of or pleaded guilty to 57101  
any other criminal offense related to the delivery of or billing 57102  
for health care services. 57103

(3) The bureau determines, by clear and convincing evidence, 57104  
that the continued participation by the provider in the health 57105  
partnership program presents a danger of immediate and serious 57106  
harm to claimants. 57107

(B) The bureau shall ~~issue~~ serve a written order of summary 57108  
suspension ~~by certified mail or in person~~ in accordance with 57109  
~~section~~ sections 119.05 and 119.07 of the Revised Code. If the 57110  
provider subject to the summary suspension requests an 57111  
adjudicatory hearing by the bureau, the date set for the hearing 57112  
shall be not later than fifteen days, but not earlier than seven 57113  
days, after the provider requests the hearing, unless otherwise 57114  
agreed to by both the bureau and the provider. 57115

(C) If an order issued pursuant to this section is appealed, 57116  
the court may stay execution of the order and fix the terms of the 57117  
stay, if the court finds both of the following: 57118

(1) That an unusual hardship to the appellant will result 57119  
from execution of the order pending appeal; 57120

(2) That the health, safety, and welfare of the public will 57121  
not be threatened by staying execution of the order pending 57122  
appeal. 57123

(D) A court or agency order staying the suspension of a 57124  
professional license, certification, or registration shall not 57125  
affect the ability of the bureau to suspend the certification of a 57126

provider to participate in the health partnership program under 57127  
this section. 57128

(E) The summary suspension of a certification of a provider 57129  
under this section shall not affect the ability of that provider 57130  
to receive payment for services rendered prior to the effective 57131  
date of the suspension. 57132

(F) Any summary suspension imposed under this section shall 57133  
remain in effect, unless reversed on appeal, until a final 57134  
adjudication order issued by the bureau pursuant to this section 57135  
and Chapter 119. of the Revised Code takes effect. The bureau 57136  
shall issue its final adjudication order within seventy-five days 57137  
after completion of its hearing. A failure to issue the order 57138  
within the seventy-five-day time period shall result in 57139  
dissolution of the summary suspension order but shall not 57140  
invalidate any subsequent, final adjudication order. 57141

(G) As used in this section, "provider" does not include a 57142  
hospital. 57143

Sec. 4123.543. (A) As used in this section, "customer model 57144  
enterprise," "employer model enterprise," "inmate," and "federal 57145  
prison industries enhancement certification program" have the same 57146  
meanings as in section 5145.163 of the Revised Code. 57147

(B)(1) The department of rehabilitation and correction shall 57148  
be considered the employer of an inmate for purposes of this 57149  
chapter and Chapters 4121., 4127., and 4131. of the Revised Code 57150  
if the inmate works in a customer model enterprise. 57151

(2) If the enterprise for which an inmate works is an 57152  
employer model enterprise, the private participant of the 57153  
enterprise shall be considered the employer of the inmate for 57154  
purposes of this chapter. 57155

(C)(1) An inmate who is injured or who contracts an 57156

occupational disease arising out of participation in authorized 57157  
work activity in the federal prison industries enhancement 57158  
certification program may file a claim for compensation or 57159  
benefits under this chapter and Chapters 4121., 4127., and 4131. 57160  
of the Revised Code while the claimant is in the custody of the 57161  
department. 57162

(2) The dependent of an inmate who is killed or dies as the 57163  
result of an occupational disease contracted in the course of 57164  
participation in authorized work activity in the federal prison 57165  
industries enhancement certification program may file a claim for 57166  
compensation and benefits under this chapter and Chapters 4121., 57167  
4127., and 4131. of the Revised Code. 57168

(D) Notwithstanding any provision of this chapter or Chapter 57169  
4121. of the Revised Code to the contrary, a claimant who files a 57170  
claim pursuant to division (C)(1) of this section while in the 57171  
custody of the department shall receive medical treatment and have 57172  
medical determinations for purposes of this chapter and Chapter 57173  
4121. of the Revised Code made by the department's medical 57174  
providers. Medical determinations made by the department's 57175  
providers shall be limited to initial claim allowances and 57176  
requests for additional conditions. The claimant may request a 57177  
review by the department's chief medical officer. In the event of 57178  
an appeal, the claimant may receive a medical evaluation from a 57179  
medical practitioner affiliated within the department's network of 57180  
third-party medical contractors or a medical practitioner in a 57181  
managed care organization certified by the bureau of workers' 57182  
compensation under section 4121.44 of the Revised Code and located 57183  
in Franklin county. 57184

(E) In accordance with division (J) of section 4123.54 of the 57185  
Revised Code, compensation or benefits are not payable to a 57186  
claimant during the period of confinement of the claimant in any 57187  
correctional institution or county jail. Any remaining amount of 57188

an award of compensation or benefits for an injury or occupational 57189  
disease arising out of participation in authorized work activity 57190  
in the federal prison industries enhancement certification program 57191  
shall be paid to or on behalf of a claimant after the claimant is 57192  
released from imprisonment. If a claimant is reimprisoned, 57193  
compensation and benefits shall be suspended during the claimant's 57194  
imprisonment but shall resume on the claimant's release from 57195  
imprisonment. 57196

(F) The administrator of workers' compensation may adopt 57197  
rules necessary to implement this section. 57198

Sec. 4141.02. A nonprofit organization that does not meet the 57199  
definition of employer for purposes of this chapter pursuant to 57200  
division (A)(1)(a) of section 4141.01 of the Revised Code, and 57201  
that does not elect to become an employer subject to this chapter 57202  
pursuant to division (A)(4) of section 4141.01 of the Revised 57203  
Code, shall notify the organization's employees upon hiring that 57204  
the organization, and the employee's employment with the 57205  
organization, are exempt from this chapter. 57206

Sec. 4141.21. (A) Except as provided in division (B) of this 57207  
section 4141.162 of the Revised Code, and subject to section 57208  
4141.43 of the Revised Code, the information maintained by the 57209  
director of job and family services or the unemployment 57210  
compensation review commission or furnished to the director or 57211  
commission by employers or employees pursuant to this chapter is 57212  
for the exclusive use and information of the department of job and 57213  
family services and the commission in the discharge of their 57214  
duties and shall not be open to the public or be used in any court 57215  
in any action or proceeding pending therein, or be admissible in 57216  
evidence in any action, other than one arising under this chapter 57217  
or section 5733.42 of the Revised Code disclosed. All of the Such 57218  
information is not a public record under section 149.43 of the 57219

<u>Revised Code.</u>	57220
<u>(B) The director may adopt rules in accordance with Chapter</u>	57221
<u>119. of the Revised Code to allow for the disclosure of</u>	57222
<u>information otherwise protected from disclosure under division (A)</u>	57223
<u>of this section that conform to requirements of federal law</u>	57224
<u>governing such disclosure, including rules that allow for the</u>	57225
<u>following:</u>	57226
<u>(1) The release of information by the consent of the director</u>	57227
<u>or the commission;</u>	57228
<u>(2) The release of information in accordance with sections</u>	57229
<u>1347.08, 4141.162, and 4141.43 of the Revised Code or in</u>	57230
<u>accordance with an order of a judge of a court of record;</u>	57231
<u>(3) The release of information about an individual or</u>	57232
<u>employer to that individual or employer, or to the individual's or</u>	57233
<u>employer's authorized representative, on request;</u>	57234
<u>(4) The release of information and records necessary or</u>	57235
<u>useful in the determination of any particular claim for benefits</u>	57236
<u>or necessary in verifying any charge to an employer's account</u>	57237
<u>under sections 4141.23 to 4141.26 of the Revised Code shall be</u>	57238
<u>available for examination and use by the employer and the employee</u>	57239
<u>involved or their authorized representatives in the hearing of</u>	57240
<u>such cases, and that information may be tabulated and published;</u>	57241
	57242
<u>(5) The release of information in statistical form for the</u>	57243
<u>use and information of the state departments and the public or an</u>	57244
<u>agency or other entity.</u>	57245
<b>Sec. 4141.241.</b> (A)(1) Any nonprofit organization described in	57246
division (X) of section 4141.01 of the Revised Code, which becomes	57247
subject to this chapter on or after January 1, 1972, shall pay	57248
contributions under section 4141.25 of the Revised Code, unless it	57249

elects, in accordance with this division, to pay to the director 57250  
of job and family services for deposit in the unemployment 57251  
compensation fund an amount in lieu of contributions equal to the 57252  
amount of regular benefits plus one half of extended benefits paid 57253  
from that fund that is attributable to service in the employ of 57254  
the nonprofit organization to individuals whose service, during 57255  
the base period of the claims, was within the effective period of 57256  
such election. 57257

(2) Any nonprofit organization which becomes subject to this 57258  
chapter after January 1, 1972, may elect to become liable for 57259  
payments in lieu of contributions for a period of not less than 57260  
the remainder of that calendar year and the next calendar year, 57261  
beginning with the date on which such subjectivity begins, by 57262  
filing a written notice of its election with the director not 57263  
later than thirty days immediately following the date of the 57264  
determination of such subjectivity. 57265

(3) Any nonprofit organization which makes an election in 57266  
accordance with this division will continue to be liable for 57267  
payments in lieu of contributions for the period described in this 57268  
division and until it files with the director a written notice 57269  
terminating its election. The notice shall be filed not later than 57270  
thirty days prior to the beginning of the calendar year for which 57271  
the termination is to become effective. 57272

(4) Any nonprofit organization which has been paying 57273  
contributions for a period subsequent to January 1, 1972, may 57274  
change to a reimbursable basis by filing with the director, not 57275  
later than thirty days prior to the beginning of any calendar 57276  
year, a written notice of election to become liable for payments 57277  
in lieu of contributions. The election shall not be terminable by 57278  
the organization during that calendar year and the next calendar 57279  
year. 57280

(5) The director, in accordance with any rules the director 57281

prescribes, shall notify each nonprofit organization of any 57282  
determination which the director may make of its status as an 57283  
employer and of the effective date of any election which it makes 57284  
and of any termination of the election. Any determinations shall 57285  
be subject to reconsideration, appeal, and review in accordance 57286  
with section 4141.26 of the Revised Code. 57287

(B) Except as provided in division (I) of section 4141.29 of 57288  
the Revised Code, benefits based on service with a nonprofit 57289  
organization granted a reimbursing status under this section shall 57290  
be payable in the same amount, on the same terms, and subject to 57291  
the same conditions, as benefits payable on the basis of other 57292  
service subject to this chapter. Payments in lieu of contributions 57293  
shall be made in accordance with this division and division (D) of 57294  
section 4141.24 of the Revised Code. 57295

(1)(a) At the end of each calendar quarter, or at the end of 57296  
any other period as determined by the director under division 57297  
(D)(4) of section 4141.24 of the Revised Code, the director shall 57298  
bill each nonprofit organization or group of such organizations 57299  
which has elected to make payments in lieu of contributions for an 57300  
amount equal to the full amount of regular benefits plus one half 57301  
of the amount of extended benefits paid during such quarter or 57302  
other prescribed period which is attributable to service in the 57303  
employ of such organization. 57304

(b) In the computation of the amount of benefits to be 57305  
charged to employers liable for payments in lieu of contributions, 57306  
all benefits attributable to service described in division 57307  
(B)(1)(a) of this section shall be computed and charged to such 57308  
organization as described in division (D) of section 4141.24 of 57309  
the Revised Code, and, except as provided in division (D)(2) of 57310  
section 4141.24 of the Revised Code, no portion of the amount may 57311  
be charged to the mutualized account established by division (B) 57312  
of section 4141.25 of the Revised Code. 57313

(c) The director may prescribe regulations under which 57314  
organizations, which have elected to make payments in lieu of 57315  
contributions, may request permission to make such payments in 57316  
equal installments throughout the year with an adjustment at the 57317  
end of the year for any excess or shortage of the amount of such 57318  
installment payments compared with the total amount of benefits 57319  
actually charged the organization's account during the year. In 57320  
making any adjustment, where the total installment payments are 57321  
less than the actual benefits charged, the organization shall be 57322  
liable for payment of the unpaid balance in accordance with 57323  
division (B)(2) of this section. If the total installment payments 57324  
exceed the actual benefits charged, all or part of the excess may, 57325  
at the discretion of the director, be refunded or retained in the 57326  
fund as part of the payments which may be required in the next 57327  
year. 57328

(2) Payment of any bill rendered under division (B)(1) of 57329  
this section shall be made not later than thirty days after the 57330  
bill was mailed to the last known address of the organization or 57331  
was otherwise delivered to it, unless there has been an 57332  
application for review and redetermination in accordance with 57333  
division (B)(4) of this section. 57334

(3) Payments made by an organization under this section shall 57335  
not be deducted or deductible, in whole or in part, from the 57336  
remuneration of individuals in the employ of the organization. 57337

(4) An organization may file an application for review and 57338  
redetermination of the amounts appearing on any bill rendered to 57339  
such organization under division (B)(1) of this section. The 57340  
application shall be filed and determined under division (D)(4) of 57341  
section 4141.24 of the Revised Code. 57342

(5) Past-due payments of amounts in lieu of contributions 57343  
shall be subject to the same interest rates and collection 57344  
procedures that apply to past-due contributions under sections 57345

4141.23 and ~~414.27~~ 4141.27 of the Revised Code. In case of failure 57346  
to file a required quarterly report within the time prescribed by 57347  
the director, the nonprofit organization shall be subject to a 57348  
forfeiture pursuant to section 4141.20 of the Revised Code for 57349  
each quarterly report that is not timely filed. 57350

All interest and forfeitures collected under this division 57351  
shall be paid into the unemployment compensation special 57352  
administrative fund as provided in section 4141.11 of the Revised 57353  
Code. 57354

(6) All payments in lieu of contributions collected under 57355  
this section shall be paid into the unemployment compensation fund 57356  
as provided in section 4141.09 of the Revised Code. Any refunds of 57357  
such payments shall be paid from the unemployment compensation 57358  
fund, as provided in section 4141.09 of the Revised Code. 57359

(C)(1) Any nonprofit organization, or group of such 57360  
organizations approved under division (D) of this section, that 57361  
elects to become liable for payments in lieu of contributions 57362  
shall be required within thirty days after the effective date of 57363  
its election, to execute and file with the director a surety bond 57364  
approved by the director ~~or it may elect instead to deposit with~~ 57365  
~~the director approved municipal or other bonds, or approved~~ 57366  
~~securities, or a combination thereof, or other forms of collateral~~ 57367  
~~security approved by the director.~~ 57368

(2)(a) The amount of the bond ~~or deposit~~ required shall be 57369  
equal to three per cent of the organization's wages paid for 57370  
employment as defined in section 4141.01 of the Revised Code that 57371  
would have been taxable had the organization been a subject 57372  
employer during the four calendar quarters immediately preceding 57373  
the effective date of the election, or the amount established by 57374  
the director within the limitation provided in division 57375  
~~(C)(2)(d)~~ (C)(2)(c) of this section, whichever is the less. The 57376  
effective date of the amount of the bond ~~or other collateral~~ 57377

~~security~~ required after the employer initially is determined by 57378  
the director to be liable for payments in lieu of contributions 57379  
shall be the renewal date ~~in the case of a the bond ~~or the~~~~ 57380  
~~biennial anniversary of the effective date of election in the case~~ 57381  
~~of deposit of securities or other forms of collateral security~~ 57382  
~~approved by the director, whichever date shall be most recent and~~ 57383  
~~applicable.~~ If the nonprofit organization did not pay wages in 57384  
each of such four calendar quarters, the amount of the bond ~~or~~ 57385  
~~deposit~~ shall be as determined by the director under regulations 57386  
prescribed for this purpose. 57387

(b) ~~Any bond or other form of collateral security approved by~~ 57388  
~~the director~~ deposited under this division shall be in force for a 57389  
period of not less than two calendar years and shall be renewed 57390  
with the approval of the director, at such times as the director 57391  
may prescribe, but not less frequently than at two-year intervals 57392  
as long as the organization continues to be liable for payments in 57393  
lieu of contributions. The director shall require adjustments to 57394  
be made in a previously filed bond ~~or other form of collateral~~ 57395  
~~security~~ as the director considers appropriate. If the bond ~~or~~ 57396  
~~other form of collateral security~~ is to be increased, the adjusted 57397  
bond ~~or collateral security~~ shall be filed by the organization 57398  
within thirty days of the date that notice of the required 57399  
adjustment was mailed or otherwise delivered to it. Failure by any 57400  
organization covered by such bond ~~or collateral security~~ to pay 57401  
the full amount of payments in lieu of contributions when due, 57402  
together with any applicable interest provided for in division 57403  
(B)(5) of this section, shall render the surety liable on the bond 57404  
~~or collateral security~~ to the extent of the bond ~~or collateral~~ 57405  
~~security~~, as though the surety was the organization. 57406

(c) ~~Any securities accepted in lieu of surety bond by the~~ 57407  
~~director shall be deposited with the treasurer of state who shall~~ 57408  
~~have custody thereof and retain the same in the treasurer of~~ 57409

~~state's possession, or release them, according to conditions 57410  
prescribed by regulations of the director. Income from the 57411  
securities, held in custody by the treasurer of state, shall 57412  
accrue to the benefit of the depositor and shall be distributed to 57413  
the depositor in the absence of any notification from the director 57414  
that the depositor is in default on any payment owed to the 57415  
director. The director may require the sale of any such bonds to 57416  
the extent necessary to satisfy any unpaid payments in lieu of 57417  
contributions, together with any applicable interest or 57418  
forfeitures provided for in division (B)(5) of this section. The 57419  
director shall require the employer within thirty days following 57420  
any sale of deposited securities, under this subdivision, to 57421  
deposit additional securities, surety bond, or combination of 57422  
both, to make whole the employer's security deposit at the 57423  
approved level. Any cash remaining from the sale of such 57424  
securities may, at the discretion of the director, be refunded in 57425  
whole or in part, or be paid into the unemployment compensation 57426  
fund to cover future payments required of the organization. 57427~~

(d) ~~The required bond or deposit for any nonprofit 57428  
organization, or group of such organizations approved by the 57429  
director under division (D) of this section, that is determined by 57430  
the director to be liable for payments in lieu of contributions 57431  
effective beginning on and after January 1, 1996, but prior to 57432  
January 1, 1998, and the required bond or deposit for any renewed 57433  
elections under division (C)(2)(b) of this section effective 57434  
during that period shall not exceed one million two hundred fifty 57435  
thousand dollars. The required bond or deposit for any nonprofit 57436  
organization, or group of such organizations approved by the 57437  
director under division (D) of this section, that is determined to 57438  
be liable for payments in lieu of contributions effective on and 57439  
after January 1, 1998, and the required bond or deposit for any 57440  
renewed elections effective on and after January 1, 1998, shall 57441  
not exceed two million dollars. 57442~~

(3) If any nonprofit organization fails to file a bond ~~or~~ 57443  
~~make a deposit~~, or to file a bond in an increased amount ~~or to~~ 57444  
~~make whole the amount of a previously made deposit~~, as provided 57445  
under this division, the director may terminate the organization's 57446  
election to make payments in lieu of contributions effective for 57447  
the quarter following such failure and the termination shall 57448  
continue for not less than the remainder of that calendar year and 57449  
the next calendar year, beginning with the quarter in which the 57450  
termination becomes effective; except that the director may extend 57451  
for good cause the applicable filing, ~~deposit, or adjustment~~ 57452  
period by not more than thirty days. 57453

(D)(1) Two or more nonprofit organizations that have become 57454  
liable for payments in lieu of contributions, in accordance with 57455  
division (A) of this section, may file a joint application to the 57456  
director for the establishment of the group account for the 57457  
purpose of sharing the cost of benefits paid that are attributable 57458  
to service in the employ of those employers. Notwithstanding 57459  
division (E) of section 4141.242 of the Revised Code, hospitals 57460  
operated by this state or a political subdivision may participate 57461  
in a group account with nonprofit organizations under the 57462  
procedures set forth in this section. Each application shall 57463  
identify and authorize a group representative to act as the 57464  
group's agent for the purposes of this division. 57465

(2) Upon the director's approval of the application, the 57466  
director shall establish a group account for the employers 57467  
effective as of the beginning of the calendar quarter in which the 57468  
director receives the application and shall notify the group's 57469  
representative of the effective date of the account. The account 57470  
shall remain in effect for not less than two years and thereafter 57471  
until terminated by the director or upon application by the group. 57472

(3) Upon establishment of the account, each member of the 57473  
group shall be liable, in the event that the group representative 57474

fails to pay any bill issued to it pursuant to division (B) of 57475  
this section, for payments in lieu of contributions with respect 57476  
to each calendar quarter in the amount that bears the same ratio 57477  
to the total benefits paid in the quarter that are attributable to 57478  
service performed in the employ of all members of the group as the 57479  
total wages paid for service in employment by the member in the 57480  
quarter bear to the total wages paid during the quarter for 57481  
service performed in the employ of all members of the group. 57482

(4) The director shall adopt regulations as considered 57483  
necessary with respect to the following: applications for 57484  
establishment, bonding, maintenance, and termination of group 57485  
accounts that are authorized by this section; addition of new 57486  
members to and withdrawal of active members from such accounts; 57487  
and the determination of the amounts that are payable under this 57488  
division by the group representative and in the event of default 57489  
in payment by the group representative, members of the group, and 57490  
the time and manner of payments. 57491

**Sec. 4141.28. BENEFITS** 57492

(A) FILINGS 57493

Applications for determination of benefit rights and claims 57494  
for benefits shall be filed with the director of job and family 57495  
services. Such applications and claims also may be filed with an 57496  
employee of another state or federal agency charged with the duty 57497  
of accepting applications and claims for unemployment benefits or 57498  
with an employee of the unemployment insurance commission of 57499  
Canada. 57500

When an unemployed individual files an application for 57501  
determination of benefit rights, the director shall furnish the 57502  
individual with an explanation of the individual's appeal rights. 57503  
The explanation shall describe clearly the different levels of 57504  
appeal and explain where and when each appeal must be filed. 57505

(B) APPLICATION FOR DETERMINATION OF BENEFIT RIGHTS 57506

In filing an application, an individual shall furnish the 57507  
director with the name and address of the individual's most recent 57508  
separating employer and the individual's statement of the reason 57509  
for separation from the employer. The director shall promptly 57510  
notify the individual's most recent separating employer of the 57511  
filing and request the reason for the individual's unemployment, 57512  
unless that notice is not necessary under conditions the director 57513  
establishes by rule. The director may request from the individual 57514  
or any employer information necessary for the determination of the 57515  
individual's right to benefits. The employer shall provide the 57516  
information requested within ten working days after the request is 57517  
sent. If an employer fails to provide requested information within 57518  
ten working days, the director shall provide to the tax 57519  
commissioner the individual's and employer's names, addresses, 57520  
taxpayer identification numbers if available, and any additional 57521  
information required by the tax commissioner. The tax commissioner 57522  
shall confirm to the director whether the individual was included 57523  
on the most recent annual return filed by the employer pursuant to 57524  
division (F) of section 5747.07 of the Revised Code. The tax 57525  
commissioner shall inform the director if the tax commissioner is 57526  
unable to provide the requested confirmation. If necessary to 57527  
ensure prompt determination and payment of benefits, the director 57528  
shall base the determination on the information that is available. 57529

An individual filing an application for determination of 57530  
benefit rights shall disclose, at the time of filing, whether or 57531  
not the individual owes child support obligations. 57532

An individual filing an application for determination of 57533  
benefit rights shall furnish proof of identity at the time of 57534  
filing in the manner prescribed by the director. The director 57535  
shall adopt rules to prescribe the manner in which an applicant 57536  
shall furnish proof of identity. 57537

(C) MASS LAYOFFS 57538

An employer who lays off or separates within any seven-day 57539  
period fifty or more individuals because of lack of work shall 57540  
furnish notice to the director of the dates of layoff or 57541  
separation and the approximate number of individuals being laid 57542  
off or separated. The notice shall be furnished at least three 57543  
working days prior to the date of the first day of such layoff or 57544  
separation. In addition, at the time of the layoff or separation 57545  
the employer shall furnish to the individual and to the director 57546  
information necessary to determine the individual's eligibility 57547  
for unemployment compensation. 57548

(D) DETERMINATION OF BENEFIT RIGHTS 57549

The director shall promptly examine any application for 57550  
determination of benefit rights. On the basis of the information 57551  
available to the director under this chapter, the director shall 57552  
determine whether or not the application is valid, and if valid, 57553  
the date on which the benefit year shall commence and the weekly 57554  
benefit amount. The director shall promptly notify the applicant, 57555  
employers in the applicant's base period, and any other interested 57556  
parties of the determination and the reasons for it. In addition, 57557  
the determination issued to the claimant shall include the total 57558  
amount of benefits payable. The determination issued to each 57559  
chargeable base period employer shall include the total amount of 57560  
benefits that may be charged to the employer's account. 57561

(E) CLAIM FOR BENEFITS 57562

The director shall examine the first claim and any additional 57563  
claim for benefits. On the basis of the information available, the 57564  
director shall determine whether the claimant's most recent 57565  
separation and, to the extent necessary, prior separations from 57566  
work, allow the claimant to qualify for benefits. Written notice 57567  
of the determination granting or denying benefits shall be sent to 57568

the claimant, the most recent separating employer, and any other 57569  
employer involved in the determination, except that written notice 57570  
is not required to be sent to the claimant if the reason for 57571  
separation is lack of work and the claim is allowed. 57572

If the director identifies an eligibility issue, the director 57573  
shall immediately send notice to the claimant of the issue 57574  
identified, specify the week or weeks involved, and identify what 57575  
the claimant must do to address the issue or who the claimant may 57576  
contact for more information. The claimant has a minimum of five 57577  
business days after the notice is sent to respond to the 57578  
information included in the notice, and after the time allowed as 57579  
determined by the director, the director shall make a 57580  
determination. The claimant's response may include a request for a 57581  
fact-finding interview when the eligibility issue is raised by an 57582  
informant or source other than the claimant, or when the 57583  
eligibility issue, if determined adversely, disqualifies the 57584  
claimant for the duration of the claimant's period of 57585  
unemployment. 57586

When the determination of a continued claim for benefits 57587  
results in a disallowed claim, the director shall notify the 57588  
claimant of the disallowance and the reasons for it. 57589

(F) ELIGIBILITY NOTICE 57590

Any base period or subsequent employer of a claimant who has 57591  
knowledge of specific facts affecting the claimant's right to 57592  
receive benefits for any week may notify the director in writing 57593  
of those facts. The director shall prescribe a form for such 57594  
eligibility notice, but failure to use the form shall not preclude 57595  
the director's examination of any notice. 57596

To be considered valid, an eligibility notice must: contain 57597  
in writing, a statement that identifies either a source who has 57598  
firsthand knowledge of the information or an informant who can 57599

identify the source; provide specific and detailed information 57600  
that may potentially disqualify the claimant; provide the name and 57601  
address of the source or the informant; and appear to the director 57602  
to be reliable and credible. 57603

An eligibility notice is timely filed if received or 57604  
postmarked prior to or within forty-five calendar days after the 57605  
end of the week with respect to which a claim for benefits is 57606  
filed by the claimant. An employer who timely files a valid 57607  
eligibility notice shall be an interested party to the claim for 57608  
benefits which is the subject of the notice. 57609

The director shall consider the information contained in the 57610  
eligibility notice, together with other available information. 57611  
After giving the claimant notice and an opportunity to respond, 57612  
the director shall make a determination and inform the notifying 57613  
employer, the claimant, and other interested parties of the 57614  
determination. 57615

(G) CORRECTED DETERMINATION 57616

If the director finds within the two hundred eight calendar 57617  
weeks beginning with the Sunday of the week during which an 57618  
application for benefit rights was filed that a determination made 57619  
by the director was erroneous due to an error in an employer's 57620  
report or any typographical or clerical error in the director's 57621  
determination, or as shown by correct remuneration information 57622  
received by the director, the director shall issue a corrected 57623  
determination to all interested parties. The corrected 57624  
determination shall take precedence over and void the prior 57625  
determination of the director. The director shall not issue a 57626  
corrected determination when the commission or a court has 57627  
jurisdiction with respect to that determination. 57628

(H) EFFECT OF COMMISSION DECISIONS 57629

In making determinations, the director shall follow decisions 57630

of the unemployment compensation review commission which have 57631  
become final with respect to claimants similarly situated. 57632

(I) PROMPT PAYMENTS 57633

If benefits are allowed by the director, a hearing officer, 57634  
the commission, or a court, the director shall pay benefits 57635  
promptly, notwithstanding any further appeal, provided that if 57636  
benefits are denied on appeal, of which the parties have notice 57637  
and an opportunity to be heard, the director shall withhold 57638  
payment of benefits pending a decision on any further appeal. 57639

**Sec. 4141.31.** (A) Benefits otherwise payable for any week 57640  
shall be reduced by the amount of remuneration or other payments a 57641  
claimant receives with respect to such week as follows: 57642

(1) Remuneration in lieu of notice; 57643

(2) Compensation for wage loss under division (B) of section 57644  
4123.56 of the Revised Code or a similar provision under the 57645  
workers' compensation law of any state or the United States; 57646

(3) Payments in the form of retirement, or pension allowances 57647  
as provided under section 4141.312 of the Revised Code; 57648

(4) Except as otherwise provided in division (D) of this 57649  
section, remuneration in the form of separation or termination pay 57650  
paid to an employee at the time of the employee's separation from 57651  
employment; 57652

(5) ~~Vacation pay or allowance~~ Amounts payable under the law, 57653  
terms of a labor-management contract or agreement, or other 57654  
contract of hire, which payments are allocated to designated 57655  
weeks, for either of the following: 57656

(a) Vacation pay or allowance; 57657

(b) Holiday pay or allowance. 57658

(6) Bonuses payable under the law, terms of a 57659

labor-management contract or agreement, or other contract of hire; 57660

(7) The determinable value of cost savings days. 57661

If payments under this division are paid with respect to a 57662  
month then the amount of remuneration deemed to be received with 57663  
respect to any week during such month shall be computed by 57664  
multiplying such monthly amount by twelve and dividing the product 57665  
by fifty-two. If there is no designation of the period with 57666  
respect to which payments to an individual are made under this 57667  
section then an amount equal to such individual's normal weekly 57668  
wage shall be attributed to and deemed paid with respect to the 57669  
first and each succeeding week following the individual's 57670  
separation or termination from the employment of the employer 57671  
making the payment until such amount so paid is exhausted. 57672

If benefits for any week, when reduced as provided in this 57673  
division, result in an amount not a multiple of one dollar, such 57674  
benefits shall be rounded to the next lower multiple of one 57675  
dollar. 57676

Any payment allocated by the employer or the director of job 57677  
and family services to weeks under division (A)(1), (4), or (5) of 57678  
this section shall be deemed to be remuneration for the purposes 57679  
of establishing a qualifying week and a benefit year under 57680  
divisions (O)(1) and (R) of section 4141.01 of the Revised Code. 57681

(B) Benefits payable for any week shall not be reduced by the 57682  
amount of remuneration a claimant receives with respect to such 57683  
week in the form of drill or reserve pay received by a member of 57684  
the Ohio national guard or the armed forces reserve for attendance 57685  
at a regularly scheduled drill or meeting. 57686

(C) No benefits shall be paid for any week with respect to 57687  
which or a part of which an individual has received or is seeking 57688  
unemployment benefits under an unemployment compensation law of 57689  
any other state or of the United States, provided the 57690

disqualifications shall not apply if the appropriate agency of 57691  
such other state or of the United States finally determines that 57692  
an individual is not entitled to such unemployment benefits. A law 57693  
of the United States providing any payment of any type and in any 57694  
amounts for periods of unemployment due to lack of work shall be 57695  
considered an unemployment compensation law of the United States. 57696

(D) Benefits payable for any week shall not be reduced by the 57697  
amount of military severance, disability, or separation pay paid 57698  
to an individual who is a former member of the armed forces of the 57699  
United States. 57700

(E) Remuneration for personal services includes cost savings 57701  
days, as defined in division (DD) of section 4141.01 of the 57702  
Revised Code, for which employees continue to accrue employee 57703  
benefits that have a determinable value. Any unemployment 57704  
compensation benefits that may be payable as a result of cost 57705  
savings days shall be reduced as provided in division (A)(6) of 57706  
this section. 57707

**Sec. 4141.43.** (A) ~~The Except as provided in division (B) of 57708  
this section, the director of job and family services may 57709  
~~cooperate with the industrial commission, the bureau of workers'~~ 57710  
~~compensation, the United States internal revenue service, the~~ 57711  
~~United States employment service, and other similar departments~~ 57712  
~~and agencies, as determined by the director, in the exchange or~~ 57713  
~~disclosure of information as to wages, employment, payrolls,~~ 57714  
~~unemployment, and other information. The director may employ,~~ 57715  
~~jointly with one or more of such agencies or departments,~~ 57716  
~~auditors, examiners, inspectors, and other employees necessary for~~ 57717  
~~the administration of this chapter and employment and training~~ 57718  
~~services for workers in the state.~~ 57719~~

~~(B) The director may make the state's record relating to the 57720  
administration of this chapter available to the railroad 57721~~

~~retirement board and may furnish the board at the board's expense~~ 57722  
~~such copies thereof as the board deems necessary for its purposes~~ 57723  
adopt rules to allow for the disclosure of information otherwise 57724  
protected from disclosure under section 4141.21 of the Revised 57725  
Code that conform to requirements of federal law governing such 57726  
disclosure as follows: 57727

(1) To a federal or state public official, or an agent or 57728  
contractor of such an official, for use in the performance of 57729  
official duties, including research related to the administration 57730  
of those duties; 57731

(2) Pursuant to an order of a judge of a court of record; 57732

(3) Pursuant to a subpoena issued by a local, state, or 57733  
federal government official, other than a clerk of court on behalf 57734  
of a litigant; 57735

(4) To a prosecuting authority, law enforcement officer, or 57736  
law enforcement agency if the director determines that providing 57737  
the information is in the best interests of the public and does 57738  
not interfere with the efficient administration of the department 57739  
of job and family services; 57740

(5) To a consumer reporting agency; 57741

(6) Pursuant to a requirement of federal law. 57742

(B) Information otherwise protected from disclosure under 57743  
section 4141.21 of the Revised Code shall not be disclosed for the 57744  
purpose of solicitation of contributions or expenditures to or on 57745  
behalf of a candidate for public or political office or to a 57746  
political party. 57747

(C) The director may afford reasonable cooperation with every 57748  
agency of the United States charged with the administration of any 57749  
unemployment compensation law. 57750

(D) The director may enter into arrangements with the 57751

appropriate agencies of other states or of the United States or 57752  
Canada whereby individuals performing services in this and other 57753  
states for a single employer under circumstances not specifically 57754  
provided for in division (B) of section 4141.01 of the Revised 57755  
Code or in similar provisions in the unemployment compensation 57756  
laws of such other states shall be deemed to be engaged in 57757  
employment performed entirely within this state or within one of 57758  
such other states or within Canada, and whereby potential rights 57759  
to benefits accumulated under the unemployment compensation laws 57760  
of several states or under such a law of the United States, or 57761  
both, or of Canada may constitute the basis for the payment of 57762  
benefits through a single appropriate agency under terms that the 57763  
director finds will be fair and reasonable as to all affected 57764  
interests and will not result in any substantial loss to the 57765  
unemployment compensation fund. 57766

(E) The director may enter into agreements with the 57767  
appropriate agencies of other states or of the United States or 57768  
Canada: 57769

(1) Whereby services or wages upon the basis of which an 57770  
individual may become entitled to benefits under the unemployment 57771  
compensation law of another state or of the United States or 57772  
Canada shall be deemed to be employment or wages for employment by 57773  
employers for the purposes of qualifying claimants for benefits 57774  
under this chapter, and the director may estimate the number of 57775  
weeks of employment represented by the wages reported to the 57776  
director for such claimants by such other agency, provided such 57777  
other state agency or agency of the United States or Canada has 57778  
agreed to reimburse the unemployment compensation fund for such 57779  
portion of benefits paid under this chapter upon the basis of such 57780  
services or wages as the director finds will be fair and 57781  
reasonable as to all affected interests; 57782

(2) Whereby the director will reimburse other state or 57783

federal or Canadian agencies charged with the administration of 57784  
unemployment compensation laws with such reasonable portion of 57785  
benefits, paid under the law of such other states or of the United 57786  
States or of Canada upon the basis of employment or wages for 57787  
employment by employers, as the director finds will be fair and 57788  
reasonable as to all affected interests. Reimbursements so payable 57789  
shall be deemed to be benefits for the purpose of section 4141.09 57790  
and division (A) of section 4141.30 of the Revised Code. However, 57791  
no reimbursement so payable shall be charged against any 57792  
employer's account for the purposes of section 4141.24 of the 57793  
Revised Code if the employer's account, under the same or similar 57794  
circumstances, with respect to benefits charged under the 57795  
provisions of this chapter, other than this section, would not be 57796  
charged or, if the claimant at the time the claimant files the 57797  
combined wage claim cannot establish benefit rights under this 57798  
chapter. This noncharging shall not be applicable to a nonprofit 57799  
organization that has elected to make payments in lieu of 57800  
contributions under section 4141.241 of the Revised Code, except 57801  
as provided in division (D)(2) of section 4141.24 of the Revised 57802  
Code. The director may make to other state or federal or Canadian 57803  
agencies and receive from such other state or federal or Canadian 57804  
agencies reimbursements from or to the unemployment compensation 57805  
fund, in accordance with arrangements pursuant to this section. 57806

(3) Notwithstanding division (B)(2)(f) of section 4141.01 of 57807  
the Revised Code, the director may enter into agreements with 57808  
other states whereby services performed for a crew leader, as 57809  
defined in division (BB) of section 4141.01 of the Revised Code, 57810  
may be covered in the state in which the crew leader either: 57811

(a) Has the crew leader's place of business or from which the 57812  
crew leader's business is operated or controlled; 57813

(b) Resides if the crew leader has no place of business in 57814  
any state. 57815

(F) The director may apply for an advance to the unemployment 57816  
compensation fund and do all things necessary or required to 57817  
obtain such advance and arrange for the repayment of such advance 57818  
in accordance with Title XII of the "Social Security Act" as 57819  
amended. 57820

(G) The director may enter into reciprocal agreements or 57821  
arrangements with the appropriate agencies of other states in 57822  
regard to services on vessels engaged in interstate or foreign 57823  
commerce whereby such services for a single employer, wherever 57824  
performed, shall be deemed performed within this state or within 57825  
such other states. 57826

(H) The director shall participate in any arrangements for 57827  
the payment of compensation on the basis of combining an 57828  
individual's wages and employment, covered under this chapter, 57829  
with the individual's wages and employment covered under the 57830  
unemployment compensation laws of other states which are approved 57831  
by the United States secretary of labor in consultation with the 57832  
state unemployment compensation agencies as reasonably calculated 57833  
to assure the prompt and full payment of compensation in such 57834  
situations and which include provisions for: 57835

(1) Applying the base period of a single state law to a claim 57836  
involving the combining of an individual's wages and employment 57837  
covered under two or more state unemployment compensation laws, 57838  
and 57839

(2) Avoiding the duplicate use of wages and employment by 57840  
reason of such combining. 57841

~~(I)~~(I)(1) The director shall cooperate with the United States 57842  
department of labor to the fullest extent consistent with this 57843  
chapter, and shall take such action, through the adoption of 57844  
appropriate rules, regulations, and administrative methods and 57845  
standards, as may be necessary to secure to this state and its 57846

citizens all advantages available under the provisions of the 57847  
"Social Security Act" that relate to unemployment compensation, 57848  
the "Federal Unemployment Tax Act," (1970) 84 Stat. 713, 26 57849  
U.S.C.A. 3301 to 3311, the "Wagner-Peyser Act," (1933) 48 Stat. 57850  
113, 29 U.S.C.A. 49, the "Federal-State Extended Unemployment 57851  
Compensation Act of 1970," 84 Stat. 596, 26 U.S.C.A. 3306, and the 57852  
"Workforce Innovation and Opportunity Act," 29 U.S.C.A. 3101 et 57853  
seq. 57854

(2) Nothing in division (I)(1) of this section requires the 57855  
director to participate in, nor precludes the director from 57856  
ceasing to participate in, any voluntary, optional, special, or 57857  
emergency program offered by the federal government, including 57858  
programs offered under any of the federal acts listed in division 57859  
(I)(1) of this section, the "Coronavirus Aid, Relief, and Economic 57860  
Security Act," 15 U.S.C. 9023, or any other federal program 57861  
enacted to address exceptional unemployment conditions. 57862

(J) The director may disclose wage information furnished to 57863  
or maintained by the director under Chapter 4141. of the Revised 57864  
Code to a consumer reporting agency as defined by the "Fair Credit 57865  
Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended, for 57866  
the purpose of verifying an individual's income under a written 57867  
agreement that requires all of the following: 57868

(1) A written statement of informed consent from the 57869  
individual whose information is to be disclosed; 57870

(2) A written statement confirming that the consumer 57871  
reporting agency and any other entity to which the information is 57872  
disclosed or released will safeguard the information from illegal 57873  
or unauthorized disclosure; 57874

(3) A written statement confirming that the consumer 57875  
reporting agency will pay to the bureau all costs associated with 57876  
the disclosure. 57877

The director shall prescribe a manner and format in which 57878  
this information may be provided. 57879

~~(K) The director shall adopt rules defining the requirements 57880  
of the release of individual income verification information 57881  
specified in division (J) of this section, which shall include all 57882  
terms and conditions necessary to meet the requirements of federal 57883  
law as interpreted by the United States department of labor or 57884  
considered necessary by the director for the proper administration 57885  
of this division. 57886~~

~~(L) The director shall disclose information furnished to or 57887  
maintained by the director under this chapter upon request and on 57888  
a reimbursable basis as required by section 303 of the "Social 57889  
Security Act," 42 U.S.C.A. 503, and section 3304 of the "Internal 57890  
Revenue Code," 26 U.S.C.A. 3304. 57891~~

Sec. 4164.01. As used in this chapter, unless the context 57892  
otherwise requires: 57893

(A) "Authority" means the Ohio nuclear development authority 57894  
created and constituted under section 4164.04 of the Revised Code. 57895

(B) "Council" means the Ohio nuclear development authority 57896  
nominating council created and constituted under section 4164.09 57897  
of the Revised Code. 57898

Sec. 4164.02. It is the intent of the general assembly in 57899  
enacting this chapter of the Revised Code to encourage its use as 57900  
a model for future legislation to further the pursuit of 57901  
innovative research and development for any industry in this 57902  
state. 57903

Sec. 4164.04. There is hereby created and constituted within 57904  
the department of development, the Ohio nuclear development 57905  
authority. The authority's exercise of powers conferred by this 57906

chapter is the performance of an essential governmental function 57907  
and addresses matters of public necessity for which public moneys 57908  
may be spent. 57909

Sec. 4164.05. (A) The authority shall consist of nine members 57910  
appointed by the governor, representing the following three 57911  
stakeholder groups within the 57912  
nuclear-engineering-and-manufacturing industry: 57913

(1) Safety; 57914

(2) Industry; 57915

(3) Engineering research and development. 57916

(B)(1) A member appointed from the safety group shall hold at 57917  
least a bachelor's degree in nuclear, mechanical, chemical, or 57918  
electrical engineering and at least one of the following shall 57919  
also apply: 57920

(a) The member is a recognized professional in 57921  
nuclear-reactor safety or developing ISO 9000 standards. 57922

(b) The member has been employed by or has worked closely 57923  
with the United States department of energy or the nuclear 57924  
regulatory commission and the member also has a professional 57925  
background in nuclear-energy-technology development or 57926  
advanced-nuclear-reactor concepts. 57927

(c) The member has been employed by a contractor that has 57928  
built concept reactors and the member also worked with hazardous 57929  
substances, either nuclear or chemical, during that employment. 57930

(2) A member appointed from the industry group shall have at 57931  
least five years of experience in one or more of the following: 57932

(a) Nuclear-power-plant operation; 57933

(b) Processing and extracting isotopes; 57934

(c) Managing a facility that deals with hazardous substances, 57935

<u>either nuclear or chemical;</u>	57936
<u>(d) Handling and storing nuclear waste.</u>	57937
<u>(3) A member appointed from the engineering research and development group shall hold at least a bachelor's degree in nuclear, mechanical, chemical, or electrical engineering and the member shall also be a recognized professional in at least one of the following areas of study:</u>	57938
<u>(a) Advanced nuclear reactors;</u>	57939
<u>(b) Materials science involving the study of alloys and metallurgy, ceramics, or composites;</u>	57940
<u>(c) Molten-salt chemistry;</u>	57941
<u>(d) Solid-state chemistry;</u>	57942
<u>(e) Chemical physics;</u>	57943
<u>(f) Actinide chemistry;</u>	57944
<u>(g) Instrumentation and sensors;</u>	57945
<u>(h) Control systems.</u>	57946
<u>(C) The members shall be United States citizens and residents of this state.</u>	57947
<u>(D) The members shall serve five-year terms.</u>	57948
<u>(E) Any appointment to fill a vacancy on the authority shall be made for the unexpired term of the member whose death, resignation, or removal created the vacancy.</u>	57949
<u>(F) Initial appointments under this section shall be made not later than one hundred twenty days after the effective date of this section.</u>	57950
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vacancy not later than thirty days after receipt of the council's 57964  
recommendations. 57965

Sec. 4164.052. The governor, in the governor's discretion, 57966  
may reject all of the nominees recommended by the council and 57967  
reconvene the council for it to recommend additional nominees. If 57968  
the governor reconvenes the council and the council provides a 57969  
second list of nominees, the governor shall make the required 57970  
appointment from one of the names on the first or second list. 57971

Sec. 4164.053. All appointments by the governor to the 57972  
authority are subject to the advice and consent of the senate. 57973

Sec. 4164.07. Immediately after appointment to the authority 57974  
under section 4164.05 of the Revised Code, the members shall enter 57975  
upon the performance of their duties. 57976

Sec. 4164.08. Notwithstanding any law to the contrary, no 57977  
officer or employee of this state shall be deemed to have 57978  
forfeited, or shall have forfeited, the officer's or employee's 57979  
office or employment due to acceptance of membership on the 57980  
authority or by providing service to the authority. 57981

Sec. 4164.09. There is hereby created the Ohio nuclear 57982  
development authority nominating council. 57983

Sec. 4164.091. The council shall review, evaluate, and make 57984  
recommendations to the governor regarding potential appointees to 57985  
serve as members of the authority. 57986

Sec. 4164.092. (A) Consistent with division (B) of section 57987  
4164.05 of the Revised Code, and for the purpose of making initial 57988  
and subsequent appointments, and for filling vacancies, the 57989  
council shall provide the governor with a list of individuals who 57990

are, in the judgment of the council, the most fully qualified to 57991  
become members of the authority. 57992

(B) For each initial appointment, and for each subsequent or 57993  
vacancy appointment, the council shall provide a list of four 57994  
possible appointees. 57995

(C) The council shall provide the lists at the following 57996  
times: 57997

(1) For each subsequent appointment, not more than 57998  
eighty-five, nor less than sixty, days before the expiration of 57999  
the term of an authority member to be renewed or replaced; 58000

(2) For each vacancy appointment, not more than thirty days 58001  
after the death of, resignation of, or termination of service by, 58002  
an authority member for whom a vacancy exists. 58003

Sec. 4164.093. In reviewing, evaluating, and recommending 58004  
potential appointees to serve as members of the authority, the 58005  
council may solicit and accept comments from, and cooperate with, 58006  
any individual. 58007

Sec. 4164.094. The council may make recommendations to the 58008  
general assembly concerning changes in law to assist the council 58009  
in the performance of its duties. 58010

Sec. 4164.096. The council shall consist of seven members: 58011

(A) The president of the senate, or the president's designee; 58012

(B) The speaker of the house of representatives, or the 58013  
speaker's designee. 58014

(C) Five members of the Ohio state university's nuclear 58015  
engineering external advisory board. 58016

Sec. 4164.097. (A) Of the seven members of the council, the 58017

five members from the Ohio state university's nuclear engineering 58018  
external advisory board shall be appointed by the governor. 58019

(B) Initial appointments under this section shall be made not 58020  
later than thirty days after the effective date of this section. 58021

**Sec. 4164.098.** The term of office for council members 58022  
appointed by the governor shall be two years. Each appointed 58023  
member shall serve as a member of the council from the date of 58024  
appointment until the end of the term for which the member was 58025  
appointed. 58026

The president of the senate, or the president's designee, and 58027  
the speaker of the house of representatives, or the speaker's 58028  
designee, shall serve on the council only during the tenure of the 58029  
president or speaker. 58030

**Sec. 4164.099.** Any member appointed to fill a vacancy 58031  
occurring before the expiration of the term for which the member 58032  
was appointed shall hold office for the remainder of such term. 58033  
Any member shall continue in office after the expiration date of 58034  
the term for which the member was appointed until the member's 58035  
successor takes office, or until a period of sixty days has 58036  
elapsed, whichever occurs first. Each vacancy of an appointed 58037  
member shall be filled by appointment not later than sixty days 58038  
after the vacancy occurs and shall be filled in the same manner as 58039  
the original appointment. 58040

**Sec. 4164.0911.** The council shall elect a chairperson and a 58041  
secretary at its initial meeting. 58042

**Sec. 4164.0912.** The council shall hold its initial meeting 58043  
not later than sixty days after the effective date of this 58044  
section. Subsequent meetings of the council may be called by the 58045  
chairperson. Special meetings shall be called by the chairperson 58046

upon receipt of a written request for a meeting signed by two or 58047  
more members of the council. 58048

Sec. 4164.0913. Before each meeting of the council, written 58049  
notice of the time and place of each meeting shall be sent to each 58050  
member of the council by mail or electronic mail. 58051

Sec. 4164.0914. Four members of the council, or their 58052  
alternates, constitute a quorum. No measure shall be voted on, or 58053  
any action taken by the council unless a quorum is present. 58054

Sec. 4164.0916. The council shall keep a record of its 58055  
proceedings. 58056

Sec. 4164.0917. The council may adopt bylaws governing its 58057  
proceedings. 58058

Sec. 4164.0918. Members of the council shall serve without 58059  
compensation. 58060

Sec. 4164.10. The authority is established for both of the 58061  
following purposes: 58062

(A) To be an information resource for this state, the United 58063  
States nuclear regulatory commission, all branches of the United 58064  
States military, and the United States department of energy on 58065  
advanced-nuclear-research reactors, isotopes, and isotope 58066  
technologies; 58067

(B) To make this state all of the following: 58068

(1) A leader in the development and construction of new-type 58069  
advanced-nuclear-research reactors; 58070

(2) A national and global leader in the commercial production 58071  
of isotopes and research; 58072

(3) A leader in the research and development of 58073  
high-level-nuclear-waste reduction and storage technology. 58074

Sec. 4164.11. The authority shall have all powers necessary 58075  
and convenient for carrying out its statutory purposes, including 58076  
the following powers: 58077

(A) To adopt bylaws for the management and regulation of its 58078  
affairs; 58079

(B) To develop and adopt a strategic plan for carrying out 58080  
the purposes set forth in this chapter; 58081

(C) To foster innovative partnerships and relationships in 58082  
the state and among the state's public institutions of higher 58083  
education, private companies, federal laboratories, and nonprofit 58084  
organizations, to accomplish the purposes set forth in this 58085  
chapter; 58086

(D) To identify and support, in cooperation with the public 58087  
and private sectors, the development of education programs related 58088  
to Ohio's isotope industry; 58089

(E) To assume, with the advice and consent of the Senate, any 58090  
regulatory powers delegated from the United States nuclear 58091  
regulatory commission, the United States department of energy, or 58092  
any branch of the United States military, or similar federal 58093  
agencies, departments, or programs, governing the construction and 58094  
operation of noncommercial power-producing nuclear reactors and 58095  
the handling of radioactive materials; 58096

(F) To act in place of the governor in approving agreements 58097  
with the United States nuclear regulatory commission and 58098  
joint-development agreements with the United States department of 58099  
energy or an equivalent regulatory agency in the event that any of 58100  
the following occur: 58101

(1) The authority requests the commission to delegate rules 58102

for a state-based nuclear research-and-development program. 58103

(2) The authority requests to jointly develop 58104  
advanced-nuclear-research-reactor technology with the department 58105  
under the department's authority. 58106

(3) The authority requests to jointly develop 58107  
advanced-nuclear-research-reactor technology with the United 58108  
States department of defense or another United States military 58109  
agency under the authority of the department or agency. 58110

**Sec. 4164.12.** For the purpose of carrying out the Ohio 58111  
nuclear development authority's duties under sections 4164.01 to 58112  
4164.20 of the Revised Code, the authority may make use of the 58113  
staff and experts employed at the department of development in 58114  
such manner as is provided by mutual arrangement between the 58115  
authority and the department. 58116

**Sec. 4164.13.** Meetings of the authority shall be held in 58117  
compliance with section 121.22 of the Revised Code. 58118

**Sec. 4164.15.** The authority shall work with industrial and 58119  
academic institutions and the United States department of energy 58120  
or branches of the United States military to approve designs for 58121  
the commercialization of advanced-nuclear-reactor components, 58122  
which may include any of the following: 58123

(A) Advanced-nuclear-reactor-neutronics analysis and 58124  
experimentation, including reactor, plant, shielding, nuclear 58125  
data, source-program software, nuclear database, conceptual 58126  
design, core and system design, certification in the phases, 58127  
core-management and fuel-management technology, modeling, and 58128  
calculation; 58129

(B) Advanced-nuclear-reactor safety and plant safety, 58130  
including reactor-system safety standards, accident-analysis 58131

<u>software, and accident-management regulations;</u>	58132
<u>(C) Advanced-nuclear-reactor fuels and materials, including</u>	58133
<u>long-life fuel, clad materials, structural materials, component</u>	58134
<u>materials, absorber materials, circuit materials, raw materials,</u>	58135
<u>fuels-and-materials research and development, testing programs</u>	58136
<u>used to develop fuels and materials-manufacturing processes,</u>	58137
<u>experimental data, formulae, technological processes, and</u>	58138
<u>facilities and equipment used to manufacture</u>	58139
<u>advanced-nuclear-reactor fuels and materials;</u>	58140
<u>(D) Advanced-nuclear-reactor-nuclear-steam-supply systems and</u>	58141
<u>their associated components and equipment, including design</u>	58142
<u>standards, component, equipment, and systems design, thermal</u>	58143
<u>hydraulics, mechanics, and chemistry analysis;</u>	58144
<u>(E) Advanced-nuclear-reactor engineered-safety features and</u>	58145
<u>their associated components, including design standards, component</u>	58146
<u>design, system design, and structural design;</u>	58147
<u>(F) Advanced-nuclear-reactor building, including containment</u>	58148
<u>design, structural analysis, and architectural analysis;</u>	58149
<u>(G) Advanced-nuclear-reactor instrumentation and control and</u>	58150
<u>application of computer science, including survey, monitor,</u>	58151
<u>control, and protection systems;</u>	58152
<u>(H) Advanced-nuclear-reactor-quality practices,</u>	58153
<u>nondestructive-inspection practices, and in-service-inspection</u>	58154
<u>technology;</u>	58155
<u>(I) Advanced-nuclear-reactor plant design and construction,</u>	58156
<u>debug, test-run, operation, maintenance, and decommissioning</u>	58157
<u>technology;</u>	58158
<u>(J) Advanced-nuclear-reactor economic methodology and</u>	58159
<u>evaluation technology;</u>	58160
<u>(K) Treatment, storage, recycling, and disposal technology</u>	58161

<u>for advanced-nuclear-reactor and system-spent fuel;</u>	58162
<u>(L) Treatment, storage, and disposal technology for</u>	58163
<u>advanced-nuclear-reactor and system radioactive waste;</u>	58164
<u>(M) Other areas that the parties or their executive agents</u>	58165
<u>agree upon in writing.</u>	58166
<u>Sec. 4164.16. The authority shall give priority to projects</u>	58167
<u>that reduce nuclear waste and produce isotopes.</u>	58168
<u>Sec. 4164.18. On or before the fourth day of July of each</u>	58169
<u>year, the authority shall submit an annual report of its</u>	58170
<u>activities to the governor, the speaker of the house of</u>	58171
<u>representatives, the president of the senate, and the chairs of</u>	58172
<u>the house and senate committees that oversee energy-related</u>	58173
<u>issues. The report shall be posted to the authority's web site.</u>	58174
<u>Sec. 4164.19. Nothing in this chapter shall be construed to</u>	58175
<u>supersede any agreement between the department of health and the</u>	58176
<u>United States nuclear regulatory commission entered into under</u>	58177
<u>section 3748.03 of the Revised Code with respect to regulating</u>	58178
<u>activities not within the scope of activities of the authority.</u>	58179
<u>Sec. 4164.20. (A) The authority shall, under Chapter 119. of</u>	58180
<u>the Revised Code, adopt rules provided for by the United States</u>	58181
<u>nuclear regulatory commission, department of energy, department of</u>	58182
<u>defense or another United States military agency, or a comparable</u>	58183
<u>federal agency for an Ohio state nuclear technology research</u>	58184
<u>program for the purposes of developing and studying</u>	58185
<u>advanced-nuclear research reactors to produce isotopes and to</u>	58186
<u>reduce this state's high-level nuclear waste. The rules shall</u>	58187
<u>reasonably ensure Ohioans of their safety in respect to nuclear</u>	58188
<u>technology research and development and radioactive materials.</u>	58189

(B) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code.

**Sec. 4301.441.** Any information provided to a state agency by the department of taxation in accordance with ~~division (C)(11) of~~ section 5703.21 of the Revised Code for the purpose of verifying a permit holder's gallonage or noncompliance with taxes levied under this chapter or Chapter 4305. of the Revised Code shall not be disclosed publicly by that agency, except for purposes of enforcement, to deny the renewal of a liquor permit, or to report such information to the alcohol and tobacco tax and trade bureau in the United States department of the treasury.

**Sec. 4301.62.** (A) As used in this section:

(1) "Chauffeured limousine" means a vehicle registered under section 4503.24 of the Revised Code.

(2) "Street," "highway," and "motor vehicle" have the same meanings as in section 4511.01 of the Revised Code.

(B) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:

(1) Except as provided in division (C)(1)(e) of this section, in an agency store;

(2) Except as provided in division (C) or (J) of this section, on the premises of the holder of any permit issued by the division of liquor control;

(3) In any other public place;

(4) Except as provided in division (D) or (E) of this section, while operating or being a passenger in or on a motor

vehicle on any street, highway, or other public or private 58219  
property open to the public for purposes of vehicular travel or 58220  
parking; 58221

(5) Except as provided in division (D) or (E) of this 58222  
section, while being in or on a stationary motor vehicle on any 58223  
street, highway, or other public or private property open to the 58224  
public for purposes of vehicular travel or parking. 58225

(C)(1) A person may have in the person's possession an opened 58226  
container of any of the following: 58227

(a) Beer or intoxicating liquor that has been lawfully 58228  
purchased for consumption on the premises where bought from the 58229  
holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, 58230  
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, 58231  
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, D-9, E, F, F-2, F-5, 58232  
F-7, or F-8 permit; 58233

(b) Beer, wine, or mixed beverages served for consumption on 58234  
the premises by the holder of an F-3 permit, wine served as a 58235  
tasting sample by an A-2, A-2f, S-1, or S-2 permit holder for 58236  
consumption on the premises of a farmers market for which an F-10 58237  
permit has been issued, or wine served for consumption on the 58238  
premises by the holder of an F-4 or F-6 permit; 58239

(c) Beer or intoxicating liquor consumed on the premises of a 58240  
convention facility as provided in section 4303.201 of the Revised 58241  
Code; 58242

(d) Beer or intoxicating liquor to be consumed during 58243  
tastings and samplings approved by rule of the liquor control 58244  
commission; 58245

(e) Spirituous liquor to be consumed for purposes of a 58246  
tasting sample, as defined in section 4301.171 of the Revised 58247  
Code; 58248

<u>(f) Beer, wine, or mixed beverages to be consumed on a boat</u>	58249
<u>as provided in section 4303.187 of the Revised Code;</u>	58250
<u>(g) Beer or intoxicating liquor to be consumed in an outdoor</u>	58251
<u>area described in division (B)(1) of section 4303.188 of the</u>	58252
<u>Revised Code.</u>	58253
(2) A person may have in the person's possession on an F	58254
liquor permit premises an opened container of beer or intoxicating	58255
liquor that was not purchased from the holder of the F permit if	58256
the premises for which the F permit is issued is a music festival	58257
and the holder of the F permit grants permission for that	58258
possession on the premises during the period for which the F	58259
permit is issued. As used in this division, "music festival" means	58260
a series of outdoor live musical performances, extending for a	58261
period of at least three consecutive days and located on an area	58262
of land of at least forty acres.	58263
(3)(a) A person may have in the person's possession on a D-2	58264
liquor permit premises an opened or unopened container of wine	58265
that was not purchased from the holder of the D-2 permit if the	58266
premises for which the D-2 permit is issued is an outdoor	58267
performing arts center, the person is attending an orchestral	58268
performance, and the holder of the D-2 permit grants permission	58269
for the possession and consumption of wine in certain	58270
predesignated areas of the premises during the period for which	58271
the D-2 permit is issued.	58272
(b) As used in division (C)(3)(a) of this section:	58273
(i) "Orchestral performance" means a concert comprised of a	58274
group of not fewer than forty musicians playing various musical	58275
instruments.	58276
(ii) "Outdoor performing arts center" means an outdoor	58277
performing arts center that is located on not less than one	58278
hundred fifty acres of land and that is open for performances from	58279

the first day of April to the last day of October of each year. 58280

(4) A person may have in the person's possession an opened or 58281  
unopened container of beer or intoxicating liquor at an outdoor 58282  
location at which the person is attending an orchestral 58283  
performance as defined in division (C)(3)(b)(i) of this section if 58284  
the person with supervision and control over the performance 58285  
grants permission for the possession and consumption of beer or 58286  
intoxicating liquor in certain predesignated areas of that outdoor 58287  
location. 58288

(5) A person may have in the person's possession on an F-9 58289  
liquor permit premises an opened or unopened container of beer or 58290  
intoxicating liquor that was not purchased from the holder of the 58291  
F-9 permit if the person is attending either of the following: 58292

(a) An orchestral performance and the F-9 permit holder 58293  
grants permission for the possession and consumption of beer or 58294  
intoxicating liquor in certain predesignated areas of the premises 58295  
during the period for which the F-9 permit is issued; 58296

(b) An outdoor performing arts event or orchestral 58297  
performance that is free of charge and the F-9 permit holder 58298  
annually hosts not less than twenty-five other events or 58299  
performances that are free of charge on the permit premises. 58300

As used in division (C)(5) of this section, "orchestral 58301  
performance" has the same meaning as in division (C)(3)(b) of this 58302  
section. 58303

(6)(a) A person may have in the person's possession on the 58304  
property of an outdoor motorsports facility an opened or unopened 58305  
container of beer or intoxicating liquor that was not purchased 58306  
from the owner of the facility if both of the following apply: 58307

(i) The person is attending a racing event at the facility; 58308  
and 58309

(ii) The owner of the facility grants permission for the possession and consumption of beer or intoxicating liquor on the property of the facility.	58310 58311 58312
(b) As used in division (C)(6)(a) of this section:	58313
(i) "Racing event" means a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations.	58314 58315
(ii) "Outdoor motorsports facility" means an outdoor racetrack to which all of the following apply:	58316 58317
(I) It is two and four-tenths miles or more in length.	58318
(II) It is located on two hundred acres or more of land.	58319
(III) The primary business of the owner of the facility is the hosting and promoting of racing events.	58320 58321
(IV) The holder of a D-1, D-2, or D-3 permit is located on the property of the facility.	58322 58323
(7)(a) A person may have in the person's possession an opened container of beer or intoxicating liquor at an outdoor location within an outdoor refreshment area created under section 4301.82 of the Revised Code if the opened container of beer or intoxicating liquor was purchased from an A-1, A-1-A, A-1c, A-2, A-2f, D class, or F class permit holder to which both of the following apply:	58324 58325 58326 58327 58328 58329 58330
(i) The permit holder's premises is located within the outdoor refreshment area.	58331 58332
(ii) The permit held by the permit holder has an outdoor refreshment area designation.	58333 58334
(b) Division (C)(7) of this section does not authorize a person to do either of the following:	58335 58336
(i) Enter the premises of an establishment within an outdoor refreshment area while possessing an opened container of beer or	58337 58338

intoxicating liquor acquired elsewhere; 58339

(ii) Possess an opened container of beer or intoxicating 58340  
liquor while being in or on a motor vehicle within an outdoor 58341  
refreshment area, unless the possession is otherwise authorized 58342  
under division (D) or (E) of this section. 58343

(c) As used in division (C)(7) of this section, "D class 58344  
permit holder" does not include a D-6 or D-8 permit holder. 58345

(8)(a) A person may have in the person's possession on the 58346  
property of a market, within a defined F-8 permit premises, an 58347  
opened container of beer or intoxicating liquor that was purchased 58348  
from a D permit premises that is located immediately adjacent to 58349  
the market if both of the following apply: 58350

(i) The market grants permission for the possession and 58351  
consumption of beer and intoxicating liquor within the defined F-8 58352  
permit premises; 58353

(ii) The market is hosting an event pursuant to an F-8 permit 58354  
and the market has notified the division of liquor control about 58355  
the event in accordance with division (A)(3) of section 4303.208 58356  
of the Revised Code. 58357

(b) As used in division (C)(8) of this section, "market" 58358  
means a market, for which an F-8 permit is held, that has been in 58359  
operation since 1860. 58360

(D) This section does not apply to a person who pays all or a 58361  
portion of the fee imposed for the use of a chauffeured limousine 58362  
pursuant to a prearranged contract, or the guest of the person, 58363  
when all of the following apply: 58364

(1) The person or guest is a passenger in the limousine. 58365

(2) The person or guest is located in the limousine, but is 58366  
not occupying a seat in the front compartment of the limousine 58367  
where the operator of the limousine is located. 58368

(3) The limousine is located on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking. 58369  
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(E) An opened bottle of wine that was purchased from the holder of a permit that authorizes the sale of wine for consumption on the premises where sold is not an opened container for the purposes of this section if both of the following apply: 58372  
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58374  
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(1) The opened bottle of wine is securely resealed by the permit holder or an employee of the permit holder before the bottle is removed from the premises. The bottle shall be secured in such a manner that it is visibly apparent if the bottle has been subsequently opened or tampered with. 58376  
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(2) The opened bottle of wine that is resealed in accordance with division (E)(1) of this section is stored in the trunk of a motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat or in an area not normally occupied by the driver or passengers and not easily accessible by the driver. 58381  
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(F)(1) Except if an ordinance or resolution is enacted or adopted under division (F)(2) of this section, this section does not apply to a person who, pursuant to a prearranged contract, is a passenger riding on a commercial quadricycle when all of the following apply: 58387  
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58389  
58390  
58391

(a) The person is not occupying a seat in the front of the commercial quadricycle where the operator is steering or braking. 58392  
58393

(b) The commercial quadricycle is being operated on a street, highway, or other public or private property open to the public for purposes of vehicular travel or parking. 58394  
58395  
58396

(c) The person has in their possession on the commercial quadricycle an opened container of beer or wine. 58397  
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(d) The person has in their possession on the commercial 58399  
quadricycle not more than either thirty-six ounces of beer or 58400  
eighteen ounces of wine. 58401

(2) The legislative authority of a municipal corporation or 58402  
township may enact an ordinance or adopt a resolution, as 58403  
applicable, that prohibits a passenger riding on a commercial 58404  
quadricycle from possessing an opened container of beer or wine. 58405

(3) As used in this section, "commercial quadricycle" means a 58406  
vehicle that has fully-operative pedals for propulsion entirely by 58407  
human power and that meets all of the following requirements: 58408

(a) It has four wheels and is operated in a manner similar to 58409  
a bicycle. 58410

(b) It has at least five seats for passengers. 58411

(c) It is designed to be powered by the pedaling of the 58412  
operator and the passengers. 58413

(d) It is used for commercial purposes. 58414

(e) It is operated by the vehicle owner or an employee of the 58415  
owner. 58416

(G) This section does not apply to a person that has in the 58417  
person's possession an opened container of beer or intoxicating 58418  
liquor on the premises of a market if the beer or intoxicating 58419  
liquor has been purchased from a D liquor permit holder that is 58420  
located in the market. 58421

As used in division (G) of this section, "market" means an 58422  
establishment that: 58423

(1) Leases space in the market to individual vendors, not 58424  
less than fifty per cent of which are retail food establishments 58425  
or food service operations licensed under Chapter 3717. of the 58426  
Revised Code; 58427

(2) Has an indoor sales floor area of not less than 58428

twenty-two thousand square feet; 58429

(3) Hosts a farmer's market on each Saturday from April 58430  
through December. 58431

(H)(1) As used in this section, "alcoholic beverage" has the 58432  
same meaning as in section 4303.185 of the Revised Code. 58433

(2) An alcoholic beverage in a closed container being 58434  
transported under section 4303.185 of the Revised Code to its 58435  
final destination is not an opened container for the purposes of 58436  
this section if the closed container is securely sealed in such a 58437  
manner that it is visibly apparent if the closed container has 58438  
been subsequently opened or tampered with after sealing. 58439

(I) This section does not apply to a person who has in the 58440  
person's possession an opened container of beer or intoxicating 58441  
liquor in a public-use airport, as described in division 58442  
(D)(2)(a)(iii) of section 4303.181 of the Revised Code, when both 58443  
of the following apply: 58444

(1) Consumption of the opened container of beer or 58445  
intoxicating liquor occurs in the area of the airport terminal 58446  
that is restricted to persons taking flights to and from the 58447  
airport; and 58448

(2) The consumption is authorized under division (D)(2)(a) of 58449  
section 4303.181 of the Revised Code. 58450

(J) This section does not apply to a person that has in the 58451  
person's possession an opened container of homemade beer or wine 58452  
that is served in accordance with division (E) of section 4301.201 58453  
of the Revised Code. 58454

**Sec. 4303.041.** (A) An A-3a permit may be issued to a 58455  
distiller that manufactures less than one hundred thousand gallons 58456  
of spirituous liquor per year. An A-3a permit holder may sell to a 58457  
personal consumer, in sealed containers for consumption off the 58458

premises where manufactured, spirituous liquor that the permit 58459  
holder manufactures, but sales to the personal consumer may occur 58460  
only by an in-person transaction at the permit premises. The A-3a 58461  
permit holder shall not ship, send, or use an H permit holder to 58462  
deliver spirituous liquor to the personal consumer. 58463

"Distiller" means a person in this state who mashes, 58464  
ferments, distills, and ages spirituous liquor. 58465

~~(B)(1)(B)~~ Except as otherwise provided in this section, no 58466  
A-3a permit shall be issued unless the sale of spirituous liquor 58467  
by the glass for consumption on the premises or by the package for 58468  
consumption off the premises is authorized in the election 58469  
precinct in which the A-3a permit is proposed to be located. 58470

~~(2) Division (B)(1) of this section does not prohibit the 58471  
issuance of an A-3a permit to an applicant for such a permit who 58472  
has filed an application with the division of liquor control 58473  
before March 22, 2012. 58474~~

(C)(1) An A-3a permit holder may offer for sale tasting 58475  
samples of spirituous liquor. The A-3a permit holder shall not 58476  
serve more than four tasting samples of spirituous liquor per 58477  
person per day. A tasting sample shall not exceed a quarter ounce. 58478  
Tasting samples shall be only for the purpose of allowing a 58479  
purchaser to determine, by tasting only, the quality and character 58480  
of the spirituous liquor. The tasting samples shall be offered for 58481  
sale in accordance with rules adopted by the division of liquor 58482  
control. 58483

(2) An A-3a permit holder shall sell not more than three 58484  
liters of spirituous liquor per day from the permit premises to 58485  
the same personal consumer. 58486

(D) An A-3a permit holder may sell spirituous liquor in 58487  
sealed containers for consumption off the premises where 58488

manufactured as an independent contractor under agreement, by 58489  
virtue of the permit, with the division of liquor control. The 58490  
price at which the A-3a permit holder shall sell each spirituous 58491  
liquor product to a personal consumer is to be determined by the 58492  
division of liquor control. For an A-3a permit holder to purchase 58493  
and then offer spirituous liquor for retail sale, the spirituous 58494  
liquor need not first leave the physical possession of the A-3a 58495  
permit holder to be so registered. The spirituous liquor that the 58496  
A-3a permit holder buys from the division of liquor control shall 58497  
be maintained in a separate area of the permit premises for sale 58498  
to personal consumers. The A-3a permit holder shall sell such 58499  
spirituous liquor in sealed containers for consumption off the 58500  
premises where manufactured as an independent contractor by virtue 58501  
of the permit issued by the division of liquor control, but the 58502  
permit holder shall not be compensated as provided in division 58503  
(A)(1) of section 4301.17 of the Revised Code. Each A-3a permit 58504  
holder shall be subject to audit by the division of liquor 58505  
control. Each A-3a permit holder shall execute and file with the 58506  
division a surety bond, in an amount established by the division, 58507  
that is conditioned on the faithful performance of the permit 58508  
holder's duties as prescribed by the division. 58509

~~(D)~~(E) The fee for the A-3a permit is two dollars per 58510  
fifty-gallon barrel. 58511

~~(E)~~(F) The holder of an A-3a permit may also exercise the 58512  
same privileges as the holder of an A-3 permit. 58513

**Sec. 4303.187.** (A) The division of liquor control may issue a 58514  
D-10 permit to the owner or operator of a retail food 58515  
establishment or a food service operation licensed under Chapter 58516  
3717. of the Revised Code that operates as a restaurant for 58517  
purposes of this chapter and that meets all of the following: 58518

(1) The owner or operator holds a D class permit for the 58519

restaurant; 58520

(2) The restaurant is located on, or immediately adjacent to, the shoreline of a navigable body of water; 58521  
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(3) The restaurant offers to its patrons boat rides on a boat that is owned or operated by the owner or operator of the restaurant and that is operated on the navigable body of water. 58523  
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(B) A D-10 permit holder may sell beer, wine, or mixed beverages in glass or container for consumption on the boat that is owned or operated by the permit holder and that is operated on the navigable body of water that the permit holder's restaurant is located on or immediately adjacent to. 58526  
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(C) A D-10 permit holder may sell beer, wine, or mixed beverages during the same hours as a holder of a D-5 permit as authorized under this chapter or Chapter 4301. of the Revised Code or the rules of the liquor control commission. 58531  
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(D) The fee for the D-10 permit is one hundred dollars. 58535

**Sec. 4303.188.** (A) As used in this section: 58536

(1) "Alcoholic beverage" means beer, wine, mixed beverages, or spirituous liquor. 58537  
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(2) "Personal consumer" means an individual who is at least twenty-one years of age and who intends to use a purchased alcoholic beverage only for personal consumption and not for resale or other commercial purposes. 58539  
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(3) "Qualified permit holder" has the same meaning as in section 4301.82 of the Revised Code. 58543  
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(B)(1) Notwithstanding any other provision of law to the contrary and in addition to areas in which a qualified permit holder is authorized to sell alcoholic beverages under the qualified permit holder's permit, a qualified permit holder may 58545  
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sell alcoholic beverages by the individual drink for consumption 58549  
as follows: 58550

(a) In any area of the qualified permit holder's property in 58551  
which sales are not currently authorized and that is outdoors, 58552  
including the qualified permit holder's parking area; 58553

(b) In any outdoor area of public property that is 58554  
immediately adjacent to the qualified permit holder's premises and 58555  
that is owned by a municipal corporation or township, provided 58556  
that the permit holder obtains written consent in accordance with 58557  
division (C) of this section; 58558

(c) In any outdoor area of private property that is 58559  
immediately adjacent to the qualified permit holder's premises, 58560  
provided that the permit holder obtains the written consent of the 58561  
owner of the private property. 58562

(2) If a qualified permit holder sells alcoholic beverages in 58563  
the outdoor area, the qualified permit holder shall clearly 58564  
delineate the area where personal consumers may consume alcoholic 58565  
beverages. 58566

(C) For purposes of division (B)(1)(b) of this section, a 58567  
qualified permit holder shall obtain the written consent of either 58568  
of the following: 58569

(1) If the public property is located in a municipal 58570  
corporation, the executive officer of the municipal corporation or 58571  
the executive officer's designee. If the executive officer or the 58572  
executive officer's designee denies consent, the qualified permit 58573  
holder may appeal the denial to the legislative authority of the 58574  
municipal corporation. The legislative authority may adopt a 58575  
resolution requesting the executive officer to reconsider the 58576  
executive officer's denial. 58577

(2) If the public property is located in the unincorporated 58578  
area of a township, the legislative authority of the township by 58579

the adoption of a resolution consenting to the sale of alcoholic beverages in the outdoor area. 58580  
58581

(D) A qualified permit holder that intends to sell alcoholic beverages by the individual drink in an outdoor area under division (B)(1) of this section shall notify the division of liquor control and the investigative unit of the department of public safety of the area in which the qualified permit holder intends to sell the alcoholic beverages. The qualified permit holder shall provide the notice not later than ten days prior to the commencement of such sales. 58582  
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(E) A qualified permit holder or the holder's employee shall deliver each alcoholic beverage sold to a personal consumer in an outdoor area authorized under this section. 58590  
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**Sec. 4303.2011.** (A) As used in this section, "nonprofit organization" means a corporation, association, group, institution, society, or other organization that: 58593  
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(1) Is exempt from federal income taxation; 58596

(2) Has a membership of two hundred fifty or more persons. 58597

(B) The division of liquor control may issue an F-11 permit to a nonprofit organization to conduct an event if the event has all of the following characteristics: 58598  
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58600

(1) The event is coordinated by the nonprofit organization and the nonprofit organization is responsible for the activities at the event. 58601  
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(2) One of the event's purposes is the introduction, showcasing, or promotion of craft beers manufactured in this state. 58604  
58605  
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(3) The event includes the sale of food for consumption on the premises where sold. 58607  
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(4) The event features at least twenty A-1c permit holders, 58609  
who are members of the nonprofit organization that has organized 58610  
the event, as participants. The nonprofit organization may allow 58611  
any number of A-1 permit holders to participate in the event. 58612

(C) An F-11 permit holder may sell, at the event, beer that 58613  
it has purchased from the A-1 or A-1c permit holders that are 58614  
participating in the event or from the participating A-1 or A-1c 58615  
permit holder's assigned B-1 permit holder. The F-11 permit holder 58616  
may sell the beer in four-ounce samples or in containers not 58617  
exceeding sixteen ounces for consumption on the premises where 58618  
sold. 58619

The F-11 permit holder may sell beer on the F-11 permit 58620  
premises only where and when the sale of beer is otherwise 58621  
permitted by law. 58622

(D) The F-11 permit holder shall clearly define and 58623  
sufficiently restrict the premises of the event to allow proper 58624  
enforcement of the permit by state and local law enforcement 58625  
officers. If an F-11 permit is issued for all or a portion of the 58626  
same premises for which another class of permit is issued, that 58627  
permit holder's privileges are suspended in that portion of the 58628  
premises in which the F-11 permit is in effect. 58629

(E)(1) No F-11 permit is effective for more than seventy-two 58630  
consecutive hours. However, for purposes of an exposition at the 58631  
state fairgrounds, an F-11 permit is effective for the duration of 58632  
the exposition. 58633

(2) No sales of beer shall take place under an F-11 permit 58634  
after one a.m. 58635

(F) The division shall not issue more than six F-11 permits 58636  
to the same nonprofit organization in any one calendar year. 58637

(G) An applicant for an F-11 permit shall apply for the 58638  
permit not later than thirty days prior to the first day of the 58639

event for which the permit is sought. In the application, the 58640  
applicant shall list all of the A-1 and A-1c permit holders that 58641  
will participate in the event. The fee for the F-11 permit is 58642  
sixty dollars for each day of the event. 58643

The division shall prepare and make available an F-11 permit 58644  
application form and may require applicants for and holders of the 58645  
F-11 permit to provide information that is in addition to that 58646  
required by this section and that is necessary for the 58647  
administration of this section. 58648

(H)(1) An F-11 permit holder is responsible, and is subject 58649  
to penalties, for any violations of this chapter or Chapter 4301. 58650  
of the Revised Code that occur during the event. 58651

(2) An F-11 permit holder shall not allow an A-1 or A-1c 58652  
permit holder to participate in the event if the A-1 or A-1c 58653  
permit or, if applicable, the A-1-A permit of that A-1 or A-1c 58654  
permit holder is under suspension. 58655

(3) The division may refuse to issue an F-11 permit to an 58656  
applicant if both of the following apply: 58657

(a) The applicant has pleaded guilty to or has been convicted 58658  
of violating this chapter or Chapter 4301. of the Revised Code 58659  
while operating under a previously issued F-11 permit. 58660

(b) The violation occurred within the two years preceding the 58661  
filing of the new F-11 permit application. 58662

(I) Notwithstanding any provision of section 4301.24 of the 58663  
Revised Code or any rule adopted by the liquor control commission 58664  
to the contrary, employees of an A-1 or A-1c permit holder or B-1 58665  
permit holder, or employees or agents of a B-1 permit holder may 58666  
assist an F-11 permit holder in serving beer at an event for which 58667  
an F-11 permit is issued. 58668

**Sec. 4303.271.** (A) Except as provided in divisions (B) and 58669

(D) of this section, the holder of a permit issued under sections 58670  
4303.02 to 4303.232 of the Revised Code, who files an application 58671  
for the renewal of the same class of permit for the same premises, 58672  
shall be entitled to the renewal of the permit. The division of 58673  
liquor control shall renew the permit unless the division rejects 58674  
for good cause any renewal application, subject to the right of 58675  
the applicant to appeal the rejection to the liquor control 58676  
commission. 58677

(B) The legislative authority of the municipal corporation, 58678  
the board of township trustees, or the board of county 58679  
commissioners of the county in which a permit premises is located 58680  
may object to the renewal of a permit issued under sections 58681  
4303.11 to 4303.183 of the Revised Code for any of the reasons 58682  
contained in division (A) of section 4303.292 of the Revised Code. 58683  
Any objection shall be made no later than thirty days prior to the 58684  
expiration of the permit, and the division shall accept the 58685  
objection if it is postmarked no later than thirty days prior to 58686  
the expiration of the permit. The objection shall be made by a 58687  
resolution specifying the reasons for objecting to the renewal and 58688  
requesting a hearing, but no objection shall be based upon 58689  
noncompliance of the permit premises with local zoning regulations 58690  
that prohibit the sale of beer or intoxicating liquor in an area 58691  
zoned for commercial or industrial uses, for a permit premises 58692  
that would otherwise qualify for a proper permit issued by the 58693  
division. The resolution shall be accompanied by a statement by 58694  
the chief legal officer of the political subdivision that, in the 58695  
chief legal officer's opinion, the objection is based upon 58696  
substantial legal grounds within the meaning and intent of 58697  
division (A) of section 4303.292 of the Revised Code. 58698

Upon receipt of a resolution of a legislative authority or 58699  
board objecting to the renewal of a permit and a statement from 58700  
the chief legal officer, the division shall set a time for the 58701

hearing and send by certified mail to the permit holder, at the 58702  
permit holder's usual place of business, a copy of the resolution 58703  
and notice of the hearing. The division shall then hold a hearing 58704  
in the central office of the division, except that, upon written 58705  
request of the legislative authority or board, the hearing shall 58706  
be held in the county seat of the county in which the permit 58707  
premises is located, to determine whether the renewal shall be 58708  
denied for any of the reasons contained in division (A) of section 58709  
4303.292 of the Revised Code. Only the reasons for refusal 58710  
contained in division (A) of section 4303.292 of the Revised Code 58711  
and specified in the resolution of objection shall be considered 58712  
at the hearing. 58713

The permit holder and the objecting legislative authority or 58714  
board shall be parties to the proceedings under this section and 58715  
shall have the right to be present, to be represented by counsel, 58716  
to offer evidence, to require the attendance of witnesses, and to 58717  
cross-examine witnesses at the hearing. 58718

(C) An application for renewal of a permit shall be filed 58719  
with the division at least fifteen days prior to the expiration of 58720  
an existing permit, and the existing permit shall continue in 58721  
effect as provided in section 119.06 of the Revised Code until the 58722  
application is approved or rejected by the division. Any holder of 58723  
a permit, which has expired through failure to be renewed as 58724  
provided in this section, shall obtain a renewal of the permit, 58725  
upon filing an application for renewal with the division, at any 58726  
time within thirty days from the date of the expired permit. A 58727  
penalty of ten per cent of the permit fee shall be paid by the 58728  
permit holder if the application for renewal is not filed at least 58729  
fifteen days prior to the expiration of the permit. 58730

(D)(1) Annually, the tax commissioner shall examine the 58731  
department of taxation's records for the horse-racing, alcoholic 58732  
beverage, motor fuel, petroleum activity, sales or use, cigarette, 58733

other tobacco products, employer withholding, commercial activity, 58734  
and gross casino revenue tax and gross receipts taxes levied 58735  
pursuant to section 5739.101 of the Revised Code for each holder 58736  
of a permit issued under sections 4303.02 to 4303.232 of the 58737  
Revised Code to determine if the permit holder is delinquent in 58738  
filing any returns, submitting any information required by the 58739  
commissioner, or remitting any payments with respect to those 58740  
taxes or any fees, charges, penalties, or interest related to 58741  
those taxes. 58742

If any delinquency or liability exists, the commissioner 58743  
shall send a notice of that fact ~~by certified mail, return receipt~~ 58744  
~~requested,~~ to the permit holder in the manner provided in section 58745  
5703.37 of the Revised Code. The notice shall specify, in as much 58746  
detail as is possible, the periods for which returns have not been 58747  
filed and the nature and amount of unpaid assessments and other 58748  
liabilities and shall be sent on or before the first day of the 58749  
third month preceding the month in which the permit expires. The 58750  
commissioner also shall notify the division of liquor control of 58751  
the delinquency or liability, identifying the permit holder by 58752  
name and permit number. 58753

(2)(a) Except as provided in division (D)(4) of this section, 58754  
the division of liquor control shall not renew the permit of any 58755  
permit holder the tax commissioner has identified as being 58756  
delinquent in filing any returns, providing any information, or 58757  
remitting any payments with respect to the taxes listed in 58758  
division (D)(1) of this section as of the first day of the sixth 58759  
month preceding the month in which the permit expires, or of any 58760  
permit holder the commissioner has identified as having been 58761  
assessed by the department on or before the first day of the third 58762  
month preceding the month in which the permit expires, until the 58763  
division is notified by the commissioner that the delinquency, 58764  
liability, or assessment has been resolved. 58765

(b)(i) Within ninety days after the date on which the permit expires, any permit holder whose permit is not renewed under this division may file an appeal with the liquor control commission. The commission shall notify the tax commissioner regarding the filing of any such appeal. During the period in which the appeal is pending, the permit shall not be renewed by the division. The permit shall be reinstated if the permit holder and the commissioner or the attorney general demonstrate to the liquor control commission that the commissioner's notification of a delinquency or assessment was in error or that the issue of the delinquency or assessment has been resolved.

(ii) A permit holder who has filed an appeal under division (D)(2)(b)(i) of this section may file a motion to withdraw the appeal. The division of liquor control may renew a permit holder's permit if the permit holder has withdrawn such an appeal and the division receives written certification from the tax commissioner that the permit holder's delinquency or assessment has been resolved.

(3) A permit holder notified of delinquency or liability under this section may protest the notification to the tax commissioner on the basis that no return or information is delinquent and no tax, fee, charge, penalty, or interest is outstanding. The commissioner shall expeditiously consider any evidence submitted by the permit holder and, if it is determined that the notification was in error, immediately shall inform the division of liquor control that the renewal application may be granted. The renewal shall not be denied if the delinquency or unreported liability is the subject of a bona fide dispute as to the validity of the delinquency or unreported liability and is the subject of an assessment and of an appeal properly filed by the permit holder.

(4) If the commissioner concludes that under the

circumstances the permit holder's delinquency or liability has 58798  
been conditionally resolved, the commissioner shall allow the 58799  
permit to be renewed, conditioned upon the permit holder's 58800  
continuing performance in satisfying the delinquency and 58801  
liability. The conditional nature of the renewal shall be 58802  
specified in the notification given to the division of liquor 58803  
control under division (D)(1) of this section. Upon receipt of 58804  
notice of the resolution, the division shall issue a conditional 58805  
renewal. If the taxpayer defaults on any agreement to pay the 58806  
delinquency or liability or fails to keep subsequent tax or fee 58807  
payments current, the liquor control commission, upon request and 58808  
proof of the default or failure to keep subsequent tax or fee 58809  
payments current, shall indefinitely suspend the permit holder's 58810  
permit until all taxes or fees and interest due are paid. 58811

(5) The commissioner may adopt rules to assist in 58812  
administering the duties imposed by this section. 58813

**Sec. 4303.30.** The rights granted by any ~~D-2, D-3, D-3a, D-4,~~ 58814  
~~D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k,~~ 58815  
~~D-5l, D-5m, D-5n, D-5o, or D-6~~ permit that authorizes on-premises 58816  
consumption of beer, mixed beverages, wine, or spirituous liquor 58817  
shall be exercised at not more than two fixed counters, commonly 58818  
known as bars, in rooms or places on the permit premises, where 58819  
beer, mixed beverages, wine, or spirituous liquor is sold to the 58820  
public for consumption on the premises. For each additional fixed 58821  
counter on the permit premises where those beverages are sold for 58822  
consumption on the premises, the permit holder shall obtain a 58823  
duplicate ~~D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f,~~ 58824  
~~D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-6~~ 58825  
permit for the class of permit already issued. 58826

The holder of any ~~D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b,~~ 58827  
~~D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o,~~ 58828

~~or D-6~~ such permit shall be granted, upon application to the 58829  
division of liquor control, a duplicate ~~D-2, D-3, D-3a, D-4, D-4a,~~ 58830  
~~D-5, D-5a, D-5b, D-5c, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l,~~ 58831  
~~D-5m, D-5n, D-5o,~~ ~~or D-6~~ permit for each additional fixed counter 58832  
on the permit premises at which beer, mixed beverages, wine, or 58833  
spirituous liquor is sold for consumption on the premises, 58834  
provided the application is made in the same manner as an 58835  
application for an original permit. The application shall be 58836  
identified with DUPLICATE printed on the permit application form 58837  
furnished by the department, in boldface type. The application 58838  
shall identify by name, or otherwise amply describe, the room or 58839  
place on the premises where the duplicate permit is to be 58840  
operative. Each duplicate permit shall be issued only to the same 58841  
individual, firm, or corporation as that of the original permit 58842  
and shall be an exact duplicate in size and word content as the 58843  
original permit, except that it shall show on it the name or other 58844  
ample identification of the room, or place, for which it is issued 58845  
and shall have DUPLICATE printed on it in boldface type. A 58846  
duplicate permit shall bear the same number as the original 58847  
permit. The fee for a duplicate permit is: ~~D-1, one hundred~~ 58848  
~~dollars; D-2, one hundred dollars; D-3, four hundred dollars;~~ 58849  
~~D-3a, four hundred dollars; D-4, two hundred dollars; D-5, one~~ 58850  
~~thousand dollars; D-5a, one thousand dollars; D-5b, one thousand~~ 58851  
~~dollars; D-5c, four hundred dollars; D-5e, six hundred fifty~~ 58852  
~~dollars; D-5f, one thousand dollars; D-5o, one thousand dollars;~~ 58853  
~~D-6, one hundred dollars when issued to the holder of a D-4a~~ 58854  
~~permit; and in all other cases one hundred dollars or an amount~~ 58855  
which is twenty per cent of the fees fee payable for the ~~A-1 A,~~ 58856  
~~D-2, D-3, D-3a, D-4, D-5, D-5a, D-5b, D-5c, D-5f, D-5g, D-5h,~~ 58857  
~~D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o,~~ and ~~D-6~~ permits the 58858  
original permit issued to the same premises, whichever is higher. 58859  
Application for a duplicate permit may be filed any time during 58860  
the life of an original permit. The fee for each duplicate ~~D-2,~~ 58861

~~D 3, D 3a, D 4, D 4a, D 5, D 5a, D 5b, D 5c, D 5f, D 5g, D 5h,~~ 58862  
~~D 5i, D 5j, D 5k, D 5l, D 5m, D 5n, D 5o, or D 6~~ permit shall be 58863  
paid in accordance with section 4303.24 of the Revised Code. 58864

**Sec. 4503.03.** (A)(1)(a) Except as provided in division (B) of 58865  
this section, the registrar of motor vehicles may designate one or 58866  
more of the following persons to act as a deputy registrar in each 58867  
county: 58868

(i) The county auditor in any county, ~~subject to division~~ 58869  
~~(A)(1)(b)(i) of this section;~~ 58870

(ii) The clerk of a court of common pleas in any county, ~~7~~ 58871  
~~subject to division (A)(1)(b)(ii) of this section;~~ 58872

(iii) An individual; 58873

(iv) A nonprofit corporation as defined in division (C) of 58874  
section 1702.01 of the Revised Code. 58875

~~(b)(i) If the population of a county is forty thousand or~~ 58876  
~~less according to the most recent federal decennial census and if~~ 58877  
~~the county auditor is designated by the registrar as a deputy~~ 58878  
~~registrar, no other person need be designated in the county to act~~ 58879  
~~as a deputy registrar.~~ 58880

~~(ii) The registrar may designate a clerk of a court of common~~ 58881  
~~pleas as a deputy registrar if the population of the county is~~ 58882  
~~forty thousand or less according to the last federal census. In a~~ 58883  
~~county with a population greater than forty thousand but not more~~ 58884  
~~than fifty thousand according to the last federal census, the~~ 58885  
~~clerk of a court of common pleas is eligible to act as a deputy~~ 58886  
~~registrar and may participate in the competitive selection process~~ 58887  
~~for the award of a deputy registrar contract by applying in the~~ 58888  
~~same manner as any other person. All fees collected and retained~~ 58889  
by a clerk for conducting deputy registrar services shall be paid 58890  
into the county treasury to the credit of the certificate of title 58891

administration fund created under section 325.33 of the Revised Code. 58892  
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~~Notwithstanding the county population restrictions in division (A)(1)(b) of this section, if no person applies to act under contract as a deputy registrar in a county and the county auditor is not designated as a deputy registrar, the registrar may ask the clerk of a court of common pleas to serve as the deputy registrar for that county.~~ 58894  
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~~(e)(b)~~ As part of the selection process in awarding a deputy registrar contract, the registrar shall consider the customer service performance record of any person previously awarded a deputy registrar contract pursuant to division (A)(1) of this section. 58900  
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(2) Deputy registrars shall accept applications for the annual license tax for any vehicle not taxed under section 4503.63 of the Revised Code and shall assign distinctive numbers in the same manner as the registrar. Such deputies shall be located in such locations ~~in the county~~ as the registrar sees fit. ~~There~~ Except as provided in division (A)(3) of this section, there shall be at least one deputy registrar in each county. 58905  
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(3) The registrar need not appoint a deputy registrar in a county to which all of the following apply: 58912  
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(a) No individual, nonprofit corporation, or, where applicable, clerk of court of common pleas participates in the competitive selection process to be designated as a deputy registrar; 58914  
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(b) Neither the county auditor nor the clerk of court of common pleas agrees to be designated as a deputy registrar; 58918  
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(c) No individual or nonprofit corporation agrees to be designated as a deputy registrar; 58920  
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(d) No deputy registrar operating an existing deputy registrar agency in another county agrees to be designated as the deputy registrar for that county. 58922  
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(4) The registrar may reestablish a deputy registrar in any county without a deputy registrar if any of the following apply: 58925  
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(a) The county auditor requests to be designated as a deputy registrar; 58927  
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(b) The clerk of court of common pleas requests to be designated as a deputy registrar; 58929  
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(c) A deputy registrar operating an existing deputy registrar agency in another county requests to be designated as a deputy registrar for that county; 58931  
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(d) A qualified individual or nonprofit corporation requests to be designated as a deputy registrar. In the event that two or more qualified individuals, nonprofit corporations, or a combination thereof, request to be designated as a deputy registrar, the registrar may make the designation through the competitive selection process. 58934  
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Deputy registrar contracts are subject to the provisions of division (B) of section 125.081 of the Revised Code. 58940  
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(B)(1) The registrar shall not designate any person to act as a deputy registrar under division (A)(1) of this section if the person or, where applicable, the person's spouse or a member of the person's immediate family has made, within the current calendar year or any one of the previous three calendar years, one or more contributions totaling in excess of one hundred dollars to any person or entity included in division (A)(2) of section 4503.033 of the Revised Code. As used in this division, "immediate family" has the same meaning as in division (D) of section 102.01 of the Revised Code, and "entity" includes any political party and any "continuing association" as defined in division (C)(4) of 58942  
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section 3517.01 of the Revised Code or "political action  
committee" as defined in division (C)(8) of that section that is  
primarily associated with that political party. For purposes of  
this division, contributions to any continuing association or any  
political action committee that is primarily associated with a  
political party shall be aggregated with contributions to that  
political party.

The contribution limitations contained in this division do  
not apply to any county auditor or clerk of a court of common  
pleas. A county auditor or clerk of a court of common pleas is not  
required to file the disclosure statement or pay the filing fee  
required under section 4503.033 of the Revised Code. The  
limitations of this division also do not apply to a deputy  
registrar who, subsequent to being awarded a deputy registrar  
contract, is elected to an office of a political subdivision.

(2) The registrar shall not designate either of the following  
to act as a deputy registrar:

(a) Any elected public official other than a county auditor  
or, as authorized by division ~~(A)(1)~~(b)(A)(1) of this section, a  
clerk of a court of common pleas, acting in an official capacity,  
except that, the registrar shall continue and may renew a contract  
with any deputy registrar who, subsequent to being awarded a  
deputy registrar contract, is elected to an office of a political  
subdivision;

(b) Any person holding a current, valid contract to conduct  
motor vehicle inspections under section 3704.14 of the Revised  
Code.

(3) As used in division (B) of this section, "political  
subdivision" has the same meaning as in section 3501.01 of the  
Revised Code.

(C)(1) Except as provided in division (C)(2) of this section,

deputy registrars are independent contractors and neither they nor 58984  
their employees are employees of this state, except that nothing 58985  
in this section shall affect the status of county auditors or 58986  
clerks of courts of common pleas as public officials, nor the 58987  
status of their employees as employees of any of the counties of 58988  
this state, which are political subdivisions of this state. Each 58989  
deputy registrar shall be responsible for the payment of all 58990  
unemployment compensation premiums, all workers' compensation 58991  
premiums, social security contributions, and any and all taxes for 58992  
which the deputy registrar is legally responsible. Each deputy 58993  
registrar shall comply with all applicable federal, state, and 58994  
local laws requiring the withholding of income taxes or other 58995  
taxes from the compensation of the deputy registrar's employees. 58996  
Each deputy registrar shall maintain during the entire term of the 58997  
deputy registrar's contract a policy of business liability 58998  
insurance satisfactory to the registrar and shall hold the 58999  
department of public safety, the director of public safety, the 59000  
bureau of motor vehicles, and the registrar harmless upon any and 59001  
all claims for damages arising out of the operation of the deputy 59002  
registrar agency. 59003

(2) For purposes of Chapter 4141. of the Revised Code, 59004  
determinations concerning the employment of deputy registrars and 59005  
their employees shall be made under Chapter 4141. of the Revised 59006  
Code. 59007

(D)(1) With the approval of the director, the registrar shall 59008  
adopt rules governing deputy registrars. The rules shall do all of 59009  
the following: 59010

(a) Establish requirements governing the terms of the 59011  
contract between the registrar and each deputy registrar and the 59012  
services to be performed; 59013

(b) Establish requirements governing the amount of bond to be 59014  
given as provided in this section; 59015

- (c) Establish requirements governing the size and location of the deputy's office; 59016  
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- (d) Establish requirements governing the leasing of equipment necessary to conduct the vision screenings required under section 4507.12 of the Revised Code and training in the use of the equipment; 59018  
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- (e) Encourage every deputy registrar to inform the public of the location of the deputy registrar's office and hours of operation by means of public service announcements; 59022  
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- (f) Allow any deputy registrar to advertise in regard to the operation of the deputy registrar's office, including allowing nonprofit corporations operating as a deputy registrar to advertise that a specified amount of proceeds collected by the nonprofit corporation are directed to a specified charitable organization or philanthropic cause; 59025  
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- (g) Specify the hours the deputy's office is to be open to the public and require as a minimum that one deputy's office in each county be open to the public for at least four hours each weekend, provided that if only one deputy's office is located within the boundary of the county seat, that office is the office that shall be open for the four-hour period each weekend; 59031  
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- (h) Specify that every deputy registrar, upon request, provide any person with information about the location and office hours of all deputy registrars in the county; 59037  
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- (i) Allow a deputy registrar contract to be awarded to a nonprofit corporation formed under the laws of this state; 59040  
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- ~~(j) Except as provided in division (D)(2) of this section, prohibit any deputy registrar from operating more than one deputy registrar's office at any time;~~ 59042  
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- ~~(k) For the duration of any deputy registrar contract,~~ 59045

~~require that the deputy registrar occupy a primary residence in a location that is within a one hour commute time from the deputy registrar's office or offices. The rules shall require the registrar to determine commute time by using multiple established internet based mapping services.~~

~~(l)~~ Establish procedures for a deputy registrar to request the authority to collect reinstatement fees under sections 4507.1612, 4507.45, 4509.101, 4509.81, 4510.10, 4510.22, 4510.72, and 4511.191 of the Revised Code and to transmit the reinstatement fees and two dollars of the service fee collected under those sections. The registrar shall ensure that at least one deputy registrar in each county has the necessary equipment and is able to accept reinstatement fees. The registrar shall deposit the service fees received from a deputy registrar under those sections into the public safety - highway purposes fund created in section 4501.06 of the Revised Code and shall use the money for deputy registrar equipment necessary in connection with accepting reinstatement fees.

~~(m)~~(k) Establish standards for a deputy registrar, when the deputy registrar is not a county auditor or a clerk of a court of common pleas, to sell advertising rights to third party businesses to be placed in the deputy registrar's office;

~~(n)~~(l) Allow any deputy registrar that is not a county auditor or a clerk of a court of common pleas to operate a vending machine;

~~(o)~~(m) Establish such other requirements as the registrar and director consider necessary to provide a high level of service.

(2) ~~Notwithstanding division (D)(1)(j) of this section, the~~ The rules may allow both of the following:

(a) The registrar to award a contract to a deputy registrar to operate more than one deputy registrar's office if determined

by the registrar to be practical; 59077

(b) A nonprofit corporation formed for the purposes of 59078  
providing automobile-related services to its members or the public 59079  
and that provides such services from more than one location in 59080  
this state to operate a deputy registrar office at any location. 59081

(3) As a daily adjustment, the bureau of motor vehicles shall 59082  
credit to a deputy registrar the amount established under section 59083  
4503.038 of the Revised Code for each damaged license plate or 59084  
validation sticker the deputy registrar replaces as a service to a 59085  
member of the public. 59086

(4)(a) With the prior approval of the registrar, each deputy 59087  
registrar may conduct at the location of the deputy registrar's 59088  
office any business that is consistent with the functions of a 59089  
deputy registrar and that is not specifically mandated or 59090  
authorized by this or another chapter of the Revised Code or by 59091  
implementing rules of the registrar. 59092

(b) In accordance with guidelines the director of public 59093  
safety shall establish, a deputy registrar may operate or contract 59094  
for the operation of a vending machine at a deputy registrar 59095  
location if products of the vending machine are consistent with 59096  
the functions of a deputy registrar. 59097

(c) A deputy registrar may enter into an agreement with the 59098  
Ohio turnpike and infrastructure commission pursuant to division 59099  
(A)(11) of section 5537.04 of the Revised Code for the purpose of 59100  
allowing the general public to acquire from the deputy registrar 59101  
the electronic toll collection devices that are used under the 59102  
multi-jurisdiction electronic toll collection agreement between 59103  
the Ohio turnpike and infrastructure commission and any other 59104  
entities or agencies that participate in such an agreement. The 59105  
approval of the registrar is not necessary if a deputy registrar 59106  
engages in this activity. 59107

(5) Not later than July 1, 2025, the registrar shall provide every deputy registrar access to an internet-based application programming interface that does all of the following: 59108  
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(a) Assigns each deputy registrar a unique credential for use of the interface; 59111  
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(b) Allows each deputy registrar to provide online services and transactions for bureau of motor vehicle services otherwise provided at a deputy registrar agency; 59113  
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(c) Limits the use of the interface to the deputy registrars, the authorized agents of the deputy registrars, and the authorized agents of the registrar necessary for technical support. 59116  
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The registrar may adopt rules in accordance with Chapter 119. of the Revised Code to implement and administer division (D)(5) of this section. Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under division (D)(5) of this section is not subject to sections 121.95 to 121.953 of the Revised Code. 59119  
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(6) As used in this section and in section 4507.01 of the Revised Code, "nonprofit corporation" has the same meaning as in section 1702.01 of the Revised Code. 59125  
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(E)(1) Unless otherwise terminated and except for interim contracts lasting not longer than one year, contracts with deputy registrars shall be entered into through a competitive selection process and shall be limited in duration as follows: 59128  
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(a) For contracts entered into between July 1, 1996 and June 29, 2014, for a period of not less than two years, but not more than three years; 59132  
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(b) For contracts entered into on or after June 29, 2014, for a period of five years, unless the registrar determines that a shorter contract term is appropriate for a particular deputy 59135  
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registrar. 59138

(2) All contracts with deputy registrars shall expire on the 59139  
last Saturday of June in the year of their expiration. Prior to 59140  
the expiration of any deputy registrar contract, the registrar, 59141  
with the approval of the director, may award a one-year contract 59142  
extension to any deputy registrar who has provided exemplary 59143  
service based upon objective performance evaluations. 59144

(3)(a) The auditor of state may examine the accounts, 59145  
reports, systems, and other data of each deputy registrar at least 59146  
every two years. The registrar, with the approval of the director, 59147  
shall immediately remove a deputy who violates any provision of 59148  
the Revised Code related to the duties as a deputy, any rule 59149  
adopted by the registrar, or a term of the deputy's contract with 59150  
the registrar. The registrar also may remove a deputy who, in the 59151  
opinion of the registrar, has engaged in any conduct that is 59152  
either unbecoming to one representing this state or is 59153  
inconsistent with the efficient operation of the deputy's office. 59154

(b) If the registrar, with the approval of the director, 59155  
determines that there is good cause to believe that a deputy 59156  
registrar or a person proposing for a deputy registrar contract 59157  
has engaged in any conduct that would require the denial or 59158  
termination of the deputy registrar contract, the registrar may 59159  
require the production of books, records, and papers as the 59160  
registrar determines are necessary, and may take the depositions 59161  
of witnesses residing within or outside the state in the same 59162  
manner as is prescribed by law for the taking of depositions in 59163  
civil actions in the court of common pleas, and for that purpose 59164  
the registrar may issue a subpoena for any witness or a subpoena 59165  
duces tecum to compel the production of any books, records, or 59166  
papers, directed to the sheriff of the county where the witness 59167  
resides or is found. Such a subpoena shall be served and returned 59168  
in the same manner as a subpoena in a criminal case is served and 59169

returned. The fees of the sheriff shall be the same as that 59170  
allowed in the court of common pleas in criminal cases. Witnesses 59171  
shall be paid the fees and mileage provided for under section 59172  
119.094 of the Revised Code. The fees and mileage shall be paid 59173  
from the fund in the state treasury for the use of the agency in 59174  
the same manner as other expenses of the agency are paid. 59175

In any case of disobedience or neglect of any subpoena served 59176  
on any person or the refusal of any witness to testify to any 59177  
matter regarding which the witness lawfully may be interrogated, 59178  
the court of common pleas of any county where the disobedience, 59179  
neglect, or refusal occurs or any judge of that court, on 59180  
application by the registrar, shall compel obedience by attachment 59181  
proceedings for contempt, as in the case of disobedience of the 59182  
requirements of a subpoena issued from that court, or a refusal to 59183  
testify in that court. 59184

(4) Nothing in division (E) of this section shall be 59185  
construed to require a hearing of any nature prior to the 59186  
termination of any deputy registrar contract by the registrar, 59187  
with the approval of the director, for cause. 59188

(F) Except as provided in section 2743.03 of the Revised 59189  
Code, no court, other than the court of common pleas of Franklin 59190  
county, has jurisdiction of any action against the department of 59191  
public safety, the director, the bureau, or the registrar to 59192  
restrain the exercise of any power or authority, or to entertain 59193  
any action for declaratory judgment, in the selection and 59194  
appointment of, or contracting with, deputy registrars. Neither 59195  
the department, the director, the bureau, nor the registrar is 59196  
liable in any action at law for damages sustained by any person 59197  
because of any acts of the department, the director, the bureau, 59198  
or the registrar, or of any employee of the department or bureau, 59199  
in the performance of official duties in the selection and 59200  
appointment of, and contracting with, deputy registrars. 59201

(G) The registrar shall assign to each deputy registrar a series of numbers sufficient to supply the demand at all times in the area the deputy registrar serves, and the registrar shall keep a record in the registrar's office of the numbers within the series assigned. Except as otherwise provided in section 3.061 of the Revised Code, each deputy shall be required to give bond in the amount of at least twenty-five thousand dollars, or in such higher amount as the registrar determines necessary, based on a uniform schedule of bond amounts established by the registrar and determined by the volume of registrations handled by the deputy. The form of the bond shall be prescribed by the registrar. The bonds required of deputy registrars, in the discretion of the registrar, may be individual or schedule bonds or may be included in any blanket bond coverage carried by the department.

(H) Each deputy registrar shall keep a file of each application received by the deputy and shall register that motor vehicle with the name and address of its owner.

(I) Upon request, a deputy registrar shall make the physical inspection of a motor vehicle and issue the physical inspection certificate required in section 4505.061 of the Revised Code.

(J) Each deputy registrar shall file a report semiannually with the registrar of motor vehicles listing the number of applicants for licenses the deputy has served, the number of voter registration applications the deputy has completed and transmitted to the board of elections, and the number of voter registration applications declined.

**Sec. 4503.038.** (A) Not later than ninety days after ~~the effective date of this amendment~~ July 3, 2019, the registrar of motor vehicles shall adopt rules in accordance with Chapter 119. of the Revised Code establishing a service fee that applies for purposes of sections 4503.03, 4503.036, 4503.042, 4503.10,

4503.102, 4503.12, 4503.182, 4503.24, 4503.44, 4503.65, 4505.061, 59233  
4506.08, 4507.24, 4507.50, 4507.52, 4509.05, 4519.03, 4519.05, 59234  
4519.10, 4519.56, and 4519.69 of the Revised Code. The service fee 59235  
shall be ~~five~~ six dollars. 59236

(B) Not later than ninety days after ~~the effective date of~~ 59237  
~~this amendment~~ July 3, 2019, the registrar shall adopt rules in 59238  
accordance with Chapter 119. of the Revised Code establishing 59239  
prorated service fees that apply for purposes of multi-year 59240  
registrations authorized under section 4503.103 of the Revised 59241  
Code. 59242

(C) Notwithstanding any provision of section 121.95 of the 59243  
Revised Code to the contrary, a regulatory restriction contained 59244  
in a rule adopted under this section is not subject to sections 59245  
121.95 to 121.953 of the Revised Code. 59246

**Sec. 4503.065.** (A)(1) Division (A) of this section applies to 59247  
any of the following persons: 59248

(a) An individual who is permanently and totally disabled; 59249

(b) An individual who is sixty-five years of age or older; 59250

(c) An individual who is the surviving spouse of a deceased 59251  
person who was permanently and totally disabled or sixty-five 59252  
years of age or older and who applied and qualified for a 59253  
reduction in assessable value under this section in the year of 59254  
death, provided the surviving spouse is at least fifty-nine but 59255  
not sixty-five or more years of age on the date the deceased 59256  
spouse dies. 59257

(2) The manufactured home tax on a manufactured or mobile 59258  
home that is paid pursuant to division (C) of section 4503.06 of 59259  
the Revised Code and that is owned and occupied as a home by an 59260  
individual whose domicile is in this state and to whom this 59261  
section applies, shall be reduced for any tax year for which an 59262

application for such reduction has been approved, provided the 59263  
individual did not acquire ownership from a person, other than the 59264  
individual's spouse, related by consanguinity or affinity for the 59265  
purpose of qualifying for the reduction. An owner includes a 59266  
settlor of a revocable or irrevocable inter vivos trust holding 59267  
the title to a manufactured or mobile home occupied by the settlor 59268  
as of right under the trust. 59269

(a) For manufactured and mobile homes for which the tax 59270  
imposed by section 4503.06 of the Revised Code is computed under 59271  
division (D)(2) of that section, the reduction shall equal one of 59272  
the following amounts, as applicable to the person: 59273

(i) If the person received a reduction under this section for 59274  
tax year 2007, the greater of the reduction for that tax year or 59275  
the amount computed under division (A)(2)(b) of this section; 59276

(ii) If the person received, for any homestead, a reduction 59277  
under division (A) of this section for tax year 2014 or under 59278  
division (A)(1) of section 323.152 of the Revised Code for tax 59279  
year 2013 or the person is the surviving spouse of such a person 59280  
and the surviving spouse is at least fifty-nine years of age on 59281  
the date the deceased spouse dies, the amount computed under 59282  
division (A)(2)(b) of this section. ~~For purposes of divisions~~ 59283  
~~(A)(2)(a)(ii) and (iii) of this section, a person receives a~~ 59284  
~~reduction under division (A) of this section or division (A)(1) of~~ 59285  
~~section 323.152 of the Revised Code for tax year 2014 or 2013,~~ 59286  
~~respectively, if the person files a late application for that~~ 59287  
~~respective tax year that is approved by the county auditor under~~ 59288  
~~section 4503.066 or 323.153 of the Revised Code.~~ 59289

(iii) If the person is not described in division (A)(2)(a)(i) 59290  
or (ii) of this section and the person's total income does not 59291  
exceed thirty thousand dollars, as adjusted under division 59292  
(A)(2)(e) of this section, the amount computed under division 59293  
(A)(2)(b) of this section. 59294

(b) The amount of the reduction under division (A)(2)(b) of this section equals the product of the following: 59295  
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(i) Twenty-five thousand dollars of the true value of the property in money, as adjusted under division (A)(2)(e) of this section; 59297  
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(ii) The assessment percentage established by the tax commissioner under division (B) of section 5715.01 of the Revised Code, not to exceed thirty-five per cent; 59300  
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(iii) The effective tax rate used to calculate the taxes charged against the property for the current year, where "effective tax rate" is defined as in section 323.08 of the Revised Code; 59303  
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(iv) The quantity equal to one minus the sum of the percentage reductions in taxes received by the property for the current tax year under section 319.302 of the Revised Code and division (B) of section 323.152 of the Revised Code. 59307  
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(c) For manufactured and mobile homes for which the tax imposed by section 4503.06 of the Revised Code is computed under division (D)(1) of that section, the reduction shall equal one of the following amounts, as applicable to the person: 59311  
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(i) If the person received a reduction under this section for tax year 2007, the greater of the reduction for that tax year or the amount computed under division (A)(2)(d) of this section; 59315  
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(ii) If the person received, for any homestead, a reduction under division (A) of this section for tax year 2014 or under division (A)(1) of section 323.152 of the Revised Code for tax year 2013 or the person is the surviving spouse of such a person and the surviving spouse is at least fifty-nine years of age on the date the deceased spouse dies, the amount computed under division (A)(2)(d) of this section. ~~For purposes of divisions (A)(2)(e)(ii) and (iii) of this section, a person receives a~~ 59318  
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~~reduction under division (A) of this section or under division 59326  
(A)(1) of section 323.152 of the Revised Code for tax year 2014 or 59327  
2013, respectively, if the person files a late application for a 59328  
refund of overpayments for that respective tax year that is 59329  
approved by the county auditor under section 4503.066 of the 59330  
Revised Code. 59331~~

(iii) If the person is not described in division (A)(2)(c)(i) 59332  
or (ii) of this section and the person's total income does not 59333  
exceed thirty thousand dollars, as adjusted under division 59334  
(A)(2)(e) of this section, the amount computed under division 59335  
(A)(2)(d) of this section. 59336

(d) The amount of the reduction under division (A)(2)(d) of 59337  
this section equals the product of the following: 59338

(i) Twenty-five thousand dollars of the cost to the owner, or 59339  
the market value at the time of purchase, whichever is greater, as 59340  
those terms are used in division (D)(1) of section 4503.06 of the 59341  
Revised Code, and as adjusted under division (A)(2)(e) of this 59342  
section; 59343

(ii) The percentage from the appropriate schedule in division 59344  
(D)(1)(b) of section 4503.06 of the Revised Code; 59345

(iii) The assessment percentage of forty per cent used in 59346  
division (D)(1)(b) of section 4503.06 of the Revised Code; 59347

(iv) The tax rate of the taxing district in which the home 59348  
has its situs. 59349

(e) ~~Each calendar year, the~~ The tax commissioner shall adjust 59350  
the income threshold described in divisions (A)(2)(a)(iii) and 59351  
(A)(2)(c)(iii) and the reduction amounts described in divisions 59352  
(A)(2)(b)(i), (A)(2)(d)(i), (B)(1), (B)(2), (C)(1), and (C)(2) of 59353  
this section by completing the following calculations in September 59354  
of each year: 59355

(i) Determine the percentage increase in the gross domestic product deflator determined by the bureau of economic analysis of the United States department of commerce from the first day of January of the preceding calendar year to the last day of December of the preceding calendar year; 59356  
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(ii) Multiply that percentage increase by the total income threshold or reduction amount for the ensuing tax year, as applicable; 59361  
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(iii) Add the resulting product to the total income threshold or reduction amount, as applicable for the ensuing tax year; 59364  
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(iv) Round the resulting sum to the nearest multiple of one hundred dollars. 59366  
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The commissioner shall certify the amount resulting from ~~the~~ each adjustment to each county auditor not later than the first day of December each year. The certified amount applies to the second ensuing tax year. The commissioner shall not make the applicable adjustment in any calendar year in which the amount resulting from the adjustment would be less than the total income threshold or the reduction amount for the ensuing tax year. 59368  
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(B) The manufactured home tax levied pursuant to division (C) of section 4503.06 of the Revised Code on a manufactured or mobile home that is owned and occupied by a disabled veteran shall be reduced for any tax year for which an application for such reduction has been approved, provided the disabled veteran did not acquire ownership from a person, other than the disabled veteran's spouse, related by consanguinity or affinity for the purpose of qualifying for the reduction. An owner includes an owner within the meaning of division (A)(2) of this section. 59375  
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(1) For manufactured and mobile homes for which the tax imposed by section 4503.06 of the Revised Code is computed under division (D)(2) of that section, the reduction shall equal the 59384  
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product obtained by multiplying fifty thousand dollars of the true 59387  
value of the property in money, as adjusted under division 59388  
(A)(2)(e) of this section, by the amounts described in divisions 59389  
(A)(2)(b)(ii) to (iv) of this section. 59390

(2) For manufactured and mobile homes for which the tax 59391  
imposed by section 4503.06 of the Revised Code is computed under 59392  
division (D)(1) of that section, the reduction shall equal the 59393  
product obtained by multiplying fifty thousand dollars of the cost 59394  
to the owner, or the market value at the time of purchase, 59395  
whichever is greater, as those terms are used in division (D)(1) 59396  
of section 4503.06 of the Revised Code, as adjusted under division 59397  
(A)(2)(e) of this section, by the amounts described in divisions 59398  
(A)(2)(d)(ii) to (iv) of this section. 59399

The reduction is in lieu of any reduction under section 59400  
4503.0610 of the Revised Code or division (A) or (C) of this 59401  
section. The reduction applies to only one manufactured or mobile 59402  
home owned and occupied by a disabled veteran. 59403

If a manufactured or mobile home qualifies for a reduction in 59404  
taxes under this division for the year in which the disabled 59405  
veteran dies, and the disabled veteran is survived by a spouse who 59406  
occupied the home when the disabled veteran died and who acquires 59407  
ownership of the home, the reduction shall continue through the 59408  
year in which the surviving spouse dies or remarries. 59409

(C) The manufactured home tax levied pursuant to division (C) 59410  
of section 4503.06 of the Revised Code on a manufactured or mobile 59411  
home that is owned and occupied by the surviving spouse of a 59412  
public service officer killed in the line of duty shall be reduced 59413  
for any tax year for which an application for such reduction has 59414  
been approved, provided the surviving spouse did not acquire 59415  
ownership from a person, other than the surviving spouse's 59416  
deceased public service officer spouse, related by consanguinity 59417  
or affinity for the purpose of qualifying for the reduction. An 59418

owner includes an owner within the meaning of division (A)(2) of this section. 59419  
59420

(1) For manufactured and mobile homes for which the tax imposed by section 4503.06 of the Revised Code is computed under division (D)(2) of that section, the reduction shall equal the product obtained by multiplying fifty thousand dollars of the true value of the property in money, as adjusted under division (A)(2)(e) of this section, by the amounts described in divisions (A)(2)(b)(ii) to (iv) of this section. 59421  
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(2) For manufactured and mobile homes for which the tax imposed by section 4503.06 of the Revised Code is computed under division (D)(1) of that section, the reduction shall equal the product obtained by multiplying fifty thousand dollars of the cost to the owner, or the market value at the time of purchase, whichever is greater, as those terms are used in division (D)(1) of section 4503.06 of the Revised Code, as adjusted under division (A)(2)(e) of this section, by the amounts described in divisions (A)(2)(d)(ii) to (iv) of this section. 59428  
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The reduction is in lieu of any reduction under section 4503.0610 of the Revised Code or division (A) or (B) of this section. The reduction applies to only one manufactured or mobile home owned and occupied by such a surviving spouse. A manufactured or mobile home qualifies for a reduction in taxes under this division for the tax year in which the public service officer dies through the tax year in which the surviving spouse dies or remarries. 59437  
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(D) If the owner or the spouse of the owner of a manufactured or mobile home is eligible for a homestead exemption on the land upon which the home is located, the reduction to which the owner or spouse is entitled under this section shall not exceed the difference between the reduction to which the owner or spouse is entitled under division (A), (B), or (C) of this section and the 59445  
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amount of the reduction under the homestead exemption. 59451

(E) No reduction shall be made with respect to the home of 59452  
any person convicted of violating division (C) or (D) of section 59453  
4503.066 of the Revised Code for a period of three years following 59454  
the conviction. 59455

**Sec. 4503.27.** A manufacturer, dealer, or distributor shall 59456  
~~make application~~ apply for registration, for each place in this 59457  
state at which the business of manufacturing, dealing, or 59458  
distributing of motor vehicles is carried on. The application 59459  
shall show the make of motor vehicles manufactured, dealt in, or 59460  
distributed at such place and shall show the taxing district in 59461  
which the place of business is located. Upon the filing of such 59462  
application and the payment of the annual tax ~~and postage therefor~~ 59463  
imposed by section 4503.09 of the Revised Code, the registrar of 59464  
motor vehicles shall assign to the applicant a distinctive number 59465  
~~which that~~ must be carried and displayed by each such motor 59466  
vehicle in like manner as provided by law for other motor vehicles 59467  
while it is operated on the public highway until it is sold or 59468  
transferred. At the time the registrar assigns the distinctive 59469  
number the registrar shall furnish one ~~placard~~ license plate with 59470  
the number thereon. Such manufacturer, dealer, or distributor may 59471  
procure a reasonable number of ~~certified copies of the~~ additional 59472  
registration ~~certificate~~ certificates upon the payment for each of 59473  
an annual fee of five dollars and the appropriate postage as 59474  
required by the registrar. With each ~~of the certified copies~~ 59475  
additional registration certificate the registrar shall furnish 59476  
one ~~placard~~ license plate with the same numbering provided in the 59477  
original registration certificate, and shall add thereto such 59478  
special designation as necessary to distinguish one ~~set of~~ 59479  
~~placards~~ license plate from another. 59480

The registrar shall not assign any distinctive number and 59481

shall not furnish any ~~placards~~ license plates to any dealer or distributor unless the dealer or distributor, at the time of ~~making~~ application for the ~~placards~~ license plates, produces evidence to show that the dealer or distributor is the holder either of a motor vehicle dealer's license required by section 4517.04 or 4517.05 of the Revised Code or a distributor's license required by section 4517.08 of the Revised Code. Such evidence shall be presented in the manner prescribed by the registrar.

**Sec. 4503.271.** A new motor vehicle may be operated on the public roads or highways of this state without displaying a license plate ~~or placard~~ issued to a manufacturer, dealer, or distributor under section 4503.27 of the Revised Code or any other license plate specified in the Revised Code if all of the following apply to the new motor vehicle:

(A) The new motor vehicle was being transported on a railroad car;

(B) The railroad car or the train of which the railroad car was a part was involved in an accident that required the unloading of the new motor vehicle from the railroad car in order to preserve its condition or to facilitate the process of returning the accident site to its normal state;

(C) The operator of the new motor vehicle was instructed by a law enforcement officer at the accident site to drive the new motor vehicle from the accident site directly to another location for the purpose of removing the new motor vehicle from the accident site and storing the new motor vehicle;

(D) The operator of the new motor vehicle proceeds from the accident site to the storage location utilizing the most direct route.

**Sec. 4503.28.** (A) No person who is a manufacturer of, dealer

in, or distributor of motor vehicles shall fail to file an 59512  
application for registration ~~and~~ to pay the tax for the 59513  
registration, and to apply for and pay the legal fees for as many 59514  
~~certified copies of the~~ additional registration certificates as 59515  
the law requires. 59516

(B) Whoever violates this section is guilty of a misdemeanor 59517  
of the fourth degree. 59518

**Sec. 4503.30.** (A) Any ~~placards~~ license plates issued by the 59519  
registrar of motor vehicles and bearing the distinctive number 59520  
assigned to a manufacturer, dealer, or distributor pursuant to 59521  
section 4503.27 of the Revised Code may be displayed on any motor 59522  
vehicle, other than commercial cars, or on any motorized bicycle 59523  
owned by the manufacturer, dealer, or distributor, or lawfully in 59524  
the possession or control of the manufacturer, or the agent or 59525  
employee of the manufacturer, the dealer, or the agent or employee 59526  
of the dealer, the distributor, or the agent or employee of the 59527  
distributor, ~~and~~. Such license plates shall be displayed on no 59528  
other motor vehicle or motorized bicycle. ~~A placard~~ 59529

(B)(1) A license plate issued to a dealer under section 59530  
4503.27 of the Revised Code may be displayed on a motor vehicle, 59531  
other than a commercial car, owned by a dealer when the vehicle is 59532  
in transit from a dealer to a purchaser, when the vehicle is being 59533  
demonstrated for sale or lease, or when the vehicle otherwise is 59534  
being utilized by the dealer. A 59535

(2) A vehicle bearing a ~~placard~~ license plate issued to a 59536  
dealer under section 4503.27 of the Revised Code may be operated 59537  
by the dealer, an agent or employee of the dealer, a prospective 59538  
purchaser, or a third party operating the vehicle with the 59539  
permission of the dealer. 59540

~~Such placards~~ (C) A license plate issued to a manufacturer, 59541

dealer, or distributor pursuant to section 4503.27 of the Revised Code may be displayed on commercial cars only when the cars are in transit from a manufacturer to a dealer, from a distributor to a dealer or distributor, or from a dealer to a purchaser, or when the cars are being demonstrated for sale or lease, ~~and~~. Such a license plate shall not be displayed when the cars are being used for delivery, hauling, transporting, or other commercial purpose.

~~(B)~~(D) Whoever violates this section is guilty of a misdemeanor of the third degree.

**Sec. 4503.301.** (A) A manufacturer, dealer, or distributor of motor vehicles may apply for a reasonable number of commercial car demonstration ~~placards~~ license plates. The application shall show the make of commercial cars, commercial tractors, trailers, and semitrailers manufactured, dealt, or distributed in and shall show the taxing district in which the applicant's place of business is located.

Upon the filing of such application and the payment of an annual fee of five hundred dollars and appropriate postage as required by the registrar of motor vehicles, the registrar shall assign to the applicant a distinctive ~~placard~~ and number and the requested license plates with the number thereon. Such ~~placards~~ license plates shall be known as "commercial car demonstration ~~placards~~ license plates," and shall expire on a date prescribed by the registrar. Upon the first application by any person for such ~~placards~~ license plates, the registrar shall prorate the annual fee in accordance with section 4503.11 of the Revised Code; for all renewals or replacements of such ~~placards~~ license plates, the registrar shall collect the full amount of the annual fee.

Commercial car demonstration ~~placards~~ license plates may be displayed on commercial cars, commercial tractors, trailers and semitrailers owned by the manufacturer, dealer, or distributor,

when those vehicles are operated by or being demonstrated to a prospective purchaser. In addition to the purposes permitted by section 4503.30 of the Revised Code, the ~~placards~~ license plates provided for in this section may be displayed on vehicles operated or used for delivery, hauling, transporting, or any other lawful purpose. When such ~~placards~~ license plates are used, the ~~placards~~ license plates provided for in section 4503.30 of the Revised Code need not be displayed.

The operator of any commercial car, commercial tractor, trailer, or semitrailer displaying the ~~placards~~ license plates provided for in this section, at all times, shall carry with the operator a letter from the manufacturer, dealer, or distributor authorizing the use of such manufacturer's, dealer's, or distributor's commercial car demonstration ~~placards~~ license plates.

When such ~~placards~~ license plates are used on any commercial car or commercial tractor, such power unit shall be considered duly registered and licensed for the purposes of section 4503.38 of the Revised Code.

(B) No manufacturer, dealer, or distributor of motor vehicles shall use the commercial car demonstration ~~placard~~ license plates for purposes other than those authorized by this section.

(C) Whoever violates division (B) of this section is guilty of a misdemeanor of the third degree.

**Sec. 4503.31.** (A) As used in this section, "person" includes, but is not limited to, any person engaged in the business of manufacturing or distributing, or selling at retail, displaying, offering for sale, or dealing in, motorized bicycles who is not subject to section 4503.09 of the Revised Code, or an Ohio nonprofit corporation engaged in the business of testing of motor vehicles.

(B) Persons other than manufacturers, dealers, or distributors may register annually with the registrar of motor vehicles and obtain ~~placards~~ license plates to be displayed on motor vehicles as provided by this section. Applications for annual registration shall be made at the time provided for payment of the tax ~~and postage~~ otherwise imposed on manufacturers, dealers, or distributors by section 4503.09 of the Revised Code and shall be in the manner to be prescribed by the registrar. The fee for such registration shall be twenty-five dollars and shall not be reduced when the registration is for a part of a year. Applicants may procure a reasonable number of ~~certified copies of such~~ additional registration certificates upon the payment of a fee of five dollars and appropriate postage as required by the registrar for each copy.

(C) Upon the filing of the application and the payment of the fee and postage prescribed by this section, the registrar shall issue to each applicant a certificate of registration and assign a distinctive number and furnish one ~~placard~~ license plate with the number thereon. With each ~~of the certified copies of the~~ additional registration certificate provided for in this section the registrar shall furnish one ~~placard~~ license plate with the same numbering assigned in the original registration certificate and shall add thereto such special designation as necessary to distinguish one ~~set of placards~~ license plate from another. All ~~placards~~ license plates furnished by the registrar pursuant to this section shall be so marked as to be distinguishable from ~~placards~~ license plates issued to dealers, manufacturers, or distributors. ~~Placards~~

(D) Except as provided by divisions (E) and (F) of this section, license plates issued pursuant to this section may be used only on ~~motor~~ the following:

(1) Motor vehicles or motorized bicycles owned and being used

in testing or being demonstrated for purposes of sale or lease; ~~or~~ 59636  
~~on motor~~ 59637

(2) Motor vehicles subject to the rights and remedies of a 59638  
secured party being exercised under Chapter 1309. of the Revised 59639  
Code; ~~or on motor~~ 59640

(3) Motor vehicles being held or transported by any insurance 59641  
company for purposes of salvage disposition; ~~or on motor~~ 59642

(4) Motor vehicles being transported by any persons regularly 59643  
engaged in salvage operations or scrap metal processing from the 59644  
point of acquisition to their established place of business; ~~or on~~ 59645  
~~motor~~ 59646

(5) Motor vehicles owned by or in the lawful possession of an 59647  
Ohio nonprofit corporation while being used in the testing of 59648  
those motor vehicles. 59649

~~Placards~~ (E) License plates issued pursuant to this section 59650  
also may be used by ~~persons~~ all of the following: 59651

(1) Persons regularly engaged in the business of 59652  
rustproofing, reconditioning, or installing equipment or trim on 59653  
motor vehicles for motor vehicle dealers and shall be used 59654  
exclusively when such motor vehicles are being transported to or 59655  
from the motor vehicle dealer's place of business; ~~and by persons~~ 59656

(2) Persons engaged in manufacturing articles for attachment 59657  
to motor vehicles when such motor vehicles are being transported 59658  
to or from places where mechanical equipment is attached to the 59659  
chassis of such new motor vehicles; ~~or on motor vehicles being~~ 59660  
~~towed by any persons~~ 59661

(3) Persons regularly and primarily engaged in the business 59662  
of towing motor vehicles while such ~~vehicle is~~ motor vehicles are 59663  
being towed to a point of storage. 59664

~~Placards~~ (F) License plates issued pursuant to this section 59665

also may be used on trailers being transported by persons engaged 59666  
in the business of selling tangible personal property other than 59667  
motor vehicles. 59668

(G) No person required to register an apportionable vehicle 59669  
under the international registration plan shall apply for or 59670  
receive a ~~placard~~ license plate for that vehicle under this 59671  
section. 59672

(H) The fees collected by the registrar pursuant to this 59673  
section shall be paid into the public safety - highway purposes 59674  
fund established in section 4501.06 of the Revised Code and used 59675  
for the purposes described in that section. 59676

**Sec. 4503.311.** A manufacturer of or dealer in trailers for 59677  
transporting watercraft may apply for registration with the 59678  
registrar of motor vehicles for each place in this state where the 59679  
manufacturer or dealer carries on the business of manufacturing or 59680  
dealing in such trailers. Applications for annual registration 59681  
shall be made at the time provided for payment of the tax imposed 59682  
on manufacturers and dealers by section 4503.09 of the Revised 59683  
Code and shall be in the manner to be prescribed by the registrar. 59684  
The fee for such registration shall be twenty-five dollars and 59685  
shall not be reduced when the registration is for a part of a 59686  
year. 59687

Upon the filing of such application and the payment of the 59688  
fee and appropriate postage as required by the registrar ~~of motor~~ 59689  
~~vehicles~~, the registrar shall assign to the applicant a 59690  
distinctive number which shall be displayed on the rear of each 59691  
trailer while it is operated on the public highway. Such trailer 59692  
may be operated on the public highway while loaded, until it is 59693  
sold or transferred. At the time the registrar assigns the 59694  
distinctive number, the registrar shall furnish one ~~placard~~ 59695  
license plate with the number thereon. Such manufacturer or dealer 59696

may procure a reasonable number of ~~certified copies of the~~ 59697  
additional registration certificate certificates upon the payment 59698  
of a fee of five dollars and postage. With each ~~of such certified~~ 59699  
~~copies~~ additional registration certificate, the registrar shall 59700  
furnish one ~~placard~~ license plate with the same number provided in 59701  
the original registration certificate, and shall add thereto such 59702  
special designation as necessary to distinguish one ~~set of~~ 59703  
~~placards~~ license plate from another. All ~~placards~~ license plates 59704  
furnished by the registrar pursuant to this section shall be so 59705  
marked as to be distinguishable from ~~placards~~ license plates 59706  
issued to dealers in or manufacturers of motor vehicles. 59707

The fees collected by the registrar pursuant to this section 59708  
shall be paid into the public safety - highway purposes fund 59709  
established in section 4501.06 of the Revised Code and used for 59710  
the purposes described in that section. 59711

**Sec. 4503.312.** As used in this section: 59712

(A) "Utility trailer" means any trailer, except a travel 59713  
trailer or trailer for transporting watercraft, having a gross 59714  
weight of less than four thousand pounds. 59715

(B) "Snowmobile" and "all-purpose vehicle" have the same 59716  
meanings as in section 4519.01 of the Revised Code. 59717

(C) "Distributor" means any person authorized by a 59718  
manufacturer of utility trailers or trailers for transporting 59719  
motorcycles, snowmobiles, or all-purpose vehicles to distribute 59720  
new trailers to persons for purposes of resale. 59721

A manufacturer, distributor, or retail seller of utility 59722  
trailers or trailers for transporting motorcycles, snowmobiles, or 59723  
all-purpose vehicles may apply for registration with the registrar 59724  
of motor vehicles for each place in this state where the 59725  
manufacturer, distributor, or retail seller carries on the 59726

business of manufacturing, distributing, or selling at retail such 59727  
trailers. Applications for annual registration shall be made at 59728  
the time provided for payment of the tax imposed by section 59729  
4503.09 of the Revised Code; shall be in the manner to be 59730  
prescribed by the registrar; and shall be accompanied by an 59731  
affidavit certifying that the applicant is a manufacturer, 59732  
distributor, or retail seller of utility trailers or trailers for 59733  
transporting motorcycles, snowmobiles, or all-purpose vehicles. 59734  
The fee for such registration shall be twenty-five dollars and 59735  
shall not be reduced when the registration is for a part of a 59736  
year. 59737

Upon the filing of the application and affidavit, and payment 59738  
of the fee and appropriate postage as required by the registrar, 59739  
the registrar shall assign to the applicant a distinctive number 59740  
which shall be displayed on the rear of each trailer when it is 59741  
operated on the public highway. Any trailer for transporting 59742  
motorcycles, snowmobiles, or all-purpose vehicles that is not 59743  
loaded may be operated on the public highway until it is sold or 59744  
transferred; and any utility trailer that is not loaded, or that 59745  
is being used to transport another utility trailer for purposes of 59746  
demonstration or delivery, may be operated on the public highway 59747  
until it is sold or transferred. 59748

At the time the registrar assigns the distinctive number, the 59749  
registrar shall furnish one ~~placard~~ license plate with the number 59750  
thereon. The manufacturer, distributor, or retail seller may 59751  
procure a reasonable number of ~~certified copies of the additional~~ 59752  
registration ~~certificate~~ certificates upon the payment of a fee of 59753  
five dollars and postage. With each ~~of such certified copies~~ 59754  
additional registration certificate, the registrar shall furnish 59755  
one ~~placard~~ license plate with the same number provided in the 59756  
original registration certificate, and shall add thereto such 59757  
special designation as necessary to distinguish one ~~set of~~ 59758

~~placards~~ license plate from another. All ~~placards~~ license plates 59759  
furnished by the registrar pursuant to this section shall be so 59760  
marked as to be distinguishable from ~~placards~~ license plates 59761  
issued to dealers in or manufacturers of motor vehicles or 59762  
trailers for transporting watercraft. 59763

The fees collected by the registrar pursuant to this section 59764  
shall be paid into the public safety - highway purposes fund 59765  
established by section 4501.06 of the Revised Code and used for 59766  
the purposes described in that section. 59767

**Sec. 4503.32.** (A) No person shall use the license ~~placards~~ 59768  
plates provided for in section 4503.31 of the Revised Code 59769  
contrary to said section. 59770

(B) Whoever violates this section is guilty of a misdemeanor 59771  
of the third degree. 59772

**Sec. 4503.33.** A person, firm, or corporation engaged in this 59773  
state as a drive-away operator or trailer transporter or both in 59774  
the business of transporting and delivering, by means of the full 59775  
mount method, the saddle mount method, the tow bar method, 59776  
tow-away method, or any combination thereof, or under their own 59777  
power, new motor vehicles from the manufacturer or any other point 59778  
of origin to any point of destination, or used motor vehicles from 59779  
any individual, firm, or corporation to any point of destination, 59780  
or both, shall ~~make application~~ apply to the registrar of motor 59781  
vehicles for an "in transit" permit. This application shall be 59782  
accompanied by a registration fee of fifty dollars, and shall show 59783  
such information as is considered necessary by the registrar. Upon 59784  
the filing of the application and the payment of the annual fee 59785  
and appropriate postage as required by the registrar, the 59786  
registrar shall issue to each permittee a certificate of 59787  
registration bearing a distinctive number or designation of the 59788

registration and one ~~placard~~ license plate bearing a corresponding 59789  
number or designation, ~~which placard must.~~ The license plate shall 59790  
be carried and displayed by each such motor vehicle in like manner 59791  
as provided by law for other motor vehicles while operated upon a 59792  
public highway in transit from the manufacturer or any other point 59793  
of origin to any point of destination. 59794

A permittee may procure a reasonable number of ~~certified~~ 59795  
~~copies of such~~ additional registration certificate certificates 59796  
upon the payment of a fee of three dollars and postage. With each 59797  
such ~~certified copy~~ additional registration certificate the 59798  
registrar shall furnish one ~~placard~~ license plate with the same 59799  
numbering or designation provided in the original registration 59800  
certificate, and the registrar may add thereto such special 59801  
designation as may be necessary to distinguish one ~~placard~~ license 59802  
plate from another. 59803

No person required to register an apportionable vehicle under 59804  
the international registration plan shall apply for or receive a 59805  
~~placard~~ license plate for that vehicle under this section. 59806

**Sec. 4503.34.** (A) No person who is a drive-away operator or 59807  
trailer transporter, or both, engaged in the business of 59808  
transporting and delivering new motor vehicles or used motor 59809  
vehicles, or both, by means of the full mount method, the saddle 59810  
mount method, the tow bar method, the tow-away method, or any 59811  
combination thereof, or under their own power, shall fail to file 59812  
an application as required by section 4503.33 of the Revised Code, 59813  
~~and~~ to pay the fees therefor, and to apply for and pay the legal 59814  
fees for as many ~~certified copies~~ additional registration 59815  
certificates thereof as said section requires. 59816

(B) Whoever violates this section is guilty of a minor 59817  
misdemeanor. 59818

Sec. 4503.44. (A) As used in this section and in section 59819  
4511.69 of the Revised Code: 59820

(1) "Person with a disability that limits or impairs the 59821  
ability to walk" means any person who, as determined by a health 59822  
care provider, meets any of the following criteria: 59823

(a) Cannot walk two hundred feet without stopping to rest; 59824

(b) Cannot walk without the use of, or assistance from, a 59825  
brace, cane, crutch, another person, prosthetic device, 59826  
wheelchair, or other assistive device; 59827

(c) Is restricted by a lung disease to such an extent that 59828  
the person's forced (respiratory) expiratory volume for one 59829  
second, when measured by spirometry, is less than one liter, or 59830  
the arterial oxygen tension is less than sixty millimeters of 59831  
mercury on room air at rest; 59832

(d) Uses portable oxygen; 59833

(e) Has a cardiac condition to the extent that the person's 59834  
functional limitations are classified in severity as class III or 59835  
class IV according to standards set by the American heart 59836  
association; 59837

(f) Is severely limited in the ability to walk due to an 59838  
arthritic, neurological, or orthopedic condition; 59839

(g) Is blind, legally blind, or severely visually impaired. 59840

(2) "Organization" means any private organization or 59841  
corporation, or any governmental board, agency, department, 59842  
division, or office, that, as part of its business or program, 59843  
transports persons with disabilities that limit or impair the 59844  
ability to walk on a regular basis in a motor vehicle that has not 59845  
been altered for the purpose of providing it with accessible 59846  
equipment for use by persons with disabilities. This definition 59847  
does not apply to division (I) of this section. 59848

(3) "Health care provider" means a physician, physician assistant, advanced practice registered nurse, optometrist, or chiropractor as defined in this section except that an optometrist shall only make determinations as to division (A)(1)(g) of this section.

(4) "Physician" means a person licensed to practice medicine or surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code.

(5) "Chiropractor" means a person licensed to practice chiropractic under Chapter 4734. of the Revised Code.

(6) "Advanced practice registered nurse" means a certified nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, or certified nurse-midwife who holds a certificate of authority issued by the board of nursing under Chapter 4723. of the Revised Code.

(7) "Physician assistant" means a person who is licensed as a physician assistant under Chapter 4730. of the Revised Code.

(8) "Optometrist" means a person licensed to engage in the practice of optometry under Chapter 4725. of the Revised Code.

(9) "Removable windshield placard" includes a standard removable windshield placard, a temporary removable windshield placard, or a permanent removable windshield placard, unless otherwise specified.

(B)(1) An organization, or a person with a disability that limits or impairs the ability to walk, may apply for the registration of any motor vehicle the organization or person owns or leases. When a motor vehicle has been altered for the purpose of providing it with accessible equipment for a person with a disability that limits or impairs the ability to walk, but is owned or leased by someone other than such a person, the owner or lessee may apply to the registrar of motor vehicles or a deputy

registrar for registration under this section. The application for 59880  
registration of a motor vehicle owned or leased by a person with a 59881  
disability that limits or impairs the ability to walk shall be 59882  
accompanied by a signed statement from the applicant's health care 59883  
provider certifying that the applicant meets at least one of the 59884  
criteria contained in division (A)(1) of this section and that the 59885  
disability is expected to continue for more than six consecutive 59886  
months. The application for registration of a motor vehicle that 59887  
has been altered for the purpose of providing it with accessible 59888  
equipment for a person with a disability that limits or impairs 59889  
the ability to walk but is owned by someone other than such a 59890  
person shall be accompanied by such documentary evidence of 59891  
vehicle alterations as the registrar may require by rule. 59892

(2) When an organization, a person with a disability that 59893  
limits or impairs the ability to walk, or a person who does not 59894  
have a disability that limits or impairs the ability to walk but 59895  
owns a motor vehicle that has been altered for the purpose of 59896  
providing it with accessible equipment for a person with a 59897  
disability that limits or impairs the ability to walk first 59898  
submits an application for registration of a motor vehicle under 59899  
this section and every fifth year thereafter, the organization or 59900  
person shall submit a signed statement from the applicant's health 59901  
care provider, a completed application, and any required 59902  
documentary evidence of vehicle alterations as provided in 59903  
division (B)(1) of this section, and also a power of attorney from 59904  
the owner of the motor vehicle if the applicant leases the 59905  
vehicle. Upon submission of these items, the registrar or deputy 59906  
registrar shall issue to the applicant appropriate vehicle 59907  
registration and a set of license plates and validation stickers, 59908  
or validation stickers alone when required by section 4503.191 of 59909  
the Revised Code. In addition to the letters and numbers 59910  
ordinarily inscribed thereon, the license plates shall be 59911  
imprinted with the international symbol of access. The license 59912

plates and validation stickers shall be issued upon payment of the 59913  
regular license fee as prescribed under section 4503.04 of the 59914  
Revised Code and any motor vehicle tax levied under Chapter 4504. 59915  
of the Revised Code, and the payment of a service fee equal to the 59916  
amount ~~specified in division (D) or (G) of~~ established under 59917  
section ~~4503.10~~ 4503.038 of the Revised Code. 59918

(3) A person with a disability that limits or impairs the 59919  
ability to walk, but whose disability is not readily apparent to 59920  
another person, may apply to the registrar, in accordance with 59921  
divisions (B)(1) and (2) of this section, for a license plate with 59922  
an orange international symbol of access imprinted on the plate. 59923  
The registrar shall provide for and issue such a license plate. 59924

All other rules relating to the issuance, expiration, 59925  
revocation, surrender, and proper display of a license plate apply 59926  
to a license plate issued under this division. Nothing in this 59927  
division shall be construed to require a person who qualifies for 59928  
a license plate under division (B) of this section to apply for 59929  
and obtain the license plate with the orange international symbol 59930  
of access. 59931

(C)(1) A person with a disability that limits or impairs the 59932  
ability to walk may apply to the registrar ~~of motor vehicles~~ for a 59933  
removable windshield placard by completing and signing an 59934  
application provided by the registrar. ~~The~~ 59935

(2) The person shall include with the application a 59936  
prescription from the person's health care provider prescribing 59937  
such a placard for the person based upon a determination that the 59938  
person meets at least one of the criteria contained in division 59939  
(A)(1) of this section. The health care provider shall state on 59940  
the prescription the length of time the health care provider 59941  
expects the applicant to have the disability that limits or 59942  
impairs the person's ability to walk. If the length of time the 59943  
applicant is expected to have the disability is six consecutive 59944

months or less, the applicant shall submit an application for a 59945  
temporary removable windshield placard. If the length of time the 59946  
applicant is expected to have the disability is permanent, the 59947  
applicant shall submit an application for a permanent removable 59948  
windshield placard. All other applicants shall submit an 59949  
application for a standard removable windshield placard. 59950

(3) In addition to one placard or one or more sets of license 59951  
plates, a person with a disability that limits or impairs the 59952  
ability to walk is entitled to one additional placard, but only if 59953  
the person applies separately for the additional placard, states 59954  
the reasons why the additional placard is needed, and the 59955  
registrar, in the registrar's discretion determines that good and 59956  
justifiable cause exists to approve the request for the additional 59957  
placard. 59958

~~(2)~~(4) An organization may apply to the registrar of motor 59959  
vehicles for a standard removable windshield placard by completing 59960  
and signing an application provided by the registrar. The 59961  
organization shall comply with any procedures the registrar 59962  
establishes by rule. The organization shall include with the 59963  
application documentary evidence that the registrar requires by 59964  
rule showing that the organization regularly transports persons 59965  
with disabilities that limit or impair the ability to walk. 59966

~~(3)~~ Upon (5) The registrar or deputy registrar shall issue to 59967  
an applicant a standard removable windshield placard, a temporary 59968  
removable windshield placard, or a permanent removable windshield 59969  
placard, as applicable, upon receipt of a all of the following: 59970

(a) A completed and signed application for a removable 59971  
windshield placard,~~the;~~ 59972

(b) The accompanying documents required under division ~~(C)(1)~~ 59973  
~~or (2)(C)(2) or (4) of this section, and payment;~~ 59974

(c) Payment of a service fee equal to the amount ~~specified in~~ 59975

~~division (D) or (G) of established under section 4503.10 4503.038~~ 59976  
of the Revised Code, ~~the registrar or deputy registrar shall issue~~ 59977  
~~to the applicant a removable windshield placard, which for a~~ 59978  
standard removable windshield placard or a temporary removable 59979  
windshield placard, or payment of fifteen dollars for a permanent 59980  
windshield placard. 59981

(6) The removable windshield placard shall bear display the 59982  
date of expiration on both sides of the placard, or the word 59983  
"permanent" if the placard is a permanent removable windshield 59984  
placard, and shall be valid until expired, revoked, or 59985  
surrendered. ~~Every~~ Except for a permanent removable windshield 59986  
placard, which has no expiration, a removable windshield placard 59987  
~~expires as described in division (C)(4) of this section, but in on~~ 59988  
the earliest of the following two dates: 59989

(a) The date that the person issued the placard is expected 59990  
to no longer have the disability that limits or impairs the 59991  
ability to walk, as indicated on the prescription submitted with 59992  
the application for the placard; 59993

(b) Five years after the date of issuance on the placard. 59994

In no case shall a removable windshield placard be valid for 59995  
a period of less than sixty days. ~~Removable~~ 59996

(7) Standard removable windshield placards shall be renewable 59997  
upon application ~~as provided in division (C)(1) or (2) of this~~ 59998  
~~section~~ and upon payment of a service fee equal to the amount 59999  
~~specified in division (D) or (G) of established under~~ 60000  
4503.10 4503.038 of the Revised Code ~~for the renewal of a~~ 60001  
~~removable windshield placard.~~ The registrar shall provide the 60002  
application form and shall determine the information to be 60003  
included thereon. ~~The~~ 60004

(8) The registrar also shall determine the form and size of 60005  
each type of the removable windshield placard, the material of 60006

which it is to be made, any differences in color between each type 60007  
of placard to make them readily identifiable, and any other 60008  
information to be included thereon, and shall adopt rules relating 60009  
to the issuance, expiration, revocation, surrender, and proper 60010  
display of such placards. A temporary removable windshield placard 60011  
shall display the word "temporary" in letters of such size as the 60012  
registrar shall prescribe. Any placard issued after October 14, 60013  
1999, shall be manufactured in a manner that allows the expiration 60014  
date of the placard to be indicated on it through the punching, 60015  
drilling, boring, or creation by any other means of holes in the 60016  
placard. 60017

(4)(9) In addition to the designs of the removable windshield 60018  
placards specified in division (C)(8) of this section, the 60019  
registrar shall provide for and issue an orange standard removable 60020  
windshield placard with a white international symbol of access 60021  
imprinted on it. A person with a disability that limits or impairs 60022  
the ability to walk whose disability is not readily apparent to 60023  
another person may apply to the registrar for the orange standard 60024  
removable windshield placard. The placard shall otherwise be 60025  
created with the same form, size, and material and shall display 60026  
the same information as the standard removable windshield placard. 60027  
All other requirements established under this section and under 60028  
rules relating to the issuance, expiration, revocation, surrender, 60029  
and proper display of a standard removable windshield placard 60030  
shall apply. Nothing in this division shall be construed to 60031  
require a person to apply for and obtain a placard issued in 60032  
accordance with division (C)(9) of this section, instead of the 60033  
other removable windshield placards issued under this section. 60034

(10) At the time a removable windshield placard is issued to 60035  
a person with a disability that limits or impairs the ability to 60036  
walk, the registrar or deputy registrar shall enter into the 60037  
records of the bureau of motor vehicles the last date on which the 60038

person will have that disability, as indicated on the accompanying 60039  
prescription. ~~Not~~ For a standard removable windshield placard, not 60040  
less than thirty days prior to that date and ~~all removable~~ 60041  
~~windshield placard~~ any renewal dates, the bureau shall send a 60042  
renewal notice to that person at the person's last known address 60043  
as shown in the records of the bureau, informing the person that 60044  
the person's removable windshield placard will expire on the 60045  
indicated date ~~not to exceed five years from the date of issuance,~~ 60046  
and that the person is required to renew the placard by submitting 60047  
to the registrar or a deputy registrar another prescription, ~~as~~ 60048  
~~described in division (C)(1) or (2) of this section,~~ and by 60049  
complying with the renewal provisions ~~prescribed in division~~ 60050  
~~(C)(3) of this section.~~ If such a prescription is not received by 60051  
the registrar or a deputy registrar by that date, the placard 60052  
issued to that person expires and no longer is valid, and this 60053  
fact shall be recorded in the records of the bureau. 60054

~~(5)(11)~~ At least once every year, on a date determined by the 60055  
registrar, the bureau shall examine the records of the office of 60056  
vital statistics, located within the department of health, that 60057  
pertain to deceased persons, and also the bureau's records of all 60058  
persons who have been issued removable windshield placards ~~and~~ 60059  
~~temporary removable windshield placards.~~ If the records of the 60060  
office of vital statistics indicate that a person to whom a 60061  
removable windshield placard ~~or temporary removable windshield~~ 60062  
~~placard~~ has been issued is deceased, the bureau shall cancel that 60063  
placard, and note the cancellation in its records. 60064

The office of vital statistics shall make available to the 60065  
bureau all information necessary to enable the bureau to comply 60066  
with division ~~(C)(5)~~ (C)(11) of this section. 60067

~~(6)(12)~~ Nothing in this section shall be construed to require 60068  
a person or organization to apply for a removable windshield 60069  
placard or accessible license plates if the accessible license 60070

plates issued to the person or organization under prior law have 60071  
not expired or been surrendered or revoked. 60072

~~(D)(1)(a) A person with a disability that limits or impairs 60073  
the ability to walk may apply to the registrar or a deputy 60074  
registrar for a temporary removable windshield placard. The 60075  
application for a temporary removable windshield placard shall be 60076  
accompanied by a prescription from the applicant's health care 60077  
provider prescribing such a placard for the applicant, provided 60078  
that the applicant meets at least one of the criteria contained in 60079  
division (A)(1) of this section and that the disability is 60080  
expected to continue for six consecutive months or less. The 60081  
health care provider shall state on the prescription the length of 60082  
time the health care provider expects the applicant to have the 60083  
disability that limits or impairs the applicant's ability to walk, 60084  
which cannot exceed six months from the date of the prescription. 60085  
Upon receipt of an application for a temporary removable 60086  
windshield placard, presentation of the prescription from the 60087  
applicant's health care provider, and payment of a service fee 60088  
equal to the amount specified in division (D) or (C) of section 60089  
4503.10 of the Revised Code, the registrar or deputy registrar 60090  
shall issue to the applicant a temporary removable windshield 60091  
placard. 60092~~

~~(b)(D) Any active-duty member of the armed forces of the 60093  
United States, including the reserve components of the armed 60094  
forces and the national guard, who has an illness or injury that 60095  
limits or impairs the ability to walk may apply to the registrar 60096  
or a deputy registrar for a temporary removable windshield 60097  
placard. With the application, the person shall present evidence 60098  
of the person's active-duty status and the illness or injury. 60099  
Evidence of the illness or injury may include a current department 60100  
of defense convalescent leave statement, any department of defense 60101  
document indicating that the person currently has an ill or 60102~~

injured casualty status or has limited duties, or a prescription 60103  
from any health care provider prescribing the placard for the 60104  
applicant. Upon receipt of the application and the necessary 60105  
evidence, the registrar or deputy registrar shall issue the 60106  
applicant the temporary removable windshield placard without the 60107  
payment of any service fee. 60108

~~(2) The temporary removable windshield placard shall be of 60109  
the same size and form as the removable windshield placard, shall 60110  
be printed in white on a red-colored background, and shall bear 60111  
the word "temporary" in letters of such size as the registrar 60112  
shall prescribe. A temporary removable windshield placard also 60113  
shall bear the date of expiration on the front and back of the 60114  
placard, and shall be valid until expired, surrendered, or 60115  
revoked, but in no case shall such a placard be valid for a period 60116  
of less than sixty days. The registrar shall provide the 60117  
application form and shall determine the information to be 60118  
included on it, provided that the registrar shall not require a 60119  
health care provider's prescription or certification for a person 60120  
applying under division (D)(1)(b) of this section. The registrar 60121  
also shall determine the material of which the temporary removable 60122  
windshield placard is to be made and any other information to be 60123  
included on the placard and shall adopt rules relating to the 60124  
issuance, expiration, surrender, revocation, and proper display of 60125  
those placards. Any temporary removable windshield placard issued 60126  
after October 14, 1999, shall be manufactured in a manner that 60127  
allows for the expiration date of the placard to be indicated on 60128  
it through the punching, drilling, boring, or creation by any 60129  
other means of holes in the placard. 60130~~

(E) If an applicant for a removable windshield placard is a 60131  
veteran of the armed forces of the United States whose disability, 60132  
as defined in division (A)(1) of this section, is 60133  
service-connected, the registrar or deputy registrar, upon receipt 60134

of the application, presentation of a signed statement from the 60135  
applicant's health care provider certifying the applicant's 60136  
disability, and presentation of such documentary evidence from the 60137  
department of veterans affairs that the disability of the 60138  
applicant meets at least one of the criteria identified in 60139  
division (A)(1) of this section and is service-connected as the 60140  
registrar may require by rule, but without the payment of any 60141  
service fee, shall issue the applicant a removable windshield 60142  
placard that is valid until expired, surrendered, or revoked. 60143

~~(F)~~(F)(1) Upon a conviction of a violation of division (H) or 60144  
(I) of this section, the court shall report the conviction, and 60145  
send the placard, if available, to the registrar, who thereupon 60146  
shall revoke the privilege of using the placard and send notice in 60147  
writing to the placardholder at that holder's last known address 60148  
as shown in the records of the bureau, and the placardholder shall 60149  
return the placard if not previously surrendered to the court, to 60150  
the registrar within ten days following mailing of the notice. 60151

(2) Whenever a person to whom a removable windshield placard 60152  
has been issued moves to another state, the person shall surrender 60153  
the placard to the registrar; and whenever an organization to 60154  
which a placard has been issued changes its place of operation to 60155  
another state, the organization shall surrender the placard to the 60156  
registrar. 60157

(3) If a person no longer requires a permanent removable 60158  
windshield placard, the person shall notify and surrender the 60159  
placard to the registrar or deputy registrar within ten days of no 60160  
longer requiring the placard. The person may still apply for a 60161  
standard removable windshield placard or temporary removable 60162  
windshield placard, if applicable. 60163

(G) Subject to division (F) of section 4511.69 of the Revised 60164  
Code, the operator of a motor vehicle displaying a removable 60165  
windshield placard, ~~temporary removable windshield placard,~~ or the 60166

accessible license plates authorized by this section is entitled 60167  
to park the motor vehicle in any accessible parking location 60168  
reserved for persons with disabilities that limit or impair the 60169  
ability to walk. 60170

(H) No person or organization that is not eligible for the 60171  
issuance of license plates or any placard under this section shall 60172  
willfully and falsely represent that the person or organization is 60173  
so eligible. 60174

No person or organization shall display license plates issued 60175  
under this section unless the license plates have been issued for 60176  
the vehicle on which they are displayed and are valid. 60177

(I) No person or organization to which a removable windshield 60178  
~~placard or temporary removable windshield placard~~ is issued shall 60179  
do either of the following: 60180

(1) Display or permit the display of the placard on any motor 60181  
vehicle when having reasonable cause to believe the motor vehicle 60182  
is being used in connection with an activity that does not include 60183  
providing transportation for persons with disabilities that limit 60184  
or impair the ability to walk; 60185

(2) Refuse to return or surrender the placard, when required. 60186

(J) If a removable windshield placard, ~~temporary removable~~ 60187  
~~windshield placard,~~ or parking card is lost, destroyed, or 60188  
mutilated, the placardholder or cardholder may obtain a duplicate 60189  
by doing both of the following: 60190

(1) Furnishing suitable proof of the loss, destruction, or 60191  
mutilation to the registrar; 60192

(2) Paying a service fee equal to the amount ~~specified in~~ 60193  
~~division (D) or (G) of section 4503.10 of the Revised Code~~ paid 60194  
when the placardholder obtained the original placard. 60195

Any placardholder or cardholder who loses a placard ~~or card~~ 60196

and, after obtaining a duplicate, finds the original, immediately 60197  
shall surrender the original placard ~~or card~~ to the registrar. 60198

(K)(1) The registrar shall pay all fees received under this 60199  
section for the issuance of removable windshield placards ~~or~~ 60200  
~~temporary removable windshield placards~~ or duplicate removable 60201  
windshield placards ~~or cards~~ into the state treasury to the credit 60202  
of the public safety - highway purposes fund created in section 60203  
4501.06 of the Revised Code. 60204

(2) In addition to the fees collected under this section, the 60205  
registrar or deputy registrar shall ask each person applying for a 60206  
removable windshield placard ~~or temporary removable windshield~~ 60207  
~~placard~~ or duplicate removable windshield placard or license plate 60208  
issued under this section, whether the person wishes to make a 60209  
two-dollar voluntary contribution to support rehabilitation 60210  
employment services. The registrar shall transmit the 60211  
contributions received under this division to the treasurer of 60212  
state for deposit into the rehabilitation employment fund, which 60213  
is hereby created in the state treasury. A deputy registrar shall 60214  
transmit the contributions received under this division to the 60215  
registrar in the time and manner prescribed by the registrar. The 60216  
contributions in the fund shall be used by the opportunities for 60217  
Ohioans with disabilities agency to purchase services related to 60218  
vocational evaluation, work adjustment, personal adjustment, job 60219  
placement, job coaching, and community-based assessment from 60220  
accredited community rehabilitation program facilities. 60221

(L) For purposes of enforcing this section, every peace 60222  
officer is deemed to be an agent of the registrar. Any peace 60223  
officer or any authorized employee of the bureau of motor vehicles 60224  
who, in the performance of duties authorized by law, becomes aware 60225  
of a person whose removable windshield placard or parking card has 60226  
been revoked pursuant to this section, may confiscate that placard 60227  
or parking card and return it to the registrar. The registrar 60228

shall prescribe any forms used by law enforcement agencies in 60229  
administering this section. 60230

No peace officer, law enforcement agency employing a peace 60231  
officer, or political subdivision or governmental agency employing 60232  
a peace officer, and no employee of the bureau is liable in a 60233  
civil action for damages or loss to persons arising out of the 60234  
performance of any duty required or authorized by this section. As 60235  
used in this division, "peace officer" has the same meaning as in 60236  
division (B) of section 2935.01 of the Revised Code. 60237

(M) All applications for registration of motor vehicles, and 60238  
~~removable windshield placards, and temporary removable windshield~~ 60239  
~~placards~~ issued under this section, all renewal notices for such 60240  
items, and all other publications issued by the bureau that relate 60241  
to this section shall set forth the criminal penalties that may be 60242  
imposed upon a person who violates any provision relating to 60243  
accessible license plates issued under this section, the parking 60244  
of vehicles displaying such license plates, and the issuance, 60245  
procurement, use, and display of removable windshield placards and 60246  
~~temporary removable windshield placards~~ issued under this section. 60247

(N) Whoever violates this section is guilty of a misdemeanor 60248  
of the fourth degree. 60249

**Sec. 4505.061.** (A) If the application for a certificate of 60250  
title refers to a motor vehicle last previously registered in 60251  
another state, the application shall be accompanied by a physical 60252  
inspection certificate issued by the ~~department of public safety~~ 60253  
registrar of motor vehicles. A physical inspection of a motor 60254  
vehicle shall consist of verifying the make, body type, model, and 60255  
mileage of, and manufacturer's vehicle identification number ~~of~~ 60256  
from, the motor vehicle for which the certificate of title is 60257  
desired. 60258

(B) The physical inspection certificate shall be in such form 60259

as is designated by the registrar ~~of motor vehicles. The~~ Except as 60260  
provided for in division (C) of this section, the physical 60261  
inspection of the motor vehicle shall ~~be made~~ occur at a either of 60262  
the following: 60263

(1) A deputy registrar's office, ~~or at an;~~ 60264

(2) An established place of business ~~operated by~~ of a 60265  
licensed motor vehicle dealer located in this state. ~~Additionally,~~ 60266  
the 60267

(C) The physical inspection of a salvage vehicle owned by an 60268  
insurance company may be made at an established place of business 60269  
~~operated by a~~ of any of the following that is licensed and located 60270  
in this state: 60271

(1) A motor vehicle salvage dealer, ~~;~~ 60272

(2) A salvage motor vehicle auction, ~~or;~~ 60273

(3) A salvage motor vehicle pool ~~licensed under Chapter 4738.~~ 60274  
~~of the Revised Code. The~~ 60275

(D) The deputy registrar, motor vehicle dealer, motor vehicle 60276  
salvage dealer, salvage motor vehicle auction, or salvage motor 60277  
vehicle pool may charge a maximum fee equal to the amount 60278  
established under section 4503.038 of the Revised Code for 60279  
conducting the physical inspection. 60280

(E) The clerk of the court of common pleas shall charge a fee 60281  
of one dollar and fifty cents for the processing of each physical 60282  
inspection certificate. The clerk shall retain fifty cents of the 60283  
one dollar and fifty cents so charged and shall pay the remaining 60284  
one dollar to the registrar by monthly returns, which shall be 60285  
forwarded to the registrar not later than the fifth day of the 60286  
month next succeeding that in which the certificate is received by 60287  
the clerk. The registrar shall pay such remaining sums into the 60288  
public safety - highway purposes fund established by section 60289

4501.06 of the Revised Code. 60290

**Sec. 4506.04.** (A) No person shall do any of the following: 60291

(1) Drive a commercial motor vehicle while having in the 60292  
person's possession or otherwise under the person's control more 60293  
than one valid driver's license issued by this state, any other 60294  
state, or by a foreign jurisdiction; 60295

(2) Drive a commercial motor vehicle on a highway in this 60296  
state in violation of an out-of-service order, while the person's 60297  
driving privilege is suspended, revoked, or canceled, or while the 60298  
person is subject to disqualification; 60299

(3) Drive a motor vehicle on a highway in this state under 60300  
authority of a commercial driver's license issued by another state 60301  
or a foreign jurisdiction, after having been a resident of this 60302  
state for thirty days or longer; 60303

(4) Knowingly give false information in any application or 60304  
certification required by section 4506.07 of the Revised Code; 60305

(5) Knowingly provide false statements or engage in any 60306  
fraudulent act related to testing for a commercial driver's 60307  
license as required in section 4506.09 of the Revised Code. 60308

(B) The department of public safety shall give every 60309  
conviction occurring out of this state and notice of which is 60310  
received after December 31, 1989, full faith and credit and treat 60311  
it for sanctioning purposes under this chapter as though the 60312  
conviction had occurred in this state. 60313

(C)(1) Whoever violates division (A)(1), (2), or (3) of this 60314  
section is guilty of a misdemeanor of the first degree. 60315

(2) Whoever violates division (A)(4) or (5) of this section 60316  
is guilty of falsification, a misdemeanor of the first degree. In 60317  
addition, the provisions of section 4507.19 of the Revised Code 60318  
apply. 60319

Sec. 4506.06. (A) The registrar of motor vehicles, upon 60320  
receiving an application for a commercial driver's license 60321  
temporary instruction permit, may issue the permit to any person 60322  
who is at least eighteen years of age and holds a valid driver's 60323  
license, other than a restricted license, issued under Chapter 60324  
4507. of the Revised Code. The registrar shall not issue a 60325  
commercial driver's license temporary instruction permit for a 60326  
period exceeding ~~six~~ twelve months. ~~The registrar shall grant only~~ 60327  
~~one renewal of such a permit in a two-year period.~~ A commercial 60328  
driver's license temporary instruction permit is a prerequisite ~~to~~ 60329  
~~the~~ for the following: 60330

(1) An initial issuance of a commercial driver's license ~~and~~ 60331  
~~the~~ when a skills test is required; 60332

(2) An upgrade of a commercial driver's license ~~if the~~ 60333  
~~upgrade requires~~ when a skills test is required. 60334

(B) The holder of a commercial driver's license temporary 60335  
instruction permit, unless otherwise disqualified, may drive a 60336  
commercial motor vehicle only when the holder has the permit in 60337  
the holder's actual possession and is accompanied by a person who: 60338

(1) Holds a valid commercial driver's license and all 60339  
necessary endorsements for the type of vehicle being driven; 60340

(2) Occupies a seat beside the permit holder for the purpose 60341  
of giving instruction in driving the motor vehicle; and 60342

(3) Has the permit holder under observation and direct 60343  
supervision. 60344

(C)(1) The director of public safety shall adopt rules, in 60345  
accordance with Chapter 119. of the Revised Code, authorizing the 60346  
waiver of the knowledge test that is generally required in order 60347  
to obtain a commercial driver's license temporary instruction 60348  
permit. In order to obtain the waiver, an applicant for a 60349

commercial driver's license temporary instruction permit shall 60350  
certify and provide evidence that, during the one-year period 60351  
immediately preceding the application for the permit, all of the 60352  
following apply: 60353

(a) As authorized under 49 C.F.R. 383.77, the applicant is or 60354  
was regularly employed and designated as one of the following: 60355

(i) A motor transport operator - 88M, army; 60356

(ii) A PATRIOT launching station operator - 14T, army; 60357

(iii) A fueler - 92F, army; 60358

(iv) A vehicle operator - 2T1, air force; 60359

(v) A fueler - 2F0, air force; 60360

(vi) A pavement and construction equipment operator - 3E2, 60361  
air force; 60362

(vii) A motor vehicle operator - 3531, marine corps; 60363

(viii) An equipment operator - E.O., navy. 60364

(b) The applicant has been operating a vehicle representative 60365  
of the type of commercial motor vehicle that the applicant expects 60366  
to operate upon separation from the military or operated such a 60367  
vehicle immediately preceding such separation. 60368

(c) The applicant has not held more than one license 60369  
simultaneously, excluding any military license. 60370

(d) The applicant has not had any license suspended, revoked, 60371  
or canceled. 60372

(e) The applicant has not had any convictions, for any type 60373  
of motor vehicle, for the offenses for which disqualification is 60374  
prescribed in section 4506.16 of the Revised Code. 60375

(f) The applicant has not had more than one conviction, for 60376  
any type of motor vehicle, for a serious traffic violation. 60377

(g) The applicant has not had any violation of a military, 60378  
state, or local law relating to motor vehicle traffic control, 60379  
other than a parking violation, arising in connection with any 60380  
traffic accident and has no record of an accident in which the 60381  
applicant was at fault. 60382

(2) The waiver established under division (C) of this section 60383  
does not apply to a United States reserve technician. 60384

(D) Whoever violates division (A) or (B) of this section is 60385  
guilty of a misdemeanor of the first degree. 60386

**Sec. 4506.09.** (A) The registrar of motor vehicles, subject to 60387  
approval by the director of public safety, shall adopt rules 60388  
conforming with applicable standards adopted by the federal motor 60389  
carrier safety administration as regulations under Pub. L. No. 60390  
103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 60391  
31317. The rules shall establish requirements for the 60392  
qualification and testing of persons applying for a commercial 60393  
driver's license, which are in addition to other requirements 60394  
established by this chapter. Except as provided in division (B) of 60395  
this section, the highway patrol or any other employee of the 60396  
department of public safety the registrar authorizes shall 60397  
supervise and conduct the testing of persons applying for a 60398  
commercial driver's license. 60399

(B) The director may adopt rules, in accordance with Chapter 60400  
119. of the Revised Code and applicable requirements of the 60401  
federal motor carrier safety administration, authorizing the 60402  
skills test specified in this section to be administered by any 60403  
person, by an agency of this or another state, or by an agency, 60404  
department, or instrumentality of local government. Each party 60405  
authorized under this division to administer the skills test may 60406  
charge a maximum divisible fee of one hundred fifteen dollars for 60407  
each skills test given as part of a commercial driver's license 60408

examination. The fee shall consist of not more than twenty-seven 60409  
dollars for the pre-trip inspection portion of the test, not more 60410  
than twenty-seven dollars for the off-road maneuvering portion of 60411  
the test, and not more than sixty-one dollars for the on-road 60412  
portion of the test. Each such party may require an appointment 60413  
fee in the same manner provided in division (E)(2) of this 60414  
section, except that the maximum amount such a party may require 60415  
as an appointment fee is one hundred fifteen dollars. The skills 60416  
test administered by another party under this division shall be 60417  
the same as otherwise would be administered by this state. The 60418  
other party shall enter into an agreement with the director that, 60419  
without limitation, does all of the following: 60420

(1) Allows the director or the director's representative and 60421  
the federal motor carrier safety administration or its 60422  
representative to conduct random examinations, inspections, and 60423  
audits of the other party, whether covert or overt, without prior 60424  
notice; 60425

(2) Requires the director or the director's representative to 60426  
conduct on-site inspections of the other party at least annually; 60427

(3) Requires that all examiners of the other party meet the 60428  
same qualification and training standards as examiners of the 60429  
department of public safety, including criminal background checks 60430  
and the standards applicable to the class of vehicle and 60431  
endorsements for which an applicant taking the skills test is 60432  
applying, to the extent necessary to conduct skills tests in the 60433  
manner required by 49 C.F.R. 383.110 through 383.135. In 60434  
accordance with federal guidelines, any examiner employed on July 60435  
1, 2017, shall have a criminal background check conducted at least 60436  
once, and any examiner hired after July 1, 2015, shall have a 60437  
criminal background check conducted after the examiner is 60438  
initially hired. 60439

(4) Requires either that state employees take, at least 60440

annually and as though the employees were test applicants, the 60441  
tests actually administered by the other party, that the director 60442  
test a sample of drivers who were examined by the other party to 60443  
compare the test results, or that state employees accompany a test 60444  
applicant during an actual test; 60445

(5) Unless the other party is a governmental entity, requires 60446  
the other party to initiate and maintain a bond in an amount 60447  
determined by the director to sufficiently pay for the retesting 60448  
of drivers in the event that the other party or its skills test 60449  
examiners are involved in fraudulent activities related to skills 60450  
testing; 60451

(6) Requires the other party to use only skills test 60452  
examiners who have successfully completed a commercial driver's 60453  
license examiner training course as prescribed by the director, 60454  
and have been certified by the state as a commercial driver's 60455  
license skills test examiner qualified to administer the 60456  
applicable skills tests; 60457

(7) Requires the other party to use designated road test 60458  
routes that have been approved by the director; 60459

(8) Requires the other party to schedule all skills test 60460  
appointments through a system or method provided by the director. 60461  
If a system or method is not provided by the director, the other 60462  
party ~~to~~ shall submit a schedule of skills test appointments to 60463  
the director weekly. The director may request that any additions 60464  
to the schedule of skills test appointments, made after the weekly 60465  
submission, be submitted to the director not later than two 60466  
business days prior to each the additional skills test+ 60467  
appointment. 60468

(9) Requires the other party to maintain copies of the 60469  
following records at its principal place of business: 60470

(a) The other party's commercial driver's license skills 60471

testing program certificate;	60472
(b) Each skills test examiner's certificate of authorization to administer skills tests for the classes and types of commercial motor vehicles listed in the certificate;	60473 60474 60475
(c) Each completed skills test scoring sheet for the current calendar year as well as the prior two calendar years;	60476 60477
(d) A complete list of the test routes that have been approved by the director;	60478 60479
(e) A complete and accurate copy of each examiner's training record;	60480 60481
<u>(f) A copy of the agreement that the other party made with the director.</u>	60482 60483
(10) If the other party also is a driver training school, prohibits its skills test examiners from administering skills tests to applicants that the examiner personally trained;	60484 60485 60486
(11) Requires each skills test examiner to administer a complete skills test to a minimum of <del>thirty-two</del> <u>ten</u> different individuals per calendar year;	60487 60488 60489
(12) Reserves to this state the right to take prompt and appropriate remedial action against the other party and its skills test examiners if the other party or its skills test examiners fail to comply with standards of this state or federal standards for the testing program or with any other terms of the contract.	60490 60491 60492 60493 60494
(C) The director shall enter into an agreement with the department of education authorizing the skills test specified in this section to be administered by the department at any location operated by the department for purposes of training and testing school bus drivers, provided that the agreement between the director and the department complies with the requirements of division (B) of this section. Skills tests administered by the	60495 60496 60497 60498 60499 60500 60501

department shall be limited to persons applying for a commercial driver's license with a school bus endorsement. 60502  
60503

(D)(1) The director shall adopt rules, in accordance with Chapter 119. of the Revised Code, authorizing waiver of the skills test specified in this section for any applicant for a commercial driver's license who meets all of the following requirements: 60504  
60505  
60506  
60507

(a) As authorized under 49 C.F.R. 383.77, the applicant operates a commercial motor vehicle for military purposes and is one of the following: 60508  
60509  
60510

(i) Active duty military personnel; 60511

(ii) A member of the military reserves; 60512

(iii) A member of the national guard on active duty, including full-time national guard duty, part-time national guard training, and national guard military technicians; 60513  
60514  
60515

(iv) Active duty U.S. coast guard personnel. 60516

(b) The applicant certifies that, during the two-year period immediately preceding application for a commercial driver's license, all of the following apply: 60517  
60518  
60519

(i) The applicant has not had more than one license, excluding any military license. 60520  
60521

(ii) The applicant has not had any license suspended, revoked, or canceled. 60522  
60523

(iii) The applicant has not had any convictions for any type of motor vehicle for the offenses for which disqualification is prescribed in section 4506.16 of the Revised Code. 60524  
60525  
60526

(iv) The applicant has not had more than one conviction for any type of motor vehicle for a serious traffic violation. 60527  
60528

(v) The applicant has not had any violation of a state or local law relating to motor vehicle traffic control other than a 60529  
60530

parking violation arising in connection with any traffic accident 60531  
and has no record of an accident in which the applicant was at 60532  
fault. 60533

(c) In accordance with rules adopted by the director, the 60534  
applicant certifies and also provides evidence of all of the 60535  
following: 60536

(i) That the applicant is or was regularly employed in a 60537  
military position requiring operation of a commercial motor 60538  
vehicle; 60539

(ii) That the applicant was exempt from the requirements of 60540  
this chapter under division (B)(6) of section 4506.03 of the 60541  
Revised Code; 60542

(iii) That, for at least two years immediately preceding the 60543  
date of application or at least two years immediately preceding 60544  
the date the applicant separated from military service or 60545  
employment, the applicant regularly operated a vehicle 60546  
representative of the commercial motor vehicle type that the 60547  
applicant operates or expects to operate. 60548

(2) The waiver established under division (D)(1) of this 60549  
section does not apply to United States reserve technicians. 60550

(E)(1) The department of public safety may charge and collect 60551  
a divisible fee of fifty dollars for each skills test given as 60552  
part of a commercial driver's license examination. The fee shall 60553  
consist of ten dollars for the pre-trip inspection portion of the 60554  
test, ten dollars for the off-road maneuvering portion of the 60555  
test, and thirty dollars for the on-road portion of the test. 60556

(2) No applicant is eligible to take the skills test until a 60557  
minimum of fourteen days have elapsed since the initial issuance 60558  
of a commercial driver's license temporary instruction permit to 60559  
the applicant. The director may require an applicant for a 60560  
commercial driver's license who schedules an appointment with the 60561

highway patrol or other authorized employee of the department of 60562  
public safety to take all portions of the skills test and to pay 60563  
an appointment fee of fifty dollars at the time of scheduling the 60564  
appointment. If the applicant appears at the time and location 60565  
specified for the appointment and takes all portions of the skills 60566  
test during that appointment, the appointment fee serves as the 60567  
skills test fee. If the applicant schedules an appointment to take 60568  
all portions of the skills test and fails to appear at the time 60569  
and location specified for the appointment, the director shall not 60570  
refund any portion of the appointment fee. If the applicant 60571  
schedules an appointment to take all portions of the skills test 60572  
and appears at the time and location specified for the 60573  
appointment, but declines or is unable to take all portions of the 60574  
skills test, the director shall not refund any portion of the 60575  
appointment fee. If the applicant cancels a scheduled appointment 60576  
forty-eight hours or more prior to the time of the appointment 60577  
time, the applicant shall not forfeit the appointment fee. 60578

An applicant for a commercial driver's license who schedules 60579  
an appointment to take one or more, but not all, portions of the 60580  
skills test is required to pay an appointment fee equal to the 60581  
costs of each test scheduled, as prescribed in division (E)(1) of 60582  
this section, when scheduling such an appointment. If the 60583  
applicant appears at the time and location specified for the 60584  
appointment and takes all the portions of the skills test during 60585  
that appointment that the applicant was scheduled to take, the 60586  
appointment fee serves as the skills test fee. If the applicant 60587  
schedules an appointment to take one or more, but not all, 60588  
portions of the skills test and fails to appear at the time and 60589  
location specified for the appointment, the director shall not 60590  
refund any portion of the appointment fee. If the applicant 60591  
schedules an appointment to take one or more, but not all, 60592  
portions of the skills test and appears at the time and location 60593  
specified for the appointment, but declines or is unable to take 60594

all portions of the skills test that the applicant was scheduled 60595  
to take, the director shall not refund any portion of the 60596  
appointment fee. If the applicant cancels a scheduled appointment 60597  
forty-eight hours or more prior to the time of the appointment 60598  
time, the applicant shall not forfeit the appointment fee. 60599

(3) The department of public safety shall deposit all fees it 60600  
collects under division (E) of this section in the public safety - 60601  
highway purposes fund established in section 4501.06 of the 60602  
Revised Code. 60603

(F)(1) Unless an applicant for a commercial driver's license 60604  
has successfully completed the training required under 49 C.F.R. 60605  
380, subpart F, the applicant is not eligible to do any of the 60606  
following: 60607

(a) Take the skills test required for initial issuance of a 60608  
class A or a class B commercial driver's license; 60609

(b) Take the skills test required for initial issuance of a 60610  
passenger (P) or school bus (S) endorsement on the applicant's 60611  
commercial driver's license; 60612

(c) Take the knowledge test required for initial issuance of 60613  
a hazardous materials (H) endorsement on the applicant's 60614  
commercial driver's license. 60615

Before an applicant takes the applicable skills or knowledge 60616  
test, the registrar shall electronically verify, through the 60617  
federal motor carrier safety administration's training provider 60618  
registry, that an applicant has completed the required training 60619  
under 49 C.F.R. 380, subpart F. 60620

(2) The training required under 49 C.F.R. 380, subpart F, and 60621  
under division (F)(1) of this section may be provided by either of 60622  
the following: 60623

(a) A driver training school pursuant to section 4508.031 of 60624

the Revised Code; 60625

(b) An authorized driver training provider listed on the 60626  
federal motor carrier safety administration's training provider 60627  
registry. 60628

(G) A person who has successfully completed commercial 60629  
driver's license training in this state but seeks a commercial 60630  
driver's license in another state where the person is domiciled 60631  
may schedule an appointment to take the skills test in this state 60632  
and shall pay the appropriate appointment fee. Upon the person's 60633  
completion of the skills test, this state shall electronically 60634  
transmit the applicant's results to the state where the person is 60635  
domiciled. If a person who is domiciled in this state takes a 60636  
skills test in another state, this state shall accept the results 60637  
of the skills test from the other state. If the person passed the 60638  
other state's skills test and meets all of the other licensing 60639  
requirements set forth in this chapter and rules adopted under 60640  
this chapter, the registrar of motor vehicles or a deputy 60641  
registrar shall issue a commercial driver's license to that 60642  
person. 60643

(H) Unless otherwise specified, the director or the 60644  
director's representative shall conduct the examinations, 60645  
inspections, audits, and test monitoring set forth in divisions 60646  
(B)(2),(3), and (4) of this section at least annually. If the 60647  
other party or any of its skills test examiners fail to comply 60648  
with state or federal standards for the skills testing program, 60649  
the director or the director's representative shall take prompt 60650  
and appropriate remedial action against the party and its skills 60651  
test examiners. Remedial action may include termination of the 60652  
agreement or revocation of a skills test examiner's certification. 60653

(I) As used in this section, "skills test" means a test of an 60654  
applicant's ability to drive the type of commercial motor vehicle 60655  
for which the applicant seeks a commercial driver's license by 60656

having the applicant drive such a motor vehicle while under the 60657  
supervision of an authorized state driver's license examiner or 60658  
tester. 60659

**Sec. 4506.10.** (A) No person who holds a valid commercial 60660  
driver's license shall drive a commercial motor vehicle unless the 60661  
person is physically qualified to do so. 60662

(1) Any person applying for a commercial driver's license or 60663  
commercial driver's license temporary instruction permit, the 60664  
renewal or upgrade of a commercial driver's license or commercial 60665  
driver's license temporary instruction permit, or the transfer of 60666  
a commercial driver's license from out of state shall self-certify 60667  
to the registrar for purposes of 49 C.F.R. 383.71, one of the 60668  
following in regard to the applicant's operation of a commercial 60669  
motor vehicle, as applicable: 60670

(a)(i) If the applicant operates or expects to operate a 60671  
commercial motor vehicle in interstate or foreign commerce and is 60672  
subject to and meets the requirements under 49 C.F.R. part 391, 60673  
the applicant shall self-certify that the applicant is 60674  
non-excepted interstate and shall provide the registrar with the 60675  
original or a copy of a medical examiner's certificate and each 60676  
subsequently issued medical examiner's certificate prepared by a 60677  
qualified medical examiner to maintain a medically certified 60678  
status on the applicant's commercial driver licensing system 60679  
driver record; 60680

(ii) If the applicant operates or expects to operate a 60681  
commercial motor vehicle in interstate commerce, but engages in 60682  
transportation or operations excepted under 49 C.F.R. 390.3(f), 60683  
391.2, 391.68, or 398.3 from all or parts of the qualification 60684  
requirements of 49 C.F.R. part 391, the applicant shall 60685  
self-certify that the applicant is excepted interstate and is not 60686  
required to obtain a medical examiner's certificate. 60687

(b)(i) If the applicant operates only in intrastate commerce 60688  
and is subject to state driver qualification requirements, the 60689  
applicant shall self-certify that the applicant is non-excepted 60690  
intrastate; 60691

(ii) If the applicant operates only in intrastate commerce 60692  
and is excepted from all or parts of the state driver 60693  
qualification requirements, the applicant shall self-certify that 60694  
the applicant is excepted intrastate. 60695

(2) Notwithstanding the expiration date on a person's 60696  
commercial driver's license or commercial driver's license 60697  
temporary instruction permit, every commercial driver's license or 60698  
commercial driver's license temporary instruction permit holder 60699  
shall provide the registrar with the certification required by 60700  
this section, on or after January 30, 2012, but prior to January 60701  
30, 2014. 60702

(B) A person is qualified to drive a school bus if the person 60703  
holds a valid commercial driver's license along with the proper 60704  
endorsements, and if the person has been certified as medically 60705  
qualified in accordance with rules adopted by the department of 60706  
education. 60707

(C)(1) Except as provided in division (C)(2) of this section, 60708  
only a medical examiner who is listed on the national registry of 60709  
certified medical examiners established by the federal motor 60710  
carrier safety administration shall perform a medical examination 60711  
required by this section. 60712

(2) A person licensed under Chapter 4725. of the Revised Code 60713  
to practice optometry in this state, or licensed under any similar 60714  
law of another state, may perform any part of an examination 60715  
required by this section that pertains to visual acuity, field of 60716  
vision, and the ability to recognize colors. 60717

(3) The individual who performed an examination conducted 60718

pursuant to this section shall complete any written documentation 60719  
of a physical examination on a form that substantially complies 60720  
with the requirements of 49 C.F.R. 391.43(h). 60721

(D) Whenever good cause appears, the registrar, upon issuing 60722  
a commercial driver's license or commercial driver's license 60723  
temporary instruction permit under this chapter, may impose 60724  
restrictions suitable to the licensee's driving ability with 60725  
respect to the type of motor vehicle or special mechanical control 60726  
devices required on a motor vehicle that the licensee may operate, 60727  
or such other restrictions applicable to the licensee as the 60728  
registrar determines to be necessary. 60729

The registrar may either issue a special restricted license 60730  
or may set forth upon the usual license form the restrictions 60731  
imposed. 60732

The registrar, upon receiving satisfactory evidence of any 60733  
violation of the restrictions of the license, may impose a class D 60734  
license suspension of the license for the period of time specified 60735  
in division (B)(4) of section 4510.02 of the Revised Code. 60736

The registrar, upon receiving satisfactory evidence that an 60737  
applicant or holder of a commercial driver's license or commercial 60738  
driver's license temporary instruction permit has violated 60739  
division (A)(4) or (A)(5) of section 4506.04 of the Revised Code 60740  
~~and knowingly given false information in any application or~~ 60741  
~~certification required by section 4506.07 of the Revised Code,~~ 60742  
shall cancel the person's commercial driver's license or 60743  
commercial driver's license temporary instruction permit or any 60744  
pending application from the person for a commercial driver's 60745  
license, commercial driver's license temporary instruction permit, 60746  
or class D driver's license for a period of at least sixty days, 60747  
during which time no application for a commercial driver's 60748  
license, commercial driver's license temporary instruction permit, 60749  
or class D driver's license shall be received from the person. 60750

(E) Whoever violates this section is guilty of a misdemeanor 60751  
of the first degree. 60752

**Sec. 4506.11.** (A) Every commercial driver's license shall be 60753  
marked "commercial driver's license" or "CDL" and shall be of such 60754  
material and so designed as to prevent its reproduction or 60755  
alteration without ready detection. The commercial driver's 60756  
license for licensees under twenty-one years of age shall have 60757  
characteristics prescribed by the registrar of motor vehicles 60758  
distinguishing it from that issued to a licensee who is twenty-one 60759  
years of age or older. Every commercial driver's license shall 60760  
display all of the following information: 60761

(1) The name and residence address of the licensee; 60762

(2) A ~~color~~ photograph of the licensee showing the licensee's 60763  
uncovered face; 60764

(3) A physical description of the licensee, including sex, 60765  
height, weight, and color of eyes and hair; 60766

(4) The licensee's date of birth; 60767

(5) The licensee's social security number if the person has 60768  
requested that the number be displayed in accordance with section 60769  
4501.31 of the Revised Code or if federal law requires the social 60770  
security number to be displayed and any number or other identifier 60771  
the director of public safety considers appropriate and 60772  
establishes by rules adopted under Chapter 119. of the Revised 60773  
Code and in compliance with federal law; 60774

(6) The licensee's signature; 60775

(7) The classes of commercial motor vehicles the licensee is 60776  
authorized to drive and any endorsements or restrictions relating 60777  
to the licensee's driving of those vehicles; 60778

(8) The name of this state; 60779

- (9) The dates of issuance and of expiration of the license; 60780
- (10) If the licensee has certified willingness to make an 60781  
anatomical gift under section 2108.05 of the Revised Code, any 60782  
symbol chosen by the registrar of motor vehicles to indicate that 60783  
the licensee has certified that willingness; 60784
- (11) If the licensee has executed a durable power of attorney 60785  
for health care or a declaration governing the use or 60786  
continuation, or the withholding or withdrawal, of life-sustaining 60787  
treatment and has specified that the licensee wishes the license 60788  
to indicate that the licensee has executed either type of 60789  
instrument, any symbol chosen by the registrar to indicate that 60790  
the licensee has executed either type of instrument; 60791
- (12) ~~On and after October 7, 2009, if~~ If the licensee has 60792  
specified that the licensee wishes the license to indicate that 60793  
the licensee is a veteran, active duty, or reservist of the armed 60794  
forces of the United States and has presented a copy of the 60795  
licensee's DD-214 form or an equivalent document, any symbol 60796  
chosen by the registrar to indicate that the licensee is a 60797  
veteran, active duty, or reservist of the armed forces of the 60798  
United States; 60799
- (13) If the licensee is a noncitizen of the United States, a 60800  
notation designating that the licensee is a noncitizen; 60801
- (14) Any other information the registrar considers advisable 60802  
and requires by rule. 60803
- (B) The registrar may establish and maintain a file of 60804  
negatives of photographs taken for the purposes of this section. 60805
- (C) Neither the registrar nor any deputy registrar shall 60806  
issue a commercial driver's license to anyone under twenty-one 60807  
years of age that does not have the characteristics prescribed by 60808  
the registrar distinguishing it from the commercial driver's 60809  
license issued to persons who are twenty-one years of age or 60810

older.	60811
(D) Whoever violates division (C) of this section is guilty of a minor misdemeanor.	60812 60813
<b>Sec. 4506.15.</b> (A) No person who holds a commercial driver's license or commercial driver's license temporary instruction permit or who operates a motor vehicle for which a commercial driver's license or permit is required shall do any of the following:	60814 60815 60816 60817 60818
(1) Drive a commercial motor vehicle while having a measurable or detectable amount of alcohol or of a controlled substance in the person's blood, breath, or urine;	60819 60820 60821
(2) Drive a commercial motor vehicle while having an alcohol concentration of four-hundredths of one per cent or more by whole blood or breath;	60822 60823 60824
(3) Drive a commercial motor vehicle while having an alcohol concentration of forty-eight-thousandths of one per cent or more by blood serum or blood plasma;	60825 60826 60827
(4) Drive a commercial motor vehicle while having an alcohol concentration of fifty-six-thousandths of one per cent or more by urine;	60828 60829 60830
(5) Drive a motor vehicle while under the influence of a controlled substance;	60831 60832
(6) Drive a motor vehicle in violation of section 4511.19 of the Revised Code or a municipal OVI ordinance as defined in section 4511.181 of the Revised Code;	60833 60834 60835
(7) Use a motor vehicle in the commission of a felony;	60836
(8) Refuse to submit to a test under section 4506.17 or 4511.191 of the Revised Code;	60837 60838
(9) Operate a commercial motor vehicle while the person's	60839

commercial driver's license or permit or other commercial driving 60840  
privileges are revoked, suspended, canceled, or disqualified; 60841

(10) Cause a fatality through the negligent operation of a 60842  
commercial motor vehicle, including, but not limited to, the 60843  
offenses of aggravated vehicular homicide, vehicular homicide, and 60844  
vehicular manslaughter; 60845

(11) Fail to stop after an accident in violation of sections 60846  
4549.02 to 4549.03 of the Revised Code; 60847

(12) Drive a commercial motor vehicle in violation of any 60848  
provision of sections 4511.61 to 4511.63 of the Revised Code or 60849  
any federal or local law or ordinance pertaining to 60850  
railroad-highway grade crossings; 60851

(13) Use a motor vehicle in the commission of a felony 60852  
involving the manufacture, distribution, or dispensing of a 60853  
controlled substance as defined in section 3719.01 of the Revised 60854  
Code or the possession with intent to manufacture, distribute, or 60855  
dispense a controlled substance; 60856

(14) Use a commercial motor vehicle in the commission of a 60857  
violation of section 2905.32 of the Revised Code or any other 60858  
substantially equivalent offense established under federal law or 60859  
the laws of another state. 60860

(B) Whoever violates this section is guilty of a misdemeanor 60861  
of the first degree. 60862

(C) The offenses established under this section are strict 60863  
liability offenses and section 2901.20 of the Revised Code does 60864  
not apply. The designation of these offenses as strict liability 60865  
offenses shall not be construed to imply that any other offense, 60866  
for which there is no specified degree of culpability, is not a 60867  
strict liability offense. 60868

**Sec. 4506.16.** (A) Any person who is found to have been 60869

convicted of a violation of an out-of-service order shall be 60870  
disqualified by the registrar of motor vehicles as follows: 60871

(1) If the person has not been convicted previously of a 60872  
violation of an out-of-service order, the period of 60873  
disqualification is one hundred eighty days. 60874

(2) If, during any ten-year period, the driver is convicted 60875  
of a second violation of an out-of-service order in an incident 60876  
separate from the incident that resulted in the first violation, 60877  
the period of disqualification is two years. 60878

(3) If, during any ten-year period, the driver is convicted 60879  
of a third or subsequent violation of an out-of-service order in 60880  
an incident separate from the incidents that resulted in the 60881  
previous violations during that ten-year period, the period of 60882  
disqualification is three years. 60883

(B)(1) A driver is disqualified for one hundred eighty days 60884  
if the driver is convicted of a first violation of an 60885  
out-of-service order while transporting hazardous materials 60886  
required to be placarded under the "Hazardous Materials 60887  
Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as 60888  
amended, or while operating a motor vehicle designed to transport 60889  
sixteen or more passengers, including the driver. 60890

(2) A driver is disqualified for a period of three years if, 60891  
during any ten-year period, the driver is convicted of a second or 60892  
subsequent violation, in an incident separate from the incident 60893  
that resulted in a previous violation during that ten-year period, 60894  
of an out-of-service order while transporting hazardous materials 60895  
required to be placarded under that act, or while operating a 60896  
motor vehicle designed to transport sixteen or more passengers, 60897  
including the driver. 60898

(C) Whoever violates division (A)(1) of section 4506.15 of 60899  
the Revised Code or a similar law of another state or a foreign 60900

jurisdiction, immediately shall be placed out-of-service for 60901  
twenty-four hours, in addition to any disqualification required by 60902  
this section and any other penalty imposed by the Revised Code. 60903

(D) The registrar of motor vehicles shall disqualify any 60904  
holder of a commercial driver's license or commercial driver's 60905  
license temporary instruction permit, or any operator of a 60906  
commercial motor vehicle for which a commercial driver's license 60907  
or permit is required, from operating a commercial motor vehicle 60908  
as follows: 60909

(1) Upon a first conviction for a violation of any provision 60910  
of divisions (A)(2) to (12) of section 4506.15 of the Revised Code 60911  
or a similar law of another state or a foreign jurisdiction, or 60912  
upon a first suspension imposed under section 4511.191 of the 60913  
Revised Code or a similar law of another state or foreign 60914  
jurisdiction, one year; 60915

(2) Upon a second conviction for a violation of any provision 60916  
of divisions (A)(2) to (12) of section 4506.15 of the Revised Code 60917  
or a similar law of another state or a foreign jurisdiction, or 60918  
upon a second suspension imposed under section 4511.191 of the 60919  
Revised Code or a similar law of another state or foreign 60920  
jurisdiction, or any combination of such violations arising from 60921  
two or more separate incidents, the person shall be disqualified 60922  
for life or for any other period of time as determined by the 60923  
United States secretary of transportation and designated by the 60924  
director of public safety by rule; 60925

(3) Upon a first conviction for any of the following 60926  
violations while transporting hazardous materials, three years: 60927

(a) Divisions (A)(2) to (12) of section 4506.15 of the 60928  
Revised Code; 60929

(b) A similar law of another state or a foreign jurisdiction. 60930

(4) Upon conviction of a violation of division (A)(13) or 60931

(A)(14) of section 4506.15 of the Revised Code or a similar law of another state or a foreign jurisdiction, the person shall be disqualified for life;

(5)(a) Upon conviction of two serious traffic violations involving the operation of a commercial motor vehicle by the person and arising from separate incidents occurring in a three-year period, the person shall be disqualified for sixty days, which disqualification shall be imposed consecutively to any other separate disqualification imposed under division (D)(5) or (6) of this section;

(b) Upon conviction of three or more serious traffic violations involving the operation of a commercial motor vehicle by the person and arising from separate incidents occurring in a three-year period, the person shall be disqualified for one hundred twenty days, which disqualification shall be imposed consecutively to any other separate disqualification imposed under division (D)(5) or (6) of this section;

(6)(a) Upon conviction of two serious traffic violations involving the operation of a vehicle other than a commercial motor vehicle by the person and arising from separate incidents occurring in a three-year period, the person shall be disqualified for sixty days if the conviction results in the suspension, cancellation, or revocation of the holder's commercial driver's license or commercial driver's license temporary instruction permit, or noncommercial motor vehicle driving privileges, which disqualification shall be imposed consecutively to any other separate disqualification imposed under division (D)(5) or (6) of this section;

(b) Upon conviction of three or more serious traffic violations involving the operation of a vehicle other than a commercial motor vehicle by the person and arising from separate incidents occurring in a three-year period, the person shall be

disqualified for one hundred twenty days if the conviction results 60964  
in the suspension, cancellation, or revocation of the holder's 60965  
commercial driver's license or permit, or noncommercial motor 60966  
vehicle driving privileges, which disqualification shall be 60967  
imposed consecutively to any other separate disqualification 60968  
imposed under division (D)(5) or (6) of this section. 60969

(7) Upon a first conviction involving the operation of a 60970  
commercial motor vehicle in violation of any provisions of 60971  
sections 4511.61 to 4511.63 of the Revised Code or a similar law 60972  
of another state or foreign jurisdiction, not less than sixty 60973  
days; 60974

(8) Upon a second conviction involving the operation of a 60975  
commercial motor vehicle in violation of any provisions of 60976  
sections 4511.61 to 4511.63 of the Revised Code or a similar law 60977  
of another state or foreign jurisdiction within three years of the 60978  
first such conviction, not less than one hundred twenty days; 60979

(9) Upon a third or subsequent conviction involving the 60980  
operation of a commercial motor vehicle in violation of any 60981  
provisions of sections 4511.61 to 4511.63 of the Revised Code or a 60982  
similar law of another state or foreign jurisdiction within three 60983  
years of the first such conviction, not less than one year; 60984

(10) Upon receiving notification from the federal motor 60985  
carrier safety administration, the registrar immediately, prior to 60986  
any hearing, shall disqualify any commercial motor vehicle driver 60987  
whose driving is determined to constitute an imminent hazard as 60988  
defined under federal motor carrier safety regulation 49 C.F.R. 60989  
383.52. 60990

(E) For the purposes of this section, conviction of a 60991  
violation for which disqualification is required includes 60992  
conviction under any municipal ordinance that is substantially 60993  
similar to any section of the Revised Code that is set forth in 60994

division (D) of this section and may be evidenced by any of the 60995  
following: 60996

(1) A judgment entry of a court of competent jurisdiction in 60997  
this or any other state; 60998

(2) An administrative order of a state agency of this or any 60999  
other state having statutory jurisdiction over commercial drivers; 61000

(3) A computer record obtained from or through the commercial 61001  
driver's license information system; 61002

(4) A computer record obtained from or through a state agency 61003  
of this or any other state having statutory jurisdiction over 61004  
commercial drivers or the records of commercial drivers. 61005

(F) For purposes of this section, conviction of disqualifying 61006  
offenses committed in a noncommercial motor vehicle are included 61007  
if either of the following applies: 61008

(1) The offense occurred after the person obtained the 61009  
person's commercial driver's license or commercial driver's 61010  
license temporary instruction permit. 61011

(2) The offense occurs on or after September 30, 2005. 61012

(G) If a person commits a serious traffic violation by 61013  
operating a commercial motor vehicle without having a commercial 61014  
driver's license or commercial driver's license temporary 61015  
instruction permit in the person's possession as described in 61016  
division (II)(3)(e) of section 4506.01 of the Revised Code and the 61017  
person then submits proof to either the enforcement agency that 61018  
issued the citation for the violation or to the court with 61019  
jurisdiction over the case before the date of the person's initial 61020  
appearance that shows that the person held a valid commercial 61021  
driver's license or permit at the time of the violation, the 61022  
violation shall not be deemed to be a serious traffic violation. 61023

(H) Any record described in division (C) of this section 61024

shall be deemed to be self-authenticating when it is received by 61025  
the bureau of motor vehicles. 61026

(I) When disqualifying a driver, the registrar shall cause 61027  
the records of the bureau to be updated to reflect that action 61028  
within ten days after it occurs. 61029

(J) The registrar immediately shall notify a driver who is 61030  
finally convicted of any offense described in section 4506.15 of 61031  
the Revised Code or division (D)(4), (5), or (6) of this section 61032  
and thereby is subject to disqualification, of the offense or 61033  
offenses involved, of the length of time for which 61034  
disqualification is to be imposed, and that the driver may request 61035  
a hearing within thirty days of the mailing of the notice to show 61036  
cause why the driver should not be disqualified from operating a 61037  
commercial motor vehicle. If a request for such a hearing is not 61038  
made within thirty days of the mailing of the notice, the order of 61039  
disqualification is final. The registrar may designate hearing 61040  
examiners who, after affording all parties reasonable notice, 61041  
shall conduct a hearing to determine whether the disqualification 61042  
order is supported by reliable evidence. The registrar shall adopt 61043  
rules to implement this division. 61044

(K) Any person who is disqualified from operating a 61045  
commercial motor vehicle under this section may apply to the 61046  
registrar for a driver's license to operate a motor vehicle other 61047  
than a commercial motor vehicle, provided the person's commercial 61048  
driver's license is not otherwise suspended. A person whose 61049  
commercial driver's license is suspended shall not apply to the 61050  
registrar for or receive a driver's license under Chapter 4507. of 61051  
the Revised Code during the period of suspension. 61052

(L) The disqualifications imposed under this section are in 61053  
addition to any other penalty imposed by the Revised Code. 61054

(M) Any conviction for an offense that would lead to 61055

disqualification as specified in this section, whether committed 61056  
in a commercial motor vehicle or a vehicle other than a commercial 61057  
motor vehicle, shall be counted for the purposes of determining 61058  
the number of violations and the appropriate disqualification 61059  
period under this section. 61060

**Sec. 4506.17.** (A) Both of the following are deemed to have 61061  
given consent to a test or tests of the person's whole blood, 61062  
blood serum or plasma, breath, or urine for the purpose of 61063  
determining the person's alcohol concentration or the presence of 61064  
any controlled substance or a metabolite of a controlled 61065  
substance: 61066

(1) A person while operating a commercial motor vehicle that 61067  
requires a commercial driver's license or commercial driver's 61068  
license temporary instruction permit; 61069

(2) A person who holds a commercial driver's license or 61070  
commercial driver's license temporary instruction permit while 61071  
operating a motor vehicle, including a commercial motor vehicle. 61072

(B) A test or tests as provided in division (A) of this 61073  
section may be administered at the direction of a peace officer 61074  
having reasonable ground to stop or detain the person and, after 61075  
investigating the circumstances surrounding the operation of the 61076  
motor vehicle, also having reasonable ground to believe the person 61077  
was driving the motor vehicle while having a measurable or 61078  
detectable amount of alcohol or of a controlled substance or a 61079  
metabolite of a controlled substance in the person's whole blood, 61080  
blood serum or plasma, breath, or urine. Any such test shall be 61081  
given within two hours of the time of the alleged violation. 61082

(C) A person requested by a peace officer to submit to a test 61083  
under division (A) of this section shall be advised by the peace 61084  
officer that a refusal to submit to the test will result in the 61085  
person immediately being placed out-of-service for a period of 61086

twenty-four hours and being disqualified from operating a 61087  
commercial motor vehicle for a period of not less than one year, 61088  
and that the person is required to surrender the person's 61089  
commercial driver's license or permit to the peace officer. 61090

(D) If a person refuses to submit to a test after being 61091  
warned as provided in division (C) of this section or submits to a 61092  
test that discloses the presence of an amount of alcohol or a 61093  
controlled substance prohibited by divisions (A)(1) to ~~(5)~~(6) of 61094  
section 4506.15 of the Revised Code or a metabolite of a 61095  
controlled substance, the person immediately shall surrender the 61096  
person's commercial driver's license or permit to the peace 61097  
officer. The peace officer shall forward the license or permit, 61098  
together with a sworn report, to the registrar of motor vehicles 61099  
certifying that the test was requested pursuant to division (A) of 61100  
this section and that the person either refused to submit to 61101  
testing or submitted to a test that disclosed the presence of one 61102  
of the prohibited concentrations of a substance listed in 61103  
divisions (A)(1) to ~~(5)~~(6) of section 4506.15 of the Revised Code 61104  
or a metabolite of a controlled substance. The form and contents 61105  
of the report required by this section shall be established by the 61106  
registrar by rule, but shall contain the advice to be read to the 61107  
driver and a statement to be signed by the driver acknowledging 61108  
that the driver has been read the advice and that the form was 61109  
shown to the driver. 61110

(E) Upon receipt of a sworn report from a peace officer as 61111  
provided in division (D) of this section, or upon receipt of 61112  
notification that a person has been disqualified under a similar 61113  
law of another state or foreign jurisdiction, the registrar shall 61114  
disqualify the person named in the report from driving a 61115  
commercial motor vehicle for the period described below: 61116

(1) Upon a first incident, one year; 61117

(2) Upon an incident of refusal or of a prohibited 61118

concentration of alcohol, a controlled substance, or a metabolite 61119  
of a controlled substance after one or more previous incidents of 61120  
either refusal or of a prohibited concentration of alcohol, a 61121  
controlled substance, or a metabolite of a controlled substance, 61122  
the person shall be disqualified for life or such lesser period as 61123  
prescribed by rule by the registrar. 61124

(F) A test of a person's whole blood or a person's blood 61125  
serum or plasma given under this section shall comply with the 61126  
applicable provisions of division (D) of section 4511.19 of the 61127  
Revised Code and any physician, registered nurse, emergency 61128  
medical technician-intermediate, emergency medical 61129  
technician-paramedic, or qualified technician, chemist, or 61130  
phlebotomist who withdraws whole blood or blood serum or plasma 61131  
from a person under this section, and any hospital, first-aid 61132  
station, clinic, or other facility at which whole blood or blood 61133  
serum or plasma is withdrawn from a person pursuant to this 61134  
section, is immune from criminal liability, and from civil 61135  
liability that is based upon a claim of assault and battery or 61136  
based upon any other claim of malpractice, for any act performed 61137  
in withdrawing whole blood or blood serum or plasma from the 61138  
person. The immunity provided in this division also extends to an 61139  
emergency medical service organization that employs an emergency 61140  
medical technician-intermediate or emergency medical 61141  
technician-paramedic who withdraws blood under this section. 61142

(G) When a person submits to a test under this section, the 61143  
results of the test, at the person's request, shall be made 61144  
available to the person, the person's attorney, or the person's 61145  
agent, immediately upon completion of the chemical test analysis. 61146  
The person also may have an additional test administered by a 61147  
physician, a registered nurse, or a qualified technician, chemist, 61148  
or phlebotomist of the person's own choosing as provided in 61149  
division (D) of section 4511.19 of the Revised Code for tests 61150

administered under that section, and the failure to obtain such a 61151  
test has the same effect as in that division. 61152

(H) No person shall refuse to immediately surrender the 61153  
person's commercial driver's license or permit to a peace officer 61154  
when required to do so by this section. 61155

(I) A peace officer issuing an out-of-service order or 61156  
receiving a commercial driver's license or permit surrendered 61157  
under this section may remove or arrange for the removal of any 61158  
commercial motor vehicle affected by the issuance of that order or 61159  
the surrender of that license. 61160

(J)(1) Except for civil actions arising out of the operation 61161  
of a motor vehicle and civil actions in which the state is a 61162  
plaintiff, no peace officer of any law enforcement agency within 61163  
this state is liable in compensatory damages in any civil action 61164  
that arises under the Revised Code or common law of this state for 61165  
an injury, death, or loss to person or property caused in the 61166  
performance of official duties under this section and rules 61167  
adopted under this section, unless the officer's actions were 61168  
manifestly outside the scope of the officer's employment or 61169  
official responsibilities, or unless the officer acted with 61170  
malicious purpose, in bad faith, or in a wanton or reckless 61171  
manner. 61172

(2) Except for civil actions that arise out of the operation 61173  
of a motor vehicle and civil actions in which the state is a 61174  
plaintiff, no peace officer of any law enforcement agency within 61175  
this state is liable in punitive or exemplary damages in any civil 61176  
action that arises under the Revised Code or common law of this 61177  
state for any injury, death, or loss to person or property caused 61178  
in the performance of official duties under this section of the 61179  
Revised Code and rules adopted under this section, unless the 61180  
officer's actions were manifestly outside the scope of the 61181  
officer's employment or official responsibilities, or unless the 61182

officer acted with malicious purpose, in bad faith, or in a wanton or reckless manner. 61183  
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(K) When disqualifying a driver, the registrar shall cause the records of the bureau of motor vehicles to be updated to reflect the disqualification within ten days after it occurs. 61185  
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(L) The registrar immediately shall notify a driver who is subject to disqualification of the disqualification, of the length of the disqualification, and that the driver may request a hearing within thirty days of the mailing of the notice to show cause why the driver should not be disqualified from operating a commercial motor vehicle. If a request for such a hearing is not made within thirty days of the mailing of the notice, the order of disqualification is final. The registrar may designate hearing examiners who, after affording all parties reasonable notice, shall conduct a hearing to determine whether the disqualification order is supported by reliable evidence. The registrar shall adopt rules to implement this division. 61188  
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(M) Any person who is disqualified from operating a commercial motor vehicle under this section may apply to the registrar for a driver's license to operate a motor vehicle other than a commercial motor vehicle, provided the person's commercial driver's license or permit is not otherwise suspended. A person whose commercial driver's license or permit is suspended shall not apply to the registrar for or receive a driver's license under Chapter 4507. of the Revised Code during the period of suspension. 61200  
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(N) Whoever violates division (H) of this section is guilty of a misdemeanor of the first degree. 61208  
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(O) As used in this section, "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in section 4765.01 of the Revised Code. 61210  
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Sec. 4507.01. (A) As used in this chapter, "motor vehicle," 61214  
"motorized bicycle," "state," "owner," "operator," "chauffeur," 61215  
and "highways" have the same meanings as in section 4501.01 of the 61216  
Revised Code. 61217

"Driver's license" means a class D license issued to any 61218  
person to operate a motor vehicle or motor-driven cycle, other 61219  
than a commercial motor vehicle, and includes "probationary 61220  
license," "restricted license," "limited term license," and any 61221  
operator's or chauffeur's license issued before January 1, 1990. 61222

"Probationary license" means the license issued to any person 61223  
between sixteen and eighteen years of age to operate a motor 61224  
vehicle. 61225

"Restricted license" means the license issued to any person 61226  
to operate a motor vehicle subject to conditions or restrictions 61227  
imposed by the registrar of motor vehicles. 61228

"Commercial driver's license" means the license issued to a 61229  
person under Chapter 4506. of the Revised Code to operate a 61230  
commercial motor vehicle. 61231

"Commercial motor vehicle" has the same meaning as in section 61232  
4506.01 of the Revised Code. 61233

"Motorcycle operator's temporary instruction permit, license, 61234  
or endorsement" includes a temporary instruction permit, license, 61235  
or endorsement for a motor-driven cycle or motor scooter unless 61236  
otherwise specified. 61237

"Motorized bicycle license" means the license issued under 61238  
section 4511.521 of the Revised Code to any person to operate a 61239  
motorized bicycle including a "probationary motorized bicycle 61240  
license." 61241

"Probationary motorized bicycle license" means the license 61242  
issued under section 4511.521 of the Revised Code to any person 61243

between fourteen and sixteen years of age to operate a motorized bicycle. 61244  
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"Identification card" means a card issued under sections 4507.50 ~~and 4507.51~~ to 4507.52 of the Revised Code. 61246  
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"Resident" means a person who, in accordance with standards prescribed in rules adopted by the registrar, resides in this state on a permanent basis. 61248  
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"Temporary resident" means a person who, in accordance with standards prescribed in rules adopted by the registrar, resides in this state on a temporary basis. 61251  
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(B) In the administration of this chapter and Chapter 4506. of the Revised Code, the registrar has the same authority as is conferred on the registrar by section 4501.02 of the Revised Code. Any act of an authorized deputy registrar of motor vehicles under direction of the registrar is deemed the act of the registrar. 61254  
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To carry out this chapter, the registrar shall appoint such deputy registrars in each county as are necessary. 61259  
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The registrar also shall provide at each place where an application for a driver's or commercial driver's license or identification card may be made the necessary equipment to take a ~~color~~ photograph of the applicant for such license or card as required under section 4506.11 or 4507.06 of the Revised Code, and to conduct the vision screenings required by section 4507.12 of the Revised Code. 61261  
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The registrar shall assign one or more deputy registrars to any driver's license examining station operated under the supervision of the director of public safety, whenever the registrar considers such assignment possible. Space shall be provided in the driver's license examining station for any such deputy registrar so assigned. The deputy registrars shall not exercise the powers conferred by such sections upon the registrar, 61268  
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unless they are specifically authorized to exercise such powers by 61275  
such sections. 61276

(C) No agent for any insurance company, writing automobile 61277  
insurance, shall be appointed deputy registrar, and any such 61278  
appointment is void. No deputy registrar shall in any manner 61279  
solicit any form of automobile insurance, nor in any manner 61280  
advise, suggest, or influence any licensee or applicant for 61281  
license for or against any kind or type of automobile insurance, 61282  
insurance company, or agent, nor have the deputy registrar's 61283  
office directly connected with the office of any automobile 61284  
insurance agent, nor impart any information furnished by any 61285  
applicant for a license or identification card to any person, 61286  
except the registrar. This division shall not apply to any 61287  
nonprofit corporation appointed deputy registrar. 61288

(D) The registrar shall immediately remove a deputy registrar 61289  
who violates the requirements of this chapter. 61290

**Sec. 4507.06.** (A)(1) Every application for a driver's 61291  
license, motorcycle operator's license or endorsement, or 61292  
motor-driven cycle or motor scooter license or endorsement, or 61293  
duplicate of any such license or endorsement, shall be made upon 61294  
the approved form furnished by the registrar of motor vehicles and 61295  
shall be signed by the applicant. 61296

Every application shall state the following: 61297

(a) The applicant's name, date of birth, social security 61298  
number if such has been assigned, sex, general description, 61299  
including height, weight, color of hair, and eyes, residence 61300  
address, including county of residence, duration of residence in 61301  
this state, and country of citizenship; 61302

(b) Whether the applicant previously has been licensed as an 61303  
operator, chauffeur, driver, commercial driver, or motorcycle 61304

operator and, if so, when, by what state, and whether such license 61305  
is suspended or canceled at the present time and, if so, the date 61306  
of and reason for the suspension or cancellation; 61307

(c) Whether the applicant is now or ever has been afflicted 61308  
with epilepsy, or whether the applicant now has any physical or 61309  
mental disability or disease and, if so, the nature and extent of 61310  
the disability or disease, giving the names and addresses of 61311  
physicians then or previously in attendance upon the applicant; 61312

(d) Whether an applicant for a duplicate driver's license, 61313  
duplicate license containing a motorcycle operator endorsement, or 61314  
duplicate license containing a motor-driven cycle or motor scooter 61315  
endorsement has pending a citation for violation of any motor 61316  
vehicle law or ordinance, a description of any such citation 61317  
pending, and the date of the citation; 61318

(e) If an applicant has not certified the applicant's 61319  
willingness to make an anatomical gift under section 2108.05 of 61320  
the Revised Code, whether the applicant wishes to certify 61321  
willingness to make such an anatomical gift, which shall be given 61322  
no consideration in the issuance of a license or endorsement; 61323

(f) Whether the applicant has executed a valid durable power 61324  
of attorney for health care pursuant to sections 1337.11 to 61325  
1337.17 of the Revised Code or has executed a declaration 61326  
governing the use or continuation, or the withholding or 61327  
withdrawal, of life-sustaining treatment pursuant to sections 61328  
2133.01 to 2133.15 of the Revised Code and, if the applicant has 61329  
executed either type of instrument, whether the applicant wishes 61330  
the applicant's license to indicate that the applicant has 61331  
executed the instrument; 61332

(g) Whether the applicant is a veteran, active duty, or 61333  
reservist of the armed forces of the United States and, if the 61334  
applicant is such, whether the applicant wishes the applicant's 61335

license to indicate that the applicant is a veteran, active duty, 61336  
or reservist of the armed forces of the United States by a 61337  
military designation on the license. 61338

(2) Every applicant for a driver's license applying in person 61339  
at a deputy registrar office shall be photographed ~~in color~~ at the 61340  
time the application for the license is made. The application 61341  
shall state any additional information that the registrar 61342  
requires. 61343

(B) The registrar or a deputy registrar, in accordance with 61344  
section 3503.11 of the Revised Code, shall register as an elector 61345  
any person who applies for a license or endorsement under division 61346  
(A) of this section, or for a renewal or duplicate of the license 61347  
or endorsement, if the applicant is eligible and wishes to be 61348  
registered as an elector. The decision of an applicant whether to 61349  
register as an elector shall be given no consideration in the 61350  
decision of whether to issue the applicant a license or 61351  
endorsement, or a renewal or duplicate. 61352

(C) The registrar or a deputy registrar, in accordance with 61353  
section 3503.11 of the Revised Code, shall offer the opportunity 61354  
of completing a notice of change of residence or change of name to 61355  
any applicant for a driver's license or endorsement under division 61356  
(A) of this section, or for a renewal or duplicate of the license 61357  
or endorsement, if the applicant is a registered elector who has 61358  
changed the applicant's residence or name and has not filed such a 61359  
notice. 61360

(D) In addition to any other information it contains, the 61361  
approved form furnished by the registrar of motor vehicles for an 61362  
application for a license or endorsement or an application for a 61363  
duplicate of any such license or endorsement shall inform 61364  
applicants that the applicant must present a copy of the 61365  
applicant's DD-214 or an equivalent document in order to qualify 61366  
to have the license or duplicate indicate that the applicant is a 61367

veteran, active duty, or reservist of the armed forces of the 61368  
United States based on a request made pursuant to division 61369  
(A)(1)(g) of this section. 61370

**Sec. 4507.061.** (A) ~~Beginning on and after July 1, 2022, the~~ 61371  
The registrar of motor vehicles may authorize the online renewal 61372  
of a driver's license, commerical driver's license, or 61373  
identification card issued by the bureau of motor vehicles for 61374  
eligible applicants. An applicant is eligible for online renewal 61375  
if all of the following apply: 61376

(1) The applicant's current driver's license, commerical 61377  
driver's license, or identification card was processed in person 61378  
at a deputy registrar office. 61379

(2) The applicant has a photo on file with the bureau of 61380  
motor vehicles from the applicant's current driver's license, 61381  
commerical driver's license, or identification card. 61382

(3) The applicant's current driver's license, commerical 61383  
driver's license, or identification card expires on the birthday 61384  
of the applicant in the fourth year after the date it was issued. 61385

(4) The applicant is applying for a driver's license, 61386  
commerical driver's license, or identification card that expires 61387  
on the birthday of the applicant in the fourth year after the date 61388  
it is issued. 61389

(5) The applicant's current driver's license, commerical 61390  
driver's license, or identification card is unexpired or expired 61391  
not more than six months prior to the date of the application. 61392

(6) The applicant is a citizen or a permanent resident of the 61393  
United States and a permanent resident of this state. 61394

(7) The ~~applicant is~~ applicant's current driver's license, 61395  
commercial driver's license, or identification card was issued 61396  
when the applicant was twenty-one years of age or older, ~~but,~~ 61397

<u>(8) The applicant is less than sixty-five years of age.</u>	61398
<del>(8)</del> <u>(9) The applicant's current driver's license, commerical driver's license, or driving privileges are not suspended, canceled, revoked, or restricted, and the applicant is not otherwise prohibited by law from obtaining a driver's license, commerical driver's license, or identification card.</u>	61399 61400 61401 61402 61403
<del>(9)</del> <u>(10) The applicant has no changes to the applicant's name or personal information, other than a change of address.</u>	61404 61405
<del>(10)</del> <u>(11) The applicant has no medical restrictions that would require the applicant to apply for a driver's license, commerical driver's license, or identification card in person at a deputy registrar office. The registrar shall determine the medical restrictions that require in person applications.</u>	61406 61407 61408 61409 61410
<u>(12) For a commercial driver's license, the applicant complies with all the requirements of Chapter 4506. of the Revised Code, including self-certification and medical certificate requirements.</u>	61411 61412 61413 61414
<u>(13) For a commercial driver's license, the applicant is not under any restriction specified by any federal regulation.</u>	61415 61416
(B) An applicant may not submit an application online for any of the following:	61417 61418
(1) A temporary instruction permit;	61419
(2) A <del>commercial driver's license or a</del> commercial driver's license temporary instruction permit;	61420 61421
(3) An initial issuance of an Ohio driver's license, <u>commerical driver's license, or identification card;</u>	61422 61423
(4) An initial issuance of a federally compliant driver's license or identification card;	61424 61425
(5) An ignition interlock license;	61426

(6) A ~~nonrenewable~~ limited term driver's license or nonrenewable commercial driver's license. 61427  
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(C) The registrar may require an applicant to provide a 61429  
digital copy of any identification documents and supporting 61430  
documents as required by statute or administrative rule to comply 61431  
with current state and federal requirements. 61432

(D) Except as otherwise provided, an applicant shall comply 61433  
with all other applicable laws related to the issuance of a 61434  
driver's license, commercial driver's license, or identification 61435  
card in order to renew a driver's license, commercial driver's 61436  
license, or identification card under this section. 61437

(E) The registrar may adopt rules in accordance with Chapter 61438  
119. of the Revised Code to implement and administer this section. 61439

**Sec. 4507.07.** (A) As used in this section: 61440

(1) "Minor's representative" means a person who has custody 61441  
of a minor under the age of eighteen and who is one of the 61442  
following: 61443

(a) A representative of a PCPA or PCSA; 61444

(b) A resource caregiver who has placement of a child in the 61445  
custody of a PCPA or PCSA. 61446

(2) "PCPA" means a private child placing agency. 61447

(3) "PCSA" means a public children services agency. 61448

(4) "Resource caregiver" has the same meaning as in section 61449  
5103.02 of the Revised Code. 61450

(B)(1) The registrar of motor vehicles shall not grant the 61451  
application of any minor under eighteen years of age for a 61452  
probationary license, a restricted license, or a temporary 61453  
instruction permit, unless the application is signed by one of the 61454  
minor's parents, the minor's guardian, another person having 61455

custody of the applicant, or, if there is no parent or guardian, a responsible person who is willing to assume the obligation imposed under this section. A responsible person may include a minor's representative.

(2) At the time a minor under eighteen years of age submits an application for a license or permit at a driver's license examining station, the adult who signs the application shall present identification establishing that the adult is the individual whose signature appears on the application. The registrar shall prescribe, by rule, the types of identification that are suitable for the purposes of this paragraph. If the adult who signs the application does not provide identification as required by this paragraph, the application shall not be accepted.

(3) When a minor under eighteen years of age applies for a probationary license, a restricted license, or a temporary instruction permit, the registrar shall give the adult who signs the application notice of the potential liability that may be imputed to the adult pursuant to division ~~(B)~~(C)(1) of this section and notice of how the adult may prevent any liability from being imputed to the adult pursuant to that division.

~~(B)~~ Any (C)(1) Except as otherwise provided in divisions (C)(2) and (3) of this section, any negligence, or willful or wanton misconduct, that is committed by a minor under eighteen years of age when driving a motor vehicle upon a highway shall be imputed to the person who has signed the application of the minor for a probationary license, restricted license, or temporary instruction permit, which person shall be jointly and severally liable with the minor for any damages caused by the negligence or the willful or wanton misconduct. This joint and several liability is not subject to section 2307.22 or 2315.36 of the Revised Code with respect to a tort claim that otherwise is subject to that section.

(2) There shall be no imputed liability imposed under this division (C)(1) of this section if a minor under eighteen years of age has proof of financial responsibility with respect to the operation of a motor vehicle owned by the minor or, if the minor is not the owner of a motor vehicle, with respect to the minor's operation of any motor vehicle, in the form and in the amounts required under Chapter 4509. of the Revised Code. 61488  
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~~(C)~~(3) There is no imputed liability under division (C)(1) of this section with respect to a minor's representative who signs an application for a probationary license, a restricted license, or a temporary instruction permit on behalf of the minor under division (B) of this section. 61495  
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(4) The department of job and family services or minor's representative shall verify that the minor has proof of financial responsibility in the form and amounts required by Chapter 4509. of the Revised Code before the minor's representative signs the minor's application for a probationary license, restricted license, or temporary instruction permit. The department may provide proof of financial responsibility for the minor directly or through a third party acting on its behalf. The department, third party, or minor's representative shall provide the registrar proof of financial responsibility in the form and amounts required by Chapter 4509. of the Revised Code. 61500  
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(D)(1) Any person who has signed the application of a minor under eighteen years of age for a license or permit subsequently may surrender to the registrar the license or temporary instruction permit of the minor and request that the license or permit be canceled. The registrar then shall cancel the license or temporary instruction permit, and the person who signed the application of the minor shall be relieved from the liability imposed by division ~~(B)~~(C)(1) of this section. 61511  
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(2) If the department of job and family services or a minor's 61519

representative determines that a minor does not have proof of 61520  
financial responsibility, the department or minor's representative 61521  
shall notify the registrar and surrender the minor's license or 61522  
temporary instruction permit and request that it be canceled. The 61523  
registrar shall cancel the license or temporary instruction 61524  
permit. 61525

~~(D)~~(E) Any minor under eighteen years of age whose 61526  
probationary license, restricted license, or temporary instruction 61527  
permit is surrendered to the registrar by the person who signed 61528  
the application for the license or permit and whose license or 61529  
temporary instruction permit subsequently is canceled by the 61530  
registrar may obtain a new license or temporary instruction permit 61531  
without having to undergo the examinations otherwise required by 61532  
sections 4507.11 and 4507.12 of the Revised Code and without 61533  
having to tender the fee for that license or temporary instruction 61534  
permit, if the minor is able to produce another parent, guardian, 61535  
other person having custody of the minor, or other adult, and that 61536  
adult is willing to assume the liability imposed under division 61537  
~~(B)~~(C)(1) of this section. That adult shall comply with the 61538  
procedures contained in division ~~(A)~~(B) of this section. 61539

**Sec. 4507.08.** (A) No probationary license shall be issued to 61540  
any person under the age of eighteen who has been adjudicated an 61541  
unruly or delinquent child or a juvenile traffic offender for 61542  
having committed any act that if committed by an adult would be a 61543  
drug abuse offense, as defined in section 2925.01 of the Revised 61544  
Code, a violation of division (B) of section 2917.11, or a 61545  
violation of division (A) of section 4511.19 of the Revised Code, 61546  
unless the person has been required by the court to attend a drug 61547  
abuse or alcohol abuse education, intervention, or treatment 61548  
program specified by the court and has satisfactorily completed 61549  
the program. 61550

(B) No temporary instruction permit or driver's license shall 61551  
be issued to any person whose license has been suspended, during 61552  
the period for which the license was suspended, nor to any person 61553  
whose license has been canceled, under Chapter 4510. or any other 61554  
provision of the Revised Code. 61555

(C) No temporary instruction permit or driver's license shall 61556  
be issued to any person whose commercial driver's license is 61557  
suspended under Chapter 4510. or any other provision of the 61558  
Revised Code during the period of the suspension. 61559

No temporary instruction permit or driver's license shall be 61560  
issued to any person when issuance is prohibited by division (A) 61561  
of section 4507.091 of the Revised Code. 61562

(D) No temporary instruction permit or driver's license shall 61563  
be issued to, or retained by, any of the following persons: 61564

(1) Any person who has alcoholism, or is addicted to the use 61565  
of controlled substances to the extent that the use constitutes an 61566  
impairment to the person's ability to operate a motor vehicle with 61567  
the required degree of safety; 61568

(2) Any person who is under the age of eighteen and has been 61569  
adjudicated an unruly or delinquent child or a juvenile traffic 61570  
offender for having committed any act that if committed by an 61571  
adult would be a drug abuse offense, as defined in section 2925.01 61572  
of the Revised Code, a violation of division (B) of section 61573  
2917.11, or a violation of division (A) of section 4511.19 of the 61574  
Revised Code, unless the person has been required by the court to 61575  
attend a drug abuse or alcohol abuse education, intervention, or 61576  
treatment program specified by the court and has satisfactorily 61577  
completed the program; 61578

(3) Any person who, in the opinion of the registrar, has a 61579  
physical or mental disability or disease that prevents the person 61580  
from exercising reasonable and ordinary control over a motor 61581

vehicle while operating the vehicle upon the highways, except that 61582  
a restricted license ~~effective for six months~~ may be issued to any 61583  
person otherwise qualified who is or has been subject to any 61584  
condition resulting in episodic impairment of consciousness or 61585  
loss of muscular control and whose condition, in the opinion of 61586  
the registrar, is dormant or is sufficiently under medical control 61587  
that the person is capable of exercising reasonable and ordinary 61588  
control over a motor vehicle. A restricted license ~~effective for~~ 61589  
~~six months~~ shall be issued to any person who otherwise is 61590  
qualified and who is subject to any condition that causes episodic 61591  
impairment of consciousness or a loss of muscular control if the 61592  
person presents a statement from a licensed physician that the 61593  
person's condition is under effective medical control and the 61594  
period of time for which the control has been continuously 61595  
maintained, unless, thereafter, a medical examination is ordered 61596  
and, pursuant thereto, cause for denial is found. 61597

A person to whom a ~~six-month~~ restricted license has been 61598  
issued shall give notice of the person's medical condition to the 61599  
registrar on forms provided by the registrar and signed by the 61600  
licensee's physician at intervals required by the registrar. The 61601  
~~notice shall be sent to the registrar six months after the~~ 61602  
~~issuance of the license. Subsequent restricted licenses issued to~~ 61603  
~~the same individual shall be effective for six months~~ determine 61604  
the validity period of a restricted license. 61605

(4) Any person who is unable to understand highway warnings 61606  
or traffic signs or directions given in the English language; 61607

(5) Any person making an application whose driver's license 61608  
or driving privileges are under cancellation, revocation, or 61609  
suspension in the jurisdiction where issued or any other 61610  
jurisdiction, until the expiration of one year after the license 61611  
was canceled or revoked or until the period of suspension ends. 61612  
Any person whose application is denied under this division may 61613

file a petition in the municipal court or county court in whose 61614  
jurisdiction the person resides agreeing to pay the cost of the 61615  
proceedings and alleging that the conduct involved in the offense 61616  
that resulted in suspension, cancellation, or revocation in the 61617  
foreign jurisdiction would not have resulted in a suspension, 61618  
cancellation, or revocation had the offense occurred in this 61619  
state. If the petition is granted, the petitioner shall notify the 61620  
registrar by a certified copy of the court's findings and a 61621  
license shall not be denied under this division. 61622

(6) Any person who is under a class one or two suspension 61623  
imposed for a violation of section 2903.01, 2903.02, 2903.04, 61624  
2903.06, 2903.08, 2903.11, 2921.331, or 2923.02 of the Revised 61625  
Code or whose driver's or commercial driver's license or permit 61626  
was permanently revoked prior to January 1, 2004, for a 61627  
substantially equivalent violation pursuant to section 4507.16 of 61628  
the Revised Code; 61629

(7) Any person who is not a resident or temporary resident of 61630  
this state. 61631

(E) No person whose driver's license or permit has been 61632  
suspended under Chapter 4510. of the Revised Code or any other 61633  
provision of the Revised Code shall have driving privileges 61634  
reinstated if the registrar determines that a warrant has been 61635  
issued in this state or any other state for the person's arrest 61636  
and that warrant is an active warrant. 61637

**Sec. 4507.09.** ~~(A)~~(A)(1) Except as provided in division (B) of 61638  
this section, every driver's license issued to a resident of this 61639  
state expires on the birthday of the applicant in the fourth or 61640  
eighth year after the date it is issued, based on the period of 61641  
renewal requested by the applicant. A ~~person~~ resident who is 61642  
sixty-five years of age or older may only apply for a driver's 61643  
license that expires on the birthday of the applicant in the 61644

fourth year after the date it is issued. ~~Every driver's license~~ 61645  
~~issued to a temporary resident expires in accordance with rules~~ 61646  
~~adopted by the registrar of motor vehicles.~~ In no event shall any 61647  
license be issued for a period longer than eight years and ninety 61648  
days. 61649

Subject to the requirements of section 4507.12 of the Revised 61650  
Code, every driver's license issued to a resident is renewable at 61651  
any time prior to its expiration ~~and any license of a temporary~~ 61652  
~~resident is nonrenewable. A nonrenewable~~ 61653

(2) A driver's license issued to a temporary resident shall 61654  
expire in accordance with rules adopted by the registrar of motor 61655  
vehicles. A driver's license issued to a temporary resident is a 61656  
limited term license, but may be ~~replaced with a new license~~ 61657  
renewed within ninety days prior to its expiration in accordance 61658  
with division (E) of this section. ~~No~~ 61659

(3) No refund shall be made or credit given for the unexpired 61660  
portion of the driver's license that is renewed. The registrar ~~of~~ 61661  
~~motor vehicles~~ shall notify each person whose driver's license has 61662  
expired within forty-five days after the date of expiration. 61663  
Notification shall be made by regular mail sent to the person's 61664  
last known address as shown in the records of the bureau of motor 61665  
vehicles. Failure to provide such notification shall not be 61666  
construed as a renewal or extension of any license. ~~For~~ 61667

(4) For the purposes of this section, the date of birth of 61668  
any applicant born on the twenty-ninth day of February shall be 61669  
deemed to be the first day of March in any year in which there is 61670  
no twenty-ninth day of February. 61671

(B) Every driver's license or renewal of a driver's license 61672  
issued to ~~an~~ a resident applicant who is sixteen years of age or 61673  
older, but less than twenty-one years of age, expires on the 61674  
twenty-first birthday of the applicant, except that an applicant 61675

who applies no more than thirty days before the applicant's 61676  
twenty-first birthday shall be issued a license in accordance with 61677  
division (A) of this section. 61678

(C) Each person licensed as a driver under this chapter shall 61679  
notify the registrar of any change in the person's address within 61680  
ten days following that change. The notification shall be in 61681  
writing on a form provided by the registrar and shall include the 61682  
full name, date of birth, license number, county of residence, 61683  
social security number, and new address of the person. 61684

(D) No driver's license shall be renewed when renewal is 61685  
prohibited by division (A) of section 4507.091 of the Revised 61686  
Code. 61687

~~(E) A nonrenewable (E)(1) Except as provided in division 61688  
(E)(2) of this section, a limited term license shall not be issued 61689  
to a temporary resident for a period longer than the expiration 61690  
date of the temporary resident's authorized stay in the United 61691  
States, or for four years from the date of issuance, whichever 61692  
date is earliest. 61693~~

~~(2) If there is no expiration date for a temporary resident's 61694  
authorized stay in the United States, a limited term license shall 61695  
not be issued to the temporary resident for a period longer than 61696  
one year from the date of issuance. 61697~~

~~(3) A limited term license may be replaced with a new license 61698  
renewed within ninety days prior to its expiration upon the 61699  
applicant's presentation of documentation verifying the 61700  
applicant's legal presence or continued temporary lawful status in 61701  
the United States. A nonrenewable license expires on the same date 61702  
listed on the legal presence documentation, or on the same date in 61703  
the fourth year after the date the nonrenewable license is issued, 61704  
whichever comes first. 61705~~

(3) A nonrenewable limited term license is not transferable, 61706

and the applicant may not rely on it to obtain a driver's license 61707  
in another state. 61708

~~(4) In accordance with Chapter 119. of the Revised Code, the 61709  
registrar of motor vehicles shall adopt rules governing 61710  
nonrenewable limited term licenses for temporary residents. At a 61711  
minimum, the rules shall include provisions specifying all of the 61712  
following: 61713~~

~~(1) That no nonrenewable license may extend beyond the 61714  
duration of the applicant's temporary residence in this state; 61715~~

~~(2) That no nonrenewable license may be replaced by a new 61716  
license unless the applicant provides acceptable documentation of 61717  
the person's identity and of the applicant's continued temporary 61718  
residence in this state; 61719~~

~~(3) That no nonrenewable license is valid to apply for a 61720  
driver's license in any other state; 61721~~

~~(4) That every nonrenewable license may contain any security 61722  
features that the registrar prescribes. 61723~~

**Sec. 4507.13.** (A)(1) The registrar of motor vehicles shall 61724  
issue a driver's license to every person licensed as an operator 61725  
of motor vehicles other than commercial motor vehicles. No person 61726  
licensed as a commercial motor vehicle driver under Chapter 4506. 61727  
of the Revised Code need procure a driver's license, but no person 61728  
shall drive any commercial motor vehicle unless licensed as a 61729  
commercial motor vehicle driver. 61730

(2) Every driver's license shall display all of the following 61731  
information: 61732

(a) The distinguishing number assigned to the licensee; 61733

(b) The licensee's name and date of birth; 61734

(c) The licensee's residence address and county of residence; 61735

(d) A color photograph of the licensee;	61736
(e) A brief description of the licensee for the purpose of identification;	61737 61738
(f) A facsimile of the signature of the licensee as it appears on the application for the license;	61739 61740
(g) A notation, in a manner prescribed by the registrar, indicating any condition described in division (D)(3) of section 4507.08 of the Revised Code to which the licensee is subject;	61741 61742 61743
(h) If the licensee has executed a durable power of attorney for health care or a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment and has specified that the licensee wishes the license to indicate that the licensee has executed either type of instrument, any symbol chosen by the registrar to indicate that the licensee has executed either type of instrument;	61744 61745 61746 61747 61748 61749 61750
(i) If the licensee has specified that the licensee wishes the license to indicate that the licensee is a veteran, active duty, or reservist of the armed forces of the United States and has presented a copy of the licensee's DD-214 form or an equivalent document, any symbol chosen by the registrar to indicate that the licensee is a veteran, active duty, or reservist of the armed forces of the United States;	61751 61752 61753 61754 61755 61756 61757
(j) If the licensee is a noncitizen of the United States, a notation designating that the licensee is a noncitizen;	61758 61759
(k) Any additional information that the registrar requires by rule.	61760 61761
(3) No license shall display the licensee's social security number unless the licensee specifically requests that the licensee's social security number be displayed on the license. If federal law requires the licensee's social security number to be	61762 61763 61764 61765

displayed on the license, the social security number shall be 61766  
displayed on the license notwithstanding this section. 61767

(4) The driver's license for licensees under twenty-one years 61768  
of age shall have characteristics prescribed by the registrar 61769  
distinguishing it from that issued to a licensee who is twenty-one 61770  
years of age or older, except that a driver's license issued to a 61771  
person who applies no more than thirty days before the applicant's 61772  
twenty-first birthday shall have the characteristics of a license 61773  
issued to a person who is twenty-one years of age or older. 61774

(5) The ~~driver's limited term~~ license issued to a temporary 61775  
resident shall contain the word "~~nonrenewable~~" "limited term" and 61776  
shall have any additional characteristics prescribed by the 61777  
registrar distinguishing it from a license issued to a resident. 61778

(6) Every driver's or commercial driver's license displaying 61779  
a motorcycle operator's endorsement and every restricted license 61780  
to operate a motor vehicle also shall display the designation 61781  
"novice," if the endorsement or license is issued to a person who 61782  
is eighteen years of age or older and previously has not been 61783  
licensed to operate a motorcycle by this state or another 61784  
jurisdiction recognized by this state. The "novice" designation 61785  
shall be effective for one year after the date of issuance of the 61786  
motorcycle operator's endorsement or license. 61787

(7) Each license issued under this section shall be of such 61788  
material and so designed as to prevent its reproduction or 61789  
alteration without ready detection. 61790

(B) Except in regard to a driver's license issued to a person 61791  
who applies no more than thirty days before the applicant's 61792  
twenty-first birthday, neither the registrar nor any deputy 61793  
registrar shall issue a driver's license to anyone under 61794  
twenty-one years of age that does not have the characteristics 61795  
prescribed by the registrar distinguishing it from the driver's 61796

license issued to persons who are twenty-one years of age or older. 61797  
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(C) The registrar shall ensure that driver's licenses issued in accordance with the federal "Real ID Act," 49 U.S.C. 30301, et seq., comply with the regulations specified in 6 C.F.R. part 37. 61799  
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(D) Whoever violates division (B) of this section is guilty of a minor misdemeanor. 61802  
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**Sec. 4507.18.** (A) The registrar of motor vehicles shall permit all of the following to renew a driver's license or motorcycle operator's endorsement issued by this state by electronic means: 61804  
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(1) Any person who is on active duty in the armed forces of the United States who is stationed outside of this state; 61808  
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(2) The spouse of a person described in division (A)(1) of this section who is also outside of this state; 61810  
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(3) The dependents of a person described in division (A)(1) of this section who are also outside of this state. 61812  
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(B) The registrar shall require all of the following: 61814

(1) That the applicant provide a digital copy of the applicant's military identification card or military dependent identification card; 61815  
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(2) That any spouse or dependent applicant provide a digital copy of a form provided by the registrar demonstrating that the applicant received and passed a vision examination in accordance with the vision requirements under section 4507.12 of the Revised Code; 61818  
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(3) That the applicant provide a digital copy of a current two inch by two inch ~~color~~ passport quality photograph with a white background to be used as the applicant's new driver's 61823  
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license or motorcycle operator's endorsement photograph; 61826

(4) That the applicant provide a digital copy of any 61827  
identification documents and supporting documents as required by 61828  
statute or administrative rule to comply with current state and 61829  
federal requirements. 61830

(C) The registrar shall make it possible for applicants to 61831  
upload and send by electronic means all required copies of 61832  
supporting documents and photographs for a driver's license or 61833  
motorcycle operator's endorsement renewal under this section. 61834

(D)(1) This section does not impact a person's ability to use 61835  
the exemption from the license requirements available under 61836  
division (B) of section 4507.03 of the Revised Code. 61837

(2) This section does not prevent a person who is permitted 61838  
to renew a driver's license or motorcycle operator's endorsement 61839  
by electronic means under this section from making an application, 61840  
as provided in section 4507.10 of the Revised Code, in person at a 61841  
deputy ~~registrar~~ registrar's office. 61842

(E) The registrar shall adopt rules under Chapter 119. of the 61843  
Revised Code to implement and administer this section. 61844

**Sec. 4507.50.** (A)(1) The registrar of motor vehicles or a 61845  
deputy registrar shall issue an identification card to a person 61846  
when all of the following apply: 61847

(a) The registrar or deputy registrar receives an application 61848  
completed in accordance with section 4507.51 of the Revised Code 61849  
and, if the person is under seventeen years of age, payment of the 61850  
applicable fees. 61851

(b) The person is a resident or a temporary resident of this 61852  
state. 61853

(c) The person is not licensed as an operator of a motor 61854  
vehicle in this state or another licensing jurisdiction. 61855

(d) The person does not hold an identification card from another jurisdiction. 61856  
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(2)(a) The registrar of motor vehicles or a deputy registrar may issue a temporary identification card when all of the following apply: 61858  
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(i) The registrar or deputy registrar receives an application completed in accordance with section 4507.51 of the Revised Code and payment of the applicable fees. 61861  
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(ii) The person is a resident or temporary resident of this state. 61864  
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(iii) The person's Ohio driver's or commercial driver's license has been suspended or canceled. 61866  
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(iv) The person does not hold an identification card from another jurisdiction. 61868  
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(b) The temporary identification card shall be identical to an identification card, except that it shall be printed on its face with a statement that the card is valid ~~during the effective dates of the suspension or cancellation of the cardholder's license, or until the birthday of the cardholder in the fourth year after the date on which it is issued, whichever is shorter for a temporary period. The temporary period shall be in accordance with the expiration dates specified in section 4507.501 of the Revised Code.~~ 61870  
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(c) The cardholder shall surrender the temporary identification card to the registrar or any deputy registrar before the cardholder's driver's or commercial driver's license is restored or reissued. 61879  
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(B)(1) Except as provided in division (D) of this section, an applicant who is under seventeen years of age shall pay the following fees prior to issuance of an identification card or a 61883  
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temporary identification card: 61886

(a) A fee of three dollars and fifty cents if the card will 61887  
expire on the applicant's birthday four years after the date of 61888  
issuance or a fee of six dollars if the card will expire on the 61889  
applicant's birthday eight years after the date of issuance; 61890

(b) A fee equal to the amount established under section 61891  
4503.038 of the Revised Code if the card will expire on the 61892  
applicant's birthday four years after the date of issuance or 61893  
twice that amount if the card will expire on the applicant's 61894  
birthday eight years after the date of issuance; 61895

(c) A fee of one dollar and fifty cents if the card will 61896  
expire on the applicant's birthday four years after the date of 61897  
issuance or three dollars if the card will expire on the 61898  
applicant's birthday eight years after the date of issuance, for 61899  
the authentication of the documents required for processing an 61900  
identification card or temporary identification card. A deputy 61901  
registrar that authenticates the required documents shall retain 61902  
the entire amount of the fee. 61903

(2) The fees collected for issuing an identification card 61904  
under this section, except for any fees allowed to the deputy 61905  
registrar, shall be paid into the state treasury to the credit of 61906  
the public safety - highway purposes fund created in section 61907  
4501.06 of the Revised Code. 61908

(C) A person seventeen years of age or older may apply to the 61909  
registrar or a deputy registrar for the issuance to that person of 61910  
an identification card or a temporary identification card under 61911  
this section without payment of any fee prescribed in division (B) 61912  
of this section. 61913

(D) A resident who is ~~eligible for an identification card~~ 61914  
~~with an expiration date that is in accordance with division~~ 61915  
~~(A)(8)(b) of section 4507.52 of the Revised Code~~ permanently or 61916

irreversibly disabled and who is under seventeen years of age may 61917  
apply to the registrar or a deputy registrar for the issuance of 61918  
an identification card under this section without payment of any 61919  
fee as prescribed in division (B) of this section. As used in this 61920  
section, "permanently or irreversibly disabled" means a condition 61921  
of disability from which there is no present indication of 61922  
recovery. 61923

An application made under division (D) of this section shall 61924  
be accompanied by such documentary evidence of disability as the 61925  
registrar may require by rule. 61926

Sec. 4507.501. (A) An identification card issued to a 61927  
resident shall expire, unless canceled or surrendered earlier, on 61928  
the birthday of the cardholder in the fourth or the eighth year 61929  
after the date on which it is issued, based on the period of 61930  
renewal requested by the applicant. 61931

(B) A temporary identification card issued to a resident 61932  
shall expire on the earliest of the following dates: 61933

(1) After the effective dates of the suspension or 61934  
cancellation of the cardholder's driver's or commercial driver's 61935  
license; 61936

(2) The birthday of the cardholder in the fourth year after 61937  
the date on which it is issued. 61938

(C)(1) Subject to rules adopted under division (D) of this 61939  
section, a limited term identification card issued to a temporary 61940  
resident who has a definite expiration date for the resident's 61941  
authorized stay in the United States shall expire on the earliest 61942  
of the following dates: 61943

(a) The expiration date of the applicant's authorized stay in 61944  
the United States; 61945

(b) Four years from the date of issuance. 61946

(2) Subject to rules adopted under division (D) of this section, a limited term identification card issued to a temporary resident who has no expiration date for the applicant's authorized stay in the United States shall expire one year from the date of issuance. 61947  
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(D) The registrar of motor vehicles shall adopt rules in accordance with Chapter 119. of the Revised Code governing limited term identification cards for temporary residents and limited term temporary identification cards for temporary residents. 61952  
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(E) A cardholder may renew the cardholder's identification card within ninety days prior to the day on which it expires by filing an application and paying the prescribed fee, if required, in accordance with section 4507.50 of the Revised Code. A limited term identification card or limited term temporary identification card may only be renewed upon verification of the applicant's continued temporary lawful status in the United States and the applicant's compliance with any other applicable requirements. 61956  
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**Sec. 4507.51.** (A)(1) Every application for an identification card or duplicate shall be made on a form furnished or in a manner specified by the registrar of motor vehicles, shall be signed by the applicant, and by the applicant's parent or guardian if the applicant is under eighteen years of age, and shall contain the following information pertaining to the applicant: name, date of birth, sex, general description including the applicant's height, weight, hair color, and eye color, address, country of citizenship, and social security number. The application also shall include, for an applicant who has not already certified the applicant's willingness to make an anatomical gift under section 2108.05 of the Revised Code, whether the applicant wishes to certify willingness to make such an anatomical gift and shall include information about the requirements of sections 2108.01 to 61964  
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2108.29 of the Revised Code that apply to persons who are less than eighteen years of age. The statement regarding willingness to make such a donation shall be given no consideration in the decision of whether to issue an identification card. Each applicant applying in person at a deputy registrar office shall be photographed ~~in color~~ at the time of making application.

(2)(a) The application also shall state whether the applicant has executed a valid durable power of attorney for health care pursuant to sections 1337.11 to 1337.17 of the Revised Code or has executed a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment pursuant to sections 2133.01 to 2133.15 of the Revised Code and, if the applicant has executed either type of instrument, whether the applicant wishes the identification card issued to indicate that the applicant has executed the instrument.

(b) The application also shall state whether the applicant is a veteran, active duty, or reservist of the armed forces of the United States and, if the applicant is such, whether the applicant wishes the identification card issued to indicate that the applicant is a veteran, active duty, or reservist of the armed forces of the United States by a military designation on the identification card.

(3) The registrar or deputy registrar, in accordance with section 3503.11 of the Revised Code, shall register as an elector any person who applies for an identification card or duplicate if the applicant is eligible and wishes to be registered as an elector. The decision of an applicant whether to register as an elector shall be given no consideration in the decision of whether to issue the applicant an identification card or duplicate.

(B) Except as provided in section 4507.061 of the Revised Code, the application for an identification card or duplicate

shall be filed in the office of the registrar or deputy registrar. 62009  
Each applicant shall present documentary evidence as required by 62010  
the registrar of the applicant's age and identity, and the 62011  
applicant shall swear that all information given is true. An 62012  
identification card issued by the department of rehabilitation and 62013  
correction under section 5120.59 of the Revised Code or an 62014  
identification card issued by the department of youth services 62015  
under section 5139.511 of the Revised Code shall be sufficient 62016  
documentary evidence under this division upon verification of the 62017  
applicant's social security number by the registrar or a deputy 62018  
registrar. Upon issuing an identification card under this section 62019  
for a person who has been issued an identification card under 62020  
section 5120.59 or section 5139.511 of the Revised Code, the 62021  
registrar or deputy registrar shall destroy the identification 62022  
card issued under section 5120.59 or section 5139.511 of the 62023  
Revised Code. 62024

All applications for an identification card or duplicate 62025  
under this section shall be filed in duplicate, and if submitted 62026  
to a deputy registrar, a copy shall be forwarded to the registrar. 62027  
The registrar shall prescribe rules for the manner in which a 62028  
deputy registrar is to file and maintain applications and other 62029  
records. The registrar shall maintain a suitable, indexed record 62030  
of all applications denied and cards issued or canceled. 62031

(C) In addition to any other information it contains, the 62032  
form furnished by the registrar of motor vehicles for an 62033  
application for an identification card or duplicate shall inform 62034  
applicants that the applicant must present a copy of the 62035  
applicant's DD-214 or an equivalent document in order to qualify 62036  
to have the card or duplicate indicate that the applicant is an 62037  
honorably discharged veteran of the armed forces of the United 62038  
States based on a request made pursuant to division (A)(2)(b) of 62039  
this section. 62040

Sec. 4507.52. (A)(1) Each identification card issued by the registrar of motor vehicles or a deputy registrar shall display a distinguishing number assigned to the cardholder, and shall display the following inscription:

"STATE OF OHIO IDENTIFICATION CARD

This card is not valid for the purpose of operating a motor vehicle. It is provided solely for the purpose of establishing the identity of the bearer described on the card, ~~who currently is not licensed to operate a motor vehicle in the state of Ohio.~~

(2) The identification card shall display substantially the same information as contained in the application and as described in division (A)(1) of section 4507.51 of the Revised Code, including, if the cardholder is a noncitizen of the United States, a notation designating that the cardholder is a noncitizen. The identification card shall not display the cardholder's social security number unless the cardholder specifically requests that the cardholder's social security number be displayed on the card. If federal law requires the cardholder's social security number to be displayed on the identification card, the social security number shall be displayed on the card notwithstanding this section.

(3) The identification card also shall display the ~~color~~ photograph of the cardholder.

(4) If the cardholder has executed a durable power of attorney for health care or a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment and has specified that the cardholder wishes the identification card to indicate that the cardholder has executed either type of instrument, the card also shall display any symbol chosen by the registrar to indicate that the cardholder has executed either type of instrument.

(5) If the cardholder has specified that the cardholder wishes the identification card to indicate that the cardholder is a veteran, active duty, or reservist of the armed forces of the United States and has presented a copy of the cardholder's DD-214 form or an equivalent document, the card also shall display any symbol chosen by the registrar to indicate that the cardholder is a veteran, active duty, or reservist of the armed forces of the United States.

(6) The card shall be designed as to prevent its reproduction or alteration without ready detection.

(7) The identification card for persons under twenty-one years of age shall have characteristics prescribed by the registrar distinguishing it from that issued to a person who is twenty-one years of age or older, except that an identification card issued to a person who applies no more than thirty days before the applicant's twenty-first birthday shall have the characteristics of an identification card issued to a person who is twenty-one years of age or older.

~~(8)(a) Except as provided in division (A)(8)(b) of this section, every (8) Every~~ identification card issued to a resident of this state shall ~~expire, unless canceled or surrendered earlier, on the birthday of the cardholder in the fourth or the eighth year after the date on which it is issued, based on the period of renewal requested by the applicant~~ display the expiration date of the card, in accordance with section 4507.501 of the Revised Code.

~~(b) Upon request, the registrar or a deputy registrar shall issue an identification card to a resident of this state who is permanently or irreversibly disabled that shall expire, unless canceled or surrendered earlier, on the birthday of the cardholder in the eighth year after the date on which it is issued. The registrar shall issue a reminder notice to a cardholder, at the~~

~~last known address of the cardholder, six months before the  
identification card is scheduled to expire. The registrar shall  
adopt rules governing the documentation a cardholder shall submit  
to certify that the cardholder is permanently or irreversibly  
disabled.~~

~~As used in this section, "permanently or irreversibly  
disabled" means a condition of disability from which there is no  
present indication of recovery.~~

~~(e)(9) Every identification card issued to a temporary  
resident shall expire in accordance with section 4507.501 of the  
Revised Code and rules adopted by the registrar and is  
nonrenewable, but may be replaced with a new identification card  
upon the applicant's compliance with all applicable requirements  
limited term. Every limited term identification card and limited  
term temporary identification card shall contain the words  
"limited term" and shall have any additional characteristics  
prescribed by the registrar distinguishing it from an  
identification card issued to a resident.~~

~~(9) A cardholder may renew the cardholder's identification  
card within ninety days prior to the day on which it expires by  
filing an application and paying the prescribed fee, if required,  
in accordance with section 4507.50 of the Revised Code.~~

~~(10) If a cardholder applies for a driver's or commercial  
driver's license in this state or another licensing jurisdiction,  
the cardholder shall surrender the cardholder's identification  
card to the registrar or any deputy registrar before the license  
is issued.~~

(B)(1) If a card is lost, destroyed, or mutilated, the person  
to whom the card was issued may obtain a duplicate by doing both  
of the following:

(a) Furnishing suitable proof of the loss, destruction, or

mutilation to the registrar or a deputy registrar; 62135

(b) Filing an application and presenting documentary evidence 62136  
under section 4507.51 of the Revised Code. 62137

(2) A cardholder may apply to obtain a reprint of the 62138  
cardholder's identification card through electronic means in 62139  
accordance with section 4507.40 of the Revised Code. 62140

~~(3) Any person who loses a card and, after obtaining a 62141  
duplicate or reprint, finds the original, immediately shall 62142  
surrender the original to the registrar or a deputy registrar. 62143~~

~~(4) A cardholder may obtain a replacement identification card 62144  
that reflects any change of the cardholder's name by furnishing 62145  
suitable proof of the change to the registrar or a deputy 62146  
registrar and surrendering the cardholder's existing card. 62147~~

~~(5)(4) Except as provided in division (A)(6)(B)(5) or (7)(6) 62148  
of this section, when a cardholder applies for a duplicate, 62149  
reprint, or replacement identification card, the cardholder shall 62150  
pay the following fees: 62151~~

(a) Two dollars and fifty cents; 62152

(b) A deputy registrar or service fee equal to the amount 62153  
established under section 4503.038 of the Revised Code. 62154

~~(6)(5) The following cardholders may apply for a duplicate, 62155  
reprint, or replacement identification card without payment of any 62156  
fee prescribed in division (B)(5)(B)(4) of this section: 62157~~

(a) A disabled veteran who has a service-connected disability 62158  
rated at one hundred per cent by the veterans' administration; 62159

(b) A resident who is permanently or irreversibly disabled 62160  
~~and who is unemployed. 62161~~

~~(7)(6) A cardholder who is seventeen years of age or older 62162  
may apply for a replacement identification card without payment of 62163  
any fee prescribed in division (B)(5)(B)(4) of this section. 62164~~

~~(8)(7)~~ A duplicate, reprint, or replacement identification card expires on the same date as the card it replaces.

(C) The registrar shall cancel any card upon determining that the card was obtained unlawfully, issued in error, or was altered. ~~The registrar also shall cancel any card that is surrendered to the registrar or to a deputy registrar after the holder has obtained a duplicate, reprint, replacement, or driver's or commercial driver's license.~~

(D)(1) No agent of the state or its political subdivisions shall condition the granting of any benefit, service, right, or privilege upon the possession by any person of an identification card. Nothing in this section shall preclude any publicly operated or franchised transit system from using an identification card for the purpose of granting benefits or services of the system.

(2) No person shall be required to apply for, carry, or possess an identification card.

(E) Except in regard to an identification card issued to a person who applies no more than thirty days before the applicant's twenty-first birthday, neither the registrar nor any deputy registrar shall issue an identification card to a person under twenty-one years of age that does not have the characteristics prescribed by the registrar distinguishing it from the identification card issued to persons who are twenty-one years of age or older.

(F) The registrar shall ensure that identification cards issued in accordance with the federal "Real ID Act," 49 U.S.C. 30301, et seq., comply with the regulations specified in 6 C.F.R. part 37.

(G) Whoever violates division (E) of this section is guilty of a minor misdemeanor.

**Sec. 4508.06.** (A) The director of public safety may refuse to 62195  
issue, or may suspend or revoke, a license or may impose a fine of 62196  
not more than ten thousand dollars per occurrence in any case in 62197  
which the director finds the applicant or licensee has violated 62198  
any of the provisions of this chapter, or any of the rules adopted 62199  
by the director, or has failed to pay a fine imposed under this 62200  
division. No person whose license has been suspended or revoked 62201  
under this section shall fail to return the license to the 62202  
director. 62203

(B) In addition to the reasons for a suspension under 62204  
division (A) of this section, the director may suspend a driver 62205  
training instructor license without a prior hearing if the 62206  
director believes there exists clear and convincing evidence of 62207  
any of the following: 62208

(1) The license holder has engaged in conduct that presents a 62209  
clear and present danger to a student or students. 62210

(2) The license holder has engaged in inappropriate contact 62211  
with a student. "Inappropriate contact" means any of the 62212  
following: 62213

(a) Causing or attempting to cause "physical harm," as 62214  
defined in division (A)(3) of section 2901.01 of the Revised Code; 62215

(b) "Sexual activity," as defined in division (C) of section 62216  
2907.01 of the Revised Code; 62217

(c) Engaging in any communication, either directly or through 62218  
"telecommunication," as defined in division (X) of section 2913.01 62219  
of the Revised Code, that is of a sexual nature or intended to 62220  
abuse, threaten, or harass the student. 62221

(3) The license holder has been convicted of a felony, or a 62222  
misdemeanor that directly relates to the fitness of that person to 62223  
provide driving instruction. 62224

(C) In addition to the reasons for a suspension under 62225  
division (A) of this section, the director may suspend a driver 62226  
training school license without a prior hearing if the director 62227  
believes there exists clear and convincing evidence of any of the 62228  
following: 62229

(1) There exists a clear and present danger to the health, 62230  
safety, or welfare of students should the school be permitted to 62231  
continue operation. 62232

(2) At the time the contract for training was signed, there 62233  
was no intention to provide training, or no ability to provide 62234  
training to students. 62235

(3) Any school official knowingly allowed inappropriate 62236  
contact, as defined in division (B)(2) of this section, between 62237  
instructors and students. 62238

(D) Immediately following a decision to impose a suspension 62239  
without a prior hearing under division (B) or (C) of this section, 62240  
the director, in accordance with ~~section~~ sections 119.05 and 62241  
119.07 of the Revised Code, shall issue a written order of 62242  
suspension, cause it to be ~~delivered to~~ served on the license 62243  
holder, and notify the license holder of the opportunity for a 62244  
hearing. If timely requested by the license holder, a hearing 62245  
shall be conducted in accordance with Chapter 119. of the Revised 62246  
Code. 62247

(E) The director shall deposit all fines collected under 62248  
division (A) of this section into the state treasury to the credit 62249  
of the public safety - highway purposes fund created by section 62250  
4501.06 of the Revised Code. 62251

(F) Whoever fails to return a license that has been suspended 62252  
or revoked under division (A), (B), or (C) of this section is 62253  
guilty of failing to return a suspended or revoked license, a 62254  
minor misdemeanor or, on a second or subsequent offense within two 62255

years after the first offense, a misdemeanor of the fourth degree. 62256

**Sec. 4510.43.** (A)(1) The director of public safety, upon 62257  
consultation with the director of health and in accordance with 62258  
Chapter 119. of the Revised Code, shall certify immobilizing and 62259  
disabling devices and, subject to section 4510.45 of the Revised 62260  
Code, shall publish and make available to the courts, without 62261  
charge, a list of licensed manufacturers of ignition interlock 62262  
devices and approved devices together with information about the 62263  
manufacturers of the devices and where they may be obtained. The 62264  
manufacturer of an immobilizing or disabling device shall pay the 62265  
cost of obtaining the certification of the device to the director 62266  
of public safety, and the director shall deposit the payment in 62267  
the state indigent drivers alcohol treatment fund established by 62268  
section 4511.191 of the Revised Code. 62269

(2) The director of public safety, in accordance with Chapter 62270  
119. of the Revised Code, shall adopt and publish rules setting 62271  
forth the requirements for obtaining the certification of an 62272  
immobilizing or disabling device. The director of public safety 62273  
shall not certify an immobilizing or disabling device under this 62274  
section unless it meets the requirements specified and published 62275  
by the director in the rules adopted pursuant to this division. A 62276  
certified device may consist of an ignition interlock device, an 62277  
ignition blocking device initiated by time or magnetic or 62278  
electronic encoding, an activity monitor, or any other device that 62279  
reasonably assures compliance with an order granting limited 62280  
driving privileges. Ignition interlock devices shall be certified 62281  
annually. 62282

The requirements for an immobilizing or disabling device that 62283  
is an ignition interlock device shall require that the 62284  
manufacturer of the device submit to the department of public 62285  
safety a certificate from an independent testing laboratory 62286

indicating that the device meets or exceeds the standards of the national highway traffic safety administration, as defined in section 4511.19 of the Revised Code, that are in effect at the time of the director's decision regarding certification of the device, shall include provisions for setting a minimum and maximum calibration range, and shall include, but shall not be limited to, specifications that the device complies with all of the following:

- (a) It does not impede the safe operation of the vehicle.
- (b) It has features that make circumvention difficult and that do not interfere with the normal use of the vehicle, and the features are operating and functioning.
- (c) It correlates well with established measures of alcohol impairment.
- (d) It works accurately and reliably in an unsupervised environment.
- (e) It is resistant to tampering and shows evidence of tampering if tampering is attempted.
- (f) It is difficult to circumvent and requires premeditation to do so.
- (g) It minimizes inconvenience to a sober user.
- (h) It requires a proper, deep-lung breath sample or other accurate measure of the concentration by weight of alcohol in the breath.
- (i) It operates reliably over the range of automobile environments.
- (j) It is made by a manufacturer who is covered by product liability insurance.
- (k) Beginning January 1, 2020, it is equipped with a camera.

(3) The director of public safety may adopt, in whole or in

part, the guidelines, rules, regulations, studies, or independent 62316  
laboratory tests performed and relied upon by other states, or 62317  
their agencies or commissions, in the certification or approval of 62318  
immobilizing or disabling devices. 62319

(4) The director of public safety shall adopt rules in 62320  
accordance with Chapter 119. of the Revised Code for the design of 62321  
a warning label that shall be affixed to each immobilizing or 62322  
disabling device upon installation. The label shall contain a 62323  
warning that any person tampering, circumventing, or otherwise 62324  
misusing the device is subject to a fine, imprisonment, or both 62325  
and may be subject to civil liability. 62326

(5) The director of public safety shall establish a 62327  
certificate of installation that a manufacturer of immobilizing or 62328  
disabling devices shall sign and provide to a person upon the 62329  
completion of the installation of such a device on the person's 62330  
motor vehicle. The director also shall adopt rules in accordance 62331  
with Chapter 119. of the Revised Code that govern procedures for 62332  
confirming and inspecting the installation of immobilizing or 62333  
disabling devices. 62334

(B) A court considering the use of a prototype device in a 62335  
pilot program shall advise the director of public safety, thirty 62336  
days before the use, of the prototype device and its protocol, 62337  
methodology, manufacturer, and licensor, lessor, other agent, or 62338  
owner, and the length of the court's pilot program. A prototype 62339  
device shall not be used for a violation of section 4510.14 or 62340  
4511.19 of the Revised Code, a violation of a municipal OVI 62341  
ordinance, or in relation to a suspension imposed under section 62342  
4511.191 of the Revised Code. A court that uses a prototype device 62343  
in a pilot program, periodically during the existence of the 62344  
program and within fourteen days after termination of the program, 62345  
shall report in writing to the director of public safety regarding 62346  
the effectiveness of the prototype device and the program. 62347

(C) If a person has been granted limited or unlimited driving 62348  
privileges with a condition of the privileges being that the motor 62349  
vehicle that is operated under the privileges must be equipped 62350  
with an immobilizing or disabling device, the person may operate a 62351  
motor vehicle that is owned by the person's employer only if the 62352  
person is required to operate that motor vehicle in the course and 62353  
scope of the offender's employment. Such a person may operate that 62354  
vehicle without the installation of an immobilizing or disabling 62355  
device, provided that the employer has been notified that the 62356  
person has limited driving privileges and of the nature of the 62357  
restriction and further provided that the person has proof of the 62358  
employer's notification in the person's possession while operating 62359  
the employer's vehicle for normal business duties. A motor vehicle 62360  
owned by a business that is partly or entirely owned or controlled 62361  
by a person with limited driving privileges is not a motor vehicle 62362  
owned by an employer, for purposes of this division. 62363

**Sec. 4510.45.** (A)(1) A manufacturer of ignition interlock 62364  
devices that desires for its devices to be certified under section 62365  
4510.43 of the Revised Code and then to be included on the list of 62366  
certified devices that the department of public safety compiles 62367  
and makes available to courts pursuant to that section first shall 62368  
obtain a license from the department under this section. The 62369  
department, in accordance with Chapter 119. of the Revised Code, 62370  
shall adopt any rules that are necessary to implement this 62371  
licensing requirement. 62372

(2) A manufacturer shall apply to the department for the 62373  
license and shall include all information the department may 62374  
require by rule. Each application, including an application for 62375  
license renewal, shall be accompanied by an application fee of one 62376  
hundred dollars, which the department shall deposit into the state 62377  
treasury to the credit of the state indigent drivers alcohol 62378  
treatment fund created by section 4511.191 of the Revised Code. 62379

Each application also shall be accompanied by a signed agreement, 62380  
in a form established by the director, affirming that the 62381  
manufacturer agrees to install and monitor all devices produced by 62382  
that manufacturer and affirming that the manufacturer agrees to 62383  
charge a reduced fee, established by the department, for the 62384  
installation and monitoring of a device used by a person who is 62385  
deemed to be an indigent offender by the court that granted 62386  
limited or unlimited driving privileges to the offender subject to 62387  
the condition that the offender use a certified ignition interlock 62388  
device. 62389

(3) Upon receipt of a completed application, if the 62390  
department finds that a manufacturer has complied with all 62391  
application requirements, the department shall issue a license to 62392  
the manufacturer. A manufacturer that has been issued a license 62393  
under this section is eligible immediately to have the models of 62394  
ignition interlock devices it produces certified under section 62395  
4510.43 of the Revised Code and then included on the list of 62396  
certified devices that the department compiles and makes available 62397  
to courts pursuant to that section. 62398

(4)(a) A license issued under this section shall expire 62399  
annually on a date selected by the department. The department 62400  
shall reject the license application of a manufacturer if any of 62401  
the following apply: 62402

(i) The application is not accompanied by the application fee 62403  
or the required agreement. 62404

(ii) The department finds that the manufacturer has not 62405  
complied with all application requirements. 62406

(iii) The license application is a renewal application and 62407  
the manufacturer failed to file the annual report or failed to pay 62408  
the fee as required by division (B) of this section. 62409

(iv) The license application is a renewal application and the 62410

manufacturer failed to monitor or report violations as required 62411  
under section 4510.46 of the Revised Code. 62412

(b) The department may reject the license application of a 62413  
manufacturer if the manufacturer has a history of failing to 62414  
properly install immobilizing or disabling devices. 62415

(c) A manufacturer whose license application is rejected by 62416  
the department may appeal the decision to the director of public 62417  
safety. The director or the director's designee shall hold a 62418  
hearing on the matter not more than thirty days from the date of 62419  
the manufacturer's appeal. If the director or the director's 62420  
designee upholds the denial of the manufacturer's application for 62421  
a license, the manufacturer may appeal the decision to the 62422  
Franklin county court of common pleas. If the director or the 62423  
director's designee reverses the denial of the manufacturer's 62424  
application for a license, the director or the director's designee 62425  
shall issue a written order directing that the department issue a 62426  
license to the manufacturer. 62427

(B) Every manufacturer of ignition interlock devices that is 62428  
issued a license under this section shall file an annual report 62429  
with the department on a form the department prescribes on or 62430  
before a date the department prescribes. The annual report shall 62431  
state the amount of net profit the manufacturer earned during a 62432  
twelve-month period specified by the department that is 62433  
attributable to the sales of that manufacturer's certified 62434  
ignition interlock devices to purchasers in this state. Each 62435  
manufacturer shall pay a fee equal to five per cent of the amount 62436  
of the net profit described in this division. 62437

The department may permit annual reports to be filed via 62438  
electronic means. 62439

(C) The department shall deposit all fees it receives from 62440  
manufacturers under this section into the state treasury to the 62441

credit of the state indigent drivers alcohol treatment fund 62442  
created by section 4511.191 of the Revised Code. All money so 62443  
deposited into that fund that is paid by the department of mental 62444  
health and addiction services to county indigent drivers alcohol 62445  
treatment funds, county juvenile indigent drivers alcohol 62446  
treatment funds, and municipal indigent drivers alcohol treatment 62447  
funds shall be used only as described in division (H)(3) of 62448  
section 4511.191 of the Revised Code. 62449

(D)(1) The director may make an assessment, based on any 62450  
information in the director's possession, against any manufacturer 62451  
that fails to file an annual report or pay the fee required by 62452  
division (B) of this section. The director, in accordance with 62453  
Chapter 119. of the Revised Code, shall adopt rules governing 62454  
assessments and assessment procedures and related provisions. In 62455  
adopting these rules, the director shall incorporate the 62456  
provisions of section 5751.09 of the Revised Code to the greatest 62457  
extent possible, except that the director is not required to 62458  
incorporate any provisions of that section that by their nature 62459  
are not applicable, appropriate, or necessary to assessments made 62460  
by the director under this section. 62461

(2) A manufacturer may appeal the final determination of the 62462  
director regarding an assessment made by the director under this 62463  
section. The director, in accordance with Chapter 119. of the 62464  
Revised Code, shall adopt rules governing such appeals. In 62465  
adopting these rules, the director shall incorporate the 62466  
provisions of section 5717.02 of the Revised Code to the greatest 62467  
extent possible, except that the director is not required to 62468  
incorporate any provisions of that section that by their nature 62469  
are not applicable, appropriate, or necessary to appeals of 62470  
assessments made by the director under this section. 62471

(E) The director, in accordance with Chapter 119. of the 62472  
Revised Code, shall adopt a penalty schedule setting forth the 62473

monetary penalties to be imposed upon a manufacturer that is 62474  
issued a license under this section and fails to file an annual 62475  
report or pay the fee required by division (B) of this section in 62476  
a timely manner. The penalty amounts shall not exceed the maximum 62477  
penalty amounts established in section 5751.06 of the Revised Code 62478  
for similar or equivalent facts or circumstances. 62479

(F)(1) No manufacturer of ignition interlock devices that is 62480  
required by division (B) of this section to file an annual report 62481  
with the department or to pay a fee shall fail to do so as 62482  
required by that division. 62483

(2) No manufacturer of ignition interlock devices that is 62484  
required by division (B) of this section to file an annual report 62485  
with the department shall file a report that contains incorrect or 62486  
erroneous information. 62487

(G) Whoever violates division (F)(2) of this section is 62488  
guilty of a misdemeanor of the first degree. The department shall 62489  
remove from the list of certified devices described in division 62490  
(A)(1) of this section the ignition interlock devices manufactured 62491  
by a manufacturer that violates division (F)(1) or (2) of this 62492  
section. 62493

**Sec. 4511.191.** (A)(1) As used in this section: 62494

(a) "Physical control" has the same meaning as in section 62495  
4511.194 of the Revised Code. 62496

(b) "Alcohol monitoring device" means any device that 62497  
provides for continuous alcohol monitoring, any ignition interlock 62498  
device, any immobilizing or disabling device other than an 62499  
ignition interlock device that is constantly available to monitor 62500  
the concentration of alcohol in a person's system, or any other 62501  
device that provides for the automatic testing and periodic 62502  
reporting of alcohol consumption by a person and that a court 62503

orders a person to use as a sanction imposed as a result of the 62504  
person's conviction of or plea of guilty to an offense. 62505

(c) "Community addiction services provider" has the same 62506  
meaning as in section 5119.01 of the Revised Code. 62507

(d) "IDATF" means indigent drivers alcohol treatment fund. 62508

(2) Any person who operates a vehicle, streetcar, or 62509  
trackless trolley upon a highway or any public or private property 62510  
used by the public for vehicular travel or parking within this 62511  
state or who is in physical control of a vehicle, streetcar, or 62512  
trackless trolley shall be deemed to have given consent to a 62513  
chemical test or tests of the person's whole blood, blood serum or 62514  
plasma, breath, or urine to determine the alcohol, drug of abuse, 62515  
controlled substance, metabolite of a controlled substance, or 62516  
combination content of the person's whole blood, blood serum or 62517  
plasma, breath, or urine if arrested for a violation of division 62518  
(A) or (B) of section 4511.19 of the Revised Code, section 62519  
4511.194 of the Revised Code or a substantially equivalent 62520  
municipal ordinance, or a municipal OVI ordinance. 62521

(3) The chemical test or tests under division (A)(2) of this 62522  
section shall be administered at the request of a law enforcement 62523  
officer having reasonable grounds to believe the person was 62524  
operating or in physical control of a vehicle, streetcar, or 62525  
trackless trolley in violation of a division, section, or 62526  
ordinance identified in division (A)(2) of this section. The law 62527  
enforcement agency by which the officer is employed shall 62528  
designate which of the tests shall be administered. 62529

(4) Any person who is dead or unconscious, or who otherwise 62530  
is in a condition rendering the person incapable of refusal, shall 62531  
be deemed to have consented as provided in division (A)(2) of this 62532  
section, and the test or tests may be administered, subject to 62533  
sections 313.12 to 313.16 of the Revised Code. 62534

(5)(a) If a law enforcement officer arrests a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance and if the person if convicted would be required to be sentenced under division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised Code, the law enforcement officer shall request the person to submit, and the person shall submit, to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine. A law enforcement officer who makes a request pursuant to this division that a person submit to a chemical test or tests is not required to advise the person of the consequences of submitting to, or refusing to submit to, the test or tests and is not required to give the person the form described in division (B) of section 4511.192 of the Revised Code, but the officer shall advise the person at the time of the arrest that if the person refuses to take a chemical test the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. Divisions (A)(3) and (4) of this section apply to the administration of a chemical test or tests pursuant to this division.

(b) If a person refuses to submit to a chemical test upon a request made pursuant to division (A)(5)(a) of this section, the law enforcement officer who made the request may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. A law enforcement officer who acts pursuant to this

division to ensure that a person submits to a chemical test of the person's whole blood or blood serum or plasma is immune from criminal and civil liability based upon a claim for assault and battery or any other claim for the acts, unless the officer so acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

(B)(1) Upon receipt of the sworn report of a law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance that was completed and sent to the registrar of motor vehicles and a court pursuant to section 4511.192 of the Revised Code in regard to a person who refused to take the designated chemical test, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and that section and the period of the suspension, as determined under this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension shall be for whichever of the following periods applies:

(a) Except when division (B)(1)(b), (c), or (d) of this section applies and specifies a different class or length of suspension, the suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code.

(b) If the arrested person, within ten years of the date on which the person refused the request to consent to the chemical test, had refused one previous request to consent to a chemical test or had been convicted of or pleaded guilty to one violation of division (A) of section 4511.19 of the Revised Code or one

other equivalent offense, the suspension shall be a class B 62600  
suspension imposed for the period of time specified in division 62601  
(B)(2) of section 4510.02 of the Revised Code. 62602

(c) If the arrested person, within ten years of the date on 62603  
which the person refused the request to consent to the chemical 62604  
test, had refused two previous requests to consent to a chemical 62605  
test, had been convicted of or pleaded guilty to two violations of 62606  
division (A) of section 4511.19 of the Revised Code or other 62607  
equivalent offenses, or had refused one previous request to 62608  
consent to a chemical test and also had been convicted of or 62609  
pleaded guilty to one violation of division (A) of section 4511.19 62610  
of the Revised Code or other equivalent offenses, which violation 62611  
or offense arose from an incident other than the incident that led 62612  
to the refusal, the suspension shall be a class A suspension 62613  
imposed for the period of time specified in division (B)(1) of 62614  
section 4510.02 of the Revised Code. 62615

(d) If the arrested person, within ten years of the date on 62616  
which the person refused the request to consent to the chemical 62617  
test, had refused three or more previous requests to consent to a 62618  
chemical test, had been convicted of or pleaded guilty to three or 62619  
more violations of division (A) of section 4511.19 of the Revised 62620  
Code or other equivalent offenses, or had refused a number of 62621  
previous requests to consent to a chemical test and also had been 62622  
convicted of or pleaded guilty to a number of violations of 62623  
division (A) of section 4511.19 of the Revised Code or other 62624  
equivalent offenses that cumulatively total three or more such 62625  
refusals, convictions, and guilty pleas, the suspension shall be 62626  
for five years. 62627

(2) The registrar shall terminate a suspension of the 62628  
driver's or commercial driver's license or permit of a resident or 62629  
of the operating privilege of a nonresident, or a denial of a 62630  
driver's or commercial driver's license or permit, imposed 62631

pursuant to division (B)(1) of this section upon receipt of notice 62632  
that the person has entered a plea of guilty to, or that the 62633  
person has been convicted after entering a plea of no contest to, 62634  
operating a vehicle in violation of section 4511.19 of the Revised 62635  
Code or in violation of a municipal OVI ordinance, if the offense 62636  
for which the conviction is had or the plea is entered arose from 62637  
the same incident that led to the suspension or denial. 62638

The registrar shall credit against any judicial suspension of 62639  
a person's driver's or commercial driver's license or permit or 62640  
nonresident operating privilege imposed pursuant to section 62641  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 62642  
Revised Code for a violation of a municipal OVI ordinance, any 62643  
time during which the person serves a related suspension imposed 62644  
pursuant to division (B)(1) of this section. 62645

(C)(1) Upon receipt of the sworn report of the law 62646  
enforcement officer who arrested a person for a violation of 62647  
division (A) or (B) of section 4511.19 of the Revised Code or a 62648  
municipal OVI ordinance that was completed and sent to the 62649  
registrar and a court pursuant to section 4511.192 of the Revised 62650  
Code in regard to a person whose test results indicate that the 62651  
person's whole blood, blood serum or plasma, breath, or urine 62652  
contained at least the concentration of alcohol specified in 62653  
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 62654  
Revised Code or at least the concentration of a listed controlled 62655  
substance or a listed metabolite of a controlled substance 62656  
specified in division (A)(1)(j) of section 4511.19 of the Revised 62657  
Code, the registrar shall enter into the registrar's records the 62658  
fact that the person's driver's or commercial driver's license or 62659  
permit or nonresident operating privilege was suspended by the 62660  
arresting officer under this division and section 4511.192 of the 62661  
Revised Code and the period of the suspension, as determined under 62662  
divisions (C)(1)(a) to (d) of this section. The suspension shall 62663

be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance who submits to a designated chemical test. The suspension shall be for whichever of the following periods applies:

(a) Except when division (C)(1)(b), (c), or (d) of this section applies and specifies a different period, the suspension shall be a class E suspension imposed for the period of time specified in division (B)(5) of section 4510.02 of the Revised Code.

(b) The suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code if the person has been convicted of or pleaded guilty to, within ten years of the date the test was conducted, one violation of division (A) of section 4511.19 of the Revised Code or one other equivalent offense.

(c) If, within ten years of the date the test was conducted, the person has been convicted of or pleaded guilty to two violations of a statute or ordinance described in division (C)(1)(b) of this section, the suspension shall be a class B suspension imposed for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code.

(d) If, within ten years of the date the test was conducted, the person has been convicted of or pleaded guilty to more than two violations of a statute or ordinance described in division (C)(1)(b) of this section, the suspension shall be a class A suspension imposed for the period of time specified in division (B)(1) of section 4510.02 of the Revised Code.

(2) The registrar shall terminate a suspension of the

driver's or commercial driver's license or permit of a resident or 62695  
of the operating privilege of a nonresident, or a denial of a 62696  
driver's or commercial driver's license or permit, imposed 62697  
pursuant to division (C)(1) of this section upon receipt of notice 62698  
that the person has entered a plea of guilty to, or that the 62699  
person has been convicted after entering a plea of no contest to, 62700  
operating a vehicle in violation of section 4511.19 of the Revised 62701  
Code or in violation of a municipal OVI ordinance, if the offense 62702  
for which the conviction is had or the plea is entered arose from 62703  
the same incident that led to the suspension or denial. 62704

The registrar shall credit against any judicial suspension of 62705  
a person's driver's or commercial driver's license or permit or 62706  
nonresident operating privilege imposed pursuant to section 62707  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 62708  
Revised Code for a violation of a municipal OVI ordinance, any 62709  
time during which the person serves a related suspension imposed 62710  
pursuant to division (C)(1) of this section. 62711

(D)(1) A suspension of a person's driver's or commercial 62712  
driver's license or permit or nonresident operating privilege 62713  
under this section for the time described in division (B) or (C) 62714  
of this section is effective immediately from the time at which 62715  
the arresting officer serves the notice of suspension upon the 62716  
arrested person. Any subsequent finding that the person is not 62717  
guilty of the charge that resulted in the person being requested 62718  
to take the chemical test or tests under division (A) of this 62719  
section does not affect the suspension. 62720

(2) If a person is arrested for operating a vehicle, 62721  
streetcar, or trackless trolley in violation of division (A) or 62722  
(B) of section 4511.19 of the Revised Code or a municipal OVI 62723  
ordinance, or for being in physical control of a vehicle, 62724  
streetcar, or trackless trolley in violation of section 4511.194 62725  
of the Revised Code or a substantially equivalent municipal 62726

ordinance, regardless of whether the person's driver's or 62727  
commercial driver's license or permit or nonresident operating 62728  
privilege is or is not suspended under division (B) or (C) of this 62729  
section or Chapter 4510. of the Revised Code, the person's initial 62730  
appearance on the charge resulting from the arrest shall be held 62731  
within five days of the person's arrest or the issuance of the 62732  
citation to the person, subject to any continuance granted by the 62733  
court pursuant to section 4511.197 of the Revised Code regarding 62734  
the issues specified in that division. 62735

(E) When it finally has been determined under the procedures 62736  
of this section and sections 4511.192 to 4511.197 of the Revised 62737  
Code that a nonresident's privilege to operate a vehicle within 62738  
this state has been suspended, the registrar shall give 62739  
information in writing of the action taken to the motor vehicle 62740  
administrator of the state of the person's residence and of any 62741  
state in which the person has a license. 62742

(F) At the end of a suspension period under this section, 62743  
under section 4511.194, section 4511.196, or division (G) of 62744  
section 4511.19 of the Revised Code, or under section 4510.07 of 62745  
the Revised Code for a violation of a municipal OVI ordinance and 62746  
upon the request of the person whose driver's or commercial 62747  
driver's license or permit was suspended and who is not otherwise 62748  
subject to suspension, cancellation, or disqualification, the 62749  
registrar shall return the driver's or commercial driver's license 62750  
or permit to the person upon the occurrence of all of the 62751  
conditions specified in divisions (F)(1) and (2) of this section: 62752

(1) A showing that the person has proof of financial 62753  
responsibility, a policy of liability insurance in effect that 62754  
meets the minimum standards set forth in section 4509.51 of the 62755  
Revised Code, or proof, to the satisfaction of the registrar, that 62756  
the person is able to respond in damages in an amount at least 62757  
equal to the minimum amounts specified in section 4509.51 of the 62758

Revised Code. 62759

(2) Subject to the limitation contained in division (F)(3) of 62760  
this section, payment by the person to the registrar or an 62761  
eligible deputy registrar of a license reinstatement fee of four 62762  
hundred seventy-five dollars, which fee shall be deposited in the 62763  
state treasury and credited as follows: 62764

(a) One hundred twelve dollars and fifty cents shall be 62765  
credited to the statewide treatment and prevention fund created by 62766  
section 4301.30 of the Revised Code. Money credited to the fund 62767  
under this section shall be used for purposes identified under 62768  
section 5119.22 of the Revised Code. 62769

(b) Seventy-five dollars shall be credited to the reparations 62770  
fund created by section 2743.191 of the Revised Code. 62771

(c) Thirty-seven dollars and fifty cents shall be credited to 62772  
the state indigent drivers alcohol treatment fund, which is hereby 62773  
established in the state treasury. The department of mental health 62774  
and addiction services shall distribute the moneys in that fund to 62775  
the county ~~indigent drivers alcohol treatment funds~~ IDATFs, the 62776  
county juvenile ~~indigent drivers alcohol treatment funds~~ IDATFs, 62777  
and the municipal ~~indigent drivers alcohol treatment funds~~ IDATFs 62778  
that are required to be established by counties and municipal 62779  
corporations pursuant to division (H) of this section to be used 62780  
only as provided in division (H)(3) of this section. Moneys in the 62781  
fund that are not distributed to a county ~~indigent drivers alcohol~~ 62782  
~~treatment fund~~ IDATF, a county juvenile ~~indigent drivers alcohol~~ 62783  
~~treatment fund~~ IDATF, or a municipal ~~indigent drivers alcohol~~ 62784  
~~treatment fund~~ IDATF under division (H) of this section because 62785  
the director of mental health and addiction services does not have 62786  
the information necessary to identify the county or municipal 62787  
corporation where the offender or juvenile offender was arrested 62788  
may be transferred by the director of budget and management to the 62789  
statewide treatment and prevention fund created by section 4301.30 62790

of the Revised Code, upon certification of the amount by the 62791  
director of mental health and addiction services. 62792

(d) Seventy-five dollars shall be credited to the 62793  
opportunities for Ohioans with disabilities agency established by 62794  
section 3304.15 of the Revised Code, to the services for 62795  
rehabilitation fund, which is hereby established. The fund shall 62796  
be used to match available federal matching funds where 62797  
appropriate, ~~and or~~ for any other purpose or program of the agency 62798  
~~to rehabilitate persons with disabilities to help them become~~ 62799  
~~employed and independent.~~ 62800

(e) Seventy-five dollars shall be deposited into the state 62801  
treasury and credited to the drug abuse resistance education 62802  
programs fund, which is hereby established, to be used by the 62803  
attorney general for the purposes specified in division (F)(4) of 62804  
this section. 62805

(f) Thirty dollars shall be credited to the public safety - 62806  
highway purposes fund created by section 4501.06 of the Revised 62807  
Code. 62808

(g) Twenty dollars shall be credited to the trauma and 62809  
emergency medical services fund created by section 4513.263 of the 62810  
Revised Code. 62811

(h) Fifty dollars shall be credited to the indigent drivers 62812  
interlock and alcohol monitoring fund, which is hereby established 62813  
in the state treasury. Moneys in the fund shall be distributed by 62814  
the department of public safety to the county indigent drivers 62815  
interlock and alcohol monitoring funds, the county juvenile 62816  
indigent drivers interlock and alcohol monitoring funds, and the 62817  
municipal indigent drivers interlock and alcohol monitoring funds 62818  
that are required to be established by counties and municipal 62819  
corporations pursuant to this section, and shall be used only to 62820  
pay the cost of an immobilizing or disabling device, including a 62821

certified ignition interlock device, or an alcohol monitoring 62822  
device used by an offender or juvenile offender who is ordered to 62823  
use the device by a county, juvenile, or municipal court judge and 62824  
who is determined by the county, juvenile, or municipal court 62825  
judge not to have the means to pay for the person's use of the 62826  
device. 62827

(3) If a person's driver's or commercial driver's license or 62828  
permit is suspended under this section, under section 4511.196 or 62829  
division (G) of section 4511.19 of the Revised Code, under section 62830  
4510.07 of the Revised Code for a violation of a municipal OVI 62831  
ordinance or under any combination of the suspensions described in 62832  
division (F)(3) of this section, and if the suspensions arise from 62833  
a single incident or a single set of facts and circumstances, the 62834  
person is liable for payment of, and shall be required to pay to 62835  
the registrar or an eligible deputy registrar, only one 62836  
reinstatement fee of four hundred seventy-five dollars. The 62837  
reinstatement fee shall be distributed by the bureau in accordance 62838  
with division (F)(2) of this section. 62839

(4) The attorney general shall use amounts in the drug abuse 62840  
resistance education programs fund to award grants to law 62841  
enforcement agencies to establish and implement drug abuse 62842  
resistance education programs in public schools. Grants awarded to 62843  
a law enforcement agency under this section shall be used by the 62844  
agency to pay for not more than fifty per cent of the amount of 62845  
the salaries of law enforcement officers who conduct drug abuse 62846  
resistance education programs in public schools. The attorney 62847  
general shall not use more than six per cent of the amounts the 62848  
attorney general's office receives under division (F)(2)(e) of 62849  
this section to pay the costs it incurs in administering the grant 62850  
program established by division (F)(2)(e) of this section and in 62851  
providing training and materials relating to drug abuse resistance 62852  
education programs. 62853

The attorney general shall report to the governor and the general assembly each fiscal year on the progress made in establishing and implementing drug abuse resistance education programs. These reports shall include an evaluation of the effectiveness of these programs.

(5) In addition to the reinstatement fee under this section, if the person pays the reinstatement fee to a deputy registrar, the deputy registrar shall collect a service fee of ten dollars to compensate the deputy registrar for services performed under this section. The deputy registrar shall retain eight dollars of the service fee and shall transmit the reinstatement fee, plus two dollars of the service fee, to the registrar in the manner the registrar shall determine.

(G) Suspension of a commercial driver's license under division (B) or (C) of this section shall be concurrent with any period of disqualification under section 3123.611 or 4506.16 of the Revised Code or any period of suspension under section 3123.58 of the Revised Code. No person who is disqualified for life from holding a commercial driver's license under section 4506.16 of the Revised Code shall be issued a driver's license under Chapter 4507. of the Revised Code during the period for which the commercial driver's license was suspended under division (B) or (C) of this section. No person whose commercial driver's license is suspended under division (B) or (C) of this section shall be issued a driver's license under Chapter 4507. of the Revised Code during the period of the suspension.

(H)(1) Each county shall establish ~~an indigent drivers alcohol treatment fund~~ IDATF and a juvenile ~~indigent drivers alcohol treatment fund~~ IDATF. Each municipal corporation in which there is a municipal court shall establish an ~~indigent drivers alcohol treatment fund~~ IDATF. All revenue that the general assembly appropriates to the ~~indigent drivers alcohol treatment~~

~~fund state IDATF~~ for transfer to a county ~~indigent drivers alcohol~~ 62886  
~~treatment fund IDATF~~, a county juvenile ~~indigent drivers alcohol~~ 62887  
~~treatment fund IDATF~~, or a municipal ~~indigent drivers alcohol~~ 62888  
~~treatment fund IDATF~~, all portions of fees that are paid under 62889  
division (F) of this section and that are credited under that 62890  
division to the ~~indigent drivers alcohol treatment fund state~~ 62891  
~~IDATF~~ in the state treasury for a county ~~indigent drivers alcohol~~ 62892  
~~treatment fund IDATF~~, a county juvenile ~~indigent drivers alcohol~~ 62893  
~~treatment fund IDATF~~, or a municipal ~~indigent drivers alcohol~~ 62894  
~~treatment fund IDATF~~, all portions of additional costs imposed 62895  
under section 2949.094 of the Revised Code that are specified for 62896  
deposit into a county, county juvenile, or municipal ~~indigent~~ 62897  
~~drivers alcohol treatment fund IDATF~~ by that section, and all 62898  
portions of fines that are specified for deposit into a county or 62899  
municipal ~~indigent drivers alcohol treatment fund IDATF~~ by section 62900  
4511.193 of the Revised Code shall be deposited into that county 62901  
~~indigent drivers alcohol treatment fund IDATF~~, county juvenile 62902  
~~indigent drivers alcohol treatment fund IDATF~~, or municipal 62903  
~~indigent drivers alcohol treatment fund IDATF~~. The portions of the 62904  
fees paid under division (F) of this section that are to be so 62905  
deposited shall be determined in accordance with division (H)(2) 62906  
of this section. Additionally, all portions of fines that are paid 62907  
for a violation of section 4511.19 of the Revised Code or of any 62908  
prohibition contained in Chapter 4510. of the Revised Code, and 62909  
that are required ~~under section 4511.19 or any provision of~~ 62910  
~~Chapter 4510. of the Revised Code~~ to be deposited into a county 62911  
~~indigent drivers alcohol treatment fund IDATF~~ or municipal 62912  
~~indigent drivers alcohol treatment fund IDATF~~ shall be deposited 62913  
into the appropriate fund in accordance with the applicable 62914  
division of the section or provision. 62915

(2) That portion of the license reinstatement fee that is 62916  
paid under division (F) of this section and that is credited under 62917  
that division to the ~~indigent drivers alcohol treatment fund IDATF~~ 62918

shall be deposited into a county ~~indigent drivers alcohol~~ 62919  
~~treatment fund~~ IDATF, a county juvenile ~~indigent drivers alcohol~~ 62920  
~~treatment fund~~ IDATF, or a municipal ~~indigent drivers alcohol~~ 62921  
~~treatment fund~~ IDATF as follows: 62922

(a) Regarding a suspension imposed under this section, that 62923  
portion of the fee shall be deposited as follows: 62924

(i) If the fee is paid by a person who was charged in a 62925  
county court with the violation that resulted in the suspension or 62926  
in the imposition of the court costs, the portion shall be 62927  
deposited into the county ~~indigent drivers alcohol treatment fund~~ 62928  
IDATF under the control of that court; 62929

(ii) If the fee is paid by a person who was charged in a 62930  
juvenile court with the violation that resulted in the suspension 62931  
or in the imposition of the court costs, the portion shall be 62932  
deposited into the county juvenile ~~indigent drivers alcohol~~ 62933  
~~treatment fund~~ IDATF established in the county served by the 62934  
court; 62935

(iii) If the fee is paid by a person who was charged in a 62936  
municipal court with the violation that resulted in the suspension 62937  
or in the imposition of the court costs, the portion shall be 62938  
deposited into the municipal ~~indigent drivers alcohol treatment~~ 62939  
~~fund~~ IDATF under the control of that court. 62940

(b) Regarding a suspension imposed under section 4511.19 of 62941  
the Revised Code or under section 4510.07 of the Revised Code for 62942  
a violation of a municipal OVI ordinance, that portion of the fee 62943  
shall be deposited as follows: 62944

(i) If the fee is paid by a person whose license or permit 62945  
was suspended by a county court, the portion shall be deposited 62946  
into the county ~~indigent drivers alcohol treatment fund~~ IDATF 62947  
under the control of that court; 62948

(ii) If the fee is paid by a person whose license or permit 62949

was suspended by a municipal court, the portion shall be deposited 62950  
into the municipal ~~indigent drivers alcohol treatment fund~~ IDATE 62951  
under the control of that court. 62952

(3)(a) As used in division (H)(3) of this section, "indigent 62953  
person" means a person who is ~~convicted~~ determined to be indigent 62954  
by a court under division (H)(4) of this section and to whom one 62955  
or more of the following apply: 62956

(i) The person is convicted of a criminal offense, and the 62957  
court determines that substance abuse was a contributing factor 62958  
leading to the commission of that offense. 62959

(ii) The person is adjudicated a delinquent child or found to 62960  
be a juvenile traffic offender, and the court determines that 62961  
substance abuse was a contributing factor leading to that 62962  
adjudication or finding. 62963

(iii) The person is convicted of a violation of division (A) 62964  
or (B) of section 4511.19 of the Revised Code or a substantially 62965  
similar municipal ordinance ~~or found to be a juvenile traffic~~ 62966  
~~offender by reason of a violation of division (A) or (B) of~~ 62967  
~~section 4511.19 of the Revised Code or a substantially similar~~ 62968  
~~municipal ordinance, who~~ and is ordered by the court to attend an 62969  
alcohol and drug addiction treatment program, ~~and who is~~ 62970  
~~determined by the court under division (H)(5) of this section to~~ 62971  
~~be unable to pay the cost of the assessment or the cost of~~ 62972  
~~attendance at the treatment program.~~ 62973

(iv) The person is found to be a juvenile traffic offender by 62974  
reason of a violation of division (A) or (B) of section 4511.19 of 62975  
the Revised Code or a substantially similar municipal ordinance 62976  
and is ordered by the court to attend an alcohol and drug 62977  
addiction treatment program. 62978

(b) A county, juvenile, or municipal court judge, by order, 62979  
may make expenditures from a county ~~indigent drivers alcohol~~ 62980

~~treatment fund IDATF~~, a county juvenile indigent drivers alcohol 62981  
~~treatment fund IDATF~~, or a municipal indigent drivers alcohol 62982  
~~treatment fund IDATF~~ with respect to an indigent person for any of 62983  
the following: 62984

(i) To pay the cost of an assessment that is conducted by an 62985  
appropriately licensed clinician at either a driver intervention 62986  
program that is certified under section 5119.38 of the Revised 62987  
Code or at a community addiction services provider whose alcohol 62988  
and drug addiction services are certified under section 5119.36 of 62989  
the Revised Code; 62990

(ii) To pay the cost of alcohol addiction services, drug 62991  
addiction services, or integrated alcohol and drug addiction 62992  
services at a community addiction services provider whose alcohol 62993  
and drug addiction services are certified under section 5119.36 of 62994  
the Revised Code; 62995

(iii) To pay the cost of transportation to attend an 62996  
assessment as provided under division (H)(3)(b)(i) of this section 62997  
or addiction services as provided under division (H)(3)(b)(ii) of 62998  
this section. 62999

(iv) To pay the cost of recovery supports, as defined in 63000  
section 5119.01 of the Revised Code. 63001

The alcohol and drug addiction services board or the board of 63002  
alcohol, drug addiction, and mental health services established 63003  
pursuant to section 340.02 or 340.021 of the Revised Code and 63004  
serving the alcohol, drug addiction, and mental health service 63005  
district in which the court is located shall administer the 63006  
indigent drivers alcohol treatment program of the court. When a 63007  
court orders an offender or juvenile traffic offender to obtain an 63008  
assessment or attend an alcohol and drug addiction treatment 63009  
program, the board shall determine which program is suitable to 63010  
meet the needs of the offender or juvenile traffic offender, and 63011

when a suitable program is located and space is available at the 63012  
program, the offender or juvenile traffic offender shall attend 63013  
the program designated by the board. ~~A reasonable amount not to 63014  
exceed five per cent of the amounts credited to and deposited into 63015  
the county indigent drivers alcohol treatment fund, the county 63016  
juvenile indigent drivers alcohol treatment fund, or the municipal 63017  
indigent drivers alcohol treatment fund serving every court whose 63018  
program is administered by that board shall be paid to the board 63019  
to cover the costs it incurs in administering those indigent 63020  
drivers alcohol treatment programs.~~ 63021

(c) If a county, juvenile, or municipal court, in 63022  
consultation with the board of alcohol, drug addiction, and mental 63023  
health services serving the alcohol, drug addiction, and mental 63024  
health service district in which the court is located, determines 63025  
that the amount of money in its county IDATF, county juvenile 63026  
IDATF, or municipal IDATF, as applicable, is more than sufficient 63027  
to satisfy the purposes of the fund, the court may take one or 63028  
more of the following actions: 63029

(i) Transfer an amount determined appropriate by the court 63030  
from that fund to another court in the same county to be used as 63031  
specified in division (H)(3)(b) of this section. If funds are so 63032  
transferred, the court initiating the transfer shall notify the 63033  
board it consulted with pursuant to division (H)(3)(c) of this 63034  
section. 63035

(ii) Transfer an amount determined appropriate by the court 63036  
from that fund to the board of alcohol, drug addiction, and mental 63037  
health services it consulted with pursuant to division (H)(3)(c) 63038  
of this section. Such money shall be used by the board in a manner 63039  
consistent with division (H)(3)(b) of this section. 63040

(iii) Spend an amount determined appropriate by the court to 63041  
cover part or all of the cost of purchasing alcohol monitoring 63042  
devices to be used in conjunction with division (H)(3)(d) of this 63043

section, upon exhaustion of moneys in the indigent drivers 63044  
interlock and alcohol monitoring fund for the use of an alcohol 63045  
monitoring device. 63046

(iv) Spend an amount determined appropriate by the court for 63047  
staffing, equipment, supplies, training, drug testing, or any 63048  
other expenses associated with the administration of any 63049  
specialized docket program established within the court and 63050  
certified by the supreme court. 63051

(d) Upon exhaustion of moneys in the indigent drivers 63052  
interlock and alcohol monitoring fund for the use of an alcohol 63053  
monitoring device, a county, juvenile, or municipal court judge 63054  
may use moneys in the county ~~indigent drivers alcohol treatment~~ 63055  
fund IDATF, county juvenile ~~indigent drivers alcohol treatment~~ 63056  
fund IDATF, or municipal ~~indigent drivers alcohol treatment fund~~ 63057  
IDATF in either of the following manners: 63058

(i) If the source of the moneys was an appropriation of the 63059  
general assembly, a portion of a fee that was paid under division 63060  
(F) of this section, a portion of a fine that was specified for 63061  
deposit into the fund by section 4511.193 of the Revised Code, or 63062  
a portion of a fine that was paid for a violation of section 63063  
4511.19 of the Revised Code or of a provision contained in Chapter 63064  
4510. of the Revised Code that was required to be deposited into 63065  
the fund, to pay for the continued use of an alcohol monitoring 63066  
device by an offender or juvenile traffic offender, in conjunction 63067  
with a treatment program approved by the department of mental 63068  
health and addiction services, when such use is determined 63069  
clinically necessary by the treatment program and when the court 63070  
determines that the offender or juvenile traffic offender is 63071  
unable to pay all or part of the daily monitoring or cost of the 63072  
device; 63073

(ii) If the source of the moneys was a portion of an 63074  
additional court cost imposed under section 2949.094 of the 63075

Revised Code, to pay for the continued use of an alcohol 63076  
monitoring device by an offender or juvenile traffic offender when 63077  
the court determines that the offender or juvenile traffic 63078  
offender is unable to pay all or part of the daily monitoring or 63079  
cost of the device. The moneys may be used for a device as 63080  
described in this division if the use of the device is in 63081  
conjunction with a treatment program approved by the department of 63082  
mental health and addiction services, when the use of the device 63083  
is determined clinically necessary by the treatment program, but 63084  
the use of a device is not required to be in conjunction with a 63085  
treatment program approved by the department in order for the 63086  
moneys to be used for the device as described in this division. 63087

~~(4) If a county, juvenile, or municipal court determines, in 63088  
consultation with the alcohol and drug addiction services board or 63089  
the board of alcohol, drug addiction, and mental health services 63090  
established pursuant to section 340.02 or 340.021 of the Revised 63091  
Code and serving the alcohol, drug addiction, and mental health 63092  
district in which the court is located, that the funds in the 63093  
county indigent drivers alcohol treatment fund, the county 63094  
juvenile indigent drivers alcohol treatment fund, or the municipal 63095  
indigent drivers alcohol treatment fund under the control of the 63096  
court are more than sufficient to satisfy the purpose for which 63097  
the fund was established, as specified in divisions (H)(1) to (3) 63098  
of this section, the court may declare a surplus in the fund. If 63099  
the court declares a surplus in the fund, the court may take one 63100  
or more of the following actions with regard to the amount of the 63101  
surplus in the fund: 63102~~

~~(a) Expend any of the surplus amount for alcohol and drug 63103  
abuse assessment and treatment, and for the cost of transportation 63104  
related to assessment and treatment, of persons who are charged in 63105  
the court with committing a criminal offense or with being a 63106  
delinquent child or juvenile traffic offender and in relation to 63107~~

~~whom both of the following apply:~~ 63108

~~(i) The court determines that substance abuse was a contributing factor leading to the criminal or delinquent activity or the juvenile traffic offense with which the person is charged.~~ 63109  
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~~(ii) The court determines that the person is unable to pay the cost of the alcohol and drug abuse assessment and treatment for which the surplus money will be used.~~ 63112  
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~~(b) Expend any of the surplus amount to pay all or part of the cost of purchasing alcohol monitoring devices to be used in conjunction with division (H)(3)(c) of this section, upon exhaustion of moneys in the indigent drivers interlock and alcohol monitoring fund for the use of an alcohol monitoring device.~~ 63115  
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~~(c) Transfer to another court in the same county any of the surplus amount to be utilized in a manner consistent with division (H)(3) of this section. If surplus funds are transferred to another court, the court that transfers the funds shall notify the alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services that serves the alcohol, drug addiction, and mental health service district in which that court is located.~~ 63120  
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~~(d) Transfer to the alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services that serves the alcohol, drug addiction, and mental health service district in which the court is located any of the surplus amount to be utilized in a manner consistent with division (H)(3) of this section or for board contracted recovery support services.~~ 63128  
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~~(e) Expend any of the surplus amount for the cost of staffing, equipment, training, drug testing, supplies, and other expenses of any specialized docket program established within the court and certified by the supreme court.~~ 63135  
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~~(5) In order to determine if an offender does not have the means to pay for the offender's attendance at an alcohol and drug addiction treatment program for purposes of division (H)(3) of this section or if an alleged offender or delinquent child is unable to pay the costs specified in division (H)(4) of this section, the~~ 63139  
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The court shall use the indigent client eligibility guidelines and the standards of indigency established by the state public defender to make the determination determine if an offender, juvenile traffic offender, or delinquent child is indigent and does not have the means to pay for any item specified in divisions (H)(3)(b)(i) to (H)(3)(b)(iv) of this section. 63145  
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~~(6) The court shall identify and refer any community addiction services provider that intends to provide alcohol and drug addiction services and has not had its alcohol and drug addiction services certified under section 5119.36 of the Revised Code and that is interested in receiving amounts from the surplus in the fund declared under division (H)(4) of this section to the department of mental health and addiction services in order for the community addiction services provider to have its alcohol and drug addiction services certified by the department. The department shall keep a record of applicant referrals received pursuant to this division and shall submit a report on the referrals each year to the general assembly. If a community addiction services provider interested in having its alcohol and drug addiction services certified makes an application pursuant to section 5119.36 of the Revised Code, the community addiction services provider is eligible to receive surplus funds as long as the application is pending with the department. The department of mental health and addiction services must offer technical assistance to the applicant. If the interested community addiction services provider withdraws the certification application, the~~ 63151  
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~~department must notify the court, and the court shall not provide  
the interested community addiction services provider with any  
further surplus funds.~~

(7)(a)(5)(a) Not later than the fifteenth day of July of each  
year, each court with a county IDATF, county juvenile IDATF, or  
municipal IDATF, as applicable, shall submit all of the following  
information to the board of alcohol, drug addiction, and mental  
health services serving the alcohol, drug addiction, and mental  
health service district in which the court is located:

(i) The balance of funds in each fund specified in division  
(H)(5)(a) of this section under the court's control on the  
thirtieth day of June of that year;

(ii) The amount, if any, the court transferred from each fund  
specified in division (H)(5)(a) of this section to another court  
in its same county;

(iii) The amount the court spent in the state fiscal year  
that ended on the thirtieth day of June of that year from each  
fund specified in division (H)(5)(a) of this section;

(iv) The number of indigent persons served in the state  
fiscal year that ended on the thirtieth day of June of that year  
from each fund specified in division (H)(5)(a) of this section.

(b) Each alcohol and drug addiction services board and board  
of alcohol, drug addiction, and mental health services established  
pursuant to section 340.02 or 340.021 of the Revised Code shall  
compile the information submitted by each court under division  
(H)(5)(a) of this section into an annual report for that board's  
area, clearly delineating the items specified in that division for  
each court. A board shall submit to the department of mental  
health and addiction services an its annual report for each  
indigent drivers alcohol treatment fund in that board's area to  
the department of mental health and addiction services not later

than the first day of September of each year. 63202

~~(b) The report, which shall be submitted not later than sixty 63203  
days after the end of the state fiscal year, shall provide the 63204  
total payment that was made from the fund, including the number of 63205  
indigent consumers that received treatment services and the number 63206  
of indigent consumers that received an alcohol monitoring device. 63207  
The report shall identify the treatment program and expenditure 63208  
for an alcohol monitoring device for which that payment was made. 63209  
The report shall include the fiscal year balance of each indigent 63210  
drivers alcohol treatment fund located in that board's area. In 63211  
the event that a surplus is declared in the fund pursuant to 63212  
division (H)(4) of this section, the report also shall provide the 63213  
total payment that was made from the surplus moneys and identify 63214  
the authorized purpose for which that payment was made. 63215~~

~~(c) If a board is unable to obtain adequate information to 63216  
develop the report to submit to the department for a from any 63217  
particular indigent drivers alcohol treatment fund court for 63218  
purposes of preparing its annual report, the board shall ~~submit a 63219  
report detailing the effort made in obtaining the information 63220  
specify that fact in the annual report.~~ 63221~~

(I)(1) Each county shall establish an indigent drivers 63222  
interlock and alcohol monitoring fund and a juvenile indigent 63223  
drivers interlock and alcohol treatment fund. Each municipal 63224  
corporation in which there is a municipal court shall establish an 63225  
indigent drivers interlock and alcohol monitoring fund. All 63226  
revenue that the general assembly appropriates to the indigent 63227  
drivers interlock and alcohol monitoring fund for transfer to a 63228  
county indigent drivers interlock and alcohol monitoring fund, a 63229  
county juvenile indigent drivers interlock and alcohol monitoring 63230  
fund, or a municipal indigent drivers interlock and alcohol 63231  
monitoring fund, all portions of license reinstatement fees that 63232  
are paid under division (F)(2) of this section and that are 63233

credited under that division to the indigent drivers interlock and alcohol monitoring fund in the state treasury, and all portions of fines that are paid under division (G) of section 4511.19 of the Revised Code and that are credited by division (G)(5)(e) of that section to the indigent drivers interlock and alcohol monitoring fund in the state treasury shall be deposited in the appropriate fund in accordance with division (I)(2) of this section.

(2) That portion of the license reinstatement fee that is paid under division (F) of this section and that portion of the fine paid under division (G) of section 4511.19 of the Revised Code and that is credited under either division to the indigent drivers interlock and alcohol monitoring fund shall be deposited into a county indigent drivers interlock and alcohol monitoring fund, a county juvenile indigent drivers interlock and alcohol monitoring fund, or a municipal indigent drivers interlock and alcohol monitoring fund as follows:

(a) If the fee or fine is paid by a person who was charged in a county court with the violation that resulted in the suspension or fine, the portion shall be deposited into the county indigent drivers interlock and alcohol monitoring fund under the control of that court.

(b) If the fee or fine is paid by a person who was charged in a juvenile court with the violation that resulted in the suspension or fine, the portion shall be deposited into the county juvenile indigent drivers interlock and alcohol monitoring fund established in the county served by the court.

(c) If the fee or fine is paid by a person who was charged in a municipal court with the violation that resulted in the suspension, the portion shall be deposited into the municipal indigent drivers interlock and alcohol monitoring fund under the control of that court.

(3) If a county, juvenile, or municipal court determines that the funds in the county indigent drivers interlock and alcohol monitoring fund, the county juvenile indigent drivers interlock and alcohol monitoring fund, or the municipal indigent drivers interlock and alcohol monitoring fund under the control of that court are more than sufficient to satisfy the purpose for which the fund was established as specified in division (F)(2)(h) of this section, the court may declare a surplus in the fund. The court then may order the transfer of a specified amount into the county ~~indigent drivers alcohol treatment fund~~ IDATF, the county juvenile ~~indigent drivers alcohol treatment fund~~ IDATF, or the municipal ~~indigent drivers alcohol treatment fund~~ IDATF under the control of that court to be utilized in accordance with division (H) of this section.

**Sec. 4511.204.** (A) No person shall operate a motor vehicle, trackless trolley, or streetcar on any street, highway, or property open to the public for vehicular traffic while using, holding, or physically supporting with any part of the person's body an electronic wireless communications device.

(B) Division (A) of this section does not apply to any of the following:

(1) A person using an electronic wireless communications device to make contact, for emergency purposes, with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity;

(2) A person driving a public safety vehicle while using an electronic wireless communications device in the course of the person's duties;

(3) A person using an electronic wireless communications device when the person's motor vehicle is in a stationary position and is outside a lane of travel, at a traffic control signal that

is currently directing traffic to stop, or parked on a road or 63296  
highway due to an emergency or road closure; 63297

(4) A person using and holding an electronic wireless 63298  
communications device directly near the person's ear for the 63299  
purpose of making, receiving, or conducting a telephone call, 63300  
provided that the person does not manually enter letters, numbers, 63301  
or symbols into the device; 63302

(5) A person receiving wireless messages on an electronic 63303  
wireless communications device regarding the operation or 63304  
navigation of a motor vehicle; safety-related information, 63305  
including emergency, traffic, or weather alerts; or data used 63306  
primarily by the motor vehicle, provided that the person does not 63307  
hold or support the device with any part of the person's body; 63308

(6) A person using the speaker phone function of the 63309  
electronic wireless communications device, provided that the 63310  
person does not hold or support the device with any part of the 63311  
person's body; 63312

(7) A person using an electronic wireless communications 63313  
device for navigation purposes, provided that the person does not 63314  
do either of the following during the use: 63315

(a) Manually enter letters, numbers, or symbols into the 63316  
device; 63317

(b) Hold or support the device with any part of the person's 63318  
body; 63319

(8) A person using a feature or function of the electronic 63320  
wireless communications device with a single touch or single 63321  
swipe, provided that the person does not do either of the 63322  
following during the use: 63323

(a) Manually enter letters, numbers, or symbols into the 63324  
device; 63325

(b) Hold or support the device with any part of the person's body;.	63326 63327
(9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data;	63328 63329
(10) A person operating a utility service vehicle or a vehicle for or on behalf of a utility, if the person is acting in response to an emergency, power outage, or circumstance that affects the health or safety of individuals;	63330 63331 63332 63333
(11) A person using an electronic wireless communications device in conjunction with a voice-operated or hands-free feature or function of the vehicle or of the device without the use of either hand except to activate, deactivate, or initiate the feature or function with a single touch or swipe, provided the person does not hold or support the device with any part of the person's body;	63334 63335 63336 63337 63338 63339 63340
(12) A person using technology that physically or electronically integrates the device into the motor vehicle, provided that the person does not do either of the following during the use:	63341 63342 63343 63344
(a) Manually enter letters, numbers, or symbols into the device;	63345 63346
(b) Hold or support the device with any part of the person's body.	63347 63348
(13) A person storing an electronic wireless communications device in a holster, harness, or article of clothing on the person's body.	63349 63350 63351
(C)(1) On January 31 of each year, the department of public safety shall issue a report to the general assembly that specifies the number of citations issued for violations of this section during the previous calendar year.	63352 63353 63354 63355

(2) If a law enforcement officer issues an offender a ticket, citation, or summons for a violation of division (A) of this section, the officer shall do both of the following:

(a) Report the issuance of the ticket, citation, or summons to the officer's law enforcement agency;

(b) Ensure that such report indicates the offender's race.

(D)(1) Whoever violates division (A) of this section is guilty of operating a motor vehicle while using an electronic wireless communication device, an unclassified misdemeanor.

(a) Except as provided in divisions (D)(1)(b), (c), (d), and (2) of this section, the court shall impose upon the offender a fine of not more than one hundred fifty dollars.

(b) If, within two years of the violation, the offender has been convicted of or pleaded guilty to one prior violation of this section or a substantially equivalent municipal ordinance, the court shall impose upon the offender a fine of not more than two hundred fifty dollars.

(c) If, within two years of the violation, the offender has been convicted of or pleaded guilty to two or more prior violations of this section or a substantially equivalent municipal ordinance, the court shall impose upon the offender a fine of not more than five hundred dollars. The court also may impose a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for ninety days.

(d) Notwithstanding divisions (D)(1)(a) to (c) of this section, if the offender was operating the motor vehicle at the time of the violation in a construction zone where a sign was posted in accordance with section 4511.98 of the Revised Code, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the amount imposed

for the violation under division (D)(1)(a), (b), or (c) of this section, as applicable.

(2) In lieu of payment of the fine of one hundred fifty dollars under division (D)(1)(a) of this section and the assessment of points under division (D)(4) of this section, the offender instead may elect to attend the distracted driving safety course, as described in section 4511.991 of the Revised Code. If the offender attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall not be required to pay the fine and shall not have the points assessed against that offender's driver's license if the offender submits the written evidence to the court within 90 days of the violation of division (A) of this section. However, successful completion of the course does not result in a dismissal of the charges for the violation, and the violation is a prior offense under divisions (D)(1)(b) and (c) of this section if the offender commits a subsequent violation or violations of division (A) of this section within two years of the offense for which the course was completed.

(3) The court may impose any other penalty authorized under sections 2929.21 to 2929.28 of the Revised Code. However, the court shall not impose a fine or a suspension not otherwise specified in division (D)(1) of this section. The court also shall not impose a jail term or community residential sanction.

(4) Except as provided in division (D)(2) of this section, points shall be assessed for a violation of division (A) of this section in accordance with section 4510.036 of the Revised Code.

(5) The offense established under this section is a strict liability offense and section 2901.20 of the Revised Code does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense,

for which there is no specified degree of culpability, is not a 63419  
strict liability offense. 63420

(E) This section shall not be construed as invalidating, 63421  
preempting, or superseding a substantially equivalent municipal 63422  
ordinance that prescribes penalties for violations of that 63423  
ordinance that are greater than the penalties prescribed in this 63424  
section for violations of this section. 63425

(F) A prosecution for an offense in violation of this section 63426  
does not preclude a prosecution for an offense in violation of a 63427  
substantially equivalent municipal ordinance based on the same 63428  
conduct. However, the two offenses are allied offenses of similar 63429  
import under section 2941.25 of the Revised Code. 63430

(G)(1) A law enforcement officer does not have probable cause 63431  
and shall not stop the operator of a motor vehicle for purposes of 63432  
enforcing this section unless the officer visually observes the 63433  
operator using, holding, or physically supporting with any part of 63434  
the person's body the electronic wireless communications device. 63435

(2) A law enforcement officer who stops the operator of a 63436  
motor vehicle, trackless trolley, or streetcar for a violation of 63437  
division (A) of this section shall inform the operator that the 63438  
operator may decline a search of the operator's electronic 63439  
wireless communications device. The officer shall not do any of 63440  
the following: 63441

(a) Access the device without a warrant, unless the operator 63442  
voluntarily and unequivocally gives consent for the officer to 63443  
access the device; 63444

(b) Confiscate the device while awaiting the issuance of a 63445  
warrant to access the device; 63446

(c) Obtain consent from the operator to access the device 63447  
through coercion or any other improper means. Any consent by the 63448  
operator to access the device shall be voluntary and unequivocal 63449

before the officer may access the device without a warrant.	63450
(H) As used in this section:	63451
(1) "Electronic wireless communications device" includes any of the following:	63452 63453
(a) A wireless telephone;	63454
(b) A text-messaging device;	63455
(c) A personal digital assistant;	63456
(d) A computer, including a laptop computer and a computer tablet;	63457 63458
(e) Any device capable of displaying a video, movie, broadcast television image, or visual image;	63459 63460
(f) Any other substantially similar wireless device that is designed or used to communicate text, initiate or receive communication, or exchange information or data.	63461 63462 63463
An "electronic wireless communications device" does not include a two-way radio transmitter or receiver used by a person who is licensed by the federal communications commission to participate in the amateur radio service.	63464 63465 63466 63467
(2) "Voice-operated or hands-free feature or function" means a feature or function that allows a person to use an electronic wireless communications device without the use of either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.	63468 63469 63470 63471 63472
(3) "Utility" means an entity specified in division (A), (C), (D), (E), or (G) of section 4905.03 of the Revised Code.	63473 63474
(4) "Utility service vehicle" means a vehicle owned or operated by a utility.	63475 63476
<b>Sec. 4511.34. (A) <u>As used in this section:</u></b>	63477

(1) "Connected vehicle" means a motor vehicle that exchanges information with another motor vehicle, with infrastructure, or with other road users by way of electronic communications technology. 63478  
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(2) "Vehicle platoon" means the linking of two or more connected vehicles using electronic vehicle-to-vehicle communication technology where the first connected vehicle in the platoon sets the speed and direction for the rest of the connected vehicles enabling all connected vehicles in the platoon to follow at a close distance. 63482  
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(B)(1) The operator of a motor vehicle, streetcar, or trackless trolley shall not follow another vehicle, streetcar, or trackless trolley more closely than is reasonable and prudent, having due regard for the speed of such vehicle, streetcar, or trackless trolley, and the traffic upon and the condition of the highway. 63488  
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(2) The driver of any truck, or motor vehicle drawing another vehicle, when traveling upon a roadway outside a business or residence district shall maintain a sufficient space, whenever conditions permit, between such vehicle and another vehicle ahead so an overtaking motor vehicle may enter and occupy such space without danger. This paragraph does not prevent overtaking and passing nor does it apply to any lane specially designated for use by trucks. 63494  
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(3) Outside a municipal corporation, the driver of any truck, or motor vehicle when drawing another vehicle, while ascending to the crest of a grade beyond which the driver's view of a roadway is obstructed, shall not follow within three hundred feet of another truck, or motor vehicle drawing another vehicle. This paragraph shall not apply to ~~any~~ either of the following: 63502  
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(a) Any lane specially designated for use by trucks; 63508

(b) A vehicle platoon. 63509

(4) Motor vehicles being driven upon any roadway outside of a 63510  
business or residence district in a caravan or motorcade, shall 63511  
maintain a sufficient space between such vehicles so an overtaking 63512  
vehicle may enter and occupy such space without danger. This 63513  
paragraph shall not apply to funeral processions. 63514

~~(B)~~(C) Except as otherwise provided in this division, whoever 63515  
violates this section is guilty of a minor misdemeanor. If, within 63516  
one year of the offense, the offender previously has been 63517  
convicted of or pleaded guilty to one predicate motor vehicle or 63518  
traffic offense, whoever violates this section is guilty of a 63519  
misdemeanor of the fourth degree. If, within one year of the 63520  
offense, the offender previously has been convicted of two or more 63521  
predicate motor vehicle or traffic offenses, whoever violates this 63522  
section is guilty of a misdemeanor of the third degree. 63523

If the offender commits the offense while distracted and the 63524  
distracting activity is a contributing factor to the commission of 63525  
the offense, the offender is subject to the additional fine 63526  
established under section 4511.991 of the Revised Code. 63527

**Sec. 4511.69.** (A) Every vehicle stopped or parked upon a 63528  
roadway where there is an adjacent curb shall be stopped or parked 63529  
with the right-hand wheels of the vehicle parallel with and not 63530  
more than twelve inches from the right-hand curb, unless it is 63531  
impossible to approach so close to the curb; in such case the stop 63532  
shall be made as close to the curb as possible and only for the 63533  
time necessary to discharge and receive passengers or to load or 63534  
unload merchandise. Local authorities by ordinance may permit 63535  
angle parking on any roadway under their jurisdiction, except that 63536  
angle parking shall not be permitted on a state route within a 63537  
municipal corporation unless an unoccupied roadway width of not 63538  
less than twenty-five feet is available for free-moving traffic. 63539

(B) Local authorities by ordinance may permit parking of 63540  
vehicles with the left-hand wheels adjacent to and within twelve 63541  
inches of the left-hand curb of a one-way roadway. 63542

(C)(1)(a) Except as provided in division (C)(1)(b) of this 63543  
section, no vehicle or trackless trolley shall be stopped or 63544  
parked on a road or highway with the vehicle or trackless trolley 63545  
facing in a direction other than the direction of travel on that 63546  
side of the road or highway. 63547

(b) The operator of a motorcycle may back the motorcycle into 63548  
an angled parking space so that when the motorcycle is parked it 63549  
is facing in a direction other than the direction of travel on the 63550  
side of the road or highway. 63551

(2) The operator of a motorcycle may back the motorcycle into 63552  
a parking space that is located on the side of, and parallel to, a 63553  
road or highway. The motorcycle may face any direction when so 63554  
parked. Not more than two motorcycles at a time shall be parked in 63555  
a parking space as described in division (C)(2) of this section 63556  
irrespective of whether or not the space is metered. 63557

(D) Notwithstanding any statute or any rule, resolution, or 63558  
ordinance adopted by any local authority, air compressors, 63559  
tractors, trucks, and other equipment, while being used in the 63560  
construction, reconstruction, installation, repair, or removal of 63561  
facilities near, on, over, or under a street or highway, may stop, 63562  
stand, or park where necessary in order to perform such work, 63563  
provided a flagperson is on duty or warning signs or lights are 63564  
displayed as may be prescribed by the director of transportation. 63565

(E) Accessible parking locations and privileges for persons 63566  
with disabilities that limit or impair the ability to walk shall 63567  
be provided and designated by all political subdivisions and by 63568  
the state and all agencies and instrumentalities thereof at all 63569  
offices and facilities, where parking is provided, whether owned, 63570

rented, or leased, and at all publicly owned parking garages. The 63571  
locations shall be designated through the posting of an elevated 63572  
sign, whether permanently affixed or movable, imprinted with the 63573  
international symbol of access and shall be reasonably close to 63574  
exits, entrances, elevators, and ramps. All elevated signs posted 63575  
in accordance with this division and division (C) of section 63576  
3781.111 of the Revised Code shall be mounted on a fixed or 63577  
movable post, and the distance from the ground to the bottom edge 63578  
of the sign shall measure not less than five feet. If a new sign 63579  
or a replacement sign designating an accessible parking location 63580  
is posted on or after October 14, 1999, there also shall be 63581  
affixed upon the surface of that sign or affixed next to the 63582  
designating sign a notice that states the fine applicable for the 63583  
offense of parking a motor vehicle in the designated accessible 63584  
parking location if the motor vehicle is not legally entitled to 63585  
be parked in that location. 63586

(F)(1)(a) No person shall stop, stand, or park any motor 63587  
vehicle at accessible parking locations provided under division 63588  
(E) of this section or at accessible clearly marked parking 63589  
locations provided in or on privately owned parking lots, parking 63590  
garages, or other parking areas and designated in accordance with 63591  
that division, unless one of the following applies: 63592

(i) The motor vehicle is being operated by or for the 63593  
transport of a person with a disability that limits or impairs the 63594  
ability to walk and is displaying a valid removable windshield 63595  
placard or accessible license plates; 63596

(ii) The motor vehicle is being operated by or for the 63597  
transport of a person with a disability and is displaying a 63598  
parking card or accessible license plates. 63599

(b) Any motor vehicle that is parked in an accessible marked 63600  
parking location in violation of division (F)(1)(a)(i) or (ii) of 63601  
this section may be towed or otherwise removed from the parking 63602

location by the law enforcement agency of the political 63603  
subdivision in which the parking location is located. A motor 63604  
vehicle that is so towed or removed shall not be released to its 63605  
owner until the owner presents proof of ownership of the motor 63606  
vehicle and pays all towing and storage fees normally imposed by 63607  
that political subdivision for towing and storing motor vehicles. 63608  
If the motor vehicle is a leased vehicle, it shall not be released 63609  
to the lessee until the lessee presents proof that that person is 63610  
the lessee of the motor vehicle and pays all towing and storage 63611  
fees normally imposed by that political subdivision for towing and 63612  
storing motor vehicles. 63613

(c) If a person is charged with a violation of division 63614  
(F)(1)(a)(i) or (ii) of this section, it is an affirmative defense 63615  
to the charge that the person suffered an injury not more than 63616  
seventy-two hours prior to the time the person was issued the 63617  
ticket or citation and that, because of the injury, the person 63618  
meets at least one of the criteria contained in division (A)(1) of 63619  
section 4503.44 of the Revised Code. 63620

(2) No person shall stop, stand, or park any motor vehicle in 63621  
an area that is commonly known as an access aisle, which area is 63622  
marked by diagonal stripes and is located immediately adjacent to 63623  
an accessible parking location provided under division (E) of this 63624  
section or at an accessible clearly marked parking location 63625  
provided in or on a privately owned parking lot, parking garage, 63626  
or other parking area and designated in accordance with that 63627  
division. 63628

(G) When a motor vehicle is being operated by or for the 63629  
transport of a person with a disability that limits or impairs the 63630  
ability to walk and is displaying a removable windshield placard 63631  
~~or a temporary removable windshield placard~~ or accessible license 63632  
plates, or when a motor vehicle is being operated by or for the 63633  
transport of a person with a disability and is displaying a 63634

parking card or accessible license plates, the motor vehicle is 63635  
permitted to park for a period of two hours in excess of the legal 63636  
parking period permitted by local authorities, except where local 63637  
ordinances or police rules provide otherwise or where the vehicle 63638  
is parked in such a manner as to be clearly a traffic hazard. 63639

(H) No owner of an office, facility, or parking garage where 63640  
accessible parking locations are required to be designated in 63641  
accordance with division (E) of this section shall fail to 63642  
properly mark the accessible parking locations in accordance with 63643  
that division or fail to maintain the markings of the accessible 63644  
locations, including the erection and maintenance of the fixed or 63645  
movable signs. 63646

(I) Nothing in this section shall be construed to require a 63647  
person or organization to apply for a removable windshield placard 63648  
or accessible license plates if the parking card or accessible 63649  
license plates issued to the person or organization under prior 63650  
law have not expired or been surrendered or revoked. 63651

(J)(1) Whoever violates division (A) or (C) of this section 63652  
is guilty of a minor misdemeanor. 63653

(2)(a) Whoever violates division (F)(1)(a)(i) or (ii) of this 63654  
section is guilty of a misdemeanor and shall be punished as 63655  
provided in division (J)(2)(a) and (b) of this section. Except as 63656  
otherwise provided in division (J)(2)(a) of this section, an 63657  
offender who violates division (F)(1)(a)(i) or (ii) of this 63658  
section shall be fined not less than two hundred fifty nor more 63659  
than five hundred dollars. An offender who violates division 63660  
(F)(1)(a)(i) or (ii) of this section shall be fined not more than 63661  
one hundred dollars if the offender, prior to sentencing, proves 63662  
either of the following to the satisfaction of the court: 63663

(i) At the time of the violation of division (F)(1)(a)(i) of 63664  
this section, the offender or the person for whose transport the 63665

motor vehicle was being operated had been issued a removable 63666  
windshield placard that then was valid or accessible license 63667  
plates that then were valid but the offender or the person 63668  
neglected to display the placard or license plates as described in 63669  
division (F)(1)(a)(i) of this section. 63670

(ii) At the time of the violation of division (F)(1)(a)(ii) 63671  
of this section, the offender or the person for whose transport 63672  
the motor vehicle was being operated had been issued a parking 63673  
card that then was valid or accessible license plates that then 63674  
were valid but the offender or the person neglected to display the 63675  
card or license plates as described in division (F)(1)(a)(ii) of 63676  
this section. 63677

(b) In no case shall an offender who violates division 63678  
(F)(1)(a)(i) or (ii) of this section be sentenced to any term of 63679  
imprisonment. 63680

An arrest or conviction for a violation of division 63681  
(F)(1)(a)(i) or (ii) of this section does not constitute a 63682  
criminal record and need not be reported by the person so arrested 63683  
or convicted in response to any inquiries contained in any 63684  
application for employment, license, or other right or privilege, 63685  
or made in connection with the person's appearance as a witness. 63686

The clerk of the court shall pay every fine collected under 63687  
divisions (J)(2) and (3) of this section to the political 63688  
subdivision in which the violation occurred. Except as provided in 63689  
division (J)(2) of this section, the political subdivision shall 63690  
use the fine moneys it receives under divisions (J)(2) and (3) of 63691  
this section to pay the expenses it incurs in complying with the 63692  
signage and notice requirements contained in division (E) of this 63693  
section. The political subdivision may use up to fifty per cent of 63694  
each fine it receives under divisions (J)(2) and (3) of this 63695  
section to pay the costs of educational, advocacy, support, and 63696  
assistive technology programs for persons with disabilities, and 63697

for public improvements within the political subdivision that 63698  
benefit or assist persons with disabilities, if governmental 63699  
agencies or nonprofit organizations offer the programs. 63700

(3) Whoever violates division (F)(2) of this section shall be 63701  
fined not less than two hundred fifty nor more than five hundred 63702  
dollars. 63703

In no case shall an offender who violates division (F)(2) of 63704  
this section be sentenced to any term of imprisonment. An arrest 63705  
or conviction for a violation of division (F)(2) of this section 63706  
does not constitute a criminal record and need not be reported by 63707  
the person so arrested or convicted in response to any inquiries 63708  
contained in any application for employment, license, or other 63709  
right or privilege, or made in connection with the person's 63710  
appearance as a witness. 63711

(4) Whoever violates division (H) of this section shall be 63712  
punished as follows: 63713

(a) Except as otherwise provided in division (J)(4) of this 63714  
section, the offender shall be issued a warning. 63715

(b) If the offender previously has been convicted of or 63716  
pleaded guilty to a violation of division (H) of this section or 63717  
of a municipal ordinance that is substantially similar to that 63718  
division, the offender shall not be issued a warning but shall be 63719  
fined not more than twenty-five dollars for each parking location 63720  
that is not properly marked or whose markings are not properly 63721  
maintained. 63722

(K) As used in this section: 63723

(1) "Person with a disability" means any person who has lost 63724  
the use of one or both legs or one or both arms, who is blind, 63725  
deaf, or unable to move without the aid of crutches or a 63726  
wheelchair, or whose mobility is restricted by a permanent 63727  
cardiovascular, pulmonary, or other disabling condition. 63728

(2) "Person with a disability that limits or impairs the ability to walk" has the same meaning as in section 4503.44 of the Revised Code.

(3) "Accessible license plates" and "removable windshield placard" mean any license plates ~~or, standard~~ removable windshield placard, permanent removable windshield placard, or temporary removable windshield placard issued under section 4503.41 or 4503.44 of the Revised Code, and also mean any substantially similar license plates or removable windshield placard ~~or temporary removable windshield placard~~ issued by a state, district, country, or sovereignty.

**Sec. 4511.76.** (A) The department of public safety, by and with the advice of the superintendent of public instruction, shall adopt and enforce rules relating to the construction, design, and equipment, including lighting equipment required by section 4511.771 of the Revised Code, of all school buses both publicly and privately owned and operated in this state.

(B) The department of education, by and with the advice of the director of public safety, shall adopt and enforce rules relating to the operation of all vehicles used for pupil transportation.

(C) No person shall operate a vehicle used for pupil transportation within this state in violation of the rules of the department of education or the department of public safety. No person, being the owner thereof or having the supervisory responsibility therefor, shall permit the operation of a vehicle used for pupil transportation within this state in violation of the rules of the department of education or the department of public safety.

(D) The department of public safety shall adopt and enforce rules relating to the issuance of a license under section 4511.763

of the Revised Code. The rules may relate to the condition of the 63760  
equipment to be operated; the liability and property damage 63761  
insurance carried by the applicant; the posting of satisfactory 63762  
and sufficient bond; and such other rules as the director of 63763  
public safety determines reasonably necessary for the safety of 63764  
the pupils to be transported. 63765

(E) A chartered nonpublic school may own and operate, or 63766  
contract with a vendor that supplies, a vehicle originally 63767  
designed for not more than nine passengers, not including the 63768  
driver, to transport students to and from regularly scheduled 63769  
school sessions when one of the following applies: 63770

(1) A student's school district of residence has declared the 63771  
transportation of the student impractical pursuant to section 63772  
3327.02 of the Revised Code; or 63773

(2) A student does not live within thirty minutes of the 63774  
chartered nonpublic school and the student's school district is 63775  
not required to transport the student under section 3327.01 of the 63776  
Revised Code. 63777

(F) A school district may own and operate, or contract with a 63778  
vendor that supplies, a vehicle originally designed for not more 63779  
than nine passengers, not including the driver, to transport 63780  
students to and from regularly scheduled school sessions, if all 63781  
of the following apply to the operation of that vehicle: 63782

(1) The number of students to be transported is not more than 63783  
nine; 63784

(2) The students attend a chartered nonpublic school, and the 63785  
school district regularly transports students to that chartered 63786  
nonpublic school; 63787

(3) The driver of the vehicle meets the requirements 63788  
specified for a driver of a school bus or motor van under section 63789  
3327.10 of the Revised Code and any corresponding rules adopted by 63790

the department of education. Notwithstanding that section or any 63791  
department rules to the contrary, the driver is not required to 63792  
have a commercial driver's license but shall have a current, valid 63793  
driver's license, and shall be accustomed to operating the vehicle 63794  
used to transport the students. 63795

(G) As used in this section, "vehicle used for pupil 63796  
transportation" means any vehicle that is identified as such by 63797  
the department of education by rule and that is subject to Chapter 63798  
3301-83 of the Administrative Code. 63799

~~(G)~~(H) Except as otherwise provided in this division, whoever 63800  
violates this section is guilty of a minor misdemeanor. If the 63801  
offender previously has been convicted of or pleaded guilty to one 63802  
or more violations of this section or section 4511.63, 4511.761, 63803  
4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a 63804  
municipal ordinance that is substantially similar to any of those 63805  
sections, whoever violates this section is guilty of a misdemeanor 63806  
of the fourth degree. 63807

**Sec. 4511.991.** (A) As used in this section and each section 63808  
referenced in division (B) of this section, all of the following 63809  
apply: 63810

(1) "Distracted" means doing either of the following while 63811  
operating a vehicle: 63812

(a) Using an electronic wireless communications device, as 63813  
defined in section 4511.204 of the Revised Code, in violation of 63814  
that section-; 63815

(b) Engaging in any activity that is not necessary to the 63816  
operation of a vehicle and impairs, or reasonably would be 63817  
expected to impair, the ability of the operator to drive the 63818  
vehicle safely. 63819

(2) "Distracted" does not include operating a motor vehicle 63820

while wearing an earphone or earplug over or in both ears at the 63821  
same time. A person who so wears earphones or earplugs may be 63822  
charged with a violation of section 4511.84 of the Revised Code. 63823

(3) "Distracted" does not include conducting any activity 63824  
while operating a utility service vehicle or a vehicle for or on 63825  
behalf of a utility, provided that the driver of the vehicle is 63826  
acting in response to an emergency, power outage, or a 63827  
circumstance affecting the health or safety of individuals. 63828

As used in division (A)(3) of this section: 63829

(a) "Utility" means an entity specified in division (A), (C), 63830  
(D), (E), or (G) of section 4905.03 of the Revised Code. 63831

(b) "Utility service vehicle" means a vehicle owned or 63832  
operated by a utility. 63833

(B) If an offender violates section 4511.03, 4511.051, 63834  
4511.12, 4511.121, 4511.132, 4511.21, 4511.211, 4511.213, 4511.22, 63835  
4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 63836  
4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 63837  
4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 63838  
4511.44, 4511.441, 4511.451, 4511.46, 4511.47, 4511.54, 4511.55, 63839  
4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.71, 63840  
4511.711, 4511.712, 4511.713, 4511.72, or 4511.73 of the Revised 63841  
Code while distracted and the distracting activity is a 63842  
contributing factor to the commission of the violation, the 63843  
offender is subject to the applicable penalty for the violation 63844  
and, notwithstanding section 2929.28 of the Revised Code, is 63845  
subject to an additional fine of not more than one hundred dollars 63846  
as follows: 63847

(1) Subject to Traffic Rule 13, if a law enforcement officer 63848  
issues an offender a ticket, citation, or summons for a violation 63849  
of any of the aforementioned sections of the Revised Code that 63850  
indicates that the offender was distracted while committing the 63851

violation and that the distracting activity was a contributing 63852  
factor to the commission of the violation, the offender may enter 63853  
a written plea of guilty and waive the offender's right to contest 63854  
the ticket, citation, or summons in a trial provided that the 63855  
offender pays the total amount of the fine established for the 63856  
violation and pays the additional fine of one hundred dollars. 63857

In lieu of payment of the additional fine of one hundred 63858  
dollars, the offender instead may elect to attend a distracted 63859  
driving safety course, the duration and contents of which shall be 63860  
established by the director of public safety. If the offender 63861  
attends and successfully completes the course, the offender shall 63862  
be issued written evidence that the offender successfully 63863  
completed the course. The offender shall be required to pay the 63864  
total amount of the fine established for the violation, but shall 63865  
not be required to pay the additional fine of one hundred dollars, 63866  
so long as the offender submits to the court both the offender's 63867  
payment in full and such written evidence within ninety days of 63868  
the underlying violation that resulted in the imposition of the 63869  
additional fine under division (B) of this section. 63870

(2) If the offender appears in person to contest the ticket, 63871  
citation, or summons in a trial and the offender pleads guilty to 63872  
or is convicted of the violation, the court, in addition to all 63873  
other penalties provided by law, may impose the applicable penalty 63874  
for the violation and may impose the additional fine of not more 63875  
than one hundred dollars. 63876

If the court imposes upon the offender the applicable penalty 63877  
for the violation and an additional fine of not more than one 63878  
hundred dollars, the court shall inform the offender that, in lieu 63879  
of payment of the additional fine of not more than one hundred 63880  
dollars, the offender instead may elect to attend the distracted 63881  
driving safety course described in division (B)(1) of this 63882  
section. If the offender elects the course option and attends and 63883

successfully completes the course, the offender shall be issued 63884  
written evidence that the offender successfully completed the 63885  
course. The offender shall be required to pay the total amount of 63886  
the fine established for the violation, but shall not be required 63887  
to pay the additional fine of not more than one hundred dollars, 63888  
so long as the offender submits to the court the offender's 63889  
payment and such written evidence within ninety days of the 63890  
underlying violation that resulted in the imposition of the 63891  
additional fine under division (B) of this section. 63892

(C) If a law enforcement officer issues an offender a ticket, 63893  
citation, or summons for a violation of any of the sections of the 63894  
Revised Code listed in division (B) of this section that indicates 63895  
that the offender was distracted while committing the violation 63896  
and that the distracting activity was a contributing factor to the 63897  
commission of the violation, the officer shall do both of the 63898  
following: 63899

(1) Report the issuance of the ticket, citation, or summons 63900  
to the officer's law enforcement agency; 63901

(2) Ensure that such report indicates the offender's race. 63902

**Sec. 4513.17.** (A) Whenever a motor vehicle equipped with 63903  
headlights also is equipped with any auxiliary lights or spotlight 63904  
or any other light on the front thereof projecting a beam of an 63905  
intensity greater than three hundred candle power, not more than a 63906  
total of five of any such lights on the front of a vehicle shall 63907  
be lighted at any one time when the vehicle is upon a highway. 63908

(B) Any lighted light or illuminating device upon a motor 63909  
vehicle, other than headlights, spotlights, signal lights, or 63910  
auxiliary driving lights, that projects a beam of light of an 63911  
intensity greater than three hundred candle power, shall be so 63912  
directed that no part of the beam will strike the level of the 63913  
roadway on which the vehicle stands at a distance of more than 63914

seventy-five feet from the vehicle. 63915

(C)(1) Flashing lights are prohibited on motor vehicles, 63916  
except as a means for indicating a right or a left turn, or in the 63917  
presence of a vehicular traffic hazard requiring unusual care in 63918  
approaching, or overtaking or passing. 63919

(2) The prohibition in division (C)(1) of this section does 63920  
not apply to any of the following: 63921

(a) Emergency vehicles, road service vehicles servicing or 63922  
towing a disabled vehicle, stationary waste collection vehicles 63923  
actively collecting garbage, refuse, trash, or recyclable 63924  
materials on the roadside, rural mail delivery vehicles, vehicles 63925  
as provided in section 4513.182 of the Revised Code, highway 63926  
maintenance vehicles, and similar equipment operated by the 63927  
department or local authorities, provided such vehicles are 63928  
equipped with and display, when used on a street or highway for 63929  
the special purpose necessitating such lights, a flashing, 63930  
oscillating, or rotating amber light; 63931

(b) Vehicles or machinery permitted by section 4513.111 of 63932  
the Revised Code to have a flashing red light; 63933

(c) Farm machinery and vehicles escorting farm machinery, 63934  
provided such machinery and vehicles are equipped with and 63935  
display, when used on a street or highway, a flashing, 63936  
oscillating, or rotating amber light. Farm machinery also may 63937  
display the lights described in section 4513.111 of the Revised 63938  
Code. 63939

(d) A funeral hearse or funeral escort vehicle, provided that 63940  
the funeral hearse or funeral escort vehicle is equipped with and 63941  
displays, when used on a street or highway for the special purpose 63942  
necessitating such lights, a flashing, oscillating, or rotating 63943  
purple or amber light; 63944

(e) A vehicle being used for emergency preparedness, 63945

response, and recovery activities, as those terms are defined in 63946  
section 5502.21 of the Revised Code, that is equipped with and 63947  
displays, when used on a street or highway for the special purpose 63948  
necessitating such lights, a flashing, oscillating, or rotating 63949  
amber or red and white light, provided that the vehicle is being 63950  
operated by a person from one of the following and the vehicle is 63951  
clearly marked with the applicable agency's or authority's 63952  
insignia: 63953

(i) The Ohio emergency management agency; 63954

(ii) A countywide emergency management agency established 63955  
under section 5502.26 of the Revised Code; 63956

(iii) A regional authority for emergency management 63957  
established under section 5502.27 of the Revised Code; 63958

(iv) A program for emergency management established under 63959  
section 5502.271 of the Revised Code. 63960

(3) Division (C)(1) of this section does not apply to 63961  
animal-drawn vehicles subject to section 4513.114 of the Revised 63962  
Code. 63963

(D)(1) Except a person operating a public safety vehicle, as 63964  
defined in division (E) of section 4511.01 of the Revised Code, an 63965  
emergency management agency vehicle, as described in division 63966  
(C)(2)(e) of this section, or a school bus, no person shall 63967  
operate, move, or park upon, or permit to stand within the 63968  
right-of-way of any public street or highway any vehicle or 63969  
equipment that is equipped with and displaying a flashing red or a 63970  
flashing combination red and white light, or an oscillating or 63971  
rotating red light, or a combination red and white oscillating or 63972  
rotating light. 63973

(2) Except a public law enforcement officer, or other person 63974  
sworn to enforce the criminal and traffic laws of the state, 63975  
operating a public safety vehicle when on duty, no person shall 63976

operate, move, or park upon, or permit to stand within the 63977  
right-of-way of any street or highway any vehicle or equipment 63978  
that is equipped with, or upon which is mounted, and displaying a 63979  
flashing blue or a flashing combination blue and white light, or 63980  
an oscillating or rotating blue light, or a combination blue and 63981  
white oscillating or rotating light. 63982

(E) This section does not prohibit the use of warning lights 63983  
required by law or the simultaneous flashing of turn signals on 63984  
disabled vehicles or on vehicles being operated in unfavorable 63985  
atmospheric conditions in order to enhance their visibility. This 63986  
section also does not prohibit the simultaneous flashing of turn 63987  
signals or warning lights either on farm machinery or vehicles 63988  
escorting farm machinery, when used on a street or highway. 63989

(F) Whoever violates this section is guilty of a minor 63990  
misdemeanor. 63991

**Sec. 4513.71.** (A) As used in this section: 63992

(1) "Towing service" and "storage facility" have the same 63993  
meanings as in section 4513.70 of the Revised Code. 63994

(2) "Motor vehicle owner" means any person that holds title 63995  
to or is a lienholder of a towed motor vehicle. 63996

(B)(1) A motor vehicle owner may commence a civil action 63997  
against a towing service or storage facility for either of the 63998  
following reasons: 63999

(a) The recovery of a motor vehicle, cargo, or personal 64000  
property that was removed, towed, or stored pursuant to section 64001  
4513.66 of the Revised Code; 64002

(b) Objecting to the amount billed by the towing service or 64003  
storage facility. 64004

(2) The motor vehicle owner may commence the civil action on 64005  
behalf of that owner or on behalf of a third party for whom the 64006

owner commercially transports the cargo that is the subject of the 64007  
civil action. 64008

(C) A towing service or storage facility may commence a civil 64009  
action against a motor vehicle owner for payment of the amount 64010  
billed by the towing service or storage facility in accordance 64011  
with this section if all of the following apply: 64012

(1) The motor vehicle, cargo, or personal property was 64013  
removed, towed, or stored pursuant to section 4513.66 of the 64014  
Revised Code; 64015

(2) The motor vehicle owner has not paid the amount billed or 64016  
commenced a civil action in accordance with division (B) of this 64017  
section within forty-five days after the motor vehicle owner 64018  
received the bill sent by the towing service or storage facility; 64019

(3) The towing service or storage facility is not seeking 64020  
title to the motor vehicle, if applicable, in accordance with 64021  
section 4505.104 of the Revised Code, until judgment is entered in 64022  
any civil action filed under this section. 64023

(D) The motor vehicle owner, towing service, or storage 64024  
facility may file the action in the municipal or county court with 64025  
territorial jurisdiction over the location from which the motor 64026  
vehicle, cargo, or personal property was removed, towed, or 64027  
stored. 64028

(E) If the motor vehicle owner objects to the amount billed 64029  
by the towing service or storage facility, the motor vehicle owner 64030  
shall include in the owner's complaint, answer, or objection to 64031  
the action, as applicable, the amount of the bill that is 64032  
undisputed and the reasons the owner objects to the remainder of 64033  
the bill. The motor vehicle owner shall file a copy of the bill 64034  
and any evidence supporting the assertion that the billed amount 64035  
is unreasonable. The motor vehicle owner shall pay the undisputed 64036  
amount to the towing service or service facility and post a bond 64037

equal to the disputed amount of the bill. 64038

(F) Not later than two business days after receipt of payment 64039  
of the undisputed amount of the bill and service of the motor 64040  
vehicle owner's complaint or answer to the civil action, as 64041  
applicable, the towing service or storage facility shall release 64042  
the motor vehicle, cargo, or personal property that is the subject 64043  
of the complaint to the motor vehicle owner. 64044

(G) When an action filed under this section involves a 64045  
dispute over the amount of the bill, the court shall make a 64046  
determination as to whether the amount charged by the towing 64047  
service or facility is unreasonable. If the court determines that 64048  
the amount is reasonable, the court shall order the motor vehicle 64049  
owner to pay the amount billed minus the undisputed amount that 64050  
the owner previously paid to the towing service or storage 64051  
facility. If the court determines that the amount charged was 64052  
unreasonable, the court shall determine a reasonable amount and 64053  
order the motor vehicle owner to pay that amount minus the 64054  
undisputed amount that the owner previously paid to the towing 64055  
service or storage facility. The court may also require either 64056  
party to pay or refund any additional amount and may impose any 64057  
monetary penalties that the court determines to be appropriate. 64058

(H) Any money owed by the motor vehicle owner shall be paid 64059  
from the bond posted by the owner. If any amount of the bond 64060  
remains after payment, the remainder shall be returned to the 64061  
motor vehicle owner. 64062

**Sec. 4516.01.** As used in this chapter: 64063

(A) "Car sharing period" means the period of time that 64064  
commences with the car sharing delivery period or, if there is no 64065  
car sharing delivery period, with the car sharing start time, in 64066  
accordance with the peer-to-peer car sharing program agreement, 64067  
and ends with the car sharing termination time. 64068

(B) "Car sharing delivery period" means the period of time in which a shared vehicle is being delivered to the location for the shared vehicle driver to take possession of the shared vehicle, in accordance with the peer-to-peer car sharing program agreement.

(C) "Car sharing start time" means either the point in time when the shared vehicle driver takes possession of the shared vehicle or the point in time when the shared vehicle driver was scheduled to take possession of the shared vehicle, whichever occurs first.

(D) "Car sharing termination time" means the point in time when the earliest of the following events occurs:

(1) The expiration time established in the peer-to-peer car sharing program agreement for use of the shared vehicle, provided that the shared vehicle is returned to the location designated in the agreement by the expiration time;

(2) The shared vehicle is returned to an alternate location, if the shared vehicle owner and the shared vehicle driver agree on the alternate location, as communicated through the peer-to-peer car sharing program, and the alternate location is incorporated into the peer-to-peer car sharing program agreement.

(3) The shared vehicle owner or the owner's designee takes possession of the shared vehicle.

(E) "Motor vehicle" has the same meaning as in section 4509.01 of the Revised Code.

(F) "Motor-vehicle liability policy" has the same meaning as in section 4509.01 of the Revised Code.

(G) "Peer-to-peer car sharing" means the authorized use of a motor vehicle by an individual other than the motor vehicle's owner through a peer-to-peer car sharing program.

(H) "Peer-to-peer car sharing program" or "program" means a

person who operates a business platform that connects a shared 64099  
vehicle owner to a shared vehicle driver to enable the sharing of 64100  
vehicles for financial consideration. "Peer-to-peer car sharing 64101  
program" does not include a motor vehicle leasing dealer as 64102  
defined in section 4517.01 of the Revised Code or a motor vehicle 64103  
renting dealer as defined in section 4549.65 of the Revised Code. 64104

(I) "Peer-to-peer car sharing program agreement" or 64105  
"agreement" means an agreement established through the 64106  
peer-to-peer car sharing program that serves as a contract between 64107  
the peer-to-peer car sharing program, the shared vehicle owner, 64108  
and the shared vehicle driver and describes the specific terms and 64109  
conditions of the agreement, including the car sharing period and 64110  
the location or locations for transfer of possession. 64111

(J) "Proof of financial responsibility" has the same meaning 64112  
as in section 4509.01 of the Revised Code. 64113

(K) "Safety recall" means a recall issued pursuant to 49 64114  
U.S.C. 30118 pertaining to a defect related to motor vehicle 64115  
safety or noncompliance with an applicable federal motor vehicle 64116  
safety standard. 64117

(L) "Shared vehicle" means a personal motor vehicle that is 64118  
registered as a passenger car under Chapter 4503. of the Revised 64119  
Code or a substantially similar law in another state and that is 64120  
enrolled in a peer-to-peer car sharing program. 64121

(M) "Shared vehicle driver" means a person authorized by a 64122  
shared vehicle owner, in accordance with the terms and conditions 64123  
of a peer-to-peer car sharing program agreement, to operate a 64124  
shared vehicle during a car sharing period. 64125

(N) "Shared vehicle owner" means a registered owner of a 64126  
shared vehicle or a person designated by the registered owner. 64127

**Sec. 4516.02.** (A) A peer-to-peer car sharing program shall 64128

collect ~~all of~~ the following information before entering into a 64129  
peer-to-peer car sharing program agreement including, but not 64130  
limited to: 64131

(1) The name and address of the shared vehicle owner and the 64132  
shared vehicle driver; 64133

(2) The driver's license number and state of issuance of the 64134  
shared vehicle driver; 64135

~~(3) The name, address, driver's license number, and state of~~ 64136  
~~issuance of~~ and any other person who will operate the shared 64137  
vehicle during the car sharing period; 64138

~~(4) Information regarding whether the shared vehicle owner~~ 64139  
~~and the shared vehicle driver have motor vehicle liability policy~~ 64140  
~~or other proof of financial responsibility and information related~~ 64141  
~~to that policy or proof and any policy limits;~~ 64142

~~(5) Whether the shared vehicle owner knows of any safety~~ 64143  
~~recalls regarding the shared vehicle;~~ 64144

~~(6) Verification that the shared vehicle is registered in~~ 64145  
~~accordance with the requirements established under Chapter 4503.~~ 64146  
~~of the Revised Code or a substantially similar law in another~~ 64147  
~~state.~~ 64148

(B) ~~A peer to peer car sharing program shall not allow a~~ 64149  
~~peer to peer car sharing program agreement through its platform if~~ 64150  
~~the program knows that the person who will operate the shared~~ 64151  
~~vehicle is not a party to the agreement or knows that such a~~ 64152  
~~person does not have a valid driver's license.~~ 64153

~~(C) A peer to peer car sharing program shall not allow a~~ 64154  
~~peer to peer car sharing agreement through its platform if the~~ 64155  
~~shared vehicle that is the subject of the agreement is not~~ 64156  
~~registered.~~ 64157

~~(D) A peer-to-peer car sharing program shall collect, verify,~~ 64158

and maintain records pertaining to the use of each shared vehicle 64159  
enrolled in the program, including records pertaining to all of 64160  
the following: 64161

(1) The dates, times, and duration of time that the shared 64162  
vehicle is in use through the program; 64163

~~(2) The dates, times, and duration of time that the shared 64164  
vehicle driver possesses the shared vehicle through the program;~~ 64165

~~(3) Any fees or other financial consideration paid by the 64166  
shared vehicle driver;~~ 64167

~~(4)~~(3) Any revenues or other financial consideration received 64168  
by the shared vehicle owner; 64169

~~(5)~~(4) Any other information or data that is necessary to 64170  
establish the car sharing period, including the car sharing 64171  
delivery period, the car sharing start time, and the car sharing 64172  
termination time, for the shared vehicle. 64173

~~(E)~~(1)~~(C)~~(1) The program shall provide the records required 64174  
by division ~~(D)~~(B) of this section, upon request, to any shared 64175  
vehicle owner, shared vehicle driver, the shared vehicle owner's 64176  
insurer, or the shared vehicle driver's insurer for purposes of 64177  
facilitating the investigation of a claim, incident, or accident. 64178

(2) Upon receipt of a valid warrant, the program shall 64179  
provide the records required by division ~~(D)~~(B) of this section to 64180  
law enforcement. 64181

~~(F)~~(D) The program shall retain records required by division 64182  
~~(D)~~(B) of this section regarding each car sharing period for not 64183  
less than three years after the car sharing period. 64184

**Sec. 4516.05.** (A) When a motor vehicle owner registers as a 64185  
shared vehicle owner with a peer-to-peer car sharing program and 64186  
before the shared vehicle owner makes the shared vehicle available 64187  
for peer-to-peer car sharing, the program shall do all of the 64188

following: 64189

(1) Verify that the shared vehicle does not have any 64190  
outstanding safety recalls on the vehicle; 64191

(2) Provide notice to the shared vehicle owner of the owner's 64192  
responsibilities under division (B) of this section. 64193

(B)(1) If a shared vehicle owner receives actual notice of a 64194  
safety recall on the shared vehicle, the shared vehicle owner 64195  
shall not make the shared vehicle available through a peer-to-peer 64196  
car sharing program until the safety recall repair is made. 64197

(2) If the shared vehicle owner receives actual notice of a 64198  
safety recall on the shared vehicle after the shared vehicle is 64199  
available through a peer-to-peer car sharing program but while the 64200  
shared vehicle is not currently possessed by a shared vehicle 64201  
driver, the shared vehicle owner shall remove the shared vehicle 64202  
from availability until the safety recall repair is made. 64203

(3) If the shared vehicle owner receives actual notice of a 64204  
safety recall on the shared vehicle while the vehicle is possessed 64205  
by a shared vehicle driver, the shared vehicle owner shall notify 64206  
the peer-to-peer car sharing program about the safety recall, so 64207  
that the car sharing period can be terminated to allow the shared 64208  
vehicle owner to address the safety recall repair. 64209

~~(C) The peer to peer car sharing program shall establish 64210  
commercially reasonable procedures to determine any safety recalls 64211  
that apply to a shared vehicle registered with the program after 64212  
the initial registration of the shared vehicle with the program. 64213~~

**Sec. 4516.06.** ~~(A) Peer to peer~~ Nothing in this chapter shall 64214  
be construed to exempt any person involved in peer-to-peer car 64215  
sharing and a peer to peer car sharing program agreement are a 64216  
consumer transaction for purposes from the provisions of sections 64217  
1345.01 to 1345.13 of the Revised Code. ~~The peer to peer car~~ 64218

~~sharing program and the shared vehicle owner are the suppliers and 64219  
the shared vehicle driver is the consumer for purposes of those 64220  
sections. 64221~~

~~(B) A peer to peer car sharing program is not liable for a 64222  
violation under sections 1345.01 to 1345.13 of the Revised Code 64223  
when the alleged violation is the result of false, misleading, or 64224  
inaccurate information provided to the program by a shared vehicle 64225  
owner or a shared vehicle driver and the program relied on that 64226  
information in good faith. 64227~~

**Sec. 4516.08.** (A) It is not the intent of the general 64228  
assembly that any provision in Chapter 4516. of the Revised Code 64229  
be interpreted as either limiting or restricting an insurer's 64230  
ability to exclude insurance coverage from any insurance policy or 64231  
an insurer's ability to underwrite any insurance policy. 64232

(B) An insurer's ability to exclude or limit coverage and to 64233  
otherwise underwrite a policy of insurance includes, but is not 64234  
limited to, all of the following: 64235

(1) Liability coverage for bodily injury and property damage; 64236

(2) Uninsured or underinsured motorist coverage; 64237

(3) Medical payments coverage; 64238

(4) Comprehensive physical damage coverage; 64239

(5) Collision physical damage coverage; 64240

(6) Loss of earnings coverage. 64241

(C) Nothing in this chapter is intended to invalidate or 64242  
limit an exclusion contained in a policy of motor vehicle 64243  
liability insurance, including any insurance policy that is in use 64244  
or that is approved for use that excludes coverage while a motor 64245  
vehicle is made available for rent, share, hire, or during any 64246  
business use. 64247

**Sec. 4516.09.** (A) Except as provided in division (B) of this section, a peer-to-peer car sharing program shall assume liability of a shared vehicle owner for any death, bodily injury, or property damage to a third party or an uninsured or underinsured motorist that is proximately caused by the operation of the shared vehicle during the car sharing period in an amount stated in the peer-to-peer car sharing program agreement. The amount shall be not less than that specified in division (A)(1) of section 4516.10 of the Revised Code.

(B) The assumption of liability under division (A) of this section does not apply if either of the following occurs:

(1) The shared vehicle owner makes an intentional or fraudulent material misrepresentation or omission to the program regarding the shared vehicle owner's motor-vehicle liability policy, other proof of financial responsibility, or the type or condition of the shared vehicle before the car sharing period in which the loss occurs;

(2) The shared vehicle owner and the shared vehicle driver conspire to have the shared vehicle driver fail to return the shared vehicle, in violation of the terms of the peer-to-peer car sharing agreement.

(C) A peer-to-peer car sharing program shall have either a policy of insurance or a self-insurance mechanism in order to cover its liabilities and obligations under this section and sections 4516.10 and 4516.11 of the Revised Code.

**Sec. 4516.10.** (A)(1) A peer-to-peer car sharing program shall ensure that, during each car sharing period, the shared vehicle owner and the shared vehicle driver are each covered by a motor-vehicle liability policy or other proof of financial responsibility ~~that recognizes their status as a shared vehicle~~

~~owner or shared vehicle driver and provides coverage for the~~ 64278  
~~operation of the shared vehicle during the car sharing period.~~ 64279  
Each policy or proof shall ~~be maintained in the following amounts~~ 64280  
provide coverage in an amount that is not less than the amounts 64281  
specified in section 4509.51 of the Revised Code. The policy or 64282  
proof shall do either of the following: 64283

(a) ~~At least twenty five thousand dollars because of bodily~~ 64284  
~~injury to or death of one person in any one accident~~ Recognize 64285  
that the motor vehicle insured under the policy or proof is a 64286  
shared vehicle; 64287

(b) ~~At least fifty thousand dollars because of bodily injury~~ 64288  
~~or death of two or more persons in any one accident;~~ 64289

(c) ~~At least twenty five thousand dollars because of injury~~ 64290  
~~to property of others in any one accident~~ Not expressly exclude 64291  
the use of the motor vehicle insured under the policy or proof as 64292  
a shared vehicle by a shared vehicle driver. 64293

(2) The insurance required by division (A)(1) of this section 64294  
may be satisfied by any of the following or a combination of any 64295  
of the following: 64296

(a) A motor-vehicle liability policy or other proof of 64297  
financial responsibility that is maintained by the shared vehicle 64298  
owner; 64299

(b) A motor-vehicle liability policy or other proof of 64300  
financial responsibility that is maintained by the shared vehicle 64301  
driver; 64302

(c) A motor-vehicle liability policy or other proof of 64303  
financial responsibility that is maintained by the peer-to-peer 64304  
car sharing program. 64305

(3)(a) Whichever motor-vehicle liability policy or other 64306  
proof of financial responsibility under division (A)(2) of this 64307

section that is satisfying the insurance required under division 64308  
(A)(1) of this section as specified in the peer-to-peer car 64309  
sharing program agreement is the primary insurance during each car 64310  
sharing period. 64311

(b) If a claim occurs in a state with minimum proof of 64312  
financial responsibility limits higher than those specified in 64313  
section 4509.51 of the Revised Code, the motor-vehicle liability 64314  
policy or other proof of financial responsibility that is 64315  
maintained by the peer-to-peer car sharing program under division 64316  
(A)(2)(c) of this section shall satisfy any difference in minimum 64317  
coverage amounts, up to the applicable policy limits. 64318

(c) Except as provided by division (A) of section 4516.11 of 64319  
the Revised Code, the person or entity providing the primary 64320  
insurance under division (A)(3)(a) of this section shall assume 64321  
primary liability for a claim when either of the following occurs: 64322

(i) A dispute exists as to who was operating the shared 64323  
vehicle at the time of the loss, and the peer-to-peer car sharing 64324  
program does not have available, did not retain, or fails to 64325  
provide the records required by section 4516.02 of the Revised 64326  
Code. 64327

(ii) A dispute exists as to whether the shared vehicle was 64328  
returned to the originally agreed upon location or an 64329  
alternatively agreed upon location for transfer of possession in 64330  
accordance with the peer-to-peer car sharing program agreement. 64331

(4)(a) If the motor-vehicle liability policy or other proof 64332  
of financial responsibility maintained by a shared vehicle owner 64333  
or shared vehicle driver does not provide liability coverage for 64334  
peer-to-peer car sharing in the amounts required by division 64335  
(A)(1) of this section, the insurance maintained by the 64336  
peer-to-peer car sharing program shall provide the required 64337  
coverage, beginning with the first dollar of the claim and shall 64338

have the duty to defend the claim. 64339

(b) A motor-vehicle liability policy or other proof of 64340  
financial responsibility maintained by a peer-to-peer car sharing 64341  
program in accordance with this section shall not require the 64342  
shared vehicle owner's or shared vehicle driver's insurer to first 64343  
deny a claim before providing coverage. 64344

(B) A motor-vehicle liability policy that meets the 64345  
requirements of this section satisfies the requirement for proof 64346  
of financial responsibility for motor vehicles under Chapter 4509. 64347  
of the Revised Code. 64348

~~(C)(1) The peer to peer car sharing program shall examine the 64349  
motor vehicle liability policy or other proof of financial 64350  
responsibility maintained by a shared vehicle owner or a shared 64351  
vehicle driver to determine whether that policy or proof provides 64352  
or excludes coverage for peer to peer car sharing prior to 64353  
entering into a peer to peer car sharing agreement with that 64354  
shared vehicle owner or shared vehicle driver if either of the 64355  
following occur:~~ 64356

~~(a) The shared vehicle owner or the shared vehicle driver 64357  
refuses insurance coverage provided by the program. 64358~~

~~(b) The shared vehicle owner or the shared vehicle driver 64359  
claims the policy or proof maintained by that shared vehicle owner 64360  
or shared vehicle driver provides coverage for peer to peer car 64361  
sharing. 64362~~

~~(2) The peer to peer car sharing program may require 64363  
increased limits of insurance beyond what is required by division 64364  
(A)(1) of this section as a condition of participation in the 64365  
agreement. 64366~~

**Sec. 4517.01.** As used in sections 4517.01 to 4517.65 of the 64367  
Revised Code: 64368

(A) "Persons" includes individuals, ~~firms~~, partnerships, 64369  
associations, joint stock companies, corporations, sole 64370  
proprietorships, limited liability companies, limited liability 64371  
partnerships, business trusts, and any other legally recognized 64372  
business entities or any combinations of individuals. 64373

(B) "Motor vehicle" means motor vehicle as defined in section 64374  
4501.01 of the Revised Code and also includes "all-purpose 64375  
vehicle" and "off-highway motorcycle" as those terms are defined 64376  
in section 4519.01 of the Revised Code. "Motor vehicle" does not 64377  
include a snowmobile as defined in section 4519.01 of the Revised 64378  
Code or manufactured and mobile homes. 64379

(C) "New motor vehicle" means a motor vehicle, the legal 64380  
title to which has never been transferred by a manufacturer, 64381  
remanufacturer, distributor, or dealer to an ultimate purchaser. 64382

(D) "Ultimate purchaser" means, with respect to any new motor 64383  
vehicle, the first person, other than a dealer purchasing in the 64384  
capacity of a dealer, who in good faith purchases such new motor 64385  
vehicle for purposes other than resale. 64386

(E) "Business" includes any activities engaged in by any 64387  
person for the object of gain, benefit, or advantage either direct 64388  
or indirect, including activities conducted through the internet 64389  
or another computer network. 64390

(F) "Engaging in business" means commencing, conducting, or 64391  
continuing in business, or liquidating a business when the 64392  
liquidator thereof holds self out to be conducting such business; 64393  
making a casual sale or otherwise making transfers in the ordinary 64394  
course of business when the transfers are made in connection with 64395  
the disposition of all or substantially all of the transferor's 64396  
assets is not engaging in business. 64397

(G) "Retail sale" or "~~sale~~ selling at retail" means the act 64398  
or attempted act of selling, bartering, exchanging, or otherwise 64399

disposing of a motor vehicle, including through use of the 64400  
internet or another computer network, to an ultimate purchaser for 64401  
use as a consumer. 64402

(H) "Retail installment contract" includes any contract in 64403  
the form of a note, chattel mortgage, conditional sales contract, 64404  
lease, agreement, or other instrument payable in one or more 64405  
installments over a period of time and arising out of the retail 64406  
sale of a motor vehicle. 64407

(I) "Farm machinery" means all machines and tools used in the 64408  
production, harvesting, and care of farm products. 64409

(J) "Dealer" or "motor vehicle dealer" means any new motor 64410  
vehicle dealer, any motor vehicle leasing dealer, and any used 64411  
motor vehicle dealer. 64412

(K) "New motor vehicle dealer" means any person engaged in 64413  
the business of selling at retail, displaying, offering for sale, 64414  
or dealing in new motor vehicles pursuant to a contract or 64415  
agreement entered into with the manufacturer, remanufacturer, or 64416  
distributor of the motor vehicles. 64417

(L) "Used motor vehicle dealer" means any person engaged in 64418  
the business of selling, displaying, offering for sale, or dealing 64419  
in used motor vehicles, at retail or wholesale, but does not mean 64420  
any new motor vehicle dealer selling, displaying, offering for 64421  
sale, or dealing in used motor vehicles incidentally to engaging 64422  
in the business of selling, displaying, offering for sale, or 64423  
dealing in new motor vehicles, any person engaged in the business 64424  
of dismantling, salvaging, or rebuilding motor vehicles by means 64425  
of using used parts, or any public officer performing official 64426  
duties. 64427

(M) "Motor vehicle leasing dealer" means any person engaged 64428  
in the business of regularly making available, offering to make 64429  
available, or arranging for another person to use a motor vehicle 64430

pursuant to a bailment, lease, sublease, or other contractual 64431  
arrangement under which a charge is made for its use at a periodic 64432  
rate for a term of thirty days or more, and title to the motor 64433  
vehicle is in and remains in the motor vehicle leasing dealer who 64434  
originally leases it, irrespective of whether or not the motor 64435  
vehicle is the subject of a later sublease, and not in the user, 64436  
but including any financial institution acting as a lessor for a 64437  
lease or sublease. "Motor vehicle leasing dealer" does not mean 64438  
include a new motor vehicle dealer that is not the lessor and that 64439  
only assists in arranging a lease on the lessor's behalf or a 64440  
manufacturer or its affiliate leasing to its employees or to 64441  
dealers. 64442

(N) "Salesperson" means any person employed by a dealer to 64443  
sell, display, and offer for sale, or deal in motor vehicles for a 64444  
commission, compensation, or other valuable consideration, but 64445  
does not mean any public officer performing official duties. 64446

(O) "Casual sale" means any transfer of a motor vehicle by a 64447  
person other than a new motor vehicle dealer, used motor vehicle 64448  
dealer, motor vehicle salvage dealer, as defined in division (A) 64449  
of section 4738.01 of the Revised Code, salesperson, motor vehicle 64450  
auction owner, manufacturer, or distributor acting in the capacity 64451  
of a dealer, salesperson, auction owner, manufacturer, or 64452  
distributor, to a person who purchases the motor vehicle for use 64453  
as a consumer. 64454

(P) "Motor vehicle auction owner" means any person who is 64455  
engaged wholly or in part in the business of auctioning motor 64456  
vehicles, but does not mean a construction equipment auctioneer or 64457  
a construction equipment auction licensee. 64458

(Q) "Manufacturer" means a person who manufactures, 64459  
assembles, or imports motor vehicles, including motor homes, but 64460  
does not mean a person who only assembles or installs a body, 64461  
special equipment unit, finishing trim, or accessories on a motor 64462

vehicle chassis supplied by a manufacturer or distributor. 64463

(R) "Tent-type fold-out camping trailer" means any vehicle 64464  
intended to be used, when stationary, as a temporary shelter with 64465  
living and sleeping facilities, and that is subject to the 64466  
following properties and limitations: 64467

(1) A minimum of twenty-five per cent of the fold-out portion 64468  
of the top and sidewalls combined must be constructed of canvas, 64469  
vinyl, or other fabric, and form an integral part of the shelter. 64470

(2) When folded, the unit must not exceed: 64471

(a) Fifteen feet in length, exclusive of bumper and tongue; 64472

(b) Sixty inches in height from the point of contact with the 64473  
ground; 64474

(c) Eight feet in width; 64475

(d) One ton gross weight at time of sale. 64476

(S) "Distributor" means any person authorized by a motor 64477  
vehicle manufacturer to distribute new motor vehicles to licensed 64478  
new motor vehicle dealers, but does not mean a person who only 64479  
assembles or installs a body, special equipment unit, finishing 64480  
trim, or accessories on a motor vehicle chassis supplied by a 64481  
manufacturer or distributor. 64482

(T) "Flea market" means a market place, other than a dealer's 64483  
location licensed under this chapter, where a space or location is 64484  
provided for a fee or compensation to a seller to exhibit and 64485  
offer for sale or trade, motor vehicles to the general public. 64486

(U) "Franchise" means any written agreement, contract, or 64487  
understanding between any motor vehicle manufacturer or 64488  
remanufacturer engaged in commerce and any motor vehicle dealer 64489  
that purports to fix the legal rights and liabilities of the 64490  
parties to such agreement, contract, or understanding. 64491

(V) "Franchisee" means a person who receives new motor 64492

vehicles from the franchisor under a franchise agreement and who 64493  
offers, sells, and provides service for such new motor vehicles to 64494  
the general public. 64495

(W) "Franchisor" means a new motor vehicle manufacturer, 64496  
remanufacturer, or distributor who supplies new motor vehicles 64497  
under a franchise agreement to a franchisee. 64498

(X) "Dealer organization" means a state or local trade 64499  
association the membership of which is comprised predominantly of 64500  
new motor vehicle dealers. 64501

(Y) "Factory representative" means a representative employed 64502  
by a manufacturer, remanufacturer, or by a factory branch 64503  
primarily for the purpose of promoting the sale of its motor 64504  
vehicles, parts, or accessories to dealers or for supervising or 64505  
contacting its dealers or prospective dealers. 64506

(Z) "Administrative or executive management" means those 64507  
individuals who are not subject to federal wage and hour laws. 64508

(AA) "Good faith" means honesty in the conduct or transaction 64509  
concerned and the observance of reasonable commercial standards of 64510  
fair dealing in the trade as is defined in section 1301.201 of the 64511  
Revised Code, including, but not limited to, the duty to act in a 64512  
fair and equitable manner so as to guarantee freedom from 64513  
coercion, intimidation, or threats of coercion or intimidation; 64514  
provided however, that recommendation, endorsement, exposition, 64515  
persuasion, urging, or argument shall not be considered to 64516  
constitute a lack of good faith. 64517

(BB) "Coerce" means to compel or attempt to compel by failing 64518  
to act in good faith or by threat of economic harm, breach of 64519  
contract, or other adverse consequences. Coerce does not mean to 64520  
argue, urge, recommend, or persuade. 64521

(CC) "Relevant market area" means any area within a radius of 64522  
ten miles from the site of a potential new dealership, except that 64523

for manufactured home or recreational vehicle dealerships the 64524  
radius shall be twenty-five miles. The ten-mile radius shall be 64525  
measured from the dealer's established place of business that is 64526  
used exclusively for the purpose of selling, displaying, offering 64527  
for sale, or dealing in motor vehicles. 64528

(DD) "Wholesale" or "at wholesale" means the act or attempted 64529  
act of selling, bartering, exchanging, or otherwise disposing of a 64530  
motor vehicle to a transferee for the purpose of resale and not 64531  
for ultimate consumption by that transferee. 64532

(EE) "Motor vehicle wholesaler" means any person licensed as 64533  
a dealer under the laws of another state and engaged in the 64534  
business of selling, displaying, or offering for sale used motor 64535  
vehicles, at wholesale, but does not mean any motor vehicle dealer 64536  
as defined in this section. 64537

(FF)(1) "Remanufacturer" means a person who assembles or 64538  
installs passenger seating, walls, a roof elevation, or a body 64539  
extension on a conversion van with the motor vehicle chassis 64540  
supplied by a manufacturer or distributor, a person who modifies a 64541  
truck chassis supplied by a manufacturer or distributor for use as 64542  
a public safety or public service vehicle, a person who modifies a 64543  
motor vehicle chassis supplied by a manufacturer or distributor 64544  
for use as a limousine or hearse, or a person who modifies an 64545  
incomplete motor vehicle cab and chassis supplied by a new motor 64546  
vehicle dealer or distributor for use as a tow truck, but does not 64547  
mean either of the following: 64548

(a) A person who assembles or installs passenger seating, a 64549  
roof elevation, or a body extension on a recreational vehicle as 64550  
defined in division (Q) and referred to in division (B) of section 64551  
4501.01 of the Revised Code; 64552

(b) A person who assembles or installs equipment or 64553  
accessories for ~~persons~~ a person with ~~disabilities~~ a disability 64554

that limits or impairs the ability to walk, as defined in section 64555  
4503.44 of the Revised Code, upon a motor vehicle chassis supplied 64556  
by a manufacturer or distributor. 64557

(2) For the purposes of division (FF)(1) of this section, 64558  
"public safety vehicle or public service vehicle" means a fire 64559  
truck, ambulance, school bus, street sweeper, garbage packing 64560  
truck, or cement mixer, or a mobile self-contained facility 64561  
vehicle. 64562

(3) For the purposes of division (FF)(1) of this section, 64563  
"limousine" means a motor vehicle, designed only for the purpose 64564  
of carrying nine or fewer passengers, that a person modifies by 64565  
cutting the original chassis, lengthening the wheelbase by forty 64566  
inches or more, and reinforcing the chassis in such a way that all 64567  
modifications comply with all applicable federal motor vehicle 64568  
safety standards. No person shall qualify as or be deemed to be a 64569  
remanufacturer who produces limousines unless the person has a 64570  
written agreement with the manufacturer of the chassis the person 64571  
utilizes to produce the limousines to complete properly the 64572  
remanufacture of the chassis into limousines. 64573

(4) For the purposes of division (FF)(1) of this section, 64574  
"hearse" means a motor vehicle, designed only for the purpose of 64575  
transporting a single casket, that is equipped with a compartment 64576  
designed specifically to carry a single casket that a person 64577  
modifies by cutting the original chassis, lengthening the 64578  
wheelbase by ten inches or more, and reinforcing the chassis in 64579  
such a way that all modifications comply with all applicable 64580  
federal motor vehicle safety standards. No person shall qualify as 64581  
or be deemed to be a remanufacturer who produces hearses unless 64582  
the person has a written agreement with the manufacturer of the 64583  
chassis the person utilizes to produce the hearses to complete 64584  
properly the remanufacture of the chassis into hearses. 64585

(5) For the purposes of division (FF)(1) of this section, 64586

"mobile self-contained facility vehicle" means a mobile classroom 64587  
vehicle, mobile laboratory vehicle, bookmobile, bloodmobile, 64588  
testing laboratory, and mobile display vehicle, each of which is 64589  
designed for purposes other than for passenger transportation and 64590  
other than the transportation or displacement of cargo, freight, 64591  
materials, or merchandise. A vehicle is remanufactured into a 64592  
mobile self-contained facility vehicle in part by the addition of 64593  
insulation to the body shell, and installation of all of the 64594  
following: a generator, electrical wiring, plumbing, holding 64595  
tanks, doors, windows, cabinets, shelving, and heating, 64596  
ventilating, and air conditioning systems. 64597

(6) For the purposes of division (FF)(1) of this section, 64598  
"tow truck" means both of the following: 64599

(a) An incomplete cab and chassis that are purchased by a 64600  
remanufacturer from a new motor vehicle dealer or distributor of 64601  
the cab and chassis and on which the remanufacturer then installs 64602  
in a permanent manner a wrecker body it purchases from a 64603  
manufacturer or distributor of wrecker bodies, installs an 64604  
emergency flashing light pylon and emergency lights upon the mast 64605  
of the wrecker body or rooftop, and installs such other related 64606  
accessories and equipment, including push bumpers, front grille 64607  
guards with pads and other custom-ordered items such as painting, 64608  
special lettering, and safety striping so as to create a complete 64609  
motor vehicle capable of lifting and towing another motor vehicle. 64610

(b) An incomplete cab and chassis that are purchased by a 64611  
remanufacturer from a new motor vehicle dealer or distributor of 64612  
the cab and chassis and on which the remanufacturer then installs 64613  
in a permanent manner a car carrier body it purchases from a 64614  
manufacturer or distributor of car carrier bodies, installs an 64615  
emergency flashing light pylon and emergency lights upon the 64616  
rooftop, and installs such other related accessories and 64617  
equipment, including push bumpers, front grille guards with pads 64618

and other custom-ordered items such as painting, special 64619  
lettering, and safety striping. 64620

As used in division (FF)(6)(b) of this section, "car carrier 64621  
body" means a mechanical or hydraulic apparatus capable of lifting 64622  
and holding a motor vehicle on a flat level surface so that one or 64623  
more motor vehicles can be transported, once the car carrier is 64624  
permanently installed upon an incomplete cab and chassis. 64625

(GG) "~~Operating~~ Operate as a new motor vehicle dealership" 64626  
means engaging in activities such as displaying, offering for 64627  
sale, and selling new motor vehicles at retail, operating a 64628  
service facility to perform repairs and maintenance on motor 64629  
vehicles, offering for sale and selling motor vehicle parts at 64630  
retail, and conducting all other acts that are usual and customary 64631  
to the operation of a new motor vehicle dealership. For the 64632  
purposes of this chapter only, possession of either a valid new 64633  
motor vehicle dealer franchise agreement or a new motor vehicle 64634  
dealers license, or both of these items, is not evidence that a 64635  
person is operating as a new motor vehicle dealership. 64636

(HH) "Outdoor power equipment" means garden and small utility 64637  
tractors, walk-behind and riding mowers, chainsaws, and tillers. 64638

(II) "Remote service facility" means premises that are 64639  
separate from a licensed new motor vehicle dealer's sales facility 64640  
by not more than one mile and that are used by the dealer to 64641  
perform repairs, warranty work, recall work, and maintenance on 64642  
motor vehicles pursuant to a franchise agreement entered into with 64643  
a manufacturer of motor vehicles. A remote service facility shall 64644  
be deemed to be part of the franchise agreement and is subject to 64645  
all the rights, duties, obligations, and requirements of Chapter 64646  
4517. of the Revised Code that relate to the performance of motor 64647  
vehicle repairs, warranty work, recall work, and maintenance work 64648  
by new motor vehicle dealers. 64649

(JJ) "Recreational vehicle" has the same meaning as in section 4501.01 of the Revised Code. 64650  
64651

(KK) "Construction equipment auctioneer" means a person who holds both a valid auction firm license issued under Chapter 4707. of the Revised Code and a valid construction equipment auction license issued under this chapter. 64652  
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(LL) "Large construction or transportation equipment" means vehicles having a gross vehicle weight rating of more than ten thousand pounds and includes road rollers, traction engines, power shovels, power cranes, commercial cars and trucks, or farm trucks, and other similar vehicles obtained primarily from the construction, mining, transportation or farming industries. 64656  
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(MM) "Local market conditions" includes, but is not limited to: 64662  
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(1) Demographics in the franchisee's area; 64664

(2) Geographical and market characteristics in the franchisee's area; 64665  
64666

(3) Local economic circumstances; 64667

(4) The proximity of other motor vehicle dealers of the same line-make; 64668  
64669

(5) The proximity of motor vehicle manufacturing facilities; 64670

(6) The buying patterns of motor vehicle purchasers; 64671

(7) Customer drive time and drive distance. 64672

(NN) "Established place of business" means a permanent, enclosed building or structure that meets all of the following requirements: 64673  
64674  
64675

(1) It is either owned, leased, or rented by the motor vehicle dealer. 64676  
64677

(2) It meets local zoning or municipal requirements. 64678

(3) It is regularly occupied by at least one person. 64679

(4) It is easily accessible to the public. 64680

(5) The records and files necessary to conduct the business 64681  
are generally kept and maintained at the location or are readily 64682  
accessible and available for reasonable inspection from the 64683  
location. 64684

"Established place of business" does not mean a residence, 64685  
tent, temporary stand, storage shed, lot, or any temporary 64686  
quarters, unless authorized by the registrar of motor vehicles. 64687

**Sec. 4517.05.** (A) Each person applying for a used motor 64688  
vehicle dealer's license shall ~~annually~~ biennially, before the 64689  
first day of April, make out and deliver to the registrar of motor 64690  
vehicles, upon a blank to be furnished by the registrar for that 64691  
purpose, a separate application for license for each county in 64692  
which such business is to be conducted. The application shall be 64693  
in the form prescribed by the registrar, shall be signed and sworn 64694  
to by the applicant, and, in addition to such other information as 64695  
is required by the registrar, shall include the information 64696  
specified in divisions (A) to (H) of section 4517.04 of the 64697  
Revised Code. The application shall be accompanied by a 64698  
photograph, as prescribed by the registrar, of each place of 64699  
business operated, or to be operated, by the applicant. An 64700  
application for a used motor vehicle dealer's license by any 64701  
person who is subject to division (B)(1) of this section shall be 64702  
accompanied by documentation, as prescribed by the motor vehicle 64703  
dealers board, showing that within the immediately preceding six 64704  
months, an owner, officer, partner, or director of the business 64705  
entity applying for the used motor vehicle dealer's license has 64706  
successfully completed a used motor vehicle dealer training 64707  
course. 64708

(B)(1) Except as provided in divisions (B)(2) and (3) of this 64709

section, an owner, officer, partner, or director of a business 64710  
entity applying for a used motor vehicle dealer license ninety 64711  
days or more after ~~the effective date of this amendment~~ September 64712  
4, 2012, shall, within six months immediately preceding the date 64713  
of applying for the license, successfully complete a used motor 64714  
vehicle dealer training course that complies with the rules of the 64715  
motor vehicle dealers board adopted under division (C) of this 64716  
section. 64717

(2) No person applying for a used motor vehicle dealer's 64718  
license shall be required to have an owner, officer, partner, or 64719  
director of the business entity complete a used motor vehicle 64720  
dealer training course if any owner, officer, partner, or director 64721  
of the business entity held a used or new motor vehicle dealer's 64722  
license within the two-year period immediately preceding the date 64723  
of application and the previously held license was not revoked or 64724  
suspended. 64725

(3) No person applying for a used motor vehicle dealer's 64726  
license shall be required to have an owner, officer, partner, or 64727  
director of the related business entity complete a used motor 64728  
vehicle dealer training course if the person holds a salvage motor 64729  
vehicle auction license pursuant to Chapter 4738. of the Revised 64730  
Code or a motor vehicle auction owner license pursuant to Chapter 64731  
4517. of the Revised Code. 64732

(C)(1) In accordance with Chapter 119. of the Revised Code, 64733  
the motor vehicle dealers board shall adopt rules governing used 64734  
motor vehicle dealer training courses. The rules shall do all of 64735  
the following: 64736

(a) Require a course provider to be an institution of higher 64737  
education, as defined in section 3345.12 of the Revised Code, or a 64738  
relevant professional or trade association that has been in 64739  
existence for more than five years and has a majority of members 64740  
who are motor vehicle dealers licensed in this state; 64741

- (b) Establish any additional qualifications for course providers; 64742  
64743
- (c) Establish the course curriculum, which shall include information on applicable federal and state law, including consumer protection laws, and shall require at least six hours but not more than twenty-four hours of instruction; 64744  
64745  
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- (d) Prescribe the form for the certificate of completion, which shall require the course provider to attest that the person named on the certificate successfully completed at least six hours of used motor vehicle dealer training; 64748  
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- (e) Establish any other reasonable requirements the board considers necessary. 64752  
64753
- (2) The board shall maintain information received from any course provider concerning course location, content, length, and cost and shall provide the information to any person upon request. 64754  
64755  
64756
- (3) The registrar shall not issue a used motor vehicle dealer license to any person subject to division (B)(1) of this section unless an owner, officer, partner, or director of a business entity applying for the used motor vehicle dealer license has successfully completed a used motor vehicle dealer training course that complies with the requirements of this division. 64757  
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- (D)(1) Any person offering used motor vehicle dealer training courses shall do all of the following: 64763  
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- (a) Conform the course to rules of the motor vehicle dealers board; 64765  
64766
- (b) Establish reasonable fees for courses offered; 64767
- (c) Issue, on a form prescribed by the board, a certificate of completion to each person who successfully completes a course of instruction; 64768  
64769  
64770
- (d) Notify the board of the course location, content, length, 64771

and cost. 64772

(2) A course provider may use information and material from 64773  
the bureau of motor vehicles and the attorney general. 64774

(E) Nothing in this section shall affect or apply to new 64775  
motor vehicle dealer licensing. 64776

**Sec. 4517.06.** Each person applying for a motor vehicle 64777  
leasing dealer's license shall ~~annually~~ biennially, before the 64778  
first day of April, make out and deliver to the registrar of motor 64779  
vehicles, upon a blank to be furnished by the registrar for that 64780  
purpose, a separate application for license for each county in 64781  
which the business of leasing motor vehicles, as described in 64782  
division (M) of section 4517.01 of the Revised Code, is to be 64783  
conducted. The application shall be in the form prescribed by the 64784  
registrar, shall be signed and sworn to ~~be~~ by the applicant, and, 64785  
in addition to such other information as is required by the 64786  
registrar, shall include the information specified in divisions 64787  
(A) to (H) of section 4517.04 of the Revised Code. The application 64788  
shall be accompanied by a photograph, as prescribed by the 64789  
registrar, of each place of business operated, or to be operated, 64790  
by the applicant. 64791

**Sec. 4517.07.** Each person applying for a motor vehicle 64792  
auction owner's license shall ~~annually~~ biennially, before the 64793  
first day of April, make out and deliver to the registrar of motor 64794  
vehicles, upon a blank to be furnished by the registrar for that 64795  
purpose, a separate application for license for each county in 64796  
which such business is to be conducted. The application shall be 64797  
in the form prescribed by the registrar, shall be signed and sworn 64798  
to by the applicant, and, in addition to such other information as 64799  
is required by the registrar, shall include the information 64800  
specified in divisions (A) to (H) of section 4517.04 of the 64801

Revised Code. The application shall be accompanied by a 64802  
photograph, as prescribed by the registrar, of each place of 64803  
business operated, or to be operated, by the applicant. 64804

The business records, relating to the auctioning of motor 64805  
vehicles, of a licensed motor vehicle auction owner shall be open 64806  
for reasonable inspection by the registrar or ~~his~~ the registrar's 64807  
authorized agent. 64808

**Sec. 4517.08.** Each person applying for a distributor's 64809  
license shall ~~annually~~ biennially, before the first day of April, 64810  
make out and deliver to the registrar of motor vehicles, upon a 64811  
blank to be furnished by the registrar for that purpose, a 64812  
separate application for license for each place of business 64813  
maintained. The application shall be in the form prescribed by the 64814  
registrar, shall be signed and sworn to by the applicant, and, in 64815  
addition to such other information as is required by the 64816  
registrar, shall include: 64817

(A) Name of applicant and location of principal place of 64818  
distribution; 64819

(B) The county or counties in which business is to be 64820  
conducted; 64821

(C) A statement showing the makes of motor vehicles to be 64822  
distributed; 64823

(D) The information specified in divisions (B), (C), (E), 64824  
(F), (G), and (H) of section 4517.04 of the Revised Code. 64825

At the time of application, the applicant shall furnish to 64826  
the registrar a true copy of ~~his~~ the applicant's appointment as a 64827  
distributor by a motor vehicle manufacturer. The appointment shall 64828  
be signed and sworn to by the applicant. The application shall 64829  
also be accompanied by a photograph, as prescribed by the 64830  
registrar, of each place of business operated, or to be operated, 64831

by the applicant. 64832

**Sec. 4517.10.** ~~At~~ Except as provided by section 4517.101 of 64833  
the Revised Code, at the time the registrar of motor vehicles 64834  
grants the application of any person for a license as motor 64835  
vehicle dealer, motor vehicle leasing dealer, distributor, motor 64836  
vehicle auction owner, or motor vehicle salesperson, the registrar 64837  
shall issue to the person a license. The registrar shall prescribe 64838  
different forms for the licenses of motor vehicle dealers, motor 64839  
vehicle leasing dealers, distributors, motor vehicle auction 64840  
owners, and motor vehicle salespersons, and all licenses shall 64841  
include the name and post-office address of the person licensed. 64842

The fee for a motor vehicle dealer's license and a motor 64843  
vehicle leasing dealer's license shall be fifty dollars. In 64844  
addition to the license fee, the registrar shall collect from each 64845  
applicant for an initial motor vehicle dealer's license and motor 64846  
vehicle leasing dealer's license a separate fee in an amount equal 64847  
to the last assessment required by section 4505.181 of the Revised 64848  
Code for all motor vehicle dealers and motor vehicle leasing 64849  
dealers. The registrar shall deposit the separate fee into the 64850  
state treasury to the credit of the title defect recision fund 64851  
created in section 1345.52 of the Revised Code. The fee for a 64852  
salesperson's license shall be ten dollars. The fee for a motor 64853  
vehicle auction owner's license shall be one hundred dollars for 64854  
each location. The fee for a distributor's license shall be one 64855  
hundred dollars for each distributorship. In all cases, the fee 64856  
shall accompany the application for license. 64857

The registrar may require each applicant for a license issued 64858  
under this chapter to pay an additional fee, which shall be used 64859  
by the registrar to pay the costs of obtaining a record of any 64860  
arrests and convictions of the applicant from the Ohio bureau of 64861  
identification and investigation. The amount of the fee shall be 64862

equal to that paid by the registrar to obtain such record. 64863

If a motor vehicle dealer or a motor vehicle leasing dealer 64864  
has more than one place of business in the county, the dealer 64865  
shall make application, in such form as the registrar prescribes, 64866  
for a certified copy of the license issued to the dealer for each 64867  
place of business operated. In the event of the loss, mutilation, 64868  
or destruction of a license issued under sections 4517.01 to 64869  
4517.65 of the Revised Code, any licensee may make application to 64870  
the registrar, in such form as the registrar prescribes, for a 64871  
duplicate copy thereof. The fee for a certified or duplicate copy 64872  
of a motor vehicle dealer's, motor vehicle leasing dealer's, 64873  
distributor's, or auction owner's license, is two dollars, and the 64874  
fee for a duplicate copy of a salesperson's license is one dollar. 64875  
All fees for such copies shall accompany the applications. 64876

Beginning on September 16, 2004, all motor vehicle dealers' 64877  
licenses, motor vehicle leasing dealers' licenses, distributors' 64878  
licenses, auction owners' licenses, and all salespersons' licenses 64879  
issued or renewed shall expire biennially on a day within the 64880  
two-year cycle that is prescribed by the registrar, unless sooner 64881  
suspended or revoked. Before the first day after the day 64882  
prescribed by the registrar in the year that the license expires, 64883  
each licensed motor vehicle dealer, motor vehicle leasing dealer, 64884  
distributor, and auction owner and each licensed salesperson, in 64885  
the year in which the license will expire, shall file an 64886  
application, in such form as the registrar prescribes, for the 64887  
renewal of such license. The fee for renewing a motor vehicle 64888  
dealer's license and a motor vehicle leasing dealer's license 64889  
shall be fifty dollars. The fee for renewing a salesperson's 64890  
license shall be ten dollars. The fee for renewing a motor vehicle 64891  
auction owner's license shall be one hundred dollars for each 64892  
location. The fee for renewing a distributor's license shall be 64893  
one hundred dollars for each distributorship. In all cases the 64894

license renewal fee shall accompany the renewal application. 64895

Any salesperson's license shall be suspended upon the 64896  
termination, suspension, or revocation of the license of the motor 64897  
vehicle dealer for whom the salesperson is acting, or upon the 64898  
salesperson leaving the service of the motor vehicle dealer; 64899  
provided that upon the termination, suspension, or revocation of 64900  
the license of the motor vehicle dealer for whom the salesperson 64901  
is acting, or upon the salesperson leaving the service of a 64902  
licensed motor vehicle dealer, the licensed salesperson, upon 64903  
entering the service of any other licensed motor vehicle dealer, 64904  
shall make application to the registrar, in such form as the 64905  
registrar prescribes, to have the salesperson's license 64906  
reinstated, transferred, and registered as a salesperson for the 64907  
other dealer. If the information contained in the application is 64908  
satisfactory to the registrar, the registrar shall have the 64909  
salesperson's license reinstated, transferred, and registered as a 64910  
salesperson for the other dealer. The fee for the reinstatement 64911  
and transfer of license shall be two dollars. No license issued to 64912  
a motor vehicle dealer, motor vehicle leasing dealer, auction 64913  
owner, or salesperson, under sections 4517.01 to 4517.65 of the 64914  
Revised Code shall be transferable to any other person. 64915

Each motor vehicle dealer, motor vehicle leasing dealer, 64916  
distributor, and auction owner shall keep the dealer's or auction 64917  
owner's license or a certified copy thereof posted in a 64918  
conspicuous place in each place of business. A dealer shall keep a 64919  
current list of the dealer's licensed salespersons, showing the 64920  
names, addresses, and serial numbers of their licenses and shall 64921  
make the list available upon request. Each salesperson shall keep 64922  
the salesperson's license or a certified copy thereof at the 64923  
salesperson's place of business and shall provide such license or 64924  
copy upon demand to any inspector of the bureau of motor vehicles, 64925  
state highway patrol trooper, police officer, or person with whom 64926

the salesperson seeks to transact business as a motor vehicle salesperson. 64927  
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The notice of refusal to grant a license shall disclose the reason for refusal. 64929  
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Sec. 4517.101. (A) When a person is first issued a used motor vehicle dealer license under this chapter, the registrar of motor vehicles shall issue a provisional license for a period of one hundred eighty days from the date of issuance. Not later than one hundred eighty days after the date of issuance of the provisional license, the registrar, or an agent of the registrar, shall inspect or cause to be inspected the place of business of the person who is the holder of the provisional license. 64931  
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(B) If the person conducting the inspection determines that the provisional license holder has complied with all the requirements with which holders of used motor vehicle dealer licenses under this chapter are required to comply, the person shall notify the provisional license holder of that fact. The person conducting the inspection shall notify the registrar that the provisional license holder is in compliance, and the registrar shall issue to the provisional license holder a used motor vehicle dealer license without provisional status. A license without provisional status remains valid until its expiration date unless it is suspended or revoked in accordance with this chapter. 64939  
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(C) If the person conducting the inspection determines that the provisional license holder has not complied with all the requirements with which holders of used motor vehicle dealer licenses issued under this chapter are required to comply, the person shall notify the provisional license holder of that fact. The person conducting the inspection shall notify the registrar of the noncompliance. In accordance with Chapter 119. of the Revised Code, the registrar shall send the provisional license holder 64950  
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written notice informing the holder that the holder's license is 64958  
revoked and that the holder may appeal the revocation to the motor 64959  
vehicle dealers board. Immediately upon revoking the provisional 64960  
license of the license holder, the registrar shall enter a final 64961  
order together with the registrar's findings and certify the same 64962  
to the motor vehicle dealers board. 64963

(D) Notwithstanding any other provision of this section, any 64964  
owner, officer, partner, or director of the applicant business 64965  
entity that currently holds a valid new motor vehicle dealer 64966  
license or held a new motor vehicle dealer license within the 64967  
two-year period immediately preceding the date of the application 64968  
that was not suspended or revoked is exempt from the issuance of a 64969  
provisional used motor vehicle dealer license. 64970

**Sec. 4517.23.** (A) Any licensed motor vehicle dealer, motor 64971  
vehicle leasing dealer, or distributor shall notify the registrar 64972  
of motor vehicles concerning any change in status as a dealer, 64973  
motor vehicle leasing dealer, or distributor during the period for 64974  
which the dealer, or distributor is licensed, if the change of 64975  
status concerns any of the following: 64976

(1) Personnel of owners, partners, officers, or directors; 64977

(2) Location of office or principal place of business; 64978

(3) The business telephone number or electronic mail address 64979  
for the motor vehicle dealer, motor vehicle leasing dealer, or 64980  
distributor; 64981

(4) In the case of a motor vehicle dealer, any contract or 64982  
agreement with any manufacturer or distributor; and in the case of 64983  
a distributor, any contract or agreement with any manufacturer. 64984

(B) The notification required by division (A) of this section 64985  
shall be made by filing with the registrar, within fifteen days 64986  
after the change of status, a supplemental statement in a form 64987

prescribed by the registrar showing in what respect the status has 64988  
been changed. If the change involves a change in any contract or 64989  
agreement between any manufacturer or distributor, and dealer, or 64990  
any manufacturer and distributor, the supplemental statement shall 64991  
be accompanied by such copies of contracts, statements, and 64992  
certificates as would have been required by sections 4517.01 to 64993  
4517.45 of the Revised Code if the change had occurred prior to 64994  
the licensee's application for license. 64995

The motor vehicle dealers board may adopt a rule exempting 64996  
from the notification requirement of division (A)(1) of this 64997  
section any dealer if stock in the dealer or its parent company is 64998  
publicly traded and if there are public records with state or 64999  
federal agencies that provide the information required by division 65000  
(A)(1) of this section. 65001

(C) Whoever violates this section is guilty of a misdemeanor 65002  
of the fourth degree. 65003

**Sec. 4701.13.** The accountancy board shall publish ~~annually~~ 65004  
and maintain a printed publicly available and searchable 65005  
electronic register. The ~~printed~~ register shall contain ~~in~~ 65006  
~~separate lists~~ the names and business addresses, license numbers, 65007  
license types, license status, and disciplinary history for any 65008  
actions taken under section 4701.16 of the Revised Code of all 65009  
certified public accountants and public accountants holding ~~Ohio~~ 65010  
~~permits~~ licenses issued under this chapter as of the date of 65011  
~~preparation of~~ the register is accessed. 65012

**Sec. 4703.01.** The governor shall appoint an architects board, 65013  
which shall be composed of five individuals, four of whom shall be 65014  
architects who have been in active practice in the state for not 65015  
less than ~~ten~~ five years previous to their appointment, and one of 65016  
whom shall be a member of the general public and who is not an 65017

architect. 65018

At the expiration of the term of office of each of the 65019  
members the governor shall, with the advice and consent of the 65020  
senate appoint a successor. Terms of office shall be for five 65021  
years, commencing on the third day of October and ending on the 65022  
second day of October. Each member shall hold office from the date 65023  
of appointment until the end of the term for which appointed. The 65024  
governor may, upon bona fide complaint and for good cause shown, 65025  
after ten days' notice to the member against whom charges may be 65026  
filed, and after opportunity for hearing, remove any member of 65027  
said board for inefficiency, neglect of duty, or malfeasance in 65028  
office. Any member appointed to fill a vacancy occurring prior to 65029  
the expiration of the term for which the member's predecessor was 65030  
appointed shall hold office for the remainder of such term. Any 65031  
member shall continue in office subsequent to the expiration date 65032  
of the member's term until the member's successor takes office, or 65033  
until a period of sixty days has elapsed, whichever occurs first. 65034

The members of said board shall, before entering upon the 65035  
discharge of their duties, subscribe to and file with the 65036  
secretary of state the constitutional oath of office. 65037

**Sec. 4703.15.** (A) The architects board may by three 65038  
concurring votes deny renewal of, revoke, or suspend any 65039  
certificate of qualification to practice architecture, issued or 65040  
renewed under sections 4703.10, 4703.13, and 4703.14 of the 65041  
Revised Code, or any certificate of authorization, issued or 65042  
renewed under sections 4703.13 and 4703.18 of the Revised Code, if 65043  
proof satisfactory to the board is presented in any of the 65044  
following cases: 65045

(1) In case it is shown that the certificate was obtained by 65046  
fraud; 65047

(2) In case the holder of the certificate has been found 65048

guilty by the board or by a court of justice of any fraud or 65049  
deceit in the holder's professional practice, or has been 65050  
convicted of a felony by a court of justice; 65051

(3) In case the holder has been found guilty by the board of 65052  
gross negligence, incompetency, or misconduct in the performance 65053  
of the holder's services as an architect or in the practice of 65054  
architecture; 65055

(4) In case the holder of the certificate has been found 65056  
guilty by the board of signing plans for the construction of a 65057  
building as a "registered architect" where the holder is not the 65058  
actual architect of such building and where the holder is without 65059  
prior written consent of the architect originating the design or 65060  
other documents used in the plans; 65061

(5) In case the holder of the certificate has been found 65062  
guilty by the board of aiding and abetting another person or 65063  
persons not properly registered as required by sections 4703.01 to 65064  
4703.19 of the Revised Code, in the performance of activities that 65065  
in any manner or extent constitute the practice of architecture. 65066

(B) In addition to disciplinary action the board may take 65067  
against a certificate holder under division (A) of this section or 65068  
section 4703.151 of the Revised Code, the board may impose a fine 65069  
against a certificate holder who obtained a certificate by fraud 65070  
or who is found guilty of any act specified in divisions (A)(2) to 65071  
(A)(5) of this section or who violates any rule governing the 65072  
standards of service, conduct, and practice adopted pursuant to 65073  
section 4703.02 of the Revised Code. The fine imposed shall be not 65074  
more than one thousand dollars for each offense but shall not 65075  
exceed five thousand dollars regardless of the number of offenses 65076  
the certificate holder has committed between the time the fine is 65077  
imposed and the time any previous fine was imposed. 65078

(C) If a person fails to request a hearing within thirty days 65079

after the date the board, in accordance with ~~section~~ sections 65080  
119.05 and 119.07 of the Revised Code, notifies the person of the 65081  
board's intent to act against the person under division (A) of 65082  
this section, the board by a majority vote of a quorum of the 65083  
board members may take the action against a person without holding 65084  
an adjudication hearing. 65085

**Sec. 4703.44.** The administrative procedures of the Ohio 65086  
landscape architects board shall be governed by Chapter 119. of 65087  
the Revised Code, and the board's authorized representatives may 65088  
administer oaths, take depositions, and issue subpoenas to compel 65089  
the attendance of witnesses and the production of books, papers, 65090  
records, memoranda, or other information necessary to the carrying 65091  
out of sections 4703.30 to 4703.52 of the Revised Code. 65092

If a person fails to request a hearing within thirty days 65093  
after the date the board, in accordance with ~~section~~ sections 65094  
119.05 and 119.07 of the Revised Code, notifies the person of the 65095  
board's intent to act against the person under section 4703.41 of 65096  
the Revised Code, the board, by a majority vote of a quorum of the 65097  
board members, may take the action against a person without 65098  
holding an adjudication hearing. 65099

**Sec. 4707.101.** (A) A licensed auctioneer shall complete eight 65100  
hours of continuing education in accordance with this section 65101  
prior to renewal of the license under section 4707.10 of the 65102  
Revised Code. The auction firm manager of a licensed auction firm 65103  
shall complete eight hours of continuing education in accordance 65104  
with this section prior to the renewal of the auction firm license 65105  
under section 4707.10 of the Revised Code. 65106

(B)(1) Except as provided in division (B)(2) of this section, 65107  
a licensed auctioneer and an auction firm manager shall complete 65108  
the eight hours of continuing education as follows: 65109

(a) Three of the hours shall include areas of instruction in any of the following areas: an overview of this chapter and rules adopted under it, including any recent amendments to that chapter or rules; contract law; the uniform commercial code; auction ethics; or trust or escrow accounts.

(b) Five of the hours shall include areas of instruction in any of the following areas: advertising and marketing; business math and accounting; insurance and liability; federal firearms law; business management; motor vehicle auctions; real estate auctions; or personal property auctions.

(2) If a licensed auctioneer has been issued a license with a period of validity of twelve months or less, the auctioneer shall complete four hours of continuing education as follows:

(a) One hour in the areas of instruction described in division (B)(1)(a) of this section;

(b) Three hours in the areas of instruction described in division (B)(1)(b) of this section.

(C) A licensed auctioneer or an auction firm manager of a licensed auction firm may complete an area of instruction for continuing education hours in another state if both of the following apply:

(1) The area of instruction has been approved by the appropriate state governing body in the other state.

(2) The Ohio auctioneers commission approves the completion of the area of instruction by the auctioneer or an auction firm manager in the other state.

(D) The continuing education requirements established under this section do not apply to a licensed auctioneer to which both of the following apply:

(1) The licensed auctioneer was licensed as an apprentice

auctioneer under section 4707.09 of the Revised Code, as it 65140  
existed prior to its repeal by H.B. 321 of the 134th general 65141  
assembly on September 13, 2022. 65142

(2) The licensed auctioneer completed that apprenticeship 65143  
prior to that date. 65144

**Sec. 4713.64.** (A) The state cosmetology and barber board may 65145  
take disciplinary action under this chapter for any of the 65146  
following: 65147

(1) Failure to comply with the safety, sanitation, and 65148  
licensing requirements of this chapter or rules adopted under it; 65149

(2) Continued practice by an individual knowingly having an 65150  
infectious or contagious disease; 65151

(3) Habitual drunkenness or addiction to any habit-forming 65152  
drug; 65153

(4) Willful false and fraudulent or deceptive advertising; 65154

(5) Falsification of any record or application required to be 65155  
filed with the board; 65156

(6) Failure to pay a fine or abide by a suspension order 65157  
issued by the board; 65158

(7) Failure to cooperate with an investigation or inspection; 65159

(8) Failure to respond to a subpoena; 65160

(9) Conviction of or plea of guilty to a violation of section 65161  
2905.32 of the Revised Code; 65162

(10) In the case of a salon, any individual's conviction of 65163  
or plea of guilty to a violation of section 2905.32 of the Revised 65164  
Code for an activity that took place on the premises of the salon. 65165

(B) On determining that there is cause for disciplinary 65166  
action, the board may do one or more of the following: 65167

(1) Deny, revoke, or suspend a license, permit, or registration issued by the board under this chapter;	65168 65169
(2) Impose a fine;	65170
(3) Require the holder of a license, permit, or registration issued under this chapter to take corrective action courses.	65171 65172
(C)(1) Except as provided in divisions (C)(2) and (3) of this section, the board shall take disciplinary action pursuant to an adjudication under Chapter 119. of the Revised Code.	65173 65174 65175
(2) The board may take disciplinary action without conducting an adjudication under Chapter 119. of the Revised Code against an individual or salon who violates division (A)(9) or (10) of this section. After the board takes such disciplinary action, the board shall give written notice to the subject of the disciplinary action of the right to request a hearing under Chapter 119. of the Revised Code.	65176 65177 65178 65179 65180 65181 65182
(3) In lieu of an adjudication, the board may enter into a consent agreement with the holder of a license, permit, or registration issued under this chapter. A consent agreement that is ratified by a majority vote of a quorum of the board members is considered to constitute the findings and orders of the board with respect to the matter addressed in the agreement. If the board does not ratify a consent agreement, the admissions and findings contained in the agreement are of no effect, and the case shall be scheduled for adjudication under Chapter 119. of the Revised Code.	65183 65184 65185 65186 65187 65188 65189 65190 65191
(D) The amount and content of corrective action courses and other relevant criteria shall be established by the board in rules adopted under section 4713.08 of the Revised Code.	65192 65193 65194
(E)(1) The board may impose a separate fine for each offense listed in division (A) of this section. The amount of the first fine issued for a violation as the result of an inspection shall be not more than two hundred fifty dollars if the violator has not	65195 65196 65197 65198

previously been fined for that offense. Any fines issued for 65199  
additional violations during such an inspection shall not be more 65200  
than one hundred dollars for each additional violation. The fine 65201  
shall be not more than five hundred dollars if the violator has 65202  
been fined for the same offense once before. Any fines issued for 65203  
additional violations during a second inspection shall not be more 65204  
than two hundred dollars for each additional violation. The fine 65205  
shall be not more than one thousand dollars if the violator has 65206  
been fined for the same offense two or more times before. Any 65207  
fines issued for additional violations during a third inspection 65208  
shall not be more than three hundred dollars for each additional 65209  
violation. 65210

(2) The board shall issue an order notifying a violator of a 65211  
fine imposed under division (E)(1) of this section. The notice 65212  
shall specify the date by which the fine is to be paid. The date 65213  
shall be less than forty-five days after the board issues the 65214  
order. 65215

(3) At the request of a violator who is temporarily unable to 65216  
pay a fine, or upon its own motion, the board may extend the time 65217  
period within which the violator shall pay the fine up to ninety 65218  
days after the date the board issues the order. 65219

(4) If a violator fails to pay a fine by the date specified 65220  
in the board's order and does not request an extension within ten 65221  
days after the date the board issues the order, or if the violator 65222  
fails to pay the fine within the extended time period as described 65223  
in division (E)(3) of this section, the board shall add to the 65224  
fine an additional penalty equal to ten per cent of the fine. 65225

(5) If a violator fails to pay a fine within ninety days 65226  
after the board issues the order, the board shall add to the fine 65227  
interest at a rate specified by the board in rules adopted under 65228  
section 4713.08 of the Revised Code. 65229

(6) If the fine, including any interest or additional penalty, remains unpaid on the ninety-first day after the board issues an order under division (E)(2) of this section, the amount of the fine and any interest or additional penalty shall be certified to the attorney general for collection in the form and manner prescribed by the attorney general. The attorney general may assess the collection cost to the amount certified in such a manner and amount as prescribed by the attorney general.

(F) In the case of an offense of failure to comply with division (A) or (B)(2) or (3) of section 4713.50 of the Revised Code, the board shall impose a fine of five hundred dollars if the violator has not previously been fined for that offense. If the violator has previously been fined for the offense, the board may impose a fine in accordance with this division or take another action in accordance with division (B) of this section.

(G) The board shall notify a licensee or registrant who is in violation of division (A) of this section and the owner of the salon in which the conditions constituting the violation were found. The individual receiving the notice of violation and the owner of the salon may request a hearing pursuant to section 119.07 of the Revised Code. If the individual or owner fails to request a hearing or enter into a consent agreement thirty days after the date the board, in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code and division (J) of this section, notifies the individual or owner of the board's intent to act against the individual or owner under division (A) of this section, the board by a majority vote of a quorum of the board members may take the action against the individual or owner without holding an adjudication hearing.

(H) The board, after a hearing in accordance with Chapter 119. of the Revised Code or pursuant to a consent agreement, may suspend a license, permit, or registration if the licensee, permit

holder, or registrant fails to correct an unsafe condition that 65262  
exists in violation of the board's rules or fails to cooperate in 65263  
an inspection. If a violation of this chapter or rules adopted 65264  
under it has resulted in a condition reasonably believed by an 65265  
inspector to create an immediate danger to the health and safety 65266  
of any individual using the facility, the inspector may suspend 65267  
the license or permit of the facility or the individual 65268  
responsible for the violation without a prior hearing until the 65269  
condition is corrected or until a hearing in accordance with 65270  
Chapter 119. of the Revised Code is held or a consent agreement is 65271  
entered into and the board either upholds the suspension or 65272  
reinstates the license, permit, or registration. 65273

(I) The board shall not take disciplinary action against an 65274  
individual licensed to operate a salon or school of cosmetology 65275  
for a violation of this chapter that was committed by an 65276  
individual licensed to practice a branch of cosmetology, while 65277  
practicing within the salon or school, when the individual's 65278  
actions were beyond the control of the salon owner or school. 65279

~~(J) In addition to the methods of notification required under 65280  
section 119.07 of the Revised Code, the board may send the notices 65281  
required under divisions (C)(2), (E)(2), and (G) of this section 65282  
by any delivery method that is traceable and requires that the 65283  
delivery person obtain a signature to verify that the notice has 65284  
been delivered. The board also may send the notices by electronic 65285  
mail, provided that the electronic mail delivery system certifies 65286  
that a notice has been received. 65287~~

**Sec. 4715.036.** (A) As used in this section: 65288

(1) "Personal identifying information" has the same meaning 65289  
as in section 2913.49 of the Revised Code. 65290

(2) "Confidential law enforcement investigatory record" has 65291  
the same meaning as in section 149.43 of the Revised Code, except 65292

that it excludes information provided by an information source or 65293  
witness to whom confidentiality has been reasonably promised, 65294  
which information would reasonably tend to disclose the source's 65295  
or witness's identity. 65296

(B) If the state dental board notifies an applicant, license 65297  
holder, or other individual of an opportunity for a hearing 65298  
pursuant to ~~section~~ sections 119.05 and 119.07 of the Revised 65299  
Code, the board shall state in the notice that the individual is 65300  
entitled to receive at least sixty days before the hearing, on the 65301  
individual's request and as described in division (C) of this 65302  
section, one copy of each item the board procures or creates in 65303  
the course of its investigation on the individual. Such items may 65304  
include, but are not limited to, the one or more complaints filed 65305  
with the board; correspondence, reports, and statements; 65306  
deposition transcripts; and patient dental records. 65307

(C) On receipt of a request for copies of investigative items 65308  
from an individual who is notified under division (B) of this 65309  
section of an opportunity for a hearing, the board shall provide 65310  
the copies to the individual in accordance with, and subject to, 65311  
all of the following: 65312

(1) The board shall provide the copies in a timely manner. 65313

(2) The board may charge a fee for providing the copies, but 65314  
the amount of the fee shall be set at a reasonable cost to the 65315  
individual. 65316

(3) Before providing the copies, the board shall determine 65317  
whether the investigative items contain any personal identifying 65318  
information regarding a complainant. If the board determines that 65319  
the investigative items contain such personal identifying 65320  
information, or any other information that would reveal the 65321  
complainant's identity, the board shall redact the information 65322  
from the copies it provides to the individual. 65323

(4) The board shall not provide either of the following: 65324

(a) Any information that is subject to the attorney-client 65325  
privilege or work product doctrine, or that would reveal the 65326  
investigatory processes or methods of investigation used by the 65327  
board; 65328

(b) Any information that would constitute a confidential law 65329  
enforcement investigatory record. 65330

(D) If a request for copies of investigative items is made 65331  
pursuant to this section, the board in its scheduling of a hearing 65332  
for the individual shall, notwithstanding section 119.07 of the 65333  
Revised Code, schedule the hearing for a date that is at least 65334  
sixty-one days after the board provides the individual with the 65335  
copies of the items. 65336

(E)(1) After the board notifies an individual of an 65337  
opportunity for a hearing, the individual may ask the board to 65338  
issue either or both of the following: 65339

(a) A subpoena to compel the attendance and testimony of any 65340  
witness at the hearing; 65341

(b) A subpoena for the production of books, records, papers, 65342  
or other tangible items. 65343

(2) On receipt of an individual's request under division 65344  
(E)(1) of this section, the board shall issue the subpoena. 65345

In the case of a subpoena for the production of books, 65346  
records, papers, or other tangible items, the person or government 65347  
entity subject to the subpoena shall comply with the subpoena at 65348  
least thirty days prior to the date the individual's hearing is 65349  
scheduled to be held. 65350

**Sec. 4715.30.** (A) Except as provided in division (K) of this 65351  
section, an applicant for or holder of a certificate or license 65352  
issued under this chapter is subject to disciplinary action by the 65353

state dental board for any of the following reasons: 65354

(1) Employing or cooperating in fraud or material deception 65355  
in applying for or obtaining a license or certificate; 65356

(2) Obtaining or attempting to obtain money or anything of 65357  
value by intentional misrepresentation or material deception in 65358  
the course of practice; 65359

(3) Advertising services in a false or misleading manner or 65360  
violating the board's rules governing time, place, and manner of 65361  
advertising; 65362

(4) Commission of an act that constitutes a felony in this 65363  
state, regardless of the jurisdiction in which the act was 65364  
committed; 65365

(5) Commission of an act in the course of practice that 65366  
constitutes a misdemeanor in this state, regardless of the 65367  
jurisdiction in which the act was committed; 65368

(6) Conviction of, a plea of guilty to, a judicial finding of 65369  
guilt of, a judicial finding of guilt resulting from a plea of no 65370  
contest to, or a judicial finding of eligibility for intervention 65371  
in lieu of conviction for, any felony or of a misdemeanor 65372  
committed in the course of practice; 65373

(7) Engaging in lewd or immoral conduct in connection with 65374  
the provision of dental services; 65375

(8) Selling, prescribing, giving away, or administering drugs 65376  
for other than legal and legitimate therapeutic purposes, or 65377  
conviction of, a plea of guilty to, a judicial finding of guilt 65378  
of, a judicial finding of guilt resulting from a plea of no 65379  
contest to, or a judicial finding of eligibility for intervention 65380  
in lieu of conviction for, a violation of any federal or state law 65381  
regulating the possession, distribution, or use of any drug; 65382

(9) Providing or allowing dental hygienists, expanded 65383

function dental auxiliaries, or other practitioners of auxiliary 65384  
dental occupations working under the certificate or license 65385  
holder's supervision, or a dentist holding a temporary limited 65386  
continuing education license under division (C) of section 4715.16 65387  
of the Revised Code working under the certificate or license 65388  
holder's direct supervision, to provide dental care that departs 65389  
from or fails to conform to accepted standards for the profession, 65390  
whether or not injury to a patient results; 65391

(10) Inability to practice under accepted standards of the 65392  
profession because of physical or mental disability, dependence on 65393  
alcohol or other drugs, or excessive use of alcohol or other 65394  
drugs; 65395

(11) Violation of any provision of this chapter or any rule 65396  
adopted thereunder; 65397

(12) Failure to use universal blood and body fluid 65398  
precautions established by rules adopted under section 4715.03 of 65399  
the Revised Code; 65400

(13) Except as provided in division (H) of this section, 65401  
either of the following: 65402

(a) Waiving the payment of all or any part of a deductible or 65403  
copayment that a patient, pursuant to a health insurance or health 65404  
care policy, contract, or plan that covers dental services, would 65405  
otherwise be required to pay if the waiver is used as an 65406  
enticement to a patient or group of patients to receive health 65407  
care services from that certificate or license holder; 65408

(b) Advertising that the certificate or license holder will 65409  
waive the payment of all or any part of a deductible or copayment 65410  
that a patient, pursuant to a health insurance or health care 65411  
policy, contract, or plan that covers dental services, would 65412  
otherwise be required to pay. 65413

(14) Failure to comply with section 4715.302 or 4729.79 of 65414

the Revised Code, unless the state board of pharmacy no longer 65415  
maintains a drug database pursuant to section 4729.75 of the 65416  
Revised Code; 65417

(15) Any of the following actions taken by an agency 65418  
responsible for authorizing, certifying, or regulating an 65419  
individual to practice a health care occupation or provide health 65420  
care services in this state or another jurisdiction, for any 65421  
reason other than the nonpayment of fees: the limitation, 65422  
revocation, or suspension of an individual's license to practice; 65423  
acceptance of an individual's license surrender; denial of a 65424  
license; refusal to renew or reinstate a license; imposition of 65425  
probation; or issuance of an order of censure or other reprimand; 65426

(16) Failure to cooperate in an investigation conducted by 65427  
the board under division (D) of section 4715.03 of the Revised 65428  
Code, including failure to comply with a subpoena or order issued 65429  
by the board or failure to answer truthfully a question presented 65430  
by the board at a deposition or in written interrogatories, except 65431  
that failure to cooperate with an investigation shall not 65432  
constitute grounds for discipline under this section if a court of 65433  
competent jurisdiction has issued an order that either quashes a 65434  
subpoena or permits the individual to withhold the testimony or 65435  
evidence in issue; 65436

(17) Failure to comply with the requirements in section 65437  
3719.061 of the Revised Code before issuing for a minor a 65438  
prescription for an opioid analgesic, as defined in section 65439  
3719.01 of the Revised Code; 65440

(18) Failure to comply with the requirements of sections 65441  
4715.71 and 4715.72 of the Revised Code regarding the operation of 65442  
a mobile dental facility. 65443

(B) A manager, proprietor, operator, or conductor of a dental 65444  
facility shall be subject to disciplinary action if any dentist, 65445

dental hygienist, expanded function dental auxiliary, or qualified 65446  
personnel providing services in the facility is found to have 65447  
committed a violation listed in division (A) of this section and 65448  
the manager, proprietor, operator, or conductor knew of the 65449  
violation and permitted it to occur on a recurring basis. 65450

(C) Subject to Chapter 119. of the Revised Code, the board 65451  
may take one or more of the following disciplinary actions if one 65452  
or more of the grounds for discipline listed in divisions (A) and 65453  
(B) of this section exist: 65454

(1) Censure the license or certificate holder; 65455

(2) Place the license or certificate on probationary status 65456  
for such period of time the board determines necessary and require 65457  
the holder to: 65458

(a) Report regularly to the board upon the matters which are 65459  
the basis of probation; 65460

(b) Limit practice to those areas specified by the board; 65461

(c) Continue or renew professional education until a 65462  
satisfactory degree of knowledge or clinical competency has been 65463  
attained in specified areas. 65464

(3) Suspend the certificate or license; 65465

(4) Revoke the certificate or license. 65466

Where the board places a holder of a license or certificate 65467  
on probationary status pursuant to division (C)(2) of this 65468  
section, the board may subsequently suspend or revoke the license 65469  
or certificate if it determines that the holder has not met the 65470  
requirements of the probation or continues to engage in activities 65471  
that constitute grounds for discipline pursuant to division (A) or 65472  
(B) of this section. 65473

Any order suspending a license or certificate shall state the 65474  
conditions under which the license or certificate will be 65475

restored, which may include a conditional restoration during which 65476  
time the holder is in a probationary status pursuant to division 65477  
(C)(2) of this section. The board shall restore the license or 65478  
certificate unconditionally when such conditions are met. 65479

(D) If the physical or mental condition of an applicant or a 65480  
license or certificate holder is at issue in a disciplinary 65481  
proceeding, the board may order the license or certificate holder 65482  
to submit to reasonable examinations by an individual designated 65483  
or approved by the board and at the board's expense. The physical 65484  
examination may be conducted by any individual authorized by the 65485  
Revised Code to do so, including a physician assistant, a clinical 65486  
nurse specialist, a certified nurse practitioner, or a certified 65487  
nurse-midwife. Any written documentation of the physical 65488  
examination shall be completed by the individual who conducted the 65489  
examination. 65490

Failure to comply with an order for an examination shall be 65491  
grounds for refusal of a license or certificate or summary 65492  
suspension of a license or certificate under division (E) of this 65493  
section. 65494

(E) If a license or certificate holder has failed to comply 65495  
with an order under division (D) of this section, the board may 65496  
apply to the court of common pleas of the county in which the 65497  
holder resides for an order temporarily suspending the holder's 65498  
license or certificate, without a prior hearing being afforded by 65499  
the board, until the board conducts an adjudication hearing 65500  
pursuant to Chapter 119. of the Revised Code. If the court 65501  
temporarily suspends a holder's license or certificate, the board 65502  
shall give written notice of the suspension personally or by 65503  
certified mail to the license or certificate holder. Such notice 65504  
shall inform the license or certificate holder of the right to a 65505  
hearing pursuant to Chapter 119. of the Revised Code. 65506

(F) Any holder of a certificate or license issued under this 65507

chapter who has pleaded guilty to, has been convicted of, or has 65508  
had a judicial finding of eligibility for intervention in lieu of 65509  
conviction entered against the holder in this state for aggravated 65510  
murder, murder, voluntary manslaughter, felonious assault, 65511  
kidnapping, rape, sexual battery, gross sexual imposition, 65512  
aggravated arson, aggravated robbery, or aggravated burglary, or 65513  
who has pleaded guilty to, has been convicted of, or has had a 65514  
judicial finding of eligibility for treatment or intervention in 65515  
lieu of conviction entered against the holder in another 65516  
jurisdiction for any substantially equivalent criminal offense, is 65517  
automatically suspended from practice under this chapter in this 65518  
state and any certificate or license issued to the holder under 65519  
this chapter is automatically suspended, as of the date of the 65520  
guilty plea, conviction, or judicial finding, whether the 65521  
proceedings are brought in this state or another jurisdiction. 65522  
Continued practice by an individual after the suspension of the 65523  
individual's certificate or license under this division shall be 65524  
considered practicing without a certificate or license. The board 65525  
shall notify the suspended individual of the suspension of the 65526  
individual's certificate or license under this division ~~by~~ 65527  
~~certified mail or in person~~ in accordance with ~~section~~ sections 65528  
119.05 and 119.07 of the Revised Code. If an individual whose 65529  
certificate or license is suspended under this division fails to 65530  
make a timely request for an adjudicatory hearing, the board shall 65531  
enter a final order revoking the individual's certificate or 65532  
license. 65533

(G) If the supervisory investigative panel determines both of 65534  
the following, the panel may recommend that the board suspend an 65535  
individual's certificate or license without a prior hearing: 65536

(1) That there is clear and convincing evidence that an 65537  
individual has violated division (A) of this section; 65538

(2) That the individual's continued practice presents a 65539

danger of immediate and serious harm to the public. 65540

Written allegations shall be prepared for consideration by 65541  
the board. The board, upon review of those allegations and by an 65542  
affirmative vote of not fewer than four dentist members of the 65543  
board and seven of its members in total, excluding any member on 65544  
the supervisory investigative panel, may suspend a certificate or 65545  
license without a prior hearing. A telephone conference call may 65546  
be utilized for reviewing the allegations and taking the vote on 65547  
the summary suspension. 65548

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 65549  
~~certified mail or in person~~ in accordance with ~~section~~ sections 65550  
119.05 and 119.07 of the Revised Code. The order shall not be 65551  
subject to suspension by the court during pendency or any appeal 65552  
filed under section 119.12 of the Revised Code. If the individual 65553  
subject to the summary suspension requests an adjudicatory hearing 65554  
by the board, the date set for the hearing shall be within fifteen 65555  
days, but not earlier than seven days, after the individual 65556  
requests the hearing, unless otherwise agreed to by both the board 65557  
and the individual. 65558

Any summary suspension imposed under this division shall 65559  
remain in effect, unless reversed on appeal, until a final 65560  
adjudicative order issued by the board pursuant to this section 65561  
and Chapter 119. of the Revised Code becomes effective. The board 65562  
shall issue its final adjudicative order within seventy-five days 65563  
after completion of its hearing. A failure to issue the order 65564  
within seventy-five days shall result in dissolution of the 65565  
summary suspension order but shall not invalidate any subsequent, 65566  
final adjudicative order. 65567

(H) Sanctions shall not be imposed under division (A)(13) of 65568  
this section against any certificate or license holder who waives 65569  
deductibles and copayments as follows: 65570

(1) In compliance with the health benefit plan that expressly 65571  
allows such a practice. Waiver of the deductibles or copayments 65572  
shall be made only with the full knowledge and consent of the plan 65573  
purchaser, payer, and third-party administrator. Documentation of 65574  
the consent shall be made available to the board upon request. 65575

(2) For professional services rendered to any other person 65576  
who holds a certificate or license issued pursuant to this chapter 65577  
to the extent allowed by this chapter and the rules of the board. 65578

(I) In no event shall the board consider or raise during a 65579  
hearing required by Chapter 119. of the Revised Code the 65580  
circumstances of, or the fact that the board has received, one or 65581  
more complaints about a person unless the one or more complaints 65582  
are the subject of the hearing or resulted in the board taking an 65583  
action authorized by this section against the person on a prior 65584  
occasion. 65585

(J) The board may share any information it receives pursuant 65586  
to an investigation under division (D) of section 4715.03 of the 65587  
Revised Code, including patient records and patient record 65588  
information, with law enforcement agencies, other licensing 65589  
boards, and other governmental agencies that are prosecuting, 65590  
adjudicating, or investigating alleged violations of statutes or 65591  
administrative rules. An agency or board that receives the 65592  
information shall comply with the same requirements regarding 65593  
confidentiality as those with which the state dental board must 65594  
comply, notwithstanding any conflicting provision of the Revised 65595  
Code or procedure of the agency or board that applies when it is 65596  
dealing with other information in its possession. In a judicial 65597  
proceeding, the information may be admitted into evidence only in 65598  
accordance with the Rules of Evidence, but the court shall require 65599  
that appropriate measures are taken to ensure that confidentiality 65600  
is maintained with respect to any part of the information that 65601  
contains names or other identifying information about patients or 65602

complainants whose confidentiality was protected by the state 65603  
dental board when the information was in the board's possession. 65604  
Measures to ensure confidentiality that may be taken by the court 65605  
include sealing its records or deleting specific information from 65606  
its records. 65607

(K) The board shall not refuse to issue a license or 65608  
certificate to an applicant for either of the following reasons 65609  
unless the refusal is in accordance with section 9.79 of the 65610  
Revised Code: 65611

(1) A conviction or plea of guilty to an offense; 65612

(2) A judicial finding of eligibility for treatment or 65613  
intervention in lieu of a conviction. 65614

**Sec. 4717.04.** (A) The board of embalmers and funeral 65615  
directors shall adopt rules in accordance with Chapter 119. of the 65616  
Revised Code for the government, transaction of the business, and 65617  
the management of the affairs of the board of embalmers and 65618  
funeral directors and the crematory review board, and for the 65619  
administration and enforcement of this chapter. These rules shall 65620  
include all of the following: 65621

(1) The nature, scope, content, and form of the application 65622  
that must be completed and license examination that must be passed 65623  
in order to receive an embalmer's license or a funeral director's 65624  
license under section 4717.05 of the Revised Code. The rules shall 65625  
ensure both of the following: 65626

(a) That the embalmer's license examination tests the 65627  
applicant's knowledge through at least a comprehensive section and 65628  
an Ohio laws section; 65629

(b) That the funeral director's license examination tests the 65630  
applicant's knowledge through at least a comprehensive section, an 65631  
Ohio laws section, and a sanitation section. 65632

- (2) The minimum license examination score necessary to be licensed under section 4717.05 of the Revised Code as an embalmer or as a funeral director; 65633  
65634  
65635
- (3) Procedures for determining the dates of the embalmer's and funeral director's license examinations, which shall be administered at least once each year, the time and place of each examination, and the supervision required for each examination; 65636  
65637  
65638  
65639
- (4) Procedures for determining whether the board shall accept an applicant's compliance with the licensure, registration, or certification requirements of another state as grounds for granting the applicant a license under this chapter; 65640  
65641  
65642  
65643
- (5) A determination of whether completion of a nationally recognized embalmer's or funeral director's examination sufficiently meets the license requirements for the comprehensive section of either the embalmer's or the funeral director's license examination administered under this chapter; 65644  
65645  
65646  
65647  
65648
- (6) Continuing education requirements for licensed embalmers and funeral directors; 65649  
65650
- (7) Requirements for the licensing and operation of funeral homes; 65651  
65652
- (8) Requirements for the licensing and operation of embalming facilities; 65653  
65654
- (9) A schedule that lists, and specifies a forfeiture commensurate with, each of the following types of conduct which, for the purposes of division (A)(9) of this section and section 4717.15 of the Revised Code, are violations of this chapter: 65655  
65656  
65657  
65658
- (a) Obtaining a license under this chapter by fraud or misrepresentation either in the application or in passing the required examination for the license; 65659  
65660  
65661
- (b) Purposely violating any provision of sections 4717.01 to 65662

4717.15 of the Revised Code or a rule adopted under any of those 65663  
sections; division (A) or (B) of section 4717.23; division (B)(1) 65664  
or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions 65665  
(H) to (K) of section 4717.26; division (D)(1) of section 4717.27; 65666  
or divisions (A) to (C) of section 4717.28 of the Revised Code; 65667

(c) Committing unprofessional conduct; 65668

(d) Knowingly permitting an unlicensed person, other than a 65669  
person serving an apprenticeship, to engage in the profession or 65670  
business of embalming or funeral directing under the licensee's 65671  
supervision; 65672

(e) Refusing to promptly submit the custody of a dead human 65673  
body or cremated remains upon the express order of the person 65674  
legally entitled to the body; 65675

(f) Transferring a license to operate a funeral home, 65676  
embalming facility, or crematory facility from one owner or 65677  
operator to another, or from one location to another, without 65678  
notifying the board and following the requirements of section 65679  
4717.11 of the Revised Code; 65680

(g) Misleading the public using false or deceptive 65681  
advertising; 65682

(h) Failing to forward to the board on or before its due date 65683  
the annual report of preneed funeral sales required by division 65684  
(J) of section 4717.31 of the Revised Code. If the annual report 65685  
is sent to the board by United States mail, it shall be postmarked 65686  
on or before the due date for the submission of the annual report 65687  
in order to be timely filed with the board. Mail that is not 65688  
postmarked shall be considered filed on the date it is received by 65689  
the board. 65690

Each instance of the commission of any of the types of 65691  
conduct described in division (A)(9) of this section is a separate 65692  
violation. The rules adopted under division (A)(9) of this section 65693

shall establish the amount of the forfeiture for a violation of 65694  
each of those divisions. The forfeiture for a first violation 65695  
shall not exceed five thousand dollars, and the forfeiture for a 65696  
second or subsequent violation shall not exceed ten thousand 65697  
dollars. The amount of the forfeiture may differ among the types 65698  
of violations according to what the board considers the 65699  
seriousness of each violation. 65700

(10) Requirements for the licensing and operation of 65701  
crematory facilities; 65702

(11) Procedures for the board to take possession of and to 65703  
arrange the lawful disposition of unclaimed cremated remains that 65704  
were held or stored at a funeral home or crematory that has been 65705  
closed; 65706

(12) Procedures for the issuance of duplicate licenses; 65707

(13) Requirements for criminal records checks of applicants 65708  
under section 4776.03 of the Revised Code; 65709

(14) The amount and content of corrective action courses 65710  
required by the board under section 4717.14 of the Revised Code. 65711

(B) The board may adopt rules governing the educational 65712  
standards for licensure as an embalmer or funeral director, or 65713  
obtaining a permit to be a crematory operator, and the standards 65714  
of service and practice to be followed in embalming, funeral 65715  
directing, and cremation, and in the operation of funeral homes, 65716  
embalming facilities, and crematory facilities in this state. 65717

(C) Nothing in this chapter authorizes the board of embalmers 65718  
and funeral directors to regulate cemeteries, except that the 65719  
board shall license and regulate funeral homes, embalming 65720  
facilities, and crematory facilities located at cemeteries in 65721  
accordance with this chapter. 65722

(D) If the executive director of the board has knowledge or 65723

notice of a violation of division (A)(1), (3), (5), or (6) of 65724  
section 4717.13 of the Revised Code or that a person is engaging 65725  
in the business or profession of funeral directing in violation of 65726  
division (A)(14) of that section, the executive director shall 65727  
~~investigate the matter, and, upon probable cause appearing, cause~~ 65728  
~~an attorney employed by or contracting with the board to file a~~ 65729  
~~complaint and prosecute the offender. When requested by the~~ 65730  
~~executive director, the prosecuting attorney of the proper county~~ 65731  
~~or the attorney general shall take charge of and conduct such~~ 65732  
prosecution notify the appropriate law enforcement authority for 65733  
investigation. 65734

**Sec. 4717.14.** (A) The board of embalmers and funeral 65735  
directors may, except as provided in division (G) of this section, 65736  
refuse to grant or renew, or may suspend or revoke, any license or 65737  
permit issued under this chapter or may require the holder of a 65738  
license or permit to take corrective action courses for any of the 65739  
following reasons: 65740

(1) The holder of a license or permit obtained the license or 65741  
permit by fraud or misrepresentation either in the application or 65742  
in passing the examination. 65743

(2) The licensee or permit holder has been convicted of or 65744  
has pleaded guilty to a felony or of any crime involving moral 65745  
turpitude. 65746

(3) The applicant, licensee, or permit holder has recklessly 65747  
violated any provision of sections 4717.01 to 4717.15 or a rule 65748  
adopted under any of those sections; division (A) or (B) of 65749  
section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), 65750  
or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; 65751  
division (D)(1) of section 4717.27; or divisions (A) to (C) of 65752  
section 4717.28 of the Revised Code; or any provisions of sections 65753  
4717.31 to 4717.38 of the Revised Code; any rule or order of the 65754

department of health or a board of health of a health district 65755  
governing the disposition of dead human bodies; or any other rule 65756  
or order applicable to the applicant or licensee. 65757

(4) The licensee or permit holder has committed immoral or 65758  
unprofessional conduct. 65759

(5) The applicant or licensee knowingly permitted an 65760  
unlicensed person, other than a person serving an apprenticeship, 65761  
to engage in the profession or business of embalming or funeral 65762  
directing under the applicant's or licensee's supervision. 65763

(6) The applicant, licensee, or permit holder has been 65764  
habitually intoxicated, or is addicted to the use of morphine, 65765  
cocaine, or other habit-forming or illegal drugs. 65766

(7) The applicant, licensee, or permit holder has refused to 65767  
promptly submit the custody of a dead human body or cremated 65768  
remains upon the express order of the person legally entitled to 65769  
the body or cremated remains. 65770

(8) The licensee or permit holder loaned the licensee's own 65771  
license or the permit holder's own permit, or the applicant, 65772  
licensee, or permit holder borrowed or used the license or permit 65773  
of another person, or knowingly aided or abetted the granting of 65774  
an improper license or permit. 65775

(9) The applicant, licensee, or permit holder misled the 65776  
public by using false or deceptive advertising. As used in this 65777  
division, "false and deceptive advertising" includes, but is not 65778  
limited to, any of the following: 65779

(a) Using the names of persons who are not licensed to 65780  
practice funeral directing in a way that leads the public to 65781  
believe that such persons are engaging in funeral directing; 65782

(b) Using any name for the funeral home other than the name 65783  
under which the funeral home is licensed; 65784

(c) Using in the funeral home's name the surname of an individual who is not directly, actively, or presently associated with the funeral home, unless such surname has been previously and continuously used by the funeral home.

(B)(1) The board of embalmers and funeral directors shall refuse to grant or renew, or shall suspend or revoke a license or permit only in accordance with Chapter 119. of the Revised Code.

(2) The board shall send to the crematory review board written notice that it proposes to refuse to issue or renew, or proposes to suspend or revoke, a license to operate a crematory facility. If, after the conclusion of the adjudicatory hearing on the matter conducted under division (F) of section 4717.03 of the Revised Code, the board of embalmers and funeral directors finds that any of the circumstances described in divisions (A)(1) to (9) of this section apply to the person named in its proposed action, the board may issue a final order under division (F) of section 4717.03 of the Revised Code refusing to issue or renew, or suspending or revoking, the person's license to operate a crematory facility.

(C) If the board of embalmers and funeral directors determines that there is clear and convincing evidence that any of the circumstances described in divisions (A)(1) to (9) of this section apply to the holder of a license or permit issued under this chapter and that the licensee's or permit holder's continued practice presents a danger of immediate and serious harm to the public, the board may suspend the licensee's license or permit holder's permit without a prior adjudicatory hearing. The executive director of the board shall prepare written allegations for consideration by the board.

The board, after reviewing the written allegations, may suspend a license or permit without a prior hearing.

Notwithstanding section 121.22 of the Revised Code, the board 65816  
may suspend a license or permit under this division by utilizing a 65817  
telephone conference call to review the allegations and to take a 65818  
vote. 65819

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 65820  
~~a delivery system or in person~~ in accordance with ~~section~~ sections 65821  
119.05 and 119.07 of the Revised Code. Such an order is not 65822  
subject to suspension by the court during the pendency of any 65823  
appeal filed under section 119.12 of the Revised Code. If the 65824  
licensee or permit holder requests an adjudicatory hearing by the 65825  
board, the date set for the hearing shall be within fifteen days, 65826  
but not earlier than seven days, after the licensee or permit 65827  
holder has requested a hearing, unless the board and the licensee 65828  
or permit holder agree to a different time for holding the 65829  
hearing. 65830

Upon issuing a written order of suspension to the holder of a 65831  
license to operate a crematory facility, the board of embalmers 65832  
and funeral directors shall send written notice of the issuance of 65833  
the order to the crematory review board. The crematory review 65834  
board shall hold an adjudicatory hearing on the order under 65835  
division (F) of section 4717.03 of the Revised Code within fifteen 65836  
days, but not earlier than seven days, after the issuance of the 65837  
order, unless the crematory review board and the licensee agree to 65838  
a different time for holding the adjudicatory hearing. 65839

Any summary suspension imposed under this division shall 65840  
remain in effect, unless reversed on appeal, until a final 65841  
adjudicatory order issued by the board of embalmers and funeral 65842  
directors pursuant to this division and Chapter 119. of the 65843  
Revised Code, or division (F) of section 4717.03 of the Revised 65844  
Code, as applicable, becomes effective. The board of embalmers and 65845  
funeral directors shall issue its final adjudicatory order within 65846  
sixty days after the completion of its hearing or, in the case of 65847

the summary suspension of a license to operate a crematory 65848  
facility, within sixty days after completion of the adjudicatory 65849  
hearing by the crematory review board. A failure to issue the 65850  
order within that time results in the dissolution of the summary 65851  
suspension order, but does not invalidate any subsequent final 65852  
adjudicatory order. 65853

(D) If the board of embalmers and funeral directors suspends 65854  
or revokes a funeral director's license or a license to operate a 65855  
funeral home for any reason identified in division (A) of this 65856  
section, the board may file a complaint with the court of common 65857  
pleas in the county where the violation occurred requesting 65858  
appointment of a receiver and the sequestration of the assets of 65859  
the funeral home that held the suspended or revoked license or the 65860  
licensed funeral home that employs the funeral director that held 65861  
the suspended or revoked license. If the court of common pleas is 65862  
satisfied with the application for a receivership, the court may 65863  
appoint a receiver. 65864

The board or a receiver may employ and procure whatever 65865  
assistance or advice is necessary in the receivership or 65866  
liquidation and distribution of the assets of the funeral home, 65867  
and, for that purpose, may retain officers or employees of the 65868  
funeral home as needed. All expenses of the receivership or 65869  
liquidation shall be paid from the assets of the funeral home and 65870  
shall be a lien on those assets, and that lien shall be a priority 65871  
to any other lien. 65872

(E) Any holder of a license or permit issued under this 65873  
chapter who has pleaded guilty to, has been found by a judge or 65874  
jury to be guilty of, or has had a judicial finding of eligibility 65875  
for treatment in lieu of conviction entered against the individual 65876  
in this state for aggravated murder, murder, voluntary 65877  
manslaughter, felonious assault, kidnapping, rape, sexual battery, 65878  
gross sexual imposition, aggravated arson, aggravated robbery, or 65879

aggravated burglary, or who has pleaded guilty to, has been found 65880  
by a judge or jury to be guilty of, or has had a judicial finding 65881  
of eligibility for treatment in lieu of conviction entered against 65882  
the individual in another jurisdiction for any substantially 65883  
equivalent criminal offense, is hereby suspended from practice 65884  
under this chapter by operation of law, and any license or permit 65885  
issued to the individual under this chapter is hereby suspended by 65886  
operation of law as of the date of the guilty plea, verdict or 65887  
finding of guilt, or judicial finding of eligibility for treatment 65888  
in lieu of conviction, regardless of whether the proceedings are 65889  
brought in this state or another jurisdiction. The board shall 65890  
notify the suspended individual of the suspension of the 65891  
individual's license or permit by the operation of ~~this division~~ 65892  
~~by a delivery system or in person law~~ in accordance with ~~section~~ 65893  
sections 119.05 and 119.07 of the Revised Code. If an individual 65894  
whose license or permit is suspended under this division fails to 65895  
make a timely request for an adjudicatory hearing, the board shall 65896  
enter a final order revoking the license. 65897

(F) No person whose license or permit has been suspended or 65898  
revoked under or by the operation of this section shall knowingly 65899  
practice embalming, funeral directing, or cremation, or operate a 65900  
funeral home, embalming facility, or crematory facility until the 65901  
board has reinstated the person's license or permit. 65902

(G) The board shall not refuse to issue a license or permit 65903  
to an applicant because of a conviction of or plea of guilty to a 65904  
criminal offense unless the refusal is in accordance with section 65905  
9.79 of the Revised Code. 65906

**Sec. 4717.26.** (A) The crematory facility may schedule the 65907  
time for the cremation of a dead human body to occur at the 65908  
crematory facility's own convenience at any time after the 65909  
conditions set forth in division (A) or (B) of section 4717.23 of 65910

the Revised Code, as applicable, have been met and the decedent or body parts have been delivered to the facility, unless, in the case of a dead human body, the crematory facility has received specific instructions to the contrary on the cremation authorization form authorizing the cremation of the decedent executed under section 4717.21, 4717.24, or 4717.25 of the Revised Code. The crematory facility becomes responsible for a dead human body or body parts when the body or body parts have been delivered to or accepted by the facility or an employee or agent of the facility.

(B) No crematory operator or crematory facility shall fail to do either of the following:

(1) Upon receipt at the crematory facility of any dead human body that has not been embalmed, and subject to the prohibition set forth in division (C)(1) of this section, place the body in a holding or refrigerated facility at the crematory facility and keep the body in the holding or refrigerated facility until near the time the cremation process commences or until the body is held at the facility for eight hours or longer. If the body is held for eight hours or longer, place the body in a refrigerated facility at the crematory facility and keep the body in the refrigerated facility until near the time the cremation process commences;

(2) Upon receipt of any dead human body that has been embalmed, place the body in a holding facility at the crematory facility and keep the body in the holding facility until the cremation process commences.

(C) No crematory operator or crematory facility shall do either of the following, unless the instructions contained in the cremation authorization form authorizing the cremation of the decedent executed under section 4717.21, 4717.24, or 4717.25 of the Revised Code specifically provide otherwise:

(1) Remove any dead human body from the casket or alternative 65942  
container in which the body was delivered to or accepted by the 65943  
crematory facility; 65944

(2) Fail to cremate the casket or alternative container in 65945  
which the body was delivered or accepted, in its entirety with the 65946  
body. 65947

(D) No crematory facility shall simultaneously cremate more 65948  
than one decedent or body parts removed from more than one 65949  
decedent or living person in the same cremation chamber unless the 65950  
cremation authorization forms executed under section 4717.21, 65951  
4717.24, or 4717.25 of the Revised Code authorizing the cremation 65952  
of each of the decedents or body parts removed from each decedent 65953  
or living person specifically authorize such a simultaneous 65954  
cremation. This division does not prohibit the use of cremation 65955  
equipment that contains more than one cremation chamber. 65956

(E) No crematory facility shall permit any persons other than 65957  
employees of the crematory facility, the authorizing agent for the 65958  
cremation of the decedent who is to be, is being, or was cremated, 65959  
persons designated to be present at the cremation of the decedent 65960  
on the cremation authorization form executed under section 4717.21 65961  
or 4717.24 of the Revised Code, and persons authorized by the 65962  
individual who is actually in charge of the crematory facility, to 65963  
be present in the holding facility or cremation room while any 65964  
dead human bodies or body parts are being held there prior to 65965  
cremation or are being cremated or while any cremated remains are 65966  
being removed from the cremation chamber. 65967

(F)(1) No crematory facility shall remove any dental gold, 65968  
body parts, organs, or other items of value from a dead human body 65969  
prior to the cremation or from the cremated remains after 65970  
cremation unless the cremation authorization form authorizing the 65971  
cremation of the decedent executed under section 4717.21 or 65972  
4717.24 of the Revised Code specifically authorizes the removal 65973

thereof. 65974

(2) No crematory facility that removes any dental gold, body 65975  
parts, organs, or other items from a dead human body or assists in 65976  
such removal shall charge a fee for doing so that exceeds the 65977  
actual cost to the crematory facility for performing or assisting 65978  
in the removal. 65979

(G) Upon the completion of each cremation, the crematory 65980  
facility shall remove from the cremation chamber all of the 65981  
cremation residue that is practicably recoverable. If the 65982  
cremation authorization form executed under section 4717.21, 65983  
4717.24, or 4717.25 of the Revised Code specifies that the 65984  
cremated remains are to be placed in an urn, the crematory 65985  
facility shall place them in the type of urn specified on the 65986  
authorization form. If the authorization form does not specify 65987  
that the cremated remains are to be placed in an urn, the 65988  
crematory facility shall place them in a temporary container. If 65989  
not all of the recovered cremated remains will fit in the urn 65990  
selected or the temporary container, the crematory facility shall 65991  
place the remainder in a separate temporary container, and the 65992  
cremated remains placed in the separate temporary container shall 65993  
be delivered, released, or disposed of along with those in the urn 65994  
or other temporary container. Nothing in this section requires a 65995  
crematory facility to recover any specified quantity or quality of 65996  
cremated remains upon the completion of a cremation, but only 65997  
requires a crematory facility to recover from the cremation 65998  
chamber all of the cremation residue that is practicably 65999  
recoverable. 66000

(H) No crematory facility shall knowingly represent to an 66001  
authorizing agent or a designee of an authorizing agent that an 66002  
urn or temporary container contains the recovered cremated remains 66003  
of a specific decedent or of body parts removed from a specific 66004  
decedent or living person when it does not. This division does not 66005

prohibit the making of such a representation because of the 66006  
presence in the recovered cremated remains of de minimus amounts 66007  
of the cremated remains of another decedent or of body parts 66008  
removed from another decedent or living person that were not 66009  
practicably recoverable and that remained in the cremation chamber 66010  
after the cremated remains from previous cremations were removed. 66011

(I) No crematory facility or funeral director shall ship or 66012  
cause to be shipped any cremated remains by a class or method of 66013  
mail, common carrier service, or delivery service that does not 66014  
have an internal system for tracing the location of the cremated 66015  
remains during shipment and that does not require a signed receipt 66016  
from the person accepting delivery of the cremated remains. 66017

(J) No crematory facility shall fail to establish and 66018  
maintain a system for accurately identifying each dead human body 66019  
in the facility's possession, and for identifying each decedent or 66020  
living person from which body parts in the facility's possession 66021  
were removed, throughout all phases of the holding and cremation 66022  
process. 66023

(K) No crematory facility shall knowingly use or allow the 66024  
use of the same cremation chamber for the cremation of dead human 66025  
bodies, or human body parts, and animals. 66026

**Sec. 4723.281.** (A) As used in this section, with regard to 66027  
offenses committed in Ohio, "aggravated murder," "murder," 66028  
"voluntary manslaughter," "felonious assault," "kidnapping," 66029  
"rape," "sexual battery," "gross sexual imposition," "aggravated 66030  
arson," "aggravated robbery," and "aggravated burglary" mean such 66031  
offenses as defined in Title XXIX of the Revised Code; with regard 66032  
to offenses committed in other jurisdictions, the terms mean 66033  
offenses comparable to offenses defined in Title XXIX of the 66034  
Revised Code. 66035

(B) When there is clear and convincing evidence that 66036

continued practice by an individual licensed under this chapter 66037  
presents a danger of immediate and serious harm to the public, as 66038  
determined on consideration of the evidence by the president and 66039  
the executive director of the board of nursing, the president and 66040  
director shall impose on the individual a summary suspension 66041  
without a hearing. An individual serving as president or executive 66042  
director in the absence of the president or executive director may 66043  
take any action that this section requires or authorizes the 66044  
president or executive director to take. 66045

Immediately following the decision to impose a summary 66046  
suspension, the board shall ~~issue~~ serve a written order of 66047  
suspension ~~and cause it to be delivered by certified mail or in~~ 66048  
~~person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of 66049  
the Revised Code. The order shall not be subject to suspension by 66050  
the court during the pendency of any appeal filed under section 66051  
119.12 of the Revised Code. If the individual subject to the 66052  
suspension requests an adjudication, the date set for the 66053  
adjudication shall be within fifteen days but not earlier than 66054  
seven days after the individual makes the request, unless another 66055  
date is agreed to by both the individual and the board. The 66056  
summary suspension shall remain in effect, unless reversed by the 66057  
board, until a final adjudication order issued by the board 66058  
pursuant to this section and Chapter 119. of the Revised Code 66059  
becomes effective. 66060

The board shall issue its final adjudication order within 66061  
ninety days after completion of the adjudication. If the board 66062  
does not issue a final order within the ninety-day period, the 66063  
summary suspension shall be void, but any final adjudication order 66064  
issued subsequent to the ninety-day period shall not be affected. 66065

(C) The license or certificate issued to an individual under 66066  
this chapter is automatically suspended on that individual's 66067  
conviction of, plea of guilty to, or judicial finding with regard 66068

to any of the following: aggravated murder, murder, voluntary  
manslaughter, felonious assault, kidnapping, rape, sexual battery,  
gross sexual imposition, aggravated arson, aggravated robbery, or  
aggravated burglary. The suspension shall remain in effect from  
the date of the conviction, plea, or finding until an adjudication  
is held under Chapter 119. of the Revised Code. If the board has  
knowledge that an automatic suspension has occurred, it shall  
notify the individual subject to the suspension. If the individual  
is notified and either fails to request an adjudication within the  
time periods established by Chapter 119. of the Revised Code or  
fails to participate in the adjudication, the board shall enter a  
final order permanently revoking the person's license or  
certificate.

Sec. 4723.89. (A) As used in this section:

(1) "Doula" means a trained, nonmedical professional who  
provides continuous physical, emotional, and informational support  
to a pregnant woman during any of the following periods,  
regardless of whether the woman's pregnancy results in a live  
birth:

(a) The antepartum period;

(b) The intrapartum period;

(c) The postpartum period.

(2) "Doula certification organization" means all of the  
following organizations that are recognized, at an international,  
national, state, or local level, for training and certifying  
doulas:

(a) Birthing beautiful communities;

(b) Restoring our own through transformation;

(c) The international childbirth education association;

<u>(d) DONA international;</u>	66098
<u>(e) Birthworks international;</u>	66099
<u>(f) Childbirth and postpartum professional association;</u>	66100
<u>(g) Childbirth international;</u>	66101
<u>(h) Commonsense childbirth inc.;</u>	66102
<u>(i) Any other recognized organization that the board of nursing considers appropriate.</u>	66103 66104
<u>(B) Beginning on the date that occurs one year after the effective date of this section, a person shall not use or assume the title "certified doula" unless the person holds a certificate issued under this section by the board of nursing.</u>	66105 66106 66107 66108
<u>(C) The board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for issuing certificates to doulas under this section. The rules shall include all of the following:</u>	66109 66110 66111 66112
<u>(1) Requirements for certification as a doula, including a requirement that a doula either be certified by a doula certification organization or, if not certified, have education and experience considered by the board to be appropriate, as specified in the rules;</u>	66113 66114 66115 66116 66117
<u>(2) Requirements for renewal of a certificate and continuing education;</u>	66118 66119
<u>(3) Requirements for training on racial bias, health disparities, and cultural competency as a condition of initial certification and certificate renewal;</u>	66120 66121 66122
<u>(4) Certificate application and renewal fees, as well as a waiver of those fees for applicants with a family income not exceeding three hundred per cent of the federal poverty line;</u>	66123 66124 66125
<u>(5) Requirements and standards of practice for certified</u>	66126

doulas; 66127

(6) The amount of a fine to be imposed under division (E) of this section; 66128  
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(7) Any other standards or procedures the board considers necessary to implement this section. 66130  
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(D) The board shall develop and regularly update a registry of doulas who hold certificates issued under this section. The registry shall be made available to the public on a web site maintained by the board. 66132  
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(E) In an adjudication under Chapter 119. of the Revised Code, the board may impose a fine against any person who violates division (B) of this section. On request of the board, the attorney general shall bring and prosecute to judgment a civil action to collect any fine imposed under this division that remains unpaid. 66136  
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**Sec. 4723.90.** (A) For the period of the program operated under section 5164.071 of the Revised Code, there is hereby established within the board of nursing the doula advisory board. 66142  
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(B)(1) The advisory board shall consist of at least thirteen but not more than fifteen members appointed by the board of nursing, including at least one representative from birthing beautiful communities and one representative from restoring our own through transformation. 66145  
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The overall composition of the membership of the advisory board shall be as follows: 66150  
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(a) At least three members shall represent communities most impacted by negative maternal and infant health outcomes. 66152  
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(b) At least six members shall be doulas with current, valid certification from a doula certification organization. 66154  
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(c) At least one member shall be a public health official, physician, nurse, or social worker. 66156  
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(d) At least one member shall be a consumer. 66158

(2) Both of the following apply to the board of nursing in appointing members to the advisory board: 66159  
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(a) A good faith effort shall be made to select members who represent counties with higher rates of infant and maternal mortality, particularly those counties with the largest disparities. 66161  
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(b) Priority shall be given to individuals with direct service experience providing care to infants and pregnant and postpartum women. 66165  
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(C) The advisory board, by a majority vote of a quorum of its members, shall select an individual to serve as its chairperson. The advisory board may replace a chairperson in the same manner. 66168  
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(D) Of the initial appointments to the advisory board, half shall be appointed to a term of one year and half shall be appointed to a term of two years. Thereafter, all terms shall be two years. The board of nursing shall fill a vacancy as soon as practicable. 66171  
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(E) If requested, a member shall receive per diem compensation for, as well as reimbursement of actual and necessary expenses incurred pursuant to, fulfilling the member's duties on the advisory board. 66176  
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(F) The advisory board shall meet at the call of the advisory board's chairperson as often as the chairperson determines necessary for timely completion of the board's duties as described in this section. 66180  
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(G) The board of nursing shall provide meeting space, staff services, and other technical assistance required by the advisory 66184  
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board in carrying out its duties. 66186

(H) The advisory board shall do all of the following: 66187

(1) Provide general advice, guidance, and recommendations to 66188  
the board of nursing regarding doula certification and the 66189  
adoption of rules under divisions (C)(3) and (5) of section 66190  
4723.89 of the Revised Code; 66191

(2) Provide general advice, guidance, and recommendations to 66192  
the department of medicaid regarding the program operated under 66193  
section 5164.071 of the Revised Code; 66194

(3) Make recommendations to the medicaid director regarding 66195  
the adoption of rules for purposes of section 5164.071 of the 66196  
Revised Code. 66197

**Sec. 4725.24.** If the secretary of the state vision 66198  
professionals board and the board's supervising member of 66199  
investigations determine that there is clear and convincing 66200  
evidence that an optometrist has violated division (B) of section 66201  
4725.19 of the Revised Code and that the optometrist's continued 66202  
practice presents a danger of immediate and serious harm to the 66203  
public, they may recommend that the board suspend without a prior 66204  
hearing the optometrist's certificate of licensure. Written 66205  
allegations shall be prepared for consideration by the full board. 66206

The board, upon review of those allegations and by an 66207  
affirmative vote of three members other than the secretary and 66208  
supervising member may order the suspension without a prior 66209  
hearing. A telephone conference call may be utilized for reviewing 66210  
the allegations and taking the vote on the summary suspension. 66211

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 66212  
~~certified mail or in person~~ in accordance with ~~section~~ sections 66213  
119.05 and 119.07 of the Revised Code. The order shall not be 66214  
subject to suspension by the court during pendency of any appeal 66215

filed under section 119.12 of the Revised Code. If the individual 66216  
subject to the summary suspension requests an adjudicatory hearing 66217  
by the board, the date set for the hearing shall be within fifteen 66218  
days, but not earlier than seven days, after the individual 66219  
requests the hearing, unless otherwise agreed to by both the board 66220  
and the individual. 66221

Any summary suspension imposed under this division shall 66222  
remain in effect, unless reversed on appeal, until a final 66223  
adjudicative order issued by the board pursuant to section 4725.19 66224  
of the Revised Code and Chapter 119. of the Revised Code becomes 66225  
effective. The board shall issue its final adjudicative order 66226  
within sixty days after completion of its hearing. A failure to 66227  
issue the order within sixty days shall result in dissolution of 66228  
the summary suspension order but shall not invalidate any 66229  
subsequent, final adjudicative order. 66230

**Sec. 4730.25.** (A) The state medical board, by an affirmative 66231  
vote of not fewer than six members, may revoke or may refuse to 66232  
grant a license to practice as a physician assistant to a person 66233  
found by the board to have committed fraud, misrepresentation, or 66234  
deception in applying for or securing the license. 66235

(B) Except as provided in division (N) of this section, the 66236  
board, by an affirmative vote of not fewer than six members, 66237  
shall, to the extent permitted by law, limit, revoke, or suspend 66238  
an individual's license to practice as a physician assistant or 66239  
prescriber number, refuse to issue a license to an applicant, 66240  
refuse to renew a license, refuse to reinstate a license, or 66241  
reprimand or place on probation the holder of a license for any of 66242  
the following reasons: 66243

(1) Failure to practice in accordance with the supervising 66244  
physician's supervision agreement with the physician assistant, 66245  
including, if applicable, the policies of the health care facility 66246

in which the supervising physician and physician assistant are practicing; 66247  
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(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board; 66249  
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(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board; 66252  
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(4) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills; 66256  
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(5) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice; 66260  
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(6) Administering drugs for purposes other than those authorized under this chapter; 66264  
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(7) Willfully betraying a professional confidence; 66266

(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for employment as a physician assistant; in connection with any solicitation or advertisement for patients; in relation to the practice of medicine as it pertains to physician assistants; or in securing or attempting to secure a license to practice as a physician assistant. 66267  
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As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because 66274  
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of a failure to disclose material facts, is intended or is likely 66277  
to create false or unjustified expectations of favorable results, 66278  
or includes representations or implications that in reasonable 66279  
probability will cause an ordinarily prudent person to 66280  
misunderstand or be deceived. 66281

(9) Representing, with the purpose of obtaining compensation 66282  
or other advantage personally or for any other person, that an 66283  
incurable disease or injury, or other incurable condition, can be 66284  
permanently cured; 66285

(10) The obtaining of, or attempting to obtain, money or 66286  
anything of value by fraudulent misrepresentations in the course 66287  
of practice; 66288

(11) A plea of guilty to, a judicial finding of guilt of, or 66289  
a judicial finding of eligibility for intervention in lieu of 66290  
conviction for, a felony; 66291

(12) Commission of an act that constitutes a felony in this 66292  
state, regardless of the jurisdiction in which the act was 66293  
committed; 66294

(13) A plea of guilty to, a judicial finding of guilt of, or 66295  
a judicial finding of eligibility for intervention in lieu of 66296  
conviction for, a misdemeanor committed in the course of practice; 66297

(14) A plea of guilty to, a judicial finding of guilt of, or 66298  
a judicial finding of eligibility for intervention in lieu of 66299  
conviction for, a misdemeanor involving moral turpitude; 66300

(15) Commission of an act in the course of practice that 66301  
constitutes a misdemeanor in this state, regardless of the 66302  
jurisdiction in which the act was committed; 66303

(16) Commission of an act involving moral turpitude that 66304  
constitutes a misdemeanor in this state, regardless of the 66305  
jurisdiction in which the act was committed; 66306

(17) A plea of guilty to, a judicial finding of guilt of, or 66307  
a judicial finding of eligibility for intervention in lieu of 66308  
conviction for violating any state or federal law regulating the 66309  
possession, distribution, or use of any drug, including 66310  
trafficking in drugs; 66311

(18) Any of the following actions taken by the state agency 66312  
responsible for regulating the practice of physician assistants in 66313  
another state, for any reason other than the nonpayment of fees: 66314  
the limitation, revocation, or suspension of an individual's 66315  
license to practice; acceptance of an individual's license 66316  
surrender; denial of a license; refusal to renew or reinstate a 66317  
license; imposition of probation; or issuance of an order of 66318  
censure or other reprimand; 66319

(19) A departure from, or failure to conform to, minimal 66320  
standards of care of similar physician assistants under the same 66321  
or similar circumstances, regardless of whether actual injury to a 66322  
patient is established; 66323

(20) Violation of the conditions placed by the board on a 66324  
license to practice as a physician assistant; 66325

(21) Failure to use universal blood and body fluid 66326  
precautions established by rules adopted under section 4731.051 of 66327  
the Revised Code; 66328

(22) Failure to cooperate in an investigation conducted by 66329  
the board under section 4730.26 of the Revised Code, including 66330  
failure to comply with a subpoena or order issued by the board or 66331  
failure to answer truthfully a question presented by the board at 66332  
a deposition or in written interrogatories, except that failure to 66333  
cooperate with an investigation shall not constitute grounds for 66334  
discipline under this section if a court of competent jurisdiction 66335  
has issued an order that either quashes a subpoena or permits the 66336  
individual to withhold the testimony or evidence in issue; 66337

(23) Assisting suicide, as defined in section 3795.01 of the Revised Code; 66338  
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(24) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion; 66340  
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(25) Failure to comply with section 4730.53 of the Revised Code, unless the board no longer maintains a drug database pursuant to section 4729.75 of the Revised Code; 66342  
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(26) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code; 66345  
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(27) Having certification by the national commission on certification of physician assistants or a successor organization expire, lapse, or be suspended or revoked; 66349  
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(28) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice; 66352  
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(29) Failure to comply with terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code. 66358  
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(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a physician assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute 66361  
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the findings and order of the board with respect to the matter 66369  
addressed in the agreement. If the board refuses to ratify a 66370  
consent agreement, the admissions and findings contained in the 66371  
consent agreement shall be of no force or effect. 66372

(D) For purposes of divisions (B)(12), (15), and (16) of this 66373  
section, the commission of the act may be established by a finding 66374  
by the board, pursuant to an adjudication under Chapter 119. of 66375  
the Revised Code, that the applicant or license holder committed 66376  
the act in question. The board shall have no jurisdiction under 66377  
these divisions in cases where the trial court renders a final 66378  
judgment in the license holder's favor and that judgment is based 66379  
upon an adjudication on the merits. The board shall have 66380  
jurisdiction under these divisions in cases where the trial court 66381  
issues an order of dismissal upon technical or procedural grounds. 66382

(E) The sealing or expungement of conviction records by any 66383  
court shall have no effect upon a prior board order entered under 66384  
the provisions of this section or upon the board's jurisdiction to 66385  
take action under the provisions of this section if, based upon a 66386  
plea of guilty, a judicial finding of guilt, or a judicial finding 66387  
of eligibility for intervention in lieu of conviction, the board 66388  
issued a notice of opportunity for a hearing prior to the court's 66389  
order to seal or expunge the records. The board shall not be 66390  
required to seal, destroy, redact, or otherwise modify its records 66391  
to reflect the court's sealing or expungement of conviction 66392  
records. 66393

(F) For purposes of this division, any individual who holds a 66394  
license issued under this chapter, or applies for a license issued 66395  
under this chapter, shall be deemed to have given consent to 66396  
submit to a mental or physical examination when directed to do so 66397  
in writing by the board and to have waived all objections to the 66398  
admissibility of testimony or examination reports that constitute 66399  
a privileged communication. 66400

(1) In enforcing division (B)(4) of this section, the board, 66401  
upon a showing of a possible violation, may compel any individual 66402  
who holds a license issued under this chapter or who has applied 66403  
for a license pursuant to this chapter to submit to a mental 66404  
examination, physical examination, including an HIV test, or both 66405  
a mental and physical examination. The expense of the examination 66406  
is the responsibility of the individual compelled to be examined. 66407  
Failure to submit to a mental or physical examination or consent 66408  
to an HIV test ordered by the board constitutes an admission of 66409  
the allegations against the individual unless the failure is due 66410  
to circumstances beyond the individual's control, and a default 66411  
and final order may be entered without the taking of testimony or 66412  
presentation of evidence. If the board finds a physician assistant 66413  
unable to practice because of the reasons set forth in division 66414  
(B)(4) of this section, the board shall require the physician 66415  
assistant to submit to care, counseling, or treatment by 66416  
physicians approved or designated by the board, as a condition for 66417  
an initial, continued, reinstated, or renewed license. An 66418  
individual affected under this division shall be afforded an 66419  
opportunity to demonstrate to the board the ability to resume 66420  
practicing in compliance with acceptable and prevailing standards 66421  
of care. 66422

(2) For purposes of division (B)(5) of this section, if the 66423  
board has reason to believe that any individual who holds a 66424  
license issued under this chapter or any applicant for a license 66425  
suffers such impairment, the board may compel the individual to 66426  
submit to a mental or physical examination, or both. The expense 66427  
of the examination is the responsibility of the individual 66428  
compelled to be examined. Any mental or physical examination 66429  
required under this division shall be undertaken by a treatment 66430  
provider or physician qualified to conduct such examination and 66431  
chosen by the board. 66432

Failure to submit to a mental or physical examination ordered 66433  
by the board constitutes an admission of the allegations against 66434  
the individual unless the failure is due to circumstances beyond 66435  
the individual's control, and a default and final order may be 66436  
entered without the taking of testimony or presentation of 66437  
evidence. If the board determines that the individual's ability to 66438  
practice is impaired, the board shall suspend the individual's 66439  
license or deny the individual's application and shall require the 66440  
individual, as a condition for initial, continued, reinstated, or 66441  
renewed licensure, to submit to treatment. 66442

Before being eligible to apply for reinstatement of a license 66443  
suspended under this division, the physician assistant shall 66444  
demonstrate to the board the ability to resume practice or 66445  
prescribing in compliance with acceptable and prevailing standards 66446  
of care. The demonstration shall include the following: 66447

(a) Certification from a treatment provider approved under 66448  
section 4731.25 of the Revised Code that the individual has 66449  
successfully completed any required inpatient treatment; 66450

(b) Evidence of continuing full compliance with an aftercare 66451  
contract or consent agreement; 66452

(c) Two written reports indicating that the individual's 66453  
ability to practice has been assessed and that the individual has 66454  
been found capable of practicing according to acceptable and 66455  
prevailing standards of care. The reports shall be made by 66456  
individuals or providers approved by the board for making such 66457  
assessments and shall describe the basis for their determination. 66458

The board may reinstate a license suspended under this 66459  
division after such demonstration and after the individual has 66460  
entered into a written consent agreement. 66461

When the impaired physician assistant resumes practice or 66462  
prescribing, the board shall require continued monitoring of the 66463

physician assistant. The monitoring shall include compliance with 66464  
the written consent agreement entered into before reinstatement or 66465  
with conditions imposed by board order after a hearing, and, upon 66466  
termination of the consent agreement, submission to the board for 66467  
at least two years of annual written progress reports made under 66468  
penalty of falsification stating whether the physician assistant 66469  
has maintained sobriety. 66470

(G) If the secretary and supervising member determine that 66471  
there is clear and convincing evidence that a physician assistant 66472  
has violated division (B) of this section and that the 66473  
individual's continued practice or prescribing presents a danger 66474  
of immediate and serious harm to the public, they may recommend 66475  
that the board suspend the individual's license without a prior 66476  
hearing. Written allegations shall be prepared for consideration 66477  
by the board. 66478

The board, upon review of those allegations and by an 66479  
affirmative vote of not fewer than six of its members, excluding 66480  
the secretary and supervising member, may suspend a license 66481  
without a prior hearing. A telephone conference call may be 66482  
utilized for reviewing the allegations and taking the vote on the 66483  
summary suspension. 66484

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 66485  
~~certified mail or in person~~ in accordance with ~~section~~ sections 66486  
119.05 and 119.07 of the Revised Code. The order shall not be 66487  
subject to suspension by the court during pendency of any appeal 66488  
filed under section 119.12 of the Revised Code. If the physician 66489  
assistant requests an adjudicatory hearing by the board, the date 66490  
set for the hearing shall be within fifteen days, but not earlier 66491  
than seven days, after the physician assistant requests the 66492  
hearing, unless otherwise agreed to by both the board and the 66493  
license holder. 66494

A summary suspension imposed under this division shall remain 66495

in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(H) If the board takes action under division (B)(11), (13), or (14) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. Upon receipt of a petition and supporting court documents, the board shall reinstate the individual's license. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it may order any of the sanctions identified under division (B) of this section.

(I) The license to practice issued to a physician assistant and the physician assistant's practice in this state are automatically suspended as of the date the physician assistant pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another state for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder,

murder, voluntary manslaughter, felonious assault, kidnapping, 66528  
rape, sexual battery, gross sexual imposition, aggravated arson, 66529  
aggravated robbery, or aggravated burglary. Continued practice 66530  
after the suspension shall be considered practicing without a 66531  
license. 66532

The board shall notify the individual subject to the 66533  
suspension ~~by certified mail or in person~~ in accordance with 66534  
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 66535  
individual whose license is suspended under this division fails to 66536  
make a timely request for an adjudication under Chapter 119. of 66537  
the Revised Code, the board shall enter a final order permanently 66538  
revoking the individual's license to practice. 66539

(J) In any instance in which the board is required by Chapter 66540  
119. of the Revised Code to give notice of opportunity for hearing 66541  
and the individual subject to the notice does not timely request a 66542  
hearing in accordance with section 119.07 of the Revised Code, the 66543  
board is not required to hold a hearing, but may adopt, by an 66544  
affirmative vote of not fewer than six of its members, a final 66545  
order that contains the board's findings. In that final order, the 66546  
board may order any of the sanctions identified under division (A) 66547  
or (B) of this section. 66548

(K) Any action taken by the board under division (B) of this 66549  
section resulting in a suspension shall be accompanied by a 66550  
written statement of the conditions under which the physician 66551  
assistant's license may be reinstated. The board shall adopt rules 66552  
in accordance with Chapter 119. of the Revised Code governing 66553  
conditions to be imposed for reinstatement. Reinstatement of a 66554  
license suspended pursuant to division (B) of this section 66555  
requires an affirmative vote of not fewer than six members of the 66556  
board. 66557

(L) When the board refuses to grant or issue to an applicant 66558  
a license to practice as a physician assistant, revokes an 66559

individual's license, refuses to renew an individual's license, or 66560  
refuses to reinstate an individual's license, the board may 66561  
specify that its action is permanent. An individual subject to a 66562  
permanent action taken by the board is forever thereafter 66563  
ineligible to hold the license and the board shall not accept an 66564  
application for reinstatement of the license or for issuance of a 66565  
new license. 66566

(M) Notwithstanding any other provision of the Revised Code, 66567  
all of the following apply: 66568

(1) The surrender of a license issued under this chapter is 66569  
not effective unless or until accepted by the board. Reinstatement 66570  
of a license surrendered to the board requires an affirmative vote 66571  
of not fewer than six members of the board. 66572

(2) An application made under this chapter for a license may 66573  
not be withdrawn without approval of the board. 66574

(3) Failure by an individual to renew a license in accordance 66575  
with section 4730.14 of the Revised Code shall not remove or limit 66576  
the board's jurisdiction to take disciplinary action under this 66577  
section against the individual. 66578

(N) The board shall not refuse to issue a license to an 66579  
applicant because of a conviction, plea of guilty, judicial 66580  
finding of guilt, judicial finding of eligibility for intervention 66581  
in lieu of conviction, or the commission of an act that 66582  
constitutes a criminal offense, unless the refusal is in 66583  
accordance with section 9.79 of the Revised Code. 66584

**Sec. 4731.07.** (A) The state medical board shall keep a record 66585  
of its proceedings. The minutes of a meeting of the board shall, 66586  
on approval by the board, constitute an official record of its 66587  
proceedings. 66588

(B) The board shall keep a register of applicants for 66589

licenses and certificates issued under this chapter; licenses 66590  
issued under Chapters 4730., 4760., 4762., 4774., and 4778.; and 66591  
licenses and limited permits issued under Chapters 4759. and 4761. 66592  
of the Revised Code; and applicants for licenses, licenses issued, 66593  
and licenses suspended or revoked under Chapter 4787. of the 66594  
Revised Code. The register shall show the name of the applicant 66595  
and whether the applicant was granted or refused the license, 66596  
certificate, or limited permit being sought. 66597

With respect to applicants to practice medicine and surgery 66598  
or osteopathic medicine and surgery, the register shall show the 66599  
name of the institution that granted the applicant the degree of 66600  
doctor of medicine or osteopathic medicine. With respect to 66601  
applicants to practice respiratory care, the register shall show 66602  
the addresses of the person's last known place of business and 66603  
residence, the effective date and identification number of the 66604  
license or limited permit, and, if applicable, the name and 66605  
location of the institution that granted the person's degree or 66606  
certificate of completion of respiratory care educational 66607  
requirements and the date the degree or certificate of completion 66608  
was issued. 66609

(C) The books and records of the board shall be prima-facie 66610  
evidence of matters therein contained. 66611

**Sec. 4731.22.** (A) The state medical board, by an affirmative 66612  
vote of not fewer than six of its members, may limit, revoke, or 66613  
suspend a license or certificate to practice or certificate to 66614  
recommend, refuse to grant a license or certificate, refuse to 66615  
renew a license or certificate, refuse to reinstate a license or 66616  
certificate, or reprimand or place on probation the holder of a 66617  
license or certificate if the individual applying for or holding 66618  
the license or certificate is found by the board to have committed 66619  
fraud during the administration of the examination for a license 66620

or certificate to practice or to have committed fraud, 66621  
misrepresentation, or deception in applying for, renewing, or 66622  
securing any license or certificate to practice or certificate to 66623  
recommend issued by the board. 66624

(B) Except as provided in division (P) of this section, the 66625  
board, by an affirmative vote of not fewer than six members, 66626  
shall, to the extent permitted by law, limit, revoke, or suspend a 66627  
license or certificate to practice or certificate to recommend, 66628  
refuse to issue a license or certificate, refuse to renew a 66629  
license or certificate, refuse to reinstate a license or 66630  
certificate, or reprimand or place on probation the holder of a 66631  
license or certificate for one or more of the following reasons: 66632

(1) Permitting one's name or one's license or certificate to 66633  
practice to be used by a person, group, or corporation when the 66634  
individual concerned is not actually directing the treatment 66635  
given; 66636

(2) Failure to maintain minimal standards applicable to the 66637  
selection or administration of drugs, or failure to employ 66638  
acceptable scientific methods in the selection of drugs or other 66639  
modalities for treatment of disease; 66640

(3) Except as provided in section 4731.97 of the Revised 66641  
Code, selling, giving away, personally furnishing, prescribing, or 66642  
administering drugs for other than legal and legitimate 66643  
therapeutic purposes or a plea of guilty to, a judicial finding of 66644  
guilt of, or a judicial finding of eligibility for intervention in 66645  
lieu of conviction of, a violation of any federal or state law 66646  
regulating the possession, distribution, or use of any drug; 66647

(4) Willfully betraying a professional confidence. 66648

For purposes of this division, "willfully betraying a 66649  
professional confidence" does not include providing any 66650

information, documents, or reports under sections 307.621 to 66651  
307.629 of the Revised Code to a child fatality review board; does 66652  
not include providing any information, documents, or reports under 66653  
sections 307.631 to 307.6410 of the Revised Code to a drug 66654  
overdose fatality review committee, a suicide fatality review 66655  
committee, or hybrid drug overdose fatality and suicide fatality 66656  
review committee; does not include providing any information, 66657  
documents, or reports under sections 307.651 to 307.659 of the 66658  
Revised Code to a domestic violence fatality review board; does 66659  
not include providing any information, documents, or reports to 66660  
the director of health pursuant to guidelines established under 66661  
section 3701.70 of the Revised Code; does not include written 66662  
notice to a mental health professional under section 4731.62 of 66663  
the Revised Code; and does not include the making of a report of 66664  
an employee's use of a drug of abuse, or a report of a condition 66665  
of an employee other than one involving the use of a drug of 66666  
abuse, to the employer of the employee as described in division 66667  
(B) of section 2305.33 of the Revised Code. Nothing in this 66668  
division affects the immunity from civil liability conferred by 66669  
section 2305.33 or 4731.62 of the Revised Code upon a physician 66670  
who makes a report in accordance with section 2305.33 or notifies 66671  
a mental health professional in accordance with section 4731.62 of 66672  
the Revised Code. As used in this division, "employee," 66673  
"employer," and "physician" have the same meanings as in section 66674  
2305.33 of the Revised Code. 66675

(5) Making a false, fraudulent, deceptive, or misleading 66676  
statement in the solicitation of or advertising for patients; in 66677  
relation to the practice of medicine and surgery, osteopathic 66678  
medicine and surgery, podiatric medicine and surgery, or a limited 66679  
branch of medicine; or in securing or attempting to secure any 66680  
license or certificate to practice issued by the board. 66681

As used in this division, "false, fraudulent, deceptive, or 66682

misleading statement" means a statement that includes a 66683  
misrepresentation of fact, is likely to mislead or deceive because 66684  
of a failure to disclose material facts, is intended or is likely 66685  
to create false or unjustified expectations of favorable results, 66686  
or includes representations or implications that in reasonable 66687  
probability will cause an ordinarily prudent person to 66688  
misunderstand or be deceived. 66689

(6) A departure from, or the failure to conform to, minimal 66690  
standards of care of similar practitioners under the same or 66691  
similar circumstances, whether or not actual injury to a patient 66692  
is established; 66693

(7) Representing, with the purpose of obtaining compensation 66694  
or other advantage as personal gain or for any other person, that 66695  
an incurable disease or injury, or other incurable condition, can 66696  
be permanently cured; 66697

(8) The obtaining of, or attempting to obtain, money or 66698  
anything of value by fraudulent misrepresentations in the course 66699  
of practice; 66700

(9) A plea of guilty to, a judicial finding of guilt of, or a 66701  
judicial finding of eligibility for intervention in lieu of 66702  
conviction for, a felony; 66703

(10) Commission of an act that constitutes a felony in this 66704  
state, regardless of the jurisdiction in which the act was 66705  
committed; 66706

(11) A plea of guilty to, a judicial finding of guilt of, or 66707  
a judicial finding of eligibility for intervention in lieu of 66708  
conviction for, a misdemeanor committed in the course of practice; 66709

(12) Commission of an act in the course of practice that 66710  
constitutes a misdemeanor in this state, regardless of the 66711  
jurisdiction in which the act was committed; 66712

(13) A plea of guilty to, a judicial finding of guilt of, or 66713  
a judicial finding of eligibility for intervention in lieu of 66714  
conviction for, a misdemeanor involving moral turpitude; 66715

(14) Commission of an act involving moral turpitude that 66716  
constitutes a misdemeanor in this state, regardless of the 66717  
jurisdiction in which the act was committed; 66718

(15) Violation of the conditions of limitation placed by the 66719  
board upon a license or certificate to practice; 66720

(16) Failure to pay license renewal fees specified in this 66721  
chapter; 66722

(17) Except as authorized in section 4731.31 of the Revised 66723  
Code, engaging in the division of fees for referral of patients, 66724  
or the receiving of a thing of value in return for a specific 66725  
referral of a patient to utilize a particular service or business; 66726

(18) Subject to section 4731.226 of the Revised Code, 66727  
violation of any provision of a code of ethics of the American 66728  
medical association, the American osteopathic association, the 66729  
American podiatric medical association, or any other national 66730  
professional organizations that the board specifies by rule. The 66731  
state medical board shall obtain and keep on file current copies 66732  
of the codes of ethics of the various national professional 66733  
organizations. The individual whose license or certificate is 66734  
being suspended or revoked shall not be found to have violated any 66735  
provision of a code of ethics of an organization not appropriate 66736  
to the individual's profession. 66737

For purposes of this division, a "provision of a code of 66738  
ethics of a national professional organization" does not include 66739  
any provision that would preclude the making of a report by a 66740  
physician of an employee's use of a drug of abuse, or of a 66741  
condition of an employee other than one involving the use of a 66742  
drug of abuse, to the employer of the employee as described in 66743

division (B) of section 2305.33 of the Revised Code. Nothing in 66744  
this division affects the immunity from civil liability conferred 66745  
by that section upon a physician who makes either type of report 66746  
in accordance with division (B) of that section. As used in this 66747  
division, "employee," "employer," and "physician" have the same 66748  
meanings as in section 2305.33 of the Revised Code. 66749

(19) Inability to practice according to acceptable and 66750  
prevailing standards of care by reason of mental illness or 66751  
physical illness, including, but not limited to, physical 66752  
deterioration that adversely affects cognitive, motor, or 66753  
perceptive skills. 66754

In enforcing this division, the board, upon a showing of a 66755  
possible violation, may compel any individual authorized to 66756  
practice by this chapter or who has submitted an application 66757  
pursuant to this chapter to submit to a mental examination, 66758  
physical examination, including an HIV test, or both a mental and 66759  
a physical examination. The expense of the examination is the 66760  
responsibility of the individual compelled to be examined. Failure 66761  
to submit to a mental or physical examination or consent to an HIV 66762  
test ordered by the board constitutes an admission of the 66763  
allegations against the individual unless the failure is due to 66764  
circumstances beyond the individual's control, and a default and 66765  
final order may be entered without the taking of testimony or 66766  
presentation of evidence. If the board finds an individual unable 66767  
to practice because of the reasons set forth in this division, the 66768  
board shall require the individual to submit to care, counseling, 66769  
or treatment by physicians approved or designated by the board, as 66770  
a condition for initial, continued, reinstated, or renewed 66771  
authority to practice. An individual affected under this division 66772  
shall be afforded an opportunity to demonstrate to the board the 66773  
ability to resume practice in compliance with acceptable and 66774  
prevailing standards under the provisions of the individual's 66775

license or certificate. For the purpose of this division, any individual who applies for or receives a license or certificate to practice under this chapter accepts the privilege of practicing in this state and, by so doing, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(20) Except as provided in division (F)(1)(b) of section 4731.282 of the Revised Code or when civil penalties are imposed under section 4731.225 of the Revised Code, and subject to section 4731.226 of the Revised Code, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board.

This division does not apply to a violation or attempted violation of, assisting in or abetting the violation of, or a conspiracy to violate, any provision of this chapter or any rule adopted by the board that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(21) The violation of section 3701.79 of the Revised Code or of any abortion rule adopted by the director of health pursuant to section 3701.341 of the Revised Code;

(22) Any of the following actions taken by an agency

responsible for authorizing, certifying, or regulating an 66808  
individual to practice a health care occupation or provide health 66809  
care services in this state or another jurisdiction, for any 66810  
reason other than the nonpayment of fees: the limitation, 66811  
revocation, or suspension of an individual's license to practice; 66812  
acceptance of an individual's license surrender; denial of a 66813  
license; refusal to renew or reinstate a license; imposition of 66814  
probation; or issuance of an order of censure or other reprimand; 66815

(23) The violation of section 2919.12 of the Revised Code or 66816  
the performance or inducement of an abortion upon a pregnant woman 66817  
with actual knowledge that the conditions specified in division 66818  
(B) of section 2317.56 of the Revised Code have not been satisfied 66819  
or with a heedless indifference as to whether those conditions 66820  
have been satisfied, unless an affirmative defense as specified in 66821  
division (H)(2) of that section would apply in a civil action 66822  
authorized by division (H)(1) of that section; 66823

(24) The revocation, suspension, restriction, reduction, or 66824  
termination of clinical privileges by the United States department 66825  
of defense or department of veterans affairs or the termination or 66826  
suspension of a certificate of registration to prescribe drugs by 66827  
the drug enforcement administration of the United States 66828  
department of justice; 66829

(25) Termination or suspension from participation in the 66830  
medicare or medicaid programs by the department of health and 66831  
human services or other responsible agency; 66832

(26) Impairment of ability to practice according to 66833  
acceptable and prevailing standards of care because of habitual or 66834  
excessive use or abuse of drugs, alcohol, or other substances that 66835  
impair ability to practice. 66836

For the purposes of this division, any individual authorized 66837  
to practice by this chapter accepts the privilege of practicing in 66838

this state subject to supervision by the board. By filing an 66839  
application for or holding a license or certificate to practice 66840  
under this chapter, an individual shall be deemed to have given 66841  
consent to submit to a mental or physical examination when ordered 66842  
to do so by the board in writing, and to have waived all 66843  
objections to the admissibility of testimony or examination 66844  
reports that constitute privileged communications. 66845

If it has reason to believe that any individual authorized to 66846  
practice by this chapter or any applicant for licensure or 66847  
certification to practice suffers such impairment, the board may 66848  
compel the individual to submit to a mental or physical 66849  
examination, or both. The expense of the examination is the 66850  
responsibility of the individual compelled to be examined. Any 66851  
mental or physical examination required under this division shall 66852  
be undertaken by a treatment provider or physician who is 66853  
qualified to conduct the examination and who is chosen by the 66854  
board. 66855

Failure to submit to a mental or physical examination ordered 66856  
by the board constitutes an admission of the allegations against 66857  
the individual unless the failure is due to circumstances beyond 66858  
the individual's control, and a default and final order may be 66859  
entered without the taking of testimony or presentation of 66860  
evidence. If the board determines that the individual's ability to 66861  
practice is impaired, the board shall suspend the individual's 66862  
license or certificate or deny the individual's application and 66863  
shall require the individual, as a condition for initial, 66864  
continued, reinstated, or renewed licensure or certification to 66865  
practice, to submit to treatment. 66866

Before being eligible to apply for reinstatement of a license 66867  
or certificate suspended under this division, the impaired 66868  
practitioner shall demonstrate to the board the ability to resume 66869  
practice in compliance with acceptable and prevailing standards of 66870

care under the provisions of the practitioner's license or 66871  
certificate. The demonstration shall include, but shall not be 66872  
limited to, the following: 66873

(a) Certification from a treatment provider approved under 66874  
section 4731.25 of the Revised Code that the individual has 66875  
successfully completed any required inpatient treatment; 66876

(b) Evidence of continuing full compliance with an aftercare 66877  
contract or consent agreement; 66878

(c) Two written reports indicating that the individual's 66879  
ability to practice has been assessed and that the individual has 66880  
been found capable of practicing according to acceptable and 66881  
prevailing standards of care. The reports shall be made by 66882  
individuals or providers approved by the board for making the 66883  
assessments and shall describe the basis for their determination. 66884

The board may reinstate a license or certificate suspended 66885  
under this division after that demonstration and after the 66886  
individual has entered into a written consent agreement. 66887

When the impaired practitioner resumes practice, the board 66888  
shall require continued monitoring of the individual. The 66889  
monitoring shall include, but not be limited to, compliance with 66890  
the written consent agreement entered into before reinstatement or 66891  
with conditions imposed by board order after a hearing, and, upon 66892  
termination of the consent agreement, submission to the board for 66893  
at least two years of annual written progress reports made under 66894  
penalty of perjury stating whether the individual has maintained 66895  
sobriety. 66896

(27) A second or subsequent violation of section 4731.66 or 66897  
4731.69 of the Revised Code; 66898

(28) Except as provided in division (N) of this section: 66899

(a) Waiving the payment of all or any part of a deductible or 66900

copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that individual;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay.

(29) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;

(30) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's medical record;

(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter;

(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement;

(33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the

Revised Code;	66932
(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	66933 66934 66935 66936 66937 66938 66939 66940 66941 66942
(35) Failure to supervise an acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;	66943 66944 66945
(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	66946 66947 66948
(37) Assisting suicide, as defined in section 3795.01 of the Revised Code;	66949 66950
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	66951 66952
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	66953 66954 66955
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	66956 66957 66958
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management	66959 66960 66961

clinic; 66962

(42) Failure to comply with the standards and procedures 66963  
established in rules under section 4731.054 of the Revised Code 66964  
for providing supervision, direction, and control of individuals 66965  
at a pain management clinic; 66966

(43) Failure to comply with the requirements of section 66967  
4729.79 or 4731.055 of the Revised Code, unless the state board of 66968  
pharmacy no longer maintains a drug database pursuant to section 66969  
4729.75 of the Revised Code; 66970

(44) Failure to comply with the requirements of section 66971  
2919.171, 2919.202, or 2919.203 of the Revised Code or failure to 66972  
submit to the department of health in accordance with a court 66973  
order a complete report as described in section 2919.171 or 66974  
2919.202 of the Revised Code; 66975

(45) Practicing at a facility that is subject to licensure as 66976  
a category III terminal distributor of dangerous drugs with a pain 66977  
management clinic classification unless the person operating the 66978  
facility has obtained and maintains the license with the 66979  
classification; 66980

(46) Owning a facility that is subject to licensure as a 66981  
category III terminal distributor of dangerous drugs with a pain 66982  
management clinic classification unless the facility is licensed 66983  
with the classification; 66984

(47) Failure to comply with any of the requirements regarding 66985  
making or maintaining medical records or documents described in 66986  
division (A) of section 2919.192, division (C) of section 66987  
2919.193, division (B) of section 2919.195, or division (A) of 66988  
section 2919.196 of the Revised Code; 66989

(48) Failure to comply with the requirements in section 66990  
3719.061 of the Revised Code before issuing for a minor a 66991  
prescription for an opioid analgesic, as defined in section 66992

3719.01 of the Revised Code;	66993
(49) Failure to comply with the requirements of section	66994
4731.30 of the Revised Code or rules adopted under section	66995
4731.301 of the Revised Code when recommending treatment with	66996
medical marijuana;	66997
(50) Practicing at a facility, clinic, or other location that	66998
is subject to licensure as a category III terminal distributor of	66999
dangerous drugs with an office-based opioid treatment	67000
classification unless the person operating that place has obtained	67001
and maintains the license with the classification;	67002
(51) Owning a facility, clinic, or other location that is	67003
subject to licensure as a category III terminal distributor of	67004
dangerous drugs with an office-based opioid treatment	67005
classification unless that place is licensed with the	67006
classification;	67007
(52) A pattern of continuous or repeated violations of	67008
division (E)(2) or (3) of section 3963.02 of the Revised Code;	67009
(53) Failure to fulfill the responsibilities of a	67010
collaboration agreement entered into with an athletic trainer as	67011
described in section 4755.621 of the Revised Code;	67012
(54) Failure to take the steps specified in section 4731.911	67013
of the Revised Code following an abortion or attempted abortion in	67014
an ambulatory surgical facility or other location that is not a	67015
hospital when a child is born alive.	67016
(C) Disciplinary actions taken by the board under divisions	67017
(A) and (B) of this section shall be taken pursuant to an	67018
adjudication under Chapter 119. of the Revised Code, except that	67019
in lieu of an adjudication, the board may enter into a consent	67020
agreement with an individual to resolve an allegation of a	67021
violation of this chapter or any rule adopted under it. A consent	67022
agreement, when ratified by an affirmative vote of not fewer than	67023

six members of the board, shall constitute the findings and order 67024  
of the board with respect to the matter addressed in the 67025  
agreement. If the board refuses to ratify a consent agreement, the 67026  
admissions and findings contained in the consent agreement shall 67027  
be of no force or effect. 67028

A telephone conference call may be utilized for ratification 67029  
of a consent agreement that revokes or suspends an individual's 67030  
license or certificate to practice or certificate to recommend. 67031  
The telephone conference call shall be considered a special 67032  
meeting under division (F) of section 121.22 of the Revised Code. 67033

If the board takes disciplinary action against an individual 67034  
under division (B) of this section for a second or subsequent plea 67035  
of guilty to, or judicial finding of guilt of, a violation of 67036  
section 2919.123 or 2919.124 of the Revised Code, the disciplinary 67037  
action shall consist of a suspension of the individual's license 67038  
or certificate to practice for a period of at least one year or, 67039  
if determined appropriate by the board, a more serious sanction 67040  
involving the individual's license or certificate to practice. Any 67041  
consent agreement entered into under this division with an 67042  
individual that pertains to a second or subsequent plea of guilty 67043  
to, or judicial finding of guilt of, a violation of that section 67044  
shall provide for a suspension of the individual's license or 67045  
certificate to practice for a period of at least one year or, if 67046  
determined appropriate by the board, a more serious sanction 67047  
involving the individual's license or certificate to practice. 67048

(D) For purposes of divisions (B)(10), (12), and (14) of this 67049  
section, the commission of the act may be established by a finding 67050  
by the board, pursuant to an adjudication under Chapter 119. of 67051  
the Revised Code, that the individual committed the act. The board 67052  
does not have jurisdiction under those divisions if the trial 67053  
court renders a final judgment in the individual's favor and that 67054  
judgment is based upon an adjudication on the merits. The board 67055

has jurisdiction under those divisions if the trial court issues 67056  
an order of dismissal upon technical or procedural grounds. 67057

(E) The sealing or expungement of conviction records by any 67058  
court shall have no effect upon a prior board order entered under 67059  
this section or upon the board's jurisdiction to take action under 67060  
this section if, based upon a plea of guilty, a judicial finding 67061  
of guilt, or a judicial finding of eligibility for intervention in 67062  
lieu of conviction, the board issued a notice of opportunity for a 67063  
hearing prior to the court's order to seal or expunge the records. 67064  
The board shall not be required to seal, expunge, destroy, redact, 67065  
or otherwise modify its records to reflect the court's sealing of 67066  
conviction records. 67067

(F)(1) The board shall investigate evidence that appears to 67068  
show that a person has violated any provision of this chapter or 67069  
any rule adopted under it. Any person may report to the board in a 67070  
signed writing any information that the person may have that 67071  
appears to show a violation of any provision of this chapter or 67072  
any rule adopted under it. In the absence of bad faith, any person 67073  
who reports information of that nature or who testifies before the 67074  
board in any adjudication conducted under Chapter 119. of the 67075  
Revised Code shall not be liable in damages in a civil action as a 67076  
result of the report or testimony. Each complaint or allegation of 67077  
a violation received by the board shall be assigned a case number 67078  
and shall be recorded by the board. 67079

(2) Investigations of alleged violations of this chapter or 67080  
any rule adopted under it shall be supervised by the supervising 67081  
member elected by the board in accordance with section 4731.02 of 67082  
the Revised Code and by the secretary as provided in section 67083  
4731.39 of the Revised Code. The president may designate another 67084  
member of the board to supervise the investigation in place of the 67085  
supervising member. No member of the board who supervises the 67086  
investigation of a case shall participate in further adjudication 67087

of the case. 67088

(3) In investigating a possible violation of this chapter or 67089  
any rule adopted under this chapter, or in conducting an 67090  
inspection under division (E) of section 4731.054 of the Revised 67091  
Code, the board may question witnesses, conduct interviews, 67092  
administer oaths, order the taking of depositions, inspect and 67093  
copy any books, accounts, papers, records, or documents, issue 67094  
subpoenas, and compel the attendance of witnesses and production 67095  
of books, accounts, papers, records, documents, and testimony, 67096  
except that a subpoena for patient record information shall not be 67097  
issued without consultation with the attorney general's office and 67098  
approval of the secretary and supervising member of the board. 67099

(a) Before issuance of a subpoena for patient record 67100  
information, the secretary and supervising member shall determine 67101  
whether there is probable cause to believe that the complaint 67102  
filed alleges a violation of this chapter or any rule adopted 67103  
under it and that the records sought are relevant to the alleged 67104  
violation and material to the investigation. The subpoena may 67105  
apply only to records that cover a reasonable period of time 67106  
surrounding the alleged violation. 67107

(b) On failure to comply with any subpoena issued by the 67108  
board and after reasonable notice to the person being subpoenaed, 67109  
the board may move for an order compelling the production of 67110  
persons or records pursuant to the Rules of Civil Procedure. 67111

(c) A subpoena issued by the board may be served by a 67112  
sheriff, the sheriff's deputy, or a board employee or agent 67113  
designated by the board. Service of a subpoena issued by the board 67114  
may be made by delivering a copy of the subpoena to the person 67115  
named therein, reading it to the person, or leaving it at the 67116  
person's usual place of residence, usual place of business, or 67117  
address on file with the board. When serving a subpoena to an 67118  
applicant for or the holder of a license or certificate issued 67119

under this chapter, service of the subpoena may be made by 67120  
certified mail, return receipt requested, and the subpoena shall 67121  
be deemed served on the date delivery is made or the date the 67122  
person refuses to accept delivery. If the person being served 67123  
refuses to accept the subpoena or is not located, service may be 67124  
made to an attorney who notifies the board that the attorney is 67125  
representing the person. 67126

(d) A sheriff's deputy who serves a subpoena shall receive 67127  
the same fees as a sheriff. Each witness who appears before the 67128  
board in obedience to a subpoena shall receive the fees and 67129  
mileage provided for under section 119.094 of the Revised Code. 67130

(4) All hearings, investigations, and inspections of the 67131  
board shall be considered civil actions for the purposes of 67132  
section 2305.252 of the Revised Code. 67133

(5) A report required to be submitted to the board under this 67134  
chapter, a complaint, or information received by the board 67135  
pursuant to an investigation or pursuant to an inspection under 67136  
division (E) of section 4731.054 of the Revised Code is 67137  
confidential and not subject to discovery in any civil action. 67138

The board shall conduct all investigations or inspections and 67139  
proceedings in a manner that protects the confidentiality of 67140  
patients and persons who file complaints with the board. The board 67141  
shall not make public the names or any other identifying 67142  
information about patients or complainants unless proper consent 67143  
is given or, in the case of a patient, a waiver of the patient 67144  
privilege exists under division (B) of section 2317.02 of the 67145  
Revised Code, except that consent or a waiver of that nature is 67146  
not required if the board possesses reliable and substantial 67147  
evidence that no bona fide physician-patient relationship exists. 67148

The board may share any information it receives pursuant to 67149  
an investigation or inspection, including patient records and 67150

patient record information, with law enforcement agencies, other 67151  
licensing boards, and other governmental agencies that are 67152  
prosecuting, adjudicating, or investigating alleged violations of 67153  
statutes or administrative rules. An agency or board that receives 67154  
the information shall comply with the same requirements regarding 67155  
confidentiality as those with which the state medical board must 67156  
comply, notwithstanding any conflicting provision of the Revised 67157  
Code or procedure of the agency or board that applies when it is 67158  
dealing with other information in its possession. In a judicial 67159  
proceeding, the information may be admitted into evidence only in 67160  
accordance with the Rules of Evidence, but the court shall require 67161  
that appropriate measures are taken to ensure that confidentiality 67162  
is maintained with respect to any part of the information that 67163  
contains names or other identifying information about patients or 67164  
complainants whose confidentiality was protected by the state 67165  
medical board when the information was in the board's possession. 67166  
Measures to ensure confidentiality that may be taken by the court 67167  
include sealing its records or deleting specific information from 67168  
its records. 67169

(6) On a quarterly basis, the board shall prepare a report 67170  
that documents the disposition of all cases during the preceding 67171  
three months. The report shall contain the following information 67172  
for each case with which the board has completed its activities: 67173

(a) The case number assigned to the complaint or alleged 67174  
violation; 67175

(b) The type of license or certificate to practice, if any, 67176  
held by the individual against whom the complaint is directed; 67177

(c) A description of the allegations contained in the 67178  
complaint; 67179

(d) The disposition of the case. 67180

The report shall state how many cases are still pending and 67181

shall be prepared in a manner that protects the identity of each 67182  
person involved in each case. The report shall be a public record 67183  
under section 149.43 of the Revised Code. 67184

(G) If the secretary and supervising member determine both of 67185  
the following, they may recommend that the board suspend an 67186  
individual's license or certificate to practice or certificate to 67187  
recommend without a prior hearing: 67188

(1) That there is clear and convincing evidence that an 67189  
individual has violated division (B) of this section; 67190

(2) That the individual's continued practice presents a 67191  
danger of immediate and serious harm to the public. 67192

Written allegations shall be prepared for consideration by 67193  
the board. The board, upon review of those allegations and by an 67194  
affirmative vote of not fewer than six of its members, excluding 67195  
the secretary and supervising member, may suspend a license or 67196  
certificate without a prior hearing. A telephone conference call 67197  
may be utilized for reviewing the allegations and taking the vote 67198  
on the summary suspension. 67199

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 67200  
~~certified mail or in person~~ in accordance with ~~section~~ sections 67201  
119.05 and 119.07 of the Revised Code. The order shall not be 67202  
subject to suspension by the court during pendency of any appeal 67203  
filed under section 119.12 of the Revised Code. If the individual 67204  
subject to the summary suspension requests an adjudicatory hearing 67205  
by the board, the date set for the hearing shall be within fifteen 67206  
days, but not earlier than seven days, after the individual 67207  
requests the hearing, unless otherwise agreed to by both the board 67208  
and the individual. 67209

Any summary suspension imposed under this division shall 67210  
remain in effect, unless reversed on appeal, until a final 67211  
adjudicative order issued by the board pursuant to this section 67212

and Chapter 119. of the Revised Code becomes effective. The board 67213  
shall issue its final adjudicative order within seventy-five days 67214  
after completion of its hearing. A failure to issue the order 67215  
within seventy-five days shall result in dissolution of the 67216  
summary suspension order but shall not invalidate any subsequent, 67217  
final adjudicative order. 67218

(H) If the board takes action under division (B)(9), (11), or 67219  
(13) of this section and the judicial finding of guilt, guilty 67220  
plea, or judicial finding of eligibility for intervention in lieu 67221  
of conviction is overturned on appeal, upon exhaustion of the 67222  
criminal appeal, a petition for reconsideration of the order may 67223  
be filed with the board along with appropriate court documents. 67224  
Upon receipt of a petition of that nature and supporting court 67225  
documents, the board shall reinstate the individual's license or 67226  
certificate to practice. The board may then hold an adjudication 67227  
under Chapter 119. of the Revised Code to determine whether the 67228  
individual committed the act in question. Notice of an opportunity 67229  
for a hearing shall be given in accordance with Chapter 119. of 67230  
the Revised Code. If the board finds, pursuant to an adjudication 67231  
held under this division, that the individual committed the act or 67232  
if no hearing is requested, the board may order any of the 67233  
sanctions identified under division (B) of this section. 67234

(I) The license or certificate to practice issued to an 67235  
individual under this chapter and the individual's practice in 67236  
this state are automatically suspended as of the date of the 67237  
individual's second or subsequent plea of guilty to, or judicial 67238  
finding of guilt of, a violation of section 2919.123 or 2919.124 67239  
of the Revised Code. In addition, the license or certificate to 67240  
practice or certificate to recommend issued to an individual under 67241  
this chapter and the individual's practice in this state are 67242  
automatically suspended as of the date the individual pleads 67243  
guilty to, is found by a judge or jury to be guilty of, or is 67244

subject to a judicial finding of eligibility for intervention in 67245  
lieu of conviction in this state or treatment or intervention in 67246  
lieu of conviction in another jurisdiction for any of the 67247  
following criminal offenses in this state or a substantially 67248  
equivalent criminal offense in another jurisdiction: aggravated 67249  
murder, murder, voluntary manslaughter, felonious assault, 67250  
kidnapping, rape, sexual battery, gross sexual imposition, 67251  
aggravated arson, aggravated robbery, or aggravated burglary. 67252  
Continued practice after suspension shall be considered practicing 67253  
without a license or certificate. 67254

The board shall notify the individual subject to the 67255  
suspension ~~by certified mail or in person~~ in accordance with 67256  
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 67257  
individual whose license or certificate is automatically suspended 67258  
under this division fails to make a timely request for an 67259  
adjudication under Chapter 119. of the Revised Code, the board 67260  
shall do whichever of the following is applicable: 67261

(1) If the automatic suspension under this division is for a 67262  
second or subsequent plea of guilty to, or judicial finding of 67263  
guilt of, a violation of section 2919.123 or 2919.124 of the 67264  
Revised Code, the board shall enter an order suspending the 67265  
individual's license or certificate to practice for a period of at 67266  
least one year or, if determined appropriate by the board, 67267  
imposing a more serious sanction involving the individual's 67268  
license or certificate to practice. 67269

(2) In all circumstances in which division (I)(1) of this 67270  
section does not apply, enter a final order permanently revoking 67271  
the individual's license or certificate to practice. 67272

(J) If the board is required by Chapter 119. of the Revised 67273  
Code to give notice of an opportunity for a hearing and if the 67274  
individual subject to the notice does not timely request a hearing 67275  
in accordance with section 119.07 of the Revised Code, the board 67276

is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's license or certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a license or certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue a license or certificate to practice to an applicant, revokes an individual's license or certificate to practice, refuses to renew an individual's license or certificate to practice, or refuses to reinstate an individual's license or certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license or certificate to practice and the board shall not accept an application for reinstatement of the license or certificate or for issuance of a new license or certificate.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license or certificate issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license or certificate to practice. The telephone conference call shall be

considered a special meeting under division (F) of section 121.22 67309  
of the Revised Code. Reinstatement of a license or certificate 67310  
surrendered to the board requires an affirmative vote of not fewer 67311  
than six members of the board. 67312

(2) An application for a license or certificate made under 67313  
the provisions of this chapter may not be withdrawn without 67314  
approval of the board. 67315

(3) Failure by an individual to renew a license or 67316  
certificate to practice in accordance with this chapter or a 67317  
certificate to recommend in accordance with rules adopted under 67318  
section 4731.301 of the Revised Code shall not remove or limit the 67319  
board's jurisdiction to take any disciplinary action under this 67320  
section against the individual. 67321

(4) At the request of the board, a license or certificate 67322  
holder shall immediately surrender to the board a license or 67323  
certificate that the board has suspended, revoked, or permanently 67324  
revoked. 67325

(N) Sanctions shall not be imposed under division (B)(28) of 67326  
this section against any person who waives deductibles and 67327  
copayments as follows: 67328

(1) In compliance with the health benefit plan that expressly 67329  
allows such a practice. Waiver of the deductibles or copayments 67330  
shall be made only with the full knowledge and consent of the plan 67331  
purchaser, payer, and third-party administrator. Documentation of 67332  
the consent shall be made available to the board upon request. 67333

(2) For professional services rendered to any other person 67334  
authorized to practice pursuant to this chapter, to the extent 67335  
allowed by this chapter and rules adopted by the board. 67336

(O) Under the board's investigative duties described in this 67337  
section and subject to division (F) of this section, the board 67338  
shall develop and implement a quality intervention program 67339

designed to improve through remedial education the clinical and 67340  
communication skills of individuals authorized under this chapter 67341  
to practice medicine and surgery, osteopathic medicine and 67342  
surgery, and podiatric medicine and surgery. In developing and 67343  
implementing the quality intervention program, the board may do 67344  
all of the following: 67345

(1) Offer in appropriate cases as determined by the board an 67346  
educational and assessment program pursuant to an investigation 67347  
the board conducts under this section; 67348

(2) Select providers of educational and assessment services, 67349  
including a quality intervention program panel of case reviewers; 67350

(3) Make referrals to educational and assessment service 67351  
providers and approve individual educational programs recommended 67352  
by those providers. The board shall monitor the progress of each 67353  
individual undertaking a recommended individual educational 67354  
program. 67355

(4) Determine what constitutes successful completion of an 67356  
individual educational program and require further monitoring of 67357  
the individual who completed the program or other action that the 67358  
board determines to be appropriate; 67359

(5) Adopt rules in accordance with Chapter 119. of the 67360  
Revised Code to further implement the quality intervention 67361  
program. 67362

An individual who participates in an individual educational 67363  
program pursuant to this division shall pay the financial 67364  
obligations arising from that educational program. 67365

(P) The board shall not refuse to issue a license to an 67366  
applicant because of a conviction, plea of guilty, judicial 67367  
finding of guilt, judicial finding of eligibility for intervention 67368  
in lieu of conviction, or the commission of an act that 67369  
constitutes a criminal offense, unless the refusal is in 67370

accordance with section 9.79 of the Revised Code. 67371

**Sec. 4731.224.** (A) Within sixty days after the imposition of 67372  
any formal disciplinary action taken by any health care facility, 67373  
including a hospital, health care facility operated by a health 67374  
insuring corporation, ambulatory surgical center, or similar 67375  
facility, against any individual holding a valid license or 67376  
certificate to practice issued pursuant to this chapter, the chief 67377  
administrator or executive officer of the facility shall report to 67378  
the state medical board the name of the individual, the action 67379  
taken by the facility, and a summary of the underlying facts 67380  
leading to the action taken. Upon request, the board shall be 67381  
provided certified copies of the patient records that were the 67382  
basis for the facility's action. Prior to release to the board, 67383  
the summary shall be approved by the peer review committee that 67384  
reviewed the case or by the governing board of the facility. As 67385  
used in this division, "formal disciplinary action" means any 67386  
action resulting in the revocation, restriction, reduction, or 67387  
termination of clinical privileges for violations of professional 67388  
ethics, or for reasons of medical incompetence or medical 67389  
malpractice. "Formal disciplinary action" includes a summary 67390  
action, an action that takes effect notwithstanding any appeal 67391  
rights that may exist, and an action that results in an individual 67392  
surrendering clinical privileges while under investigation and 67393  
during proceedings regarding the action being taken or in return 67394  
for not being investigated or having proceedings held. "Formal 67395  
disciplinary action" does not include any action taken for the 67396  
sole reason of failure to maintain records on a timely basis or 67397  
failure to attend staff or section meetings. 67398

The filing or nonfiling of a report with the board, 67399  
investigation by the board, or any disciplinary action taken by 67400  
the board, shall not preclude any action by a health care facility 67401  
to suspend, restrict, or revoke the individual's clinical 67402

privileges. 67403

In the absence of fraud or bad faith, no individual or entity 67404  
that provides patient records to the board shall be liable in 67405  
damages to any person as a result of providing the records. 67406

(B)(1) Except as provided in division (B)(2) of this section, 67407  
if any individual authorized to practice under this chapter or any 67408  
professional association or society of such individuals believes 67409  
that a violation of any provision of this chapter, Chapter 4730., 67410  
4759., 4760., 4761., 4762., 4774., ~~or 4778.~~ or 4787. of the 67411  
Revised Code, or any rule of the board has occurred, the 67412  
individual, association, or society shall report to the board the 67413  
information upon which the belief is based. 67414

(2) If any individual authorized to practice under this 67415  
chapter or any professional association or society of such 67416  
individuals believes that a violation of division (B)(26) of 67417  
section 4731.22 of the Revised Code has occurred, the individual, 67418  
association, or society shall report the information upon which 67419  
the belief is based to the monitoring organization conducting the 67420  
program established by the board under section 4731.251 of the 67421  
Revised Code. If any such report is made to the board, it shall be 67422  
referred to the monitoring organization unless the board is aware 67423  
that the individual who is the subject of the report does not meet 67424  
the program eligibility requirements of section 4731.252 of the 67425  
Revised Code. 67426

(C) Any professional association or society composed 67427  
primarily of doctors of medicine and surgery, doctors of 67428  
osteopathic medicine and surgery, doctors of podiatric medicine 67429  
and surgery, or practitioners of limited branches of medicine that 67430  
suspends or revokes an individual's membership for violations of 67431  
professional ethics, or for reasons of professional incompetence 67432  
or professional malpractice, within sixty days after a final 67433  
decision shall report to the board, on forms prescribed and 67434

provided by the board, the name of the individual, the action 67435  
taken by the professional organization, and a summary of the 67436  
underlying facts leading to the action taken. 67437

The filing of a report with the board or decision not to file 67438  
a report, investigation by the board, or any disciplinary action 67439  
taken by the board, does not preclude a professional organization 67440  
from taking disciplinary action against an individual. 67441

(D) Any insurer providing professional liability insurance to 67442  
an individual authorized to practice under this chapter, or any 67443  
other entity that seeks to indemnify the professional liability of 67444  
such an individual, shall notify the board within thirty days 67445  
after the final disposition of any written claim for damages where 67446  
such disposition results in a payment exceeding twenty-five 67447  
thousand dollars. The notice shall contain the following 67448  
information: 67449

(1) The name and address of the person submitting the 67450  
notification; 67451

(2) The name and address of the insured who is the subject of 67452  
the claim; 67453

(3) The name of the person filing the written claim; 67454

(4) The date of final disposition; 67455

(5) If applicable, the identity of the court in which the 67456  
final disposition of the claim took place. 67457

(E) The board may investigate possible violations of this 67458  
chapter or the rules adopted under it that are brought to its 67459  
attention as a result of the reporting requirements of this 67460  
section, except that the board shall conduct an investigation if a 67461  
possible violation involves repeated malpractice. As used in this 67462  
division, "repeated malpractice" means three or more claims for 67463  
medical malpractice within the previous five-year period, each 67464

resulting in a judgment or settlement in excess of twenty-five thousand dollars in favor of the claimant, and each involving negligent conduct by the practicing individual.

(F) All summaries, reports, and records received and maintained by the board pursuant to this section shall be held in confidence and shall not be subject to discovery or introduction in evidence in any federal or state civil action involving a health care professional or facility arising out of matters that are the subject of the reporting required by this section. The board may use the information obtained only as the basis for an investigation, as evidence in a disciplinary hearing against an individual whose practice is regulated under this chapter, or in any subsequent trial or appeal of a board action or order.

The board may disclose the summaries and reports it receives under this section only to health care facility committees within or outside this state that are involved in credentialing or recredentialing the individual or in reviewing the individual's clinical privileges. The board shall indicate whether or not the information has been verified. Information transmitted by the board shall be subject to the same confidentiality provisions as when maintained by the board.

(G) Except for reports filed by an individual pursuant to division (B) of this section, the board shall send a copy of any reports or summaries it receives pursuant to this section to the individual who is the subject of the reports or summaries. The individual shall have the right to file a statement with the board concerning the correctness or relevance of the information. The statement shall at all times accompany that part of the record in contention.

(H) An individual or entity that, pursuant to this section, reports to the board, reports to the monitoring organization described in section 4731.251 of the Revised Code, or refers an

impaired practitioner to a treatment provider approved by the 67497  
board under section 4731.25 of the Revised Code shall not be 67498  
subject to suit for civil damages as a result of the report, 67499  
referral, or provision of the information. 67500

(I) In the absence of fraud or bad faith, no professional 67501  
association or society of individuals authorized to practice under 67502  
this chapter that sponsors a committee or program to provide peer 67503  
assistance to practitioners with substance abuse problems, no 67504  
representative or agent of such a committee or program, no 67505  
representative or agent of the monitoring organization described 67506  
in section 4731.251 of the Revised Code, and no member of the 67507  
state medical board shall be held liable in damages to any person 67508  
by reason of actions taken to refer a practitioner to a treatment 67509  
provider approved under section 4731.25 of the Revised Code for 67510  
examination or treatment. 67511

**Sec. 4731.24.** Except as provided in sections 4731.281 and 67512  
4731.40 of the Revised Code, all receipts of the state medical 67513  
board, from any source, shall be deposited in the state treasury. 67514  
The funds shall be deposited to the credit of the state medical 67515  
board operating fund, which is hereby created. Except as provided 67516  
in sections 4730.252, 4731.225, 4731.24, 4759.071, 4760.133, 67517  
4761.091, 4762.133, 4774.133, and 4778.141 of the Revised Code, 67518  
all funds deposited into the state treasury under this section 67519  
shall be used solely for the administration and enforcement of 67520  
this chapter and Chapters 4730., 4759., 4760., 4761., 4762., 67521  
4774., ~~and 4778.~~ and 4787. of the Revised Code by the board. 67522

**Sec. 4731.25.** The state medical board, in accordance with 67523  
Chapter 119. of the Revised Code, shall adopt and may amend and 67524  
rescind rules establishing standards for approval of physicians 67525  
and facilities as treatment providers for practitioners suffering 67526  
or showing evidence of suffering impairment as described in 67527

division (B)(5) of section 4730.25, division (B)(26) of section 67528  
4731.22, division (A)(18) of section 4759.07, division (B)(6) of 67529  
section 4760.13, division (A)(18) of section 4761.09, division 67530  
(B)(6) of section 4762.13, division (B)(6) of section 4774.13, ~~or~~ 67531  
division (B)(6) of section 4778.14, or division (C)(4) of section 67532  
4787.10 of the Revised Code. The rules shall include standards for 67533  
both inpatient and outpatient treatment and for care and 67534  
monitoring that continues after treatment. The rules shall provide 67535  
that in order to be approved, a treatment provider must have the 67536  
capability of making an initial examination to determine what type 67537  
of treatment an impaired practitioner requires. Subject to the 67538  
rules, the board shall review and approve treatment providers on a 67539  
regular basis. The board, at its discretion, may withdraw or deny 67540  
approval subject to the rules. 67541

An approved impaired practitioner treatment provider shall do 67542  
all of the following: 67543

(A) Report to the board the name of any practitioner 67544  
suffering or showing evidence of suffering impairment who fails to 67545  
comply within one week with a referral for examination; 67546

(B) Report to the board the name of any impaired practitioner 67547  
who fails to enter treatment within forty-eight hours following 67548  
the provider's determination that the practitioner needs 67549  
treatment; 67550

(C) Require every practitioner who enters treatment to agree 67551  
to a treatment contract establishing the terms of treatment and 67552  
aftercare, including any required supervision or restrictions of 67553  
practice during treatment or aftercare; 67554

(D) Require a practitioner to suspend practice upon entry 67555  
into any required inpatient treatment; 67556

(E) Report to the board any failure by an impaired 67557

practitioner to comply with the terms of the treatment contract 67558  
during inpatient or outpatient treatment or aftercare; 67559

(F) Report to the board the resumption of practice of any 67560  
impaired practitioner before the treatment provider has made a 67561  
clear determination that the practitioner is capable of practicing 67562  
according to acceptable and prevailing standards of care; 67563

(G) Require a practitioner who resumes practice after 67564  
completion of treatment to comply with an aftercare contract that 67565  
meets the requirements of rules adopted by the board for approval 67566  
of treatment providers; 67567

(H) Report the identity of any practitioner practicing under 67568  
the terms of an aftercare contract to hospital administrators, 67569  
medical chiefs of staff, and chairpersons of impaired practitioner 67570  
committees of all health care institutions at which the 67571  
practitioner holds clinical privileges or otherwise practices. If 67572  
the practitioner does not hold clinical privileges at any health 67573  
care institution, the treatment provider shall report the 67574  
practitioner's identity to the impaired practitioner committee of 67575  
the county medical society, osteopathic academy, or podiatric 67576  
medical association in every county in which the practitioner 67577  
practices. If there are no impaired practitioner committees in the 67578  
county, the treatment provider shall report the practitioner's 67579  
identity to the president or other designated member of the county 67580  
medical society, osteopathic academy, or podiatric medical 67581  
association. 67582

(I) Report to the board the identity of any practitioner who 67583  
suffers a relapse at any time during or following aftercare. 67584

Any individual authorized to practice under this chapter who 67585  
enters into treatment by an approved treatment provider shall be 67586  
deemed to have waived any confidentiality requirements that would 67587  
otherwise prevent the treatment provider from making reports 67588

required under this section. 67589

In the absence of fraud or bad faith, no person or 67590  
organization that conducts an approved impaired practitioner 67591  
treatment program, no member of such an organization, and no 67592  
employee, representative, or agent of the treatment provider shall 67593  
be held liable in damages to any person by reason of actions taken 67594  
or recommendations made by the treatment provider or its 67595  
employees, representatives, or agents. 67596

Sec. 4731.37. (A) As used in this section: 67597

(1) "Physician" means an individual authorized under this 67598  
chapter to practice medicine and surgery or osteopathic medicine 67599  
and surgery. 67600

(2) "Sonographer" means an individual who uses ultrasonic 67601  
imaging devices to produce diagnostic images, scans, or videos or 67602  
three-dimensional volumes of anatomical and diagnostic data. 67603

(B) A physician may delegate to a sonographer the authority 67604  
to administer intravenously an ultrasound enhancing agent if all 67605  
of the following conditions are met: 67606

(1) The physician's normal course of practice and expertise 67607  
includes the intravenous administration of ultrasound enhancing 67608  
agents. 67609

(2) The facility where the physician practices has developed, 67610  
in accordance with clinical standards and industry guidelines, 67611  
standards for administering ultrasound enhancing agents 67612  
intravenously and has included the facility's standards in a 67613  
written practice protocol. 67614

(3) The sonographer, as determined by the facility where the 67615  
physician practices, satisfies all of the following: 67616

(a) Has successfully completed an education and training 67617  
program in sonography; 67618

<u>(b) Is certified or registered as a sonographer by another jurisdiction or a nationally recognized accrediting organization;</u>	67619
	67620
<u>(c) Has successfully completed training in the intravenous administration of ultrasound enhancing agents that was provided in any of the following ways:</u>	67621
	67622
	67623
<u>(i) As part of an education and training program in sonography;</u>	67624
	67625
<u>(ii) As part of training provided to the sonographer by the physician who delegates to the sonographer the authority to administer intravenously an ultrasound enhancing agent;</u>	67626
	67627
	67628
<u>(iii) As part of a training program developed and offered by the facility in which the physician practices.</u>	67629
	67630
<u>(C) A sonographer may administer intravenously an ultrasound enhancing agent if all of the following conditions are met:</u>	67631
	67632
<u>(1) In accordance with division (B) of this section, a physician delegates to the sonographer the authority to administer the agent.</u>	67633
	67634
	67635
<u>(2) The sonographer administers the agent in accordance with the written practice protocol described in division (B) of this section.</u>	67636
	67637
	67638
<u>(3) The delegating physician is physically present at the facility where the sonographer administers the agent.</u>	67639
	67640
<u>Division (C)(3) of this section does not require the delegating physician to be in the same room as the sonographer when the sonographer administers the agent.</u>	67641
	67642
	67643
<u>(D) This section does not prohibit any of the following from administering intravenously an ultrasound enhancing agent:</u>	67644
	67645
<u>(1) An individual who is otherwise authorized by the Revised Code to administer intravenously an ultrasound enhancing agent, including a physician assistant licensed under Chapter 4730. of</u>	67646
	67647
	67648

the Revised Code or a registered nurse or licensed practical nurse 67649  
licensed under Chapter 4723. of the Revised Code; 67650

(2) An individual who meets all of the following conditions: 67651

(a) Has successfully completed an education and training 67652  
program in sonography; 67653

(b) Has applied for certification or registration as a 67654  
sonographer with another jurisdiction or a nationally recognized 67655  
accrediting organization; 67656

(c) Is awaiting that certification's or registration's 67657  
issuance; 67658

(d) Administers intravenously an ultrasound enhancing agent 67659  
under the general supervision of a physician and the direct 67660  
supervision of either a sonographer described in divisions (B) and 67661  
(C) of this section or an individual otherwise authorized to 67662  
administer intravenously ultrasound enhancing agents. 67663

(3) An individual who is enrolled in an education and 67664  
training program in sonography and, as part of the program, 67665  
administers intravenously ultrasound enhancing agents. 67666

(E) For purposes of this section, the authority to administer 67667  
an ultrasound enhancing agent intravenously also includes the 67668  
authority to insert, maintain, and remove any mechanism necessary 67669  
for the agent's administration. 67670

**Sec. 4731.481.** No physician shall do either of the following: 67671  
67672

(A) Furnish a person with a prescription in order to enable 67673  
the person to be issued a standard removable windshield placard, 67674  
temporary removable windshield placard, permanent removable 67675  
windshield placard, or license plates under section 4503.44 of the 67676  
Revised Code, knowing that the person does not meet any of the 67677  
criteria contained in division (A)(1) of that section; 67678

(B) Furnish a person with a prescription described in 67679  
division (A) of this section and knowingly misstate on the 67680  
prescription the length of time the physician expects the person 67681  
to have the disability that limits or impairs the person's ability 67682  
to walk in order to enable the person to retain a placard issued 67683  
under section 4503.44 of the Revised Code for a period of time 67684  
longer than that which would be estimated by a similar 67685  
practitioner under the same or similar circumstances. 67686

**Sec. 4732.17.** (A) Subject to division (F) of this section and 67687  
except as provided in division (G) of this section, the state 67688  
board of psychology may take any of the actions specified in 67689  
division (C) of this section against an applicant for or a person 67690  
who holds a license issued under this chapter on any of the 67691  
following grounds as applicable: 67692

(1) Conviction, including a plea of guilty or no contest, of 67693  
a felony, or of any offense involving moral turpitude, in a court 67694  
of this or any other state or in a federal court; 67695

(2) A judicial finding of eligibility for intervention in 67696  
lieu of conviction for a felony or any offense involving moral 67697  
turpitude in a court of this or any other state or in a federal 67698  
court; 67699

(3) Using fraud or deceit in the procurement of the license 67700  
to practice psychology, independent school psychology, or school 67701  
psychology or knowingly assisting another in the procurement of 67702  
such a license through fraud or deceit; 67703

(4) Accepting commissions or rebates or other forms of 67704  
remuneration for referring persons to other professionals; 67705

(5) Willful, unauthorized communication of information 67706  
received in professional confidence; 67707

(6) Being negligent in the practice of psychology, 67708

independent school psychology, or school psychology; 67709

(7) Inability to practice according to acceptable and 67710  
prevailing standards of care by reason of a mental, emotional, 67711  
physiological, or pharmacological condition or substance abuse; 67712

(8) Subject to section 4732.28 of the Revised Code, violating 67713  
any rule of professional conduct promulgated by the board; 67714

(9) Practicing in an area of psychology for which the person 67715  
is clearly untrained or incompetent; 67716

(10) An adjudication by a court, as provided in section 67717  
5122.301 of the Revised Code, that the person is incompetent for 67718  
the purpose of holding the license. Such person may have the 67719  
person's license issued or restored only upon determination by a 67720  
court that the person is competent for the purpose of holding the 67721  
license and upon the decision by the board that such license be 67722  
issued or restored. The board may require an examination prior to 67723  
such issuance or restoration. 67724

(11) Waiving the payment of all or any part of a deductible 67725  
or copayment that a patient, pursuant to a health insurance or 67726  
health care policy, contract, or plan that covers psychological 67727  
services, would otherwise be required to pay if the waiver is used 67728  
as an enticement to a patient or group of patients to receive 67729  
health care services from that provider; 67730

(12) Advertising that the person will waive the payment of 67731  
all or any part of a deductible or copayment that a patient, 67732  
pursuant to a health insurance or health care policy, contract, or 67733  
plan that covers psychological services, would otherwise be 67734  
required to pay; 67735

(13) Any of the following actions taken by the agency 67736  
responsible for authorizing or certifying the person to practice 67737  
or regulating the person's practice of a health care occupation or 67738  
provision of health care services in this state or another 67739

jurisdiction, as evidenced by a certified copy of that agency's records and findings for any reason other than the nonpayment of fees:	67740 67741 67742
(a) Limitation, revocation, or suspension of the person's license to practice;	67743 67744
(b) Acceptance of the person's license surrender;	67745
(c) Denial of a license to the person;	67746
(d) Refuse to renew or reinstate the person's license;	67747
(e) Imposition of probation on the person;	67748
(f) Issuance of an order of censure or other reprimand against the person;	67749 67750
(g) Other negative action or finding against the person about which information is available to the public.	67751 67752
(14) Offering or rendering psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;	67753 67754 67755 67756
(15) Offering or rendering psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code;	67757 67758 67759
(16) Unless the person is an independent school psychologist or school psychologist licensed under this chapter:	67760 67761
(a) Offering or rendering independent school psychological or school psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;	67762 67763 67764 67765 67766
(b) Offering or rendering independent school psychological or school psychological services after a license issued under this	67767 67768

chapter has been placed in retired status pursuant to section 67769  
4732.142 of the Revised Code. 67770

(17) Violating any adjudication order or consent agreement 67771  
adopted by the board; 67772

(18) Failure to submit to mental, cognitive, substance abuse, 67773  
or medical evaluations, or a combination of these evaluations, 67774  
ordered by the board under division (E) of this section. 67775

(B) Notwithstanding divisions (A)(11) and (12) of this 67776  
section, sanctions shall not be imposed against any license holder 67777  
who waives deductibles and copayments: 67778

(1) In compliance with the health benefit plan that expressly 67779  
allows such a practice. Waiver of the deductibles or copays shall 67780  
be made only with the full knowledge and consent of the plan 67781  
purchaser, payer, and third-party administrator. Such consent 67782  
shall be made available to the board upon request. 67783

(2) For professional services rendered to any other person 67784  
licensed pursuant to this chapter to the extent allowed by this 67785  
chapter and the rules of the board. 67786

(C) For any of the reasons specified in division (A) of this 67787  
section, the board may do one or more of the following: 67788

(1) Refuse to issue a license to an applicant; 67789

(2) Issue a reprimand to a license holder; 67790

(3) Suspend the license of a license holder; 67791

(4) Revoke the license of a license holder; 67792

(5) Limit or restrict the areas of practice of an applicant 67793  
or a license holder; 67794

(6) Require mental, substance abuse, or physical evaluations, 67795  
or any combination of these evaluations, of an applicant or a 67796  
license holder; 67797

(7) Require remedial education and training of an applicant 67798  
or a license holder. 67799

(D) When it revokes the license of a license holder under 67800  
division (C)(4) of this section, the board may specify that the 67801  
revocation is permanent. An individual subject to permanent 67802  
revocation is forever thereafter ineligible to hold a license, and 67803  
the board shall not accept an application for reinstatement of the 67804  
license or issuance of a new license. 67805

(E) When the board issues a notice of opportunity for a 67806  
hearing on the basis of division (A)(7) of this section, the 67807  
supervising member of the board, with cause and upon consultation 67808  
with the board's executive director and the board's legal counsel, 67809  
may compel the applicant or license holder to submit to mental, 67810  
cognitive, substance abuse, or medical evaluations, or a 67811  
combination of these evaluations, by a person or persons selected 67812  
by the board. Notice shall be given to the applicant or license 67813  
holder in writing signed by the supervising member, the executive 67814  
director, and the board's legal counsel. The applicant or license 67815  
holder is deemed to have given consent to submit to these 67816  
evaluations and to have waived all objections to the admissibility 67817  
of testimony or evaluation reports that constitute a privileged 67818  
communication. The expense of the evaluation or evaluations shall 67819  
be the responsibility of the applicant or license holder who is 67820  
evaluated. 67821

(F) Before the board may take action under this section, 67822  
written charges shall be filed with the board by the secretary and 67823  
a hearing shall be had thereon in accordance with Chapter 119. of 67824  
the Revised Code, except as follows: 67825

(1) On receipt of a complaint that any of the grounds listed 67826  
in division (A) of this section exist, the state board of 67827  
psychology may suspend a license issued under this chapter prior 67828  
to holding a hearing in accordance with Chapter 119. of the 67829

Revised Code if it determines, based on the complaint, that there is an immediate threat to the public. A telephone conference call may be used to conduct an emergency meeting for review of the matter by a quorum of the board, taking the vote, and memorializing the action in the minutes of the meeting.

After suspending a license pursuant to division (F)(1) of this section, the board shall notify the license holder of the suspension in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code. If the individual whose license is suspended fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the license.

(2) The board shall adopt rules establishing a case management schedule for pre-hearing procedures by the hearing examiner or presiding board member. The schedule shall include applicable deadlines related to the hearing process, including all of the following:

(a) The date of the hearing;

(b) The date for the disclosure of witnesses and exhibits;

(c) The date for the disclosure of the identity of expert witnesses and the exchange of written reports;

(d) The deadline for submitting a request for the issuance of a subpoena for the hearing as provided under Chapter 119. of the Revised Code and division (F)(4) of this section.

(3) Either party to the hearing may submit a written request to the other party for a list of witnesses and copies of documents intended to be introduced at the hearing. The request shall be in writing and shall be served not less than thirty-seven days prior to the hearing, unless the hearing officer or presiding board member grants an extension of time to make the request. Not later than thirty days before the hearing, the responding party shall

provide the requested list of witnesses, summary of their 67861  
testimony, and copies of documents to the requesting party, unless 67862  
the hearing officer or presiding board member grants an extension. 67863  
Failure to timely provide a list or copies requested in accordance 67864  
with this section may, at the discretion of the hearing officer or 67865  
presiding board member, result in exclusion from the hearing of 67866  
the witnesses, testimony, or documents. 67867

(4) In addition to subpoenas for the production of books, 67868  
records, and papers requested under Chapter 119. of the Revised 67869  
Code, either party may ask the board to issue a subpoena for the 67870  
production of other tangible items. 67871

The person subject to a subpoena for the production of books, 67872  
records, papers, or other tangible items shall respond to the 67873  
subpoena at least twenty days prior to the date of the hearing. If 67874  
a person fails to respond to a subpoena issued by the board, after 67875  
providing reasonable notice to the person, the board, the hearing 67876  
officer, or both may proceed with enforcement of the subpoena 67877  
pursuant to section 119.09 of the Revised Code. 67878

(G) The board shall not refuse to issue a license to an 67879  
applicant because of a conviction or plea of guilty or no contest 67880  
to an offense or a judicial finding of eligibility for 67881  
intervention in lieu of conviction, unless the refusal is in 67882  
accordance with section 9.79 of the Revised Code. 67883

**Sec. 4734.161.** No chiropractor shall do either of the 67884  
following: 67885

(A) Furnish a person with a prescription in order to enable 67886  
the person to be issued a standard removable windshield placard, 67887  
temporary removable windshield placard, permanent removable 67888  
windshield placard, or license plates under section 4503.44 of the 67889  
Revised Code, knowing that the person does not meet any of the 67890  
criteria contained in division (A)(1) of that section; 67891

(B) Furnish a person with a prescription described in 67892  
division (A) of this section and knowingly misstate on the 67893  
prescription the length of time the chiropractor expects the 67894  
person to have the disability that limits or impairs the person's 67895  
ability to walk in order to enable the person to retain a placard 67896  
issued under section 4503.44 of the Revised Code for a period of 67897  
time longer than that which would be estimated by a similar 67898  
practitioner under the same or similar circumstances. 67899

**Sec. 4734.36.** A chiropractor who in this state pleads guilty 67900  
to or is convicted of aggravated murder, murder, voluntary 67901  
manslaughter, felonious assault, kidnapping, rape, sexual battery, 67902  
gross sexual imposition, aggravated arson, aggravated robbery, or 67903  
aggravated burglary, or who in another jurisdiction pleads guilty 67904  
to or is convicted of any substantially equivalent criminal 67905  
offense, is automatically suspended from practice in this state 67906  
and the license issued under this chapter to practice chiropractic 67907  
is automatically suspended as of the date of the guilty plea or 67908  
conviction. If applicable, the chiropractor's certificate issued 67909  
under this chapter to practice acupuncture is automatically 67910  
suspended at the same time. Continued practice after suspension 67911  
under this section shall be considered practicing chiropractic 67912  
without a license and, if applicable, acupuncture without a 67913  
certificate. On receiving notice or otherwise becoming aware of 67914  
the conviction, the state chiropractic board shall notify the 67915  
individual of the suspension under this section ~~by certified mail~~ 67916  
~~or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 67917  
of the Revised Code. If an individual whose license and, if 67918  
applicable, certificate to practice acupuncture is suspended under 67919  
this section fails to make a timely request for an adjudication, 67920  
the board shall enter a final order revoking the individual's 67921  
license and, if applicable, certificate to practice acupuncture. 67922

**Sec. 4734.37.** If the state chiropractic board determines that 67923  
there is clear and convincing evidence that a person who has been 67924  
granted a license to practice chiropractic and, if applicable, 67925  
certificate to practice acupuncture under this chapter has 67926  
committed an act that subjects the person's license and, if 67927  
applicable, certificate to board action under section 4734.31 of 67928  
the Revised Code and that the person's continued practice presents 67929  
a danger of immediate and serious harm to the public, the board 67930  
may suspend the license and, if applicable, certificate without a 67931  
prior hearing. A telephone conference call may be utilized for 67932  
reviewing the matter and taking the vote. 67933

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 67934  
~~certified mail or in person~~ in accordance with ~~section~~ sections 67935  
119.05 and 119.07 of the Revised Code. The order is not subject to 67936  
suspension by the court during pendency of any appeal filed under 67937  
section 119.12 of the Revised Code. If the person subject to the 67938  
suspension requests an adjudication by the board, the date set for 67939  
the adjudication shall be within twenty days, but not earlier than 67940  
seven days, after the request, unless otherwise agreed to by both 67941  
the board and the person subject to the suspension. 67942

Any summary suspension imposed under this section shall 67943  
remain in effect, unless reversed on appeal, until a final 67944  
adjudicative order issued by the board pursuant to section 4734.31 67945  
and Chapter 119. of the Revised Code becomes effective. The board 67946  
shall issue its final adjudicative order within sixty days after 67947  
completion of its adjudication. A failure to issue the order 67948  
within sixty days shall result in dissolution of the summary 67949  
suspension order but shall not invalidate any subsequent, final 67950  
adjudicative order. 67951

**Sec. 4735.01.** As used in this chapter: 67952

(A) "Real estate broker" includes any person, partnership, 67953  
association, limited liability company, limited liability 67954  
partnership, or corporation, foreign or domestic, who for another, 67955  
whether pursuant to a power of attorney or otherwise, and who for 67956  
a fee, commission, or other valuable consideration, or with the 67957  
intention, or in the expectation, or upon the promise of receiving 67958  
or collecting a fee, commission, or other valuable consideration 67959  
does any of the following: 67960

(1) Sells, exchanges, purchases, rents, or leases, or 67961  
negotiates the sale, exchange, purchase, rental, or leasing of any 67962  
real estate; 67963

(2) Offers, attempts, or agrees to negotiate the sale, 67964  
exchange, purchase, rental, or leasing of any real estate; 67965

(3) Lists, or offers, attempts, or agrees to list, or 67966  
auctions, or offers, attempts, or agrees to auction, any real 67967  
estate; 67968

(4) Buys or offers to buy, sells or offers to sell, or 67969  
otherwise deals in options on real estate; 67970

(5) Operates, manages, or rents, or offers or attempts to 67971  
operate, manage, or rent, other than as custodian, caretaker, or 67972  
janitor, any building or portions of buildings to the public as 67973  
tenants; 67974

(6) Advertises or holds self out as engaged in the business 67975  
of selling, exchanging, purchasing, renting, or leasing real 67976  
estate; 67977

(7) Directs or assists in the procuring of prospects or the 67978  
negotiation of any transaction, other than mortgage financing, 67979  
which does or is calculated to result in the sale, exchange, 67980  
leasing, or renting of any real estate; 67981

(8) Is engaged in the business of charging an advance fee or 67982

contracting for collection of a fee in connection with any 67983  
contract whereby the broker undertakes primarily to promote the 67984  
sale, exchange, purchase, rental, or leasing of real estate 67985  
through its listing in a publication issued primarily for such 67986  
purpose, or for referral of information concerning such real 67987  
estate to brokers, or both, except that this division does not 67988  
apply to a publisher of listings or compilations of sales of real 67989  
estate by their owners; 67990

(9) Collects rental information for purposes of referring 67991  
prospective tenants to rental units or locations of such units and 67992  
charges the prospective tenants a fee. 67993

(B) "Real estate" includes leaseholds as well as any and 67994  
every interest or estate in land situated in this state, whether 67995  
corporeal or incorporeal, whether freehold or nonfreehold, and the 67996  
improvements on the land, but does not include cemetery interment 67997  
rights. 67998

(C) "Real estate salesperson" means any person associated 67999  
with a licensed real estate broker to do or to deal in any acts or 68000  
transactions set out or comprehended by the definition of a real 68001  
estate broker, for compensation or otherwise. 68002

(D) "Institution of higher education" includes all of the 68003  
following: 68004

(1) A state institution of higher education, as defined in 68005  
section 3345.011 of the Revised Code; 68006

(2) A nonprofit institution issued a certificate of 68007  
authorization under Chapter 1713. of the Revised Code; 68008

(3) A private institution exempt from regulation under 68009  
Chapter 3332. of the Revised Code, as prescribed in section 68010  
3333.046 of the Revised Code. 68011

(4) An institution with a certificate of registration from 68012

the state board of career colleges and schools under Chapter 3332. 68013  
of the Revised Code that is approved to offer degree programs in 68014  
accordance with section 3332.05 of the Revised Code. 68015

(E) "Foreign real estate" means real estate not situated in 68016  
this state and any interest in real estate not situated in this 68017  
state. 68018

(F) "Foreign real estate dealer" includes any person, 68019  
partnership, association, limited liability company, limited 68020  
liability partnership, or corporation, foreign or domestic, who 68021  
for another, whether pursuant to a power of attorney or otherwise, 68022  
and who for a fee, commission, or other valuable consideration, or 68023  
with the intention, or in the expectation, or upon the promise of 68024  
receiving or collecting a fee, commission, or other valuable 68025  
consideration, does or deals in any act or transaction specified 68026  
or comprehended in division (A) of this section with respect to 68027  
foreign real estate. 68028

(G) "Foreign real estate salesperson" means any person 68029  
associated with a licensed foreign real estate dealer to do or 68030  
deal in any act or transaction specified or comprehended in 68031  
division (A) of this section with respect to foreign real estate, 68032  
for compensation or otherwise. 68033

(H) Any person, partnership, association, limited liability 68034  
company, limited liability partnership, or corporation, who, for 68035  
another, in consideration of compensation, by fee, commission, 68036  
salary, or otherwise, or with the intention, in the expectation, 68037  
or upon the promise of receiving or collecting a fee, does, or 68038  
offers, attempts, or agrees to engage in, any single act or 68039  
transaction contained in the definition of a real estate broker, 68040  
whether an act is an incidental part of a transaction, or the 68041  
entire transaction, shall be constituted a real estate broker or 68042  
real estate salesperson under this chapter. 68043

(I)(1) The terms "real estate broker," "real estate salesperson," "foreign real estate dealer," and "foreign real estate salesperson" do not include a person, partnership, association, limited liability company, limited liability partnership, or corporation, or the regular employees thereof, who perform any of the acts or transactions specified or comprehended in division (A) of this section, whether or not for, or with the intention, in expectation, or upon the promise of receiving or collecting a fee, commission, or other valuable consideration:

(a) With reference to real estate situated in this state owned by such person, partnership, association, limited liability company, limited liability partnership, or corporation, or acquired on its own account in the regular course of, or as an incident to the management of the property and the investment in it;

(b) As receiver or trustee in bankruptcy, as guardian, executor, administrator, trustee, assignee, commissioner, or any person doing the things mentioned in this section, under authority or appointment of, or incident to a proceeding in, any court, or as a bona fide public officer, or as executor, trustee, or other bona fide fiduciary under any trust agreement, deed of trust, will, or other instrument that has been executed in good faith creating a like bona fide fiduciary obligation;

(c) As a public officer while performing the officer's official duties;

(d) As an attorney at law in the performance of the attorney's duties;

(e) As a person who engages in the brokering of the sale of business assets, not including the sale, lease, exchange, or assignment of any interest in real estate;

(f) As a person who engages in the sale of manufactured homes

as defined in division (C)(4) of section 3781.06 of the Revised Code, or of mobile homes as defined in division (O) of section 4501.01 of the Revised Code, provided the sale does not include the negotiation, sale, lease, exchange, or assignment of any interest in real estate;

(g) As a person who engages in the sale of commercial real estate pursuant to the requirements of section 4735.022 of the Revised Code;

(h) As an oil and gas land professional in the performance of the oil and gas land professional's duties, provided the oil and gas land professional is not engaged in the purchase or sale of a fee simple absolute interest in oil and gas or other real estate and the oil and gas land professional complies with division (A) of section 4735.023 of the Revised Code;

(i) As an oil and gas land professional employed by the person, partnership, association, limited liability company, limited liability partnership, or corporation for which the oil and gas land professional is performing the oil and gas land professional's duties.

(2) A person, partnership, association, limited liability company, limited liability partnership, or corporation exempt under division (I)(1)(a) of this section shall be limited by the legal interest in the real estate held by that person or entity to performing any of the acts or transactions specified in or comprehended by division (A) of this section.

(J) "Disabled licensee" means a person licensed pursuant to this chapter who is under a severe disability which is of such a nature as to prevent the person from being able to attend any instruction lasting at least three hours in duration.

(K) "Division of real estate" may be used interchangeably with, and for all purposes has the same meaning as, "division of

real estate and professional licensing." 68106

(L) "Superintendent" or "superintendent of real estate" means 68107  
the superintendent of the division of real estate and professional 68108  
licensing of this state. Whenever the division or superintendent 68109  
of real estate is referred to or designated in any statute, rule, 68110  
contract, or other document, the reference or designation shall be 68111  
deemed to refer to the division or superintendent of real estate 68112  
and professional licensing, as the case may be. 68113

(M) "Inactive license" means the license status in which a 68114  
salesperson's license is in the possession of the division, 68115  
renewed as required under this chapter or rules adopted under this 68116  
chapter, and not associated with a real estate broker. 68117

(N) "Broker's license on deposit" means the license status in 68118  
which a broker's license is in the possession of the division of 68119  
real estate and professional licensing and renewed as required 68120  
under this chapter or rules adopted under this chapter. 68121

(O) "Suspended license" means the license status that 68122  
prohibits a licensee from providing services that require a 68123  
license under this chapter for a specified interval of time. 68124

(P) "Reactivate" means the process prescribed by the 68125  
superintendent of real estate and professional licensing to remove 68126  
a license from an inactive, suspended, or broker's license on 68127  
deposit status to allow a licensee to provide services that 68128  
require a license under this chapter. 68129

(Q) "Revoked" means the license status in which the license 68130  
is void and not eligible for reactivation. 68131

(R) "Commercial real estate" means any parcel of real estate 68132  
in this state other than real estate containing one to four 68133  
residential units. "Commercial real estate" does not include 68134  
single-family residential units such as condominiums, townhouses, 68135  
manufactured homes, or homes in a subdivision when sold, leased, 68136

or otherwise conveyed on a unit-by-unit basis, even when those units are a part of a larger building or parcel of real estate containing more than four residential units.

(S) "Out-of-state commercial broker" includes any person, partnership, association, limited liability company, limited liability partnership, or corporation that is licensed to do business as a real estate broker in a jurisdiction other than Ohio.

(T) "Out-of-state commercial salesperson" includes any person affiliated with an out-of-state commercial broker who is not licensed as a real estate salesperson in Ohio.

(U) "Exclusive right to sell or lease listing agreement" means an agency agreement between a seller and broker that meets the requirements of section 4735.55 of the Revised Code and does both of the following:

(1) Grants the broker the exclusive right to represent the seller in the sale or lease of the seller's property;

(2) Provides the broker will be compensated if the broker, the seller, or any other person or entity produces a purchaser or tenant in accordance with the terms specified in the listing agreement or if the property is sold or leased during the term of the listing agreement to anyone other than to specifically exempted persons or entities.

(V) "Exclusive agency agreement" means an agency agreement between a seller and broker that meets the requirements of section 4735.55 of the Revised Code and does both of the following:

(1) Grants the broker the exclusive right to represent the seller in the sale or lease of the seller's property;

(2) Provides the broker will be compensated if the broker or any other person or entity produces a purchaser or tenant in

accordance with the terms specified in the listing agreement or if 68167  
the property is sold or leased during the term of the listing 68168  
agreement, unless the property is sold or leased solely through 68169  
the efforts of the seller or to the specifically exempted persons 68170  
or entities. 68171

(W) "Exclusive purchaser agency agreement" means an agency 68172  
agreement between a purchaser and broker that meets the 68173  
requirements of section 4735.55 of the Revised Code and does both 68174  
of the following: 68175

(1) Grants the broker the exclusive right to represent the 68176  
purchaser in the purchase or lease of property; 68177

(2) Provides the broker will be compensated in accordance 68178  
with the terms specified in the exclusive agency agreement or if a 68179  
property is purchased or leased by the purchaser during the term 68180  
of the agency agreement unless the property is specifically 68181  
exempted in the agency agreement. 68182

The agreement may authorize the broker to receive 68183  
compensation from the seller or the seller's agent and may provide 68184  
that the purchaser is not obligated to compensate the broker if 68185  
the property is purchased or leased solely through the efforts of 68186  
the purchaser. 68187

(X) "Seller" means a party in a real estate transaction who 68188  
is the potential transferor of property. "Seller" includes an 68189  
owner of property who is seeking to sell the property and a 68190  
landlord who is seeking to rent or lease property to another 68191  
person. 68192

(Y) "Resigned" means the license status in which a license 68193  
has been voluntarily and permanently surrendered to or is 68194  
otherwise in the possession of the division of real estate and 68195  
professional licensing, may not be renewed or reactivated in 68196  
accordance with the requirements specified in this chapter or the 68197

rules adopted pursuant to it, and is not associated with a real estate broker. 68198  
68199

(Z) "Bona fide" means made in good faith or without purpose of circumventing license law. 68200  
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(AA) "Associate broker" means an individual licensed as a real estate broker under this chapter who does not function as the principal broker or a management level licensee. 68202  
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(BB) "Brokerage" means a corporation, partnership, limited partnership, association, limited liability company, limited liability partnership, or sole proprietorship, foreign or domestic, that has been issued a broker's license. "Brokerage" includes the affiliated licensees who have been assigned management duties that include supervision of licensees whose duties may conflict with those of other affiliated licensees. 68205  
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(CC) "Credit-eligible course" means a credit or noncredit-bearing course that is both of the following: 68212  
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(1) The course is offered by an institution of higher education. 68214  
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(2) The course is eligible for academic credit that may be applied toward the requirements for a degree at the institution of higher education. 68216  
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(DD) "Distance education" means courses required by divisions (B)(6) and (G) of section 4735.07, divisions (F)(6) and (J) of section 4735.09, and division (A) of section 4735.141 of the Revised Code in which instruction is accomplished through use of interactive, electronic media and where the teacher and student are separated by distance or time, or both. 68219  
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(EE) "Licensee" means any individual licensed as a real estate broker or salesperson by the Ohio real estate commission pursuant to this chapter. 68225  
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(FF) "Management level licensee" means a licensee who is 68228  
employed by or affiliated with a real estate broker and who has 68229  
supervisory responsibility over other licensees employed by or 68230  
affiliated with that real estate broker. 68231

(GG) "Oil and gas land professional" means a person regularly 68232  
engaged in the preparation and negotiation of agreements for the 68233  
purpose of exploring for, transporting, producing, or developing 68234  
oil and gas mineral interests, including, but not limited to, oil 68235  
and gas leases and pipeline easements. 68236

(HH) "Principal broker" means an individual licensed as a 68237  
real estate broker under this chapter who oversees and directs the 68238  
operations of the brokerage. 68239

(II) "Right-to-list home sale agreement" means an agreement 68240  
whereby the owner of residential real estate agrees to provide 68241  
another person with exclusive rights to list the real estate for 68242  
sale at a future date in exchange for monetary consideration, or 68243  
an equivalent to monetary consideration, and that meets one or 68244  
both of the following: 68245

(1) The agreement states that it runs with the land or 68246  
otherwise purports to bind future owners of the residential real 68247  
estate; 68248

(2) The agreement purports to be a lien, encumbrance, or 68249  
other real property security interest. 68250

**Sec. 4735.03.** There is hereby created the Ohio real estate 68251  
commission, consisting of five members who shall be appointed by 68252  
the governor, with the advice and consent of the senate. Four 68253  
members shall have been engaged in the real estate business as 68254  
licensed real estate brokers in the state for a period of ten 68255  
years immediately preceding the appointment. One member shall 68256  
represent the public. Terms of office shall be for five years, 68257

commencing on the first day of July and ending on the thirtieth 68258  
day of June. Each member shall hold office from the date of 68259  
appointment until the end of the term for which appointed. No more 68260  
than three members shall be members of any one political party and 68261  
no member of the commission concurrently may be a member of the 68262  
commission and the real estate appraiser board created pursuant to 68263  
section 4763.02 of the Revised Code. Each member, before entering 68264  
upon the duties of office, shall subscribe to and file with the 68265  
secretary of state the constitutional oath of office. All 68266  
vacancies which occur shall be filled in the manner prescribed for 68267  
the regular appointments to the commission. Any member appointed 68268  
to fill a vacancy occurring prior to the expiration of the term 68269  
for which the member's predecessor was appointed shall hold office 68270  
for the remainder of such term. Any member shall continue in 68271  
office subsequent to the expiration date of the member's term 68272  
until the member's successor takes office, or until a period of 68273  
sixty days has elapsed, whichever occurs first. No member shall 68274  
hold office for more than two consecutive full terms. Annually, 68275  
upon the qualification of the member appointed in such year, the 68276  
commission shall organize by selecting from its members a 68277  
president and vice-president, and shall do all things necessary 68278  
and proper to carry out and enforce this chapter. A majority of 68279  
the members of the commission shall constitute a quorum, but a 68280  
lesser number may adjourn from time to time. Each member of the 68281  
commission shall receive an amount fixed pursuant to section 68282  
124.14 of the Revised Code for each day employed in the discharge 68283  
of official duties, and the member's actual and necessary expenses 68284  
incurred in the discharge of those duties. 68285

The commission or the superintendent of real estate may 68286  
investigate complaints concerning the violation of section 4735.02 68287  
or 4735.25 of the Revised Code and may subpoena witnesses in 68288  
connection with such investigations as provided in section 4735.04 68289  
of the Revised Code. The commission or the superintendent may make 68290

application to the appropriate court for an order enjoining the 68291  
violation of section 4735.02 or 4735.25 of the Revised Code, and 68292  
upon a showing by the commission or the superintendent that any 68293  
person, firm, partnership, association, limited liability company, 68294  
limited liability partnership, or corporation has violated or is 68295  
about to violate section 4735.02 or 4735.25 of the Revised Code, 68296  
an injunction, restraining order, or such other order as may be 68297  
appropriate shall be granted by such court. 68298

The commission shall: 68299

(A) Adopt canons of ethics for the real estate industry; 68300

(B) Upon appeal by any party affected, or may upon its own 68301  
motion, review any order or application determination of the 68302  
superintendent, and may reverse, vacate, or modify any order of 68303  
the superintendent; 68304

(C) Administer ~~the real estate education and research fund~~ 68305  
and hear appeals from orders of the superintendent regarding 68306  
claims ~~against that fund~~ or against the real estate recovery fund; 68307

(D) Direct the superintendent on the content, scheduling, 68308  
instruction, and offerings of real estate courses for salesperson 68309  
and broker educational requirements; 68310

(E) Disseminate to licensees and the public, information 68311  
relative to commission activities and decisions; 68312

(F) Notify licensees of changes in state and federal civil 68313  
rights laws pertaining to discrimination in the purchase or sale 68314  
of real estate and relevant case law, and inform licensees that 68315  
they are subject to disciplinary action if they do not comply with 68316  
the changes; 68317

(G) Publish and furnish to public libraries and to brokers 68318  
booklets on housing and remedies available to dissatisfied clients 68319  
under this chapter and Chapter 4112. of the Revised Code; 68320

(H) Provide training to commission members and employees of 68321  
the division of real estate and professional licensing on issues 68322  
relative to the real estate industry, which may include but not be 68323  
limited to investigative techniques, real estate law, and real 68324  
estate practices and procedures. 68325

**Sec. 4735.05.** (A) The Ohio real estate commission is a part 68326  
of the department of commerce for administrative purposes. The 68327  
director of commerce is ex officio the executive officer of the 68328  
commission, or the director may designate any employee of the 68329  
department as superintendent of real estate and professional 68330  
licensing to act as executive officer of the commission. 68331

The commission and the real estate appraiser board created 68332  
pursuant to section 4763.02 of the Revised Code shall each submit 68333  
to the director a list of three persons whom the commission and 68334  
the board consider qualified to be superintendent within sixty 68335  
days after the office of superintendent becomes vacant. The 68336  
director shall appoint a superintendent from the lists submitted 68337  
by the commission and the board, and the superintendent shall 68338  
serve at the pleasure of the director. 68339

(B) The superintendent, except as otherwise provided, shall 68340  
do all of the following in regard to this chapter: 68341

(1) Administer this chapter; 68342

(2) Issue all orders necessary to implement this chapter; 68343

(3) Investigate complaints concerning the violation of this 68344  
chapter or the conduct of any licensee; 68345

(4) Establish and maintain an investigation and audit section 68346  
to investigate complaints and conduct inspections, audits, and 68347  
other inquiries as in the judgment of the superintendent are 68348  
appropriate to enforce this chapter. The investigators or auditors 68349  
have the right to review and audit the business records of 68350

licensees and continuing education course providers during normal 68351  
business hours. 68352

(5) Appoint a hearing examiner for any proceeding involving 68353  
disciplinary action under section 3123.47, 4735.052, or 4735.18 of 68354  
the Revised Code; 68355

(6) Administer the real estate recovery fund. 68356

(C) The superintendent may do all of the following: 68357

(1) In connection with investigations and audits under 68358  
division (B) of this section, subpoena witnesses as provided in 68359  
section 4735.04 of the Revised Code; 68360

(2) Apply to the appropriate court to enjoin any violation of 68361  
this chapter. Upon a showing by the superintendent that any person 68362  
has violated or is about to violate any provision of this chapter, 68363  
the court shall grant an injunction, restraining order, or other 68364  
appropriate order. 68365

(3) Recommend the appointment of an ancillary trustee who is 68366  
qualified as determined by the superintendent in any of the 68367  
following instances: 68368

(a) Upon the death of a licensed broker, if there is no other 68369  
licensed broker within the brokerage, upon application by any 68370  
interested party, subject to the approval by the appropriate 68371  
probate court, to conclude the business transactions of the 68372  
deceased broker; 68373

(b) Upon the revocation of a licensed broker, if there is no 68374  
other licensed broker within the brokerage, to conclude the 68375  
business transactions of the revoked broker; 68376

(c) Upon the incapacitation, suspension, or incarceration of 68377  
a licensed broker, if there is no other licensed broker within the 68378  
brokerage, to continue the business transactions of the brokerage 68379  
for a period of time not to exceed the period of incapacitation, 68380

suspension, or incarceration. 68381

(4) In conjunction with the enforcement of this chapter, when 68382  
the superintendent of real estate has reasonable cause to believe 68383  
that an applicant or licensee has committed a criminal offense, 68384  
the superintendent of real estate may request the superintendent 68385  
of the bureau of criminal identification and investigation to 68386  
conduct a criminal records check of the applicant or licensee. The 68387  
superintendent of the bureau of criminal identification and 68388  
investigation shall obtain information from the federal bureau of 68389  
investigation as part of the criminal records check of the 68390  
applicant or licensee. The superintendent of real estate may 68391  
assess the applicant or licensee a fee equal to the fee assessed 68392  
for the criminal records check. 68393

(5) In conjunction with the enforcement of this chapter, 68394  
issue advisory letters in lieu of initiating disciplinary action 68395  
under section 4735.051 or 4735.052 of the Revised Code or issuing 68396  
a citation under section 4735.16 or 4735.181 of the Revised Code. 68397

(D) All information that is obtained by investigators and 68398  
auditors performing investigations or conducting inspections, 68399  
audits, and other inquiries pursuant to division (B)(4) of this 68400  
section, from licensees, complainants, or other persons, and all 68401  
reports, documents, and other work products that arise from that 68402  
information and that are prepared by the investigators, auditors, 68403  
or other personnel of the department, shall be held in confidence 68404  
by the superintendent, the investigators and auditors, and other 68405  
personnel of the department. ~~Notwithstanding any provision of the~~ 68406  
~~Revised Code to the contrary, all~~ All information obtained by 68407  
investigators or auditors from an informal mediation meeting held 68408  
pursuant to section 4735.051 of the Revised Code, including but 68409  
not limited to the agreement to mediate and the accommodation 68410  
agreement, shall be held in confidence by the superintendent, 68411  
investigators, auditors, and other personnel of the department. 68412

(E) This section does not require or prevent the division of 68413  
real estate and professional licensing from releasing information 68414  
relating to licensees to the ~~superintendent of financial~~ 68415  
~~institutions for purposes relating to the administration of~~ 68416  
~~Chapter 1322. of the Revised Code, division of financial~~ 68417  
institutions, division of securities, and the division of 68418  
industrial compliance for purposes relating to the administration 68419  
of the Revised Code chapters enforced by those divisions; to the 68420  
superintendent of insurance for purposes relating to the 68421  
administration of Chapter 3953. of the Revised Code~~;~~ to the 68422  
attorney general~~;~~ or to ~~local~~ law enforcement agencies and ~~local~~ 68423  
prosecutors. Information released by the division pursuant to this 68424  
section remains confidential. 68425

**Sec. 4735.052.** (A) Upon receipt of a written complaint or 68426  
upon the superintendent's own motion, the superintendent may 68427  
investigate any person that has allegedly violated section 68428  
4735.02, 4735.023, or 4735.25 of the Revised Code, except that the 68429  
superintendent shall not initiate an investigation, pursuant to 68430  
this section, of any person who held a suspended or inactive 68431  
license under this chapter on the date of the alleged violation. 68432

(B) If, after investigation, the superintendent determines 68433  
there exists reasonable evidence of a violation of section 68434  
4735.02, 4735.023, or 4735.25 of the Revised Code, within fourteen 68435  
business days after that determination, the superintendent shall 68436  
send the party who is the subject of the investigation, a written 68437  
notice, by regular mail, that includes all of the following 68438  
information: 68439

(1) A description of the activity in which the party 68440  
allegedly is engaging or has engaged that is a violation of 68441  
section 4735.02, 4735.023, or 4735.25 of the Revised Code; 68442

(2) The applicable law allegedly violated; 68443

(3) A statement informing the party that a hearing concerning the alleged violation will be held, upon the party's request, before a hearing examiner pursuant to Chapter 119. of the Revised Code.

(C)(1) If a hearing is requested, the hearing examiner shall hear the testimony of all parties present at the hearing and consider any written testimony submitted pursuant to this section, and determine if there has been a violation of section 4735.02, 4735.023, or 4735.25 of the Revised Code.

(2) After the conclusion of formal hearings, the hearing examiner shall file a report of findings of fact and conclusions of law with the superintendent, the commission, the complainant, and the parties. Within twenty days of receipt of such copy of the written report of findings of fact and conclusions of law, the parties and the division may file with the commission written objections to the report, which shall be considered by the commission before approving, modifying, or disapproving the report.

(3) The commission shall review the hearing examiner's report at the next regularly scheduled commission meeting held at least twenty business days after receipt of the hearing examiner's report. The commission shall hear the testimony of the complainant or the parties upon request.

(4) The commission shall decide whether to impose disciplinary sanctions upon a party for a violation of section 4735.02 or 4735.023 of the Revised Code. If the commission finds that a violation has occurred, the commission may assess a civil penalty, in an amount it determines, not to exceed one thousand dollars per violation. Each day a violation occurs or continues is a separate violation. The commission shall determine the terms of payment. The commission shall maintain a record of the proceedings of the hearing and issue a written opinion to all parties, citing

its findings and grounds for any action taken. 68476

(D) Civil penalties collected under this section shall be 68477  
deposited in the real estate operating fund, which is created in 68478  
the state treasury under section 4735.211 of the Revised Code. 68479

(E) If a party fails to pay a civil penalty assessed pursuant 68480  
to this section within the time prescribed by the commission, the 68481  
superintendent shall forward to the attorney general the name of 68482  
the party, any other identifying information, and the amount of 68483  
the civil penalty, for the purpose of collecting that civil 68484  
penalty. In addition to the civil penalty assessed pursuant to 68485  
this section, the party also shall pay any fee assessed by the 68486  
attorney general for collection of the civil penalty. 68487

(F) The superintendent may reserve the right to bring a civil 68488  
action against a party that fails to pay a civil penalty for 68489  
breach of contract in a court of competent jurisdiction. 68490

**Sec. 4735.06.** (A) Application for a license as a real estate 68491  
broker shall be made to the superintendent of real estate on forms 68492  
furnished by the superintendent and filed with the superintendent 68493  
and shall be signed by the applicant or its members or officers. 68494  
Each application shall state the name of the person applying and 68495  
the location of the place of business for which the license is 68496  
desired, and give such other information as the superintendent 68497  
requires in the form of application prescribed by the 68498  
superintendent. 68499

(B)(1) If the applicant is a partnership, limited liability 68500  
company, limited liability partnership, or association, the names 68501  
of all the members also shall be stated, and, if the applicant is 68502  
a corporation, the names of its president and of each of its 68503  
officers also shall be stated. 68504

The superintendent has the right to reject the application of 68505

any partnership, association, limited liability company, limited liability partnership, or corporation if the name proposed to be used by such partnership, association, limited liability company, limited liability partnership, or corporation is likely to mislead the public or if the name is not such as to distinguish it from the name of any existing partnership, association, limited liability company, limited liability partnership, or corporation licensed under this chapter, unless there is filed with the application the written consent of such existing partnership, association, limited liability company, limited liability partnership, or corporation, executed by a duly authorized representative of it, permitting the use of the name of such existing partnership, association, limited liability company, limited liability partnership, or corporation.

(2) The superintendent shall approve the use of a trade name by a brokerage, if the name meets both of the following criteria:

(a) The proposed name is not the same as or is clearly distinguishable from a name registered with the division of real estate and professional licensing by another existing brokerage. If the superintendent determines that the proposed name is not clearly distinguishable from any other existing brokerage, the superintendent may approve the use of the trade name if there is filed with the superintendent the written consent of the existing brokerage with the same or similar name.

(b) The name is not misleading or likely to mislead the public.

(3) The superintendent may approve the use of more than one trade name for a brokerage.

(4) When a brokerage has received the approval of the superintendent to conduct business under one or more trade names, those trade names shall be the only identifying names used by the

brokerage in all advertising. 68537

(C) A fee of one hundred thirty-five dollars shall accompany 68538  
the application for a real estate broker's license. The initial 68539  
licensing period commences at the time the license is issued and 68540  
ends on the applicant's first birthday thereafter. However, if the 68541  
applicant was an inactive or active salesperson immediately 68542  
preceding application for a broker's license, then the initial 68543  
licensing period shall commence at the time the broker's license 68544  
is issued and ends on the date the licensee's continuing education 68545  
is due as set when the applicant was a salesperson. The 68546  
application fee shall be nonrefundable. A fee of one hundred 68547  
thirty-five dollars shall be charged by the superintendent for 68548  
each successive application made by an applicant. In the case of 68549  
issuance of a three-year license, upon passing the examination, or 68550  
upon waiver of the examination requirement, if the superintendent 68551  
determines it is necessary, the applicant shall submit an 68552  
additional fee determined by the superintendent based upon the 68553  
number of years remaining in a real estate salesperson's licensing 68554  
period. 68555

~~(D) One dollar of each application fee for a real estate 68556  
broker's license shall be credited to the real estate education 68557  
and research fund, which is hereby created in the state treasury. 68558~~  
The Ohio real estate commission may use the division of real 68559  
estate operating fund created under section 4735.211 of the 68560  
Revised Code in discharging the duties prescribed in divisions 68561  
(E), (F), (G), and (H) of section 4735.03 of the Revised Code and 68562  
~~shall~~ may use it in the advancement of education and research in 68563  
real estate at any institution of higher education in the state, 68564  
or in contracting with any such institution or a trade 68565  
organization for a particular research or educational project in 68566  
the field of real estate, or in advancing loans, not exceeding two 68567  
thousand dollars, to applicants for salesperson licenses, to 68568

defray the costs of satisfying the educational requirements of 68569  
division (F) of section 4735.09 of the Revised Code. Such loans 68570  
shall be made according to rules established by the commission 68571  
under the procedures of Chapter 119. of the Revised Code, and they 68572  
shall be repaid to the fund within three years of the time they 68573  
are made. No more than twenty-five thousand dollars shall be lent 68574  
from the fund in any one fiscal year. 68575

The governor may appoint a representative from the executive 68576  
branch to be a member ex officio of the commission for the purpose 68577  
of advising on research requests or educational projects. The 68578  
commission shall report to the general assembly on the third 68579  
Tuesday after the third Monday in January of each year setting 68580  
forth the total amount contained in the fund and the amount of 68581  
each research grant that it has authorized and the amount of each 68582  
research grant requested. A copy of all research reports shall be 68583  
submitted to the state library of Ohio and the library of the 68584  
legislative service commission. 68585

(E) If the superintendent, with the consent of the 68586  
commission, enters into an agreement with a national testing 68587  
service to administer the real estate broker's examination, 68588  
pursuant to division (A) of section 4735.07 of the Revised Code, 68589  
the superintendent may require an applicant to pay the testing 68590  
service's examination fee directly to the testing service. If the 68591  
superintendent requires the payment of the examination fee 68592  
directly to the testing service, each applicant shall submit to 68593  
the superintendent a processing fee in an amount determined by the 68594  
Ohio real estate commission pursuant to division (A)(2) of section 68595  
4735.10 of the Revised Code. 68596

**Sec. 4735.07.** (A) The superintendent of real estate, with the 68597  
consent of the Ohio real estate commission, may enter into 68598  
agreements with recognized national testing services to administer 68599

the real estate broker's examination under the superintendent's supervision and control, consistent with the requirements of this chapter as to the contents of such examination.

(B) No applicant for a real estate broker's license shall take the broker's examination who has not established to the satisfaction of the superintendent that the applicant:

(1) Is honest and truthful;

(2)(a) Has not been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code;

(b) Has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate or, if the applicant has been so adjudged, at least two years have passed since the court decision and the superintendent has disregarded the adjudication because the applicant has proven, by a preponderance of the evidence, that the applicant's activities and employment record since the adjudication show that the applicant is honest and truthful, and there is no basis in fact for believing that the applicant will again violate the laws involved.

(3) Has not, during any period in which the applicant was licensed under this chapter, violated any provision of, or any rule adopted pursuant to, this chapter, or, if the applicant has violated any such provision or rule, has established to the satisfaction of the superintendent that the applicant will not again violate such provision or rule;

(4) Is at least eighteen years of age;

(5) Has been a licensed real estate broker or salesperson for at least ~~two years; during at least~~ two of the five years preceding the person's application, ~~has worked as a licensed real estate broker or salesperson for an average of at least thirty~~

~~hours per week;~~ and has completed one of the following: 68630

(a) At least twenty real estate transactions, in which 68631  
property was sold for another by the applicant while acting in the 68632  
capacity of a real estate broker or salesperson; 68633

(b) Such equivalent experience as is defined by rules adopted 68634  
by the commission. 68635

(6)(a) If licensed as a real estate salesperson prior to 68636  
August 1, 2001, successfully has completed at an institution of 68637  
higher education all of the following credit-eligible courses by 68638  
either classroom instruction or distance education: 68639

(i) Thirty hours of instruction in real estate practice; 68640

(ii) Thirty hours of instruction that includes the subjects 68641  
of Ohio real estate law, municipal, state, and federal civil 68642  
rights law, new case law on housing discrimination, desegregation 68643  
issues, and methods of eliminating the effects of prior 68644  
discrimination. If feasible, the instruction in Ohio real estate 68645  
law shall be taught by a member of the faculty of an accredited 68646  
law school. If feasible, the instruction in municipal, state, and 68647  
federal civil rights law, new case law on housing discrimination, 68648  
desegregation issues, and methods of eliminating the effects of 68649  
prior discrimination shall be taught by a staff member of the Ohio 68650  
civil rights commission who is knowledgeable with respect to those 68651  
subjects. The requirements of this division do not apply to an 68652  
applicant who is admitted to practice before the supreme court. 68653

(iii) Thirty hours of instruction in real estate appraisal; 68654

(iv) Thirty hours of instruction in real estate finance; 68655

(v) Three quarter hours, or its equivalent in semester hours, 68656  
in financial management; 68657

(vi) Three quarter hours, or its equivalent in semester 68658  
hours, in human resource or personnel management; 68659

(vii) Three quarter hours, or its equivalent in semester hours, in applied business economics; 68660  
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(viii) Three quarter hours, or its equivalent in semester hours, in business law. 68662  
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(b) If licensed as a real estate salesperson on or after August 1, 2001, successfully has completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education: 68664  
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(i) Forty hours of instruction in real estate practice; 68668

(ii) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court. 68669  
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(iii) Twenty hours of instruction in real estate appraisal; 68682

(iv) Twenty hours of instruction in real estate finance; 68683

(v) The training in the amount of hours specified under divisions (B)(6)(a)(v), (vi), (vii), and (viii) of this section. 68684  
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(c) Division (B)(6)(a) or (b) of this section does not apply to any applicant who holds a valid real estate salesperson's license issued prior to January 2, 1972. Divisions (B)(6)(a)(v), (vi), (vii), and (viii) or division (B)(6)(b)(v) of this section 68686  
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do not apply to any applicant who holds a valid real estate salesperson's license issued prior to January 3, 1984.

(d) Divisions (B)(6)(a)(iii) and (B)(6)(b)(iii) of this section do not apply to any new applicant who holds a valid Ohio real estate appraiser license or certificate issued prior to the date of application for a real estate broker's license.

(e) Successful completion of the instruction required by division (B)(6)(a) or (b) of this section shall be determined by the law in effect on the date the instruction was completed.

(7) If licensed as a real estate salesperson on or after January 3, 1984, satisfactorily has completed a minimum of two years of post-secondary education, or its equivalent in semester or quarter hours, at an institution of higher education, and has fulfilled the requirements of division (B)(6)(a) or (b) of this section. The requirements of division (B)(6)(a) or (b) of this section may be included in the two years of post-secondary education, or its equivalent in semester or quarter hours, that is required by this division. The post-secondary education requirement may be satisfied by completing the credit-eligible courses using either classroom instruction or distance education. Successful completion of any course required by this section shall be determined by the law in effect on the date the course was completed.

(C) Each applicant for a broker's license shall be examined in the principles of real estate practice, Ohio real estate law, and financing and appraisal, and as to the duties of real estate brokers and real estate salespersons, the applicant's knowledge of real estate transactions and instruments relating to them, and the canons of business ethics pertaining to them. The commission from time to time shall promulgate such canons and cause them to be published in printed form.

(D) Examinations shall be administered with reasonable accommodations in accordance with the requirements of the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101. The contents of an examination shall be consistent with the requirements of division (B)(6) of this section and with the other specific requirements of this section. An applicant who has completed the requirements of division (B)(6) of this section at the time of application shall be examined no later than twelve months after the applicant is notified of admission to the examination.

(E) The superintendent may waive one or more of the requirements of this section in the case of an application from a nonresident real estate broker pursuant to a reciprocity agreement with the licensing authority of the state from which the nonresident applicant holds a valid real estate broker license.

(F) There shall be no limit placed on the number of times an applicant may retake the examination.

(G)(1) Not earlier than the date of issue of a real estate broker's license to a licensee, but not later than twelve months after the date of issue of a real estate broker's license to a licensee, the licensee shall submit proof satisfactory to the superintendent, on forms made available by the superintendent, of the completion of ten hours of instruction that shall be completed in schools, seminars, and educational institutions that are approved by the commission. Approval of the curriculum and providers shall be granted according to rules adopted pursuant to section 4735.10 of the Revised Code and may be taken through classroom instruction or distance education.

If the required proof of completion is not submitted to the superintendent within twelve months of the date a license is issued under this section, the license of the real estate broker is suspended automatically without the taking of any action by the

superintendent. The broker's license shall not be reactivated by 68753  
the superintendent until it is established, to the satisfaction of 68754  
the superintendent, that the requirements of this division have 68755  
been met and that the licensee is in compliance with this chapter. 68756  
A licensee's license is revoked automatically without the taking 68757  
of any action by the superintendent if the licensee fails to 68758  
submit proof of completion of the education requirements specified 68759  
under division (G)(1) of this section within twelve months of the 68760  
date the license is suspended. 68761

(2) If the license of a real estate broker is suspended 68762  
pursuant to division (G)(1) of this section, the license of a real 68763  
estate salesperson associated with that broker correspondingly is 68764  
suspended pursuant to division (H) of section 4735.20 of the 68765  
Revised Code. However, the suspended license of the associated 68766  
real estate salesperson shall be reactivated and no fee shall be 68767  
charged or collected for that reactivation if all of the following 68768  
occur: 68769

(a) That broker subsequently submits satisfactory proof to 68770  
the superintendent that the broker has complied with the 68771  
requirements of division (G)(1) of this section and requests that 68772  
the broker's license as a real estate broker be reactivated; 68773

(b) The superintendent then reactivates the broker's license 68774  
as a real estate broker; 68775

(c) The associated real estate salesperson intends to 68776  
continue to be associated with that broker and otherwise is in 68777  
compliance with this chapter. 68778

**Sec. 4735.09.** (A) Application for a license as a real estate 68779  
salesperson shall be made to the superintendent of real estate on 68780  
forms furnished by the superintendent and signed by the applicant. 68781  
The application shall be in the form prescribed by the 68782  
superintendent and shall contain such information as is required 68783

by this chapter and the rules of the Ohio real estate commission. 68784  
The application shall be accompanied by the recommendation of the 68785  
real estate broker with whom the applicant is associated or with 68786  
whom the applicant intends to be associated, certifying that the 68787  
applicant is honest and truthful, and has not been finally 68788  
adjudged by a court to have violated any municipal, state, or 68789  
federal civil rights laws relevant to the protection of purchasers 68790  
or sellers of real estate, which conviction or adjudication the 68791  
applicant has not disclosed to the superintendent, and 68792  
recommending that the applicant be admitted to the real estate 68793  
salesperson examination. 68794

(B) A fee of eighty-one dollars shall accompany the 68795  
application, which fee includes the fee for the initial year of 68796  
the licensing period, if a license is issued. The initial year of 68797  
the licensing period commences at the time the license is issued 68798  
and ends on the applicant's first birthday thereafter. The 68799  
application fee shall be nonrefundable. A fee of eighty-one 68800  
dollars shall be charged by the superintendent for each successive 68801  
application made by the applicant. ~~One dollar of each application~~ 68802  
~~fee shall be credited to the real estate education and research~~ 68803  
~~fund.~~ 68804

(C) There shall be no limit placed on the number of times an 68805  
applicant may retake the examination. 68806

(D) The superintendent, with the consent of the commission, 68807  
may enter into an agreement with a recognized national testing 68808  
service to administer the real estate salesperson's examination 68809  
under the superintendent's supervision and control, consistent 68810  
with the requirements of this chapter as to the contents of the 68811  
examination. 68812

If the superintendent, with the consent of the commission, 68813  
enters into an agreement with a national testing service to 68814

administer the real estate salesperson's examination, the 68815  
superintendent may require an applicant to pay the testing 68816  
service's examination fee directly to the testing service. If the 68817  
superintendent requires the payment of the examination fee 68818  
directly to the testing service, each applicant shall submit to 68819  
the superintendent a processing fee in an amount determined by the 68820  
Ohio real estate commission pursuant to division (A)(1) of section 68821  
4735.10 of the Revised Code. 68822

(E) The superintendent shall issue a real estate 68823  
salesperson's license when satisfied that the applicant has 68824  
received a passing score on each portion of the salesperson's 68825  
examination as determined by rule by the real estate commission, 68826  
except that the superintendent may waive one or more of the 68827  
requirements of this section in the case of an applicant who is a 68828  
licensed real estate salesperson in another state pursuant to a 68829  
reciprocity agreement with the licensing authority of the state 68830  
from which the applicant holds a valid real estate salesperson's 68831  
license. 68832

(F) No applicant for a salesperson's license shall take the 68833  
salesperson's examination who has not established to the 68834  
satisfaction of the superintendent that the applicant: 68835

(1) Is honest and truthful; 68836

(2)(a) Has not been convicted of a disqualifying offense as 68837  
determined in accordance with section 9.79 of the Revised Code; 68838

(b) Has not been finally adjudged by a court to have violated 68839  
any municipal, state, or federal civil rights laws relevant to the 68840  
protection of purchasers or sellers of real estate or, if the 68841  
applicant has been so adjudged, at least two years have passed 68842  
since the court decision and the superintendent has disregarded 68843  
the adjudication because the applicant has proven, by a 68844  
preponderance of the evidence, that the applicant is honest and 68845

truthful, and there is no basis in fact for believing that the applicant again will violate the laws involved. 68846  
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(3) Has not, during any period in which the applicant was licensed under this chapter, violated any provision of, or any rule adopted pursuant to this chapter, or, if the applicant has violated such provision or rule, has established to the satisfaction of the superintendent that the applicant will not again violate such provision or rule; 68848  
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(4) Is at least eighteen years of age; 68854

(5) If born after the year 1950, has a high school diploma or a certificate of high school equivalence issued by the department of education; 68855  
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(6) Has successfully completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education: 68858  
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(a) Forty hours of instruction in real estate practice; 68861

(b) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court. 68862  
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(c) Twenty hours of instruction in real estate appraisal; 68875

(d) Twenty hours of instruction in real estate finance. 68876

(G)(1) Successful completion of the instruction required by 68877  
division (F)(6) of this section shall be determined by the law in 68878  
effect on the date the instruction was completed. 68879

(2) Division (F)(6)(c) of this section does not apply to any 68880  
new applicant who holds a valid Ohio real estate appraiser license 68881  
or certificate issued prior to the date of application for a real 68882  
estate salesperson's license. 68883

(H) Only for noncredit course offerings, an institution of 68884  
higher education shall obtain approval from the appropriate state 68885  
authorizing entity prior to offering a real estate course that is 68886  
designed and marketed as satisfying the salesperson license 68887  
education requirements of division (F)(6) of this section. The 68888  
state authorizing entity may consult with the superintendent in 68889  
reviewing the course for compliance with this section. 68890

(I) Any person who has not been licensed as a real estate 68891  
salesperson or broker within a four-year period immediately 68892  
preceding the person's current application for the salesperson's 68893  
examination shall have successfully completed the prelicensure 68894  
instruction required by division (F)(6) of this section within a 68895  
ten-year period immediately preceding the person's current 68896  
application for the salesperson's examination. 68897

(J) Not earlier than the date of issue of a real estate 68898  
salesperson's license to a licensee, but not later than twelve 68899  
months after the date of issue of a real estate salesperson 68900  
license to a licensee, the licensee shall submit proof 68901  
satisfactory to the superintendent, on forms made available by the 68902  
superintendent, of the completion of twenty hours of instruction 68903  
that shall be completed in schools, seminars, and educational 68904  
institutions approved by the commission. The instruction shall 68905  
include, but is not limited to, current practices relating to 68906

commercial real estate, property management, short sales, and land 68907  
contracts; contract law; federal and state programs; economic 68908  
conditions; and fiduciary responsibility. Approval of the 68909  
curriculum and providers shall be granted according to rules 68910  
adopted pursuant to section 4735.10 of the Revised Code and may be 68911  
taken through classroom instruction or distance education. 68912

If proof of completion of the required instruction is not 68913  
submitted within twelve months of the date a license is issued 68914  
under this section, the licensee's license is suspended 68915  
automatically without the taking of any action by the 68916  
superintendent. The superintendent immediately shall notify the 68917  
broker with whom such salesperson is associated of the suspension 68918  
of the salesperson's license. A salesperson whose license has been 68919  
suspended under this division shall have twelve months after the 68920  
date of the suspension of the salesperson's license to submit 68921  
proof of successful completion of the instruction required under 68922  
this division. No such license shall be reactivated by the 68923  
superintendent until it is established, to the satisfaction of the 68924  
superintendent, that the requirements of this division have been 68925  
met and that the licensee is in compliance with this chapter. A 68926  
licensee's license is revoked automatically without the taking of 68927  
any action by the superintendent when the licensee fails to submit 68928  
the required proof of completion of the education requirements 68929  
under division (I) of this section within twelve months of the 68930  
date the license is suspended. 68931

(K) Examinations shall be administered with reasonable 68932  
accommodations in accordance with the requirements of the 68933  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 68934  
U.S.C. 12189. The contents of an examination shall be consistent 68935  
with the classroom instructional requirements of division (F)(6) 68936  
of this section. An applicant who has completed the classroom 68937  
instructional requirements of division (F)(6) of this section at 68938

the time of application shall be examined no later than twelve 68939  
months after the applicant is notified of the applicant's 68940  
admission to the examination. 68941

**Sec. 4735.12.** (A) The real estate recovery fund is hereby 68942  
created in the state treasury, to be administered by the 68943  
superintendent of real estate. Amounts collected by the 68944  
superintendent as prescribed in this section and interest earned 68945  
on the assets of the fund shall be credited by the treasurer of 68946  
state to the fund. The amount of money in the fund shall be 68947  
ascertained by the superintendent as of the first day of July of 68948  
each year. 68949

The commission, in accordance with rules adopted under 68950  
division (A)(2)(g) of section 4735.10 of the Revised Code, shall 68951  
impose a special assessment not to exceed ten dollars per year for 68952  
each year of a licensing period on each licensee filing a notice 68953  
of renewal under section 4735.14 of the Revised Code if the amount 68954  
available in the fund is less than two hundred fifty thousand 68955  
dollars on the first day of July preceding that filing. The 68956  
commission shall not impose a special assessment if the amount 68957  
available in the fund exceeds two hundred fifty thousand dollars 68958  
on the first day of July preceding that filing. 68959

(B)(1) Any person who obtains a final judgment in any court 68960  
of competent jurisdiction against any broker or salesperson 68961  
licensed under this chapter, on the grounds of conduct that is in 68962  
violation of this chapter or the rules adopted under it, and that 68963  
is associated with an act or transaction that only a licensed real 68964  
estate broker or licensed real estate salesperson is authorized to 68965  
perform as specified in division (A) or (C) of section 4735.01 of 68966  
the Revised Code, may file a verified application, as described in 68967  
division (B)(3) of this section, in the court of common pleas of 68968  
Franklin county for an order directing payment out of the real 68969

estate recovery fund of the portion of the judgment that remains 68970  
unpaid and that represents the actual and direct loss sustained by 68971  
the applicant. 68972

(2) Punitive damages, attorney's fees, and interest on a 68973  
judgment are not recoverable from the fund. In the discretion of 68974  
the superintendent of real estate, court costs may be recovered 68975  
from the fund, and, if the superintendent authorizes the recovery 68976  
of court costs, the order of the court of common pleas then may 68977  
direct their payment from the fund. 68978

(3) The application shall specify the nature of the act or 68979  
transaction upon which the underlying judgment was based, the 68980  
activities of the applicant in pursuit of remedies available under 68981  
law for the collection of judgments, and the actual and direct 68982  
losses, attorney's fees, and the court costs sustained or incurred 68983  
by the applicant. The applicant shall attach to the application a 68984  
copy of each pleading and order in the underlying court action. 68985

(4) The court shall order the superintendent to make such 68986  
payments out of the fund when the person seeking the order has 68987  
shown all of the following: 68988

(a) The person has obtained a judgment, as provided in this 68989  
division; 68990

(b) All appeals from the judgment have been exhausted and the 68991  
person has given notice to the superintendent, as required by 68992  
division (C) of this section; 68993

(c) The person is not a spouse of the judgment debtor, or the 68994  
personal representative of such spouse; 68995

(d) The person has diligently pursued the person's remedies 68996  
against all the judgment debtors and all other persons liable to 68997  
the person in the transaction for which the person seeks recovery 68998  
from the fund; 68999

(e) The person is making the person's application not more than one year after termination of all proceedings, including appeals, in connection with the judgment. 69000  
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(5) Divisions (B)(1) to (4) of this section do not apply to any of the following: 69003  
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(a) Actions arising from property management accounts maintained in the name of the property owner; 69005  
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(b) A bonding company when it is not a principal in a real estate transaction; 69007  
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(c) A person in an action for the payment of a commission or fee for the performance of an act or transaction specified or comprehended in division (A) or (C) of section 4735.01 of the Revised Code; 69009  
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(d) Losses incurred by investors in real estate if the applicant and the licensee are principals in the investment. 69013  
69014

(C) A person who applies to a court of common pleas for an order directing payment out of the fund shall file notice of the application with the superintendent. The superintendent may defend any such action on behalf of the fund and shall have recourse to all appropriate means of defense and review, including examination of witnesses, verification of actual and direct losses, and challenges to the underlying judgment required in division (B)(4)(a) of this section to determine whether the underlying judgment is based on activity only a licensed broker or licensed salesperson is permitted to perform. The superintendent may move the court at any time to dismiss the application when it appears there are no triable issues and the application is without merit. The motion may be supported by affidavit of any person having knowledge of the facts and may be made on the basis that the application, including the judgment referred to in it, does not form the basis for a meritorious recovery claim; provided, that 69015  
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the superintendent shall give written notice to the applicant at 69031  
least ten days before such motion. The superintendent may, subject 69032  
to court approval, compromise a claim based upon the application 69033  
of an aggrieved party. The superintendent shall not be bound by 69034  
any prior compromise or stipulation of the judgment debtor. 69035

(D) Notwithstanding any other provision of this section, the 69036  
liability of the fund shall not exceed forty thousand dollars for 69037  
any one licensee. If a licensee's license is reactivated as 69038  
provided in division (E) of this section, the liability of the 69039  
fund for the licensee under this section shall again be forty 69040  
thousand dollars, but only for transactions that occur subsequent 69041  
to the time of reactivation. 69042

If the forty-thousand-dollar liability of the fund is 69043  
insufficient to pay in full the valid claims of all aggrieved 69044  
persons by whom claims have been filed against any one licensee, 69045  
the forty thousand dollars shall be distributed among them in the 69046  
ratio that their respective claims bear to the aggregate of valid 69047  
claims or in such other manner as the court finds equitable. 69048  
Distribution of moneys shall be among the persons entitled to 69049  
share in it, without regard to the order of priority in which 69050  
their respective judgments may have been obtained or their claims 69051  
have been filed. Upon petition of the superintendent, the court 69052  
may require all claimants and prospective claimants against one 69053  
licensee to be joined in one action, to the end that the 69054  
respective rights of all such claimants to the fund may be 69055  
equitably adjudicated and settled. 69056

(E) If the superintendent pays from the fund any amount in 69057  
settlement of a claim or toward satisfaction of a judgment against 69058  
a licensed broker or salesperson, the license of the broker or 69059  
salesperson shall be automatically suspended upon the date of 69060  
payment from the fund. The superintendent shall not reactivate the 69061  
suspended license of that broker or salesperson until the broker 69062

or salesperson has repaid in full, plus interest per annum at the 69063  
rate specified in division (A) of section 1343.03 of the Revised 69064  
Code, the amount paid from the fund on the broker's or 69065  
salesperson's account. A discharge in bankruptcy does not relieve 69066  
a person from the suspension and requirements for reactivation 69067  
provided in this section unless the underlying judgment has been 69068  
included in the discharge and has not been reaffirmed by the 69069  
debtor. 69070

(F) If, at any time, the money deposited in the fund is 69071  
insufficient to satisfy any duly authorized claim or portion of a 69072  
claim, the superintendent shall, when sufficient money has been 69073  
deposited in the fund, satisfy such unpaid claims or portions, in 69074  
the order that such claims or portions were originally filed, plus 69075  
accumulated interest per annum at the rate specified in division 69076  
(A) of section 1343.03 of the Revised Code. 69077

(G) When, upon the order of the court, the superintendent has 69078  
paid from the fund any sum to the judgment creditor, the 69079  
superintendent shall be subrogated to all of the rights of the 69080  
judgment creditor to the extent of the amount so paid, and the 69081  
judgment creditor shall assign all the judgment creditor's right, 69082  
title, and interest in the judgment to the superintendent to the 69083  
extent of the amount so paid. Any amount and interest so recovered 69084  
by the superintendent on the judgment shall be deposited in the 69085  
fund. 69086

(H) Nothing contained in this section shall limit the 69087  
authority of the superintendent to take disciplinary action 69088  
against any licensee under other provisions of this chapter; nor 69089  
shall the repayment in full of all obligations to the fund by any 69090  
licensee nullify or modify the effect of any other disciplinary 69091  
proceeding brought pursuant to this chapter. 69092

(I) The superintendent ~~shall~~ may collect from the fund a 69093  
service fee in an amount equivalent to the interest rate specified 69094

in division (A) of section 1343.03 of the Revised Code multiplied 69095  
by the annual interest earned on the assets of the fund, to defray 69096  
the expenses incurred in the administration of the fund. 69097

**Sec. 4735.13.** (A) Every real estate broker licensed under 69098  
this chapter shall have and maintain a definite place of business 69099  
in this state. A post office box address is not a definite place 69100  
of business for purposes of this section. The license of a real 69101  
estate broker shall be prominently displayed in the office or 69102  
place of business of the broker, and no license shall authorize 69103  
the licensee to do business except from the location specified in 69104  
it. If the broker maintains more than one place of business within 69105  
the state, the broker shall apply for and procure a duplicate 69106  
license for each branch office maintained by the broker. Each 69107  
branch office shall be in the charge of a licensed broker or 69108  
salesperson. The branch office license shall be prominently 69109  
displayed at the branch office location. 69110

(B) The license of each real estate salesperson shall be 69111  
mailed to and remain in the possession of the licensed broker with 69112  
whom the salesperson is or is to be associated until the licensee 69113  
places the license on inactive or resigned status or until the 69114  
salesperson leaves the brokerage or is terminated. The broker 69115  
shall keep each salesperson's license in a way that it can, and 69116  
shall on request, be made immediately available for public 69117  
inspection at the office or place of business of the broker. 69118  
Except as provided in divisions (G) and (H) of this section, 69119  
immediately upon the salesperson's leaving the association or 69120  
termination of the association of a real estate salesperson with 69121  
the broker, the broker shall return the salesperson's license to 69122  
the superintendent of real estate. 69123

The failure of a broker to return the license of a real 69124  
estate salesperson or broker who leaves or who is terminated, via 69125

certified mail return receipt requested, within three business 69126  
days of the receipt of a written request from the superintendent 69127  
for the return of the license, is prima-facie evidence of 69128  
misconduct under division (A)(6) of section 4735.18 of the Revised 69129  
Code. 69130

(C) A licensee shall notify the superintendent in writing 69131  
within fifteen days of any of the following occurrences: 69132

(1) The licensee is convicted of a felony. 69133

(2) The licensee is convicted of a crime involving moral 69134  
turpitude. 69135

(3) The licensee is found to have violated any federal, 69136  
state, or municipal civil rights law pertaining to discrimination 69137  
in housing. 69138

(4) The licensee is found to have engaged in a discriminatory 69139  
practice pertaining to housing accommodations described in 69140  
division (H) of section 4112.02 of the Revised Code. 69141

(5) The licensee is the subject of an order by the department 69142  
of commerce, the department of insurance, or the department of 69143  
agriculture revoking or permanently surrendering any professional 69144  
license, certificate, or registration. 69145

(6) The licensee is the subject of an order by any government 69146  
agency concerning real estate, financial matters, or the 69147  
performance of fiduciary duties with respect to any license, 69148  
certificate, or registration. 69149

If a licensee fails to notify the superintendent within the 69150  
required time, the superintendent immediately may suspend the 69151  
license of the licensee. 69152

Any court that convicts a licensee of a violation of any 69153  
municipal civil rights law pertaining to housing discrimination 69154  
also shall notify the Ohio civil rights commission within fifteen 69155

days of the conviction. 69156

(D) In case of any change of business location, a broker 69157  
shall give notice to the superintendent, on a form prescribed by 69158  
the superintendent, within thirty days after the change of 69159  
location, whereupon the superintendent shall issue new licenses 69160  
for the unexpired period without charge. If a broker changes a 69161  
business location without giving the required notice and without 69162  
receiving new licenses that action is prima-facie evidence of 69163  
misconduct under division (A)(6) of section 4735.18 of the Revised 69164  
Code. 69165

(E) If a real estate broker desires to associate with another 69166  
real estate broker in the capacity of a real estate salesperson, 69167  
the broker shall apply to the superintendent to deposit the 69168  
broker's real estate broker's license with the superintendent and 69169  
for the issuance of a real estate salesperson's license. The 69170  
application shall be made on a form prescribed by the 69171  
superintendent and shall be accompanied by the recommendation of 69172  
the real estate broker with whom the applicant intends to become 69173  
associated and a fee of thirty-four dollars for the real estate 69174  
salesperson's license. ~~One dollar of the fee shall be credited to~~ 69175  
~~the real estate education and research fund.~~ If the superintendent 69176  
is satisfied that the applicant is honest and truthful, has not 69177  
been convicted of a disqualifying offense as determined in 69178  
accordance with section 9.79 of the Revised Code, and has not been 69179  
finally adjudged by a court to have violated any municipal, state, 69180  
or federal civil rights laws relevant to the protection of 69181  
purchasers or sellers of real estate, and that the association of 69182  
the real estate broker and the applicant will be in the public 69183  
interest, the superintendent shall grant the application and issue 69184  
a real estate salesperson's license to the applicant. Any license 69185  
so deposited with the superintendent shall be subject to this 69186  
chapter. A broker who intends to deposit the broker's license with 69187

the superintendent, as provided in this section, shall give 69188  
written notice of this fact in a format prescribed by the 69189  
superintendent to all salespersons associated with the broker when 69190  
applying to place the broker's license on deposit. 69191

(F) If a real estate broker desires to become a member or 69192  
officer of a partnership, association, limited liability company, 69193  
limited liability partnership, or corporation that is or intends 69194  
to become a licensed real estate broker, the broker shall notify 69195  
the superintendent of the broker's intentions. The notice of 69196  
intention shall be on a form prescribed by the superintendent and 69197  
shall be accompanied by a fee of thirty-four dollars. ~~One dollar~~ 69198  
~~of the fee shall be credited to the real estate education and~~ 69199  
~~research fund.~~ 69200

A licensed real estate broker who is a member or officer of a 69201  
partnership, association, limited liability company, limited 69202  
liability partnership, or corporation shall only act as a real 69203  
estate broker for such partnership, association, limited liability 69204  
company, limited liability partnership, or corporation. 69205

(G)(1) If a real estate broker or salesperson enters the 69206  
armed forces, the broker or salesperson may place the broker's or 69207  
salesperson's license on deposit with the Ohio real estate 69208  
commission. The licensee shall not be required to renew the 69209  
license until the renewal date that follows the date of discharge 69210  
from the armed forces. Any license deposited with the commission 69211  
shall be subject to this chapter. 69212

Any licensee whose license is on deposit under this division 69213  
and who fails to meet the continuing education requirements of 69214  
section 4735.141 of the Revised Code because the licensee is in 69215  
the armed forces shall satisfy the commission that the licensee 69216  
has complied with the continuing education requirements within 69217  
twelve months of the licensee's first birthday after discharge or 69218  
within the amount of time equal to the total number of months the 69219

licensee spent on active duty, whichever is greater. The licensee 69220  
shall submit proper documentation of active duty service and the 69221  
length of that active duty service to the superintendent. The 69222  
extension shall not exceed the total number of months that the 69223  
licensee served in active duty. The superintendent shall notify 69224  
the licensee of the licensee's obligations under section 4735.141 69225  
of the Revised Code at the time the licensee applies for 69226  
reactivation of the licensee's license. 69227

(2) If a licensee is a spouse of a member of the armed forces 69228  
and the spouse's service resulted in the licensee's absence from 69229  
this state, both of the following apply: 69230

(a) The licensee shall not be required to renew the license 69231  
until the renewal date that follows the date of the spouse's 69232  
discharge from the armed forces. 69233

(b) If the licensee fails to meet the continuing education 69234  
requirements of section 4735.141 of the Revised Code, the licensee 69235  
shall satisfy the commission that the licensee has complied with 69236  
the continuing education requirements within twelve months after 69237  
the licensee's first birthday after the spouse's discharge or 69238  
within the amount of time equal to the total number of months the 69239  
licensee's spouse spent on active duty, whichever is greater. The 69240  
licensee shall submit proper documentation of the spouse's active 69241  
duty service and the length of that active duty service. This 69242  
extension shall not exceed the total number of months that the 69243  
licensee's spouse served in active duty. 69244

(3) In the case of a licensee as described in division (G)(2) 69245  
of this section, who holds the license through a reciprocity 69246  
agreement with another state, the spouse's service shall have 69247  
resulted in the licensee's absence from the licensee's state of 69248  
residence for the provisions of that division to apply. 69249

(4) As used in this division, "armed forces" means the armed 69250

forces of the United States or reserve component of the armed 69251  
forces of the United States including the Ohio national guard or 69252  
the national guard of any other state. 69253

(H) If a licensed real estate salesperson submits an 69254  
application to the superintendent to leave the association of one 69255  
broker to associate with a different broker, the broker possessing 69256  
the licensee's license need not return the salesperson's license 69257  
to the superintendent. The superintendent may process the 69258  
application regardless of whether the licensee's license is 69259  
returned to the superintendent. 69260

**Sec. 4735.143.** (A) Each person applying for a license 69261  
pursuant to section 4735.07 or 4735.09 of the Revised Code shall 69262  
submit one complete set of fingerprint impressions directly to the 69263  
superintendent of the bureau of criminal identification and 69264  
investigation for the purpose of conducting a criminal records 69265  
check. The applicant shall provide the fingerprint impressions 69266  
using a method the superintendent of the bureau of criminal 69267  
identification and investigation prescribes and fill out the form 69268  
the superintendent prescribes pursuant to division (C) of section 69269  
109.572 of the Revised Code. Upon receiving an application under 69270  
this section, the superintendent of real estate and professional 69271  
licensing shall request the superintendent of the bureau of 69272  
criminal identification and investigation, or a vendor approved by 69273  
the bureau, to conduct a criminal records check based on the 69274  
applicant's fingerprint impressions in accordance with division 69275  
(A)(16) of section 109.572 of the Revised Code. Notwithstanding 69276  
division ~~(K)~~(L) of section 121.08 of the Revised Code, the 69277  
superintendent of real estate and professional licensing shall 69278  
request that criminal record information based on the applicant's 69279  
fingerprints be obtained from the federal bureau of investigation 69280  
as part of the criminal records check. Any fee required under 69281  
division (C)(3) of section 109.572 of the Revised Code shall be 69282

paid by the applicant. 69283

(B) An applicant who disclosed on the application that the 69284  
applicant has been convicted of any criminal offense shall only be 69285  
permitted to take the examination after the results of the 69286  
criminal records check have been received by the superintendent 69287  
and the superintendent has made a determination to disregard the 69288  
conviction because the applicant has proven to the superintendent, 69289  
by a preponderance of the evidence, that the applicant's 69290  
activities and employment record since the conviction show that 69291  
the applicant is honest, truthful, and of good reputation, and 69292  
there is no basis in fact for believing that the applicant again 69293  
will violate the laws involved. 69294

(C) Persons who have indicated on the application that they 69295  
have not been convicted of any criminal offense, shall, if all 69296  
other requirements for licensure have been satisfied, be permitted 69297  
to take the real estate examination for which the applicant has 69298  
applied prior to the superintendent's receipt of the results of 69299  
the criminal records check. If the applicant receives a passing 69300  
score on the examination and meets the other requirements for the 69301  
license, the superintendent shall issue a provisional license 69302  
pending the results of the criminal records check. During this 69303  
provisional status, the licensee may perform acts that require a 69304  
real estate license. If the results of the criminal records check 69305  
subsequently confirm that the licensee has no convictions, the 69306  
provisional status shall be removed. If it is determined that the 69307  
licensee has been convicted of any criminal offense, the 69308  
superintendent may immediately suspend the license of the 69309  
licensee. 69310

(D) Any entity offering the prelicensure education required 69311  
to obtain a real estate license in this state shall, prior to a 69312  
student's enrollment in a class, notify the student of both of the 69313

following: 69314

(1) That a conviction of a criminal offense may disqualify an individual from obtaining a real estate license; 69315  
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(2) The student's rights under section 9.78 of the Revised Code to request a determination as to whether such a conviction will disqualify the student. 69317  
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**Sec. 4735.15.** (A) The nonrefundable fees for reactivation or transfer of a license shall be as follows: 69320  
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(1) Reactivation or transfer of a broker's license into or out of a partnership, association, limited liability company, limited liability partnership, or corporation or from one partnership, association, limited liability company, limited liability partnership, or corporation to another partnership, association, limited liability company, limited liability partnership, or corporation, thirty-four dollars. An application for such transfer shall be made to the superintendent of real estate on forms provided by the superintendent. 69322  
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(2) Reactivation or transfer of a license by a real estate salesperson, thirty-four dollars. 69331  
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(B) Except as may otherwise be specified pursuant to division (F) of this section or any rules adopted by the Ohio real estate commission pursuant to division (A)(2)(b) of section 4735.10 of the Revised Code, the nonrefundable fees are as follows for each licensing period: 69333  
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(1) Branch office license, twenty dollars; 69338

(2) Renewal of a three-year real estate broker's license, two hundred forty-three dollars. If the licensee is a partnership, association, limited liability company, limited liability partnership, or corporation, the full broker's renewal fee shall be required for each member of such partnership, association, 69339  
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limited liability company, limited liability partnership, or 69344  
corporation that is a real estate broker. If the real estate 69345  
broker has not less than eleven nor more than twenty real estate 69346  
salespersons associated with the broker, an additional fee of 69347  
sixty-four dollars shall be assessed to the brokerage. For every 69348  
additional ten real estate salespersons or fraction of that 69349  
number, the brokerage assessment fee shall be increased in the 69350  
amount of thirty-seven dollars. 69351

(3) Renewal of a three-year real estate salesperson's 69352  
license, one hundred eighty-two dollars; 69353

(4) Renewal of a real estate broker's or salesperson's 69354  
license filed within twelve months after the licensee's renewal 69355  
date, an additional late filing penalty of fifty per cent of the 69356  
required three-year fee; 69357

(5) Foreign real estate dealer's license and each renewal of 69358  
the license, thirty dollars per salesperson employed by the 69359  
dealer, but not less than two hundred three dollars; 69360

(6) Foreign real estate salesperson's license and each 69361  
renewal of the license, sixty-eight dollars. 69362

(C) All fees collected under this section shall be paid to 69363  
the treasurer of state. ~~One dollar of each such fee shall be 69364  
credited to the real estate education and research fund, except 69365  
that for fees that are assessed only once every three years, one 69366  
dollar and fifty cents of each triennial fee shall be credited to 69367  
the real estate education and research fund. 69368~~

(D) In all cases, the fee and any penalty shall accompany the 69369  
application for the license, license transfer, or license 69370  
reactivation or shall accompany the filing of the renewal. 69371

(E) The commission may establish by rule reasonable fees for 69372  
services not otherwise established by this chapter. 69373

(F) The commission may adopt rules that provide for a 69374  
reduction in the fees established in divisions (B)(2) and (3) of 69375  
this section. 69376

**Sec. 4735.18.** (A) Subject to section 4735.32 of the Revised 69377  
Code, the superintendent of real estate, upon the superintendent's 69378  
own motion, may investigate the conduct of any licensee. Subject 69379  
to division (E) of this section and section 4735.32 of the Revised 69380  
Code, the Ohio real estate commission shall impose disciplinary 69381  
sanctions upon any licensee who, whether or not acting in the 69382  
licensee's capacity as a real estate broker or salesperson, or in 69383  
handling the licensee's own property, is found to have been 69384  
convicted of a felony or a crime of moral turpitude, and may 69385  
impose disciplinary sanctions upon any licensee who, in the 69386  
licensee's capacity as a real estate broker or salesperson, or in 69387  
handling the licensee's own property, is found guilty of: 69388

(1) Knowingly making any misrepresentation; 69389

(2) Making any false promises with intent to influence, 69390  
persuade, or induce; 69391

(3) A continued course of misrepresentation or the making of 69392  
false promises through agents, salespersons, advertising, or 69393  
otherwise; 69394

(4) Acting for more than one party in a transaction except as 69395  
permitted by and in compliance with section 4735.71 of the Revised 69396  
Code; 69397

(5) Failure within a reasonable time to account for or to 69398  
remit any money coming into the licensee's possession which 69399  
belongs to others; 69400

(6) Dishonest or illegal dealing, gross negligence, 69401  
incompetency, or misconduct; 69402

(7)(a) By final adjudication by a court, a violation of any 69403

municipal or federal civil rights law relevant to the protection 69404  
of purchasers or sellers of real estate or, by final adjudication 69405  
by a court, any unlawful discriminatory practice pertaining to the 69406  
purchase or sale of real estate prohibited by Chapter 4112. of the 69407  
Revised Code, provided that such violation arose out of a 69408  
situation wherein parties were engaged in bona fide efforts to 69409  
purchase, sell, or lease real estate, in the licensee's practice 69410  
as a licensed real estate broker or salesperson; 69411

(b) A second or subsequent violation of any unlawful 69412  
discriminatory practice pertaining to the purchase or sale of real 69413  
estate prohibited by Chapter 4112. of the Revised Code or any 69414  
second or subsequent violation of municipal or federal civil 69415  
rights laws relevant to purchasing or selling real estate whether 69416  
or not there has been a final adjudication by a court, provided 69417  
that such violation arose out of a situation wherein parties were 69418  
engaged in bona fide efforts to purchase, sell, or lease real 69419  
estate. For any second offense under this division, the commission 69420  
shall suspend for a minimum of two months or revoke the license of 69421  
the broker or salesperson. For any subsequent offense, the 69422  
commission shall revoke the license of the broker or salesperson. 69423

(8) Procuring a license under this chapter, for the licensee 69424  
or any salesperson by fraud, misrepresentation, or deceit; 69425

(9) Having violated or failed to comply with any provision of 69426  
sections 4735.51 to 4735.74 of the Revised Code or having 69427  
willfully disregarded or violated any other provisions of this 69428  
chapter; 69429

(10) As a real estate broker, having demanded, without 69430  
reasonable cause, other than from a broker licensed under this 69431  
chapter, a commission to which the licensee is not entitled, or, 69432  
as a real estate salesperson, having demanded, without reasonable 69433  
cause, a commission to which the licensee is not entitled; 69434

- (11) Except as permitted under section 4735.20 of the Revised Code, having paid commissions or fees to, or divided commissions or fees with, anyone not licensed as a real estate broker or salesperson under this chapter or anyone not operating as an out-of-state commercial real estate broker or salesperson under section 4735.022 of the Revised Code; 69435  
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- (12) Having falsely represented membership in any real estate professional association of which the licensee is not a member; 69441  
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- (13) Having accepted, given, or charged any undisclosed commission, rebate, or direct profit on expenditures made for a principal; 69443  
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- (14) Having offered anything of value other than the consideration recited in the sales contract as an inducement to a person to enter into a contract for the purchase or sale of real estate or having offered real estate or the improvements on real estate as a prize in a lottery or scheme of chance; 69446  
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- (15) Having acted in the dual capacity of real estate broker and undisclosed principal, or real estate salesperson and undisclosed principal, in any transaction; 69451  
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- (16) Having guaranteed, authorized, or permitted any person to guarantee future profits which may result from the resale of real property; 69454  
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- (17) Having advertised or placed a sign on any property offering it for sale or for rent without the consent of the owner or the owner's authorized agent; 69457  
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- (18) Having induced any party to a contract of sale or lease to break such contract for the purpose of substituting in lieu of it a new contract with another principal; 69460  
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- (19) Having negotiated the sale, exchange, or lease of any real property directly with a seller, purchaser, lessor, or tenant 69463  
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knowing that such seller, purchaser, lessor, or tenant is 69465  
represented by another broker under a written exclusive agency 69466  
agreement, exclusive right to sell or lease listing agreement, or 69467  
exclusive purchaser agency agreement with respect to such property 69468  
except as provided for in section 4735.75 of the Revised Code; 69469

(20) Having offered real property for sale or for lease 69470  
without the knowledge and consent of the owner or the owner's 69471  
authorized agent, or on any terms other than those authorized by 69472  
the owner or the owner's authorized agent; 69473

(21) Having published advertising, whether printed, radio, 69474  
display, or of any other nature, which was misleading or 69475  
inaccurate in any material particular, or in any way having 69476  
misrepresented any properties, terms, values, policies, or 69477  
services of the business conducted; 69478

(22) Having knowingly withheld from or inserted in any 69479  
statement of account or invoice any statement that made it 69480  
inaccurate in any material particular; 69481

(23) Having published or circulated unjustified or 69482  
unwarranted threats of legal proceedings which tended to or had 69483  
the effect of harassing competitors or intimidating their 69484  
customers; 69485

(24) Having failed to keep complete and accurate records of 69486  
all transactions for a period of three years from the date of the 69487  
transaction, such records to include copies of listing forms, 69488  
earnest money receipts, offers to purchase and acceptances of 69489  
them, records of receipts and disbursements of all funds received 69490  
by the licensee as broker and incident to the licensee's 69491  
transactions as such, and records required pursuant to divisions 69492  
(C)(4) and (5) of section 4735.20 of the Revised Code, and any 69493  
other instruments or papers related to the performance of any of 69494  
the acts set forth in the definition of a real estate broker; 69495

(25) Failure of a real estate broker or salesperson to 69496  
furnish all parties involved in a real estate transaction true 69497  
copies of all listings and other agreements to which they are a 69498  
party, at the time each party signs them; 69499

(26) Failure to maintain at all times a special or trust bank 69500  
account in a depository of a state or federally chartered 69501  
institution located in this state. The account shall be 69502  
noninterest-bearing, separate and distinct from any personal or 69503  
other account of the broker, and, except as provided in division 69504  
(A)(27) of this section, shall be used for the deposit and 69505  
maintenance of all escrow funds, security deposits, and other 69506  
moneys received by the broker in a fiduciary capacity. The name, 69507  
account number, if any, and location of the depository wherein 69508  
such special or trust account is maintained shall be submitted in 69509  
writing to the superintendent. Checks drawn on such special or 69510  
trust bank accounts are deemed to meet the conditions imposed by 69511  
section 1349.21 of the Revised Code. Funds deposited in the trust 69512  
or special account in connection with a purchase agreement shall 69513  
be maintained in accordance with section 4735.24 of the Revised 69514  
Code. 69515

(27) Failure to maintain at all times a special or trust bank 69516  
account in a depository of a state or federally chartered 69517  
institution in this state, to be used exclusively for the deposit 69518  
and maintenance of all rents, security deposits, escrow funds, and 69519  
other moneys received by the broker in a fiduciary capacity in the 69520  
course of managing real property. This account shall be separate 69521  
and distinct from any other account maintained by the broker. The 69522  
name, account number, and location of the depository shall be 69523  
submitted in writing to the superintendent. This account may earn 69524  
interest, which shall be paid to the property owners on a pro rata 69525  
basis. 69526

Division (A)(27) of this section does not apply to brokers 69527

who are not engaged in the management of real property on behalf of real property owners. 69528  
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(28) Having failed to put definite expiration dates in all written agency agreements to which the broker is a party; 69530  
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(29) Having an unsatisfied final judgment or lien in any court of record against the licensee arising out of the licensee's conduct as a licensed broker or salesperson; 69532  
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(30) Failing to render promptly upon demand a full and complete statement of the expenditures by the broker or salesperson of funds advanced by or on behalf of a party to a real estate transaction to the broker or salesperson for the purpose of performing duties as a licensee under this chapter in conjunction with the real estate transaction; 69535  
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(31) Failure within a reasonable time, after the receipt of the commission by the broker, to render an accounting to and pay a real estate salesperson the salesperson's earned share of it; 69541  
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(32) Performing any service for another constituting the practice of law, as determined by any court of law; 69544  
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(33) Having been adjudicated incompetent ~~for the purpose of holding the license~~ by a court, as provided in section 5122.301 of the Revised Code. A license revoked or suspended under this division shall be reactivated upon proof to the commission of the removal of the disability. 69546  
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(34) Having authorized or permitted a person to act as an agent in the capacity of a real estate broker, or a real estate salesperson, who was not then licensed as a real estate broker or real estate salesperson under this chapter or who was not then operating as an out-of-state commercial real estate broker or salesperson under section 4735.022 of the Revised Code; 69551  
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(35) Having knowingly inserted or participated in inserting 69557

any materially inaccurate term in a document, including naming a false consideration;

(36) Having failed to inform the licensee's client of the existence of an offer or counteroffer or having failed to present an offer or counteroffer in a timely manner, unless otherwise instructed by the client, provided the instruction of the client does not conflict with any state or federal law;

(37) Having failed to comply with section 4735.24 of the Revised Code;

(38) Having acted as a broker without authority, impeded the ability of a principal broker to perform any of the duties described in section 4735.081 of the Revised Code, or impeded the ability a management level licensee to perform the licensee's duties;

(39) Entering into a right-to-list home sale agreement.

(B) Whenever the commission, pursuant to section 4735.051 of the Revised Code, imposes disciplinary sanctions for any violation of this section, the commission also may impose such sanctions upon the broker with whom the salesperson is affiliated if the commission finds that the broker had knowledge of the salesperson's actions that violated this section.

(C) The commission shall, pursuant to section 4735.051 of the Revised Code, impose disciplinary sanctions upon any foreign real estate dealer or salesperson who, in that capacity or in handling the dealer's or salesperson's own property, is found guilty of any of the acts or omissions specified or comprehended in division (A) of this section insofar as the acts or omissions pertain to foreign real estate. If the commission imposes such sanctions upon a foreign real estate salesperson for a violation of this section, the commission also may suspend or revoke the license of the foreign real estate dealer with whom the salesperson is affiliated

if the commission finds that the dealer had knowledge of the 69589  
salesperson's actions that violated this section. 69590

(D) The commission may suspend, in whole or in part, the 69591  
imposition of the penalty of suspension of a license under this 69592  
section. 69593

(E) A person licensed under this chapter who represents a 69594  
party to a transaction or a proposed transaction involving the 69595  
sale, purchase, exchange, lease, or management of real property 69596  
that is or will be used in the cultivation, processing, 69597  
dispensing, or testing of medical marijuana under Chapter 3796. of 69598  
the Revised Code, or who receives, holds, or disburses funds from 69599  
a real estate brokerage trust account in connection with such a 69600  
transaction, shall not be subject to disciplinary sanctions under 69601  
this chapter solely because the licensed person engaged in 69602  
activities permitted under this chapter and related to activities 69603  
under Chapter 3796. of the Revised Code. 69604

**Sec. 4735.211.** All fines imposed under section 4735.051 of 69605  
the Revised Code, and all fees and charges collected under 69606  
sections 4735.06, 4735.09, 4735.13, 4735.15, 4735.25, 4735.27, 69607  
4735.28, and 4735.29 of the Revised Code, except such fees as are 69608  
paid to the ~~real estate education and research fund and real~~ 69609  
estate recovery fund as provided in this chapter, shall be paid 69610  
into the state treasury to the credit of the division of real 69611  
estate operating fund, which is hereby created. ~~All operating~~ 69612  
Operating expenses of the division of real estate shall be paid 69613  
from the division of real estate operating fund. 69614

The division of real estate operating fund shall be assessed 69615  
a proportionate share of the administrative costs of the 69616  
department of commerce in accordance with procedures prescribed by 69617  
the director of commerce. Such assessments shall be paid from the 69618  
division of real estate operating fund to the division of 69619

administration fund. 69620

~~If funds in the division of real estate operating fund are 69621  
determined by the director of commerce to be in excess of those 69622  
necessary to fund all the expenses of the division in any 69623  
biennium, the director may pay the excess funds to the real estate 69624  
education and research fund. 69625~~

**Sec. 4738.071.** (A) When a person is first issued a license 69626  
under this chapter, the registrar of motor vehicles shall issue a 69627  
provisional license ~~shall have provisional status~~ for a period of 69628  
one hundred eighty days from the date of issuance. Not later than 69629  
one hundred eighty days after the date of issuance of a the 69630  
provisional license, the registrar of motor vehicles, or an agent 69631  
of the registrar, shall inspect or cause to be inspected the place 69632  
of business of ~~any~~ the person who is the holder of the provisional 69633  
license. ~~If~~ 69634

(B) If the person conducting the inspection determines that 69635  
the provisional license holder has complied with all the 69636  
requirements with which holders of licenses issued under this 69637  
chapter are required to comply, ~~he~~ the person shall notify the 69638  
license holder of that fact. The notification initially may be 69639  
verbal, but shall be followed by a written notice. The person 69640  
conducting the inspection ~~also~~ shall notify the registrar of that 69641  
fact, and the registrar shall ~~send~~ issue to the provisional 69642  
license holder ~~written notice informing him that his~~ a license no 69643  
longer has without provisional status ~~and shall remain.~~ A license 69644  
without provisional status remains valid until its expiration date 69645  
unless it is suspended or revoked in accordance with this chapter. 69646

(C) If the person conducting the inspection determines that 69647  
the provisional license holder has not complied with all the 69648  
requirements with which holders of licenses issued under this 69649  
chapter are required to comply, ~~he~~ the person shall notify the 69650

provisional license holder of that fact. The notification 69651  
initially may be verbal, but shall be followed by a written 69652  
notice. The person conducting the inspection ~~also~~ shall notify the 69653  
registrar of ~~that fact,~~ and the noncompliance. In accordance with 69654  
Chapter 119. of the Revised Code, the registrar shall send the 69655  
provisional license holder written notice informing ~~him~~ the 69656  
license holder that ~~his~~ the holder's license is revoked and that 69657  
~~he~~ the holder may appeal the revocation to the motor vehicle 69658  
salvage dealer's licensing board. Immediately upon revoking the 69659  
provisional license of the license holder, the registrar shall 69660  
enter a final order together with ~~his~~ the registrar's findings and 69661  
certify the same to the motor vehicle salvage dealer's licensing 69662  
board. 69663

**Sec. 4738.08.** (A) Any person licensed under this chapter 69664  
shall notify the registrar of motor vehicles concerning any change 69665  
in the status of ~~his~~ the person's business during the period for 69666  
which ~~he~~ the person is licensed, if the change of status concerns 69667  
the following: 69668

~~(A)~~(1) Personnel of owners, partners, officers, or directors; 69669

~~(B)~~(2) Location of office or principal place of business; 69670

(3) Contact information where the person can be reached, 69671  
including a valid telephone number and electronic mail address. 69672

(B) Notification shall be made by filing with the registrar, 69673  
within fifteen days after the change of status, a supplemental 69674  
statement in a form prescribed by the registrar showing in what 69675  
respects the status has been changed. 69676

**Sec. 4740.16.** (A) An investigator appointed by the director 69677  
of commerce, on behalf of the appropriate specialty section of the 69678  
Ohio construction industry licensing board may investigate any 69679  
person who allegedly has violated section 4740.13 of the Revised 69680

Code. If, after an investigation pursuant to section 4740.05 of 69681  
the Revised Code, the appropriate specialty section determines 69682  
that reasonable evidence exists that a person has violated section 69683  
4740.13 of the Revised Code, the appropriate specialty section 69684  
shall ~~send~~ serve a written notice to that person in the same 69685  
manner as prescribed in ~~section~~ sections 119.05 and 119.07 of the 69686  
Revised Code for licensees. 69687

(B) The appropriate specialty section shall hold a hearing 69688  
regarding the alleged violation in the same manner prescribed for 69689  
an adjudication hearing under section 119.09 of the Revised Code. 69690  
If the appropriate specialty section, after the hearing, 69691  
determines a violation has occurred, the appropriate specialty 69692  
section, upon an affirmative vote of a majority of its members, 69693  
may impose a fine on the person, not exceeding one thousand 69694  
dollars per violation per day and may file a complaint against the 69695  
person with the appropriate local prosecutor for criminal 69696  
prosecution. The appropriate specialty section's determination is 69697  
an order that the person may appeal in accordance with section 69698  
119.12 of the Revised Code. 69699

(C) If the appropriate specialty section assesses a person a 69700  
civil penalty for a violation of section 4740.13 of the Revised 69701  
Code and the person fails to pay that civil penalty within the 69702  
time period prescribed by the appropriate specialty section, the 69703  
appropriate specialty section shall forward to the attorney 69704  
general the name of the person and the amount of the civil penalty 69705  
for the purpose of collecting that civil penalty. In addition to 69706  
the civil penalty assessed pursuant to this section, the person 69707  
also shall pay any fee assessed by the attorney general for 69708  
collection of the civil penalty. 69709

(D) If a person fails to request a hearing within thirty days 69710  
after the date the appropriate specialty section, in accordance 69711

with section 119.07 of the Revised Code, notifies the person of 69712  
the section's intent to act against the person under division (A) 69713  
of this section, the section, by majority vote of a quorum of the 69714  
section members, may take the action against a person without 69715  
holding an adjudication hearing. 69716

**Sec. 4741.22.** (A) The state veterinary medical licensing 69717  
board may, except as provided in division (B) of this section, 69718  
refuse to issue or renew a license, limited license, registration, 69719  
or temporary permit to or of any applicant who, and may issue a 69720  
reprimand to, suspend or revoke the license, limited license, 69721  
registration, or the temporary permit of, or impose a civil 69722  
penalty pursuant to this section upon any person holding a 69723  
license, limited license, or temporary permit to practice 69724  
veterinary medicine or any person registered as a registered 69725  
veterinary technician who: 69726

(1) In the conduct of the person's practice does not conform 69727  
to the rules of the board or the standards of the profession 69728  
governing proper, humane, sanitary, and hygienic methods to be 69729  
used in the care and treatment of animals; 69730

(2) Uses fraud, misrepresentation, or deception in any 69731  
application or examination for licensure, or any other 69732  
documentation created in the course of practicing veterinary 69733  
medicine; 69734

(3) Is found to be physically or psychologically addicted to 69735  
alcohol or an illegal or controlled substance, as defined in 69736  
section 3719.01 of the Revised Code, to such a degree as to render 69737  
the person unfit to practice veterinary medicine; 69738

(4) Directly or indirectly employs or lends the person's 69739  
services to a solicitor for the purpose of obtaining patients; 69740

(5) Obtains a fee on the assurance that an incurable disease 69741

can be cured;	69742
(6) Advertises in a manner that violates section 4741.21 of the Revised Code;	69743 69744
(7) Divides fees or charges or has any arrangement to share fees or charges with any other person, except on the basis of services performed;	69745 69746 69747
(8) Sells any biologic containing living, dead, or sensitized organisms or products of those organisms, except in a manner that the board by rule has prescribed;	69748 69749 69750
(9) Is convicted of or pleads guilty to any felony or crime involving illegal or prescription drugs, or fails to report to the board within sixty days of the individual's conviction of, plea of guilty to, or treatment in lieu of conviction involving a felony, misdemeanor of the first degree, or offense involving illegal or prescription drugs;	69751 69752 69753 69754 69755 69756
(10) Is convicted of any violation of section 959.13 of the Revised Code;	69757 69758
(11) Swears falsely in any affidavit required to be made by the person in the course of the practice of veterinary medicine;	69759 69760
(12) Fails to report promptly to the proper official any known reportable disease;	69761 69762
(13) Fails to report promptly vaccinations or the results of tests when required to do so by law or rule;	69763 69764
(14) Has been adjudicated incompetent for the purpose of holding the license or permit by a court, as provided in Chapter 2111. of the Revised Code, and has not been restored to legal capacity for that purpose;	69765 69766 69767 69768
(15) Permits a person who is not a licensed veterinarian, a veterinary student, or a registered veterinary technician to engage in work or perform duties in violation of this chapter;	69769 69770 69771

- (16) Is guilty of gross incompetence or gross negligence; 69772
- (17) Has had a license to practice veterinary medicine or a 69773  
license, registration, or certificate to engage in activities as a 69774  
registered veterinary technician revoked, suspended, or acted 69775  
against by disciplinary action by an agency similar to this board 69776  
of another state, territory, or country or the District of 69777  
Columbia; 69778
- (18) Is or has practiced with a revoked, suspended, inactive, 69779  
expired, or terminated license or registration; 69780
- (19) Represents self as a specialist unless certified as a 69781  
specialist by the board; 69782
- (20) In the person's capacity as a veterinarian or registered 69783  
veterinary technician makes or files a report, health certificate, 69784  
vaccination certificate, or other document that the person knows 69785  
is false or negligently or intentionally fails to file a report or 69786  
record required by any applicable state or federal law; 69787
- (21) Fails to use reasonable care in the administration of 69788  
drugs or acceptable scientific methods in the selection of those 69789  
drugs or other modalities for treatment of a disease or in conduct 69790  
of surgery; 69791
- (22) Makes available a dangerous drug, as defined in section 69792  
4729.01 of the Revised Code, to any person other than for the 69793  
specific treatment of an animal patient; 69794
- (23) Refuses to permit a board investigator or the board's 69795  
designee to inspect the person's business premises during regular 69796  
business hours, except as provided in division (A) of section 69797  
4741.26 of the Revised Code; 69798
- (24) Violates any order of the board or fails to comply with 69799  
a subpoena of the board; 69800
- (25) Fails to maintain medical records as required by rule of 69801

the board; 69802

(26) Engages in cruelty to animals; 69803

(27) Uses, prescribes, or sells any veterinary prescription 69804  
drug or biologic, or prescribes any extra-label use of any 69805  
over-the-counter drug or dangerous drug in the absence of a valid 69806  
veterinary-client-patient relationship. 69807

(B) The board shall not refuse to issue a license, limited 69808  
license, registration, or temporary permit to an applicant because 69809  
of a conviction of or plea of guilty to an offense unless the 69810  
refusal is in accordance with section 9.79 of the Revised Code. 69811

(C) Except as provided in division ~~(D)~~(F) of this section, 69812  
before the board may revoke, deny, refuse to renew, or suspend a 69813  
license, registration, or temporary permit or otherwise discipline 69814  
the holder of a license, registration, or temporary permit, the 69815  
executive director shall file written charges with the board. The 69816  
board shall conduct a hearing on the charges as provided in 69817  
Chapter 119. of the Revised Code. 69818

(D)(1) Except as otherwise provided in division (D)(2) of 69819  
this section, if the board, after a hearing conducted pursuant to 69820  
Chapter 119. of the Revised Code, revokes, refuses to renew, or 69821  
suspends a license, registration, or temporary permit for a 69822  
violation of this section, section 4741.23, division (C) or (D) of 69823  
section 4741.19, or division (B), (C), or (D) of section 4741.21 69824  
of the Revised Code, the board may impose a civil penalty upon the 69825  
holder of the license, permit, or registration of not less than 69826  
one hundred dollars or more than one thousand dollars. 69827

(2) Except as provided in division (D) of this section, the 69828  
board shall impose a civil penalty for a violation of division 69829  
(B)(1) of section 959.07 or division (C) of section 959.09 of the 69830  
Revised Code by a licensed veterinarian as follows: 69831

(a) One hundred dollars for a second violation of division 69832

(B)(1) of section 959.07 of the Revised Code or a first violation 69833  
of division (C) of section 959.09 of the Revised Code; 69834

(b) Five hundred dollars for any subsequent violation of 69835  
division (B)(1) of section 959.07 or division (C) of section 69836  
959.09 of the Revised Code. 69837

(3) In addition to the civil penalty and any other penalties 69838  
imposed pursuant to this chapter, the board may assess any holder 69839  
of a license, permit, or registration the costs of the hearing 69840  
conducted under this section if the board determines that the 69841  
holder has violated any provision for which the board may impose a 69842  
civil penalty under this section. 69843

(E) For a first violation of division (B)(1) of section 69844  
959.07 of the Revised Code by a licensed veterinarian, the board 69845  
shall issue a confidential written warning to the licensed 69846  
veterinarian and shall not take any other disciplinary action 69847  
under this section. The board shall include in the warning an 69848  
explanation of the violation and the reporting requirement 69849  
specified under section 959.07 of the Revised Code. 69850

(F) The executive director may recommend that the board 69851  
suspend an individual's certificate of license without a prior 69852  
hearing if the executive director determines both of the 69853  
following: 69854

(1) There is clear and convincing evidence that division 69855  
(A)(3), (9), (14), (22), or (26) of this section applies to the 69856  
individual. 69857

(2) The individual's continued practice presents a danger of 69858  
immediate and serious harm to the public. 69859

The executive director shall prepare written allegations for 69860  
consideration by the board. The board, upon review of those 69861  
allegations and by an affirmative vote of not fewer than four of 69862  
its members, may suspend the certificate without a prior hearing. 69863

A telephone conference call may be utilized for reviewing the 69864  
allegations and taking the vote on the suspension. 69865

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 69866  
~~certified mail or in person~~ in accordance with ~~section~~ sections 69867  
119.05 and 119.07 of the Revised Code. If the individual subject 69868  
to the suspension requests an adjudicatory hearing by the board, 69869  
the date set for the hearing shall be not later than fifteen days, 69870  
but not earlier than seven days after the individual requests the 69871  
hearing unless otherwise agreed to by both the board and the 69872  
individual. 69873

A suspension imposed under this division shall remain in 69874  
effect, unless reversed on appeal, until a final adjudicative 69875  
order issued by the board under this section and Chapter 119. of 69876  
the Revised Code becomes effective. The board shall issue its 69877  
final adjudicative order not later than ninety days after 69878  
completion of its hearing. Failure to issue the order within 69879  
ninety days results in dissolution of the suspension order, but 69880  
does not invalidate any subsequent, final adjudicative order. 69881

~~(F)~~(G) A license or registration issued to an individual 69882  
under this chapter is automatically suspended upon that 69883  
individual's conviction of or plea of guilty to or upon a judicial 69884  
finding with regard to any of the following: aggravated murder, 69885  
murder, voluntary manslaughter, felonious assault, kidnapping, 69886  
rape, sexual battery, gross sexual imposition, aggravated arson, 69887  
aggravated robbery, or aggravated burglary. The suspension shall 69888  
remain in effect from the date of the conviction, plea, or finding 69889  
until an adjudication is held under Chapter 119. of the Revised 69890  
Code. If the board has knowledge that an automatic suspension has 69891  
occurred, it shall notify the individual subject to the 69892  
suspension. If the individual is notified and either fails to 69893  
request an adjudication within the time periods established by 69894  
Chapter 119. of the Revised Code or fails to participate in the 69895

adjudication, the board shall enter a final order permanently 69896  
revoking the individual's license or registration. 69897

**Sec. 4743.05.** (A) Except as otherwise provided in sections 69898  
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of the 69899  
Revised Code, all money collected under Chapters 3773., 4701., 69900  
4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 69901  
4733., 4734., 4736., 4741., 4744., 4747., 4753., 4755., 4757., 69902  
4758., 4771., 4775., 4779., ~~and 4781., and 4789.~~ of the Revised 69903  
Code shall be paid into the state treasury to the credit of the 69904  
occupational licensing and regulatory fund, which is hereby 69905  
created for use in administering such chapters. 69906

(B) At the end of each quarter, the director of budget and 69907  
management shall transfer from the occupational licensing and 69908  
regulatory fund to the nurse education assistance fund created in 69909  
section 3333.28 of the Revised Code the amount certified to the 69910  
director under division (B) of section 4723.08 of the Revised 69911  
Code. 69912

(C) At the end of each quarter, the director shall transfer 69913  
from the occupational licensing and regulatory fund to the 69914  
certified public accountant education assistance fund created in 69915  
section 4701.26 of the Revised Code the amount certified to the 69916  
director under division (H)(2) of section 4701.10 of the Revised 69917  
Code. 69918

(D) On August 30, 2021, and every two years thereafter, the 69919  
director shall transfer from the occupational licensing and 69920  
regulatory fund to the veterinary student debt assistance fund 69921  
created in section 4741.56 of the Revised Code the amount 69922  
certified to the director under section 4741.57 of the Revised 69923  
Code. 69924

**Sec. 4745.05.** Each licensing agency shall ask each person 69925

applying for or renewing a license whether the person wishes to 69926  
make a voluntary contribution to the save our sight fund 69927  
established under section 3701.21 of the Revised Code. All 69928  
donations collected under this section during each calendar 69929  
quarter shall be forwarded to the treasurer of state, who shall 69930  
deposit the donations into the save our sight fund. 69931

**Sec. 4751.02.** (A) There is hereby established in the 69932  
department of aging a board of executives of long-term services 69933  
and supports, which board shall be composed of the following 69934  
eleven members: 69935

(1) Four members who are nursing home administrators, owners 69936  
of nursing homes, or officers of corporations owning nursing 69937  
homes, and who shall have an understanding of person-centered 69938  
care, and experience with a range of long-term services and 69939  
supports settings; 69940

(2)(a) Three members who work in long-term services and 69941  
supports settings that are not nursing homes, and who shall have 69942  
an understanding of person-centered care, and experience with a 69943  
range of long-term services and supports settings; 69944

(b) At least one of the members described in division 69945  
(A)(2)(a) of this section shall be a home health administrator, 69946  
hospice administrator, an owner of a home health agency or hospice 69947  
care program, or an officer of a home health agency or hospice 69948  
care program. 69949

(3) One member who is a member of the academic community; 69950

(4) One member who is a consumer of services ~~offered~~, or who 69951  
represents a consumer of services, in a long-term services and 69952  
supports setting; 69953

(5) One nonvoting member who is a representative of the 69954  
department of health, designated by the director of health, who is 69955

involved in the nursing home survey and certification process, who 69956  
shall serve in an advisory capacity only; 69957

(6) One nonvoting member who is a representative of the 69958  
office of the state long-term care ombudsman, designated by the 69959  
state long-term care ombudsman, who shall serve in an advisory 69960  
capacity only. 69961

All members of the board shall be citizens of the United 69962  
States and residents of this state. No member of the board who is 69963  
appointed under divisions (A)(3) to (6) of this section may have 69964  
or acquire any direct financial interest in a nursing home or 69965  
long-term services and supports settings. 69966

(B) The term of office for each appointed member of the board 69967  
shall be for three years, commencing on the twenty-eighth day of 69968  
May and ending on the twenty-seventh day of May. Each member shall 69969  
serve from the date of appointment until the end of the term for 69970  
which appointed. No member shall serve more than two consecutive 69971  
full terms. 69972

(C) Appointments to the board shall be made by the governor. 69973  
Any member appointed to fill a vacancy occurring prior to the 69974  
expiration of the term for which the member's predecessor was 69975  
appointed shall hold office for the remainder of such term. Any 69976  
appointed member shall continue in office subsequent to the 69977  
expiration date of the member's term until the member's successor 69978  
takes office, or until a period of sixty days has elapsed, 69979  
whichever occurs first. 69980

(D) The governor may remove any member of the board for 69981  
misconduct, incapacity, incompetence, or neglect of duty after the 69982  
member so charged has been served with a written statement of 69983  
charges and has been given an opportunity to be heard. 69984

(E) Each member of the board, except the member designated by 69985  
the director of health and the member designated by the ombudsman, 69986

shall be paid in accordance with section 124.15 of the Revised Code and each member shall be reimbursed for the member's actual and necessary expenses incurred in the discharge of such duties.

(F) The board shall elect annually from its membership a chairperson and a vice-chairperson.

(G) The board shall hold and conduct meetings quarterly and at such other times as its business requires. A majority of the voting members of the board shall constitute a quorum. The affirmative vote of a majority of the voting members of the board is necessary for the board to act.

(H) The board shall appoint a secretary who has no financial interest in a long-term services and supports setting, and may employ and prescribe the powers and duties of such employees and consultants as are necessary to carry out this chapter and the rules adopted under it.

**Sec. 4751.30.** (A) Any person may submit to the board of executives of long-term services and supports a complaint that the person reasonably believes that another person has violated, or failed to comply with a requirement of, this chapter or a rule adopted under section 4751.04 of the Revised Code. All of the following apply to complaints submitted to the board under this section:

(1) They are Complaints and all information and documentation related to an investigation conducted by the board pursuant to a complaint, are confidential and not subject to discovery in any civil action, except that the confidential information may be used by the board in any hearing it conducts pursuant to Chapter 119. of the Revised Code.

(2) They Complaints are not public records for purposes of section 149.43 of the Revised Code.

(3) ~~They~~ Complaints are not subject to inspection or copying under section 1347.08 of the Revised Code. 70017  
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(B) Except as provided in division (D) of section 4751.31 of the Revised Code, the board shall protect the confidentiality of each person who submits a complaint to the board under this section. Any entity that receives confidential information shall maintain the confidentiality of the information in the same manner as the board, notwithstanding any conflicting provision of the Revised Code or procedure of the entity. 70019  
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(C) Information that is confidential under this section may be admitted in a judicial proceeding only in accordance with the Rules of Evidence of the court. The court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or a person who submitted a complaint to the board under this section. The court shall take measures to ensure confidentiality, which may include sealing records or redacting or deleting specific information from records. 70026  
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**Sec. 4755.11.** (A) In accordance with Chapter 119. of the Revised Code, the occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board may suspend, revoke, or, except as provided in division (B) of this section, refuse to issue or renew an occupational therapist license or occupational therapy assistant license, or may reprimand, fine, place a license holder on probation, or require the license holder to take corrective action courses, for any of the following: 70036  
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(1) Conviction of an offense involving moral turpitude or a felony, regardless of the state or country in which the conviction occurred; 70045  
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(2) Violation of any provision of sections 4755.04 to 4755.13 of the Revised Code;	70048 70049
(3) Violation of any lawful order or rule of the occupational therapy section;	70050 70051
(4) Obtaining or attempting to obtain a license issued by the occupational therapy section by fraud or deception, including the making of a false, fraudulent, deceptive, or misleading statement in relation to these activities;	70052 70053 70054 70055
(5) Negligence, unprofessional conduct, or gross misconduct in the practice of the profession of occupational therapy;	70056 70057
(6) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals;	70058 70059
(7) Communicating, without authorization, information received in professional confidence;	70060 70061
(8) Using controlled substances, habit forming drugs, or alcohol to an extent that it impairs the ability to perform the work of an occupational therapist or occupational therapy assistant;	70062 70063 70064 70065
(9) Practicing in an area of occupational therapy for which the individual is untrained or incompetent;	70066 70067
(10) Failing the licensing or Ohio jurisprudence examination;	70068
(11) Aiding, abetting, directing, or supervising the unlicensed practice of occupational therapy;	70069 70070
(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including occupational therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;	70071 70072 70073 70074
(13) Except as provided in division (C) of this section:	70075
(a) Waiving the payment of all or any part of a deductible or	70076

copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay.

(14) Working or representing oneself as an occupational therapist or occupational therapy assistant without a current and valid license issued by the occupational therapy section;

(15) Engaging in a deceptive trade practice, as defined in section 4165.02 of the Revised Code;

(16) Violation of the standards of ethical conduct in the practice of occupational therapy as identified by the occupational therapy section;

(17) A departure from, or the failure to conform to, minimal standards of care required of licensees, whether or not actual injury to a patient is established;

(18) An adjudication by a court that the applicant or licensee is incompetent for the purpose of holding a license and has not thereafter been restored to legal capacity for that purpose;

(19)(a) Except as provided in division (A)(19)(b) of this section, failure to cooperate with an investigation conducted by the occupational therapy section, including failure to comply with a subpoena or orders issued by the section or failure to answer truthfully a question presented by the section at a deposition or in written interrogatories.

(b) Failure to cooperate with an investigation does not constitute grounds for discipline under this section if a court of competent jurisdiction issues an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence at issue.	70108 70109 70110 70111 70112
(20) Conviction of a misdemeanor reasonably related to the practice of occupational therapy, regardless of the state or country in which the conviction occurred;	70113 70114 70115
(21) Inability to practice according to acceptable and prevailing standards of care because of mental or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills;	70116 70117 70118 70119
(22) Violation of conditions, limitations, or agreements placed by the occupational therapy section on a license to practice;	70120 70121 70122
(23) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients in relation to the practice of occupational therapy;	70123 70124 70125
(24) Failure to complete continuing education requirements as prescribed in rules adopted by the occupational therapy section under section 4755.06 of the Revised Code;	70126 70127 70128
(25) Regardless of whether it is consensual, engaging in any of the following with a patient other than the spouse of the occupational therapist or occupational therapy assistant:	70129 70130 70131
(a) Sexual conduct, as defined in section 2907.01 of the Revised Code;	70132 70133
(b) Sexual contact, as defined in section 2907.01 of the Revised Code;	70134 70135
(c) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually	70136 70137

demeaning. 70138

(B) The occupational therapy section shall not refuse to 70139  
issue a license to an applicant because of a criminal conviction 70140  
unless the refusal is in accordance with section 9.79 of the 70141  
Revised Code. 70142

(C) Sanctions shall not be imposed under division (A)(13) of 70143  
this section against any individual who waives deductibles and 70144  
copayments as follows: 70145

(1) In compliance with the health benefit plan that expressly 70146  
allows such a practice. Waiver of the deductibles or copayments 70147  
shall be made only with the full knowledge and consent of the plan 70148  
purchaser, payer, and third-party administrator. Documentation of 70149  
the consent shall be made available to the section upon request. 70150

(2) For professional services rendered to any other person 70151  
licensed pursuant to sections 4755.04 to 4755.13 of the Revised 70152  
Code to the extent allowed by those sections and the rules of the 70153  
occupational therapy section. 70154

(D) Except as provided in division (E) of this section, the 70155  
suspension or revocation of a license under this section is not 70156  
effective until either the order for suspension or revocation has 70157  
been affirmed following an adjudication hearing, or the time for 70158  
requesting a hearing has elapsed. 70159

When a license is revoked under this section, application for 70160  
reinstatement may not be made sooner than one year after the date 70161  
of revocation. The occupational therapy section may accept or 70162  
refuse an application for reinstatement and may require that the 70163  
applicant pass an examination as a condition of reinstatement. 70164

When a license holder is placed on probation under this 70165  
section, the occupational therapy section's probation order shall 70166  
be accompanied by a statement of the conditions under which the 70167  
individual may be removed from probation and restored to 70168

unrestricted practice. 70169

(E) On receipt of a complaint that a person who holds a 70170  
license issued by the occupational therapy section has committed 70171  
any of the prohibited actions listed in division (A) of this 70172  
section, the section may immediately suspend the license prior to 70173  
holding a hearing in accordance with Chapter 119. of the Revised 70174  
Code if it determines, based on the complaint, that the licensee 70175  
poses an immediate threat to the public. The section may review 70176  
the allegations and vote on the suspension by telephone conference 70177  
call. If the section votes to suspend a license under this 70178  
division, the section shall ~~issue~~ serve a written order of summary 70179  
suspension to the licensee in accordance with ~~section~~ sections 70180  
119.05 and 119.07 of the Revised Code. If the individual whose 70181  
license is suspended fails to make a timely request for an 70182  
adjudication under Chapter 119. of the Revised Code, the section 70183  
shall enter a final order permanently revoking the individual's 70184  
license. Notwithstanding section 119.12 of the Revised Code, a 70185  
court of common pleas shall not grant a suspension of the 70186  
section's order of summary suspension pending the determination of 70187  
an appeal filed under that section. Any order of summary 70188  
suspension issued under this division shall remain in effect, 70189  
unless reversed on appeal, until a final adjudication order issued 70190  
by the section pursuant to division (A) of this section becomes 70191  
effective. The section shall issue its final adjudication order 70192  
regarding an order of summary suspension issued under this 70193  
division not later than ninety days after completion of its 70194  
hearing. Failure to issue the order within ninety days shall 70195  
result in immediate dissolution of the suspension order, but shall 70196  
not invalidate any subsequent, final adjudication order. 70197

(F) If any person other than a person who holds a license 70198  
issued under section 4755.08 of the Revised Code has engaged in 70199  
any practice that is prohibited under sections 4755.04 to 4755.13 70200

of the Revised Code or the rules of the occupational therapy 70201  
section, the section may apply to the court of common pleas of the 70202  
county in which the violation occurred, for an injunction or other 70203  
appropriate order restraining this conduct, and the court shall 70204  
issue this order. 70205

**Sec. 4755.411.** The physical therapy section of the Ohio 70206  
occupational therapy, physical therapy, and athletic trainers 70207  
board shall adopt rules in accordance with Chapter 119. of the 70208  
Revised Code pertaining to the following: 70209

(A) Fees for the verification of a license and license 70210  
reinstatement, and other fees established by the section; 70211

(B) Provisions for the section's government and control of 70212  
its actions and business affairs; 70213

(C) Minimum curricula for physical therapy education programs 70214  
that prepare graduates to be licensed in this state as physical 70215  
therapists and physical therapist assistants; 70216

(D) Eligibility criteria to take the examinations required 70217  
under sections 4755.43 and 4755.431 of the Revised Code; 70218

(E) The form and manner for filing applications for licensure 70219  
with the section; 70220

(F) For purposes of section 4755.46 of the Revised Code, all 70221  
of the following: 70222

(1) A schedule regarding when licenses to practice as a 70223  
physical therapist and physical therapist assistant expire during 70224  
a biennium; 70225

(2) An additional fee, not to exceed thirty-five dollars, 70226  
that may be imposed if a licensee files a late application for 70227  
renewal; 70228

(3) The conditions under which the license of a person who 70229

files a late application for renewal will be reinstated.	70230
(G) The issuance, renewal, suspension, and permanent revocation of a license and the conduct of hearings;	70231 70232
(H) Appropriate ethical conduct in the practice of physical therapy;	70233 70234
(I) Requirements, including continuing education requirements, for restoring licenses that are inactive or have lapsed through failure to renew;	70235 70236 70237
(J) Conditions that may be imposed for reinstatement of a license following suspension pursuant to section 4755.47 of the Revised Code;	70238 70239 70240
(K) For purposes of sections 4755.45 and 4755.451 of the Revised Code, both of the following:	70241 70242
(1) Identification of the credentialing organizations from which the section will accept <u>education</u> equivalency evaluations for foreign physical therapist education and foreign physical therapist assistant education. The physical therapy section shall identify only those credentialing organizations that use a course evaluation tool or form approved by the physical therapy section.	70243 70244 70245 70246 70247 70248
(2) Evidence, other than the evaluations described in division (K)(1) of this section, that the section will consider for purposes of evaluating whether an applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state as a physical therapist or physical therapist assistant on the date of <u>either of the following</u> :	70249 70250 70251 70252 70253 70254 70255
(a) <u>The applicant's initial licensure or registration in another state or country;</u>	70256 70257
(b) <u>The applicant's completion of a physical therapist education program or physical therapist assistant education</u>	70258 70259

program if the country in which the education program was 70260  
completed does not issue a physical therapist or physical 70261  
therapist assistant license or registration. 70262

(L) Standards of conduct for physical therapists and physical 70263  
therapist assistants, including requirements for supervision, 70264  
delegation, and practicing with or without referral or 70265  
prescription; 70266

(M) Appropriate display of a license; 70267

(N) Procedures for a licensee to follow in notifying the 70268  
section within thirty days of a change in name or address, or 70269  
both; 70270

(O) The amount and content of corrective action courses 70271  
required by the board under section 4755.47 of the Revised Code. 70272

**Sec. 4755.45.** (A) The physical therapy section of the Ohio 70273  
occupational therapy, physical therapy, and athletic trainers 70274  
board shall issue to an applicant a license to practice as a 70275  
physical therapist without requiring the applicant to have passed 70276  
the national examination for physical therapists described in 70277  
division (A) of section 4755.43 of the Revised Code within one 70278  
year of filing an application described in section 4755.42 of the 70279  
Revised Code if all of the following conditions are ~~true~~ met: 70280

(1) The applicant presents evidence satisfactory to the 70281  
physical therapy section that the applicant received a score on 70282  
the national physical therapy examination described in division 70283  
(A) of section 4755.43 of the Revised Code that would have been a 70284  
passing score according to the board in the year the applicant sat 70285  
for the examination; 70286

(2) The applicant presents evidence satisfactory to the 70287  
physical therapy section that the applicant passed the 70288  
jurisprudence examination described in division (B) of section 70289

4755.43 of the Revised Code; 70290

(3) The applicant ~~holds~~ either: 70291

(a) Holds a current and valid license or registration to 70292  
practice physical therapy in another state or country; 70293

(b) Completed a physical therapist education program in a 70294  
country that does not issue a physical therapist license or 70295  
registration. 70296

(4) Subject to division (B) of this section, the applicant 70297  
can demonstrate that the applicant's education is reasonably 70298  
equivalent to the educational requirements that were in force for 70299  
licensure in this state on the date of either of the following: 70300

(a) The applicant's initial licensure or registration in the 70301  
other state or country; 70302

(b) The applicant's completion of a physical therapist 70303  
education program if the country in which the education program 70304  
was completed does not issue a physical therapist license or 70305  
registration. 70306

(5) The applicant pays the fee described in division (B) of 70307  
section 4755.42 of the Revised Code; 70308

(6) The applicant is not in violation of any section of this 70309  
chapter or rule adopted under it. 70310

(B) ~~For purposes of division (A)(4) of this section, if~~ If, 70311  
after receiving the results of an education equivalency evaluation 70312  
from a credentialing organization identified by the section 70313  
pursuant to rules adopted under section 4755.411 of the Revised 70314  
Code, the section determines that, regardless of the results of 70315  
the evaluation, the applicant's education ~~is~~ does not ~~reasonably~~ 70316  
~~equivalent to the educational requirements that were in force for~~ 70317  
~~licensure in this state on the date of the applicant's initial~~ 70318  
~~licensure or registration in another state or foreign country~~ meet 70319

the conditions of division (A)(4) of this section, the section 70320  
shall send a written notice to the applicant stating that the 70321  
section is denying the applicant's application and stating the 70322  
specific reason why the section is denying the applicant's 70323  
application. The section shall send the notice to the applicant 70324  
through certified mail within thirty days after the section makes 70325  
that determination. 70326

**Sec. 4755.451.** (A) The physical therapy section of the Ohio 70327  
occupational therapy, physical therapy, and athletic trainers 70328  
board shall issue to an applicant a license as a physical 70329  
therapist assistant without requiring the applicant to have passed 70330  
the national examination for physical therapist assistants 70331  
described in division (A) of section 4755.431 of the Revised Code 70332  
within one year of filing an application described in section 70333  
4755.421 of the Revised Code if all of the following conditions 70334  
are ~~true~~ met: 70335

(1) The applicant presents evidence satisfactory to the 70336  
physical therapy section that the applicant received a score on 70337  
the national physical therapy examination described in division 70338  
(A) of section 4755.431 of the Revised Code that would have been a 70339  
passing score according to the board in the year the applicant sat 70340  
for the examination; 70341

(2) The applicant presents evidence satisfactory to the 70342  
physical therapy section that the applicant passed the 70343  
jurisprudence examination described in division (B) of section 70344  
4755.431 of the Revised Code; 70345

(3) The applicant ~~holds~~ either: 70346

(a) Holds a current and valid license or registration to 70347  
practice as a physical therapist assistant in another state or 70348  
country; 70349

(b) Completed a physical therapist assistant education program in a country that does not issue a physical therapist assistant license or registration. 70350  
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(4) Subject to division (B) of this section, the applicant can demonstrate that the applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of either of the following: 70353  
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(a) The applicant's initial licensure or registration in the other state or country; 70357  
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(b) The applicant's completion of a physical therapist assistant education program if the country in which the education program was completed does not issue a physical therapist assistant license or registration. 70359  
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(5) The applicant pays the fee described in division (B) of section 4755.421 of the Revised Code; 70363  
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(6) The applicant is not in violation of any section of this chapter or rule adopted under it. 70365  
70366

(B) ~~For purposes of division (A)(4) of this section, if~~ If, 70367  
after receiving the results of an education equivalency evaluation 70368  
from a credentialing organization identified by the section 70369  
pursuant to rules adopted under section 4755.411 of the Revised 70370  
Code, the section determines that, regardless of the results of 70371  
the evaluation, the applicant's education ~~is~~ does not ~~reasonably~~ 70372  
~~equivalent to the educational requirements that were in force for~~ 70373  
~~licensure in this state on the date of the applicant's initial~~ 70374  
~~licensure or registration in another state or foreign country~~ meet 70375  
the conditions of division (A)(4) of this section, the section 70376  
shall send a written notice to the applicant stating that the 70377  
section is denying the applicant's application and stating the 70378  
specific reason why the section is denying the applicant's 70379  
application. The section shall send the notice to the applicant 70380

through certified mail within thirty days after the section makes 70381  
the determination. 70382

**Sec. 4755.47.** (A) In accordance with Chapter 119. of the 70383  
Revised Code, the physical therapy section of the Ohio 70384  
occupational therapy, physical therapy, and athletic trainers 70385  
board may, except as provided in division (B) of this section, 70386  
refuse to grant a license to an applicant for an initial or 70387  
renewed license as a physical therapist or physical therapist 70388  
assistant or, by an affirmative vote of not less than five 70389  
members, may limit, suspend, or revoke the license of a physical 70390  
therapist or physical therapist assistant or reprimand, fine, 70391  
place a license holder on probation, or require the license holder 70392  
to take corrective action courses, on any of the following 70393  
grounds: 70394

(1) Habitual indulgence in the use of controlled substances, 70395  
other habit-forming drugs, or alcohol to an extent that affects 70396  
the individual's professional competency; 70397

(2) Conviction of a felony or a crime involving moral 70398  
turpitude, regardless of the state or country in which the 70399  
conviction occurred; 70400

(3) Obtaining or attempting to obtain a license issued by the 70401  
physical therapy section by fraud or deception, including the 70402  
making of a false, fraudulent, deceptive, or misleading statement; 70403

(4) An adjudication by a court, as provided in section 70404  
5122.301 of the Revised Code, that the applicant or licensee is 70405  
incompetent for the purpose of holding the license and has not 70406  
thereafter been restored to legal capacity for that purpose; 70407

(5) Subject to section 4755.471 of the Revised Code, 70408  
violation of the code of ethics adopted by the physical therapy 70409  
section; 70410

- (6) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate sections 4755.40 to 4755.56 of the Revised Code or any order issued or rule adopted under those sections;
- (7) Failure of one or both of the examinations required under section 4755.43 or 4755.431 of the Revised Code;
- (8) Permitting the use of one's name or license by a person, group, or corporation when the one permitting the use is not directing the treatment given;
- (9) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including physical therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;
- (10) Failure to maintain minimal standards of practice in the administration or handling of drugs, as defined in section 4729.01 of the Revised Code, or failure to employ acceptable scientific methods in the selection of drugs, as defined in section 4729.01 of the Revised Code, or other modalities for treatment;
- (11) Willful betrayal of a professional confidence;
- (12) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients in relation to the practice of physical therapy;
- (13) A departure from, or the failure to conform to, minimal standards of care required of licensees when under the same or similar circumstances, whether or not actual injury to a patient is established;
- (14) Obtaining, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;
- (15) Violation of the conditions of limitation or agreements placed by the physical therapy section on a license to practice;

(16) Failure to renew a license in accordance with section 4755.46 of the Revised Code;	70441 70442
(17) Except as provided in section 4755.471 of the Revised Code, engaging in the division of fees for referral of patients or receiving anything of value in return for a specific referral of a patient to utilize a particular service or business;	70443 70444 70445 70446
(18) Inability to practice according to acceptable and prevailing standards of care because of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills;	70447 70448 70449 70450
(19) The revocation, suspension, restriction, or termination of clinical privileges by the United States department of defense or department of veterans affairs;	70451 70452 70453
(20) Termination or suspension from participation in the medicare or medicaid program established under Title XVIII and Title XIX, respectively, of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, for an act or acts that constitute a violation of sections 4755.40 to 4755.56 of the Revised Code;	70454 70455 70456 70457 70458 70459
(21) Failure of a physical therapist to maintain supervision of a student, physical therapist assistant, unlicensed support personnel, other assistant personnel, or a license applicant in accordance with the requirements of sections 4755.40 to 4755.56 of the Revised Code and rules adopted under those sections;	70460 70461 70462 70463 70464
(22) Failure to complete continuing education requirements as prescribed in section 4755.51 or 4755.511 of the Revised Code or to satisfy any rules applicable to continuing education requirements that are adopted by the physical therapy section;	70465 70466 70467 70468
(23) Conviction of a misdemeanor when the act that constitutes the misdemeanor occurs during the practice of physical therapy;	70469 70470 70471

(24)(a) Except as provided in division (A)(24)(b) of this section, failure to cooperate with an investigation conducted by the physical therapy section, including failure to comply with a subpoena or orders issued by the section or failure to answer truthfully a question presented by the section at a deposition or in written interrogatories.

(b) Failure to cooperate with an investigation does not constitute grounds for discipline under this section if a court of competent jurisdiction issues an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence at issue.

(25) Regardless of whether it is consensual, engaging in any of the following with a patient other than the spouse of the physical therapist or physical therapist assistant:

(a) Sexual conduct, as defined in section 2907.01 of the Revised Code;

(b) Sexual contact, as defined in section 2907.01 of the Revised Code;

(c) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.

(26) Failure to notify the physical therapy section of a change in name, business address, or home address within thirty days after the date of change;

(27) Except as provided in division (C) of this section:

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers physical therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health

care services from that provider; 70502

(b) Advertising that the individual will waive the payment of 70503  
all or any part of a deductible or copayment that a patient, 70504  
pursuant to a health insurance or health care policy, contract, or 70505  
plan that covers physical therapy, would otherwise be required to 70506  
pay. 70507

(28) Violation of any section of this chapter or rule adopted 70508  
under it. 70509

(B) The physical therapy section shall not refuse to issue a 70510  
license to an applicant because of a criminal conviction unless 70511  
the refusal is in accordance with section 9.79 of the Revised 70512  
Code. 70513

(C) Sanctions shall not be imposed under division (A)(27) of 70514  
this section against any individual who waives deductibles and 70515  
copayments as follows: 70516

(1) In compliance with the health benefit plan that expressly 70517  
allows such a practice. Waiver of the deductibles or copayments 70518  
shall be made only with the full knowledge and consent of the plan 70519  
purchaser, payer, and third-party administrator. Documentation of 70520  
the consent shall be made available to the physical therapy 70521  
section upon request. 70522

(2) For professional services rendered to any other person 70523  
licensed pursuant to sections 4755.40 to 4755.56 of the Revised 70524  
Code to the extent allowed by those sections and the rules of the 70525  
physical therapy section. 70526

(D) When a license is revoked under this section, application 70527  
for reinstatement may not be made sooner than one year after the 70528  
date of revocation. The physical therapy section may accept or 70529  
refuse an application for reinstatement and may require that the 70530  
applicant pass an examination as a condition for reinstatement. 70531

When a license holder is placed on probation under this 70532  
section, the physical therapy section's order for placement on 70533  
probation shall be accompanied by a statement of the conditions 70534  
under which the individual may be removed from probation and 70535  
restored to unrestricted practice. 70536

(E) When an application for an initial or renewed license is 70537  
refused under this section, the physical therapy section shall 70538  
notify the applicant in writing of the section's decision to 70539  
refuse issuance of a license and the reason for its decision. 70540

(F) On receipt of a complaint that a person licensed by the 70541  
physical therapy section has committed any of the actions listed 70542  
in division (A) of this section, the physical therapy section may 70543  
immediately suspend the license of the physical therapist or 70544  
physical therapist assistant prior to holding a hearing in 70545  
accordance with Chapter 119. of the Revised Code if it determines, 70546  
based on the complaint, that the person poses an immediate threat 70547  
to the public. The physical therapy section may review the 70548  
allegations and vote on the suspension by telephone conference 70549  
call. If the physical therapy section votes to suspend a license 70550  
under this division, the physical therapy section shall ~~issue~~ 70551  
serve a written order of summary suspension to the person in 70552  
accordance with ~~section~~ sections 119.05 and 119.07 of the Revised 70553  
Code. If the person fails to make a timely request for an 70554  
adjudication under Chapter 119. of the Revised Code, the physical 70555  
therapy section shall enter a final order permanently revoking the 70556  
person's license. Notwithstanding section 119.12 of the Revised 70557  
Code, a court of common pleas shall not grant a suspension of the 70558  
physical therapy section's order of summary suspension pending the 70559  
determination of an appeal filed under that section. Any order of 70560  
summary suspension issued under this division shall remain in 70561  
effect, unless reversed on appeal, until a final adjudication 70562  
order issued by the physical therapy section pursuant to division 70563

(A) of this section becomes effective. The physical therapy 70564  
section shall issue its final adjudication order regarding an 70565  
order of summary suspension issued under this division not later 70566  
than ninety days after completion of its hearing. Failure to issue 70567  
the order within ninety days shall result in immediate dissolution 70568  
of the suspension order, but shall not invalidate any subsequent, 70569  
final adjudication order. 70570

**Sec. 4755.482.** (A) Except as otherwise provided in divisions 70571  
(B) and (C) of this section, a person shall not teach a physical 70572  
therapy theory and procedures course in physical therapy education 70573  
without obtaining a license as a physical therapist from the 70574  
physical therapy section of the Ohio occupational therapy, 70575  
physical therapy, and athletic trainers board. 70576

(B) A person who is registered or licensed as a physical 70577  
therapist under the laws of another state shall not teach a 70578  
physical therapy theory and procedures course in physical therapy 70579  
education for more than one year without obtaining a license as a 70580  
physical therapist from the physical therapy section. 70581

(C) A person who is registered or licensed as a physical 70582  
therapist under the laws of a foreign country and is not 70583  
registered or licensed as a physical therapist in any state who 70584  
wishes to teach a physical therapy theory and procedures course in 70585  
physical therapy education in this state, or an institution that 70586  
wishes the person to teach such a course at the institution, may 70587  
apply to the physical therapy section to request authorization for 70588  
the person to teach such a course for a period of not more than 70589  
one year. Any member of the physical therapy section may approve 70590  
the person's or institution's application. No person described in 70591  
this division shall teach such a course for longer than one year 70592  
without obtaining a license from the physical therapy section. 70593

(D) The physical therapy section may investigate any person 70594

who allegedly has violated this section. The physical therapy 70595  
section has the same powers to investigate an alleged violation of 70596  
this section as those powers specified in section 4755.02 of the 70597  
Revised Code. If, after investigation, the physical therapy 70598  
section determines that reasonable evidence exists that a person 70599  
has violated this section, within seven days after that 70600  
determination, the physical therapy section shall ~~send~~ serve a 70601  
written notice to that person in the same manner as prescribed in 70602  
~~section~~ sections 119.05 and 119.07 of the Revised Code for 70603  
licensees, except that the notice shall specify that a hearing 70604  
will be held and specify the date, time, and place of the hearing. 70605

The physical therapy section shall hold a hearing regarding 70606  
the alleged violation in the same manner prescribed for an 70607  
adjudication hearing under section 119.09 of the Revised Code. If 70608  
the physical therapy section, after the hearing, determines a 70609  
violation has occurred, the physical therapy section may 70610  
discipline the person in the same manner as the physical therapy 70611  
section disciplines licensees under section 4755.47 of the Revised 70612  
Code. The physical therapy section's determination is an order 70613  
that the person may appeal in accordance with section 119.12 of 70614  
the Revised Code. 70615

If a person who allegedly committed a violation of this 70616  
section fails to appear for a hearing, the physical therapy 70617  
section may request the court of common pleas of the county where 70618  
the alleged violation occurred to compel the person to appear 70619  
before the physical therapy section for a hearing. If the physical 70620  
therapy section assesses a person a civil penalty for a violation 70621  
of this section and the person fails to pay that civil penalty 70622  
within the time period prescribed by the physical therapy section, 70623  
the physical therapy section shall forward to the attorney general 70624  
the name of the person and the amount of the civil penalty for the 70625  
purpose of collecting that civil penalty. In addition to the civil 70626

penalty assessed pursuant to this section, the person also shall 70627  
pay any fee assessed by the attorney general for collection of the 70628  
civil penalty. 70629

**Sec. 4755.64.** (A) In accordance with Chapter 119. of the 70630  
Revised Code, the athletic trainers section of the Ohio 70631  
occupational therapy, physical therapy, and athletic trainers 70632  
board may suspend, revoke, or, except as provided in division (B) 70633  
of this section, refuse to issue or renew an athletic trainers 70634  
license, or reprimand, fine, or place a licensee on probation, for 70635  
any of the following: 70636

(1) Conviction of a felony or offense involving moral 70637  
turpitude, regardless of the state or country in which the 70638  
conviction occurred; 70639

(2) Violation of sections 4755.61 to 4755.65 of the Revised 70640  
Code or any order issued or rule adopted thereunder; 70641

(3) Obtaining a license through fraud, false or misleading 70642  
representation, or concealment of material facts; 70643

(4) Negligence or gross misconduct in the practice of 70644  
athletic training; 70645

(5) Violating the standards of ethical conduct in the 70646  
practice of athletic training as adopted by the athletic trainers 70647  
section under section 4755.61 of the Revised Code; 70648

(6) Using any controlled substance or alcohol to the extent 70649  
that the ability to practice athletic training at a level of 70650  
competency is impaired; 70651

(7) Practicing in an area of athletic training for which the 70652  
individual is untrained or incompetent, or practicing without the 70653  
referral of a practitioner described in division (A) of section 70654  
4755.623 of the Revised Code; 70655

(8) Employing, directing, or supervising a person in the 70656

performance of athletic training procedures who is not authorized 70657  
to practice as a licensed athletic trainer under this chapter; 70658

(9) Misrepresenting educational attainments or the functions 70659  
the individual is authorized to perform for the purpose of 70660  
obtaining some benefit related to the individual's athletic 70661  
training practice; 70662

(10) Failing the licensing examination; 70663

(11) Aiding or abetting the unlicensed practice of athletic 70664  
training; 70665

(12) Denial, revocation, suspension, or restriction of 70666  
authority to practice a health care occupation, including athletic 70667  
training, for any reason other than a failure to renew, in Ohio or 70668  
another state or jurisdiction; 70669

(13) Regardless of whether it is consensual, engaging in any 70670  
of the following with a patient other than the spouse of the 70671  
athletic trainer: 70672

(a) Sexual conduct, as defined in section 2907.01 of the 70673  
Revised Code; 70674

(b) Sexual contact, as defined in section 2907.01 of the 70675  
Revised Code; 70676

(c) Verbal behavior that is sexually demeaning to the patient 70677  
or may be reasonably interpreted by the patient as sexually 70678  
demeaning; 70679

(14) In the case of an athletic trainer who has entered into 70680  
a collaboration agreement as described in section 4755.621 of the 70681  
Revised Code, failing to practice in accordance with the 70682  
agreement. 70683

(B) The athletic trainers section shall not refuse to issue a 70684  
license to an applicant because of a criminal conviction unless 70685  
the refusal is in accordance with section 9.79 of the Revised 70686

Code. 70687

(C) If the athletic trainers section places a licensee on 70688  
probation under division (A) of this section, the section's order 70689  
for placement on probation shall be accompanied by a written 70690  
statement of the conditions under which the person may be removed 70691  
from probation and restored to unrestricted practice. 70692

(D) A licensee whose license has been revoked under division 70693  
(A) of this section may apply to the athletic trainers section for 70694  
reinstatement of the license one year following the date of 70695  
revocation. The athletic trainers section may accept or deny the 70696  
application for reinstatement and may require that the applicant 70697  
pass an examination as a condition for reinstatement. 70698

(E) On receipt of a complaint that a person licensed by the 70699  
athletic trainers section has committed any of the prohibited 70700  
actions listed in division (A) of this section, the section may 70701  
immediately suspend the license of a licensed athletic trainer 70702  
prior to holding a hearing in accordance with Chapter 119. of the 70703  
Revised Code if it determines, based on the complaint, that the 70704  
licensee poses an immediate threat to the public. The section may 70705  
review the allegations and vote on the suspension by telephone 70706  
conference call. If the section votes to suspend a license under 70707  
this division, the section shall ~~issue~~ serve a written order of 70708  
summary suspension to the licensed athletic trainer in accordance 70709  
with ~~section~~ sections 119.05 and 119.07 of the Revised Code. If 70710  
the individual whose license is suspended fails to make a timely 70711  
request for an adjudication under Chapter 119. of the Revised 70712  
Code, the section shall enter a final order permanently revoking 70713  
the individual's license. Notwithstanding section 119.12 of the 70714  
Revised Code, a court of common pleas shall not grant a suspension 70715  
of the section's order of summary suspension pending the 70716  
determination of an appeal filed under that section. Any order of 70717  
summary suspension issued under this division shall remain in 70718

effect, unless reversed on appeal, until a final adjudication 70719  
order issued by the section pursuant to division (A) of this 70720  
section becomes effective. The section shall issue its final 70721  
adjudication order regarding an order of summary suspension issued 70722  
under this division not later than ninety days after completion of 70723  
its hearing. Failure to issue the order within ninety days shall 70724  
result in immediate dissolution of the suspension order, but shall 70725  
not invalidate any subsequent, final adjudication order. 70726

**Sec. 4757.03.** (A) There is hereby created the counselor, 70727  
social worker, and marriage and family therapist board, consisting 70728  
of fifteen members. The governor shall appoint the members with 70729  
the advice and consent of the senate. 70730

(1) Four members shall be individuals licensed under this 70731  
chapter as licensed professional clinical counselors or licensed 70732  
professional counselors. At all times, the counselor membership 70733  
shall include at least one individual who has received a doctoral 70734  
degree in counseling from an accredited educational institution 70735  
recognized by the board and holds a graduate level teaching 70736  
position in a counselor education program. 70737

(2) Four members shall be individuals licensed under this 70738  
chapter as independent marriage and family therapists or marriage 70739  
and family therapists. At all times, the marriage and family 70740  
therapist membership shall include one educator who holds a 70741  
teaching position in a master's degree marriage and family therapy 70742  
program at an accredited educational institution recognized by the 70743  
board. 70744

(3) ~~Two~~ Four members shall be individuals licensed under this 70745  
chapter as independent social workers. ~~Two members~~ or social 70746  
workers, provided that at least one member, at the time the member 70747  
is appointed to the board, shall be individuals licensed under 70748  
this chapter as a social workers, ~~at least one of whom must hold a~~ 70749

~~bachelor's or master's degree in social work from an accredited educational institution recognized by the board worker.~~ At all times, ~~the social worker membership~~ at least one of the members appointed under this division shall include ~~one~~ an educator who holds a teaching position in a baccalaureate or master's degree social work program at an accredited educational institution recognized by the board.

(4) Three members shall be representatives of the general public who have not practiced professional counseling, marriage and family therapy, or social work and have not been involved in the delivery of professional counseling, marriage and family therapy, or social work services. At least one of the members representing the general public shall be at least sixty years of age. During their terms the public members shall not practice professional counseling, marriage and family therapy, or social work or be involved in the delivery of professional counseling, marriage and family therapy, or social work services.

(B) Both of the following apply to each member specified in divisions (A)(1), (2), and (3) of this section:

(1) During the five years preceding appointment to the board, the member shall have actively engaged in the practice of the member's profession. A member holding a teaching position shall have actively engaged in the practice of the member's profession by conducting research in the member's profession or by educating and training master's, doctoral, or postdoctoral students in the member's profession, as applicable.

(2) During the two years immediately preceding appointment, the member shall have devoted the majority of their professional time to the activity described in division (B)(1) of this section while residing in this state.

(C) At least three members, one from each of the board's

professional standards committees, during the five years preceding 70781  
appointment, shall have practiced at a public agency or at an 70782  
organization that is certified or licensed by the department of 70783  
developmental disabilities, the department of alcohol and drug 70784  
addiction services, the department of job and family services, or 70785  
the department of mental health. 70786

(D) Not more than eight members of the board may be members 70787  
of the same political party ~~or sex~~. 70788

(E) At least one member of the board shall be of African, 70789  
Native American, Hispanic, or Asian descent. 70790

(F) Terms of office shall be three years, each term ending on 70791  
the same day of the same month of the year as did the term that it 70792  
succeeds. As a result of the dates of initial appointment, the 70793  
number of terms expiring each year are four, five, or six. 70794

(G) A member shall hold office from the date of appointment 70795  
until the end of the term for which the member was appointed. A 70796  
member appointed to fill a vacancy occurring prior to the 70797  
expiration of the term for which the member's predecessor was 70798  
appointed shall hold office for the remainder of that term. A 70799  
member shall continue in office after the expiration date of the 70800  
member's term until a successor takes office. Members may be 70801  
reappointed, except that if a person has held office for two 70802  
consecutive full terms, the person shall not be reappointed to the 70803  
board sooner than one year after the expiration of the second full 70804  
term as a member of the board. 70805

**Sec. 4757.361.** (A) As used in this section, with regard to 70806  
offenses committed in Ohio, "aggravated murder," "murder," 70807  
"voluntary manslaughter," "felonious assault," "kidnapping," 70808  
"rape," "sexual battery," "gross sexual imposition," "aggravated 70809  
arson," "aggravated robbery," and "aggravated burglary" mean such 70810  
offenses as defined in Title XXIX of the Revised Code; with regard 70811

to offenses committed in other jurisdictions, the terms mean 70812  
offenses comparable to offenses defined in Title XXIX of the 70813  
Revised Code. 70814

(B) When there is clear and convincing evidence that 70815  
continued practice by an individual licensed under this chapter 70816  
presents a danger of immediate and serious harm to the public, as 70817  
determined on consideration of the evidence by the professional 70818  
standards committees of the counselor, social worker, and marriage 70819  
and family therapist board, the appropriate committee shall impose 70820  
on the individual a summary suspension without a hearing. 70821

Immediately following the decision to impose a summary 70822  
suspension, the appropriate committee shall ~~issue~~ serve a written 70823  
order of suspension ~~and cause it to be delivered by certified mail~~ 70824  
~~or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 70825  
of the Revised Code. The order shall not be subject to suspension 70826  
by the court during the pendency of any appeal filed under section 70827  
119.12 of the Revised Code. If the individual subject to the 70828  
suspension requests an adjudication, the date set for the 70829  
adjudication shall be within fifteen days but not earlier than 70830  
seven days after the individual makes the request, unless another 70831  
date is agreed to by both the individual and the committee 70832  
imposing the suspension. The summary suspension shall remain in 70833  
effect, unless reversed by the committee, until a final 70834  
adjudication order issued by the committee pursuant to this 70835  
section and Chapter 119. of the Revised Code becomes effective. 70836

The committee shall issue its final adjudication order within 70837  
ninety days after completion of the adjudication. If the committee 70838  
does not issue a final order within the ninety-day period, the 70839  
summary suspension shall be void, but any final adjudication order 70840  
issued subsequent to the ninety-day period shall not be affected. 70841

(C) The license issued to an individual under this chapter is 70842

automatically suspended on that individual's conviction of, plea 70843  
of guilty to, or judicial finding with regard to any of the 70844  
following: aggravated murder, murder, voluntary manslaughter, 70845  
felonious assault, kidnapping, rape, sexual battery, gross sexual 70846  
imposition, aggravated arson, aggravated robbery, or aggravated 70847  
burglary. The suspension shall remain in effect from the date of 70848  
the conviction, plea, or finding until an adjudication is held 70849  
under Chapter 119. of the Revised Code. If the appropriate 70850  
committee has knowledge that an automatic suspension has occurred, 70851  
it shall notify the individual subject to the suspension. If the 70852  
individual is notified and either fails to request an adjudication 70853  
within the time periods established by Chapter 119. of the Revised 70854  
Code or fails to participate in the adjudication, the committee 70855  
shall enter a final order permanently revoking the person's 70856  
license or certificate. 70857

**Sec. 4759.07.** (A) The state medical board, by an affirmative 70858  
vote of not fewer than six members, shall, except as provided in 70859  
division (B) of this section, and to the extent permitted by law, 70860  
limit, revoke, or suspend an individual's license or limited 70861  
permit, refuse to issue a license or limited permit to an 70862  
individual, refuse to renew a license or limited permit, refuse to 70863  
reinstate a license or limited permit, or reprimand or place on 70864  
probation the holder of a license or limited permit for one or 70865  
more of the following reasons: 70866

(1) Except when civil penalties are imposed under section 70867  
4759.071 of the Revised Code, violating or attempting to violate, 70868  
directly or indirectly, or assisting in or abetting the violation 70869  
of, or conspiring to violate, any provision of this chapter or the 70870  
rules adopted by the board; 70871

(2) Making a false, fraudulent, deceptive, or misleading 70872  
statement in the solicitation of or advertising for patients; in 70873

relation to the practice of dietetics; or in securing or 70874  
attempting to secure any license or permit issued by the board 70875  
under this chapter. 70876

As used in division (A)(2) of this section, "false, 70877  
fraudulent, deceptive, or misleading statement" means a statement 70878  
that includes a misrepresentation of fact, is likely to mislead or 70879  
deceive because of a failure to disclose material facts, is 70880  
intended or is likely to create false or unjustified expectations 70881  
of favorable results, or includes representations or implications 70882  
that in reasonable probability will cause an ordinarily prudent 70883  
person to misunderstand or be deceived. 70884

(3) Committing fraud during the administration of the 70885  
examination for a license to practice or committing fraud, 70886  
misrepresentation, or deception in applying for, renewing, or 70887  
securing any license or permit issued by the board; 70888

(4) A plea of guilty to, a judicial finding of guilt of, or a 70889  
judicial finding of eligibility for intervention in lieu of 70890  
conviction for, a felony; 70891

(5) Commission of an act that constitutes a felony in this 70892  
state, regardless of the jurisdiction in which the act was 70893  
committed; 70894

(6) A plea of guilty to, a judicial finding of guilt of, or a 70895  
judicial finding of eligibility for intervention in lieu of 70896  
conviction for, a misdemeanor committed in the course of practice; 70897

(7) Commission of an act in the course of practice that 70898  
constitutes a misdemeanor in this state, regardless of the 70899  
jurisdiction in which the act was committed; 70900

(8) A plea of guilty to, a judicial finding of guilt of, or a 70901  
judicial finding of eligibility for intervention in lieu of 70902  
conviction for, a misdemeanor involving moral turpitude; 70903

- (9) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 70904  
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- (10) A record of engaging in incompetent or negligent conduct in the practice of dietetics; 70907  
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- (11) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established; 70909  
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- (12) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 70913  
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- (13) Violation of the conditions of limitation placed by the board on a license or permit; 70916  
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- (14) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, physical deterioration that adversely affects cognitive, motor, or perceptive skills; 70918  
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- (15) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand; 70922  
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- (16) The revocation, suspension, restriction, reduction, or termination of practice privileges by the United States department of defense or department of veterans affairs; 70931  
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(17) Termination or suspension from participation in the 70934  
medicare or medicaid programs by the department of health and 70935  
human services or other responsible agency for any act or acts 70936  
that also would constitute a violation of division (A)(11), (12), 70937  
or (14) of this section; 70938

(18) Impairment of ability to practice according to 70939  
acceptable and prevailing standards of care because of habitual or 70940  
excessive use or abuse of drugs, alcohol, or other substances that 70941  
impair ability to practice; 70942

(19) Failure to cooperate in an investigation conducted by 70943  
the board under division (B) of section 4759.05 of the Revised 70944  
Code, including failure to comply with a subpoena or order issued 70945  
by the board or failure to answer truthfully a question presented 70946  
by the board in an investigative interview, an investigative 70947  
office conference, at a deposition, or in written interrogatories, 70948  
except that failure to cooperate with an investigation shall not 70949  
constitute grounds for discipline under this section if a court of 70950  
competent jurisdiction has issued an order that either quashes a 70951  
subpoena or permits the individual to withhold the testimony or 70952  
evidence in issue; 70953

(20) Representing with the purpose of obtaining compensation 70954  
or other advantage as personal gain or for any other person, that 70955  
an incurable disease or injury, or other incurable condition, can 70956  
be permanently cured. 70957

(B) The board shall not refuse to issue a license or limited 70958  
permit to an applicant because of a plea of guilty to, a judicial 70959  
finding of guilt of, or a judicial finding of eligibility for 70960  
intervention in lieu of conviction for an offense unless the 70961  
refusal is in accordance with section 9.79 of the Revised Code. 70962

(C) Any action taken by the board under division (A) of this 70963  
section resulting in a suspension from practice shall be 70964

accompanied by a written statement of the conditions under which 70965  
the individual's license or permit may be reinstated. The board 70966  
shall adopt rules governing conditions to be imposed for 70967  
reinstatement. Reinstatement of a license or permit suspended 70968  
pursuant to division (A) of this section requires an affirmative 70969  
vote of not fewer than six members of the board. 70970

(D) When the board refuses to grant or issue a license or 70971  
permit to an applicant, revokes an individual's license or permit, 70972  
refuses to renew an individual's license or permit, or refuses to 70973  
reinstate an individual's license or permit, the board may specify 70974  
that its action is permanent. An individual subject to a permanent 70975  
action taken by the board is forever thereafter ineligible to hold 70976  
a license or permit and the board shall not accept an application 70977  
for reinstatement of the license or permit or for issuance of a 70978  
new license or permit. 70979

(E) Disciplinary actions taken by the board under division 70980  
(A) of this section shall be taken pursuant to an adjudication 70981  
under Chapter 119. of the Revised Code, except that in lieu of an 70982  
adjudication, the board may enter into a consent agreement with an 70983  
individual to resolve an allegation of a violation of this chapter 70984  
or any rule adopted under it. A consent agreement, when ratified 70985  
by an affirmative vote of not fewer than six members of the board, 70986  
shall constitute the findings and order of the board with respect 70987  
to the matter addressed in the agreement. If the board refuses to 70988  
ratify a consent agreement, the admissions and findings contained 70989  
in the consent agreement shall be of no force or effect. 70990

A telephone conference call may be utilized for ratification 70991  
of a consent agreement that revokes or suspends an individual's 70992  
license or permit. The telephone conference call shall be 70993  
considered a special meeting under division (F) of section 121.22 70994  
of the Revised Code. 70995

(F) In enforcing division (A)(14) of this section, the board, 70996

upon a showing of a possible violation, may compel any individual 70997  
authorized to practice by this chapter or who has submitted an 70998  
application pursuant to this chapter to submit to a mental 70999  
examination, physical examination, including an HIV test, or both 71000  
a mental and a physical examination. The expense of the 71001  
examination is the responsibility of the individual compelled to 71002  
be examined. Failure to submit to a mental or physical examination 71003  
or consent to an HIV test ordered by the board constitutes an 71004  
admission of the allegations against the individual unless the 71005  
failure is due to circumstances beyond the individual's control, 71006  
and a default and final order may be entered without the taking of 71007  
testimony or presentation of evidence. If the board finds an 71008  
individual unable to practice because of the reasons set forth in 71009  
division (A)(14) of this section, the board shall require the 71010  
individual to submit to care, counseling, or treatment by 71011  
physicians approved or designated by the board, as a condition for 71012  
initial, continued, reinstated, or renewed authority to practice. 71013  
An individual affected under this division shall be afforded an 71014  
opportunity to demonstrate to the board the ability to resume 71015  
practice in compliance with acceptable and prevailing standards 71016  
under the provisions of the individual's license or permit. For 71017  
the purpose of division (A)(14) of this section, any individual 71018  
who applies for or receives a license or permit under this chapter 71019  
accepts the privilege of practicing in this state and, by so 71020  
doing, shall be deemed to have given consent to submit to a mental 71021  
or physical examination when directed to do so in writing by the 71022  
board, and to have waived all objections to the admissibility of 71023  
testimony or examination reports that constitute a privileged 71024  
communication. 71025

(G) For the purposes of division (A)(18) of this section, any 71026  
individual authorized to practice by this chapter accepts the 71027  
privilege of practicing in this state subject to supervision by 71028  
the board. By filing an application for or holding a license or 71029

permit under this chapter, an individual shall be deemed to have 71030  
given consent to submit to a mental or physical examination when 71031  
ordered to do so by the board in writing, and to have waived all 71032  
objections to the admissibility of testimony or examination 71033  
reports that constitute privileged communications. 71034

If it has reason to believe that any individual authorized to 71035  
practice by this chapter or any applicant for a license or permit 71036  
suffers such impairment, the board may compel the individual to 71037  
submit to a mental or physical examination, or both. The expense 71038  
of the examination is the responsibility of the individual 71039  
compelled to be examined. Any mental or physical examination 71040  
required under this division shall be undertaken by a treatment 71041  
provider or physician who is qualified to conduct the examination 71042  
and who is chosen by the board. 71043

Failure to submit to a mental or physical examination ordered 71044  
by the board constitutes an admission of the allegations against 71045  
the individual unless the failure is due to circumstances beyond 71046  
the individual's control, and a default and final order may be 71047  
entered without the taking of testimony or presentation of 71048  
evidence. If the board determines that the individual's ability to 71049  
practice is impaired, the board shall suspend the individual's 71050  
license or permit or deny the individual's application and shall 71051  
require the individual, as a condition for an initial, continued, 71052  
reinstated, or renewed license or permit, to submit to treatment. 71053

Before being eligible to apply for reinstatement of a license 71054  
or permit suspended under this division, the impaired practitioner 71055  
shall demonstrate to the board the ability to resume practice in 71056  
compliance with acceptable and prevailing standards of care under 71057  
the provisions of the practitioner's license or permit. The 71058  
demonstration shall include, but shall not be limited to, the 71059  
following: 71060

(1) Certification from a treatment provider approved under 71061

section 4731.25 of the Revised Code that the individual has 71062  
successfully completed any required inpatient treatment; 71063

(2) Evidence of continuing full compliance with an aftercare 71064  
contract or consent agreement; 71065

(3) Two written reports indicating that the individual's 71066  
ability to practice has been assessed and that the individual has 71067  
been found capable of practicing according to acceptable and 71068  
prevailing standards of care. The reports shall be made by 71069  
individuals or providers approved by the board for making the 71070  
assessments and shall describe the basis for their determination. 71071

The board may reinstate a license or permit suspended under 71072  
this division after that demonstration and after the individual 71073  
has entered into a written consent agreement. 71074

When the impaired practitioner resumes practice, the board 71075  
shall require continued monitoring of the individual. The 71076  
monitoring shall include, but not be limited to, compliance with 71077  
the written consent agreement entered into before reinstatement or 71078  
with conditions imposed by board order after a hearing, and, upon 71079  
termination of the consent agreement, submission to the board for 71080  
at least two years of annual written progress reports made under 71081  
penalty of perjury stating whether the individual has maintained 71082  
sobriety. 71083

(H) If the secretary and supervising member determine both of 71084  
the following, they may recommend that the board suspend an 71085  
individual's license or permit without a prior hearing: 71086

(1) That there is clear and convincing evidence that an 71087  
individual has violated division (A) of this section; 71088

(2) That the individual's continued practice presents a 71089  
danger of immediate and serious harm to the public. 71090

Written allegations shall be prepared for consideration by 71091

the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license or permit without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall ~~issue~~ serve a written order of suspension ~~by certified mail or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within seventy-five days after completion of its hearing. A failure to issue the order within seventy-five days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudicative order.

(I) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the

board may order any of the sanctions identified under division (A) 71124  
of this section. 71125

(J) For purposes of divisions (A)(5), (7), and (9) of this 71126  
section, the commission of the act may be established by a finding 71127  
by the board, pursuant to an adjudication under Chapter 119. of 71128  
the Revised Code, that the individual committed the act. The board 71129  
does not have jurisdiction under those divisions if the trial 71130  
court renders a final judgment in the individual's favor and that 71131  
judgment is based upon an adjudication on the merits. The board 71132  
has jurisdiction under those divisions if the trial court issues 71133  
an order of dismissal upon technical or procedural grounds. 71134

(K) The sealing or expungement of conviction records by any 71135  
court shall have no effect upon a prior board order entered under 71136  
this section or upon the board's jurisdiction to take action under 71137  
this section if, based upon a plea of guilty, a judicial finding 71138  
of guilt, or a judicial finding of eligibility for intervention in 71139  
lieu of conviction, the board issued a notice of opportunity for a 71140  
hearing prior to the court's order to seal or expunge the records. 71141  
The board shall not be required to seal, destroy, redact, or 71142  
otherwise modify its records to reflect the court's sealing or 71143  
expungement of conviction records. 71144

(L) If the board takes action under division (A)(4), (6), or 71145  
(8) of this section, and the judicial finding of guilt, guilty 71146  
plea, or judicial finding of eligibility for intervention in lieu 71147  
of conviction is overturned on appeal, upon exhaustion of the 71148  
criminal appeal, a petition for reconsideration of the order may 71149  
be filed with the board along with appropriate court documents. 71150  
Upon receipt of a petition for reconsideration and supporting 71151  
court documents, the board shall reinstate the individual's 71152  
license or permit. The board may then hold an adjudication under 71153  
Chapter 119. of the Revised Code to determine whether the 71154  
individual committed the act in question. Notice of an opportunity 71155

for a hearing shall be given in accordance with Chapter 119. of 71156  
the Revised Code. If the board finds, pursuant to an adjudication 71157  
held under this division, that the individual committed the act or 71158  
if no hearing is requested, the board may order any of the 71159  
sanctions identified under division (A) of this section. 71160

(M) The license or permit issued to an individual under this 71161  
chapter and the individual's practice in this state are 71162  
automatically suspended as of the date the individual pleads 71163  
guilty to, is found by a judge or jury to be guilty of, or is 71164  
subject to a judicial finding of eligibility for intervention in 71165  
lieu of conviction in this state or treatment or intervention in 71166  
lieu of conviction in another jurisdiction for any of the 71167  
following criminal offenses in this state or a substantially 71168  
equivalent criminal offense in another jurisdiction: aggravated 71169  
murder, murder, voluntary manslaughter, felonious assault, 71170  
kidnapping, rape, sexual battery, gross sexual imposition, 71171  
aggravated arson, aggravated robbery, or aggravated burglary. 71172  
Continued practice after suspension shall be considered practicing 71173  
without a license or permit. 71174

The board shall ~~notify~~ serve the individual subject to the 71175  
suspension ~~by certified mail or in person~~ in accordance with 71176  
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 71177  
individual whose license or permit is automatically suspended 71178  
under this division fails to make a timely request for an 71179  
adjudication under Chapter 119. of the Revised Code, the board 71180  
shall enter a final order permanently revoking the individual's 71181  
license or permit. 71182

(N) Notwithstanding any other provision of the Revised Code, 71183  
all of the following apply: 71184

(1) The surrender of a license or permit issued under this 71185  
chapter shall not be effective unless or until accepted by the 71186  
board. A telephone conference call may be utilized for acceptance 71187

of the surrender of an individual's license or permit. The 71188  
telephone conference call shall be considered a special meeting 71189  
under division (F) of section 121.22 of the Revised Code. 71190  
Reinstatement of a license or permit surrendered to the board 71191  
requires an affirmative vote of not fewer than six members of the 71192  
board. 71193

(2) An application for a license or permit made under the 71194  
provisions of this chapter may not be withdrawn without approval 71195  
of the board. 71196

(3) Failure by an individual to renew a license or permit in 71197  
accordance with this chapter shall not remove or limit the board's 71198  
jurisdiction to take any disciplinary action under this section 71199  
against the individual. 71200

(4) At the request of the board, a license or permit holder 71201  
shall immediately surrender to the board a license or permit that 71202  
the board has suspended, revoked, or permanently revoked. 71203

**Sec. 4760.13.** (A) The state medical board, by an affirmative 71204  
vote of not fewer than six members, may revoke or may refuse to 71205  
grant a license to practice as an anesthesiologist assistant to a 71206  
person found by the board to have committed fraud, 71207  
misrepresentation, or deception in applying for or securing the 71208  
license. 71209

(B) The board, by an affirmative vote of not fewer than six 71210  
members, shall, except as provided in division (C) of this 71211  
section, and to the extent permitted by law, limit, revoke, or 71212  
suspend an individual's license to practice as an anesthesiologist 71213  
assistant, refuse to issue a license to an applicant, refuse to 71214  
renew a license, refuse to reinstate a license, or reprimand or 71215  
place on probation the holder of a license for any of the 71216  
following reasons: 71217

(1) Permitting the holder's name or license to be used by another person;	71218 71219
(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;	71220 71221 71222
(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;	71223 71224 71225 71226
(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;	71227 71228 71229 71230
(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;	71231 71232 71233 71234
(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	71235 71236 71237 71238
(7) Willfully betraying a professional confidence;	71239
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as an anesthesiologist assistant.	71240 71241 71242
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results,	71243 71244 71245 71246 71247

or includes representations or implications that in reasonable 71248  
probability will cause an ordinarily prudent person to 71249  
misunderstand or be deceived. 71250

(9) The obtaining of, or attempting to obtain, money or a 71251  
thing of value by fraudulent misrepresentations in the course of 71252  
practice; 71253

(10) A plea of guilty to, a judicial finding of guilt of, or 71254  
a judicial finding of eligibility for intervention in lieu of 71255  
conviction for, a felony; 71256

(11) Commission of an act that constitutes a felony in this 71257  
state, regardless of the jurisdiction in which the act was 71258  
committed; 71259

(12) A plea of guilty to, a judicial finding of guilt of, or 71260  
a judicial finding of eligibility for intervention in lieu of 71261  
conviction for, a misdemeanor committed in the course of practice; 71262

(13) A plea of guilty to, a judicial finding of guilt of, or 71263  
a judicial finding of eligibility for intervention in lieu of 71264  
conviction for, a misdemeanor involving moral turpitude; 71265

(14) Commission of an act in the course of practice that 71266  
constitutes a misdemeanor in this state, regardless of the 71267  
jurisdiction in which the act was committed; 71268

(15) Commission of an act involving moral turpitude that 71269  
constitutes a misdemeanor in this state, regardless of the 71270  
jurisdiction in which the act was committed; 71271

(16) A plea of guilty to, a judicial finding of guilt of, or 71272  
a judicial finding of eligibility for intervention in lieu of 71273  
conviction for violating any state or federal law regulating the 71274  
possession, distribution, or use of any drug, including 71275  
trafficking in drugs; 71276

(17) Any of the following actions taken by the state agency 71277

responsible for regulating the practice of anesthesiologist 71278  
assistants in another jurisdiction, for any reason other than the 71279  
nonpayment of fees: the limitation, revocation, or suspension of 71280  
an individual's license to practice; acceptance of an individual's 71281  
license surrender; denial of a license; refusal to renew or 71282  
reinstate a license; imposition of probation; or issuance of an 71283  
order of censure or other reprimand; 71284

(18) Violation of the conditions placed by the board on a 71285  
license to practice; 71286

(19) Failure to use universal blood and body fluid 71287  
precautions established by rules adopted under section 4731.051 of 71288  
the Revised Code; 71289

(20) Failure to cooperate in an investigation conducted by 71290  
the board under section 4760.14 of the Revised Code, including 71291  
failure to comply with a subpoena or order issued by the board or 71292  
failure to answer truthfully a question presented by the board at 71293  
a deposition or in written interrogatories, except that failure to 71294  
cooperate with an investigation shall not constitute grounds for 71295  
discipline under this section if a court of competent jurisdiction 71296  
has issued an order that either quashes a subpoena or permits the 71297  
individual to withhold the testimony or evidence in issue; 71298

(21) Failure to comply with any code of ethics established by 71299  
the national commission for the certification of anesthesiologist 71300  
assistants; 71301

(22) Failure to notify the state medical board of the 71302  
revocation or failure to maintain certification from the national 71303  
commission for certification of anesthesiologist assistants. 71304

(C) The board shall not refuse to issue a certificate to an 71305  
applicant because of a plea of guilty to, a judicial finding of 71306  
guilt of, or a judicial finding of eligibility for intervention in 71307  
lieu of conviction for an offense unless the refusal is in 71308

accordance with section 9.79 of the Revised Code. 71309

(D) Disciplinary actions taken by the board under divisions 71310  
(A) and (B) of this section shall be taken pursuant to an 71311  
adjudication under Chapter 119. of the Revised Code, except that 71312  
in lieu of an adjudication, the board may enter into a consent 71313  
agreement with an anesthesiologist assistant or applicant to 71314  
resolve an allegation of a violation of this chapter or any rule 71315  
adopted under it. A consent agreement, when ratified by an 71316  
affirmative vote of not fewer than six members of the board, shall 71317  
constitute the findings and order of the board with respect to the 71318  
matter addressed in the agreement. If the board refuses to ratify 71319  
a consent agreement, the admissions and findings contained in the 71320  
consent agreement shall be of no force or effect. 71321

(E) For purposes of divisions (B)(11), (14), and (15) of this 71322  
section, the commission of the act may be established by a finding 71323  
by the board, pursuant to an adjudication under Chapter 119. of 71324  
the Revised Code, that the applicant or license holder committed 71325  
the act in question. The board shall have no jurisdiction under 71326  
these divisions in cases where the trial court renders a final 71327  
judgment in the license holder's favor and that judgment is based 71328  
upon an adjudication on the merits. The board shall have 71329  
jurisdiction under these divisions in cases where the trial court 71330  
issues an order of dismissal on technical or procedural grounds. 71331

(F) The sealing or expungement of conviction records by any 71332  
court shall have no effect on a prior board order entered under 71333  
the provisions of this section or on the board's jurisdiction to 71334  
take action under the provisions of this section if, based upon a 71335  
plea of guilty, a judicial finding of guilt, or a judicial finding 71336  
of eligibility for intervention in lieu of conviction, the board 71337  
issued a notice of opportunity for a hearing prior to the court's 71338  
order to seal or expunge the records. The board shall not be 71339  
required to seal, destroy, redact, or otherwise modify its records 71340

to reflect the court's sealing or expungement of conviction 71341  
records. 71342

(G) For purposes of this division, any individual who holds a 71343  
license to practice issued under this chapter, or applies for a 71344  
license to practice, shall be deemed to have given consent to 71345  
submit to a mental or physical examination when directed to do so 71346  
in writing by the board and to have waived all objections to the 71347  
admissibility of testimony or examination reports that constitute 71348  
a privileged communication. 71349

(1) In enforcing division (B)(5) of this section, the board, 71350  
on a showing of a possible violation, may compel any individual 71351  
who holds a license to practice issued under this chapter or who 71352  
has applied for a license to practice pursuant to this chapter to 71353  
submit to a mental or physical examination, or both. A physical 71354  
examination may include an HIV test. The expense of the 71355  
examination is the responsibility of the individual compelled to 71356  
be examined. Failure to submit to a mental or physical examination 71357  
or consent to an HIV test ordered by the board constitutes an 71358  
admission of the allegations against the individual unless the 71359  
failure is due to circumstances beyond the individual's control, 71360  
and a default and final order may be entered without the taking of 71361  
testimony or presentation of evidence. If the board finds an 71362  
anesthesiologist assistant unable to practice because of the 71363  
reasons set forth in division (B)(5) of this section, the board 71364  
shall require the anesthesiologist assistant to submit to care, 71365  
counseling, or treatment by physicians approved or designated by 71366  
the board, as a condition for an initial, continued, reinstated, 71367  
or renewed license to practice. An individual affected by this 71368  
division shall be afforded an opportunity to demonstrate to the 71369  
board the ability to resume practicing in compliance with 71370  
acceptable and prevailing standards of care. 71371

(2) For purposes of division (B)(6) of this section, if the 71372

board has reason to believe that any individual who holds a 71373  
license to practice issued under this chapter or any applicant for 71374  
a license to practice suffers such impairment, the board may 71375  
compel the individual to submit to a mental or physical 71376  
examination, or both. The expense of the examination is the 71377  
responsibility of the individual compelled to be examined. Any 71378  
mental or physical examination required under this division shall 71379  
be undertaken by a treatment provider or physician qualified to 71380  
conduct such examination and chosen by the board. 71381

Failure to submit to a mental or physical examination ordered 71382  
by the board constitutes an admission of the allegations against 71383  
the individual unless the failure is due to circumstances beyond 71384  
the individual's control, and a default and final order may be 71385  
entered without the taking of testimony or presentation of 71386  
evidence. If the board determines that the individual's ability to 71387  
practice is impaired, the board shall suspend the individual's 71388  
license or deny the individual's application and shall require the 71389  
individual, as a condition for an initial, continued, reinstated, 71390  
or renewed license to practice, to submit to treatment. 71391

Before being eligible to apply for reinstatement of a license 71392  
suspended under this division, the anesthesiologist assistant 71393  
shall demonstrate to the board the ability to resume practice in 71394  
compliance with acceptable and prevailing standards of care. The 71395  
demonstration shall include the following: 71396

(a) Certification from a treatment provider approved under 71397  
section 4731.25 of the Revised Code that the individual has 71398  
successfully completed any required inpatient treatment; 71399

(b) Evidence of continuing full compliance with an aftercare 71400  
contract or consent agreement; 71401

(c) Two written reports indicating that the individual's 71402  
ability to practice has been assessed and that the individual has 71403

been found capable of practicing according to acceptable and 71404  
prevailing standards of care. The reports shall be made by 71405  
individuals or providers approved by the board for making such 71406  
assessments and shall describe the basis for their determination. 71407

The board may reinstate a license suspended under this 71408  
division after such demonstration and after the individual has 71409  
entered into a written consent agreement. 71410

When the impaired anesthesiologist assistant resumes 71411  
practice, the board shall require continued monitoring of the 71412  
anesthesiologist assistant. The monitoring shall include 71413  
monitoring of compliance with the written consent agreement 71414  
entered into before reinstatement or with conditions imposed by 71415  
board order after a hearing, and, on termination of the consent 71416  
agreement, submission to the board for at least two years of 71417  
annual written progress reports made under penalty of 71418  
falsification stating whether the anesthesiologist assistant has 71419  
maintained sobriety. 71420

(H) If the secretary and supervising member determine that 71421  
there is clear and convincing evidence that an anesthesiologist 71422  
assistant has violated division (B) of this section and that the 71423  
individual's continued practice presents a danger of immediate and 71424  
serious harm to the public, they may recommend that the board 71425  
suspend the individual's license without a prior hearing. Written 71426  
allegations shall be prepared for consideration by the board. 71427

The board, on review of the allegations and by an affirmative 71428  
vote of not fewer than six of its members, excluding the secretary 71429  
and supervising member, may suspend a license without a prior 71430  
hearing. A telephone conference call may be utilized for reviewing 71431  
the allegations and taking the vote on the summary suspension. 71432

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 71433  
~~certified mail or in person~~ in accordance with ~~section~~ sections 71434

119.05 and 119.07 of the Revised Code. The order shall not be 71435  
subject to suspension by the court during pendency of any appeal 71436  
filed under section 119.12 of the Revised Code. If the 71437  
anesthesiologist assistant requests an adjudicatory hearing by the 71438  
board, the date set for the hearing shall be within fifteen days, 71439  
but not earlier than seven days, after the anesthesiologist 71440  
assistant requests the hearing, unless otherwise agreed to by both 71441  
the board and the license holder. 71442

A summary suspension imposed under this division shall remain 71443  
in effect, unless reversed on appeal, until a final adjudicative 71444  
order issued by the board pursuant to this section and Chapter 71445  
119. of the Revised Code becomes effective. The board shall issue 71446  
its final adjudicative order within sixty days after completion of 71447  
its hearing. Failure to issue the order within sixty days shall 71448  
result in dissolution of the summary suspension order, but shall 71449  
not invalidate any subsequent, final adjudicative order. 71450

(I) If the board takes action under division (B)(11), (13), 71451  
or (14) of this section, and the judicial finding of guilt, guilty 71452  
plea, or judicial finding of eligibility for intervention in lieu 71453  
of conviction is overturned on appeal, on exhaustion of the 71454  
criminal appeal, a petition for reconsideration of the order may 71455  
be filed with the board along with appropriate court documents. On 71456  
receipt of a petition and supporting court documents, the board 71457  
shall reinstate the license to practice. The board may then hold 71458  
an adjudication under Chapter 119. of the Revised Code to 71459  
determine whether the individual committed the act in question. 71460  
Notice of opportunity for hearing shall be given in accordance 71461  
with Chapter 119. of the Revised Code. If the board finds, 71462  
pursuant to an adjudication held under this division, that the 71463  
individual committed the act, or if no hearing is requested, it 71464  
may order any of the sanctions specified in division (B) of this 71465  
section. 71466

(J) The license to practice of an anesthesiologist assistant 71467  
and the assistant's practice in this state are automatically 71468  
suspended as of the date the anesthesiologist assistant pleads 71469  
guilty to, is found by a judge or jury to be guilty of, or is 71470  
subject to a judicial finding of eligibility for intervention in 71471  
lieu of conviction in this state or treatment of intervention in 71472  
lieu of conviction in another jurisdiction for any of the 71473  
following criminal offenses in this state or a substantially 71474  
equivalent criminal offense in another jurisdiction: aggravated 71475  
murder, murder, voluntary manslaughter, felonious assault, 71476  
kidnapping, rape, sexual battery, gross sexual imposition, 71477  
aggravated arson, aggravated robbery, or aggravated burglary. 71478  
Continued practice after the suspension shall be considered 71479  
practicing without a license. 71480

The board shall ~~notify~~ serve the individual subject to the 71481  
suspension ~~by certified mail or in person~~ in accordance with 71482  
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 71483  
individual whose license is suspended under this division fails to 71484  
make a timely request for an adjudication under Chapter 119. of 71485  
the Revised Code, the board shall enter a final order permanently 71486  
revoking the individual's license to practice. 71487

(K) In any instance in which the board is required by Chapter 71488  
119. of the Revised Code to give notice of opportunity for hearing 71489  
and the individual subject to the notice does not timely request a 71490  
hearing in accordance with section 119.07 of the Revised Code, the 71491  
board is not required to hold a hearing, but may adopt, by an 71492  
affirmative vote of not fewer than six of its members, a final 71493  
order that contains the board's findings. In the final order, the 71494  
board may order any of the sanctions identified under division (A) 71495  
or (B) of this section. 71496

(L) Any action taken by the board under division (B) of this 71497  
section resulting in a suspension shall be accompanied by a 71498

written statement of the conditions under which the 71499  
anesthesiologist assistant's license may be reinstated. The board 71500  
shall adopt rules in accordance with Chapter 119. of the Revised 71501  
Code governing conditions to be imposed for reinstatement. 71502  
Reinstatement of a license suspended pursuant to division (B) of 71503  
this section requires an affirmative vote of not fewer than six 71504  
members of the board. 71505

(M) When the board refuses to grant or issue a license to 71506  
practice as an anesthesiologist assistant to an applicant, revokes 71507  
an individual's license, refuses to renew an individual's license, 71508  
or refuses to reinstate an individual's license, the board may 71509  
specify that its action is permanent. An individual subject to a 71510  
permanent action taken by the board is forever thereafter 71511  
ineligible to hold a license to practice as an anesthesiologist 71512  
assistant and the board shall not accept an application for 71513  
reinstatement of the license or for issuance of a new license. 71514

(N) Notwithstanding any other provision of the Revised Code, 71515  
all of the following apply: 71516

(1) The surrender of a license to practice issued under this 71517  
chapter is not effective unless or until accepted by the board. 71518  
Reinstatement of a license surrendered to the board requires an 71519  
affirmative vote of not fewer than six members of the board. 71520

(2) An application made under this chapter for a license to 71521  
practice may not be withdrawn without approval of the board. 71522

(3) Failure by an individual to renew a license to practice 71523  
in accordance with section 4760.06 of the Revised Code shall not 71524  
remove or limit the board's jurisdiction to take disciplinary 71525  
action under this section against the individual. 71526

**Sec. 4761.09.** (A) The state medical board, by an affirmative 71527  
vote of not fewer than six members, shall, except as provided in 71528

division (B) of this section, and to the extent permitted by law, 71529  
limit, revoke, or suspend an individual's license or limited 71530  
permit, refuse to issue a license or limited permit to an 71531  
individual, refuse to renew a license or limited permit, refuse to 71532  
reinstate a license or limited permit, or reprimand or place on 71533  
probation the holder of a license or limited permit for one or 71534  
more of the following reasons: 71535

(1) A plea of guilty to, a judicial finding of guilt of, or a 71536  
judicial finding of eligibility for intervention in lieu of 71537  
conviction for, a felony; 71538

(2) Commission of an act that constitutes a felony in this 71539  
state, regardless of the jurisdiction in which the act was 71540  
committed; 71541

(3) A plea of guilty to, a judicial finding of guilt of, or a 71542  
judicial finding of eligibility for intervention in lieu of 71543  
conviction for, a misdemeanor committed in the course of practice; 71544

(4) Commission of an act in the course of practice that 71545  
constitutes a misdemeanor in this state, regardless of the 71546  
jurisdiction in which the act was committed; 71547

(5) A plea of guilty to, a judicial finding of guilt of, or a 71548  
judicial finding of eligibility for intervention in lieu of 71549  
conviction for, a misdemeanor involving moral turpitude; 71550

(6) Commission of an act involving moral turpitude that 71551  
constitutes a misdemeanor in this state, regardless of the 71552  
jurisdiction in which the act was committed; 71553

(7) Except when civil penalties are imposed under section 71554  
4761.091 of the Revised Code, violating or attempting to violate, 71555  
directly or indirectly, or assisting in or abetting the violation 71556  
of, or conspiring to violate, any provision of this chapter or the 71557  
rules adopted by the board; 71558

(8) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of respiratory care; or in securing or attempting to secure any license or permit issued by the board under this chapter.

As used in division (A)(8) of this section, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) Committing fraud during the administration of the examination for a license to practice or committing fraud, misrepresentation, or deception in applying for, renewing, or securing any license or permit issued by the board;

(10) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;

(11) Violating the standards of ethical conduct adopted by the board, in the practice of respiratory care;

(12) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(13) Violation of the conditions of limitation placed by the board upon a license or permit;

(14) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely

affects cognitive, motor, or perceptive skills; 71590

(15) Any of the following actions taken by an agency 71591  
responsible for authorizing, certifying, or regulating an 71592  
individual to practice a health care occupation or provide health 71593  
care services in this state or another jurisdiction, for any 71594  
reason other than the nonpayment of fees: the limitation, 71595  
revocation, or suspension of an individual's license; acceptance 71596  
of an individual's license surrender; denial of a license; refusal 71597  
to renew or reinstate a license; imposition of probation; or 71598  
issuance of an order of censure or other reprimand; 71599

(16) The revocation, suspension, restriction, reduction, or 71600  
termination of practice privileges by the United States department 71601  
of defense or department of veterans affairs; 71602

(17) Termination or suspension from participation in the 71603  
medicare or medicaid programs by the department of health and 71604  
human services or other responsible agency for any act or acts 71605  
that also would constitute a violation of division (A)(10), (12), 71606  
or (14) of this section; 71607

(18) Impairment of ability to practice according to 71608  
acceptable and prevailing standards of care because of habitual or 71609  
excessive use or abuse of drugs, alcohol, or other substances that 71610  
impair ability to practice; 71611

(19) Failure to cooperate in an investigation conducted by 71612  
the board under division (E) of section 4761.03 of the Revised 71613  
Code, including failure to comply with a subpoena or order issued 71614  
by the board or failure to answer truthfully a question presented 71615  
by the board in an investigative interview, an investigative 71616  
office conference, at a deposition, or in written interrogatories, 71617  
except that failure to cooperate with an investigation shall not 71618  
constitute grounds for discipline under this section if a court of 71619  
competent jurisdiction has issued an order that either quashes a 71620

subpoena or permits the individual to withhold the testimony or 71621  
evidence in issue; 71622

(20) Practicing in an area of respiratory care for which the 71623  
person is clearly untrained or incompetent or practicing in a 71624  
manner that conflicts with section 4761.17 of the Revised Code; 71625

(21) Employing, directing, or supervising a person who is not 71626  
authorized to practice respiratory care under this chapter in the 71627  
performance of respiratory care procedures; 71628

(22) Misrepresenting educational attainments or authorized 71629  
functions for the purpose of obtaining some benefit related to the 71630  
practice of respiratory care; 71631

(23) Assisting suicide as defined in section 3795.01 of the 71632  
Revised Code; 71633

(24) Representing, with the purpose of obtaining compensation 71634  
or other advantage as personal gain or for any other person, that 71635  
an incurable disease or injury, or other incurable condition, can 71636  
be permanently cured. 71637

Disciplinary actions taken by the board under division (A) of 71638  
this section shall be taken pursuant to an adjudication under 71639  
Chapter 119. of the Revised Code, except that in lieu of an 71640  
adjudication, the board may enter into a consent agreement with an 71641  
individual to resolve an allegation of a violation of this chapter 71642  
or any rule adopted under it. A consent agreement, when ratified 71643  
by an affirmative vote of not fewer than six members of the board, 71644  
shall constitute the findings and order of the board with respect 71645  
to the matter addressed in the agreement. If the board refuses to 71646  
ratify a consent agreement, the admissions and findings contained 71647  
in the consent agreement shall be of no effect. 71648

A telephone conference call may be utilized for ratification 71649  
of a consent agreement that revokes or suspends an individual's 71650  
license or permit. The telephone conference call shall be 71651

considered a special meeting under division (F) of section 121.22 71652  
of the Revised Code. 71653

(B) The board shall not refuse to issue a license or limited 71654  
permit to an applicant because of a plea of guilty to, a judicial 71655  
finding of guilt of, or a judicial finding of eligibility for 71656  
intervention in lieu of conviction for an offense unless the 71657  
refusal is in accordance with section 9.79 of the Revised Code. 71658

(C) Any action taken by the board under division (A) of this 71659  
section resulting in a suspension from practice shall be 71660  
accompanied by a written statement of the conditions under which 71661  
the individual's license or permit may be reinstated. The board 71662  
shall adopt rules governing conditions to be imposed for 71663  
reinstatement. Reinstatement of a license or permit suspended 71664  
pursuant to division (A) of this section requires an affirmative 71665  
vote of not fewer than six members of the board. 71666

(D) When the board refuses to grant or issue a license or 71667  
permit to an applicant, revokes an individual's license or permit, 71668  
refuses to renew an individual's license or permit, or refuses to 71669  
reinstate an individual's license or permit, the board may specify 71670  
that its action is permanent. An individual subject to a permanent 71671  
action taken by the board is forever thereafter ineligible to hold 71672  
a license or permit and the board shall not accept an application 71673  
for reinstatement of the license or permit or for issuance of a 71674  
new license or permit. 71675

(E) If the board is required by Chapter 119. of the Revised 71676  
Code to give notice of an opportunity for a hearing and if the 71677  
individual subject to the notice does not timely request a hearing 71678  
in accordance with section 119.07 of the Revised Code, the board 71679  
is not required to hold a hearing, but may adopt, by an 71680  
affirmative vote of not fewer than six of its members, a final 71681  
order that contains the board's findings. In the final order, the 71682  
board may order any of the sanctions identified under division (A) 71683

of this section. 71684

(F) In enforcing division (A)(14) of this section, the board, 71685  
upon a showing of a possible violation, may compel any individual 71686  
authorized to practice by this chapter or who has submitted an 71687  
application pursuant to this chapter to submit to a mental 71688  
examination, physical examination, including an HIV test, or both 71689  
a mental and a physical examination. The expense of the 71690  
examination is the responsibility of the individual compelled to 71691  
be examined. Failure to submit to a mental or physical examination 71692  
or consent to an HIV test ordered by the board constitutes an 71693  
admission of the allegations against the individual unless the 71694  
failure is due to circumstances beyond the individual's control, 71695  
and a default and final order may be entered without the taking of 71696  
testimony or presentation of evidence. If the board finds an 71697  
individual unable to practice because of the reasons set forth in 71698  
division (A)(14) of this section, the board shall require the 71699  
individual to submit to care, counseling, or treatment by 71700  
physicians approved or designated by the board, as a condition for 71701  
initial, continued, reinstated, or renewed authority to practice. 71702  
An individual affected under this division shall be afforded an 71703  
opportunity to demonstrate to the board the ability to resume 71704  
practice in compliance with acceptable and prevailing standards 71705  
under the provisions of the individual's license or permit. For 71706  
the purpose of division (A)(14) of this section, any individual 71707  
who applies for or receives a license or permit to practice under 71708  
this chapter accepts the privilege of practicing in this state 71709  
and, by so doing, shall be deemed to have given consent to submit 71710  
to a mental or physical examination when directed to do so in 71711  
writing by the board, and to have waived all objections to the 71712  
admissibility of testimony or examination reports that constitute 71713  
a privileged communication. 71714

(G) For the purposes of division (A)(18) of this section, any 71715

individual authorized to practice by this chapter accepts the 71716  
privilege of practicing in this state subject to supervision by 71717  
the board. By filing an application for or holding a license or 71718  
permit under this chapter, an individual shall be deemed to have 71719  
given consent to submit to a mental or physical examination when 71720  
ordered to do so by the board in writing, and to have waived all 71721  
objections to the admissibility of testimony or examination 71722  
reports that constitute privileged communications. 71723

If it has reason to believe that any individual authorized to 71724  
practice by this chapter or any applicant for a license or permit 71725  
suffers such impairment, the board may compel the individual to 71726  
submit to a mental or physical examination, or both. The expense 71727  
of the examination is the responsibility of the individual 71728  
compelled to be examined. Any mental or physical examination 71729  
required under this division shall be undertaken by a treatment 71730  
provider or physician who is qualified to conduct the examination 71731  
and who is chosen by the board. 71732

Failure to submit to a mental or physical examination ordered 71733  
by the board constitutes an admission of the allegations against 71734  
the individual unless the failure is due to circumstances beyond 71735  
the individual's control, and a default and final order may be 71736  
entered without the taking of testimony or presentation of 71737  
evidence. If the board determines that the individual's ability to 71738  
practice is impaired, the board shall suspend the individual's 71739  
license or permit or deny the individual's application and shall 71740  
require the individual, as a condition for an initial, continued, 71741  
reinstated, or renewed license or permit, to submit to treatment. 71742

Before being eligible to apply for reinstatement of a license 71743  
or permit suspended under this division, the impaired practitioner 71744  
shall demonstrate to the board the ability to resume practice in 71745  
compliance with acceptable and prevailing standards of care under 71746  
the provisions of the practitioner's license or permit. The 71747

demonstration shall include, but shall not be limited to, the 71748  
following: 71749

(1) Certification from a treatment provider approved under 71750  
section 4731.25 of the Revised Code that the individual has 71751  
successfully completed any required inpatient treatment; 71752

(2) Evidence of continuing full compliance with an aftercare 71753  
contract or consent agreement; 71754

(3) Two written reports indicating that the individual's 71755  
ability to practice has been assessed and that the individual has 71756  
been found capable of practicing according to acceptable and 71757  
prevailing standards of care. The reports shall be made by 71758  
individuals or providers approved by the board for making the 71759  
assessments and shall describe the basis for their determination. 71760

The board may reinstate a license or permit suspended under 71761  
this division after that demonstration and after the individual 71762  
has entered into a written consent agreement. 71763

When the impaired practitioner resumes practice, the board 71764  
shall require continued monitoring of the individual. The 71765  
monitoring shall include, but not be limited to, compliance with 71766  
the written consent agreement entered into before reinstatement or 71767  
with conditions imposed by board order after a hearing, and, upon 71768  
termination of the consent agreement, submission to the board for 71769  
at least two years of annual written progress reports made under 71770  
penalty of perjury stating whether the individual has maintained 71771  
sobriety. 71772

(H) If the secretary and supervising member determine both of 71773  
the following, they may recommend that the board suspend an 71774  
individual's license or permit without a prior hearing: 71775

(1) That there is clear and convincing evidence that an 71776  
individual has violated division (A) of this section; 71777

(2) That the individual's continued practice presents a 71778  
danger of immediate and serious harm to the public. 71779

Written allegations shall be prepared for consideration by 71780  
the board. The board, upon review of those allegations and by an 71781  
affirmative vote of not fewer than six of its members, excluding 71782  
the secretary and supervising member, may suspend a license or 71783  
permit without a prior hearing. A telephone conference call may be 71784  
utilized for reviewing the allegations and taking the vote on the 71785  
summary suspension. 71786

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 71787  
~~certified mail or in person~~ in accordance with ~~section~~ sections 71788  
119.05 and 119.07 of the Revised Code. The order shall not be 71789  
subject to suspension by the court during pendency of any appeal 71790  
filed under section 119.12 of the Revised Code. If the individual 71791  
subject to the summary suspension requests an adjudicatory hearing 71792  
by the board, the date set for the hearing shall be within fifteen 71793  
days, but not earlier than seven days, after the individual 71794  
requests the hearing, unless otherwise agreed to by both the board 71795  
and the individual. 71796

Any summary suspension imposed under this division shall 71797  
remain in effect, unless reversed on appeal, until a final 71798  
adjudicative order issued by the board pursuant to this section 71799  
and Chapter 119. of the Revised Code becomes effective. The board 71800  
shall issue its final adjudicative order within seventy-five days 71801  
after completion of its hearing. A failure to issue the order 71802  
within seventy-five days shall result in dissolution of the 71803  
summary suspension order but shall not invalidate any subsequent, 71804  
final adjudicative order. 71805

(I) For purposes of divisions (A)(2), (4), and (6) of this 71806  
section, the commission of the act may be established by a finding 71807  
by the board, pursuant to an adjudication under Chapter 119. of 71808  
the Revised Code, that the individual committed the act. The board 71809

does not have jurisdiction under those divisions if the trial 71810  
court renders a final judgment in the individual's favor and that 71811  
judgment is based upon an adjudication on the merits. The board 71812  
has jurisdiction under those divisions if the trial court issues 71813  
an order of dismissal upon technical or procedural grounds. 71814

(J) The sealing or expungement of conviction records by any 71815  
court shall have no effect upon a prior board order entered under 71816  
this section or upon the board's jurisdiction to take action under 71817  
this section if, based upon a plea of guilty, a judicial finding 71818  
of guilt, or a judicial finding of eligibility for intervention in 71819  
lieu of conviction, the board issued a notice of opportunity for a 71820  
hearing prior to the court's order to seal or expunge the records. 71821  
The board shall not be required to seal, destroy, redact, or 71822  
otherwise modify its records to reflect the court's sealing or 71823  
expungement of conviction records. 71824

(K) If the board takes action under division (A)(1), (3), or 71825  
(5) of this section, and the judicial finding of guilt, guilty 71826  
plea, or judicial finding of eligibility for intervention in lieu 71827  
of conviction is overturned on appeal, upon exhaustion of the 71828  
criminal appeal, a petition for reconsideration of the order may 71829  
be filed with the board along with appropriate court documents. 71830  
Upon receipt of a petition for reconsideration and supporting 71831  
court documents, the board shall reinstate the individual's 71832  
license or permit. The board may then hold an adjudication under 71833  
Chapter 119. of the Revised Code to determine whether the 71834  
individual committed the act in question. Notice of an opportunity 71835  
for a hearing shall be given in accordance with Chapter 119. of 71836  
the Revised Code. If the board finds, pursuant to an adjudication 71837  
held under this division, that the individual committed the act or 71838  
if no hearing is requested, the board may order any of the 71839  
sanctions identified under division (A) of this section. 71840

(L) The license or permit issued to an individual under this 71841

chapter and the individual's practice in this state are 71842  
automatically suspended as of the date the individual pleads 71843  
guilty to, is found by a judge or jury to be guilty of, or is 71844  
subject to a judicial finding of eligibility for intervention in 71845  
lieu of conviction in this state or treatment or intervention in 71846  
lieu of conviction in another jurisdiction for any of the 71847  
following criminal offenses in this state or a substantially 71848  
equivalent criminal offense in another jurisdiction: aggravated 71849  
murder, murder, voluntary manslaughter, felonious assault, 71850  
kidnapping, rape, sexual battery, gross sexual imposition, 71851  
aggravated arson, aggravated robbery, or aggravated burglary. 71852  
Continued practice after suspension shall be considered practicing 71853  
without a license or permit. 71854

The board shall ~~notify~~ serve the individual subject to the 71855  
suspension ~~by certified mail or in person~~ in accordance with 71856  
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 71857  
individual whose license or permit is automatically suspended 71858  
under this division fails to make a timely request for an 71859  
adjudication under Chapter 119. of the Revised Code, the board 71860  
shall enter a final order permanently revoking the individual's 71861  
license or permit. 71862

(M) Notwithstanding any other provision of the Revised Code, 71863  
all of the following apply: 71864

(1) The surrender of a license or permit issued under this 71865  
chapter shall not be effective unless or until accepted by the 71866  
board. A telephone conference call may be utilized for acceptance 71867  
of the surrender of an individual's license or permit. The 71868  
telephone conference call shall be considered a special meeting 71869  
under division (F) of section 121.22 of the Revised Code. 71870  
Reinstatement of a license or permit surrendered to the board 71871  
requires an affirmative vote of not fewer than six members of the 71872  
board. 71873

(2) An application for a license or permit made under the provisions of this chapter may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license or permit in accordance with this chapter shall not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.

(4) At the request of the board, a license or permit holder shall immediately surrender to the board a license or permit that the board has suspended, revoked, or permanently revoked.

**Sec. 4762.13.** (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist to a person found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license.

(B) The board, by an affirmative vote of not fewer than six members, shall, except as provided in division (C) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license to practice, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons:

(1) Permitting the holder's name or license to be used by another person;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or

conspiring to violate, any provision of this chapter, Chapter 71904  
4731. of the Revised Code, or the rules adopted by the board; 71905

(4) A departure from, or failure to conform to, minimal 71906  
standards of care of similar practitioners under the same or 71907  
similar circumstances whether or not actual injury to the patient 71908  
is established; 71909

(5) Inability to practice according to acceptable and 71910  
prevailing standards of care by reason of mental illness or 71911  
physical illness, including physical deterioration that adversely 71912  
affects cognitive, motor, or perceptive skills; 71913

(6) Impairment of ability to practice according to acceptable 71914  
and prevailing standards of care because of habitual or excessive 71915  
use or abuse of drugs, alcohol, or other substances that impair 71916  
ability to practice; 71917

(7) Willfully betraying a professional confidence; 71918

(8) Making a false, fraudulent, deceptive, or misleading 71919  
statement in soliciting or advertising for patients or in securing 71920  
or attempting to secure a license to practice as an oriental 71921  
medicine practitioner or license to practice as an acupuncturist. 71922

As used in this division, "false, fraudulent, deceptive, or 71923  
misleading statement" means a statement that includes a 71924  
misrepresentation of fact, is likely to mislead or deceive because 71925  
of a failure to disclose material facts, is intended or is likely 71926  
to create false or unjustified expectations of favorable results, 71927  
or includes representations or implications that in reasonable 71928  
probability will cause an ordinarily prudent person to 71929  
misunderstand or be deceived. 71930

(9) Representing, with the purpose of obtaining compensation 71931  
or other advantage personally or for any other person, that an 71932  
incurable disease or injury, or other incurable condition, can be 71933  
permanently cured; 71934

(10) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	71935 71936 71937
(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	71938 71939 71940
(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	71941 71942 71943
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	71944 71945 71946
(14) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	71947 71948 71949
(15) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	71950 71951 71952
(16) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	71953 71954 71955
(17) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;	71956 71957 71958 71959 71960
(18) Any of the following actions taken by the state agency responsible for regulating the practice of oriental medicine or acupuncture in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of	71961 71962 71963 71964

an individual's license to practice; acceptance of an individual's	71965
license surrender; denial of a license; refusal to renew or	71966
reinstate a license; imposition of probation; or issuance of an	71967
order of censure or other reprimand;	71968
(19) Violation of the conditions placed by the board on a	71969
license to practice as an oriental medicine practitioner or	71970
license to practice as an acupuncturist;	71971
(20) Failure to use universal blood and body fluid	71972
precautions established by rules adopted under section 4731.051 of	71973
the Revised Code;	71974
(21) Failure to cooperate in an investigation conducted by	71975
the board under section 4762.14 of the Revised Code, including	71976
failure to comply with a subpoena or order issued by the board or	71977
failure to answer truthfully a question presented by the board at	71978
a deposition or in written interrogatories, except that failure to	71979
cooperate with an investigation shall not constitute grounds for	71980
discipline under this section if a court of competent jurisdiction	71981
has issued an order that either quashes a subpoena or permits the	71982
individual to withhold the testimony or evidence in issue;	71983
(22) Failure to comply with the standards of the national	71984
certification commission for acupuncture and oriental medicine	71985
regarding professional ethics, commitment to patients, commitment	71986
to the profession, and commitment to the public;	71987
(23) Failure to have adequate professional liability	71988
insurance coverage in accordance with section 4762.22 of the	71989
Revised Code;	71990
(24) Failure to maintain a current and active designation as	71991
a diplomate in oriental medicine, diplomate of acupuncture and	71992
Chinese herbology, or diplomate in acupuncture, as applicable,	71993
from the national certification commission for acupuncture and	71994
oriental medicine, including revocation by the commission of the	71995

individual's designation, failure by the individual to meet the 71996  
commission's requirements for redesignation, or failure to notify 71997  
the board that the appropriate designation has not been 71998  
maintained. 71999

(C) The board shall not refuse to issue a certificate to an 72000  
applicant because of a plea of guilty to, a judicial finding of 72001  
guilt of, or a judicial finding of eligibility for intervention in 72002  
lieu of conviction for an offense unless the refusal is in 72003  
accordance with section 9.79 of the Revised Code. 72004

(D) Disciplinary actions taken by the board under divisions 72005  
(A) and (B) of this section shall be taken pursuant to an 72006  
adjudication under Chapter 119. of the Revised Code, except that 72007  
in lieu of an adjudication, the board may enter into a consent 72008  
agreement with an oriental medicine practitioner or acupuncturist 72009  
or applicant to resolve an allegation of a violation of this 72010  
chapter or any rule adopted under it. A consent agreement, when 72011  
ratified by an affirmative vote of not fewer than six members of 72012  
the board, shall constitute the findings and order of the board 72013  
with respect to the matter addressed in the agreement. If the 72014  
board refuses to ratify a consent agreement, the admissions and 72015  
findings contained in the consent agreement shall be of no force 72016  
or effect. 72017

(E) For purposes of divisions (B)(12), (15), and (16) of this 72018  
section, the commission of the act may be established by a finding 72019  
by the board, pursuant to an adjudication under Chapter 119. of 72020  
the Revised Code, that the applicant or license holder committed 72021  
the act in question. The board shall have no jurisdiction under 72022  
these divisions in cases where the trial court renders a final 72023  
judgment in the license holder's favor and that judgment is based 72024  
upon an adjudication on the merits. The board shall have 72025  
jurisdiction under these divisions in cases where the trial court 72026  
issues an order of dismissal upon technical or procedural grounds. 72027

(F) The sealing or expungement of conviction records by any court shall have no effect upon a prior board order entered under the provisions of this section or upon the board's jurisdiction to take action under the provisions of this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing or entered into a consent agreement prior to the court's order to seal or expunge the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing or expungement of conviction records.

(G) For purposes of this division, any individual who holds a license to practice issued under this chapter, or applies for a license to practice, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(1) In enforcing division (B)(5) of this section, the board, upon a showing of a possible violation, may compel any individual who holds a license to practice issued under this chapter or who has applied for a license pursuant to this chapter to submit to a mental examination, physical examination, including an HIV test, or both a mental and physical examination. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds an oriental medicine practitioner or acupuncturist unable to practice

because of the reasons set forth in division (B)(5) of this 72060  
section, the board shall require the individual to submit to care, 72061  
counseling, or treatment by physicians approved or designated by 72062  
the board, as a condition for an initial, continued, reinstated, 72063  
or renewed license to practice. An individual affected by this 72064  
division shall be afforded an opportunity to demonstrate to the 72065  
board the ability to resume practicing in compliance with 72066  
acceptable and prevailing standards of care. 72067

(2) For purposes of division (B)(6) of this section, if the 72068  
board has reason to believe that any individual who holds a 72069  
license to practice issued under this chapter or any applicant for 72070  
a license suffers such impairment, the board may compel the 72071  
individual to submit to a mental or physical examination, or both. 72072  
The expense of the examination is the responsibility of the 72073  
individual compelled to be examined. Any mental or physical 72074  
examination required under this division shall be undertaken by a 72075  
treatment provider or physician qualified to conduct such 72076  
examination and chosen by the board. 72077

Failure to submit to a mental or physical examination ordered 72078  
by the board constitutes an admission of the allegations against 72079  
the individual unless the failure is due to circumstances beyond 72080  
the individual's control, and a default and final order may be 72081  
entered without the taking of testimony or presentation of 72082  
evidence. If the board determines that the individual's ability to 72083  
practice is impaired, the board shall suspend the individual's 72084  
license or deny the individual's application and shall require the 72085  
individual, as a condition for an initial, continued, reinstated, 72086  
or renewed license, to submit to treatment. 72087

Before being eligible to apply for reinstatement of a license 72088  
suspended under this division, the oriental medicine practitioner 72089  
or acupuncturist shall demonstrate to the board the ability to 72090  
resume practice in compliance with acceptable and prevailing 72091

standards of care. The demonstration shall include the following: 72092

(a) Certification from a treatment provider approved under 72093  
section 4731.25 of the Revised Code that the individual has 72094  
successfully completed any required inpatient treatment; 72095

(b) Evidence of continuing full compliance with an aftercare 72096  
contract or consent agreement; 72097

(c) Two written reports indicating that the individual's 72098  
ability to practice has been assessed and that the individual has 72099  
been found capable of practicing according to acceptable and 72100  
prevailing standards of care. The reports shall be made by 72101  
individuals or providers approved by the board for making such 72102  
assessments and shall describe the basis for their determination. 72103

The board may reinstate a license suspended under this 72104  
division after such demonstration and after the individual has 72105  
entered into a written consent agreement. 72106

When the impaired individual resumes practice, the board 72107  
shall require continued monitoring of the individual. The 72108  
monitoring shall include monitoring of compliance with the written 72109  
consent agreement entered into before reinstatement or with 72110  
conditions imposed by board order after a hearing, and, upon 72111  
termination of the consent agreement, submission to the board for 72112  
at least two years of annual written progress reports made under 72113  
penalty of falsification stating whether the individual has 72114  
maintained sobriety. 72115

(H) If the secretary and supervising member determine both of 72116  
the following, they may recommend that the board suspend an 72117  
individual's license to practice without a prior hearing: 72118

(1) That there is clear and convincing evidence that an 72119  
oriental medicine practitioner or acupuncturist has violated 72120  
division (B) of this section; 72121

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.

Written allegations shall be prepared for consideration by the board. The board, upon review of the allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall ~~issue~~ serve a written order of suspension ~~by certified mail or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the oriental medicine practitioner or acupuncturist requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the hearing is requested, unless otherwise agreed to by both the board and the license holder.

A summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(I) If the board takes action under division (B)(11), (13), or (14) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may

be filed with the board along with appropriate court documents. 72154  
Upon receipt of a petition and supporting court documents, the 72155  
board shall reinstate the license. The board may then hold an 72156  
adjudication under Chapter 119. of the Revised Code to determine 72157  
whether the individual committed the act in question. Notice of 72158  
opportunity for hearing shall be given in accordance with Chapter 72159  
119. of the Revised Code. If the board finds, pursuant to an 72160  
adjudication held under this division, that the individual 72161  
committed the act, or if no hearing is requested, it may order any 72162  
of the sanctions specified in division (B) of this section. 72163

(J) The license to practice of an oriental medicine 72164  
practitioner or acupuncturist and the practitioner's or 72165  
acupuncturist's practice in this state are automatically suspended 72166  
as of the date the practitioner or acupuncturist pleads guilty to, 72167  
is found by a judge or jury to be guilty of, or is subject to a 72168  
judicial finding of eligibility for intervention in lieu of 72169  
conviction in this state or treatment or intervention in lieu of 72170  
conviction in another jurisdiction for any of the following 72171  
criminal offenses in this state or a substantially equivalent 72172  
criminal offense in another jurisdiction: aggravated murder, 72173  
murder, voluntary manslaughter, felonious assault, kidnapping, 72174  
rape, sexual battery, gross sexual imposition, aggravated arson, 72175  
aggravated robbery, or aggravated burglary. Continued practice 72176  
after the suspension shall be considered practicing without a 72177  
license. 72178

The board shall ~~notify~~ serve the individual subject to the 72179  
suspension ~~by certified mail or in person~~ in accordance with 72180  
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 72181  
individual whose license is suspended under this division fails to 72182  
make a timely request for an adjudication under Chapter 119. of 72183  
the Revised Code, the board shall enter a final order permanently 72184  
revoking the individual's license. 72185

(K) In any instance in which the board is required by Chapter 72186  
119. of the Revised Code to give notice of opportunity for hearing 72187  
and the individual subject to the notice does not timely request a 72188  
hearing in accordance with section 119.07 of the Revised Code, the 72189  
board is not required to hold a hearing, but may adopt, by an 72190  
affirmative vote of not fewer than six of its members, a final 72191  
order that contains the board's findings. In the final order, the 72192  
board may order any of the sanctions identified under division (A) 72193  
or (B) of this section. 72194

(L) Any action taken by the board under division (B) of this 72195  
section resulting in a suspension shall be accompanied by a 72196  
written statement of the conditions under which the license may be 72197  
reinstated. The board shall adopt rules in accordance with Chapter 72198  
119. of the Revised Code governing conditions to be imposed for 72199  
reinstatement. Reinstatement of a license suspended pursuant to 72200  
division (B) of this section requires an affirmative vote of not 72201  
fewer than six members of the board. 72202

(M) When the board refuses to grant or issue a license to an 72203  
applicant, revokes an individual's license, refuses to renew an 72204  
individual's license, or refuses to reinstate an individual's 72205  
license, the board may specify that its action is permanent. An 72206  
individual subject to a permanent action taken by the board is 72207  
forever thereafter ineligible to hold a license to practice as an 72208  
oriental medicine practitioner or license to practice as an 72209  
acupuncturist and the board shall not accept an application for 72210  
reinstatement of the license or for issuance of a new license. 72211

(N) Notwithstanding any other provision of the Revised Code, 72212  
all of the following apply: 72213

(1) The surrender of a license to practice as an oriental 72214  
medicine practitioner or license to practice as an acupuncturist 72215  
issued under this chapter is not effective unless or until 72216  
accepted by the board. Reinstatement of a license surrendered to 72217

the board requires an affirmative vote of not fewer than six 72218  
members of the board. 72219

(2) An application made under this chapter for a license may 72220  
not be withdrawn without approval of the board. 72221

(3) Failure by an individual to renew a license in accordance 72222  
with section 4762.06 of the Revised Code shall not remove or limit 72223  
the board's jurisdiction to take disciplinary action under this 72224  
section against the individual. 72225

**Sec. 4763.05.** (A)(1)(a) A person shall make application for 72226  
an initial state-certified general real estate appraiser 72227  
certificate, an initial state-certified residential real estate 72228  
appraiser certificate, an initial state-licensed residential real 72229  
estate appraiser license, or an initial state-registered real 72230  
estate appraiser assistant registration in writing to the 72231  
superintendent of real estate on a form the superintendent 72232  
prescribes. The application shall include the address of the 72233  
applicant's principal place of business and all other addresses at 72234  
which the applicant currently engages in the business of 72235  
performing real estate appraisals and the address of the 72236  
applicant's current residence. The superintendent shall retain the 72237  
applicant's current residence address in a separate record which 72238  
does not constitute a public record for purposes of section 149.43 72239  
of the Revised Code. The application shall indicate whether the 72240  
applicant seeks certification as a general real estate appraiser 72241  
or as a residential real estate appraiser, licensure as a 72242  
residential real estate appraiser, or registration as a real 72243  
estate appraiser assistant and be accompanied by the prescribed 72244  
examination and certification, registration, or licensure fees set 72245  
forth in section 4763.09 of the Revised Code. The application also 72246  
shall include a pledge, signed by the applicant, that the 72247  
applicant will comply with the standards set forth in this 72248

chapter; and a statement that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated against the applicant pursuant to this chapter.

(b) Upon the filing of an application and payment of any examination and certification, registration, or licensure fees, the superintendent of real estate shall request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprints in accordance with section 109.572 of the Revised Code. Notwithstanding division ~~(K)~~(L) of section 121.08 of the Revised Code, the superintendent of real estate shall request that criminal record information from the federal bureau of investigation be obtained as part of the criminal records check. Any fee required under division (C)(3) of section 109.572 of the Revised Code shall be paid by the applicant.

(2) For purposes of providing funding for the real estate appraiser recovery fund established by section 4763.16 of the Revised Code, the real estate appraiser board shall levy an assessment against each person issued an initial certificate, registration, or license and against current licensees, registrants, and certificate holders, as required by board rule. The assessment is in addition to the application and examination fees for initial applicants required by division (A)(1) of this section and the renewal fees required for current certificate holders, registrants, and licensees. The superintendent of real estate shall deposit the assessment into the state treasury to the credit of the real estate appraiser recovery fund. The assessment for initial certificate holders, registrants, and licensees shall be paid prior to the issuance of a certificate, registration, or license, and for current certificate holders, registrants, and licensees, at the time of renewal.

(B) An applicant for an initial general real estate appraiser certificate, residential real estate appraiser certificate, or residential real estate appraiser license shall possess experience in real estate appraisal as the board prescribes by rule. In addition to any other information required by the board, the applicant shall furnish, under oath, a detailed listing of the appraisal reports or file memoranda for each year for which experience is claimed and, upon request of the superintendent or the board, shall make available for examination a sample of the appraisal reports prepared by the applicant in the course of the applicant's practice.

(C) An applicant for an initial certificate, registration, or license shall be at least eighteen years of age, honest, and truthful and shall present satisfactory evidence to the superintendent that the applicant has successfully completed any education requirements the board prescribes by rule.

(D) An applicant for an initial general real estate appraiser or residential real estate appraiser certificate or residential real estate appraiser license shall take and successfully complete a written examination in order to qualify for the certificate or license.

The board shall prescribe the examination requirements by rule.

(E)(1) A person who has obtained a residential real estate appraiser license, a residential real estate appraiser certificate, or a general real estate appraiser certificate from another state may apply to obtain a license or certificate issued under this chapter provided the state that issued the license or certificate has requirements that meet or exceed the requirements found in this chapter. The board shall adopt rules relating to this division. The application for obtaining a license or certificate under this division may include any of the following:

- (a) A pledge, signed by the applicant, that the applicant will comply with the standards set forth in this chapter; 72313  
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- (b) A statement that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated against the applicant pursuant to this chapter; 72315  
72316  
72317
- (c) A consent to service of process. 72318
- (2)(a) The board shall recognize on a temporary basis a certification or license issued in another state and shall register on a temporary basis an appraiser who is certified or licensed in another state if all of the following apply: 72319  
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- (i) The temporary registration is to perform an appraisal assignment that is part of a federally related transaction. 72323  
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- (ii) The appraiser's business in this state is of a temporary nature. 72325  
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- (iii) The appraiser registers with the board pursuant to this division. 72327  
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- (b) An appraiser who is certified or licensed in another state shall register with the board for temporary practice before performing an appraisal assignment in this state in connection with a federally related transaction. 72329  
72330  
72331  
72332
- (c) The board shall adopt rules relating to registration for the temporary recognition of certification and licensure of appraisers from another state. The registration for temporary recognition of certified or licensed appraisers from another state shall not authorize completion of more than one appraisal assignment in this state. The board shall not issue more than two registrations for temporary practice to any one applicant in any calendar year. The application for obtaining a registration under this division may include any of the following: 72333  
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- (i) A pledge, signed by the applicant, that the applicant 72342

will comply with the standards set forth in this chapter; 72343

(ii) A statement that the applicant understands the types of 72344  
misconduct for which disciplinary proceedings may be initiated 72345  
against the applicant pursuant to this chapter; 72346

(iii) A consent to service of process. 72347

(3) The board may enter into reciprocal agreements with other 72348  
states. The board shall prescribe reciprocal agreement 72349  
requirements by rule. 72350

(F) The superintendent shall not issue a certificate, 72351  
registration, or license to, or recognize on a temporary basis an 72352  
appraiser from another state that is a corporation, partnership, 72353  
or association. This prohibition shall not be construed to prevent 72354  
a certificate holder or licensee from signing an appraisal report 72355  
on behalf of a corporation, partnership, or association. 72356

(G) Every person licensed, registered, or certified under 72357  
this chapter shall notify the superintendent, on a form provided 72358  
by the superintendent, of a change in the address of the 72359  
licensee's, registrant's, or certificate holder's principal place 72360  
of business or residence within thirty days of the change. If a 72361  
licensee's, registrant's, or certificate holder's license, 72362  
registration, or certificate is revoked or not renewed, the 72363  
licensee, registrant, or certificate holder immediately shall 72364  
return the annual and any renewal certificate, registration, or 72365  
license to the superintendent. 72366

(H)(1) The superintendent shall not issue a certificate, 72367  
registration, or license to any person, or recognize on a 72368  
temporary basis an appraiser from another state, who does not meet 72369  
applicable minimum criteria for state certification, registration, 72370  
or licensure prescribed by federal law or rule. 72371

(2) The superintendent shall not refuse to issue a general 72372  
real estate appraiser certificate, residential real estate 72373

appraiser certificate, residential real estate appraiser license, 72374  
or real estate appraiser assistant registration to any person 72375  
because of a conviction of or plea of guilty to any criminal 72376  
offense unless the refusal is in accordance with section 9.79 of 72377  
the Revised Code. 72378

**Sec. 4763.11.** (A) Within ten business days after a person 72379  
files a written complaint against a person certified, registered, 72380  
or licensed under this chapter with the division of real estate, 72381  
the superintendent of real estate shall acknowledge receipt of the 72382  
complaint by sending notice to the certificate holder, registrant, 72383  
or licensee that includes a copy of the complaint. The 72384  
acknowledgement to the complainant and the notice to the 72385  
certificate holder, registrant, or licensee may state that an 72386  
informal mediation meeting will be held with the complainant, the 72387  
certificate holder, registrant, or licensee, and an investigator 72388  
from the investigation and audit section of the division, if the 72389  
complainant and certificate holder, registrant, or licensee both 72390  
file a request for such a meeting within twenty calendar days 72391  
after the acknowledgment and notice are mailed. 72392

(B) If the complainant and certificate holder, registrant, or 72393  
licensee both file with the division requests for an informal 72394  
mediation meeting, the superintendent shall notify the complainant 72395  
and certificate holder, registrant, or licensee of the date of the 72396  
meeting, by regular mail. If the complainant and certificate 72397  
holder, registrant, or licensee reach an accommodation at an 72398  
informal mediation meeting, the investigator shall report the 72399  
accommodation to the superintendent, the complainant, and the 72400  
certificate holder, registrant, or licensee and the complaint file 72401  
shall be closed upon the superintendent receiving satisfactory 72402  
notice that the accommodation has been fulfilled. 72403

(C) If the complainant and certificate holder, registrant, or 72404

licensee fail to agree to an informal mediation meeting or fail to 72405  
reach an accommodation agreement, or fail to fulfill an 72406  
accommodation agreement, the superintendent shall assign the 72407  
complaint to an investigator for an investigation into the conduct 72408  
of the certificate holder, registrant, or licensee against whom 72409  
the complaint is filed. 72410

(D) Upon the conclusion of the investigation, the 72411  
investigator shall file a written report of the results of the 72412  
investigation with the superintendent. The superintendent shall 72413  
review the report and determine whether there exists reasonable 72414  
and substantial evidence of a violation of division (G) of this 72415  
section by the certificate holder, registrant, or licensee. 72416

(1) If the superintendent finds evidence exists showing a 72417  
violation of division (G) of this section by a certificate holder, 72418  
registrant, or licensee, the superintendent shall notify the 72419  
complainant and certificate holder, registrant, or licensee of the 72420  
determination. The certificate holder, registrant, or licensee may 72421  
enter into a settlement agreement with the superintendent. The 72422  
settlement agreement is subject to board approval, and the board 72423  
shall prescribe requirements by rule for such settlement 72424  
agreements. The certificate holder, registrant, or licensee may 72425  
request a hearing pursuant to Chapter 119. of the Revised Code. If 72426  
a formal hearing is conducted, the hearing examiner shall file a 72427  
report that contains findings of fact and conclusions of law with 72428  
the division hearing administrator. The division hearing 72429  
administrator shall serve the hearing examiner report on the 72430  
superintendent, the assistant attorney general representing the 72431  
superintendent in the matter, the board, the complainant and the 72432  
certificate holder, licensee, or registrant, and if applicable, 72433  
counsel representing the complainant, certificate holder, 72434  
licensee, or registrant. Service of the hearing examiner report on 72435  
the complainant and on the certificate holder, licensee, or 72436

registrant shall comply with division (K) of this section. Service 72437  
of the hearing examiner's report on the superintendent, the 72438  
assistant attorney general representing the superintendent in the 72439  
matter, and the board shall be by either regular mail or 72440  
electronic means. Service of the hearing examiner report on 72441  
counsel representing the complainant, certificate holder, 72442  
licensee, or registrant shall be by regular mail. 72443

Within ten calendar days of receipt by the assistant attorney 72444  
general representing the superintendent of the copy of the hearing 72445  
examiner's report served by the division hearing administrator, 72446  
the assistant attorney general may file with the board written 72447  
objections to the hearing examiner's report, which shall be 72448  
considered by the board before approving, modifying, or rejecting 72449  
the hearing examiner's report. Within ten calendar days of receipt 72450  
by the certificate holder, licensee, or registrant of the copy of 72451  
the hearing examiner's report served by the division hearing 72452  
administrator, the certificate holder, licensee, or registrant may 72453  
file with the board written objections to the hearing examiner's 72454  
report, which shall be considered by the board before approving, 72455  
modifying, or rejecting the hearing examiner's report. Within ten 72456  
calendar days of receipt by the superintendent of the copy of the 72457  
hearing examiner's report served by the division hearing 72458  
administrator, the superintendent may grant an extension of time 72459  
to file written objections to the hearing examiner's report for 72460  
good cause shown. 72461

(2) If the superintendent finds, following the conclusion of 72462  
the investigation, that evidence does not exist showing a 72463  
violation of division (G) of this section by the certificate 72464  
holder, registrant, or licensee, the superintendent shall notify 72465  
the complainant and certificate holder, registrant, or licensee of 72466  
that determination and the basis for the determination. Within 72467  
fifteen business days after the superintendent notifies the 72468

complainant and certificate holder, registrant, or licensee that 72469  
such evidence does not exist, the complainant may file with the 72470  
division a request that the real estate appraiser board review the 72471  
determination. If the complainant files such request, the board 72472  
shall review the determination at the next regularly scheduled 72473  
meeting held at least fifteen business days after the request is 72474  
filed but no longer than six months after the request is filed. 72475  
The board may hear the testimony of the complainant, certificate 72476  
holder, registrant, or licensee at the meeting upon the request of 72477  
that party. If the board affirms the determination of the 72478  
superintendent, the superintendent shall notify the complainant 72479  
and the certificate holder, registrant, or licensee within five 72480  
business days thereafter. If the board reverses the determination 72481  
of the superintendent, the matter shall be returned to the 72482  
superintendent for additional investigation or review. 72483

(E) The board shall review the hearing examiner's report and 72484  
the evidence at the next regularly scheduled board meeting held at 72485  
least fifteen business days after receipt of the examiner's 72486  
report. The board may hear the testimony of the complainant, 72487  
certificate holder, registrant, or licensee upon request. If the 72488  
complainant is the Ohio civil rights commission, the board shall 72489  
review the complaint. 72490

(F) If the board determines that a licensee, registrant, or 72491  
certificate holder has violated this chapter for which 72492  
disciplinary action may be taken under division (G) of this 72493  
section, after review of the hearing examiner's report and the 72494  
evidence as provided in division (E) of this section, or after 72495  
review of a settlement agreement entered into pursuant to division 72496  
(D)(1) of this section, the board shall order the disciplinary 72497  
action the board considers appropriate, which may include, but is 72498  
not limited to, any of the following: 72499

(1) Reprimand of the certificate holder, registrant, or 72500

licensee; 72501

(2) Imposition of a fine, not exceeding, two thousand five 72502  
hundred dollars per violation; 72503

(3) Requirement of the completion of additional education 72504  
courses. Any course work imposed pursuant to this section shall 72505  
not count toward continuing education requirements or prelicense 72506  
or precertification requirements set forth in section 4763.05 of 72507  
the Revised Code. 72508

(4) Suspension of the certificate, registration, or license 72509  
for a specific period of time; 72510

(5) Revocation or surrender of the certificate, registration, 72511  
or license. 72512

The decision and order of the board is final, except that 72513  
following the review of the hearing examiner report and the 72514  
evidence as provided in division (E) of this section, the decision 72515  
and order of the board is subject to review in the manner provided 72516  
for in Chapter 119. of the Revised Code and appeal to any court of 72517  
common pleas. If the board orders a disciplinary action as 72518  
provided in division (F)(2) or (3) of this section, the 72519  
superintendent may grant an extension of time to satisfy the 72520  
board-ordered disciplinary action for good cause shown. 72521

(G) The board shall take any disciplinary action authorized 72522  
by this section against a certificate holder, registrant, or 72523  
licensee or an applicant who obtains a certificate, registration, 72524  
or license pursuant to this chapter who is found to have committed 72525  
any of the following acts, omissions, or violations: 72526

(1) As an applicant, procuring or attempting to procure a 72527  
certificate, registration, or license pursuant to section 4763.05, 72528  
4763.06, or 4763.07 of the Revised Code by knowingly making a 72529  
false statement, submitting false information, refusing to provide 72530  
complete information in response to a question in an application 72531

for certification, registration, or licensure, or by any means of fraud or misrepresentation; 72532  
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(2) Paying, or attempting to pay, anything of value, other than the fees or assessments required by this chapter, to any member or employee of the board for the purpose of procuring a certificate, registration, or license; 72534  
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72536  
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(3) In a criminal proceeding, being convicted of or pleading guilty or no contest to a felony; a crime involving moral turpitude; or a crime involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, drug trafficking, or any criminal offense involving money or securities, including a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to such an offense; 72538  
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(4) Dishonesty, fraud, or misrepresentation, with the intent to either benefit the certificate holder, registrant, or licensee or another person or injure another person; 72546  
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72548

(5) Violation of any of the standards for the development, preparation, communication, or reporting of an appraisal report set forth in this chapter and rules of the board; 72549  
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72551

(6) Failure or refusal to exercise reasonable diligence in developing, preparing, or communicating an appraisal report; 72552  
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(7) Negligence or incompetence in developing, preparing, communicating, or reporting an appraisal report; 72554  
72555

(8) Violating this chapter or the rules adopted thereunder; 72556

(9) Accepting an appraisal assignment where the employment is contingent upon the appraiser preparing or reporting a predetermined estimate, analysis, or opinion, or where the fee to be paid for the appraisal is contingent upon the opinion, conclusion, or valuation attained or upon the consequences 72557  
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resulting from the appraisal assignment;	72562
(10) Violating the confidential nature of governmental records to which the certificate holder, registrant, or licensee gained access through employment or engagement as an appraiser by a governmental agency;	72563 72564 72565 72566
(11) Entry of final judgment against the certificate holder, registrant, or licensee on the grounds of fraud, deceit, misrepresentation, or gross negligence in performing any appraisal of real estate;	72567 72568 72569 72570
(12) Violating any federal or state civil rights law;	72571
(13) Having published advertising, whether printed, radio, display, or of any other nature, which was misleading or inaccurate in any material particular, or in any way having misrepresented any appraisal or specialized service;	72572 72573 72574 72575
(14) Failing to provide copies of records to the superintendent or failing to maintain records as required by section 4763.14 of the Revised Code. Failure of a certificate holder, licensee, or registrant to comply with a subpoena issued under division (C)(1) of section 4763.03 of the Revised Code is prima-facie evidence of a violation of division (G)(14) of section 4763.11 of the Revised Code.	72576 72577 72578 72579 72580 72581 72582
(15) Failing to provide notice to the board as required in division (I) of this section;	72583 72584
(16) In the case of a certificate holder acting as a supervisory appraiser, refusing to sign an appraiser experience log required by rule for a person making application for an initial state-certified general real estate appraiser certificate, state-certified residential real estate appraiser certificate, or state-licensed residential real estate appraiser license, unless there is reasonable and substantial evidence that there is false information contained within the log;	72585 72586 72587 72588 72589 72590 72591 72592

(17) Being sanctioned or disciplined in another jurisdiction 72593  
as a real estate appraiser; 72594

(18) Failing to provide assistance, whenever possible, to the 72595  
members and staff of the board or to the division of real estate 72596  
in the enforcement of this chapter and the rules adopted under it. 72597

(H) The board immediately shall notify the superintendent of 72598  
real estate of any disciplinary action taken under this section 72599  
against a certificate holder, registrant, or licensee who also is 72600  
licensed under Chapter 4735. of the Revised Code, and also shall 72601  
notify any other federal, state, or local agency and any other 72602  
public or private association that the board determines is 72603  
responsible for licensing or otherwise regulating the professional 72604  
or business activity of the appraiser. Additionally, the board 72605  
shall notify the complainant and any other party who may have 72606  
suffered financial loss because of the certificate holder's, 72607  
registrant's, or licensee's violations, that the complainant or 72608  
other party may sue for recovery under section 4763.16 of the 72609  
Revised Code. The notice provided under this division shall 72610  
specify the conduct for which the certificate holder, registrant, 72611  
or licensee was disciplined and the disciplinary action taken by 72612  
the board and the result of that conduct. 72613

(I) A certificate holder, registrant, or licensee shall 72614  
notify the board within fifteen days of the agency's issuance of 72615  
an order revoking or permanently surrendering any professional 72616  
license, certificate, or registration by any public entity other 72617  
than the division of real estate. A certificate holder, 72618  
registrant, or licensee who is convicted of or pleads guilty or no 72619  
contest to a crime as described in division (G)(3) of this section 72620  
shall notify the board of the conviction or plea within fifteen 72621  
days of the conviction or plea. 72622

(J) If the board determines that a certificate holder, 72623  
registrant, or licensee has violated this chapter for which 72624

disciplinary action may be taken under division (G) of this 72625  
section as a result of an investigation conducted by the 72626  
superintendent upon the superintendent's own motion or upon the 72627  
request of the board, the superintendent shall notify the 72628  
certificate holder, registrant, or licensee of the certificate 72629  
holder's, registrant's, or licensee's right to a hearing pursuant 72630  
to Chapter 119. of the Revised Code and, if applicable, to an 72631  
appeal of a final determination of such administrative proceedings 72632  
to any court of common pleas. 72633

(K) Notwithstanding ~~section~~ sections 119.05 and 119.07 of the 72634  
Revised Code, acknowledgment of complaint notices issued under 72635  
division (A) of this section and continuance notices associated 72636  
with hearings conducted under this section may be sent by regular 72637  
mail and a certificate of mailing shall be obtained for the 72638  
notices. All other notices issued to a complainant and to a 72639  
certificate holder, registrant, licensee, or other party pursuant 72640  
to this section shall be mailed via certified mail, return receipt 72641  
requested. When any notice is sent by certified mail, return 72642  
receipt requested, and is returned because the notice was 72643  
unclaimed, then that notice is deemed served if the superintendent 72644  
subsequently sends the notice by regular mail and a certificate of 72645  
mailing is obtained for the notice. If a notice, whether sent by 72646  
certified mail, return receipt requested, or by regular mail with 72647  
a certificate of mailing, is returned for failure of delivery, 72648  
then the superintendent shall make personal delivery of the notice 72649  
by an employee or agent of the department of commerce or shall 72650  
cause a summary of the substantive provisions of the notice to be 72651  
published once a week for three consecutive weeks in a newspaper 72652  
of general circulation in the county where the last known address 72653  
of the party is located. When notice is given by publication, a 72654  
proof of publication affidavit, with the first publication of the 72655  
notice set forth in the affidavit, shall be mailed by regular mail 72656  
to the party at the party's last known address. The notice shall 72657

be deemed received as of the date of the last publication of the 72658  
summary. An employee or agent of the department of commerce may 72659  
make personal delivery of the notice upon the party at any time. 72660  
Refusal of delivery by personal service or by mail is not failure 72661  
of delivery and service is deemed to be complete. Failure of 72662  
delivery occurs only when a mailed notice is returned by the 72663  
postal authorities marked undeliverable, address or addressee 72664  
unknown, or forwarding address unknown or expired. 72665

**Sec. 4763.15.** Except for moneys required to be transferred 72666  
into the real estate appraiser recovery fund pursuant to section 72667  
4763.16 of the Revised Code ~~or as required pursuant to this~~ 72668  
~~section,~~ the superintendent of real estate may deposit all fees 72669  
collected under this chapter into the state treasury to the credit 72670  
of the real estate ~~appraiser~~ operating fund, ~~which is hereby~~ 72671  
created under section 4735.211 of the Revised Code. All operating 72672  
expenses of the real estate appraiser board and the superintendent 72673  
of real estate relating to the administration and enforcement of 72674  
this chapter and Chapter 4768. of the Revised Code shall be paid 72675  
from ~~this~~ the real estate operating fund. ~~The fund shall be~~ 72676  
~~assessed a proportionate share of the administrative cost of the~~ 72677  
~~department of commerce in accordance with procedures prescribed by~~ 72678  
~~the director of commerce, and the assessment shall be paid from~~ 72679  
~~the operating fund to the division of administration fund.~~ 72680

~~If, in any biennium, the director of commerce determines that~~ 72681  
~~moneys in the operating fund exceed those necessary to fund the~~ 72682  
~~activities of the board and of the superintendent of real estate~~ 72683  
~~that relate to this chapter and Chapter 4768. of the Revised Code,~~ 72684  
~~the director may pay the excess funds to the real estate appraiser~~ 72685  
~~recovery fund.~~ 72686

**Sec. 4763.16.** (A) The real estate appraiser recovery fund is 72687  
hereby created in the state treasury, to be administered by the 72688

superintendent of real estate. The treasurer of state shall credit 72689  
to the fund amounts collected by the superintendent as prescribed 72690  
in this section and interest earned on the assets of the fund. The 72691  
superintendent shall ascertain the balance of the fund as of the 72692  
first day of October of each year. If that balance is less than 72693  
two hundred thousand dollars at any time, the director of budget 72694  
and management, upon the request of the superintendent and 72695  
approval of the controlling board, may transfer from the real 72696  
estate ~~appraiser~~ operating fund created under section 4735.211 of 72697  
the Revised Code to the real estate appraiser recovery fund a sum 72698  
as will bring the real estate appraiser recovery fund to that 72699  
amount. 72700

(B) When any person obtains a final judgment in any court of 72701  
competent jurisdiction against a certificate holder, registrant, 72702  
or licensee, based upon conduct that is in violation of this 72703  
chapter or the rules adopted under it, which conduct occurred on 72704  
or after the date of their certification, registration, or 72705  
licensure, and that is associated with an act or transaction of a 72706  
certificate holder, registrant, or licensee specified in this 72707  
chapter, that person may file a verified complaint, as described 72708  
in this division, in the Franklin county court of common pleas for 72709  
an order directing payment out of the real estate appraiser 72710  
recovery fund of the portion of the judgment that remains unpaid 72711  
and that represents the actual and direct loss of the person for 72712  
the act or transaction upon which the underlying judgment was 72713  
based, and court costs, if awarded in the underlying judgment, 72714  
provided that no person shall receive more than ten thousand 72715  
dollars from the fund for any one judgment. A bonding or insurance 72716  
company or any partnership, corporation, or association that uses 72717  
any tool to develop a valuation of real property for purposes of a 72718  
loan or that employs, retains, or engages as an independent 72719  
contractor a person licensed, registered, or certified as a real 72720  
estate appraiser in its usual or occasional operations may not 72721

seek an order directing, and is not eligible for, payment out of 72722  
the fund. Punitive or exemplary damages are not recoverable from 72723  
the fund. 72724

The complaint shall specify the nature of the act or 72725  
transaction upon which the underlying judgment was based, the 72726  
activities of the applicant in pursuit of remedies available under 72727  
law for the collection of judgments, and the amount of the fee 72728  
paid by the applicant to the certificate holder, registrant, or 72729  
licensee. The applicant shall attach to the complaint a copy of 72730  
each pleading and order in the underlying court action. 72731

The Franklin county court of common pleas shall order the 72732  
superintendent to make payments out of the fund when the person 72733  
seeking the order has shown all of the following: 72734

(1) The person has obtained a judgment, as provided in this 72735  
division; 72736

(2) All appeals from the judgment have been exhausted and the 72737  
person has given notice to the superintendent, as required by 72738  
division (C) of this section; 72739

(3) The person is not a spouse of the certificate holder, 72740  
registrant, or licensee, or the personal representative of the 72741  
spouse; 72742

(4) The person has diligently pursued the person's remedies 72743  
against all the certificate holders, registrants, licensees, and 72744  
all other persons liable to the person in the transaction for 72745  
which the person seeks recovery from the fund; 72746

(5) The person is making a complaint not more than one year 72747  
after termination of all proceedings, including appeals, in 72748  
connection with the judgment. 72749

(C) A person who applies to the Franklin county court of 72750  
common pleas for an order directing payment out of the fund shall 72751

file notice of the complaint with the superintendent. The 72752  
superintendent shall send notice to the affected certificate 72753  
holder, registrant, or licensee, where possible. The 72754  
superintendent may defend the action on behalf of the fund and 72755  
shall have recourse to all appropriate means of defense and 72756  
review, including examination of witnesses. The superintendent may 72757  
move the court at any time to dismiss the complaint when it 72758  
appears there are no triable issues and the complaint is without 72759  
merit. The motion may be supported by affidavit of any person 72760  
having knowledge of the facts and may be made on the basis that 72761  
the complaint, including the judgment referred to in the 72762  
complaint, does not form the basis for a meritorious recovery 72763  
claim. The superintendent may, subject to court approval, 72764  
compromise a claim based upon the complaint of an aggrieved party. 72765  
The superintendent is not bound by any prior compromise or 72766  
stipulation of the certificate holder, registrant, or licensee. 72767  
Upon petition of the superintendent, the court may require all 72768  
claimants and prospective claimants against one certificate 72769  
holder, registrant, or licensee to be joined in one action, to the 72770  
end that the respective rights of all such claimants to the fund 72771  
may be equitably adjudicated and settled. 72772

(D) If the superintendent pays from the fund any amount in 72773  
settlement of a claim or toward satisfaction of a judgment against 72774  
a certificate holder, registrant, or licensee, the certificate, 72775  
registration, or license of the certificate holder, registrant, or 72776  
licensee automatically is suspended upon the date of payment from 72777  
the fund. No certificate, registration, or license that has been 72778  
suspended pursuant to this division shall be reinstated until the 72779  
certificate holder, registrant, or licensee has repaid in full, 72780  
plus interest per annum at the rate specified in division (A) of 72781  
section 1343.03 of the Revised Code, the amount paid from the fund 72782  
on the certificate holder's, registrant's, or licensee's account. 72783  
A discharge in bankruptcy does not relieve a person from the 72784

suspension and requirements for reinstatement provided in this 72785  
section. 72786

(E) If, at any time, the money deposited in the fund is 72787  
insufficient to satisfy any duly authorized claim or portion of a 72788  
claim, the superintendent shall, when sufficient money has been 72789  
deposited in the fund, satisfy the unpaid claims or portions, in 72790  
the order that the claims or portions were originally filed, plus 72791  
accumulated interest per annum at the rate specified in division 72792  
(A) of section 1343.03 of the Revised Code. 72793

(F) When, upon the order of the court, the superintendent has 72794  
paid from the fund any sum to the judgment creditor, the 72795  
superintendent is subrogated to all of the rights of the judgment 72796  
creditor to the extent of the amount so paid, and the judgment 72797  
creditor shall assign all of the judgment creditor's right, title, 72798  
and interest in the judgment to the superintendent to the extent 72799  
of the amount so paid. The superintendent shall deposit in the 72800  
fund any amount and interest so recovered by the superintendent on 72801  
the judgment. 72802

(G) Nothing contained in this section shall limit the 72803  
authority of the real estate appraiser board to take disciplinary 72804  
action against a certificate holder, registrant, or licensee under 72805  
other provisions of this chapter. The repayment in full of all 72806  
obligations to the fund by a certificate holder, registrant, or 72807  
licensee does not nullify or modify the effect of any other 72808  
disciplinary proceeding brought pursuant to this chapter, unless 72809  
repayment is imposed as a condition in that proceeding. 72810

(H) The superintendent shall collect from the fund a service 72811  
fee in an amount equivalent to the interest rate specified in 72812  
division (A) of section 1343.03 of the Revised Code multiplied by 72813  
the annual interest earned on the assets of the fund, to defray 72814  
the expenses incurred in the administration of the fund. 72815

Sec. 4764.04. (A) There is hereby created the Ohio home 72816  
inspector board consisting of seven members. The governor shall 72817  
appoint five members who are licensed home inspectors. The 72818  
president of the senate and the speaker of the house of 72819  
representatives each shall appoint one member who represents the 72820  
public and has no financial interest in the home inspection 72821  
industry. Not more than four members of the board shall be members 72822  
of the same political party. 72823

(B) The governor, president of the senate, and speaker of the 72824  
house of representatives shall make the initial appointments to 72825  
the board not later than ninety days after ~~the effective date of~~ 72826  
~~this section~~ April 5, 2019. Of the initial appointments to the 72827  
board, the governor shall appoint one member to a term ending one 72828  
year after ~~the effective date of this section~~ April 5, 2019, two 72829  
members to a term ending three years after that date, and two 72830  
members to a term ending five years after that date. The president 72831  
of the senate shall appoint one member to a term ending two years 72832  
after that date, and the speaker of the house of representatives 72833  
shall appoint one member to a term ending four years after that 72834  
date. Thereafter, each term shall be for five years, ending on the 72835  
same day of the same month as the term that it succeeds. Each 72836  
member shall hold office from the date of appointment until the 72837  
end of the term for which the member was appointed. Vacancies 72838  
shall be filled in the manner provided for original appointments. 72839  
A member appointed to fill a vacancy prior to the expiration of a 72840  
term shall hold office for the remainder of that term. A member 72841  
shall continue in office subsequent to the expiration of the term 72842  
until the member's successor takes office. 72843

(C) Annually, at the first regularly scheduled board meeting 72844  
following the first day of September, the board shall organize by 72845  
selecting from among its members a chairperson and a vice 72846  
chairperson by majority vote. The board shall meet at least once 72847

per calendar quarter to conduct its business. A majority of the 72848  
members of the board constitutes a quorum to transact and vote on 72849  
all business that comes before the board. 72850

(D) The members of the board shall not be compensated but 72851  
shall be reimbursed for actual expenses reasonably incurred in the 72852  
performance of their duties as members. 72853

(E) The person who, or office that, appointed a member may 72854  
remove that member for misconduct, neglect of duty, incapacity, or 72855  
malfeasance. 72856

(F) The Ohio home inspector board is a part of the department 72857  
of commerce for administrative purposes. The director of commerce 72858  
is ex officio the executive officer of the board, or the director 72859  
may designate the superintendent of real estate and professional 72860  
licensing to act as executive officer of the board. 72861

**Sec. 4764.05.** (A) The In addition to any other duties imposed 72862  
on the Ohio home inspector board, the board shall adopt rules, in 72863  
accordance with Chapter 119. of the Revised Code, in furtherance 72864  
of this chapter, including, but not limited to, rules to do all of 72865  
the following: 72866

(1) Establish standards to govern the issuance, renewal, 72867  
suspension, and revocation of licenses, other sanctions that may 72868  
be imposed for violations of this chapter, the conduct of hearings 72869  
related to these actions, and the process of reactivating a 72870  
license; 72871

(2) Establish the amount of the following fees: 72872

(a) Establish the following fees in an amount that is 72873  
sufficient to defray necessary expenses incurred in the 72874  
administration of this chapter: 72875

(i) The fee for applying for and receiving a license issued 72876  
under section 4764.07 of the Revised Code and the special 72877

assessment for the home inspection recovery fund created in 72878  
section 4764.21 of the Revised Code, which together shall not 72879  
exceed two hundred fifty dollars; 72880

(ii) The fee for renewal of a license under section 4764.09 72881  
of the Revised Code and the special assessment for the home 72882  
inspection recovery fund created in section 4764.21 of the Revised 72883  
Code, which together shall not exceed two hundred fifty dollars. 72884

(b) The renewal late fee described in division (B)(2) of 72885  
section 4764.09 of the Revised Code; 72886

(c) The fee an institution or organization described in 72887  
division (A)(7) of this section shall pay to receive approval to 72888  
offer continuing education courses and programs; 72889

(d) The fee an institution or organization that is approved 72890  
to offer continuing education courses and programs shall pay for 72891  
each course or program that the institution or organization wishes 72892  
to have the superintendent of real estate and professional 72893  
licensing approve pursuant to the rules adopted by the board under 72894  
division (A)(8) of this section; 72895

(e) Any other fees as required by this chapter. 72896

(3) In accordance with division (C) of this section, specify 72897  
methods and procedures the board shall use to approve a curriculum 72898  
of education a person must successfully complete to obtain a 72899  
license under this chapter; 72900

(4) In accordance with division (D) of this section, specify 72901  
methods and procedures the board shall use to approve a curriculum 72902  
of experience that a person may elect to complete the proof of 72903  
experience requirement specified in division (D)(6) of section 72904  
4764.07 of the Revised Code; 72905

(5) Establish the administrative reporting and review 72906  
requirements for parallel inspections or equivalency for field 72907

experience to assure that an applicant for a license satisfies the 72908  
requirements of division (D)(6) of section 4764.07 of the Revised 72909  
Code, as applicable; 72910

(6) Establish a curriculum for continuing education that a 72911  
licensed home inspector shall complete to satisfy the requirements 72912  
for continuing education specified in section 4764.08 of the 72913  
Revised Code and procedures to assure continuing education 72914  
requirements are updated periodically to make those requirements 72915  
consistent with home inspection industry practices; 72916

(7) Establish requirements an institution or organization 72917  
shall satisfy to obtain approval to provide courses or programs 72918  
that enable a licensed home inspector to satisfy the requirements 72919  
for continuing education specified in section 4764.08 of the 72920  
Revised Code and establish procedures that the superintendent of 72921  
real estate and professional licensing shall use to approve an 72922  
institution or organization that satisfies the requirements the 72923  
board establishes; 72924

(8) Establish procedures and standards that the 72925  
superintendent shall use to approve courses and programs, 72926  
including online courses and programs, offered by an institution 72927  
or organization that is approved by the superintendent to offer 72928  
continuing education courses or programs pursuant to the rules 72929  
adopted by the board under division (A)(7) of this section; 72930

(9) Establish reporting requirements for a licensed home 72931  
inspector to follow to demonstrate that the licensed home 72932  
inspector successfully completed the continuing education 72933  
requirements specified in section 4764.08 of the Revised Code; 72934

(10) Establish requirements for conducting home inspections, 72935  
standards of practice for home inspectors, and conflict of 72936  
interest prohibitions to the extent that those provisions do not 72937  
conflict with divisions (A)(2) to (5) of section 4764.14 of the 72938

Revised Code;	72939
(11) Specify requirements for settlement agreements entered into between the superintendent and a licensed home inspector under division (C) of section 4764.13 of the Revised Code;	72940 72941 72942
(12) Establish procedures for providing licensees with notice and applications for renewal under section 4764.09 of the Revised Code;	72943 72944 72945
(13) Establish a set of standards of practice and canons of ethics for the home inspection industry;	72946 72947
(14) Establish directions for the superintendent of real estate and professional licensing to follow regarding the scheduling, instruction, and offerings of home inspection courses a person must successfully complete to obtain a license issued under this chapter;	72948 72949 72950 72951 72952
(15) Establish requirements a licensed home inspector shall satisfy to obtain approval to prepare and conduct peer review sessions;	72953 72954 72955
<u>(16) Authorize the board, as the board determines appropriate, to request the superintendent of real estate and professional licensing to initiate investigations for possible violations of this chapter or the rules adopted pursuant thereto;</u>	72956 72957 72958 72959
<u>(17) Any other rules necessary in furtherance of this chapter.</u>	72960 72961
(B) The board shall do all of the following:	72962
(1) On appeal by any party affected, or on its own motion, review any order of or application determination made by the superintendent, and as the board determines necessary, reverse, vacate, modify, or sustain such an order or determination;	72963 72964 72965 72966
(2) <del>Hear appeals from orders of the superintendent regarding claims against the home inspection recovery fund created under</del>	72967 72968

<del>section 4764.21 of the Revised Code;</del>	72969
<del>(3)</del> Disseminate to licensees and the public information relative to board activities and decisions;	72970 72971
<del>(4)</del> <u>(3)</u> Notify licensees of changes in state and federal laws pertaining to home inspections and relevant case law and inform licensees that they are subject to disciplinary action if they do not comply with the changes.	72972 72973 72974 72975
(C) The board shall approve a curriculum of education a person must successfully complete to obtain a license issued under this chapter. The board shall approve a curriculum of education that satisfies all of the following requirements:	72976 72977 72978 72979
(1) The curriculum is offered by an accredited public or private institution of higher education or a professional organization that has been approved by the board to offer a curriculum.	72980 72981 72982 72983
(2) The curriculum includes a requirement that a person, to successfully complete the curriculum, complete at least eighty hours of classroom or online prelicensing instruction, including instruction about compliance with the requirements specified in this chapter, inspection safety, report writing, and any other administrative matters required by the board.	72984 72985 72986 72987 72988 72989
(3) The curriculum satisfies any other requirements the board established in rules it adopts.	72990 72991
(D) The board shall determine the equivalency of field experience that a person may elect to complete to satisfy the proof of experience requirement specified in division (D)(6) of section 4764.07 of the Revised Code. The board shall approve only a curriculum of experience that includes a requirement that a person, to successfully complete the curriculum, must perform at least forty hours of work in the home inspection field that allows the person to obtain practical experience or training regarding	72992 72993 72994 72995 72996 72997 72998 72999

home inspections. The board shall approve only a curriculum of 73000  
experience that includes a requirement that a person, to 73001  
successfully complete the curriculum, must complete a peer review 73002  
session with a licensed home inspector approved by the board 73003  
before applying for a license. The peer review session may be used 73004  
as part of the required eighty hours of prelicensing education. 73005

**Sec. 4764.06.** (A) The superintendent of real estate and 73006  
professional licensing shall do all of the following: 73007

(1) Administer this chapter; 73008

(2) Provide the Ohio home inspector board with meeting space, 73009  
staff services, and other technical assistance required by the 73010  
board to carry out the duties of the board under this chapter; 73011

(3) Provide each applicant for a home inspector license with 73012  
a copy of the requirements for home inspections specified in rules 73013  
adopted by the board pursuant to division (A)(10) of section 73014  
4764.05 of the Revised Code, and make those requirements available 73015  
to the public by posting them on the web site maintained by the 73016  
department of commerce; 73017

(4) In accordance with division (B) of this section, issue a 73018  
home inspector license to, or renew a home inspector license for, 73019  
any person who satisfies the requirements specified in this 73020  
chapter for such licensure or renewal, and make a list of those 73021  
licensed home inspectors available to the public by posting the 73022  
list on the web site maintained by the department of commerce; 73023

(5) Administer the home inspector recovery fund created under 73024  
section 4764.21 of the Revised Code; 73025

(6) Establish procedures, in accordance with division ~~(K)~~(L) 73026  
of section 121.08 of the Revised Code, to have fingerprint-based 73027  
criminal records checks conducted by the bureau of criminal 73028  
identification and investigation for all applicants for licensure; 73029

(7) In accordance with the procedures specified in rules 73030  
adopted by the board in accordance with division (A)(7) of section 73031  
4764.05 of the Revised Code, approve an institution or 73032  
organization wishing to provide continuing education courses or 73033  
programs if that institution or organization satisfies the 73034  
requirements specified in rules adopted by the board in accordance 73035  
with that division and pays the fee established in rules adopted 73036  
by the board pursuant to division (A)(2)(c) of that section; 73037

(8) In accordance with the procedures specified in rules 73038  
adopted by the board in accordance with division (A)(8) of section 73039  
4764.05 of the Revised Code, approve a course or program that a 73040  
licensed home inspector may complete to satisfy the continuing 73041  
education requirements specified in section 4764.08 of the Revised 73042  
Code if all of the following are satisfied: 73043

(a) The course or program is offered by an institution or 73044  
organization approved by the superintendent pursuant to division 73045  
(A)(7) of this section. 73046

(b) The course or program satisfies the standards established 73047  
in rules adopted by the board pursuant to division (A)(8) of 73048  
section 4764.05 of the Revised Code. 73049

(c) The institution or organization pays the fee established 73050  
in rules adopted by the board pursuant to division (A)(2)(d) of 73051  
section 4764.05 of the Revised Code. 73052

(9) Issue all orders necessary to implement this chapter; 73053

(10) In accordance with section 4764.12 of the Revised Code, 73054  
investigate complaints concerning an alleged violation of this 73055  
chapter or the conduct of any licensee and subpoena witnesses in 73056  
connection with those investigations, as provided in that section. 73057  
The subpoena may contain a direction that the witness produce and 73058  
bring any documents, work files, inspection reports, records, or 73059  
papers mentioned in the subpoena. 73060

(11) Establish and maintain an investigation and audit section to investigate complaints and conduct inspections, audits, and other inquiries as in the judgment of the superintendent are appropriate to enforce this chapter. The superintendent shall utilize the investigators and auditors employed pursuant to division (B)(4) of section 4735.05 of the Revised Code to assist in performing the duties specified in division (A)(10) of this section.

(12) Specify the information that must be provided on an application for licensure under this chapter;

(13) Establish procedures for processing, approving, and denying applications for licensure under this chapter;

(14) Specify the format and content of all affidavits and other documents required for the administration of this chapter;

(15) Appoint a hearing officer for any proceeding involving a determination under section 3123.47 of the Revised Code, disciplinary action arising under section 4764.02 or division (A)(6) of section 4764.14 of the Revised Code, or a proceeding under section 4764.16 of the Revised Code.

(B) The superintendent shall not issue a license to a corporation, limited liability company, partnership, or association, although a licensed home inspector may sign a home inspection report in a representative capacity on behalf of any of those types of entities.

**Sec. 4764.07.** (A) To obtain a license to perform home inspections, a person shall submit both of the following to the superintendent of real estate and professional licensing:

(1) An application meeting the requirements of division (D) of this section on a form the superintendent provides;

(2) The fee established in rules adopted by the Ohio home

inspector board pursuant to division (A)(2)(a) of section 4764.05 73091  
of the Revised Code. 73092

(B) Each person applying for a license shall submit one 73093  
complete set of fingerprints directly to the superintendent of the 73094  
bureau of criminal identification and investigation for the 73095  
purpose of conducting a criminal records check. The person shall 73096  
provide the fingerprints using a method the superintendent of the 73097  
bureau of criminal identification and investigation prescribes 73098  
pursuant to division (C)(2) of section 109.572 of the Revised Code 73099  
and fill out the form the superintendent of the bureau of criminal 73100  
identification and investigation prescribes pursuant to division 73101  
(C)(1) of section 109.572 of the Revised Code. Upon receiving an 73102  
application under this section, the superintendent of real estate 73103  
and professional licensing shall request the superintendent of the 73104  
bureau of criminal identification and investigation, or a vendor 73105  
approved by the bureau, to conduct a criminal records check based 73106  
on the applicant's fingerprint impressions in accordance with 73107  
division (A)(15) of section 109.572 of the Revised Code. 73108  
Notwithstanding division ~~(K)~~(L) of section 121.08 of the Revised 73109  
Code, the superintendent of real estate and professional licensing 73110  
shall request that criminal record information based on the 73111  
applicant's fingerprints be obtained from the federal bureau of 73112  
investigation as part of the criminal records check. Any fee 73113  
required under division (C)(3) of section 109.572 of the Revised 73114  
Code shall be paid by the applicant. 73115

(C) The superintendent shall issue a license to perform home 73116  
inspections to applicants who satisfy the requirements set forth 73117  
in this section, subject to section 4768.14 of the Revised Code. 73118

(D) Except as otherwise specified in division (E) of this 73119  
section, the application shall include all of the following: 73120

(1) A pledge the applicant signs, agreeing to comply with the 73121  
rules adopted by the board pursuant to division (A)(10) of section 73122

4764.05 of the Revised Code;	73123
(2) A statement that the applicant understands the grounds for any disciplinary action that may be initiated under this chapter;	73124 73125 73126
(3) Proof of holding a comprehensive general liability insurance policy or a commercial general liability insurance policy in accordance with division (A) of section 4764.11 of the Revised Code;	73127 73128 73129 73130
(4) Proof of successfully passing, within two years before the date of the application, the national home inspector examination;	73131 73132 73133
(5) Proof of successfully completing a curriculum of education approved by the board in accordance with rules the board adopts pursuant to division (A)(3) of section 4764.05 of the Revised Code;	73134 73135 73136 73137
(6) Proof that the applicant has experience in the field of home inspections through either of the following:	73138 73139
(a) Successful completion of a curriculum of experience approved by the board in accordance with rules the board adopts pursuant to divisions (A)(4) and (D) of section 4764.05 of the Revised Code;	73140 73141 73142 73143
(b) Successful completion of ten parallel inspections or equivalent experience as determined by the board pursuant to division (A)(5) of section 4764.05 of the Revised Code;	73144 73145 73146
(7) Proof that the applicant is at least eighteen years of age;	73147 73148
(8) Proof that the applicant has graduated from the twelfth grade, received a general educational development diploma, or satisfactorily completed a program that is the equivalent to graduating from the twelfth grade or receiving a general	73149 73150 73151 73152

educational development diploma; 73153

(9) Any other information the board requires that the board 73154  
determines is relevant to receiving a license to practice as a 73155  
licensed home inspector. 73156

(E) The superintendent shall not require a person described 73157  
in division (B) or (C) of section 4764.03 of the Revised Code who 73158  
wishes to obtain a license to perform home inspections under this 73159  
chapter to submit proof of education and experience as required 73160  
under divisions (D)(5) and (6) of this section in the person's 73161  
application in order for that person to receive a license. Such a 73162  
person, however, shall satisfy all other requirements specified in 73163  
divisions (A) and (D) of this section and provide proof of 73164  
licensure in good standing described in division (B) or (C) of 73165  
section 4764.03 of the Revised Code to receive a license. 73166

(F) The act of submitting an application to the 73167  
superintendent does not create, shall not be construed as 73168  
creating, and is not intended to indicate licensure as a home 73169  
inspector. 73170

**Sec. 4764.08.** During each three-year period that a license is 73171  
valid, a licensed home inspector shall successfully complete not 73172  
less than ~~fourteen~~ forty-two hours of continuing education 73173  
instruction ~~annually~~ in courses or programs directly applicable to 73174  
the standards of practice and requirements specified in rules 73175  
adopted by the Ohio home inspector board pursuant to division 73176  
(A)(10) of section 4764.05 of the Revised Code. 73177

The superintendent of real estate and professional licensing 73178  
shall accept only those courses and programs the superintendent 73179  
approves in accordance with division (A)(8) of section 4764.06 of 73180  
the Revised Code prior to the date the licensed home inspector 73181  
completes the course or program. The superintendent shall not 73182  
include parallel inspections completed by a person for credit 73183

toward satisfying the continuing education requirements specified 73184  
in this section. 73185

**Sec. 4764.16.** (A) Upon receipt of a written complaint or upon 73186  
the motion of the superintendent of real estate and professional 73187  
licensing, the superintendent may investigate any person who is 73188  
not a licensed home inspector who has allegedly violated section 73189  
4764.02 of the Revised Code. 73190

(B) The superintendent has the same powers to investigate an 73191  
alleged violation of section 4764.02 of the Revised Code by a 73192  
person who is not licensed as a home inspector as those powers are 73193  
specified in section 4764.12 of the Revised Code. If, after an 73194  
investigation pursuant to section 4764.12 of the Revised Code, the 73195  
superintendent determines that reasonable evidence exists that an 73196  
unlicensed person has violated section 4764.02 of the Revised 73197  
Code, within seven days after that determination, the 73198  
superintendent shall ~~send~~ serve a written notice ~~to that person by~~ 73199  
~~regular mail~~ in accordance with sections 119.05 and 119.07 of the 73200  
Revised Code and shall include in the notice the information 73201  
specified in section 119.07 of the Revised Code for notices given 73202  
to licensees, except that the notice shall specify that a hearing 73203  
will be held and specify the date, time, and place of the hearing. 73204

(C) The Ohio home inspector board shall hold a hearing 73205  
regarding the alleged violation in the same manner prescribed for 73206  
an adjudication hearing under section 119.09 of the Revised Code. 73207  
If the board, after the hearing, determines a violation has 73208  
occurred, the board may impose a civil penalty on the person, not 73209  
exceeding five hundred dollars per violation which is distinct 73210  
from any criminal fine imposed pursuant to section 4764.99 of the 73211  
Revised Code. Each day a violation occurs or continues is a 73212  
separate violation. The superintendent may approve a payment plan 73213  
if the unlicensed person requests such. The board shall maintain a 73214

transcript of the proceedings of the hearing and issue a written 73215  
order to all parties, citing its findings and grounds for any 73216  
action taken. The board's determination regarding a violation of 73217  
section 4764.02 of the Revised Code is an order that the person 73218  
may appeal in accordance with section 119.12 of the Revised Code. 73219

(D) If the unlicensed person who allegedly committed a 73220  
violation of section 4764.02 of the Revised Code fails to appear 73221  
for a hearing, the board may request the court of common pleas of 73222  
the county where the alleged violation occurred to compel the 73223  
person to appear before the board for a hearing. 73224

(E) If the board assesses an unlicensed person a civil 73225  
penalty for a violation of section 4764.02 of the Revised Code and 73226  
the person fails to pay that civil penalty within the time period 73227  
prescribed by the board, the superintendent shall forward to the 73228  
attorney general the name of the person and the amount of the 73229  
civil penalty for the purpose of collecting that civil penalty. In 73230  
addition to the civil penalty assessed pursuant to this section, 73231  
the person also shall pay any fee assessed by the attorney general 73232  
for collection of the civil penalty. 73233

If the board finds, or an unlicensed person admits to the 73234  
board, a violation of section 4764.02 of the Revised Code, the 73235  
superintendent shall not issue to the person a home inspector 73236  
license without prior board approval. 73237

**Sec. 4764.18.** Except as provided in section 4764.21 of the 73238  
Revised Code, the superintendent of real estate and professional 73239  
licensing shall deposit all money collected under this chapter in 73240  
the state treasury to the credit of the home inspectors real 73241  
estate operating fund, ~~which is hereby created. Money credited to~~ 73242  
~~the fund shall be used solely by the superintendent to pay costs~~ 73243  
~~associated with the administration and enforcement of this~~ 73244  
~~chapter.~~ 73245

**Sec. 4764.21.** (A) The home inspection recovery fund is hereby 73246  
created in the state treasury, to be administered by the 73247  
superintendent of real estate and professional licensing. Amounts 73248  
collected by the superintendent as prescribed in this section and 73249  
interest earned on the assets of the fund shall be ascertained by 73250  
the superintendent as of the first day of July each year. 73251

The Ohio home inspector board, in accordance with rules 73252  
adopted under division (A)(2) of section 4764.05 of the Revised 73253  
Code, shall impose a special assessment not to exceed five dollars 73254  
per year for each year of a licensing period on each person 73255  
applying for a license under section 4764.07 of the Revised Code 73256  
and on each licensee filing a notice of renewal under section 73257  
4764.09 of the Revised Code if the amount available in the fund is 73258  
less than ~~two hundred and fifty thousand~~ one million dollars on 73259  
the first day of July preceding that filing. ~~The board may impose~~ 73260  
~~a special assessment not to exceed three dollars per year for each~~ 73261  
~~year of a licensing period if the amount available is greater than~~ 73262  
~~five hundred thousand dollars, but less than one million dollars~~ 73263  
~~on the first day of July preceding that filing.~~ The board shall 73264  
not impose a special assessment if the amount available in the 73265  
fund equals or exceeds one million dollars on the first day of 73266  
July preceding that filing. 73267

(B)(1) Any person who obtains a final judgment in any court 73268  
of competent jurisdiction against any home inspector licensed 73269  
under this chapter, on the grounds of conduct that is in violation 73270  
of this chapter or the rules adopted under it, and that is 73271  
associated with an act or transaction that only a licensed home 73272  
inspector is authorized to perform as specified in section 4764.02 73273  
of the Revised Code, may file an application, as described in 73274  
division (B)(3) of this section, in the court of common pleas of 73275  
Franklin county for an order directing payment out of the home 73276  
inspection recovery fund of the portion of the judgment that 73277

remains unpaid and that represents an actual and direct loss 73278  
sustained by the applicant. 73279

(2) Punitive damages, attorney's fees, and interest on a 73280  
judgment are not recoverable from the fund. The superintendent may 73281  
allow court costs to be recovered from the fund, and, if the 73282  
superintendent authorizes the recovery of court costs, the order 73283  
of the court of common pleas then may direct their payment from 73284  
the fund. 73285

(3) The applicant shall describe in the application the 73286  
nature of the act or transaction on which the underlying judgment 73287  
was based, the activities of the applicant in pursuit of remedies 73288  
available under law for the collection of judgments, and the 73289  
actual and direct losses, attorney's fees, and the court costs 73290  
sustained or incurred by the applicant. The applicant shall attach 73291  
to the application a copy of each pleading and order in the 73292  
underlying court action. 73293

(4) The court shall order the superintendent to make payments 73294  
out of the fund when the person seeking the order has shown all of 73295  
the following: 73296

(a) The person has obtained a judgment, as provided in this 73297  
division; 73298

(b) All appeals from the judgment have been exhausted and the 73299  
person has given notice to the superintendent, as required by 73300  
division (C) of this section; 73301

(c) The person is not a spouse of the judgment debtor, or the 73302  
personal representative of the spouse; 73303

(d) The person has diligently pursued the person's remedies 73304  
against all the judgment debtors and all other persons liable to 73305  
the person in the transaction for which the person seeks recovery 73306  
from the fund; 73307

(e) The person is applying not more than one year after 73308  
termination of all proceedings, including appeals, in connection 73309  
with the judgment. 73310

(5) Divisions (B)(1) to (4) of this section do not apply to 73311  
any of the following: 73312

(a) Actions arising from home inspections conducted by an 73313  
unlicensed individual; 73314

(b) A bonding company when it is not a principal in the real 73315  
estate transaction; 73316

(c) A person in an action for the payment of a fee or other 73317  
compensation for the performance of an act or transaction 73318  
specified or comprehended in division (A) or (C) of section 73319  
4764.02 of the Revised Code; 73320

(d) Losses incurred by investors in real estate if the 73321  
applicant and the licensee are principals in the investment. 73322

(C) A person who applies to a court of common pleas for an 73323  
order directing payment out of the fund shall file notice of the 73324  
application with the superintendent. The superintendent may defend 73325  
any action on behalf of the fund and shall have recourse to all 73326  
appropriate means of defense and review, including examination of 73327  
witnesses, verification of actual and direct losses, and 73328  
challenges to the underlying judgment required in division 73329  
(B)(4)(a) of this section to determine whether the underlying 73330  
judgment is based on activity only a licensed home inspector is 73331  
permitted to perform. The superintendent may move the court at any 73332  
time to dismiss the application when it appears there are no 73333  
triable issues and the application is without merit. The motion 73334  
may be supported by affidavit of any person having knowledge of 73335  
the facts and may be made on the basis that the application, 73336  
including the judgment referred to in it, does not form the basis 73337  
for a meritorious recovery claim; provided, that the 73338

superintendent shall give written notice to the applicant at least 73339  
ten days before making the motion. The superintendent may, subject 73340  
to court approval, compromise a claim based upon the application 73341  
of an aggrieved party. The superintendent shall not be bound by 73342  
any prior compromise or stipulation of the judgment debtor. 73343

(D) Notwithstanding any other provision of this section to 73344  
the contrary, the liability of the fund shall not exceed forty 73345  
thousand dollars for any one licensee. If a licensee's license is 73346  
reactivated as provided in division (E) of this section, the 73347  
liability of the fund for the licensee under this section shall 73348  
again be forty thousand dollars, but only for transactions that 73349  
occur subsequent to the time of reactivation. 73350

If the forty-thousand-dollar liability of the fund is 73351  
insufficient to pay in full the valid claims of all aggrieved 73352  
persons by whom claims have been filed against any one licensee, 73353  
the forty thousand dollars shall be distributed among them in the 73354  
ratio that their respective claims bear to the aggregate of valid 73355  
claims or in any other manner as the court finds equitable. 73356  
Distribution of moneys shall be among the persons entitled to 73357  
share in it, without regard to the order of priority in which 73358  
their respective judgments may have been obtained or their claims 73359  
have been filed. Upon petition of the superintendent, the court 73360  
may require all claimants and prospective claimants against one 73361  
licensee to be joined in one action, to the end that the 73362  
respective rights of all the claimants to the fund may be 73363  
equitably adjudicated and settled. 73364

(E) If the superintendent pays from the fund any amount in 73365  
settlement of a claim or toward satisfaction of a judgment against 73366  
a licensed home inspector, the superintendent may suspend the home 73367  
inspector's license. The superintendent shall not reactivate the 73368  
suspended license of that home inspector until the home inspector 73369  
has repaid in full, plus interest per annum at the rate specified 73370

in division (A) of section 1343.03 of the Revised Code, the amount 73371  
paid from the fund on the home inspector's account. A discharge in 73372  
bankruptcy does not relieve a person from the suspension and 73373  
requirements for reactivation provided in this section unless the 73374  
underlying judgment has been included in the discharge and has not 73375  
been reaffirmed by the debtor. 73376

(F) If, at any time, the money deposited in the fund is 73377  
insufficient to satisfy any duly authorized claim or portion of a 73378  
claim, the superintendent shall, when sufficient money has been 73379  
deposited in the fund, satisfy the unpaid claims or portions, in 73380  
the order that the claims or portions were originally filed, plus 73381  
accumulated interest per annum at the rate specified in division 73382  
(A) of section 1343.03 of the Revised Code. 73383

(G) When, upon the order of the court, the superintendent has 73384  
paid from the fund any sum to the judgment creditor, the 73385  
superintendent shall be subrogated to all of the rights of the 73386  
judgment creditor to the extent of the amount so paid, and the 73387  
judgment creditor shall assign all the judgment creditor's right, 73388  
title, and interest in the judgment to the superintendent to the 73389  
extent of the amount so paid. Any amount and interest so recovered 73390  
by the superintendent on the judgment shall be deposited in the 73391  
fund. 73392

(H) Nothing contained in this section shall limit the 73393  
authority of the superintendent to take disciplinary action 73394  
against any licensee under other provisions of this chapter; nor 73395  
shall the repayment in full of all obligations to the fund by any 73396  
licensee nullify or modify the effect of any other disciplinary 73397  
proceeding brought pursuant to this chapter. 73398

(I) The superintendent shall collect from the fund a service 73399  
fee in an amount equivalent to the interest rate specified in 73400  
division (A) of section 1343.03 of the Revised Code multiplied by 73401  
the annual interest earned on the assets of the fund, to defray 73402

the expenses incurred in the administration of the fund. 73403

**Sec. 4765.02.** (A)(1) There is hereby created the state board 73404  
of emergency medical, fire, and transportation services within the 73405  
division of emergency medical services of the department of public 73406  
safety. The board shall consist of the members specified in this 73407  
section who are residents of this state. The governor, with the 73408  
advice and consent of the senate, shall appoint all members of the 73409  
board, except the employee of the department of public safety 73410  
designated by the director of public safety under this section to 73411  
be a member of the board. In making the appointments, the governor 73412  
shall appoint only members with background or experience in 73413  
emergency medical services or trauma care and shall attempt to 73414  
include members representing urban and rural areas, various 73415  
geographical regions of the state, and various schools of 73416  
training. 73417

(2) One member of the board shall be a physician certified by 73418  
the American board of emergency medicine or the American 73419  
osteopathic board of emergency medicine who is active in the 73420  
practice of emergency medicine and is actively involved with an 73421  
emergency medical service organization. The governor shall appoint 73422  
this member from among ~~three~~ persons nominated by the Ohio chapter 73423  
of the American college of emergency physicians and ~~three~~ persons 73424  
nominated by the Ohio osteopathic association. One member shall be 73425  
a physician certified by the American board of surgery or the 73426  
American osteopathic board of surgery who is active in the 73427  
practice of trauma surgery and is actively involved with emergency 73428  
medical services. The governor shall appoint this member from 73429  
among ~~three~~ persons nominated by the Ohio chapter of the American 73430  
college of surgeons and ~~three~~ persons nominated by the Ohio 73431  
osteopathic association. One member shall be a physician certified 73432  
by the American academy of pediatrics or American osteopathic 73433  
board of pediatrics who is active in the practice of pediatric 73434

emergency medicine and actively involved with an emergency medical 73435  
service organization. The governor shall appoint this member from 73436  
among ~~three~~ persons nominated by the Ohio chapter of the American 73437  
academy of pediatrics and ~~three~~ persons nominated by the Ohio 73438  
osteopathic association. One member shall be the administrator of 73439  
a hospital located in this state. The governor shall appoint this 73440  
member from among ~~three~~ persons nominated by OHA: the association 73441  
for hospitals and health systems, ~~three~~ persons nominated by the 73442  
Ohio osteopathic association, and ~~three~~ persons nominated by the 73443  
association of Ohio children's hospitals. One member shall be an 73444  
adult or pediatric trauma program manager or trauma program 73445  
director who is involved in the daily management of a verified 73446  
trauma center. The governor shall appoint this member from among 73447  
~~three~~ persons nominated by the Ohio nurses association, ~~three~~ 73448  
persons nominated by the Ohio society of trauma nurse leaders, and 73449  
~~three~~ persons nominated by the Ohio state council of the emergency 73450  
nurses association. One member shall be the chief of a fire 73451  
department that is also an emergency medical service organization 73452  
in which more than fifty per cent of the persons who provide 73453  
emergency medical services are full-time paid employees. The 73454  
governor shall appoint this member from among ~~three~~ persons 73455  
nominated by the Ohio fire chiefs' association. One member shall 73456  
be the chief of a fire department that is also an emergency 73457  
medical service organization in which more than fifty per cent of 73458  
the persons who provide emergency medical services are volunteers. 73459  
The governor shall appoint this member from among ~~three~~ persons 73460  
nominated by the Ohio fire chiefs' association. One member shall 73461  
be a person who is certified to teach under section 4765.23 of the 73462  
Revised Code and holds a valid certificate to practice as an EMT, 73463  
AEMT, or paramedic. ~~The governor shall appoint this member from~~ 73464  
~~among three persons nominated by the Ohio emergency medical~~ 73465  
~~technician instructors association and the Ohio~~ 73466  
~~instructor/coordinators' society.~~ One member shall be an EMT, 73467

AEMT, or paramedic, and one member shall be a paramedic. The 73468  
governor shall appoint these members from among ~~three~~ EMTs ~~or~~ 73469  
AEMTs, and ~~three~~ paramedics nominated by the Ohio association of 73470  
professional fire fighters and ~~three~~ EMTs, ~~three~~ AEMTs, and ~~three~~ 73471  
paramedics nominated by the northern Ohio fire fighters. One 73472  
member shall be an EMT, AEMT, or paramedic, and one member shall 73473  
be a paramedic. The governor shall appoint these members from 73474  
among ~~three~~ EMTs ~~or~~ AEMTs, and ~~three~~ paramedics nominated by the 73475  
Ohio state firefighter's association. One member shall be a person 73476  
whom the governor shall appoint from among an EMT, AEMT, or a 73477  
paramedic nominated by the Ohio association of emergency medical 73478  
services or the Ohio ambulance and medical transportation 73479  
association. One member shall be an EMT, AEMT, or a paramedic, 73480  
whom the governor shall appoint from among ~~three~~ persons nominated 73481  
by the Ohio ambulance and medical transportation association. One 73482  
member shall be a paramedic, whom the governor shall appoint from 73483  
among ~~three~~ persons nominated by the Ohio ambulance and medical 73484  
transportation association. One member shall be the owner or 73485  
operator of a private emergency medical service organization whom 73486  
the governor shall appoint from among ~~three~~ persons nominated by 73487  
the Ohio ambulance and medical transportation association. One 73488  
member shall be a member of a third-service emergency medical 73489  
service agency or organization whom the governor shall appoint 73490  
from among ~~three~~ persons nominated by the Ohio EMS chiefs 73491  
association. One member shall be a provider of mobile intensive 73492  
care unit transportation in this state whom the governor shall 73493  
appoint from among ~~three~~ persons nominated by the Ohio association 73494  
of critical care transport. One member shall be a provider of 73495  
air-medical transportation in this state whom the governor shall 73496  
appoint from among ~~three~~ persons nominated by the Ohio association 73497  
of critical care transport. One member shall be the owner or 73498  
operator of a nonemergency medical service organization in this 73499  
state that provides ambulette services whom the governor shall 73500

appoint from among ~~three~~ persons nominated by the Ohio ambulance and medical transportation association. 73501  
73502

The governor may refuse to appoint any of the persons 73503  
nominated by one or more organizations under division (A)(2) of 73504  
this section, except the employee of the department of public 73505  
safety designated by the director of public safety under this 73506  
section to be a member of the board. In that event, the 73507  
organization or organizations shall continue to nominate ~~the~~ 73508  
~~required number of~~ persons until the governor appoints to the 73509  
board one or more of the persons nominated by the organization or 73510  
organizations. If any nominating organization ceases to exist or 73511  
fails to make a nomination of a member within sixty days of a 73512  
vacancy, the governor may appoint any person who meets the 73513  
designated professional qualifications for that member. 73514

The director of public safety shall designate an employee of 73515  
the department of public safety to serve as a member of the board 73516  
at the director's pleasure. This member shall serve as a liaison 73517  
between the department and the division of emergency medical 73518  
services in cooperation with the executive director of the board. 73519

(B) Terms of office of all members appointed by the governor 73520  
shall be for three years, each term ending on the same day of the 73521  
same month as did the term it succeeds. Each member shall hold 73522  
office from the date of appointment until the end of the term for 73523  
which the member was appointed. A member shall continue in office 73524  
subsequent to the expiration date of the member's term until the 73525  
member's successor takes office, or until a period of ~~sixty days~~ 73526  
three years has elapsed, whichever occurs first. 73527

Each vacancy shall be filled in the same manner as the 73528  
original appointment. A member appointed to fill a vacancy 73529  
occurring prior to the expiration of the term for which the 73530  
member's predecessor was appointed shall hold office for the 73531  
remainder of the unexpired term. 73532

The term of a member shall expire if the member ceases to meet any of the requirements to be appointed as that member. The governor may remove any member from office for neglect of duty, malfeasance, misfeasance, or nonfeasance, after an adjudication hearing held in accordance with Chapter 119. of the Revised Code.

(C) The members of the board shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in carrying out their duties as board members.

(D) The board shall organize by annually selecting a chair and vice-chair from among its members. The board may adopt bylaws to regulate its affairs. A majority of all members of the board shall constitute a quorum. No action shall be taken without the concurrence of a majority of all members of the board. The board shall meet at least four times annually and at the call of the chair. The chair shall call a meeting on the request of the executive director or the medical director of the board or on the written request of five members. The board shall maintain written or electronic records of its meetings.

(E) Upon twenty-four hours' notice from a member of the board, the member's employer shall release the member from the member's employment duties to attend meetings of the full board. Nothing in this division requires the employer of a member of the board to compensate the member for time the member is released from employment duties under this paragraph, but any civil immunity, workers' compensation, disability, or similar coverage that applies to a member of the board as a result of the member's employment shall continue to apply while the member is released from employment duties under this paragraph.

**Sec. 4765.04.** (A) The firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services is hereby created and shall consist of

the members of the board who are chiefs of fire departments, and 73564  
the members of the board who are emergency medical 73565  
technicians-basic, emergency medical technicians-intermediate, and 73566  
emergency medical technicians-paramedic appointed from among 73567  
persons nominated by the Ohio association of professional fire 73568  
fighters or the northern Ohio fire fighters and from among persons 73569  
nominated by the Ohio state firefighter's association. Each member 73570  
of the committee, except the chairperson, may designate a person 73571  
with fire experience to serve in that member's place. The members 73572  
of the committee or their designees shall select a chairperson 73573  
from among the members or their designees. 73574

The committee may conduct investigations in the course of 73575  
discharging its duties under this chapter. In the course of an 73576  
investigation, the committee may issue subpoenas. If a person 73577  
subpoenaed fails to comply with the subpoena, the committee may 73578  
authorize its chairperson to apply to the court of common pleas in 73579  
the county where the person to be subpoenaed resides for an order 73580  
compelling compliance in the same manner as compliance with a 73581  
subpoena issued by the court is compelled. 73582

(B) The trauma committee of the state board of emergency 73583  
medical, fire, and transportation services is hereby created and 73584  
shall consist of the following members appointed by the director 73585  
of public safety: 73586

(1) A physician who is certified by the American board of 73587  
surgery or American osteopathic board of surgery and actively 73588  
practices general trauma surgery, appointed from among ~~three~~ 73589  
persons nominated by the Ohio chapter of the American college of 73590  
surgeons, ~~three~~ persons nominated by the Ohio state medical 73591  
association, and ~~three~~ persons nominated by the Ohio osteopathic 73592  
association; 73593

(2) A physician who is certified by the American board of 73594

surgery or the American osteopathic board of surgery and actively 73595  
practices orthopedic trauma surgery, appointed from among ~~three~~ 73596  
persons nominated by the Ohio orthopedic society and ~~three~~ persons 73597  
nominated by the Ohio osteopathic association; 73598

(3) A physician who is certified by the American board of 73599  
neurological surgeons or the American osteopathic board of surgery 73600  
and actively practices neurosurgery on trauma victims, appointed 73601  
from among ~~three~~ persons nominated by the Ohio state neurological 73602  
society and ~~three~~ persons nominated by the Ohio osteopathic 73603  
association; 73604

(4) A physician who is certified by the American board of 73605  
surgeons or American osteopathic board of surgeons and actively 73606  
specializes in treating burn victims, appointed from among ~~three~~ 73607  
persons nominated by the Ohio chapter of the American college of 73608  
surgeons and ~~three~~ persons nominated by the Ohio osteopathic 73609  
association; 73610

(5) A dentist who is certified by the American board of oral 73611  
and maxillofacial surgery and actively practices oral and 73612  
maxillofacial surgery, appointed from among ~~three~~ persons 73613  
nominated by the Ohio dental association; 73614

(6) A physician who is certified by the American board of 73615  
physical medicine and rehabilitation or American osteopathic board 73616  
of physical medicine and rehabilitation and actively provides 73617  
rehabilitative care to trauma victims, appointed from among ~~three~~ 73618  
persons nominated by the Ohio society of physical medicine and 73619  
rehabilitation and ~~three~~ persons nominated by the Ohio osteopathic 73620  
association; 73621

(7) A physician who is certified by the American board of 73622  
surgery or American osteopathic board of surgery with special 73623  
qualifications in pediatric surgery and actively practices 73624  
pediatric trauma surgery, appointed from among ~~three~~ persons 73625

nominated by the Ohio chapter of the American academy of 73626  
pediatrics and ~~three~~ persons nominated by the Ohio osteopathic 73627  
association; 73628

(8) A physician who is certified by the American board of 73629  
emergency medicine or American osteopathic board of emergency 73630  
medicine, actively practices emergency medicine, and is actively 73631  
involved in emergency medical services, appointed from among ~~three~~ 73632  
persons nominated by the Ohio chapter of the American college of 73633  
emergency physicians and ~~three~~ persons nominated by the Ohio 73634  
osteopathic association; 73635

(9) A physician who is certified by the American board of 73636  
pediatrics, American osteopathic board of pediatrics, American 73637  
board of emergency medicine, or American osteopathic board of 73638  
emergency medicine, is sub-boarded in pediatric emergency 73639  
medicine, actively practices pediatric emergency medicine, and is 73640  
actively involved in emergency medical services, appointed from 73641  
among ~~three~~ persons nominated by the Ohio chapter of the American 73642  
academy of pediatrics, ~~three~~ persons nominated by the Ohio chapter 73643  
of the American college of emergency physicians, and ~~three~~ persons 73644  
nominated by the Ohio osteopathic association; 73645

(10) A physician who is certified by the American board of 73646  
surgery, American osteopathic board of surgery, American board of 73647  
emergency medicine, or American osteopathic board of emergency 73648  
medicine and is the chief medical officer of an air medical 73649  
organization, appointed from among ~~three~~ persons nominated by the 73650  
Ohio association of air medical services; 73651

(11) A coroner or medical examiner appointed from among ~~three~~ 73652  
~~people~~ persons nominated by the Ohio state coroners' association; 73653

(12) A registered nurse who actively practices trauma nursing 73654  
at an adult or pediatric trauma center, appointed from among ~~three~~ 73655  
persons nominated by the Ohio association of trauma nurse 73656

coordinators; 73657

(13) A registered nurse who actively practices emergency 73658  
nursing and is actively involved in emergency medical services, 73659  
appointed from among ~~three~~ persons nominated by the Ohio chapter 73660  
of the emergency nurses' association; 73661

(14) The chief trauma registrar of an adult or pediatric 73662  
trauma center, appointed from among ~~three~~ persons nominated by the 73663  
alliance of Ohio trauma registrars; 73664

(15) The administrator of an adult or pediatric trauma 73665  
center, appointed from among ~~three~~ persons nominated by the Ohio 73666  
hospital association, ~~three~~ persons nominated by the Ohio 73667  
osteopathic association, ~~three~~ persons nominated by the 73668  
association of Ohio children's hospitals, and ~~three~~ persons 73669  
nominated by the health forum of Ohio; 73670

(16) The administrator of a hospital that is not a trauma 73671  
center and actively provides emergency care to adult or pediatric 73672  
trauma patients, appointed from among ~~three~~ persons nominated by 73673  
the Ohio hospital association, ~~three~~ persons nominated by the Ohio 73674  
osteopathic association, ~~three~~ persons nominated by the 73675  
association of Ohio children's hospitals, and ~~three~~ persons 73676  
nominated by the health forum of Ohio; 73677

(17) The operator of an ambulance company that actively 73678  
provides trauma care to emergency patients, appointed from among 73679  
~~three~~ persons nominated by the Ohio ambulance association; 73680

(18) The chief of a fire department that actively provides 73681  
trauma care to emergency patients, appointed from among ~~three~~ 73682  
persons nominated by the Ohio fire chiefs' association; 73683

(19) An EMT or paramedic who is certified under this chapter 73684  
and actively provides trauma care to emergency patients, appointed 73685  
from among ~~three~~ persons nominated by the Ohio association of 73686  
professional firefighters, ~~three~~ persons nominated by the northern 73687

Ohio fire fighters, ~~three~~ persons nominated by the Ohio state 73688  
firefighters' association, and ~~three~~ persons nominated by the Ohio 73689  
association of emergency medical services; 73690

(20) A person who actively advocates for trauma victims, 73691  
appointed from ~~three~~ persons nominated by the Ohio brain injury 73692  
association; 73693

(21) A physician or nurse who has substantial administrative 73694  
responsibility for trauma care provided in or by an adult or 73695  
pediatric trauma center, appointed from among ~~three~~ persons 73696  
nominated by the Ohio hospital association, ~~three~~ persons 73697  
nominated by the Ohio osteopathic association, ~~three~~ persons 73698  
nominated by the association of Ohio children's hospitals, and 73699  
~~three~~ persons nominated by the health forum of Ohio; 73700

(22) Three representatives of hospitals that are not trauma 73701  
centers and actively provide emergency care to trauma patients, 73702  
appointed from among ~~three~~ persons nominated by the Ohio hospital 73703  
association, ~~three~~ persons nominated by the Ohio osteopathic 73704  
association, ~~three~~ persons nominated by the association of Ohio 73705  
children's hospitals, and ~~three~~ persons nominated by the health 73706  
forum of Ohio. The representatives may be hospital administrators, 73707  
physicians, nurses, or other clinical professionals. 73708

Members of the committee shall have substantial experience in 73709  
the categories they represent, shall be residents of this state, 73710  
and may be members of the state board of emergency medical, fire, 73711  
and transportation services. In appointing members of the 73712  
committee, the director shall attempt to include members 73713  
representing urban and rural areas, various geographical areas of 73714  
the state, and various schools of training. The director shall not 73715  
appoint to the committee more than one member who is employed by 73716  
or who primarily practices at the same hospital, ~~health system~~, or 73717  
emergency medical service organization. 73718

The director may refuse to appoint any of the persons 73719  
nominated by an organization or organizations under this division. 73720  
In that event, the organization or organizations shall continue to 73721  
nominate ~~the required number of~~ persons until the director 73722  
appoints to the committee one or more of the persons nominated by 73723  
the organization or organizations. If any nominating organization 73724  
ceases to exist or fails to make a nomination of a member to the 73725  
committee within sixty days of a vacancy, the director may appoint 73726  
any person who meets the designated professional qualifications 73727  
for that member. 73728

Initial appointments to the committee shall be made by the 73729  
director not later than ninety days after November 3, 2000. 73730  
Members of the committee shall serve at the pleasure of the 73731  
director, except that any member of the committee who ceases to be 73732  
qualified for the position to which the member was appointed shall 73733  
cease to be a member of the committee. Vacancies on the committee 73734  
shall be filled in the same manner as original appointments. 73735

The members of the committee shall serve without compensation 73736  
but shall be reimbursed for actual and necessary expenses incurred 73737  
in carrying out duties as members of the committee. 73738

The committee shall select a chairperson and vice-chairperson 73739  
from among its members. A majority of all members of the committee 73740  
shall constitute a quorum. No action shall be taken without the 73741  
concurrence of a majority of all members of the committee. The 73742  
committee shall meet at the call of the chair, upon written 73743  
request of five members of the committee, and at the direction of 73744  
the state board of emergency medical, fire, and transportation 73745  
services. The committee shall not meet at times or locations that 73746  
conflict with meetings of the board. The executive director and 73747  
medical director of the state board of emergency medical, fire, 73748  
and transportation services may participate in any meeting of the 73749  
committee and shall do so at the request of the committee. 73750

The committee shall advise and assist the state board of emergency medical, fire, and transportation services in matters related to adult and pediatric trauma care and the establishment and operation of the state trauma registry. In matters relating to the state trauma registry, the board and the committee shall consult with trauma registrars from adult and pediatric trauma centers in the state. The committee may appoint a subcommittee to advise and assist with the trauma registry. The subcommittee may include persons with expertise relevant to the trauma registry who are not members of the board or committee.

(C)(1) The medical transportation committee of the state board of emergency medical, fire, and transportation services is hereby created. The committee shall consist of members appointed by the board in accordance with rules adopted by the board. In appointing members of the committee, the board shall attempt to include members representing urban and rural areas and various geographical areas of the state, and shall ensure the members have substantial experience in the transportation of patients, including addressing the unique issues of mobile intensive care and air medical services. The members of the committee shall be residents of this state and may be members of the board. The members of the committee shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in carrying out duties as members of the committee. The committee shall select a chairperson and vice-chairperson from among its members. A majority of all members of the committee shall constitute a quorum. No action shall be taken without the concurrence of a majority of all members of the committee. The committee shall meet at the call of the chair and at the direction of the board. The committee shall not meet at times or locations that conflict with meetings of the board. The committee shall advise and assist the board in matters related to the licensing of nonemergency medical service, emergency medical service, and air

medical service organizations in this state. 73784

(2) There is hereby created the critical care subcommittee of 73785  
the medical transportation committee. The membership of the 73786  
subcommittee and the conduct of the subcommittee's business shall 73787  
conform to rules adopted by the board. The subcommittee shall 73788  
advise and assist the committee and board in matters relating to 73789  
mobile intensive care and air medical service organizations in 73790  
this state. 73791

(D) The state board of emergency medical, fire, and 73792  
transportation services may appoint other committees and 73793  
subcommittees as it considers necessary. 73794

(E) The state board of emergency medical, fire, and 73795  
transportation services, and any of its committees or 73796  
subcommittees, may request assistance from any state agency. The 73797  
board and its committees and subcommittees may permit persons who 73798  
are not members of those bodies to participate in deliberations of 73799  
those bodies, but no person who is not a member of the board shall 73800  
vote on the board and no person who is not a member of a committee 73801  
created under division (A), (B), or (C) of this section shall vote 73802  
on that committee. 73803

(F) Sections 101.82 to 101.87 of the Revised Code do not 73804  
apply to the committees established under divisions (A), (B), and 73805  
(C) of this section. 73806

**Sec. 4765.11.** (A) The state board of emergency medical, fire, 73807  
and transportation services shall adopt, and may amend and 73808  
rescind, rules in accordance with Chapter 119. of the Revised Code 73809  
and divisions (C) and (D) of this section that establish all of 73810  
the following: 73811

(1) Procedures for its governance and the control of its 73812  
actions and business affairs; 73813

(2) Standards for the performance of emergency medical services by first responders, emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic;	73814 73815 73816 73817
(3) Application fees for certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, which shall be deposited into the trauma and emergency medical services fund created in section 4513.263 of the Revised Code;	73818 73819 73820 73821 73822
(4) Criteria for determining when the application or renewal fee for a certificate to practice may be waived because an applicant cannot afford to pay the fee;	73823 73824 73825
(5) Procedures for issuance and renewal of certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, including any measures necessary to implement section 9.79 of the Revised Code and any procedures necessary to ensure that adequate notice of renewal is provided in accordance with division (D) of section 4765.30 of the Revised Code;	73826 73827 73828 73829 73830 73831 73832
(6) Procedures for suspending or revoking certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice;	73833 73834 73835
(7) Grounds for suspension or revocation of a certificate to practice issued under section 4765.30 of the Revised Code and for taking any other disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	73836 73837 73838 73839
(8) Procedures for taking disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	73840 73841
(9) Standards for certificates of accreditation and certificates of approval;	73842 73843

(10) Qualifications for certificates to teach;	73844
(11) Requirements for a certificate to practice;	73845
(12) The curricula, number of hours of instruction and training, and instructional materials to be used in adult and pediatric emergency medical services training programs and adult and pediatric emergency medical services continuing education programs;	73846 73847 73848 73849 73850
(13) Procedures for conducting courses in recognizing symptoms of life-threatening allergic reactions and in calculating proper dosage levels and administering injections of epinephrine to adult and pediatric patients who suffer life-threatening allergic reactions;	73851 73852 73853 73854 73855
(14) Examinations for certificates to practice;	73856
(15) Procedures for administering examinations for certificates to practice;	73857 73858
(16) Procedures for approving examinations that demonstrate competence to have a certificate to practice renewed without completing an emergency medical services continuing education program;	73859 73860 73861 73862
(17) Procedures for granting extensions and exemptions of emergency medical services continuing education requirements;	73863 73864
(18) Specifications of the emergency medical services that first responders are authorized to perform under section 4765.35 of the Revised Code, that EMTs-basic are authorized to perform under section 4765.37 of the Revised Code, that EMTs-I are authorized to perform under section 4765.38 of the Revised Code, and that paramedics are authorized to perform under section 4765.39 of the Revised Code;	73865 73866 73867 73868 73869 73870 73871
(19) Standards and procedures for implementing the requirements of section 4765.06 of the Revised Code, including	73872 73873

designations of the persons who are required to report information	73874
to the board and the types of information to be reported;	73875
(20) Procedures for administering the emergency medical	73876
services grant program established under section 4765.07 of the	73877
Revised Code;	73878
(21) Procedures consistent with Chapter 119. of the Revised	73879
Code for appealing decisions of the board;	73880
(22) Minimum qualifications and peer review and quality	73881
improvement requirements for persons who provide medical direction	73882
to emergency medical service personnel, including, subject to	73883
division (B) of section 4765.42 of the Revised Code,	73884
qualifications for a physician to be eligible to serve as the	73885
medical director of an emergency medical service organization or a	73886
member of its cooperating physician advisory board;	73887
(23) The manner in which a patient, or a patient's parent,	73888
guardian, or custodian, may consent to the board releasing	73889
identifying information about the patient under division (D) of	73890
section 4765.102 of the Revised Code;	73891
(24) Circumstances under which a training program or	73892
continuing education program, or portion of either type of	73893
program, may be taught by a person who does not hold a certificate	73894
to teach issued under section 4765.23 of the Revised Code;	73895
(25) Certification cycles for certificates issued under	73896
sections 4765.23 and 4765.30 of the Revised Code and certificates	73897
issued by the executive director of the state board of emergency	73898
medical, fire, and transportation services under section 4765.55	73899
of the Revised Code that establish a common expiration date for	73900
all certificates.	73901
(B) The board may adopt, and may amend and rescind, rules in	73902
accordance with Chapter 119. of the Revised Code and divisions (C)	73903
and (D) of this section that establish any of the following:	73904

(1) Specifications of information that may be collected under the trauma system registry and incidence reporting system created under section 4765.06 of the Revised Code; 73905  
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(2) Standards and procedures for implementing any of the recommendations made by any committees of the board or under section 4765.04 of the Revised Code; 73908  
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(3) Procedures and requirements for conducting background checks on applicants for the issuance and renewal of certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice in accordance with section 109.578 of the Revised Code; 73911  
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(4) Any other rules necessary to implement this chapter. 73916

(C) In developing and administering rules adopted under this chapter, the state board of emergency medical, fire, and transportation services shall consult with regional directors and regional advisory boards appointed under section 4765.05 of the Revised Code and emphasize the special needs of pediatric and geriatric patients. 73917  
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(D) On and after April 6, 2023, the executive director shall not ~~require certification~~ issue to any new applicant a certificate to practice as an emergency medical services assistant instructor and shall not adopt or enforce rules or issue a certificate regarding the position of an emergency medical services assistant instructor. Any emergency medical services assistant instructor certificate that was issued in accordance with rules adopted under division (A) of this section prior to April 6, 2023, ~~remain~~ remains valid only until the expiration date of the certificate, subject to any conditions or responsibilities of retaining the validity of that certificate, until the holder of the certificate allows it to expire or lapse. The certificate ~~shall not~~ may be renewed by the holder of that certificate. The board shall adopt, 73923  
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amend, or rescind rules in accordance with Chapter 119. of the Revised Code in order to effectuate this division.

(E) Except as otherwise provided in this division, before adopting, amending, or rescinding any rule under this chapter, the board shall submit the proposed rule to the director of public safety for review. The director may review the proposed rule for not more than sixty days after the date it is submitted. If, within this sixty-day period, the director approves the proposed rule or does not notify the board that the rule is disapproved, the board may adopt, amend, or rescind the rule as proposed. If, within this sixty-day period, the director notifies the board that the proposed rule is disapproved, the board shall not adopt, amend, or rescind the rule as proposed unless at least twelve members of the board vote to adopt, amend, or rescind it.

This division does not apply to an emergency rule adopted in accordance with section 119.03 of the Revised Code.

**Sec. 4765.112.** (A) The state board of emergency medical, fire, and transportation services, by an affirmative vote of the majority of its members, may suspend without a prior hearing a certificate to practice issued under this chapter if the board determines that there is clear and convincing evidence that continued practice by the certificate holder presents a danger of immediate and serious harm to the public and that the certificate holder has done any of the following:

(1) Furnished false, fraudulent, or misleading information to the board;

(2) Engaged in activities that exceed those permitted by the individual's certificate;

(3) In a court of this or any other state or federal court been convicted of, pleaded guilty to, or been the subject of a

judicial finding of guilt of, a judicial finding of guilt 73966  
resulting from a plea of no contest to, or a judicial finding of 73967  
eligibility for intervention in lieu of conviction for, a felony 73968  
or for a misdemeanor committed in the course of practice or 73969  
involving gross immorality or moral turpitude. 73970

(B) Immediately following the decision to impose a summary 73971  
suspension, the board, in accordance with ~~section~~ sections 119.05 73972  
and 119.07 of the Revised Code, shall ~~issue~~ serve a written order 73973  
of suspension, ~~cause it to be delivered to~~ on the certificate 73974  
holder, and notify the certificate holder of the opportunity for a 73975  
hearing. If timely requested by the certificate holder, a hearing 73976  
shall be conducted in accordance with section 4765.115 of the 73977  
Revised Code. 73978

**Sec. 4765.114.** (A) A certificate to practice emergency 73979  
medical services issued under this chapter is automatically 73980  
suspended on the certificate holder's conviction of, plea of 73981  
guilty to, or judicial finding of guilt of any of the following: 73982  
aggravated murder, murder, voluntary manslaughter, felonious 73983  
assault, kidnapping, rape, sexual battery, gross sexual 73984  
imposition, aggravated arson, aggravated burglary, aggravated 73985  
robbery, or a substantially equivalent offense committed in this 73986  
or another jurisdiction. Continued practice after the suspension 73987  
is practicing without a certificate. 73988

(B) If the state board of emergency medical, fire, and 73989  
transportation services has knowledge that an automatic suspension 73990  
has occurred, it shall ~~notify~~ serve, in accordance with ~~section~~ 73991  
sections 119.05 and 119.07 of the Revised Code, the certificate 73992  
holder of the suspension and of the opportunity for a hearing. If 73993  
timely requested by the certificate holder, a hearing shall be 73994  
conducted in accordance with section 4765.115 of the Revised Code. 73995

**Sec. 4765.55.** (A) The executive director of the state board 73996  
of emergency medical, fire, and transportation services, with the 73997  
advice and counsel of the firefighter and fire safety inspector 73998  
training committee of the state board of emergency medical, fire, 73999  
and transportation services, shall assist in the establishment and 74000  
maintenance by any state agency, or any county, township, city, 74001  
village, school district, or educational service center of a fire 74002  
service training program for the training of all persons in 74003  
positions of any fire training certification level approved by the 74004  
executive director, including full-time paid firefighters, 74005  
part-time paid firefighters, volunteer firefighters, and fire 74006  
safety inspectors in this state. The executive director, with the 74007  
advice and counsel of the committee, shall adopt rules to regulate 74008  
those firefighter and fire safety inspector training programs, and 74009  
other training programs approved by the executive director. The 74010  
rules may include, but need not be limited to, training 74011  
curriculum, certification examinations, training schedules, 74012  
minimum hours of instruction, attendance requirements, required 74013  
equipment and facilities, basic physical requirements, and methods 74014  
of training for all persons in positions of any fire training 74015  
certification level approved by the executive director, including 74016  
full-time paid firefighters, part-time paid firefighters, 74017  
volunteer firefighters, and fire safety inspectors. The rules 74018  
adopted to regulate training programs for volunteer firefighters 74019  
shall not require more than thirty-six hours of training. 74020

The executive director, with the advice and counsel of the 74021  
committee, shall provide for the classification and chartering of 74022  
fire service training programs in accordance with rules adopted 74023  
under division (B) of this section, and may take action against 74024  
any chartered training program or applicant, in accordance with 74025  
rules adopted under divisions (B)(4) and (5) of this section, for 74026  
failure to meet standards set by the adopted rules. 74027

(B) The executive director, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services, shall adopt, and may amend or rescind, rules under Chapter 119. of the Revised Code that establish all of the following:

(1) Requirements for, and procedures for chartering, the training programs regulated by this section;

(2) Requirements for, and requirements and procedures for obtaining and renewing, an instructor certificate to teach the training programs and continuing education classes regulated by this section;

(3) Requirements for, and requirements and procedures for obtaining and renewing, any of the fire training certificates regulated by this section;

(4) Grounds and procedures for suspending, revoking, restricting, or refusing to issue or renew any of the certificates or charters regulated by this section, which grounds shall be limited to one of the following:

(a) Failure to satisfy the education or training requirements of this section;

(b) Conviction of a felony offense;

(c) Conviction of a misdemeanor involving moral turpitude;

(d) Conviction of a misdemeanor committed in the course of practice;

(e) In the case of a chartered training program or applicant, failure to meet standards set by the rules adopted under this division.

(5) Grounds and procedures for imposing and collecting fines, not to exceed one thousand dollars, in relation to actions taken

under division (B)(4) of this section against persons holding 74058  
certificates and charters regulated by this section, the fines to 74059  
be deposited into the trauma and emergency medical services fund 74060  
established under section 4513.263 of the Revised Code; 74061

(6) Continuing education requirements for certificate 74062  
holders, including a requirement that credit shall be granted for 74063  
in-service training programs conducted by local entities. The 74064  
continuing education requirements shall not require more than 74065  
thirty-six hours of continuing education every three-year 74066  
certification cycle. Local entities may require additional 74067  
continuing education, provided that completion of such additional 74068  
continuing education is not required for renewal of certification. 74069

(7) Procedures for considering the granting of an extension 74070  
or exemption of fire service continuing education requirements; 74071

(8) Certification cycles for which the certificates and 74072  
charters regulated by this section are valid; 74073

(9) If determined necessary by the executive director, 74074  
procedures and requirements for conducting background checks on 74075  
applicants for the issuance and renewal of certification as a fire 74076  
safety inspector in accordance with section 109.578 of the Revised 74077  
Code. 74078

(C)(1) The executive director, with the advice and counsel of 74079  
the firefighter and fire safety inspector training committee of 74080  
the state board of emergency medical, fire, and transportation 74081  
services, shall issue or renew an instructor certificate to teach 74082  
the training programs and continuing education classes regulated 74083  
by this section to any applicant that the executive director 74084  
determines meets the qualifications established in rules adopted 74085  
under division (B) of this section, and may take disciplinary 74086  
action against an instructor certificate holder or applicant in 74087  
accordance with rules adopted under division (B) of this section. 74088

(2) On and after ~~the effective date of this amendment~~ April 74089  
6, 2023, the executive director shall not ~~require certification~~ 74090  
issue to any new applicant a certificate to practice as an 74091  
assistant fire instructor ~~and shall not adopt or enforce rules or~~ 74092  
~~issue a certificate regarding the position of assistant fire~~ 74093  
~~instructor~~. Any assistant fire instructor certificate that was 74094  
issued in accordance with rules adopted under division (B) of this 74095  
section prior to ~~the effective date of this amendment~~ April 6, 74096  
2023, remains valid ~~until the expiration date of the certificate,~~ 74097  
subject to any conditions or responsibilities of retaining the 74098  
validity of that certificate, until the holder of the certificate 74099  
allows it to expire or lapse. The certificate ~~shall not~~ may be 74100  
renewed by the holder of that certificate. The executive director 74101  
shall adopt, amend, or rescind rules in accordance with Chapter 74102  
119. of the Revised Code in order to effectuate division (C)(2) of 74103  
this section. 74104

(3) The executive director, with the advice and counsel of 74105  
the committee, shall charter or renew the charter of any training 74106  
program that the executive director determines meets the 74107  
qualifications established in rules adopted under division (B) of 74108  
this section, and may take disciplinary action against the holder 74109  
of a charter in accordance with rules adopted under division (B) 74110  
of this section. 74111

(D) The executive director shall issue or renew a fire 74112  
training certificate for a firefighter, a fire safety inspector, 74113  
or another position of any fire training certification level 74114  
approved by the executive director, to any applicant that the 74115  
executive director determines meets the qualifications established 74116  
in rules adopted under division (B) of this section and may take 74117  
disciplinary actions against a certificate holder or applicant in 74118  
accordance with rules adopted under division (B) of this section. 74119

(E) Certificates issued under this section shall be on a form 74120

prescribed by the executive director, with the advice and counsel 74121  
of the firefighter and fire safety inspector training committee of 74122  
the state board of emergency medical, fire, and transportation 74123  
services. 74124

(F)(1) The executive director, with the advice and counsel of 74125  
the firefighter and fire safety inspector training committee of 74126  
the state board of emergency medical, fire, and transportation 74127  
services, shall establish criteria for evaluating the standards 74128  
maintained by other states and the branches of the United States 74129  
military for firefighter, fire safety inspector, and fire 74130  
instructor training programs, and other training programs 74131  
recognized by the executive director, to determine whether the 74132  
standards are equivalent to those established under this section 74133  
and shall establish requirements and procedures for issuing a 74134  
certificate to each person who presents proof to the executive 74135  
director of having satisfactorily completed a training program 74136  
that meets those standards. 74137

(2) The executive director, with the committee's advice and 74138  
counsel, shall adopt rules establishing requirements and 74139  
procedures for issuing a fire training certificate in lieu of 74140  
completing a chartered training program. 74141

(G) Nothing in this section invalidates any other section of 74142  
the Revised Code relating to the fire training academy. Section 74143  
4765.11 of the Revised Code does not affect any powers and duties 74144  
granted to the executive director under this section. 74145

(H) Notwithstanding any provision of division (B)(4) of this 74146  
section to the contrary, the executive director shall not adopt 74147  
rules for refusing to issue any of the certificates or charters 74148  
regulated by this section to an applicant because of a criminal 74149  
conviction unless the rules establishing grounds and procedures 74150  
for refusal are in accordance with section 9.79 of the Revised 74151  
Code. 74152

Sec. 4766.07. (A) Except as otherwise provided by rule of the 74153  
state board of emergency medical, fire, and transportation 74154  
services, each emergency medical service organization, 74155  
nonemergency medical service organization, and air medical service 74156  
organization subject to licensure under this chapter shall possess 74157  
a valid permit for each ambulance, ambulette, rotorcraft air 74158  
ambulance, fixed wing air ambulance, and nontransport vehicle it 74159  
owns or leases that is or will be used by the licensee to perform 74160  
the services permitted by the license. Each licensee and license 74161  
applicant shall submit the appropriate fee and an application for 74162  
a permit for each ambulance, ambulette, rotorcraft air ambulance, 74163  
fixed wing air ambulance, and nontransport vehicle to the state 74164  
board of emergency medical, fire, and transportation services on 74165  
forms provided by the board. The application shall include 74166  
documentation that the vehicle or aircraft meets the appropriate 74167  
standards set by the board, that the vehicle or aircraft has been 74168  
inspected pursuant to division (C) of this section, that the 74169  
permit applicant maintains insurance as provided in section 74170  
4766.06 of the Revised Code, and that the vehicle or aircraft and 74171  
permit applicant meet any other requirements established under 74172  
rules adopted by the board. 74173

The state board of emergency medical, fire, and 74174  
transportation services may adopt rules in accordance with Chapter 74175  
119. of the Revised Code to authorize the temporary use of a 74176  
vehicle or aircraft for which a permit is not possessed under this 74177  
section in back-up or disaster situations. 74178

(B)(1) Within ~~sixty~~ forty-five days after receiving a 74179  
completed application for a permit, the board shall issue or deny 74180  
the permit. The board shall deny an application if it determines 74181  
that the permit applicant, vehicle, or aircraft does not meet the 74182  
requirements of this chapter and the rules adopted under it that 74183  
apply to permits for ambulances, ambulettes, rotorcraft air 74184

ambulances, fixed wing air ambulances, and nontransport vehicles. 74185  
The board shall send notice of the denial of an application by 74186  
certified mail to the permit applicant. The permit applicant may 74187  
request a hearing within ten days after receipt of the notice. If 74188  
the board receives a timely request, it shall hold a hearing in 74189  
accordance with Chapter 119. of the Revised Code. 74190

(2) If the board issues the vehicle permit for an ambulance, 74191  
ambulette, or nontransport vehicle, it also shall issue a decal, 74192  
in a form prescribed by rule, to be displayed on the rear window 74193  
of the vehicle. The board shall not issue a decal until all of the 74194  
requirements for licensure and permit issuance have been met. 74195

(3) If the board issues the aircraft permit for a rotorcraft 74196  
air ambulance or fixed wing air ambulance, it also shall issue a 74197  
decal, in a form prescribed by rule, to be displayed on the left 74198  
fuselage aircraft window in a manner that complies with all 74199  
applicable federal aviation regulations. The board shall not issue 74200  
a decal until all of the requirements for licensure and permit 74201  
issuance have been met. 74202

(C) In addition to any other requirements that the board 74203  
establishes by rule, a licensee or license applicant applying for 74204  
an initial vehicle or aircraft permit under division (A) of this 74205  
section shall submit to the board the vehicle or aircraft for 74206  
which the permit is sought. Thereafter, a licensee shall annually 74207  
submit to the board each vehicle or aircraft for which a permit 74208  
has been issued. 74209

(1) The board shall conduct a physical inspection of an 74210  
ambulance, ambulette, or nontransport vehicle to determine its 74211  
roadworthiness and compliance with standard motor vehicle 74212  
requirements. 74213

(2) The board shall conduct a physical inspection of the 74214  
medical equipment, communication system, and interior of an 74215

ambulance to determine the operational condition and safety of the 74216  
equipment and the ambulance's interior and to determine whether 74217  
the ambulance is in compliance with the federal requirements for 74218  
ambulance construction that were in effect at the time the 74219  
ambulance was manufactured, as specified by the general services 74220  
administration in the various versions of its publication titled 74221  
"federal specification for the star-of-life ambulance, 74222  
KKK-A-1822." 74223

(3) The board shall conduct a physical inspection of the 74224  
equipment, communication system, and interior of an ambulette to 74225  
determine the operational condition and safety of the equipment 74226  
and the ambulette's interior and to determine whether the 74227  
ambulette is in compliance with state requirements for ambulette 74228  
construction. The board shall determine by rule requirements for 74229  
the equipment, communication system, interior, and construction of 74230  
an ambulette. 74231

(4) The board shall conduct a physical inspection of the 74232  
medical equipment, communication system, and interior of a 74233  
rotorcraft air ambulance or fixed wing air ambulance to determine 74234  
the operational condition and safety of the equipment and the 74235  
aircraft's interior. 74236

(5) The board shall issue a certificate to the applicant for 74237  
each vehicle or aircraft that passes the inspection and may assess 74238  
a fee for each inspection, as established by the board. 74239

(6) The board shall adopt rules regarding the implementation 74240  
and coordination of inspections. The rules may permit the board to 74241  
contract with a third party to conduct the inspections required of 74242  
the board under this section. 74243

**Sec. 4766.11.** (A) The state board of emergency medical, fire, 74244  
and transportation services may investigate alleged violations of 74245  
this chapter or the rules adopted under it and may investigate any 74246

complaints received regarding alleged violations. 74247

In addition to any other remedies available and regardless of 74248  
whether an adequate remedy at law exists, the board may apply to 74249  
the court of common pleas in the county where a violation of any 74250  
provision of this chapter or any rule adopted pursuant thereto is 74251  
occurring for a temporary or permanent injunction restraining a 74252  
person from continuing to commit that violation. On a showing that 74253  
a person has committed a violation, the court shall grant the 74254  
injunction. 74255

In conducting an investigation under this section, the board 74256  
may issue subpoenas compelling the attendance and testimony of 74257  
witnesses and the production of books, records, and other 74258  
documents pertaining to the investigation. If a person fails to 74259  
obey a subpoena from the board, the board may apply to the court 74260  
of common pleas in the county where the investigation is being 74261  
conducted for an order compelling the person to comply with the 74262  
subpoena. On application by the board, the court shall compel 74263  
obedience by attachment proceedings for contempt, as in the case 74264  
of disobedience of the requirements of a subpoena from the court 74265  
or a refusal to testify therein. 74266

(B) The board may suspend a license issued under this chapter 74267  
without a prior hearing if it determines that there is evidence 74268  
that the license holder is subject to action under this section 74269  
and that there is clear and convincing evidence that continued 74270  
operation by the license holder presents a danger of immediate and 74271  
serious harm to the public. The chairperson and executive director 74272  
of the board shall make a preliminary determination and describe 74273  
the evidence on which they made their determination to the board 74274  
members. The board by resolution may designate another board 74275  
member to act in place of the chairperson or another employee to 74276  
act in place of the executive director in the event that the 74277

chairperson or executive director is unavailable or unable to act. 74278  
Upon review of the allegations, the board, by the affirmative vote 74279  
of a majority of its members, may suspend the license without a 74280  
hearing. 74281

Immediately following the decision by the board to suspend a 74282  
license under this division, the board shall ~~issue~~ serve a written 74283  
order of suspension ~~and cause it to be delivered~~ in accordance 74284  
with ~~section~~ sections 119.05 and 119.07 of the Revised Code. If 74285  
the license holder subject to the suspension requests an 74286  
adjudication hearing by the board, the date set for the 74287  
adjudication shall be within fifteen days but not earlier than 74288  
seven days after the request unless another date is agreed to by 74289  
the license holder and the board. 74290

Any summary suspension imposed under this division remains in 74291  
effect, unless reversed by the board, until a final adjudicative 74292  
order issued by the board pursuant to this section and Chapter 74293  
119. of the Revised Code becomes effective. The board shall issue 74294  
its final adjudicative order not less than ninety days after 74295  
completion of its adjudication hearing. Failure to issue the order 74296  
by that day shall cause the summary suspension order to end, but 74297  
such failure shall not affect the validity of any subsequent final 74298  
adjudication order. 74299

**Sec. 4767.03.** (A)(1) The owner or the person responsible for 74300  
the operation and maintenance of a cemetery shall apply to the 74301  
division of real estate in the department of commerce to register 74302  
the cemetery on forms prescribed by the division. With the 74303  
application, the applicant shall submit the documentation required 74304  
in division (A) of section 4767.04 of the Revised Code and a 74305  
registration fee of twenty-five dollars for one cemetery, forty 74306  
dollars for two cemeteries, and fifty dollars for three or more 74307  
cemeteries, except that no fee shall be required of any political 74308

subdivision. 74309

(2) The director of commerce, by rule adopted in accordance 74310  
with Chapter 119. of the Revised Code, may reduce the amount of 74311  
the registration fee required by this section in any year if the 74312  
director determines that the total amount of funds the fee is 74313  
generating at the amount specified by this section exceeds the 74314  
amount of funds the division of real estate and the Ohio cemetery 74315  
dispute resolution commission created by section 4767.05 of the 74316  
Revised Code need to carry out their powers and duties under this 74317  
chapter. If the director so reduces the amount of the registration 74318  
fee, the director shall reduce it for all owners or other persons 74319  
required to pay the fee under division (A)(1) of this section and 74320  
shall require that the reduced fee be paid according to the number 74321  
of cemeteries owned, operated, or maintained as required under 74322  
that division. If the director has reduced the fee under division 74323  
(A)(2) of this section, the director may later raise it up to the 74324  
amounts specified in division (A)(1) of this section if, in any 74325  
year, the director determines that the total amount of funds the 74326  
fee is generating at the reduced amount is insufficient for the 74327  
division of real estate and the Ohio cemetery dispute resolution 74328  
commission to carry out their powers and duties under this 74329  
chapter. 74330

(B) Upon receipt of the completed application form, 74331  
documentation, and, if required, registration fee, the division of 74332  
real estate shall issue a certificate of registration to the 74333  
applicant. The applicant shall display the certificate in a 74334  
conspicuous place on the premises of the cemetery for which the 74335  
registration was obtained, except that, if the applicant is the 74336  
governing body of a political subdivision or person acting on 74337  
behalf of that governing body, the certificate shall be kept on 74338  
file and be available for public inspection at the office of the 74339  
governing body. 74340

(C) Except as otherwise provided in this division, each 74341  
registration issued pursuant to this section shall expire annually 74342  
on the thirtieth day of September and shall be renewed by the 74343  
owner or the person responsible for the operation and maintenance 74344  
of the cemetery for the continued operation of the cemetery. The 74345  
renewal fee shall be the same as the initial registration fees 74346  
prescribed in division (A) of this section. 74347

The registration of a cemetery operated and maintained by a 74348  
political subdivision shall not expire unless the political 74349  
subdivision ceases to operate and maintain the cemetery. A 74350  
political subdivision operating and maintaining a cemetery is not 74351  
required to renew or update the registration of that cemetery 74352  
unless there is a change in the information required under 74353  
division (A) of section 4767.04 of the Revised Code or unless 74354  
additional land is acquired to increase the size of the cemetery. 74355

(D) All registration and renewal fees collected pursuant to 74356  
this section shall be paid into the state treasury to the credit 74357  
of the cemetery registration fund, which is hereby created in the 74358  
state treasury. The division of real estate in the department of 74359  
commerce ~~to be used by the division shall use the fund~~ to carry 74360  
out its powers and duties under this chapter and by the Ohio 74361  
cemetery dispute resolution commission created by section 4767.05 74362  
of the Revised Code. 74363

**Sec. 4767.10.** (A) ~~The cemetery grant fund is created in the~~ 74364  
~~state treasury.~~ The division of real estate in the department of 74365  
commerce ~~shall deposit into the fund one dollar of each two~~ 74366  
~~dollars and fifty cents portion of the burial permit fee received~~ 74367  
~~under section 3705.17 of the Revised Code. The division shall use~~ 74368  
~~moneys in the fund~~ one dollar of each burial permit fee collected 74369  
pursuant to section 3705.17 of the Revised Code and paid into the 74370  
state treasury to the credit of the cemetery registration fund 74371

~~created under section 4767.03 of the Revised Code~~ to advance 74372  
grants to cemeteries registered with the division to defray the 74373  
costs of exceptional cemetery maintenance or training cemetery 74374  
personnel in the maintenance and operation of cemeteries. The 74375  
division may not provide a grant to a corporation or association 74376  
that operates a cemetery for profit. ~~In each fiscal year, the~~ 74377  
~~division may not advance grants totaling more than eighty per cent~~ 74378  
~~of the appropriation to the cemetery grant fund for that fiscal~~ 74379  
~~year.~~ The division shall advance grants from the cemetery 74380  
registration fund in accordance with rules adopted by the Ohio 74381  
cemetery dispute resolution commission under Chapter 119. of the 74382  
Revised Code. 74383

(B) The director of commerce may increase, by rule adopted 74384  
under Chapter 119. of the Revised Code, the amount of total grants 74385  
the division may advance in a fiscal year if the director 74386  
determines the total amount of funds generated exceeds the amount 74387  
of funds the division needs to carry out its powers and duties 74388  
under this section. If the director determines the increased 74389  
amount depletes the amount of funds the division needs to carry 74390  
out its powers and duties under this section, the director may 74391  
decrease the amount not below the amount specified in division (A) 74392  
of this section. 74393

**Sec. 4768.03.** The real estate appraiser board shall do all of 74394  
the following: 74395

(A) Adopt rules, in accordance with Chapter 119. of the 74396  
Revised Code in furtherance of this chapter, including, but not 74397  
limited to, all of the following: 74398

(1) Procedures for criminal records checks that are required 74399  
under section 4768.06 of the Revised Code, in accordance with 74400  
division ~~(K)~~(L) of section 121.08 and division (C) of section 74401

4768.06 of the Revised Code;	74402
(2) The following nonrefundable fees:	74403
(a) The initial appraisal management company license fee,	74404
which shall not exceed two thousand dollars;	74405
(b) The annual renewal fee, which shall not exceed two	74406
thousand dollars;	74407
(c) The late filing fee, which shall not exceed one thousand	74408
dollars, for the renewal of a license under division (C) of	74409
section 4768.07 of the Revised Code.	74410
(3) Requirements for settlement agreements that the	74411
superintendent of real estate and professional licensing and an	74412
appraisal management company or other person may enter into under	74413
division (H) of section 4768.13 or division (C) of section 4768.14	74414
of the Revised Code;	74415
(4) Presumptions of compliance with regard to the customary	74416
and reasonable fees required under division (B) of section 4768.12	74417
of the Revised Code. In adopting rules under division (A)(4) of	74418
this section, the board shall consider presumptions of compliance	74419
promulgated for the same purpose under the federal "Truth in	74420
Lending Act," 82 Stat. 146, 15 U.S.C. 1631 et seq.;	74421
(5) Rules regarding consent to service of process for	74422
appraisal management companies in accordance with division (A)(6)	74423
of section 4768.06 of the Revised Code.	74424
(B) Determine the appropriate disciplinary actions to be	74425
taken against a person, including a licensee, under section	74426
4768.13 of the Revised Code;	74427
(C) Hear appeals, pursuant to Chapter 119. of the Revised	74428
Code, from decisions and orders that the superintendent issues	74429
pursuant to this chapter;	74430
(D) Request that the superintendent initiate an investigation	74431

of a violation of this chapter or the rules adopted under it, as 74432  
the board determines appropriate. 74433

**Sec. 4768.06.** (A) To obtain an appraisal management company 74434  
license, each applicant shall submit all of the following to the 74435  
superintendent of real estate and professional licensing: 74436

(1) A completed application on a form the superintendent 74437  
provides; 74438

(2) The name of a controlling person who will be the main 74439  
contact between the appraisal management company and the division 74440  
of real estate and professional licensing and the real estate 74441  
appraiser board; 74442

(3) Payment of the fee established for initial licensure 74443  
under division (A)(2) of section 4768.03 of the Revised Code; 74444

(4) A list of all owners and controlling persons of the 74445  
appraisal management company; 74446

(5) A statement that each owner and controlling person of the 74447  
appraisal management company satisfies the requirements set forth 74448  
in divisions (B)(1) to (4) of this section; 74449

(6) A completed consent to service of process in this state 74450  
as prescribed by rule of the real estate appraiser board; 74451

(7) A statement that the applicant understands the grounds 74452  
for any disciplinary action that may be initiated under this 74453  
chapter; 74454

(8) The name of each state in which the appraisal management 74455  
company holds an appraisal management company license, 74456  
certificate, or registration and affirmation that the applicant is 74457  
in good standing in each state where the applicant holds a 74458  
license, certificate, or registration; 74459

(9) A statement that the applicant acknowledges that a system 74460

or process must be in place to verify that any appraiser added to 74461  
the appraisal management company's appraiser panel for the purpose 74462  
of performing real estate appraisal services in this state holds a 74463  
license or certificate under Chapter 4763. of the Revised Code and 74464  
is in good standing with this state; 74465

(10) A statement that the applicant acknowledges that a 74466  
system or process must be in place to review the work of 74467  
appraisers who are performing real estate appraisal services for 74468  
compliance with the uniform standards of professional appraisal 74469  
practice; 74470

(11) A statement that the applicant acknowledges that a 74471  
system or process must be in place to verify that any employee of, 74472  
or independent contractor to, the appraisal management company 74473  
that performs an appraisal review shall be an appraiser licensed 74474  
or certified pursuant to Chapter 4763. of the Revised Code, 74475  
provided the property that is the subject of the appraisal is 74476  
located in this state; 74477

(12) A statement that the applicant acknowledges that the 74478  
controlling person who will be the main contact between the 74479  
appraisal management company and the division of real estate and 74480  
professional licensing and the real estate appraiser board 74481  
described in division (A)(2) of this section has successfully 74482  
completed fifteen hours of uniform standards of professional 74483  
appraisal practice and thereafter must complete seven hours of 74484  
instruction in uniform standards of professional appraisal 74485  
practice at least once every two years; 74486

(13) A statement that the applicant acknowledges that a 74487  
system or process must be in place to disclose to its client the 74488  
actual fees paid to an appraiser for appraisal services separately 74489  
from any other fees or charges for appraisal management services; 74490

(14) A statement that the applicant acknowledges that a 74491

system or process must be in place to disclose the license, 74492  
certificate, or registration number of the appraisal management 74493  
company on each engagement letter used in assigning an appraisal 74494  
request for real estate appraisal assignments within the state; 74495

(15) A statement that the applicant acknowledges that it is 74496  
required to report suspected violations of Chapter 4763. of the 74497  
Revised Code by a person licensed, registered, or certified under 74498  
that chapter; 74499

(16) A statement that the applicant acknowledges that the 74500  
real estate appraiser board or the superintendent may require the 74501  
applicant to submit to an audit, conducted by staff of the 74502  
division of real estate and professional licensing, of the 74503  
applicant's operations or books; 74504

(17) A statement that the applicant acknowledges that it is 74505  
required to comply with section 129e of the "Truth in Lending 74506  
Act," 82 Stat. 146, 15 U.S.C. 1639e. 74507

(B) Each owner and controlling person of an appraisal 74508  
management company shall satisfy all of the following criteria: 74509

(1) Be an individual who is at least eighteen years of age; 74510

(2) Have graduated the twelfth grade or received a 74511  
certificate of high school equivalence as defined in section 74512  
4109.06 of the Revised Code; 74513

(3) Be honest, truthful, and of good moral character; 74514

(4) Have not had a license, certificate, or registration to 74515  
act as an appraiser that has been refused, denied, canceled, 74516  
surrendered, or revoked in this state or in any other state for a 74517  
substantive reason. A designated controlling person may have had a 74518  
license or certificate to act as an appraiser refused, denied, 74519  
canceled, revoked, or surrendered in lieu of revocation in a state 74520  
for a nonsubstantive reason if the license or certificate was 74521

subsequently granted or reinstated; 74522

(5) Submit to a criminal records check in accordance with 74523  
this section and any rule that the superintendent adopts under 74524  
division (A)(1) of section 4768.03 of the Revised Code. 74525

(C) Upon receiving an application under this section, the 74526  
superintendent shall request the superintendent of the bureau of 74527  
criminal identification and investigation, or a vendor approved by 74528  
the bureau, to conduct a criminal records check based on the 74529  
fingerprint impressions of each owner and controlling person of 74530  
the applicant in accordance with division (A)(15) of section 74531  
109.572 of the Revised Code. Notwithstanding division ~~(K)~~(L) of 74532  
section 121.08 of the Revised Code, the superintendent of real 74533  
estate and professional licensing shall request that the 74534  
superintendent of the bureau of criminal identification and 74535  
investigation obtain criminal record information from the federal 74536  
bureau of investigation be obtained as part of the criminal 74537  
records check. Any fee required under division (C)(3) of section 74538  
109.572 of the Revised Code shall be paid by the applicant. 74539

(D)(1) Subject to section 4768.08 of the Revised Code and 74540  
except as provided in division (D)(2) of this section, the 74541  
superintendent shall issue a license to the applicant if the 74542  
applicant and each owner and controlling person of the applicant 74543  
satisfies the requirements of this section. 74544

(2) The superintendent shall not issue a license to an 74545  
applicant if any owner or controlling person of the applicant has 74546  
been convicted of or pleaded guilty or no contest to a felony. 74547  
However, if an owner or controlling person of the applicant has 74548  
pleaded guilty or no contest to or been convicted of a felony, the 74549  
superintendent shall not consider the conviction or plea if the 74550  
person has proven to the superintendent, by a preponderance of the 74551  
evidence, that the person's activities and employment record since 74552  
the conviction or plea show that the person is honest, truthful, 74553

and of good moral character, and there is no basis in fact for 74554  
believing that the person will commit a felony again. 74555

(E) A license issued under this section shall be valid for 74556  
one year after the date of issue. 74557

**Sec. 4768.14.** (A) Upon receipt of a written complaint or upon 74558  
the superintendent of real estate and professional licensing's own 74559  
motion, the superintendent may investigate any person that 74560  
allegedly violated division (A)(1) of section 4768.02 of the 74561  
Revised Code. 74562

(B) If, after investigation, the superintendent determines 74563  
there exists reasonable evidence of a violation of division (A)(1) 74564  
of section 4768.02 of the Revised Code, within fourteen business 74565  
days after that determination, the superintendent shall send the 74566  
party who is the subject of the investigation a written notice, by 74567  
regular mail, that includes all of the following information: 74568

(1) A description of the activity in which the party 74569  
allegedly is engaging or has engaged that is a violation of 74570  
division (A)(1) of section 4768.02 of the Revised Code; 74571

(2) The applicable law allegedly violated; 74572

(3) A statement informing the party that a hearing concerning 74573  
the alleged violation will be held before a hearing examiner, and 74574  
a statement giving the date and place of that hearing; 74575

(4) A statement informing the party that the party or the 74576  
party's attorney may appear in person at the hearing and present 74577  
evidence and examine witnesses appearing for and against the 74578  
party, or the party may submit written testimony stating any 74579  
positions, arguments, or contentions. 74580

(C) At any time after the superintendent notifies a person of 74581  
the superintendent's determination in accordance with division (B) 74582  
of this section but before a hearing is held on the matter, the 74583

person may apply to the superintendent to enter into a settlement 74584  
agreement regarding the alleged violation. The superintendent and 74585  
the person shall comply with the requirements for settlement 74586  
agreements established by rules adopted by the board under 74587  
division (A)(3) of section 4768.03 of the Revised Code. If the 74588  
parties enter into the settlement agreement, the hearing before 74589  
the hearing examiner shall be postponed and the board shall review 74590  
the settlement agreement at its next regularly scheduled meeting. 74591  
If the board disapproves the settlement agreement, the hearing 74592  
before the hearing examiner shall be rescheduled. 74593

(D) The hearing examiner shall hear the testimony of all 74594  
parties present at the hearing and consider any written testimony 74595  
submitted pursuant to division (B)(4) of this section. At the 74596  
conclusion of the hearing, the hearing examiner shall determine if 74597  
there has been a violation of division (A)(1) of section 4768.02 74598  
of the Revised Code. 74599

(E) After the conclusion of formal hearings, the hearing 74600  
examiner shall file with the superintendent, the real estate 74601  
appraiser board, the complainant, and the parties a written report 74602  
setting forth the examiner's findings of fact and conclusions of 74603  
law and a recommendation of the action to be taken by the 74604  
superintendent. Within ten days of receiving a copy of that 74605  
report, the parties and the division of real estate and 74606  
professional licensing may file with the board written objections 74607  
to the report. The board shall consider the objections before 74608  
approving, modifying, or disapproving the report. 74609

The board shall review the hearing examiner's report at the 74610  
next regularly scheduled board meeting held at least fifteen 74611  
business days after receipt of the hearing examiner's report. The 74612  
board shall hear the testimony of the complainant or the parties. 74613

(F) After reviewing the hearing examiner's report pursuant to 74614  
division (E) of this section, or after reviewing the settlement 74615

agreement pursuant to division (C) of this section, the board 74616  
shall decide whether to impose sanctions upon a party for a 74617  
violation of division (A)(1) of section 4768.02 of the Revised 74618  
Code. The board may assess a civil penalty in an amount it 74619  
determines, not to exceed one thousand dollars per violation, not 74620  
to exceed ten thousand dollars in aggregate. Each day a violation 74621  
occurs or continues is a separate violation. The board shall 74622  
determine the terms of payment. The board shall maintain a 74623  
transcript of the proceedings of the hearing and issue a written 74624  
opinion to all parties, citing its findings and grounds for any 74625  
action taken. If the board approved a settlement agreement entered 74626  
into pursuant to division (C) of this section in relation to the 74627  
violation, the civil penalty shall not be inconsistent with that 74628  
settlement agreement. 74629

(G) Civil penalties collected under this section shall be 74630  
deposited in the real estate ~~appraiser~~ operating fund created 74631  
under section ~~4763.15~~ 4735.211 of the Revised Code. 74632

(H) If a party fails to pay a civil penalty assessed pursuant 74633  
to this section within the time prescribed by the board, the 74634  
superintendent shall forward to the attorney general the name of 74635  
the party and the amount of the civil penalty, for the purpose of 74636  
collecting that civil penalty. The party shall pay the fee 74637  
assessed by the attorney general for collection of the civil 74638  
penalty in addition to the civil penalty assessed pursuant to this 74639  
section in an amount not to exceed ten thousand dollars. 74640

**Sec. 4768.15.** The superintendent of real estate and 74641  
professional licensing shall deposit all moneys collected under 74642  
this chapter into the state treasury to the credit of the real 74643  
estate ~~appraiser~~ operating fund created under section ~~4763.15~~ 74644  
4735.211 of the Revised Code. 74645

Sec. 4774.13. (A) The state medical board, by an affirmative 74646  
vote of not fewer than six members, may revoke or may refuse to 74647  
grant a license to practice as a radiologist assistant to an 74648  
individual found by the board to have committed fraud, 74649  
misrepresentation, or deception in applying for or securing the 74650  
license. 74651

(B) The board, by an affirmative vote of not fewer than six 74652  
members, shall, except as provided in division (C) of this 74653  
section, and to the extent permitted by law, limit, revoke, or 74654  
suspend an individual's license to practice as a radiologist 74655  
assistant, refuse to issue a license to an applicant, refuse to 74656  
renew a license, refuse to reinstate a license, or reprimand or 74657  
place on probation the holder of a license for any of the 74658  
following reasons: 74659

(1) Permitting the holder's name or license to be used by 74660  
another person; 74661

(2) Failure to comply with the requirements of this chapter, 74662  
Chapter 4731. of the Revised Code, or any rules adopted by the 74663  
board; 74664

(3) Violating or attempting to violate, directly or 74665  
indirectly, or assisting in or abetting the violation of, or 74666  
conspiring to violate, any provision of this chapter, Chapter 74667  
4731. of the Revised Code, or the rules adopted by the board; 74668

(4) A departure from, or failure to conform to, minimal 74669  
standards of care of similar practitioners under the same or 74670  
similar circumstances whether or not actual injury to the patient 74671  
is established; 74672

(5) Inability to practice according to acceptable and 74673  
prevailing standards of care by reason of mental illness or 74674  
physical illness, including physical deterioration that adversely 74675

affects cognitive, motor, or perceptive skills;	74676
(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	74677 74678 74679 74680
(7) Willfully betraying a professional confidence;	74681
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a radiologist assistant.	74682 74683 74684
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	74685 74686 74687 74688 74689 74690 74691 74692
(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	74693 74694 74695
(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	74696 74697 74698
(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	74699 74700 74701
(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	74702 74703 74704
(13) A plea of guilty to, a judicial finding of guilt of, or	74705

a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 74706  
74707

(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 74708  
74709  
74710

(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 74711  
74712  
74713

(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs; 74714  
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(17) Any of the following actions taken by the state agency responsible for regulating the practice of radiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand; 74719  
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(18) Violation of the conditions placed by the board on a license to practice as a radiologist assistant; 74727  
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(19) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code; 74729  
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(20) Failure to cooperate in an investigation conducted by the board under section 4774.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to 74732  
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cooperate with an investigation shall not constitute grounds for 74737  
discipline under this section if a court of competent jurisdiction 74738  
has issued an order that either quashes a subpoena or permits the 74739  
individual to withhold the testimony or evidence in issue; 74740

(21) Failure to maintain a license as a radiographer under 74741  
Chapter 4773. of the Revised Code; 74742

(22) Failure to maintain certification as a registered 74743  
radiologist assistant from the American registry of radiologic 74744  
technologists, including revocation by the registry of the 74745  
assistant's certification or failure by the assistant to meet the 74746  
registry's requirements for annual registration, or failure to 74747  
notify the board that the certification as a registered 74748  
radiologist assistant has not been maintained; 74749

(23) Failure to comply with any of the rules of ethics 74750  
included in the standards of ethics established by the American 74751  
registry of radiologic technologists, as those rules apply to an 74752  
individual who holds the registry's certification as a registered 74753  
radiologist assistant. 74754

(C) The board shall not refuse to issue a license to an 74755  
applicant because of a plea of guilty to, a judicial finding of 74756  
guilt of, or a judicial finding of eligibility for intervention in 74757  
lieu of conviction for an offense unless the refusal is in 74758  
accordance with section 9.79 of the Revised Code. 74759

(D) Disciplinary actions taken by the board under divisions 74760  
(A) and (B) of this section shall be taken pursuant to an 74761  
adjudication under Chapter 119. of the Revised Code, except that 74762  
in lieu of an adjudication, the board may enter into a consent 74763  
agreement with a radiologist assistant or applicant to resolve an 74764  
allegation of a violation of this chapter or any rule adopted 74765  
under it. A consent agreement, when ratified by an affirmative 74766  
vote of not fewer than six members of the board, shall constitute 74767

the findings and order of the board with respect to the matter 74768  
addressed in the agreement. If the board refuses to ratify a 74769  
consent agreement, the admissions and findings contained in the 74770  
consent agreement shall be of no force or effect. 74771

(E) For purposes of divisions (B)(11), (14), and (15) of this 74772  
section, the commission of the act may be established by a finding 74773  
by the board, pursuant to an adjudication under Chapter 119. of 74774  
the Revised Code, that the applicant or license holder committed 74775  
the act in question. The board shall have no jurisdiction under 74776  
these divisions in cases where the trial court renders a final 74777  
judgment in the license holder's favor and that judgment is based 74778  
upon an adjudication on the merits. The board shall have 74779  
jurisdiction under these divisions in cases where the trial court 74780  
issues an order of dismissal on technical or procedural grounds. 74781

(F) The sealing or expungement of conviction records by any 74782  
court shall have no effect on a prior board order entered under 74783  
the provisions of this section or on the board's jurisdiction to 74784  
take action under the provisions of this section if, based upon a 74785  
plea of guilty, a judicial finding of guilt, or a judicial finding 74786  
of eligibility for intervention in lieu of conviction, the board 74787  
issued a notice of opportunity for a hearing prior to the court's 74788  
order to seal or expunge the records. The board shall not be 74789  
required to seal, destroy, redact, or otherwise modify its records 74790  
to reflect the court's sealing or expungement of conviction 74791  
records. 74792

(G) For purposes of this division, any individual who holds a 74793  
license to practice as a radiologist assistant issued under this 74794  
chapter, or applies for a license, shall be deemed to have given 74795  
consent to submit to a mental or physical examination when 74796  
directed to do so in writing by the board and to have waived all 74797  
objections to the admissibility of testimony or examination 74798  
reports that constitute a privileged communication. 74799

(1) In enforcing division (B)(5) of this section, the board, 74800  
on a showing of a possible violation, may compel any individual 74801  
who holds a license to practice as a radiologist assistant issued 74802  
under this chapter or who has applied for a license to submit to a 74803  
mental or physical examination, or both. A physical examination 74804  
may include an HIV test. The expense of the examination is the 74805  
responsibility of the individual compelled to be examined. Failure 74806  
to submit to a mental or physical examination or consent to an HIV 74807  
test ordered by the board constitutes an admission of the 74808  
allegations against the individual unless the failure is due to 74809  
circumstances beyond the individual's control, and a default and 74810  
final order may be entered without the taking of testimony or 74811  
presentation of evidence. If the board finds a radiologist 74812  
assistant unable to practice because of the reasons set forth in 74813  
division (B)(5) of this section, the board shall require the 74814  
radiologist assistant to submit to care, counseling, or treatment 74815  
by physicians approved or designated by the board, as a condition 74816  
for an initial, continued, reinstated, or renewed license. An 74817  
individual affected by this division shall be afforded an 74818  
opportunity to demonstrate to the board the ability to resume 74819  
practicing in compliance with acceptable and prevailing standards 74820  
of care. 74821

(2) For purposes of division (B)(6) of this section, if the 74822  
board has reason to believe that any individual who holds a 74823  
license to practice as a radiologist assistant issued under this 74824  
chapter or any applicant for a license suffers such impairment, 74825  
the board may compel the individual to submit to a mental or 74826  
physical examination, or both. The expense of the examination is 74827  
the responsibility of the individual compelled to be examined. Any 74828  
mental or physical examination required under this division shall 74829  
be undertaken by a treatment provider or physician qualified to 74830  
conduct such examination and chosen by the board. 74831

Failure to submit to a mental or physical examination ordered 74832  
by the board constitutes an admission of the allegations against 74833  
the individual unless the failure is due to circumstances beyond 74834  
the individual's control, and a default and final order may be 74835  
entered without the taking of testimony or presentation of 74836  
evidence. If the board determines that the individual's ability to 74837  
practice is impaired, the board shall suspend the individual's 74838  
license or deny the individual's application and shall require the 74839  
individual, as a condition for an initial, continued, reinstated, 74840  
or renewed license to practice, to submit to treatment. 74841

Before being eligible to apply for reinstatement of a license 74842  
suspended under this division, the radiologist assistant shall 74843  
demonstrate to the board the ability to resume practice in 74844  
compliance with acceptable and prevailing standards of care. The 74845  
demonstration shall include the following: 74846

(a) Certification from a treatment provider approved under 74847  
section 4731.25 of the Revised Code that the individual has 74848  
successfully completed any required inpatient treatment; 74849

(b) Evidence of continuing full compliance with an aftercare 74850  
contract or consent agreement; 74851

(c) Two written reports indicating that the individual's 74852  
ability to practice has been assessed and that the individual has 74853  
been found capable of practicing according to acceptable and 74854  
prevailing standards of care. The reports shall be made by 74855  
individuals or providers approved by the board for making such 74856  
assessments and shall describe the basis for their determination. 74857

The board may reinstate a license suspended under this 74858  
division after such demonstration and after the individual has 74859  
entered into a written consent agreement. 74860

When the impaired radiologist assistant resumes practice, the 74861  
board shall require continued monitoring of the radiologist 74862

assistant. The monitoring shall include monitoring of compliance 74863  
with the written consent agreement entered into before 74864  
reinstatement or with conditions imposed by board order after a 74865  
hearing, and, on termination of the consent agreement, submission 74866  
to the board for at least two years of annual written progress 74867  
reports made under penalty of falsification stating whether the 74868  
radiologist assistant has maintained sobriety. 74869

(H) If the secretary and supervising member determine that 74870  
there is clear and convincing evidence that a radiologist 74871  
assistant has violated division (B) of this section and that the 74872  
individual's continued practice presents a danger of immediate and 74873  
serious harm to the public, they may recommend that the board 74874  
suspend the individual's license to practice without a prior 74875  
hearing. Written allegations shall be prepared for consideration 74876  
by the board. 74877

The board, on review of the allegations and by an affirmative 74878  
vote of not fewer than six of its members, excluding the secretary 74879  
and supervising member, may suspend a license without a prior 74880  
hearing. A telephone conference call may be utilized for reviewing 74881  
the allegations and taking the vote on the summary suspension. 74882

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 74883  
~~certified mail or in person~~ in accordance with ~~section~~ sections 74884  
119.05 and 119.07 of the Revised Code. The order shall not be 74885  
subject to suspension by the court during pendency of any appeal 74886  
filed under section 119.12 of the Revised Code. If the radiologist 74887  
assistant requests an adjudicatory hearing by the board, the date 74888  
set for the hearing shall be within fifteen days, but not earlier 74889  
than seven days, after the radiologist assistant requests the 74890  
hearing, unless otherwise agreed to by both the board and the 74891  
license holder. 74892

A summary suspension imposed under this division shall remain 74893  
in effect, unless reversed on appeal, until a final adjudicative 74894

order issued by the board pursuant to this section and Chapter 74895  
119. of the Revised Code becomes effective. The board shall issue 74896  
its final adjudicative order within sixty days after completion of 74897  
its hearing. Failure to issue the order within sixty days shall 74898  
result in dissolution of the summary suspension order, but shall 74899  
not invalidate any subsequent, final adjudicative order. 74900

(I) If the board takes action under division (B)(10), (12), 74901  
or (13) of this section, and the judicial finding of guilt, guilty 74902  
plea, or judicial finding of eligibility for intervention in lieu 74903  
of conviction is overturned on appeal, on exhaustion of the 74904  
criminal appeal, a petition for reconsideration of the order may 74905  
be filed with the board along with appropriate court documents. On 74906  
receipt of a petition and supporting court documents, the board 74907  
shall reinstate the license to practice as a radiologist 74908  
assistant. The board may then hold an adjudication under Chapter 74909  
119. of the Revised Code to determine whether the individual 74910  
committed the act in question. Notice of opportunity for hearing 74911  
shall be given in accordance with Chapter 119. of the Revised 74912  
Code. If the board finds, pursuant to an adjudication held under 74913  
this division, that the individual committed the act, or if no 74914  
hearing is requested, it may order any of the sanctions specified 74915  
in division (B) of this section. 74916

(J) The license to practice of a radiologist assistant and 74917  
the assistant's practice in this state are automatically suspended 74918  
as of the date the radiologist assistant pleads guilty to, is 74919  
found by a judge or jury to be guilty of, or is subject to a 74920  
judicial finding of eligibility for intervention in lieu of 74921  
conviction in this state or treatment of intervention in lieu of 74922  
conviction in another jurisdiction for any of the following 74923  
criminal offenses in this state or a substantially equivalent 74924  
criminal offense in another jurisdiction: aggravated murder, 74925  
murder, voluntary manslaughter, felonious assault, kidnapping, 74926

rape, sexual battery, gross sexual imposition, aggravated arson, 74927  
aggravated robbery, or aggravated burglary. Continued practice 74928  
after the suspension shall be considered practicing without a 74929  
license. 74930

The board shall ~~notify~~ serve the individual subject to the 74931  
suspension ~~by certified mail or in person~~ in accordance with 74932  
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 74933  
individual whose license is suspended under this division fails to 74934  
make a timely request for an adjudication under Chapter 119. of 74935  
the Revised Code, the board shall enter a final order permanently 74936  
revoking the individual's license. 74937

(K) In any instance in which the board is required by Chapter 74938  
119. of the Revised Code to give notice of opportunity for hearing 74939  
and the individual subject to the notice does not timely request a 74940  
hearing in accordance with section 119.07 of the Revised Code, the 74941  
board is not required to hold a hearing, but may adopt, by an 74942  
affirmative vote of not fewer than six of its members, a final 74943  
order that contains the board's findings. In the final order, the 74944  
board may order any of the sanctions identified under division (A) 74945  
or (B) of this section. 74946

(L) Any action taken by the board under division (B) of this 74947  
section resulting in a suspension shall be accompanied by a 74948  
written statement of the conditions under which the radiologist 74949  
assistant's license may be reinstated. The board shall adopt rules 74950  
in accordance with Chapter 119. of the Revised Code governing 74951  
conditions to be imposed for reinstatement. Reinstatement of a 74952  
license suspended pursuant to division (B) of this section 74953  
requires an affirmative vote of not fewer than six members of the 74954  
board. 74955

(M) When the board refuses to grant or issue a license to 74956  
practice as a radiologist assistant to an applicant, revokes an 74957  
individual's license, refuses to renew an individual's license, or 74958

refuses to reinstate an individual's license, the board may 74959  
specify that its action is permanent. An individual subject to a 74960  
permanent action taken by the board is forever thereafter 74961  
ineligible to hold a license to practice as a radiologist 74962  
assistant and the board shall not accept an application for 74963  
reinstatement of the license or for issuance of a new license. 74964

(N) Notwithstanding any other provision of the Revised Code, 74965  
all of the following apply: 74966

(1) The surrender of a license to practice as a radiologist 74967  
assistant issued under this chapter is not effective unless or 74968  
until accepted by the board. Reinstatement of a license 74969  
surrendered to the board requires an affirmative vote of not fewer 74970  
than six members of the board. 74971

(2) An application made under this chapter for a license to 74972  
practice may not be withdrawn without approval of the board. 74973

(3) Failure by an individual to renew a license to practice 74974  
in accordance with section 4774.06 of the Revised Code shall not 74975  
remove or limit the board's jurisdiction to take disciplinary 74976  
action under this section against the individual. 74977

**Sec. 4776.01.** As used in this chapter: 74978

(A) "License" means an authorization evidenced by a license, 74979  
certificate, registration, permit, card, or other authority that 74980  
is issued or conferred by a licensing agency to a licensee or to 74981  
an applicant for an initial license by which the licensee or 74982  
initial license applicant has or claims the privilege to engage in 74983  
a profession, occupation, or occupational activity, or, except in 74984  
the case of the state dental board, to have control of and operate 74985  
certain specific equipment, machinery, or premises, over which the 74986  
licensing agency has jurisdiction. 74987

(B) Except as provided in section 4776.20 of the Revised 74988

Code, "licensee" means the person to whom the license is issued by 74989  
a licensing agency. "Licensee" includes a person who, for purposes 74990  
of section 3796.13 of the Revised Code, has complied with sections 74991  
4776.01 to 4776.04 of the Revised Code and has been determined by 74992  
the ~~department of commerce or state board of pharmacy~~ division of  
marijuana control, as the applicable licensing agency, to meet the 74993  
requirements for employment. 74994  
74995

(C) Except as provided in section 4776.20 of the Revised 74996  
Code, "licensing agency" means any of the following: 74997

(1) The board authorized by Chapters 4701., 4717., 4725., 74998  
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 74999  
4753., 4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 75000  
4779., ~~and 4783., and 4787.~~ of the Revised Code to issue a license 75001  
to engage in a specific profession, occupation, or occupational 75002  
activity, or to have charge of and operate certain specific 75003  
equipment, machinery, or premises. 75004

(2) The state dental board, relative to its authority to 75005  
issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 75006  
4715.27 of the Revised Code; 75007

(3) The ~~department of commerce or state board of pharmacy~~ 75008  
division of marijuana control, relative to its authority under 75009  
Chapter 3796. of the Revised Code and any rules adopted under that 75010  
chapter with respect to a person who is subject to section 3796.13 75011  
of the Revised Code; 75012

(4) The director of agriculture, relative to the director's 75013  
authority to issue licenses under Chapter 928. of the Revised 75014  
Code. 75015

(D) "Applicant for an initial license" includes persons 75016  
seeking a license for the first time and persons seeking a license 75017  
by reciprocity, endorsement, or similar manner of a license issued 75018  
in another state. "Applicant for an initial license" also includes 75019

a person who, for purposes of section 3796.13 of the Revised Code, 75020  
is required to comply with sections 4776.01 to 4776.04 of the 75021  
Revised Code. 75022

(E) "Applicant for a restored license" includes persons 75023  
seeking restoration of a license under section 4730.14, 4730.28, 75024  
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 75025  
4761.06, 4761.061, 4762.06, 4762.061, 4774.06, 4774.061, 4778.07, 75026  
or 4778.071 of the Revised Code. "Applicant for a restored 75027  
license" does not include a person seeking restoration of a 75028  
license under section 4751.33 of the Revised Code. 75029

(F) "Criminal records check" has the same meaning as in 75030  
section 109.572 of the Revised Code. 75031

**Sec. 4776.20.** (A) As used in this section: 75032

(1) "Licensing agency" means, in addition to each board 75033  
identified in division (C) of section 4776.01 of the Revised Code, 75034  
the board or other government entity authorized to issue a license 75035  
under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 75036  
4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 75037  
4747., 4749., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 75038  
4766., 4771., 4773., ~~and~~ 4781., 4787., and 4789. of the Revised 75039  
Code. "Licensing agency" includes an administrative officer that 75040  
has authority to issue a license. 75041

(2) "Licensee" means, in addition to a licensee as described 75042  
in division (B) of section 4776.01 of the Revised Code, the person 75043  
to whom a license is issued by the board or other government 75044  
entity authorized to issue a license under Chapters 4703., 4707., 75045  
4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 75046  
4736., 4737., 4738., 4740., 4742., 4747., 4749., 4751., 4752., 75047  
4753., 4758., 4759., 4763., 4764., 4765., 4766., 4771., 4773., ~~and~~ 75048  
4781., 4787., and 4789. of the Revised Code. 75049

(3) "Prosecutor" has the same meaning as in section 2935.01 75050  
of the Revised Code. 75051

(B) On a licensee's conviction of, plea of guilty to, 75052  
judicial finding of guilt of, or judicial finding of guilt 75053  
resulting from a plea of no contest to the offense of trafficking 75054  
in persons in violation of section 2905.32 of the Revised Code, 75055  
the prosecutor in the case shall promptly notify the licensing 75056  
agency of the conviction, plea, or finding and provide the 75057  
licensee's name and residential address. On receipt of this 75058  
notification, the licensing agency shall immediately suspend the 75059  
licensee's license. 75060

(C) If there is a conviction of, plea of guilty to, judicial 75061  
finding of guilt of, or judicial finding of guilt resulting from a 75062  
plea of no contest to the offense of trafficking in persons in 75063  
violation of section 2905.32 of the Revised Code and all or part 75064  
of the violation occurred on the premises of a facility that is 75065  
licensed by a licensing agency, the prosecutor in the case shall 75066  
promptly notify the licensing agency of the conviction, plea, or 75067  
finding and provide the facility's name and address and the 75068  
offender's name and residential address. On receipt of this 75069  
notification, the licensing agency shall immediately suspend the 75070  
facility's license. 75071

(D) Notwithstanding any provision of the Revised Code to the 75072  
contrary, the suspension of a license under division (B) or (C) of 75073  
this section shall be implemented by a licensing agency without a 75074  
prior hearing. After the suspension, the licensing agency shall 75075  
give written notice to the subject of the suspension of the right 75076  
to request a hearing under Chapter 119. of the Revised Code. After 75077  
a hearing is held, the licensing agency shall either revoke or 75078  
permanently revoke the license of the subject of the suspension, 75079  
unless it determines that the license holder has not been 75080  
convicted of, pleaded guilty to, been found guilty of, or been 75081

found guilty based on a plea of no contest to the offense of 75082  
trafficking in persons in violation of section 2905.32 of the 75083  
Revised Code. 75084

**Sec. 4778.14.** (A) The state medical board, by an affirmative 75085  
vote of not fewer than six members, may revoke or may refuse to 75086  
grant a license to practice as a genetic counselor to an 75087  
individual found by the board to have committed fraud, 75088  
misrepresentation, or deception in applying for or securing the 75089  
license. 75090

(B) The board, by an affirmative vote of not fewer than six 75091  
members, shall, except as provided in division (C) of this 75092  
section, and to the extent permitted by law, limit, revoke, or 75093  
suspend an individual's license to practice as a genetic 75094  
counselor, refuse to issue a license to an applicant, refuse to 75095  
renew a license, refuse to reinstate a license, or reprimand or 75096  
place on probation the holder of a license for any of the 75097  
following reasons: 75098

(1) Permitting the holder's name or license to be used by 75099  
another person; 75100

(2) Failure to comply with the requirements of this chapter, 75101  
Chapter 4731. of the Revised Code, or any rules adopted by the 75102  
board; 75103

(3) Violating or attempting to violate, directly or 75104  
indirectly, or assisting in or abetting the violation of, or 75105  
conspiring to violate, any provision of this chapter, Chapter 75106  
4731. of the Revised Code, or the rules adopted by the board; 75107

(4) A departure from, or failure to conform to, minimal 75108  
standards of care of similar practitioners under the same or 75109  
similar circumstances whether or not actual injury to the patient 75110  
is established; 75111

(5) Inability to practice according to acceptable and 75112  
prevailing standards of care by reason of mental illness or 75113  
physical illness, including physical deterioration that adversely 75114  
affects cognitive, motor, or perceptive skills; 75115

(6) Impairment of ability to practice according to acceptable 75116  
and prevailing standards of care because of habitual or excessive 75117  
use or abuse of drugs, alcohol, or other substances that impair 75118  
ability to practice; 75119

(7) Willfully betraying a professional confidence; 75120

(8) Making a false, fraudulent, deceptive, or misleading 75121  
statement in securing or attempting to secure a license to 75122  
practice as a genetic counselor. 75123

As used in this division, "false, fraudulent, deceptive, or 75124  
misleading statement" means a statement that includes a 75125  
misrepresentation of fact, is likely to mislead or deceive because 75126  
of a failure to disclose material facts, is intended or is likely 75127  
to create false or unjustified expectations of favorable results, 75128  
or includes representations or implications that in reasonable 75129  
probability will cause an ordinarily prudent person to 75130  
misunderstand or be deceived. 75131

(9) The obtaining of, or attempting to obtain, money or a 75132  
thing of value by fraudulent misrepresentations in the course of 75133  
practice; 75134

(10) A plea of guilty to, a judicial finding of guilt of, or 75135  
a judicial finding of eligibility for intervention in lieu of 75136  
conviction for, a felony; 75137

(11) Commission of an act that constitutes a felony in this 75138  
state, regardless of the jurisdiction in which the act was 75139  
committed; 75140

(12) A plea of guilty to, a judicial finding of guilt of, or 75141

a judicial finding of eligibility for intervention in lieu of 75142  
conviction for, a misdemeanor committed in the course of practice; 75143

(13) A plea of guilty to, a judicial finding of guilt of, or 75144  
a judicial finding of eligibility for intervention in lieu of 75145  
conviction for, a misdemeanor involving moral turpitude; 75146

(14) Commission of an act in the course of practice that 75147  
constitutes a misdemeanor in this state, regardless of the 75148  
jurisdiction in which the act was committed; 75149

(15) Commission of an act involving moral turpitude that 75150  
constitutes a misdemeanor in this state, regardless of the 75151  
jurisdiction in which the act was committed; 75152

(16) A plea of guilty to, a judicial finding of guilt of, or 75153  
a judicial finding of eligibility for intervention in lieu of 75154  
conviction for violating any state or federal law regulating the 75155  
possession, distribution, or use of any drug, including 75156  
trafficking in drugs; 75157

(17) Any of the following actions taken by an agency 75158  
responsible for authorizing, certifying, or regulating an 75159  
individual to practice a health care occupation or provide health 75160  
care services in this state or in another jurisdiction, for any 75161  
reason other than the nonpayment of fees: the limitation, 75162  
revocation, or suspension of an individual's license to practice; 75163  
acceptance of an individual's license surrender; denial of a 75164  
license; refusal to renew or reinstate a license; imposition of 75165  
probation; or issuance of an order of censure or other reprimand; 75166

(18) Violation of the conditions placed by the board on a 75167  
license to practice as a genetic counselor; 75168

(19) Failure to cooperate in an investigation conducted by 75169  
the board under section 4778.18 of the Revised Code, including 75170  
failure to comply with a subpoena or order issued by the board or 75171  
failure to answer truthfully a question presented by the board at 75172

a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(20) Failure to maintain the individual's status as a certified genetic counselor;

(21) Failure to comply with the code of ethics established by the national society of genetic counselors.

(C) The board shall not refuse to issue a license to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

(D) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a genetic counselor or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an individual's license. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code.

(E) For purposes of divisions (B)(11), (14), and (15) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or license holder committed the act in question. The board shall have no jurisdiction under these divisions in cases where the trial court renders a final judgment in the license holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under these divisions in cases where the trial court issues an order of dismissal on technical or procedural grounds.

(F) The sealing or expungement of conviction records by any court shall have no effect on a prior board order entered under the provisions of this section or on the board's jurisdiction to take action under the provisions of this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing or took other formal action under Chapter 119. of the Revised Code prior to the court's order to seal or expunge the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing or expungement of conviction records.

(G) For purposes of this division, any individual who holds a license to practice as a genetic counselor, or applies for a license, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(1) In enforcing division (B)(5) of this section, the board, on a showing of a possible violation, may compel any individual who holds a license to practice as a genetic counselor or who has

applied for a license to practice as a genetic counselor to submit 75236  
to a mental or physical examination, or both. A physical 75237  
examination may include an HIV test. The expense of the 75238  
examination is the responsibility of the individual compelled to 75239  
be examined. Failure to submit to a mental or physical examination 75240  
or consent to an HIV test ordered by the board constitutes an 75241  
admission of the allegations against the individual unless the 75242  
failure is due to circumstances beyond the individual's control, 75243  
and a default and final order may be entered without the taking of 75244  
testimony or presentation of evidence. If the board finds a 75245  
genetic counselor unable to practice because of the reasons set 75246  
forth in division (B)(5) of this section, the board shall require 75247  
the genetic counselor to submit to care, counseling, or treatment 75248  
by physicians approved or designated by the board, as a condition 75249  
for an initial, continued, reinstated, or renewed license to 75250  
practice. An individual affected by this division shall be 75251  
afforded an opportunity to demonstrate to the board the ability to 75252  
resume practicing in compliance with acceptable and prevailing 75253  
standards of care. 75254

(2) For purposes of division (B)(6) of this section, if the 75255  
board has reason to believe that any individual who holds a 75256  
license to practice as a genetic counselor or any applicant for a 75257  
license suffers such impairment, the board may compel the 75258  
individual to submit to a mental or physical examination, or both. 75259  
The expense of the examination is the responsibility of the 75260  
individual compelled to be examined. Any mental or physical 75261  
examination required under this division shall be undertaken by a 75262  
treatment provider or physician qualified to conduct such 75263  
examination and chosen by the board. 75264

Failure to submit to a mental or physical examination ordered 75265  
by the board constitutes an admission of the allegations against 75266  
the individual unless the failure is due to circumstances beyond 75267

the individual's control, and a default and final order may be 75268  
entered without the taking of testimony or presentation of 75269  
evidence. If the board determines that the individual's ability to 75270  
practice is impaired, the board shall suspend the individual's 75271  
license or deny the individual's application and shall require the 75272  
individual, as a condition for an initial, continued, reinstated, 75273  
or renewed license, to submit to treatment. 75274

Before being eligible to apply for reinstatement of a license 75275  
suspended under this division, the genetic counselor shall 75276  
demonstrate to the board the ability to resume practice in 75277  
compliance with acceptable and prevailing standards of care. The 75278  
demonstration shall include the following: 75279

(a) Certification from a treatment provider approved under 75280  
section 4731.25 of the Revised Code that the individual has 75281  
successfully completed any required inpatient treatment; 75282

(b) Evidence of continuing full compliance with an aftercare 75283  
contract or consent agreement; 75284

(c) Two written reports indicating that the individual's 75285  
ability to practice has been assessed and that the individual has 75286  
been found capable of practicing according to acceptable and 75287  
prevailing standards of care. The reports shall be made by 75288  
individuals or providers approved by the board for making such 75289  
assessments and shall describe the basis for their determination. 75290

The board may reinstate a license suspended under this 75291  
division after such demonstration and after the individual has 75292  
entered into a written consent agreement. 75293

When the impaired genetic counselor resumes practice, the 75294  
board shall require continued monitoring of the genetic counselor. 75295  
The monitoring shall include monitoring of compliance with the 75296  
written consent agreement entered into before reinstatement or 75297  
with conditions imposed by board order after a hearing, and, on 75298

termination of the consent agreement, submission to the board for 75299  
at least two years of annual written progress reports made under 75300  
penalty of falsification stating whether the genetic counselor has 75301  
maintained sobriety. 75302

(H) If the secretary and supervising member determine both of 75303  
the following, they may recommend that the board suspend an 75304  
individual's license to practice without a prior hearing: 75305

(1) That there is clear and convincing evidence that a 75306  
genetic counselor has violated division (B) of this section; 75307

(2) That the individual's continued practice presents a 75308  
danger of immediate and serious harm to the public. 75309

Written allegations shall be prepared for consideration by 75310  
the board. The board, on review of the allegations and by an 75311  
affirmative vote of not fewer than six of its members, excluding 75312  
the secretary and supervising member, may suspend a license 75313  
without a prior hearing. A telephone conference call may be 75314  
utilized for reviewing the allegations and taking the vote on the 75315  
summary suspension. 75316

The board shall ~~issue~~ serve a written order of suspension by 75317  
~~certified mail or in person~~ in accordance with ~~section~~ sections 75318  
119.05 and 119.07 of the Revised Code. The order shall not be 75319  
subject to suspension by the court during pendency of any appeal 75320  
filed under section 119.12 of the Revised Code. If the genetic 75321  
counselor requests an adjudicatory hearing by the board, the date 75322  
set for the hearing shall be within fifteen days, but not earlier 75323  
than seven days, after the genetic counselor requests the hearing, 75324  
unless otherwise agreed to by both the board and the genetic 75325  
counselor. 75326

A summary suspension imposed under this division shall remain 75327  
in effect, unless reversed on appeal, until a final adjudicative 75328  
order issued by the board pursuant to this section and Chapter 75329

119. of the Revised Code becomes effective. The board shall issue 75330  
its final adjudicative order within sixty days after completion of 75331  
its hearing. Failure to issue the order within sixty days shall 75332  
result in dissolution of the summary suspension order, but shall 75333  
not invalidate any subsequent, final adjudicative order. 75334

(I) If the board takes action under division (B)(10), (12), 75335  
or (13) of this section, and the judicial finding of guilt, guilty 75336  
plea, or judicial finding of eligibility for intervention in lieu 75337  
of conviction is overturned on appeal, on exhaustion of the 75338  
criminal appeal, a petition for reconsideration of the order may 75339  
be filed with the board along with appropriate court documents. On 75340  
receipt of a petition and supporting court documents, the board 75341  
shall reinstate the license to practice as a genetic counselor. 75342  
The board may then hold an adjudication under Chapter 119. of the 75343  
Revised Code to determine whether the individual committed the act 75344  
in question. Notice of opportunity for hearing shall be given in 75345  
accordance with Chapter 119. of the Revised Code. If the board 75346  
finds, pursuant to an adjudication held under this division, that 75347  
the individual committed the act, or if no hearing is requested, 75348  
it may order any of the sanctions specified in division (B) of 75349  
this section. 75350

(J) The license to practice as a genetic counselor and the 75351  
counselor's practice in this state are automatically suspended as 75352  
of the date the genetic counselor pleads guilty to, is found by a 75353  
judge or jury to be guilty of, or is subject to a judicial finding 75354  
of eligibility for intervention in lieu of conviction in this 75355  
state or treatment of intervention in lieu of conviction in 75356  
another jurisdiction for any of the following criminal offenses in 75357  
this state or a substantially equivalent criminal offense in 75358  
another jurisdiction: aggravated murder, murder, voluntary 75359  
manslaughter, felonious assault, kidnapping, rape, sexual battery, 75360  
gross sexual imposition, aggravated arson, aggravated robbery, or 75361

aggravated burglary. Continued practice after the suspension shall 75362  
be considered practicing without a license. 75363

The board shall ~~notify~~ serve the individual subject to the 75364  
suspension ~~by certified mail or in person~~ in accordance with 75365  
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 75366  
individual whose license is suspended under this division fails to 75367  
make a timely request for an adjudication under Chapter 119. of 75368  
the Revised Code, the board shall enter a final order permanently 75369  
revoking the individual's license to practice. 75370

(K) In any instance in which the board is required by Chapter 75371  
119. of the Revised Code to give notice of opportunity for hearing 75372  
and the individual subject to the notice does not timely request a 75373  
hearing in accordance with section 119.07 of the Revised Code, the 75374  
board is not required to hold a hearing, but may adopt, by an 75375  
affirmative vote of not fewer than six of its members, a final 75376  
order that contains the board's findings. In the final order, the 75377  
board may order any of the sanctions identified under division (A) 75378  
or (B) of this section. 75379

(L) Any action taken by the board under division (B) of this 75380  
section resulting in a suspension shall be accompanied by a 75381  
written statement of the conditions under which the license of the 75382  
genetic counselor may be reinstated. The board shall adopt rules 75383  
in accordance with Chapter 119. of the Revised Code governing 75384  
conditions to be imposed for reinstatement. Reinstatement of a 75385  
license suspended pursuant to division (B) of this section 75386  
requires an affirmative vote of not fewer than six members of the 75387  
board. 75388

(M) When the board refuses to grant or issue a license to 75389  
practice as a genetic counselor to an applicant, revokes an 75390  
individual's license, refuses to renew an individual's license, or 75391  
refuses to reinstate an individual's license, the board may 75392  
specify that its action is permanent. An individual subject to a 75393

permanent action taken by the board is forever thereafter 75394  
ineligible to hold a license to practice as a genetic counselor 75395  
and the board shall not accept an application for reinstatement of 75396  
the license or for issuance of a new license. 75397

(N) Notwithstanding any other provision of the Revised Code, 75398  
all of the following apply: 75399

(1) The surrender of a license to practice as a genetic 75400  
counselor is not effective unless or until accepted by the board. 75401  
A telephone conference call may be utilized for acceptance of the 75402  
surrender of an individual's license. The telephone conference 75403  
call shall be considered a special meeting under division (F) of 75404  
section 121.22 of the Revised Code. Reinstatement of a license 75405  
surrendered to the board requires an affirmative vote of not fewer 75406  
than six members of the board. 75407

(2) An application made under this chapter for a license to 75408  
practice may not be withdrawn without approval of the board. 75409

(3) Failure by an individual to renew a license in accordance 75410  
with section 4778.06 of the Revised Code shall not remove or limit 75411  
the board's jurisdiction to take disciplinary action under this 75412  
section against the individual. 75413

**Sec. 4779.29.** If the Ohio occupational therapy, physical 75414  
therapy, and athletic trainers board determines that there is 75415  
clear and convincing evidence that an individual licensed under 75416  
this chapter is engaging or has engaged in conduct described in 75417  
division (A) of section 4779.28 of the Revised Code and that the 75418  
license holder's continued practice presents a danger of immediate 75419  
and serious harm to the public, the board may suspend the 75420  
individual's license without an adjudicatory hearing. A telephone 75421  
conference call may be used for reviewing the matter and taking 75422  
the vote. 75423

If the board votes to suspend an individual's license, the board shall ~~issue~~ serve a written order of suspension ~~by certified mail or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code. The order is not subject to suspension by a court during pendency of any appeal filed under section 119.12 of the Revised Code. If the license holder requests an adjudicatory hearing by the board, the date set for the hearing shall be not later than fifteen days, but not earlier than seven days, after the request, unless otherwise agreed to by the board and the license holder.

Any suspension imposed under this section shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to section 119.12 of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. A failure to issue an order within sixty days shall result in the dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

**Sec. 4779.35.** (A) The Ohio occupational therapy, physical therapy, and athletic trainers board shall appoint an orthotics, prosthetics, and pedorthics advisory council for the purpose of advising the board on issues relating to the practice of orthotics, prosthetics, and pedorthics and the investigation of complaints regarding the practice of orthotics, prosthetics, and pedorthics.

The advisory council shall consist of not more than five individuals knowledgeable in the area of orthotics, prosthetics, and pedorthics. A majority of the council members shall be individuals actively engaged in the practice of orthotics, prosthetics, and pedorthics who meet the requirements for licensure under Chapter 4779. of the Revised Code.

The Ohio orthotics and prosthetics association, or its 75455  
successor organization, may nominate the names of up to three 75456  
qualified individuals for consideration by the board in making 75457  
appointments for each vacancy on the council. 75458

(B) ~~Not later than ninety days after January 1, 2018, the~~ 75459  
~~board shall make initial appointments to the council.~~ Members 75460  
shall serve three-year ~~staggered~~ terms of office in accordance 75461  
with rules adopted by the board. ~~Thereafter, terms of office shall~~ 75462  
~~be for three years,~~ with each term ending on the same day of the 75463  
same month as did the term that it succeeds. A council member 75464  
shall continue in office subsequent to the expiration date of the 75465  
member's term until a successor is appointed and takes office, or 75466  
until a period of ~~sixty~~ ninety days has elapsed, whichever occurs 75467  
first. Each council member shall hold office from the date of 75468  
appointment until the end of the term for which the member was 75469  
appointed. 75470

(C) With approval from the director of administrative 75471  
services, members may receive an amount fixed under division (J) 75472  
of section 124.15 of the Revised Code for each day the member is 75473  
performing the member's official duties and be reimbursed for 75474  
actual and necessary expenses incurred in performing those duties. 75475

(D) The council shall meet at least ~~four~~ three times per year 75476  
and at such other times as may be necessary to carry out its 75477  
responsibilities. 75478

(E) The council shall submit to the board recommendations 75479  
concerning all of the following: 75480

(1) Requirements for issuing a license to practice orthotics, 75481  
prosthetics, and pedorthics, including the educational and 75482  
experience requirements that must be met to receive a license; 75483

(2) Existing and proposed rules pertaining to the practice of 75484  
orthotics, prosthetics, and pedorthics and the administration and 75485

enforcement of this chapter;	75486
(3) Standards for the approval of educational programs required to qualify for licensure and continuing education programs for licensure renewal;	75487 75488 75489
(4) Procedures for the issuance and renewal of licenses;	75490
(5) Fees for the issuance and renewal of a license to practice orthotics, prosthetics, and pedorthics;	75491 75492
(6) Standards of practice and ethical conduct in the practice of orthotics, prosthetics, and pedorthics;	75493 75494
(7) Complaints concerning alleged violation of Chapter 4779. of the Revised Code or grounds for the suspension, revocation, refusal to issue, or issuance of probationary licenses;	75495 75496 75497
(8) The safe and effective practice of orthotics, prosthetics, and pedorthics;	75498 75499
(9) Requirements for issuing a license to practice orthotics, prosthetics, or orthotics and prosthetics to an applicant with unique and exceptional qualifications, including standards for satisfactory evidence for the applicant to be eligible for the license.	75500 75501 75502 75503 75504
<b>Sec. 4781.04.</b> (A) The department of commerce, division of industrial compliance shall adopt rules pursuant to Chapter 119. of the Revised Code to do all of the following:	75505 75506 75507
(1) Establish uniform standards that govern the installation of manufactured housing that are consistent with, and not less stringent than, the model standards for the design and installation of manufactured housing the secretary of the United States department of housing and urban development adopts;	75508 75509 75510 75511 75512
(2) Govern the inspection of the installation of manufactured housing. The rules shall specify that the division of industrial	75513 75514

compliance, any building department or personnel of any 75515  
department, or any private third party, certified pursuant to 75516  
section 4781.07 of the Revised Code shall conduct all inspections 75517  
of the installation of manufactured housing located in 75518  
~~manufactured home parks~~ this state to determine compliance with 75519  
the uniform installation standards the division of industrial 75520  
compliance establishes pursuant to this section. 75521

(3) Govern the design, construction, installation, approval, 75522  
and inspection of foundations and the base support systems for 75523  
manufactured housing. The rules shall specify that the division of 75524  
industrial compliance, any building department or personnel of any 75525  
department, or any private third party, certified pursuant to 75526  
section 4781.07 of the Revised Code shall conduct all inspections 75527  
of the installation, foundations, and base support systems of 75528  
manufactured housing located in manufactured home parks to 75529  
determine compliance with the uniform installation standards and 75530  
foundation and base support system design the division of 75531  
industrial compliance establishes pursuant to this section. 75532

(4) Govern the training, experience, and education 75533  
requirements for manufactured housing installers; 75534

(5) Establish a code of ethics for manufactured housing 75535  
installers; 75536

(6) Govern the issuance, revocation, and suspension of 75537  
licenses to manufactured housing installers; 75538

(7) Establish fees for the issuance and renewal of licenses, 75539  
for conducting inspections to determine an applicant's compliance 75540  
with this chapter and the rules adopted pursuant to it, and for 75541  
the division's expenses incurred in implementing this chapter; 75542

(8) Establish conditions under which a licensee may enter 75543  
into contracts to fulfill the licensee's responsibilities; 75544

(9) Govern the investigation of complaints concerning any 75545

complaints involving the conduct of any licensed manufactured 75546  
housing installer or person installing manufactured housing 75547  
without a license; 75548

(10) Establish a dispute resolution program for the timely 75549  
resolution of warranty issues involving new manufactured homes, 75550  
disputes regarding responsibility for the correction or repair of 75551  
defects in manufactured housing, and the installation of 75552  
manufactured housing. The rules shall provide for the timely 75553  
resolution of disputes between manufacturers, manufactured housing 75554  
dealers, and installers regarding the correction or repair of 75555  
defects in manufactured housing that are reported by the purchaser 75556  
of the home during the one-year period beginning on the date of 75557  
installation of the home. The rules also shall provide that 75558  
decisions made regarding the dispute under the program are not 75559  
binding upon the purchaser of the home or the other parties 75560  
involved in the dispute unless the purchaser so agrees in a 75561  
written acknowledgement that the purchaser signs and delivers to 75562  
the program within ten business days after the decision is issued. 75563

(11) Establish the requirements and procedures for the 75564  
certification of building departments and building department 75565  
personnel pursuant to section 4781.07 of the Revised Code; 75566

(12) Establish fees to be charged to building departments and 75567  
building department personnel applying for certification and 75568  
renewal of certification pursuant to section 4781.07 of the 75569  
Revised Code; 75570

(13) Develop a policy regarding the maintenance of records 75571  
for any inspection authorized or conducted pursuant to this 75572  
chapter. Any record maintained under division (A)(13) of this 75573  
section shall be a public record under section 149.43 of the 75574  
Revised Code. 75575

(B) The division of industrial compliance shall do all of the 75576

following:	75577
(1) Prepare and administer a licensure examination to determine an applicant's knowledge of manufactured housing installation and other aspects of installation the division determines appropriate;	75578 75579 75580 75581
(2) Select, provide, or procure appropriate examination questions and answers for the licensure examination and establish the criteria for successful completion of the examination;	75582 75583 75584
(3) Prepare and distribute any application form sections 4781.01 to 4781.11 of the Revised Code require;	75585 75586
(4) Receive applications for licenses and renewal of licenses and issue licenses to qualified applicants;	75587 75588
(5) Establish procedures for processing, approving, and disapproving applications for licensure;	75589 75590
(6) Retain records of applications for licensure, including all application materials submitted and a written record of the action taken on each application;	75591 75592 75593
(7) Review the design and plans for manufactured housing installations, foundations, and support systems;	75594 75595
(8) Inspect a sample of homes at a percentage the division determines to evaluate the construction and installation of manufactured housing installations, foundations, and support systems to determine compliance with the standards the division adopts;	75596 75597 75598 75599 75600
(9) Investigate complaints concerning violations of this chapter or the rules adopted pursuant to it, or the conduct of any manufactured housing installer;	75601 75602 75603
(10) Determine appropriate disciplinary actions for violations of this chapter;	75604 75605
(11) Conduct audits and inquiries of manufactured housing	75606

installers as appropriate for the enforcement of this chapter. The 75607  
division, or any person the division employs for the purpose, may 75608  
review and audit the business records of any manufactured housing 75609  
installer during normal business hours. 75610

(12) Approve an installation training course, which may be 75611  
offered by the Ohio manufactured homes association or other 75612  
entity. 75613

(C) Nothing in this section, or in any rule adopted by the 75614  
division of industrial compliance, shall be construed to limit the 75615  
authority of a board of health to enforce section 3701.344 or 75616  
Chapters 3703., 3718., and 3781. of the Revised Code or limit the 75617  
authority of the department of administrative services to lease 75618  
space for the use of a state agency and to group together state 75619  
offices in any city in the state as provided in section 123.01 of 75620  
the Revised Code. 75621

(D) The department of commerce, division of real estate and 75622  
professional licensing may adopt rules pursuant to Chapter 119. of 75623  
the Revised Code necessary for administration of the provisions of 75624  
this chapter related to manufactured home dealers, brokers, and 75625  
salespersons. 75626

**Sec. 4781.121.** (A) The division of industrial compliance, 75627  
pursuant to section 4781.04 of the Revised Code, may investigate 75628  
any person who allegedly has committed a violation. If, after an 75629  
investigation the division determines that reasonable evidence 75630  
exists that a person has committed a violation, within seven days 75631  
after that determination, the division shall ~~send~~ serve a written 75632  
notice to that person in the same manner as prescribed in ~~section~~ 75633  
sections 119.05 and 119.07 of the Revised Code for licensees, 75634  
except that the notice shall specify that a hearing will be held 75635  
and specify the date, time, and place of the hearing. 75636

(B) The division of industrial compliance shall hold a 75637

hearing regarding the alleged violation in the same manner 75638  
prescribed for an adjudication hearing under section 119.09 of the 75639  
Revised Code. If the division, after the hearing, determines that 75640  
a violation has occurred, the division may impose a fine not 75641  
exceeding one thousand dollars per violation per day. The 75642  
division's determination is an order that the person may appeal in 75643  
accordance with section 119.12 of the Revised Code. 75644

(C) If the person who allegedly committed a violation fails 75645  
to appear for a hearing, the division of industrial compliance may 75646  
request the court of common pleas of the county where the alleged 75647  
violation occurred to compel the person to appear before the 75648  
division for a hearing. 75649

(D) If the division assesses a person a civil penalty for a 75650  
violation and the person fails to pay that civil penalty within 75651  
the time period prescribed by the division pursuant to section 75652  
131.02 of the Revised Code, the division shall forward to the 75653  
attorney general the name of the person and the amount of the 75654  
civil penalty for the purpose of collecting that civil penalty. In 75655  
addition to the civil penalty assessed pursuant to this section, 75656  
the person also shall pay any fee assessed by the attorney general 75657  
for collection of the civil penalty. 75658

(E) The authority provided to the division of industrial 75659  
compliance pursuant to this section, and any fine imposed under 75660  
this section, shall be in addition to, and not in lieu of, all 75661  
penalties and other remedies provided in this chapter. Any fines 75662  
collected pursuant to this section shall be used solely to 75663  
administer and enforce this chapter and rules adopted under it. 75664  
Any fees collected pursuant to this section shall be transmitted 75665  
to the treasurer of state and shall be credited to the industrial 75666  
compliance operating fund created in section 121.084 of the 75667  
Revised Code and the rules adopted thereunder. The fees shall be 75668  
used only for the purpose of administering and enforcing sections 75669

4781.26 to 4781.35 of the Revised Code and the rules adopted 75670  
thereunder. 75671

(F) As used in this section, "violation" means a violation of 75672  
section 4781.11, 4781.16, 4781.27, or 4781.57 or any rule adopted 75673  
pursuant to section 4781.04 of the Revised Code. 75674

**Sec. 4781.17.** (A) Each person applying for a manufactured 75675  
housing dealer's license or manufactured housing broker's license 75676  
shall complete and deliver to the department of commerce, division 75677  
of real estate, before the first day of April, a separate 75678  
application for license for each county in which the business of 75679  
selling or brokering manufactured or mobile homes is to be 75680  
conducted. The application shall be in the form prescribed by the 75681  
division of real estate and accompanied by the fee established by 75682  
the division of real estate. The applicant shall sign and swear to 75683  
the application that shall include all of the following: 75684

(1) Name of applicant and location of principal place of 75685  
business; 75686

(2) Name or style under which business is to be conducted 75687  
and, if a corporation, the state of incorporation; 75688

(3) Name and address of each owner or partner and, if a 75689  
corporation, the names of the officers and directors; 75690

(4) The county in which the business is to be conducted and 75691  
the address of each place of business therein; 75692

(5) A statement of the previous history, record, and 75693  
association of the applicant and of each owner, partner, officer, 75694  
and director, that is sufficient to establish to the satisfaction 75695  
of the division of real estate the reputation in business of the 75696  
applicant; 75697

(6) A statement showing whether the applicant has previously 75698  
applied for a manufactured housing dealer's license, manufactured 75699

housing broker's license, manufactured housing salesperson's 75700  
license, or, prior to July 1, 2010, a motor vehicle dealer's 75701  
license, manufactured home broker's license, or motor vehicle 75702  
salesperson's license, and the result of the application, and 75703  
whether the applicant has ever been the holder of any such license 75704  
that was revoked or suspended; 75705

(7) If the applicant is a corporation or partnership, a 75706  
statement showing whether any partner, employee, officer, or 75707  
director has been refused a manufactured housing dealer's license, 75708  
manufactured housing broker's license, manufactured housing 75709  
salesperson's license, or, prior to July 1, 2010, a motor vehicle 75710  
dealer's license, manufactured home broker's license, or motor 75711  
vehicle salesperson's license, or has been the holder of any such 75712  
license that was revoked or suspended; 75713

(8) Any other information required by the division of real 75714  
estate. 75715

(B) Each person applying for a manufactured housing 75716  
salesperson's license shall complete and deliver to the division 75717  
of real estate before the first day of July an application for 75718  
license. The application shall be in the form prescribed by the 75719  
division of real estate and shall be accompanied by the fee 75720  
established by the division. The applicant shall sign and swear to 75721  
the application that shall include all of the following: 75722

(1) Name and post-office address of the applicant; 75723

(2) Name and post-office address of the manufactured housing 75724  
dealer or manufactured housing broker for whom the applicant 75725  
intends to act as salesperson; 75726

(3) A statement of the applicant's previous history, record, 75727  
and association, that is sufficient to establish to the 75728  
satisfaction of the division of real estate the applicant's 75729  
reputation in business; 75730

(4) A statement as to whether the applicant intends to engage 75731  
in any occupation or business other than that of a manufactured 75732  
housing salesperson; 75733

(5) A statement as to whether the applicant has ever had any 75734  
previous application for a manufactured housing salesperson 75735  
license refused or, prior to July 1, 2010, any application for a 75736  
motor vehicle salesperson license refused, and whether the 75737  
applicant has previously had a manufactured housing salesperson or 75738  
motor vehicle salesperson license revoked or suspended; 75739

(6) A statement as to whether the applicant was an employee 75740  
of or salesperson for a manufactured housing dealer or 75741  
manufactured housing broker whose license was suspended or 75742  
revoked; 75743

(7) A statement of the manufactured housing dealer or 75744  
manufactured housing broker named therein, designating the 75745  
applicant as the dealer's or broker's salesperson; 75746

(8) Any other information required by the division of real 75747  
estate. 75748

(C) Any application for a manufactured housing dealer or 75749  
manufactured housing broker delivered to the division of real 75750  
estate under this section also shall be accompanied by a 75751  
photograph, as prescribed by the division, of each place of 75752  
business operated, or to be operated, by the applicant. 75753

(D) The division of real estate shall deposit all license 75754  
fees into the state treasury to the credit of the ~~manufactured~~ 75755  
~~homes regulatory~~ real estate operating fund created under section 75756  
4735.211 of the Revised Code. 75757

**Sec. 4781.54.** (A) The division of real estate and 75758  
professional licensing shall deposit all the fees collected in the 75759  
administration and enforcement sections 4781.16 to 4781.25 of the 75760

Revised Code into the ~~manufactured homes regulatory~~ real estate 75761  
operating fund, ~~which is hereby created under section 4735.211 of~~ 75762  
the Revised Code. ~~All~~ In addition to the purposes described in 75763  
section 4735.211 of the Revised Code, money deposited into the 75764  
fund shall be used ~~to pay the operating expenses of the division~~ 75765  
~~or~~ as ~~otherwise~~ described in ~~those~~ sections 4781.16 to 4781.25 of 75766  
the Revised Code. 75767

(B) The division of industrial compliance shall deposit all 75768  
fees collected in the administration and enforcement sections of 75769  
4781.04 to 4781.14 and sections 4781.26 to 4781.35 of the Revised 75770  
Code into the industrial compliance operating fund created in 75771  
section 121.084 of the Revised Code. All money deposited into the 75772  
fund shall be used to pay the operating expenses of the division 75773  
or as otherwise described in those sections. 75774

**Sec. 4783.10.** On receipt of a complaint that any of the 75775  
grounds listed in division (A) of section 4783.09 of the Revised 75776  
Code exist, the state board of psychology may suspend the 75777  
certificate of the certified Ohio behavior analyst prior to 75778  
holding a hearing in accordance with Chapter 119. of the Revised 75779  
Code if it determines, based on the complaint, that an immediate 75780  
threat to the public exists. 75781

After suspending a certificate pursuant to this section, the 75782  
board shall ~~notify~~ serve notice on the certified Ohio behavior 75783  
analyst of the suspension in accordance with ~~section~~ sections 75784  
119.05 and 119.07 of the Revised Code. If the individual whose 75785  
certificate is suspended fails to make a timely request for an 75786  
adjudication under Chapter 119. of the Revised Code, the board 75787  
shall enter a final order permanently revoking the individual's 75788  
certificate. 75789

**Sec. 4787.01.** As used in this chapter: 75790

(A) "Client" means an individual who receives music therapy services. 75791  
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(B) "Licensee" means a music therapist who is licensed to practice music therapy pursuant to this chapter. 75793  
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(C) "Music therapy" means the clinical use of music interventions by an individual to accomplish individualized goals within a therapeutic relationship through an individualized music therapy treatment plan developed for a client. 75795  
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75797  
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(D) "Music therapy services" means the services a licensee is authorized to provide pursuant to section 4787.08 of the Revised Code to achieve the goals of music therapy. 75799  
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**Sec. 4787.02.** (A) Beginning one year after the effective date of this section, no person shall knowingly provide music therapy services or use the title "music therapist" or a similar title unless the person holds a license issued under this chapter that is in good standing. 75802  
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(B) This chapter does not apply to any of the following individuals: 75807  
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(1) An individual performing services or participating in activities as an integral part of a program of study in an accredited music therapy program, if the individual does not represent the individual's self as a music therapist; 75809  
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(2) An individual who holds a professional license in this state or an employee who is supervised by an individual who holds a professional license in this state who is performing services, including the use of music in the services, that are incidental to the practice of the individual's profession, if the individual does not represent the individual's self as a music therapist; 75813  
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(3) Any individual whose training and national certification attests to the individual's preparation and ability to practice 75819  
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the individual's certified profession or occupation, if the 75821  
individual does not represent the individual's self as a music 75822  
therapist; 75823

(4) Any individual who practices music therapy under the 75824  
supervision of a licensee, if the individual does not represent 75825  
the individual's self as a music therapist. 75826

**Sec. 4787.03.** (A) The state medical board may adopt rules as 75827  
the board considers necessary to carry out this chapter. The rules 75828  
may include either of the following: 75829

(1) Requirements for continuing education for music 75830  
therapists in addition to those required under section 4787.06 of 75831  
the Revised Code; 75832

(2) Requirements for issuing a license to practice music 75833  
therapy to an individual who holds a license to practice music 75834  
therapy in another country. 75835

(B) The board shall enforce this chapter and any rules 75836  
adopted pursuant to it. 75837

(C) The board, on request and payment of a fee established by 75838  
the board, shall provide a copy of the list maintained pursuant to 75839  
section 4731.07 of the Revised Code, as it pertains to this 75840  
chapter. Any fee charged by the board for providing the copy shall 75841  
not exceed the actual cost incurred by the board to make the copy. 75842

**Sec. 4787.04.** (A) There is created within the state medical 75843  
board the music therapy advisory committee consisting of five 75844  
individuals familiar with the practice of music therapy. The 75845  
committee shall provide the board with expertise and assistance in 75846  
carrying out its duties pursuant to this chapter. 75847

The committee shall consist of the following members: 75848

(1) Three members who are licensed under this chapter to 75849

practice as music therapists in this state; 75850

(2) One member who is a licensed health care professional who 75851  
is not a licensee; 75852

(3) One member who is a consumer. 75853

(B) Not later than ninety days after the effective date of 75854  
this section, the board shall make initial appointments to the 75855  
committee. The board shall appoint two members to terms ending one 75856  
year after the effective date of this section, one member to a 75857  
term ending two years after the effective date of this section, 75858  
one member to a term ending three years after the effective date 75859  
of this section, and one member to a term ending four years after 75860  
the effective date of this section. Thereafter, terms of office 75861  
for all members are four years, with each term ending on the same 75862  
day of the same month as did the term that it succeeds. Each 75863  
member shall hold office from the date of appointment until the 75864  
end of the term for which the member was appointed. Members may be 75865  
reappointed. 75866

Vacancies shall be filled in the same manner as original 75867  
appointments. Any member appointed to fill a vacancy occurring 75868  
before the expiration of the term for which the member's 75869  
predecessor was appointed shall hold office for the remainder of 75870  
the term. Any member shall continue in office subsequent to the 75871  
expiration date of the member's term until a successor takes 75872  
office, or until a period of sixty days has elapsed, whichever 75873  
occurs first. 75874

(C) Members of the committee shall serve without compensation 75875  
and shall not be reimbursed for expenses. 75876

(D) The committee shall meet at least once per year or as 75877  
otherwise called by the board. 75878

(E) The board shall consult with the committee before 75879  
changing fees established under this chapter. The board shall seek 75880

the advice of the committee for issues related to music therapy. 75881

(F) The committee is not subject to sections 101.82 to 101.87 75882  
of the Revised Code. 75883

(G) The committee shall provide to the board an analysis of 75884  
disciplinary actions taken against license applicants and 75885  
licensees, appeals and denials, and revocation of licenses at 75886  
least once per year. 75887

(H) The committee may facilitate the development of materials 75888  
that the state medical board may utilize to educate the public 75889  
concerning music therapist licensure, the benefits of music 75890  
therapy, and utilization of music therapy by individuals and in 75891  
facilities or institutional settings. The committee may act as a 75892  
facilitator of statewide dissemination of information between 75893  
music therapists, the American music therapy association or its 75894  
successor organization, the certification board for music 75895  
therapists or its successor organization, and the state medical 75896  
board. 75897

**Sec. 4787.05.** (A) An individual seeking a license to practice 75898  
as a music therapist under this chapter shall do both of the 75899  
following: 75900

(1) Submit all of the following to the state medical board: 75901

(a) A completed application on a form provided by the state 75902  
medical board; 75903

(b) An application fee of one hundred fifty dollars or a 75904  
higher amount established by the board; 75905

(c) Proof that the individual is at least eighteen years of 75906  
age; 75907

(d) Proof that the individual has successfully completed an 75908  
academic program with a bachelor's or higher degree in music 75909  
therapy approved by the American music therapy association or its 75910

successor organization; 75911

(e) Proof that the individual has done both of the following: 75912

(i) Has passed the examination for board certification by the 75913  
certification board for music therapists or its successor 75914  
organization or obtained certification as a music therapist by 75915  
that board on January 1, 1985; 75916

(ii) Is currently certified as a music therapist by the 75917  
certification board for music therapists or its successor 75918  
organization. 75919

(f) Proof that the individual has successfully completed a 75920  
minimum of one thousand two hundred hours of clinical training, 75921  
with at least one hundred eighty hours in preinternship experience 75922  
and at least nine hundred hours in internship experience, if the 75923  
internship is approved by the American music therapy association 75924  
or its successor organization, an academic institution, or both. 75925

(2) Comply with sections 4776.01 to 4776.04 of the Revised 75926  
Code. 75927

(B) Except as provided in division (C) of this section, 75928  
within sixty days after receiving the information described in 75929  
division (A)(1) of this section and receipt of proof of compliance 75930  
with division (A)(2) of this section, the state medical board 75931  
shall issue a license to practice as a music therapist if the 75932  
board determines that the individual satisfies the requirements of 75933  
division (A) of this section. 75934

(C) The state medical board shall issue a license to practice 75935  
as a music therapist in accordance with Chapter 4796. of the 75936  
Revised Code to an applicant if either of the following applies: 75937

(1) The applicant holds a license to practice as a music 75938  
therapist in another state. 75939

(2) The applicant has satisfactory work experience, a 75940

government certification, or a private certification as described 75941  
in that chapter in the practice of music therapy in a state that 75942  
does not issue that license. 75943

(D) The state medical board, subject to the approval of the 75944  
controlling board, may establish a fee in excess of the amount 75945  
prescribed in division (A) of this section, provided that the 75946  
amount of the increase does not exceed fifty per cent of that fee, 75947  
that no fee increase occurs before the date that is one year after 75948  
the effective date of this section, and that the increase does not 75949  
exceed the amount necessary for the state medical board to 75950  
implement this chapter. 75951

**Sec. 4787.06.** (A) A license to practice as a music therapist 75952  
issued under this chapter is valid for three years beginning on 75953  
the date the license is issued and may be renewed. 75954

(B) An individual seeking to renew a license to practice as a 75955  
music therapist shall, before the license expires, apply for 75956  
renewal of the license. To be eligible for renewal, an applicant 75957  
shall submit all of the following to the state medical board: 75958

(1) A completed application for renewal on a form prescribed 75959  
by the board; 75960

(2) Proof that the licensee has continuously maintained for 75961  
the previous three years certification with, and is currently 75962  
certified as a music therapist by, the certification board for 75963  
music therapists or its successor organization; 75964

(3) Proof that the licensee has completed not less than sixty 75965  
hours of continuing education approved by the certification board 75966  
for music therapists or its successor organization and any other 75967  
continuing education requirements established by the state medical 75968  
board; 75969

(4) A fee in the amount of one hundred fifty dollars or such 75970

other amount as prescribed by the state medical board. 75971

(C) A licensee shall notify the board in writing of any 75972  
change in address. 75973

(D) The state medical board shall send renewal notices at 75974  
least one month before the license expiration date. 75975

(E) The state medical board, subject to the approval of the 75976  
controlling board, may establish a fee in excess of the amount 75977  
prescribed in division (B) of this section, provided that the 75978  
amount of the increase does not exceed fifty per cent of that fee, 75979  
that no fee increase occurs before the date that is one year after 75980  
the effective date of this section, and that the increase does not 75981  
exceed the amount necessary for the state medical board to 75982  
implement this chapter. 75983

Sec. 4787.07. A license to practice as a music therapist that 75984  
is not renewed on or before its expiration date is delinquent and 75985  
shall be forfeited to the state medical board. The board, within 75986  
thirty days after the license becomes delinquent, shall send a 75987  
notice to the licensee by certified mail, return receipt 75988  
requested, to the address of the licensee as indicated in the 75989  
records of the board. The board shall inform the licensee in the 75990  
notice that the licensee's license is forfeited and explain 75991  
procedures for restoring the forfeited license. 75992

A licensee may restore a forfeited license within one year 75993  
after the license becomes delinquent by complying with the 75994  
requirements of section 4787.06 of the Revised Code. The board 75995  
shall terminate a forfeited license that is not restored within 75996  
one year after the date it becomes delinquent. The board may 75997  
require an individual whose license has been terminated to apply 75998  
for a new license under section 4787.05 of the Revised Code. 75999

On written request of a licensee, the board may place an 76000

active license on inactive status subject to an inactive status 76001  
fee established by the board. The licensee, on request and payment 76002  
of the inactive license fee, may continue on inactive status for a 76003  
period up to two years. A licensee may reactivate an inactive 76004  
license at any time during that two-year period by making a 76005  
written request to the board and by fulfilling requirements 76006  
established by the board. 76007

**Sec. 4787.08.** (A) A licensee shall do both of the following: 76008

(1) Before providing music therapy services to a client for a 76009  
medical, developmental, or mental health condition, collaborate 76010  
with the client's physician, psychologist, primary care provider, 76011  
or mental health professional, as applicable, to review the 76012  
client's diagnosis, treatment needs, and treatment plan; 76013

(2) During the provision of music therapy services to a 76014  
client, collaborate, as applicable, with the client's treatment 76015  
team. 76016

(B) Subject to division (C) of this section, a licensee may 76017  
do any of the following activities: 76018

(1) Accept referrals for music therapy services from health 76019  
care, social service, or education professionals, clients, or 76020  
caregivers of prospective clients; 76021

(2) Conduct a music therapy assessment of a client to collect 76022  
systematic, comprehensive, and accurate information necessary to 76023  
determine the appropriate type of music therapy services to 76024  
provide to the client; 76025

(3) Develop an individualized treatment plan for a client 76026  
that identifies the goals, objectives, and potential strategies of 76027  
the music therapy services appropriate for the client using music 76028  
interventions, which may include music improvisation, receptive 76029  
music listening, song writing, lyric discussion, music and 76030

imagery, music performance, learning through music, and movement 76031  
to music; 76032

(4) If applicable, carry out an individualized treatment plan 76033  
that is consistent with any other medical, developmental, mental 76034  
health, educational, or rehabilitative services being provided to 76035  
the client; 76036

(5) Evaluate the client's response to music therapy and the 76037  
individualized treatment plan and suggest modifications, as 76038  
appropriate; 76039

(6) Develop a plan for determining when the provision of 76040  
music therapy services is no longer needed in collaboration with 76041  
the client, any physician or other health care or education 76042  
provider of the client, any appropriate family member of the 76043  
client, and any other appropriate person on whom the client relies 76044  
for support; 76045

(7) Minimize any barriers so that the client may receive 76046  
music therapy services in the least restrictive environment; 76047

(8) Collaborate with and educate the client and the family or 76048  
caregiver of the client or any other appropriate person about the 76049  
needs of the client that are being addressed in music therapy and 76050  
the manner in which the music therapy addresses those needs. 76051

(C) A licensee shall not do either of the following: 76052

(1) When providing educational services pursuant to division 76053  
(B)(4) of this section, replace speech and language services 76054  
typically provided to a child with a disability who has been 76055  
identified as having a speech or language impairment pursuant to 76056  
section 3323.03 of the Revised Code; 76057

(2) When providing rehabilitative services pursuant to 76058  
division (B)(4) of this section, replace the services provided by 76059  
a speech-language pathologist. 76060

(D) Nothing in this section shall be construed as prohibiting a licensee from providing services to a client diagnosed with a communication disorder. 76061  
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Sec. 4787.09. If any member of the state medical board or the music therapy advisory committee becomes aware of any ground for initiating disciplinary action against a licensee, the member shall file a written complaint with the board. As soon as practicable after receiving a complaint, the board shall conduct an investigation of the complaint to determine whether the allegations in the complaint merit the initiation of disciplinary proceedings against the licensee. 76064  
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Sec. 4787.10. (A) If, after an investigation conducted by the state medical board and after notice and a hearing in accordance with Chapter 119. of the Revised Code, the board finds one or more grounds for taking disciplinary action as described in division (C) of this section, the board may do any of the following: 76072  
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(1) Place the licensee on probation for a specified period or until further order of the board; 76077  
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(2) Administer to the applicant or licensee a public reprimand; 76079  
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(3) Refuse to issue a license to an applicant or renew the license of the licensee; 76081  
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(4) Suspend or revoke the license of the licensee; 76083

(5) Impose an administrative fine of not less than one hundred dollars nor more than one thousand dollars for each violation; 76084  
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(6) Take any combination of the actions enumerated in divisions (A)(1) to (5) of this section. 76087  
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(B) An order of the board may include any other terms, 76089

provisions, or conditions as the board considers appropriate. An 76090  
order of the board and the findings of fact and conclusions of law 76091  
supporting that order are public records. The board shall not 76092  
issue a private reprimand. 76093

(C) Except as provided in division (D) of this section, the 76094  
board may impose any of the disciplinary actions described in 76095  
division (A) of this section if a licensee or applicant does any 76096  
of the following: 76097

(1) Submits false, fraudulent, or misleading information to 76098  
the board or any agency of this state, any other state, or the 76099  
federal government; 76100

(2) Violates this chapter or any rule adopted pursuant to it; 76101

(3) Is convicted of or pleads guilty to a disqualifying 76102  
offense or a crime of moral turpitude, as those terms are defined 76103  
in section 4776.10 of the Revised Code; 76104

(4) Is impaired in the licensee's or applicant's ability to 76105  
practice according to acceptable and prevailing standards of care 76106  
because of habitual or excessive use or abuse of drugs, alcohol, 76107  
or other substances that impair ability to practice; 76108

(5) Uses fraud or deception in applying for a license to 76109  
practice as a music therapist; 76110

(6) Fails to pay fees when due; 76111

(7) Fails to provide requested information in a timely 76112  
manner; 76113

(8) Is unable to, or fails to practice music therapy with 76114  
reasonable skill and consistent with the welfare of clients, 76115  
including negligence in the practice of music therapy, incapacity, 76116  
and abuse of or engaging in sexual contact with a client; 76117

(9) Is subject to disciplinary action by another jurisdiction 76118  
with respect to the licensee's or applicant's license to practice 76119

as a music therapist issued by that jurisdiction. 76120

(D) The board shall not refuse to issue a license to an 76121  
applicant because of a conviction of or plea of guilty to an 76122  
offense unless the refusal is in accordance with section 9.79 of 76123  
the Revised Code. 76124

Sec. 4787.11. On receipt of a notice pursuant to section 76125  
3123.43 of the Revised Code, the state medical board shall comply 76126  
with sections 3123.41 to 3123.50 of the Revised Code and any 76127  
applicable rules adopted under section 3123.63 of the Revised Code 76128  
with respect to a license to practice as a music therapist issued 76129  
pursuant to this chapter. 76130

Sec. 4787.12. The state medical board shall comply with 76131  
section 4776.20 of the Revised Code. 76132

Sec. 4787.13. If the state medical board determines that a 76133  
person has violated or is about to violate any provision of this 76134  
chapter or a rule adopted pursuant to it, the board may bring an 76135  
action in a court of competent jurisdiction to enjoin the person 76136  
from engaging in or continuing the violation. 76137

An injunction may be issued without proof of actual damage 76138  
sustained by any person and does not prohibit the criminal 76139  
prosecution and punishment of the person who commits the 76140  
violation. 76141

Sec. 4787.14. Except as otherwise provided in this section, a 76142  
complaint filed with the state medical board and all documents and 76143  
other information filed with the complaint are confidential and 76144  
are not subject to section 149.43 of the Revised Code, unless the 76145  
person who is the subject of the complaint submits a written 76146  
statement to the board requesting that the documents and 76147  
information be made public records. 76148

The charging documents filed with the board to initiate disciplinary action and information considered by the board when determining whether to impose discipline against a licensee or applicant are public records. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records. 76149  
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Nothing in this section prohibits the board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including a law enforcement agency. 76155  
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Sec. 4787.99. Whoever violates division (A) of section 4787.02 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense; on each subsequent offense, such person is guilty of a misdemeanor of the third degree. 76160  
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Sec. 4789.01. As used in this chapter: 76164

(A)(1) "Art therapy" means the integrated use of psychotherapeutic principles and methods with art media and the creative process to assist individuals, families, or groups in doing any of the following: 76165  
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(a) Improving cognitive and sensory-motor functions; 76169

(b) Increasing self-awareness and self-esteem; 76170

(c) Coping with grief and traumatic experiences; 76171

(d) Enhancing cognitive abilities; 76172

(e) Resolving conflicts and distress; 76173

(f) Enhancing social functioning; 76174

(g) Identifying and assessing clients' needs to implement therapeutic intervention to meet developmental, behavioral, 76175  
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mental, and emotional needs. 76177

(2) "Art therapy" includes therapeutic intervention to 76178  
facilitate alternative modes of receptive and expressive 76179  
communication and evaluation and assessment to define and 76180  
implement art-based treatment plans to address cognitive, 76181  
behavioral, developmental, and emotional needs. 76182

(B) "Practice of art therapy" means the rendering or offering 76183  
to render art therapy in the prevention or treatment of cognitive, 76184  
developmental, emotional, or behavioral disabilities or 76185  
conditions. 76186

(C) "Licensee" means an individual who is licensed to 76187  
practice art therapy under this chapter. 76188

(D) "Client" means an individual who receives art therapy 76189  
from a licensee. 76190

**Sec. 4789.02.** The counselor, social worker, and marriage and 76191  
family therapist board shall implement and administer this chapter 76192  
and adopt a policy that concerns the intervention for and 76193  
treatment of any impaired individual holding a license issued 76194  
under the chapter. 76195

**Sec. 4789.03.** The buckeye art therapy association or its 76196  
successor organization shall provide the counselor, social worker, 76197  
and marriage and family therapist board with expertise and 76198  
assistance in carrying out the board's duties pursuant to this 76199  
chapter. 76200

**Sec. 4789.04.** (A) An individual seeking a license to practice 76201  
art therapy under this chapter shall submit to the counselor, 76202  
social worker, and marriage and family therapist board a completed 76203  
application on a form prescribed by the counselor, social worker, 76204  
and marriage and family therapist board and an application fee of 76205

twenty-five dollars. The board may prorate the application fee for 76206  
an initial license. 76207

The application shall include information the counselor, 76208  
social worker, and marriage and family therapist board considers 76209  
necessary to process the application, including evidence 76210  
satisfactory to the counselor, social worker, and marriage and 76211  
family therapist board that the applicant meets the requirements 76212  
specified in division (B) of this section. No part of the 76213  
application fee shall be returned to the applicant or applied to 76214  
another application. 76215

(B) To be eligible for a license to practice art therapy 76216  
under this chapter, an applicant shall demonstrate to the 76217  
counselor, social worker, and marriage and family therapist board 76218  
that the applicant meets all of the following requirements: 76219

(1) The applicant is at least eighteen years of age. 76220

(2) The applicant has attained a master's degree or higher 76221  
degree from a graduate program in art therapy that one of the 76222  
following applies to at the time the degree was conferred: 76223

(a) The program is approved by the American art therapy 76224  
association or its successor organization. 76225

(b) The program is accredited by the commission on 76226  
accreditation of allied health education programs or its successor 76227  
organization. 76228

(c) The counselor, social worker, and marriage and family 76229  
therapist board considers the program to be substantially 76230  
equivalent to a program approved or accredited under division 76231  
(B)(2)(a) or (b) of this section. 76232

(3) The applicant has completed at least two years of 76233  
postgraduate supervised clinical experience in the practice of art 76234  
therapy that meets the posteducation supervised art therapy 76235

experience requirements that the art therapy credentials board, 76236  
its successor organization, or an equivalent organization 76237  
recognized by the counselor, social worker, and marriage and 76238  
family therapist board required for an individual to become a 76239  
registered art therapist at the time the experience was completed. 76240

(4) The applicant has a board certification in good standing 76241  
with the art therapy credentials board, its successor 76242  
organization, or an equivalent organization recognized by the 76243  
counselor, social worker, and marriage and family therapist board. 76244

(5) The applicant has satisfied any other requirements 76245  
established by the counselor, social worker, and marriage and 76246  
family therapist board. 76247

(C) Not later than sixty days after receiving a complete 76248  
application, except as provided in division (E) of this section, 76249  
the counselor, social worker, and marriage and family therapist 76250  
board shall issue a license to practice art therapy to an 76251  
applicant if the board determines that the applicant satisfies the 76252  
requirements of division (B) of this section. An affirmative vote 76253  
of a majority of the members of the board is required to determine 76254  
that an applicant meets the requirements. 76255

(D) The counselor, social worker, and marriage and family 76256  
therapist board may waive the requirements of division (B) of this 76257  
section and issue a license to practice art therapy to an 76258  
applicant if, not later than one year after the effective date of 76259  
this section, the applicant files an application with the board 76260  
that includes evidence satisfactory to the board that the 76261  
applicant meets all of the following requirements: 76262

(1) The applicant holds a credential in good standing with 76263  
the art therapy credentials board, its successor organization, or 76264  
an equivalent organization recognized by the counselor, social 76265  
worker, and marriage and family therapist board. 76266

(2) The applicant has practiced art therapy for at least five years. 76267  
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(3) The applicant satisfies any additional requirements established by the counselor, social worker, and marriage and family therapist board. 76269  
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(E) The counselor, social worker, and marriage and family therapist board shall issue a license to practice art therapy in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 76272  
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(1) The applicant holds a license in another state. 76276

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an art therapist in a state that does not issue that license. 76277  
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**Sec. 4789.05.** (A) A license issued under section 4789.04 of the Revised Code shall expire biennially and may be renewed in accordance with this section. A licensee seeking to renew a license to practice art therapy shall, on or before the thirty-first day of January of each even-numbered year, apply for renewal of the license. The counselor, social worker, and marriage and family therapist board may establish a different expiration date for an initial license. The board shall provide renewal notices at least one month before the expiration date. 76281  
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(B) A licensee shall submit a renewal application to the counselor, social worker, and marriage and family therapist board in a manner prescribed by the board and a renewal fee of twenty-five dollars. 76290  
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(C) To be eligible for renewal, a licensee shall certify to the board that the licensee has done all of the following: 76294  
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(1) Maintained board certification with the art therapy 76296

credentials board, its successor organization, or an equivalent organization recognized by the counselor, social worker, and marriage and family therapist board; 76297  
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(2) Completed at least forty hours of the continuing education that is required to maintain board certification with the art therapy credentials board, its successor organization, or an equivalent organization recognized by the counselor, social worker, and marriage and family therapist board; 76300  
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(3) Report any criminal offense to which the applicant has pleaded guilty, of which the licensee has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last signing an application for a license under this chapter. 76305  
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(D) If a licensee submits a renewal application that the counselor, social worker, and marriage and family therapist board considers to be complete and qualifies for renewal pursuant to division (C) of this section, the board shall issue to the licensee a renewed license to practice art therapy. 76310  
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(E) The counselor, social worker, and marriage and family therapist board may require a random sample of licensees to submit materials documenting that the licensee has complied with divisions (C)(1) and (2) of this section. If the board finds through the random sample or any other means that a licensee has not complied with those divisions, the board may refuse to renew the licensee's license or may take any other action the board may take under this chapter. 76315  
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**Sec. 4789.06.** (A) A license to practice art therapy that is not renewed on or before its expiration date is automatically suspended on its expiration date. 76323  
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(B) If a license has been suspended pursuant to division (A) 76326

of this section, the counselor, social worker, and marriage and family therapist board shall reinstate the license if the individual qualifies for renewal pursuant to section 4789.05 of the Revised Code and pays a monetary penalty to be established by the board. 76327  
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(C) If a license has been suspended pursuant to division (A) of this section for more than two years, the board may impose terms and conditions for reinstatement in addition to those specified in division (B) of this section, including the following: 76332  
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(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's fitness to resume the practice of art therapy; 76337  
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(2) Requiring the applicant to obtain additional training and to pass an examination on completion of the training; 76340  
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(3) Restricting or limiting the extent, scope, or type of practice in which an applicant may engage. 76342  
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**Sec. 4789.07.** (A) A licensee may treat affective, behavioral, and cognitive disorders or problems specified in the edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association designated by the counselor, social worker, and marriage and family therapist board. 76344  
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(B) A license issued under this chapter does not authorize the licensee to do either of the following: 76350  
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(1) Administer or prescribe drugs; 76352

(2) Perform psychological testing intended to measure or diagnose serious mental illness. 76353  
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**Sec. 4789.08.** (A) As used in this section: 76355

(1) "Willfully betraying a professional confidence" and "false, fraudulent, deceptive, or misleading statement" have the same meanings as in section 4731.22 of the Revised Code. 76356  
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(2) "Privileged communication" means any information obtained through the practice of art therapy, including client records, artwork, verbal or artistic expressions, assessment results, or assessment interpretations. 76359  
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(B) The counselor, social worker, and marriage and family therapist board, by an affirmative vote of a majority of the members, may limit, revoke, suspend, or refuse to grant a license to practice art therapy to an individual found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license. 76363  
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(C) Except as provided in division (G) of this section, the board, by an affirmative vote of a majority of the members, shall, to the extent permitted by law, limit, revoke, suspend, or refuse to issue, renew, or reinstate a license, or reprimand or place on probation a licensee for any of the following reasons: 76369  
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(1) Failure to comply with the requirements of this chapter; 76374

(2) Permitting the licensee's name or license to be used by another individual; 76375  
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(3) Failure to employ acceptable scientific methods in the selection of modalities for treatment provided under a license to practice art therapy; 76377  
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(4) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a violation of any federal or state law regulating the possession, distribution, or use of any drug; 76380  
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(5) Willfully betraying a professional confidence; 76384

(6) Making a false, fraudulent, deceptive, or misleading 76385

statement in the solicitation of or advertising for clients; in 76386  
relation to the practice of art therapy; or in securing or 76387  
attempting to secure any license or certificate to practice issued 76388  
by the board; 76389

(7) A departure from, or the failure to conform to, minimal 76390  
standards of care of similar practitioners under the same or 76391  
similar circumstances, whether or not actual injury to a client is 76392  
established; 76393

(8) Representing, with the purpose of obtaining compensation 76394  
or other advantage as personal gain or for any other individual, 76395  
that an incurable disease or injury, or other incurable condition, 76396  
can be permanently cured; 76397

(9) The obtaining of, or attempting to obtain, money or 76398  
anything of value by fraudulent misrepresentations in the course 76399  
of the practice of art therapy; 76400

(10) A plea of guilty to, a judicial finding of guilt of, or 76401  
a judicial finding of eligibility for intervention in lieu of 76402  
conviction for, a felony; 76403

(11) Commission of an act that constitutes a felony in this 76404  
state, regardless of the jurisdiction in which the act was 76405  
committed; 76406

(12) A plea of guilty to, a judicial finding of guilt of, or 76407  
a judicial finding of eligibility for intervention in lieu of 76408  
conviction for, a misdemeanor committed in the course of the 76409  
practice of art therapy; 76410

(13) Commission of an act in the course of the practice of 76411  
art therapy that constitutes a misdemeanor in this state, 76412  
regardless of the jurisdiction in which the act was committed; 76413

(14) A plea of guilty to, a judicial finding of guilt of, or 76414  
a judicial finding of eligibility for intervention in lieu of 76415

<u>conviction for, a misdemeanor involving moral turpitude;</u>	76416
<u>(15) Commission of an act involving moral turpitude that</u>	76417
<u>constitutes a misdemeanor in this state, regardless of the</u>	76418
<u>jurisdiction in which the act was committed;</u>	76419
<u>(16) Violation of the conditions of limitation placed by the</u>	76420
<u>board on a license to practice art therapy;</u>	76421
<u>(17) Failure to pay license renewal fees required by this</u>	76422
<u>chapter;</u>	76423
<u>(18) Inability to practice art therapy according to</u>	76424
<u>acceptable and prevailing standards of care by reason of mental</u>	76425
<u>illness or physical illness, including physical deterioration that</u>	76426
<u>adversely affects cognitive, motor, or perceptive skills;</u>	76427
<u>(19) Impairment of ability to practice art therapy according</u>	76428
<u>to acceptable and prevailing standards of care because of habitual</u>	76429
<u>or excessive use or abuse of drugs, alcohol, or other substances</u>	76430
<u>that impair the ability to practice;</u>	76431
<u>(20) Failure to maintain the confidentiality of privileged</u>	76432
<u>communications without the written consent of a client or a</u>	76433
<u>client's parent or guardian, as applicable, unless otherwise</u>	76434
<u>required by law, court order, or necessity to protect public</u>	76435
<u>health and safety;</u>	76436
<u>(21) Failure to comply with the continuing education</u>	76437
<u>requirements necessary to renew a license to practice art therapy;</u>	76438
<u>(22) Failure to comply with any standards for the ethical</u>	76439
<u>practice of art therapy that the board adopts;</u>	76440
<u>(23) Failure to cooperate in an investigation conducted by</u>	76441
<u>the board under division (E) of this section, including failure to</u>	76442
<u>comply with a subpoena or order issued by the board or failure to</u>	76443
<u>answer truthfully a question presented by the board in an</u>	76444
<u>investigative interview.</u>	76445

(D) Disciplinary actions taken by the board under divisions (B) and (C) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter. A consent agreement, when ratified by an affirmative vote of a majority of the members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement are of no force or effect. 76446  
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(E) The board shall investigate evidence that appears to show that an individual has violated any provision of this chapter. Any individual may report to the board in a signed writing any information that the individual may have that appears to show a violation of any provision of this chapter. Investigations of alleged violations of this chapter shall be conducted by the board in the same manner as the board conducts investigations under section 4757.38 of the Revised Code. 76457  
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(F) Notwithstanding any provision of the Revised Code to the contrary, all of the following apply: 76465  
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(1) The surrender of a license issued under this chapter is not effective until accepted by the board. A telephone conference call may be used for acceptance of the surrender of an individual's license to practice art therapy. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license to practice art therapy surrendered to the board requires an affirmative vote of a majority of the members of the board. 76467  
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(2) An application for a license to practice art therapy under this chapter may not be withdrawn without approval of the 76476  
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board. 76478

(3) Failure of an individual to renew a license to practice art therapy in accordance with section 4789.05 of the Revised Code does not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual. 76479  
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(G) The board shall not refuse to issue a license to an applicant because of a conviction of, plea of guilty to, judicial finding of guilt of, or judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code. 76483  
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Sec. 4789.09. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the counselor, social worker, and marriage and family therapist board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license to practice art therapy issued under this chapter. 76488  
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Sec. 4789.10. The counselor, social worker, and marriage and family therapist board shall comply with section 4776.20 of the Revised Code. 76494  
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Sec. 4928.54. The director of development services shall public utilities commission may aggregate percentage of income payment plan program customers for the purpose of establishing a competitive procurement process for the supply of competitive retail electric service for those customers. The process shall be an auction. Only bidders certified under section 4928.08 of the Revised Code may participate in the auction. 76497  
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Sec. 4928.543. The director of development services public utilities commission shall adopt rules in accordance with Chapter 119. of the Revised Code to implement sections 4928.54, and 76504  
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4928.541, ~~and 4928.542~~ of the Revised Code. The rules shall ensure 76507  
a fair and unbiased auction process and the performance of the 76508  
winning bidder or bidders. 76509

**Sec. 4928.544.** (A) For the purpose of facilitating compliance 76510  
with sections 4928.54, and 4928.541, and 4928.542 of the Revised 76511  
Code, ~~and upon written request by the director of development~~ 76512  
~~services,~~ the public utilities commission shall ~~design, manage,~~ 76513  
~~and supervise the competitive procurement process required by~~ 76514  
~~established under section 4928.54 of the Revised Code~~ inform the 76515  
director of development if the commission intends to aggregate 76516  
percentage of income payment plan customers pursuant to section 76517  
4928.54 of the Revised Code. For the director's consideration of 76518  
possible universal service rider adjustments under division (B) of 76519  
section 4928.52 of the Revised Code, the commission shall inform 76520  
the director of development of the decision to aggregate such 76521  
customers as soon as possible after the decision is made. 76522

To the extent reasonably possible, and to minimize costs, the 76524  
competitive procurement process may be designed based on any 76525  
existing competitive procurement process for the establishment of 76526  
the default generation supply price for electric distribution 76527  
utilities. To the extent necessary to transition percentage of 76528  
income payment plan customers from a competitive procurement 76529  
process to the applicable standard service offer under sections 76530  
4928.141, 4928.142, and 4928.143 of the Revised Code, the design 76531  
for the competitive procurement process during such transition may 76532  
include full or partial auctions of those customers. 76533

This division does not preclude a process design that is 76534  
based on a competitive procurement process that applies to the 76535  
combined certified territories of electric distribution utilities 76536  
subject to common ownership. 76537

(B) The director ~~of development services~~ shall reimburse the 76538  
commission for its costs incurred under division (A) of this 76539  
section. The reimbursements constitute administrative costs of the 76540  
low-income customer assistance programs for the purpose of 76541  
division (A) of section 4928.51 of the Revised Code. 76542

Sec. 4928.85. As used in sections 4928.85 to 4928.89 of the 76543  
Revised Code: 76544

(A) "Infrastructure development" means the planning, 76545  
development, and construction of electric distribution utility 76546  
infrastructure, including the following: 76547

(1) Substation facilities and extensions of transmission and 76548  
distribution facilities that an electric distribution utility owns 76549  
and operates; 76550

(2) Performance of electric load studies. 76551

(B) "Economic development project" means a land development 76552  
containing a minimum of ten contiguous acres that has the 76553  
potential for commercial or industrial development and that does 76554  
not currently have adequate electric distribution service from an 76555  
electric distribution utility. 76556

(C) "JobsOhio" means the nonprofit corporation formed under 76557  
section 187.01 of the Revised Code. "JobsOhio" includes the 76558  
department of development at any time when a contract under 76559  
section 187.04 of the Revised Code is not in effect. 76560

(D) "Net infrastructure development costs" means any 76561  
remaining costs of infrastructure development incurred by an 76562  
electric distribution utility, which costs include an allowance 76563  
for funds used during construction, depreciation, return on 76564  
equity, ongoing operation maintenance and operation, and tax 76565  
expenses directly attributable to the economic development 76566  
project, after netting the amount of any funds received by the 76567

electric distribution utility from the all Ohio future fund under 76568  
section 126.62 of the Revised Code. Infrastructure development 76569  
costs include project planning costs and the costs associated with 76570  
obtaining the right of way for such projects. 76571

Sec. 4928.86. After filing a request for disbursement from 76572  
the all Ohio future fund under section 126.62 of the Revised Code, 76573  
an electric distribution utility may file an application with the 76574  
public utilities commission for approval of infrastructure 76575  
development necessary to support or enable a state or local 76576  
economic development project, including any project approved, 76577  
certified, or funded by JobsOhio. Prior to beginning the 76578  
infrastructure development, the electric distribution utility 76579  
shall file, and receive commission approval of, the application. 76580

Sec. 4928.88. An infrastructure development application filed 76581  
under section 4928.86 of the Revised Code shall include each of 76582  
the following: 76583

(A) Descriptions of the economic development project and the 76584  
infrastructure development necessary to support or enable that 76585  
project, including the general location and type of facilities 76586  
that the applicant proposes to replace, construct, or improve; 76587

(B) A description of potential uses or new customers that may 76588  
be served by the economic development project; 76589

(C) A summary of the net infrastructure development costs to 76590  
be expended on the economic development project; 76591

(D) The proposed start and completion dates for the 76592  
infrastructure development; 76593

(E) A statement of support of the economic development 76594  
project from any state or local entity involved with the project; 76595

(F) Other information the applicant considers relevant for 76596

consideration by the public utilities commission. 76597

Sec. 4928.89. (A)(1) The public utilities commission may 76598  
approve an infrastructure development application and the 76599  
collection of net infrastructure development costs under this 76600  
section, if the infrastructure development is necessary to support 76601  
or enable a state or local economic development project. 76602

(2) JobsOhio may provide a recommendation to the commission 76603  
regarding the approval or denial of the application. 76604

(B) The commission shall approve or deny the application 76605  
within forty-five days after the application filing date. If the 76606  
commission does not approve or deny the application within that 76607  
period, the application shall be deemed approved as filed unless 76608  
the commission suspends the application for good cause shown. If 76609  
the commission suspends the application, the commission shall 76610  
approve, deny, or hold a hearing on the application not later than 76611  
forty-five days after the date the suspension begins. If the 76612  
commission holds a hearing, it shall issue an order approving or 76613  
denying the application within thirty days of the final date of 76614  
the hearing. 76615

Sec. 4934.01. As used in section 4934.01 to 4934.14 of the 76616  
Revised Code: 76617

(A) "Direct current fast charging station" means an electric 76618  
vehicle charging system capable of distributing electricity at 76619  
fifty kilowatts or more of direct current to an electric 76620  
vehicle's rechargeable battery at a voltage of two hundred volts 76621  
or more. 76622

(B) "Electric cooperative" and "electric distribution 76623  
utility" have the same meanings as in section 4928.01 of the 76624  
Revised Code. 76625

(C) "Electric vehicle" means a vehicle that is powered wholly 76626

by a system that can be recharged via an external source of 76627  
electricity, including a vehicle for public or private use that is 76628  
a passenger car, commercial car or truck, a vehicle used for 76629  
public transit, a vehicle used in a vehicle fleet, a vehicle used 76630  
in construction work, and a vehicle used in industrial or 76631  
warehouse work. 76632

(D) "Electric vehicle charging provider" means the owner or 76633  
operator of an electric vehicle charging station. "Electric 76634  
vehicle charging provider" excludes any of the following that owns 76635  
or operates an electric vehicle charging station: 76636

(1) An electric cooperative; 76637

(2) An electric distribution utility; 76638

(3) An affiliate or subsidiary of an electric distribution 76639  
utility. 76640

(E) "Electric vehicle charging station" means any 76641  
nonresidential electric vehicle charging system that is both of 76642  
the following: 76643

(1) Capable of distributing electricity from a source outside 76644  
an electric vehicle to the electric vehicle; 76645

(2) A direct current fast charging station or level two 76646  
charging station. 76647

(F) "Level two charging station" means any electric vehicle 76648  
charging system capable of distributing electricity at a minimum 76649  
of three or a maximum of twenty kilowatts of alternating current 76650  
to an electric vehicle's rechargeable battery at a voltage of two 76651  
hundred volts or more. 76652

(G) "Make-ready infrastructure" means electrical 76653  
infrastructure required to accommodate the electric load of an 76654  
electric vehicle charging station. "Make-ready infrastructure" 76655  
excludes an electric vehicle charging station. 76656

Sec. 4934.03. (A) No electric distribution utility may own or operate publicly available electric vehicle charging stations except through a separate affiliate or subsidiary that is not subject to public utilities commission jurisdiction. 76657  
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(B)(1) No electric distribution utility may charge its affiliate or subsidiary a subsidized rate, fee, or charge for electric service distributed to the affiliate's or subsidiary's publicly available electric vehicle charging stations. 76661  
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(2) An electric distribution utility affiliate or subsidiary that owns or operates an electric vehicle charging station shall be subject to the same rates, terms, and conditions that apply to electric vehicle charging providers located in the electric distribution utility's certified territory. 76665  
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Sec. 4934.05. Revenues received by an electric distribution utility for providing electric distribution service shall not, directly or indirectly, subsidize investments in the ownership or operation of electric vehicle charging stations. 76670  
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Sec. 4934.08. (A) An electric cooperative that owns or operates publicly available electric vehicle charging stations shall maintain separate books and records of its electric vehicle charging station service. A cooperative shall not include in the rates it charges for electric service any electric vehicle charging station costs, or any other costs, unrelated to the provision of electric service. 76674  
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(B) An electric cooperative that owns or operates publicly available electric vehicle charging stations shall be subject to the same rates, terms, and conditions for the operation of electric vehicle charging stations that apply to electric vehicle charging providers in the cooperative's designated service territory. 76681  
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Sec. 4934.11. Nothing in sections 4934.01 to 4934.14 of the Revised Code prohibits an electric distribution utility or electric cooperative from recovering the costs of make-ready infrastructure through rates or charges authorized under the electric distribution utility's distribution rate case under section 4909.18 of the Revised Code or through rates or charges implemented by the cooperative, as applicable, so long as such subsidies for make-ready infrastructure are offered to electric vehicle charging providers on a nondiscriminatory basis.

Sec. 4934.14. Nothing in sections 4934.01 to 4934.14 of the Revised Code shall be construed to prohibit an electric distribution utility or electric cooperative from operating, leasing, installing, or otherwise procuring service from an electric vehicle charging station on its own premises for the sole purpose of serving its own electric vehicles.

Sec. 5101.136. If a person requests the department of job and family services to conduct a search of whether that person's name has been placed or remains in the statewide automated child welfare information system as an alleged perpetrator of child abuse or neglect and a search reveals that a "substantiated" disposition exists, the department shall send a letter to the person who requested the search indicating a "match."

Sec. 5101.137. The department of job and family services shall expunge substantiated dispositions of child abuse or neglect that are older than ten years from the statewide automated child welfare information system.

Sec. 5101.26. As used in this section and in sections 5101.27 to 5101.30 of the Revised Code:

(A) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 76715  
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(B) "County agency" means a county department of job and family services or a public children services agency. 76717  
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~~(B)(C) "Fugitive Fleeing felon" means an individual who is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual is fleeing, for a crime, or an attempt to commit a crime, that is would be classified as a felony under the laws of the place from which the individual is fleeing, or, in the case of New Jersey, a high misdemeanor, regardless of whether the individual has departed from the individual's usual place of residence or who is violating a condition of probation or parole under a federal or state law. The department may adopt rules regarding the verification of "fleeing felon" status for the purposes of this chapter.~~ 76719  
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~~(C)(D) "Information" means records as defined in section 149.011 of the Revised Code, any other documents in any format, and data derived from records and documents that are generated, acquired, or maintained by the department of job and family services, a county agency, or an entity performing duties on behalf of the department or a county agency.~~ 76731  
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~~(D)(E) "Law enforcement agency" means has the state highway patrol, an agency that employs peace officers as defined in section 109.71 of the Revised Code, the adult parole authority, a county department of probation, a prosecuting attorney, the attorney general, similar agencies of other states, federal law enforcement agencies, and postal inspectors. "Law enforcement agency" includes the peace officers and other law enforcement officers employed by the agency.~~ 76737  
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~~(E) same meaning as in section 109.573 of the Revised Code.~~ 76745

(F) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 76746  
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~~(G) "Public assistance" means financial assistance or social services that are provided under a program administered by the department of job and family services or a county agency pursuant to Chapter 329., 5101., 5104., 5107., or 5108. of the Revised Code or an executive order issued under section 107.17 of the Revised Code.~~ a program financed with federal, state, or local funds to provide aid in the form of money or vendor payments to families or individuals on the basis of need and other eligibility conditions. 76748  
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"Public assistance" does not mean medical assistance provided 76756  
under a medical assistance program, as defined in section 5160.01 76757  
of the Revised Code. 76758

~~(F)~~(H) "Public assistance recipient" means an applicant for 76759  
or recipient or former recipient of public assistance. 76760

~~(G)~~(I) "Publicly funded child care" has the same meaning as 76761  
in section 5104.01 of the Revised Code. 76762

~~(H)~~(J) "Tuberculosis control unit" means the county 76763  
tuberculosis control unit designated by a board of county 76764  
commissioners under section 339.72 of the Revised Code or the 76765  
district tuberculosis control unit designated pursuant to an 76766  
agreement entered into by two or more boards of community 76767  
commissioners under that section. 76768

**Sec. 5101.27.** (A) Except as ~~permitted~~ otherwise provided by 76769  
~~this section, section 5101.273, 5101.28, or 5101.29 of the Revised~~ 76770  
~~Code,~~ law or rules adopted under section 5101.30 of the Revised 76771  
Code, ~~or when required by federal law, no person or government~~ 76772  
~~entity shall knowingly solicit, disclose, receive, use, permit the~~ 76773  
~~use of, or participate in the use of any~~ the department of job and 76774  
family services and county agencies shall keep confidential and 76775  
accessible only to its employees, except by the consent of the 76776

department or the order of a judge or a court of record, 76777  
information regarding a public assistance recipient ~~for any~~ 76778  
~~purpose not directly connected with the administration of a public~~ 76779  
~~assistance program.~~ 76780

(B) Information may not be disclosed for solicitation of 76781  
contributions or expenditures to or on behalf of a candidate for 76782  
public or political office or a political party. To the extent 76783  
permitted by federal law, the department of job and family 76784  
services ~~and county agencies shall do all~~ may release information 76785  
regarding a public assistance recipient to any of the following: 76786

(1) ~~Release information regarding a public assistance~~ 76787  
~~recipient for purposes directly connected to the administration of~~ 76788  
~~the program to a~~ A government entity responsible for administering 76789  
that public assistance program for purposes directly connected to 76790  
the administration of the program; 76791

(2) ~~Provide information regarding a public assistance~~ 76792  
~~recipient to a~~ A law enforcement agency for the purpose of any 76793  
investigation, prosecution, or criminal or civil proceeding 76794  
relating to the administration of ~~that~~ a public assistance 76795  
program; 76796

(3) ~~Provide, for purposes directly connected to the~~ 76797  
~~administration of a program~~ An entity administering a public 76798  
utility services program that assists needy individuals with the 76799  
costs of public utility services, ~~information regarding a~~ 76800  
~~recipient of financial assistance provided under a program~~ 76801  
~~administered by the department or a county agency pursuant to~~ 76802  
~~Chapter 5107. or 5108. of the Revised Code to an entity~~ 76803  
~~administering the public utility services program;~~ 76804

(4) A state or federal government agency for use in the 76805  
performance of that agency's official duties, including research 76806  
related to the administration of those duties, or to an agent or 76807

contractor of a state or federal government agency to whom 76808  
disclosure would be permissible; 76809

(5) Any agency of the United States charged with the 76810  
administration of any public assistance program, and any state or 76811  
federal official for purposes of oversight and audits of such 76812  
programs; 76813

(6) Individuals, public and private entities, agencies, and 76814  
institutions, private companies or organizations, partnerships, 76815  
business trusts, or other business entities or ventures, research 76816  
organizations, whether for profit or not for profit, or 76817  
combinations or consortiums of any of the foregoing for the 76818  
purpose of conducting or supporting research related to the 76819  
welfare of the people of the state, provision or performance of a 76820  
state or federal government program, or for academic purposes; 76821

(7) Information that does not identify an individual is not 76822  
protected information and may be released in summary, statistical, 76823  
or aggregate form. 76824

(C)(1) To the extent permitted by federal law and subject to 76825  
division (C)(2) of this section, the department of job and family 76826  
services shall release, for purposes directly connected to a 76827  
public health investigation related to section 3301.531 or 76828  
5104.037 of the Revised Code, information regarding a public 76829  
assistance recipient who receives publicly funded child care, so 76830  
long as all of the following conditions are met: 76831

(a) The department of health or the tuberculosis control unit 76832  
has initiated a public health investigation related to section 76833  
3301.531 or 5104.037 of the Revised Code and has assessed the 76834  
investigation as an emergency. 76835

(b) The department of health or the tuberculosis control unit 76836  
has notified the department of job and family services about the 76837  
investigation and has requested that the department of job and 76838

family services release the information for purposes of the 76839  
investigation. 76840

(c) The department of job and family services is unable to 76841  
timely obtain voluntary, written authorization ~~that complies with~~ 76842  
~~section 5101.272 of the Revised Code from the recipient, as~~ 76843  
permitted by division (D) of this section. 76844

(2) If the conditions specified in division (C)(1) of this 76845  
section are met, the department of job and family services shall 76846  
release to the department of health or the tuberculosis control 76847  
unit the minimum information necessary to fulfill the needs of the 76848  
department of health or tuberculosis control unit related to the 76849  
public health investigation. 76850

(3) If the department of job and family services releases 76851  
information pursuant to division (C) of this section, it shall 76852  
immediately notify the public assistance recipient. 76853

(D) ~~To~~ Notwithstanding any other provision of this section 76854  
and to the extent permitted by federal law and section 1347.08 of 76855  
the Revised Code, the department and of job and family services or 76856  
a county agencies agency shall provide access to may release 76857  
information regarding a public assistance recipient to ~~all of the~~ 76858  
~~following:~~ 76859

~~(1) The public assistance recipient;~~ 76860

~~(2) The authorized representative;~~ 76861

~~(3) The legal guardian of the recipient;~~ 76862

~~(4) The attorney of the recipient, if the attorney has~~ 76863  
~~written authorization that complies with section 5101.272 of the~~ 76864  
~~Revised Code from the~~ or any other person or entity identified by 76865  
the recipient. 76866

~~(E) To the extent permitted by federal law and subject to~~ 76867  
~~division (F) of this section, the department and county agencies~~ 76868

~~may do both of the following:~~ 76869

~~(1) Release information about a public assistance recipient if the recipient gives voluntary, written authorization that complies with section 5101.272 of the Revised Code;~~ 76870  
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~~(2) Release information regarding a public assistance recipient to a state, federal, or federally assisted program that provides cash or in-kind assistance or services directly to individuals based on need or for the purpose of protecting children to a government entity responsible for administering a children's protective services program, to the extent permitted by that the written authorization.~~ 76873  
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~~(F) Except when the release is required by division (B), (C), or (D) of this section or is authorized by division (E)(2) of this section, the department or county agency shall release the information only in accordance with the authorization. The department or county agency shall provide, at no cost, a copy of each written authorization to the individual who signed it.~~ 76880  
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~~(G)(E) The department of job and family services may adopt rules defining "authorized representative" for purposes of division (D)(2) that contain guidelines necessary for the implementation of this section.~~ 76886  
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**Sec. 5101.28.** (A)(1) On request of the department of job and family services or a county agency, a law enforcement agency shall provide information regarding public assistance recipients to enable the department or county agency to determine, for eligibility purposes, whether a recipient or a member of a recipient's assistance group is a fugitive fleeing felon or violating a condition of probation, a community control sanction, ~~parole,~~ or a post-release control sanction imposed under state or federal law. 76890  
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(2) A county agency may enter into a written agreement with a local law enforcement agency establishing procedures concerning access to information and providing for compliance with ~~division (F) of this section.~~

(B) To the extent permitted by federal law, the department and county agencies shall provide information regarding recipients of public assistance ~~under a program administered by the state department or a county agency pursuant to Chapter 5107. or 5108. of the Revised Code to a law enforcement agencies agency on request for the purposes of investigations, prosecutions, and eriminal and civil proceedings that are within the scope of use in the performance of the law enforcement agencies' agency's official duties.~~

(C) Information about a public assistance recipient shall be exchanged, obtained, or shared only if the department, county agency, or law enforcement agency requesting the information gives sufficient information to specifically identify the recipient. In addition to the recipient's name, identifying information may include the recipient's current or last known address, social security number, other identifying number, age, gender, physical characteristics, any information specified in an agreement entered into under division (A) of this section, or any information considered appropriate by the department or agency.

~~(D)(1) The department and its officers and employees are not liable in damages in a civil action for any injury, death, or loss to person or property that allegedly arises from the release of information in accordance with divisions (A), (B), and (C) of this section. This section does not affect any immunity or defense that the department and its officers and employees may be entitled to under another section of the Revised Code or the common law of this state, including section 9.86 of the Revised Code.~~

~~(2) The county agencies and their employees are not liable in~~

~~damages in a civil action for any injury, death, or loss to person 76931  
or property that allegedly arises from the release of information 76932  
in accordance with divisions (A), (B), and (C) of this section. 76933  
"Employee" has the same meaning as in division (B) of section 76934  
2744.01 of the Revised Code. This section does not affect any 76935  
immunity or defense that the county agencies and their employees 76936  
may be entitled to under another section of the Revised Code or 76937  
the common law of this state, including section 2744.02 and 76938  
division (A)(6) of section 2744.03 of the Revised Code. 76939~~

~~(E)~~(D) To the extent permitted by federal law, the department 76940  
and county agencies shall provide access to information to the 76941  
auditor of state acting pursuant to Chapter 117. or sections 76942  
5101.181 and 5101.182 of the Revised Code and to any other 76943  
government entity authorized by federal law to conduct an audit 76944  
of, or similar activity involving, a public assistance program. 76945

~~(F)~~(E) The auditor of state shall prepare an annual report on 76946  
the outcome of the agreements required under division (A) of this 76947  
section. The report shall include the number of ~~fugitive~~ fleeing 76948  
felons, probation and ~~parole~~ violators, and violators of community 76949  
control sanctions and post-release control sanctions apprehended 76950  
during the immediately preceding year as a result of the exchange 76951  
of information pursuant to that division. The auditor of state 76952  
shall file the report with the governor, the president and 76953  
minority leader of the senate, and the speaker and minority leader 76954  
of the house of representatives. The state department, county 76955  
agencies, and law enforcement agencies shall cooperate with the 76956  
auditor of state's office in gathering the information required 76957  
under this division. 76958

~~(G)~~(F) To the extent permitted by ~~federal~~ law, nothing in 76959  
this section prohibits the department of job and family services, 76960  
county departments of job and family services, and employees of 76961  
the departments ~~may report~~ from reporting to a public children 76962

services agency or other appropriate agency information on known 76963  
or suspected physical or mental injury, sexual abuse or 76964  
exploitation, or negligent treatment or maltreatment, of a child 76965  
~~receiving public assistance, if circumstances indicate that the~~ 76966  
~~child's health or welfare is threatened.~~ 76967

~~(H) As used in this section:~~ 76968

~~(1) "Community control sanction" has the same meaning as in~~ 76969  
~~section 2929.01 of the Revised Code.~~ 76970

~~(2) "Post release control sanction" has the same meaning as~~ 76971  
~~in section 2967.01 of the Revised Code.~~ 76972

**Sec. 5101.29.** When contained in a record held by the 76973  
department of job and family services or a county agency, the 76974  
following are not public records for purposes of section 149.43 of 76975  
the Revised Code: 76976

(A) Names and other identifying information regarding 76977  
children enrolled in or attending a child day-care center or home 76978  
subject to licensure or registration under Chapter 5104. of the 76979  
Revised Code; 76980

(B) Names and other identifying information regarding 76981  
children placed with an institution or association certified under 76982  
section 5103.03 of the Revised Code; 76983

(C) Names and other identifying information regarding a 76984  
person who makes an oral or written complaint regarding an 76985  
institution, association, child day-care center, or home subject 76986  
to licensure or registration to the department or other state or 76987  
county entity responsible for enforcing Chapter 5103. or 5104. of 76988  
the Revised Code; 76989

(D)(1) Except as otherwise provided in division (D)(2) of 76990  
this section, names, documentation, and other identifying 76991  
information regarding a foster caregiver or a prospective foster 76992

caregiver, including the foster caregiver application for 76993  
certification under section 5103.03 of the Revised Code and the 76994  
home study conducted pursuant to section 5103.0324 of the Revised 76995  
Code. 76996

(2) Notwithstanding division (D)(1) of this section, the 76997  
following are public records for the purposes of section 149.43 of 76998  
the Revised Code, when contained in a record held by the 76999  
department of job and family services, a county agency, or other 77000  
governmental entity: 77001

(a) All of the following information regarding a currently 77002  
certified foster caregiver who has had a foster care certificate 77003  
revoked pursuant to Chapter 5103. of the Revised Code or, after 77004  
receiving a current or current renewed certificate has been 77005  
convicted of, pleaded guilty to, or indicted or otherwise charged 77006  
with any offense described in ~~division (C)(1) of section 2151.86~~ 77007  
5103.256 of the Revised Code: 77008

(i) The foster caregiver's name, date of birth, and county of 77009  
residence; 77010

(ii) The date of the foster caregiver's certification; 77011

(iii) The date of each placement of a foster child into the 77012  
foster caregiver's home; 77013

(iv) If applicable, the date of the removal of a foster child 77014  
from the foster caregiver's home and the reason for the foster 77015  
child's removal unless release of such information would be 77016  
detrimental to the foster child or other children residing in the 77017  
foster caregiver's home; 77018

(v) If applicable, the date of the foster care certificate 77019  
revocation and all documents related to the revocation unless 77020  
otherwise not a public record pursuant to section 149.43 of the 77021  
Revised Code. 77022

(b) Nonidentifying foster care statistics including, but not limited to, the number of foster caregivers and foster care certificate revocations. 77023  
77024  
77025

**Sec. 5101.342.** The Ohio commission on fatherhood shall do both of the following: 77026  
77027

(A) Organize a state summit on fatherhood every four years; 77028

(B) Prepare a report each year that does the following: 77029

(1) Identifies resources available to fund fatherhood-related programs and explores the creation of initiatives to do the following: 77030  
77031  
77032

(a) Build the parenting skills of fathers; 77033

(b) Provide employment-related services for low-income, noncustodial fathers; 77034  
77035

(c) Prevent premature fatherhood; 77036

(d) Provide services to fathers who are inmates in or have just been released from imprisonment in a state correctional institution, as defined in section 2967.01 of the Revised Code, or in any other detention facility, as defined in section 2921.01 of the Revised Code, so that they are able to maintain or reestablish their relationships with their families; 77037  
77038  
77039  
77040  
77041  
77042

(e) Reconcile fathers with their families; 77043

(f) Increase public awareness of the critical role fathers play. 77044  
77045

(2) Describes the commission's expectations for the outcomes of fatherhood-related programs and initiatives and the methods the commission uses for conducting annual measures of those outcomes. 77046  
77047  
77048

(C) Pursuant to section 5101.805 of the Revised Code, the commission may make recommendations to the director of job and family services regarding funding, approval, and implementation of 77049  
77050  
77051

fatherhood programs in this state that meet at least one of the 77052  
four purposes of the temporary assistance for needy families block 77053  
grant, as specified in 42 U.S.C. 601. 77054

(D) The portion of the report prepared pursuant to division 77055  
(B)(2) of this section shall be prepared by the commission in 77056  
collaboration with the director of job and family services. 77057

~~(D)~~(E) The commission shall submit each report prepared 77058  
pursuant to division (B) of this section to the president and 77059  
minority leader of the senate, speaker and minority leader of the 77060  
house of representatives, governor, and chief justice of the 77061  
supreme court. The first report is due not later than one year 77062  
after the last of the initial appointments to the commission is 77063  
made under section 5101.341 of the Revised Code. 77064

**Sec. 5101.35.** (A) As used in this section: 77065

(1)(a) "Agency" means the following entities that administer 77066  
a family services program: 77067

(i) The department of job and family services; 77068

(ii) A county department of job and family services; 77069

(iii) A public children services agency; 77070

(iv) A private or government entity administering, in whole 77071  
or in part, a family services program for or on behalf of the 77072  
department of job and family services or a county department of 77073  
job and family services or public children services agency. 77074

(b) If the department of medicaid contracts with the 77075  
department of job and family services to hear appeals authorized 77076  
by section 5160.31 of the Revised Code regarding medical 77077  
assistance programs, "agency" includes the department of medicaid. 77078

(2) "Appellant" means an applicant, participant, former 77079  
participant, recipient, or former recipient of a family services 77080

program who is entitled by federal or state law to a hearing 77081  
regarding a decision or order of the agency that administers the 77082  
program. 77083

(3)(a) "Family services program" means all of the following: 77084

(i) A Title IV-A program as defined in section 5101.80 of the 77085  
Revised Code; 77086

(ii) Programs that provide assistance under Chapter 5104. of 77087  
the Revised Code; 77088

(iii) Programs that provide assistance under section 77089  
5101.141, 5101.461, 5101.54, 5119.41, 5153.163, or 5153.165 of the 77090  
Revised Code; 77091

(iv) Title XX social services provided under section 5101.46 77092  
of the Revised Code, other than such services provided by the 77093  
department of mental health and addiction services, the department 77094  
of developmental disabilities, a board of alcohol, drug addiction, 77095  
and mental health services, or a county board of developmental 77096  
disabilities. 77097

(b) If the department of medicaid contracts with the 77098  
department of job and family services to hear appeals authorized 77099  
by section 5160.31 of the Revised Code regarding medical 77100  
assistance programs, "family services program" includes medical 77101  
assistance programs. 77102

(4) "Medical assistance program" has the same meaning as in 77103  
section 5160.01 of the Revised Code. 77104

(B) Except as provided by divisions (G) and (H) of this 77105  
section, an appellant who appeals under federal or state law a 77106  
decision or order of an agency administering a family services 77107  
program shall, at the appellant's request, be granted a state 77108  
hearing by the department of job and family services. This state 77109  
hearing shall be conducted in accordance with rules adopted under 77110

this section. The state hearing shall be recorded, but neither the 77111  
recording nor a transcript of the recording shall be part of the 77112  
official record of the proceeding. Except as provided in section 77113  
5160.31 of the Revised Code, a state hearing decision is binding 77114  
upon the agency and department, unless it is reversed or modified 77115  
on appeal to the director of job and family services or a court of 77116  
common pleas. 77117

(C) Except as provided by division (G) of this section, an 77118  
appellant who disagrees with a state hearing decision may make an 77119  
administrative appeal to the director of job and family services 77120  
in accordance with rules adopted under this section. This 77121  
administrative appeal does not require a hearing, but the director 77122  
or the director's designee shall review the state hearing decision 77123  
and previous administrative action and may affirm, modify, remand, 77124  
or reverse the state hearing decision. An administrative appeal 77125  
decision is the final decision of the department and, except as 77126  
provided in section 5160.31 of the Revised Code, is binding upon 77127  
the department and agency, unless it is reversed or modified on 77128  
appeal to the court of common pleas. 77129

(D) An agency shall comply with a decision issued pursuant to 77130  
division (B) or (C) of this section within the time limits 77131  
established by rules adopted under this section. If a county 77132  
department of job and family services or a public children 77133  
services agency fails to comply within these time limits, the 77134  
department may take action pursuant to section 5101.24 of the 77135  
Revised Code. If another agency, other than the department of 77136  
medicaid, fails to comply within the time limits, the department 77137  
may force compliance by withholding funds due the agency or 77138  
imposing another sanction established by rules adopted under this 77139  
section. 77140

(E) An appellant who disagrees with an administrative appeal 77141  
decision of the director of job and family services or the 77142

director's designee issued under division (C) of this section may 77143  
appeal from the decision to the court of common pleas pursuant to 77144  
section 119.12 of the Revised Code. The appeal shall be governed 77145  
by section 119.12 of the Revised Code except that: 77146

(1) The person may appeal to the court of common pleas of the 77147  
county in which the person resides, or to the court of common 77148  
pleas of Franklin county if the person does not reside in this 77149  
state. 77150

(2) The person may apply to the court for designation as an 77151  
indigent and, if the court grants this application, the appellant 77152  
shall not be required to furnish the costs of the appeal. 77153

(3) The appellant shall mail the notice of appeal to the 77154  
department of job and family services and file notice of appeal 77155  
with the court within thirty days after the department mails the 77156  
administrative appeal decision to the appellant. For good cause 77157  
shown, the court may extend the time for mailing and filing notice 77158  
of appeal, but such time shall not exceed six months from the date 77159  
the department mails the administrative appeal decision. Filing 77160  
notice of appeal with the court shall be the only act necessary to 77161  
vest jurisdiction in the court. 77162

(4) The department shall be required to file a transcript of 77163  
the testimony of the state hearing with the court only if the 77164  
court orders the department to file the transcript. The court 77165  
shall make such an order only if it finds that the department and 77166  
the appellant are unable to stipulate to the facts of the case and 77167  
that the transcript is essential to a determination of the appeal. 77168  
The department shall file the transcript not later than thirty 77169  
days after the day such an order is issued. 77170

(F) The department of job and family services shall adopt 77171  
rules in accordance with Chapter 119. of the Revised Code to 77172  
implement this section, including rules governing the following: 77173

(1) State hearings under division (B) of this section. The 77174  
rules shall include provisions regarding notice of eligibility 77175  
termination and the opportunity of an appellant appealing a 77176  
decision or order of a county department of job and family 77177  
services to request a county conference with the county department 77178  
before the state hearing is held. 77179

(2) Administrative appeals under division (C) of this 77180  
section; 77181

(3) Time limits for complying with a decision issued under 77182  
division (B) or (C) of this section; 77183

(4) Sanctions that may be applied against an agency under 77184  
division (D) of this section. 77185

(G) The department of job and family services may adopt rules 77186  
in accordance with Chapter 119. of the Revised Code establishing 77187  
an appeals process for an appellant who appeals a decision or 77188  
order regarding a Title IV-A program identified under division 77189  
(A)(4)(c), (d), (e), (f), ~~or~~ (g), or (h) of section 5101.80 of the 77190  
Revised Code that is different from the appeals process 77191  
established by this section. The different appeals process may 77192  
include having a state agency that administers the Title IV-A 77193  
program pursuant to an interagency agreement entered into under 77194  
section 5101.801 of the Revised Code administer the appeals 77195  
process. 77196

(H) If an appellant receiving medicaid through a health 77197  
insuring corporation that holds a certificate of authority under 77198  
Chapter 1751. of the Revised Code is appealing a denial of 77199  
medicaid services based on lack of medical necessity or other 77200  
clinical issues regarding coverage by the health insuring 77201  
corporation, the person hearing the appeal may order an 77202  
independent medical review if that person determines that a review 77203  
is necessary. The review shall be performed by a health care 77204

professional with appropriate clinical expertise in treating the 77205  
recipient's condition or disease. The department shall pay the 77206  
costs associated with the review. 77207

A review ordered under this division shall be part of the 77208  
record of the hearing and shall be given appropriate evidentiary 77209  
consideration by the person hearing the appeal. 77210

(I) The requirements of Chapter 119. of the Revised Code 77211  
apply to a state hearing or administrative appeal under this 77212  
section only to the extent, if any, specifically provided by rules 77213  
adopted under this section. 77214

**Sec. 5101.54.** (A) The director of job and family services 77215  
shall administer the supplemental nutrition assistance program in 77216  
accordance with the Food and Nutrition Act of 2008 (7 U.S.C. 2011 77217  
et seq.). The department of job and family services may: 77218

(1) Prepare and submit to the secretary of the United States 77219  
department of agriculture a plan for the administration of the 77220  
supplemental nutrition assistance program; 77221

(2) Prescribe forms for applications, certificates, reports, 77222  
records, and accounts of county departments of job and family 77223  
services, and other matters; 77224

(3) Require such reports and information from each county 77225  
department of job and family services as may be necessary and 77226  
advisable; 77227

(4) Administer and expend any sums appropriated by the 77228  
general assembly for the purposes of the supplemental nutrition 77229  
assistance program and all sums paid to the state by the United 77230  
States as authorized by the Food and Nutrition Act of 2008; 77231

(5) Conduct such investigations as are necessary; 77232

(6) Enter into interagency agreements and cooperate with 77233  
investigations conducted by the department of public safety, 77234

including providing information for investigative purposes, 77235  
exchanging property and records, passing through federal financial 77236  
participation, modifying any agreements with the United States 77237  
department of agriculture, providing for the supply, security, and 77238  
accounting of supplemental nutrition assistance program benefits 77239  
for investigative purposes, and meeting any other requirements 77240  
necessary for the detection and deterrence of illegal activities 77241  
in the supplemental nutrition assistance program; 77242

(7) Adopt rules in accordance with Chapter 119. of the 77243  
Revised Code governing employment and training requirements of 77244  
recipients of supplemental nutrition assistance program benefits, 77245  
including rules specifying which recipients are subject to the 77246  
requirements and establishing sanctions for failure to satisfy the 77247  
requirements. The rules shall be consistent with 7 U.S.C. 2015, 77248  
including its work and employment and training requirements, and, 77249  
to the extent practicable, shall provide for the recipients to 77250  
participate in work activities, developmental activities, and 77251  
alternative work activities described in sections 5107.40 to 77252  
5107.69 of the Revised Code that are comparable to programs 77253  
authorized by 7 U.S.C. 2015(d)(4). The rules may reference rules 77254  
adopted under section 5107.05 of the Revised Code governing work 77255  
activities, developmental activities, and alternative work 77256  
activities described in sections 5107.40 to 5107.69 of the Revised 77257  
Code. 77258

(8) Adopt rules in accordance with section 111.15 of the 77259  
Revised Code that are consistent with the Food and Nutrition Act 77260  
of 2008, the regulations adopted thereunder, and this section 77261  
governing the following: 77262

(a) Eligibility requirements for the supplemental nutrition 77263  
assistance program; 77264

(b) Sanctions for failure to comply with eligibility 77265  
requirements; 77266

(c) Allotment of supplemental nutrition assistance program	77267
benefits;	77268
(d) To the extent permitted under federal statutes and	77269
regulations, a system under which some or all recipients of	77270
supplemental nutrition assistance program benefits subject to	77271
employment and training requirements established by rules adopted	77272
under division (A)(7) of this section receive the benefits after	77273
satisfying the requirements;	77274
(e) Administration of the program by county departments of	77275
job and family services;	77276
(f) Other requirements necessary for the efficient	77277
administration of the program.	77278
(9) Submit a plan to the United States secretary of	77279
agriculture for the department of job and family services to	77280
operate a simplified supplemental nutrition assistance program	77281
pursuant to 7 U.S.C. 2035 under which requirements governing the	77282
Ohio works first program established under Chapter 5107. of the	77283
Revised Code also govern the supplemental nutrition assistance	77284
program in the case of households receiving supplemental nutrition	77285
assistance program benefits and participating in Ohio works first.	77286
(10) Collect information on suspicious electronic benefit	77287
transfer card transactions and provide the information to each	77288
impacted county department for analysis and investigation. Such	77289
information shall include transactions of even dollar amounts,	77290
full monthly benefit amounts, multiple same-day transactions,	77291
out-of-state transactions, and any other suspicious trends.	77292
(B) A household that is entitled to receive supplemental	77293
nutrition assistance program benefits and that is determined to be	77294
in immediate need of nutrition assistance shall receive	77295
certification of eligibility for program benefits, pending	77296
verification, within twenty-four hours, or, if mitigating	77297

circumstances occur, within seventy-two hours, after application, 77298  
if: 77299

(1) The results of the application interview indicate that 77300  
the household will be eligible upon full verification; 77301

(2) Information sufficient to confirm the statements in the 77302  
application has been obtained from at least one additional source, 77303  
not a member of the applicant's household. Such information shall 77304  
be recorded in the case file and shall include: 77305

(a) The name of the person who provided the name of the 77306  
information source; 77307

(b) The name and address of the information source; 77308

(c) A summary of the information obtained. 77309

The period of temporary eligibility shall not exceed one 77310  
month from the date of certification of temporary eligibility. If 77311  
eligibility is established by full verification, benefits shall 77312  
continue without interruption as long as eligibility continues. 77313

There is no limit on the number of times a household may 77314  
receive expedited certification of eligibility under this division 77315  
as long as before each expedited certification all of the 77316  
information identified in division (F)(1) of this section was 77317  
verified for the household at the last expedited certification or 77318  
the household's eligibility was certified under normal processing 77319  
standards since the last expedited certification. 77320

At the time of application, the county department of job and 77321  
family services shall provide to a household described in this 77322  
division a list of community assistance programs that provide 77323  
emergency food. 77324

(C) Before certifying supplemental nutrition assistance 77325  
program benefits, the department shall verify the eligibility of 77326  
each household in accordance with division (F) of this section. 77327

All applications shall be approved or denied through full verification within thirty days from receipt of the application by the county department of job and family services.

(D) Nothing in this section shall be construed to prohibit the certification of households that qualify under federal regulations to receive supplemental nutrition assistance program benefits without charge under the Food and Nutrition Act of 2008.

(E) Any person who applies for the supplemental nutrition assistance program shall receive a voter registration application under section 3503.10 of the Revised Code.

(F)(1) In order to verify household eligibility as required by federal regulations and this section, the department shall, except as provided in division (F)(2) of this section, verify at least the following information before certifying supplemental nutrition assistance program benefits:

(a) Household composition;

(b) Identity;

(c) Citizenship and alien eligibility status;

(d) Social security numbers;

(e) State residency status;

(f) Disability status;

(g) Gross nonexempt income;

(h) Utility expenses;

(i) Medical expenses;

(j) Enrollment status in other state-administered public assistance programs within and outside this state;

(k) Any available information related to potential identity fraud or identity theft.

(2) A household's eligibility for supplemental nutrition assistance program benefits may be certified before all of the information identified in division (F)(1) of this section is verified if the household's certification is being expedited under division (B) of this section.

(3) On at least a quarterly basis and consistent with federal regulations, as information is received by a county department of job and family services, the county department shall review and act on information identified in division (F)(1) of this section that indicates a change in circumstances that may affect eligibility, to the extent such information is available to the department.

(4) Consistent with federal regulations, as part of the application for public assistance and before certifying benefits under the supplemental nutrition assistance program, the department shall require an applicant, or a person acting on the applicant's behalf, to verify the identity of the members of the applicant household.

(5)(a) The department shall sign a memorandum of understanding with any department, agency, or division as needed to obtain the information identified in division (F)(1) of this section.

(b) The department may contract with one or more independent vendors to provide the information identified in division (F)(1) of this section.

(c) Nothing in this section prevents the department or a county department of job and family services from receiving or reviewing additional information related to eligibility not identified in this section or from contracting with one or more independent vendors to provide additional information not identified in this section.

(6) The department shall explore joining a multistate cooperative, such as the national accuracy clearinghouse, to identify individuals enrolled in public assistance programs outside of this state.

(G) The department shall use the same criteria to verify gross nonexempt income from self-employment pursuant to division (F)(1) of this section as were used during initial certification when:

(1) Reviewing information pursuant to division (F)(3) of this section regarding households with income from self-employment;

(2) Recertifying households with income from self-employment.

(H) If the department receives information concerning a household certified to receive supplemental nutrition assistance program benefits that indicates a change in circumstances that may affect eligibility, the department shall take action in accordance with federal regulations, including verifying unclear information, providing prior written notice of a change or adverse action, and notifying the household of the right to a fair hearing.

~~(H)~~(I) In the case of suspected fraud, the department shall refer the case for an administrative disqualification hearing or to the county prosecutor of the county in which the applicant or recipient resides for investigation, or both.

~~(I)~~(J) The department shall adopt rules in accordance with Chapter 119. of the Revised Code to implement divisions (F) to ~~(H)~~(I) of this section.

~~(J)~~(K) Except as prohibited by federal law, the department may assign any of the duties described in this section to any county department of job and family services.

**Sec. 5101.80.** (A) As used in this section and in section 77416

5101.801 of the Revised Code:	77417
(1) "County family services agency" has the same meaning as in section 307.981 of the Revised Code.	77418 77419
(2) "State agency" has the same meaning as in section 9.82 of the Revised Code.	77420 77421
(3) "Title IV-A administrative agency" means both of the following:	77422 77423
(a) A county family services agency or state agency administering a Title IV-A program under the supervision of the department of job and family services;	77424 77425 77426
(b) A government agency or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program created under section 5101.803 of the Revised Code.	77427 77428 77429 77430
(4) "Title IV-A program" means all of the following that are funded in part with funds provided under the temporary assistance for needy families block grant established by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended:	77431 77432 77433 77434 77435
(a) The Ohio works first program established under Chapter 5107. of the Revised Code;	77436 77437
(b) The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code;	77438 77439
(c) A program established by the general assembly or an executive order issued by the governor that is administered or supervised by the department of job and family services pursuant to section 5101.801 of the Revised Code;	77440 77441 77442 77443
(d) The kinship permanency incentive program created under section 5101.802 of the Revised Code;	77444 77445
(e) The Title IV-A demonstration program created under	77446

section 5101.803 of the Revised Code; 77447

(f) The Ohio parenting and pregnancy program created under 77448  
section 5101.804 of the Revised Code; 77449

(g) Fatherhood programs recommended by the Ohio commission on 77450  
fatherhood under section 5101.805 of the Revised Code; 77451

(h) A component of a Title IV-A program identified under 77452  
divisions (A)(4)(a) to ~~(f)~~(g) of this section that the Title IV-A 77453  
state plan prepared under division (C)(1) of this section 77454  
identifies as a component. 77455

(B) The department of job and family services shall act as 77456  
the single state agency to administer and supervise the 77457  
administration of Title IV-A programs. The Title IV-A state plan 77458  
and amendments to the plan prepared under division (C) of this 77459  
section are binding on Title IV-A administrative agencies. No 77460  
Title IV-A administrative agency may establish, by rule or 77461  
otherwise, a policy governing a Title IV-A program that is 77462  
inconsistent with a Title IV-A program policy established, in rule 77463  
or otherwise, by the director of job and family services. 77464

(C) The department of job and family services shall do all of 77465  
the following: 77466

(1) Prepare and submit to the United States secretary of 77467  
health and human services a Title IV-A state plan for Title IV-A 77468  
programs; 77469

(2) Prepare and submit to the United States secretary of 77470  
health and human services amendments to the Title IV-A state plan 77471  
that the department determines necessary, including amendments 77472  
necessary to implement Title IV-A programs identified in divisions 77473  
(A)(4)(c) to ~~(g)~~(h) of this section; 77474

(3) Prescribe forms for applications, certificates, reports, 77475  
records, and accounts of Title IV-A administrative agencies, and 77476

other matters related to Title IV-A programs; 77477

(4) Make such reports, in such form and containing such 77478  
information as the department may find necessary to assure the 77479  
correctness and verification of such reports, regarding Title IV-A 77480  
programs; 77481

(5) Require reports and information from each Title IV-A 77482  
administrative agency as may be necessary or advisable regarding a 77483  
Title IV-A program; 77484

(6) Afford a fair hearing in accordance with section 5101.35 77485  
of the Revised Code to any applicant for, or participant or former 77486  
participant of, a Title IV-A program aggrieved by a decision 77487  
regarding the program; 77488

(7) Administer and expend, pursuant to Chapters 5104., 5107., 77489  
and 5108. of the Revised Code and sections 5101.801, 5101.802, 77490  
5101.803, and 5101.804 of the Revised Code, any sums appropriated 77491  
by the general assembly for the purpose of those chapters and 77492  
sections and all sums paid to the state by the secretary of the 77493  
treasury of the United States as authorized by Title IV-A of the 77494  
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as 77495  
amended; 77496

(8) Conduct investigations and audits as are necessary 77497  
regarding Title IV-A programs; 77498

(9) Enter into reciprocal agreements with other states 77499  
relative to the provision of Ohio works first and prevention, 77500  
retention, and contingency to residents and nonresidents; 77501

(10) Contract with a private entity to conduct an independent 77502  
on-going evaluation of the Ohio works first program and the 77503  
prevention, retention, and contingency program. The contract must 77504  
require the private entity to do all of the following: 77505

(a) Examine issues of process, practice, impact, and 77506

outcomes; 77507

(b) Study former participants of Ohio works first who have 77508  
not participated in Ohio works first for at least one year to 77509  
determine whether they are employed, the type of employment in 77510  
which they are engaged, the amount of compensation they are 77511  
receiving, whether their employer provides health insurance, 77512  
whether and how often they have received benefits or services 77513  
under the prevention, retention, and contingency program, and 77514  
whether they are successfully self sufficient; 77515

(c) Provide the department with reports at times the 77516  
department specifies. 77517

(11) Not later than the last day of each January and July, 77518  
prepare a report containing information on the following: 77519

(a) Individuals exhausting the time limits for participation 77520  
in Ohio works first set forth in section 5107.18 of the Revised 77521  
Code. 77522

(b) Individuals who have been exempted from the time limits 77523  
set forth in section 5107.18 of the Revised Code and the reasons 77524  
for the exemption. 77525

(D) The department shall provide copies of the reports it 77526  
receives under division (C)(10) of this section and prepares under 77527  
division (C)(11) of this section to the governor, the president 77528  
and minority leader of the senate, and the speaker and minority 77529  
leader of the house of representatives. The department shall 77530  
provide copies of the reports to any private or government entity 77531  
on request. 77532

(E) An authorized representative of the department or a 77533  
county family services agency or state agency administering a 77534  
Title IV-A program shall have access to all records and 77535  
information bearing thereon for the purposes of investigations 77536  
conducted pursuant to this section. An authorized representative 77537

of a government entity or private, not-for-profit entity 77538  
administering a project funded in whole or in part with funds 77539  
provided under the Title IV-A demonstration program shall have 77540  
access to all records and information bearing on the project for 77541  
the purpose of investigations conducted pursuant to this section. 77542

**Sec. 5101.801.** (A) Except as otherwise provided by the law 77543  
enacted by the general assembly or executive order issued by the 77544  
governor establishing the Title IV-A program, a Title IV-A program 77545  
identified under division (A)(4)(c), (d), (e), (f), ~~or (g)~~, or (h) 77546  
of section 5101.80 of the Revised Code shall provide benefits and 77547  
services that are not "assistance" as defined in 45 C.F.R. 77548  
260.31(a) and are benefits and services that 45 C.F.R. 260.31(b) 77549  
excludes from the definition of assistance. 77550

(B)(1) Except as otherwise provided by the law enacted by the 77551  
general assembly or executive order issued by the governor 77552  
establishing the Title IV-A program, the department of job and 77553  
family services shall do either of the following regarding a Title 77554  
IV-A program identified under division (A)(4)(c), (d), (e), (f), 77555  
~~or (g)~~, or (h) of section 5101.80 of the Revised Code: 77556

(a) Administer the program or supervise a county family 77557  
services agency's administration of the program; 77558

(b) Enter into an interagency agreement with a state agency 77559  
for the state agency to administer the program under the 77560  
department's supervision. 77561

(2) The department may enter into an agreement with a 77562  
government entity and, to the extent permitted by federal law, a 77563  
private, not-for-profit entity for the entity to receive funding 77564  
for a project under the Title IV-A demonstration program created 77565  
under section 5101.803 of the Revised Code. 77566

(3) To the extent permitted by federal law, the department 77567

may enter into an agreement with a private, not-for-profit entity 77568  
for the entity to receive funds under the Ohio parenting and 77569  
pregnancy program created under section 5101.804 of the Revised 77570  
Code. 77571

(4) To the extent permitted by federal law, the department 77572  
may enter into an agreement with a private, not-for-profit entity 77573  
for the entity to receive funds as recommended by the Ohio 77574  
commission on fatherhood under section 5101.805 of the Revised 77575  
Code. 77576

(C) The department may adopt rules governing Title IV-A 77577  
programs identified under divisions (A)(4)(c), (d), (e), (f), ~~and~~ 77578  
(g), and (h) of section 5101.80 of the Revised Code. Rules 77579  
governing financial and operational matters of the department or 77580  
between the department and county family services agencies shall 77581  
be adopted as internal management rules adopted in accordance with 77582  
section 111.15 of the Revised Code. All other rules shall be 77583  
adopted in accordance with Chapter 119. of the Revised Code. 77584

(D) If the department enters into an agreement regarding a 77585  
Title IV-A program identified under division (A)(4)(c), (e), (f), 77586  
~~or~~ (g), or (h) of section 5101.80 of the Revised Code pursuant to 77587  
division (B)(1)(b) or (2) of this section, the agreement shall 77588  
include at least all of the following: 77589

(1) A requirement that the state agency or entity comply with 77590  
the requirements for the program or project, including all of the 77591  
following requirements established by federal statutes and 77592  
regulations, state statutes and rules, the United States office of 77593  
management and budget, and the Title IV-A state plan prepared 77594  
under section 5101.80 of the Revised Code: 77595

(a) Eligibility; 77596

(b) Reports; 77597

(c) Benefits and services; 77598

(d) Use of funds;	77599
(e) Appeals for applicants for, and recipients and former recipients of, the benefits and services;	77600 77601
(f) Audits.	77602
(2) A complete description of all of the following:	77603
(a) The benefits and services that the program or project is to provide;	77604 77605
(b) The methods of program or project administration;	77606
(c) The appeals process under section 5101.35 of the Revised Code for applicants for, and recipients and former recipients of, the program or project's benefits and services;	77607 77608 77609
(d) Other requirements that the department requires be included.	77610 77611
(3) Procedures for the department to approve a policy, established by rule or otherwise, that the state agency or entity establishes for the program or project before the policy is established;	77612 77613 77614 77615
(4) Provisions regarding how the department is to reimburse the state agency or entity for allowable expenditures under the program or project that the department approves, including all of the following:	77616 77617 77618 77619
(a) Limitations on administrative costs;	77620
(b) The department, at its discretion, doing either of the following:	77621 77622
(i) Withholding no more than five per cent of the funds that the department would otherwise provide to the state agency or entity for the program or project;	77623 77624 77625
(ii) Charging the state agency or entity for the costs to the department of performing, or contracting for the performance of,	77626 77627

audits and other administrative functions associated with the 77628  
program or project. 77629

(5) If the state agency or entity arranges by contract, 77630  
grant, or other agreement for another entity to perform a function 77631  
the state agency or entity would otherwise perform regarding the 77632  
program or project, the state agency or entity's responsibilities 77633  
for both of the following: 77634

(a) Ensuring that the other entity complies with the 77635  
agreement between the state agency or entity and department and 77636  
federal statutes and regulations and state statutes and rules 77637  
governing the use of funds for the program or project; 77638

(b) Auditing the other entity in accordance with requirements 77639  
established by the United States office of management and budget. 77640

(6) The state agency or entity's responsibilities regarding 77641  
the prompt payment, including any interest assessed, of any 77642  
adverse audit finding, final disallowance of federal funds, or 77643  
other sanction or penalty imposed by the federal government, 77644  
auditor of state, department, a court, or other entity regarding 77645  
funds for the program or project; 77646

(7) Provisions for the department to terminate the agreement 77647  
or withhold reimbursement from the state agency or entity if 77648  
either of the following occur: 77649

(a) The federal government disapproves the program or project 77650  
or reduces federal funds for the program or project; 77651

(b) The state agency or entity fails to comply with the terms 77652  
of the agreement. 77653

(8) Provisions for both of the following: 77654

(a) The department and state agency or entity determining the 77655  
performance outcomes expected for the program or project; 77656

(b) An evaluation of the program or project to determine its 77657

success in achieving the performance outcomes determined under 77658  
division (D)(8)(a) of this section. 77659

(E) To the extent consistent with the law enacted by the 77660  
general assembly or executive order issued by the governor 77661  
establishing the Title IV-A program and subject to the approval of 77662  
the director of budget and management, the director of job and 77663  
family services may terminate a Title IV-A program identified 77664  
under division (A)(4)(c), (d), (e), (f), ~~or (g)~~, or (h) of section 77665  
5101.80 of the Revised Code or reduce funding for the program if 77666  
the director of job and family services determines that federal or 77667  
state funds are insufficient to fund the program. If the director 77668  
of budget and management approves the termination or reduction in 77669  
funding for such a program, the director of job and family 77670  
services shall issue instructions for the termination or funding 77671  
reduction. If a Title IV-A administrative agency is administering 77672  
the program, the agency is bound by the termination or funding 77673  
reduction and shall comply with the director's instructions. 77674

(F) The director of job and family services may adopt 77675  
internal management rules in accordance with section 111.15 of the 77676  
Revised Code as necessary to implement this section. The rules are 77677  
binding on each Title IV-A administrative agency. 77678

Sec. 5101.805. (A) Subject to division (E) of section 77679  
5101.801 of the Revised Code, the Ohio commission on fatherhood, 77680  
created under section 5101.34 of the Revised Code, may make 77681  
recommendations to the director of job and family services 77682  
concerning the funding, approval, and implementation of fatherhood 77683  
programs in this state that meet at least one of the four purposes 77684  
of the temporary assistance for needy families block grant, as 77685  
specified in 42 U.S.C. 601. 77686

(B) The department of job and family services may provide 77687  
funding under this section to government entities and, to the 77688

extent permitted by federal law, private, not-for-profit entities 77689  
with which the department enters into agreements under division 77690  
(B)(4) of section 5101.801 of the Revised Code. 77691

**Sec. 5101.806.** (A) The department of job and family services 77692  
shall prepare and submit to the governor not later than the first 77693  
day of November in each even-numbered year a TANF spending plan 77694  
describing the anticipated spending of temporary assistance for 77695  
needy families block grant funds for the upcoming state fiscal 77696  
biennium. The report shall be prepared in such a manner as to 77697  
facilitate the inclusion of the information contained in the 77698  
report in the governor's budget in accordance with division (D)(7) 77699  
of section 107.03 of the Revised Code. 77700

(B)(1) Not later than ~~thirty~~ sixty days after the end of the 77701  
first state fiscal year of a fiscal biennium, the department shall 77702  
prepare and submit an updated TANF spending plan to the 77703  
chairperson of a standing committee of the house of 77704  
representatives designated by the speaker of the house of 77705  
representatives, the chairperson of a standing committee of the 77706  
senate designated by the president of the senate, and the minority 77707  
leaders of both the house of representatives and the senate. The 77708  
updated TANF spending plan shall, at a minimum, include both of 77709  
the following: 77710

(a) The total amount of temporary assistance for needy 77711  
families block grant funds distributed during the first fiscal 77712  
year of the fiscal biennium. 77713

(b) An updated estimate of the total amount of temporary 77714  
assistance for needy families block grant funds that will be 77715  
distributed during the second fiscal year of the fiscal biennium. 77716

(2) A chairperson of a standing committee designated by the 77717  
speaker of the house of representatives or president of the senate 77718  
under division (B)(1) of this section may call the director of job 77719

and family services to testify before the committee regarding the 77720  
TANF spending plan. 77721

**Sec. 5103.02.** As used in sections 5103.03 to ~~5103.181~~ 5103.17 77722  
of the Revised Code: 77723

(A)(1) "Association" or "institution" includes all of the 77724  
following: 77725

(a) Any incorporated or unincorporated organization, society, 77726  
association, or agency, public or private, that receives or cares 77727  
for children for two or more consecutive weeks; 77728

(b) Any individual, including the operator of a foster home, 77729  
who, for hire, gain, or reward, receives or cares for children for 77730  
two or more consecutive weeks, unless the individual is related to 77731  
them by blood or marriage; 77732

(c) Any individual not in the regular employ of a court, or 77733  
of an institution or association certified in accordance with 77734  
section 5103.03 of the Revised Code, who in any manner becomes a 77735  
party to the placing of children in foster homes, unless the 77736  
individual is related to such children by blood or marriage or is 77737  
the appointed guardian of such children. 77738

(2) "Association" or "institution" does not include any of 77739  
the following: 77740

(a) Any organization, society, association, school, agency, 77741  
child guidance center, detention or rehabilitation facility, or 77742  
children's clinic licensed, regulated, approved, operated under 77743  
the direction of, or otherwise certified by the department of 77744  
education, a local board of education, the department of youth 77745  
services, the department of mental health and addiction services, 77746  
or the department of developmental disabilities; 77747

(b) Any individual who provides care for only a single-family 77748  
group, placed there by their parents or other relative having 77749

custody;	77750
(c) A private, nonprofit therapeutic wilderness camp;	77751
(d) A qualified organization as defined in section 2151.90 of the Revised Code.	77752 77753
(B) "Family foster home" means a foster home that is not a specialized foster home.	77754 77755
(C) "Foster caregiver" means a person holding a valid foster home certificate issued under section 5103.03 of the Revised Code.	77756 77757
(D) "Foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training twenty-four hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. Family foster homes and specialized foster homes are types of foster homes.	77758 77759 77760 77761 77762 77763 77764 77765 77766
(E) "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code.	77767 77768
(F) "Medically fragile foster home" means a foster home that provides specialized medical services designed to meet the needs of children with intensive health care needs who meet all of the following criteria:	77769 77770 77771 77772
(1) Under rules adopted by the medicaid director governing medicaid payments for long-term care services, the children require a skilled level of care.	77773 77774 77775
(2) The children require the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of their medical conditions.	77776 77777 77778
(3) The children require the services of a registered nurse	77779

on a daily basis. 77780

(4) The children are at risk of institutionalization in a 77781  
hospital, skilled nursing facility, or intermediate care facility 77782  
for individuals with intellectual disabilities. 77783

(G) "Private, nonprofit therapeutic wilderness camp" means a 77784  
structured, alternative residential setting for children who are 77785  
experiencing emotional, behavioral, moral, social, or learning 77786  
difficulties at home or school in which all of the following are 77787  
the case: 77788

(1) The children spend the majority of their time, including 77789  
overnight, either outdoors or in a primitive structure. 77790

(2) The children have been placed there by their parents or 77791  
another relative having custody. 77792

(3) The camp accepts no public funds for use in its 77793  
operations. 77794

(H) "Recommending agency" means a public children services 77795  
agency, private child placing agency, or private noncustodial 77796  
agency that recommends that the department of job and family 77797  
services take any of the following actions under section 5103.03 77798  
of the Revised Code regarding a foster home: 77799

(1) Issue a certificate; 77800

(2) Deny a certificate; 77801

(3) ~~Renew a certificate;~~ 77802

~~(4) Deny renewal of a certificate;~~ 77803

~~(5) Revoke a certificate.~~ 77804

(I) "Resource caregiver" means a foster caregiver or a 77805  
kinship caregiver. 77806

(J) "Resource family" means a foster home or the kinship 77807  
caregiver family. 77808

(K) "Specialized foster home" means a medically fragile foster home or a treatment foster home. 77809  
77810

(L) "Treatment foster home" means a foster home that 77811  
incorporates special rehabilitative services designed to treat the 77812  
specific needs of the children received in the foster home and 77813  
that receives and cares for children who are emotionally or 77814  
behaviorally disturbed, who are chemically dependent, who have 77815  
developmental disabilities, or who otherwise have exceptional 77816  
needs. 77817

**Sec. 5103.03.** (A) The director of job and family services 77818  
shall adopt rules as necessary for the adequate and competent 77819  
management and certification of institutions or associations. The 77820  
director shall ensure that foster care home study rules adopted 77821  
under this section align any home study content, time period, and 77822  
process with any home study content, time period, and process 77823  
required by rules adopted under section 3107.033 of the Revised 77824  
Code. 77825

(B)(1) Except for facilities under the control of the 77826  
department of youth services, places of detention for children 77827  
established and maintained pursuant to sections 2152.41 to 2152.44 77828  
of the Revised Code, and child day-care centers subject to Chapter 77829  
5104. of the Revised Code, the department of job and family 77830  
services shall pass upon the fitness of every institution and 77831  
association that receives, or desires to receive and care for 77832  
children, or places children in private homes, at a frequency 77833  
established by rules adopted under division (A) of this section. 77834

(2) When the department of job and family services is 77835  
satisfied as to the care given such children, and that the 77836  
requirements of the statutes and rules covering the management of 77837  
such institutions and associations are being complied with, it 77838  
shall issue to the institution or association a certificate to 77839

that effect. A certificate is valid for a length of time 77840  
determined by rules adopted under division (A) of this section. 77841  
When determining whether an institution or association meets a 77842  
particular requirement for certification, the department may 77843  
consider the institution or association to have met the 77844  
requirement if the institution or association shows to the 77845  
department's satisfaction that it has met a comparable requirement 77846  
to be accredited by a nationally recognized accreditation 77847  
organization. 77848

(3) The department may issue a temporary certificate valid 77849  
for less than one year authorizing an institution or association 77850  
to operate until minimum requirements have been met. 77851

(4) An institution or association that knowingly makes a 77852  
false statement that is included as a part of certification under 77853  
this section is guilty of the offense of falsification under 77854  
section 2921.13 of the Revised Code and the department shall not 77855  
certify that institution or association. 77856

(5) The department shall not issue a certificate to a 77857  
prospective foster home or prospective specialized foster home 77858  
pursuant to this section if the prospective foster home or 77859  
prospective specialized foster home operates as a type A family 77860  
day-care home pursuant to Chapter 5104. of the Revised Code. The 77861  
department shall not issue a certificate to a prospective 77862  
specialized foster home if the prospective specialized foster home 77863  
operates a type B family day-care home pursuant to Chapter 5104. 77864  
of the Revised Code. 77865

(C) The department may revoke a certificate pursuant to an 77866  
adjudication under Chapter 119. of the Revised Code if it finds 77867  
that the institution or association is in violation of law or 77868  
rule. No juvenile court shall commit a child to an association or 77869  
institution that is required to be certified under this section if 77870  
its certificate has been revoked or, if after revocation, the date 77871

of reissue is less than fifteen months prior to the proposed 77872  
commitment. 77873

(D) On a frequency specified by the department by rules 77874  
adopted under division (A) of this section, each institution or 77875  
association desiring certification ~~or recertification~~ shall submit 77876  
to the department a report showing its condition, management, 77877  
competency to care adequately for the children who have been or 77878  
may be committed to it or to whom it provides care or services, 77879  
the system of visitation it employs for children placed in private 77880  
homes, and other information the department requires. 77881

(E) The department shall, not less than once each year, send 77882  
a list of certified institutions and associations to each juvenile 77883  
court and certified association or institution. 77884

(F) No person shall receive children or receive or solicit 77885  
money on behalf of such an institution or association not so 77886  
certified or whose certificate has been revoked. 77887

(G)(1) The director may delegate by rule any duties imposed 77888  
on it by this section to inspect and approve family foster homes 77889  
and specialized foster homes to public children services agencies, 77890  
private child placing agencies, or private noncustodial agencies. 77891

(2) The director shall adopt rules that require a foster 77892  
caregiver or other individual certified to operate a foster home 77893  
under this section to notify the recommending agency that the 77894  
foster caregiver or other individual is licensed to operate a type 77895  
B family day-care home under Chapter 5104. of the Revised Code. 77896

(H) If the director of job and family services determines 77897  
that an institution or association that cares for children is 77898  
operating without a certificate, the director may petition the 77899  
court of common pleas in the county in which the institution or 77900  
association is located for an order enjoining its operation. The 77901  
court shall grant injunctive relief upon a showing that the 77902

institution or association is operating without a certificate. 77903

(I) If both of the following are the case, the director of 77904  
job and family services may petition the court of common pleas of 77905  
any county in which an institution or association that holds a 77906  
certificate under this section operates for an order, and the 77907  
court may issue an order, preventing the institution or 77908  
association from receiving additional children into its care or an 77909  
order removing children from its care: 77910

(1) The department has evidence that the life, health, or 77911  
safety of one or more children in the care of the institution or 77912  
association is at imminent risk. 77913

(2) The department has issued a proposed adjudication order 77914  
pursuant to Chapter 119. of the Revised Code to ~~deny renewal of or~~ 77915  
revoke the certificate of the institution or association. 77916

**Sec. 5103.032.** (A) Except as provided in division (B) of this 77917  
section and in section 5103.033 of the Revised Code, the 77918  
department of job and family services may ~~not renew~~ revoke a 77919  
foster home certificate under section 5103.03 of the Revised Code 77920  
~~unless if~~ the foster caregiver fails to successfully ~~completes~~ 77921  
complete continuing training in accordance with the foster 77922  
caregiver's needs assessment and continuing training plan 77923  
developed and implemented under section 5103.035 of the Revised 77924  
Code. 77925

(B) A foster caregiver shall be given an additional amount of 77926  
time within which the foster caregiver must complete the 77927  
continuing training required under division (A) of this section in 77928  
accordance with rules adopted by the department of job and family 77929  
services if either of the following applies: 77930

(1) The foster caregiver has served in active duty outside 77931  
this state with a branch of the armed forces of the United States 77932

for more than thirty days in the preceding two-year period. 77933

(2) The foster caregiver has served in active duty as a 77934  
member of the Ohio organized militia, as defined in section 77935  
5923.01 of the Revised Code, for more than thirty days in the 77936  
preceding two-year period and that active duty relates to either 77937  
an emergency in or outside of this state or to military duty in or 77938  
outside of this state. 77939

**Sec. 5103.033.** (A) The department of job and family services 77940  
may issue ~~or renew~~ a certificate under section 5103.03 of the 77941  
Revised Code to a foster home for the care of a child who is in 77942  
the custody of a public children services agency or private child 77943  
placing agency pursuant to an agreement entered into under section 77944  
5103.15 of the Revised Code regarding a child who was less than 77945  
six months of age on the date the agreement was executed if the 77946  
prospective foster caregiver or foster caregiver successfully 77947  
completes the following: 77948

(1) A preplacement training program approved under section 77949  
5103.038 of the Revised Code or a program provided under division 77950  
(B) of section 5103.30 of the Revised Code; 77951

(2) Continuing training in accordance with the foster 77952  
caregiver's needs assessment and continuing training plan 77953  
developed and implemented under section 5103.035 of the Revised 77954  
Code. 77955

(B) A foster caregiver to whom either division (B)(1) or (2) 77956  
of this section applies shall be given an additional amount of 77957  
time within which to complete the continuing training required 77958  
under division (A)(2) of this section in accordance with rules 77959  
adopted by the department of job and family services: 77960

(1) The foster caregiver has served in active duty outside 77961  
this state with a branch of the armed forces of the United States 77962

for more than thirty days in the preceding two-year period. 77963

(2) The foster caregiver has served in active duty as a 77964  
member of the Ohio organized militia, as defined in section 77965  
5923.01 of the Revised Code, for more than thirty days in the 77966  
preceding two-year period and that active duty relates to either 77967  
an emergency in or outside of this state or to military duty in or 77968  
outside of this state. 77969

**Sec. 5103.036.** (A) For the purpose of determining whether a 77970  
prospective foster caregiver or foster caregiver has satisfied the 77971  
requirement of section 5103.031 or 5103.032 of the Revised Code, a 77972  
recommending agency shall accept training obtained from either of 77973  
the following: 77974

(1) Any preplacement or continuing training program approved 77975  
by the department of job and family services under section 77976  
5103.038 of the Revised Code; 77977

(2) The Ohio child welfare training program pursuant to 77978  
divisions (B) and (C) of section 5103.30 of the Revised Code. 77979

(B) A recommending agency may require that a prospective 77980  
foster caregiver or foster caregiver successfully complete 77981  
additional training as a condition of the agency recommending that 77982  
the department of job and family services certify ~~or recertify~~ the 77983  
prospective foster caregiver or foster caregiver's foster home 77984  
under section 5103.03 of the Revised Code. 77985

**Sec. 5103.0313.** Except as provided in section 5103.303 of the 77986  
Revised Code, the department of job and family services shall 77987  
compensate a private child placing agency or private noncustodial 77988  
agency for the cost of procuring or operating preplacement and 77989  
continuing training programs approved by the department of job and 77990  
family services under section 5103.038 of the Revised Code for 77991  
prospective foster caregivers and foster caregivers who are 77992

recommended for ~~initial~~ certification ~~or recertification~~ by the 77993  
agency. 77994

The compensation shall be paid to the agency in the form of 77995  
an allowance to reimburse the agency for the cost of training 77996  
pursuant to the rules adopted by the department of job and family 77997  
services in accordance with section 5103.0316 of the Revised Code. 77998

**Sec. 5103.0314.** The department of job and family services 77999  
shall adopt rules regarding the compensation of a recommending 78000  
agency for any training the agency requires a foster caregiver to 78001  
undergo as a condition of the agency recommending the department 78002  
certify the foster caregiver's foster home under section 5103.03 78003  
of the Revised Code if the training is in excess of the training 78004  
required under section 5103.031 of the Revised Code. 78005

The department of job and family services shall adopt rules 78006  
regarding the compensation of a recommending agency for any 78007  
training the agency requires a foster caregiver to undergo as a 78008  
condition of the agency recommending the department ~~recertify~~ 78009  
continue certifying the foster caregiver's foster home under 78010  
section 5103.03 of the Revised Code if the training is in addition 78011  
to the minimum training required under section 5103.032 of the 78012  
Revised Code. 78013

**Sec. 5103.0322.** On receipt of a recommendation from a public 78014  
children services agency, private child placing agency, or private 78015  
noncustodial agency regarding an application for, ~~or renewal of,~~ a 78016  
family foster home or treatment foster home certification under 78017  
section 5103.03 of the Revised Code, the department of job and 78018  
family services shall decide whether to issue ~~or renew~~ the 78019  
certificate. The department shall notify the agency and the 78020  
applicant ~~or certificate holder~~ of its decision. If the 78021  
department's decision is different from the recommendation of the 78022

agency, the department shall state in the notice the reason that 78023  
the decision is different from the recommendation. 78024

**Sec. 5103.0323.** (A) As used in this section, "American 78025  
institute of certified public accountants auditing standards" and 78026  
"AICPA auditing standards" mean the auditing standards published 78027  
by the American institute of certified public accountants. 78028

(B) ~~The first time that~~ Not later than two years after the 78029  
date of certification, and at least every two years thereafter, a 78030  
private child placing agency or private noncustodial agency ~~seeks~~ 78031  
~~renewal of a certificate issued under section 5103.03 of the~~ 78032  
~~Revised Code, it~~ shall provide the department of job and family 78033  
services, ~~as a condition of renewal,~~ evidence of an independent 78034  
financial statement audit performed by a licensed public 78035  
accounting firm following applicable AICPA auditing standards for 78036  
the two most recent fiscal year years. ~~Thereafter, when an agency~~ 78037  
~~seeks renewal of its certificate, it shall provide the department~~ 78038  
~~evidence of an independent financial statement audit performed by~~ 78039  
~~a licensed public accounting firm following applicable AICPA~~ 78040  
~~auditing standards for the two most recent previous fiscal years~~ 78041  
~~it is possible for an independent audit to have been conducted.~~ 78042

(C) ~~For an agency to be eligible for renewal, the~~ The 78043  
independent audits must demonstrate that the agency operated in a 78044  
fiscally accountable manner as determined by the department of job 78045  
and family services. 78046

(D) The director of job and family services may adopt rules 78047  
as necessary to implement this section. The director shall adopt 78048  
the rules in accordance with section ~~111.15~~119.03 of the Revised 78049  
Code. 78050

**Sec. 5103.0326.** (A) A recommending agency may recommend that 78051  
the department of job and family services ~~not renew~~ revoke a 78052

foster home certificate under section 5103.03 of the Revised Code 78053  
if the foster caregiver refused to accept the placement of any 78054  
children into the foster home during the ~~current certification~~ 78055  
~~period~~ preceding twelve months. Based on the agency's 78056  
recommendation, the department may ~~refuse to renew~~ revoke a foster 78057  
home certificate pursuant to an adjudication under Chapter 119. of 78058  
the Revised Code. 78059

(B) The department of job and family services may revoke, 78060  
pursuant to an adjudication under Chapter 119. of the Revised 78061  
Code, the certification of any foster caregiver who has not cared 78062  
for one or more foster children in the foster caregiver's home 78063  
within the preceding twelve months. Prior to the revocation of any 78064  
certification pursuant to this division, the recommending agency 78065  
shall have the opportunity to provide good cause for the 78066  
department to continue the certification and not revoke the 78067  
certification. If the department decides to revoke the 78068  
certification, the department shall notify the recommending agency 78069  
that the certification will be revoked. 78070

**Sec. 5103.0328.** (A) Not later than ninety-six hours after 78071  
receiving notice from the superintendent of the bureau of criminal 78072  
identification and investigation pursuant to section 109.5721 of 78073  
the Revised Code that a foster caregiver has been arrested for, 78074  
convicted of, or pleaded guilty to any foster 78075  
caregiver-disqualifying offense, and not later than ninety-six 78076  
hours after learning in any other manner that a foster caregiver 78077  
has been arrested for, convicted of, or pleaded guilty to any 78078  
foster caregiver-disqualifying offense, the department of job and 78079  
family services shall provide notice of that arrest, conviction, 78080  
or guilty plea to both the recommending agency relative to the 78081  
foster caregiver and the custodial agency of any child currently 78082  
placed with that caregiver. 78083

(B) If a recommending agency receives notice from the department of job and family services pursuant to division (A) of this section that a foster caregiver has been convicted of or pleaded guilty to any foster caregiver-disqualifying offense, or if a recommending agency learns in any other manner that a foster caregiver has been convicted of or pleaded guilty to any foster caregiver-disqualifying offense, the recommending agency shall assess the foster caregiver's overall situation for safety concerns and forward any recommendations, if applicable, for revoking the foster caregiver's certificate to the department for the department's review for possible revocation.

(C) As used in this section, "foster caregiver-disqualifying offense" means any offense or violation listed or described in ~~division (C)(1) of section 2151.86~~ 5103.256 of the Revised Code.

**Sec. 5103.05.** (A) As used in this section and section 5103.051 of the Revised Code:

(1) "Children's residential center" means a facility that is operated by a private child placing agency, private noncustodial agency, or public children services agency, that has been certified by the department of job and family services to operate a children's residential center, and in which eleven or more children, including the children of any staff residing at the facility, are given nonsecure care and supervision twenty-four hours a day.

(2) "Children's crisis care facility" has the same meaning as in section 5103.13 of the Revised Code.

(3) "County children's home" means a facility established under section 5153.21 of the Revised Code.

(4) "District children's home" means a facility established under section 5153.42 of the Revised Code.

(5) "Group home for children" means any public or private facility that is operated by a private child placing agency, private noncustodial agency, or public children services agency, that has been certified by the department to operate a group home for children, and that meets all of the following criteria:

(a) Gives, for compensation, a maximum of ten children, including the children of the operator or any staff who reside in the facility, nonsecure care and supervision twenty-four hours a day by a person or persons who are unrelated to the children by blood or marriage, or who is not the appointed guardian of any of the children;

(b) Is not certified as a foster home;

(c) Receives or cares for children for two or more consecutive weeks.

"Group home for children" does not include any facility that provides care for children from only a single-family group, placed at the facility by the children's parents or other relative having custody.

(6) "Residential facility" means a group home for children, children's crisis care facility, children's residential center, residential parenting facility that provides twenty-four-hour child care, county children's home, or district children's home. A foster home is not a residential facility.

(7) "Residential parenting facility" means a facility operated by a private child placing agency, private noncustodial agency, or public children services agency, that has been certified by the department to operate a residential parenting facility, in which teenage mothers and their children reside for the purpose of keeping mother and child together, teaching parenting and life skills to the mother, and assisting teenage mothers in obtaining educational or vocational training and

skills. 78145

(8) "Nonsecure care and supervision" means care and 78146  
supervision of a child in a residential facility that does not 78147  
confine or prevent movement of the child within the facility or 78148  
from the facility. 78149

(B) Within ten days after the commencement of operations at a 78150  
residential facility, the facility shall provide the following to 78151  
all county, municipal, or township law enforcement agencies, 78152  
emergency management agencies, and fire departments with 78153  
jurisdiction over the facility: 78154

(1) Written notice that the facility is located and will be 78155  
operating in the agency's or department's jurisdiction. The 78156  
written notice shall provide the address of the facility, identify 78157  
the facility as a group home for children, children's crisis care 78158  
facility, children's residential center, residential parenting 78159  
facility, county children's home, or district children's home, and 78160  
provide contact information for the facility. 78161

(2) A copy of the facility's procedures for emergencies and 78162  
disasters established pursuant to rules adopted under section 78163  
5103.03 of the Revised Code; 78164

(3) A copy of the facility's medical emergency plan 78165  
established pursuant to rules adopted under section 5103.03 of the 78166  
Revised Code; 78167

(4) A copy of the facility's community engagement plan 78168  
established pursuant to rules adopted under section 5103.051 of 78169  
the Revised Code. 78170

(C) Within ten days of ~~a facility's recertification by the~~ 78171  
~~department~~ any change to the facility's information described in 78172  
divisions (B)(2), (3), and (4) of this section, the facility shall 78173  
provide to all county, municipal, or township law enforcement 78174  
agencies, emergency management agencies, and fire departments with 78175

jurisdiction over the facility updated copies of the information 78176  
required to be provided under divisions (B)(2), (3), and (4) of 78177  
this section. 78178

(D) The department may adopt rules in accordance with Chapter 78179  
119. of the Revised Code necessary to implement this section. 78180

**Sec. 5103.13.** (A) As used in this section and section 78181  
5103.131 of the Revised Code: 78182

(1)(a) "Children's crisis care facility" means a facility 78183  
that has as its primary purpose the provision of residential and 78184  
other care to either or both of the following: 78185

(i) One or more preteens voluntarily placed in the facility 78186  
by the preteen's parent or other caretaker who is facing a crisis 78187  
that causes the parent or other caretaker to seek temporary care 78188  
for the preteen and referral for support services; 78189

(ii) One or more preteens placed in the facility by a public 78190  
children services agency or private child placing agency that has 78191  
legal custody or permanent custody of the preteen and determines 78192  
that an emergency situation exists necessitating the preteen's 78193  
placement in the facility rather than an institution certified 78194  
under section 5103.03 of the Revised Code or elsewhere. 78195

(b) "Children's crisis care facility" does not include any of 78196  
the following: 78197

(i) Any organization, society, association, school, agency, 78198  
child guidance center, detention or rehabilitation facility, or 78199  
children's clinic licensed, regulated, approved, operated under 78200  
the direction of, or otherwise certified by the department of 78201  
education, a local board of education, the department of youth 78202  
services, the department of mental health and addiction services, 78203  
or the department of developmental disabilities; 78204

(ii) Any individual who provides care for only a 78205

single-family group, placed there by their parents or other relative having custody; 78206  
78207

(iii) Any residential infant care center, as an entity deemed a residential infant care center under section 5103.602 of the Revised Code shall no longer be licensed as a children's crisis care center. 78208  
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(2) "Legal custody" and "permanent custody" have the same meanings as in section 2151.011 of the Revised Code. 78212  
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(3) "Pediatric medical service" means medical service required to be provided by, or with oversight from, a licensed medical professional, including prescribing medication, administering rectal or intravenous medication, and outpatient laboratory service, and providing for sick visits, on-site well child exams, and children assisted by medical technology. 78214  
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(4) "Preteen" means an individual under thirteen years of age. 78220  
78221

(B) No person shall operate a children's crisis care facility or hold a children's crisis care facility out as a certified children's crisis care facility unless there is a valid children's crisis care facility certificate issued under this section for the facility. 78222  
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(C)(1) A person seeking to operate a children's crisis care facility shall apply to the director of job and family services to obtain a certificate for the facility. 78227  
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(2)(a) The director shall certify the person's children's crisis care facility if the facility meets all of the certification standards established in rules adopted under division (H) of this section and the person complies with all of the rules governing the certification of children's crisis care facilities adopted under that division. The issuance of a children's crisis care facility certificate does not exempt the 78230  
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facility from a requirement to obtain another certificate or 78237  
license mandated by law. 78238

(b) The director shall not issue a waiver to a person for 78239  
compliance with any of the requirements imposed under this section 78240  
or any of the rules adopted under division (H) of this section. 78241

(D) No certified children's crisis care facility shall do any 78242  
of the following: 78243

(1) Provide residential care to a preteen for more than one 78244  
hundred twenty days in a calendar year; 78245

(2) Provide residential care to a preteen for more than 78246  
ninety consecutive days, which shall include the aggregate of days 78247  
spent at different facility locations if a preteen is transferred 78248  
in accordance with division (E)(4) of this section; 78249

(3) Provide residential care to a preteen for more than 78250  
fourteen consecutive days if a public children services agency or 78251  
private child placing agency placed the preteen in the facility; 78252

(4) Fail to comply with ~~section 2151.86~~ sections 5103.251, 78253  
5103.252, 5103.253, 5103.254, and 5103.255 of the Revised Code. 78254

(E) A certified children's crisis care facility shall do the 78255  
following: 78256

(1) Employ a licensed social worker, a licensed independent 78257  
social worker, a licensed professional counselor, or a licensed 78258  
professional clinical counselor; 78259

(2) Require, if pediatric medical service is provided at the 78260  
facility, the following for the provision of pediatric medical 78261  
service: 78262

(a) Medical service to be provided by a qualified, licensed, 78263  
and insured medical professional; 78264

(b) All staff, volunteers, and interns to comply with the 78265  
privacy requirements of the "Health Insurance Portability and 78266

Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 78267  
42 U.S.C. 1320d et seq., as amended; 78268

(c) If a preteen is admitted by the preteen's parent or 78269  
caretaker and if the preteen requires ongoing medical care 78270  
following discharge from the facility, a medical professional or 78271  
licensed social worker to make the medical professional's or 78272  
social worker's best effort to ensure the parent or caretaker is 78273  
competent to provide the ongoing care; 78274

(d) The facility to have a dedicated and private enclosed 78275  
space for the purpose of a medical professional to receive and 78276  
treat patients and that contains a sink or tub, medical exam 78277  
table, medical record system, and pediatric medical equipment. 78278

(3) Require, if a preteen is admitted by the preteen's parent 78279  
or caretaker, the facility's licensed social worker, licensed 78280  
independent social worker, licensed professional counselor, or 78281  
licensed professional clinical counselor to make their best 78282  
efforts to ensure the parent or caretaker is competent in the 78283  
basic parenting skills needed to care for the preteen; 78284

(4) Require only a transfer summary for the transfer of a 78285  
preteen from one certified children's crisis care facility 78286  
location to another, if the facility has more than one location; 78287

(5) Require the facility to have a dedicated and private 78288  
enclosed space for the purpose of completing required admission 78289  
paperwork and medical forms; 78290

(6) Require the facility to develop a visitation plan for the 78291  
preteen's parent or caretaker with the preteen while residential 78292  
care is being provided, which shall occur during awake hours and 78293  
not include overnight visits, for the parent or caretaker with the 78294  
preteen. 78295

(F) A certified children's crisis care facility may do the 78296  
following: 78297

(1) Count administrative staff, interns, and volunteers 78298  
toward child staff ratios required under paragraph (G) of rule 78299  
5101:2-9-36 of the Administrative Code for up to three hours if 78300  
the administrative staff, interns, or volunteers meet the 78301  
following requirements: 78302

(a) Completed training in the mission of the children's 78303  
crisis care facility; 78304

(b) Completed training pursuant to rule 5101:2-9-03 of the 78305  
Administrative Code; 78306

(c) Are supervised by facility staff. 78307

(2) Use contracted transportation providers, on whom criminal 78308  
records checks have been conducted in accordance with section 78309  
2151.86 or 5103.251 of the Revised Code, to transport preteens, if 78310  
such use is necessary for the facility to maintain required child 78311  
staff ratios. 78312

(G) The director of job and family services may suspend or 78313  
revoke a children's crisis care facility's certificate pursuant to 78314  
Chapter 119. of the Revised Code if the facility violates or fails 78315  
to comply with any of the requirements under this section or 78316  
ceases to meet any of the certification standards established in 78317  
rules adopted under division (H) of this section or the facility's 78318  
operator ceases to comply with any of the rules governing the 78319  
certification of children's crisis care facilities adopted under 78320  
that division. 78321

(H) Not later than ninety days after September 21, 2006, the 78322  
director of job and family services shall adopt rules pursuant to 78323  
Chapter 119. of the Revised Code for the certification of 78324  
children's crisis care facilities. The rules shall specify that a 78325  
certificate shall not be issued to an applicant if the conditions 78326  
at the children's crisis care facility would jeopardize the health 78327  
or safety of the preteens placed in the facility. 78328

Sec. 5103.162. (A) Except as provided in division (B) of this section, a ~~foster~~ resource caregiver shall be immune from liability in a civil action to recover damages for injury, death, or loss to person or property allegedly caused by an act or omission in connection with a power, duty, responsibility, or authorization under this chapter or under rules adopted under authority of this chapter.

(B) The immunity described in division (A) of this section does not apply to a ~~foster~~ resource caregiver if, in relation to the act or omission in question, any of the following applies:

(1) The act or omission was manifestly outside the scope of the ~~foster~~ resource caregiver's power, duty, responsibility, or authorization.

(2) The act or omission was with malicious purpose, in bad faith, or in a wanton or reckless manner.

(3) Liability for the act or omission is expressly imposed by a section of the Revised Code.

(C)(1) A ~~foster~~ resource caregiver shall use a reasonable and prudent parent standard when ~~considering~~ doing any of the following:

(a) Considering whether to authorize a foster child who resides in the ~~foster~~ resource home to participate in extracurricular, enrichment, and social activities;

(b) Signing an application for a probationary license, restricted license, or a temporary instruction permit on behalf of the child.

(2) A public children services agency, private child placing agency, or private noncustodial agency that serves as the child's custodian or as the supervising agency for the ~~foster~~ resource caregiver shall be immune from liability in a civil action to

recover damages for injury, death, or loss to person or property 78359  
that result from a ~~foster~~ resource caregiver's or agency's 78360  
decisions using a reasonable and prudent parent standard in 78361  
accordance with division ~~(C)(1)~~ (C)(1)(a) or (b) of this section. 78362

(3) Nothing in this section shall affect, limit, abridge, or 78363  
otherwise modify the immunities and defenses available to a public 78364  
children services agency as a political subdivision under Chapter 78365  
2744. of the Revised Code. 78366

(4) As used in this section, "reasonable and prudent parent 78367  
standard" means the standard characterized by careful and sensible 78368  
parental decisions that maintain the child's health, safety, and 78369  
best interests while at the same time encouraging the child's 78370  
emotional and developmental growth, that a caregiver or agency 78371  
shall use when determining whether to allow a child in the care of 78372  
a ~~foster~~ resource caregiver to participate in extracurricular, 78373  
enrichment, and social activities. 78374

**Sec. 5103.163.** (A) The department of job and family services 78375  
shall adopt rules in accordance with Chapter 119. of the Revised 78376  
Code to establish and enforce a resource family bill of rights for 78377  
resource families providing care for individuals who are in the 78378  
custody or care and placement of an agency that provides Title 78379  
IV-E reimbursable services pursuant to sections 5103.03 to 78380  
~~5103.181~~ 5103.17 of the Revised Code. 78381

(B) If the rights of the resource family conflict with the 78382  
rights of the individual established by section 2151.316 of the 78383  
Revised Code, division (B) of section 2151.316 of the Revised Code 78384  
shall apply. 78385

(C) The rights established by rules under this section shall 78386  
not create grounds for a civil action against the department, the 78387  
recommending agency, or the custodial agency. 78388

Sec. 5103.20. The interstate compact for the placement of 78389  
children is hereby enacted into law and entered into with all 78390  
other jurisdictions legally joining therein in form substantially 78391  
as follows: 78392

ARTICLE I. 78393

PURPOSE 78394

The purpose of this compact is to: 78395

(A) Provide a process through which children subject to this 78396  
compact are placed in safe and suitable homes in a timely manner. 78397

(B) Facilitate ongoing supervision of a placement, the 78398  
delivery of services, and communication between the states. 78399

(C) Provide operating procedures that will ensure that 78400  
children are placed in safe and suitable homes in a timely manner. 78401

(D) Provide for the promulgation and enforcement of 78402  
administrative rules implementing the provisions of this compact 78403  
and regulating the covered activities of the member states. 78404

(E) Provide for uniform data collection and information 78405  
sharing between member states under this compact. 78406

(F) Promote coordination between this compact, the Interstate 78407  
Compacts for Juveniles, the Interstate Compact on Adoption and 78408  
Medical Assistance and other compacts affecting the placement of 78409  
and which provide services to children otherwise subject to this 78410  
compact. 78411

(G) Provide for a state's continuing legal jurisdiction and 78412  
responsibility for placement and care of a child that it would 78413  
have had if the placement were intrastate. 78414

(H) Provide for the promulgation of guidelines, in 78415  
collaboration with Indian tribes, for interstate cases involving 78416  
Indian children as is or may be permitted by federal law. 78417

ARTICLE II. 78418

DEFINITIONS 78419

As used in this compact: 78420

(A) "Approved placement" means the public child placing agency in the receiving state has determined after an assessment that the placement is both safe and suitable for the child ~~and is in compliance with the applicable laws of the receiving state governing the placement of children therein.~~ 78421  
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(B) "Assessment" means an evaluation of a prospective placement by a public child placing agency in the receiving state to determine ~~whether~~ if the placement meets the individualized needs of the child, including but not limited to the child's safety and stability, health and well-being, and mental, emotional, and physical development. An assessment is only applicable to a placement by a public child placing agency. 78426  
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(C) "Child" means an individual who has not attained the age of eighteen (18). 78433  
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(D) "Certification" means to attest, declare, or swear to before a judge or notary public. 78435  
78436

(~~E~~) "Default" means the failure of a member state to perform the obligations or responsibilities imposed upon it by this compact, the bylaws or rules of the Interstate Commission. 78437  
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(F) "Home study" means an evaluation of a home environment conducted in accordance with the applicable requirements of the state in which the home is located, and documents the preparation and the suitability of the placement resource for placement of a child in accordance with the laws and requirements of the state in which the home is located. 78440  
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(~~E~~)(G) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for services provided to Indians by the Secretary of the 78446  
78447  
78448

Interior because of their status as Indians, including any Alaskan 78449  
native village as defined in section 3 (c) of the Alaska Native 78450  
Claims Settlement Act at 43 USC section 1602(c). 78451

~~(F)~~(H) "Interstate Commission for the Placement of Children" 78452  
means the commission that is created under Article VIII of this 78453  
compact and which is generally referred to as the Interstate 78454  
Commission. 78455

~~(G)~~(I) "Jurisdiction" means the power and authority of a 78456  
court to hear and decide matters. 78457

(J) "Legal risk placement" ("legal risk adoption") means a 78458  
placement made preliminary to an adoption where the prospective 78459  
adoptive parents acknowledge in writing that a child can be 78460  
ordered returned to the sending state or the birth mother's state 78461  
of residence, if different from the sending state, and a final 78462  
decree of adoption shall not be entered in any jurisdiction until 78463  
all required consents are obtained or are dispensed with in 78464  
accordance with applicable law. 78465

~~(H)~~(K) "Member state" means a state that has enacted this 78466  
compact. 78467

~~(I)~~(L) "Non-custodial parent" means a person who, at the time 78468  
of the commencement of court proceedings in the sending state, 78469  
does not have sole legal custody of the child or has joint legal 78470  
custody of a child, and who is not the subject of allegations or 78471  
findings of child abuse or neglect. 78472

~~(J)~~(M) "Non-member state" means a state which has not enacted 78473  
this compact. 78474

~~(K)~~(N) "Notice of residential placement" means information 78475  
regarding a placement into a residential facility provided to the 78476  
receiving state including, but not limited to the name, date, and 78477  
place of birth of the child, the identity and address of the 78478  
parent or legal guardian, evidence of authority to make the 78479

placement, and the name and address of the facility in which the 78480  
child will be placed. Notice of residential placement shall also 78481  
include information regarding a discharge and any unauthorized 78482  
absence from the facility. 78483

~~(L)~~(O) "Placement" means the act by a public or private child 78484  
placing agency intended to arrange for the care or custody of a 78485  
child in another state. 78486

~~(M)~~(P) "Private child placing agency" means any private 78487  
corporation, agency, foundation, institution, or charitable 78488  
organization, or any private person or attorney that facilitates, 78489  
causes, or is involved in the placement of a child from one state 78490  
to another and that is not an instrumentality of the state or 78491  
acting under color of state law. 78492

~~(N)~~(O) "Provisional placement" means ~~that a determination~~ 78493  
made by the public child placing agency in the receiving state has 78494  
~~determined~~ that the proposed placement is safe and suitable, and, 78495  
to the extent allowable, the receiving state has temporarily 78496  
waived its standards or requirements otherwise applicable to 78497  
prospective foster or adoptive parents so as to not delay the 78498  
placement. Completion of the receiving state requirements 78499  
regarding training for prospective foster or adoptive parents 78500  
shall not delay an otherwise safe and suitable placement. 78501

~~(O)~~(R) "Public child placing agency" means any government 78502  
child welfare agency or child protection agency or a private 78503  
entity under contract with such an agency, regardless of whether 78504  
they act on behalf of a state, county, municipality, or other 78505  
governmental unit and which facilitates, causes, or is involved in 78506  
the placement of a child from one state to another. 78507

~~(P)~~(S) "Receiving state" means the state to which a child is 78508  
sent, brought, or caused to be sent or brought. 78509

~~(Q)~~(T) "Relative" means someone who is related to the child 78510

as a parent, step-parent, sibling by half or whole blood or by 78511  
adoption, grandparent, aunt, uncle, or first cousin or a 78512  
non-relative with such significant ties to the child that they may 78513  
be regarded as relatives as determined by the court in the sending 78514  
state. 78515

~~(R)~~(U) "Residential Facility" means a facility providing a 78516  
level of care that is sufficient to substitute for parental 78517  
responsibility or foster care, and is beyond what is needed for 78518  
assessment or treatment of an acute condition. For purposes of the 78519  
compact, residential facilities do not include institutions 78520  
primarily educational in character, hospitals, or other medical 78521  
facilities. 78522

~~(S)~~(V) "Rule" means a written directive, mandate, standard, 78523  
or principle issued by the Interstate Commission promulgated 78524  
pursuant to Article XI of this compact that is of general 78525  
applicability and that implements, interprets or prescribes a 78526  
policy or provision of the compact. "Rule" has the force and 78527  
effect of ~~statutory law~~ an administrative rule in a member state, 78528  
and includes the amendment, repeal, or suspension of an existing 78529  
rule. 78530

~~(T)~~(W) "Sending state" means the state from which the 78531  
placement of a child is initiated. 78532

~~(U)~~(X) "Service member's permanent duty station" means the 78533  
military installation where an active duty Armed Services member 78534  
is currently assigned and is physically located under competent 78535  
orders that do not specify the duty as temporary. 78536

~~(V)~~(Y) "Service member's state of ~~local~~ legal residence" 78537  
means the state in which the active duty Armed Services member is 78538  
considered a resident for tax and voting purposes. 78539

~~(W)~~(Z) "State" means a state of the United States, the 78540  
District of Columbia, the Commonwealth of Puerto Rico, the U.S. 78541

Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other territory of the United States. 78542  
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~~(X)~~(AA) "State court" means a judicial body of a state that 78544  
is vested by law with responsibility for adjudicating cases 78545  
involving abuse, neglect, deprivation, delinquency or status 78546  
offenses of individuals who have not attained the age of eighteen 78547  
(18). 78548

~~(Y)~~(BB) "Supervision" means monitoring provided by the 78549  
receiving state once a child has been placed in a receiving state 78550  
pursuant to this compact. 78551

ARTICLE III. 78552

APPLICABILITY 78553

(A) Except as otherwise provided in Article III, Section B, 78554  
this compact shall apply to: 78555

(1) The interstate placement of a child subject to ongoing 78556  
court jurisdiction in the sending state, due to allegations or 78557  
findings that the child has been abused, neglected, or deprived as 78558  
defined by the laws of the sending state, provided, however, that 78559  
the placement of such a child into a residential facility shall 78560  
only require notice of residential placement to the receiving 78561  
state prior to placement. 78562

(2) The interstate placement of a child adjudicated 78563  
delinquent or unmanageable based on the laws of the sending state 78564  
and subject to ongoing court jurisdiction of the sending state if: 78565

(a) The child is being placed in a residential facility in 78566  
another member state and is not covered under another compact; or 78567

(b) The child is being placed in another member state and the 78568  
determination of safety and suitability of the placement and 78569  
services required is not provided through another compact. 78570

(3) The interstate placement of any child by a public child 78571

placing agency or private child placing agency as defined in this compact as a preliminary step to a possible adoption.

(B) The provisions of this compact shall not apply to:

(1) The interstate placement of a child in a custody proceeding in which a public child placing agency is not a party, provided, the placement is not intended to effectuate an adoption.

(2) The interstate placement of a child with a non-relative in a receiving state by a parent with the legal authority to make such a placement provided, however, that the placement is not intended to effectuate an adoption.

~~(2)~~(3) The interstate placement of a child by one relative with the lawful authority to make such a placement directly with a relative in a receiving state.

~~(3)~~(4) The placement of a child, not subject to Article III, Section A, into a residential facility by his parent.

~~(4)~~(5) The placement of a child with a non-custodial parent provided that:

(a) The non-custodial parent proves to the satisfaction of a court in the sending state a substantial relationship with the child; and

(b) The court in the sending state makes a written finding that placement with the non-custodial parent is in the best interests of the child; and

(c) The court in the sending state dismisses its jurisdiction over the child's case in interstate placements in which the public child placing agency is a party to the proceeding.

~~(5)~~(6) A child entering the United States from a foreign country for the purpose of adoption or leaving the United States to go to a foreign country for the purpose of adoption in that country.

~~(6)~~(7) Cases in which a U.S. citizen child living overseas with his family, at least one of whom is in the U.S. Armed Services, and who is stationed overseas, is removed and placed in a state.

~~(7)~~(8) The sending of a child by a public child placing agency or a private child placing agency for a visit as defined by the rules of the Interstate Commission.

(C) For purposes of determining the applicability of this compact to the placement of a child with a family in the Armed Services, the public child placing agency or private child placing agency may choose the state of the service member's permanent duty station or the service member's declared legal residence.

(D) Nothing in this compact shall be construed to prohibit the concurrent application of the provisions of this compact with other applicable interstate compacts including the Interstate Compact for Juveniles and the Interstate Compact on Adoption and Medical Assistance. The Interstate Commission may in cooperation with other interstate compact commissions having responsibility for the interstate movement, placement or transfer of children, promulgate like rules to ensure the coordination of services, timely placement of children, and the reduction of unnecessary or duplicative administrative or procedural requirements.

ARTICLE IV.

JURISDICTION

(A) The Except as provided in Article IV, Section H and Article V, Section B, paragraph two and three concerning private and independent adoptions, and in interstate placements in which the public child placing agency is not a party to a custody proceeding, the sending state shall retain jurisdiction over a child with respect to all matters of custody and disposition of the child which it would have had if the child had remained in the sending state. Such jurisdiction shall also include the power to

order the return of the child to the sending state. 78634

(B) When an issue of child protection or custody is brought 78635  
before a court in the receiving state, such court shall confer 78636  
with the court of the sending state to determine the most 78637  
appropriate forum for adjudication. 78638

(C) In cases that are before courts and subject to this 78639  
compact, the taking of testimony for hearings before any judicial 78640  
officer may occur in person or by telephone, audio-video 78641  
conference, or such other means as approved by the rules of the 78642  
Interstate Commission; and judicial officers may communicate with 78643  
other judicial officers and persons involved in the interstate 78644  
process as may be permitted by their Canons of Judicial Conduct 78645  
and any rules promulgated by the Interstate Commission. 78646

(D) In accordance with its own laws, the court in the sending 78647  
state shall have authority to terminate its jurisdiction if: 78648

(1) The child is reunified with the parent in the receiving 78649  
state who is the subject of allegations or findings of abuse or 78650  
neglect, only with the concurrence of the public child placing 78651  
agency in the receiving state; or 78652

(2) The child is adopted; or 78653

(3) The child reaches the age of majority under the laws of 78654  
the sending state; or 78655

(4) The child achieves legal independence pursuant to the 78656  
laws of the sending state; or 78657

(5) A guardianship is created by a court in the receiving 78658  
state with the concurrence of the court in the sending state; or 78659

(6) An Indian tribe has petitioned for and received 78660  
jurisdiction from the court in the sending state; or 78661

(7) The public child placing agency of the sending state 78662  
requests termination and has obtained the concurrence of the 78663

public child placing agency in the receiving ~~the~~ state. 78664

~~(D)~~(E) When a sending state court terminates its 78665  
jurisdiction, the receiving state child placing agency shall be 78666  
notified. 78667

~~(E)~~(F) Nothing in this article shall defeat a claim of 78668  
jurisdiction by a receiving state court sufficient to deal with an 78669  
act of truancy, delinquency, crime or behavior involving a child 78670  
as defined by the laws of the receiving state committed by the 78671  
child in the receiving state which would be a violation of its 78672  
laws. 78673

~~(F)~~(G) Nothing in this article shall limit the receiving 78674  
state's ability to take emergency jurisdiction for the protection 78675  
of the child. 78676

(H) The substantive laws of the state in which an adoption 78677  
will be finalized shall solely govern all issues relating to the 78678  
adoption of the child and the court in which the adoption 78679  
proceeding is filed shall have subject matter jurisdiction 78680  
regarding all substantive issues relating to the adoption except: 78681

(1) When the child is a ward of another court that 78682  
established jurisdiction over the child prior to the placement; or 78683

(2) When the child is in the legal custody of a public agency 78684  
in the sending state; or 78685

(3) When a court in the sending state has otherwise 78686  
appropriately assumed jurisdiction over the child, prior to the 78687  
submission of the request for approval of placement. 78688

(I) A final decree of adoption shall not be entered in any 78689  
jurisdiction until the placement is authorized as an "approved 78690  
placement" by the public child placing agency in the receiving 78691  
state. 78692

ARTICLE V. 78693

ASSESSMENTS

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(A) Prior to sending, bringing, or causing a child to be sent or brought into a receiving state, the public child placing agency shall provide a written request for assessment to the receiving state.

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~~(B) Prior to the sending, bringing, or causing a child to be sent or brought into a receiving state, the~~ For placements by a private child placing agency, a child may be sent or brought, or caused to be sent or brought, into a receiving state, upon receipt and immediate review of the required content in a request for approval of a placement in both the sending and receiving state public child placing agency. The required content to accompany a request for approval shall include all of the following:

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~~(1) Provide evidence that the applicable laws of the sending state have been complied with~~ A request for approval identifying the child, birth parent(s), the prospective adoptive parent(s), and the supervising agency, signed by the person requesting approval; and

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~~(2) Certification that the consent or relinquishment is in compliance with applicable law of the birth parent's state of residence or, where permitted, the laws of the state of where the finalization of the adoption will occur~~ The appropriate consents or relinquishments signed by the birth parents in accordance with the laws of the sending state, or, where permitted, the laws of the state where the adoption will be finalized; and

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~~(3) Request through the public child placing agency in the sending state an assessment to be conducted in the receiving state~~ Certification by a licensed attorney or authorized agent of a private adoption agency that the consent or relinquishment is in compliance with the applicable laws of the sending state, or, where permitted, the laws of the state where finalization of the adoption will occur; and

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(4) ~~Upon completion of the assessment, obtain the approval of~~ 78726  
~~the public child placing agency in the receiving state~~ A home 78727  
study; and 78728

(5) An acknowledgment of legal risk signed by the prospective 78729  
adoptive parents. 78730

(C) The sending state and the receiving state may request 78731  
additional information or documents prior to finalization of an 78732  
approved placement, but they may not delay travel by the 78733  
prospective adoptive parents with the child if the required 78734  
content for approval has been submitted, received, and reviewed by 78735  
the public child placing agency in both the sending state and the 78736  
receiving state. 78737

(D) Approval from the public child placing agency in the 78738  
receiving state for a provisional or approved placement is 78739  
required as provided for in the rules of the Interstate 78740  
Commission. 78741

(E) The procedures for making and the request for an 78742  
assessment shall contain all information and be in such form as 78743  
provided for in the rules of the Interstate Commission. 78744

~~(D)~~(F) Upon receipt of a request from the public child 78745  
~~welfare~~ placing agency of the sending state, the receiving state 78746  
shall initiate an assessment of the proposed placement to 78747  
determine its safety and suitability. If the proposed placement is 78748  
a placement with a relative, the public child placing agency of 78749  
the sending state may request a determination ~~of whether the~~ 78750  
~~placement qualifies as~~ for a provisional placement. 78751

~~(E)~~(G) The public child placing agency in the receiving state 78752  
may request from the public child placing agency or the private 78753  
child placing agency in the sending state, and shall be entitled 78754  
to receive supporting or additional information necessary to 78755  
complete the assessment. 78756

~~(F)~~(H) The public child placing agency in the receiving state shall approve a provisional placement and complete or arrange for the completion of the assessment within the timeframes established by the rules of the Interstate Commission.

(I) For a placement by a private child placing agency, the sending state shall not impose any additional requirements to complete the home study that are not required by the receiving state, unless adoption is finalized in the sending state.

~~(G)~~(J) The Interstate Commission may develop uniform standards for the assessment of the safety and suitability of interstate placements.

ARTICLE VI.

PLACEMENT AUTHORITY

(A) Except as otherwise provided in ~~Article VI, Section C~~ this compact, no child subject to this compact shall be placed into a receiving state until approval for such placement is obtained.

(B) If the public child placing agency in the receiving state does not approve the proposed placement then the child shall not be placed. The receiving state shall provide written documentation of any such determination in accordance with the rules promulgated by the Interstate Commission. Such determination is not subject to judicial review in the sending state.

(C) If the proposed placement is not approved, any interested party shall have standing to seek an administrative review of the receiving state's determination.

(1) The administrative review and any further judicial review associated with the determination shall be conducted in the receiving state pursuant to its applicable ~~administrative procedures~~ Administrative Procedures Act.

(2) If a determination not to approve the placement of the

child in the receiving state is overturned upon review, the 78788  
placement shall be deemed approved, provided however that all 78789  
administrative or judicial remedies have been exhausted or the 78790  
time for such remedies has passed. 78791

ARTICLE VII. 78792

STATE RESPONSIBILITY 78793

(A) For the interstate placement of a child made by a public 78794  
child placing agency or state court: 78795

(1) The public child placing agency in the sending state 78796  
shall have financial responsibility for: 78797

(a) The ongoing support and maintenance for the child during 78798  
the period of the placement, unless otherwise provided for in the 78799  
receiving state; and 78800

(b) As determined by the public child placing agency in the 78801  
sending state, services for the child beyond the public services 78802  
for which the child is eligible in the receiving state. 78803

(2) The receiving state shall only have financial 78804  
responsibility for: 78805

(a) Any assessment conducted by the receiving state; and 78806

(b) Supervision conducted by the receiving state at the level 78807  
necessary to support the placement as agreed upon by the public 78808  
child placing agencies of the receiving and sending state. 78809

(3) Nothing in this provision shall prohibit public child 78810  
placing agencies in the sending state from entering into 78811  
agreements with licensed agencies or persons in the receiving 78812  
state to conduct assessments and provide supervision. 78813

(B) For the placement of a child by a private child placing 78814  
agency preliminary to a possible adoption, the private child 78815  
placing agency shall be: 78816

(1) Legally responsible for the child during the period of 78817

placement as provided for in the law of the sending state until 78818  
the finalization of the adoption. 78819

(2) Financially responsible for the child absent a 78820  
contractual agreement to the contrary. 78821

~~(C) A private child placing agency shall be responsible for 78822  
any assessment conducted in the receiving state and any 78823  
supervision conducted by the receiving state at the level required 78824  
by the laws of the receiving state or the rules of the Interstate 78825  
Commission. 78826~~

~~(D)~~ The public child placing agency in the receiving state 78827  
shall provide timely assessments, as provided for in the rules of 78828  
the Interstate Commission. 78829

~~(E)~~(D) The public child placing agency in the receiving state 78830  
shall provide, or arrange for the provision of, supervision and 78831  
services for the child, including timely reports, during the 78832  
period of the placement. 78833

~~(F)~~(E) Nothing in this compact shall be construed as to limit 78834  
the authority of the public child placing agency in the receiving 78835  
state from contracting with a licensed agency or person in the 78836  
receiving state for an assessment or the provision of supervision 78837  
or services for the child or otherwise authorizing the provision 78838  
of supervision or services by a licensed agency during the period 78839  
of placement. 78840

~~(G)~~(F) Each member state shall provide for coordination among 78841  
its branches of government concerning the state's participation 78842  
in, and compliance with, the compact and Interstate Commission 78843  
activities, through the creation of an advisory council or use of 78844  
an existing body or board. 78845

~~(H)~~(G) Each member state shall establish a central state 78846  
compact office, which shall be responsible for state compliance 78847  
with the compact and the rules of the Interstate Commission. 78848

~~(I)~~(H) The public child placing agency in the sending state shall oversee compliance with the provisions of the Indian Child Welfare Act (25 USC 1901 et seq.) for placements subject to the provisions of this compact, prior to placement.

~~(J)~~(I) With the consent of the Interstate Commission, states may enter into limited agreements that facilitate the timely assessment and provision of services and supervisions of placements under this compact.

ARTICLE VIII.

INTERSTATE COMMISSION FOR THE PLACEMENT OF CHILDREN

The member states hereby establish, by way of this compact, a commission known as the "Interstate Commission for the Placement of Children." The activities of the Interstate Commission are the formation of public policy and are a discretionary state function. The Interstate Commission shall:

(A) Be joint commission of the member states and shall have the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by subsequent concurrent action of the respective legislatures of the member states.

(B) Consist of one commissioner from each member state who shall be appointed by the executive head of the state human services administration with ultimate responsibility for the child welfare program. The appointed commissioner shall have the legal authority to vote on policy related matters governed by this compact binding the state.

(1) Each member state represented at a meeting of the Interstate Commission is entitled to one vote.

(2) A majority of the member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

(3) A representative shall not delegate a vote to another member state. 78880  
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(4) A representative may delegate voting authority to another person from their state for a specified meeting. 78882  
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(C) In addition to the commissioners of each member state, the Interstate Commission shall include persons who are members of interested organizations as defined in the bylaws or rules of the Interstate Commission. Such members shall be ex officio and shall not be entitled to vote on any matter before the Interstate Commission. 78884  
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(D) Establish an executive committee which shall have the authority to administer the day-to-day operations and administration of the Interstate Commission. It shall not have the power to engage in rulemaking. 78890  
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ARTICLE IX. 78894

POWERS AND DUTIES OF THE INTERSTATE COMMISSION 78895

The Interstate Commission shall have the following powers: 78896

(A) To promulgate rules and take all necessary actions to effect the goals, purposes, and obligations as enumerated in this compact. 78897  
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(B) To provide for dispute resolution among member states. 78900

(C) To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules, or actions. 78901  
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(D) To enforce compliance with this compact or the bylaws or rules of the Interstate Commission pursuant to Article XII. 78904  
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(E) Collect standardized data concerning the interstate placement of children subject to this compact as directed through its rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements. 78906  
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(F) To establish and maintain offices as may be necessary for the transacting of its business.	78910 78911
(G) To purchase and maintain insurance and bonds.	78912
(H) To hire or contract for services of personnel or consultants as necessary to carry out its functions under the compact and establish personnel qualification policies, and rates of compensation.	78913 78914 78915 78916
(I) To establish and appoint committees and officers including, but not limited to, an executive committee as required by Article X.	78917 78918 78919
(J) To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose thereof.	78920 78921 78922
(K) To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed.	78923 78924 78925
(L) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.	78926 78927 78928
(M) To establish a budget and make expenditures.	78929
(N) To adopt a seal and bylaws governing the management and operation of the Interstate Commission.	78930 78931
(O) To report annually to the legislatures, governors, the judiciary, and state advisory councils of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.	78932 78933 78934 78935 78936 78937
(P) To coordinate and provide education, training, and public awareness regarding the interstate movement of children for	78938 78939

officials involved in such activity. 78940

(Q) To maintain books and records in accordance with the 78941  
bylaws of the Interstate Commission. 78942

(R) To perform such functions as may be necessary or 78943  
appropriate to achieve the purposes of this compact. 78944

ARTICLE X. 78945

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION 78946

(A) Bylaws: 78947

(1) Within 12 months after the first Interstate Commission 78948  
meeting, the Interstate Commission shall adopt bylaws to govern 78949  
its conduct as may be necessary or appropriate to carry out the 78950  
purposes of the compact. 78951

(2) The Interstate Commission's bylaws and rules shall 78952  
establish conditions and procedures under which the Interstate 78953  
Commission shall make its information and official records 78954  
available to the public for inspection or copying. The Interstate 78955  
Commission may exempt from disclosure information or official 78956  
records to the extent they would adversely affect personal privacy 78957  
rights or proprietary interests. 78958

(B) Meetings: 78959

(1) The Interstate Commission shall meet at least once each 78960  
calendar year. The chairperson may call additional meetings and, 78961  
upon the request of a simple majority of the member states shall 78962  
call additional meetings. 78963

(2) Public notice shall be given by the Interstate Commission 78964  
of all meetings and all meetings shall be open to the public, 78965  
except as set forth in the rules or as otherwise provided in the 78966  
compact. The Interstate Commission and its committees may close a 78967  
meeting, or portion thereof, where it determines by two-thirds 78968  
vote that an open meeting would be likely to: 78969

(a) Relate solely to the Interstate Commission's internal personnel practices and procedures; or	78970 78971
(b) Disclose matters specifically exempted from disclosure by federal law; or	78972 78973
(c) Disclose financial or commercial information which is privileged, proprietary, or confidential in nature; or	78974 78975
(d) Involve accusing a person of a crime, or formally censuring a person; or	78976 78977
(e) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy or physically endanger one or more persons; or	78978 78979 78980
(f) Disclose investigative records compiled for law enforcement purposes; or	78981 78982
(g) Specifically relate to the Interstate Commission's participation in a civil action or other legal proceeding.	78983 78984
(3) For a meeting, or portion of a meeting, closed pursuant to this provision, the Interstate Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exemption provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Interstate Commission or by court order.	78985 78986 78987 78988 78989 78990 78991 78992 78993 78994 78995 78996 78997
(4) The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or other	78998 78999

electronic communication. 79000

(C) Officers and Staff: 79001

(1) The Interstate Commission may, through its executive 79002  
committee, appoint or retain a staff director for such period, 79003  
upon such terms and conditions and for such compensation as the 79004  
Interstate Commission may deem appropriate. The staff director 79005  
shall serve as secretary to the Interstate Commission, but shall 79006  
not have a vote. The staff director may hire and supervise such 79007  
other staff as may be authorized by the Interstate Commission. 79008

(2) The Interstate Commission shall elect, from among its 79009  
members, a chairperson and a vice chairperson of the executive 79010  
committee and other necessary officers, each of whom shall have 79011  
such authority and duties as may be specified in the bylaws. 79012

(D) Qualified Immunity, Defense and Indemnification: 79013

(1) The Interstate Commission's staff director and its 79014  
employees shall be immune from suit and liability, either 79015  
personally or in their official capacity, for a claim for damage 79016  
to or loss of property or personal injury or other civil liability 79017  
caused or arising out of or relating to an actual or alleged act, 79018  
error, or omission that occurred, or that such person had a 79019  
reasonable basis for believing occurred within the scope of 79020  
Commission employment, duties, or responsibilities; provided, that 79021  
such person shall not be protected from suit or liability for 79022  
damage, loss, injury, or liability caused by a criminal act or the 79023  
intentional or willful and wanton misconduct of such person. 79024

(a) The liability of the Interstate Commission's staff 79025  
director and employees or Interstate Commission representatives, 79026  
acting within the scope of such person's employment or duties for 79027  
acts, errors, or omissions occurring within such person's state 79028  
may not exceed the limits of liability set forth under the 79029  
Constitution and laws of that state for state officials, 79030

employees, and agents. The Interstate Commission is considered to 79031  
be an instrumentality of the states for the purposes of any such 79032  
action. Nothing in this subsection shall be construed to protect 79033  
such person from suit or liability for damage, loss, injury, or 79034  
liability caused by a criminal act or the intentional or willful 79035  
and wanton misconduct of such person. 79036

(b) The Interstate Commission shall defend the staff director 79037  
and its employees and, subject to the approval of the Attorney 79038  
General or other appropriate legal counsel of the member state 79039  
shall defend the commissioner of a member state in a civil action 79040  
seeking to impose liability arising out of an actual or alleged 79041  
act, error or omission that occurred within the scope of 79042  
Interstate Commission employment, duties or responsibilities, or 79043  
that the defendant had a reasonable basis for believing occurred 79044  
within the scope of Interstate Commission employment, duties, or 79045  
responsibilities, provided that the actual or alleged act, error, 79046  
or omission did not result from intentional or willful and wanton 79047  
misconduct on the part of such person. 79048

(c) To the extent not covered by the state involved, member 79049  
state, or the Interstate Commission, the representatives or 79050  
employees of the Interstate Commission shall be held harmless in 79051  
the amount of a settlement or judgment, including attorney's fees 79052  
and costs, obtained against such persons arising out of an actual 79053  
or alleged act, error, or omission that occurred within the scope 79054  
of Interstate Commission employment, duties, or responsibilities, 79055  
or that such persons had a reasonable basis for believing occurred 79056  
within the scope of the Interstate Commission employment, duties, 79057  
or responsibilities, provided that the actual or alleged act, 79058  
error, or omission did not result from intentional or willful and 79059  
wanton misconduct on the part of such persons. 79060

ARTICLE XI. 79061

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION 79062

(A) The Interstate Commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of the compact.

(B) Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or such other administrative procedure acts as the Interstate Commission deems appropriate consistent with due process requirements under the United States Constitution as now or hereafter interpreted by the U.S. Supreme Court. All rules and amendments shall become binding as of the date specified, as published with the final version of the rule as approved by the Interstate Commission.

(C) When promulgating a rule, the Interstate Commission shall, at a minimum:

(1) Publish the proposed rule's entire text stating the reason(s) for that proposed rule; and

(2) Allow and invite any and all persons to submit written data, facts, opinions and arguments, which information shall be added to the record, and be made publicly available; and

(3) Promulgate a final rule and its effective date, if appropriate, based on input from state or local officials, or interested parties.

(D) Rules promulgated by the Interstate Commission shall have the force and effect of ~~statutory law~~ administrative rules and shall ~~supersede any state law, rule or regulation to the extent of any conflict~~ be binding in the compacting states to the extent and in the manner provided for in this compact.

(E) Not later than 60 days after a rule is promulgated, an interested person may file a petition in the U.S. District Court

for the District of Columbia or in the Federal District Court 79094  
where the Interstate Commission's principal office is located for 79095  
judicial review of such rule. If the court finds that the 79096  
Interstate Commission's action is not supported by substantial 79097  
evidence in the rulemaking record, the court shall hold the rule 79098  
unlawful and set it aside. 79099

(F) If a majority of the legislatures of the member states 79100  
rejects a rule, those states may by enactment of a statute or 79101  
resolution in the same manner used to adopt the compact cause that 79102  
such rule shall have no further force and effect in any member 79103  
state. 79104

(G) The existing rules governing the operation of the 79105  
Interstate ~~Company~~ Compact on the Placement of Children superseded 79106  
by this act shall be null and void no less than 12, but no more 79107  
than 24 months after the first meeting of the Interstate 79108  
Commission created hereunder, as determined by the members during 79109  
the first meeting. 79110

(H) Within the first 12 months of operation, the Interstate 79111  
Commission shall promulgate rules addressing the following: 79112

- (1) Transition rules; 79113
- (2) Forms and procedures; 79114
- (3) Time lines; 79115
- (4) Data collection and reporting; 79116
- (5) Rulemaking; 79117
- (6) Visitation; 79118
- (7) Progress reports/supervision; 79119
- (8) Sharing of information/confidentiality; 79120
- (9) Financing of the Interstate Commission; 79121
- (10) Mediation, arbitration and dispute resolution; 79122

(11) Education, training and technical assistance;	79123
(12) Enforcement;	79124
(13) Coordination with other interstate compacts.	79125
(I) Upon determination by a majority of the members of the Interstate Commission that an emergency exists:	79126 79127
(1) The Interstate Commission may promulgate an emergency rule only if it is required to:	79128 79129
(a) Protect the children covered by this compact from an imminent threat to their health, safety and well-being; or	79130 79131
(b) Prevent loss of federal or state funds; or	79132
(c) Meet a deadline for the promulgation of an administrative rule required by federal law.	79133 79134
(2) An emergency rule shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, but no later than 90 days after the effective date of the emergency rule.	79135 79136 79137 79138 79139
(3) An emergency rule shall be promulgated as provided for in the rules of the Interstate Commission.	79140 79141
ARTICLE XII.	79142
OVERSIGHT, DISPUTE RESOLUTION, ENFORCEMENT	79143
(A) Oversight:	79144
(1) The Interstate Commission shall oversee the administration and operations of the compact.	79145 79146
(2) The executive, legislative and judicial branches of state government in each member state shall enforce this compact and the rules of the Interstate Commission and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The compact and its rules shall <del>supersede state law, rules</del>	79147 79148 79149 79150 79151

~~er regulations be binding in the compacting states to the extent~~ 79152  
~~of any conflict therewith and in the manner provided for in this~~ 79153  
~~compact.~~ 79154

(3) All courts shall take judicial notice of the compact and 79155  
the rules in any judicial or administrative proceeding in a member 79156  
state pertaining to the subject matter of this compact. 79157

(4) The Interstate Commission shall be entitled to receive 79158  
service of process in any action in which the validity of a 79159  
compact provision or rule is the issue for which a judicial 79160  
determination has been sought and shall have standing to intervene 79161  
in any proceedings. Failure to provide service of process to the 79162  
Interstate Commission shall render any judgment, order or other 79163  
determination, however so captioned or classified, void as to the 79164  
Interstate Commission, this compact, its bylaws or rules of the 79165  
Interstate Commission. 79166

(B) Dispute Resolution: 79167

(1) The Interstate Commission shall attempt, upon the request 79168  
of a member state, to resolve disputes which are subject to the 79169  
compact and which may arise among member states and between member 79170  
and non-member states. 79171

(2) The Interstate Commission shall promulgate a rule 79172  
providing for both mediation and binding dispute resolution for 79173  
disputes among compacting states. The costs of such mediation or 79174  
dispute resolution shall be the responsibility of the parties to 79175  
the dispute. 79176

(C) Enforcement: 79177

(1) If the Interstate Commission determines that a member 79178  
state has defaulted in the performance of its obligations or 79179  
responsibilities under this compact, its bylaws or rules, the 79180  
Interstate Commission may: 79181

(a) Provide remedial training and specific technical assistance; or

(b) Provide written notice to the defaulting state and other member states, of the nature of the default and the means of curing the default. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default; or

(c) By majority vote of the members, initiate against a defaulting member state legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal offices, to enforce compliance with the provisions of the compact, its bylaws or rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees; or

(d) Avail itself of any other remedies available under state law or the regulation of official or professional conduct.

ARTICLE XIII.

FINANCING OF THE COMMISSION

(A) The Interstate Commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

(B) The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved by its members each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission which shall promulgate a rule binding upon all member

states. 79213

(C) The Interstate Commission shall not incur obligations of 79214  
any kind prior to securing the funds adequate to meet the same; 79215  
nor shall the Interstate Commission pledge the credit of any of 79216  
the member states, except by and with the authority of the member 79217  
state. 79218

(D) The Interstate Commission shall keep accurate accounts of 79219  
all receipts and disbursements. The receipts and disbursements of 79220  
the Interstate Commission shall be subject to the audit and 79221  
accounting procedures established under its bylaws. However, all 79222  
receipts and disbursements of funds handled by the Interstate 79223  
Commission shall be audited yearly by a certified or licensed 79224  
public accountant and the report of the audit shall be included in 79225  
and become part of the annual report of the Interstate Commission. 79226

ARTICLE XIV. 79227

MEMBER STATES, EFFECTIVE DATE AND AMENDMENT 79228

(A) Any state is eligible to become a member state. 79229

(B) The compact shall become effective and binding upon 79230  
legislative enactment of the compact into law by no less than 35 79231  
states. The effective date shall be the later of July 1, 2007 or 79232  
upon enactment of the compact into law by the 35th state. 79233  
Thereafter it shall become effective and binding as to any other 79234  
member state upon enactment of the compact into law by that state. 79235  
The ~~governors~~ executive heads of the state human services 79236  
administration with ultimate responsibility for the child welfare 79237  
program of non-member states or their designees shall be invited 79238  
to participate in the activities of the Interstate Commission on a 79239  
non-voting basis prior to adoption of the compact by all states. 79240

(C) The Interstate Commission may propose amendments to the 79241  
compact for enactment by the member states. No amendment shall 79242  
become effective and binding on the member states unless and until 79243

it is enacted into law by unanimous consent of the member states. 79244

ARTICLE XV. 79245

WITHDRAWAL AND DISSOLUTION 79246

(A) Withdrawal: 79247

(1) Once effective, the compact shall continue in force and 79248  
remain binding upon each and every member state; provided that a 79249  
member state may withdraw from the compact specifically repealing 79250  
the statute which enacted the compact into law. 79251

(2) Withdrawal from this compact shall be by the enactment of 79252  
a statute repealing the same. The effective date of withdrawal 79253  
shall be the effective date of the repeal of the statute. 79254

(3) The withdrawing state shall immediately notify the 79255  
president of the Interstate Commission in writing upon the 79256  
introduction of legislation repealing this compact in the 79257  
withdrawing state. The Interstate Commission shall then notify the 79258  
other member states of the withdrawing state's intent to withdraw. 79259

(4) The withdrawing state is responsible for all assessments, 79260  
obligations and liabilities incurred through the effective date of 79261  
withdrawal. 79262

(5) Reinstatement following withdrawal of a member state 79263  
shall occur upon the withdrawing ~~state~~ state reenacting the 79264  
compact or upon such later date as determined by the members of 79265  
the Interstate Commission. 79266

(B) Dissolution of Compact: 79267

(1) This compact shall dissolve effective upon the date of 79268  
the withdrawal or default of the member state which reduces the 79269  
membership in the compact to one member state. 79270

(2) Upon the dissolution of this compact, the compact becomes 79271  
null and void and shall be of no further force or effect, and the 79272  
business and affairs of the Interstate Commission shall be 79273

concluded and surplus funds shall be distributed in accordance 79274  
with the bylaws. 79275

ARTICLE XVI. 79276

SEVERABILITY AND CONSTRUCTION 79277

(A) The provisions of this compact shall be severable, and if 79278  
any phrase, clause, sentence or provision is deemed unenforceable, 79279  
the remaining provisions of the compact shall be enforceable. 79280

(B) The provisions of this compact shall be liberally 79281  
construed to effectuate its purposes. 79282

(C) Nothing in this compact shall be construed to prohibit 79283  
the concurrent applicability of other interstate compacts to which 79284  
the states are members. 79285

ARTICLE XVII. 79286

BINDING EFFECT OF COMPACT AND OTHER LAWS 79287

(A) Other Laws: 79288

~~(1)~~(1) Nothing herein prevents the enforcement of any other 79289  
law of a member state that is not inconsistent with this compact. 79290

~~(2) All member states' laws conflicting with this compact or 79291  
its rules are superseded to the extent of the conflict. 79292~~

(B) Binding Effect of the Compact: 79293

(1) All lawful actions of the Interstate Commission, 79294  
including all rules and bylaws promulgated by the Interstate 79295  
Commission, are binding upon the member states. 79296

(2) All agreements between the Interstate Commission and the 79297  
member states are binding in accordance with their terms. 79298

(3) In the event any provision of the compact exceeds the 79299  
constitutional limits imposed on the legislature of any member 79300  
state, such provision shall be ineffective to the extent of the 79301  
conflict with the constitutional provision in question in that 79302  
member state. 79303

ARTICLE XVIII. 79304

INDIAN TRIBES 79305

Notwithstanding any other provision in this compact, the 79306  
Interstate Commission may promulgate guidelines to permit Indian 79307  
tribes to utilize the compact to achieve any or all of the 79308  
purposes of the compact as specified in Article I. The Interstate 79309  
Commission shall make reasonable efforts to consult with Indian 79310  
tribes in promulgating guidelines to reflect the diverse 79311  
circumstances of the various Indian tribes. 79312

Sec. 5103.25. (A) As used in this section and sections 79313  
5103.251 to 5103.259 of the Revised Code: 79314

(1) "Agency" has the same meaning as in section 3107.01 of 79315  
the Revised Code. 79316

(2) "Applicant" means any of the following: 79317

(a) A person who is under final consideration for appointment 79318  
or employment as board president, administrator, officer, or an 79319  
employee of an association or institution or an agency; 79320

(b) A person who is under final consideration as a 79321  
subcontractor, intern, or volunteer of an association or 79322  
institution or agency; 79323

(c) A prospective or current foster caregiver; 79324

(d) A prospective or current adoptive parent who is working 79325  
with an agency; 79326

(e) A person eighteen years of age or older who resides with 79327  
a prospective or current foster caregiver or with an adoptive 79328  
parent who is working with an agency. 79329

(3) "Association" or "institution" has the same meaning as in 79330  
section 5103.02 of the Revised Code. 79331

(4) "Criminal records check" has the same meaning as in 79332

section 109.572 of the Revised Code. 79333

(5) "Recommending agency" has the same meaning as in section 5103.02 of the Revised Code. 79334  
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(6) "Superintendent of BCII" has the same meaning as in section 2151.86 of the Revised Code. 79336  
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**Sec. 5103.251.** (A) The director of job and family services shall request the superintendent of BCII to conduct a criminal records check for all applicants at the times specified: 79338  
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(1) For an administrator, president, officer, or member of a board of an association or institution, at the time of initial application for certification of the agency, initial nomination to the board, or initial application for employment and every five years thereafter; 79341  
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(2)(a) For a prospective foster caregiver or adult resident of the prospective foster caregiver's home, at the time of initial application for certification and every five years thereafter; 79346  
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(b) For a minor resident of the prospective foster caregiver's home, at the time the resident turns eighteen years old and then every five years thereafter. 79349  
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(3)(a) For a prospective adoptive parent or adult resident of the prospective adoptive parent's home, at the time of the initial home study and every five years thereafter; 79352  
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(b) For a minor resident of the prospective adoptive parent's home, at the time the resident turns eighteen years old and then every five years thereafter. 79355  
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(4)(a) Except as provided in division (A)(4)(b) of this section, for employment of a person or engagement of a subcontractor, intern, or volunteer by an association or institution, at the time of initial application for employment or engagement and every five years thereafter; 79358  
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(b) For an applicant who has been determined eligible for appointment, employment, or engagement after a review of a criminal records check within the past five years and who has been employed by an association or institution within the past one hundred eighty consecutive days, every five years after the date of the initial determination. 79363  
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(B)(1) An initial criminal records check requested under division (A) of this section shall include a request that the superintendent of BCII obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. 79369  
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(2) A criminal records check requested at any time other than the time of initial application or nomination may include a request that the superintendent of BCII obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. 79376  
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(C) With respect to a criminal records check requested for a person described in division (A) of this section, the director shall do all of the following: 79383  
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(1) Provide to the person a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of that section; 79386  
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(2) Obtain the completed form and impression sheet from the person; 79390  
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(3) Forward the completed form and impression sheet to the superintendent of BCII; 79392  
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(4) Review the results of the criminal records check and take such action as required in division (E) of this section. 79394  
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(D) A person who receives from the director a copy of the form and standard impression sheet and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints with instructions to provide the results to the director of job and family services. If the person, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the director may consider the failure a reason to deny certification or to determine an applicant ineligible for appointment, employment, or engagement and a probate court may not issue a final decree of adoption or an interlocutory order of adoption making the person an adoptive parent. 79396  
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(E) Except as provided in rules adopted under section 5103.259 of the Revised Code, on review of the results of the criminal records check the director shall do the following, as applicable: 79411  
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(1) Deny or revoke a certification of a prospective or current foster caregiver, if any of the following apply: 79415  
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(a) A person for whom a criminal records check was required under division (A) of this section has been convicted of or pleaded guilty to any of the violations described in division (A)(4) of section 109.572 of the Revised Code or an offense of another state or the United States that is substantially equivalent to an offense listed in division (A)(4) of section 109.572 of the Revised Code. 79417  
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(b) A resident of the prospective foster caregiver's or 79424

foster caregiver's home is under eighteen years of age and has 79425  
been adjudicated a delinquent child for committing either a 79426  
violation of any section listed in division (A)(4) of section 79427  
109.572 of the Revised Code or an offense of another state or the 79428  
United States that is substantially equivalent to an offense 79429  
listed in division (A)(4) of section 109.572 of the Revised Code. 79430

(c) The prospective foster caregiver has had a revocation of 79431  
any foster home license, certificate, or other similar 79432  
authorization in another state, or failed to notify the 79433  
recommending agency of any revocation of that type in another 79434  
state, in accordance with division (B) of section 5103.254 of the 79435  
Revised Code. 79436

(2) Determine a prospective adoptive parent is ineligible for 79437  
adoption or deny a final decree of adoption or interlocutory order 79438  
of adoption if the prospective adoptive parent or any person 79439  
eighteen years or older who resides in the prospective adoptive 79440  
parent's home previously has been convicted of or pleaded guilty 79441  
to any of the violations described in division (A)(4) of section 79442  
109.572 of the Revised Code or an offense of another state or the 79443  
United States that is substantially equivalent to an offense 79444  
listed in division (A)(4) of section 109.572 of the Revised Code. 79445

(3) Determine a prospective or current employee, appointee, 79446  
subcontractor, intern, or volunteer as ineligible for employment, 79447  
appointment, or engagement if the person has been convicted of or 79448  
pleaded guilty to any of the violations described in division 79449  
(A)(4) of section 109.572 of the Revised Code or an offense of 79450  
another state or the United States that is substantially 79451  
equivalent to an offense listed in division (A)(4) of section 79452  
109.572 of the Revised Code. 79453

(F) Each association, institution, or agency shall pay to the 79454  
bureau of criminal identification and investigation the fee 79455  
prescribed pursuant to division (C)(3) of section 109.572 of the 79456

Revised Code for each criminal records check conducted in 79457  
accordance with that section upon a request made pursuant to 79458  
division (A) of this section. An association, institution, or 79459  
agency may charge an applicant a fee for the costs it incurs in 79460  
obtaining a criminal records check under this section. A fee 79461  
charged under this division shall not exceed the amount the 79462  
association, institution, or agency pays under this section. If a 79463  
fee is charged, the association, institution, or agency shall 79464  
notify the applicant at the time of the applicant's initial 79465  
certification, home study, or application of the amount of the fee 79466  
and that, unless the fee is paid, the association, institution, or 79467  
agency will not consider the applicant for certification, 79468  
adoption, employment, appointment, or engagement. 79469

**Sec. 5103.252.** (A) The director of job and family services 79470  
shall search the central registry of abuse and neglect contained 79471  
within the uniform statewide automated child welfare information 79472  
system for all applicants at the times specified: 79473

(1) For an administrator, president, officer, or member of 79474  
the board, at the time of initial application for certification of 79475  
the agency, at the initial nomination to the board, or initial 79476  
application for employment and every five years thereafter; 79477

(2)(a) For a prospective foster caregiver or adult resident 79478  
of the prospective foster caregiver's home, at the time of initial 79479  
application for certification and every five years thereafter; 79480

(b) For a minor resident of the prospective foster 79481  
caregiver's home, at the time the resident turns eighteen years 79482  
old and then every five years thereafter. 79483

(3)(a) For a prospective adoptive parent or adult resident of 79484  
the prospective adoptive parent's home, at the time of the initial 79485  
home study and every five years thereafter; 79486

(b) For a minor resident of the prospective adoptive parent's home, at the time the resident turns eighteen years old and then every five years thereafter. 79487  
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(4)(a) Except as provided in division (A)(4)(b) of this section, for employment of a person or engagement of a subcontractor, intern, or volunteer by an association or institution, at the time of initial application for employment or engagement and every five years thereafter; 79490  
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(b) For an applicant who has been determined eligible for appointment, employment, or engagement after a check of the central registry within the past five years and who has been employed by an association or institution within the past one hundred eighty consecutive days, every five years after the date of the initial determination. 79495  
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(B)(1) When conducting a search of the central registry pursuant to division (A) of this section, the director shall create a summary report of the search that contains, as applicable, a chronological list of abuse and neglect determinations or allegations of which the person is subject and in regards to which a public children services agency has done one of the following: 79501  
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(a) Determined that abuse or neglect occurred; 79508

(b) Initiated an investigation, and the investigation is ongoing; 79509  
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(c) Initiated an investigation, and the agency was unable to determine whether abuse or neglect occurred. 79511  
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(2) The summary report shall not contain any of the following: 79513  
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(a) An abuse and neglect determination to which the person is subject and the public children services agency determined that 79515  
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abuse or neglect did not occur; 79517

(b) Information or reports the dissemination of which is 79518  
prohibited by, or interferes with eligibility under, the "Child 79519  
Abuse Prevention and Treatment Act," 42 U.S.C. 5101 et seq.; 79520

(c) The name of the person or entity who made, or 79521  
participated in the making of, the report of abuse or neglect. 79522

(C)(1) A certification of a prospective or current foster 79523  
caregiver, or prospective adoptive parent's home study, may be 79524  
denied or revoked based on a summary report containing the 79525  
information described in division (B)(1)(a) of this section or 79526  
information obtained from a central registry of abuse or neglect 79527  
maintained by another state, when considered within the totality 79528  
of the circumstances. 79529

(2) A certification of a prospective or current foster 79530  
caregiver, or prospective adoptive parent's home study, shall not 79531  
be denied or revoked based solely on a summary report containing 79532  
the information described under division (B)(1)(b) or (c) of this 79533  
section. 79534

(D) If the director determines that the information described 79535  
in division (B)(1)(a) of this section, or information obtained 79536  
from a central registry of abuse or neglect maintained by another 79537  
state, when viewed within the totality of the circumstances, 79538  
reasonably leads to the conclusion that the person may directly or 79539  
indirectly endanger the health, safety, or welfare of children, 79540  
the director shall determine an appointee, employee, 79541  
subcontractor, intern, or volunteer ineligible for appointment to 79542  
or employment or engagement with the association or institution. 79543

**Sec. 5103.253.** (A) The director of job and family services 79544  
shall inspect the state registry of sex offenders and childvictim 79545  
offenders established under section 2950.13 of the Revised Code 79546

and the national sex offender registry as described in 42 U.S.C. 79547  
16901 to determine if any applicant is registered or required to 79548  
be registered as an offender. The director shall inspect each 79549  
registry for all applicants at the times specified: 79550

(1) For an administrator, president, officer, or member of 79551  
the board, at the time of initial application for certification of 79552  
the agency, at the initial nomination to the board, or initial 79553  
application for employment and every five years thereafter; 79554

(2)(a) For a prospective foster caregiver or adult resident 79555  
of the prospective foster caregiver's home, at the time of initial 79556  
application for certification and every five years thereafter; 79557

(b) For a minor resident of the prospective foster 79558  
caregiver's home, at the time the resident turns eighteen years 79559  
old and then every five years thereafter. 79560

(3)(a) For a prospective adoptive parent or adult resident of 79561  
the prospective adoptive parent's home, at the time of the initial 79562  
home study and every five years thereafter; 79563

(b) For a minor resident of the prospective adoptive parent's 79564  
home, at the time the resident turns eighteen years old and then 79565  
every five years thereafter. 79566

(4)(a) Except as provided in division (A)(4)(b) of this 79567  
section, for employment or engagement by an association or 79568  
institution, at the time of initial application for employment or 79569  
engagement and every five years thereafter; 79570

(b) For an applicant who has been determined eligible for 79571  
appointment, employment, or engagement after an inspection of the 79572  
state registry of sex offenders and child-victim offenders and the 79573  
national sex offender registry, or a substantially equivalent 79574  
inspection under section 5103.256 of the Revised Code, within the 79575  
past five years and who has been employed by an association or 79576

institution within the past one hundred eighty consecutive days, 79577  
every five years after the date of the initial determination. 79578

(B) If the director determines that the applicant is 79579  
registered or required to be registered on a registry described in 79580  
this section, the director shall do the following, as applicable: 79581

(1) Refuse to issue a certification; 79582

(2) Revoke a certification; 79583

(3) Determine a prospective adoptive parent ineligible to 79584  
adopt a child; 79585

(4) Determine the applicant ineligible for employment, 79586  
appointment, or engagement with the association or institution. 79587

(C) A petition for adoption may be denied based solely on the 79588  
results of the search of the national sex offender public web 79589  
site. 79590

**Sec. 5103.254.** (A) Whenever the director of job and family 79591  
services requests a criminal records check, searches the uniform 79592  
statewide automated child welfare information system, or inspects 79593  
the state registry of sex offenders and child-victim offenders and 79594  
national sex offender registry as required by sections 5103.251, 79595  
5103.252, and 5103.253 of the Revised Code and finds that a person 79596  
who is subject to the requirements of those sections has resided 79597  
in another state during the previous five years, the director 79598  
shall request the results from a search of the following systems 79599  
from the other state: 79600

(1) A criminal records database; 79601

(2) The uniform statewide automated child welfare information 79602  
system, comprehensive child welfare information system, or the 79603  
equivalent; 79604

(3) The state registry of sex offenders. 79605

(B) Before certification under section 5103.03 of the Revised Code, a prospective foster caregiver subject to a criminal records check under section 5103.251 of the Revised Code shall notify the recommending agency of the revocation of any foster home license, certificate, or other similar authorization in another state occurring within the five years immediately preceding the date of application to become a foster caregiver in this state. The failure of a prospective foster caregiver to notify the recommending agency of any such revocation is grounds for denial of the person's foster home application or the revocation of the person's foster home certification, whichever is applicable. If a person has had a revocation in another state within the five years immediately preceding the date of the application, the department of job and family services shall not issue a foster home certificate to the prospective foster caregiver. 79606  
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(C) Whenever the director receives from an agency of another state a request for a criminal records check or for information from the uniform statewide automated child welfare information system or state registry of sex offenders and childvictim offenders that is related to an association or institution, prospective or current foster caregiver, or prospective adoptive parent, the director shall provide to that other state's agency the results of the records check and information from the system and registry. 79621  
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**Sec. 5103.255.** (A) Before employing or appointing a person as board president, or as an administrator or officer, an institution or association shall do the following regarding the person: 79630  
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(1) Request a certified search of the findings for recovery database; 79633  
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(2) Conduct a database review at the federal web site known 79636

as the system for award management. 79637

(B) The institution or association may refuse to hire or 79638  
appoint a person as board president, or as an administrator or 79639  
officer based on the results of a certified search or database 79640  
review described in division (A) of this section, when considered 79641  
within the totality of circumstances. 79642

Sec. 5103.256. (A) Whenever the director of job and family 79643  
services determines a person ineligible for appointment, 79644  
employment, engagement, certification, or approval as an adoptive 79645  
parent under sections 5103.251 to 5103.255 of the Revised Code, 79646  
the director shall as soon as practicable notify the following, as 79647  
applicable, of that determination: 79648

(1) The association or institution that is considering the 79649  
person for appointment, employment, or engagement; 79650

(2) The agency that is arranging the adoption or recommending 79651  
foster caregiver certification. 79652

(B) An association, institution, or agency shall not appoint, 79653  
employ, or engage a person who is determined under sections 79654  
5103.251 to 5103.255 of the Revised Code to be ineligible for 79655  
appointment, employment, or engagement, and an agency shall not 79656  
approve an application of a prospective adoptive parent or 79657  
recommend the certification of a foster caregiver who is 79658  
determined under sections 5103.251 to 5103.254 of the Revised Code 79659  
to be ineligible. 79660

Sec. 5103.257. The director of job and family services may 79661  
delegate to any private or public entity any of the duties related 79662  
to carrying out background checks imposed upon the department by 79663  
sections 5103.251 to 5103.255 of the Revised Code. 79664

Sec. 5103.258. Any information obtained under sections 79665

5103.251 to 5103.255 of the Revised Code is confidential and is 79666  
not a public record for the purposes of section 149.43 of the 79667  
Revised Code. The information shall not be made available to any 79668  
person other than the following: 79669

(A) The person who is the subject of the inspection or the 79670  
person's representative; 79671

(B) The director of job and family services or a public or 79672  
private entity to which the director has delegated duties of the 79673  
department of job and family services pursuant to section 5103.257 79674  
of the Revised Code; 79675

(C) The director of a public children services agency; 79676

(D) The director of an agency; 79677

(E) Any court, hearing officer, or other necessary individual 79678  
involved in a case dealing with a denial of employment, a final 79679  
decree of adoption or interlocutory order of adoption, or a denial 79680  
or revocation of a foster home certificate. 79681

**Sec. 5103.259.** The director of job and family services shall 79682  
adopt rules as necessary to implement sections 5103.251 to 79683  
5103.258 of the Revised Code. The rules shall be adopted in 79684  
accordance with Chapter 119. of the Revised Code. The rules shall 79685  
specify exceptions to the prohibitions in division (A)(4) of 79686  
section 5103.251 of the Revised Code for a person who has been 79687  
convicted of or pleaded guilty to a criminal offense listed in 79688  
division (A)(4) of section 109.572 of the Revised Code but who 79689  
meets standards in regard to rehabilitation set by the director. 79690

**Sec. 5103.37.** The Ohio child welfare training program 79691  
coordinator shall do all the following pursuant to the contract 79692  
entered into under section 5103.35 of the Revised Code: 79693

(A) Manage, coordinate, and evaluate all of the program's 79694

training provided under section 5103.30 of the Revised Code;	79695
(B) Develop curriculum, resources, and products for the training;	79696 79697
(C) Provide fiscal management and technical assistance to regional training <del>centers</del> <u>staff</u> established under section <del>5103.42</del> <u>5103.41</u> of the Revised Code;	79698 79699 79700
(D) Cooperate with the regional training <del>centers</del> <u>staff</u> to schedule sessions for the training, provide notices of the training sessions, and provide training materials for the sessions;	79701 79702 79703 79704
(E) Employ and compensate instructors for the training;	79705
(F) Create individual training needs assessments for use pursuant to sections 5153.125 and 5153.126 of the Revised Code;	79706 79707
(G) Provide staff for the Ohio child welfare training program steering committee established under section 5103.39 of the Revised Code;	79708 79709 79710
(H) Conduct any other activities necessary for the development, implementation, and management of the program as specified in the contract;	79711 79712 79713
<u>(I) Identify the competencies needed to do the jobs that the training is for so that the training helps the development of those competencies;</u>	79714 79715 79716
<u>(J) Ensure that the training provides the knowledge, skill, and ability needed to do the jobs that the training is for.</u>	79717 79718
<b>Sec. 5103.391.</b> The director of job and family services shall appoint all of the following to serve on the Ohio child welfare training program steering committee:	79719 79720 79721
(A) Employees of the department of job and family services;	79722
(B) One representative of each of the regional training	79723

centers established under section ~~5103.42~~ 5103.41 of the Revised Code; 79724  
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(C) One representative of a statewide organization that represents the interests of public children services agencies; 79726  
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(D) One representative of the Ohio child welfare training program coordinator; 79728  
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(E) Two current foster caregivers certified by the department of job and family services under section 5103.03 of the Revised Code; 79730  
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(F) Employees of public children services agencies. 79733

**Sec. 5103.41.** ~~Prior to the beginning of the fiscal biennium that first follows October 5, 2000, the~~ The department of job and family services, in consultation with the Ohio child welfare training program steering committee, shall designate ~~eight~~ training regions in the state. The department, at times it selects, shall review the composition of the training regions. The committee, at times it selects, shall also review the training regions' composition and provide the department recommendations on changes. The department may change the composition of the training regions as the department considers necessary. ~~Each training region shall contain only one regional training center established and maintained under section 5103.42 of the Revised Code.~~ 79734  
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The department may make a grant to a public children services agency that establishes and maintains a regional training center under this section for the purpose of wholly or partially subsidizing the operation of the center. The department shall specify in the grant all of the center's duties, including the duties specified in section 5103.42 of the Revised Code. 79746  
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**Sec. ~~5103.422~~ 5103.42.** A regional training center's staff's responsibilities shall include all of the following: 79752  
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(A) Securing facilities suitable for conducting the training provided under section 5103.30 of the Revised Code; 79754  
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(B) Providing administrative services and paying all administrative costs related to the conduct of the training; 79756  
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(C) Maintaining a database of the data contained in the individual training needs assessments for each PCSA caseworker and PCSA caseworker supervisor employed by a public children services agency located in the training region ~~served by the center~~; 79758  
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(D) Analyzing training needs of PCSA caseworkers and PCSA caseworker supervisors employed by a public children services agency and other training populations described in section 5103.30 of the Revised Code and located in the training region ~~served by the center~~; 79762  
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(E) Coordinating the training ~~at the center~~ for the region with the Ohio child welfare training program coordinator. 79767  
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**Sec. 5103.50.** (A) As used in ~~this section and~~ sections ~~5103.51~~ 5103.50 to 5103.55 of the Revised Code, "private, nonprofit therapeutic wilderness camp" has the same meaning as in section 5103.02 of the Revised Code. 79769  
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(B) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement standards set forth in division (D) of this section and section 5103.54 of the Revised Code that are substantially similar, as determined by the director, to other similarly situated providers of residential care to children. 79773  
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(C) The director of job and family services shall issue a license to a private, nonprofit therapeutic wilderness camp that submits an application to the director, on a form prescribed by the director, that indicates to the director's satisfaction that the camp meets the standards set forth in rules adopted under 79779  
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division (B) of this section. 79784

(D) In accordance with rules adopted by the director under 79785  
division (B) of this section, the camp shall develop and implement 79786  
written policies that establish all of the following: 79787

(1) Standards for hiring, training, and supervising staff; 79788

(2) Standards for behavioral intervention, including 79789  
standards prohibiting the use of prone restraint and governing the 79790  
use of other restraints or isolation; 79791

(3) Standards for recordkeeping, including specifying 79792  
information that must be included in each child's record, who may 79793  
access records, confidentiality, maintenance, security, and 79794  
disposal of records; 79795

(4) A procedure for handling complaints about the camp from 79796  
the children attending the camp, their families, staff, and the 79797  
public; 79798

(5) Standards for emergency and disaster preparedness, 79799  
including procedures for emergency evacuation and standards 79800  
requiring that a method of emergency communication be accessible 79801  
at all times; 79802

(6) Standards that ensure the protection of children's civil 79803  
rights; 79804

(7) Standards for the admission and discharge of children 79805  
attending the camp, including standards for emergency discharge; 79806

(8) Standards for the supervision of children, including 79807  
minimum staff to child ratios; 79808

(9) Standards for ensuring proper medical care, including 79809  
administration of medications; 79810

(10) Standards for proper notification of critical incidents; 79811

(11) Standards regarding the health and safety of residents, 79812

including proper health department approvals, fire inspections, 79813  
and food service licenses; 79814

(12) Standards for ensuring the reporting requirements under 79815  
section 2151.421 of the Revised Code are met. 79816

(E) The camp shall ensure that no child resides at the camp 79817  
for more than twelve consecutive months, unless the camp has 79818  
completed a full evaluation that determines the child is not ready 79819  
for reunification with the child's family or guardian. Such 79820  
evaluation shall include any outside professional determined to be 79821  
necessary by the director of job and family services. This 79822  
evaluation shall be conducted in accordance with rules adopted by 79823  
the director. 79824

(F) The camp shall cooperate with any request from the 79825  
director for an inspection or for access to records or written 79826  
policies of the camp. 79827

(G) The camps shall ensure that no child is left without 79828  
supervision of camp staff at any time. 79829

(H) The camp shall ensure that if there is a weather 79830  
emergency or warning issued by the national weather service in the 79831  
camp's geographic area, the children will be moved to a safe 79832  
structure guarded from the weather event. 79833

(I) The camp shall ensure that all sharp tools used in the 79834  
camp, including axes and knives, are locked unless in use by camp 79835  
staff or otherwise under camp staff supervision. 79836

**Sec. 5103.6010.** A residential infant care center shall do the 79837  
following: 79838

(A) If using medication to treat infants, hold a terminal 79839  
distributor of dangerous drugs license issued by the state board 79840  
of pharmacy under section 4729.54 of the Revised Code. 79841

(B) Comply, except as otherwise provided in this section and 79842

section 5103.6011 of the Revised Code, with all requirements under 79843  
rule 5101:2-9-02 of the Administrative Code; 79844

(C) Develop a plan of safe care in accordance with the 79845  
"Comprehensive Addiction and Recovery Act of 2016," Pub. L. No. 79846  
114-198, for an infant born substance exposed as follows: 79847

(1) Assist with the health and substance use disorder 79848  
treatment needs of the infant and affected family or caregiver; 79849

(2) Develop and implement a program to monitor, support, and 79850  
connect affected families or caregivers through the provision of 79851  
and referral to appropriate services for the infant and affected 79852  
family or caregiver. 79853

(D) Develop and implement a program for parents and 79854  
caregivers that, either individually or in a group setting, 79855  
teaches parenting skills, bonding, and caring for the infant's 79856  
special needs. 79857

(E) Require both of the following: 79858

(1) Child-care staff, volunteers, and interns in positions 79859  
responsible for the daily direct care or supervision of children 79860  
to be at least eighteen years old and have a high school diploma 79861  
or certificate of high school equivalence; 79862

(2) Volunteers and interns who are under twenty-one years of 79863  
age to be supervised. 79864

(F) Request a criminal records check with respect to 79865  
volunteers and interns in accordance with section ~~2151.86~~ 5103.251 79866  
of the Revised Code; 79867

(G) Employ registered nurses, patient care assistants, or 79868  
licensed professional nurses to meet required child-to-staff 79869  
ratios; 79870

(H) Require the center's peer supporter, family advocate, 79871  
licensed social worker, licensed independent social worker, 79872

licensed professional counselor, or licensed professional clinical 79873  
counselor to do the following: 79874

(1) Provide wraparound services to affected family and 79875  
caregivers; 79876

(2) Coordinate and cooperate with any transferring hospital, 79877  
public children services agency, and private child placing agency; 79878

(3) Refer affected families or caregivers to appropriate 79879  
community agencies and services for support and aftercare; 79880

(4) Follow up with affected families and caregivers following 79881  
the infant's discharge. 79882

(I)(1) Encourage employee-supervised dyad care and permit one 79883  
of the infant's parents or caregivers to room-in with the infant 79884  
for bonding and education; 79885

(2) Provide the following for dyad care and rooming-in: 79886

(a) A single bed and all necessary bed sheets, pillow cases, 79887  
pillows, and blankets; 79888

(b) All meals and snacks, which shall be provided in a 79889  
designated family kitchen area if the center has such an area; 79890

(c) A minimum of one private shower and toilet for the use of 79891  
the parents or caregivers who are rooming-in. 79892

(3) Notify the parent or caregiver that the center's rules 79893  
and policies shall be followed or rooming-in may be restricted or 79894  
canceled. 79895

(J) Have one bathing room for every six infants that includes 79896  
a minimum of one hip level bathtub with hot and cold water, one 79897  
changing station, and a door with a full-length glass window for 79898  
safety and observation; 79899

(K) Meet the child-to-staff ratio of at least one awake 79900  
child-care staff on duty at all times for every five infants; 79901

(L) Use cribs and other infant sleep products that meet the 79902  
United States consumer product safety commission's safety 79903  
standards for safe sleep; 79904

(M) Follow the department of health's safe sleep education 79905  
program recommendations established under section 3701.66 of the 79906  
Revised Code. 79907

**Sec. 5104.02.** (A) The director of job and family services is 79908  
responsible for licensing child day-care centers, type A family 79909  
day-care homes, and type B family day-care homes. Each entity 79910  
operating a head start program shall meet the criteria for, and be 79911  
licensed as, a child day-care center. The director is responsible 79912  
for the enforcement of this chapter and of rules promulgated 79913  
pursuant to this chapter. 79914

No person, firm, organization, institution, or agency shall 79915  
operate, establish, manage, conduct, or maintain a child day-care 79916  
center or type A family day-care home without a license issued 79917  
under section 5104.03 of the Revised Code. The current license 79918  
shall be posted in the center or home in a conspicuous place that 79919  
is accessible to parents, custodians, or guardians and employees 79920  
of the center or home at all times when the center or home is in 79921  
operation. 79922

(B) A person, firm, institution, organization, or agency 79923  
operating any of the following programs is exempt from the 79924  
requirements of this chapter: 79925

(1) A program caring for children that operates for two 79926  
consecutive weeks or less and not more than six weeks total in 79927  
each calendar year; 79928

(2) Caring for children in places of worship during religious 79929  
activities while at least one parent, guardian, or custodian of 79930  
each child is participating in such activities and is readily 79931

available; 79932

(3) Supervised training, instruction, or activities of 79933  
children in specific areas, including, but not limited to: art; 79934  
drama; dance; music; athletic skills or sports; computers; or an 79935  
educational subject conducted on an organized or periodic basis 79936  
that a child does not attend for more than eight total hours per 79937  
week; 79938

(4) Programs in which the director determines that at least 79939  
one parent, custodian, or guardian of each child who is not an 79940  
employee of the facility engaged in employment duties is on the 79941  
premises of the facility that offers care and is readily 79942  
accessible at all times; 79943

(5) Programs that provide care and are regulated by state 79944  
departments other than the department of job and family services 79945  
or the state board of education. 79946

(6) Any preschool program or school child program, except a 79947  
head start program, that is subject to licensure by the department 79948  
of education under sections 3301.52 to 3301.59 of the Revised 79949  
Code. 79950

(7) Any program providing care that meets all of the 79951  
following requirements and, on October 20, 1987, was being 79952  
operated by a nonpublic school that holds a charter issued by the 79953  
state board of education for kindergarten only: 79954

(a) The nonpublic school has given the notice to the state 79955  
board and the director of job and family services required by 79956  
Section 4 of Substitute House Bill No. 253 of the 117th general 79957  
assembly; 79958

(b) The nonpublic school continues to be chartered by the 79959  
state board for kindergarten, or receives and continues to hold a 79960  
charter from the state board for kindergarten through grade five; 79961

- (c) The program is conducted in a school building; 79962
- (d) The program is operated in accordance with rules 79963  
promulgated by the state board under section 3301.53 of the 79964  
Revised Code. 79965
- (8) A youth development program operated outside of school 79966  
hours to which all of the following apply: 79967
- (a) The children enrolled in the program are under nineteen 79968  
years of age and enrolled in or eligible to be enrolled in a grade 79969  
of kindergarten or above. 79970
- (b) The program provides informal care, which is care that 79971  
does not require parental signature, permission, or notice for the 79972  
child receiving the care to enter or leave the program. 79973
- (c) The program provides any of the following supervised 79974  
activities: educational, recreational, culturally enriching, 79975  
social, and personal development activities. 79976
- (d) The entity operating the program is exempt from federal 79977  
income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 79978
- (9) A ~~preschool~~ program caring for children that is operated 79979  
by a nonchartered, nontax-supported school if the ~~preschool~~ 79980  
program meets all of the following conditions: 79981
- (a) The program complies with state and local health, fire, 79982  
and safety laws. 79983
- (b) The program annually certifies in a report to the 79984  
children's parents of its pupils that the ~~school~~ program is in 79985  
compliance with division (B)(9)(a) of this section and files a 79986  
copy of the report with the department of job and family services 79987  
on or before the thirtieth day of September of each year. 79988
- (c) The program complies with all applicable reporting 79989  
requirements in the same manner as required by the state board of 79990  
education for nonchartered, nonpublic primary and secondary 79991

schools.	79992
(d) The program is associated with a nonchartered, nontax-supported primary or secondary school.	79993 79994
(10) A program that provides activities for children who are five years of age or older and is operated by a county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code.	79995 79996 79997 79998 79999 80000
<b>Sec. 5104.042.</b> (A) The department of job and family services may suspend, without a prior hearing, the license of a child day-care center, type A family day-care home, or licensed type B family day-care home if any of the following occur:	80001 80002 80003 80004
(1) A child dies or suffers a serious injury while receiving child care in the center, type A home, or licensed type B home.	80005 80006
(2) A public children services agency receives a report pursuant to section 2151.421 of the Revised Code, and the person alleged to have inflicted abuse or neglect on the child who is the subject of the report is any of the following:	80007 80008 80009 80010
(a) The owner, licensee, or administrator of the center, type A home, or licensed type B home;	80011 80012
(b) An employee of the center, type A home, or licensed type B home who has not immediately been placed on administrative leave or released from employment;	80013 80014 80015
(c) Any person who resides in the type A home or licensed type B home.	80016 80017
(3) An owner, licensee, administrator, or employee of the center, type A home, or licensed type B home, or a resident of the type A home or licensed type B home is charged by an indictment, information, or complaint with an offense relating to the abuse or	80018 80019 80020 80021

neglect of a child. 80022

(4) The department or a county department of job and family 80023  
services determines that the center, type A home, or licensed type 80024  
B home created a serious risk to the health or safety of a child 80025  
receiving child care in the center, type A home, or licensed type 80026  
B home that resulted in or could have resulted in a child's death 80027  
or injury. 80028

(5) The department determines that the owner or licensee of 80029  
the center, type A home, or licensed type B home does not meet the 80030  
requirements of section 5104.013 of the Revised Code. 80031

(B) The department shall ~~issue~~ serve a written order of 80032  
suspension and ~~furnish a copy to~~ on the licensee either by 80033  
~~certified mail or in person~~ as described in ~~section~~ sections 80034  
119.05 and 119.07 of the Revised Code. The licensee may request an 80035  
adjudicatory hearing before the department pursuant to sections 80036  
119.06 to 119.12 of the Revised Code. 80037

(C) Any summary suspension imposed under this section shall 80038  
remain in effect until any of the following occurs: 80039

(1) The public children services agency completes its 80040  
investigation of the report pursuant to section 2151.421 of the 80041  
Revised Code and determines that all of the allegations are 80042  
unsubstantiated. 80043

(2) All criminal charges are disposed of through dismissal or 80044  
a finding of not guilty. 80045

(3) The department issues pursuant to Chapter 119. of the 80046  
Revised Code a final order terminating the suspension. 80047

(D) The center, type A home, or licensed type B home shall 80048  
not provide child care while the summary suspension remains in 80049  
effect. Upon issuance of the order of suspension, the licensee 80050  
shall inform the caretaker parent of each child receiving child 80051

care in the center, type A home, or licensed type B home of the 80052  
suspension. 80053

(E) The director of job and family services may adopt rules 80054  
in accordance with Chapter 119. of the Revised Code establishing 80055  
standards and procedures for the summary suspension of licenses. 80056

(F) This section does not limit the authority of the 80057  
department to revoke a license pursuant to section 5104.04 of the 80058  
Revised Code. 80059

**Sec. 5104.08.** (A) There is hereby created in the department 80060  
of job and family services a child care advisory council to advise 80061  
and assist the department in the administration of this chapter 80062  
and in the development of child care. The council shall consist of 80063  
~~twenty-two~~ twenty-five voting members appointed by the director of 80064  
job and family services with the approval of the governor. The 80065  
director of job and family services, the director of developmental 80066  
disabilities, the director of mental health and addiction 80067  
services, the superintendent of public instruction, the director 80068  
of the head start collaboration office, the director of health, 80069  
the director of commerce, one member appointed by the director of 80070  
job and family services representing child care, one member 80071  
appointed by the director of job and family services representing 80072  
child welfare, and the state fire marshal shall serve as nonvoting 80073  
members of the council. 80074

Six members shall be representatives of child care centers 80075  
subject to licensing, the members to represent a variety of 80076  
centers, including nonprofit and proprietary, from different 80077  
geographical areas of the state. At least three members shall be 80078  
parents, guardians, or custodians of children receiving child care 80079  
or publicly funded child care in the child's own home, a center, a 80080  
type A home, a head start program, a licensed type B home, or a 80081  
~~type B home~~ an approved day camp at the time of appointment. Three 80082

members shall be representatives of in-home aides, type A homes, 80083  
~~or licensed type B homes, or type B homes or head start programs.~~ 80084  
One member shall be a representative of approved child day camps. 80085  
One member shall be a representative of head start programs. At 80086  
least six members shall represent county departments of job and 80087  
family services. At least one member from a county department of 80088  
job and family services or county children services board shall 80089  
represent public children services agencies. The remaining members 80090  
shall be representatives of the teaching, child development, and 80091  
health professions, and other individuals interested in the 80092  
welfare of children. At least six members of the council shall not 80093  
be employees or licensees of a child day-care center, head start 80094  
program, or type A home, or providers operating a licensed type B 80095  
home ~~or type B home~~ approved child day camp, or in-home aides. 80096

Appointments shall be for three-year terms. Vacancies shall 80097  
be filled for the unexpired terms. A member of the council is 80098  
subject to removal by the director of job and family services for 80099  
a willful and flagrant exercise of authority or power that is not 80100  
authorized by law, for a refusal or willful neglect to perform any 80101  
official duty as a member of the council imposed by law, or for 80102  
being guilty of misfeasance, malfeasance, nonfeasance, or gross 80103  
neglect of duty as a member of the council. 80104

There shall be two co-chairpersons of the council. One 80105  
co-chairperson shall be the director of job and family services or 80106  
the director's designee, and one co-chairperson shall be elected 80107  
by the members of the council. The council shall meet as often as 80108  
is necessary to perform its duties, provided that it shall meet at 80109  
least once in each quarter of each calendar year and at the call 80110  
of the co-chairpersons. The co-chairpersons or their designee 80111  
shall send to each member a written notice of the date, time, and 80112  
place of each meeting. 80113

Members of the council shall serve without compensation, but 80114

shall be reimbursed for necessary expenses. 80115

(B) The child care advisory council shall advise the director 80116  
on matters affecting the licensing of centers, type A homes, and 80117  
type B homes ~~and~~; the certification of in-home aides; the approval 80118  
of child day camps; publicly funded child care; and the step up to 80119  
quality program established under section 5104.29 of the Revised 80120  
Code. The council shall make an annual report to the director of 80121  
job and family services that addresses the availability, 80122  
affordability, accessibility, and quality of child care and that 80123  
summarizes the recommendations and plans of action that the 80124  
council has ~~proposed~~ taken to the director during the preceding 80125  
fiscal year. The director of job and family services shall provide 80126  
copies of the report to the governor, speaker and minority leader 80127  
of the house of representatives, and the president and minority 80128  
leader of the senate and, on request, shall make copies available 80129  
to the public. 80130

(C) The director of job and family services shall adopt rules 80131  
in accordance with Chapter 119. of the Revised Code to implement 80132  
this section. 80133

**Sec. 5104.30.** (A) The department of job and family services 80134  
is hereby designated as the state agency responsible for 80135  
administration and coordination of federal and state funding for 80136  
publicly funded child care in this state. Publicly funded child 80137  
care shall be provided to the following: 80138

(1) Recipients of transitional child care as provided under 80139  
section 5104.34 of the Revised Code; 80140

(2) Participants in the Ohio works first program established 80141  
under Chapter 5107. of the Revised Code; 80142

(3) Individuals who would be participating in the Ohio works 80143  
first program if not for a sanction under section 5107.16 of the 80144

Revised Code and who continue to participate in a work activity, 80145  
developmental activity, or alternative work activity pursuant to 80146  
an assignment under section 5107.42 of the Revised Code; 80147

(4) A family receiving publicly funded child care on October 80148  
1, 1997, until the family's income reaches one hundred fifty per 80149  
cent of the federal poverty line; 80150

(5) Subject to available funds, other individuals determined 80151  
eligible in accordance with rules adopted under section 5104.38 of 80152  
the Revised Code. 80153

The department shall apply to the United States department of 80154  
health and human services for authority to operate a coordinated 80155  
program for publicly funded child care, if the director of job and 80156  
family services determines that the application is necessary. For 80157  
purposes of this section, the department of job and family 80158  
services may enter into agreements with other state agencies that 80159  
are involved in regulation or funding of child care. The 80160  
department shall consider the special needs of migrant workers 80161  
when it administers and coordinates publicly funded child care and 80162  
shall develop appropriate procedures for accommodating the needs 80163  
of migrant workers for publicly funded child care. 80164

(B) The department of job and family services shall 80165  
distribute state and federal funds for publicly funded child care, 80166  
including appropriations of state funds for publicly funded child 80167  
care and appropriations of federal funds available under the child 80168  
care block grant act, Title IV-A, and Title XX. The department may 80169  
use any state funds appropriated for publicly funded child care as 80170  
the state share required to match any federal funds appropriated 80171  
for publicly funded child care. 80172

(C) In the use of federal funds available under the child 80173  
care block grant act, all of the following apply: 80174

(1) The department may use the federal funds to hire staff to 80175

prepare any rules required under this chapter and to administer 80176  
and coordinate federal and state funding for publicly funded child 80177  
care. 80178

(2) Not more than five per cent of the aggregate amount of 80179  
the federal funds received for a fiscal year may be expended for 80180  
administrative costs. 80181

(3) The department shall allocate and use at least four per 80182  
cent of the federal funds for the following: 80183

(a) Activities designed to provide comprehensive consumer 80184  
education to parents and the public; 80185

(b) Activities that increase parental choice; 80186

(c) Activities, including child care resource and referral 80187  
services, designed to improve the quality, and increase the 80188  
supply, of child care; 80189

(d) Establishing the step up to quality program pursuant to 80190  
section 5104.29 of the Revised Code. 80191

(4) The department shall ensure that the federal funds will 80192  
be used only to supplement, and will not be used to supplant, 80193  
federal, state, and local funds available on the effective date of 80194  
the child care block grant act for publicly funded child care and 80195  
related programs. If authorized by rules adopted by the department 80196  
pursuant to section 5104.42 of the Revised Code, county 80197  
departments of job and family services may purchase child care 80198  
from funds obtained through any other means. 80199

(D) The department shall encourage the development of 80200  
suitable child care throughout the state, especially in areas with 80201  
high concentrations of recipients of public assistance and 80202  
families with low incomes. The department shall encourage the 80203  
development of suitable child care designed to accommodate the 80204  
special needs of migrant workers. On request, the department, 80205

through its employees or contracts with state or community child care resource and referral service organizations, shall provide consultation to groups and individuals interested in developing child care. The department of job and family services may enter into interagency agreements with the department of education, the chancellor of higher education, the department of development, and other state agencies and entities whenever the cooperative efforts of the other state agencies and entities are necessary for the department of job and family services to fulfill its duties and responsibilities under this chapter.

The department shall develop and maintain a registry of persons providing child care. The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures and requirements for the registry's administration.

(E)(1) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing both of the following:

(a) Reimbursement rates for providers of publicly funded child care not later than the first day of July in each odd-numbered year;

(b) A procedure for reimbursing and paying providers of publicly funded child care.

(2) In establishing reimbursement rates under division (E)(1)(a) of this section, the director shall do all of the following:

(a) Use the information obtained from the market rate survey or alternative methodology developed and conducted in accordance with 45 C.F.R. 98.45;

(b) Establish an enhanced reimbursement rate for providers who provide child care for caretaker parents who work nontraditional hours;

(c) With regard to the step up to quality program established pursuant to section 5104.29 of the Revised Code, establish enhanced reimbursement rates for child day-care providers that participate in the program.

(3) In establishing reimbursement rates under division (E)(1)(a) of this section, the director may establish different reimbursement rates based on any of the following:

- (a) Geographic location of the provider;
- (b) Type of care provided;
- (c) Age of the child served;
- (d) Special needs of the child served;
- (e) Whether the expanded hours of service are provided;
- (f) Whether weekend service is provided;
- (g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;
- (h) Any other factors the director considers appropriate.

Sec. 5104.302. (A) In addition to establishing reimbursement rates for publicly funded child care providers in each odd-numbered year, as required by section 5104.30 of the Revised Code, the director of job and family services shall contract with a third-party entity to analyze for the subsequent even-numbered year information regarding the prices charged for child care.

(B) Based on the information analyzed by the third-party entity, the director may adjust for the even-numbered year the reimbursement rates established for the previous odd-numbered year. To make such an adjustment, the director shall adopt rules in accordance with Chapter 119. of the Revised Code.

(C) When analyzing information regarding the prices charged for child care for an even-numbered year, a third-party entity

under contract with the director may consider the most recent 80266  
market rate survey or alternative methodology conducted as 80267  
described in division (E) of section 5104.30 of the Revised Code. 80268

**Sec. 5107.02.** As used in this chapter: 80269

(A) "Adult" means an individual who is not a minor child. 80270

(B) "Assistance group" means a group of individuals treated 80271  
as a unit for purposes of determining eligibility for and the 80272  
amount of assistance provided under Ohio works first. 80273

(C) "Custodian" means an individual who has legal custody, as 80274  
defined in section 2151.011 of the Revised Code, of a minor child 80275  
or comparable status over a minor child created by a court of 80276  
competent jurisdiction in another state. 80277

(D) "Domestic violence" means being subjected to any of the 80278  
following: 80279

(1) Physical acts that resulted in, or threatened to result 80280  
in, physical injury to the individual; 80281

(2) Sexual abuse; 80282

(3) Sexual activity involving a dependent child; 80283

(4) Being forced as the caretaker relative of a dependent 80284  
child to engage in nonconsensual sexual acts or activities; 80285

(5) Threats of, or attempts at, physical or sexual abuse; 80286

(6) Mental abuse; 80287

(7) Neglect or deprivation of medical care. 80288

(E) "Guardian" means an individual that is granted authority 80289  
by a probate court pursuant to Chapter 2111. of the Revised Code, 80290  
or a court of competent jurisdiction in another state, to exercise 80291  
parental rights over a minor child to the extent provided in the 80292  
court's order and subject to residual parental rights of the minor 80293

child's parents.	80294
(F) "LEAP program" means the learning, earning, and parenting program conducted under section 5107.30 of the Revised Code.	80295 80296
(G) "Minor child" means either of the following:	80297
(1) An individual who has not attained age eighteen;	80298
(2) An individual who has not attained age nineteen and is a full-time student in a secondary school or in the equivalent level of vocational or technical training.	80299 80300 80301
(H) "Minor head of household" means a minor child who is either of the following:	80302 80303
(1) Is married, <del>at least six months</del> pregnant, and a member of an assistance group that does not include an adult;	80304 80305
(2) Is married and is a parent of a child included in the same assistance group that does not include an adult.	80306 80307
(I) "Ohio works first" means the program established by this chapter known as temporary assistance for needy families in Title IV-A.	80308 80309 80310
(J) "Payment standard" means the amount specified in rules adopted under section 5107.05 of the Revised Code that is the maximum amount of cash assistance an assistance group may receive under Ohio works first from state and federal funds.	80311 80312 80313 80314
(K) "Specified relative" means the following individuals who are age eighteen or older:	80315 80316
(1) The following individuals related by blood or adoption:	80317
(a) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";	80318 80319
(b) Siblings;	80320
(c) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or	80321 80322

"great-grand";	80323
(d) First cousins and first cousins once removed.	80324
(2) Stepparents and stepsiblings;	80325
(3) Spouses and former spouses of individuals named in division (K)(1) or (2) of this section.	80326 80327
(L) "Title IV-A" or "Title IV-D" means Title IV-A or Title IV-D of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.	80328 80329 80330
<b>Sec. 5107.10.</b> (A) As used in this section:	80331
(1) "Countable income," "gross earned income," and "gross unearned income" have the meanings established in rules adopted under section 5107.05 of the Revised Code.	80332 80333 80334
(2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code, except that references to a person's family in the definition shall be deemed to be references to the person's assistance group.	80335 80336 80337 80338
(3) "Gross income" means gross earned income and gross unearned income.	80339 80340
(4) "Strike" means continuous concerted action in failing to report to duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Strike" does not include a stoppage of work by employees in good faith because of dangerous or unhealthful working conditions at the place of employment that are abnormal to the place of employment.	80341 80342 80343 80344 80345 80346 80347 80348 80349
(B) Under the Ohio works first program, an assistance group shall receive, except as otherwise provided by this chapter,	80350 80351

time-limited cash assistance. In the case of an assistance group 80352  
that includes a minor head of household or adult, assistance shall 80353  
be provided in accordance with the self-sufficiency contract 80354  
entered into under section 5107.14 of the Revised Code. 80355

(C)(1) To be eligible to participate in Ohio works first, an 80356  
assistance group must meet all of the following requirements: 80357

(a) The assistance group, except as provided in division (E) 80358  
of this section, must include at least one of the following: 80359

(i) A minor child who, except as provided in section 5107.24 80360  
of the Revised Code, resides with a parent, or specified relative 80361  
caring for the child, or, to the extent permitted by Title IV-A 80362  
and federal regulations adopted until Title IV-A, resides with a 80363  
guardian or custodian caring for the child; 80364

(ii) A parent residing with and caring for the parent's minor 80365  
child who receives supplemental security income under Title XVI of 80366  
the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, 80367  
as amended, or federal, state, or local adoption assistance; 80368

(iii) A specified relative residing with and caring for a 80369  
minor child who is related to the specified relative in a manner 80370  
that makes the specified relative a specified relative and 80371  
receives supplemental security income or federal, state, or local 80372  
foster care assistance, kinship guardianship assistance, kinship 80373  
support program payments, or adoption assistance; 80374

(iv) A pregnant woman ~~at least six months pregnant~~. 80375

(b) The assistance group must meet the income requirements 80376  
established by division (D) of this section. 80377

(c) No member of the assistance group may be involved in a 80378  
strike. 80379

(d) The assistance group must satisfy the requirements for 80380  
Ohio works first established by this chapter and section 5101.83 80381

of the Revised Code. 80382

(e) The assistance group must meet requirements for Ohio 80383  
works first established by rules adopted under section 5107.05 of 80384  
the Revised Code. 80385

(2) In addition to meeting the requirements specified in 80386  
division (C)(1) of this section, a member of an assistance group 80387  
who is required by section 5116.10 of the Revised Code to 80388  
participate in the comprehensive case management and employment 80389  
program must participate in that program to be eligible to 80390  
participate in Ohio works first. 80391

(D)(1) Except as provided in division (D)(4) of this section, 80392  
to determine whether an assistance group is initially eligible to 80393  
participate in Ohio works first, a county department of job and 80394  
family services shall do the following: 80395

(a) Determine whether the assistance group's gross income 80396  
exceeds fifty per cent of the federal poverty guidelines. In 80397  
making this determination, the county department shall disregard 80398  
amounts that federal statutes or regulations and sections 5101.17 80399  
and 5117.10 of the Revised Code require be disregarded. The 80400  
assistance group is ineligible to participate in Ohio works first 80401  
if the assistance group's gross income, less the amounts 80402  
disregarded, exceeds fifty per cent of the federal poverty 80403  
guidelines. 80404

(b) If the assistance group's gross income, less the amounts 80405  
disregarded pursuant to division (D)(1)(a) of this section, does 80406  
not exceed fifty per cent of the federal poverty guidelines, 80407  
determine whether the assistance group's countable income is less 80408  
than the payment standard. The assistance group is ineligible to 80409  
participate in Ohio works first if the assistance group's 80410  
countable income equals or exceeds the payment standard. 80411

(2) For the purpose of determining whether an assistance 80412

group meets the income requirement established by division 80413  
(D)(1)(a) of this section, the annual revision that the United 80414  
States department of health and human services makes to the 80415  
federal poverty guidelines shall go into effect on the first day 80416  
of July of the year for which the revision is made. 80417

(3) To determine whether an assistance group participating in 80418  
Ohio works first continues to be eligible to participate, a county 80419  
department of job and family services shall determine whether the 80420  
assistance group's countable income continues to be less than the 80421  
payment standard. In making this determination, the county 80422  
department shall disregard an amount specified in rules adopted 80423  
under section 5107.05 of the Revised Code and fifty per cent of 80424  
the remainder of the assistance group's gross earned income. No 80425  
amounts shall be disregarded from the assistance group's gross 80426  
unearned income. The assistance group ceases to be eligible to 80427  
participate in Ohio works first if its countable income, less the 80428  
amounts disregarded, equals or exceeds the payment standard. 80429

(4) If an assistance group reapplies to participate in Ohio 80430  
works first not more than four months after ceasing to 80431  
participate, a county department of job and family services shall 80432  
use the income requirement established by division (D)(3) of this 80433  
section to determine eligibility for resumed participation rather 80434  
than the income requirement established by division (D)(1) of this 80435  
section. 80436

(E)(1) An assistance group may continue to participate in 80437  
Ohio works first even though a public children services agency 80438  
removes the assistance group's minor children from the assistance 80439  
group's home due to abuse, neglect, or dependency if the agency 80440  
does both of the following: 80441

(a) Notifies the county department of job and family services 80442  
at the time the agency removes the children that it believes the 80443  
children will be able to return to the assistance group within six 80444

months; 80445

(b) Informs the county department at the end of each of the 80446  
first five months after the agency removes the children that the 80447  
parent, guardian, custodian, or specified relative of the children 80448  
is cooperating with the case plans prepared for the children under 80449  
section 2151.412 of the Revised Code and that the agency is making 80450  
reasonable efforts to return the children to the assistance group. 80451

(2) An assistance group may continue to participate in Ohio 80452  
works first pursuant to division (E)(1) of this section for not 80453  
more than six payment months. This division does not affect the 80454  
eligibility of an assistance group that includes a pregnant woman 80455  
~~at least six months pregnant.~~ 80456

**Sec. 5107.36.** An individual is ineligible for assistance 80457  
under Ohio works first if either of the following apply: 80458

(A) The individual is a ~~fugitive~~ fleeing felon as defined in 80459  
section ~~5101.20~~ 5101.26 of the Revised Code; 80460

(B) The individual is violating a condition of probation, a 80461  
community control sanction, ~~parole~~, or a post-release control 80462  
sanction imposed under federal or state law. 80463

**Sec. 5107.54.** (A) There is hereby established, as a work 80464  
activity under Ohio works first, the work experience program. A 80465  
participant of Ohio works first placed in the program shall 80466  
receive work experience from private and government entities. 80467

Participants of Ohio works first assigned to the work 80468  
experience program are not employees of the department of job and 80469  
family services or a county department of job and family services. 80470  
The operation of the work experience program does not constitute 80471  
the operation of an employment agency by the department of job and 80472  
family services or a county department of job and family services. 80473

(B) County departments of job and family services shall 80474  
develop work projects to which participants of Ohio works first 80475  
are assigned under the work experience program. Work projects may 80476  
include assignments with private and government entities. Examples 80477  
of work projects a county department may develop include unpaid 80478  
internships, refurbishing publicly assisted housing, and having a 80479  
participant volunteer to work at the head start agency in which 80480  
the participant's minor child is enrolled. Each county department 80481  
shall make a list of the work projects available to the public. 80482

(C) Unless a county department of job and family services 80483  
pays the premiums for the entity, a private or government entity 80484  
with which a participant of Ohio works first is placed in and 80485  
participates in the work experience program shall pay premiums to 80486  
the bureau of workers' compensation on account of the participant. 80487

**Sec. 5107.58.** In accordance with a federal waiver granted by 80488  
the United States secretary of health and human services pursuant 80489  
to a request made under former section 5101.09 of the Revised 80490  
Code, county departments of job and family services may establish 80491  
and administer as a work activity for minor heads of households 80492  
and adults participating in Ohio works first an education program 80493  
under which the participant is enrolled full-time in 80494  
post-secondary education leading to vocation at a state 80495  
institution of higher education, as defined in section 3345.031 of 80496  
the Revised Code; a private nonprofit college or university that 80497  
possesses a certificate of authorization issued ~~by the Ohio board~~ 80498  
~~of regents~~ pursuant to Chapter 1713. of the Revised Code, or is 80499  
exempted by division (E) of section 1713.02 of the Revised Code 80500  
from the requirement of a certificate; a school that holds a 80501  
certificate of registration and program authorization issued by 80502  
the state board of career colleges and schools under Chapter 3332. 80503  
of the Revised Code; a private institution exempt from regulation 80504  
under Chapter 3332. of the Revised Code as prescribed in section 80505

3333.046 of the Revised Code; or a school that has entered into a contract with the county department of job and family services. The participant shall make reasonable efforts, as determined by the county department, to obtain a loan, scholarship, grant, or other assistance to pay for the tuition, including a federal Pell grant under 20 U.S.C.A. 1070a, ~~an Ohio instructional grant under section 3333.12 of the Revised Code,~~ and an Ohio college opportunity grant under section 3333.122 of the Revised Code. If the participant has made reasonable efforts but is unable to obtain sufficient assistance to pay the tuition the program may pay the tuition. On or after October 1, 1998, the county department may enter into a loan agreement with the participant to pay the tuition. The total period for which tuition is paid and loans made shall not exceed two years. If the participant, pursuant to division (B)(3) of section 5107.43 of the Revised Code, volunteers to participate in the education program for more hours each week than the participant is assigned to the program, the program may pay or the county department may loan the cost of the tuition for the additional voluntary hours as well as the cost of the tuition for the assigned number of hours. The participant may receive, for not more than three years, support services, including publicly funded child care under Chapter 5104. of the Revised Code and transportation, that the participant needs to participate in the program. To receive support services in the third year, the participant must be, as determined by the educational institution in which the participant is enrolled, in good standing with the institution.

A county department that provides loans under this section shall establish procedures governing loan application for and approval and administration of loans granted pursuant to this section.

**Sec. 5119.01.** (A) As used in this chapter:

(1) "Addiction" means the chronic and habitual use of alcoholic beverages, the use of a drug of abuse as defined in section 3719.011 of the Revised Code, or the use of gambling by an individual to the extent that the individual no longer can control the individual's use of alcohol, the individual becomes physically or psychologically dependent on the drug, the individual's use of alcohol or drugs endangers the health, safety, or welfare of the individual or others, or the individual's gambling causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.

(2) "Addiction services" means services, including intervention, for the treatment of persons with alcohol, drug, or gambling addictions, and for the prevention of such addictions.

(3) "Alcohol and drug addiction services" means services, including intervention, for the treatment of persons with ~~alcoholism~~ alcohol use disorder or persons who abuse drugs of abuse and for the prevention of ~~alcoholism~~ alcohol use disorder and drug addiction.

(4) ~~"Alcoholism"~~ "Alcohol use disorder" means ~~the chronic and habitual use of alcoholic beverages by an individual to the extent that the individual no longer can~~ a medical condition characterized by an individual's impaired ability to stop or control the individual's use of alcohol or endangers the use despite adverse social, occupational, or health, safety, or welfare of the individual or others consequences. An alcohol use disorder may be classified as mild, moderate, or severe.

(5) "Certifiable services and supports" means all of the following:

(a) Alcohol and drug addiction services;

(b) Mental health services;

(c) The types of recovery supports that are specified in 80569  
rules adopted under section 5119.36 of the Revised Code as 80570  
requiring certification under that section. 80571

(6) "Community addiction services provider" means an agency, 80572  
association, corporation or other legal entity, individual, or 80573  
program that provides one or more of the following: 80574

(a) Alcohol and drug addiction services that are certified by 80575  
the director of mental health and addiction services under section 80576  
5119.36 of the Revised Code; 80577

(b) Gambling addiction services; 80578

(c) Recovery supports that are related to alcohol and drug 80579  
addiction services or gambling addiction services and paid for 80580  
with federal, state, or local funds administered by the department 80581  
of mental health and addiction services or a board of alcohol, 80582  
drug addiction, and mental health services. 80583

(7) "Community mental health services provider" means an 80584  
agency, association, corporation, individual, or program that 80585  
provides either of the following: 80586

(a) Mental health services that are certified by the director 80587  
of mental health and addiction services under section 5119.36 of 80588  
the Revised Code; 80589

(b) Recovery supports that are related to mental health 80590  
services and paid for with federal, state, or local funds 80591  
administered by the department of mental health and addiction 80592  
services or a board of alcohol, drug addiction, and mental health 80593  
services. 80594

(8) "Drug addiction" means the use of a drug of abuse, as 80595  
defined in section 3719.011 of the Revised Code, by an individual 80596  
to the extent that the individual becomes physically or 80597  
psychologically dependent on the drug or endangers the health, 80598

safety, or welfare of the individual or others. 80599

(9) "Gambling addiction" means the use of gambling by an 80600  
individual to the extent that it causes psychological, financial, 80601  
emotional, marital, legal, or other difficulties endangering the 80602  
health, safety, or welfare of the individual or others. 80603

(10) "Gambling addiction services" means services for the 80604  
treatment of persons who have a gambling addiction and for the 80605  
prevention of gambling addiction. 80606

(11) "Hospital" means a hospital or inpatient unit licensed 80607  
by the department of mental health and addiction services under 80608  
section 5119.33 of the Revised Code, and any institution, 80609  
hospital, or other place established, controlled, or supervised by 80610  
the department under ~~Chapter 5119. of the Revised Code~~ this 80611  
chapter. 80612

(12) "Included opioid and co-occurring drug addiction 80613  
services and recovery supports" means the addiction services and 80614  
recovery supports that, pursuant to section 340.033 of the Revised 80615  
Code, are included in the array of services and recovery supports 80616  
for all levels of opioid and co-occurring drug addiction required 80617  
to be included in the community-based continuum of care 80618  
established under section 340.032 of the Revised Code. 80619

(13) "Medication-assisted treatment" has the same meaning as 80620  
in section 340.01 of the Revised Code. 80621

(14) "Mental illness" means a substantial disorder of 80622  
thought, mood, perception, orientation, or memory that grossly 80623  
impairs judgment, behavior, capacity to recognize reality, or 80624  
ability to meet the ordinary demands of life. 80625

(15) "Mental health services" means services for the 80626  
assessment, care, or treatment of persons who have a mental 80627  
illness and for the prevention of mental illness. 80628

(16) "Opioid treatment program" has the same meaning as in 42 C.F.R. 8.2. 80629  
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(17) "Recovery housing residence" means a residence for individuals recovering from alcohol use disorder or drug addiction that provides an alcohol and drug-free living environment, peer support, assistance with obtaining alcohol and drug addiction services, and other recovery assistance for alcohol use disorder and drug addiction. 80631  
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(18) "Recovery supports" means assistance that is intended to help an individual with ~~alcoholism~~ alcohol use disorder, drug addiction, or mental illness, or a member of such an individual's family, initiate and sustain the individual's recovery from ~~alcoholism~~ alcohol use disorder, drug addiction, or mental illness. "Recovery supports" does not mean alcohol and drug addiction services or mental health services. 80637  
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~~(18)(a) "Residence"~~ (19)(a) "Residence," except when referring to a recovery housing residence or the meaning of "residence" in section 5119.90 of the Revised Code, means a person's physical presence in a county with intent to remain there, except in either of the following circumstances: 80644  
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(i) If a person is receiving a mental health treatment service at a facility that includes nighttime sleeping accommodations, "residence" means that county in which the person maintained the person's primary place of residence at the time the person entered the facility; 80649  
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(ii) If a person is committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, "residence" means the county where the criminal charges were filed. 80654  
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(b) When the residence of a person is disputed, the matter of residence shall be referred to the department of mental health and 80658  
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addiction services for investigation and determination. Residence 80660  
shall not be a basis for a board of alcohol, drug addiction, and 80661  
mental health services to deny services to any person present in 80662  
the board's service district, and the board shall provide services 80663  
for a person whose residence is in dispute while residence is 80664  
being determined and for a person in an emergency situation. 80665

(B) Any reference in this chapter to a board of alcohol, drug 80666  
addiction, and mental health services also refers to an alcohol 80667  
and drug addiction services board or a community mental health 80668  
board in a service district in which an alcohol and drug addiction 80669  
services board or a community mental health board has been 80670  
established under section 340.021 or former section 340.02 of the 80671  
Revised Code. 80672

**Sec. 5119.19.** ~~(A)(1)~~(A) As used in this section: 80673

~~(a)(1)~~ "Community-based correctional facility" has the same 80674  
meaning as in section 2929.01 of the Revised Code. 80675

(2) "Drug used in medication-assisted treatment" means a drug 80676  
approved by the United States food and drug administration for use 80677  
in medication-assisted treatment, regardless of the method the 80678  
drug is administered or the form in which it is dispensed, 80679  
including an oral drug, an injectable drug, or a long-acting or 80680  
extended-release drug. "Drug used in medication-assisted 80681  
treatment" includes all of the following: 80682

(a) A full agonist; 80683

(b) A partial agonist; 80684

(c) An antagonist. 80685

(3) "Drug used in withdrawal management or detoxification" 80686  
means a drug approved by the United States food and drug 80687  
administration for use in, or a drug in standard use for, 80688  
mitigating opioid or alcohol withdrawal symptoms or assisting with 80689

detoxification, regardless of the method the drug is administered 80690  
or the form in which it is dispensed, including an oral drug, an 80691  
injectable drug, or a long-acting or extended-release drug. "Drug 80692  
used in withdrawal management or detoxification" includes all of 80693  
the following: 80694

(a) A full agonist; 80695

(b) A partial agonist; 80696

(c) An antagonist; 80697

(d) An alpha-2 adrenergic agonist. 80698

(4) "Medication-assisted treatment" has the same meaning as 80699  
in section 340.01 of the Revised Code. 80700

(5) "Prescribed drug" has the same meaning as in section 80701  
5164.01 of the Revised Code. 80702

~~(b)~~(6)(a) "Psychotropic drug" means, except as provided in 80703  
division ~~(A)(2)~~(A)(6)(b) of this section, a drug that has the 80704  
capability of changing or controlling mental functioning or 80705  
behavior through direct pharmacological action. "Psychotropic 80706  
drug" includes all of the following: 80707

(i) Antipsychotic medications, including those administered 80708  
or dispensed in a long-acting injectable form; 80709

(ii) Antidepressant medications; 80710

(iii) Anti-anxiety medications; 80711

(iv) Mood stabilizing medications. 80712

~~(2)~~(b) "Psychotropic drug" excludes a stimulant prescribed 80713  
for the treatment of attention deficit hyperactivity disorder. 80714

(7) "Withdrawal management or detoxification" means a set of 80715  
medical interventions aimed at managing the acute physical 80716  
symptoms of intoxication and withdrawal. Withdrawal management 80717  
seeks to minimize the physical harm caused by the intoxication and 80718

withdrawal from a substance of abuse. Detoxification denotes a 80719  
clearing of toxins from the body of the patient who is acutely 80720  
intoxicated, dependent on a substance of abuse, or both. 80721

(B) There is hereby created the ~~psychotropic~~ behavioral 80722  
health drug reimbursement program. The program shall be 80723  
administered by the department of mental health and addiction 80724  
services. 80725

The purpose of the program is to provide state reimbursement 80726  
to counties for the cost of ~~psychotropic~~ the following drugs that 80727  
are administered or dispensed to inmates of county jails in this 80728  
state and individuals confined in community-based correctional 80729  
facilities in this state: psychotropic drugs, drugs used in 80730  
medication-assisted treatment, and drugs used in withdrawal 80731  
management or detoxification. ~~Each~~ 80732

Each county shall ensure that inmates of county jails and 80733  
individuals confined in community-based correctional facilities 80734  
have access to all ~~psychotropic~~ behavioral health drugs specified 80735  
in this division that are prescribed drugs covered by the 80736  
fee-for-service component of the medicaid program. 80737

(C) The department, based on factors it considers 80738  
appropriate, shall allocate an amount to each county for 80739  
reimbursement of ~~such psychotropic~~ drug costs incurred by the 80740  
county pursuant to this section. 80741

~~(C)~~(D) The director of mental health and addiction services 80742  
may adopt rules as necessary to implement this section. The rules, 80743  
if adopted, shall be adopted in accordance with Chapter 119. of 80744  
the Revised Code. 80745

**Sec. 5119.33.** ~~(A)(1)~~(A) The department of mental health and 80746  
addiction services shall inspect and license all hospitals that 80747  
receive mentally ill persons, except those hospitals managed by 80748

the department. No hospital may receive for care or treatment, 80749  
either at public or private expense, any person who is or appears 80750  
to be mentally ill, whether or not so adjudicated, unless the 80751  
hospital has received a license from the department authorizing it 80752  
to receive for care or treatment persons who are mentally ill or 80753  
the hospital is managed by the department. 80754

~~(2) No such~~ (B) A license described in division (A) of this 80755  
section shall not be granted to a hospital for the treatment of 80756  
mentally ill persons unless the both of the following are the 80757  
case: 80758

(1) The department is satisfied, after investigation, that 80759  
the hospital is managed and operated by qualified persons, is 80760  
adequately staffed and equipped to operate, and has on its staff 80761  
one or more qualified physicians responsible for the medical care 80762  
of the patients confined there. At least one such physician shall 80763  
be a psychiatrist. 80764

(2) The department is satisfied, after reviewing records and 80765  
information it requires as specified in rules adopted under 80766  
division (C) of this section, that the hospital and all owners, 80767  
sponsors, medical directors, administrators, and principals of the 80768  
hospital have been in good standing to operate a hospital for the 80769  
care and treatment of mentally ill persons, or a similar hospital, 80770  
in all other locations where the hospital or such other person has 80771  
been operating a similar hospital, during the three-year period 80772  
immediately preceding the date of application. 80773

~~(B)~~ (C) The department shall adopt rules under Chapter 119. of 80774  
the Revised Code prescribing minimum standards for the operation 80775  
of hospitals for the care and treatment of mentally ill persons 80776  
and; specifying the records and information that must be submitted 80777  
to demonstrate good standing for purposes of division (B) of this 80778  
section; and establishing standards and procedures for the 80779  
issuance, renewal, or revocation of full, probationary, and 80780

interim licenses. No license shall be granted to any hospital 80781  
established or used for the care of mentally ill persons unless 80782  
such hospital is operating in accordance with this section and 80783  
rules adopted pursuant to this section. A full license shall 80784  
expire one year after the date of issuance, a probationary license 80785  
shall expire at the time prescribed by rule adopted pursuant to 80786  
Chapter 119. of the Revised Code by the director of mental health 80787  
and addiction services, and an interim license shall expire ninety 80788  
days after the date of issuance. A full, probationary, or interim 80789  
license may be renewed, except that an interim license may be 80790  
renewed only twice. The department may fix reasonable fees for 80791  
licenses and for license renewals. Such hospitals are subject to 80792  
inspection and on-site review by the department. 80793

~~(C)~~(D) Except as otherwise provided in Chapter 5122. of the 80794  
Revised Code, neither the director of mental health and addiction 80795  
services; an employee of the department; a board of alcohol, drug 80796  
addiction, and mental health services or employee of a community 80797  
mental health services provider; nor any other public official 80798  
shall hospitalize any mentally ill person for care or treatment in 80799  
any hospital that is not licensed in accordance with this section. 80800

~~(D)~~(1)~~(E)~~(1) The department may issue an order suspending the 80801  
admission of patients who are mentally ill to a hospital for care 80802  
or treatment if it finds either of the following: 80803

(a) The hospital is not in compliance with rules adopted by 80804  
the director pursuant to this section. 80805

(b) The hospital has been cited for more than one violation 80806  
of statutes or rules during any previous period of time during 80807  
which the hospital is licensed pursuant to this section. 80808

(2)(a) Except as provided in division ~~(D)~~(2)~~(b)~~(E)(2)(b) of 80809  
this section, proceedings initiated to suspend the admission of 80810  
patients are governed by Chapter 119. of the Revised Code. 80811

(b) If a suspension of admissions is proposed because the director has determined that the licensee has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of patients, the director may issue an order imposing the suspension of admissions before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift the order for the suspension of admissions if the director determines that the violation that formed the basis for the order has been corrected.

(3) Appeals from proceedings initiated to order the suspension of admissions shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply:

(a) The licensee may request a hearing not later than ten days after ~~receiving the notice specified being served in section~~ accordance with sections 119.05 and 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request.

(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director.

(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations with the department not later than ten days after the last of the following:

(i) The close of the hearing;

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript;

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs. 80843  
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(e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the licensee, or the licensee's attorney, if applicable, not later than five days after the report is filed with the department. 80845  
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(f) Not later than five days after receiving the report and recommendations, the licensee may file objections with the department. 80849  
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(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations. 80852  
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(h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions if the department determines the violation that formed the basis for the order has been corrected. 80856  
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~~(E)(1)~~(F)(1) Any license issued by the department under this section may be revoked or not renewed by the department for any of the following reasons: 80860  
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(a) The hospital is no longer a suitable place for the care or treatment of mentally ill persons. 80863  
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(b) The hospital refuses to be subject to inspection or on-site review by the department. 80865  
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(c) The hospital has failed to furnish humane, kind, and adequate treatment and care. 80867  
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(d) The hospital fails to comply with the licensure rules of the department. 80869  
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(2) Proceedings initiated to deny applications for full or probationary licenses, to refuse to renew full or probationary 80871  
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licenses, or to revoke full or probationary licenses are governed 80873  
by Chapter 119. of the Revised Code. If an order has been issued 80874  
suspending the admission of patients, the order remains in effect 80875  
during the pendency of those proceedings. 80876

~~(F)~~~~(1)~~(G)(1) In a proceeding initiated to suspend the 80877  
admission of patients, to deny an application for a full or 80878  
probationary license, to refuse to renew a full or probationary 80879  
license, or to revoke a full or probationary license, the 80880  
department may order the suspension, denial, refusal, or 80881  
revocation regardless of whether some or all of the deficiencies 80882  
that prompted the proceedings have been corrected at the time of 80883  
the hearing. 80884

(2) When the department issues an order suspending the 80885  
admission of patients, denies an application for a full or 80886  
probationary license, refuses to renew a full or probationary 80887  
license, or revokes a full or probationary license, the department 80888  
shall not grant an opportunity for submitting a plan of 80889  
correction. 80890

~~(G)~~(H) The department may inspect, conduct an on-site review, 80891  
and review the records of any hospital that the department has 80892  
reason to believe is operating without a license. 80893

**Sec. 5119.34.** (A) As used in this section and sections 80894  
5119.341 and 5119.342 of the Revised Code: 80895

(1) "Accommodations" means housing, daily meal preparation, 80896  
laundry, housekeeping, arranging for transportation, social and 80897  
recreational activities, maintenance, security, and other services 80898  
that do not constitute personal care services or skilled nursing 80899  
care. 80900

(2) "ADAMHS board" means a board of alcohol, drug addiction, 80901  
and mental health services. 80902

(3) "Adult" means a person who is eighteen years of age or older, other than a person described in division (A)(4) of this section who is between eighteen and twenty-one years of age. 80903  
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(4) "Child" means a person who is under eighteen years of age or a person with a mental disability who is under twenty-one years of age. 80906  
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(5) "Community mental health services provider" means a community mental health services provider as defined in section 5119.01 of the Revised Code. 80909  
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(6) "Community mental health services" means any mental health services certified by the department pursuant to section 5119.36 of the Revised Code. 80912  
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(7) "Operator" means the person or persons, firm, partnership, agency, governing body, association, corporation, or other entity that is responsible for the administration and management of a residential facility and that is the applicant for a residential facility license. 80915  
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(8) "Personal care services" means services including, but not limited to, the following: 80920  
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(a) Assisting residents with activities of daily living; 80922

(b) Assisting residents with self-administration of medication in accordance with rules adopted under this section; 80923  
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(c) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under this section. 80925  
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"Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in division (A)(8) of this section to be considered to be providing 80929  
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personal care services.	80933
(9) "Room and board" means the provision of sleeping and living space, meals or meal preparation, laundry services, housekeeping services, or any combination thereof.	80934 80935 80936
(10) "Residential state supplement program" means the program established under section 5119.41 of the Revised Code.	80937 80938
(11) "Supervision" means any of the following:	80939
(a) Observing a resident to ensure the resident's health, safety, and welfare while the resident engages in activities of daily living or other activities;	80940 80941 80942
(b) Reminding a resident to perform or complete an activity, such as reminding a resident to engage in personal hygiene or other self-care activities;	80943 80944 80945
(c) Assisting a resident in making or keeping an appointment.	80946
(12) "Unrelated" means that a resident is not related to the owner or operator of a residential facility or to the owner's or operator's spouse as a parent, grandparent, child, stepchild, grandchild, brother, sister, niece, nephew, aunt, or uncle, or as the child of an aunt or uncle.	80947 80948 80949 80950 80951
(B)(1) A "residential facility" is a publicly or privately operated home or facility that falls into one of the following categories:	80952 80953 80954
(a) Class one facilities provide accommodations, supervision, personal care services, and mental health services for one or more unrelated adults with mental illness or one or more unrelated children or adolescents with severe emotional disturbances;	80955 80956 80957 80958
(b) Class two facilities provide accommodations, supervision, and personal care services to any of the following:	80959 80960
(i) One or two unrelated persons with mental illness;	80961

(ii) One or two unrelated adults who are receiving payments under the residential state supplement program;	80962 80963
(iii) Three to sixteen unrelated adults.	80964
(c) Class three facilities provide room and board for five or more unrelated adults with mental illness.	80965 80966
(2) "Residential facility" does not include any of the following:	80967 80968
(a) A hospital subject to licensure under section 5119.33 of the Revised Code or an institution maintained, operated, managed, and governed by the department of mental health and addiction services for the hospitalization of mentally ill persons pursuant to section 5119.14 of the Revised Code;	80969 80970 80971 80972 80973
(b) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of developmental disabilities;	80974 80975 80976
(c) An institution or association subject to certification under section 5103.03 of the Revised Code;	80977 80978
(d) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;	80979 80980 80981
(e) A nursing home, residential care facility, or home for the aging as defined in section 3721.02 of the Revised Code;	80982 80983
(f) A facility licensed under section 5119.37 of the Revised Code to operate an opioid treatment program;	80984 80985
(g) Any facility that receives funding for operating costs from the department of development under any program established to provide emergency shelter housing or transitional housing for the homeless;	80986 80987 80988 80989
(h) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under	80990 80991

section 3712.07 of the Revised Code; 80992

(i) A facility approved by the veterans administration under 80993  
section 104(a) of the "Veterans Health Care Amendments of 1983," 80994  
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 80995  
the placement and care of veterans; 80996

(j) The residence of a relative or guardian of a person with 80997  
mental illness. 80998

(C) Nothing in division (B) of this section shall be 80999  
construed to permit personal care services to be imposed on a 81000  
resident who is capable of performing the activity in question 81001  
without assistance. 81002

(D) Except in the case of a residential facility described in 81003  
division (B)(1)(a) of this section, members of the staff of a 81004  
residential facility shall not administer medication to the 81005  
facility's residents, but may do any of the following: 81006

(1) Remind a resident when to take medication and watch to 81007  
ensure that the resident follows the directions on the container; 81008

(2) Assist a resident in the self-administration of 81009  
medication by taking the medication from the locked area where it 81010  
is stored, in accordance with rules adopted pursuant to this 81011  
section, and handing it to the resident. If the resident is 81012  
physically unable to open the container, a staff member may open 81013  
the container for the resident. 81014

(3) Assist a physically impaired but mentally alert resident, 81015  
such as a resident with arthritis, cerebral palsy, or Parkinson's 81016  
disease, in removing oral or topical medication from containers 81017  
and in consuming or applying the medication, upon request by or 81018  
with the consent of the resident. If a resident is physically 81019  
unable to place a dose of medicine to the resident's mouth without 81020  
spilling it, a staff member may place the dose in a container and 81021  
place the container to the mouth of the resident. 81022

~~(E)(1) Except as provided in division (E)(2) of this section,~~ 81023  
~~a(E) A person operating or seeking to operate a residential~~ 81024  
facility shall apply for licensure of the facility to the 81025  
department of mental health and addiction services. The 81026  
application shall be submitted by the operator. When applying for 81027  
the license, the applicant shall pay to the department the 81028  
application fee specified in rules adopted under division (N) of 81029  
this section. The fee is nonrefundable. 81030

The department shall send a copy of an application to the 81031  
ADAMHS board serving the county in which the person operates or 81032  
seeks to operate the facility. The ADAMHS board shall review the 81033  
application and provide to the department any information about 81034  
the applicant or the facility that the board would like the 81035  
department to consider in reviewing the application. 81036

~~(2) A person may not apply for a license to operate a~~ 81037  
~~residential facility if the person is or has been the owner,~~ 81038  
~~operator, or manager of a residential facility for which a license~~ 81039  
~~to operate was revoked or for which renewal of a license was~~ 81040  
~~refused for any reason other than nonpayment of the license~~ 81041  
~~renewal fee, unless both of the following conditions are met:~~ 81042

~~(a) A period of not less than two years has elapsed since the~~ 81043  
~~date the director of mental health and addiction services issued~~ 81044  
~~the order revoking or refusing to renew the facility's license.~~ 81045

~~(b) The director's revocation or refusal to renew the license~~ 81046  
~~was not based on an act or omission at the facility that violated~~ 81047  
~~a resident's right to be free from abuse, neglect, or~~ 81048  
~~exploitation.~~ 81049

(F) The department of mental health and addiction services 81050  
shall inspect and license the operation of residential facilities. 81051  
The department shall consider the past record of the facility and 81052  
the applicant or licensee in arriving at its licensure decision 81053

may issue a license to operate a residential facility only if both 81054  
of the following are the case: 81055

(1) The department is satisfied, after investigation, that 81056  
the facility is managed and operated by qualified persons and is 81057  
adequately staffed and equipped to operate. 81058

(2) The department is satisfied, after reviewing records and 81059  
information it requires as specified in rules adopted under 81060  
division (N) of this section, that the facility and all owners and 81061  
operators of the facility have been in good standing in all other 81062  
locations where the facility or such other person has been 81063  
operating a facility, or a similar facility, during the three-year 81064  
period immediately preceding the date of application. 81065

The department may issue full, probationary, and interim 81066  
licenses. A full license shall expire up to three years after the 81067  
date of issuance, a probationary license shall expire in a shorter 81068  
period of time as specified in rules adopted by the director of 81069  
mental health and addiction services under division (N) of this 81070  
section, and an interim license shall expire ninety days after the 81071  
date of issuance. A license may be renewed in accordance with 81072  
rules adopted by the director under division (N) of this section. 81073  
The renewal application shall be submitted by the operator. When 81074  
applying for renewal of a license, the applicant shall pay to the 81075  
department the renewal fee specified in rules adopted under 81076  
division (N) of this section. The fee is nonrefundable. 81077

(G)(1) If the department finds any of the following with 81078  
respect to a residential facility, the department may issue an 81079  
order suspending the admission of residents to the facility, 81080  
refuse to issue or renew a license for the facility, or revoke the 81081  
facility's license: 81082

(a) The facility is not in compliance with rules adopted by 81083  
the director pursuant to division (N) of this section; 81084

(b) Any facility operated by the applicant or licensee has  
been cited for a pattern of serious noncompliance or repeated  
violations of statutes or rules during the period of current or  
previous licenses;

(c) The applicant or licensee submits false or misleading  
information as part of a license application, renewal, or  
investigation.

(2) Proceedings initiated to deny applications for full or  
probationary licenses, to refuse to renew full or probationary  
licenses, or to revoke full or probationary licenses are governed  
by Chapter 119. of the Revised Code. If an order has been issued  
suspending the admission of residents to the facility, the order  
remains in effect during the pendency of those proceedings.

Proceedings initiated to suspend the admission of residents  
to a facility are governed by Chapter 119. of the Revised Code,  
except as provided in division (H) of this section.

(3) In a proceeding initiated to suspend the admission of  
residents to a facility, to deny an application for a full or  
probationary license, to refuse to renew a full or probationary  
license, or to revoke a full or probationary license, the  
department may order the suspension, denial, refusal, or  
revocation regardless of whether some or all of the deficiencies  
that prompted the proceedings have been corrected at the time of  
the hearing.

(4) When the department issues an order suspending the  
admission of residents to a facility, denies an application for a  
full or probationary license, refuses to renew a full or  
probationary license, or revokes a full or probationary license,  
the department shall not grant an opportunity for submitting a  
plan of correction.

(H)(1) If a suspension of admissions of residents to a

facility is proposed because the director has determined that the 81116  
licensee has demonstrated a pattern of serious noncompliance or 81117  
that a violation creates a substantial risk to the health and 81118  
safety of residents, the director may issue an order imposing the 81119  
suspension of admissions before providing an opportunity for an 81120  
adjudication under Chapter 119. of the Revised Code. The director 81121  
shall lift the order for the suspension of admissions if the 81122  
director determines that the violation that formed the basis for 81123  
the order has been corrected. 81124

(2) Appeals from proceedings initiated to order the 81125  
suspension of admissions to a facility shall be conducted in 81126  
accordance with Chapter 119. of the Revised Code, unless the order 81127  
was issued before providing an opportunity for an adjudication, in 81128  
which case all of the following apply: 81129

(a) The licensee may request a hearing not later than ten 81130  
days after ~~receiving the notice specified being served in section~~ 81131  
accordance with sections 119.05 and 119.07 of the Revised Code. 81132

(b) If a timely request for a hearing that includes the 81133  
licensee's current address is made, the hearing shall commence not 81134  
later than thirty days after the department receives the request. 81135

(c) After commencing, the hearing shall continue 81136  
uninterrupted, except for Saturdays, Sundays, and legal holidays, 81137  
unless other interruptions are agreed to by the licensee and the 81138  
director. 81139

(d) If the hearing is conducted by a hearing examiner, the 81140  
hearing examiner shall file a report and recommendations with the 81141  
department not later than ten days after the last of the 81142  
following: 81143

(i) The close of the hearing; 81144

(ii) If a transcript of the proceedings is ordered, the 81145  
hearing examiner receives the transcript; 81146

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs. 81147  
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(e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the licensee, or the licensee's attorney, if applicable, not later than five days after the report is filed with the department. 81149  
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(f) Not later than five days after receiving the report and recommendations, the licensee may file objections with the department. 81153  
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(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations. 81156  
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(h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions if the department determines the violation that formed the basis for the order has been corrected. 81160  
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(I) The department may issue an interim license to operate a residential facility if both of the following conditions are met: 81164  
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(1) The department determines that the closing of or the need to remove residents from another residential facility has created an emergency situation requiring immediate removal of residents and an insufficient number of licensed beds are available. 81166  
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(2) The residential facility applying for an interim license meets standards established for interim licenses in rules adopted by the director under division (N) of this section. 81170  
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An interim license shall be valid for ninety days and may be renewed by the director no more than twice. Proceedings initiated to deny applications for or to revoke interim licenses under this division are not subject to Chapter 119. of the Revised Code. 81173  
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(J)(1) The department of mental health and addiction services	81177
may conduct an inspection of a residential facility as follows:	81178
(a) Prior to issuance of a license for the facility;	81179
(b) Prior to renewal of the license;	81180
(c) To determine whether the facility has completed a plan of	81181
correction required pursuant to division (J)(2) of this section	81182
and corrected deficiencies to the satisfaction of the department	81183
and in compliance with this section and rules adopted pursuant to	81184
it;	81185
(d) Upon complaint by any individual or agency;	81186
(e) At any time the director considers an inspection to be	81187
necessary in order to determine whether the facility is in	81188
compliance with this section and rules adopted pursuant to this	81189
section.	81190
(2) In conducting inspections the department may conduct an	81191
on-site examination and evaluation of the residential facility and	81192
its personnel, activities, and services. The department shall have	81193
access to examine and copy all records, accounts, and any other	81194
documents relating to the operation of the residential facility,	81195
including records pertaining to residents, and shall have access	81196
to the facility in order to conduct interviews with the operator,	81197
staff, and residents. Following each inspection and review, the	81198
department shall complete a report listing any deficiencies, and	81199
including, when appropriate, a time table within which the	81200
operator shall correct the deficiencies. The department may	81201
require the operator to submit a plan of correction describing how	81202
the deficiencies will be corrected.	81203
(K) No person shall do any of the following:	81204
(1) Operate a residential facility unless the facility holds	81205
a valid license;	81206

(2) Violate any of the conditions of licensure after having been granted a license;	81207 81208
(3) Interfere with a state or local official's inspection or investigation of a residential facility;	81209 81210
(4) Violate any of the provisions of this section or any rules adopted pursuant to this section.	81211 81212
(L) The following may enter a residential facility at any time:	81213 81214
(1) Employees designated by the director of mental health and addiction services;	81215 81216
(2) Employees of an ADAMHS board under either of the following circumstances:	81217 81218
(a) When a resident of the facility is receiving services from a community mental health services provider under contract with that ADAMHS board or another ADAMHS board;	81219 81220 81221
(b) When authorized by section 340.05 of the Revised Code.	81222
(3) Employees of a community mental health services provider under either of the following circumstances:	81223 81224
(a) When the provider has a person receiving services residing in the facility;	81225 81226
(b) When the provider is acting as an agent of an ADAMHS board other than the board with which it is under contract.	81227 81228
(4) Representatives of the state long-term care ombudsman program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are receiving payments under the residential state supplement program.	81229 81230 81231 81232 81233
The persons specified in division (L) of this section shall be afforded access to examine and copy all records, accounts, and	81234 81235

any other documents relating to the operation of the residential 81236  
facility, including records pertaining to residents. 81237

(M) Employees of the department of mental health and 81238  
addiction services may enter, for the purpose of investigation, 81239  
any institution, residence, facility, or other structure which has 81240  
been reported to the department as, or that the department has 81241  
reasonable cause to believe is, operating as a residential 81242  
facility without a valid license. 81243

(N) The director shall adopt and may amend and rescind rules 81244  
pursuant to Chapter 119. of the Revised Code governing the 81245  
licensing and operation of residential facilities. The rules shall 81246  
establish all of the following: 81247

(1) Minimum standards for the health, safety, adequacy, and 81248  
cultural competency of treatment of and services for persons in 81249  
residential facilities; 81250

(2) Procedures for the issuance, renewal, or revocation of 81251  
the licenses of residential facilities; 81252

(3) The records and other information that must be submitted 81253  
to demonstrate good standing for purposes of division (F) of this 81254  
section; 81255

(4) Procedures for conducting background investigations for 81256  
prospective or current operators, employees, volunteers, and other 81257  
non-resident occupants who may have direct access to facility 81258  
residents; 81259

~~(4)~~(5) The fee to be paid when applying for a new residential 81260  
facility license or renewing the license; 81261

~~(5)~~(6) Procedures for the operator of a residential facility 81262  
to follow when notifying the ADAMHS board serving the county in 81263  
which the facility is located when the facility is serving 81264  
residents with mental illness or severe mental disability, 81265

including the circumstances under which the operator is required	81266
to make such a notification;	81267
<del>(6)</del> <u>(7)</u> Procedures for the issuance and termination of orders	81268
of suspension of admission of residents to a residential facility;	81269
<del>(7)</del> <u>(8)</u> Measures to be taken by residential facilities	81270
relative to residents' medication;	81271
<del>(8)</del> <u>(9)</u> Requirements relating to preparation of special diets;	81272
<del>(9)</del> <u>(10)</u> The maximum number of residents who may be served in	81273
a residential facility;	81274
<del>(10)</del> <u>(11)</u> The rights of residents of residential facilities	81275
and procedures to protect such rights;	81276
<del>(11)</del> <u>(12)</u> Standards and procedures under which the director	81277
may waive the requirements of any of the rules adopted.	81278
(O)(1) The department may withhold the source of any	81279
complaint reported as a violation of this section when the	81280
department determines that disclosure could be detrimental to the	81281
department's purposes or could jeopardize the investigation. The	81282
department may disclose the source of any complaint if the	81283
complainant agrees in writing to such disclosure and shall	81284
disclose the source upon order by a court of competent	81285
jurisdiction.	81286
(2) Any person who makes a complaint under division (O)(1) of	81287
this section, or any person who participates in an administrative	81288
or judicial proceeding resulting from such a complaint, is immune	81289
from civil liability and is not subject to criminal prosecution,	81290
other than for perjury, unless the person has acted in bad faith	81291
or with malicious purpose.	81292
(P)(1) The director of mental health and addiction services	81293
may petition the court of common pleas of the county in which a	81294
residential facility is located for an order enjoining any person	81295

from operating a residential facility without a license or from 81296  
operating a licensed facility when, in the director's judgment, 81297  
there is a present danger to the health or safety of any of the 81298  
occupants of the facility. The court shall have jurisdiction to 81299  
grant such injunctive relief upon a showing that the respondent 81300  
named in the petition is operating a facility without a license or 81301  
there is a present danger to the health or safety of any residents 81302  
of the facility. 81303

(2) When the court grants injunctive relief in the case of a 81304  
facility operating without a license, the court shall issue, at a 81305  
minimum, an order enjoining the facility from admitting new 81306  
residents to the facility and an order requiring the facility to 81307  
assist with the safe and orderly relocation of the facility's 81308  
residents. 81309

(3) If injunctive relief is granted against a facility for 81310  
operating without a license and the facility continues to operate 81311  
without a license, the director shall refer the case to the 81312  
attorney general for further action. 81313

(Q) The director may fine a person for violating division (K) 81314  
of this section. The fine shall be five hundred dollars for a 81315  
first offense; for each subsequent offense, the fine shall be one 81316  
thousand dollars. The director's actions in imposing a fine shall 81317  
be taken in accordance with Chapter 119. of the Revised Code. 81318

**Sec. 5119.35.** (A) Except as provided in division (B) of this 81319  
section, if a mental health service or alcohol and drug addiction 81320  
service has been specified in rules adopted under this section as 81321  
a service that is required to be certified, no person or 81322  
government entity shall provide ~~any of the following alcohol and~~ 81323  
~~drug addiction services~~ that service unless ~~the services have it~~ 81324  
has been certified under section 5119.36 of the Revised Code+ 81325

~~(1) Withdrawal management addiction services provided in a~~ 81326

~~setting other than an acute care hospital;~~ 81327

~~(2) Addiction services provided in a residential treatment setting;~~ 81328  
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~~(3) Addiction services provided on an outpatient basis.~~ 81330

(B) Division (A) of this section does not apply to either of 81331  
the following: 81332

(1) An individual who holds a valid license, certificate, or 81333  
registration issued by this state authorizing the practice of a 81334  
health care profession that includes the performance of ~~the~~ 81335  
services any service that is required to be certified as described 81336  
in ~~divisions (A)(1) to (3) of~~ this section, regardless of whether 81337  
the ~~services are~~ service is performed as part of a sole 81338  
proprietorship, partnership, or group practice; 81339

(2) An individual who provides ~~the services~~ any service that 81340  
is required to be certified as described in ~~divisions (A)(1) to~~ 81341  
~~(3) of~~ this section as part of an employment or contractual 81342  
relationship with a hospital outpatient clinic that is accredited 81343  
by an accreditation agency or organization approved by the 81344  
director of mental health and addiction services. 81345

(C) No person or government entity that is subject to this 81346  
section is eligible to receive, for a service that is subject to 81347  
this section, any federal funds, state funds, or funds 81348  
administered by a board of alcohol, drug addiction, and mental 81349  
health services, unless that service has been certified under 81350  
section 5119.36 of the Revised Code. This limitation is in 81351  
addition to the criminal penalty that applies for violating 81352  
division (A) of this section. 81353

(D) The director may adopt rules in accordance with Chapter 81354  
119. of the Revised Code to specify mental health services and 81355  
alcohol and drug addiction services that are required to be 81356  
certified under section 5119.36 of the Revised Code. 81357

Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code. 81358  
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**Sec. 5119.36.** (A) ~~A community mental health services provider applicant or community addiction services provider applicant person or government entity~~ that seeks initial certification of ~~its one or more~~ certifiable services and supports, or that seeks to renew certification of one or more certifiable services and supports, shall submit an application to the director of mental health and addiction services. On receipt of the application, the director ~~may conduct an on-site review and shall evaluate the applicant to determine whether its certifiable services and supports satisfy~~ the standards established by divisions (B) and (C) of this section and any rules adopted under this section are satisfied or continue to be satisfied by the applicant. ~~The director shall make the evaluation, and, if~~ As part of the determination, the director ~~conducts~~ may conduct an on-site review of the applicant<sup>7</sup>. In doing so, the director may make conduct the review<sup>7</sup> in cooperation with a board of alcohol, drug addiction, and mental health services that seeks to contract or has a contract with the applicant under section 340.036 of the Revised Code. 81362  
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~~(B) Subject to section 5119.361 of the Revised Code, the~~ 81381  
(B)(1) Beginning on the effective date of this amendment, an applicant seeking initial certification of certifiable services and supports shall be accredited to provide those services and supports by one or more national accrediting organizations specified in division (B)(3) of this section that offer accreditation for those services and supports or equivalent services and supports. 81382  
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(2) Beginning October 1, 2025, an applicant seeking to renew certification of certifiable services and supports shall be accredited to provide those services and supports by one or more national accrediting organizations specified in division (B)(3) of this section that offer accreditation for those services and supports or equivalent services and supports.

(3) For purposes of divisions (B)(1) and (2) of this section, the director shall accept appropriate accreditation of an applicant's certifiable services and supports from any of the following national accrediting organizations:

(a) The joint commission;

(b) The commission on accreditation of rehabilitation facilities;

(c) The council on accreditation;

(d) Any other national accrediting organization the director considers appropriate.

(C) In addition to meeting the accreditation standard set forth in division (B) of this section, an applicant seeking initial or renewed certification of one or more certifiable services and supports shall meet both of the following, as determined by the director:

(1) The applicant shall have adequate staff and equipment to provide the certifiable services and supports;

(2) The applicant and all owners and principals of the applicant shall be in good standing in all other locations where the applicant has been providing certifiable services and supports during the three-year period immediately preceding the date of the application, based on a review of records and information required to be submitted as specified in rules adopted under this section.

(D)(1) Except as provided in division (D)(2) of this section,

if the director determines that an applicant has paid any required certification fee, that the applicant's accreditation of certifiable services and supports is current and appropriate for the services and supports for which the applicant is seeking initial or renewed certification, that the applicant meets the requirements of division (C) of this section, and that the applicant meets any other requirements established by this section or rules adopted under it, the director shall certify the services and supports or renew the certification of the services and supports, as applicable. Except as provided in division (I) of this section, the director shall issue or renew the certification without further evaluation of the services and supports.

(2) Prior to October 1, 2025, if an applicant that seeks to renew certification of certifiable services and supports is not accredited to provide those services and supports by one or more national accrediting organizations specified in division (B)(3) of this section, the director shall conduct an evaluation of the applicant to determine whether the applicant's certifiable services and supports of a community mental health services provider applicant or community addiction services provider applicant satisfy the standards for certification. The evaluation is in addition to any on-site review conducted under division (A) of this section and shall be performed in cooperation with a board of alcohol, drug addiction, and mental health services that seeks to contract or has a contract with the applicant under section 340.036 of the Revised Code. If the director determines that an applicant has paid any required certification fee, that the applicant's certifiable services and supports satisfy the standards for renewed certification and the applicant has paid the fee required by this section, that the applicant meets the requirements of division (C) of this section, and that the applicant meets any other requirements established by this section or the rules adopted under it, the director shall certify the

certifiable services and supports. 81452

~~No community mental health services provider shall be 81453  
eligible to receive for its certifiable services and supports any 81454  
state funds, federal funds, or funds administered by a board of 81455  
alcohol, drug addiction, and mental health services, unless those 81456  
certifiable services and supports have been certified by the 81457  
director. 81458~~

~~No person or government entity subject to section 5119.35 of 81459  
the Revised Code or any other community addiction services 81460  
provider shall be eligible to receive for its services described 81461  
in that section or its other certifiable services and supports any 81462  
state funds, federal funds, or funds administered by a board of 81463  
alcohol, drug addiction, and mental health services, unless those 81464  
services or other certifiable services and supports have been 81465  
certified by the director. 81466~~

~~(C)(E) For purposes of the accreditation requirements of this 81467  
section, both of the following apply: 81468~~

~~(1) The director may review the accrediting organizations 81469  
specified in division (B)(3) of this section to evaluate whether 81470  
the accreditation standards and processes used by the 81471  
organizations are consistent with service delivery models the 81472  
director considers appropriate for mental health services, alcohol 81473  
and drug addiction services, or physical health services. The 81474  
director may communicate to an accrediting organization any 81475  
identified concerns, trends, needs, and recommendations. 81476~~

~~(2) The director shall require a community mental health 81477  
services provider and a community addiction services provider to 81478  
notify the director not later than ten days after any change in 81479  
the provider's accreditation status. The provider may notify the 81480  
director by providing a copy of the relevant document the provider 81481  
received from the accrediting organization. 81482~~

<u>(F) The director may require a community mental health services provider or a community addiction services provider to submit to the director cost reports pertaining to the provider.</u>	81483
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<u>(G) The director may refuse to certify certifiable services and supports, refuse to renew certification, or revoke certification if any of the following apply to an applicant for certification or the holder of the certification:</u>	81486
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(1) The applicant or holder is not in compliance with rules adopted under this section.	81490
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(2) The applicant or holder has been cited for a pattern of serious noncompliance or repeated violations of statutes or rules during the current certification period or any previous certification period.	81492
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(3) <u>The applicant or holder has been found to be in violation of section 5119.396 of the Revised Code;</u>	81496
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(4) The applicant or holder submits false or misleading information as part of a certification application, renewal, or investigation.	81498
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<del>(D)</del> <u>(H)</u> Proceedings initiated to deny applications to certify certifiable services and supports, to refuse to renew certification, or to revoke certification are governed by Chapter 119. of the Revised Code. If an order has been issued suspending admissions to a community addiction services provider <del>that provides overnight accommodations</del> , as provided in division <del>(H)</del> <u>(M)</u> of this section, the order remains in effect during the pendency of those proceedings.	81501
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<del>(E)</del> <u>(I)</u> <u>The director may conduct an on-site review or otherwise evaluate a community mental health services provider or a community addiction services provider at any time based on cause, including complaints made by or on behalf of persons receiving mental health services or alcohol and drug addiction</u>	81509
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services and confirmed or alleged deficiencies brought to the 81514  
attention of the director. This authority does not affect the 81515  
director's duty to conduct the inspections required by section 81516  
5119.37 of the Revised Code. 81517

In conducting an on-site review under this division, the 81518  
director may do so in cooperation with a board of alcohol, drug 81519  
addiction, and mental health services that seeks to contract or 81520  
has a contract with the applicant under section 340.036 of the 81521  
Revised Code. In conducting any other evaluation under this 81522  
division, the director shall do so in cooperation with such a 81523  
board. 81524

(J) If the director determines that a community mental health 81525  
services provider applicant's or a community addiction services 81526  
provider an applicant's certifiable services and supports do not 81527  
satisfy the standards for certification, the director may request 81528  
that the appropriate board of alcohol, drug addiction, and mental 81529  
health services reallocate any funds for the certifiable services 81530  
and supports the applicant was to provide to another a community 81531  
mental health services provider or community addiction services 81532  
provider whose certifiable services and supports satisfy the 81533  
standards. If the board does not reallocate such funds in a 81534  
reasonable period of time, the director may withhold state and 81535  
federal funds for the certifiable services and supports and 81536  
allocate those funds directly to a community mental health 81537  
services provider or community addiction services provider whose 81538  
certifiable services and supports satisfy the standards. 81539

(F)(K) Each community mental health services provider 81540  
applicant or community addiction services provider applicant 81541  
seeking initial or renewed certification of its certifiable 81542  
services and supports under this section shall pay a fee for the 81543  
certification required by this section, unless the applicant is 81544  
exempt under rules adopted under this section. Fees shall be paid 81545

into the state treasury to the credit of the sale of goods and 81546  
services fund created pursuant to section 5119.45 of the Revised 81547  
Code. 81548

~~(G)~~(L) The director shall adopt rules in accordance with 81549  
Chapter 119. of the Revised Code to implement this section. ~~The~~ 81550  
Notwithstanding any provision of section 121.95 of the Revised 81551  
Code to the contrary, a regulatory restriction contained in a rule 81552  
adopted under this section is not subject to sections 121.95 to 81553  
121.953 of the Revised Code. 81554

The rules shall do all of the following: 81555

(1) Subject to section 340.034 of the Revised Code, specify 81556  
the types of recovery supports that are required to be certified 81557  
under this section; 81558

(2) Establish certification standards for certifiable 81559  
services and supports that are consistent with nationally 81560  
recognized applicable standards and facilitate participation in 81561  
federal assistance programs. The rules shall include as 81562  
certification standards only requirements that improve the quality 81563  
of certifiable services and supports or the health and safety of 81564  
persons receiving certifiable services and supports. The standards 81565  
shall address at a minimum all of the following: 81566

(a) Reporting major unusual incidents to the director; 81567

(b) Procedures for applicants for and persons receiving 81568  
certifiable services and supports to file grievances and 81569  
complaints; 81570

(c) Seclusion; 81571

(d) Restraint; 81572

(e) Requirements regarding the physical facilities in which 81573  
certifiable services and supports are provided; 81574

(f) Requirements with regard to health, safety, adequacy, and 81575

cultural specificity and sensitivity;	81576
(g) Standards for evaluating certifiable services and supports;	81577 81578
(h) Standards and procedures for granting full, probationary, and interim certification of the certifiable services and supports of a <del>community mental health services provider applicant or community addiction services provider</del> <u>an</u> applicant;	81579 81580 81581 81582
(i) Standards and procedures for revoking the certification of a community mental health services provider's or community addiction services provider's certifiable services and supports that do not continue to meet the minimum standards established pursuant to this section;	81583 81584 81585 81586 81587
(j) The limitations to be placed on a provider whose certifiable services and supports are granted probationary or interim certification;	81588 81589 81590
(k) Development of written policies addressing the rights of persons receiving certifiable services and supports, including all of the following:	81591 81592 81593
(i) The right to a copy of the written policies addressing the rights of persons receiving certifiable services and supports;	81594 81595
(ii) The right at all times to be treated with consideration and respect for the person's privacy and dignity;	81596 81597
(iii) The right to have access to the person's own psychiatric, medical, or other treatment records unless access is specifically restricted in the person's treatment plan for clear treatment reasons;	81598 81599 81600 81601
(iv) The right to have a client rights officer provided by the provider or board of alcohol, drug addiction, and mental health services advise the person of the person's rights, including the person's rights under Chapter 5122. of the Revised	81602 81603 81604 81605

Code if the person is committed to the provider or board. 81606

(1) Documentation that must be submitted as evidence of holding appropriate accreditation; 81607  
81608

(m) A process by which the director may review the accreditation standards and process used by the national accrediting organizations specified in division (B)(3) of this section. 81609  
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(3) Establish the process for certification of certifiable services and supports; 81613  
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(4) Set the amount of initial and renewal certification ~~review~~ fees and any reasons for which applicants may be exempt from the fees; 81615  
81616  
81617

(5) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds; 81618  
81619

(6) Establish a process by which the director, based on deficiencies identified as a result of conducting an on-site review or otherwise evaluating a community mental health services provider or community addiction services provider under division (I) of this section, may take any range of correction actions, including revocation of the provider's certification; 81620  
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(7) Specify the records and information that must be submitted to demonstrate good standing for purposes of division (C) of this section. 81626  
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~~(H)(1)~~(M)(1) The director may issue an order suspending admissions to a community addiction services provider that provides overnight accommodations if the director finds either of the following: 81629  
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81632

(a) The provider's certifiable services and supports are not in compliance with rules adopted under this section; 81633  
81634

(b) The provider has been cited for more than one violation 81635

of statutes or rules during any previous certification period of 81636  
the provider. 81637

(2)(a) Except as provided in division ~~(H)(2)(b)~~(M)(2)(b) of 81638  
this section, proceedings initiated to suspend admissions to a 81639  
community addiction services provider that provides overnight 81640  
accommodations are governed by Chapter 119. of the Revised Code. 81641

(b) If a suspension of admissions is proposed because the 81642  
director has determined that the provider has demonstrated a 81643  
pattern of serious noncompliance or that a violation creates a 81644  
substantial risk to the health and safety of patients, the 81645  
director may issue an order suspending admissions before providing 81646  
an opportunity for an adjudication under Chapter 119. of the 81647  
Revised Code. The director shall lift the order for the suspension 81648  
of admissions if the director determines that the violation that 81649  
formed the basis for the order has been corrected. 81650

(3) Appeals from proceedings initiated to order the 81651  
suspension of admissions shall be conducted in accordance with 81652  
Chapter 119. of the Revised Code, unless the order was issued 81653  
before providing an opportunity for an adjudication, in which case 81654  
all of the following apply: 81655

(a) The provider may request a hearing not later than ten 81656  
days after ~~receiving the notice specified~~ being served in ~~section~~ 81657  
accordance with sections 119.05 and 119.07 of the Revised Code. 81658

(b) If a timely request for a hearing that includes the 81659  
provider's current address is made, the hearing shall commence not 81660  
later than thirty days after the department receives the request. 81661

(c) After commencing, the hearing shall continue 81662  
uninterrupted, except for Saturdays, Sundays, and legal holidays, 81663  
unless other interruptions are agreed to by the provider and the 81664  
director. 81665

(d) If the hearing is conducted by a hearing examiner, the 81666

hearing examiner shall file a report and recommendations with the 81667  
department not later than ten days after the last of the 81668  
following: 81669

(i) The close of the hearing; 81670

(ii) If a transcript of the proceedings is ordered, the 81671  
hearing examiner receives the transcript; 81672

(iii) If post-hearing briefs are timely filed, the hearing 81673  
examiner receives the briefs. 81674

(e) The hearing examiner shall send a written copy of the 81675  
report and recommendations, by certified mail, to the provider, or 81676  
the provider's attorney, if applicable, not later than five days 81677  
after the report is filed with the department. 81678

(f) Not later than five days after receiving the report and 81679  
recommendations, the provider may file objections with the 81680  
department. 81681

(g) Not later than fifteen days after the hearing examiner 81682  
files the report and recommendations, the department shall issue 81683  
an order approving, modifying, or disapproving the report and 81684  
recommendations. 81685

(h) Notwithstanding the pendency of the hearing, the 81686  
department shall lift the order for the suspension of admissions 81687  
if the department determines the violation that formed the basis 81688  
for the order has been corrected. 81689

~~(I)(1)(N)(1)~~ In a proceeding initiated to suspend admissions 81690  
to a community addiction services provider that provides overnight 81691  
accommodations, to deny an application for certification of 81692  
certifiable services and supports, to refuse to renew 81693  
certification, or to revoke certification, the department may 81694  
order the suspension, denial, refusal, or revocation regardless of 81695  
whether some or all of the deficiencies that prompted the 81696

proceedings have been corrected at the time of the hearing. 81697

(2) When the department issues an order suspending admissions 81698  
to a community addiction services provider that provides overnight 81699  
accommodations, denies an application for certification of 81700  
certifiable services and supports, refuses to renew certification, 81701  
or revokes a certification, the department shall not grant an 81702  
opportunity for submitting a plan of correction. 81703

~~(J)~~(O) The department of mental health and addiction services 81704  
shall maintain a current list of community addiction services 81705  
providers and shall provide a copy of the list to a judge of a 81706  
court of common pleas who requests a copy for the use of the judge 81707  
under division (H) of section 2925.03 of the Revised Code. The 81708  
list shall identify each provider by its name, its address, and 81709  
the county in which it is located. 81710

~~(K)~~(P) No person shall represent in any manner that a 81711  
community mental health services provider's or community addiction 81712  
services provider's certifiable services and supports are 81713  
certified by the director if the certifiable services and supports 81714  
are not so certified at the time the representation is made. 81715

**Sec. 5119.37.** (A)(1)(a) Except as provided in division 81716  
(A)(1)(b) of this section, no person or government entity shall 81717  
operate an opioid treatment program requiring certification, as 81718  
certification is defined in 42 C.F.R. 8.2, unless the person or 81719  
government entity is a community addiction services provider and 81720  
the program is licensed under this section. 81721

(b) Division (A)(1)(a) of this section does not apply to a 81722  
program operated by the United States department of veterans 81723  
affairs. 81724

(2) No community addiction services provider licensed under 81725  
this section shall operate an opioid treatment program in a manner 81726

inconsistent with this section and the rules adopted under it. 81727

(B) A community addiction services provider seeking a license 81728  
to operate an opioid treatment program shall apply to the 81729  
department of mental health and addiction services. The department 81730  
shall review all applications received. 81731

(C) The department may issue a license to operate an opioid 81732  
treatment program to a community addiction services provider only 81733  
if all of the following apply: 81734

(1) During the three-year period immediately preceding the 81735  
date of application, the provider or any owner, sponsor, medical 81736  
director, administrator, or principal of the provider has been in 81737  
good standing to operate an opioid treatment program in all other 81738  
locations where the provider or such other person has been 81739  
operating a similar program, as evidenced by both of the 81740  
following: 81741

(a) Not having been denied a license, certificate, or similar 81742  
approval to operate an opioid treatment program by this state or 81743  
another jurisdiction; 81744

(b) Not having been the subject of any of the following in 81745  
this state or another jurisdiction: 81746

(i) An action that resulted in the suspension or revocation 81747  
of the license, certificate, or similar approval of the provider 81748  
or other person; 81749

(ii) A voluntary relinquishment, withdrawal, or other action 81750  
taken by the provider or other person to avoid suspension or 81751  
revocation of the license, certificate, or similar approval; 81752

(iii) A disciplinary action that was based, in whole or in 81753  
part, on the provider or other person engaging in the 81754  
inappropriate prescribing, dispensing, administering, personally 81755  
furnishing, diverting, storing, supplying, compounding, or selling 81756

of a controlled substance or other dangerous drug. 81757

(2) It affirmatively appears to the department that the 81758  
provider is adequately staffed and equipped to operate an opioid 81759  
treatment program. 81760

(3) It affirmatively appears to the department that the 81761  
provider will operate an opioid treatment program in strict 81762  
compliance with all laws relating to drug abuse and the rules 81763  
adopted by the department. 81764

(4) Except as provided in division (D) of this section and 81765  
section 5119.371 of the Revised Code, if the provider is seeking 81766  
an initial license for a particular location, the proposed opioid 81767  
treatment program is not located on a parcel of real estate that 81768  
is within a radius of five hundred linear feet of the boundaries 81769  
of a parcel of real estate having situated on it a public or 81770  
private school, child day-care center licensed under Chapter 5104. 81771  
of the Revised Code, or child-serving agency regulated by the 81772  
department under this chapter. 81773

(5) The provider meets any additional requirements 81774  
established by the department in rules adopted under division (F) 81775  
of this section. 81776

(D) The department may waive the requirement of division 81777  
(C)(4) of this section if it receives, from each public or private 81778  
school, child day-care center, or child-serving agency that is 81779  
within the five hundred linear feet radius described in that 81780  
division, a letter of support for the location. The department 81781  
shall determine whether a letter of support is satisfactory for 81782  
purposes of waiving the requirement. 81783

(E)(1) Except as provided in division (E)(2) of this section, 81784  
a license to operate an opioid treatment program shall expire two 81785  
years from the date of issuance. Licenses may be renewed. 81786

(2) In circumstances in which the director of mental health 81787

and addiction services has concerns regarding compliance of a 81788  
community addiction services provider licensed as an opioid 81789  
treatment program, the department shall notify the provider of 81790  
those concerns and stipulate that the provider's license expires 81791  
annually on a date determined by the department. 81792

(F) The department shall establish procedures and adopt rules 81793  
for licensing, inspection, and supervision of community addiction 81794  
services providers that operate an opioid treatment program. The 81795  
rules shall establish standards for the control, storage, 81796  
furnishing, use, dispensing, and administering of medications used 81797  
in medication-assisted treatment; prescribe minimum standards for 81798  
the operation of the opioid treatment program component of the 81799  
provider's operations; and comply with federal laws and 81800  
regulations. 81801

All rules adopted under this division shall be adopted in 81802  
accordance with Chapter 119. of the Revised Code. All actions 81803  
taken by the department regarding the licensing of providers to 81804  
operate opioid treatment programs shall be conducted in accordance 81805  
with Chapter 119. of the Revised Code, except as provided in 81806  
division (L) of this section. 81807

(G)(1) The department shall inspect all community addiction 81808  
services providers licensed to operate an opioid treatment 81809  
program. Inspections shall be conducted at least biennially and 81810  
may be conducted more frequently. 81811

In addition, the department may inspect any provider or other 81812  
person that it reasonably believes to be operating an opioid 81813  
treatment program without a license issued under this section. 81814

(2) When conducting an inspection, the department may do both 81815  
of the following: 81816

(a) Examine and copy all records, accounts, and other 81817  
documents relating to the provider's or other person's operations, 81818

including records pertaining to patients or clients; 81819

(b) Conduct interviews with any individual employed by or 81820  
contracted or otherwise associated with the provider or person, 81821  
including an administrator, staff person, patient, or client. 81822

(3) No person or government entity shall interfere with a 81823  
state or local government official acting on behalf of the 81824  
department while conducting an inspection. 81825

(H) A community addiction services provider shall not 81826  
administer or dispense methadone in a tablet, powder, or 81827  
intravenous form. Methadone shall be administered or dispensed 81828  
only in a liquid form intended for ingestion. 81829

A community addiction services provider shall not administer 81830  
or dispense a medication used in medication-assisted treatment for 81831  
pain or other medical reasons. 81832

(I) As used in this division, "program sponsor" means a 81833  
person who assumes responsibility for the operation and employees 81834  
of the opioid treatment program component of a community addiction 81835  
services provider's operations. 81836

A provider shall not permit an individual to act as a program 81837  
sponsor, medical director, or director of the provider if the 81838  
individual is receiving a medication used in medication-assisted 81839  
treatment from any community addiction services provider. 81840

(J) The department may issue orders to ensure compliance with 81841  
all laws relating to drug abuse and the rules adopted under this 81842  
section. Subject to section 5119.27 of the Revised Code, the 81843  
department may hold hearings, require the production of relevant 81844  
matter, compel testimony, issue subpoenas, and make adjudications. 81845  
Upon failure of a person without lawful excuse to obey a subpoena 81846  
or to produce relevant matter, the department may apply to a court 81847  
of common pleas for an order compelling compliance. 81848

(K) The department may refuse to issue, or may withdraw or 81849  
revoke, a license to operate an opioid treatment program. A 81850  
license may be refused if a community addiction services provider 81851  
does not meet the requirements of division (C) of this section. A 81852  
license may be withdrawn at any time the department determines 81853  
that the provider no longer meets the requirements for receiving 81854  
the license. A license may be revoked in accordance with division 81855  
(L) of this section. 81856

Once a license is issued under this section, the department 81857  
shall not consider the requirement of division (C)(4) of this 81858  
section in determining whether to renew, withdraw, or revoke the 81859  
license or whether to reissue the license as a result of a change 81860  
in ownership. 81861

(L) If the department finds reasonable cause to believe that 81862  
a community addiction services provider licensed under this 81863  
section is in violation of any state or federal law or rule 81864  
relating to drug abuse, the department may issue an order 81865  
immediately revoking the license, subject to division (M) of this 81866  
section. The department shall set a date not more than fifteen 81867  
days later than the date of the order of revocation for a hearing 81868  
on the continuation or cancellation of the revocation. For good 81869  
cause, the department may continue the hearing on application of 81870  
any interested party. In conducting hearings, the department has 81871  
all the authority and power set forth in division (J) of this 81872  
section. Following the hearing, the department shall either 81873  
confirm or cancel the revocation. The hearing shall be conducted 81874  
in accordance with Chapter 119. of the Revised Code, except that 81875  
the provider shall not be permitted to operate an opioid treatment 81876  
program pending the hearing or pending any appeal from an 81877  
adjudication made as a result of the hearing. Notwithstanding any 81878  
provision of Chapter 119. of the Revised Code to the contrary, a 81879  
court shall not stay or suspend any order of revocation issued by 81880

the department under this division pending judicial appeal. 81881

(M) The department shall not revoke a license to operate an 81882  
opioid treatment program unless all clients receiving medication 81883  
used in medication-assisted treatment from the community addiction 81884  
services provider are provided adequate substitute medication or 81885  
treatment. For purposes of this division, the department may 81886  
transfer the clients to other providers licensed to operate opioid 81887  
treatment programs or replace any or all of the administrators and 81888  
staff of the provider with representatives of the department who 81889  
shall continue on a provisional basis the opioid treatment 81890  
component of the provider's operations. 81891

(N) Each time the department receives an application from a 81892  
community addiction services provider for a license to operate an 81893  
opioid treatment program, issues or refuses to issue a license, or 81894  
withdraws or revokes a license, the department shall notify the 81895  
board of alcohol, drug addiction, and mental health services of 81896  
each alcohol, drug addiction, and mental health service district 81897  
in which the provider operates. 81898

(O) Whenever it appears to the department from files, upon 81899  
complaint, or otherwise, that a community addiction services 81900  
provider has engaged in any practice declared to be illegal or 81901  
prohibited by section 3719.61 of the Revised Code, or any other 81902  
state or federal laws or regulations relating to drug abuse, or 81903  
when the department believes it to be in the best interest of the 81904  
public and necessary for the protection of the citizens of the 81905  
state, the department may request criminal proceedings by laying 81906  
before the prosecuting attorney of the proper county any evidence 81907  
of criminality which may come to its knowledge. 81908

(P) The department shall maintain a current list of community 81909  
addiction services providers licensed by the department under this 81910  
section and shall provide a copy of the current list to a judge of 81911  
a court of common pleas who requests a copy for the use of the 81912

judge under division (H) of section 2925.03 of the Revised Code 81913  
and to a board of alcohol, drug addiction, and mental health 81914  
services that requests a copy for purposes of division (I)(3) of 81915  
section 340.08 of the Revised Code. The list of licensed community 81916  
addiction services providers shall identify each licensed provider 81917  
by its name, its address, and the county in which it is located. 81918

Sec. 5119.39. (A) The department of mental health and 81919  
addiction services shall monitor the operation of recovery housing 81920  
in this state by doing either of the following: 81921

(1) Certifying recovery housing residences through a process 81922  
established by the department; 81923

(2) Accept accreditation, or its equivalent for the service 81924  
of recovery housing, from one or more of the following: 81925

(a) The Ohio affiliate of the national alliance for recovery 81926  
residences; 81927

(b) Oxford house, inc.; 81928

(c) Any other organization that is designated by the 81929  
department for purposes of this section. 81930

(B) If the department certifies recovery housing residences, 81931  
the department shall, in rules adopted under section 5119.397 of 81932  
the Revised Code, establish requirements for initial certification 81933  
and renewal certification, as well as grounds and procedures for 81934  
disciplinary action against operators of recovery housing 81935  
residences. 81936

Sec. 5119.391. (A) The department of mental health and 81937  
addiction services shall monitor the establishment of recovery 81938  
housing residences in this state. 81939

(B) For purposes of division (A) of this section, and within 81940  
the timeframe specified in division (C) of this section, each 81941

person or government entity that will operate a recovery housing residence on or after the effective date of this section, including any recovery housing that was established and in operation prior to the effective date of this section, shall file with the department, on a form prescribed by the department, all of the following information: 81942  
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(1) The name of the recovery housing residence and any other name under which the residence does business; 81948  
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(2) The address of the recovery housing residence; 81950

(3) The name of the person or government entity operating the residence; 81951  
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(4) The primary telephone number and electronic mail address for the recovery housing operator; 81953  
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(5) The date the recovery housing residence was first occupied, or will be occupied, by its first resident; 81955  
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(6) Information related to any existing accreditation or its equivalent that the recovery housing residence has obtained or is in the process of obtaining; 81957  
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(7) Any other information the department considers appropriate. 81960  
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(C) The form required by division (B) of this section shall be filed with the department as follows: 81962  
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(1) For a recovery housing residence that began operating before the effective date of this section, not later than thirty days after the effective date of this section; 81964  
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(2) For a recovery housing residence that will begin operating on or after the effective date of this section, not later than thirty days after the first resident begins occupying the residence. 81967  
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(D) If the department accepts accreditation or its equivalent 81971

from an organization specified in section 5119.39 of the Revised Code, the department may provide copies of forms filed in accordance with this section to any such organization. 81972  
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Sec. 5119.392. (A) Beginning January 1, 2025, no person or government entity shall operate a recovery housing residence unless either of the following applies: 81975  
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(1)(a) If the department of mental health and addiction services certifies recovery housing residences, the recovery housing residence is certified by the department. 81978  
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(b) If the department accepts accreditation or its equivalent from an organization specified in section 5119.39 of the Revised Code, the residence is accredited by such an organization. 81981  
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(2) The recovery housing residence has been operating for not more than eighteen months and is actively engaged in efforts to obtain certification or accreditation, as applicable. For purposes of identifying this eighteen-month timeframe, a recovery housing residence is considered to begin operating on the date that the first resident occupies the residence, as specified on the form filed in accordance with section 5119.391 of the Revised Code. 81984  
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(B) If the director of mental health and addiction services determines that a recovery housing residence is operating in violation of this section, the director may petition the court of common pleas of the county in which the recovery housing residence is located for an order enjoining operation of the recovery housing residence. 81991  
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Sec. 5119.393. (A) The department of mental health and addiction services shall establish a procedure to receive and investigate complaints from residents, staff, and the public regarding recovery housing residences. The department may contract with one or more of the organizations specified in section 5119.39 81997  
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of the Revised Code to fulfill some or all of the functions 82002  
associated with receiving and investigating complaints. 82003

(B) Any organization under contract with the department to 82004  
receive and investigate complaints shall make reports to the 82005  
department as follows: 82006

(1) Not less than monthly, the contractor shall report the 82007  
status of each pending investigation and shall report the outcome 82008  
of each investigation that has been completed since the last 82009  
report was made; 82010

(2) As soon as practicable, but not later than ten days after 82011  
making an adverse decision, if a contractor's accreditation or its 82012  
equivalent is accepted by the department for purposes of section 82013  
5119.39 of the Revised Code, the contractor shall report that 82014  
decision to the department in a manner prescribed by the 82015  
department. 82016

**Sec. 5119.394.** (A) The department of mental health and 82017  
addiction services shall establish and maintain a registry of 82018  
recovery housing residences that meet the criteria described in 82019  
division (A)(1) or (2) of section 5119.392 of the Revised Code. 82020  
For each residence, the registry shall include all of the 82021  
following: 82022

(1) Information on the form required by division (B) of 82023  
section 5119.391 of the Revised Code; 82024

(2) If a complaint received under section 5119.393 of the 82025  
Revised Code has been investigated, a description of the 82026  
complaint, the date the complaint was submitted to the department 82027  
or its contractor, and the outcome of the investigation; 82028

(3) Any other information the department considers 82029  
appropriate. 82030

(B) The department shall immediately remove from the registry a recovery housing residence that ceases to meet the criteria described in division (A)(1) or (2) of section 5119.392 of the Revised Code, including if the criteria described in those divisions ceases to be met because the residence has had its certification or accreditation, as applicable, revoked or not renewed. 82031  
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(C) The department shall make the registry available to the public on the department's web site. 82038  
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**Sec. 5119.395.** Beginning January 1, 2025, no person or government entity shall advertise or represent any residence or other building to be a recovery housing residence, sober living home, or any other alcohol and drug free housing for persons recovering from alcohol use disorder or drug addiction unless the residence or building meets either of the following conditions: 82040  
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(A) The residence or building is on the registry established and maintained under section 5119.394 of the Revised Code; 82046  
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(B) The residence or building is regulated by the department of rehabilitation and correction under section 2967.14 of the Revised Code. 82048  
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**Sec. 5119.396.** Beginning January 1, 2025, community addiction services providers and community mental health services providers shall not refer clients to a recovery housing residence unless the residence is on the registry established and maintained under section 5119.394 of the Revised Code on the date that the referral is made. Community addiction services providers and community mental health services providers shall maintain records of all referrals made to recovery housing residences. 82051  
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**Sec. 5119.397.** The director of mental health and addiction 82059

services may adopt rules in accordance with Chapter 119. of the 82060  
Revised Code to implement sections 5119.39 to 5119.396 of the 82061  
Revised Code. Notwithstanding any provision of section 121.95 of 82062  
the Revised Code to the contrary, a regulatory restriction 82063  
contained in a rule adopted under this section is not subject to 82064  
sections 121.95 to 121.953 of the Revised Code. 82065

**Sec. 5119.48.** (A) The department of mental health and 82066  
addiction services shall create the all roads lead to home 82067  
program. The program shall include all of the following 82068  
initiatives: 82069

(1) A media campaign. As part of the campaign, the department 82070  
shall develop public service announcements and shall make the 82071  
announcements available to television and radio media outlets. The 82072  
announcements shall be made available beginning on January 1, 82073  
2018, and at least twice annually, once between January and March 82074  
of each year, and once in September of each year as part of 82075  
national recovery month. 82076

(2) A web site as described in division (C) of this section; 82077

(3) A twenty-four-hour hotline, that is operated by a call 82078  
center, for the purpose of helping individuals access addiction 82079  
services. 82080

(B) The media campaign described in division (A)(1) of this 82081  
section shall do all of the following: 82082

(1) Include messages to reduce the stigma associated with 82083  
seeking help for drug addiction; 82084

(2) Provide directions for people who are in need of drug 82085  
addiction assistance to a web-based location that includes all of 82086  
the following: 82087

(a) Information on where to find help for drug addiction; 82088

(b) Information on intervention and referral options;	82089
(c) Contact information for county board drug addiction assistance authorities.	82090 82091
(3) Prioritize its efforts in media markets that have the highest rates of drug overdose deaths in this state;	82092 82093
(4) Utilize television and radio public service announcements provided to media outlets, as well as internet advertising models such as low-cost social media outlets.	82094 82095 82096
(C) Before January 1, 2018, the department shall create a web site as described in division (A)(2) of this section that offers all of the following components:	82097 82098 82099
(1) If reasonably available for use, an evidence-based self-reporting screening tool approved by the department's medical director;	82100 82101 82102
(2) Community detoxification and withdrawal management options and community treatment options;	82103 82104
(3) A searchable database of certified substance abuse providers organized by zip code;	82105 82106
(4) Information on recovery supports, including recovery housing <u>residences</u> ;	82107 82108
(5) Clinical information regarding what a person may expect during detoxification, withdrawal, and treatment.	82109 82110
(D) The department may contract with private vendors for the creation and maintenance of the interactive web site described in division (C) of this section.	82111 82112 82113
<b>Sec. 5119.61.</b> (A) The department of mental health and addiction services shall collect and compile statistics and other information on the care and treatment of persons with mental disabilities, and the care, treatment, and rehabilitation of	82114 82115 82116 82117

persons with ~~alcoholism~~ alcohol use disorder, persons with drug 82118  
dependencies, persons in danger of drug dependence, and persons 82119  
with or in danger of developing a gambling addiction in this 82120  
state. The information shall include, without limitation, 82121  
information on the number of such persons, the type of drug 82122  
involved, if any, the type of care, treatment, or rehabilitation 82123  
prescribed or undertaken, and the success or failure of the care, 82124  
treatment, or rehabilitation. The department shall collect 82125  
information about addiction services, mental health services, and 82126  
recovery supports delivered and persons served as required for 82127  
reporting and evaluation relating to state and federal funds 82128  
expended for such purposes. 82129

(B) No community addiction services provider or community 82130  
mental health services provider shall fail to supply statistics 82131  
and other information within its knowledge and with respect to its 82132  
addiction services, mental health services, and recovery supports 82133  
upon request of the department. 82134

(C) Communications by a person seeking aid in good faith for 82135  
~~alcoholism~~ alcohol use disorder or drug dependence are 82136  
confidential, and this section does not require the collection or 82137  
permit the disclosure of information which reveals or comprises 82138  
the identity of any person seeking aid. 82139

(D) Based on the information collected and compiled under 82140  
division (A) of this section, the department shall develop a 82141  
project to assess the outcomes of persons served by community 82142  
addiction services providers and community mental health services 82143  
providers that receive funds distributed by the department. 82144

(E) The director of mental health and addiction services may 82145  
fine a community addiction services provider or community mental 82146  
health services provider for violating division (B) of this 82147  
section. In determining whether to impose a fine, the director 82148  
shall consider whether the provider has engaged in a pattern of 82149

noncompliance. If a fine is imposed, it shall be one thousand 82150  
dollars for a first failure to comply with division (B) of this 82151  
section and two thousand dollars for each subsequent failure. The 82152  
director's actions in imposing a fine shall be taken in accordance 82153  
with Chapter 119. of the Revised Code. 82154

All fines collected under this division shall be deposited in 82155  
the state treasury to the credit of the department's statewide 82156  
treatment and prevention fund created by section 4301.30 of the 82157  
Revised Code. 82158

**Sec. 5119.90.** As used in sections 5119.90 to 5119.98 of the 82159  
Revised Code: 82160

(A) "Alcohol and other drug abuse" means ~~alcoholism~~ alcohol 82161  
use disorder or drug addiction. 82162

(B) "Another drug" means a controlled substance as defined in 82163  
section 3719.01 of the Revised Code or a harmful intoxicant as 82164  
defined in section 2925.01 of the Revised Code. 82165

(C) "Board of alcohol, drug addiction, and mental health 82166  
services" means a board of alcohol, drug addiction, and mental 82167  
health services established under section 340.02 or 340.021 of the 82168  
Revised Code. 82169

(D) "Danger" or "threat of danger to self, family, or others" 82170  
means substantial physical harm or threat of substantial physical 82171  
harm upon self, family, or others. 82172

(E) "Hospital" has the same meaning as in section 3701.01 or 82173  
3727.01 of the Revised Code but does not include either a hospital 82174  
operated by the department of mental health and addiction services 82175  
or an inpatient unit licensed by the department. 82176

(F) "Intoxicated" means being under the influence of alcohol, 82177  
another drug, or both alcohol and another drug and, as a result, 82178  
having a significantly impaired ability to function. 82179

(G) "Petitioner" means a person who institutes a proceeding under sections 5119.91 to 5119.98 of the Revised Code.	82180 82181
(H) "Probate court" means the probate division of the court of common pleas.	82182 82183
(I) "Qualified health professional" means a person that is properly credentialed or licensed to conduct a drug and alcohol assessment and diagnosis under Ohio law.	82184 82185 82186
(J) "Residence" means the legal residence of a person as determined by applicable principles governing conflicts of law.	82187 82188
(K) "Respondent" means a person alleged in a petition filed or hearing under sections 5119.91 to 5119.98 of the Revised Code to be a person who is experiencing alcohol and other drug abuse and who may be ordered under those sections to undergo treatment.	82189 82190 82191 82192
(L) "Treatment" means services and programs for the care and rehabilitation of intoxicated persons and persons experiencing alcohol and other drug abuse. "Treatment" includes residential treatment, a halfway house setting, and an intensive outpatient or outpatient level of care.	82193 82194 82195 82196 82197
<b>Sec. 5119.99.</b> (A) Whoever violates section 5119.333, <u>division (A) of section 5119.392, or section 5119.395</u> of the Revised Code is guilty of a misdemeanor of the first degree.	82198 82199 82200
(B) Whoever violates division <del>(B)</del> <u>(K)(1)</u> of section <del>5119.61</del> <u>5119.34</u> of the Revised Code is guilty of a misdemeanor of the fourth degree.	82201 82202 82203
(C) Whoever violates section 5119.27 or 5119.28, division (A) of section 5119.35, division <del>(K)</del> <u>(P)</u> of section 5119.36, or division (A)(1) or (2) of section 5119.37 of the Revised Code is guilty of a felony of the fifth degree.	82204 82205 82206 82207
<b>Sec. 5120.10.</b> (A)(1) The director of rehabilitation and	82208

correction, by rule, shall promulgate minimum standards for jails 82209  
in Ohio, including minimum security jails dedicated under section 82210  
341.34 or 753.21 of the Revised Code. Whenever the director files 82211  
a rule or an amendment to a rule in final form with both the 82212  
secretary of state and the director of the legislative service 82213  
commission pursuant to section 111.15 of the Revised Code, the 82214  
director of rehabilitation and correction promptly shall send a 82215  
copy of the rule or amendment, if the rule or amendment pertains 82216  
to minimum jail standards, by ordinary mail to the political 82217  
subdivisions or affiliations of political subdivisions that 82218  
operate jails to which the standards apply. 82219

(2) The rules promulgated in accordance with division (A)(1) 82220  
of this section shall serve as criteria for the investigative and 82221  
supervisory powers and duties vested by division (D) of this 82222  
section in the division of parole and community services of the 82223  
department of rehabilitation and correction or in another division 82224  
of the department to which those powers and duties are assigned. 82225

(B) The director may initiate an action in the court of 82226  
common pleas of the county in which a facility that is subject to 82227  
the rules promulgated under division (A)(1) of this section is 82228  
situated to enjoin compliance with the minimum standards for jails 82229  
or with the minimum standards and minimum renovation, 82230  
modification, and construction criteria for jails. 82231

(C) Upon the request of an administrator of a jail facility, 82232  
the chief executive of a municipal corporation, or a board of 82233  
county commissioners, the director of rehabilitation and 82234  
correction or the director's designee shall grant a variance from 82235  
the minimum standards for jails in Ohio for a facility that is 82236  
subject to one of those minimum standards when the director 82237  
determines that strict compliance with the minimum standards would 82238  
cause unusual, practical difficulties or financial hardship, that 82239  
existing or alternative practices meet the intent of the minimum 82240

standards, and that granting a variance would not seriously affect 82241  
the security of the facility, the supervision of the inmates, or 82242  
the safe, healthful operation of the facility. If the director or 82243  
the director's designee denies a variance, the applicant may 82244  
appeal the denial pursuant to section 119.12 of the Revised Code. 82245

(D) The following powers and duties shall be exercised by the 82246  
division of parole and community services unless assigned to 82247  
another division by the director: 82248

(1) The investigation and supervision of county and municipal 82249  
jails, workhouses, minimum security jails, and other correctional 82250  
institutions and agencies; 82251

(2) The review and approval of plans submitted to the 82252  
department of rehabilitation and correction pursuant to division 82253  
(E) of this section; 82254

(3) The management and supervision of the adult parole 82255  
authority created by section 5149.02 of the Revised Code; 82256

(4) The review and approval of proposals for community-based 82257  
correctional facilities and programs and district community-based 82258  
correctional facilities and programs that are submitted pursuant 82259  
to division (B) of section 2301.51 of the Revised Code; 82260

(5) The distribution of funds made available to the division 82261  
for purposes of assisting in the renovation, maintenance, and 82262  
operation of community-based correctional facilities and programs 82263  
and district community-based correctional facilities and programs 82264  
in accordance with section 5120.112 of the Revised Code; 82265

(6) The performance of the duty imposed upon the department 82266  
of rehabilitation and correction in section 5149.31 of the Revised 82267  
Code to establish and administer a program of subsidies to 82268  
eligible municipal corporations, counties, and groups of 82269  
contiguous counties for the development, implementation, and 82270  
operation of community-based corrections programs; 82271

(7) Licensing halfway houses and community residential  
centers for the care and treatment of adult offenders in  
accordance with section 2967.14 of the Revised Code;

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(8) Contracting with a public or private agency or a  
department or political subdivision of the state that operates a  
licensed halfway house or community residential center for the  
provision of housing, supervision, and other services to parolees,  
releasees, persons placed under a residential sanction, persons  
under transitional control, and other eligible offenders in  
accordance with section 2967.14 of the Revised Code;

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(9) Working with the Ohio facilities construction commission  
in accordance with Chapter 342. of the Revised Code.

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Other powers and duties may be assigned by the director of  
rehabilitation and correction to the division of parole and  
community services. This section does not apply to the department  
of youth services or its institutions or employees.

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(E) No plan for any new jail, workhouse, or lockup, and no  
plan for a substantial addition or alteration to an existing jail,  
workhouse, or lockup, shall be adopted unless the officials  
responsible for adopting the plan have submitted the plan to the  
department of rehabilitation and correction for approval, and the  
department has approved the plan as provided in division (D)(2) of  
this section.

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Sec. 5120.658. (A) As used in this section, "doula" has the  
same meaning as in section 4723.89 of the Revised Code.

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(B) During the period beginning one year after the effective  
date of this section and ending five years after the effective  
date of this section, the department of rehabilitation and  
correction shall operate a program to provide to inmates  
participating in any prison nursery program established under

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section 5120.65 of the Revised Code doula services that are 82302  
provided by a doula certified under section 4723.89 of the Revised 82303  
Code. 82304

(C) The department may adopt rules in accordance with Chapter 82305  
119. of the Revised Code to implement this section. 82306  
Notwithstanding any provision of section 121.95 of the Revised 82307  
Code to the contrary, a regulatory restriction contained in a rule 82308  
adopted under this section is not subject to sections 121.95 to 82309  
121.953 of the Revised Code. 82310

**Sec. 5123.0412.** (A) The department of developmental 82311  
disabilities shall charge each county board of developmental 82312  
disabilities an annual fee equal to one and one-quarter per cent 82313  
of the total value of all medicaid paid claims for home and 82314  
community-based services provided during the year to an individual 82315  
eligible for services from the county board, except that the 82316  
department shall not charge the fee for home and community-based 82317  
services provided under the medicaid waiver component known as the 82318  
transitions developmental disabilities waiver. A county board 82319  
shall not pass on to a provider of home and community-based 82320  
services the cost of a fee charged to the county board under this 82321  
section. 82322

(B) The amounts collected from the fees charged under this 82323  
section shall be deposited into the department of developmental 82324  
disabilities administration and oversight fund, which is hereby 82325  
created in the state treasury. The department shall use the money 82326  
in the fund for both of the following purposes: 82327

(1) Medicaid administrative costs, including administrative 82328  
and oversight costs of medicaid case management services and home 82329  
and community-based services. The administrative and oversight 82330  
costs of medicaid case management services and home and 82331  
community-based services shall include costs for staff, systems, 82332

and other resources the department needs and dedicates solely to	82333
the following duties associated with the services:	82334
(a) Eligibility determinations;	82335
(b) Training;	82336
(c) Fiscal management;	82337
(d) Claims processing;	82338
(e) Quality assurance oversight;	82339
(f) Other duties the department identifies.	82340
(2) Providing technical support to county boards with respect	82341
to their medicaid local administrative authority under section	82342
5126.055 of the Revised Code for the services.	82343
<del>(C) The department shall submit an annual report to the</del>	82344
<del>director of budget and management certifying how the department</del>	82345
<del>spent the money in the fund for the purposes specified in division</del>	82346
<del>(B) of this section.</del>	82347
<b>Sec. 5123.0419.</b> (A) The director of developmental	82348
disabilities shall establish an interagency workgroup on autism.	82349
The purpose of the workgroup shall be to improve the coordination	82350
of the state's efforts to address the service needs of individuals	82351
with autism spectrum disorders and the families of those	82352
individuals. In fulfilling this purpose, the director may enter	82353
into interagency agreements with the government entities	82354
represented by the members of the workgroup. The agreements may	82355
specify any or all of the following:	82356
(1) The roles and responsibilities of government entities	82357
that enter into the agreements;	82358
(2) Procedures regarding the receipt, transfer, and	82359
expenditure of funds necessary to achieve the goals of the	82360
workgroup;	82361

(3) The projects to be undertaken and activities to be performed by the government entities that enter into the agreements. 82362  
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~~(B)~~(B)(1) The entity contracted to administer programs and coordinate services for infants, preschool and school-age children, and adults with autism and low incidence disabilities under section 3323.32 of the Revised Code shall serve as the coordinating body of the workgroup. 82365  
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(2) The coordinating body of the workgroup shall ensure that the workgroup submits an annual report to the director of developmental disabilities by the thirty-first day of December of each year that includes recommendations for the workgroup's priorities and goals for the next year. 82370  
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(3) The department shall contract with the coordinating body on the implementation of the recommendations and other department initiatives for individuals with autism and other low incidence disabilities. 82375  
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(C) Money received from government entities represented by the members of the workgroup shall be deposited into the state treasury to the credit of the interagency workgroup on autism fund, which is hereby created in the state treasury. Money credited to the fund shall be used by the department of developmental disabilities solely to support the activities of the workgroup. 82379  
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(D) The workgroup shall hold at least two meetings per year that are open to the public for the purposes of reporting its work and hearing public feedback. 82386  
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**Sec. 5123.19.** (A) As used in sections 5123.19 to 5123.20 of the Revised Code: 82389  
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(1) "Independent living arrangement" means an arrangement in 82391

which an individual with a developmental disability resides in an 82392  
individualized setting chosen by the individual or the 82393  
individual's guardian, which is not dedicated principally to the 82394  
provision of residential services for individuals with 82395  
developmental disabilities, and for which no financial support is 82396  
received for rendering such service from any governmental agency 82397  
by a provider of residential services. 82398

(2) "Licensee" means the person or government agency that has 82399  
applied for a license to operate a residential facility and to 82400  
which the license was issued under this section. 82401

(3) "Political subdivision" means a municipal corporation, 82402  
county, or township. 82403

(4) "Related party" has the same meaning as in section 82404  
5123.16 of the Revised Code except that "provider" as used in the 82405  
definition of "related party" means a person or government entity 82406  
that held or applied for a license to operate a residential 82407  
facility, rather than a person or government entity certified to 82408  
provide supported living. 82409

(5)(a) Except as provided in division (A)(5)(b) of this 82410  
section, "residential facility" means a home or facility, 82411  
including an ICF/IID, in which an individual with a developmental 82412  
disability resides. 82413

(b) "Residential facility" does not mean any of the 82414  
following: 82415

(i) The home of a relative or legal guardian in which an 82416  
individual with a developmental disability resides; 82417

(ii) A respite care home certified under section 5126.05 of 82418  
the Revised Code; 82419

(iii) A county home or district home operated pursuant to 82420  
Chapter 5155. of the Revised Code; 82421

(iv) A dwelling in which the only residents with developmental disabilities are in independent living arrangements or are being provided supported living; 82422  
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(v) A location registered as a pediatric transition care program under section 3712.042 of the Revised Code. 82425  
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(B) Every person or government agency desiring to operate a residential facility shall apply for licensure of the facility to the director of developmental disabilities unless the residential facility is subject to section 3721.02, 5103.03, 5119.33, or division (B)(1)(b) of section 5119.34 of the Revised Code. 82427  
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(C)(1) Subject to section 5123.196 of the Revised Code, the director of developmental disabilities shall license the operation of residential facilities. An initial license shall be issued for a period that does not exceed one year, unless the director denies the license under division (D) of this section. A license shall be renewed for a period that does not exceed three years, unless the director refuses to renew the license under division (D) of this section. The director, when issuing or renewing a license, shall specify the period for which the license is being issued or renewed. A license remains valid for the length of the licensing period specified by the director, unless the license is terminated, revoked, or voluntarily surrendered. 82432  
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(2) Notwithstanding sections 5123.043, 5123.196, and 5123.197 of the Revised Code and rules adopted under section 5123.04 of the Revised Code, the director shall issue a new license for a residential facility if the facility meets the following conditions: 82444  
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(a) The residential facility will be certified as an ICF/IID; 82449

(b) The building in which the residential facility will be operated was operated as a residential facility under a lease for not fewer than twenty years before the date of application for a 82450  
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new license; 82453

(c) The former operator of the residential facility relocated 82454  
the beds previously in the facility to another site that will be 82455  
licensed as a residential facility; 82456

(d) The residential facility will be located in Preble, 82457  
Clermont, or Warren county; 82458

(e) The residential facility will contain eight beds; 82459

(f) The licensee will make a good faith effort to serve 82460  
multi-system youth or adults with severe behavioral challenges at 82461  
the residential facility or at one or more other residential 82462  
facilities for which licenses are issued under division (C) of 82463  
this section. 82464

(3) The director shall issue not more than five licenses 82465  
under division (C)(2) of this section. 82466

(D) If it is determined that an applicant or licensee is not 82467  
in compliance with a provision of this chapter that applies to 82468  
residential facilities or the rules adopted under such a 82469  
provision, the director may deny issuance of a license, refuse to 82470  
renew a license, terminate a license, revoke a license, issue an 82471  
order for the suspension of admissions to a facility, issue an 82472  
order for the placement of a monitor at a facility, issue an order 82473  
for the immediate removal of residents, or take any other action 82474  
the director considers necessary consistent with the director's 82475  
authority under this chapter regarding residential facilities. In 82476  
the director's selection and administration of the sanction to be 82477  
imposed, all of the following apply: 82478

(1) The director may deny, refuse to renew, or revoke a 82479  
license, if the director determines that the applicant or licensee 82480  
has demonstrated a pattern of serious noncompliance or that a 82481  
violation creates a substantial risk to the health and safety of 82482  
residents of a residential facility. 82483

(2) The director may terminate a license if more than twelve consecutive months have elapsed since the residential facility was last occupied by a resident or a notice required by division (J) of this section is not given.

(3) The director may issue an order for the suspension of admissions to a facility for any violation that may result in sanctions under division (D)(1) of this section and for any other violation specified in rules adopted under division (G)(2) of this section. If the suspension of admissions is imposed for a violation that may result in sanctions under division (D)(1) of this section, the director may impose the suspension before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift an order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(4) The director may order the placement of a monitor at a residential facility for any violation specified in rules adopted under division (G)(2) of this section. The director shall lift the order when the director determines that the violation that formed the basis for the order has been corrected.

(5) When the director initiates license revocation proceedings, no opportunity for submitting a plan of correction shall be given. The director shall notify the licensee by letter of the initiation of the proceedings. The letter shall list the deficiencies of the residential facility and inform the licensee that no plan of correction will be accepted. The director shall also send a copy of the letter to the county board of developmental disabilities. Except in the case of a licensee that is an ICF/IID, the county board shall send a copy of the letter to each of the following:

(a) Each resident who receives services from the licensee;

(b) The guardian of each resident who receives services from the licensee if the resident has a guardian; 82515  
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(c) The parent or guardian of each resident who receives services from the licensee if the resident is a minor. 82517  
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(6) Pursuant to rules which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may order the immediate removal of residents from a residential facility whenever conditions at the facility present an immediate danger of physical or psychological harm to the residents. 82519  
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(7) In determining whether a residential facility is being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, or whether conditions at a residential facility present an immediate danger of physical or psychological harm to the residents, the director may rely on information obtained by a county board of developmental disabilities or other governmental agencies. 82524  
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(8) In proceedings initiated to deny, refuse to renew, or revoke licenses, the director may deny, refuse to renew, or revoke a license regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing. 82532  
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(E)(1) Except as provided in division (E)(2) of this section, appeals from proceedings initiated to impose a sanction under division (D) of this section shall be conducted in accordance with Chapter 119. of the Revised Code. 82537  
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(2) Appeals from proceedings initiated to order the suspension of admissions to a facility shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply: 82541  
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- (a) The licensee may request a hearing not later than ten days after ~~receiving the notice specified being served in section~~ accordance with sections 119.05 and 119.07 of the Revised Code.
- (b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request.
- (c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director.
- (d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations not later than ten days after the last of the following:
- (i) The close of the hearing;
  - (ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript;
  - (iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs.
- (e) A copy of the written report and recommendation of the hearing examiner shall be sent, by certified mail, to the licensee and the licensee's attorney, if applicable, not later than five days after the report is filed.
- (f) Not later than five days after the hearing examiner files the report and recommendations, the licensee may file objections to the report and recommendations.
- (g) Not later than fifteen days after the hearing examiner files the report and recommendations, the director shall issue an order approving, modifying, or disapproving the report and recommendations.
- (h) Notwithstanding the pendency of the hearing, the director

shall lift the order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(F) Neither a person or government agency whose application for a license to operate a residential facility is denied nor a related party of the person or government agency may apply for a license to operate a residential facility before the date that is five years after the date of the denial. Neither a licensee whose residential facility license is revoked nor a related party of the licensee may apply for a residential facility license before the date that is five years after the date of the revocation.

(G) In accordance with Chapter 119. of the Revised Code, the director shall adopt and may amend and rescind rules for licensing and regulating the operation of residential facilities. The rules for residential facilities that are ICFs/IID may differ from those for other residential facilities. The rules shall establish and specify the following:

(1) Procedures and criteria for issuing and renewing licenses, including procedures and criteria for determining the length of the licensing period that the director must specify for each license when it is issued or renewed;

(2) Procedures and criteria for denying, refusing to renew, terminating, and revoking licenses and for ordering the suspension of admissions to a facility, placement of a monitor at a facility, and the immediate removal of residents from a facility;

(3) Fees for issuing and renewing licenses, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;

(4) Procedures for surveying residential facilities;

(5) Classifications for the various types of residential facilities;

(6) The maximum number of individuals who may be served in a particular type of residential facility; 82607  
82608

(7) Uniform procedures for admission of individuals to and transfers and discharges of individuals from residential facilities; 82609  
82610  
82611

(8) Other standards for the operation of residential facilities and the services provided at residential facilities; 82612  
82613

(9) Procedures for waiving any provision of any rule adopted under this section. 82614  
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(H)(1) Before issuing a license, the director shall conduct a survey of the residential facility for which application is made. 82616  
82617  
The director shall conduct a survey of each licensed residential facility at least once during the period the license is valid and 82618  
82619  
may conduct additional inspections as needed. A survey includes 82620  
82621  
but is not limited to an on-site examination and evaluation of the residential facility, its personnel, and the services provided 82622  
82623  
there. The director may assign to a county board of developmental disabilities or the department of health the responsibility to 82624  
82625  
conduct any survey or inspection under this section.

(2) In conducting surveys, the director shall be given access 82626  
82627  
to the residential facility; all records, accounts, and any other documents related to the operation of the facility; the licensee; 82628  
82629  
the residents of the facility; and all persons acting on behalf of, under the control of, or in connection with the licensee. The 82630  
82631  
licensee and all persons on behalf of, under the control of, or in connection with the licensee shall cooperate with the director in 82632  
82633  
conducting the survey.

(3) Following each survey, the director shall provide the 82634  
82635  
licensee with a report listing the date of the survey, any citations issued as a result of the survey, and the statutes or 82636  
82637  
rules that purportedly have been violated and are the bases of the

citations. The director shall also do both of the following: 82638

(a) Specify a date by which the licensee may appeal any of 82639  
the citations; 82640

(b) When appropriate, specify a timetable within which the 82641  
licensee must submit a plan of correction describing how the 82642  
problems specified in the citations will be corrected and, the 82643  
date by which the licensee anticipates the problems will be 82644  
corrected. 82645

(4) If the director initiates a proceeding to revoke a 82646  
license, the director shall include the report required by 82647  
division (H)(3) of this section with the notice of the proposed 82648  
revocation the director sends to the licensee. In this 82649  
circumstance, the licensee may not submit a plan of correction. 82650

(5) After a plan of correction is submitted, the director 82651  
shall approve or disapprove the plan. If the plan of correction is 82652  
approved, a copy of the approved plan shall be provided, not later 82653  
than five business days after it is approved, to any person or 82654  
government entity who requests it and made available on the 82655  
internet web site maintained by the department of developmental 82656  
disabilities. If the plan of correction is not approved and the 82657  
director initiates a proceeding to revoke the license, a copy of 82658  
the survey report shall be provided to any person or government 82659  
entity that requests it and shall be made available on the 82660  
internet web site maintained by the department. 82661

(6) The director shall initiate disciplinary action against 82662  
any department employee who notifies or causes the notification to 82663  
any unauthorized person of an unannounced survey of a residential 82664  
facility by an authorized representative of the department. 82665

(I) In addition to any other information which may be 82666  
required of applicants for a license pursuant to this section, the 82667  
director shall require each applicant to provide a copy of an 82668

approved plan for a proposed residential facility pursuant to 82669  
section 5123.042 of the Revised Code. This division does not apply 82670  
to renewal of a license or to an applicant for an initial or 82671  
modified license who meets the requirements of section 5123.197 of 82672  
the Revised Code. 82673

(J)(1) A licensee shall notify the owner of the building in 82674  
which the licensee's residential facility is located of any 82675  
significant change in the identity of the licensee or management 82676  
contractor before the effective date of the change if the licensee 82677  
is not the owner of the building. 82678

(2) Pursuant to rules, which shall be adopted in accordance 82679  
with Chapter 119. of the Revised Code, the director may require 82680  
notification to the department of any significant change in the 82681  
ownership of a residential facility or in the identity of the 82682  
licensee or management contractor. If the director determines that 82683  
a significant change of ownership is proposed, the director shall 82684  
consider the proposed change to be an application for development 82685  
by a new operator pursuant to section 5123.042 of the Revised Code 82686  
and shall advise the applicant within sixty days of the 82687  
notification that the current license shall continue in effect or 82688  
a new license will be required pursuant to this section. If the 82689  
director requires a new license, the director shall permit the 82690  
facility to continue to operate under the current license until 82691  
the new license is issued, unless the current license is revoked, 82692  
refused to be renewed, or terminated in accordance with Chapter 82693  
119. of the Revised Code. 82694

(3) A licensee shall transfer to the new licensee or 82695  
management contractor all records related to the residents of the 82696  
facility following any significant change in the identity of the 82697  
licensee or management contractor. 82698

(K) A county board of developmental disabilities and any 82699  
interested person may file complaints alleging violations of 82700

statute or department rule relating to residential facilities with 82701  
the department. All complaints shall state the facts constituting 82702  
the basis of the allegation. The department shall not reveal the 82703  
source of any complaint unless the complainant agrees in writing 82704  
to waive the right to confidentiality or until so ordered by a 82705  
court of competent jurisdiction. 82706

The department shall adopt rules in accordance with Chapter 82707  
119. of the Revised Code establishing procedures for the receipt, 82708  
referral, investigation, and disposition of complaints filed with 82709  
the department under this division. 82710

(L) Before issuing a license under this section to a 82711  
residential facility that will accommodate at any time more than 82712  
one individual with a developmental disability, the director 82713  
shall, by first class mail, notify the following: 82714

(1) If the facility will be located in a municipal 82715  
corporation, the clerk of the legislative authority of the 82716  
municipal corporation; 82717

(2) If the facility will be located in unincorporated 82718  
territory, the clerk of the appropriate board of county 82719  
commissioners and the fiscal officer of the appropriate board of 82720  
township trustees. 82721

The director shall not issue the license for ten days after 82722  
mailing the notice, excluding Saturdays, Sundays, and legal 82723  
holidays, in order to give the notified local officials time in 82724  
which to comment on the proposed issuance. 82725

Any legislative authority of a municipal corporation, board 82726  
of county commissioners, or board of township trustees that 82727  
receives notice under this division of the proposed issuance of a 82728  
license for a residential facility may comment on it in writing to 82729  
the director within ten days after the director mailed the notice, 82730  
excluding Saturdays, Sundays, and legal holidays. If the director 82731

receives written comments from any notified officials within the 82732  
specified time, the director shall make written findings 82733  
concerning the comments and the director's decision on the 82734  
issuance of the license. If the director does not receive written 82735  
comments from any notified local officials within the specified 82736  
time, the director shall continue the process for issuance of the 82737  
license. 82738

(M) Any person may operate a licensed residential facility 82739  
that provides room and board, personal care, habilitation 82740  
services, and supervision in a family setting for at least six but 82741  
not more than eight individuals with developmental disabilities as 82742  
a permitted use in any residential district or zone, including any 82743  
single-family residential district or zone, of any political 82744  
subdivision. These residential facilities may be required to 82745  
comply with area, height, yard, and architectural compatibility 82746  
requirements that are uniformly imposed upon all single-family 82747  
residences within the district or zone. 82748

(N) Any person may operate a licensed residential facility 82749  
that provides room and board, personal care, habilitation 82750  
services, and supervision in a family setting for at least nine 82751  
but not more than sixteen individuals with developmental 82752  
disabilities as a permitted use in any multiple-family residential 82753  
district or zone of any political subdivision, except that a 82754  
political subdivision that has enacted a zoning ordinance or 82755  
resolution establishing planned unit development districts may 82756  
exclude these residential facilities from those districts, and a 82757  
political subdivision that has enacted a zoning ordinance or 82758  
resolution may regulate these residential facilities in 82759  
multiple-family residential districts or zones as a conditionally 82760  
permitted use or special exception, in either case, under 82761  
reasonable and specific standards and conditions set out in the 82762  
zoning ordinance or resolution to: 82763

(1) Require the architectural design and site layout of the residential facility and the location, nature, and height of any walls, screens, and fences to be compatible with adjoining land uses and the residential character of the neighborhood;	82764 82765 82766 82767
(2) Require compliance with yard, parking, and sign regulation;	82768 82769
(3) Limit excessive concentration of these residential facilities.	82770 82771
(O) This section does not prohibit a political subdivision from applying to residential facilities nondiscriminatory regulations requiring compliance with health, fire, and safety regulations and building standards and regulations.	82772 82773 82774 82775
(P) Divisions (M) and (N) of this section are not applicable to municipal corporations that had in effect on June 15, 1977, an ordinance specifically permitting in residential zones licensed residential facilities by means of permitted uses, conditional uses, or special exception, so long as such ordinance remains in effect without any substantive modification.	82776 82777 82778 82779 82780 82781
(Q)(1) The director may issue an interim license to operate a residential facility to an applicant for a license under this section if either of the following is the case:	82782 82783 82784
(a) The director determines that an emergency exists requiring immediate placement of individuals in a residential facility, that insufficient licensed beds are available, and that the residential facility is likely to receive a permanent license under this section within thirty days after issuance of the interim license.	82785 82786 82787 82788 82789 82790
(b) The director determines that the issuance of an interim license is necessary to meet a temporary need for a residential facility.	82791 82792 82793

(2) To be eligible to receive an interim license, an applicant must meet the same criteria that must be met to receive a permanent license under this section, except for any differing procedures and time frames that may apply to issuance of a permanent license.

(3) An interim license shall be valid for thirty days and may be renewed by the director for a period not to exceed one hundred eighty days.

(4) The director shall adopt rules in accordance with Chapter 119. of the Revised Code as the director considers necessary to administer the issuance of interim licenses.

(R) Notwithstanding rules adopted pursuant to this section establishing the maximum number of individuals who may be served in a particular type of residential facility, a residential facility shall be permitted to serve the same number of individuals being served by the facility on the effective date of the rules or the number of individuals for which the facility is authorized pursuant to a current application for a certificate of need with a letter of support from the department of developmental disabilities and which is in the review process prior to April 4, 1986.

This division does not preclude the department from suspending new admissions to a residential facility pursuant to a written order issued under section 5124.70 of the Revised Code.

(S) The director may enter at any time, for purposes of investigation, any home, facility, or other structure that has been reported to the director or that the director has reasonable cause to believe is being operated as a residential facility without a license issued under this section.

The director may petition the court of common pleas of the county in which an unlicensed residential facility is located for

an order enjoining the person or governmental agency operating the facility from continuing to operate without a license. The court may grant the injunction on a showing that the person or governmental agency named in the petition is operating a residential facility without a license. The court may grant the injunction, regardless of whether the residential facility meets the requirements for receiving a license under this section.

**Sec. 5123.35.** (A) There is hereby created the Ohio developmental disabilities council, which shall serve as an advocate for all persons with developmental disabilities. The council shall act in accordance with the "Developmental Disabilities Assistance and Bill of Rights Act of 2000," 42 U.S.C. 15001. The governor shall appoint the members of the council in accordance with 42 U.S.C. 15025.

(B) The council shall develop the state plan required by federal law as a condition of receiving federal assistance under 42 U.S.C. 15021 to 15029. The department of developmental disabilities, as the state agency selected by the governor for purposes of receiving the federal assistance, shall receive, account for, and disburse funds based on the state plan and shall provide assurances and other administrative support services required as a condition of receiving the federal assistance.

(C) The federal funds may be disbursed through grants to or contracts with persons and government agencies for the provision of necessary or useful goods and services for persons with developmental disabilities. The council may award the grants or enter into the contracts.

(D) The council may award grants to or enter into contracts with a member of the council or an entity that the member represents if all of the following apply:

(1) The member serves on the council as a representative of

one of the principal state agencies concerned with services for 82856  
persons with developmental disabilities as specified in 42 U.S.C. 82857  
15025(b)(4), a representative of a university affiliated program 82858  
as defined in 42 U.S.C. 15002(5), or a representative of the Ohio 82859  
protection and advocacy system, as defined in section 5123.60 of 82860  
the Revised Code. 82861

(2) The council determines that the member or the entity the 82862  
member represents is capable of providing the goods or services 82863  
specified under the terms of the grant or contract. 82864

(3) The member has not taken part in any discussion or vote 82865  
of the council related to awarding the grant or entering into the 82866  
contract, including service as a member of a review panel 82867  
established by the council to award grants or enter into contracts 82868  
or to make recommendations with regard to awarding grants or 82869  
entering into contracts. 82870

(E) A member of the council is not in violation of Chapter 82871  
102. or section 2921.42 of the Revised Code with regard to 82872  
receiving a grant or entering into a contract under this section 82873  
if the requirements of division (D) of this section have been met. 82874

(F)(1) Notwithstanding division (C) of section 121.22 of the 82875  
Revised Code, the requirement for a member's presence in person at 82876  
a meeting in order to be part of a quorum or to vote does not 82877  
apply if the council holds a meeting by interactive video 82878  
conference and all of the following apply: 82879

(a) A primary meeting location that is open and accessible to 82880  
the public is established for the meeting of the council; 82881

(b) A clear video and audio connection is established that 82882  
enables all meeting participants at the primary meeting location 82883  
to witness the participation of each member; 82884

(c) ~~A roll call vote is recorded for each vote taken;~~ 82885

<del>(d)</del> The minutes of the council identify which members participated by interactive video conference.	82886 82887
(2) Notwithstanding division (C) of section 121.22 of the Revised Code, the requirement for a member's presence in person at a meeting in order to be part of a quorum or to vote does not apply if the council holds a meeting by teleconference and all of the following apply:	82888 82889 82890 82891 82892
(a) The council has determined its membership does not have access to and the council cannot provide access to the equipment needed to conduct interactive video conferencing;	82893 82894 82895
(b) A primary meeting location that is open and accessible to the public is established for the meeting of the council;	82896 82897
(c) A clear audio connection is established that enables all meeting participants at the primary meeting location to hear the participation of each member;	82898 82899 82900
<del>(d) A roll call vote is recorded for each vote taken;</del>	82901
<del>(e)</del> The minutes of the council identify which members participated by teleconference.	82902 82903
(3) The council shall adopt any rules the council considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. At a minimum, the rules shall do all of the following:	82904 82905 82906 82907
(a) Authorize council members to remotely attend a council meeting by interactive video conference or teleconference in lieu of attending the meeting in person;	82908 82909 82910
(b) Establish a minimum number of members required to be physically present in person at the primary meeting location if the council conducts a meeting by interactive video conference or teleconference;	82911 82912 82913 82914
<del>(c) Establish geographic restrictions for participation in</del>	82915

<del>meetings by interactive video conference or teleconference;</del>	82916
<del>(d)</del> Establish a policy for distributing and circulating necessary documents to council members, the public, and the media in advance of a meeting at which members are permitted to attend by interactive video conference or teleconference;	82917 82918 82919 82920
<del>(e)</del> (d) Establish a method for verifying the identity of a member who remotely attends a meeting by teleconference.	82921 82922
<u>Sec. 5123.68. As used in sections 5123.68 to 5123.685 of the Revised Code:</u>	82923 82924
<u>(A) "Adult" means an individual who is either of the following:</u>	82925 82926
<u>(1) Eighteen years of age or older;</u>	82927
<u>(2) An emancipated minor.</u>	82928
<u>(B) "Principal" means an adult with a developmental disability who seeks to enter, or has entered, into a supported decision-making agreement.</u>	82929 82930 82931
<u>(C) "Supported decision-making" means the process of supporting and accommodating an adult with a developmental disability without impeding the adult's self-determination, through making, communicating, and implementing life decisions including:</u>	82932 82933 82934 82935 82936
<u>(1) Where, and with whom, the adult lives;</u>	82937
<u>(2) The services, supports, and medical care the adult receives;</u>	82938 82939
<u>(3) Where the adult works;</u>	82940
<u>(4) Any other matter impacting the adult's life.</u>	82941
<u>(D) "Supported decision-making agreement" is an agreement between an adult with a developmental disability and one or more</u>	82942 82943

supporters chosen by the adult that may be informal and occur 82944  
naturally or may be formal and documented through a written 82945  
agreement entered into pursuant to section 5123.683 of the Revised 82946  
Code. 82947

(E) "Supporter" means an adult chosen by an adult with a 82948  
developmental disability to support the adult in a supported 82949  
decision-making agreement. 82950

**Sec. 5123.681.** (A) Based on the principle that all adults 82951  
with developmental disabilities should be afforded all of the 82952  
rights set forth in section 5123.62 of the Revised Code, all 82953  
adults with developmental disabilities are presumed to be capable 82954  
of making decisions regarding their lives and activities of daily 82955  
living and are presumed to be competent to handle their own 82956  
affairs, unless otherwise determined by a court of competent 82957  
jurisdiction. 82958

(B) The fact that an adult has a developmental disability 82959  
does not, by itself, void the presumption of capacity and 82960  
competency described in division (A) of this section. 82961

(C) The manner in which an adult with a developmental 82962  
disability communicates with others is not grounds for a finding 82963  
that the adult is incapable of managing the adult's affairs or of 82964  
entering into a supported decision-making agreement. 82965

(D) Execution of a supported decision-making agreement by an 82966  
adult with a developmental disability is not evidence of 82967  
incapacity and shall not be used as such. 82968

(E) An adult with a developmental disability who has entered 82969  
into a supported decision-making agreement is not precluded from 82970  
acting independently of the agreement or from seeking personal 82971  
information without the assistance of the supporter. 82972

(F) Evidence of either a formal or informal supported 82973

decision-making agreement may be presented as a less restrictive alternative to guardianship pursuant to division (C)(5) of section 2111.02 of the Revised Code. 82974  
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Sec. 5123.682. A supported decision-making agreement may be established by either of the following: 82977  
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(A) Pursuant to a written agreement in accordance with section 5123.683 of the Revised Code; 82979  
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(B) Naturally, without a written agreement, when an adult with a developmental disability relies upon natural supports or chosen supporters to assist with decisions in the adult's daily life. 82981  
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Sec. 5123.683. (A) A written supported decision-making agreement shall be executed in accordance with this section. 82985  
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(B)(1) The written agreement shall be entered into by the adult with a developmental disability as the principal and one or more supporters. 82987  
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(2) The agreement shall be signed and acknowledged voluntarily, without coercion or undue influence, by the principal. 82990  
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The principal's signature shall be witnessed by either a notary public or two adult witnesses who are not parties to the supported decision-making agreement. The witnesses must attest that the agreement was signed of the principal's own free will and accord. 82993  
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(C) The department of developmental disabilities shall develop a model-supported decision-making agreement that may be used by a principal and one or more supporters for the purposes of this section. 82998  
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<u>Sec. 5123.684. (A) Except as otherwise limited by the</u>	83002
<u>principal, a supporter may assist the principal with all of the</u>	83003
<u>following:</u>	83004
<u>(1) Making informed decisions;</u>	83005
<u>(2) Understanding information, options, responsibilities, and</u>	83006
<u>consequences associated with the decisions;</u>	83007
<u>(3) Communicating the decisions to third parties;</u>	83008
<u>(4) Obtaining and understanding information relevant to life</u>	83009
<u>decisions, including medical, psychological, financial,</u>	83010
<u>employment, medicaid, educational, or other records;</u>	83011
<u>(5) Monitoring information about the principal's affairs and</u>	83012
<u>services, including future services;</u>	83013
<u>(6) Understanding the principal's personal values, beliefs,</u>	83014
<u>and preferences, including the principal's cultural, ethnic, or</u>	83015
<u>religious heritage, and using this information to advocate for the</u>	83016
<u>implementation of the principal's wishes and decisions;</u>	83017
<u>(7) Accompanying the principal and participating in</u>	83018
<u>discussions with third parties.</u>	83019
<u>(B)(1) The supporter shall assist the principal in accessing,</u>	83020
<u>collecting, or obtaining only information that is relevant to a</u>	83021
<u>decision authorized by the supported decision-making agreement.</u>	83022
<u>(2) If the supporter assists the principal in accessing,</u>	83023
<u>collecting, or obtaining personal information protected under</u>	83024
<u>either the "Health Insurance Portability and Accountability Act of</u>	83025
<u>1996," 42 U.S.C. 1320d-2, or the "Family Educational Rights and</u>	83026
<u>Privacy Act of 1974," 20 U.S.C. 1232g, the supporter shall keep</u>	83027
<u>the information confidential.</u>	83028
<u>(3) The existence of a supported decision-making agreement</u>	83029
<u>does not preclude the principal from seeking personal information</u>	83030

without the assistance of the supporter. 83031

(C) The supporter may exercise the authority granted in the 83032  
supported decision-making agreement. The supporter owes the 83033  
principal a fiduciary duty to act in accordance with the supported 83034  
decision-making agreement. The supporter shall not act in 83035  
contradiction to the expressed wishes or decision-making authority 83036  
of the principal. 83037

(D)(1) In the event the supporter has a conflict of interest 83038  
or potential conflict of interest in a decision made by the 83039  
principal, the supporter shall do both of the following: 83040

(a) Fully disclose the conflict of interest to the principal 83041  
and any other members of the principal's support team, including a 83042  
service and support administrator or qualified intellectual 83043  
disability professional; 83044

(b) Refrain from advising or assisting the principal on or 83045  
with the decision. 83046

(2) A supporter who intentionally fails to disclose a 83047  
conflict of interest or who otherwise breaches the supporter's 83048  
fiduciary duty to the principal is liable to the principal for all 83049  
reasonable damages incurred as a result. 83050

**Sec. 5123.685.** A principal may revoke an informal supported 83051  
decision-making agreement at any time by notifying the supporter. 83052  
A principal may revoke a written supported decision-making 83053  
agreement in writing and shall provide a copy of the revocation to 83054  
the supporter. 83055

**Sec. 5124.01.** As used in this chapter: 83056

(A) "Addition" means an increase in an ICF/IID's square 83057  
footage. 83058

(B) "Affiliated operator" means an operator affiliated with 83059

either of the following: 83060

(1) The exiting operator for whom the affiliated operator is 83061  
to assume liability for the entire amount of the exiting 83062  
operator's debt under the medicaid program or the portion of the 83063  
debt that represents the franchise permit fee the exiting operator 83064  
owes; 83065

(2) The entering operator involved in the change of operator 83066  
with the exiting operator specified in division (B)(1) of this 83067  
section. 83068

(C) "Allowable costs" means an ICF/IID's costs that the 83069  
department of developmental disabilities determines are 83070  
reasonable. Fines paid under section 5124.99 of the Revised Code 83071  
are not allowable costs. 83072

(D) "Capital costs" means an ICF/IID's costs of ownership and 83073  
costs of nonextensive renovation. 83074

(E) "Case-mix score" means the measure determined under 83075  
section 5124.192 or 5124.193 of the Revised Code of the relative 83076  
direct-care resources needed to provide care and habilitation to 83077  
an ICF/IID resident. 83078

(F) "Change of operator" means an entering operator becoming 83079  
the operator of an ICF/IID in the place of the exiting operator. 83080

(1) Actions that constitute a change of operator include the 83081  
following: 83082

(a) A change in an exiting operator's form of legal 83083  
organization, including the formation of a partnership or 83084  
corporation from a sole proprietorship; 83085

(b) A transfer of all the exiting operator's ownership 83086  
interest in the operation of the ICF/IID to the entering operator, 83087  
regardless of whether ownership of any or all of the real property 83088  
or personal property associated with the ICF/IID is also 83089

transferred;	83090
(c) A lease of the ICF/IID to the entering operator or the exiting operator's termination of the exiting operator's lease;	83091 83092
(d) If the exiting operator is a partnership, dissolution of the partnership;	83093 83094
(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:	83095 83096
(i) The change in composition does not cause the partnership's dissolution under state law.	83097 83098
(ii) The partners agree that the change in composition does not constitute a change in operator.	83099 83100
(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.	83101 83102 83103 83104
(2) The following, alone, do not constitute a change of operator:	83105 83106
(a) A contract for an entity to manage an ICF/IID as the operator's agent, subject to the operator's approval of daily operating and management decisions;	83107 83108 83109
(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with an ICF/IID if an entering operator does not become the operator in place of an exiting operator;	83110 83111 83112 83113
(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.	83114 83115 83116 83117
(G) "Cost center" means the following:	83118

(1) Capital costs;	83119
(2) Direct care costs;	83120
(3) Indirect care costs;	83121
(4) Other protected costs.	83122
(H)(1) Except as provided in division (H)(2) of this section,	83123
"cost report year" means the calendar year immediately preceding	83124
the calendar year in which a fiscal year for which a medicaid	83125
payment rate determination is made begins.	83126
(2) When a cost report the department of developmental	83127
disabilities accepts under division (A) or (C)(1)(b) of section	83128
5124.101 of the Revised Code is used in determining an ICF/IID's	83129
medicaid payment rate, "cost report year" means the period that	83130
the cost report covers.	83131
(I) "Costs of nonextensive renovations" means the actual	83132
expense incurred by an ICF/IID for depreciation or amortization	83133
and interest on renovations approved by the department of	83134
developmental disabilities as nonextensive renovations.	83135
(J)(1) "Costs of ownership" means the actual expenses	83136
incurred by an ICF/IID for all of the following:	83137
(a) Subject to division (J)(2) of this section, depreciation	83138
and interest on any capital assets that cost five hundred dollars	83139
or more per item, including the following:	83140
(i) Buildings;	83141
(ii) Building improvements that are not approved as	83142
nonextensive renovations for the purpose of section 5124.17 of the	83143
Revised Code;	83144
(iii) Equipment;	83145
(iv) Transportation equipment.	83146
(b) Amortization and interest on land improvements and	83147

leasehold improvements;	83148
(c) Amortization of financing costs;	83149
(d) Except as provided in division (AA) of this section, lease and rent of land, building, and equipment.	83150 83151
(2) The costs of capital assets of less than five hundred dollars per item may be considered costs of ownership in accordance with an ICF/IID provider's practice.	83152 83153 83154
(K)(1) "Date of licensure" means the following:	83155
(a) In the case of an ICF/IID that was originally licensed as a nursing home under Chapter 3721. of the Revised Code, the date that it was originally so licensed, regardless that it was subsequently licensed as a residential facility under section 5123.19 of the Revised Code;	83156 83157 83158 83159 83160
(b) In the case of an ICF/IID that was originally licensed as a residential facility under section 5123.19 of the Revised Code, the date it was originally so licensed;	83161 83162 83163
(c) In the case of an ICF/IID that was not required by law to be licensed as a nursing home or residential facility when it was originally operated as a residential facility, the date it first was operated as a residential facility, regardless of the date the ICF/IID was first licensed as a nursing home or residential facility.	83164 83165 83166 83167 83168 83169
(2) If, after an ICF/IID's original date of licensure, more residential facility beds are added to the ICF/IID or all or part of the ICF/IID undergoes an extensive renovation, the ICF/IID has a different date of licensure for the additional beds or extensively renovated portion of the ICF/IID. This does not apply, however, to additional beds when both of the following apply:	83170 83171 83172 83173 83174 83175
(a) The additional beds are located in a part of the ICF/IID that was constructed at the same time as the continuing beds	83176 83177

already located in that part of the ICF/IID. 83178

(b) The part of the ICF/IID in which the additional beds are 83179  
located was constructed as part of the ICF/IID at a time when the 83180  
ICF/IID was not required by law to be licensed as a nursing home 83181  
or residential facility. 83182

(3) The definition of "date of licensure" in this section 83183  
applies in determinations of ICFs/IID's medicaid payment rates but 83184  
does not apply in determinations of ICFs/IID's franchise permit 83185  
fees under sections 5168.60 to 5168.71 of the Revised Code. 83186

(L) "Desk-reviewed" means that an ICF/IID's costs as reported 83187  
on a cost report filed under section 5124.10 or 5124.101 of the 83188  
Revised Code have been subjected to a desk review under section 83189  
5124.108 of the Revised Code and preliminarily determined to be 83190  
allowable costs. 83191

(M) "Developmental center" means a residential facility that 83192  
is maintained and operated by the department of developmental 83193  
disabilities. 83194

(N) "Direct care costs" means all of the following costs 83195  
incurred by an ICF/IID: 83196

(1) Costs for registered nurses, licensed practical nurses, 83197  
and nurse aides employed by the ICF/IID; 83198

(2) Costs for direct care staff, administrative nursing 83199  
staff, medical directors, respiratory therapists, physical 83200  
therapists, physical therapy assistants, occupational therapists, 83201  
occupational therapy assistants, speech therapists, audiologists, 83202  
habilitation staff (including habilitation supervisors), qualified 83203  
intellectual disability professionals, program directors, social 83204  
services staff, activities staff, psychologists, psychology 83205  
assistants, social workers, counselors, and other persons holding 83206  
degrees qualifying them to provide therapy; 83207

(3) Costs of purchased nursing services;	83208
(4) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5124.03 of the Revised Code, for personnel listed in divisions (N)(1), (2), and (3) of this section;	83209 83210 83211 83212 83213 83214
(5) Costs of quality assurance;	83215
(6) Costs of consulting and management fees related to direct care;	83216 83217
(7) Allocated direct care home office costs;	83218
(8) Costs of off-site day programming, including day programming that is provided in an area that is not certified by the director of health as an ICF/IID under Title XIX and regardless of either of the following:	83219 83220 83221 83222
(a) Whether or not the area in which the day programming is provided is less than two hundred feet away from the ICF/IID;	83223 83224
(b) Whether or not the day programming is provided by an individual or organization that is a related party to the ICF/IID provider.	83225 83226 83227
(9) Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5124.03 of the Revised Code.	83228 83229 83230
(O) "Downsized ICF/IID" means an ICF/IID that permanently reduced its medicaid-certified capacity pursuant to a plan approved by the department of developmental disabilities under section 5123.042 of the Revised Code.	83231 83232 83233 83234
(P) "Effective date of a change of operator" means the day the entering operator becomes the operator of the ICF/IID.	83235 83236
(Q) "Effective date of a facility closure" means the last day	83237

that the last of the residents of the ICF/IID resides in the 83238  
ICF/IID. 83239

(R) "Effective date of an involuntary termination" means the 83240  
date the department of medicaid terminates the operator's provider 83241  
agreement for the ICF/IID or the last day that such a provider 83242  
agreement is in effect when the department cancels or refuses to 83243  
revalidate it. 83244

(S) "Effective date of a voluntary termination" means the day 83245  
the ICF/IID ceases to accept medicaid recipients. 83246

(T) "Entering operator" means the person or government entity 83247  
that will become the operator of an ICF/IID when a change of 83248  
operator occurs or following an involuntary termination. 83249

(U) "Exiting operator" means any of the following: 83250

(1) An operator that will cease to be the operator of an 83251  
ICF/IID on the effective date of a change of operator; 83252

(2) An operator that will cease to be the operator of an 83253  
ICF/IID on the effective date of a facility closure; 83254

(3) An operator of an ICF/IID that is undergoing or has 83255  
undergone a voluntary termination; 83256

(4) An operator of an ICF/IID that is undergoing or has 83257  
undergone an involuntary termination. 83258

(V)(1) Subject to divisions (V)(2) and (3) of this section, 83259  
"facility closure" means either of the following: 83260

(a) Discontinuance of the use of the building, or part of the 83261  
building, that houses the facility as an ICF/IID that results in 83262  
the relocation of all of the facility's residents; 83263

(b) Conversion of the building, or part of the building, that 83264  
houses an ICF/IID to a different use with any necessary license or 83265  
other approval needed for that use being obtained and one or more 83266  
of the facility's residents remaining in the facility to receive 83267

services under the new use.	83268
(2) A facility closure occurs regardless of any of the following:	83269
	83270
(a) The operator completely or partially replacing the ICF/IID by constructing a new ICF/IID or transferring the ICF/IID's license to another ICF/IID;	83271
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	83273
(b) The ICF/IID's residents relocating to another of the operator's ICFs/IID;	83274
	83275
(c) Any action the department of health takes regarding the ICF/IID's medicaid certification that may result in the transfer of part of the ICF/IID's survey findings to another of the operator's ICFs/IID;	83276
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	83279
(d) Any action the department of developmental disabilities takes regarding the ICF/IID's license under section 5123.19 of the Revised Code.	83280
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	83282
(3) A facility closure does not occur if all of the ICF/IID's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the ICF/IID not later than thirty days after the evacuation occurs.	83283
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(W) "Fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code.	83287
	83288
(X) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.	83289
	83290
(Y) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.	83291
	83292
(Z) "ICF/IID services" has the same meaning as in 42 C.F.R. 440.150.	83293
	83294
(AA)(1) "Indirect care costs" means all reasonable costs incurred by an ICF/IID other than capital costs, direct care costs, and other protected costs. "Indirect care costs" includes	83295
	83296
	83297

costs of habilitation supplies, pharmacy consultants, medical and 83298  
habilitation records, program supplies, incontinence supplies, 83299  
food, enterals, dietary supplies and personnel, laundry, 83300  
housekeeping, security, administration, liability insurance, 83301  
bookkeeping, purchasing department, human resources, 83302  
communications, travel, dues, license fees, subscriptions, home 83303  
office costs not otherwise allocated, legal services, accounting 83304  
services, minor equipment, maintenance and repair expenses, 83305  
help-wanted advertising, informational advertising, start-up 83306  
costs, organizational expenses, other interest, property 83307  
insurance, employee training and staff development, employee 83308  
benefits, payroll taxes, and workers' compensation premiums or 83309  
costs for self-insurance claims and related costs, as specified in 83310  
rules adopted under section 5124.03 of the Revised Code, for 83311  
personnel listed in this division. Notwithstanding division (J) of 83312  
this section, "indirect care costs" also means the cost of 83313  
equipment, including vehicles, acquired by operating lease 83314  
executed before December 1, 1992, if the costs are reported as 83315  
administrative and general costs on the ICF/IID's cost report for 83316  
the cost reporting period ending December 31, 1992. 83317

(2) For the purpose of division (AA)(1) of this section, an 83318  
operating lease shall be construed in accordance with generally 83319  
accepted accounting principles. 83320

(BB) "Inpatient days" means both of the following: 83321

(1) All days during which a resident, regardless of payment 83322  
source, occupies a bed in an ICF/IID that is included in the 83323  
ICF/IID's medicaid-certified capacity; 83324

(2) All days for which payment is made under section 5124.34 83325  
of the Revised Code. 83326

(CC) "Intermediate care facility for individuals with 83327  
intellectual disabilities" and "ICF/IID" mean an intermediate care 83328

facility for the mentally retarded as defined in the "Social Security Act," section 1905(d), 42 U.S.C. 1396d(d). 83329  
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(DD) "Involuntary termination" means the department of medicaid's termination of, cancellation of, or refusal to revalidate the operator's provider agreement for the ICF/IID when such action is not taken at the operator's request. 83331  
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(EE) "Maintenance and repair expenses" means expenditures that are necessary and proper to maintain an asset in a normally efficient working condition and that do not extend the useful life of the asset two years or more. "Maintenance and repair expenses" includes the costs of ordinary repairs such as painting and wallpapering. 83335  
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(FF) "Medicaid-certified capacity" means the number of an ICF/IID's beds that are certified for participation in medicaid as ICF/IID beds. 83341  
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(GG) "Medicaid days" means both of the following: 83344

(1) All days during which a resident who is a medicaid recipient eligible for ICF/IID services occupies a bed in an ICF/IID that is included in the ICF/IID's medicaid-certified capacity; 83345  
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83347  
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(2) All days for which payment is made under section 5124.34 of the Revised Code. 83349  
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(HH)(1) "New ICF/IID" means an ICF/IID for which the provider obtains an initial provider agreement following the director of health's medicaid certification of the ICF/IID, including such an ICF/IID that replaces one or more ICFs/IID for which a provider previously held a provider agreement. 83351  
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(2) "New ICF/IID" does not mean either of the following: 83356

(a) An ICF/IID for which the entering operator seeks a provider agreement pursuant to section 5124.511 or 5124.512 or 83357  
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(pursuant to section 5124.515) section 5124.07 of the Revised Code; 83359  
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(b) A downsized ICF/IID or partially converted ICF/IID. 83361

(II) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code. 83362  
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(JJ) "Operator" means the person or government entity responsible for the daily operating and management decisions for an ICF/IID. 83364  
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(KK) "Other protected costs" means costs incurred by an ICF/IID for medical supplies; real estate, franchise, and property taxes; natural gas, fuel oil, water, electricity, sewage, and refuse and hazardous medical waste collection; allocated other protected home office costs; and any additional costs defined as other protected costs in rules adopted under section 5124.03 of the Revised Code. 83367  
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(LL)(1) "Owner" means any person or government entity that has at least five per cent ownership or interest, either directly, indirectly, or in any combination, in any of the following regarding an ICF/IID: 83374  
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(a) The land on which the ICF/IID is located; 83378

(b) The structure in which the ICF/IID is located; 83379

(c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure on or in which the ICF/IID is located; 83380  
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(d) Any lease or sublease of the land or structure on or in which the ICF/IID is located. 83383  
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(2) "Owner" does not mean a holder of a debenture or bond related to an ICF/IID and purchased at public issue or a regulated lender that has made a loan related to the ICF/IID unless the holder or lender operates the ICF/IID directly or through a 83385  
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subsidiary. 83389

(MM) "Partially converted ICF/IID" means an ICF/IID that 83390  
converted some, but not all, of its beds to providing home and 83391  
community-based services under the individual options waiver 83392  
pursuant to section 5124.60 or 5124.61 of the Revised Code. 83393

(NN) For the purpose of the total per medicaid day payment 83394  
rate determined for an ICF/IID under division (A) of section 83395  
5124.15 of the Revised Code and the initial total per medicaid day 83396  
payment rate determined for a new ICF/IID under section 5124.151 83397  
of the Revised Code: 83398

(1) "Peer group 1" means each ICF/IID with a 83399  
medicaid-certified capacity exceeding sixteen. 83400

(2) "Peer group 2" means each ICF/IID with a 83401  
medicaid-certified capacity exceeding eight but not exceeding 83402  
sixteen. 83403

(3) "Peer group 3" means each ICF/IID with a 83404  
medicaid-certified capacity of seven or eight. 83405

(4) "Peer group 4" means each ICF/IID with a 83406  
medicaid-certified capacity not exceeding six, other than an 83407  
ICF/IID that is in peer group 5-A. 83408

(5) "Peer group 5" means each ICF/IID to which all of the 83409  
following apply: 83410

(a) The ICF/IID is first certified as an ICF/IID after July 83411  
1, 2014. 83412

(b) The ICF/IID has a medicaid-certified capacity not 83413  
exceeding six. 83414

(c) The ICF/IID has a contract with the department of 83415  
developmental disabilities that is for fifteen years and includes 83416  
a provision for the department to approve all admissions to, and 83417  
discharges from, the ICF/IID. 83418

(d) The ICF/IID's residents are admitted to the ICF/IID 83419  
directly from a developmental center or have been determined by 83420  
the department to be at risk of admission to a developmental 83421  
center. 83422

(6) "Peer group 6" means each ICF/IID to which all of the 83423  
following apply: 83424

(a) The ICF/IID has submitted a best practices protocol for 83425  
providing services to youth up to twenty-one years of age in need 83426  
of intensive behavior support services that has been approved by 83427  
the department of developmental disabilities. 83428

(b) The ICF/IID, or a distinct unit of the ICF/IID, has a 83429  
medicaid-certified capacity not exceeding six. 83430

(c) The ICF/IID has a contract with the department that 83431  
includes a provision for the department to approve all admissions 83432  
to the ICF/IID. 83433

(d) The ICF/IID has agreed to be reimbursed in accordance 83434  
with the reimbursement methodology established under the rules 83435  
authorized by section 5124.03 of the Revised Code. 83436

(00)(1) Except as provided in division (00)(2) of this 83437  
section, "per diem" means an ICF/IID's desk-reviewed, actual, 83438  
allowable costs in a given cost center in a cost reporting period, 83439  
divided by the facility's inpatient days for that cost reporting 83440  
period. 83441

(2) When determining indirect care costs for the purpose of 83442  
section 5124.21 of the Revised Code, "per diem" means an ICF/IID's 83443  
actual, allowable indirect care costs in a cost reporting period 83444  
divided by the greater of the ICF/IID's inpatient days for that 83445  
period or the number of inpatient days the ICF/IID would have had 83446  
during that period if its occupancy rate had been eighty-five per 83447  
cent. 83448

(PP) "Provider" means an operator with a valid provider agreement. 83449  
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(QQ) "Provider agreement" means a provider agreement, as defined in section 5164.01 of the Revised Code, that is between the department of medicaid and the operator of an ICF/IID for the provision of ICF/IID services under the medicaid program. 83451  
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(RR) "Purchased nursing services" means services that are provided in an ICF/IID by registered nurses, licensed practical nurses, or nurse aides who are not employees of the ICF/IID. 83455  
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(SS) "Reasonable" means that a cost is an actual cost that is appropriate and helpful to develop and maintain the operation of resident care facilities and activities, including normal standby costs, and that does not exceed what a prudent buyer pays for a given item or services. Reasonable costs may vary from provider to provider and from time to time for the same provider. 83458  
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(TT) "Related party" means an individual or organization that, to a significant extent, has common ownership with, is associated or affiliated with, has control of, or is controlled by, a provider. 83464  
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(1) An individual who is a relative of an owner is a related party. 83468  
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(2) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the provider and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the provider and another organization from which the provider purchases or leases real property. 83470  
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(3) Control exists when an individual or organization has the 83479

power, directly or indirectly, to significantly influence or 83480  
direct the actions or policies of an organization. 83481

(4) An individual or organization that supplies goods or 83482  
services to a provider shall not be considered a related party if 83483  
all of the following conditions are met: 83484

(a) The supplier is a separate bona fide organization. 83485

(b) A substantial part of the supplier's business activity of 83486  
the type carried on with the provider is transacted with others 83487  
than the provider and there is an open, competitive market for the 83488  
types of goods or services the supplier furnishes. 83489

(c) The types of goods or services are commonly obtained by 83490  
other ICFs/IID from outside organizations and are not a basic 83491  
element of resident care ordinarily furnished directly to 83492  
residents by the ICFs/IID. 83493

(d) The charge to the provider is in line with the charge for 83494  
the goods or services in the open market and no more than the 83495  
charge made under comparable circumstances to others by the 83496  
supplier. 83497

(UU) "Relative of owner" means an individual who is related 83498  
to an owner of an ICF/IID by one of the following relationships: 83499

(1) Spouse; 83500

(2) Natural parent, child, or sibling; 83501

(3) Adopted parent, child, or sibling; 83502

(4) Stepparent, stepchild, stepbrother, or stepsister; 83503

(5) Father-in-law, mother-in-law, son-in-law, 83504  
daughter-in-law, brother-in-law, or sister-in-law; 83505

(6) Grandparent or grandchild; 83506

(7) Foster caregiver, foster child, foster brother, or foster 83507  
sister. 83508

(VV) For the purpose of determining an ICF/IID's per medicaid day capital component rate under section 5124.17 of the Revised Code, "renovation" means an ICF/IID's betterment, improvement, or restoration, other than an addition, through a capital expenditure.

(WW) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.

(XX) "Secondary building" means a building or part of a building, other than an ICF/IID, in which the owner of one or more ICFs/IID has administrative work regarding the ICFs/IID performed or records regarding the ICFs/IID stored.

(YY) "Sponsor" means an adult relative, friend, or guardian of an ICF/IID resident who has an interest or responsibility in the resident's welfare.

(ZZ) "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396, et seq.

(AAA) "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395, et seq.

(BBB) "Voluntary termination" means an operator's voluntary election to terminate the participation of an ICF/IID in the medicaid program but to continue to provide service of the type provided by a residential facility as defined in section 5123.19 of the Revised Code.

**Sec. 5124.15.** (A) Except as otherwise provided by section 5124.101 of the Revised Code, sections 5124.151 to 5124.154 of the Revised Code, and divisions (B) and (C) of this section, the total per medicaid day payment rate that the department of developmental disabilities shall pay to an ICF/IID provider for ICF/IID services the provider's ICF/IID provides during a fiscal year shall equal the sum of all of the following:

(1) The per medicaid day capital component rate determined for the ICF/IID under section 5124.17 of the Revised Code;	83539 83540
(2) The per medicaid day direct care costs component rate determined for the ICF/IID under section 5124.19 of the Revised Code;	83541 83542 83543
(3) The per medicaid day indirect care costs component rate determined for the ICF/IID under section 5124.21 of the Revised Code;	83544 83545 83546
(4) The per medicaid day other protected costs component rate determined for the ICF/IID under section 5124.23 of the Revised Code;	83547 83548 83549
(5) The sum of the following:	83550
(a) The per medicaid day quality incentive payment determined for the ICF/IID under section 5124.24 of the Revised Code;	83551 83552
(b) A direct support personnel payment equal to two and four-hundredths per cent of the ICF/IID's desk-reviewed, actual, allowable, per medicaid day direct care costs from the applicable cost report year;	83553 83554 83555 83556
<u>(c) A professional workforce development payment equal to thirteen and fifty-five hundredths for state fiscal year 2024 and twenty and eighty-one hundredths during fiscal year 2025 per cent of the ICF/IID's desk-reviewed, actual, allowable, per medicaid day direct care costs from the applicable cost report year.</u>	83557 83558 83559 83560 83561
(B) The total per medicaid day payment rate for an ICF/IID that is in peer group 5 shall not exceed the average total per medicaid day payment rate in effect on July 1, 2013, for developmental centers.	83562 83563 83564 83565
(C) The department shall adjust the total per medicaid day payment rate otherwise determined for an ICF/IID under this section as directed by the general assembly through the enactment	83566 83567 83568

of law governing medicaid payments to ICF/IID providers. 83569

(D)(1) In addition to paying an ICF/IID provider the total 83570  
per medicaid day payment rate determined for the provider's 83571  
ICF/IID under divisions (A), (B), and (C) of this section for a 83572  
fiscal year, the department may do either or both of the 83573  
following: 83574

(a) In accordance with section 5124.25 of the Revised Code, 83575  
pay the provider a rate add-on for ventilator-dependent outlier 83576  
ICF/IID services if the rate add-on is to be paid under that 83577  
section and the department approves the provider's application for 83578  
the rate add-on; 83579

(b) In accordance with section 5124.26 of the Revised Code, 83580  
pay the provider for outlier ICF/IID services the ICF/IID provides 83581  
to residents identified as needing intensive behavioral health 83582  
support services if the rate add-on is to be paid under that 83583  
section and the department approves the provider's application for 83584  
the rate add-on. 83585

(2) The rate add-ons are not to be part of the ICF/IID's 83586  
total per medicaid day payment rate. 83587

**Sec. 5124.45.** The department of developmental disabilities 83588  
shall transmit to the treasurer of state for deposit in the 83589  
general revenue fund amounts collected from the following: 83590

(A) ~~Recoupsments and voluntary repayments made under section~~ 83591  
~~5124.39 of the Revised Code;~~ 83592

~~(B)~~ Refunds required by, and interest charged under, section 83593  
5124.41 of the Revised Code; 83594

~~(C)~~(B) Penalties imposed under section 5124.42 of the Revised 83595  
Code. 83596

**Sec. 5124.70.** (A) This section does not apply to ~~either~~ any 83597

of the following: 83598

(1) An ICF/IID to which both of the following apply: 83599

(a) On or before January 1, 2015, the ICF/IID became a 83600  
downsized ICF/IID or partially converted ICF/IID. 83601

(b) On January 1, 2015, the ICF/IID's medicaid-certified 83602  
capacity was at least twenty per cent less than the greatest 83603  
medicaid-certified capacity it had before it became a downsized 83604  
ICF/IID or partially converted ICF/IID. 83605

(2) An ICF/IID's sleeping room in which more than two 83606  
residents reside if both of the following apply: 83607

(a) All of the residents of the sleeping room are under 83608  
twenty-one years of age. 83609

(b) The parents or guardians of all of the residents of the 83610  
sleeping room consent to the residents residing in a sleeping room 83611  
with more than two residents. 83612

(3) An ICF/IID to which any of the following apply on the 83613  
effective date of this amendment: 83614

(a) The ICF/IID has a medicaid-certified capacity between 83615  
sixty and seventy beds and is located in a county with a 83616  
population between forty thousand five hundred and forty-one 83617  
thousand according to the 2020 federal decennial census. 83618

(b) The ICF/IID has a medicaid-certified capacity between 83619  
ninety and one hundred beds and is located in a county with a 83620  
population between two hundred forty-two thousand and two hundred 83621  
forty-three thousand according to the 2020 federal decennial 83622  
census. 83623

(c) The ICF/IID has a medicaid-certified capacity between 83624  
fifty-five and sixty beds and is located in a county with a 83625  
population between four hundred thousand and five hundred thousand 83626

according to the 2020 federal decennial census. 83627

(d) The ICF/IID has a medicaid-certified capacity between 83628  
ninety and one hundred beds and is located in a county with a 83629  
population between one million three hundred thousand and one 83630  
million four hundred thousand according to the 2020 federal 83631  
decennial census. 83632

(e) The ICF/IID has a medicaid-certified capacity between one 83633  
hundred twenty and one hundred thirty beds and is located in a 83634  
county with a population between one hundred sixty thousand and 83635  
one hundred sixty-two thousand according to the 2020 federal 83636  
decennial census. 83637

(B) Except as provided in divisions (G) and (H) of this 83638  
section, an ICF/IID provider shall not permit more than two 83639  
residents to reside in the same sleeping room. 83640

(C)(1) If, on ~~the effective date of this section~~ September 83641  
29, 2015, more than two residents of an ICF/IID reside in the same 83642  
sleeping room, the ICF/IID provider shall submit to the department 83643  
of developmental disabilities for its review a plan to come into 83644  
compliance with division (B) of this section. The provider shall 83645  
submit the plan not later than December 31, 2015. 83646

(2) The plan shall include all of the following: 83647

(a) The date by which not more than two residents will reside 83648  
in the same sleeping room, which shall be not later than June 30, 83649  
2025; 83650

(b) Detailed descriptions of the actions the ICF/IID provider 83651  
will take to come into compliance with division (B) of this 83652  
section, which shall include becoming either a downsized ICF/IID 83653  
or a partially converted ICF/IID. 83654

(c) The ICF/IID's projected medicaid-certified capacity for 83655  
each year covered by the plan, which must demonstrate that the 83656

provider will make regular progress toward coming into compliance 83657  
with division (B) of this section; 83658

(d) A discharge planning process that includes providing 83659  
information to residents regarding home and community-based 83660  
services; 83661

(e) Additional interim steps the provider will take to 83662  
demonstrate that the provider is making regular progress toward 83663  
coming into compliance with division (B) of this section. 83664

(3) The plan shall not include the creation of a new ICF/IID 83665  
that has a medicaid-certified capacity that is greater than six 83666  
unless the department determines that a new ICF/IID would need a 83667  
larger medicaid-certified capacity to be financially viable. If 83668  
the department determines that a new ICF/IID would need a larger 83669  
medicaid-certified capacity to be financially viable, the plan may 83670  
include the creation of a new ICF/IID that has a 83671  
medicaid-certified capacity that is greater than six but not 83672  
greater than eight. 83673

(D) The department shall review each plan submitted under 83674  
division (C) of this section and decide whether to approve the 83675  
plan. In making this decision, the department shall consider both 83676  
of the following: 83677

(1) Whether the plan conforms to the requirements of division 83678  
(C) of this section; 83679

(2) The feasibility of completing the implementation as 83680  
described in the plan. 83681

(E) If the department approves an ICF/IID provider's plan 83682  
under division (D) of this section, the provider shall submit to 83683  
the department annual reports regarding the plan's implementation. 83684

(F) The department may issue a written order to an ICF/IID 83685  
provider that suspends new admissions to the ICF/IID if both of 83686

the following apply: 83687

(1) The department has approved the provider's plan under 83688  
division (D) of this section. 83689

(2) The provider fails to do either of the following: 83690

(a) Submit to the department an annual report required by 83691  
division (E) of this section; 83692

(b) Meet, to the department's satisfaction, the projected 83693  
medicaid-certified capacity for the ICF/IID for a year as 83694  
specified in the plan and the failure is due to factors within the 83695  
provider's control. 83696

(G)(1) Before January 1, 2016, an ICF/IID provider may permit 83697  
more than two residents to reside in the same sleeping room if 83698  
more than two residents resided in the same sleeping room on ~~the~~ 83699  
~~effective date of this section~~ September 29, 2015. 83700

(2) On and after January 1, 2016, an ICF/IID provider may 83701  
permit more than two residents to reside in the same sleeping room 83702  
only if all of the following apply: 83703

(a) More than two residents resided in the same sleeping room 83704  
on ~~the effective date of this section~~ September 29, 2015. 83705

(b) The provider has submitted a plan in accordance with 83706  
division (C) of this section. 83707

(c) Either of the following applies: 83708

(i) The department has approved and the provider complies 83709  
with the plan. 83710

(ii) The department has not decided whether to approve the 83711  
plan. 83712

(H) The department shall waive application of division (B) of 83713  
this section for an ICF/IID's sleeping room in which more than two 83714  
residents reside on June 30, 2025, if both of the following apply: 83715

(1) The same residents have continuously resided in the sleeping room since ~~the effective date of this section~~ September 29, 2015;

(2) The department determines that at least three of these residents want to continue to reside together in the sleeping room.

**Sec. 5126.022.** When making initial appointments to a county board of developmental disabilities and when making an appointment to fill a vacancy pursuant to section 5126.027 of the Revised Code, an appointing authority shall do all of the following:

(A) Appoint only individuals who are residents of the county the appointing authority serves, citizens of the United States, and interested and knowledgeable in the field of intellectual disabilities and other allied fields;

~~(B) If (B)(1) Except as otherwise provided in this section, if~~ the appointing authority is a board of county commissioners, appoint at least one individual who is eligible to receive services provided by the county board and two additional individuals who are eligible for services provided by the county board or are immediate family members of such individuals. The board of county commissioners shall, whenever possible, ensure that one of those two additional members is an individual eligible for adult services or an immediate family member of an individual eligible for adult services and the other is an immediate family member of an individual eligible for early intervention services or services for preschool or school-age children;

(2) If a board of county commissioners is unable to appoint at least one individual who is eligible to receive services provided by the county board in accordance with division (B)(1) of this section, the board of county commissioners shall submit an explanation to the president of the county board of developmental

disabilities explaining why the appointment could not be made, 83747  
before appointing an individual who otherwise fulfills the 83748  
requirements of this section. 83749

~~(C)~~(C)(1) If the appointing authority is a senior probate 83750  
judge, appoint at least one individual who is eligible to receive 83751  
services provided by the county board or who is an immediate 83752  
family member of an individual eligible for residential services 83753  
or supported living; 83754

(2) If a senior probate judge appoints an individual who is 83755  
eligible to receive services provided by a county board under 83756  
division (C)(1) of this section, that appointment satisfies the 83757  
requirement under division (B)(1) of this section that a board of 83758  
county commissioners appoint at least one such individual. 83759

(D) Appoint, to the maximum extent possible, individuals who 83760  
have professional training and experience in business management, 83761  
finance, law, health care practice, personnel administration, or 83762  
government service; 83763

(E) Provide for the county board's membership to reflect, as 83764  
nearly as possible, the composition of the county that the county 83765  
board serves. 83766

**Sec. 5145.161.** (A) The program for the employment of 83767  
prisoners within the custody of the department of rehabilitation 83768  
and correction that the department is required to establish by 83769  
division (A) of section 5145.16 of the Revised Code shall be 83770  
administered in accordance with any rules adopted pursuant to 83771  
division (B) of section 5145.03 of the Revised Code and with the 83772  
following requirements: 83773

(1) The department shall consider the nature of the offense 83774  
committed by a prisoner, the availability of employment, the 83775  
security requirements for the prisoner, the prisoner's present 83776

state of mind, the prisoner's record in the institution to which 83777  
the prisoner has been committed, and all other relevant factors 83778  
when assigning a prisoner to the prisoner's initial job 83779  
assignment. The department, when making a prisoner's initial job 83780  
assignment, shall attempt to develop the prisoner's work skills, 83781  
provide rehabilitation for the prisoner, consider the proximity to 83782  
the prisoner's family, and permit the prisoner to provide support 83783  
for the prisoner's dependents if the prisoner's earnings are 83784  
sufficient for that to be feasible. 83785

(2)(a) Except as provided in division (A)(2)(b) of this 83786  
section, no prisoner shall be assigned to any job with the Ohio 83787  
penal industries, or to any other job level or job grade of 83788  
prisoner employment that the director of rehabilitation and 83789  
correction may designate, unless the prisoner has obtained, or 83790  
enrolled in an education program that leads to, a high school 83791  
diploma or a certificate of high school equivalence. 83792

(b) Division (A)(2)(a) of this section does not apply to 83793  
either of the following: 83794

(i) A prisoner who is determined, in accordance with a 83795  
procedure approved by the director, to be incapable of obtaining a 83796  
diploma or certificate of high school equivalence; 83797

(ii) A prisoner working in the Ohio penal industries as of 83798  
February 1, 1999, who applied on or before May 1, 1999, for 83799  
enrollment in a program leading to a diploma or a certificate of 83800  
high school equivalence, and who has been enrolled in that program 83801  
for less than one year. 83802

(3) Each prisoner shall be required to perform the prisoner's 83803  
job satisfactorily, be permitted to be absent from the prisoner's 83804  
job only for legitimate reasons, be required to comply with all 83805  
security requirements, and be required to comply with any other 83806  
reasonable job performance standards. 83807

(4) A prisoner who advances from one job grade to the next higher job grade within the job level, advances from one job level to the next higher job level, or advances from one job category to the next highest job category shall receive additional benefits in accordance with the rules adopted pursuant to division (B) of section 5145.03 of the Revised Code.

(5) A prisoner shall not be eligible for a job in private industry or agriculture, unless the prisoner meets the requirements of the department for private employment that are set forth in rules adopted pursuant to division (B) of section 5145.03 of the Revised Code.

(6) A prisoner who violates the work requirements of any job grade, level, or category shall be disciplined pursuant to the disciplinary procedure adopted pursuant to division (B)(9) of section 5145.03 of the Revised Code.

(B) The department of rehabilitation and correction may administer the program that it is required to establish by division (A) of section 5145.16 of the Revised Code in any manner that is consistent with division (A) of this section, division (B) of section 5145.03, and section 5145.16 of the Revised Code.

**Sec. 5145.163.** (A) As used in this section:

(1) "Customer model enterprise" means an enterprise conducted under a federal prison industries enhancement certification program in which a private party participates in the enterprise only as a purchaser of goods and services.

(2) "Employer model enterprise" means an enterprise conducted under a federal prison industries enhancement certification program in which a private party participates in the enterprise as an operator of the enterprise.

(3) "Injury" ~~means a diagnosable injury to an inmate~~

~~supported by medical findings that it was~~ and "occupational 83838  
disease" have the same meanings as in section 4123.01 of the 83839  
Revised Code if sustained or contracted in the course of, and 83840  
~~arose arising~~ out of, participation in authorized work activity 83841  
~~that was an integral part of the inmate's participation in the~~ 83842  
~~Ohio penal industries~~ federal prison industries enhancement  
certification program. 83843  
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(4) "Inmate" means any person who is committed to the custody 83845  
of the department of rehabilitation and correction and who is 83846  
participating in an Ohio penal industries program that is under 83847  
the federal prison industries enhancement certification program. 83848

(5) "Federal prison industries enhancement certification 83849  
program" means the program authorized pursuant to 18 U.S.C. 1761. 83850

~~(6) "Loss of earning capacity" means an impairment of the~~ 83851  
~~body of an inmate to a degree that makes the inmate unable to~~ 83852  
~~return to work activity under the Ohio penal industries program~~ 83853  
~~and results in a reduction of compensation earned by the inmate at~~ 83854  
~~the time the injury occurred.~~ 83855

(B) ~~Every inmate shall be covered by a policy of disability~~ 83856  
~~insurance to provide benefits for loss of earning capacity due to~~ 83857  
~~an injury and for medical treatment of the injury following the~~ 83858  
~~inmate's release from prison. No private party shall participate~~ 83859  
in an employer model enterprise in this state unless the private 83860  
party is approved by the director of rehabilitation and correction 83861  
in accordance with division (C) of this section. 83862

(C) The director may approve a private party to participate 83863  
in an employer model enterprise only if the private party meets 83864  
the following requirements: 83865

(1) The private party provides proof of workers' compensation 83866  
coverage furnished by the bureau of workers' compensation. 83867

(2) The private party carries liability insurance in an 83868

amount the director determines to be sufficient. 83869

(3) The private party does not have an unresolved finding for recovery by the auditor of state under section 9.24 of the Revised Code. 83870  
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(D)(1) If the enterprise for which the an inmate works is a customer model enterprise, Ohio penal industries shall purchase the policy the department shall treat the inmate as an employee of the department for the purpose of workers' compensation coverage in accordance with section 4123.543 of the Revised Code. 83873  
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(2) If the enterprise for which the an inmate works is an employer model enterprise, the private participant shall purchase the policy. The person required to purchase the policy shall submit proof of coverage to the prison labor advisory board before the enterprise begins operation. 83878  
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(C) Within ninety days after an inmate sustains an injury, the inmate may file a disability claim with the person required to purchase the policy of disability insurance. Upon the request of the insurer, the inmate shall be medically examined, and the insurer shall determine the inmate's entitlement to disability benefits based on the medical examination. The inmate shall accept or reject an award within thirty days after a determination of the inmate's entitlement to the award. If the inmate accepts the award, the benefits shall be paid upon the inmate's release from prison. The amount of disability benefits payable to the inmate shall be reduced by sick leave benefits or other compensation for lost pay made by Ohio penal industries to the inmate due to an injury that rendered the inmate unable to work. An inmate shall not receive disability benefits for injuries occurring as the result of a fight, assault, horseplay, purposely self inflicted injury, use of alcohol or controlled substances, misuse of prescription drugs, or other activity that is prohibited by the department's or institution's inmate conduct rules or the work 83883  
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~~rules of the private participant in the enterprise.~~ 83901

~~(D) Inmates treat the inmate as an employee of the private participant for the purpose of workers' compensation coverage in accordance with section 4123.543 of the Revised Code.~~ 83902  
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~~(E) Except as provided in division (D) of this section,~~ 83905  
~~inmates~~ are not employees of the department of rehabilitation and 83906  
correction or the private participant in an enterprise. 83907

~~(E) An inmate is ineligible to receive compensation or~~ 83908  
~~benefits under Chapter 4121., 4123., 4127., or 4131. of the~~ 83909  
~~Revised Code for any injury, death, or occupational disease~~ 83910  
~~received in the course of, and arising out of, participation in~~ 83911  
~~the Ohio penal industries program. Any claim for an injury arising~~ 83912  
~~from an inmate's participation in the program is specifically~~ 83913  
~~excluded from the jurisdiction of the Ohio bureau of workers'~~ 83914  
~~compensation and the industrial commission of Ohio.~~ 83915

~~(F) Any disability benefit award accepted by an inmate under~~ 83916  
~~this section shall be the inmate's exclusive remedy against the~~ 83917  
~~insurer, the private participant in an enterprise, and the state.~~ 83918  
~~If an inmate rejects an award or a disability claim is denied, the~~ 83919  
~~inmate may bring an action in the court of claims within the~~ 83920  
~~appropriate period of limitations.~~ 83921

~~(G) If any inmate who is paid disability benefits under this~~ 83922  
~~section is reincarcerated, the benefits shall immediately cease~~ 83923  
~~but shall resume upon the inmate's subsequent release from~~ 83924  
~~incarceration.~~ 83925

~~(F) The department shall provide and pay for all medical care~~ 83926  
~~rendered to an inmate related to an injury or occupational disease~~ 83927  
~~while the inmate is imprisoned.~~ 83928

~~(G) Notwithstanding division (A) of section 5120.21 of the~~ 83929  
~~Revised Code, the director shall do all of the following:~~ 83930

(1) Notify the administrator of workers' compensation of any injury, occupational disease, or death of an inmate that arises out of participation in authorized work activity in the federal prison industries enhancement certification program. 83931  
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(2) On request from the administrator, provide to the administrator medical records, or other relevant information, related to an injury, occupational disease, or death of an inmate that arises out of participation in authorized work activity in the federal prison industries enhancement certification program. 83935  
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(3) Notify the administrator when an inmate who has a suspended award for compensation or benefits pursuant to division (E) of section 4123.543 of the Revised Code is released from imprisonment or reimprisoned. 83940  
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(H) An inmate shall voluntarily consent to participate in a federal prison industries enhancement certification program prior to commencing participation in the program. Such consent disclaims the inmate's ability to choose a medical provider while the inmate is imprisoned and subjects the inmate to the requirements of this section and section 4123.543 of the Revised Code. 83944  
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~~**Sec. 5149.101.** (A)(1) A board hearing officer, a board member, or the office of victims' services may petition the board for a full board hearing that relates to the proposed parole or re-parole of a prisoner, including any prisoner described in section 2967.132 of the Revised Code. At a meeting of the board at which a majority of board members are present, the majority of those present shall determine whether a full board hearing shall be held.~~ 83950  
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~~(2)(A)(1)(a) A victim of a violation of section 2903.01 or 2903.02 of the Revised Code, an offense of violence that is a felony of the first, second, or third degree, or an offense punished by a sentence of life imprisonment, the victim's~~ 83958  
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representative, or any person described in division (B)(5) of this section may request, through the office of victims' services, for the board to hold a full board hearing that relates to the proposed parole or re-parole of the person that committed the violation. If a victim, victim's representative, or ~~other~~ any person described in division (B)(5) of this section requests a full board hearing pursuant to this division, the board shall hold a full board hearing. 83962  
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(b) A family member of a victim who is not described in division (B)(5) of this section may request, through the office of victims' services, for the board to hold a full board hearing that relates to the proposed parole or re-parole of a person who committed a violation of section 2903.01 or 2903.02 of the Revised Code, an offense of violence that is a felony of the first, second, or third degree, or an offense punished by a sentence of life imprisonment. At a meeting of the board at which a majority of board members are present, the majority of those present shall determine whether a full board hearing shall be held, if a family member of the victim makes a request pursuant to this division. 83970  
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(c) If a person is convicted of a violation of section 2903.01 or 2903.02 of the Revised Code, an offense of violence that is a felony of the first, second, or third degree, or an offense punished by a sentence of life imprisonment, the prosecuting attorney may submit a request directly to the board to hold a full board hearing that relates to the proposed parole or re-parole of the person who committed the violation. If the prosecutor requests a full board hearing pursuant to this division, the board shall hold a full board hearing. 83981  
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(2) At least thirty days before the full hearing, except as otherwise provided in this division, the board shall give notice of the date, time, and place of the hearing to the victim regardless of whether the victim has requested the notification. 83990  
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The notice of the date, time, and place of the hearing shall not 83994  
be given under this division to a victim if the victim has 83995  
requested pursuant to division (B)(2) of section 2930.03 of the 83996  
Revised Code that the notice not be provided to the victim. At 83997  
least thirty days before the full board hearing and regardless of 83998  
whether the victim has requested that the notice be provided or 83999  
not be provided under this division to the victim, the board shall 84000  
give similar notice to the prosecuting attorney in the case, the 84001  
law enforcement agency that arrested the prisoner if any officer 84002  
of that agency was a victim of the offense, and, if different than 84003  
the victim, the person who requested the full hearing. If the 84004  
prosecuting attorney has not previously been sent an institutional 84005  
summary report with respect to the prisoner, upon the request of 84006  
the prosecuting attorney, the board shall include with the notice 84007  
sent to the prosecuting attorney an institutional summary report 84008  
that covers the offender's participation while confined in a state 84009  
correctional institution in training, work, and other 84010  
rehabilitative activities and any disciplinary action taken 84011  
against the offender while so confined. Upon the request of a law 84012  
enforcement agency that has not previously been sent an 84013  
institutional summary report with respect to the prisoner, the 84014  
board also shall send a copy of the institutional summary report 84015  
to the law enforcement agency. If notice is to be provided as 84016  
described in this division, the board may give the notice by any 84017  
reasonable means, including regular mail, telephone, and 84018  
electronic mail, in accordance with division (D)(1) of section 84019  
2930.16 of the Revised Code. If the notice is based on an offense 84020  
committed prior to March 22, 2013, the notice also shall include 84021  
the opt-out information described in division (D)(1) of section 84022  
2930.16 of the Revised Code. The board, in accordance with 84023  
division (D)(2) of section 2930.16 of the Revised Code, shall keep 84024  
a record of all attempts to provide the notice, and of all notices 84025  
provided, under this division. 84026

The preceding paragraph, and the notice-related provisions of 84027  
divisions (E)(2) and (K) of section 2929.20, division (D)(1) of 84028  
section 2930.16, division (H) of section 2967.12, division 84029  
(E)(1)(b) of section 2967.19 as it existed prior to ~~the effective~~ 84030  
~~date of this amendment~~ April 4, 2023, division (A)(3)(b) of 84031  
section 2967.26, and division (D)(1) of section 2967.28 of the 84032  
Revised Code enacted in the act in which this paragraph was 84033  
enacted, shall be known as "Roberta's Law." 84034

(B) At a full board hearing that relates to the proposed 84035  
parole or re-parole of a prisoner and that has been petitioned for 84036  
or requested in accordance with division (A) of this section, the 84037  
parole board shall permit the following persons to appear and to 84038  
give testimony or to submit written statements: 84039

(1) The prosecuting attorney of the county in which the 84040  
original indictment against the prisoner was found and members of 84041  
any law enforcement agency that assisted in the prosecution of the 84042  
original offense; 84043

(2) The judge of the court of common pleas who imposed the 84044  
original sentence of incarceration upon the prisoner, or the 84045  
judge's successor; 84046

(3) The victim of the original offense for which the prisoner 84047  
is serving the sentence or the victim's representative designated 84048  
pursuant to section 2930.02 of the Revised Code; 84049

(4) The victim of any behavior that resulted in parole being 84050  
revoked; 84051

(5) With respect to a full board hearing held pursuant to 84052  
division ~~(A)(2)~~ (A)(1)(a) or (c) of this section, all of the 84053  
following: 84054

(a) The spouse of the victim of the original offense; 84055

(b) The parent or parents of the victim of the original 84056

offense; 84057

(c) The sibling of the victim of the original offense; 84058

(d) The child or children of the victim of the original offense. 84059  
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(6) ~~Counsel~~ A state public defender when designated by the director of the department of rehabilitation and correction pursuant to division (A)(5) of section 120.06 of the Revised Code, private counsel, or some other person designated by the prisoner as a representative, ~~as described in division (C) of this section permitted by the board.~~ 84061  
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(C) Except as otherwise provided in this division, a full board hearing of the parole board is not subject to section 121.22 of the Revised Code. The persons who may attend a full board hearing are the persons described in divisions (B)(1) to (6) of this section, and representatives of the press, radio and television stations, and broadcasting networks who are members of a generally recognized professional media organization. 84067  
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At the request of a person described in division (B)(3) of this section, representatives of the news media described in this division shall be excluded from the hearing while that person is giving testimony at the hearing. The prisoner being considered for parole has no right to be present at the hearing, but may be represented ~~by counsel or some other person designated by the prisoner~~ as described in division (B)(6) of this section. 84074  
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If there is an objection at a full board hearing to a recommendation for the parole of a prisoner, the board may approve or disapprove the recommendation or defer its decision until a subsequent full board hearing. The board may permit interested persons other than those listed in this division and division (B) of this section to attend full board hearings pursuant to rules adopted by the adult parole authority. 84081  
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(D) If the victim of the original offense died as a result of the offense and the offense was aggravated murder, murder, an offense of violence that is a felony of the first, second, or third degree, or an offense punished by a sentence of life imprisonment, the family of the victim may show at a full board hearing a video recording not exceeding five minutes in length memorializing the victim.

(E) The adult parole authority shall adopt rules for the implementation of this section. The rules shall specify reasonable restrictions on the number of media representatives that may attend a hearing, based on considerations of space, and other procedures designed to accomplish an effective, orderly process for full board hearings.

**Sec. 5149.38.** (A) In each voluntary county, subject to division (B) of this section and not later than ~~September 1, 2022~~ the deadlines established by the department of rehabilitation and correction in division (B)(3)(b)(ii) of section 2929.34 of the Revised Code, a county commissioner representing the board of county commissioners of the county, the administrative judge of the general division of the court of common pleas of the county, the sheriff of the county, and an official from any municipality operating a local correctional facility in the county to which courts of the county sentence offenders shall agree to, sign, and submit to the department of rehabilitation and correction for its approval a memorandum of understanding that does all of the following:

(1) Sets forth the plans by which the county will use grant money provided to the county in the state fiscal years ~~year 2023 and succeeding years within the specified~~ state fiscal years biennium under the ~~targeting~~ targeted community alternatives to prison (T-CAP) program;

(2) Specifies the manner in which the county will address a per diem reimbursement of local correctional facilities for prisoners who serve a prison term in the facility pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code. The per diem reimbursement rate shall be the rate determined in division (F)(1) of this section and shall be specified in the memorandum;

(3) Specifies whether the memorandum of understanding will apply to prison terms for felonies of the fifth degree or prison terms for felonies of the fourth and fifth degree pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code.

(B) Two or more voluntary counties may join together to jointly establish a memorandum of understanding of the type described in division (A) of this section. Not later than ~~September 1, 2022~~ the deadlines established by the department of rehabilitation and correction in division (B)(3)(b)(ii) of section 2929.34 of the Revised Code, a county commissioner from each of the affiliating voluntary counties representing the county's board of county commissioners, the administrative judge of the general division of the court of common pleas of each affiliating voluntary county, the sheriff of each affiliating voluntary county, and an official from any municipality operating a local correctional facility in the affiliating voluntary counties to which courts of the counties sentence offenders shall agree to, sign, and submit to the department of rehabilitation and correction for its approval the memorandum of understanding. The memorandum of understanding shall set forth the plans by which, and specify the manner in which, the affiliating counties will complete the tasks identified in divisions (A)(1) to (3) of this section.

(C) The department of rehabilitation and correction shall adopt rules establishing standards for approval of memorandums of understanding submitted to it under division (A) or (B) of this

section. The department shall review the memorandums of 84151  
understanding submitted to it and may require the county or 84152  
counties that submit a memorandum to modify the memorandum. The 84153  
director of rehabilitation and correction shall approve 84154  
memorandums of understanding submitted to it under division (A) or 84155  
(B) of this section that the director determines satisfy the 84156  
standards adopted by the department within thirty days after 84157  
receiving each memorandum submitted. 84158

(D) Any person responsible for agreeing to, signing, and 84159  
submitting a memorandum of understanding under division (A) or (B) 84160  
of this section may delegate the person's authority to do so to an 84161  
employee of the agency, entity, or office served by the person. 84162

(E) The persons signing a memorandum of understanding under 84163  
division (A) or (B) of this section, or their successors in 84164  
office, may revise the memorandum as they determine necessary. Any 84165  
revision of the memorandum shall be signed by the parties 84166  
specified in division (A) or (B) of this section and submitted to 84167  
the department of rehabilitation and correction for its approval 84168  
under division (C) of this section within thirty days after the 84169  
beginning of the state fiscal year. 84170

(F)(1) In each county, commencing in calendar year 2023, on 84171  
or before the first day of February of each calendar year the 84172  
sheriff shall determine the per diem costs for the preceding 84173  
calendar year for each of the local correctional facilities for 84174  
the housing in the facility of prisoners who serve a term in it 84175  
pursuant to division (B)(3)(c) of section 2929.34 of the Revised 84176  
Code. The per diem cost so determined shall apply in the calendar 84177  
year in which the determination is made. 84178

(2) For each county, the per diem cost determined under 84179  
division (F)(1) of this section that applies with respect to a 84180  
facility in a specified calendar year shall be the per diem rate 84181  
of reimbursement in that calendar year, under the ~~targeting~~ 84182

targeted community alternatives to prison (T-CAP) program, for 84183  
prisoners who serve a term in the facility pursuant to division 84184  
(B)(3)(c) of section 2929.34 of the Revised Code. 84185

(3) The per diem costs of housing determined under division 84186  
(F)(1) of this section for a facility shall be the actual costs of 84187  
housing the specified prisoners in the facility, on a per diem 84188  
basis. 84189

(G) As used in this section: 84190

(1) "Local correctional facility" means a facility of a type 84191  
described in division (C) or (D) of section 2929.34 of the Revised 84192  
Code. 84193

(2) "Voluntary county" has the same meanings as in section 84194  
2929.34 of the Revised Code. 84195

**Sec. 5153.122.** Each PCSA caseworker hired after January 1, 84196  
2007, shall complete ~~at least one hundred two hours of~~ in-service 84197  
training during the first year of the caseworker's continuous 84198  
employment as a PCSA caseworker, except that the executive 84199  
director of the public children services agency may waive the 84200  
training requirement for a school of social work graduate who 84201  
participated in the university partnership program described in 84202  
division (E) of section 5101.141 of the Revised Code and as 84203  
provided in section 5153.124 of the Revised Code. The training 84204  
shall consist of courses in all of the following: 84205

(A) Recognizing, accepting reports of, and preventing child 84206  
abuse, neglect, and dependency; 84207

(B) Assessing child safety; 84208

(C) Assessing risks; 84209

(D) Interviewing persons; 84210

(E) Investigating cases; 84211

(F) Intervening;	84212
(G) Providing services to children and their families;	84213
(H) The importance of and need for accurate data;	84214
(I) Preparation for court;	84215
(J) Maintenance of case record information;	84216
(K) The legal duties of PCSA caseworkers to protect the constitutional and statutory rights of children and families from the initial time of contact during investigation through treatment, including instruction regarding parents' rights and the limitations that the Fourth Amendment to the United States Constitution places upon caseworkers and their investigations;	84217 84218 84219 84220 84221 84222
(L) Content on other topics relevant to child abuse, neglect, and dependency, including permanency strategies, concurrent planning, and adoption as an option for unintended pregnancies.	84223 84224 84225
After a PCSA caseworker's first year of continuous employment as a PCSA caseworker, the caseworker annually shall complete thirty-six hours of training in areas relevant to the caseworker's assigned duties.	84226 84227 84228 84229
During the first two years of continuous employment as a PCSA caseworker, each PCSA caseworker shall complete <del>at least twelve hours of</del> training in recognizing the signs of domestic violence and its relationship to child abuse as established in rules the director of job and family services shall adopt pursuant to Chapter 119. of the Revised Code. <del>The twelve hours may be in addition to the training required during the caseworker's first year of employment or part of the training required during the second year of employment.</del>	84230 84231 84232 84233 84234 84235 84236 84237 84238
<b>Sec. 5153.123.</b> Each PCSA caseworker supervisor shall complete <del>at least sixty hours of</del> in-service training during the first year of the supervisor's continuous employment as a PCSA caseworker	84239 84240 84241

supervisor. The training shall include courses in screening 84242  
reports of child abuse, neglect, or dependency. After a PCSA 84243  
caseworker supervisor's first year of continuous employment as a 84244  
PCSA caseworker supervisor, the supervisor annually shall complete 84245  
thirty hours of training in areas relevant to the supervisor's 84246  
assigned duties. During the first two years of continuous 84247  
employment as a PCSA caseworker supervisor, each PCSA caseworker 84248  
supervisor shall complete ~~at least twelve hours of~~ training in 84249  
recognizing the signs of domestic violence and its relationship to 84250  
child abuse as established in rules the director of job and family 84251  
services shall adopt pursuant to Chapter 119. of the Revised Code. 84252  
~~The twelve hours may be in addition to the training required~~ 84253  
~~during the supervisor's first year of employment or part of the~~ 84254  
~~training required during the second year of employment.~~ 84255  
84256

**Sec. 5153.124.** (A)(1) The director of job and family services 84257  
shall adopt rules as necessary to implement the training 84258  
requirements of sections 5153.122 and 5153.123 of the Revised 84259  
Code. 84260

(2) Not later than nine months after ~~the effective date of~~ 84261  
~~the amendment to this section by H.B. 110 of the 134th general~~ 84262  
~~assembly September 30, 2021,~~ the director shall adopt rules in 84263  
accordance with Chapter 119. of the Revised Code to establish the 84264  
circumstances under which an executive director of a public 84265  
children services agency may waive portions of in-service training 84266  
for PCSA caseworkers, in addition to the waiver described in 84267  
section 5153.122 of the Revised Code. 84268

(B) Notwithstanding sections ~~5103.33~~ 5103.37 to ~~5103.422~~ 84269  
5103.42 and sections 5153.122 to 5153.127 of the Revised Code, the 84270  
department of job and family services may require additional 84271  
training for PCSA caseworkers and PCSA caseworker supervisors as 84272

necessary to comply with federal requirements. 84273

**Sec. 5153.127.** The executive director of each public children 84274  
services agency or a person designated by the executive director 84275  
shall collect and maintain the data from individual training needs 84276  
assessments completed under sections 5153.125 and 5153.126 of the 84277  
Revised Code for each PCSA caseworker and PCSA caseworker 84278  
supervisor employed by the agency. The executive director or 84279  
designated person shall compile and forward the data collected 84280  
from the completed assessments to the regional training center 84281  
established under section ~~5103.42~~ 5103.41 of the Revised Code for 84282  
the training region the agency is located in. 84283

**Sec. 5153.16.** (A) Except as provided in section 2151.422 of 84284  
the Revised Code, in accordance with rules adopted under section 84285  
5153.166 of the Revised Code, and on behalf of children in the 84286  
county whom the public children services agency considers to be in 84287  
need of public care or protective services, the public children 84288  
services agency shall do all of the following: 84289

(1) Make an investigation concerning any child alleged to be 84290  
an abused, neglected, or dependent child; 84291

(2) Enter into agreements with the parent, guardian, or other 84292  
person having legal custody of any child, or with the department 84293  
of job and family services, department of mental health and 84294  
addiction services, department of developmental disabilities, 84295  
other department, any certified organization within or outside the 84296  
county, or any agency or institution outside the state, having 84297  
legal custody of any child, with respect to the custody, care, or 84298  
placement of any child, or with respect to any matter, in the 84299  
interests of the child, provided the permanent custody of a child 84300  
shall not be transferred by a parent to the public children 84301  
services agency without the consent of the juvenile court; 84302

(3) <u>Enter into a contract with an agency providing prevention services in an effort to prevent neglect or abuse, to enhance a child's welfare, and to preserve the family unit intact.</u>	84303
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(4) Accept custody of children committed to the public children services agency by a court exercising juvenile jurisdiction;	84306
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<del>(4)</del> (5) Provide such care as the public children services agency considers to be in the best interests of any child adjudicated to be an abused, neglected, or dependent child the agency finds to be in need of public care or service;	84309
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<del>(5)</del> (6) Provide social services to any unmarried girl adjudicated to be an abused, neglected, or dependent child who is pregnant with or has been delivered of a child;	84313
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<del>(6)</del> (7) Make available to the children with medical handicaps program of the department of health at its request any information concerning a child with a disability found to be in need of treatment under sections 3701.021 to 3701.028 of the Revised Code who is receiving services from the public children services agency;	84316
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<del>(7)</del> (8) Provide temporary emergency care for any child considered by the public children services agency to be in need of such care, without agreement or commitment;	84322
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<del>(8)</del> (9) Find certified foster homes, within or outside the county, for the care of children, including children with disabilities from other counties attending special schools in the county;	84325
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<del>(9)</del> (10) Subject to the approval of the board of county commissioners and the state department of job and family services, establish and operate a training school or enter into an agreement with any municipal corporation or other political subdivision of the county respecting the operation, acquisition, or maintenance	84329
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of any children's home, training school, or other institution for 84334  
the care of children maintained by such municipal corporation or 84335  
political subdivision; 84336

~~(10)~~(11) Acquire and operate a county children's home, 84337  
establish, maintain, and operate a receiving home for the 84338  
temporary care of children, or procure certified foster homes for 84339  
this purpose; 84340

~~(11)~~(12) Enter into an agreement with the trustees of any 84341  
district children's home, respecting the operation of the district 84342  
children's home in cooperation with the other county boards in the 84343  
district; 84344

~~(12)~~(13) Cooperate with, make its services available to, and 84345  
act as the agent of persons, courts, the department of job and 84346  
family services, the department of health, and other organizations 84347  
within and outside the state, in matters relating to the welfare 84348  
of children, except that the public children services agency shall 84349  
not be required to provide supervision of or other services 84350  
related to the exercise of parenting time rights granted pursuant 84351  
to section 3109.051 or 3109.12 of the Revised Code or 84352  
companionship or visitation rights granted pursuant to section 84353  
3109.051, 3109.11, or 3109.12 of the Revised Code unless a 84354  
juvenile court, pursuant to Chapter 2151. of the Revised Code, or 84355  
a common pleas court, pursuant to division (E)(6) of section 84356  
3113.31 of the Revised Code, requires the provision of supervision 84357  
or other services related to the exercise of the parenting time 84358  
rights or companionship or visitation rights; 84359

~~(13)~~(14) Make investigations at the request of any 84360  
superintendent of schools in the county or the principal of any 84361  
school concerning the application of any child adjudicated to be 84362  
an abused, neglected, or dependent child for release from school, 84363  
where such service is not provided through a school attendance 84364  
department; 84365

~~(14)~~(15) Administer funds provided under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as amended, in accordance with rules adopted under section 5101.141 of the Revised Code;

~~(15)~~(16) In addition to administering Title IV-E adoption assistance funds, enter into agreements to make adoption assistance payments under section 5153.163 of the Revised Code;

~~(16)~~(17) Implement a system of safety and risk assessment, in accordance with rules adopted by the director of job and family services, to assist the public children services agency in determining the risk of abuse or neglect to a child;

~~(17)~~(18) Enter into a plan of cooperation with the board of county commissioners under section 307.983 of the Revised Code and comply with each fiscal agreement the board enters into under section 307.98 of the Revised Code that include family services duties of public children services agencies and contracts the board enters into under sections 307.981 and 307.982 of the Revised Code that affect the public children services agency;

~~(18)~~(19) Make reasonable efforts to prevent the removal of an alleged or adjudicated abused, neglected, or dependent child from the child's home, eliminate the continued removal of the child from the child's home, or make it possible for the child to return home safely, except that reasonable efforts of that nature are not required when a court has made a determination under division (A)(2) of section 2151.419 of the Revised Code;

~~(19)~~(20) Make reasonable efforts to place the child in a timely manner in accordance with the permanency plan approved under division (E) of section 2151.417 of the Revised Code and to complete whatever steps are necessary to finalize the permanent placement of the child;

~~(20)~~(21) Administer a Title IV-A program identified under

division (A)(4)(c) or ~~(g)~~(h) of section 5101.80 of the Revised Code that the department of job and family services provides for the public children services agency to administer under the department's supervision pursuant to section 5101.801 of the Revised Code;

~~(21)~~(22) Administer the kinship permanency incentive program created under section 5101.802 of the Revised Code under the supervision of the director of job and family services;

~~(22)~~(23) Provide independent living services pursuant to sections 2151.81 to 2151.84 of the Revised Code;

~~(23)~~(24) File a missing child report with a local law enforcement agency upon becoming aware that a child in the custody of the public children services agency is or may be missing.

(B) The public children services agency shall use the system implemented pursuant to division ~~(A)(16)~~(A)(17) of this section in connection with an investigation undertaken pursuant to division (G)(1) of section 2151.421 of the Revised Code to assess both of the following:

(1) The ongoing safety of the child;

(2) The appropriateness of the intensity and duration of the services provided to meet child and family needs throughout the duration of a case.

(C) Except as provided in section 2151.422 of the Revised Code, in accordance with rules of the director of job and family services, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency may do the following:

(1) Provide or find, with other child serving systems, specialized foster care for the care of children in a specialized

foster home, as defined in section 5103.02 of the Revised Code, 84427  
certified under section 5103.03 of the Revised Code; 84428

(2)(a) Except as limited by divisions (C)(2)(b) and (c) of 84429  
this section, contract with the following for the purpose of 84430  
assisting the agency with its duties: 84431

(i) County departments of job and family services; 84432

(ii) Boards of alcohol, drug addiction, and mental health 84433  
services; 84434

(iii) County boards of developmental disabilities; 84435

(iv) Regional councils of political subdivisions established 84436  
under Chapter 167. of the Revised Code; 84437

(v) Private and government providers of services; 84438

(vi) Managed care organizations and prepaid health plans. 84439

(b) A public children services agency contract under division 84440  
(C)(2)(a) of this section regarding the agency's duties under 84441  
section 2151.421 of the Revised Code may not provide for the 84442  
entity under contract with the agency to perform any service not 84443  
authorized by the department's rules. 84444

(c) Only a county children services board appointed under 84445  
section 5153.03 of the Revised Code that is a public children 84446  
services agency may contract under division (C)(2)(a) of this 84447  
section. If an entity specified in division (B) or (C) of section 84448  
5153.02 of the Revised Code is the public children services agency 84449  
for a county, the board of county commissioners may enter into 84450  
contracts pursuant to section 307.982 of the Revised Code 84451  
regarding the agency's duties. 84452

**Sec. 5153.161.** (A) As used in this section, "qualified 84453  
nonrelative" means a nonrelative adult whom a child or the current 84454  
custodial caretaker of a child identifies as having a familiar and 84455

longstanding relationship or bond with the child or the child's 84456  
family that will ensure the child's social and cultural ties. 84457

(B) Care provided by the public children services agency 84458  
under division ~~(A)(4)~~(A)(5) of section 5153.16 of the Revised Code 84459  
shall be provided by the agency, by its own means or through other 84460  
available resources, in the child's own home, in the home of a 84461  
relative or qualified nonrelative, or in a certified foster home, 84462  
any other home approved by the court, receiving home, school, 84463  
hospital, convalescent home, or other public or private 84464  
institution within or outside the county or state. 84465

**Sec. 5153.162.** Pursuant to an agreement entered into under 84466  
division ~~(A)(9)~~(A)(10) of section 5153.16 of the Revised Code 84467  
respecting the operation, acquisition, or maintenance of a 84468  
children's home, training school, or other institution for the 84469  
care of children maintained by a municipal corporation or other 84470  
political subdivision, the public children services agency may 84471  
acquire, operate, and maintain such an institution. The agency may 84472  
enter into an agreement with a municipal corporation, a board of 84473  
education, and the board of county commissioners, or with any one 84474  
of them, to provide for the maintenance and operation of 84475  
children's training schools. The agreement may provide for the 84476  
contribution of funds by the municipal corporation, board of 84477  
education, or board of county commissioners, in such proportions 84478  
and amounts as the agreement states. The agreement also may 84479  
provide for the operation and supervision of the training school 84480  
by any one of them, or by the joint action of two or more of them, 84481  
provided that municipal corporations, boards of education, and 84482  
boards of county commissioners may expend moneys from their 84483  
general funds for maintaining and operating the joint children's 84484  
training school. 84485

**Sec. 5153.163.** (A) As used in this section: 84486

- (1) "Adoptive parent" means, as the context requires, a prospective adoptive parent or an adoptive parent. 84487  
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- (2) "Relative" has the same meaning as in section 5101.141 of the Revised Code. 84489  
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- (B)(1) Before a child's adoption is finalized, a public children services agency may enter into an agreement with the child's adoptive parent under which the agency, to the extent state funds are available, may make state adoption maintenance subsidy payments as needed on behalf of the child when all of the following apply: 84491  
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- (a) The child is a child with special needs. 84497
- (b) The child was placed in the adoptive home by a public children services agency or a private child placing agency and may legally be adopted. 84498  
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- (c) The adoptive parent has the capability of providing the permanent family relationships needed by the child. 84501  
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- (d) The needs of the child are beyond the economic resources of the adoptive parent. 84503  
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- (e) Acceptance of the child as a member of the adoptive parent's family would not be in the child's best interest without payments on the child's behalf under this section. 84505  
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- (f) The gross income of the adoptive parent's family does not exceed one hundred twenty per cent of the median income of a family of the same size, including the child, as most recently determined for this state by the secretary of health and human services under Title XX of the "Social Security Act," 88 Stat. 2337, 42 U.S.C.A. 1397, as amended. 84508  
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- (g) The child is not eligible for adoption assistance payments under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as amended. 84514  
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(2) State adoption maintenance subsidy payment agreements 84517  
must be made by either the public children services agency that 84518  
has permanent custody of the child or the public children services 84519  
agency of the county in which the private child placing agency 84520  
that has permanent custody of the child is located. 84521

(3) State adoption maintenance subsidy payments shall be made 84522  
in accordance with the agreement between the public children 84523  
services agency and the adoptive parent and are subject to an 84524  
annual redetermination of need. 84525

(4) Payments under this division may begin either before or 84526  
after issuance of the final adoption decree, except that payments 84527  
made before issuance of the final adoption decree may be made only 84528  
while the child is living in the adoptive parent's home. 84529  
Preadoption payments may be made for not more than twelve months, 84530  
unless the final adoption decree is not issued within that time 84531  
because of a delay in court proceedings. Payments that begin 84532  
before issuance of the final adoption decree may continue after 84533  
its issuance. 84534

(C)(1) ~~A public children services agency~~ The department of 84535  
job and family services may enter into an agreement with a child's 84536  
relative under which the ~~agency~~ department, to the extent state 84537  
funds are available, may provide state kinship guardianship 84538  
assistance as needed on behalf of the child when all of the 84539  
following apply: 84540

(a) The relative has cared for the eligible child as a foster 84541  
caregiver as defined by section 5103.02 of the Revised Code for at 84542  
least six consecutive months. 84543

(b) Both of the following apply: 84544

(i) A juvenile court issued an order granting legal custody 84545  
of the child to the relative, or a probate court issued an order 84546  
granting guardianship of the child to the relative, and the order 84547

is not a temporary court order. 84548

(ii) The relative has committed to care for the child on a permanent basis. 84549  
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(c) The relative signed a state kinship guardianship assistance agreement prior to assuming legal guardianship or legal custody of the child. 84551  
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(d) The public children services agency that had custody of the child immediately prior to a court granting legal custody or guardianship of the child to a relative of the child has determined all of the following: 84554  
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(i) The child had been removed from home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child. 84558  
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~~(e)~~(ii) Returning the child home or adoption are not appropriate permanency options for the child. 84562  
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~~(f)~~(iii) The child demonstrates a strong attachment to the relative and the relative has a strong commitment to caring permanently for the child. 84564  
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~~(g)~~(iv) With respect to a child who has attained fourteen years of age, the child has been consulted regarding the state kinship guardianship assistance arrangement. 84567  
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84569

~~(h)~~(v) The child is not eligible for kinship guardianship assistance payments under Title IV-E of the "Social Security Act," 42 U.S.C. 673(d), as amended. 84570  
84571  
84572

(2) The In addition to the determinations that are required under divisions (C)(1)(d)(i) to (v) of this section, the public children services agency that had custody of a child immediately prior to a court granting legal custody or guardianship of the child to a relative of the child described in division (C)(1) of 84573  
84574  
84575  
84576  
84577

~~this section~~ is authorized to ~~enter into a~~ determine the 84578  
eligibility of the relative and the child for state kinship 84579  
guardianship assistance ~~agreement with that relative~~ in accordance 84580  
with divisions (C)(1)(a) to (c) of this section and any relevant 84581  
determination provided for in rules adopted under division (E) of 84582  
this section. 84583

(3) State kinship guardianship assistance for a child shall 84584  
be provided in accordance with a state kinship guardianship 84585  
assistance agreement entered into between the ~~public children~~ 84586  
~~services agency~~ department and relative of the child described in 84587  
division (C)(1) of this section and is subject to ~~an annual~~ a 84588  
redetermination of need at a frequency established by rules 84589  
adopted under division (E) of this section. 84590

(4) Not later than fifteen months after ~~the effective date of~~ 84591  
~~this section~~ September 30, 2021, if the amended state plan 84592  
submitted under Title IV-E to implement 42 U.S.C. 673(d) as 84593  
described in section 5101.1416 of the Revised Code is approved, 84594  
division (C) of this section shall be implemented. 84595

(D) No payment shall be made under division (B) or (C) of 84596  
this section on behalf of any person eighteen years of age or 84597  
older beyond the end of the school year during which the person 84598  
attains the age of eighteen or on behalf of a person with a mental 84599  
or physical disability twenty-one years of age or older. 84600

~~(E)~~(E)(1) The director of job and family services shall adopt 84601  
rules in accordance with Chapter 119. of the Revised Code that are 84602  
needed to implement this section. The rules shall establish all of 84603  
the following: 84604

~~(1)~~(a) The application process for all forms of assistance 84605  
provided under this section; 84606

~~(2)~~(b) The method to determine the amount of assistance 84607  
payable under division (B) of this section; 84608

~~(3)(c)~~ The definition of "child with special needs" for the 84609  
purposes of division (B) of this section; 84610

~~(4)(d)~~ The process and frequency whereby a child's continuing 84611  
need for services provided under division (B) or (C) of this 84612  
section is ~~annually~~ redetermined; 84613

~~(5)(e)~~ Any other rule, requirement, or procedure the 84614  
department considers appropriate for the implementation of this 84615  
section. 84616

(2) Notwithstanding any provision of section 121.95 of the 84617  
Revised Code to the contrary, a regulatory restriction contained 84618  
in a rule adopted under division (E) of this section is not 84619  
subject to sections 121.95 to 121.953 of the Revised Code. 84620

(F) The state adoption special services subsidy program 84621  
ceases to exist on July 1, 2004, except that, subject to the 84622  
findings of the annual redetermination process established under 84623  
division (E) of this section and the child's individual need for 84624  
services, a public children services agency may continue to 84625  
provide state adoption special services subsidy payments on behalf 84626  
of a child for whom payments were being made prior to July 1, 84627  
2004. 84628

(G) Benefits and services provided under this section are 84629  
inalienable whether by way of assignment, charge, or otherwise and 84630  
exempt from execution, attachment, garnishment, and other like 84631  
processes. 84632

**Sec. 5153.17.** ~~The~~ (A) Each public children services agency 84633  
shall prepare and keep written records of ~~investigations~~ all of 84634  
the following: 84635

(1) Investigations of families, children, and foster homes~~;~~ 84636  
~~and of the;~~ 84637

(2) The care, training, and treatment afforded to children~~;~~ 84638

~~and shall prepare and keep such;~~ 84639

(3) Such other records as are required by the department of 84640  
job and family services. ~~Such records~~ 84641

(B) Records under division (A) of this section shall be 84642  
confidential, but, except as provided by division (B) of section 84643  
3107.17 of the Revised Code, shall be open to inspection by the 84644  
following: 84645

(1) The agency, the director of job and family services, and 84646  
the director of the county department of job and family services, 84647  
and by other persons upon the written permission of the executive 84648  
director; 84649

(2) Upon request to an agency and subject to division (C) of 84650  
this section, an adult who was formerly placed in foster care. 84651

(C)(1) With regard to an adult under division (B)(2) of this 84652  
section, records subject to inspection include those pertaining to 84653  
the adult's time placed in foster care. Records may include 84654  
medical, mental health, school, and legal records and a 84655  
comprehensive summary of reasons why the adult was placed in 84656  
foster care. 84657

(2) The executive director or the director's designee may 84658  
redact information that is specific to other individuals if that 84659  
information does not directly pertain to the requesting adult's 84660  
records that are subject to inspection under division (C)(1) of 84661  
this section or the comprehensive summary of reasons why the adult 84662  
was placed in foster care. 84663

**Sec. 5160.35.** As used in sections 5160.35 to 5160.43 of the 84664  
Revised Code: 84665

(A) "Information" means all of the following: 84666

(1) An individual's name, address, date of birth, and social 84667  
security number; 84668

(2) The group or plan number, or other identifier, assigned 84669  
by a third party to a policy held by an individual or a plan in 84670  
which the individual participates and the nature of the coverage; 84671

(3) Any other data the medicaid director specifies in rules 84672  
authorized by section 5160.43 of the Revised Code. 84673

(B) "Medical support" means support specified as support for 84674  
the purpose of medical care by order of a court or administrative 84675  
agency. 84676

(C)(1) Subject to division (C)(2) of this section, and except 84677  
as provided in division (C)(3) of this section, "third party" 84678  
means all of the following: 84679

(a) A person authorized to engage in the business of sickness 84680  
and accident insurance under Title XXXIX of the Revised Code; 84681

(b) A person or governmental entity providing coverage for 84682  
medical services or items to individuals on a self-insurance 84683  
basis; 84684

(c) A health insuring corporation as defined in section 84685  
1751.01 of the Revised Code; 84686

(d) A group health plan as defined in 29 U.S.C. 1167; 84687

(e) A service benefit plan as referenced in 42 U.S.C. 84688  
1396a(a)(25); 84689

(f) A managed care organization; 84690

(g) A pharmacy benefit manager; 84691

(h) A third party administrator; 84692

(i) Any other person or governmental entity that is, by law, 84693  
contract, or agreement, responsible for the payment or processing 84694  
of a claim for a medical item or service for a medical assistance 84695  
recipient. 84696

(2) Except when otherwise provided by the "Social Security 84697

Act," section 1862(b), 42 U.S.C. 1395y(b), a person or 84698  
governmental entity listed in division (C)(1) of this section is a 84699  
third party even if the person or governmental entity limits or 84700  
excludes payments for a medical item or service in the case of a 84701  
public assistance recipient. 84702

(3) "Third party" does not include the program for ~~medically~~ 84703  
~~handicapped~~ children and youth with special health care needs 84704  
established under section 3701.023 of the Revised Code. 84705

**Sec. 5162.01.** (A) As used in the Revised Code: 84706

(1) "Medicaid" and "medicaid program" mean the program of 84707  
medical assistance established by Title XIX of the "Social 84708  
Security Act," 42 U.S.C. 1396 et seq., including any medical 84709  
assistance provided under the medicaid state plan or a federal 84710  
medicaid waiver granted by the United States secretary of health 84711  
and human services. 84712

(2) "Medicare" and "medicare program" mean the federal health 84713  
insurance program established by Title XVIII of the "Social 84714  
Security Act," 42 U.S.C. 1395 et seq. 84715

(B) As used in this chapter: 84716

(1) "Exchange" has the same meaning as in 45 C.F.R. 155.20. 84717

(2) "Expansion eligibility group" has the same meaning as in 84718  
section 5163.01 of the Revised Code. 84719

(3) "Federal financial participation" has the same meaning as 84720  
in section 5160.01 of the Revised Code. 84721

(4) "Federal poverty line" means the official poverty line 84722  
defined by the United States office of management and budget based 84723  
on the most recent data available from the United States bureau of 84724  
the census and revised by the United States secretary of health 84725  
and human services pursuant to the "Omnibus Budget Reconciliation 84726  
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 84727

- (5) "Healthcheck" has the same meaning as in section 5164.01 of the Revised Code. 84728  
84729
- (6) "Healthy start component" means the component of the medicaid program that covers pregnant women and children and is identified in rules adopted under section 5162.02 of the Revised Code as the healthy start component. 84730  
84731  
84732  
84733
- (7) "Home and community-based services" means services provided under a home and community-based services medicaid waiver component. 84734  
84735  
84736
- (8) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 84737  
84738  
84739
- (9) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code. 84740  
84741
- (10) "Individualized education program" has the same meaning as in section 3323.011 of the Revised Code. 84742  
84743
- (11) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 84744  
84745
- (12) "Medicaid MCO plan" has the same meaning as in section 5167.01 of the Revised Code. 84746  
84747
- (13) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 84748  
84749
- (14) "Medicaid services" has the same meaning as in section 5164.01 of the Revised Code. 84750  
84751
- (15) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code; 84752  
84753
- (16) "Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code. 84754  
84755
- (17) "Ordering or referring only provider" means a medicaid 84756

provider who orders, prescribes, refers, or certifies a service or 84757  
item reported on a claim for medicaid payment but does not bill 84758  
for medicaid services. 84759

(18) "Political subdivision" means a municipal corporation, 84760  
township, county, school district, or other body corporate and 84761  
politic responsible for governmental activities only in a 84762  
geographical area smaller than that of the state. 84763

(19) "Prescribed drug" has the same meaning as in section 84764  
5164.01 of the Revised Code. 84765

(20) "Provider agreement" has the same meaning as in section 84766  
5164.01 of the Revised Code. 84767

(21) "Qualified medicaid school provider" means the board of 84768  
education of a city, local, or exempted village school district, 84769  
the governing board of an educational service center, the 84770  
governing authority of a community school established under 84771  
Chapter 3314. of the Revised Code, ~~the state school for the deaf,~~ 84772  
and ~~the state school for the blind~~ Ohio deaf and blind education 84773  
services to which both of the following apply: 84774

(a) It holds a valid provider agreement. 84775

(b) It meets all other conditions for participation in the 84776  
medicaid school component of the medicaid program established in 84777  
rules authorized by section 5162.364 of the Revised Code. 84778

(22) "State agency" means every organized body, office, or 84779  
agency, other than the department of medicaid, established by the 84780  
laws of the state for the exercise of any function of state 84781  
government. 84782

(23) "Vendor offset" means a reduction of a medicaid payment 84783  
to a medicaid provider to correct a previous, incorrect medicaid 84784  
payment to that provider. 84785

Sec. 5162.137. Annually, the department of medicaid shall 84786

conduct a cost savings study of the medicaid program and prepare a 84787  
report based on that study recommending measures to reduce costs 84788  
under that program. The department shall submit its report to the 84789  
governor. 84790

**Sec. 5162.20.** (A) The department of medicaid shall institute 84791  
cost-sharing requirements for the medicaid program. The department 84792  
shall not institute cost-sharing requirements in a manner that 84793  
does either of the following: 84794

(1) Disproportionately impacts the ability of medicaid 84795  
recipients with chronic illnesses to obtain medically necessary 84796  
medicaid services; 84797

(2) Violates ~~section~~ sections 5164.09 ~~or 5164.10~~ to 5164.11 84798  
of the Revised Code. 84799

(B)(1) No provider shall refuse to provide a service to a 84800  
medicaid recipient who is unable to pay a required copayment for 84801  
the service. 84802

(2) Division (B)(1) of this section shall not be considered 84803  
to do either of the following with regard to a medicaid recipient 84804  
who is unable to pay a required copayment: 84805

(a) Relieve the medicaid recipient from the obligation to pay 84806  
a copayment; 84807

(b) Prohibit the provider from attempting to collect an 84808  
unpaid copayment. 84809

(C) Except as provided in division (F) of this section, no 84810  
provider shall waive a medicaid recipient's obligation to pay the 84811  
provider a copayment. 84812

(D) No provider or drug manufacturer, including the 84813  
manufacturer's representative, employee, independent contractor, 84814  
or agent, shall pay any copayment on behalf of a medicaid 84815

recipient. 84816

(E) If it is the routine business practice of a provider to 84817  
refuse service to any individual who owes an outstanding debt to 84818  
the provider, the provider may consider an unpaid copayment 84819  
imposed by the cost-sharing requirements as an outstanding debt 84820  
and may refuse service to a medicaid recipient who owes the 84821  
provider an outstanding debt. If the provider intends to refuse 84822  
service to a medicaid recipient who owes the provider an 84823  
outstanding debt, the provider shall notify the recipient of the 84824  
provider's intent to refuse service. 84825

(F) In the case of a provider that is a hospital, the 84826  
cost-sharing program shall permit the hospital to take action to 84827  
collect a copayment by providing, at the time services are 84828  
rendered to a medicaid recipient, notice that a copayment may be 84829  
owed. If the hospital provides the notice and chooses not to take 84830  
any further action to pursue collection of the copayment, the 84831  
prohibition against waiving copayments specified in division (C) 84832  
of this section does not apply. 84833

(G) The department of medicaid may collaborate with a state 84834  
agency that is administering, pursuant to a contract entered into 84835  
under section 5162.35 of the Revised Code, one or more components, 84836  
or one or more aspects of a component, of the medicaid program as 84837  
necessary for the state agency to apply the cost-sharing 84838  
requirements to the components or aspects of a component that the 84839  
state agency administers. 84840

**Sec. 5162.364.** The medicaid director shall adopt rules under 84841  
section 5162.02 of the Revised Code as necessary to implement the 84842  
medicaid school component of the medicaid program, including rules 84843  
that establish or specify all of the following: 84844

(A) Conditions a board of education of a city, local, or 84845  
exempted school district, a governing board of an educational 84846

service center, governing authority of a community school 84847  
established under Chapter 3314. of the Revised Code, ~~the state~~ 84848  
~~school for the deaf, and the state school for the blind~~ Ohio deaf 84849  
and blind education services must meet to participate in the 84850  
component; 84851

(B) Services the component covers; 84852

(C) Payment rates for the services the component covers. 84853

The rules shall be adopted in accordance with Chapter 119. of 84854  
the Revised Code. 84855

**Sec. 5162.70.** (A) As used in this section: 84856

(1) "CPI" means the consumer price index for all urban 84857  
consumers as published by the United States bureau of labor 84858  
statistics. 84859

(2) "CPI medical inflation rate" means the inflation rate for 84860  
medical care, or the successor term for medical care, for the 84861  
midwest region as specified in the CPI. 84862

(3) "JMOC projected medical inflation rate" means the 84863  
following: 84864

(a) The projected medical inflation rate for a fiscal 84865  
biennium determined by the actuary with which the joint medicaid 84866  
oversight committee contracts under section 103.414 of the Revised 84867  
Code if the committee agrees with the actuary's projected medical 84868  
inflation rate for that fiscal biennium; 84869

(b) The different projected medical inflation rate for a 84870  
fiscal biennium determined by the joint medicaid oversight 84871  
committee under section 103.414 of the Revised Code if the 84872  
committee disagrees with the projected medical inflation rate 84873  
determined for that fiscal biennium by the actuary with which the 84874  
committee contracts under that section. 84875

(4) "Successor term" means a term that the United States bureau of labor statistics uses in place of another term in revisions to the CPI. 84876  
84877  
84878

(B) The medicaid director shall implement reforms to the medicaid program that do all of the following: 84879  
84880

(1) Limit the growth in the per ~~recipient~~ member per month cost of the medicaid program, as determined on an aggregate basis for all eligibility groups, for a fiscal biennium to not more than the lesser of the following: 84881  
84882  
84883  
84884

(a) The average annual increase in the CPI medical inflation rate for the most recent three-year period for which the necessary data is available as of the first day of the fiscal biennium, weighted by the most recent year of the three years; 84885  
84886  
84887  
84888

(b) The JMOC projected medical inflation rate for the fiscal biennium. 84889  
84890

(2) Achieve the limit in the growth of the per ~~recipient~~ member per month cost of the medicaid program under division (B)(1) of this section by doing all of the following: 84891  
84892  
84893

(a) Improving the physical and mental health of medicaid recipients; 84894  
84895

(b) Providing for medicaid recipients to receive medicaid services in the most cost-effective and sustainable manner; 84896  
84897

(c) Removing barriers that impede medicaid recipients' ability to transfer to lower cost, and more appropriate, medicaid services, including home and community-based services; 84898  
84899  
84900

(d) Establishing medicaid payment rates that encourage value over volume and result in medicaid services being provided in the most efficient and effective manner possible; 84901  
84902  
84903

(e) Implementing fraud and abuse prevention and cost avoidance mechanisms to the fullest extent possible. 84904  
84905

(3) Reduce the prevalence of comorbid health conditions among, and the mortality rates of, medicaid recipients;	84906 84907
(4) Reduce infant mortality rates among medicaid recipients.	84908
(C) The medicaid director shall implement the reforms under this section in accordance with evidence-based strategies that include measurable goals.	84909 84910 84911
(D) <u>By October first of every even-numbered calendar year, the medicaid director shall submit to the joint medicaid oversight committee a report detailing the reforms implemented under this section for the preceding two fiscal years.</u>	84912 84913 84914 84915
(E) The reforms implemented under this section shall, without making the medicaid program's eligibility requirements more restrictive, reduce the relative number of individuals enrolled in the medicaid program who have the greatest potential to obtain the income and resources that would enable them to cease enrollment in medicaid and instead obtain health care coverage through employer-sponsored health insurance or an exchange.	84916 84917 84918 84919 84920 84921 84922
<b>Sec. 5163.06.</b> The medicaid program shall cover all of the following optional eligibility groups:	84923 84924
(A) The group consisting of children placed with adoptive parents who are specified in <del>the "Social Security Act,"</del> section 1902(a)(10)(A)(ii)(VIII) <u>of the "Social Security Act,"</u> 42 U.S.C. 1396a(a)(10)(A)(ii)(VIII);	84925 84926 84927 84928
(B) Subject to section 5163.061 of the Revised Code, the group consisting of women during pregnancy and the maximum postpartum period permitted under 42 U.S.C. 1396a(e) beginning on the last day of the pregnancy, infants, and children who are specified in <del>the "Social Security Act,"</del> section 1902(a)(10)(A)(ii)(IX) <u>of the "Social Security Act,"</u> 42 U.S.C. 1396a(a)(10)(A)(ii)(IX);	84929 84930 84931 84932 84933 84934 84935

(C) <u>The group consisting of employed individuals with</u>	84936
<u>disabilities who are specified in section 1902(a)(10)(A)(ii)</u>	84937
<u>(XIII) of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)</u>	84938
<u>(ii)(XIII);</u>	84939
(D) Subject to sections 5163.09 to 5163.098 of the Revised	84940
Code, the group consisting of employed individuals with	84941
disabilities who are specified in <del>the "Social Security Act,"</del>	84942
section 1902(a)(10)(A)(ii)(XV) <u>of the "Social Security Act,"</u> 42	84943
U.S.C. 1396a(a)(10)(A)(ii)(XV);	84944
<del>(D)</del> (E) Subject to sections 5163.09 to 5163.098 of the Revised	84945
Code, the group consisting of employed individuals with medically	84946
improved disabilities who are specified in <del>the "Social Security</del>	84947
<del>Act,"</del> section 1902(a)(10)(A)(ii)(XVI) <u>of the "Social Security</u>	84948
<u>Act,"</u> 42 U.S.C. 1396a(a)(10)(A)(ii)(XVI);	84949
<del>(E)</del> (F) The group consisting of independent foster care	84950
adolescents who are specified in <del>the "Social Security Act,"</del>	84951
section 1902(a)(10)(A)(ii)(XVII) <u>of the "Social Security Act,"</u> 42	84952
U.S.C. 1396a(a)(10)(A)(ii)(XVII);	84953
<del>(F)</del> (G) The group consisting of women in need of treatment for	84954
breast or cervical cancer who are specified in <del>the "Social</del>	84955
<del>Security Act,"</del> section 1902(a)(10)(A)(ii)(XVIII) <u>of the "Social</u>	84956
<u>Security Act,"</u> 42 U.S.C. 1396a(a)(10)(A)(ii)(XVIII);	84957
(H) <u>Subject to section 5163.062 of the Revised Code, the</u>	84958
<u>group consisting of individuals who are under sixty-five years of</u>	84959
<u>age and whose income exceeds one hundred thirty-three per cent of</u>	84960
<u>the federal poverty line who are described in section</u>	84961
<u>1902(a)(10)(A)(ii)(XX) of the "Social Security Act," 42 U.S.C.</u>	84962
<u>1396a(a)(10)(A)(ii)(XX);</u>	84963
(I) <u>The group consisting of infants with neonatal abstinence</u>	84964
<u>syndrome receiving services at a residential pediatric recovery</u>	84965
<u>center who are specified in section 1902(a)(86) of the "Social</u>	84966

Security Act," 42 U.S.C. 1396a(a)(86). For purposes of division 84967  
(I) of this section, a residential infant care center certified 84968  
under section 5103.603 of the Revised Code is a residential 84969  
pediatric recovery center as defined in section 1902(pp) of the 84970  
"Social Security Act," 42 U.S.C. 1396a(pp). 84971

**Sec. 5163.062.** (A) The medicaid program shall cover all of 84972  
the following optional populations within the group specified by 84973  
division (H) of section 5163.06 of the Revised Code: 84974

(1) Pregnant women; 84975

(2) Children under the age of nineteen; 84976

(3) A reasonable classification of children under the age of 84977  
nineteen who were adopted through private agencies. 84978

(B)(1) The income eligibility threshold is three hundred per 84979  
cent of the federal poverty line for the populations described in 84980  
divisions (A)(1) and (2) of this section. 84981

(2) There is no income eligibility threshold for the 84982  
population described in division (A)(3) of this section. 84983

**Sec. 5163.063.** The medicaid director shall adopt rules under 84984  
section 5163.02 of the Revised Code as necessary to provide 84985  
medicaid coverage for the optional eligibility group described in 84986  
section 1902(a)(10)(A)(ii)(XIII) of the "Social Security Act," 42 84987  
U.S.C. 1396a(a)(10)(A)(ii)(XIII). 84988

By requiring the medicaid program to provide coverage to the 84989  
optional eligibility group consisting of employed individuals with 84990  
disabilities under division (C) of section 5163.06 of the Revised 84991  
Code, it is the intent of the general assembly to establish 84992  
medicaid coverage for employed individuals with disabilities who 84993  
are sixty-five years of age or older in a manner that is 84994  
consistent with the coverage provided to individuals participating 84995

in the medicaid buy-in for workers with disabilities program 84996  
described in sections 5163.09 to 5163.098 of the Revised Code. 84997

**Sec. 5163.102.** (A) As used in this section, "qualified 84998  
entity" has the same meaning as in section 1920A(b)(3) of the 84999  
"Social Security Act," 42 U.S.C. 1396r-1a(b)(3). 85000

(B) The medicaid director shall implement the presumptive 85001  
eligibility option for individuals who are under sixty-five years 85002  
of age and whose income exceeds one hundred thirty-three per cent 85003  
of the federal poverty line option, available under 42 C.F.R. 85004  
435.1101 through 435.1103. 85005

(C) An entity may serve as a qualified entity for the 85006  
purposes of this section if the entity: 85007

(1) Is eligible under section 1920A(b)(3) of the "Social 85008  
Security Act," 42 U.S.C. 1396r-1a(b)(3); 85009

(2) Requests to serve as a qualified entity; 85010

(3) Is determined capable of making presumptive eligibility 85011  
determinations by the department of medicaid. 85012

**Sec. 5164.071.** (A) As used in this section, "doula" has the 85013  
same meaning as in section 4723.89 of the Revised Code. 85014

(B) During the period beginning one year after the effective 85015  
date of this section and ending five years after the effective 85016  
date of this section, the medicaid program shall operate a program 85017  
to cover doula services that are provided by a doula if the doula 85018  
has a valid provider agreement and is certified under section 85019  
4723.89 of the Revised Code. Medicaid payments for doula services 85020  
shall be determined on the basis of each pregnancy, regardless of 85021  
whether multiple births occur as a result of that pregnancy. 85022

(C) Outcome measurements and incentives for the program shall 85023  
be consistent with this state's medicare-medicaid plan quality 85024

withhold methodology and benchmarks. The medicaid director shall 85025  
complete an annual report regarding the program outcomes, 85026  
including related to maternal health and morbidity and an 85027  
estimated fiscal impact. The final annual report shall include 85028  
recommendations related to whether the program should be 85029  
continued. The director shall provide a copy of the annual report 85030  
to the joint medicaid oversight committee. 85031

(D) The medicaid director shall adopt rules under section 85032  
5164.02 of the Revised Code to implement this section. 85033  
Notwithstanding any provision of section 121.95 of the Revised 85034  
Code to the contrary, a regulatory restriction contained in a rule 85035  
adopted under this section is not subject to sections 121.95 to 85036  
121.953 of the Revised Code. 85037

**Sec. 5164.072.** (A) As used in this section, "licensed health 85038  
professional" has the same meaning as in section 3902.63 of the 85039  
Revised Code. 85040

(B) The medicaid program shall cover pasteurized human donor 85041  
milk and human milk fortifiers, in both hospital and home 85042  
settings, for an infant whose gestationally corrected age is less 85043  
than twelve months when all of the following apply: 85044

(1) A licensed health professional signs an order stating 85045  
that human donor milk or human milk fortifiers are medically 85046  
necessary because the infant meets any of the following criteria: 85047

(a) The infant has a birth weight less than eighteen hundred 85048  
grams or body weight below healthy levels. 85049

(b) The infant has a gestational age at birth of thirty-four 85050  
weeks or less. 85051

(c) The infant has any congenital or acquired condition for 85052  
which the health professional determines that the use of 85053  
pasteurized human donor milk or human milk fortifiers will support 85054

the treatment of the condition and recovery of the infant. 85055

(2) The infant is medically or physically unable to receive maternal breast milk or participate in breast-feeding, or the infant's mother is medically or physically unable to produce breast milk in sufficient quantities or of adequate caloric density, despite lactation support. 85056  
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(C) Medicaid payment for pasteurized human donor milk and human milk fortifiers shall be separate from the hospital payment for inpatient services. 85061  
85062  
85063

(D) The medicaid director may adopt rules in accordance with Chapter 119. Of the Revised Code to implement this section. 85064  
85065

**Sec. 5164.11.** (A) The medicaid program shall cover treatment for obesity, including coverage of all of the following: 85066  
85067

(1) Prevention and wellness services; 85068

(2) Nutrition counseling; 85069

(3) Intensive behavioral therapy; 85070

(4) Bariatric surgery and follow-up services; 85071

(5) Prescription drugs to treat overweight and obesity, approved by the United States food and drug administration with an indication for chronic weight management in patients with obesity. 85072  
85073  
85074

(B) The department of medicaid shall not impose any of the following conditions with respect to the coverage required by this section: 85075  
85076  
85077

(1) Limits on coverage for the treatment of obesity that are different from the coverage for the treatment of other illnesses, conditions, or disorders, including annual or lifetime limits on treatments for obesity; 85078  
85079  
85080  
85081

(2) Cost sharing requirements under section 5162.20 of the Revised Code; 85082  
85083

(3) With respect to the drugs described in division (A)(5) of this section, coverage restrictions that are more restrictive than the indicated use for the drug. 85084  
85085  
85086

(C) The department may impose utilization review requirements to determine the medical necessity for covered treatment under this section. Any utilization review requirements established in accordance with this section shall be the same as utilization review requirements imposed for the treatment of any other illness, condition, or disorder. 85087  
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(D) With respect to the coverage required by this section, the department of medicaid shall do both of the following: 85093  
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(1) Inform medicaid recipients in writing and in other correspondence to recipients about the coverage availability; 85095  
85096

(2) Market the coverage to medicaid recipients in annual information notices. 85097  
85098

**Sec. 5164.34.** (A) As used in this section: 85099

(1) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 85100  
85101

(2) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 85102  
85103  
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(3) "Owner" means a person who has an ownership interest in a medicaid provider in an amount designated in rules authorized by this section. 85105  
85106  
85107

(4) "Person subject to the criminal records check requirement" means the following: 85108  
85109

(a) A medicaid provider who is notified under division (E)(1) of this section that the provider is subject to a criminal records check; 85110  
85111  
85112

(b) An owner or prospective owner, officer or prospective officer, or board member or prospective board member of a medicaid provider if, pursuant to division (E)(1)(a) of this section, the owner or prospective owner, officer or prospective officer, or board member or prospective board member is specified in information given to the provider under division (E)(1) of this section;	85113 85114 85115 85116 85117 85118 85119
(c) An employee or prospective employee of a medicaid provider if both of the following apply:	85120 85121
(i) The employee or prospective employee is specified, pursuant to division (E)(1)(b) of this section, in information given to the provider under division (E)(1) of this section.	85122 85123 85124
(ii) The provider is not prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee.	85125 85126
(5) "Responsible entity" means the following:	85127
(a) With respect to a criminal records check required under this section for a medicaid provider, the department of medicaid or the department's designee;	85128 85129 85130
(b) With respect to a criminal records check required under this section for an owner or prospective owner, officer or prospective officer, board member or prospective board member, or employee or prospective employee of a medicaid provider, the provider.	85131 85132 85133 85134 85135
(B) This section does not apply to any of the following:	85136
(1) An individual who is subject to a criminal records check under section 3712.09, 3721.121, 5123.081, or 5123.169 of the Revised Code;	85137 85138 85139
(2) An individual who is subject to a database review or criminal records check under section 173.38, 173.381, 3740.11, or 5164.342 of the Revised Code;	85140 85141 85142

(3) An individual who is an applicant or independent provider, both as defined in section 5164.341 of the Revised Code.	85143 85144
(C) The department of medicaid may do any of the following:	85145
(1) Require that any medicaid provider submit to a criminal records check as a condition of obtaining or maintaining a provider agreement;	85146 85147 85148
(2) Require that any medicaid provider require an owner or prospective owner, officer or prospective officer, or board member or prospective board member of the provider submit to a criminal records check as a condition of being an owner, officer, or board member of the provider;	85149 85150 85151 85152 85153
(3) Require that any medicaid provider do the following:	85154
(a) If so required by rules authorized by this section, determine pursuant to a database review conducted under division (F)(1)(a) of this section whether any employee or prospective employee of the provider is included in a database;	85155 85156 85157 85158
(b) Unless the provider is prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee, require the employee or prospective employee to submit to a criminal records check as a condition of being an employee of the provider.	85159 85160 85161 85162 85163
(D)(1) The department or the department's designee shall deny or terminate a medicaid provider's provider agreement if the provider is a person subject to the criminal records check requirement and either of the following applies:	85164 85165 85166 85167
(a) The provider fails to obtain the criminal records check after being given the information specified in division (G)(1) of this section.	85168 85169 85170
(b) Except as provided in rules authorized by this section, the provider is found by the criminal records check to have been	85171 85172

convicted of or have pleaded guilty to a disqualifying offense, 85173  
regardless of the date of the conviction or the date of entry of 85174  
the guilty plea. 85175

(2) No medicaid provider shall permit a person to be an 85176  
owner, officer, or board member of the provider if the person is a 85177  
person subject to the criminal records check requirement and 85178  
either of the following applies: 85179

(a) The person fails to obtain the criminal records check 85180  
after being given the information specified in division (G)(1) of 85181  
this section. 85182

(b) Except as provided in rules authorized by this section, 85183  
the person is found by the criminal records check to have been 85184  
convicted of or have pleaded guilty to a disqualifying offense, 85185  
regardless of the date of the conviction or the date of entry of 85186  
the guilty plea. 85187

(3) Except as provided in division (I) of this section, no 85188  
medicaid provider shall employ a person if any of the following 85189  
apply: 85190

(a) The person has been excluded from being a medicaid 85191  
provider, a medicare provider, or provider for any other federal 85192  
health care program. 85193

(b) If the person is subject to a database review conducted 85194  
under division (F)(1)(a) of this section, the person is found by 85195  
the database review to be included in a database and the rules 85196  
authorized by this section regarding the database review prohibit 85197  
the provider from employing a person included in the database. 85198

(c) If the person is a person subject to the criminal records 85199  
check requirement, either of the following applies: 85200

(i) The person fails to obtain the criminal records check 85201  
after being given the information specified in division (G)(1) of 85202

this section. 85203

(ii) Except as provided in rules authorized by this section, 85204  
the person is found by the criminal records check to have been 85205  
convicted of or have pleaded guilty to a disqualifying offense, 85206  
regardless of the date of the conviction or the date of entry of 85207  
the guilty plea. 85208

(E)(1) The department or the department's designee shall 85209  
inform each medicaid provider whether the provider is subject to a 85210  
criminal records check. For providers with valid provider 85211  
agreements, the information shall be given at times designated in 85212  
rules authorized by this section. For providers applying to be 85213  
medicaid providers, the information shall be given at the time of 85214  
initial application. When the information is given, the department 85215  
or the department's designee shall specify the following: 85216

(a) Which of the provider's owners or prospective owners, 85217  
officers or prospective officers, or board members or prospective 85218  
board members are subject to a criminal records check; 85219

(b) Which of the provider's employees or prospective 85220  
employees are subject to division (C)(3) of this section. 85221

(2) At times designated in rules authorized by this section, 85222  
a medicaid provider that is a person subject to the criminal 85223  
records check requirement shall do the following: 85224

(a) Inform each person specified under division (E)(1)(a) of 85225  
this section that the person is required to submit to a criminal 85226  
records check as a condition of being an owner, officer, or board 85227  
member of the provider; 85228

(b) Inform each person specified under division (E)(1)(b) of 85229  
this section that the person is subject to division (C)(3) of this 85230  
section. 85231

(F)(1) If a medicaid provider is a person subject to the 85232

criminal records check requirement, the department or the 85233  
department's designee shall require the conduct of a criminal 85234  
records check by the superintendent of the bureau of criminal 85235  
identification and investigation. A medicaid provider shall 85236  
require the conduct of a criminal records check by the 85237  
superintendent with respect to each of the persons specified under 85238  
division (E)(1)(a) of this section. With respect to each employee 85239  
and prospective employee specified under division (E)(1)(b) of 85240  
this section, a medicaid provider shall do the following: 85241

(a) If rules authorized by this section require the provider 85242  
to conduct a database review to determine whether the employee or 85243  
prospective employee is included in a database, conduct the 85244  
database review in accordance with the rules; 85245

(b) Unless the provider is prohibited by division (D)(3)(b) 85246  
of this section from employing the employee or prospective 85247  
employee, require the conduct of a criminal records check of the 85248  
employee or prospective employee by the superintendent. 85249

(2) If a person subject to the criminal records check 85250  
requirement does not present proof of having been a resident of 85251  
this state for the five-year period immediately prior to the date 85252  
the criminal records check is requested or provide evidence that 85253  
within that five-year period the superintendent has requested 85254  
information about the person from the federal bureau of 85255  
investigation in a criminal records check, the responsible entity 85256  
shall require the person to request that the superintendent obtain 85257  
information from the federal bureau of investigation as part of 85258  
the criminal records check of the person. Even if the person 85259  
presents proof of having been a resident of this state for the 85260  
five-year period, the responsible entity may require that the 85261  
person request that the superintendent obtain information from the 85262  
federal bureau of investigation and include it in the criminal 85263  
records check of the person. 85264

(G) Criminal records checks required by this section shall be 85265  
obtained as follows: 85266

(1) The responsible entity shall provide each person subject 85267  
to the criminal records check requirement information about 85268  
accessing and completing the form prescribed pursuant to division 85269  
(C)(1) of section 109.572 of the Revised Code and the standard 85270  
impression sheet prescribed pursuant to division (C)(2) of that 85271  
section. 85272

(2) The person subject to the criminal records check 85273  
requirement shall submit the required form and one complete set of 85274  
the person's fingerprint impressions directly to the 85275  
superintendent for purposes of conducting the criminal records 85276  
check using the applicable methods prescribed by division (C) of 85277  
section 109.572 of the Revised Code. The person shall pay all fees 85278  
associated with obtaining the criminal records check. 85279

(3) The superintendent shall conduct the criminal records 85280  
check in accordance with section 109.572 of the Revised Code. The 85281  
person subject to the criminal records check requirement shall 85282  
instruct the superintendent to submit the report of the criminal 85283  
records check directly to the responsible entity. If the 85284  
department or the department's designee is not the responsible 85285  
entity, the department or designee may require the responsible 85286  
entity to submit the report to the department or designee. 85287

(H)(1) A medicaid provider may employ conditionally a person 85288  
for whom a criminal records check is required by this section 85289  
prior to obtaining the results of the criminal records check if 85290  
both of the following apply: 85291

(a) The provider is not prohibited by division (D)(3)(b) of 85292  
this section from employing the person. 85293

(b) The person submits a request for the criminal records 85294  
check not later than five business days after the person begins 85295

conditional employment. 85296

(2) Except as provided in division (I) of this section, a 85297  
medicaid provider that employs a person conditionally under 85298  
division (H)(1) of this section shall terminate the person's 85299  
employment if either of the following apply: 85300

(a) The results of the criminal records check request are not 85301  
obtained within the period ending sixty days after the date the 85302  
request is made. 85303

(b) Regardless of when the results of the criminal records 85304  
check are obtained, the results indicate that the person has been 85305  
convicted of or has pleaded guilty to a disqualifying offense, 85306  
unless circumstances specified in rules authorized by this section 85307  
exist that permit the provider to employ the person and the 85308  
provider chooses to employ the person. 85309

(I) As used in this division, "behavioral health services" 85310  
means alcohol and drug addiction services, mental health services, 85311  
or both. 85312

A medicaid provider of behavioral health services may choose 85313  
to employ a person who the provider would be prohibited by 85314  
division (D)(3) of this section from employing or would be 85315  
required by division (H)(2) of this section to terminate the 85316  
person's employment if both of the following apply: 85317

(1) The person holds a valid health professional license 85318  
issued under the Revised Code granting the person authority to 85319  
provide behavioral health services, holds a valid peer recovery 85320  
supporter certificate issued pursuant to rules adopted by the 85321  
department of mental health and addiction services, or is in the 85322  
process of obtaining such a license or certificate. 85323

(2) The provider does not submit any medicaid claims for any 85324  
services the person provides. 85325

(J) The report of a criminal records check conducted pursuant to this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The person who is the subject of the criminal records check or the person's representative;

(2) The medicaid director and the staff of the department who are involved in the administration of the medicaid program;

(3) The department's designee;

(4) The medicaid provider who required the person who is the subject of the criminal records check to submit to the criminal records check;

(5) An individual receiving or deciding whether to receive, from the subject of the criminal records check, home and community-based services available under the medicaid state plan;

(6) A court, hearing officer, or other necessary individual involved in a case or administrative hearing dealing with any of the following:

(a) The denial, suspension, or termination of a provider agreement;

(b) A person's denial of employment, termination of employment, or employment or unemployment benefits;

(c) A civil or criminal action regarding the medicaid program.

With respect to an administrative hearing dealing with the denial, suspension, or termination of a provider agreement, the report of a criminal records check may be introduced as evidence at the hearing and if admitted, becomes part of the hearing record. Any such report shall be admitted only under seal and shall maintain its status as not a public record.

(K) The medicaid director may adopt rules under section 85356  
5164.02 of the Revised Code to implement this section. If the 85357  
director adopts such rules, the rules shall designate the times at 85358  
which a criminal records check must be conducted under this 85359  
section. The rules may do any of the following: 85360

(1) Designate the categories of persons who are subject to a 85361  
criminal records check under this section; 85362

(2) Specify circumstances under which the department or the 85363  
department's designee may continue a provider agreement or issue a 85364  
provider agreement when the medicaid provider is found by a 85365  
criminal records check to have been convicted of or pleaded guilty 85366  
to a disqualifying offense; 85367

(3) Specify circumstances under which a medicaid provider may 85368  
permit a person to be an employee, owner, officer, or board member 85369  
of the provider when the person is found by a criminal records 85370  
check conducted pursuant to this section to have been convicted of 85371  
or have pleaded guilty to a disqualifying offense; 85372

(4) Specify all of the following: 85373

(a) The circumstances under which a database review must be 85374  
conducted under division (F)(1)(a) of this section to determine 85375  
whether an employee or prospective employee of a medicaid provider 85376  
is included in a database; 85377

(b) The procedures for conducting the database review; 85378

(c) The databases that are to be checked; 85379

(d) The circumstances under which, except as provided in 85380  
division (I) of this section, a medicaid provider is prohibited 85381  
from employing a person who is found by the database review to be 85382  
included in a database. 85383

**Sec. 5164.341.** (A) As used in this section: 85384

"Anniversary date" means ~~the later of~~ the effective date of 85385  
the provider agreement relating to the independent provider ~~or~~ 85386  
~~sixty days after September 26, 2003.~~ 85387

"Applicant" means a person who has applied for a provider 85388  
agreement to provide home and community-based services as an 85389  
independent provider under a home and community-based medicaid 85390  
waiver component administered by the department of medicaid. 85391

"Criminal records check" has the same meaning as in section 85392  
109.572 of the Revised Code. 85393

"Disqualifying offense" means any of the offenses listed or 85394  
described in divisions (A)(3)(a) to (e) of section 109.572 of the 85395  
Revised Code. 85396

"Independent provider" means a person who has a provider 85397  
agreement to provide home and community-based services as an 85398  
independent provider in a home and community-based services 85399  
medicaid waiver component administered by the department of 85400  
medicaid. "Independent provider" does not include a person who is 85401  
employed by an individual enrolled in a participant-directed 85402  
waiver administered by the department of medicaid. 85403

(B) The department of medicaid or the department's designee 85404  
shall deny an applicant's application for a provider agreement and 85405  
shall terminate an independent provider's provider agreement if 85406  
either of the following applies: 85407

(1) After the applicant or independent provider is given the 85408  
information and notification required by divisions (D)(2)(a) and 85409  
(b) of this section, the applicant or independent provider fails 85410  
to do either of the following: 85411

(a) Access, complete, or forward to the superintendent of the 85412  
bureau of criminal identification and investigation the form 85413  
prescribed pursuant to division (C)(1) of section 109.572 of the 85414  
Revised Code or the standard impression sheet prescribed pursuant 85415

to division (C)(2) of that section; 85416

(b) Instruct the superintendent to submit the completed 85417  
report of the criminal records check required by this section 85418  
directly to the department or the department's designee. 85419

(2) Except as provided in rules authorized by this section, 85420  
the applicant or independent provider is found by either of the 85421  
following to have been convicted of or have pleaded guilty to a 85422  
disqualifying offense, regardless of the date of the conviction or 85423  
the date of entry of the guilty plea: 85424

(a) A criminal records check required by this section; 85425

(b) In the case of an independent provider, a notice provided 85426  
by the bureau of criminal identification and investigation under 85427  
division (D) of section 109.5721 of the Revised Code. 85428

(C)(1) The department or the department's designee shall 85429  
inform each applicant, at the time of initial application for a 85430  
provider agreement, that the applicant is required to provide a 85431  
set of the applicant's fingerprint impressions and that a criminal 85432  
records check is required to be conducted as a condition of the 85433  
department's approving the application. 85434

(2) Unless the department elects to receive notices about 85435  
independent providers from the bureau of criminal identification 85436  
and investigation pursuant to division (D) of section 109.5721 of 85437  
the Revised Code, the department or the department's designee 85438  
shall inform each independent provider on or before the time of 85439  
the anniversary date of the provider agreement that the 85440  
independent provider is required to provide a set of the 85441  
independent provider's fingerprint impressions and that a criminal 85442  
records check is required to be conducted. 85443

(D)(1) The department or the department's designee shall 85444  
require an applicant to complete a criminal records check prior to 85445  
entering into a provider agreement with the applicant. The 85446

department or the department's designee shall require an 85447  
independent provider to complete a criminal records check at least 85448  
annually unless the department elects to receive notices about 85449  
independent providers from the bureau of criminal identification 85450  
and investigation pursuant to division (D) of section 109.5721 of 85451  
the Revised Code. If an applicant or independent provider for whom 85452  
a criminal records check is required by this section does not 85453  
present proof of having been a resident of this state for the 85454  
five-year period immediately prior to the date the criminal 85455  
records check is requested or provide evidence that within that 85456  
five-year period the superintendent of the bureau of criminal 85457  
identification and investigation has requested information about 85458  
the applicant or independent provider from the federal bureau of 85459  
investigation in a criminal records check, the department or the 85460  
department's designee shall request that the applicant or 85461  
independent provider obtain through the superintendent a criminal 85462  
records request from the federal bureau of investigation as part 85463  
of the criminal records check of the applicant or independent 85464  
provider. Even if an applicant or independent provider for whom a 85465  
criminal records check request is required by this section 85466  
presents proof of having been a resident of this state for the 85467  
five-year period, the department or the department's designee may 85468  
request that the applicant or independent provider obtain 85469  
information through the superintendent from the federal bureau of 85470  
investigation in the criminal records check. 85471

(2) The department or the department's designee shall provide 85472  
the following to each applicant and independent provider for whom 85473  
a criminal records check is required by this section: 85474

(a) Information about accessing, completing, and forwarding 85475  
to the superintendent of the bureau of criminal identification and 85476  
investigation the form prescribed pursuant to division (C)(1) of 85477  
section 109.572 of the Revised Code and the standard impression 85478

sheet prescribed pursuant to division (C)(2) of that section; 85479

(b) Written notification that the applicant or independent 85480  
provider is to instruct the superintendent to submit the completed 85481  
report of the criminal records check directly to the department or 85482  
the department's designee. 85483

(3) Each applicant and independent provider for whom a 85484  
criminal records check is required by this section shall pay to 85485  
the bureau of criminal identification and investigation the fee 85486  
prescribed pursuant to division (C)(3) of section 109.572 of the 85487  
Revised Code for the criminal records check conducted of the 85488  
applicant or independent provider. 85489

(E) Neither the report of any criminal records check 85490  
conducted by the bureau of criminal identification and 85491  
investigation in accordance with section 109.572 of the Revised 85492  
Code and pursuant to a request made under this section nor a 85493  
notice provided by the bureau under division (D) of section 85494  
109.5721 of the Revised Code is a public record for the purposes 85495  
of section 149.43 of the Revised Code. Such a report or notice 85496  
shall not be made available to any person other than the 85497  
following: 85498

(1) The person who is the subject of the criminal records 85499  
check or the person's representative; 85500

(2) The medicaid director and the staff of the department who 85501  
are involved in the administration of the medicaid program; 85502

(3) The department's designee; 85503

(4) An individual receiving or deciding whether to receive 85504  
home and community-based services from the person who is the 85505  
subject of the criminal records check or notice from the bureau; 85506

(5) A court, hearing officer, or other necessary individual 85507  
involved in a case or administrative hearing dealing with either 85508

of the following: 85509

(a) A denial, suspension, or termination of a provider 85510  
agreement, including when related to the criminal records check or 85511  
notice from the bureau; 85512

(b) A civil or criminal action regarding the medicaid 85513  
program. 85514

With respect to an administrative hearing dealing with the 85515  
denial, suspension, or termination of a provider agreement, the 85516  
report of a criminal records check may be introduced as evidence 85517  
at the hearing and if admitted, becomes part of the hearing 85518  
record. Any such report shall be admitted only under seal and 85519  
shall maintain its status as not a public record. 85520

(F) The medicaid director shall adopt rules under section 85521  
5164.02 of the Revised Code to implement this section. The rules 85522  
shall specify circumstances under which the department or the 85523  
department's designee may either approve an applicant's 85524  
application or allow an independent provider to maintain an 85525  
existing provider agreement even though the applicant or 85526  
independent provider is found by either of the following to have 85527  
been convicted of or have pleaded guilty to a disqualifying 85528  
offense: 85529

(1) A criminal records check required by this section; 85530

(2) In the case of an independent provider, a notice provided 85531  
by the bureau of criminal identification and investigation under 85532  
division (D) of section 109.5721 of the Revised Code. 85533

**Sec. 5164.342.** (A) As used in this section: 85534

"Applicant" means a person who is under final consideration 85535  
for employment with a waiver agency in a full-time, part-time, or 85536  
temporary position that involves providing home and 85537  
community-based services. 85538

"Community-based long-term care provider" means a provider as defined in section 173.39 of the Revised Code. 85539  
85540

"Community-based long-term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code. 85541  
85542

"Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 85543  
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"Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 85545  
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"Employee" means a person employed by a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services. 85548  
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"Waiver agency" means a person or government entity that provides home and community-based services under a home and community-based services medicaid waiver component administered by the department of medicaid, other than such a person or government entity that is certified under the medicare program. "Waiver agency" does not mean an independent provider as defined in section 5164.341 of the Revised Code. 85551  
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(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 3740.11 of the Revised Code. If a waiver agency also is a community-based long-term care provider or community-based long-term care subcontractor, the waiver agency may provide for any of its applicants and employees who are not subject to database reviews and criminal records checks under section 173.38 of the Revised Code to undergo database reviews and criminal records checks in accordance with that section rather than this section. 85558  
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(C) No waiver agency shall employ an applicant or continue to employ an employee in a position that involves providing home and 85568  
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community-based services if any of the following apply: 85570

(1) A review of the databases listed in division (E) of this 85571  
section reveals any of the following: 85572

(a) That the applicant or employee is included in one or more 85573  
of the databases listed in divisions (E)(1) to (5) of this 85574  
section; 85575

(b) That there is in the state nurse aide registry 85576  
established under section 3721.32 of the Revised Code a statement 85577  
detailing findings by the director of health that the applicant or 85578  
employee abused, neglected, or exploited a long-term care facility 85579  
or residential care facility resident or misappropriated property 85580  
of such a resident; 85581

(c) That the applicant or employee is included in one or more 85582  
of the databases, if any, specified in rules authorized by this 85583  
section and the rules prohibit the waiver agency from employing an 85584  
applicant or continuing to employ an employee included in such a 85585  
database in a position that involves providing home and 85586  
community-based services. 85587

(2) After the applicant or employee is given the information 85588  
and notification required by divisions (F)(2)(a) and (b) of this 85589  
section, the applicant or employee fails to do either of the 85590  
following: 85591

(a) Access, complete, or forward to the superintendent of the 85592  
bureau of criminal identification and investigation the form 85593  
prescribed to division (C)(1) of section 109.572 of the Revised 85594  
Code or the standard impression sheet prescribed pursuant to 85595  
division (C)(2) of that section; 85596

(b) Instruct the superintendent to submit the completed 85597  
report of the criminal records check required by this section 85598  
directly to the chief administrator of the waiver agency. 85599

(3) Except as provided in rules authorized by this section, 85600  
the applicant or employee is found by a criminal records check 85601  
required by this section to have been convicted of or have pleaded 85602  
guilty to a disqualifying offense, regardless of the date of the 85603  
conviction or date of entry of the guilty plea. 85604

(D) At the time of each applicant's initial application for 85605  
employment in a position that involves providing home and 85606  
community-based services, the chief administrator of a waiver 85607  
agency shall inform the applicant of both of the following: 85608

(1) That a review of the databases listed in division (E) of 85609  
this section will be conducted to determine whether the waiver 85610  
agency is prohibited by division (C)(1) of this section from 85611  
employing the applicant in the position; 85612

(2) That, unless the database review reveals that the 85613  
applicant may not be employed in the position, a criminal records 85614  
check of the applicant will be conducted and the applicant is 85615  
required to provide a set of the applicant's fingerprint 85616  
impressions as part of the criminal records check. 85617

(E) As a condition of employing any applicant in a position 85618  
that involves providing home and community-based services, the 85619  
chief administrator of a waiver agency shall conduct a database 85620  
review of the applicant in accordance with rules authorized by 85621  
this section. If rules authorized by this section so require, the 85622  
chief administrator of a waiver agency shall conduct a database 85623  
review of an employee in accordance with the rules as a condition 85624  
of continuing to employ the employee in a position that involves 85625  
providing home and community-based services. A database review 85626  
shall determine whether the applicant or employee is included in 85627  
any of the following: 85628

(1) The excluded parties list system that is maintained by 85629  
the United States general services administration pursuant to 85630

subpart 9.4 of the federal acquisition regulation and available at 85631  
the federal web site known as the system for award management; 85632

(2) The list of excluded individuals and entities maintained 85633  
by the office of inspector general in the United States department 85634  
of health and human services pursuant to the "Social Security 85635  
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 85636

(3) The registry of developmental disabilities employees 85637  
established under section 5123.52 of the Revised Code; 85638

(4) The internet-based sex offender and child-victim offender 85639  
database established under division (A)(11) of section 2950.13 of 85640  
the Revised Code; 85641

(5) The internet-based database of inmates established under 85642  
section 5120.66 of the Revised Code; 85643

(6) The state nurse aide registry established under section 85644  
3721.32 of the Revised Code; 85645

(7) Any other database, if any, specified in rules authorized 85646  
by this section. 85647

(F)(1) As a condition of employing any applicant in a 85648  
position that involves providing home and community-based 85649  
services, the chief administrator of a waiver agency shall require 85650  
the applicant to request that the superintendent of the bureau of 85651  
criminal identification and investigation conduct a criminal 85652  
records check of the applicant. If rules authorized by this 85653  
section so require, the chief administrator of a waiver agency 85654  
shall require an employee to request that the superintendent 85655  
conduct a criminal records check of the employee at times 85656  
specified in the rules as a condition of continuing to employ the 85657  
employee in a position that involves providing home and 85658  
community-based services. However, a criminal records check is not 85659  
required for an applicant or employee if the waiver agency is 85660  
prohibited by division (C)(1) of this section from employing the 85661

applicant or continuing to employ the employee in a position that 85662  
involves providing home and community-based services. If an 85663  
applicant or employee for whom a criminal records check request is 85664  
required by this section does not present proof of having been a 85665  
resident of this state for the five-year period immediately prior 85666  
to the date the criminal records check is requested or provide 85667  
evidence that within that five-year period the superintendent has 85668  
requested information about the applicant or employee from the 85669  
federal bureau of investigation in a criminal records check, the 85670  
chief administrator shall require the applicant or employee to 85671  
request that the superintendent obtain information from the 85672  
federal bureau of investigation as part of the criminal records 85673  
check. Even if an applicant or employee for whom a criminal 85674  
records check request is required by this section presents proof 85675  
of having been a resident of this state for the five-year period, 85676  
the chief administrator may require the applicant or employee to 85677  
request that the superintendent include information from the 85678  
federal bureau of investigation in the criminal records check. 85679

(2) The chief administrator shall provide the following to 85680  
each applicant and employee for whom a criminal records check is 85681  
required by this section: 85682

(a) Information about accessing, completing, and forwarding 85683  
to the superintendent of the bureau of criminal identification and 85684  
investigation the form prescribed pursuant to division (C)(1) of 85685  
section 109.572 of the Revised Code and the standard impression 85686  
sheet prescribed pursuant to division (C)(2) of that section; 85687

(b) Written notification that the applicant or employee is to 85688  
instruct the superintendent to submit the completed report of the 85689  
criminal records check directly to the chief administrator. 85690

(3) A waiver agency shall pay to the bureau of criminal 85691  
identification and investigation the fee prescribed pursuant to 85692  
division (C)(3) of section 109.572 of the Revised Code for any 85693

criminal records check required by this section. However, a waiver 85694  
agency may require an applicant to pay to the bureau the fee for a 85695  
criminal records check of the applicant. If the waiver agency pays 85696  
the fee for an applicant, it may charge the applicant a fee not 85697  
exceeding the amount the waiver agency pays to the bureau under 85698  
this section if the waiver agency notifies the applicant at the 85699  
time of initial application for employment of the amount of the 85700  
fee and that, unless the fee is paid, the applicant will not be 85701  
considered for employment. 85702

(G)(1) A waiver agency may employ conditionally an applicant 85703  
for whom a criminal records check is required by this section 85704  
prior to obtaining the results of the criminal records check if 85705  
both of the following apply: 85706

(a) The waiver agency is not prohibited by division (C)(1) of 85707  
this section from employing the applicant in a position that 85708  
involves providing home and community-based services. 85709

(b) The chief administrator of the waiver agency requires the 85710  
applicant to request a criminal records check regarding the 85711  
applicant in accordance with division (F)(1) of this section not 85712  
later than five business days after the applicant begins 85713  
conditional employment. 85714

(2) A waiver agency that employs an applicant conditionally 85715  
under division (G)(1) of this section shall terminate the 85716  
applicant's employment if the results of the criminal records 85717  
check, other than the results of any request for information from 85718  
the federal bureau of investigation, are not obtained within the 85719  
period ending sixty days after the date the request for the 85720  
criminal records check is made. Regardless of when the results of 85721  
the criminal records check are obtained, if the results indicate 85722  
that the applicant has been convicted of or has pleaded guilty to 85723  
a disqualifying offense, the waiver agency shall terminate the 85724  
applicant's employment unless circumstances specified in rules 85725

authorized by this section exist that permit the waiver agency to employ the applicant and the waiver agency chooses to employ the applicant.

(H) The report of any criminal records check conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The applicant or employee who is the subject of the criminal records check or the representative of the applicant or employee;

(2) The chief administrator of the waiver agency that requires the applicant or employee to request the criminal records check or the administrator's representative;

(3) The medicaid director and the staff of the department who are involved in the administration of the medicaid program;

(4) The director of aging or the director's designee if the waiver agency also is a community-based long-term care provider or community-based long-term care subcontractor;

(5) An individual receiving or deciding whether to receive home and community-based services from the subject of the criminal records check;

(6) A court, hearing officer, or other necessary individual involved in a case or administrative hearing dealing with any of the following:

(a) A denial of employment of the applicant or employee;

(b) Employment or unemployment benefits of the applicant or employee;

(c) A civil or criminal action regarding the medicaid program;

(d) A denial, suspension, or termination of a provider agreement. 85756  
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With respect to an administrative hearing dealing with a denial, suspension, or termination of a provider agreement, the report of a criminal records check may be introduced as evidence at the hearing and if admitted, becomes part of the hearing record. Any such report shall be admitted only under seal and shall maintain its status as not a public record. 85758  
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(I) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section. 85764  
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(1) The rules may do the following: 85766

(a) Require employees to undergo database reviews and criminal records checks under this section; 85767  
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(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements; 85769  
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(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section. 85772  
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(2) The rules shall specify all of the following: 85775

(a) The procedures for conducting a database review under this section; 85776  
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(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted; 85778  
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(c) If the rules specify other databases to be checked as part of a database review, the circumstances under which a waiver agency is prohibited from employing an applicant or continuing to employ an employee who is found by the database review to be 85782  
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included in one or more of those databases; 85786

(d) The circumstances under which a waiver agency may employ 85787  
an applicant or employee who is found by a criminal records check 85788  
required by this section to have been convicted of or have pleaded 85789  
guilty to a disqualifying offense. 85790

(J) The amendments made by H.B. 487 of the 129th general 85791  
assembly to this section do not preclude the department of 85792  
medicaid from taking action against a person for failure to comply 85793  
with former division (H) of this section as that division existed 85794  
on the day preceding January 1, 2013. 85795

**Sec. 5164.35.** (A) As used in this section, "owner" means any 85796  
person having at least five per cent ownership in a medicaid 85797  
provider. 85798

(B)(1) No medicaid provider shall do any of the following: 85799

(a) By deception, obtain or attempt to obtain payments under 85800  
the medicaid program to which the provider is not entitled 85801  
pursuant to the provider's provider agreement, or the rules of the 85802  
federal government or the medicaid director relating to the 85803  
program; 85804

(b) Willfully receive payments to which the provider is not 85805  
entitled; 85806

(c) Willfully receive payments in a greater amount than that 85807  
to which the provider is entitled; 85808

(d) Falsify any report or document required by state or 85809  
federal law, rule, or provider agreement relating to medicaid 85810  
payments. 85811

(2) A medicaid provider engages in "deception" for the 85812  
purpose of this section when the provider, acting with actual 85813  
knowledge of the representation or information involved, acting in 85814  
deliberate ignorance of the truth or falsity of the representation 85815

or information involved, or acting in reckless disregard of the 85816  
truth or falsity of the representation or information involved, 85817  
deceives another or causes another to be deceived by any false or 85818  
misleading representation, by withholding information, by 85819  
preventing another from acquiring information, or by any other 85820  
conduct, act, or omission that creates, confirms, or perpetuates a 85821  
false impression in another, including a false impression as to 85822  
law, value, state of mind, or other objective or subjective fact. 85823  
No proof of specific intent to defraud is required to show, for 85824  
purposes of this section, that a medicaid provider has engaged in 85825  
deception. 85826

(C) Any medicaid provider who violates division (B) of this 85827  
section shall be liable, in addition to any other penalties 85828  
provided by law, for all of the following civil penalties: 85829

(1) Payment of interest on the amount of the excess payments 85830  
at the maximum interest rate allowable for real estate mortgages 85831  
under section 1343.01 of the Revised Code on the date the payment 85832  
was made to the provider for ~~the a~~ period ~~from~~ determined by the 85833  
department, not to exceed the period from the date upon which 85834  
payment was made, to the date upon which repayment is made to the 85835  
state; 85836

(2) Payment of an amount equal to three times the amount of 85837  
any excess payments; 85838

(3) Payment of a sum of not less than five thousand dollars 85839  
and not more than ten thousand dollars for each deceptive claim or 85840  
falsification; 85841

(4) All reasonable expenses which the court determines have 85842  
been necessarily incurred by the state in the enforcement of this 85843  
section. 85844

(D) In addition to the civil penalties provided in division 85845  
(C) of this section, the medicaid director, upon the conviction 85846

of, or the entry of a judgment in either a criminal or civil 85847  
action against, a medicaid provider or its owner, officer, 85848  
authorized agent, associate, manager, or employee in an action 85849  
brought pursuant to section 109.85 of the Revised Code, shall 85850  
terminate the provider's provider agreement and stop payment to 85851  
the provider for medicaid services rendered from the date of 85852  
conviction or entry of judgment. No such medicaid provider, owner, 85853  
officer, authorized agent, associate, manager, or employee shall 85854  
own or provide medicaid services ~~to~~ on behalf of any other 85855  
medicaid provider or risk contractor or arrange for, render, or 85856  
order medicaid services for medicaid recipients, nor shall such 85857  
provider, owner, officer, authorized agent, associate, manager, or 85858  
employee receive direct payments under the medicaid program or 85859  
indirect payments of medicaid funds in the form of salary, shared 85860  
fees, contracts, kickbacks, or rebates from or through any other 85861  
medicaid provider or risk contractor. The provider agreement shall 85862  
not be terminated, and payment shall not be terminated, if the 85863  
medicaid provider or owner can demonstrate that the provider or 85864  
owner did not directly or indirectly sanction the action of its 85865  
authorized agent, associate, manager, or employee that resulted in 85866  
the conviction or entry of a judgment in a criminal or civil 85867  
action brought pursuant to section 109.85 of the Revised Code. 85868  
Nothing in this division prohibits any owner, officer, authorized 85869  
agent, associate, manager, or employee of a medicaid provider from 85870  
entering into a provider agreement if the person can demonstrate 85871  
that the person had no knowledge of an action of the medicaid 85872  
provider the person was formerly associated with that resulted in 85873  
the conviction or entry of a judgment in a criminal or civil 85874  
action brought pursuant to section 109.85 of the Revised Code. 85875

Nursing facility and ICF/IID providers whose provider 85876  
agreements are terminated pursuant to this section may continue to 85877  
receive medicaid payments for up to thirty days after the 85878  
effective date of the termination if the provider makes reasonable 85879

efforts to transfer medicaid recipients to another facility or to 85880  
alternate care and if federal financial participation is provided 85881  
for the payments. 85882

(E) The attorney general on behalf of the state may commence 85883  
proceedings to enforce this section in any court of competent 85884  
jurisdiction; and the attorney general may settle or compromise 85885  
any case brought under this section with the approval of the 85886  
department of medicaid. Notwithstanding any other provision of law 85887  
providing a shorter period of limitations, the attorney general 85888  
may commence a proceeding to enforce this section at any time 85889  
within six years after the conduct in violation of this section 85890  
terminates. 85891

(F) All moneys collected by the state pursuant to this 85892  
section shall be deposited in the state treasury to the credit of 85893  
the general revenue fund. 85894

**Sec. 5164.36.** (A) As used in this section: 85895

(1) "Credible allegation of fraud" has the same meaning as in 85896  
42 C.F.R. 455.2, except that for purposes of this section any 85897  
reference in that regulation to the "state" or the "state medicaid 85898  
agency" means the department of medicaid. 85899

(2) "Disqualifying indictment" means an indictment of a 85900  
medicaid provider or its officer, authorized agent, associate, 85901  
manager, employee, or, if the provider is a noninstitutional 85902  
provider, its owner, if either of the following applies: 85903

(a) The indictment charges the person with committing an act 85904  
to which both of the following apply: 85905

(i) The act would be a felony or misdemeanor under the laws 85906  
of this state or the jurisdiction within which the act occurred. 85907

(ii) The act relates to or results from furnishing or billing 85908  
for medicaid services under the medicaid program or relates to or 85909

results from performing management or administrative services 85910  
relating to furnishing medicaid services under the medicaid 85911  
program. 85912

~~(b) If the medicaid provider is an independent provider, the~~ 85913  
The indictment charges the person with committing an act that 85914  
would constitute a disqualifying offense. 85915

(3) "Disqualifying offense" means any of the offenses listed 85916  
or described in divisions (A)(3)(a) to (e) of section 109.572 of 85917  
the Revised Code. 85918

~~(4) "Independent provider" has the same meaning as in section~~ 85919  
~~5164.341 of the Revised Code.~~ 85920

~~(5)~~ "Noninstitutional medicaid provider" means any person or 85921  
entity with a provider agreement other than a hospital, nursing 85922  
facility, or ICF/IID. 85923

~~(6)~~(5) "Owner" means any person having at least five per cent 85924  
ownership in a noninstitutional medicaid provider. 85925

(B)(1) Except as provided in division (C) of this section and 85926  
in rules authorized by this section, the department of medicaid 85927  
shall suspend the provider agreement held by a medicaid provider 85928  
on determining either of the following: 85929

(a) There is a credible allegation of fraud against any of 85930  
the following for which an investigation is pending under the 85931  
medicaid program: 85932

(i) The medicaid provider; 85933

(ii) The medicaid provider's owner, officer, authorized 85934  
agent, associate, manager, or employee. 85935

(b) A disqualifying indictment has been issued against any of 85936  
the following: 85937

(i) The medicaid provider; 85938

(ii) The medicaid provider's officer, authorized agent, 85939  
associate, manager, or employee; 85940

(iii) If the medicaid provider is a noninstitutional 85941  
provider, its owner. 85942

(2) Subject to division (C) of this section, the department 85943  
shall also suspend all medicaid payments to a medicaid provider 85944  
for services rendered, regardless of the date that the services 85945  
are rendered, when the department suspends the provider's provider 85946  
agreement under this section. 85947

(3) The suspension of a provider agreement shall continue in 85948  
effect until ~~either~~ the latest of the following occurs: 85949

(a) If the suspension is the result of a credible allegation 85950  
of fraud, the department or a prosecuting authority determines 85951  
that there is insufficient evidence of fraud by the medicaid 85952  
provider; 85953

(b) Regardless of whether the suspension is the result of a 85954  
credible allegation of fraud or a disqualifying indictment, the 85955  
proceedings in any related criminal case are completed through 85956  
dismissal of the indictment or through sentencing after 85957  
conviction, or entry of a guilty plea, or through finding of not 85958  
guilty or, if the department commences a process to terminate the 85959  
suspended provider agreement, the termination process is 85960  
concluded; 85961

(c) The medicaid provider pays in full all fines and debts 85962  
due and owing to the department or makes arrangements satisfactory 85963  
to the department to fulfill those obligations; 85964

(d) A civil action related to a credible allegation of fraud 85965  
or disqualifying indictment is not pending against the medicaid 85966  
provider. 85967

(4)(a) When a provider agreement is suspended under this 85968

section, none of the following shall take, during the period of 85969  
the suspension, any of the actions specified in division (B)(4)(b) 85970  
of this section: 85971

(i) The medicaid provider; 85972

(ii) If the suspension is the result of an action taken by an 85973  
officer, authorized agent, associate, manager, or employee of the 85974  
medicaid provider, that person; 85975

(iii) If the medicaid provider is a noninstitutional provider 85976  
and the suspension is the result of an action taken by the owner 85977  
of the provider, the owner. 85978

(b) The following are the actions that persons specified in 85979  
division (B)(4)(a) of this section cannot take during the 85980  
suspension of a provider agreement: 85981

(i) Own ~~services provided, or provide services, to~~ any other 85982  
medicaid provider or risk contractor; 85983

(ii) Arrange ~~for, render to, or order services to~~ on behalf 85984  
of any other medicaid provider or risk contractor; 85985

(iii) Arrange ~~for, render to, or order services for~~ medicaid 85986  
recipients or render services to medicaid recipients; 85987

(iv) Receive direct payments under the medicaid program or 85988  
indirect payments of medicaid funds in the form of salary, shared 85989  
fees, contracts, kickbacks, or rebates from or through any other 85990  
medicaid provider or risk contractor. 85991

(C) The department shall not suspend a provider agreement or 85992  
medicaid payments under division (B) of this section if ~~the~~ either 85993  
of the following is the case: 85994

(1) The medicaid provider or, if the provider is a 85995  
noninstitutional provider, the owner can demonstrate through the 85996  
submission of written evidence that the provider or owner did not 85997  
directly or indirectly sanction the action of its authorized 85998

agent, associate, manager, or employee that resulted in the 85999  
credible allegation of fraud or disqualifying indictment. 86000

(2) The medicaid provider or, if the provider is a 86001  
noninstitutional provider, the owner can demonstrate that good 86002  
cause exists not to suspend the provider agreement or payments. 86003

With respect to the evidence described in division (C)(1) of 86004  
this section, the department shall grant, prior to suspension, the 86005  
provider or owner an opportunity to submit the written evidence to 86006  
the department. 86007

With respect to a demonstration of good cause described in 86008  
division (C)(2) of this section, the department shall specify in 86009  
rules adopted under section 5164.02 of the Revised Code what 86010  
constitutes good cause and the information, documents, or other 86011  
evidence that must be submitted to the department as part of the 86012  
demonstration. 86013

(D) After suspending a provider agreement under division (B) 86014  
of this section, the department shall send notice of the 86015  
suspension to the affected medicaid provider or, if the provider 86016  
is a noninstitutional provider, the owner in accordance with the 86017  
following time frames: 86018

(1) Not later than five days after the suspension, unless a 86019  
law enforcement agency makes a written request to temporarily 86020  
delay the notice; 86021

(2) If a law enforcement agency makes a written request to 86022  
temporarily delay the notice, not later than thirty days after the 86023  
suspension occurs subject to the conditions specified in division 86024  
(E) of this section. 86025

(E) A written request for a temporary delay described in 86026  
division (D)(2) of this section may be renewed in writing by a law 86027  
enforcement agency not more than two times except that under no 86028  
circumstances shall the notice be issued more than ninety days 86029

after the suspension occurs. 86030

(F) The notice required by division (D) of this section shall 86031  
do all of the following: 86032

(1) State that payments are being suspended in accordance 86033  
with this section and 42 C.F.R. 455.23; 86034

(2) Set forth the general allegations related to the nature 86035  
of the conduct leading to the suspension, except that it is not 86036  
necessary to disclose any specific information concerning an 86037  
ongoing investigation; 86038

(3) State that the suspension continues to be in effect until 86039  
~~either the latest~~ of the circumstances specified in division 86040  
(B)(3) of this section occur; 86041

(4) Specify, if applicable, the type or types of medicaid 86042  
claims or business units of the medicaid provider that are 86043  
affected by the suspension; 86044

(5) Inform the medicaid provider or owner of the opportunity 86045  
to submit to the department, not later than thirty days after 86046  
receiving the notice, a request for reconsideration of the 86047  
suspension in accordance with division (G) of this section. 86048

(G)(1) Pursuant to the procedure specified in division (G)(2) 86049  
of this section, a medicaid provider subject to a suspension under 86050  
this section or, if the provider is a noninstitutional provider, 86051  
the owner may request a reconsideration of the suspension. The 86052  
request shall be made not later than thirty days after receipt of 86053  
a notice required by division (D) of this section. The 86054  
reconsideration is not subject to an adjudication hearing pursuant 86055  
to Chapter 119. of the Revised Code. 86056

(2) In requesting a reconsideration, the medicaid provider or 86057  
owner shall submit written information and documents to the 86058  
department. The information and documents may pertain to ~~any~~ 86059

either of the following issues: 86060

(a) Whether the determination to suspend the provider 86061  
agreement was based on a mistake of fact, other than the validity 86062  
of an indictment in a related criminal case. 86063

(b) If there has been an indictment in a related criminal 86064  
case, whether the indictment is a disqualifying indictment. 86065

~~(c) Whether the provider or owner can demonstrate that the 86066  
provider or owner did not directly or indirectly sanction the 86067  
action of its authorized agent, associate, manager, or employee 86068  
that resulted in the suspension under this section or an 86069  
indictment in a related criminal case. 86070~~

(H) The department shall review the information and documents 86071  
submitted in a request made under division (G) of this section for 86072  
reconsideration of a suspension. After the review, the suspension 86073  
may be affirmed, reversed, or modified, in whole or in part. The 86074  
department shall notify the affected provider or owner of the 86075  
results of the review. ~~The review and notification of its results 86076  
shall be completed not later than forty five days after receiving 86077  
the information and documents submitted in a request for 86078  
reconsideration. 86079~~

(I) Rules adopted under section 5164.02 of the Revised Code 86080  
may specify circumstances under which the department would not 86081  
suspend a provider agreement pursuant to this section. 86082

**Sec. 5164.60.** Any medicaid provider who, without intent, 86083  
obtains payments under the medicaid program in excess of the 86084  
amount to which the provider is entitled is liable for payment of 86085  
interest on the amount of the excess payments for the a period 86086  
determined by the department, but not to exceed the period from 86087  
the date on which payment was made to the date on which repayment 86088  
is made to the state. The interest shall be paid at the average 86089

bank prime rate in effect on the first day of the calendar quarter 86090  
during which the provider receives notice of the excess payment. 86091  
The department of medicaid shall determine the average bank prime 86092  
rate using statistical release H.15, "selected interest rates," a 86093  
weekly publication of the federal reserve board, or any successor 86094  
publication. If statistical release H.15, or its successor, ceases 86095  
to contain the bank prime rate information or ceases to be 86096  
published, the department shall request a written statement of the 86097  
average bank prime rate from the federal reserve bank of Cleveland 86098  
or the federal reserve board. 86099

**Sec. 5164.72.** The number of days of inpatient hospital care 86100  
for which a medicaid payment is made on behalf of a medicaid 86101  
recipient to a hospital that is not paid under a 86102  
diagnostic-related-group prospective payment system shall not 86103  
exceed thirty days during a period beginning on the day of the 86104  
recipient's admission to the hospital and ending sixty days after 86105  
the termination of that hospital stay, except that the department 86106  
of medicaid may make exceptions to this limitation. The limitation 86107  
does not apply to children and youth participating in the program 86108  
for ~~medically handicapped~~ children and youth with special health 86109  
care needs established under section 3701.023 of the Revised Code. 86110

**Sec. 5164.913.** (A)(1) In addition to any other eligibility 86111  
requirement of this chapter, to be eligible to serve as a home 86112  
health aide or personal care aide under the integrated care 86113  
delivery system, an individual must successfully complete eight 86114  
hours of pre-service training acceptable to the department of 86115  
medicaid. 86116

To maintain eligibility, each home health aide or personal 86117  
care aide must successfully complete six hours of in-service 86118  
training acceptable to the department. Such training must be 86119

completed every twelve months. 86120

(2) In administering the integrated care delivery system, the department shall not require an individual or aide described in division (A)(1) of this section to do either of the following: 86121  
86122  
86123

(a) Complete more than eight hours of pre-service training; 86124

(b) Complete more than six hours of in-service training in a twelve-month period. 86125  
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(B) Only the following may supervise a home health aide or personal care aide under the integrated care delivery system: 86127  
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(1) A registered nurse; 86129

(2) A licensed practical nurse under the direction of a registered nurse; 86130  
86131

(3) A nurse aide under the direction of a nurse described in division (B)(1) or (2) of this section. 86132  
86133

**Sec. 5164.96.** (A) As used in this section, "ground emergency medical transportation service provider" means a public emergency medical service organization as defined in section 4765.01 of the Revised Code. 86134  
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(B)(1) The medicaid director shall submit a medicaid state plan amendment to the United States centers for medicare and medicaid services seeking authorization to establish and administer a supplemental payment program to provide supplemental medicaid payments to eligible ground emergency medical transportation service providers. If approved, the medicaid director shall establish and administer the program. 86138  
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(2) To be eligible to receive payments under the supplemental payment program, a ground emergency medical transportation service provider must hold a valid medicaid provider agreement and provide emergency medical transportation services to medicaid recipients. 86145  
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(C)(1) The medicaid director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. 86149  
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(2) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code. 86151  
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**Sec. 5165.01.** As used in this chapter: 86155

(A) "Affiliated operator" means an operator affiliated with either of the following: 86156  
86157

(1) The exiting operator for whom the affiliated operator is to assume liability for the entire amount of the exiting operator's debt under the medicaid program or the portion of the debt that represents the franchise permit fee the exiting operator owes; 86158  
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(2) The entering operator involved in the change of operator with the exiting operator specified in division (A)(1) of this section. 86163  
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(B) "Allowable costs" are a nursing facility's costs that the department of medicaid determines are reasonable. Fines paid under sections 5165.60 to 5165.89 and section 5165.99 of the Revised Code are not allowable costs. 86166  
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(C) "Ancillary and support costs" means all reasonable costs incurred by a nursing facility other than direct care costs, tax costs, or capital costs. "Ancillary and support costs" includes, but is not limited to, costs of activities, social services, pharmacy consultants, habilitation supervisors, qualified intellectual disability professionals, program directors, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, medical equipment, 86170  
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utilities, liability insurance, bookkeeping, purchasing 86179  
department, human resources, communications, travel, dues, license 86180  
fees, subscriptions, home office costs not otherwise allocated, 86181  
legal services, accounting services, minor equipment, maintenance 86182  
and repairs, help-wanted advertising, informational advertising, 86183  
start-up costs, organizational expenses, other interest, property 86184  
insurance, employee training and staff development, employee 86185  
benefits, payroll taxes, and workers' compensation premiums or 86186  
costs for self-insurance claims and related costs as specified in 86187  
rules adopted under section 5165.02 of the Revised Code, for 86188  
personnel listed in this division. "Ancillary and support costs" 86189  
also means the cost of equipment, including vehicles, acquired by 86190  
operating lease executed before December 1, 1992, if the costs are 86191  
reported as administrative and general costs on the nursing 86192  
facility's cost report for the cost reporting period ending 86193  
December 31, 1992. 86194

(D) "Applicable calendar year" means the calendar year 86195  
immediately preceding the ~~calendar year that precedes~~ the first of 86196  
the state fiscal years for which a rebasing is conducted. 86197

(E) For purposes of calculating a critical access nursing 86198  
facility's occupancy rate and utilization rate under this chapter, 86199  
"as of the last day of the calendar year" refers to the occupancy 86200  
and utilization rates during the calendar year identified in the 86201  
cost report filed under section 5165.10 of the Revised Code. 86202

(F)(1) "Capital costs" means the actual expense incurred by a 86203  
nursing facility for all of the following: 86204

(a) Depreciation and interest on any capital assets that cost 86205  
five hundred dollars or more per item, including the following: 86206

(i) Buildings; 86207

(ii) Building improvements; 86208

(iii) Except as provided in division (D) of this section, 86209

equipment;	86210
(iv) Transportation equipment.	86211
(b) Amortization and interest on land improvements and leasehold improvements;	86212
	86213
(c) Amortization of financing costs;	86214
(d) Lease and rent of land, buildings, and equipment.	86215
(2) The costs of capital assets of less than five hundred dollars per item may be considered capital costs in accordance with a provider's practice.	86216
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	86218
(G) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles.	86219
	86220
(H) "Case-mix score" means a measure determined under section 5165.192 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to a nursing facility resident.	86221
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	86224
(I) <u>"Change in control" means either of the following:</u>	86225
(1) <u>Any pledge, assignment, or hypothecation of or lien or other encumbrance on any of the legal or beneficial equity interests in the applicable person;</u>	86226
	86227
	86228
(2) <u>A change of fifty per cent or more in the legal or beneficial ownership or control of the outstanding voting equity interests of the applicable person necessary at all times to elect a majority of the board of directors or similar governing body and to direct the management policies and decisions.</u>	86229
	86230
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	86233
(J) <u>"Change of operator" <del>means</del> includes circumstances in which an entering operator <del>becoming</del> becomes the operator of a nursing facility in the place of the exiting operator.</u>	86234
	86235
	86236
(1) Actions that constitute a change of operator include the following:	86237
	86238

(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship; 86239  
86240  
86241

(b) A ~~transfer of all~~ change of control in the exiting operator's ~~ownership interest in the operation of the nursing facility to the entering~~ operator, regardless of whether ownership of any or all of the real property or personal property associated with the nursing facility is also transferred; 86242  
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(c) A lease of the nursing facility to the entering operator or the exiting operator's termination of the exiting operator's lease; 86247  
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(d) If the exiting operator is a partnership, dissolution of the partnership, a merger of the partnership into another person that is the survivor of the merger, or a consolidation of the partnership and at least one other person to form a new person; 86250  
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(e) If the exiting operator is a ~~partnership, a change in composition of the partnership unless both of the following apply:~~ 86254  
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(i) ~~The change in composition does not cause the partnership's dissolution under state law.~~ 86256  
86257

(ii) ~~The partners agree that the change in composition does not constitute a change in operator~~ limited liability company, dissolution of the limited liability company, a merger of the limited liability company into another person that is the survivor of the merger, or a consolidation of the limited liability company and at least one other person to form a new person. 86258  
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(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another ~~corporation~~ person that is the survivor of the merger, or a consolidation of the corporation and at least one or more other corporations person to form a new ~~corporation~~ person; 86264  
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<u>(g) A contract for a person to manage a nursing facility as the operator's agent.</u>	86269
	86270
(2) The following, alone, do not constitute a change of operator:	86271
	86272
<del>(a) A contract for an entity to manage a nursing facility as the operator's agent, subject to the operator's approval of daily operating and management decisions</del> <u>an employer stock ownership plan created under section 401(a) of the "Internal Revenue Code," 26 U.S.C. 401(a);</u>	86273
	86274
	86275
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	86277
<del>(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing facility if an entering operator does not become the operator in place of an exiting operator;</del>	86278
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	86281
(c) If the operator is a corporation <u>that has securities publicly traded in a marketplace</u> , a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator;	86282
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	86286
<u>(d) An initial public offering for which the securities and exchange commission has declared the registration statement effective, and the newly created public company remains the operator.</u>	86287
	86288
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	86290
<del>(J)</del> <u>(K)</u> "Cost center" means the following:	86291
(1) Ancillary and support costs;	86292
(2) Capital costs;	86293
(3) Direct care costs;	86294
(4) Tax costs.	86295
<del>(K)</del> <u>(L)</u> "Custom wheelchair" means a wheelchair to which both of the following apply:	86296
	86297

(1) It has been measured, fitted, or adapted in consideration 86298  
of either of the following: 86299

(a) The body size or disability of the individual who is to 86300  
use the wheelchair; 86301

(b) The individual's period of need for, or intended use of, 86302  
the wheelchair. 86303

(2) It has customized features, modifications, or components, 86304  
such as adaptive seating and positioning systems, that the 86305  
supplier who assembled the wheelchair, or the manufacturer from 86306  
which the wheelchair was ordered, added or made in accordance with 86307  
the instructions of the physician of the individual who is to use 86308  
the wheelchair. 86309

~~(L)~~(1)(M)(1) "Date of licensure" means the following: 86310

(a) In the case of a nursing facility that was required by 86311  
law to be licensed as a nursing home under Chapter 3721. of the 86312  
Revised Code when it originally began to be operated as a nursing 86313  
home, the date the nursing facility was originally so licensed; 86314

(b) In the case of a nursing facility that was not required 86315  
by law to be licensed as a nursing home when it originally began 86316  
to be operated as a nursing home, the date it first began to be 86317  
operated as a nursing home, regardless of the date the nursing 86318  
facility was first licensed as a nursing home. 86319

(2) If, after a nursing facility's original date of 86320  
licensure, more nursing home beds are added to the nursing 86321  
facility, the nursing facility has a different date of licensure 86322  
for the additional beds. This does not apply, however, to 86323  
additional beds when both of the following apply: 86324

(a) The additional beds are located in a part of the nursing 86325  
facility that was constructed at the same time as the continuing 86326  
beds already located in that part of the nursing facility; 86327

(b) The part of the nursing facility in which the additional 86328  
beds are located was constructed as part of the nursing facility 86329  
at a time when the nursing facility was not required by law to be 86330  
licensed as a nursing home. 86331

(3) The definition of "date of licensure" in this section 86332  
applies in determinations of nursing facilities' medicaid payment 86333  
rates but does not apply in determinations of nursing facilities' 86334  
franchise permit fees. 86335

~~(M)~~(N) "Desk-reviewed" means that a nursing facility's costs 86336  
as reported on a cost report submitted under section 5165.10 of 86337  
the Revised Code have been subjected to a desk review under 86338  
section 5165.108 of the Revised Code and preliminarily determined 86339  
to be allowable costs. 86340

~~(N)~~(O) "Direct care costs" means all of the following costs 86341  
incurred by a nursing facility: 86342

(1) Costs for registered nurses, licensed practical nurses, 86343  
and nurse aides employed by the nursing facility; 86344

(2) Costs for direct care staff, administrative nursing 86345  
staff, medical directors, respiratory therapists, and except as 86346  
provided in division ~~(N)~~~~(8)~~(O)(8) of this section, other persons 86347  
holding degrees qualifying them to provide therapy; 86348

(3) Costs of purchased nursing services; 86349

(4) Costs of quality assurance; 86350

(5) Costs of training and staff development, employee 86351  
benefits, payroll taxes, and workers' compensation premiums or 86352  
costs for self-insurance claims and related costs as specified in 86353  
rules adopted under section 5165.02 of the Revised Code, for 86354  
personnel listed in divisions ~~(N)~~~~(1)~~(O)(1), (2), (4), and (8) of 86355  
this section; 86356

(6) Costs of consulting and management fees related to direct 86357

care;	86358
(7) Allocated direct care home office costs;	86359
(8) Costs of habilitation staff (other than habilitation supervisors), medical supplies, emergency oxygen, over-the-counter pharmacy products, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, speech therapists, audiologists, habilitation supplies, and universal precautions supplies;	86360 86361 86362 86363 86364 86365
(9) Costs of wheelchairs other than the following:	86366
(a) Custom wheelchairs;	86367
(b) Repairs to and replacements of custom wheelchairs and parts that are made in accordance with the instructions of the physician of the individual who uses the custom wheelchair.	86368 86369 86370
(10) Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5165.02 of the Revised Code.	86371 86372 86373
<del>(O)</del> <u>(P)</u> "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.	86374 86375
<del>(P)</del> <u>(Q)</u> "Effective date of a change of operator" means the day the entering operator becomes the operator of the nursing facility.	86376 86377 86378
<del>(Q)</del> <u>(R)</u> "Effective date of a facility closure" means the last day that the last of the residents of the nursing facility resides in the nursing facility.	86379 86380 86381
<del>(R)</del> <u>(S)</u> "Effective date of an involuntary termination" means the date the department of medicaid terminates the operator's provider agreement for the nursing facility.	86382 86383 86384
<del>(S)</del> <u>(T)</u> "Effective date of a voluntary withdrawal of participation" means the day the nursing facility ceases to accept new medicaid residents other than the individuals who reside in	86385 86386 86387

the nursing facility on the day before the effective date of the 86388  
voluntary withdrawal of participation. 86389

~~(T)~~(U) "Entering operator" means the person or government 86390  
entity that will become the operator of a nursing facility when a 86391  
change of operator occurs or following an involuntary termination. 86392

~~(U)~~(V) "Exiting operator" means any of the following: 86393

(1) An operator that will cease to be the operator of a 86394  
nursing facility on the effective date of a change of operator; 86395

(2) An operator that will cease to be the operator of a 86396  
nursing facility on the effective date of a facility closure; 86397

(3) An operator of a nursing facility that is undergoing or 86398  
has undergone a voluntary withdrawal of participation; 86399

(4) An operator of a nursing facility that is undergoing or 86400  
has undergone an involuntary termination. 86401

~~(V)~~~~(1)~~(W)(1) Subject to divisions ~~(V)~~~~(2)~~(W)(2) and (3) of 86402  
this section, "facility closure" means either of the following: 86403

(a) Discontinuance of the use of the building, or part of the 86404  
building, that houses the facility as a nursing facility that 86405  
results in the relocation of all of the nursing facility's 86406  
residents; 86407

(b) Conversion of the building, or part of the building, that 86408  
houses a nursing facility to a different use with any necessary 86409  
license or other approval needed for that use being obtained and 86410  
one or more of the nursing facility's residents remaining in the 86411  
building, or part of the building, to receive services under the 86412  
new use. 86413

(2) A facility closure occurs regardless of any of the 86414  
following: 86415

(a) The operator completely or partially replacing the 86416  
nursing facility by constructing a new nursing facility or 86417

transferring the nursing facility's license to another nursing facility;	86418 86419
(b) The nursing facility's residents relocating to another of the operator's nursing facilities;	86420 86421
(c) Any action the department of health takes regarding the nursing facility's medicaid certification that may result in the transfer of part of the nursing facility's survey findings to another of the operator's nursing facilities;	86422 86423 86424 86425
(d) Any action the department of health takes regarding the nursing facility's license under Chapter 3721. of the Revised Code.	86426 86427 86428
(3) A facility closure does not occur if all of the nursing facility's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the nursing facility not later than thirty days after the evacuation occurs.	86429 86430 86431 86432 86433
<del>(W)</del> (X) "Franchise permit fee" means the fee imposed by sections 5168.40 to 5168.56 of the Revised Code.	86434 86435
<del>(X)</del> (Y) "Inpatient days" means both of the following:	86436
(1) All days during which a resident, regardless of payment source, occupies a licensed bed in a nursing facility;	86437 86438
(2) Fifty per cent of the days for which payment is made under section 5165.34 of the Revised Code.	86439 86440
<del>(Y)</del> (Z) "Involuntary termination" means the department of medicaid's termination of the operator's provider agreement for the nursing facility when the termination is not taken at the operator's request.	86441 86442 86443 86444
<del>(Z)</del> (AA) "Low <del>resource utilization</del> <u>case-mix</u> resident" means a medicaid recipient residing in a nursing facility who, for purposes of calculating the nursing facility's medicaid payment	86445 86446 86447

rate for direct care costs, is placed in either of the two lowest 86448  
~~resource utilization case-mix~~ case-mix groups, excluding any ~~resource~~ 86449  
~~utilization case-mix~~ case-mix group that is a default group used for 86450  
residents with incomplete assessment data. 86451

~~(AA)~~(BB) "Maintenance and repair expenses" means a nursing 86452  
facility's expenditures that are necessary and proper to maintain 86453  
an asset in a normally efficient working condition and that do not 86454  
extend the useful life of the asset two years or more. 86455  
"Maintenance and repair expenses" includes but is not limited to 86456  
the costs of ordinary repairs such as painting and wallpapering. 86457

~~(BB)~~(CC) "Medicaid-certified capacity" means the number of a 86458  
nursing facility's beds that are certified for participation in 86459  
medicaid as nursing facility beds. 86460

~~(CC)~~(DD) "Medicaid days" means both of the following: 86461

(1) All days during which a resident who is a medicaid 86462  
recipient eligible for nursing facility services occupies a bed in 86463  
a nursing facility that is included in the nursing facility's 86464  
medicaid-certified capacity; 86465

(2) Fifty per cent of the days for which payment is made 86466  
under section 5165.34 of the Revised Code. 86467

~~(DD)~~(1)(EE)(1) "New nursing facility" means a nursing 86468  
facility for which the provider obtains an initial provider 86469  
agreement following medicaid certification of the nursing facility 86470  
by the director of health, including such a nursing facility that 86471  
replaces one or more nursing facilities for which a provider 86472  
previously held a provider agreement. 86473

(2) "New nursing facility" does not mean a nursing facility 86474  
for which the entering operator seeks a provider agreement 86475  
pursuant to section 5165.511 or 5165.512 or (pursuant to section 86476  
5165.515) section 5165.07 of the Revised Code. 86477

~~(EE)~~(FF) "Nursing facility" has the same meaning as in the 86478  
"Social Security Act," section 1919(a), 42 U.S.C. 1396r(a). 86479

~~(FF)~~(GG) "Nursing facility services" has the same meaning as 86480  
in the "Social Security Act," section 1905(f), 42 U.S.C. 1396d(f). 86481

~~(GG)~~(HH) "Nursing home" has the same meaning as in section 86482  
3721.01 of the Revised Code. 86483

~~(HH)~~(II) "Occupancy rate" means the percentage of licensed 86484  
beds that, regardless of payer source, are either of the 86485  
following: 86486

(1) Reserved for use under section 5165.34 of the Revised 86487  
Code; 86488

(2) Actually being used. 86489

~~(II)~~(JJ) "Operator" means the person or government entity 86490  
responsible for the daily operating and management decisions for a 86491  
nursing facility. 86492

~~(JJ)~~(1)~~(KK)~~(1) "Owner" means any person or government entity 86493  
that has at least five per cent ownership or interest, either 86494  
directly, indirectly, or in any combination, in any of the 86495  
following regarding a nursing facility: 86496

(a) The land on which the nursing facility is located; 86497

(b) The structure in which the nursing facility is located; 86498

(c) Any mortgage, contract for deed, or other obligation 86499  
secured in whole or in part by the land or structure on or in 86500  
which the nursing facility is located; 86501

(d) Any lease or sublease of the land or structure on or in 86502  
which the nursing facility is located. 86503

(2) "Owner" does not mean a holder of a debenture or bond 86504  
related to the nursing facility and purchased at public issue or a 86505  
regulated lender that has made a loan related to the nursing 86506

facility unless the holder or lender operates the nursing facility 86507  
directly or through a subsidiary. 86508

~~(KK)~~(LL) "Per diem" means a nursing facility's actual, 86509  
allowable costs in a given cost center in a cost reporting period, 86510  
divided by the nursing facility's inpatient days for that cost 86511  
reporting period. 86512

~~(LL)~~(MM) "Person" has the same meaning as in section 1.59 of 86513  
the Revised Code. 86514

(NN) "Private room" means a nursing facility bedroom that 86515  
meets all of the following criteria: 86516

(1) It has four permanent, floor-to-ceiling walls and a full 86517  
door. 86518

(2) It contains one licensed or certified bed that is 86519  
occupied by one individual. 86520

(3) It has access to a hallway without traversing another 86521  
bedroom. 86522

(4) It has access to a toilet and sink shared by not more 86523  
than one other resident without traversing another bedroom. 86524

(5) It meets all applicable licensure or other standards 86525  
pertaining to furniture, fixtures, and temperature control. 86526

(OO) "Provider" means an operator with a provider agreement. 86527

~~(MM)~~(PP) "Provider agreement" means a provider agreement, as 86528  
defined in section 5164.01 of the Revised Code, that is between 86529  
the department of medicaid and the operator of a nursing facility 86530  
for the provision of nursing facility services under the medicaid 86531  
program. 86532

~~(NN)~~(OO) "Purchased nursing services" means services that are 86533  
provided in a nursing facility by registered nurses, licensed 86534  
practical nurses, or nurse aides who are not employees of the 86535  
nursing facility. 86536

~~(OO)~~(RR) "Reasonable" means that a cost is an actual cost 86537  
that is appropriate and helpful to develop and maintain the 86538  
operation of patient care facilities and activities, including 86539  
normal standby costs, and that does not exceed what a prudent 86540  
buyer pays for a given item or services. Reasonable costs may vary 86541  
from provider to provider and from time to time for the same 86542  
provider. 86543

~~(PP)~~(SS) "Rebasing" means a redetermination of each of the 86544  
following using information from cost reports for an applicable 86545  
calendar year that is later than the applicable calendar year used 86546  
for the previous rebasing: 86547

(1) Each peer group's rate for ancillary and support costs as 86548  
determined pursuant to division (C) of section 5165.16 of the 86549  
Revised Code; 86550

(2) Each peer group's rate for capital costs as determined 86551  
pursuant to division (C) of section 5165.17 of the Revised Code; 86552

(3) Each peer group's cost per case-mix unit as determined 86553  
pursuant to division (C) of section 5165.19 of the Revised Code; 86554

(4) Each nursing facility's rate for tax costs as determined 86555  
pursuant to section 5165.21 of the Revised Code. 86556

~~(OO)~~(TT) "Related party" means an individual or organization 86557  
that, to a significant extent, has common ownership with, is 86558  
associated or affiliated with, has control of, or is controlled 86559  
by, the provider. 86560

(1) An individual who is a relative of an owner is a related 86561  
party. 86562

(2) Common ownership exists when an individual or individuals 86563  
possess significant ownership or equity in both the provider and 86564  
the other organization. Significant ownership or equity exists 86565  
when an individual or individuals possess five per cent ownership 86566

or equity in both the provider and a supplier. Significant 86567  
ownership or equity is presumed to exist when an individual or 86568  
individuals possess ten per cent ownership or equity in both the 86569  
provider and another organization from which the provider 86570  
purchases or leases real property. 86571

(3) Control exists when an individual or organization has the 86572  
power, directly or indirectly, to significantly influence or 86573  
direct the actions or policies of an organization. 86574

(4) An individual or organization that supplies goods or 86575  
services to a provider shall not be considered a related party if 86576  
all of the following conditions are met: 86577

(a) The supplier is a separate bona fide organization. 86578

(b) A substantial part of the supplier's business activity of 86579  
the type carried on with the provider is transacted with others 86580  
than the provider and there is an open, competitive market for the 86581  
types of goods or services the supplier furnishes. 86582

(c) The types of goods or services are commonly obtained by 86583  
other nursing facilities from outside organizations and are not a 86584  
basic element of patient care ordinarily furnished directly to 86585  
patients by nursing facilities. 86586

(d) The charge to the provider is in line with the charge for 86587  
the goods or services in the open market and no more than the 86588  
charge made under comparable circumstances to others by the 86589  
supplier. 86590

~~(RR)~~(UU) "Relative of owner" means an individual who is 86591  
related to an owner of a nursing facility by one of the following 86592  
relationships: 86593

(1) Spouse; 86594

(2) Natural parent, child, or sibling; 86595

(3) Adopted parent, child, or sibling; 86596

(4) Stepparent, stepchild, stepbrother, or stepsister;	86597
(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;	86598 86599
(6) Grandparent or grandchild;	86600
(7) Foster caregiver, foster child, foster brother, or foster sister.	86601 86602
<del>(SS)</del> <u>(VV)</u> "Residents' rights advocate" has the same meaning as in section 3721.10 of the Revised Code.	86603 86604
<del>(TT)</del> <u>(WW)</u> "Skilled nursing facility" has the same meaning as in the "Social Security Act," section 1819(a), 42 U.S.C. 1395i-3(a).	86605 86606 86607
<del>(UU)</del> <u>(XX)</u> "State fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code.	86608 86609
<del>(VV)</del> <u>(YY)</u> "Sponsor" has the same meaning as in section 3721.10 of the Revised Code.	86610 86611
<del>(WW)</del> <u>(ZZ)</u> "Tax costs" means the costs of taxes imposed under Chapter 5751. of the Revised Code, real estate taxes, personal property taxes, and corporate franchise taxes.	86612 86613 86614
<del>(XX)</del> <u>(AAA)</u> "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq.	86615 86616
<del>(YY)</del> <u>(BBB)</u> "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.	86617 86618
<del>(ZZ)</del> <u>(CCC)</u> "Voluntary withdrawal of participation" means an operator's voluntary election to terminate the participation of a nursing facility in the medicaid program but to continue to provide service of the type provided by a nursing facility.	86619 86620 86621 86622
<b>Sec. 5165.109.</b> (A) The department of medicaid may conduct an audit, as defined in rules adopted under section 5165.02 of the Revised Code, of any cost report filed under section 5165.10 or	86623 86624 86625

5165.522 of the Revised Code. The decision whether to conduct an audit and the scope of the audit, which may be a desk or field audit, may be determined based on prior performance of the provider, a risk analysis, or other evidence that gives the department reason to believe that the provider has reported costs improperly. A desk or field audit may be performed annually, but is required whenever a provider does not pass the risk analysis tolerance factors.

(B) Audits shall be conducted by auditors under contract with the department, auditors working for firms under contract with the department, or auditors employed by the department.

The department may establish a contract for the auditing of nursing facilities by outside firms. Each contract entered into by bidding shall be effective for one to two years.

(C) The department shall notify a provider of the findings of an audit of a cost report by issuing an audit report. The audit report shall include notice of any fine imposed under section 5165.1010 of the Revised Code. The department shall issue the audit report not later than three years after the earlier of the following:

(1) The date the cost report is filed;

(2) The date a desk or field audit of the cost report or a cost report for a subsequent cost reporting period is completed.

(D) The department shall prepare a written summary of any audit disallowance that is made after the effective date of the rate that is based on the cost. Where the provider is pursuing judicial or administrative remedies in good faith regarding the disallowance, the department shall not withhold from the provider's current payments any amounts the department claims to be due from the provider pursuant to section 5165.41 of the

Revised Code. 86656

~~(E)(1) The department shall establish an audit manual and program for field audits conducted under this section. Each auditor conducting a field audit under this section shall follow the audit manual and program, regardless of whether the auditor is under contract with the department, works for a firm under contract with the department, or is employed by the department. The manual and program shall do both of the following: If an audit is conducted by an auditor under contract with the department, the audit shall be conducted in accordance with procedures agreed upon between the department and the auditor.~~ 86657  
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~~(2) If an audit is conducted by the department, the department shall develop an audit plan or approach before the audit begins. The scope of the audit may change during the course of the audit based on observations and findings during the audit.~~ 86667  
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~~(a) Require (3) All of the following apply to each field audit to be conducted by an auditor to whom all of the following apply under contract with the department:~~ 86671  
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~~(i)(a) During the period of the auditor's contract, firm's contract, or auditor's employment with the department, the auditor or firm does not have and is not committed to acquire any direct or indirect financial interest in the ownership, financing, or operation of nursing facilities in this state.~~ 86674  
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~~(ii)(b) The auditor does not audit any provider that has been a client of the auditor or the auditor's firm.~~ 86679  
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~~(iii)(c) The auditor is otherwise independent as determined by the standards of independence included in the government auditing standards produced by the United States government accountability office.~~ 86681  
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~~(b) Require each auditor conducting a field audit to do all of the following:~~ 86685  
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<del>(i) Comply with applicable rules prescribed pursuant to Title XVIII and Title XIX;</del>	86687
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<del>(ii) Consider generally accepted auditing standards prescribed by the American institute of certified public accountants;</del>	86689
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<del>(iii) Include a written summary as to whether the costs included in the cost report examined during the audit are allowable and are presented in accordance with state and federal laws and regulations, and whether, in all material respects, allowable costs are documented, reasonable, and related to patient care;</del>	86692
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<del>(iv) Complete the audit within the time period specified by the department;</del>	86698
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<del>(v) Provide to the provider complete written interpretations that explain in detail the application of all relevant contract provisions, regulations, auditing standards, rate formulae, and departmental policies, with explanations and examples, that are sufficient to permit the provider to calculate with reasonable certainty those costs that are allowable and the rate to which the provider's nursing facility is entitled.</del>	86700
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<del>(2) For the purpose of division (E)(1)(a)(i) of this section, employment of a member of an auditor's family by a nursing facility that the auditor does not audit does not constitute a direct or indirect financial interest in the ownership, financing, or operation of the nursing facility.</del>	86707
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<b>Sec. 5165.15.</b> Except as otherwise provided by sections 5165.151 to <del>5165.157</del> <u>5165.158</u> and 5165.34 of the Revised Code, the total per medicaid day payment rate that the department of medicaid shall pay a nursing facility provider for nursing facility services the provider's nursing facility provides during	86712
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a state fiscal year shall be determined as follows: 86717

(A) Determine the sum of all of the following: 86718

(1) The per medicaid day payment rate for ancillary and 86719  
support costs determined for the nursing facility under section 86720  
5165.16 of the Revised Code; 86721

(2) The per medicaid day payment rate for capital costs 86722  
determined for the nursing facility under section 5165.17 of the 86723  
Revised Code; 86724

(3) The per medicaid day payment rate for direct care costs 86725  
determined for the nursing facility under section 5165.19 of the 86726  
Revised Code; 86727

(4) The per medicaid day payment rate for tax costs 86728  
determined for the nursing facility under section 5165.21 of the 86729  
Revised Code; 86730

(5) If the nursing facility qualifies as a critical access 86731  
nursing facility, the nursing facility's critical access incentive 86732  
payment paid under section 5165.23 of the Revised Code. 86733

(B) To the sum determined under division (A) of this section, 86734  
add sixteen dollars and forty-four cents. 86735

~~(C) From the sum determined under division (B) of this 86736  
section, subtract one dollar and seventy nine cents. 86737~~

~~(D) To the sum determined under division ~~(C)~~(B) of this 86738  
section, add, ~~for state fiscal year 2022 and for state fiscal year 86739  
2023,~~ the per medicaid day quality incentive payment rate 86740  
determined for the nursing facility under section 5165.26 of the 86741  
Revised Code. 86742~~

(D) If the nursing facility qualifies as a low occupancy 86743  
nursing facility, subtract from the sum determined under division 86744  
(C) of this section the nursing facility's low occupancy deduction 86745

determined under section 5165.23 of the Revised Code. 86746

**Sec. 5165.151.** (A) The total per medicaid day payment rate 86747  
determined under section 5165.15 of the Revised Code shall not be 86748  
the initial rate for nursing facility services provided by a new 86749  
nursing facility. Instead, the initial total per medicaid day 86750  
payment rate for nursing facility services provided by a new 86751  
nursing facility shall be determined in the following manner: 86752

(1) The initial rate for ancillary and support costs shall be 86753  
the rate for the new nursing facility's peer group determined 86754  
under division (C) of section 5165.16 of the Revised Code. 86755

(2) The initial rate for capital costs shall be the rate for 86756  
the new nursing facility's peer group determined under division 86757  
(C) of section 5165.17 of the Revised Code; 86758

(3) The initial rate for direct care costs shall be the 86759  
product of the cost per case-mix unit determined under division 86760  
(C) of section 5165.19 of the Revised Code for the new nursing 86761  
facility's peer group and the new nursing facility's case-mix 86762  
score determined under division (B) of this section. 86763

(4) The initial rate for tax costs shall be the following: 86764

(a) If the provider of the new nursing facility submits to 86765  
the department of medicaid the nursing facility's projected tax 86766  
costs for the calendar year in which the provider obtains an 86767  
initial provider agreement for the new nursing facility, an amount 86768  
determined by dividing those projected tax costs by the number of 86769  
inpatient days the nursing facility would have for that calendar 86770  
year if its occupancy rate were one hundred per cent; 86771

(b) If division (A)(4)(a) of this section does not apply, the 86772  
median rate for tax costs for the new nursing facility's peer 86773  
group in which the nursing facility is placed under division (B) 86774  
of section 5165.16 of the Revised Code. 86775

(5) ~~Fourteen~~ The initial quality incentive payment rate for 86776  
the new nursing facility shall be the amount determined under 86777  
section 5165.26 of the Revised Code. 86778

(6) Sixteen dollars and ~~sixty-five~~ forty-four cents shall be 86779  
added to the sum of the rates and payment specified in divisions 86780  
(A)(1) to ~~(4)~~(5) of this section. 86781

(B) For the purpose of division (A)(3) of this section, a new 86782  
nursing facility's case-mix score shall be the following: 86783

(1) Unless the new nursing facility replaces an existing 86784  
nursing facility that participated in the medicaid program 86785  
immediately before the new nursing facility begins participating 86786  
in the medicaid program, the median annual average case-mix score 86787  
for the new nursing facility's peer group~~+~~. 86788

(2) If the nursing facility replaces an existing nursing 86789  
facility that participated in the medicaid program immediately 86790  
before the new nursing facility begins participating in the 86791  
medicaid program, the semiannual case-mix score most recently 86792  
determined under section 5165.192 of the Revised Code for the 86793  
replaced nursing facility as adjusted, if necessary, to reflect 86794  
any difference in the number of beds in the replaced and new 86795  
nursing facilities. 86796

(C) Subject to division (D) of this section, the department 86797  
of medicaid shall adjust the rates established under division (A) 86798  
of this section effective the first day of July, to reflect new 86799  
rate calculations for all nursing facilities under this chapter. 86800

(D) If a rate for direct care costs is determined under this 86801  
section for a new nursing facility using the median annual average 86802  
case-mix score for the new nursing facility's peer group, the rate 86803  
shall be redetermined to reflect the new nursing facility's actual 86804  
semiannual average case-mix score determined under section 86805  
5165.192 of the Revised Code after the new nursing facility 86806

submits its first two quarterly assessment data that qualify for 86807  
use in calculating a case-mix score in accordance with rules 86808  
authorized by section 5165.192 of the Revised Code. If the new 86809  
nursing facility's quarterly submissions do not qualify for use in 86810  
calculating a case-mix score, the department shall continue to use 86811  
the median annual average case-mix score for the new nursing 86812  
facility's peer group in lieu of the new nursing facility's 86813  
semiannual case-mix score until the new nursing facility submits 86814  
two consecutive quarterly assessment data that qualify for use in 86815  
calculating a case-mix score. 86816

**Sec. 5165.152.** The total per medicaid day payment rate 86817  
determined under section 5165.15 of the Revised Code shall not be 86818  
paid for nursing facility services provided to low ~~resource~~ 86819  
~~utilization~~ case-mix residents. Instead, the total rate for such 86820  
nursing facility services shall be one hundred fifteen dollars per 86821  
medicaid day. 86822

**Sec. 5165.158.** (A) Beginning July 1, 2023, the total per 86823  
medicaid day payment rate for nursing facility services provided 86824  
on or after that date in private rooms approved by the department 86825  
of medicaid under division (B) of this section shall be the sum of 86826  
both of the following: 86827

(1) The total per medicaid day payment rate determined for 86828  
the nursing facility under section 5165.15 of the Revised Code; 86829

(2) The private room incentive payment. The private room 86830  
incentive payment shall be thirty dollars per day for state fiscal 86831  
year 2024. The department may increase the payment amount for 86832  
subsequent fiscal years. 86833

(B)(1) Beginning on July 1, 2023, the department shall 86834  
approve rooms in nursing facilities to qualify for the rate 86835  
described in division (A) of this section. A nursing facility 86836

provider shall apply for approval of its private rooms by 86837  
submitting an application in the form and manner prescribed by the 86838  
department. The department may specify evidence that an applicant 86839  
must supply to demonstrate that a room meets the definition of a 86840  
private room under section 5165.01 of the Revised Code. Subject to 86841  
division (B)(2) of this section, the department shall approve an 86842  
application if the rooms included in the application meet the 86843  
definition of a private room under section 5165.01 of the Revised 86844  
Code. 86845

(2) The department shall only consider applications that meet 86846  
the following criteria: 86847

(a) Private rooms reported on the nursing facility provider's 86848  
cost report for calendar year 2022, or a new nursing facility 86849  
licensed after October 1, 2022; 86850

(b) Private rooms created by surrendering licensed beds from 86851  
its licensed capacity, or, if the facility does not hold a 86852  
license, surrendering beds that have been certified by the United 86853  
States centers for medicare and medicaid services; 86854

(c) Private rooms created by adding space to the nursing 86855  
facility or renovating nonbedroom space, without increasing the 86856  
total licensed bed capacity. 86857

(3) The department may specify evidence that an applicant 86858  
must supply to demonstrate that it meets the conditions specified 86859  
in division (B)(2) of this section. 86860

(4) The department may deny an application if the department 86861  
determines that any of the following circumstances apply: 86862

(a) The rooms included in the application do not meet the 86863  
definition of a private room under section 5165.01 of the Revised 86864  
Code; 86865

(b) The rooms included in the application do not meet the 86866

<u>criteria specified in division (B)(2) of this section;</u>	86867
<u>(c) The applicant created private rooms by reducing the</u>	86868
<u>number of available beds without reducing the licensed capacity of</u>	86869
<u>the facility.</u>	86870
<u>(5) An applicant may request reconsideration of a denial</u>	86871
<u>under division (B) of this section.</u>	86872
<b>Sec. 5165.16.</b> (A) The department of medicaid shall determine	86873
each nursing facility's per medicaid day payment rate for	86874
ancillary and support costs. A nursing facility's rate shall be	86875
the rate determined under division (C) of this section for the	86876
nursing facility's peer group.	86877
(B) For the purpose of determining nursing facilities' rates	86878
for ancillary and support costs, the department shall establish	86879
six peer groups composed as follows:	86880
(1) Each nursing facility located in any of the following	86881
counties shall be placed in peer group one or two: Brown, Butler,	86882
Clermont, Clinton, Hamilton, and Warren. Each nursing facility	86883
located in any of those counties that has fewer than one hundred	86884
beds shall be placed in peer group one. Each nursing facility	86885
located in any of those counties that has one hundred or more beds	86886
shall be placed in peer group two.	86887
(2) Each nursing facility located in any of the following	86888
counties shall be placed in peer group three or four: Allen,	86889
Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield,	86890
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake,	86891
Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami,	86892
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross,	86893
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each	86894
nursing facility located in any of those counties that has fewer	86895
than one hundred beds shall be placed in peer group three. Each	86896

nursing facility located in any of those counties that has one 86897  
hundred or more beds shall be placed in peer group four. 86898

(3) Each nursing facility located in any of the following 86899  
counties shall be placed in peer group five or six: Adams, 86900  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 86901  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 86902  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 86903  
Jefferson, Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, 86904  
Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, 86905  
Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, 86906  
and Wyandot. Each nursing facility located in any of those 86907  
counties that has fewer than one hundred beds shall be placed in 86908  
peer group five. Each nursing facility located in any of those 86909  
counties that has one hundred or more beds shall be placed in peer 86910  
group six. 86911

(C)(1) The department shall determine the rate for ancillary 86912  
and support costs for each peer group established under division 86913  
(B) of this section. The rate for ancillary and support costs 86914  
determined under this division for a peer group shall be used for 86915  
subsequent years until the department conducts a rebasing. To 86916  
determine a peer group's rate for ancillary and support costs, the 86917  
department shall do ~~all~~ both of the following: 86918

(a) Determine the rate for ancillary and support costs for 86919  
each nursing facility in the peer group for the applicable 86920  
calendar year by using the greater of the nursing facility's 86921  
actual inpatient days for the applicable calendar year or the 86922  
inpatient days the nursing facility would have had for the 86923  
applicable calendar year if its occupancy rate had been ninety per 86924  
cent; 86925

(b) Subject to division (C)(2) of this section, identify 86926  
which nursing facility in the peer group is at the ~~twenty-fifth~~ 86927  
~~percentile of the~~ median rate for ancillary and support costs for 86928

the applicable calendar year determined under division (C)(1)(a) 86929  
of this section: 86930

~~(c) Multiply the rate for ancillary and support costs 86931  
determined under division (C)(1)(a) of this section for the 86932  
nursing facility identified under division (C)(1)(b) of this 86933  
section by the rate of inflation for the eighteen month period 86934  
beginning on the first day of July of the applicable calendar year 86935  
and ending the last day of December of the calendar year 86936  
immediately following the applicable calendar year using the 86937  
following: 86938~~

~~(i) Except as provided in division (C)(1)(c)(ii) of this 86939  
section, the consumer price index for all items for all urban 86940  
consumers for the midwest region, published by the United States 86941  
bureau of labor statistics: 86942~~

~~(ii) If the United States bureau of labor statistics ceases 86943  
to publish the index specified in division (C)(1)(c)(i) of this 86944  
section, the index the bureau subsequently publishes that covers 86945  
urban consumers' prices for items for the region that includes 86946  
this state. 86947~~

(2) In making the identification under division (C)(1)(b) of 86948  
this section, the department shall exclude both of the following: 86949

(a) Nursing facilities that participated in the medicaid 86950  
program under the same provider for less than twelve months in the 86951  
applicable calendar year; 86952

(b) Nursing facilities whose ancillary and support costs are 86953  
more than one standard deviation from the mean desk-reviewed, 86954  
actual, allowable, per diem ancillary and support cost for all 86955  
nursing facilities in the nursing facility's peer group for the 86956  
applicable calendar year. 86957

(3) The department shall not redetermine a peer group's rate 86958  
for ancillary and support costs under this division based on 86959

additional information that it receives after the rate is 86960  
determined. The department shall redetermine a peer group's rate 86961  
for ancillary and support costs only if the department made an 86962  
error in determining the rate based on information available to 86963  
the department at the time of the original determination. 86964

**Sec. 5165.19.** ~~(A)(1)~~ Semiannually, except as provided in 86965  
division (A)(2) of this section, the department of medicaid shall 86966  
determine each nursing facility's per medicaid day payment rate 86967  
for direct care costs by multiplying the facility's semiannual 86968  
case-mix score determined under section 5165.192 of the Revised 86969  
Code by the cost per case-mix unit determined under division (C) 86970  
of this section for the facility's peer group. 86971

(2) Beginning January 1, 2024, during state fiscal years 2024 86972  
and 2025, the department shall determine each nursing facility's 86973  
per medicaid day payment rate for direct care costs by multiplying 86974  
the cost per case-mix unit determined under division (C) of this 86975  
section for the facility's peer group by the case-mix score 86976  
specified in division (A)(2)(a) or (b) of this section, as 86977  
selected by the nursing facility not later than October 1, 2023. 86978  
If the nursing facility does not make a selection by October 1, 86979  
2023, the case-mix score specified in division (A)(2)(a) of this 86980  
section shall apply. The case-mix score may be either of the 86981  
following: 86982

(a) The semiannual case-mix score determined for the facility 86983  
under division (A)(1) of this section; 86984

(b) The facility's quarterly case-mix score from March 31, 86985  
2023, which shall apply to the facility's direct care rate from 86986  
January 1, 2024, to June 30, 2025. 86987

(B) For the purpose of determining nursing facilities' rates 86988  
for direct care costs, the department shall establish three peer 86989  
groups. 86990

(1) Each nursing facility located in any of the following 86991  
counties shall be placed in peer group one: Brown, Butler, 86992  
Clermont, Clinton, Hamilton, and Warren. 86993

(2) Each nursing facility located in any of the following 86994  
counties shall be placed in peer group two: Allen, Ashtabula, 86995  
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 86996  
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 86997  
Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 86998  
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 86999  
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. 87000

(3) Each nursing facility located in any of the following 87001  
counties shall be placed in peer group three: Adams, Ashland, 87002  
Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, 87003  
Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, Harrison, 87004  
Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, 87005  
Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, Muskingum, Noble, 87006  
Paulding, Perry, Pike, Putnam, Richland, Scioto, Shelby, 87007  
Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, and 87008  
Wyandot. 87009

(C)(1) The department shall determine a cost per case-mix 87010  
unit for each peer group established under division (B) of this 87011  
section. The cost per case-mix unit determined under this division 87012  
for a peer group shall be used for subsequent years until the 87013  
department conducts a rebasing. To determine a peer group's cost 87014  
per case-mix unit, the department shall do ~~all~~ both of the 87015  
following: 87016

(a) Determine the cost per case-mix unit for each nursing 87017  
facility in the peer group for the applicable calendar year by 87018  
dividing each facility's desk-reviewed, actual, allowable, per 87019  
diem direct care costs for the applicable calendar year by the 87020  
facility's annual average case-mix score determined under section 87021  
5165.192 of the Revised Code for the applicable calendar year; 87022

(b) Subject to division (C)(2) of this section, identify which nursing facility in the peer group is at the ~~twenty fifth~~ median percentile of the median cost per case-mix units determined under division (C)(1)(a) of this section;

~~(c) Calculate the amount that is two per cent above the cost per case mix unit determined under division (C)(1)(a) of this section for the nursing facility identified under division (C)(1)(b) of this section;~~

~~(d) Using the index specified in division (C)(3) of this section, multiply the rate of inflation for the eighteen month period beginning on the first day of July of the applicable calendar year and ending the last day of December of the calendar year immediately following the applicable calendar year by the amount calculated under division (C)(1)(c) of this section.~~

(2) In making the identification under division (C)(1)(b) of this section, the department shall exclude both of the following:

(a) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year;

(b) Nursing facilities whose cost per case-mix unit is more than one standard deviation from the mean cost per case-mix unit for all nursing facilities in the nursing facility's peer group for the applicable calendar year.

~~(3) The following index shall be used for the purpose of the calculation made under division (C)(1)(d) of this section:~~

~~(a) Except as provided in division (C)(3)(b) of this section, the employment cost index for total compensation, nursing and residential care facilities occupational group, published by the United States bureau of labor statistics;~~

~~(b) If the United States bureau of labor statistics ceases to~~

~~publish the index specified in division (C)(3)(a) of this section,~~ 87053  
~~the index the bureau subsequently publishes that covers nursing~~ 87054  
~~facilities' staff costs.~~ 87055

(4) The department shall not redetermine a peer group's cost 87056  
per case-mix unit under this division based on additional 87057  
information that it receives after the peer group's per case-mix 87058  
unit is determined. The department shall redetermine a peer 87059  
group's cost per case-mix unit only if it made an error in 87060  
determining the peer group's cost per case-mix unit based on 87061  
information available to the department at the time of the 87062  
original determination. 87063

**Sec. 5165.192.** (A)(1) Except as provided in division (B) of 87064  
this section and in accordance with the process specified in rules 87065  
authorized by this section, the department of medicaid shall do 87066  
all of the following: 87067

(a) Every quarter, determine the following two case-mix 87068  
scores for each nursing facility: 87069

(i) A quarterly case-mix score that includes each resident 87070  
who is a medicaid recipient and is not a low ~~resource utilization~~ 87071  
case-mix resident; 87072

(ii) A quarterly case-mix score that includes each resident 87073  
regardless of payment source. 87074

(b) Every six months, determine a semiannual average case-mix 87075  
score for each nursing facility by using the quarterly case-mix 87076  
scores determined for the nursing facility pursuant to division 87077  
(A)(1)(a)(i) of this section; 87078

(c) After the end of each calendar year, determine an annual 87079  
average case-mix score for each nursing facility by using the 87080  
quarterly case-mix scores determined for the nursing facility 87081  
pursuant to division (A)(1)(a)(ii) of this section. 87082

(2) When determining case-mix scores under division (A)(1) of this section, the department shall use all of the following: 87083  
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(a) Data from a resident assessment instrument specified in rules authorized by section 5165.191 of the Revised Code; 87085  
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(b) Except as provided in rules authorized by this section, the case-mix values established by the United States department of health and human services; 87087  
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(c) Except as modified in rules authorized by this section, the grouper methodology used on June 30, 1999, by the United States department of health and human services for prospective payment of skilled nursing facilities under the medicare program. 87090  
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(B)(1) Subject to division (B)(2) of this section, the department, for one or more months of a calendar quarter, may assign to a nursing facility a case-mix score that is five per cent less than the nursing facility's case-mix score for the immediately preceding calendar quarter if any of the following apply: 87094  
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(a) The provider does not timely submit complete and accurate resident assessment data necessary to determine the nursing facility's case-mix score for the calendar quarter; 87100  
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(b) The nursing facility was subject to an exception review under section 5165.193 of the Revised Code for the immediately preceding calendar quarter; 87103  
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(c) The nursing facility was assigned a case-mix score for the immediately preceding calendar quarter. 87106  
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(2) Before assigning a case-mix score to a nursing facility due to the submission of incorrect resident assessment data, the department shall permit the provider to correct the data. The department may assign the case-mix score if the provider fails to submit the corrected resident assessment data not later than the 87108  
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earlier of the forty-fifth day after the end of the calendar 87113  
quarter to which the data pertains or the deadline for submission 87114  
of such corrections established by regulations adopted by the 87115  
United States department of health and human services under Title 87116  
XVIII and Title XIX. 87117

(3) If, for more than six months in a calendar year, a 87118  
provider is paid a rate determined for a nursing facility using a 87119  
case-mix score assigned to the nursing facility under division 87120  
(B)(1) of this section, the department may assign the nursing 87121  
facility a cost per case-mix unit that is five per cent less than 87122  
the nursing facility's actual or assigned cost per case-mix unit 87123  
for the immediately preceding calendar year. The department may 87124  
use the assigned cost per case-mix unit, instead of determining 87125  
the nursing facility's actual cost per case-mix unit in accordance 87126  
with section 5165.19 of the Revised Code, to establish the nursing 87127  
facility's rate for direct care costs for the fiscal year 87128  
immediately following the calendar year for which the cost per 87129  
case-mix unit is assigned. 87130

(4) The department shall take action under division (B)(1), 87131  
(2), or (3) of this section only in accordance with rules 87132  
authorized by this section. The department shall not take an 87133  
action that affects rates for prior payment periods except in 87134  
accordance with sections 5165.41 and 5165.42 of the Revised Code. 87135

(C) The medicaid director shall adopt rules under section 87136  
5165.02 of the Revised Code as necessary to implement this 87137  
section. 87138

(1) The rules shall do all of the following: 87139

(a) Specify the process for determining the semiannual and 87140  
annual average case-mix scores for nursing facilities; 87141

(b) Adjust the case-mix values specified in division 87142  
(A)(2)(b) of this section to reflect changes in relative wage 87143

differentials that are specific to this state; 87144

(c) Express all of those case-mix values in numeric terms 87145  
that are different from the terms specified by the United States 87146  
department of health and human services but that do not alter the 87147  
relationship of the case-mix values to one another; 87148

(d) Modify the grouper methodology specified in division 87149  
(A)(2)(c) of this section as follows: 87150

(i) Establish a different hierarchy for assigning residents 87151  
to case-mix categories under the methodology; 87152

(ii) Allow the use of the index maximizer element of the 87153  
methodology; 87154

(iii) Incorporate changes to the methodology the United 87155  
States department of health and human services makes after June 87156  
30, 1999; 87157

(iv) Make other changes the department determines are 87158  
necessary. 87159

(e) Establish procedures under which resident assessment data 87160  
shall be reviewed for accuracy and providers shall be notified of 87161  
any data that requires correction; 87162

(f) Establish procedures for providers to correct resident 87163  
assessment data and specify a reasonable period of time by which 87164  
providers shall submit the corrections. The procedures may limit 87165  
the content of corrections in the manner required by regulations 87166  
adopted by the United States department of health and human 87167  
services under Title XVIII and Title XIX. 87168

(g) Specify when and how the department will assign case-mix 87169  
scores or costs per case-mix unit to a nursing facility under 87170  
division (B) of this section if information necessary to calculate 87171  
the nursing facility's case-mix score is not provided or corrected 87172  
in accordance with the procedures established by the rules. 87173

(2) Notwithstanding any other provision of this chapter, the rules may provide for the exclusion of case-mix scores assigned to a nursing facility under division (B) of this section from the determination of the nursing facility's semiannual or annual average case-mix score and the cost per case-mix unit for the nursing facility's peer group.

**Sec. 5165.23.** (A) Each state fiscal year, the department of medicaid shall determine the critical access incentive payment for each nursing facility that qualifies as a critical access nursing facility. To qualify as a critical access nursing facility for a state fiscal year, a nursing facility must meet all of the following requirements:

(1) The nursing facility must be located in an area that, on December 31, 2011, was designated an empowerment zone under the "Internal Revenue Code of 1986," section 1391, 26 U.S.C. 1391.

(2) The nursing facility must have an occupancy rate of at least eighty-five per cent as of the last day of the calendar year immediately preceding the state fiscal year.

(3) The nursing facility must have a medicaid utilization rate of at least sixty-five per cent as of the last day of the calendar year immediately preceding the state fiscal year.

(B) A critical access nursing facility's critical access incentive payment for a state fiscal year shall equal five per cent of the portion of the nursing facility's total per medicaid day payment rate for the state fiscal year that is the sum of the rates identified in divisions (A)(1) to (4) of section 5165.15 of the Revised Code.

(C) Each state fiscal year, the department shall determine the low occupancy deduction for each nursing facility that qualifies as a low occupancy nursing facility. To qualify as a low

occupancy nursing facility for a state fiscal year, a nursing facility must have an occupancy rate lower than sixty-five per cent. For purposes of this division, the department shall utilize the facility's occupancy rate for licensed beds reported on its cost report for the calendar year preceding the fiscal year for which the rate is determined or, if the facility is not required to be licensed, the facility's occupancy rate for certified beds. If the facility surrenders licensed or certified beds before the first day of May of the calendar year in which the fiscal year begins, the department shall calculate a nursing facility's occupancy rate by dividing the inpatient days reported on the facility's cost report for the calendar year preceding the fiscal year for which the rate is determined by the product of the number of days in the calendar year and the facility's number of licensed, or if applicable, certified beds on the first day of May of the calendar year in which the fiscal year begins. A low occupancy nursing facility's low occupancy deduction for a state fiscal year shall equal five per cent of the nursing facility's total per medicaid day payment rate for the state fiscal year identified in division (D) of section 5165.15 of the Revised Code, for the state fiscal year. This division does not apply to a nursing facility that is owned by a county and operated by a person other than the county.

**Sec. 5165.26.** (A) As used in this section:

(1) "Base rate" means the portion of a nursing facility's total per medicaid day payment rate determined under divisions (A), ~~and (B), and (C)~~ of section 5165.15 of the Revised Code.

(2) "CMS" means the United States centers for medicare and medicaid services.

(3) ~~"Force majeure event" means an uncontrollable force or natural disaster not within the power of a nursing facility's~~

~~operator.~~ 87235

(4) "Long-stay resident" means an individual who has resided in a nursing facility for at least one hundred one days. 87236  
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~~(5)~~(4) "Nursing facilities for which a quality score was determined" includes nursing facilities that are determined to have a quality score of zero. 87238  
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~~(6) "SFF list" means the list of nursing facilities that the United States department of health and human services creates under the special focus facility program.~~ 87241  
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~~(7) "Special focus facility program" means the program conducted by the United States secretary of health and human services pursuant to section 1919(f)(10) of the "Social Security Act," 42 U.S.C. 1396r(f)(10).~~ 87244  
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(B) ~~For state fiscal year 2022 and state fiscal year 2023, and subject~~ Subject to divisions division (D), ~~(E), and (F),~~ and except as provided in division ~~(G)~~(E) of this section, the department of medicaid shall determine each nursing facility's per medicaid day quality incentive payment rate as follows: 87248  
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(1) Determine the sum of the quality scores determined under division (C) of this section for all nursing facilities. 87253  
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(2) Determine the average quality score by dividing the sum determined under division (B)(1) of this section by the number of nursing facilities for which a quality score was determined. 87255  
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(3) Determine the sum of the total number of medicaid days for all of the calendar year preceding the fiscal year for which the rate is determined for all nursing facilities for which a quality score was determined. 87258  
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(4) Multiply the average quality score determined under division (B)(2) of this section by the sum determined under division (B)(3) of this section. 87262  
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(5) Determine the value per quality point by determining the quotient of the following:	87265 87266
(a) The sum determined under division <del>(F)(2)</del> <u>(D)(2)</u> of this section.	87267 87268
(b) The product determined under division (B)(4) of this section.	87269 87270
(6) Multiply the value per quality point determined under division (B)(5) of this section by the nursing facility's quality score determined under division (C) of this section.	87271 87272 87273
(C)(1) Except as provided in division (C)(2) of this section, a nursing facility's quality score for <u>a state fiscal year 2022</u> and <del>state fiscal year 2023</del> shall be the sum of the <del>total</del> <u>following</u> :	87274 87275 87276 87277
(a) <u>The total</u> number of points that CMS assigned to the nursing facility under CMS's nursing facility five-star quality rating system for the following quality metrics, <u>or CMS's successor metrics as described below</u> , based on the most recent four-quarter average data, <u>or the average data for fewer quarters in the case of successor metrics</u> , available in the database maintained by CMS and known as nursing home compare in the most recent month of the calendar year during which the fiscal year for which the rate is determined begins:	87278 87279 87280 87281 87282 87283 87284 87285 87286
<del>(a)</del> <u>(i)</u> The percentage of the nursing facility's long-stay residents at high risk for pressure ulcers who had pressure ulcers;	87287 87288 87289
<del>(b)</del> <u>(ii)</u> The percentage of the nursing facility's long-stay residents who had a urinary tract infection;	87290 87291
<del>(c)</del> <u>(iii)</u> The percentage of the nursing facility's long-stay residents whose ability to move independently worsened;	87292 87293
<del>(d)</del> <u>(iv)</u> The percentage of the nursing facility's long-stay	87294

residents who had a catheter inserted and left in their bladder. 87295

If CMS ceases to publish any of the metrics specified in 87296  
division (C)(1)(a) of this section, the department shall use the 87297  
nursing facility quality metrics on the same topics that CMS 87298  
subsequently publishes. 87299

(b) Seven and five-tenths points if the nursing facility's 87300  
occupancy rate is greater than seventy-five per cent. For purposes 87301  
of this division, the department shall utilize the facility's 87302  
occupancy rate for licensed beds reported on its cost report for 87303  
the calendar year preceding the fiscal year for which the rate is 87304  
determined or, if the facility is not required to be licensed, the 87305  
facility's occupancy rate for certified beds. If the facility 87306  
surrenders licensed or certified beds before the first day of May 87307  
of the calendar year in which the fiscal year begins, the 87308  
department shall calculate a nursing facility's occupancy rate by 87309  
dividing the inpatient days reported on the facility's cost report 87310  
for the calendar year preceding the fiscal year for which the rate 87311  
is determined by the product of the number of days in the calendar 87312  
year and the facility's number of licensed, or if applicable, 87313  
certified beds on the first day of May of the calendar year in 87314  
which the fiscal year begins. 87315

(c) Beginning with state fiscal year 2025, the total number 87316  
of points that CMS assigned to the nursing facility under CMS's 87317  
nursing facility five-star quality rating system for the following 87318  
quality metrics, or successor metrics designated by CMS, based on 87319  
the most recent four-quarter average data available in the 87320  
database maintained by CMS and known as nursing home compare in 87321  
the most recent month of the calendar year during which the fiscal 87322  
year for which the rate is determined begins: 87323

(i) The percentage of the nursing facility's long-stay 87324  
residents whose need for help with daily activities has increased; 87325

(ii) The percentage of the nursing facility's long-stay residents experiencing one or more falls with major injury; 87326  
87327

(iii) The percentage of the nursing facility's long-stay residents who were administered an antipsychotic medication. 87328  
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If CMS ceases to publish any of the metrics specified in division (C)(1)(c) of this section, the department shall use the nursing facility quality metrics on the same topics CMS subsequently publishes. 87330  
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(2) In determining a nursing facility's quality score for a state fiscal year ~~2022 and state fiscal year 2023~~, the department shall make the following adjustment to the number of points that CMS assigned to the nursing facility for each of the quality metrics specified in ~~division (C)(1)~~ divisions (C)(1)(a) and (c) of this section: 87334  
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(a) Unless division (C)(2)(b) ~~or (e)~~ of this section applies, divide the number of the nursing facility's points for the quality metric by twenty. 87340  
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(b) If CMS assigned the nursing facility to the lowest percentile for the quality metric, reduce the number of the nursing facility's points for the quality metric to zero. 87343  
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~~(c) If the nursing facility's total number of points for state fiscal year 2022 or for state fiscal year 2023 for all of the quality metrics specified in division (C)(1) of this section is less than a number of points that is equal to the twenty fifth percentile of all nursing facilities, reduce the nursing facility's points to zero for that fiscal year.~~ 87346  
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~~(3) A nursing facility's quality score shall be zero for state fiscal year 2021 if it is not to receive a quality incentive payment for that state fiscal year because of division (D) of this section.~~ 87352  
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~~(D)(1) Except as provided in division (D)(2) of this section, a nursing facility shall not receive a quality incentive payment for state fiscal year 2021 if the nursing facility's licensed occupancy percentage is less than eighty per cent.~~ 87356  
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~~(2) Division (D)(1) of this section does not apply to a nursing facility if any of the following apply:~~ 87360  
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~~(a) The nursing facility has a quality score under division (C) of this section for state fiscal year 2021 of at least fifteen points;~~ 87362  
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~~(b) The nursing facility was initially certified for participation in the medicaid program on or after January 1, 2019;~~ 87365  
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~~(c) Subject to division (D)(4) of this section, one or more of the beds that are part of the nursing facility's licensed capacity could not be used for resident care during calendar year 2019 due to causes beyond the reasonable control of the nursing facility's operator, including a force majeure event;~~ 87367  
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~~(d) Subject to division (D)(5) of this section, the nursing facility underwent a renovation during the period beginning January 1, 2018, and ending January 1, 2020, to which both of the following apply:~~ 87372  
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~~(i) The renovation involved capital expenditures of at least fifty thousand dollars, excluding expenditures for equipment, staffing, or operational costs.~~ 87376  
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~~(ii) The renovation directly impacted the area of the nursing facility in which the beds that are part of the nursing facility's licensed capacity are located.~~ 87379  
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~~(3) A nursing facility's licensed occupancy percentage for the purpose of division (D)(1) of this section shall be determined as follows:~~ 87382  
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~~(a) Determine the product of the following:~~ 87385

<del>(i) The nursing facility's licensed capacity as of December 31, 2019, as identified on the nursing facility's cost report filed with the department pursuant to section 5165.10 of the Revised Code;</del>	87386
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<del>(ii) Three hundred sixty five.</del>	87390
<del>(b) Determine the quotient of the following:</del>	87391
<del>(i) The total number of the nursing facility's inpatient days for calendar year 2019, as identified on the nursing facility's cost report filed with the department pursuant to section 5165.10 of the Revised Code;</del>	87392
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<del>(ii) The product determined under division (D)(3)(a) of this section.</del>	87396
	87397
<del>(c) Multiply the quotient determined under division (D)(3)(b) of this section by one hundred.</del>	87398
	87399
<del>(4) For a nursing facility to be exempt from division (D)(1) of this section on account of division (D)(2)(c) of this section, the nursing facility's operator must provide to the department written documentation of the number of days during calendar year 2019 that one or more of the beds that are part of the nursing facility's licensed capacity could not be used and the specific reason why they could not be used.</del>	87400
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<del>(5) For a nursing facility to be exempt from division (D)(1) of this section on account of division (D)(2)(d) of this section, the nursing facility's operator must provide to the department written documentation that confirms the renovation and capital expenditures.</del>	87407
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	87411
<del>(E) A nursing facility shall not receive a quality incentive payment for state fiscal year 2022 or state fiscal year 2023 if the Department of Health assigned the nursing facility to the SFF list under the special focus facility program and the nursing</del>	87412
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~~facility is listed in table A, table B, or table C on the first~~ 87416  
~~day of May of the calendar year for which the rate is being~~ 87417  
~~determined.~~ 87418

~~(F)(D)~~ The total amount to be spent on quality incentive 87419  
payments under division (B) of this section for ~~each~~ a fiscal year 87420  
~~during state fiscal years 2022 and 2023~~ shall be determined as 87421  
follows: 87422

(1) Determine the following amount for each nursing facility, 87423  
~~including those that do not receive a quality incentive payment~~ 87424  
~~because of division (D) of this section:~~ 87425

(a) The amount that is five and two-tenths per cent of the 87426  
nursing facility's base rate for nursing facility services 87427  
provided on the first day of the state fiscal year plus one dollar 87428  
and seventy-nine cents; plus sixty per cent of the sum of the 87429  
following: 87430

(i) The per diem amount by which the nursing facility's rate 87431  
for ancillary and support costs determined for the fiscal year 87432  
under section 5165.16 of the Revised Code changed as a result of 87433  
the rebasing conducted under section 5165.36 of the Revised Code 87434  
for state fiscal year 2024; 87435

(ii) The per diem amount by which the nursing facility's rate 87436  
for direct care costs determined for the fiscal year under section 87437  
5165.19 of the Revised Code changed as a result of the rebasing 87438  
conducted under section 5165.36 of the Revised Code for state 87439  
fiscal year 2024. 87440

(b) Multiply the amount determined under division 87441  
~~(F)(1)(a)(D)(1)(a)~~ of this section by the number of the nursing 87442  
facility's medicaid days for the calendar year preceding the 87443  
fiscal year for which the rate is determined. 87444

(2) Determine the sum of the products determined under 87445  
division ~~(F)(1)(b)(D)(1)(b)~~ of this section for all nursing 87446

facilities for which the product was determined for the state 87447  
fiscal year. 87448

(3) To the sum determined under division ~~(F)(2)~~(D)(2) of this 87449  
section, add ~~twenty five million dollars for fiscal year 2022 and~~ 87450  
~~one hundred twenty-five million dollars for fiscal year 2023.~~ 87451

~~(G) A~~ (E)(1) Beginning July 1, 2023, a new nursing facility 87452  
~~or a nursing facility that undergoes a change of operator during~~ 87453  
~~fiscal year 2022 or fiscal year 2023 shall not~~ receive a quality 87454  
incentive payment for the fiscal year in which the new facility 87455  
obtains an initial provider agreement ~~or~~ and the immediately 87456  
following fiscal year equal to the median quality incentive 87457  
payment determined for nursing facilities for the fiscal year. For 87458  
the state fiscal year after the immediately following fiscal year 87459  
and subsequent fiscal years, the quality incentive payment shall 87460  
be determined under division (C) of this section. 87461

(2) Except as provided in division (E)(3) of this section, a 87462  
nursing facility that undergoes a change of operator with an 87463  
effective date of April 1, 2023, or later occurred, whichever is 87464  
applicable shall not receive a quality incentive payment until the 87465  
earlier of the first day of January or the first day of July that 87466  
is at least six months after the effective date of the change of 87467  
operator. For the immediately following state fiscal year, the 87468  
Thereafter quality incentive payment shall be determined under 87469  
division (C) of this section. 87470

~~(H) Divisions (C)(3) and (D) of this section are suspended~~ 87471  
~~beginning July 1, 2021, and ending June 30, 2023.~~ 87472

(3) A nursing facility that undergoes a change of operator 87473  
shall receive a quality incentive payment under this section if 87474  
the entering operator owns the physical assets of the nursing 87475  
facility or has at least a majority ownership of the entity that 87476  
owns the physical assets of the nursing facility. 87477

The nursing facility that shall receive a quality incentive payment equal to the quality incentive payment the exiting operator received before the effective date of the change of operator. For subsequent fiscal years, the quality incentive payment shall be determined under division (C) of this section. 87478  
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**Sec. 5165.36.** The Beginning with state fiscal year 2024, the 87483  
department of medicaid shall conduct a rebasing at least once 87484  
every ~~five~~ two state fiscal years. When the department conducts a 87485  
rebasings for a state fiscal year, it shall conduct the rebasing 87486  
for only the direct care, ancillary and support, and tax cost 87487  
centers. ~~A nursing facility provider shall spend money received~~ 87488  
~~from the rebasing conducted in state fiscal year 2022 on the~~ 87489  
~~direct care, ancillary and support, and tax cost centers only.~~ 87490

**Sec. 5165.52.** (A) On receipt of a written notice under 87491  
section 5165.50 of the Revised Code of a facility closure or 87492  
voluntary withdrawal of participation, on receipt of a written 87493  
notice under section 5165.51 of the Revised Code of a change of 87494  
operator, or on the effective date of an involuntary termination, 87495  
the department of medicaid shall estimate the amount of any 87496  
overpayments made under the medicaid program to the exiting 87497  
operator, including overpayments the exiting operator disputes, 87498  
and other actual and potential debts the exiting operator owes or 87499  
may owe to the department ~~and United States centers for medicare~~ 87500  
~~and medicaid services~~ under the medicaid program, including a 87501  
franchise permit fee. 87502

(B) In estimating the exiting operator's other actual and 87503  
potential debts to the department ~~and the United States centers~~ 87504  
~~for medicare and medicaid services~~ under the medicaid program, the 87505  
department shall use a debt estimation methodology the medicaid 87506  
director shall establish in rules authorized by section 5165.53 of 87507  
the Revised Code. The methodology shall provide for estimating all 87508

of the following that the department determines are applicable: 87509

(1) Refunds due the department under section 5165.41 of the Revised Code; 87510  
87511

(2) Interest owed to the department ~~and United States centers for medicare and medicaid services;~~ 87512  
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(3) ~~Final civil monetary and other penalties for which all right of appeal has been exhausted;~~ 87514  
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~~(4)~~ Money owed the department ~~and United States centers for medicare and medicaid services~~ from any outstanding final fiscal audit, including a final fiscal audit for the last state fiscal year or portion thereof in which the exiting operator participated in the medicaid program; 87516  
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~~(5)~~(4) Other amounts the department determines are applicable. 87521  
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(C) The department shall provide the exiting operator written notice of the department's estimate under division (A) of this section not later than thirty days after whichever of the following applies: the department receives the notice under section 5165.50 of the Revised Code of the facility closure or voluntary withdrawal of participation~~+~~, the department receives the notice under section 5165.51 of the Revised Code of the change of operator~~+~~, or the effective date of the involuntary termination. The department's written notice shall include the basis for the estimate. 87523  
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**Sec. 5165.521.** (A) Except as provided in divisions (B), (C), and (D) of this section, the department of medicaid may withhold from payment due an exiting operator under the medicaid program the total amount specified in the notice provided under division (C) of section 5165.52 of the Revised Code that the exiting operator owes or may owe to the department ~~and United States~~ 87533  
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~~centers for medicare and medicaid services~~ under the medicaid 87539  
program. 87540

(B) In the case of a change of operator and subject to 87541  
division (E) of this section, the following shall apply regarding 87542  
a withholding under division (A) of this section if the exiting 87543  
operator or entering operator or an affiliated operator executes a 87544  
successor liability agreement meeting the requirements of division 87545  
(F) of this section: 87546

(1) If the exiting operator, entering operator, or affiliated 87547  
operator assumes liability for the total, actual amount of debt 87548  
the exiting operator owes the department ~~and the United States~~ 87549  
~~centers for medicare and medicaid services~~ under the medicaid 87550  
program as determined under section 5165.525 of the Revised Code, 87551  
the department shall not make the withholding. 87552

(2) If the exiting operator, entering operator, or affiliated 87553  
operator assumes liability for only the portion of the amount 87554  
specified in division (B)(1) of this section that represents the 87555  
franchise permit fee the exiting operator owes, the department 87556  
shall withhold not more than the difference between the total 87557  
amount specified in the notice provided under division (C) of 87558  
section 5165.52 of the Revised Code and the amount for which the 87559  
exiting operator, entering operator, or affiliated operator 87560  
assumes liability. 87561

(C) In the case of a voluntary withdrawal of participation or 87562  
facility closure and subject to division (E) of this section, the 87563  
following shall apply regarding a withholding under division (A) 87564  
of this section if the exiting operator or an affiliated operator 87565  
executes a successor liability agreement meeting the requirements 87566  
of division (F) of this section: 87567

(1) If the exiting operator or affiliated operator assumes 87568  
liability for the total, actual amount of debt the exiting 87569

operator owes the department ~~and the United States centers for~~ 87570  
~~medicare and medicaid services~~ under the medicaid program as 87571  
determined under section 5165.525 of the Revised Code, the 87572  
department shall not make the withholding. 87573

(2) If the exiting operator or affiliated operator assumes 87574  
liability for only the portion of the amount specified in division 87575  
(C)(1) of this section that represents the franchise permit fee 87576  
the exiting operator owes, the department shall withhold not more 87577  
than the difference between the total amount specified in the 87578  
notice provided under division (C) of section 5165.52 of the 87579  
Revised Code and the amount for which the exiting operator or 87580  
affiliated operator assumes liability. 87581

(D) In the case of an involuntary termination and subject to 87582  
division (E) of this section, the following shall apply regarding 87583  
a withholding under division (A) of this section if the exiting 87584  
operator, the entering operator, or an affiliated operator 87585  
executes a successor liability agreement meeting the requirements 87586  
of division (F) of this section and the department approves the 87587  
successor liability agreement: 87588

(1) If the exiting operator, entering operator, or affiliated 87589  
operator assumes liability for the total, actual amount of debt 87590  
the exiting operator owes the department ~~and the United States~~ 87591  
~~centers for medicare and medicaid services~~ under the medicaid 87592  
program as determined under section 5165.525 of the Revised Code, 87593  
the department shall not make the withholding. 87594

(2) If the exiting operator, entering operator, or affiliated 87595  
operator assumes liability for only the portion of the amount 87596  
specified in division (D)(1) of this section that represents the 87597  
franchise permit fee the exiting operator owes, the department 87598  
shall withhold not more than the difference between the total 87599  
amount specified in the notice provided under division (C) of 87600  
section 5165.52 of the Revised Code and the amount for which the 87601

exiting operator, entering operator, or affiliated operator 87602  
assumes liability. 87603

(E) For an exiting operator or affiliated operator to be 87604  
eligible to enter into a successor liability agreement under 87605  
division (B), (C), or (D) of this section, both of the following 87606  
must apply: 87607

(1) The exiting operator or affiliated operator must have one 87608  
or more valid provider agreements, other than the provider 87609  
agreement for the nursing facility that is the subject of the 87610  
involuntary termination, voluntary withdrawal of participation, 87611  
facility closure, or change of operator; 87612

(2) During the twelve-month period preceding either the 87613  
effective date of the involuntary termination or the month in 87614  
which the department receives the notice of the voluntary 87615  
withdrawal of participation or facility closure under section 87616  
5165.50 of the Revised Code or the notice of the change of 87617  
operator under section 5165.51 of the Revised Code, the average 87618  
monthly medicaid payment made to the exiting operator or 87619  
affiliated operator pursuant to the exiting operator's or 87620  
affiliated operator's one or more provider agreements, other than 87621  
the provider agreement for the nursing facility that is the 87622  
subject of the involuntary termination, voluntary withdrawal of 87623  
participation, facility closure, or change of operator, must equal 87624  
at least ninety per cent of the sum of the following: 87625

(a) The average monthly medicaid payment made to the exiting 87626  
operator pursuant to the exiting operator's provider agreement for 87627  
the nursing facility that is the subject of the involuntary 87628  
termination, voluntary withdrawal of participation, facility 87629  
closure, or change of operator; 87630

(b) Whichever of the following apply: 87631

(i) If the exiting operator or affiliated operator has 87632

assumed liability under one or more other successor liability 87633  
agreements, the total amount for which the exiting operator or 87634  
affiliated operator has assumed liability under the other 87635  
successor liability agreements; 87636

(ii) If the exiting operator or affiliated operator has not 87637  
assumed liability under any other successor liability agreements, 87638  
zero. 87639

(F) A successor liability agreement executed under this 87640  
section must comply with all of the following: 87641

(1) It must provide for the operator who executes the 87642  
successor liability agreement to assume liability for either of 87643  
the following as specified in the agreement: 87644

(a) The total, actual amount of debt the exiting operator 87645  
owes the department ~~and the United States centers for medicare and~~ 87646  
~~medicaid services~~ under the medicaid program as determined under 87647  
section 5165.525 of the Revised Code; 87648

(b) The portion of the amount specified in division (F)(1)(a) 87649  
of this section that represents the franchise permit fee the 87650  
exiting operator owes. 87651

(2) It may not require the operator who executes the 87652  
successor liability agreement to furnish a surety bond. 87653

(3) It must provide that the department, after determining 87654  
under section 5165.525 of the Revised Code the actual amount of 87655  
debt the exiting operator owes the department ~~and United States~~ 87656  
~~centers for medicare and medicaid services~~ under the medicaid 87657  
program, may deduct the lesser of the following from medicaid 87658  
payments made to the operator who executes the successor liability 87659  
agreement: 87660

(a) The total, actual amount of debt the exiting operator 87661  
owes the department ~~and the United States centers for medicare and~~ 87662

~~medicaid services~~ under the medicaid program as determined under 87663  
section 5165.525 of the Revised Code; 87664

(b) The amount for which the operator who executes the 87665  
successor liability agreement assumes liability under the 87666  
agreement. 87667

(4) It must provide that the deductions authorized by 87668  
division (F)(3) of this section are to be made for a number of 87669  
months, not to exceed six, agreed to by the operator who executes 87670  
the successor liability agreement and the department or, if the 87671  
operator who executes the successor liability agreement and 87672  
department cannot agree on a number of months that is less than 87673  
six, a greater number of months determined by the attorney general 87674  
pursuant to a claims collection process authorized by statute of 87675  
this state. 87676

(5) It must provide that, if the attorney general determines 87677  
the number of months for which the deductions authorized by 87678  
division (F)(3) of this section are to be made, the operator who 87679  
executes the successor liability agreement shall pay, in addition 87680  
to the amount collected pursuant to the attorney general's claims 87681  
collection process, the part of the amount so collected that, if 87682  
not for division (H) of this section, would be required by section 87683  
109.081 of the Revised Code to be paid into the attorney general 87684  
claims fund. 87685

(G) Execution of a successor liability agreement does not 87686  
waive an exiting operator's right to contest the amount specified 87687  
in the notice the department provides the exiting operator under 87688  
division (C) of section 5165.52 of the Revised Code. 87689

(H) Notwithstanding section 109.081 of the Revised Code, the 87690  
entire amount that the attorney general, whether by employees or 87691  
agents of the attorney general or by special counsel appointed 87692  
pursuant to section 109.08 of the Revised Code, collects under a 87693

successor liability agreement, other than the additional amount 87694  
the operator who executes the agreement is required by division 87695  
(F)(5) of this section to pay, shall be paid to the department of 87696  
medicaid for deposit into the appropriate fund. The additional 87697  
amount that the operator is required to pay shall be paid into the 87698  
state treasury to the credit of the attorney general claims fund 87699  
created under section 109.081 of the Revised Code. 87700

**Sec. 5165.525.** The department of medicaid shall determine the 87701  
actual amount of debt an exiting operator owes the department ~~and~~ 87702  
~~the United States centers for medicare and medicaid services~~ under 87703  
the medicaid program by completing all final fiscal audits not 87704  
already completed and performing all other appropriate actions the 87705  
department determines to be necessary. The department shall issue 87706  
an initial debt summary report on this matter not later than sixty 87707  
days after the date the exiting operator files the properly 87708  
completed cost report required by section 5165.522 of the Revised 87709  
Code with the department or, if the department waives the cost 87710  
report requirement for the exiting operator, sixty days after the 87711  
date the department waives the cost report requirement. ~~The~~ 87712  
~~initial debt summary report becomes the~~ A final debt summary 87713  
report shall be issued thirty-one days after the department issues 87714  
the initial debt summary report unless the exiting operator, or an 87715  
affiliated operator who executes a successor liability agreement 87716  
under section 5165.521 of the Revised Code, requests a review 87717  
before that date. 87718

The exiting operator, and an affiliated operator who executes 87719  
a successor liability agreement under section 5165.521 of the 87720  
Revised Code, may request a review to contest any of the 87721  
department's findings included in the initial debt summary report. 87722  
The request for the review must be submitted to the department not 87723  
later than thirty days after the date the department issues the 87724  
initial debt summary report. The department shall conduct the 87725

review on receipt of a timely request and issue a revised debt 87726  
summary report. If the department has withheld money from payment 87727  
due the exiting operator under division (A) of section 5165.521 of 87728  
the Revised Code, the department shall issue the revised debt 87729  
summary report not later than ninety days after the date the 87730  
department receives the timely request for the review unless the 87731  
department and exiting operator or affiliated operator agree to a 87732  
later date. The exiting operator or affiliated operator may submit 87733  
information to the department explaining what the operator 87734  
contests before and during the review, including documentation of 87735  
the amount of any debt the department owes the operator. The 87736  
exiting operator or affiliated operator may submit additional 87737  
information to the department not later than thirty days after the 87738  
department issues the revised debt summary report. ~~The revised~~ 87739  
~~debt summary report becomes the~~ A final debt summary report shall 87740  
be issued thirty-one days after the department issues the revised 87741  
debt summary report unless the exiting operator or affiliated 87742  
operator timely submits additional information to the department. 87743  
If the exiting operator or affiliated operator timely submits 87744  
additional information to the department, the department shall 87745  
consider the additional information and issue a final debt summary 87746  
report not later than sixty days after the department issues the 87747  
revised debt summary report unless the department and exiting 87748  
operator or affiliated operator agree to a later date. 87749

Each debt summary report the department issues under this 87750  
section shall include the department's findings and the amount of 87751  
debt the department determines the exiting operator owes the 87752  
department ~~and United States centers for medicare and medicaid~~ 87753  
~~services~~ under the medicaid program. The department shall explain 87754  
its findings and determination in each debt summary report. 87755

The exiting operator, and an affiliated operator who executes 87756  
a successor liability agreement under section 5165.521 of the 87757

Revised Code, may request, in accordance with Chapter 119. of the 87758  
Revised Code, an adjudication regarding a finding in a final debt 87759  
summary report that pertains to an audit or alleged overpayment 87760  
made under the medicaid program to the exiting operator. The 87761  
adjudication shall be consolidated with any other uncompleted 87762  
adjudication that concerns a matter addressed in the final debt 87763  
summary report. 87764

**Sec. 5165.526.** The department of medicaid shall release the 87765  
actual amount withheld under division (A) of section 5165.521 of 87766  
the Revised Code, less any amount the exiting operator owes the 87767  
department ~~and United States centers for medicare and medicaid~~ 87768  
~~services~~ under the medicaid program, as follows: 87769

(A) Unless the department issues the initial debt summary 87770  
report required by section 5165.525 of the Revised Code not later 87771  
than sixty days after the date the exiting operator files the 87772  
properly completed cost report required by section 5165.522 of the 87773  
Revised Code, sixty-one days after the date the exiting operator 87774  
files the properly completed cost report; 87775

(B) If the department issues the initial debt summary report 87776  
required by section 5165.525 of the Revised Code not later than 87777  
sixty days after the date the exiting operator files a properly 87778  
completed cost report required by section 5165.522 of the Revised 87779  
Code, not later than the following: 87780

(1) Thirty days after the deadline for requesting an 87781  
adjudication under section 5165.525 of the Revised Code regarding 87782  
the final debt summary report if the exiting operator, and an 87783  
affiliated operator who executes a successor liability agreement 87784  
under section 5165.521 of the Revised Code, fail to request the 87785  
adjudication on or before the deadline; 87786

(2) Thirty days after the completion of an adjudication of 87787  
the final debt summary report if the exiting operator, or an 87788

affiliated operator who executes a successor liability agreement 87789  
under section 5165.521 of the Revised Code, requests the 87790  
adjudication on or before the deadline for requesting the 87791  
adjudication. 87792

(C) Unless the department issues the initial debt summary 87793  
report required by section 5165.525 of the Revised Code not later 87794  
than sixty days after the date the department waives the cost 87795  
report requirement of section 5165.522 of the Revised Code, 87796  
sixty-one days after the date the department waives the cost 87797  
report requirement; 87798

(D) If the department issues the initial debt summary report 87799  
required by section 5165.525 of the Revised Code not later than 87800  
sixty days after the date the department waives the cost report 87801  
requirement of section 5165.522 of the Revised Code, not later 87802  
than the following: 87803

(1) Thirty days after the deadline for requesting an 87804  
adjudication under section 5165.525 of the Revised Code regarding 87805  
the final debt summary report if the exiting operator, and an 87806  
affiliated operator who executes a successor liability agreement 87807  
under section 5165.521 of the Revised Code, fail to request the 87808  
adjudication on or before the deadline; 87809

(2) Thirty days after the completion of an adjudication of 87810  
the final debt summary report if the exiting operator, or an 87811  
affiliated operator who executes a successor liability agreement 87812  
under section 5165.521 of the Revised Code, requests the 87813  
adjudication on or before the deadline for requesting the 87814  
adjudication. 87815

**Sec. 5165.528.** (A) All amounts withheld under section 87816  
5165.521 of the Revised Code from payment due an exiting operator 87817  
under the medicaid program shall be deposited into the medicaid 87818  
payment withholding fund created by the controlling board pursuant 87819

to section 131.35 of the Revised Code. Money in the fund shall be 87820  
used as follows: 87821

(1) To pay an exiting operator when a withholding is released 87822  
to the exiting operator under section 5165.526 or 5165.527 of the 87823  
Revised Code; 87824

(2) To pay the department of medicaid ~~and United States~~ 87825  
~~centers for medicare and medicaid services~~ the amount an exiting 87826  
operator owes the department ~~and United States centers~~ under the 87827  
medicaid program. 87828

(B) Amounts paid from the medicaid payment withholding fund 87829  
pursuant to division (A)(2) of this section shall be deposited 87830  
into the appropriate department fund. 87831

**Sec. 5165.771.** (A) As used in this section: 87832

(1) ~~"SFF list" means the list of nursing facilities that the~~ 87833  
~~United States department of health and human services creates~~ 87834  
~~under the special focus facility program.~~ 87835

~~(2)~~ "Special focus facility program" means the program 87836  
conducted by the United States secretary of health and human 87837  
services pursuant to the "Social Security Act," section 87838  
1919(f)(10), 42 U.S.C. 1396r(f)(10). 87839

~~(3)~~ "Table A" means the table included in the SFF list that 87840  
~~identifies nursing facilities that are newly added to the SFF~~ 87841  
~~list.~~ 87842

~~(4)~~ "Table B" means the table included in the SFF list that 87843  
~~identifies nursing facilities that have not improved.~~ 87844

~~(5)~~ "Table C" means the table included in the SFF list that 87845  
~~identifies nursing facilities that have shown improvement.~~ 87846

~~(6)~~ "Table D" means the table included in the SFF list that 87847  
~~identifies nursing facilities that have recently graduated from~~ 87848

(2) "Standard health surveys" mean the comprehensive on-site inspections conducted by the department of health on behalf of the United States centers for medicare and medicaid services every six months to evaluate the safety and quality of care provided by a nursing facility as required under the special focus facility program. 87849  
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(B) The department of medicaid shall issue an order terminating a nursing facility's participation in the medicaid program if ~~any~~ either of the following apply: 87855  
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~~(1) The nursing facility is placed in table A or table B and fails to be placed in table C not later than twelve months after the facility is placed in table A or table B.~~ 87858  
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~~(2) The nursing facility is placed in table A, table B, or table C and fails to be placed in table D not later than twenty four months after the facility is placed in table A, table B, or table C.~~ 87861  
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~~(3) The nursing facility is placed in table A and fails to be placed in table C not later than twelve months after the nursing facility is placed in table A graduate from the special focus facility program after two standard health surveys while in the program.~~ 87865  
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~~(4)(2) The nursing facility is placed in table A and fails to be placed in table D not later than twenty four months after the nursing facility is placed in table A terminated from participation in the medicare or medicaid program by the United States centers for medicare and medicaid services or voluntarily chooses not to continue participation in either of those programs.~~ 87870  
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(C) ~~A~~ Except as provided division (C)(1) or (2) of this section, a nursing facility may appeal, under Chapter 119. of the Revised Code, ~~the length of time the facility is listed in a table as described~~ a termination order issued by the department under 87876  
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division (B) of this section. The 87880

(1) A nursing facility shall not appeal to the department of 87881  
medicaid any standard health survey findings that form the basis, 87882  
in whole or in part, for an order issued pursuant to division (B) 87883  
of this section terminating a nursing facility's participation in 87884  
the medicaid program. Any challenges to standard health survey 87885  
findings shall be made to the department of health. 87886

(2) A nursing facility shall not appeal to the department of 87887  
medicaid a determination by the United States centers for medicare 87888  
and medicaid services to terminate a nursing facility's 87889  
participation in the medicare or medicaid program. Any challenge 87890  
to such a determination shall be made to the centers for medicare 87891  
and medicaid services. 87892

(3) The medicaid director shall adopt rules under section 87893  
5165.02 of the Revised Code as necessary to provide for an appeal 87894  
under this division. Notwithstanding the timeframes listed in 87895  
section 119.07 of the Revised Code, the rules may provide for an 87896  
expedited appeal under this division. 87897

(D) A nursing facility shall take all steps necessary to 87898  
improve its quality of care to avoid having its participation in 87899  
the medicaid program terminated pursuant to division (B) of this 87900  
section. Technical assistance and quality improvement initiatives 87901  
to help a nursing facility avoid having its participation in the 87902  
medicaid program terminated pursuant to division (B) of this 87903  
section are available through the nursing home quality initiative 87904  
established under section 173.60 of the Revised Code or 87905  
initiatives offered through a quality improvement organization 87906  
under contract with the United States secretary of health and 87907  
human services to carry out in this state the functions described 87908  
in section 1154 of the "Social Security Act," 42 U.S.C. 1320c-3. 87909

**Sec. 5165.87.** (A) Except as provided in division (B) of this 87910

section, the following remedies are subject to appeal under 87911  
Chapter 119. of the Revised Code: 87912

(1) An order issued under section 5165.71, 5165.72, 5165.77, 87913  
or 5165.85 of the Revised Code terminating a nursing facility's 87914  
participation in the medicaid program; 87915

(2) Appointment of a temporary manager of a facility under 87916  
division (A)(1)(b) or (2)(b) of section 5165.72, or division 87917  
(A)(1)(d) of section 5165.77 of the Revised Code; 87918

(3) An order issued under section 5165.72, 5165.73, 5165.74, 87919  
5165.77, or 5165.84 of the Revised Code denying medicaid payments 87920  
to a facility for all medicaid eligible residents admitted after 87921  
the effective date of the order; 87922

(4) An order issued under section 5165.72, 5165.73, or 87923  
5165.74 of the Revised Code denying medicaid payments to a 87924  
facility for medicaid eligible residents admitted after the 87925  
effective date of the order who have certain diagnoses or special 87926  
care needs specified by the department or agency; 87927

(5) A fine imposed under section 5165.72, 5165.73, or 5165.74 87928  
of the Revised Code. 87929

(B) The department of medicaid or contracting agency may do 87930  
any of the following prior to or during the pendency of any 87931  
proceeding under Chapter 119. of the Revised Code: 87932

(1) Issue and execute an order under section 5165.72, 87933  
5165.77, or 5165.85 of the Revised Code terminating a nursing 87934  
facility's participation in the medicaid program; 87935

(2) Appoint a temporary manager under division (A)(1)(b) or 87936  
(2)(b) of section 5165.72 or division (A)(1)(d) of section 5165.77 87937  
of the Revised Code; 87938

(3) Issue and execute an order under section 5165.72, 87939  
5165.73, 5165.77, or 5165.84 of the Revised Code denying medicaid 87940

payments to a facility for all medicaid eligible residents 87941  
admitted after the effective date of the order; 87942

(4) Issue and execute an order under section 5165.72 or 87943  
5165.73 or division (A), (B), or (C) of section 5165.74 of the 87944  
Revised Code denying medicaid payments to a facility for medicaid 87945  
eligible residents admitted after the effective date of the order 87946  
who have specified diagnoses or special care needs. 87947

(C) Whenever the department or agency imposes a remedy listed 87948  
in division (B) of this section prior to or during the pendency of 87949  
a proceeding, all of the following apply: 87950

(1) The provider against whom the action is taken shall have 87951  
ten days after the date the facility actually ~~receives the notice~~ 87952  
~~specified~~ is served in ~~section~~ accordance with sections 119.05 and 87953  
119.07 of the Revised Code to request a hearing. 87954

(2) The hearing shall commence within thirty days after the 87955  
date the department or agency receives the provider's request for 87956  
a hearing. 87957

(3) The hearing shall continue uninterrupted from day to day, 87958  
except for Saturdays, Sundays, and legal holidays, unless other 87959  
interruptions are agreed to by the provider and the department or 87960  
agency. 87961

(4) If the hearing is conducted by a hearing examiner, the 87962  
hearing examiner shall file a report and recommendations within 87963  
ten days after the close of the hearing. 87964

(5) The provider shall have five days after the date the 87965  
hearing officer files the report and recommendations within which 87966  
to file objections to the report and recommendations. 87967

(6) Not later than fifteen days after the date the hearing 87968  
officer files the report and recommendations, the medicaid 87969  
director or the director of the contracting agency shall issue an 87970

order approving, modifying, or disapproving the report and 87971  
recommendations of the hearing examiner. 87972

(D) If the department or agency imposes more than one remedy 87973  
as the result of deficiencies cited in a single survey, the 87974  
proceedings for all of the remedies shall be consolidated. If any 87975  
of the remedies are imposed during the pendency of a hearing, as 87976  
permitted by division (B) of this section, the consolidated 87977  
hearing shall be conducted in accordance with division (C) of this 87978  
section. The consolidation of the remedies for purposes of a 87979  
hearing does not affect the effective dates prescribed in sections 87980  
5165.60 to 2165.85 of the Revised Code. 87981

(E) If a contracting agency conducts administrative 87982  
proceedings pertaining to remedies imposed under sections 5165.60 87983  
to 5165.89 of the Revised Code, the department of medicaid shall 87984  
not be considered a party to the proceedings. 87985

**Sec. 5166.01.** As used in this chapter: 87986

"209(b) option" means the option described in section 1902(f) 87987  
of the "Social Security Act," 42 U.S.C. 1396a(f), under which the 87988  
medicaid program's eligibility requirements for aged, blind, and 87989  
disabled individuals are more restrictive than the eligibility 87990  
requirements for the supplemental security income program. 87991

"Administrative agency" means, with respect to a home and 87992  
community-based services medicaid waiver component, the department 87993  
of medicaid or, if a state agency or political subdivision 87994  
contracts with the department under section 5162.35 of the Revised 87995  
Code to administer the component, that state agency or political 87996  
subdivision. 87997

"Care management system" has the same meaning as in section 87998  
5167.01 of the Revised Code. 87999

"Dual eligible individual" has the same meaning as in section 88000

5160.01 of the Revised Code. 88001

"Enrollee" has the same meaning as in section 5167.01 of the Revised Code. 88002  
88003

"Expansion eligibility group" has the same meaning as in section 5163.01 of the Revised Code. 88004  
88005

"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code. 88006  
88007

"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services. 88008  
88009  
88010  
88011

"Hospital" has the same meaning as in section 3727.01 of the Revised Code. 88012  
88013

"Hospital long-term care unit" has the same meaning as in section 5168.40 of the Revised Code. 88014  
88015

"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code. 88016  
88017

"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code. 88018  
88019

"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code. 88020  
88021

"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/IID services if not for a home and community-based services medicaid waiver component. 88022  
88023  
88024  
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88027

"Medicaid buy-in for workers with disabilities program" has the same meaning as in section 5163.01 of the Revised Code. 88028  
88029

"Medicaid MCO plan" has the same meaning as in section 88030  
5167.01 of the Revised Code. 88031

"Medicaid provider" has the same meaning as in section 88032  
5164.01 of the Revised Code. 88033

"Medicaid services" has the same meaning as in section 88034  
5164.01 of the Revised Code. 88035

"Medicaid waiver component" means a component of the medicaid 88036  
program authorized by a waiver granted by the United States 88037  
department of health and human services under section 1115 or 1915 88038  
of the "Social Security Act," 42 U.S.C. 1315 or 1396n. "Medicaid 88039  
waiver component" does not include the care management system or 88040  
services delivered under a prepaid inpatient health plan, as 88041  
defined in 42 C.F.R. 438.2. 88042

"Medically fragile child" means an individual who is under 88043  
eighteen years of age, has intensive health care needs, and is 88044  
considered blind or disabled under section 1614(a)(2) or (3) of 88045  
the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3). 88046

"Nursing facility" and "nursing facility services" have the 88047  
same meanings as in section 5165.01 of the Revised Code. 88048

"Ohio home care waiver program" means the home and 88049  
community-based services medicaid waiver component that is known 88050  
as Ohio home care and was created pursuant to section 5166.11 of 88051  
the Revised Code. 88052

"Provider agreement" has the same meaning as in section 88053  
5164.01 of the Revised Code. 88054

"Residential treatment facility" means a residential facility 88055  
licensed by the department of mental health and addiction services 88056  
under section 5119.34 of the Revised Code, or an institution 88057  
certified by the department of job and family services under 88058  
section 5103.03 of the Revised Code, that serves children and 88059

either has more than sixteen beds or is part of a campus of 88060  
multiple facilities or institutions that, combined, have a total 88061  
of more than sixteen beds. 88062

"Skilled nursing facility" has the same meaning as in section 88063  
5165.01 of the Revised Code. 88064

~~"Unified long term services and support medicaid waiver 88065  
component" means the medicaid waiver component authorized by 88066  
section 5166.14 of the Revised Code. 88067~~

**Sec. 5166.02.** (A) The medicaid director shall adopt rules in 88068  
accordance with Chapter 119. of the Revised Code governing 88069  
medicaid waiver components. The rules may establish all of the 88070  
following: 88071

(1) Eligibility requirements for the medicaid waiver 88072  
components; 88073

(2) The type, amount, duration, and scope of medicaid 88074  
services the medicaid waiver components cover; 88075

(3) The conditions under which the medicaid waiver components 88076  
cover medicaid services; 88077

(4) The amounts the medicaid waiver components pay for 88078  
medicaid services or the methods by which the amounts are 88079  
determined; 88080

(5) The manners in which the medicaid waiver components pay 88081  
for medicaid services; 88082

(6) Safeguards for the health and welfare of medicaid 88083  
recipients receiving medicaid services under a medicaid waiver 88084  
component; 88085

(7) Procedures for prioritizing and approving for enrollment 88086  
individuals who are eligible for a home and community-based 88087  
services medicaid waiver component and choose to be enrolled in 88088

the component; 88089

(8) Procedures for enforcing the rules, including 88090  
establishing corrective action plans for, and imposing financial 88091  
and administrative sanctions on, persons and government entities 88092  
that violate the rules. Sanctions shall include terminating 88093  
provider agreements. The procedures shall include due process 88094  
protections. 88095

(9) Other policies necessary for the efficient administration 88096  
of the medicaid waiver components. 88097

(B) The director may adopt different rules for the different 88098  
medicaid waiver components. The rules shall be consistent with the 88099  
terms of the waiver authorizing the medicaid waiver component. 88100

(C) The following apply to procedures established under 88101  
division (A)(7) of this section: 88102

(1) Any such procedures established for the medicaid-funded 88103  
component of the PASSPORT program shall be consistent with section 88104  
173.521 of the Revised Code. 88105

(2) Any such procedures established for the medicaid-funded 88106  
component of the assisted living program shall be consistent with 88107  
section 173.542 of the Revised Code. 88108

(3) Any such procedures established for the Ohio home care 88109  
waiver program shall be consistent with section 5166.121 of the 88110  
Revised Code. 88111

~~(4) Any such procedures established for the unified long term 88112  
services and support medicaid waiver program shall be consistent 88113  
with section 5166.141 of the Revised Code. 88114~~

**Sec. 5166.16.** (A) As used in this section and section 88115  
5166.161 of the Revised Code, "ODA or MCD medicaid waiver 88116  
component" means all of the following: 88117

(1) The medicaid-funded component of the PASSPORT program,	88118
<del>unless it is terminated pursuant to division (C) of section 173.52</del>	88119
<del>of the Revised Code;</del>	88120
(2) The medicaid-funded component of the assisted living	88121
<del>program, unless it is terminated pursuant to division (C) of</del>	88122
<del>section 173.54 of the Revised Code;</del>	88123
(3) The Ohio home care waiver program,	88124
<del>unless it is terminated pursuant to section 5166.12 of the Revised Code.</del>	88125
(B) The medicaid director may create a home and	88126
community-based services medicaid waiver component as part of the	88127
integrated care delivery system. If the ICDS medicaid waiver	88128
component is created, both of the following apply:	88129
(1) The department of medicaid shall administer it;	88130
(2) When it begins to accept enrollments, no ICDS participant	88131
who is eligible for the ICDS medicaid waiver component shall be	88132
enrolled in an ODA or MCD medicaid waiver component regardless of	88133
whether the participant prefers to remain or be enrolled in an ODA	88134
or MCD medicaid waiver component.	88135
(C) A dual eligible individual who is eligible for an ODA or	88136
MCD medicaid waiver component may enroll in the component before	88137
the individual becomes an ICDS participant. The dual eligible	88138
individual shall disenroll from the ODA or MCD medicaid waiver	88139
component and enroll in the ICDS medicaid waiver component once	88140
the individual becomes an ICDS participant and it is possible to	88141
enroll the individual in the ICDS medicaid waiver component. The	88142
disenrollment from the ODA or MCD medicaid waiver component and	88143
enrollment into the ICDS medicaid waiver component shall occur	88144
regardless of whether the individual prefers to remain enrolled in	88145
the ODA or MCD medicaid waiver component.	88146
(D) An ICDS participant's disenrollment from an ODA or MCD	88147
medicaid waiver component and enrollment in the ICDS medicaid	88148

waiver component resulting from division (B)(2) or (C) of this 88149  
section shall be accomplished without a disruption in the 88150  
participant's services under the components. 88151

**Sec. 5166.30.** (A) As used in sections 5166.30 to 5166.3010 of 88152  
the Revised Code: 88153

(1) "Adult" means an individual at least eighteen years of 88154  
age. 88155

(2) "Appropriate director" means the following: 88156

(a) The medicaid director in the context of both of the 88157  
following: 88158

(i) The Ohio home care waiver program, ~~unless it is~~ 88159  
~~terminated pursuant to section 5166.12 of the Revised Code;~~ 88160

(ii) The integrated care delivery system medicaid waiver 88161  
component authorized by section 5166.16 of the Revised Code. 88162

(b) The director of aging in the context of the 88163  
medicaid-funded component of the PASSPORT program, ~~unless it is~~ 88164  
~~terminated pursuant to division (C) of section 173.52 of the~~ 88165  
~~Revised Code.~~ 88166

(3) "Authorized representative" means the following: 88167

(a) In the case of a consumer who is a minor, the consumer's 88168  
parent, custodian, or guardian; 88169

(b) In the case of a consumer who is an adult, an individual 88170  
selected by the consumer pursuant to section 5166.3010 of the 88171  
Revised Code to act on the consumer's behalf for purposes 88172  
regarding home care attendant services. 88173

(4) "Authorizing health care professional" means a health 88174  
care professional who, pursuant to section 5166.307 of the Revised 88175  
Code, authorizes a home care attendant to assist a consumer with 88176  
self-administration of medication, nursing tasks, or both. 88177

(5) "Consumer" means an individual to whom all of the	88178
following apply:	88179
(a) The individual is enrolled in a participating medicaid	88180
waiver component.	88181
(b) The individual has a medically determinable physical	88182
impairment to which both of the following apply:	88183
(i) It is expected to last for a continuous period of not	88184
less than twelve months.	88185
(ii) It causes the individual to require assistance with	88186
activities of daily living, self-care, and mobility, including	88187
either assistance with self-administration of medication or the	88188
performance of nursing tasks, or both.	88189
(c) In the case of an individual who is an adult, the	88190
individual is mentally alert and is, or has an authorized	88191
representative who is, capable of selecting, directing the actions	88192
of, and dismissing a home care attendant.	88193
(d) In the case of an individual who is a minor, the	88194
individual has an authorized representative who is capable of	88195
selecting, directing the actions of, and dismissing a home care	88196
attendant.	88197
(6) "Controlled substance" has the same meaning as in section	88198
3719.01 of the Revised Code.	88199
(7) "Custodian" has the same meaning as in section 2151.011	88200
of the Revised Code.	88201
(8) "Gastrostomy tube" means a percutaneously inserted	88202
catheter that terminates in the stomach.	88203
(9) "Guardian" has the same meaning as in section 2111.01 of	88204
the Revised Code.	88205
(10) "Health care professional" means a physician or	88206
registered nurse.	88207

(11) "Home care attendant" means an individual holding a valid provider agreement in accordance with section 5166.301 of the Revised Code that authorizes the individual to provide home care attendant services to consumers.	88208 88209 88210 88211
(12) "Home care attendant services" means all of the following as provided by a home care attendant:	88212 88213
(a) Personal care aide services;	88214
(b) Assistance with the self-administration of medication;	88215
(c) Assistance with nursing tasks.	88216
(13) "Jejunostomy tube" means a percutaneously inserted catheter that terminates in the jejunum.	88217 88218
(14) "Medication" means a drug as defined in section 4729.01 of the Revised Code.	88219 88220
(15) "Minor" means an individual under eighteen years of age.	88221
(16) "Participating medicaid waiver component" means all of the following:	88222 88223
(a) The medicaid-funded component of the PASSPORT program, <del>unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code;</del>	88224 88225 88226
(b) The Ohio home care waiver program, <del>unless it is terminated pursuant to section 5166.12 of the Revised Code;</del>	88227 88228
(c) The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code.	88229 88230
(17) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	88231 88232 88233
(18) "Practice of nursing as a registered nurse," "practice of nursing as a licensed practical nurse," and "registered nurse" have the same meanings as in section 4723.01 of the Revised Code.	88234 88235 88236

"Registered nurse" includes an advanced practice registered nurse, 88237  
as defined in section 4723.01 of the Revised Code. 88238

(19) "Schedule II," "schedule III," "schedule IV," and 88239  
"schedule V" have the same meanings as in section 3719.01 of the 88240  
Revised Code. 88241

(B) Participating medicaid waiver components may cover home 88242  
care attendant services in accordance with sections 5166.30 to 88243  
5166.3010 of the Revised Code and rules adopted under section 88244  
5166.02 of the Revised Code. 88245

**Sec. 5166.32.** If the department of medicaid terminates the 88246  
209(b) option, the department shall establish a medicaid waiver 88247  
component under which an individual who has cystic fibrosis and is 88248  
enrolled in the program for ~~medically handicapped~~ children and 88249  
youth with special health care needs administered by the 88250  
department of health under section 3701.023 of the Revised Code or 88251  
the program the department of health administers pursuant to 88252  
division (G) of that section may qualify for medicaid under the 88253  
same type of spenddown process that is part of the 209(b) option. 88254

**Sec. 5166.45.** (A) As used in this section, "medical 88255  
assistance program" and "refugee medical assistance program" have 88256  
the same meanings as in section 5160.01 of the Revised Code. 88257

(B) The medicaid director shall establish a medicaid waiver 88258  
component to provide continuous medicaid enrollment for children 88259  
from birth through three years of age. A child who is determined 88260  
eligible for medical assistance under Title XIX of the "Social 88261  
Security Act" or child health assistance under Title XXI of the 88262  
"Social Security Act" shall remain eligible for those benefits 88263  
until the earlier of: 88264

(1) The end of a period, not to exceed forty-eight months, 88265  
following the determination; 88266

<u>(2) The date when the individual exceeds four years of age.</u>	88267
<u>(C) The waiver component described in division (B) of this section does not apply to a child who is eligible for a medical assistance program on the basis of being any of the following:</u>	88268 88269 88270
<u>(1) Deemed presumptively eligible for medicaid pursuant to section 5163.101 of the Revised Code;</u>	88271 88272
<u>(2) Eligible for alien emergency medical assistance, as specified in section 1903(v)(2) of the "Social Security Act," 42 U.S.C. 1396b(v)(2);</u>	88273 88274 88275
<u>(3) Eligible for the refugee medical assistance program administered pursuant to section 5160.50 of the Revised Code.</u>	88276 88277
<b>Sec. 5167.12.</b> If prescribed drugs are included in the care management system:	88278 88279
(A) Medicaid MCO plans may include strategies for the management of drug utilization, but any such strategies are subject to the limitations and requirements of this section and the approval of the department of medicaid.	88280 88281 88282 88283
(B) A medicaid MCO plan shall not impose a prior authorization requirement in the case of a drug to which all of the following apply:	88284 88285 88286
(1) The drug is an antidepressant or antipsychotic.	88287
(2) The drug is administered or dispensed in a standard tablet or capsule form, except that in the case of an antipsychotic, the drug also may be administered or dispensed in a long-acting injectable form.	88288 88289 88290 88291
(3) The drug is prescribed by any of the following:	88292
(a) A physician <del>whom the medicaid managed care organization that offers the plan allows to provide care as a psychiatrist through its credentialing process</del> <u>who has registered the</u>	88293 88294 88295

physician's psychiatric specialty with the department; 88296

(b) A psychiatrist who is practicing at a location on behalf 88297  
of a community mental health services provider whose mental health 88298  
services are certified by the department of mental health and 88299  
addiction services under section 5119.36 of the Revised Code; 88300

(c) A certified nurse practitioner, as defined in section 88301  
4723.01 of the Revised Code, who is certified in psychiatric 88302  
mental health by a national certifying organization approved by 88303  
the board of nursing under section 4723.46 of the Revised Code; 88304

(d) A clinical nurse specialist, as defined in section 88305  
4723.01 of the Revised Code, who is certified in psychiatric 88306  
mental health by a national certifying organization approved by 88307  
the board of nursing under section 4723.46 of the Revised Code. 88308

(4) The drug is prescribed for a use that is indicated on the 88309  
drug's labeling, as approved by the federal food and drug 88310  
administration. 88311

(C) The department shall authorize a medicaid MCO plan to 88312  
include a pharmacy utilization management program under which 88313  
prior authorization through the program is established as a 88314  
condition of obtaining a controlled substance pursuant to a 88315  
prescription. 88316

(D) Each medicaid managed care organization and medicaid MCO 88317  
plan shall comply with sections 5164.091, 5164.10, 5164.11, 88318  
5164.7511, 5164.7512, and 5164.7514 of the Revised Code as if the 88319  
organization were the department and the plan were the medicaid 88320  
program. 88321

**Sec. 5168.02.** (A) The medicaid director shall adopt rules in 88322  
accordance with Chapter 119. of the Revised Code for the purpose 88323  
of administering sections 5168.01 to 5168.14 of the Revised Code, 88324  
including rules that do all of the following: 88325

(1) Define as a "disproportionate share hospital" any hospital included under the "Social Security Act," section 1923(b), 42 U.S.C. 1396r-4(b), and any other hospital the director determines appropriate;	88326 88327 88328 88329
(2) Prescribe the form for submission of cost reports under section 5168.05 of the Revised Code;	88330 88331
(3) Establish, in accordance with division (A) of section 5168.06 of the Revised Code, the assessment rate or rates to be applied to hospitals under that section;	88332 88333 88334
(4) Establish schedules for hospitals to pay installments on their assessments under section 5168.06 of the Revised Code and for governmental hospitals to pay installments on their intergovernmental transfers under section 5168.07 of the Revised Code;	88335 88336 88337 88338 88339
(5) Establish procedures to notify hospitals of adjustments made under division (B)(2)(b) of section 5168.06 of the Revised Code in the amount of installments on their assessment;	88340 88341 88342
(6) Establish procedures to notify hospitals of adjustments made under division (D) of section 5168.08 of the Revised Code in the total amount of their assessment and to adjust for the remainder of the program year the amount of the installments on the assessments;	88343 88344 88345 88346 88347
(7) Establish, in accordance with section 5168.09 of the Revised Code, the methodology for paying hospitals under that section.	88348 88349 88350
The director shall consult with hospitals when adopting the rules required by divisions (A)(4) and (5) of this section in order to minimize hospitals' cash flow difficulties.	88351 88352 88353
(B) Rules adopted under this section may provide that "total facility costs" excludes costs associated with any of the	88354 88355

following:	88356
(1) Medicaid recipients;	88357
(2) Recipients of the program for <del>medically handicapped</del> children <u>and youth with special health care needs</u> established under section 3701.023 of the Revised Code;	88358 88359 88360
(3) Medicare beneficiaries;	88361
(4) Recipients of Title V of the "Social Security Act," 42 U.S.C. 701 et seq.;	88362 88363
(5) Any other category of costs deemed appropriate by the director in accordance with Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., and the rules adopted under that title.	88364 88365 88366 88367
 <b>Sec. 5168.14.</b> (A) Each hospital that receives funds distributed under sections 5168.01 to 5168.14 of the Revised Code shall provide, without charge to the individual, basic, medically necessary hospital-level services to individuals who are residents of this state, are not medicaid recipients, and whose income is at or below the federal poverty line. The medicaid director shall adopt rules under section 5168.02 of the Revised Code specifying the hospital services to be provided under this section.	88368 88369 88370 88371 88372 88373 88374 88375
(B) Nothing in this section shall be construed to prevent a hospital from requiring an individual to apply for the medicaid program before the hospital processes an application under this section. Hospitals may bill any third-party payer for services rendered under this section. Hospitals may bill the medicaid program, in accordance with state statutes governing the medicaid program and rules adopted under those statutes, for medicaid services rendered under this section if the individual becomes a medicaid recipient. Hospitals may bill individuals for services under this section if all of the following apply:	88376 88377 88378 88379 88380 88381 88382 88383 88384 88385

(1) The hospital has an established post-billing procedure 88386  
for determining the individual's income and canceling the charges 88387  
if the individual is found to qualify for services under this 88388  
section. 88389

(2) The initial bill, and at least the first follow-up bill, 88390  
is accompanied by a written statement that does all of the 88391  
following: 88392

(a) Explains that individuals with income at or below the 88393  
federal poverty line are eligible for services without charge; 88394

(b) Specifies the federal poverty line for individuals and 88395  
families of various sizes at the time the bill is sent; 88396

(c) Describes the procedure required by division (C)(1) of 88397  
this section. 88398

(3) The hospital complies with any additional rules adopted 88399  
under section 5168.02 of the Revised Code. 88400

Notwithstanding division (B) of this section, a hospital 88401  
providing care to an individual under this section is subrogated 88402  
to the rights of any individual to receive compensation or 88403  
benefits from any person or governmental entity for the hospital 88404  
goods and services rendered. 88405

(C) Each hospital shall collect and report to the department 88406  
of medicaid, in the form and manner prescribed by the department, 88407  
information on the number and identity of patients served pursuant 88408  
to this section. 88409

(D) This section applies beginning May 22, 1992, regardless 88410  
of whether rules specifying the services to be provided have been 88411  
adopted. Nothing in this section alters the scope or limits the 88412  
obligation of any governmental entity or program, including the 88413  
program awarding reparations to victims of crime under sections 88414  
2743.51 to 2743.72 of the Revised Code and the program for 88415

~~medically handicapped~~ children and youth with special health care  
needs established under section 3701.023 of the Revised Code, to  
pay for hospital services in accordance with state or local law.

**Sec. 5168.26.** (A) The medicaid director shall adopt rules in  
accordance with Chapter 119. of the Revised Code as necessary to  
implement sections 5168.20 to 5168.28 of the Revised Code,  
including rules that specify the percentage of hospitals' total  
facility costs to be used in calculating hospitals' assessments  
under section 5168.21 of the Revised Code.

(B) The rules adopted under this section may do the  
following:

(1) Provide that a hospital's total facility costs for the  
purpose of the assessment under section 5168.21 of the Revised  
Code exclude any of the following:

(a) A hospital's costs associated with providing care to  
recipients of any of the following:

(i) The medicaid program;

(ii) The medicare program;

(iii) The program for ~~medically handicapped~~ children and  
youth with special health care needs established under section  
3701.023 of the Revised Code;

(iv) Services provided under the maternal and child health  
services block grant established under Title V of the "Social  
Security Act," 42 U.S.C. 701 et seq.

(b) Any other category of hospital costs the director deems  
appropriate under federal law and regulations governing the  
medicaid program.

(2) Subject to division (C) of this section, provide for the  
percentage of hospitals' total facility costs used in calculating

hospitals' assessments to vary for different hospitals. 88445

(C) Before adopting rules authorized by division (B)(2) of 88446  
this section that establish varied percentages to be used in 88447  
calculating hospitals' assessments, the director shall obtain a 88448  
waiver from the United States secretary of health and human 88449  
services under the "Social Security Act," section 1903(w)(3)(E), 88450  
42 U.S.C. 1396b(w)(3)(E), if the varied percentages would cause 88451  
the assessments to not be imposed uniformly. 88452

**Sec. 5301.90.** (A) An environmental covenant may be amended or 88453  
terminated by consent only if the amendment or termination is 88454  
signed by all of the following: 88455

(1) The applicable agency; 88456

(2) Unless waived by that agency, the current owner of the 88457  
fee simple of the real property that is subject to the 88458  
environmental covenant; 88459

(3) Each person that originally signed the environmental 88460  
covenant unless ~~the~~ one or more of the following apply: 88461

(a) The person waived in a signed record the right to consent 88462  
~~or a~~ 88463

(b) A court finds that the person no longer exists or cannot 88464  
be located or identified with the exercise of reasonable 88465  
diligence; 88466

(c) The applicable agency finds that the signature of the 88467  
person is not necessary. 88468

(4) Except as otherwise provided in division (D)(2) of this 88469  
section, each holder. 88470

(B) If an interest in real property is subject to an 88471  
environmental covenant, the interest is not affected by an 88472  
amendment of the environmental covenant unless the current owner 88473

of the interest consents in writing to the amendment or has waived 88474  
in a signed record the right to consent to amendments. 88475

(C) Except for an assignment undertaken pursuant to a 88476  
governmental reorganization, assignment of an environmental 88477  
covenant to a new holder is an amendment of the environmental 88478  
covenant. 88479

(D) Except as otherwise provided in an environmental 88480  
covenant, both of the following apply: 88481

(1) A holder may not assign its interest without consent of 88482  
the other parties to the environmental covenant specified in 88483  
division (A) of this section. 88484

(2) A holder may be removed and replaced by agreement of the 88485  
other parties specified in division (A) of this section. 88486

(E) A court of competent jurisdiction may fill a vacancy in 88487  
the position of holder. 88488

**Sec. 5301.91.** (A) A civil action for injunctive or other 88489  
equitable relief for violation of an environmental covenant may be 88490  
maintained by any of the following: 88491

(1) A party to the environmental covenant specified in 88492  
division (A) of section 5301.90 of the Revised Code that is not 88493  
otherwise specified in divisions (A)(2) to ~~(6)~~(7) of this section; 88494

(2) The environmental protection agency; 88495

(3) The applicable agency if it is other than the 88496  
environmental protection agency; 88497

(4) Any person to whom the environmental covenant expressly 88498  
grants the authority to maintain such an action; 88499

(5) A person whose interest in the real property or whose 88500  
collateral or liability may be affected by the alleged violation 88501  
of the environmental covenant; 88502

(6) A unit of local government in which the real property 88503  
that is subject to the environmental covenant is located; 88504

(7) An original signatory of the environmental covenant who 88505  
is no longer an owner of the real property that is subject to the 88506  
environmental covenant in fee simple. 88507

(B) Sections 5301.80 to 5301.92 of the Revised Code do not 88508  
limit the regulatory authority of the applicable agency or the 88509  
environmental protection agency if it is not the applicable agency 88510  
under any law other than sections 5301.80 to 5301.92 of the 88511  
Revised Code with respect to an environmental response project. 88512

(C) A person is not responsible for or subject to liability 88513  
for environmental remediation solely because it has the right to 88514  
enforce an environmental covenant. 88515

Sec. 5301.94. (A) As used in this section, "right-to-list 88516  
home sale agreement" has the same meaning as in section 4735.01 of 88517  
the Revised Code. 88518

(B) A right-to-list home sale agreement executed, modified, 88519  
or extended after the effective date of this section is void ab 88520  
initio and unenforceable. 88521

(C) A right-to-list home sale agreement described in division 88522  
(B) of this section is an unfair or deceptive act or practice in 88523  
violation of section 1345.02 of the Revised Code. A residential 88524  
real estate owner that enters into such a right-to-list home sale 88525  
agreement has a cause of action against any other party to that 88526  
agreement and is entitled to the same relief available to a 88527  
consumer under section 1345.09 of the Revised Code. All powers and 88528  
remedies available to the attorney general to enforce sections 88529  
1345.01 to 1345.13 of the Revised Code are available to the 88530  
attorney general to enforce this section. 88531

(D) No person shall present for recording, or cause to be 88532

presented for recording, by the county recorder in the official records under section 317.08 of the Revised Code a right-to-list home sale agreement described in division (B) of this section. 88533  
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(E) An owner of residential real estate for which a right-to-list home sale agreement is recorded in violation of division (D) of this section may petition the court of common pleas of the county in which the right-to-list home sale agreement is recorded to declare the agreement void ab initio and unenforceable. If the court determines that the agreement is a right-to-list home sale agreement, a certified copy of the court order, with a complete legal description of the parcel, declaring the agreement void ab initio and unenforceable shall be recorded in the office of the county recorder. The county recorder shall record the order and charge and collect from the person filing the order the fees prescribed in section 317.32 of the Revised Code for the recorder's services. If the court grants the order, the owner may recover actual damages, costs, and attorney's fees from the person that recorded, or caused to be recorded, the right-to-list home sale agreement. 88536  
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**Sec. 5321.01.** As used in this chapter: 88552

(A) "Tenant" means a person entitled under a rental agreement to the use and occupancy of residential premises to the exclusion of others. 88553  
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(B) "Landlord" means the owner, lessor, or sublessor of residential premises, the agent of the owner, lessor, or sublessor, or any person authorized by the owner, lessor, or sublessor to manage the premises or to receive rent from a tenant under a rental agreement. 88556  
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(C) "Residential premises" means a dwelling unit for residential use and occupancy and the structure of which it is a part, the facilities and appurtenances in it, and the grounds, 88561  
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areas, and facilities for the use of tenants generally or the use of which is promised the tenant. "Residential premises" includes a dwelling unit that is owned or operated by a college or university. "Residential premises" does not include any of the following:

(1) Prisons, jails, workhouses, and other places of incarceration or correction, including, but not limited to, halfway houses or residential arrangements that are used or occupied as a requirement of a community control sanction, a post-release control sanction, or parole;

(2) Hospitals and similar institutions with the primary purpose of providing medical services, and homes licensed pursuant to Chapter 3721. of the Revised Code;

(3) Tourist homes, hotels, motels, recreational vehicle parks, recreation camps, combined park-camps, temporary park-camps, and other similar facilities where circumstances indicate a transient occupancy;

(4) Elementary and secondary boarding schools, where the cost of room and board is included as part of the cost of tuition;

(5) Orphanages and similar institutions;

(6) Farm residences furnished in connection with the rental of land of a minimum of two acres for production of agricultural products by one or more of the occupants;

(7) Dwelling units subject to ~~sections 3733.41 to 3733.49~~ Chapter 3733. of the Revised Code;

(8) Occupancy by an owner of a condominium unit;

(9) Occupancy in a facility licensed as an SRO facility pursuant to Chapter 3731. of the Revised Code, if the facility is owned or operated by an organization that is exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986,"

100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or 88594  
group of entities in which such an organization has a controlling 88595  
interest, and if either of the following applies: 88596

(a) The occupancy is for a period of less than sixty days. 88597

(b) The occupancy is for participation in a program operated 88598  
by the facility, or by a public entity or private charitable 88599  
organization pursuant to a contract with the facility, to provide 88600  
either of the following: 88601

(i) Services licensed, certified, registered, or approved by 88602  
a governmental agency or private accrediting organization for the 88603  
rehabilitation of persons with mental illnesses, persons with 88604  
developmental disabilities, adults or juveniles convicted of 88605  
criminal offenses, or persons experiencing substance abuse; 88606

(ii) Shelter for juvenile runaways, victims of domestic 88607  
violence, or homeless persons. 88608

(10) Emergency shelters operated by organizations exempt from 88609  
federal income taxation under section 501(c)(3) of the "Internal 88610  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as 88611  
amended, for persons whose circumstances indicate a transient 88612  
occupancy, including homeless people, victims of domestic 88613  
violence, and juvenile runaways. 88614

(D) "Rental agreement" means any agreement or lease, written 88615  
or oral, which establishes or modifies the terms, conditions, 88616  
rules, amount of rent charged or paid, or any other provisions 88617  
concerning the use and occupancy of residential premises by one of 88618  
the parties. 88619

(E) "Security deposit" means any deposit of money or property 88620  
to secure performance by the tenant under a rental agreement. 88621

(F) "Dwelling unit" means a structure or the part of a 88622  
structure that is used as a home, residence, or sleeping place by 88623

one person who maintains a household or by two or more persons who 88624  
maintain a common household. 88625

(G) "Controlled substance" has the same meaning as in section 88626  
3719.01 of the Revised Code. 88627

(H) "Student tenant" means a person who occupies a dwelling 88628  
unit owned or operated by the college or university at which the 88629  
person is a student, and who has a rental agreement that is 88630  
contingent upon the person's status as a student. 88631

(I) "Recreational vehicle park," "recreation camp," "combined 88632  
park-camp," and "temporary park-camp" have the same meanings as in 88633  
section 3729.01 of the Revised Code. 88634

(J) "Community control sanction" has the same meaning as in 88635  
section 2929.01 of the Revised Code. 88636

(K) "Post-release control sanction" has the same meaning as 88637  
in section 2967.01 of the Revised Code. 88638

(L) "School premises" has the same meaning as in section 88639  
2925.01 of the Revised Code. 88640

(M) "Sexually oriented offense" and "child-victim oriented 88641  
offense" have the same meanings as in section 2950.01 of the 88642  
Revised Code. 88643

(N) "Preschool or child day-care center premises" has the 88644  
same meaning as in section 2950.034 of the Revised Code. 88645

(O) "Rent control" means requiring below-market rents for 88646  
residential premises or controlling rental rates for residential 88647  
premises in any manner, including by prohibiting rent increases, 88648  
regulating rental rate changes between tenancies, limiting rental 88649  
rate increases, regulating the rental rates of residential 88650  
premises based on income or wealth of tenants, and other forms of 88651  
restraint or limitation of rental rates. 88652

(P) "Rent stabilization" means allowing rent increases for 88653

residential premises of a fixed amount or on a fixed schedule as 88654  
set by a political subdivision. 88655

(Q) "Political subdivision" means a county, township, 88656  
municipal corporation, or any other body corporate and politic 88657  
that is responsible for government activities in a geographic area 88658  
smaller than that of the state. 88659

**Sec. 5321.18.** (A) Every written rental agreement for 88660  
residential premises shall contain the name and address of the 88661  
owner and the name and address of the owner's agent, if any. If 88662  
the owner or the owner's agent is a corporation, partnership, 88663  
limited partnership, association, trust, or other entity, the 88664  
address shall be the principal place of business in the county in 88665  
which the residential property is situated or if there is no place 88666  
of business in such county then its principal place of business in 88667  
this state, and shall include the name of the person in charge 88668  
thereof. 88669

(B) If the rental agreement is oral, the landlord, at the 88670  
commencement of the term of occupancy, shall deliver to tenant a 88671  
written notice containing the information required in division (A) 88672  
of this section. 88673

(C) If the landlord fails to provide the notice of the name 88674  
and address of the owner and owner's agent, if any, required under 88675  
division (A) or (B) of this section, the notices to the landlord 88676  
required under division (A) of section 5321.07 and division (A) of 88677  
section 5321.08 of the Revised Code shall be waived by the 88678  
landlord and ~~his~~ the landlord's agent. 88679

(D) A landlord may designate an agent for any purpose related 88680  
to the provision of services to a tenant under a rental agreement 88681  
for residential premises. If the landlord designates an agent for 88682  
any such purpose, notice shall be provided to the tenant in 88683  
accordance with divisions (A) and (B) of this section, or at any 88684

time subsequent, by reasonable notice within thirty days after an 88685  
agent's appointment or change. For purposes of this section, 88686  
reasonable notice is satisfied by posting the information in a 88687  
conspicuous location on the property or in the leasing office. 88688

**Sec. 5322.01.** As used in ~~sections 5322.01 to 5322.05 of the~~ 88689  
~~Revised Code~~ this chapter: 88690

(A) "Self-service storage facility" means any real property 88691  
that is designed and used only for the purpose of renting or 88692  
leasing individual storage space in the facility under the 88693  
following conditions: 88694

(1) The occupants have access to the storage space only for 88695  
the purpose of storing and removing personal property. 88696

(2) The owner does not issue a warehouse receipt, bill of 88697  
lading, or other document of title, as defined in section 1301.201 88698  
of the Revised Code, for the personal property stored in the 88699  
storage space. 88700

"Self-service storage facility" does not include any garage 88701  
used principally for parking motor vehicles, any garage or storage 88702  
area in a private residence, an establishment licensed pursuant to 88703  
sections 915.14 to 915.24 of the Revised Code, or any property of 88704  
a bank or savings and loan association that contains vaults, safe 88705  
deposit boxes, or other receptacles for the uses, purposes, and 88706  
benefits of the bank's or savings and loan association's 88707  
customers. 88708

(B) "Owner" means a person that is the owner or operator of a 88709  
self-service storage facility, the lessor or sublessor of an 88710  
entire self-service storage facility, the agent of any of the 88711  
foregoing, or any other person authorized by any of the foregoing 88712  
to manage the facility or to receive rent from an occupant 88713  
pursuant to a rental agreement. 88714

(C) "Occupant" means a person that rents storage space at a self-service storage facility pursuant to a rental agreement that the person enters into with the owner. 88715  
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(D) "Rental agreement" means any written agreement that is entered into by the owner and the occupant and that establishes the terms and conditions of the occupant's use of storage space at a self-service storage facility. 88718  
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(E) "Personal property" means money and every animate or inanimate tangible thing that is the subject of ownership, except anything forming part of a parcel of real estate, as defined in section 5701.02 of the Revised Code, and except anything that is an agricultural commodity, as defined in division (A) of section 926.01 of the Revised Code. 88722  
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(F) "Late fee" means any fee or charge assessed for an occupant's failure to pay rent when due. "Late fee" does not include interest on a debt, reasonable expenses incurred in the collection of unpaid rent, or costs associated with the enforcement of any other remedy provided by statute or contract. 88728  
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(G) "Last known address" means either of the following: 88733

(1) The mailing address provided by the occupant in the most recent rental agreement or the mailing address provided by the occupant in a subsequent written notice of a change of address; 88734  
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(2) The mailing address of any of the persons described in division (A) of section 5322.03 of the Revised Code that is provided by any of those persons to the owner of a self-service storage facility or that is discovered by the owner of a self-service storage facility. 88737  
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Sec. 5322.06. If the rental agreement entered into between the owner and the occupant contains a provision placing a limit on the value of personal property that may be stored in the 88742  
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occupant's storage space, that limit is the maximum value of the 88745  
stored property, provided that the provision is printed in bold 88746  
type or underlined in the rental agreement. The limit on the value 88747  
of property shall not be less than one thousand dollars. The 88748  
rental agreement may provide that the occupant may increase the 88749  
limit on the value of property with the written permission of the 88750  
owner. 88751

Sec. 5502.251. (A) As used in this section: 88752

(1) "Eligible applicant" means any state agency or a 88753  
municipal corporation, township, county, school district, or any 88754  
other body corporate and politic that is responsible for 88755  
government activities in a geographic area smaller than that of 88756  
the state. 88757

(2) "State agency" has the same meaning as in section 1.60 of 88758  
the Revised Code. 88759

(B) The director of public safety, in accordance with Chapter 88760  
119. of the Revised Code, shall adopt rules to establish and 88761  
administer a state hazard mitigation grant program for the 88762  
purposes of providing grants to eligible applicants to undertake 88763  
actions that reduce the impact to people and property from hazards 88764  
and disasters. 88765

(C) The rules shall establish all of the following regarding 88766  
the state hazard mitigation grant program: 88767

(1) A list of hazards and disasters for which grants may be 88768  
issued; 88769

(2) Priorities for grant funding, including giving priority 88770  
to applicants that intend to use grant money for both of the 88771  
following: 88772

(a) To mitigate hazards and disasters that constitute the 88773  
highest risk based on the state's hazard mitigation plan; 88774

<u>(b) To undertake actions that mitigate risk during the recovery period following a disaster.</u>	88775
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<u>(3) Eligibility requirements for applicants to receive a grant, including a requirement that all applicants have, at the time a grant is awarded, a current hazard mitigation plan approved by the federal emergency management agency;</u>	88777
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<u>(4) A minimum percentage for nonstate matching funds to be provided by applicants;</u>	88781
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<u>(5) Grant application forms and procedures for submitting the forms;</u>	88783
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<u>(6) A requirement that mitigation projects be cost effective;</u>	88785
<u>(7) If grant money is to be used for purposes of acquisition of property and demolition actions at the property, a requirement that the property acquired must be deed restricted as open space in perpetuity;</u>	88786
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<u>(8) Any other requirements or procedures necessary to administer the program.</u>	88790
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<u>(D) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code.</u>	88792
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<b>Sec. 5502.262. (A) As used in this section:</b>	88796
(1) "Administrator" means the superintendent, principal, chief administrative officer, or other person having supervisory authority of any of the following:	88797
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(a) A city, exempted village, local, or joint vocational school district;	88800
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(b) A community school established under Chapter 3314. of the Revised Code, as required through reference in division (A)(11)(d)	88802
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of section 3314.03 of the Revised Code;	88804
(c) A STEM school established under Chapter 3326. of the Revised Code, as required through reference in section 3326.11 of the Revised Code;	88805 88806 88807
(d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;	88808 88809
(e) A district or school operating a career-technical education program approved by the department of education under section 3317.161 of the Revised Code;	88810 88811 88812
(f) A chartered nonpublic school;	88813
(g) An educational service center;	88814
(h) A preschool program or school-age child care program licensed by the department of education;	88815 88816
(i) Any other facility that primarily provides educational services to children subject to regulation by the department of education.	88817 88818 88819
(2) "Emergency management test" means a regularly scheduled drill, exercise, or activity designed to assess and evaluate an emergency management plan under this section.	88820 88821 88822
(3) "Building" means any school, school building, facility, program, or center.	88823 88824
(4) "Regional mobile training officer" means the regional mobile training officer appointed under section 5502.70 of the Revised Code for the region in which a district, school, center, program, or facility is located.	88825 88826 88827 88828
(B)(1) Each administrator shall develop and adopt a comprehensive emergency management plan, in accordance with rules adopted pursuant to division (F) of this section, for each building under the administrator's control. The administrator shall examine the environmental conditions and operations of each	88829 88830 88831 88832 88833

building to determine potential hazards to student and staff 88834  
safety and shall propose operating changes to promote the 88835  
prevention of potentially dangerous problems and circumstances. In 88836  
developing the plan for each building, the administrator shall 88837  
involve community law enforcement and safety officials, parents of 88838  
students who are assigned to the building, and teachers and 88839  
nonteaching employees who are assigned to the building. The 88840  
administrator may involve the regional mobile training officer in 88841  
the development of the plan. The administrator shall incorporate 88842  
remediation strategies into the plan for any building where 88843  
documented safety problems have occurred. 88844

(2) Each administrator shall also incorporate into the 88845  
emergency management plan adopted under division (B)(1) of this 88846  
section all of the following: 88847

(a) A protocol for addressing serious threats to the safety 88848  
of property, students, employees, or administrators; 88849

(b) A protocol for responding to any emergency events that 88850  
occur and compromise the safety of property, students, employees, 88851  
or administrators. This protocol shall include, but not be limited 88852  
to, all of the following: 88853

(i) A floor plan that is unique to each floor of the 88854  
building; 88855

(ii) A site plan that includes all building property and 88856  
surrounding property; 88857

(iii) An emergency contact information sheet. 88858

(c) A threat assessment plan developed as prescribed in 88859  
section 5502.263 of the Revised Code. A building may use the model 88860  
plan developed by the department of public safety under that 88861  
section; 88862

(d) A protocol for school threat assessment teams established 88863

under section 3313.669 of the Revised Code. 88864

(3) Each protocol described in division (B) of this section 88865  
shall include procedures determined to be appropriate by the 88866  
administrator for responding to threats and emergency events, 88867  
respectively, including such things as notification of appropriate 88868  
law enforcement personnel, calling upon specified emergency 88869  
response personnel for assistance, and informing parents of 88870  
affected students. 88871

Prior to the opening day of each school year, the 88872  
administrator shall inform each student or child enrolled in the 88873  
school and the student's or child's parent of the parental 88874  
notification procedures included in the protocol. 88875

(4) Each administrator shall keep a copy of the emergency 88876  
management plan adopted pursuant to this section in a secure 88877  
place. 88878

(C)(1) The administrator shall submit to the director of 88879  
public safety, in accordance with rules adopted pursuant to 88880  
division (F) of this section, an electronic copy of the emergency 88881  
management plan prescribed by division (B) of this section not 88882  
less than once every three years, whenever a major modification to 88883  
the building requires changes in the procedures outlined in the 88884  
plan, and whenever information on the emergency contact 88885  
information sheet changes. 88886

(2) The administrator also shall file a copy of the plan with 88887  
each law enforcement agency that has jurisdiction over the school 88888  
building and, upon request, to any of the following: 88889

(a) The fire department that serves the political subdivision 88890  
in which the building is located; 88891

(b) The emergency medical service organization that serves 88892  
the political subdivision in which the building is located; 88893

(c) The county emergency management agency for the county in which the building is located; 88894  
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(d) The regional mobile training officer. 88896

(3) Upon receipt of an emergency management plan, the director shall post the information on the contact and information management system and submit the information in accordance with rules adopted pursuant to division (F) of this section, to the attorney general, who shall post that information on the Ohio law enforcement gateway or its successor. 88897  
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(4) Any department or entity to which copies of an emergency management plan are filed under this section shall keep the copies in a secure place. 88903  
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(D)(1) Not later than the first day of ~~July~~ September of each year, each administrator shall review the emergency management plan and certify to the director that the plan is current and accurate. 88906  
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(2) Anytime that an administrator updates the emergency management plan pursuant to division (C)(1) of this section, the administrator shall file copies, not later than the tenth day after the revision is adopted and in accordance with rules adopted pursuant to division (F) of this section, to the director and to any entity with which the administrator filed a copy under division (C)(2) of this section. 88910  
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(E) Each administrator shall do both of the following: 88917

(1) Prepare and conduct at least one annual emergency management test, as defined in division (A)(2) of this section, in accordance with rules adopted pursuant to division (F) of this section; 88918  
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(2) Grant access to each building under the control of the administrator to law enforcement personnel and to entities 88922  
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described in division (C)(2) of this section, to enable the 88924  
personnel and entities to hold training sessions for responding to 88925  
threats and emergency events affecting the building, provided that 88926  
the access occurs outside of student instructional hours and the 88927  
administrator, or the administrator's designee, is present in the 88928  
building during the training sessions. 88929

(F) The director of public safety, in consultation with 88930  
representatives from the education community and in accordance 88931  
with Chapter 119. of the Revised Code, shall adopt rules regarding 88932  
emergency management plans under this section, including the 88933  
content of the plans and procedures for filing the plans. The 88934  
rules shall specify that plans and information required under 88935  
division (B) of this section be submitted on standardized forms 88936  
developed by the director for such purpose. The rules shall also 88937  
specify the requirements and procedures for emergency management 88938  
tests conducted pursuant to division (E)(1) of this section. 88939  
Failure to comply with the rules may result in discipline pursuant 88940  
to section 3319.31 of the Revised Code or any other action against 88941  
the administrator as prescribed by rule. 88942

(G) Division (B) of section 3319.31 of the Revised Code 88943  
applies to any administrator who is subject to the requirements of 88944  
this section and is not exempt under division (H) of this section 88945  
and who is an applicant for a license or holds a license from the 88946  
state board of education pursuant to section 3319.22 of the 88947  
Revised Code. 88948

(H)(1) The director may exempt any administrator from the 88949  
requirements of this section, if the director determines that the 88950  
requirements do not otherwise apply to a building or buildings 88951  
under the control of that administrator. 88952

(2) The director shall exempt from the requirements of this 88953  
section the administrator of an online learning school, 88954  
established under section 3302.42 of the Revised Code, unless 88955

students of that school participate in in-person instruction or 88956  
assessments at a location that is not covered by an existing 88957  
emergency management plan, developed under this section as of 88958  
December 14, 2021. 88959

(I) Copies of the emergency management plan, including all 88960  
records related to the plan, emergency management tests, and 88961  
information required under division (B) of this section are 88962  
security records and are not public records pursuant to section 88963  
149.433 of the Revised Code. In addition, the information posted 88964  
to the contact and information management system, pursuant to 88965  
division (C)(3)(b) of this section, is exempt from public 88966  
disclosure or release in accordance with sections 149.43, 149.433, 88967  
and 5502.03 of the Revised Code. 88968

Notwithstanding section 149.433 of the Revised Code, a floor 88969  
plan filed with the attorney general pursuant to this section is 88970  
not a public record to the extent it is a record kept by the 88971  
attorney general. 88972

Sec. 5502.69. (A) There is hereby created the Ohio narcotics 88973  
intelligence center in the department of public safety. The center 88974  
shall operate as a division within the department. 88975

(B) The director of public safety shall appoint an executive 88976  
director of the center. The executive director shall serve at the 88977  
discretion of the director of public safety. The executive 88978  
director shall advise the governor and the director of public 88979  
safety on matters pertaining to illegal drug activities. To carry 88980  
out the duties assigned under this section, the executive 88981  
director, subject to the direction and control of the director of 88982  
public safety, may appoint and maintain necessary staff and may 88983  
enter into any necessary agreements. 88984

(C) The center shall do all of the following: 88985

(1) Coordinate law enforcement response to illegal drug activities for state agencies and act as a liaison between state agencies and local entities for the purposes of communicating counter-drug policy initiatives; 88986  
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(2) Collect, analyze, maintain, and disseminate information to support local, state, and federal law enforcement agencies, other government agencies, and private organizations in detecting, deterring, preventing, preparing for, prosecuting, and responding to illegal drug activities. The records received and created are confidential law enforcement investigatory records pursuant to section 149.43 of the Revised Code. 88990  
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(3) Develop and coordinate policies, protocols, and strategies that may be used by local, state, and private organizations to detect, deter, prevent, prepare for, prosecute, and respond to illegal drug activities; 88997  
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(4) Develop, update, and coordinate the implementation of an Ohio drug control strategy to guide state and local governments and public agencies. 89001  
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**Sec. 5512.07.** (A) There is hereby created the transportation review advisory council. No member of the general assembly shall be a member of the council. The council shall consist of ~~nine~~ ten members, one of whom is the director of transportation who is a nonvoting member. ~~Six members shall be appointed by the~~ The governor shall appoint five members with the advice and consent of the senate. ~~One member shall be appointed by the~~ The speaker of the house of representatives shall appoint two members and ~~one member shall be appointed by the president of the senate shall appoint two members~~. In making their appointments, the governor, the speaker of the house of representatives, and the president of the senate shall consult with each other so that of the total number of ~~eight~~ nine appointed members, at least two are 89004  
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affiliated with the major political party not represented by the 89017  
governor. In making the governor's appointments, the governor 89018  
shall appoint persons who reside in different geographic areas of 89019  
the state. ~~Within ninety days after June 30, 1997, the governor,~~ 89020  
~~speaker, and president shall make the initial appointments to the~~ 89021  
~~council.~~ 89022

Appointed members shall have no conflict of interest with the 89023  
position. For purposes of this section, "conflict of interest" 89024  
means taking any action that violates any provision of Chapter 89025  
102. or 2921. of the Revised Code. 89026

Each of the members the governor appoints shall have 89027  
experience either in the area of transportation or in that of 89028  
business or economic development. 89029

One such member shall be selected from a list of five names 89030  
provided by the Ohio public expenditure council. 89031

(B) ~~Of the governor's initial appointments made to the~~ 89032  
~~council, one shall be for a term ending one year after June 30,~~ 89033  
~~1997, one shall be for a term ending two years after June 30,~~ 89034  
~~1997, one shall be for a term ending four years after June 30,~~ 89035  
~~1997, and one shall be for a term ending five years after June 30,~~ 89036  
~~1997. Within ninety days after September 16, 1998, the governor~~ 89037  
~~shall make two appointments to the council. Of these appointments,~~ 89038  
~~one shall be for a term ending June 30, 2001, and one shall be for~~ 89039  
~~a term ending June 30, 2002. The speaker's and president's initial~~ 89040  
~~appointments made to the council shall be for a term ending three~~ 89041  
~~years after June 30, 1997. Thereafter, all All terms of office,~~ 89042  
~~including the terms for those persons who are appointed to succeed~~ 89043  
~~the persons whose appointments are made within ninety days after~~ 89044  
~~September 16, 1998, shall be are for five years, with each term~~ 89045  
~~ending on the same day of the same month as did the term that it~~ 89046  
~~succeeds. Each member shall hold office from the date of~~ 89047  
~~appointment until the end of the term for which the member was~~ 89048

appointed. Members may be reappointed. Vacancies shall be filled 89049  
in the manner provided for original appointments. Any member 89050  
appointed to fill another member's unexpired term shall hold 89051  
office for the remainder of that unexpired term. A member shall 89052  
continue in office subsequent to the expiration of the member's 89053  
term until the member's successor takes office. 89054

(C) The director of transportation is the chairperson of the 89055  
council. 89056

**Sec. 5537.17.** (A) Each turnpike project open to traffic shall 89057  
be maintained and kept in good condition and repair by the Ohio 89058  
turnpike and infrastructure commission. The Ohio turnpike system 89059  
shall be policed and operated by a force of police, toll 89060  
collectors, and other employees and agents that the commission 89061  
employs or contracts for. 89062

(B) All public or private property damaged or destroyed in 89063  
carrying out the powers granted by this chapter shall be restored 89064  
or repaired and placed in its original condition, as nearly as 89065  
practicable, or adequate compensation or consideration made 89066  
therefor out of moneys provided under this chapter. 89067

(C) All governmental agencies may lease, lend, grant, or 89068  
convey to the commission at its request, upon terms that the 89069  
proper authorities of the governmental agencies consider 89070  
reasonable and fair and without the necessity for an 89071  
advertisement, order of court, or other action or formality, other 89072  
than the regular and formal action of the authorities concerned, 89073  
any property that is necessary or convenient to the effectuation 89074  
of the purposes of the commission, including public roads and 89075  
other property already devoted to public use. 89076

(D) Each bridge constituting part of a turnpike project shall 89077  
be inspected at least once each year by a professional engineer 89078  
employed or retained by the commission. 89079

(E) The commission shall cause an audit of its books and accounts to be made at least once each year by certified public accountants approved by the auditor of state, and the cost thereof may be treated as a part of the cost of operations of the commission. Additionally, the auditor of state, at least once every other year, shall audit the accounts and transactions of the commission. On or before the first day of July in each year, the commission shall submit a an annual comprehensive ~~annual~~ financial report containing its audited financial statements for the preceding calendar year to the governor, the general assembly, and the director of budget and management. Each such report shall set forth a complete operating and financial statement covering the commission's operations and funding of any turnpike projects and infrastructure projects during the year.

(F) The commission shall submit a copy of ~~its~~ its proposed annual budget for each calendar or fiscal year to the governor, the presiding officers of each house of the general assembly, the director of budget and management, and the legislative service commission no later than the first day of that calendar or fiscal year.

(G) Upon request of the chairperson of the appropriate standing committee or subcommittee of the senate and house of representatives that is primarily responsible for considering transportation budget matters, the commission shall appear at least one time before each committee or subcommittee during the period when that committee or subcommittee is considering the biennial appropriations for the department of transportation and shall provide testimony outlining its budgetary results for the last two calendar years, including a comparison of budget and actual revenue and expenditure amounts. The commission also shall address its current budget and long-term capital plan.

(H) Not more than sixty nor less than thirty days before

adopting its annual budget, the commission shall submit a copy of 89112  
its proposed annual budget to the governor, the presiding officers 89113  
of each house of the general assembly, the director of budget and 89114  
management, and the legislative service commission. The office of 89115  
budget and management shall review the proposed budget and may 89116  
provide recommendations to the commission for its consideration. 89117

**Sec. 5549.21.** The board of township trustees may purchase or 89118  
lease such machinery and tools as are necessary for use in 89119  
constructing, reconstructing, maintaining, and repairing roads and 89120  
culverts within the township, and shall provide suitable places 89121  
for housing and storing machinery and tools owned by the township. 89122  
It may purchase such material and employ such labor as is 89123  
necessary for carrying into effect this section, or it may 89124  
authorize the purchase or employment of such material and labor by 89125  
one of its number, or by the township highway superintendent, at a 89126  
price to be fixed by the board. All payments on account of 89127  
machinery, tools, material, and labor shall be made from the 89128  
township road fund. Except as otherwise provided in sections 89129  
505.08, 505.101, and 5513.01 of the Revised Code, all purchases of 89130  
materials, machinery, and tools shall, if the amount involved 89131  
exceeds ~~fifty thousand dollars~~ the amount specified in section 89132  
9.17 of the Revised Code, be made from the lowest responsible 89133  
bidder after advertisement, as provided in section 5575.01 of the 89134  
Revised Code. 89135

If, in compliance with section 505.10 of the Revised Code, 89136  
the board wishes to sell machinery, equipment, or tools owned by 89137  
the township to the person from whom it is to purchase other 89138  
machinery, equipment, or tools, the board may offer, if the amount 89139  
of the purchase alone involved does not exceed ~~fifty thousand~~ 89140  
~~dollars~~ the amount specified in section 9.17 of the Revised Code, 89141  
to sell such machinery, equipment, or tools and have the amount 89142  
credited by the vendor against the purchase of the other 89143

machinery, equipment, or tools. If the purchase price of the other 89144  
machinery, equipment, or tools alone exceeds ~~fifty thousand~~ 89145  
~~dollars~~ the amount specified in section 9.17 of the Revised Code, 89146  
the board may give notice to the competitive bidders of its 89147  
willingness to accept offers for the purchase of the old 89148  
machinery, equipment, or tools, and those offers shall be 89149  
subtracted from the selling price of the other machinery, 89150  
equipment, or tools as bid, in determining the lowest responsible 89151  
bidder. Notice of the willingness of the board to accept offers 89152  
for the purchase of the old machinery, equipment, or tools shall 89153  
be made as a part of the advertisement for bids. 89154

**Sec. 5555.61.** After the board of county commissioners decides 89155  
to proceed with the improvement, it shall do so in accordance with 89156  
sections 307.86 to 307.92 of the Revised Code. No contract for any 89157  
improvement shall be awarded at a price more than ~~ten~~ twenty per 89158  
cent in excess of the estimated cost. 89159

**Sec. 5703.056.** (A) As used in any section of the Revised Code 89160  
that ~~requires~~ permits the tax commissioner to use certified mail 89161  
or personal service or that requires or permits a payment to be 89162  
made or a document to be submitted to the tax commissioner or the 89163  
board of tax appeals by mail or personal service, and as used in 89164  
any section of Chapter 718., 3734., 3769., 4303., or 4305. or 89165  
Title LVII of the Revised Code that requires or permits a payment 89166  
to be made or a document to be submitted to the treasurer of state 89167  
by mail: 89168

(1) "Certified mail," "express mail," "United States mail," 89169  
"United States postal service," and similar terms include any 89170  
delivery service authorized pursuant to division (B) of this 89171  
section. 89172

(2) "Postmark date," "date of postmark," and similar terms 89173

include the date recorded and marked in the manner described in 89174  
division (B)(3) of this section. 89175

(B) The tax commissioner may authorize the use of a delivery 89176  
service for the delivery of any payment or document described in 89177  
division (A) of this section if the commissioner finds that all of 89178  
the following apply to the delivery service: 89179

(1) ~~It is~~ It is available to the general public;. 89180

(2) ~~It is~~ It is at least as timely and reliable on a regular 89181  
basis as the United States postal service;. 89182

(3) ~~Records electronically to a database kept in the regular~~ 89183  
~~course of its business, and marks on the cover in which the~~ 89184  
~~payment or document is enclosed, the date on which the payment or~~ 89185  
~~document was given to the delivery service for delivery;~~ 89186

~~(4) Records electronically to a database kept in the regular~~ 89187  
~~course of its business the date on which the payment or document~~ 89188  
~~was given by the delivery service to the person who signed the~~ 89189  
~~receipt of delivery and the name of the person who signed the~~ 89190  
~~receipt; and~~ 89191

~~(5) Meets~~ It meets any other criteria that the tax 89192  
commissioner may by rule prescribe. 89193

(C) In any section of the Revised Code referring to the date 89194  
any payment or document is received by the tax commissioner by 89195  
mail, personal service, or electronically or by a person receiving 89196  
a document or payment from the tax commissioner by mail, the 89197  
payment or document shall be considered to be received on one of 89198  
the following dates, as applicable, except as provided in section 89199  
5703.053 or 5703.37 of the Revised Code: 89200

(1) For a document or payment sent by certified mail, express 89201  
mail, United States mail, foreign mail, or a delivery service 89202  
authorized for use under division (B) of this section, the date of 89203

the postmark placed by the postal or delivery service on the 89204  
sender's receipt or, if the sender was not issued a postmarked 89205  
sender's receipt, the date of the postmark placed by the postal or 89206  
delivery service on the package containing the payment or 89207  
document. 89208

(2) For personal service to the tax commissioner, the date 89209  
the payment or document is received in any of the tax 89210  
commissioner's offices during business hours. 89211

(3) For a document filed or sent electronically or a payment 89212  
made electronically, the date on the timestamp assigned by the 89213  
first electronic system receiving that payment or document. 89214

(D) As used in divisions (A) and (C) of this section 89215  
"electronically" includes by facsimile, if applicable. 89216

**Sec. 5703.21.** (A) Except as provided in divisions (B) and (C) 89217  
of this section, no agent of the department of taxation, except in 89218  
the agent's report to the department or when called on to testify 89219  
in any court or proceeding, shall divulge any information acquired 89220  
by the agent as to the transactions, property, or business of any 89221  
person while acting or claiming to act under orders of the 89222  
department. Whoever violates this provision shall thereafter be 89223  
disqualified from acting as an officer or employee or in any other 89224  
capacity under appointment or employment of the department. 89225

(B)(1) For purposes of an audit pursuant to section 117.15 of 89226  
the Revised Code, or an audit of the department pursuant to 89227  
Chapter 117. of the Revised Code, or an audit, pursuant to that 89228  
chapter, the objective of which is to express an opinion on a 89229  
financial report or statement prepared or issued pursuant to 89230  
division (A)(7) or (9) of section 126.21 of the Revised Code, the 89231  
officers and employees of the auditor of state charged with 89232  
conducting the audit shall have access to and the right to examine 89233  
any state tax returns and state tax return information in the 89234

possession of the department to the extent that the access and 89235  
examination are necessary for purposes of the audit. Any 89236  
information acquired as the result of that access and examination 89237  
shall not be divulged for any purpose other than as required for 89238  
the audit or unless the officers and employees are required to 89239  
testify in a court or proceeding under compulsion of legal 89240  
process. Whoever violates this provision shall thereafter be 89241  
disqualified from acting as an officer or employee or in any other 89242  
capacity under appointment or employment of the auditor of state. 89243

(2) For purposes of an internal audit pursuant to section 89244  
126.45 of the Revised Code, the officers and employees of the 89245  
office of internal audit in the office of budget and management 89246  
charged with directing the internal audit shall have access to and 89247  
the right to examine any state tax returns and state tax return 89248  
information in the possession of the department to the extent that 89249  
the access and examination are necessary for purposes of the 89250  
internal audit. Any information acquired as the result of that 89251  
access and examination shall not be divulged for any purpose other 89252  
than as required for the internal audit or unless the officers and 89253  
employees are required to testify in a court or proceeding under 89254  
compulsion of legal process. Whoever violates this provision shall 89255  
thereafter be disqualified from acting as an officer or employee 89256  
or in any other capacity under appointment or employment of the 89257  
office of internal audit. 89258

(3) As provided by section 6103(d)(2) of the Internal Revenue 89259  
Code, any federal tax returns or federal tax information that the 89260  
department has acquired from the internal revenue service, through 89261  
federal and state statutory authority, may be disclosed to the 89262  
auditor of state or the office of internal audit solely for 89263  
purposes of an audit of the department. 89264

(4) For purposes of Chapter 3739. of the Revised Code, an 89265  
agent of the department of taxation may share information with the 89266

division of state fire marshal that the agent finds during the 89267  
course of an investigation. 89268

(C) Division (A) of this section does not prohibit any of the 89269  
following: 89270

(1) Divulging information contained in applications, 89271  
complaints, and related documents filed with the department under 89272  
section 5715.27 of the Revised Code or in applications filed with 89273  
the department under section 5715.39 of the Revised Code; 89274

~~(2) Providing information to the office of child support 89275  
within the department of job and family services pursuant to 89276  
section 3125.43 of the Revised Code; 89277~~

~~(3) Disclosing to the motor vehicle repair board any 89278  
information in the possession of the department that is necessary 89279  
for the board to verify the existence of an applicant's valid 89280  
vendor's license and current state tax identification number under 89281  
section 4775.07 of the Revised Code; 89282~~

~~(4) Providing information to the administrator of workers' 89283  
compensation pursuant to sections 4123.271 and 4123.591 of the 89284  
Revised Code; 89285~~

~~(5) Providing to the attorney general information the 89286  
department obtains under division (J) of section 1346.01 of the 89287  
Revised Code; 89288~~

~~(6)~~(3) Permitting properly authorized officers, employees, or 89289  
agents of a municipal corporation from inspecting reports or 89290  
information pursuant to section 718.84 of the Revised Code or 89291  
rules adopted under section 5745.16 of the Revised Code; 89292

~~(7)~~(4) Providing information regarding the name, account 89293  
number, or business address of a holder of a vendor's license 89294  
issued pursuant to section 5739.17 of the Revised Code, a holder 89295  
of a direct payment permit issued pursuant to section 5739.031 of 89296

the Revised Code, or a seller having a use tax account maintained 89297  
pursuant to section 5741.17 of the Revised Code, or information 89298  
regarding the active or inactive status of a vendor's license, 89299  
direct payment permit, or seller's use tax account; 89300

~~(8) Releasing invoices or invoice information furnished under 89301  
section 4301.433 of the Revised Code pursuant to that section; 89302~~

~~(9)(5) Providing to a county auditor notices or documents 89303  
concerning or affecting the taxable value of property in the 89304  
county auditor's county. Unless authorized by law to disclose 89305  
documents so provided, the county auditor shall not disclose such 89306  
documents; 89307~~

~~(10)(6) Providing to a county auditor a sales or use tax 89308  
return or audit information under section 333.06 of the Revised 89309  
Code; 89310~~

~~(11) Subject to section 4301.441 of the Revised Code, 89311  
disclosing to the appropriate state agency information in the 89312  
possession of the department of taxation that is necessary to 89313  
verify a permit holder's gallonage or noncompliance with taxes 89314  
levied under Chapter 4301. or 4305. of the Revised Code; 89315~~

~~(12) Disclosing to the department of natural resources 89316  
information in the possession of the department of taxation that 89317  
is necessary for the department of taxation to verify the 89318  
taxpayer's compliance with section 5749.02 of the Revised Code or 89319  
to allow the department of natural resources to enforce Chapter 89320  
1509. of the Revised Code; 89321~~

~~(13) Disclosing to the department of job and family services, 89322  
industrial commission, and bureau of workers' compensation 89323  
information in the possession of the department of taxation solely 89324  
for the purpose of identifying employers that misclassify 89325  
employees as independent contractors or that fail to properly 89326  
report and pay employer tax liabilities. The department of 89327~~

~~taxation shall disclose only such information that is necessary to 89328  
verify employer compliance with law administered by those 89329  
agencies. 89330~~

~~(14) Disclosing to the Ohio casino control commission 89331  
information in the possession of the department of taxation that 89332  
is necessary to verify a casino operator's or sports gaming 89333  
proprietor's compliance with section 5747.063, 5753.02, or 89334  
5753.021 of the Revised Code and sections related thereto; 89335~~

~~(15) Disclosing to the state lottery commission information 89336  
in the possession of the department of taxation that is necessary 89337  
to verify a lottery sales agent's compliance with section 5747.064 89338  
of the Revised Code. 89339~~

~~(16) Disclosing to the department of development information 89340  
in the possession of the department of taxation that is necessary 89341  
to ensure compliance with the laws of this state governing 89342  
taxation and to verify information reported to the department of 89343  
development for the purpose of evaluating potential tax credits, 89344  
tax deductions, grants, or loans. Such information shall not 89345  
include information received from the internal revenue service the 89346  
disclosure of which is prohibited by section 6103 of the Internal 89347  
Revenue Code. No officer, employee, or agent of the department of 89348  
development shall disclose any information provided to the 89349  
department of development by the department of taxation under 89350  
division (C)(16) of this section except when disclosure of the 89351  
information is necessary for, and made solely for the purpose of 89352  
facilitating, the evaluation of potential tax credits, tax 89353  
deductions, grants, or loans. 89354~~

~~(17) Disclosing to the department of insurance information in 89355  
the possession of the department of taxation that is necessary to 89356  
ensure a taxpayer's compliance with the requirements with any tax 89357  
credit administered by the department of development and claimed 89358  
by the taxpayer against any tax administered by the superintendent 89359~~

~~of insurance. No officer, employee, or agent of the department of insurance shall disclose any information provided to the department of insurance by the department of taxation under division (C)(17) of this section.~~

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~~(18) Disclosing to the division of liquor control information in the possession of the department of taxation that is necessary for the division and department to comply with the requirements of sections 4303.26 and 4303.271 of the Revised Code.~~

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~~(19) Disclosing to the department of education, upon that department's request, information in the possession of the department of taxation that is necessary only to verify whether the family income of a student applying for or receiving a scholarship under the educational choice scholarship pilot program is equal to, less than, or greater than the income thresholds prescribed by section 3310.032 of the Revised Code. The department of education shall provide sufficient information about the student and the student's family to enable the department of taxation to make the verification.~~

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~~(20) Disclosing to the Ohio rail development commission information in the possession of the department of taxation that is necessary to ensure compliance with the laws of this state governing taxation and to verify information reported to the commission for the purpose of evaluating potential grants or loans. Such information shall not include information received from the internal revenue service the disclosure of which is prohibited by section 6103 of the Internal Revenue Code. No member, officer, employee, or agent of the Ohio rail development commission shall disclose any information provided to the commission by the department of taxation under division (C)(20) of this section except when disclosure of the information is necessary for, and made solely for the purpose of facilitating, the evaluation of potential grants or loans.~~

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~~(21) Disclosing to the state racing commission information in the possession of the department of taxation that is necessary for verification of compliance with and for enforcement and administration of the taxes levied by Chapter 3769. of the Revised Code. Such information shall include information that is necessary for the state racing commission to verify compliance with Chapter 3769. of the Revised Code for the purposes of issuance, denial, suspension, or revocation of a permit pursuant to section 3769.03 or 3769.06 of the Revised Code and related sections. Unless disclosure is otherwise authorized by law, information provided to the state racing commission under this section remains confidential and is not subject to public disclosure pursuant to section 3769.041 of the Revised Code.~~

~~(22) Disclosing to the state fire marshal information in the possession of the department of taxation that is necessary for the state fire marshal to verify the compliance of a licensed manufacturer of fireworks or a licensed wholesaler of fireworks with section 3743.22 of the Revised Code. No officer, employee, or agent of the state fire marshal shall disclose any information provided to the state fire marshal by the department of taxation under division (C)(22) of this section.~~

~~(23) Disclosing to the department of job and family services information in the possession of the department of taxation for either of the following purposes:~~

~~(a) Making a determination under section 4141.28 of the Revised Code;~~

~~(b) Verifying an individual's eligibility for a federal program described in section 4141.163 of the Revised Code.~~

~~Such information shall not include information received from the internal revenue service the disclosure of which is prohibited by section 6103 of the Internal Revenue Code.~~

(7) Disclosing to a state or federal government agency, for use in the performance of that agency's official duties in this state, information in the possession of the tax commissioner necessary to verify compliance with any provision of the Revised Code relating to that agency. Unless disclosure is otherwise authorized by law, information provided to any state or federal government agency under this section remains confidential and is not subject to further disclosure.

**Sec. 5703.37.** (A)(1) Except as provided in division (B) of this section, whenever service of a notice or order is required in the manner provided in this section, a copy of the notice or order shall be served upon the person affected thereby either by personal service, by certified mail, or by a delivery service authorized under section 5703.056 of the Revised Code that notifies the tax commissioner of the date of delivery.

(2) In lieu of serving a copy of a notice or order through one of the means provided in division (A)(1) of this section, the commissioner may serve a notice or order upon the person affected thereby through alternative means as provided in this section, including, but not limited to, delivery by secure electronic mail as provided in division (F) of this section or by ordinary mail. Delivery by such means satisfies the requirements for delivery under this section.

(B)(1)(a) If certified mail is returned because of an undeliverable address, the commissioner shall first utilize reasonable means to ascertain a new last known address, including the use of a change of address service offered by the United States postal service or an authorized delivery service under section 5703.056 of the Revised Code. If, after using reasonable means, the commissioner is unable to ascertain a new last known address, the assessment is final for purposes of section 131.02 of

the Revised Code sixty days after the notice or order sent by 89454  
certified mail is first returned to the commissioner, and the 89455  
commissioner shall certify the notice or order, if applicable, to 89456  
the attorney general for collection under section 131.02 of the 89457  
Revised Code. 89458

(b) Notwithstanding certification to the attorney general 89459  
under division (B)(1)(a) of this section, once the commissioner or 89460  
attorney general, or the designee of either, makes an initial 89461  
contact with the person to whom the notice or order is directed, 89462  
the person may protest an assessment by filing a petition for 89463  
reassessment within sixty days after the initial contact. The 89464  
certification of an assessment under division (B)(1)(a) of this 89465  
section is prima-facie evidence that delivery is complete and that 89466  
the notice or order is served. 89467

(2) If mailing of a notice or order by certified mail is 89468  
returned for some cause other than an undeliverable address or if 89469  
a person does not access an electronic notice or order within the 89470  
time provided in division (F) of this section, the commissioner 89471  
shall resend the notice or order by ordinary mail. The notice or 89472  
order shall show the date the commissioner sends the notice or 89473  
order and include the following statement: 89474

"This notice or order is deemed to be served on the addressee 89475  
under applicable law ten days from the date this notice or order 89476  
was mailed by the commissioner as shown on the notice or order, 89477  
and all periods within which an appeal may be filed apply from and 89478  
after that date." 89479

Unless the mailing is returned because of an undeliverable 89480  
address, the mailing of that information is prima-facie evidence 89481  
that delivery of the notice or order was completed ten days after 89482  
the commissioner sent the notice or order by ordinary mail and 89483  
that the notice or order was served. 89484

If the ordinary mail is subsequently returned because of an undeliverable address, the commissioner shall proceed under division (B)(1)(a) of this section. A person may challenge the presumption of delivery and service under this division in accordance with division (C) of this section.

(C)(1) A person disputing the presumption of delivery and service under division (B) of this section bears the burden of proving by a preponderance of the evidence that the address to which the notice or order was sent was not an address with which the person was associated at the time the commissioner originally mailed the notice or order by certified mail. For the purposes of this section, a person is associated with an address at the time the commissioner originally mailed the notice or order if, at that time, the person was residing, receiving legal documents, or conducting business at the address; or if, before that time, the person had conducted business at the address and, when the notice or order was mailed, the person's agent or the person's affiliate was conducting business at the address. For the purposes of this section, a person's affiliate is any other person that, at the time the notice or order was mailed, owned or controlled at least twenty per cent, as determined by voting rights, of the addressee's business.

(2) If the person elects to protest an assessment certified to the attorney general for collection, the person must do so within sixty days after the attorney general's initial contact with the person. The attorney general may enter into a compromise with the person under sections 131.02 and 5703.06 of the Revised Code if the person does not file a petition for reassessment with the commissioner.

(D) Nothing in this section prohibits the commissioner or the commissioner's designee from delivering a notice or order by personal service.

(E) Collection actions taken pursuant to section 131.02 of 89517  
the Revised Code upon any assessment being challenged under 89518  
division (B)(1)(b) of this section shall be stayed upon the 89519  
pendency of an appeal under this section. If a petition for 89520  
reassessment is filed pursuant to this section on a claim that has 89521  
been certified to the attorney general for collection, the claim 89522  
shall be uncertified. 89523

~~(F)~~(F)(1) The commissioner may serve a notice or order upon 89524  
the person affected by the notice or order or that person's 89525  
authorized representative through secure electronic means ~~only~~ 89526  
~~with the person's consent~~ associated with the person's or 89527  
representative's last known address, but only with the person's 89528  
consent. The commissioner must inform the recipient, 89529  
electronically or by mail, that a notice or order is available for 89530  
electronic review and provide instructions to access and print the 89531  
notice or order. The types of electronic notification the 89532  
commissioner may use include electronic mail, text message, or any 89533  
other form of electronic communication. The recipient's electronic 89534  
access of the notice or order satisfies the requirements for 89535  
delivery under this section. If the recipient fails to access the 89536  
notice or order electronically within ten business days, then the 89537  
commissioner shall inform the recipient a second time, 89538  
electronically or by mail, that a notice or order is available for 89539  
electronic review and provide instructions to access and print the 89540  
notice or order. If the recipient fails to access the notice or 89541  
order electronically within ten business days of the second 89542  
notification, the notice or order shall be served upon the person 89543  
through the means provided in division (B)(2) of this section. 89544

(2) The tax commissioner shall establish a system to issue 89545  
notification of assessments to taxpayers through secure electronic 89546  
means. 89547

(G) As used in this section: 89548

(1) "Last known address" means the address the department has 89549  
at the time the document is originally sent by certified mail, or 89550  
any address the department can ascertain using reasonable means 89551  
such as the use of a change of address service offered by the 89552  
United States postal service or an authorized delivery service 89553  
under section 5703.056 of the Revised Code. For documents sent by 89554  
secure electronic means, "last known address" means an electronic 89555  
mode of communication that is identified on a form prescribed by 89556  
the commissioner for such purpose or that is associated with the 89557  
person or the authorized representative of the person on the Ohio 89558  
business gateway, as defined in section 718.01 of the Revised 89559  
Code, as of the date the notification was sent. 89560

(2) "Undeliverable address" means an address to which the 89561  
United States postal service or an authorized delivery service 89562  
under section 5703.056 of the Revised Code is not able to deliver 89563  
a notice or order, except when the reason for nondelivery is 89564  
because the addressee fails to acknowledge or accept the notice or 89565  
order. 89566

**Sec. 5703.53.** (A) An "opinion of the tax commissioner" means 89567  
an opinion issued under this section with respect to prospective 89568  
tax liability. It does not include ordinary correspondence of the 89569  
commissioner or a final determination of the commissioner arising 89570  
from a request for administrative review of an assessment, a claim 89571  
for refund, or an application for a pollution control or other 89572  
certificate. 89573

(B) If a taxpayer requests in writing an opinion from the tax 89574  
commissioner as to whether or how certain property, income, source 89575  
of income, or a certain activity or transaction will be taxed, the 89576  
commissioner's written response shall be an "opinion of the tax 89577  
commissioner" and shall bind the commissioner, in accordance with 89578  
divisions (C), (G), and (H) of this section, provided all of the 89579

following conditions are satisfied: 89580

(1) The taxpayer's request fully describes the specific facts 89581  
or circumstances relevant to a determination of the taxability of 89582  
the property, income, source of income, activity, or transaction, 89583  
and, if an activity or transaction, all parties involved in the 89584  
activity or transaction are clearly identified by name, location, 89585  
or other pertinent facts. 89586

(2) The request relates to a "tax" as defined in section 89587  
5703.50 of the Revised Code. 89588

(3) The commissioner's response is signed by the commissioner 89589  
and designated as an "opinion of the tax commissioner." 89590

(C) An opinion of the tax commissioner shall remain in effect 89591  
and shall protect the taxpayer for whom the opinion was prepared 89592  
and who reasonably relies on it from liability for any taxes, 89593  
penalty, or interest otherwise chargeable on the activity or 89594  
transaction specifically held by the commissioner's opinion to be 89595  
taxable in a particular manner or not to be subject to taxation 89596  
for any tax year that may be specified in the opinion, or until 89597  
the earliest of the following dates: 89598

(1) The effective date of a written revocation by the 89599  
commissioner sent to the taxpayer ~~by certified mail, return~~ 89600  
~~receipt requested in the manner provided in section 5703.37 of the~~ 89601  
Revised Code. The effective date of the revocation shall be the 89602  
taxpayer's date of receipt or one year after the issuance of the 89603  
opinion, whichever is later; 89604

(2) The effective date of any rule adopted by the 89605  
commissioner under Chapter 119. of the Revised Code that is 89606  
inconsistent with the opinion; 89607

(3) The effective date of any amendment or enactment of a 89608  
relevant section of the Revised Code or uncodified law; 89609

- (4) The date on which a court issues an opinion establishing or changing relevant case law with respect to the Revised Code, uncodified law, or rules of the tax commissioner; 89610  
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- (5) If the opinion of the commissioner was based on the interpretation of federal law, the effective date of any change in the relevant federal statutes or regulations, or the date on which a court issues an opinion establishing or changing relevant case law with respect to federal statutes or regulations; 89613  
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- (6) The effective date of any change in the taxpayer's material facts or circumstances; 89618  
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- (7) The effective date of the expiration of the opinion, if specified, in the opinion. 89620  
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- (D) A taxpayer is not relieved of liability for any activity or transaction related to a request for an opinion that contained any misrepresentation or omission of one or more material facts. 89622  
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- (E) If the commissioner provides written advice under this section, the opinion shall include a statement that: 89625  
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- (1) The tax consequences stated in the opinion may be subject to change for any of the reasons stated in division (C) of this section; 89627  
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- (2) It is the duty of the taxpayer to be aware of such changes. 89630  
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- (F) The commissioner may refuse to offer an opinion on any request received under this section. 89632  
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- (G) This section binds the commissioner only with respect to opinions of the commissioner issued on or after January 1, 1990. 89634  
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- (H) An opinion of the commissioner binds the commissioner only with respect to the taxpayer for whom the opinion was prepared. 89636  
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- (I) The commissioner shall make available the text of all 89639

opinions issued under this section, except those opinions prepared 89640  
for a taxpayer who has requested that the text of the opinion 89641  
remain confidential. In no event shall the text of an opinion be 89642  
made available until the commissioner has removed all information 89643  
that identifies the taxpayer and any other parties involved in the 89644  
activity or transaction. 89645

(J) An opinion of the commissioner issued under this section 89646  
is not a final determination of the commissioner and may not be 89647  
appealed to the board of tax appeals. 89648

**Sec. 5705.192.** (A) For the purposes of this section only, 89649  
"taxing authority" includes a township board of park commissioners 89650  
appointed under section 511.18 of the Revised Code. 89651

(B) A Subject to division (G) of this section, a taxing 89652  
authority may propose to replace an existing levy that the taxing 89653  
authority is authorized to levy, regardless of the section of the 89654  
Revised Code under which the authority is granted, except a school 89655  
district emergency levy proposed pursuant to sections 5705.194 to 89656  
5705.197 of the Revised Code. The taxing authority may propose to 89657  
replace the existing levy in its entirety at the rate at which it 89658  
is authorized to be levied; may propose to replace a portion of 89659  
the existing levy at a lesser rate; or may propose to replace the 89660  
existing levy in its entirety and increase the rate at which it is 89661  
levied. If the taxing authority proposes to replace an existing 89662  
levy, the proposed levy shall be called a replacement levy and 89663  
shall be so designated on the ballot. Except as otherwise provided 89664  
in this division, a replacement levy shall be limited to the 89665  
purpose of the existing levy, and shall appear separately on the 89666  
ballot from, and shall not be conjoined with, the renewal of any 89667  
other existing levy. In the case of an existing school district 89668  
levy imposed under section 5705.21 of the Revised Code for the 89669  
purpose specified in division (F) of section 5705.19 of the 89670

Revised Code, or in the case of an existing school district levy 89671  
imposed under section 5705.217 of the Revised Code for the 89672  
acquisition, construction, enlargement, renovation, and financing 89673  
of permanent improvements, the replacement for that existing levy 89674  
may be for the same purpose or for the purpose of general 89675  
permanent improvements as defined in section 5705.21 of the 89676  
Revised Code. The replacement for an existing levy imposed under 89677  
division (L) of section 5705.19 or section 5705.222 of the Revised 89678  
Code may be for any purpose authorized for a levy imposed under 89679  
section 5705.222 of the Revised Code. 89680

The resolution proposing a replacement levy shall specify the 89681  
purpose of the levy; its proposed rate expressed in mills for each 89682  
one dollar of taxable value and in dollars for each one hundred 89683  
thousand dollars of the county auditor's appraised value; whether 89684  
the proposed rate is the same as the rate of the existing levy, a 89685  
reduction, or an increase; the extent of any reduction or increase 89686  
expressed in mills for each one dollar of taxable value and in 89687  
dollars for each one hundred thousand dollars of the county 89688  
auditor's appraised value; the first calendar year in which the 89689  
levy will be due; and the term of the levy, expressed in years or, 89690  
if applicable, that it will be levied for a continuing period of 89691  
time. 89692

The sections of the Revised Code governing the maximum rate 89693  
and term of the existing levy, the contents of the resolution that 89694  
proposed the levy, the adoption of the resolution, the 89695  
arrangements for the submission of the question of the levy, and 89696  
notice of the election also govern the respective provisions of 89697  
the proposal to replace the existing levy, except as provided in 89698  
divisions (B)(1) to (5) of this section: 89699

(1) In the case of an existing school district levy that is 89700  
imposed under section 5705.21 of the Revised Code for the purpose 89701  
specified in division (F) of section 5705.19 of the Revised Code 89702

or under section 5705.217 of the Revised Code for the acquisition, 89703  
construction, enlargement, renovation, and financing of permanent 89704  
improvements, and that is to be replaced by a levy for general 89705  
permanent improvements, the term of the replacement levy may be 89706  
for a continuing period of time. 89707

(2) The Subject to division (G) of this section, the date on 89708  
which the election is held shall be as follows: 89709

(a) For the replacement of a levy with a fixed term of years, 89710  
the date of the general election held during the last year the 89711  
existing levy may be extended on the real and public utility 89712  
property tax list and duplicate, or the date of any election held 89713  
in the ensuing year; 89714

(b) For the replacement of a levy imposed for a continuing 89715  
period of time, the date of any election held in any year after 89716  
the year the levy to be replaced is first approved by the 89717  
electors, except that only one election on the question of 89718  
replacing the levy may be held during any calendar year. 89719

The failure by the electors to approve a proposal to replace 89720  
a levy imposed for a continuing period of time does not terminate 89721  
the existing continuing levy. 89722

(3) In the case of an existing school district levy imposed 89723  
under division (B) of section 5705.21, division (C) of section 89724  
5705.212, or division (J) of section 5705.218 of the Revised Code, 89725  
the rates allocated to the qualifying school district and to 89726  
partnering community schools each may be increased or decreased or 89727  
remain the same, and the total rate may be increased, decreased, 89728  
or remain the same. 89729

(4) In the case of an existing levy imposed under division 89730  
(L) of section 5705.19 of the Revised Code, the term may be for 89731  
any number of years not exceeding ten or for a continuing period 89732  
of time. 89733

(5) In addition to other required information, the election notice shall express the levy's annual collections, as estimated and certified by the county auditor under section 5705.03 of the Revised Code.

(C) The form of the ballot at the election on the question of a replacement levy shall be as follows:

"A replacement of a tax for the benefit of \_\_\_\_\_ (name of subdivision or public library) for the purpose of \_\_\_\_\_ (the purpose stated in the resolution), that the county auditor estimates will collect \$\_\_\_\_\_ annually, at a rate not exceeding \_\_\_\_\_ mills for each \$1 of taxable value, which amounts to \$\_\_\_\_\_ for each \$100,000 of the county auditor's appraised value, for \_\_\_\_\_ (number of years levy is to run, or that it will be levied for a continuous period of time)

	For the Tax Levy	"
	Against the Tax Levy	

If the replacement levy is proposed by a qualifying school district to replace an existing tax levied under division (B) of section 5705.21, division (C)(1) of section 5705.212, or division (J) of section 5705.218 of the Revised Code, the form of the ballot shall be modified by adding, after the phrase "each \$1 of taxable value," the following: "(of which \_\_\_\_\_ mills is to be allocated to partnering community schools)."

If the proposal is to replace an existing levy and increase the rate of the existing levy, the form of the ballot shall be changed by adding the words "\_\_\_\_\_ mills of an existing levy and an increase of \_\_\_\_\_ mills, to constitute" after the words "a replacement of." If the proposal is to replace only a portion of an existing levy, the form of the ballot shall be changed by adding the words "a portion of an existing levy, being a reduction of \_\_\_\_\_ mills, to constitute" after the words "a replacement of." If the existing levy is imposed under division

(B) of section 5705.21, division (C)(1) of section 5705.212, or 89766  
division (J) of section 5705.218 of the Revised Code, the form of 89767  
the ballot also shall state the portion of the total increased 89768  
rate or of the total rate as reduced that is to be allocated to 89769  
partnering community schools. 89770

If the tax is to be placed on the tax list of the current tax 89771  
year, the form of the ballot shall be modified by adding at the 89772  
end of the form the phrase ", commencing in \_\_\_\_\_ (first year 89773  
the replacement tax is to be levied), first due in calendar year 89774  
\_\_\_\_\_ (first calendar year in which the tax shall be due)." 89775

The question covered by the resolution shall be submitted as 89776  
a separate proposition, but may be printed on the same ballot with 89777  
any other proposition submitted at the same election, other than 89778  
the election of officers. More than one such question may be 89779  
submitted at the same election. 89780

(D) Two or more existing levies, or any portion of those 89781  
levies, may be combined into one replacement levy, so long as all 89782  
of the existing levies are for the same purpose and either all are 89783  
due to expire the same year or all are for a continuing period of 89784  
time. The question of combining all or portions of those existing 89785  
levies into the replacement levy shall appear as one ballot 89786  
proposition before the electors. If the electors approve the 89787  
ballot proposition, all or the stated portions of the existing 89788  
levies are replaced by one replacement levy. 89789

(E) A levy approved in excess of the ten-mill limitation 89790  
under this section shall be certified to the tax commissioner. In 89791  
the first year of a levy approved under this section, the levy 89792  
shall be extended on the tax lists after the February settlement 89793  
succeeding the election at which the levy was approved. If the 89794  
levy is to be placed on the tax lists of the current year, as 89795  
specified in the resolution providing for its submission, the 89796  
result of the election shall be certified immediately after the 89797

canvass by the board of elections to the taxing authority, which 89798  
shall forthwith make the necessary levy and certify it to the 89799  
county auditor, who shall extend it on the tax lists for 89800  
collection. After the first year, the levy shall be included in 89801  
the annual tax budget that is certified to the county budget 89802  
commission. 89803

If notes are authorized to be issued in anticipation of the 89804  
proceeds of the existing levy, notes may be issued in anticipation 89805  
of the proceeds of the replacement levy, and such issuance is 89806  
subject to the terms and limitations governing the issuance of 89807  
notes in anticipation of the proceeds of the existing levy. 89808

(F) This section does not authorize a tax to be levied in any 89809  
year after the year in which revenue is not needed for the purpose 89810  
for which the tax is levied. 89811

(G) No question shall be submitted to electors under this 89812  
section at an election held on or after January 1, 2025. 89813

Sec. 5705.234. (A) As used in this section, "basic project 89814  
cost," "jail facility," and "multicounty jail facility" have the 89815  
same meanings as in section 342.01 of the Revised Code. 89816

(B) The board of county commissioners of any county, after 89817  
receiving conditional approval from the Ohio facilities 89818  
construction commission under section 342.05 of the Revised Code 89819  
of a project involving the construction, acquisition, 89820  
reconstruction, or expansion of a jail facility, may declare by 89821  
resolution that the amount of taxes which may be raised within the 89822  
ten-mill limitation are insufficient to fund the county's share of 89823  
the basic project cost, or to maintain and operate the jail 89824  
facility, and that it is necessary to do one or both of the 89825  
following: 89826

(1) Levy a tax in excess of the ten-mill limitation to fund 89827

maintenance and operating expenses of the jail facility; 89828

(2) Issue general obligation bonds for the county's share of 89829  
the basic project cost and levy an additional tax in excess of the 89830  
ten-mill limitation to pay debt charges on the bonds and any 89831  
anticipatory securities. 89832

(C) A resolution adopted under division (B) of this section 89833  
shall conform to the requirements of section 5705.19 of the 89834  
Revised Code, except that: 89835

(1) A tax proposed under division (B)(1) of this section may 89836  
be levied for any specified number of years, or for a continuing 89837  
period of time, as specified in the resolution. 89838

(2) A tax proposed under division (B)(2) of this section to 89839  
pay debt charges on bonds and anticipatory securities may be 89840  
levied for the maximum number of years over which the principal of 89841  
the bonds proposed under that division may be paid. 89842

(3) A resolution that proposes both the levy described in 89843  
division (B)(1) of this section and the bond issue and levy 89844  
described in division (B)(2) of this section shall enumerate the 89845  
total rate of the proposed tax and the portion of that rate 89846  
attributed to each levy. 89847

(4) The resolution shall specify the percentage of the basic 89848  
project cost to be supplied by the county and the percentage of 89849  
such cost to be supplied by the state. 89850

(5) If the jail facility is a multicounty jail facility, the 89851  
resolution shall specify the name of each contracting county and 89852  
the percentage of the basic project cost to be supplied by each 89853  
such county. 89854

(D) On adoption of a resolution that proposes a bond issue 89855  
and tax levy under division (B)(2) of this section, the board of 89856  
county commissioners shall certify a copy to the county auditor. 89857

The county auditor promptly shall estimate and certify to the board the average annual property tax rate required throughout the stated maturity of the bonds to pay debt charges on the bonds, in the same manner as under division (C) of section 133.18 of the Revised Code.

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Division (B) of section 5705.03 of the Revised Code applies to the tax levy proposed under division (B)(1) of this section but does not apply to the tax levy proposed under division (B)(2) of this section.

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(E) A resolution adopted under this section shall go into immediate effect upon its passage, and no publication of it is necessary other than that provided in the notice of election. The board of county commissioners shall certify a copy of the resolution and, if applicable, a copy of the auditor's estimate under division (D) of this section, to the board of elections.

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The board of elections shall make the arrangements for submission of the question or questions proposed under this section to the electors of the county, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the county for the election of county officers. The resolution shall be submitted to the electors as one ballot question, with a favorable vote indicating approval of all levies proposed by the board of county commissioners. The board of elections shall publish notice of the election in a newspaper of general circulation in the county once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, before the election. If a board of elections operates and maintains a web site, that board also shall post notice of the election on its web site for thirty days before the election. The notice of election shall state all of the following:

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(1) The time and place of the election;

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(2) The percentage of the basic project cost to be supplied 89889  
by the county and the percentage of such cost to be supplied by 89890  
the state; 89891

(3) If the jail facility is a multicounty jail facility, the 89892  
name of each contracting county and the percentage of the basic 89893  
project cost to be supplied by each such county; 89894

(4) The proposed rate of each tax and the number of years it 89895  
will be in effect or, if applicable, that it will be in effect for 89896  
a continuing period of time; 89897

(5) If applicable, the principal amount of the proposed bond 89898  
issue and the maximum number of years over which the principal of 89899  
the bonds may be paid. 89900

(F) The ballot for an election under this section shall 89901  
include the following language, as applicable: 89902

"Shall \_\_\_\_\_ (name of county) be authorized to do the 89903  
following: 89904

(1) Levy an additional property tax to pay for maintenance 89905  
and operating expenses of a jail facility at a rate not exceeding 89906  
\_\_\_\_\_ mills for each one dollar of tax valuation, which amounts 89907  
to \_\_\_\_\_ (rate expressed in cents or dollars and cents) for each 89908  
one hundred dollars of tax valuation, for \_\_\_\_\_ (number of years 89909  
of the levy, or a continuing period of time)? 89910

(2) Issue bonds for the purpose of \_\_\_\_\_ in the 89911  
principal amount of \$ \_\_\_\_\_, to be repaid annually over a maximum 89912  
period of \_\_\_\_\_ years, and levy a property tax outside the 89913  
ten-mill limitation, estimated by the county auditor to average 89914  
over the bond repayment period \_\_\_\_\_ mills for each one dollar of 89915  
tax valuation, which amounts to \_\_\_\_\_ (rate expressed in cents or 89916  
dollars and cents) for each one hundred dollars of tax valuation, 89917  
to pay the annual debt charges on the bonds, and to pay debt 89918  
charges on any notes issued in anticipation of those bonds?" 89919

(G) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor. If approved by a majority of the electors voting on the question, the board of county commissioners may proceed with issuance of the bonds and the levy and collection of the property tax for the debt service on the bonds and any anticipatory securities in the same manner and subject to the same limitations as for securities issued under section 133.18 of the Revised Code, and with the levy and collection of the property tax or taxes for maintenance and operating expenses of the jail facility and to fund the county's share of the basic project cost at the additional rate or any lesser rate in excess of the ten-mill limitation, as applicable. Any securities issued by the board of commissioners under this section are Chapter 133. securities, as that term is defined in section 133.01 of the Revised Code. 89920  
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(H) After the approval of a tax described under division (B)(1) of this section and before the time the first collection and distribution from the levy can be made, the board of county commissioners may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax to be collected during the first year of the levy. 89935  
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Anticipation notes issued under this section shall be issued as provided in section 133.24 of the Revised Code. Those notes shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance. 89942  
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(I) A tax levied under division (B)(1) of this section for a specified number of years may be renewed or replaced in the same manner as a tax for current operating expenses or permanent improvements levied under section 5705.19 of the Revised Code. A tax levied under this section for a continuing period of time may 89947  
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be decreased in accordance with section 5705.261 of the Revised Code. 89952  
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**Sec. 5705.391.** (A) The department of education and the 89954  
auditor of state shall jointly adopt rules requiring boards of 89955  
education to submit five-year projections of operational revenues 89956  
and expenditures. The rules shall provide for the auditor of state 89957  
or the department to examine the five-year projections and to 89958  
determine whether any further fiscal analysis is needed to 89959  
ascertain whether a district has the potential to incur a deficit 89960  
during the first three years of the five-year period. 89961

The auditor of state or the department may conduct any 89962  
further audits or analyses necessary to assess any district's 89963  
fiscal condition. If further audits or analyses are conducted by 89964  
the auditor of state, the auditor of state shall notify the 89965  
department of the district's fiscal condition, and the department 89966  
shall immediately notify the district of any potential to incur a 89967  
deficit in the current fiscal year or of any strong indications 89968  
that a deficit will be incurred in either of the ensuing two 89969  
years. If such audits or analyses are conducted by the department, 89970  
the department shall immediately notify the district and the 89971  
auditor of state of such potential deficit or strong indications 89972  
thereof. 89973

A district notified under this section shall take immediate 89974  
steps to eliminate any deficit in the current fiscal year and 89975  
shall begin to plan to avoid the projected future deficits. 89976

(B) The state board of education, in accordance with sections 89977  
3319.31 and 3319.311 of the Revised Code, may limit, suspend, or 89978  
revoke a license as defined under section 3319.31 of the Revised 89979  
Code that has been issued to any school employee found to have 89980  
willfully contributed erroneous, inaccurate, or incomplete data 89981  
required for the submission of the five-year projection required 89982

by this section. 89983

(C) The department and the auditor of state, in their joint 89984  
adoption of rules under division (A) of this section, shall not 89985  
require a board of education to submit its five-year projection of 89986  
operational revenues and expenditures prior to the thirtieth day 89987  
of November of any fiscal year. 89988

(D) Beginning with submissions required in fiscal year 2024 89989  
and for each fiscal year in which a submission is required under 89990  
this section thereafter, the department and the auditor shall 89991  
label the projections regarding property tax allocation in the 89992  
projection as "state share of local property taxes." 89993

**Sec. 5709.40.** (A) As used in this section: 89994

(1) "Blighted area" and "impacted city" have the same 89995  
meanings as in section 1728.01 of the Revised Code. 89996

(2) "Business day" means a day of the week excluding 89997  
Saturday, Sunday, and a legal holiday as defined under section 89998  
1.14 of the Revised Code. 89999

(3) "Housing renovation" means a project carried out for 90000  
residential purposes. 90001

(4) "Improvement" means the increase in the assessed value of 90002  
any real property that would first appear on the tax list and 90003  
duplicate of real and public utility property after the effective 90004  
date of an ordinance adopted under this section were it not for 90005  
the exemption granted by that ordinance. 90006

(5) "Incentive district" means an area not more than three 90007  
hundred acres in size enclosed by a continuous boundary in which a 90008  
project is being, or will be, undertaken and having one or more of 90009  
the following distress characteristics: 90010

(a) At least fifty-one per cent of the residents of the 90011  
district have incomes of less than eighty per cent of the median 90012

income of residents of the political subdivision in which the 90013  
district is located, as determined in the same manner specified 90014  
under section 119(b) of the "Housing and Community Development Act 90015  
of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended; 90016

(b) The average rate of unemployment in the district during 90017  
the most recent twelve-month period for which data are available 90018  
is equal to at least one hundred fifty per cent of the average 90019  
rate of unemployment for this state for the same period. 90020

(c) At least twenty per cent of the people residing in the 90021  
district live at or below the poverty level as defined in the 90022  
federal Housing and Community Development Act of 1974, 42 U.S.C. 90023  
5301, as amended, and regulations adopted pursuant to that act. 90024

(d) The district is a blighted area. 90025

(e) The district is in a situational distress area as 90026  
designated by the director of development under division (F) of 90027  
section 122.23 of the Revised Code. 90028

(f) As certified by the engineer for the political 90029  
subdivision, the public infrastructure serving the district is 90030  
inadequate to meet the development needs of the district as 90031  
evidenced by a written economic development plan or urban renewal 90032  
plan for the district that has been adopted by the legislative 90033  
authority of the subdivision. 90034

(g) The district is comprised entirely of unimproved land 90035  
that is located in a distressed area as defined in section 122.23 90036  
of the Revised Code. 90037

(6) "Overlay" means an area of not more than three hundred 90038  
acres that is a square, or that is a rectangle having two longer 90039  
sides that are not more than twice the length of the two shorter 90040  
sides, that the legislative authority of a municipal corporation 90041  
delineates on a map of a proposed incentive district. 90042

(7) "Project" means development activities undertaken on one or more parcels, including, but not limited to, construction, expansion, and alteration of buildings or structures, demolition, remediation, and site development, and any building or structure that results from those activities.

(8) "Public infrastructure improvement" includes, but is not limited to, public roads and highways; water and sewer lines; the continued maintenance of those public roads and highways and water and sewer lines; environmental remediation; land acquisition, including acquisition in aid of industry, commerce, distribution, or research; demolition, including demolition on private property when determined to be necessary for economic development purposes; stormwater and flood remediation projects, including such projects on private property when determined to be necessary for public health, safety, and welfare; the provision of gas, electric, and communications service facilities, including the provision of gas or electric service facilities owned by nongovernmental entities when such improvements are determined to be necessary for economic development purposes; the enhancement of public waterways through improvements that allow for greater public access; and off-street parking facilities, including those in which all or a portion of the parking spaces are reserved for specific uses when determined to be necessary for economic development purposes.

(9) "Nonperforming parcel" means a parcel to which all of the following apply:

(a) The parcel is exempted from taxation under division (B) of this section or has been included in a district created under division (C) of this section.

(b) The parcel's owner is required to make payments in lieu of taxes in accordance with section 5709.42 of the Revised Code.

(c) No such payments have been remitted to the county

treasurer since the inception of the exemption or district. 90074

(B) The legislative authority of a municipal corporation, by 90075  
ordinance, may declare improvements to certain parcels of real 90076  
property located in the municipal corporation to be a public 90077  
purpose. Improvements with respect to a parcel that is used or to 90078  
be used for residential purposes may be declared a public purpose 90079  
under this division only if the parcel is located in a blighted 90080  
area of an impacted city. For this purpose, "parcel that is used 90081  
or to be used for residential purposes" means a parcel that, as 90082  
improved, is used or to be used for purposes that would cause the 90083  
tax commissioner to classify the parcel as residential property in 90084  
accordance with rules adopted by the commissioner under section 90085  
5713.041 of the Revised Code. Except as otherwise provided under 90086  
division (D) of this section or section 5709.51 of the Revised 90087  
Code, not more than seventy-five per cent of an improvement thus 90088  
declared to be a public purpose may be exempted from real property 90089  
taxation for a period of not more than ten years. The ordinance 90090  
shall specify the percentage of the improvement to be exempted 90091  
from taxation and the life of the exemption. 90092

An ordinance adopted or amended under this division shall 90093  
designate the specific public infrastructure improvements made, to 90094  
be made, or in the process of being made by the municipal 90095  
corporation that directly benefit, or that once made will directly 90096  
benefit, the parcels for which improvements are declared to be a 90097  
public purpose. The service payments provided for in section 90098  
5709.42 of the Revised Code shall be used to finance the public 90099  
infrastructure improvements designated in the ordinance, for the 90100  
purpose described in division (D)(1) of this section or as 90101  
provided in section 5709.43 of the Revised Code. 90102

(C)(1) The legislative authority of a municipal corporation 90103  
may adopt an ordinance creating an incentive district and 90104  
declaring improvements to parcels within the district to be a 90105

public purpose and, except as provided in division (C)(2) of this 90106  
section, exempt from taxation as provided in this section, but no 90107  
legislative authority of a municipal corporation that has a 90108  
population that exceeds twenty-five thousand, as shown by the most 90109  
recent federal decennial census, shall adopt an ordinance that 90110  
creates an incentive district if the sum of the taxable value of 90111  
real property in the proposed district for the preceding tax year 90112  
and the taxable value of all real property in the municipal 90113  
corporation that would have been taxable in the preceding year 90114  
were it not for the fact that the property was in an existing 90115  
incentive district and therefore exempt from taxation exceeds 90116  
twenty-five per cent of the taxable value of real property in the 90117  
municipal corporation for the preceding tax year. The ordinance 90118  
shall delineate the boundary of the proposed district and 90119  
specifically identify each parcel within the district. A proposed 90120  
district may not include any parcel, other than a nonperforming 90121  
parcel, that is or has been exempted from taxation under division 90122  
(B) of this section or that is or has been within another district 90123  
created under this division. On and after the effective date of 90124  
the district, a nonperforming parcel within the district is no 90125  
longer exempted from taxation under division (B) of this section 90126  
or included within an incentive district under any previous 90127  
ordinance, and the parcel's owner is no longer required to make 90128  
payments in lieu of taxes under such a previous ordinance in 90129  
accordance with section 5709.42 of the Revised Code. An ordinance 90130  
may create more than one such district, and more than one 90131  
ordinance may be adopted under division (C)(1) of this section. 90132

(2)(a) Not later than thirty days prior to adopting an 90133  
ordinance under division (C)(1) of this section, if the municipal 90134  
corporation intends to apply for exemptions from taxation under 90135  
section 5709.911 of the Revised Code on behalf of owners of real 90136  
property located within the proposed incentive district, the 90137  
legislative authority of the municipal corporation shall conduct a 90138

public hearing on the proposed ordinance. Not later than thirty 90139  
days prior to the public hearing, the legislative authority shall 90140  
give notice of the public hearing and the proposed ordinance by 90141  
first class mail to every real property owner whose property is 90142  
located within the boundaries of the proposed incentive district 90143  
that is the subject of the proposed ordinance. The notice shall 90144  
include a map of the proposed incentive district on which the 90145  
legislative authority of the municipal corporation shall have 90146  
delineated an overlay. The notice shall inform the property owner 90147  
of the owner's right to exclude the owner's property from the 90148  
incentive district if the owner's entire parcel of property will 90149  
not be located within the overlay, by submitting a written 90150  
response in accordance with division (C)(2)(b) of this section. 90151  
The notice also shall include information detailing the required 90152  
contents of the response, the address to which the response may be 90153  
mailed, and the deadline for submitting the response. 90154

(b) Any owner of real property located within the boundaries 90155  
of an incentive district proposed under division (C)(1) of this 90156  
section whose entire parcel of property is not located within the 90157  
overlay may exclude the property from the proposed incentive 90158  
district by submitting a written response to the legislative 90159  
authority of the municipal corporation not later than forty-five 90160  
days after the postmark date on the notice required under division 90161  
(C)(2)(a) of this section. The response shall be sent by first 90162  
class mail or delivered in person at a public hearing held by the 90163  
legislative authority under division (C)(2)(a) of this section. 90164  
The response shall conform to any content requirements that may be 90165  
established by the municipal corporation and included in the 90166  
notice provided under division (C)(2)(a) of this section. In the 90167  
response, property owners may identify a parcel by street address, 90168  
by the manner in which it is identified in the ordinance, or by 90169  
other means allowing the identity of the parcel to be ascertained. 90170

(c) Before adopting an ordinance under division (C)(1) of this section, the legislative authority of a municipal corporation shall amend the ordinance to exclude any parcel located wholly or partly outside the overlay for which a written response has been submitted under division (C)(2)(b) of this section. A municipal corporation shall not apply for exemptions from taxation under section 5709.911 of the Revised Code for any such parcel, and service payments may not be required from the owner of the parcel. Improvements to a parcel excluded from an incentive district under this division may be exempted from taxation under division (B) of this section pursuant to an ordinance adopted under that division or under any other section of the Revised Code under which the parcel qualifies.

(3)(a) An ordinance adopted under division (C)(1) of this section shall specify the life of the incentive district and the percentage of the improvements to be exempted, shall designate the public infrastructure improvements made, to be made, or in the process of being made, that benefit or serve, or, once made, will benefit or serve parcels in the district. The ordinance also shall identify one or more specific projects being, or to be, undertaken in the district that place additional demand on the public infrastructure improvements designated in the ordinance. The project identified may, but need not be, the project under division (C)(3)(b) of this section that places real property in use for commercial or industrial purposes. Except as otherwise permitted under that division, the service payments provided for in section 5709.42 of the Revised Code shall be used to finance the designated public infrastructure improvements, for the purpose described in division (D)(1), (E), or (F) of this section, or as provided in section 5709.43 of the Revised Code.

An ordinance adopted under division (C)(1) of this section on or after March 30, 2006, shall not designate police or fire

equipment as public infrastructure improvements, and no service 90203  
payment provided for in section 5709.42 of the Revised Code and 90204  
received by the municipal corporation under the ordinance shall be 90205  
used for police or fire equipment. 90206

(b) An ordinance adopted under division (C)(1) of this 90207  
section may authorize the use of service payments provided for in 90208  
section 5709.42 of the Revised Code for the purpose of housing 90209  
renovations within the incentive district, provided that the 90210  
ordinance also designates public infrastructure improvements that 90211  
benefit or serve the district, and that a project within the 90212  
district places real property in use for commercial or industrial 90213  
purposes. Service payments may be used to finance or support 90214  
loans, deferred loans, and grants to persons for the purpose of 90215  
housing renovations within the district. The ordinance shall 90216  
designate the parcels within the district that are eligible for 90217  
housing renovation. The ordinance shall state separately the 90218  
amounts or the percentages of the expected aggregate service 90219  
payments that are designated for each public infrastructure 90220  
improvement and for the general purpose of housing renovations. 90221

(4) Except with the approval of the board of education of 90222  
each city, local, or exempted village school district within the 90223  
territory of which the incentive district is or will be located, 90224  
and subject to division (E) of this section, the life of an 90225  
incentive district shall not exceed ten years, and the percentage 90226  
of improvements to be exempted shall not exceed seventy-five per 90227  
cent. With approval of the board of education, the life of a 90228  
district may be not more than thirty years, and the percentage of 90229  
improvements to be exempted may be not more than one hundred per 90230  
cent. The approval of a board of education shall be obtained in 90231  
the manner provided in division (D) of this section. 90232

(D)(1) If the ordinance declaring improvements to a parcel to 90233  
be a public purpose or creating an incentive district specifies 90234

that payments in lieu of taxes provided for in section 5709.42 of 90235  
the Revised Code shall be paid to the city, local, or exempted 90236  
village, and joint vocational school district in which the parcel 90237  
or incentive district is located in the amount of the taxes that 90238  
would have been payable to the school district if the improvements 90239  
had not been exempted from taxation, the percentage of the 90240  
improvement that may be exempted from taxation may exceed 90241  
seventy-five per cent, and the exemption may be granted for up to 90242  
thirty years, without the approval of the board of education as 90243  
otherwise required under division (D)(2) of this section. 90244

(2) Improvements with respect to a parcel may be exempted 90245  
from taxation under division (B) of this section, and improvements 90246  
to parcels within an incentive district may be exempted from 90247  
taxation under division (C) of this section, for up to ten years 90248  
or, with the approval under this paragraph of the board of 90249  
education of the city, local, or exempted village school district 90250  
within which the parcel or district is located, for up to thirty 90251  
years. The percentage of the improvement exempted from taxation 90252  
may, with such approval, exceed seventy-five per cent, but shall 90253  
not exceed one hundred per cent. Not later than forty-five 90254  
business days prior to adopting an ordinance under this section 90255  
declaring improvements to be a public purpose that is subject to 90256  
approval by a board of education under this division, the 90257  
legislative authority shall deliver to the board of education a 90258  
notice stating its intent to adopt an ordinance making that 90259  
declaration. The notice regarding improvements with respect to a 90260  
parcel under division (B) of this section shall identify the 90261  
parcels for which improvements are to be exempted from taxation, 90262  
provide an estimate of the true value in money of the 90263  
improvements, specify the period for which the improvements would 90264  
be exempted from taxation and the percentage of the improvement 90265  
that would be exempted, and indicate the date on which the 90266  
legislative authority intends to adopt the ordinance. The notice 90267

regarding improvements to parcels within an incentive district 90268  
under division (C) of this section shall delineate the boundaries 90269  
of the district, specifically identify each parcel within the 90270  
district, identify each anticipated improvement in the district, 90271  
provide an estimate of the true value in money of each such 90272  
improvement, specify the life of the district and the percentage 90273  
of improvements that would be exempted, and indicate the date on 90274  
which the legislative authority intends to adopt the ordinance. 90275  
The board of education, by resolution adopted by a majority of the 90276  
board, may approve the exemption for the period or for the 90277  
exemption percentage specified in the notice; may disapprove the 90278  
exemption for the number of years in excess of ten, may disapprove 90279  
the exemption for the percentage of the improvement to be exempted 90280  
in excess of seventy-five per cent, or both; or may approve the 90281  
exemption on the condition that the legislative authority and the 90282  
board negotiate an agreement providing for compensation to the 90283  
school district equal in value to a percentage of the amount of 90284  
taxes exempted in the eleventh and subsequent years of the 90285  
exemption period or, in the case of exemption percentages in 90286  
excess of seventy-five per cent, compensation equal in value to a 90287  
percentage of the taxes that would be payable on the portion of 90288  
the improvement in excess of seventy-five per cent were that 90289  
portion to be subject to taxation, or other mutually agreeable 90290  
compensation. If an agreement is negotiated between the 90291  
legislative authority and the board to compensate the school 90292  
district for all or part of the taxes exempted, including 90293  
agreements for payments in lieu of taxes under section 5709.42 of 90294  
the Revised Code, the legislative authority shall compensate the 90295  
joint vocational school district within which the parcel or 90296  
district is located at the same rate and under the same terms 90297  
received by the city, local, or exempted village school district. 90298  
  
(3) The board of education shall certify its resolution to 90299  
the legislative authority not later than fourteen days prior to 90300

the date the legislative authority intends to adopt the ordinance 90301  
as indicated in the notice. If the board of education and the 90302  
legislative authority negotiate a mutually acceptable compensation 90303  
agreement, the ordinance may declare the improvements a public 90304  
purpose for the number of years specified in the ordinance or, in 90305  
the case of exemption percentages in excess of seventy-five per 90306  
cent, for the exemption percentage specified in the ordinance. In 90307  
either case, if the board and the legislative authority fail to 90308  
negotiate a mutually acceptable compensation agreement, the 90309  
ordinance may declare the improvements a public purpose for not 90310  
more than ten years, and shall not exempt more than seventy-five 90311  
per cent of the improvements from taxation. If the board fails to 90312  
certify a resolution to the legislative authority within the time 90313  
prescribed by this division, the legislative authority thereupon 90314  
may adopt the ordinance and may declare the improvements a public 90315  
purpose for up to thirty years, or, in the case of exemption 90316  
percentages proposed in excess of seventy-five per cent, for the 90317  
exemption percentage specified in the ordinance. The legislative 90318  
authority may adopt the ordinance at any time after the board of 90319  
education certifies its resolution approving the exemption to the 90320  
legislative authority, or, if the board approves the exemption on 90321  
the condition that a mutually acceptable compensation agreement be 90322  
negotiated, at any time after the compensation agreement is agreed 90323  
to by the board and the legislative authority. 90324

(4) If a board of education has adopted a resolution waiving 90325  
its right to approve exemptions from taxation under this section 90326  
and the resolution remains in effect, approval of exemptions by 90327  
the board is not required under division (D) of this section. If a 90328  
board of education has adopted a resolution allowing a legislative 90329  
authority to deliver the notice required under division (D) of 90330  
this section fewer than forty-five business days prior to the 90331  
legislative authority's adoption of the ordinance, the legislative 90332  
authority shall deliver the notice to the board not later than the 90333

number of days prior to such adoption as prescribed by the board 90334  
in its resolution. If a board of education adopts a resolution 90335  
waiving its right to approve agreements or shortening the 90336  
notification period, the board shall certify a copy of the 90337  
resolution to the legislative authority. If the board of education 90338  
rescinds such a resolution, it shall certify notice of the 90339  
rescission to the legislative authority. 90340

(5) If the legislative authority is not required by division 90341  
(D) of this section to notify the board of education of the 90342  
legislative authority's intent to declare improvements to be a 90343  
public purpose, the legislative authority shall comply with the 90344  
notice requirements imposed under section 5709.83 of the Revised 90345  
Code, unless the board has adopted a resolution under that section 90346  
waiving its right to receive such a notice. 90347

(6) Nothing in division (D) of this section prohibits the 90348  
legislative authority of a municipal corporation from amending the 90349  
ordinance or resolution under section 5709.51 of the Revised Code 90350  
to extend the term of the exemption. 90351

(E)(1) If a proposed ordinance under division (C)(1) of this 90352  
section exempts improvements with respect to a parcel within an 90353  
incentive district for more than ten years, or the percentage of 90354  
the improvement exempted from taxation exceeds seventy-five per 90355  
cent, not later than forty-five business days prior to adopting 90356  
the ordinance the legislative authority of the municipal 90357  
corporation shall deliver to the board of county commissioners of 90358  
the county within which the incentive district will be located a 90359  
notice that states its intent to adopt an ordinance creating an 90360  
incentive district. The notice shall include a copy of the 90361  
proposed ordinance, identify the parcels for which improvements 90362  
are to be exempted from taxation, provide an estimate of the true 90363  
value in money of the improvements, specify the period of time for 90364  
which the improvements would be exempted from taxation, specify 90365

the percentage of the improvements that would be exempted from 90366  
taxation, and indicate the date on which the legislative authority 90367  
intends to adopt the ordinance. 90368

(2) The board of county commissioners, by resolution adopted 90369  
by a majority of the board, may object to the exemption for the 90370  
number of years in excess of ten, may object to the exemption for 90371  
the percentage of the improvement to be exempted in excess of 90372  
seventy-five per cent, or both. If the board of county 90373  
commissioners objects, the board may negotiate a mutually 90374  
acceptable compensation agreement with the legislative authority. 90375  
In no case shall the compensation provided to the board exceed the 90376  
property taxes forgone due to the exemption. If the board of 90377  
county commissioners objects, and the board and legislative 90378  
authority fail to negotiate a mutually acceptable compensation 90379  
agreement, the ordinance adopted under division (C)(1) of this 90380  
section shall provide to the board compensation in the eleventh 90381  
and subsequent years of the exemption period equal in value to not 90382  
more than fifty per cent of the taxes that would be payable to the 90383  
county or, if the board's objection includes an objection to an 90384  
exemption percentage in excess of seventy-five per cent, 90385  
compensation equal in value to not more than fifty per cent of the 90386  
taxes that would be payable to the county, on the portion of the 90387  
improvement in excess of seventy-five per cent, were that portion 90388  
to be subject to taxation. The board of county commissioners shall 90389  
certify its resolution to the legislative authority not later than 90390  
thirty days after receipt of the notice. 90391

(3) If the board of county commissioners does not object or 90392  
fails to certify its resolution objecting to an exemption within 90393  
thirty days after receipt of the notice, the legislative authority 90394  
may adopt the ordinance, and no compensation shall be provided to 90395  
the board of county commissioners. If the board timely certifies 90396  
its resolution objecting to the ordinance, the legislative 90397

authority may adopt the ordinance at any time after a mutually 90398  
acceptable compensation agreement is agreed to by the board and 90399  
the legislative authority, or, if no compensation agreement is 90400  
negotiated, at any time after the legislative authority agrees in 90401  
the proposed ordinance to provide compensation to the board of 90402  
fifty per cent of the taxes that would be payable to the county in 90403  
the eleventh and subsequent years of the exemption period or on 90404  
the portion of the improvement in excess of seventy-five per cent, 90405  
were that portion to be subject to taxation. 90406

(F) Service payments in lieu of taxes that are attributable 90407  
to any amount by which the effective tax rate of either a renewal 90408  
levy with an increase or a replacement levy exceeds the effective 90409  
tax rate of the levy renewed or replaced, or that are attributable 90410  
to an additional levy, for a levy authorized by the voters for any 90411  
of the following purposes on or after January 1, 2006, and which 90412  
are provided pursuant to an ordinance creating an incentive 90413  
district under division (C)(1) of this section that is adopted on 90414  
or after January 1, 2006, or a later date as specified in this 90415  
division, shall be distributed to the appropriate taxing authority 90416  
as required under division (C) of section 5709.42 of the Revised 90417  
Code in an amount equal to the amount of taxes from that 90418  
additional levy or from the increase in the effective tax rate of 90419  
such renewal or replacement levy that would have been payable to 90420  
that taxing authority from the following levies were it not for 90421  
the exemption authorized under division (C) of this section: 90422

(1) A tax levied under division (L) of section 5705.19 or 90423  
section 5705.191 or 5705.222 of the Revised Code for community 90424  
developmental disabilities programs and services pursuant to 90425  
Chapter 5126. of the Revised Code; 90426

(2) A tax levied under division (Y) of section 5705.19 of the 90427  
Revised Code for providing or maintaining senior citizens services 90428  
or facilities; 90429

(3) A tax levied under section 5705.22 of the Revised Code for county hospitals;	90430 90431
(4) A tax levied by a joint-county district or by a county under section 5705.19, 5705.191, or 5705.221 of the Revised Code for alcohol, drug addiction, and mental health services or facilities;	90432 90433 90434 90435
(5) A tax levied under section 5705.23 of the Revised Code for library purposes;	90436 90437
(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children;	90438 90439 90440
(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;	90441 90442 90443
(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts;	90444 90445 90446
(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code;	90447 90448 90449 90450
(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes;	90451 90452
(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals;	90453 90454 90455 90456
(12) A tax levied under section 3709.29 of the Revised Code for a general health district program.	90457 90458
(13) A tax levied by a township under section 505.39,	90459

division (I) of section 5705.19, or division (JJ) of section 90460  
5705.19 of the Revised Code to the extent the proceeds are used 90461  
for the purposes described in division (I) of that section, for 90462  
the purpose of funding fire, emergency medical, and ambulance 90463  
services as described in that section and those divisions. 90464  
Division (F)(13) of this section applies only if the township 90465  
levying the tax provides fire, emergency medical, or ambulance 90466  
services in the incentive district, and only to incentive 90467  
districts created by an ordinance adopted on or after the 90468  
effective date of the amendment of this section by H.B. 69 of the 90469  
132nd general assembly, March 23, 2018. The board of township 90470  
trustees may, by resolution, waive the application of this 90471  
division or negotiate with the municipal corporation that created 90472  
the district for a lesser amount of payments in lieu of taxes. 90473

(G) An exemption from taxation granted under this section 90474  
commences with the tax year specified in the ordinance so long as 90475  
the year specified in the ordinance commences after the effective 90476  
date of the ordinance. If the ordinance specifies a year 90477  
commencing before the effective date of the resolution or 90478  
specifies no year whatsoever, the exemption commences with the tax 90479  
year in which an exempted improvement first appears on the tax 90480  
list and duplicate of real and public utility property and that 90481  
commences after the effective date of the ordinance. In lieu of 90482  
stating a specific year, the ordinance may provide that the 90483  
exemption commences in the tax year in which the value of an 90484  
improvement exceeds a specified amount or in which the 90485  
construction of one or more improvements is completed, provided 90486  
that such tax year commences after the effective date of the 90487  
ordinance. With respect to the exemption of improvements to 90488  
parcels under division (B) of this section, the ordinance may 90489  
allow for the exemption to commence in different tax years on a 90490  
parcel-by-parcel basis, with a separate exemption term specified 90491  
for each parcel. 90492

Except as otherwise provided in this division or section 90493  
5709.51 of the Revised Code, the exemption ends on the date 90494  
specified in the ordinance as the date the improvement ceases to 90495  
be a public purpose or the incentive district expires, or ends on 90496  
the date on which the public infrastructure improvements and 90497  
housing renovations are paid in full from the municipal public 90498  
improvement tax increment equivalent fund established under 90499  
division (A) of section 5709.43 of the Revised Code, whichever 90500  
occurs first. The exemption of an improvement with respect to a 90501  
parcel or within an incentive district may end on a later date, as 90502  
specified in the ordinance, if the legislative authority and the 90503  
board of education of the city, local, or exempted village school 90504  
district within which the parcel or district is located have 90505  
entered into a compensation agreement under section 5709.82 of the 90506  
Revised Code with respect to the improvement, and the board of 90507  
education has approved the term of the exemption under division 90508  
(D)(2) of this section, but in no case shall the improvement be 90509  
exempted from taxation for more than thirty years. Exemptions 90510  
shall be claimed and allowed in the same manner as in the case of 90511  
other real property exemptions. If an exemption status changes 90512  
during a year, the procedure for the apportionment of the taxes 90513  
for that year is the same as in the case of other changes in tax 90514  
exemption status during the year. 90515

(H) Additional municipal financing of public infrastructure 90516  
improvements and housing renovations may be provided by any 90517  
methods that the municipal corporation may otherwise use for 90518  
financing such improvements or renovations. If the municipal 90519  
corporation issues bonds or notes to finance the public 90520  
infrastructure improvements and housing renovations and pledges 90521  
money from the municipal public improvement tax increment 90522  
equivalent fund to pay the interest on and principal of the bonds 90523  
or notes, the bonds or notes are not subject to Chapter 133. of 90524  
the Revised Code. 90525

(I) The municipal corporation, not later than fifteen days 90526  
after the adoption of an ordinance under this section, shall 90527  
submit to the director of development a copy of the ordinance. On 90528  
or before the thirty-first day of March of each year, the 90529  
municipal corporation shall submit a status report to the 90530  
director. The report shall indicate, in the manner prescribed by 90531  
the director, the progress of the project during each year that an 90532  
exemption remains in effect, including a summary of the receipts 90533  
from service payments in lieu of taxes; expenditures of money from 90534  
the funds created under section 5709.43 of the Revised Code; a 90535  
description of the public infrastructure improvements and housing 90536  
renovations financed with such expenditures; and a quantitative 90537  
summary of changes in employment and private investment resulting 90538  
from each project. 90539

(J) Nothing in this section shall be construed to prohibit a 90540  
legislative authority from declaring to be a public purpose 90541  
improvements with respect to more than one parcel. 90542

(K) If a parcel is located in a new community district in 90543  
which the new community authority imposes a community development 90544  
charge on the basis of rentals received from leases of real 90545  
property as described in division (L)(2) of section 349.01 of the 90546  
Revised Code, the parcel may not be exempted from taxation under 90547  
this section. 90548

(L)(1) Notwithstanding the limitations on the life of an 90549  
incentive district and the number of years that improvements to a 90550  
parcel or parcels within an incentive district may be exempted 90551  
from taxation prescribed by divisions (C) and (D) of this section, 90552  
the legislative authority of a municipal corporation may amend an 90553  
ordinance originally adopted under division (C) of this section 90554  
before January 1, 2006, to extend the life of an incentive 90555  
district created by that ordinance. The extension shall be for a 90556  
period not to exceed fifteen years and shall not increase the 90557

percentage of the value of improvements exempted from taxation. 90558

(2) Before adopting an amendment authorized by division 90559  
(L)(1) of this section, the legislative authority of the municipal 90560  
corporation shall provide notice of the amendment to each board of 90561  
education of the city, local, or exempted village school district 90562  
in which the incentive district is located, in the same manner as 90563  
provided under division (D) of this section, and shall obtain the 90564  
approval of each such board in the manner required under that 90565  
division, except both of the following apply: 90566

(a) The board of education may approve the exemption on the 90567  
condition that the legislative authority and the board negotiate 90568  
an agreement providing for mutually agreeable compensation to the 90569  
school district. 90570

(b) If the board of education fails to certify a resolution 90571  
approving the amendment to the legislative authority within the 90572  
time prescribed by division (D) of this section, the legislative 90573  
authority shall not adopt the amendment authorized under division 90574  
(L) of this section. 90575

(3) No approval otherwise required by division (L)(2) of this 90576  
section shall be required from a board of education if either of 90577  
the following apply: 90578

(a) The amendment provides for compensation to the city, 90579  
local, or exempted village school district in which the incentive 90580  
district is located equal in value to the amount of taxes that 90581  
would be payable to the school district if the improvements 90582  
exempted from taxation had not been exempted for the additional 90583  
period. 90584

(b) The board of education has adopted a resolution waiving 90585  
its right to approve exemptions from taxation pursuant to division 90586  
(D)(4) of this section. If the board has adopted such a 90587  
resolution, the municipal corporation shall comply with the notice 90588

requirements imposed by section 5709.83 of the Revised Code before 90589  
taking formal action to adopt an amendment authorized under 90590  
division (L)(1) of this section unless the board has adopted a 90591  
resolution under that section waiving its right to receive that 90592  
notice. 90593

(4) Not later than fourteen days before adopting an amendment 90594  
authorized by division (L)(1) of this section, the legislative 90595  
authority of the municipal corporation shall deliver a notice 90596  
identical to a notice required under section 5709.83 of the 90597  
Revised Code to the board of county commissioners of each county 90598  
in which the incentive district is located. 90599

**Sec. 5709.56.** (A) As used in this section: 90600

(1) "Pre-residential development property" means a subdivided 90601  
parcel of unimproved real property on which construction of one or 90602  
more residential buildings is planned but has not yet commenced. 90603  
The construction of streets, sidewalks, curbs, or driveways or the 90604  
installation of water, sewer, or other utility lines on a 90605  
subdivided parcel does not cause construction of a residential 90606  
building to commence for purposes of division (A)(1) or (B) of 90607  
this section. "Pre-residential development property" does not 90608  
include a parcel, any portion of the value of which is exempted 90609  
from taxation under section 5709.40, 5709.41, 5709.73, or 5709.78 90610  
of the Revised Code. 90611

(2) "Residential building" means a building or structure any 90612  
part of which is to be used as a dwelling. 90613

(3) "Unexempted value" means, for any subdivided parcel, one 90614  
of the following: 90615

(a) Except as provided in division (A)(3)(b) of this section, 90616  
the nonagricultural taxable value of the original property for the 90617  
tax year preceding the tax year the subdivided property first 90618

appears on the tax list as a subdivided parcel multiplied by a 90619  
fraction, the numerator of which is the true value in money of the 90620  
subdivided parcel for the tax year the subdivided parcel first 90621  
appears on the tax list and the denominator of which is the true 90622  
value in money of all subdivided parcels subdivided from that 90623  
original parcel for that tax year. 90624

(b) If a subdivided parcel exempted under this section is 90625  
itself subdivided, the "unexempted value" of the newly subdivided 90626  
parcel equals the unexempted value, as defined in division 90627  
(A)(3)(a) of this section, of the parcel from which the newly 90628  
subdivided parcel was subdivided for the tax year preceding the 90629  
tax year the newly subdivided parcel first appears on the tax list 90630  
multiplied by a fraction, the numerator of which is the true value 90631  
in money of the newly subdivided parcel for the tax year it first 90632  
appears on the tax list and the denominator of which is the true 90633  
value in money for that year of all newly subdivided parcels 90634  
resulting from the most recent subdivision. 90635

(4) "Subdivided parcel" means a parcel resulting from the 90636  
subdivision of original property pursuant to a plat subdividing 90637  
that property presented to the county auditor under section 90638  
5713.18 of the Revised Code. 90639

(5) "Original property" means the parcel from which a 90640  
subdivided parcel is subdivided. 90641

(6) "Qualifying owner" means the owner of pre-residential 90642  
development property for any portion of a tax year ending on or 90643  
after the effective date of this section that includes the date a 90644  
plat subdividing land including such property is presented to the 90645  
county auditor under section 5713.18 of the Revised Code, or any 90646  
other person to which title to the property is transferred, 90647  
without consideration, by another qualifying owner. 90648

(7) "Nonagricultural taxable value" means the taxable value 90649

of land as if such land were valued and assessed for a tax year 90650  
pursuant to Section 2 of Article XII, Ohio Constitution, and not 90651  
in accordance with Section 36 of Article II, Ohio Constitution. 90652

(B) Any increase in taxable value above the unexempted value 90653  
of pre-residential development property owned by a qualifying 90654  
owner is exempted from taxation beginning with the first tax year 90655  
the pre-residential development property appears on the tax list 90656  
after a plat subdividing land including that property is presented 90657  
to the county auditor under section 5713.18 of the Revised Code 90658  
and for each of the seven ensuing tax years, except that the 90659  
exemption shall not apply beginning with the tax year that begins 90660  
after the tax year in which the earliest of the following occurs: 90661

(1) Construction of a residential building on that property 90662  
commences; 90663

(2) Title to the property is transferred for consideration by 90664  
a qualifying owner to another person; 90665

(3) Any portion of the value of that property is exempted 90666  
from taxation under section 5709.40, 5709.41, 5709.73, or 5709.78 90667  
of the Revised Code. 90668

(C) The tax commissioner shall not approve an application for 90669  
an exemption authorized under this section unless the applicant 90670  
for the exemption certifies that the parcel that is the subject of 90671  
the exemption satisfies the requirements of division (A)(1) of 90672  
this section for pre-residential development property. 90673

(D) Nothing in this section shall be construed to authorize a 90674  
parcel subject to the partial exemption authorized by this section 90675  
to be valued and assessed for taxation in any manner other than in 90676  
accordance with Section 36 of Article II or Section 2 of Article 90677  
XII, Ohio Constitution, as applicable to the parcel. 90678

**Sec. 5709.73.** (A) As used in this section and section 5709.74 90679

of the Revised Code: 90680

(1) "Business day" means a day of the week excluding 90681  
Saturday, Sunday, and a legal holiday as defined in section 1.14 90682  
of the Revised Code. 90683

(2) "Further improvements" or "improvements" means the 90684  
increase in the assessed value of real property that would first 90685  
appear on the tax list and duplicate of real and public utility 90686  
property after the effective date of a resolution adopted under 90687  
this section were it not for the exemption granted by that 90688  
resolution. For purposes of division (B) of this section, 90689  
"improvements" do not include any property used or to be used for 90690  
residential purposes. For this purpose, "property that is used or 90691  
to be used for residential purposes" means property that, as 90692  
improved, is used or to be used for purposes that would cause the 90693  
tax commissioner to classify the property as residential property 90694  
in accordance with rules adopted by the commissioner under section 90695  
5713.041 of the Revised Code. 90696

(3) "Housing renovation" means a project carried out for 90697  
residential purposes. 90698

(4) "Incentive district" has the same meaning as in section 90699  
5709.40 of the Revised Code, except that a blighted area is in the 90700  
unincorporated area of a township. 90701

(5) "Overlay" has the same meaning as in section 5709.40 of 90702  
the Revised Code, except that the overlay is delineated by the 90703  
board of township trustees. 90704

(6) "Project" and "public infrastructure improvement" have 90705  
the same meanings as in section 5709.40 of the Revised Code. 90706

(7) "Urban township" has the same meaning as in section 90707  
504.01 of the Revised Code. 90708

(8) "Nonperforming parcel" means a parcel to which all of the 90709

following apply: 90710

(a) The parcel is exempted from taxation under division (B) of this section or has been included in a district created under division (C) of this section. 90711  
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(b) The parcel's owner is required to make payments in lieu of taxes in accordance with section 5709.74 of the Revised Code. 90714  
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(c) No such payments have been remitted to the county treasurer since the inception of the exemption or district. 90716  
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(B) A board of township trustees may adopt a resolution that declares to be a public purpose any public infrastructure improvements made that are necessary for the development of certain parcels of land located in the unincorporated area of the township. Except for a resolution adopted by the board of an urban township, the resolution shall be adopted by a unanimous vote of the board. Except as otherwise provided under division (D) of this section or section 5709.51 of the Revised Code, the resolution may exempt from real property taxation not more than seventy-five per cent of further improvements to a parcel of land that directly benefits from the public infrastructure improvements, for a period of not more than ten years. The resolution shall specify the percentage of the further improvements to be exempted and the life of the exemption. 90718  
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(C)(1) A board of township trustees may adopt a resolution creating an incentive district and declaring improvements to parcels within the district to be a public purpose and, except as provided in division (C)(2) of this section, exempt from taxation as provided in this section. Except for a resolution adopted by the board of an urban township, the resolution shall be adopted by a unanimous vote of the board. A board of township trustees of a township that has a population that exceeds twenty-five thousand, as shown by the most recent federal decennial census, may not 90732  
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adopt a resolution that creates an incentive district if the sum 90741  
of the taxable value of real property in the proposed district for 90742  
the preceding tax year and the taxable value of all real property 90743  
in the township that would have been taxable in the preceding year 90744  
were it not for the fact that the property was in an existing 90745  
incentive district and therefore exempt from taxation exceeds 90746  
twenty-five per cent of the taxable value of real property in the 90747  
township for the preceding tax year. The district shall be located 90748  
within the unincorporated area of the township and shall not 90749  
include any territory that is included within a district created 90750  
under division (B) of section 5709.78 of the Revised Code. The 90751  
resolution shall delineate the boundary of the proposed district 90752  
and specifically identify each parcel within the district. A 90753  
proposed district may not include any parcel, other than a 90754  
nonperforming parcel, that is or has been exempted from taxation 90755  
under division (B) of this section or that is or has been within 90756  
another district created under this division. On and after the 90757  
effective date of the district, a nonperforming parcel within the 90758  
district is no longer exempted from taxation under division (B) of 90759  
this section or included within an incentive district under any 90760  
previous resolution, and the parcel's owner is no longer required 90761  
to make payments in lieu of taxes under such a previous resolution 90762  
in accordance with section 5709.74 of the Revised Code. A 90763  
resolution may create more than one such district, and more than 90764  
one resolution may be adopted under division (C)(1) of this 90765  
section. 90766

(2)(a) Not later than thirty days prior to adopting a 90767  
resolution under division (C)(1) of this section, if the township 90768  
intends to apply for exemptions from taxation under section 90769  
5709.911 of the Revised Code on behalf of owners of real property 90770  
located within the proposed incentive district, the board shall 90771  
conduct a public hearing on the proposed resolution. Not later 90772  
than thirty days prior to the public hearing, the board shall give 90773

notice of the public hearing and the proposed resolution by first 90774  
class mail to every real property owner whose property is located 90775  
within the boundaries of the proposed incentive district that is 90776  
the subject of the proposed resolution. The notice shall include a 90777  
map of the proposed incentive district on which the board of 90778  
township trustees shall have delineated an overlay. The notice 90779  
shall inform the property owner of the owner's right to exclude 90780  
the owner's property from the incentive district if both of the 90781  
following conditions are met: 90782

(i) The owner's entire parcel of property will not be located 90783  
within the overlay. 90784

(ii) The owner has submitted a statement to the board of 90785  
county commissioners of the county in which the parcel is located 90786  
indicating the owner's intent to seek a tax exemption for 90787  
improvements to the owner's parcel under division (A) or (B) of 90788  
section 5709.78 of the Revised Code within the next five years. 90789

When both of the preceding conditions are met, the owner may 90790  
exclude the owner's property from the incentive district by 90791  
submitting a written response in accordance with division 90792  
(C)(2)(b) of this section. The notice also shall include 90793  
information detailing the required contents of the response, the 90794  
address to which the response may be mailed, and the deadline for 90795  
submitting the response. 90796

(b) Any owner of real property located within the boundaries 90797  
of an incentive district proposed under division (C)(1) of this 90798  
section who meets the conditions specified in divisions 90799  
(C)(2)(a)(i) and (ii) of this section may exclude the property 90800  
from the proposed incentive district by submitting a written 90801  
response to the board not later than forty-five days after the 90802  
postmark date on the notice required under division (C)(2)(a) of 90803  
this section. The response shall include a copy of the statement 90804  
submitted under division (C)(2)(a)(ii) of this section. The 90805

response shall be sent by first class mail or delivered in person 90806  
at a public hearing held by the board under division (C)(2)(a) of 90807  
this section. The response shall conform to any content 90808  
requirements that may be established by the board and included in 90809  
the notice provided under division (C)(2)(a) of this section. In 90810  
the response, property owners may identify a parcel by street 90811  
address, by the manner in which it is identified in the 90812  
resolution, or by other means allowing the identity of the parcel 90813  
to be ascertained. 90814

(c) Before adopting a resolution under division (C)(1) of 90815  
this section, the board shall amend the resolution to exclude any 90816  
parcel for which a written response has been submitted under 90817  
division (C)(2)(b) of this section. A township shall not apply for 90818  
exemptions from taxation under section 5709.911 of the Revised 90819  
Code for any such parcel, and service payments may not be required 90820  
from the owner of the parcel. Improvements to a parcel excluded 90821  
from an incentive district under this division may be exempted 90822  
from taxation under division (B) of this section pursuant to a 90823  
resolution adopted under that division or under any other section 90824  
of the Revised Code under which the parcel qualifies. 90825

(3)(a) A resolution adopted under division (C)(1) of this 90826  
section shall specify the life of the incentive district and the 90827  
percentage of the improvements to be exempted, shall designate the 90828  
public infrastructure improvements made, to be made, or in the 90829  
process of being made, that benefit or serve, or, once made, will 90830  
benefit or serve parcels in the district. The resolution also 90831  
shall identify one or more specific projects being, or to be, 90832  
undertaken in the district that place additional demand on the 90833  
public infrastructure improvements designated in the resolution. 90834  
The project identified may, but need not be, the project under 90835  
division (C)(3)(b) of this section that places real property in 90836  
use for commercial or industrial purposes. 90837

A resolution adopted under division (C)(1) of this section on 90838  
or after March 30, 2006, shall not designate police or fire 90839  
equipment as public infrastructure improvements, and, except as 90840  
provided in division (F) of this section, no service payment 90841  
provided for in section 5709.74 of the Revised Code and received 90842  
by the township under the resolution shall be used for police or 90843  
fire equipment. 90844

(b) A resolution adopted under division (C)(1) of this 90845  
section may authorize the use of service payments provided for in 90846  
section 5709.74 of the Revised Code for the purpose of housing 90847  
renovations within the incentive district, provided that the 90848  
resolution also designates public infrastructure improvements that 90849  
benefit or serve the district, and that a project within the 90850  
district places real property in use for commercial or industrial 90851  
purposes. Service payments may be used to finance or support 90852  
loans, deferred loans, and grants to persons for the purpose of 90853  
housing renovations within the district. The resolution shall 90854  
designate the parcels within the district that are eligible for 90855  
housing renovations. The resolution shall state separately the 90856  
amount or the percentages of the expected aggregate service 90857  
payments that are designated for each public infrastructure 90858  
improvement and for the purpose of housing renovations. 90859

(4) Except with the approval of the board of education of 90860  
each city, local, or exempted village school district within the 90861  
territory of which the incentive district is or will be located, 90862  
and subject to division (E) of this section, the life of an 90863  
incentive district shall not exceed ten years, and the percentage 90864  
of improvements to be exempted shall not exceed seventy-five per 90865  
cent. With approval of the board of education, the life of a 90866  
district may be not more than thirty years, and the percentage of 90867  
improvements to be exempted may be not more than one hundred per 90868  
cent. The approval of a board of education shall be obtained in 90869

the manner provided in division (D) of this section. 90870

(D) Improvements with respect to a parcel may be exempted 90871  
from taxation under division (B) of this section, and improvements 90872  
to parcels within an incentive district may be exempted from 90873  
taxation under division (C) of this section, for up to ten years 90874  
or, with the approval of the board of education of the city, 90875  
local, or exempted village school district within which the parcel 90876  
or district is located, for up to thirty years. The percentage of 90877  
the improvements exempted from taxation may, with such approval, 90878  
exceed seventy-five per cent, but shall not exceed one hundred per 90879  
cent. Not later than forty-five business days prior to adopting a 90880  
resolution under this section declaring improvements to be a 90881  
public purpose that is subject to approval by a board of education 90882  
under this division, the board of township trustees shall deliver 90883  
to the board of education a notice stating its intent to adopt a 90884  
resolution making that declaration. The notice regarding 90885  
improvements with respect to a parcel under division (B) of this 90886  
section shall identify the parcels for which improvements are to 90887  
be exempted from taxation, provide an estimate of the true value 90888  
in money of the improvements, specify the period for which the 90889  
improvements would be exempted from taxation and the percentage of 90890  
the improvements that would be exempted, and indicate the date on 90891  
which the board of township trustees intends to adopt the 90892  
resolution. The notice regarding improvements made under division 90893  
(C) of this section to parcels within an incentive district shall 90894  
delineate the boundaries of the district, specifically identify 90895  
each parcel within the district, identify each anticipated 90896  
improvement in the district, provide an estimate of the true value 90897  
in money of each such improvement, specify the life of the 90898  
district and the percentage of improvements that would be 90899  
exempted, and indicate the date on which the board of township 90900  
trustees intends to adopt the resolution. The board of education, 90901  
by resolution adopted by a majority of the board, may approve the 90902

exemption for the period or for the exemption percentage specified 90903  
in the notice; may disapprove the exemption for the number of 90904  
years in excess of ten, may disapprove the exemption for the 90905  
percentage of the improvements to be exempted in excess of 90906  
seventy-five per cent, or both; or may approve the exemption on 90907  
the condition that the board of township trustees and the board of 90908  
education negotiate an agreement providing for compensation to the 90909  
school district equal in value to a percentage of the amount of 90910  
taxes exempted in the eleventh and subsequent years of the 90911  
exemption period or, in the case of exemption percentages in 90912  
excess of seventy-five per cent, compensation equal in value to a 90913  
percentage of the taxes that would be payable on the portion of 90914  
the improvements in excess of seventy-five per cent were that 90915  
portion to be subject to taxation, or other mutually agreeable 90916  
compensation. 90917

The board of education shall certify its resolution to the 90918  
board of township trustees not later than fourteen days prior to 90919  
the date the board of township trustees intends to adopt the 90920  
resolution as indicated in the notice. If the board of education 90921  
and the board of township trustees negotiate a mutually acceptable 90922  
compensation agreement, the resolution may declare the 90923  
improvements a public purpose for the number of years specified in 90924  
the resolution or, in the case of exemption percentages in excess 90925  
of seventy-five per cent, for the exemption percentage specified 90926  
in the resolution. In either case, if the board of education and 90927  
the board of township trustees fail to negotiate a mutually 90928  
acceptable compensation agreement, the resolution may declare the 90929  
improvements a public purpose for not more than ten years, and 90930  
shall not exempt more than seventy-five per cent of the 90931  
improvements from taxation. If the board of education fails to 90932  
certify a resolution to the board of township trustees within the 90933  
time prescribed by this section, the board of township trustees 90934  
thereupon may adopt the resolution and may declare the 90935

improvements a public purpose for up to thirty years or, in the 90936  
case of exemption percentages proposed in excess of seventy-five 90937  
per cent, for the exemption percentage specified in the 90938  
resolution. The board of township trustees may adopt the 90939  
resolution at any time after the board of education certifies its 90940  
resolution approving the exemption to the board of township 90941  
trustees, or, if the board of education approves the exemption on 90942  
the condition that a mutually acceptable compensation agreement be 90943  
negotiated, at any time after the compensation agreement is agreed 90944  
to by the board of education and the board of township trustees. 90945  
If a mutually acceptable compensation agreement is negotiated 90946  
between the board of township trustees and the board of education, 90947  
including agreements for payments in lieu of taxes under section 90948  
5709.74 of the Revised Code, the board of township trustees shall 90949  
compensate the joint vocational school district within which the 90950  
parcel or district is located at the same rate and under the same 90951  
terms received by the city, local, or exempted village school 90952  
district. 90953

If a board of education has adopted a resolution waiving its 90954  
right to approve exemptions from taxation under this section and 90955  
the resolution remains in effect, approval of such exemptions by 90956  
the board of education is not required under division (D) of this 90957  
section. If a board of education has adopted a resolution allowing 90958  
a board of township trustees to deliver the notice required under 90959  
division (D) of this section fewer than forty-five business days 90960  
prior to adoption of the resolution by the board of township 90961  
trustees, the board of township trustees shall deliver the notice 90962  
to the board of education not later than the number of days prior 90963  
to the adoption as prescribed by the board of education in its 90964  
resolution. If a board of education adopts a resolution waiving 90965  
its right to approve exemptions or shortening the notification 90966  
period, the board of education shall certify a copy of the 90967  
resolution to the board of township trustees. If the board of 90968

education rescinds the resolution, it shall certify notice of the 90969  
rescission to the board of township trustees. 90970

If the board of township trustees is not required by division 90971  
(D) of this section to notify the board of education of the board 90972  
of township trustees' intent to declare improvements to be a 90973  
public purpose, the board of township trustees shall comply with 90974  
the notice requirements imposed under section 5709.83 of the 90975  
Revised Code before taking formal action to adopt the resolution 90976  
making that declaration, unless the board of education has adopted 90977  
a resolution under that section waiving its right to receive the 90978  
notice. 90979

Nothing in this division prohibits the board of township 90980  
trustees from amending the resolution under section 5709.51 of the 90981  
Revised Code to extend the term of the exemption. 90982

(E)(1) If a proposed resolution under division (C)(1) of this 90983  
section exempts improvements with respect to a parcel within an 90984  
incentive district for more than ten years, or the percentage of 90985  
the improvement exempted from taxation exceeds seventy-five per 90986  
cent, not later than forty-five business days prior to adopting 90987  
the resolution the board of township trustees shall deliver to the 90988  
board of county commissioners of the county within which the 90989  
incentive district is or will be located a notice that states its 90990  
intent to adopt a resolution creating an incentive district. The 90991  
notice shall include a copy of the proposed resolution, identify 90992  
the parcels for which improvements are to be exempted from 90993  
taxation, provide an estimate of the true value in money of the 90994  
improvements, specify the period of time for which the 90995  
improvements would be exempted from taxation, specify the 90996  
percentage of the improvements that would be exempted from 90997  
taxation, and indicate the date on which the board of township 90998  
trustees intends to adopt the resolution. 90999

(2) The board of county commissioners, by resolution adopted 91000

by a majority of the board, may object to the exemption for the 91001  
number of years in excess of ten, may object to the exemption for 91002  
the percentage of the improvement to be exempted in excess of 91003  
seventy-five per cent, or both. If the board of county 91004  
commissioners objects, the board may negotiate a mutually 91005  
acceptable compensation agreement with the board of township 91006  
trustees. In no case shall the compensation provided to the board 91007  
of county commissioners exceed the property taxes foregone due to 91008  
the exemption. If the board of county commissioners objects, and 91009  
the board of county commissioners and board of township trustees 91010  
fail to negotiate a mutually acceptable compensation agreement, 91011  
the resolution adopted under division (C)(1) of this section shall 91012  
provide to the board of county commissioners compensation in the 91013  
eleventh and subsequent years of the exemption period equal in 91014  
value to not more than fifty per cent of the taxes that would be 91015  
payable to the county or, if the board of county commissioner's 91016  
objection includes an objection to an exemption percentage in 91017  
excess of seventy-five per cent, compensation equal in value to 91018  
not more than fifty per cent of the taxes that would be payable to 91019  
the county, on the portion of the improvement in excess of 91020  
seventy-five per cent, were that portion to be subject to 91021  
taxation. The board of county commissioners shall certify its 91022  
resolution to the board of township trustees not later than thirty 91023  
days after receipt of the notice. 91024

(3) If the board of county commissioners does not object or 91025  
fails to certify its resolution objecting to an exemption within 91026  
thirty days after receipt of the notice, the board of township 91027  
trustees may adopt its resolution, and no compensation shall be 91028  
provided to the board of county commissioners. If the board of 91029  
county commissioners timely certifies its resolution objecting to 91030  
the trustees' resolution, the board of township trustees may adopt 91031  
its resolution at any time after a mutually acceptable 91032  
compensation agreement is agreed to by the board of county 91033

commissioners and the board of township trustees, or, if no 91034  
compensation agreement is negotiated, at any time after the board 91035  
of township trustees agrees in the proposed resolution to provide 91036  
compensation to the board of county commissioners of fifty per 91037  
cent of the taxes that would be payable to the county in the 91038  
eleventh and subsequent years of the exemption period or on the 91039  
portion of the improvement in excess of seventy-five per cent, 91040  
were that portion to be subject to taxation. 91041

(F) Service payments in lieu of taxes that are attributable 91042  
to any amount by which the effective tax rate of either a renewal 91043  
levy with an increase or a replacement levy exceeds the effective 91044  
tax rate of the levy renewed or replaced, or that are attributable 91045  
to an additional levy, for a levy authorized by the voters for any 91046  
of the following purposes on or after January 1, 2006, and which 91047  
are provided pursuant to a resolution creating an incentive 91048  
district under division (C)(1) of this section that is adopted on 91049  
or after January 1, 2006, or a later date as specified in this 91050  
division, shall be distributed to the appropriate taxing authority 91051  
as required under division (C) of section 5709.74 of the Revised 91052  
Code in an amount equal to the amount of taxes from that 91053  
additional levy or from the increase in the effective tax rate of 91054  
such renewal or replacement levy that would have been payable to 91055  
that taxing authority from the following levies were it not for 91056  
the exemption authorized under division (C) of this section: 91057

(1) A tax levied under division (L) of section 5705.19 or 91058  
section 5705.191 or 5705.222 of the Revised Code for community 91059  
developmental disabilities programs and services pursuant to 91060  
Chapter 5126. of the Revised Code; 91061

(2) A tax levied under division (Y) of section 5705.19 of the 91062  
Revised Code for providing or maintaining senior citizens services 91063  
or facilities; 91064

(3) A tax levied under section 5705.22 of the Revised Code 91065

for county hospitals;	91066
(4) A tax levied by a joint-county district or by a county	91067
under section 5705.19, 5705.191, or 5705.221 of the Revised Code	91068
for alcohol, drug addiction, and mental health services or	91069
families;	91070
(5) A tax levied under section 5705.23 of the Revised Code	91071
for library purposes;	91072
(6) A tax levied under section 5705.24 of the Revised Code	91073
for the support of children services and the placement and care of	91074
children;	91075
(7) A tax levied under division (Z) of section 5705.19 of the	91076
Revised Code for the provision and maintenance of zoological park	91077
services and facilities under section 307.76 of the Revised Code;	91078
(8) A tax levied under section 511.27 or division (H) of	91079
section 5705.19 of the Revised Code for the support of township	91080
park districts;	91081
(9) A tax levied under division (A), (F), or (H) of section	91082
5705.19 of the Revised Code for parks and recreational purposes of	91083
a joint recreation district organized pursuant to division (B) of	91084
section 755.14 of the Revised Code;	91085
(10) A tax levied under section 1545.20 or 1545.21 of the	91086
Revised Code for park district purposes;	91087
(11) A tax levied under section 5705.191 of the Revised Code	91088
for the purpose of making appropriations for public assistance;	91089
human or social services; public relief; public welfare; public	91090
health and hospitalization; and support of general hospitals;	91091
(12) A tax levied under section 3709.29 of the Revised Code	91092
for a general health district program;	91093
(13) A tax levied by a township under section 505.39, 505.51,	91094
or division (I), (J), (U), or (JJ) of section 5705.19 of the	91095

Revised Code for the purpose of funding fire, police, emergency 91096  
medical, or ambulance services as described in those sections. 91097  
Division (F)(13) of this section applies only to incentive 91098  
districts created by a resolution adopted on or after March 22, 91099  
2019, the effective date of the amendment of this section by H.B. 91100  
500 of the 132nd general assembly, and only if that resolution 91101  
specifies that division (F) of this section shall apply to such a 91102  
tax. 91103

(G) An exemption from taxation granted under this section 91104  
commences with the tax year specified in the resolution so long as 91105  
the year specified in the resolution commences after the effective 91106  
date of the resolution. If the resolution specifies a year 91107  
commencing before the effective date of the resolution or 91108  
specifies no year whatsoever, the exemption commences with the tax 91109  
year in which an exempted improvement first appears on the tax 91110  
list and duplicate of real and public utility property and that 91111  
commences after the effective date of the resolution. In lieu of 91112  
stating a specific year, the resolution may provide that the 91113  
exemption commences in the tax year in which the value of an 91114  
improvement exceeds a specified amount or in which the 91115  
construction of one or more improvements is completed, provided 91116  
that such tax year commences after the effective date of the 91117  
resolution. With respect to the exemption of improvements to 91118  
parcels under division (B) of this section, the resolution may 91119  
allow for the exemption to commence in different tax years on a 91120  
parcel-by-parcel basis, with a separate exemption term specified 91121  
for each parcel. 91122

Except as otherwise provided in this division and section 91123  
5709.51 of the Revised Code, the exemption ends on the date 91124  
specified in the resolution as the date the improvement ceases to 91125  
be a public purpose or the incentive district expires, or ends on 91126  
the date on which the public infrastructure improvements and 91127

housing renovations are paid in full from the township public 91128  
improvement tax increment equivalent fund established under 91129  
section 5709.75 of the Revised Code, whichever occurs first. The 91130  
exemption of an improvement with respect to a parcel or within an 91131  
incentive district may end on a later date, as specified in the 91132  
resolution, if the board of township trustees and the board of 91133  
education of the city, local, or exempted village school district 91134  
within which the parcel or district is located have entered into a 91135  
compensation agreement under section 5709.82 of the Revised Code 91136  
with respect to the improvement and the board of education has 91137  
approved the term of the exemption under division (D) of this 91138  
section, but in no case shall the improvement be exempted from 91139  
taxation for more than thirty years. The board of township 91140  
trustees may, by majority vote, adopt a resolution permitting the 91141  
township to enter into such agreements as the board finds 91142  
necessary or appropriate to provide for the construction or 91143  
undertaking of public infrastructure improvements and housing 91144  
renovations. Any exemption shall be claimed and allowed in the 91145  
same or a similar manner as in the case of other real property 91146  
exemptions. If an exemption status changes during a tax year, the 91147  
procedure for the apportionment of the taxes for that year is the 91148  
same as in the case of other changes in tax exemption status 91149  
during the year. 91150

(H) The board of township trustees may issue the notes of the 91151  
township to finance all costs pertaining to the construction or 91152  
undertaking of public infrastructure improvements and housing 91153  
renovations made pursuant to this section. The notes shall be 91154  
signed by the board and attested by the signature of the township 91155  
fiscal officer, shall bear interest not to exceed the rate 91156  
provided in section 9.95 of the Revised Code, and are not subject 91157  
to Chapter 133. of the Revised Code. The resolution authorizing 91158  
the issuance of the notes shall pledge the funds of the township 91159  
public improvement tax increment equivalent fund established 91160

pursuant to section 5709.75 of the Revised Code to pay the 91161  
interest on and principal of the notes. The notes, which may 91162  
contain a clause permitting prepayment at the option of the board, 91163  
shall be offered for sale on the open market or given to the 91164  
vendor or contractor if no sale is made. 91165

(I) The township, not later than fifteen days after the 91166  
adoption of a resolution under this section, shall submit to the 91167  
director of development ~~services~~ a copy of the resolution. On or 91168  
before the thirty-first day of March of each year, the township 91169  
shall submit a status report to the director ~~of development~~ 91170  
~~services~~. The report shall indicate, in the manner prescribed by 91171  
the director, the progress of the project during each year that 91172  
the exemption remains in effect, including a summary of the 91173  
receipts from service payments in lieu of taxes; expenditures of 91174  
money from the fund created under section 5709.75 of the Revised 91175  
Code; a description of the public infrastructure improvements and 91176  
housing renovations financed with the expenditures; and a 91177  
quantitative summary of changes in private investment resulting 91178  
from each project. 91179

(J) Nothing in this section shall be construed to prohibit a 91180  
board of township trustees from declaring to be a public purpose 91181  
improvements with respect to more than one parcel. 91182

If a parcel is located in a new community district in which 91183  
the new community authority imposes a community development charge 91184  
on the basis of rentals received from leases of real property as 91185  
described in division (L)(2) of section 349.01 of the Revised 91186  
Code, the parcel may not be exempted from taxation under this 91187  
section. 91188

(K) A board of township trustees that adopted a resolution 91189  
under this section prior to July 21, 1994, may amend that 91190  
resolution to include any additional public infrastructure 91191  
improvement. A board of township trustees that seeks by the 91192

amendment to utilize money from its township public improvement 91193  
tax increment equivalent fund for land acquisition in aid of 91194  
industry, commerce, distribution, or research, demolition on 91195  
private property, or stormwater and flood remediation projects may 91196  
do so provided that the board currently is a party to a 91197  
hold-harmless agreement with the board of education of the city, 91198  
local, or exempted village school district within the territory of 91199  
which are located the parcels that are subject to an exemption. 91200  
For the purposes of this division, a "hold-harmless agreement" 91201  
means an agreement under which the board of township trustees 91202  
agrees to compensate the school district for one hundred per cent 91203  
of the tax revenue that the school district would have received 91204  
from further improvements to parcels designated in the resolution 91205  
were it not for the exemption granted by the resolution. 91206

(L) Notwithstanding the limitation prescribed by division (D) 91207  
of this section on the number of years that improvements to a 91208  
parcel or parcels may be exempted from taxation, a board of 91209  
trustees of a township with a population of fifteen thousand or 91210  
more may amend a resolution originally adopted under this section 91211  
before December 31, 1994, to extend the exemption of improvements 91212  
to the parcel or parcels included in such resolution for an 91213  
additional period not to exceed fifteen years. The amendment shall 91214  
not increase the percentage of improvements to the parcel or 91215  
parcels exempted from taxation. Before adopting an amendment 91216  
authorized under this division, the board of township trustees 91217  
shall obtain the approval of each board of education of the city, 91218  
local, or exempted village school district within which the 91219  
exempted parcels are located in the manner required under division 91220  
(D) of this section, except that (1) the board of education may 91221  
approve the exemption on the condition that the board of township 91222  
trustees and the board of education negotiate an agreement 91223  
providing for compensation to the school district equal in value 91224  
to the amount of taxes the district forgoes in each year the 91225

exemption is extended pursuant to this division or any other 91226  
mutually agreeable compensation and (2) if the board of education 91227  
fails to certify a resolution approving the amendment to the board 91228  
of township trustees within the time prescribed by division (D) of 91229  
this section, the board of township trustees shall not adopt the 91230  
amendment authorized under this division. 91231

No approval under this division shall be required from a 91232  
board of education that has adopted a resolution waiving its right 91233  
to approve exemptions from taxation pursuant to division (D) of 91234  
this section. If the board of education has adopted such a 91235  
resolution, the board of township trustees shall comply with the 91236  
notice requirements imposed under section 5709.83 of the Revised 91237  
Code before taking formal action to adopt an amendment authorized 91238  
under this division unless the board of education has adopted a 91239  
resolution under that section waiving its right to receive the 91240  
notice. Not later than fourteen days before adopting an amendment 91241  
authorized under this division, the board of township trustees 91242  
shall deliver a notice identical to a notice required under 91243  
section 5709.83 of the Revised Code to the board of county 91244  
commissioners of each county in which the exempted parcels are 91245  
located. 91246

**Sec. 5711.29.** If any corporation uses the rights and powers 91247  
granted by its charter to prevent the assessment of the shares of 91248  
its resident shareholders on the basis of income yield, as 91249  
provided in sections 5711.01 to 5711.36 of the Revised Code, by 91250  
permitting its gains and profits to accumulate instead of being 91251  
distributed, or by paying exorbitant salaries to its officers and 91252  
employees, the tax commissioner, upon finding such to be the fact, 91253  
shall assess the amount representing the aggregate assessments of 91254  
the shares of such resident shareholders in the names of such 91255  
resident shareholders and certify such assessments, together with 91256  
the penalty provided in such sections, to the proper county 91257

auditor who shall place the same on the classified tax list and 91258  
duplicate in the names of such shareholders, as investments 91259  
assessed on the basis of income yield for the year for which such 91260  
assessments are made; and taxes shall be collected thereon the 91261  
same as on other like assessments. The commissioner shall give 91262  
notice of such assessment to the corporation ~~by personal service~~ 91263  
~~or certified mail, in the manner provided in section 5703.37 of~~ 91264  
the Revised Code, and such assessment shall be subject to a 91265  
petition for reassessment and an appeal as provided in sections 91266  
5711.31 and 5717.02 of the Revised Code. 91267

If any such corporation is a holding or investment company, 91268  
or if the gains or profits are permitted to accumulate beyond the 91269  
reasonable needs of the business, such fact shall be prima-facie 91270  
evidence of a purpose to prevent the assessment of the shares of 91271  
its resident stockholders on such basis. 91272

If any trust, under the terms of which the trustee is 91273  
required or authorized to withhold and accumulate all or any part 91274  
of the income, is created or used for the purpose of preventing 91275  
the assessment of the equitable interests of the resident 91276  
beneficiaries on the basis of income yield, as provided in 91277  
sections 5711.01 to 5711.36 of the Revised Code, the commissioner, 91278  
upon finding such to be the fact, shall assess the amount 91279  
representing the aggregate assessment of such equitable shares in 91280  
the manner provided in this section. If the creator of such trust 91281  
reserved a power of revocation, or if the trustee has discretion 91282  
to pay and distribute the income of the trust property to or for 91283  
the benefit of such resident beneficiary, such fact shall be 91284  
prima-facie evidence of a purpose to prevent the assessment of the 91285  
equitable shares of the resident beneficiaries upon such basis. 91286

The assessment imposed by this action shall not be made 91287  
against any resident shareholder of such corporation or 91288  
beneficiary of such trust who in filing ~~his~~ the shareholder's or 91289

beneficiary's return lists as the income yield of ~~his~~ the shares 91290  
or beneficial interest the entire distributive share or beneficial 91291  
interest, whether distributed or not, of the net income of such 91292  
corporation or trust for such year, in which event any subsequent 91293  
distribution made by such corporation or trust out of the earnings 91294  
or profits of such year shall, if distributed to any shareholder 91295  
or beneficiary who has so included in the income yield of ~~his~~ the 91296  
shareholder's or beneficiary's shares the distributive share 91297  
thereof, be deducted from the income yield of such shares for the 91298  
year in which the same is made. 91299

**Sec. 5713.03.** ~~(A)~~ The county auditor, from the best sources 91300  
of information available, shall determine, as nearly as 91301  
practicable, the true value of the fee simple estate, as if 91302  
unencumbered but subject to any effects from the exercise of 91303  
police powers or from other governmental actions, of each separate 91304  
tract, lot, or parcel of real property and of buildings, 91305  
structures, and improvements located thereon and the current 91306  
agricultural use value of land valued for tax purposes in 91307  
accordance with section 5713.31 of the Revised Code, in every 91308  
district, according to the rules prescribed by this chapter and 91309  
section 5715.01 of the Revised Code, and in accordance with the 91310  
uniform rules and methods of valuing and assessing real property 91311  
as adopted, prescribed, and promulgated by the tax commissioner. 91312  
The auditor shall determine the taxable value of all real property 91313  
by reducing its true or current agricultural use value by the 91314  
percentage ordered by the commissioner. In determining the true 91315  
value of any tract, lot, or parcel of real estate under this 91316  
section, if such tract, lot, or parcel has been the subject of an 91317  
arm's length sale between a willing seller and a willing buyer 91318  
within a reasonable length of time, either before or after the tax 91319  
lien date, the auditor may consider the sale price of such tract, 91320  
lot, or parcel to be the true value for taxation purposes. 91321

However, the sale price in an arm's length transaction between a willing seller and a willing buyer shall not be considered the true value of the property sold if subsequent to the sale:

~~(1)(A)~~ The tract, lot, or parcel of real estate loses value due to some casualty;

~~(2)(B)~~ An improvement is added to the property.

Nothing in this section or section 5713.01 of the Revised Code and no rule adopted under section 5715.01 of the Revised Code shall require the county auditor to change the true value in money of any property in any year except a year in which the tax commissioner is required to determine under section 5715.24 of the Revised Code whether the property has been assessed as required by law.

~~(B) Pursuant to division (A) of this section, the county auditor may determine the true value of real property that is part of a qualified low income housing tax credit project through use of one or more of the market data approach, the income approach, or the cost approach.~~

~~As used in division (B) of this section, "low income housing tax credit project" means a qualified low income housing project during its compliance period, as those terms are defined by section 42 of the Internal Revenue Code.~~

~~(C)~~ The county auditor shall adopt and use a real property record approved by the commissioner for each tract, lot, or parcel of real property, setting forth the true and taxable value of land and, in the case of land valued in accordance with section 5713.31 of the Revised Code, its current agricultural use value, the number of acres of arable land, permanent pasture land, woodland, and wasteland in each tract, lot, or parcel. The auditor shall record pertinent information and the true and taxable value of

each building, structure, or improvement to land, which value 91352  
shall be included as a separate part of the total value of each 91353  
tract, lot, or parcel of real property. 91354

Sec. 5713.031. (A) As used in this section, "federally 91355  
subsidized residential rental property" means property to which 91356  
one or more of the following apply: 91357

(1) It is part of a qualified low-income housing project, 91358  
during its compliance period, as those terms are defined in 91359  
section 42 of the Internal Revenue Code. 91360

(2) It receives assistance pursuant to section 202 of the 91361  
"Housing Act of 1959," 12 U.S.C. 1701g, and remains restricted 91362  
pursuant to that section. 91363

(3) Property that receives assistance pursuant to Section 811 91364  
of the "Cranston-Gonzalez National Affordable Housing Act," 42 91365  
U.S.C. 8013, and remains restricted pursuant to that section; 91366

(4) Property that receives project-based assistance pursuant 91367  
to section 8 of the "United States Housing Act of 1937," 42 U.S.C. 91368  
1437f, and remains restricted pursuant to that section; 91369

(5) Property that receives assistance pursuant to section 515 91370  
of the "Housing Act of 1949," 42 U.S.C. 1485, and remains 91371  
restricted pursuant to that section; 91372

(6) Property that receives assistance pursuant to section 538 91373  
of the "Housing Act of 1949," 42 U.S.C. 1490p-2, and remains 91374  
restricted pursuant to that section; 91375

(7) Property that receives assistance pursuant to section 521 91376  
of the "Housing Act of 1949," 42 U.S.C. 1490a, and remains 91377  
restricted pursuant to that section; 91378

(B) An owner of federally subsidized residential rental 91379  
property shall file with the county auditor of the county in which 91380  
the property is located the following information from the 91381

preceding calendar year or up to three preceding calendar years, 91382  
as applicable: 91383

(1) The operating income of the property which shall include 91384  
gross potential rent, any forgiveness of or allowance received for 91385  
losses due to vacancy or unpaid rent, and any income derived from 91386  
other sources; 91387

(2) The operating expenses of the property including all 91388  
non-capitalized expenses related to staffing, utilities, repairs, 91389  
supplies, telecommunication, management fees, audits, legal and 91390  
contract services, and any other expense a prospective buyer might 91391  
consider in purchasing the property. Real property taxes, 91392  
depreciation, and amortization expenses and replacement of 91393  
short-term capitalized assets shall be excluded from operating 91394  
expenses. 91395

(3) The annual amount of contribution to replacement reserve 91396  
funds or accounts related to the property. 91397

(C)(1) The information required under division (B) of this 91398  
section shall be filed by the owner both before the property is 91399  
placed in service and after the commencement of the property's 91400  
operations, and each following year to which section 5715.24 of 91401  
the Revised Code applies in the county, on or before the first day 91402  
of March. Each such filing in a reappraisal or update year shall 91403  
report the information required under division (B) of this section 91404  
for the preceding three calendar years or for the period of time 91405  
the property has been in operation, if less than three years. 91406

(2) Information filed under this section shall have first 91407  
been audited by an independent public accountant or auditor or a 91408  
certified public accountant prior to filing. If such an audit is 91409  
not completed by the first day of March, the owner of the property 91410  
shall file updated records within thirty days after the completion 91411  
of such an audit. 91412

(3) If a property owner fails to timely submit the information required under division (B) of this section, the county auditor is not required to value the property in accordance with division (A)(4) of section 5715.01 of the Revised Code for any applicable tax year to which that division would have applied and shall otherwise proceed under section 5713.01 of the Revised Code to value the property in compliance with Ohio Constitution, Article XII, Section 2 for that tax year.

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(D) The county auditor shall use the information submitted under this section to determine the valuation of the property pursuant to rules adopted under division (A)(4) of section 5715.01 of the Revised Code.

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(E) Any information submitted under this section is not a public record for purposes of section 149.43 of the Revised Code.

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**Sec. 5715.01.** (A) The tax commissioner shall direct and supervise the assessment for taxation of all real property. The commissioner shall adopt, prescribe, and promulgate rules for the determination of true value and taxable value of real property by uniform rule for such values and for the determination of the current agricultural use value of land devoted exclusively to agricultural use.

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(1) The uniform rules shall prescribe methods of determining the true value and taxable value of real property. The rules shall provide that in determining the true value of lands or improvements thereon for tax purposes, all facts and circumstances relating to the value of the property, its availability for the purposes for which it is constructed or being used, its obsolete character, if any, the income capacity of the property, if any, and any other factor that tends to prove its true value shall be used. In determining the true value of minerals or rights to minerals for the purpose of real property taxation, the tax

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commissioner shall not include in the value of the minerals or 91444  
rights to minerals the value of any tangible personal property 91445  
used in the recovery of those minerals. 91446

(2) The uniform rules shall prescribe the method for 91447  
determining the current agricultural use value of land devoted 91448  
exclusively to agricultural use, which method shall reflect 91449  
standard and modern appraisal techniques that take into 91450  
consideration the productivity of the soil under normal management 91451  
practices, typical cropping and land use patterns, the average 91452  
price patterns of the crops and products produced and the typical 91453  
production costs to determine the net income potential to be 91454  
capitalized, and other pertinent factors. 91455

In determining the agricultural land capitalization rate to 91456  
be applied to the net income potential from agricultural use, the 91457  
commissioner shall use standard and modern appraisal techniques. 91458  
In calculating the capitalization rate for any year, the 91459  
commissioner shall comply with both of the following requirements: 91460

(a) The commissioner shall use an equity yield rate equal to 91461  
the greater of (i) the average of the total rates of return on 91462  
farm equity for the twenty-five most recent years for which those 91463  
rates have been calculated and published by the United States 91464  
department of agriculture economic research service or another 91465  
published source or (ii) the loan interest rate the commissioner 91466  
uses for that year to calculate the capitalization rate; 91467

(b) The commissioner shall assume that the holding period for 91468  
agricultural land is twenty-five years for the purpose of 91469  
computing buildup of equity or appreciation with respect to that 91470  
land. 91471

The commissioner shall add to the overall capitalization rate 91472  
a tax additur. The sum of the overall capitalization rate and the 91473  
tax additur shall represent as nearly as possible the rate of 91474

return a prudent investor would expect from an average or typical 91475  
farm in this state considering only agricultural factors. 91476

The commissioner shall annually determine and announce the 91477  
overall capitalization rate, tax additur, agricultural land 91478  
capitalization rate, and the individual components used in 91479  
computing such amounts in a determination, finding, computation, 91480  
or order of the commissioner published simultaneously with the 91481  
commissioner's annual publication of the per-acre agricultural use 91482  
values for each soil type. 91483

(3) Notwithstanding any other provision of this chapter and 91484  
Chapter 5713. of the Revised Code, the current agricultural use 91485  
value of land devoted exclusively to agricultural use shall equal 91486  
the following amounts for the years specified: 91487

(a) In counties that undergo a reappraisal or triennial 91488  
update in 2017, the current agricultural use value of the land for 91489  
each of the 2017, 2018, and 2019 tax years shall equal the sum of 91490  
the following amounts: 91491

(i) The current agricultural use value of the land for that 91492  
tax year, as determined under this section and section 5713.31 of 91493  
the Revised Code, and rules adopted pursuant those sections, 91494  
without regard to the adjustment under division (A)(3)(a)(ii) of 91495  
this section; 91496

(ii) One-half of the amount, if any, by which the value of 91497  
the land for the 2016 tax year, as determined under this section, 91498  
section 5713.31 of the Revised Code, and the rules adopted 91499  
pursuant those sections and issued by the tax commissioner for 91500  
counties undergoing a reappraisal or triennial update in the 2016 91501  
tax year, exceeds the value determined under division (A)(3)(a)(i) 91502  
of this section. 91503

(b) In counties that undergo a reappraisal or triennial 91504  
update in 2018, the current agricultural use value of the land for 91505

each of the 2018, 2019, and 2020 tax years shall equal the sum of 91506  
the following amounts: 91507

(i) The current agricultural use value of the land for that 91508  
tax year, as determined under this section and section 5713.31 of 91509  
the Revised Code, and rules adopted pursuant those sections, 91510  
without regard to the adjustment under division (A)(3)(b)(ii) of 91511  
this section; 91512

(ii) One-half of the amount, if any, by which the value of 91513  
the land for the 2017 tax year, as determined under this section, 91514  
section 5713.31 of the Revised Code, and the rules adopted 91515  
pursuant those sections and issued by the tax commissioner for 91516  
counties undergoing a reappraisal or triennial update in the 2017 91517  
tax year, exceeds the value determined under division (A)(3)(b)(i) 91518  
of this section. 91519

(c) In counties that undergo a reappraisal or triennial 91520  
update in 2019, the current agricultural use value of the land for 91521  
each of the 2019, 2020, and 2021 tax years shall equal the sum of 91522  
the following amounts: 91523

(i) The current agricultural use value of the land for that 91524  
tax year, as determined under this section and section 5713.31 of 91525  
the Revised Code, and rules adopted pursuant those sections, 91526  
without regard to the adjustment under division (A)(3)(c)(ii) of 91527  
this section; 91528

(ii) One-half of the amount, if any, by which the value of 91529  
the land for the 2018 tax year, as determined under this section, 91530  
section 5713.31 of the Revised Code, and the rules adopted 91531  
pursuant those sections and issued by the tax commissioner for 91532  
counties undergoing a reappraisal or triennial update in the 2018 91533  
tax year, exceeds the value determined under division (A)(3)(c)(i) 91534  
of this section. 91535

(4) The uniform rules shall prescribe the method for 91536

determining the value of federally subsidized residential rental 91537  
property through the use of a formula that accounts for the 91538  
following factors: 91539

(a) Up to three years of operating income of the property, 91540  
which includes gross potential rent, and any income derived from 91541  
other sources as reported by the property owner to the county 91542  
auditor under section 5713.031 of the Revised Code. Operating 91543  
income shall include an allowance for vacancy losses, which shall 91544  
be presumed to be four per cent of gross potential rent, and 91545  
unpaid rent losses, which shall be presumed to be three per cent 91546  
of gross potential rent. These presumptive amounts may be exceeded 91547  
with evidence demonstrating the actual income of the property. 91548

(b) Operating expenses of the property, which shall be 91549  
presumed to be forty-eight per cent of operating income plus 91550  
utility expenses as reported by the property owner to the county 91551  
auditor under section 5713.031 of the Revised Code. Operating 91552  
expenses shall also include replacement reserve fund or account 91553  
contributions which shall be presumed to be five per cent of gross 91554  
potential rent. These presumptive amounts may be exceeded with 91555  
evidence demonstrating the actual expenses of the property. Real 91556  
property taxes, depreciation, and amortization expenses and 91557  
replacement of short-term capitalized assets shall be excluded 91558  
from operating expenses. 91559

(c) A market-appropriate, uniform capitalization rate plus a 91560  
tax additur accounting for the real property tax rate of the 91561  
property's location. For federally subsidized residential rental 91562  
property described in division (A)(1) of section 5713.031 of the 91563  
Revised Code, one percentage point shall be subtracted from the 91564  
uniform capitalization rate. 91565

The uniform rules shall also prescribe a minimum total value 91566  
for federally subsidized residential rental property of five 91567  
thousand dollars multiplied by the number of dwelling units 91568

comprising the property or one hundred fifty per cent of the 91569  
property's unimproved land value, whichever is greater. The 91570  
formula and other rules adopted by the commissioner pursuant to 91571  
this division shall comply with Ohio Constitution, Article XII, 91572  
Section 2. 91573

As used in division (A)(4) of this section, "federally 91574  
subsidized residential rental property" has the same meaning as in 91575  
section 5713.031 of the Revised Code and "dwelling unit" has the 91576  
same meaning as in section 5321.01 of the Revised Code. 91577

(B) The taxable value shall be that per cent of true value in 91578  
money, or current agricultural use value in the case of land 91579  
valued in accordance with section 5713.31 of the Revised Code, the 91580  
commissioner by rule establishes, but it shall not exceed 91581  
thirty-five per cent. The uniform rules shall also prescribe 91582  
methods of making the appraisals set forth in section 5713.03 of 91583  
the Revised Code. The taxable value of each tract, lot, or parcel 91584  
of real property and improvements thereon, determined in 91585  
accordance with the uniform rules and methods prescribed thereby, 91586  
shall be the taxable value of the tract, lot, or parcel for all 91587  
purposes of sections 5713.01 to 5713.26, 5715.01 to 5715.51, and 91588  
5717.01 to 5717.06 of the Revised Code. County auditors shall, 91589  
under the direction and supervision of the commissioner, be the 91590  
chief assessing officers of their respective counties, and shall 91591  
list and value the real property within their respective counties 91592  
for taxation in accordance with this section and sections 5713.03 91593  
and 5713.31 of the Revised Code and with such rules of the 91594  
commissioner. There shall also be a board in each county, known as 91595  
the county board of revision, which shall hear complaints and 91596  
revise assessments of real property for taxation. 91597

(C) The commissioner shall neither adopt nor enforce any rule 91598  
that requires true value for any tax year to be any value other 91599  
than the true value in money on the tax lien date of such tax year 91600

or that requires taxable value to be obtained in any way other 91601  
than by reducing the true value, or in the case of land valued in 91602  
accordance with section 5713.31 of the Revised Code, its current 91603  
agricultural use value, by a specified, uniform percentage. 91604

**Sec. 5721.14.** Subject to division (A)(2) of this section, on 91605  
receipt of a delinquent vacant land tax certificate or a master 91606  
list of delinquent vacant tracts, a county prosecuting attorney 91607  
shall institute a foreclosure proceeding under section 323.25, 91608  
sections 323.65 to 323.79, or section 5721.18 of the Revised Code, 91609  
or a foreclosure and forfeiture proceeding under this section. If 91610  
the delinquent vacant land tax certificate or a master list of 91611  
delinquent vacant tracts lists minerals or rights to minerals 91612  
listed pursuant to sections 5713.04, 5713.05, and 5713.06 of the 91613  
Revised Code, the county prosecuting attorney may institute a 91614  
foreclosure proceeding under section 323.25, sections 323.65 to 91615  
323.79, or section 5721.18 of the Revised Code or a foreclosure 91616  
and forfeiture proceeding under this section against such minerals 91617  
or rights to minerals. 91618

(A)(1) The prosecuting attorney shall institute a proceeding 91619  
under this section by filing, in the name of the county treasurer 91620  
and with the clerk of a court with jurisdiction, a complaint that 91621  
requests that the lien of the state on the property identified in 91622  
the certificate or master list be foreclosed and that the property 91623  
be forfeited to the state. The prosecuting attorney shall 91624  
prosecute the proceeding to final judgment and satisfaction. 91625

(2) If the delinquent taxes, assessments, charges, penalties, 91626  
and interest are paid prior to the time a complaint is filed, the 91627  
prosecuting attorney shall not institute a proceeding under this 91628  
section. If there is a copy of a written delinquent tax contract 91629  
attached to the certificate or an asterisk next to an entry on the 91630  
master list, or if a copy of a delinquent tax contract is received 91631

from the county auditor prior to the commencement of the 91632  
proceeding under this section, the prosecuting attorney shall not 91633  
institute the proceeding under this section unless the prosecuting 91634  
attorney receives a certification of the county treasurer that the 91635  
delinquent tax contract has become void. 91636

(B) Foreclosure and forfeiture proceedings instituted under 91637  
this section constitute an action in rem. Prior to filing such an 91638  
action in rem, the county prosecuting attorney shall cause a title 91639  
search to be conducted for the purpose of identifying any 91640  
lienholders or other persons with interests in the property that 91641  
is subject to foreclosure and forfeiture. Following the title 91642  
search, the action in rem shall be instituted by filing in the 91643  
office of the clerk of a court with jurisdiction a complaint 91644  
bearing a caption substantially in the form set forth in division 91645  
(A) of section 5721.15 of the Revised Code. 91646

Any number of parcels may be joined in one action. Each 91647  
separate parcel included in a complaint shall be given a serial 91648  
number and shall be separately indexed and docketed by the clerk 91649  
of the court in a book kept by the clerk for such purpose. A 91650  
complaint shall contain the permanent parcel number of each parcel 91651  
included in it, the full street address of the parcel when 91652  
available, a description of the parcel as set forth in the 91653  
certificate or master list, the name and address of the last known 91654  
owner of the parcel if they appear on the general tax list, the 91655  
name and address of each lienholder and other person with an 91656  
interest in the parcel identified in the title search relating to 91657  
the parcel that is required by this division, and the amount of 91658  
taxes, assessments, charges, penalties, and interest due and 91659  
unpaid with respect to the parcel. It is sufficient for the county 91660  
treasurer to allege in the complaint that the certificate or 91661  
master list has been duly filed by the county auditor with respect 91662  
to each parcel listed, that the amount of money with respect to 91663

each parcel appearing to be due and unpaid is due and unpaid, and 91664  
that there is a lien against each parcel, without setting forth 91665  
any other or special matters. The prayer of the complaint shall be 91666  
that the court issue an order that the lien of the state on each 91667  
of the parcels included in the complaint be foreclosed, that the 91668  
property be forfeited to the state, and that the land be offered 91669  
for sale in the manner provided in section 5723.06 of the Revised 91670  
Code. 91671

(C) Within thirty days after the filing of a complaint, the 91672  
clerk of the court in which the complaint was filed shall cause a 91673  
notice of foreclosure and forfeiture substantially in the form of 91674  
the notice set forth in division (B) of section 5721.15 of the 91675  
Revised Code to be published either (1) once a week for three 91676  
consecutive weeks in a newspaper of general circulation in the 91677  
county or (2) once in a newspaper of general circulation in the 91678  
county and, beginning one week thereafter, on a web site of the 91679  
county or of the court, as selected by the clerk. Publication on 91680  
the web site shall continue until one year after the date a 91681  
judgment is rendered under section 5721.16 of the Revised Code 91682  
with respect to such property. Any notice published on a web site 91683  
shall identify the date the notice is first published on the web 91684  
site. In lieu of the form prescribed in division (B) of section 91685  
5721.15 of the Revised Code, the second and third publication of 91686  
the notice, if proceeding under division (C)(1) of this section, 91687  
may be abbreviated as authorized under section 7.16 of the Revised 91688  
Code. In any county that has adopted a permanent parcel number 91689  
system, the parcel may be described in the notice by parcel number 91690  
only, instead of also with a complete legal description, if the 91691  
county prosecuting attorney determines that the publication of the 91692  
complete legal description is not necessary to provide reasonable 91693  
notice of the foreclosure and forfeiture proceeding to the 91694  
interested parties. If the complete legal description is not 91695  
published, the notice shall indicate where the complete legal 91696

description may be obtained. 91697

After the ~~third~~ final newspaper publication, the publisher 91698  
shall file with the clerk of the court an affidavit stating the 91699  
fact of the publication and including a copy of the notice of 91700  
foreclosure and forfeiture as published. Two weeks after the clerk 91701  
causes the notice to be published on the selected web site, if 91702  
proceeding under division (C)(2) of this section, the prosecuting 91703  
attorney shall file with the clerk an affidavit stating the fact 91704  
of the publication and including a copy of the notice of 91705  
foreclosure and forfeiture as published. Service of process for 91706  
purposes of the action in rem shall be considered as complete on 91707  
the date of the ~~last~~ third newspaper publication or the date that 91708  
is two weeks after the clerk causes the notice to be published on 91709  
the selected web site, as applicable. 91710

Within thirty days after the filing of a complaint and before 91711  
the date of ~~the final publication of the notice of foreclosure and~~ 91712  
~~forfeiture~~ service of process is considered complete under this 91713  
division, the clerk of the court also shall cause a copy of a 91714  
notice substantially in the form of the notice set forth in 91715  
division (C) of section 5721.15 of the Revised Code to be mailed 91716  
by ordinary mail, with postage prepaid, to each person named in 91717  
the complaint as being the last known owner of a parcel included 91718  
in it, or as being a lienholder or other person with an interest 91719  
in a parcel included in it. The notice shall be sent to the 91720  
address of each such person, as set forth in the complaint, and 91721  
the clerk shall enter the fact of such mailing upon the appearance 91722  
docket. If the name and address of the last known owner of a 91723  
parcel included in a complaint is not set forth in it, the county 91724  
auditor shall file an affidavit with the clerk stating that the 91725  
name and address of the last known owner does not appear on the 91726  
general tax list. 91727

(D)(1) An answer may be filed in a foreclosure and forfeiture 91728

proceeding by any person owning or claiming any right, title, or 91729  
interest in, or lien upon, any parcel described in the complaint. 91730  
The answer shall contain the caption and number of the action and 91731  
the serial number of the parcel concerned. The answer shall set 91732  
forth the nature and amount of interest claimed in the parcel and 91733  
any defense or objection to the foreclosure of the lien of the 91734  
state for delinquent taxes, assessments, charges, penalties, and 91735  
interest, as shown in the complaint. The answer shall be filed in 91736  
the office of the clerk of the court, and a copy of the answer 91737  
shall be served on the county prosecuting attorney not later than 91738  
twenty-eight days after the date ~~of final publication of the~~ 91739  
~~notice of foreclosure and forfeiture~~ service of process is 91740  
considered complete under division (C) of this section. If an 91741  
answer is not filed within such time, a default judgment may be 91742  
taken as to any parcel included in a complaint as to which no 91743  
answer has been filed. A default judgment is valid and effective 91744  
with respect to all persons owning or claiming any right, title, 91745  
or interest in, or lien upon, any such parcel, notwithstanding 91746  
that one or more of such persons are minors, incompetents, 91747  
absentees or nonresidents of the state, or convicts in 91748  
confinement. 91749

(2)(a) A receiver appointed pursuant to divisions (C)(2) and 91750  
(3) of section 3767.41 of the Revised Code may file an answer 91751  
pursuant to division (D)(1) of this section, but is not required 91752  
to do so as a condition of receiving proceeds in a distribution 91753  
under division (B)(2) of section 5721.17 of the Revised Code. 91754

(b) When a receivership under section 3767.41 of the Revised 91755  
Code is associated with a parcel, the notice of foreclosure and 91756  
forfeiture set forth in division (B) of section 5721.15 of the 91757  
Revised Code and the notice set forth in division (C) of that 91758  
section shall be modified to reflect the provisions of division 91759  
(D)(2)(a) of this section. 91760

(E) At the trial of a foreclosure and forfeiture proceeding, 91761  
the delinquent vacant land tax certificate or master list of 91762  
delinquent vacant tracts filed by the county auditor with the 91763  
county prosecuting attorney shall be prima-facie evidence of the 91764  
amount and validity of the taxes, assessments, charges, penalties, 91765  
and interest appearing due and unpaid on the parcel to which the 91766  
certificate or master list relates and their nonpayment. If an 91767  
answer is properly filed, the court may, in its discretion, and 91768  
shall, at the request of the person filing the answer, grant a 91769  
severance of the proceedings as to any parcel described in such 91770  
answer for purposes of trial or appeal. 91771

(F) The conveyance by the owner of any parcel against which a 91772  
complaint has been filed pursuant to this section at any time 91773  
after the date of publication of the parcel on the delinquent 91774  
vacant land tax list but before the date of a judgment of 91775  
foreclosure and forfeiture pursuant to section 5721.16 of the 91776  
Revised Code shall not nullify the right of the county to proceed 91777  
with the foreclosure and forfeiture. 91778

**Sec. 5721.18.** The county prosecuting attorney, upon the 91779  
delivery to the prosecuting attorney by the county auditor of a 91780  
delinquent land or delinquent vacant land tax certificate, or of a 91781  
master list of delinquent or delinquent vacant tracts, shall 91782  
institute a foreclosure proceeding under this section in the name 91783  
of the county treasurer to foreclose the lien of the state, in any 91784  
court with jurisdiction or in the county board of revision with 91785  
jurisdiction pursuant to section 323.66 of the Revised Code, 91786  
unless the taxes, assessments, charges, penalties, and interest 91787  
are paid prior to the time a complaint is filed, or unless a 91788  
foreclosure or foreclosure and forfeiture action has been or will 91789  
be instituted under section 323.25, sections 323.65 to 323.79, or 91790  
section 5721.14 of the Revised Code. If the delinquent land or 91791  
delinquent vacant land tax certificate or the master list of 91792

delinquent or delinquent vacant tracts lists minerals or rights to 91793  
minerals listed pursuant to sections 5713.04, 5713.05, and 5713.06 91794  
of the Revised Code, the county prosecuting attorney may institute 91795  
a foreclosure proceeding in the name of the county treasurer, in 91796  
any court with jurisdiction, to foreclose the lien of the state 91797  
against such minerals or rights to minerals, unless the taxes, 91798  
assessments, charges, penalties, and interest are paid prior to 91799  
the time the complaint is filed, or unless a foreclosure or 91800  
foreclosure and forfeiture action has been or will be instituted 91801  
under section 323.25, sections 323.65 to 323.79, or section 91802  
5721.14 of the Revised Code. 91803

Nothing in this section or section 5721.03 of the Revised 91804  
Code prohibits the prosecuting attorney from instituting a 91805  
proceeding under this section before the delinquent tax list or 91806  
delinquent vacant land tax list that includes the parcel is 91807  
published pursuant to division (B) of section 5721.03 of the 91808  
Revised Code if the list is not published within the time 91809  
prescribed by that division. The prosecuting attorney shall 91810  
prosecute the proceeding to final judgment and satisfaction. 91811  
Within ten days after obtaining a judgment, the prosecuting 91812  
attorney shall notify the treasurer in writing that judgment has 91813  
been rendered. If there is a copy of a written delinquent tax 91814  
contract attached to the certificate or an asterisk next to an 91815  
entry on the master list, or if a copy of a delinquent tax 91816  
contract is received from the auditor prior to the commencement of 91817  
the proceeding under this section, the prosecuting attorney shall 91818  
not institute the proceeding under this section, unless the 91819  
prosecuting attorney receives a certification of the treasurer 91820  
that the delinquent tax contract has become void. 91821

(A) This division applies to all foreclosure proceedings not 91822  
instituted and prosecuted under section 323.25 of the Revised Code 91823  
or division (B) or (C) of this section. The foreclosure 91824

proceedings shall be instituted and prosecuted in the same manner 91825  
as is provided by law for the foreclosure of mortgages on land, 91826  
except that, if service by publication is necessary, such 91827  
publication, instead of as provided by the Rules of Civil 91828  
Procedure, shall either be made (1) once a week for three 91829  
consecutive weeks ~~instead of as provided by the Rules of Civil~~ 91830  
~~Procedure, and the service in a newspaper of general circulation~~ 91831  
in the county or (2) once in a newspaper of general circulation in 91832  
the county and, beginning one week thereafter, on a web site of 91833  
the county or of the court, as selected by the clerk of the court. 91834  
Publication on the web site shall continue until one year after 91835  
the date a judgment is rendered under section 5721.19 of the 91836  
Revised Code with respect to such property. Any notices published 91837  
on a web site shall identify the date the notice is first 91838  
published on the web site. If proceeding under division (A)(1) of 91839  
this section, the second and third publication of the notice may 91840  
be abbreviated as authorized under section 7.16 of the Revised 91841  
Code. 91842

Service shall be complete, if proceeding under division 91843  
(A)(1) of this section, at the expiration of three weeks after the 91844  
date of the first publication or, if proceeding under division 91845  
(A)(2) of this section, the date that is two weeks after the clerk 91846  
causes the notice to be published on the selected web site. In any 91847  
proceeding prosecuted under this section, if the prosecuting 91848  
attorney determines that service upon a defendant may be obtained 91849  
ultimately only by publication, the prosecuting attorney may cause 91850  
service to be made simultaneously by certified mail, return 91851  
receipt requested, ordinary mail, and publication. 91852

In any county that has adopted a permanent parcel number 91853  
system, the parcel may be described in the notice by parcel number 91854  
only, instead of also with a complete legal description, if the 91855  
prosecuting attorney determines that the publication of the 91856

complete legal description is not necessary to provide reasonable 91857  
notice of the foreclosure proceeding to the interested parties. If 91858  
the complete legal description is not published, the notice shall 91859  
indicate where the complete legal description may be obtained. 91860

It is sufficient, having been made a proper party to the 91861  
foreclosure proceeding, for the treasurer to allege in the 91862  
treasurer's complaint that the certificate or master list has been 91863  
duly filed by the auditor, that the amount of money appearing to 91864  
be due and unpaid is due and unpaid, and that there is a lien 91865  
against the property described in the certificate or master list, 91866  
without setting forth in the complaint any other or special matter 91867  
relating to the foreclosure proceeding. The prayer of the 91868  
complaint shall be that the court or the county board of revision 91869  
with jurisdiction pursuant to section 323.66 of the Revised Code 91870  
issue an order that the property be sold or conveyed by the 91871  
sheriff or otherwise be disposed of, and the equity of redemption 91872  
be extinguished, according to the alternative redemption 91873  
procedures prescribed in sections 323.65 to 323.79 of the Revised 91874  
Code, or if the action is in the municipal court by the bailiff, 91875  
in the manner provided in section 5721.19 of the Revised Code. 91876

In the foreclosure proceeding, the treasurer may join in one 91877  
action any number of lots or lands, but the decree shall be 91878  
rendered separately, and any proceedings may be severed, in the 91879  
discretion of the court or board of revision, for the purpose of 91880  
trial or appeal, and the court or board of revision shall make 91881  
such order for the payment of costs as is considered proper. The 91882  
certificate or master list filed by the auditor with the 91883  
prosecuting attorney is prima-facie evidence at the trial of the 91884  
foreclosure action of the amount and validity of the taxes, 91885  
assessments, charges, penalties, and interest appearing due and 91886  
unpaid and of their nonpayment. 91887

(B) Foreclosure proceedings constituting an action in rem may 91888

be commenced by the filing of a complaint after the end of the 91889  
second year from the date on which the delinquency was first 91890  
certified by the auditor. Prior to filing such an action in rem, 91891  
the prosecuting attorney shall cause a title search to be 91892  
conducted for the purpose of identifying any lienholders or other 91893  
persons with interests in the property subject to foreclosure. 91894  
Following the title search, the action in rem shall be instituted 91895  
by filing in the office of the clerk of a court with jurisdiction 91896  
a complaint bearing a caption substantially in the form set forth 91897  
in division (A) of section 5721.181 of the Revised Code. 91898

Any number of parcels may be joined in one action. Each 91899  
separate parcel included in a complaint shall be given a serial 91900  
number and shall be separately indexed and docketed by the clerk 91901  
of the court in a book kept by the clerk for such purpose. A 91902  
complaint shall contain the permanent parcel number of each parcel 91903  
included in it, the full street address of the parcel when 91904  
available, a description of the parcel as set forth in the 91905  
certificate or master list, the name and address of the last known 91906  
owner of the parcel if they appear on the general tax list, the 91907  
name and address of each lienholder and other person with an 91908  
interest in the parcel identified in the title search relating to 91909  
the parcel that is required by this division, and the amount of 91910  
taxes, assessments, charges, penalties, and interest due and 91911  
unpaid with respect to the parcel. It is sufficient for the 91912  
treasurer to allege in the complaint that the certificate or 91913  
master list has been duly filed by the auditor with respect to 91914  
each parcel listed, that the amount of money with respect to each 91915  
parcel appearing to be due and unpaid is due and unpaid, and that 91916  
there is a lien against each parcel, without setting forth any 91917  
other or special matters. The prayer of the complaint shall be 91918  
that the court issue an order that the land described in the 91919  
complaint be sold in the manner provided in section 5721.19 of the 91920  
Revised Code. 91921

(1) Within thirty days after the filing of a complaint, the clerk of the court in which the complaint was filed shall cause a notice of foreclosure substantially in the form of the notice set forth in division (B) of section 5721.181 of the Revised Code to be published either (a) once a week for three consecutive weeks in a newspaper of general circulation in the county or (b) once in a newspaper of general circulation in the county and, beginning one week thereafter, on a web site of the county or of the court, as selected by the clerk. Publication on the web site shall continue until one year after the date a judgment is rendered under section 5721.19 of the Revised Code with respect to such property. The newspaper shall meet the requirements of section 7.12 of the Revised Code. Any notice published on a web site shall identify the date the notice is first published on that web site. In lieu of the form prescribed in division (B) of section 5721.181 of the Revised Code, the second and third publication of the notice, if proceeding under division (B)(1)(a) of this section, may be abbreviated as authorized under section 7.16 of the Revised Code. In any county that has adopted a permanent parcel number system, the parcel may be described in the notice by parcel number only, instead of also with a complete legal description, if the prosecuting attorney determines that the publication of the complete legal description is not necessary to provide reasonable notice of the foreclosure proceeding to the interested parties. If the complete legal description is not published, the notice shall indicate where the complete legal description may be obtained.

After the ~~third~~ final newspaper publication, the publisher shall file with the clerk of the court an affidavit stating the fact of the publication and including a copy of the notice of foreclosure as published. Two weeks after the clerk causes the notice to be published on the selected web site, if proceeding under division (B)(1)(b) of this section, the prosecuting attorney shall file with the clerk an affidavit stating the fact of the

publication and including a copy of the notice of foreclosure and 91955  
forfeiture as published. Service of process for purposes of the 91956  
action in rem shall be considered as complete on the date of the 91957  
last third newspaper publication or the date that is two weeks 91958  
after the clerk causes the notice to be published on the selected 91959  
web site, as applicable. 91960

Within thirty days after the filing of a complaint and before 91961  
the ~~final date of publication of the notice of foreclosure~~ service 91962  
of process is considered complete under this division, the clerk 91963  
of the court also shall cause a copy of a notice substantially in 91964  
the form of the notice set forth in division (C) of section 91965  
5721.181 of the Revised Code to be mailed by certified mail, with 91966  
postage prepaid, to each person named in the complaint as being 91967  
the last known owner of a parcel included in it, or as being a 91968  
lienholder or other person with an interest in a parcel included 91969  
in it. The notice shall be sent to the address of each such 91970  
person, as set forth in the complaint, and the clerk shall enter 91971  
the fact of such mailing upon the appearance docket. If the name 91972  
and address of the last known owner of a parcel included in a 91973  
complaint is not set forth in it, the auditor shall file an 91974  
affidavit with the clerk stating that the name and address of the 91975  
last known owner does not appear on the general tax list. 91976

(2)(a) An answer may be filed in an action in rem under this 91977  
division by any person owning or claiming any right, title, or 91978  
interest in, or lien upon, any parcel described in the complaint. 91979  
The answer shall contain the caption and number of the action and 91980  
the serial number of the parcel concerned. The answer shall set 91981  
forth the nature and amount of interest claimed in the parcel and 91982  
any defense or objection to the foreclosure of the lien of the 91983  
state for delinquent taxes, assessments, charges, penalties, and 91984  
interest as shown in the complaint. The answer shall be filed in 91985  
the office of the clerk of the court, and a copy of the answer 91986

shall be served on the prosecuting attorney, not later than 91987  
twenty-eight days after the date ~~of final publication of the~~ 91988  
~~notice of foreclosure~~ service of process is considered complete 91989  
under division (B)(1) of this section. If an answer is not filed 91990  
within such time, a default judgment may be taken as to any parcel 91991  
included in a complaint as to which no answer has been filed. A 91992  
default judgment is valid and effective with respect to all 91993  
persons owning or claiming any right, title, or interest in, or 91994  
lien upon, any such parcel, notwithstanding that one or more of 91995  
such persons are minors, incompetents, absentees or nonresidents 91996  
of the state, or convicts in confinement. 91997

(b)(i) A receiver appointed pursuant to divisions (C)(2) and 91998  
(3) of section 3767.41 of the Revised Code may file an answer 91999  
pursuant to division (B)(2)(a) of this section, but is not 92000  
required to do so as a condition of receiving proceeds in a 92001  
distribution under division (B)(1) of section 5721.17 of the 92002  
Revised Code. 92003

(ii) When a receivership under section 3767.41 of the Revised 92004  
Code is associated with a parcel, the notice of foreclosure set 92005  
forth in division (B) of section 5721.181 of the Revised Code and 92006  
the notice set forth in division (C) of that section shall be 92007  
modified to reflect the provisions of division (B)(2)(b)(i) of 92008  
this section. 92009

(3) At the trial of an action in rem under this division, the 92010  
certificate or master list filed by the auditor with the 92011  
prosecuting attorney shall be prima-facie evidence of the amount 92012  
and validity of the taxes, assessments, charges, penalties, and 92013  
interest appearing due and unpaid on the parcel to which the 92014  
certificate or master list relates and their nonpayment. If an 92015  
answer is properly filed, the court may, in its discretion, and 92016  
shall, at the request of the person filing the answer, grant a 92017  
severance of the proceedings as to any parcel described in such 92018

answer for purposes of trial or appeal. 92019

(C) In addition to the actions in rem authorized under 92020  
division (B) of this section and section 5721.14 of the Revised 92021  
Code, an action in rem may be commenced under this division. An 92022  
action commenced under this division shall conform to all of the 92023  
requirements of division (B) of this section except as follows: 92024

(1) The prosecuting attorney shall not cause a title search 92025  
to be conducted for the purpose of identifying any lienholders or 92026  
other persons with interests in the property subject to 92027  
foreclosure, except that the prosecuting attorney shall cause a 92028  
title search to be conducted to identify any receiver's lien. 92029

(2) The names and addresses of lienholders and persons with 92030  
an interest in the parcel shall not be contained in the complaint, 92031  
and notice shall not be mailed to lienholders and persons with an 92032  
interest as provided in division (B)(1) of this section, except 92033  
that the name and address of a receiver under section 3767.41 of 92034  
the Revised Code shall be contained in the complaint and notice 92035  
shall be mailed to the receiver. 92036

(3) With respect to the forms applicable to actions commenced 92037  
under division (B) of this section and contained in section 92038  
5721.181 of the Revised Code: 92039

(a) The notice of foreclosure prescribed by division (B) of 92040  
section 5721.181 of the Revised Code shall be revised to exclude 92041  
any reference to the inclusion of the name and address of each 92042  
lienholder and other person with an interest in the parcel 92043  
identified in a statutorily required title search relating to the 92044  
parcel, and to exclude any such names and addresses from the 92045  
published notice, except that the revised notice shall refer to 92046  
the inclusion of the name and address of a receiver under section 92047  
3767.41 of the Revised Code and the published notice shall include 92048  
the receiver's name and address. The notice of foreclosure also 92049

shall include the following in boldface type: 92050

"If pursuant to the action the parcel is sold, the sale shall 92051  
not affect or extinguish any lien or encumbrance with respect to 92052  
the parcel other than a receiver's lien and other than the lien 92053  
for land taxes, assessments, charges, interest, and penalties for 92054  
which the lien is foreclosed and in satisfaction of which the 92055  
property is sold. All other liens and encumbrances with respect to 92056  
the parcel shall survive the sale." 92057

(b) The notice to the owner, lienholders, and other persons 92058  
with an interest in a parcel shall be a notice only to the owner 92059  
and to any receiver under section 3767.41 of the Revised Code, and 92060  
the last two sentences of the notice shall be omitted. 92061

(4) As used in this division, a "receiver's lien" means the 92062  
lien of a receiver appointed pursuant to divisions (C)(2) and (3) 92063  
of section 3767.41 of the Revised Code that is acquired pursuant 92064  
to division (H)(2)(b) of that section for any unreimbursed 92065  
expenses and other amounts paid in accordance with division (F) of 92066  
that section by the receiver and for the fees of the receiver 92067  
approved pursuant to division (H)(1) of that section. 92068

(D) The conveyance by the owner of any parcel against which a 92069  
complaint has been filed pursuant to this section at any time 92070  
after the date of publication of the parcel on the delinquent tax 92071  
list but before the date of a judgment of foreclosure pursuant to 92072  
section 5721.19 of the Revised Code shall not nullify the right of 92073  
the county to proceed with the foreclosure. 92074

**Sec. 5725.05.** On or before the third day of December, 92075  
annually, the tax commissioner shall fix the day as of which the 92076  
taxable deposits in financial institutions shall be listed and 92077  
assessed. The day fixed shall be between the first and the 92078  
thirtieth day of November, and the action of the commissioner 92079  
shall be taken not more than three days after the day fixed. 92080

Notice of such action by the commissioner shall be immediately 92081  
given to each financial institution and to the county auditor of 92082  
each county ~~by certified mail~~ in the manner provided in section 92083  
5703.37 of the Revised Code, and the date fixed shall be printed 92084  
or stamped on the forms of return to be made by all financial 92085  
institutions. The commissioner shall also give immediate notice, 92086  
by collect telegram, to those financial institutions or persons 92087  
that have filed a request for this service with the commissioner. 92088  
The dates fixed by this section for the action of the commissioner 92089  
are directory, and if through inadvertence or mistake such action 92090  
is not taken at the time prescribed, or the notice required to be 92091  
given to a financial institution or a county auditor is not duly 92092  
given, the remaining requirements of sections 5725.01 to 5725.26 92093  
of the Revised Code, and the validity of any assessment made 92094  
hereunder shall not be affected. 92095

Sec. 5725.36. (A) Terms used in this section have the same 92096  
meanings as in section 175.16 of the Revised Code. 92097

(B) There is allowed a nonrefundable tax credit against the 92098  
tax imposed by section 5725.18 of the Revised Code for a domestic 92099  
insurance company that is allocated a credit issued by the 92100  
executive director of the Ohio housing finance agency under 92101  
section 175.16 of the Revised Code. The credit equals the amount 92102  
allocated to such company for the calendar year and reported by 92103  
the designated reporter on the form prescribed by division (I) of 92104  
section 175.16 of the Revised Code. 92105

The credit authorized in this section shall be claimed in the 92106  
order required under section 5725.98 of the Revised Code. If the 92107  
amount of a credit exceeds the tax otherwise due under section 92108  
5725.18 of the Revised Code after deducting all other credits 92109  
preceding the credit in the order prescribed in section 5725.98 of 92110  
the Revised Code, the excess may be carried forward for not more 92111

than five ensuing calendar years. The amount of the excess credit 92112  
claimed in any such year shall be deducted from the balance 92113  
carried forward to the next calendar year. 92114

No credit shall be claimed under this section to the extent 92115  
the credit was claimed under section 5726.58, 5729.19, or 5747.83 92116  
of the Revised Code. 92117

**Sec. 5725.98.** (A) To provide a uniform procedure for 92118  
calculating the amount of tax imposed by section 5725.18 of the 92119  
Revised Code that is due under this chapter, a taxpayer shall 92120  
claim any credits and offsets against tax liability to which it is 92121  
entitled in the following order: 92122

The credit for an insurance company or insurance company 92123  
group under section 5729.031 of the Revised Code; 92124

The credit for eligible employee training costs under section 92125  
5725.31 of the Revised Code; 92126

The credit for purchasers of qualified low-income community 92127  
investments under section 5725.33 of the Revised Code; 92128

The nonrefundable job retention credit under division (B) of 92129  
section 122.171 of the Revised Code; 92130

The nonrefundable credit for investments in rural business 92131  
growth funds under section 122.152 of the Revised Code; 92132

The nonrefundable Ohio low-income housing tax credit under 92133  
section 5725.36 of the Revised Code; 92134

The nonrefundable credit for contributing capital to a 92135  
transformational mixed use development project under section 92136  
5725.35 of the Revised Code; 92137

The offset of assessments by the Ohio life and health 92138  
insurance guaranty association permitted by section 3956.20 of the 92139  
Revised Code; 92140

The refundable credit for rehabilitating a historic building under section 5725.34 of the Revised Code; 92141  
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The refundable credit for Ohio job retention under former division (B)(2) or (3) of section 122.171 of the Revised Code as those divisions existed before September 29, 2015, the effective date of the amendment of this section by H.B. 64 of the 131st general assembly; 92143  
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The refundable credit for Ohio job creation under section 5725.32 of the Revised Code; 92148  
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The refundable credit under section 5725.19 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code. 92150  
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(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year. 92153  
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**Sec. 5726.01.** As used in this chapter: 92161

(A) "Affiliated group" means a group of two or more persons with fifty per cent or greater of the value of each person's ownership interests owned or controlled directly, indirectly, or constructively through related interests by common owners during all or any portion of the taxable year, and the common owners. "Affiliated group" includes, but is not limited to, any person eligible to be included in a consolidated elected taxpayer group under section 5751.011 of the Revised Code or a combined taxpayer group under section 5751.012 of the Revised Code. 92162  
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(B) "Bank organization" means any of the following:	92171
(1) A national bank organized and operating as a national bank association pursuant to the "National Bank Act," 13 Stat. 100 (1864), 12 U.S.C. 21, et seq.;	92172 92173 92174
(2) A federal savings association or federal savings bank chartered under 12 U.S.C. 1464;	92175 92176
(3) A bank, banking association, trust company, savings and loan association, savings bank, or other banking institution that is organized or incorporated under the laws of the United States, any state, or a foreign country;	92177 92178 92179 92180
(4) Any corporation organized and operating pursuant to 12 U.S.C. 611, et seq.;	92181 92182
(5) Any agency or branch of a foreign bank, as those terms are defined in 12 U.S.C. 3101.	92183 92184
"Bank organization" does not include an institution organized under the "Federal Farm Loan Act," 39 Stat. 360 (1916), or a successor of such an institution, a company chartered under the "Farm Credit Act of 1933," 48 Stat. 257, or a successor of such a company, an association formed pursuant to 12 U.S.C. 2279c-1, an insurance company, or a credit union.	92185 92186 92187 92188 92189 92190
(C) "Call report" means the consolidated reports of condition and income prescribed by the federal financial institutions examination council that a person is required to file with a federal regulatory agency pursuant to 12 U.S.C. 161, 12 U.S.C. 324, or 12 U.S.C. 1817.	92191 92192 92193 92194 92195
(D) "Captive finance company" means a person that derived at least seventy-five per cent of its gross income for the current taxable year and the two taxable years preceding the current taxable year from one or more of the following transactions:	92196 92197 92198 92199
(1) Financing transactions with members of its affiliated	92200

group;	92201
(2) Financing transactions with or for customers of products manufactured or sold by a member of its affiliated group;	92202 92203
(3) Financing transactions with or for a distributor or franchisee that sells, leases, or services a product manufactured or sold by a member of the person's affiliated group;	92204 92205 92206
(4) Financing transactions with or for a supplier to a member of the person's affiliated group in connection with the member's manufacturing business;	92207 92208 92209
(5) Issuing bonds or other publicly traded debt instruments for the benefit of the affiliated group;	92210 92211
(6) Short-term or long-term investments whereby the person invests the cash reserves of the affiliated group and the affiliated group utilizes the proceeds from the investments.	92212 92213 92214
For the purposes of division (D) of this section, "financing transaction" means making or selling loans, extending credit, leasing, earning or receiving subvention, including interest supplements and other support costs related thereto, or acquiring, selling, or servicing accounts receivable, notes, loans, leases, debt, or installment obligations that arise from the sale or lease of tangible personal property or the performance of services, and "gross income" has the same meaning as in section 61 of the Internal Revenue Code and includes income from transactions between the captive finance company and other members of its affiliated group.	92215 92216 92217 92218 92219 92220 92221 92222 92223 92224 92225
A person that has not been in continuous existence for the two taxable years preceding the current taxable year qualifies as a "captive finance company" for purposes of division (D) of this section if the person derived at least seventy-five per cent of its gross income for the period of its existence from one or more of the transactions described in divisions (D)(1) to (6) of this	92226 92227 92228 92229 92230 92231

section. 92232

"Captive finance company" does not include a small dollar lender. 92233  
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(E) "Credit union" means a nonprofit cooperative financial institution organized or chartered under the laws of this state, any other state, or the United States. 92235  
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(F) "Diversified savings and loan holding company" has the same meaning as in 12 U.S.C. 1467a, as that section existed on January 1, 2012. 92238  
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(G) "Document of creation" means the articles of incorporation of a corporation, articles of organization of a limited liability company, registration of a foreign limited liability company, certificate of limited partnership, registration of a foreign limited partnership, registration of a domestic or foreign limited liability partnership, or registration of a trade name. 92241  
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(H) "Financial institution" means a bank organization, a holding company of a bank organization, or a nonbank financial organization, except when one of the following applies: 92248  
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(1) If two or more such entities are consolidated for the purposes of filing an FR Y-9, "financial institution" means a group consisting of all entities that are ~~included~~ consolidated in the FR Y-9. 92251  
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(2) If two or more such entities are consolidated for the purposes of filing a call report, "financial institution" means a group consisting of all entities that are ~~included~~ consolidated in the call report and that are not included in a group described in division (H)(1) of this section. 92255  
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(3) If a bank organization is owned directly by a grandfathered unitary savings and loan holding company or directly 92260  
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or indirectly by an entity that was a grandfathered unitary 92262  
savings and loan holding company on January 1, 2012, "financial 92263  
institution" means a group consisting only of that bank 92264  
organization and the entities ~~included~~ consolidated in that bank 92265  
organization's call report, notwithstanding division (H)(1) or (2) 92266  
of this section. 92267

"Financial institution" does not include a diversified 92268  
savings and loan holding company, a grandfathered unitary savings 92269  
and loan holding company, any entity that was a grandfathered 92270  
unitary savings and loan holding company on January 1, 2012, or 92271  
any entity that is not a bank organization or owned by a bank 92272  
organization and that is owned directly or indirectly by an entity 92273  
that was a grandfathered unitary savings and loan holding company 92274  
on January 1, 2012. 92275

(I) "FR Y-9" means the consolidated or parent-only financial 92276  
statements that a holding company is required to file with the 92277  
federal reserve board pursuant to 12 U.S.C. 1844. In the case of a 92278  
holding company required to file both consolidated and parent-only 92279  
financial statements, "FR Y-9" means the consolidated financial 92280  
statements that the holding company is required to file. For 92281  
purposes of division (H)(1) of this section, if a holding company 92282  
is required to file a parent-only financial statement and not a 92283  
consolidated financial statement, "FR Y-9" means the consolidated 92284  
financial statement the company would file if it were required to 92285  
do so by the federal reserve board. 92286

(J) "Grandfathered unitary savings and loan holding company" 92287  
means an entity described in 12 U.S.C. 1467a(c)(9)(C), as that 92288  
section existed on December 31, 1999. 92289

(K) "Gross receipts" means all items of income, without 92290  
deduction for expenses. If the reporting person for a taxpayer is 92291  
a holding company, "gross receipts" includes all items of income 92292  
reported on the FR Y-9 filed by the holding company. If the 92293

reporting person for a taxpayer is a bank organization, "gross 92294  
receipts" includes all items of income reported on the call report 92295  
filed by the bank organization. If the reporting person for a 92296  
taxpayer is a nonbank financial organization, "gross receipts" 92297  
includes all items of income reported in accordance with generally 92298  
accepted accounting principles. 92299

(L) "Insurance company" means every corporation, association, 92300  
and society engaged in the business of insurance of any character, 92301  
or engaged in the business of entering into contracts 92302  
substantially amounting to insurance of any character, or of 92303  
indemnifying or guaranteeing against loss or damage, or acting as 92304  
surety on bonds or undertakings. "Insurance company" also includes 92305  
any health insuring corporation as defined in section 1751.01 of 92306  
the Revised Code. 92307

(M)(1) "Nonbank financial organization" means every person 92308  
that is not a bank organization or a holding company of a bank 92309  
organization and that engages in business primarily as a small 92310  
dollar lender. "Nonbank financial organization" does not include 92311  
an institution organized under the "Federal Farm Loan Act," 39 92312  
Stat. 360 (1916), or a successor of such an institution, an 92313  
insurance company, a captive finance company, a credit union, an 92314  
institution organized and operated exclusively for charitable 92315  
purposes within the meaning of section 501(c)(3) of the Internal 92316  
Revenue Code, or a person that facilitates or services one or more 92317  
securitizations for a bank organization, a holding company of a 92318  
bank organization, a captive finance company, or any member of the 92319  
person's affiliated group. 92320

(2) A person is engaged in business primarily as a small 92321  
dollar lender if the person has, for the taxable year, gross 92322  
income from the activities described in division (O) of this 92323  
section that exceeds the person's gross income from all other 92324  
activities. As used in division (M) of this section, "gross 92325

income" has the same meaning as in section 61 of the Internal Revenue Code, and income from transactions between the person and the other members of the affiliated group shall be eliminated, and any sales, exchanges, and other dispositions of commercial paper to persons outside the affiliated group produces gross income only to the extent the proceeds from such transactions exceed the affiliated group's basis in such commercial paper.

(N) "Reporting person" means one of the following:

(1) In the case of a financial institution described in division (H)(1) of this section, the top-tier holding company required to file an FR Y-9.

(2) In the case of a financial institution described in division (H)(2) or (3) of this section, the bank organization required to file the call report.

(3) In the case of a bank organization or nonbank financial organization that is not included in a group described in division (H)(1) or (2) of this section, the bank organization or nonbank financial organization.

(O) "Small dollar lender" means any person engaged primarily in the business of loaning money to individuals, provided that the loan amounts do not exceed five thousand dollars and the duration of the loans do not exceed twelve months. A "small dollar lender" does not include a bank organization, credit union, or captive finance company.

(P) "Tax year" means the calendar year for which the tax levied under section 5726.02 of the Revised Code is required to be paid.

(Q) "Taxable year" means the calendar year preceding the year in which an annual report is required to be filed under section 5726.03 of the Revised Code.

(R) "Taxpayer" means a financial institution subject to the 92356  
tax levied under section 5726.02 of the Revised Code. 92357

(S) "Total equity capital" means the sum of the common stock 92358  
at par value, perpetual preferred stock and related surplus, other 92359  
surplus not related to perpetual preferred stock, retained 92360  
earnings, accumulated other comprehensive income, treasury stock, 92361  
unearned employee stock ownership plan shares, and other equity 92362  
components of a financial institution. "Total equity capital" 92363  
shall not include any noncontrolling (minority) interests as 92364  
reported on an FR Y-9 or call report, unless such interests are in 92365  
a bank organization or a bank holding company. 92366

(T) "Total Ohio equity capital" means the portion of the 92367  
total equity capital of a financial institution apportioned to 92368  
Ohio pursuant to section 5726.05 of the Revised Code. 92369

(U) "Holding company" does not include a diversified savings 92370  
and loan holding company, a grandfathered unitary savings and loan 92371  
holding company, any entity that was a grandfathered unitary 92372  
savings and loan holding company on January 1, 2012, or any entity 92373  
that is not a bank organization or owned by a bank organization 92374  
and that is owned directly or indirectly by an entity that was a 92375  
grandfathered unitary savings and loan holding company on January 92376  
1, 2012. 92377

(V) "Securitization" means transferring one or more assets to 92378  
one or more persons and subsequently issuing securities backed by 92379  
the right to receive payment from the asset or assets so 92380  
transferred. 92381

(W) "De novo bank organization" means a bank organization 92382  
that first began operations in the taxable year preceding the 92383  
current tax year or in either of the two immediately preceding 92384  
taxable years. For the purposes of this division, a bank 92385  
organization "first began operations" on the day the bank 92386

organization was issued a charter, a certificate of authority to 92387  
commence business, or the equivalent document enabling the bank 92388  
organization to begin conducting business as a bank organization. 92389  
A "de novo bank organization" does not include a bank organization 92390  
formed by, acquired by, merged with, or converted by a taxpayer 92391  
that filed and paid the tax under this chapter in any preceding 92392  
calendar year. 92393

**Sec. 5726.04.** (A)(1) The tax levied on a financial 92394  
institution other than a de novo bank organization under this 92395  
chapter shall be the greater of the following: 92396

(a) A minimum tax equal to one thousand dollars; 92397

(b) The product of the total Ohio equity capital of the 92398  
financial institution, as determined under this section, 92399  
multiplied by eight mills for each dollar of the first two hundred 92400  
million dollars of total Ohio equity capital, by four mills for 92401  
each dollar of total Ohio equity capital greater than two hundred 92402  
million and less than one billion three hundred million dollars, 92403  
and by two and one-half mills for each dollar of total Ohio equity 92404  
capital equal to or greater than one billion three hundred million 92405  
dollars. 92406

(2) The tax levied on a de novo bank organization under this 92407  
chapter shall equal the difference obtained by subtracting one 92408  
million dollars from the amount of tax that would be calculated 92409  
for the de novo bank organization under division (A)(1)(b) of this 92410  
section, provided that if that difference is equal to or less than 92411  
zero, no tax shall be due for the taxable year. 92412

A de novo bank organization with no tax due for a taxable 92413  
year pursuant to this division shall be considered a financial 92414  
institution that "paid the tax imposed by section 5726.02 of the 92415  
Revised Code based on" that taxable year for the purposes of 92416  
division (E)(3) of section 5751.01 of the Revised Code. 92417

(B) If the reporting person for a financial institution files an FR Y-9 or call report, the total equity capital of the financial institution shall equal the total equity capital shown on the reporting person's FR Y-9 or call report as of the end of the taxable year. The total equity capital of all other financial institutions shall be reported as of the end of the taxable year in accordance with generally accepted accounting principles.

(C) For the purposes of this section:

(1) "Total Ohio equity capital" means the product of (a) the total equity capital of a financial institution as of the end of a taxable year to the extent that the total equity capital does not exceed fourteen per cent of the financial institution's total assets multiplied by (b) the Ohio apportionment ratio calculated for the financial institution under section 5726.05 of the Revised Code, ~~except as provided in section 5726.041 of the Revised Code.~~

(2) "Total assets" means:

(a) In the case of a financial institution described in division (H)(1) of section 5726.01 of the Revised Code, the total consolidated assets as shown on the reporting person's FR Y-9 as of the end of the taxable year;

(b) In the case of a financial institution described in division (H)(2) or (3) of section 5726.01 of the Revised Code, the total consolidated assets as shown on the reporting person's call report as of the end of the taxable year;

(c) In the case of all other financial institutions, the total consolidated assets of the financial institution as of the end of the taxable year in accordance with generally accepted accounting principles.

The tax commissioner may audit a reporting person's total assets to confirm the financial institution's actual total consolidated assets and may make any adjustments necessary.

(D) All payments received from the tax levied under this chapter shall be credited to the general revenue fund.

(E) The commissioner may adopt rules to provide additional guidance for the application of this section.

**Sec. 5726.56.** (A) As used in this section, "qualified research expenses" has the same meaning as in section 41 of the Internal Revenue Code.

(B) A taxpayer may claim a nonrefundable credit against the tax imposed under this chapter equal to seven per cent of the excess of (1) the qualified research expenses incurred by the taxpayer in this state in a taxable year over (2) the average annual qualified research expenses incurred by the taxpayer in this state in the three previous taxable years. For the purposes of this division, "qualified research expenses incurred by the taxpayer" includes the qualified research expenses incurred by all persons included in the annual report of the taxpayer and by any insurance company subject to the tax levied under section 5725.18 or Chapter 5729. of the Revised Code that has more than fifty per cent of its ownership interests directly or indirectly owned or controlled by a person included in the annual report of the taxpayer, even though such an insurance company is not subject to the tax imposed under this chapter.

(C) A taxpayer shall claim the credit allowed under this section in the order prescribed by section 5726.98 of the Revised Code. If the amount of the credit exceeds the amount of tax otherwise due after deducting all other credits preceding the credit in the order prescribed in section 5726.98 of the Revised Code, the excess may be carried forward for not more than seven ensuing tax years. The amount of the excess credit claimed in any such year shall be deducted from the balance carried forward to the next tax year.

(D) A taxpayer may claim against the tax imposed under this 92480  
chapter any unused portion of a credit authorized under section 92481  
5733.351 of the Revised Code but only to the extent of the 92482  
remaining portion of the seven-year carry-forward period 92483  
authorized by that section. 92484

(E) In the case of a taxpayer that includes more than one 92485  
person, each person in the financial institution group shall 92486  
separately calculate the credit claimed under this section using 92487  
the qualified research expenses incurred by that person on a form 92488  
prescribed by the tax commissioner, which shall be used by the 92489  
taxpayer to claim the credit. 92490

A taxpayer may only claim the credit with respect to persons 92491  
included in the financial institution group as of the thirty-first 92492  
day of December of the taxable year in which the qualified 92493  
research expenses are incurred. A taxpayer may only claim any 92494  
excess credit carried forward under division (C) of this section 92495  
with respect to persons included in that group as of the last day 92496  
of the taxable year for which the return claiming the credit is 92497  
filed. 92498

(F) A taxpayer that claims a credit under this section shall 92499  
retain records to substantiate the claim. Required records include 92500  
those relating to any expenses used in calculating the credit and 92501  
incurred in the current taxable year and in the three preceding 92502  
taxable years. 92503

The taxpayer shall retain the required records until the date 92504  
that is four years after the due date for the return on which the 92505  
credit was claimed or four years after the date the return was 92506  
actually filed, whichever is later. 92507

(G) The tax commissioner may audit a sample of the taxpayer's 92508  
qualified research expenses over a representative period to 92509  
ascertain the amount of tax credit the taxpayer may claim under 92510

this section and may issue an assessment under section 5726.20 of 92511  
the Revised Code based on the audit. The commissioner shall make a 92512  
good faith effort to reach an agreement with the taxpayer in 92513  
selecting a representative sample. The commissioner is not, 92514  
however, precluded from proceeding under this division if an 92515  
agreement is not made. 92516

**Sec. 5726.58.** (A) Terms used in this section have the same 92517  
meanings as in section 175.16 of the Revised Code. 92518

(B) A taxpayer may claim a nonrefundable tax credit against 92519  
the tax imposed under section 5736.02 of the Revised Code for each 92520  
person included in the annual report of the taxpayer that is 92521  
allocated a credit issued by the executive director of the Ohio 92522  
housing finance agency under section 175.16 of the Revised Code. 92523  
The credit equals the amount allocated to such person for the 92524  
taxable year and reported by the designated reporter on the form 92525  
prescribed by division (I) of section 175.16 of the Revised Code. 92526

The credit authorized in this section shall be claimed in the 92527  
order required under section 5726.98 of the Revised Code. If the 92528  
amount of a credit exceeds the tax otherwise due under section 92529  
5726.02 of the Revised Code after deducting all other credits 92530  
preceding the credit in the order prescribed in section 5726.98 of 92531  
the Revised Code, the excess may be carried forward for not more 92532  
than five ensuing tax years. The amount of the excess credit 92533  
claimed in any such year shall be deducted from the balance 92534  
carried forward to the next tax year. 92535

No credit shall be claimed under this section to the extent 92536  
the credit was claimed under section 5725.36, 5729.19, or 5747.83 92537  
of the Revised Code. 92538

**Sec. 5726.98.** (A) To provide a uniform procedure for 92539  
calculating the amount of tax due under section 5726.02 of the 92540

Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled under this chapter in the following order:

The nonrefundable job retention credit under division (B) of section 5726.50 of the Revised Code;

The nonrefundable credit for purchases of qualified low-income community investments under section 5726.54 of the Revised Code;

The nonrefundable credit for qualified research expenses under section 5726.56 of the Revised Code;

The nonrefundable credit for qualifying dealer in intangibles taxes under section 5726.57 of the Revised Code;

The nonrefundable Ohio low-income housing tax credit under section 5726.58 of the Revised Code;

The refundable credit for rehabilitating an historic building under section 5726.52 of the Revised Code;

The refundable job retention or job creation credit under division (A) of section 5726.50 of the Revised Code;

The refundable credit under section 5726.53 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;

The refundable motion picture and Broadway theatrical production credit under section 5726.55 of the Revised Code.

(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or

indirectly, a credit more than once for a taxable year. 92570

**Sec. 5727.28.** (A) The tax commissioner shall refund to a 92571  
natural gas company or combined company subject to the tax imposed 92572  
by section 5727.24 of the Revised Code amounts paid illegally or 92573  
erroneously, or paid on an illegal or erroneous assessment. 92574  
Applications for a refund shall be filed with the tax 92575  
commissioner, on a form prescribed by the commissioner, within 92576  
four years of the illegal or erroneous payment. 92577

On the filing of the application, the commissioner shall 92578  
determine the amount of refund to which the applicant is entitled. 92579  
If the amount is not less than that claimed, the commissioner 92580  
shall ~~notify the director of budget and management and~~ issue the 92581  
refund from the tax refund fund under section 5703.052 of the 92582  
Revised Code. If the amount is less than that claimed, the 92583  
commissioner shall proceed in accordance with section 5703.70 of 92584  
the Revised Code. 92585

If the application for refund is for payment of an illegal or 92586  
erroneous assessment, the commissioner shall include in the 92587  
certified amount interest calculated at the rate per annum 92588  
prescribed by section 5703.47 of the Revised Code from the date of 92589  
overpayment to the date of the commissioner's certification. 92590

(B) If a natural gas company or combined company entitled to 92591  
a refund under this section, or section 5703.70 of the Revised 92592  
Code, is indebted to the state for any tax or fee administered by 92593  
the tax commissioner that is paid to the state, or any charge, 92594  
penalty, or interest arising from such a tax or fee, the amount 92595  
refundable may be applied in satisfaction of that debt. If the 92596  
amount refundable is less than the amount of the debt, it may be 92597  
applied in partial satisfaction of the debt. If the amount 92598  
refundable is greater than the amount of the debt, the amount 92599  
remaining after satisfaction of the debt shall be refunded. 92600

(C) In lieu of granting a refund under division (A) or (B) of this section, the tax commissioner may allow a natural gas company or combined company to claim a credit of the amount of the tax refund on the return for the period during which the tax became refundable. The commissioner may require the company to submit information to support a claim for a credit under this division, and the commissioner may disallow the credit if the information is not provided.

**Sec. 5727.42.** (A) The treasurer of state shall notify the tax commissioner of any payment of the excise tax imposed by section 5727.30 of the Revised Code. The commissioner shall collect and the taxpayer shall pay all taxes and any penalties thereon. Payments of the tax may be made by mail, in person, by electronic funds transfer if required to do so by section 5727.311 of the Revised Code, or by any other means authorized by the commissioner. The commissioner may adopt rules concerning the methods and timeliness of payment.

(B) Each tax assessment issued pursuant to this section shall separately reflect the taxes and any penalty due, and any other information considered necessary. The commissioner shall mail the assessment to the taxpayer, and the mailing of it shall be prima-facie evidence of receipt thereof by the taxpayer.

(C) The commissioner shall refund taxes levied and payments made for the tax imposed by section 5727.30 of the Revised Code as provided in this section, but no refund shall be made to a taxpayer having a delinquent claim certified pursuant to this section that remains unpaid. The commissioner may consult the attorney general regarding such claims.

(D) After receiving any excise tax annual statement for the tax imposed by section 5727.30 of the Revised Code, the commissioner shall:

(1) Ascertain the difference between the total taxes owed and the sum of all payments made for that year. 92632  
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(2) If the difference is a deficiency, the commissioner shall issue an assessment. 92634  
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(3) If the difference is an excess, the commissioner shall ~~notify the director of budget and management and~~ issue a refund of that amount to the taxpayer. If the amount of the refund is less than that claimed by the taxpayer, the taxpayer, within sixty days of the issuance of the refund, may provide to the commissioner additional information to support the claim or may request a hearing. Upon receiving such information or request within that time, the commissioner shall follow the same procedures set forth in divisions (C) and (D) of section 5703.70 of the Revised Code for the determination of refund applications. 92636  
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If the taxpayer has a deficiency for one tax year and an excess for another tax year, or any combination thereof for more than two years, the commissioner may determine the net result and, depending on such result, proceed to issue an assessment or certify a refund. 92646  
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(E) If a taxpayer fails to pay the amount of taxes required to be paid, or fails to make an estimated payment on or before the due date prescribed in division (B) of section 5727.31 of the Revised Code, the commissioner shall impose a penalty in the amount of fifteen per cent of the unpaid amount, and the commissioner shall issue an assessment for the unpaid amount and penalty. Unless a timely petition for reassessment is filed under section 5727.47 of the Revised Code, the attorney general shall proceed to collect the delinquent taxes and penalties thereon in the manner prescribed by law and notify the commissioner of all collections. 92651  
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**Sec. 5727.47.** (A) Notice of each assessment certified or 92662

issued pursuant to section 5727.23 or 5727.38 of the Revised Code 92663  
shall be mailed to the public utility, and its mailing shall be 92664  
prima-facie evidence of its receipt by the public utility to which 92665  
it is addressed. With the notice, the tax commissioner shall 92666  
provide instructions on how to petition for reassessment and 92667  
request a hearing on the petition. ~~If~~ Except as otherwise provided 92668  
in division (G) of this section, if a public utility objects to 92669  
such an assessment, it may file with the commissioner, either 92670  
personally or by certified mail, within sixty days after the 92671  
mailing of the notice of assessment a written petition for 92672  
reassessment signed by the utility's authorized agent having 92673  
knowledge of the facts. The date the commissioner receives the 92674  
petition shall be considered the date of filing. The petition 92675  
shall indicate the utility's objections, but additional objections 92676  
may be raised in writing if received by the commissioner prior to 92677  
the date shown on the final determination. 92678

In the case of a petition seeking a reduction in taxable 92679  
value filed with respect to an assessment certified under section 92680  
5727.23 of the Revised Code, the petitioner shall state in the 92681  
petition the total amount of reduction in taxable value sought by 92682  
the petitioner. If the petitioner objects to the percentage of 92683  
true value at which taxable property is assessed by the 92684  
commissioner, the petitioner shall state in the petition the total 92685  
amount of reduction in taxable value sought both with and without 92686  
regard to the objection pertaining to the percentage of true value 92687  
at which its taxable property is assessed. If a petitioner objects 92688  
to the commissioner's apportionment of the taxable value of the 92689  
petitioner's taxable property, the petitioner shall distinctly 92690  
state in the petition that the petitioner objects to the 92691  
commissioner's apportionment, and, within forty-five days after 92692  
filing the petition for reassessment, shall submit the 92693  
petitioner's proposed apportionment of the taxable value of its 92694  
taxable property among taxing districts. If a petitioner that 92695

objects to the commissioner's apportionment fails to state its 92696  
objections to that apportionment in its petition for reassessment 92697  
or fails to submit its proposed apportionment within forty-five 92698  
days after filing the petition for reassessment, the commissioner 92699  
shall dismiss the petitioner's objection to the commissioner's 92700  
apportionment, and the taxable value of the petitioner's taxable 92701  
property, subject to any adjustment to taxable value pursuant to 92702  
the petition or appeal, shall be apportioned in the manner used by 92703  
the commissioner in the preliminary or amended preliminary 92704  
assessment certified under section 5727.23 of the Revised Code. 92705

If an additional objection seeking a reduction in taxable 92706  
value in excess of the reduction stated in the original petition 92707  
is properly and timely raised with respect to an assessment issued 92708  
under section 5727.23 of the Revised Code, the petitioner shall 92709  
state the total amount of the reduction in taxable value sought in 92710  
the additional objection both with and without regard to any 92711  
reduction in taxable value pertaining to the percentage of true 92712  
value at which taxable property is assessed. If a petitioner fails 92713  
to state the reduction in taxable value sought in the original 92714  
petition or in additional objections properly raised after the 92715  
petition is filed, the commissioner shall notify the petitioner of 92716  
the failure ~~by certified mail~~ in the manner provided in section 92717  
5703.37 of the Revised Code. If the petitioner fails to notify the 92718  
commissioner in writing of the reduction in taxable value sought 92719  
in the petition or in an additional objection within thirty days 92720  
after receiving the commissioner's notice, the commissioner shall 92721  
dismiss the petition or the additional objection in which that 92722  
reduction is sought. 92723

(B)(1) Subject to divisions (B)(2) and (3) of this section, a 92724  
public utility filing a petition for reassessment regarding an 92725  
assessment certified or issued under section 5727.23 or 5727.38 of 92726  
the Revised Code shall pay the tax with respect to the assessment 92727

objected to as required by law. The acceptance of any tax payment 92728  
by the treasurer of state, tax commissioner, or any county 92729  
treasurer shall not prejudice any claim for taxes on final 92730  
determination by the commissioner or final decision by the board 92731  
of tax appeals or any court. 92732

(2) If a public utility properly and timely files a petition 92733  
for reassessment regarding an assessment certified under section 92734  
5727.23 of the Revised Code, the petitioner shall pay the tax as 92735  
prescribed by divisions (B)(2)(a), (b), and (c) of this section: 92736

(a) If the petitioner does not object to the commissioner's 92737  
apportionment of the taxable value of the petitioner's taxable 92738  
property, the petitioner is not required to pay the part of the 92739  
tax otherwise due on the taxable value that the petitioner seeks 92740  
to have reduced, subject to division (B)(2)(c) of this section. 92741

(b) If the petitioner objects to the commissioner's 92742  
apportionment of the taxable value of the petitioner's taxable 92743  
property, the petitioner is not required to pay the tax otherwise 92744  
due on the part of the taxable value apportioned to any taxing 92745  
district that the petitioner objects to, subject to division 92746  
(B)(2)(c) of this section. If, pursuant to division (A) of this 92747  
section, the petitioner has, in a proper and timely manner, 92748  
apportioned taxable value to a taxing district to which the 92749  
commissioner did not apportion the petitioner's taxable value, the 92750  
petitioner shall pay the tax due on the taxable value that the 92751  
petitioner has apportioned to the taxing district, subject to 92752  
division (B)(2)(c) of this section. 92753

(c) If a petitioner objects to the percentage of true value 92754  
at which taxable property is assessed by the commissioner, the 92755  
petitioner shall pay the tax due on the basis of the percentage of 92756  
true value at which the public utility's taxable property is 92757  
assessed by the commissioner. In any case, the petitioner's 92758  
payment of tax shall not be less than the amount of tax due based 92759

on the taxable value reflected on the last appeal notice issued by 92760  
the commissioner under division (C) of this section. Until the 92761  
county auditor receives notification under division (E) of this 92762  
section and proceeds under section 5727.471 of the Revised Code to 92763  
issue any refund that is found to be due, the county auditor shall 92764  
not issue a refund for any increase in the reduction in taxable 92765  
value that is sought by a petitioner later than forty-five days 92766  
after the petitioner files the original petition as required under 92767  
division (A) of this section. 92768

(3) Any part of the tax that, under division (B)(2)(a) or (b) 92769  
of this section, is not paid shall be collected upon receipt of 92770  
the notification as provided in section 5727.471 of the Revised 92771  
Code with interest thereon computed in the same manner as interest 92772  
is computed under division (E) of section 5715.19 of the Revised 92773  
Code, subject to any correction of the assessment by the 92774  
commissioner under division (E) of this section or the final 92775  
judgment of the board of tax appeals or a court to which the 92776  
board's final judgment is appealed. The penalty imposed under 92777  
section 323.121 of the Revised Code shall apply only to the unpaid 92778  
portion of the tax if the petitioner's tax payment is less than 92779  
the amount of tax due based on the taxable value reflected on the 92780  
last appeal notice issued by the commissioner under division (C) 92781  
of this section. 92782

(C) Upon receipt of a properly filed petition for 92783  
reassessment with respect to an assessment certified under section 92784  
5727.23 of the Revised Code, the tax commissioner shall notify the 92785  
treasurer of state or the auditor of each county to which the 92786  
assessment objected to has been certified. In the case of a 92787  
petition with respect to an assessment certified under section 92788  
5727.23 of the Revised Code, the commissioner shall issue an 92789  
appeal notice within thirty days after receiving the amount of the 92790  
taxable value reduction and apportionment changes sought by the 92791

petitioner in the original petition or in any additional 92792  
objections properly and timely raised by the petitioner. The 92793  
appeal notice shall indicate the amount of the reduction in 92794  
taxable value sought in the petition or in the additional 92795  
objections and the extent to which the reduction in taxable value 92796  
and any change in apportionment requested by the petitioner would 92797  
affect the commissioner's apportionment of the taxable value among 92798  
taxing districts in the county as shown in the assessment. If a 92799  
petitioner is seeking a reduction in taxable value on the basis of 92800  
a lower percentage of true value than the percentage at which the 92801  
commissioner assessed the petitioner's taxable property, the 92802  
appeal notice shall indicate the reduction in taxable value sought 92803  
by the petitioner without regard to the reduction sought on the 92804  
basis of the lower percentage and shall indicate that the 92805  
petitioner is required to pay tax on the reduced taxable value 92806  
determined without regard to the reduction sought on the basis of 92807  
a lower percentage of true value, as provided under division 92808  
(B)(2)(c) of this section. The appeal notice shall include a 92809  
statement that the reduced taxable value and the apportionment 92810  
indicated in the notice are not final and are subject to 92811  
adjustment by the commissioner or by the board of tax appeals or a 92812  
court on appeal. If the commissioner finds an error in the appeal 92813  
notice, the commissioner may amend the notice, but the notice is 92814  
only for informational and tax payment purposes; the notice is not 92815  
subject to appeal by any person. The commissioner also shall mail 92816  
a copy of the appeal notice to the petitioner. Upon the request of 92817  
a taxing authority, the county auditor may disclose to the taxing 92818  
authority the extent to which a reduction in taxable value sought 92819  
by a petitioner would affect the apportionment of taxable value to 92820  
the taxing district or districts under the taxing authority's 92821  
jurisdiction, but such a disclosure does not constitute a notice 92822  
required by law to be given for the purpose of section 5717.02 of 92823  
the Revised Code. 92824

(D) If the petitioner requests a hearing on the petition, the tax commissioner shall assign a time and place for the hearing on the petition and notify the petitioner of such time and place, but the commissioner may continue the hearing from time to time as necessary.

(E) The tax commissioner may make corrections to the assessment as the commissioner finds proper. The commissioner shall serve a copy of the commissioner's final determination on the petitioner in the manner provided in section 5703.37 of the Revised Code. The commissioner's decision in the matter shall be final, subject to appeal under section 5717.02 of the Revised Code. With respect to a final determination issued for an assessment certified under section 5727.23 of the Revised Code, the commissioner also shall transmit a copy of the final determination to the applicable county auditor. In the absence of any further appeal, or when a decision of the board of tax appeals or of any court to which the decision has been appealed becomes final, the commissioner shall notify the public utility and, as appropriate, shall proceed under section 5727.42 of the Revised Code, or notify the applicable county auditor, who shall proceed under section 5727.471 of the Revised Code.

The notification made under this division is not subject to further appeal.

(F) On appeal, no adjustment shall be made in the tax commissioner's assessment certified under section 5727.23 of the Revised Code that reduces the taxable value of a petitioner's taxable property by an amount that exceeds the reduction sought by the petitioner in its petition for reassessment or in any additional objections properly and timely raised after the petition is filed with the commissioner.

(G) An electric company with taxable property that is, or is part of, a facility that generates electricity may file a petition

for reassessment seeking a reduction in taxable value of that 92857  
property, provided that any such petition shall not request, and 92858  
the tax commissioner shall have no authority to grant, a reduction 92859  
in taxable value of more than seven and one-half per cent of the 92860  
taxable value of the property for the immediately preceding tax 92861  
year. 92862

**Sec. 5727.75.** (A) For purposes of this section: 92863

(1) "Qualified energy project" means an energy project 92864  
certified by the director of development pursuant to this section. 92865

(2) "Energy project" means a project to provide electric 92866  
power through the construction, installation, and use of an energy 92867  
facility. 92868

(3) "Alternative energy zone" means a county declared as such 92869  
by the board of county commissioners under division (E)(1)(b) or 92870  
(c) of this section. 92871

(4) "Full-time equivalent employee" means the total number of 92872  
employee-hours for which compensation was paid to individuals 92873  
employed at a qualified energy project for services performed at 92874  
the project during the calendar year divided by two thousand 92875  
eighty hours. For the purpose of this calculation, "performed at 92876  
the project" includes only hours worked at the qualified energy 92877  
project and devoted to site preparation or protection, 92878  
construction and installation, and the unloading and distribution 92879  
of materials at the project site, but does not include hours 92880  
worked by superintendents, owners, manufacturers' representatives, 92881  
persons employed in a bona fide executive, management, 92882  
supervisory, or administrative capacity, or persons whose sole 92883  
employment on the project is transporting materials or persons to 92884  
the project site. 92885

(5) "Solar energy project" means an energy project composed 92886

of an energy facility using solar panels to generate electricity. 92887

(6) "Internet identifier of record" has the same meaning as 92888  
in section 9.312 of the Revised Code. 92889

(7) "Applicable year" means the tax year that aligns with the 92890  
applicable year, as that term is defined in section 45Y of the 92891  
Internal Revenue Code. 92892

(8) "Internal Revenue Code" means the Internal Revenue Code 92893  
as of the effective date of this amendment. 92894

(B)(1) Tangible personal property of a qualified energy 92895  
project using renewable energy resources is exempt from taxation 92896  
for tax years 2011 through ~~2025~~ the applicable year if all of the 92897  
following conditions are satisfied: 92898

(a) On or before ~~December 31, 2024~~ the last day of the tax 92899  
year preceding the applicable year, the owner or a lessee pursuant 92900  
to a sale and leaseback transaction of the project submits an 92901  
application to the power siting board for a certificate under 92902  
section 4906.20 of the Revised Code, or if that section does not 92903  
apply, submits an application for any approval, consent, permit, 92904  
or certificate or satisfies any condition required by a public 92905  
agency or political subdivision of this state for the construction 92906  
or initial operation of an energy project. 92907

(b) Construction or installation of the energy facility 92908  
begins on or after January 1, 2009, and before ~~January 1, 2025~~ the 92909  
first day of the applicable year. For the purposes of this 92910  
division, construction begins on the earlier of the date of 92911  
application for a certificate or other approval or permit 92912  
described in division (B)(1)(a) of this section, or the date the 92913  
contract for the construction or installation of the energy 92914  
facility is entered into. 92915

(c) For a qualified energy project with a nameplate capacity 92916  
of twenty megawatts or greater, a board of county commissioners of 92917

a county in which property of the project is located has adopted a resolution under division (E)(1)(b) or (c) of this section to approve the application submitted under division (E) of this section to exempt the property located in that county from taxation. A board's adoption of a resolution rejecting an application or its failure to adopt a resolution approving the application does not affect the tax-exempt status of the qualified energy project's property that is located in another county.

(2) If tangible personal property of a qualified energy project using renewable energy resources was exempt from taxation under this section beginning in any of tax years 2011 through ~~2025~~ the applicable year, and the certification under division (E)(2) of this section has not been revoked, the tangible personal property of the qualified energy project is exempt from taxation for the tax year 2026 following the applicable year and all ensuing tax years if the property was placed into service before ~~January 1, 2026~~ before the first day of the tax year following the applicable year, as certified in the construction progress report required under division (F)(2) of this section. Tangible personal property that has not been placed into service before that date is taxable property subject to taxation. An energy project for which certification has been revoked is ineligible for further exemption under this section. Revocation does not affect the tax-exempt status of the project's tangible personal property for the tax year in which revocation occurs or any prior tax year.

(C) Tangible personal property of a qualified energy project using clean coal technology, advanced nuclear technology, or cogeneration technology is exempt from taxation for the first tax year that the property would be listed for taxation and all subsequent years if all of the following circumstances are met:

(1) The property was placed into service before January 1, 2021. Tangible personal property that has not been placed into

service before that date is taxable property subject to taxation. 92950

(2) For such a qualified energy project with a nameplate 92951  
capacity of twenty megawatts or greater, a board of county 92952  
commissioners of a county in which property of the qualified 92953  
energy project is located has adopted a resolution under division 92954  
(E)(1)(b) or (c) of this section to approve the application 92955  
submitted under division (E) of this section to exempt the 92956  
property located in that county from taxation. A board's adoption 92957  
of a resolution rejecting the application or its failure to adopt 92958  
a resolution approving the application does not affect the 92959  
tax-exempt status of the qualified energy project's property that 92960  
is located in another county. 92961

(3) The certification for the qualified energy project issued 92962  
under division (E)(2) of this section has not been revoked. An 92963  
energy project for which certification has been revoked is 92964  
ineligible for exemption under this section. Revocation does not 92965  
affect the tax-exempt status of the project's tangible personal 92966  
property for the tax year in which revocation occurs or any prior 92967  
tax year. 92968

(D) Except as otherwise provided in this section, real 92969  
property of a qualified energy project is exempt from taxation for 92970  
any tax year for which the tangible personal property of the 92971  
qualified energy project is exempted under this section. 92972

(E)(1)(a) A person may apply to the director of development 92973  
for certification of an energy project as a qualified energy 92974  
project on or before the following dates: 92975

(i) ~~December 31, 2024~~ The last day of the tax year preceding 92976  
the applicable year, for an energy project using renewable energy 92977  
resources; 92978

(ii) December 31, 2017, for an energy project using clean 92979  
coal technology, advanced nuclear technology, or cogeneration 92980

technology. 92981

(b) The director shall forward a copy of each application for 92982  
certification of an energy project with a nameplate capacity of 92983  
twenty megawatts or greater to the board of county commissioners 92984  
of each county in which the project is located and to each taxing 92985  
unit with territory located in each of the affected counties. Any 92986  
board that receives from the director a copy of an application 92987  
submitted under this division shall adopt a resolution approving 92988  
or rejecting the application unless it has adopted a resolution 92989  
under division (E)(1)(c) of this section. A resolution adopted 92990  
under division (E)(1)(b) or (c) of this section may require an 92991  
annual service payment to be made in addition to the service 92992  
payment required under division (G) of this section. The sum of 92993  
the service payment required in the resolution and the service 92994  
payment required under division (G) of this section shall not 92995  
exceed nine thousand dollars per megawatt of nameplate capacity 92996  
located in the county. The resolution shall specify the time and 92997  
manner in which the payments required by the resolution shall be 92998  
paid to the county treasurer. The county treasurer shall deposit 92999  
the payment to the credit of the county's general fund to be used 93000  
for any purpose for which money credited to that fund may be used. 93001

The board shall send copies of the resolution to the owner of 93002  
the facility and the director by certified mail or, if the board 93003  
has record of an internet identifier of record associated with the 93004  
owner or director, by ordinary mail and by that internet 93005  
identifier of record. The board shall send such notice within 93006  
thirty days after receipt of the application, or a longer period 93007  
of time if authorized by the director. 93008

(c) A board of county commissioners may adopt a resolution 93009  
declaring the county to be an alternative energy zone and 93010  
declaring all applications submitted to the director of 93011  
development under this division after the adoption of the 93012

resolution, and prior to its repeal, to be approved by the board. 93013

All tangible personal property and real property of an energy 93014  
project with a nameplate capacity of twenty megawatts or greater 93015  
is taxable if it is located in a county in which the board of 93016  
county commissioners adopted a resolution rejecting the 93017  
application submitted under this division or failed to adopt a 93018  
resolution approving the application under division (E)(1)(b) or 93019  
(c) of this section. 93020

(2) The director shall certify an energy project if all of 93021  
the following circumstances exist: 93022

(a) The application was timely submitted. 93023

(b) For an energy project with a nameplate capacity of twenty 93024  
megawatts or greater, a board of county commissioners of at least 93025  
one county in which the project is located has adopted a 93026  
resolution approving the application under division (E)(1)(b) or 93027  
(c) of this section. 93028

(c) No portion of the project's facility was used to supply 93029  
electricity before December 31, 2009. 93030

(d) For construction or installation of a qualified energy 93031  
project described in division (B)(1)(b) of this section, that the 93032  
project is subject to wage requirements described in section 93033  
45(b)(7)(A) of the Internal Revenue Code and apprenticeship 93034  
requirements described in section 45(b)(8)(A)(i) of the Internal 93035  
Revenue Code, provided both of the following apply: 93036

(i) The person applies for such certificate after the 93037  
effective date of this amendment. 93038

(ii) A board of commissioners of at least one county in which 93039  
the project is located is required to adopt a resolution approving 93040  
the application under division (E)(1)(b) or (c) of this section. 93041

(3) The director shall deny a certification application if 93042

the director determines the person has failed to comply with any 93043  
requirement under this section. The director may revoke a 93044  
certification if the director determines the person, or subsequent 93045  
owner or lessee pursuant to a sale and leaseback transaction of 93046  
the qualified energy project, has failed to comply with any 93047  
requirement under this section. Upon certification or revocation, 93048  
the director shall notify the person, owner, or lessee, the tax 93049  
commissioner, and the county auditor of a county in which the 93050  
project is located of the certification or revocation. Notice 93051  
shall be provided in a manner convenient to the director. 93052

(F) The owner or a lessee pursuant to a sale and leaseback 93053  
transaction of a qualified energy project shall do each of the 93054  
following: 93055

(1) Comply with all applicable regulations; 93056

(2) File with the director of development a certified 93057  
construction progress report before the first day of March of each 93058  
year during the energy facility's construction or installation 93059  
indicating the percentage of the project completed, and the 93060  
project's nameplate capacity, as of the preceding thirty-first day 93061  
of December. Unless otherwise instructed by the director of 93062  
development, the owner or lessee of an energy project shall file a 93063  
report with the director on or before the first day of March each 93064  
year after completion of the energy facility's construction or 93065  
installation indicating the project's nameplate capacity as of the 93066  
preceding thirty-first day of December. Not later than sixty days 93067  
after June 17, 2010, the owner or lessee of an energy project, the 93068  
construction of which was completed before June 17, 2010, shall 93069  
file a certificate indicating the project's nameplate capacity. 93070

(3) File with the director of development, in a manner 93071  
prescribed by the director, a report of the total number of 93072  
full-time equivalent employees, and the total number of full-time 93073  
equivalent employees domiciled in Ohio, who are employed in the 93074

construction or installation of the energy facility; 93075

(4) For energy projects with a nameplate capacity of twenty 93076  
megawatts or greater, repair all roads, bridges, and culverts 93077  
affected by construction as reasonably required to restore them to 93078  
their preconstruction condition, as determined by the county 93079  
engineer in consultation with the local jurisdiction responsible 93080  
for the roads, bridges, and culverts. In the event that the county 93081  
engineer deems any road, bridge, or culvert to be inadequate to 93082  
support the construction or decommissioning of the energy 93083  
facility, the road, bridge, or culvert shall be rebuilt or 93084  
reinforced to the specifications established by the county 93085  
engineer prior to the construction or decommissioning of the 93086  
facility. The owner or lessee of the facility shall post a bond in 93087  
an amount established by the county engineer and to be held by the 93088  
board of county commissioners to ensure funding for repairs of 93089  
roads, bridges, and culverts affected during the construction. The 93090  
bond shall be released by the board not later than one year after 93091  
the date the repairs are completed. The energy facility owner or 93092  
lessee pursuant to a sale and leaseback transaction shall post a 93093  
bond, as may be required by the Ohio power siting board in the 93094  
certificate authorizing commencement of construction issued 93095  
pursuant to section 4906.10 of the Revised Code, to ensure funding 93096  
for repairs to roads, bridges, and culverts resulting from 93097  
decommissioning of the facility. The energy facility owner or 93098  
lessee and the county engineer may enter into an agreement 93099  
regarding specific transportation plans, reinforcements, 93100  
modifications, use and repair of roads, financial security to be 93101  
provided, and any other relevant issue. 93102

(5) Provide or facilitate training for fire and emergency 93103  
responders for response to emergency situations related to the 93104  
energy project and, for energy projects with a nameplate capacity 93105  
of twenty megawatts or greater, at the person's expense, equip the 93106

fire and emergency responders with proper equipment as reasonably required to enable them to respond to such emergency situations; 93107  
93108

~~(6) Maintain (6)(a) Except as otherwise provided in this division, for projects for which certification as a qualified energy project was applied for, under division (E) of this section, before the effective date of this amendment, maintain a ratio of Ohio-domiciled full-time equivalent employees employed in the construction or installation of the energy project to total full-time equivalent employees employed in the construction or installation of the energy project of not less than eighty per cent in the case of a solar energy project, and not less than fifty per cent in the case of any other energy project. In A person applying for such a qualified energy project may certify to the director of development that the project will be voluntarily subject to the wage requirements described in section 45(b)(7)(A) of the Internal Revenue Code and apprenticeship requirements described in section 45(b)(8)(A)(i) of the Internal Revenue Code as authorized in division (F)(6)(b) of this section. Upon receipt of that certification, the project shall comply with division (F)(6)(b) of this section rather than division (F)(6)(a) of this section.~~ 93109  
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(b) For projects for which certification as a qualified energy project was applied for, under division (E) of this section, on or after the effective date of this amendment, maintain a ratio of Ohio-domiciled full-time equivalent employees employed in the construction or installation of the energy project to total full-time equivalent employees employed in the construction or installation of the energy project of not less than seventy per cent in the case of a solar energy project, and not less than fifty per cent in the case of any other energy project. 93128  
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(c) For purposes of divisions (F)(6)(a) and (b) of this 93138

section, "Ohio-domiciled" includes persons who live outside the 93139  
state but within fifty miles of a border of the state who are 93140  
members of any bona fide labor organization which has as members, 93141  
or is authorized to represent, employees in Ohio and which exists, 93142  
in whole or in part, for the purpose of negotiating with employers 93143  
concerning the wages, hours, or terms and conditions of employment 93144  
of employees and whose members are engaged to perform work on the 93145  
construction or installation of the qualified energy project. 93146

(d) For purposes of divisions (F)(6)(a) and (b) of this 93147  
section, in the case of an energy project for which certification 93148  
from the power siting board is required under section 4906.20 of 93149  
the Revised Code, the number of full-time equivalent employees 93150  
employed in the construction or installation of the energy project 93151  
equals the number actually employed or the number projected to be 93152  
employed in the certificate application, if such projection is 93153  
required under regulations adopted pursuant to section 4906.03 of 93154  
the Revised Code, whichever is greater. For all other energy 93155  
projects, the number of full-time equivalent employees employed in 93156  
the construction or installation of the energy project equals the 93157  
number actually employed or the number projected to be employed by 93158  
the director of development, whichever is greater. To estimate the 93159  
number of employees to be employed in the construction or 93160  
installation of an energy project, the director shall use a 93161  
generally accepted job-estimating model in use for renewable 93162  
energy projects, including but not limited to the job and economic 93163  
development impact model. The director may adjust an estimate 93164  
produced by a model to account for variables not accounted for by 93165  
the model. 93166

(7) For energy projects with a nameplate capacity in excess 93167  
of twenty megawatts, establish a relationship with any of the 93168  
following to educate and train individuals for careers in the wind 93169  
or solar energy industry: 93170

(a) A member of the university system of Ohio as defined in section 3345.011 of the Revised Code;	93171 93172
(b) A person offering an apprenticeship program registered with the employment and training administration within the United States department of labor or with the apprenticeship council created by section 4139.02 of the Revised Code;	93173 93174 93175 93176
(c) A career-technical center, joint vocational school district, comprehensive career-technical center, or compact career-technical center;	93177 93178 93179
(d) A training center operated by a labor organization, or with a training center operated by a for-profit or nonprofit organization.	93180 93181 93182
The relationship may include endowments, cooperative programs, internships, apprenticeships, research and development projects, and curriculum development.	93183 93184 93185
(8) Offer to sell power or renewable energy credits from the energy project to electric distribution utilities or electric service companies subject to renewable energy resource requirements under section 4928.64 of the Revised Code that have issued requests for proposal for such power or renewable energy credits. If no electric distribution utility or electric service company issues a request for proposal on or before December 31, 2010, or accepts an offer for power or renewable energy credits within forty-five days after the offer is submitted, power or renewable energy credits from the energy project may be sold to other persons. Division (F)(8) of this section does not apply if:	93186 93187 93188 93189 93190 93191 93192 93193 93194 93195 93196
(a) The owner or lessee is a rural electric company or a municipal power agency as defined in section 3734.058 of the Revised Code.	93197 93198 93199
(b) The owner or lessee is a person that, before completion of the energy project, contracted for the sale of power or	93200 93201

renewable energy credits with a rural electric company or a 93202  
municipal power agency. 93203

(c) The owner or lessee contracts for the sale of power or 93204  
renewable energy credits from the energy project before June 17, 93205  
2010. 93206

(9) Make annual service payments as required by division (G) 93207  
of this section and as may be required in a resolution adopted by 93208  
a board of county commissioners under division (E) of this 93209  
section. 93210

(G) The owner or a lessee pursuant to a sale and leaseback 93211  
transaction of a qualified energy project shall make annual 93212  
service payments in lieu of taxes to the county treasurer on or 93213  
before the final dates for payments of taxes on public utility 93214  
personal property on the real and public utility personal property 93215  
tax list for each tax year for which property of the energy 93216  
project is exempt from taxation under this section. The county 93217  
treasurer shall allocate the payment on the basis of the project's 93218  
physical location. Upon receipt of a payment, or if timely payment 93219  
has not been received, the county treasurer shall certify such 93220  
receipt or non-receipt to the director of development and tax 93221  
commissioner in a form determined by the director and 93222  
commissioner, respectively. Each payment shall be in the following 93223  
amount: 93224

(1) In the case of a solar energy project, seven thousand 93225  
dollars per megawatt of nameplate capacity located in the county 93226  
as of the thirty-first-day of December of the preceding tax year; 93227

(2) In the case of any other energy project using renewable 93228  
energy resources, the following: 93229

(a) If the project maintains during the construction or 93230  
installation of the energy facility a ratio of Ohio-domiciled 93231  
full-time equivalent employees to total full-time equivalent 93232

employees of not less than seventy-five per cent, six thousand 93233  
dollars per megawatt of nameplate capacity located in the county 93234  
as of the thirty-first day of December of the preceding tax year; 93235

(b) If the project maintains during the construction or 93236  
installation of the energy facility a ratio of Ohio-domiciled 93237  
full-time equivalent employees to total full-time equivalent 93238  
employees of less than seventy-five per cent but not less than 93239  
sixty per cent, seven thousand dollars per megawatt of nameplate 93240  
capacity located in the county as of the thirty-first day of 93241  
December of the preceding tax year; 93242

(c) If the project maintains during the construction or 93243  
installation of the energy facility a ratio of Ohio-domiciled 93244  
full-time equivalent employees to total full-time equivalent 93245  
employees of less than sixty per cent but not less than fifty per 93246  
cent, eight thousand dollars per megawatt of nameplate capacity 93247  
located in the county as of the thirty-first day of December of 93248  
the preceding tax year. 93249

(3) In the case of an energy project using clean coal 93250  
technology, advanced nuclear technology, or cogeneration 93251  
technology, the following: 93252

(a) If the project maintains during the construction or 93253  
installation of the energy facility a ratio of Ohio-domiciled 93254  
full-time equivalent employees to total full-time equivalent 93255  
employees of not less than seventy-five per cent, six thousand 93256  
dollars per megawatt of nameplate capacity located in the county 93257  
as of the thirty-first day of December of the preceding tax year; 93258

(b) If the project maintains during the construction or 93259  
installation of the energy facility a ratio of Ohio-domiciled 93260  
full-time equivalent employees to total full-time equivalent 93261  
employees of less than seventy-five per cent but not less than 93262  
sixty per cent, seven thousand dollars per megawatt of nameplate 93263

capacity located in the county as of the thirty-first day of 93264  
December of the preceding tax year; 93265

(c) If the project maintains during the construction or 93266  
installation of the energy facility a ratio of Ohio-domiciled 93267  
full-time equivalent employees to total full-time equivalent 93268  
employees of less than sixty per cent but not less than fifty per 93269  
cent, eight thousand dollars per megawatt of nameplate capacity 93270  
located in the county as of the thirty-first day of December of 93271  
the preceding tax year. 93272

(H) The director of development in consultation with the tax 93273  
commissioner shall adopt rules pursuant to Chapter 119. of the 93274  
Revised Code to implement and enforce this section. 93275

**Sec. 5727.91.** (A) The treasurer of state shall refund the 93276  
amount of tax paid under section 5727.81 or 5727.811 of the 93277  
Revised Code that was paid illegally or erroneously, or paid on an 93278  
illegal or erroneous assessment, or any penalty assessed with 93279  
respect to such taxes. A natural gas distribution company, an 93280  
electric distribution company, or a self-assessing purchaser shall 93281  
file an application for a refund with the tax commissioner on a 93282  
form prescribed by the commissioner, within four years of the 93283  
illegal or erroneous payment. 93284

On the filing of the application, the commissioner shall 93285  
determine the amount of refund to which the applicant is entitled. 93286  
If the amount is not less than that claimed, the commissioner 93287  
shall certify that amount to ~~the director of budget and management~~ 93288  
~~and~~ the treasurer of state for payment from the tax refund fund 93289  
under section 5703.052 of the Revised Code. If the amount is less 93290  
than that claimed, the commissioner shall proceed in accordance 93291  
with section 5703.70 of the Revised Code. 93292

The commissioner shall include in the certified amount 93293  
interest calculated at the rate per annum prescribed by section 93294

5703.47 of the Revised Code from the date of overpayment to the 93295  
date of the commissioner's certification. 93296

(B) If a natural gas distribution company or an electric 93297  
distribution company entitled to a refund under this section, or 93298  
section 5703.70 of the Revised Code, is indebted to the state for 93299  
any tax or fee administered by the tax commissioner that is paid 93300  
to the state, or any charge, penalty, or interest arising from 93301  
such a tax or fee, the amount refundable may be applied in 93302  
satisfaction of the debt. If the amount refundable is less than 93303  
the amount of the debt, it may be applied in partial satisfaction 93304  
of the debt. If the amount refundable is greater than the amount 93305  
of the debt, the amount remaining after satisfaction of the debt 93306  
shall be refunded. If the natural gas distribution company or 93307  
electric distribution company has more than one such debt, any 93308  
debt subject to section 5739.33 or division (G) of section 5747.07 93309  
of the Revised Code shall be satisfied first. This section applies 93310  
only to debts that have become final. 93311

(C)(1) Any electric distribution company that can 93312  
substantiate to the tax commissioner that the tax imposed by 93313  
section 5727.81 of the Revised Code was paid on electricity 93314  
distributed via wires and consumed at a location outside of this 93315  
state may claim a refund in the manner and within the time period 93316  
prescribed in division (A) of this section. 93317

(2) Any natural gas distribution company that can 93318  
substantiate to the tax commissioner that the tax imposed by 93319  
section 5727.811 of the Revised Code was paid on natural gas 93320  
distributed via its facilities and consumed at a location outside 93321  
of this state may claim a refund in the manner and within the time 93322  
period prescribed in division (A) of this section. 93323

(3) If the commissioner certifies a refund based on an 93324  
application filed under division (C)(1) or (2) of this section, 93325  
the commissioner shall include in the certified amount interest 93326

calculated at the rate per annum prescribed by section 5703.47 of 93327  
the Revised Code from the date of overpayment to the date of the 93328  
commissioner's certification. 93329

(D) Before a refund is issued under this section or section 93330  
5703.70 of the Revised Code, a natural gas company or an electric 93331  
distribution company shall certify, as prescribed by the tax 93332  
commissioner, that it either did not include the tax imposed by 93333  
section 5727.81 of the Revised Code in the case of an electric 93334  
distribution company, or the tax imposed by section 5727.811 of 93335  
the Revised Code in the case of a natural gas distribution 93336  
company, in its distribution charge to its customer upon which a 93337  
refund of the tax is claimed, or it has refunded or credited to 93338  
the customer the excess distribution charge related to the tax 93339  
that was erroneously included in the customer's distribution 93340  
charge. 93341

Sec. 5728.16. (A)(1) If any person, regardless of 93342  
organizational form, required to file reports and remit taxes 93343  
imposed under this chapter fails for any reason to file such 93344  
reports or remit such taxes, any employees of the person having 93345  
control or supervision of, or charged with the responsibility of, 93346  
filing reports and making payments, or any officers or trustees of 93347  
the person responsible for the execution of the person's fiscal 93348  
responsibilities, shall be personally liable for the failure. 93349

(2) The dissolution, termination, or bankruptcy of a person 93350  
shall not discharge a responsible officer's, shareholder's, 93351  
member's, manager's, employee's, or trustee's liability for 93352  
failure of the person to file reports or remit taxes. The sum due 93353  
for the liability may be collected by assessment as provided in 93354  
section 5728.10 of the Revised Code. 93355

(B) If more than one individual is personally liable under 93356  
this section for the unpaid tax of a person, then the liability of 93357

all such individuals shall be joint and several. 93358

Sec. 5729.19. (A) Terms used in this section have the same 93359  
meanings as in section 175.16 of the Revised Code. 93360

(B) There is allowed a nonrefundable tax credit against the 93361  
tax imposed by section 5729.03 or 5729.06 of the Revised Code for 93362  
a foreign insurance company that is allocated a credit issued by 93363  
the executive director of the Ohio housing finance agency under 93364  
section 175.16 of the Revised Code. The credit equals the amount 93365  
allocated to such company for the calendar year and reported by 93366  
the designated reporter on the form prescribed by division (I) of 93367  
section 175.16 of the Revised Code. 93368

The credit authorized in this section shall be claimed in the 93369  
order required under section 5729.98 of the Revised Code. If the 93370  
amount of a credit exceeds the tax otherwise due under section 93371  
5729.03 or 5729.06 of the Revised Code after deducting all other 93372  
credits preceding the credit in the order prescribed in section 93373  
5725.98 of the Revised Code, the excess may be carried forward for 93374  
not more than five ensuing calendar years. The amount of the 93375  
excess credit claimed in any such year shall be deducted from the 93376  
balance carried forward to the next calendar year. 93377

No credit shall be claimed under this section to the extent 93378  
the credit was claimed under section 5725.36, 5726.58, or 5747.83 93379  
of the Revised Code. 93380

A foreign insurance company shall not be required to pay any 93381  
additional tax levied under section 5729.06 of the Revised Code as 93382  
a result of claiming the tax credit authorized by this section. 93383

Sec. 5729.98. (A) To provide a uniform procedure for 93384  
calculating the amount of tax due under this chapter, a taxpayer 93385  
shall claim any credits and offsets against tax liability to which 93386  
it is entitled in the following order: 93387

The credit for an insurance company or insurance company group under section 5729.031 of the Revised Code;	93388 93389
The credit for eligible employee training costs under section 5729.07 of the Revised Code;	93390 93391
The credit for purchases of qualified low-income community investments under section 5729.16 of the Revised Code;	93392 93393
The nonrefundable job retention credit under division (B) of section 122.171 of the Revised Code;	93394 93395
The nonrefundable credit for investments in rural business growth funds under section 122.152 of the Revised Code;	93396 93397
<u>The nonrefundable Ohio low-income housing tax credit under section 5729.19 of the Revised Code;</u>	93398 93399
The nonrefundable credit for contributing capital to a transformational mixed use development project under section 5729.18 of the Revised Code;	93400 93401 93402
The offset of assessments by the Ohio life and health insurance guaranty association against tax liability permitted by section 3956.20 of the Revised Code;	93403 93404 93405
The refundable credit for rehabilitating a historic building under section 5729.17 of the Revised Code;	93406 93407
The refundable credit for Ohio job retention under former division (B)(2) or (3) of section 122.171 of the Revised Code as those divisions existed before September 29, 2015, the effective date of the amendment of this section by H.B. 64 of the 131st general assembly;	93408 93409 93410 93411 93412
The refundable credit for Ohio job creation under section 5729.032 of the Revised Code;	93413 93414
The refundable credit under section 5729.08 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.	93415 93416 93417

(B) For any credit except the refundable credits enumerated 93418  
in this section, the amount of the credit for a taxable year shall 93419  
not exceed the tax due after allowing for any other credit that 93420  
precedes it in the order required under this section. Any excess 93421  
amount of a particular credit may be carried forward if authorized 93422  
under the section creating that credit. Nothing in this chapter 93423  
shall be construed to allow a taxpayer to claim, directly or 93424  
indirectly, a credit more than once for a taxable year. 93425

**Sec. 5731.27.** (A) The tax commissioner shall, ~~if he~~ 93426  
~~determines~~ after determining that a return indicating that a tax 93427  
is due is correct as filed, issue a certificate of determination 93428  
of final estate tax liability showing the amount of such 93429  
liability, if any, in triplicate, one copy of which shall be sent 93430  
by regular mail to the person filing the return, one copy of which 93431  
shall be sent to the county auditor for the county in which the 93432  
return was filed, and one copy of which shall be sent to the 93433  
probate court of the county in which the return was filed if there 93434  
is an administration of or other proceedings in the decedent's 93435  
estate. 93436

(B) The tax commissioner, ~~if he determines~~ after determining 93437  
that a deficiency or refund of tax or penalty addition to tax, 93438  
shall issue ~~his~~ a certificate of determination stating the 93439  
adjusted amount of the tax due and the amount of any refund, 93440  
deficiency, or penalty. Such certificate also shall state whether 93441  
or not any portion of the tax liability has been reserved for 93442  
later determination in accordance with division (C) of section 93443  
5731.26 of the Revised Code. Such certificate shall be issued in 93444  
triplicate, one copy of which shall be sent ~~by certified mail,~~ 93445  
~~return receipt requested,~~ in the manner provided in section 93446  
5703.37 of the Revised Code to the person filing the return, or to 93447  
the person required to file the return if no such return was 93448  
filed, one copy of which shall be sent to the county auditor for 93449

the county in which the return was filed or was required to be 93450  
filed, and one copy of which shall be sent to the probate court 93451  
for the county in which the return was filed or required to be 93452  
filed if there will be an administration of or other proceedings 93453  
in the decedent's estate. The person required to file the return, 93454  
or any interested party, shall have sixty days from the date of 93455  
receipt of such certificate by the person required to file the 93456  
return within which to file exceptions to such determination as 93457  
provided in section 5731.30 of the Revised Code. 93458

(C) The county auditor, if no exceptions have been filed 93459  
within the time specified in division (B) of this section, or if 93460  
the right to file exceptions has been waived by all interested 93461  
parties by written waivers filed with the county auditor, shall: 93462

(1) If the certificate of determination is for a refund, draw 93463  
~~his~~ a warrant for the proper amount of the refund and interest on 93464  
it, which warrant shall be paid by the county treasurer out of any 93465  
money in ~~his~~ the treasurer's possession to the credit of estate 93466  
taxes; 93467

(2) If the certificate of determination is for a deficiency 93468  
or penalty, make a charge based upon such determination, and 93469  
certify a duplicate of it to the county treasurer, who shall 93470  
collect, subject to division (A) of section 5731.25 of the Revised 93471  
Code or any other statute extending the time for payment of an 93472  
estate tax, the deficiency or penalty so charged. 93473

**Sec. 5733.031.** (A) A corporation's taxable year is a period 93474  
ending on the date immediately preceding the date of commencement 93475  
of the corporation's annual accounting period that includes the 93476  
first day of January of the tax year. Except as otherwise 93477  
provided, a corporation's taxable year is the same as the 93478  
corporation's taxable year for federal income tax purposes. If a 93479  
corporation's taxable year is changed for federal income tax 93480

purposes, the taxable year for purposes of this chapter is changed 93481  
accordingly but may consist of an aggregation of more than one 93482  
taxable year for federal income tax purposes. The tax commissioner 93483  
may prescribe by rule, an appropriate period as the taxable year 93484  
for a corporation that has had a change of its taxable year for 93485  
federal income tax purposes, for a corporation that has two or 93486  
more short taxable years for federal income tax purposes as the 93487  
result of a change of ownership, or for a new taxpayer that would 93488  
otherwise have no taxable year. 93489

(B) A corporation's method of accounting for the base 93490  
calculated under division (B) of section 5733.05 of the Revised 93491  
Code shall be the same as its method of accounting for federal 93492  
income tax purposes. In the absence of any method of accounting 93493  
for federal income tax purposes, income shall be computed under 93494  
such method as in the opinion of the tax commissioner clearly 93495  
reflects income. 93496

If a corporation's method of accounting is changed for 93497  
federal income tax purposes, its method of accounting for purposes 93498  
of this chapter shall be changed accordingly. 93499

(C) ~~If~~ Except as provided in division (C)(3) of this section, 93500  
any of the facts, figures, computations, or attachments required 93501  
in a corporation's annual report to determine the tax imposed by 93502  
section 5733.06 of the Revised Code must be altered as the result 93503  
of an adjustment to the corporation's federal income tax return, 93504  
whether the adjustment is initiated by the corporation or the 93505  
internal revenue service, and such alteration affects the 93506  
corporation's liability for the tax imposed by section 5733.06 of 93507  
the Revised Code, the corporation shall file an amended report 93508  
with the tax commissioner in such form as the commissioner 93509  
requires. The amended report shall be filed not later than one 93510  
year after the adjustment has been agreed to or finally determined 93511  
for federal income tax purposes or any federal income tax 93512

deficiency or refund, or the abatement or credit resulting 93513  
therefrom, has been assessed or paid, whichever occurs first. 93514

(1) In the case of an underpayment, the amended report shall 93515  
be accompanied by payment of an additional tax and interest due 93516  
and is a report subject to assessment under section 5733.11 of the 93517  
Revised Code for the purpose of assessing any additional tax due 93518  
under this division, together with any applicable penalty and 93519  
interest. It shall not reopen those facts, figures, computations, 93520  
or attachments from a previously filed report no longer subject to 93521  
assessment that are not affected, either directly or indirectly, 93522  
by the adjustment to the corporation's federal income tax return. 93523

(2) In the case of an overpayment, an application for refund 93524  
may be filed under this division within the one-year period 93525  
prescribed for filing the amended report even if it is filed 93526  
beyond the period prescribed in division (B) of section 5733.12 of 93527  
the Revised Code if it otherwise conforms to the requirements of 93528  
such section. An application filed under this division shall claim 93529  
refund of overpayments resulting from alterations to only those 93530  
facts, figures, computations, or attachments required in the 93531  
corporation's annual report that are affected, either directly or 93532  
indirectly, by the adjustment to the corporation's federal income 93533  
tax return unless it is also filed within the time prescribed in 93534  
division (B) of section 5733.12 of the Revised Code. It shall not 93535  
reopen those facts, figures, computations, or attachments that are 93536  
not affected, either directly or indirectly, by the adjustment to 93537  
the corporation's federal income tax return. 93538

(3) A taxpayer is not required to file an amended report, and 93539  
is not permitted to file an application for refund, under this 93540  
section on or after January 1, 2024. 93541

**Sec. 5733.40.** As used in sections 5733.40 and 5733.41 and 93542  
Chapter 5747. of the Revised Code: 93543

(A)(1) "Adjusted qualifying amount" means either of the 93544  
following: 93545

(a) The sum of each qualifying investor's distributive share 93546  
of the income, gain, expense, or loss of a qualifying pass-through 93547  
entity for the qualifying taxable year of the qualifying 93548  
pass-through entity multiplied by the apportionment fraction 93549  
defined in division (B) of this section, subject to section 93550  
5733.401 of the Revised Code and divisions (A)(2) to (7) of this 93551  
section; 93552

(b) The sum of each qualifying beneficiary's share of the 93553  
qualifying net income and qualifying net gain distributed by a 93554  
qualifying trust for the qualifying taxable year of the qualifying 93555  
trust multiplied by the apportionment fraction defined in division 93556  
(B) of this section, subject to section 5733.401 of the Revised 93557  
Code and divisions (A)(2) to (7) of this section. 93558

(2) The sum shall exclude any amount which, pursuant to the 93559  
Constitution of the United States, the Constitution of Ohio, or 93560  
any federal law is not subject to a tax on or measured by net 93561  
income. 93562

(3) For the purposes of Chapters 5733. and 5747. of the 93563  
Revised Code, the profit or net income of the qualifying entity 93564  
shall be increased by disallowing all amounts representing 93565  
expenses, other than amounts described in division (A)(7) of this 93566  
section, that the qualifying entity paid to or incurred with 93567  
respect to direct or indirect transactions with one or more 93568  
related members, excluding the cost of goods sold calculated in 93569  
accordance with section 263A of the Internal Revenue Code and 93570  
United States department of the treasury regulations issued 93571  
thereunder. Nothing in division (A)(3) of this section shall be 93572  
construed to limit solely to this chapter the application of 93573  
section 263A of the Internal Revenue Code and United States 93574  
department of the treasury regulations issued thereunder. 93575

(4) For the purposes of Chapters 5733. and 5747. of the Revised Code, the profit or net income of the qualifying entity shall be increased by disallowing all recognized losses, other than losses from sales of inventory the cost of which is calculated in accordance with section 263A of the Internal Revenue Code and United States department of the treasury regulations issued thereunder, with respect to all direct or indirect transactions with one or more related members. For the purposes of Chapters 5733. and 5747. of the Revised Code, losses from the sales of such inventory shall be allowed only to the extent calculated in accordance with section 482 of the Internal Revenue Code and United States department of the treasury regulations issued thereunder. Nothing in division (A)(4) of this section shall be construed to limit solely to this section the application of section 263A and section 482 of the Internal Revenue Code and United States department of the treasury regulations issued thereunder.

(5) The sum shall be ~~increased or~~ decreased by an amount equal to the qualifying investor's or qualifying beneficiary's distributive or proportionate share of the amount that the qualifying entity would be ~~required~~ allowed to ~~add or~~ deduct under ~~divisions (A)(17) and (18)~~ division (A)(18) of section 5747.01 of the Revised Code if the qualifying entity were a taxpayer for the purposes of Chapter 5747. of the Revised Code.

(6) The sum shall be computed without regard to section 5733.051 or division (D) of section 5733.052 of the Revised Code.

(7) For the purposes of Chapters 5733. and 5747. of the Revised Code, guaranteed payments or compensation paid to investors by a qualifying entity that is not subject to the tax imposed by section 5733.06 of the Revised Code shall be considered a distributive share of income of the qualifying entity. Division (A)(7) of this section applies only to such payments or such

compensation paid to an investor who at any time during the 93608  
qualifying entity's taxable year holds at least a twenty per cent 93609  
direct or indirect interest in the profits or capital of the 93610  
qualifying entity. For the purposes of this division, guaranteed 93611  
payments and compensation shall be considered to be paid to an 93612  
investor by a qualifying entity if the qualifying entity in which 93613  
the investor holds at least a twenty per cent direct or indirect 93614  
interest is a client employer of a professional employer 93615  
organization or alternate employer organization, as those terms 93616  
are defined in section 4125.01 or 4133.01 of the Revised Code, as 93617  
applicable, and the guaranteed payments or compensation are paid 93618  
to the investor by that professional employer organization or 93619  
alternate employer organization. 93620

(B) "Apportionment fraction" means: 93621

(1) With respect to a qualifying pass-through entity other 93622  
than a financial institution, the fraction calculated pursuant to 93623  
division (B)(2) of section 5733.05 of the Revised Code as if the 93624  
qualifying pass-through entity were a corporation subject to the 93625  
tax imposed by section 5733.06 of the Revised Code; 93626

(2) With respect to a qualifying pass-through entity that is 93627  
a financial institution, the fraction calculated pursuant to 93628  
division (C) of section 5733.056 of the Revised Code as if the 93629  
qualifying pass-through entity were a financial institution 93630  
subject to the tax imposed by section 5733.06 of the Revised Code; 93631

(3) With respect to a qualifying trust, the fraction 93632  
calculated pursuant to division (B)(2) of section 5733.05 of the 93633  
Revised Code as if the qualifying trust were a corporation subject 93634  
to the tax imposed by section 5733.06 of the Revised Code, except 93635  
that the property, payroll, and sales fractions shall be 93636  
calculated by including in the numerator and denominator of the 93637  
fractions only the property, payroll, and sales, respectively, 93638  
directly related to the production of income or gain from 93639

acquisition, ownership, use, maintenance, management, or 93640  
disposition of tangible personal property located in this state at 93641  
any time during the qualifying trust's qualifying taxable year or 93642  
of real property located in this state. 93643

(C) "Qualifying beneficiary" means any individual that, 93644  
during the qualifying taxable year of a qualifying trust, is a 93645  
beneficiary of that trust, but does not include an individual who 93646  
is a resident taxpayer for the purposes of Chapter 5747. of the 93647  
Revised Code for the entire qualifying taxable year of the 93648  
qualifying trust. 93649

(D) "Fiscal year" means an accounting period ending on any 93650  
day other than the thirty-first day of December. 93651

(E) "Individual" means a natural person. 93652

(F) "Month" means a calendar month. 93653

(G) "Distributive share" includes the sum of the income, 93654  
gain, expense, or loss of a disregarded entity or qualified 93655  
subchapter S subsidiary. 93656

(H) "Investor" means any person that, during any portion of a 93657  
taxable year of a qualifying pass-through entity, is a partner, 93658  
member, shareholder, or investor in that qualifying pass-through 93659  
entity. 93660

(I) Except as otherwise provided in section 5733.402 or 93661  
5747.401 of the Revised Code, "qualifying investor" means any 93662  
investor except those described in divisions (I)(1) to (9) of this 93663  
section. 93664

(1) An investor satisfying one of the descriptions under 93665  
section 501(a) or (c) of the Internal Revenue Code, a partnership 93666  
with equity securities registered with the United States 93667  
securities and exchange commission under section 12 of the 93668  
"Securities Exchange Act of 1934," as amended, or an investor 93669

described in division (F) of section 3334.01, or division (A) or 93670  
(C) of section 5733.09 of the Revised Code for the entire 93671  
qualifying taxable year of the qualifying pass-through entity. 93672

(2) An investor who is either an individual or an estate and 93673  
is a resident taxpayer for the purposes of section 5747.01 of the 93674  
Revised Code for the entire qualifying taxable year of the 93675  
qualifying pass-through entity. 93676

(3) An investor who is an individual for whom the qualifying 93677  
pass-through entity makes a good faith and reasonable effort to 93678  
comply fully and timely with the filing and payment requirements 93679  
set forth in division (D) of section 5747.08 of the Revised Code 93680  
and section 5747.09 of the Revised Code with respect to the 93681  
individual's adjusted qualifying amount for the entire qualifying 93682  
taxable year of the qualifying pass-through entity. 93683

(4) An investor that is another qualifying pass-through 93684  
entity having only investors described in division (I)(1), (2), 93685  
(3), or (6) of this section during the three-year period beginning 93686  
twelve months prior to the first day of the qualifying taxable 93687  
year of the qualifying pass-through entity. 93688

(5) An investor that is another pass-through entity having no 93689  
investors other than individuals and estates during the qualifying 93690  
taxable year of the qualifying pass-through entity in which it is 93691  
an investor, and that makes a good faith and reasonable effort to 93692  
comply fully and timely with the filing and payment requirements 93693  
set forth in division (D) of section 5747.08 of the Revised Code 93694  
and section 5747.09 of the Revised Code with respect to investors 93695  
that are not resident taxpayers of this state for the purposes of 93696  
Chapter 5747. of the Revised Code for the entire qualifying 93697  
taxable year of the qualifying pass-through entity in which it is 93698  
an investor. 93699

(6) An investor that is treated as a C corporation for 93700

federal income tax purposes for the entire qualifying taxable year 93701  
of the qualifying pass-through entity in which it is an investor. 93702

(7) An investor other than an individual that satisfies all 93703  
the following: 93704

(a) The investor submits a written statement to the 93705  
qualifying pass-through entity stating that the investor 93706  
irrevocably agrees that the investor has nexus with this state 93707  
under the Constitution of the United States and is subject to and 93708  
liable for the tax calculated under division (A) or (B) of section 93709  
5733.06 of the Revised Code with respect to the investor's 93710  
adjusted qualifying amount for the entire qualifying taxable year 93711  
of the qualifying pass-through entity. The statement is subject to 93712  
the penalties of perjury, shall be retained by the qualifying 93713  
pass-through entity for no fewer than seven years, and shall be 93714  
delivered to the tax commissioner upon request. 93715

(b) The investor makes a good faith and reasonable effort to 93716  
comply timely and fully with all the reporting and payment 93717  
requirements set forth in Chapter 5733. of the Revised Code with 93718  
respect to the investor's adjusted qualifying amount for the 93719  
entire qualifying taxable year of the qualifying pass-through 93720  
entity. 93721

(c) Neither the investor nor the qualifying pass-through 93722  
entity in which it is an investor, before, during, or after the 93723  
qualifying pass-through entity's qualifying taxable year, carries 93724  
out any transaction or transactions with one or more related 93725  
members of the investor or the qualifying pass-through entity 93726  
resulting in a reduction or deferral of tax imposed by Chapter 93727  
5733. of the Revised Code with respect to all or any portion of 93728  
the investor's adjusted qualifying amount for the qualifying 93729  
pass-through entity's taxable year, or that constitute a sham, 93730  
lack economic reality, or are part of a series of transactions the 93731  
form of which constitutes a step transaction or transactions or 93732

does not reflect the substance of those transactions. 93733

(8) Any other investor that the tax commissioner may 93734  
designate by rule. The tax commissioner may adopt rules including 93735  
a rule defining "qualifying investor" or "qualifying beneficiary" 93736  
and governing the imposition of the withholding tax imposed by 93737  
section 5747.41 of the Revised Code with respect to an individual 93738  
who is a resident taxpayer for the purposes of Chapter 5747. of 93739  
the Revised Code for only a portion of the qualifying taxable year 93740  
of the qualifying entity. 93741

(9) An investor that is a trust or fund the beneficiaries of 93742  
which, during the qualifying taxable year of the qualifying 93743  
pass-through entity, are limited to the following: 93744

(a) A person that is or may be the beneficiary of a trust 93745  
subject to Subchapter D of Chapter 1 of Subtitle A of the Internal 93746  
Revenue Code. 93747

(b) A person that is or may be the beneficiary of or the 93748  
recipient of payments from a trust or fund that is a nuclear 93749  
decommissioning reserve fund, a designated settlement fund, or any 93750  
other trust or fund established to resolve and satisfy claims that 93751  
may otherwise be asserted by the beneficiary or a member of the 93752  
beneficiary's family. Sections 267(c)(4), 468A(e), and 468B(d)(2) 93753  
of the Internal Revenue Code apply to the determination of whether 93754  
such a person satisfies division (I)(9) of this section. 93755

(c) A person who is or may be the beneficiary of a trust 93756  
that, under its governing instrument, is not required to 93757  
distribute all of its income currently. Division (I)(9)(c) of this 93758  
section applies only if the trust, prior to the due date for 93759  
filing the qualifying pass-through entity's return for taxes 93760  
imposed by section 5733.41 and sections 5747.41 to 5747.453 of the 93761  
Revised Code, irrevocably agrees in writing that for the taxable 93762  
year during or for which the trust distributes any of its income 93763

to any of its beneficiaries, the trust is a qualifying trust and 93764  
will pay the estimated tax, and will withhold and pay the withheld 93765  
tax, as required under sections 5747.40 to 5747.453 of the Revised 93766  
Code. 93767

For the purposes of division (I)(9) of this section, a trust 93768  
or fund shall be considered to have a beneficiary other than 93769  
persons described under divisions (I)(9)(a) to (c) of this section 93770  
if a beneficiary would not qualify under those divisions under the 93771  
doctrines of "economic reality," "sham transaction," "step 93772  
doctrine," or "substance over form." A trust or fund described in 93773  
division (I)(9) of this section bears the burden of establishing 93774  
by a preponderance of the evidence that any transaction giving 93775  
rise to the tax benefits provided under division (I)(9) of this 93776  
section does not have as a principal purpose a claim of those tax 93777  
benefits. Nothing in this section shall be construed to limit 93778  
solely to this section the application of the doctrines referred 93779  
to in this paragraph. 93780

(J) "Qualifying net gain" means any recognized net gain with 93781  
respect to the acquisition, ownership, use, maintenance, 93782  
management, or disposition of tangible personal property located 93783  
in this state at any time during a trust's qualifying taxable year 93784  
or real property located in this state. 93785

(K) "Qualifying net income" means any recognized income, net 93786  
of related deductible expenses, other than distributions 93787  
deductions with respect to the acquisition, ownership, use, 93788  
maintenance, management, or disposition of tangible personal 93789  
property located in this state at any time during the trust's 93790  
qualifying taxable year or real property located in this state. 93791

(L) "Qualifying entity" means a qualifying pass-through 93792  
entity or a qualifying trust. 93793

(M) "Qualifying trust" means a trust subject to subchapter J 93794

of the Internal Revenue Code that, during any portion of the trust's qualifying taxable year, has income or gain from the acquisition, management, ownership, use, or disposition of tangible personal property located in this state at any time during the trust's qualifying taxable year or real property located in this state. "Qualifying trust" does not include a person described in section 501(c) of the Internal Revenue Code or a person described in division (C) of section 5733.09 of the Revised Code.

(N) "Qualifying pass-through entity" means a pass-through entity as defined in section 5733.04 of the Revised Code, excluding: a person described in section 501(c) of the Internal Revenue Code; a partnership with equity securities registered with the United States securities and exchange commission under section 12 of the Securities Exchange Act of 1934, as amended; or a person described in division (C) of section 5733.09 of the Revised Code.

(O) "Quarter" means the first three months, the second three months, the third three months, or the last three months of a qualifying entity's qualifying taxable year.

(P) "Related member" has the same meaning as in division (A)(6) of section 5733.042 of the Revised Code without regard to division (B) of that section. However, for the purposes of divisions (A)(3) and (4) of this section only, "related member" has the same meaning as in division (A)(6) of section 5733.042 of the Revised Code without regard to division (B) of that section, but shall be applied by substituting "forty per cent" for "twenty per cent" wherever "twenty per cent" appears in division (A) of that section.

(Q) "Return" or "report" means the notifications and reports required to be filed pursuant to sections 5747.42 to 5747.45 of the Revised Code for the purpose of reporting the tax imposed under section 5733.41 or 5747.41 of the Revised Code, and included

declarations of estimated tax when so required. 93827

(R) "Qualifying taxable year" means the calendar year or the 93828  
qualifying entity's fiscal year ending during the calendar year, 93829  
or fractional part thereof, for which the adjusted qualifying 93830  
amount is calculated pursuant to sections 5733.40 and 5733.41 or 93831  
sections 5747.40 to 5747.453 of the Revised Code. 93832

**Sec. 5735.024.** (A) No aviation fuel dealer shall purchase 93833  
aviation fuel for resale in this state without first being 93834  
licensed as an aviation fuel dealer by the tax commissioner to 93835  
engage in such activities. 93836

(B) The failure to register with the commissioner as an 93837  
aviation fuel dealer does not relieve a person from the 93838  
requirement to file returns under this title. 93839

(C) No person shall make a false or fraudulent statement on 93840  
the application required by this section. 93841

(D) Each aviation fuel dealer shall file a report with the 93842  
commissioner on or before the last day of each month for the 93843  
preceding month. The commissioner shall adopt rules pursuant to 93844  
Chapter 119. of the Revised Code specifying the information that 93845  
shall be required to be included in the report. 93846

(E) If an aviation fuel dealer files a false monthly report 93847  
of the information required by the commissioner or fails to file a 93848  
monthly report as required by this section, the commissioner may 93849  
revoke the license of the aviation fuel dealer and notify the 93850  
aviation fuel dealer in writing of such revocation ~~by certified~~ 93851  
~~mail~~ in the manner provided in section 5703.37 of the Revised 93852  
Code. 93853

**Sec. 5735.04.** If a motor fuel dealer files a false monthly 93854  
report of the information required under section 5735.06 of the 93855  
Revised Code, fails to file a monthly report as required by that 93856

section or section 5735.024 of the Revised Code, or fails to pay 93857  
the full amount of the tax as required by the motor fuel laws of 93858  
the state or as may be agreed upon by the tax commissioner and the 93859  
motor fuel dealer, the commissioner may revoke the license of the 93860  
motor fuel dealer, and notify the motor fuel dealer in writing of 93861  
such revocation ~~by certified mail~~ in the manner provided in 93862  
section 5703.37 of the Revised Code. 93863

The commissioner may cancel any license issued to any motor 93864  
fuel dealer, and the cancellation shall become effective at the 93865  
time that may be determined by the commissioner. The commissioner 93866  
also may cancel the license of any motor fuel dealer upon sixty 93867  
days' notice mailed to the last known address of the motor fuel 93868  
dealer if the commissioner, upon investigation, finds that the 93869  
person to whom the license has been issued is no longer engaged in 93870  
the receipt, use, or sale of motor fuel as a motor fuel dealer, 93871  
and has not been so engaged for the period of six months prior to 93872  
the cancellation. No license shall be canceled upon the request of 93873  
any motor fuel dealer unless the motor fuel dealer, prior to the 93874  
date of cancellation, has paid to the state all motor fuel taxes 93875  
payable or assumed by the motor fuel dealer under the laws of the 93876  
state, together with all penalties and fines accruing by reason of 93877  
any failure of the motor fuel dealer to make accurate reports of 93878  
receipts of motor fuel or to pay the taxes and penalties. 93879

If the license of any motor fuel dealer is canceled by the 93880  
commissioner as provided in this section, and if the motor fuel 93881  
dealer has paid to the state all motor fuel taxes due and payable 93882  
by the motor fuel dealer under the laws of the state, or assumed 93883  
by the motor fuel dealer upon the receipt, sale, or use of motor 93884  
fuel, together with all penalties accruing by reason of any 93885  
failure on the part of the motor fuel dealer to make accurate 93886  
reports or to pay the tax and penalties, then the commissioner 93887  
shall cancel and surrender the bond theretofore filed by the motor 93888

fuel dealer. 93889

**Sec. 5735.041.** (A) The tax commissioner may revoke the license of a retail dealer in the following circumstances: 93890  
93891

(1) The retail dealer sells or attempts to sell any motor fuel upon which any motor fuel tax imposed by this chapter has not been paid; 93892  
93893  
93894

(2) The retail dealer attempts to evade any motor fuel tax imposed by this chapter; 93895  
93896

(3) The retail dealer violates any provision of this chapter. 93897

(B) The commissioner shall notify the retail dealer in writing of the revocation ~~by certified mail~~ in the manner provided in section 5703.37 of the Revised Code. 93898  
93899  
93900

**Sec. 5735.042.** (A) The tax commissioner may revoke an exporter's license in the following circumstances: 93901  
93902

(1) An exporter licensed under section 5735.026 of the Revised Code purchases, for export, motor fuel in this state exclusive of the motor fuel tax, and subsequently diverts or causes the motor fuel to be diverted to a destination in this state or any state other than the originally designated state; 93903  
93904  
93905  
93906  
93907

(2) The exporter is no longer the holder of a valid license to purchase motor fuel tax free in the specified destination state or states for which the license is issued. 93908  
93909  
93910

(B) The commissioner shall notify the exporter in writing of such revocation ~~by certified mail~~ in the manner provided in section 5703.37 of the Revised Code. 93911  
93912  
93913

**Sec. 5735.043.** If a terminal operator files a false monthly report of the information required under section 5735.063 of the Revised Code, or fails to file the monthly report required by 93914  
93915  
93916

section 5735.063 of the Revised Code, the tax commissioner may 93917  
revoke the license of the terminal operator. The commissioner 93918  
shall notify the terminal operator in writing of such revocation 93919  
~~by certified mail~~ in the manner provided in section 5703.37 of the 93920  
Revised Code. 93921

The commissioner also may cancel the license of any terminal 93922  
operator upon sixty days' notice mailed to the last known address 93923  
of the terminal operator if the commissioner finds that the person 93924  
to whom the license has been issued is no longer engaged as a 93925  
terminal operator in this state, and has not been so engaged for 93926  
at least six months prior to cancellation. 93927

**Sec. 5735.044.** If a permissive motor fuel dealer files a 93928  
false monthly report of the information required under section 93929  
5735.06 of the Revised Code, fails to file the monthly report as 93930  
required by section 5735.06 of the Revised Code, or fails to pay 93931  
the full amount of the tax as required by this chapter or as may 93932  
be agreed upon by the tax commissioner and the permissive motor 93933  
fuel dealer, the commissioner may revoke the license of the 93934  
permissive motor fuel dealer. The commissioner shall notify the 93935  
permissive motor fuel dealer in writing of the revocation ~~by~~ 93936  
~~certified mail~~ in the manner provided in section 5703.37 of the 93937  
Revised Code. 93938

The commissioner may cancel any license issued to any 93939  
permissive motor fuel dealer and the cancellation shall become 93940  
effective at the time that the commissioner determines. No license 93941  
shall be canceled upon the request of any permissive motor fuel 93942  
dealer unless the permissive motor fuel dealer, prior to the date 93943  
of cancellation, has paid to the state all motor fuel taxes 93944  
payable or assumed by the dealer under the laws of the state, 93945  
together with all penalties, fines, and interest accruing by 93946  
reason of any failure of the permissive motor fuel dealer to make 93947

accurate reports of sales of motor fuel or to pay the taxes, 93948  
penalties, and interest. 93949

If the license of any permissive motor fuel dealer is 93950  
canceled by the commissioner under this section, and the 93951  
permissive motor fuel dealer has paid to the state all motor fuel 93952  
taxes due and payable by the permissive motor fuel dealer under 93953  
the laws of this state or assumed by the permissive motor fuel 93954  
dealer upon the sale of motor fuel, together with all penalties 93955  
and interest accruing by reason of any failure on the part of the 93956  
permissive motor fuel dealer to make accurate reports or to pay 93957  
the tax, penalties, and interest, then the commissioner shall 93958  
cancel and surrender the bond previously filed by the permissive 93959  
motor fuel dealer. 93960

**Sec. 5735.27.** (A) There is hereby created in the state 93961  
treasury the gasoline excise tax fund. All investment earnings of 93962  
the fund shall be credited to the fund. Revenue credited to the 93963  
fund under section 5735.051 from the tax levied under section 93964  
5735.05 of the Revised Code shall be distributed to municipal 93965  
corporations, counties, and townships as provided in divisions 93966  
(A)(1), (2), and (3) of this section. 93967

(1) The amount distributed to each municipal corporation 93968  
shall be that proportion of the amount to be distributed among 93969  
municipal corporations that the number of motor vehicles 93970  
registered within the municipal corporation bears to the total 93971  
number of motor vehicles registered within all the municipal 93972  
corporations of this state during the preceding motor vehicle 93973  
registration year. When a new village is incorporated, the 93974  
registrar of motor vehicles shall determine from the applications 93975  
on file in the bureau of motor vehicles the number of motor 93976  
vehicles located within the territory comprising the village 93977  
during the entire registration year in which the municipal 93978

corporation was incorporated. The registrar shall forthwith 93979  
certify the number of motor vehicles so determined to the tax 93980  
commissioner for use in distributing motor vehicle fuel tax funds 93981  
to the village until the village is qualified to participate in 93982  
the distribution of the funds pursuant to this division. The 93983  
number of motor vehicle registrations shall be determined by the 93984  
official records of the bureau of motor vehicles. The amount 93985  
received by each municipal corporation shall be used to plan, 93986  
construct, reconstruct, repave, widen, maintain, repair, clear, 93987  
and clean public highways, roads, and streets; to maintain and 93988  
repair bridges and viaducts; to purchase, erect, and maintain 93989  
street and traffic signs and markers; to pay the costs apportioned 93990  
to the municipal corporation under section 4907.47 of the Revised 93991  
Code; to purchase, erect, and maintain traffic lights and signals; 93992  
to pay the principal, interest, and charges on bonds and other 93993  
obligations issued pursuant to Chapter 133. of the Revised Code or 93994  
incurred pursuant to section 5531.09 of the Revised Code for the 93995  
purpose of acquiring or constructing roads, highways, bridges, or 93996  
viaducts or acquiring or making other highway improvements for 93997  
which the municipal corporation may issue bonds; and to supplement 93998  
revenue already available for these purposes. 93999

(2) The amount distributed to counties shall be paid in equal 94000  
proportions to the county treasurer of each county within the 94001  
state and shall be used only for the purposes of planning, 94002  
maintaining, and repairing the county system of public roads and 94003  
highways within the county; the planning, construction, and repair 94004  
of walks or paths along county roads in congested areas; the 94005  
planning, construction, purchase, lease, and maintenance of 94006  
suitable buildings for the housing and repair of county road 94007  
machinery, housing of supplies, and housing of personnel 94008  
associated with the machinery and supplies; the payment of costs 94009  
apportioned to the county under section 4907.47 of the Revised 94010  
Code; the payment of principal, interest, and charges on bonds and 94011

other obligations issued pursuant to Chapter 133. of the Revised Code or incurred pursuant to section 5531.09 of the Revised Code for the purpose of acquiring or constructing roads, highways, bridges, or viaducts or acquiring or making other highway improvements for which the board of county commissioners may issue bonds under that chapter; and the purchase, installation, and maintenance of traffic signal lights.

(3)(a) The amounts described under divisions (A)(2)(a)(iii)(III) and (B)(2) of section 5735.051 of the Revised Code to be distributed among townships shall be divided in equal proportions among the townships.

(b) As used in division (A)(3)(b) of this section, the "formula amount" for any township is the amount that would be allocated to that township if fifty per cent of the total amount credited to townships pursuant to divisions (A)(2)(b)(iii), (C)(2), and (E)(2)(c) of section 5735.051 of the Revised Code were allocated among townships in the state proportionate to the number of centerline miles within the boundaries of the respective townships, as determined annually by the department of transportation, and the other fifty per cent of that amount were allocated among townships in the state proportionate to the number of motor vehicles registered within the respective townships, as determined annually by the records of the bureau of motor vehicles. The number of centerline miles within the boundaries of a township shall not include any centerline miles of township roads that have been placed on nonmaintained status by a board of township trustees pursuant to section 5571.20 of the Revised Code.

The portion of the revenue of the tax levied by section 5735.05 of the Revised Code that is described under divisions (A)(3) and (B) of that section shall be partially allocated to provide funding for townships. Each township shall receive the greater of the following two calculations:

(i) The total statewide amount credited to townships under 94044  
divisions (A)(2)(b)(iii), (C)(2), and (E)(2)(c) of section 94045  
5735.051 of the Revised Code divided by the number of townships in 94046  
the state at the time of the calculation; 94047

(ii) Seventy per cent of the formula amount for that 94048  
township. 94049

(c) The total difference between the amount of money credited 94050  
to townships under divisions (A)(2)(b)(iii), (C)(2), and (E)(2)(c) 94051  
of section 5735.051 of the Revised Code and the total amount of 94052  
money required to make all the payments specified in division 94053  
(A)(3)(b) of this section shall be deducted, in accordance with 94054  
division (C)(3) of section 5735.051 of the Revised Code, from the 94055  
revenues resulting from the portion of the revenue described in 94056  
division (A)(3) of section 5735.05 of the Revised Code prior to 94057  
crediting portions of such revenues to counties, municipal 94058  
corporations, and the highway operating fund. 94059

(d) All amounts credited pursuant to divisions (A)(3)(a) and 94060  
(b) of this section shall be paid to the county treasurer of each 94061  
county for the total amount payable to the townships within each 94062  
of the counties. The county treasurer shall pay to each township 94063  
within the county its proportional share of the funds, which shall 94064  
be expended by each township only for the purposes of planning, 94065  
constructing, maintaining, widening, and reconstructing the public 94066  
roads and highways within the township, paying principal, 94067  
interest, and charges on bonds and other obligations issued 94068  
pursuant to Chapter 133. or 505. of the Revised Code or incurred 94069  
pursuant to section 5531.09 of the Revised Code for the purpose of 94070  
acquiring or constructing roads, highways, bridges, or viaducts or 94071  
acquiring or making other highway improvements for which the board 94072  
of township trustees may issue bonds under those chapters, and 94073  
paying costs apportioned to the township under section 4907.47 of 94074  
the Revised Code. 94075

No part of the funds designated for road and highway purposes 94076  
shall be used for any purpose except to pay in whole or part the 94077  
contract price of any such work done by contract, or to pay the 94078  
cost of labor in planning, constructing, widening, and 94079  
reconstructing such roads and highways, and the cost of materials 94080  
forming a part of the improvement; provided that the funds may be 94081  
used for the purchase of road machinery and equipment, the 94082  
planning, construction, purchase, and maintenance of suitable 94083  
buildings for housing road machinery and equipment, and the 94084  
payment of principal, interest, and charges on bonds and other 94085  
obligations issued pursuant to Chapter 133. or 505. of the Revised 94086  
Code for the purpose of purchasing road machinery and equipment or 94087  
planning, constructing, purchasing, and maintaining suitable 94088  
buildings for housing road machinery and equipment; and provided 94089  
that all such improvement of roads shall be under supervision and 94090  
direction of the county engineer as provided in section 5575.07 of 94091  
the Revised Code. No obligation against the funds shall be 94092  
incurred unless plans and specifications for the improvement, 94093  
approved by the county engineer, are on file in the office of the 94094  
township fiscal officer, and all contracts for material and for 94095  
work done by contract shall be approved by the county engineer 94096  
before being signed by the board of township trustees. The board 94097  
of township trustees of any township may pass a resolution 94098  
permitting the board of county commissioners to expend the 94099  
township's share of the funds, or any portion of it, for the 94100  
improvement of the roads within the township as may be designated 94101  
in the resolution. 94102

(B) Amounts credited to the highway operating fund under 94103  
section 5735.051 and other sections of the Revised Code are 94104  
subject to transfer to the sinking fund upon receipt by the 94105  
treasurer of state of the certification by the commissioners of 94106  
the sinking fund, as required by section 5528.15 of the Revised 94107  
Code, that there are sufficient moneys to the credit of the 94108

highway improvement bond retirement fund to meet in full all 94109  
payments of principal, interest, and charges for the retirement of 94110  
bonds and other obligations issued pursuant to Section 2g of 94111  
Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 94112  
of the Revised Code due and payable during the current calendar 94113  
year. All remaining amounts credited to the highway operating fund 94114  
shall be expended for the purposes of planning, maintaining, 94115  
repairing, and keeping in passable condition for travel the roads 94116  
and highways of the state required by law to be maintained by the 94117  
department; paying the costs apportioned to the state under 94118  
section 4907.47 of the Revised Code; paying that portion of the 94119  
construction cost of a highway project which a county, township, 94120  
or municipal corporation normally would be required to pay, but 94121  
which the director of transportation, pursuant to division (B) of 94122  
section 5531.08 of the Revised Code, determines instead will be 94123  
paid from moneys in the highway operating fund; paying the costs 94124  
of the department of public safety in administering and enforcing 94125  
the state law relating to the registration and operation of motor 94126  
vehicles; paying the state's share of the cost of planning, 94127  
constructing, widening, maintaining, and reconstructing the state 94128  
highways; paying that portion of the construction cost of a 94129  
highway project which a county, township, or municipal corporation 94130  
normally would be required to pay, but which the director of 94131  
transportation, pursuant to division (B) of section 5531.08 of the 94132  
Revised Code, determines instead will be paid from moneys in the 94133  
highway operating fund; and also for supplying the state's share 94134  
of the cost of eliminating railway grade crossings upon such 94135  
highways and costs apportioned to the state under section 4907.47 94136  
of the Revised Code. The director of transportation may expend 94137  
portions of such amount upon extensions of state highways within 94138  
municipal corporations or upon portions of state highways within 94139  
municipal corporations, as is provided by law. 94140

All investment earnings of the highway operating fund shall 94141

be credited to the fund. 94142

**Sec. 5736.07.** (A) If a taxpayer files a false return, fails 94143  
to file a return as required by section 5736.04 of the Revised 94144  
Code, or fails to pay the full amount of tax due with a return, 94145  
the tax commissioner may revoke the supplier's license issued to 94146  
the taxpayer under section 5736.06 of the Revised Code by 94147  
notifying the taxpayer in writing of such revocation ~~by certified~~ 94148  
~~mail~~ in the manner provided in section 5703.37 of the Revised 94149  
Code. 94150

(B) Upon the request of a person that is no longer subject to 94151  
the tax imposed by this chapter, the tax commissioner may cancel 94152  
the supplier's license issued to the person under section 5736.06 94153  
of the Revised Code. The cancellation shall become effective at 94154  
the time determined by the commissioner. No license shall be 94155  
canceled upon the request of any person unless, prior to the date 94156  
of cancellation, the person has paid to the state all taxes 94157  
payable by such person under the laws of the state, together with 94158  
any interest and penalties. 94159

**Sec. 5739.01.** As used in this chapter: 94160

(A) "Person" includes individuals, receivers, assignees, 94161  
trustees in bankruptcy, estates, firms, partnerships, 94162  
associations, joint-stock companies, joint ventures, clubs, 94163  
societies, corporations, the state and its political subdivisions, 94164  
and combinations of individuals of any form. 94165

(B) "Sale" and "selling" include all of the following 94166  
transactions for a consideration in any manner, whether absolutely 94167  
or conditionally, whether for a price or rental, in money or by 94168  
exchange, and by any means whatsoever: 94169

(1) All transactions by which title or possession, or both, 94170  
of tangible personal property, is or is to be transferred, or a 94171

license to use or consume tangible personal property is or is to	94172
be granted;	94173
(2) All transactions by which lodging by a hotel is or is to	94174
be furnished to transient guests;	94175
(3) All transactions by which:	94176
(a) An item of tangible personal property is or is to be	94177
repaired, except property, the purchase of which would not be	94178
subject to the tax imposed by section 5739.02 of the Revised Code;	94179
(b) An item of tangible personal property is or is to be	94180
installed, except property, the purchase of which would not be	94181
subject to the tax imposed by section 5739.02 of the Revised Code	94182
or property that is or is to be incorporated into and will become	94183
a part of a production, transmission, transportation, or	94184
distribution system for the delivery of a public utility service;	94185
(c) The service of washing, cleaning, waxing, polishing, or	94186
painting a motor vehicle is or is to be furnished;	94187
(d) Laundry and dry cleaning services are or are to be	94188
provided;	94189
(e) Automatic data processing, computer services, or	94190
electronic information services are or are to be provided for use	94191
in business when the true object of the transaction is the receipt	94192
by the consumer of automatic data processing, computer services,	94193
or electronic information services rather than the receipt of	94194
personal or professional services to which automatic data	94195
processing, computer services, or electronic information services	94196
are incidental or supplemental. Notwithstanding any other	94197
provision of this chapter, such transactions that occur between	94198
members of an affiliated group are not sales. An "affiliated	94199
group" means two or more persons related in such a way that one	94200
person owns or controls the business operation of another member	94201
of the group. In the case of corporations with stock, one	94202

corporation owns or controls another if it owns more than fifty 94203  
per cent of the other corporation's common stock with voting 94204  
rights. 94205

(f) Telecommunications service, including prepaid calling 94206  
service, prepaid wireless calling service, or ancillary service, 94207  
is or is to be provided, but not including coin-operated telephone 94208  
service; 94209

(g) Landscaping and lawn care service is or is to be 94210  
provided; 94211

(h) Private investigation and security service is or is to be 94212  
provided; 94213

(i) Information services or tangible personal property is 94214  
provided or ordered by means of a nine hundred telephone call; 94215

(j) Building maintenance and janitorial service is or is to 94216  
be provided; 94217

(k) Exterminating service is or is to be provided; 94218

(l) Physical fitness facility service is or is to be 94219  
provided; 94220

(m) Recreation and sports club service is or is to be 94221  
provided; 94222

(n) Satellite broadcasting service is or is to be provided; 94223

(o) Personal care service is or is to be provided to an 94224  
individual. As used in this division, "personal care service" 94225  
includes skin care, the application of cosmetics, manicuring, 94226  
pedicuring, hair removal, tattooing, body piercing, tanning, 94227  
massage, and other similar services. "Personal care service" does 94228  
not include a service provided by or on the order of a licensed 94229  
physician or licensed chiropractor, or the cutting, coloring, or 94230  
styling of an individual's hair. 94231

(p) The transportation of persons by motor vehicle or 94232

aircraft is or is to be provided, when the transportation is 94233  
entirely within this state, except for transportation provided by 94234  
an ambulance service, by a transit bus, as defined in section 94235  
5735.01 of the Revised Code, and transportation provided by a 94236  
citizen of the United States holding a certificate of public 94237  
convenience and necessity issued under 49 U.S.C. 41102; 94238

(q) Motor vehicle towing service is or is to be provided. As 94239  
used in this division, "motor vehicle towing service" means the 94240  
towing or conveyance of a wrecked, disabled, or illegally parked 94241  
motor vehicle. 94242

(r) Snow removal service is or is to be provided. As used in 94243  
this division, "snow removal service" means the removal of snow by 94244  
any mechanized means, but does not include the providing of such 94245  
service by a person that has less than five thousand dollars in 94246  
sales of such service during the calendar year. 94247

(s) Electronic publishing service is or is to be provided to 94248  
a consumer for use in business, except that such transactions 94249  
occurring between members of an affiliated group, as defined in 94250  
division (B)(3)(e) of this section, are not sales. 94251

(4) All transactions by which printed, imprinted, 94252  
overprinted, lithographic, multilithic, blueprinted, photostatic, 94253  
or other productions or reproductions of written or graphic matter 94254  
are or are to be furnished or transferred; 94255

(5) The production or fabrication of tangible personal 94256  
property for a consideration for consumers who furnish either 94257  
directly or indirectly the materials used in the production of 94258  
fabrication work; and include the furnishing, preparing, or 94259  
serving for a consideration of any tangible personal property 94260  
consumed on the premises of the person furnishing, preparing, or 94261  
serving such tangible personal property. Except as provided in 94262  
section 5739.03 of the Revised Code, a construction contract 94263

pursuant to which tangible personal property is or is to be 94264  
incorporated into a structure or improvement on and becoming a 94265  
part of real property is not a sale of such tangible personal 94266  
property. The construction contractor is the consumer of such 94267  
tangible personal property, provided that the sale and 94268  
installation of carpeting, the sale and installation of 94269  
agricultural land tile, the sale and erection or installation of 94270  
portable grain bins, or the provision of landscaping and lawn care 94271  
service and the transfer of property as part of such service is 94272  
never a construction contract. 94273

As used in division (B)(5) of this section: 94274

(a) "Agricultural land tile" means fired clay or concrete 94275  
tile, or flexible or rigid perforated plastic pipe or tubing, 94276  
incorporated or to be incorporated into a subsurface drainage 94277  
system appurtenant to land used or to be used primarily in 94278  
production by farming, agriculture, horticulture, or floriculture. 94279  
The term does not include such materials when they are or are to 94280  
be incorporated into a drainage system appurtenant to a building 94281  
or structure even if the building or structure is used or to be 94282  
used in such production. 94283

(b) "Portable grain bin" means a structure that is used or to 94284  
be used by a person engaged in farming or agriculture to shelter 94285  
the person's grain and that is designed to be disassembled without 94286  
significant damage to its component parts. 94287

(6) All transactions in which all of the shares of stock of a 94288  
closely held corporation are transferred, or an ownership interest 94289  
in a pass-through entity, as defined in section 5733.04 of the 94290  
Revised Code, is transferred, if the corporation or pass-through 94291  
entity is not engaging in business and its entire assets consist 94292  
of boats, planes, motor vehicles, or other tangible personal 94293  
property operated primarily for the use and enjoyment of the 94294  
shareholders or owners; 94295

(7) All transactions in which a warranty, maintenance or 94296  
service contract, or similar agreement by which the vendor of the 94297  
warranty, contract, or agreement agrees to repair or maintain the 94298  
tangible personal property of the consumer is or is to be 94299  
provided; 94300

(8) The transfer of copyrighted motion picture films used 94301  
solely for advertising purposes, except that the transfer of such 94302  
films for exhibition purposes is not a sale; 94303

(9) All transactions by which tangible personal property is 94304  
or is to be stored, except such property that the consumer of the 94305  
storage holds for sale in the regular course of business; 94306

(10) All transactions in which "guaranteed auto protection" 94307  
is provided whereby a person promises to pay to the consumer the 94308  
difference between the amount the consumer receives from motor 94309  
vehicle insurance and the amount the consumer owes to a person 94310  
holding title to or a lien on the consumer's motor vehicle in the 94311  
event the consumer's motor vehicle suffers a total loss under the 94312  
terms of the motor vehicle insurance policy or is stolen and not 94313  
recovered, if the protection and its price are included in the 94314  
purchase or lease agreement; 94315

(11)(a) Except as provided in division (B)(11)(b) of this 94316  
section, all transactions by which health care services are paid 94317  
for, reimbursed, provided, delivered, arranged for, or otherwise 94318  
made available by a medicaid health insuring corporation pursuant 94319  
to the corporation's contract with the state. 94320

(b) If the centers for medicare and medicaid services of the 94321  
United States department of health and human services determines 94322  
that the taxation of transactions described in division (B)(11)(a) 94323  
of this section constitutes an impermissible health care-related 94324  
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 94325  
1396b(w), and regulations adopted thereunder, the medicaid 94326

director shall notify the tax commissioner of that determination. 94327  
Beginning with the first day of the month following that 94328  
notification, the transactions described in division (B)(11)(a) of 94329  
this section are not sales for the purposes of this chapter or 94330  
Chapter 5741. of the Revised Code. The tax commissioner shall 94331  
order that the collection of taxes under sections 5739.02, 94332  
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 94333  
5741.023 of the Revised Code shall cease for transactions 94334  
occurring on or after that date. 94335

(12) All transactions by which a specified digital product is 94336  
provided for permanent use or less than permanent use, regardless 94337  
of whether continued payment is required. 94338

Except as provided in this section, "sale" and "selling" do 94339  
not include transfers of interest in leased property where the 94340  
original lessee and the terms of the original lease agreement 94341  
remain unchanged, or professional, insurance, or personal service 94342  
transactions that involve the transfer of tangible personal 94343  
property as an inconsequential element, for which no separate 94344  
charges are made. 94345

(C) "Vendor" means the person providing the service or by 94346  
whom the transfer effected or license given by a sale is or is to 94347  
be made or given and, for sales described in division (B)(3)(i) of 94348  
this section, the telecommunications service vendor that provides 94349  
the nine hundred telephone service; if two or more persons are 94350  
engaged in business at the same place of business under a single 94351  
trade name in which all collections on account of sales by each 94352  
are made, such persons shall constitute a single vendor. 94353

Physicians, dentists, hospitals, and veterinarians who are 94354  
engaged in selling tangible personal property as received from 94355  
others, such as eyeglasses, mouthwashes, dentifrices, or similar 94356  
articles, are vendors. Veterinarians who are engaged in 94357  
transferring to others for a consideration drugs, the dispensing 94358

of which does not require an order of a licensed veterinarian or 94359  
physician under federal law, are vendors. 94360

The operator of any peer-to-peer car sharing program shall be 94361  
considered to be the vendor. 94362

(D)(1) "Consumer" means the person for whom the service is 94363  
provided, to whom the transfer effected or license given by a sale 94364  
is or is to be made or given, to whom the service described in 94365  
division (B)(3)(f) or (i) of this section is charged, or to whom 94366  
the admission is granted. 94367

(2) Physicians, dentists, hospitals, and blood banks operated 94368  
by nonprofit institutions and persons licensed to practice 94369  
veterinary medicine, surgery, and dentistry are consumers of all 94370  
tangible personal property and services purchased by them in 94371  
connection with the practice of medicine, dentistry, the rendition 94372  
of hospital or blood bank service, or the practice of veterinary 94373  
medicine, surgery, and dentistry. In addition to being consumers 94374  
of drugs administered by them or by their assistants according to 94375  
their direction, veterinarians also are consumers of drugs that 94376  
under federal law may be dispensed only by or upon the order of a 94377  
licensed veterinarian or physician, when transferred by them to 94378  
others for a consideration to provide treatment to animals as 94379  
directed by the veterinarian. 94380

(3) A person who performs a facility management, or similar 94381  
service contract for a contractee is a consumer of all tangible 94382  
personal property and services purchased for use in connection 94383  
with the performance of such contract, regardless of whether title 94384  
to any such property vests in the contractee. The purchase of such 94385  
property and services is not subject to the exception for resale 94386  
under division (E) of this section. 94387

(4)(a) In the case of a person who purchases printed matter 94388  
for the purpose of distributing it or having it distributed to the 94389

public or to a designated segment of the public, free of charge, 94390  
that person is the consumer of that printed matter, and the 94391  
purchase of that printed matter for that purpose is a sale. 94392

(b) In the case of a person who produces, rather than 94393  
purchases, printed matter for the purpose of distributing it or 94394  
having it distributed to the public or to a designated segment of 94395  
the public, free of charge, that person is the consumer of all 94396  
tangible personal property and services purchased for use or 94397  
consumption in the production of that printed matter. That person 94398  
is not entitled to claim exemption under division (B)(42)(f) of 94399  
section 5739.02 of the Revised Code for any material incorporated 94400  
into the printed matter or any equipment, supplies, or services 94401  
primarily used to produce the printed matter. 94402

(c) The distribution of printed matter to the public or to a 94403  
designated segment of the public, free of charge, is not a sale to 94404  
the members of the public to whom the printed matter is 94405  
distributed or to any persons who purchase space in the printed 94406  
matter for advertising or other purposes. 94407

(5) A person who makes sales of any of the services listed in 94408  
division (B)(3) of this section is the consumer of any tangible 94409  
personal property used in performing the service. The purchase of 94410  
that property is not subject to the resale exception under 94411  
division (E) of this section. 94412

(6) A person who engages in highway transportation for hire 94413  
is the consumer of all packaging materials purchased by that 94414  
person and used in performing the service, except for packaging 94415  
materials sold by such person in a transaction separate from the 94416  
service. 94417

(7) In the case of a transaction for health care services 94418  
under division (B)(11) of this section, a medicaid health insuring 94419  
corporation is the consumer of such services. The purchase of such 94420

services by a medicaid health insuring corporation is not subject 94421  
to the exception for resale under division (E) of this section or 94422  
to the exemptions provided under divisions (B)(12), (18), (19), 94423  
and (22) of section 5739.02 of the Revised Code. 94424

(E) "Retail sale" and "sales at retail" include all sales, 94425  
except those in which the purpose of the consumer is to resell the 94426  
thing transferred or benefit of the service provided, by a person 94427  
engaging in business, in the form in which the same is, or is to 94428  
be, received by the person. 94429

(F) "Business" includes any activity engaged in by any person 94430  
with the object of gain, benefit, or advantage, either direct or 94431  
indirect. "Business" does not include the activity of a person in 94432  
managing and investing the person's own funds. 94433

(G) "Engaging in business" means commencing, conducting, or 94434  
continuing in business, and liquidating a business when the 94435  
liquidator thereof holds itself out to the public as conducting 94436  
such business. Making a casual sale is not engaging in business. 94437

(H)(1)(a) "Price," except as provided in divisions (H)(2), 94438  
(3), and (4) of this section, means the total amount of 94439  
consideration, including cash, credit, property, and services, for 94440  
which tangible personal property or services are sold, leased, or 94441  
rented, valued in money, whether received in money or otherwise, 94442  
without any deduction for any of the following: 94443

(i) The vendor's cost of the property sold; 94444

(ii) The cost of materials used, labor or service costs, 94445  
interest, losses, all costs of transportation to the vendor, all 94446  
taxes imposed on the vendor, including the tax imposed under 94447  
Chapter 5751. of the Revised Code, and any other expense of the 94448  
vendor; 94449

(iii) Charges by the vendor for any services necessary to 94450  
complete the sale; 94451

(iv) Delivery charges. As used in this division, "delivery charges" means charges by the vendor for preparation and delivery to a location designated by the consumer of tangible personal property or a service, including transportation, shipping, postage, handling, crating, and packing. 94452  
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(v) Installation charges; 94457

(vi) Credit for any trade-in. 94458

(b) "Price" includes consideration received by the vendor from a third party, if the vendor actually receives the consideration from a party other than the consumer, and the consideration is directly related to a price reduction or discount on the sale; the vendor has an obligation to pass the price reduction or discount through to the consumer; the amount of the consideration attributable to the sale is fixed and determinable by the vendor at the time of the sale of the item to the consumer; and one of the following criteria is met: 94459  
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(i) The consumer presents a coupon, certificate, or other document to the vendor to claim a price reduction or discount where the coupon, certificate, or document is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any vendor to whom the coupon, certificate, or document is presented; 94468  
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(ii) The consumer identifies the consumer's self to the seller as a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group or organization. 94474  
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(iii) The price reduction or discount is identified as a third party price reduction or discount on the invoice received by the consumer, or on a coupon, certificate, or other document presented by the consumer. 94479  
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(c) "Price" does not include any of the following:	94483
(i) Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a vendor and taken by a consumer on a sale;	94484 94485 94486
(ii) Interest, financing, and carrying charges from credit extended on the sale of tangible personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;	94487 94488 94489 94490
(iii) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the consumer. For the purpose of this division, the tax imposed under Chapter 5751. of the Revised Code is not a tax directly on the consumer, even if the tax or a portion thereof is separately stated.	94491 94492 94493 94494 94495 94496
(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.	94497 94498 94499 94500
(v) The dollar value of a gift card that is not sold by a vendor or purchased by a consumer and that is redeemed by the consumer in purchasing tangible personal property or services if the vendor is not reimbursed and does not receive compensation from a third party to cover all or part of the gift card value. For the purposes of this division, a gift card is not sold by a vendor or purchased by a consumer if it is distributed pursuant to an awards, loyalty, or promotional program. Past and present purchases of tangible personal property or services by the consumer shall not be treated as consideration exchanged for a gift card.	94501 94502 94503 94504 94505 94506 94507 94508 94509 94510 94511
(2) In the case of a sale of any new motor vehicle by a new motor vehicle dealer, as defined in section 4517.01 of the Revised	94512 94513

Code, in which another motor vehicle is accepted by the dealer as 94514  
part of the consideration received, "price" has the same meaning 94515  
as in division (H)(1) of this section, reduced by the credit 94516  
afforded the consumer by the dealer for the motor vehicle received 94517  
in trade. 94518

(3) In the case of a sale of any watercraft or outboard motor 94519  
by a watercraft dealer licensed in accordance with section 94520  
1547.543 of the Revised Code, in which another watercraft, 94521  
watercraft and trailer, or outboard motor is accepted by the 94522  
dealer as part of the consideration received, "price" has the same 94523  
meaning as in division (H)(1) of this section, reduced by the 94524  
credit afforded the consumer by the dealer for the watercraft, 94525  
watercraft and trailer, or outboard motor received in trade. As 94526  
used in this division, "watercraft" includes an outdrive unit 94527  
attached to the watercraft. 94528

(4) In the case of transactions for health care services 94529  
under division (B)(11) of this section, "price" means the amount 94530  
of managed care premiums received each month by a medicaid health 94531  
insuring corporation. 94532

(I) "Receipts" means the total amount of the prices of the 94533  
sales of vendors, provided that the dollar value of gift cards 94534  
distributed pursuant to an awards, loyalty, or promotional 94535  
program, and cash discounts allowed and taken on sales at the time 94536  
they are consummated are not included, minus any amount deducted 94537  
as a bad debt pursuant to section 5739.121 of the Revised Code. 94538  
"Receipts" does not include the sale price of property returned or 94539  
services rejected by consumers when the full sale price and tax 94540  
are refunded either in cash or by credit. 94541

(J) "Place of business" means any location at which a person 94542  
engages in business. 94543

(K) "Premises" includes any real property or portion thereof 94544

upon which any person engages in selling tangible personal 94545  
property at retail or making retail sales and also includes any 94546  
real property or portion thereof designated for, or devoted to, 94547  
use in conjunction with the business engaged in by such person. 94548

(L) "Casual sale" means a sale of an item of tangible 94549  
personal property that was obtained by the person making the sale, 94550  
through purchase or otherwise, for the person's own use and was 94551  
previously subject to any state's taxing jurisdiction on its sale 94552  
or use, and includes such items acquired for the seller's use that 94553  
are sold by an auctioneer employed directly by the person for such 94554  
purpose, provided the location of such sales is not the 94555  
auctioneer's permanent place of business. As used in this 94556  
division, "permanent place of business" includes any location 94557  
where such auctioneer has conducted more than two auctions during 94558  
the year. 94559

(M) "Hotel" means every establishment kept, used, maintained, 94560  
advertised, or held out to the public to be a place where sleeping 94561  
accommodations are offered to guests, in which five or more rooms 94562  
are used for the accommodation of such guests, whether the rooms 94563  
are in one or several structures, except as otherwise provided in 94564  
section 5739.091 of the Revised Code. 94565

(N) "Transient guests" means persons occupying a room or 94566  
rooms for sleeping accommodations for less than thirty consecutive 94567  
days. 94568

(O) "Making retail sales" means the effecting of transactions 94569  
wherein one party is obligated to pay the price and the other 94570  
party is obligated to provide a service or to transfer title to or 94571  
possession of the item sold. "Making retail sales" does not 94572  
include the preliminary acts of promoting or soliciting the retail 94573  
sales, other than the distribution of printed matter which 94574  
displays or describes and prices the item offered for sale, nor 94575  
does it include delivery of a predetermined quantity of tangible 94576

personal property or transportation of property or personnel to or 94577  
from a place where a service is performed. 94578

(P) "Used directly in the rendition of a public utility 94579  
service" means that property that is to be incorporated into and 94580  
will become a part of the consumer's production, transmission, 94581  
transportation, or distribution system and that retains its 94582  
classification as tangible personal property after such 94583  
incorporation; fuel or power used in the production, transmission, 94584  
transportation, or distribution system; and tangible personal 94585  
property used in the repair and maintenance of the production, 94586  
transmission, transportation, or distribution system, including 94587  
only such motor vehicles as are specially designed and equipped 94588  
for such use. Tangible personal property and services used 94589  
primarily in providing highway transportation for hire are not 94590  
used directly in the rendition of a public utility service. In 94591  
this definition, "public utility" includes a citizen of the United 94592  
States holding, and required to hold, a certificate of public 94593  
convenience and necessity issued under 49 U.S.C. 41102. 94594

(Q) "Refining" means removing or separating a desirable 94595  
product from raw or contaminated materials by distillation or 94596  
physical, mechanical, or chemical processes. 94597

(R) "Assembly" and "assembling" mean attaching or fitting 94598  
together parts to form a product, but do not include packaging a 94599  
product. 94600

(S) "Manufacturing operation" means a process in which 94601  
materials are changed, converted, or transformed into a different 94602  
state or form from which they previously existed and includes 94603  
refining materials, assembling parts, and preparing raw materials 94604  
and parts by mixing, measuring, blending, or otherwise committing 94605  
such materials or parts to the manufacturing process. 94606  
"Manufacturing operation" does not include packaging. 94607

(T) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county that is a transit authority, the fiscal officer of the county transit board if one is appointed pursuant to section 306.03 of the Revised Code or the county auditor if the board of county commissioners operates the county transit system.

(U) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority that includes territory in more than one county must include all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(V) "Legislative authority" means, with respect to a regional transit authority, the board of trustees thereof, and with respect to a county that is a transit authority, the board of county commissioners.

(W) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration.

(Y)(1)(a) "Automatic data processing" means processing of

others' data, including keypunching or similar data entry services 94639  
together with verification thereof, or providing access to 94640  
computer equipment for the purpose of processing data. 94641

(b) "Computer services" means providing services consisting 94642  
of specifying computer hardware configurations and evaluating 94643  
technical processing characteristics, computer programming, and 94644  
training of computer programmers and operators, provided in 94645  
conjunction with and to support the sale, lease, or operation of 94646  
taxable computer equipment or systems. 94647

(c) "Electronic information services" means providing access 94648  
to computer equipment by means of telecommunications equipment for 94649  
the purpose of either of the following: 94650

(i) Examining or acquiring data stored in or accessible to 94651  
the computer equipment; 94652

(ii) Placing data into the computer equipment to be retrieved 94653  
by designated recipients with access to the computer equipment. 94654

"Electronic information services" does not include electronic 94655  
publishing. 94656

(d) "Automatic data processing, computer services, or 94657  
electronic information services" shall not include personal or 94658  
professional services. 94659

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 94660  
section, "personal and professional services" means all services 94661  
other than automatic data processing, computer services, or 94662  
electronic information services, including but not limited to: 94663

(a) Accounting and legal services such as advice on tax 94664  
matters, asset management, budgetary matters, quality control, 94665  
information security, and auditing and any other situation where 94666  
the service provider receives data or information and studies, 94667  
alters, analyzes, interprets, or adjusts such material; 94668

(b) Analyzing business policies and procedures;	94669
(c) Identifying management information needs;	94670
(d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives;	94671 94672 94673
(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;	94674 94675 94676 94677
(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;	94678 94679 94680
(g) Testing of business procedures;	94681
(h) Training personnel in business procedure applications;	94682
(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;	94683 94684 94685 94686 94687 94688
(j) Providing debt collection services by any oral, written, graphic, or electronic means;	94689 94690
(k) Providing digital advertising services;	94691
(l) Providing services to electronically file any federal, state, or local individual income tax return, report, or other related document or schedule with a federal, state, or local government entity or to electronically remit a payment of any such individual income tax to such an entity. For the purpose of this division, "individual income tax" does not include federal, state, or local taxes withheld by an employer from an employee's	94692 94693 94694 94695 94696 94697 94698

compensation. 94699

The services listed in divisions (Y)(2)(a) to (1) of this 94700  
section are not automatic data processing or computer services. 94701

(Z) "Highway transportation for hire" means the 94702  
transportation of personal property belonging to others for 94703  
consideration by any of the following: 94704

(1) The holder of a permit or certificate issued by this 94705  
state or the United States authorizing the holder to engage in 94706  
transportation of personal property belonging to others for 94707  
consideration over or on highways, roadways, streets, or any 94708  
similar public thoroughfare; 94709

(2) A person who engages in the transportation of personal 94710  
property belonging to others for consideration over or on 94711  
highways, roadways, streets, or any similar public thoroughfare 94712  
but who could not have engaged in such transportation on December 94713  
11, 1985, unless the person was the holder of a permit or 94714  
certificate of the types described in division (Z)(1) of this 94715  
section; 94716

(3) A person who leases a motor vehicle to and operates it 94717  
for a person described by division (Z)(1) or (2) of this section. 94718

(AA)(1) "Telecommunications service" means the electronic 94719  
transmission, conveyance, or routing of voice, data, audio, video, 94720  
or any other information or signals to a point, or between or 94721  
among points. "Telecommunications service" includes such 94722  
transmission, conveyance, or routing in which computer processing 94723  
applications are used to act on the form, code, or protocol of the 94724  
content for purposes of transmission, conveyance, or routing 94725  
without regard to whether the service is referred to as voice-over 94726  
internet protocol service or is classified by the federal 94727  
communications commission as enhanced or value-added. 94728  
"Telecommunications service" does not include any of the 94729

following:	94730
(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information;	94731 94732 94733 94734 94735
(b) Installation or maintenance of wiring or equipment on a customer's premises;	94736 94737
(c) Tangible personal property;	94738
(d) Advertising, including directory advertising;	94739
(e) Billing and collection services provided to third parties;	94740 94741
(f) Internet access service;	94742
(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3;	94743 94744 94745 94746 94747 94748 94749 94750
(h) Ancillary service;	94751
(i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.	94752 94753
(2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division:	94754 94755 94756 94757 94758
(a) "Conference bridging service" means an ancillary service	94759

that links two or more participants of an audio or video 94760  
conference call, including providing a telephone number. 94761  
"Conference bridging service" does not include telecommunications 94762  
services used to reach the conference bridge. 94763

(b) "Detailed telecommunications billing service" means an 94764  
ancillary service of separately stating information pertaining to 94765  
individual calls on a customer's billing statement. 94766

(c) "Directory assistance" means an ancillary service of 94767  
providing telephone number or address information. 94768

(d) "Vertical service" means an ancillary service that is 94769  
offered in connection with one or more telecommunications 94770  
services, which offers advanced calling features that allow 94771  
customers to identify callers and manage multiple calls and call 94772  
connections, including conference bridging service. 94773

(e) "Voice mail service" means an ancillary service that 94774  
enables the customer to store, send, or receive recorded messages. 94775  
"Voice mail service" does not include any vertical services that 94776  
the customer may be required to have in order to utilize the voice 94777  
mail service. 94778

(3) "900 service" means an inbound toll telecommunications 94779  
service purchased by a subscriber that allows the subscriber's 94780  
customers to call in to the subscriber's prerecorded announcement 94781  
or live service, and which is typically marketed under the name 94782  
"900 service" and any subsequent numbers designated by the federal 94783  
communications commission. "900 service" does not include the 94784  
charge for collection services provided by the seller of the 94785  
telecommunications service to the subscriber, or services or 94786  
products sold by the subscriber to the subscriber's customer. 94787

(4) "Prepaid calling service" means the right to access 94788  
exclusively telecommunications services, which must be paid for in 94789  
advance and which enables the origination of calls using an access 94790

number or authorization code, whether manually or electronically 94791  
dialed, and that is sold in predetermined units or dollars of 94792  
which the number declines with use in a known amount. 94793

(5) "Prepaid wireless calling service" means a 94794  
telecommunications service that provides the right to utilize 94795  
mobile telecommunications service as well as other 94796  
non-telecommunications services, including the download of digital 94797  
products delivered electronically, and content and ancillary 94798  
services, that must be paid for in advance and that is sold in 94799  
predetermined units or dollars of which the number declines with 94800  
use in a known amount. 94801

(6) "Value-added non-voice data service" means a 94802  
telecommunications service in which computer processing 94803  
applications are used to act on the form, content, code, or 94804  
protocol of the information or data primarily for a purpose other 94805  
than transmission, conveyance, or routing. 94806

(7) "Coin-operated telephone service" means a 94807  
telecommunications service paid for by inserting money into a 94808  
telephone accepting direct deposits of money to operate. 94809

(8) "Customer" has the same meaning as in section 5739.034 of 94810  
the Revised Code. 94811

(BB) "Laundry and dry cleaning services" means removing soil 94812  
or dirt from towels, linens, articles of clothing, or other fabric 94813  
items that belong to others and supplying towels, linens, articles 94814  
of clothing, or other fabric items. "Laundry and dry cleaning 94815  
services" does not include the provision of self-service 94816  
facilities for use by consumers to remove soil or dirt from 94817  
towels, linens, articles of clothing, or other fabric items. 94818

(CC) "Magazines distributed as controlled circulation 94819  
publications" means magazines containing at least twenty-four 94820  
pages, at least twenty-five per cent editorial content, issued at 94821

regular intervals four or more times a year, and circulated 94822  
without charge to the recipient, provided that such magazines are 94823  
not owned or controlled by individuals or business concerns which 94824  
conduct such publications as an auxiliary to, and essentially for 94825  
the advancement of the main business or calling of, those who own 94826  
or control them. 94827

(DD) "Landscaping and lawn care service" means the services 94828  
of planting, seeding, sodding, removing, cutting, trimming, 94829  
pruning, mulching, aerating, applying chemicals, watering, 94830  
fertilizing, and providing similar services to establish, promote, 94831  
or control the growth of trees, shrubs, flowers, grass, ground 94832  
cover, and other flora, or otherwise maintaining a lawn or 94833  
landscape grown or maintained by the owner for ornamentation or 94834  
other nonagricultural purpose. However, "landscaping and lawn care 94835  
service" does not include the providing of such services by a 94836  
person who has less than five thousand dollars in sales of such 94837  
services during the calendar year. 94838

(EE) "Private investigation and security service" means the 94839  
performance of any activity for which the provider of such service 94840  
is required to be licensed pursuant to Chapter 4749. of the 94841  
Revised Code, or would be required to be so licensed in performing 94842  
such services in this state, and also includes the services of 94843  
conducting polygraph examinations and of monitoring or overseeing 94844  
the activities on or in, or the condition of, the consumer's home, 94845  
business, or other facility by means of electronic or similar 94846  
monitoring devices. "Private investigation and security service" 94847  
does not include special duty services provided by off-duty police 94848  
officers, deputy sheriffs, and other peace officers regularly 94849  
employed by the state or a political subdivision. 94850

(FF) "Information services" means providing conversation, 94851  
giving consultation or advice, playing or making a voice or other 94852  
recording, making or keeping a record of the number of callers, 94853

and any other service provided to a consumer by means of a nine 94854  
hundred telephone call, except when the nine hundred telephone 94855  
call is the means by which the consumer makes a contribution to a 94856  
recognized charity. 94857

(GG) "Research and development" means designing, creating, or 94858  
formulating new or enhanced products, equipment, or manufacturing 94859  
processes, and also means conducting scientific or technological 94860  
inquiry and experimentation in the physical sciences with the goal 94861  
of increasing scientific knowledge which may reveal the bases for 94862  
new or enhanced products, equipment, or manufacturing processes. 94863

(HH) "Qualified research and development equipment" means 94864  
either of the following: 94865

(1) Capitalized tangible personal property, and leased 94866  
personal property that would be capitalized if purchased, used by 94867  
a person primarily to perform research and development; 94868

(2) Any tangible personal property used by a megaproject 94869  
operator primarily to perform research and development at the site 94870  
of a megaproject that satisfies the criteria described in division 94871  
(A)(11)(a)(ii) of section 122.17 of the Revised Code during the 94872  
period that the megaproject operator has an agreement for such 94873  
megaproject with the tax credit authority under division (D) of 94874  
that section that remains in effect and has not expired or been 94875  
terminated. 94876

"Qualified research and development equipment" does not 94877  
include tangible personal property primarily used in testing, as 94878  
defined in division (A)(4) of section 5739.011 of the Revised 94879  
Code, or used for recording or storing test results, unless such 94880  
property is primarily used by the consumer in testing the product, 94881  
equipment, or manufacturing process being created, designed, or 94882  
formulated by the consumer in the research and development 94883  
activity or in recording or storing such test results. 94884

(II) "Building maintenance and janitorial service" means 94885  
cleaning the interior or exterior of a building and any tangible 94886  
personal property located therein or thereon, including any 94887  
services incidental to such cleaning for which no separate charge 94888  
is made. However, "building maintenance and janitorial service" 94889  
does not include the providing of such service by a person who has 94890  
less than five thousand dollars in sales of such service during 94891  
the calendar year. As used in this division, "cleaning" does not 94892  
include sanitation services necessary for an establishment 94893  
described in 21 U.S.C. 608 to comply with rules and regulations 94894  
adopted pursuant to that section. 94895

(JJ) "Exterminating service" means eradicating or attempting 94896  
to eradicate vermin infestations from a building or structure, or 94897  
the area surrounding a building or structure, and includes 94898  
activities to inspect, detect, or prevent vermin infestation of a 94899  
building or structure. 94900

(KK) "Physical fitness facility service" means all 94901  
transactions by which a membership is granted, maintained, or 94902  
renewed, including initiation fees, membership dues, renewal fees, 94903  
monthly minimum fees, and other similar fees and dues, by a 94904  
physical fitness facility such as an athletic club, health spa, or 94905  
gymnasium, which entitles the member to use the facility for 94906  
physical exercise. 94907

(LL) "Recreation and sports club service" means all 94908  
transactions by which a membership is granted, maintained, or 94909  
renewed, including initiation fees, membership dues, renewal fees, 94910  
monthly minimum fees, and other similar fees and dues, by a 94911  
recreation and sports club, which entitles the member to use the 94912  
facilities of the organization. "Recreation and sports club" means 94913  
an organization that has ownership of, or controls or leases on a 94914  
continuing, long-term basis, the facilities used by its members 94915  
and includes an aviation club, gun or shooting club, yacht club, 94916

card club, swimming club, tennis club, golf club, country club, 94917  
riding club, amateur sports club, or similar organization. 94918

(MM) "Livestock" means farm animals commonly raised for food, 94919  
food production, or other agricultural purposes, including, but 94920  
not limited to, cattle, sheep, goats, swine, poultry, and captive 94921  
deer. "Livestock" does not include invertebrates, amphibians, 94922  
reptiles, domestic pets, animals for use in laboratories or for 94923  
exhibition, or other animals not commonly raised for food or food 94924  
production. 94925

(NN) "Livestock structure" means a building or structure used 94926  
exclusively for the housing, raising, feeding, or sheltering of 94927  
livestock, and includes feed storage or handling structures and 94928  
structures for livestock waste handling. 94929

(OO) "Horticulture" means the growing, cultivation, and 94930  
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 94931  
and nursery stock. As used in this division, "nursery stock" has 94932  
the same meaning as in section 927.51 of the Revised Code. 94933

(PP) "Horticulture structure" means a building or structure 94934  
used exclusively for the commercial growing, raising, or 94935  
overwintering of horticultural products, and includes the area 94936  
used for stocking, storing, and packing horticultural products 94937  
when done in conjunction with the production of those products. 94938

(QQ) "Newspaper" means an unbound publication bearing a title 94939  
or name that is regularly published, at least as frequently as 94940  
biweekly, and distributed from a fixed place of business to the 94941  
public in a specific geographic area, and that contains a 94942  
substantial amount of news matter of international, national, or 94943  
local events of interest to the general public. 94944

(RR)(1) "Feminine hygiene products" means tampons, panty 94945  
liners, menstrual cups, sanitary napkins, and other similar 94946  
tangible personal property designed for feminine hygiene in 94947

connection with the human menstrual cycle, but does not include grooming and hygiene products. 94948  
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(2) "Grooming and hygiene products" means soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and sun tan lotions and screens, regardless of whether any of these products are over-the-counter drugs. 94950  
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(3) "Over-the-counter drugs" means a drug that contains a label that identifies the product as a drug as required by 21 C.F.R. 201.66, which label includes a drug facts panel or a statement of the active ingredients with a list of those ingredients contained in the compound, substance, or preparation. 94954  
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(SS)(1) "Lease" or "rental" means any transfer of the possession or control of tangible personal property for a fixed or indefinite term, for consideration. "Lease" or "rental" includes future options to purchase or extend, and agreements described in 26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon the sale or disposition of the property. "Lease" or "rental" does not include: 94959  
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(a) A transfer of possession or control of tangible personal property under a security agreement or a deferred payment plan that requires the transfer of title upon completion of the required payments; 94967  
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(b) A transfer of possession or control of tangible personal property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price that does not exceed the greater of one hundred dollars or one per cent of the total required payments; 94971  
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(c) Providing tangible personal property along with an operator for a fixed or indefinite period of time, if the operator is necessary for the property to perform as designed. For purposes 94976  
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of this division, the operator must do more than maintain, 94979  
inspect, or set up the tangible personal property. 94980

(2) "Lease" and "rental," as defined in division (SS) of this 94981  
section, shall not apply to leases or rentals that exist before 94982  
June 26, 2003. 94983

(3) "Lease" and "rental" have the same meaning as in division 94984  
(SS)(1) of this section regardless of whether a transaction is 94985  
characterized as a lease or rental under generally accepted 94986  
accounting principles, the Internal Revenue Code, Title XIII of 94987  
the Revised Code, or other federal, state, or local laws. 94988

(TT) "Mobile telecommunications service" has the same meaning 94989  
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 94990  
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 94991  
on and after August 1, 2003, includes related fees and ancillary 94992  
services, including universal service fees, detailed billing 94993  
service, directory assistance, service initiation, voice mail 94994  
service, and vertical services, such as caller ID and three-way 94995  
calling. 94996

(UU) "Certified service provider" has the same meaning as in 94997  
section 5740.01 of the Revised Code. 94998

(VV) "Satellite broadcasting service" means the distribution 94999  
or broadcasting of programming or services by satellite directly 95000  
to the subscriber's receiving equipment without the use of ground 95001  
receiving or distribution equipment, except the subscriber's 95002  
receiving equipment or equipment used in the uplink process to the 95003  
satellite, and includes all service and rental charges, premium 95004  
channels or other special services, installation and repair 95005  
service charges, and any other charges having any connection with 95006  
the provision of the satellite broadcasting service. 95007

(WW) "Tangible personal property" means personal property 95008  
that can be seen, weighed, measured, felt, or touched, or that is 95009

in any other manner perceptible to the senses. For purposes of 95010  
this chapter and Chapter 5741. of the Revised Code, "tangible 95011  
personal property" includes motor vehicles, electricity, water, 95012  
gas, steam, and prewritten computer software. 95013

(XX) "Municipal gas utility" means a municipal corporation 95014  
that owns or operates a system for the distribution of natural 95015  
gas. 95016

(YY) "Computer" means an electronic device that accepts 95017  
information in digital or similar form and manipulates it for a 95018  
result based on a sequence of instructions. 95019

(ZZ) "Computer software" means a set of coded instructions 95020  
designed to cause a computer or automatic data processing 95021  
equipment to perform a task. 95022

(AAA) "Delivered electronically" means delivery of computer 95023  
software from the seller to the purchaser by means other than 95024  
tangible storage media. 95025

(BBB) "Prewritten computer software" means computer software, 95026  
including prewritten upgrades, that is not designed and developed 95027  
by the author or other creator to the specifications of a specific 95028  
purchaser. The combining of two or more prewritten computer 95029  
software programs or prewritten portions thereof does not cause 95030  
the combination to be other than prewritten computer software. 95031  
"Prewritten computer software" includes software designed and 95032  
developed by the author or other creator to the specifications of 95033  
a specific purchaser when it is sold to a person other than the 95034  
purchaser. If a person modifies or enhances computer software of 95035  
which the person is not the author or creator, the person shall be 95036  
deemed to be the author or creator only of such person's 95037  
modifications or enhancements. Prewritten computer software or a 95038  
prewritten portion thereof that is modified or enhanced to any 95039  
degree, where such modification or enhancement is designed and 95040

developed to the specifications of a specific purchaser, remains 95041  
prewritten computer software; provided, however, that where there 95042  
is a reasonable, separately stated charge or an invoice or other 95043  
statement of the price given to the purchaser for the modification 95044  
or enhancement, the modification or enhancement shall not 95045  
constitute prewritten computer software. 95046

(CCC)(1) "Food" means substances, whether in liquid, 95047  
concentrated, solid, frozen, dried, or dehydrated form, that are 95048  
sold for ingestion or chewing by humans and are consumed for their 95049  
taste or nutritional value. "Food" does not include alcoholic 95050  
beverages, dietary supplements, soft drinks, or tobacco. 95051

(2) As used in division (CCC)(1) of this section: 95052

(a) "Alcoholic beverages" means beverages that are suitable 95053  
for human consumption and contain one-half of one per cent or more 95054  
of alcohol by volume. 95055

(b) "Dietary supplements" means any product, other than 95056  
tobacco, that is intended to supplement the diet and that is 95057  
intended for ingestion in tablet, capsule, powder, softgel, 95058  
gelcap, or liquid form, or, if not intended for ingestion in such 95059  
a form, is not represented as conventional food for use as a sole 95060  
item of a meal or of the diet; that is required to be labeled as a 95061  
dietary supplement, identifiable by the "supplement facts" box 95062  
found on the label, as required by 21 C.F.R. 101.36; and that 95063  
contains one or more of the following dietary ingredients: 95064

(i) A vitamin; 95065

(ii) A mineral; 95066

(iii) An herb or other botanical; 95067

(iv) An amino acid; 95068

(v) A dietary substance for use by humans to supplement the 95069  
diet by increasing the total dietary intake; 95070

(vi) A concentrate, metabolite, constituent, extract, or 95071  
combination of any ingredient described in divisions 95072  
(CCC)(2)(b)(i) to (v) of this section. 95073

(c) "Soft drinks" means nonalcoholic beverages that contain 95074  
natural or artificial sweeteners. "Soft drinks" does not include 95075  
beverages that contain milk or milk products, soy, rice, or 95076  
similar milk substitutes, or that contains greater than fifty per 95077  
cent vegetable or fruit juice by volume. 95078

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 95079  
tobacco, or any other item that contains tobacco. 95080

(DDD) "Drug" means a compound, substance, or preparation, and 95081  
any component of a compound, substance, or preparation, other than 95082  
food, dietary supplements, or alcoholic beverages that is 95083  
recognized in the official United States pharmacopoeia, official 95084  
homeopathic pharmacopoeia of the United States, or official 95085  
national formulary, and supplements to them; is intended for use 95086  
in the diagnosis, cure, mitigation, treatment, or prevention of 95087  
disease; or is intended to affect the structure or any function of 95088  
the body. 95089

(EEE) "Prescription" means an order, formula, or recipe 95090  
issued in any form of oral, written, electronic, or other means of 95091  
transmission by a duly licensed practitioner authorized by the 95092  
laws of this state to issue a prescription. 95093

(FFF) "Durable medical equipment" means equipment, including 95094  
repair and replacement parts for such equipment, that can 95095  
withstand repeated use, is primarily and customarily used to serve 95096  
a medical purpose, generally is not useful to a person in the 95097  
absence of illness or injury, and is not worn in or on the body. 95098  
"Durable medical equipment" does not include mobility enhancing 95099  
equipment. 95100

(GGG) "Mobility enhancing equipment" means equipment, 95101

including repair and replacement parts for such equipment, that is 95102  
primarily and customarily used to provide or increase the ability 95103  
to move from one place to another and is appropriate for use 95104  
either in a home or a motor vehicle, that is not generally used by 95105  
persons with normal mobility, and that does not include any motor 95106  
vehicle or equipment on a motor vehicle normally provided by a 95107  
motor vehicle manufacturer. "Mobility enhancing equipment" does 95108  
not include durable medical equipment. 95109

(HHH) "Prosthetic device" means a replacement, corrective, or 95110  
supportive device, including repair and replacement parts for the 95111  
device, worn on or in the human body to artificially replace a 95112  
missing portion of the body, prevent or correct physical deformity 95113  
or malfunction, or support a weak or deformed portion of the body. 95114  
As used in this division, before July 1, 2019, "prosthetic device" 95115  
does not include corrective eyeglasses, contact lenses, or dental 95116  
prosthesis. On or after July 1, 2019, "prosthetic device" does not 95117  
include dental prosthesis but does include corrective eyeglasses 95118  
or contact lenses. 95119

(III)(1) "Fractional aircraft ownership program" means a 95120  
program in which persons within an affiliated group sell and 95121  
manage fractional ownership program aircraft, provided that at 95122  
least one hundred airworthy aircraft are operated in the program 95123  
and the program meets all of the following criteria: 95124

(a) Management services are provided by at least one program 95125  
manager within an affiliated group on behalf of the fractional 95126  
owners. 95127

(b) Each program aircraft is owned or possessed by at least 95128  
one fractional owner. 95129

(c) Each fractional owner owns or possesses at least a 95130  
one-sixteenth interest in at least one fixed-wing program 95131  
aircraft. 95132

(d) A dry-lease aircraft interchange arrangement is in effect among all of the fractional owners. 95133  
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(e) Multi-year program agreements are in effect regarding the fractional ownership, management services, and dry-lease aircraft interchange arrangement aspects of the program. 95135  
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(2) As used in division (III)(1) of this section: 95138

(a) "Affiliated group" has the same meaning as in division (B)(3)(e) of this section. 95139  
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(b) "Fractional owner" means a person that owns or possesses at least a one-sixteenth interest in a program aircraft and has entered into the agreements described in division (III)(1)(e) of this section. 95141  
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(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions (III)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program. 95145  
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(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division (III)(1)(e) of this section, and offered by the program manager to the fractional owners, including, at a minimum, the establishment and implementation of safety guidelines; the coordination of the scheduling of the program aircraft and crews; program aircraft maintenance; program aircraft insurance; crew training for crews employed, furnished, or contracted by the program manager or the fractional owner; the satisfaction of record-keeping requirements; and the development and use of an operations manual and a maintenance manual for the fractional 95152  
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aircraft ownership program. 95164

(e) "Program manager" means the person that offers management 95165  
services to fractional owners pursuant to a management services 95166  
agreement under division (III)(1)(e) of this section. 95167

(JJJ) "Electronic publishing" means providing access to one 95168  
or more of the following primarily for business customers, 95169  
including the federal government or a state government or a 95170  
political subdivision thereof, to conduct research: news; 95171  
business, financial, legal, consumer, or credit materials; 95172  
editorials, columns, reader commentary, or features; photos or 95173  
images; archival or research material; legal notices, identity 95174  
verification, or public records; scientific, educational, 95175  
instructional, technical, professional, trade, or other literary 95176  
materials; or other similar information which has been gathered 95177  
and made available by the provider to the consumer in an 95178  
electronic format. Providing electronic publishing includes the 95179  
functions necessary for the acquisition, formatting, editing, 95180  
storage, and dissemination of data or information that is the 95181  
subject of a sale. 95182

(KKK) "Medicaid health insuring corporation" means a health 95183  
insuring corporation that holds a certificate of authority under 95184  
Chapter 1751. of the Revised Code and is under contract with the 95185  
department of medicaid pursuant to section 5167.10 of the Revised 95186  
Code. 95187

(LLL) "Managed care premium" means any premium, capitation, 95188  
or other payment a medicaid health insuring corporation receives 95189  
for providing or arranging for the provision of health care 95190  
services to its members or enrollees residing in this state. 95191

(MMM) "Captive deer" means deer and other cervidae that have 95192  
been legally acquired, or their offspring, that are privately 95193  
owned for agricultural or farming purposes. 95194

(NNN) "Gift card" means a document, card, certificate, or other record, whether tangible or intangible, that may be redeemed by a consumer for a dollar value when making a purchase of tangible personal property or services.

(OOO) "Specified digital product" means an electronically transferred digital audiovisual work, digital audio work, or digital book.

As used in division (OOO) of this section:

(1) "Digital audiovisual work" means a series of related images that, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.

(2) "Digital audio work" means a work that results from the fixation of a series of musical, spoken, or other sounds, including digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication.

(3) "Digital book" means a work that is generally recognized in the ordinary and usual sense as a book.

(4) "Electronically transferred" means obtained by the purchaser by means other than tangible storage media.

(PPP) "Digital advertising services" means providing access, by means of telecommunications equipment, to computer equipment that is used to enter, upload, download, review, manipulate, store, add, or delete data for the purpose of electronically displaying, delivering, placing, or transferring promotional advertisements to potential customers about products or services or about industry or business brands.

(QQQ) "Peer-to-peer car sharing program" has the same meaning as in section 4516.01 of the Revised Code.

(RRR) "Megaproject" and "megaproject operator" have the same

meanings as in section 122.17 of the Revised Code. 95225

(SSS)(1) "Diaper" means an absorbent garment worn by humans 95226  
who are incapable of, or have difficulty, controlling their 95227  
bladder or bowel movements. 95228

(2) "Children's diaper" means a diaper marketed to be worn by 95229  
children. 95230

(3) "Adult diaper" means a diaper other than a children's 95231  
diaper. 95232

**Sec. 5739.02.** For the purpose of providing revenue with which 95233  
to meet the needs of the state, for the use of the general revenue 95234  
fund of the state, for the purpose of securing a thorough and 95235  
efficient system of common schools throughout the state, for the 95236  
purpose of affording revenues, in addition to those from general 95237  
property taxes, permitted under constitutional limitations, and 95238  
from other sources, for the support of local governmental 95239  
functions, and for the purpose of reimbursing the state for the 95240  
expense of administering this chapter, an excise tax is hereby 95241  
levied on each retail sale made in this state. 95242

(A)(1) The tax shall be collected as provided in section 95243  
5739.025 of the Revised Code. The rate of the tax shall be five 95244  
and three-fourths per cent. The tax applies and is collectible 95245  
when the sale is made, regardless of the time when the price is 95246  
paid or delivered. 95247

(2) In the case of the lease or rental, with a fixed term of 95248  
more than thirty days or an indefinite term with a minimum period 95249  
of more than thirty days, of any motor vehicles designed by the 95250  
manufacturer to carry a load of not more than one ton, watercraft, 95251  
outboard motor, or aircraft, or of any tangible personal property, 95252  
other than motor vehicles designed by the manufacturer to carry a 95253  
load of more than one ton, to be used by the lessee or renter 95254

primarily for business purposes, the tax shall be collected by the vendor at the time the lease or rental is consummated and shall be calculated by the vendor on the basis of the total amount to be paid by the lessee or renter under the lease agreement. If the total amount of the consideration for the lease or rental includes amounts that are not calculated at the time the lease or rental is executed, the tax shall be calculated and collected by the vendor at the time such amounts are billed to the lessee or renter. In the case of an open-end lease or rental, the tax shall be calculated by the vendor on the basis of the total amount to be paid during the initial fixed term of the lease or rental, and for each subsequent renewal period as it comes due. As used in this division, "motor vehicle" has the same meaning as in section 4501.01 of the Revised Code, and "watercraft" includes an outdrive unit attached to the watercraft.

A lease with a renewal clause and a termination penalty or similar provision that applies if the renewal clause is not exercised is presumed to be a sham transaction. In such a case, the tax shall be calculated and paid on the basis of the entire length of the lease period, including any renewal periods, until the termination penalty or similar provision no longer applies. The taxpayer shall bear the burden, by a preponderance of the evidence, that the transaction or series of transactions is not a sham transaction.

(3) Except as provided in division (A)(2) of this section, in the case of a sale, the price of which consists in whole or in part of the lease or rental of tangible personal property, the tax shall be measured by the installments of that lease or rental.

(4) In the case of a sale of a physical fitness facility service or recreation and sports club service, the price of which consists in whole or in part of a membership for the receipt of the benefit of the service, the tax applicable to the sale shall

be measured by the installments thereof.	95287
(B) The tax does not apply to the following:	95288
(1) Sales to the state or any of its political subdivisions, or to any other state or its political subdivisions if the laws of that state exempt from taxation sales made to this state and its political subdivisions+ <u>including either of the following:</u>	95289 95290 95291 95292
<u>(a) Sales or rentals of tangible personal property by construction contractors or subcontractors to provide temporary traffic control or temporary structures, including material and equipment used to comply with the Ohio manual of uniform traffic control devices adopted pursuant to section 4511.09 of the Revised Code, whereby the state or any of its political subdivisions take title to, or permanent or temporary possession of, such tangible personal property for use by the state or any of its political subdivisions, including for use by the general public thereof;</u>	95293 95294 95295 95296 95297 95298 95299 95300 95301
<u>(b) Sales of services by construction contractors or subcontractors to provide temporary traffic control or structures, including labor used to comply with the Ohio manual of uniform traffic control devices adopted pursuant to section 4511.09 of the Revised Code, whereby the state or any of its political subdivisions, including the general public thereof, receive the benefit of such services.</u>	95302 95303 95304 95305 95306 95307 95308
(2) Sales of food for human consumption off the premises where sold;	95309 95310
(3) Sales of food sold to students only in a cafeteria, dormitory, fraternity, or sorority maintained in a private, public, or parochial school, college, or university;	95311 95312 95313
(4) Sales of newspapers and sales or transfers of magazines distributed as controlled circulation publications;	95314 95315
(5) The furnishing, preparing, or serving of meals without	95316

charge by an employer to an employee provided the employer records 95317  
the meals as part compensation for services performed or work 95318  
done; 95319

(6)(a) Sales of motor fuel upon receipt, use, distribution, 95320  
or sale of which in this state a tax is imposed by the law of this 95321  
state, but this exemption shall not apply to the sale of motor 95322  
fuel on which a refund of the tax is allowable under division (A) 95323  
of section 5735.14 of the Revised Code; and the tax commissioner 95324  
may deduct the amount of tax levied by this section applicable to 95325  
the price of motor fuel when granting a refund of motor fuel tax 95326  
pursuant to division (A) of section 5735.14 of the Revised Code 95327  
and shall cause the amount deducted to be paid into the general 95328  
revenue fund of this state; 95329

(b) Sales of motor fuel other than that described in division 95330  
(B)(6)(a) of this section and used for powering a refrigeration 95331  
unit on a vehicle other than one used primarily to provide comfort 95332  
to the operator or occupants of the vehicle. 95333

(7) Sales of natural gas by a natural gas company or 95334  
municipal gas utility, of water by a water-works company, or of 95335  
steam by a heating company, if in each case the thing sold is 95336  
delivered to consumers through pipes or conduits, and all sales of 95337  
communications services by a telegraph company, all terms as 95338  
defined in section 5727.01 of the Revised Code, and sales of 95339  
electricity delivered through wires; 95340

(8) Casual sales by a person, or auctioneer employed directly 95341  
by the person to conduct such sales, except as to such sales of 95342  
motor vehicles, watercraft or outboard motors required to be 95343  
titled under section 1548.06 of the Revised Code, watercraft 95344  
documented with the United States coast guard, snowmobiles, and 95345  
all-purpose vehicles as defined in section 4519.01 of the Revised 95346  
Code; 95347

(9)(a) Sales of services or tangible personal property, other than motor vehicles, mobile homes, and manufactured homes, by churches, organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, or nonprofit organizations operated exclusively for charitable purposes as defined in division (B)(12) of this section, provided that the number of days on which such tangible personal property or services, other than items never subject to the tax, are sold does not exceed six in any calendar year, except as otherwise provided in division (B)(9)(b) of this section. If the number of days on which such sales are made exceeds six in any calendar year, the church or organization shall be considered to be engaged in business and all subsequent sales by it shall be subject to the tax. In counting the number of days, all sales by groups within a church or within an organization shall be considered to be sales of that church or organization.

(b) The limitation on the number of days on which tax-exempt sales may be made by a church or organization under division (B)(9)(a) of this section does not apply to sales made by student clubs and other groups of students of a primary or secondary school, or a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school.

(c) Divisions (B)(9)(a) and (b) of this section do not apply to sales by a noncommercial educational radio or television broadcasting station.

(10) Sales not within the taxing power of this state under the Constitution or laws of the United States or the Constitution of this state including either of the following:

(a) Sales or rentals of tangible personal property by construction contractors or subcontractors to provide temporary traffic control or temporary structures, including material and

equipment used to comply with the Ohio manual of uniform traffic control devices adopted pursuant to section 4511.09 of the Revised Code, whereby the United States takes title to, or permanent or temporary possession of, such tangible personal property for use by the United States including for use by the general public thereof; 95380  
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(b) Sales of services by construction contractors or subcontractors to provide temporary traffic control or structures, including labor used to comply with the Ohio manual of uniform traffic control devices adopted pursuant to section 4511.09 of the Revised Code, whereby the United States, including the general public thereof, receives the benefit of such services. 95386  
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As used in divisions (B)(10)(a) and (b) of this section, "temporary structures" include temporary roads, bridges, drains, and pavement. 95392  
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(11) Except for transactions that are sales under division (B)(3)(p) of section 5739.01 of the Revised Code, the transportation of persons or property, unless the transportation is by a private investigation and security service; 95395  
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(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other nonprofit organizations operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; sales to offices administering one or more homes for the aged or one or more hospital facilities exempt under section 140.08 of the Revised Code; and sales to organizations described in division (D) of section 5709.12 of the Revised Code. 95399  
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"Charitable purposes" means the relief of poverty; the 95411  
improvement of health through the alleviation of illness, disease, 95412  
or injury; the operation of an organization exclusively for the 95413  
provision of professional, laundry, printing, and purchasing 95414  
services to hospitals or charitable institutions; the operation of 95415  
a home for the aged, as defined in section 5701.13 of the Revised 95416  
Code; the operation of a radio or television broadcasting station 95417  
that is licensed by the federal communications commission as a 95418  
noncommercial educational radio or television station; the 95419  
operation of a nonprofit animal adoption service or a county 95420  
humane society; the promotion of education by an institution of 95421  
learning that maintains a faculty of qualified instructors, 95422  
teaches regular continuous courses of study, and confers a 95423  
recognized diploma upon completion of a specific curriculum; the 95424  
operation of a parent-teacher association, booster group, or 95425  
similar organization primarily engaged in the promotion and 95426  
support of the curricular or extracurricular activities of a 95427  
primary or secondary school; the operation of a community or area 95428  
center in which presentations in music, dramatics, the arts, and 95429  
related fields are made in order to foster public interest and 95430  
education therein; the production of performances in music, 95431  
dramatics, and the arts; or the promotion of education by an 95432  
organization engaged in carrying on research in, or the 95433  
dissemination of, scientific and technological knowledge and 95434  
information primarily for the public. 95435

Nothing in this division shall be deemed to exempt sales to 95436  
any organization for use in the operation or carrying on of a 95437  
trade or business, or sales to a home for the aged for use in the 95438  
operation of independent living facilities as defined in division 95439  
(A) of section 5709.12 of the Revised Code. 95440

(13) Building and construction materials and services sold to 95441  
construction contractors for incorporation into a structure or 95442

improvement to real property under a construction contract with 95443  
this state or a political subdivision of this state, or with the 95444  
United States government or any of its agencies; building and 95445  
construction materials and services sold to construction 95446  
contractors for incorporation into a structure or improvement to 95447  
real property that are accepted for ownership by this state or any 95448  
of its political subdivisions, or by the United States government 95449  
or any of its agencies at the time of completion of the structures 95450  
or improvements; building and construction materials sold to 95451  
construction contractors for incorporation into a horticulture 95452  
structure or livestock structure for a person engaged in the 95453  
business of horticulture or producing livestock; building 95454  
materials and services sold to a construction contractor for 95455  
incorporation into a house of public worship or religious 95456  
education, or a building used exclusively for charitable purposes 95457  
under a construction contract with an organization whose purpose 95458  
is as described in division (B)(12) of this section; building 95459  
materials and services sold to a construction contractor for 95460  
incorporation into a building under a construction contract with 95461  
an organization exempt from taxation under section 501(c)(3) of 95462  
the Internal Revenue Code of 1986 when the building is to be used 95463  
exclusively for the organization's exempt purposes; building and 95464  
construction materials sold for incorporation into the original 95465  
construction of a sports facility under section 307.696 of the 95466  
Revised Code; building and construction materials and services 95467  
sold to a construction contractor for incorporation into real 95468  
property outside this state if such materials and services, when 95469  
sold to a construction contractor in the state in which the real 95470  
property is located for incorporation into real property in that 95471  
state, would be exempt from a tax on sales levied by that state; 95472  
building and construction materials for incorporation into a 95473  
transportation facility pursuant to a public-private agreement 95474  
entered into under sections 5501.70 to 5501.83 of the Revised 95475

Code; until one calendar year after the construction of a 95476  
convention center that qualifies for property tax exemption under 95477  
section 5709.084 of the Revised Code is completed, building and 95478  
construction materials and services sold to a construction 95479  
contractor for incorporation into the real property comprising 95480  
that convention center; and building and construction materials 95481  
sold for incorporation into a structure or improvement to real 95482  
property that is used primarily as, or primarily in support of, a 95483  
manufacturing facility or research and development facility and 95484  
that is to be owned by a megaproject operator upon completion and 95485  
located at the site of a megaproject that satisfies the criteria 95486  
described in division (A)(11)(a)(ii) of section 122.17 of the 95487  
Revised Code, provided that the sale occurs during the period that 95488  
the megaproject operator has an agreement for such megaproject 95489  
with the tax credit authority under division (D) of section 122.17 95490  
of the Revised Code that remains in effect and has not expired or 95491  
been terminated. 95492

(14) Sales of ships or vessels or rail rolling stock used or 95493  
to be used principally in interstate or foreign commerce, and 95494  
repairs, alterations, fuel, and lubricants for such ships or 95495  
vessels or rail rolling stock; 95496

(15) Sales to persons primarily engaged in any of the 95497  
activities mentioned in division (B)(42)(a), (g), or (h) of this 95498  
section, to persons engaged in making retail sales, or to persons 95499  
who purchase for sale from a manufacturer tangible personal 95500  
property that was produced by the manufacturer in accordance with 95501  
specific designs provided by the purchaser, of packages, including 95502  
material, labels, and parts for packages, and of machinery, 95503  
equipment, and material for use primarily in packaging tangible 95504  
personal property produced for sale, including any machinery, 95505  
equipment, and supplies used to make labels or packages, to 95506  
prepare packages or products for labeling, or to label packages or 95507

products, by or on the order of the person doing the packaging, or 95508  
sold at retail. "Packages" includes bags, baskets, cartons, 95509  
crates, boxes, cans, bottles, bindings, wrappings, and other 95510  
similar devices and containers, but does not include motor 95511  
vehicles or bulk tanks, trailers, or similar devices attached to 95512  
motor vehicles. "Packaging" means placing in a package. Division 95513  
(B)(15) of this section does not apply to persons engaged in 95514  
highway transportation for hire. 95515

(16) Sales of food to persons using supplemental nutrition 95516  
assistance program benefits to purchase the food. As used in this 95517  
division, "food" has the same meaning as in 7 U.S.C. 2012 and 95518  
federal regulations adopted pursuant to the Food and Nutrition Act 95519  
of 2008. 95520

(17) Sales to persons engaged in farming, agriculture, 95521  
horticulture, or floriculture, of tangible personal property for 95522  
use or consumption primarily in the production by farming, 95523  
agriculture, horticulture, or floriculture of other tangible 95524  
personal property for use or consumption primarily in the 95525  
production of tangible personal property for sale by farming, 95526  
agriculture, horticulture, or floriculture; or material and parts 95527  
for incorporation into any such tangible personal property for use 95528  
or consumption in production; and of tangible personal property 95529  
for such use or consumption in the conditioning or holding of 95530  
products produced by and for such use, consumption, or sale by 95531  
persons engaged in farming, agriculture, horticulture, or 95532  
floriculture, except where such property is incorporated into real 95533  
property; 95534

(18) Sales of drugs for a human being that may be dispensed 95535  
only pursuant to a prescription; insulin as recognized in the 95536  
official United States pharmacopoeia; urine and blood testing 95537  
materials when used by diabetics or persons with hypoglycemia to 95538  
test for glucose or acetone; hypodermic syringes and needles when 95539

used by diabetics for insulin injections; epoetin alfa when 95540  
purchased for use in the treatment of persons with medical 95541  
disease; hospital beds when purchased by hospitals, nursing homes, 95542  
or other medical facilities; and medical oxygen and medical 95543  
oxygen-dispensing equipment when purchased by hospitals, nursing 95544  
homes, or other medical facilities; 95545

(19) Sales of prosthetic devices, durable medical equipment 95546  
for home use, or mobility enhancing equipment, when made pursuant 95547  
to a prescription and when such devices or equipment are for use 95548  
by a human being. 95549

(20) Sales of emergency and fire protection vehicles and 95550  
equipment to nonprofit organizations for use solely in providing 95551  
fire protection and emergency services, including trauma care and 95552  
emergency medical services, for political subdivisions of the 95553  
state; 95554

(21) Sales of tangible personal property manufactured in this 95555  
state, if sold by the manufacturer in this state to a retailer for 95556  
use in the retail business of the retailer outside of this state 95557  
and if possession is taken from the manufacturer by the purchaser 95558  
within this state for the sole purpose of immediately removing the 95559  
same from this state in a vehicle owned by the purchaser; 95560

(22) Sales of services provided by the state or any of its 95561  
political subdivisions, agencies, instrumentalities, institutions, 95562  
or authorities, or by governmental entities of the state or any of 95563  
its political subdivisions, agencies, instrumentalities, 95564  
institutions, or authorities; 95565

(23) Sales of motor vehicles to nonresidents of this state 95566  
under the circumstances described in division (B) of section 95567  
5739.029 of the Revised Code; 95568

(24) Sales to persons engaged in the preparation of eggs for 95569  
sale of tangible personal property used or consumed directly in 95570

such preparation, including such tangible personal property used 95571  
for cleaning, sanitizing, preserving, grading, sorting, and 95572  
classifying by size; packages, including material and parts for 95573  
packages, and machinery, equipment, and material for use in 95574  
packaging eggs for sale; and handling and transportation equipment 95575  
and parts therefor, except motor vehicles licensed to operate on 95576  
public highways, used in intraplant or interplant transfers or 95577  
shipment of eggs in the process of preparation for sale, when the 95578  
plant or plants within or between which such transfers or 95579  
shipments occur are operated by the same person. "Packages" 95580  
includes containers, cases, baskets, flats, fillers, filler flats, 95581  
cartons, closure materials, labels, and labeling materials, and 95582  
"packaging" means placing therein. 95583

(25)(a) Sales of water to a consumer for residential use; 95584

(b) Sales of water by a nonprofit corporation engaged 95585  
exclusively in the treatment, distribution, and sale of water to 95586  
consumers, if such water is delivered to consumers through pipes 95587  
or tubing. 95588

(26) Fees charged for inspection or reinspection of motor 95589  
vehicles under section 3704.14 of the Revised Code; 95590

(27) Sales to persons licensed to conduct a food service 95591  
operation pursuant to section 3717.43 of the Revised Code, of 95592  
tangible personal property primarily used directly for the 95593  
following: 95594

(a) To prepare food for human consumption for sale; 95595

(b) To preserve food that has been or will be prepared for 95596  
human consumption for sale by the food service operator, not 95597  
including tangible personal property used to display food for 95598  
selection by the consumer; 95599

(c) To clean tangible personal property used to prepare or 95600  
serve food for human consumption for sale. 95601

(28) Sales of animals by nonprofit animal adoption services	95602
or county humane societies;	95603
(29) Sales of services to a corporation described in division	95604
(A) of section 5709.72 of the Revised Code, and sales of tangible	95605
personal property that qualifies for exemption from taxation under	95606
section 5709.72 of the Revised Code;	95607
(30) Sales and installation of agricultural land tile, as	95608
defined in division (B)(5)(a) of section 5739.01 of the Revised	95609
Code;	95610
(31) Sales and erection or installation of portable grain	95611
bins, as defined in division (B)(5)(b) of section 5739.01 of the	95612
Revised Code;	95613
(32) The sale, lease, repair, and maintenance of, parts for,	95614
or items attached to or incorporated in, motor vehicles that are	95615
primarily used for transporting tangible personal property	95616
belonging to others by a person engaged in highway transportation	95617
for hire, except for packages and packaging used for the	95618
transportation of tangible personal property;	95619
(33) Sales to the state headquarters of any veterans'	95620
organization in this state that is either incorporated and issued	95621
a charter by the congress of the United States or is recognized by	95622
the United States veterans administration, for use by the	95623
headquarters;	95624
(34) Sales to a telecommunications service vendor, mobile	95625
telecommunications service vendor, or satellite broadcasting	95626
service vendor of tangible personal property and services used	95627
directly and primarily in transmitting, receiving, switching, or	95628
recording any interactive, one- or two-way electromagnetic	95629
communications, including voice, image, data, and information,	95630
through the use of any medium, including, but not limited to,	95631
poles, wires, cables, switching equipment, computers, and record	95632

storage devices and media, and component parts for the tangible 95633  
personal property. The exemption provided in this division shall 95634  
be in lieu of all other exemptions under division (B)(42)(a) or 95635  
(n) of this section to which the vendor may otherwise be entitled, 95636  
based upon the use of the thing purchased in providing the 95637  
telecommunications, mobile telecommunications, or satellite 95638  
broadcasting service. 95639

(35)(a) Sales where the purpose of the consumer is to use or 95640  
consume the things transferred in making retail sales and 95641  
consisting of newspaper inserts, catalogues, coupons, flyers, gift 95642  
certificates, or other advertising material that prices and 95643  
describes tangible personal property offered for retail sale. 95644

(b) Sales to direct marketing vendors of preliminary 95645  
materials such as photographs, artwork, and typesetting that will 95646  
be used in printing advertising material; and of printed matter 95647  
that offers free merchandise or chances to win sweepstake prizes 95648  
and that is mailed to potential customers with advertising 95649  
material described in division (B)(35)(a) of this section; 95650

(c) Sales of equipment such as telephones, computers, 95651  
facsimile machines, and similar tangible personal property 95652  
primarily used to accept orders for direct marketing retail sales. 95653

(d) Sales of automatic food vending machines that preserve 95654  
food with a shelf life of forty-five days or less by refrigeration 95655  
and dispense it to the consumer. 95656

For purposes of division (B)(35) of this section, "direct 95657  
marketing" means the method of selling where consumers order 95658  
tangible personal property by United States mail, delivery 95659  
service, or telecommunication and the vendor delivers or ships the 95660  
tangible personal property sold to the consumer from a warehouse, 95661  
catalogue distribution center, or similar fulfillment facility by 95662  
means of the United States mail, delivery service, or common 95663

carrier. 95664

(36) Sales to a person engaged in the business of 95665  
horticulture or producing livestock of materials to be 95666  
incorporated into a horticulture structure or livestock structure; 95667

(37) Sales of personal computers, computer monitors, computer 95668  
keyboards, modems, and other peripheral computer equipment to an 95669  
individual who is licensed or certified to teach in an elementary 95670  
or a secondary school in this state for use by that individual in 95671  
preparation for teaching elementary or secondary school students; 95672

(38) Sales of tangible personal property that is not required 95673  
to be registered or licensed under the laws of this state to a 95674  
citizen of a foreign nation that is not a citizen of the United 95675  
States, provided the property is delivered to a person in this 95676  
state that is not a related member of the purchaser, is physically 95677  
present in this state for the sole purpose of temporary storage 95678  
and package consolidation, and is subsequently delivered to the 95679  
purchaser at a delivery address in a foreign nation. As used in 95680  
division (B)(38) of this section, "related member" has the same 95681  
meaning as in section 5733.042 of the Revised Code, and "temporary 95682  
storage" means the storage of tangible personal property for a 95683  
period of not more than sixty days. 95684

(39) Sales of used manufactured homes and used mobile homes, 95685  
as defined in section 5739.0210 of the Revised Code, made on or 95686  
after January 1, 2000; 95687

(40) Sales of tangible personal property and services to a 95688  
provider of electricity used or consumed directly and primarily in 95689  
generating, transmitting, or distributing electricity for use by 95690  
others, including property that is or is to be incorporated into 95691  
and will become a part of the consumer's production, transmission, 95692  
or distribution system and that retains its classification as 95693  
tangible personal property after incorporation; fuel or power used 95694

in the production, transmission, or distribution of electricity; 95695  
energy conversion equipment as defined in section 5727.01 of the 95696  
Revised Code; and tangible personal property and services used in 95697  
the repair and maintenance of the production, transmission, or 95698  
distribution system, including only those motor vehicles as are 95699  
specially designed and equipped for such use. The exemption 95700  
provided in this division shall be in lieu of all other exemptions 95701  
in division (B)(42)(a) or (n) of this section to which a provider 95702  
of electricity may otherwise be entitled based on the use of the 95703  
tangible personal property or service purchased in generating, 95704  
transmitting, or distributing electricity. 95705

(41) Sales to a person providing services under division 95706  
(B)(3)(p) of section 5739.01 of the Revised Code of tangible 95707  
personal property and services used directly and primarily in 95708  
providing taxable services under that section. 95709

(42) Sales where the purpose of the purchaser is to do any of 95710  
the following: 95711

(a) To incorporate the thing transferred as a material or a 95712  
part into tangible personal property to be produced for sale by 95713  
manufacturing, assembling, processing, or refining; or to use or 95714  
consume the thing transferred directly in producing tangible 95715  
personal property for sale by mining, including, without 95716  
limitation, the extraction from the earth of all substances that 95717  
are classed geologically as minerals, or directly in the rendition 95718  
of a public utility service, except that the sales tax levied by 95719  
this section shall be collected upon all meals, drinks, and food 95720  
for human consumption sold when transporting persons. This 95721  
paragraph does not exempt from "retail sale" or "sales at retail" 95722  
the sale of tangible personal property that is to be incorporated 95723  
into a structure or improvement to real property. 95724

(b) To hold the thing transferred as security for the 95725  
performance of an obligation of the vendor; 95726

(c) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance;	95727 95728
(d) To use or consume the thing directly in commercial fishing;	95729 95730
(e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications;	95731 95732 95733 95734
(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter;	95735 95736 95737 95738 95739
(g) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;	95740 95741 95742
(h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;	95743 95744 95745 95746 95747 95748
(i) To use the thing transferred as qualified research and development equipment;	95749 95750
(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or	95751 95752 95753 95754 95755 95756 95757

by means of direct marketing. This division does not apply to 95758  
motor vehicles registered for operation on the public highways. As 95759  
used in this division, "affiliated group" has the same meaning as 95760  
in division (B)(3)(e) of section 5739.01 of the Revised Code and 95761  
"direct marketing" has the same meaning as in division (B)(35) of 95762  
this section. 95763

(k) To use or consume the thing transferred to fulfill a 95764  
contractual obligation incurred by a warrantor pursuant to a 95765  
warranty provided as a part of the price of the tangible personal 95766  
property sold or by a vendor of a warranty, maintenance or service 95767  
contract, or similar agreement the provision of which is defined 95768  
as a sale under division (B)(7) of section 5739.01 of the Revised 95769  
Code; 95770

(l) To use or consume the thing transferred in the production 95771  
of a newspaper for distribution to the public; 95772

(m) To use tangible personal property to perform a service 95773  
listed in division (B)(3) of section 5739.01 of the Revised Code, 95774  
if the property is or is to be permanently transferred to the 95775  
consumer of the service as an integral part of the performance of 95776  
the service; 95777

(n) To use or consume the thing transferred primarily in 95778  
producing tangible personal property for sale by farming, 95779  
agriculture, horticulture, or floriculture. Persons engaged in 95780  
rendering farming, agriculture, horticulture, or floriculture 95781  
services for others are deemed engaged primarily in farming, 95782  
agriculture, horticulture, or floriculture. This paragraph does 95783  
not exempt from "retail sale" or "sales at retail" the sale of 95784  
tangible personal property that is to be incorporated into a 95785  
structure or improvement to real property. 95786

(o) To use or consume the thing transferred in acquiring, 95787  
formatting, editing, storing, and disseminating data or 95788

information by electronic publishing; 95789

(p) To provide the thing transferred to the owner or lessee 95790  
of a motor vehicle that is being repaired or serviced, if the 95791  
thing transferred is a rented motor vehicle and the purchaser is 95792  
reimbursed for the cost of the rented motor vehicle by a 95793  
manufacturer, warrantor, or provider of a maintenance, service, or 95794  
other similar contract or agreement, with respect to the motor 95795  
vehicle that is being repaired or serviced; 95796

(q) To use or consume the thing transferred directly in 95797  
production of crude oil and natural gas for sale. Persons engaged 95798  
in rendering production services for others are deemed engaged in 95799  
production. 95800

As used in division (B)(42)(q) of this section, "production" 95801  
means operations and tangible personal property directly used to 95802  
expose and evaluate an underground reservoir that may contain 95803  
hydrocarbon resources, prepare the wellbore for production, and 95804  
lift and control all substances yielded by the reservoir to the 95805  
surface of the earth. 95806

(i) For the purposes of division (B)(42)(q) of this section, 95807  
the "thing transferred" includes, but is not limited to, any of 95808  
the following: 95809

(I) Services provided in the construction of permanent access 95810  
roads, services provided in the construction of the well site, and 95811  
services provided in the construction of temporary impoundments; 95812

(II) Equipment and rigging used for the specific purpose of 95813  
creating with integrity a wellbore pathway to underground 95814  
reservoirs; 95815

(III) Drilling and workover services used to work within a 95816  
subsurface wellbore, and tangible personal property directly used 95817  
in providing such services; 95818

(IV) Casing, tubulars, and float and centralizing equipment;	95819
(V) Trailers to which production equipment is attached;	95820
(VI) Well completion services, including cementing of casing, and tangible personal property directly used in providing such services;	95821 95822 95823
(VII) Wireline evaluation, mud logging, and perforation services, and tangible personal property directly used in providing such services;	95824 95825 95826
(VIII) Reservoir stimulation, hydraulic fracturing, and acidizing services, and tangible personal property directly used in providing such services, including all material pumped downhole;	95827 95828 95829 95830
(IX) Pressure pumping equipment;	95831
(X) Artificial lift systems equipment;	95832
(XI) Wellhead equipment and well site equipment used to separate, stabilize, and control hydrocarbon phases and produced water;	95833 95834 95835
(XII) Tangible personal property directly used to control production equipment.	95836 95837
(ii) For the purposes of division (B)(42)(q) of this section, the "thing transferred" does not include any of the following:	95838 95839
(I) Tangible personal property used primarily in the exploration and production of any mineral resource regulated under Chapter 1509. of the Revised Code other than oil or gas;	95840 95841 95842
(II) Tangible personal property used primarily in storing, holding, or delivering solutions or chemicals used in well stimulation as defined in section 1509.01 of the Revised Code;	95843 95844 95845
(III) Tangible personal property used primarily in preparing, installing, or reclaiming foundations for drilling or pumping	95846 95847

equipment or well stimulation material tanks;	95848
(IV) Tangible personal property used primarily in transporting, delivering, or removing equipment to or from the well site or storing such equipment before its use at the well site;	95849 95850 95851 95852
(V) Tangible personal property used primarily in gathering operations occurring off the well site, including gathering pipelines transporting hydrocarbon gas or liquids away from a crude oil or natural gas production facility;	95853 95854 95855 95856
(VI) Tangible personal property that is to be incorporated into a structure or improvement to real property;	95857 95858
(VII) Well site fencing, lighting, or security systems;	95859
(VIII) Communication devices or services;	95860
(IX) Office supplies;	95861
(X) Trailers used as offices or lodging;	95862
(XI) Motor vehicles of any kind;	95863
(XII) Tangible personal property used primarily for the storage of drilling byproducts and fuel not used for production;	95864 95865
(XIII) Tangible personal property used primarily as a safety device;	95866 95867
(XIV) Data collection or monitoring devices;	95868
(XV) Access ladders, stairs, or platforms attached to storage tanks.	95869 95870
The enumeration of tangible personal property in division (B)(42)(q)(ii) of this section is not intended to be exhaustive, and any tangible personal property not so enumerated shall not necessarily be construed to be a "thing transferred" for the purposes of division (B)(42)(q) of this section.	95871 95872 95873 95874 95875
The commissioner shall adopt and promulgate rules under	95876

sections 119.01 to 119.13 of the Revised Code that the 95877  
commissioner deems necessary to administer division (B)(42)(q) of 95878  
this section. 95879

As used in division (B)(42) of this section, "thing" includes 95880  
all transactions included in divisions (B)(3)(a), (b), and (e) of 95881  
section 5739.01 of the Revised Code. 95882

(43) Sales conducted through a coin operated device that 95883  
activates vacuum equipment or equipment that dispenses water, 95884  
whether or not in combination with soap or other cleaning agents 95885  
or wax, to the consumer for the consumer's use on the premises in 95886  
washing, cleaning, or waxing a motor vehicle, provided no other 95887  
personal property or personal service is provided as part of the 95888  
transaction. 95889

(44) Sales of replacement and modification parts for engines, 95890  
airframes, instruments, and interiors in, and paint for, aircraft 95891  
used primarily in a fractional aircraft ownership program, and 95892  
sales of services for the repair, modification, and maintenance of 95893  
such aircraft, and machinery, equipment, and supplies primarily 95894  
used to provide those services. 95895

(45) Sales of telecommunications service that is used 95896  
directly and primarily to perform the functions of a call center. 95897  
As used in this division, "call center" means any physical 95898  
location where telephone calls are placed or received in high 95899  
volume for the purpose of making sales, marketing, customer 95900  
service, technical support, or other specialized business 95901  
activity, and that employs at least fifty individuals that engage 95902  
in call center activities on a full-time basis, or sufficient 95903  
individuals to fill fifty full-time equivalent positions. 95904

(46) Sales by a telecommunications service vendor of 900 95905  
service to a subscriber. This division does not apply to 95906  
information services. 95907

(47) Sales of value-added non-voice data service. This 95908  
division does not apply to any similar service that is not 95909  
otherwise a telecommunications service. 95910

(48) Sales of feminine hygiene products. 95911

(49) Sales of materials, parts, equipment, or engines used in 95912  
the repair or maintenance of aircraft or avionics systems of such 95913  
aircraft, and sales of repair, remodeling, replacement, or 95914  
maintenance services in this state performed on aircraft or on an 95915  
aircraft's avionics, engine, or component materials or parts. As 95916  
used in division (B)(49) of this section, "aircraft" means 95917  
aircraft of more than six thousand pounds maximum certified 95918  
takeoff weight or used exclusively in general aviation. 95919

(50) Sales of full flight simulators that are used for pilot 95920  
or flight-crew training, sales of repair or replacement parts or 95921  
components, and sales of repair or maintenance services for such 95922  
full flight simulators. "Full flight simulator" means a replica of 95923  
a specific type, or make, model, and series of aircraft cockpit. 95924  
It includes the assemblage of equipment and computer programs 95925  
necessary to represent aircraft operations in ground and flight 95926  
conditions, a visual system providing an out-of-the-cockpit view, 95927  
and a system that provides cues at least equivalent to those of a 95928  
three-degree-of-freedom motion system, and has the full range of 95929  
capabilities of the systems installed in the device as described 95930  
in appendices A and B of part 60 of chapter 1 of title 14 of the 95931  
Code of Federal Regulations. 95932

(51) Any transfer or lease of tangible personal property 95933  
between the state and JobsOhio in accordance with section 4313.02 95934  
of the Revised Code. 95935

(52)(a) Sales to a qualifying corporation. 95936

(b) As used in division (B)(52) of this section: 95937

(i) "Qualifying corporation" means a nonprofit corporation 95938

organized in this state that leases from an eligible county land, 95939  
buildings, structures, fixtures, and improvements to the land that 95940  
are part of or used in a public recreational facility used by a 95941  
major league professional athletic team or a class A to class AAA 95942  
minor league affiliate of a major league professional athletic 95943  
team for a significant portion of the team's home schedule, 95944  
provided the following apply: 95945

(I) The facility is leased from the eligible county pursuant 95946  
to a lease that requires substantially all of the revenue from the 95947  
operation of the business or activity conducted by the nonprofit 95948  
corporation at the facility in excess of operating costs, capital 95949  
expenditures, and reserves to be paid to the eligible county at 95950  
least once per calendar year. 95951

(II) Upon dissolution and liquidation of the nonprofit 95952  
corporation, all of its net assets are distributable to the board 95953  
of commissioners of the eligible county from which the corporation 95954  
leases the facility. 95955

(ii) "Eligible county" has the same meaning as in section 95956  
307.695 of the Revised Code. 95957

(53) Sales to or by a cable service provider, video service 95958  
provider, or radio or television broadcast station regulated by 95959  
the federal government of cable service or programming, video 95960  
service or programming, audio service or programming, or 95961  
electronically transferred digital audiovisual or audio work. As 95962  
used in division (B)(53) of this section, "cable service" and 95963  
"cable service provider" have the same meanings as in section 95964  
1332.01 of the Revised Code, and "video service," "video service 95965  
provider," and "video programming" have the same meanings as in 95966  
section 1332.21 of the Revised Code. 95967

(54) Sales of a digital audio work electronically transferred 95968  
for delivery through use of a machine, such as a juke box, that 95969

does all of the following:	95970
(a) Accepts direct payments to operate;	95971
(b) Automatically plays a selected digital audio work for a single play upon receipt of a payment described in division (B)(54)(a) of this section;	95972 95973 95974
(c) Operates exclusively for the purpose of playing digital audio works in a commercial establishment.	95975 95976
(55)(a) Sales of the following occurring on the first Friday of August and the following Saturday and Sunday of each year, beginning in 2018:	95977 95978 95979
(i) An item of clothing, the price of which is seventy-five dollars or less;	95980 95981
(ii) An item of school supplies, the price of which is twenty dollars or less;	95982 95983
(iii) An item of school instructional material, the price of which is twenty dollars or less.	95984 95985
(b) As used in division (B)(55) of this section:	95986
(i) "Clothing" means all human wearing apparel suitable for general use. "Clothing" includes, but is not limited to, aprons, household and shop; athletic supporters; baby receiving blankets; bathing suits and caps; beach capes and coats; belts and suspenders; boots; coats and jackets; costumes; diapers, children and adult, including disposable diapers; earmuffs; footlets; formal wear; garters and garter belts; girdles; gloves and mittens for general use; hats and caps; hosiery; insoles for shoes; lab coats; neckties; overshoes; pantyhose; rainwear; rubber pants; sandals; scarves; shoes and shoe laces; slippers; sneakers; socks and stockings; steel-toed shoes; underwear; uniforms, athletic and nonathletic; and wedding apparel. "Clothing" does not include items purchased for use in a trade or business; clothing	95987 95988 95989 95990 95991 95992 95993 95994 95995 95996 95997 95998 95999

accessories or equipment; protective equipment; sports or recreational equipment; belt buckles sold separately; costume masks sold separately; patches and emblems sold separately; sewing equipment and supplies including, but not limited to, knitting needles, patterns, pins, scissors, sewing machines, sewing needles, tape measures, and thimbles; and sewing materials that become part of "clothing" including, but not limited to, buttons, fabric, lace, thread, yarn, and zippers.

(ii) "School supplies" means items commonly used by a student in a course of study. "School supplies" includes only the following items: binders; book bags; calculators; cellophane tape; blackboard chalk; compasses; composition books; crayons; erasers; folders, expandable, pocket, plastic, and manila; glue, paste, and paste sticks; highlighters; index cards; index card boxes; legal pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled notebook paper, copy paper, graph paper, tracing paper, manila paper, colored paper, poster board, and construction paper; pencil boxes and other school supply boxes; pencil sharpeners; pencils; pens; protractors; rulers; scissors; and writing tablets. "School supplies" does not include any item purchased for use in a trade or business.

(iii) "School instructional material" means written material commonly used by a student in a course of study as a reference and to learn the subject being taught. "School instructional material" includes only the following items: reference books, reference maps and globes, textbooks, and workbooks. "School instructional material" does not include any material purchased for use in a trade or business.

(56)(a) Sales of adult diapers or incontinence underpads sold pursuant to a prescription, for the benefit of a medicaid recipient with a diagnosis of incontinence, and by a medicaid provider that maintains a valid provider agreement under section

5164.30 of the Revised Code with the department of medicaid, 96032  
provided that the medicaid program covers diapers or incontinence 96033  
underpads as an incontinence garment. 96034

(b) As used in division (B)(56)(a) of this section: 96035

~~(i) "Diaper" means an absorbent garment worn by humans who 96036  
are incapable of, or have difficulty, controlling their bladder or 96037  
bowel movements. 96038~~

~~(ii) "Incontinence, "incontinence underpad" means an 96039  
absorbent product, not worn on the body, designed to protect 96040  
furniture or other tangible personal property from soiling or 96041  
damage due to human incontinence. 96042~~

(57) Sales of investment metal bullion and investment coins. 96043  
"Investment metal bullion" means any bullion described in section 96044  
408(m)(3)(B) of the Internal Revenue Code, regardless of whether 96045  
that bullion is in the physical possession of a trustee. 96046  
"Investment coin" means any coin composed primarily of gold, 96047  
silver, platinum, or palladium. 96048

(58) Sales of tangible personal property used primarily for 96049  
any of the following purposes by a megaproject operator at the 96050  
site of a megaproject that satisfies the criteria described in 96051  
division (A)(11)(a)(ii) of section 122.17 of the Revised Code, 96052  
provided that the sale occurs during the period that the 96053  
megaproject operator has an agreement for such megaproject with 96054  
the tax credit authority under division (D) of section 122.17 of 96055  
the Revised Code that remains in effect and has not expired or 96056  
been terminated: 96057

(a) To store, transmit, convey, distribute, recycle, 96058  
circulate, or clean water, steam, or other gases used in or 96059  
produced as a result of manufacturing activity, including items 96060  
that support or aid in the operation of such property; 96061

(b) To clean or prepare inventory, at any stage of storage or 96062

production, or equipment used in a manufacturing activity,	96063
including chemicals, solvents, catalysts, soaps, and other items	96064
that support or aid in the operation of property;	96065
(c) To regulate, treat, filter, condition, improve, clean,	96066
maintain, or monitor environmental conditions within areas where	96067
manufacturing activities take place;	96068
(d) To handle, transport, or convey inventory during	96069
production or manufacturing.	96070
(59) Documentary services charges imposed pursuant to section	96071
4517.261 or 4781.24 of the Revised Code.	96072
<u>(60) Sales of children's diapers.</u>	96073
<u>(61) Sales of therapeutic or preventative creams and wipes</u>	96074
<u>marketed primarily for use on the skin of children.</u>	96075
<u>(62) Sales of a child restraint device or booster seat that</u>	96076
<u>meets the national highway traffic safety administration standard</u>	96077
<u>for child restraint systems under 49 C.F.R. 571.213.</u>	96078
<u>(63) Sales of cribs intended to provide sleeping</u>	96079
<u>accommodations for children that comply with the United States</u>	96080
<u>consumer product safety commission's safety standard for full-size</u>	96081
<u>baby cribs under 16 C.F.R. 1219 or the commission's safety</u>	96082
<u>standard for non-full-size baby cribs under 16 C.F.R. 1220.</u>	96083
<u>(64) Sales of strollers meant for transporting children from</u>	96084
<u>infancy to about thirty-six months of age that meet the United</u>	96085
<u>States consumer product safety commission safety standard for</u>	96086
<u>carriages and strollers under 16 C.F.R. 1227.2.</u>	96087
<u>(65) The fee imposed by section 3743.22 of the Revised Code,</u>	96088
<u>if it is separately stated on the invoice, bill of sale, or</u>	96089
<u>similar document given by the vendor to the consumer for a retail</u>	96090
<u>sale made in this state.</u>	96091
(C) For the purpose of the proper administration of this	96092

chapter, and to prevent the evasion of the tax, it is presumed 96093  
that all sales made in this state are subject to the tax until the 96094  
contrary is established. 96095

(D) The tax collected by the vendor from the consumer under 96096  
this chapter is not part of the price, but is a tax collection for 96097  
the benefit of the state, and of counties levying an additional 96098  
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 96099  
Code and of transit authorities levying an additional sales tax 96100  
pursuant to section 5739.023 of the Revised Code. Except for the 96101  
discount authorized under section 5739.12 of the Revised Code and 96102  
the effects of any rounding pursuant to section 5703.055 of the 96103  
Revised Code, no person other than the state or such a county or 96104  
transit authority shall derive any benefit from the collection or 96105  
payment of the tax levied by this section or section 5739.021, 96106  
5739.023, or 5739.026 of the Revised Code. 96107

**Sec. 5739.05.** (A)(1) The tax commissioner shall enforce and 96108  
administer sections 5739.01 to 5739.31 of the Revised Code, which 96109  
are hereby declared to be sections which the commissioner is 96110  
required to administer within the meaning of sections 5703.17 to 96111  
5703.37, 5703.39, 5703.41, and 5703.45 of the Revised Code. The 96112  
commissioner may adopt and promulgate, in accordance with sections 96113  
119.01 to 119.13 of the Revised Code, such rules as the 96114  
commissioner deems necessary to administer sections 5739.01 to 96115  
5739.31 of the Revised Code. 96116

(2) On or before the first day of May of each year, the 96117  
commissioner shall make available to vendors a notice explaining 96118  
the three-day exemption period required under division (B)(55) of 96119  
section 5739.02 of the Revised Code. 96120

(B) Upon application, the commissioner may authorize a vendor 96121  
to pay on a predetermined basis the tax levied by or pursuant to 96122  
section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised 96123

Code upon sales of things produced or distributed or services 96124  
provided by such vendor, and the commissioner may waive the 96125  
collection of the tax from the consumer. The commissioner shall 96126  
not grant such authority unless the commissioner finds that the 96127  
granting of the authority would improve compliance and increase 96128  
the efficiency of the administration of the tax. The person to 96129  
whom such authority is granted shall post a notice, if required by 96130  
the commissioner, at the location where the product is offered for 96131  
sale that the tax is included in the selling price. The 96132  
commissioner may adopt rules to administer this division. 96133

(C) Upon application, the commissioner may authorize a vendor 96134  
to remit, on the basis of a prearranged agreement under this 96135  
division, the tax levied by section 5739.02 or pursuant to section 96136  
5739.021, 5739.023, or 5739.026 of the Revised Code. The 96137  
proportions and ratios in a prearranged agreement shall be 96138  
determined either by a test check conducted by the commissioner 96139  
under terms and conditions agreed to by the commissioner and the 96140  
vendor or by any other method agreed upon by the vendor and the 96141  
commissioner. If the parties are unable to agree to the terms and 96142  
conditions of the test check or other method, the application 96143  
shall be denied. 96144

If used, the test check shall determine the proportion that 96145  
taxable retail sales bear to all of the vendor's retail sales and 96146  
the ratio which the tax required to be collected under sections 96147  
5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code 96148  
bears to the receipts from the vendor's taxable retail sales. 96149

The vendor's liability for remitting the tax shall be based 96150  
solely upon the proportions and ratios established in the 96151  
agreement until such time that the vendor or the commissioner 96152  
believes that the nature of the vendor's business has so changed 96153  
as to make the agreement no longer representative. The 96154  
commissioner may give notice to the vendor at any time that the 96155

authorization is revoked or the vendor may notify the commissioner 96156  
that the vendor no longer elects to report under the 96157  
authorization. Such notice shall be delivered to the other party 96158  
~~or~~ in the manner provided in section 5703.37 of the Revised Code. 96159  
The revocation or cancellation is effective the last day of the 96160  
month in which the vendor or the commissioner receives the notice. 96161

**Sec. 5739.08.** (A) A municipal corporation or township may 96162  
levy an excise tax for any lawful purpose not to exceed three per 96163  
cent on transactions by which lodging by a hotel is or is to be 96164  
furnished to transient guests in addition to the tax levied by 96165  
section 5739.02 of the Revised Code. If a municipal corporation or 96166  
township repeals a tax imposed under division (A) of this section, 96167  
and a county in which the municipal corporation or township has 96168  
territory has a tax imposed under division (M) of section 5739.09 96169  
of the Revised Code in effect, the municipal corporation or 96170  
township may not reimpose its tax as long as that county tax 96171  
remains in effect. A municipal corporation or township in which a 96172  
tax is levied under division (B)(2) of section 351.021 of the 96173  
Revised Code may not increase the rate of its tax levied under 96174  
division (A) of this section to any rate that would cause the 96175  
total taxes levied under both of those divisions to exceed three 96176  
per cent on any lodging transaction within the municipal 96177  
corporation or township. 96178

(B) The legislative authority of a municipal corporation or 96179  
the board of trustees of a township that is not wholly or partly 96180  
located in a county that has in effect a resolution levying an 96181  
excise tax pursuant to division (A) of section 5739.09 of the 96182  
Revised Code may, by ordinance or resolution, levy an additional 96183  
excise tax not to exceed three per cent on transactions by which 96184  
lodging by a hotel is or is to be furnished to transient guests. 96185  
The legislative authority of the municipal corporation or the 96186  
board of trustees of the township shall deposit at least fifty per 96187

cent of the revenue from the tax levied pursuant to this division 96188  
into a separate fund, which shall be spent solely to make 96189  
contributions to convention and visitors' bureaus operating within 96190  
the county in which the municipal corporation or township is 96191  
wholly or partly located, and the balance of that revenue shall be 96192  
deposited in the general fund. The municipal corporation or 96193  
township shall establish all regulations necessary to provide for 96194  
the administration and allocation of the tax. The regulations may 96195  
prescribe the time for payment of the tax, and may provide for the 96196  
imposition of a penalty or interest, or both, for late payments, 96197  
provided that the penalty does not exceed ten per cent of the 96198  
amount of tax due, and the rate at which interest accrues does not 96199  
exceed the rate per annum prescribed pursuant to section 5703.47 96200  
of the Revised Code. The levy of a tax under this division is in 96201  
addition to any tax imposed on the same transaction by a municipal 96202  
corporation or a township under division (A) of this section. 96203

(C)(1) As used in division (C) of this section, "cost" has 96204  
the same meaning as in section 351.01 of the Revised Code, and 96205  
"convention center" has the same meaning as in section 307.695 of 96206  
the Revised Code. 96207

(2) The legislative authority of the most populous municipal 96208  
corporation located wholly or partly in a county in which the 96209  
board of county commissioners has levied a tax under division (D) 96210  
of section 5739.09 of the Revised Code may amend, on or before 96211  
September 30, 2002, that municipal corporation's ordinance or 96212  
resolution that levies an excise tax on transactions by which 96213  
lodging by a hotel is or is to be furnished to transient guests, 96214  
to provide for all of the following: 96215

(a) That the rate of the tax shall be increased by not more 96216  
than an additional one per cent on each transaction; 96217

(b) That all of the revenue from the increase in rate shall 96218  
be pledged and contributed to a convention facilities authority 96219

established by the board of county commissioners under Chapter 96220  
351. of the Revised Code on or before May 15, 2002, and be used to 96221  
pay costs of constructing, expanding, maintaining, operating, or 96222  
promoting a convention center in the county, including paying 96223  
bonds, or notes issued in anticipation of bonds, as provided by 96224  
that chapter; 96225

(c) That the increase in rate shall not be subject to 96226  
diminution by initiative or referendum or by law while any bonds, 96227  
or notes in anticipation of bonds, issued by the authority under 96228  
Chapter 351. of the Revised Code to which the revenue is pledged, 96229  
remain outstanding in accordance with their terms, unless 96230  
provision is made by law, by the board of county commissioners, or 96231  
by the legislative authority, for an adequate substitute therefor 96232  
that is satisfactory to the trustee if a trust agreement secures 96233  
the bonds. 96234

(3) The legislative authority of a municipal corporation 96235  
that, pursuant to division (C)(2) of this section, has amended its 96236  
ordinance or resolution to increase the rate of the tax authorized 96237  
by division (B) of this section may further amend the ordinance or 96238  
resolution to provide that the revenue referred to in division 96239  
(C)(2)(b) of this section shall be pledged and contributed both to 96240  
a convention facilities authority to pay the costs of 96241  
constructing, expanding, maintaining, or operating one or more 96242  
convention centers in the county, including paying bonds, or notes 96243  
issued in anticipation of bonds, as provided in Chapter 351. of 96244  
the Revised Code, and to a convention and visitors' bureau to pay 96245  
the costs of promoting one or more convention centers in the 96246  
county. 96247

(D) As used in division (D) of this section, "eligible 96248  
municipal corporation" means a municipal corporation that, on 96249  
September 29, 2017, levied a tax under division (B) of this 96250  
section at a rate of three per cent and that is located in a 96251

county that, on that date, levied a tax under division (A) of 96252  
section 5739.09 of the Revised Code at a rate of three per cent 96253  
and that has, according to the most recent federal decennial 96254  
census, a population exceeding three hundred thousand but not 96255  
greater than three hundred fifty thousand. 96256

The legislative authority of an eligible municipal 96257  
corporation may amend, on or before December 31, 2017, that 96258  
municipal corporation's ordinance or resolution that levies an 96259  
excise tax on transactions by which lodging by a hotel is or is to 96260  
be furnished to transient guests, to provide for the following: 96261

(1) That the rate of the tax shall be increased by not more 96262  
than an additional three per cent on each transaction; 96263

(2) That all of the revenue from the increase in rate shall 96264  
be used by the municipal corporation for economic development and 96265  
tourism-related purposes. 96266

(E)(1) The legislative authority of a municipal corporation 96267  
that has adopted a resolution or ordinance levying a tax 96268  
authorized by division (A) of this section may amend the 96269  
resolution or ordinance to provide that all or a portion of the 96270  
revenue referred to in division (A) of this section may be pledged 96271  
and contributed to a convention facilities authority or a port 96272  
authority to pay the costs of acquiring, constructing, renovating, 96273  
expanding, maintaining, or operating one or more facilities in the 96274  
county, including paying bonds, or notes issued in anticipation of 96275  
bonds, or paying the expenses of maintaining, operating, or 96276  
promoting one or more facilities. 96277

(2) The legislative authority of any municipal corporation 96278  
that, pursuant to division (C)(2) of this section, has amended a 96279  
resolution or ordinance levying the tax authorized by division (D) 96280  
of section 5739.09 of the Revised Code may further amend the 96281  
resolution or ordinance to provide that all or a portion of the 96282

revenue referred to in division (C)(2)(b) of this section may be 96283  
pledged and contributed to pay the costs of acquiring, 96284  
constructing, renovating, expanding, maintaining, or operating one 96285  
or more facilities in the county, including paying bonds, or notes 96286  
issued in anticipation of bonds, or paying the expenses of 96287  
maintaining, operating, or promoting one or more facilities. 96288

**Sec. 5739.09.** (A)(1) A board of county commissioners may, by 96289  
resolution adopted by a majority of the members of the board, levy 96290  
an excise tax not to exceed three per cent on transactions by 96291  
which lodging by a hotel is or is to be furnished to transient 96292  
guests. The board shall establish all regulations necessary to 96293  
provide for the administration and allocation of the tax. The 96294  
regulations may prescribe the time for payment of the tax, and may 96295  
provide for the imposition of a penalty or interest, or both, for 96296  
late payments, provided that the penalty does not exceed ten per 96297  
cent of the amount of tax due, and the rate at which interest 96298  
accrues does not exceed the rate per annum prescribed pursuant to 96299  
section 5703.47 of the Revised Code. Except as otherwise provided 96300  
in this section, the regulations shall provide, after deducting 96301  
the real and actual costs of administering the tax, for the return 96302  
to each municipal corporation or township that does not levy an 96303  
excise tax on the transactions, a uniform percentage of the tax 96304  
collected in the municipal corporation or in the unincorporated 96305  
portion of the township from each transaction, not to exceed 96306  
thirty-three and one-third per cent. Except as provided in this 96307  
section, the remainder of the revenue arising from the tax shall 96308  
be deposited in a separate fund and shall be spent ~~solely~~ either 96309  
(a) to make contributions to the convention and visitors' bureau 96310  
operating within the county, including a pledge and contribution 96311  
of any portion of the remainder pursuant to an agreement 96312  
authorized by section 307.678 or 307.695 of the Revised Code or 96313  
(b) to pay, if authorized in the regulations, for public safety 96314

services in a resort area designated under section 5739.101 of the 96315  
Revised Code. 96316

(2) If the board of county commissioners of an eligible 96317  
county as defined in section 307.678 or 307.695 of the Revised 96318  
Code adopts a resolution amending a resolution levying a tax under 96319  
division (A) of this section to provide that revenue from the tax 96320  
shall be used by the board as described in either division (D) of 96321  
section 307.678 or division (H) of section 307.695 of the Revised 96322  
Code, the remainder of the revenue shall be used as described in 96323  
the resolution making that amendment. 96324

(3) Except as provided in division (B), (C), (D), (E), (F), 96325  
(G), (H), (I), (J), (K), or (Q) of this section, on and after May 96326  
10, 1994, a board of county commissioners may not levy an excise 96327  
tax pursuant to division (A) of this section in any municipal 96328  
corporation or township located wholly or partly within the county 96329  
that has in effect an ordinance or resolution levying an excise 96330  
tax pursuant to division (B) of section 5739.08 of the Revised 96331  
Code. 96332

(4) The board of a county that has levied a tax under 96333  
division (M) of this section may, by resolution adopted within 96334  
ninety days after July 15, 1985, by a majority of the members of 96335  
the board, amend the resolution levying a tax under division (A) 96336  
of this section to provide for a portion of that tax to be pledged 96337  
and contributed in accordance with an agreement entered into under 96338  
section 307.695 of the Revised Code. A tax, any revenue from which 96339  
is pledged pursuant to such an agreement, shall remain in effect 96340  
at the rate at which it is imposed for the duration of the period 96341  
for which the revenue from the tax has been so pledged. 96342

(5) The board of county commissioners of an eligible county 96343  
as defined in section 307.695 of the Revised Code may, by 96344  
resolution adopted by a majority of the members of the board, 96345

amend a resolution levying a tax under division (A) of this 96346  
section to provide that the revenue from the tax shall be used by 96347  
the board as described in division (H) of section 307.695 of the 96348  
Revised Code, in which case the tax shall remain in effect at the 96349  
rate at which it was imposed for the duration of any agreement 96350  
entered into by the board under section 307.695 of the Revised 96351  
Code, the duration during which any securities issued by the board 96352  
under that section are outstanding, or the duration of the period 96353  
during which the board owns a project as defined in section 96354  
307.695 of the Revised Code, whichever duration is longest. 96355

(6) The board of county commissioners of an eligible county 96356  
as defined in section 307.678 of the Revised Code may, by 96357  
resolution, amend a resolution levying a tax under division (A) of 96358  
this section to provide that revenue from the tax, not to exceed 96359  
five hundred thousand dollars each year, may be used as described 96360  
in division (E) of section 307.678 of the Revised Code. 96361

(7) Notwithstanding division (A) of this section, the board 96362  
of county commissioners of a county described in division (H)(1) 96363  
of this section may, by resolution, amend a resolution levying a 96364  
tax under division (A) of this section to provide that all or a 96365  
portion of the revenue from the tax, including any revenue 96366  
otherwise required to be returned to townships or municipal 96367  
corporations under that division, may be used or pledged for the 96368  
payment of debt service on securities issued to pay the costs of 96369  
constructing, operating, and maintaining sports facilities 96370  
described in division (H)(2) of this section. 96371

(8) The board of county commissioners of a county described 96372  
in division (I) of this section may, by resolution, amend a 96373  
resolution levying a tax under division (A) of this section to 96374  
provide that all or a portion of the revenue from the tax may be 96375  
used for the purposes described in section 307.679 of the Revised 96376  
Code. 96377

(B) A board of county commissioners that levies an excise tax 96378  
under division (A) of this section on June 30, 1997, at a rate of 96379  
three per cent, and that has pledged revenue from the tax to an 96380  
agreement entered into under section 307.695 of the Revised Code 96381  
or, in the case of the board of county commissioners of an 96382  
eligible county as defined in section 307.695 of the Revised Code, 96383  
has amended a resolution levying a tax under division (M) of this 96384  
section to provide that proceeds from the tax shall be used by the 96385  
board as described in division (H) of section 307.695 of the 96386  
Revised Code, may, at any time by a resolution adopted by a 96387  
majority of the members of the board, amend the resolution levying 96388  
a tax under division (A) of this section to provide for an 96389  
increase in the rate of that tax up to seven per cent on each 96390  
transaction; to provide that revenue from the increase in the rate 96391  
shall be used as described in division (H) of section 307.695 of 96392  
the Revised Code or be spent solely to make contributions to the 96393  
convention and visitors' bureau operating within the county to be 96394  
used specifically for promotion, advertising, and marketing of the 96395  
region in which the county is located; and to provide that the 96396  
rate in excess of the three per cent levied under division (A) of 96397  
this section shall remain in effect at the rate at which it is 96398  
imposed for the duration of the period during which any agreement 96399  
is in effect that was entered into under section 307.695 of the 96400  
Revised Code by the board of county commissioners levying a tax 96401  
under division (A) of this section, the duration of the period 96402  
during which any securities issued by the board under division (I) 96403  
of section 307.695 of the Revised Code are outstanding, or the 96404  
duration of the period during which the board owns a project as 96405  
defined in section 307.695 of the Revised Code, whichever duration 96406  
is longest. The amendment also shall provide that no portion of 96407  
that revenue need be returned to townships or municipal 96408  
corporations as would otherwise be required under division (A) of 96409  
this section. 96410

(C)(1) As used in division (C) of this section, "cost" and 96411  
"facility" have the same meanings as in section 351.01 of the 96412  
Revised Code, and "convention center" has the same meaning as in 96413  
section 307.695 of the Revised Code. 96414

(2) A board of county commissioners that levies a tax under 96415  
division (A) of this section on March 18, 1999, at a rate of three 96416  
per cent may, by resolution adopted not later than forty-five days 96417  
after March 18, 1999, amend the resolution levying the tax to 96418  
provide for all of the following: 96419

(a) That the rate of the tax shall be increased by not more 96420  
than an additional four per cent on each transaction; 96421

(b) That all of the revenue from the increase in the rate 96422  
shall be pledged and contributed to a convention facilities 96423  
authority established by the board of county commissioners under 96424  
Chapter 351. of the Revised Code on or before November 15, 1998, 96425  
and used to pay costs of constructing, maintaining, operating, and 96426  
promoting a facility in the county, including paying bonds, or 96427  
notes issued in anticipation of bonds, as provided by that 96428  
chapter; 96429

(c) That no portion of the revenue arising from the increase 96430  
in rate need be returned to municipal corporations or townships as 96431  
otherwise required under division (A) of this section; 96432

(d) That the increase in rate shall not be subject to 96433  
diminution by initiative or referendum or by law while any bonds, 96434  
or notes in anticipation of bonds, issued by the authority under 96435  
Chapter 351. of the Revised Code to which the revenue is pledged, 96436  
remain outstanding in accordance with their terms, unless 96437  
provision is made by law or by the board of county commissioners 96438  
for an adequate substitute therefor that is satisfactory to the 96439  
trustee if a trust agreement secures the bonds. 96440

(3) Division (C) of this section does not apply to the board 96441

of county commissioners of any county in which a convention center 96442  
or facility exists or is being constructed on November 15, 1998, 96443  
or of any county in which a convention facilities authority levies 96444  
a tax pursuant to section 351.021 of the Revised Code on that 96445  
date. 96446

(D)(1) As used in division (D) of this section, "cost" has 96447  
the same meaning as in section 351.01 of the Revised Code, and 96448  
"convention center" has the same meaning as in section 307.695 of 96449  
the Revised Code. 96450

(2) A board of county commissioners that levies a tax under 96451  
division (A) of this section on June 30, 2002, at a rate of three 96452  
per cent may, by resolution adopted not later than September 30, 96453  
2002, amend the resolution levying the tax to provide for all of 96454  
the following: 96455

(a) That the rate of the tax shall be increased by not more 96456  
than an additional three and one-half per cent on each 96457  
transaction; 96458

(b) That all of the revenue from the increase in rate shall 96459  
be pledged and contributed to a convention facilities authority 96460  
established by the board of county commissioners under Chapter 96461  
351. of the Revised Code on or before May 15, 2002, and be used to 96462  
pay costs of constructing, expanding, maintaining, operating, or 96463  
promoting a convention center in the county, including paying 96464  
bonds, or notes issued in anticipation of bonds, as provided by 96465  
that chapter; 96466

(c) That no portion of the revenue arising from the increase 96467  
in rate need be returned to municipal corporations or townships as 96468  
otherwise required under division (A) of this section; 96469

(d) That the increase in rate shall not be subject to 96470  
diminution by initiative or referendum or by law while any bonds, 96471  
or notes in anticipation of bonds, issued by the authority under 96472

Chapter 351. of the Revised Code to which the revenue is pledged, 96473  
remain outstanding in accordance with their terms, unless 96474  
provision is made by law or by the board of county commissioners 96475  
for an adequate substitute therefor that is satisfactory to the 96476  
trustee if a trust agreement secures the bonds. 96477

(3) Any board of county commissioners that, pursuant to 96478  
division (D)(2) of this section, has amended a resolution levying 96479  
the tax authorized by division (A) of this section may further 96480  
amend the resolution to provide that the revenue referred to in 96481  
division (D)(2)(b) of this section shall be pledged and 96482  
contributed both to a convention facilities authority to pay the 96483  
costs of constructing, expanding, maintaining, or operating one or 96484  
more convention centers in the county, including paying bonds, or 96485  
notes issued in anticipation of bonds, as provided in Chapter 351. 96486  
of the Revised Code, and to a convention and visitors' bureau to 96487  
pay the costs of promoting one or more convention centers in the 96488  
county. 96489

(E)(1) As used in division (E) of this section: 96490

(a) "Port authority" means a port authority created under 96491  
Chapter 4582. of the Revised Code. 96492

(b) "Port authority military-use facility" means port 96493  
authority facilities on which or adjacent to which is located an 96494  
installation of the armed forces of the United States, a reserve 96495  
component thereof, or the national guard and at least part of 96496  
which is made available for use, for consideration, by the armed 96497  
forces of the United States, a reserve component thereof, or the 96498  
national guard. 96499

(2) For the purpose of contributing revenue to pay operating 96500  
expenses of a port authority that operates a port authority 96501  
military-use facility, the board of county commissioners of a 96502  
county that created, participated in the creation of, or has 96503

joined such a port authority may do one or both of the following: 96504

(a) Amend a resolution previously adopted under division (A) 96505  
of this section to designate some or all of the revenue from the 96506  
tax levied under the resolution to be used for that purpose, 96507  
notwithstanding that division; 96508

(b) Amend a resolution previously adopted under division (A) 96509  
of this section to increase the rate of the tax by not more than 96510  
an additional two per cent and use the revenue from the increase 96511  
exclusively for that purpose. 96512

(3) If a board of county commissioners amends a resolution to 96513  
increase the rate of a tax as authorized in division (E)(2)(b) of 96514  
this section, the board also may amend the resolution to specify 96515  
that the increase in rate of the tax does not apply to "hotels," 96516  
as otherwise defined in section 5739.01 of the Revised Code, 96517  
having fewer rooms used for the accommodation of guests than a 96518  
number of rooms specified by the board. 96519

(F)(1) A board of county commissioners of a county organized 96520  
under a county charter adopted pursuant to Article X, Section 3, 96521  
Ohio Constitution, and that levies an excise tax under division 96522  
(A) of this section at a rate of three per cent and levies an 96523  
additional excise tax under division (O) of this section at a rate 96524  
of one and one-half per cent may, by resolution adopted not later 96525  
than January 1, 2008, by a majority of the members of the board, 96526  
amend the resolution levying a tax under division (A) of this 96527  
section to provide for an increase in the rate of that tax by not 96528  
more than an additional one per cent on transactions by which 96529  
lodging by a hotel is or is to be furnished to transient guests. 96530  
Notwithstanding divisions (A) and (O) of this section, the 96531  
resolution shall provide that all of the revenue from the increase 96532  
in rate, after deducting the real and actual costs of 96533  
administering the tax, shall be used to pay the costs of 96534  
improving, expanding, equipping, financing, or operating a 96535

convention center by a convention and visitors' bureau in the 96536  
county. 96537

(2) The increase in rate shall remain in effect for the 96538  
period specified in the resolution, not to exceed ten years, and 96539  
may be extended for an additional period of time not to exceed ten 96540  
years thereafter by a resolution adopted by a majority of the 96541  
members of the board. 96542

(3) The increase in rate shall be subject to the regulations 96543  
adopted under division (A) of this section, except that the 96544  
resolution may provide that no portion of the revenue from the 96545  
increase in the rate shall be returned to townships or municipal 96546  
corporations as would otherwise be required under that division. 96547

(G)(1) Division (G) of this section applies only to a county 96548  
with a population greater than sixty-five thousand and less than 96549  
seventy thousand according to the most recent federal decennial 96550  
census and in which, on December 31, 2006, an excise tax is levied 96551  
under division (A) of this section at a rate not less than and not 96552  
greater than three per cent, and in which the most recent increase 96553  
in the rate of that tax was enacted or took effect in November 96554  
1984. 96555

(2) The board of county commissioners of a county to which 96556  
division (G) of this section applies, by resolution adopted by a 96557  
majority of the members of the board, may increase the rate of the 96558  
tax by not more than one per cent on transactions by which lodging 96559  
by a hotel is or is to be furnished to transient guests. The 96560  
increase in rate shall be for the purpose of paying expenses 96561  
deemed necessary by the convention and visitors' bureau operating 96562  
in the county to promote travel and tourism. 96563

(3) The increase in rate shall remain in effect for the 96564  
period specified in the resolution, not to exceed twenty years, 96565  
provided that the increase in rate may not continue beyond the 96566

time when the purpose for which the increase is levied ceases to exist. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding, unless provision is made by law or by the board of county commissioners for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges.

(4) The increase in rate shall be subject to the regulations adopted under division (A) of this section, except that the resolution may provide that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under division (A) of this section.

(5) A resolution adopted under division (G) of this section is subject to referendum under sections 305.31 to 305.99 of the Revised Code.

(H)(1) Division (H) of this section applies only to a county satisfying all of the following:

(a) The population of the county is greater than one hundred seventy-five thousand and less than two hundred twenty-five thousand according to the most recent federal decennial census.

(b) An amusement park with an average yearly attendance in excess of two million guests is located in the county.

(c) On December 31, 2014, an excise tax was levied in the county under division (A) of this section at a rate of three per cent.

(2) The board of county commissioners of a county to which division (H) of this section applies, by resolution adopted by a majority of the members of the board, may increase the rate of the tax by not more than one per cent on transactions by which lodging

by a hotel is or is to be furnished to transient guests. The 96598  
increase in rate shall be used to pay the costs of constructing 96599  
and maintaining facilities owned by the county or by a port 96600  
authority created under Chapter 4582. of the Revised Code, and 96601  
designed to host sporting events and expenses deemed necessary by 96602  
the convention and visitors' bureau operating in the county to 96603  
promote travel and tourism with reference to the sports 96604  
facilities, and to pay or pledge to the payment of debt service on 96605  
securities issued to pay the costs of constructing, operating, and 96606  
maintaining the sports facilities. 96607

(3) The increase in rate shall remain in effect for the 96608  
period specified in the resolution. If revenue from the increase 96609  
in rate is pledged to the payment of debt charges on securities, 96610  
the increase in rate is not subject to diminution by initiative or 96611  
referendum or by law for so long as the securities are 96612  
outstanding, unless provision is made by law or by the board of 96613  
county commissioners for an adequate substitute for that revenue 96614  
that is satisfactory to the trustee if a trust agreement secures 96615  
payment of the debt charges. 96616

(4) The increase in rate shall be subject to the regulations 96617  
adopted under division (A) of this section, except that the 96618  
resolution may provide that no portion of the revenue from the 96619  
increase in the rate shall be returned to townships or municipal 96620  
corporations as would otherwise be required under division (A) of 96621  
this section. 96622

(I)(1) The board of county commissioners of a county with a 96623  
population greater than seventy-five thousand and less than 96624  
seventy-eight thousand, by resolution adopted by a majority of the 96625  
members of the board not later than October 15, 2015, may increase 96626  
the rate of the tax by not more than one per cent on transactions 96627  
by which lodging by a hotel is or is to be furnished to transient 96628  
guests. The increase in rate shall be for the purposes described 96629

in section 307.679 of the Revised Code or for the promotion of 96630  
travel and tourism in the county, including travel and tourism to 96631  
sports facilities. 96632

(2) The increase in rate shall remain in effect for the 96633  
period specified in the resolution and as necessary to fulfill the 96634  
county's obligations under a cooperative agreement entered into 96635  
under section 307.679 of the Revised Code. If the resolution is 96636  
adopted by the board before September 29, 2015, but after that 96637  
enactment becomes law, the increase in rate shall become effective 96638  
beginning on September 29, 2015. If revenue from the increase in 96639  
rate is pledged to the payment of debt charges on securities, or 96640  
to substitute for other revenues pledged to the payment of such 96641  
debt, the increase in rate is not subject to diminution by 96642  
initiative or referendum or by law for so long as the securities 96643  
are outstanding, unless provision is made by law or by the board 96644  
of county commissioners for an adequate substitute for that 96645  
revenue that is satisfactory to the trustee if a trust agreement 96646  
secures payment of the debt charges. 96647

(3) The increase in rate shall be subject to the regulations 96648  
adopted under division (A) of this section, except that no portion 96649  
of the revenue from the increase in the rate shall be returned to 96650  
townships or municipal corporations as would otherwise be required 96651  
under division (A) of this section. 96652

(J)(1) Division (J) of this section applies only to counties 96653  
satisfying either of the following: 96654

(a) A county that, on July 1, 2015, does not levy an excise 96655  
tax under division (A) of this section and that has a population 96656  
of at least thirty-nine thousand but not more than forty thousand 96657  
according to the 2010 federal decennial census; 96658

(b) A county that, on July 1, 2015, levies an excise tax 96659  
under division (A) of this section at a rate of three per cent and 96660

that has a population of at least seventy-one thousand but not more than seventy-five thousand according to 2010 federal decennial census.

(2) The board of county commissioners of a county to which division (J) of this section applies, by resolution adopted by a majority of the members of the board, may levy an excise tax at a rate not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests for the purpose of acquiring, constructing, equipping, or repairing permanent improvements, as defined in section 133.01 of the Revised Code.

(3) If the board does not levy a tax under division (A) of this section, the board shall establish regulations necessary to provide for the administration of the tax, which may prescribe the time for payment of the tax and the imposition of penalty or interest subject to the limitations on penalty and interest provided in division (A) of this section. No portion of the revenue shall be returned to townships or municipal corporations in the county unless otherwise provided by resolution of the board.

(4) The tax shall apply throughout the territory of the county, including in any township or municipal corporation levying an excise tax under division (A) or (B) of section 5739.08 of the Revised Code. The levy of the tax is subject to referendum as provided under section 305.31 of the Revised Code.

(5) The tax shall remain in effect for the period specified in the resolution. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding unless provision is made by law or by the board for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement

secures payment of the debt charges. 96693

(K)(1) The board of county commissioners of an eligible 96694  
county, as defined in section 307.678 of the Revised Code, that 96695  
levies an excise tax under division (A) of this section on July 1, 96696  
2017, at a rate of three per cent may, by resolution adopted by a 96697  
majority of the members of the board, amend the resolution levying 96698  
the tax to increase the rate of the tax by not more than an 96699  
additional three per cent on each transaction. 96700

(2) No portion of the revenue shall be returned to townships 96701  
or municipal corporations in the county unless otherwise provided 96702  
by resolution of the board. Otherwise, the revenue from the 96703  
increase in the rate shall be distributed and used in the same 96704  
manner described under division (A) of this section or distributed 96705  
or used to provide credit enhancement facilities as authorized 96706  
under section 307.678 of the Revised Code. 96707

(3) The increase in rate shall remain in effect for the 96708  
period specified in the resolution. If revenue from the increase 96709  
in rate is pledged to the payment of debt charges on securities, 96710  
the increase in rate is not subject to diminution by initiative or 96711  
referendum or by law for so long as the securities are outstanding 96712  
unless provision is made by law or by the board for an adequate 96713  
substitute for that revenue that is satisfactory to the trustee if 96714  
a trust agreement secures payment of the debt charges. 96715

(L)(1) As used in division (L) of this section: 96716

(a) "Eligible county" means a county that has a population 96717  
greater than one hundred ninety thousand and less than two hundred 96718  
thousand according to the 2010 federal decennial census and that 96719  
levies an excise tax under division (A) of this section at a rate 96720  
of three per cent. 96721

(b) "Professional sports facility" means a sports facility 96722  
that is intended to house major or minor league professional 96723

athletic teams, including a stadium, together with all parking 96724  
facilities, walkways, and other auxiliary facilities, real and 96725  
personal property, property rights, easements, and interests that 96726  
may be appropriate for, or used in connection with, the operation 96727  
of the facility. 96728

(2) Subject to division (L)(3) of this section, the board of 96729  
county commissioners of an eligible county, by resolution adopted 96730  
by a majority of the members of the board, may increase the rate 96731  
of the tax by not more than one per cent on transactions by which 96732  
lodging by a hotel is or is to be furnished to transient guests. 96733  
Revenue from the increase in rate shall be used for the purposes 96734  
of paying the costs of constructing, improving, and maintaining a 96735  
professional sports facility in the county and paying expenses 96736  
considered necessary by the convention and visitors' bureau 96737  
operating in the county to promote travel and tourism with respect 96738  
to that professional sports facility. The tax shall take effect 96739  
only after the convention and visitors' bureau enters into a 96740  
contract for the construction, improvement, or maintenance of a 96741  
professional sports facility that is or will be located on 96742  
property acquired, in whole or in part, with revenue from the 96743  
increased rate, and thereafter shall remain in effect for the 96744  
period specified in the resolution. If revenue from the increase 96745  
in rate is pledged to the payment of debt charges on securities, 96746  
the increase in rate is not subject to diminution by initiative or 96747  
referendum or by law for so long as the securities are 96748  
outstanding, unless a provision is made by law or by the board of 96749  
county commissioners for an adequate substitute for that revenue 96750  
that is satisfactory to the trustee if a trust agreement secures 96751  
payment of the debt charges. The increase in rate shall be subject 96752  
to the regulations adopted under division (A) of this section, 96753  
except that the resolution may provide that no portion of the 96754  
revenue from the increase in the rate shall be returned to 96755  
townships or municipal corporations as would otherwise be required 96756

under division (A) of this section. 96757

(3) If, on December 31, 2019, the convention and visitors' 96758  
bureau has not entered into a contract for the construction, 96759  
improvement, or maintenance of a professional sports facility that 96760  
is or will be located on property acquired, in whole or in part, 96761  
with revenue from the increased rate, the authority to levy the 96762  
tax under division (L)(2) of this section is hereby repealed on 96763  
that date. 96764

(M)(1) For the purposes described in section 307.695 of the 96765  
Revised Code and to cover the costs of administering the tax, a 96766  
board of county commissioners of a county where a tax imposed 96767  
under division (A) of this section is in effect may, by resolution 96768  
adopted within ninety days after July 15, 1985, by a majority of 96769  
the members of the board, levy an additional excise tax not to 96770  
exceed three per cent on transactions by which lodging by a hotel 96771  
is or is to be furnished to transient guests. The tax authorized 96772  
by division (M) of this section shall be in addition to any tax 96773  
that is levied pursuant to divisions (A) to (L) of this section, 96774  
but it shall not apply to transactions subject to a tax levied by 96775  
a municipal corporation or township pursuant to section 5739.08 of 96776  
the Revised Code. 96777

(2) The board shall establish all regulations necessary to 96778  
provide for the administration and allocation of the tax. The 96779  
regulations may prescribe the time for payment of the tax, and may 96780  
provide for the imposition of a penalty or interest, or both, for 96781  
late payments, provided that the penalty does not exceed ten per 96782  
cent of the amount of tax due, and the rate at which interest 96783  
accrues does not exceed the rate per annum prescribed pursuant to 96784  
section 5703.47 of the Revised Code. 96785

(3) All revenues arising from the tax shall be expended in 96786  
accordance with section 307.695 of the Revised Code. The board of 96787  
county commissioners of an eligible county as defined in section 96788

307.695 of the Revised Code may, by resolution adopted by a 96789  
majority of the members of the board, amend the resolution levying 96790  
a tax under this division to provide that the revenue from the tax 96791  
shall be used by the board as described in division (H) of section 96792  
307.695 of the Revised Code. 96793

(4) A tax imposed under this division shall remain in effect 96794  
at the rate at which it is imposed for the duration of the period 96795  
during which any agreement entered into by the board under section 96796  
307.695 of the Revised Code is in effect, the duration of the 96797  
period during which any securities issued by the board under 96798  
division (I) of section 307.695 of the Revised Code are 96799  
outstanding, or the duration of the period during which the board 96800  
owns a project as defined in section 307.695 of the Revised Code, 96801  
whichever duration is longest. 96802

(N)(1) For the purpose of providing contributions under 96803  
division (B)(1) of section 307.671 of the Revised Code to enable 96804  
the acquisition, construction, and equipping of a port authority 96805  
educational and cultural facility in the county and, to the extent 96806  
provided for in the cooperative agreement authorized by that 96807  
section, for the purpose of paying debt service charges on bonds, 96808  
or notes in anticipation of bonds, described in division (B)(1)(b) 96809  
of that section, a board of county commissioners, by resolution 96810  
adopted within ninety days after December 22, 1992, by a majority 96811  
of the members of the board, may levy an additional excise tax not 96812  
to exceed one and one-half per cent on transactions by which 96813  
lodging by a hotel is or is to be furnished to transient guests. 96814  
The excise tax authorized by division (N) of this section shall be 96815  
in addition to any tax that is levied pursuant to divisions (A) to 96816  
(M) of this section, to any excise tax levied pursuant to section 96817  
5739.08 of the Revised Code, and to any excise tax levied pursuant 96818  
to section 351.021 of the Revised Code. 96819

(2) The board of county commissioners shall establish all 96820

regulations necessary to provide for the administration and 96821  
allocation of the tax that are not inconsistent with this section 96822  
or section 307.671 of the Revised Code. The regulations may 96823  
prescribe the time for payment of the tax, and may provide for the 96824  
imposition of a penalty or interest, or both, for late payments, 96825  
provided that the penalty does not exceed ten per cent of the 96826  
amount of tax due, and the rate at which interest accrues does not 96827  
exceed the rate per annum prescribed pursuant to section 5703.47 96828  
of the Revised Code. 96829

(3) All revenues arising from the tax shall be expended in 96830  
accordance with section 307.671 of the Revised Code and division 96831  
(N) of this section. The levy of a tax imposed under division (N) 96832  
of this section may not commence prior to the first day of the 96833  
month next following the execution of the cooperative agreement 96834  
authorized by section 307.671 of the Revised Code by all parties 96835  
to that agreement. 96836

(4) The tax shall remain in effect at the rate at which it is 96837  
imposed for the period of time described in division (C) of 96838  
section 307.671 of the Revised Code for which the revenue from the 96839  
tax has been pledged by the county to the corporation pursuant to 96840  
that section, but, to any extent provided for in the cooperative 96841  
agreement, for no lesser period than the period of time required 96842  
for payment of the debt service charges on bonds, or notes in 96843  
anticipation of bonds, described in division (B)(1)(b) of that 96844  
section. 96845

(O)(1) For the purpose of paying the costs of acquiring, 96846  
constructing, equipping, and improving a municipal educational and 96847  
cultural facility, including debt service charges on bonds 96848  
provided for in division (B) of section 307.672 of the Revised 96849  
Code, and for any additional purposes determined by the county in 96850  
the resolution levying the tax or amendments to the resolution, 96851  
including subsequent amendments providing for paying costs of 96852

acquiring, constructing, renovating, rehabilitating, equipping, 96853  
and improving a port authority educational and cultural performing 96854  
arts facility, as defined in section 307.674 of the Revised Code, 96855  
and including debt service charges on bonds provided for in 96856  
division (B) of section 307.674 of the Revised Code, the 96857  
legislative authority of a county, by resolution adopted within 96858  
ninety days after June 30, 1993, by a majority of the members of 96859  
the legislative authority, may levy an additional excise tax not 96860  
to exceed one and one-half per cent on transactions by which 96861  
lodging by a hotel is or is to be furnished to transient guests. 96862  
The excise tax authorized by division (O) of this section shall be 96863  
in addition to any tax that is levied pursuant to divisions (A) to 96864  
(N) of this section, to any excise tax levied pursuant to section 96865  
5739.08 of the Revised Code, and to any excise tax levied pursuant 96866  
to section 351.021 of the Revised Code. 96867

(2) The legislative authority of the county shall establish 96868  
all regulations necessary to provide for the administration and 96869  
allocation of the tax. The regulations may prescribe the time for 96870  
payment of the tax, and may provide for the imposition of a 96871  
penalty or interest, or both, for late payments, provided that the 96872  
penalty does not exceed ten per cent of the amount of tax due, and 96873  
the rate at which interest accrues does not exceed the rate per 96874  
annum prescribed pursuant to section 5703.47 of the Revised Code. 96875

(3) All revenues arising from the tax shall be expended in 96876  
accordance with section 307.672 of the Revised Code and this 96877  
division. The levy of a tax imposed under this division shall not 96878  
commence prior to the first day of the month next following the 96879  
execution of the cooperative agreement authorized by section 96880  
307.672 of the Revised Code by all parties to that agreement. The 96881  
tax shall remain in effect at the rate at which it is imposed for 96882  
the period of time determined by the legislative authority of the 96883  
county. That period of time shall not exceed fifteen years, except 96884

that the legislative authority of a county with a population of 96885  
less than two hundred fifty thousand according to the most recent 96886  
federal decennial census, by resolution adopted by a majority of 96887  
its members before the original tax expires, may extend the 96888  
duration of the tax for an additional period of time. The 96889  
additional period of time by which a legislative authority extends 96890  
a tax levied under division (O) of this section shall not exceed 96891  
fifteen years. 96892

(P)(1) The legislative authority of a county that has levied 96893  
a tax under division (O) of this section may, by resolution 96894  
adopted within one hundred eighty days after January 4, 2001, by a 96895  
majority of the members of the legislative authority, amend the 96896  
resolution levying a tax under that division to provide for the 96897  
use of the proceeds of that tax, to the extent that it is no 96898  
longer needed for its original purpose as determined by the 96899  
parties to a cooperative agreement amendment pursuant to division 96900  
(D) of section 307.672 of the Revised Code, to pay costs of 96901  
acquiring, constructing, renovating, rehabilitating, equipping, 96902  
and improving a port authority educational and cultural performing 96903  
arts facility, including debt service charges on bonds provided 96904  
for in division (B) of section 307.674 of the Revised Code, and to 96905  
pay all obligations under any guaranty agreements, reimbursement 96906  
agreements, or other credit enhancement agreements described in 96907  
division (C) of section 307.674 of the Revised Code. 96908

(2) The resolution may also provide for the extension of the 96909  
tax at the same rate for the longer of the period of time 96910  
determined by the legislative authority of the county, but not to 96911  
exceed an additional twenty-five years, or the period of time 96912  
required to pay all debt service charges on bonds provided for in 96913  
division (B) of section 307.672 of the Revised Code and on port 96914  
authority revenue bonds provided for in division (B) of section 96915  
307.674 of the Revised Code. 96916

(3) All revenues arising from the amendment and extension of the tax shall be expended in accordance with section 307.674 of the Revised Code and divisions (O) and (P) of this section.

(Q)(1) As used in division (Q) of this section:

(a) "Convention facilities authority" has the same meaning as in section 351.01 of the Revised Code.

(b) "Convention center" has the same meaning as in section 307.695 of the Revised Code.

(2) Notwithstanding any contrary provision of division (N) of this section, the legislative authority of a county with a population of one million or more according to the most recent federal decennial census that has levied a tax under division (N) of this section may, by resolution adopted by a majority of the members of the legislative authority, provide for the extension of such levy and may provide that the proceeds of that tax, to the extent that they are no longer needed for their original purpose as defined by a cooperative agreement entered into under section 307.671 of the Revised Code, shall be deposited into the county general revenue fund. The resolution shall provide for the extension of the tax at a rate not to exceed the rate specified in division (N) of this section for a period of time determined by the legislative authority of the county, but not to exceed an additional forty years.

(3) The legislative authority of a county with a population of one million or more that has levied a tax under division (A) of this section may, by resolution adopted by a majority of the members of the legislative authority, increase the rate of the tax levied by such county under division (A) of this section to a rate not to exceed five per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding any contrary provision of division (A) of this

section, the resolution may provide that all collections resulting 96948  
from the rate levied in excess of three per cent, after deducting 96949  
the real and actual costs of administering the tax, shall be 96950  
deposited in the county general fund. 96951

(4) The legislative authority of a county with a population 96952  
of one million or more that has levied a tax under division (A) of 96953  
this section may, by resolution adopted on or before August 30, 96954  
2004, by a majority of the members of the legislative authority, 96955  
provide that all or a portion of the proceeds of the tax levied 96956  
under division (A) of this section, after deducting the real and 96957  
actual costs of administering the tax and the amounts required to 96958  
be returned to townships and municipal corporations with respect 96959  
to the first three per cent levied under division (A) of this 96960  
section, shall be deposited in the county general fund, provided 96961  
that such proceeds shall be used to satisfy any pledges made in 96962  
connection with an agreement entered into under section 307.695 of 96963  
the Revised Code. 96964

(5) No amount collected from a tax levied, extended, or 96965  
required to be deposited in the county general fund under division 96966  
(Q) of this section shall be contributed to a convention 96967  
facilities authority, corporation, or other entity created after 96968  
July 1, 2003, for the principal purpose of constructing, 96969  
improving, expanding, equipping, financing, or operating a 96970  
convention center unless the mayor of the municipal corporation in 96971  
which the convention center is to be operated by that convention 96972  
facilities authority, corporation, or other entity has consented 96973  
to the creation of that convention facilities authority, 96974  
corporation, or entity. Notwithstanding any contrary provision of 96975  
section 351.04 of the Revised Code, if a tax is levied by a county 96976  
under division (Q) of this section, the board of county 96977  
commissioners of that county may determine the manner of 96978  
selection, the qualifications, the number, and terms of office of 96979

the members of the board of directors of any convention facilities 96980  
authority, corporation, or other entity described in division 96981  
(Q)(5) of this section. 96982

(6)(a) No amount collected from a tax levied, extended, or 96983  
required to be deposited in the county general fund under division 96984  
(Q) of this section may be used for any purpose other than paying 96985  
the direct and indirect costs of constructing, improving, 96986  
expanding, equipping, financing, or operating a convention center 96987  
and for the real and actual costs of administering the tax, 96988  
unless, prior to the adoption of the resolution of the legislative 96989  
authority of the county authorizing the levy, extension, increase, 96990  
or deposit, the county and the mayor of the most populous 96991  
municipal corporation in that county have entered into an 96992  
agreement as to the use of such amounts, provided that such 96993  
agreement has been approved by a majority of the mayors of the 96994  
other municipal corporations in that county. The agreement shall 96995  
provide that the amounts to be used for purposes other than paying 96996  
the convention center or administrative costs described in 96997  
division (Q)(6)(a) of this section be used only for the direct and 96998  
indirect costs of capital improvements, including the financing of 96999  
capital improvements, except that the agreement may subsequently 97000  
be amended by the parties that have entered into that agreement to 97001  
authorize such amounts to instead be used for any costs related to 97002  
the promotion or support of tourism or tourism-related programs. 97003

(b) If the county in which the tax is levied has an 97004  
association of mayors and city managers, the approval of that 97005  
association of an agreement described in division (Q)(6)(a) of 97006  
this section shall be considered to be the approval of the 97007  
majority of the mayors of the other municipal corporations for 97008  
purposes of that division. 97009

(7) Each year, the auditor of state shall conduct an audit of 97010  
the uses of any amounts collected from taxes levied, extended, or 97011

deposited under division (Q) of this section and shall prepare a 97012  
report of the auditor of state's findings. The auditor of state 97013  
shall submit the report to the legislative authority of the county 97014  
that has levied, extended, or deposited the tax, the speaker of 97015  
the house of representatives, the president of the senate, and the 97016  
leaders of the minority parties of the house of representatives 97017  
and the senate. 97018

(R)(1) As used in division (R) of this section: 97019

(a) "Convention facilities authority" has the same meaning as 97020  
in section 351.01 of the Revised Code. 97021

(b) "Convention center" has the same meaning as in section 97022  
307.695 of the Revised Code. 97023

(2) Notwithstanding any contrary provision of division (N) of 97024  
this section, the legislative authority of a county with a 97025  
population of one million two hundred thousand or more according 97026  
to the most recent federal decennial census or the most recent 97027  
annual population estimate published or released by the United 97028  
States census bureau at the time the resolution is adopted placing 97029  
the levy on the ballot, that has levied a tax under division (N) 97030  
of this section may, by resolution adopted by a majority of the 97031  
members of the legislative authority, provide for the extension of 97032  
such levy and may provide that the proceeds of that tax, to the 97033  
extent that the proceeds are no longer needed for their original 97034  
purpose as defined by a cooperative agreement entered into under 97035  
section 307.671 of the Revised Code and after deducting the real 97036  
and actual costs of administering the tax, shall be used for 97037  
paying the direct and indirect costs of constructing, improving, 97038  
expanding, equipping, financing, or operating a convention center. 97039  
The resolution shall provide for the extension of the tax at a 97040  
rate not to exceed the rate specified in division (N) of this 97041  
section for a period of time determined by the legislative 97042  
authority of the county, but not to exceed an additional forty 97043

years. 97044

(3) The legislative authority of a county with a population 97045  
of one million two hundred thousand or more that has levied a tax 97046  
under division (A) of this section may, by resolution adopted by a 97047  
majority of the members of the legislative authority, increase the 97048  
rate of the tax levied by such county under division (A) of this 97049  
section to a rate not to exceed five per cent on transactions by 97050  
which lodging by a hotel is or is to be furnished to transient 97051  
guests. Notwithstanding any contrary provision of division (A) of 97052  
this section, the resolution shall provide that all collections 97053  
resulting from the rate levied in excess of three per cent, after 97054  
deducting the real and actual costs of administering the tax, 97055  
shall be used for paying the direct and indirect costs of 97056  
constructing, improving, expanding, equipping, financing, or 97057  
operating a convention center. 97058

(4) The legislative authority of a county with a population 97059  
of one million two hundred thousand or more that has levied a tax 97060  
under division (A) of this section may, by resolution adopted on 97061  
or before July 1, 2008, by a majority of the members of the 97062  
legislative authority, provide that all or a portion of the 97063  
proceeds of the tax levied under division (A) of this section, 97064  
after deducting the real and actual costs of administering the tax 97065  
and the amounts required to be returned to townships and municipal 97066  
corporations with respect to the first three per cent levied under 97067  
division (A) of this section, shall be used to satisfy any pledges 97068  
made in connection with an agreement entered into under section 97069  
307.695 of the Revised Code or shall otherwise be used for paying 97070  
the direct and indirect costs of constructing, improving, 97071  
expanding, equipping, financing, or operating a convention center. 97072

(5) Any amount collected from a tax levied or extended under 97073  
division (R) of this section may be contributed to a convention 97074  
facilities authority created before July 1, 2005, but no amount 97075

collected from a tax levied or extended under division (R) of this 97076  
section may be contributed to a convention facilities authority, 97077  
corporation, or other entity created after July 1, 2005, unless 97078  
the mayor of the municipal corporation in which the convention 97079  
center is to be operated by that convention facilities authority, 97080  
corporation, or other entity has consented to the creation of that 97081  
convention facilities authority, corporation, or entity. 97082

(S) As used in division (S) of this section, "soldiers' 97083  
memorial" means a memorial constructed and funded under Chapter 97084  
345. of the Revised Code. 97085

The board of county commissioners of a county with a 97086  
population between one hundred three thousand and one hundred 97087  
seven thousand according to the most recent federal decennial 97088  
census, by resolution adopted by a majority of the members of the 97089  
board within six months after September 15, 2014, may levy a tax 97090  
not to exceed three per cent on transactions by which a hotel is 97091  
or is to be furnished to transient guests. The purpose of the tax 97092  
shall be to pay the costs of expanding, maintaining, or operating 97093  
a soldiers' memorial and the costs of administering the tax. All 97094  
revenue arising from the tax shall be credited to one or more 97095  
special funds in the county treasury and shall be spent solely for 97096  
the purposes of paying those costs. 97097

The board of county commissioners shall adopt all rules 97098  
necessary to provide for the administration of the tax subject to 97099  
the same limitations on imposing penalty or interest under 97100  
division (A) of this section. 97101

(T) As used in division (T) of this section, "eligible 97102  
county" means a county in which a county agricultural society or 97103  
independent agricultural society is organized under section 97104  
1711.01 or 1711.02 of the Revised Code, provided the agricultural 97105  
society owns a facility or site in the county at which an annual 97106  
harness horse race is conducted where one-day attendance equals at 97107

least forty thousand attendees. 97108

A board of county commissioners of an eligible county, by 97109  
resolution adopted by a majority of the members of the board, may 97110  
levy an excise tax at the rate of up to three per cent on 97111  
transactions by which lodging by a hotel is or is to be furnished 97112  
to transient guests for the purpose of paying the costs of 97113  
permanent improvements at sites at which one or more agricultural 97114  
societies conduct fairs or exhibits, paying the costs of 97115  
maintaining or operating such permanent improvements, and paying 97116  
the costs of administering the tax. 97117

A resolution adopted under division (T) of this section, 97118  
other than a resolution that only extends the period of time for 97119  
which the tax is levied, shall direct the board of elections to 97120  
submit the question of the proposed lodging tax to the electors of 97121  
the county at a special election held on the date specified by the 97122  
board in the resolution, provided that the election occurs not 97123  
less than ninety days after a certified copy of the resolution is 97124  
transmitted to the board of elections. A resolution submitted to 97125  
the electors under division (T) of this section shall not go into 97126  
effect unless it is approved by a majority of those voting upon 97127  
it. The resolution takes effect on the date the board of county 97128  
commissioners receives notification from the board of elections of 97129  
an affirmative vote. 97130

The tax shall remain in effect for the period specified in 97131  
the resolution, not to exceed five years, and may be extended for 97132  
an additional period of time not to exceed fifteen years 97133  
thereafter by a resolution adopted by a majority of the members of 97134  
the board. A resolution extending the period of time for which the 97135  
tax is in effect is not subject to approval of the electors of the 97136  
county, but is subject to referendum under sections 305.31 to 97137  
305.99 of the Revised Code. All revenue arising from the tax shall 97138  
be credited to one or more special funds in the county treasury 97139

and shall be spent solely for the purposes of paying the costs of 97140  
such permanent improvements and maintaining or operating the 97141  
improvements. Revenue allocated for the use of a county 97142  
agricultural society may be credited to the county agricultural 97143  
society fund created in section 1711.16 of the Revised Code upon 97144  
appropriation by the board. If revenue is credited to that fund, 97145  
it shall be expended only as provided in that section. 97146

The board of county commissioners shall adopt all rules 97147  
necessary to provide for the administration of the tax. The rules 97148  
may prescribe the time for payment of the tax, and may provide for 97149  
the imposition or penalty or interest, or both, for late payments, 97150  
provided that the penalty does not exceed ten per cent of the 97151  
amount of tax due, and the rate at which interest accrues does not 97152  
exceed the rate per annum prescribed in section 5703.47 of the 97153  
Revised Code. 97154

(U) As used in division (U) of this section, "eligible 97155  
county" means a county in which a tax is levied under division (A) 97156  
of this section at a rate of three per cent and whose territory 97157  
includes a part of Lake Erie the shoreline of which represents at 97158  
least fifty per cent of the linear length of the county's border 97159  
with other counties of this state. 97160

The board of county commissioners of an eligible county that 97161  
has entered into an agreement with a port authority in the county 97162  
under section 4582.56 of the Revised Code may levy an additional 97163  
lodging tax on transactions by which lodging by a hotel is or is 97164  
to be furnished to transient guests for the purpose of financing 97165  
lakeshore improvement projects constructed or financed by the port 97166  
authority under that section. The resolution levying the tax shall 97167  
specify the purpose of the tax, the rate of the tax, which shall 97168  
not exceed two per cent, and the number of years the tax will be 97169  
levied or that it will be levied for a continuing period of time. 97170  
The tax shall be administered pursuant to the regulations adopted 97171

by the board under division (A) of this section, except that all 97172  
the proceeds of the tax levied under this division shall be 97173  
pledged to the payment of the costs, including debt charges, of 97174  
lakeshore improvements undertaken by a port authority pursuant to 97175  
the agreement under section 4582.56 of the Revised Code. No 97176  
revenue from the tax may be used to pay the current expenses of 97177  
the port authority. 97178

A resolution levying a tax under division (U) of this section 97179  
is subject to referendum under sections 305.31 to 305.41 and 97180  
305.99 of the Revised Code. 97181

(V)(1) As used in division (V) of this section: 97182

(a) "Tourism development district" means a district 97183  
designated by a municipal corporation under section 715.014 of the 97184  
Revised Code or by a township under section 503.56 of the Revised 97185  
Code. 97186

(b) "Lodging tax" means a tax levied pursuant to this section 97187  
or section 5739.08 of the Revised Code. 97188

(c) "Tourism development district lodging tax proceeds" means 97189  
all proceeds of a lodging tax derived from transactions by which 97190  
lodging by a hotel located in a tourism development district is or 97191  
is to be provided to transient guests. 97192

(d) "Eligible county" has the same meaning as in section 97193  
307.678 of the Revised Code. 97194

(2)(a) Notwithstanding division (A) of this section, the 97195  
board of county commissioners, board of township trustees, or 97196  
legislative authority of any county, township, or municipal 97197  
corporation that levies a lodging tax on September 29, 2017, and 97198  
in which any part of a tourism development district is located on 97199  
or after that date shall amend the ordinance or resolution levying 97200  
the tax to require either of the following: 97201

(i) In the case of a tax levied by a county, that all tourism 97202  
development district lodging tax proceeds from that tax be used 97203  
exclusively to foster and develop tourism in the tourism 97204  
development district; 97205

(ii) In the case of a tax levied by a township or municipal 97206  
corporation, that all tourism development district lodging tax 97207  
proceeds from that tax be used exclusively to foster and develop 97208  
tourism in the tourism development district. 97209

(b) Notwithstanding division (A) of this section, any 97210  
ordinance or resolution levying a lodging tax adopted on or after 97211  
September 29, 2017, by a county, township, or municipal 97212  
corporation in which any part of a tourism development district is 97213  
located on or after that date shall require that all tourism 97214  
development district lodging tax proceeds from that tax be used 97215  
exclusively to foster and develop tourism in the tourism 97216  
development district. 97217

(c) A county shall not use any of the proceeds described in 97218  
division (V)(2)(a)(i) or (V)(2)(b) of this section unless the 97219  
convention and visitors' bureau operating within the county 97220  
approves the manner in which such proceeds are used to foster and 97221  
develop tourism in the tourism development district. Upon 97222  
obtaining such approval, the county may pay such proceeds to the 97223  
bureau to use for the agreed-upon purpose. 97224

A municipal corporation or township shall not use any of the 97225  
proceeds described in division (V)(2)(a)(ii) or (V)(2)(b) of this 97226  
section unless the convention and visitors' bureau operating 97227  
within the municipal corporation or township approves the manner 97228  
in which such proceeds are used to foster and develop tourism in 97229  
the tourism development district. Upon obtaining such approval, 97230  
the municipal corporation or township may pay such proceeds to the 97231  
bureau to use for the agreed-upon purpose. 97232

(3)(a) Notwithstanding division (A) of this section, the board of county commissioners of an eligible county that levies a lodging tax on March 23, 2018, may amend the resolution levying that tax to require that all or a portion of the proceeds of that tax otherwise required to be spent solely to make contributions to the convention and visitors' bureau operating within the county shall be used to foster and develop tourism in a tourism development district.

(b) Notwithstanding division (A) of this section, the board of county commissioners of an eligible county that adopts a resolution levying a lodging tax on or after March 23, 2018, may require that all or a portion of the proceeds of that tax otherwise required to be spent solely to make contributions to the convention and visitors' bureau operating within the county pursuant to division (A) of this section shall be used to foster and develop tourism in a tourism development district.

(c) A county shall not use any of the proceeds in the manner described in division (V)(3)(a) or (b) of this section unless the convention and visitors' bureau operating within the county approves the manner in which such proceeds are used to foster and develop tourism in the tourism development district. Upon obtaining such approval, the county may pay such proceeds to the bureau to use for the agreed upon purpose.

(W)(1) As used in division (W) of this section:

(a) "Eligible county" means a county with a population greater than three hundred thousand and less than three hundred fifty thousand that levies a tax under division (A) of this section at a rate of three per cent;

(b) "Cost" and "facility" have the same meanings as in section 351.01 of the Revised Code.

(2) A board of county commissioners of an eligible county, by

resolution adopted by a majority of the members of the board, may 97264  
levy an excise tax at the rate of up to three per cent on 97265  
transactions by which lodging by a hotel is or is to be furnished 97266  
to transient guests. All of the revenue from the tax shall be used 97267  
to pay the costs of administering the tax or pledged and 97268  
contributed to a convention facilities authority established by 97269  
the board of county commissioners under Chapter 351. of the 97270  
Revised Code and used by the authority to pay the cost of 97271  
constructing a facility in the county, including paying bonds, or 97272  
notes issued in anticipation of bonds, as provided by that 97273  
chapter, or paying the expenses of maintaining, operating, or 97274  
promoting such a facility. No portion of the revenue arising from 97275  
the tax need be returned to municipal corporations or townships as 97276  
required for taxes levied under division (A) of this section. 97277

(3) A resolution adopted under division (W) of this section 97278  
shall direct the board of elections to submit the question of the 97279  
proposed lodging tax to the electors of the county at a special 97280  
election held on the date specified by the board in the 97281  
resolution, provided that the election occurs not less than ninety 97282  
days after a certified copy of the resolution is transmitted to 97283  
the board of elections. A resolution submitted to the electors 97284  
under division (W) of this section shall not go into effect unless 97285  
it is approved by a majority of those voting upon it. The 97286  
resolution takes effect on the date the board of county 97287  
commissioners receives notification from the board of elections of 97288  
an affirmative vote. 97289

(4) Once the tax is approved by the electors of the county 97290  
pursuant to division (W)(3) of this section, it shall not be 97291  
subject to diminution by initiative or referendum or by law while 97292  
any bonds, or notes in anticipation of bonds, issued by the 97293  
authority under Chapter 351. of the Revised Code to which the 97294  
revenue is pledged, remain outstanding in accordance with their 97295

terms, unless provision is made by law or by the board of county commissioners for an adequate substitute therefore that is satisfactory to the trustee if a trust agreement secures the bonds.

(5) The tax authorized by division (W) of this section shall be in addition to any other tax that is levied pursuant to this section.

(X)(1) As used in division (X) of this section:

(a) "Convention facilities authority," "cost," and "facility" have the same meanings as in section 351.01 of the Revised Code.

(b) "Eligible county" means a county with a population greater than eight hundred thousand but less than one million that levies a tax under division (A) of this section.

(c) "Port authority" means a port authority created under Chapter 4582. of the Revised Code.

(2) A board of county commissioners or the legislative authority of an eligible county may, by resolution adopted by a majority of the members of the board or legislative authority, levy an excise tax at a rate not to exceed one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. All revenue arising from the tax shall be used to pay the costs of administering the tax or pledged and contributed to the convention and visitors' bureau operating within the applicable eligible county, a convention facilities authority within the applicable eligible county, or a port authority and used by the convention and visitors' bureau, the convention facilities authority, or the port authority to pay the cost of acquiring, constructing, renovating, expanding, maintaining, or operating one or more facilities in the county, including paying bonds, or notes issued in anticipation of bonds, or paying the expenses of maintaining, operating, or promoting one

or more facilities. No portion of the revenue arising from the tax 97327  
need be returned to municipal corporations or townships as 97328  
required for taxes levied under division (A) of this section. 97329

(3) The tax authorized by division (X) of this section shall 97330  
be in addition to any other tax that is levied pursuant to this 97331  
section. 97332

(4) Any board of county commissioners of an eligible county 97333  
that, pursuant to division (D)(2) of this section, has amended a 97334  
resolution levying the tax authorized by division (A) of this 97335  
section may further amend the resolution to provide that all or a 97336  
portion of the revenue referred to in division (D)(2)(b) of this 97337  
section and division (A) of this section may be pledged and 97338  
contributed to pay the costs of acquiring, constructing, 97339  
renovating, expanding, maintaining, or operating one or more 97340  
facilities in the county, including paying bonds, or notes issued 97341  
in anticipation of bonds, or paying the expenses of maintaining, 97342  
operating, or promoting one or more facilities. 97343

**Sec. 5739.093. (A) As used in this section:** 97344

(1) "Convention center" has the same meaning as in section 97345  
307.695 of the Revised Code. 97346

(2) "Convention center headquarters hotel" means a hotel 97347  
designated as such in authorizing legislation. 97348

(3) "Convention center headquarters hotel facilities" means a 97349  
convention center headquarters hotel, the convention center 97350  
associated with the convention center headquarters hotel, and any 97351  
improvements, buildings, outdoor space, infrastructure, and 97352  
parking lots or garages directly adjacent to or associated with 97353  
the convention center headquarters hotel and convention center. 97354

(4) "Eligible convention facilities authority" means a 97355  
convention facilities authority created within an eligible county 97356

<u>under Chapter 351. of the Revised Code.</u>	97357
<u>(5) "Cost" and "facility" have the same meanings as in section 351.01 of the Revised Code.</u>	97358
<u>(6) "Eligible county" means a county with a population greater than eight hundred thousand that levies a tax under division (A) of section 5739.09 of the Revised Code and in which one or more convention centers are located.</u>	97359
<u>(6) "Eligible county" means a county with a population greater than eight hundred thousand that levies a tax under division (A) of section 5739.09 of the Revised Code and in which one or more convention centers are located.</u>	97360
<u>(6) "Eligible county" means a county with a population greater than eight hundred thousand that levies a tax under division (A) of section 5739.09 of the Revised Code and in which one or more convention centers are located.</u>	97361
<u>(6) "Eligible county" means a county with a population greater than eight hundred thousand that levies a tax under division (A) of section 5739.09 of the Revised Code and in which one or more convention centers are located.</u>	97362
<u>(6) "Eligible county" means a county with a population greater than eight hundred thousand that levies a tax under division (A) of section 5739.09 of the Revised Code and in which one or more convention centers are located.</u>	97363
<u>(7) "Eligible municipal corporation" means a municipal corporation that is located in an eligible county, that levies a tax under section 5739.08 of the Revised Code, and in which one or more convention centers are located.</u>	97364
<u>(7) "Eligible municipal corporation" means a municipal corporation that is located in an eligible county, that levies a tax under section 5739.08 of the Revised Code, and in which one or more convention centers are located.</u>	97365
<u>(7) "Eligible municipal corporation" means a municipal corporation that is located in an eligible county, that levies a tax under section 5739.08 of the Revised Code, and in which one or more convention centers are located.</u>	97366
<u>(7) "Eligible municipal corporation" means a municipal corporation that is located in an eligible county, that levies a tax under section 5739.08 of the Revised Code, and in which one or more convention centers are located.</u>	97367
<u>(8) "Qualifying lodging tax" means a tax levied by an eligible municipal corporation under section 5739.08 of the Revised Code or a tax levied by an eligible county under section 5739.09 of the Revised Code.</u>	97368
<u>(8) "Qualifying lodging tax" means a tax levied by an eligible municipal corporation under section 5739.08 of the Revised Code or a tax levied by an eligible county under section 5739.09 of the Revised Code.</u>	97369
<u>(8) "Qualifying lodging tax" means a tax levied by an eligible municipal corporation under section 5739.08 of the Revised Code or a tax levied by an eligible county under section 5739.09 of the Revised Code.</u>	97370
<u>(8) "Qualifying lodging tax" means a tax levied by an eligible municipal corporation under section 5739.08 of the Revised Code or a tax levied by an eligible county under section 5739.09 of the Revised Code.</u>	97371
<u>(9) "Eligible port authority" means a port authority created within an eligible county under Chapter 4582. of the Revised Code or a port authority created under Chapter 4582. of the Revised Code in a different county and that is partnering with a port authority located within an eligible county.</u>	97372
<u>(9) "Eligible port authority" means a port authority created within an eligible county under Chapter 4582. of the Revised Code or a port authority created under Chapter 4582. of the Revised Code in a different county and that is partnering with a port authority located within an eligible county.</u>	97373
<u>(9) "Eligible port authority" means a port authority created within an eligible county under Chapter 4582. of the Revised Code or a port authority created under Chapter 4582. of the Revised Code in a different county and that is partnering with a port authority located within an eligible county.</u>	97374
<u>(9) "Eligible port authority" means a port authority created within an eligible county under Chapter 4582. of the Revised Code or a port authority created under Chapter 4582. of the Revised Code in a different county and that is partnering with a port authority located within an eligible county.</u>	97375
<u>(9) "Eligible port authority" means a port authority created within an eligible county under Chapter 4582. of the Revised Code or a port authority created under Chapter 4582. of the Revised Code in a different county and that is partnering with a port authority located within an eligible county.</u>	97376
<u>(10) "Issuing authority" means an eligible municipal corporation, an eligible county, a convention facilities authority, or an eligible port authority.</u>	97377
<u>(10) "Issuing authority" means an eligible municipal corporation, an eligible county, a convention facilities authority, or an eligible port authority.</u>	97378
<u>(10) "Issuing authority" means an eligible municipal corporation, an eligible county, a convention facilities authority, or an eligible port authority.</u>	97379
<u>(11) "Qualifying vendor" means the person responsible for collecting and remitting qualifying lodging taxes from a convention center headquarters hotel.</u>	97380
<u>(11) "Qualifying vendor" means the person responsible for collecting and remitting qualifying lodging taxes from a convention center headquarters hotel.</u>	97381
<u>(11) "Qualifying vendor" means the person responsible for collecting and remitting qualifying lodging taxes from a convention center headquarters hotel.</u>	97382
<u>(12) "Authorizing legislation" means an ordinance or resolution adopted under division (B) of this section.</u>	97383
<u>(12) "Authorizing legislation" means an ordinance or resolution adopted under division (B) of this section.</u>	97384
<u>(13) "Qualifying township" means a township that levies a tax under section 5739.08 of the Revised Code that applies to</u>	97385
<u>(13) "Qualifying township" means a township that levies a tax under section 5739.08 of the Revised Code that applies to</u>	97386

transactions for lodging at a convention center headquarters 97387  
hotel. 97388

(14) "Eligible convention and visitors' bureau" means a 97389  
convention and visitors' bureau that receives revenue from a tax 97390  
levied under section 5739.09 of the Revised Code that applies to 97391  
transactions for lodging at a convention center headquarters 97392  
hotel. 97393

(15) "Minimum payment obligation" is an obligation, including 97394  
a contingent obligation, for a qualifying vendor to make a payment 97395  
to an eligible municipal corporation, eligible county, or eligible 97396  
port authority to ensure sufficient funds to finance the 97397  
expenditures authorized under division (D)(2) of this section. 97398

(B) The legislative authority of an eligible county or 97399  
eligible municipal corporation, by ordinance or resolution, may 97400  
declare all of the following: 97401

(1) A hotel within that county or municipal corporation is 97402  
designated as a convention center headquarters hotel; 97403

(2) The name of the convention center that the hotel is 97404  
associated with; 97405

(3) That that hotel and any convention center headquarters 97406  
hotel facilities associated with it are for a public purpose; 97407

(4) That transactions by which lodging by the hotel is to be 97408  
furnished to transient guests shall be wholly or partially exempt 97409  
from the qualifying lodging taxes for a period not to exceed 97410  
thirty years from the date the exemption begins; 97411

(5) The date the exemption begins, which shall be the first 97412  
day of a month; 97413

(6) If the exemption is a partial exemption, the percentage 97414  
of the qualifying lodging tax that is subject to exemption; 97415

(7) Whether payments are to be required under division (D)(1) 97416

of this section and, if so, the issuing authority to which those 97417  
payments are to be pledged. 97418

Not more than one convention center headquarters hotel may be 97419  
designated for each convention center located in the county or 97420  
municipal corporation. 97421

(C) Not later than fourteen days before adopting authorizing 97422  
legislation, the eligible municipal corporation shall give notice 97423  
of the proposed authorizing legislation to the eligible county, 97424  
eligible convention and visitors' bureau, and any eligible 97425  
township. Not later than thirty days after adopting authorizing 97426  
legislation, the municipal corporation shall deliver a copy of the 97427  
authorizing legislation to the eligible county, eligible 97428  
convention and visitors' bureau, and eligible township, as 97429  
applicable. 97430

Not later than fourteen days before adopting authorizing 97431  
legislation, the eligible county shall give notice of the proposed 97432  
authorizing legislation to the eligible convention and visitors' 97433  
bureau and any eligible municipal corporation or eligible 97434  
township. Not later than thirty days after adopting authorizing 97435  
legislation, the county shall deliver a copy of the authorizing 97436  
legislation to the eligible convention and visitors' bureau and 97437  
eligible municipal corporation or eligible township, as 97438  
applicable. 97439

An exemption granted pursuant to authorizing legislation 97440  
commences on the date specified in the authorizing legislation. 97441

(D)(1) An eligible municipal corporation or eligible county 97442  
that has adopted authorizing legislation may require the 97443  
convention center headquarters hotel's qualifying vendor to make 97444  
monthly payments in lieu of qualifying lodging taxes on or before 97445  
the final dates for payment of such taxes. Each such payment shall 97446  
be charged and collected in the same amount as the exempted 97447

qualifying lodging tax. The vendor shall remit all payments to the 97448  
eligible municipal corporation or eligible county that adopted the 97449  
authorizing legislation. Such payments shall be used for the 97450  
purpose of paying the cost of acquiring, constructing, renovating, 97451  
or maintaining convention center headquarters hotel facilities 97452  
located in the eligible county. 97453

(2) An eligible municipal corporation or eligible county that 97454  
adopts authorizing legislation shall establish a lodging tax 97455  
equivalent fund into which shall be deposited all payments 97456  
required under division (D)(1) of this section and all payments of 97457  
minimum payment obligations made under agreements authorized 97458  
pursuant to division (E) of this section. 97459

Money in the lodging tax equivalent fund shall be pledged and 97460  
contributed to the issuing authority designated in the authorizing 97461  
legislation, or agent thereof, to pay the costs described in 97462  
division (D)(1) of this section, including paying bonds or notes 97463  
issued in anticipation of the issuance of bonds, or paying the 97464  
expenses of maintaining, operating, or promoting one or more 97465  
convention center headquarters facilities. If approved by the 97466  
applicable issuing authority, money in the lodging tax equivalent 97467  
fund may also be used by the eligible municipal corporation or 97468  
eligible county, as applicable, for any other purpose the 97469  
municipal corporation's or county's tax levied under section 97470  
5739.08 or 5739.09 of the Revised Code, respectively, may be used 97471  
for. 97472

The eligible municipal corporation or eligible county also 97473  
may deposit or permit to be deposited into the lodging tax 97474  
equivalent fund other money or taxes levied under section 5739.08 97475  
or 5739.09 of the Revised Code and lawfully available for those 97476  
purposes as determined by the municipal corporation or county. 97477

(3) A lodging tax equivalent fund established under division 97478  
(D)(2) of this section may be held by and pledged by the eligible 97479

municipal corporation or eligible county to a trustee for bonds or 97480  
notes issued by an issuing authority. 97481

(4) Any incidental surplus remaining in the lodging tax 97482  
equivalent fund, upon dissolution of the fund, shall be 97483  
transferred to the general fund of the eligible municipal 97484  
corporation or eligible county to be used for any purpose for 97485  
which the municipal corporation's or county's tax levied under 97486  
section 5739.08 or 5739.09 of the Revised Code, respectively, may 97487  
be used. 97488

(E) An eligible municipal corporation, eligible county, or 97489  
eligible port authority may enter into an agreement with a 97490  
qualifying vendor to make payments of minimum payment obligations 97491  
for deposit into the lodging tax equivalent fund established under 97492  
division (D)(2) of this section. An agreement entered into under 97493  
this division is binding and enforceable against all subsequent 97494  
qualifying vendors for a convention center headquarters hotel 97495  
without the necessity of a written assignment of the agreement. 97496

(F) Payments required under division (D)(1) of this section 97497  
and minimum payment obligations shall be collected and enforced by 97498  
the eligible municipal corporation or eligible county. The 97499  
municipal corporation or county may delegate this authority to the 97500  
issuing authority designated in the authorizing legislation, or to 97501  
an agent thereof, by including this delegation in the authorizing 97502  
legislation or adopting a separate ordinance or resolution. Such 97503  
issuing authority or agent shall be subject to any regulations or 97504  
restrictions imposed upon the municipal corporation or county in 97505  
collecting and enforcing qualifying lodging tax. 97506

(G) A qualifying vendor may charge a consumer for any 97507  
payments required under division (D)(1) of this section in the 97508  
same amount as the consumer would have paid in qualifying lodging 97509  
taxes had such taxes not been exempted, provided that the charges 97510  
shall be separately stated on the invoice, bill of sale, or 97511

similar document given to the consumer. 97512

Any charges paid by the consumer shall be considered taxes 97513  
described in division (H)(1)(c)(iii) of section 5739.01 of the 97514  
Revised Code. 97515

**Sec. 5739.19.** The tax commissioner may revoke any retail 97516  
vendor's license upon ascertaining that the vendor has no need for 97517  
the license because the vendor is not engaged in making taxable 97518  
retail sales. Notice of the revocation shall be delivered to the 97519  
vendor ~~personally or by certified mail or by an alternative~~ 97520  
~~delivery service as authorized under~~ in the manner provided in 97521  
section 5703.37 of the Revised Code. The revocation shall be 97522  
effective on the first day of the month following the expiration 97523  
of fifteen days after the vendor received the notice of the 97524  
revocation. 97525

The revocation of the vendor's license shall be stayed if, 97526  
within fifteen days after receiving notice of the revocation, the 97527  
vendor objects, in writing, to the revocation. The commissioner 97528  
shall consider the written objections of the vendor and issue a 97529  
final determination on the revocation of the vendor's license. The 97530  
commissioner's final determination may be appealed to the board of 97531  
tax appeals pursuant to section 5717.02 of the Revised Code. The 97532  
revocation shall be effective on the first day of the month 97533  
following the expiration of all time limits for appeal. 97534

**Sec. 5739.30.** (A) No person, including any officer, employee, 97535  
or trustee of a corporation or business trust, shall fail to file 97536  
any return or report required to be filed by this chapter, or file 97537  
or cause to be filed any incomplete, false or fraudulent return, 97538  
report, or statement, or aid or abet another in the filing of any 97539  
false or fraudulent return, report, or statement. 97540

97541

(B) If any vendor required to file monthly returns under 97542  
section 5739.12 of the Revised Code fails, on two consecutive 97543  
months or on three or more months within a twelve-month period, to 97544  
file such returns when due or to pay the tax thereon, or if any 97545  
vendor authorized by the tax commissioner to file semiannual 97546  
returns fails on two or more occasions within a twenty-four month 97547  
period, to file such returns when due or to pay the tax due 97548  
thereon, the commissioner may do any of the following: 97549

(1) Require the vendor to furnish security in an amount equal 97550  
to the average tax liability of the vendor for a period of one 97551  
year, as determined by the commissioner from a review of returns 97552  
or other information pertaining to the vendor, which amount shall 97553  
in no event be less than one thousand dollars. The security may be 97554  
in the form of a corporate surety bond, satisfactory to the 97555  
commissioner, conditioned upon payment of the tax due with the 97556  
returns from the vendor. The security shall be filed within ten 97557  
days following the vendor's receipt of the notice from the 97558  
commissioner of its requirements. 97559

(2) Suspend the license issued to the vendor pursuant to 97560  
section 5739.17 of the Revised Code. The suspension shall be 97561  
effective ten days after service of written notice to the vendor 97562  
of the commissioner's intention to do so. The notice shall be 97563  
served upon the vendor ~~personally, by certified mail, or by an~~ 97564  
~~alternative delivery service as authorized under~~ in the manner 97565  
provided in section 5703.37 of the Revised Code. On the first day 97566  
of the suspension, the commissioner shall cause to be posted, at 97567  
every public entrance of the vendor's premises, a notice 97568  
identifying the vendor and the location and informing the public 97569  
that the vendor's license is under suspension and that no retail 97570  
sales may be transacted at that location. No person, other than 97571  
the commissioner or the commissioner's agent or employee, shall 97572  
remove, cover, or deface the posted notice. No license which has 97573

been suspended under this section shall be reinstated, and no 97574  
posted notice shall be removed, until the vendor has filed 97575  
complete and correct returns under this chapter and section 97576  
5747.07 of the Revised Code for all periods in which no return had 97577  
been filed and has paid the full amount of the tax, penalties, or 97578  
other charges due. 97579

A corporate surety bond filed under this section shall be 97580  
returned to the vendor if, for a period of twelve consecutive 97581  
months following the date the bond was filed, the vendor has filed 97582  
all returns and remitted payment with them within the time 97583  
prescribed in section 5739.12 of the Revised Code. 97584

(C) The tax commissioner may suspend a license issued to a 97585  
vendor pursuant to section 5739.17 of the Revised Code if the 97586  
vendor is required, as an employer, to file returns or make 97587  
payments under section 5747.07 of the Revised Code and the vendor 97588  
fails to do either of the following: 97589

(1) File such returns when due on two consecutive occasions 97590  
or on three or more occasions within a twelve-month period; 97591

(2) Pay the undeposited taxes when due on two consecutive 97592  
occasions or on three or more occasions within a twelve-month 97593  
period. 97594

Any such suspension shall comply with the provisions of 97595  
division (B)(2) of this section. 97596

(D) If a vendor whose license has been suspended under 97597  
division (B)(2) of this section fails to file returns or make 97598  
payments under section 5747.07 of the Revised Code during such 97599  
suspension, the license may not be reinstated, and the notice 97600  
required by that division shall not be removed, until the vendor 97601  
files complete and correct returns and pays the amounts due, plus 97602  
any penalties and other related charges, under section 5747.07 of 97603  
the Revised Code for all periods for which the vendor failed to 97604

file such returns and make such payments. 97605

**Sec. 5739.31.** (A)(1) No person shall engage in the business 97606  
of selling at retail or sell at retail incidental to any other 97607  
regularly conducted business without having a license therefor, as 97608  
required by sections 5739.01 to 5739.31 of the Revised Code. 97609

(2) No person shall engage in the business of selling at 97610  
retail as a transient vendor, as defined in section 5739.17 of the 97611  
Revised Code, without first having obtained a license as required 97612  
by that section. 97613

(B) No person shall continue to engage in the business of 97614  
selling at retail or sell at retail incidental to any other 97615  
regularly conducted business after the license issued to that 97616  
person pursuant to section 5739.17 of the Revised Code has been 97617  
suspended by the tax commissioner under division (B)(2) of section 97618  
5739.30 of the Revised Code, nor shall any person obtain a new 97619  
license from ~~the~~ any county auditor or the tax commissioner while 97620  
such suspension is in effect. If a corporation's license has been 97621  
suspended, none of its officers, or employees having control or 97622  
supervision of or charged with the responsibility of filing 97623  
returns and making payments of tax due, shall obtain a license 97624  
from ~~the~~ any county auditor or the tax commissioner during the 97625  
period of such suspension. 97626

(C) The tax commissioner may cancel any license obtained in 97627  
violation of division (B) of this section or obtained by any 97628  
person who violates division (A)(1) of this section more than 97629  
once. 97630

**Sec. 5739.99.** (A) Whoever negligently violates section 97631  
5739.26 or 5739.29 of the Revised Code ~~shall be fined not less~~ 97632  
~~than twenty five nor more than one hundred dollars~~ is guilty of a 97633  
minor misdemeanor for a first offense; for each subsequent offense 97634

such person shall, if a corporation, be fined not less than one hundred nor more than five hundred dollars, or if an individual, or a member of a partnership, firm, or association, be fined not less than twenty five nor more than one hundred dollars, or imprisoned not more than sixty days, or both is guilty of a misdemeanor of the third degree.

(B) Whoever negligently violates division (A) of section 5739.30 of the Revised Code shall be fined not less than one hundred nor more than one thousand dollars, or imprisoned not more than sixty days, or both is guilty of a misdemeanor of the third degree.

(C)(1) Whoever negligently violates division (A)(1) of section 5739.31 of the Revised Code shall be fined not less than twenty five nor more than one hundred dollars is guilty of a minor misdemeanor on the first offense. If the offender previously has been convicted of an offense under division (C)(1) of this section, the offender is guilty of a misdemeanor of the first degree. If the offender previously has been convicted of two or more previous convictions for a violation of division (A)(1) of section 5739.31 of the Revised Code, the offender is guilty of a felony of the fourth degree.

(2) Whoever negligently violates division (A)(2) of section 5739.31 of the Revised Code shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not more than ten days, or both, is guilty of a minor misdemeanor for the first offense; for each subsequent offense, each such person shall be fined not less than one thousand dollars nor more than twenty five hundred dollars, or imprisoned not more than thirty days, or both is guilty of a misdemeanor of the fourth degree. The motor vehicles and goods of any person charged with violating division (A)(2) of section 5739.31 of the Revised Code may be impounded and held pending the disposition of the charge,

and may be sold at auction by the county sheriff in the manner 97667  
prescribed by law to satisfy any fine imposed by this division. 97668

(3) Whoever negligently violates division (B) of section 97669  
5739.31 of the Revised Code is guilty of a misdemeanor of the 97670  
first degree on the first offense; on each subsequent offense, the 97671  
person is guilty of a felony of the fourth degree. Each day that 97672  
business is conducted while a vendor's license is suspended 97673  
constitutes a separate offense. 97674

(D) Except as otherwise provided in this section, whoever 97675  
violates sections 5739.01 to 5739.31 of the Revised Code, or any 97676  
lawful rule promulgated by the department of taxation under 97677  
authority of such sections, shall be fined not less than 97678  
twenty-five nor more than one hundred dollars. 97679

(E) Whoever violates section 5739.12 of the Revised Code by 97680  
failing to remit to the state the tax collected under section 97681  
5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code is 97682  
guilty of a felony of the fourth degree and shall suffer the loss 97683  
of the person's vendor's license as required by section 5739.17 of 97684  
the Revised Code. A person shall not be eligible for a vendor's 97685  
license for two years following conviction. 97686

(F) Whoever violates division (E) of section 5739.17 of the 97687  
Revised Code is guilty of failure to display a transient vendor's 97688  
license, a minor misdemeanor. A sheriff or police officer in a 97689  
municipal corporation may enforce this division. The prosecuting 97690  
attorney of a county shall inform the tax commissioner of any 97691  
instance when a complaint is brought against a transient vendor 97692  
pursuant to this division. 97693

(G) Whoever violates section 5739.103 of the Revised Code 97694  
shall be fined not less than twenty-five nor more than one hundred 97695  
dollars. If the offender previously has been convicted of 97696  
violating that section, the offender is guilty of a felony of the 97697

fourth degree. 97698

(H) The penalties provided in this section are in addition to 97699  
any penalties imposed by the tax commissioner under section 97700  
5739.133 of the Revised Code. 97701

**Sec. 5741.11.** (A) Except as otherwise provided in divisions 97702  
(B) and (C) of this section, if any seller who is required or 97703  
authorized to collect the tax imposed by or pursuant to section 97704  
5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code fails 97705  
to do so, the seller shall be liable personally for such amount as 97706  
the seller failed to collect. If any seller collects the tax 97707  
imposed by or pursuant to any such section and fails to remit the 97708  
same to the state as prescribed, the seller shall be personally 97709  
liable for any amount collected that the seller failed to remit. 97710  
The tax commissioner may make an assessment against such seller, 97711  
based upon any information within the commissioner's possession. 97712  
The commissioner shall give to the seller written notice of such 97713  
assessment. Such notice ~~may~~ shall be served upon the seller 97714  
~~personally or by certified mail in the manner provided in section~~ 97715  
5703.37 of the Revised Code. 97716

(B) A marketplace facilitator is relieved of all liability 97717  
under division (A) of this section for failure to collect the tax 97718  
imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 97719  
5741.023 of the Revised Code on a sale facilitated by the 97720  
marketplace facilitator on behalf of an unaffiliated marketplace 97721  
seller if it is demonstrated to the satisfaction of the 97722  
commissioner that the marketplace facilitator made a reasonable 97723  
effort to obtain sufficient and accurate information about the 97724  
sale from the marketplace seller and that the marketplace 97725  
facilitator failed to collect the correct amount of tax because of 97726  
insufficient or incorrect information provided by the marketplace 97727  
seller. 97728

If a marketplace facilitator is relieved of liability under 97729  
this division, the marketplace seller for which the sale was 97730  
facilitated and the purchaser are personally liable for any amount 97731  
of tax that is not properly collected, paid, or remitted. 97732

(C) Division (B) of this section does not absolve a 97733  
marketplace facilitator, marketplace seller, or any other person 97734  
from personal liability for collecting but failing to remit the 97735  
tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, 97736  
or 5741.023 of the Revised Code. 97737

(D) No class action may be brought against a marketplace 97738  
facilitator in any court of this state on behalf of consumers 97739  
arising from or in any way related to an overpayment of the tax 97740  
imposed by or pursuant to ~~sections~~ section 5741.02, 5741.021, 97741  
5741.022, or 5741.023 of the Revised Code on sales facilitated by 97742  
the marketplace facilitator, regardless of whether the claim is 97743  
characterized as a tax refund claim. 97744

**Sec. 5743.06.** (A) As used in this section, "bad debt" means 97745  
any debt that arises from the sale by a wholesale dealer of 97746  
cigarettes properly stamped under section 5743.03, 5743.031, or 97747  
5743.04 of the Revised Code, that has become worthless or 97748  
uncollectible, that has been uncollected for at least six months, 97749  
and that may be claimed as a deduction pursuant to the "Internal 97750  
Revenue Code of 1954," 26 U.S.C. 166, and regulations adopted 97751  
pursuant thereto, or that could be claimed as such a deduction if 97752  
the wholesale dealer kept accounts on an accrual basis. "Bad debt" 97753  
does not include any interest or financing charges on the debt, 97754  
expenses incurred in attempting to collect the debt or for any 97755  
portion of the debt recovered, any accounts receivable that have 97756  
been sold or assigned to a third party, or repossessed property. 97757

(B) A wholesale dealer may apply to the tax commissioner for 97758  
a refund of the value of cigarette tax stamps, less any discounts 97759

provided under section 5743.05 of the Revised Code, that are part 97760  
of bad debt of the dealer. The commissioner shall not refund any 97761  
amount for bad debt under this section unless the dealer has 97762  
charged off the bad debt on its books as uncollectible. If a 97763  
purchaser or other person pays all or part of a bad debt with 97764  
respect to which a wholesale dealer received a refund under this 97765  
section, the dealer is liable for the prorated amount of taxes 97766  
refunded in connection with that portion of the debt for which 97767  
such payment was received and shall remit such taxes to the 97768  
commissioner in the manner the commissioner prescribes. Any 97769  
request for refund under this section shall be supported by such 97770  
evidence the commissioner requires, including, but not limited to, 97771  
all of the following: 97772

(1) A copy of the original invoice; 97773

(2) Evidence that the cigarettes described in the invoice 97774  
were delivered to the person that ordered them; 97775

(3) Evidence that the person who ordered and received such 97776  
cigarettes did not pay the wholesale dealer for the cigarettes and 97777  
that the dealer used reasonable collection practices in attempting 97778  
to collect the debt. 97779

(C) A request for refund under this section shall be filed 97780  
within three years after the date the bad debt became 97781  
uncollectible. For each request, the commissioner shall determine 97782  
the amount of refund to which the applicant is entitled. If the 97783  
amount is not less than that claimed, the commissioner shall 97784  
certify the amount to the director of budget and management and 97785  
treasurer of state for payment from the tax refund fund created by 97786  
section 5703.052 of the Revised Code. If the amount is less than 97787  
that claimed, the commissioner shall proceed in accordance with 97788  
section 5703.70 of the Revised Code. 97789

(D) The commissioner may adopt any rules necessary to 97790

administer this section. Notwithstanding any provision of section 97791  
121.95 of the Revised Code to the contrary, a regulatory 97792  
restriction contained in a rule adopted under this section is not 97793  
subject to sections 121.95 to 121.953 of the Revised Code. 97794

(E) No person other than the wholesaler that purchased the 97795  
tax stamps and generated the bad debt may claim the refund 97796  
authorized under this section. 97797

**Sec. 5743.15.** (A) Except as otherwise provided in this 97798  
division, no person shall engage in this state in the wholesale or 97799  
retail business of trafficking in cigarettes or in the business of 97800  
a manufacturer or importer of cigarettes without having a license 97801  
to conduct each such activity issued by a county auditor under 97802  
division (B) of this section or the tax commissioner under 97803  
divisions (C) and (F) of this section. On dissolution of a 97804  
partnership by death, the surviving partner may operate under the 97805  
license of the partnership until expiration of the license, and 97806  
the heirs or legal representatives of deceased persons, and 97807  
receivers and trustees in bankruptcy appointed by any competent 97808  
authority, may operate under the license of the person succeeded 97809  
in possession by such heir, representative, receiver, or trustee 97810  
in bankruptcy if the partner or successor notifies the issuer of 97811  
the license of the dissolution or succession within thirty days 97812  
after the dissolution or succession. 97813

(B)(1) Each applicant for a license to engage in the retail 97814  
business of trafficking in cigarettes under this section, 97815  
annually, on or before the ~~fourth Monday of May~~ first day of June, 97816  
shall make and deliver to the county auditor of the county in 97817  
which the applicant desires to engage in the retail business of 97818  
trafficking in cigarettes, upon a blank form furnished by such 97819  
auditor for that purpose, a statement showing the name of the 97820  
applicant, each physical place in the county where the applicant's 97821

business is conducted, the nature of the business, and any other 97822  
information the tax commissioner requires in the form of statement 97823  
prescribed by the commissioner. If the applicant is a firm, 97824  
partnership, or association other than a corporation, the 97825  
application shall state the name and address of each of its 97826  
members. If the applicant is a corporation, the application shall 97827  
state the name and address of each of its officers. At the time of 97828  
making the application required by this section, every person 97829  
desiring to engage in the retail business of trafficking in 97830  
cigarettes shall pay an application fee in the sum of one hundred 97831  
twenty-five dollars for each physical place where the person 97832  
proposes to carry on such business. Each place of business shall 97833  
be deemed such space, under lease or license to, or under the 97834  
control of, or under the supervision of the applicant, as is 97835  
contained in one or more contiguous, adjacent, or adjoining 97836  
buildings constituting an industrial plant or a place of business 97837  
operated by, or under the control of, one person, or under one 97838  
roof and connected by doors, halls, stairways, or elevators, which 97839  
space may contain any number of points at which cigarettes are 97840  
offered for sale, provided that each additional point at which 97841  
cigarettes are offered for sale shall be listed in the 97842  
application. 97843

(2) Upon receipt of the application and exhibition of the 97844  
county treasurer's receipt showing the payment of the application 97845  
fee, the county auditor shall issue to the applicant a license for 97846  
each place of business designated in the application, authorizing 97847  
the applicant to engage in such business at such place for one 97848  
year commencing on the ~~fourth Monday of May~~ first day of June. The 97849  
form of the license shall be prescribed by the commissioner. A 97850  
duplicate license may be obtained from the county auditor upon 97851  
payment of a five-dollar fee if the original license is lost, 97852  
destroyed, or defaced. When an application is filed after the 97853  
~~fourth Monday of May~~ first day of June, the application fee 97854

required to be paid shall be proportioned in amount to the 97855  
remainder of the license year, except that it shall not be less 97856  
than twenty-five dollars in any one year. 97857

(3) The holder of a retail dealer's cigarette license may 97858  
transfer the license to a place of business within the same county 97859  
other than that designated on the license on condition that the 97860  
licensee's ownership interest and business structure remain 97861  
unchanged, and that the licensee applies to the county auditor 97862  
therefor, upon forms approved by the commissioner and the payment 97863  
of a fee of five dollars into the county treasury. 97864

(C)(1) Each applicant for a license to engage in the 97865  
wholesale business of trafficking in cigarettes under this 97866  
section, annually, on or before the ~~fourth Monday in May~~ first day 97867  
of June, shall make and deliver to the tax commissioner, upon a 97868  
blank form furnished by the commissioner for that purpose, a 97869  
statement showing the name of the applicant, physical street 97870  
address where the applicant's business is conducted, the nature of 97871  
the business, and any other information required by the 97872  
commissioner. If the applicant is a firm, partnership, or 97873  
association other than a corporation, the applicant shall state 97874  
the name and address of each of its members. If the applicant is a 97875  
corporation, the applicant shall state the name and address of 97876  
each of its officers. At the time of making the application 97877  
required by this section, every person desiring to engage in the 97878  
wholesale business of trafficking in cigarettes shall pay an 97879  
application fee of one thousand dollars for each physical place 97880  
where the person proposes to carry on such business. Each place of 97881  
business shall be deemed such space, under lease or license to, or 97882  
under the control of, or under the supervision of the applicant, 97883  
as is contained in one or more contiguous, adjacent, or adjoining 97884  
buildings constituting an industrial plant or a place of business 97885  
operated by, or under the control of, one person, or under one 97886

roof and connected by doors, halls, stairways, or elevators. A 97887  
duplicate license may be obtained from the commissioner upon 97888  
payment of a twenty-five-dollar fee if the original license is 97889  
lost, destroyed, or defaced. 97890

(2) Upon receipt of the application and payment of any 97891  
application fee required by this section, the commissioner shall 97892  
verify that the applicant is not in violation of any provision of 97893  
Chapter 1346. or Title LVII of the Revised Code. The commissioner 97894  
shall also verify that the applicant has filed any returns, 97895  
submitted any information, and paid any outstanding taxes, 97896  
charges, or fees as required for any tax, charge, or fee 97897  
administered by the commissioner, to the extent that the 97898  
commissioner is aware of the returns, information, or payments at 97899  
the time of the application. Upon approval, the commissioner shall 97900  
issue to the applicant a license for each physical place of 97901  
business designated in the application authorizing the applicant 97902  
to engage in business at that location for one year commencing on 97903  
the ~~fourth Monday in May~~ first day of June. For licenses issued 97904  
after the ~~fourth Monday in May~~ first day of June, the application 97905  
fee shall be reduced proportionately by the remainder of the 97906  
twelve-month period for which the license is issued, except that 97907  
the application fee required to be paid under this section shall 97908  
be not less than two hundred dollars in any one year. 97909

(3) The holder of a wholesale dealer cigarette license may 97910  
transfer the license to a place of business other than that 97911  
designated on the license on condition that the licensee's 97912  
ownership or business structure remains unchanged, and that the 97913  
licensee applies to the commissioner for such a transfer upon a 97914  
form promulgated by the commissioner and pays a fee of twenty-five 97915  
dollars, which shall be deposited into the cigarette tax 97916  
enforcement fund created in division (E) of this section. 97917

(D)(1) The wholesale cigarette license application fees 97918

collected under this section shall be paid into the cigarette tax enforcement fund. 97919  
97920

(2) The retail cigarette license application fees collected under this section shall be distributed as follows: 97921  
97922

(a) Thirty per cent shall be paid upon the warrant of the county auditor into the treasury of the municipal corporation or township in which the places of business for which the tax revenue was received are located; 97923  
97924  
97925  
97926

(b) Ten per cent shall be credited to the general fund of the county; 97927  
97928

(c) Sixty per cent shall be paid into the cigarette tax enforcement fund. 97929  
97930

(3) The remainder of the revenues and fines collected under this section and the penal laws relating to cigarettes shall be distributed as follows: 97931  
97932  
97933

(a) Three-fourths shall be paid upon the warrant of the county auditor into the treasury of the municipal corporation or township in which the place of business, on account of which the revenues and fines were received, is located; 97934  
97935  
97936  
97937

(b) One-fourth shall be credited to the general fund of the county. 97938  
97939

(E) There is hereby created within the state treasury the cigarette tax enforcement fund for the purpose of providing funds to assist in paying the costs of enforcing sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code. 97940  
97941  
97942  
97943

The portion of cigarette license application fees received by a county auditor during the annual application period that ends on the ~~fourth Monday in May~~ first day of June and that is required to be deposited in the cigarette tax enforcement fund shall be sent to the treasurer of state by the thirtieth day of June each year 97944  
97945  
97946  
97947  
97948

accompanied by the form prescribed by the tax commissioner. The 97949  
portion of cigarette license application fees received by each 97950  
county auditor after the ~~fourth Monday in May~~ first day of June 97951  
and that is required to be deposited in the cigarette tax 97952  
enforcement fund shall be sent to the treasurer of state by the 97953  
last day of the month following the month in which such fees were 97954  
collected. 97955

(F)(1) Every person who desires to engage in the business of 97956  
a manufacturer or importer of cigarettes shall, annually, on or 97957  
before the ~~fourth Monday of May~~ first day of June, make and 97958  
deliver to the tax commissioner, upon a blank form furnished by 97959  
the commissioner for that purpose, a statement showing the name of 97960  
the applicant, the nature of the applicant's business, and any 97961  
other information required by the commissioner. If the applicant 97962  
is a firm, partnership, or association other than a corporation, 97963  
the applicant shall state the name and address of each of its 97964  
members. If the applicant is a corporation, the applicant shall 97965  
state the name and address of each of its officers. 97966

(2) Upon receipt of the application required under this 97967  
section, the commissioner shall verify that the applicant is not 97968  
in violation of any provision of Chapter 1346. of the Revised 97969  
Code. The commissioner shall also verify that the applicant has 97970  
filed any returns, submitted any information, and paid any 97971  
outstanding taxes, charges, or fees as required for any tax, 97972  
charge, or fee administered by the commissioner, to the extent 97973  
that the commissioner is aware of the returns, information, taxes, 97974  
charges, or fees at the time of the application. Upon approval, 97975  
the commissioner shall issue to the applicant a license 97976  
authorizing the applicant to engage in the business of 97977  
manufacturer or importer, whichever the case may be, for one year 97978  
commencing on the ~~fourth Monday of May~~ first day of June. 97979

(3) The issuing of a license under division (F)(1) of this 97980

section to a manufacturer does not excuse a manufacturer from the 97981  
certification process required under section 1346.05 of the 97982  
Revised Code. A manufacturer who is issued a license under 97983  
division (F)(1) of this section and who is not listed on the 97984  
directory required under section 1346.05 of the Revised Code shall 97985  
not be permitted to sell cigarettes in this state other than to a 97986  
licensed cigarette wholesaler for sale outside this state. Such a 97987  
manufacturer shall provide documentation to the commissioner 97988  
evidencing that the cigarettes are legal for sale in another 97989  
state. 97990

(G) The tax commissioner may adopt rules necessary to 97991  
administer this section. 97992

**Sec. 5743.53.** (A) The treasurer of state shall refund to a 97993  
taxpayer any of the following: 97994

(1) Amounts imposed under this chapter that were paid 97995  
illegally or erroneously or paid on an illegal or erroneous 97996  
assessment; 97997

(2) Any tax paid on tobacco products or vapor products that 97998  
have been sold or shipped to retail dealers, wholesale dealers, or 97999  
vapor distributors outside this state, returned to the 98000  
manufacturer, or destroyed by the taxpayer with the prior approval 98001  
of the tax commissioner; 98002

(3) In accordance with division (E) of this section, any tax 98003  
paid by a distributor or vapor distributor on tobacco or vapor 98004  
products, less any discounts provided under section 5743.52 of the 98005  
Revised Code, that are part of bad debt of the distributor or 98006  
vapor distributor. 98007

Any application for refund shall be filed with the 98008  
commissioner on a form prescribed by the commissioner for that 98009  
purpose. The commissioner may not pay any refund on an application 98010

for refund filed with the commissioner more than three years from 98011  
the date of the payment. 98012

(B) On the filing of the application for refund, the 98013  
commissioner shall determine the amount of the refund to which the 98014  
applicant is entitled. If the amount is not less than that 98015  
claimed, the commissioner shall certify the amount to the director 98016  
of budget and management and to the treasurer of state for payment 98017  
from the tax refund fund created by section 5703.052 of the 98018  
Revised Code. If the amount is less than that claimed, the 98019  
commissioner shall proceed in accordance with section 5703.70 of 98020  
the Revised Code. 98021

If a refund is granted for payment of an illegal or erroneous 98022  
assessment issued by the department of taxation, the refund shall 98023  
include interest on the amount of the refund from the date of the 98024  
overpayment. The interest shall be computed at the rate per annum 98025  
in the manner prescribed by section 5703.47 of the Revised Code. 98026

(C) If any person entitled to a refund under this section or 98027  
section 5703.70 of the Revised Code is indebted to the state for 98028  
any tax administered by the tax commissioner, or any charge, 98029  
penalties, or interest arising from such tax, the amount allowable 98030  
on the application for refund first shall be applied in 98031  
satisfaction of the debt. 98032

(D) In lieu of granting a refund payable under division 98033  
(A)(2) of this section, the tax commissioner may allow a taxpayer 98034  
to claim a credit of the amount of refundable tax on the return 98035  
for the period during which the tax became refundable. The 98036  
commissioner may require taxpayers to submit any information 98037  
necessary to support a claim for a credit under this section, and 98038  
the commissioner shall allow no credit if that information is not 98039  
provided. 98040

(E)(1) As used in this section, "bad debt" means any debt 98041

that arises from the sale by a distributor or vapor distributor of 98042  
tobacco or vapor products for which the distributor or vapor 98043  
distributor remitted the tax due under section 5743.51 of the 98044  
Revised Code, that has become worthless or uncollectible, that has 98045  
been uncollected for at least six months, and that may be claimed 98046  
as a deduction pursuant to the "Internal Revenue Code of 1954," 26 98047  
U.S.C. 166, and regulations adopted pursuant thereto, or that 98048  
could be claimed as such a deduction if the distributor or vapor 98049  
distributor kept account on an accrual basis. "Bad debt" does not 98050  
include any interest or financing charges on the debt, expenses 98051  
incurred in attempting to collect the debt or for any portion of 98052  
the debt recovered, any accounts receivable that have been sold or 98053  
assigned to a third party, or repossessed property. 98054

(2) The commissioner shall not refund any amount for bad debt 98055  
under division (A)(3) of this section unless the distributor or 98056  
vapor distributor has charged off the bad debt on its books as 98057  
uncollectible. If a purchaser or other person pays all or part of 98058  
a bad debt with respect to which a distributor or vapor 98059  
distributor received a refund under this section, the distributor 98060  
or vapor distributor is liable for the prorated amount of taxes 98061  
refunded in connection with that portion of the debt for which 98062  
such payment was received and shall remit such taxes to the 98063  
commissioner in the manner the commissioner prescribes. Any 98064  
request for refund under division (A)(3) of this section shall be 98065  
supported by such evidence the commissioner requires, including, 98066  
but not limited to, all of the following: 98067

(a) A copy of the original invoice; 98068

(b) Evidence that the tobacco or vapor products described in 98069  
the invoice were delivered to the person that ordered them; 98070

(c) Evidence that the person who ordered and received such 98071  
tobacco or vapor products did not pay the distributor or vapor 98072  
distributor for the tobacco or vapor products and that the 98073

distributor or vapor distributor used reasonable collection 98074  
practices in attempting to collect the debt; 98075

(d) Evidence of the wholesale price or vapor volume, as 98076  
applicable to the product, at the time the product was subjected 98077  
to the tax imposed under section 5743.51 of the Revised Code. 98078

(3) No person other than the distributor or vapor distributor 98079  
that paid the tax imposed under section 5743.51 of the Revised 98080  
Code to the state and generated the bad debt may claim the bad 98081  
debt refund authorized under division (E) of this section. 98082

(F) The commissioner may adopt any rules necessary to 98083  
administer this section. Notwithstanding any provision of section 98084  
121.95 of the Revised Code to the contrary, a regulatory 98085  
restriction contained in a rule adopted under division (E) of this 98086  
section is not subject to sections 121.95 to 121.953 of the 98087  
Revised Code. 98088

**Sec. 5743.61.** (A)(1) No distributor or vapor distributor 98089  
shall engage in the business of distributing tobacco products, 98090  
vapor products, or both within this state without having a license 98091  
issued by the department of taxation to engage in that business. 98092

(2) On the dissolution of a partnership by death, the 98093  
surviving partner may operate under the license of the partnership 98094  
until the expiration of the license, and the heirs or legal 98095  
representatives of deceased persons, and receivers and trustees in 98096  
bankruptcy appointed by any competent authority, may operate under 98097  
the license of the person succeeded in possession by the heir, 98098  
representative, receiver, or trustee in bankruptcy if the partner 98099  
or successor notifies the department of taxation of the 98100  
dissolution or succession within thirty days after the dissolution 98101  
or succession. 98102

(B)(1) Each applicant for a license described by division 98103

(A)(1) of this section, annually, on or before the first day of 98104  
February, shall make and deliver to the tax commissioner, upon a 98105  
form furnished by the commissioner for that purpose, a statement 98106  
showing the name of the applicant, each physical place from which 98107  
the applicant distributes to distributors, vapor distributors, 98108  
retail dealers, or wholesale dealers, and any other information 98109  
the commissioner considers necessary for the administration of 98110  
sections 5743.51 to 5743.66 of the Revised Code. 98111

(2) At the time of making the application for a license to 98112  
engage either in the business of distributing tobacco products or 98113  
in the business of distributing both tobacco products and vapor 98114  
products, the applicant shall pay an application fee of one 98115  
thousand dollars for each place listed on the application where 98116  
the applicant proposes to carry on that business. The application 98117  
fee for a license to engage solely in the business of distributing 98118  
vapor products shall be one hundred twenty-five dollars for each 98119  
place listed on the application where the applicant proposes to 98120  
carry on that business. The fee charged for the application shall 98121  
accompany the application and shall be made payable to the 98122  
treasurer of state for deposit into the cigarette tax enforcement 98123  
fund. 98124

(3) Upon receipt of the application and payment of any 98125  
licensing fee required by this section, the commissioner shall 98126  
verify that the applicant has filed all returns, submitted all 98127  
information, and paid all outstanding taxes, charges, or fees as 98128  
required for any taxes, charges, or fees administered by the 98129  
commissioner, to the extent the commissioner is aware of the 98130  
returns, information, taxes, charges, or fees at the time of the 98131  
application. Upon approval, the commissioner shall issue to the 98132  
applicant a license for each place of distribution designated in 98133  
the application authorizing the applicant to engage in business at 98134  
that location for one year commencing on the first day of 98135

February. For licenses issued after the first day of February, the 98136  
license application fee shall be reduced proportionately by the 98137  
remainder of the twelve-month period for which the license is 98138  
issued, except that the application fee required to be paid under 98139  
this section shall be not less than two hundred dollars. If the 98140  
original license is lost, destroyed, or defaced, a duplicate 98141  
license may be obtained from the commissioner upon payment of a 98142  
license replacement fee of twenty-five dollars. 98143

(C) The holder of a tobacco or vapor products license may 98144  
transfer the license to a place of business on condition that the 98145  
licensee's ownership and business structure remains unchanged and 98146  
the licensee applies to the commissioner for the transfer on a 98147  
form issued by the commissioner, and pays a transfer fee of 98148  
twenty-five dollars. 98149

(D) If a distributor or vapor distributor fails to file forms 98150  
as required under Chapter 1346. or section 5743.52 of the Revised 98151  
Code or pay the tax due for two consecutive periods or three 98152  
periods during any twelve-month period, the commissioner may 98153  
suspend the license issued to the distributor or vapor distributor 98154  
under this section. The suspension is effective ten days after the 98155  
commissioner notifies the distributor or vapor distributor of the 98156  
suspension in writing ~~personally or by certified mail~~ in the 98157  
manner provided in section 5703.37 of the Revised Code. The 98158  
commissioner shall lift the suspension when the distributor or 98159  
vapor distributor files the delinquent forms and pays the tax due, 98160  
including any penalties, interest, and additional charges. The 98161  
commissioner may refuse to issue the annual renewal of the license 98162  
required by this section and may refuse to issue a new license for 98163  
a location of the distributor until all delinquent forms are filed 98164  
and outstanding taxes are paid. This division does not apply to 98165  
any unpaid or underpaid tax liability that is the subject of a 98166  
petition or appeal filed pursuant to section 5743.56, 5717.02, or 98167

5717.04 of the Revised Code. 98168

(E)(1) The tax commissioner may impose a penalty of up to one 98169  
thousand dollars on any person found to be engaging in the 98170  
business of distributing tobacco products or vapor products 98171  
without a license as required by this section. 98172

(2) Any person engaging in the business of distributing 98173  
tobacco products or vapor products without a license as required 98174  
by this section shall comply with divisions (B)(1) and (2) of this 98175  
section within ten days after being notified of the requirement to 98176  
do so. Failure to comply with division (E)(2) of this section 98177  
subjects a person to penalties imposed under section 5743.99 of 98178  
the Revised Code. 98179

**Sec. 5747.01.** Except as otherwise expressly provided or 98180  
clearly appearing from the context, any term used in this chapter 98181  
that is not otherwise defined in this section has the same meaning 98182  
as when used in a comparable context in the laws of the United 98183  
States relating to federal income taxes or if not used in a 98184  
comparable context in those laws, has the same meaning as in 98185  
section 5733.40 of the Revised Code. Any reference in this chapter 98186  
to the Internal Revenue Code includes other laws of the United 98187  
States relating to federal income taxes. 98188

As used in this chapter: 98189

(A) "Adjusted gross income" or "Ohio adjusted gross income" 98190  
means federal adjusted gross income, as defined and used in the 98191  
Internal Revenue Code, adjusted as provided in this section: 98192

(1) Add interest or dividends on obligations or securities of 98193  
any state or of any political subdivision or authority of any 98194  
state, other than this state and its subdivisions and authorities. 98195

(2) Add interest or dividends on obligations of any 98196  
authority, commission, instrumentality, territory, or possession 98197

of the United States to the extent that the interest or dividends 98198  
are exempt from federal income taxes but not from state income 98199  
taxes. 98200

(3) Deduct interest or dividends on obligations of the United 98201  
States and its territories and possessions or of any authority, 98202  
commission, or instrumentality of the United States to the extent 98203  
that the interest or dividends are included in federal adjusted 98204  
gross income but exempt from state income taxes under the laws of 98205  
the United States. 98206

(4) Deduct disability and survivor's benefits to the extent 98207  
included in federal adjusted gross income. 98208

(5) Deduct the following, to the extent not otherwise 98209  
deducted or excluded in computing federal or Ohio adjusted gross 98210  
income: 98211

(a) Benefits under Title II of the Social Security Act and 98212  
tier 1 railroad retirement; 98213

(b) Railroad retirement benefits, other than tier 1 railroad 98214  
retirement benefits, to the extent such amounts are exempt from 98215  
state taxation under federal law. 98216

(6) Deduct the amount of wages and salaries, if any, not 98217  
otherwise allowable as a deduction but that would have been 98218  
allowable as a deduction in computing federal adjusted gross 98219  
income for the taxable year, had the work opportunity tax credit 98220  
allowed and determined under sections 38, 51, and 52 of the 98221  
Internal Revenue Code not been in effect. 98222

(7) Deduct any interest or interest equivalent on public 98223  
obligations and purchase obligations to the extent that the 98224  
interest or interest equivalent is included in federal adjusted 98225  
gross income. 98226

(8) Add any loss or deduct any gain resulting from the sale, 98227

exchange, or other disposition of public obligations to the extent 98228  
that the loss has been deducted or the gain has been included in 98229  
computing federal adjusted gross income. 98230

(9) Deduct or add amounts, as provided under section 5747.70 98231  
of the Revised Code, related to contributions made to or tuition 98232  
units purchased under a qualified tuition program established 98233  
pursuant to section 529 of the Internal Revenue Code. 98234

(10)(a) Deduct, to the extent not otherwise allowable as a 98235  
deduction or exclusion in computing federal or Ohio adjusted gross 98236  
income for the taxable year, the amount the taxpayer paid during 98237  
the taxable year for medical care insurance and qualified 98238  
long-term care insurance for the taxpayer, the taxpayer's spouse, 98239  
and dependents. No deduction for medical care insurance under 98240  
division (A)(10)(a) of this section shall be allowed either to any 98241  
taxpayer who is eligible to participate in any subsidized health 98242  
plan maintained by any employer of the taxpayer or of the 98243  
taxpayer's spouse, or to any taxpayer who is entitled to, or on 98244  
application would be entitled to, benefits under part A of Title 98245  
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 98246  
301, as amended. For the purposes of division (A)(10)(a) of this 98247  
section, "subsidized health plan" means a health plan for which 98248  
the employer pays any portion of the plan's cost. The deduction 98249  
allowed under division (A)(10)(a) of this section shall be the net 98250  
of any related premium refunds, related premium reimbursements, or 98251  
related insurance premium dividends received during the taxable 98252  
year. 98253

(b) Deduct, to the extent not otherwise deducted or excluded 98254  
in computing federal or Ohio adjusted gross income during the 98255  
taxable year, the amount the taxpayer paid during the taxable 98256  
year, not compensated for by any insurance or otherwise, for 98257  
medical care of the taxpayer, the taxpayer's spouse, and 98258  
dependents, to the extent the expenses exceed seven and one-half 98259

per cent of the taxpayer's federal adjusted gross income. 98260

(c) For purposes of division (A)(10) of this section, 98261  
"medical care" has the meaning given in section 213 of the 98262  
Internal Revenue Code, subject to the special rules, limitations, 98263  
and exclusions set forth therein, and "qualified long-term care" 98264  
has the same meaning given in section 7702B(c) of the Internal 98265  
Revenue Code. Solely for purposes of division (A)(10)(a) of this 98266  
section, "dependent" includes a person who otherwise would be a 98267  
"qualifying relative" and thus a "dependent" under section 152 of 98268  
the Internal Revenue Code but for the fact that the person fails 98269  
to meet the income and support limitations under section 98270  
152(d)(1)(B) and (C) of the Internal Revenue Code. 98271

(11)(a) Deduct any amount included in federal adjusted gross 98272  
income solely because the amount represents a reimbursement or 98273  
refund of expenses that in any year the taxpayer had deducted as 98274  
an itemized deduction pursuant to section 63 of the Internal 98275  
Revenue Code and applicable United States department of the 98276  
treasury regulations. The deduction otherwise allowed under 98277  
division (A)(11)(a) of this section shall be reduced to the extent 98278  
the reimbursement is attributable to an amount the taxpayer 98279  
deducted under this section in any taxable year. 98280

(b) Add any amount not otherwise included in Ohio adjusted 98281  
gross income for any taxable year to the extent that the amount is 98282  
attributable to the recovery during the taxable year of any amount 98283  
deducted or excluded in computing federal or Ohio adjusted gross 98284  
income in any taxable year. 98285

(12) Deduct any portion of the deduction described in section 98286  
1341(a)(2) of the Internal Revenue Code, for repaying previously 98287  
reported income received under a claim of right, that meets both 98288  
of the following requirements: 98289

(a) It is allowable for repayment of an item that was 98290

included in the taxpayer's adjusted gross income for a prior 98291  
taxable year and did not qualify for a credit under division (A) 98292  
or (B) of section 5747.05 of the Revised Code for that year; 98293

(b) It does not otherwise reduce the taxpayer's adjusted 98294  
gross income for the current or any other taxable year. 98295

(13) Deduct an amount equal to the deposits made to, and net 98296  
investment earnings of, a medical savings account during the 98297  
taxable year, in accordance with section 3924.66 of the Revised 98298  
Code. The deduction allowed by division (A)(13) of this section 98299  
does not apply to medical savings account deposits and earnings 98300  
otherwise deducted or excluded for the current or any other 98301  
taxable year from the taxpayer's federal adjusted gross income. 98302

(14)(a) Add an amount equal to the funds withdrawn from a 98303  
medical savings account during the taxable year, and the net 98304  
investment earnings on those funds, when the funds withdrawn were 98305  
used for any purpose other than to reimburse an account holder 98306  
for, or to pay, eligible medical expenses, in accordance with 98307  
section 3924.66 of the Revised Code; 98308

(b) Add the amounts distributed from a medical savings 98309  
account under division (A)(2) of section 3924.68 of the Revised 98310  
Code during the taxable year. 98311

(15) Add any amount claimed as a credit under section 98312  
5747.059 of the Revised Code to the extent that such amount 98313  
satisfies either of the following: 98314

(a) The amount was deducted or excluded from the computation 98315  
of the taxpayer's federal adjusted gross income as required to be 98316  
reported for the taxpayer's taxable year under the Internal 98317  
Revenue Code; 98318

(b) The amount resulted in a reduction of the taxpayer's 98319  
federal adjusted gross income as required to be reported for any 98320  
of the taxpayer's taxable years under the Internal Revenue Code. 98321

(16) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A)(16) of this section.

~~(17)(a)(i) Subject to divisions (A)(17)(a)(iii), (iv), and (v) of this section, add five sixths of the amount of depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code, including the taxpayer's proportionate or distributive share of the amount of depreciation expense allowed by that subsection to a pass through entity in which the taxpayer has a direct or indirect ownership interest.~~

~~(ii) Subject to divisions (A)(17)(a)(iii), (iv), and (v) of this section, add five sixths of the amount of qualifying section 179 depreciation expense, including the taxpayer's proportionate or distributive share of the amount of qualifying section 179 depreciation expense allowed to any pass through entity in which the taxpayer has a direct or indirect ownership interest.~~

~~(iii) Subject to division (A)(17)(a)(v) of this section, for taxable years beginning in 2012 or thereafter, if the increase in income taxes withheld by the taxpayer is equal to or greater than ten per cent of income taxes withheld by the taxpayer during the taxpayer's immediately preceding taxable year, "two thirds" shall be substituted for "five sixths" for the purpose of divisions (A)(17)(a)(i) and (ii) of this section.~~

~~(iv) Subject to division (A)(17)(a)(v) of this section, for taxable years beginning in 2012 or thereafter, a taxpayer is not required to add an amount under division (A)(17) of this section if the increase in income taxes withheld by the taxpayer and by~~

~~any pass through entity in which the taxpayer has a direct or 98354  
indirect ownership interest is equal to or greater than the sum of 98355  
(I) the amount of qualifying section 179 depreciation expense and 98356  
(II) the amount of depreciation expense allowed to the taxpayer by 98357  
subsection (k) of section 168 of the Internal Revenue Code, and 98358  
including the taxpayer's proportionate or distributive shares of 98359  
such amounts allowed to any such pass through entities. 98360~~

~~(v) If a taxpayer directly or indirectly incurs a net 98361  
operating loss for the taxable year for federal income tax 98362  
purposes, to the extent such loss resulted from depreciation 98363  
expense allowed by subsection (k) of section 168 of the Internal 98364  
Revenue Code and by qualifying section 179 depreciation expense, 98365  
"the entire" shall be substituted for "five sixths of the" for the 98366  
purpose of divisions (A)(17)(a)(i) and (ii) of this section. 98367~~

~~The tax commissioner, under procedures established by the 98368  
commissioner, may waive the add backs related to a pass through 98369  
entity if the taxpayer owns, directly or indirectly, less than 98370  
five per cent of the pass through entity. 98371~~

~~(b) Nothing in division (A)(17) of this section shall be 98372  
construed to adjust or modify the adjusted basis of any asset. 98373~~

~~(c) To the extent the add back required under division 98374  
(A)(17)(a) of this section is attributable to property generating 98375  
nonbusiness income or loss allocated under section 5747.20 of the 98376  
Revised Code, the add back shall be sitused to the same location 98377  
as the nonbusiness income or loss generated by the property for 98378  
the purpose of determining the credit under division (A) of 98379  
section 5747.05 of the Revised Code. Otherwise, the add back shall 98380  
be apportioned, subject to one or more of the four alternative 98381  
methods of apportionment enumerated in section 5747.21 of the 98382  
Revised Code. 98383~~

~~(d) For the purposes of division (A)(17)(a)(v) of this 98384~~

~~section, net operating loss carryback and carryforward shall not 98385  
include the allowance of any net operating loss deduction 98386  
carryback or carryforward to the taxable year to the extent such 98387  
loss resulted from depreciation allowed by section 168(k) of the 98388  
Internal Revenue Code and by the qualifying section 179 98389  
depreciation expense amount. 98390~~

~~(c) For the purposes of divisions (A)(17) and (18) of this 98391  
section: 98392~~

~~(i) "Income taxes withheld" means the total amount withheld 98393  
and remitted under sections 5747.06 and 5747.07 of the Revised 98394  
Code by an employer during the employer's taxable year. 98395~~

~~(ii) "Increase in income taxes withheld" means the amount by 98396  
which the amount of income taxes withheld by an employer during 98397  
the employer's current taxable year exceeds the amount of income 98398  
taxes withheld by that employer during the employer's immediately 98399  
preceding taxable year. 98400~~

~~(iii) "Qualifying section 179 depreciation expense" means the 98401  
difference between (I) the amount of depreciation expense directly 98402  
or indirectly allowed to a taxpayer under section 179 of the 98403  
Internal Revised Code, and (II) the amount of depreciation expense 98404  
directly or indirectly allowed to the taxpayer under section 179 98405  
of the Internal Revenue Code as that section existed on December 98406  
31, 2002. 98407~~

(17) Deduct, to the extent included in federal adjusted gross 98408  
income, income attributable to loan repayments on behalf of the 98409  
taxpayer under the rural practice incentive program under section 98410  
3333.135 of the Revised Code. 98411

(18)(a) If, in computing the taxpayer's Ohio adjusted gross 98412  
income for a taxable year beginning before January 1, 2023, the 98413  
taxpayer was required to add an amount back a depreciation expense 98414  
allowed under division (A)(17)(a) of this section for a taxable 98415

~~year~~ subsection (k) of section 168 or section 179 of the Internal Revenue Code, deduct one of the following: 98416  
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(i) One-fifth of the amount so added for each of the five succeeding taxable years if the amount so added was five-sixths of qualifying section 179 depreciation expense or depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code; 98418  
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(ii) One-half of the amount so added for each of the two succeeding taxable years if the amount so added was two-thirds of such depreciation expense; 98423  
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(iii) One-sixth of the amount so added for each of the six succeeding taxable years if the entire amount of such depreciation expense was so added. 98426  
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(b) If the amount deducted under division (A)(18)(a) of this section is attributable to an add-back ~~allocated under division (A)(17)(e) of this section~~ that is attributable to property generating nonbusiness income or loss allocated under section 5747.20 of the Revised Code, the amount deducted shall be situated to the same location as the add-back. Otherwise, the add-back shall be apportioned using the apportionment factors for the taxable year in which the deduction is taken, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code. 98429  
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(c) No deduction is available under division (A)(18)(a) of this section with regard to any depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount to the extent that such depreciation results in or increases a federal net operating loss carryback or carryforward. If no such deduction is available for a taxable year, the taxpayer may carry forward the amount not deducted in such taxable year to the next taxable year and add 98439  
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that amount to any deduction otherwise available under division 98447  
(A)(18)(a) of this section for that next taxable year. The 98448  
carryforward of amounts not so deducted shall continue until the 98449  
entire ~~addition required by division (A)(17)(a) of this section~~ 98450  
amount added back for taxable years beginning before January 1, 98451  
2023, has been deducted. 98452

(d) Notwithstanding division (A)(18)(a) or (c) of this 98453  
section, for taxable years beginning in 2023 or thereafter, a 98454  
taxpayer that was required to add back a depreciation expense in 98455  
computing the taxpayer's Ohio adjusted gross income for a taxable 98456  
year beginning before January 1, 2023, may elect to deduct the 98457  
entire amount so added, less any amount already deducted under 98458  
this section in any preceding taxable year with respect to that 98459  
depreciation expense. The taxpayer shall make the election on the 98460  
annual return filed for the first taxable year beginning after 98461  
January 1, 2023, for which the taxpayer files a return, and the 98462  
election shall be irrevocable after the due date plus extensions, 98463  
if any, for filing that return. 98464

(e) Nothing in division (A)(18) of this section shall be 98465  
construed to allow a taxpayer to deduct any amount that, under 98466  
this section as it existed before the effective date of this 98467  
amendment, the taxpayer would not have been eligible to deduct for 98468  
a taxable year beginning on or after January 1, 2023. 98469

(f) As used in division (A)(18) of this section, "qualifying 98470  
section 179 depreciation expense" means the difference between (I) 98471  
the amount of depreciation expense directly or indirectly allowed 98472  
to a taxpayer under section 179 of the Internal Revenue Code, and 98473  
(II) the amount of depreciation expense directly or indirectly 98474  
allowed to the taxpayer under section 179 of the Internal Revenue 98475  
Code as that section existed on December 31, 2002. 98476

(19) Deduct, to the extent not otherwise deducted or excluded 98477  
in computing federal or Ohio adjusted gross income for the taxable 98478

year, the amount the taxpayer received during the taxable year as reimbursement for life insurance premiums under section 5919.31 of the Revised Code. 98479  
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(20) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year as a death benefit paid by the adjutant general under section 5919.33 of the Revised Code. 98482  
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(21) Deduct, to the extent included in federal adjusted gross income and not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year, military pay and allowances received by the taxpayer during the taxable year for active duty service in the United States army, air force, navy, marine corps, or coast guard or reserve components thereof or the national guard. The deduction may not be claimed for military pay and allowances received by the taxpayer while the taxpayer is stationed in this state. 98487  
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(22) Deduct, to the extent not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year and not otherwise compensated for by any other source, the amount of qualified organ donation expenses incurred by the taxpayer during the taxable year, not to exceed ten thousand dollars. A taxpayer may deduct qualified organ donation expenses only once for all taxable years beginning with taxable years beginning in 2007. 98496  
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For the purposes of division (A)(22) of this section: 98504

(a) "Human organ" means all or any portion of a human liver, pancreas, kidney, intestine, or lung, and any portion of human bone marrow. 98505  
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(b) "Qualified organ donation expenses" means travel expenses, lodging expenses, and wages and salary forgone by a 98508  
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taxpayer in connection with the taxpayer's donation, while living, 98510  
of one or more of the taxpayer's human organs to another human 98511  
being. 98512

(23) Deduct, to the extent not otherwise deducted or excluded 98513  
in computing federal or Ohio adjusted gross income for the taxable 98514  
year, amounts received by the taxpayer as retired personnel pay 98515  
for service in the uniformed services or reserve components 98516  
thereof, or the national guard, or received by the surviving 98517  
spouse or former spouse of such a taxpayer under the survivor 98518  
benefit plan on account of such a taxpayer's death. If the 98519  
taxpayer receives income on account of retirement paid under the 98520  
federal civil service retirement system or federal employees 98521  
retirement system, or under any successor retirement program 98522  
enacted by the congress of the United States that is established 98523  
and maintained for retired employees of the United States 98524  
government, and such retirement income is based, in whole or in 98525  
part, on credit for the taxpayer's uniformed service, the 98526  
deduction allowed under this division shall include only that 98527  
portion of such retirement income that is attributable to the 98528  
taxpayer's uniformed service, to the extent that portion of such 98529  
retirement income is otherwise included in federal adjusted gross 98530  
income and is not otherwise deducted under this section. Any 98531  
amount deducted under division (A)(23) of this section is not 98532  
included in a taxpayer's adjusted gross income for the purposes of 98533  
section 5747.055 of the Revised Code. No amount may be deducted 98534  
under division (A)(23) of this section on the basis of which a 98535  
credit was claimed under section 5747.055 of the Revised Code. 98536

(24) Deduct, to the extent not otherwise deducted or excluded 98537  
in computing federal or Ohio adjusted gross income for the taxable 98538  
year, the amount the taxpayer received during the taxable year 98539  
from the military injury relief fund created in section 5902.05 of 98540  
the Revised Code. 98541

(25) Deduct, to the extent not otherwise deducted or excluded 98542  
in computing federal or Ohio adjusted gross income for the taxable 98543  
year, the amount the taxpayer received as a veterans bonus during 98544  
the taxable year from the Ohio department of veterans services as 98545  
authorized by Section 2r of Article VIII, Ohio Constitution. 98546

(26) Deduct, to the extent not otherwise deducted or excluded 98547  
in computing federal or Ohio adjusted gross income for the taxable 98548  
year, any income derived from a transfer agreement or from the 98549  
enterprise transferred under that agreement under section 4313.02 98550  
of the Revised Code. 98551

(27) Deduct, to the extent not otherwise deducted or excluded 98552  
in computing federal or Ohio adjusted gross income for the taxable 98553  
year, Ohio college opportunity or federal Pell grant amounts 98554  
received by the taxpayer or the taxpayer's spouse or dependent 98555  
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 98556  
1070a, et seq., and used to pay room or board furnished by the 98557  
educational institution for which the grant was awarded at the 98558  
institution's facilities, including meal plans administered by the 98559  
institution. For the purposes of this division, receipt of a grant 98560  
includes the distribution of a grant directly to an educational 98561  
institution and the crediting of the grant to the enrollee's 98562  
account with the institution. 98563

(28) Deduct from the portion of an individual's federal 98564  
adjusted gross income that is business income, to the extent not 98565  
otherwise deducted or excluded in computing federal adjusted gross 98566  
income for the taxable year, one hundred twenty-five thousand 98567  
dollars for each spouse if spouses file separate returns under 98568  
section 5747.08 of the Revised Code or two hundred fifty thousand 98569  
dollars for all other individuals. 98570

(29) Deduct, as provided under section 5747.78 of the Revised 98571  
Code, contributions to ABLE savings accounts made in accordance 98572  
with sections 113.50 to 113.56 of the Revised Code. 98573

(30)(a) Deduct, to the extent not otherwise deducted or 98574  
excluded in computing federal or Ohio adjusted gross income during 98575  
the taxable year, all of the following: 98576

(i) Compensation paid to a qualifying employee described in 98577  
division (A)(14)(a) of section 5703.94 of the Revised Code to the 98578  
extent such compensation is for disaster work conducted in this 98579  
state during a disaster response period pursuant to a qualifying 98580  
solicitation received by the employee's employer; 98581

(ii) Compensation paid to a qualifying employee described in 98582  
division (A)(14)(b) of section 5703.94 of the Revised Code to the 98583  
extent such compensation is for disaster work conducted in this 98584  
state by the employee during the disaster response period on 98585  
critical infrastructure owned or used by the employee's employer; 98586

(iii) Income received by an out-of-state disaster business 98587  
for disaster work conducted in this state during a disaster 98588  
response period, or, if the out-of-state disaster business is a 98589  
pass-through entity, a taxpayer's distributive share of the 98590  
pass-through entity's income from the business conducting disaster 98591  
work in this state during a disaster response period, if, in 98592  
either case, the disaster work is conducted pursuant to a 98593  
qualifying solicitation received by the business. 98594

(b) All terms used in division (A)(30) of this section have 98595  
the same meanings as in section 5703.94 of the Revised Code. 98596

(31) For a taxpayer who is a qualifying Ohio educator, 98597  
deduct, to the extent not otherwise deducted or excluded in 98598  
computing federal or Ohio adjusted gross income for the taxable 98599  
year, the lesser of two hundred fifty dollars or the amount of 98600  
expenses described in subsections (a)(2)(D)(i) and (ii) of section 98601  
62 of the Internal Revenue Code paid or incurred by the taxpayer 98602  
during the taxpayer's taxable year in excess of the amount the 98603  
taxpayer is authorized to deduct for that taxable year under 98604

subsection (a)(2)(D) of that section. 98605

(32) Deduct, to the extent not otherwise deducted or excluded 98606  
in computing federal or Ohio adjusted gross income for the taxable 98607  
year, amounts received by the taxpayer as a disability severance 98608  
payment, computed under 10 U.S.C. 1212, following discharge or 98609  
release under honorable conditions from the armed forces, as 98610  
defined by 10 U.S.C. 101. 98611

(33) Deduct, to the extent not otherwise deducted or excluded 98612  
in computing federal adjusted gross income or Ohio adjusted gross 98613  
income, amounts not subject to tax due to an agreement entered 98614  
into under division (A)(2) of section 5747.05 of the Revised Code. 98615

(34) Deduct amounts as provided under section 5747.79 of the 98616  
Revised Code related to the taxpayer's qualifying capital gains 98617  
and deductible payroll. 98618

To the extent a qualifying capital gain described under 98619  
division (A)(34) of this section is business income, the taxpayer 98620  
shall deduct those gains under this division before deducting any 98621  
such gains under division (A)(28) of this section. 98622

(35)(a) For taxable years beginning in or after 2026, deduct, 98623  
to the extent not otherwise deducted or excluded in computing 98624  
federal or Ohio adjusted gross income for the taxable year: 98625

(i) One hundred per cent of the capital gain received by the 98626  
taxpayer in the taxable year from a qualifying interest in an Ohio 98627  
venture capital operating company attributable to the company's 98628  
investments in Ohio businesses during the period for which the 98629  
company was an Ohio venture operating company; and 98630

(ii) Fifty per cent of the capital gain received by the 98631  
taxpayer in the taxable year from a qualifying interest in an Ohio 98632  
venture capital operating company attributable to the company's 98633  
investments in all other businesses during the period for which 98634  
the company was an Ohio venture operating company. 98635

(b) Add amounts previously deducted by the taxpayer under 98636  
division (A)(35)(a) of this section if the director of development 98637  
certifies to the tax commissioner that the requirements for the 98638  
deduction were not met. 98639

(c) All terms used in division (A)(35) of this section have 98640  
the same meanings as in section 122.851 of the Revised Code. 98641

(d) To the extent a capital gain described in division 98642  
(A)(35)(a) of this section is business income, the taxpayer shall 98643  
apply that division before applying division (A)(28) of this 98644  
section. 98645

(36) Add, to the extent not otherwise included in computing 98646  
federal or Ohio adjusted gross income for any taxable year, the 98647  
taxpayer's proportionate share of the amount of the tax levied 98648  
under section 5747.38 of the Revised Code and paid by an electing 98649  
pass-through entity for the taxable year. 98650

(37) Deduct, to the extent not otherwise deducted or excluded 98651  
in computing federal or Ohio adjusted gross income for the taxable 98652  
year, amounts delivered to a qualifying institution pursuant to 98653  
section 3333.128 of the Revised Code for the benefit of the 98654  
taxpayer or the taxpayer's spouse or dependent. 98655

(38) Deduct, to the extent not otherwise deducted or excluded 98656  
in computing federal or Ohio adjusted gross income for the taxable 98657  
year, amounts received under the Ohio adoption grant program 98658  
pursuant to section 5101.191 of the Revised Code. 98659

(39) ~~Deduct, to the extent included in federal adjusted gross~~ 98660  
~~income, income attributable to loan repayments on behalf of the~~ 98661  
~~taxpayer under the rural practice incentive program under section~~ 98662  
~~3333.135 of the Revised Code~~ Deduct, to the extent included in 98663  
federal adjusted gross income, income attributable to amounts 98664  
provided to a taxpayer for any of the purposes for which a 98665  
deduction is authorized under section 139 of the Internal Revenue 98666

Code, assuming that the train derailment near the city of East Palestine on February 3, 2023, is a qualified disaster pursuant to that section, or to compensate for lost business resulting from that derailment, if such amounts are provided by any of the following: 98667  
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(a) A federal, state, or local government agency; 98672

(b) Norfolk southern railway; 98673

(c) Any subsidiary, insurer, or agent of Norfolk southern railway or any related person. 98674  
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(40) Deduct amounts contributed to a homeownership savings account and calculated pursuant to divisions (B) and (C) of section 5747.84 of the Revised Code. 98676  
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(41) If the taxpayer is the account owner, add the amount of funds withdrawn from a homeownership savings account not used for eligible expenses, regardless of who deposited those funds. As used in division (A)(41) of this section, "homeownership savings account," "account owner," and "eligible expenses" have the same meanings as in section 5747.84 of the Revised Code. 98679  
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(B) "Business income" means income, including gain or loss, arising from transactions, activities, and sources in the regular course of a trade or business and includes income, gain, or loss from real property, tangible property, and intangible property if the acquisition, rental, management, and disposition of the property constitute integral parts of the regular course of a trade or business operation. "Business income" includes income, including gain or loss, from a partial or complete liquidation of a business, including, but not limited to, gain or loss from the sale or other disposition of goodwill or the sale of an equity or ownership interest in a business. 98685  
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As used in this division, the "sale of an equity or ownership interest in a business" means sales to which either or both of the 98696  
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following apply:	98698
(1) The sale is treated for federal income tax purposes as the sale of assets.	98699 98700
(2) The seller materially participated, as described in 26 C.F.R. 1.469-5T, in the activities of the business during the taxable year in which the sale occurs or during any of the five preceding taxable years.	98701 98702 98703 98704
(C) "Nonbusiness income" means all income other than business income and may include, but is not limited to, compensation, rents and royalties from real or tangible personal property, capital gains, interest, dividends and distributions, patent or copyright royalties, or lottery winnings, prizes, and awards.	98705 98706 98707 98708 98709
(D) "Compensation" means any form of remuneration paid to an employee for personal services.	98710 98711
(E) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any other person acting in any fiduciary capacity for any individual, trust, or estate.	98712 98713 98714
(F) "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.	98715 98716
(G) "Individual" means any natural person.	98717
(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.	98718 98719
(I) "Resident" means any of the following:	98720
(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;	98721 98722
(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section.	98723 98724 98725 98726

(3) A trust that, in whole or part, resides in this state. If 98727  
only part of a trust resides in this state, the trust is a 98728  
resident only with respect to that part. 98729

For the purposes of division (I)(3) of this section: 98730

(a) A trust resides in this state for the trust's current 98731  
taxable year to the extent, as described in division (I)(3)(d) of 98732  
this section, that the trust consists directly or indirectly, in 98733  
whole or in part, of assets, net of any related liabilities, that 98734  
were transferred, or caused to be transferred, directly or 98735  
indirectly, to the trust by any of the following: 98736

(i) A person, a court, or a governmental entity or 98737  
instrumentality on account of the death of a decedent, but only if 98738  
the trust is described in division (I)(3)(e)(i) or (ii) of this 98739  
section; 98740

(ii) A person who was domiciled in this state for the 98741  
purposes of this chapter when the person directly or indirectly 98742  
transferred assets to an irrevocable trust, but only if at least 98743  
one of the trust's qualifying beneficiaries is domiciled in this 98744  
state for the purposes of this chapter during all or some portion 98745  
of the trust's current taxable year; 98746

(iii) A person who was domiciled in this state for the 98747  
purposes of this chapter when the trust document or instrument or 98748  
part of the trust document or instrument became irrevocable, but 98749  
only if at least one of the trust's qualifying beneficiaries is a 98750  
resident domiciled in this state for the purposes of this chapter 98751  
during all or some portion of the trust's current taxable year. If 98752  
a trust document or instrument became irrevocable upon the death 98753  
of a person who at the time of death was domiciled in this state 98754  
for purposes of this chapter, that person is a person described in 98755  
division (I)(3)(a)(iii) of this section. 98756

(b) A trust is irrevocable to the extent that the transferor 98757

is not considered to be the owner of the net assets of the trust 98758  
under sections 671 to 678 of the Internal Revenue Code. 98759

(c) With respect to a trust other than a charitable lead 98760  
trust, "qualifying beneficiary" has the same meaning as "potential 98761  
current beneficiary" as defined in section 1361(e)(2) of the 98762  
Internal Revenue Code, and with respect to a charitable lead trust 98763  
"qualifying beneficiary" is any current, future, or contingent 98764  
beneficiary, but with respect to any trust "qualifying 98765  
beneficiary" excludes a person or a governmental entity or 98766  
instrumentality to any of which a contribution would qualify for 98767  
the charitable deduction under section 170 of the Internal Revenue 98768  
Code. 98769

(d) For the purposes of division (I)(3)(a) of this section, 98770  
the extent to which a trust consists directly or indirectly, in 98771  
whole or in part, of assets, net of any related liabilities, that 98772  
were transferred directly or indirectly, in whole or part, to the 98773  
trust by any of the sources enumerated in that division shall be 98774  
ascertained by multiplying the fair market value of the trust's 98775  
assets, net of related liabilities, by the qualifying ratio, which 98776  
shall be computed as follows: 98777

(i) The first time the trust receives assets, the numerator 98778  
of the qualifying ratio is the fair market value of those assets 98779  
at that time, net of any related liabilities, from sources 98780  
enumerated in division (I)(3)(a) of this section. The denominator 98781  
of the qualifying ratio is the fair market value of all the 98782  
trust's assets at that time, net of any related liabilities. 98783

(ii) Each subsequent time the trust receives assets, a 98784  
revised qualifying ratio shall be computed. The numerator of the 98785  
revised qualifying ratio is the sum of (1) the fair market value 98786  
of the trust's assets immediately prior to the subsequent 98787  
transfer, net of any related liabilities, multiplied by the 98788  
qualifying ratio last computed without regard to the subsequent 98789

transfer, and (2) the fair market value of the subsequently transferred assets at the time transferred, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the revised qualifying ratio is the fair market value of all the trust's assets immediately after the subsequent transfer, net of any related liabilities.

(iii) Whether a transfer to the trust is by or from any of the sources enumerated in division (I)(3)(a) of this section shall be ascertained without regard to the domicile of the trust's beneficiaries.

(e) For the purposes of division (I)(3)(a)(i) of this section:

(i) A trust is described in division (I)(3)(e)(i) of this section if the trust is a testamentary trust and the testator of that testamentary trust was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(ii) A trust is described in division (I)(3)(e)(ii) of this section if the transfer is a qualifying transfer described in any of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an irrevocable inter vivos trust, and at least one of the trust's qualifying beneficiaries is domiciled in this state for purposes of this chapter during all or some portion of the trust's current taxable year.

(f) For the purposes of division (I)(3)(e)(ii) of this section, a "qualifying transfer" is a transfer of assets, net of any related liabilities, directly or indirectly to a trust, if the transfer is described in any of the following:

(i) The transfer is made to a trust, created by the decedent before the decedent's death and while the decedent was domiciled in this state for the purposes of this chapter, and, prior to the

death of the decedent, the trust became irrevocable while the 98821  
decedent was domiciled in this state for the purposes of this 98822  
chapter. 98823

(ii) The transfer is made to a trust to which the decedent, 98824  
prior to the decedent's death, had directly or indirectly 98825  
transferred assets, net of any related liabilities, while the 98826  
decedent was domiciled in this state for the purposes of this 98827  
chapter, and prior to the death of the decedent the trust became 98828  
irrevocable while the decedent was domiciled in this state for the 98829  
purposes of this chapter. 98830

(iii) The transfer is made on account of a contractual 98831  
relationship existing directly or indirectly between the 98832  
transferor and either the decedent or the estate of the decedent 98833  
at any time prior to the date of the decedent's death, and the 98834  
decedent was domiciled in this state at the time of death for 98835  
purposes of the taxes levied under Chapter 5731. of the Revised 98836  
Code. 98837

(iv) The transfer is made to a trust on account of a 98838  
contractual relationship existing directly or indirectly between 98839  
the transferor and another person who at the time of the 98840  
decedent's death was domiciled in this state for purposes of this 98841  
chapter. 98842

(v) The transfer is made to a trust on account of the will of 98843  
a testator who was domiciled in this state at the time of the 98844  
testator's death for purposes of the taxes levied under Chapter 98845  
5731. of the Revised Code. 98846

(vi) The transfer is made to a trust created by or caused to 98847  
be created by a court, and the trust was directly or indirectly 98848  
created in connection with or as a result of the death of an 98849  
individual who, for purposes of the taxes levied under Chapter 98850  
5731. of the Revised Code, was domiciled in this state at the time 98851

of the individual's death. 98852

(g) The tax commissioner may adopt rules to ascertain the 98853  
part of a trust residing in this state. 98854

(J) "Nonresident" means an individual or estate that is not a 98855  
resident. An individual who is a resident for only part of a 98856  
taxable year is a nonresident for the remainder of that taxable 98857  
year. 98858

(K) "Pass-through entity" has the same meaning as in section 98859  
5733.04 of the Revised Code. 98860

(L) "Return" means the notifications and reports required to 98861  
be filed pursuant to this chapter for the purpose of reporting the 98862  
tax due and includes declarations of estimated tax when so 98863  
required. 98864

(M) "Taxable year" means the calendar year or the taxpayer's 98865  
fiscal year ending during the calendar year, or fractional part 98866  
thereof, upon which the adjusted gross income is calculated 98867  
pursuant to this chapter. 98868

(N) "Taxpayer" means any person subject to the tax imposed by 98869  
section 5747.02 of the Revised Code or any pass-through entity 98870  
that makes the election under division (D) of section 5747.08 of 98871  
the Revised Code. 98872

(O) "Dependents" means one of the following: 98873

(1) For taxable years beginning on or after January 1, 2018, 98874  
and before January 1, 2026, dependents as defined in the Internal 98875  
Revenue Code; 98876

(2) For all other taxable years, dependents as defined in the 98877  
Internal Revenue Code and as claimed in the taxpayer's federal 98878  
income tax return for the taxable year or which the taxpayer would 98879  
have been permitted to claim had the taxpayer filed a federal 98880  
income tax return. 98881

(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed.

(Q) As used in sections 5747.50 to 5747.55 of the Revised Code:

(1) "Subdivision" means any county, municipal corporation, park district, or township.

(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a charter adopted pursuant to the Ohio Constitution.

(R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax.

(S) "Taxable income" or "Ohio taxable income" applies only to estates and trusts, and means federal taxable income, as defined and used in the Internal Revenue Code, adjusted as follows:

(1) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities, but only to the extent that such net amount is not otherwise includible in Ohio taxable income and is described in either division (S)(1)(a) or (b) of this section:

(a) The net amount is not attributable to the S portion of an electing small business trust and has not been distributed to beneficiaries for the taxable year;

(b) The net amount is attributable to the S portion of an

electing small business trust for the taxable year. 98912

(2) Add interest or dividends, net of ordinary, necessary, 98913  
and reasonable expenses not deducted in computing federal taxable 98914  
income, on obligations of any authority, commission, 98915  
instrumentality, territory, or possession of the United States to 98916  
the extent that the interest or dividends are exempt from federal 98917  
income taxes but not from state income taxes, but only to the 98918  
extent that such net amount is not otherwise includible in Ohio 98919  
taxable income and is described in either division (S)(1)(a) or 98920  
(b) of this section; 98921

(3) Add the amount of personal exemption allowed to the 98922  
estate pursuant to section 642(b) of the Internal Revenue Code; 98923

(4) Deduct interest or dividends, net of related expenses 98924  
deducted in computing federal taxable income, on obligations of 98925  
the United States and its territories and possessions or of any 98926  
authority, commission, or instrumentality of the United States to 98927  
the extent that the interest or dividends are exempt from state 98928  
taxes under the laws of the United States, but only to the extent 98929  
that such amount is included in federal taxable income and is 98930  
described in either division (S)(1)(a) or (b) of this section; 98931

(5) Deduct the amount of wages and salaries, if any, not 98932  
otherwise allowable as a deduction but that would have been 98933  
allowable as a deduction in computing federal taxable income for 98934  
the taxable year, had the work opportunity tax credit allowed 98935  
under sections 38, 51, and 52 of the Internal Revenue Code not 98936  
been in effect, but only to the extent such amount relates either 98937  
to income included in federal taxable income for the taxable year 98938  
or to income of the S portion of an electing small business trust 98939  
for the taxable year; 98940

(6) Deduct any interest or interest equivalent, net of 98941  
related expenses deducted in computing federal taxable income, on 98942

public obligations and purchase obligations, but only to the 98943  
extent that such net amount relates either to income included in 98944  
federal taxable income for the taxable year or to income of the S 98945  
portion of an electing small business trust for the taxable year; 98946

(7) Add any loss or deduct any gain resulting from sale, 98947  
exchange, or other disposition of public obligations to the extent 98948  
that such loss has been deducted or such gain has been included in 98949  
computing either federal taxable income or income of the S portion 98950  
of an electing small business trust for the taxable year; 98951

(8) Except in the case of the final return of an estate, add 98952  
any amount deducted by the taxpayer on both its Ohio estate tax 98953  
return pursuant to section 5731.14 of the Revised Code, and on its 98954  
federal income tax return in determining federal taxable income; 98955

(9)(a) Deduct any amount included in federal taxable income 98956  
solely because the amount represents a reimbursement or refund of 98957  
expenses that in a previous year the decedent had deducted as an 98958  
itemized deduction pursuant to section 63 of the Internal Revenue 98959  
Code and applicable treasury regulations. The deduction otherwise 98960  
allowed under division (S)(9)(a) of this section shall be reduced 98961  
to the extent the reimbursement is attributable to an amount the 98962  
taxpayer or decedent deducted under this section in any taxable 98963  
year. 98964

(b) Add any amount not otherwise included in Ohio taxable 98965  
income for any taxable year to the extent that the amount is 98966  
attributable to the recovery during the taxable year of any amount 98967  
deducted or excluded in computing federal or Ohio taxable income 98968  
in any taxable year, but only to the extent such amount has not 98969  
been distributed to beneficiaries for the taxable year. 98970

(10) Deduct any portion of the deduction described in section 98971  
1341(a)(2) of the Internal Revenue Code, for repaying previously 98972  
reported income received under a claim of right, that meets both 98973

of the following requirements: 98974

(a) It is allowable for repayment of an item that was 98975  
included in the taxpayer's taxable income or the decedent's 98976  
adjusted gross income for a prior taxable year and did not qualify 98977  
for a credit under division (A) or (B) of section 5747.05 of the 98978  
Revised Code for that year. 98979

(b) It does not otherwise reduce the taxpayer's taxable 98980  
income or the decedent's adjusted gross income for the current or 98981  
any other taxable year. 98982

(11) Add any amount claimed as a credit under section 98983  
5747.059 of the Revised Code to the extent that the amount 98984  
satisfies either of the following: 98985

(a) The amount was deducted or excluded from the computation 98986  
of the taxpayer's federal taxable income as required to be 98987  
reported for the taxpayer's taxable year under the Internal 98988  
Revenue Code; 98989

(b) The amount resulted in a reduction in the taxpayer's 98990  
federal taxable income as required to be reported for any of the 98991  
taxpayer's taxable years under the Internal Revenue Code. 98992

(12) Deduct any amount, net of related expenses deducted in 98993  
computing federal taxable income, that a trust is required to 98994  
report as farm income on its federal income tax return, but only 98995  
if the assets of the trust include at least ten acres of land 98996  
satisfying the definition of "land devoted exclusively to 98997  
agricultural use" under section 5713.30 of the Revised Code, 98998  
regardless of whether the land is valued for tax purposes as such 98999  
land under sections 5713.30 to 5713.38 of the Revised Code. If the 99000  
trust is a pass-through entity investor, section 5747.231 of the 99001  
Revised Code applies in ascertaining if the trust is eligible to 99002  
claim the deduction provided by division (S)(12) of this section 99003  
in connection with the pass-through entity's farm income. 99004

Except for farm income attributable to the S portion of an 99005  
electing small business trust, the deduction provided by division 99006  
(S)(12) of this section is allowed only to the extent that the 99007  
trust has not distributed such farm income. 99008

(13) Add the net amount of income described in section 641(c) 99009  
of the Internal Revenue Code to the extent that amount is not 99010  
included in federal taxable income. 99011

(14) ~~Add or deduct~~ Deduct the amount the taxpayer would be 99012  
required to ~~add or deduct~~ under division ~~(A)(17) or (18)~~ (A)(18) 99013  
of this section if the taxpayer's Ohio taxable income were 99014  
computed in the same manner as an individual's Ohio adjusted gross 99015  
income is computed under this section. 99016

(15) Add, to the extent not otherwise included in computing 99017  
taxable income or Ohio taxable income for any taxable year, the 99018  
taxpayer's proportionate share of the amount of the tax levied 99019  
under section 5747.38 of the Revised Code and paid by an electing 99020  
pass-through entity for the taxable year. 99021

(T) "School district income" and "school district income tax" 99022  
have the same meanings as in section 5748.01 of the Revised Code. 99023

(U) As used in divisions (A)(7), (A)(8), (S)(6), and (S)(7) 99024  
of this section, "public obligations," "purchase obligations," and 99025  
"interest or interest equivalent" have the same meanings as in 99026  
section 5709.76 of the Revised Code. 99027

(V) "Limited liability company" means any limited liability 99028  
company formed under former Chapter 1705. ~~or of the Revised Code~~ 99029  
as that chapter existed prior to February 11, 2022, Chapter 1706. 99030  
of the Revised Code, or ~~under~~ the laws of any other state. 99031

(W) "Pass-through entity investor" means any person who, 99032  
during any portion of a taxable year of a pass-through entity, is 99033  
a partner, member, shareholder, or equity investor in that 99034  
pass-through entity. 99035

(X) "Banking day" has the same meaning as in section 1304.01 99036  
of the Revised Code. 99037

(Y) "Month" means a calendar month. 99038

(Z) "Quarter" means the first three months, the second three 99039  
months, the third three months, or the last three months of the 99040  
taxpayer's taxable year. 99041

(AA)(1) "Modified business income" means the business income 99042  
included in a trust's Ohio taxable income after such taxable 99043  
income is first reduced by the qualifying trust amount, if any. 99044

(2) "Qualifying trust amount" of a trust means capital gains 99045  
and losses from the sale, exchange, or other disposition of equity 99046  
or ownership interests in, or debt obligations of, a qualifying 99047  
investee to the extent included in the trust's Ohio taxable 99048  
income, but only if the following requirements are satisfied: 99049

(a) The book value of the qualifying investee's physical 99050  
assets in this state and everywhere, as of the last day of the 99051  
qualifying investee's fiscal or calendar year ending immediately 99052  
prior to the date on which the trust recognizes the gain or loss, 99053  
is available to the trust. 99054

(b) The requirements of section 5747.011 of the Revised Code 99055  
are satisfied for the trust's taxable year in which the trust 99056  
recognizes the gain or loss. 99057

Any gain or loss that is not a qualifying trust amount is 99058  
modified business income, qualifying investment income, or 99059  
modified nonbusiness income, as the case may be. 99060

(3) "Modified nonbusiness income" means a trust's Ohio 99061  
taxable income other than modified business income, other than the 99062  
qualifying trust amount, and other than qualifying investment 99063  
income, as defined in section 5747.012 of the Revised Code, to the 99064  
extent such qualifying investment income is not otherwise part of 99065

modified business income. 99066

(4) "Modified Ohio taxable income" applies only to trusts, 99067  
and means the sum of the amounts described in divisions (AA)(4)(a) 99068  
to (c) of this section: 99069

(a) The fraction, calculated under section 5747.013, and 99070  
applying section 5747.231 of the Revised Code, multiplied by the 99071  
sum of the following amounts: 99072

(i) The trust's modified business income; 99073

(ii) The trust's qualifying investment income, as defined in 99074  
section 5747.012 of the Revised Code, but only to the extent the 99075  
qualifying investment income does not otherwise constitute 99076  
modified business income and does not otherwise constitute a 99077  
qualifying trust amount. 99078

(b) The qualifying trust amount multiplied by a fraction, the 99079  
numerator of which is the sum of the book value of the qualifying 99080  
investee's physical assets in this state on the last day of the 99081  
qualifying investee's fiscal or calendar year ending immediately 99082  
prior to the day on which the trust recognizes the qualifying 99083  
trust amount, and the denominator of which is the sum of the book 99084  
value of the qualifying investee's total physical assets 99085  
everywhere on the last day of the qualifying investee's fiscal or 99086  
calendar year ending immediately prior to the day on which the 99087  
trust recognizes the qualifying trust amount. If, for a taxable 99088  
year, the trust recognizes a qualifying trust amount with respect 99089  
to more than one qualifying investee, the amount described in 99090  
division (AA)(4)(b) of this section shall equal the sum of the 99091  
products so computed for each such qualifying investee. 99092

(c)(i) With respect to a trust or portion of a trust that is 99093  
a resident as ascertained in accordance with division (I)(3)(d) of 99094  
this section, its modified nonbusiness income. 99095

(ii) With respect to a trust or portion of a trust that is 99096

not a resident as ascertained in accordance with division 99097  
(I)(3)(d) of this section, the amount of its modified nonbusiness 99098  
income satisfying the descriptions in divisions (B)(2) to (5) of 99099  
section 5747.20 of the Revised Code, except as otherwise provided 99100  
in division (AA)(4)(c)(ii) of this section. With respect to a 99101  
trust or portion of a trust that is not a resident as ascertained 99102  
in accordance with division (I)(3)(d) of this section, the trust's 99103  
portion of modified nonbusiness income recognized from the sale, 99104  
exchange, or other disposition of a debt interest in or equity 99105  
interest in a section 5747.212 entity, as defined in section 99106  
5747.212 of the Revised Code, without regard to division (A) of 99107  
that section, shall not be allocated to this state in accordance 99108  
with section 5747.20 of the Revised Code but shall be apportioned 99109  
to this state in accordance with division (B) of section 5747.212 99110  
of the Revised Code without regard to division (A) of that 99111  
section. 99112

If the allocation and apportionment of a trust's income under 99113  
divisions (AA)(4)(a) and (c) of this section do not fairly 99114  
represent the modified Ohio taxable income of the trust in this 99115  
state, the alternative methods described in division (C) of 99116  
section 5747.21 of the Revised Code may be applied in the manner 99117  
and to the same extent provided in that section. 99118

(5)(a) Except as set forth in division (AA)(5)(b) of this 99119  
section, "qualifying investee" means a person in which a trust has 99120  
an equity or ownership interest, or a person or unit of government 99121  
the debt obligations of either of which are owned by a trust. For 99122  
the purposes of division (AA)(2)(a) of this section and for the 99123  
purpose of computing the fraction described in division (AA)(4)(b) 99124  
of this section, all of the following apply: 99125

(i) If the qualifying investee is a member of a qualifying 99126  
controlled group on the last day of the qualifying investee's 99127  
fiscal or calendar year ending immediately prior to the date on 99128

which the trust recognizes the gain or loss, then "qualifying investee" includes all persons in the qualifying controlled group on such last day. 99129  
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(ii) If the qualifying investee, or if the qualifying investee and any members of the qualifying controlled group of which the qualifying investee is a member on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, separately or cumulatively own, directly or indirectly, on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount, more than fifty per cent of the equity of a pass-through entity, then the qualifying investee and the other members are deemed to own the proportionate share of the pass-through entity's physical assets which the pass-through entity directly or indirectly owns on the last day of the pass-through entity's calendar or fiscal year ending within or with the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount. 99132  
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(iii) For the purposes of division (AA)(5)(a)(iii) of this section, "upper level pass-through entity" means a pass-through entity directly or indirectly owning any equity of another pass-through entity, and "lower level pass-through entity" means that other pass-through entity. 99149  
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An upper level pass-through entity, whether or not it is also a qualifying investee, is deemed to own, on the last day of the upper level pass-through entity's calendar or fiscal year, the proportionate share of the lower level pass-through entity's physical assets that the lower level pass-through entity directly or indirectly owns on the last day of the lower level pass-through entity's calendar or fiscal year ending within or with the last 99154  
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day of the upper level pass-through entity's fiscal or calendar 99161  
year. If the upper level pass-through entity directly and 99162  
indirectly owns less than fifty per cent of the equity of the 99163  
lower level pass-through entity on each day of the upper level 99164  
pass-through entity's calendar or fiscal year in which or with 99165  
which ends the calendar or fiscal year of the lower level 99166  
pass-through entity and if, based upon clear and convincing 99167  
evidence, complete information about the location and cost of the 99168  
physical assets of the lower pass-through entity is not available 99169  
to the upper level pass-through entity, then solely for purposes 99170  
of ascertaining if a gain or loss constitutes a qualifying trust 99171  
amount, the upper level pass-through entity shall be deemed as 99172  
owning no equity of the lower level pass-through entity for each 99173  
day during the upper level pass-through entity's calendar or 99174  
fiscal year in which or with which ends the lower level 99175  
pass-through entity's calendar or fiscal year. Nothing in division 99176  
(AA)(5)(a)(iii) of this section shall be construed to provide for 99177  
any deduction or exclusion in computing any trust's Ohio taxable 99178  
income. 99179

(b) With respect to a trust that is not a resident for the 99180  
taxable year and with respect to a part of a trust that is not a 99181  
resident for the taxable year, "qualifying investee" for that 99182  
taxable year does not include a C corporation if both of the 99183  
following apply: 99184

(i) During the taxable year the trust or part of the trust 99185  
recognizes a gain or loss from the sale, exchange, or other 99186  
disposition of equity or ownership interests in, or debt 99187  
obligations of, the C corporation. 99188

(ii) Such gain or loss constitutes nonbusiness income. 99189

(6) "Available" means information is such that a person is 99190  
able to learn of the information by the due date plus extensions, 99191  
if any, for filing the return for the taxable year in which the 99192

trust recognizes the gain or loss. 99193

(BB) "Qualifying controlled group" has the same meaning as in 99194  
section 5733.04 of the Revised Code. 99195

(CC) "Related member" has the same meaning as in section 99196  
5733.042 of the Revised Code. 99197

(DD)(1) For the purposes of division (DD) of this section: 99198

(a) "Qualifying person" means any person other than a 99199  
qualifying corporation. 99200

(b) "Qualifying corporation" means any person classified for 99201  
federal income tax purposes as an association taxable as a 99202  
corporation, except either of the following: 99203

(i) A corporation that has made an election under subchapter 99204  
S, chapter one, subtitle A, of the Internal Revenue Code for its 99205  
taxable year ending within, or on the last day of, the investor's 99206  
taxable year; 99207

(ii) A subsidiary that is wholly owned by any corporation 99208  
that has made an election under subchapter S, chapter one, 99209  
subtitle A of the Internal Revenue Code for its taxable year 99210  
ending within, or on the last day of, the investor's taxable year. 99211

(2) For the purposes of this chapter, unless expressly stated 99212  
otherwise, no qualifying person indirectly owns any asset directly 99213  
or indirectly owned by any qualifying corporation. 99214

(EE) For purposes of this chapter and Chapter 5751. of the 99215  
Revised Code: 99216

(1) "Trust" does not include a qualified pre-income tax 99217  
trust. 99218

(2) A "qualified pre-income tax trust" is any pre-income tax 99219  
trust that makes a qualifying pre-income tax trust election as 99220  
described in division (EE)(3) of this section. 99221

(3) A "qualifying pre-income tax trust election" is an 99222  
election by a pre-income tax trust to subject to the tax imposed 99223  
by section 5751.02 of the Revised Code the pre-income tax trust 99224  
and all pass-through entities of which the trust owns or controls, 99225  
directly, indirectly, or constructively through related interests, 99226  
five per cent or more of the ownership or equity interests. The 99227  
trustee shall notify the tax commissioner in writing of the 99228  
election on or before April 15, 2006. The election, if timely 99229  
made, shall be effective on and after January 1, 2006, and shall 99230  
apply for all tax periods and tax years until revoked by the 99231  
trustee of the trust. 99232

(4) A "pre-income tax trust" is a trust that satisfies all of 99233  
the following requirements: 99234

(a) The document or instrument creating the trust was 99235  
executed by the grantor before January 1, 1972; 99236

(b) The trust became irrevocable upon the creation of the 99237  
trust; and 99238

(c) The grantor was domiciled in this state at the time the 99239  
trust was created. 99240

(FF) "Uniformed services" has the same meaning as in 10 99241  
U.S.C. 101. 99242

(GG) "Taxable business income" means the amount by which an 99243  
individual's business income that is included in federal adjusted 99244  
gross income exceeds the amount of business income the individual 99245  
is authorized to deduct under division (A)(28) of this section for 99246  
the taxable year. 99247

(HH) "Employer" does not include a franchisor with respect to 99248  
the franchisor's relationship with a franchisee or an employee of 99249  
a franchisee, unless the franchisor agrees to assume that role in 99250  
writing or a court of competent jurisdiction determines that the 99251  
franchisor exercises a type or degree of control over the 99252

franchisee or the franchisee's employees that is not customarily 99253  
exercised by a franchisor for the purpose of protecting the 99254  
franchisor's trademark, brand, or both. For purposes of this 99255  
division, "franchisor" and "franchisee" have the same meanings as 99256  
in 16 C.F.R. 436.1. 99257

(II) "Modified adjusted gross income" means Ohio adjusted 99258  
gross income plus any amount deducted under divisions (A)(28) and 99259  
(34) of this section for the taxable year. 99260

(JJ) "Qualifying Ohio educator" means an individual who, for 99261  
a taxable year, qualifies as an eligible educator, as that term is 99262  
defined in section 62 of the Internal Revenue Code, and who holds 99263  
a certificate, license, or permit described in Chapter 3319. or 99264  
section 3301.071 of the Revised Code. 99265

**Sec. 5747.02.** (A) For the purpose of providing revenue for 99266  
the support of schools and local government functions, to provide 99267  
relief to property taxpayers, to provide revenue for the general 99268  
revenue fund, and to meet the expenses of administering the tax 99269  
levied by this chapter, there is hereby levied on every 99270  
individual, trust, and estate residing in or earning or receiving 99271  
income in this state, on every individual, trust, and estate 99272  
earning or receiving lottery winnings, prizes, or awards pursuant 99273  
to Chapter 3770. of the Revised Code, on every individual, trust, 99274  
and estate earning or receiving winnings on casino or sports 99275  
gaming, and on every individual, trust, and estate otherwise 99276  
having nexus with or in this state under the Constitution of the 99277  
United States, an annual tax measured as prescribed in divisions 99278  
(A)(1) to (4) of this section. 99279

(1) In the case of trusts, the tax imposed by this section 99280  
shall be measured by modified Ohio taxable income under division 99281  
(D) of this section and levied in the same amount as the tax is 99282  
imposed on estates as prescribed in division (A)(2) of this 99283

section. 99284

(2) In the case of estates, the tax imposed by this section 99285  
shall be measured by Ohio taxable income. The tax shall be levied 99286  
at the rate of 1.38462% for the first ~~twenty-five~~ twenty-six 99287  
thousand fifty dollars of such income and, for income in excess of 99288  
that amount, the tax shall be levied at the same rates prescribed 99289  
in division (A)(3) of this section for individuals. 99290

(3) In the case of individuals, the tax imposed by this 99291  
section on income other than taxable business income shall be 99292  
measured by Ohio adjusted gross income, less taxable business 99293  
income and less an exemption for the taxpayer, the taxpayer's 99294  
spouse, and each dependent as provided in section 5747.025 of the 99295  
Revised Code. If the balance thus obtained is equal to or less 99296  
than ~~twenty-five~~ twenty-six thousand fifty dollars, no tax shall 99297  
be imposed on that balance. If the balance thus obtained is 99298  
greater than ~~twenty-five~~ twenty-six thousand fifty dollars, the 99299  
tax is hereby levied as follows: 99300

OHIO ADJUSTED GROSS INCOME LESS TAX 99301

TAXABLE BUSINESS INCOME AND  
EXEMPTIONS (INDIVIDUALS) OR  
MODIFIED OHIO TAXABLE INCOME  
(TRUSTS) OR OHIO TAXABLE INCOME  
(ESTATES)

More than ~~\$25,000~~ 26,050 but not ~~\$346.16~~ 360.69 plus ~~2.765~~ 2.75% 99302  
more than ~~\$44,250~~ 92,150 of the amount in excess of  
~~\$25,000~~ 26,050

~~More than \$44,250 but not more~~ ~~\$878.42~~ plus ~~3.226%~~ of the amount 99303  
~~than \$88,450~~ in excess of ~~\$44,250~~

More than ~~\$88,450~~ 92,150 but not ~~\$2,304.31~~ 2,178.44 plus 3.688% of 99304  
more than ~~\$110,650~~ 115,300 the amount in excess of ~~\$88,450~~  
92,150

More than ~~\$110,650~~ 115,300 ~~\$3,123.05~~ 3,032.21 plus 3.990% of 99305

the amount in excess of \$~~110,650~~  
115,300

(4)(a) In the case of individuals, the tax imposed by this 99306  
section on taxable business income shall equal three per cent of 99307  
the result obtained by subtracting any amount allowed under 99308  
division (A)(4)(b) of this section from the individual's taxable 99309  
business income. 99310

(b) If the exemptions allowed to an individual under division 99311  
(A)(3) of this section exceed the taxpayer's Ohio adjusted gross 99312  
income less taxable business income, the excess shall be deducted 99313  
from taxable business income before computing the tax under 99314  
division (A)(4)(a) of this section. 99315

(5) Except as otherwise provided in this division, in August 99316  
of each year, the tax commissioner shall make a new adjustment to 99317  
the income amounts prescribed in divisions (A)(2) and (3) of this 99318  
section by multiplying the percentage increase in the gross 99319  
domestic product deflator computed that year under section 99320  
5747.025 of the Revised Code by each of the income amounts 99321  
resulting from the adjustment under this division in the preceding 99322  
year, adding the resulting product to the corresponding income 99323  
amount resulting from the adjustment in the preceding year, and 99324  
rounding the resulting sum to the nearest multiple of fifty 99325  
dollars. The tax commissioner also shall recompute each of the tax 99326  
dollar amounts to the extent necessary to reflect the new 99327  
adjustment of the income amounts. To recompute the tax dollar 99328  
amount corresponding to the lowest tax rate in division (A)(3) of 99329  
this section, the commissioner shall multiply the tax rate 99330  
prescribed in division (A)(2) of this section by the income amount 99331  
specified in that division and as adjusted according to this 99332  
paragraph. The rates of taxation shall not be adjusted. 99333

The adjusted amounts apply to taxable years beginning in the 99334  
calendar year in which the adjustments are made and to taxable 99335

years beginning in each ensuing calendar year until a calendar 99336  
year in which a new adjustment is made pursuant to this division. 99337  
The tax commissioner shall not make a new adjustment in any year 99338  
in which the amount resulting from the adjustment would be less 99339  
than the amount resulting from the adjustment in the preceding 99340  
year. 99341

(B) If the director of budget and management makes a 99342  
certification to the tax commissioner under division (B) of 99343  
section 131.44 of the Revised Code, the amount of tax as 99344  
determined under divisions (A)(1) to (3) of this section shall be 99345  
reduced by the percentage prescribed in that certification for 99346  
taxable years beginning in the calendar year in which that 99347  
certification is made. 99348

(C)(1) The tax imposed by this section on a trust shall be 99349  
computed by multiplying the Ohio modified taxable income of the 99350  
trust by the rates prescribed by division (A) of this section. 99351

(2) A resident trust may claim a credit against the tax 99352  
computed under division (C) of this section equal to the lesser of 99353  
(a) the tax paid to another state or the District of Columbia on 99354  
the resident trust's modified nonbusiness income, other than the 99355  
portion of the resident trust's nonbusiness income that is 99356  
qualifying investment income as defined in section 5747.012 of the 99357  
Revised Code, or (b) the effective tax rate, based on modified 99358  
Ohio taxable income, multiplied by the resident trust's modified 99359  
nonbusiness income other than the portion of the resident trust's 99360  
nonbusiness income that is qualifying investment income. The 99361  
credit applies before any other applicable credits. 99362

(3) Any credit authorized against the tax imposed by this 99363  
section applies to a trust subject to division (C) of this section 99364  
only if the trust otherwise qualifies for the credit. To the 99365  
extent that the trust distributes income for the taxable year for 99366  
which a credit is available to the trust, the credit shall be 99367

shared by the trust and its beneficiaries. The tax commissioner 99368  
and the trust shall be guided by applicable regulations of the 99369  
United States treasury regarding the sharing of credits. 99370

(D) For the purposes of this section, "trust" means any trust 99371  
described in Subchapter J of Chapter 1 of the Internal Revenue 99372  
Code, excluding trusts that are not irrevocable as defined in 99373  
division (I)(3)(b) of section 5747.01 of the Revised Code and that 99374  
have no modified Ohio taxable income for the taxable year, 99375  
charitable remainder trusts, qualified funeral trusts and preneed 99376  
funeral contract trusts established pursuant to sections 4717.31 99377  
to 4717.38 of the Revised Code that are not qualified funeral 99378  
trusts, endowment and perpetual care trusts, qualified settlement 99379  
trusts and funds, designated settlement trusts and funds, and 99380  
trusts exempted from taxation under section 501(a) of the Internal 99381  
Revenue Code. 99382

(E) Nothing in division (A)(3) of this section shall prohibit 99383  
an individual with an Ohio adjusted gross income, less taxable 99384  
business income and exemptions, of ~~twenty-five~~ twenty-six thousand 99385  
fifty dollars or less from filing a return under this chapter to 99386  
receive a refund of taxes withheld or to claim any refundable 99387  
credit allowed under this chapter. 99388

**Sec. 5747.07.** (A) As used in this section: 99389

(1) "Partial weekly withholding period" means a period during 99390  
which an employer directly, indirectly, or constructively pays 99391  
compensation to, or credits compensation to the benefit of, an 99392  
employee, and that consists of a consecutive Saturday, Sunday, 99393  
Monday, and Tuesday or a consecutive Wednesday, Thursday, and 99394  
Friday. There are two partial weekly withholding periods each 99395  
week, except that a partial weekly withholding period cannot 99396  
extend from one calendar year into the next calendar year; if the 99397  
first day of January falls on a day other than Saturday or 99398

Wednesday, the partial weekly withholding period ends on the 99399  
thirty-first day of December and there are three partial weekly 99400  
withholding periods during that week. 99401

(2) "Undeposited taxes" means the taxes an employer is 99402  
required to deduct and withhold from an employee's compensation 99403  
pursuant to section 5747.06 of the Revised Code that have not been 99404  
remitted to the tax commissioner pursuant to this section or to 99405  
the treasurer of state pursuant to section 5747.072 of the Revised 99406  
Code. 99407

(3) A "week" begins on Saturday and concludes at the end of 99408  
the following Friday. 99409

(4) "Professional employer organization," "professional 99410  
employer organization agreement," and "professional employer 99411  
organization reporting entity" have the same meanings as in 99412  
section 4125.01 of the Revised Code. 99413

(5) "Alternate employer organization" and "alternate employer 99414  
organization agreement" have the same meanings as in section 99415  
4133.01 of the Revised Code. 99416

(6) "Client employer" has the same meaning as in section 99417  
4125.01 of the Revised Code in the context of a professional 99418  
employer organization or a professional employer organization 99419  
reporting entity, or the same meaning as in section 4133.01 of the 99420  
Revised Code in the context of an alternate employer organization. 99421

(B) Except as provided in divisions (C) and (D) of this 99422  
section and in division (A) of section 5747.072 of the Revised 99423  
Code, every employer required to deduct and withhold any amount 99424  
under section 5747.06 of the Revised Code shall file a return and 99425  
shall pay the amount required by law as follows: 99426

(1) An employer who accumulates or is required to accumulate 99427  
undeposited taxes of one hundred thousand dollars or more during a 99428  
partial weekly withholding period shall make the payment of the 99429

undeposited taxes by the close of the first banking day after the 99430  
day on which the accumulation reaches one hundred thousand 99431  
dollars. If required under division (I) of this section, the 99432  
payment shall be made by electronic funds transfer under section 99433  
5747.072 of the Revised Code. 99434

(2) Except as required by division (B)(1) of this section, an 99435  
employer whose actual or required payments under this section were 99436  
at least eighty-four thousand dollars during the twelve-month 99437  
period ending on the thirtieth day of June of the preceding 99438  
calendar year shall make the payment of undeposited taxes within 99439  
three banking days after the close of a partial weekly withholding 99440  
period during which the employer was required to deduct and 99441  
withhold any amount under this chapter. If required under division 99442  
(I) of this section, the payment shall be made by electronic funds 99443  
transfer under section 5747.072 of the Revised Code. 99444

(3) Except as required by divisions (B)(1) and (2) of this 99445  
section, if an employer's actual or required payments were more 99446  
than two thousand dollars during the twelve-month period ending on 99447  
the thirtieth day of June of the preceding calendar year, the 99448  
employer shall make the payment of undeposited taxes for each 99449  
month during which they were required to be withheld no later than 99450  
fifteen days following the last day of that month. The employer 99451  
shall file the return prescribed by the tax commissioner with the 99452  
payment. 99453

(4) Except as required by divisions (B)(1), (2), and (3) of 99454  
this section, an employer shall make the payment of undeposited 99455  
taxes for each calendar quarter during which they were required to 99456  
be withheld no later than the last day of the month following the 99457  
last day of March, June, September, and December each year. The 99458  
employer shall file the return prescribed by the tax commissioner 99459  
with the payment. 99460

(C) The return and payment schedules prescribed by divisions 99461

(B)(1) and (2) of this section do not apply to the return and 99462  
payment of undeposited school district income taxes arising from 99463  
taxes levied pursuant to Chapter 5748. of the Revised Code. 99464  
Undeposited school district income taxes shall be returned and 99465  
paid pursuant to divisions (B)(3) and (4) of this section, as 99466  
applicable. 99467

(D)(1) The requirements of division (B) of this section are 99468  
met if the amount paid is not less than ninety-five per cent of 99469  
the actual tax withheld or required to be withheld for the prior 99470  
quarterly, monthly, or partial weekly withholding period, and the 99471  
underpayment is not due to willful neglect. Any underpayment of 99472  
withheld tax shall be paid within thirty days of the date on which 99473  
the withheld tax was due without regard to division (D)(1) of this 99474  
section. An employer described in division (B)(1) or (2) of this 99475  
section shall make the payment by electronic funds transfer under 99476  
section 5747.072 of the Revised Code. 99477

(2) If the tax commissioner believes that quarterly or 99478  
monthly payments would result in a delay that might jeopardize the 99479  
remittance of withholding payments, the commissioner may order 99480  
that the payments be made weekly, or more frequently if necessary, 99481  
and the payments shall be made no later than three banking days 99482  
following the close of the period for which the jeopardy order is 99483  
made. An order requiring weekly or more frequent payments shall be 99484  
delivered to the employer ~~personally or by certified mail~~ in the 99485  
manner provided in section 5703.37 of the Revised Code and remains 99486  
in effect until the commissioner notifies the employer to the 99487  
contrary. 99488

(3) If compelling circumstances exist concerning the 99489  
remittance of undeposited taxes, the commissioner may order the 99490  
employer to make payments under any of the payment schedules under 99491  
division (B) of this section. The order shall be delivered to the 99492  
employer ~~personally or by certified mail~~ in the manner provided in 99493

section 5703.37 of the Revised Code and shall remain in effect 99494  
until the commissioner notifies the employer to the contrary. For 99495  
purposes of division (D)(3) of this section, "compelling 99496  
circumstances" exist if either or both of the following are true: 99497

(a) Based upon annualization of payments made or required to 99498  
be made during the preceding calendar year and during the current 99499  
calendar year, the employer would be required for the next 99500  
calendar year to make payments under division (B)(2) of this 99501  
section. 99502

(b) Based upon annualization of payments made or required to 99503  
be made during the current calendar year, the employer would be 99504  
required for the next calendar year to make payments under 99505  
division (B)(2) of this section. 99506

~~(E)(1) An employer described in division (B)(1) or (2) of 99507  
this section shall file, not later than the last day of the month 99508  
following the end of each calendar quarter, a return covering, but 99509  
not limited to, both the actual amount deducted and withheld and 99510  
the amount required to be deducted and withheld for the tax 99511  
imposed under section 5747.02 of the Revised Code during each 99512  
partial weekly withholding period or portion of a partial weekly 99513  
withholding period during that quarter. The employer shall file 99514  
the quarterly return even if the aggregate amount required to be 99515  
deducted and withheld for the quarter is zero dollars. At the time 99516  
of filing the return, the employer shall pay any amounts of 99517  
undeposited taxes for the quarter, whether actually deducted and 99518  
withheld or required to be deducted and withheld, that have not 99519  
been previously paid. If required under division (I) of this 99520  
section, the payment shall be made by electronic funds transfer. 99521  
The tax commissioner shall prescribe the form and other 99522  
requirements of the quarterly return. 99523~~

~~(2) In addition to other returns required to be filed and 99524  
payments required to be made under this section, every employer 99525~~

required to deduct and withhold taxes shall file, not later than 99526  
the thirty-first day of January of each year, an annual return 99527  
covering, but not limited to, both the aggregate amount deducted 99528  
and withheld and the aggregate amount required to be deducted and 99529  
withheld during the entire preceding year for the tax imposed 99530  
under section 5747.02 of the Revised Code and for each tax imposed 99531  
under Chapter 5748. of the Revised Code. At the time of filing 99532  
that return, the employer shall pay over any amounts of 99533  
undeposited taxes for the preceding year, whether actually 99534  
deducted and withheld or required to be deducted and withheld, 99535  
that have not been previously paid. The employer shall make the 99536  
annual report, to each employee and to the tax commissioner, of 99537  
the compensation paid and each tax withheld, as the commissioner 99538  
by rule may prescribe. 99539

(2) Each employer required to deduct and withhold any tax is 99540  
liable for the payment of that amount required to be deducted and 99541  
withheld, whether or not the tax has in fact been withheld, unless 99542  
the failure to withhold was based upon the employer's good faith 99543  
in reliance upon the statement of the employee as to liability, 99544  
and the amount shall be deemed to be a special fund in trust for 99545  
the general revenue fund. 99546

(F) Each employer shall file with the employer's annual 99547  
return the following items of information on employees for whom 99548  
withholding is required under section 5747.06 of the Revised Code: 99549

(1) The full name of each employee, the employee's address, 99550  
the employee's school district of residence, and in the case of a 99551  
nonresident employee, the employee's principal county of 99552  
employment; 99553

(2) The social security number of each employee; 99554

(3) The total amount of compensation paid before any 99555  
deductions to each employee for the period for which the annual 99556

return is made; 99557

(4) The amount of the tax imposed by section 5747.02 of the 99558  
Revised Code and the amount of each tax imposed under Chapter 99559  
5748. of the Revised Code withheld from the compensation of the 99560  
employee for the period for which the annual return is made. The 99561  
commissioner may extend upon good cause the period for filing any 99562  
notice or return required to be filed under this section and may 99563  
adopt rules relating to extensions of time. If the extension 99564  
results in an extension of time for the payment of the amounts 99565  
withheld with respect to which the return is filed, the employer 99566  
shall pay, at the time the amount withheld is paid, an amount of 99567  
interest computed at the rate per annum prescribed by section 99568  
5703.47 of the Revised Code on that amount withheld, from the day 99569  
that amount was originally required to be paid to the day of 99570  
actual payment or to the day an assessment is issued under section 99571  
5747.13 of the Revised Code, whichever occurs first. 99572

(5) In addition to all other interest charges and penalties 99573  
imposed, all amounts of taxes withheld or required to be withheld 99574  
and remaining unpaid after the day the amounts are required to be 99575  
paid shall bear interest from the date prescribed for payment at 99576  
the rate per annum prescribed by section 5703.47 of the Revised 99577  
Code on the amount unpaid, in addition to the amount withheld, 99578  
until paid or until the day an assessment is issued under section 99579  
5747.13 of the Revised Code, whichever occurs first. 99580

(G) An employee of a corporation, limited liability company, 99581  
or business trust having control or supervision of or charged with 99582  
the responsibility of filing the report and making payment, or an 99583  
officer, member, manager, or trustee of a corporation, limited 99584  
liability company, or business trust who is responsible for the 99585  
execution of the corporation's, limited liability company's, or 99586  
business trust's fiscal responsibilities, shall be personally 99587  
liable for failure to file the report or pay the tax due as 99588

required by this section. The dissolution, termination, or 99589  
bankruptcy of a corporation, limited liability company, or 99590  
business trust does not discharge a responsible officer's, 99591  
member's, manager's, employee's, or trustee's liability for a 99592  
failure of the corporation, limited liability company, or business 99593  
trust to file returns or pay tax due. 99594

(H) If an employer required to deduct and withhold income tax 99595  
from compensation and to pay that tax to the state under sections 99596  
5747.06 and 5747.07 of the Revised Code sells the employer's 99597  
business or stock of merchandise or quits the employer's business, 99598  
the taxes required to be deducted and withheld and paid to the 99599  
state pursuant to those sections prior to that time, together with 99600  
any interest and penalties imposed on those taxes, become due and 99601  
payable immediately, and that person shall make a final return 99602  
within fifteen days after the date of selling or quitting 99603  
business. The employer's successor shall withhold a sufficient 99604  
amount of the purchase money to cover the amount of the taxes, 99605  
interest, and penalties due and unpaid, until the former owner 99606  
produces a receipt from the tax commissioner showing that the 99607  
taxes, interest, and penalties have been paid or a certificate 99608  
indicating that no such taxes are due. If the purchaser of the 99609  
business or stock of merchandise fails to withhold purchase money, 99610  
the purchaser shall be personally liable for the payment of the 99611  
taxes, interest, and penalties accrued and unpaid during the 99612  
operation of the business by the former owner. If the amount of 99613  
taxes, interest, and penalties outstanding at the time of the 99614  
purchase exceeds the total purchase money, the tax commissioner in 99615  
the commissioner's discretion may adjust the liability of the 99616  
seller or the responsibility of the purchaser to pay that 99617  
liability to maximize the collection of withholding tax revenue. 99618

(I) An employer whose actual or required payments under this 99619  
section exceeded eighty-four thousand dollars during the 99620

twelve-month period ending on the thirtieth day of June of the 99621  
preceding calendar year shall make all payments required by this 99622  
section for the year by electronic funds transfer under section 99623  
5747.072 of the Revised Code. 99624

(J)(1) Every professional employer organization, professional 99625  
employer organization reporting entity, and alternate employer 99626  
organization shall file a report with the tax commissioner within 99627  
thirty days after commencing business in this state that includes 99628  
all of the following information: 99629

(a) The name, address, number the employer receives from the 99630  
secretary of state to do business in this state, if applicable, 99631  
and federal employer identification number of each client employer 99632  
of the organization or entity; 99633

(b) The date that each client employer became a client of the 99634  
organization or entity; 99635

(c) The names and mailing addresses of the chief executive 99636  
officer and the chief financial officer of each client employer 99637  
for taxation of the client employer. 99638

(2) Beginning with the calendar quarter ending after a 99639  
professional employer organization, professional employer 99640  
organization reporting entity, or alternate employer organization 99641  
files the report required under division (J)(1) of this section, 99642  
and every calendar quarter thereafter, the organization or entity 99643  
shall file an updated report with the tax commissioner. The 99644  
organization or entity shall file the updated report not later 99645  
than the last day of the month following the end of the calendar 99646  
quarter and shall include all of the following information in the 99647  
report: 99648

(a) If an entity became a client employer of the professional 99649  
employer organization, professional employer organization 99650  
reporting entity, or alternate employer organization at any time 99651

during the calendar quarter, all of the information required under 99652  
division (J)(1) of this section for each new client employer; 99653

(b) If an entity terminated the professional employer 99654  
organization agreement or the alternate employer organization 99655  
agreement between the entity and the professional employer 99656  
organization, professional employer organization reporting entity, 99657  
or alternate employer organization, as applicable, at any time 99658  
during the calendar quarter, the information described in division 99659  
(J)(1)(a) of this section for that entity, the date during the 99660  
calendar quarter that the entity ceased being a client of the 99661  
organization or reporting entity, if applicable, or the date the 99662  
entity ceased business operations in this state, if applicable; 99663

(c) If the name or mailing address of the chief executive 99664  
officer or the chief financial officer of a client employer has 99665  
changed since the professional employer organization, professional 99666  
employer organization reporting entity, or alternate employer 99667  
organization previously submitted a report under division (J)(1) 99668  
or (2) of this section, the updated name or mailing address, or 99669  
both, of the chief executive officer or the chief financial 99670  
officer, as applicable; 99671

(d) If none of the events described in divisions (J)(2)(a) to 99672  
(c) of this section occurred during the calendar quarter, a 99673  
statement of that fact. 99674

**Sec. 5747.072.** (A) Any employer required by section 5747.07 99675  
of the Revised Code to remit undeposited taxes by electronic funds 99676  
transfer shall do so in the manner prescribed by rules adopted by 99677  
the treasurer of state under section 113.061 of the Revised Code 99678  
and on or before the dates specified under that division. The tax 99679  
commissioner shall notify each such employer of the employer's 99680  
obligation to remit undeposited taxes by electronic funds 99681  
transfer, shall maintain an updated list of those employers, and 99682

shall provide the list and any additions thereto or deletions 99683  
therefrom to the treasurer of state. Failure by the tax 99684  
commissioner to notify an employer subject to this section to 99685  
remit taxes by electronic funds transfer does not relieve the 99686  
employer of its obligation to remit taxes by electronic funds 99687  
transfer. 99688

Except as otherwise provided in this paragraph, the payment 99689  
of taxes by electronic funds transfer does not affect an 99690  
employer's obligation to file the ~~quarterly return as required~~ 99691  
~~under division (E)(1) of section 5747.07 of the Revised Code or~~ 99692  
~~the annual return as required under divisions (E)(2)(E) and (F) of~~ 99693  
~~that section 5747.07 of the Revised Code.~~ If the employer remits 99694  
estimated tax payments in a manner, designated by the treasurer of 99695  
state, that permits the inclusion of all information necessary for 99696  
the treasurer of state to process the tax payment, the employer 99697  
need not file the return required under division (B) of section 99698  
5747.07 of the Revised Code. The treasurer of state, in 99699  
consultation with the tax commissioner, may adopt rules governing 99700  
the format for filing the returns under section 5747.07 of the 99701  
Revised Code by employers who remit undeposited taxes by 99702  
electronic funds transfer. The rules may permit the filing of 99703  
returns at less frequent intervals than required by that division 99704  
if the treasurer of state and the tax commissioner determine that 99705  
remittance by electronic funds transfer warrants less frequent 99706  
filing of returns. 99707

An employer required by this section to remit taxes by 99708  
electronic funds transfer may apply to the treasurer of state to 99709  
be excused from that requirement. The treasurer of state may 99710  
excuse the employer from remittance by electronic funds transfer 99711  
for good cause shown for the period of time requested by the 99712  
employer or a portion of that period. The treasurer shall notify 99713  
the tax commissioner and the employer of the treasurer's decision 99714

as soon as is practicable. 99715

(B) If an employer required by this section to remit 99716  
undeposited taxes by electronic funds transfer remits those taxes 99717  
by some means other than electronic funds transfer as prescribed 99718  
by the rules adopted by the treasurer of state, and the treasurer 99719  
determines that such failure was not due to reasonable cause or 99720  
was due to willful neglect, the treasurer shall notify the tax 99721  
commissioner of the failure to remit by electronic funds transfer 99722  
and shall provide the commissioner with any information used in 99723  
making that determination. The tax commissioner may collect an 99724  
additional charge by assessment in the manner prescribed by 99725  
section 5747.13 of the Revised Code. The additional charge shall 99726  
equal five per cent of the amount of the undeposited taxes, but 99727  
shall not exceed five thousand dollars. Any additional charge 99728  
assessed under this section is in addition to any other penalty or 99729  
charge imposed by this chapter, and shall be considered as revenue 99730  
arising from the taxes imposed by this chapter. The tax 99731  
commissioner may remit all or a portion of such a charge and may 99732  
adopt rules governing such remission. 99733

No additional charge shall be assessed under this division 99734  
against an employer that has been notified of its obligation to 99735  
remit taxes under this section and that remits its first two tax 99736  
payments after such notification by some means other than 99737  
electronic funds transfer. The additional charge may be assessed 99738  
upon the remittance of any subsequent tax payment that the 99739  
employer remits by some means other than electronic funds 99740  
transfer. 99741

**Sec. 5747.501.** (A) On or before the twenty-fifth day of July 99742  
of each year, the tax commissioner shall estimate and certify to 99743  
each county auditor the amount to be distributed from the local 99744  
government fund to each undivided local government fund during the 99745

following calendar year under section 5747.50 of the Revised Code. 99746  
The estimate shall equal the sum of the separate amounts computed 99747  
under divisions (B)(1) and (2) of this section. 99748

(B)(1) The product obtained by multiplying the percentage 99749  
described in division (B)(1)(a) of this section by the amount 99750  
described in division (B)(1)(b) of this section. 99751

(a) Each county's proportionate share of the total amount 99752  
distributed to the counties from the local government fund and the 99753  
local government revenue assistance fund during calendar year 99754  
2007. ~~In fiscal year 2014 and thereafter, the~~ The amount 99755  
distributed to any county undivided local government fund shall be 99756  
an amount not less than ~~seven~~ eight hundred fifty thousand dollars 99757  
~~or the amount distributed to such fund in fiscal year 2013,~~ 99758  
~~whichever amount is smaller.~~ To the extent necessary to implement 99759  
this minimum distribution requirement, the proportionate shares 99760  
computed under this division shall be adjusted accordingly. 99761

(b) The total amount distributed to counties from the local 99762  
government fund and the local government revenue assistance fund 99763  
during calendar year 2007 adjusted downward if, and to the extent 99764  
that, total local government fund distributions to counties for 99765  
the following year are projected to be less than what was 99766  
distributed to counties from the local government fund and local 99767  
government revenue assistance fund during calendar year 2007. 99768

(2) The product obtained by multiplying the percentage 99769  
described in division (B)(2)(a) of this section by the amount 99770  
described in division (B)(2)(b) of this section. 99771

(a) Each county's proportionate share of the state's 99772  
population as reflected in the most recent federal decennial 99773  
census or the federal government's most recent census estimates, 99774  
whichever represents the most recent year. 99775

(b) The amount by which total estimated distributions from 99776

the local government fund during the immediately succeeding 99777  
calendar year, less the total estimated amount to be distributed 99778  
from the fund to municipal corporations under division (C) of 99779  
section 5747.50 of the Revised Code during the immediately 99780  
succeeding calendar year, exceed the total amount distributed to 99781  
counties from the local government fund and local government 99782  
revenue assistance fund during calendar year 2007. 99783

**Sec. 5747.53.** (A) As used in this section: 99784

(1) "City, located wholly or partially in the county, with 99785  
the greatest population" means the city, located wholly or 99786  
partially in the county, with the greatest population residing in 99787  
the county; however, if the county budget commission on or before 99788  
January 1, 1998, adopted an alternative method of apportionment 99789  
that was approved by the legislative authority of the city, 99790  
located partially in the county, with the greatest population but 99791  
not the greatest population residing in the county, "city, located 99792  
wholly or partially in the county, with the greatest population" 99793  
means the city, located wholly or partially in the county, with 99794  
the greatest population whether residing in the county or not, if 99795  
this alternative meaning is adopted by action of the board of 99796  
county commissioners and a majority of the boards of township 99797  
trustees and legislative authorities of municipal corporations 99798  
located wholly or partially in the county. 99799

(2) "Participating political subdivision" means a municipal 99800  
corporation or township that satisfies all of the following: 99801

(a) It is located wholly or partially in the county. 99802

(b) It is not the city, located wholly or partially in the 99803  
county, with the greatest population. 99804

(c) Undivided local government fund moneys are apportioned to 99805  
it under the county's alternative method or formula of 99806

apportionment in the current calendar year. 99807

(B) In lieu of the method of apportionment of the undivided 99808  
local government fund of the county provided by section 5747.51 of 99809  
the Revised Code, the county budget commission may provide for the 99810  
apportionment of the fund under an alternative method or on a 99811  
formula basis as authorized by this section. The commissioner 99812  
shall reduce or increase the amount of funds from the undivided 99813  
local government fund to a subdivision required to receive reduced 99814  
or increased funds under section 5747.502 of the Revised Code. 99815

Except as otherwise provided in division (C) of this section, 99816  
the alternative method of apportionment shall have first been 99817  
approved by all of the following governmental units: the board of 99818  
county commissioners; the legislative authority of the city, 99819  
located wholly or partially in the county, with the greatest 99820  
population; and a majority of the boards of township trustees and 99821  
legislative authorities of municipal corporations, located wholly 99822  
or partially in the county, excluding the legislative authority of 99823  
the city, located wholly or partially in the county, with the 99824  
greatest population. In granting or denying approval for an 99825  
alternative method of apportionment, the board of county 99826  
commissioners, boards of township trustees, and legislative 99827  
authorities of municipal corporations shall act by motion. A 99828  
motion to approve shall be passed upon a majority vote of the 99829  
members of a board of county commissioners, board of township 99830  
trustees, or legislative authority of a municipal corporation, 99831  
shall take effect immediately, and need not be published. 99832

Any alternative method of apportionment adopted and approved 99833  
under this division shall be reviewed by the county budget 99834  
commission at a public hearing held at least once in the year 99835  
following the effective date of this amendment and in every fifth 99836  
year thereafter. The county budget commission shall provide 99837  
reasonable advance notice of the hearing to all political 99838

subdivisions eligible to participate in the fund and shall take 99839  
public testimony from any such political subdivision that wishes 99840  
to testify. 99841

Any alternative method of apportionment adopted and approved 99842  
under this division may be revised, amended, or repealed in the 99843  
same manner as it may be adopted and approved. If an alternative 99844  
method of apportionment adopted and approved under this division 99845  
is repealed, the undivided local government fund of the county 99846  
shall be apportioned among the subdivisions eligible to 99847  
participate in the fund, commencing in the ensuing calendar year, 99848  
under the apportionment provided in section 5747.52 of the Revised 99849  
Code, unless the repeal occurs by operation of division (C) of 99850  
this section or a new method for apportionment of the fund is 99851  
provided in the action of repeal. 99852

(C) This division applies only in counties in which the city, 99853  
located wholly or partially in the county, with the greatest 99854  
population has a population of twenty thousand or less and a 99855  
population that is less than fifteen per cent of the total 99856  
population of the county. In such a county, the legislative 99857  
authorities or boards of township trustees of two or more 99858  
participating political subdivisions, which together have a 99859  
population residing in the county that is a majority of the total 99860  
population of the county, each may adopt a resolution to exclude 99861  
the approval otherwise required of the legislative authority of 99862  
the city, located wholly or partially in the county, with the 99863  
greatest population. All of the resolutions to exclude that 99864  
approval shall be adopted not later than the first Monday of 99865  
August of the year preceding the calendar year in which 99866  
distributions are to be made under an alternative method of 99867  
apportionment. 99868

A motion granting or denying approval of an alternative 99869  
method of apportionment under this division shall be adopted by a 99870

majority vote of the members of the board of county commissioners 99871  
and by a majority vote of a majority of the boards of township 99872  
trustees and legislative authorities of the municipal corporations 99873  
located wholly or partially in the county, other than the city, 99874  
located wholly or partially in the county, with the greatest 99875  
population, shall take effect immediately, and need not be 99876  
published. The alternative method of apportionment under this 99877  
division shall be adopted and approved annually, not later than 99878  
the first Monday of August of the year preceding the calendar year 99879  
in which distributions are to be made under it. A motion granting 99880  
approval of an alternative method of apportionment under this 99881  
division repeals any existing alternative method of apportionment, 99882  
effective with distributions to be made from the fund in the 99883  
ensuing calendar year. An alternative method of apportionment 99884  
under this division shall not be revised or amended after the 99885  
first Monday of August of the year preceding the calendar year in 99886  
which distributions are to be made under it. 99887

(D) In determining an alternative method of apportionment 99888  
authorized by this section, the county budget commission may 99889  
include in the method any factor considered to be appropriate and 99890  
reliable, in the sole discretion of the county budget commission. 99891

(E) The limitations set forth in section 5747.51 of the 99892  
Revised Code, stating the maximum amount that the county may 99893  
receive from the undivided local government fund and the minimum 99894  
amount the townships in counties having a population of less than 99895  
one hundred thousand may receive from the fund, are applicable to 99896  
any alternative method of apportionment authorized under this 99897  
section. 99898

(F) On the basis of any alternative method of apportionment 99899  
adopted and approved as authorized by this section, as certified 99900  
by the auditor to the county treasurer, the county treasurer shall 99901  
make distribution of the money in the undivided local government 99902

fund to each subdivision eligible to participate in the fund, and 99903  
the auditor, when the amount of those shares is in the custody of 99904  
the treasurer in the amounts so computed to be due the respective 99905  
subdivisions, shall at the same time certify to the tax 99906  
commissioner the percentage share of the county as a subdivision. 99907  
All money received into the treasury of a subdivision from the 99908  
undivided local government fund in a county treasury shall be paid 99909  
into the general fund and used for the current operating expenses 99910  
of the subdivision. If a municipal corporation maintains a 99911  
municipal university, the university, when the board of trustees 99912  
so requests the legislative authority of the municipal 99913  
corporation, shall participate in the money apportioned to the 99914  
municipal corporation from the total local government fund, 99915  
however created and constituted, in the amount requested by the 99916  
board of trustees, provided that amount does not exceed nine per 99917  
cent of the total amount paid to the municipal corporation. 99918

(G) The actions of the county budget commission taken 99919  
pursuant to this section are final and may not be appealed to the 99920  
board of tax appeals, except on the issues of abuse of discretion 99921  
and failure to comply with the formula. 99922

**Sec. 5747.64.** (A) As used in this section: 99923

(1) "Volunteer firefighter" means an individual who is 99924  
authorized to act as a firefighter under section 3737.66 of the 99925  
Revised Code and who serves as a firefighter in a volunteer 99926  
capacity for a nonprofit fire company or for the fire department 99927  
of a municipal corporation, township, township fire district, or 99928  
joint fire district. 99929

(2) "Volunteer emergency medical service provider" means an 99930  
individual who holds a current, valid certificate issued under 99931  
section 4765.30 of the Revised Code and who serves as a first 99932  
responder, emergency medical technician, or paramedic in a 99933

volunteer capacity for an emergency medical service organization. 99934

(3) "Emergency medical service organization" has the same 99935  
meaning as in section 4765.01 of the Revised Code. 99936

(B) There is hereby allowed a nonrefundable credit against a 99937  
taxpayer's aggregate tax liability under section 5747.02 of the 99938  
Revised Code for a taxpayer who serves as a volunteer firefighter 99939  
or volunteer emergency medical service provider during at least 99940  
six months of the taxable year. For the purpose of this section, a 99941  
taxpayer is considered to have served as a firefighter or 99942  
volunteer emergency medical service provider in a month if the 99943  
taxpayer volunteered in that capacity on one or more days in that 99944  
month. 99945

The amount of the credit shall equal one thousand dollars. 99946  
The credit shall be claimed in the order required under section 99947  
5747.98 of the Revised Code. 99948

**Sec. 5747.83.** (A) Terms used in this section have the same 99949  
meanings as in section 175.16 of the Revised Code. 99950

(B) There is hereby allowed a nonrefundable credit against a 99951  
taxpayer's aggregate tax liability under section 5747.02 of the 99952  
Revised Code for a taxpayer that is allocated a credit issued by 99953  
the executive director of the Ohio housing finance agency under 99954  
section 175.16 of the Revised Code. The credit equals the amount 99955  
allocated to such taxpayer for the taxable year that begins in the 99956  
calendar year for which the designated reporter files the form 99957  
prescribed by division (I) of section 175.16 of the Revised Code. 99958

The credit shall be claimed in the order required under 99959  
section 5747.98 of the Revised Code. If the credit exceeds the 99960  
taxpayer's aggregate tax due under section 5747.02 of the Revised 99961  
Code for that taxable year after allowing for credits that precede 99962  
the credit under this section in that order, such excess shall be 99963

allowed as a credit in each of the ensuing five taxable years, but 99964  
the amount of any excess credit allowed in any such taxable year 99965  
shall be deducted from the balance carried forward to the ensuing 99966  
taxable year. 99967

No credit shall be claimed under this section to the extent 99968  
the credit was claimed under section 5725.36, 5726.58, or 5729.19 99969  
of the Revised Code. 99970

**Sec. 5747.84.** (A) As used in this section: 99971

(1) "Homeownership savings linked deposit account" has the 99972  
same meaning as in section 135.98 of the Revised Code. 99973

(2) "Account owner" means "eligible participant" as defined 99974  
by section 135.98 of the Revised Code. 99975

(3) "Contributor" means the account owner or a parent, 99976  
spouse, sibling, stepparent, or grandparent of the account owner 99977  
who deposits funds into the homeownership savings linked deposit 99978  
account. 99979

(4) "Lifetime contribution limit" means twenty-five thousand 99980  
dollars of contributions per contributor per homeownership savings 99981  
linked deposit account. 99982

(5) "Eligible expenses" means unreimbursed expenses paid by 99983  
the account owner for home purchase costs for the account owner's 99984  
primary residence and account fees imposed on the account owner. 99985

(6) "Primary residence" means a home located in this state 99986  
that is or will be the account owner's principal place of 99987  
residence at the time the eligible expenses are incurred and for 99988  
which the account owner receives or will receive a reduction in 99989  
real property taxes under division (B) of section 323.152 of the 99990  
Revised Code. 99991

(7) "Home purchase costs" means "closing costs" as defined in 99992  
section 135.98 of the Revised Code. 99993

(8) "Employer contribution" means the amount an employer contributes to a homeownership savings linked deposit account. 99994  
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(B) In computing Ohio adjusted gross income, a deduction from federal adjusted gross income is allowed to a contributor for amounts contributed to a homeownership savings linked deposit account to the extent that the amounts contributed have not already been deducted in computing the contributor's federal or Ohio adjusted gross income for the taxable year. The deduction shall equal the amount of contributions made by the taxpayer and, if filing a joint return, the taxpayer's spouse, except that the deduction shall not exceed, for any taxable year, ten thousand dollars for spouses filing a joint return or five thousand dollars for all other taxpayers for each homeownership savings linked deposit account to which contributions are made. If a taxpayer files a joint return, the deduction amount attributable to contributions made by each spouse shall not exceed five thousand dollars for each homeownership savings account to which contributions are made. A contributor is not entitled to a deduction under this section to the extent the deduction causes the contributor to exceed the lifetime contribution limit. 99996  
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(C) In computing Ohio adjusted gross income, a deduction from federal adjusted gross income is allowed to an account owner for the following items: 100014  
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(1) Interest earned on a homeownership savings linked deposit account to the extent the interest has not been otherwise deducted or excluded in computing an account owner's federal or Ohio adjusted gross income. 100017  
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(2) Employer contributions made by an employer to an account owner's homeownership savings linked deposit account to the extent the employer contributions have not been otherwise deducted or excluded in computing an account owner's federal or Ohio adjusted gross income. 100021  
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(D) The tax commissioner may request that a taxpayer claiming a deduction calculated under division (B) or (C) of this section furnish information necessary to support the claim for the deduction under this section, and no deduction shall be allowed unless the requested information is provided.

(E) The commissioner may adopt rules necessary to administer this section. Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under division (E) of section 5747.84 of the Revised Code is not subject to sections 121.95 to 121.953 of the Revised Code.

**Sec. 5747.98.** (A) To provide a uniform procedure for calculating a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order:

Either the retirement income credit under division (B) of section 5747.055 of the Revised Code or the lump sum retirement income credits under divisions (C), (D), and (E) of that section;

Either the senior citizen credit under division (F) of section 5747.055 of the Revised Code or the lump sum distribution credit under division (G) of that section;

The dependent care credit under section 5747.054 of the Revised Code;

The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;

The campaign contribution credit under section 5747.29 of the Revised Code;

The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;

The joint filing credit under division (G) of section 5747.05

of the Revised Code;	100056
The earned income credit under section 5747.71 of the Revised Code;	100057 100058
The nonrefundable credit for education expenses under section 5747.72 of the Revised Code;	100059 100060
The nonrefundable credit for donations to scholarship granting organizations under section 5747.73 of the Revised Code;	100061 100062
The nonrefundable credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code;	100063 100064
The nonrefundable vocational job credit under section 5747.057 of the Revised Code;	100065 100066
<u>The nonrefundable credit for volunteer firefighters and emergency medical service providers under section 5747.64 of the Revised Code;</u>	100067 100068 100069
The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	100070 100071
The enterprise zone credit under section 5709.66 of the Revised Code;	100072 100073
The credit for beginning farmers who participate in a financial management program under division (B) of section 5747.77 of the Revised Code;	100074 100075 100076
The credit for commercial vehicle operator training expenses under section 5747.82 of the Revised Code;	100077 100078
The credit for selling or renting agricultural assets to beginning farmers under division (A) of section 5747.77 of the Revised Code;	100079 100080 100081
The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	100082 100083
The small business investment credit under section 5747.81 of	100084

the Revised Code;	100085
The nonrefundable lead abatement credit under section 5747.26 of the Revised Code;	100086 100087
The opportunity zone investment credit under section 122.84 of the Revised Code;	100088 100089
The enterprise zone credits under section 5709.65 of the Revised Code;	100090 100091
The research and development credit under section 5747.331 of the Revised Code;	100092 100093
The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	100094 100095
<u>The nonrefundable Ohio low-income housing tax credit under section 5747.83 of the Revised Code;</u>	100096 100097
The nonresident credit under division (A) of section 5747.05 of the Revised Code;	100098 100099
The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	100100 100101
The refundable motion picture and Broadway theatrical production credit under section 5747.66 of the Revised Code;	100102 100103
The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	100104 100105
The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	100106 100107
The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	100108 100109 100110
The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	100111 100112 100113

The refundable credit for rehabilitating a historic building 100114  
under section 5747.76 of the Revised Code; 100115

The refundable credit under section 5747.39 of the Revised 100116  
Code for taxes levied under section 5747.38 of the Revised Code 100117  
paid by an electing pass-through entity. 100118

(B) For any credit, except the refundable credits enumerated 100119  
in this section and the credit granted under division (H) of 100120  
section 5747.08 of the Revised Code, the amount of the credit for 100121  
a taxable year shall not exceed the taxpayer's aggregate amount of 100122  
tax due under section 5747.02 of the Revised Code, after allowing 100123  
for any other credit that precedes it in the order required under 100124  
this section. Any excess amount of a particular credit may be 100125  
carried forward if authorized under the section creating that 100126  
credit. Nothing in this chapter shall be construed to allow a 100127  
taxpayer to claim, directly or indirectly, a credit more than once 100128  
for a taxable year. 100129

**Sec. 5749.06.** (A)(1) Each severer liable for the tax imposed 100130  
by section 5749.02 of the Revised Code and each severer or owner 100131  
liable for the amounts due under section 1509.50 of the Revised 100132  
Code, except for any amount due under division (B)(2) of that 100133  
section, shall make and file returns with the tax commissioner in 100134  
the prescribed form and at the prescribed times, computing and 100135  
reflecting therein the tax as required by this chapter and amounts 100136  
due under section 1509.50 of the Revised Code. 100137

(2) The returns shall be filed for every calendar quarter, as 100138  
required by this section, unless a different return period is 100139  
prescribed for a taxpayer by the commissioner. 100140

(B)(1) A separate return shall be filed for each calendar 100141  
quarter, or other period, or any part thereof, during which the 100142  
severer holds a permit or has registered as provided by section 100143  
5749.04 of the Revised Code, or is required to hold the permit or 100144

registration, or during which an owner is required to file a 100145  
return. The return shall be filed on or before the fifteenth day 100146  
of the second month following the end of each return period. The 100147  
tax due is payable along with the return. All such returns shall 100148  
contain such information as the commissioner may require to fairly 100149  
administer the tax. 100150

(2) All returns shall be signed by the severer or owner, as 100151  
applicable, shall contain the full and complete information 100152  
requested, and shall be made under penalty of perjury. 100153

(C) If the commissioner believes that quarterly payments of 100154  
tax would result in a delay that might jeopardize the collection 100155  
of such tax payments, the commissioner may order that such 100156  
payments be made weekly, or more frequently if necessary, such 100157  
payments to be made not later than seven days following the close 100158  
of the period for which the jeopardy payment is required. Such an 100159  
order shall be delivered to the taxpayer ~~personally or by~~ 100160  
~~certified mail~~ in the manner provided in section 5703.37 of the 100161  
Revised Code and shall remain in effect until the commissioner 100162  
notifies the taxpayer to the contrary. 100163

(D) Upon good cause the commissioner may extend for thirty 100164  
days the period for filing any notice or return required to be 100165  
filed under this section, and may remit all or a part of penalties 100166  
that may become due under this chapter. 100167

(E) Any tax and any amount due under section 1509.50 of the 100168  
Revised Code not paid by the day the tax or amount is due shall 100169  
bear interest computed at the rate per annum prescribed by section 100170  
5703.47 of the Revised Code on that amount due from the day that 100171  
the amount was originally required to be paid to the day of actual 100172  
payment or to the day an assessment was issued under section 100173  
5749.07 or 5749.10 of the Revised Code, whichever occurs first. 100174

(F) A severer or owner, as applicable, that fails to file a 100175

complete return or pay the full amount due under this chapter 100176  
within the time prescribed, including any extensions of time 100177  
granted by the commissioner, shall be subject to a penalty not to 100178  
exceed the greater of fifty dollars or ten per cent of the amount 100179  
due for the period. 100180

(G)(1) A severer or owner, as applicable, shall remit 100181  
payments electronically and, if required by the commissioner, file 100182  
each return electronically. The commissioner may require that the 100183  
severer or owner use the Ohio business gateway, as defined in 100184  
section 718.01 of the Revised Code, or another electronic means to 100185  
file returns and remit payments electronically. 100186

(2) A severer or owner that is required to remit payments 100187  
electronically under this section may apply to the commissioner, 100188  
in the manner prescribed by the commissioner, to be excused from 100189  
that requirement. The commissioner may excuse a severer or owner 100190  
from the requirements of division (G) of this section for good 100191  
cause. 100192

(3) If a severer or owner that is required to remit payments 100193  
or file returns electronically under this section fails to do so, 100194  
the commissioner may impose a penalty on the severer or owner not 100195  
to exceed the following: 100196

(a) For the first or second payment or return the severer or 100197  
owner fails to remit or file electronically, the greater of five 100198  
per cent of the amount of the payment that was required to be 100199  
remitted or twenty-five dollars; 100200

(b) For every payment or return after the second that the 100201  
severer or owner fails to remit or file electronically, the 100202  
greater of ten per cent of the amount of the payment that was 100203  
required to be remitted or fifty dollars. 100204

(H)(1) All amounts that the commissioner receives under this 100205  
section shall be deemed to be revenue from taxes imposed under 100206

this chapter or from the amount due under section 1509.50 of the Revised Code, as applicable, and shall be deposited in the severance tax receipts fund, which is hereby created in the state treasury.

(2) The director of budget and management shall transfer from the severance tax receipts fund, as necessary, to the tax refund fund amounts equal to the refunds certified by the commissioner under section 5749.08 of the Revised Code. Any amount transferred under division (H)(2) of this section shall be derived from receipts of the same tax or other amount from which the refund arose.

(3) After the director of budget and management makes any transfer required by division (H)(2) of this section, but not later than the twenty-fifth day of each month, the commissioner shall certify to the director the total amount remaining in the severance tax receipts fund organized according to the amount attributable to each natural resource and according to the amount attributable to a tax imposed by this chapter and the amounts due under section 1509.50 of the Revised Code, and shall provide for payment to the funds specified in division (B) of section 5749.02 of the Revised Code.

(I) Penalties imposed under this section are in addition to any other penalty imposed under this chapter and shall be considered as revenue arising from the tax levied under this chapter or the amount due under section 1509.50 of the Revised Code, as applicable. The commissioner may collect any penalty or interest imposed under this section in the same manner as provided for the making of an assessment in section 5749.07 of the Revised Code. The commissioner may abate all or a portion of such interest or penalties and may adopt rules governing such abatements.

**Sec. 5749.17.** Any information provided to the department of

natural resources by the department of taxation in accordance with 100238  
~~division (C)(12) of~~ section 5703.21 of the Revised Code shall not 100239  
be disclosed publicly by the department of natural resources. 100240  
However the department of natural resources may provide such 100241  
information to the attorney general for purposes of enforcement of 100242  
Chapter 1509. of the Revised Code. 100243

**Sec. 5751.01.** As used in this chapter: 100244

(A) "Person" means, but is not limited to, individuals, 100245  
combinations of individuals of any form, receivers, assignees, 100246  
trustees in bankruptcy, firms, companies, joint-stock companies, 100247  
business trusts, estates, partnerships, limited liability 100248  
partnerships, limited liability companies, associations, joint 100249  
ventures, clubs, societies, for-profit corporations, S 100250  
corporations, qualified subchapter S subsidiaries, qualified 100251  
subchapter S trusts, trusts, entities that are disregarded for 100252  
federal income tax purposes, and any other entities. 100253

(B) "Consolidated elected taxpayer" means a group of two or 100254  
more persons treated as a single taxpayer for purposes of this 100255  
chapter as the result of an election made under section 5751.011 100256  
of the Revised Code. 100257

(C) "Combined taxpayer" means a group of two or more persons 100258  
treated as a single taxpayer for purposes of this chapter under 100259  
section 5751.012 of the Revised Code. 100260

(D) "Taxpayer" means any person, or any group of persons in 100261  
the case of a consolidated elected taxpayer or combined taxpayer 100262  
treated as one taxpayer, required to register or pay tax under 100263  
this chapter. "Taxpayer" does not include excluded persons. 100264

(E) "Excluded person" means any of the following: 100265

(1) Any person with not more than one hundred fifty thousand 100266  
dollars of taxable gross receipts during the calendar year. 100267

Division (E)(1) of this section does not apply to a person that is 100268  
a member of a consolidated elected taxpayer+ 100269

(2) A public utility that paid the excise tax imposed by 100270  
section 5727.24 or 5727.30 of the Revised Code based on one or 100271  
more measurement periods that include the entire tax period under 100272  
this chapter, except that a public utility that is a combined 100273  
company is a taxpayer with regard to the following gross receipts: 100274

(a) Taxable gross receipts directly attributed to a public 100275  
utility activity, but not directly attributed to an activity that 100276  
is subject to the excise tax imposed by section 5727.24 or 5727.30 100277  
of the Revised Code; 100278

(b) Taxable gross receipts that cannot be directly attributed 100279  
to any activity, multiplied by a fraction whose numerator is the 100280  
taxable gross receipts described in division (E)(2)(a) of this 100281  
section and whose denominator is the total taxable gross receipts 100282  
that can be directly attributed to any activity; 100283

(c) Except for any differences resulting from the use of an 100284  
accrual basis method of accounting for purposes of determining 100285  
gross receipts under this chapter and the use of the cash basis 100286  
method of accounting for purposes of determining gross receipts 100287  
under section 5727.24 of the Revised Code, the gross receipts 100288  
directly attributed to the activity of a natural gas company shall 100289  
be determined in a manner consistent with division (D) of section 100290  
5727.03 of the Revised Code. 100291

As used in division (E)(2) of this section, "combined 100292  
company" and "public utility" have the same meanings as in section 100293  
5727.01 of the Revised Code. 100294

(3) A financial institution, as defined in section 5726.01 of 100295  
the Revised Code, that paid the tax imposed by section 5726.02 of 100296  
the Revised Code based on one or more taxable years that include 100297  
the entire tax period under this chapter; 100298

(4) A person directly or indirectly owned by one or more financial institutions, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter.

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For the purposes of division (E)(4) of this section, a person owns another person under the following circumstances:

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(a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights;

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(b) In the case of a limited liability company, one person owns the company if that person's membership interest, as defined in section 1706.01 of the Revised Code, is fifty per cent or more of the combined membership interests of all persons owning such interests in the company;

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(c) In the case of a partnership, trust, or other unincorporated business organization other than a limited liability company, one person owns the organization if, under the articles of organization or other instrument governing the affairs of the organization, that person has a beneficial interest in the organization's profits, surpluses, losses, or distributions of fifty per cent or more of the combined beneficial interests of all persons having such an interest in the organization.

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(5) A domestic insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18 or Chapter 5729. of the Revised Code, or an unauthorized insurance company whose gross premiums are subject to tax under section 3905.36 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter;

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(6) A person that solely facilitates or services one or more securitizations of phase-in-recovery property pursuant to a final financing order as those terms are defined in section 4928.23 of the Revised Code. For purposes of this division, "securitization" means transferring one or more assets to one or more persons and then issuing securities backed by the right to receive payment from the asset or assets so transferred.

(7) Except as otherwise provided in this division, a pre-income tax trust as defined in section 5747.01 of the Revised Code and any pass-through entity of which such pre-income tax trust owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests. If the pre-income tax trust has made a qualifying pre-income tax trust election under division (EE) of section 5747.01 of the Revised Code, then the trust and the pass-through entities of which it owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests, shall not be excluded persons for purposes of the tax imposed under section 5751.02 of the Revised Code.

(8) Nonprofit organizations or the state and its agencies, instrumentalities, or political subdivisions.

(F) Except as otherwise provided in divisions (F)(2), (3), and (4) of this section, "gross receipts" means the total amount realized by a person, without deduction for the cost of goods sold or other expenses incurred, that contributes to the production of gross income of the person, including the fair market value of any property and any services received, and any debt transferred or forgiven as consideration.

(1) The following are examples of gross receipts:

(a) Amounts realized from the sale, exchange, or other

disposition of the taxpayer's property to or with another;	100361
(b) Amounts realized from the taxpayer's performance of services for another;	100362 100363
(c) Amounts realized from another's use or possession of the taxpayer's property or capital;	100364 100365
(d) Any combination of the foregoing amounts.	100366
(2) "Gross receipts" excludes the following amounts:	100367
(a) Interest income except interest on credit sales;	100368
(b) Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity as defined under section 5733.04 of the Revised Code;	100369 100370 100371 100372
(c) Receipts from the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. For the purposes of division (F)(2)(c) of this section, the actual transfer of title of real or tangible personal property to another entity is not a hedging transaction.	100373 100374 100375 100376 100377 100378 100379 100380 100381 100382 100383 100384 100385 100386 100387 100388 100389 100390

(d) Proceeds received attributable to the repayment,	100391
maturity, or redemption of the principal of a loan, bond, mutual	100392
fund, certificate of deposit, or marketable instrument;	100393
(e) The principal amount received under a repurchase	100394
agreement or on account of any transaction properly characterized	100395
as a loan to the person;	100396
(f) Contributions received by a trust, plan, or other	100397
arrangement, any of which is described in section 501(a) of the	100398
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter	100399
1, Subchapter (D) of the Internal Revenue Code applies;	100400
(g) Compensation, whether current or deferred, and whether in	100401
cash or in kind, received or to be received by an employee, former	100402
employee, or the employee's legal successor for services rendered	100403
to or for an employer, including reimbursements received by or for	100404
an individual for medical or education expenses, health insurance	100405
premiums, or employee expenses, or on account of a dependent care	100406
spending account, legal services plan, any cafeteria plan	100407
described in section 125 of the Internal Revenue Code, or any	100408
similar employee reimbursement;	100409
(h) Proceeds received from the issuance of the taxpayer's own	100410
stock, options, warrants, puts, or calls, or from the sale of the	100411
taxpayer's treasury stock;	100412
(i) Proceeds received on the account of payments from	100413
insurance policies, except those proceeds received for the loss of	100414
business revenue;	100415
(j) Gifts or charitable contributions received; membership	100416
dues received by trade, professional, homeowners', or condominium	100417
associations; <del>and</del> payments received for educational courses,	100418
meetings, meals, or similar payments to a trade, professional, or	100419
other similar association; and fundraising receipts received by	100420
any person when any excess receipts are donated or used	100421

exclusively for charitable purposes;	100422
(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts;	100423 100424 100425
(l) Property, money, and other amounts received or acquired by an agent on behalf of another in excess of the agent's commission, fee, or other remuneration;	100426 100427 100428
(m) Tax refunds, other tax benefit recoveries, and reimbursements for the tax imposed under this chapter made by entities that are part of the same combined taxpayer or consolidated elected taxpayer group, and reimbursements made by entities that are not members of a combined taxpayer or consolidated elected taxpayer group that are required to be made for economic parity among multiple owners of an entity whose tax obligation under this chapter is required to be reported and paid entirely by one owner, pursuant to the requirements of sections 5751.011 and 5751.012 of the Revised Code;	100429 100430 100431 100432 100433 100434 100435 100436 100437 100438
(n) Pension reversions;	100439
(o) Contributions to capital;	100440
(p) Sales or use taxes collected as a vendor or an out-of-state seller on behalf of the taxing jurisdiction from a consumer or other taxes the taxpayer is required by law to collect directly from a purchaser and remit to a local, state, or federal tax authority;	100441 100442 100443 100444 100445
(q) In the case of receipts from the sale of cigarettes, tobacco products, or vapor products by a wholesale dealer, retail dealer, distributor, manufacturer, vapor distributor, or seller, all as defined in section 5743.01 of the Revised Code, an amount equal to the federal and state excise taxes paid by any person on or for such cigarettes, tobacco products, or vapor products under subtitle E of the Internal Revenue Code or Chapter 5743. of the	100446 100447 100448 100449 100450 100451 100452

Revised Code; 100453

(r) In the case of receipts from the sale, transfer, 100454  
exchange, or other disposition of motor fuel as "motor fuel" is 100455  
defined in section 5736.01 of the Revised Code, an amount equal to 100456  
the value of the motor fuel, including federal and state motor 100457  
fuel excise taxes and receipts from billing or invoicing the tax 100458  
imposed under section 5736.02 of the Revised Code to another 100459  
person; 100460

(s) In the case of receipts from the sale of beer or 100461  
intoxicating liquor, as defined in section 4301.01 of the Revised 100462  
Code, by a person holding a permit issued under Chapter 4301. or 100463  
4303. of the Revised Code, an amount equal to federal and state 100464  
excise taxes paid by any person on or for such beer or 100465  
intoxicating liquor under subtitle E of the Internal Revenue Code 100466  
or Chapter 4301. or 4305. of the Revised Code; 100467

(t) Receipts realized by a new motor vehicle dealer or used 100468  
motor vehicle dealer, as defined in section 4517.01 of the Revised 100469  
Code, from the sale or other transfer of a motor vehicle, as 100470  
defined in that section, to another motor vehicle dealer for the 100471  
purpose of resale by the transferee motor vehicle dealer, but only 100472  
if the sale or other transfer was based upon the transferee's need 100473  
to meet a specific customer's preference for a motor vehicle; 100474

(u) Receipts from a financial institution described in 100475  
division (E)(3) of this section for services provided to the 100476  
financial institution in connection with the issuance, processing, 100477  
servicing, and management of loans or credit accounts, if such 100478  
financial institution and the recipient of such receipts have at 100479  
least fifty per cent of their ownership interests owned or 100480  
controlled, directly or constructively through related interests, 100481  
by common owners; 100482

(v) Receipts realized from administering anti-neoplastic 100483

drugs and other cancer chemotherapy, biologicals, therapeutic 100484  
agents, and supportive drugs in a physician's office to patients 100485  
with cancer; 100486

(w) Funds received or used by a mortgage broker that is not a 100487  
dealer in intangibles, other than fees or other consideration, 100488  
pursuant to a table-funding mortgage loan or warehouse-lending 100489  
mortgage loan. Terms used in division (F)(2)(w) of this section 100490  
have the same meanings as in section 1322.01 of the Revised Code, 100491  
except "mortgage broker" means a person assisting a buyer in 100492  
obtaining a mortgage loan for a fee or other consideration paid by 100493  
the buyer or a lender, or a person engaged in table-funding or 100494  
warehouse-lending mortgage loans that are first lien mortgage 100495  
loans. 100496

(x) Property, money, and other amounts received by a 100497  
professional employer organization, as defined in section 4125.01 100498  
of the Revised Code, or an alternate employer organization, as 100499  
defined in section 4133.01 of the Revised Code, from a client 100500  
employer, as defined in either of those sections as applicable, in 100501  
excess of the administrative fee charged by the professional 100502  
employer organization or the alternate employer organization to 100503  
the client employer; 100504

(y) In the case of amounts retained as commissions by a 100505  
permit holder under Chapter 3769. of the Revised Code, an amount 100506  
equal to the amounts specified under that chapter that must be 100507  
paid to or collected by the tax commissioner as a tax and the 100508  
amounts specified under that chapter to be used as purse money; 100509

(z) Qualifying distribution center receipts as determined 100510  
under section 5751.40 of the Revised Code; ~~i~~ 100511

(aa) Receipts of an employer from payroll deductions relating 100512  
to the reimbursement of the employer for advancing moneys to an 100513  
unrelated third party on an employee's behalf; 100514

(bb) Cash discounts allowed and taken;	100515
(cc) Returns and allowances;	100516
(dd) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" means any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and that may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted under that section, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include repossessed property, uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, or expenses in attempting to collect any account receivable or for any portion of the debt recovered+.	100517 100518 100519 100520 100521 100522 100523 100524 100525 100526 100527 100528 100529 100530
(ee) Any amount realized from the sale of an account receivable to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer;	100531 100532 100533 100534
(ff) Any receipts directly attributed to a transfer agreement or to the enterprise transferred under that agreement under section 4313.02 of the Revised Code+;	100535 100536 100537
(gg) Qualified uranium receipts as determined under section 5751.41 of the Revised Code+;	100538 100539
(hh) In the case of amounts collected by a licensed casino operator from casino gaming, amounts in excess of the casino operator's gross casino revenue. In this division, "casino operator" and "casino gaming" have the meanings defined in section 3772.01 of the Revised Code, and "gross casino revenue" has the meaning defined in section 5753.01 of the Revised Code.	100540 100541 100542 100543 100544 100545

(ii) Receipts realized from the sale of agricultural commodities by an agricultural commodity handler, both as defined in section 926.01 of the Revised Code, that is licensed by the director of agriculture to handle agricultural commodities in this state-; 100546  
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100550

(jj) Qualifying integrated supply chain receipts as determined under section 5751.42 of the Revised Code-; 100551  
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(kk) In the case of a railroad company described in division (D)(9) of section 5727.01 of the Revised Code that purchases dyed diesel fuel directly from a supplier as defined by section 5736.01 of the Revised Code, an amount equal to the product of the number of gallons of dyed diesel fuel purchased directly from such a supplier multiplied by the average wholesale price for a gallon of diesel fuel as determined under section 5736.02 of the Revised Code for the period during which the fuel was purchased multiplied by a fraction, the numerator of which equals the rate of tax levied by section 5736.02 of the Revised Code less the rate of tax computed in section 5751.03 of the Revised Code, and the denominator of which equals the rate of tax computed in section 5751.03 of the Revised Code-; 100553  
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(ll) Receipts realized by an out-of-state disaster business from disaster work conducted in this state during a disaster response period pursuant to a qualifying solicitation received by the business. Terms used in division (F)(2)(ll) of this section have the same meanings as in section 5703.94 of the Revised Code. 100566  
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(mm) In the case of receipts from the sale or transfer of a mortgage-backed security or a mortgage loan by a mortgage lender holding a valid certificate of registration issued under Chapter 1322. of the Revised Code or by a person that is a member of the mortgage lender's consolidated elected taxpayer group, an amount equal to the principal balance of the mortgage loan-; 100571  
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(nn) Amounts of excess surplus of the state insurance fund 100577  
received by the taxpayer from the Ohio bureau of workers' 100578  
compensation pursuant to rules adopted under section 4123.321 of 100579  
the Revised Code; ~~i~~ 100580

(oo) Except as otherwise provided in division (B) of section 100581  
5751.091 of the Revised Code, receipts of a megaproject supplier 100582  
from sales of tangible personal property directly to a megaproject 100583  
operator in this state for use at the site of the megaproject 100584  
operator's megaproject, provided that the sale occurs during the 100585  
period that the megaproject operator has an agreement with the tax 100586  
credit authority for the megaproject under division (D) of section 100587  
122.17 of the Revised Code that remains in effect and has not 100588  
expired or been terminated, and provided the megaproject supplier 100589  
holds a certificate for such megaproject issued under section 100590  
5751.052 of the Revised Code for the calendar year in which the 100591  
sales are made and, if the megaproject supplier meets the 100592  
requirements described in division (A)(13)(b) of section 122.17 of 100593  
the Revised Code, the megaproject supplier holds a certificate for 100594  
such megaproject issued under division (D)(11) of section 122.17 100595  
of the Revised Code on the first day of that calendar year; 100596

(pp) Receipts from the sale of each new piece of capital 100597  
equipment that has a cost in excess of one hundred million dollars 100598  
and that is used at the site of a megaproject that satisfies the 100599  
criteria described in division (A)(11)(a)(ii) of section 122.17 of 100600  
the Revised Code, provided that the sale occurs during the period 100601  
that a megaproject operator has an agreement for that megaproject 100602  
with the tax credit authority under division (D) of section 122.17 100603  
of the Revised Code that remains in effect and has not expired or 100604  
been terminated; 100605

(qq) In the case of amounts collected by a sports gaming 100606  
proprietor from sports gaming, amounts in excess of the 100607  
proprietor's sports gaming receipts. As used in this division, 100608

"sports gaming proprietor" has the same meaning as in section 100609  
3775.01 of the Revised Code and "sports gaming receipts" has the 100610  
same meaning as in section 5753.01 of the Revised Code. 100611

(rr) Amounts received from any federal, state, or local 100612  
grant, and amounts of indebtedness discharged or forgiven pursuant 100613  
to federal, state, or local law, for providing or expanding access 100614  
to broadband service in this state. As used in this division, 100615  
"broadband service" has the same meaning as in section 188.01 of 100616  
the Revised Code. 100617

(ss) Receipts provided to a taxpayer to compensate for lost 100618  
business resulting from the train derailment near the city of East 100619  
Palestine on February 3, 2023, by any of the following: 100620

(i) A federal, state, or local government agency; 100621

(ii) Norfolk southern railway; 100622

(iii) Any subsidiary, insurer, or agent of Norfolk southern 100623  
railway or any related person. 100624

(tt) The fee imposed by section 3743.22 of the Revised Code 100625  
collected by the taxpayer and remitted to the fire marshal during 100626  
the tax period, provided that the fee is separately stated on the 100627  
invoice, bill of sale, or similar document given to the purchaser 100628  
of 1.4G fireworks in this state. 100629

Any receipts for which the tax imposed by this chapter is 100630  
prohibited by the constitution or laws of the United States or the 100631  
constitution of this state. 100632

(3) In the case of a taxpayer when acting as a real estate 100633  
broker, "gross receipts" includes only the portion of any fee for 100634  
the service of a real estate broker, or service of a real estate 100635  
salesperson associated with that broker, that is retained by the 100636  
broker and not paid to an associated real estate salesperson or 100637  
another real estate broker. For the purposes of this division, 100638

"real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code. 100639  
100640

(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly. 100641  
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(G) "Taxable gross receipts" means gross receipts situated to this state under section 5751.033 of the Revised Code. 100648  
100649

(H) A person has "substantial nexus with this state" if any of the following applies. The person: 100650  
100651

(1) Owns or uses a part or all of its capital in this state; 100652

(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state; 100653  
100654

(3) Has bright-line presence in this state; 100655

(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the Constitution of the United States. 100656  
100657  
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(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person: 100659  
100660  
100661

(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge. 100662  
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(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all 100667  
100668

of the following: 100669

(a) Any amount subject to withholding by the person under 100670  
section 5747.06 of the Revised Code; 100671

(b) Any other amount the person pays as compensation to an 100672  
individual under the supervision or control of the person for work 100673  
done in this state; and 100674

(c) Any amount the person pays for services performed in this 100675  
state on its behalf by another. 100676

(3) Has during the calendar year taxable gross receipts of at 100677  
least five hundred thousand dollars-; 100678

(4) Has at any time during the calendar year within this 100679  
state at least twenty-five per cent of the person's total 100680  
property, total payroll, or total gross receipts-; 100681

(5) Is domiciled in this state as an individual or for 100682  
corporate, commercial, or other business purposes. 100683

(J) "Tangible personal property" has the same meaning as in 100684  
section 5739.01 of the Revised Code. 100685

(K) "Internal Revenue Code" means the Internal Revenue Code 100686  
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 100687  
this chapter that is not otherwise defined has the same meaning as 100688  
when used in a comparable context in the laws of the United States 100689  
relating to federal income taxes unless a different meaning is 100690  
clearly required. Any reference in this chapter to the Internal 100691  
Revenue Code includes other laws of the United States relating to 100692  
federal income taxes. 100693

(L) "Calendar quarter" means a three-month period ending on 100694  
the thirty-first day of March, the thirtieth day of June, the 100695  
thirtieth day of September, or the thirty-first day of December. 100696

(M) "Tax period" means the calendar quarter or calendar year 100697  
on the basis of which a taxpayer is required to pay the tax 100698

imposed under this chapter.	100699
(N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year.	100700 100701
(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.	100702 100703
(P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:	100704 100705 100706
(1) A person receiving a fee to sell financial instruments;	100707
(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;	100708 100709 100710
(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;	100711 100712
(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;	100713 100714
(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.	100715 100716
(Q) "Received" includes amounts accrued under the accrual method of accounting.	100717 100718
(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group.	100719 100720 100721 100722 100723 100724 100725
(S) "Megaproject," "megaproject operator," and "megaproject supplier" have the same meanings as in section 122.17 of the Revised Code.	100726 100727 100728

**Sec. 5751.02.** (A) For the purpose of funding the needs of 100729  
this state and its local governments, there is hereby levied a 100730  
commercial activity tax on each person with taxable gross receipts 100731  
for the privilege of doing business in this state. For the 100732  
purposes of this chapter, "doing business" means engaging in any 100733  
activity, whether legal or illegal, that is conducted for, or 100734  
results in, gain, profit, or income, at any time during a calendar 100735  
year. Persons on which the commercial activity tax is levied 100736  
include, but are not limited to, persons with substantial nexus 100737  
with this state. The tax imposed under this section is not a 100738  
transactional tax and is not subject to Public Law No. 86-272, 73 100739  
Stat. 555. The tax imposed under this section is in addition to 100740  
any other taxes or fees imposed under the Revised Code. The tax 100741  
levied under this section is imposed on the person receiving the 100742  
gross receipts and is not a tax imposed directly on a purchaser. 100743  
The tax imposed by this section is an annual privilege tax for the 100744  
calendar year that, in the case of calendar year taxpayers, is the 100745  
annual tax period and, in the case of calendar quarter taxpayers, 100746  
contains all quarterly tax periods in the calendar year. A 100747  
taxpayer is subject to the annual privilege tax for doing business 100748  
during any portion of such calendar year. 100749

(B) The tax imposed by this section is a tax on the taxpayer 100750  
and shall not be billed or invoiced to another person. Even if the 100751  
tax or any portion thereof is billed or invoiced and separately 100752  
stated, such amounts remain part of the price for purposes of the 100753  
sales and use taxes levied under Chapters 5739. and 5741. of the 100754  
Revised Code. Nothing in division (B) of this section prohibits: 100755

(1) A person from including in the price charged for a good 100756  
or service an amount sufficient to recover the tax imposed by this 100757  
section; or 100758

(2) A lessor from including an amount sufficient to recover 100759

the tax imposed by this section in a lease payment charged, or 100760  
 from including such an amount on a billing or invoice pursuant to 100761  
 the terms of a written lease agreement providing for the recovery 100762  
 of the lessor's tax costs. The recovery of such costs shall be 100763  
 based on an estimate of the total tax cost of the lessor during 100764  
 the tax period, as the tax liability of the lessor cannot be 100765  
 calculated until the end of that period. 100766

(C)(1) The commercial activities tax receipts fund is hereby 100767  
 created in the state treasury and shall consist of money arising 100768  
 from the tax imposed under this chapter. Sixty-five one-hundredths 100769  
 of one per cent of the money credited to that fund shall be 100770  
 credited to the revenue enhancement fund and shall be used to 100771  
 defray the costs incurred by the department of taxation in 100772  
 administering the tax imposed by this chapter and in implementing 100773  
 tax reform measures. The remainder of the money in the commercial 100774  
 activities tax receipts fund shall first be credited to the 100775  
 commercial activity tax motor fuel receipts fund, pursuant to 100776  
 division (C)(2) of this section, and the remainder shall be 100777  
 credited in the following percentages each fiscal year to the 100778  
 general revenue fund, to the school district tangible property tax 100779  
 replacement fund, which is hereby created in the state treasury 100780  
 for the purpose of making the payments described in section 100781  
 5709.92 of the Revised Code, and to the local government tangible 100782  
 property tax replacement fund, which is hereby created in the 100783  
 state treasury for the purpose of making the payments described in 100784  
 section 5709.93 of the Revised Code, in the following percentages: 100785

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2014 and 2015	50.0%	35.0%	15.0%	100787
2016 and 2017	75.0%	20.0%	5.0%	100788

2018 <del>and</del>	85.0%	13.0%	2.0%	100789
thereafter <u>to</u>				
<u>2023</u>				
<u>2024 and</u>	<u>97.50%</u>	<u>2.25%</u>	<u>0.25%</u>	100790
<u>thereafter</u>				

(2) Not later than the twentieth day of February, May, 100791  
August, and November of each year, the commissioner shall provide 100792  
for payment from the commercial activities tax receipts fund to 100793  
the commercial activity tax motor fuel receipts fund an amount 100794  
that bears the same ratio to the balance in the commercial 100795  
activities tax receipts fund that (a) the taxable gross receipts 100796  
attributed to motor fuel used for propelling vehicles on public 100797  
highways as indicated by returns filed by the tenth day of that 100798  
month for a liability that is due and payable on or after July 1, 100799  
2013, for a tax period ending before July 1, 2014, bears to (b) 100800  
all taxable gross receipts as indicated by those returns for such 100801  
liabilities. 100802

(D)(1) If the total amount in the school district tangible 100803  
property tax replacement fund is insufficient to make all payments 100804  
under section 5709.92 of the Revised Code at the times the 100805  
payments are to be made, the director of budget and management 100806  
shall transfer from the general revenue fund to the school 100807  
district tangible property tax replacement fund the difference 100808  
between the total amount to be paid and the amount in the school 100809  
district tangible property tax replacement fund. 100810

(2) If the total amount in the local government tangible 100811  
property tax replacement fund is insufficient to make all payments 100812  
under section 5709.93 of the Revised Code at the times the 100813  
payments are to be made, the director of budget and management 100814  
shall transfer from the general revenue fund to the local 100815  
government tangible property tax replacement fund the difference 100816  
between the total amount to be paid and the amount in the local 100817

government tangible property tax replacement fund. 100818

(E)(1) On or after the first day of June of each year, the 100819  
director of budget and management may transfer any balance in the 100820  
school district tangible property tax replacement fund to the 100821  
general revenue fund. 100822

(2) On or after the first day of June of each year, the 100823  
director of budget and management may transfer any balance in the 100824  
local government tangible property tax replacement fund to the 100825  
general revenue fund. 100826

(F)(1) There is hereby created in the state treasury the 100827  
commercial activity tax motor fuel receipts fund. 100828

(2) On or before the fifteenth day of June of each fiscal 100829  
year beginning with fiscal year 2015, the director of the Ohio 100830  
public works commission shall certify to the director of budget 100831  
and management the amount of debt service paid from the general 100832  
revenue fund in the current fiscal year on bonds issued to finance 100833  
or assist in the financing of the cost of local subdivision public 100834  
infrastructure capital improvement projects, as provided for in 100835  
Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, 100836  
that are attributable to costs for construction, reconstruction, 100837  
maintenance, or repair of public highways and bridges and other 100838  
statutory highway purposes. That certification shall allocate the 100839  
total amount of debt service paid from the general revenue fund 100840  
and attributable to those costs in the current fiscal year 100841  
according to the applicable section of the Ohio Constitution under 100842  
which the bonds were originally issued. 100843

(3) On or before the thirtieth day of June of each fiscal 100844  
year beginning with fiscal year 2015, the director of budget and 100845  
management shall determine an amount up to but not exceeding the 100846  
amount certified under division (F)(2) of this section and shall 100847  
reserve that amount from the cash balance in the petroleum 100848

activity tax public highways fund or the commercial activity tax 100849  
motor fuel receipts fund for transfer to the general revenue fund 100850  
at times and in amounts to be determined by the director. The 100851  
director shall transfer the cash balance in the petroleum activity 100852  
tax public highways fund or the commercial activity tax motor fuel 100853  
receipts fund in excess of the amount so reserved to the highway 100854  
operating fund on or before the thirtieth day of June of the 100855  
current fiscal year. 100856

**Sec. 5751.033.** For the purposes of this chapter, gross 100857  
receipts shall be sitused to this state as follows: 100858

(A) Gross rents and royalties from real property located in 100859  
this state shall be sitused to this state. 100860

(B) Gross rents and royalties from tangible personal property 100861  
shall be sitused to this state to the extent the tangible personal 100862  
property is located or used in this state. 100863

(C) Gross receipts from the sale of electricity and electric 100864  
transmission and distribution services shall be sitused to this 100865  
state in the manner provided under section 5733.059 of the Revised 100866  
Code. 100867

(D) Gross receipts from the sale of real property located in 100868  
this state shall be sitused to this state. 100869

(E) Gross receipts from the sale of tangible personal 100870  
property shall be sitused to this state if the property is 100871  
received in this state by the purchaser. In the case of delivery 100872  
of tangible personal property by ~~motor~~ common carrier or by other 100873  
means of transportation, the place at which such property is 100874  
ultimately received after all transportation has been completed 100875  
shall be considered the place where the purchaser receives the 100876  
property. For purposes of this section, the phrase "delivery of 100877  
tangible personal property by ~~motor~~ common carrier or by other 100878

means of transportation" includes the situation in which a purchaser accepts the property in this state and then transports the property directly or by other means to a location outside this state. Direct delivery in this state, other than for purposes of transportation, to a person or firm designated by a purchaser constitutes delivery to the purchaser in this state, and direct delivery outside this state to a person or firm designated by a purchaser does not constitute delivery to the purchaser in this state, regardless of where title passes or other conditions of sale.

(F) Gross receipts from the sale, exchange, disposition, or other grant of the right to use trademarks, trade names, patents, copyrights, and similar intellectual property shall be sitused to this state to the extent that the receipts are based on the amount of use of the property in this state. If the receipts are not based on the amount of use of the property, but rather on the right to use the property, and the payor has the right to use the property in this state, then the receipts from the sale, exchange, disposition, or other grant of the right to use such property shall be sitused to this state to the extent the receipts are based on the right to use the property in this state.

(G) Gross receipts from the sale of transportation services by a ~~motor~~ common or contract carrier shall be sitused to this state in proportion to the mileage traveled by the carrier during the tax period on roadways, waterways, airways, and railways in this state to the mileage traveled by the carrier during the tax period on roadways, waterways, airways, and railways everywhere. With prior written approval of the tax commissioner, a ~~motor~~ common or contract carrier may use an alternative situsing procedure for transportation services.

(H) Gross receipts from dividends, interest, and other sources of income from financial instruments described in

divisions (F)(4), (5), (6), (7), (8), (9), (10), (11), and (13) of 100911  
section 5733.056 of the Revised Code shall be sitused to this 100912  
state in accordance with the situsing provisions set forth in 100913  
those divisions. When applying the provisions of divisions (F)(6), 100914  
(8), and (13) of section 5733.056 of the Revised Code, "gross 100915  
receipts" shall be substituted for "net gains" wherever "net 100916  
gains" appears in those divisions. Nothing in this division limits 100917  
or modifies the exclusions enumerated in divisions (E) and (F)(2) 100918  
of section 5751.01 of the Revised Code. The tax commissioner may 100919  
promulgate rules to further specify the manner in which to situs 100920  
gross receipts subject to this division. 100921

(I) Gross receipts from the sale of all other services, and 100922  
all other gross receipts not otherwise sitused under this section, 100923  
shall be sitused to this state in the proportion that the 100924  
purchaser's benefit in this state with respect to what was 100925  
purchased bears to the purchaser's benefit everywhere with respect 100926  
to what was purchased. The physical location where the purchaser 100927  
ultimately uses or receives the benefit of what was purchased 100928  
shall be paramount in determining the proportion of the benefit in 100929  
this state to the benefit everywhere. If a taxpayer's records do 100930  
not allow the taxpayer to determine that location, the taxpayer 100931  
may use an alternative method to situs gross receipts under this 100932  
division if the alternative method is reasonable, is consistently 100933  
and uniformly applied, and is supported by the taxpayer's records 100934  
as the records exist when the service is provided or within a 100935  
reasonable period of time thereafter. 100936

(J) If the situsing provisions of divisions (A) to (H) of 100937  
this section do not fairly represent the extent of a person's 100938  
activity in this state, the person may request, or the tax 100939  
commissioner may require or permit, an alternative method. Such 100940  
request by a person must be made within the applicable statute of 100941  
limitations set forth in this chapter. 100942

(K) The tax commissioner may adopt rules to provide 100943  
additional guidance to the application of this section, and 100944  
provide alternative methods of situsing gross receipts that apply 100945  
to all persons, or subset of persons, that are engaged in similar 100946  
business or trade activities. 100947

~~(L) As used in this section, "motor carrier" has the same 100948  
meaning as in section 4923.01 of the Revised Code. 100949~~

**Sec. 5751.06.** (A) Any taxpayer that fails to file a return or 100950  
pay the full amount of the tax due within the period prescribed 100951  
therefor under this chapter shall pay a penalty in an amount not 100952  
exceeding the greater of fifty dollars or ten per cent of the tax 100953  
required to be paid for the tax period. 100954

(B)(1) If any additional tax is found to be due, the tax 100955  
commissioner may impose an additional penalty of up to fifteen per 100956  
cent on the additional tax found to be due. 100957

(2) Any delinquent payments of the tax made after a taxpayer 100958  
is notified of an audit or a tax discrepancy by the commissioner 100959  
is subject to the penalty imposed by division (B) of this section. 100960  
If an assessment is issued under section 5751.09 of the Revised 100961  
Code in connection with such delinquent payments, the payments 100962  
shall be credited to the assessment. 100963

(C) After calendar year 2008, the tax commissioner may impose 100964  
an additional penalty against a taxpayer that fails to switch to 100965  
being a calendar quarter taxpayer at the time it had over two 100966  
million in taxable gross receipts in the calendar year, as 100967  
required under section 5751.04 of the Revised Code. The penalty 100968  
may be imposed in an amount not to exceed ten per cent of the tax 100969  
due above two million dollars in taxable gross receipts for the 100970  
calendar year. Any penalty imposed under this division is in 100971  
addition to any other penalties imposed under this section. 100972

(D) If the tax commissioner notifies a person required to register under section 5751.05 of the Revised Code of such requirement and of the requirement to remit the tax due under this chapter, and the person fails to so register and remit the tax within sixty days after such notice, the tax commissioner may impose an additional penalty of up to thirty-five per cent of the tax due. The penalty imposed under this division is in addition to any other penalties imposed under this section.

(E) The tax commissioner may collect any penalty or interest imposed by this section in the same manner as the tax imposed under this chapter. Penalties and interest so collected shall be considered as revenue arising from the tax imposed under this chapter.

(F) The tax commissioner may abate all or a portion of any penalties imposed under this section and may adopt rules governing such abatements.

(G) If any tax due is not timely paid in accordance with this chapter, the taxpayer shall pay interest, calculated at the rate per annum prescribed by section 5703.47 of the Revised Code, from the date the tax payment was due to the date of payment or to the date an assessment was issued, whichever occurs first.

(H) The tax commissioner may impose a penalty of up to ten per cent for any additional tax that is due under division (A)(2)(b) of section 5751.051 of the Revised Code from a taxpayer incorrectly reporting its taxable gross receipts.

(I) If the tax commissioner discovers that a taxpayer has billed or invoiced another person for the tax imposed under this chapter in violation of division (B) of section 5751.02 of the Revised Code, the tax commissioner shall notify the taxpayer of the violation ~~by certified mail~~ in the manner provided in section 5703.37 of the Revised Code and may impose a penalty of up to five

hundred dollars. If the taxpayer subsequently bills or invoices a person for the tax imposed under this chapter, the tax commissioner shall impose a penalty of five hundred dollars.

**Sec. 5751.51.** (A) As used in this section, "qualified research expenses" has the same meaning as in section 41 of the Internal Revenue Code.

(B)(1) For calendar years beginning on or after January 1, 2008, a nonrefundable credit may be claimed under this chapter equal to seven per cent of the excess of (a) qualified research expenses incurred in this state by the taxpayer in the calendar year for which the credit is claimed over (b) the taxpayer's average annual qualified research expenses incurred in this state for the three preceding calendar years.

(2) The taxpayer shall claim the credit allowed under division (B)(1) of this section in the order required by section 5751.98 of the Revised Code. A credit claimed in calendar year 2008 may not be applied against the tax otherwise due under this chapter for a tax period beginning before July 1, 2008. Any credit amount in excess of the tax due under section 5751.03 of the Revised Code, after allowing for any other credits that precede the credit under this section in the order required under that section, may be carried forward for seven years, but the amount of the excess credit claimed against the tax for any tax period shall be deducted from the balance carried forward to the next tax period.

(3) No credit shall be allowed under this chapter if the credit was available against the tax imposed by section 5733.06 of the Revised Code, except to the extent the credit was not applied against such tax.

(C) In the case of a taxpayer that is a consolidated elected taxpayer or combined taxpayer, each person in the taxpayer's group

shall separately calculate the credit claimed under this section 101035  
using the qualified research expenses incurred by that person on a 101036  
form prescribed by the tax commissioner, which shall be used by 101037  
the taxpayer to claim the credit. 101038

Such a taxpayer may only claim the credit with respect to 101039  
persons included in the taxpayer's group as of the thirty-first 101040  
day of December of the calendar year in which the qualified 101041  
research expenses are incurred. Such a taxpayer may only claim any 101042  
excess credit carried forward under division (B)(2) of this 101043  
section with respect to persons included in that group as of the 101044  
last day of the tax period for which the return claiming the 101045  
credit is filed. 101046

(D) A taxpayer that claims a credit under this section shall 101047  
retain records to substantiate the claim. Required records include 101048  
those relating to any expenses used in calculating the credit and 101049  
incurred in the current calendar year and in the three preceding 101050  
calendar years. 101051

The taxpayer shall retain the required records until the date 101052  
that is four years after the due date for the return on which the 101053  
credit was claimed or four years after the date the return was 101054  
actually filed, whichever is later. 101055

(E) The tax commissioner may audit a sample of the taxpayer's 101056  
qualified research expenses over a representative period to 101057  
ascertain the amount of tax credit the taxpayer may claim under 101058  
this section and may issue an assessment under section 5751.09 of 101059  
the Revised Code based on the audit. The commissioner shall make a 101060  
good faith effort to reach an agreement with the taxpayer in 101061  
selecting a representative sample. The commissioner is not, 101062  
however, precluded from proceeding under this division if an 101063  
agreement is not made. 101064

**Sec. 5753.031.** (A) For the purpose of receiving and 101065

distributing, and accounting for, revenue received from the tax 101066  
levied by section 5753.021 of the Revised Code and from fines 101067  
imposed under Chapter 3775. of the Revised Code, the following 101068  
funds are created in the state treasury: 101069

(1) The sports gaming revenue fund; 101070

(2) The sports gaming tax administration fund, which the tax 101071  
commissioner shall use to defray the costs incurred in 101072  
administering the tax levied by section 5753.021 of the Revised 101073  
Code; 101074

(3) The sports gaming profits education fund. ~~Fifty per cent~~ 101075  
~~of the funds~~ Amounts deposited in the sports gaming profits 101076  
education fund shall be used as follows: 101077

(a) Each fiscal year, the lesser of fifty per cent of the 101078  
amount deposited or fifteen million dollars shall be used to 101079  
support interscholastic athletics and other extracurricular 101080  
activities for students in grades kindergarten through twelve as 101081  
determined in appropriations made by the general assembly. ~~The~~ 101082  
~~other fifty per cent~~ 101083

(b) The remainder of the fund shall be used for the support 101084  
of public and nonpublic education for students in grades 101085  
kindergarten through twelve as determined in appropriations made 101086  
by the general assembly. 101087

(4) The problem sports gaming fund. 101088

(B)(1) All of the following shall be deposited into the 101089  
sports gaming revenue fund: 101090

(a) All money collected from the tax levied under section 101091  
5753.021 of the Revised Code; 101092

(b) The remainder of the fees described in division (G)(2) of 101093  
section 3775.02 of the Revised Code, after the Ohio casino control 101094  
commission deposits the required amount in the sports gaming 101095

profits veterans fund under that division; 101096

(c) Unclaimed winnings collected under division (F) of 101097  
section 3775.10 of the Revised Code; 101098

(d) Any fines collected under Chapter 3775. of the Revised 101099  
Code. 101100

(2) All other fees collected under Chapter 3775. of the 101101  
Revised Code shall be deposited into the casino control commission 101102  
fund created under section 5753.03 of the Revised Code. 101103

(C)(1) From the sports gaming revenue fund, the director of 101104  
budget and management shall transfer as needed to the tax refund 101105  
fund amounts equal to the refunds certified by the tax 101106  
commissioner under section 5753.06 of the Revised Code and 101107  
attributable to the tax levied under section 5753.021 of the 101108  
Revised Code. 101109

(2) Not later than the fifteenth day of each month, the 101110  
director of budget and management shall transfer from the sports 101111  
gaming revenue fund to the sports gaming tax administration fund 101112  
the amount necessary to reimburse the department of taxation's 101113  
actual expenses incurred in administering the tax levied under 101114  
section 5753.021 of the Revised Code. 101115

(3) Of the amount in the sports gaming revenue fund remaining 101116  
after making the transfers required by divisions (C)(1) and (2) of 101117  
this section, the director of budget and management shall 101118  
transfer, on or before the fifteenth day of the month following 101119  
the end of each calendar quarter, amounts to each fund as follows: 101120

(a) Ninety-eight per cent to the sports gaming profits 101121  
education fund; 101122

(b) Two per cent to the problem sports gaming fund. 101123

(D) All interest generated by the funds created under this 101124  
section shall be credited back to them. 101125

Sec. 5910.01. As used in this chapter and section 5919.34 of 101126  
the Revised Code: 101127

(A) "Child" includes natural and adopted children and 101128  
stepchildren who have not been legally adopted by the veteran 101129  
parent provided that the relationship between the stepchild and 101130  
the veteran parent meets the following criteria: 101131

(1) The veteran parent is married to the child's natural or 101132  
adoptive parent at the time application for a scholarship granted 101133  
under this chapter is made; or if the veteran parent is deceased, 101134  
the child's natural or adoptive parent was married to the veteran 101135  
parent at the time of the veteran parent's death; 101136

(2) The child resided with the veteran parent for a period of 101137  
not less than ten consecutive years immediately prior to making 101138  
application for the scholarship; or if the veteran parent is 101139  
deceased, the child resided with the veteran parent for a period 101140  
of not less than ten consecutive years immediately prior to the 101141  
veteran parent's death; 101142

(3) The child received financial support from the veteran 101143  
parent for a period of not less than ten consecutive years 101144  
immediately prior to making application for the scholarship; or if 101145  
the veteran parent is deceased, the child received financial 101146  
support from the veteran parent for a period of not less than ten 101147  
consecutive years immediately prior to the veteran parent's death. 101148

(B) "Veteran" includes any of the following: 101149

(1) Any person who was a member of the armed services of the 101150  
United States for a period of ninety days or more, or who was 101151  
discharged from the armed services due to a disability incurred 101152  
while a member with less than ninety days' service, or who died 101153  
while a member of the armed services; provided that such service, 101154  
disability, or death occurred during one of the following periods: 101155

~~April 6, 1917, to November 11, 1918;~~ December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; January 1, 1960, to May 7, 1975; August 2, 1990, to the end of operations conducted as a result of the invasion of Kuwait by Iraq, including support for operation desert shield and operation desert storm, as declared by the president of the United States or the congress; October 7, 2001, to the end of operation enduring freedom as declared by the president of the United States or the congress; March 20, 2003, to the end of operation Iraqi freedom as declared by the president of the United States or the congress; or any other period of conflict established by the United States department of veterans affairs for pension purposes;

(2) Any person who was a member of the armed services of the United States and participated in an operation for which the armed forces expeditionary medal was awarded;

(3) Any person who served as a member of the United States merchant marine and to whom either of the following applies:

(a) The person has an honorable report of separation from the active duty military service, form DD214 or DD215.

(b) The person served in the United States merchant marine between December 7, 1941, and December 31, 1946, and died on active duty while serving in a war zone during that period of service.

(C) "Armed services of the United States" or "United States armed forces" includes the army, air force, navy, marine corps, coast guard, and such other military service branch as may be designated by congress as a part of the armed forces of the United States.

(D) "Board" means the Ohio war orphans and severely disabled veterans' children scholarship board created by section 5910.02 of the Revised Code.

(E) "Disabled" means having a sixty per cent or greater service-connected disability or receiving benefits for permanent and total nonservice-connected disability, as determined by the United States department of veterans affairs.

(F) "United States merchant marine" includes the United States army transport service and the United States naval transport service.

**Sec. 5913.01.** (A) The adjutant general is the commander and administrative head of the Ohio organized militia, as described in section 5923.01 of the Revised Code. The adjutant general shall:

(1) Be provided offices and shall keep them open during usual business hours;

(2) Manage the recruitment of individuals for service in the Ohio organized militia;

(3) Have and maintain custody of all military records, correspondence, and other documents of the Ohio organized militia;

~~(3)~~(4) Superintend the preparation of all returns and reports required by the United States from the state on military matters;

~~(4)~~(5) Keep a roster of all officers of the Ohio organized militia, including retired officers;

~~(5)~~(6) Whenever necessary, cause the military provisions of the Revised Code and the orders, regulations, pamphlets, circulars, and memorandums of the adjutant general's department to be printed and distributed to the organizations of the Ohio organized militia;

~~(6)~~(7) Prepare and issue all necessary Ohio organized militia forms and attest to all commissions issued to officers of the Ohio organized militia;

~~(7)~~(8) Have a seal, and all copies of orders, records, and

papers in the adjutant general's office certified and 101216  
authenticated with that seal shall be competent evidence in like 101217  
manner as if the originals were produced. All orders issued from 101218  
the adjutant general's office shall bear a duplicate of the seal. 101219

~~(8)~~(9) Keep and preserve the arms, ordnance, equipment, and 101220  
all other military property belonging to the state or issued to 101221  
the state by the federal government and issue any regulations 101222  
necessary to keep, preserve, and repair the property as conditions 101223  
demand; 101224

~~(9)~~(10) Issue adjutant general's property to the units of the 101225  
Ohio organized militia as the necessity of the service or 101226  
organizational or allowance tables requires; 101227

~~(10)~~(11) Submit an annual report to the governor at such time 101228  
as the governor requires of the transaction of the adjutant 101229  
general's department, setting forth the strength and condition of 101230  
the Ohio organized militia and other matters that the adjutant 101231  
general chooses; 101232

~~(11)~~(12) Designate members of the Ohio national guard, who 101233  
are participating in duties related to remotely piloted aircraft, 101234  
including, but not limited to, pilots, sensor operators, and 101235  
mission intelligence personnel, duties related to special forces 101236  
operations, or duties related to cybersecurity, as designated 101237  
public service workers under section 149.43 of the Revised Code; 101238

~~(12)~~(13) Command the joint force headquarters of the Ohio 101239  
national guard. 101240

(B) The adjutant general shall issue and distribute all 101241  
orders issued in the name of the governor as the commander in 101242  
chief of the Ohio organized militia and perform the duties that 101243  
the governor directs and other duties prescribed by law. 101244

(C) The adjutant general may enter into cooperative 101245  
agreements, contractual arrangements, or agreements for the 101246

acceptance of grants with the United States or any agency or 101247  
department of the United States, other states, any department or 101248  
political subdivision of this state, or any person or body 101249  
politic, to accomplish the purposes of the adjutant general's 101250  
department. The adjutant general shall cooperate with, and not 101251  
infringe upon, the rights of other state departments, divisions, 101252  
boards, commissions, and agencies, political subdivisions, and 101253  
other public officials and public and private agencies when the 101254  
interests of the adjutant general's department and those other 101255  
entities overlap. 101256

The funds made available by the United States for the 101257  
exclusive use of the department shall be expended only by the 101258  
department and only for the purposes for which the federal funds 101259  
were appropriated. In accepting federal funds, the department 101260  
agrees to abide by the terms and conditions of the grant or 101261  
cooperative agreement and further agrees to expend the federal 101262  
funds in accordance with the laws and regulations of the United 101263  
States. 101264

Sec. 5913.012. (A) The adjutant general may authorize a judge 101265  
advocate appointed under section 5924.06 of the Revised Code to 101266  
provide legal assistance to any of the following: 101267

(1) Investigative personnel of the bureau of criminal 101268  
identification and investigation as described in section 109.542 101269  
of the Revised Code, a natural resources law enforcement staff 101270  
officer designated under section 1501.013 of the Revised Code, a 101271  
forest-fire investigator appointed under section 1503.09 of the 101272  
Revised Code, a natural resources officer appointed under section 101273  
1501.24 of the Revised Code, a wildlife officer designated under 101274  
section 1531.13 of the Revised Code, a state highway patrol 101275  
trooper appointed under section 5503.01 of the Revised Code, and a 101276  
special police officer designated under section 5503.09 of the 101277

<u>Revised Code;</u>	101278
<u>(2) A person commissioned or enlisted in the Ohio military reserve under Chapter 5920. of the Revised Code;</u>	101279
<u>(3) The spouse, surviving spouse, dependent parent, minor child, or ward of a person listed under divisions (A)(1) and (2) of this section.</u>	101281
<u>(B) The adjutant general may specify matters upon which legal assistance may be provided and may limit services subject to the availability of a judge advocate.</u>	101282
<u>(B) The adjutant general may specify matters upon which legal assistance may be provided and may limit services subject to the availability of a judge advocate.</u>	101284
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<u>(B) The adjutant general may specify matters upon which legal assistance may be provided and may limit services subject to the availability of a judge advocate.</u>	101286
<b>Sec. 5919.34.</b> (A) As used in this section:	101287
(1) "Academic term" means any one of the following:	101288
(a) Fall term, which consists of fall semester or fall quarter, as appropriate;	101289
(a) Fall term, which consists of fall semester or fall quarter, as appropriate;	101290
(b) Winter term, which consists of winter semester, winter quarter, or spring semester, as appropriate;	101291
(b) Winter term, which consists of winter semester, winter quarter, or spring semester, as appropriate;	101292
(c) Spring term, which consists of spring quarter;	101293
(d) Summer term, which consists of summer semester or summer quarter, as appropriate.	101294
(d) Summer term, which consists of summer semester or summer quarter, as appropriate.	101295
(2) "Eligible applicant" means any individual to whom all of the following apply:	101296
(2) "Eligible applicant" means any individual to whom all of the following apply:	101297
(a) <del>The individual does not possess a baccalaureate degree.</del>	101298
<del>(b)</del> The individual has enlisted, re-enlisted, or extended current enlistment in the Ohio national guard or is an individual to which division (F) of this section applies.	101299
<del>(b)</del> The individual has enlisted, re-enlisted, or extended current enlistment in the Ohio national guard or is an individual to which division (F) of this section applies.	101300
<del>(b)</del> The individual has enlisted, re-enlisted, or extended current enlistment in the Ohio national guard or is an individual to which division (F) of this section applies.	101301
<del>(e)</del> (b) The individual is actively enrolled as a full-time or part-time student for at least three credit hours of course work in a semester or quarter in a two-year <del>or</del> , four-year, or master's degree-granting program at a state institution of higher education	101302
<del>(e)</del> (b) The individual is actively enrolled as a full-time or part-time student for at least three credit hours of course work in a semester or quarter in a two-year <del>or</del> , four-year, or master's degree-granting program at a state institution of higher education	101303
<del>(e)</del> (b) The individual is actively enrolled as a full-time or part-time student for at least three credit hours of course work in a semester or quarter in a two-year <del>or</del> , four-year, or master's degree-granting program at a state institution of higher education	101304
<del>(e)</del> (b) The individual is actively enrolled as a full-time or part-time student for at least three credit hours of course work in a semester or quarter in a two-year <del>or</del> , four-year, or master's degree-granting program at a state institution of higher education	101305

or a private institution of higher education, in a 101306  
diploma-granting program at a state or private institution of 101307  
higher education that is a school of nursing, or in a 101308  
credential-certifying program, licensing program, trade 101309  
certification program, or apprenticeship program for an in-demand 101310  
occupation as identified by the adjutant general and the 101311  
chancellor of higher education, in consultation with the 101312  
governor's office of workforce transformation. 101313

~~(d)~~(c) The individual has not accumulated ninety-six 101314  
eligibility units under division (E) of this section. 101315

(3) "State institution of higher education" means any state 101316  
university or college as defined in division (A)(1) of section 101317  
3345.12 of the Revised Code, community college established under 101318  
Chapter 3354. of the Revised Code, state community college 101319  
established under Chapter 3358. of the Revised Code, university 101320  
branch established under Chapter 3355. of the Revised Code, or 101321  
technical college established under Chapter 3357. of the Revised 101322  
Code. 101323

(4) "Private institution of higher education" means an Ohio 101324  
institution of higher education that is nonprofit and has received 101325  
a certificate of authorization pursuant to Chapter 1713. of the 101326  
Revised Code, that is a private institution exempt from regulation 101327  
under Chapter 3332. of the Revised Code as prescribed in section 101328  
3333.046 of the Revised Code, or that holds a certificate of 101329  
registration and program authorization issued by the state board 101330  
of career colleges and schools pursuant to section 3332.05 of the 101331  
Revised Code. 101332

(5) "Tuition" means the charges imposed to attend an 101333  
institution of higher education and includes general and 101334  
instructional fees. "Tuition" does not include laboratory fees, 101335  
room and board, or other similar fees and charges. 101336

(B) There is hereby created a scholarship program to be known 101337  
as the Ohio national guard scholarship program. 101338

(C)(1) The adjutant general shall approve scholarships for 101339  
all eligible applicants. The adjutant general shall process all 101340  
applications for scholarships for each academic term in the order 101341  
in which they are received. The scholarships shall be made without 101342  
regard to financial need. At no time shall one person be placed in 101343  
priority over another because of sex, race, or religion. 101344

(2) The adjutant general shall develop and provide a written 101345  
explanation that informs all eligible scholarship recipients that 101346  
the recipient may become ineligible and liable for repayment for 101347  
an amount of scholarship payments received in accordance with 101348  
division (G) of this section. The written explanation shall be 101349  
reviewed by the scholarship recipient before acceptance of the 101350  
scholarship and before acceptance of an enlistment, warrant, 101351  
commission, or appointment for a term not less than the 101352  
recipient's remaining term in the national guard or in the active 101353  
duty component of the United States armed forces. 101354

(D)(1) Except as provided in divisions (I) and (J) of this 101355  
section, for each academic term that an eligible applicant is 101356  
approved for a scholarship under this section and either remains a 101357  
current member in good standing of the Ohio national guard or is 101358  
eligible for a scholarship under division (F)(1) of this section, 101359  
the institution of higher education in which the applicant is 101360  
enrolled shall, if the applicant's enlistment obligation extends 101361  
beyond the end of that academic term or if division (F)(1) of this 101362  
section applies, be paid on the applicant's behalf the applicable 101363  
one of the following amounts: 101364

(a) If the institution is a state institution of higher 101365  
education, an amount equal to one hundred per cent of the 101366  
institution's tuition charges; 101367

(b) If the institution is a nonprofit private institution or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, an amount equal to one hundred per cent of the average tuition charges of all state universities;

(c) If the institution is an institution that holds a certificate of registration from the state board of career colleges and schools, the lesser of the following:

(i) An amount equal to one hundred per cent of the institution's tuition;

(ii) An amount equal to one hundred per cent of the average tuition charges of all state universities, as that term is defined in section 3345.011 of the Revised Code.

(2) The adjutant general and the chancellor may jointly adopt rules to require the use of other federal educational financial assistance programs, including such programs offered by the United States department of defense, for which an applicant is eligible based on the applicant's military service. If such rules are adopted, the rules shall require that financial assistance received by a scholarship recipient under those programs be applied to all eligible expenses prior to the use of scholarship funds awarded under this section. Scholarship funds awarded under this section shall then be applied to the recipient's remaining eligible expenses.

(3) An eligible applicant's scholarship shall not be reduced by the amount of that applicant's benefits under "the Montgomery G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984).

(E) A scholarship recipient under this section shall be entitled to receive scholarships under this section for the number of quarters or semesters it takes the recipient to accumulate ninety-six eligibility units as determined under divisions (E)(1)

to (3) of this section. 101399

(1) To determine the maximum number of semesters or quarters 101400  
for which a recipient is entitled to a scholarship under this 101401  
section, the adjutant general shall convert a recipient's credit 101402  
hours of enrollment for each academic term into eligibility units 101403  
in accordance with the following table: 101404

		The		
Number of credit hours of enrollment in an academic term	equals	following	The following	
		number of eligibility units if a semester	number of eligibility units if a quarter	
12 or more hours		12 units	8 units	101412
9 but less than 12		9 units	6 units	101413
6 but less than 9		6 units	4 units	101414
3 but less than 6		3 units	2 units	101415

(2) A scholarship recipient under this section may continue 101416  
to apply for scholarships under this section until the recipient 101417  
has accumulated ninety-six eligibility units. 101418

(3) If a scholarship recipient withdraws from courses prior 101419  
to the end of an academic term so that the recipient's enrollment 101420  
for that academic term is less than three credit hours, no 101421  
scholarship shall be paid on behalf of that person for that 101422  
academic term. Except as provided in division (F)(3) of this 101423  
section, if a scholarship has already been paid on behalf of the 101424  
person for that academic term, the adjutant general shall add to 101425  
that person's accumulated eligibility units the number of 101426  
eligibility units for which the scholarship was paid. 101427

(F) This division applies to any eligible applicant called 101428  
into active duty on or after September 11, 2001. As used in this 101429  
division, "active duty" means active duty pursuant to an executive 101430

order of the president of the United States, an act of the 101431  
congress of the United States, or section 5919.29 or 5923.21 of 101432  
the Revised Code. 101433

(1) For a period of up to five years from when an 101434  
individual's enlistment obligation in the Ohio national guard 101435  
ends, an individual to whom this division applies is eligible for 101436  
scholarships under this section for those academic terms that were 101437  
missed or could have been missed as a result of the individual's 101438  
call into active duty. Scholarships shall not be paid for the 101439  
academic term in which an eligible applicant's enlistment 101440  
obligation ends unless an applicant is eligible under this 101441  
division for a scholarship for such academic term due to previous 101442  
active duty. 101443

(2) When an individual to whom this division applies 101444  
withdraws or otherwise fails to complete courses, for which 101445  
scholarships have been awarded under this section, because the 101446  
individual was called into active duty, the institution of higher 101447  
education shall grant the individual a leave of absence from the 101448  
individual's education program and shall not impose any academic 101449  
penalty for such withdrawal or failure to complete courses. 101450  
Division (F)(2) of this section applies regardless of whether or 101451  
not the scholarship amount was paid to the institution of higher 101452  
education. 101453

(3) If an individual to whom this division applies withdraws 101454  
or otherwise fails to complete courses because the individual was 101455  
called into active duty, and if scholarships for those courses 101456  
have already been paid, either: 101457

(a) The adjutant general shall not add to that person's 101458  
accumulated eligibility units calculated under division (E) of 101459  
this section the number of eligibility units for the academic 101460  
courses or term for which the scholarship was paid and the 101461  
institution of higher education shall repay the scholarship amount 101462

to the state. 101463

(b) The adjutant general shall add to that individual's 101464  
accumulated eligibility units calculated under division (E) of 101465  
this section the number of eligibility units for the academic 101466  
courses or term for which the scholarship was paid if the 101467  
institution of higher education agrees to permit the individual to 101468  
complete the remainder of the academic courses in which the 101469  
individual was enrolled at the time the individual was called into 101470  
active duty. 101471

(4) No individual who is discharged from the Ohio national 101472  
guard under other than honorable conditions shall be eligible for 101473  
scholarships under this division. 101474

(G) A scholarship recipient under this section who fails to 101475  
complete the term of enlistment, re-enlistment, or extension of 101476  
current enlistment the recipient was serving at the time a 101477  
scholarship was paid on behalf of the recipient under this section 101478  
is liable to the state for repayment of a percentage of all Ohio 101479  
national guard scholarships paid on behalf of the recipient under 101480  
this section, plus interest at the rate of ten per cent per annum 101481  
calculated from the dates the scholarships were paid. This 101482  
percentage shall equal the percentage of the current term of 101483  
enlistment, re-enlistment, or extension of enlistment a recipient 101484  
has not completed as of the date the recipient is discharged from 101485  
the Ohio national guard. 101486

The attorney general may commence a civil action on behalf of 101487  
the chancellor to recover the amount of the scholarships and the 101488  
interest provided for in this division and the expenses incurred 101489  
in prosecuting the action, including court costs and reasonable 101490  
attorney's fees. A scholarship recipient is not liable under this 101491  
division if the recipient's failure to complete the term of 101492  
enlistment being served at the time a scholarship was paid on 101493  
behalf of the recipient under this section is due to the 101494

recipient's death or discharge from the national guard due to 101495  
disability. 101496

(H) On or before the first day of each academic term, the 101497  
adjutant general shall provide an eligibility roster to the 101498  
chancellor and to each institution of higher education at which 101499  
one or more scholarship recipients have applied for enrollment. 101500  
The institution shall use the roster to certify the actual 101501  
full-time or part-time enrollment of each scholarship recipient 101502  
listed as enrolled at the institution and return the roster to the 101503  
adjutant general and the chancellor. Except as provided in 101504  
division (J) of this section, the chancellor shall provide for 101505  
payment of the appropriate number and amount of scholarships to 101506  
each institution of higher education pursuant to division (D) of 101507  
this section. If an institution of higher education fails to 101508  
certify the actual enrollment of a scholarship recipient listed as 101509  
enrolled at the institution within thirty days of the end of an 101510  
academic term, the institution shall not be eligible to receive 101511  
payment from the Ohio national guard scholarship program or from 101512  
the individual enrollee. The adjutant general shall report on a 101513  
semiannual basis to the director of budget and management, the 101514  
speaker of the house of representatives, the president of the 101515  
senate, and the chancellor the number of Ohio national guard 101516  
scholarship recipients, the size of the scholarship-eligible 101517  
population, and a projection of the cost of the program for the 101518  
remainder of the biennium. 101519

(I) The chancellor and the adjutant general may adopt rules 101520  
pursuant to Chapter 119. of the Revised Code governing the 101521  
administration and fiscal management of the Ohio national guard 101522  
scholarship program and the procedure by which the chancellor and 101523  
the department of the adjutant general may modify the amount of 101524  
scholarships a member receives based on the amount of other state 101525  
financial aid a member receives. 101526

(J) The adjutant general, the chancellor, and the director, 101527  
or their designees, shall jointly estimate the costs of the Ohio 101528  
national guard scholarship program for each upcoming fiscal 101529  
biennium, and shall report that estimate prior to the beginning of 101530  
the fiscal biennium to the chairpersons of the finance committees 101531  
in the general assembly. During each fiscal year of the biennium, 101532  
the adjutant general, the chancellor, and the director, or their 101533  
designees, shall meet regularly to monitor the actual costs of the 101534  
Ohio national guard scholarship program and update cost 101535  
projections for the remainder of the biennium as necessary. If the 101536  
amounts appropriated for the Ohio national guard scholarship 101537  
program and any funds in the Ohio national guardscholarship 101538  
reserve fund and the Ohio national guard scholarship donation fund 101539  
are not adequate to provide scholarships in the amounts specified 101540  
in division (D)(1) of this section for all eligible applicants, 101541  
the chancellor shall do all of the following: 101542

(1) Notify each private institution of higher education, 101543  
where a scholarship recipient is enrolled, that, by accepting the 101544  
Ohio national guard scholarship program as payment for all or part 101545  
of the institution's tuition, the institution agrees that if the 101546  
chancellor reduces the amount of each scholarship, the institution 101547  
shall provide each scholarship recipient a grant or tuition waiver 101548  
in an amount equal to the amount the recipient's scholarship was 101549  
reduced by the chancellor. 101550

(2) Reduce the amount of each scholarship under division 101551  
(D)(1)(a) of this section proportionally based on the amount of 101552  
remaining available funds. Each state institution of higher 101553  
education shall provide each scholarship recipient under division 101554  
(D)(1)(a) of this section a grant or tuition waiver in an amount 101555  
equal to the amount the recipient's scholarship was reduced by the 101556  
chancellor. 101557

(K) Notwithstanding division (A) of section 127.14 of the 101558

Revised Code, the controlling board shall not transfer all or part 101559  
of any appropriation for the Ohio national guard scholarship 101560  
program. 101561

(L) The chancellor and the adjutant general may apply for, 101562  
and may receive and accept grants, and may receive and accept 101563  
gifts, bequests, and contributions, from public and private 101564  
sources, including agencies and instrumentalities of the United 101565  
States and this state, and shall deposit the grants, gifts, 101566  
bequests, or contributions into the national guard scholarship 101567  
donation fund. 101568

**Sec. 5922.01.** The governor shall organize and maintain within 101569  
this state, on a reserve basis, civilian cyber security reserve 101570  
forces capable of being expanded and trained to educate and 101571  
protect state, county, and local government entities, critical 101572  
infrastructure, including election systems, businesses, and 101573  
citizens of this state from cyber attacks. In the case of an 101574  
emergency proclaimed by the governor, or caused by illicit actors 101575  
or imminent danger, the governor, as commander-in-chief, shall 101576  
expand the reserve as the exigency of the occasion requires. 101577

The reserve shall be a part of the Ohio organized militia 101578  
under the adjutant general's department. The reserve shall be 101579  
known as the Ohio cyber reserve. The adjutant general shall 101580  
establish and may revise, in accordance with section 5923.12 of 101581  
the Revised Code, the rates of pay for reserve members when called 101582  
to state active duty. ~~While performing any drill or training,~~ 101583  
~~reserve members shall serve in an unpaid volunteer status.~~ 101584  
When called to state active duty by the governor, reserve members shall 101585  
function as civilian members of the Ohio organized militia and 101586  
shall be paid at the rates established by the adjutant general. 101587

The adjutant general may provide appropriate training to 101588  
current and potential members of the Ohio cyber reserve. While 101589

performing any drill or training, current and potential reserve 101590  
members shall serve in an unpaid volunteer status. 101591

The adjutant general may pay from funds appropriated by the 101592  
general assembly the actual and necessary expenses incurred by the 101593  
Ohio cyber reserve for administration, training, and deployment of 101594  
the Ohio cyber reserve, at the discretion of the adjutant general 101595  
or the adjutant general's designee. Expenses for administration, 101596  
training, and deployment may include, but are not limited to, 101597  
permanent or temporary state employees or contractual internal or 101598  
external administrative staff, travel and subsistence expenses, 101599  
the purchase or rental of equipment, hardware, and local 101600  
operational support. 101601

**Sec. 5923.12.** When ordered to state active duty by the 101602  
governor, for which duty federal basic pay and allowances are not 101603  
authorized, members of the organized militia of Ohio shall receive 101604  
the same pay and allowances for each day's service as is provided 101605  
for commissioned officers, warrant officers, noncommissioned 101606  
officers, and enlisted personnel of like grade and longevity in 101607  
the armed forces of the United States, together with the necessary 101608  
transportation, housing, and subsistence allowances as prescribed 101609  
by the United States department of defense pay manual, or an 101610  
amount not less than seventy-five dollars per day as base pay for 101611  
each day's duty performed, whichever is greater. 101612

Notwithstanding any other provision of law, Ohio cyber 101613  
reserve members shall receive a rate of pay determined and 101614  
provided by rule by the adjutant general, in the name of the 101615  
governor. The rule shall establish a rate of pay commensurate with 101616  
those specified in pay schedules established by the director of 101617  
administrative services for information technology employees of 101618  
the state who have comparable training, experience, and 101619  
professional qualifications. 101620

When ordered by the governor to perform training or duty 101621  
under this section or section 5919.29 of the Revised Code, members 101622  
of the Ohio national guard shall have the protections afforded to 101623  
persons on federal active duty by "The Servicemembers Civil Relief 101624  
Act," 117 Stat. 2835, 50 U.S.C.A. App. 501. 101625

The death benefit payable by the adjutant general under 101626  
section 5919.33 of the Revised Code to any active duty member of 101627  
the Ohio national guard shall also be payable to any member of the 101628  
Ohio naval militia, Ohio cyber reserve, and the Ohio military 101629  
reserve ordered to state active duty by proclamation of the 101630  
governor and who subsequently dies while performing said duty, if 101631  
a beneficiary or beneficiaries has been designated in writing on a 101632  
form prescribed by the adjutant general. 101633

**Sec. 6119.10.** The board of trustees of a regional water and 101634  
sewer district or any officer or employee designated by the board 101635  
may make any contract for the purchase of supplies or material or 101636  
for labor for any work, under the supervision of the board, the 101637  
cost of which shall not exceed ~~fifty thousand dollars~~ the amount 101638  
specified in section 9.17 of the Revised Code. When an 101639  
expenditure, other than for the acquisition of real estate and 101640  
interests in real estate, the discharge of noncontractual claims, 101641  
personal services, the joint use of facilities or the exercise of 101642  
powers with other political subdivisions, or the product or 101643  
services of public utilities, exceeds ~~fifty thousand dollars~~ the 101644  
amount specified in section 9.17 of the Revised Code, the 101645  
expenditures shall be made only after a notice calling for bids 101646  
has been published once per week for two consecutive weeks in one 101647  
newspaper of general circulation within the district or as 101648  
provided in section 7.16 of the Revised Code. If the bids are for 101649  
a contract for the construction, demolition, alteration, repair, 101650  
or reconstruction of an improvement, the board may let the 101651  
contract to the lowest and best bidder who meets the requirements 101652

of section 153.54 of the Revised Code. If the bids are for a 101653  
contract for any other work relating to the improvements for which 101654  
a regional water and sewer district was established, the board of 101655  
trustees of the regional water and sewer district may let the 101656  
contract to the lowest or best bidder who gives a good and 101657  
approved bond with ample security conditioned on the carrying out 101658  
of the contract. The contract shall be in writing and shall be 101659  
accompanied by or shall refer to plans and specifications for the 101660  
work to be done, approved by the board. The plans and 101661  
specifications shall at all times be made and considered part of 101662  
the contract. The contract shall be approved by the board and 101663  
signed by its president or other duly authorized officer and by 101664  
the contractor. In case of a real and present emergency, the board 101665  
of trustees of the district, by two-thirds vote of all members, 101666  
may authorize the president or other duly authorized officer to 101667  
enter into a contract for work to be done or for the purchase of 101668  
supplies or materials without formal bidding or advertising. All 101669  
contracts shall have attached the certificate required by section 101670  
5705.41 of the Revised Code duly executed by the secretary of the 101671  
board of trustees of the district. The district may make 101672  
improvements by force account or direct labor, provided that, if 101673  
the estimated cost of supplies or material for any such 101674  
improvement exceeds ~~fifty thousand dollars~~ the amount specified in 101675  
section 9.17 of the Revised Code, bids shall be received as 101676  
provided in this section. For the purposes of the competitive 101677  
bidding requirements of this section, the board shall not sever a 101678  
contract for supplies or materials and labor into separate 101679  
contracts for labor, supplies, or materials if the contracts are 101680  
in fact a part of a single contract required to be bid 101681  
competitively under this section. 101682

**Sec. 6121.02.** There is hereby created the Ohio water 101683  
development authority. Such authority is a body both corporate and 101684

politic in this state, and the carrying out of its purposes and 101685  
the exercise by it of the powers conferred by this chapter shall 101686  
be held to be, and are hereby determined to be, essential 101687  
governmental functions and public purposes of the state, but the 101688  
authority is not immune from liability by reason thereof. The 101689  
authority is subject to all provisions of law generally applicable 101690  
to state agencies that do not conflict with this chapter. 101691

The authority shall consist of eight members as follows: five 101692  
members appointed by the governor, with the advice and consent of 101693  
the senate, no more than three of whom shall be members of the 101694  
same political party, and the directors of natural resources, 101695  
environmental protection, and development, who shall be members ex 101696  
officio without compensation. The director of development may 101697  
designate a person in the unclassified civil service to serve in 101698  
the director's place as a member of the authority notwithstanding 101699  
section 121.05 of the Revised Code. The appointive members shall 101700  
be residents of the state, and shall have been qualified electors 101701  
therein for a period of at least five years next preceding their 101702  
appointment. Appointed members' terms of office shall be for eight 101703  
years, commencing on the second day of July and ending on the 101704  
first day of July. Each member shall hold office from the date of 101705  
appointment until the end of the term for which the member was 101706  
appointed. Any member appointed to fill a vacancy occurring prior 101707  
to the expiration of the term for which the member's predecessor 101708  
was appointed shall hold office for the remainder of such term. 101709  
Any appointed member shall continue in office subsequent to the 101710  
expiration date of the member's term until the member's successor 101711  
takes office, or until a period of sixty days has elapsed, 101712  
whichever occurs first. A member of the authority is eligible for 101713  
reappointment. Each appointed member of the authority, before 101714  
entering upon the performance of the duties of the office, shall 101715  
take an oath as provided by Section 7 of Article XV, Ohio 101716  
Constitution. The governor may at any time remove any member of 101717

the authority for misfeasance, nonfeasance, or malfeasance in 101718  
office. 101719

The authority shall elect one of its appointed members as 101720  
chairperson and another as vice-chairperson, and shall appoint a 101721  
secretary-treasurer who need not be a member of the authority. 101722  
Four members of the authority shall constitute a quorum, and the 101723  
affirmative vote of four members shall be necessary for any action 101724  
taken by vote of the authority. No vacancy in the membership of 101725  
the authority shall impair the rights of a quorum by such vote to 101726  
exercise all the rights and perform all the duties of the 101727  
authority. 101728

Before the issuance of any water development revenue bonds 101729  
under this chapter, each appointed member of the authority shall 101730  
give a surety bond to the state in the penal sum of twenty-five 101731  
thousand dollars and the secretary-treasurer shall give such a 101732  
bond in the penal sum of fifty thousand dollars, each such surety 101733  
bond to be conditioned upon the faithful performance of the duties 101734  
of the office, to be executed by a surety company authorized to 101735  
transact business in this state, and to be approved by the 101736  
governor and filed in the office of the secretary of state. Each 101737  
appointed member of the authority shall receive an annual salary 101738  
of ~~five~~ seven thousand five hundred dollars, payable in monthly 101739  
installments, and is entitled to health care benefits comparable 101740  
to those generally available to state officers and employees under 101741  
section 124.82 of the Revised Code. If Section 20 of Article II, 101742  
Ohio Constitution, prohibits the Ohio water development authority 101743  
from paying all or a part of the cost of health care benefits on 101744  
behalf of a member of the authority for the remainder of an 101745  
existing term, the member may receive these benefits by paying 101746  
their total cost from the member's own financial resources, 101747  
including paying by means of deductions from the member's salary. 101748  
Each member shall be reimbursed for actual expenses necessarily 101749

incurred in the performance of official duties. All expenses 101750  
incurred in carrying out this chapter shall be payable solely from 101751  
funds provided under this chapter, or appropriated for such 101752  
purpose by the general assembly and no liability or obligation 101753  
shall be incurred by the authority beyond the extent to which 101754  
moneys have been provided under this chapter or such 101755  
appropriations. 101756

**Sec. 6131.43.** (A) Upon the completion of the work and the 101757  
approval of it by the county engineer, the board of county 101758  
commissioners shall order the county auditor to reduce pro rata 101759  
the assessments confirmed by it by the difference between the 101760  
estimated cost of the construction and the final cost as certified 101761  
by the county engineer. The assessments so reduced, including the 101762  
cost of location, engineering, compensation, damages, and 101763  
contingency and the assessment for maintenance for one year, shall 101764  
be levied upon each parcel of land, each public corporation, and 101765  
each department, office, or institution of the state as stated in 101766  
the schedules as of the date of the order of the board approving 101767  
the contracts and ordering the levying of the assessments. 101768

(B) The auditor shall notify the owners of all assessed lands 101769  
of the amount of the actual assessment, which shall be not less 101770  
than ten dollars, and of the payment plan for the collection of 101771  
the assessments. The auditor shall immediately place the 101772  
assessments so levied upon the duplicates of the county, and the 101773  
assessments shall be a lien upon the several parcels of land 101774  
respectively from and after the date of the order of the board 101775  
approving and levying the assessments. The auditor shall be liable 101776  
on the auditor's bond for any damages sustained by any person by 101777  
reason of the auditor's failure to place promptly the assessments 101778  
upon the proper duplicates of the county. 101779

(C) The county auditor shall transmit to the governing body 101780

of any political subdivision affected by an improvement the 101781  
assessments levied against it. The governing body shall authorize 101782  
payment to be made to the county treasurer of the county in which 101783  
the improvement is located from the general fund of the political 101784  
subdivision, except as otherwise provided by law. 101785

(D) The county auditor shall also transmit to the director of 101786  
any department, office, or institution of the state, affected by 101787  
an improvement the assessments levied against any department, 101788  
office, or institution of the state. Payment shall be made to the 101789  
county treasurer of the county in which the improvement is located 101790  
~~from the drainage assessment fund in the manner provided by~~ 101791  
~~section 6133.15 of the Revised Code. In presenting their proposed~~ 101792  
~~expenses to the director of budget and management pursuant to~~ 101793  
~~section 126.02 of the Revised Code, the directors of all~~ 101794  
~~departments, offices, or institutions of the state shall list all~~ 101795  
~~unpaid assessments received before the first day of October of the~~ 101796  
~~year preceding the first regular session of the general assembly~~ 101797  
~~for the state's proportionate share of the cost of any improvement~~ 101798  
~~authorized or constructed under this chapter and Chapters 6133.~~ 101799  
~~and 6135. of the Revised Code and all unpaid assessments for~~ 101800  
~~maintenance as provided by Chapter 6137. of the Revised Code. The~~ 101801  
~~assessments so listed shall be included in the state budget~~ 101802  
~~estimates of revenues and expenditures for each state fund and~~ 101803  
~~budget estimates for each state agency prepared and submitted to~~ 101804  
~~the governor under section 126.02 of the Revised Code.~~ 101805

Sec. 6301.113. The department of job and family services 101806  
shall update the list of in-demand jobs required under section 101807  
6301.11 of the Revised Code to include teachers, notwithstanding 101808  
anything to the contrary in the methodology under that section. 101809

**Section 101.02.** That existing sections 101.35, 101.352, 101810  
101.353, 101.354, 101.38, 103.0521, 103.414, 103.60, 106.02, 101811

106.031, 106.032, 106.04, 106.041, 107.51, 107.63, 109.42, 109.57, 101812  
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3737.83, 3737.88, 3737.882, 3740.01, 3745.11, 3748.03, 3770.03, 101876  
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4507.061, 4507.07, 4507.08, 4507.09, 4507.13, 4507.18, 4507.50, 101889  
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4717.14, 4717.26, 4723.281, 4725.24, 4730.25, 4731.07, 4731.22, 101895  
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4755.11, 4755.411, 4755.45, 4755.451, 4755.47, 4755.482, 4755.64, 101900  
4757.03, 4757.361, 4759.07, 4760.13, 4761.09, 4762.13, 4763.05, 101901  
4763.11, 4763.15, 4763.16, 4764.04, 4764.05, 4764.06, 4764.07, 101902  
4764.08, 4764.16, 4764.18, 4764.21, 4765.02, 4765.04, 4765.11, 101903  
4765.112, 4765.114, 4765.55, 4766.07, 4766.11, 4767.03, 4767.10, 101904  
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5743.61, 5747.01, 5747.02, 5747.07, 5747.072, 5747.501, 5747.53, 101933  
5747.98, 5749.06, 5749.17, 5751.01, 5751.02, 5751.033, 5751.06, 101934  
5751.51, 5753.031, 5910.01, 5913.01, 5919.34, 5922.01, 5923.12, 101935  
6119.10, 6121.02, and 6131.43 of the Revised Code are hereby 101936  
repealed. 101937

**Section 105.01.** That sections 117.471, 117.472, 121.371, 101938

121.372, 121.374, 121.83, 121.954, 123.14, 131.38, 505.103, 101939  
717.21, 907.30, 2151.3529, 2151.3535, 3107.018, 3111.40, 3121.46, 101940  
3318.50, 3318.52, 3325.14, 3333.01, 3333.011, 3333.02, 3333.12, 101941  
3333.167, 3333.80, 3333.801, 3333.802, 3702.541, 3720.041, 101942  
3733.49, 3737.883, 3796.04, 4141.031, 4301.26, 4928.542, 5101.143, 101943  
5101.272, 5103.037, 5103.0310, 5103.18, 5103.181, 5103.301, 101944  
5103.31, 5103.33, 5103.34, 5103.35, 5103.36, 5103.361, 5103.362, 101945  
5103.363, 5103.38, 5103.42, 5103.421, 5103.51, 5119.191, 5119.361, 101946  
5123.195, 5124.39, 5126.38, 5163.52, 5164.05, 5166.12, 5166.14, 101947  
5166.141, 5167.102, 5726.041, 6133.15, and 6301.12 of the Revised 101948  
Code are hereby repealed. 101949

**Section 105.10.** That sections 4723.89, 4723.90, 5120.658, and 101950  
5164.071 of the Revised Code are hereby repealed, effective five 101951  
years after the effective date of this section. 101952

**Section 107.10.** That Section 3 of S.B. 166 of the 134th 101953  
General Assembly be amended and codified as section 4123.345 of 101954  
the Revised Code to read as follows: 101955

**Sec. 3 ~~4123.345.~~** (A) The ~~Employers Providing Work Based~~ 101956  
~~Learning Pilot Program~~ employers providing work-based learning 101957  
program is created. ~~The program expires two years after the~~ 101958  
~~effective date of this section.~~ 101959

As soon as practicable after the effective date of this 101960  
section, the ~~Administrator~~ administrator of ~~Workers' Compensation~~ 101961  
workers' compensation, subject to the approval of the ~~Bureau~~ 101962  
bureau of ~~Workers' Compensation Board~~ workers' compensation board 101963  
of ~~Directors~~ directors, shall adopt a rule that prohibits, ~~for the~~ 101964  
~~program's duration,~~ the ~~Administrator~~ administrator from charging 101965  
any amount with respect to a claim for compensation or benefits 101966  
under ~~Chapter~~ this chapter or Chapters 4121., ~~4123.,~~ 4127., or 101967

4131. of the Revised Code to an employer's experience if both of 101968  
the following apply: 101969

(1) The employer provides work-based learning experiences for 101970  
students enrolled in a ~~career-technical~~ career-technical education 101971  
program approved under section 3317.161 of the Revised Code. 101972

(2) The claim is based on a student's injury, occupational 101973  
disease, or death sustained in the course of and arising out of 101974  
the student's participation in the employer's work-based learning 101975  
experience. 101976

(B) Pursuant to section 4109.06 of the Revised Code, the 101977  
requirements of Chapter 4109. of the Revised Code do not apply to 101978  
a student participating in a work-based learning experience 101979  
described in division (A)(1) of this section. 101980

**Section 107.11.** That existing Section 3 of S.B. 166 of the 101981  
134th General Assembly is hereby repealed. 101982

**Section 107.20.** That Section 5 of H.B. 123 of the 133rd 101983  
General Assembly (as amended by H.B. 583 of the 134th General 101984  
Assembly) be amended and codified as section 3317.22 of the 101985  
Revised Code to read as follows: 101986

**Sec. ~~53317.22.~~** An eligible internet- or computer-based 101987  
community school that receives funding for a fiscal year under the 101988  
program established under this section shall not receive funding 101989  
under section 3317.022 of the Revised Code. 101990

(A) As used in this section: 101991

(1) "Eligible internet- or computer-based community school" 101992  
means ~~the following:~~ 101993

~~(a) For fiscal year 2021, an internet- or computer-based 101994  
community school that was designated for the 2019-2020 school year 101995~~

~~as an internet- or computer-based community school in which a majority of the students were enrolled in a dropout prevention and recovery program and satisfies both of the following conditions:~~

~~(i) The school does not have a for profit operator;~~

~~(ii) The school received a rating of "exceeds standards" on the combined graduation component of the most recent report card issued for the school under section 3314.017 of the Revised Code.~~

~~(b) For fiscal years 2022 and 2023, an internet or computer based community school that participated in the program for fiscal year 2021.~~

~~(2) "Formula amount" shall equal the amount specified in division (F)(1) of the section of H.B. 166 of the 133rd General Assembly entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021." Statewide average base cost per-pupil has the same meaning as in section 3317.02 of the Revised Code.~~

~~(3) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.~~

~~(B) The ~~Department of Education~~ department of education shall establish a ~~pilot~~ program to provide additional funding for students enrolled in grades eight through twelve in eligible internet- or computer-based community schools ~~for fiscal years 2021, 2022, and 2023~~. An eligible internet- or computer-based community school may choose to participate in the program by notifying the ~~Department of Education not later than ten days after December 21, 2020~~ department in a form and manner determined by the department.~~

~~(C) For fiscal years 2021, 2022, and 2023, the Department of Education The department shall require each eligible internet- or computer-based community school that chooses to participate in the ~~pilot~~ program to report all information that is necessary to make payments under division (D) of this section.~~

(D) ~~For fiscal years 2021, 2022, and 2023, the Department~~ The 102027  
department shall calculate an additional payment for each eligible 102028  
internet- or computer-based community school that chooses to 102029  
participate in the ~~pilot~~ program, as follows: 102030

(1) Compute the lesser of the following for each student 102031  
enrolled in grades eight through twelve: 102032

(a) The ~~formula amount~~ statewide average base cost per-pupil 102033  
X the maximum full-time equivalency for the portion of the school 102034  
year for which the student is enrolled in the school; 102035

(b) The sum of the following: 102036

(i) A one-time payment of \$1,750. In the case of a student 102037  
enrolled in the school for the first time for the ~~2020-2021,~~ 102038  
~~2021-2022, or 2022-2023~~ school year for which the payment is being 102039  
made, payment shall be made under division (D)(1)(b)(i) of this 102040  
section at least thirty days after the student is considered to be 102041  
enrolled in the school in accordance with division (H)(2) of 102042  
section 3314.08 of the Revised Code, provided the student has been 102043  
continuously enrolled in the school during that time, as 102044  
determined by the ~~Department~~ department. In the case of a student 102045  
that was enrolled in the school for the ~~2019-2020, 2020-2021, or~~ 102046  
~~2021-2022~~ prior school year, payment shall be made under division 102047  
(D)(1)(b)(i) of this section at least thirty days after the 102048  
student has started to participate in learning opportunities for 102049  
the ~~2020-2021, 2021-2022, or 2022-2023~~ school year for which the 102050  
payment is being made, provided the student has been continuously 102051  
enrolled in the school during that time, as determined by the 102052  
~~Department~~ department. 102053

(ii) The ~~formula amount~~ statewide average base cost per-pupil 102054  
X (1/920) X the lesser of the number of hours the student 102055  
participates in learning opportunities in that fiscal year or 920; 102056

(iii) The lesser of (\$500 X either the number of courses 102057

completed by the student in that fiscal year, in the case of a 102058  
student enrolled in grade eight, or the number of credits earned 102059  
by the student in that fiscal year, in the case of a student 102060  
enrolled in grades nine through twelve) or \$2,500. 102061

(2) Compute the sum of the amounts calculated under division 102062  
(D)(1) of this section for all students enrolled in grades eight 102063  
through twelve. 102064

(3) Compute the school's payment in accordance with the 102065  
following formula: 102066

The amount determined under division (D)(2) of this section) 102067  
- (the total amount paid to the school for the fiscal year for 102068  
which the payment is calculated under this section under division 102069  
(C)(1)(a) of section 3314.08 of the Revised Code for students 102070  
enrolled in grades eight through twelve) 102071

If the amount computed under division (D)(3) is a negative 102072  
number, the school shall not receive a payment under this section. 102073

(E)(1) The ~~Department shall~~ department may complete a review 102074  
of the enrollment of each eligible internet- or computer-based 102075  
community school that chooses to participate in the ~~pilot~~ program 102076  
in accordance with division (K) of section 3314.08 of the Revised 102077  
Code. If the ~~Department~~ department determines a school has been 102078  
overpaid based on a review completed under division (E)(1) of this 102079  
section, the ~~Department~~ department shall require a repayment of 102080  
the overpaid funds and may require the school to establish a plan 102081  
to improve the reporting of enrollment. 102082

(2) The ~~Department~~ department may require each eligible 102083  
internet- or computer-based community school that chooses to 102084  
participate in the ~~pilot~~ program to create a debt reduction plan 102085  
approved by the school's sponsor, if determined appropriate by the 102086  
~~Department~~ department. 102087

(3) To the extent that an eligible internet- or 102088

computer-based community school that chooses to participate in the 102089  
~~pilot~~ program had, for the ~~2019-2020, 2020-2021, or 2021-2022~~ 102090  
prior school year, a percentage of student engagement in learning 102091  
opportunities that was less than sixty-five per cent, the school 102092  
shall provide to the ~~Department~~ department a meaningful plan for 102093  
increasing student engagement. 102094

(4) All eligible internet- or computer-based community 102095  
schools that choose to participate in the ~~pilot~~ program shall 102096  
implement programming or protocol which documents enrollment and 102097  
participation in learning opportunities in order to participate in 102098  
the program. 102099

~~(F) Upon completion of the pilot program, and not later than~~ 102100  
~~December 31, 2022, the Department shall issue a report on the~~ 102101  
~~program. For purposes of this report, the Department may request~~ 102102  
~~each eligible internet or computer based community school that~~ 102103  
~~chooses to participate in the pilot program to submit information~~ 102104  
~~to the Department on any of the following:~~ 102105

~~(1) The time, resources, and cost associated with enrolling~~ 102106  
~~students in the school and preparing students to engage in~~ 102107  
~~learning opportunities;~~ 102108

~~(2) The time and cost associated with providing counseling~~ 102109  
~~and other supports to students;~~ 102110

~~(3) Student enrollment and participation data;~~ 102111

~~(4) Individualized student plans;~~ 102112

~~(5) An assessment of strategies used to improve student~~ 102113  
~~engagement and the percentage of participation in learning~~ 102114  
~~opportunities~~ 102115

~~(6) Any other data the Department considers relevant.~~ 102116

~~The Department shall submit copies of the report in~~ 102117  
~~accordance with section 101.68 of the Revised Code to the~~ 102118

~~Governor, the President and Minority Leader of the Senate, the 102119  
Speaker and Minority Leader of the House of Representatives, and 102120  
the chairpersons and ranking members of the standing committees on 102121  
primary and secondary education of the Senate and the House of 102122  
Representatives. 102123~~

**Section 107.21.** That existing Section 5 of H.B. 123 of the 102124  
133rd General Assembly (as amended by H.B. 583 of the 134th 102125  
General Assembly) is hereby repealed. 102126

**Section 110.10.** That the versions of sections 111.15, 102127  
3701.83, 3702.52, 3702.55, and 3711.14 of the Revised Code that 102128  
are scheduled to take effect September 30, 2024, be amended to 102129  
read as follows: 102130

**Sec. 111.15.** (A) As used in this section: 102131

(1) "Rule" includes any rule, regulation, bylaw, or standard 102132  
having a general and uniform operation adopted by an agency under 102133  
the authority of the laws governing the agency; any appendix to a 102134  
rule; and any internal management rule. "Rule" does not include 102135  
any guideline adopted pursuant to section 3301.0714 of the Revised 102136  
Code, any order respecting the duties of employees, any finding, 102137  
any determination of a question of law or fact in a matter 102138  
presented to an agency, or any rule promulgated pursuant to 102139  
Chapter 119. or division (C)(1) or (2) of section 5117.02 of the 102140  
Revised Code. "Rule" includes any amendment or rescission of a 102141  
rule. 102142

(2) "Agency" means any governmental entity of the state and 102143  
includes, but is not limited to, any board, department, division, 102144  
commission, bureau, society, council, or institution, ~~state~~ 102145  
~~college or university, community college district, technical~~ 102146  
~~college district, or state community college.~~ "Agency" does not 102147  
include the general assembly, the controlling board, the adjutant 102148

general's department, a state college or university, a community college district, a technical college district, a state community college, or any court. 102149  
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102151

(3) "Internal management rule" means any rule, regulation, bylaw, or standard governing the day-to-day staff procedures and operations within an agency. 102152  
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(B)(1) Any rule, other than a rule of an emergency nature, adopted by any agency pursuant to this section shall be effective on the tenth day after the day on which the rule in final form and in compliance with division (B)(3) of this section is filed as follows: 102155  
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(a) The rule shall be filed in electronic form with both the secretary of state and the director of the legislative service commission; 102160  
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(b) The rule shall be filed in electronic form with the joint committee on agency rule review. Division (B)(1)(b) of this section does not apply to any rule to which division (D) of this section does not apply. 102163  
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An agency that adopts or amends a rule that is subject to division (D) of this section shall assign a review date to the rule that is not later than five years after its effective date. If a review date assigned to a rule exceeds the five-year maximum, the review date for the rule is five years after its effective date. A rule with a review date is subject to review under section 106.03 of the Revised Code. ~~This paragraph does not apply to a rule of a state college or university, community college district, technical college district, or state community college.~~ 102167  
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If an agency in adopting a rule designates an effective date that is later than the effective date provided for by division (B)(1) of this section, the rule if filed as required by such division shall become effective on the later date designated by 102176  
102177  
102178  
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the agency. 102180

Any rule that is required to be filed under division (B)(1) 102181  
of this section is also subject to division (D) of this section if 102182  
not exempted by that division. 102183

If a rule incorporates a text or other material by reference, 102184  
the agency shall comply with sections 121.71 to 121.75 of the 102185  
Revised Code. 102186

(2) A rule of an emergency nature necessary for the immediate 102187  
preservation of the public peace, health, or safety shall state 102188  
the reasons for the necessity. The emergency rule, in final form 102189  
and in compliance with division (B)(3) of this section, shall be 102190  
filed in electronic form with the secretary of state, the director 102191  
of the legislative service commission, and the joint committee on 102192  
agency rule review. The emergency rule is effective immediately 102193  
upon completion of the latest filing, except that if the agency in 102194  
adopting the emergency rule designates an effective date, or date 102195  
and time of day, that is later than the effective date and time 102196  
provided for by division (B)(2) of this section, the emergency 102197  
rule if filed as required by such division shall become effective 102198  
at the later date, or later date and time of day, designated by 102199  
the agency. 102200

Except as provided in section 107.43 of the Revised Code, an 102201  
emergency rule becomes invalid at the end of the one hundred 102202  
twentieth day it is in effect. Prior to that date, the agency may 102203  
file the emergency rule as a nonemergency rule in compliance with 102204  
division (B)(1) of this section. The agency may not refile the 102205  
emergency rule in compliance with division (B)(2) of this section 102206  
so that, upon the emergency rule becoming invalid under such 102207  
division, the emergency rule will continue in effect without 102208  
interruption for another one hundred twenty-day period. 102209

The adoption of an emergency rule under division (B)(2) of 102210

this section in response to a state of emergency, as defined under 102211  
section 107.42 of the Revised Code, may be invalidated by the 102212  
general assembly, in whole or in part, by adopting a concurrent 102213  
resolution in accordance with section 107.43 of the Revised Code. 102214

(3) An agency shall file a rule under division (B)(1) or (2) 102215  
of this section in compliance with the following standards and 102216  
procedures: 102217

(a) The rule shall be numbered in accordance with the 102218  
numbering system devised by the director for the Ohio 102219  
administrative code. 102220

(b) The rule shall be prepared and submitted in compliance 102221  
with the rules of the legislative service commission. 102222

(c) The rule shall clearly state the date on which it is to 102223  
be effective and the date on which it will expire, if known. 102224

(d) Each rule that amends or rescinds another rule shall 102225  
clearly refer to the rule that is amended or rescinded. Each 102226  
amendment shall fully restate the rule as amended. 102227

If the director of the legislative service commission or the 102228  
director's designee gives an agency notice pursuant to section 102229  
103.05 of the Revised Code that a rule filed by the agency is not 102230  
in compliance with the rules of the legislative service 102231  
commission, the agency shall within thirty days after receipt of 102232  
the notice conform the rule to the rules of the commission as 102233  
directed in the notice. 102234

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 102235  
of this section shall be recorded by the secretary of state and 102236  
the director under the title of the agency adopting the rule and 102237  
shall be numbered according to the numbering system devised by the 102238  
director. The secretary of state and the director shall preserve 102239  
the rules in an accessible manner. Each such rule shall be a 102240  
public record open to public inspection and may be transmitted to 102241

any law publishing company that wishes to reproduce it. 102242

(D) At least sixty-five days before a board, commission, 102243  
department, division, or bureau of the government of the state 102244  
files a rule under division (B)(1) of this section, it shall file 102245  
the full text of the proposed rule in electronic form with the 102246  
joint committee on agency rule review, and the proposed rule is 102247  
subject to legislative review and invalidation under section 102248  
106.021 of the Revised Code. If a state board, commission, 102249  
department, division, or bureau makes a revision in a proposed 102250  
rule after it is filed with the joint committee, the state board, 102251  
commission, department, division, or bureau shall promptly file 102252  
the full text of the proposed rule in its revised form in 102253  
electronic form with the joint committee. A state board, 102254  
commission, department, division, or bureau shall also file the 102255  
rule summary and fiscal analysis prepared under section 106.024 of 102256  
the Revised Code in electronic form along with a proposed rule, 102257  
and along with a proposed rule in revised form, that is filed 102258  
under this division. If a proposed rule has an adverse impact on 102259  
businesses, the state board, commission, department, division, or 102260  
bureau also shall file the business impact analysis, any 102261  
recommendations received from the common sense initiative office, 102262  
and the associated memorandum of response, if any, in electronic 102263  
form along with the proposed rule, or the proposed rule in revised 102264  
form, that is filed under this division. 102265

A proposed rule that is subject to legislative review under 102266  
this division may not be adopted and filed in final form under 102267  
division (B)(1) of this section unless the proposed rule has been 102268  
filed with the joint committee on agency rule review under this 102269  
division and the time for the joint committee to review the 102270  
proposed rule has expired without recommendation of a concurrent 102271  
resolution to invalidate the proposed rule. 102272

If a proposed rule that is subject to legislative review 102273

under this division implements a federal law or rule, the agency 102274  
shall provide to the joint committee a citation to the federal law 102275  
or rule the proposed rule implements and a statement as to whether 102276  
the proposed rule implements the federal law or rule in a manner 102277  
that is more or less stringent or burdensome than the federal law 102278  
or rule requires. 102279

As used in this division, "commission" includes the public 102280  
utilities commission when adopting rules under a federal or state 102281  
statute. 102282

This division does not apply to any of the following: 102283

(1) A proposed rule of an emergency nature; 102284

(2) A rule proposed under section 1121.05, 1121.06, 1349.33, 102285  
1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 102286  
4123.345, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised 102287  
Code; 102288

(3) A rule proposed by an agency other than a board, 102289  
commission, department, division, or bureau of the government of 102290  
the state; 102291

(4) A proposed internal management rule of a board, 102292  
commission, department, division, or bureau of the government of 102293  
the state; 102294

(5) Any proposed rule that must be adopted verbatim by an 102295  
agency pursuant to federal law or rule, to become effective within 102296  
sixty days of adoption, in order to continue the operation of a 102297  
federally reimbursed program in this state, so long as the 102298  
proposed rule contains both of the following: 102299

(a) A statement that it is proposed for the purpose of 102300  
complying with a federal law or rule; 102301

(b) A citation to the federal law or rule that requires 102302  
verbatim compliance. 102303

(6) An initial rule proposed by the director of health to impose quality standards on a health care facility as defined in section 3702.30 of the Revised Code;

(7) A rule of the state lottery commission pertaining to instant game rules.

If a rule is exempt from legislative review under division (D)(5) of this section, and if the federal law or rule pursuant to which the rule was adopted expires, is repealed or rescinded, or otherwise terminates, the rule is thereafter subject to legislative review under division (D) of this section.

Whenever a state board, commission, department, division, or bureau files a proposed rule or a proposed rule in revised form under division (D) of this section, it shall also file the full text of the same proposed rule or proposed rule in revised form in electronic form with the secretary of state and the director of the legislative service commission. A state board, commission, department, division, or bureau shall file the rule summary and fiscal analysis prepared under section 106.024 of the Revised Code in electronic form along with a proposed rule or proposed rule in revised form that is filed with the secretary of state or the director of the legislative service commission.

**Sec. 3701.83.** There is hereby created in the state treasury the general operations fund. Moneys in the fund shall be used for the purposes specified in sections 3701.04, 3701.344, 3702.20, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3724.14, 3729.07, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 3749.07, 4736.06, and 4769.09 of the Revised Code.

**Sec. 3702.52.** The director of health shall administer a state certificate of need program in accordance with sections 3702.51 to 3702.62 of the Revised Code and rules adopted under those

sections. Administration of the program shall include both a 102334  
standard review process and an expedited review process. 102335

(A) The director shall issue rulings on whether a particular 102336  
proposed project is a reviewable activity. The director shall 102337  
issue a ruling not later than forty-five days after receiving a 102338  
request for a ruling accompanied by the information needed to make 102339  
the ruling, except that if an expedited review is requested, the 102340  
ruling shall be issued not later than thirty days after receiving 102341  
the request for a ruling accompanied by the information needed to 102342  
make the ruling. If the director does not issue a ruling in the 102343  
required time, the project shall be considered to have been ruled 102344  
not a reviewable activity. 102345

(B)(1) Each application for a certificate of need shall be 102346  
submitted to the director on forms and in the manner prescribed by 102347  
the director. An application for which expedited review is 102348  
requested must meet the same requirements as all other 102349  
applications. 102350

Each application shall include a plan for obligating the 102351  
capital expenditures or implementing the proposed project on a 102352  
timely basis in accordance with section 3702.524 of the Revised 102353  
Code. Each application shall also include all other information 102354  
required by rules adopted under division (B) of section 3702.57 of 102355  
the Revised Code. 102356

(2) Each application shall be accompanied by the application 102357  
fee established in rules adopted under division ~~(G)~~(F) of section 102358  
3702.57 of the Revised Code. Application fees received by the 102359  
director under this division shall be deposited into the state 102360  
treasury to the credit of the certificate of need fund, which is 102361  
hereby created. The director shall use the fund only to pay the 102362  
costs of administering sections 3702.30 and 3702.51 to 3702.62 of 102363  
the Revised Code and rules adopted under those sections. An 102364  
application fee is nonrefundable unless the director determines 102365

that the application cannot be accepted. 102366

(3) The director shall review applications for certificates 102367  
of need. As part of a review, the director shall determine whether 102368  
an application is complete. The director shall not consider an 102369  
application to be complete unless the application meets all 102370  
criteria for a complete application specified in rules adopted 102371  
under section 3702.57 of the Revised Code. For an application 102372  
being considered under the standard review process, the director 102373  
shall mail to the applicant a written notice that the application 102374  
is complete, or a written request for additional information, not 102375  
later than thirty days after receiving an application or a 102376  
response to an earlier request for information. For an application 102377  
for which expedited review is requested, the director's notice or 102378  
request shall be mailed not later than fourteen days after the 102379  
director receives the application or a response to an earlier 102380  
request for information. Except as provided in section 3702.522 of 102381  
the Revised Code, the director shall not make more than two 102382  
requests for additional information. For either the standard or 102383  
expedited review process, the director shall make a final 102384  
determination regarding an application's completeness and issue a 102385  
notice of the determination not later than one hundred eighty days 102386  
after the date the director received the initial application. 102387

The director's determination that an application is not 102388  
complete is final and not subject to appeal. 102389

(4) Except as necessary to comply with a subpoena issued 102390  
under division (F) of this section, after a notice of completeness 102391  
has been received, no person shall make revisions to information 102392  
that was submitted to the director before the director mailed the 102393  
notice of completeness or knowingly discuss in person or by 102394  
telephone the merits of the application with the director. A 102395  
person may supplement an application after a notice of 102396  
completeness has been received by submitting clarifying 102397

information to the director. 102398

(C) All of the following apply to the process of granting or 102399  
denying a certificate of need: 102400

(1) If the project proposed in a certificate of need 102401  
application meets all of the applicable certificate of need 102402  
criteria for approval under sections 3702.51 to 3702.62 of the 102403  
Revised Code and the rules adopted under those sections, the 102404  
director shall grant a certificate of need for all or part of the 102405  
project that is the subject of the application by the applicable 102406  
deadline specified in division (C)(4) of this section or any 102407  
extension of it under division (C)(5) of this section. 102408

(2) The director's grant of a certificate of need does not 102409  
affect, and sets no precedent for, the director's decision to 102410  
grant or deny other applications for similar reviewable 102411  
activities. 102412

(3) Any affected person may submit written comments regarding 102413  
an application. The director shall consider all written comments 102414  
received by the forty-fifth day after the application is submitted 102415  
to the director, except that to be considered in an expedited 102416  
review, written comments must be received by the twenty-first day 102417  
after the application is submitted. 102418

(4) Except as provided in division (C)(5) of this section, 102419  
the director shall grant or deny certificate of need applications 102420  
not later than sixty days after mailing the notice of completeness 102421  
unless the application is receiving expedited review. If the 102422  
application is receiving expedited review, the director shall 102423  
grant or deny the application not later than forty-five days after 102424  
mailing the notice of completeness. 102425

(5) Except as provided in division (C)(6) of this section, 102426  
the director or the applicant may extend the deadline prescribed 102427  
in division (C)(4) of this section once, for no longer than thirty 102428

days, by written notice before the end of the deadline prescribed 102429  
by division (C)(4) of this section. An extension by the director 102430  
under division (C)(5) of this section shall apply to all 102431  
applications that are in comparative review. 102432

(6) No applicant in a comparative review may extend the 102433  
deadline specified in division (C)(4) of this section. 102434

(7) If the director does not grant or deny the certificate by 102435  
the applicable deadline specified in division (C)(4) of this 102436  
section or any extension of it under division (C)(5) of this 102437  
section, the certificate shall be considered to have been granted. 102438

~~(8) In granting a certificate of need, the director shall 102439  
specify as the maximum capital expenditure the certificate holder 102440  
may obligate under the certificate a figure equal to one hundred 102441  
ten per cent of the approved project cost. 102442~~

~~(9) In granting a certificate of need, the director may grant 102443  
the certificate with conditions that must be met by the holder of 102444  
the certificate. 102445~~

(D) When a certificate of need is granted for a project under 102446  
which beds are to be relocated, upon completion of the project for 102447  
which the certificate of need was granted a number of beds equal 102448  
to the number of beds relocated shall cease to be operated in the 102449  
long-term care facility from which they are relocated, except that 102450  
the beds may continue to be operated for not more than fifteen 102451  
days to allow relocation of residents to the facility to which the 102452  
beds have been relocated. Notwithstanding section 3721.03 of the 102453  
Revised Code, if the relocated beds are in a home licensed under 102454  
Chapter 3721. of the Revised Code, the facility's license is 102455  
automatically reduced by the number of beds relocated effective 102456  
fifteen days after the beds are relocated. If the beds are in a 102457  
facility that is certified as a skilled nursing facility or 102458  
nursing facility under Title XVIII or XIX of the "Social Security 102459

Act," the certification for the beds shall be surrendered. If the 102460  
beds are reported in an application submitted under section 102461  
3722.03 of the Revised Code as skilled nursing beds or long-term 102462  
care beds, the director shall remove the beds from registration 102463  
not later than fifteen days after the beds are relocated. 102464

(E) During the period beginning with the granting of a 102465  
certificate of need and ending five years after implementation of 102466  
the reviewable activity for which the certificate was granted, the 102467  
director shall monitor the activities of the person granted the 102468  
certificate to determine whether the reviewable activity is 102469  
conducted in substantial accordance with the certificate. A 102470  
reviewable activity shall not be determined to be not in 102471  
substantial accordance with the certificate of need solely because 102472  
of either of the following: 102473

(1) A decrease in bed capacity; 102474

(2) A change in the owner or operator of the facility unless 102475  
any of the circumstances specified in division (B) of section 102476  
3702.59 of the Revised Code apply to the new owner or operator. 102477

(F) When reviewing applications for certificates of need, 102478  
considering appeals under section 3702.60 of the Revised Code, or 102479  
monitoring activities of persons granted certificates of need, the 102480  
director may issue and enforce, in the manner provided in section 102481  
119.09 of the Revised Code, subpoenas and subpoenas duces tecum to 102482  
compel a person to testify and produce documents relevant to 102483  
review of the application, consideration of the appeal, or 102484  
monitoring of the activities. In addition, the director or the 102485  
director's designee may visit the sites where the activities are 102486  
or will be conducted. 102487

(G) The director may withdraw certificates of need. 102488

(H) All long-term care facilities shall submit to the 102489  
director, upon request, any information prescribed by rules 102490

adopted under division ~~(H)~~(G) of section 3702.57 of the Revised Code that is necessary to conduct reviews of certificate of need applications and to develop criteria for reviews.

(I) Any decision to grant or deny a certificate of need shall consider the special needs and circumstances resulting from moral and ethical values and the free exercise of religious rights of long-term care facilities administered by religious organizations, and the special needs and circumstances of inner city and rural communities.

**Sec. 3702.55.** A person that the director of health determines has violated section 3702.53 of the Revised Code shall cease conducting the activity that constitutes the violation or utilizing the facility resulting from the violation not later than thirty days after the person receives the notice mailed under section 3702.532 of the Revised Code or, if the person appeals the director's determination under section 3702.60 of the Revised Code, thirty days after the person receives an order upholding the director's determination that is not subject to further appeal.

If any person determined to have violated section 3702.53 of the Revised Code fails to cease conducting an activity or using a facility as required by this section or if the person continues to seek payment or reimbursement for services rendered or costs incurred in conducting the activity as prohibited by section 3702.56 of the Revised Code, in addition to the penalties imposed under section 3702.54 ~~or 3702.541~~ of the Revised Code:

(A) The director of health may refuse to license, or may revoke a license or reduce bed capacity previously granted to, a hospice care program under section 3712.04 of the Revised Code; a nursing home, residential care facility, or home for the aging under section 3721.02 of the Revised Code; or any beds within any of those facilities that are involved in the activity;

(B) A political subdivision certified under section 3721.09 102522  
of the Revised Code may refuse to license, or may revoke a license 102523  
or reduce bed capacity previously granted to, a nursing home, 102524  
residential care facility, or home for the aging, or any beds 102525  
within any of those facilities that are involved in the activity; 102526

(C) The director of mental health and addiction services may 102527  
refuse to license under section 5119.33 of the Revised Code, or 102528  
may revoke a license or reduce bed capacity previously granted to, 102529  
a hospital receiving persons with mental illnesses or beds within 102530  
such a hospital that are involved in the activity; 102531

(D) The department of medicaid may refuse to enter into a 102532  
provider agreement that includes a facility, beds, or services 102533  
that result from the activity. 102534

**Sec. 3711.14.** (A) In accordance with Chapter 119. of the 102535  
Revised Code, the director of health may do any of the following: 102536

(1) Impose a civil penalty of not less than one thousand 102537  
dollars and not more than two hundred fifty thousand dollars on a 102538  
person who violates a provision of this chapter or the rules 102539  
adopted under it; 102540

(2) Summarily suspend, in accordance with division (B) of 102541  
this section, a license issued under this chapter if the director 102542  
believes there is clear and convincing evidence that the continued 102543  
operation of a maternity home presents a danger of immediate and 102544  
serious harm to the public; 102545

(3) Revoke a license issued under this chapter if the 102546  
director determines that a violation of a provision of this 102547  
chapter or the rules adopted under it has occurred in such a 102548  
manner as to pose an imminent threat of serious physical or 102549  
life-threatening danger. 102550

(B) If the director suspends a license under division (A)(2) 102551

of this section, the director shall ~~issue~~ serve a written order of 102552  
suspension ~~and cause it to be delivered by certified mail or in~~ 102553  
~~person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of 102554  
the Revised Code. The order shall not be subject to suspension by 102555  
the court while an appeal filed under section 119.12 of the 102556  
Revised Code is pending. If the individual subject to the 102557  
suspension requests an adjudication, the date set for the 102558  
adjudication shall be within fifteen days but not earlier than 102559  
seven days after the individual makes the request, unless another 102560  
date is agreed to by both the individual and the director. The 102561  
summary suspension shall remain in effect, unless reversed by the 102562  
director, until a final adjudication order issued by the director 102563  
pursuant to this section and Chapter 119. of the Revised Code 102564  
becomes effective. 102565

The director shall issue a final adjudication order not later 102566  
than ninety days after completion of the adjudication. If the 102567  
director does not issue a final order within the ninety-day 102568  
period, the summary suspension shall be void, but any final 102569  
adjudication order issued subsequent to the ninety-day period 102570  
shall not be affected. 102571

(C) If the director issues an order revoking or suspending a 102572  
license issued under this chapter and the license holder continues 102573  
to operate a maternity home, the director may ask the attorney 102574  
general to apply to the court of common pleas of the county in 102575  
which the person is located for an order enjoining the person from 102576  
operating the home. The court shall grant the order on a showing 102577  
that the person is operating the home. 102578

**Section 110.11.** That the existing versions of sections 102579  
111.15, 3701.83, 3702.52, 3702.55, and 3711.14 of the Revised Code 102580  
that are scheduled to take effect September 30, 2024, are hereby 102581  
repealed. 102582

**Section 110.12.** Sections 110.10 and 110.11 of this act take effect September 30, 2024.

**Section 110.20.** That the versions of sections 173.21, 1321.64, 3301.071, 3319.088, 3319.22, 3319.26, 3319.27, 3319.303, 3704.14, 3737.83, 3781.10, 3781.102, 4735.07, 4735.09, 4755.411, 4755.45, 4755.451, 4755.482, 4763.05, 4765.11, 4765.55, and 4781.17 of the Revised Code that are scheduled to take effect December 29, 2023, be amended to read as follows:

**Sec. 173.21.** (A) The office of the state long-term care ombudsman program, through the state long-term care ombudsman and the regional long-term care ombudsman programs, shall require each representative of the office to complete a training and certification ~~program~~ in accordance with this section and to meet ~~the~~ any continuing education requirements that may be established ~~under~~ in rules adopted under division (B) of this section.

(B) The department of aging shall adopt rules in accordance with Chapter 119. of the Revised Code specifying the content of training ~~programs~~ for representatives of the office of the state long-term care ombudsman program. Training for representatives other than those who are volunteers providing services through regional long-term care ombudsman programs shall include instruction regarding federal, state, and local laws, rules, and policies on long-term care facilities and community-based long-term care services; investigative techniques; and other topics considered relevant by the department ~~and shall consist.~~ All of the following apply to training for representatives other than volunteers:

(1) ~~A~~ Representatives shall complete a minimum of ~~forty clock~~ thirty-six hours of basic instruction, which shall be completed before the trainee is permitted to handle complaints without the

supervision of a representative of the office certified under this 102613  
section; 102614

(2) ~~An additional sixty clock~~ Additional hours of 102615  
instruction, ~~which shall be completed within the first fifteen~~ 102616  
~~months of employment~~ may include an internship, in-service 102617  
training, and continuing education requirements as may be required 102618  
in rules adopted under division (B) of this section; 102619

(3) ~~An internship of twenty clock hours, which shall be~~ 102620  
~~completed within the first twenty four months of employment,~~ 102621  
~~including instruction in, and observation of, basic nursing care~~ 102622  
~~and long term care provider operations and procedures. The~~ 102623  
~~internship shall be performed at a site that has been approved as~~ 102624  
~~an internship site by the state long term care ombudsman.~~ 102625

(4) ~~One of the following, which shall be completed within the~~ 102626  
~~first twenty four months of employment:~~ 102627

(a) ~~Observation of a survey conducted by the director of~~ 102628  
~~health to certify a nursing facility to participate in the~~ 102629  
~~medicaid program;~~ 102630

(b) ~~Observation of an inspection conducted by the director of~~ 102631  
~~mental health and addiction services to license a residential~~ 102632  
~~facility under section 5119.34 of the Revised Code that provides~~ 102633  
~~accommodations, supervision, and personal care services for three~~ 102634  
~~to sixteen unrelated adults.~~ 102635

(5) ~~Any~~ Representatives may be required to complete any other 102636  
~~training considered appropriate by the department.~~ 102637

(C) ~~Any person who for a period of at least six months prior~~ 102638  
~~to June 11, 1990, served as an ombudsman through the long term~~ 102639  
~~care ombudsman program established by the department of aging~~ 102640  
~~under section 173.01 of the Revised Code shall not be required to~~ 102641  
~~complete a training program. Such a person and persons who~~ 102642  
~~complete a training program shall take an examination administered~~ 102643

~~by the department of aging. On attainment of a passing score, the person shall be certified by the department as a representative of the office. The department shall issue the person an identification card, which the representative shall show at the request of any person with whom the representative deals while performing the representative's duties and which shall be surrendered at the time the representative separates from the office.~~

~~(D)~~ The state ombudsman and each regional program shall conduct training programs for train volunteers on their respective staffs in accordance with the rules of the department of aging adopted under division (B) of this section. ~~Training programs~~ Volunteers may be conducted that train volunteers trained to complete some, but not all, of the duties of a representative of the office. Each regional office shall bear the cost of training its representatives who are volunteers. On completion of a training ~~program~~, the representative shall take an examination administered by the department of aging. On attainment of a passing score, a volunteer shall be certified by the department as a representative authorized to perform services specified in the certification. The department shall issue an identification card, which the representative shall show at the request of any person with whom the representative deals while performing the representative's duties and which shall be surrendered at the time the representative separates from the office. Except as a supervised part of a training ~~program~~, no volunteer shall perform any duty unless the volunteer is certified as a representative having received appropriate training for that duty.

~~(E)~~(D) The state ombudsman shall provide technical assistance to regional programs conducting training ~~programs~~ for volunteers and shall monitor the training ~~programs~~.

~~(F)~~ Prior to scheduling an observation of a certification

~~survey or licensing inspection for purposes of division (B)(4) of  
this section, the state ombudsman shall obtain permission to have  
the survey or inspection observed from both the long term care  
facility at which the survey or inspection is to take place and,  
as the case may be, the director of health or director of mental  
health and addiction services.~~

~~(G)~~(E) Notwithstanding the requirements for a certification  
under this section, the department shall issue a certificate as a  
representative of the office of the state long-term care ombudsman  
program in accordance with Chapter 4796. of the Revised Code to a  
person if either of the following applies:

(1) The person holds a license or certificate in another  
state.

(2) The person has satisfactory work experience, a government  
certification, or a private certification as described in that  
chapter as a representative of a state long-term care ombudsman  
program in a state that does not issue that license or  
certificate.

~~(H) The department of aging shall establish continuing  
education requirements for representatives of the office.~~

**Sec. 1321.64.** (A) An application for a license shall contain  
an undertaking by the applicant to abide by those sections. The  
application shall be in writing, under oath, and in the form  
prescribed by the superintendent of financial institutions, and  
shall contain any information that the superintendent may require.  
Applicants that are foreign corporations shall obtain and maintain  
a license pursuant to Chapter 1703. of the Revised Code before a  
license is issued or renewed.

(B) Upon the filing of the application and the payment by the  
applicant of a nonrefundable investigation fee of two hundred

dollars, a nonrefundable annual registration fee of three hundred 102706  
dollars, and any additional fee required by the NMLSR, the 102707  
division of financial institutions shall investigate the relevant 102708  
facts. If the application involves investigation outside this 102709  
state, the applicant may be required by the division to advance 102710  
sufficient funds to pay any of the actual expenses of the 102711  
investigation when it appears that these expenses will exceed two 102712  
hundred dollars. An itemized statement of any of these expenses 102713  
which the applicant is required to pay shall be furnished to the 102714  
applicant by the division. A license shall not be issued unless 102715  
all the required fees have been submitted to the division. 102716

(C)(1) The investigation undertaken upon receipt of an 102717  
application shall include both a civil and criminal records check 102718  
of any control person. 102719

(2)(a) Notwithstanding division ~~(K)~~(L) of section 121.08 of 102720  
the Revised Code, the superintendent shall obtain a criminal 102721  
records check on each control person and, as part of that records 102722  
check, request that criminal records information from the federal 102723  
bureau of investigation be obtained. To fulfill this requirement, 102724  
the superintendent shall do either of the following: 102725

(i) Request the superintendent of the bureau of criminal 102726  
identification and investigation, or a vendor approved by the 102727  
bureau, to conduct a criminal records check based on the control 102728  
person's fingerprints or, if the fingerprints are unreadable, 102729  
based on the control person's social security number, in 102730  
accordance with section 109.572 of the Revised Code; 102731

(ii) Authorize the NMLSR to request a criminal records check 102732  
of the control person. 102733

(b) Any fee required under division (C)(3) of section 109.572 102734  
of the Revised Code or by the NMLSR shall be paid by the 102735  
applicant. 102736

(D) If an application for a license does not contain all of the information required under division (A) of this section, and if such information is not submitted to the division or to the NMLSR within ninety days after the superintendent or the NMLSR requests the information in writing, including by electronic transmission or facsimile, the superintendent may consider the application withdrawn.

(E) If the superintendent of financial institutions finds that the financial responsibility, experience, and general fitness of the applicant command the confidence of the public and warrant the belief that the business will be operated honestly and fairly in compliance with the purposes of sections 1321.62 to 1321.702 of the Revised Code and the rules adopted thereunder, and that the applicant has the requisite net worth and assets required under section 1321.65 of the Revised Code, the superintendent shall issue a license to the applicant. The license shall be valid until the thirty-first day of December of the year in which it is issued. A person may be licensed under both sections 1321.51 to 1321.60 and sections 1321.62 to 1321.702 of the Revised Code.

(F) If the superintendent finds that the applicant does not meet the conditions set forth in this section, the superintendent shall issue a notice of intent to deny the application, and promptly notify the applicant of the denial, the grounds for the denial, and the applicant's reasonable opportunity to be heard on the action in accordance with Chapter 119. of the Revised Code.

(G) Notwithstanding any provision of this section to the contrary, the superintendent shall issue a license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

- (1) The applicant holds a license in another state.
- (2) The applicant has satisfactory work experience, a

government certification, or a private certification as described 102768  
in that chapter as a consumer installment loan lender in a state 102769  
that does not issue that license. 102770

**Sec. 3301.071.** (A)(1) Except as provided in division (E) of 102771  
this section, in the case of nontax-supported schools, standards 102772  
for teacher certification prescribed under section 3301.07 of the 102773  
Revised Code shall provide for certification, without further 102774  
educational requirements, of any administrator, supervisor, or 102775  
teacher who has attended and received a bachelor's degree or a 102776  
master's degree from a college or university accredited by a 102777  
national or regional association in the United States except that, 102778  
at the discretion of the state board of education, this 102779  
requirement may be met by having an equivalent degree from a 102780  
foreign college or university of comparable standing. 102781

(2) Except as provided in division (E) of this section, in 102782  
the case of nonchartered, nontax-supported schools, the standards 102783  
for teacher certification prescribed under section 3301.07 of the 102784  
Revised Code shall provide for certification, without further 102785  
educational requirements, of any administrator, supervisor, or 102786  
teacher who has attended and received a diploma from a "bible 102787  
college" or "bible institute" described in division (E) of section 102788  
1713.02 of the Revised Code. 102789

(3) A certificate issued under division (A)(3) of this 102790  
section shall be valid only for teaching foreign language, music, 102791  
religion, computer technology, or fine arts. 102792

Notwithstanding division (A)(1) of this section and except as 102793  
provided in division (E) of this section, the standards for 102794  
teacher certification prescribed under section 3301.07 of the 102795  
Revised Code shall provide for certification of a person as a 102796  
teacher upon receipt by the state board of an affidavit signed by 102797  
the chief administrative officer of a chartered nonpublic school 102798

seeking to employ the person, stating that the person meets one of 102799  
the following conditions: 102800

(a) The person has specialized knowledge, skills, or 102801  
expertise that qualifies the person to provide instruction. 102802

(b) The person has provided to the chief administrative 102803  
officer evidence of at least three years of teaching experience in 102804  
a public or nonpublic school. 102805

(c) The person has provided to the chief administrative 102806  
officer evidence of completion of a teacher training program named 102807  
in the affidavit. 102808

(B) Each person applying for a certificate under this section 102809  
for purposes of serving in a nonpublic school chartered by the 102810  
state board under section 3301.16 of the Revised Code shall pay a 102811  
fee in the amount established under division (A) of section 102812  
3319.51 of the Revised Code. Any fees received under this division 102813  
shall be paid into the state treasury to the credit of the state 102814  
board of education certification fund established under division 102815  
(B) of section 3319.51 of the Revised Code. 102816

(C) A person applying for or holding any certificate pursuant 102817  
to this section for purposes of serving in a nonpublic school 102818  
chartered by the state board is subject to sections 3123.41 to 102819  
3123.50 of the Revised Code and any applicable rules adopted under 102820  
section 3123.63 of the Revised Code and sections 3319.31 and 102821  
3319.311 of the Revised Code. 102822

(D) Divisions (B) and (C) of this section and sections 102823  
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 102824  
to any administrators, supervisors, or teachers in nonchartered, 102825  
nontax-supported schools. 102826

(E) The state board shall issue a certificate to serve in a 102827  
nonpublic school as an administrator, supervisor, or teacher in 102828  
accordance with Chapter 4796. of the Revised Code to an applicant 102829

if either of the following applies: 102830

(1) The applicant holds a certificate in another state. 102831

(2) The applicant has satisfactory work experience, a 102832  
government certification, or a private certification as described 102833  
in that chapter as a nonpublic school administrator, supervisor, 102834  
or teacher in a state that does not issue one or more of those 102835  
certificates. 102836

**Sec. 3319.088.** As used in this section, "educational 102837  
assistant" means any nonteaching employee in a school district who 102838  
directly assists a teacher as defined in section 3319.09 of the 102839  
Revised Code, by performing duties for which a license issued 102840  
pursuant to sections 3319.22 to 3319.30 of the Revised Code is not 102841  
required. 102842

(A) Except as provided in division (G) of this section, the 102843  
state board of education shall issue educational aide permits and 102844  
educational paraprofessional licenses for educational assistants 102845  
and shall adopt rules for the issuance and renewal of such permits 102846  
and licenses which shall be consistent with the provisions of this 102847  
section. Educational aide permits and educational paraprofessional 102848  
licenses may be of several types and the rules shall prescribe the 102849  
minimum qualifications of education and health for the service to 102850  
be authorized under each type. The prescribed minimum 102851  
qualifications may require special training or educational courses 102852  
designed to qualify a person to perform effectively the duties 102853  
authorized under an educational aide permit or educational 102854  
paraprofessional license. 102855

(B)(1) Except as provided in division (G) of this section, 102856  
any application for a permit or license, or a renewal or duplicate 102857  
of a permit or license, under this section shall be accompanied by 102858  
the payment of a fee in the amount established under division (A) 102859  
of section 3319.51 of the Revised Code. Any fees received under 102860

this division shall be paid into the state treasury to the credit 102861  
of the state board of education licensure fund established under 102862  
division (B) of section 3319.51 of the Revised Code. 102863

(2) Any person applying for or holding a permit or license 102864  
pursuant to this section is subject to sections 3123.41 to 3123.50 102865  
of the Revised Code and any applicable rules adopted under section 102866  
3123.63 of the Revised Code and sections 3319.31 and 3319.311 of 102867  
the Revised Code. 102868

(C) Educational assistants shall at all times while in the 102869  
performance of their duties be under the supervision and direction 102870  
of a teacher as defined in section 3319.09 of the Revised Code. 102871  
Educational assistants may assist a teacher to whom assigned in 102872  
the supervision of pupils, in assisting with instructional tasks, 102873  
and in the performance of duties which, in the judgment of the 102874  
teacher to whom the assistant is assigned, may be performed by a 102875  
person not licensed pursuant to sections 3319.22 to 3319.30 of the 102876  
Revised Code and for which a teaching license, issued pursuant to 102877  
sections 3319.22 to 3319.30 of the Revised Code is not required. 102878  
The duties of an educational assistant shall not include the 102879  
assignment of grades to pupils. The duties of an educational 102880  
assistant need not be performed in the physical presence of the 102881  
teacher to whom assigned, but the activity of an educational 102882  
assistant shall at all times be under the direction of the teacher 102883  
to whom assigned. The assignment of an educational assistant need 102884  
not be limited to assisting a single teacher. In the event an 102885  
educational assistant is assigned to assist more than one teacher 102886  
the assignments shall be clearly delineated and so arranged that 102887  
the educational assistant shall never be subject to simultaneous 102888  
supervision or direction by more than one teacher. 102889

Educational assistants assigned to supervise children shall, 102890  
when the teacher to whom assigned is not physically present, 102891  
maintain the degree of control and discipline that would be 102892

maintained by the teacher. 102893

Educational assistants may not be used in place of classroom 102894  
teachers or other employees and any payment of compensation by 102895  
boards of education to educational assistants for such services is 102896  
prohibited. The ratio between the number of licensed teachers and 102897  
the pupils in a school district may not be decreased by 102898  
utilization of educational assistants and no grouping, or other 102899  
organization of pupils, for utilization of educational assistants 102900  
shall be established which is inconsistent with sound educational 102901  
practices and procedures. A school district may employ up to one 102902  
full time equivalent educational assistant for each six full time 102903  
equivalent licensed employees of the district. Educational 102904  
assistants shall not be counted as licensed employees for purposes 102905  
of state support in the school foundation program and no grouping 102906  
or regrouping of pupils with educational assistants may be counted 102907  
as a class or unit for school foundation program purposes. Neither 102908  
special courses required by the regulations of the state board of 102909  
education, prescribing minimum qualifications of education for an 102910  
educational assistant, nor years of service as an educational 102911  
assistant shall be counted in any way toward qualifying for a 102912  
teacher license, for a teacher contract of any type, or for 102913  
determining placement on a salary schedule in a school district as 102914  
a teacher. 102915

(D) Educational assistants employed by a board of education 102916  
shall have all rights, benefits, and legal protection available to 102917  
other nonteaching employees in the school district, except that 102918  
provisions of Chapter 124. of the Revised Code shall not apply to 102919  
any person employed as an educational assistant, and shall be 102920  
members of the school employees retirement system. Educational 102921  
assistants shall be compensated according to a salary plan adopted 102922  
annually by the board. 102923

Except as provided in this section nonteaching employees 102924

shall not serve as educational assistants without first obtaining 102925  
an appropriate educational aide permit or educational 102926  
paraprofessional license from the state board of education. A 102927  
nonteaching employee who is the holder of a valid educational aide 102928  
permit or educational paraprofessional license shall neither 102929  
render nor be required to render services inconsistent with the 102930  
type of services authorized by the permit or license held. No 102931  
person shall receive compensation from a board of education for 102932  
services rendered as an educational assistant in violation of this 102933  
provision. 102934

Nonteaching employees whose functions are solely 102935  
secretarial-clerical and who do not perform any other duties as 102936  
educational assistants, even though they assist a teacher and work 102937  
under the direction of a teacher shall not be required to hold a 102938  
permit or license issued pursuant to this section. ~~Students~~ 102939  
~~preparing to become licensed teachers or educational assistants~~ 102940  
~~shall not be required to hold an educational aide permit or~~ 102941  
~~paraprofessional license for such periods of time as such students~~ 102942  
~~are assigned, as part of their training program, to work with a~~ 102943  
~~teacher in a school district. Such students shall not be~~ 102944  
~~compensated for such services.~~ 102945

Following the determination of the assignment and general job 102946  
description of an educational assistant and subject to supervision 102947  
by the teacher's immediate administrative officer, a teacher to 102948  
whom an educational assistant is assigned shall make all final 102949  
determinations of the duties to be assigned to such assistant. 102950  
Teachers shall not be required to hold a license designated for 102951  
being a supervisor or administrator in order to perform the 102952  
necessary supervision of educational assistants. 102953

(E) No person who is, or who has been employed as an 102954  
educational assistant shall divulge, except to the teacher to whom 102955  
assigned, or the administrator of the school in the absence of the 102956

teacher to whom assigned, or when required to testify in a court 102957  
or proceedings, any personal information concerning any pupil in 102958  
the school district which was obtained or obtainable by the 102959  
educational assistant while so employed. Violation of this 102960  
provision is grounds for disciplinary action or dismissal, or 102961  
both. 102962

(F) Notwithstanding anything to the contrary in this section, 102963  
the superintendent of a school district may allow an employee who 102964  
does not hold a permit or license issued under this section to 102965  
work as a substitute for an educational assistant who is absent on 102966  
account of illness or on a leave of absence, or to fill a 102967  
temporary position created by an emergency, provided that the 102968  
superintendent believes the employee's application materials 102969  
indicate that the employee is qualified to obtain a permit or 102970  
license under this section. 102971

An employee shall begin work as a substitute under this 102972  
division not earlier than on the date on which the employee files 102973  
an application with the state board for a permit or license under 102974  
this section. An employee shall cease working as a substitute 102975  
under this division on the earliest of the following: 102976

(1) The date on which the employee files a valid permit or 102977  
license issued under this section with the superintendent; 102978

(2) The date on which the employee is denied a permit or 102979  
license under this section; 102980

(3) Sixty days following the date on which the employee began 102981  
work as a substitute under this division. 102982

The superintendent shall ensure that an employee assigned to 102983  
work as a substitute under division (F) of this section has 102984  
undergone a criminal records check in accordance with section 102985  
3319.391 of the Revised Code. 102986

(G) The state board shall issue an educational aide permit or 102987

educational paraprofessional license in accordance with Chapter 102988  
4796. of the Revised Code to an applicant if either of the 102989  
following applies: 102990

(1) The applicant holds a permit or license in another state. 102991

(2) The applicant has satisfactory work experience, a 102992  
government certification, or a private certification as described 102993  
in that chapter as an educational aide or educational 102994  
paraprofessional in a state that does not issue that permit or 102995  
license or both. 102996

**Sec. 3319.22.** (A)(1) The state board of education shall issue 102997  
the following educator licenses: 102998

(a) A resident educator license, which shall be valid for two 102999  
years and shall be renewable for reasons specified by rules 103000  
adopted by the state board pursuant to division (A)(3) of this 103001  
section. The state board, on a case-by-case basis, may extend the 103002  
license's duration as necessary to enable the license holder to 103003  
complete the Ohio teacher residency program established under 103004  
section 3319.223 of the Revised Code; 103005

(b) A professional educator license, which shall be valid for 103006  
five years and shall be renewable; 103007

(c) A senior professional educator license, which shall be 103008  
valid for five years and shall be renewable; 103009

(d) A lead professional educator license, which shall be 103010  
valid for five years and shall be renewable. 103011

Licenses issued under division (A)(1) of this section on and 103012  
after ~~November 2, 2018~~ the effective date of this amendment, shall 103013  
specify whether the educator is licensed to teach grades 103014  
pre-kindergarten through ~~five, grades four through nine,~~ eight or 103015  
grades ~~seven~~ six through twelve. The changes to the grade band 103016  
specifications under this ~~amendment~~ section shall not apply to a 103017

person who holds a license under division (A)(1) of this section 103018  
prior to ~~November 2, 2018~~ the effective date of this amendment. 103019

Further, the changes to the grade band specifications under this 103020  
~~amendment~~ section shall not apply to any license issued to teach 103021  
in the area of computer information science, bilingual education, 103022  
dance, drama or theater, world language, health, library or media, 103023  
music, physical education, teaching English to speakers of other 103024  
languages, career-technical education, or visual arts or to any 103025  
license issued to an intervention specialist, including a gifted 103026  
intervention specialist, or to any other license that does not 103027  
align to the grade band specifications. 103028

(2)(a) Except as provided in division (A)(2)(b) of this 103029  
section, the state board may issue any additional educator 103030  
licenses of categories, types, and levels the board elects to 103031  
provide. 103032

(b) Not later than December 31, 2024, the state board shall 103033  
cease licensing school psychologists. The state board shall 103034  
coordinate with the state board of psychology to transition to 103035  
licensure under Chapter 4732. of the Revised Code any school 103036  
psychologists licensed under rules adopted in accordance with 103037  
sections 3301.07 and 3319.22 of the Revised Code. 103038

(3) Except as provided in division (I) of this section, the 103039  
state board shall adopt rules establishing the standards and 103040  
requirements for obtaining each educator license issued under this 103041  
section. The rules shall also include the reasons for which a 103042  
resident educator license may be renewed under division (A)(1)(a) 103043  
of this section. 103044

(B) Except as provided in division (I) of this section, the 103045  
rules adopted under this section shall require at least the 103046  
following standards and qualifications for the educator licenses 103047  
described in division (A)(1) of this section: 103048

(1) An applicant for a resident educator license shall hold at least a bachelor's degree from an accredited teacher preparation program or be a participant in the teach for America program and meet the qualifications required under section 3319.227 of the Revised Code.

(2) An applicant for a professional educator license shall:

(a) Hold at least a bachelor's degree from an institution of higher education accredited by a regional accrediting organization;

(b) Have successfully completed the Ohio teacher residency program established under section 3319.223 of the Revised Code, if the applicant's current or most recently issued license is a resident educator license issued under this section or an alternative resident educator license issued under section 3319.26 of the Revised Code.

(3) An applicant for a senior professional educator license shall:

(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;

(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;

(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.

(4) An applicant for a lead professional educator license shall:

(a) Hold at least a master's degree from an institution of

higher education accredited by a regional accrediting organization; 103079  
103080

(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code; 103081  
103082  
103083  
103084

(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code; 103085  
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103087

(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code. 103088  
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103090  
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(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code. 103093  
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(D) If the state board requires any examinations for educator licensure, the department of education shall provide the results of such examinations received by the department to the chancellor of higher education, in the manner and to the extent permitted by state and federal law. 103097  
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(E) Any rules the state board of education adopts, amends, or rescinds for educator licenses under this section, division (D) of section 3301.07 of the Revised Code, or any other law shall be adopted, amended, or rescinded under Chapter 119. of the Revised Code except as follows: 103102  
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(1) Notwithstanding division (E) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code, in the case of the adoption of any rule or the amendment or rescission of any 103107  
103108  
103109

rule that necessitates institutions' offering preparation programs 103110  
for educators and other school personnel that are approved by the 103111  
chancellor of higher education under section 3333.048 of the 103112  
Revised Code to revise the curriculum of those programs, the 103113  
effective date shall not be as prescribed in division (E) of 103114  
section 119.03 and division (A)(1) of section 119.04 of the 103115  
Revised Code. Instead, the effective date of such rules, or the 103116  
amendment or rescission of such rules, shall be the date 103117  
prescribed by section 3333.048 of the Revised Code. 103118

(2) Notwithstanding the authority to adopt, amend, or rescind 103119  
emergency rules in division (G) of section 119.03 of the Revised 103120  
Code, this authority shall not apply to the state board of 103121  
education with regard to rules for educator licenses. 103122

(F)(1) The rules adopted under this section establishing 103123  
standards requiring additional coursework for the renewal of any 103124  
educator license shall require a school district and a chartered 103125  
nonpublic school to establish local professional development 103126  
committees. In a nonpublic school, the chief administrative 103127  
officer shall establish the committees in any manner acceptable to 103128  
such officer. The committees established under this division shall 103129  
determine whether coursework that a district or chartered 103130  
nonpublic school teacher proposes to complete meets the 103131  
requirement of the rules. The department of education shall 103132  
provide technical assistance and support to committees as the 103133  
committees incorporate the professional development standards 103134  
adopted by the state board of education pursuant to section 103135  
3319.61 of the Revised Code into their review of coursework that 103136  
is appropriate for license renewal. The rules shall establish a 103137  
procedure by which a teacher may appeal the decision of a local 103138  
professional development committee. 103139

(2) In any school district in which there is no exclusive 103140  
representative established under Chapter 4117. of the Revised 103141

Code, the professional development committees shall be established 103142  
as described in division (F)(2) of this section. 103143

Not later than the effective date of the rules adopted under 103144  
this section, the board of education of each school district shall 103145  
establish the structure for one or more local professional 103146  
development committees to be operated by such school district. The 103147  
committee structure so established by a district board shall 103148  
remain in effect unless within thirty days prior to an anniversary 103149  
of the date upon which the current committee structure was 103150  
established, the board provides notice to all affected district 103151  
employees that the committee structure is to be modified. 103152  
Professional development committees may have a district-level or 103153  
building-level scope of operations, and may be established with 103154  
regard to particular grade or age levels for which an educator 103155  
license is designated. 103156

Each professional development committee shall consist of at 103157  
least three classroom teachers employed by the district, one 103158  
principal employed by the district, and one other employee of the 103159  
district appointed by the district superintendent. For committees 103160  
with a building-level scope, the teacher and principal members 103161  
shall be assigned to that building, and the teacher members shall 103162  
be elected by majority vote of the classroom teachers assigned to 103163  
that building. For committees with a district-level scope, the 103164  
teacher members shall be elected by majority vote of the classroom 103165  
teachers of the district, and the principal member shall be 103166  
elected by a majority vote of the principals of the district, 103167  
unless there are two or fewer principals employed by the district, 103168  
in which case the one or two principals employed shall serve on 103169  
the committee. If a committee has a particular grade or age level 103170  
scope, the teacher members shall be licensed to teach such grade 103171  
or age levels, and shall be elected by majority vote of the 103172  
classroom teachers holding such a license and the principal shall 103173

be elected by all principals serving in buildings where any such 103174  
teachers serve. The district superintendent shall appoint a 103175  
replacement to fill any vacancy that occurs on a professional 103176  
development committee, except in the case of vacancies among the 103177  
elected classroom teacher members, which shall be filled by vote 103178  
of the remaining members of the committee so selected. 103179

Terms of office on professional development committees shall 103180  
be prescribed by the district board establishing the committees. 103181  
The conduct of elections for members of professional development 103182  
committees shall be prescribed by the district board establishing 103183  
the committees. A professional development committee may include 103184  
additional members, except that the majority of members on each 103185  
such committee shall be classroom teachers employed by the 103186  
district. Any member appointed to fill a vacancy occurring prior 103187  
to the expiration date of the term for which a predecessor was 103188  
appointed shall hold office as a member for the remainder of that 103189  
term. 103190

The initial meeting of any professional development 103191  
committee, upon election and appointment of all committee members, 103192  
shall be called by a member designated by the district 103193  
superintendent. At this initial meeting, the committee shall 103194  
select a chairperson and such other officers the committee deems 103195  
necessary, and shall adopt rules for the conduct of its meetings. 103196  
Thereafter, the committee shall meet at the call of the 103197  
chairperson or upon the filing of a petition with the district 103198  
superintendent signed by a majority of the committee members 103199  
calling for the committee to meet. 103200

(3) In the case of a school district in which an exclusive 103201  
representative has been established pursuant to Chapter 4117. of 103202  
the Revised Code, professional development committees shall be 103203  
established in accordance with any collective bargaining agreement 103204  
in effect in the district that includes provisions for such 103205

committees. 103206

If the collective bargaining agreement does not specify a 103207  
different method for the selection of teacher members of the 103208  
committees, the exclusive representative of the district's 103209  
teachers shall select the teacher members. 103210

If the collective bargaining agreement does not specify a 103211  
different structure for the committees, the board of education of 103212  
the school district shall establish the structure, including the 103213  
number of committees and the number of teacher and administrative 103214  
members on each committee; the specific administrative members to 103215  
be part of each committee; whether the scope of the committees 103216  
will be district levels, building levels, or by type of grade or 103217  
age levels for which educator licenses are designated; the lengths 103218  
of terms for members; the manner of filling vacancies on the 103219  
committees; and the frequency and time and place of meetings. 103220  
However, in all cases, except as provided in division (F)(4) of 103221  
this section, there shall be a majority of teacher members of any 103222  
professional development committee, there shall be at least five 103223  
total members of any professional development committee, and the 103224  
exclusive representative shall designate replacement members in 103225  
the case of vacancies among teacher members, unless the collective 103226  
bargaining agreement specifies a different method of selecting 103227  
such replacements. 103228

(4) Whenever an administrator's coursework plan is being 103229  
discussed or voted upon, the local professional development 103230  
committee shall, at the request of one of its administrative 103231  
members, cause a majority of the committee to consist of 103232  
administrative members by reducing the number of teacher members 103233  
voting on the plan. 103234

(G)(1) The department of education, educational service 103235  
centers, county boards of developmental disabilities, college and 103236  
university departments of education, head start programs, and the 103237

Ohio education computer network may establish local professional 103238  
development committees to determine whether the coursework 103239  
proposed by their employees who are licensed or certificated under 103240  
this section or section 3319.222 of the Revised Code, or under the 103241  
former version of either section as it existed prior to October 103242  
16, 2009, meet the requirements of the rules adopted under this 103243  
section. They may establish local professional development 103244  
committees on their own or in collaboration with a school district 103245  
or other agency having authority to establish them. 103246

Local professional development committees established by 103247  
county boards of developmental disabilities shall be structured in 103248  
a manner comparable to the structures prescribed for school 103249  
districts in divisions (F)(2) and (3) of this section, as shall 103250  
the committees established by any other entity specified in 103251  
division (G)(1) of this section that provides educational services 103252  
by employing or contracting for services of classroom teachers 103253  
licensed or certificated under this section or section 3319.222 of 103254  
the Revised Code, or under the former version of either section as 103255  
it existed prior to October 16, 2009. All other entities specified 103256  
in division (G)(1) of this section shall structure their 103257  
committees in accordance with guidelines which shall be issued by 103258  
the state board. 103259

(2) Educational service centers may establish local 103260  
professional development committees to serve educators who are not 103261  
employed in schools in this state, including pupil services 103262  
personnel who are licensed under this section. Local professional 103263  
development committees shall be structured in a manner comparable 103264  
to the structures prescribed for school districts in divisions 103265  
(F)(2) and (3) of this section. 103266

These committees may agree to review the coursework, 103267  
continuing education units, or other equivalent activities related 103268  
to classroom teaching or the area of licensure that is proposed by 103269

an individual who satisfies both of the following conditions: 103270

(a) The individual is licensed or certificated under this 103271  
section or under the former version of this section as it existed 103272  
prior to October 16, 2009. 103273

(b) The individual is not currently employed as an educator 103274  
or is not currently employed by an entity that operates a local 103275  
professional development committee under this section. 103276

Any committee that agrees to work with such an individual 103277  
shall work to determine whether the proposed coursework, 103278  
continuing education units, or other equivalent activities meet 103279  
the requirements of the rules adopted by the state board under 103280  
this section. 103281

(3) Any public agency that is not specified in division 103282  
(G)(1) or (2) of this section but provides educational services 103283  
and employs or contracts for services of classroom teachers 103284  
licensed or certificated under this section or section 3319.222 of 103285  
the Revised Code, or under the former version of either section as 103286  
it existed prior to October 16, 2009, may establish a local 103287  
professional development committee, subject to the approval of the 103288  
department of education. The committee shall be structured in 103289  
accordance with guidelines issued by the state board. 103290

(H) Not later than July 1, 2016, the state board, in 103291  
accordance with Chapter 119. of the Revised Code, shall adopt 103292  
rules pursuant to division (A)(3) of this section that do both of 103293  
the following: 103294

(1) Exempt consistently high-performing teachers from the 103295  
requirement to complete any additional coursework for the renewal 103296  
of an educator license issued under this section or section 103297  
3319.26 of the Revised Code. The rules also shall specify that 103298  
such teachers are exempt from any requirements prescribed by 103299  
professional development committees established under divisions 103300

(F) and (G) of this section. 103301

(2) For purposes of division (H)(1) of this section, the 103302  
state board shall define the term "consistently high-performing 103303  
teacher." 103304

(I) The state board shall issue a resident educator license, 103305  
professional educator license, senior professional educator 103306  
license, lead professional educator license, or any other educator 103307  
license in accordance with Chapter 4796. of the Revised Code to an 103308  
applicant if either of the following applies: 103309

(1) The applicant holds a license in another state. 103310

(2) The applicant has satisfactory work experience, a 103311  
government certification, or a private certification as described 103312  
in that chapter as a resident educator, professional educator, 103313  
senior professional educator, lead professional educator, or any 103314  
other type of educator in a state that does not issue one or more 103315  
of those licenses. 103316

**Sec. 3319.26.** (A) Except as provided in division (H) of this 103317  
section, the state board of education shall adopt rules 103318  
establishing the standards and requirements for obtaining an 103319  
alternative resident educator license for teaching in grades 103320  
kindergarten to twelve, or the equivalent, in a designated subject 103321  
area or in the area of intervention specialist, as defined by rule 103322  
of the state board. The rules shall also include the reasons for 103323  
which an alternative resident educator license may be renewed 103324  
under division (D) of this section. 103325

(B) The superintendent of public instruction and the 103326  
chancellor of higher education jointly shall develop an intensive 103327  
pedagogical training institute to provide instruction in the 103328  
principles and practices of teaching for individuals seeking an 103329  
alternative resident educator license. The instruction shall cover 103330

such topics as student development and learning, pupil assessment 103331  
procedures, curriculum development, classroom management, and 103332  
teaching methodology. 103333

(C) Except as provided in division (H) of this section, the 103334  
rules adopted under this section shall require applicants for the 103335  
alternative resident educator license to satisfy the following 103336  
conditions prior to issuance of the license, but they shall not 103337  
require applicants to have completed a major or coursework in the 103338  
subject area for which application is being made: 103339

(1) Hold a minimum of a baccalaureate degree; 103340

(2) Successfully complete the pedagogical training institute 103341  
described in division (B) of this section or the preservice 103342  
training provided to participants of a teacher preparation program 103343  
that has been approved by the chancellor. The chancellor may 103344  
approve any such program that requires participants to hold a 103345  
bachelor's degree; have either a cumulative undergraduate grade 103346  
point average of at least 2.5 out of 4.0, or its equivalent or a 103347  
cumulative graduate school grade point average of at least 3.0 out 103348  
of 4.0; and successfully complete the program's preservice 103349  
training. 103350

(3) Pass an examination in the subject area for which 103351  
application is being made. 103352

(D) An alternative resident educator license shall be valid 103353  
for ~~four~~ two years and shall be renewable for reasons specified by 103354  
rules adopted by the state board pursuant to division (A) of this 103355  
section. The state board, on a case-by-case basis, may extend the 103356  
license's duration as necessary to enable the license holder to 103357  
complete the Ohio teacher residency program established under 103358  
section 3319.223 of the Revised Code. 103359

(E) The rules shall require the holder of an alternative 103360  
resident educator license, as a condition of continuing to hold 103361

the license, to do all of the following: 103362

(1) Participate in the Ohio teacher residency program under 103363  
section 3319.223 of the Revised Code; 103364

(2) Show satisfactory progress in taking and successfully 103365  
completing one of the following: 103366

(a) At least twelve additional semester hours, or the 103367  
equivalent, of college coursework in the principles and practices 103368  
of teaching in such topics as student development and learning, 103369  
pupil assessment procedures, curriculum development, classroom 103370  
management, and teaching methodology; 103371

(b) Professional development provided by a teacher 103372  
preparation program that has been approved by the chancellor under 103373  
division (C)(2) of this section. 103374

(3) Take an assessment of professional knowledge in the 103375  
second year of teaching under the license. 103376

(F) The rules shall provide for the granting of a 103377  
professional educator license to a holder of an alternative 103378  
resident educator license upon successfully completing all of the 103379  
following: 103380

(1) ~~Four~~ Two years of teaching under the alternative license; 103381

(2) The additional college coursework or professional 103382  
development described in division (E)(2) of this section; 103383

(3) The assessment of professional knowledge described in 103384  
division (E)(3) of this section. The standards for successfully 103385  
completing this assessment and the manner of conducting the 103386  
assessment shall be the same as for any other individual who is 103387  
required to take the assessment pursuant to rules adopted by the 103388  
state board under section 3319.22 of the Revised Code. 103389

(4) The Ohio teacher residency program; 103390

(5) All other requirements for a professional educator 103391

license adopted by the state board under section 3319.22 of the Revised Code. 103392  
103393

(G) A person who is assigned to teach in this state as a participant in the teach for America program or who has completed two years of teaching in another state as a participant in that program shall be eligible for a license only under section 3319.227 of the Revised Code and shall not be eligible for a license under this section. 103394  
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(H) The board shall issue an alternative resident educator license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 103400  
103401  
103402

(1) The applicant holds a license in another state. 103403

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an educator for grades kindergarten through twelve in a state that does not issue that license. 103404  
103405  
103406  
103407

(I) The holder of an alternative resident educator license may teach preschool students under that license. 103408  
103409

**Sec. 3319.27.** (A) Except as provided in division (C) of this section, the state board of education shall adopt rules that establish an alternative principal license. The rules establishing an alternative principal license shall include a requirement that an applicant have obtained classroom teaching experience. Beginning on the effective date of the rules, the state board shall cease to issue temporary educator licenses pursuant to former section 3319.225 of the Revised Code as it existed prior to April 12, 2021, for employment as a principal. Any person who on the effective date of the rules holds a valid temporary educator license issued under that section and is employed as a principal shall be allowed to continue employment as a principal until the 103410  
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expiration of the license. Employment of any such person as a principal by a school district after the expiration of the temporary educator license shall be contingent upon the state board issuing the person an alternative principal license in accordance with the rules adopted under this division.

(B) Except as provided in division (C) of this section, the state board shall adopt rules that establish an alternative administrator license, which shall be valid for employment as a superintendent or in any other administrative position except principal. Beginning on the effective date of the rules, the state board shall cease to issue temporary educator licenses pursuant to former section 3319.225 of the Revised Code as it existed prior to April 12, 2021, for employment as a superintendent or in any other administrative position except principal. Any person who on the effective date of the rules holds a valid temporary educator license issued under that section and is employed as a superintendent or in any other administrative position except principal shall be allowed to continue employment in that position until the expiration of the license. Employment of any such person as a superintendent or in any other administrative position except principal by a school district after the expiration of the temporary educator license shall be contingent upon the state board issuing the person an alternative administrator license in accordance with the rules adopted under this division.

(C) The state board shall issue an alternative principal or alternative administrator license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

- (1) The applicant holds a license in another state.
- (2) The applicant has satisfactory work experience, a government certification, or a private certification as described

in that chapter as a school principal or school administrator in a state that does not issue one or both of those licenses.

**Sec. 3319.303.** (A) Except as provided in division (D) of this section, the state board of education shall adopt rules establishing standards and requirements for obtaining a pupil-activity program permit for any individual who does not hold a valid educator license, certificate, or permit issued by the state board under section 3319.22, 3319.26, or 3319.27 of the Revised Code. The permit issued under this section shall be valid for coaching, supervising, or directing a pupil-activity program under section 3313.53 of the Revised Code. Subject to the provisions of section 3319.31 of the Revised Code, a permit issued under this division shall be valid for three years and shall be renewable.

(B) The state board shall adopt rules applicable to individuals who hold valid educator licenses, certificates, or permits issued by the state board under section 3319.22, 3319.26, or 3319.27 of the Revised Code setting forth standards to assure any such individual's competence to direct, supervise, or coach a pupil-activity program described in section 3313.53 of the Revised Code. The rules adopted under this division shall not be more stringent than the standards set forth in rules applicable to individuals who do not hold such licenses, certificates, or permits adopted under division (A) of this section. Subject to the provisions of section 3319.31 of the Revised Code, a permit issued to an individual under this division shall be valid for the same number of years as the individual's educator license, certificate, or permit issued under section 3319.22, 3319.26, or 3319.27 of the Revised Code and shall be renewable.

(C)(1) Except as provided in division (D) of this section, as a condition to issuing a pupil-activity program permit to coach

interscholastic athletics, the state board shall require each 103484  
individual applying for a first permit ~~on or after April 26, 2013,~~ 103485  
to successfully complete a training program that is specifically 103486  
focused on brain trauma and brain injury management and the sudden 103487  
cardiac arrest training course approved by the department of 103488  
health under division (C) of section 3707.59 of the Revised Code. 103489

(2) The state board shall require, as a condition to renewing 103490  
a pupil-activity program permit to coach interscholastic 103491  
athletics, each individual applying for a permit renewal ~~on or~~ 103492  
~~after that date~~ to present evidence that the individual has 103493  
successfully completed, within the duration of the individual's 103494  
previous ~~three years,~~ a permit, both of the following: 103495

(a) A training program in recognizing the symptoms of 103496  
concussions and head injuries to which the department of health 103497  
has provided a link on its internet web site under section 3707.52 103498  
of the Revised Code or a training program authorized and required 103499  
by an organization that regulates interscholastic athletic 103500  
competition and conducts interscholastic athletic events; 103501

(b) The sudden cardiac arrest training course approved by the 103502  
department of health under division (C) of section 3707.59 of the 103503  
Revised Code. 103504

(3) The state board shall require each individual applying 103505  
for a permit renewal on or after the effective date of this 103506  
amendment to present evidence that the individual has complied 103507  
with the student mental health training requirement under section 103508  
3313.5318 of the Revised Code. 103509

(D) The state board shall issue a permit for coaching, 103510  
supervising, or directing a pupil-activity program in accordance 103511  
with Chapter 4796. of the Revised Code to an applicant if either 103512  
of the following applies: 103513

(1) The applicant holds a license or permit in another state. 103514

(2) The applicant has satisfactory work experience, a 103515  
government certification, or a private certification as described 103516  
in that chapter as a coach, supervisor, or pupil-activity program 103517  
director in a state that does not issue that permit. 103518

**Sec. 3704.14.** (A)(1) If the director of environmental 103519  
protection determines that implementation of a motor vehicle 103520  
inspection and maintenance program is necessary for the state to 103521  
effectively comply with the federal Clean Air Act after June 30, 103522  
~~2019~~ 2023, the director may provide for the implementation of the 103523  
program in those counties in this state in which such a program is 103524  
federally mandated. Upon making such a determination, the director 103525  
of environmental protection may request the director of 103526  
administrative services to extend the terms of the contract that 103527  
was entered into under the authority of Am. Sub. H.B. 64 of the 103528  
131st general assembly. Upon receiving the request, the director 103529  
of administrative services shall extend the contract, beginning on 103530  
July 1, ~~2019~~ 2023, in accordance with this section. The contract 103531  
shall be extended for a period of up to twenty-four months with 103532  
the contractor who conducted the motor vehicle inspection and 103533  
maintenance program under that contract. 103534

(2) Prior to the expiration of the contract extension that is 103535  
authorized by division (A)(1) of this section, the director of 103536  
environmental protection shall request the director of 103537  
administrative services to enter into a contract with a vendor to 103538  
operate a decentralized motor vehicle inspection and maintenance 103539  
program in each county in this state in which such a program is 103540  
federally mandated through June 30, ~~2023~~ 2027, with an option for 103541  
the state to renew the contract for a period of up to twenty-four 103542  
months through June 30, ~~2025~~ 2029. The contract shall ensure that 103543  
the decentralized motor vehicle inspection and maintenance program 103544  
achieves at least the same emission reductions as achieved by the 103545  
program operated under the authority of the contract that was 103546

extended under division (A)(1) of this section. The director of 103547  
administrative services shall select a vendor through a 103548  
competitive selection process in compliance with Chapter 125. of 103549  
the Revised Code. 103550

(3) Notwithstanding any law to the contrary, the director of 103551  
administrative services shall ensure that a competitive selection 103552  
process regarding a contract to operate a decentralized motor 103553  
vehicle inspection and maintenance program in this state 103554  
incorporates the following, which shall be included in the 103555  
contract: 103556

(a) For purposes of expanding the number of testing locations 103557  
for consumer convenience, a requirement that the vendor utilize 103558  
established local businesses, auto repair facilities, or leased 103559  
properties to operate state-approved inspection and maintenance 103560  
testing facilities; 103561

(b) A requirement that the vendor selected to operate the 103562  
program provide notification of the program's requirements to each 103563  
owner of a motor vehicle that is required to be inspected under 103564  
the program. The contract shall require the notification to be 103565  
provided not later than sixty days prior to the date by which the 103566  
owner of the motor vehicle is required to have the motor vehicle 103567  
inspected. The director of environmental protection and the vendor 103568  
shall jointly agree on the content of the notice. However, the 103569  
notice shall include at a minimum the locations of all inspection 103570  
facilities within a specified distance of the address that is 103571  
listed on the owner's motor vehicle registration; 103572

(c) A requirement that the vendor comply with testing 103573  
methodology and supply the required equipment approved by the 103574  
director of environmental protection as specified in the 103575  
competitive selection process in compliance with Chapter 125. of 103576  
the Revised Code. 103577

(4) A decentralized motor vehicle inspection and maintenance program operated under this section shall comply with division (B) of this section. The director of environmental protection shall administer the decentralized motor vehicle inspection and maintenance program operated under this section.

(B) The decentralized motor vehicle inspection and maintenance program authorized by this section, at a minimum, shall do all of the following:

(1) Comply with the federal Clean Air Act;

(2) Provide for the issuance of inspection certificates;

(3) Provide for a new car exemption for motor vehicles four years old or newer and provide that a new motor vehicle is exempt for four years regardless of whether legal title to the motor vehicle is transferred during that period;

(4) Provide for an exemption for battery electric motor vehicles.

(C)(1) The director of environmental protection shall adopt rules in accordance with Chapter 119. of the Revised Code that the director determines are necessary to implement this section. The director may continue to implement and enforce rules pertaining to the motor vehicle inspection and maintenance program previously implemented under former section 3704.14 of the Revised Code as that section existed prior to its repeal and reenactment by Am. Sub. H.B. 66 of the 126th general assembly, provided that the rules do not conflict with this section.

(2) The director of environmental protection shall issue an inspection certificate provided for under division (B)(2) of this section in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(a) The individual holds a certificate or license in another

state. 103608

(b) The individual has satisfactory work experience, a 103609  
government certification, or a private certification as described 103610  
in that chapter as a vehicle inspector in a state that does not 103611  
issue that certificate. 103612

(D) There is hereby created in the state treasury the auto 103613  
emissions test fund, which shall consist of money received by the 103614  
director from any cash transfers, state and local grants, and 103615  
other contributions that are received for the purpose of funding 103616  
the program established under this section. The director of 103617  
environmental protection shall use money in the fund solely for 103618  
the implementation, supervision, administration, operation, and 103619  
enforcement of the motor vehicle inspection and maintenance 103620  
program established under this section. Money in the fund shall 103621  
not be used for either of the following: 103622

(1) To pay for the inspection costs incurred by a motor 103623  
vehicle dealer so that the dealer may provide inspection 103624  
certificates to an individual purchasing a motor vehicle from the 103625  
dealer when that individual resides in a county that is subject to 103626  
the motor vehicle inspection and maintenance program; 103627

(2) To provide payment for more than one free passing 103628  
emissions inspection or a total of three emissions inspections for 103629  
a motor vehicle in any three-hundred-sixty-five-day period. The 103630  
owner or lessee of a motor vehicle is responsible for inspection 103631  
fees that are related to emissions inspections beyond one free 103632  
passing emissions inspection or three total emissions inspections 103633  
in any three-hundred-sixty-five-day period. Inspection fees that 103634  
are charged by a contractor conducting emissions inspections under 103635  
a motor vehicle inspection and maintenance program shall be 103636  
approved by the director of environmental protection. 103637

(E) The motor vehicle inspection and maintenance program 103638

established under this section expires upon the termination of all 103639  
contracts entered into under this section and shall not be 103640  
implemented beyond the final date on which termination occurs. 103641

(F) As used in this section "battery electric motor vehicle" 103642  
has the same meaning as in section 4501.01 of the Revised Code. 103643

**Sec. 3737.83.** The state fire marshal shall, as part of the 103644  
state fire code, adopt rules to: 103645

(A) Establish minimum standards of performance for fire 103646  
protection equipment and fire fighting equipment; 103647

(B) Establish minimum standards of training, fix minimum 103648  
qualifications, and require certificates for all persons who 103649  
engage in the business for profit of installing, testing, 103650  
repairing, or maintaining fire protection equipment; 103651

(C) Provide for the issuance of certificates required under 103652  
division (B) of this section and establish the fees to be charged 103653  
for such certificates. A certificate shall be granted, renewed, or 103654  
revoked according to rules the state fire marshal shall adopt, 103655  
except that the state fire marshal shall grant a certificate in 103656  
accordance with Chapter 4796. of the Revised Code to an applicant 103657  
if either of the following applies: 103658

(1) The applicant holds a license or certificate in another 103659  
state. 103660

(2) The applicant has satisfactory work experience, a 103661  
government certification, or a private certification as described 103662  
in that chapter as a person engaged in the business of installing, 103663  
testing, repairing, or maintaining fire protection equipment in a 103664  
state that does not issue that certificate. 103665

(D) Establish minimum standards of flammability for consumer 103666  
goods in any case where the federal government or any department 103667  
or agency thereof has established, or may from time to time 103668

establish standards of flammability for consumer goods. The 103669  
standards established by the state fire marshal shall be identical 103670  
to the minimum federal standards. 103671

In any case where the federal government or any department or 103672  
agency thereof, establishes standards of flammability for consumer 103673  
goods subsequent to the adoption of a flammability standard by the 103674  
state fire marshal, standards previously adopted by the state fire 103675  
marshal shall not continue in effect to the extent such standards 103676  
are not identical to the minimum federal standards. 103677

With respect to the adoption of minimum standards of 103678  
flammability, this division shall supersede any authority granted 103679  
a political subdivision by any other section of the Revised Code. 103680

(E) Establish minimum standards pursuant to section 5104.05 103681  
of the Revised Code for fire prevention and fire safety in child 103682  
day-care centers and in type A family day-care homes, as defined 103683  
in section 5104.01 of the Revised Code. 103684

(F) Establish minimum standards for fire prevention and 103685  
safety in a residential facility licensed under section 5119.34 of 103686  
the Revised Code that provides accommodations, supervision, and 103687  
personal care services for three to sixteen unrelated adults. The 103688  
state fire marshal shall adopt the rules under this division in 103689  
consultation with the director of mental health and addiction 103690  
services and interested parties designated by the director of 103691  
mental health and addiction services. 103692

(G)(1) Establish that occupant load shall not include an 103693  
exterior patio that has a means of egress on at least three sides 103694  
or within fifty feet of an open side and in which each means of 103695  
egress is compliant with the "Americans with Disabilities Act of 103696  
1990," 42 U.S.C. 12102, et seq. 103697

(2) Notwithstanding any provision of section 121.95 of the 103698  
Revised Code to the contrary, a regulatory restriction contained 103699

in a rule adopted under division (G)(1) of this section is not 103700  
subject to sections 121.95 to 121.953 of the Revised Code. 103701

**Sec. 3781.10.** (A)(1) The board of building standards shall 103702  
formulate and adopt rules governing the erection, construction, 103703  
repair, alteration, and maintenance of all buildings or classes of 103704  
buildings specified in section 3781.06 of the Revised Code, 103705  
including land area incidental to those buildings, the 103706  
construction of industrialized units, the installation of 103707  
equipment, and the standards or requirements for materials used in 103708  
connection with those buildings. The board shall incorporate those 103709  
rules into separate residential and nonresidential building codes. 103710  
The standards shall relate to the conservation of energy and the 103711  
safety and sanitation of those buildings. 103712

(2) The rules governing nonresidential buildings are the 103713  
lawful minimum requirements specified for those buildings and 103714  
industrialized units, except that no rule other than as provided 103715  
in division (C) of section 3781.108 of the Revised Code that 103716  
specifies a higher requirement than is imposed by any section of 103717  
the Revised Code is enforceable. The rules governing residential 103718  
buildings are uniform requirements for residential buildings in 103719  
any area with a building department certified to enforce the state 103720  
residential building code. In no case shall any local code or 103721  
regulation differ from the state residential building code unless 103722  
that code or regulation addresses subject matter not addressed by 103723  
the state residential building code or is adopted pursuant to 103724  
section 3781.01 of the Revised Code. 103725

(3) The rules adopted pursuant to this section are complete, 103726  
lawful alternatives to any requirements specified for buildings or 103727  
industrialized units in any section of the Revised Code. Except as 103728  
otherwise provided in division (I) of this section, the board 103729  
shall, on its own motion or on application made under sections 103730

3781.12 and 3781.13 of the Revised Code, formulate, propose, 103731  
adopt, modify, amend, or repeal the rules to the extent necessary 103732  
or desirable to effectuate the purposes of sections 3781.06 to 103733  
3781.18 of the Revised Code. 103734

(B) The board shall report to the general assembly proposals 103735  
for amendments to existing statutes relating to the purposes 103736  
declared in section 3781.06 of the Revised Code that public health 103737  
and safety and the development of the arts require and shall 103738  
recommend any additional legislation to assist in carrying out 103739  
fully, in statutory form, the purposes declared in that section. 103740  
The board shall prepare and submit to the general assembly a 103741  
summary report of the number, nature, and disposition of the 103742  
petitions filed under sections 3781.13 and 3781.14 of the Revised 103743  
Code. 103744

(C) On its own motion or on application made under sections 103745  
3781.12 and 3781.13 of the Revised Code, and after thorough 103746  
testing and evaluation, the board shall determine by rule that any 103747  
particular fixture, device, material, process of manufacture, 103748  
manufactured unit or component, method of manufacture, system, or 103749  
method of construction complies with performance standards adopted 103750  
pursuant to section 3781.11 of the Revised Code. The board shall 103751  
make its determination with regard to adaptability for safe and 103752  
sanitary erection, use, or construction, to that described in any 103753  
section of the Revised Code, wherever the use of a fixture, 103754  
device, material, method of manufacture, system, or method of 103755  
construction described in that section of the Revised Code is 103756  
permitted by law. The board shall amend or annul any rule or issue 103757  
an authorization for the use of a new material or manufactured 103758  
unit on any like application. No department, officer, board, or 103759  
commission of the state other than the board of building standards 103760  
or the board of building appeals shall permit the use of any 103761  
fixture, device, material, method of manufacture, newly designed 103762

product, system, or method of construction at variance with what 103763  
is described in any rule the board of building standards adopts or 103764  
issues or that is authorized by any section of the Revised Code. 103765  
Nothing in this section shall be construed as requiring approval, 103766  
by rule, of plans for an industrialized unit that conforms with 103767  
the rules the board of building standards adopts pursuant to 103768  
section 3781.11 of the Revised Code. 103769

(D) The board shall recommend rules, codes, and standards to 103770  
help carry out the purposes of section 3781.06 of the Revised Code 103771  
and to help secure uniformity of state administrative rulings and 103772  
local legislation and administrative action to the bureau of 103773  
workers' compensation, the director of commerce, any other 103774  
department, officer, board, or commission of the state, and to 103775  
legislative authorities and building departments of counties, 103776  
townships, and municipal corporations, and shall recommend that 103777  
they audit those recommended rules, codes, and standards by any 103778  
appropriate action that they are allowed pursuant to law or the 103779  
constitution. 103780

(E)(1) The board shall certify municipal, township, and 103781  
county building departments, the personnel of those building 103782  
departments, persons described in division (E)(7) of this section, 103783  
and employees of individuals, firms, the state, or corporations 103784  
described in division (E)(7) of this section to exercise 103785  
enforcement authority, to accept and approve plans and 103786  
specifications, and to make inspections, pursuant to sections 103787  
3781.03, 3791.04, and 4104.43 of the Revised Code. 103788

(2) The board shall certify departments, personnel, and 103789  
persons to enforce the state residential building code, to enforce 103790  
the nonresidential building code, or to enforce both the 103791  
residential and the nonresidential building codes. Any department, 103792  
personnel, or person may enforce only the type of building code 103793  
for which certified. 103794

(3) The board shall not require a building department, its personnel, or any persons that it employs to be certified for residential building code enforcement if that building department does not enforce the state residential building code. The board shall specify, in rules adopted pursuant to Chapter 119. of the Revised Code, the requirements for certification for residential and nonresidential building code enforcement, which shall be consistent with this division. The requirements for residential and nonresidential certification may differ. Except as otherwise provided in this division, the requirements shall include, but are not limited to, the satisfactory completion of an initial examination and, to remain certified, the completion of a specified number of hours of continuing building code education within each three-year period following the date of certification which shall be not less than thirty hours. The rules shall provide that continuing education credits and certification issued by the council of American building officials, national model code organizations, and agencies or entities the board recognizes are acceptable for purposes of this division. The rules shall specify requirements that are consistent with the provisions of section 5903.12 of the Revised Code relating to active duty military service and are compatible, to the extent possible, with requirements the council of American building officials and national model code organizations establish.

(4) The board shall establish and collect a certification and renewal fee for building department personnel, and persons and employees of persons, firms, or corporations as described in this section, who are certified pursuant to this division.

(5) Any individual certified pursuant to this division shall complete the number of hours of continuing building code education that the board requires or, for failure to do so, forfeit certification.

(6) This division does not require or authorize the board to certify personnel of municipal, township, and county building departments, and persons and employees of persons, firms, or corporations as described in this section, whose responsibilities do not include the exercise of enforcement authority, the approval of plans and specifications, or making inspections under the state residential and nonresidential building codes.

(7) Enforcement authority for approval of plans and specifications and enforcement authority for inspections may be exercised, and plans and specifications may be approved and inspections may be made on behalf of a municipal corporation, township, or county, by any of the following who the board of building standards certifies:

(a) Officers or employees of the municipal corporation, township, or county;

(b) Persons, or employees of persons, firms, or corporations, pursuant to a contract to furnish architectural, engineering, or other services to the municipal corporation, township, or county;

(c) Officers or employees of, and persons under contract with, a municipal corporation, township, county, health district, or other political subdivision, pursuant to a contract to furnish architectural, engineering, or other services;

(d) Officers or employees of the division of industrial compliance in the department of commerce pursuant to a contract authorized by division (B) of section 121.083 of the Revised Code.

(8) Municipal, township, and county building departments have jurisdiction within the meaning of sections 3781.03, 3791.04, and 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters for which they are certified under this section.

(9) A certified municipal, township, or county building

department may exercise enforcement authority, accept and approve 103858  
plans and specifications, and make inspections pursuant to 103859  
sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a 103860  
park district created pursuant to Chapter 1545. of the Revised 103861  
Code upon the approval, by resolution, of the board of park 103862  
commissioners of the park district requesting the department to 103863  
exercise that authority and conduct those activities, as 103864  
applicable. 103865

(10) Certification shall be granted upon application by the 103866  
municipal corporation, the board of township trustees, or the 103867  
board of county commissioners and approval of that application by 103868  
the board of building standards. The application shall set forth: 103869

(a) Whether the certification is requested for residential or 103870  
nonresidential buildings, or both; 103871

(b) The number and qualifications of the staff composing the 103872  
building department; 103873

(c) The names, addresses, and qualifications of persons, 103874  
firms, or corporations contracting to furnish work or services 103875  
pursuant to division (E)(7)(b) of this section; 103876

(d) The names of any other municipal corporation, township, 103877  
county, health district, or political subdivision under contract 103878  
to furnish work or services pursuant to division (E)(7) of this 103879  
section; 103880

(e) The proposed budget for the operation of the building 103881  
department. 103882

(11) The board of building standards shall adopt rules 103883  
governing all of the following: 103884

(a) The certification of building department personnel and 103885  
persons and employees of persons, firms, or corporations 103886  
exercising authority pursuant to division (E)(7) of this section. 103887

The rules shall disqualify any employee of the department or 103888  
person who contracts for services with the department from 103889  
performing services for the department when that employee or 103890  
person would have to pass upon, inspect, or otherwise exercise 103891  
authority over any labor, material, or equipment the employee or 103892  
person furnishes for the construction, alteration, or maintenance 103893  
of a building or the preparation of working drawings or 103894  
specifications for work within the jurisdictional area of the 103895  
department. The department shall provide other similarly qualified 103896  
personnel to enforce the residential and nonresidential building 103897  
codes as they pertain to that work. 103898

(b) The minimum services to be provided by a certified 103899  
building department. 103900

(12) The board of building standards may revoke or suspend 103901  
certification to enforce the residential and nonresidential 103902  
building codes, on petition to the board by any person affected by 103903  
that enforcement or approval of plans, or by the board on its own 103904  
motion. Hearings shall be held and appeals permitted on any 103905  
proceedings for certification or revocation or suspension of 103906  
certification in the same manner as provided in section 3781.101 103907  
of the Revised Code for other proceedings of the board of building 103908  
standards. 103909

(13) Upon certification, and until that authority is revoked, 103910  
any county or township building department shall enforce the 103911  
residential and nonresidential building codes for which it is 103912  
certified without regard to limitation upon the authority of 103913  
boards of county commissioners under Chapter 307. of the Revised 103914  
Code or boards of township trustees under Chapter 505. of the 103915  
Revised Code. 103916

(14) The board shall certify a person to exercise enforcement 103917  
authority, to accept and approve plans and specifications, or to 103918  
make inspections in this state in accordance with Chapter 4796. of 103919

the Revised Code if either of the following applies: 103920

(a) The person holds a license or certificate in another 103921  
state. 103922

(b) The person has satisfactory work experience, a government 103923  
certification, or a private certification as described in that 103924  
chapter in the same profession, occupation, or occupational 103925  
activity as the profession, occupation, or occupational activity 103926  
for which the certificate is required in this state in a state 103927  
that does not issue that license or certificate. 103928

(F) In addition to hearings sections 3781.06 to 3781.18 and 103929  
3791.04 of the Revised Code require, the board of building 103930  
standards shall make investigations and tests, and require from 103931  
other state departments, officers, boards, and commissions 103932  
information the board considers necessary or desirable to assist 103933  
it in the discharge of any duty or the exercise of any power 103934  
mentioned in this section or in sections 3781.06 to 3781.18, 103935  
3791.04, and 4104.43 of the Revised Code. 103936

(G) The board shall adopt rules and establish reasonable fees 103937  
for the review of all applications submitted where the applicant 103938  
applies for authority to use a new material, assembly, or product 103939  
of a manufacturing process. The fee shall bear some reasonable 103940  
relationship to the cost of the review or testing of the 103941  
materials, assembly, or products and for the notification of 103942  
approval or disapproval as provided in section 3781.12 of the 103943  
Revised Code. 103944

(H) The residential construction advisory committee shall 103945  
provide the board with a proposal for a state residential building 103946  
code that the committee recommends pursuant to division (D)(1) of 103947  
section 4740.14 of the Revised Code. Upon receiving a 103948  
recommendation from the committee that is acceptable to the board, 103949  
the board shall adopt rules establishing that code as the state 103950

residential building code. 103951

(I)(1) The committee may provide the board with proposed 103952  
rules to update or amend the state residential building code that 103953  
the committee recommends pursuant to division (E) of section 103954  
4740.14 of the Revised Code. 103955

(2) If the board receives a proposed rule to update or amend 103956  
the state residential building code as provided in division (I)(1) 103957  
of this section, the board either may accept or reject the 103958  
proposed rule for incorporation into the residential building 103959  
code. If the board does not act to either accept or reject the 103960  
proposed rule within ninety days after receiving the proposed rule 103961  
from the committee as described in division (I)(1) of this 103962  
section, the proposed rule shall become part of the residential 103963  
building code. 103964

(J) The board shall cooperate with the director of job and 103965  
family services when the director promulgates rules pursuant to 103966  
section 5104.05 of the Revised Code regarding safety and 103967  
sanitation in type A family day-care homes. 103968

(K) The board shall adopt rules to implement the requirements 103969  
of section 3781.108 of the Revised Code. 103970

(L) The board shall establish a grant program to assist 103971  
building departments certified by the board pursuant to division 103972  
(E) of this section in the recruitment, training, and retention of 103973  
qualified personnel. 103974

**Sec. 3781.102.** (A) Any county or municipal building 103975  
department certified pursuant to division (E) of section 3781.10 103976  
of the Revised Code as of September 14, 1970, and that, as of that 103977  
date, was inspecting single-family, two-family, and three-family 103978  
residences, and any township building department certified 103979  
pursuant to division (E) of section 3781.10 of the Revised Code, 103980

is hereby declared to be certified to inspect single-family, 103981  
two-family, and three-family residences containing industrialized 103982  
units, and shall inspect the buildings or classes of buildings 103983  
subject to division (E) of section 3781.10 of the Revised Code. 103984

(B) Each board of county commissioners may adopt, by 103985  
resolution, rules establishing standards and providing for the 103986  
licensing of electrical and heating, ventilating, and air 103987  
conditioning contractors who are not required to hold a valid and 103988  
unexpired license pursuant to Chapter 4740. of the Revised Code. 103989

Rules adopted by a board of county commissioners pursuant to 103990  
this division may be enforced within the unincorporated areas of 103991  
the county and within any municipal corporation where the 103992  
legislative authority of the municipal corporation has contracted 103993  
with the board for the enforcement of the county rules within the 103994  
municipal corporation pursuant to section 307.15 of the Revised 103995  
Code. The rules shall not conflict with rules adopted by the board 103996  
of building standards pursuant to section 3781.10 of the Revised 103997  
Code or by the department of commerce pursuant to Chapter 3703. of 103998  
the Revised Code. This division does not impair or restrict the 103999  
power of municipal corporations under Section 3 of Article XVIII, 104000  
Ohio Constitution, to adopt rules concerning the erection, 104001  
construction, repair, alteration, and maintenance of buildings and 104002  
structures or of establishing standards and providing for the 104003  
licensing of specialty contractors pursuant to section 715.27 of 104004  
the Revised Code. 104005

A board of county commissioners, pursuant to this division, 104006  
may require all electrical contractors and heating, ventilating, 104007  
and air conditioning contractors, other than those who hold a 104008  
valid and unexpired license issued pursuant to Chapter 4740. of 104009  
the Revised Code, to successfully complete an examination, test, 104010  
or demonstration of technical skills, and may impose a fee and 104011

additional requirements for a license to engage in their 104012  
respective occupations within the jurisdiction of the board's 104013  
rules under this division. 104014

(C) No board of county commissioners shall require any 104015  
specialty contractor who holds a valid and unexpired license 104016  
issued pursuant to Chapter 4740. of the Revised Code to 104017  
successfully complete an examination, test, or demonstration of 104018  
technical skills in order to engage in the type of contracting for 104019  
which the license is held, within the unincorporated areas of the 104020  
county and within any municipal corporation whose legislative 104021  
authority has contracted with the board for the enforcement of 104022  
county regulations within the municipal corporation, pursuant to 104023  
section 307.15 of the Revised Code. 104024

(D) A board may impose a fee for registration of a specialty 104025  
contractor who holds a valid and unexpired license issued pursuant 104026  
to Chapter 4740. of the Revised Code before that specialty 104027  
contractor may engage in the type of contracting for which the 104028  
license is held within the unincorporated areas of the county and 104029  
within any municipal corporation whose legislative authority has 104030  
contracted with the board for the enforcement of county 104031  
regulations within the municipal corporation, pursuant to section 104032  
307.15 of the Revised Code, provided that the fee is the same for 104033  
all specialty contractors who wish to engage in that type of 104034  
contracting. If a board imposes such a fee, the board immediately 104035  
shall permit a specialty contractor who presents proof of holding 104036  
a valid and unexpired license and pays the required fee to engage 104037  
in the type of contracting for which the license is held within 104038  
the unincorporated areas of the county and within any municipal 104039  
corporation whose legislative authority has contracted with the 104040  
board for the enforcement of county regulations within the 104041  
municipal corporation, pursuant to section 307.15 of the Revised 104042  
Code. 104043

(E) The political subdivision associated with each municipal, township, and county building department the board of building standards certifies pursuant to division (E) of section 3781.10 of the Revised Code may prescribe fees to be paid by persons, political subdivisions, or any department, agency, board, commission, or institution of the state, for the acceptance and approval of plans and specifications, and for the making of inspections, pursuant to sections 3781.03 and 3791.04 of the Revised Code.

(F) Each political subdivision that prescribes fees pursuant to division (E) of this section shall collect, on behalf of the board of building standards, fees equal to the following:

(1) Three per cent of the fees the political subdivision collects in connection with nonresidential buildings;

(2) One per cent of the fees the political subdivision collects in connection with residential buildings.

(G)(1) The board shall adopt rules, in accordance with Chapter 119. of the Revised Code, specifying the manner in which the fee assessed pursuant to division (F) of this section shall be collected and remitted monthly to the board. The board shall pay the fees into the state treasury to the credit of the industrial compliance operating fund created in section 121.084 of the Revised Code.

(2) All money credited to the industrial compliance operating fund under this division shall be used exclusively for the following:

(a) Operating costs of the board;

(b) Providing services, including educational programs, for the building departments that are certified by the board pursuant to division (E) of section 3781.10 of the Revised Code;

(c) Paying the expenses of the residential construction advisory committee, including the expenses of committee members as provided in section 4740.14 of the Revised Code.

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(d) Implementation of the program established by division (L) of section 3781.10 of the Revised Code.

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(H) A board of county commissioners that adopts rules providing for the licensing of electrical and heating, ventilating, and air conditioning contractors, pursuant to division (B) of this section, may accept, for purposes of satisfying the requirements of rules adopted under that division, a valid and unexpired license issued pursuant to Chapter 4740. of the Revised Code that is held by an electrical or heating, ventilating, and air conditioning contractor, for the construction, replacement, maintenance, or repair of one-family, two-family, or three-family dwelling houses or accessory structures incidental to those dwelling houses.

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(I) A board of county commissioners shall not register a specialty contractor who is required to hold a license under Chapter 4740. of the Revised Code but does not hold a valid license issued under that chapter.

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(J) If a board of county commissioners regulates a profession, occupation, or occupational activity under this section, the board shall comply with Chapter 4796. of the Revised Code.

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(K) As used in this section, "specialty contractor" means a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor, as those contractors are described in Chapter 4740. of the Revised Code.

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**Sec. 4735.07.** (A) The superintendent of real estate, with the

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consent of the Ohio real estate commission, may enter into 104104  
agreements with recognized national testing services to administer 104105  
the real estate broker's examination under the superintendent's 104106  
supervision and control, consistent with the requirements of this 104107  
chapter as to the contents of such examination. 104108

(B) No applicant for a real estate broker's license shall 104109  
take the broker's examination who has not established to the 104110  
satisfaction of the superintendent that the applicant: 104111

(1) Is honest and truthful; 104112

(2)(a) Has not been convicted of a disqualifying offense as 104113  
determined in accordance with section 9.79 of the Revised Code; 104114

(b) Has not been finally adjudged by a court to have violated 104115  
any municipal, state, or federal civil rights laws relevant to the 104116  
protection of purchasers or sellers of real estate or, if the 104117  
applicant has been so adjudged, at least two years have passed 104118  
since the court decision and the superintendent has disregarded 104119  
the adjudication because the applicant has proven, by a 104120  
preponderance of the evidence, that the applicant's activities and 104121  
employment record since the adjudication show that the applicant 104122  
is honest and truthful, and there is no basis in fact for 104123  
believing that the applicant will again violate the laws involved. 104124

(3) Has not, during any period in which the applicant was 104125  
licensed under this chapter, violated any provision of, or any 104126  
rule adopted pursuant to, this chapter, or, if the applicant has 104127  
violated any such provision or rule, has established to the 104128  
satisfaction of the superintendent that the applicant will not 104129  
again violate such provision or rule; 104130

(4) Is at least eighteen years of age; 104131

(5) Has been a licensed real estate broker or salesperson for 104132  
at least ~~two years; during at least~~ two of the five years 104133

preceding the person's application, ~~has worked as a licensed real estate broker or salesperson for an average of at least thirty hours per week;~~ and has completed one of the following: 104134  
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(a) At least twenty real estate transactions, in which 104137  
property was sold for another by the applicant while acting in the 104138  
capacity of a real estate broker or salesperson; 104139

(b) Such equivalent experience as is defined by rules adopted 104140  
by the commission. 104141

(6)(a) If licensed as a real estate salesperson prior to 104142  
August 1, 2001, successfully has completed at an institution of 104143  
higher education all of the following credit-eligible courses by 104144  
either classroom instruction or distance education: 104145

(i) Thirty hours of instruction in real estate practice; 104146

(ii) Thirty hours of instruction that includes the subjects 104147  
of Ohio real estate law, municipal, state, and federal civil 104148  
rights law, new case law on housing discrimination, desegregation 104149  
issues, and methods of eliminating the effects of prior 104150  
discrimination. If feasible, the instruction in Ohio real estate 104151  
law shall be taught by a member of the faculty of an accredited 104152  
law school. If feasible, the instruction in municipal, state, and 104153  
federal civil rights law, new case law on housing discrimination, 104154  
desegregation issues, and methods of eliminating the effects of 104155  
prior discrimination shall be taught by a staff member of the Ohio 104156  
civil rights commission who is knowledgeable with respect to those 104157  
subjects. The requirements of this division do not apply to an 104158  
applicant who is admitted to practice before the supreme court. 104159

(iii) Thirty hours of instruction in real estate appraisal; 104160

(iv) Thirty hours of instruction in real estate finance; 104161

(v) Three quarter hours, or its equivalent in semester hours, 104162  
in financial management; 104163

(vi) Three quarter hours, or its equivalent in semester hours, in human resource or personnel management;	104164 104165
(vii) Three quarter hours, or its equivalent in semester hours, in applied business economics;	104166 104167
(viii) Three quarter hours, or its equivalent in semester hours, in business law.	104168 104169
(b) If licensed as a real estate salesperson on or after August 1, 2001, successfully has completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:	104170 104171 104172 104173
(i) Forty hours of instruction in real estate practice;	104174
(ii) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.	104175 104176 104177 104178 104179 104180 104181 104182 104183 104184 104185 104186 104187
(iii) Twenty hours of instruction in real estate appraisal;	104188
(iv) Twenty hours of instruction in real estate finance;	104189
(v) The training in the amount of hours specified under divisions (B)(6)(a)(v), (vi), (vii), and (viii) of this section.	104190 104191
(c) Division (B)(6)(a) or (b) of this section does not apply to any applicant who holds a valid real estate salesperson's	104192 104193

license issued prior to January 2, 1972. Divisions (B)(6)(a)(v), 104194  
(vi), (vii), and (viii) or division (B)(6)(b)(v) of this section 104195  
do not apply to any applicant who holds a valid real estate 104196  
salesperson's license issued prior to January 3, 1984. 104197

(d) Divisions (B)(6)(a)(iii) and (B)(6)(b)(iii) of this 104198  
section do not apply to any new applicant who holds a valid Ohio 104199  
real estate appraiser license or certificate issued prior to the 104200  
date of application for a real estate broker's license. 104201

(e) Successful completion of the instruction required by 104202  
division (B)(6)(a) or (b) of this section shall be determined by 104203  
the law in effect on the date the instruction was completed. 104204

(7) If licensed as a real estate salesperson on or after 104205  
January 3, 1984, satisfactorily has completed a minimum of two 104206  
years of post-secondary education, or its equivalent in semester 104207  
or quarter hours, at an institution of higher education, and has 104208  
fulfilled the requirements of division (B)(6)(a) or (b) of this 104209  
section. The requirements of division (B)(6)(a) or (b) of this 104210  
section may be included in the two years of post-secondary 104211  
education, or its equivalent in semester or quarter hours, that is 104212  
required by this division. The post-secondary education 104213  
requirement may be satisfied by completing the credit-eligible 104214  
courses using either classroom instruction or distance education. 104215  
Successful completion of any course required by this section shall 104216  
be determined by the law in effect on the date the course was 104217  
completed. 104218

(C) Each applicant for a broker's license shall be examined 104219  
in the principles of real estate practice, Ohio real estate law, 104220  
and financing and appraisal, and as to the duties of real estate 104221  
brokers and real estate salespersons, the applicant's knowledge of 104222  
real estate transactions and instruments relating to them, and the 104223  
canons of business ethics pertaining to them. The commission from 104224  
time to time shall promulgate such canons and cause them to be 104225

published in printed form. 104226

(D) Examinations shall be administered with reasonable 104227  
accommodations in accordance with the requirements of the 104228  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 104229  
U.S.C. 12101. The contents of an examination shall be consistent 104230  
with the requirements of division (B)(6) of this section and with 104231  
the other specific requirements of this section. An applicant who 104232  
has completed the requirements of division (B)(6) of this section 104233  
at the time of application shall be examined no later than twelve 104234  
months after the applicant is notified of admission to the 104235  
examination. 104236

(E) Notwithstanding any provision of this chapter or Chapter 104237  
4796. of the Revised Code to the contrary, the superintendent 104238  
shall issue a real estate broker's license in accordance with 104239  
Chapter 4796. of the Revised Code to an applicant if either of the 104240  
following applies: 104241

(1) The applicant satisfies the requirements specified in 104242  
section 4796.03 or 4796.04 of the Revised Code, as applicable, and 104243  
all of the following apply: 104244

(a) The applicant has worked as a real estate broker for at 104245  
least two of the five years immediately preceding the date of the 104246  
application. 104247

(b) The applicant has completed not less than twenty real 104248  
estate transactions in which the applicant acted in the capacity 104249  
of a real estate broker. 104250

(c) The applicant passes an examination on Ohio real estate 104251  
law. 104252

(2) The applicant satisfies the requirements specified in 104253  
section 4796.05 of the Revised Code and divisions (E)(1)(b) and 104254  
(c) of this section. 104255

(F) There shall be no limit placed on the number of times an applicant may retake the examination. 104256  
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(G)(1) Not earlier than the date of issue of a real estate broker's license to a licensee, but not later than twelve months after the date of issue of a real estate broker's license to a licensee, the licensee shall submit proof satisfactory to the superintendent, on forms made available by the superintendent, of the completion of ten hours of instruction that shall be completed in schools, seminars, and educational institutions that are approved by the commission. Approval of the curriculum and providers shall be granted according to rules adopted pursuant to section 4735.10 of the Revised Code and may be taken through classroom instruction or distance education. 104258  
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If the required proof of completion is not submitted to the superintendent within twelve months of the date a license is issued under this section, the license of the real estate broker is suspended automatically without the taking of any action by the superintendent. The broker's license shall not be reactivated by the superintendent until it is established, to the satisfaction of the superintendent, that the requirements of this division have been met and that the licensee is in compliance with this chapter. A licensee's license is revoked automatically without the taking of any action by the superintendent if the licensee fails to submit proof of completion of the education requirements specified under division (G)(1) of this section within twelve months of the date the license is suspended. 104269  
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(2) If the license of a real estate broker is suspended pursuant to division (G)(1) of this section, the license of a real estate salesperson associated with that broker correspondingly is suspended pursuant to division (H) of section 4735.20 of the Revised Code. However, the suspended license of the associated real estate salesperson shall be reactivated and no fee shall be 104282  
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charged or collected for that reactivation if all of the following occur: 104288  
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(a) That broker subsequently submits satisfactory proof to the superintendent that the broker has complied with the requirements of division (G)(1) of this section and requests that the broker's license as a real estate broker be reactivated; 104290  
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(b) The superintendent then reactivates the broker's license as a real estate broker; 104294  
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(c) The associated real estate salesperson intends to continue to be associated with that broker and otherwise is in compliance with this chapter. 104296  
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**Sec. 4735.09.** (A) Application for a license as a real estate salesperson shall be made to the superintendent of real estate on forms furnished by the superintendent and signed by the applicant. The application shall be in the form prescribed by the superintendent and shall contain such information as is required by this chapter and the rules of the Ohio real estate commission. The application shall be accompanied by the recommendation of the real estate broker with whom the applicant is associated or with whom the applicant intends to be associated, certifying that the applicant is honest and truthful, and has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate, which conviction or adjudication the applicant has not disclosed to the superintendent, and recommending that the applicant be admitted to the real estate salesperson examination. 104299  
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(B) A fee of eighty-one dollars shall accompany the application, which fee includes the fee for the initial year of the licensing period, if a license is issued. The initial year of the licensing period commences at the time the license is issued 104315  
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and ends on the applicant's first birthday thereafter. The 104319  
application fee shall be nonrefundable. A fee of eighty-one 104320  
dollars shall be charged by the superintendent for each successive 104321  
application made by the applicant. ~~One dollar of each application~~ 104322  
~~fee shall be credited to the real estate education and research~~ 104323  
~~fund.~~ 104324

(C) There shall be no limit placed on the number of times an 104325  
applicant may retake the examination. 104326

(D) The superintendent, with the consent of the commission, 104327  
may enter into an agreement with a recognized national testing 104328  
service to administer the real estate salesperson's examination 104329  
under the superintendent's supervision and control, consistent 104330  
with the requirements of this chapter as to the contents of the 104331  
examination. 104332

If the superintendent, with the consent of the commission, 104333  
enters into an agreement with a national testing service to 104334  
administer the real estate salesperson's examination, the 104335  
superintendent may require an applicant to pay the testing 104336  
service's examination fee directly to the testing service. If the 104337  
superintendent requires the payment of the examination fee 104338  
directly to the testing service, each applicant shall submit to 104339  
the superintendent a processing fee in an amount determined by the 104340  
Ohio real estate commission pursuant to division (A)(1) of section 104341  
4735.10 of the Revised Code. 104342

(E) The superintendent shall issue a real estate 104343  
salesperson's license when satisfied that the applicant has 104344  
received a passing score on each portion of the salesperson's 104345  
examination as determined by rule by the real estate commission. 104346

(F) No applicant for a salesperson's license shall take the 104347  
salesperson's examination who has not established to the 104348  
satisfaction of the superintendent that the applicant: 104349

- (1) Is honest and truthful; 104350
- (2)(a) Has not been convicted of a disqualifying offense as 104351  
determined in accordance with section 9.79 of the Revised Code; 104352
- (b) Has not been finally adjudged by a court to have violated 104353  
any municipal, state, or federal civil rights laws relevant to the 104354  
protection of purchasers or sellers of real estate or, if the 104355  
applicant has been so adjudged, at least two years have passed 104356  
since the court decision and the superintendent has disregarded 104357  
the adjudication because the applicant has proven, by a 104358  
preponderance of the evidence, that the applicant is honest and 104359  
truthful, and there is no basis in fact for believing that the 104360  
applicant again will violate the laws involved. 104361
- (3) Has not, during any period in which the applicant was 104362  
licensed under this chapter, violated any provision of, or any 104363  
rule adopted pursuant to this chapter, or, if the applicant has 104364  
violated such provision or rule, has established to the 104365  
satisfaction of the superintendent that the applicant will not 104366  
again violate such provision or rule; 104367
- (4) Is at least eighteen years of age; 104368
- (5) If born after the year 1950, has a high school diploma or 104369  
a certificate of high school equivalence issued by the department 104370  
of education; 104371
- (6) Has successfully completed at an institution of higher 104372  
education all of the following credit-eligible courses by either 104373  
classroom instruction or distance education: 104374
- (a) Forty hours of instruction in real estate practice; 104375
- (b) Forty hours of instruction that includes the subjects of 104376  
Ohio real estate law, municipal, state, and federal civil rights 104377  
law, new case law on housing discrimination, desegregation issues, 104378  
and methods of eliminating the effects of prior discrimination. If 104379

feasible, the instruction in Ohio real estate law shall be taught 104380  
by a member of the faculty of an accredited law school. If 104381  
feasible, the instruction in municipal, state, and federal civil 104382  
rights law, new case law on housing discrimination, desegregation 104383  
issues, and methods of eliminating the effects of prior 104384  
discrimination shall be taught by a staff member of the Ohio civil 104385  
rights commission who is knowledgeable with respect to those 104386  
subjects. The requirements of this division do not apply to an 104387  
applicant who is admitted to practice before the supreme court. 104388

(c) Twenty hours of instruction in real estate appraisal; 104389

(d) Twenty hours of instruction in real estate finance. 104390

(G)(1) Successful completion of the instruction required by 104391  
division (F)(6) of this section shall be determined by the law in 104392  
effect on the date the instruction was completed. 104393

(2) Division (F)(6)(c) of this section does not apply to any 104394  
new applicant who holds a valid Ohio real estate appraiser license 104395  
or certificate issued prior to the date of application for a real 104396  
estate salesperson's license. 104397

(H) Only for noncredit course offerings, an institution of 104398  
higher education shall obtain approval from the appropriate state 104399  
authorizing entity prior to offering a real estate course that is 104400  
designed and marketed as satisfying the salesperson license 104401  
education requirements of division (F)(6) of this section. The 104402  
state authorizing entity may consult with the superintendent in 104403  
reviewing the course for compliance with this section. 104404

(I) Any person who has not been licensed as a real estate 104405  
salesperson or broker within a four-year period immediately 104406  
preceding the person's current application for the salesperson's 104407  
examination shall have successfully completed the prelicensure 104408  
instruction required by division (F)(6) of this section within a 104409  
ten-year period immediately preceding the person's current 104410

application for the salesperson's examination. 104411

(J) Not earlier than the date of issue of a real estate 104412  
salesperson's license to a licensee, but not later than twelve 104413  
months after the date of issue of a real estate salesperson 104414  
license to a licensee, the licensee shall submit proof 104415  
satisfactory to the superintendent, on forms made available by the 104416  
superintendent, of the completion of twenty hours of instruction 104417  
that shall be completed in schools, seminars, and educational 104418  
institutions approved by the commission. The instruction shall 104419  
include, but is not limited to, current practices relating to 104420  
commercial real estate, property management, short sales, and land 104421  
contracts; contract law; federal and state programs; economic 104422  
conditions; and fiduciary responsibility. Approval of the 104423  
curriculum and providers shall be granted according to rules 104424  
adopted pursuant to section 4735.10 of the Revised Code and may be 104425  
taken through classroom instruction or distance education. 104426

If proof of completion of the required instruction is not 104427  
submitted within twelve months of the date a license is issued 104428  
under this section, the licensee's license is suspended 104429  
automatically without the taking of any action by the 104430  
superintendent. The superintendent immediately shall notify the 104431  
broker with whom such salesperson is associated of the suspension 104432  
of the salesperson's license. A salesperson whose license has been 104433  
suspended under this division shall have twelve months after the 104434  
date of the suspension of the salesperson's license to submit 104435  
proof of successful completion of the instruction required under 104436  
this division. No such license shall be reactivated by the 104437  
superintendent until it is established, to the satisfaction of the 104438  
superintendent, that the requirements of this division have been 104439  
met and that the licensee is in compliance with this chapter. A 104440  
licensee's license is revoked automatically without the taking of 104441  
any action by the superintendent when the licensee fails to submit 104442

the required proof of completion of the education requirements 104443  
under division (I) of this section within twelve months of the 104444  
date the license is suspended. 104445

(K) Examinations shall be administered with reasonable 104446  
accommodations in accordance with the requirements of the 104447  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 104448  
U.S.C. 12189. The contents of an examination shall be consistent 104449  
with the classroom instructional requirements of division (F)(6) 104450  
of this section. An applicant who has completed the classroom 104451  
instructional requirements of division (F)(6) of this section at 104452  
the time of application shall be examined no later than twelve 104453  
months after the applicant is notified of the applicant's 104454  
admission to the examination. 104455

(L) Notwithstanding any provision of this chapter or Chapter 104456  
4796. of the Revised Code to the contrary, the superintendent 104457  
shall issue a real estate salesperson's license in accordance with 104458  
Chapter 4796. of the Revised Code to an applicant if both of the 104459  
following apply: 104460

(1) The applicant satisfies the requirements specified in 104461  
section 4796.03, 4796.04, or 4796.05 of the Revised Code, as 104462  
applicable. 104463

(2) The applicant passes an examination on Ohio real estate 104464  
law. 104465

**Sec. 4755.411.** The physical therapy section of the Ohio 104466  
occupational therapy, physical therapy, and athletic trainers 104467  
board shall adopt rules in accordance with Chapter 119. of the 104468  
Revised Code pertaining to the following: 104469

(A) Fees for the verification of a license and license 104470  
reinstatement, and other fees established by the section; 104471

(B) Provisions for the section's government and control of 104472

its actions and business affairs;	104473
(C) Minimum curricula for physical therapy education programs that prepare graduates to be licensed in this state as physical therapists and physical therapist assistants;	104474 104475 104476
(D) Eligibility criteria to take the examinations required under sections 4755.43 and 4755.431 of the Revised Code;	104477 104478
(E) The form and manner for filing applications for licensure with the section;	104479 104480
(F) For purposes of section 4755.46 of the Revised Code, all of the following:	104481 104482
(1) A schedule regarding when licenses to practice as a physical therapist and physical therapist assistant expire during a biennium;	104483 104484 104485
(2) An additional fee, not to exceed thirty-five dollars, that may be imposed if a licensee files a late application for renewal;	104486 104487 104488
(3) The conditions under which the license of a person who files a late application for renewal will be reinstated.	104489 104490
(G) The issuance, renewal, suspension, and permanent revocation of a license and the conduct of hearings;	104491 104492
(H) Appropriate ethical conduct in the practice of physical therapy;	104493 104494
(I) Requirements, including continuing education requirements, for restoring licenses that are inactive or have lapsed through failure to renew;	104495 104496 104497
(J) Conditions that may be imposed for reinstatement of a license following suspension pursuant to section 4755.47 of the Revised Code;	104498 104499 104500
(K) For purposes of sections 4755.45 and 4755.451 of the	104501

Revised Code, both of the following: 104502

(1) Identification of the credentialing organizations from 104503  
which the section will accept education equivalency evaluations 104504  
for foreign physical therapist education and foreign physical 104505  
therapist assistant education. The physical therapy section shall 104506  
identify only those credentialing organizations that use a course 104507  
evaluation tool or form approved by the physical therapy section. 104508

(2) Evidence, other than the evaluations described in 104509  
division (K)(1) of this section, that the section will consider 104510  
for purposes of evaluating whether an applicant's education is 104511  
reasonably equivalent to the educational requirements that were in 104512  
force for licensure in this state as a physical therapist or 104513  
physical therapist assistant on the date of either of the 104514  
following: 104515

(a) The applicant's initial licensure or registration in 104516  
another country; 104517

(b) The applicant's completion of a physical therapist 104518  
education program or physical therapist assistant education 104519  
program if the country in which the education program was 104520  
completed does not issue a physical therapist or physical 104521  
therapist assistant license or registration. 104522

(L) Standards of conduct for physical therapists and physical 104523  
therapist assistants, including requirements for supervision, 104524  
delegation, and practicing with or without referral or 104525  
prescription; 104526

(M) Appropriate display of a license; 104527

(N) Procedures for a licensee to follow in notifying the 104528  
section within thirty days of a change in name or address, or 104529  
both; 104530

(O) The amount and content of corrective action courses 104531

required by the board under section 4755.47 of the Revised Code. 104532

**Sec. 4755.45.** (A) The physical therapy section of the Ohio 104533  
occupational therapy, physical therapy, and athletic trainers 104534  
board shall issue to an applicant a license to practice as a 104535  
physical therapist without requiring the applicant to have passed 104536  
the national examination for physical therapists described in 104537  
division (A) of section 4755.43 of the Revised Code within one 104538  
year of filing an application described in section 4755.42 of the 104539  
Revised Code if all of the following conditions are ~~true~~met: 104540

(1) The applicant presents evidence satisfactory to the 104541  
physical therapy section that the applicant received a score on 104542  
the national physical therapy examination described in division 104543  
(A) of section 4755.43 of the Revised Code that would have been a 104544  
passing score according to the board in the year the applicant sat 104545  
for the examination; 104546

(2) The applicant presents evidence satisfactory to the 104547  
physical therapy section that the applicant passed the 104548  
jurisprudence examination described in division (B) of section 104549  
4755.43 of the Revised Code; 104550

(3) The applicant ~~holds~~ either: 104551

(a) Holds a current and valid license or registration to 104552  
practice physical therapy in another country; 104553

(b) Completed a physical therapist education program in a 104554  
country that does not issue a physical therapist license or 104555  
registration. 104556

(4) Subject to division (B) of this section, the applicant 104557  
can demonstrate that the applicant's education is reasonably 104558  
equivalent to the educational requirements that were in force for 104559  
licensure in this state on the date of either of the following: 104560

(a) The applicant's initial licensure or registration in the 104561

other country; 104562

(b) The applicant's completion of a physical therapist education program if the country in which the education program was completed does not issue a physical therapist license or registration. 104563  
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(5) The applicant pays the fee described in division (B) of section 4755.42 of the Revised Code; 104567  
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(6) The applicant is not in violation of any section of this chapter or rule adopted under it. 104569  
104570

~~(B) For purposes of division (A)(4) of this section, if~~ If, 104571  
after receiving the results of an education equivalency evaluation 104572  
from a credentialing organization identified by the section 104573  
pursuant to rules adopted under section 4755.411 of the Revised 104574  
Code, the section determines that, regardless of the results of 104575  
the evaluation, the applicant's education ~~is~~ does not ~~reasonably~~ 104576  
~~equivalent to the educational requirements that were in force for~~ 104577  
~~licensure in this state on the date of the applicant's initial~~ 104578  
~~licensure or registration in a foreign country~~ meet the conditions 104579  
of division (A)(4) of this section, the section shall send a 104580  
written notice to the applicant stating that the section is 104581  
denying the applicant's application and stating the specific 104582  
reason why the section is denying the applicant's application. The 104583  
section shall send the notice to the applicant through certified 104584  
mail within thirty days after the section makes that 104585  
determination. 104586

**Sec. 4755.451.** (A) The physical therapy section of the Ohio 104587  
occupational therapy, physical therapy, and athletic trainers 104588  
board shall issue to an applicant a license as a physical 104589  
therapist assistant without requiring the applicant to have passed 104590  
the national examination for physical therapist assistants 104591  
described in division (A) of section 4755.431 of the Revised Code 104592

within one year of filing an application described in section 104593  
4755.421 of the Revised Code if all of the following conditions 104594  
are ~~true~~ met: 104595

(1) The applicant presents evidence satisfactory to the 104596  
physical therapy section that the applicant received a score on 104597  
the national physical therapy examination described in division 104598  
(A) of section 4755.431 of the Revised Code that would have been a 104599  
passing score according to the board in the year the applicant sat 104600  
for the examination; 104601

(2) The applicant presents evidence satisfactory to the 104602  
physical therapy section that the applicant passed the 104603  
jurisprudence examination described in division (B) of section 104604  
4755.431 of the Revised Code; 104605

(3) The applicant ~~holds~~ either: 104606

(a) Holds a current and valid license or registration to 104607  
practice as a physical therapist assistant in another country; 104608

(b) Completed a physical therapist assistant education 104609  
program in a country that does not issue a physical therapist 104610  
assistant license or registration. 104611

(4) Subject to division (B) of this section, the applicant 104612  
can demonstrate that the applicant's education is reasonably 104613  
equivalent to the educational requirements that were in force for 104614  
licensure in this state on the date of either of the following: 104615

(a) The applicant's initial licensure or registration in the 104616  
other country; 104617

(b) The applicant's completion of a physical therapist 104618  
assistant education program if the country in which the education 104619  
program was completed does not issue a physical therapist 104620  
assistant license or registration. 104621

(5) The applicant pays the fee described in division (B) of 104622

section 4755.421 of the Revised Code; 104623

(6) The applicant is not in violation of any section of this 104624  
chapter or rule adopted under it. 104625

(B) ~~For purposes of division (A)(4) of this section, if~~ If, 104626  
after receiving the results of an education equivalency evaluation 104627  
from a credentialing organization identified by the section 104628  
pursuant to rules adopted under section 4755.411 of the Revised 104629  
Code, the section determines that, regardless of the results of 104630  
the evaluation, the applicant's education ~~is~~ does not ~~reasonably~~ 104631  
~~equivalent to the educational requirements that were in force for~~ 104632  
~~licensure in this state on the date of the applicant's initial~~ 104633  
~~licensure or registration in a foreign country~~ meet the conditions 104634  
of division (A)(4) of this section, the section shall send a 104635  
written notice to the applicant stating that the section is 104636  
denying the applicant's application and stating the specific 104637  
reason why the section is denying the applicant's application. The 104638  
section shall send the notice to the applicant through certified 104639  
mail within thirty days after the section makes the determination. 104640

**Sec. 4755.482.** (A) Except as otherwise provided in divisions 104641  
(B) and (C) of this section, a person shall not teach a physical 104642  
therapy theory and procedures course in physical therapy education 104643  
without obtaining a license as a physical therapist from the 104644  
physical therapy section of the Ohio occupational therapy, 104645  
physical therapy, and athletic trainers board. 104646

(B) A nonresident person who is registered or licensed as a 104647  
physical therapist under the laws of another state shall not teach 104648  
a physical therapy theory and procedures course in physical 104649  
therapy education for more than one year without obtaining a 104650  
license as a physical therapist from the physical therapy section, 104651  
and the section shall not require that person to obtain a license 104652  
in accordance with Chapter 4796. of the Revised Code to teach as 104653

described in this division. 104654

(C) A person who is registered or licensed as a physical 104655  
therapist under the laws of a foreign country and is not 104656  
registered or licensed as a physical therapist in any state who 104657  
wishes to teach a physical therapy theory and procedures course in 104658  
physical therapy education in this state, or an institution that 104659  
wishes the person to teach such a course at the institution, may 104660  
apply to the physical therapy section to request authorization for 104661  
the person to teach such a course for a period of not more than 104662  
one year. Any member of the physical therapy section may approve 104663  
the person's or institution's application. No person described in 104664  
this division shall teach such a course for longer than one year 104665  
without obtaining a license from the physical therapy section. 104666

(D) The physical therapy section may investigate any person 104667  
who allegedly has violated this section. The physical therapy 104668  
section has the same powers to investigate an alleged violation of 104669  
this section as those powers specified in section 4755.02 of the 104670  
Revised Code. If, after investigation, the physical therapy 104671  
section determines that reasonable evidence exists that a person 104672  
has violated this section, within seven days after that 104673  
determination, the physical therapy section shall ~~send~~ serve a 104674  
written notice to that person in the same manner as prescribed in 104675  
~~section~~ sections 119.05 and 119.07 of the Revised Code for 104676  
licensees, except that the notice shall specify that a hearing 104677  
will be held and specify the date, time, and place of the hearing. 104678

The physical therapy section shall hold a hearing regarding 104679  
the alleged violation in the same manner prescribed for an 104680  
adjudication hearing under section 119.09 of the Revised Code. If 104681  
the physical therapy section, after the hearing, determines a 104682  
violation has occurred, the physical therapy section may 104683  
discipline the person in the same manner as the physical therapy 104684  
section disciplines licensees under section 4755.47 of the Revised 104685

Code. The physical therapy section's determination is an order 104686  
that the person may appeal in accordance with section 119.12 of 104687  
the Revised Code. 104688

If a person who allegedly committed a violation of this 104689  
section fails to appear for a hearing, the physical therapy 104690  
section may request the court of common pleas of the county where 104691  
the alleged violation occurred to compel the person to appear 104692  
before the physical therapy section for a hearing. If the physical 104693  
therapy section assesses a person a civil penalty for a violation 104694  
of this section and the person fails to pay that civil penalty 104695  
within the time period prescribed by the physical therapy section, 104696  
the physical therapy section shall forward to the attorney general 104697  
the name of the person and the amount of the civil penalty for the 104698  
purpose of collecting that civil penalty. In addition to the civil 104699  
penalty assessed pursuant to this section, the person also shall 104700  
pay any fee assessed by the attorney general for collection of the 104701  
civil penalty. 104702

**Sec. 4763.05.** (A)(1)(a) A person shall make application for 104703  
an initial state-certified general real estate appraiser 104704  
certificate, an initial state-certified residential real estate 104705  
appraiser certificate, an initial state-licensed residential real 104706  
estate appraiser license, or an initial state-registered real 104707  
estate appraiser assistant registration in writing to the 104708  
superintendent of real estate on a form the superintendent 104709  
prescribes. The application shall include the address of the 104710  
applicant's principal place of business and all other addresses at 104711  
which the applicant currently engages in the business of 104712  
performing real estate appraisals and the address of the 104713  
applicant's current residence. The superintendent shall retain the 104714  
applicant's current residence address in a separate record which 104715  
does not constitute a public record for purposes of section 149.43 104716  
of the Revised Code. The application shall indicate whether the 104717

applicant seeks certification as a general real estate appraiser 104718  
or as a residential real estate appraiser, licensure as a 104719  
residential real estate appraiser, or registration as a real 104720  
estate appraiser assistant and be accompanied by the prescribed 104721  
examination and certification, registration, or licensure fees set 104722  
forth in section 4763.09 of the Revised Code. The application also 104723  
shall include a pledge, signed by the applicant, that the 104724  
applicant will comply with the standards set forth in this 104725  
chapter; and a statement that the applicant understands the types 104726  
of misconduct for which disciplinary proceedings may be initiated 104727  
against the applicant pursuant to this chapter. 104728

(b) Upon the filing of an application and payment of any 104729  
examination and certification, registration, or licensure fees, 104730  
the superintendent of real estate shall request the superintendent 104731  
of the bureau of criminal identification and investigation, or a 104732  
vendor approved by the bureau, to conduct a criminal records check 104733  
based on the applicant's fingerprints in accordance with section 104734  
109.572 of the Revised Code. Notwithstanding division ~~(K)~~(L) of 104735  
section 121.08 of the Revised Code, the superintendent of real 104736  
estate shall request that criminal record information from the 104737  
federal bureau of investigation be obtained as part of the 104738  
criminal records check. Any fee required under division (C)(3) of 104739  
section 109.572 of the Revised Code shall be paid by the 104740  
applicant. 104741

(2) For purposes of providing funding for the real estate 104742  
appraiser recovery fund established by section 4763.16 of the 104743  
Revised Code, the real estate appraiser board shall levy an 104744  
assessment against each person issued an initial certificate, 104745  
registration, or license and against current licensees, 104746  
registrants, and certificate holders, as required by board rule. 104747  
The assessment is in addition to the application and examination 104748  
fees for initial applicants required by division (A)(1) of this 104749

section and the renewal fees required for current certificate 104750  
holders, registrants, and licensees. The superintendent of real 104751  
estate shall deposit the assessment into the state treasury to the 104752  
credit of the real estate appraiser recovery fund. The assessment 104753  
for initial certificate holders, registrants, and licensees shall 104754  
be paid prior to the issuance of a certificate, registration, or 104755  
license, and for current certificate holders, registrants, and 104756  
licensees, at the time of renewal. 104757

(B) An applicant for an initial general real estate appraiser 104758  
certificate, residential real estate appraiser certificate, or 104759  
residential real estate appraiser license shall possess experience 104760  
in real estate appraisal as the board prescribes by rule. In 104761  
addition to any other information required by the board, the 104762  
applicant shall furnish, under oath, a detailed listing of the 104763  
appraisal reports or file memoranda for each year for which 104764  
experience is claimed and, upon request of the superintendent or 104765  
the board, shall make available for examination a sample of the 104766  
appraisal reports prepared by the applicant in the course of the 104767  
applicant's practice. 104768

(C) An applicant for an initial certificate, registration, or 104769  
license shall be at least eighteen years of age, honest, and 104770  
truthful and shall present satisfactory evidence to the 104771  
superintendent that the applicant has successfully completed any 104772  
education requirements the board prescribes by rule. 104773

(D) An applicant for an initial general real estate appraiser 104774  
or residential real estate appraiser certificate or residential 104775  
real estate appraiser license shall take and successfully complete 104776  
a written examination in order to qualify for the certificate or 104777  
license. 104778

The board shall prescribe the examination requirements by 104779  
rule. 104780

(E)(1) The board shall issue a residential real estate appraiser license, a residential real estate appraiser certificate, real estate appraiser assistant registration, or a general real estate appraiser certificate in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(a) The applicant holds a certificate, license, or registration in another state.

(b) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a residential real estate appraiser, real estate appraiser assistant, or general real estate appraiser in a state that does not issue that certificate, license, or registration.

(2)(a) The board shall recognize on a temporary basis a certification or license issued in another state and shall register on a temporary basis an appraiser who is certified or licensed in another state if all of the following apply:

(i) The temporary registration is to perform an appraisal assignment that is part of a federally related transaction.

(ii) The appraiser's business in this state is of a temporary nature.

(iii) The appraiser registers with the board pursuant to this division.

(b) An appraiser who is certified or licensed in another state shall register with the board for temporary practice before performing an appraisal assignment in this state in connection with a federally related transaction.

(c) The board shall adopt rules relating to registration for the temporary recognition of certification and licensure of

appraisers from another state. The registration for temporary 104811  
recognition of certified or licensed appraisers from another state 104812  
shall not authorize completion of more than one appraisal 104813  
assignment in this state. The board shall not issue more than two 104814  
registrations for temporary practice to any one applicant in any 104815  
calendar year. The application for obtaining a registration under 104816  
this division may include any of the following: 104817

(i) A pledge, signed by the applicant, that the applicant 104818  
will comply with the standards set forth in this chapter; 104819

(ii) A statement that the applicant understands the types of 104820  
misconduct for which disciplinary proceedings may be initiated 104821  
against the applicant pursuant to this chapter; 104822

(iii) A consent to service of process. 104823

(d) A nonresident appraiser whose certification or license 104824  
has been recognized by the board on a temporary basis and who is 104825  
acting in accordance with this section and the board's rules is 104826  
not required to obtain a license in accordance with Chapter 4796. 104827  
of the Revised Code. 104828

(F) The superintendent shall not issue a certificate, 104829  
registration, or license to, or recognize on a temporary basis an 104830  
appraiser from another state that is a corporation, partnership, 104831  
or association. This prohibition shall not be construed to prevent 104832  
a certificate holder or licensee from signing an appraisal report 104833  
on behalf of a corporation, partnership, or association. 104834

(G) Every person licensed, registered, or certified under 104835  
this chapter shall notify the superintendent, on a form provided 104836  
by the superintendent, of a change in the address of the 104837  
licensee's, registrant's, or certificate holder's principal place 104838  
of business or residence within thirty days of the change. If a 104839  
licensee's, registrant's, or certificate holder's license, 104840  
registration, or certificate is revoked or not renewed, the 104841

licensee, registrant, or certificate holder immediately shall 104842  
return the annual and any renewal certificate, registration, or 104843  
license to the superintendent. 104844

(H)(1) The superintendent shall not issue a certificate, 104845  
registration, or license to any person, or recognize on a 104846  
temporary basis an appraiser from another state, who does not meet 104847  
applicable minimum criteria for state certification, registration, 104848  
or licensure prescribed by federal law or rule. 104849

(2) The superintendent shall not refuse to issue a general 104850  
real estate appraiser certificate, residential real estate 104851  
appraiser certificate, residential real estate appraiser license, 104852  
or real estate appraiser assistant registration to any person 104853  
because of a conviction of or plea of guilty to any criminal 104854  
offense unless the refusal is in accordance with section 9.79 of 104855  
the Revised Code. 104856

**Sec. 4765.11.** (A) The state board of emergency medical, fire, 104857  
and transportation services shall adopt, and may amend and 104858  
rescind, rules in accordance with Chapter 119. of the Revised Code 104859  
and divisions (C) and (D) of this section that establish all of 104860  
the following: 104861

(1) Procedures for its governance and the control of its 104862  
actions and business affairs; 104863

(2) Standards for the performance of emergency medical 104864  
services by first responders, emergency medical technicians-basic, 104865  
emergency medical technicians-intermediate, and emergency medical 104866  
technicians-paramedic; 104867

(3) Application fees for certificates of accreditation, 104868  
certificates of approval, certificates to teach, and certificates 104869  
to practice, which shall be deposited into the trauma and 104870  
emergency medical services fund created in section 4513.263 of the 104871

Revised Code;	104872
(4) Criteria for determining when the application or renewal fee for a certificate to practice may be waived because an applicant cannot afford to pay the fee;	104873 104874 104875
(5) Procedures for issuance and renewal of certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, including any measures necessary to implement section 9.79 of the Revised Code and any procedures necessary to ensure that adequate notice of renewal is provided in accordance with division (E) of section 4765.30 of the Revised Code;	104876 104877 104878 104879 104880 104881 104882
(6) Procedures for suspending or revoking certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice;	104883 104884 104885
(7) Grounds for suspension or revocation of a certificate to practice issued under section 4765.30 of the Revised Code and for taking any other disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	104886 104887 104888 104889
(8) Procedures for taking disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	104890 104891
(9) Standards for certificates of accreditation and certificates of approval;	104892 104893
(10) Qualifications for certificates to teach;	104894
(11) Requirements for a certificate to practice;	104895
(12) The curricula, number of hours of instruction and training, and instructional materials to be used in adult and pediatric emergency medical services training programs and adult and pediatric emergency medical services continuing education programs;	104896 104897 104898 104899 104900
(13) Procedures for conducting courses in recognizing	104901

symptoms of life-threatening allergic reactions and in calculating	104902
proper dosage levels and administering injections of epinephrine	104903
to adult and pediatric patients who suffer life-threatening	104904
allergic reactions;	104905
(14) Examinations for certificates to practice;	104906
(15) Procedures for administering examinations for	104907
certificates to practice;	104908
(16) Procedures for approving examinations that demonstrate	104909
competence to have a certificate to practice renewed without	104910
completing an emergency medical services continuing education	104911
program;	104912
(17) Procedures for granting extensions and exemptions of	104913
emergency medical services continuing education requirements;	104914
(18) Specifications of the emergency medical services that	104915
first responders are authorized to perform under section 4765.35	104916
of the Revised Code, that EMTs-basic are authorized to perform	104917
under section 4765.37 of the Revised Code, that EMTs-I are	104918
authorized to perform under section 4765.38 of the Revised Code,	104919
and that paramedics are authorized to perform under section	104920
4765.39 of the Revised Code;	104921
(19) Standards and procedures for implementing the	104922
requirements of section 4765.06 of the Revised Code, including	104923
designations of the persons who are required to report information	104924
to the board and the types of information to be reported;	104925
(20) Procedures for administering the emergency medical	104926
services grant program established under section 4765.07 of the	104927
Revised Code;	104928
(21) Procedures consistent with Chapter 119. of the Revised	104929
Code for appealing decisions of the board;	104930
(22) Minimum qualifications and peer review and quality	104931

improvement requirements for persons who provide medical direction 104932  
to emergency medical service personnel, including, subject to 104933  
division (B) of section 4765.42 of the Revised Code, 104934  
qualifications for a physician to be eligible to serve as the 104935  
medical director of an emergency medical service organization or a 104936  
member of its cooperating physician advisory board; 104937

(23) The manner in which a patient, or a patient's parent, 104938  
guardian, or custodian, may consent to the board releasing 104939  
identifying information about the patient under division (D) of 104940  
section 4765.102 of the Revised Code; 104941

(24) Circumstances under which a training program or 104942  
continuing education program, or portion of either type of 104943  
program, may be taught by a person who does not hold a certificate 104944  
to teach issued under section 4765.23 of the Revised Code; 104945

(25) Certification cycles for certificates issued under 104946  
sections 4765.23 and 4765.30 of the Revised Code and certificates 104947  
issued by the executive director of the state board of emergency 104948  
medical, fire, and transportation services under section 4765.55 104949  
of the Revised Code that establish a common expiration date for 104950  
all certificates. 104951

(B) The board may adopt, and may amend and rescind, rules in 104952  
accordance with Chapter 119. of the Revised Code and divisions (C) 104953  
and (D) of this section that establish any of the following: 104954

(1) Specifications of information that may be collected under 104955  
the trauma system registry and incidence reporting system created 104956  
under section 4765.06 of the Revised Code; 104957

(2) Standards and procedures for implementing any of the 104958  
recommendations made by any committees of the board or under 104959  
section 4765.04 of the Revised Code; 104960

(3) Procedures and requirements for conducting background 104961  
checks on applicants for the issuance and renewal of certificates 104962

of accreditation, certificates of approval, certificates to teach, 104963  
and certificates to practice in accordance with section 109.578 of 104964  
the Revised Code; 104965

(4) Any other rules necessary to implement this chapter. 104966

(C) In developing and administering rules adopted under this 104967  
chapter, the state board of emergency medical, fire, and 104968  
transportation services shall consult with regional directors and 104969  
regional advisory boards appointed under section 4765.05 of the 104970  
Revised Code and emphasize the special needs of pediatric and 104971  
geriatric patients. 104972

(D) On and after April 6, 2023, the executive director shall 104973  
not ~~require certification~~ issue to any new applicant a certificate 104974  
to practice as an emergency medical services assistant instructor 104975  
and ~~shall not adopt or enforce rules or issue a certificate~~ 104976  
~~regarding the position of an emergency medical services assistant~~ 104977  
~~instructor.~~ Any emergency medical services assistant instructor 104978  
certificate that was issued in accordance with rules adopted under 104979  
division (A) of this section prior to April 6, 2023, ~~remain~~ 104980  
remains valid ~~only until the expiration date of the certificate,~~ 104981  
subject to any conditions or responsibilities of retaining the 104982  
validity of that certificate, until the holder of the certificate 104983  
allows it to expire or lapse. The certificate ~~shall not~~ may be 104984  
renewed by the holder of that certificate. The board shall adopt, 104985  
amend, or rescind rules in accordance with Chapter 119. of the 104986  
Revised Code in order to effectuate this division. 104987

(E) Except as otherwise provided in this division, before 104988  
adopting, amending, or rescinding any rule under this chapter, the 104989  
board shall submit the proposed rule to the director of public 104990  
safety for review. The director may review the proposed rule for 104991  
not more than sixty days after the date it is submitted. If, 104992  
within this sixty-day period, the director approves the proposed 104993  
rule or does not notify the board that the rule is disapproved, 104994

the board may adopt, amend, or rescind the rule as proposed. If, 104995  
within this sixty-day period, the director notifies the board that 104996  
the proposed rule is disapproved, the board shall not adopt, 104997  
amend, or rescind the rule as proposed unless at least twelve 104998  
members of the board vote to adopt, amend, or rescind it. 104999

This division does not apply to an emergency rule adopted in 105000  
accordance with section 119.03 of the Revised Code. 105001

(F) Notwithstanding any requirement for a certificate issued 105002  
in accordance with rules adopted by the board under this section, 105003  
the board, in accordance with Chapter 4796. of the Revised Code, 105004  
shall issue a certificate that is a license as defined in section 105005  
4796.01 of the Revised Code to an individual if either of the 105006  
following applies: 105007

(1) The individual holds a license or certificate in another 105008  
state. 105009

(2) The individual has satisfactory work experience, a 105010  
government certification, or a private certification as described 105011  
in that chapter as a first responder, emergency medical 105012  
technician-basic, emergency medical technician-intermediate, or 105013  
emergency medical technician-paramedic in a state that does not 105014  
issue that license or certificate. 105015

**Sec. 4765.55.** (A) The executive director of the state board 105016  
of emergency medical, fire, and transportation services, with the 105017  
advice and counsel of the firefighter and fire safety inspector 105018  
training committee of the state board of emergency medical, fire, 105019  
and transportation services, shall assist in the establishment and 105020  
maintenance by any state agency, or any county, township, city, 105021  
village, school district, or educational service center of a fire 105022  
service training program for the training of all persons in 105023  
positions of any fire training certification level approved by the 105024  
executive director, including full-time paid firefighters, 105025

part-time paid firefighters, volunteer firefighters, and fire 105026  
safety inspectors in this state. The executive director, with the 105027  
advice and counsel of the committee, shall adopt rules to regulate 105028  
those firefighter and fire safety inspector training programs, and 105029  
other training programs approved by the executive director. The 105030  
rules may include, but need not be limited to, training 105031  
curriculum, certification examinations, training schedules, 105032  
minimum hours of instruction, attendance requirements, required 105033  
equipment and facilities, basic physical requirements, and methods 105034  
of training for all persons in positions of any fire training 105035  
certification level approved by the executive director, including 105036  
full-time paid firefighters, part-time paid firefighters, 105037  
volunteer firefighters, and fire safety inspectors. The rules 105038  
adopted to regulate training programs for volunteer firefighters 105039  
shall not require more than thirty-six hours of training. 105040

The executive director, with the advice and counsel of the 105041  
committee, shall provide for the classification and chartering of 105042  
fire service training programs in accordance with rules adopted 105043  
under division (B) of this section, and may take action against 105044  
any chartered training program or applicant, in accordance with 105045  
rules adopted under divisions (B)(4) and (5) of this section, for 105046  
failure to meet standards set by the adopted rules. 105047

(B) The executive director, with the advice and counsel of 105048  
the firefighter and fire safety inspector training committee of 105049  
the state board of emergency medical, fire, and transportation 105050  
services, shall adopt, and may amend or rescind, rules under 105051  
Chapter 119. of the Revised Code that establish all of the 105052  
following: 105053

(1) Requirements for, and procedures for chartering, the 105054  
training programs regulated by this section; 105055

(2) Requirements for, and requirements and procedures for 105056

obtaining and renewing, an instructor certificate to teach the 105057  
training programs and continuing education classes regulated by 105058  
this section; 105059

(3) Requirements for, and requirements and procedures for 105060  
obtaining and renewing, any of the fire training certificates 105061  
regulated by this section; 105062

(4) Grounds and procedures for suspending, revoking, 105063  
restricting, or refusing to issue or renew any of the certificates 105064  
or charters regulated by this section, which grounds shall be 105065  
limited to one of the following: 105066

(a) Failure to satisfy the education or training requirements 105067  
of this section; 105068

(b) Conviction of a felony offense; 105069

(c) Conviction of a misdemeanor involving moral turpitude; 105070

(d) Conviction of a misdemeanor committed in the course of 105071  
practice; 105072

(e) In the case of a chartered training program or applicant, 105073  
failure to meet standards set by the rules adopted under this 105074  
division. 105075

(5) Grounds and procedures for imposing and collecting fines, 105076  
not to exceed one thousand dollars, in relation to actions taken 105077  
under division (B)(4) of this section against persons holding 105078  
certificates and charters regulated by this section, the fines to 105079  
be deposited into the trauma and emergency medical services fund 105080  
established under section 4513.263 of the Revised Code; 105081

(6) Continuing education requirements for certificate 105082  
holders, including a requirement that credit shall be granted for 105083  
in-service training programs conducted by local entities. The 105084  
continuing education requirements shall not require more than 105085  
thirty-six hours of continuing education every three-year 105086

certification cycle. Local entities may require additional 105087  
continuing education, provided that completion of such additional 105088  
continuing education is not required for renewal of certification. 105089

(7) Procedures for considering the granting of an extension 105090  
or exemption of fire service continuing education requirements; 105091

(8) Certification cycles for which the certificates and 105092  
charters regulated by this section are valid; 105093

(9) If determined necessary by the executive director, 105094  
procedures and requirements for conducting background checks on 105095  
applicants for the issuance and renewal of certification as a fire 105096  
safety inspector in accordance with section 109.578 of the Revised 105097  
Code. 105098

(C)(1) The executive director, with the advice and counsel of 105099  
the firefighter and fire safety inspector training committee of 105100  
the state board of emergency medical, fire, and transportation 105101  
services, shall issue or renew an instructor certificate to teach 105102  
the training programs and continuing education classes regulated 105103  
by this section to any applicant that the executive director 105104  
determines meets the qualifications established in rules adopted 105105  
under division (B) of this section, and may take disciplinary 105106  
action against an instructor certificate holder or applicant in 105107  
accordance with rules adopted under division (B) of this section. 105108

(2) On and after ~~the effective date of this amendment~~ April 105109  
6, 2023, the executive director shall not ~~require certification~~ 105110  
issue to any new applicant a certificate to practice as an 105111  
assistant fire instructor ~~and shall not adopt or enforce rules or~~ 105112  
~~issue a certificate regarding the position of assistant fire~~ 105113  
~~instructor~~. Any assistant fire instructor certificate that was 105114  
issued in accordance with rules adopted under division (B) of this 105115  
section prior to ~~the effective date of this amendment~~ April 6, 105116  
2023, remains valid ~~until the expiration date of the certificate,~~ 105117

subject to any conditions or responsibilities of retaining the 105118  
validity of that certificate, until the holder of the certificate 105119  
allows it to expire or lapse. The certificate ~~shall not~~ may be 105120  
renewed by the holder of that certificate. The executive director 105121  
shall adopt, amend, or rescind rules in accordance with Chapter 105122  
119. of the Revised Code in order to effectuate division (C)(2) of 105123  
this section. 105124

(3) The executive director, with the advice and counsel of 105125  
the committee, shall charter or renew the charter of any training 105126  
program that the executive director determines meets the 105127  
qualifications established in rules adopted under division (B) of 105128  
this section, and may take disciplinary action against the holder 105129  
of a charter in accordance with rules adopted under division (B) 105130  
of this section. 105131

(D) The executive director shall issue or renew a fire 105132  
training certificate for a firefighter, a fire safety inspector, 105133  
or another position of any fire training certification level 105134  
approved by the executive director, to any applicant that the 105135  
executive director determines meets the qualifications established 105136  
in rules adopted under division (B) of this section and may take 105137  
disciplinary actions against a certificate holder or applicant in 105138  
accordance with rules adopted under division (B) of this section. 105139

(E) Certificates issued under this section shall be on a form 105140  
prescribed by the executive director, with the advice and counsel 105141  
of the firefighter and fire safety inspector training committee of 105142  
the state board of emergency medical, fire, and transportation 105143  
services. 105144

(F)(1) The executive director, with the advice and counsel of 105145  
the firefighter and fire safety inspector training committee of 105146  
the state board of emergency medical, fire, and transportation 105147  
services, shall establish criteria for evaluating the standards 105148  
maintained by the branches of the United States military for 105149

firefighter, fire safety inspector, and fire instructor training 105150  
programs, and other training programs recognized by the executive 105151  
director, to determine whether the standards are equivalent to 105152  
those established under this section and shall establish 105153  
requirements and procedures for issuing a certificate to each 105154  
person who presents proof to the executive director of having 105155  
satisfactorily completed a training program that meets those 105156  
standards. 105157

(2) The executive director, with the committee's advice and 105158  
counsel, shall adopt rules establishing requirements and 105159  
procedures for issuing a fire training certificate in lieu of 105160  
completing a chartered training program. 105161

(G) Notwithstanding any requirement for a certificate issued 105162  
under this section, the executive director shall issue a 105163  
certificate in accordance with Chapter 4796. of the Revised Code 105164  
to an individual if either of the following applies: 105165

(1) The individual holds a license or certificate in another 105166  
state. 105167

(2) The individual has satisfactory work experience, a 105168  
government certification, or a private certification as described 105169  
in that chapter as a firefighter or fire safety inspector in a 105170  
state that does not issue that license or certificate. 105171

(H) Nothing in this section invalidates any other section of 105172  
the Revised Code relating to the fire training academy. Section 105173  
4765.11 of the Revised Code does not affect any powers and duties 105174  
granted to the executive director under this section. 105175

(I) Notwithstanding any provision of division (B)(4) of this 105176  
section to the contrary, the executive director shall not adopt 105177  
rules for refusing to issue any of the certificates or charters 105178  
regulated by this section to an applicant because of a criminal 105179  
conviction unless the rules establishing grounds and procedures 105180

for refusal are in accordance with section 9.79 of the Revised Code. 105181  
105182

**Sec. 4781.17.** (A) Each person applying for a manufactured housing dealer's license or manufactured housing broker's license shall complete and deliver to the department of commerce, division of real estate, before the first day of April, a separate application for license for each county in which the business of selling or brokering manufactured or mobile homes is to be conducted. The application shall be in the form prescribed by the division of real estate and accompanied by the fee established by the division of real estate. The applicant shall sign and swear to the application that shall include all of the following: 105183  
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(1) Name of applicant and location of principal place of business; 105193  
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(2) Name or style under which business is to be conducted and, if a corporation, the state of incorporation; 105195  
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(3) Name and address of each owner or partner and, if a corporation, the names of the officers and directors; 105197  
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(4) The county in which the business is to be conducted and the address of each place of business therein; 105199  
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(5) A statement of the previous history, record, and association of the applicant and of each owner, partner, officer, and director, that is sufficient to establish to the satisfaction of the division of real estate the reputation in business of the applicant; 105201  
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(6) A statement showing whether the applicant has previously applied for a manufactured housing dealer's license, manufactured housing broker's license, manufactured housing salesperson's license, or, prior to July 1, 2010, a motor vehicle dealer's license, manufactured home broker's license, or motor vehicle 105206  
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salesperson's license, and the result of the application, and 105211  
whether the applicant has ever been the holder of any such license 105212  
that was revoked or suspended; 105213

(7) If the applicant is a corporation or partnership, a 105214  
statement showing whether any partner, employee, officer, or 105215  
director has been refused a manufactured housing dealer's license, 105216  
manufactured housing broker's license, manufactured housing 105217  
salesperson's license, or, prior to July 1, 2010, a motor vehicle 105218  
dealer's license, manufactured home broker's license, or motor 105219  
vehicle salesperson's license, or has been the holder of any such 105220  
license that was revoked or suspended; 105221

(8) Any other information required by the division of real 105222  
estate. 105223

(B) Each person applying for a manufactured housing 105224  
salesperson's license shall complete and deliver to the division 105225  
of real estate before the first day of July an application for 105226  
license. The application shall be in the form prescribed by the 105227  
division of real estate and shall be accompanied by the fee 105228  
established by the division. The applicant shall sign and swear to 105229  
the application that shall include all of the following: 105230

(1) Name and post-office address of the applicant; 105231

(2) Name and post-office address of the manufactured housing 105232  
dealer or manufactured housing broker for whom the applicant 105233  
intends to act as salesperson; 105234

(3) A statement of the applicant's previous history, record, 105235  
and association, that is sufficient to establish to the 105236  
satisfaction of the division of real estate the applicant's 105237  
reputation in business; 105238

(4) A statement as to whether the applicant intends to engage 105239  
in any occupation or business other than that of a manufactured 105240  
housing salesperson; 105241

(5) A statement as to whether the applicant has ever had any previous application for a manufactured housing salesperson license refused or, prior to July 1, 2010, any application for a motor vehicle salesperson license refused, and whether the applicant has previously had a manufactured housing salesperson or motor vehicle salesperson license revoked or suspended;

(6) A statement as to whether the applicant was an employee of or salesperson for a manufactured housing dealer or manufactured housing broker whose license was suspended or revoked;

(7) A statement of the manufactured housing dealer or manufactured housing broker named therein, designating the applicant as the dealer's or broker's salesperson;

(8) Any other information required by the division of real estate.

(C) Any application for a manufactured housing dealer or manufactured housing broker delivered to the division of real estate under this section also shall be accompanied by a photograph, as prescribed by the division, of each place of business operated, or to be operated, by the applicant.

(D) The division of real estate shall deposit all license fees into the state treasury to the credit of the ~~manufactured homes regulatory~~ real estate operating fund created under section 4735.211 of the Revised Code.

(E) Notwithstanding any provision of this chapter to the contrary, the division shall issue a manufactured housing dealer's license or manufactured housing broker's license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a 105272  
government certification, or a private certification as described 105273  
in that chapter as a manufactured housing dealer or manufactured 105274  
housing broker in a state that does not issue that license. 105275

**Section 110.21.** That the existing versions of sections 105276  
173.21, 1321.64, 3301.071, 3319.088, 3319.22, 3319.26, 3319.27, 105277  
3319.303, 3704.14, 3737.83, 3781.10, 3781.102, 4735.07, 4735.09, 105278  
4755.411, 4755.45, 4755.451, 4755.482, 4763.05, 4765.11, 4765.55, 105279  
and 4781.17 of the Revised Code that are scheduled to take effect 105280  
December 29, 2023, are hereby repealed. 105281

**Section 110.22.** Sections 110.20 and 110.21 of this act take 105282  
effect December 29, 2023. 105283

**Section 110.30.** That the version of section 4717.09 of the 105284  
Revised Code that is scheduled to take effect December 31, 2024, 105285  
be amended to read as follows: 105286

**Sec. 4717.09.** (A) Every two years, licensed embalmers and 105287  
funeral directors shall attend not less than twelve hours of 105288  
educational programs as a condition for renewal of their licenses. 105289  
The board of embalmers and funeral directors shall adopt rules 105290  
governing the administration and enforcement of the continuing 105291  
education requirements of this section. The board may contract 105292  
with a professional organization or association or other third 105293  
party to assist it in performing functions necessary to administer 105294  
and enforce the continuing education requirements of this section. 105295  
A professional organization or association or other third party 105296  
with whom the board so contracts may charge a reasonable fee for 105297  
performing these functions to licensees or to the persons who 105298  
provide continuing education programs. 105299

(B) A person holding both an embalmer's license and a funeral 105300

director's license need meet only the continuing education 105301  
requirements established by the board for one or the other of 105302  
those licenses in order to satisfy the requirement of division (A) 105303  
of this section. 105304

(C) A person holding a courtesy card permit issued under 105305  
section 4717.10 of the Revised Code is not required to satisfy the 105306  
continuing education requirements specified in division (A) of 105307  
this section as a condition of renewal of the permit. 105308

(D) A crematory operator shall maintain an active 105309  
certification from a ~~national~~ crematory operator certification 105310  
program ~~and register the certificate with the board as a condition~~ 105311  
for renewal of the permit. 105312

(E) The board shall not renew the license of a licensee who 105313  
fails to meet the continuing education requirements of this 105314  
section and who has not been granted an exemption under division 105315  
(F) or (G) of this section. 105316

(F) Any licensee who fails to meet the continuing education 105317  
requirements of this section because of undue hardship or 105318  
disability, or who is not actively engaged in the practice of 105319  
funeral directing or embalming in this state, may apply to the 105320  
board for an exemption. 105321

(G) Any licensee who has been an embalmer or funeral director 105322  
for not less than fifty years and who is not actively in charge 105323  
and ultimately responsible for a funeral home or embalming 105324  
facility in this state may apply to the board for an exemption 105325  
from the continuing education requirements specified in division 105326  
(A) of this section. 105327

(H) The board shall not ~~authorize an individual to act as a~~ 105328  
renew the crematory operator, ~~if the permit of an individual who~~ 105329  
fails to satisfy the certification requirement of division (D) of 105330  
this section. 105331

**Section 110.31.** That the existing version of section 4717.09 105332  
of the Revised Code that is scheduled to take effect December 31, 105333  
2024, is hereby repealed. 105334

**Section 110.32.** Sections 110.30 and 110.31 of this act take 105335  
effect December 31, 2024. 105336

**Section 125.10.** That the versions of sections 4717.01, 105337  
4717.02, 4717.03, 4717.04, 4717.06, 4717.07, 4717.08, 4717.11, 105338  
4717.13, 4717.15, 4717.36, and 4717.41 of the Revised Code that 105339  
are scheduled to take effect December 31, 2024, are hereby 105340  
repealed. 105341

**Section 125.11.** That Sections 2, 3, and 8 of H.B. 509 of the 105342  
134th General Assembly be amended to read as follows: 105343

**Sec. 2.** That existing sections 109.572, 169.16, 1716.05, 105344  
1716.08, 1716.99, 2925.01, 3310.41, 3319.22, 3701.74, 3737.881, 105345  
3772.13, 3772.131, 3905.471, 3905.81, 4709.07, 4709.10, 4713.28, 105346  
4715.13, 4715.141, 4715.21, 4715.25, ~~4717.01, 4717.02, 4717.03,~~ 105347  
~~4717.04,~~ 4717.05, ~~4717.06, 4717.07, 4717.08,~~ 4717.09, ~~4717.11,~~ 105348  
~~4717.13, 4717.15, 4717.36, 4717.41,~~ 4723.01, 4723.07, 4723.08, 105349  
4723.091, 4723.092, 4723.114, 4723.18, 4723.181, 4723.35, 4723.48, 105350  
4723.481, 4723.50, 4723.72, 4723.73, 4723.75, 4723.79, 4725.01, 105351  
4725.011, 4725.02, 4725.07, 4725.09, 4725.091, 4725.092, 4725.12, 105352  
4725.13, 4725.15, 4725.16, 4725.18, 4725.19, 4725.20, 4725.24, 105353  
4725.27, 4725.34, 4725.35, 4725.40, 4725.41, 4725.44, 4725.48, 105354  
4725.49, 4725.50, 4725.51, 4725.52, 4725.53, 4725.63, 4725.66, 105355  
4725.67, 4729.01, 4729.12, 4729.15, 4731.16, 4731.17, 4731.19, 105356  
4732.01, 4732.02, 4732.05, 4732.09, 4732.10, 4732.11, 4732.12, 105357  
4732.13, 4732.14, 4732.141, 4732.142, 4732.17, 4732.171, 4732.173, 105358  
4732.18, 4732.19, 4732.20, 4732.21, 4732.22, 4732.221, 4732.24, 105359  
4732.31, 4732.33, 4734.211, 4735.27, 4741.17, 4743.09, 4749.03, 105360

4751.01, 4751.10, 4751.101, 4751.102, 4751.20, 4751.23, 4751.24, 105361  
4751.32, 4751.33, 4751.40, 4751.41, 4751.45, 4753.06, 4753.071, 105362  
4753.12, 4755.01, 4755.062, 4757.02, 4757.22, 4757.27, 4757.301, 105363  
4757.33, 4757.41, 4758.20, 4758.26, 4758.51, 4765.10, 4765.11, 105364  
4765.15, 4765.16, 4765.17, 4765.18, 4765.22, 4765.23, 4765.24, 105365  
4765.29, 4765.30, 4765.31, 4765.49, 4765.50, 4765.55, 4769.01, 105366  
4779.03, 4779.10, 4779.11, 4779.12, 4779.13, 4779.17, 5126.22, 105367  
5126.25, and 5164.95 of the Revised Code are hereby repealed. 105368

**Sec. 3.** That sections 3319.2212, ~~4717.051~~, 4723.17, 4723.19, 105369  
4723.76, 4725.14, 4725.17, 4725.171, 4725.58, 4751.202, and 105370  
4779.18 of the Revised Code are hereby repealed. 105371

**Sec. 8.** ~~(A) The repeal by this act of section 4717.051 of the~~ 105372  
~~Revised Code takes effect December 31, 2024.~~ 105373

~~(B) The amendment by this act H.B. 509 of the 134th General 105374  
Assembly of ~~sections 4717.01, 4717.02, 4717.03, 4717.04, 4717.06,~~ 105375  
~~4717.07, 4717.08, section 4717.09, 4717.11, 4717.13, 4717.15,~~ 105376  
~~4717.36, and 4717.41~~ of the Revised Code takes effect December 31, 105377  
2024. 105378~~

**Section 125.12.** That existing Sections 2, 3, and 8 of H.B. 105379  
509 of the 134th General Assembly are hereby repealed. 105380

**Section 125.13.** Sections 125.11 and 125.12 of this act remove 105381  
the limitations imposed on the continued existence of sections 105382  
4717.01, 4717.02, 4717.03, 4717.04, 4717.051, 4717.06, 4717.07, 105383  
4717.08, 4717.11, 4717.13, 4717.15, 4717.36, and 4717.41 of the 105384  
Revised Code. 105385

**Section 130.10.** That sections 121.02, 121.03, 121.35, 121.37, 105386  
121.40, 3109.15, 3109.16, 3109.17, 3109.179, 5101.34, 5101.341, 105387

and 5101.342 be amended and sections 5180.01 and 5180.02 of the Revised Code be enacted to read as follows:

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

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

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

(C) The department of administrative services, which shall be administered by the director of administrative services;

(D) The department of transportation, which shall be administered by the director of transportation;

(E) The department of agriculture, which shall be administered by the director of agriculture;

(F) The department of natural resources, which shall be administered by the director of natural resources;

(G) The department of health, which shall be administered by the director of health;

(H) The department of job and family services, which shall be administered by the director of job and family services;

(I) ~~Until July 1, 1997, the~~ The department of ~~liquor control~~ children and youth, which shall be administered by the director of ~~liquor control~~ children and youth;

(J) The department of public safety, which shall be administered by the director of public safety;

(K) The department of mental health and addiction services, which shall be administered by the director of mental health and addiction services;

(L) The department of developmental disabilities, which shall 105416  
be administered by the director of developmental disabilities; 105417

(M) The department of insurance, which shall be administered 105418  
by the superintendent of insurance as director thereof; 105419

(N) The department of development, which shall be 105420  
administered by the director of development; 105421

(O) The department of youth services, which shall be 105422  
administered by the director of youth services; 105423

(P) The department of rehabilitation and correction, which 105424  
shall be administered by the director of rehabilitation and 105425  
correction; 105426

(Q) The environmental protection agency, which shall be 105427  
administered by the director of environmental protection; 105428

(R) The department of aging, which shall be administered by 105429  
the director of aging; 105430

(S) The department of veterans services, which shall be 105431  
administered by the director of veterans services; 105432

(T) The department of medicaid, which shall be administered 105433  
by the medicaid director. 105434

The director of each department shall exercise the powers and 105435  
perform the duties vested by law in such department. 105436

**Sec. 121.03.** The following administrative department heads 105437  
shall be appointed by the governor, with the advice and consent of 105438  
the senate, and shall hold their offices during the term of the 105439  
appointing governor, and are subject to removal at the pleasure of 105440  
the governor. 105441

(A) The director of budget and management; 105442

(B) The director of commerce; 105443

(C) The director of transportation;	105444
(D) The director of agriculture;	105445
(E) The director of job and family services;	105446
(F) <del>Until July 1, 1997, the</del> <u>The</u> director of <del>liquor control</del> <u>children and youth</u> ;	105447 105448
(G) The director of public safety;	105449
(H) The superintendent of insurance;	105450
(I) The director of development;	105451
(J) The tax commissioner;	105452
(K) The director of administrative services;	105453
(L) The director of natural resources;	105454
(M) The director of mental health and addiction services;	105455
(N) The director of developmental disabilities;	105456
(O) The director of health;	105457
(P) The director of youth services;	105458
(Q) The director of rehabilitation and correction;	105459
(R) The director of environmental protection;	105460
(S) The director of aging;	105461
(T) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;	105462 105463 105464
(U) The director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code;	105465 105466
(V) The chancellor of higher education;	105467
(W) The medicaid director.	105468
<b>Sec. 121.35.</b> (A) Subject to division (B) of this section, the	105469

following state agencies shall collaborate to revise and make more 105470  
uniform the eligibility standards and eligibility determination 105471  
procedures of programs the state agencies administer: 105472

105473

(1) The department of aging; 105474

(2) The department of development ~~services agency~~; 105475

(3) The department of developmental disabilities; 105476

(4) The department of education; 105477

(5) The department of health; 105478

(6) The department of job and family services; 105479

(7) The department of medicaid; 105480

(8) The department of mental health and addiction services; 105481

(9) The opportunities for Ohioans with disabilities agency; 105482

(10) The department of children and youth. 105483

(B) In revising eligibility standards and eligibility 105484  
determination procedures, a state agency shall not make any 105485  
program's eligibility standards or eligibility determination 105486  
procedures inconsistent with state or federal law. To the extent 105487  
authorized by state and federal law, the revisions may provide for 105488  
the state agencies to share administrative operations. 105489

**Sec. 121.37.** (A)(1) There is hereby created the Ohio family 105490  
and children first cabinet council. The council shall be composed 105491  
of the superintendent of public instruction, the executive 105492  
director of the opportunities for Ohioans with disabilities 105493  
agency, the medicaid director, and the directors of youth 105494  
services, job and family services, mental health and addiction 105495  
services, health, developmental disabilities, aging, 105496  
rehabilitation and correction, children and youth, and budget and 105497

management. The chairperson of the council shall be the governor 105498  
or the governor's designee and shall establish procedures for the 105499  
council's internal control and management. 105500

The purpose of the cabinet council is to help families 105501  
seeking government services. This section shall not be interpreted 105502  
or applied to usurp the role of parents, but solely to streamline 105503  
and coordinate existing government services for families seeking 105504  
assistance for their children. 105505

(2) In seeking to fulfill its purpose, the council may do any 105506  
of the following: 105507

(a) Advise and make recommendations to the governor and 105508  
general assembly regarding the provision of services to children; 105509

(b) Advise and assess local governments on the coordination 105510  
of service delivery to children; 105511

(c) Hold meetings at such times and places as may be 105512  
prescribed by the council's procedures and maintain records of the 105513  
meetings, except that records identifying individual children are 105514  
confidential and shall be disclosed only as provided by law; 105515

(d) Develop programs and projects, including pilot projects, 105516  
to encourage coordinated efforts at the state and local level to 105517  
improve the state's social service delivery system; 105518

(e) Enter into contracts with and administer grants to county 105519  
family and children first councils, as well as other county or 105520  
multicounty organizations to plan and coordinate service delivery 105521  
between state agencies and local service providers for families 105522  
and children; 105523

(f) Enter into contracts with and apply for grants from 105524  
federal agencies or private organizations; 105525

(g) Enter into interagency agreements to encourage 105526  
coordinated efforts at the state and local level to improve the 105527

state's social service delivery system. The agreements may include 105528  
provisions regarding the receipt, transfer, and expenditure of 105529  
funds; 105530

(h) Identify public and private funding sources for services 105531  
provided to alleged or adjudicated unruly children and children 105532  
who are at risk of being alleged or adjudicated unruly children, 105533  
including regulations governing access to and use of the services; 105534

(i) Collect information provided by local communities 105535  
regarding successful programs for prevention, intervention, and 105536  
treatment of unruly behavior, including evaluations of the 105537  
programs; 105538

(j) Identify and disseminate publications regarding alleged 105539  
or adjudicated unruly children and children who are at risk of 105540  
being alleged or adjudicated unruly children and regarding 105541  
programs serving those types of children; 105542

(k) Maintain an inventory of strategic planning facilitators 105543  
for use by government or nonprofit entities that serve alleged or 105544  
adjudicated unruly children or children who are at risk of being 105545  
alleged or adjudicated unruly children. 105546

(3) The cabinet council shall provide for the following: 105547

(a) Reviews of service and treatment plans for children for 105548  
which such reviews are requested; 105549

(b) Assistance as the council determines to be necessary to 105550  
meet the needs of children referred by county family and children 105551  
first councils; 105552

(c) Monitoring and supervision of a statewide, comprehensive, 105553  
coordinated, multi-disciplinary, interagency system for infants 105554  
and toddlers with developmental disabilities or delays and their 105555  
families, as established pursuant to federal grants received and 105556  
administered by the department of health for early intervention 105557

services under the "Individuals with Disabilities Education Act of 105558  
2004," 118 Stat. 2744, 20 U.S.C.A. 1400, as amended. 105559

(4) The cabinet council shall develop and implement the 105560  
following: 105561

(a) An interagency process to select the indicators that will 105562  
be used to measure progress toward increasing child well-being in 105563  
the state and to update the indicators on an annual basis. The 105564  
indicators shall focus on expectant parents and newborns thriving; 105565  
infants and toddlers thriving; children being ready for school; 105566  
children and youth succeeding in school; youth choosing healthy 105567  
behaviors; and youth successfully transitioning into adulthood. 105568

(b) An interagency system to offer guidance and monitor 105569  
progress toward increasing child well-being in the state and in 105570  
each county; 105571

(c) An annual plan that identifies state-level agency efforts 105572  
taken to ensure progress towards increasing child well-being in 105573  
the state. 105574

On an annual basis, the cabinet council shall submit to the 105575  
governor and the general assembly a report on the status of 105576  
efforts to increase child well-being in the state. This report 105577  
shall be made available to any other person on request. 105578

(B)(1) Each board of county commissioners shall establish a 105579  
county family and children first council. The board may invite any 105580  
local public or private agency or group that funds, advocates, or 105581  
provides services to children and families to have a 105582  
representative become a permanent or temporary member of its 105583  
county council. Each county council must include the following 105584  
individuals: 105585

(a) At least three individuals who are not employed by an 105586  
agency represented on the council and whose families are or have 105587  
received services from an agency represented on the council or 105588

another county's council. Where possible, the number of members 105589  
representing families shall be equal to twenty per cent of the 105590  
council's membership. 105591

(b) The director of the board of alcohol, drug addiction, and 105592  
mental health services that serves the county, or, in the case of 105593  
a county that has a board of alcohol and drug addiction services 105594  
and a community mental health board, the directors of both boards. 105595  
If a board of alcohol, drug addiction, and mental health services 105596  
covers more than one county, the director may designate a person 105597  
to participate on the county's council. 105598

(c) The health commissioner, or the commissioner's designee, 105599  
of the board of health of each city and general health district in 105600  
the county. If the county has two or more health districts, the 105601  
health commissioner membership may be limited to the commissioners 105602  
of the two districts with the largest populations. 105603

(d) The director of the county department of job and family 105604  
services; 105605

(e) The executive director of the public children services 105606  
agency; 105607

(f) The superintendent of the county board of developmental 105608  
disabilities or, if the superintendent serves as superintendent of 105609  
more than one county board of developmental disabilities, the 105610  
superintendent's designee; 105611

(g) The superintendent of the city, exempted village, or 105612  
local school district with the largest number of pupils residing 105613  
in the county, as determined by the department of education, which 105614  
shall notify each board of county commissioners of its 105615  
determination at least biennially; 105616

(h) A school superintendent representing all other school 105617  
districts with territory in the county, as designated at a 105618  
biennial meeting of the superintendents of those districts; 105619

(i) A representative of the municipal corporation with the largest population in the county; 105620  
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(j) The president of the board of county commissioners or an individual designated by the board; 105622  
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(k) A representative of the department of youth services or an individual designated by the department; 105624  
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(l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code; 105626  
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(m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004"; 105628  
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(n) A representative of a local nonprofit entity that funds, advocates, or provides services to children and families. 105632  
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Notwithstanding any other provision of law, the public members of a county council are not prohibited from serving on the council and making decisions regarding the duties of the council, including those involving the funding of joint projects and those outlined in the county's service coordination mechanism implemented pursuant to division (C) of this section. 105634  
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The cabinet council shall establish a state appeals process to resolve disputes among the members of a county council concerning whether reasonable responsibilities as members are being shared. The appeals process may be accessed only by a majority vote of the council members who are required to serve on the council. Upon appeal, the cabinet council may order that state funds for services to children and families be redirected to a county's board of county commissioners. 105640  
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The county's juvenile court judge senior in service or another judge of the juvenile court designated by the 105648  
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administrative judge or, where there is no administrative judge, 105650  
by the judge senior in service shall serve as the judicial advisor 105651  
to the county family and children first council. The judge may 105652  
advise the county council on the court's utilization of resources, 105653  
services, or programs provided by the entities represented by the 105654  
members of the county council and how those resources, services, 105655  
or programs assist the court in its administration of justice. 105656  
Service of a judge as a judicial advisor pursuant to this section 105657  
is a judicial function. 105658

(2) The purpose of the county council is to streamline and 105659  
coordinate existing government services for families seeking 105660  
services for their children. In seeking to fulfill its purpose, a 105661  
county council shall provide for the following: 105662

(a) Referrals to the cabinet council of those children for 105663  
whom the county council cannot provide adequate services; 105664

(b) Development and implementation of a process that annually 105665  
evaluates and prioritizes services, fills service gaps where 105666  
possible, and invents new approaches to achieve better results for 105667  
families and children; 105668

(c) Participation in the development of a countywide, 105669  
comprehensive, coordinated, multi-disciplinary, interagency system 105670  
for infants and toddlers with developmental disabilities or delays 105671  
and their families, as established pursuant to federal grants 105672  
received and administered by the department of health for early 105673  
intervention services under the "Individuals with Disabilities 105674  
Education Act of 2004"; 105675

(d) Maintenance of an accountability system to monitor the 105676  
county council's progress in achieving results for families and 105677  
children; 105678

(e) Establishment of a mechanism to ensure ongoing input from 105679  
a broad representation of families who are receiving services 105680

within the county system. 105681

(3) A county council shall develop and implement the 105682  
following: 105683

(a) An interagency process to establish local indicators and 105684  
monitor the county's progress toward increasing child well-being 105685  
in the county; 105686

(b) An interagency process to identify local priorities to 105687  
increase child well-being. The local priorities shall focus on 105688  
expectant parents and newborns thriving; infants and toddlers 105689  
thriving; children being ready for school; children and youth 105690  
succeeding in school; youth choosing healthy behaviors; and youth 105691  
successfully transitioning into adulthood and take into account 105692  
the indicators established by the cabinet council under division 105693  
(A)(4)(a) of this section. 105694

(c) An annual plan that identifies the county's interagency 105695  
efforts to increase child well-being in the county. 105696

On an annual basis, the county council shall submit a report 105697  
on the status of efforts by the county to increase child 105698  
well-being in the county to the county's board of county 105699  
commissioners and the cabinet council. This report shall be made 105700  
available to any other person on request. 105701

(4)(a) Except as provided in division (B)(4)(b) of this 105702  
section, a county council shall comply with the policies, 105703  
procedures, and activities prescribed by the rules or interagency 105704  
agreements of a state department participating on the cabinet 105705  
council whenever the county council performs a function subject to 105706  
those rules or agreements. 105707

(b) On application of a county council, the cabinet council 105708  
may grant an exemption from any rules or interagency agreements of 105709  
a state department participating on the council if an exemption is 105710  
necessary for the council to implement an alternative program or 105711

approach for service delivery to families and children. The 105712  
application shall describe the proposed program or approach and 105713  
specify the rules or interagency agreements from which an 105714  
exemption is necessary. The cabinet council shall approve or 105715  
disapprove the application in accordance with standards and 105716  
procedures it shall adopt. If an application is approved, the 105717  
exemption is effective only while the program or approach is being 105718  
implemented, including a reasonable period during which the 105719  
program or approach is being evaluated for effectiveness. 105720

(5)(a) Each county council shall designate an administrative 105721  
agent for the council from among the following public entities: 105722  
the board of alcohol, drug addiction, and mental health services, 105723  
including a board of alcohol and drug addiction or a community 105724  
mental health board if the county is served by separate boards; 105725  
the board of county commissioners; any board of health of the 105726  
county's city and general health districts; the county department 105727  
of job and family services; the county agency responsible for the 105728  
administration of children services pursuant to section 5153.15 of 105729  
the Revised Code; the county board of developmental disabilities; 105730  
any of the county's boards of education or governing boards of 105731  
educational service centers; or the county's juvenile court. Any 105732  
of the foregoing public entities, other than the board of county 105733  
commissioners, may decline to serve as the council's 105734  
administrative agent. 105735

A county council's administrative agent shall serve as the 105736  
council's appointing authority for any employees of the council. 105737  
The council shall file an annual budget with its administrative 105738  
agent, with copies filed with the county auditor and with the 105739  
board of county commissioners, unless the board is serving as the 105740  
council's administrative agent. The council's administrative agent 105741  
shall ensure that all expenditures are handled in accordance with 105742  
policies, procedures, and activities prescribed by state 105743

departments in rules or interagency agreements that are applicable 105744  
to the council's functions. 105745

The administrative agent of a county council shall send 105746  
notice of a member's absence if a member listed in division (B)(1) 105747  
of this section has been absent from either three consecutive 105748  
meetings of the county council or a county council subcommittee, 105749  
or from one-quarter of such meetings in a calendar year, whichever 105750  
is less. The notice shall be sent to the board of county 105751  
commissioners that establishes the county council and, for the 105752  
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 105753  
section, to the governing board overseeing the respective entity; 105754  
for the member listed in division (B)(1)(f) of this section, to 105755  
the county board of developmental disabilities that employs the 105756  
superintendent; for a member listed in division (B)(1)(g) or (h) 105757  
of this section, to the school board that employs the 105758  
superintendent; for the member listed in division (B)(1)(i) of 105759  
this section, to the mayor of the municipal corporation; for the 105760  
member listed in division (B)(1)(k) of this section, to the 105761  
director of youth services; and for the member listed in division 105762  
(B)(1)(n) of this section, to that member's board of trustees. 105763

The administrative agent for a county council may do any of 105764  
the following on behalf of the council: 105765

(i) Enter into agreements or administer contracts with public 105766  
or private entities to fulfill specific council business. Such 105767  
agreements and contracts are exempt from the competitive bidding 105768  
requirements of section 307.86 of the Revised Code if they have 105769  
been approved by the county council and they are for the purchase 105770  
of family and child welfare or child protection services or other 105771  
social or job and family services for families and children. The 105772  
approval of the county council is not required to exempt 105773  
agreements or contracts entered into under section 5139.34, 105774  
5139.41, or 5139.43 of the Revised Code from the competitive 105775

bidding requirements of section 307.86 of the Revised Code. 105776

(ii) As determined by the council, provide financial 105777  
stipends, reimbursements, or both, to family representatives for 105778  
expenses related to council activity; 105779

(iii) Receive by gift, grant, devise, or bequest any moneys, 105780  
lands, or other property for the purposes for which the council is 105781  
established. The agent shall hold, apply, and dispose of the 105782  
moneys, lands, or other property according to the terms of the 105783  
gift, grant, devise, or bequest. Any interest or earnings shall be 105784  
treated in the same manner and are subject to the same terms as 105785  
the gift, grant, devise, or bequest from which it accrues. 105786

(b)(i) If the county council designates the board of county 105787  
commissioners as its administrative agent, the board may, by 105788  
resolution, delegate any of its powers and duties as 105789  
administrative agent to an executive committee the board 105790  
establishes from the membership of the county council. The board 105791  
shall name to the executive committee at least the individuals 105792  
described in divisions (B)(1)(b) to (h) of this section and may 105793  
appoint the president of the board or another individual as the 105794  
chair of the executive committee. The executive committee must 105795  
include at least one family county council representative who does 105796  
not have a family member employed by an agency represented on the 105797  
council. 105798

(ii) The executive committee may, with the approval of the 105799  
board, hire an executive director to assist the county council in 105800  
administering its powers and duties. The executive director shall 105801  
serve in the unclassified civil service at the pleasure of the 105802  
executive committee. The executive director may, with the approval 105803  
of the executive committee, hire other employees as necessary to 105804  
properly conduct the county council's business. 105805

(iii) The board may require the executive committee to submit 105806

an annual budget to the board for approval and may amend or repeal 105807  
the resolution that delegated to the executive committee its 105808  
authority as the county council's administrative agent. 105809

(6) Two or more county councils may enter into an agreement 105810  
to administer their county councils jointly by creating a regional 105811  
family and children first council. A regional council possesses 105812  
the same duties and authority possessed by a county council, 105813  
except that the duties and authority apply regionally rather than 105814  
to individual counties. Prior to entering into an agreement to 105815  
create a regional council, the members of each county council to 105816  
be part of the regional council shall meet to determine whether 105817  
all or part of the members of each county council will serve as 105818  
members of the regional council. 105819

(7) A board of county commissioners may approve a resolution 105820  
by a majority vote of the board's members that requires the county 105821  
council to submit a statement to the board each time the council 105822  
proposes to enter into an agreement, adopt a plan, or make a 105823  
decision, other than a decision pursuant to section 121.38 of the 105824  
Revised Code, that requires the expenditure of funds for two or 105825  
more families. The statement shall describe the proposed 105826  
agreement, plan, or decision. 105827

Not later than fifteen days after the board receives the 105828  
statement, it shall, by resolution approved by a majority of its 105829  
members, approve or disapprove the agreement, plan, or decision. 105830  
Failure of the board to pass a resolution during that time period 105831  
shall be considered approval of the agreement, plan, or decision. 105832

An agreement, plan, or decision for which a statement is 105833  
required to be submitted to the board shall be implemented only if 105834  
it is approved by the board. 105835

(C) Each county shall develop a county service coordination 105836  
mechanism. The county service coordination mechanism shall serve 105837

as the guiding document for coordination of services in the 105838  
county. For children who also receive services under the help me 105839  
grow program, the service coordination mechanism shall be 105840  
consistent with rules adopted by the department of health under 105841  
section 3701.61 of the Revised Code. All family service 105842  
coordination plans shall be developed in accordance with the 105843  
county service coordination mechanism. The mechanism shall be 105844  
developed and approved with the participation of the county 105845  
entities representing child welfare; developmental disabilities; 105846  
alcohol, drug addiction, and mental health services; health; 105847  
juvenile judges; education; the county family and children first 105848  
council; and the county early intervention collaborative 105849  
established pursuant to the federal early intervention program 105850  
operated under the "Individuals with Disabilities Education Act of 105851  
2004." The county shall establish an implementation schedule for 105852  
the mechanism. The cabinet council may monitor the implementation 105853  
and administration of each county's service coordination 105854  
mechanism. 105855

Each mechanism shall include all of the following: 105856

(1) A procedure for an agency, including a juvenile court, or 105857  
a family voluntarily seeking service coordination, to refer the 105858  
child and family to the county council for service coordination in 105859  
accordance with the mechanism; 105860

(2) A procedure ensuring that a family and all appropriate 105861  
staff from involved agencies, including a representative from the 105862  
appropriate school district, are notified of and invited to 105863  
participate in all family service coordination plan meetings; 105864

(3) A procedure that permits a family to initiate a meeting 105865  
to develop or review the family's service coordination plan and 105866  
allows the family to invite a family advocate, mentor, or support 105867  
person of the family's choice to participate in any such meeting; 105868

(4) A procedure for ensuring that a family service 105869  
coordination plan meeting is conducted for each child who receives 105870  
service coordination under the mechanism and for whom an emergency 105871  
out-of-home placement has been made or for whom a nonemergency 105872  
out-of-home placement is being considered. The meeting shall be 105873  
conducted within ten days of an emergency out-of-home placement. 105874  
The meeting shall be conducted before a nonemergency out-of-home 105875  
placement. The family service coordination plan shall outline how 105876  
the county council members will jointly pay for services, where 105877  
applicable, and provide services in the least restrictive 105878  
environment. 105879

(5) A procedure for monitoring the progress and tracking the 105880  
outcomes of each service coordination plan requested in the county 105881  
including monitoring and tracking children in out-of-home 105882  
placements to assure continued progress, appropriateness of 105883  
placement, and continuity of care after discharge from placement 105884  
with appropriate arrangements for housing, treatment, and 105885  
education; 105886

(6) A procedure for protecting the confidentiality of all 105887  
personal family information disclosed during service coordination 105888  
meetings or contained in the comprehensive family service 105889  
coordination plan; 105890

(7) A procedure for assessing the needs and strengths of any 105891  
child or family that has been referred to the council for service 105892  
coordination, including a child whose parent or custodian is 105893  
voluntarily seeking services, and for ensuring that parents and 105894  
custodians are afforded the opportunity to participate; 105895

(8) A procedure for development of a family service 105896  
coordination plan described in division (D) of this section; 105897

(9) A local dispute resolution process to serve as the 105898  
process that must be used first to resolve disputes among the 105899

agencies represented on the county council concerning the 105900  
provision of services to children, including children who are 105901  
abused, neglected, dependent, unruly, alleged unruly, or 105902  
delinquent children and under the jurisdiction of the juvenile 105903  
court and children whose parents or custodians are voluntarily 105904  
seeking services. The local dispute resolution process shall 105905  
comply with sections 121.38, 121.381, and 121.382 of the Revised 105906  
Code. The local dispute resolution process shall be used to 105907  
resolve disputes between a child's parents or custodians and the 105908  
county council regarding service coordination. The county council 105909  
shall inform the parents or custodians of their right to use the 105910  
dispute resolution process. Parents or custodians shall use 105911  
existing local agency grievance procedures to address disputes not 105912  
involving service coordination. The dispute resolution process is 105913  
in addition to and does not replace other rights or procedures 105914  
that parents or custodians may have under other sections of the 105915  
Revised Code. 105916

The cabinet council shall adopt rules in accordance with 105917  
Chapter 119. of the Revised Code establishing an administrative 105918  
review process to address problems that arise concerning the 105919  
operation of a local dispute resolution process. 105920

Nothing in division (C)(4) of this section shall be 105921  
interpreted as overriding or affecting decisions of a juvenile 105922  
court regarding an out-of-home placement, long-term placement, or 105923  
emergency out-of-home placement. 105924

(D) Each county shall develop a family service coordination 105925  
plan that does all of the following: 105926

(1) Designates service responsibilities among the various 105927  
state and local agencies that provide services to children and 105928  
their families, including children who are abused, neglected, 105929  
dependent, unruly, or delinquent children and under the 105930  
jurisdiction of the juvenile court and children whose parents or 105931

custodians are voluntarily seeking services; 105932

(2) Designates an individual, approved by the family, to 105933  
track the progress of the family service coordination plan, 105934  
schedule reviews as necessary, and facilitate the family service 105935  
coordination plan meeting process; 105936

(3) Ensures that assistance and services to be provided are 105937  
responsive to the strengths and needs of the family, as well as 105938  
the family's culture, race, and ethnic group, by allowing the 105939  
family to offer information and suggestions and participate in 105940  
decisions. Identified assistance and services shall be provided in 105941  
the least restrictive environment possible. 105942

(4) Includes a process for dealing with a child who is 105943  
alleged to be an unruly child. The process shall include methods 105944  
to divert the child from the juvenile court system; 105945

(5) Includes timelines for completion of goals specified in 105946  
the plan with regular reviews scheduled to monitor progress toward 105947  
those goals; 105948

(6) Includes a plan for dealing with short-term crisis 105949  
situations and safety concerns. 105950

(E)(1) The process provided for under division (D)(4) of this 105951  
section may include, but is not limited to, the following: 105952

(a) Designation of the person or agency to conduct the 105953  
assessment of the child and the child's family as described in 105954  
division (C)(7) of this section and designation of the instrument 105955  
or instruments to be used to conduct the assessment; 105956

(b) An emphasis on the personal responsibilities of the child 105957  
and the parental responsibilities of the parents, guardian, or 105958  
custodian of the child; 105959

(c) Involvement of local law enforcement agencies and 105960  
officials. 105961

(2) The method to divert a child from the juvenile court system that must be included in the service coordination process may include, but is not limited to, the following:

(a) The preparation of a complaint under section 2151.27 of the Revised Code alleging that the child is an unruly child and notifying the child and the parents, guardian, or custodian that the complaint has been prepared to encourage the child and the parents, guardian, or custodian to comply with other methods to divert the child from the juvenile court system;

(b) Conducting a meeting with the child, the parents, guardian, or custodian, and other interested parties to determine the appropriate methods to divert the child from the juvenile court system;

(c) A method to provide to the child and the child's family a short-term respite from a short-term crisis situation involving a confrontation between the child and the parents, guardian, or custodian;

(d) A program to provide a mentor to the child or the parents, guardian, or custodian;

(e) A program to provide parenting education to the parents, guardian, or custodian;

(f) An alternative school program for children who are truant from school, repeatedly disruptive in school, or suspended or expelled from school;

(g) Other appropriate measures, including, but not limited to, any alternative methods to divert a child from the juvenile court system that are identified by the Ohio family and children first cabinet council.

(F) Each county may review and revise the service coordination process described in division (D) of this section

based on the availability of funds under Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, or to the extent resources are available from any other federal, state, or local funds.

**Sec. 121.40.** (A) There is hereby created the Ohio commission on service and volunteerism consisting of nineteen voting members including the superintendent of public instruction or the superintendent's designee, the chancellor of higher education or the chancellor's designee, the director of youth services or the director's designee, the director of aging or the director's designee, and fifteen members who shall be appointed by the governor with the advice and consent of the senate and who shall serve terms of office of three years. The appointees shall include educators, including teachers and administrators; representatives of youth organizations; students and parents; representatives of organizations engaged in volunteer program development and management throughout the state, including youth and conservation programs; and representatives of business, government, nonprofit organizations, social service agencies, veterans organizations, religious organizations, or philanthropies that support or encourage volunteerism within the state. The director of the governor's office of faith-based and community initiatives shall serve as a nonvoting ex officio member of the commission. Members of the commission shall receive no compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

(B) The commission shall appoint an executive director for the commission, who shall be in the unclassified civil service. The governor shall be informed of the appointment of an executive director before such an appointment is made. The executive director shall supervise the commission's activities and report to the commission on the progress of those activities. The executive

director shall do all things necessary for the efficient and 106024  
effective implementation of the duties of the commission. 106025

The responsibilities assigned to the executive director do 106026  
not relieve the members of the commission from final 106027  
responsibility for the proper performance of the requirements of 106028  
this section. 106029

(C) The commission or its designee shall do all of the 106030  
following: 106031

(1) Employ, promote, supervise, and remove all employees as 106032  
needed in connection with the performance of its duties under this 106033  
section and may assign duties to those employees as necessary to 106034  
achieve the most efficient performance of its functions, and to 106035  
that end may establish, change, or abolish positions, and assign 106036  
and reassign duties and responsibilities of any employee of the 106037  
commission. Personnel employed by the commission who are subject 106038  
to Chapter 4117. of the Revised Code shall retain all of their 106039  
rights and benefits conferred pursuant to that chapter. Nothing in 106040  
this chapter shall be construed as eliminating or interfering with 106041  
Chapter 4117. of the Revised Code or the rights and benefits 106042  
conferred under that chapter to public employees or to any 106043  
bargaining unit. 106044

(2) Maintain its office in Columbus, and may hold sessions at 106045  
any place within the state; 106046

(3) Acquire facilities, equipment, and supplies necessary to 106047  
house the commission, its employees, and files and records under 106048  
its control, and to discharge any duty imposed upon it by law. The 106049  
expense of these acquisitions shall be audited and paid for in the 106050  
same manner as other state expenses. For that purpose, the 106051  
commission shall prepare and submit to the office of budget and 106052  
management a budget for each biennium according to sections 106053  
101.532 and 107.03 of the Revised Code. The budget submitted shall 106054

cover the costs of the commission and its staff in the discharge 106055  
of any duty imposed upon the commission by law. The commission 106056  
shall not delegate any authority to obligate funds. 106057

(4) Pay its own payroll and other operating expenses from 106058  
line items designated by the general assembly; 106059

(5) Retain its fiduciary responsibility as appointing 106060  
authority. Any transaction instructions shall be certified by the 106061  
appointing authority or its designee. 106062

(6) Establish the overall policy and management of the 106063  
commission in accordance with this chapter; 106064

(7) Assist in coordinating and preparing the state 106065  
application for funds under sections 101 to 184 of the "National 106066  
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 106067  
U.S.C.A. 12411 to 12544, as amended, assist in administering and 106068  
overseeing the "National and Community Service Trust Act of 1993," 106069  
P.L. 103-82, 107 Stat. 785, and the americorps program in this 106070  
state, and assist in developing objectives for a comprehensive 106071  
strategy to encourage and expand community service programs 106072  
throughout the state; 106073

(8) Assist the state board of education, school districts, 106074  
the chancellor of higher education, and institutions of higher 106075  
education in coordinating community service education programs 106076  
through cooperative efforts between institutions and organizations 106077  
in the public and private sectors; 106078

(9) Assist the departments of natural resources, youth 106079  
services, aging, ~~and~~ job and family services, and children and 106080  
youth in coordinating community service programs through 106081  
cooperative efforts between institutions and organizations in the 106082  
public and private sectors; 106083

(10) Suggest individuals and organizations that are available 106084  
to assist school districts, institutions of higher education, and 106085

the departments of natural resources, youth services, aging, ~~and~~ 106086  
job and family services, and children and youth in the 106087  
establishment of community service programs and assist in 106088  
investigating sources of funding for implementing these programs; 106089

(11) Assist in evaluating the state's efforts in providing 106090  
community service programs using standards and methods that are 106091  
consistent with any statewide objectives for these programs and 106092  
provide information to the state board of education, school 106093  
districts, the chancellor of higher education, institutions of 106094  
higher education, and the departments of natural resources, youth 106095  
services, aging, ~~and~~ job and family services, and children and 106096  
youth to guide them in making decisions about these programs; 106097

(12) Assist the state board of education in complying with 106098  
section 3301.70 of the Revised Code and the chancellor of higher 106099  
education in complying with division (B)(2) of section 3333.043 of 106100  
the Revised Code. 106101

(D) The commission shall in writing enter into an agreement 106102  
with another state agency to serve as the commission's fiscal 106103  
agent. Before entering into such an agreement, the commission 106104  
shall inform the governor of the terms of the agreement and of the 106105  
state agency designated to serve as the commission's fiscal agent. 106106  
The fiscal agent shall be responsible for all the commission's 106107  
fiscal matters and financial transactions, as specified in the 106108  
agreement. Services to be provided by the fiscal agent include, 106109  
but are not limited to, the following: 106110

(1) Preparing and processing payroll and other personnel 106111  
documents that the commission executes as the appointing 106112  
authority; 106113

(2) Maintaining ledgers of accounts and reports of account 106114  
balances, and monitoring budgets and allotment plans in 106115  
consultation with the commission; and 106116

(3) Performing other routine support services that the fiscal agent considers appropriate to achieve efficiency. 106117  
106118

(E)(1) The commission, in conjunction and consultation with the fiscal agent, has the following authority and responsibility relative to fiscal matters: 106119  
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106121

(a) Sole authority to draw funds for any and all federal programs in which the commission is authorized to participate; 106122  
106123

(b) Sole authority to expend funds from their accounts for programs and any other necessary expenses the commission may incur and its subgrantees may incur; and 106124  
106125  
106126

(c) Responsibility to cooperate with and inform the fiscal agent fully of all financial transactions. 106127  
106128

(2) The commission shall follow all state procurement, fiscal, human resources, statutory, and administrative rule requirements. 106129  
106130  
106131

(3) The fiscal agent shall determine fees to be charged to the commission, which shall be in proportion to the services performed for the commission. 106132  
106133  
106134

(4) The commission shall pay fees owed to the fiscal agent from a general revenue fund of the commission or from any other fund from which the operating expenses of the commission are paid. Any amounts set aside for a fiscal year for the payment of these fees shall be used only for the services performed for the commission by the fiscal agent in that fiscal year. 106135  
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(F) The commission may accept and administer grants from any source, public or private, to carry out any of the commission's functions this section establishes. 106141  
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106143

**Sec. 3109.15.** There is hereby created within the department of ~~job and family services~~ children and youth the children's trust fund board consisting of fifteen members. The directors of mental 106144  
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106146

health and addiction services, health, and ~~job and family services~~ 106147  
children and youth shall be members of the board. Eight public 106148  
members shall be appointed by the governor. These members shall be 106149  
persons with demonstrated knowledge in programs for children, 106150  
shall be representative of the demographic composition of this 106151  
state, and, to the extent practicable, shall be representative of 106152  
the following categories: the educational community; the legal 106153  
community; the social work community; the medical community; the 106154  
voluntary sector; and professional providers of child abuse and 106155  
child neglect services. Two members of the board shall be members 106156  
of the house of representatives appointed by the speaker of the 106157  
house of representatives and shall be members of two different 106158  
political parties. Two members of the board shall be members of 106159  
the senate appointed by the president of the senate and shall be 106160  
members of two different political parties. All members of the 106161  
board appointed by the speaker of the house of representatives or 106162  
the president of the senate shall serve until the expiration of 106163  
the sessions of the general assembly during which they were 106164  
appointed. They may be reappointed to an unlimited number of 106165  
successive terms of two years at the pleasure of the speaker of 106166  
the house of representatives or president of the senate. Public 106167  
members shall serve terms of three years. Each member shall serve 106168  
until the member's successor is appointed, or until a period of 106169  
sixty days has elapsed, whichever occurs first. No public member 106170  
may serve more than two consecutive full terms. All vacancies on 106171  
the board shall be filled for the balance of the unexpired term in 106172  
the same manner as the original appointment. 106173

Any member of the board may be removed by the member's 106174  
appointing authority for misconduct, incompetency, or neglect of 106175  
duty after first being given the opportunity to be heard in the 106176  
member's own behalf. Pursuant to section 3.17 of the Revised Code, 106177  
a member, except a member of the general assembly or a judge of 106178  
any court in the state, who fails to attend at least three-fifths 106179

of the regular and special meetings held by the board during any 106180  
two-year period forfeits the member's position on the board. 106181

Each member of the board shall serve without compensation but 106182  
shall be reimbursed for all actual and necessary expenses incurred 106183  
in the performance of official duties. 106184

At the beginning of the first year of each even-numbered 106185  
general assembly, the chairperson of the board shall be appointed 106186  
by the speaker of the house of representatives from among members 106187  
of the board who are members of the house of representatives. At 106188  
the beginning of the first year of each odd-numbered general 106189  
assembly, the chairperson of the board shall be appointed by the 106190  
president of the senate from among the members of the board who 106191  
are senate members. 106192

The board shall biennially select a vice-chair from among its 106193  
nonlegislative members. 106194

**Sec. 3109.16.** (A) The children's trust fund board, upon the 106195  
recommendation of the director of ~~job and family services~~ children 106196  
and youth, shall approve the employment of an executive director 106197  
who will administer the programs of the board. 106198

(B) The department of ~~job and family services~~ children and 106199  
youth shall provide budgetary, procurement, accounting, and other 106200  
related management functions for the board and may adopt rules in 106201  
accordance with Chapter 119. of the Revised Code for these 106202  
purposes. An amount not to exceed three per cent of the total 106203  
amount of fees deposited in the children's trust fund in each 106204  
fiscal year may be used for costs directly related to these 106205  
administrative functions of the department. Each fiscal year, the 106206  
board shall approve a budget for administrative expenditures for 106207  
the next fiscal year. 106208

(C) The board may request that the department adopt rules the 106209

board considers necessary for the purpose of carrying out the 106210  
board's responsibilities under this section, and the department 106211  
may adopt those rules. The department may, after consultation with 106212  
the board and the executive director, adopt any other rules to 106213  
assist the board in carrying out its responsibilities under this 106214  
section. In either case, the rules shall be adopted under Chapter 106215  
119. of the Revised Code. 106216

(D) The board shall meet at least quarterly at the call of 106217  
the chairperson to conduct its official business. All business 106218  
transactions of the board shall be conducted in public meetings. 106219  
Eight members of the board constitute a quorum. A majority of the 106220  
quorum is required to make all decisions of the board. 106221

(E) With respect to funding, all of the following apply: 106222

(1) The board may apply for and accept federal and other 106223  
funds for the purpose of funding child abuse and child neglect 106224  
prevention programs. 106225

(2) The board may solicit and accept gifts, money, and other 106226  
donations from any public or private source, including 106227  
individuals, philanthropic foundations or organizations, 106228  
corporations, or corporation endowments. 106229

(3) The board may develop private-public partnerships to 106230  
support the mission of the children's trust fund. 106231

(4) The acceptance and use of federal and other funds shall 106232  
not entail any commitment or pledge of state funds, nor obligate 106233  
the general assembly to continue the programs or activities for 106234  
which the federal and other funds are made available. 106235

(5) All funds received in the manner described in this 106236  
section shall be transmitted to the treasurer of state, who shall 106237  
credit them to the children's trust fund created in section 106238  
3109.14 of the Revised Code. 106239

Sec. 3109.17. (A) The children's trust fund board shall 106240  
establish a strategic plan for child abuse and child neglect 106241  
prevention. The plan shall be transmitted to the governor, the 106242  
president and minority leader of the senate, and the speaker and 106243  
minority leader of the house of representatives and shall be made 106244  
available to the general public. 106245

(B) In developing and carrying out the strategic plan, the 106246  
children's trust fund board shall, in accordance with rules 106247  
adopted by the department pursuant to Chapter 119. of the Revised 106248  
Code, do all of the following: 106249

(1) Ensure that an opportunity exists for assistance through 106250  
child abuse and child neglect prevention programs to persons 106251  
throughout the state of various social and economic backgrounds; 106252

(2) Allocate funds to entities for the purpose of funding 106253  
child abuse and child neglect prevention programs that have 106254  
statewide significance and that have been approved by the 106255  
children's trust fund board; 106256

(3) Provide for the monitoring of expenditures from the 106257  
children's trust fund and of programs that receive money from the 106258  
children's trust fund; 106259

(4) Establish reporting requirements for both of the 106260  
following: 106261

(a) Regional child abuse and child neglect prevention 106262  
councils, including deadlines for the submission of the progress 106263  
and annual reports required under section 3107.172 of the Revised 106264  
Code; 106265

(b) Children's advocacy centers, including deadlines for the 106266  
submission of reports required under section 3107.178 of the 106267  
Revised Code. 106268

(5) Collaborate with appropriate persons and government 106269

entities and facilitate the exchange of information among those 106270  
persons and entities for the purpose of child abuse and child 106271  
neglect prevention; 106272

(6) Provide for the education of the public and professionals 106273  
for the purpose of child abuse and child neglect prevention. 106274

(C) The children's trust fund board shall prepare a report 106275  
for each fiscal biennium that delineates the expenditure of money 106276  
from the children's trust fund. On or before January 1, 2002, and 106277  
on or before the first day of January of a year that follows the 106278  
end of a fiscal biennium of this state, the board shall file a 106279  
copy of the report with the governor, the president and minority 106280  
leader of the senate, and the speaker and minority leader of the 106281  
house of representatives. 106282

(D) The children's trust fund board shall develop a list of 106283  
all state and federal sources of funding that might be available 106284  
for establishing, operating, or establishing and operating a 106285  
children's advocacy center under sections 2151.425 to 2151.428 of 106286  
the Revised Code. The board periodically shall update the list as 106287  
necessary. The board shall maintain, or provide for the 106288  
maintenance of, the list at an appropriate location. That location 106289  
may be the offices of the department of ~~job and family services~~ 106290  
children and youth. The board shall provide the list upon request 106291  
to any children's advocacy center or to any person or entity 106292  
identified in section 2151.426 of the Revised Code as a person or 106293  
entity that may participate in the establishment of a children's 106294  
advocacy center. 106295

**Sec. 3109.179.** (A) The department of ~~job and family services~~ 106296  
children and youth shall adopt rules in accordance with Chapter 106297  
119. of the Revised Code regarding all of the following: 106298

(1) Operation requirements for child abuse and child neglect 106299  
regional prevention councils; 106300

(2) The manner in which boards of county commissioners are to  
appoint council members; 106301  
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(3) The form and manner by which councils are to submit  
regional prevention plans. 106303  
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(B) The department may adopt rules in accordance with Chapter  
119. of the Revised Code regarding the following: 106305  
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(1) Duties of council members; 106307

(2) Duties of regional prevention coordinators; 106308

(3) Any other rules necessary to implement sections 3109.13  
to 3109.178 of the Revised Code. 106309  
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(C) The department shall consult with the children's trust  
fund board and the board's executive director regarding all rules  
adopted under this section. 106311  
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**Sec. 5101.34.** (A) There is hereby created in the department  
of ~~job and family services~~ children and youth the Ohio commission  
on fatherhood. The commission shall consist of the following  
members: 106314  
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(1)(a) Four members of the house of representatives appointed  
by the speaker of the house, not more than two of whom are members  
of the same political party. Two of the members must be from  
legislative districts that include a county or part of a county  
that is among the one-third of counties in this state with the  
highest number per capita of households headed by females. 106318  
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(b) Two members of the senate appointed by the president of  
the senate, each from a different political party. One of the  
members must be from a legislative district that includes a county  
or part of a county that is among the one-third of counties in  
this state with the highest number per capita of households headed  
by females. 106324  
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(2) The governor, or the governor's designee; 106330

(3) One representative of the judicial branch of government 106331  
appointed by the chief justice of the supreme court; 106332

(4) The directors of health, ~~job and family services~~ children 106333  
and youth, rehabilitation and correction, mental health and 106334  
addiction services, and youth services and the superintendent of 106335  
public instruction, or their designees; 106336

(5) One representative of the Ohio family and children first 106337  
cabinet council created under section 121.37 of the Revised Code 106338  
appointed by the chairperson of the council; 106339

(6) Five representatives of the general public appointed by 106340  
the governor. These members shall have extensive experience in 106341  
issues related to fatherhood. 106342

(B) ~~The appointing authorities of the Ohio commission on~~ 106343  
~~fatherhood shall make initial appointments to the commission~~ 106344  
~~within thirty days after September 29, 1999. Of the initial~~ 106345  
~~appointments to the commission made pursuant to divisions (A)(3),~~ 106346  
~~(5), and (6) of this section, three of the members shall serve a~~ 106347  
~~term of one year and four shall serve a term of two years. Members~~ 106348  
~~so appointed subsequently to the Ohio commission on fatherhood~~ 106349  
shall serve two-year terms. A member appointed pursuant to 106350  
division (A)(1) of this section shall serve on the commission 106351  
until the end of the general assembly from which the member was 106352  
appointed or until the member ceases to serve in the chamber of 106353  
the general assembly in which the member serves at the time of 106354  
appointment, whichever occurs first. The governor or the 106355  
governor's designee shall serve on the commission until the 106356  
governor ceases to be governor. The directors and superintendent 106357  
or their designees shall serve on the commission until they cease, 106358  
or the director or superintendent a designee represents ceases, to 106359  
be director or superintendent. Each member shall serve on the 106360

commission from the date of appointment until the end of the term 106361  
for which the member was appointed. Members may be reappointed. 106362

Vacancies shall be filled in the manner provided for original 106363  
appointments. Any member appointed to fill a vacancy occurring 106364  
prior to the expiration date of the term for which the member's 106365  
predecessor was appointed shall serve on the commission for the 106366  
remainder of that term. A member shall continue to serve on the 106367  
commission subsequent to the expiration date of the member's term 106368  
until the member's successor is appointed or until a period of 106369  
sixty days has elapsed, whichever occurs first. Members shall 106370  
serve without compensation but shall be reimbursed for necessary 106371  
expenses. 106372

**Sec. 5101.341.** (A) The Ohio commission on fatherhood shall 106373  
elect a chairperson from among its members in every odd-numbered 106374  
year. 106375

(B) The governor shall appoint an individual to serve as the 106376  
commission's executive director. The executive director shall 106377  
serve at the pleasure of the governor and shall report to the 106378  
director of ~~job and family services~~ children and youth or the 106379  
director's designee. 106380

The governor shall fix the executive director's salary on the 106381  
basis of the executive director's experience and the executive 106382  
director's responsibilities and duties. The executive director 106383  
shall be in the unclassified civil service. 106384

The department of ~~job and family services~~ children and youth 106385  
shall provide staff and other support services as necessary for 106386  
the commission to fulfill its duties. 106387

(C) The commission may accept gifts, grants, donations, 106388  
contributions, benefits, and other funds from any public agency or 106389  
private source to carry out any or all of the commission's duties. 106390

The funds shall be deposited into the Ohio commission on fatherhood fund, which is hereby created in the state treasury. All gifts, grants, donations, contributions, benefits, and other funds received by the commission pursuant to this division shall be used solely to support the operations of the commission.

**Sec. 5101.342.** The Ohio commission on fatherhood shall do both of the following:

(A) Organize a state summit on fatherhood every four years;

(B) Prepare a report each year that does the following:

(1) Identifies resources available to fund fatherhood-related programs and explores the creation of initiatives to do the following:

(a) Build the parenting skills of fathers;

(b) Provide employment-related services for low-income, noncustodial fathers;

(c) Prevent premature fatherhood;

(d) Provide services to fathers who are inmates in or have just been released from imprisonment in a state correctional institution, as defined in section 2967.01 of the Revised Code, or in any other detention facility, as defined in section 2921.01 of the Revised Code, so that they are able to maintain or reestablish their relationships with their families;

(e) Reconcile fathers with their families;

(f) Increase public awareness of the critical role fathers play.

(2) Describes the commission's expectations for the outcomes of fatherhood-related programs and initiatives and the methods the commission uses for conducting annual measures of those outcomes.

(C) The portion of the report prepared pursuant to division

(B)(2) of this section shall be prepared by the commission in 106420  
collaboration with the director of ~~job and family services~~ 106421  
children and youth. 106422

(D) The commission shall submit each report prepared pursuant 106423  
to division (B) of this section to the president and minority 106424  
leader of the senate, speaker and minority leader of the house of 106425  
representatives, governor, and chief justice of the supreme court. 106426  
The first report is due not later than one year after the last of 106427  
the initial appointments to the commission is made under section 106428  
5101.341 of the Revised Code. 106429

Sec. 5180.01. (A) The department of children and youth shall 106430  
serve as the state's primary children's services agency and shall 106431  
facilitate and coordinate the delivery of children's services in 106432  
this state, including, but not limited to, those related to 106433  
adoption, child care, child welfare, early childhood education, 106434  
early intervention, foster care, home visiting, infant and early 106435  
childhood mental consultation, and preschool special education. 106436

(B) For purposes of this chapter and in addition to the 106437  
services described in division (A) of this section, children's 106438  
services include, but are not limited to, one or more government 106439  
programs focused on any of the following: 106440

(1) Adoption, child welfare, and foster care services; 106441

(2) Early identification and intervention regarding 106442  
behavioral health, including, but not limited to, early 106443  
intervention services, early childhood mental health initiatives, 106444  
multi-system youth services, and family support services 106445  
administered through the Ohio family and children first cabinet 106446  
council, Ohio commission on fatherhood, and children's trust fund 106447  
board; 106448

(3) Early learning and education, including, but not limited 106449

to, child care and preschool licensing, early learning assessments, head start, preschool special education, publicly funded child care, and the step up to quality program; 106450  
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(4) Maternal and child physical health, including, but not limited to, infant vitality, home visiting, maternal and child health, maternal and infant support, and Medicaid-funded child health services. 106453  
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**Sec. 5180.02.** (A) The director of children and youth is the chief executive of and appointing authority for the department of children and youth. In this role, the director shall administer the department and implement the delivery in this state of children's services, including by doing all of the following: 106457  
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(1) Adopting as necessary rules in accordance with Chapter 119. of the Revised Code and section 111.15 of the Revised Code; 106462  
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(2) Approving and entering into contracts, agreements, and other business arrangements on behalf of the department; 106464  
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(3) Making as necessary appointments to the department and approving actions related to departmental employees and officers, including their hiring, promotion, termination, discipline, or investigation; 106466  
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(4) Administering the department and directing the performance of its employees and officers; 106470  
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(5) Applying for grants available under federal law or from other federal, state, or private sources and allocating, disbursing, or accounting for any funds awarded; 106472  
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(6) Any other action as necessary to carry out the purposes of this chapter. 106475  
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(B) Whenever by law a duty is imposed on or an action is required of the department, the director or director's designee shall fulfill the duty or perform the action. 106477  
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(C) The director may organize the department for its efficient operation, including by creating as necessary any divisions or offices within it. The director also may establish procedures for the governance of the department, the conduct of its employees and officers, the performance of its business, and the custody, use, and preservation of departmental books, documents, papers, property, and records.

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(D) If the director issues any directive governing the delivery in this state of children's services, each state and local agency involved in the delivery of those services shall comply with the directive and collaborate with the department.

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**Section 130.11.** That existing sections 121.02, 121.03, 121.35, 121.37, 121.40, 3109.15, 3109.16, 3109.17, 3109.179, 5101.34, 5101.341, and 5101.342 of the Revised Code are hereby repealed.

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**Section 130.12.** That sections 9.55, 103.60, 109.65, 109.746, 121.37, 131.33, 131.41, 135.79, 153.39, 307.98, 307.981, 329.04, 2151.011, 2151.152, 2151.281, 2151.316, 2151.353, 2151.3519, 2151.3534, 2151.3535, 2151.36, 2151.39, 2151.412, 2151.413, 2151.416, 2151.421, 2151.429, 2151.4228, 2151.4229, 2151.4230, 2151.4231, 2151.4232, 2151.4233, 2151.452, 2151.454, 2151.84, 2151.86, 2151.90, 2151.904, 2151.9010, 2152.192, 2705.02, 2950.08, 2950.11, 2950.13, 3101.041, 3107.012, 3107.013, 3107.014, 3107.015, 3107.016, 3107.017, 3107.018, 3107.031, 3107.032, 3107.033, 3107.034, 3107.035, 3107.051, 3107.081, 3107.083, 3107.09, 3107.091, 3107.10, 3107.101, 3107.12, 3107.13, 3107.141, 3107.17, 3107.39, 3109.172, 3109.174, 3109.401, 3301.079, 3301.0714, 3301.0715, 3301.0723, 3301.15, 3301.30, 3301.311, 3301.32, 3301.50, 3301.53, 3301.55, 3301.56, 3301.57, 3301.58, 3301.59, 3301.94, 3313.64, 3313.646, 3314.03, 3314.06, 3314.08, 3323.022, 3323.20, 3323.32, 3325.06, 3325.07, 3701.507, 3701.61,

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3742.32, 3781.06, 3781.10, 3798.01, 4112.12, 5101.09, 5101.11, 106514  
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5123.0422, 5123.0423, 5139.39, 5153.01, 5153.111, 5153.113, 106545  
5153.121, 5153.122, 5153.123, 5153.124, 5153.14, 5153.16, 106546  
5153.163, 5153.166, 5153.17, 5153.175, 5153.20, 5153.21, 5153.22, 106547  
5153.27, 5153.29, 5153.30, 5153.32, 5153.35, 5153.36, 5153.38, 106548  
5153.49, 5153.52, 5160.011, 5162.11, 5162.135, 5164.15, 5166.01, 106549  
and 5167.16 be amended; sections 3301.90 (5104.50), 3701.61 106550  
(5180.21), 3701.611 (5180.22), 3701.612 (5180.23), 3701.613 106551  
(5180.24), 3701.614 (5180.25), 3701.63 (5180.14), 3701.64 106552  
(5180.15), 3701.66 (5180.16), 3701.67 (5180.17), 3701.671 106553  
(5180.18), 3701.68 (5180.10), 3701.95 (5180.20), 3701.951 106554  
(5180.11), 3701.952 (5180.19), 3701.953 (5180.13), 3701.97 106555  
(5180.12), 5123.024 (5180.31), 5123.0421 (5180.32), 5123.0422 106556  
(5180.34), and 5123.0423 (5180.33) be amended for the purpose of 106557  
adopting new section numbers as indicated in parentheses; and 106558  
sections 5104.51, 5104.52, and 5180.30 of the Revised Code be 106559  
enacted to read as follows: 106560

**Sec. 9.55.** (A) As used in this section, "state agency" means 106561  
the house of representatives, the senate, the governor, the 106562  
secretary of state, the auditor of state, the treasurer of state, 106563  
the attorney general, the department of job and family services, 106564  
the department of commerce, the department of developmental 106565  
disabilities, the department of education, the department of 106566  
health, the department of aging, the department of children and 106567  
youth, the governor's office of advocacy for disabled persons, and 106568  
the civil rights commission. 106569

(B) Each state agency shall install in its offices at least 106570  
one teletypewriter designed to receive printed messages from and 106571  
transmit printed messages to deaf or hearing-impaired persons. 106572

Sec. 103.60. (A) As used in this section, "rare disease" 106573  
means a disease or condition that affects fewer than 200,000 106574  
people living in the United States. 106575

(B) There is hereby created the rare disease advisory 106576  
council. The purpose of the council is to advise the general 106577  
assembly regarding research, diagnosis, and treatment efforts 106578  
related to rare diseases across the state. 106579

(C) The council shall consist of the following ~~thirty-one~~ 106580  
thirty-two members: 106581

(1) The following members appointed by the governor: 106582

(a) One individual who is a medical researcher with 106583  
experience researching rare diseases; 106584

(b) One individual who represents an academic research 106585  
institution in this state that receives funding for rare disease 106586  
research; 106587

(c) One individual authorized under Chapter 4731. of the 106588  
Revised Code to practice medicine and surgery or osteopathic 106589  
medicine and surgery who has experience researching, diagnosing, 106590  
and treating rare diseases; 106591

(d) One individual authorized under Chapter 4723. of the 106592  
Revised Code to practice nursing as a registered nurse who has 106593  
experience providing nursing care to patients with rare diseases; 106594

(e) One individual authorized under Chapter 4778. of the 106595  
Revised Code to practice as a genetic counselor who is currently 106596  
practicing at a children's hospital; 106597

(f) Three members of the public who are living with a rare 106598  
disease or represent an individual living with a rare disease; 106599

(g) One representative of a national organization 106600  
representing patients with a rare disease; 106601

(h) One representative of a rare disease foundation operating in this state;	106602 106603
(i) Two representatives of the department of health, one of whom is a representative of the children with medical handicaps program;	106604 106605 106606
(j) One representative of the department of medicaid;	106607
(k) One representative of the department of insurance;	106608
(l) <u>One representative of the department of children and youth;</u>	106609 106610
<u>(m)</u> One representative of the commission on minority health;	106611
<del>(m)</del> <u>(n)</u> One representative of the Ohio hospital association;	106612
<del>(n)</del> <u>(o)</u> One representative of Ohio health insurers;	106613
<del>(o)</del> <u>(p)</u> One representative of bioOhio;	106614
<del>(p)</del> <u>(q)</u> One representative of the association of Ohio health commissioners;	106615 106616
<del>(q)</del> <u>(r)</u> One representative of the pharmaceutical research and manufacturers of America.	106617 106618
(2) The following members appointed by the president of the senate:	106619 106620
(a) Two members of the senate, one from the majority party and one from the minority party;	106621 106622
(b) Three members of the public, one of whom is recommended by the minority leader of the senate.	106623 106624
(3) The following members appointed by the speaker of the house of representatives:	106625 106626
(a) Two members of the house of representatives, one from the majority party and one from the minority party;	106627 106628
(b) Three members of the public, one of whom is recommended	106629

by the minority leader of the house of representatives. 106630

(4) The governor or the governor's designee. 106631

(D)(1) ~~Not later than April 23, 2021, initial appointments~~ 106632  
~~shall be made to the council. Thereafter, appointments~~ 106633  
Appointments shall be made every two years, not later than thirty 106634  
days after the commencement of the first regular session of each 106635  
general assembly. 106636

(2) Each member shall serve on the council until appointments 106637  
are made following the commencement of the next general assembly. 106638  
Members may be reappointed; however, no member shall serve more 106639  
than four consecutive terms on the council. 106640

(E) Prior to the expiration of each term, the council shall 106641  
prepare and submit a report to the general assembly detailing the 106642  
following: 106643

(1) The coordination of statewide efforts for studying the 106644  
incidence of rare diseases in this state; 106645

(2) The council's findings and recommendations regarding rare 106646  
disease research and care in this state; 106647

(3) Efforts to promote collaboration among rare disease 106648  
organizations, clinicians, academic research institutions, and the 106649  
general assembly to better understand the incidence of rare 106650  
diseases in this state. 106651

(F) The council shall annually select from among its members 106652  
a chairperson or co-chairpersons. 106653

(G) The council shall meet at the call of the chairperson, 106654  
but not less than quarterly. A majority of the members of the 106655  
council shall constitute a quorum. The chairperson shall provide 106656  
members with at least five days written notice of all meetings. 106657

(H) Members shall serve without compensation except to the 106658  
extent that serving on the council is considered part of the 106659

member's regular duties of employment. The council shall reimburse 106660  
each member for actual and necessary expenses incurred in the 106661  
performance of the member's official duties. 106662

**Sec. 109.65.** (A) As used in this section, "minor," "missing 106663  
child," and "missing children" have the same meanings as in 106664  
section 2901.30 of the Revised Code. 106665

(B) There is hereby created within the office of the attorney 106666  
general the missing children clearinghouse. The attorney general 106667  
shall administer the clearinghouse. The clearinghouse is 106668  
established as a central repository of information to coordinate 106669  
and improve the availability of information regarding missing 106670  
children, which information shall be collected and disseminated by 106671  
the clearinghouse to assist in the location of missing children. 106672  
The clearinghouse shall act as an information repository separate 106673  
from and in addition to law enforcement agencies within this 106674  
state. 106675

(C) The missing children clearinghouse may perform any of the 106676  
following functions: 106677

(1) The establishment of services to aid in the location of 106678  
missing children that include, but are not limited to, any of the 106679  
following services: 106680

(a) Assistance in the preparation and dissemination of flyers 106681  
identifying and describing missing children and their abductors; 106682

(b) The development of informational forms for the reporting 106683  
of missing children that may be used by parents, guardians, and 106684  
law enforcement officials to facilitate the location of a missing 106685  
child; 106686

(c) The provision of assistance to public and private 106687  
organizations, boards of education, nonpublic schools, preschools, 106688  
child care facilities, and law enforcement agencies in planning 106689

and implementing voluntary programs to fingerprint children. 106690

(2) The establishment and operation of a toll-free telephone 106691  
line for supplemental reports of missing children and reports of 106692  
sightings of missing children; 106693

(3) Upon the request of any person or entity and upon payment 106694  
of any applicable fee established by the attorney general under 106695  
division (H) of this section, the provision to the person or 106696  
entity who makes the request of a copy of any information 106697  
possessed by the clearinghouse that was acquired or prepared 106698  
pursuant to division (E)(3) of this section; 106699

(4) The performance of liaison services between individuals 106700  
and public and private agencies regarding procedures for handling 106701  
and responding to missing children reports; 106702

(5) The participation as a member in any networks of other 106703  
missing children centers or clearinghouses; 106704

(6) The creation and operation of an intrastate network of 106705  
communication designed for the speedy collection and processing of 106706  
information concerning missing children. 106707

(D) If a board of education is notified by school personnel 106708  
that a missing child is attending any school under the board's 106709  
jurisdiction, or if the principal or chief administrative officer 106710  
of a nonpublic school is notified by school personnel that a 106711  
missing child is attending that school, the board or the principal 106712  
or chief administrative officer immediately shall give notice of 106713  
that fact to the missing children clearinghouse and to the law 106714  
enforcement agency with jurisdiction over the area where the 106715  
missing child resides. 106716

(E)(1) The attorney general, in cooperation with the 106717  
department of ~~job~~ children and ~~family services~~ youth, shall 106718  
establish a "missing child educational program" within the missing 106719  
children clearinghouse that shall perform the functions specified 106720

in divisions (E)(1) to (3) of this section. The program shall 106721  
operate under the supervision and control of the attorney general 106722  
in accordance with procedures that the attorney general shall 106723  
develop to implement divisions (E)(1) to (3) of this section. The 106724  
attorney general shall cooperate with the department of education 106725  
in developing and disseminating information acquired or prepared 106726  
pursuant to division (E)(3) of this section. 106727

(2) Upon the request of any board of education in this state 106728  
or any nonpublic school in this state, the missing child 106729  
educational program shall provide to the board or school a 106730  
reasonable number of copies of the information acquired or 106731  
prepared pursuant to division (E)(3) of this section. 106732

Upon the request of any board of education in this state or 106733  
any nonpublic school in this state that, pursuant to section 106734  
3313.96 of the Revised Code, is developing an information program 106735  
concerning missing children issues and matters, the missing child 106736  
educational program shall provide to the board or nonpublic school 106737  
assistance in developing the information program. The assistance 106738  
may include, but is not limited to, the provision of any or all of 106739  
the following: 106740

(a) If the requesting entity is a board of education of a 106741  
school district, sample policies on missing and exploited children 106742  
issues to assist the board in complying with section 3313.205 of 106743  
the Revised Code; 106744

(b) Suggested safety curricula regarding missing children 106745  
issues, including child safety and abduction prevention issues; 106746

(c) Assistance in developing, with local law enforcement 106747  
agencies, prosecuting attorneys, boards of education, school 106748  
districts, and nonpublic schools, cooperative programs for 106749  
fingerprinting children; 106750

(d) Other assistance to further the goals of the program. 106751

(3) The missing child educational program shall acquire or  
prepare informational materials relating to missing children  
issues and matters. These issues and matters include, but are not  
limited to, the following:

(a) The types of missing children;

(b) The reasons why and how minors become missing children,  
the potential adverse consequences of a minor becoming a missing  
child, and, in the case of minors who are considering running away  
from home or from the care, custody, and control of their parents,  
parent who is the residential parent and legal custodian,  
guardian, legal custodian, or another person responsible for them,  
alternatives that may be available to address their concerns and  
problems;

(c) Offenses under federal law that could relate to missing  
children and other provisions of federal law that focus on missing  
children;

(d) Offenses under the Revised Code that could relate to  
missing children, including, but not limited to, kidnapping,  
abduction, unlawful restraint, child stealing, interference with  
custody, endangering children, domestic violence, abuse of a child  
and contributing to the dependency, neglect, unruliness, or  
delinquency of a child, sexual offenses, drug offenses,  
prostitution offenses, and obscenity offenses, and other  
provisions of the Revised Code that could relate to missing  
children;

(e) Legislation being considered by the general assembly,  
legislatures of other states, the congress of the United States,  
and political subdivisions in this or any other state to address  
missing children issues;

(f) Sources of information on missing children issues;

(g) State, local, federal, and private systems for locating

and identifying missing children; 106783

(h) Law enforcement agency programs, responsibilities, and 106784  
investigative techniques in missing children matters; 106785

(i) Efforts on the community level in this and other states, 106786  
concerning missing children issues and matters, by governmental 106787  
entities and private organizations; 106788

(j) The identification of private organizations that, among 106789  
their primary objectives, address missing children issues and 106790  
matters; 106791

(k) How to avoid becoming a missing child and what to do if 106792  
one becomes a missing child; 106793

(l) Efforts that schools, parents, and members of a community 106794  
can undertake to reduce the risk that a minor will become a 106795  
missing child and to quickly locate or identify a minor if he 106796  
becomes a missing child, including, but not limited to, 106797  
fingerprinting programs. 106798

(F) Each year the missing children clearinghouse shall issue 106799  
a report describing its performance of the functions specified in 106800  
division (E) of this section and shall provide a copy of the 106801  
report to the speaker of the house of representatives, the 106802  
president of the senate, the governor, the superintendent of the 106803  
bureau of criminal identification and investigation, and the 106804  
director of ~~job~~ children and ~~family services~~ youth. 106805

(G) Any state agency or political subdivision of this state 106806  
that operates a missing children program or a clearinghouse for 106807  
information about missing children shall coordinate its activities 106808  
with the missing children clearinghouse. 106809

(H) The attorney general shall determine a reasonable fee to 106810  
be charged for providing to any person or entity other than a 106811  
state or local law enforcement agency of this or any other state, 106812

a law enforcement agency of the United States, a board of 106813  
education of a school district in this state, a nonpublic school 106814  
in this state, a governmental entity in this state, or a public 106815  
library in this state, pursuant to division (A)(3) of this 106816  
section, copies of any information acquired or prepared pursuant 106817  
to division (E)(3) of this section. The attorney general shall 106818  
collect the fee prior to sending or giving copies of any 106819  
information to any person or entity for whom or which this 106820  
division requires the fee to be charged and shall deposit the fee 106821  
into the missing children fund created by division (I) of this 106822  
section. 106823

(I) There is hereby created in the state treasury the missing 106824  
children fund that shall consist of all moneys awarded to the 106825  
state by donation, gift, or bequest, all other moneys received for 106826  
purposes of this section, and all fees collected pursuant to this 106827  
section or section 109.64 of the Revised Code. The attorney 106828  
general shall use the moneys in the missing children fund only for 106829  
purposes of the office of the attorney general acquiring or 106830  
preparing information pursuant to division (E)(3) of this section. 106831

(J) The failure of the missing children clearinghouse to 106832  
undertake any function or activity authorized in this section does 106833  
not create a cause of action against the state. 106834

**Sec. 109.746.** (A) The attorney general may prepare public 106835  
awareness programs that are designed to educate potential victims 106836  
of violations of section 2905.32 of the Revised Code and their 106837  
families of the risks of becoming a victim of a violation of that 106838  
section. The attorney general may prepare these programs with 106839  
assistance from the department of health, the department of mental 106840  
health and addiction services, the department of job and family 106841  
services, the department of children and youth, and the department 106842  
of education. 106843

(B) Any organization, person, or other governmental agency 106844  
with an interest and expertise in trafficking in persons may 106845  
submit information or materials to the attorney general regarding 106846  
the preparation of the programs and materials permitted under this 106847  
section. The attorney general, in developing the programs and 106848  
materials permitted by this section, shall consider any 106849  
information submitted pursuant to this division. 106850

**Sec. 121.37.** (A)(1) There is hereby created the Ohio family 106851  
and children first cabinet council. The council shall be composed 106852  
of the superintendent of public instruction, the executive 106853  
director of the opportunities for Ohioans with disabilities 106854  
agency, the medicaid director, and the directors of youth 106855  
services, job and family services, mental health and addiction 106856  
services, health, developmental disabilities, aging, 106857  
rehabilitation and correction, and budget and management. The 106858  
chairperson of the council shall be the governor or the governor's 106859  
designee and shall establish procedures for the council's internal 106860  
control and management. 106861

The purpose of the cabinet council is to help families 106862  
seeking government services. This section shall not be interpreted 106863  
or applied to usurp the role of parents, but solely to streamline 106864  
and coordinate existing government services for families seeking 106865  
assistance for their children. 106866

(2) In seeking to fulfill its purpose, the council may do any 106867  
of the following: 106868

(a) Advise and make recommendations to the governor and 106869  
general assembly regarding the provision of services to children; 106870

(b) Advise and assess local governments on the coordination 106871  
of service delivery to children; 106872

(c) Hold meetings at such times and places as may be 106873

prescribed by the council's procedures and maintain records of the meetings, except that records identifying individual children are confidential and shall be disclosed only as provided by law;

(d) Develop programs and projects, including pilot projects, to encourage coordinated efforts at the state and local level to improve the state's social service delivery system;

(e) Enter into contracts with and administer grants to county family and children first councils, as well as other county or multicounty organizations to plan and coordinate service delivery between state agencies and local service providers for families and children;

(f) Enter into contracts with and apply for grants from federal agencies or private organizations;

(g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include provisions regarding the receipt, transfer, and expenditure of funds;

(h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services;

(i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs;

(j) Identify and disseminate publications regarding alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children and regarding programs serving those types of children;

(k) Maintain an inventory of strategic planning facilitators 106904  
for use by government or nonprofit entities that serve alleged or 106905  
adjudicated unruly children or children who are at risk of being 106906  
alleged or adjudicated unruly children. 106907

(3) The cabinet council shall provide for the following: 106908

(a) Reviews of service and treatment plans for children for 106909  
which such reviews are requested; 106910

(b) Assistance as the council determines to be necessary to 106911  
meet the needs of children referred by county family and children 106912  
first councils; 106913

(c) Monitoring and supervision of a statewide, comprehensive, 106914  
coordinated, multi-disciplinary, interagency system for infants 106915  
and toddlers with developmental disabilities or delays and their 106916  
families, as established pursuant to federal grants received and 106917  
administered by the department of ~~health~~ children and youth for 106918  
early intervention services under the "Individuals with 106919  
Disabilities Education Act of 2004," 118 Stat. 2744, 20 U.S.C.A. 106920  
1400, as amended. 106921

(4) The cabinet council shall develop and implement the 106922  
following: 106923

(a) An interagency process to select the indicators that will 106924  
be used to measure progress toward increasing child well-being in 106925  
the state and to update the indicators on an annual basis. The 106926  
indicators shall focus on expectant parents and newborns thriving; 106927  
infants and toddlers thriving; children being ready for school; 106928  
children and youth succeeding in school; youth choosing healthy 106929  
behaviors; and youth successfully transitioning into adulthood. 106930

(b) An interagency system to offer guidance and monitor 106931  
progress toward increasing child well-being in the state and in 106932  
each county; 106933

(c) An annual plan that identifies state-level agency efforts 106934  
taken to ensure progress towards increasing child well-being in 106935  
the state. 106936

On an annual basis, the cabinet council shall submit to the 106937  
governor and the general assembly a report on the status of 106938  
efforts to increase child well-being in the state. This report 106939  
shall be made available to any other person on request. 106940

(B)(1) Each board of county commissioners shall establish a 106941  
county family and children first council. The board may invite any 106942  
local public or private agency or group that funds, advocates, or 106943  
provides services to children and families to have a 106944  
representative become a permanent or temporary member of its 106945  
county council. Each county council must include the following 106946  
individuals: 106947

(a) At least three individuals who are not employed by an 106948  
agency represented on the council and whose families are or have 106949  
received services from an agency represented on the council or 106950  
another county's council. Where possible, the number of members 106951  
representing families shall be equal to twenty per cent of the 106952  
council's membership. 106953

(b) The director of the board of alcohol, drug addiction, and 106954  
mental health services that serves the county, or, in the case of 106955  
a county that has a board of alcohol and drug addiction services 106956  
and a community mental health board, the directors of both boards. 106957  
If a board of alcohol, drug addiction, and mental health services 106958  
covers more than one county, the director may designate a person 106959  
to participate on the county's council. 106960

(c) The health commissioner, or the commissioner's designee, 106961  
of the board of health of each city and general health district in 106962  
the county. If the county has two or more health districts, the 106963  
health commissioner membership may be limited to the commissioners 106964

of the two districts with the largest populations. 106965

(d) The director of the county department of job and family services; 106966  
106967

(e) The executive director of the public children services agency; 106968  
106969

(f) The superintendent of the county board of developmental disabilities or, if the superintendent serves as superintendent of more than one county board of developmental disabilities, the superintendent's designee; 106970  
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106972  
106973

(g) The superintendent of the city, exempted village, or local school district with the largest number of pupils residing in the county, as determined by the department of education, which shall notify each board of county commissioners of its determination at least biennially; 106974  
106975  
106976  
106977  
106978

(h) A school superintendent representing all other school districts with territory in the county, as designated at a biennial meeting of the superintendents of those districts; 106979  
106980  
106981

(i) A representative of the municipal corporation with the largest population in the county; 106982  
106983

(j) The president of the board of county commissioners or an individual designated by the board; 106984  
106985

(k) A representative of the department of youth services or an individual designated by the department; 106986  
106987

(l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code; 106988  
106989

(m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004"; 106990  
106991  
106992  
106993

(n) A representative of a local nonprofit entity that funds, 106994

advocates, or provides services to children and families. 106995

Notwithstanding any other provision of law, the public 106996  
members of a county council are not prohibited from serving on the 106997  
council and making decisions regarding the duties of the council, 106998  
including those involving the funding of joint projects and those 106999  
outlined in the county's service coordination mechanism 107000  
implemented pursuant to division (C) of this section. 107001

The cabinet council shall establish a state appeals process 107002  
to resolve disputes among the members of a county council 107003  
concerning whether reasonable responsibilities as members are 107004  
being shared. The appeals process may be accessed only by a 107005  
majority vote of the council members who are required to serve on 107006  
the council. Upon appeal, the cabinet council may order that state 107007  
funds for services to children and families be redirected to a 107008  
county's board of county commissioners. 107009

The county's juvenile court judge senior in service or 107010  
another judge of the juvenile court designated by the 107011  
administrative judge or, where there is no administrative judge, 107012  
by the judge senior in service shall serve as the judicial advisor 107013  
to the county family and children first council. The judge may 107014  
advise the county council on the court's utilization of resources, 107015  
services, or programs provided by the entities represented by the 107016  
members of the county council and how those resources, services, 107017  
or programs assist the court in its administration of justice. 107018  
Service of a judge as a judicial advisor pursuant to this section 107019  
is a judicial function. 107020

(2) The purpose of the county council is to streamline and 107021  
coordinate existing government services for families seeking 107022  
services for their children. In seeking to fulfill its purpose, a 107023  
county council shall provide for the following: 107024

(a) Referrals to the cabinet council of those children for 107025

whom the county council cannot provide adequate services; 107026

(b) Development and implementation of a process that annually 107027  
evaluates and prioritizes services, fills service gaps where 107028  
possible, and invents new approaches to achieve better results for 107029  
families and children; 107030

(c) Participation in the development of a countywide, 107031  
comprehensive, coordinated, multi-disciplinary, interagency system 107032  
for infants and toddlers with developmental disabilities or delays 107033  
and their families, as established pursuant to federal grants 107034  
received and administered by the department of ~~health~~ children and 107035  
youth for early intervention services under the "Individuals with 107036  
Disabilities Education Act of 2004"; 107037

(d) Maintenance of an accountability system to monitor the 107038  
county council's progress in achieving results for families and 107039  
children; 107040

(e) Establishment of a mechanism to ensure ongoing input from 107041  
a broad representation of families who are receiving services 107042  
within the county system. 107043

(3) A county council shall develop and implement the 107044  
following: 107045

(a) An interagency process to establish local indicators and 107046  
monitor the county's progress toward increasing child well-being 107047  
in the county; 107048

(b) An interagency process to identify local priorities to 107049  
increase child well-being. The local priorities shall focus on 107050  
expectant parents and newborns thriving; infants and toddlers 107051  
thriving; children being ready for school; children and youth 107052  
succeeding in school; youth choosing healthy behaviors; and youth 107053  
successfully transitioning into adulthood and take into account 107054  
the indicators established by the cabinet council under division 107055  
(A)(4)(a) of this section. 107056

(c) An annual plan that identifies the county's interagency 107057  
efforts to increase child well-being in the county. 107058

On an annual basis, the county council shall submit a report 107059  
on the status of efforts by the county to increase child 107060  
well-being in the county to the county's board of county 107061  
commissioners and the cabinet council. This report shall be made 107062  
available to any other person on request. 107063

(4)(a) Except as provided in division (B)(4)(b) of this 107064  
section, a county council shall comply with the policies, 107065  
procedures, and activities prescribed by the rules or interagency 107066  
agreements of a state department participating on the cabinet 107067  
council whenever the county council performs a function subject to 107068  
those rules or agreements. 107069

(b) On application of a county council, the cabinet council 107070  
may grant an exemption from any rules or interagency agreements of 107071  
a state department participating on the council if an exemption is 107072  
necessary for the council to implement an alternative program or 107073  
approach for service delivery to families and children. The 107074  
application shall describe the proposed program or approach and 107075  
specify the rules or interagency agreements from which an 107076  
exemption is necessary. The cabinet council shall approve or 107077  
disapprove the application in accordance with standards and 107078  
procedures it shall adopt. If an application is approved, the 107079  
exemption is effective only while the program or approach is being 107080  
implemented, including a reasonable period during which the 107081  
program or approach is being evaluated for effectiveness. 107082

(5)(a) Each county council shall designate an administrative 107083  
agent for the council from among the following public entities: 107084  
the board of alcohol, drug addiction, and mental health services, 107085  
including a board of alcohol and drug addiction or a community 107086  
mental health board if the county is served by separate boards; 107087  
the board of county commissioners; any board of health of the 107088

county's city and general health districts; the county department 107089  
of job and family services; the county agency responsible for the 107090  
administration of children services pursuant to section 5153.15 of 107091  
the Revised Code; the county board of developmental disabilities; 107092  
any of the county's boards of education or governing boards of 107093  
educational service centers; or the county's juvenile court. Any 107094  
of the foregoing public entities, other than the board of county 107095  
commissioners, may decline to serve as the council's 107096  
administrative agent. 107097

A county council's administrative agent shall serve as the 107098  
council's appointing authority for any employees of the council. 107099  
The council shall file an annual budget with its administrative 107100  
agent, with copies filed with the county auditor and with the 107101  
board of county commissioners, unless the board is serving as the 107102  
council's administrative agent. The council's administrative agent 107103  
shall ensure that all expenditures are handled in accordance with 107104  
policies, procedures, and activities prescribed by state 107105  
departments in rules or interagency agreements that are applicable 107106  
to the council's functions. 107107

The administrative agent of a county council shall send 107108  
notice of a member's absence if a member listed in division (B)(1) 107109  
of this section has been absent from either three consecutive 107110  
meetings of the county council or a county council subcommittee, 107111  
or from one-quarter of such meetings in a calendar year, whichever 107112  
is less. The notice shall be sent to the board of county 107113  
commissioners that establishes the county council and, for the 107114  
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 107115  
section, to the governing board overseeing the respective entity; 107116  
for the member listed in division (B)(1)(f) of this section, to 107117  
the county board of developmental disabilities that employs the 107118  
superintendent; for a member listed in division (B)(1)(g) or (h) 107119  
of this section, to the school board that employs the 107120

superintendent; for the member listed in division (B)(1)(i) of 107121  
this section, to the mayor of the municipal corporation; for the 107122  
member listed in division (B)(1)(k) of this section, to the 107123  
director of youth services; and for the member listed in division 107124  
(B)(1)(n) of this section, to that member's board of trustees. 107125

The administrative agent for a county council may do any of 107126  
the following on behalf of the council: 107127

(i) Enter into agreements or administer contracts with public 107128  
or private entities to fulfill specific council business. Such 107129  
agreements and contracts are exempt from the competitive bidding 107130  
requirements of section 307.86 of the Revised Code if they have 107131  
been approved by the county council and they are for the purchase 107132  
of family and child welfare or child protection services or other 107133  
social or job and family services for families and children. The 107134  
approval of the county council is not required to exempt 107135  
agreements or contracts entered into under section 5139.34, 107136  
5139.41, or 5139.43 of the Revised Code from the competitive 107137  
bidding requirements of section 307.86 of the Revised Code. 107138

(ii) As determined by the council, provide financial 107139  
stipends, reimbursements, or both, to family representatives for 107140  
expenses related to council activity; 107141

(iii) Receive by gift, grant, devise, or bequest any moneys, 107142  
lands, or other property for the purposes for which the council is 107143  
established. The agent shall hold, apply, and dispose of the 107144  
moneys, lands, or other property according to the terms of the 107145  
gift, grant, devise, or bequest. Any interest or earnings shall be 107146  
treated in the same manner and are subject to the same terms as 107147  
the gift, grant, devise, or bequest from which it accrues. 107148

(b)(i) If the county council designates the board of county 107149  
commissioners as its administrative agent, the board may, by 107150  
resolution, delegate any of its powers and duties as 107151

administrative agent to an executive committee the board 107152  
establishes from the membership of the county council. The board 107153  
shall name to the executive committee at least the individuals 107154  
described in divisions (B)(1)(b) to (h) of this section and may 107155  
appoint the president of the board or another individual as the 107156  
chair of the executive committee. The executive committee must 107157  
include at least one family county council representative who does 107158  
not have a family member employed by an agency represented on the 107159  
council. 107160

(ii) The executive committee may, with the approval of the 107161  
board, hire an executive director to assist the county council in 107162  
administering its powers and duties. The executive director shall 107163  
serve in the unclassified civil service at the pleasure of the 107164  
executive committee. The executive director may, with the approval 107165  
of the executive committee, hire other employees as necessary to 107166  
properly conduct the county council's business. 107167

(iii) The board may require the executive committee to submit 107168  
an annual budget to the board for approval and may amend or repeal 107169  
the resolution that delegated to the executive committee its 107170  
authority as the county council's administrative agent. 107171

(6) Two or more county councils may enter into an agreement 107172  
to administer their county councils jointly by creating a regional 107173  
family and children first council. A regional council possesses 107174  
the same duties and authority possessed by a county council, 107175  
except that the duties and authority apply regionally rather than 107176  
to individual counties. Prior to entering into an agreement to 107177  
create a regional council, the members of each county council to 107178  
be part of the regional council shall meet to determine whether 107179  
all or part of the members of each county council will serve as 107180  
members of the regional council. 107181

(7) A board of county commissioners may approve a resolution 107182  
by a majority vote of the board's members that requires the county 107183

council to submit a statement to the board each time the council 107184  
proposes to enter into an agreement, adopt a plan, or make a 107185  
decision, other than a decision pursuant to section 121.38 of the 107186  
Revised Code, that requires the expenditure of funds for two or 107187  
more families. The statement shall describe the proposed 107188  
agreement, plan, or decision. 107189

Not later than fifteen days after the board receives the 107190  
statement, it shall, by resolution approved by a majority of its 107191  
members, approve or disapprove the agreement, plan, or decision. 107192  
Failure of the board to pass a resolution during that time period 107193  
shall be considered approval of the agreement, plan, or decision. 107194

An agreement, plan, or decision for which a statement is 107195  
required to be submitted to the board shall be implemented only if 107196  
it is approved by the board. 107197

(C) Each county shall develop a county service coordination 107198  
mechanism. The county service coordination mechanism shall serve 107199  
as the guiding document for coordination of services in the 107200  
county. For children who also receive services under the help me 107201  
grow program, the service coordination mechanism shall be 107202  
consistent with rules adopted by the department of health under 107203  
section ~~3701.61~~ 5180.21 of the Revised Code. All family service 107204  
coordination plans shall be developed in accordance with the 107205  
county service coordination mechanism. The mechanism shall be 107206  
developed and approved with the participation of the county 107207  
entities representing child welfare; developmental disabilities; 107208  
alcohol, drug addiction, and mental health services; health; 107209  
juvenile judges; education; the county family and children first 107210  
council; and the county early intervention collaborative 107211  
established pursuant to the federal early intervention program 107212  
operated under the "Individuals with Disabilities Education Act of 107213  
2004." The county shall establish an implementation schedule for 107214  
the mechanism. The cabinet council may monitor the implementation 107215

and administration of each county's service coordination mechanism. 107216  
107217

Each mechanism shall include all of the following: 107218

(1) A procedure for an agency, including a juvenile court, or a family voluntarily seeking service coordination, to refer the child and family to the county council for service coordination in accordance with the mechanism; 107219  
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(2) A procedure ensuring that a family and all appropriate staff from involved agencies, including a representative from the appropriate school district, are notified of and invited to participate in all family service coordination plan meetings; 107223  
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(3) A procedure that permits a family to initiate a meeting to develop or review the family's service coordination plan and allows the family to invite a family advocate, mentor, or support person of the family's choice to participate in any such meeting; 107227  
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(4) A procedure for ensuring that a family service coordination plan meeting is conducted for each child who receives service coordination under the mechanism and for whom an emergency out-of-home placement has been made or for whom a nonemergency out-of-home placement is being considered. The meeting shall be conducted within ten days of an emergency out-of-home placement. The meeting shall be conducted before a nonemergency out-of-home placement. The family service coordination plan shall outline how the county council members will jointly pay for services, where applicable, and provide services in the least restrictive environment. 107231  
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(5) A procedure for monitoring the progress and tracking the outcomes of each service coordination plan requested in the county including monitoring and tracking children in out-of-home placements to assure continued progress, appropriateness of placement, and continuity of care after discharge from placement 107242  
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with appropriate arrangements for housing, treatment, and education; 107247  
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(6) A procedure for protecting the confidentiality of all personal family information disclosed during service coordination meetings or contained in the comprehensive family service coordination plan; 107249  
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(7) A procedure for assessing the needs and strengths of any child or family that has been referred to the council for service coordination, including a child whose parent or custodian is voluntarily seeking services, and for ensuring that parents and custodians are afforded the opportunity to participate; 107253  
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(8) A procedure for development of a family service coordination plan described in division (D) of this section; 107258  
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(9) A local dispute resolution process to serve as the process that must be used first to resolve disputes among the agencies represented on the county council concerning the provision of services to children, including children who are abused, neglected, dependent, unruly, alleged unruly, or delinquent children and under the jurisdiction of the juvenile court and children whose parents or custodians are voluntarily seeking services. The local dispute resolution process shall comply with sections 121.38, 121.381, and 121.382 of the Revised Code. The local dispute resolution process shall be used to resolve disputes between a child's parents or custodians and the county council regarding service coordination. The county council shall inform the parents or custodians of their right to use the dispute resolution process. Parents or custodians shall use existing local agency grievance procedures to address disputes not involving service coordination. The dispute resolution process is in addition to and does not replace other rights or procedures that parents or custodians may have under other sections of the Revised Code. 107260  
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The cabinet council shall adopt rules in accordance with 107279  
Chapter 119. of the Revised Code establishing an administrative 107280  
review process to address problems that arise concerning the 107281  
operation of a local dispute resolution process. 107282

Nothing in division (C)(4) of this section shall be 107283  
interpreted as overriding or affecting decisions of a juvenile 107284  
court regarding an out-of-home placement, long-term placement, or 107285  
emergency out-of-home placement. 107286

(D) Each county shall develop a family service coordination 107287  
plan that does all of the following: 107288

(1) Designates service responsibilities among the various 107289  
state and local agencies that provide services to children and 107290  
their families, including children who are abused, neglected, 107291  
dependent, unruly, or delinquent children and under the 107292  
jurisdiction of the juvenile court and children whose parents or 107293  
custodians are voluntarily seeking services; 107294

(2) Designates an individual, approved by the family, to 107295  
track the progress of the family service coordination plan, 107296  
schedule reviews as necessary, and facilitate the family service 107297  
coordination plan meeting process; 107298

(3) Ensures that assistance and services to be provided are 107299  
responsive to the strengths and needs of the family, as well as 107300  
the family's culture, race, and ethnic group, by allowing the 107301  
family to offer information and suggestions and participate in 107302  
decisions. Identified assistance and services shall be provided in 107303  
the least restrictive environment possible. 107304

(4) Includes a process for dealing with a child who is 107305  
alleged to be an unruly child. The process shall include methods 107306  
to divert the child from the juvenile court system; 107307

(5) Includes timelines for completion of goals specified in 107308  
the plan with regular reviews scheduled to monitor progress toward 107309

those goals; 107310

(6) Includes a plan for dealing with short-term crisis 107311  
situations and safety concerns. 107312

(E)(1) The process provided for under division (D)(4) of this 107313  
section may include, but is not limited to, the following: 107314

(a) Designation of the person or agency to conduct the 107315  
assessment of the child and the child's family as described in 107316  
division (C)(7) of this section and designation of the instrument 107317  
or instruments to be used to conduct the assessment; 107318

(b) An emphasis on the personal responsibilities of the child 107319  
and the parental responsibilities of the parents, guardian, or 107320  
custodian of the child; 107321

(c) Involvement of local law enforcement agencies and 107322  
officials. 107323

(2) The method to divert a child from the juvenile court 107324  
system that must be included in the service coordination process 107325  
may include, but is not limited to, the following: 107326

(a) The preparation of a complaint under section 2151.27 of 107327  
the Revised Code alleging that the child is an unruly child and 107328  
notifying the child and the parents, guardian, or custodian that 107329  
the complaint has been prepared to encourage the child and the 107330  
parents, guardian, or custodian to comply with other methods to 107331  
divert the child from the juvenile court system; 107332

(b) Conducting a meeting with the child, the parents, 107333  
guardian, or custodian, and other interested parties to determine 107334  
the appropriate methods to divert the child from the juvenile 107335  
court system; 107336

(c) A method to provide to the child and the child's family a 107337  
short-term respite from a short-term crisis situation involving a 107338  
confrontation between the child and the parents, guardian, or 107339

custodian; 107340

(d) A program to provide a mentor to the child or the 107341  
parents, guardian, or custodian; 107342

(e) A program to provide parenting education to the parents, 107343  
guardian, or custodian; 107344

(f) An alternative school program for children who are truant 107345  
from school, repeatedly disruptive in school, or suspended or 107346  
expelled from school; 107347

(g) Other appropriate measures, including, but not limited 107348  
to, any alternative methods to divert a child from the juvenile 107349  
court system that are identified by the Ohio family and children 107350  
first cabinet council. 107351

(F) Each county may review and revise the service 107352  
coordination process described in division (D) of this section 107353  
based on the availability of funds under Title IV-A of the "Social 107354  
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 107355  
or to the extent resources are available from any other federal, 107356  
state, or local funds. 107357

**Sec. 131.33.** (A) No state agency shall incur an obligation 107358  
which exceeds the agency's current appropriation authority. Except 107359  
as provided in division (D) of this section, unexpended balances 107360  
of appropriations shall, at the close of the period for which the 107361  
appropriations are made, revert to the funds from which the 107362  
appropriations were made, except that the director of budget and 107363  
management shall transfer such unexpended balances from the first 107364  
fiscal year to the second fiscal year of an agency's 107365  
appropriations to the extent necessary for voided warrants to be 107366  
reissued pursuant to division (C) of section 126.37 of the Revised 107367  
Code. 107368

Except as provided in this section, appropriations made to a 107369

specific fiscal year shall be expended only to pay liabilities 107370  
incurred within that fiscal year. 107371

(B) All payrolls shall be charged to the allotments of the 107372  
fiscal quarters in which the applicable payroll vouchers are 107373  
certified by the director of budget and management in accordance 107374  
with section 126.07 of the Revised Code. As used in this division, 107375  
"payrolls" means any payment made in accordance with section 107376  
125.21 of the Revised Code. 107377

(C) Legal liabilities from prior fiscal years for which there 107378  
is no reappropriation authority shall be discharged from the 107379  
unencumbered balances of current appropriations. 107380

(D)(1) Federal grant funds obligated by the department of job 107381  
and family services or the department of children and youth for 107382  
financial allocations to county family services agencies and local 107383  
boards may, at the discretion of the director of job and family 107384  
services or the director of children and youth, be available for 107385  
expenditure for the duration of the federal grant period of 107386  
obligation and liquidation, as follows: 107387

(a) At the end of the state fiscal year, all unexpended 107388  
county family services agency and local board financial 107389  
allocations obligated from federal grant funds may continue to be 107390  
valid for expenditure during subsequent state fiscal years. 107391

(b) The financial allocations described in division (D)(1)(a) 107392  
of this section shall be reconciled at the end of the federal 107393  
grant period of availability or as required by federal law, 107394  
regardless of the state fiscal year of the appropriation. 107395

(2) The director of job and family services and the director 107396  
of children and youth may adopt rules in accordance with section 107397  
111.15 of the Revised Code, as if they were internal management 107398  
rules, as necessary to implement division (D) of this section. 107399

(3) As used in division (D) of this section: 107400

(a) "County family services agency" has the same meaning as 107401  
in section 307.981 of the Revised Code. 107402

(b) "Local board" has the same meaning as in section 6301.01 107403  
of the Revised Code. 107404

**Sec. 131.41.** There is hereby created in the state treasury 107405  
the family services stabilization fund. The fund shall consist of 107406  
moneys deposited into it pursuant to acts of the general assembly. 107407  
The director of budget and management, with advice from the 107408  
director of job and family services or the director of children 107409  
and youth, may transfer moneys in the family services 107410  
stabilization fund to the general revenue fund for the department 107411  
of job and family services or the department of children and 107412  
youth. Moneys may be transferred due to identified shortfalls for 107413  
family services activities, such as higher caseloads, federal 107414  
funding changes, and unforeseen costs due to significant state 107415  
policy changes. Before transfers are authorized, the director of 107416  
budget and management shall exhaust the possibilities for 107417  
transfers of moneys within the department of job and family 107418  
services or the department of children and youth to meet the 107419  
identified shortfall. Transfers shall not be used to fund policy 107420  
changes not contemplated by acts of the general assembly. Any 107421  
investment earnings of the family services stabilization fund 107422  
shall be credited to that fund. 107423

**Sec. 135.79.** As used in sections 135.79 to 135.796 of the 107424  
Revised Code: 107425

(A) "Eligible borrower" means an individual who is a resident 107426  
of this state and to whom either of the following applies: 107427

(1) The individual completes a home study pursuant to section 107428  
3107.031 of the Revised Code and is approved. 107429

(2) The individual is pursuing an adoption through the public 107430

foster care system and meets the requirements set by the 107431  
department of ~~job children~~ and ~~family services~~ youth. 107432

(B) "Eligible lending institution" means a financial 107433  
institution that may make secured or unsecured personal loans, 107434  
agrees to participate in the adoption linked deposit program, and 107435  
is either of the following: 107436

(1) A public depository of state funds under section 135.03 107437  
of the Revised Code; 107438

(2) Notwithstanding sections 135.01 to 135.21 of the Revised 107439  
Code, a federal credit union, a foreign credit union licensed 107440  
pursuant to section 1733.39 of the Revised Code, or a credit union 107441  
as defined in section 1733.01 of the Revised Code, located in this 107442  
state. 107443

(C) "Adoption linked deposit" means a certificate of deposit 107444  
or other financial institution instrument placed by the treasurer 107445  
of state with an eligible lending institution at a rate below 107446  
current market rate, as determined and calculated by the treasurer 107447  
of state, provided the institution agrees to lend the value of 107448  
such deposit or instrument, according to the agreement provided in 107449  
division (C) of section 135.793 of the Revised Code, to eligible 107450  
borrowers at a rate that reflects an equal percentage rate 107451  
reduction below the present borrowing rate applicable to each 107452  
specific borrower at the time of the placement of state funds in 107453  
the institution. 107454

(D) "Other financial institution instrument" means a fully 107455  
collateralized product that otherwise would pay market rates of 107456  
interest approved by the treasurer of state. 107457

(E) "Loan" means a contractual agreement under which an 107458  
eligible lending institution agrees to lend money to an eligible 107459  
borrower in the form of an upfront lump sum, a line of credit, or 107460  
any other reasonable arrangement approved by the treasurer of 107461

state. 107462

(F) "Qualifying adoption expense" means any expense incurred 107463  
to legally adopt a child as described in division (C) of section 107464  
3107.055 of the Revised Code, including any costs incurred by the 107465  
eligible borrower proximately relating to the completion and 107466  
approval of the home study under section 3107.031 of the Revised 107467  
Code, and any other expense as determined by the treasurer of 107468  
state. 107469

**Sec. 153.39.** If the plans, drawings, representations, bills 107470  
of material, specifications of work, and estimates relate to the 107471  
building of a children's home, they shall be submitted to the 107472  
board of county commissioners and three citizens of the county, to 107473  
be appointed by a resident judge of the court of common pleas, or 107474  
a judge residing in the same subdivision of the judicial district. 107475  
If approved by a majority of them, a copy thereof shall be 107476  
deposited with the county auditor and kept by the auditor for the 107477  
inspection of interested parties. Before such plans are adopted, 107478  
they shall be submitted to the department of ~~job children~~ and 107479  
~~family services~~ youth for suggestions and criticism. The boards of 107480  
counties composing a district for the purpose of establishing a 107481  
district children's home, in letting contracts for the necessary 107482  
buildings or the repair or alteration thereof, shall be governed 107483  
by the law relating to letting contracts for erecting, repairing, 107484  
or altering other public buildings. 107485

**Sec. 307.98.** As used in this section, "county grantee" has 107486  
the same meaning as in section 5101.21 of the Revised Code. 107487

Each board of county commissioners and each other county 107488  
grantee of the county shall jointly enter into one or more written 107489  
grant agreements with the director of job and family services or 107490  
the director of children and youth in accordance with section 107491

5101.21 of the Revised Code. The board of county commissioners 107492  
shall enter into the agreement on behalf of the county family 107493  
services agencies, other than a county family services agency that 107494  
is a county grantee. 107495

**Sec. 307.981.** (A)(1) As used in the Revised Code: 107496

(a) "County family services agency" means all of the 107497  
following: 107498

(i) A child support enforcement agency; 107499

(ii) A county department of job and family services; 107500

(iii) A public children services agency. 107501

(b) "Family services duty" means a duty state law requires or 107502  
allows a county family services agency to assume, including 107503  
financial and general administrative duties. "Family services 107504  
duty" does not include a duty funded by the United States 107505  
department of labor. 107506

(2) As used in sections 307.981 to 307.989 of the Revised 107507  
Code, "private entity" means an entity other than a government 107508  
entity. 107509

(B) To the extent permitted by federal law, including, when 107510  
applicable, subpart F of 5 C.F.R. part 900, and subject to any 107511  
limitations established by the Revised Code, including division 107512  
(H) of this section, a board of county commissioners may designate 107513  
any private or government entity within this state to serve as any 107514  
of the following: 107515

(1) A child support enforcement agency; 107516

(2) A county department of job and family services; 107517

(3) A public children services agency; 107518

(4) A county department of job and family services and one 107519  
other of those county family services agencies; 107520

(5) All three of those county family services agencies. 107521

(C) To the extent permitted by federal law, including, when 107522  
applicable, subpart F of 5 C.F.R. part 900, and subject to any 107523  
limitations of the Revised Code, including division (H) of this 107524  
section, a board of county commissioners may change the 107525  
designation it makes under division (B) of this section by 107526  
designating another private or government entity. 107527

(D) If a designation under division (B) or (C) of this 107528  
section constitutes a change from the designation in a grant 107529  
agreement between the director of job and family services, or the 107530  
director of children and youth, and the board under sections 107531  
307.98 and 5101.21 of the Revised Code, the ~~director~~ directors may 107532  
require that the ~~director~~ directors and board amend the grant 107533  
agreement and that the board provide the ~~director~~ directors 107534  
written assurances that the newly designated private or government 107535  
entity will meet or exceed all requirements of the family services 107536  
duties the entity is to assume. 107537

(E) Not less than sixty days before a board of county 107538  
commissioners designates an entity under division (B) or (C) of 107539  
this section, the board shall notify the director of job and 107540  
family services and department of children and youth and publish 107541  
notice in a newspaper of general circulation in the county of the 107542  
board's intention to make the designation and reasons for the 107543  
designation. 107544

(F) A board of county commissioners shall enter into a 107545  
written contract with each entity it designates under division (B) 107546  
or (C) of this section specifying the entity's responsibilities 107547  
and standards the entity is required to meet. 107548

(G) This section does not require a board of county 107549  
commissioners to abolish the child support enforcement agency, 107550  
county department of job and family services, or public children 107551

services agency serving the county on October 1, 1997, and 107552  
designate a different private or government entity to serve as the 107553  
county's child support enforcement agency, county department of 107554  
job and family services, or public children services agency. 107555

(H) If a county children services board appointed under 107556  
section 5153.03 of the Revised Code serves as a public children 107557  
services agency for a county, the board of county commissioners 107558  
may not redesignate the public children services agency unless the 107559  
board of county commissioners does all of the following: 107560

(1) Notifies the county children services board of its intent 107561  
to redesignate the public children services agency. In its 107562  
notification, the board of county commissioners shall provide the 107563  
county children services board a written explanation of the 107564  
administrative, fiscal, or performance considerations causing the 107565  
board of county commissioners to seek to redesignate the public 107566  
children services agency. 107567

(2) Provides the county children services board an 107568  
opportunity to comment on the proposed redesignation before the 107569  
redesignation occurs; 107570

(3) If the county children services board, not more than 107571  
sixty days after receiving the notice under division (H)(1) of 107572  
this section, notifies the board of county commissioners that the 107573  
county children services board has voted to oppose the 107574  
redesignation, votes unanimously to proceed with the 107575  
redesignation. 107576

**Sec. 329.04.** (A) The county department of job and family 107577  
services shall have, exercise, and perform the following powers 107578  
and duties: 107579

(1) Perform any duties assigned by the state department of 107580  
job and family services, department of children and youth, or 107581

department of medicaid regarding the provision of public family services, including the provision of the following services to prevent or reduce economic or personal dependency and to strengthen family life:

(a) Services authorized by a Title IV-A program, as defined in section 5101.80 of the Revised Code;

(b) Social services authorized by Title XX of the "Social Security Act" and provided for by section 5101.46 or 5101.461 of the Revised Code;

(c) If the county department is designated as the child support enforcement agency, services authorized by Title IV-D of the "Social Security Act" and provided for by Chapter 3125. of the Revised Code. The county department may perform the services itself or contract with other government entities, and, pursuant to division (C) of section 2301.35 and section 2301.42 of the Revised Code, private entities, to perform the Title IV-D services.

(d) Duties assigned under section 5162.031 of the Revised Code.

(2) Administer burials insofar as the administration of burials was, prior to September 12, 1947, imposed upon the board of county commissioners and if otherwise required by state law;

(3) Cooperate with state and federal authorities in any matter relating to family services and to act as the agent of such authorities;

(4) Submit an annual account of its work and expenses to the board of county commissioners and to the state department of job and family services, department of children and youth, and department of medicaid at the close of each fiscal year;

(5) Exercise any powers and duties relating to family

services duties or workforce development activities imposed upon 107612  
the county department of job and family services by law, by 107613  
resolution of the board of county commissioners, or by order of 107614  
the governor, when authorized by law, to meet emergencies during 107615  
war or peace; 107616

(6) Enter into a plan of cooperation with the board of county 107617  
commissioners under section 307.983, consult with the board in the 107618  
development of the transportation work plan developed under 107619  
section 307.985, establish with the board procedures under section 107620  
307.986 for providing services to children whose families relocate 107621  
frequently, and comply with the contracts the board enters into 107622  
under sections 307.981 and 307.982 of the Revised Code that affect 107623  
the county department; 107624

(7) For the purpose of complying with a grant agreement the 107625  
board of county commissioners enters into under sections 307.98 107626  
and 5101.21 of the Revised Code, exercise the powers and perform 107627  
the duties the grant agreement assigns to the county department. 107628

(B) The powers and duties of a county department of job and 107629  
family services are, and shall be exercised and performed, under 107630  
the control and direction of the board of county commissioners. 107631  
The board may assign to the county department any power or duty of 107632  
the board regarding family services duties and workforce 107633  
development activities. If the new power or duty necessitates the 107634  
state department of job and family services, department of 107635  
children and youth, or department of medicaid changing its federal 107636  
cost allocation plan, the county department may not implement the 107637  
power or duty unless the United States department of health and 107638  
human services approves the changes. 107639

**Sec. 2151.011.** (A) As used in the Revised Code: 107640

(1) "Juvenile court" means whichever of the following is 107641  
applicable that has jurisdiction under this chapter and Chapter 107642

2152. of the Revised Code:	107643
(a) The division of the court of common pleas specified in section 2101.022 or 2301.03 of the Revised Code as having jurisdiction under this chapter and Chapter 2152. of the Revised Code or as being the juvenile division or the juvenile division combined with one or more other divisions;	107644 107645 107646 107647 107648
(b) The juvenile court of Cuyahoga county or Hamilton county that is separately and independently created by section 2151.08 or Chapter 2153. of the Revised Code and that has jurisdiction under this chapter and Chapter 2152. of the Revised Code;	107649 107650 107651 107652
(c) If division (A)(1)(a) or (b) of this section does not apply, the probate division of the court of common pleas.	107653 107654
(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter.	107655 107656
(3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.	107657 107658 107659 107660 107661
(4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of <del>job children</del> and <del>family services youth</del> that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following:	107662 107663 107664 107665 107666 107667
(a) Receives and cares for children for two or more consecutive weeks;	107668 107669
(b) Participates in the placement of children in certified foster homes;	107670 107671
(c) Provides adoption services in conjunction with a public	107672

children services agency or private child placing agency. 107673

(B) As used in this chapter: 107674

(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs. 107675  
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(2) "Adult" means an individual who is eighteen years of age or older. 107681  
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(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency. 107683  
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(4) "Alternative response" means the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs and that does not include a determination as to whether child abuse or neglect occurred. 107687  
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(5) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code. 107693  
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(6) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, a person who is so adjudicated an unruly child shall be deemed a "child" until the person attains twenty-one years of age. 107696  
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(7) "Child day camp," "child care," "child day-care center," 107704  
"part-time child day-care center," "type A family day-care home," 107705  
"licensed type B family day-care home," "type B family day-care 107706  
home," "administrator of a child day-care center," "administrator 107707  
of a type A family day-care home," and "in-home aide" have the 107708  
same meanings as in section 5104.01 of the Revised Code. 107709

(8) "Child care provider" means an individual who is a 107710  
child-care staff member or administrator of a child day-care 107711  
center, a type A family day-care home, or a type B family day-care 107712  
home, or an in-home aide or an individual who is licensed, is 107713  
regulated, is approved, operates under the direction of, or 107714  
otherwise is certified by the department of ~~job~~ children and 107715  
~~family services~~ youth, department of developmental disabilities, 107716  
or the early childhood programs of the department of education. 107717

(9) "Commit" means to vest custody as ordered by the court. 107718

(10) "Counseling" includes both of the following: 107719

(a) General counseling services performed by a public 107720  
children services agency or shelter for victims of domestic 107721  
violence to assist a child, a child's parents, and a child's 107722  
siblings in alleviating identified problems that may cause or have 107723  
caused the child to be an abused, neglected, or dependent child. 107724

(b) Psychiatric or psychological therapeutic counseling 107725  
services provided to correct or alleviate any mental or emotional 107726  
illness or disorder and performed by a licensed psychiatrist, 107727  
licensed psychologist, or a person licensed under Chapter 4757. of 107728  
the Revised Code to engage in social work or professional 107729  
counseling. 107730

(11) "Custodian" means a person who has legal custody of a 107731  
child or a public children services agency or private child 107732  
placing agency that has permanent, temporary, or legal custody of 107733  
a child. 107734

- (12) "Delinquent child" has the same meaning as in section 107735  
2152.02 of the Revised Code. 107736
- (13) "Detention" means the temporary care of children pending 107737  
court adjudication or disposition, or execution of a court order, 107738  
in a public or private facility designed to physically restrict 107739  
the movement and activities of children. 107740
- (14) "Developmental disability" has the same meaning as in 107741  
section 5123.01 of the Revised Code. 107742
- (15) "Differential response approach" means an approach that 107743  
a public children services agency may use to respond to accepted 107744  
reports of child abuse or neglect with either an alternative 107745  
response or a traditional response. 107746
- (16) "Foster caregiver" has the same meaning as in section 107747  
5103.02 of the Revised Code. 107748
- (17) "Guardian" means a person, association, or corporation 107749  
that is granted authority by a probate court pursuant to Chapter 107750  
2111. of the Revised Code to exercise parental rights over a child 107751  
to the extent provided in the court's order and subject to the 107752  
residual parental rights of the child's parents. 107753
- (18) "Habitual truant" means any child of compulsory school 107754  
age who is absent without legitimate excuse for absence from the 107755  
public school the child is supposed to attend for thirty or more 107756  
consecutive hours, forty-two or more hours in one school month, or 107757  
seventy-two or more hours in a school year. 107758
- (19) "Intellectual disability" has the same meaning as in 107759  
section 5123.01 of the Revised Code. 107760
- (20) "Juvenile traffic offender" has the same meaning as in 107761  
section 2152.02 of the Revised Code. 107762
- (21) "Legal custody" means a legal status that vests in the 107763  
custodian the right to have physical care and control of the child 107764

and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court.

(22) A "legitimate excuse for absence from the public school the child is supposed to attend" includes, but is not limited to, any of the following:

(a) The fact that the child in question has enrolled in and is attending another public or nonpublic school in this or another state;

(b) The fact that the child in question is excused from attendance at school for any of the reasons specified in section 3321.04 of the Revised Code;

(c) The fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code.

(23) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code.

(24) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care.

(25) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.

(26) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code. 107796  
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(27) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in certified foster homes or elsewhere. 107798  
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(28) "Out-of-home care" means detention facilities, shelter facilities, certified children's crisis care facilities, certified foster homes, placement in a prospective adoptive home prior to the issuance of a final decree of adoption, organizations, certified organizations, child day-care centers, type A family day-care homes, type B family day-care homes, child care provided by in-home aides, group home providers, group homes, institutions, state institutions, residential facilities, residential care facilities, residential camps, day camps, private, nonprofit therapeutic wilderness camps, public schools, chartered nonpublic schools, educational service centers, hospitals, and medical clinics that are responsible for the care, physical custody, or control of children. 107804  
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(29) "Out-of-home care child abuse" means any of the following when committed by a person responsible for the care of a child in out-of-home care: 107817  
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(a) Engaging in sexual activity with a child in the person's care; 107820  
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(b) Denial to a child, as a means of punishment, of proper or necessary subsistence, education, medical care, or other care necessary for a child's health; 107822  
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(c) Use of restraint procedures on a child that cause injury or pain; 107825  
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(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;	107827 107828 107829
(e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.	107830 107831 107832 107833 107834
(30) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care:	107835 107836 107837
(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;	107838 107839 107840
(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;	107841 107842 107843 107844
(c) Failure to develop a process for all of the following:	107845
(i) Administration of prescription drugs or psychotropic drugs for the child;	107846 107847
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	107848 107849
(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.	107850 107851 107852
(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;	107853 107854 107855
(e) Confinement of the child to a locked room without	107856

monitoring by staff; 107857

(f) Failure to provide ongoing security for all prescription and nonprescription medication; 107858  
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(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child. 107860  
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(31) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations. 107863  
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(32) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency. 107869  
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(33) "Person" means an individual, association, corporation, or partnership and the state or any of its political subdivisions, departments, or agencies. 107874  
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(34) "Person responsible for a child's care in out-of-home care" means any of the following: 107877  
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(a) Any foster caregiver, in-home aide, or provider; 107879

(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; certified children's crisis care facility; organization; certified organization; child day-care center; type A family day-care home; licensed type B family day-care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; school district; 107880  
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community school; chartered nonpublic school; educational service center; hospital; or medical clinic;

(c) Any person who supervises or coaches children as part of an extracurricular activity sponsored by a school district, public school, or chartered nonpublic school;

(d) Any other person who performs a similar function with respect to, or has a similar relationship to, children.

(35) "Physical impairment" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction:

(a) A substantial impairment of vision, speech, or hearing;

(b) A congenital orthopedic impairment;

(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.

(36) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.

(37) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.

(38) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:

(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.

(b) The order permits the agency to make an appropriate

placement of the child and to enter into a written agreement with 107917  
a foster care provider or with another person or agency with whom 107918  
the child is placed. 107919

(39) "Practice of social work" and "practice of professional 107920  
counseling" have the same meanings as in section 4757.01 of the 107921  
Revised Code. 107922

(40) "Private, nonprofit therapeutic wilderness camp" has the 107923  
same meaning as in section 5103.02 of the Revised Code. 107924

(41) "Sanction, service, or condition" means a sanction, 107925  
service, or condition created by court order following an 107926  
adjudication that a child is an unruly child that is described in 107927  
division (A)(4) of section 2152.19 of the Revised Code. 107928

(42) "Protective supervision" means an order of disposition 107929  
pursuant to which the court permits an abused, neglected, 107930  
dependent, or unruly child to remain in the custody of the child's 107931  
parents, guardian, or custodian and stay in the child's home, 107932  
subject to any conditions and limitations upon the child, the 107933  
child's parents, guardian, or custodian, or any other person that 107934  
the court prescribes, including supervision as directed by the 107935  
court for the protection of the child. 107936

(43) "Psychiatrist" has the same meaning as in section 107937  
5122.01 of the Revised Code. 107938

(44) "Psychologist" has the same meaning as in section 107939  
4732.01 of the Revised Code. 107940

(45) "Resource caregiver" has the same meaning as in section 107941  
5103.02 of the Revised Code. 107942

(46) "Resource family" has the same meaning as in section 107943  
5103.02 of the Revised Code. 107944

(47) "Residential camp" means a program in which the care, 107945  
physical custody, or control of children is accepted overnight for 107946

recreational or recreational and educational purposes. 107947

(48) "Residential care facility" means an institution, 107948  
residence, or facility that is licensed by the department of 107949  
mental health and addiction services under section 5119.34 of the 107950  
Revised Code and that provides care for a child. 107951

(49) "Residential facility" means a home or facility that is 107952  
licensed by the department of developmental disabilities under 107953  
section 5123.19 of the Revised Code and in which a child with a 107954  
developmental disability resides. 107955

(50) "Residual parental rights, privileges, and 107956  
responsibilities" means those rights, privileges, and 107957  
responsibilities remaining with the natural parent after the 107958  
transfer of legal custody of the child, including, but not 107959  
necessarily limited to, the privilege of reasonable visitation, 107960  
consent to adoption, the privilege to determine the child's 107961  
religious affiliation, and the responsibility for support. 107962

(51) "School day" means the school day established by the 107963  
board of education of the applicable school district pursuant to 107964  
section 3313.481 of the Revised Code. 107965

(52) "School year" has the same meaning as in section 3313.62 107966  
of the Revised Code. 107967

(53) "Secure correctional facility" means a facility under 107968  
the direction of the department of youth services that is designed 107969  
to physically restrict the movement and activities of children and 107970  
used for the placement of children after adjudication and 107971  
disposition. 107972

(54) "Sexual activity" has the same meaning as in section 107973  
2907.01 of the Revised Code. 107974

(55) "Shelter" means the temporary care of children in 107975  
physically unrestricted facilities pending court adjudication or 107976

disposition. 107977

(56) "Shelter for victims of domestic violence" has the same 107978  
meaning as in section 3113.33 of the Revised Code. 107979

(57) "Temporary custody" means legal custody of a child who 107980  
is removed from the child's home, which custody may be terminated 107981  
at any time at the discretion of the court or, if the legal 107982  
custody is granted in an agreement for temporary custody, by the 107983  
person who executed the agreement. 107984

(58) "Traditional response" means a public children services 107985  
agency's response to a report of child abuse or neglect that 107986  
encourages engagement of the family in a comprehensive evaluation 107987  
of the child's current and future safety needs and a fact-finding 107988  
process to determine whether child abuse or neglect occurred and 107989  
the circumstances surrounding the alleged harm or risk of harm. 107990

(C) For the purposes of this chapter, a child shall be 107991  
presumed abandoned when the parents of the child have failed to 107992  
visit or maintain contact with the child for more than ninety 107993  
days, regardless of whether the parents resume contact with the 107994  
child after that period of ninety days. 107995

**Sec. 2151.152.** The juvenile judge may enter into an agreement 107996  
with the department of ~~job children~~ and ~~family services~~ youth 107997  
pursuant to section 5101.11 of the Revised Code for the purpose of 107998  
reimbursing the court for foster care maintenance costs, 107999  
associated administrative and training costs, and prevention 108000  
services costs under the "Family First Prevention Services Act," 108001  
Public Law 115-123, incurred on behalf of a child who is any of 108002  
the following: 108003

(A) Eligible for payments under Title IV-E of the "Social 108004  
Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 670, and who is in 108005  
the temporary or permanent custody of the court or subject to a 108006

disposition issued under division (A)(5) of section 2151.354 or 108007  
division (A)(7)(a)(ii) or (A)(8) of section 2152.19 of the Revised 108008  
Code; 108009

(B) Determined to be at serious risk of removal from the home 108010  
and for whom the court has undertaken a plan of reasonable efforts 108011  
to prevent such removal; 108012

(C) At imminent risk of removal from the home and is a 108013  
sibling of a child in the temporary or permanent custody of the 108014  
court. 108015

The agreement shall govern the responsibilities and duties 108016  
the court shall perform in providing services to the child. 108017

**Sec. 2151.281.** (A) The court shall appoint a guardian ad 108018  
litem, subject to rules adopted by the supreme court, to protect 108019  
the interest of a child in any proceeding concerning an alleged or 108020  
adjudicated delinquent child or unruly child when either of the 108021  
following applies: 108022

(1) The child has no parent, guardian, or legal custodian. 108023

(2) The court finds that there is a conflict of interest 108024  
between the child and the child's parent, guardian, or legal 108025  
custodian. 108026

(B)(1) Except as provided in division (K) of this section, 108027  
the court shall appoint a guardian ad litem, subject to rules 108028  
adopted by the supreme court, to protect the interest of a child 108029  
in any proceeding concerning an alleged abused or neglected child 108030  
and in any proceeding held pursuant to section 2151.414 of the 108031  
Revised Code. The guardian ad litem so appointed shall not be the 108032  
attorney responsible for presenting the evidence alleging that the 108033  
child is an abused or neglected child and shall not be an employee 108034  
of any party in the proceeding. 108035

(2) Except in any proceeding concerning a dependent child 108036

involving the permanent custody of an infant under the age of six 108037  
months for the sole purpose of placement for adoption by a private 108038  
child placing agency, the court shall appoint a guardian ad litem, 108039  
subject to rules adopted by the supreme court, to protect the 108040  
interest of a child in any proceeding concerning an alleged 108041  
dependent child if any of the following applies: 108042

(a) The parent of the child appears to be mentally 108043  
incompetent or is under eighteen years of age. 108044

(b) There is a conflict of interest between the child and the 108045  
child's parents, guardian, or custodian. 108046

(c) The court believes that the parent of the child is not 108047  
capable of representing the best interest of the child. 108048

(3) Except in any proceeding concerning a dependent child 108049  
involving the permanent custody of an infant under the age of six 108050  
months for the sole purpose of placement for adoption by a private 108051  
child placing agency, the court may appoint a guardian ad litem, 108052  
subject to rules adopted by the supreme court, to protect the 108053  
interest of the child in any other proceeding concerning an 108054  
alleged dependent child. 108055

(4) The guardian ad litem appointed for an alleged or 108056  
adjudicated abused or neglected child may bring a civil action 108057  
against any person who is required by division (A)(1) or (4) of 108058  
section 2151.421 of the Revised Code to file a report of child 108059  
abuse or child neglect that is known or reasonably suspected or 108060  
believed to have occurred if that person knows, or has reasonable 108061  
cause to suspect or believe based on facts that would cause a 108062  
reasonable person in a similar position to suspect or believe, as 108063  
applicable, that the child for whom the guardian ad litem is 108064  
appointed is the subject of child abuse or child neglect and does 108065  
not file the required report and if the child suffers any injury 108066  
or harm as a result of the child abuse or child neglect that is 108067

known or reasonably suspected or believed to have occurred or 108068  
suffers additional injury or harm after the failure to file the 108069  
report. 108070

(C) In any proceeding concerning an alleged or adjudicated 108071  
delinquent, unruly, abused, neglected, or dependent child in which 108072  
the parent appears to be mentally incompetent or is under eighteen 108073  
years of age, the court shall appoint a guardian ad litem to 108074  
protect the interest of that parent. 108075

(D) The court shall require the guardian ad litem to 108076  
faithfully discharge the guardian ad litem's duties and, upon the 108077  
guardian ad litem's failure to faithfully discharge the guardian 108078  
ad litem's duties, shall discharge the guardian ad litem and 108079  
appoint another guardian ad litem. The court may fix the 108080  
compensation for the service of the guardian ad litem, which 108081  
compensation shall be paid from the treasury of the county, 108082  
subject to rules adopted by the supreme court. 108083

(E) A parent who is eighteen years of age or older and not 108084  
mentally incompetent shall be deemed sui juris for the purpose of 108085  
any proceeding relative to a child of the parent who is alleged or 108086  
adjudicated to be an abused, neglected, or dependent child. 108087

(F) In any case in which a parent of a child alleged or 108088  
adjudicated to be an abused, neglected, or dependent child is 108089  
under eighteen years of age, the parents of that parent shall be 108090  
summoned to appear at any hearing respecting the child, who is 108091  
alleged or adjudicated to be an abused, neglected, or dependent 108092  
child. 108093

(G) Except as provided in division (K) of this section, in 108094  
any case in which a guardian ad litem is to be appointed for an 108095  
alleged or adjudicated abused, neglected, or dependent child or in 108096  
any case involving an agreement for the voluntary surrender of 108097  
temporary or permanent custody of a child that is made in 108098

accordance with section 5103.15 of the Revised Code, the court 108099  
shall appoint the guardian ad litem in each case as soon as 108100  
possible after the complaint is filed, the request for an 108101  
extension of the temporary custody agreement is filed with the 108102  
court, or the request for court approval of the permanent custody 108103  
agreement is filed. The guardian ad litem or the guardian ad 108104  
litem's replacement shall continue to serve until any of the 108105  
following occur: 108106

(1) The complaint is dismissed or the request for an 108107  
extension of a temporary custody agreement or for court approval 108108  
of the permanent custody agreement is withdrawn or denied; 108109

(2) All dispositional orders relative to the child have 108110  
terminated; 108111

(3) The legal custody of the child is granted to a relative 108112  
of the child, or to another person; 108113

(4) The child is placed in an adoptive home or, at the 108114  
court's discretion, a final decree of adoption is issued with 108115  
respect to the child; 108116

(5) The child reaches the age of eighteen if the child does 108117  
not have a developmental disability or physical impairment or the 108118  
child reaches the age of twenty-one if the child has a 108119  
developmental disability or physical impairment; 108120

(6) The guardian ad litem resigns or is removed by the court 108121  
and a replacement is appointed by the court. 108122

If a guardian ad litem ceases to serve a child pursuant to 108123  
division (G)(4) of this section and the petition for adoption with 108124  
respect to the child is denied or withdrawn prior to the issuance 108125  
of a final decree of adoption or prior to the date an 108126  
interlocutory order of adoption becomes final, the juvenile court 108127  
shall reappoint a guardian ad litem for that child. The public 108128  
children services agency or private child placing agency with 108129

permanent custody of the child shall notify the juvenile court if 108130  
the petition for adoption is denied or withdrawn. 108131

(H) If the guardian ad litem for an alleged or adjudicated 108132  
abused, neglected, or dependent child is an attorney admitted to 108133  
the practice of law in this state, the guardian ad litem also may 108134  
serve as counsel to the ward. Until the supreme court adopts rules 108135  
regarding service as a guardian ad litem that regulate conflicts 108136  
between a person's role as guardian ad litem and as counsel, if a 108137  
person is serving as guardian ad litem and counsel for a child and 108138  
either that person or the court finds that a conflict may exist 108139  
between the person's roles as guardian ad litem and as counsel, 108140  
the court shall relieve the person of duties as guardian ad litem 108141  
and appoint someone else as guardian ad litem for the child. If 108142  
the court appoints a person who is not an attorney admitted to the 108143  
practice of law in this state to be a guardian ad litem, the court 108144  
also may appoint an attorney admitted to the practice of law in 108145  
this state to serve as counsel for the guardian ad litem. 108146

(I) The guardian ad litem for an alleged or adjudicated 108147  
abused, neglected, or dependent child shall perform whatever 108148  
functions are necessary to protect the best interest of the child, 108149  
including, but not limited to, investigation, mediation, 108150  
monitoring court proceedings, and monitoring the services provided 108151  
the child by the public children services agency or private child 108152  
placing agency that has temporary or permanent custody of the 108153  
child, and shall file any motions and other court papers that are 108154  
in the best interest of the child in accordance with rules adopted 108155  
by the supreme court. 108156

The guardian ad litem shall be given notice of all hearings, 108157  
administrative reviews, and other proceedings in the same manner 108158  
as notice is given to parties to the action. 108159

(J)(1) When the court appoints a guardian ad litem pursuant 108160  
to this section, it shall appoint a qualified volunteer or court 108161

appointed special advocate whenever one is available and the 108162  
appointment is appropriate. 108163

(2) Upon request, the department of ~~job~~ children and ~~family~~  
~~services~~ youth shall provide for the training of volunteer 108164  
guardians ad litem. 108165  
108166

(K) A guardian ad litem shall not be appointed for a child 108167  
who is under six months of age in any proceeding in which a 108168  
private child placing agency is seeking permanent custody of the 108169  
child or seeking approval of a voluntary permanent custody 108170  
surrender agreement for the sole purpose of the adoption of the 108171  
child. 108172

**Sec. 2151.316.** (A) The department of ~~job~~ children and ~~family~~  
~~services~~ youth shall adopt rules in accordance with Chapter 119. 108173  
of the Revised Code to establish and enforce a foster youth bill 108174  
of rights for individuals who are in the temporary or permanent 108175  
custody of a public children services agency or a planned 108176  
permanent living arrangement or in the Title IV-E eligible care 108177  
and placement responsibility of a juvenile court or other 108178  
governmental agency that provides Title IV-E reimbursable 108179  
placement services and who are subject to out-of-home care or 108180  
placed with a kinship caregiver as defined in section 5101.85 of 108181  
the Revised Code. 108182  
108183

(B) If the rights of an individual, as established under 108184  
division (A) of this section, conflict with the rights of a 108185  
resource family or resource caregiver, as established in section 108186  
5103.163 of the Revised Code, the rights of the individual shall 108187  
preempt the rights of the resource family or resource caregiver. 108188

(C) The rights established by rules under this section shall 108189  
not create grounds for a civil action against the department, the 108190  
recommending agency, or the custodial agency. 108191

Sec. 2151.353. (A) If a child is adjudicated an abused,	108192
neglected, or dependent child, the court may make any of the	108193
following orders of disposition:	108194
(1) Place the child in protective supervision;	108195
(2) Commit the child to the temporary custody of any of the	108196
following:	108197
(a) A public children services agency;	108198
(b) A private child placing agency;	108199
(c) Either parent;	108200
(d) A relative residing within or outside the state;	108201
(e) A probation officer for placement in a certified foster	108202
home;	108203
(f) Any other person approved by the court.	108204
(3) Award legal custody of the child to either parent or to	108205
any other person who, prior to the dispositional hearing, files a	108206
motion requesting legal custody of the child or is identified as a	108207
proposed legal custodian in a complaint or motion filed prior to	108208
the dispositional hearing by any party to the proceedings. A	108209
person identified in a complaint or motion filed by a party to the	108210
proceedings as a proposed legal custodian shall be awarded legal	108211
custody of the child only if the person identified signs a	108212
statement of understanding for legal custody that contains at	108213
least the following provisions:	108214
(a) That it is the intent of the person to become the legal	108215
custodian of the child and the person is able to assume legal	108216
responsibility for the care and supervision of the child;	108217
(b) That the person understands that legal custody of the	108218
child in question is intended to be permanent in nature and that	108219
the person will be responsible as the custodian for the child	108220

until the child reaches the age of majority. Responsibility as 108221  
custodian for the child shall continue beyond the age of majority 108222  
if, at the time the child reaches the age of majority, the child 108223  
is pursuing a diploma granted by the board of education or other 108224  
governing authority, successful completion of the curriculum of 108225  
any high school, successful completion of an individualized 108226  
education program developed for the student by any high school, or 108227  
an age and schooling certificate. Responsibility beyond the age of 108228  
majority shall terminate when the child ceases to continuously 108229  
pursue such an education, completes such an education, or is 108230  
excused from such an education under standards adopted by the 108231  
state board of education, whichever occurs first. 108232

(c) That the parents of the child have residual parental 108233  
rights, privileges, and responsibilities, including, but not 108234  
limited to, the privilege of reasonable visitation, consent to 108235  
adoption, the privilege to determine the child's religious 108236  
affiliation, and the responsibility for support; 108237

(d) That the person understands that the person must be 108238  
present in court for the dispositional hearing in order to affirm 108239  
the person's intention to become legal custodian, to affirm that 108240  
the person understands the effect of the custodianship before the 108241  
court, and to answer any questions that the court or any parties 108242  
to the case may have. 108243

(4) Commit the child to the permanent custody of a public 108244  
children services agency or private child placing agency, if the 108245  
court determines in accordance with division (E) of section 108246  
2151.414 of the Revised Code that the child cannot be placed with 108247  
one of the child's parents within a reasonable time or should not 108248  
be placed with either parent and determines in accordance with 108249  
division (D)(1) of section 2151.414 of the Revised Code that the 108250  
permanent commitment is in the best interest of the child. If the 108251  
court grants permanent custody under this division, the court, 108252

upon the request of any party, shall file a written opinion 108253  
setting forth its findings of fact and conclusions of law in 108254  
relation to the proceeding. 108255

(5) Place the child in a planned permanent living arrangement 108256  
with a public children services agency or private child placing 108257  
agency, if a public children services agency or private child 108258  
placing agency requests the court to place the child in a planned 108259  
permanent living arrangement and if the court finds, by clear and 108260  
convincing evidence, that a planned permanent living arrangement 108261  
is in the best interest of the child, that the child is sixteen 108262  
years of age or older, and that one of the following exists: 108263

(a) The child, because of physical, mental, or psychological 108264  
problems or needs, is unable to function in a family-like setting 108265  
and must remain in residential or institutional care now and for 108266  
the foreseeable future beyond the date of the dispositional 108267  
hearing held pursuant to section 2151.35 of the Revised Code. 108268

(b) The parents of the child have significant physical, 108269  
mental, or psychological problems and are unable to care for the 108270  
child because of those problems, adoption is not in the best 108271  
interest of the child, as determined in accordance with division 108272  
(D)(1) of section 2151.414 of the Revised Code, and the child 108273  
retains a significant and positive relationship with a parent or 108274  
relative. 108275

(c) The child has been counseled on the permanent placement 108276  
options available to the child, and is unwilling to accept or 108277  
unable to adapt to a permanent placement. 108278

(6) Order the removal from the child's home until further 108279  
order of the court of the person who committed abuse as described 108280  
in section 2151.031 of the Revised Code against the child, who 108281  
caused or allowed the child to suffer neglect as described in 108282  
section 2151.03 of the Revised Code, or who is the parent, 108283

guardian, or custodian of a child who is adjudicated a dependent 108284  
child and order any person not to have contact with the child or 108285  
the child's siblings. 108286

(B)(1) When making a determination on whether to place a 108287  
child in a planned permanent living arrangement pursuant to 108288  
division (A)(5)(b) or (c) of this section, the court shall 108289  
consider all relevant information that has been presented to the 108290  
court, including information gathered from the child, the child's 108291  
guardian ad litem, and the public children services agency or 108292  
private child placing agency. 108293

(2) A child who is placed in a planned permanent living 108294  
arrangement pursuant to division (A)(5)(b) or (c) of this section 108295  
shall be placed in an independent living setting or in a family 108296  
setting in which the caregiver has been provided by the agency 108297  
that has custody of the child with a notice that addresses the 108298  
following: 108299

(a) The caregiver understands that the planned permanent 108300  
living arrangement is intended to be permanent in nature and that 108301  
the caregiver will provide a stable placement for the child 108302  
through the child's emancipation or until the court releases the 108303  
child from the custody of the agency, whichever occurs first. 108304

(b) The caregiver is expected to actively participate in the 108305  
youth's independent living case plan, attend agency team meetings 108306  
and court hearings as appropriate, complete training, as developed 108307  
and implemented under section 5103.035 of the Revised Code, 108308  
related to providing the child independent living services, and 108309  
assist in the child's transition into adulthood. 108310

(3) The department of ~~job children and family services~~ youth 108311  
shall develop a model notice to be provided by an agency that has 108312  
custody of a child to a caregiver under division (B)(2) of this 108313  
section. The agency may modify the model notice to apply to the 108314

needs of the agency. 108315

(C) No order for permanent custody or temporary custody of a 108316  
child or the placement of a child in a planned permanent living 108317  
arrangement shall be made pursuant to this section unless the 108318  
complaint alleging the abuse, neglect, or dependency contains a 108319  
prayer requesting permanent custody, temporary custody, or the 108320  
placement of the child in a planned permanent living arrangement 108321  
as desired, the summons served on the parents of the child 108322  
contains as is appropriate a full explanation that the granting of 108323  
an order for permanent custody permanently divests them of their 108324  
parental rights, a full explanation that an adjudication that the 108325  
child is an abused, neglected, or dependent child may result in an 108326  
order of temporary custody that will cause the removal of the 108327  
child from their legal custody until the court terminates the 108328  
order of temporary custody or permanently divests the parents of 108329  
their parental rights, or a full explanation that the granting of 108330  
an order for a planned permanent living arrangement will result in 108331  
the removal of the child from their legal custody if any of the 108332  
conditions listed in divisions (A)(5)(a) to (c) of this section 108333  
are found to exist, and the summons served on the parents contains 108334  
a full explanation of their right to be represented by counsel and 108335  
to have counsel appointed pursuant to Chapter 120. of the Revised 108336  
Code if they are indigent. 108337

If after making disposition as authorized by division (A)(2) 108338  
of this section, a motion is filed that requests permanent custody 108339  
of the child, the court may grant permanent custody of the child 108340  
to the movant in accordance with section 2151.414 of the Revised 108341  
Code. 108342

(D) If the court issues an order for protective supervision 108343  
pursuant to division (A)(1) of this section, the court may place 108344  
any reasonable restrictions upon the child, the child's parents, 108345  
guardian, or custodian, or any other person, including, but not 108346

limited to, any of the following: 108347

(1) Order a party, within forty-eight hours after the 108348  
issuance of the order, to vacate the child's home indefinitely or 108349  
for a specified period of time; 108350

(2) Order a party, a parent of the child, or a physical 108351  
custodian of the child to prevent any particular person from 108352  
having contact with the child; 108353

(3) Issue an order restraining or otherwise controlling the 108354  
conduct of any person which conduct would not be in the best 108355  
interest of the child. 108356

(E) As part of its dispositional order, the court shall 108357  
journalize a case plan for the child. The journalized case plan 108358  
shall not be changed except as provided in section 2151.412 of the 108359  
Revised Code. 108360

(F)(1) The court shall retain jurisdiction over any child for 108361  
whom the court issues an order of disposition pursuant to division 108362  
(A) of this section or pursuant to section 2151.414 or 2151.415 of 108363  
the Revised Code until the child attains the age of eighteen years 108364  
if the child does not have a developmental disability or physical 108365  
impairment, the child attains the age of twenty-one years if the 108366  
child has a developmental disability or physical impairment, or 108367  
the child is adopted and a final decree of adoption is issued, 108368  
except that the court may retain jurisdiction over the child and 108369  
continue any order of disposition under division (A) of this 108370  
section or under section 2151.414 or 2151.415 of the Revised Code 108371  
for a specified period of time to enable the child to graduate 108372  
from high school or vocational school. The court shall make an 108373  
entry continuing its jurisdiction under this division in the 108374  
journal. 108375

(2) Any public children services agency, any private child 108376  
placing agency, the department of ~~job~~ children and ~~family services~~ 108377

youth, or any party, other than any parent whose parental rights with respect to the child have been terminated pursuant to an order issued under division (A)(4) of this section, by filing a motion with the court, may at any time request the court to modify or terminate any order of disposition issued pursuant to division (A) of this section or section 2151.414 or 2151.415 of the Revised Code. The court shall hold a hearing upon the motion as if the hearing were the original dispositional hearing and shall give all parties to the action and the guardian ad litem notice of the hearing pursuant to the Juvenile Rules. If applicable, the court shall comply with section 2151.42 of the Revised Code.

(G) Any temporary custody order issued pursuant to division (A) of this section shall terminate one year after the earlier of the date on which the complaint in the case was filed or the child was first placed into shelter care, except that, upon the filing of a motion pursuant to section 2151.415 of the Revised Code, the temporary custody order shall continue and not terminate until the court issues a dispositional order under that section. In resolving the motion, the court shall not order an existing temporary custody order to continue beyond two years after the date on which the complaint was filed or the child was first placed into shelter care, whichever date is earlier, regardless of whether any extensions have been previously ordered pursuant to division (D) of section 2151.415 of the Revised Code.

(H)(1) No later than one year after the earlier of the date the complaint in the case was filed or the child was first placed in shelter care, a party may ask the court to extend an order for protective supervision for six months or to terminate the order. A party requesting extension or termination of the order shall file a written request for the extension or termination with the court and give notice of the proposed extension or termination in writing before the end of the day after the day of filing it to

all parties and the child's guardian ad litem. If a public 108410  
children services agency or private child placing agency requests 108411  
termination of the order, the agency shall file a written status 108412  
report setting out the facts supporting termination of the order 108413  
at the time it files the request with the court. If no party 108414  
requests extension or termination of the order, the court shall 108415  
notify the parties that the court will extend the order for six 108416  
months or terminate it and that it may do so without a hearing 108417  
unless one of the parties requests a hearing. All parties and the 108418  
guardian ad litem shall have seven days from the date a notice is 108419  
sent pursuant to this division to object to and request a hearing 108420  
on the proposed extension or termination. 108421

(a) If it receives a timely request for a hearing, the court 108422  
shall schedule a hearing to be held no later than thirty days 108423  
after the request is received by the court. The court shall give 108424  
notice of the date, time, and location of the hearing to all 108425  
parties and the guardian ad litem. At the hearing, the court shall 108426  
determine whether extension or termination of the order is in the 108427  
child's best interest. If termination is in the child's best 108428  
interest, the court shall terminate the order. If extension is in 108429  
the child's best interest, the court shall extend the order for 108430  
six months. 108431

(b) If it does not receive a timely request for a hearing, 108432  
the court may extend the order for six months or terminate it 108433  
without a hearing and shall journalize the order of extension or 108434  
termination not later than fourteen days after receiving the 108435  
request for extension or termination or after the date the court 108436  
notifies the parties that it will extend or terminate the order. 108437  
If the court does not extend or terminate the order, it shall 108438  
schedule a hearing to be held no later than thirty days after the 108439  
expiration of the applicable fourteen-day time period and give 108440  
notice of the date, time, and location of the hearing to all 108441

parties and the child's guardian ad litem. At the hearing, the court shall determine whether extension or termination of the order is in the child's best interest. If termination is in the child's best interest, the court shall terminate the order. If extension is in the child's best interest, the court shall issue an order extending the order for protective supervision six months.

(2) If the court grants an extension of the order for protective supervision pursuant to division (H)(1) of this section, a party may, prior to termination of the extension, file with the court a request for an additional extension of six months or for termination of the order. The court and the parties shall comply with division (H)(1) of this section with respect to extending or terminating the order.

(3) If a court grants an extension pursuant to division (H)(2) of this section, the court shall terminate the order for protective supervision at the end of the extension.

(I) The court shall not issue a dispositional order pursuant to division (A) of this section that removes a child from the child's home unless the court complies with section 2151.419 of the Revised Code and includes in the dispositional order the findings of fact required by that section.

(J) If a motion or application for an order described in division (A)(6) of this section is made, the court shall not issue the order unless, prior to the issuance of the order, it provides to the person all of the following:

(1) Notice and a copy of the motion or application;

(2) The grounds for the motion or application;

(3) An opportunity to present evidence and witnesses at a hearing regarding the motion or application;

(4) An opportunity to be represented by counsel at the hearing. 108472  
108473

(K) The jurisdiction of the court shall terminate one year after the date of the award or, if the court takes any further action in the matter subsequent to the award, the date of the latest further action subsequent to the award, if the court awards legal custody of a child to either of the following: 108474  
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(1) A legal custodian who, at the time of the award of legal custody, resides in a county of this state other than the county in which the court is located; 108479  
108480  
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(2) A legal custodian who resides in the county in which the court is located at the time of the award of legal custody, but moves to a different county of this state prior to one year after the date of the award or, if the court takes any further action in the matter subsequent to the award, one year after the date of the latest further action subsequent to the award. 108482  
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The court in the county in which the legal custodian resides then shall have jurisdiction in the matter. 108488  
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**Sec. 2151.3519.** On receipt of a notice given pursuant to section 2151.3518 of the Revised Code that an emergency medical service organization, a law enforcement agency, or hospital has taken possession of a child and in accordance with rules of the department of ~~job~~ children and ~~family services~~ youth, a public children services agency shall do all of the following: 108490  
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(A) Consider the child to be in need of public care and protective services; 108496  
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(B) Accept and take emergency temporary custody of the child; 108498

(C) Provide temporary emergency care for the child, without agreement or commitment; 108499  
108500

(D) Make an investigation concerning the child; 108501

(E) File a motion with the juvenile court of the county in which the agency is located requesting that the court grant temporary custody of the child to the agency or to a private child placing agency;

(F) Provide any care for the child that the public children services agency considers to be in the best interest of the child, including placing the child in shelter care;

(G) Provide any care and perform any duties that are required of public children services agencies under section 5153.16 of the Revised Code;

(H) Prepare and keep written records of the investigation of the child, of the care and treatment afforded the child, and any other records required by the department of ~~job~~ children and ~~family services~~ youth.

**Sec. 2151.3534.** (A) The director of ~~job~~ children and ~~family services~~ youth shall promulgate forms designed to gather pertinent medical information concerning a deserted child and the child's parents. The forms shall clearly and unambiguously state on each page that the information requested is to facilitate medical care for the child, that the forms may be fully or partially completed or left blank, that completing the forms or parts of the forms is completely voluntary, and that no adverse legal consequence will result from failure to complete any part of the forms.

(B) The director shall promulgate written materials to be made available to the parents of a child delivered pursuant to section 2151.3516 of the Revised Code. The materials shall describe services available to assist parents and newborns and shall include information directly relevant to situations that might cause parents to desert a child and information on the procedures for a person to follow in order to reunite with a child the person delivered under section 2151.3516 of the Revised Code,

including notice that the person will be required to submit to a DNA test, at that person's expense, to prove that the person is the parent of the child.

(C) If the department of job and family services determines that money in the putative father registry fund created under section 2101.16 of the Revised Code is more than is needed for its duties related to the putative father registry, the department may use surplus moneys in the fund for costs related to the development and publication of forms and materials promulgated pursuant to divisions (A) and (B) of this section.

**Sec. 2151.3535.** (A) The director of ~~job children~~ and ~~family services youth~~ shall distribute the medical information forms and written materials promulgated under section 2151.3534 of the Revised Code to entities permitted to receive a deserted child, to public children services agencies, and to other public or private agencies that, in the discretion of the director, are best able to disseminate the forms and materials to the persons who are most in need of the forms and materials.

The department of ~~job children~~ and ~~family services youth~~ shall develop an educational plan, in collaboration with the Ohio family and children first cabinet council, for informing at-risk populations who are most likely to voluntarily deliver a child under section 2151.3516 of the Revised Code concerning the provisions of sections 2151.3516 to 2151.3535 of the Revised Code.

(B) If the department of job and family services determines that money in the putative father registry fund created under section 2101.16 of the Revised Code is more than is needed to perform its duties related to the putative father registry, the department may use surplus moneys in the fund for costs related to the distribution of forms and materials pursuant to this section.

**Sec. 2151.36.** Except as provided in section 2151.361 of the Revised Code, when a child has been committed as provided by this chapter or Chapter 2152. of the Revised Code, the juvenile court shall issue an order pursuant to Chapters 3119., 3121., 3123., and 3125. of the Revised Code requiring that the parent, guardian, or person charged with the child's support pay for the care, support, maintenance, and education of the child. The juvenile court shall order that the parents, guardian, or person pay for the expenses involved in providing orthopedic, medical, or surgical treatment for, or for special care of, the child, enter a judgment for the amount due, and enforce the judgment by execution as in the court of common pleas.

Any expenses incurred for the care, support, maintenance, education, orthopedic, medical, or surgical treatment, and special care of a child who has a legal settlement in another county shall be at the expense of the county of legal settlement if the consent of the juvenile judge of the county of legal settlement is first obtained. When the consent is obtained, the board of county commissioners of the county in which the child has a legal settlement shall reimburse the committing court for the expenses out of its general fund. If the department of ~~job~~ children and family services youth considers it to be in the best interest of any delinquent, dependent, unruly, abused, or neglected child who has a legal settlement in a foreign state or country that the child be returned to the state or country of legal settlement, the juvenile court may commit the child to the department for the child's return to that state or country.

Any expenses ordered by the court for the care, support, maintenance, education, orthopedic, medical, or surgical treatment, or special care of a dependent, neglected, abused, unruly, or delinquent child or of a juvenile traffic offender under this chapter or Chapter 2152. of the Revised Code, except

the part of the expense that may be paid by the state or federal 108595  
government or paid by the parents, guardians, or person charged 108596  
with the child's support pursuant to this section, shall be paid 108597  
from the county treasury upon specifically itemized vouchers, 108598  
certified to by the judge. The court shall not be responsible for 108599  
any expenses resulting from the commitment of children to any 108600  
home, public children services agency, private child placing 108601  
agency, or other institution, association, or agency, unless the 108602  
court authorized the expenses at the time of commitment. 108603

**Sec. 2151.39.** No person, association or agency, public or 108604  
private, of another state, incorporated or otherwise, shall place 108605  
a child in a family home or with an agency or institution within 108606  
the boundaries of this state, either for temporary or permanent 108607  
care or custody or for adoption, unless such person or association 108608  
has furnished the department of ~~job children~~ and ~~family services~~ 108609  
youth with a medical and social history of the child, pertinent 108610  
information about the family, agency, association, or institution 108611  
in this state with whom the sending party desires to place the 108612  
child, and any other information or financial guaranty required by 108613  
the department to determine whether the proposed placement will 108614  
meet the needs of the child. The department may require the party 108615  
desiring the placement to agree to promptly receive and remove 108616  
from the state a child brought into the state whose placement has 108617  
not proven satisfactorily responsive to the needs of the child at 108618  
any time until the child is adopted, reaches majority, becomes 108619  
self-supporting or is discharged with the concurrence of the 108620  
department. All placements proposed to be made in this state by a 108621  
party located in a state which is a party to the interstate 108622  
compact for the placement of children shall be made according to 108623  
the provisions of sections 5103.20 to 5103.22 of the Revised Code, 108624  
or, if the interstate compact on the placement of children is in 108625  
effect in this state, all placements proposed to be made in this 108626

state by a party located in a state that is a party to that 108627  
compact shall be made according to the provisions of sections 108628  
5103.23 to 5103.237 of the Revised Code. 108629

**Sec. 2151.412.** (A) Each public children services agency and 108630  
private child placing agency shall prepare and maintain a case 108631  
plan for any child to whom the agency is providing services and to 108632  
whom any of the following applies: 108633

(1) The agency filed a complaint pursuant to section 2151.27 108634  
of the Revised Code alleging that the child is an abused, 108635  
neglected, or dependent child; 108636

(2) The agency has temporary or permanent custody of the 108637  
child; 108638

(3) The child is living at home subject to an order for 108639  
protective supervision; 108640

(4) The child is in a planned permanent living arrangement. 108641

Except as provided by division (A)(2) of section 5103.153 of 108642  
the Revised Code, a private child placing agency providing 108643  
services to a child who is the subject of a voluntary permanent 108644  
custody surrender agreement entered into under division (B)(2) of 108645  
section 5103.15 of the Revised Code is not required to prepare and 108646  
maintain a case plan for that child. 108647

(B) Each public children services agency shall prepare and 108648  
maintain a case plan for any child for whom the agency is 108649  
providing in-home services pursuant to an alternative response. 108650

(C)(1) The director of ~~job children~~ and ~~family services youth~~ 108651  
shall adopt rules pursuant to Chapter 119. of the Revised Code 108652  
setting forth the content and format of case plans required by 108653  
division (A) of this section and establishing procedures for 108654  
developing, implementing, and changing the case plans. The rules 108655  
shall at a minimum comply with the requirements of Title IV-E of 108656

the "Social Security Act," 42 U.S.C. 670, et seq. (1980). 108657

(2) The director of ~~job~~ children and ~~family services~~ youth 108658  
shall adopt rules pursuant to Chapter 119. of the Revised Code 108659  
requiring public children services agencies and private child 108660  
placing agencies to maintain case plans for children and their 108661  
families who are receiving services in their homes from the 108662  
agencies and for whom case plans are not required by division (A) 108663  
of this section. The rules for public children services agencies 108664  
shall include the requirements for case plans maintained for 108665  
children and their families who are receiving services in their 108666  
homes from public children services agencies pursuant to an 108667  
alternative response. The agencies shall maintain case plans as 108668  
required by those rules; however, the case plans shall not be 108669  
subject to any other provision of this section except as 108670  
specifically required by the rules. 108671

(D) Each public children services agency and private child 108672  
placing agency that is required by division (A) of this section to 108673  
maintain a case plan shall file the case plan with the court prior 108674  
to the child's adjudicatory hearing but no later than thirty days 108675  
after the earlier of the date on which the complaint in the case 108676  
was filed or the child was first placed into shelter care. If the 108677  
agency does not have sufficient information prior to the 108678  
adjudicatory hearing to complete any part of the case plan, the 108679  
agency shall specify in the case plan the additional information 108680  
necessary to complete each part of the case plan and the steps 108681  
that will be taken to obtain that information. All parts of the 108682  
case plan shall be completed by the earlier of thirty days after 108683  
the adjudicatory hearing or the date of the dispositional hearing 108684  
for the child. 108685

(E) Any agency that is required by division (A) of this 108686  
section to prepare a case plan shall attempt to obtain an 108687  
agreement among all parties, including, but not limited to, the 108688

parents, guardian, or custodian of the child and the guardian ad litem of the child regarding the content of the case plan. If all parties agree to the content of the case plan and the court approves it, the court shall journalize it as part of its dispositional order. If the agency cannot obtain an agreement upon the contents of the case plan or the court does not approve it, the parties shall present evidence on the contents of the case plan at the dispositional hearing. The court, based upon the evidence presented at the dispositional hearing and the best interest of the child, shall determine the contents of the case plan and journalize it as part of the dispositional order for the child.

(F)(1) All parties, including the parents, guardian, or custodian of the child, are bound by the terms of the journalized case plan. A party that fails to comply with the terms of the journalized case plan may be held in contempt of court.

(2) Any party may propose a change to a substantive part of the case plan, including, but not limited to, the child's placement and the visitation rights of any party. A party proposing a change to the case plan shall file the proposed change with the court and give notice of the proposed change in writing before the end of the day after the day of filing it to all parties and the child's guardian ad litem. All parties and the guardian ad litem shall have seven days from the date the notice is sent to object to and request a hearing on the proposed change.

(a) If it receives a timely request for a hearing, the court shall schedule a hearing pursuant to section 2151.417 of the Revised Code to be held no later than thirty days after the request is received by the court. The court shall give notice of the date, time, and location of the hearing to all parties and the guardian ad litem. The agency may implement the proposed change after the hearing, if the court approves it. The agency shall not

implement the proposed change unless it is approved by the court. 108721

(b) If it does not receive a timely request for a hearing, 108722  
the court may approve the proposed change without a hearing. If 108723  
the court approves the proposed change without a hearing, it shall 108724  
journalize the case plan with the change not later than fourteen 108725  
days after the change is filed with the court. If the court does 108726  
not approve the proposed change to the case plan, it shall 108727  
schedule a hearing to be held pursuant to section 2151.417 of the 108728  
Revised Code no later than thirty days after the expiration of the 108729  
fourteen-day time period and give notice of the date, time, and 108730  
location of the hearing to all parties and the guardian ad litem 108731  
of the child. If, despite the requirements of division (F)(2) of 108732  
this section, the court neither approves and journalizes the 108733  
proposed change nor conducts a hearing, the agency may implement 108734  
the proposed change not earlier than fifteen days after it is 108735  
submitted to the court. 108736

(3) If an agency has reasonable cause to believe that a child 108737  
is suffering from illness or injury and is not receiving proper 108738  
care and that an appropriate change in the child's case plan is 108739  
necessary to prevent immediate or threatened physical or emotional 108740  
harm, to believe that a child is in immediate danger from the 108741  
child's surroundings and that an immediate change in the child's 108742  
case plan is necessary to prevent immediate or threatened physical 108743  
or emotional harm to the child, or to believe that a parent, 108744  
guardian, custodian, or other member of the child's household has 108745  
abused or neglected the child and that the child is in danger of 108746  
immediate or threatened physical or emotional harm from that 108747  
person unless the agency makes an appropriate change in the 108748  
child's case plan, it may implement the change without prior 108749  
agreement or a court hearing and, before the end of the next day 108750  
after the change is made, give all parties, the guardian ad litem 108751  
of the child, and the court notice of the change. Before the end 108752

of the third day after implementing the change in the case plan, 108753  
the agency shall file a statement of the change with the court and 108754  
give notice of the filing accompanied by a copy of the statement 108755  
to all parties and the guardian ad litem. All parties and the 108756  
guardian ad litem shall have ten days from the date the notice is 108757  
sent to object to and request a hearing on the change. 108758

(a) If it receives a timely request for a hearing, the court 108759  
shall schedule a hearing pursuant to section 2151.417 of the 108760  
Revised Code to be held no later than thirty days after the 108761  
request is received by the court. The court shall give notice of 108762  
the date, time, and location of the hearing to all parties and the 108763  
guardian ad litem. The agency shall continue to administer the 108764  
case plan with the change after the hearing, if the court approves 108765  
the change. If the court does not approve the change, the court 108766  
shall make appropriate changes to the case plan and shall 108767  
journalize the case plan. 108768

(b) If it does not receive a timely request for a hearing, 108769  
the court may approve the change without a hearing. If the court 108770  
approves the change without a hearing, it shall journalize the 108771  
case plan with the change within fourteen days after receipt of 108772  
the change. If the court does not approve the change to the case 108773  
plan, it shall schedule a hearing under section 2151.417 of the 108774  
Revised Code to be held no later than thirty days after the 108775  
expiration of the fourteen-day time period and give notice of the 108776  
date, time, and location of the hearing to all parties and the 108777  
guardian ad litem of the child. 108778

(G)(1) All case plans for children in temporary custody shall 108779  
have the following general goals: 108780

(a) Consistent with the best interest and special needs of 108781  
the child, to achieve a safe out-of-home placement in the least 108782  
restrictive, most family-like setting available and in close 108783  
proximity to the home from which the child was removed or the home 108784

in which the child will be permanently placed; 108785

(b) To eliminate with all due speed the need for the 108786  
out-of-home placement so that the child can safely return home. 108787

(2) The director of ~~job children~~ and ~~family services~~ youth 108788  
shall adopt rules pursuant to Chapter 119. of the Revised Code 108789  
setting forth the general goals of case plans for children subject 108790  
to dispositional orders for protective supervision, a planned 108791  
permanent living arrangement, or permanent custody. 108792

(H) In the agency's development of a case plan and the 108793  
court's review of the case plan, the child's health and safety 108794  
shall be the paramount concern. The agency and the court shall be 108795  
guided by the following general priorities: 108796

(1) A child who is residing with or can be placed with the 108797  
child's parents within a reasonable time should remain in their 108798  
legal custody even if an order of protective supervision is 108799  
required for a reasonable period of time; 108800

(2) If both parents of the child have abandoned the child, 108801  
have relinquished custody of the child, have become incapable of 108802  
supporting or caring for the child even with reasonable 108803  
assistance, or have a detrimental effect on the health, safety, 108804  
and best interest of the child, the child should be placed in the 108805  
legal custody of a suitable member of the child's extended family; 108806

(3) If a child described in division (H)(2) of this section 108807  
has no suitable member of the child's extended family to accept 108808  
legal custody, the child should be placed in the legal custody of 108809  
a suitable nonrelative who shall be made a party to the 108810  
proceedings after being given legal custody of the child; 108811

(4) If the child has no suitable member of the child's 108812  
extended family to accept legal custody of the child and no 108813  
suitable nonrelative is available to accept legal custody of the 108814  
child and, if the child temporarily cannot or should not be placed 108815

with the child's parents, guardian, or custodian, the child should 108816  
be placed in the temporary custody of a public children services 108817  
agency or a private child placing agency; 108818

(5) If the child cannot be placed with either of the child's 108819  
parents within a reasonable period of time or should not be placed 108820  
with either, if no suitable member of the child's extended family 108821  
or suitable nonrelative is available to accept legal custody of 108822  
the child, and if the agency has a reasonable expectation of 108823  
placing the child for adoption, the child should be committed to 108824  
the permanent custody of the public children services agency or 108825  
private child placing agency; 108826

(6) If the child is to be placed for adoption or foster care, 108827  
the placement shall not be delayed or denied on the basis of the 108828  
child's or adoptive or foster family's race, color, or national 108829  
origin. 108830

(I) The case plan for a child in temporary custody shall 108831  
include at a minimum the following requirements if the child is or 108832  
has been the victim of abuse or neglect or if the child witnessed 108833  
the commission in the child's household of abuse or neglect 108834  
against a sibling of the child, a parent of the child, or any 108835  
other person in the child's household: 108836

(1) A requirement that the child's parents, guardian, or 108837  
custodian participate in mandatory counseling; 108838

(2) A requirement that the child's parents, guardian, or 108839  
custodian participate in any supportive services that are required 108840  
by or provided pursuant to the child's case plan. 108841

(J) (1) Prior to January 1, 2023, a case plan for a child in 108842  
temporary custody may include, as a supplement, a plan for 108843  
locating a permanent family placement. The supplement shall not be 108844  
considered part of the case plan for purposes of division (E) of 108845  
this section. 108846

(2) On and after January 1, 2023, a case plan for a child in temporary custody shall include a permanency plan for the child unless it is documented that such a plan would not be in the best interest of the child. The permanency plan shall describe the services the agency shall provide to achieve permanency for the child if reasonable efforts to return the child to the child's home, or eliminate the continued removal from that home, are unsuccessful. Those services shall be provided concurrently with reasonable efforts to return the child home or eliminate the child's continued removal from home.

(3) The director of ~~job children and family services~~ youth, pursuant to Chapter 119. of the Revised Code, shall adopt rules necessary to carry out the purposes of division (J) of this section.

(K)(1) A public children services agency may request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check with respect to a parent, guardian, custodian, prospective custodian, or prospective placement whose actions result in a finding after the filing of a complaint as described in division (A)(1) of this section that a child is an abused, neglected, or dependent child. The public children services agency shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check.

(2) At any time on or after the date that is ninety days after September 10, 2012, a prosecuting attorney, or an assistant prosecuting attorney appointed under section 309.06 of the Revised Code, may request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check with respect to each parent, guardian, custodian, prospective custodian, or prospective placement whose actions resulted in a finding after the filing of a complaint described in

division (A)(1) of this section that a child is an abused, 108879  
neglected, or dependent child. Each prosecuting attorney or 108880  
assistant prosecuting attorney who makes such a request shall 108881  
request that the superintendent obtain information from the 108882  
federal bureau of investigation as part of the criminal records 108883  
check for each parent, guardian, custodian, prospective custodian, 108884  
or prospective placement who is a subject of the request. 108885

(3) A public children services agency, prosecuting attorney, 108886  
or assistant prosecuting attorney that requests a criminal records 108887  
check under division (K)(1) or (2) of this section shall do both 108888  
of the following: 108889

(a) Provide to each parent, guardian, custodian, prospective 108890  
custodian, or prospective placement for whom a criminal records 108891  
check is requested a copy of the form prescribed pursuant to 108892  
division (C)(1) of section 109.572 of the Revised Code and a 108893  
standard fingerprint impression sheet prescribed pursuant to 108894  
division (C)(2) of that section and obtain the completed form and 108895  
impression sheet from the parent, guardian, custodian, prospective 108896  
custodian, or prospective placement; 108897

(b) Forward the completed form and impression sheet to the 108898  
superintendent of the bureau of criminal identification and 108899  
investigation. 108900

(4) A parent, guardian, custodian, prospective custodian, or 108901  
prospective placement who is given a form and fingerprint 108902  
impression sheet under division (K)(3)(a) of this section and who 108903  
fails to complete the form or provide fingerprint impressions may 108904  
be held in contempt of court. 108905

**Sec. 2151.413.** (A) A public children services agency or 108906  
private child placing agency that, pursuant to an order of 108907  
disposition under division (A)(2) of section 2151.353 of the 108908  
Revised Code or under any version of section 2151.353 of the 108909

Revised Code that existed prior to January 1, 1989, is granted 108910  
temporary custody of a child who is not abandoned or orphaned may 108911  
file a motion in the court that made the disposition of the child 108912  
requesting permanent custody of the child. 108913

(B) A public children services agency or private child 108914  
placing agency that, pursuant to an order of disposition under 108915  
division (A)(2) of section 2151.353 of the Revised Code or under 108916  
any version of section 2151.353 of the Revised Code that existed 108917  
prior to January 1, 1989, is granted temporary custody of a child 108918  
who is orphaned may file a motion in the court that made the 108919  
disposition of the child requesting permanent custody of the child 108920  
whenever it can show that no relative of the child is able to take 108921  
legal custody of the child. 108922

(C) A public children services agency or private child 108923  
placing agency that, pursuant to an order of disposition under 108924  
division (A)(5) of section 2151.353 of the Revised Code, places a 108925  
child in a planned permanent living arrangement may file a motion 108926  
in the court that made the disposition of the child requesting 108927  
permanent custody of the child. 108928

(D)(1) Except as provided in division (D)(3) of this section, 108929  
if a child has been in the temporary custody of one or more public 108930  
children services agencies or private child placing agencies for 108931  
twelve or more months of a consecutive twenty-two-month period, 108932  
the agency with custody shall file a motion requesting permanent 108933  
custody of the child. If the child has been in the temporary 108934  
custody of one or more public children services agencies or 108935  
private child placing agencies and the child was previously in the 108936  
temporary custody of an equivalent agency in another state, the 108937  
agency with custody of the child shall apply the time in temporary 108938  
custody in the other state to the time in temporary custody in 108939  
this state and, except as provided in division (D)(3) of this 108940  
section, if the time spent in temporary custody equals twelve or 108941

more months of a consecutive twenty-two-month period, the agency 108942  
with custody may file a motion requesting permanent custody of the 108943  
child. The motion shall be filed in the court that issued the 108944  
current order of temporary custody. For the purposes of this 108945  
division, a child shall be considered to have entered the 108946  
temporary custody of an agency on the earlier of the date the 108947  
child is adjudicated pursuant to section 2151.28 of the Revised 108948  
Code or the date that is sixty days after the removal of the child 108949  
from home. 108950

(2) Except as provided in division (D)(3) of this section, if 108951  
a court makes a determination pursuant to division (A)(2) of 108952  
section 2151.419 of the Revised Code, the public children services 108953  
agency or private child placing agency required to develop the 108954  
permanency plan for the child under division (K) of section 108955  
2151.417 of the Revised Code shall file a motion in the court that 108956  
made the determination requesting permanent custody of the child. 108957

(3) An agency shall not file a motion for permanent custody 108958  
under division (D)(1) or (2) of this section if any of the 108959  
following apply: 108960

(a) The agency documents in the case plan or permanency plan 108961  
a compelling reason that permanent custody is not in the best 108962  
interest of the child. 108963

(b) If reasonable efforts to return the child to the child's 108964  
home are required under section 2151.419 of the Revised Code, the 108965  
agency has not provided the services required by the case plan to 108966  
the parents of the child or the child to ensure the safe return of 108967  
the child to the child's home. 108968

(c) The agency has been granted permanent custody of the 108969  
child. 108970

(d) The child has been returned home pursuant to court order 108971  
in accordance with division (A)(3) of section 2151.419 of the 108972

Revised Code. 108973

(E) Any agency that files a motion for permanent custody 108974  
under this section shall include in the case plan of the child who 108975  
is the subject of the motion, a specific plan of the agency's 108976  
actions to seek an adoptive family for the child and to prepare 108977  
the child for adoption. 108978

(F) The department of ~~job children~~ and ~~family services youth~~ 108979  
may adopt rules pursuant to Chapter 119. of the Revised Code that 108980  
set forth the time frames for case reviews and for filing a motion 108981  
requesting permanent custody under division (D)(1) of this 108982  
section. 108983

**Sec. 2151.416.** (A) Each agency that is required by section 108984  
2151.412 of the Revised Code to prepare a case plan for a child 108985  
shall complete a semiannual administrative review of the case plan 108986  
no later than six months after the earlier of the date on which 108987  
the complaint in the case was filed or the child was first placed 108988  
in shelter care. After the first administrative review, the agency 108989  
shall complete semiannual administrative reviews no later than 108990  
every six months. If the court issues an order pursuant to section 108991  
2151.414 or 2151.415 of the Revised Code, the agency shall 108992  
complete an administrative review no later than six months after 108993  
the court's order and continue to complete administrative reviews 108994  
no later than every six months after the first review, except that 108995  
the court hearing held pursuant to section 2151.417 of the Revised 108996  
Code may take the place of any administrative review that would 108997  
otherwise be held at the time of the court hearing. When 108998  
conducting a review, the child's health and safety shall be the 108999  
paramount concern. 109000

(B) Each administrative review required by division (A) of 109001  
this section shall be conducted by a review panel of at least 109002  
three persons, including, but not limited to, both of the 109003

following: 109004

(1) A caseworker with day-to-day responsibility for, or familiarity with, the management of the child's case plan; 109005  
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(2) A person who is not responsible for the management of the child's case plan or for the delivery of services to the child or the parents, guardian, or custodian of the child. 109007  
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(C) Each semiannual administrative review shall include, but not be limited to, a joint meeting by the review panel with the parents, guardian, or custodian of the child, the guardian ad litem of the child, and the child's foster care provider and shall include an opportunity for those persons to submit any written materials to be included in the case record of the child. If a parent, guardian, custodian, guardian ad litem, or foster care provider of the child cannot be located after reasonable efforts to do so or declines to participate in the administrative review after being contacted, the agency does not have to include them in the joint meeting. 109010  
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(D) The agency shall prepare a written summary of the semiannual administrative review that shall include, but not be limited to, all of the following: 109021  
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(1) A conclusion regarding the safety and appropriateness of the child's foster care placement; 109024  
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(2) The extent of the compliance with the case plan of all parties; 109026  
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(3) The extent of progress that has been made toward alleviating the circumstances that required the agency to assume temporary custody of the child; 109028  
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(4) An estimated date by which the child may be returned to and safely maintained in the child's home or placed for adoption or legal custody; 109031  
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(5) An updated case plan that includes any changes that the agency is proposing in the case plan; 109034  
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(6) The recommendation of the agency as to which agency or person should be given custodial rights over the child for the six-month period after the administrative review; 109036  
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(7) The names of all persons who participated in the administrative review; 109039  
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(8) A summary of the agency's intensive efforts to secure a placement with an appropriate and willing kinship caregiver as defined in section 5101.85 of the Revised Code, including any use of search technology to find biological family members of the child and all other efforts undertaken since the last review, unless a court has determined that intensive efforts are unnecessary pursuant to section 2151.4118 of the Revised Code. 109041  
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(E) The agency shall file the summary with the court no later than seven days after the completion of the administrative review. If the agency proposes a change to the case plan as a result of the administrative review, the agency shall file the proposed change with the court at the time it files the summary. The agency shall give notice of the summary and proposed change in writing before the end of the next day after filing them to all parties and the child's guardian ad litem. All parties and the guardian ad litem shall have seven days after the date the notice is sent to object to and request a hearing on the proposed change. 109048  
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(1) If the court receives a timely request for a hearing, the court shall schedule a hearing pursuant to section 2151.417 of the Revised Code to be held not later than thirty days after the court receives the request. The court shall give notice of the date, time, and location of the hearing to all parties and the guardian ad litem. The agency may implement the proposed change after the hearing, if the court approves it. The agency shall not implement 109058  
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the proposed change unless it is approved by the court. 109065

(2) If the court does not receive a timely request for a 109066  
hearing, the court may approve the proposed change without a 109067  
hearing. If the court approves the proposed change without a 109068  
hearing, it shall journalize the case plan with the change not 109069  
later than fourteen days after the change is filed with the court. 109070  
If the court does not approve the proposed change to the case 109071  
plan, it shall schedule a review hearing to be held pursuant to 109072  
section 2151.417 of the Revised Code no later than thirty days 109073  
after the expiration of the fourteen-day time period and give 109074  
notice of the date, time, and location of the hearing to all 109075  
parties and the guardian ad litem of the child. If, despite the 109076  
requirements of this division and division (D) of section 2151.417 109077  
of the Revised Code, the court neither approves and journalizes 109078  
the proposed change nor conducts a hearing, the agency may 109079  
implement the proposed change not earlier than fifteen days after 109080  
it is submitted to the court. 109081

(F) The director of ~~job children~~ and ~~family services~~ youth 109082  
may adopt rules pursuant to Chapter 119. of the Revised Code for 109083  
procedures and standard forms for conducting administrative 109084  
reviews pursuant to this section. 109085

(G) The juvenile court that receives the written summary of 109086  
the administrative review, upon determining, either from the 109087  
written summary, case plan, or otherwise, that the custody or care 109088  
arrangement is not in the best interest of the child, may 109089  
terminate the custody of an agency and place the child in the 109090  
custody of another institution or association certified by the 109091  
department of ~~job children~~ and ~~family services~~ youth under section 109092  
5103.03 of the Revised Code. 109093

**Sec. 2151.421.** (A)(1)(a) No person described in division 109094  
(A)(1)(b) of this section who is acting in an official or 109095

professional capacity and knows, or has reasonable cause to 109096  
suspect based on facts that would cause a reasonable person in a 109097  
similar position to suspect, that a child under eighteen years of 109098  
age, or a person under twenty-one years of age with a 109099  
developmental disability or physical impairment, has suffered or 109100  
faces a threat of suffering any physical or mental wound, injury, 109101  
disability, or condition of a nature that reasonably indicates 109102  
abuse or neglect of the child shall fail to immediately report 109103  
that knowledge or reasonable cause to suspect to the entity or 109104  
persons specified in this division. Except as otherwise provided 109105  
in this division or section 5120.173 of the Revised Code, the 109106  
person making the report shall make it to the public children 109107  
services agency or a peace officer in the county in which the 109108  
child resides or in which the abuse or neglect is occurring or has 109109  
occurred. If the person making the report is a peace officer, the 109110  
officer shall make it to the public children services agency in 109111  
the county in which the child resides or in which the abuse or 109112  
neglect is occurring or has occurred. In the circumstances 109113  
described in section 5120.173 of the Revised Code, the person 109114  
making the report shall make it to the entity specified in that 109115  
section. 109116

(b) Division (A)(1)(a) of this section applies to any person 109117  
who is an attorney; health care professional; practitioner of a 109118  
limited branch of medicine as specified in section 4731.15 of the 109119  
Revised Code; licensed school psychologist; independent marriage 109120  
and family therapist or marriage and family therapist; coroner; 109121  
administrator or employee of a child day-care center; 109122  
administrator or employee of a residential camp, child day camp, 109123  
or private, nonprofit therapeutic wilderness camp; administrator 109124  
or employee of a certified child care agency or other public or 109125  
private children services agency; school teacher; school employee; 109126  
school authority; peace officer; humane society agent; dog warden, 109127

deputy dog warden, or other person appointed to act as an animal control officer for a municipal corporation or township in accordance with state law, an ordinance, or a resolution; person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; employee of a county department of job and family services who is a professional and who works with children and families; superintendent or regional administrator employed by the department of youth services; superintendent, board member, or employee of a county board of developmental disabilities; investigative agent contracted with by a county board of developmental disabilities; employee of the department of developmental disabilities; employee of a facility or home that provides respite care in accordance with section 5123.171 of the Revised Code; employee of an entity that provides homemaker services; employee of a qualified organization as defined in section 2151.90 of the Revised Code; a host family as defined in section 2151.90 of the Revised Code; foster caregiver; a person performing the duties of an assessor pursuant to Chapter 3107. or 5103. of the Revised Code; third party employed by a public children services agency to assist in providing child or family related services; court appointed special advocate; or guardian ad litem.

(c) If two or more health care professionals, after providing health care services to a child, determine or suspect that the child has been or is being abused or neglected, the health care professionals may designate one of the health care professionals to report the abuse or neglect. A single report made under this division shall meet the reporting requirements of division (A)(1) of this section.

(2) Except as provided in division (A)(3) of this section, an attorney or a physician is not required to make a report pursuant

to division (A)(1) of this section concerning any communication 109160  
the attorney or physician receives from a client or patient in an 109161  
attorney-client or physician-patient relationship, if, in 109162  
accordance with division (A) or (B) of section 2317.02 of the 109163  
Revised Code, the attorney or physician could not testify with 109164  
respect to that communication in a civil or criminal proceeding. 109165

(3) The client or patient in an attorney-client or 109166  
physician-patient relationship described in division (A)(2) of 109167  
this section is deemed to have waived any testimonial privilege 109168  
under division (A) or (B) of section 2317.02 of the Revised Code 109169  
with respect to any communication the attorney or physician 109170  
receives from the client or patient in that attorney-client or 109171  
physician-patient relationship, and the attorney or physician 109172  
shall make a report pursuant to division (A)(1) of this section 109173  
with respect to that communication, if all of the following apply: 109174

(a) The client or patient, at the time of the communication, 109175  
is a child under eighteen years of age or is a person under 109176  
twenty-one years of age with a developmental disability or 109177  
physical impairment. 109178

(b) The attorney or physician knows, or has reasonable cause 109179  
to suspect based on facts that would cause a reasonable person in 109180  
similar position to suspect that the client or patient has 109181  
suffered or faces a threat of suffering any physical or mental 109182  
wound, injury, disability, or condition of a nature that 109183  
reasonably indicates abuse or neglect of the client or patient. 109184

(c) The abuse or neglect does not arise out of the client's 109185  
or patient's attempt to have an abortion without the notification 109186  
of her parents, guardian, or custodian in accordance with section 109187  
2151.85 of the Revised Code. 109188

(4)(a) No cleric and no person, other than a volunteer, 109189  
designated by any church, religious society, or faith acting as a 109190

leader, official, or delegate on behalf of the church, religious 109191  
society, or faith who is acting in an official or professional 109192  
capacity, who knows, or has reasonable cause to believe based on 109193  
facts that would cause a reasonable person in a similar position 109194  
to believe, that a child under eighteen years of age, or a person 109195  
under twenty-one years of age with a developmental disability or 109196  
physical impairment, has suffered or faces a threat of suffering 109197  
any physical or mental wound, injury, disability, or condition of 109198  
a nature that reasonably indicates abuse or neglect of the child, 109199  
and who knows, or has reasonable cause to believe based on facts 109200  
that would cause a reasonable person in a similar position to 109201  
believe, that another cleric or another person, other than a 109202  
volunteer, designated by a church, religious society, or faith 109203  
acting as a leader, official, or delegate on behalf of the church, 109204  
religious society, or faith caused, or poses the threat of 109205  
causing, the wound, injury, disability, or condition that 109206  
reasonably indicates abuse or neglect shall fail to immediately 109207  
report that knowledge or reasonable cause to believe to the entity 109208  
or persons specified in this division. Except as provided in 109209  
section 5120.173 of the Revised Code, the person making the report 109210  
shall make it to the public children services agency or a peace 109211  
officer in the county in which the child resides or in which the 109212  
abuse or neglect is occurring or has occurred. In the 109213  
circumstances described in section 5120.173 of the Revised Code, 109214  
the person making the report shall make it to the entity specified 109215  
in that section. 109216

(b) Except as provided in division (A)(4)(c) of this section, 109217  
a cleric is not required to make a report pursuant to division 109218  
(A)(4)(a) of this section concerning any communication the cleric 109219  
receives from a penitent in a cleric-penitent relationship, if, in 109220  
accordance with division (C) of section 2317.02 of the Revised 109221  
Code, the cleric could not testify with respect to that 109222  
communication in a civil or criminal proceeding. 109223

(c) The penitent in a cleric-penitent relationship described 109224  
in division (A)(4)(b) of this section is deemed to have waived any 109225  
testimonial privilege under division (C) of section 2317.02 of the 109226  
Revised Code with respect to any communication the cleric receives 109227  
from the penitent in that cleric-penitent relationship, and the 109228  
cleric shall make a report pursuant to division (A)(4)(a) of this 109229  
section with respect to that communication, if all of the 109230  
following apply: 109231

(i) The penitent, at the time of the communication, is a 109232  
child under eighteen years of age or is a person under twenty-one 109233  
years of age with a developmental disability or physical 109234  
impairment. 109235

(ii) The cleric knows, or has reasonable cause to believe 109236  
based on facts that would cause a reasonable person in a similar 109237  
position to believe, as a result of the communication or any 109238  
observations made during that communication, the penitent has 109239  
suffered or faces a threat of suffering any physical or mental 109240  
wound, injury, disability, or condition of a nature that 109241  
reasonably indicates abuse or neglect of the penitent. 109242

(iii) The abuse or neglect does not arise out of the 109243  
penitent's attempt to have an abortion performed upon a child 109244  
under eighteen years of age or upon a person under twenty-one 109245  
years of age with a developmental disability or physical 109246  
impairment without the notification of her parents, guardian, or 109247  
custodian in accordance with section 2151.85 of the Revised Code. 109248

(d) Divisions (A)(4)(a) and (c) of this section do not apply 109249  
in a cleric-penitent relationship when the disclosure of any 109250  
communication the cleric receives from the penitent is in 109251  
violation of the sacred trust. 109252

(e) As used in divisions (A)(1) and (4) of this section, 109253  
"cleric" and "sacred trust" have the same meanings as in section 109254

2317.02 of the Revised Code. 109255

(B) Anyone who knows, or has reasonable cause to suspect 109256  
based on facts that would cause a reasonable person in similar 109257  
circumstances to suspect, that a child under eighteen years of 109258  
age, or a person under twenty-one years of age with a 109259  
developmental disability or physical impairment, has suffered or 109260  
faces a threat of suffering any physical or mental wound, injury, 109261  
disability, or other condition of a nature that reasonably 109262  
indicates abuse or neglect of the child may report or cause 109263  
reports to be made of that knowledge or reasonable cause to 109264  
suspect to the entity or persons specified in this division. 109265  
Except as provided in section 5120.173 of the Revised Code, a 109266  
person making a report or causing a report to be made under this 109267  
division shall make it or cause it to be made to the public 109268  
children services agency or to a peace officer. In the 109269  
circumstances described in section 5120.173 of the Revised Code, a 109270  
person making a report or causing a report to be made under this 109271  
division shall make it or cause it to be made to the entity 109272  
specified in that section. 109273

(C) Any report made pursuant to division (A) or (B) of this 109274  
section shall be made forthwith either by telephone or in person 109275  
and shall be followed by a written report, if requested by the 109276  
receiving agency or officer. The written report shall contain: 109277

(1) The names and addresses of the child and the child's 109278  
parents or the person or persons having custody of the child, if 109279  
known; 109280

(2) The child's age and the nature and extent of the child's 109281  
injuries, abuse, or neglect that is known or reasonably suspected 109282  
or believed, as applicable, to have occurred or of the threat of 109283  
injury, abuse, or neglect that is known or reasonably suspected or 109284  
believed, as applicable, to exist, including any evidence of 109285  
previous injuries, abuse, or neglect; 109286

(3) Any other information, including, but not limited to, 109287  
results and reports of any medical examinations, tests, or 109288  
procedures performed under division (D) of this section, that 109289  
might be helpful in establishing the cause of the injury, abuse, 109290  
or neglect that is known or reasonably suspected or believed, as 109291  
applicable, to have occurred or of the threat of injury, abuse, or 109292  
neglect that is known or reasonably suspected or believed, as 109293  
applicable, to exist. 109294

(D)(1) Any person, who is required by division (A) of this 109295  
section to report child abuse or child neglect that is known or 109296  
reasonably suspected or believed to have occurred, may take or 109297  
cause to be taken color photographs of areas of trauma visible on 109298  
a child and, if medically necessary for the purpose of diagnosing 109299  
or treating injuries that are suspected to have occurred as a 109300  
result of child abuse or child neglect, perform or cause to be 109301  
performed radiological examinations and any other medical 109302  
examinations of, and tests or procedures on, the child. 109303

(2) The results and any available reports of examinations, 109304  
tests, or procedures made under division (D)(1) of this section 109305  
shall be included in a report made pursuant to division (A) of 109306  
this section. Any additional reports of examinations, tests, or 109307  
procedures that become available shall be provided to the public 109308  
children services agency, upon request. 109309

(3) If a health care professional provides health care 109310  
services in a hospital, children's advocacy center, or emergency 109311  
medical facility to a child about whom a report has been made 109312  
under division (A) of this section, the health care professional 109313  
may take any steps that are reasonably necessary for the release 109314  
or discharge of the child to an appropriate environment. Before 109315  
the child's release or discharge, the health care professional may 109316  
obtain information, or consider information obtained, from other 109317  
entities or individuals that have knowledge about the child. 109318

Nothing in division (D)(3) of this section shall be construed to 109319  
alter the responsibilities of any person under sections 2151.27 109320  
and 2151.31 of the Revised Code. 109321

(4) A health care professional may conduct medical 109322  
examinations, tests, or procedures on the siblings of a child 109323  
about whom a report has been made under division (A) of this 109324  
section and on other children who reside in the same home as the 109325  
child, if the professional determines that the examinations, 109326  
tests, or procedures are medically necessary to diagnose or treat 109327  
the siblings or other children in order to determine whether 109328  
reports under division (A) of this section are warranted with 109329  
respect to such siblings or other children. The results of the 109330  
examinations, tests, or procedures on the siblings and other 109331  
children may be included in a report made pursuant to division (A) 109332  
of this section. 109333

(5) Medical examinations, tests, or procedures conducted 109334  
under divisions (D)(1) and (4) of this section and decisions 109335  
regarding the release or discharge of a child under division 109336  
(D)(3) of this section do not constitute a law enforcement 109337  
investigation or activity. 109338

(E)(1) When a peace officer receives a report made pursuant 109339  
to division (A) or (B) of this section, upon receipt of the 109340  
report, the peace officer who receives the report shall refer the 109341  
report to the appropriate public children services agency, in 109342  
accordance with requirements specified under division (B)(6) of 109343  
section 2151.4221 of the Revised Code, unless an arrest is made at 109344  
the time of the report that results in the appropriate public 109345  
children services agency being contacted concerning the possible 109346  
abuse or neglect of a child or the possible threat of abuse or 109347  
neglect of a child. 109348

(2) When a public children services agency receives a report 109349  
pursuant to this division or division (A) or (B) of this section, 109350

upon receipt of the report, the public children services agency 109351  
shall do all of the following: 109352

(a) Comply with section 2151.422 of the Revised Code; 109353

(b) If the county served by the agency is also served by a 109354  
children's advocacy center and the report alleges sexual abuse of 109355  
a child or another type of abuse of a child that is specified in 109356  
the memorandum of understanding that creates the center as being 109357  
within the center's jurisdiction, comply regarding the report with 109358  
the protocol and procedures for referrals and investigations, with 109359  
the coordinating activities, and with the authority or 109360  
responsibility for performing or providing functions, activities, 109361  
and services stipulated in the interagency agreement entered into 109362  
under section 2151.428 of the Revised Code relative to that 109363  
center; 109364

(c) Unless an arrest is made at the time of the report that 109365  
results in the appropriate law enforcement agency being contacted 109366  
concerning the possible abuse or neglect of a child or the 109367  
possible threat of abuse or neglect of a child, and in accordance 109368  
with requirements specified under division (B)(6) of section 109369  
2151.4221 of the Revised Code, notify the appropriate law 109370  
enforcement agency of the report, if the public children services 109371  
agency received either of the following: 109372

(i) A report of abuse of a child; 109373

(ii) A report of neglect of a child that alleges a type of 109374  
neglect identified by the department of ~~job~~ children and ~~family~~ 109375  
~~services~~ youth in rules adopted under division (L)(2) of this 109376  
section. 109377

(F) No peace officer shall remove a child about whom a report 109378  
is made pursuant to this section from the child's parents, 109379  
stepparents, or guardian or any other persons having custody of 109380  
the child without consultation with the public children services 109381

agency, unless, in the judgment of the officer, and, if the report 109382  
was made by physician, the physician, immediate removal is 109383  
considered essential to protect the child from further abuse or 109384  
neglect. The agency that must be consulted shall be the agency 109385  
conducting the investigation of the report as determined pursuant 109386  
to section 2151.422 of the Revised Code. 109387

(G)(1) Except as provided in section 2151.422 of the Revised 109388  
Code or in an interagency agreement entered into under section 109389  
2151.428 of the Revised Code that applies to the particular 109390  
report, the public children services agency shall investigate, 109391  
within twenty-four hours, each report of child abuse or child 109392  
neglect that is known or reasonably suspected or believed to have 109393  
occurred and of a threat of child abuse or child neglect that is 109394  
known or reasonably suspected or believed to exist that is 109395  
referred to it under this section to determine the circumstances 109396  
surrounding the injuries, abuse, or neglect or the threat of 109397  
injury, abuse, or neglect, the cause of the injuries, abuse, 109398  
neglect, or threat, and the person or persons responsible. The 109399  
investigation shall be made in cooperation with the law 109400  
enforcement agency and in accordance with the memorandum of 109401  
understanding prepared under sections 2151.4220 to 2151.4234 of 109402  
the Revised Code. A representative of the public children services 109403  
agency shall, at the time of initial contact with the person 109404  
subject to the investigation, inform the person of the specific 109405  
complaints or allegations made against the person. The information 109406  
shall be given in a manner that is consistent with division (I)(1) 109407  
of this section and protects the rights of the person making the 109408  
report under this section. 109409

A failure to make the investigation in accordance with the 109410  
memorandum is not grounds for, and shall not result in, the 109411  
dismissal of any charges or complaint arising from the report or 109412  
the suppression of any evidence obtained as a result of the report 109413

and does not give, and shall not be construed as giving, any 109414  
rights or any grounds for appeal or post-conviction relief to any 109415  
person. The public children services agency shall report each case 109416  
to the uniform statewide automated child welfare information 109417  
system that the department of ~~job children~~ and ~~family services~~  
youth shall maintain in accordance with section 5101.13 of the 109418  
Revised Code. The public children services agency shall submit a 109419  
report of its investigation, in writing, to the law enforcement 109420  
agency. 109421  
109422

(2) The public children services agency shall make any 109423  
recommendations to the county prosecuting attorney or city 109424  
director of law that it considers necessary to protect any 109425  
children that are brought to its attention. 109426

(H)(1)(a) Except as provided in divisions (H)(1)(b) and 109427  
(I)(3) of this section, any person, health care professional, 109428  
hospital, institution, school, health department, or agency shall 109429  
be immune from any civil or criminal liability for injury, death, 109430  
or loss to person or property that otherwise might be incurred or 109431  
imposed as a result of any of the following: 109432

(i) Participating in the making of reports pursuant to 109433  
division (A) of this section or in the making of reports in good 109434  
faith, pursuant to division (B) of this section; 109435

(ii) Participating in medical examinations, tests, or 109436  
procedures under division (D) of this section; 109437

(iii) Providing information used in a report made pursuant to 109438  
division (A) of this section or providing information in good 109439  
faith used in a report made pursuant to division (B) of this 109440  
section; 109441

(iv) Participating in a judicial proceeding resulting from a 109442  
report made pursuant to division (A) of this section or 109443  
participating in good faith in a proceeding resulting from a 109444

report made pursuant to division (B) of this section. 109445

(b) Immunity under division (H)(1)(a)(ii) of this section 109446  
shall not apply when a health care provider has deviated from the 109447  
standard of care applicable to the provider's profession. 109448

(c) Notwithstanding section 4731.22 of the Revised Code, the 109449  
physician-patient privilege shall not be a ground for excluding 109450  
evidence regarding a child's injuries, abuse, or neglect, or the 109451  
cause of the injuries, abuse, or neglect in any judicial 109452  
proceeding resulting from a report submitted pursuant to this 109453  
section. 109454

(2) In any civil or criminal action or proceeding in which it 109455  
is alleged and proved that participation in the making of a report 109456  
under this section was not in good faith or participation in a 109457  
judicial proceeding resulting from a report made under this 109458  
section was not in good faith, the court shall award the 109459  
prevailing party reasonable attorney's fees and costs and, if a 109460  
civil action or proceeding is voluntarily dismissed, may award 109461  
reasonable attorney's fees and costs to the party against whom the 109462  
civil action or proceeding is brought. 109463

(I)(1) Except as provided in divisions (I)(4) and (N) of this 109464  
section and sections 2151.423 and 2151.4210 of the Revised Code, a 109465  
report made under this section is confidential. The information 109466  
provided in a report made pursuant to this section and the name of 109467  
the person who made the report shall not be released for use, and 109468  
shall not be used, as evidence in any civil action or proceeding 109469  
brought against the person who made the report. Nothing in this 109470  
division shall preclude the use of reports of other incidents of 109471  
known or suspected abuse or neglect in a civil action or 109472  
proceeding brought pursuant to division (M) of this section 109473  
against a person who is alleged to have violated division (A)(1) 109474  
of this section, provided that any information in a report that 109475  
would identify the child who is the subject of the report or the 109476

maker of the report, if the maker of the report is not the 109477  
defendant or an agent or employee of the defendant, has been 109478  
redacted. In a criminal proceeding, the report is admissible in 109479  
evidence in accordance with the Rules of Evidence and is subject 109480  
to discovery in accordance with the Rules of Criminal Procedure. 109481

(2)(a) Except as provided in division (I)(2)(b) of this 109482  
section, no person shall permit or encourage the unauthorized 109483  
dissemination of the contents of any report made under this 109484  
section. 109485

(b) A health care professional that obtains the same 109486  
information contained in a report made under this section from a 109487  
source other than the report may disseminate the information, if 109488  
its dissemination is otherwise permitted by law. 109489

(3) A person who knowingly makes or causes another person to 109490  
make a false report under division (B) of this section that 109491  
alleges that any person has committed an act or omission that 109492  
resulted in a child being an abused child or a neglected child is 109493  
guilty of a violation of section 2921.14 of the Revised Code. 109494

(4) If a report is made pursuant to division (A) or (B) of 109495  
this section and the child who is the subject of the report dies 109496  
for any reason at any time after the report is made, but before 109497  
the child attains eighteen years of age, the public children 109498  
services agency or peace officer to which the report was made or 109499  
referred, on the request of the child fatality review board, the 109500  
suicide fatality review committee, or the director of health 109501  
pursuant to guidelines established under section 3701.70 of the 109502  
Revised Code, shall submit a summary sheet of information 109503  
providing a summary of the report to the review board or review 109504  
committee of the county in which the deceased child resided at the 109505  
time of death or to the director. On the request of the review 109506  
board, review committee, or director, the agency or peace officer 109507  
may, at its discretion, make the report available to the review 109508

board, review committee, or director. If the county served by the 109509  
public children services agency is also served by a children's 109510  
advocacy center and the report of alleged sexual abuse of a child 109511  
or another type of abuse of a child is specified in the memorandum 109512  
of understanding that creates the center as being within the 109513  
center's jurisdiction, the agency or center shall perform the 109514  
duties and functions specified in this division in accordance with 109515  
the interagency agreement entered into under section 2151.428 of 109516  
the Revised Code relative to that advocacy center. 109517

(5) A public children services agency shall advise a person 109518  
alleged to have inflicted abuse or neglect on a child who is the 109519  
subject of a report made pursuant to this section, including a 109520  
report alleging sexual abuse of a child or another type of abuse 109521  
of a child referred to a children's advocacy center pursuant to an 109522  
interagency agreement entered into under section 2151.428 of the 109523  
Revised Code, in writing of the disposition of the investigation. 109524  
The agency shall not provide to the person any information that 109525  
identifies the person who made the report, statements of 109526  
witnesses, or police or other investigative reports. 109527

(J) Any report that is required by this section, other than a 109528  
report that is made to the state highway patrol as described in 109529  
section 5120.173 of the Revised Code, shall result in protective 109530  
services and emergency supportive services being made available by 109531  
the public children services agency on behalf of the children 109532  
about whom the report is made, in an effort to prevent further 109533  
neglect or abuse, to enhance their welfare, and, whenever 109534  
possible, to preserve the family unit intact. The agency required 109535  
to provide the services shall be the agency conducting the 109536  
investigation of the report pursuant to section 2151.422 of the 109537  
Revised Code. 109538

(K)(1) Except as provided in division (K)(4) or (5) of this 109539  
section, a person who is required to make a report under division 109540

(A) of this section may make a reasonable number of requests of the public children services agency that receives or is referred the report, or of the children's advocacy center that is referred the report if the report is referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, to be provided with the following information:

(a) Whether the agency or center has initiated an investigation of the report;

(b) Whether the agency or center is continuing to investigate the report;

(c) Whether the agency or center is otherwise involved with the child who is the subject of the report;

(d) The general status of the health and safety of the child who is the subject of the report;

(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

(2)(a) A person may request the information specified in division (K)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.

(b) When a peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (K)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report.

(c) If the person making the report provides the person's name and contact information on making the report, the public children services agency that received or was referred the report shall send a written notice via United States mail or electronic mail, in accordance with the person's preference, to the person not later than seven calendar days after receipt of the report. The notice shall provide the status of the agency's investigation into the report made, who the person may contact at the agency for further information, and a description of the person's rights under division (K)(1) of this section.

(d) Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (K)(1) of this section a reasonable number of times, except that the agency shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those divisions.

(3) A request made pursuant to division (K)(1) of this section is not a substitute for any report required to be made pursuant to division (A) of this section.

(4) If an agency other than the agency that received or was referred the report is conducting the investigation of the report pursuant to section 2151.422 of the Revised Code, the agency conducting the investigation shall comply with the requirements of division (K) of this section.

(5) A health care professional who made a report under division (A) of this section, or on whose behalf such a report was made as provided in division (A)(1)(c) of this section, may authorize a person to obtain the information described in division (K)(1) of this section if the person requesting the information is associated with or acting on behalf of the health care

professional who provided health care services to the child about 109604  
whom the report was made. 109605

(6) If the person making the report provides the person's 109606  
name and contact information on making the report, the public 109607  
children services agency that received or was referred the report 109608  
shall send a written notice via United States mail or electronic 109609  
mail, in accordance with the person's preference, to the person 109610  
not later than seven calendar days after the agency closes the 109611  
investigation into the case reported by the person. The notice 109612  
shall notify the person that the agency has closed the 109613  
investigation. 109614

(L)(1) The director of ~~job~~ children and ~~family services~~ youth 109615  
shall adopt rules in accordance with Chapter 119. of the Revised 109616  
Code to implement this section. The department of ~~job~~ children and 109617  
~~family services~~ youth may enter into a plan of cooperation with 109618  
any other governmental entity to aid in ensuring that children are 109619  
protected from abuse and neglect. The department shall make 109620  
recommendations to the attorney general that the department 109621  
determines are necessary to protect children from child abuse and 109622  
child neglect. 109623

(2) ~~Not later than ninety days after the effective date of~~ 109624  
~~this amendment, the~~ The director of ~~job~~ children and ~~family~~ 109625  
~~services~~ youth shall adopt rules in accordance with Chapter 119. 109626  
of the Revised Code to identify the types of neglect of a child 109627  
that a public children services agency shall be required to notify 109628  
law enforcement of pursuant to division (E)(2)(c)(ii) of this 109629  
section. 109630

(M) Whoever violates division (A) of this section is liable 109631  
for compensatory and exemplary damages to the child who would have 109632  
been the subject of the report that was not made. A person who 109633  
brings a civil action or proceeding pursuant to this division 109634  
against a person who is alleged to have violated division (A)(1) 109635

of this section may use in the action or proceeding reports of 109636  
other incidents of known or suspected abuse or neglect, provided 109637  
that any information in a report that would identify the child who 109638  
is the subject of the report or the maker of the report, if the 109639  
maker is not the defendant or an agent or employee of the 109640  
defendant, has been redacted. 109641

(N)(1) As used in this division: 109642

(a) "Out-of-home care" includes a nonchartered nonpublic 109643  
school if the alleged child abuse or child neglect, or alleged 109644  
threat of child abuse or child neglect, described in a report 109645  
received by a public children services agency allegedly occurred 109646  
in or involved the nonchartered nonpublic school and the alleged 109647  
perpetrator named in the report holds a certificate, permit, or 109648  
license issued by the state board of education under section 109649  
3301.071 or Chapter 3319. of the Revised Code. 109650

(b) "Administrator, director, or other chief administrative 109651  
officer" means the superintendent of the school district if the 109652  
out-of-home care entity subject to a report made pursuant to this 109653  
section is a school operated by the district. 109654

(2) No later than the end of the day following the day on 109655  
which a public children services agency receives a report of 109656  
alleged child abuse or child neglect, or a report of an alleged 109657  
threat of child abuse or child neglect, that allegedly occurred in 109658  
or involved an out-of-home care entity, the agency shall provide 109659  
written notice of the allegations contained in and the person 109660  
named as the alleged perpetrator in the report to the 109661  
administrator, director, or other chief administrative officer of 109662  
the out-of-home care entity that is the subject of the report 109663  
unless the administrator, director, or other chief administrative 109664  
officer is named as an alleged perpetrator in the report. If the 109665  
administrator, director, or other chief administrative officer of 109666  
an out-of-home care entity is named as an alleged perpetrator in a 109667

report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency shall provide the written notice to the owner or governing board of the out-of-home care entity that is the subject of the report. The agency shall not provide witness statements or police or other investigative reports.

(3) No later than three days after the day on which a public children services agency that conducted the investigation as determined pursuant to section 2151.422 of the Revised Code makes a disposition of an investigation involving a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall send written notice of the disposition of the investigation to the administrator, director, or other chief administrative officer and the owner or governing board of the out-of-home care entity. The agency shall not provide witness statements or police or other investigative reports.

(0) As used in this section:

(1) "Children's advocacy center" and "sexual abuse of a child" have the same meanings as in section 2151.425 of the Revised Code.

(2) "Health care professional" means an individual who provides health-related services including a physician, hospital intern or resident, dentist, podiatrist, registered nurse, licensed practical nurse, visiting nurse, licensed psychologist, speech pathologist, audiologist, person engaged in social work or the practice of professional counseling, and employee of a home health agency. "Health care professional" does not include a practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code, licensed school psychologist,

independent marriage and family therapist or marriage and family therapist, or coroner. 109700  
109701

(3) "Investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response. 109702  
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(4) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper. 109705  
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**Sec. 2151.429.** (A) The differential response approach, as defined in section 2151.011 of the Revised Code, pursued by a public children services agency shall include two response pathways, the traditional response pathway and the alternative response pathway. The director of ~~job~~ children and ~~family services~~ youth shall adopt rules pursuant to Chapter 119. of the Revised Code setting forth the procedures and criteria for public children services agencies to assign and reassign response pathways. 109709  
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(B) The agency shall use the traditional response for the following types of accepted reports: 109717  
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(1) Physical abuse resulting in serious injury or that creates a serious and immediate risk to a child's health and safety. 109719  
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(2) Sexual abuse. 109722

(3) Child fatality. 109723

(4) Reports requiring a specialized assessment as identified by rule adopted by the department. 109724  
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(5) Reports requiring a third party investigative procedure as identified by rule adopted by the department. 109726  
109727

(C) For all other child abuse and neglect reports, an 109728

alternative response shall be the preferred response, whenever 109729  
appropriate and in accordance with rules adopted by the 109730  
department. 109731

**Sec. 2151.4228.** (A) The department of ~~job~~ children and ~~family~~ 109732  
~~services~~ youth shall create a model memorandum of understanding to 109733  
provide guidance to public children services agencies and other 109734  
concerned officials in creating a memorandum of understanding in 109735  
compliance with sections 2151.4220 to 2151.4226 of the Revised 109736  
Code. 109737

(B) The model memorandum of understanding shall be updated as 109738  
the department determines is necessary. 109739

**Sec. 2151.4229.** The department of ~~job~~ children and ~~family~~ 109740  
~~services~~ youth shall biennially audit the memorandum of 109741  
understanding prepared by each public children services agency to 109742  
ensure compliance in accordance with sections 2151.4220 to 109743  
2151.4226 of the Revised Code. 109744

**Sec. 2151.4230.** The department of ~~job~~ children and ~~family~~ 109745  
~~services~~ youth shall determine that a public children services 109746  
agency is compliant regarding the memorandum of understanding if 109747  
the department finds all of the following: 109748

(A) The memorandum meets the requirements under sections 109749  
2151.4220 to 2151.4226 of the Revised Code. 109750

(B) The memorandum has been either reviewed and signed or 109751  
reviewed, updated, and signed, as applicable, pursuant to division 109752  
2151.4222 of the Revised Code and the department is in agreement 109753  
with the concerned officials' review and, if applicable, update. 109754

(C) The memorandum has been approved by resolution by the 109755  
board of county commissioners pursuant to section 2151.4225 of the 109756  
Revised Code. 109757

**Sec. 2151.4231.** (A) If the department of ~~job~~ children and ~~family services~~ youth determines that a public children services agency is not compliant under section 2151.4230 of the Revised Code, the agency shall develop and submit a compliance assurance plan to the department.

(B) The compliance assurance plan shall describe the steps the agency and other concerned officials will take in order to become compliant.

(C) The agency shall submit the compliance assurance plan not later than sixty days after the department determines the agency not compliant.

**Sec. 2151.4232.** A county's reviewed and signed, or reviewed, updated, and signed, memorandum of understanding, as applicable, shall go into effect and supersede any previous memorandum upon the department of ~~job~~ children and ~~family services~~ youth determination that the memorandum is compliant under section 2151.4230 of the Revised Code.

**Sec. 2151.4233.** The department of ~~job~~ children and ~~family services~~ youth shall maintain on the department's web site a current list of counties with memorandums of understanding that the department has determined to be compliant under section 2151.4230 of the Revised Code and a list of counties with memorandums that the department has determined not to be compliant.

**Sec. 2151.452.** A juvenile court shall do both of the following regarding an emancipated young adult described under division (A)(1) of section 5101.1411 of the Revised Code:

(A) Not later than one hundred eighty days after the voluntary participation agreement becomes effective, make a

determination as to whether the emancipated young adult's best interest is served by continuing the care and placement with the department of ~~job~~ children and ~~family services~~ youth or its representative.

(B) Not later than twelve months after the effective date of the voluntary participation agreement, and at least once every twelve months thereafter, make a determination that the department or its representative has made reasonable efforts to finalize a permanency plan to prepare the emancipated young adult for independence.

**Sec. 2151.454.** For purposes of a determination under section 2151.452 of the Revised Code, the department of ~~job~~ children and ~~family services~~ youth or its representative may file any documents and appear before the court in relation to such filings. Nothing in this section shall prohibit an emancipated young adult from obtaining legal representation pursuant to section 2151.455 of the Revised Code.

**Sec. 2151.84.** The department of ~~job~~ children and ~~family services~~ youth shall establish model agreements that may be used by public children services agencies and private child placing agencies required to provide services under an agreement with a young adult pursuant to section 2151.83 of the Revised Code. The model agreements shall include provisions describing the specific independent living services to be provided, the duration of the services and the agreement, the duties and responsibilities of each party under the agreement, and grievance procedures regarding disputes that arise regarding the agreement or services provided under it.

**Sec. 2151.86.** (A)(1) The appointing or hiring officer of any entity that appoints or employs any person responsible for a

child's care in out-of-home care shall request the superintendent 109817  
of BCII to conduct a criminal records check with respect to any 109818  
person who is under final consideration for appointment or 109819  
employment as a person responsible for a child's care in 109820  
out-of-home care. The request shall be made at the time of initial 109821  
application for appointment or employment and every four years 109822  
thereafter. If the out-of-home care entity is a public school, 109823  
educational service center, or chartered nonpublic school, then 109824  
section 3319.39 of the Revised Code shall apply instead. If the 109825  
out-of-home care entity is a child day-care center, type A family 109826  
day-care home, type B family day-care home, certified in-home 109827  
aide, or child day camp, then section 5104.013 of the Revised Code 109828  
shall apply instead. 109829

(2) At the times specified in this division, the 109830  
administrative director of an agency, or attorney, who arranges an 109831  
adoption for a prospective adoptive parent shall request the 109832  
superintendent of BCII to conduct a criminal records check with 109833  
respect to that prospective adoptive parent and a criminal records 109834  
check with respect to all persons eighteen years of age or older 109835  
who reside with the prospective adoptive parent. The 109836  
administrative director or attorney shall request a criminal 109837  
records check pursuant to this division at the time of the initial 109838  
home study, every four years after the initial home study at the 109839  
time of an update, and at the time that an adoptive home study is 109840  
completed as a new home study. 109841

(3) Before a recommending agency submits a recommendation to 109842  
the department of ~~job children and family services~~ youth on 109843  
whether the department should issue a certificate to a foster home 109844  
under section 5103.03 of the Revised Code, and every four years 109845  
thereafter prior to a recertification under that section, the 109846  
administrative director of the agency shall request that the 109847  
superintendent of BCII conduct a criminal records check with 109848

respect to the prospective foster caregiver and a criminal records 109849  
check with respect to all other persons eighteen years of age or 109850  
older who reside with the foster caregiver. 109851

(B)(1) When the appointing or hiring officer requests, at the 109852  
time of initial application for appointment or employment, a 109853  
criminal records check for a person subject to division (A)(1) of 109854  
this section, the officer shall request that the superintendent of 109855  
BCII obtain information from the federal bureau of investigation 109856  
as part of the criminal records check, including fingerprint-based 109857  
checks of national crime information databases as described in 42 109858  
U.S.C. 671, for the person subject to the criminal records check. 109859  
In all other cases in which the appointing or hiring officer 109860  
requests a criminal records check for a person pursuant to 109861  
division (A)(1) of this section, the officer may request that the 109862  
superintendent of BCII obtain information from the federal bureau 109863  
of investigation as part of the criminal records check, including 109864  
fingerprint-based checks of national crime information databases 109865  
as described in 42 U.S.C. 671, for the person subject to the 109866  
criminal records check. 109867

When the administrative director of an agency, or attorney, 109868  
who arranges an adoption for a prospective parent requests, at the 109869  
time of the initial home study, a criminal records check for a 109870  
person pursuant to division (A)(2) of this section, the 109871  
administrative director or attorney shall request that the 109872  
superintendent of BCII obtain information from the federal bureau 109873  
of investigation as part of the criminal records check, including 109874  
fingerprint-based checks of national crime information databases 109875  
as described in 42 U.S.C. 671, for the person subject to the 109876  
criminal records check. In all other cases in which the 109877  
administrative director of an agency, or attorney, who arranges an 109878  
adoption for a prospective parent requests a criminal records 109879  
check for a person pursuant to division (A)(2) of this section, 109880

the administrative director or attorney may request that the 109881  
superintendent of BCII include information from the federal bureau 109882  
of investigation in the criminal records check, including 109883  
fingerprint-based checks of national crime information databases 109884  
as described in 42 U.S.C. 671. 109885

When the administrative director of a recommending agency 109886  
requests, before submitting a recommendation to the department of 109887  
~~job children~~ and ~~family services~~ youth on whether the department 109888  
should issue a certificate to a foster home under section 5103.03 109889  
of the Revised Code, a criminal records check for a person 109890  
pursuant to division (A)(3) of this section, the administrative 109891  
director shall request that the superintendent of BCII obtain 109892  
information from the federal bureau of investigation as part of a 109893  
criminal records check, including fingerprint-based checks of 109894  
national crime information databases as described in 42 U.S.C. 109895  
671, for the person subject to the criminal records check. In all 109896  
other cases in which the administrative director of a recommending 109897  
agency requests a criminal records check for a person pursuant to 109898  
division (A)(3) of this section, the administrative director may 109899  
request that the superintendent of BCII include information from 109900  
the federal bureau of investigation in the criminal records check, 109901  
including fingerprint-based checks of national crime information 109902  
databases as described in 42 U.S.C. 671. 109903

Prior to a hearing on a final decree of adoption or 109904  
interlocutory order of adoption by a probate court, the 109905  
administrative director of an agency, or an attorney, who arranges 109906  
an adoption for a prospective parent shall provide to the clerk of 109907  
the probate court either of the following: 109908

(a) Any information received pursuant to a request made under 109909  
this division from the superintendent of BCII or the federal 109910  
bureau of investigation as part of the criminal records check, 109911  
including fingerprint-based checks of national crime information 109912

databases as described in 42 U.S.C. 671, for the person subject to 109913  
the criminal records check; 109914

(b) Written notification that the person subject to a 109915  
criminal records check pursuant to this division failed upon 109916  
request to provide the information necessary to complete the form 109917  
or failed to provide impressions of the person's fingerprints as 109918  
required under division (B)(2) of this section. 109919

(2) An appointing or hiring officer, administrative director, 109920  
or attorney required by division (A) of this section to request a 109921  
criminal records check shall provide to each person subject to a 109922  
criminal records check a copy of the form prescribed pursuant to 109923  
division (C)(1) of section 109.572 of the Revised Code and a 109924  
standard impression sheet to obtain fingerprint impressions 109925  
prescribed pursuant to division (C)(2) of section 109.572 of the 109926  
Revised Code, obtain the completed form and impression sheet from 109927  
the person, and forward the completed form and impression sheet to 109928  
the superintendent of BCII at the time the criminal records check 109929  
is requested. 109930

Any person subject to a criminal records check who receives 109931  
pursuant to this division a copy of the form prescribed pursuant 109932  
to division (C)(1) of section 109.572 of the Revised Code and a 109933  
copy of an impression sheet prescribed pursuant to division (C)(2) 109934  
of that section and who is requested to complete the form and 109935  
provide a set of fingerprint impressions shall complete the form 109936  
or provide all the information necessary to complete the form and 109937  
shall provide the impression sheet with the impressions of the 109938  
person's fingerprints. If a person subject to a criminal records 109939  
check, upon request, fails to provide the information necessary to 109940  
complete the form or fails to provide impressions of the person's 109941  
fingerprints, the appointing or hiring officer shall not appoint 109942  
or employ the person as a person responsible for a child's care in 109943  
out-of-home care, a probate court may not issue a final decree of 109944

adoption or an interlocutory order of adoption making the person 109945  
an adoptive parent, and the department of ~~job~~ children and ~~family~~ 109946  
~~services~~ youth shall not issue a certificate authorizing the 109947  
prospective foster caregiver to operate a foster home. 109948

(C)(1) No appointing or hiring officer shall appoint or 109949  
employ a person as a person responsible for a child's care in 109950  
out-of-home care, the department of ~~job~~ children and ~~family~~ 109951  
~~services~~ youth shall not issue a certificate under section 5103.03 109952  
of the Revised Code authorizing a prospective foster caregiver to 109953  
operate a foster home, and no probate court shall issue a final 109954  
decree of adoption or an interlocutory order of adoption making a 109955  
person an adoptive parent if the person or, in the case of a 109956  
prospective foster caregiver or prospective adoptive parent, any 109957  
person eighteen years of age or older who resides with the 109958  
prospective foster caregiver or prospective adoptive parent 109959  
previously has been convicted of or pleaded guilty to any of the 109960  
violations described in division (A)(4) of section 109.572 of the 109961  
Revised Code, unless the person meets rehabilitation standards 109962  
established in rules adopted under division (F) of this section. 109963

(2) Prior to certification or recertification under section 109964  
5103.03 of the Revised Code, the prospective foster caregiver 109965  
subject to a criminal records check under division (A)(3) of this 109966  
section shall notify the recommending agency of the revocation of 109967  
any foster home license, certificate, or other similar 109968  
authorization in another state occurring within the five years 109969  
prior to the date of application to become a foster caregiver in 109970  
this state. The failure of a prospective foster caregiver to 109971  
notify the recommending agency of any revocation of that type in 109972  
another state that occurred within that five-year period shall be 109973  
grounds for denial of the person's foster home application or the 109974  
revocation of the person's foster home certification, whichever is 109975  
applicable. If a person has had a revocation in another state 109976

within the five years prior to the date of the application, the 109977  
department of ~~job~~ children and ~~family services~~ youth shall not 109978  
issue a foster home certificate to the prospective foster 109979  
caregiver. 109980

(D) The appointing or hiring officer, administrative 109981  
director, or attorney shall pay to the bureau of criminal 109982  
identification and investigation the fee prescribed pursuant to 109983  
division (C)(3) of section 109.572 of the Revised Code for each 109984  
criminal records check conducted in accordance with that section 109985  
upon a request pursuant to division (A) of this section. The 109986  
officer, director, or attorney may charge the person subject to 109987  
the criminal records check a fee for the costs the officer, 109988  
director, or attorney incurs in obtaining the criminal records 109989  
check. A fee charged under this division shall not exceed the 109990  
amount of fees the officer, director, or attorney pays for the 109991  
criminal records check. If a fee is charged under this division, 109992  
the officer, director, or attorney shall notify the person who is 109993  
the applicant at the time of the person's initial application for 109994  
appointment or employment, an adoption to be arranged, or a 109995  
certificate to operate a foster home of the amount of the fee and 109996  
that, unless the fee is paid, the person who is the applicant will 109997  
not be considered for appointment or employment or as an adoptive 109998  
parent or foster caregiver. 109999

(E) The report of any criminal records check conducted by the 110000  
bureau of criminal identification and investigation in accordance 110001  
with section 109.572 of the Revised Code and pursuant to a request 110002  
made under division (A) of this section is not a public record for 110003  
the purposes of section 149.43 of the Revised Code and shall not 110004  
be made available to any person other than the following: 110005

(1) The person who is the subject of the criminal records 110006  
check or the person's representative; 110007

(2) The appointing or hiring officer, administrative 110008

director, or attorney requesting the criminal records check or the officer's, director's, or attorney's representative;

(3) The department of ~~job children~~ and ~~family services youth~~, a county department of job and family services, or a public children services agency;

(4) Any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment, a final decree of adoption or interlocutory order of adoption, or a foster home certificate.

(F) The director of ~~job children~~ and ~~family services youth~~ shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall include rehabilitation standards a person who has been convicted of or pleaded guilty to an offense listed in division (A)(4) of section 109.572 of the Revised Code must meet for an appointing or hiring officer to appoint or employ the person as a person responsible for a child's care in out-of-home care, a probate court to issue a final decree of adoption or interlocutory order of adoption making the person an adoptive parent, or the department to issue a certificate authorizing the prospective foster caregiver to operate a foster home or not revoke a foster home certificate for a violation specified in section 5103.0328 of the Revised Code.

(G) An appointing or hiring officer, administrative director, or attorney required by division (A) of this section to request a criminal records check shall inform each person who is the applicant, at the time of the person's initial application for appointment or employment, an adoption to be arranged, or a foster home certificate, that the person subject to the criminal records check is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code.

(H) As used in this section:	110041
(1) "Children's hospital" means any of the following:	110042
(a) A hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;	110043 110044 110045 110046 110047
(b) A distinct portion of a hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, has a total of at least one hundred fifty registered pediatric special care and pediatric acute care beds, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;	110048 110049 110050 110051 110052 110053 110054
(c) A distinct portion of a hospital, if the hospital is registered under section 3701.07 of the Revised Code as a children's hospital and the children's hospital meets all the requirements of division (H)(1)(a) of this section.	110055 110056 110057 110058
(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	110059 110060
(3) "Person responsible for a child's care in out-of-home care" has the same meaning as in section 2151.011 of the Revised Code, except that it does not include a prospective employee of the department of youth services or a person responsible for a child's care in a hospital or medical clinic other than a children's hospital.	110061 110062 110063 110064 110065 110066
(4) "Person subject to a criminal records check" means the following:	110067 110068
(a) A person who is under final consideration for appointment or employment as a person responsible for a child's care in	110069 110070

out-of-home care;	110071
(b) A prospective or current adoptive parent;	110072
(c) A prospective or current foster caregiver;	110073
(d) A person eighteen years old or older who resides with a prospective or current foster caregiver or a prospective or current adoptive parent.	110074 110075 110076
(5) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency to which the department of <del>job</del> <u>children</u> and <del>family services</del> <u>youth</u> has delegated a duty to inspect and approve foster homes.	110077 110078 110079 110080
(6) "Superintendent of BCII" means the superintendent of the bureau of criminal identification and investigation.	110081 110082
<b>Sec. 2151.90.</b> (A) As used in sections 2151.90 to 2151.9011 of the Revised Code:	110083 110084
(1) "Host family" means any individual who provides care in the individual's private residence for a child or single-family group, at the request of the child's custodial parent, guardian, or legal custodian, under a host family agreement. The individual also may provide care for the individual's own child or children. The term "host family" excludes a foster home.	110085 110086 110087 110088 110089 110090
(2) "Qualified organization" means a private association, organization, corporation, nonprofit, or other entity that is not a Title IV-E reimbursable setting and that has established a program that does all of the following:	110091 110092 110093 110094
(a) Provides resources and services to assist, support, and educate parents, host families, children, or any person hosting a child under a host family agreement on a temporary basis;	110095 110096 110097
(b) Requires a criminal records check on the intended host family and all adults residing in the host family's household;	110098 110099

(c) Requires a background check in the central registry of abuse and neglect of this state from the department of ~~job~~ children and ~~family services~~ youth for the intended host family and all adults residing in the host family's household; 110100  
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(d) Ensures that the host family is trained on the rights, duties, responsibilities, and limitations as outlined in the host family agreement; 110104  
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(e) Conduct in-home supervision of a child who is the subject of the host family agreement while the agreement is in force as follows: 110107  
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(i) For hostings of fewer than thirty days, within two business days of placement and then at least once a week thereafter; 110110  
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(ii) For hostings of thirty days but less than ninety days, within two business days of placement and then twice a month; 110113  
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(iii) For hostings of ninety days or more, within two business days of placement and then an option for less frequent supervision, as determined in accordance with the best interests of the child. 110115  
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(f) Plans for the return of the child who is the subject of the host family agreement to the child's parents, guardian, or legal custodian. 110119  
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"Qualified organization" excludes any entity that accepts public money intended for foster care or kinship care funding or the placement of children by a public children services agency, private noncustodial agency, or private child placing agency. 110122  
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(3) "Temporary basis" means a period of time not to exceed one year, except as provided in section 2151.901 of the Revised Code. 110126  
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(B) A child may be hosted by a host family only when all of 110129

the following conditions are satisfied: 110130

(1) The hosting is done on a temporary basis. 110131

(2) The hosting is done under a host family agreement entered 110132  
into with a qualified organization's assistance. 110133

(3) Either one or both of the child's parents, or the child's 110134  
guardian or legal custodian, are incarcerated, incapacitated, 110135  
receiving medical, psychiatric, or psychological treatment, on 110136  
active military service, or subject to other circumstances under 110137  
which the hosting is appropriate. 110138

(4) The host family provides care only to that child or only 110139  
to a single-family group, in addition to the host family's own 110140  
child or children if applicable. 110141

**Sec. 2151.904.** (A) Before a qualified organization provides 110142  
for hosting of a child with a host family and every four years 110143  
thereafter, a prospective host family and all other persons 110144  
eighteen years of age or older who reside in the host family's 110145  
home shall request, and shall provide to the qualified 110146  
organization the results of, the following for the host family and 110147  
all other persons eighteen years of age or older who reside in the 110148  
home: 110149

(1) A criminal records check, as defined under division (G) 110150  
of section 109.572 of the Revised Code, and information from the 110151  
federal bureau of investigation, as part of the criminal records 110152  
check, including fingerprint-based checks of national crime 110153  
information databases as described in 42 U.S.C. 671; 110154

(2) A background check in the central registry of abuse and 110155  
neglect of this state from the department of ~~job~~ children and 110156  
~~family services~~ youth. 110157

(B) A person subject to division (A) of this section may 110158  
request the criminal records check and information required under 110159

division (A)(1) of this section from either of the following: 110160

(1) The superintendent of the bureau of criminal 110161  
identification and investigation; 110162

(2) Any entity authorized, on behalf of the person, to 110163  
request the superintendent to conduct the criminal records check 110164  
and provide the information. 110165

(C) If a person subject to division (A) of this section fails 110166  
to provide the results of the criminal records and background 110167  
checks and the information required under that division to the 110168  
qualified organization, the organization shall not authorize 110169  
hosting with the host family. 110170

**Sec. 2151.9010.** A host family shall not be subject to 110171  
certification or supervision by the director of ~~job~~ children and 110172  
~~family services~~ youth under section 5103.03 of the Revised Code. 110173

**Sec. 2152.192.** If a court or child welfare agency places a 110174  
delinquent child in an institution or association, as defined in 110175  
section 5103.02 of the Revised Code, that is certified by the 110176  
department of ~~job~~ children and ~~family services~~ youth pursuant to 110177  
section 5103.03 of the Revised Code and if that child has been 110178  
adjudicated delinquent for committing an act that is a sexually 110179  
oriented offense in either a prior delinquency adjudication or in 110180  
the most recent delinquency adjudication, the court or child 110181  
welfare agency shall notify the operator of the institution or 110182  
association and the sheriff of the county in which the institution 110183  
or association is located that the child has been adjudicated 110184  
delinquent for committing an act that is a sexually oriented 110185  
offense. 110186

**Sec. 2705.02.** A person guilty of any of the following acts 110187  
may be punished as for a contempt: 110188

(A) Disobedience of, or resistance to, a lawful writ, process, order, rule, judgment, or command of a court or officer;	110189 110190
(B) Misbehavior of an officer of the court in the performance of official duties, or in official transactions;	110191 110192
(C) A failure to obey a subpoena duly served, or a refusal to be sworn or to answer as a witness, when lawfully required;	110193 110194
(D) The rescue, or attempted rescue, of a person or of property in the custody of an officer by virtue of an order or process of court held by the officer;	110195 110196 110197
(E) A failure upon the part of a person recognized to appear as a witness in a court to appear in compliance with the terms of the person's recognizance;	110198 110199 110200
(F) A failure to comply with an order issued pursuant to section 3109.19 or 3111.81 of the Revised Code;	110201 110202
(G) A failure to obey a subpoena issued by the department of job and family services, <u>the department of children and youth</u> , or a child support enforcement agency pursuant to section 5101.37 of the Revised Code;	110203 110204 110205 110206
(H) A willful failure to submit to genetic testing, or a willful failure to submit a child to genetic testing, as required by an order for genetic testing issued under section 3111.41 of the Revised Code.	110207 110208 110209 110210
<b>Sec. 2950.08.</b> (A) Subject to division (B) of this section, the statements, information, photographs, fingerprints, and material required by sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and provided by a person who registers, who provides notice of a change of residence, school, institution of higher education, or place of employment address and registers the new residence, school, institution of higher education, or place of employment address, or who provides	110211 110212 110213 110214 110215 110216 110217 110218

verification of a current residence, school, institution of higher 110219  
education, or place of employment address pursuant to those 110220  
sections and that are in the possession of the bureau of criminal 110221  
identification and investigation and the information in the 110222  
possession of the bureau that was received by the bureau pursuant 110223  
to section 2950.14 of the Revised Code shall not be open to 110224  
inspection by the public or by any person other than the following 110225  
persons: 110226

(1) A regularly employed peace officer or other law 110227  
enforcement officer; 110228

(2) An authorized employee of the bureau of criminal 110229  
identification and investigation for the purpose of providing 110230  
information to a board, administrator, or person pursuant to 110231  
division (F) or (G) of section 109.57 of the Revised Code; 110232

(3) The registrar of motor vehicles, or an employee of the 110233  
registrar of motor vehicles, for the purpose of verifying and 110234  
updating any of the information so provided, upon the request of 110235  
the bureau of criminal identification and investigation; 110236

(4) The director of ~~job~~ children and ~~family services~~ youth, 110237  
or an employee of the director, for the purpose of complying with 110238  
division (D) of section 5104.013 of the Revised Code. 110239

(B) Division (A) of this section does not apply to any 110240  
information that is contained in the internet sex offender and 110241  
child-victim offender database established by the attorney general 110242  
under division (A)(11) of section 2950.13 of the Revised Code 110243  
regarding offenders and that is disseminated as described in that 110244  
division. 110245

**Sec. 2950.11.** (A) Regardless of when the sexually oriented 110246  
offense or child-victim oriented offense was committed, if a 110247  
person is convicted of, pleads guilty to, has been convicted of, 110248

or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense or a person is or has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, and if the offender or delinquent child is in any category specified in division (F)(1)(a), (b), or (c) of this section, the sheriff with whom the offender or delinquent child has most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and the sheriff to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code, within the period of time specified in division (C) of this section, shall provide a written notice containing the information set forth in division (B) of this section to all of the persons described in divisions (A)(1) to (10) of this section. If the sheriff has sent a notice to the persons described in those divisions as a result of receiving a notice of intent to reside and if the offender or delinquent child registers a residence address that is the same residence address described in the notice of intent to reside, the sheriff is not required to send an additional notice when the offender or delinquent child registers. The sheriff shall provide the notice to all of the following persons:

(1)(a) Any occupant of each residential unit that is located within one thousand feet of the offender's or delinquent child's residential premises, that is located within the county served by the sheriff, and that is not located in a multi-unit building. Division (D)(3) of this section applies regarding notices required under this division.

(b) If the offender or delinquent child resides in a multi-unit building, any occupant of each residential unit that is

located in that multi-unit building and that shares a common 110281  
hallway with the offender or delinquent child. For purposes of 110282  
this division, an occupant's unit shares a common hallway with the 110283  
offender or delinquent child if the entrance door into the 110284  
occupant's unit is located on the same floor and opens into the 110285  
same hallway as the entrance door to the unit the offender or 110286  
delinquent child occupies. Division (D)(3) of this section applies 110287  
regarding notices required under this division. 110288

(c) The building manager, or the person the building owner or 110289  
condominium unit owners association authorizes to exercise 110290  
management and control, of each multi-unit building that is 110291  
located within one thousand feet of the offender's or delinquent 110292  
child's residential premises, including a multi-unit building in 110293  
which the offender or delinquent child resides, and that is 110294  
located within the county served by the sheriff. In addition to 110295  
notifying the building manager or the person authorized to 110296  
exercise management and control in the multi-unit building under 110297  
this division, the sheriff shall post a copy of the notice 110298  
prominently in each common entryway in the building and any other 110299  
location in the building the sheriff determines appropriate. The 110300  
manager or person exercising management and control of the 110301  
building shall permit the sheriff to post copies of the notice 110302  
under this division as the sheriff determines appropriate. In lieu 110303  
of posting copies of the notice as described in this division, a 110304  
sheriff may provide notice to all occupants of the multi-unit 110305  
building by mail or personal contact; if the sheriff so notifies 110306  
all the occupants, the sheriff is not required to post copies of 110307  
the notice in the common entryways to the building. Division 110308  
(D)(3) of this section applies regarding notices required under 110309  
this division. 110310

(d) All additional persons who are within any category of 110311  
neighbors of the offender or delinquent child that the attorney 110312

general by rule adopted under section 2950.13 of the Revised Code 110313  
requires to be provided the notice and who reside within the 110314  
county served by the sheriff; 110315

(2) The executive director of the public children services 110316  
agency that has jurisdiction within the specified geographical 110317  
notification area and that is located within the county served by 110318  
the sheriff; 110319

(3)(a) The superintendent of each board of education of a 110320  
school district that has schools within the specified geographical 110321  
notification area and that is located within the county served by 110322  
the sheriff; 110323

(b) The principal of the school within the specified 110324  
geographical notification area and within the county served by the 110325  
sheriff that the delinquent child attends; 110326

(c) If the delinquent child attends a school outside of the 110327  
specified geographical notification area or outside of the school 110328  
district where the delinquent child resides, the superintendent of 110329  
the board of education of a school district that governs the 110330  
school that the delinquent child attends and the principal of the 110331  
school that the delinquent child attends. 110332

(4)(a) The appointing or hiring officer of each chartered 110333  
nonpublic school located within the specified geographical 110334  
notification area and within the county served by the sheriff or 110335  
of each other school located within the specified geographical 110336  
notification area and within the county served by the sheriff and 110337  
that is not operated by a board of education described in division 110338  
(A)(3) of this section; 110339

(b) Regardless of the location of the school, the appointing 110340  
or hiring officer of a chartered nonpublic school that the 110341  
delinquent child attends. 110342

(5) The director, head teacher, elementary principal, or site 110343

administrator of each preschool program governed by Chapter 3301. 110344  
of the Revised Code that is located within the specified 110345  
geographical notification area and within the county served by the 110346  
sheriff; 110347

(6) The administrator of each child day-care center or type A 110348  
family day-care home that is located within the specified 110349  
geographical notification area and within the county served by the 110350  
sheriff, and each holder of a license to operate a type B family 110351  
day-care home that is located within the specified geographical 110352  
notification area and within the county served by the sheriff. As 110353  
used in this division, "child day-care center," "type A family 110354  
day-care home," and "type B family day-care home" have the same 110355  
meanings as in section 5104.01 of the Revised Code. 110356

(7) The president or other chief administrative officer of 110357  
each institution of higher education, as defined in section 110358  
2907.03 of the Revised Code, that is located within the specified 110359  
geographical notification area and within the county served by the 110360  
sheriff, and the chief law enforcement officer of the state 110361  
university law enforcement agency or campus police department 110362  
established under section 3345.04 or 1713.50 of the Revised Code, 110363  
if any, that serves that institution; 110364

(8) The sheriff of each county that includes any portion of 110365  
the specified geographical notification area; 110366

(9) If the offender or delinquent child resides within the 110367  
county served by the sheriff, the chief of police, marshal, or 110368  
other chief law enforcement officer of the municipal corporation 110369  
in which the offender or delinquent child resides or, if the 110370  
offender or delinquent child resides in an unincorporated area, 110371  
the constable or chief of the police department or police district 110372  
police force of the township in which the offender or delinquent 110373  
child resides; 110374

(10) Volunteer organizations in which contact with minors or other vulnerable individuals might occur or any organization, company, or individual who requests notification as provided in division (J) of this section.

(B) The notice required under division (A) of this section shall include all of the following information regarding the subject offender or delinquent child:

(1) The offender's or delinquent child's name;

(2) The address or addresses of the offender's or public registry-qualified juvenile offender registrant's residence, school, institution of higher education, or place of employment, as applicable, or the residence address or addresses of a delinquent child who is not a public registry-qualified juvenile offender registrant;

(3) The sexually oriented offense or child-victim oriented offense of which the offender was convicted, to which the offender pleaded guilty, or for which the child was adjudicated a delinquent child;

(4) A statement that identifies the category specified in division (F)(1)(a), (b), or (c) of this section that includes the offender or delinquent child and that subjects the offender or delinquent child to this section;

(5) The offender's or delinquent child's photograph.

(C) If a sheriff with whom an offender or delinquent child registers under section 2950.04, 2950.041, or 2950.05 of the Revised Code or to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code is required by division (A) of this section to provide notices regarding an offender or delinquent child and if, pursuant to that requirement, the sheriff provides a notice to a sheriff of one or more other counties in

accordance with division (A)(8) of this section, the sheriff of 110406  
each of the other counties who is provided notice under division 110407  
(A)(8) of this section shall provide the notices described in 110408  
divisions (A)(1) to (7) and (A)(9) and (10) of this section to 110409  
each person or entity identified within those divisions that is 110410  
located within the specified geographical notification area and 110411  
within the county served by the sheriff in question. 110412

(D)(1) A sheriff required by division (A) or (C) of this 110413  
section to provide notices regarding an offender or delinquent 110414  
child shall provide the notice to the neighbors that are described 110415  
in division (A)(1) of this section and the notices to law 110416  
enforcement personnel that are described in divisions (A)(8) and 110417  
(9) of this section as soon as practicable, but no later than five 110418  
days after the offender sends the notice of intent to reside to 110419  
the sheriff and again no later than five days after the offender 110420  
or delinquent child registers with the sheriff or, if the sheriff 110421  
is required by division (C) of this section to provide the 110422  
notices, no later than five days after the sheriff is provided the 110423  
notice described in division (A)(8) of this section. 110424

A sheriff required by division (A) or (C) of this section to 110425  
provide notices regarding an offender or delinquent child shall 110426  
provide the notices to all other specified persons that are 110427  
described in divisions (A)(2) to (7) and (A)(10) of this section 110428  
as soon as practicable, but not later than seven days after the 110429  
offender or delinquent child registers with the sheriff or, if the 110430  
sheriff is required by division (C) of this section to provide the 110431  
notices, no later than five days after the sheriff is provided the 110432  
notice described in division (A)(8) of this section. 110433

(2) If an offender or delinquent child in relation to whom 110434  
division (A) of this section applies verifies the offender's or 110435  
delinquent child's current residence, school, institution of 110436  
higher education, or place of employment address, as applicable, 110437

with a sheriff pursuant to section 2950.06 of the Revised Code, 110438  
the sheriff may provide a written notice containing the 110439  
information set forth in division (B) of this section to the 110440  
persons identified in divisions (A)(1) to (10) of this section. If 110441  
a sheriff provides a notice pursuant to this division to the 110442  
sheriff of one or more other counties in accordance with division 110443  
(A)(8) of this section, the sheriff of each of the other counties 110444  
who is provided the notice under division (A)(8) of this section 110445  
may provide, but is not required to provide, a written notice 110446  
containing the information set forth in division (B) of this 110447  
section to the persons identified in divisions (A)(1) to (7) and 110448  
(A)(9) and (10) of this section. 110449

(3) A sheriff may provide notice under division (A)(1)(a) or 110450  
(b) of this section, and may provide notice under division 110451  
(A)(1)(c) of this section to a building manager or person 110452  
authorized to exercise management and control of a building, by 110453  
mail, by personal contact, or by leaving the notice at or under 110454  
the entry door to a residential unit. For purposes of divisions 110455  
(A)(1)(a) and (b) of this section, and the portion of division 110456  
(A)(1)(c) of this section relating to the provision of notice to 110457  
occupants of a multi-unit building by mail or personal contact, 110458  
the provision of one written notice per unit is deemed as 110459  
providing notice to all occupants of that unit. 110460

(E) All information that a sheriff possesses regarding an 110461  
offender or delinquent child who is in a category specified in 110462  
division (F)(1)(a), (b), or (c) of this section that is described 110463  
in division (B) of this section and that must be provided in a 110464  
notice required under division (A) or (C) of this section or that 110465  
may be provided in a notice authorized under division (D)(2) of 110466  
this section is a public record that is open to inspection under 110467  
section 149.43 of the Revised Code. 110468

The sheriff shall not cause to be publicly disseminated by 110469

means of the internet any of the information described in this 110470  
division that is provided by a delinquent child unless that child 110471  
is in a category specified in division (F)(1)(a), (b), or (c) of 110472  
this section. 110473

(F)(1) Except as provided in division (F)(2) of this section, 110474  
the duties to provide the notices described in divisions (A) and 110475  
(C) of this section apply regarding any offender or delinquent 110476  
child who is in any of the following categories: 110477

(a) The offender is a tier III sex offender/child-victim 110478  
offender, or the delinquent child is a public registry-qualified 110479  
juvenile offender registrant, and a juvenile court has not removed 110480  
pursuant to section 2950.15 of the Revised Code the delinquent 110481  
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 110482  
and 2950.06 of the Revised Code. 110483

(b) The delinquent child is a tier III sex 110484  
offender/child-victim offender who is not a public 110485  
registry-qualified juvenile offender registrant, the delinquent 110486  
child was subjected to this section prior to January 1, 2008, as a 110487  
sexual predator, habitual sex offender, child-victim predator, or 110488  
habitual child-victim offender, as those terms were defined in 110489  
section 2950.01 of the Revised Code as it existed prior to January 110490  
1, 2008, and a juvenile court has not removed pursuant to section 110491  
2152.84 or 2152.85 of the Revised Code the delinquent child's duty 110492  
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 110493  
the Revised Code. 110494

(c) The delinquent child is a tier III sex 110495  
offender/child-victim offender who is not a public 110496  
registry-qualified juvenile offender registrant, the delinquent 110497  
child was classified a juvenile offender registrant on or after 110498  
January 1, 2008, the court has imposed a requirement under section 110499  
2152.82, 2152.83, or 2152.84 of the Revised Code subjecting the 110500  
delinquent child to this section, and a juvenile court has not 110501

removed pursuant to section 2152.84 or 2152.85 of the Revised Code 110502  
the delinquent child's duty to comply with sections 2950.04, 110503  
2950.041, 2950.05, and 2950.06 of the Revised Code. 110504

(2) The notification provisions of this section do not apply 110505  
to a person described in division (F)(1)(a), (b), or (c) of this 110506  
section if a court finds at a hearing after considering the 110507  
factors described in this division that the person would not be 110508  
subject to the notification provisions of this section that were 110509  
in the version of this section that existed immediately prior to 110510  
January 1, 2008. In making the determination of whether a person 110511  
would have been subject to the notification provisions under prior 110512  
law as described in this division, the court shall consider the 110513  
following factors: 110514

(a) The offender's or delinquent child's age; 110515

(b) The offender's or delinquent child's prior criminal or 110516  
delinquency record regarding all offenses, including, but not 110517  
limited to, all sexual offenses; 110518

(c) The age of the victim of the sexually oriented offense 110519  
for which sentence is to be imposed or the order of disposition is 110520  
to be made; 110521

(d) Whether the sexually oriented offense for which sentence 110522  
is to be imposed or the order of disposition is to be made 110523  
involved multiple victims; 110524

(e) Whether the offender or delinquent child used drugs or 110525  
alcohol to impair the victim of the sexually oriented offense or 110526  
to prevent the victim from resisting; 110527

(f) If the offender or delinquent child previously has been 110528  
convicted of or pleaded guilty to, or been adjudicated a 110529  
delinquent child for committing an act that if committed by an 110530  
adult would be, a criminal offense, whether the offender or 110531  
delinquent child completed any sentence or dispositional order 110532

imposed for the prior offense or act and, if the prior offense or act was a sex offense or a sexually oriented offense, whether the offender or delinquent child participated in available programs for sexual offenders;

(g) Any mental illness or mental disability of the offender or delinquent child;

(h) The nature of the offender's or delinquent child's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse;

(i) Whether the offender or delinquent child, during the commission of the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made, displayed cruelty or made one or more threats of cruelty;

(j) Whether the offender or delinquent child would have been a habitual sex offender or a habitual child victim offender under the definitions of those terms set forth in section 2950.01 of the Revised Code as that section existed prior to January 1, 2008;

(k) Any additional behavioral characteristics that contribute to the offender's or delinquent child's conduct.

(G)(1) The department of ~~job children and family services~~ youth shall compile, maintain, and update in January and July of each year, a list of all agencies, centers, or homes of a type described in division (A)(2) or (6) of this section that contains the name of each agency, center, or home of that type, the county in which it is located, its address and telephone number, and the name of an administrative officer or employee of the agency, center, or home.

(2) The department of education shall compile, maintain, and update in January and July of each year, a list of all boards of

education, schools, or programs of a type described in division 110564  
(A)(3), (4), or (5) of this section that contains the name of each 110565  
board of education, school, or program of that type, the county in 110566  
which it is located, its address and telephone number, the name of 110567  
the superintendent of the board or of an administrative officer or 110568  
employee of the school or program, and, in relation to a board of 110569  
education, the county or counties in which each of its schools is 110570  
located and the address of each such school. 110571

(3) The ~~Ohio board~~ department of ~~regents~~ higher education 110572  
shall compile, maintain, and update in January and July of each 110573  
year, a list of all institutions of a type described in division 110574  
(A)(7) of this section that contains the name of each such 110575  
institution, the county in which it is located, its address and 110576  
telephone number, and the name of its president or other chief 110577  
administrative officer. 110578

(4) A sheriff required by division (A) or (C) of this 110579  
section, or authorized by division (D)(2) of this section, to 110580  
provide notices regarding an offender or delinquent child, or a 110581  
designee of a sheriff of that type, may request the department of 110582  
~~job children and family services youth~~, department of education, 110583  
or ~~Ohio board~~ department of ~~regents~~ higher education, by 110584  
telephone, in person, or by mail, to provide the sheriff or 110585  
designee with the names, addresses, and telephone numbers of the 110586  
appropriate persons and entities to whom the notices described in 110587  
divisions (A)(2) to (7) of this section are to be provided. Upon 110588  
receipt of a request, the department ~~or board~~ shall provide the 110589  
requesting sheriff or designee with the names, addresses, and 110590  
telephone numbers of the appropriate persons and entities to whom 110591  
those notices are to be provided. 110592

(H)(1) Upon the motion of the offender or the prosecuting 110593  
attorney of the county in which the offender was convicted of or 110594  
pleaded guilty to the sexually oriented offense or child-victim 110595

oriented offense for which the offender is subject to community notification under this section, or upon the motion of the sentencing judge or that judge's successor in office, the judge may schedule a hearing to determine whether the interests of justice would be served by suspending the community notification requirement under this section in relation to the offender. The judge may dismiss the motion without a hearing but may not issue an order suspending the community notification requirement without a hearing. At the hearing, all parties are entitled to be heard, and the judge shall consider all of the factors set forth in division (K) of this section. If, at the conclusion of the hearing, the judge finds that the offender has proven by clear and convincing evidence that the offender is unlikely to commit in the future a sexually oriented offense or a child-victim oriented offense and if the judge finds that suspending the community notification requirement is in the interests of justice, the judge may suspend the application of this section in relation to the offender. The order shall contain both of these findings.

The judge promptly shall serve a copy of the order upon the sheriff with whom the offender most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon the bureau of criminal identification and investigation.

An order suspending the community notification requirement does not suspend or otherwise alter an offender's duties to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and does not suspend the victim notification requirement under section 2950.10 of the Revised Code.

(2) A prosecuting attorney, a sentencing judge or that judge's successor in office, and an offender who is subject to the community notification requirement under this section may initially make a motion under division (H)(1) of this section upon the expiration of twenty years after the offender's duty to comply

with division (A)(2), (3), or (4) of section 2950.04, division 110628  
(A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 110629  
2950.06 of the Revised Code begins in relation to the offense for 110630  
which the offender is subject to community notification. After the 110631  
initial making of a motion under division (H)(1) of this section, 110632  
thereafter, the prosecutor, judge, and offender may make a 110633  
subsequent motion under that division upon the expiration of five 110634  
years after the judge has entered an order denying the initial 110635  
motion or the most recent motion made under that division. 110636

(3) The offender and the prosecuting attorney have the right 110637  
to appeal an order approving or denying a motion made under 110638  
division (H)(1) of this section. 110639

(4) Divisions (H)(1) to (3) of this section do not apply to 110640  
any of the following types of offender: 110641

(a) A person who is convicted of or pleads guilty to a 110642  
violent sex offense or designated homicide, assault, or kidnapping 110643  
offense and who, in relation to that offense, is adjudicated a 110644  
sexually violent predator; 110645

(b) A person who is convicted of or pleads guilty to a 110646  
sexually oriented offense that is a violation of division 110647  
(A)(1)(b) of section 2907.02 of the Revised Code committed on or 110648  
after January 2, 2007, and either who is sentenced under section 110649  
2971.03 of the Revised Code or upon whom a sentence of life 110650  
without parole is imposed under division (B) of section 2907.02 of 110651  
the Revised Code; 110652

(c) A person who is convicted of or pleads guilty to a 110653  
sexually oriented offense that is attempted rape committed on or 110654  
after January 2, 2007, and who also is convicted of or pleads 110655  
guilty to a specification of the type described in section 110656  
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 110657

(d) A person who is convicted of or pleads guilty to an 110658

offense described in division (B)(3)(a), (b), (c), or (d) of 110659  
section 2971.03 of the Revised Code and who is sentenced for that 110660  
offense pursuant to that division; 110661

(e) An offender who is in a category specified in division 110662  
(F)(1)(a), (b), or (c) of this section and who, subsequent to 110663  
being subjected to community notification, has pleaded guilty to 110664  
or been convicted of a sexually oriented offense or child-victim 110665  
oriented offense. 110666

(I) If a person is convicted of, pleads guilty to, has been 110667  
convicted of, or has pleaded guilty to a sexually oriented offense 110668  
or a child-victim oriented offense or a person is or has been 110669  
adjudicated a delinquent child for committing a sexually oriented 110670  
offense or a child-victim oriented offense and is classified a 110671  
juvenile offender registrant or is an out-of-state juvenile 110672  
offender registrant based on that adjudication, and if the 110673  
offender or delinquent child is not in any category specified in 110674  
division (F)(1)(a), (b), or (c) of this section, the sheriff with 110675  
whom the offender or delinquent child has most recently registered 110676  
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 110677  
and the sheriff to whom the offender or delinquent child most 110678  
recently sent a notice of intent to reside under section 2950.04 110679  
or 2950.041 of the Revised Code, within the period of time 110680  
specified in division (D) of this section, shall provide a written 110681  
notice containing the information set forth in division (B) of 110682  
this section to the executive director of the public children 110683  
services agency that has jurisdiction within the specified 110684  
geographical notification area and that is located within the 110685  
county served by the sheriff. 110686

(J) Each sheriff shall allow a volunteer organization or 110687  
other organization, company, or individual who wishes to receive 110688  
the notice described in division (A)(10) of this section regarding 110689  
a specific offender or delinquent child or notice regarding all 110690

offenders and delinquent children who are located in the specified 110691  
geographical notification area to notify the sheriff by electronic 110692  
mail or through the sheriff's web site of this election. The 110693  
sheriff shall promptly inform the bureau of criminal 110694  
identification and investigation of these requests in accordance 110695  
with the forwarding procedures adopted by the attorney general 110696  
pursuant to section 2950.13 of the Revised Code. 110697

(K) In making a determination under division (H)(1) of this 110698  
section as to whether to suspend the community notification 110699  
requirement under this section for an offender, the judge shall 110700  
consider all relevant factors, including, but not limited to, all 110701  
of the following: 110702

(1) The offender's age; 110703

(2) The offender's prior criminal or delinquency record 110704  
regarding all offenses, including, but not limited to, all 110705  
sexually oriented offenses or child-victim oriented offenses; 110706

(3) The age of the victim of the sexually oriented offense or 110707  
child-victim oriented offense the offender committed; 110708

(4) Whether the sexually oriented offense or child-victim 110709  
oriented offense the offender committed involved multiple victims; 110710

(5) Whether the offender used drugs or alcohol to impair the 110711  
victim of the sexually oriented offense or child-victim oriented 110712  
offense the offender committed or to prevent the victim from 110713  
resisting; 110714

(6) If the offender previously has been convicted of, pleaded 110715  
guilty to, or been adjudicated a delinquent child for committing 110716  
an act that if committed by an adult would be a criminal offense, 110717  
whether the offender completed any sentence or dispositional order 110718  
imposed for the prior offense or act and, if the prior offense or 110719  
act was a sexually oriented offense or a child-victim oriented 110720  
offense, whether the offender or delinquent child participated in 110721

available programs for sex offenders or child-victim offenders; 110722

(7) Any mental illness or mental disability of the offender; 110723

(8) The nature of the offender's sexual conduct, sexual 110724  
contact, or interaction in a sexual context with the victim of the 110725  
sexually oriented offense the offender committed or the nature of 110726  
the offender's interaction in a sexual context with the victim of 110727  
the child-victim oriented offense the offender committed, 110728  
whichever is applicable, and whether the sexual conduct, sexual 110729  
contact, or interaction in a sexual context was part of a 110730  
demonstrated pattern of abuse; 110731

(9) Whether the offender, during the commission of the 110732  
sexually oriented offense or child-victim oriented offense the 110733  
offender committed, displayed cruelty or made one or more threats 110734  
of cruelty; 110735

(10) Any additional behavioral characteristics that 110736  
contribute to the offender's conduct. 110737

(L) As used in this section, "specified geographical 110738  
notification area" means the geographic area or areas within which 110739  
the attorney general, by rule adopted under section 2950.13 of the 110740  
Revised Code, requires the notice described in division (B) of 110741  
this section to be given to the persons identified in divisions 110742  
(A)(2) to (8) of this section. 110743

**Sec. 2950.13.** (A) The attorney general shall do all of the 110744  
following: 110745

(1) No later than July 1, 1997, establish and maintain a 110746  
state registry of sex offenders and child-victim offenders that is 110747  
housed at the bureau of criminal identification and investigation 110748  
and that contains all of the registration, change of residence, 110749  
school, institution of higher education, or place of employment 110750  
address, and verification information the bureau receives pursuant 110751

to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code regarding each person who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense and each person who is or has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, all of the information the bureau receives pursuant to section 2950.14 of the Revised Code, and any notice of an order terminating or modifying an offender's or delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code the bureau receives pursuant to section 2152.84, 2152.85, or 2950.15 of the Revised Code. For a person who was convicted of or pleaded guilty to the sexually oriented offense or child-victim related offense, the registry also shall indicate whether the person was convicted of or pleaded guilty to the offense in a criminal prosecution or in a serious youthful offender case. The registry shall not be open to inspection by the public or by any person other than a person identified in division (A) of section 2950.08 of the Revised Code. In addition to the information and material previously identified in this division, the registry shall include all of the following regarding each person who is listed in the registry:

(a) A citation for, and the name of, all sexually oriented offenses or child-victim oriented offenses of which the person was convicted, to which the person pleaded guilty, or for which the person was adjudicated a delinquent child and that resulted in a registration duty, and the date on which those offenses were committed;

(b) The text of the sexually oriented offenses or child-victim oriented offenses identified in division (A)(1)(a) of

this section as those offenses existed at the time the person was 110784  
convicted of, pleaded guilty to, or was adjudicated a delinquent 110785  
child for committing those offenses, or a link to a database that 110786  
sets forth the text of those offenses; 110787

(c) A statement as to whether the person is a tier I sex 110788  
offender/child-victim offender, a tier II sex 110789  
offender/child-victim offender, or a tier III sex 110790  
offender/child-victim offender for the sexually oriented offenses 110791  
or child-victim oriented offenses identified in division (A)(1)(a) 110792  
of this section; 110793

(d) The community supervision status of the person, 110794  
including, but not limited to, whether the person is serving a 110795  
community control sanction and the nature of any such sanction, 110796  
whether the person is under supervised release and the nature of 110797  
the release, or regarding a juvenile, whether the juvenile is 110798  
under any type of release authorized under Chapter 2152. or 5139. 110799  
of the Revised Code and the nature of any such release; 110800

(e) The offense and delinquency history of the person, as 110801  
determined from information gathered or provided under sections 110802  
109.57 and 2950.14 of the Revised Code; 110803

(f) The bureau of criminal identification and investigation 110804  
tracking number assigned to the person if one has been so 110805  
assigned, the federal bureau of investigation number assigned to 110806  
the person if one has been assigned and the bureau of criminal 110807  
identification and investigation is aware of the number, and any 110808  
other state identification number assigned to the person of which 110809  
the bureau is aware; 110810

(g) Fingerprints and palmprints of the person; 110811

(h) A DNA specimen, as defined in section 109.573 of the 110812  
Revised Code, from the person; 110813

(i) Whether the person has any outstanding arrest warrants; 110814

(j) Whether the person is in compliance with the person's 110815  
duties under this chapter. 110816

(2) In consultation with local law enforcement 110817  
representatives and no later than July 1, 1997, adopt rules that 110818  
contain guidelines necessary for the implementation of this 110819  
chapter; 110820

(3) In consultation with local law enforcement 110821  
representatives, adopt rules for the implementation and 110822  
administration of the provisions contained in section 2950.11 of 110823  
the Revised Code that pertain to the notification of neighbors of 110824  
an offender or a delinquent child who has committed a sexually 110825  
oriented offense or a child-victim oriented offense and is in a 110826  
category specified in division (F)(1) of that section and rules 110827  
that prescribe a manner in which victims of a sexually oriented 110828  
offense or a child-victim oriented offense committed by an 110829  
offender or a delinquent child who is in a category specified in 110830  
division (B)(1) of section 2950.10 of the Revised Code may make a 110831  
request that specifies that the victim would like to be provided 110832  
the notices described in divisions (A)(1) and (2) of section 110833  
2950.10 of the Revised Code; 110834

(4) In consultation with local law enforcement 110835  
representatives and through the bureau of criminal identification 110836  
and investigation, prescribe the forms to be used by judges and 110837  
officials pursuant to section 2950.03 or 2950.032 of the Revised 110838  
Code to advise offenders and delinquent children of their duties 110839  
of filing a notice of intent to reside, registration, notification 110840  
of a change of residence, school, institution of higher education, 110841  
or place of employment address and registration of the new school, 110842  
institution of higher education, or place of employment address, 110843  
as applicable, and address verification under sections 2950.04, 110844  
2950.041, 2950.05, and 2950.06 of the Revised Code, and prescribe 110845  
the forms to be used by sheriffs relative to those duties of 110846

filing a notice of intent to reside, registration, change of 110847  
residence, school, institution of higher education, or place of 110848  
employment address notification, and address verification; 110849

(5) Make copies of the forms prescribed under division (A)(4) 110850  
of this section available to judges, officials, and sheriffs; 110851

(6) Through the bureau of criminal identification and 110852  
investigation, provide the notifications, the information and 110853  
materials, and the documents that the bureau is required to 110854  
provide to appropriate law enforcement officials and to the 110855  
federal bureau of investigation pursuant to sections 2950.04, 110856  
2950.041, 2950.05, and 2950.06 of the Revised Code; 110857

(7) Through the bureau of criminal identification and 110858  
investigation, maintain the verification forms returned under the 110859  
address verification mechanism set forth in section 2950.06 of the 110860  
Revised Code; 110861

(8) In consultation with representatives of the officials, 110862  
judges, and sheriffs, adopt procedures for officials, judges, and 110863  
sheriffs to use to forward information, photographs, and 110864  
fingerprints to the bureau of criminal identification and 110865  
investigation pursuant to the requirements of sections 2950.03, 110866  
2950.04, 2950.041, 2950.05, 2950.06, and 2950.11 of the Revised 110867  
Code; 110868

(9) In consultation with the director of education, the 110869  
director of ~~job~~ children and ~~family services~~ youth, and the 110870  
director of rehabilitation and correction, adopt rules that 110871  
contain guidelines to be followed by boards of education of a 110872  
school district, chartered nonpublic schools or other schools not 110873  
operated by a board of education, preschool programs, child 110874  
day-care centers, type A family day-care homes, licensed type B 110875  
family day-care homes, and institutions of higher education 110876  
regarding the proper use and administration of information 110877

received pursuant to section 2950.11 of the Revised Code relative 110878  
to an offender or delinquent child who has committed a sexually 110879  
oriented offense or a child-victim oriented offense and is in a 110880  
category specified in division (F)(1) of that section; 110881

(10) In consultation with local law enforcement 110882  
representatives and no later than July 1, 1997, adopt rules that 110883  
designate a geographic area or areas within which the notice 110884  
described in division (B) of section 2950.11 of the Revised Code 110885  
must be given to the persons identified in divisions (A)(2) to (8) 110886  
and (A)(10) of that section; 110887

(11) Through the bureau of criminal identification and 110888  
investigation, not later than January 1, 2004, establish and 110889  
operate on the internet a sex offender and child-victim offender 110890  
database that contains information for every offender who has 110891  
committed a sexually oriented offense or a child-victim oriented 110892  
offense and registers in any county in this state pursuant to 110893  
section 2950.04 or 2950.041 of the Revised Code and for every 110894  
delinquent child who has committed a sexually oriented offense, is 110895  
a public registry-qualified juvenile offender registrant, and 110896  
registers in any county in this state pursuant to either such 110897  
section. The bureau shall not include on the database the identity 110898  
of any offender's or public registry-qualified juvenile offender 110899  
registrant's victim, any offender's or public registry-qualified 110900  
juvenile offender registrant's social security number, the name of 110901  
any school or institution of higher education attended by any 110902  
offender or public registry-qualified juvenile offender 110903  
registrant, the name of the place of employment of any offender or 110904  
public registry-qualified juvenile offender registrant, any 110905  
tracking or identification number described in division (A)(1)(f) 110906  
of this section, or any information described in division (C)(7) 110907  
of section 2950.04 or 2950.041 of the Revised Code. The bureau 110908  
shall provide on the database, for each offender and each public 110909

registry-qualified juvenile offender registrant, at least the 110910  
information specified in divisions (A)(11)(a) to (h) of this 110911  
section. Otherwise, the bureau shall determine the information to 110912  
be provided on the database for each offender and public 110913  
registry-qualified juvenile offender registrant and shall obtain 110914  
that information from the information contained in the state 110915  
registry of sex offenders and child-victim offenders described in 110916  
division (A)(1) of this section, which information, while in the 110917  
possession of the sheriff who provided it, is a public record open 110918  
for inspection as described in section 2950.081 of the Revised 110919  
Code. The database is a public record open for inspection under 110920  
section 149.43 of the Revised Code, and it shall be searchable by 110921  
offender or public registry-qualified juvenile offender registrant 110922  
name, by county, by zip code, and by school district. The database 110923  
shall provide a link to the web site of each sheriff who has 110924  
established and operates on the internet a sex offender and 110925  
child-victim offender database that contains information for 110926  
offenders and public registry-qualified juvenile offender 110927  
registrants who register in that county pursuant to section 110928  
2950.04 or 2950.041 of the Revised Code, with the link being a 110929  
direct link to the sex offender and child-victim offender database 110930  
for the sheriff. The bureau shall provide on the database, for 110931  
each offender and public registry-qualified juvenile offender 110932  
registrant, at least the following information: 110933

(a) The information described in divisions (A)(1)(a), (b), 110934  
(c), and (d) of this section relative to the offender or public 110935  
registry-qualified juvenile offender registrant; 110936

(b) The address of the offender's or public 110937  
registry-qualified juvenile offender registrant's school, 110938  
institution of higher education, or place of employment provided 110939  
in a registration form; 110940

(c) The information described in division (C)(6) of section 110941

2950.04 or 2950.041 of the Revised Code; 110942

(d) A chart describing which sexually oriented offenses and 110943  
child-victim oriented offenses are included in the definitions of 110944  
tier I sex offender/child-victim offender, tier II sex 110945  
offender/child-victim offender, and tier III sex 110946  
offender/child-victim offender; 110947

(e) Fingerprints and palmprints of the offender or public 110948  
registry-qualified juvenile offender registrant and a DNA specimen 110949  
from the offender or public registry-qualified juvenile offender 110950  
registrant; 110951

(f) The information set forth in division (B) of section 110952  
2950.11 of the Revised Code; 110953

(g) Any outstanding arrest warrants for the offender or 110954  
public registry-qualified juvenile offender registrant; 110955

(h) The offender's or public registry-qualified juvenile 110956  
offender registrant's compliance status with duties under this 110957  
chapter. 110958

(12) Develop software to be used by sheriffs in establishing 110959  
on the internet a sex offender and child-victim offender database 110960  
for the public dissemination of some or all of the information and 110961  
materials described in division (A) of section 2950.081 of the 110962  
Revised Code that are public records under that division, that are 110963  
not prohibited from inclusion by division (B) of that section, and 110964  
that pertain to offenders and public registry-qualified juvenile 110965  
offender registrants who register in the sheriff's county pursuant 110966  
to section 2950.04 or 2950.041 of the Revised Code and for the 110967  
public dissemination of information the sheriff receives pursuant 110968  
to section 2950.14 of the Revised Code and, upon the request of 110969  
any sheriff, provide technical guidance to the requesting sheriff 110970  
in establishing on the internet such a database; 110971

(13) Through the bureau of criminal identification and 110972

investigation, not later than January 1, 2004, establish and 110973  
operate on the internet a database that enables local law 110974  
enforcement representatives to remotely search by electronic means 110975  
the state registry of sex offenders and child-victim offenders 110976  
described in division (A)(1) of this section and any information 110977  
and materials the bureau receives pursuant to sections 2950.04, 110978  
2950.041, 2950.05, 2950.06, and 2950.14 of the Revised Code. The 110979  
database shall enable local law enforcement representatives to 110980  
obtain detailed information regarding each offender and delinquent 110981  
child who is included in the registry, including, but not limited 110982  
to the offender's or delinquent child's name, aliases, residence 110983  
address, name and address of any place of employment, school, 110984  
institution of higher education, if applicable, license plate 110985  
number of each vehicle identified in division (C)(5) of section 110986  
2950.04 or 2950.041 of the Revised Code to the extent applicable, 110987  
victim preference if available, date of most recent release from 110988  
confinement if applicable, fingerprints, and palmprints, all of 110989  
the information and material described in divisions (A)(1)(a) to 110990  
(h) of this section regarding the offender or delinquent child, 110991  
and other identification parameters the bureau considers 110992  
appropriate. The database is not a public record open for 110993  
inspection under section 149.43 of the Revised Code and shall be 110994  
available only to law enforcement representatives as described in 110995  
this division. Information obtained by local law enforcement 110996  
representatives through use of this database is not open to 110997  
inspection by the public or by any person other than a person 110998  
identified in division (A) of section 2950.08 of the Revised Code. 110999

(14) Through the bureau of criminal identification and 111000  
investigation, maintain a list of requests for notice about a 111001  
specified offender or delinquent child or specified geographical 111002  
notification area made pursuant to division (J) of section 2950.11 111003  
of the Revised Code and, when an offender or delinquent child 111004  
changes residence to another county, forward any requests for 111005

information about that specific offender or delinquent child to 111006  
the appropriate sheriff; 111007

(15) Through the bureau of criminal identification and 111008  
investigation, establish and operate a system for the immediate 111009  
notification by electronic means of the appropriate officials in 111010  
other states specified in this division each time an offender or 111011  
delinquent child registers a residence, school, institution of 111012  
higher education, or place of employment address under section 111013  
2950.04 or 2950.041 of the Revised Code or provides a notice of a 111014  
change of address or registers a new address under division (A) or 111015  
(B) of section 2950.05 of the Revised Code. The immediate 111016  
notification by electronic means shall be provided to the 111017  
appropriate officials in each state in which the offender or 111018  
delinquent child is required to register a residence, school, 111019  
institution of higher education, or place of employment address. 111020  
The notification shall contain the offender's or delinquent 111021  
child's name and all of the information the bureau receives from 111022  
the sheriff with whom the offender or delinquent child registered 111023  
the address or provided the notice of change of address or 111024  
registered the new address. 111025

(B) The attorney general in consultation with local law 111026  
enforcement representatives, may adopt rules that establish one or 111027  
more categories of neighbors of an offender or delinquent child 111028  
who, in addition to the occupants of residential premises and 111029  
other persons specified in division (A)(1) of section 2950.11 of 111030  
the Revised Code, must be given the notice described in division 111031  
(B) of that section. 111032

(C) No person, other than a local law enforcement 111033  
representative, shall knowingly do any of the following: 111034

(1) Gain or attempt to gain access to the database 111035  
established and operated by the attorney general, through the 111036  
bureau of criminal identification and investigation, pursuant to 111037

division (A)(13) of this section.	111038
(2) Permit any person to inspect any information obtained through use of the database described in division (C)(1) of this section, other than as permitted under that division.	111039 111040 111041
(D) As used in this section, "local law enforcement representatives" means representatives of the sheriffs of this state, representatives of the municipal chiefs of police and marshals of this state, and representatives of the township constables and chiefs of police of the township police departments or police district police forces of this state.	111042 111043 111044 111045 111046 111047
<b>Sec. 3101.041.</b> In determining whether to file the consent under section 3101.04 of the Revised Code, the juvenile court shall do all of the following:	111048 111049 111050
(A) Consult with any of the following for each party to the intended marriage who is seventeen years of age:	111051 111052
(1) A parent;	111053
(2) A surviving parent;	111054
(3) A parent who is designated the residential parent and legal custodian by a court of competent jurisdiction;	111055 111056
(4) A guardian;	111057
(5) Either of the following who has been awarded permanent custody by a court exercising juvenile jurisdiction:	111058 111059
(a) An adult person;	111060
(b) The department of <del>job children and family services</del> <u>youth</u> or any child welfare organization certified by the department.	111061 111062
(B) Appoint an attorney as guardian ad litem for each party to the intended marriage who is seventeen years of age;	111063 111064
(C) Determine all of the following:	111065

(1) Each party to the intended marriage who is seventeen 111066  
years of age has entered the armed services of the United States, 111067  
has become employed and self-subsisting, or has otherwise become 111068  
independent from the care and control of the party's parent, 111069  
guardian, or custodian. 111070

(2) For each party to the intended marriage who is seventeen 111071  
years of age, the decision of that party to marry is free from 111072  
force or coercion. 111073

(3) The intended marriage and the emancipation under section 111074  
3101.042 of the Revised Code is in the best interests of each 111075  
party to the intended marriage who is seventeen years of age. 111076

**Sec. 3107.012.** (A) A foster caregiver may use the application 111077  
prescribed under division (B) of this section to obtain the 111078  
services of an agency to arrange an adoption for the foster 111079  
caregiver if the foster caregiver seeks to adopt the foster 111080  
caregiver's foster child who has resided in the foster caregiver's 111081  
home for at least six months prior to the date the foster 111082  
caregiver submits the application to the agency. 111083

(B) The department of ~~job~~ children and ~~family services~~ youth 111084  
shall prescribe an application for a foster caregiver to use under 111085  
division (A) of this section. The application shall not require 111086  
that the foster caregiver provide any information the foster 111087  
caregiver already provided the department, or undergo an 111088  
inspection the foster caregiver already underwent, to obtain a 111089  
foster home certificate under section 5103.03 of the Revised Code. 111090

(C) An agency that receives an application prescribed under 111091  
division (B) of this section from a foster caregiver authorized to 111092  
use the application shall not require, as a condition of the 111093  
agency accepting or approving the application, that the foster 111094  
caregiver undergo a criminal records check under section 2151.86 111095  
of the Revised Code as a prospective adoptive parent. The agency 111096

shall inform the foster caregiver, in accordance with division (G) 111097  
of section 2151.86 of the Revised Code, that the foster caregiver 111098  
must undergo the criminal records check before a court may issue a 111099  
final decree of adoption or interlocutory order of adoption under 111100  
section 3107.14 of the Revised Code. 111101

**Sec. 3107.013.** An agency arranging an adoption pursuant to an 111102  
application submitted to the agency under section 3107.012 of the 111103  
Revised Code for a foster caregiver seeking to adopt the foster 111104  
caregiver's foster child shall provide the foster caregiver 111105  
information about adoption, including information about state 111106  
adoption law, adoption assistance available pursuant to section 111107  
5153.163 of the Revised Code and Title IV-E of the "Social 111108  
Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended, 111109  
the types of behavior that the prospective adoptive parents may 111110  
anticipate from children who have experienced abuse and neglect, 111111  
suggested interventions and the assistance available if the child 111112  
exhibits those types of behavior after adoption, and other 111113  
adoption issues the department of ~~job~~ children and ~~family services~~ 111114  
youth identifies. The agency shall provide the information to the 111115  
foster caregiver in accordance with rules the department of ~~job~~ 111116  
children and ~~family services~~ youth shall adopt in accordance with 111117  
Chapter 119. of the Revised Code. 111118

**Sec. 3107.014.** (A) Except as provided in division (B) of this 111119  
section, only an individual who meets all of the following 111120  
requirements may perform the duties of an assessor under sections 111121  
3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 111122  
5103.0324, and 5103.152 of the Revised Code: 111123

(1) The individual must be in the employ of, appointed by, or 111124  
under contract with a court, public children services agency, 111125  
private child placing agency, or private noncustodial agency; 111126

- (2) The individual must be one of the following: 111127
- (a) A licensed professional clinical counselor, licensed 111128  
professional counselor, independent social worker, social worker, 111129  
independent marriage and family therapist, or marriage and family 111130  
therapist licensed under Chapter 4757. of the Revised Code; 111131
- (b) A psychologist licensed under Chapter 4732. of the 111132  
Revised Code; 111133
- (c) A student working to earn a four-year, post-secondary 111134  
degree, or higher, in a social or behavior science, or both, who 111135  
conducts assessor's duties under the supervision of a licensed 111136  
professional clinical counselor, licensed professional counselor, 111137  
independent social worker, social worker, independent marriage and 111138  
family therapist, or marriage and family therapist licensed under 111139  
Chapter 4757. of the Revised Code or a psychologist licensed under 111140  
Chapter 4732. of the Revised Code. Beginning July 1, 2009, a 111141  
student is eligible under this division only if the supervising 111142  
licensed professional clinical counselor, licensed professional 111143  
counselor, independent social worker, social worker, independent 111144  
marriage and family therapist, marriage and family therapist, or 111145  
psychologist has completed training in accordance with rules 111146  
adopted under section 3107.015 of the Revised Code. 111147
- (d) A civil service employee engaging in social work without 111148  
a license under Chapter 4757. of the Revised Code, as permitted by 111149  
division (A)(5) of section 4757.41 of the Revised Code; 111150
- (e) A former employee of a public children services agency 111151  
who, while so employed, conducted the duties of an assessor or the 111152  
duties of a PCSA caseworker or PCSA caseworker supervisor as 111153  
defined in section 5153.01 of the Revised Code; 111154
- (f) An employee of a court or public children services agency 111155  
who is employed to conduct the duties of an assessor; 111156
- (g) A PCSA caseworker or PCSA caseworker supervisor as 111157

defined in section 5153.01 of the Revised Code;	111158
(h) An individual who holds at least a bachelor's degree in	111159
any of the following human services fields and has at least one	111160
year of experience working with families and children:	111161
(i) Social work;	111162
(ii) Sociology;	111163
(iii) Psychology;	111164
(iv) Guidance and counseling;	111165
(v) Education;	111166
(vi) Religious education;	111167
(vii) Business administration;	111168
(viii) Criminal justice;	111169
(ix) Public administration;	111170
(x) Child care administration;	111171
(xi) Nursing;	111172
(xii) Family studies;	111173
(xiii) Any other human services field related to working with	111174
children and families.	111175
(3) The individual must complete training in accordance with	111176
rules adopted under section 3107.015 of the Revised Code.	111177
(B) An individual in the employ of, appointed by, or under	111178
contract with a court prior to September 18, 1996, to conduct	111179
adoption investigations of prospective adoptive parents may	111180
perform the duties of an assessor under sections 3107.031,	111181
3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 5103.0324, and	111182
5103.152 of the Revised Code if the individual complies with	111183
division (A)(3) of this section regardless of whether the	111184
individual meets the requirement of division (A)(2) of this	111185

section. 111186

(C) A court, public children services agency, private child 111187  
placing agency, or private noncustodial agency may employ, 111188  
appoint, or contract with an assessor in the county in which a 111189  
petition for adoption is filed and in any other county or location 111190  
outside this state where information needed to complete or 111191  
supplement the assessor's duties may be obtained. More than one 111192  
assessor may be utilized for an adoption. 111193

(D) ~~Not later than January 1, 2008, the~~ The department of ~~job~~ 111194  
children and ~~family services youth~~ shall ~~develop and~~ maintain an 111195  
assessor registry. The registry shall list all individuals who are 111196  
employed, appointed by, or under contract with a court, public 111197  
children services agency, private child placing agency, or private 111198  
noncustodial agency and meet the requirements of an assessor as 111199  
described in this section. A public children services agency, 111200  
private child placing agency, private noncustodial agency, court, 111201  
or any other person may contact the department to determine if an 111202  
individual is listed in the assessor registry. An individual 111203  
listed in the assessor registry shall immediately inform the 111204  
department when that individual is no longer employed, appointed 111205  
by, or under contract with a court, public children services 111206  
agency, private child placing agency, or private noncustodial 111207  
agency to perform the duties of an assessor as described in this 111208  
section. The director of ~~job~~ children and ~~family services youth~~ 111209  
shall adopt rules in accordance with Chapter 119. of the Revised 111210  
Code necessary for the implementation, contents, and maintenance 111211  
of the registry, and any sanctions related to the provision of 111212  
information, or the failure to provide information, that is needed 111213  
for the proper operation of the assessor registry. 111214

**Sec. 3107.015.** The director of ~~job~~ children and ~~family~~ 111215  
~~services youth~~ shall adopt rules in accordance with Chapter 119. 111216

of the Revised Code governing the training an individual must 111217  
complete for the purpose of division (A)(3) of section 3107.014 of 111218  
the Revised Code. The training shall include courses on adoption 111219  
placement practice, federal and state adoption assistance 111220  
programs, and post adoption support services. 111221

**Sec. 3107.016.** The department of ~~job~~ children and ~~family~~ 111222  
~~services~~ youth shall develop a schedule of training that meets the 111223  
requirements established in rules adopted pursuant to section 111224  
3107.015 of the Revised Code. The schedule shall include enough 111225  
training to provide all agencies equal access to the training. The 111226  
department shall distribute the schedule to all agencies. 111227

**Sec. 3107.017.** The department of ~~job~~ children and ~~family~~ 111228  
~~services~~ youth shall develop a standardized form for the 111229  
disclosure of information about a prospective adoptive child to 111230  
prospective adoptive parents. The information disclosed shall 111231  
include all background information available on the child. The 111232  
department shall distribute the form to all agencies. 111233

**Sec. 3107.018.** (A) A prospective adoptive parent may apply to 111234  
the department of ~~job~~ children and ~~family~~ ~~services~~ youth for a 111235  
loan from the state adoption assistance loan fund created under 111236  
section 5101.143 of the Revised Code. Subject to available funds, 111237  
the department may approve a state adoption assistance loan 111238  
application, in whole or in part, or deny the application. In 111239  
reviewing a loan application submitted to the department, the 111240  
department shall consider the financial need of the prospective 111241  
adoptive parent in determining whether to approve a loan 111242  
application, in whole or in part, or deny the application. If the 111243  
department approves a loan application, in whole or in part, and 111244  
the child being adopted resides in Ohio, the department shall loan 111245  
a prospective adoptive parent not more than three thousand dollars 111246

from the state adoption assistance loan fund. If the department 111247  
approves a loan application, in whole or in part, and the child 111248  
being adopted does not reside in Ohio, the department shall loan a 111249  
prospective adoptive parent not more than two thousand dollars 111250  
from the state adoption assistance loan fund. 111251

(B) A prospective adoptive parent who receives a loan under 111252  
division (A) of this section shall use that loan for only a 111253  
disbursement listed under division (C) of section 3107.055 of the 111254  
Revised Code or an expense related to adopting from the public 111255  
child welfare system. 111256

(C) This section applies to adoptions arranged by an attorney 111257  
or by any public or private organization certified, licensed, or 111258  
otherwise specially empowered by law or rule to place minors for 111259  
adoption. 111260

**Sec. 3107.031.** Except as otherwise provided in this section, 111261  
an assessor shall conduct a home study for the purpose of 111262  
ascertaining whether a person seeking to adopt a minor is suitable 111263  
to adopt. A written report of the home study shall be filed with 111264  
the court at least ten days before the petition for adoption is 111265  
heard. 111266

A person seeking to adopt a minor who knowingly makes a false 111267  
statement that is included in the written report of a home study 111268  
conducted pursuant to this section is guilty of the offense of 111269  
falsification under section 2921.13 of the Revised Code, and such 111270  
a home study shall not be filed with the court. If such a home 111271  
study is filed with the court, the court may strike the home study 111272  
from the court's records. 111273

The report shall contain the opinion of the assessor as to 111274  
whether the person who is the subject of the report is suitable to 111275  
adopt a minor, any multiple children assessment required under 111276  
section 3107.032 of the Revised Code, and other information and 111277

documents specified in rules adopted by the director of ~~job~~ 111278  
children and ~~family services~~ youth under section 3107.033 of the 111279  
Revised Code. The assessor shall not consider the person's age 111280  
when determining whether the person is suitable to adopt if the 111281  
person is old enough to adopt as provided by section 3107.03 of 111282  
the Revised Code. 111283

An assessor may request departments or agencies within or 111284  
outside this state to assist in the home study as may be 111285  
appropriate and to make a written report to be included with and 111286  
attached to the report to the court. The assessor shall make 111287  
similar home studies and reports on behalf of other assessors 111288  
designated by the courts of this state or another place. 111289

Upon order of the court, the costs of the home study and 111290  
other proceedings shall be paid by the person seeking to adopt, 111291  
and, if the home study is conducted by a public agency or public 111292  
employee, the part of the cost representing any services and 111293  
expenses shall be taxed as costs and paid into the state treasury 111294  
or county treasury, as the court may direct. 111295

On request, the assessor shall provide the person seeking to 111296  
adopt a copy of the report of the home study. The assessor shall 111297  
delete from that copy any provisions concerning the opinion of 111298  
other persons, excluding the assessor, of the person's suitability 111299  
to adopt a minor. 111300

This section does not apply to a foster caregiver seeking to 111301  
adopt the foster caregiver's foster child if the foster child has 111302  
resided in the foster caregiver's home for at least six months 111303  
prior to the date the foster caregiver submits an application 111304  
prescribed under division (B) of section 3107.012 of the Revised 111305  
Code to the agency arranging the adoption. 111306

**Sec. 3107.032.** (A) Except as provided in division (C) of this 111307  
section, each time a person seeking to adopt a minor or foster 111308

child will have at least five children residing in the prospective 111309  
adoptive home after the minor or foster child to be adopted is 111310  
placed in the home, an assessor, on behalf of an agency or 111311  
attorney arranging an adoption pursuant to sections 3107.011 or 111312  
3107.012 of the Revised Code, shall complete a multiple children 111313  
assessment during the home study. The multiple children assessment 111314  
shall evaluate the ability of the person seeking to adopt in 111315  
meeting the needs of the minor or foster child to be adopted and 111316  
continuing to meet the needs of the children residing in the home. 111317  
The assessor shall include the multiple children assessment in the 111318  
written report of the home study filed pursuant to section 111319  
3107.031 of the Revised Code. 111320

(B) The director of ~~job children~~ and ~~family services youth~~ 111321  
shall adopt rules in accordance with Chapter 119. of the Revised 111322  
Code necessary for an assessor to complete a multiple children 111323  
assessment. 111324

(C) This section does not apply to an adoption by a 111325  
stepparent whose spouse is a biological or adoptive parent of the 111326  
minor to be adopted. 111327

**Sec. 3107.033.** ~~Not later than June 1, 2009, the~~ The director 111328  
of ~~job children~~ and ~~family services youth~~ shall adopt rules in 111329  
accordance with Chapter 119. of the Revised Code specifying both 111330  
of the following: 111331

(A) The manner in which a home study is to be conducted and 111332  
the information and documents to be included in a home study 111333  
report, which shall include, pursuant to section 3107.034 of the 111334  
Revised Code, a summary report of a search of the uniform 111335  
statewide automated child welfare information system established 111336  
in section 5101.13 of the Revised Code and a report of a check of 111337  
a central registry of another state if a request for a check of a 111338

central registry of another state is required under division (A) 111339  
of section 3107.034 of the Revised Code. The director shall ensure 111340  
that rules adopted under this section align the home study 111341  
content, time period, and process with any foster care home study 111342  
content, time period, and process required by rules adopted under 111343  
section 5103.03 of the Revised Code. 111344

(B) A procedure under which a person whose application for 111345  
adoption has been denied as a result of a search of the uniform 111346  
statewide automated child welfare information system established 111347  
in section 5101.13 of the Revised Code as part of the home study 111348  
may appeal the denial to the agency that employed the assessor who 111349  
filed the report. 111350

**Sec. 3107.034.** (A) Whenever a prospective adoptive parent or 111351  
a person eighteen years of age or older who resides with a 111352  
prospective adoptive parent has resided in another state within 111353  
the five-year period immediately prior to the date on which a 111354  
criminal records check is requested for the person under division 111355  
(A) of section 2151.86 of the Revised Code, the administrative 111356  
director of an agency, or attorney, who arranges the adoption for 111357  
the prospective adoptive parent shall request a check of the 111358  
central registry of abuse and neglect of this state from the 111359  
department of ~~job~~ children and ~~family services~~ youth regarding the 111360  
prospective adoptive parent or the person eighteen years of age or 111361  
older who resides with the prospective adoptive parent to enable 111362  
the agency or attorney to check any child abuse and neglect 111363  
registry maintained by that other state. The administrative 111364  
director or attorney shall make the request and shall review the 111365  
results of the check before a final decree of adoption or an 111366  
interlocutory order of adoption making the person an adoptive 111367  
parent may be made. Information received pursuant to the request 111368  
shall be considered for purposes of this chapter as if it were a 111369  
summary report required under section 3107.033 of the Revised 111370

Code. The department of ~~job~~ children and ~~family services~~ youth 111371  
shall comply with any request to check the central registry that 111372  
is similar to the request described in this division and that is 111373  
received from any other state. 111374

(B) The summary report of a search of the uniform statewide 111375  
automated child welfare information system established in section 111376  
5101.13 of the Revised Code that is required under section 111377  
3107.033 of the Revised Code shall contain, if applicable, a 111378  
chronological list of abuse and neglect determinations or 111379  
allegations of which the person seeking to adopt is subject and in 111380  
regards to which a public children services agency has done one of 111381  
the following: 111382

(1) Determined that abuse or neglect occurred; 111383

(2) Initiated an investigation, and the investigation is 111384  
ongoing; 111385

(3) Initiated an investigation and the agency was unable to 111386  
determine whether abuse or neglect occurred. 111387

(C) The summary report required under section 3107.033 of the 111388  
Revised Code shall not contain any of the following: 111389

(1) An abuse and neglect determination of which the person 111390  
seeking to adopt is subject and in regards to which a public 111391  
children services agency determined that abuse or neglect did not 111392  
occur; 111393

(2) Information or reports the dissemination of which is 111394  
prohibited by, or interferes with eligibility under, the "Child 111395  
Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 111396  
5101 et seq., as amended; 111397

(3) The name of the person who or entity that made, or 111398  
participated in the making of, the report of abuse or neglect. 111399

(D)(1) An application for adoption may be denied based on a 111400

summary report containing the information described under division 111401  
(B)(1) of this section, when considered within the totality of the 111402  
circumstances. An application that is denied may be appealed using 111403  
the procedure adopted pursuant to division (B) of section 3107.033 111404  
of the Revised Code. 111405

(2) An application for adoption shall not be denied solely 111406  
based on a summary report containing the information described 111407  
under division (B)(2) or (3) of this section. 111408

**Sec. 3107.035.** (A) At the time of the initial home study, and 111409  
every two years thereafter, if the home study is updated, and 111410  
until it becomes part of a final decree of adoption or an 111411  
interlocutory order of adoption, the agency or attorney that 111412  
arranges an adoption for the prospective adoptive parent shall 111413  
conduct a search of the United States department of justice 111414  
national sex offender public web site regarding the prospective 111415  
adoptive parent and all persons eighteen years of age or older who 111416  
reside with the prospective adoptive parent. 111417

(B) A petition for adoption may be denied based solely on the 111418  
results of the search of the national sex offender public web 111419  
site. 111420

(C) The director of ~~job children~~ and ~~family services~~ youth 111421  
shall adopt rules in accordance with Chapter 119. of the Revised 111422  
Code necessary for the implementation and execution of this 111423  
section. 111424

**Sec. 3107.051.** (A) Except as provided in division (B) of this 111425  
section, a person seeking to adopt a minor, or the agency or 111426  
attorney arranging the adoption, shall submit a petition for the 111427  
minor's adoption no later than ninety days after the date the 111428  
minor is placed in the person's home. Failure to file a petition 111429  
within the time provided by this division does not affect a 111430

court's jurisdiction to hear the petition and is not grounds for  
denying the petition. 111431  
111432

(B) This section does not apply if any of the following  
apply: 111433  
111434

(1) The person seeking to adopt the minor is the minor's  
stepparent; 111435  
111436

(2) The minor was not originally placed in the person's home  
with the purpose of the person adopting the minor; 111437  
111438

(3) The minor is a "child with special needs," as defined by  
the director of ~~job~~ children and ~~family services~~ youth in  
accordance with section 5153.163 of the Revised Code. 111439  
111440  
111441

**Sec. 3107.081.** (A) Except as provided in divisions (B), (E),  
and (F) of this section, a parent of a minor, who will be, if  
adopted, an adopted person as defined in section 3107.45 of the  
Revised Code, shall do all of the following as a condition of a  
court accepting the parent's consent to the minor's adoption: 111442  
111443  
111444  
111445  
111446

(1) Appear personally before the court; 111447

(2) Sign the component of the form prescribed under division  
(A)(1)(a) of section 3107.083 of the Revised Code; 111448  
111449

(3) Check either the "yes" or "no" space provided on the  
component of the form prescribed under division (A)(1)(b) of  
section 3107.083 of the Revised Code and sign that component; 111450  
111451  
111452

(4) If the parent is the mother, complete and sign the  
component of the form prescribed under division (A)(1)(c) of  
section 3107.083 of the Revised Code. 111453  
111454  
111455

At the time the parent signs the components of the form  
prescribed under divisions (A)(1)(a), (b), and (c) of section  
3107.083 of the Revised Code, the parent may sign, if the parent  
chooses to do so, the components of the form prescribed under 111456  
111457  
111458  
111459

divisions (A)(1)(d), (e), and (f) of that section. After the 111460  
parent signs the components required to be signed and any 111461  
discretionary components the parent chooses to sign, the parent, 111462  
or the attorney arranging the adoption, shall file the form and 111463  
parent's consent with the court. The court or attorney shall give 111464  
the parent a copy of the form and consent. The court and attorney 111465  
shall keep a copy of the form and consent in the court and 111466  
attorney's records of the adoption. 111467

The court shall question the parent to determine that the 111468  
parent understands the adoption process, the ramifications of 111469  
consenting to the adoption, each component of the form prescribed 111470  
under division (A)(1) of section 3107.083 of the Revised Code, and 111471  
that the minor and adoptive parent may receive identifying 111472  
information about the parent in accordance with section 3107.47 of 111473  
the Revised Code unless the parent checks the "no" space provided 111474  
on the component of the form prescribed under division (A)(1)(b) 111475  
of section 3107.083 of the Revised Code or has a denial of release 111476  
form filed with the department of health under section 3107.46 of 111477  
the Revised Code. The court also shall question the parent to 111478  
determine that the parent's consent to the adoption and any 111479  
decisions the parent makes in filling out the form prescribed 111480  
under division (A)(1) of section 3107.083 of the Revised Code are 111481  
made voluntarily. 111482

(B) The parents of a minor, who is less than six months of 111483  
age and will be, if adopted, an adopted person as defined in 111484  
section 3107.45 of the Revised Code, may consent to the minor's 111485  
adoption without personally appearing before a court if both 111486  
parents do all of the following: 111487

(1) Execute a notarized statement of consent to the minor's 111488  
adoption before the attorney arranging the adoption; 111489

(2) Sign the component of the form prescribed under division 111490  
(A)(1)(a) of section 3107.083 of the Revised Code; 111491

(3) Check either the "yes" or "no" space provided on the 111492  
component of the form prescribed under division (A)(1)(b) of 111493  
section 3107.083 of the Revised Code and sign that component. 111494

At the time the parents sign the components of the form 111495  
prescribed under divisions (A)(1)(a) and (b) of section 3107.083 111496  
of the Revised Code, the mother shall complete and sign the 111497  
component of the form prescribed under division (A)(1)(c) of that 111498  
section and the attorney arranging the adoption shall provide the 111499  
parents the opportunity to sign, if they choose to do so, the 111500  
components of the form prescribed under divisions (A)(1)(d), (e), 111501  
and (f) of that section. At the time the petition to adopt the 111502  
minor is submitted to the court, the attorney shall file the 111503  
parents' consents and forms with the court. The attorney shall 111504  
give the parents a copy of the consents and forms. At the time the 111505  
attorney files the consents and forms with the court, the attorney 111506  
also shall file with the court all other documents the director of 111507  
~~job~~ children and ~~family services~~ youth requires by rules adopted 111508  
under division (D) of section 3107.083 of the Revised Code to be 111509  
filed with the court. The court and attorney shall keep a copy of 111510  
the consents, forms, and documents in the court and attorney's 111511  
records of the adoption. 111512

(C) Except as provided in divisions (D), (E), and (F) of this 111513  
section, a parent of a minor, who will be, if adopted, an adopted 111514  
person as defined in section 3107.38 of the Revised Code, shall do 111515  
all of the following as a condition of a court accepting the 111516  
parent's consent to the minor's adoption: 111517

(1) Appear personally before the court; 111518

(2) Sign the component of the form prescribed under division 111519  
(B)(1)(a) of section 3107.083 of the Revised Code; 111520

(3) If the parent is the mother, complete and sign the 111521  
component of the form prescribed under division (B)(1)(b) of 111522

section 3107.083 of the Revised Code. 111523

At the time the parent signs the components prescribed under 111524  
divisions (B)(1)(a) and (b) of section 3107.083 of the Revised 111525  
Code, the parent may sign, if the parent chooses to do so, the 111526  
components of the form prescribed under divisions (B)(1)(c), (d), 111527  
and (e) of that section. After the parent signs the components 111528  
required to be signed and any discretionary components the parent 111529  
chooses to sign, the parent, or the attorney arranging the 111530  
adoption, shall file the form and parent's consent with the court. 111531  
The court or attorney shall give the parent a copy of the form and 111532  
consent. The court and attorney shall keep a copy of the form and 111533  
consent in the court and attorney's records of the adoption. 111534

The court shall question the parent to determine that the 111535  
parent understands the adoption process, the ramifications of 111536  
consenting to the adoption, and each component of the form 111537  
prescribed under division (B)(1) of section 3107.083 of the 111538  
Revised Code. The court also shall question the parent to 111539  
determine that the parent's consent to the adoption and any 111540  
decisions the parent makes in filling out the form are made 111541  
voluntarily. 111542

(D) The parent of a minor who is less than six months of age 111543  
and will be, if adopted, an adopted person as defined in section 111544  
3107.38 of the Revised Code may consent to the minor's adoption 111545  
without personally appearing before a court if the parent does all 111546  
of the following: 111547

(1) Executes a notarized statement of consent to the minor's 111548  
adoption before the attorney arranging the adoption; 111549

(2) Signs the component of the form prescribed under division 111550  
(B)(1)(a) of section 3107.083 of the Revised Code; 111551

(3) If the parent is the mother, completes and signs the 111552  
component of the form prescribed under division (B)(1)(b) of 111553

section 3107.083 of the Revised Code. 111554

At the time the parent signs the components of the form 111555  
prescribed under divisions (B)(1)(a) and (b) of section 3107.083 111556  
of the Revised Code, the attorney arranging the adoption shall 111557  
provide the parent the opportunity to sign, if the parent chooses 111558  
to do so, the components of the form prescribed under divisions 111559  
(B)(1)(c), (d), and (e) of that section. At the time the petition 111560  
to adopt the minor is submitted to the court, the attorney shall 111561  
file the parent's consent and form with the court. The attorney 111562  
shall give the parent a copy of the consent and form. At the time 111563  
the attorney files the consent and form with the court, the 111564  
attorney also shall file with the court all other documents the 111565  
director of ~~job~~ children and ~~family services~~ youth requires by 111566  
rules adopted under division (D) of section 3107.083 of the 111567  
Revised Code to be filed with the court. The court and attorney 111568  
shall keep a copy of the consent, form, and documents in the court 111569  
and attorney's records of the adoption. 111570

(E) If a minor is to be adopted by a stepparent, the parent 111571  
who is not married to the stepparent may consent to the minor's 111572  
adoption without appearing personally before a court if the parent 111573  
executes consent in the presence of a person authorized to take 111574  
acknowledgments. The attorney arranging the adoption shall file 111575  
the consent with the court and give the parent a copy of the 111576  
consent. The court and attorney shall keep a copy of the consent 111577  
in the court and attorney's records of the adoption. 111578

(F) If a parent of a minor to be adopted resides in another 111579  
state, the parent may consent to the minor's adoption without 111580  
appearing personally before a court if the parent executes consent 111581  
in the presence of a person authorized to take acknowledgments. 111582  
The attorney arranging the adoption shall file the consent with 111583  
the court and give the parent a copy of the consent. The court and 111584  
attorney shall keep a copy of the consent in the court and 111585

attorney's records of the adoption. 111586

**Sec. 3107.083.** The director of ~~job~~ children and ~~family~~ services youth shall do all of the following: 111587  
111588

(A)(1) For a parent of a child who, if adopted, will be an 111589  
adopted person as defined in section 3107.45 of the Revised Code, 111590  
prescribe a form that has the following six components: 111591

(a) A component the parent signs under section 3107.071, 111592  
3107.081, or 5103.151 of the Revised Code to indicate the 111593  
requirements of section 3107.082 or 5103.152 of the Revised Code 111594  
have been met. The component shall be as follows: 111595

"Statement Concerning Ohio Law and Adoption Materials 111596

By signing this component of this form, I acknowledge that it 111597  
has been explained to me, and I understand, that, if I check the 111598  
space on the next component of this form that indicates that I 111599  
authorize the release, the adoption file maintained by the Ohio 111600  
Department of Health, which contains identifying information about 111601  
me at the time of my child's birth, will be released, on request, 111602  
to the adoptive parent when the adoptee is at least age eighteen 111603  
but younger than age twenty-one and to the adoptee when he or she 111604  
is age twenty-one or older. It has also been explained to me, and 111605  
I understand, that I may prohibit the release of identifying 111606  
information about me contained in the adoption file by checking 111607  
the space on the next component of this form that indicates that I 111608  
do not authorize the release of the identifying information. It 111609  
has additionally been explained to me, and I understand, that I 111610  
may change my mind regarding the decision I make on the next 111611  
component of this form at any time and as many times as I desire 111612  
by signing, dating, and having filed with the Ohio Department of 111613  
Health a denial of release form or authorization of release form 111614  
prescribed and provided by the Department of Health and providing 111615  
the Department two items of identification. 111616

By signing this component of this form, I also acknowledge 111617  
that I have been provided a copy of written materials about 111618  
adoption prepared by the Ohio Department of ~~Job~~ Children and 111619  
~~Family Services~~ Youth, the adoption process and ramifications of 111620  
consenting to adoption or entering into a voluntary permanent 111621  
custody surrender agreement have been discussed with me, and I 111622  
have been provided the opportunity to review the materials and ask 111623  
questions about the materials and discussion. 111624

Signature of biological parent: ..... 111625  
Signature of witness: ..... 111626  
Date: ..... " 111627

(b) A component the parent signs under section 3107.071, 111628  
3107.081, or 5103.151 of the Revised Code regarding the parent's 111629  
decision whether to allow identifying information about the parent 111630  
contained in an adoption file maintained by the department of 111631  
health to be released to the parent's child and adoptive parent 111632  
pursuant to section 3107.47 of the Revised Code. The component 111633  
shall be as follows: 111634

"Statement Regarding Release of Identifying Information 111635

The purpose of this component of this form is to allow a 111636  
biological parent to decide whether to allow the Ohio Department 111637  
of Health to provide an adoptee and adoptive parent identifying 111638  
information about the adoptee's biological parent contained in an 111639  
adoption file maintained by the Department. Please check one of 111640  
the following spaces: 111641

..... YES, I authorize the Ohio Department of Health to 111642  
release identifying information about me, on  
request, to the adoptive parent when the adoptee is  
at least age eighteen but younger than age  
twenty-one and to the adoptee when he or she is age  
twenty-one or older.

..... NO, I do not authorize the release of identifying 111643

information about me to the adoptive parent or  
adoptee.

Signature of biological parent: ..... 111644  
Signature of witness: ..... 111645  
Date: ..... " 111646

(c) A component the parent, if the mother of the child, 111647  
completes and signs under section 3107.071, 3107.081, or 5103.151 111648  
of the Revised Code to indicate, to the extent of the mother's 111649  
knowledge, all of the following: 111650

(i) Whether the mother, during her pregnancy, was a recipient 111651  
of the medicaid program or other public health insurance program 111652  
and, if so, the dates her eligibility began and ended; 111653

(ii) Whether the mother, during her pregnancy, was covered by 111654  
private health insurance and, if so, the dates the coverage began 111655  
and ended, the name of the insurance provider, the type of 111656  
coverage, and the identification number of the coverage; 111657

(iii) The name and location of the hospital, freestanding 111658  
birthing center, or other place where the mother gave birth and, 111659  
if different, received medical care immediately after giving 111660  
birth; 111661

(iv) The expenses of the obstetrical and neonatal care; 111662

(v) Whether the mother has been informed that the adoptive 111663  
parent or the agency or attorney arranging the adoption are to pay 111664  
expenses involved in the adoption, including expenses the mother 111665  
has paid and expects to receive or has received reimbursement, 111666  
and, if so, what expenses are to be or have been paid and an 111667  
estimate of the expenses; 111668

(vi) Any other information related to expenses the department 111669  
determines appropriate to be included in this component. 111670

(d) A component the parent may sign to authorize the agency 111671  
or attorney arranging the adoption to provide to the child or 111672

adoptive parent materials, other than photographs of the parent, 111673  
that the parent requests be given to the child or adoptive parent 111674  
pursuant to section 3107.68 of the Revised Code. 111675

(e) A component the parent may sign to authorize the agency 111676  
or attorney arranging the adoption to provide to the child or 111677  
adoptive parent photographs of the parent pursuant to section 111678  
3107.68 of the Revised Code. 111679

(f) A component the parent may sign to authorize the agency 111680  
or attorney arranging the adoption to provide to the child or 111681  
adoptive parent the first name of the parent pursuant to section 111682  
3107.68 of the Revised Code. 111683

(2) State at the bottom of the form that the parent is to 111684  
receive a copy of the form the parent signed. 111685

(3) Provide copies of the form prescribed under this division 111686  
to probate and juvenile courts, public children services agencies, 111687  
private child placing agencies, private noncustodial agencies, 111688  
attorneys, and persons authorized to take acknowledgments. 111689

(B)(1) For a parent of a child who, if adopted, will become 111690  
an adopted person as defined in section 3107.38 of the Revised 111691  
Code, prescribe a form that has the following five components: 111692

(a) A component the parent signs under section 3107.071, 111693  
3107.081, or 5103.151 of the Revised Code to attest that the 111694  
requirement of division (A) of section 3107.082 or division (A) of 111695  
section 5103.152 of the Revised Code has been met; 111696

(b) A component the parent, if the mother of the child, 111697  
completes and signs under section 3107.071, 3107.081, or 5103.151 111698  
of the Revised Code to indicate, to the extent of the mother's 111699  
knowledge, all of the following: 111700

(i) Whether the mother, during her pregnancy, was a recipient 111701  
of the medicaid program or other public health insurance program 111702

and, if so, the dates her eligibility began and ended; 111703

(ii) Whether the mother, during her pregnancy, was covered by 111704  
private health insurance and, if so, the dates the coverage began 111705  
and ended, the name of the insurance provider, the type of 111706  
coverage, and the identification number of the coverage; 111707

(iii) The name and location of the hospital, freestanding 111708  
birthing center, or other place where the mother gave birth and, 111709  
if different, received medical care immediately after giving 111710  
birth; 111711

(iv) The expenses of the obstetrical and neonatal care; 111712

(v) Whether the mother has been informed that the adoptive 111713  
parent or the agency or attorney arranging the adoption are to pay 111714  
expenses involved in the adoption, including expenses the mother 111715  
has paid and expects to receive or has received reimbursement for, 111716  
and, if so, what expenses are to be or have been paid and an 111717  
estimate of the expenses; 111718

(vi) Any other information related to expenses the department 111719  
determines appropriate to be included in the component. 111720

(c) A component the parent may sign to authorize the agency 111721  
or attorney arranging the adoption to provide to the child or 111722  
adoptive parent materials, other than photographs of the parent, 111723  
that the parent requests be given to the child or adoptive parent 111724  
pursuant to section 3107.68 of the Revised Code. 111725

(d) A component the parent may sign to authorize the agency 111726  
or attorney arranging the adoption to provide to the child or 111727  
adoptive parent photographs of the parent pursuant to section 111728  
3107.68 of the Revised Code. 111729

(e) A component the parent may sign to authorize the agency 111730  
or attorney arranging the adoption to provide to the child or 111731  
adoptive parent the first name of the parent pursuant to section 111732

3107.68 of the Revised Code. 111733

(2) State at the bottom of the form that the parent is to 111734  
receive a copy of the form the parent signed. 111735

(3) Provide copies of the form prescribed under this division 111736  
to probate and juvenile courts, public children services agencies, 111737  
private child placing agencies, private noncustodial agencies, 111738  
attorneys, and persons authorized to take acknowledgments. 111739

(C) Prepare the written materials about adoption that are 111740  
required to be given to parents under division (A) of section 111741  
3107.082 and division (A) of section 5103.152 of the Revised Code. 111742  
The materials shall provide information about the adoption 111743  
process, including ramifications of a parent consenting to a 111744  
child's adoption or entering into a voluntary permanent custody 111745  
surrender agreement. The materials also shall include referral 111746  
information for professional counseling and adoption support 111747  
organizations. The director shall provide the materials to 111748  
assessors. 111749

(D) Adopt rules in accordance with Chapter 119. of the 111750  
Revised Code specifying the documents that must be filed with a 111751  
probate court under divisions (B) and (D) of section 3107.081 of 111752  
the Revised Code and a juvenile court under divisions (C) and (E) 111753  
of section 5103.151 of the Revised Code. 111754

**Sec. 3107.09.** (A) The department of ~~job~~ children and ~~family~~ 111755  
~~services~~ youth shall prescribe and supply forms for the taking of 111756  
social and medical histories of the biological parents of a minor 111757  
available for adoption. 111758

(B) An assessor shall record the social and medical histories 111759  
of the biological parents of a minor available for adoption, 111760  
unless the minor is to be adopted by the minor's stepparent or 111761  
grandparent. The assessor shall use the forms prescribed pursuant 111762

to division (A) of this section. The assessor shall not include on 111763  
the forms identifying information about the biological parents or 111764  
other ancestors of the minor. 111765

(C) A social history shall describe and identify the age; 111766  
ethnic, racial, religious, marital, and physical characteristics; 111767  
and educational, cultural, talent and hobby, and work experience 111768  
background of the biological parents of the minor. A medical 111769  
history shall identify major diseases, malformations, allergies, 111770  
ear or eye defects, major conditions, and major health problems of 111771  
the biological parents that are or may be congenital or familial. 111772  
These histories may include other social and medical information 111773  
relative to the biological parents and shall include social and 111774  
medical information relative to the minor's other ancestors. 111775

The social and medical histories may be obtained through 111776  
interviews with the biological parents or other persons and from 111777  
any available records if a biological parent or any legal guardian 111778  
of a biological parent consents to the release of information 111779  
contained in a record. An assessor who considers it necessary may 111780  
request that a biological parent undergo a medical examination. In 111781  
obtaining social and medical histories of a biological parent, an 111782  
assessor shall inform the biological parent, or a person other 111783  
than a biological parent who provides information pursuant to this 111784  
section, of the purpose and use of the histories and of the 111785  
biological parent's or other person's right to correct or expand 111786  
the histories at any time. 111787

(D) A biological parent, or another person who provided 111788  
information in the preparation of the social and medical histories 111789  
of the biological parents of a minor, may cause the histories to 111790  
be corrected or expanded to include different or additional types 111791  
of information. The biological parent or other person may cause 111792  
the histories to be corrected or expanded at any time prior or 111793  
subsequent to the adoption of the minor, including any time after 111794

the minor becomes an adult. A biological parent may cause the 111795  
histories to be corrected or expanded even if the biological 111796  
parent did not provide any information to the assessor at the time 111797  
the histories were prepared. 111798

To cause the histories to be corrected or expanded, a 111799  
biological parent or other person who provided information shall 111800  
provide the information to be included or specify the information 111801  
to be corrected to whichever of the following is appropriate under 111802  
the circumstances: 111803

(1) Subject to divisions (D)(2) and (3) of this section, to 111804  
the assessor who prepared the histories if the biological parent 111805  
or other person knows the assessor; 111806

(2) Subject to division (D)(3) of this section, to the court 111807  
involved in the adoption or, if that court is not known, to the 111808  
department of health, if the biological parent or person does not 111809  
know the assessor or finds that the assessor has ceased to perform 111810  
assessments; 111811

(3) To the department of health, if the histories were 111812  
originally completed by the biological parent pursuant to section 111813  
3107.393 of the Revised Code or, regardless of whether the 111814  
histories were originally completed pursuant to this section or 111815  
section 3107.091 or 3107.393 of the Revised Code, the biological 111816  
parent seeks to correct or expand the histories at the same time 111817  
the biological parent completes a contact preference form pursuant 111818  
to section 3107.39 of the Revised Code or a biological parent's 111819  
name redaction request form pursuant to section 3107.391 of the 111820  
Revised Code. 111821

An assessor who receives information from a biological parent 111822  
or other person pursuant to division (D)(1) of this section shall 111823  
determine whether the information is of a type that divisions (B) 111824  
and (C) of this section permit to be included in the histories. If 111825

the assessor determines the information is of a permissible type, 111826  
the assessor shall cause the histories to be corrected or expanded 111827  
to reflect the information. If, at the time the information is 111828  
received, the histories have been filed with the court as required 111829  
by division (E) of this section, the court shall cooperate with 111830  
the assessor in correcting or expanding the histories. 111831

If the department of health or a court receives information 111832  
from a biological parent or other person pursuant to division 111833  
(D)(2) of this section or the department receives information from 111834  
a biological parent pursuant to division (D)(3) of this section, 111835  
it shall determine whether the information is of a type that 111836  
divisions (B) and (C) of this section permit to be included in the 111837  
histories. If a court determines the information is of a 111838  
permissible type, the court shall cause the histories to be 111839  
corrected or expanded to reflect the information. If the 111840  
department of health so determines, the court involved shall 111841  
cooperate with the department in the correcting or expanding of 111842  
the histories. 111843

An assessor or the department of health shall notify a 111844  
biological parent or other person in writing if the assessor or 111845  
department determines that information the biological parent or 111846  
other person provided or specified for inclusion in a history is 111847  
not of a type that may be included in a history. On receipt of the 111848  
notice, the biological parent or other person may petition the 111849  
court involved in the adoption to make a finding as to whether the 111850  
information is of a type that may be included in a history. On 111851  
receipt of the petition, the court shall issue its finding without 111852  
holding a hearing. If the court finds that the information is of a 111853  
type that may be included in a history, it shall cause the history 111854  
to be corrected or expanded to reflect the information. 111855

(E) An assessor shall file the social and medical histories 111856  
of the biological parents prepared pursuant to divisions (B) and 111857

(C) of this section with the court with which a petition to adopt the biological parents' child is filed. The court promptly shall provide a copy of the social and medical histories filed with it to the petitioner. In a case involving the adoption of a minor by any person other than the minor's stepparent or grandparent, a court may refuse to issue an interlocutory order or final decree of adoption if the histories of the biological parents have not been so filed, unless the assessor certifies to the court that information needed to prepare the histories is unavailable for reasons beyond the assessor's control.

**Sec. 3107.091.** (A) As used in this section, "biological parent" means a biological parent whose offspring, as a minor, was adopted and with respect to whom a medical and social history was not prepared prior or subsequent to the adoption.

(B) A biological parent may request the department of ~~job children~~ and ~~family services~~ youth to provide the biological parent with a copy of the social and medical history forms prescribed by the department pursuant to section 3107.09 of the Revised Code. The department, upon receipt of such a request, shall provide the forms to the biological parent, if the biological parent indicates that the forms are being requested so that the adoption records of the biological parent's offspring will include a social and medical history of the biological parent.

In completing the forms, the biological parent may include information described in division (C) of section 3107.09 of the Revised Code, but shall not include identifying information. When the biological parent has completed the forms to the extent the biological parent wishes to provide information, the biological parent shall return them to the department. The department shall review the completed forms, and shall determine whether the

information included by the biological parent is of a type 111889  
permissible under divisions (B) and (C) of section 3107.09 of the 111890  
Revised Code and, to the best of its ability, whether the 111891  
information is accurate. If it determines that the forms contain 111892  
accurate, permissible information, the department, after excluding 111893  
from the forms any information the department deems impermissible, 111894  
shall file them with the court that entered the interlocutory 111895  
order or final decree of adoption in the adoption case. If the 111896  
department needs assistance in determining that court, the 111897  
department of health, upon request, shall assist it. 111898

The department of ~~job children~~ and ~~family services~~ youth 111899  
shall notify the biological parent in writing if it excludes from 111900  
the biological parent's social and medical history forms 111901  
information deemed impermissible. On receipt of the notice, the 111902  
biological parent may petition the court with which the forms were 111903  
filed to make a finding as to whether the information is 111904  
permissible. On receipt of the petition, the court shall issue its 111905  
finding without holding a hearing. If the court finds the 111906  
information is permissible, it shall cause the information to be 111907  
included on the forms. 111908

Upon receiving social and medical history forms pursuant to 111909  
this section, a court shall cause them to be filed in the records 111910  
pertaining to the adoption case. 111911

Social and medical history forms completed by a biological 111912  
parent pursuant to this section may be corrected or expanded by 111913  
the biological parent in accordance with division (D) of section 111914  
3107.09 of the Revised Code. 111915

Access to the histories shall be granted in accordance with 111916  
division (D) of section 3107.17 of the Revised Code. 111917

(C) This section does not preclude a biological parent from 111918  
completing a social and medical history in accordance with section 111919

3107.393 of the Revised Code instead of this section. 111920

**Sec. 3107.10.** (A)(1) A public children services agency 111921  
arranging an adoption in a county other than the county where that 111922  
public children services agency is located, private child placing 111923  
agency, or private noncustodial agency, or an attorney arranging 111924  
an adoption, shall notify the public children services agency in 111925  
the county in which the prospective adoptive parent resides within 111926  
ten days after initiation of a home study required under section 111927  
3107.031 of the Revised Code. 111928

(2) After a public children services agency has received 111929  
notification pursuant to division (A)(1) of this section, both the 111930  
public children services agency arranging an adoption in a county 111931  
other than the county where that public children services agency 111932  
is located, private child placing agency, private noncustodial 111933  
agency, or attorney arranging an adoption, and the public children 111934  
services agency shall share relevant information regarding the 111935  
prospective adoptive parent as soon as possible after initiation 111936  
of the home study. 111937

(B) A public children services agency arranging an adoption 111938  
in a county other than the county where that public children 111939  
services agency is located, private child placing agency, or 111940  
private noncustodial agency, or an attorney arranging an adoption, 111941  
shall notify the public children services agency in the county in 111942  
which the prospective adoptive parent resides of an impending 111943  
adoptive placement not later than ten days prior to that 111944  
placement. Notification shall include a description of the special 111945  
needs and the age of the prospective adoptive child and the name 111946  
of the prospective adoptive parent and number of children that 111947  
will be residing in the prospective adoptive home when the 111948  
prospective adoptive child is placed in the prospective adoptive 111949  
home. 111950

(C) An agency or attorney sharing relevant information 111951  
pursuant to this section is immune from liability in a civil 111952  
action to recover damages for injury, death, or loss to person or 111953  
property allegedly caused by any act or omission in connection 111954  
with sharing relevant information unless the acts or omissions are 111955  
with malicious purpose, in bad faith, or in a wanton or reckless 111956  
manner. 111957

(D) The director of ~~job~~ children and ~~family services~~ youth 111958  
shall adopt rules in accordance with Chapter 119. of the Revised 111959  
Code necessary for the implementation and execution of this 111960  
section, including, but not limited to, a definition of "relevant 111961  
information" for the purposes of division (A) of this section. 111962

(E) This section does not apply to an adoption by a 111963  
stepparent whose spouse is a biological or adoptive parent of the 111964  
minor to be adopted. 111965

**Sec. 3107.101.** (A) Not later than seven days after a minor to 111966  
be adopted is placed in a prospective adoptive home pursuant to 111967  
section 5103.16 of the Revised Code, the assessor providing 111968  
placement or post placement services in the prospective adoptive 111969  
home shall begin monthly prospective adoptive home visits in that 111970  
home, until the court issues a final decree of adoption. During 111971  
the prospective adoptive home visits, the assessor shall evaluate 111972  
the progression of the placement in the prospective adoptive home. 111973  
The assessor shall include the evaluation in the prefinalization 111974  
assessment required under section 3107.12 of the Revised Code. 111975

(B) During the prospective home visit required under division 111976  
(A) of this section, the assessor shall make face-to-face contact 111977  
with the prospective adoptive parent and the minor to be adopted. 111978  
The assessor shall make contact, as prescribed by rule under 111979  
division (C) of this section, with all other children or adults 111980  
residing in the prospective adoptive home. 111981

(C) The director of ~~job~~ children and ~~family services~~ youth 111982  
shall adopt rules in accordance with Chapter 119. of the Revised 111983  
Code necessary for the implementation and execution of this 111984  
section. 111985

(D) This section does not apply to an adoption by a 111986  
stepparent whose spouse is a biological or adoptive parent of the 111987  
minor to be adopted. 111988

**Sec. 3107.12.** (A) Except as provided in division (B) of this 111989  
section, an assessor shall conduct a prefinalization assessment of 111990  
a minor and petitioner before a court issues a final decree of 111991  
adoption or finalizes an interlocutory order of adoption for the 111992  
minor. On completion of the assessment, the assessor shall prepare 111993  
a written report of the assessment and provide a copy of the 111994  
report to the court before which the adoption petition is pending. 111995

The report of a prefinalization assessment shall include all 111996  
of the following: 111997

(1) The adjustment of the minor and the petitioner to the 111998  
adoptive placement; 111999

(2) The present and anticipated needs of the minor and the 112000  
petitioner, as determined by a review of the minor's medical and 112001  
social history, for adoption-related services, including 112002  
assistance under Title IV-E of the "Social Security Act," 94 Stat. 112003  
501 (1980), 42 U.S.C.A. 670, as amended, or section 5153.163 of 112004  
the Revised Code and counseling, case management services, crisis 112005  
services, diagnostic services, and therapeutic counseling. 112006

(3) The physical, mental, and developmental condition of the 112007  
minor; 112008

(4) If known, the minor's biological family background, 112009  
including identifying information about the biological or other 112010  
legal parents; 112011

(5) The reasons for the minor's placement with the petitioner, the petitioner's attitude toward the proposed adoption, and the circumstances under which the minor was placed in the home of the petitioner;

(6) The attitude of the minor toward the proposed adoption, if the minor's age makes this feasible;

(7) If the minor is an Indian child, as defined in 25 U.S.C.A. 1903(4), how the placement complies with the "Indian Child Welfare Act of 1978," 92 Stat. 3069, 25 U.S.C.A. 1901, as amended;

(8) If known, the minor's psychological background, including prior abuse of the child and behavioral problems of the child;

(9) If applicable, the documents or forms required under sections 3107.032, 3107.10, and 3107.101 of the Revised Code.

The assessor shall file the prefinalization report with the court not later than twenty days prior to the date scheduled for the final hearing on the adoption unless the court determines there is good cause for filing the report at a later date.

The assessor shall provide a copy of the written report of the assessment to the petitioner with the identifying information about the biological or other legal parents redacted.

(B) This section does not apply if the petitioner is the minor's stepparent, unless a court, after determining a prefinalization assessment is in the best interest of the minor, orders that an assessor conduct a prefinalization assessment.

(C) The director of ~~job children and family services~~ youth shall adopt rules in accordance with Chapter 119. of the Revised Code defining "counseling," "case management services," "crisis services," "diagnostic services," and "therapeutic counseling" for the purpose of this section.

**Sec. 3107.13.** (A) A final decree of adoption shall not be 112042  
issued and an interlocutory order of adoption does not become 112043  
final, until the person to be adopted has lived in the adoptive 112044  
home for at least six months after placement by an agency, or for 112045  
at least six months after the department of ~~job~~ children and 112046  
~~family services~~ youth or the court has been informed of the 112047  
placement of the person with the petitioner, and the department or 112048  
court has had an opportunity to observe or investigate the 112049  
adoptive home, or in the case of adoption by a stepparent, until 112050  
at least six months after the filing of the petition, or until the 112051  
child has lived in the home for at least six months. 112052

(B) In the case of a foster caregiver adopting a foster child 112053  
or person adopting a child to whom the person is related, the 112054  
court shall apply the amount of time the child lived in the foster 112055  
caregiver's or relative's home prior to the date the foster 112056  
caregiver or relative files the petition to adopt the child toward 112057  
the six-month waiting period established by division (A) of this 112058  
section. 112059

**Sec. 3107.141.** After an assessor files a home study report 112060  
under section 3107.031, a social and medical history under section 112061  
3107.09, or a prefinalization assessment report under section 112062  
3107.12 of the Revised Code, or the department of ~~job~~ children and 112063  
~~family services~~ youth or department of health files a social and 112064  
medical history under section 3107.091 or 3107.393 of the Revised 112065  
Code, a court may do either or both of the following if the court 112066  
determines the report or history does not comply with the 112067  
requirements governing the report or history or, in the case of a 112068  
home study or prefinalization assessment report, does not enable 112069  
the court to determine whether an adoption is in the best interest 112070  
of the minor to be adopted: 112071

(A) Order the assessor or department to redo or supplement 112072

the report or history in a manner the court directs; 112073

(B) Appoint a different assessor to redo or supplement the 112074  
report or history in a manner the court directs. 112075

**Sec. 3107.17.** (A) All hearings held under sections 3107.01 to 112076  
3107.19 of the Revised Code shall be held in closed court without 112077  
the admittance of any person other than essential officers of the 112078  
court, the parties, the witnesses of the parties, counsel, persons 112079  
who have not previously consented to an adoption but who are 112080  
required to consent, and representatives of the agencies present 112081  
to perform their official duties. 112082

(B)(1) Except as provided in divisions (B)(2) and (D) of this 112083  
section, sections 3107.38 and 3107.381, and sections 3107.60 to 112084  
3107.68 of the Revised Code, no person or governmental entity 112085  
shall knowingly reveal any information contained in a paper, book, 112086  
or record pertaining to an adoption that is part of the permanent 112087  
record of a court or maintained by the department of ~~job~~ children 112088  
and ~~family services~~ youth, an agency, or attorney without the 112089  
consent of a court. 112090

(2) An agency or attorney may examine the agency's or 112091  
attorney's own papers, books, and records pertaining to an 112092  
adoption without a court's consent for official administrative 112093  
purposes. The department of ~~job~~ children and ~~family services~~ youth 112094  
may examine its own papers, books, and records pertaining to an 112095  
adoption, or such papers, books, and records of an agency, without 112096  
a court's consent for official administrative, certification, and 112097  
eligibility determination purposes. 112098

(C) The petition, the interlocutory order, the final decree 112099  
of adoption, and other adoption proceedings shall be recorded in a 112100  
book kept for such purposes and shall be separately indexed. The 112101  
book shall be a part of the records of the court, and all 112102  
consents, affidavits, and other papers shall be properly filed. 112103

(D) All forms that pertain to the social or medical histories 112104  
of the biological parents of an adopted person and that were 112105  
completed pursuant to section 3107.09, 3107.091, or 3107.393 of 112106  
the Revised Code shall be filed only in the permanent record kept 112107  
by the court. During the minority of the adopted person, only the 112108  
adoptive parents of the person may inspect the forms. When an 112109  
adopted person reaches majority, only the adopted person may 112110  
inspect the forms. Under the circumstances described in this 112111  
division, an adopted person or the adoptive parents are entitled 112112  
to inspect the forms upon requesting the clerk of the court to 112113  
produce them. 112114

(E)(1) The department of ~~job~~ children and ~~family services~~ 112115  
youth shall prescribe a form that permits any person who is 112116  
authorized by division (D) of this section to inspect forms that 112117  
pertain to the social or medical histories of the biological 112118  
parents and that were completed pursuant to section 3107.09, 112119  
3107.091, or 3107.393 of the Revised Code to request notice if any 112120  
correction or expansion of either such history, made pursuant to 112121  
division (D) of section 3107.09 of the Revised Code, is made a 112122  
part of the permanent record kept by the court. The form shall be 112123  
designed to facilitate the provision of the information and 112124  
statements described in division (E)(3) of this section. The 112125  
department shall provide copies of the form to each court. A court 112126  
shall provide a copy of the request form to each adoptive parent 112127  
when a final decree of adoption is entered and shall explain to 112128  
each adoptive parent at that time that an adoptive parent who 112129  
completes and files the form will be notified of any correction or 112130  
expansion of either the social or medical history of the 112131  
biological parents of the adopted person made during the minority 112132  
of the adopted person that is made a part of the permanent record 112133  
kept by the court, and that, during the adopted person's minority, 112134  
the adopted person may inspect the forms that pertain to those 112135  
histories. Upon request, the court also shall provide a copy of 112136

the request form to any adoptive parent during the minority of the 112137  
adopted person and to an adopted person who has reached the age of 112138  
majority. 112139

(2) Any person who is authorized to inspect forms pursuant to 112140  
division (D) of this section who wishes to be notified of 112141  
corrections or expansions pursuant to division (D) of section 112142  
3107.09 of the Revised Code that are made a part of the permanent 112143  
record kept by the court shall file with the court, on a copy of 112144  
the form prescribed by the department of ~~job~~ children and ~~family~~ 112145  
~~services~~ youth pursuant to division (E)(1) of this section, a 112146  
request for such notification that contains the information and 112147  
statements required by division (E)(3) of this section. A request 112148  
may be filed at any time if the person who files the request is 112149  
authorized at that time to inspect forms that pertain to the 112150  
social or medical histories. 112151

(3) A request for notification as described in division 112152  
(E)(2) of this section shall contain all of the following 112153  
information: 112154

(a) The adopted person's name and mailing address at that 112155  
time; 112156

(b) The name of each adoptive parent, and if the adoptive 112157  
person is a minor at the time of the filing of the request, the 112158  
mailing address of each adoptive parent at that time; 112159

(c) The adopted person's date of birth; 112160

(d) The date of entry of the final decree of adoption; 112161

(e) A statement requesting the court to notify the person who 112162  
files the request, at the address provided in the request, if any 112163  
correction or expansion of either the social or medical history of 112164  
the biological parents is made a part of the permanent record kept 112165  
by the court; 112166

(f) A statement that the person who files the request is 112167  
authorized, at the time of the filing, to inspect the forms that 112168  
pertain to the social and medical histories of the biological 112169  
parents; 112170

(g) The signature of the person who files the request. 112171

(4) Upon the filing of a request for notification in 112172  
accordance with division (E)(2) of this section, the clerk of the 112173  
court in which it is filed immediately shall insert the request in 112174  
the permanent record of the case. A person who has filed the 112175  
request and who wishes to update it with respect to a new mailing 112176  
address may inform the court in writing of the new address. Upon 112177  
its receipt, the court promptly shall insert the new address into 112178  
the permanent record by attaching it to the request. Thereafter, 112179  
any notification described in this division shall be sent to the 112180  
new address. 112181

(5) Whenever a social or medical history of a biological 112182  
parent is corrected or expanded and the correction or expansion is 112183  
made a part of the permanent record kept by the court, the court 112184  
shall ascertain whether a request for notification has been filed 112185  
in accordance with division (E)(2) of this section. If such a 112186  
request has been filed, the court shall determine whether, at that 112187  
time, the person who filed the request is authorized, under 112188  
division (D) of this section, to inspect the forms that pertain to 112189  
the social or medical history of the biological parents. If the 112190  
court determines that the person who filed the request is so 112191  
authorized, it immediately shall notify the person that the social 112192  
or medical history has been corrected or expanded, that it has 112193  
been made a part of the permanent record kept by the court, and 112194  
that the forms that pertain to the records may be inspected in 112195  
accordance with division (D) of this section. 112196

**Sec. 3107.39.** (A) The department of ~~job~~ children and family 112197

~~services~~ youth shall prescribe a contact preference form for 112198  
biological parents. The form shall include all of the following: 112199

(1) A component in which a biological parent is to indicate 112200  
one of the following regarding a person who receives, under 112201  
section 3107.38 of the Revised Code, a copy of the contents of the 112202  
adoption file of the parent's offspring: 112203

(a) That the biological parent welcomes the person to contact 112204  
the parent directly; 112205

(b) That the biological parent prefers that the person 112206  
contact the parent through an intermediary who the parent 112207  
specifies on the form; 112208

(c) That the biological parent prefers that the person not 112209  
contact the parent directly or through an intermediary. 112210

(2) Provisions necessary for the department of health to be 112211  
able to identify the adoption file of the adopted person to whom 112212  
the form pertains; 112213

(3) The following notices: 112214

(a) If a social and medical history for the biological parent 112215  
was not previously prepared or such a history was prepared but 112216  
should be corrected or expanded, that the biological parent is 112217  
encouraged to do the following as appropriate: 112218

(i) Complete a social and medical history form in accordance 112219  
with section 3107.091 or 3107.393 of the Revised Code; 112220

(ii) Correct or expand the biological parent's social and 112221  
medical history in accordance with division (D) of section 3107.09 112222  
of the Revised Code. 112223

(b) That a biological parent's preference regarding contact 112224  
as indicated on a completed contact preference form is advisory 112225  
only and therefore unenforceable; 112226

(c) That the biological parent may change the parent's indicated preference regarding contact by filing a new contact preference form with the department of health. 112227  
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(4) A space in which the biological parent indicates whether one or more of the following apply: 112230  
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(a) The biological parent knows that a social and medical history was prepared for the biological parent pursuant to section 3107.09 of the Revised Code; 112232  
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(b) The biological parent completed a social and medical history form in accordance with section 3107.091 or 3107.393 of the Revised Code; 112235  
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(c) The biological parent corrected or expanded the biological parent's social and medical history in accordance with division (D) of section 3107.09 of the Revised Code. 112238  
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(5) A notice of both of the following: 112241

(a) That an adopted person may do either or both of the following: 112242  
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(i) Inspect, pursuant to division (D) of section 3107.17 of the Revised Code, a social and medical history form of a biological parent of the adopted person maintained by the court that entered the interlocutory order or final decree of adoption regarding the adopted person; 112244  
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(ii) Submit to that court, pursuant to division (E) of section 3107.17 of the Revised Code, a request for notification of a correction or expansion of a social and medical history of a biological parent of the adopted person. 112249  
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(b) That an adopted person who does not know which court entered the interlocutory order or final decree of adoption regarding the adopted person may seek assistance from the department of health in accordance with section 3107.171 of the 112253  
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Revised Code. 112257

(B) The department of ~~job children and family services youth~~ shall make the contact preference form prescribed under this section available to the department of health. 112258  
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(C) The department of health shall make a contact preference form available to a biological parent on request. The department of health may accept a completed contact preference form from a biological parent only if the parent provides it two items of identification of the parent. If the department of health determines that it may accept a completed contact preference form, it shall accept the form. As soon as the department identifies the adoption file of the adopted person to whom the form pertains, it shall place the form in that file. If there is a previously completed contact preference form from the biological parent in the adopted person's adoption file, the department of health shall replace the parent's older form with the parent's new form. 112261  
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(D) Subject to division (C) of this section, a biological parent may file a completed contact preference form with the department of health to change the parent's indicated preference regarding contact as many times as the parent wishes. 112273  
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**Sec. 3109.172.** (A) As used in this section, "county prevention specialist" includes the following: 112277  
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(1) Members of agencies responsible for the administration of children's services in the counties within a child abuse and child neglect prevention region established in section 3109.171 of the Revised Code; 112279  
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(2) Providers of alcohol or drug addiction services or members of boards of alcohol, drug addiction, and mental health services that serve counties within a region; 112283  
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(3) Providers of mental health services or members of boards 112286

of alcohol, drug addiction, and mental health services that serve	112287
counties within a region;	112288
(4) Members of county boards of developmental disabilities	112289
that serve counties within a region;	112290
(5) Members of the educational community appointed by the	112291
superintendent of the school district with the largest enrollment	112292
in the counties within a region;	112293
(6) Juvenile justice officials serving counties within a	112294
region;	112295
(7) Pediatricians, health department nurses, and other	112296
members of the medical community in the counties within a region;	112297
(8) Counselors and social workers serving counties within a	112298
region;	112299
(9) Head start agencies serving counties within a region;	112300
(10) Child care providers serving counties within a region;	112301
(11) Other persons with demonstrated knowledge in programs	112302
for children serving counties within a region.	112303
(B) Each child abuse and child neglect prevention region	112304
shall have a child abuse and child neglect regional prevention	112305
council as appointed under divisions (C), (D), and (E) of this	112306
section. Each council shall operate in accordance with rules	112307
adopted by the department of <del>job children</del> and <del>family services</del>	112308
<u>youth</u> pursuant to Chapter 119. of the Revised Code.	112309
(C)(1) Each board of county commissioners within a region may	112310
appoint up to two county prevention specialists to the council	112311
representing the county, in accordance with rules adopted by the	112312
department of <del>job children</del> and <del>family services</del> <u>youth</u> under Chapter	112313
119. of the Revised Code.	112314
(2) The children's trust fund board may appoint additional	112315
county prevention specialists to each region's council at the	112316

board's discretion. 112317

(3) A representative of the council's regional prevention 112318  
coordinator shall serve as a nonvoting member of the council. 112319

(D) Each council member appointed under division (C)(1) of 112320  
this section shall be appointed for a two-year term. Each council 112321  
member appointed under division (C)(2) or (3) of this section 112322  
shall be appointed for a three-year term. A member may be 112323  
reappointed, but for two consecutive terms only. 112324

(E) A member may be removed from the council by the member's 112325  
appointing authority for misconduct, incompetence, or neglect of 112326  
duty. 112327

(F) Each appointed member of a council shall serve without 112328  
compensation but shall be reimbursed for all actual and necessary 112329  
expenses incurred in the performance of official duties. 112330

(G) The representative of the regional prevention coordinator 112331  
shall serve as chairperson of the council. 112332

(H) Each council shall meet at least quarterly. 112333

(I) Council members shall do all of the following: 112334

(1) Attend meetings of the council on which they serve; 112335

(2) Assist the regional prevention coordinator in conducting 112336  
a needs assessment to ascertain the child abuse and child neglect 112337  
prevention programming and services that are needed in their 112338  
region; 112339

(3) Collaborate on assembling the council's regional 112340  
prevention plan based on children's trust fund board guidelines 112341  
pursuant to section 3109.174 of the Revised Code; 112342

(4) Assist the council's regional prevention coordinator with 112343  
all of the following: 112344

(a) Implementing the regional prevention plan, including 112345

monitoring fulfillment of child abuse and child neglect prevention 112346  
deliverables and achievement of prevention outcomes; 112347

(b) Coordinating county data collection; 112348

(c) Ensuring timely and accurate reporting to the children's 112349  
trust fund board. 112350

(5) Any additional duties specified in accordance with rules 112351  
adopted by the department pursuant to Chapter 119. of the Revised 112352  
Code. 112353

(J) No council member shall participate in matters of the 112354  
council pertaining to their own interests, including applications 112355  
for funding by a council member or any entity, public or private, 112356  
of which a council member serves as either a board member or 112357  
employee. 112358

(K) Each council shall file with the children's trust fund 112359  
board, not later than the due dates specified by the board, a 112360  
progress report and an annual report regarding the council's child 112361  
abuse and child neglect prevention programs and activities 112362  
undertaken in accordance with the council's regional prevention 112363  
plan. The reports shall contain all information required by the 112364  
board. 112365

**Sec. 3109.174.** Each child abuse and child neglect regional 112366  
prevention council shall submit to the children's trust fund board 112367  
a regional prevention plan for funding child abuse and child 112368  
neglect prevention programs and activities based on criteria set 112369  
forth by the children's trust fund. 112370

The plan shall be submitted on the form and in the manner 112371  
specified in rules adopted by the department of ~~job~~ children and 112372  
~~family services~~ youth pursuant to Chapter 119. of the Revised 112373  
Code. 112374

**Sec. 3109.401.** (A) The general assembly finds the following: 112375

(1) That the parent and child relationship is of fundamental 112376  
importance to the welfare of a child, and that the relationship 112377  
between a child and each parent should be fostered unless 112378  
inconsistent with the child's best interests; 112379

(2) That parents have the responsibility to make decisions 112380  
and perform other parenting functions necessary for the care and 112381  
growth of their children; 112382

(3) That the courts, when allocating parenting functions and 112383  
responsibilities with respect to the child in a divorce, 112384  
dissolution of marriage, legal separation, annulment, or any other 112385  
proceeding addressing the allocation of parental rights and 112386  
responsibilities, must determine the child's best interests; 112387

(4) That the courts and parents must take into consideration 112388  
the following general principles when allocating parental rights 112389  
and responsibilities and developing appropriate terms for 112390  
parenting plans: 112391

(a) Children are served by a parenting arrangement that best 112392  
provides for a child's safety, emotional growth, health, 112393  
stability, and physical care. 112394

(b) Exposure of the child to harmful parental conflict should 112395  
be minimized as much as possible. 112396

(c) Whenever appropriate, parents should be encouraged to 112397  
meet their responsibilities to their children through agreements 112398  
rather than by relying on judicial intervention. 112399

(d) When a parenting plan provides for mutual decision-making 112400  
responsibility by the parents but they are unable to make 112401  
decisions mutually, they should make a good faith effort to 112402  
utilize the mediation process as required by the parenting plan. 112403

(e) In apportioning between the parents the daily physical 112404

living arrangements of the child and the child's location during 112405  
legal and school holidays, vacations, and days of special 112406  
importance, a court should not impose any type of standard 112407  
schedule unless a standard schedule meets the needs of the child 112408  
better than any proposed alternative parenting plan. 112409

(B) It is, therefore, the purpose of this chapter, when it is 112410  
in the child's best interest, to foster the relationship between 112411  
the child and each parent when a court allocates parental rights 112412  
and responsibilities with respect to the child in a divorce, 112413  
dissolution, legal separation, annulment, or any other proceeding 112414  
addressing the allocation of parental rights and responsibilities. 112415

~~(C) There is hereby created the task force on family law and 112416  
children consisting of twenty four members. The Ohio state bar 112417  
association shall appoint three members who shall be attorneys 112418  
with extensive experience in the practice of family law. The Ohio 112419  
association of domestic relations judges shall appoint three 112420  
members who shall be domestic relations judges. The Ohio 112421  
association of juvenile and family court judges shall appoint 112422  
three members who shall be juvenile or family court judges. The 112423  
chief justice of the supreme court shall appoint eight members, 112424  
three of whom shall be persons who practice in the field of family 112425  
law mediation, two of whom shall be persons who practice in the 112426  
field of child psychology, one of whom shall be a person who 112427  
represents parent and child advocacy organizations, one of whom 112428  
shall be a person who provides parenting education services, and 112429  
one of whom shall be a magistrate employed by a domestic relations 112430  
or juvenile court. The speaker of the house of representatives 112431  
shall appoint two members who shall be members of the house of 112432  
representatives and who shall be from different political parties. 112433  
The president of the senate shall appoint two members who shall be 112434  
members of the senate and who shall be from different political 112435  
parties. The governor shall appoint two members who shall 112436~~

~~represent child caring agencies. One member shall be the director of job and family services or the director's designee. The chief justice shall designate one member of the task force to chair the task force.~~ 112437  
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~~The appointing authorities and persons shall make appointments to the task force on family law and children within thirty days after September 1, 1998. Sections 101.82 to 101.87 of the Revised Code do not apply to the task force.~~ 112441  
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~~(D) The task force on family law and children shall do all of the following:~~ 112445  
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~~(1) Appoint and fix the compensation of any technical, professional, and clerical employees and perform any services that are necessary to carry out the powers and duties of the task force on family law and children. All employees of the task force shall serve at the pleasure of the task force.~~ 112447  
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~~(2) By July 1, 2001, submit to the speaker and minority leader of the house of representatives and to the president and the minority leader of the senate a report of its findings and recommendations on how to create a more civilized and constructive process for the parenting of children whose parents do not reside together. The recommendations shall propose a system to do all of the following:~~ 112452  
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~~(a) Put children first;~~ 112459

~~(b) Provide families with choices before they make a decision to obtain or finalize a divorce, dissolution, legal separation, or annulment;~~ 112460  
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~~(c) Redirect human services to intervention and prevention, rather than supporting the casualties of the current process;~~ 112463  
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~~(d) Avoid needless conflict between the participants;~~ 112465

~~(e) Encourage problem solving among the participants;~~ 112466

<del>(f) Force the participants to act responsibly;</del>	112467
<del>(g) Shield both the participants and their children from lasting emotional damage.</del>	112468 112469
<del>(3) Gather information on and study the current state of family law in this state;</del>	112470 112471
<del>(4) Collaborate and consult with entities engaged in family and children's issues including, but not limited to, the Ohio association of child caring agencies, the Ohio family court feasibility study, and the Ohio courts futures commission;</del>	112472 112473 112474 112475
<del>(5) Utilize findings and outcomes from pilot projects conducted by the Ohio family court feasibility study to explore alternatives in creating a more civilized and constructive process for the parenting of children whose parents do not reside together with an emphasis on the areas of mediation and obtaining visitation compliance.</del>	112476 112477 112478 112479 112480 112481
<del>(E) Courts of common pleas shall cooperate with the task force on family law and children in the performance of the task force's duties described in division (D) of this section.</del>	112482 112483 112484
<b>Sec. 3301.079.</b> (A)(1) The state board of education periodically shall adopt statewide academic standards with emphasis on coherence, focus, and essential knowledge and that are more challenging and demanding when compared to international standards for each of grades kindergarten through twelve in English language arts, mathematics, science, and social studies.	112485 112486 112487 112488 112489 112490
(a) The state board shall ensure that the standards do all of the following:	112491 112492
(i) Include the essential academic content and skills that students are expected to know and be able to do at each grade level that will allow each student to be prepared for postsecondary instruction and the workplace for success in the	112493 112494 112495 112496

twenty-first century;	112497
(ii) Include the development of skill sets that promote information, media, and technological literacy;	112498 112499
(iii) Include interdisciplinary, project-based, real-world learning opportunities;	112500 112501
(iv) Instill life-long learning by providing essential knowledge and skills based in the liberal arts tradition, as well as science, technology, engineering, mathematics, and career-technical education;	112502 112503 112504 112505
(v) Be clearly written, transparent, and understandable by parents, educators, and the general public.	112506 112507
(b) Not later than July 1, 2012, the state board shall incorporate into the social studies standards for grades four to twelve academic content regarding the original texts of the Declaration of Independence, the Northwest Ordinance, the Constitution of the United States and its amendments, with emphasis on the Bill of Rights, and the Ohio Constitution, and their original context. The state board shall revise the model curricula and achievement assessments adopted under divisions (B) and (C) of this section as necessary to reflect the additional American history and American government content. The state board shall make available a list of suggested grade-appropriate supplemental readings that place the documents prescribed by this division in their historical context, which teachers may use as a resource to assist students in reading the documents within that context.	112508 112509 112510 112511 112512 112513 112514 112515 112516 112517 112518 112519 112520 112521 112522
(c) When the state board adopts or revises academic content standards in social studies, American history, American government, or science under division (A)(1) of this section, the state board shall develop such standards independently and not as part of a multistate consortium.	112523 112524 112525 112526 112527

(2) After completing the standards required by division 112528  
(A)(1) of this section, the state board shall adopt standards and 112529  
model curricula for instruction in technology, financial literacy 112530  
and entrepreneurship, fine arts, and foreign language for grades 112531  
kindergarten through twelve. The standards shall meet the same 112532  
requirements prescribed in division (A)(1)(a) of this section. 112533

(3) The state board shall adopt the most recent standards 112534  
developed by the national association for sport and physical 112535  
education for physical education in grades kindergarten through 112536  
twelve or shall adopt its own standards for physical education in 112537  
those grades and revise and update them periodically. 112538

The department of education shall employ a full-time physical 112539  
education coordinator to provide guidance and technical assistance 112540  
to districts, community schools, and STEM schools in implementing 112541  
the physical education standards adopted under this division. The 112542  
superintendent of public instruction shall determine that the 112543  
person employed as coordinator is qualified for the position, as 112544  
demonstrated by possessing an adequate combination of education, 112545  
license, and experience. 112546

(4) Not later than September 30, 2022, the state board shall 112547  
update the standards and model curriculum for instruction in 112548  
computer science in grades kindergarten through twelve, which 112549  
shall include standards for introductory and advanced computer 112550  
science courses in grades nine through twelve. When developing the 112551  
standards and curriculum, the state board shall consider 112552  
recommendations from computer science education stakeholder 112553  
groups, including teachers and representatives from higher 112554  
education, industry, computer science organizations in Ohio, and 112555  
national computer science organizations. 112556

Any district or school may utilize the computer science 112557  
standards or model curriculum or any part thereof adopted pursuant 112558  
to division (A)(4) of this section. However, no district or school 112559

shall be required to utilize all or any part of the standards or curriculum. 112560  
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(5) When academic standards have been completed for any subject area required by this section, the state board shall inform all school districts, all community schools established under Chapter 3314. of the Revised Code, all STEM schools established under Chapter 3326. of the Revised Code, and all nonpublic schools required to administer the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised Code of the content of those standards. Additionally, upon completion of any academic standards under this section, the department shall post those standards on the department's web site. 112562  
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(B)(1) The state board shall adopt a model curriculum for instruction in each subject area for which updated academic standards are required by division (A)(1) of this section and for each of grades kindergarten through twelve that is sufficient to meet the needs of students in every community. The model curriculum shall be aligned with the standards, to ensure that the academic content and skills specified for each grade level are taught to students, and shall demonstrate vertical articulation and emphasize coherence, focus, and rigor. When any model curriculum has been completed, the state board shall inform all school districts, community schools, and STEM schools of the content of that model curriculum. 112572  
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(2) Not later than June 30, 2013, the state board, in consultation with any office housed in the governor's office that deals with workforce development, shall adopt model curricula for grades kindergarten through twelve that embed career connection learning strategies into regular classroom instruction. 112584  
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(3) All school districts, community schools, and STEM schools may utilize the state standards and the model curriculum established by the state board, together with other relevant 112589  
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resources, examples, or models to ensure that students have the 112592  
opportunity to attain the academic standards. Upon request, the 112593  
department shall provide technical assistance to any district, 112594  
community school, or STEM school in implementing the model 112595  
curriculum. 112596

Nothing in this section requires any school district to 112597  
utilize all or any part of a model curriculum developed under this 112598  
section. 112599

(C) The state board shall develop achievement assessments 112600  
aligned with the academic standards and model curriculum for each 112601  
of the subject areas and grade levels required by divisions (A)(1) 112602  
and (B)(1) of section 3301.0710 of the Revised Code. 112603

When any achievement assessment has been completed, the state 112604  
board shall inform all school districts, community schools, STEM 112605  
schools, and nonpublic schools required to administer the 112606  
assessment of its completion, and the department shall make the 112607  
achievement assessment available to the districts and schools. 112608

(D)(1) The state board shall adopt a diagnostic assessment 112609  
aligned with the academic standards and model curriculum for ~~each~~ 112610  
~~of grades kindergarten through~~ one and two in reading, writing, 112611  
and mathematics and for grade three in reading and writing. The 112612  
diagnostic assessment shall be designed to measure student 112613  
comprehension of academic content and mastery of related skills 112614  
for the relevant subject area and grade level. Any diagnostic 112615  
assessment shall not include components to identify gifted 112616  
students. Blank copies of diagnostic assessments shall be public 112617  
records. 112618

(2) When each diagnostic assessment has been completed, the 112619  
state board shall inform all school districts of its completion 112620  
and the department shall make the diagnostic assessment available 112621  
to the districts at no cost to the district. 112622

(3) School districts shall administer the diagnostic 112623  
assessment pursuant to section 3301.0715 of the Revised Code 112624  
beginning the first school year following the development of the 112625  
assessment. 112626

However, beginning with the 2017-2018 school year, both of 112627  
the following shall apply: 112628

(a) In the case of the diagnostic assessments for grades one 112629  
or two in writing or mathematics or for grade three in writing, a 112630  
school district shall not be required to administer any such 112631  
assessment, but may do so at the discretion of the district board; 112632

(b) In the case of any diagnostic assessment that is not for 112633  
the grade levels and subject areas specified in division (D)(3)(a) 112634  
of this section, each school district shall administer the 112635  
assessment in the manner prescribed by section 3301.0715 of the 112636  
Revised Code. 112637

(E) The state board shall not adopt a diagnostic or 112638  
achievement assessment for any grade level or subject area other 112639  
than those specified in this section. 112640

(F) Whenever the state board or the department consults with 112641  
persons for the purpose of drafting or reviewing any standards, 112642  
diagnostic assessments, achievement assessments, or model 112643  
curriculum required under this section, the state board or the 112644  
department shall first consult with parents of students in 112645  
kindergarten through twelfth grade and with active Ohio classroom 112646  
teachers, other school personnel, and administrators with 112647  
expertise in the appropriate subject area. Whenever practicable, 112648  
the state board and department shall consult with teachers 112649  
recognized as outstanding in their fields. 112650

If the department contracts with more than one outside entity 112651  
for the development of the achievement assessments required by 112652  
this section, the department shall ensure the interchangeability 112653

of those assessments. 112654

(G) Whenever the state board adopts standards or model 112655  
curricula under this section, the department also shall provide 112656  
information on the use of blended, online, or digital learning in 112657  
the delivery of the standards or curricula to students in 112658  
accordance with division (A)(5) of this section. 112659

(H) The fairness sensitivity review committee, established by 112660  
rule of the state board of education, shall not allow any question 112661  
on any achievement or diagnostic assessment developed under this 112662  
section or any proficiency test prescribed by former section 112663  
3301.0710 of the Revised Code, as it existed prior to September 112664  
11, 2001, to include, be written to promote, or inquire as to 112665  
individual moral or social values or beliefs. The decision of the 112666  
committee shall be final. This section does not create a private 112667  
cause of action. 112668

(I) Not later than sixty days prior to the adoption by the 112669  
state board of updated academic standards under division (A)(1) of 112670  
this section or updated model curricula under division (B)(1) of 112671  
this section, the superintendent of public instruction shall 112672  
present the academic standards or model curricula, as applicable, 112673  
in person at a public hearing of the respective committees of the 112674  
house of representatives and senate that consider education 112675  
legislation. 112676

(J) As used in this section: 112677

(1) "Blended learning" means the delivery of instruction in a 112678  
combination of time primarily in a supervised physical location 112679  
away from home and online delivery whereby the student has some 112680  
element of control over time, place, path, or pace of learning and 112681  
includes noncomputer-based learning opportunities. 112682

(2) "Online learning" means students work primarily from 112683  
their residences on assignments delivered via an internet- or 112684

other computer-based instructional method. 112685

(3) "Coherence" means a reflection of the structure of the 112686  
discipline being taught. 112687

(4) "Digital learning" means learning facilitated by 112688  
technology that gives students some element of control over time, 112689  
place, path, or pace of learning. 112690

(5) "Focus" means limiting the number of items included in a 112691  
curriculum to allow for deeper exploration of the subject matter. 112692

(6) "Vertical articulation" means key academic concepts and 112693  
skills associated with mastery in particular content areas should 112694  
be articulated and reinforced in a developmentally appropriate 112695  
manner at each grade level so that over time students acquire a 112696  
depth of knowledge and understanding in the core academic 112697  
disciplines. 112698

**Sec. 3301.0714.** (A) The state board of education shall adopt 112699  
rules for a statewide education management information system. The 112700  
rules shall require the state board to establish guidelines for 112701  
the establishment and maintenance of the system in accordance with 112702  
this section and the rules adopted under this section. The 112703  
guidelines shall include: 112704

(1) Standards identifying and defining the types of data in 112705  
the system in accordance with divisions (B) and (C) of this 112706  
section; 112707

(2) Procedures for annually collecting and reporting the data 112708  
to the state board in accordance with division (D) of this 112709  
section; 112710

(3) Procedures for annually compiling the data in accordance 112711  
with division (G) of this section; 112712

(4) Procedures for annually reporting the data to the public 112713  
in accordance with division (H) of this section; 112714

(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data. 112715  
112716

(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following: 112717  
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(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes: 112720  
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(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section. 112723  
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(b) The numbers of students receiving support or extracurricular services for each of the support services or extracurricular programs offered by the school district, such as counseling services, health services, and extracurricular sports and fine arts programs. The categories of services required by the guidelines under this division shall be the same as the categories 112741  
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of services used in determining cost units pursuant to division	112747
(C)(4)(a) of this section.	112748
(c) Average student grades in each subject in grades nine	112749
through twelve;	112750
(d) Academic achievement levels as assessed under sections	112751
3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	112752
(e) The number of students designated as having a disabling	112753
condition pursuant to division (C)(1) of section 3301.0711 of the	112754
Revised Code;	112755
(f) The numbers of students reported to the state board	112756
pursuant to division (C)(2) of section 3301.0711 of the Revised	112757
Code;	112758
(g) Attendance rates and the average daily attendance for the	112759
year. For purposes of this division, a student shall be counted as	112760
present for any field trip that is approved by the school	112761
administration.	112762
(h) Expulsion rates;	112763
(i) Suspension rates;	112764
(j) Dropout rates;	112765
(k) Rates of retention in grade;	112766
(l) For pupils in grades nine through twelve, the average	112767
number of carnegie units, as calculated in accordance with state	112768
board of education rules;	112769
(m) Graduation rates, to be calculated in a manner specified	112770
by the department of education that reflects the rate at which	112771
students who were in the ninth grade three years prior to the	112772
current year complete school and that is consistent with	112773
nationally accepted reporting requirements;	112774
(n) Results of diagnostic assessments administered to	112775

kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A)(2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.

(o) Beginning on July 1, 2018, for each disciplinary action which is required to be reported under division (B)(4) of this section, districts and schools also shall include an identification of the person or persons, if any, at whom the student's violent behavior that resulted in discipline was directed. The person or persons shall be identified by the respective classification at the district or school, such as student, teacher, or nonteaching employee, but shall not be identified by name.

Division (B)(1)(o) of this section does not apply after the date that is two years following the submission of the report required by Section 733.13 of H.B. 49 of the 132nd general assembly.

(p) The number of students earning each state diploma seal included in the system prescribed under division (A) of section 3313.6114 of the Revised Code;

(q) The number of students demonstrating competency for graduation using each option described in divisions (B)(1)(a) to (d) of section 3313.618 of the Revised Code;

(r) The number of students completing each foundational and supporting option as part of the demonstration of competency for graduation pursuant to division (B)(1)(b) of section 3313.618 of the Revised Code;

(s) The number of students enrolled in all-day kindergarten, 112807  
as defined in section 3321.05 of the Revised Code. 112808

(2) Personnel and classroom enrollment data for each school 112809  
district, including: 112810

(a) The total numbers of licensed employees and nonlicensed 112811  
employees and the numbers of full-time equivalent licensed 112812  
employees and nonlicensed employees providing each category of 112813  
instructional service, instructional support service, and 112814  
administrative support service used pursuant to division (C)(3) of 112815  
this section. The guidelines adopted under this section shall 112816  
require these categories of data to be maintained for the school 112817  
district as a whole and, wherever applicable, for each grade in 112818  
the school district as a whole, for each school building as a 112819  
whole, and for each grade in each school building. 112820

(b) The total number of employees and the number of full-time 112821  
equivalent employees providing each category of service used 112822  
pursuant to divisions (C)(4)(a) and (b) of this section, and the 112823  
total numbers of licensed employees and nonlicensed employees and 112824  
the numbers of full-time equivalent licensed employees and 112825  
nonlicensed employees providing each category used pursuant to 112826  
division (C)(4)(c) of this section. The guidelines adopted under 112827  
this section shall require these categories of data to be 112828  
maintained for the school district as a whole and, wherever 112829  
applicable, for each grade in the school district as a whole, for 112830  
each school building as a whole, and for each grade in each school 112831  
building. 112832

(c) The total number of regular classroom teachers teaching 112833  
classes of regular education and the average number of pupils 112834  
enrolled in each such class, in each of grades kindergarten 112835  
through five in the district as a whole and in each school 112836  
building in the school district. 112837

(d) The number of lead teachers employed by each school district and each school building. 112838  
112839

(3)(a) Student demographic data for each school district, 112840  
including information regarding the gender ratio of the school 112841  
district's pupils, the racial make-up of the school district's 112842  
pupils, the number of English learners in the district, and an 112843  
appropriate measure of the number of the school district's pupils 112844  
who reside in economically disadvantaged households. The 112845  
demographic data shall be collected in a manner to allow 112846  
correlation with data collected under division (B)(1) of this 112847  
section. Categories for data collected pursuant to division (B)(3) 112848  
of this section shall conform, where appropriate, to standard 112849  
practices of agencies of the federal government. 112850

(b) With respect to each student entering kindergarten, 112851  
whether the student previously participated in a public preschool 112852  
program, a private preschool program, or a head start program, and 112853  
the number of years the student participated in each of these 112854  
programs. 112855

(4) Any data required to be collected pursuant to federal 112856  
law. 112857

(C) The education management information system shall include 112858  
cost accounting data for each district as a whole and for each 112859  
school building in each school district. The guidelines adopted 112860  
under this section shall require the cost data for each school 112861  
district to be maintained in a system of mutually exclusive cost 112862  
units and shall require all of the costs of each school district 112863  
to be divided among the cost units. The guidelines shall require 112864  
the system of mutually exclusive cost units to include at least 112865  
the following: 112866

(1) Administrative costs for the school district as a whole. 112867  
The guidelines shall require the cost units under this division 112868

(C)(1) to be designed so that each of them may be compiled and 112869  
reported in terms of average expenditure per pupil in enrolled ADM 112870  
in the school district, as determined pursuant to section 3317.03 112871  
of the Revised Code. 112872

(2) Administrative costs for each school building in the 112873  
school district. The guidelines shall require the cost units under 112874  
this division (C)(2) to be designed so that each of them may be 112875  
compiled and reported in terms of average expenditure per 112876  
full-time equivalent pupil receiving instructional or support 112877  
services in each building. 112878

(3) Instructional services costs for each category of 112879  
instructional service provided directly to students and required 112880  
by guidelines adopted pursuant to division (B)(1)(a) of this 112881  
section. The guidelines shall require the cost units under 112882  
division (C)(3) of this section to be designed so that each of 112883  
them may be compiled and reported in terms of average expenditure 112884  
per pupil receiving the service in the school district as a whole 112885  
and average expenditure per pupil receiving the service in each 112886  
building in the school district and in terms of a total cost for 112887  
each category of service and, as a breakdown of the total cost, a 112888  
cost for each of the following components: 112889

(a) The cost of each instructional services category required 112890  
by guidelines adopted under division (B)(1)(a) of this section 112891  
that is provided directly to students by a classroom teacher; 112892

(b) The cost of the instructional support services, such as 112893  
services provided by a speech-language pathologist, classroom 112894  
aide, multimedia aide, or librarian, provided directly to students 112895  
in conjunction with each instructional services category; 112896

(c) The cost of the administrative support services related 112897  
to each instructional services category, such as the cost of 112898  
personnel that develop the curriculum for the instructional 112899

services category and the cost of personnel supervising or 112900  
coordinating the delivery of the instructional services category. 112901

(4) Support or extracurricular services costs for each 112902  
category of service directly provided to students and required by 112903  
guidelines adopted pursuant to division (B)(1)(b) of this section. 112904  
The guidelines shall require the cost units under division (C)(4) 112905  
of this section to be designed so that each of them may be 112906  
compiled and reported in terms of average expenditure per pupil 112907  
receiving the service in the school district as a whole and 112908  
average expenditure per pupil receiving the service in each 112909  
building in the school district and in terms of a total cost for 112910  
each category of service and, as a breakdown of the total cost, a 112911  
cost for each of the following components: 112912

(a) The cost of each support or extracurricular services 112913  
category required by guidelines adopted under division (B)(1)(b) 112914  
of this section that is provided directly to students by a 112915  
licensed employee, such as services provided by a guidance 112916  
counselor or any services provided by a licensed employee under a 112917  
supplemental contract; 112918

(b) The cost of each such services category provided directly 112919  
to students by a nonlicensed employee, such as janitorial 112920  
services, cafeteria services, or services of a sports trainer; 112921

(c) The cost of the administrative services related to each 112922  
services category in division (C)(4)(a) or (b) of this section, 112923  
such as the cost of any licensed or nonlicensed employees that 112924  
develop, supervise, coordinate, or otherwise are involved in 112925  
administering or aiding the delivery of each services category. 112926

(D)(1) The guidelines adopted under this section shall 112927  
require school districts to collect information about individual 112928  
students, staff members, or both in connection with any data 112929  
required by division (B) or (C) of this section or other reporting 112930

requirements established in the Revised Code. The guidelines may 112931  
also require school districts to report information about 112932  
individual staff members in connection with any data required by 112933  
division (B) or (C) of this section or other reporting 112934  
requirements established in the Revised Code. The guidelines shall 112935  
not authorize school districts to request social security numbers 112936  
of individual students. The guidelines shall prohibit the 112937  
reporting under this section of a student's name, address, and 112938  
social security number to the state board of education or the 112939  
department of education. The guidelines shall also prohibit the 112940  
reporting under this section of any personally identifiable 112941  
information about any student, except for the purpose of assigning 112942  
the data verification code required by division (D)(2) of this 112943  
section, to any other person unless such person is employed by the 112944  
school district or the information technology center operated 112945  
under section 3301.075 of the Revised Code and is authorized by 112946  
the district or technology center to have access to such 112947  
information or is employed by an entity with which the department 112948  
contracts for the scoring or the development of state assessments. 112949  
The guidelines may require school districts to provide the social 112950  
security numbers of individual staff members and the county of 112951  
residence for a student. Nothing in this section prohibits the 112952  
state board of education or department of education from providing 112953  
a student's county of residence to the department of taxation to 112954  
facilitate the distribution of tax revenue. 112955

(2)(a) The guidelines shall provide for each school district 112956  
or community school to assign a data verification code that is 112957  
unique on a statewide basis over time to each student whose 112958  
initial Ohio enrollment is in that district or school and to 112959  
report all required individual student data for that student 112960  
utilizing such code. The guidelines shall also provide for 112961  
assigning data verification codes to all students enrolled in 112962  
districts or community schools on the effective date of the 112963

guidelines established under this section. The assignment of data 112964  
verification codes for other entities, as described in division 112965  
(D)(2)(d) of this section, the use of those codes, and the 112966  
reporting and use of associated individual student data shall be 112967  
coordinated by the department in accordance with state and federal 112968  
law. 112969

School districts shall report individual student data to the 112970  
department through the information technology centers utilizing 112971  
the code. The entities described in division (D)(2)(d) of this 112972  
section shall report individual student data to the department in 112973  
the manner prescribed by the department. 112974

(b)(i) Except as provided in sections 3301.941, 3310.11, 112975  
3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised 112976  
Code, and in division (D)(2)(b)(ii) of this section, at no time 112977  
shall the state board or the department have access to information 112978  
that would enable any data verification code to be matched to 112979  
personally identifiable student data. 112980

(ii) For the purpose of making per-pupil payments to 112981  
community schools under section 3317.022 of the Revised Code, the 112982  
department shall have access to information that would enable any 112983  
data verification code to be matched to personally identifiable 112984  
student data. 112985

(c) Each school district and community school shall ensure 112986  
that the data verification code is included in the student's 112987  
records reported to any subsequent school district, community 112988  
school, or state institution of higher education, as defined in 112989  
section 3345.011 of the Revised Code, in which the student 112990  
enrolls. Any such subsequent district or school shall utilize the 112991  
same identifier in its reporting of data under this section. 112992

(d) The director of any state agency that administers a 112993  
publicly funded program providing services to children who are 112994

younger than compulsory school age, as defined in section 3321.01 112995  
of the Revised Code, including the directors of health, job and 112996  
family services, mental health and addiction services, children 112997  
and youth, and developmental disabilities, shall request and 112998  
receive, pursuant to sections 3301.0723 and ~~5123.0423~~ 5180.33 of 112999  
the Revised Code, a data verification code for a child who is 113000  
receiving those services. 113001

(E) The guidelines adopted under this section may require 113002  
school districts to collect and report data, information, or 113003  
reports other than that described in divisions (A), (B), and (C) 113004  
of this section for the purpose of complying with other reporting 113005  
requirements established in the Revised Code. The other data, 113006  
information, or reports may be maintained in the education 113007  
management information system but are not required to be compiled 113008  
as part of the profile formats required under division (G) of this 113009  
section or the annual statewide report required under division (H) 113010  
of this section. 113011

(F) Beginning with the school year that begins July 1, 1991, 113012  
the board of education of each school district shall annually 113013  
collect and report to the state board, in accordance with the 113014  
guidelines established by the board, the data required pursuant to 113015  
this section. A school district may collect and report these data 113016  
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 113017

(G) The state board shall, in accordance with the procedures 113018  
it adopts, annually compile the data reported by each school 113019  
district pursuant to division (D) of this section. The state board 113020  
shall design formats for profiling each school district as a whole 113021  
and each school building within each district and shall compile 113022  
the data in accordance with these formats. These profile formats 113023  
shall: 113024

(1) Include all of the data gathered under this section in a 113025  
manner that facilitates comparison among school districts and 113026

among school buildings within each school district; 113027

(2) Present the data on academic achievement levels as 113028  
assessed by the testing of student achievement maintained pursuant 113029  
to division (B)(1)(d) of this section. 113030

(H)(1) The state board shall, in accordance with the 113031  
procedures it adopts, annually prepare a statewide report for all 113032  
school districts and the general public that includes the profile 113033  
of each of the school districts developed pursuant to division (G) 113034  
of this section. Copies of the report shall be sent to each school 113035  
district. 113036

(2) The state board shall, in accordance with the procedures 113037  
it adopts, annually prepare an individual report for each school 113038  
district and the general public that includes the profiles of each 113039  
of the school buildings in that school district developed pursuant 113040  
to division (G) of this section. Copies of the report shall be 113041  
sent to the superintendent of the district and to each member of 113042  
the district board of education. 113043

(3) Copies of the reports received from the state board under 113044  
divisions (H)(1) and (2) of this section shall be made available 113045  
to the general public at each school district's offices. Each 113046  
district board of education shall make copies of each report 113047  
available to any person upon request and payment of a reasonable 113048  
fee for the cost of reproducing the report. The board shall 113049  
annually publish in a newspaper of general circulation in the 113050  
school district, at least twice during the two weeks prior to the 113051  
week in which the reports will first be available, a notice 113052  
containing the address where the reports are available and the 113053  
date on which the reports will be available. 113054

(I) Any data that is collected or maintained pursuant to this 113055  
section and that identifies an individual pupil is not a public 113056  
record for the purposes of section 149.43 of the Revised Code. 113057

(J) As used in this section: 113058

(1) "School district" means any city, local, exempted 113059  
village, or joint vocational school district and, in accordance 113060  
with section 3314.17 of the Revised Code, any community school. As 113061  
used in division (L) of this section, "school district" also 113062  
includes any educational service center or other educational 113063  
entity required to submit data using the system established under 113064  
this section. 113065

(2) "Cost" means any expenditure for operating expenses made 113066  
by a school district excluding any expenditures for debt 113067  
retirement except for payments made to any commercial lending 113068  
institution for any loan approved pursuant to section 3313.483 of 113069  
the Revised Code. 113070

(K) Any person who removes data from the information system 113071  
established under this section for the purpose of releasing it to 113072  
any person not entitled under law to have access to such 113073  
information is subject to section 2913.42 of the Revised Code 113074  
prohibiting tampering with data. 113075

(L)(1) In accordance with division (L)(2) of this section and 113076  
the rules adopted under division (L)(10) of this section, the 113077  
department of education may sanction any school district that 113078  
reports incomplete or inaccurate data, reports data that does not 113079  
conform to data requirements and descriptions published by the 113080  
department, fails to report data in a timely manner, or otherwise 113081  
does not make a good faith effort to report data as required by 113082  
this section. 113083

(2) If the department decides to sanction a school district 113084  
under this division, the department shall take the following 113085  
sequential actions: 113086

(a) Notify the district in writing that the department has 113087  
determined that data has not been reported as required under this 113088

section and require the district to review its data submission and 113089  
submit corrected data by a deadline established by the department. 113090  
The department also may require the district to develop a 113091  
corrective action plan, which shall include provisions for the 113092  
district to provide mandatory staff training on data reporting 113093  
procedures. 113094

(b) Withhold up to ten per cent of the total amount of state 113095  
funds due to the district for the current fiscal year and, if not 113096  
previously required under division (L)(2)(a) of this section, 113097  
require the district to develop a corrective action plan in 113098  
accordance with that division; 113099

(c) Withhold an additional amount of up to twenty per cent of 113100  
the total amount of state funds due to the district for the 113101  
current fiscal year; 113102

(d) Direct department staff or an outside entity to 113103  
investigate the district's data reporting practices and make 113104  
recommendations for subsequent actions. The recommendations may 113105  
include one or more of the following actions: 113106

(i) Arrange for an audit of the district's data reporting 113107  
practices by department staff or an outside entity; 113108

(ii) Conduct a site visit and evaluation of the district; 113109

(iii) Withhold an additional amount of up to thirty per cent 113110  
of the total amount of state funds due to the district for the 113111  
current fiscal year; 113112

(iv) Continue monitoring the district's data reporting; 113113

(v) Assign department staff to supervise the district's data 113114  
management system; 113115

(vi) Conduct an investigation to determine whether to suspend 113116  
or revoke the license of any district employee in accordance with 113117  
division (N) of this section; 113118

(vii) If the district is issued a report card under section 113119  
3302.03 of the Revised Code, indicate on the report card that the 113120  
district has been sanctioned for failing to report data as 113121  
required by this section; 113122

(viii) If the district is issued a report card under section 113123  
3302.03 of the Revised Code and incomplete or inaccurate data 113124  
submitted by the district likely caused the district to receive a 113125  
higher performance rating than it deserved under that section, 113126  
issue a revised report card for the district; 113127

(ix) Any other action designed to correct the district's data 113128  
reporting problems. 113129

(3) Any time the department takes an action against a school 113130  
district under division (L)(2) of this section, the department 113131  
shall make a report of the circumstances that prompted the action. 113132  
The department shall send a copy of the report to the district 113133  
superintendent or chief administrator and maintain a copy of the 113134  
report in its files. 113135

(4) If any action taken under division (L)(2) of this section 113136  
resolves a school district's data reporting problems to the 113137  
department's satisfaction, the department shall not take any 113138  
further actions described by that division. If the department 113139  
withheld funds from the district under that division, the 113140  
department may release those funds to the district, except that if 113141  
the department withheld funding under division (L)(2)(c) of this 113142  
section, the department shall not release the funds withheld under 113143  
division (L)(2)(b) of this section and, if the department withheld 113144  
funding under division (L)(2)(d) of this section, the department 113145  
shall not release the funds withheld under division (L)(2)(b) or 113146  
(c) of this section. 113147

(5) Notwithstanding anything in this section to the contrary, 113148  
the department may use its own staff or an outside entity to 113149

conduct an audit of a school district's data reporting practices 113150  
any time the department has reason to believe the district has not 113151  
made a good faith effort to report data as required by this 113152  
section. If any audit conducted by an outside entity under 113153  
division (L)(2)(d)(i) or (5) of this section confirms that a 113154  
district has not made a good faith effort to report data as 113155  
required by this section, the district shall reimburse the 113156  
department for the full cost of the audit. The department may 113157  
withhold state funds due to the district for this purpose. 113158

(6) Prior to issuing a revised report card for a school 113159  
district under division (L)(2)(d)(viii) of this section, the 113160  
department may hold a hearing to provide the district with an 113161  
opportunity to demonstrate that it made a good faith effort to 113162  
report data as required by this section. The hearing shall be 113163  
conducted by a referee appointed by the department. Based on the 113164  
information provided in the hearing, the referee shall recommend 113165  
whether the department should issue a revised report card for the 113166  
district. If the referee affirms the department's contention that 113167  
the district did not make a good faith effort to report data as 113168  
required by this section, the district shall bear the full cost of 113169  
conducting the hearing and of issuing any revised report card. 113170

(7) If the department determines that any inaccurate data 113171  
reported under this section caused a school district to receive 113172  
excess state funds in any fiscal year, the district shall 113173  
reimburse the department an amount equal to the excess funds, in 113174  
accordance with a payment schedule determined by the department. 113175  
The department may withhold state funds due to the district for 113176  
this purpose. 113177

(8) Any school district that has funds withheld under 113178  
division (L)(2) of this section may appeal the withholding in 113179  
accordance with Chapter 119. of the Revised Code. 113180

(9) In all cases of a disagreement between the department and 113181

a school district regarding the appropriateness of an action taken 113182  
under division (L)(2) of this section, the burden of proof shall 113183  
be on the district to demonstrate that it made a good faith effort 113184  
to report data as required by this section. 113185

(10) The state board of education shall adopt rules under 113186  
Chapter 119. of the Revised Code to implement division (L) of this 113187  
section. 113188

(M) No information technology center or school district shall 113189  
acquire, change, or update its student administration software 113190  
package to manage and report data required to be reported to the 113191  
department unless it converts to a student software package that 113192  
is certified by the department. 113193

(N) The state board of education, in accordance with sections 113194  
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 113195  
license as defined under division (A) of section 3319.31 of the 113196  
Revised Code that has been issued to any school district employee 113197  
found to have willfully reported erroneous, inaccurate, or 113198  
incomplete data to the education management information system. 113199

(O) No person shall release or maintain any information about 113200  
any student in violation of this section. Whoever violates this 113201  
division is guilty of a misdemeanor of the fourth degree. 113202

(P) The department shall disaggregate the data collected 113203  
under division (B)(1)(n) of this section according to the race and 113204  
socioeconomic status of the students assessed. 113205

(Q) If the department cannot compile any of the information 113206  
required by division (I) of section 3302.03 of the Revised Code 113207  
based upon the data collected under this section, the department 113208  
shall develop a plan and a reasonable timeline for the collection 113209  
of any data necessary to comply with that division. 113210

**Sec. 3301.0715.** (A) Except as required under division (B)(1) 113211

of section 3313.608 or as specified in division (D)(3) of section 113212  
3301.079 of the Revised Code, the board of education of each city, 113213  
local, and exempted village school district shall administer each 113214  
applicable diagnostic assessment developed and provided to the 113215  
district in accordance with section 3301.079 of the Revised Code 113216  
to the following: 113217

(1) Any student who transfers into the district or to a 113218  
different school within the district if each applicable diagnostic 113219  
assessment was not administered by the district or school the 113220  
student previously attended in the current school year, within 113221  
thirty days after the date of transfer. If the district or school 113222  
into which the student transfers cannot determine whether the 113223  
student has taken any applicable diagnostic assessment in the 113224  
current school year, the district or school may administer the 113225  
diagnostic assessment to the student. However, if a student 113226  
transfers into the district prior to the administration of the 113227  
diagnostic assessments to all students under division (B) of this 113228  
section, the district may administer the diagnostic assessments to 113229  
that student on the date or dates determined under that division. 113230

(2) Each kindergarten student, not earlier than the first day 113231  
of July of the school year and not later than the twentieth day of 113232  
instruction of that school year. 113233

For the purpose of division (A)(2) of this section, the 113234  
district shall administer the kindergarten readiness assessment 113235  
provided by the department of ~~education~~ children and youth. In no 113236  
case shall the results of the readiness assessment be used to 113237  
prohibit a student from enrolling in kindergarten. 113238

(3) Each student enrolled in first, second, or third grade. 113239

Division (A) of this section does not apply to students with 113240  
significant cognitive disabilities, as defined by the department 113241  
of education. 113242

(B) Each district board shall administer each diagnostic assessment when the board deems appropriate, provided the administration complies with section 3313.608 of the Revised Code. However, the board shall administer any diagnostic assessment at least once annually to all students in the appropriate grade level. A district board may administer any diagnostic assessment in the fall and spring of a school year to measure the amount of academic growth attributable to the instruction received by students during that school year.

(C) A district may use different diagnostic assessments from those adopted under division (D) of section 3301.079 of the Revised Code in order to satisfy the requirements of division (A)(3) of this section if the district meets either of the following conditions for the immediately preceding school year:

(1) The district received a grade of "A" or "B" for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code or for the value-added progress dimension under division (C)(1)(e) of that section.

(2) The district received a performance rating of four stars or higher for achievement under division (D)(3)(b) of section 3302.03 of the Revised Code or for progress under division (D)(3)(c) of that section.

(D) Each district board shall utilize and score any diagnostic assessment administered under division (A) of this section in accordance with rules established by the department of education or the department of children and youth. After the administration of any diagnostic assessment, each district shall provide a student's completed diagnostic assessment, the results of such assessment, and any other accompanying documents used during the administration of the assessment to the parent of that student, and shall include all such documents and information in any plan developed for the student under division (C) of section

3313.608 of the Revised Code. Each district shall submit ~~to the~~ 113275  
~~department,~~ in the manner the prescribed by each department 113276  
~~prescribes,~~ the results of the diagnostic assessments administered 113277  
under this section, regardless of the type of assessment used 113278  
under section 3313.608 of the Revised Code as follows: 113279

(1) The results of the kindergarten readiness assessment to 113280  
the department of children and youth; 113281

(2) The results of all diagnostic assessments to the 113282  
department of education. The 113283

The department of education and the department of children 113284  
and youth may issue reports with respect to the data collected. 113285  
The Either department may report school and district level 113286  
kindergarten diagnostic assessment data and use diagnostic 113287  
assessment data to calculate the measures prescribed by divisions 113288  
(B)(1)(g), (C)(1)(g), and (D)(1)(h) of section 3302.03 of the 113289  
Revised Code and the data reported under division (D)(2)(e) of 113290  
that section. 113291

(E) Each district board shall provide intervention services 113292  
to students whose diagnostic assessments show that they are 113293  
failing to make satisfactory progress toward attaining the 113294  
academic standards for their grade level. 113295

(F) Beginning in the 2018-2019 school year, any chartered 113296  
nonpublic school may elect to administer the kindergarten 113297  
readiness assessment to all kindergarten students enrolled in the 113298  
school. If the school so elects, the chief administrator of the 113299  
school shall notify the ~~superintendent of public instruction~~ 113300  
director of children and youth not later than the thirty-first day 113301  
of March prior to any school year in which the school will 113302  
administer the assessment. The department of children and youth 113303  
shall furnish the assessment to the school at no cost to the 113304  
school. In administering the assessment, the school shall do all 113305

of the following: 113306

(1) Enter into a written agreement with the department of 113307  
children and youth specifying that the school will share each 113308  
participating student's assessment data with the department of 113309  
education and the department of children and youth and, that for 113310  
the purpose of reporting the data to the department of education 113311  
and department of children and youth, each participating student 113312  
will be assigned a data verification code as described in division 113313  
(D)(2) of section 3301.0714 of the Revised Code; 113314

(2) Require the assessment to be administered by a teacher 113315  
certified under section 3301.071 of the Revised Code who either 113316  
has completed training on administering the kindergarten readiness 113317  
assessment provided by the department of children and youth or has 113318  
been trained by another person who has completed such training; 113319  
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(3) Administer the assessment in the same manner as school 113321  
districts are required to do under this section and the rules 113322  
established under division (D) of this section. 113323

(G) Beginning in the 2019-2020 school year, a school district 113324  
in which less than eighty per cent of its students score at the 113325  
proficient level or higher on the third-grade English language 113326  
arts assessment prescribed under section 3301.0710 of the Revised 113327  
Code shall establish a reading improvement plan supported by 113328  
reading specialists. Prior to implementation, the plan shall be 113329  
approved by the school district board of education. 113330

**Sec. 3301.0723.** (A) The independent contractor engaged by the 113331  
department of education to create and maintain for school 113332  
districts and community schools the student data verification 113333  
codes required by division (D)(2) of section 3301.0714 of the 113334  
Revised Code, upon request of the director of any state agency 113335  
that administers a publicly funded program providing services to 113336

children who are younger than compulsory school age, as defined in 113337  
section 3321.01 of the Revised Code, including the directors of 113338  
health, ~~job~~ children and ~~family services~~ youth, mental health and 113339  
addiction services, and developmental disabilities, shall assign a 113340  
data verification code to a child who is receiving such services 113341  
and shall provide that code to the director. The contractor also 113342  
shall provide that code to the department of education. 113343

(B) The director of a state agency that receives a child's 113344  
data verification code under division (A) of this section shall 113345  
use that code to submit information for that child to the 113346  
department of education in accordance with section 3301.0714 of 113347  
the Revised Code. 113348

(C) A public school that receives from the independent 113349  
contractor the data verification code for a child assigned under 113350  
division (A) of this section shall not request or assign to that 113351  
child another data verification code under division (D)(2) of 113352  
section 3301.0714 of the Revised Code. That school and any other 113353  
public school in which the child subsequently enrolls shall use 113354  
the data verification code assigned under division (A) of this 113355  
section to report data relative to that student required under 113356  
section 3301.0714 of the Revised Code. 113357

**Sec. 3301.15.** The state board of education or its authorized 113358  
representatives may inspect all institutions under the control of 113359  
the department of ~~job~~ children and ~~family services~~ youth, the 113360  
department of mental health and addiction services, the department 113361  
of developmental disabilities, and the department of 113362  
rehabilitation and correction which employ teachers, and may make 113363  
a report on the teaching, discipline, and school equipment in 113364  
these institutions to the director of ~~job~~ children and ~~family~~ 113365  
~~services~~ youth, the director of mental health and addiction 113366  
services, the director of developmental disabilities, the director 113367

of rehabilitation and correction, and the governor. 113368

**Sec. 3301.30.** The department of education and the department 113369  
of children and youth shall: 113370

(A) Actively encourage, assist, and support boards of 113371  
education in applying for moneys for programs for pre-school 113372  
children of migrant agricultural laborers under Title I of the 113373  
"Elementary and Secondary Education Act of 1965," 79 Stat. 27, 20 113374  
U.S.C.A. 236, as amended; 113375

(B) Establish an official relationship with the Texas 113376  
education agency and the Florida department of education to 113377  
cooperate and exchange information with those states concerning 113378  
education for children of migrant ~~agricultural~~ agricultural 113379  
laborers, and coordinate ~~its~~ activities and services for such 113380  
children with those states and any other states that provide 113381  
education for such children; 113382

(C) Take all necessary steps to compensate for the lack of 113383  
continuity in instructional curriculum experienced by children of 113384  
migrant agricultural laborers as a result of their parents' 113385  
occupation by assuring that: 113386

(1) Coordinated interstate and intrastate programs are 113387  
provided at all levels, including coordinated programs leading to 113388  
credit accrual; 113389

(2) Parents are given information about the availability of 113390  
interstate and intrastate programs. 113391

(D) Take a more active role in encouraging boards of 113392  
education to offer, in accordance with section 3313.641 of the 113393  
Revised Code, alternative evening and tutorial programs for 113394  
children of migrant agricultural laborers and their families 113395  
during late spring, summer, and early fall. 113396

Sec. 3301.311. (A) As used in this section, "preschool program" has the same meaning as in section 3301.52 of the Revised Code. 113397  
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~~(B) Subject to divisions (C) and (D) of this section, beginning in fiscal year 2006, no preschool program, and no early childhood education program or early learning program as defined by the department of education shall receive any funds from the state unless fifty per cent of the staff members employed by that program as teachers are working toward an associate degree of a type approved by the department.~~ 113400  
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~~(C)(1) Subject to division (C)(2) of this section, beginning in fiscal year 2010, no preschool program, and no early childhood education program or early learning program as defined by the department, existing prior to fiscal year 2007, shall receive any funds from the state unless every staff member employed by that program as a teacher has attained an associate degree of a type approved by the department.~~ 113407  
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~~(2) Beginning in fiscal year 2011, no preschool program, and no early childhood education program or early learning program as defined by the department, existing prior to fiscal year 2007, shall receive any funds from the state unless fifty per cent of the staff members employed by the program as teachers have attained a bachelor's degree of a type approved by the department.~~ 113414  
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~~(D)(1) Subject to division (D)(2) of this section, beginning in fiscal year 2012, no preschool program, and no early childhood education program or early learning program as defined by the department, established during or after fiscal year 2007, shall receive any funds from the state unless every staff member employed by that program as a teacher has attained an associate degree of a type approved by the department.~~ 113420  
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~~(2) Beginning in fiscal year 2013, no No preschool program,~~ 113427

and no early childhood education program or early learning program 113428  
as defined ~~by the department~~ in section 3301.52 of the Revised 113429  
Code, established during or after fiscal year 2007, shall receive 113430  
any funds from the state unless fifty per cent of the staff 113431  
members employed by the program as teachers have attained a 113432  
bachelor's degree of a type approved ~~by the department~~ in section 113433  
3319.22 of the Revised Code. 113434

**Sec. 3301.32.** (A)(1) The chief administrator of any head 113435  
start agency shall request the superintendent of the bureau of 113436  
criminal identification and investigation to conduct a criminal 113437  
records check with respect to any applicant who has applied to the 113438  
head start agency for employment as a person responsible for the 113439  
care, custody, or control of a child. If the applicant does not 113440  
present proof that the applicant has been a resident of this state 113441  
for the five-year period immediately prior to the date upon which 113442  
the criminal records check is requested or does not provide 113443  
evidence that within that five-year period the superintendent has 113444  
requested information about the applicant from the federal bureau 113445  
of investigation in a criminal records check, the chief 113446  
administrator shall request that the superintendent obtain 113447  
information from the federal bureau of investigation as a part of 113448  
the criminal records check for the applicant. If the applicant 113449  
presents proof that the applicant has been a resident of this 113450  
state for that five-year period, the chief administrator may 113451  
request that the superintendent include information from the 113452  
federal bureau of investigation in the criminal records check. 113453

(2) Any person required by division (A)(1) of this section to 113454  
request a criminal records check shall provide to each applicant a 113455  
copy of the form prescribed pursuant to division (C)(1) of section 113456  
109.572 of the Revised Code, provide to each applicant a standard 113457  
impression sheet to obtain fingerprint impressions prescribed 113458  
pursuant to division (C)(2) of section 109.572 of the Revised 113459

Code, obtain the completed form and impression sheet from each 113460  
applicant, and forward the completed form and impression sheet to 113461  
the superintendent of the bureau of criminal identification and 113462  
investigation at the time the chief administrator requests a 113463  
criminal records check pursuant to division (A)(1) of this 113464  
section. 113465

(3) Any applicant who receives pursuant to division (A)(2) of 113466  
this section a copy of the form prescribed pursuant to division 113467  
(C)(1) of section 109.572 of the Revised Code and a copy of an 113468  
impression sheet prescribed pursuant to division (C)(2) of that 113469  
section and who is requested to complete the form and provide a 113470  
set of fingerprint impressions shall complete the form or provide 113471  
all the information necessary to complete the form and shall 113472  
provide the impression sheets with the impressions of the 113473  
applicant's fingerprints. If an applicant, upon request, fails to 113474  
provide the information necessary to complete the form or fails to 113475  
provide impressions of the applicant's fingerprints, the head 113476  
start agency shall not employ that applicant for any position for 113477  
which a criminal records check is required by division (A)(1) of 113478  
this section. 113479

(B)(1) Except as provided in rules adopted by the director of 113480  
~~job children and family services youth~~ in accordance with division 113481  
(E) of this section, no head start agency shall employ a person as 113482  
a person responsible for the care, custody, or control of a child 113483  
if the person previously has been convicted of or pleaded guilty 113484  
to any of the following: 113485

(a) A violation of section 2903.01, 2903.02, 2903.03, 113486  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 113487  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 113488  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 113489  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 113490  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 113491

2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 113492  
2925.06, or 3716.11 of the Revised Code, a violation of section 113493  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 113494  
violation of section 2919.23 of the Revised Code that would have 113495  
been a violation of section 2905.04 of the Revised Code as it 113496  
existed prior to July 1, 1996, had the violation occurred prior to 113497  
that date, a violation of section 2925.11 of the Revised Code that 113498  
is not a minor drug possession offense, or felonious sexual 113499  
penetration in violation of former section 2907.12 of the Revised 113500  
Code; 113501

(b) A violation of an existing or former law of this state, 113502  
any other state, or the United States that is substantially 113503  
equivalent to any of the offenses or violations described in 113504  
division (B)(1)(a) of this section. 113505

(2) A head start agency may employ an applicant conditionally 113506  
until the criminal records check required by this section is 113507  
completed and the agency receives the results of the criminal 113508  
records check. If the results of the criminal records check 113509  
indicate that, pursuant to division (B)(1) of this section, the 113510  
applicant does not qualify for employment, the agency shall 113511  
release the applicant from employment. 113512

(C)(1) Each head start agency shall pay to the bureau of 113513  
criminal identification and investigation the fee prescribed 113514  
pursuant to division (C)(3) of section 109.572 of the Revised Code 113515  
for each criminal records check conducted in accordance with that 113516  
section upon the request pursuant to division (A)(1) of this 113517  
section of the chief administrator of the head start agency. 113518

(2) A head start agency may charge an applicant a fee for the 113519  
costs it incurs in obtaining a criminal records check under this 113520  
section. A fee charged under this division shall not exceed the 113521  
amount of fees the agency pays under division (C)(1) of this 113522  
section. If a fee is charged under this division, the agency shall 113523

notify the applicant at the time of the applicant's initial 113524  
application for employment of the amount of the fee and that, 113525  
unless the fee is paid, the head start agency will not consider 113526  
the applicant for employment. 113527

(D) The report of any criminal records check conducted by the 113528  
bureau of criminal identification and investigation in accordance 113529  
with section 109.572 of the Revised Code and pursuant to a request 113530  
made under division (A)(1) of this section is not a public record 113531  
for the purposes of section 149.43 of the Revised Code and shall 113532  
not be made available to any person other than the applicant who 113533  
is the subject of the criminal records check or the applicant's 113534  
representative, the head start agency requesting the criminal 113535  
records check or its representative, and any court, hearing 113536  
officer, or other necessary individual involved in a case dealing 113537  
with the denial of employment to the applicant. 113538

(E) The director of ~~job children and family services~~ youth 113539  
shall adopt rules pursuant to Chapter 119. of the Revised Code to 113540  
implement this section, including rules specifying circumstances 113541  
under which a head start agency may hire a person who has been 113542  
convicted of an offense listed in division (B)(1) of this section 113543  
but who meets standards in regard to rehabilitation set by the 113544  
director. 113545

(F) Any person required by division (A)(1) of this section to 113546  
request a criminal records check shall inform each person, at the 113547  
time of the person's initial application for employment, that the 113548  
person is required to provide a set of impressions of the person's 113549  
fingerprints and that a criminal records check is required to be 113550  
conducted and satisfactorily completed in accordance with section 113551  
109.572 of the Revised Code if the person comes under final 113552  
consideration for appointment or employment as a precondition to 113553  
employment for that position. 113554

(G) As used in this section: 113555

(1) "Applicant" means a person who is under final consideration for appointment or employment in a position with a head start agency as a person responsible for the care, custody, or control of a child.

(2) "Head start agency" means an entity in this state that has been approved to be an agency for purposes of the "Head Start Act," 95 State 489 (1981), 42 U.S.C. 9831, as amended.

(3) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(4) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.

**Sec. 3301.50.** Except as otherwise provided under division (B) of section 3301.54 of the Revised Code, the issuing of any educator license designated for teaching in a preschool setting pursuant to section 3319.22 of the Revised Code shall not be construed as requiring any person who does not hold such a license to obtain one in order to be employed as a teacher in a pre-kindergarten program. However, a person hired after July 1, 1988, to direct a preschool program regulated by the ~~state board~~ department of education children and youth under sections 3301.52 to 3301.57 of the Revised Code, other than a program operated by a nontax-supported eligible nonpublic school, shall hold a valid educator license designated as appropriate for teaching or being an administrator in a preschool setting issued pursuant to section 3319.22 of the Revised Code plus the four courses required by division (A)(1) of section 3301.54 of the Revised Code, unless division (A)(4) of that section applies to the person.

**Sec. 3301.53.** (A) The state board of education, ~~in consultation with the director of job and the department of children and family services, youth~~ shall consult with each other

to formulate and prescribe jointly by rule adopted under Chapter 113586  
119. of the Revised Code minimum standards to be applied to 113587  
preschool programs operated by school district boards of 113588  
education, county boards of developmental disabilities, community 113589  
schools, or eligible nonpublic schools. The rules shall include 113590  
the following: 113591

(1) Standards ensuring that the preschool program is located 113592  
in a safe and convenient facility that accommodates the enrollment 113593  
of the program, is of the quality to support the growth and 113594  
development of the children according to the program objectives, 113595  
and meets the requirements of section 3301.55 of the Revised Code; 113596

(2) Standards ensuring that supervision, discipline, and 113597  
programs will be administered according to established objectives 113598  
and procedures; 113599

(3) Standards ensuring that preschool staff members and 113600  
nonteaching employees are recruited, employed, assigned, 113601  
evaluated, and provided inservice education without discrimination 113602  
on the basis of age, color, national origin, race, or sex; and 113603  
that preschool staff members and nonteaching employees are 113604  
assigned responsibilities in accordance with written position 113605  
descriptions commensurate with their training and experience; 113606

(4) A requirement that boards of education intending to 113607  
establish a preschool program demonstrate a need for a preschool 113608  
program prior to establishing the program; 113609

(5) Requirements that children participating in preschool 113610  
programs have been immunized to the extent considered appropriate 113611  
by the state board to prevent the spread of communicable disease; 113612

(6) Requirements that the parents of preschool children 113613  
complete the emergency medical authorization form specified in 113614  
section 3313.712 of the Revised Code. 113615

(B) The state board ~~of education in consultation with the~~ 113616  
~~director of job and family services and the department~~ shall 113617  
ensure that the rules adopted ~~by the state board~~ under sections 113618  
3301.52 to 3301.58 of the Revised Code are consistent with and 113619  
meet or exceed the requirements of Chapter 5104. of the Revised 113620  
Code with regard to child day-care centers that serve preschool 113621  
children. The state board ~~and the director of job and family~~ 113622  
~~services and the department~~ shall review all such rules at least 113623  
once every five years. 113624

(C) The state board ~~of education, in consultation with the~~ 113625  
~~director of job and family services, and the department~~ shall 113626  
adopt rules for school child programs that are consistent with and 113627  
meet or exceed the requirements of the rules adopted for child 113628  
day-care centers that serve school-age children under Chapter 113629  
5104. of the Revised Code. 113630

**Sec. 3301.55.** (A) A school district, county board of 113631  
developmental disabilities, community school, or eligible 113632  
nonpublic school operating a preschool program shall house the 113633  
program in buildings that meet the following requirements: 113634

(1) The building is operated by the district, county board of 113635  
developmental disabilities, community school, or eligible 113636  
nonpublic school and has been approved by the division of 113637  
industrial compliance in the department of commerce or a certified 113638  
municipal, township, or county building department for the purpose 113639  
of operating a program for preschool children. Any such structure 113640  
shall be constructed, equipped, repaired, altered, and maintained 113641  
in accordance with applicable provisions of Chapters 3781. and 113642  
3791. and with rules adopted by the board of building standards 113643  
under Chapter 3781. of the Revised Code for the safety and 113644  
sanitation of structures erected for this purpose. 113645

(2) The building is in compliance with fire and safety laws 113646

and regulations as evidenced by reports of annual school fire and 113647  
safety inspections as conducted by appropriate local authorities. 113648

(3) The school is in compliance with rules established by the 113649  
state board of education regarding school food services. 113650

(4) The facility includes not less than thirty-five square 113651  
feet of indoor space for each child in the program. Safe play 113652  
space, including both indoor and outdoor play space, totaling not 113653  
less than sixty square feet for each child using the space at any 113654  
one time, shall be regularly available and scheduled for use. 113655

(5) First aid facilities and space for temporary placement or 113656  
isolation of injured or ill children are provided. 113657

(B) Each school district, county board of developmental 113658  
disabilities, community school, or eligible nonpublic school that 113659  
operates, or proposes to operate, a preschool program shall submit 113660  
a building plan including all information specified by the ~~state~~ 113661  
~~board of education to the board~~ department of children and youth 113662  
not later than the first day of September of the school year in 113663  
which the program is to be initiated. The ~~board~~ department of 113664  
children and youth, shall determine whether the buildings meet the 113665  
requirements of this section and section 3301.53 of the Revised 113666  
Code, and notify the superintendent of its determination. If the 113667  
board determines, on the basis of the building plan or any other 113668  
information, that the buildings do not meet those requirements, it 113669  
shall cause the buildings to be inspected by the department of 113670  
~~education~~ children and youth. The department shall make a report 113671  
to the superintendent specifying any aspects of the building that 113672  
are not in compliance with the requirements of this section and 113673  
section 3301.53 of the Revised Code and the time period that will 113674  
be allowed the district, county board of developmental 113675  
disabilities, or school to meet the requirements. 113676

**Sec. 3301.56.** (A) The director, head teacher, elementary 113677

principal, or site administrator who is on site and responsible 113678  
for supervision of each preschool program shall be responsible for 113679  
the following: 113680

(1) Ensuring that the health and safety of the children are 113681  
safeguarded by an organized program of school health services 113682  
designed to identify child health problems and to coordinate 113683  
school and community health resources for children, as evidenced 113684  
by but not limited to: 113685

(a) Requiring immunization and compliance with emergency 113686  
medical authorization requirements in accordance with rules 113687  
~~adopted by the state board of education~~ under section 3301.53 of 113688  
the Revised Code; 113689

(b) Providing procedures for emergency situations, including 113690  
fire drills, rapid dismissals, tornado drills, and school safety 113691  
drills in accordance with section 3737.73 of the Revised Code, and 113692  
keeping records of such drills or dismissals; 113693

(c) Posting emergency procedures in preschool rooms and 113694  
making them available to school personnel, children, and parents; 113695

(d) Posting emergency numbers by each telephone; 113696

(e) Supervising grounds, play areas, and other facilities 113697  
when scheduled for use by children; 113698

(f) Providing first-aid facilities and materials. 113699

(2) Maintaining cumulative records for each child; 113700

(3) Supervising each child's admission, placement, and 113701  
withdrawal according to established procedures; 113702

(4) Preparing at least once annually for each group of 113703  
children in the program a roster of names and telephone numbers of 113704  
parents, guardians, and custodians of children in the group and, 113705  
on request, furnishing the roster for each group to the parents, 113706  
guardians, and custodians of children in that group. The director 113707

may prepare a similar roster of all children in the program and, 113708  
on request, make it available to the parents, guardians, and 113709  
custodians, of children in the program. The director shall not 113710  
include in either roster the name or telephone number of any 113711  
parent, guardian, or custodian who requests that the parent's, 113712  
guardian's, or custodian's name or number not be included, and 113713  
shall not furnish any roster to any person other than a parent, 113714  
guardian, or custodian of a child in the program. 113715

(5) Ensuring that clerical and custodial services are 113716  
provided for the program; 113717

(6) Supervising the instructional program and the daily 113718  
operation of the program; 113719

(7) Supervising and evaluating preschool staff members 113720  
according to a planned sequence of observations and evaluation 113721  
conferences, and supervising nonteaching employees. 113722

(B)(1) In each program the maximum number of children per 113723  
preschool staff member and the maximum group size by age category 113724  
of children shall be as follows: 113725

	Maximum		
Age Group	Group	Staff Member/ Child Ratio	
Birth to less than 12 months	12	1:5, or 2:12 if two preschool staff members are in the room	113726 113727 113728 113729 113730 113731 113732
12 months to less than 18 months	12	1:6	113733
18 months to less than 30 months	14	1:7	113734
30 months to less than 3 years	16	1:8	113735
3-year-olds	24	1:12	113736
4- and 5-year-olds not in school	28	1:14	113737

(2) When age groups are combined, the maximum number of 113738

children per preschool staff member shall be determined by the age 113739  
of the youngest child in the group, except that when no more than 113740  
one child thirty months of age or older receives child care in a 113741  
group in which all the other children are in the next older age 113742  
group, the maximum number of children per child-care staff member 113743  
and maximum group size requirements of the older age group 113744  
established under division (B)(1) of this section shall apply. 113745

(3) In a room where children are napping, if all the children 113746  
are at least eighteen months of age, the maximum number of 113747  
children per preschool staff member shall, for a period not to 113748  
exceed one and one-half hours in any twenty-four hour day, be 113749  
twice the maximum number of children per preschool staff member 113750  
established under division (B)(1) of this section if all the 113751  
following criteria are met: 113752

(a) At least one preschool staff member is present in the 113753  
room; 113754

(b) Sufficient preschool staff members are present on the 113755  
preschool program premises to comply with division (B)(1) of this 113756  
section; 113757

(c) Naptime preparations have been completed and the children 113758  
are resting or napping. 113759

(4) Any accredited program that uses the Montessori method 113760  
endorsed by the American Montessori society or the association 113761  
Montessori internationale as its primary method of instruction and 113762  
is licensed as a preschool program under section 3301.58 of the 113763  
Revised Code may combine preschool children of ages three to five 113764  
years old with children enrolled in kindergarten. Notwithstanding 113765  
anything to the contrary in division (B)(2) of this section, when 113766  
such age groups are combined, the maximum number of children per 113767  
preschool staff member shall be twelve and the maximum group size 113768  
shall be twenty-four children. 113769

(C) In each building in which a preschool program is operated 113770  
there shall be on the premises, and readily available at all 113771  
times, at least one employee who has completed a course in first 113772  
aid and in the prevention, recognition, and management of 113773  
communicable diseases which is approved by the state department of 113774  
health, and an employee who has completed a course in child abuse 113775  
recognition and prevention. 113776

(D) Any parent, guardian, or custodian of a child enrolled in 113777  
a preschool program shall be permitted unlimited access to the 113778  
school during its hours of operation to contact the parent's, 113779  
guardian's, or custodian's child, evaluate the care provided by 113780  
the program, or evaluate the premises, or for other purposes 113781  
approved by the director. Upon entering the premises, the parent, 113782  
guardian, or custodian shall report to the school office. 113783

**Sec. 3301.57.** (A) For the purpose of improving programs, 113784  
facilities, and implementation of the standards promulgated by the 113785  
~~state board~~ department of education children and youth under 113786  
section 3301.53 of the Revised Code, the ~~state~~ department of 113787  
education and the department of children and youth shall provide 113788  
consultation and technical assistance to school districts, county 113789  
boards of developmental disabilities, community schools, and 113790  
eligible nonpublic schools operating preschool programs or school 113791  
child programs, and inservice training to preschool staff members, 113792  
school child program staff members, and nonteaching employees. 113793

(B) The department of education, the department of children 113794  
and youth, and the school district board of education, county 113795  
board of developmental disabilities, community school, or eligible 113796  
nonpublic school shall jointly monitor each preschool program and 113797  
each school child program. 113798

If the program receives any grant or other funding from the 113799  
state or federal government, the department of education and the 113800

department of children and youth annually shall monitor all 113801  
reports on attendance, financial support, and expenditures 113802  
according to provisions for use of the funds. 113803

(C) The department of education and the department of 113804  
children and youth, at least once during every twelve-month period 113805  
of operation of a preschool program or a licensed school child 113806  
program, shall inspect the program and provide a written 113807  
inspection report to the superintendent of the school district, 113808  
county board of developmental disabilities, community school, or 113809  
eligible nonpublic school. The ~~department~~ departments may inspect 113810  
any program more than once, as considered necessary by the 113811  
~~department~~ departments, during any twelve-month period of 113812  
operation. All inspections may be unannounced. No person shall 113813  
interfere with any inspection conducted pursuant to this division 113814  
or to the rules adopted pursuant to sections 3301.52 to 3301.59 of 113815  
the Revised Code. 113816

Upon receipt of any complaint that a preschool program or a 113817  
licensed school child program is out of compliance with the 113818  
requirements in sections 3301.52 to 3301.59 of the Revised Code or 113819  
the rules adopted under those sections, the department of children 113820  
and youth shall investigate and may inspect the program. If the 113821  
complaint is related to a teacher, the department shall coordinate 113822  
with the department of education to investigate and take action on 113823  
a teacher's license. 113824

(D) If a preschool program or a licensed school child program 113825  
is determined to be out of compliance with the requirements of 113826  
sections 3301.52 to 3301.59 of the Revised Code or the rules 113827  
adopted under those sections, the department of ~~education~~ children 113828  
and youth shall notify the appropriate superintendent, county 113829  
board of developmental disabilities, community school, or eligible 113830  
nonpublic school in writing regarding the nature of the violation, 113831  
what must be done to correct the violation, and by what date the 113832

correction must be made. If the correction is not made by the date 113833  
established by the department, it may commence action under 113834  
Chapter 119. of the Revised Code to close the program or to revoke 113835  
the license of the program. If a program does not comply with an 113836  
order to cease operation issued in accordance with Chapter 119. of 113837  
the Revised Code, the department shall notify the attorney 113838  
general, the prosecuting attorney of the county in which the 113839  
program is located, or the city attorney, village solicitor, or 113840  
other chief legal officer of the municipal corporation in which 113841  
the program is located that the program is operating in violation 113842  
of sections 3301.52 to 3301.59 of the Revised Code or the rules 113843  
adopted under those sections and in violation of an order to cease 113844  
operation issued in accordance with Chapter 119. of the Revised 113845  
Code. Upon receipt of the notification, the attorney general, 113846  
prosecuting attorney, city attorney, village solicitor, or other 113847  
chief legal officer shall file a complaint in the court of common 113848  
pleas of the county in which the program is located requesting the 113849  
court to issue an order enjoining the program from operating. The 113850  
court shall grant the requested injunctive relief upon a showing 113851  
that the program named in the complaint is operating in violation 113852  
of sections 3301.52 to 3301.59 of the Revised Code or the rules 113853  
adopted under those sections and in violation of an order to cease 113854  
operation issued in accordance with Chapter 119. of the Revised 113855  
Code. 113856

(E) The department of education and department of children 113857  
and youth shall prepare an annual report on inspections conducted 113858  
under this section. The report shall include the number of 113859  
inspections conducted, the number and types of violations found, 113860  
and the steps taken to address the violations. The ~~department~~ 113861  
departments shall file the report with the governor, the president 113862  
and minority leader of the senate, and the speaker and minority 113863  
leader of the house of representatives on or before the first day 113864  
of January of each year, beginning in 1999. 113865

Sec. 3301.58. (A) The department of ~~education~~ children and youth is responsible for the licensing of preschool programs and school child programs and for the enforcement of sections 3301.52 to 3301.59 of the Revised Code and of any rules adopted under those sections. No school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school shall operate, establish, manage, conduct, or maintain a preschool program without a license issued under this section. A school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school may obtain a license under this section for a school child program. The school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school shall post the license for each preschool program and licensed school child program it operates, establishes, manages, conducts, or maintains in a conspicuous place in the preschool program or licensed school child program that is accessible to parents, custodians, or guardians and employees and staff members of the program at all times when the program is in operation.

(B) Any school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school that desires to operate, establish, manage, conduct, or maintain a preschool program shall apply to the department of ~~education~~ children and youth for a license on a form that the department shall prescribe by rule. Any school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school that desires to obtain a license for a school child program shall apply to the department for a license on a form that the department shall prescribe by rule. The department shall provide at no charge to each applicant for a license under this section a copy of the

requirements under sections 3301.52 to 3301.59 of the Revised Code 113898  
and any rules adopted under those sections. The department may 113899  
establish application fees by rule adopted under Chapter 119. of 113900  
the Revised Code, and all applicants for a license shall pay any 113901  
fee established by the department at the time of making an 113902  
application for a license. All fees collected pursuant to this 113903  
section shall be paid into the state treasury to the credit of the 113904  
general revenue fund. 113905

(C) Upon the filing of an application for a license, the 113906  
department of ~~education~~ children and youth shall investigate and 113907  
inspect the preschool program or school child program to determine 113908  
the license capacity for each age category of children of the 113909  
program and to determine whether the program complies with 113910  
sections 3301.52 to 3301.59 of the Revised Code and any rules 113911  
adopted under those sections. When, after investigation and 113912  
inspection, the department of ~~education~~ is satisfied that sections 113913  
3301.52 to 3301.59 of the Revised Code and any rules adopted under 113914  
those sections are complied with by the applicant, the department 113915  
of ~~education~~ shall issue the program a provisional license as soon 113916  
as practicable in the form and manner prescribed by the rules of 113917  
the department. The provisional license shall be valid for one 113918  
year from the date of issuance unless revoked. 113919

(D) The department of ~~education~~ children and youth shall 113920  
investigate and inspect a preschool program or school child 113921  
program that has been issued a provisional license at least once 113922  
during operation under the provisional license. If, after the 113923  
investigation and inspection, the department of ~~education~~ 113924  
determines that the requirements of sections 3301.52 to 3301.59 of 113925  
the Revised Code and any rules adopted under those sections are 113926  
met by the provisional licensee, the department of ~~education~~ shall 113927  
issue the program a license. The license shall remain valid unless 113928  
revoked or the program ceases operations. 113929

(E) The department of ~~education~~ children and youth annually shall investigate and inspect each preschool program or school child program licensed under division (D) of this section to determine if the requirements of sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections are met by the program, and shall notify the program of the results.

(F) The license or provisional license shall state the name of the school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school that operates the preschool program or school child program and the license capacity of the program.

(G) The department of ~~education~~ children and youth may revoke the license of any preschool program or school child program that is not in compliance with the requirements of sections 3301.52 to 3301.59 of the Revised Code and any rules adopted jointly with the state board of education under those sections.

(H) If the department of ~~education~~ children and youth revokes a license, the department shall not issue a license to the program within two years from the date of the revocation. All actions of the department with respect to licensing preschool programs and school child programs shall be in accordance with Chapter 119. of the Revised Code.

**Sec. 3301.59.** ~~(A)~~ No school child program may receive any state or federal funds specifically allocated for school child programs unless the school child program is licensed by the department of ~~education~~ children and youth pursuant to sections 3301.52 to 3301.59 or Chapter 5104. of the Revised Code ~~or by the department of job and family services pursuant to Chapter 5104. of the Revised Code.~~

~~(B) If an eligible nonpublic school is operating, managing, conducting, or maintaining a preschool program or school child~~

~~program on July 22, 1991, and if the eligible nonpublic school  
previously obtained a license for the program from the department  
of job and family services pursuant to Chapter 5104. of the  
Revised Code, the eligible nonpublic school shall do one of the  
following:~~

~~(1) On or before the expiration date of the license, apply  
pursuant to Chapter 5104. of the Revised Code to the department of  
job and family services for a renewal of the license;~~

~~(2) On or before the expiration date of the license, apply  
pursuant to sections 3301.52 to 3301.59 of the Revised Code to the  
department of education for a license for the program;~~

~~(3) If the program is a preschool program, cease to operate,  
manage, conduct, or maintain the program;~~

~~(4) If the program is a school child program, not accept any  
state or federal funds specifically allocated for school child  
programs and not accept any state or federal funds for publicly  
funded child care pursuant to Chapter 5104. of the Revised Code.~~

~~(C) If an eligible nonpublic school is operating, managing,  
conducting, or maintaining a preschool program or school child  
program on July 22, 1991, and if the eligible nonpublic school  
previously has not obtained a license for the program from the  
department of job and family services pursuant to Chapter 5104. of  
the Revised Code, the eligible nonpublic school shall do one of  
the following:~~

~~(1) On July 22, 1991, apply pursuant to Chapter 5104. of the  
Revised Code to the department of job and family services for a  
license for the program;~~

~~(2) On July 22, 1991, apply pursuant to sections 3301.52 to  
3301.59 of the Revised Code to the department of education for a  
license for the program;~~

~~(3) If the program is a preschool program, cease to operate, manage, conduct, or maintain the program;~~ 113991  
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~~(4) If the program is a school child program, not accept any state or federal funds specifically allocated for school child programs and not accept any state or federal funds for publicly funded child care pursuant to Chapter 5104. of the Revised Code.~~ 113993  
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~~(D)(1) If an eligible nonpublic school that operates, manages, conducts, or maintains a preschool program or a school child program elects pursuant to division (B)(1) of this section to renew a license for the program that was issued by the department of job and family services or elects pursuant to division (C)(1) of this section to apply to the department of job and family services for a license for the program, that preschool program or school child program is subject to Chapter 5104. of the Revised Code and to licensure under that chapter until the eligible nonpublic school ceases to operate, manage, conduct, or maintain the program.~~ 113997  
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~~(2) If an eligible nonpublic school that operates, manages, conducts, or maintains a preschool program or a school child program elects pursuant to division (B)(2) or (C)(2) of this section to apply to the department of education for a license for the program, that preschool program or school child program is subject to sections 3301.52 to 3301.59 of the Revised Code and to licensure under those sections until the eligible nonpublic school ceases to operate, manage, conduct, or maintain the program.~~ 114008  
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~~(E) Not later than July 22, 1992, the departments of job and family services and education shall each prepare a list of the preschool programs and school child programs that are licensed by the respective departments.~~ 114016  
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**Sec. 3301.132.** (A)(1) As used in this section, "policy" means a written clarification or explanation of a statute or rule that 114020  
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is initiated by the department of education. "Policy" does not 114022  
include any educational guideline, suggestion, or case study 114023  
regarding how to comply with a statute or rule or any document or 114024  
guideline regarding the internal organization or operation of the 114025  
department, including matters regarding administration, personnel, 114026  
or accounting. 114027

(2) A policy does not have the force of law. 114028

(B) Policies established by the department shall be subject 114029  
to all of the following requirements: 114030

(1) A policy shall comply with the statutes and rules that 114031  
are in existence at the time the policy is established. 114032

(2) A policy shall not establish any new requirement. 114033

(3) The first page of each policy shall have printed on it 114034  
the following statement in uppercase letters: "THIS POLICY DOES 114035  
NOT HAVE THE FORCE OF LAW." 114036

(4) A policy shall state clearly the statutory provision or 114037  
administrative rule on which it is based. 114038

(C) Not later than ninety days after the effective date of 114039  
this section, and every five years thereafter, the department 114040  
shall review each policy that it established prior to the 114041  
effective date of this section or that it establishes after that 114042  
date and shall prepare written documentation certifying that the 114043  
policy has been reviewed. The documentation is a public record 114044  
under section 149.43 of the Revised Code. A policy that has not 114045  
been so reviewed is void. 114046

(D) A person may file a written complaint at any time with 114047  
the superintendent of public instruction alleging that a policy 114048  
established by the department of education does not comply with 114049  
the requirements established under division (B)(1) or (2) of this 114050  
section. Not later than ninety days after receiving the complaint, 114051

the state superintendent shall review the policy and issue a 114052  
determination as to whether the policy complies with those 114053  
requirements. A determination issued by the state superintendent 114054  
under this division is not a final action that is appealable under 114055  
this chapter. 114056

(E) The department shall post all proposed policies in a 114057  
prominent location on the department's web site. The department 114058  
shall establish a public comment period of not less than sixty 114059  
days for each proposed policy. If the department receives more 114060  
than three public comments during that period, it shall hold at 114061  
least one public hearing on the proposal. 114062

(F) Notwithstanding section 149.43 of the Revised Code, not 114063  
later than ninety days after the effective date of this section, 114064  
the department shall compile a copy of all its policies. The copy 114065  
of policies shall be kept current and made available for public 114066  
inspection and copying. 114067

**Sec. 3301.94.** Upon approval of the state board of education, 114068  
the superintendent of public instruction and the chancellor of ~~the~~ 114069  
~~Ohio board of regents~~ higher education may enter into a memorandum 114070  
of understanding under which the department of education, on 114071  
behalf of the chancellor, will receive and maintain copies of data 114072  
records containing student information reported to the chancellor 114073  
for the purpose of combining those records with the data reported 114074  
to the education management information system established under 114075  
section 3301.0714 of the Revised Code to establish an education 114076  
data repository that may be used to conduct longitudinal research 114077  
and evaluation. The memorandum of understanding shall specify the 114078  
following: 114079

(A) That, prior to establishing the repository, the 114080  
superintendent and chancellor shall develop a strategic plan for 114081  
the repository that outlines the goals to be achieved from its 114082

implementation and use. A copy of the strategic plan shall be 114083  
provided to the governor, the president of the senate, and the 114084  
speaker of the house of representatives. 114085

(B) That the chancellor shall submit all student data to be 114086  
included in the repository to the independent contractor engaged 114087  
by the department to create and maintain the student data 114088  
verification codes required by division (D)(2) of section 114089  
3301.0714 of the Revised Code. For each student included in the 114090  
data submitted by the chancellor, the independent contractor shall 114091  
determine whether a data verification code has been assigned to 114092  
that student. In the case of a student to whom a data verification 114093  
code has been assigned, the independent contractor shall add the 114094  
code to the student's data record and remove from the data record 114095  
any information that would enable the data verification code to be 114096  
matched to personally identifiable student data. In the case of a 114097  
student to whom a data verification code has not been assigned, 114098  
the independent contractor shall assign a data verification code 114099  
to the student, add the data verification code to the student's 114100  
data record, and remove from the data record any information that 114101  
would enable the data verification code to be matched to 114102  
personally identifiable student data. After making the 114103  
modifications described in this division, the independent 114104  
contractor shall transmit the data to the department. 114105

(C) That the superintendent and the chancellor jointly shall 114106  
develop procedures for the maintenance of the data in the 114107  
repository and shall designate the types of research that may be 114108  
conducted using that data. Permitted uses of the data shall 114109  
include, but are not limited to, the following: 114110

(1) Assisting the department of education, superintendent, ~~or~~ 114111  
state board, and the department of children and youth in 114112  
performing audit and evaluation functions concerning preschool, 114113  
elementary, and secondary education as required or authorized by 114114

any provision of law, including division (C) of section 3301.07 114115  
and sections 3301.12, 3301.16, 3301.53, 3301.57, 3301.58, and 114116  
3302.03 of the Revised Code; 114117

(2) Assisting the chancellor in performing audit and 114118  
evaluation functions concerning higher education as required or 114119  
authorized by any provision of law, including sections 3333.04, 114120  
3333.041, 3333.047, 3333.122, 3333.123, 3333.16, 3333.161, 114121  
3333.374, 3333.72, and 3333.82 of the Revised Code. 114122

(D) That the superintendent and the chancellor, from time to 114123  
time, jointly may enter into written agreements with entities for 114124  
the use of data in the repository to conduct research and analysis 114125  
designed to evaluate the effectiveness of programs or services, to 114126  
measure progress against specific strategic planning goals, or for 114127  
any other purpose permitted by law that the superintendent and 114128  
chancellor consider necessary for the performance of their duties 114129  
under the Revised Code. The agreements may permit the disclosure 114130  
of personally identifiable student information to the entity named 114131  
in the agreement, provided that disclosure complies with the 114132  
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 114133  
20 U.S.C. 1232g, as amended, and regulations promulgated under 114134  
that act prescribing requirements for such agreements. The 114135  
superintendent shall notify the state board of each agreement 114136  
entered into under this division. 114137

(E) That the data in the repository submitted by the 114138  
department of education shall remain under the direct control of 114139  
the department and that the data in the repository submitted by 114140  
the chancellor shall remain under the direct control of the 114141  
chancellor; 114142

(F) That the data in the repository shall be managed in a 114143  
manner that complies with the "Family Educational Rights and 114144  
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended; 114145

(G) That all costs related to the initial establishment and 114146  
ongoing maintenance of the repository shall be paid from funds 114147  
received from state incentive grants awarded under division (A), 114148  
Title XIV, section 14006 of the American Recovery and Reinvestment 114149  
Act of 2009, other federal grant programs, or existing 114150  
appropriations of the department or chancellor that are designated 114151  
for a purpose consistent with this section; 114152

(H) That the department of education annually shall report to 114153  
the state board ~~and~~, the chancellor, and the department of 114154  
children and youth all requests for access to or use of the data 114155  
in the repository and all costs related to the initial 114156  
establishment and ongoing maintenance of the repository. 114157

**Sec. 3313.64.** (A) As used in this section and in section 114158  
3313.65 of the Revised Code: 114159

(1)(a) Except as provided in division (A)(1)(b) of this 114160  
section, "parent" means either parent, unless the parents are 114161  
separated or divorced or their marriage has been dissolved or 114162  
annulled, in which case "parent" means the parent who is the 114163  
residential parent and legal custodian of the child. When a child 114164  
is in the legal custody of a government agency or a person other 114165  
than the child's natural or adoptive parent, "parent" means the 114166  
parent with residual parental rights, privileges, and 114167  
responsibilities. When a child is in the permanent custody of a 114168  
government agency or a person other than the child's natural or 114169  
adoptive parent, "parent" means the parent who was divested of 114170  
parental rights and responsibilities for the care of the child and 114171  
the right to have the child live with the parent and be the legal 114172  
custodian of the child and all residual parental rights, 114173  
privileges, and responsibilities. 114174

(b) When a child is the subject of a power of attorney 114175  
executed under sections 3109.51 to 3109.62 of the Revised Code, 114176

"parent" means the grandparent designated as attorney in fact under the power of attorney. When a child is the subject of a caretaker authorization affidavit executed under sections 3109.64 to 3109.73 of the Revised Code, "parent" means the grandparent that executed the affidavit.

(2) "Legal custody," "permanent custody," and "residual parental rights, privileges, and responsibilities" have the same meanings as in section 2151.011 of the Revised Code.

(3) "School district" or "district" means a city, local, or exempted village school district and excludes any school operated in an institution maintained by the department of youth services.

(4) Except as used in division (C)(2) of this section, "home" means a home, institution, foster home, group home, or other residential facility in this state that receives and cares for children, to which any of the following applies:

(a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.

(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.

(c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state.

(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.

(5) "Agency" means all of the following:

(a) A public children services agency;

(b) An organization that holds a certificate issued by the Ohio department of job children and family services youth in

accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption;

(c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39 of the Revised Code or as applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised Code.

(6) A child is placed for adoption if either of the following occurs:

(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child.

(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child.

(7) "Preschool child with a disability" has the same meaning as in section 3323.01 of the Revised Code.

(8) "Child," unless otherwise indicated, includes preschool children with disabilities.

(9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.

(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any preschool child with a disability shall be admitted to school as provided in this division.

(1) A child shall be admitted to the schools of the school district in which the child's parent resides. 114237  
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(2) Except as provided in division (B) of section 2151.362 and section 3317.30 of the Revised Code, a child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies: 114239  
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(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent. 114244  
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(b) The child resides in a home. 114247

(c) The child requires special education. 114248

(3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies: 114249  
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(a) The placement for adoption has been terminated. 114255

(b) Another school district is required to admit the child under division (B)(1) of this section. 114256  
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Division (B) of this section does not prohibit the board of education of a school district from placing a child with a disability who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code. 114258  
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(C) A district shall not charge tuition for children admitted under division (B)(1) or (3) of this section. If the district admits a child under division (B)(2) of this section, tuition shall be paid to the district that admits the child as provided in 114263  
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divisions (C)(1) to (3) of this section, unless division (C)(4) of this section applies to the child:

(1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, the school district of residence, as defined in section 3323.01 of the Revised Code, shall pay tuition for the child in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home.

(2) For a child that does not receive special education in accordance with Chapter 3323. of the Revised Code, except as otherwise provided in division (C)(2)(d) of this section, if the child is in the permanent or legal custody of a government agency or person other than the child's parent, tuition shall be paid by:

(a) The district in which the child's parent resided at the time the court removed the child from home or at the time the court vested legal or permanent custody of the child in the person or government agency, whichever occurred first;

(b) If the parent's residence at the time the court removed the child from home or placed the child in the legal or permanent custody of the person or government agency is unknown, tuition shall be paid by the district in which the child resided at the time the child was removed from home or placed in legal or permanent custody, whichever occurred first;

(c) If a school district cannot be established under division (C)(2)(a) or (b) of this section, tuition shall be paid by the district determined as required by section 2151.362 of the Revised Code by the court at the time it vests custody of the child in the person or government agency;

(d) If at the time the court removed the child from home or vested legal or permanent custody of the child in the person or

government agency, whichever occurred first, one parent was in a 114298  
residential or correctional facility or a juvenile residential 114299  
placement and the other parent, if living and not in such a 114300  
facility or placement, was not known to reside in this state, 114301  
tuition shall be paid by the district determined under division 114302  
(D) of section 3313.65 of the Revised Code as the district 114303  
required to pay any tuition while the parent was in such facility 114304  
or placement; 114305

(e) If the department of education has determined, pursuant 114306  
to division (A)(2) of section 2151.362 of the Revised Code, that a 114307  
school district other than the one named in the court's initial 114308  
order, or in a prior determination of the department, is 114309  
responsible to bear the cost of educating the child, the district 114310  
so determined shall be responsible for that cost. 114311

(3) If the child is not in the permanent or legal custody of 114312  
a government agency or person other than the child's parent and 114313  
the child resides in a home, tuition shall be paid by one of the 114314  
following: 114315

(a) The school district in which the child's parent resides; 114316

(b) If the child's parent is not a resident of this state, 114317  
the home in which the child resides. 114318

(4) Division (C)(4) of this section applies to any child who 114319  
is admitted to a school district under division (B)(2) of this 114320  
section, resides in a home that is not a foster home, a home 114321  
maintained by the department of youth services, a detention 114322  
facility established under section 2152.41 of the Revised Code, or 114323  
a juvenile facility established under section 2151.65 of the 114324  
Revised Code, and receives educational services at the home or 114325  
facility in which the child resides pursuant to a contract between 114326  
the home or facility and the school district providing those 114327  
services. 114328

If a child to whom division (C)(4) of this section applies is 114329  
a special education student, a district may choose whether to 114330  
receive a tuition payment for that child under division (C)(4) of 114331  
this section or to receive a payment for that child under section 114332  
3323.14 of the Revised Code. If a district chooses to receive a 114333  
payment for that child under section 3323.14 of the Revised Code, 114334  
it shall not receive a tuition payment for that child under 114335  
division (C)(4) of this section. 114336

If a child to whom division (C)(4) of this section applies is 114337  
not a special education student, a district shall receive a 114338  
tuition payment for that child under division (C)(4) of this 114339  
section. 114340

In the case of a child to which division (C)(4) of this 114341  
section applies, the total educational cost to be paid for the 114342  
child shall be determined by a formula approved by the department 114343  
of education, which formula shall be designed to calculate a per 114344  
diem cost for the educational services provided to the child for 114345  
each day the child is served and shall reflect the total actual 114346  
cost incurred in providing those services. The department shall 114347  
certify the total educational cost to be paid for the child to 114348  
both the school district providing the educational services and, 114349  
if different, the school district that is responsible to pay 114350  
tuition for the child. The department shall deduct the certified 114351  
amount from the state basic aid funds payable under Chapter 3317. 114352  
of the Revised Code to the district responsible to pay tuition and 114353  
shall pay that amount to the district providing the educational 114354  
services to the child. 114355

(D) Tuition required to be paid under divisions (C)(2) and 114356  
(3)(a) of this section shall be computed in accordance with 114357  
section 3317.08 of the Revised Code. Tuition required to be paid 114358  
under division (C)(3)(b) of this section shall be computed in 114359  
accordance with section 3317.081 of the Revised Code. If a home 114360

fails to pay the tuition required by division (C)(3)(b) of this 114361  
section, the board of education providing the education may 114362  
recover in a civil action the tuition and the expenses incurred in 114363  
prosecuting the action, including court costs and reasonable 114364  
attorney's fees. If the prosecuting attorney or city director of 114365  
law represents the board in such action, costs and reasonable 114366  
attorney's fees awarded by the court, based upon the prosecuting 114367  
attorney's, director's, or one of their designee's time spent 114368  
preparing and presenting the case, shall be deposited in the 114369  
county or city general fund. 114370

(E) A board of education may enroll a child free of any 114371  
tuition obligation for a period not to exceed sixty days, on the 114372  
sworn statement of an adult resident of the district that the 114373  
resident has initiated legal proceedings for custody of the child. 114374

(F) In the case of any individual entitled to attend school 114375  
under this division, no tuition shall be charged by the school 114376  
district of attendance and no other school district shall be 114377  
required to pay tuition for the individual's attendance. 114378  
Notwithstanding division (B), (C), or (E) of this section: 114379

(1) All persons at least eighteen but under twenty-two years 114380  
of age who live apart from their parents, support themselves by 114381  
their own labor, and have not successfully completed the high 114382  
school curriculum or the individualized education program 114383  
developed for the person by the high school pursuant to section 114384  
3323.08 of the Revised Code, are entitled to attend school in the 114385  
district in which they reside. 114386

(2) Any child under eighteen years of age who is married is 114387  
entitled to attend school in the child's district of residence. 114388

(3) A child is entitled to attend school in the district in 114389  
which either of the child's parents is employed if the child has a 114390  
medical condition that may require emergency medical attention. 114391

The parent of a child entitled to attend school under division 114392  
(F)(3) of this section shall submit to the board of education of 114393  
the district in which the parent is employed a statement from the 114394  
child's physician certifying that the child's medical condition 114395  
may require emergency medical attention. The statement shall be 114396  
supported by such other evidence as the board may require. 114397

(4) Any child residing with a person other than the child's 114398  
parent is entitled, for a period not to exceed twelve months, to 114399  
attend school in the district in which that person resides if the 114400  
child's parent files an affidavit with the superintendent of the 114401  
district in which the person with whom the child is living resides 114402  
stating all of the following: 114403

(a) That the parent is serving outside of the state in the 114404  
armed services of the United States; 114405

(b) That the parent intends to reside in the district upon 114406  
returning to this state; 114407

(c) The name and address of the person with whom the child is 114408  
living while the parent is outside the state. 114409

(5) Any child under the age of twenty-two years who, after 114410  
the death of a parent, resides in a school district other than the 114411  
district in which the child attended school at the time of the 114412  
parent's death is entitled to continue to attend school in the 114413  
district in which the child attended school at the time of the 114414  
parent's death for the remainder of the school year, subject to 114415  
approval of that district board. 114416

(6) A child under the age of twenty-two years who resides 114417  
with a parent who is having a new house built in a school district 114418  
outside the district where the parent is residing is entitled to 114419  
attend school for a period of time in the district where the new 114420  
house is being built. In order to be entitled to such attendance, 114421  
the parent shall provide the district superintendent with the 114422

following: 114423

(a) A sworn statement explaining the situation, revealing the 114424  
location of the house being built, and stating the parent's 114425  
intention to reside there upon its completion; 114426

(b) A statement from the builder confirming that a new house 114427  
is being built for the parent and that the house is at the 114428  
location indicated in the parent's statement. 114429

(7) A child under the age of twenty-two years residing with a 114430  
parent who has a contract to purchase a house in a school district 114431  
outside the district where the parent is residing and who is 114432  
waiting upon the date of closing of the mortgage loan for the 114433  
purchase of such house is entitled to attend school for a period 114434  
of time in the district where the house is being purchased. In 114435  
order to be entitled to such attendance, the parent shall provide 114436  
the district superintendent with the following: 114437

(a) A sworn statement explaining the situation, revealing the 114438  
location of the house being purchased, and stating the parent's 114439  
intent to reside there; 114440

(b) A statement from a real estate broker or bank officer 114441  
confirming that the parent has a contract to purchase the house, 114442  
that the parent is waiting upon the date of closing of the 114443  
mortgage loan, and that the house is at the location indicated in 114444  
the parent's statement. 114445

The district superintendent shall establish a period of time 114446  
not to exceed ninety days during which the child entitled to 114447  
attend school under division (F)(6) or (7) of this section may 114448  
attend without tuition obligation. A student attending a school 114449  
under division (F)(6) or (7) of this section shall be eligible to 114450  
participate in interscholastic athletics under the auspices of 114451  
that school, provided the board of education of the school 114452  
district where the student's parent resides, by a formal action, 114453

releases the student to participate in interscholastic athletics 114454  
at the school where the student is attending, and provided the 114455  
student receives any authorization required by a public agency or 114456  
private organization of which the school district is a member 114457  
exercising authority over interscholastic sports. 114458

(8) A child whose parent is a full-time employee of a city, 114459  
local, or exempted village school district, or of an educational 114460  
service center, may be admitted to the schools of the district 114461  
where the child's parent is employed, or in the case of a child 114462  
whose parent is employed by an educational service center, in the 114463  
district that serves the location where the parent's job is 114464  
primarily located, provided the district board of education 114465  
establishes such an admission policy by resolution adopted by a 114466  
majority of its members. Any such policy shall take effect on the 114467  
first day of the school year and the effective date of any 114468  
amendment or repeal may not be prior to the first day of the 114469  
subsequent school year. The policy shall be uniformly applied to 114470  
all such children and shall provide for the admission of any such 114471  
child upon request of the parent. No child may be admitted under 114472  
this policy after the first day of classes of any school year. 114473

(9) A child who is with the child's parent under the care of 114474  
a shelter for victims of domestic violence, as defined in section 114475  
3113.33 of the Revised Code, is entitled to attend school free in 114476  
the district in which the child is with the child's parent, and no 114477  
other school district shall be required to pay tuition for the 114478  
child's attendance in that school district. 114479

The enrollment of a child in a school district under this 114480  
division shall not be denied due to a delay in the school 114481  
district's receipt of any records required under section 3313.672 114482  
of the Revised Code or any other records required for enrollment. 114483  
Any days of attendance and any credits earned by a child while 114484  
enrolled in a school district under this division shall be 114485

transferred to and accepted by any school district in which the 114486  
child subsequently enrolls. The state board of education shall 114487  
adopt rules to ensure compliance with this division. 114488

(10) Any child under the age of twenty-two years whose parent 114489  
has moved out of the school district after the commencement of 114490  
classes in the child's senior year of high school is entitled, 114491  
subject to the approval of that district board, to attend school 114492  
in the district in which the child attended school at the time of 114493  
the parental move for the remainder of the school year and for one 114494  
additional semester or equivalent term. A district board may also 114495  
adopt a policy specifying extenuating circumstances under which a 114496  
student may continue to attend school under division (F)(10) of 114497  
this section for an additional period of time in order to 114498  
successfully complete the high school curriculum for the 114499  
individualized education program developed for the student by the 114500  
high school pursuant to section 3323.08 of the Revised Code. 114501

(11) As used in this division, "grandparent" means a parent 114502  
of a parent of a child. A child under the age of twenty-two years 114503  
who is in the custody of the child's parent, resides with a 114504  
grandparent, and does not require special education is entitled to 114505  
attend the schools of the district in which the child's 114506  
grandparent resides, provided that, prior to such attendance in 114507  
any school year, the board of education of the school district in 114508  
which the child's grandparent resides and the board of education 114509  
of the school district in which the child's parent resides enter 114510  
into a written agreement specifying that good cause exists for 114511  
such attendance, describing the nature of this good cause, and 114512  
consenting to such attendance. 114513

In lieu of a consent form signed by a parent, a board of 114514  
education may request the grandparent of a child attending school 114515  
in the district in which the grandparent resides pursuant to 114516  
division (F)(11) of this section to complete any consent form 114517

required by the district, including any authorization required by 114518  
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 114519  
Code. Upon request, the grandparent shall complete any consent 114520  
form required by the district. A school district shall not incur 114521  
any liability solely because of its receipt of a consent form from 114522  
a grandparent in lieu of a parent. 114523

Division (F)(11) of this section does not create, and shall 114524  
not be construed as creating, a new cause of action or substantive 114525  
legal right against a school district, a member of a board of 114526  
education, or an employee of a school district. This section does 114527  
not affect, and shall not be construed as affecting, any 114528  
immunities from defenses to tort liability created or recognized 114529  
by Chapter 2744. of the Revised Code for a school district, 114530  
member, or employee. 114531

(12) A child under the age of twenty-two years is entitled to 114532  
attend school in a school district other than the district in 114533  
which the child is entitled to attend school under division (B), 114534  
(C), or (E) of this section provided that, prior to such 114535  
attendance in any school year, both of the following occur: 114536

(a) The superintendent of the district in which the child is 114537  
entitled to attend school under division (B), (C), or (E) of this 114538  
section contacts the superintendent of another district for 114539  
purposes of this division; 114540

(b) The superintendents of both districts enter into a 114541  
written agreement that consents to the attendance and specifies 114542  
that the purpose of such attendance is to protect the student's 114543  
physical or mental well-being or to deal with other extenuating 114544  
circumstances deemed appropriate by the superintendents. 114545

While an agreement is in effect under this division for a 114546  
student who is not receiving special education under Chapter 3323. 114547  
of the Revised Code and notwithstanding Chapter 3327. of the 114548

Revised Code, the board of education of neither school district 114549  
involved in the agreement is required to provide transportation 114550  
for the student to and from the school where the student attends. 114551

A student attending a school of a district pursuant to this 114552  
division shall be allowed to participate in all student 114553  
activities, including interscholastic athletics, at the school 114554  
where the student is attending on the same basis as any student 114555  
who has always attended the schools of that district while of 114556  
compulsory school age. 114557

(13) All school districts shall comply with the 114558  
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 114559  
seq., for the education of homeless children. Each city, local, 114560  
and exempted village school district shall comply with the 114561  
requirements of that act governing the provision of a free, 114562  
appropriate public education, including public preschool, to each 114563  
homeless child. 114564

When a child loses permanent housing and becomes a homeless 114565  
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 114566  
such a homeless person changes temporary living arrangements, the 114567  
child's parent or guardian shall have the option of enrolling the 114568  
child in either of the following: 114569

(a) The child's school of origin, as defined in 42 U.S.C.A. 114570  
11432(g)(3)(C); 114571

(b) The school that is operated by the school district in 114572  
which the shelter where the child currently resides is located and 114573  
that serves the geographic area in which the shelter is located. 114574

(14) A child under the age of twenty-two years who resides 114575  
with a person other than the child's parent is entitled to attend 114576  
school in the school district in which that person resides if both 114577  
of the following apply: 114578

(a) That person has been appointed, through a military power 114579

of attorney executed under section 574(a) of the "National Defense 114580  
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 114581  
U.S.C. 1044b, or through a comparable document necessary to 114582  
complete a family care plan, as the parent's agent for the care, 114583  
custody, and control of the child while the parent is on active 114584  
duty as a member of the national guard or a reserve unit of the 114585  
armed forces of the United States or because the parent is a 114586  
member of the armed forces of the United States and is on a duty 114587  
assignment away from the parent's residence. 114588

(b) The military power of attorney or comparable document 114589  
includes at least the authority to enroll the child in school. 114590

The entitlement to attend school in the district in which the 114591  
parent's agent under the military power of attorney or comparable 114592  
document resides applies until the end of the school year in which 114593  
the military power of attorney or comparable document expires. 114594

(G) A board of education, after approving admission, may 114595  
waive tuition for students who will temporarily reside in the 114596  
district and who are either of the following: 114597

(1) Residents or domiciliaries of a foreign nation who 114598  
request admission as foreign exchange students; 114599

(2) Residents or domiciliaries of the United States but not 114600  
of Ohio who request admission as participants in an exchange 114601  
program operated by a student exchange organization. 114602

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 114603  
3327.04, and 3327.06 of the Revised Code, a child may attend 114604  
school or participate in a special education program in a school 114605  
district other than in the district where the child is entitled to 114606  
attend school under division (B) of this section. 114607

(I)(1) Notwithstanding anything to the contrary in this 114608  
section or section 3313.65 of the Revised Code, a child under 114609  
twenty-two years of age may attend school in the school district 114610

in which the child, at the end of the first full week of October 114611  
of the school year, was entitled to attend school as otherwise 114612  
provided under this section or section 3313.65 of the Revised 114613  
Code, if at that time the child was enrolled in the schools of the 114614  
district but since that time the child or the child's parent has 114615  
relocated to a new address located outside of that school district 114616  
and within the same county as the child's or parent's address 114617  
immediately prior to the relocation. The child may continue to 114618  
attend school in the district, and at the school to which the 114619  
child was assigned at the end of the first full week of October of 114620  
the current school year, for the balance of the school year. 114621  
Division (I)(1) of this section applies only if both of the 114622  
following conditions are satisfied: 114623

(a) The board of education of the school district in which 114624  
the child was entitled to attend school at the end of the first 114625  
full week in October and of the district to which the child or 114626  
child's parent has relocated each has adopted a policy to enroll 114627  
children described in division (I)(1) of this section. 114628

(b) The child's parent provides written notification of the 114629  
relocation outside of the school district to the superintendent of 114630  
each of the two school districts. 114631

(2) At the beginning of the school year following the school 114632  
year in which the child or the child's parent relocated outside of 114633  
the school district as described in division (I)(1) of this 114634  
section, the child is not entitled to attend school in the school 114635  
district under that division. 114636

(3) Any person or entity owing tuition to the school district 114637  
on behalf of the child at the end of the first full week in 114638  
October, as provided in division (C) of this section, shall 114639  
continue to owe such tuition to the district for the child's 114640  
attendance under division (I)(1) of this section for the lesser of 114641  
the balance of the school year or the balance of the time that the 114642

child attends school in the district under division (I)(1) of this section. 114643  
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(4) A pupil who may attend school in the district under division (I)(1) of this section shall be entitled to transportation services pursuant to an agreement between the district and the district in which the child or child's parent has relocated unless the districts have not entered into such agreement, in which case the child shall be entitled to transportation services in the same manner as a pupil attending school in the district under interdistrict open enrollment as described in division (E) of section 3313.981 of the Revised Code, regardless of whether the district has adopted an open enrollment policy as described in division (B)(1)(b) or (c) of section 3313.98 of the Revised Code. 114645  
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(J) This division does not apply to a child receiving special education. 114657  
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A school district required to pay tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division (C) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. A school district entitled to receive tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount credited under division (C) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. If the tuition rate credited to the district of attendance exceeds the rate deducted from the district required to pay tuition, the department of education shall pay the district of attendance the difference from amounts deducted from all districts' payments under division (C) of section 3317.023 of the Revised Code but not credited to other school districts under such division and from appropriations made for such purpose. The 114659  
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treasurer of each school district shall, by the fifteenth day of 114675  
January and July, furnish the superintendent of public instruction 114676  
a report of the names of each child who attended the district's 114677  
schools under divisions (C)(2) and (3) of this section or section 114678  
3313.65 of the Revised Code during the preceding six calendar 114679  
months, the duration of the attendance of those children, the 114680  
school district responsible for tuition on behalf of the child, 114681  
and any other information that the superintendent requires. 114682

Upon receipt of the report the superintendent, pursuant to 114683  
division (C) of section 3317.023 of the Revised Code, shall deduct 114684  
each district's tuition obligations under divisions (C)(2) and (3) 114685  
of this section or section 3313.65 of the Revised Code and pay to 114686  
the district of attendance that amount plus any amount required to 114687  
be paid by the state. 114688

(K) In the event of a disagreement, the superintendent of 114689  
public instruction shall determine the school district in which 114690  
the parent resides. 114691

(L) Nothing in this section requires or authorizes, or shall 114692  
be construed to require or authorize, the admission to a public 114693  
school in this state of a pupil who has been permanently excluded 114694  
from public school attendance by the superintendent of public 114695  
instruction pursuant to sections 3301.121 and 3313.662 of the 114696  
Revised Code. 114697

(M) In accordance with division (B)(1) of this section, a 114698  
child whose parent is a member of the national guard or a reserve 114699  
unit of the armed forces of the United States and is called to 114700  
active duty, or a child whose parent is a member of the armed 114701  
forces of the United States and is ordered to a temporary duty 114702  
assignment outside of the district, may continue to attend school 114703  
in the district in which the child's parent lived before being 114704  
called to active duty or ordered to a temporary duty assignment 114705  
outside of the district, as long as the child's parent continues 114706

to be a resident of that district, and regardless of where the child lives as a result of the parent's active duty status or temporary duty assignment. However, the district is not responsible for providing transportation for the child if the child lives outside of the district as a result of the parent's active duty status or temporary duty assignment.

**Sec. 3313.646.** (A) The board of education of a school district, except a cooperative education district established pursuant to section 3311.521 of the Revised Code, may establish and operate a program to provide services to preschool-age children, provided the board has demonstrated a need for the program. A board may use school funds in support of preschool programs. The board shall maintain, operate, and admit children to any such program pursuant to rules adopted by such board and the ~~rules of the state board of education~~ adopted under sections 3301.52 to 3301.57 of the Revised Code.

A board of education may establish fees or tuition, which may be graduated in proportion to family income, for participation in a preschool program. In cases where payment of fees or tuition would create a hardship for the child's parent or guardian, the board may waive any such fees or tuition.

(B) No board of education that is not receiving funds under the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, on March 17, 1989, shall compete for funds under the "Head Start Act" with any grantee receiving funds under that act.

(C) A board of education may contract with any of the following preschool providers to provide services to preschool-age children, other than those services for which the district is eligible to receive funding under section 3317.0213 of the Revised Code:

(1) Any organization receiving funds under the "Head Start

Act"; 114738

(2) Any nonsectarian eligible nonpublic school as defined in 114739  
division (H) of section 3301.52 of the Revised Code; 114740

(3) Any child care provider licensed under Chapter 5104. of 114741  
the Revised Code. 114742

Boards may contract to provide services to preschool-age 114743  
children only with such organizations whose staff meet the 114744  
requirements of rules adopted under section 3301.53 of the Revised 114745  
Code or those of the child development associate credential 114746  
established by the national association for the education of young 114747  
children. 114748

(D) A contract entered into under division (C) of this 114749  
section may provide for the board of education to lease school 114750  
facilities to the preschool provider or to furnish transportation, 114751  
utilities, or staff for the preschool program. 114752

(E) The treasurer of any board of education operating a 114753  
preschool program pursuant to this section shall keep an account 114754  
of all funds used to operate the program in the same manner as the 114755  
treasurer would any other funds of the district pursuant to this 114756  
chapter. 114757

**Sec. 3314.03.** A copy of every contract entered into under 114758  
this section shall be filed with the superintendent of public 114759  
instruction. The department of education shall make available on 114760  
its web site a copy of every approved, executed contract filed 114761  
with the superintendent under this section. 114762

(A) Each contract entered into between a sponsor and the 114763  
governing authority of a community school shall specify the 114764  
following: 114765

(1) That the school shall be established as either of the 114766  
following: 114767

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	114768 114769
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	114770 114771
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	114772 114773 114774 114775
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	114776 114777 114778
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	114779 114780 114781 114782
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	114783 114784
(6)(a) Dismissal procedures;	114785
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	114786 114787 114788 114789 114790
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	114791 114792
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the	114793 114794 114795 114796 114797

Revised Code.	114798
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	114799 114800
(a) A detailed description of each facility used for instructional purposes;	114801 114802
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	114803 114804
(c) The annual mortgage principal and interest payments that are paid by the school;	114805 114806
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	114807 114808 114809
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours or forty hours per week pursuant to section 3319.301 of the Revised Code.	114810 114811 114812 114813 114814 114815
(11) That the school will comply with the following requirements:	114816 114817
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	114818 114819 114820
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	114821 114822 114823
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.	114824 114825 114826 114827

(d) The school will comply with sections 9.90, 9.91, 109.65, 114828  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 114829  
3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.472, 114830  
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 114831  
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, 114832  
3313.6026, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 114833  
3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 114834  
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 114835  
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 114836  
3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 114837  
3319.077, 3319.078, 3319.238, 3319.318, 3319.321, 3319.39, 114838  
3319.391, 3319.393, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 114839  
3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 114840  
3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, 114841  
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 114842  
4123., 4141., and 4167. of the Revised Code as if it were a school 114843  
district and will comply with section 3301.0714 of the Revised 114844  
Code in the manner specified in section 3314.17 of the Revised 114845  
Code. 114846

(e) The school shall comply with Chapter 102. and section 114847  
2921.42 of the Revised Code. 114848

(f) The school will comply with sections 3313.61, 3313.611, 114849  
3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, 114850  
except that for students who enter ninth grade for the first time 114851  
before July 1, 2010, the requirement in sections 3313.61 and 114852  
3313.611 of the Revised Code that a person must successfully 114853  
complete the curriculum in any high school prior to receiving a 114854  
high school diploma may be met by completing the curriculum 114855  
adopted by the governing authority of the community school rather 114856  
than the curriculum specified in Title XXXIII of the Revised Code 114857  
or any rules of the state board of education. Beginning with 114858  
students who enter ninth grade for the first time on or after July 114859

1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in section 3313.6027 and division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, and beginning with the 2017-2018 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the state board of education under divisions (J)(1) and (2) of section 3313.603 of the Revised Code. Beginning with the 2018-2019 school year, the school shall comply with the framework for granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or cooperative education developed by the department under division (J)(3) of section 3313.603 of the Revised Code.

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

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

(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the

school will pay teachers based upon performance in accordance with 114892  
section 3317.141 and will comply with section 3319.111 of the 114893  
Revised Code as if it were a school district. 114894

(j) If the school operates a preschool program that is 114895  
licensed ~~by the department of education~~ under sections 3301.52 to 114896  
3301.59 of the Revised Code, the school shall comply with sections 114897  
3301.50 to 3301.59 of the Revised Code and the minimum standards 114898  
for preschool programs prescribed in rules adopted by the ~~state~~ 114899  
~~board~~ department of children and youth under section 3301.53 of 114900  
the Revised Code. 114901

(k) The school will comply with sections 3313.6021 and 114902  
3313.6023 of the Revised Code as if it were a school district 114903  
unless it is either of the following: 114904

(i) An internet- or computer-based community school; 114905

(ii) A community school in which a majority of the enrolled 114906  
students are children with disabilities as described in division 114907  
(A)(4)(b) of section 3314.35 of the Revised Code. 114908

(l) The school will comply with section 3321.191 of the 114909  
Revised Code, unless it is an internet- or computer-based 114910  
community school that is subject to section 3314.261 of the 114911  
Revised Code. 114912

(12) Arrangements for providing health and other benefits to 114913  
employees; 114914

(13) The length of the contract, which shall begin at the 114915  
beginning of an academic year. No contract shall exceed five years 114916  
unless such contract has been renewed pursuant to division (E) of 114917  
this section. 114918

(14) The governing authority of the school, which shall be 114919  
responsible for carrying out the provisions of the contract; 114920

(15) A financial plan detailing an estimated school budget 114921

for each year of the period of the contract and specifying the 114922  
total estimated per pupil expenditure amount for each such year. 114923

(16) Requirements and procedures regarding the disposition of 114924  
employees of the school in the event the contract is terminated or 114925  
not renewed pursuant to section 3314.07 of the Revised Code; 114926

(17) Whether the school is to be created by converting all or 114927  
part of an existing public school or educational service center 114928  
building or is to be a new start-up school, and if it is a 114929  
converted public school or service center building, specification 114930  
of any duties or responsibilities of an employer that the board of 114931  
education or service center governing board that operated the 114932  
school or building before conversion is delegating to the 114933  
governing authority of the community school with respect to all or 114934  
any specified group of employees provided the delegation is not 114935  
prohibited by a collective bargaining agreement applicable to such 114936  
employees; 114937

(18) Provisions establishing procedures for resolving 114938  
disputes or differences of opinion between the sponsor and the 114939  
governing authority of the community school; 114940

(19) A provision requiring the governing authority to adopt a 114941  
policy regarding the admission of students who reside outside the 114942  
district in which the school is located. That policy shall comply 114943  
with the admissions procedures specified in sections 3314.06 and 114944  
3314.061 of the Revised Code and, at the sole discretion of the 114945  
authority, shall do one of the following: 114946

(a) Prohibit the enrollment of students who reside outside 114947  
the district in which the school is located; 114948

(b) Permit the enrollment of students who reside in districts 114949  
adjacent to the district in which the school is located; 114950

(c) Permit the enrollment of students who reside in any other 114951  
district in the state. 114952

(20) A provision recognizing the authority of the department 114953  
of education to take over the sponsorship of the school in 114954  
accordance with the provisions of division (C) of section 3314.015 114955  
of the Revised Code; 114956

(21) A provision recognizing the sponsor's authority to 114957  
assume the operation of a school under the conditions specified in 114958  
division (B) of section 3314.073 of the Revised Code; 114959

(22) A provision recognizing both of the following: 114960

(a) The authority of public health and safety officials to 114961  
inspect the facilities of the school and to order the facilities 114962  
closed if those officials find that the facilities are not in 114963  
compliance with health and safety laws and regulations; 114964

(b) The authority of the department of education as the 114965  
community school oversight body to suspend the operation of the 114966  
school under section 3314.072 of the Revised Code if the 114967  
department has evidence of conditions or violations of law at the 114968  
school that pose an imminent danger to the health and safety of 114969  
the school's students and employees and the sponsor refuses to 114970  
take such action. 114971

(23) A description of the learning opportunities that will be 114972  
offered to students including both classroom-based and 114973  
non-classroom-based learning opportunities that is in compliance 114974  
with criteria for student participation established by the 114975  
department under division (H)(2) of section 3314.08 of the Revised 114976  
Code; 114977

(24) The school will comply with sections 3302.04 and 114978  
3302.041 of the Revised Code, except that any action required to 114979  
be taken by a school district pursuant to those sections shall be 114980  
taken by the sponsor of the school. However, the sponsor shall not 114981  
be required to take any action described in division (F) of 114982  
section 3302.04 of the Revised Code. 114983

(25) Beginning in the 2006-2007 school year, the school will 114984  
open for operation not later than the thirtieth day of September 114985  
each school year, unless the mission of the school as specified 114986  
under division (A)(2) of this section is solely to serve dropouts. 114987  
In its initial year of operation, if the school fails to open by 114988  
the thirtieth day of September, or within one year after the 114989  
adoption of the contract pursuant to division (D) of section 114990  
3314.02 of the Revised Code if the mission of the school is solely 114991  
to serve dropouts, the contract shall be void. 114992

(26) Whether the school's governing authority is planning to 114993  
seek designation for the school as a STEM school equivalent under 114994  
section 3326.032 of the Revised Code; 114995

(27) That the school's attendance and participation policies 114996  
will be available for public inspection; 114997

(28) That the school's attendance and participation records 114998  
shall be made available to the department of education, auditor of 114999  
state, and school's sponsor to the extent permitted under and in 115000  
accordance with the "Family Educational Rights and Privacy Act of 115001  
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 115002  
regulations promulgated under that act, and section 3319.321 of 115003  
the Revised Code; 115004

(29) If a school operates using the blended learning model, 115005  
as defined in section 3301.079 of the Revised Code, all of the 115006  
following information: 115007

(a) An indication of what blended learning model or models 115008  
will be used; 115009

(b) A description of how student instructional needs will be 115010  
determined and documented; 115011

(c) The method to be used for determining competency, 115012  
granting credit, and promoting students to a higher grade level; 115013

(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	115014 115015
(e) A statement describing how student progress will be monitored;	115016 115017
(f) A statement describing how private student data will be protected;	115018 115019
(g) A description of the professional development activities that will be offered to teachers.	115020 115021
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;	115022 115023 115024 115025
(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	115026 115027 115028 115029
(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.	115030 115031 115032 115033 115034
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	115035 115036 115037
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	115038 115039 115040
(1) The process by which the governing authority of the school will be selected in the future;	115041 115042
(2) The management and administration of the school;	115043

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at

least an annual basis; 115075

(3) Report on an annual basis the results of the evaluation 115076  
conducted under division (D)(2) of this section to the department 115077  
of education and to the parents of students enrolled in the 115078  
community school; 115079

(4) Provide technical assistance to the community school in 115080  
complying with laws applicable to the school and terms of the 115081  
contract; 115082

(5) Take steps to intervene in the school's operation to 115083  
correct problems in the school's overall performance, declare the 115084  
school to be on probationary status pursuant to section 3314.073 115085  
of the Revised Code, suspend the operation of the school pursuant 115086  
to section 3314.072 of the Revised Code, or terminate the contract 115087  
of the school pursuant to section 3314.07 of the Revised Code as 115088  
determined necessary by the sponsor; 115089

(6) Have in place a plan of action to be undertaken in the 115090  
event the community school experiences financial difficulties or 115091  
closes prior to the end of a school year. 115092

(E) Upon the expiration of a contract entered into under this 115093  
section, the sponsor of a community school may, with the approval 115094  
of the governing authority of the school, renew that contract for 115095  
a period of time determined by the sponsor, but not ending earlier 115096  
than the end of any school year, if the sponsor finds that the 115097  
school's compliance with applicable laws and terms of the contract 115098  
and the school's progress in meeting the academic goals prescribed 115099  
in the contract have been satisfactory. Any contract that is 115100  
renewed under this division remains subject to the provisions of 115101  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 115102

(F) If a community school fails to open for operation within 115103  
one year after the contract entered into under this section is 115104  
adopted pursuant to division (D) of section 3314.02 of the Revised 115105

Code or permanently closes prior to the expiration of the 115106  
contract, the contract shall be void and the school shall not 115107  
enter into a contract with any other sponsor. A school shall not 115108  
be considered permanently closed because the operations of the 115109  
school have been suspended pursuant to section 3314.072 of the 115110  
Revised Code. 115111

**Sec. 3314.06.** The governing authority of each community 115112  
school established under this chapter shall adopt admission 115113  
procedures that specify the following: 115114

(A) That, except as otherwise provided in this section, 115115  
admission to the school shall be open to any individual age five 115116  
to twenty-two entitled to attend school pursuant to section 115117  
3313.64 or 3313.65 of the Revised Code in a school district in the 115118  
state. 115119

Additionally, except as otherwise provided in this section, 115120  
admission to the school may be open on a tuition basis to any 115121  
individual age five to twenty-two who is not a resident of this 115122  
state. The school shall not receive state funds under section 115123  
3317.022 of the Revised Code for any student who is not a resident 115124  
of this state. 115125

An individual younger than five years of age may be admitted 115126  
to the school in accordance with division (A)(2) of section 115127  
3321.01 of the Revised Code. The school shall receive funds for an 115128  
individual admitted under that division in the manner provided 115129  
under section 3317.022 of the Revised Code. 115130

If the school operates a program that uses the Montessori 115131  
method endorsed by the American Montessori society, the Montessori 115132  
accreditation council for teacher education, or the association 115133  
Montessori internationale as its primary method of instruction, 115134  
admission to the school may be open to individuals younger than 115135  
five years of age but the school shall not receive funds under 115136

section 3317.022 of the Revised Code for those individuals. 115137  
Notwithstanding anything to the contrary in this chapter, 115138  
individuals younger than five years of age who are enrolled in a 115139  
Montessori program shall be offered at least four hundred 115140  
fifty-five hours of learning opportunities per school year. 115141

If the school operates a preschool program that is licensed 115142  
~~by the department of education~~ under sections 3301.52 to 3301.59 115143  
of the Revised Code, admission to the school may be open to 115144  
individuals who are younger than five years of age, but the school 115145  
shall not receive funds under this chapter for those individuals. 115146

(B)(1) That admission to the school may be limited to 115147  
students who have attained a specific grade level or are within a 115148  
specific age group; to students that meet a definition of 115149  
"at-risk," as defined in the contract; to residents of a specific 115150  
geographic area within the district, as defined in the contract; 115151  
or to separate groups of autistic students and nondisabled 115152  
students, as authorized in section 3314.061 of the Revised Code 115153  
and as defined in the contract. 115154

(2) For purposes of division (B)(1) of this section, 115155  
"at-risk" students may include those students identified as gifted 115156  
students under section 3324.03 of the Revised Code. 115157

(C) Whether enrollment is limited to students who reside in 115158  
the district in which the school is located or is open to 115159  
residents of other districts, as provided in the policy adopted 115160  
pursuant to the contract. 115161

(D)(1) That there will be no discrimination in the admission 115162  
of students to the school on the basis of race, creed, color, 115163  
disability, or sex except that: 115164

(a) The governing authority may do either of the following 115165  
for the purpose described in division (G) of this section: 115166

(i) Establish a single-gender school for either sex; 115167

(ii) Establish single-gender schools for each sex under the same contract, provided substantially equal facilities and learning opportunities are offered for both boys and girls. Such facilities and opportunities may be offered for each sex at separate locations.

(b) The governing authority may establish a school that simultaneously serves a group of students identified as autistic and a group of students who are not disabled, as authorized in section 3314.061 of the Revised Code. However, unless the total capacity established for the school has been filled, no student with any disability shall be denied admission on the basis of that disability.

(2) That upon admission of any student with a disability, the community school will comply with all federal and state laws regarding the education of students with disabilities.

(E) That the school may not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability, except that a school may limit its enrollment to students as described in division (B) of this section.

(F) That the community school will admit the number of students that does not exceed the capacity of the school's programs, classes, grade levels, or facilities.

(G) That the purpose of single-gender schools that are established shall be to take advantage of the academic benefits some students realize from single-gender instruction and facilities and to offer students and parents residing in the district the option of a single-gender education.

(H) That, except as otherwise provided under division (B) of this section or section 3314.061 of the Revised Code, if the number of applicants exceeds the capacity restrictions of division

(F) of this section, students shall be admitted by lot from all those submitting applications, except preference shall be given to students attending the school the previous year and to students who reside in the district in which the school is located. Preference may be given to siblings of students attending the school the previous year. Preference also may be given to students who are the children of full-time staff members employed by the school, provided the total number of students receiving this preference is less than five per cent of the school's total enrollment.

Notwithstanding divisions (A) to (H) of this section, in the event the racial composition of the enrollment of the community school is violative of a federal desegregation order, the community school shall take any and all corrective measures to comply with the desegregation order.

**Sec. 3314.08.** (A) As used in this section:

(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

(2) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(B) The state board of education shall adopt rules requiring the governing authority of each community school established under this chapter to annually report all of the following:

(1) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;

(2) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in

kindergarten, who are receiving special education and related	115229
services pursuant to an IEP;	115230
(3) The number of students reported under division (B)(2) of	115231
this section receiving special education and related services	115232
pursuant to an IEP for a disability described in each of divisions	115233
(A) to (F) of section 3317.013 of the Revised Code;	115234
(4) The full-time equivalent number of students reported	115235
under divisions (B)(1) and (2) of this section who are enrolled in	115236
career-technical education programs or classes described in each	115237
of divisions (A)(1) to (5) of section 3317.014 of the Revised Code	115238
that are provided by the community school;	115239
(5) The number of students reported under divisions (B)(1)	115240
and (2) of this section who are not reported under division (B)(4)	115241
of this section but who are enrolled in career-technical education	115242
programs or classes described in each of divisions (A)(1) to (5)	115243
of section 3317.014 of the Revised Code at a joint vocational	115244
school district or another district in the career-technical	115245
planning district to which the school is assigned;	115246
(6) The number of students reported under divisions (B)(1)	115247
and (2) of this section who are category one to three English	115248
learners described in each of divisions (A) to (C) of section	115249
3317.016 of the Revised Code;	115250
(7) The number of students reported under divisions (B)(1)	115251
and (2) of this section who are economically disadvantaged, as	115252
defined by the department. A student shall not be categorically	115253
excluded from the number reported under division (B)(7) of this	115254
section based on anything other than family income.	115255
(8) For each student, the city, exempted village, or local	115256
school district in which the student is entitled to attend school	115257
under section 3313.64 or 3313.65 of the Revised Code.	115258
(9) The number of students enrolled in a preschool program	115259

operated by the school that is licensed ~~by the department of~~ 115260  
~~education~~ under sections 3301.52 to 3301.59 of the Revised Code 115261  
who are not receiving special education and related services 115262  
pursuant to an IEP. 115263

A school district board and a community school governing 115264  
authority shall include in their respective reports under division 115265  
(B) of this section any child admitted in accordance with division 115266  
(A)(2) of section 3321.01 of the Revised Code. 115267

A governing authority of a community school shall not include 115268  
in its report under divisions (B)(1) to (9) of this section any 115269  
student for whom tuition is charged under division (F) of this 115270  
section. 115271

(C)(1)(a) If a community school's costs for a fiscal year for 115272  
a student receiving special education and related services 115273  
pursuant to an IEP for a disability described in divisions (B) to 115274  
(F) of section 3317.013 of the Revised Code exceed the threshold 115275  
catastrophic cost for serving the student as specified in division 115276  
(B) of section 3317.0214 of the Revised Code, the school may 115277  
submit to the superintendent of public instruction documentation, 115278  
as prescribed by the superintendent, of all its costs for that 115279  
student. Upon submission of documentation for a student of the 115280  
type and in the manner prescribed, the department shall pay to the 115281  
community school an amount equal to the school's costs for the 115282  
student in excess of the threshold catastrophic costs. 115283

(b) The community school shall report under division 115284  
(C)(1)(a) of this section, and the department shall pay for, only 115285  
the costs of educational expenses and the related services 115286  
provided to the student in accordance with the student's 115287  
individualized education program. Any legal fees, court costs, or 115288  
other costs associated with any cause of action relating to the 115289  
student may not be included in the amount. 115290

(2) In any fiscal year, a community school receiving funds 115291  
under division (A)(7) of section 3317.022 of the Revised Code 115292  
shall spend those funds only for the purposes that the department 115293  
designates as approved for career-technical education expenses. 115294  
Career-technical education expenses approved by the department 115295  
shall include only expenses connected to the delivery of 115296  
career-technical programming to career-technical students. The 115297  
department shall require the school to report data annually so 115298  
that the department may monitor the school's compliance with the 115299  
requirements regarding the manner in which funding received under 115300  
division (A)(7) of section 3317.022 of the Revised Code may be 115301  
spent. 115302

(3) Notwithstanding anything to the contrary in section 115303  
3313.90 of the Revised Code, except as provided in division (C)(5) 115304  
of this section, all funds received under division (A)(7) of 115305  
section 3317.022 of the Revised Code shall be spent in the 115306  
following manner: 115307

(a) At least seventy-five per cent of the funds shall be 115308  
spent on curriculum development, purchase, and implementation; 115309  
instructional resources and supplies; industry-based program 115310  
certification; student assessment, credentialing, and placement; 115311  
curriculum specific equipment purchases and leases; 115312  
career-technical student organization fees and expenses; home and 115313  
agency linkages; work-based learning experiences; professional 115314  
development; and other costs directly associated with 115315  
career-technical education programs including development of new 115316  
programs. 115317

(b) Not more than twenty-five per cent of the funds shall be 115318  
used for personnel expenditures. 115319

(4) A community school shall spend the funds it receives 115320  
under division (A)(4) of section 3317.022 of the Revised Code in 115321  
accordance with section 3317.25 of the Revised Code. 115322

(5) The department may waive the requirement in division 115323  
(C)(3) of this section for any community school that exclusively 115324  
provides one or more career-technical workforce development 115325  
programs in arts and communications that are not 115326  
equipment-intensive, as determined by the department. 115327

(6) For fiscal years 2022 and 2023, a community school shall 115328  
spend the funds it receives under division (A)(5) of section 115329  
3317.022 of the Revised Code only for services for English 115330  
learners. 115331

(D) A board of education sponsoring a community school may 115332  
utilize local funds to make enhancement grants to the school or 115333  
may agree, either as part of the contract or separately, to 115334  
provide any specific services to the community school at no cost 115335  
to the school. 115336

(E) A community school may not levy taxes or issue bonds 115337  
secured by tax revenues. 115338

(F) No community school shall charge tuition for the 115339  
enrollment of any student who is a resident of this state. A 115340  
community school may charge tuition for the enrollment of any 115341  
student who is not a resident of this state. 115342

(G)(1)(a) A community school may borrow money to pay any 115343  
necessary and actual expenses of the school in anticipation of the 115344  
receipt of any portion of the payments to be received by the 115345  
school pursuant to section 3317.022 of the Revised Code. The 115346  
school may issue notes to evidence such borrowing. The proceeds of 115347  
the notes shall be used only for the purposes for which the 115348  
anticipated receipts may be lawfully expended by the school. 115349

(b) A school may also borrow money for a term not to exceed 115350  
fifteen years for the purpose of acquiring facilities. 115351

(2) Except for any amount guaranteed under section 3318.50 of 115352  
the Revised Code, the state is not liable for debt incurred by the 115353

governing authority of a community school. 115354

(H) The department of education shall adjust the amounts paid 115355  
under section 3317.022 of the Revised Code to reflect any 115356  
enrollment of students in community schools for less than the 115357  
equivalent of a full school year. The state board of education 115358  
within ninety days after April 8, 2003, shall adopt in accordance 115359  
with Chapter 119. of the Revised Code rules governing the payments 115360  
to community schools under section 3317.022 of the Revised Code 115361  
including initial payments in a school year and adjustments and 115362  
reductions made in subsequent periodic payments to community 115363  
schools as provided under section 3317.022 of the Revised Code. 115364  
For purposes of this division: 115365

(1) A student shall be considered enrolled in the community 115366  
school for any portion of the school year the student is 115367  
participating at a college under Chapter 3365. of the Revised 115368  
Code. 115369

(2) A student shall be considered to be enrolled in a 115370  
community school for the period of time beginning on the later of 115371  
the date on which the school both has received documentation of 115372  
the student's enrollment from a parent and the student has 115373  
commenced participation in learning opportunities as defined in 115374  
the contract with the sponsor, or thirty days prior to the date on 115375  
which the student is entered into the education management 115376  
information system established under section 3301.0714 of the 115377  
Revised Code. For purposes of applying this division and divisions 115378  
(H)(3) and (4) of this section to a community school student, 115379  
"learning opportunities" shall be defined in the contract, which 115380  
shall describe both classroom-based and non-classroom-based 115381  
learning opportunities and shall be in compliance with criteria 115382  
and documentation requirements for student participation which 115383  
shall be established by the department. Any student's instruction 115384  
time in non-classroom-based learning opportunities shall be 115385

certified by an employee of the community school. A student's 115386  
enrollment shall be considered to cease on the date on which any 115387  
of the following occur: 115388

(a) The community school receives documentation from a parent 115389  
terminating enrollment of the student. 115390

(b) The community school is provided documentation of a 115391  
student's enrollment in another public or private school. 115392

(c) The community school ceases to offer learning 115393  
opportunities to the student pursuant to the terms of the contract 115394  
with the sponsor or the operation of any provision of this 115395  
chapter. 115396

Except as otherwise specified in this paragraph, beginning in 115397  
the 2011-2012 school year, any student who completed the prior 115398  
school year in an internet- or computer-based community school 115399  
shall be considered to be enrolled in the same school in the 115400  
subsequent school year until the student's enrollment has ceased 115401  
as specified in division (H)(2) of this section. The department 115402  
shall continue paying amounts for the student under section 115403  
3317.022 of the Revised Code without interruption at the start of 115404  
the subsequent school year. However, if the student without a 115405  
legitimate excuse fails to participate in the first seventy-two 115406  
consecutive hours of learning opportunities offered to the student 115407  
in that subsequent school year, the student shall be considered 115408  
not to have re-enrolled in the school for that school year and the 115409  
department shall recalculate the payments to the school for that 115410  
school year to account for the fact that the student is not 115411  
enrolled. 115412

(3) The department shall determine each community school 115413  
student's percentage of full-time equivalency based on the 115414  
percentage of learning opportunities offered by the community 115415  
school to that student, reported either as number of hours or 115416

number of days, is of the total learning opportunities offered by 115417  
the community school to a student who attends for the school's 115418  
entire school year. However, no internet- or computer-based 115419  
community school shall be credited for any time a student spends 115420  
participating in learning opportunities beyond ten hours within 115421  
any period of twenty-four consecutive hours. Whether it reports 115422  
hours or days of learning opportunities, each community school 115423  
shall offer not less than nine hundred twenty hours of learning 115424  
opportunities during the school year. 115425

(4) With respect to the calculation of full-time equivalency 115426  
under division (H)(3) of this section, the department shall waive 115427  
the number of hours or days of learning opportunities not offered 115428  
to a student because the community school was closed during the 115429  
school year due to disease epidemic, hazardous weather conditions, 115430  
law enforcement emergencies, inoperability of school buses or 115431  
other equipment necessary to the school's operation, damage to a 115432  
school building, or other temporary circumstances due to utility 115433  
failure rendering the school building unfit for school use, so 115434  
long as the school was actually open for instruction with students 115435  
in attendance during that school year for not less than the 115436  
minimum number of hours required by this chapter. The department 115437  
shall treat the school as if it were open for instruction with 115438  
students in attendance during the hours or days waived under this 115439  
division. 115440

(I) The department of education shall reduce the amounts paid 115441  
under section 3317.022 of the Revised Code to reflect payments 115442  
made to colleges under section 3365.07 of the Revised Code. 115443

(J)(1) No student shall be considered enrolled in any 115444  
internet- or computer-based community school or, if applicable to 115445  
the student, in any community school that is required to provide 115446  
the student with a computer pursuant to division (C) of section 115447  
3314.22 of the Revised Code, unless both of the following 115448

conditions are satisfied: 115449

(a) The student possesses or has been provided with all 115450  
required hardware and software materials and all such materials 115451  
are operational so that the student is capable of fully 115452  
participating in the learning opportunities specified in the 115453  
contract between the school and the school's sponsor as required 115454  
by division (A)(23) of section 3314.03 of the Revised Code; 115455

(b) The school is in compliance with division (A) of section 115456  
3314.22 of the Revised Code, relative to such student. 115457

(2) In accordance with policies adopted by the superintendent 115458  
of public instruction, in consultation with the auditor of state, 115459  
the department shall reduce the amounts otherwise payable under 115460  
section 3317.022 of the Revised Code to any community school that 115461  
includes in its program the provision of computer hardware and 115462  
software materials to any student, if such hardware and software 115463  
materials have not been delivered, installed, and activated for 115464  
each such student in a timely manner or other educational 115465  
materials or services have not been provided according to the 115466  
contract between the individual community school and its sponsor. 115467

The superintendent of public instruction and the auditor of 115468  
state shall jointly establish a method for auditing any community 115469  
school to which this division pertains to ensure compliance with 115470  
this section. 115471

The superintendent, auditor of state, and the governor shall 115472  
jointly make recommendations to the general assembly for 115473  
legislative changes that may be required to assure fiscal and 115474  
academic accountability for such schools. 115475

(K)(1) If the department determines that a review of a 115476  
community school's enrollment is necessary, such review shall be 115477  
completed and written notice of the findings shall be provided to 115478  
the governing authority of the community school and its sponsor 115479

within ninety days of the end of the community school's fiscal 115480  
year, unless extended for a period not to exceed thirty additional 115481  
days for one of the following reasons: 115482

(a) The department and the community school mutually agree to 115483  
the extension. 115484

(b) Delays in data submission caused by either a community 115485  
school or its sponsor. 115486

(2) If the review results in a finding that additional 115487  
funding is owed to the school, such payment shall be made within 115488  
thirty days of the written notice. If the review results in a 115489  
finding that the community school owes moneys to the state, the 115490  
following procedure shall apply: 115491

(a) Within ten business days of the receipt of the notice of 115492  
findings, the community school may appeal the department's 115493  
determination to the state board of education or its designee. 115494

(b) The board or its designee shall conduct an informal 115495  
hearing on the matter within thirty days of receipt of such an 115496  
appeal and shall issue a decision within fifteen days of the 115497  
conclusion of the hearing. 115498

(c) If the board has enlisted a designee to conduct the 115499  
hearing, the designee shall certify its decision to the board. The 115500  
board may accept the decision of the designee or may reject the 115501  
decision of the designee and issue its own decision on the matter. 115502

(d) Any decision made by the board under this division is 115503  
final. 115504

(3) If it is decided that the community school owes moneys to 115505  
the state, the department shall deduct such amount from the 115506  
school's future payments in accordance with guidelines issued by 115507  
the superintendent of public instruction. 115508

(L) The department shall not pay to a community school under 115509

section 3317.022 of the Revised Code any amount for any of the 115510  
following: 115511

(1) Any student who has graduated from the twelfth grade of a 115512  
public or nonpublic high school; 115513

(2) Any student who is not a resident of the state; 115514

(3) Any student who was enrolled in the community school 115515  
during the previous school year when assessments were administered 115516  
under section 3301.0711 of the Revised Code but did not take one 115517  
or more of the assessments required by that section and was not 115518  
excused pursuant to division (C)(1) or (3) of that section, unless 115519  
the superintendent of public instruction grants the student a 115520  
waiver from the requirement to take the assessment and a parent is 115521  
not paying tuition for the student pursuant to section 3314.26 of 115522  
the Revised Code. The superintendent may grant a waiver only for 115523  
good cause in accordance with rules adopted by the state board of 115524  
education. 115525

(4) Any student who has attained the age of twenty-two years, 115526  
except for veterans of the armed services whose attendance was 115527  
interrupted before completing the recognized twelve-year course of 115528  
the public schools by reason of induction or enlistment in the 115529  
armed forces and who apply for enrollment in a community school 115530  
not later than four years after termination of war or their 115531  
honorable discharge. If, however, any such veteran elects to 115532  
enroll in special courses organized for veterans for whom tuition 115533  
is paid under federal law, or otherwise, the department shall not 115534  
pay to a community school under section 3317.022 of the Revised 115535  
Code any amount for that veteran. 115536

**Sec. 3323.022.** The rules of the state board of education 115537  
adopted in consultation with the department of children and youth 115538  
for staffing ratios for programs with preschool children with 115539  
disabilities shall require the following: 115540

(A) A full-time staff member shall be provided when there are 115541  
eight full-day or sixteen half-day preschool children eligible for 115542  
special education enrolled in a center-based preschool special 115543  
education program. 115544

(B) Staff ratios of one teacher for every eight children 115545  
shall be maintained at all times for a program with a center-based 115546  
teacher, and a second adult shall be present when there are nine 115547  
or more children, including nondisabled children enrolled in a 115548  
class session. 115549

(C) Unless otherwise specified in the individualized 115550  
education program, a minimum of ten hours of services per week 115551  
shall be provided for each child served by a center-based teacher. 115552

**Sec. 3323.20.** ~~On July 1, 2006, and~~ Annually on each the first 115553  
day of July ~~thereafter~~, the department of education, in 115554  
consultation with the department of children and youth, shall 115555  
electronically report to the general assembly the number of 115556  
preschool children with disabilities who received services for 115557  
which the department of education made a payment to any provider 115558  
during the previous fiscal year, disaggregated according to each 115559  
area of developmental deficiency identified by the department of 115560  
education for the evaluation of such children. 115561

**Sec. 3323.32.** (A) The department of education shall contract 115562  
with an entity to administer programs and coordinate services for 115563  
infants, preschool and school-age children, and adults with autism 115564  
and low incidence disabilities. The entity shall be selected by 115565  
the superintendent of public instruction in consultation with the 115566  
director of children and youth and the advisory board established 115567  
under section 3323.33 of the Revised Code. 115568

The contract with the entity selected shall include, but not 115569  
be limited to, the following provisions: 115570

(1) A description of the programs to be administered and 115571  
services to be provided or coordinated by the entity, which shall 115572  
include at least the duties prescribed by sections 3323.34 and 115573  
3323.35 of the Revised Code; 115574

(2) A description of the expected outcomes from the programs 115575  
administered and services provided or coordinated by the entity; 115576

(3) A stipulation that the entity's performance is subject to 115577  
evaluation by the department and renewal of the entity's contract 115578  
is subject to the department's satisfaction with the entity's 115579  
performance; 115580

(4) A description of the measures and milestones the 115581  
department will use to determine whether the performance of the 115582  
entity is satisfactory; 115583

(5) Any other provision the department determines is 115584  
necessary to ensure the quality of services to individuals with 115585  
autism and low incidence disabilities. 115586

(B) In selecting the entity under division (A) of this 115587  
section, the superintendent, the director of children and youth, 115588  
and the advisory board shall give primary consideration to the 115589  
Ohio Center for Autism and Low Incidence, established under 115590  
section 3323.31 of the Revised Code, as long as the principal 115591  
goals and mission of the Center, as determined by the 115592  
superintendent, the director, and the advisory board, are 115593  
consistent with the requirements of divisions (A)(1) to (5) of 115594  
this section. 115595

**Sec. 3325.06.** (A) The state board of education, in 115596  
consultation with the department of children and youth, shall 115597  
institute and establish a program of education by the department 115598  
of education to train parents of deaf or hard of hearing children 115599  
of preschool age. The object and purpose of the educational 115600

program shall be to aid and assist the parents of deaf or hard of 115601  
hearing children of preschool age in affording to the children the 115602  
means of optimum communicational facilities. 115603

(B) The state board of education, in consultation with the 115604  
department of children and youth, shall institute and establish a 115605  
program of education to train and assist parents of children of 115606  
preschool age whose disabilities are visual impairments. The 115607  
object and purpose of the educational program shall be to enable 115608  
the parents of children of preschool age whose disabilities are 115609  
visual impairments to provide their children with learning 115610  
experiences that develop early literacy, communication, mobility, 115611  
and daily living skills so the children can function independently 115612  
in their living environments. 115613

**Sec. 3325.07.** The state board of education, in consultation 115614  
with the department of children and youth, in carrying out this 115615  
section and division (A) of section 3325.06 of the Revised Code 115616  
shall, insofar as practicable, plan, present, and carry into 115617  
effect an educational program by means of any of the following 115618  
methods of instruction: 115619

(A) Classes for parents of deaf or hard of hearing children 115620  
of preschool age; 115621

(B) A nursery school where parent and child would enter the 115622  
nursery school as a unit; 115623

(C) Correspondence course; 115624

(D) Personal consultations and interviews; 115625

(E) Day-care or child development courses; 115626

(F) Summer enrichment courses; 115627

(G) By such other means or methods as the superintendent of 115628  
the state school for the deaf deems advisable that would permit a 115629  
deaf or hard of hearing child of preschool age to construct a 115630

pattern of communication at an early age. 115631

The superintendent may allow children who are not deaf or 115632  
hard of hearing to participate in the methods of instruction 115633  
described in divisions (A) to (G) of this section as a means to 115634  
assist deaf or hard of hearing children to construct a pattern of 115635  
communication. The superintendent shall establish policies and 115636  
procedures regarding the participation of children who are not 115637  
deaf or hard of hearing. 115638

The superintendent may establish reasonable fees for 115639  
participation in the methods of instruction described in divisions 115640  
(A) to (G) of this section to defray the costs of carrying them 115641  
out. The superintendent shall determine the manner by which any 115642  
such fees shall be collected. All fees shall be deposited in the 115643  
even start fees and gifts fund, which is hereby created in the 115644  
state treasury. The money in the fund shall be used to implement 115645  
this section. 115646

**Sec. 3701.507.** (A) To assist in implementing sections 115647  
3701.503 to 3701.509 of the Revised Code, the medically 115648  
handicapped children's medical advisory council created in section 115649  
3701.025 of the Revised Code shall appoint a permanent infant 115650  
hearing screening subcommittee. The subcommittee shall consist of 115651  
the following members: 115652

(1) One otolaryngologist; 115653

(2) One neonatologist; 115654

(3) One pediatrician; 115655

(4) One neurologist; 115656

(5) One hospital administrator; 115657

(6) Two or more audiologists who are experienced in infant 115658  
hearing screening and evaluation; 115659

(7) One speech-language pathologist licensed under section 4753.07 of the Revised Code;	115660 115661
(8) Two persons who are each a parent of a hearing-impaired child;	115662 115663
(9) One geneticist;	115664
(10) One epidemiologist;	115665
(11) One adult who is deaf or hearing impaired;	115666
(12) One representative from an organization for persons who are deaf or hearing impaired;	115667 115668
(13) One family advocate;	115669
(14) One nurse from a well-baby neonatal nursery;	115670
(15) One nurse from a special care neonatal nursery;	115671
(16) One teacher of persons who are deaf who works with infants and toddlers;	115672 115673
(17) One representative of the health insurance industry;	115674
(18) One representative of the children with medical handicaps program;	115675 115676
(19) One representative of the department of education;	115677
(20) One representative of the department of medicaid;	115678
(21) <u>One representative of the department of children and youth;</u>	115679 115680
<u>(22)</u> Any other person the advisory council appoints.	115681
(B) The infant hearing subcommittee shall:	115682
(1) Consult with the director of health regarding the administration of sections 3701.503 to 3701.509 of the Revised Code;	115683 115684 115685
(2) Advise and make recommendations regarding proposed rules	115686

prior to their adoption by the director under section 3701.508 of the Revised Code; 115687  
115688

(3) Consult with the director of health and advise and make recommendations regarding program development and implementation under sections 3701.503 to 3701.509 of the Revised Code, including all of the following: 115689  
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(a) Establishment under section 3701.504 of the Revised Code of the statewide hearing screening, tracking, and early intervention program to identify newborn and infant hearing impairment; 115693  
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(b) Identification of locations where hearing evaluations may be conducted; 115697  
115698

(c) Recommendations for methods and techniques of hearing screening and hearing evaluation; 115699  
115700

(d) Referral, data recording and compilation, and procedures to encourage follow-up hearing care; 115701  
115702

(e) Maintenance of a register of newborns and infants who do not pass the hearing screening; 115703  
115704

(f) Preparation of the information required by section 3701.506 of the Revised Code. 115705  
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**Sec. 3701.78.** (A) There is hereby created the commission on minority health, consisting of ~~twenty-one~~ twenty-two members. The governor shall appoint to the commission nine members from among health researchers, health planners, and health professionals. The governor also shall appoint two members who are representatives of the lupus awareness and education program. The speaker of the house of representatives shall appoint to the commission two members of the house of representatives, not more than one of whom is a member of the same political party, and the president of the senate shall appoint to the commission two members of the senate, 115707  
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not more than one of whom is a member of the same political party. 115717  
The following shall be members of the commission: the directors of 115718  
health, mental health and addiction services, developmental 115719  
disabilities, children and youth, and job and family services, or 115720  
their designees; the medicaid director, or the director's 115721  
designee; and the superintendent of public instruction, or the 115722  
superintendent's designee. 115723

The commission shall elect a chairperson from among its 115724  
members. 115725

Of the members appointed by the governor, five shall be 115726  
appointed to initial terms of one year, and four shall be 115727  
appointed to initial terms of two years. Thereafter, all members 115728  
appointed by the governor shall be appointed to terms of two 115729  
years. All members of the commission appointed by the speaker of 115730  
the house of representatives or the president of the senate shall 115731  
be nonvoting members of the commission and be appointed within 115732  
thirty days after the commencement of the first regular session of 115733  
each general assembly, and shall serve until the expiration of the 115734  
session of the general assembly during which they were appointed. 115735

Members of the commission shall serve without compensation, 115736  
but shall be reimbursed for the actual and necessary expenses they 115737  
incur in the performance of their official duties. 115738

(B) The commission shall promote health and the prevention of 115739  
disease among members of minority groups. Each year the commission 115740  
shall distribute grants from available funds to community-based 115741  
health groups to be used to promote health and the prevention of 115742  
disease among members of minority groups. As used in this 115743  
division, "minority group" means any of the following economically 115744  
disadvantaged groups: Blacks, American Indians, Hispanics, and 115745  
Orientals. The commission shall adopt and maintain rules pursuant 115746  
to Chapter 119. of the Revised Code to provide for the 115747  
distribution of these grants. No group shall qualify to receive a 115748

grant from the commission unless it receives at least twenty per 115749  
cent of its funds from sources other than grants distributed under 115750  
this section. 115751

(C) The commission may appoint such employees as it considers 115752  
necessary to carry out its duties under this section. The 115753  
department of health shall provide office space for the 115754  
commission. 115755

(D) The commission shall meet at the call of its chairperson 115756  
to conduct its official business. A majority of the voting members 115757  
of the commission constitute a quorum. The votes of at least eight 115758  
voting members of the commission are necessary for the commission 115759  
to take any official action or to approve the distribution of 115760  
grants under this section. 115761

**Sec. 3701.80.** The department of health shall cooperate with 115762  
the director of ~~job~~ children and ~~family services~~ youth when the 115763  
director promulgates rules pursuant to Chapter 5104. of the 115764  
Revised Code governing the health and sanitary practices of meal 115765  
preparation and service for type A family day-care homes, as 115766  
defined in section 5104.01 of the Revised Code, recommend 115767  
procedures for inspecting type A family day-care homes to 115768  
determine whether they are in compliance with those rules, and 115769  
provide training and technical assistance to the director on the 115770  
procedures for determining compliance with those rules. 115771

**Sec. 3705.32.** (A) Except as provided in this section, records 115772  
received and information assembled by the birth defects 115773  
information system pursuant to section 3705.30 of the Revised Code 115774  
are confidential medical records. 115775

(B)(1) The director of health may use information assembled 115776  
by the system to notify parents, guardians, and custodians of 115777  
children with congenital anomalies or abnormal conditions of 115778

medical care and other services available for the child and 115779  
family. 115780

(2) The director may disclose information assembled by the 115781  
system with the written consent of the parent or legal guardian of 115782  
the child who is the subject of the information. 115783

(C)(1) Access to information assembled by the system shall be 115784  
limited to the following persons and government entities: 115785

(a) The director of health; 115786

(b) Authorized employees of the department of health; 115787

(c) The director of children and youth; 115788

(d) Qualified persons or government entities that are engaged 115789  
in demographic, epidemiological, or similar studies related to 115790  
health and health care provision. 115791

(2) The director shall give a person or government entity 115792  
described in division ~~(C)(1)(e)~~(C)(1)(d) of this section access to 115793  
the system only if the person or a representative of the person or 115794  
government entity signs an agreement to maintain the system's 115795  
confidentiality. 115796

(3) The director shall maintain a record of all persons and 115797  
government entities given access to the information in the system. 115798  
The record shall include all of the following information: 115799

(a) The name of the person who authorized access to the 115800  
system; 115801

(b) The name, title, and organizational affiliation of the 115802  
person or government entity given access to the system; 115803

(c) The dates the person or government entity was given 115804  
access to the system; 115805

(d) The specific purpose for which the person or government 115806  
entity intends to use the information. 115807

(4) The record maintained pursuant to division (C)(3) of this section is a public record, as defined in section 149.43 of the Revised Code.

(5) A person who violates an agreement described in division (C)(2) of this section may be denied further access to confidential information maintained by the director.

(D) The director may disclose information assembled by the system in summary, statistical, or other form that does not identify particular individuals or individual sources of information.

**Sec. 3705.36.** Three years after the date a birth defects information system is implemented pursuant to section 3705.30 of the Revised Code, and annually thereafter, the department of health shall prepare a report regarding the birth defects information system. The department shall file the report with the governor, the president and minority leader of the senate, the speaker and minority leader of the house of representatives, the departments of developmental disabilities, education, children and youth, and job and family services, the commission on minority health, and the news media.

**Sec. 3705.40.** (A) As used in this section:

(1) "Board of health" means a board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.

(2) "Geocoding" means a geographic information system (GIS) operation for converting street addresses into spatial data that can be displayed as features on a map, usually by referencing address information from a street segment data layer.

(B) The state registrar shall ensure that the department of children and youth and each board of health ~~has~~ have access to

preliminary birth and death data maintained by the department of 115838  
health, as well as access to any electronic system of vital 115839  
records the state registrar or department of health maintains, 115840  
including the Ohio public health information warehouse. To the 115841  
extent possible, the preliminary data shall be provided in a 115842  
format that permits geocoding. If the state registrar requires the 115843  
department of children and youth or a board to enter into a data 115844  
use agreement before accessing such data or systems, the state 115845  
registrar shall provide the department and each board with an 115846  
application for this purpose and, if requested, assist with the 115847  
application's completion. 115848

(C) The state registrar shall provide the users of the 115849  
preliminary data and electronic systems described in division (B) 115850  
of this section with a data analysis tool kit that assists the 115851  
users with using the data in a manner that promotes consistency 115852  
and accuracy among users. The tool kit shall include a data 115853  
dictionary and sample data analyses. 115854

**Sec. 3737.22.** (A) The fire marshal shall do all of the 115855  
following: 115856

(1) Adopt the state fire code under sections 3737.82 to 115857  
3737.86 of the Revised Code; 115858

(2) Enforce the state fire code; 115859

(3) Appoint assistant fire marshals who are authorized to 115860  
enforce the state fire code; 115861

(4) Conduct investigations into the cause, origin, and 115862  
circumstances of fires and explosions, and assist in the 115863  
prosecution of persons believed to be guilty of arson or a similar 115864  
crime; 115865

(5) Compile statistics concerning loss due to fire and 115866  
explosion as the fire marshal considers necessary, and consider 115867

the compatibility of the fire marshal's system of compilation with 115868  
the systems of other state and federal agencies and fire marshals 115869  
of other states; 115870

(6) Engage in research on the cause and prevention of losses 115871  
due to fire and explosion; 115872

(7) Engage in public education and informational activities 115873  
which will inform the public of fire safety information; 115874

(8) Operate a fire training academy and forensic laboratory; 115875

(9) Conduct other fire safety and fire fighting training 115876  
activities for the public and groups as will further the cause of 115877  
fire safety; 115878

(10) Conduct licensing examinations, and issue permits, 115879  
licenses, and certificates, as authorized by the Revised Code; 115880

(11) Conduct tests of fire protection systems and devices, 115881  
and fire fighting equipment to determine compliance with the state 115882  
fire code, unless a building is insured against the hazard of 115883  
fire, in which case such tests may be performed by the company 115884  
insuring the building; 115885

(12) Establish and collect fees for conducting licensing 115886  
examinations and for issuing permits, licenses, and certificates; 115887

(13) Make available for the prosecuting attorney and an 115888  
assistant prosecuting attorney from each county of this state, in 115889  
accordance with section 3737.331 of the Revised Code, a seminar 115890  
program, attendance at which is optional, that is designed to 115891  
provide current information, data, training, and techniques 115892  
relative to the prosecution of arson cases; 115893

(14) Administer and enforce Chapter 3743. of the Revised 115894  
Code; 115895

(15) Develop a uniform standard for the reporting of 115896  
information required to be filed under division (E)(4) of section 115897

2921.22 of the Revised Code, and accept the reports of the 115898  
information when they are filed. 115899

(B) The fire marshal shall appoint a chief deputy fire 115900  
marshal, and shall employ professional and clerical assistants as 115901  
the fire marshal considers necessary. The chief deputy shall be a 115902  
competent former or current member of a fire agency and possess 115903  
five years of recent, progressively more responsible experience in 115904  
fire inspection, fire code enforcement, and fire code management. 115905  
The chief deputy, with the approval of the director of commerce, 115906  
shall temporarily assume the duties of the fire marshal when the 115907  
fire marshal is absent or temporarily unable to carry out the 115908  
duties of the office. When there is a vacancy in the office of 115909  
fire marshal, the chief deputy, with the approval of the director 115910  
of commerce, shall temporarily assume the duties of the fire 115911  
marshal until a new fire marshal is appointed under section 115912  
3737.21 of the Revised Code. 115913

All employees, other than the fire marshal; the chief deputy 115914  
fire marshal; the superintendent of the Ohio fire academy; the 115915  
grants administrator; the fiscal officer; the executive secretary 115916  
to the fire marshal; legal counsel; the pyrotechnics 115917  
administrator, the chief of the forensic laboratory; the person 115918  
appointed by the fire marshal to serve as administrator over 115919  
functions concerning testing, license examinations, and the 115920  
issuance of permits and certificates; and the chiefs of the 115921  
bureaus of fire prevention, of fire and explosion investigation, 115922  
of code enforcement, and of underground storage tanks shall be in 115923  
the classified civil service. The fire marshal shall authorize the 115924  
chief deputy and other employees under the fire marshal's 115925  
supervision to exercise powers granted to the fire marshal by law 115926  
as may be necessary to carry out the duties of the fire marshal's 115927  
office. 115928

(C) The fire marshal shall create, in and as a part of the 115929

office of fire marshal, a fire and explosion investigation bureau 115930  
consisting of a chief of the bureau and additional assistant fire 115931  
marshals as the fire marshal determines necessary for the 115932  
efficient administration of the bureau. The chief shall be 115933  
experienced in the investigation of the cause, origin, and 115934  
circumstances of fires, and in administration, including the 115935  
supervision of subordinates. The chief, among other duties 115936  
delegated to the chief by the fire marshal, shall be responsible, 115937  
under the direction of the fire marshal, for the investigation of 115938  
the cause, origin, and circumstances of fires and explosions in 115939  
the state, and for assistance in the prosecution of persons 115940  
believed to be guilty of arson or a similar crime. 115941

(D)(1) The fire marshal shall create, as part of the office 115942  
of fire marshal, a bureau of code enforcement consisting of a 115943  
chief of the bureau and additional assistant fire marshals as the 115944  
fire marshal determines necessary for the efficient administration 115945  
of the bureau. The chief shall be qualified, by education or 115946  
experience, in fire inspection, fire code development, fire code 115947  
enforcement, or any other similar field determined by the fire 115948  
marshal, and in administration, including the supervision of 115949  
subordinates. The chief is responsible, under the direction of the 115950  
fire marshal, for fire inspection, fire code development, fire 115951  
code enforcement, and any other duties delegated to the chief by 115952  
the fire marshal. 115953

(2) The fire marshal, the chief deputy fire marshal, the 115954  
chief of the bureau of code enforcement, or any assistant fire 115955  
marshal under the direction of the fire marshal, the chief deputy 115956  
fire marshal, or the chief of the bureau of code enforcement may 115957  
cause to be conducted the inspection of all buildings, structures, 115958  
and other places, the condition of which may be dangerous from a 115959  
fire safety standpoint to life or property, or to property 115960  
adjacent to the buildings, structures, or other places. 115961

(E) The fire marshal shall create, as a part of the office of fire marshal, a bureau of fire prevention consisting of a chief of the bureau and additional assistant fire marshals as the fire marshal determines necessary for the efficient administration of the bureau. The chief shall be qualified, by education or experience, to promote programs for rural and urban fire prevention and protection. The chief, among other duties delegated to the chief by the fire marshal, is responsible, under the direction of the fire marshal, for the promotion of rural and urban fire prevention and protection through public information and education programs.

(F) The fire marshal shall cooperate with the director of ~~job~~ children and ~~family services~~ youth when the director adopts rules under section 5104.052 of the Revised Code regarding fire prevention and fire safety in licensed type B family day-care homes, as defined in section 5104.01 of the Revised Code, recommend procedures for inspecting type B homes to determine whether they are in compliance with those rules, and provide training and technical assistance to the director of children and youth and county directors of job and family services on the procedures for determining compliance with those rules.

(G) The fire marshal, upon request of a provider of child care in a type B home that is not licensed by the director of ~~job~~ children and ~~family services~~ youth, as a precondition of approval by the state board of education under section 3313.813 of the Revised Code for receipt of United States department of agriculture child and adult care food program funds established under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, shall inspect the type B home to determine compliance with rules adopted under section 5104.052 of the Revised Code regarding fire prevention and fire safety in licensed type B homes. In municipal corporations and in townships

where there is a certified fire safety inspector, the inspections 115994  
shall be made by that inspector under the supervision of the fire 115995  
marshal, according to rules adopted under section 5104.052 of the 115996  
Revised Code. In townships outside municipal corporations where 115997  
there is no certified fire safety inspector, inspections shall be 115998  
made by the fire marshal. 115999

**Sec. 3742.32.** (A) The director of health shall appoint an 116000  
advisory council to assist in the ongoing development and 116001  
implementation of the child lead poisoning prevention program 116002  
created under section 3742.31 of the Revised Code. The advisory 116003  
council shall consist of the following members: 116004

(1) A representative of the department of medicaid; 116005

(2) A representative of the bureau of child care in the 116006  
department of job and family services; 116007

(3) A representative of the department of environmental 116008  
protection; 116009

(4) A representative of the department of education; 116010

(5) A representative of the department of development 116011  
~~services agency~~; 116012

(6) A representative of the department of children and youth; 116013

(7) A representative of the Ohio apartment owner's 116014  
association; 116015

~~(7)~~(8) A representative of the Ohio healthy homes network; 116016

~~(8)~~(9) A representative of the Ohio environmental health 116017  
association; 116018

~~(9)~~(10) An Ohio representative of the American coatings 116019  
association; 116020

~~(10)~~(11) A representative from Ohio realtors; 116021

~~(11)~~(12) A representative of the Ohio housing finance agency; 116022

~~(12)~~(13) A physician knowledgeable in the field of lead 116023  
poisoning prevention; 116024

~~(13)~~(14) A representative of the public. 116025

(B) The advisory council shall do both of the following: 116026

(1) Provide the director with advice regarding the policies 116027  
the child lead poisoning prevention program should emphasize, 116028  
preferred methods of financing the program, and any other matter 116029  
relevant to the program's operation; 116030

(2) Submit a report of the state's activities to the 116031  
governor, president of the senate, and speaker of the house of 116032  
representatives on or before the first day of March each year. 116033

(C) The advisory council is not subject to sections 101.82 to 116034  
101.87 of the Revised Code. 116035

**Sec. 3781.06.** (A)(1) Any building that may be used as a place 116036  
of resort, assembly, education, entertainment, lodging, dwelling, 116037  
trade, manufacture, repair, storage, traffic, or occupancy by the 116038  
public, any residential building, and all other buildings or parts 116039  
and appurtenances of those buildings erected within this state, 116040  
shall be so constructed, erected, equipped, and maintained that 116041  
they shall be safe and sanitary for their intended use and 116042  
occupancy. 116043

(2) Nothing in sections 3781.06 to 3781.18, 3781.40, and 116044  
3791.04 of the Revised Code shall be construed to limit the power 116045  
of the division of industrial compliance of the department of 116046  
commerce to adopt rules of uniform application governing 116047  
manufactured home parks pursuant to section 4781.26 of the Revised 116048  
Code. 116049

(B) Sections 3781.06 to 3781.18, 3781.40, and 3791.04 of the 116050  
Revised Code do not apply to any of the following: 116051

(1) Buildings or structures that are incident to the use for 116052  
agricultural purposes of the land on which the buildings or 116053  
structures are located, provided those buildings or structures are 116054  
not used in the business of retail trade. For purposes of this 116055  
division, a building or structure is not considered used in the 116056  
business of retail trade if fifty per cent or more of the gross 116057  
income received from sales of products in the building or 116058  
structure by the owner or operator is from sales of products 116059  
produced or raised in a normal crop year on farms owned or 116060  
operated by the seller. 116061

(2) Existing single-family, two-family, and three-family 116062  
detached dwelling houses for which applications have been 116063  
submitted to the director of ~~job~~ children and ~~family services~~ 116064  
youth pursuant to section 5104.03 of the Revised Code for the 116065  
purposes of operating type A family day-care homes as defined in 116066  
section 5104.01 of the Revised Code; 116067

(3) A mobile computing unit. As used in this division, 116068  
"mobile computing unit" means an assembly that meets all of the 116069  
following criteria: 116070

(a) Its purpose is to house and operate computers as defined 116071  
in section 2913.01 of the Revised Code. 116072

(b) Its exterior is integral to the protection or cooling, or 116073  
both, of the computers housed within it. 116074

(c) It is not attached to a permanent foundation. 116075

(d) It is not accessible to the public. 116076

(e) It is not designed for regular occupancy, but rather 116077  
limited access for service and maintenance. 116078

(f) It can be moved or transported as a single integrated 116079  
unit. 116080

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 116081

Revised Code: 116082

(1) "Agricultural purposes" include agriculture, farming, 116083  
dairying, pasturage, apiculture, algaculture meaning the farming 116084  
of algae, horticulture, floriculture, viticulture, ornamental 116085  
horticulture, olericulture, pomiculture, and animal and poultry 116086  
husbandry. 116087

(2) "Building" means any structure consisting of foundations, 116088  
walls, columns, girders, beams, floors, and roof, or a combination 116089  
of any number of these parts, with or without other parts or 116090  
appurtenances. 116091

(3) "Industrialized unit" means a building unit or assembly 116092  
of closed construction fabricated in an off-site facility, that is 116093  
substantially self-sufficient as a unit or as part of a greater 116094  
structure, and that requires transportation to the site of 116095  
intended use. "Industrialized unit" includes units installed on 116096  
the site as independent units, as part of a group of units, or 116097  
incorporated with standard construction methods to form a 116098  
completed structural entity. "Industrialized unit" does not 116099  
include a manufactured home as defined by division (C)(4) of this 116100  
section or a mobile home as defined by division (O) of section 116101  
4501.01 of the Revised Code. 116102

(4) "Manufactured home" means a building unit or assembly of 116103  
closed construction that is fabricated in an off-site facility and 116104  
constructed in conformance with the federal construction and 116105  
safety standards established by the secretary of housing and urban 116106  
development pursuant to the "Manufactured Housing Construction and 116107  
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 116108  
5403, and that has a permanent label or tag affixed to it, as 116109  
specified in 42 U.S.C.A. 5415, certifying compliance with all 116110  
applicable federal construction and safety standards. 116111

(5) "Permanent foundation" means permanent masonry, concrete, 116112

or a footing or foundation approved by the division of industrial 116113  
compliance of the department of commerce pursuant to Chapter 4781. 116114  
of the Revised Code, to which a manufactured or mobile home may be 116115  
affixed. 116116

(6) "Permanently sited manufactured home" means a 116117  
manufactured home that meets all of the following criteria: 116118

(a) The structure is affixed to a permanent foundation and is 116119  
connected to appropriate facilities; 116120

(b) The structure, excluding any addition, has a width of at 116121  
least twenty-two feet at one point, a length of at least 116122  
twenty-two feet at one point, and a total living area, excluding 116123  
garages, porches, or attachments, of at least nine hundred square 116124  
feet; 116125

(c) The structure has a minimum 3:12 residential roof pitch, 116126  
conventional residential siding, and a six-inch minimum eave 116127  
overhang, including appropriate guttering; 116128

(d) The structure was manufactured after January 1, 1995; 116129

(e) The structure is not located in a manufactured home park 116130  
as defined by section 4781.01 of the Revised Code. 116131

(7) "Safe," with respect to a building, means it is free from 116132  
danger or hazard to the life, safety, health, or welfare of 116133  
persons occupying or frequenting it, or of the public and from 116134  
danger of settlement, movement, disintegration, or collapse, 116135  
whether such danger arises from the methods or materials of its 116136  
construction or from equipment installed therein, for the purpose 116137  
of lighting, heating, the transmission or utilization of electric 116138  
current, or from its location or otherwise. 116139

(8) "Sanitary," with respect to a building, means it is free 116140  
from danger or hazard to the health of persons occupying or 116141  
frequenting it or to that of the public, if such danger arises 116142

from the method or materials of its construction or from any 116143  
equipment installed therein, for the purpose of lighting, heating, 116144  
ventilating, or plumbing. 116145

(9) "Residential building" means a one-family, two-family, or 116146  
three-family dwelling house, and any accessory structure 116147  
incidental to that dwelling house. "Residential building" includes 116148  
a one-family, two-family, or three-family dwelling house that is 116149  
used as a model to promote the sale of a similar dwelling house. 116150  
"Residential building" does not include an industrialized unit as 116151  
defined by division (C)(3) of this section, a manufactured home as 116152  
defined by division (C)(4) of this section, or a mobile home as 116153  
defined by division (O) of section 4501.01 of the Revised Code. 116154

(10) "Nonresidential building" means any building that is not 116155  
a residential building or a manufactured or mobile home. 116156

(11) "Accessory structure" means a structure that is attached 116157  
to a residential building and serves the principal use of the 116158  
residential building. "Accessory structure" includes, but is not 116159  
limited to, a garage, porch, or screened-in patio. 116160

**Sec. 3781.10.** (A)(1) The board of building standards shall 116161  
formulate and adopt rules governing the erection, construction, 116162  
repair, alteration, and maintenance of all buildings or classes of 116163  
buildings specified in section 3781.06 of the Revised Code, 116164  
including land area incidental to those buildings, the 116165  
construction of industrialized units, the installation of 116166  
equipment, and the standards or requirements for materials used in 116167  
connection with those buildings. The board shall incorporate those 116168  
rules into separate residential and nonresidential building codes. 116169  
The standards shall relate to the conservation of energy and the 116170  
safety and sanitation of those buildings. 116171

(2) The rules governing nonresidential buildings are the 116172  
lawful minimum requirements specified for those buildings and 116173

industrialized units, except that no rule other than as provided 116174  
in division (C) of section 3781.108 of the Revised Code that 116175  
specifies a higher requirement than is imposed by any section of 116176  
the Revised Code is enforceable. The rules governing residential 116177  
buildings are uniform requirements for residential buildings in 116178  
any area with a building department certified to enforce the state 116179  
residential building code. In no case shall any local code or 116180  
regulation differ from the state residential building code unless 116181  
that code or regulation addresses subject matter not addressed by 116182  
the state residential building code or is adopted pursuant to 116183  
section 3781.01 of the Revised Code. 116184

(3) The rules adopted pursuant to this section are complete, 116185  
lawful alternatives to any requirements specified for buildings or 116186  
industrialized units in any section of the Revised Code. Except as 116187  
otherwise provided in division (I) of this section, the board 116188  
shall, on its own motion or on application made under sections 116189  
3781.12 and 3781.13 of the Revised Code, formulate, propose, 116190  
adopt, modify, amend, or repeal the rules to the extent necessary 116191  
or desirable to effectuate the purposes of sections 3781.06 to 116192  
3781.18 of the Revised Code. 116193

(B) The board shall report to the general assembly proposals 116194  
for amendments to existing statutes relating to the purposes 116195  
declared in section 3781.06 of the Revised Code that public health 116196  
and safety and the development of the arts require and shall 116197  
recommend any additional legislation to assist in carrying out 116198  
fully, in statutory form, the purposes declared in that section. 116199  
The board shall prepare and submit to the general assembly a 116200  
summary report of the number, nature, and disposition of the 116201  
petitions filed under sections 3781.13 and 3781.14 of the Revised 116202  
Code. 116203

(C) On its own motion or on application made under sections 116204  
3781.12 and 3781.13 of the Revised Code, and after thorough 116205

testing and evaluation, the board shall determine by rule that any 116206  
particular fixture, device, material, process of manufacture, 116207  
manufactured unit or component, method of manufacture, system, or 116208  
method of construction complies with performance standards adopted 116209  
pursuant to section 3781.11 of the Revised Code. The board shall 116210  
make its determination with regard to adaptability for safe and 116211  
sanitary erection, use, or construction, to that described in any 116212  
section of the Revised Code, wherever the use of a fixture, 116213  
device, material, method of manufacture, system, or method of 116214  
construction described in that section of the Revised Code is 116215  
permitted by law. The board shall amend or annul any rule or issue 116216  
an authorization for the use of a new material or manufactured 116217  
unit on any like application. No department, officer, board, or 116218  
commission of the state other than the board of building standards 116219  
or the board of building appeals shall permit the use of any 116220  
fixture, device, material, method of manufacture, newly designed 116221  
product, system, or method of construction at variance with what 116222  
is described in any rule the board of building standards adopts or 116223  
issues or that is authorized by any section of the Revised Code. 116224  
Nothing in this section shall be construed as requiring approval, 116225  
by rule, of plans for an industrialized unit that conforms with 116226  
the rules the board of building standards adopts pursuant to 116227  
section 3781.11 of the Revised Code. 116228

(D) The board shall recommend rules, codes, and standards to 116229  
help carry out the purposes of section 3781.06 of the Revised Code 116230  
and to help secure uniformity of state administrative rulings and 116231  
local legislation and administrative action to the bureau of 116232  
workers' compensation, the director of commerce, any other 116233  
department, officer, board, or commission of the state, and to 116234  
legislative authorities and building departments of counties, 116235  
townships, and municipal corporations, and shall recommend that 116236  
they audit those recommended rules, codes, and standards by any 116237  
appropriate action that they are allowed pursuant to law or the 116238

constitution. 116239

(E)(1) The board shall certify municipal, township, and 116240  
county building departments, the personnel of those building 116241  
departments, persons described in division (E)(7) of this section, 116242  
and employees of individuals, firms, the state, or corporations 116243  
described in division (E)(7) of this section to exercise 116244  
enforcement authority, to accept and approve plans and 116245  
specifications, and to make inspections, pursuant to sections 116246  
3781.03, 3791.04, and 4104.43 of the Revised Code. 116247

(2) The board shall certify departments, personnel, and 116248  
persons to enforce the state residential building code, to enforce 116249  
the nonresidential building code, or to enforce both the 116250  
residential and the nonresidential building codes. Any department, 116251  
personnel, or person may enforce only the type of building code 116252  
for which certified. 116253

(3) The board shall not require a building department, its 116254  
personnel, or any persons that it employs to be certified for 116255  
residential building code enforcement if that building department 116256  
does not enforce the state residential building code. The board 116257  
shall specify, in rules adopted pursuant to Chapter 119. of the 116258  
Revised Code, the requirements for certification for residential 116259  
and nonresidential building code enforcement, which shall be 116260  
consistent with this division. The requirements for residential 116261  
and nonresidential certification may differ. Except as otherwise 116262  
provided in this division, the requirements shall include, but are 116263  
not limited to, the satisfactory completion of an initial 116264  
examination and, to remain certified, the completion of a 116265  
specified number of hours of continuing building code education 116266  
within each three-year period following the date of certification 116267  
which shall be not less than thirty hours. The rules shall provide 116268  
that continuing education credits and certification issued by the 116269  
council of American building officials, national model code 116270

organizations, and agencies or entities the board recognizes are 116271  
acceptable for purposes of this division. The rules shall specify 116272  
requirements that are consistent with the provisions of section 116273  
5903.12 of the Revised Code relating to active duty military 116274  
service and are compatible, to the extent possible, with 116275  
requirements the council of American building officials and 116276  
national model code organizations establish. 116277

(4) The board shall establish and collect a certification and 116278  
renewal fee for building department personnel, and persons and 116279  
employees of persons, firms, or corporations as described in this 116280  
section, who are certified pursuant to this division. 116281

(5) Any individual certified pursuant to this division shall 116282  
complete the number of hours of continuing building code education 116283  
that the board requires or, for failure to do so, forfeit 116284  
certification. 116285

(6) This division does not require or authorize the board to 116286  
certify personnel of municipal, township, and county building 116287  
departments, and persons and employees of persons, firms, or 116288  
corporations as described in this section, whose responsibilities 116289  
do not include the exercise of enforcement authority, the approval 116290  
of plans and specifications, or making inspections under the state 116291  
residential and nonresidential building codes. 116292

(7) Enforcement authority for approval of plans and 116293  
specifications and enforcement authority for inspections may be 116294  
exercised, and plans and specifications may be approved and 116295  
inspections may be made on behalf of a municipal corporation, 116296  
township, or county, by any of the following who the board of 116297  
building standards certifies: 116298

(a) Officers or employees of the municipal corporation, 116299  
township, or county; 116300

(b) Persons, or employees of persons, firms, or corporations, 116301

pursuant to a contract to furnish architectural, engineering, or 116302  
other services to the municipal corporation, township, or county; 116303

(c) Officers or employees of, and persons under contract 116304  
with, a municipal corporation, township, county, health district, 116305  
or other political subdivision, pursuant to a contract to furnish 116306  
architectural, engineering, or other services; 116307

(d) Officers or employees of the division of industrial 116308  
compliance in the department of commerce pursuant to a contract 116309  
authorized by division (B) of section 121.083 of the Revised Code. 116310

(8) Municipal, township, and county building departments have 116311  
jurisdiction within the meaning of sections 3781.03, 3791.04, and 116312  
4104.43 of the Revised Code, only with respect to the types of 116313  
buildings and subject matters for which they are certified under 116314  
this section. 116315

(9) A certified municipal, township, or county building 116316  
department may exercise enforcement authority, accept and approve 116317  
plans and specifications, and make inspections pursuant to 116318  
sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a 116319  
park district created pursuant to Chapter 1545. of the Revised 116320  
Code upon the approval, by resolution, of the board of park 116321  
commissioners of the park district requesting the department to 116322  
exercise that authority and conduct those activities, as 116323  
applicable. 116324

(10) Certification shall be granted upon application by the 116325  
municipal corporation, the board of township trustees, or the 116326  
board of county commissioners and approval of that application by 116327  
the board of building standards. The application shall set forth: 116328

(a) Whether the certification is requested for residential or 116329  
nonresidential buildings, or both; 116330

(b) The number and qualifications of the staff composing the 116331  
building department; 116332

(c) The names, addresses, and qualifications of persons, 116333  
firms, or corporations contracting to furnish work or services 116334  
pursuant to division (E)(7)(b) of this section; 116335

(d) The names of any other municipal corporation, township, 116336  
county, health district, or political subdivision under contract 116337  
to furnish work or services pursuant to division (E)(7) of this 116338  
section; 116339

(e) The proposed budget for the operation of the building 116340  
department. 116341

(11) The board of building standards shall adopt rules 116342  
governing all of the following: 116343

(a) The certification of building department personnel and 116344  
persons and employees of persons, firms, or corporations 116345  
exercising authority pursuant to division (E)(7) of this section. 116346  
The rules shall disqualify any employee of the department or 116347  
person who contracts for services with the department from 116348  
performing services for the department when that employee or 116349  
person would have to pass upon, inspect, or otherwise exercise 116350  
authority over any labor, material, or equipment the employee or 116351  
person furnishes for the construction, alteration, or maintenance 116352  
of a building or the preparation of working drawings or 116353  
specifications for work within the jurisdictional area of the 116354  
department. The department shall provide other similarly qualified 116355  
personnel to enforce the residential and nonresidential building 116356  
codes as they pertain to that work. 116357

(b) The minimum services to be provided by a certified 116358  
building department. 116359

(12) The board of building standards may revoke or suspend 116360  
certification to enforce the residential and nonresidential 116361  
building codes, on petition to the board by any person affected by 116362  
that enforcement or approval of plans, or by the board on its own 116363

motion. Hearings shall be held and appeals permitted on any 116364  
proceedings for certification or revocation or suspension of 116365  
certification in the same manner as provided in section 3781.101 116366  
of the Revised Code for other proceedings of the board of building 116367  
standards. 116368

(13) Upon certification, and until that authority is revoked, 116369  
any county or township building department shall enforce the 116370  
residential and nonresidential building codes for which it is 116371  
certified without regard to limitation upon the authority of 116372  
boards of county commissioners under Chapter 307. of the Revised 116373  
Code or boards of township trustees under Chapter 505. of the 116374  
Revised Code. 116375

(14) The board shall certify a person to exercise enforcement 116376  
authority, to accept and approve plans and specifications, or to 116377  
make inspections in this state in accordance with Chapter 4796. of 116378  
the Revised Code if either of the following applies: 116379

(a) The person holds a license or certificate in another 116380  
state. 116381

(b) The person has satisfactory work experience, a government 116382  
certification, or a private certification as described in that 116383  
chapter in the same profession, occupation, or occupational 116384  
activity as the profession, occupation, or occupational activity 116385  
for which the certificate is required in this state in a state 116386  
that does not issue that license or certificate. 116387

(F) In addition to hearings sections 3781.06 to 3781.18 and 116388  
3791.04 of the Revised Code require, the board of building 116389  
standards shall make investigations and tests, and require from 116390  
other state departments, officers, boards, and commissions 116391  
information the board considers necessary or desirable to assist 116392  
it in the discharge of any duty or the exercise of any power 116393  
mentioned in this section or in sections 3781.06 to 3781.18, 116394

3791.04, and 4104.43 of the Revised Code. 116395

(G) The board shall adopt rules and establish reasonable fees 116396  
for the review of all applications submitted where the applicant 116397  
applies for authority to use a new material, assembly, or product 116398  
of a manufacturing process. The fee shall bear some reasonable 116399  
relationship to the cost of the review or testing of the 116400  
materials, assembly, or products and for the notification of 116401  
approval or disapproval as provided in section 3781.12 of the 116402  
Revised Code. 116403

(H) The residential construction advisory committee shall 116404  
provide the board with a proposal for a state residential building 116405  
code that the committee recommends pursuant to division (D)(1) of 116406  
section 4740.14 of the Revised Code. Upon receiving a 116407  
recommendation from the committee that is acceptable to the board, 116408  
the board shall adopt rules establishing that code as the state 116409  
residential building code. 116410

(I)(1) The committee may provide the board with proposed 116411  
rules to update or amend the state residential building code that 116412  
the committee recommends pursuant to division (E) of section 116413  
4740.14 of the Revised Code. 116414

(2) If the board receives a proposed rule to update or amend 116415  
the state residential building code as provided in division (I)(1) 116416  
of this section, the board either may accept or reject the 116417  
proposed rule for incorporation into the residential building 116418  
code. If the board does not act to either accept or reject the 116419  
proposed rule within ninety days after receiving the proposed rule 116420  
from the committee as described in division (I)(1) of this 116421  
section, the proposed rule shall become part of the residential 116422  
building code. 116423

(J) The board shall cooperate with the director of ~~job~~ 116424  
children and ~~family services~~ youth when the director promulgates 116425

rules pursuant to section 5104.05 of the Revised Code regarding 116426  
safety and sanitation in type A family day-care homes. 116427

(K) The board shall adopt rules to implement the requirements 116428  
of section 3781.108 of the Revised Code. 116429

**Sec. 3798.01.** As used in this chapter: 116430

(A) "Administrative safeguards," "physical safeguards," and 116431  
"technical safeguards" have the same meanings as in 45 C.F.R. 116432  
164.304. 116433

(B) "Covered entity," "disclosure," "health care provider," 116434  
"health information," "individually identifiable health 116435  
information," "protected health information," and "use" have the 116436  
same meanings as in 45 C.F.R. 160.103. 116437

(C) "Designated record set" has the same meaning as in 45 116438  
C.F.R. 164.501. 116439

(D) "Direct exchange" means the activity of electronic 116440  
transmission of health information through a direct connection 116441  
between the electronic record systems of health care providers 116442  
without the use of a health information exchange. 116443

(E) "Health care component" and "hybrid entity" have the same 116444  
meanings as in 45 C.F.R. 164.103. 116445

(F) "Health information exchange" means any person or 116446  
governmental entity that provides in this state a technical 116447  
infrastructure to connect computer systems or other electronic 116448  
devices used by covered entities to facilitate the secure 116449  
transmission of health information. "Health information exchange" 116450  
excludes health care providers engaged in direct exchange, 116451  
including direct exchange through the use of a health information 116452  
service provider. 116453

(G) "HIPAA privacy rule" means the standards for privacy of 116454  
individually identifiable health information in 45 C.F.R. part 160 116455

and in 45 C.F.R. part 164, subparts A and E. 116456

(H) "Interoperability" means the capacity of two or more 116457  
information systems to exchange information in an accurate, 116458  
effective, secure, and consistent manner. 116459

(I) "Minor" means an unemancipated person under eighteen 116460  
years of age or a mentally or physically disabled person under 116461  
twenty-one years of age who meets criteria specified in rules 116462  
adopted by the medicaid director under section 3798.13 of the 116463  
Revised Code. 116464

(J) "More stringent" has the same meaning as in 45 C.F.R. 116465  
160.202. 116466

(K) "Personal representative" means a person who has 116467  
authority under applicable law to make decisions related to health 116468  
care on behalf of an adult or emancipated minor, or the parent, 116469  
legal guardian, or other person acting in loco parentis who is 116470  
authorized under law to make health care decisions on behalf of an 116471  
unemancipated minor. "Personal representative" does not include 116472  
the parent or legal guardian of, or another person acting in loco 116473  
parentis to, a minor who consents to the minor's own receipt of 116474  
health care or a minor who makes medical decisions on the minor's 116475  
own behalf pursuant to law, court approval, or because the minor's 116476  
parent, legal guardian, or other person acting in loco parentis 116477  
has assented to an agreement of confidentiality between the 116478  
provider and the minor. 116479

(L) "Political subdivision" means a municipal corporation, 116480  
township, county, school district, or other body corporate and 116481  
politic responsible for governmental activities in a geographic 116482  
area smaller than that of the state. 116483

(M) "State agency" means any one or more of the following: 116484

(1) The department of administrative services; 116485

(2) The department of aging;	116486
(3) The department of mental health and addiction services;	116487
(4) The department of developmental disabilities;	116488
(5) The department of education;	116489
(6) The department of health;	116490
(7) The department of insurance;	116491
(8) The department of job and family services;	116492
(9) The department of medicaid;	116493
(10) The department of rehabilitation and correction;	116494
(11) The department of youth services;	116495
(12) <u>The department of children and youth;</u>	116496
<u>(13)</u> The bureau of workers' compensation;	116497
<del>(13)</del> <u>(14)</u> The opportunities for Ohioans with disabilities agency;	116498 116499
<del>(14)</del> <u>(15)</u> The office of the attorney general;	116500
<del>(15)</del> <u>(16)</u> A health care licensing board created under Title XLVII of the Revised Code that possesses individually identifiable health information.	116501 116502 116503
<b>Sec. 4112.12.</b> (A) There is hereby created the commission on African-Americans, which shall consist of not more than <del>thirteen</del> <u>fourteen</u> members as follows: the directors or their designees of the departments of health, development, mental health and addiction services, <u>children and youth</u> , and job and family services; the superintendent of public instruction; the chancellor of higher education or the chancellor's designee; two members of the house of representatives appointed by the speaker of the house of representatives each of whom shall be members of different political parties; and two members of the senate appointed by the	116504 116505 116506 116507 116508 116509 116510 116511 116512 116513

president of the senate each of whom shall be members of different 116514  
political parties. The members who are members of the general 116515  
assembly shall be nonvoting members. The Ohio state university 116516  
Bell national resource center, in consultation with the governor, 116517  
shall appoint two members from the private corporate sector or the 116518  
nonprofit sector, and one member with experience in the 116519  
philanthropic community. 116520

(B) Terms of office shall be for three years, except that 116521  
members of the general assembly appointed to the commission shall 116522  
be members only so long as they are members of the general 116523  
assembly. Each term ends on the same day of the same month as did 116524  
the term that it succeeds. Each member shall hold office from the 116525  
date of appointment until the end of the term for which the member 116526  
was appointed. Members may be reappointed. Vacancies shall be 116527  
filled in the manner provided for original appointments. Any 116528  
member appointed to fill a vacancy occurring prior to the 116529  
expiration date of the term for which the member's predecessor was 116530  
appointed shall hold office as a member for the remainder of that 116531  
term. A member shall continue in office subsequent to the 116532  
expiration date of the member's term until the member's successor 116533  
takes office or until a period of sixty days has elapsed, 116534  
whichever occurs first. 116535

The commission annually shall elect a chairperson from among 116536  
its members. 116537

(C) Members of the commission and members of subcommittees 116538  
appointed under division (B) of section 4112.13 of the Revised 116539  
Code shall not be compensated, but shall be reimbursed for their 116540  
necessary and actual expenses incurred in the performance of their 116541  
official duties. 116542

(D) The Ohio state university Bell national resource center, 116543  
in consultation with the governor, shall appoint an executive 116544  
director of the commission on African-Americans, who shall be in 116545

the unclassified civil service. The executive director shall 116546  
supervise the commission's activities and report to the commission 116547  
and to the Ohio state university Bell national resource center on 116548  
the progress of those activities. The executive director shall do 116549  
all things necessary for the efficient and effective 116550  
implementation of the duties of the commission. 116551

The responsibilities assigned to the executive director do 116552  
not relieve the members of the commission from final 116553  
responsibility for the proper performance of the requirements of 116554  
this division. 116555

(E) The commission on African-Americans shall do all of the 116556  
following: 116557

(1) Employ, promote, supervise, and remove all employees, as 116558  
needed, in connection with the performance of its duties under 116559  
this section; 116560

(2) Maintain its office at the Ohio state university Bell 116561  
national resource center; 116562

(3) Acquire facilities, equipment, and supplies necessary to 116563  
house the commission, its employees, and files and records under 116564  
its control, and to discharge any duty imposed upon it by law. The 116565  
expense of these acquisitions shall be audited and paid for in the 116566  
same manner as other state expenses. 116567

(4) Establish the overall policy and management of the 116568  
commission in accordance with this chapter; 116569

(5) Follow all state procurement requirements; 116570

(6) Implement the policies and plans of the Ohio state 116571  
university Bell national resource center as those policies and 116572  
plans are formulated and adopted by the center; 116573

(7) Report to the Ohio state university Bell national 116574  
resource center on the progress of the commission on 116575

African-Americans in implementing the policies and plans of the center. 116576  
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(F) The commission on African-Americans may: 116578

(1) Hold sessions at any place within the state, except that the commission shall meet at least quarterly; 116579  
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(2) Establish, change, or abolish positions, and assign and reassign duties and responsibilities of any employee of the commission as necessary to achieve the most efficient performance of its functions. 116581  
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(G) The Ohio state university Bell national resource center shall establish the overall policy and management of the commission on African-Americans and shall direct, manage, and oversee the commission. The center shall develop overall policies and plans, and the commission shall implement those policies and plans. The commission, through its executive director, shall keep the center informed as to the activities of the commission in such manner and at such times as the center shall determine. 116585  
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The Ohio state university Bell national resource center may prescribe duties and responsibilities of the commission in addition to those prescribed in section 4112.13 of the Revised Code. 116593  
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(H) The Ohio state university Bell national resource center annually shall contract for a report on the status of African Americans in this state. Issues to be evaluated in the report shall include the criminal justice system, education, employment, health care, and housing, and such other issues as the center may specify. The report shall include policy recommendations relating to the issues covered in the report. 116597  
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**Sec. 5101.09.** (A) When the director of job and family services or the director of children and youth is authorized by 116604  
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the Revised Code to adopt a rule, the director shall adopt the rule in accordance with the following:

(1) Chapter 119. of the Revised Code if any of the following apply:

(a) The rule concerns the administration or enforcement of Chapter 4141. of the Revised Code;

(b) The rule concerns a program administered by the department of job and family services or the director of children and youth, unless the statute authorizing the rule requires that it be adopted in accordance with section 111.15 of the Revised Code;

(c) The statute authorizing the rule requires that the rule be adopted in accordance with Chapter 119. of the Revised Code.

(2) Section 111.15 of the Revised Code, excluding division (D) of that section, if either of the following apply:

(a) The rule concerns the day-to-day staff procedures and operations of the department or financial and operational matters between the department and another government entity or a private entity receiving a grant from the department, unless the statute authorizing the rule requires that it be adopted in accordance with Chapter 119. of the Revised Code;

(b) The statute authorizing the rule requires that the rule be adopted in accordance with section 111.15 of the Revised Code and, by the terms of division (D) of that section, division (D) of that section does not apply to the rule.

(3) Section 111.15 of the Revised Code, including division (D) of that section, if the statute authorizing the rule requires that the rule be adopted in accordance with that section and the rule is not exempt from the application of division (D) of that section.

(B) Except as otherwise required by the Revised Code, the adoption of a rule in accordance with Chapter 119. of the Revised Code does not make the department of job and family services, the department of children and youth, a county family services agency, or a local board subject to the notice, hearing, or other requirements of sections 119.06 to 119.13 of the Revised Code. As used in this division, "local board" has the same meaning as in section 6301.01 of the Revised Code.

**Sec. 5101.11.** (A) As used in this section:

(1) "Entity" includes an agency, board, commission, or department of the state or a political subdivision of the state; a private, nonprofit entity; a school district; a private school; or a public or private institution of higher education.

(2) "Federal financial participation" means the federal government's share of expenditures made by an entity in implementing a program administered by the department of job and family services.

(B) At the request of any public entity having authority to implement a program administered by the department of job and family services or the department of children and youth, or any private entity under contract with a public entity to implement a program administered by the applicable department, the applicable department may seek to obtain federal financial participation for costs incurred by the entity. Federal financial participation may be sought from programs operated pursuant to Title IV-A of the "Social Security Act," 42 U.S.C. 601 et seq.; Title IV-E of the "Social Security Act," 42 U.S.C. 670 et seq.; the Food and Nutrition Act of 2008, 7 U.S.C. 2011 et seq.; and any other statute or regulation under which federal financial participation may be available, except that federal financial participation may be sought only for expenditures made with funds for which federal

financial participation is available under federal law. 116667

(C) All funds collected by the department of job and family 116668  
services or the department of children and youth pursuant to 116669  
division (B) of this section shall be distributed to the entities 116670  
that incurred the costs, except for any amounts retained by the 116671  
applicable department pursuant to division (D)(3) of this section. 116672

(D) In distributing federal financial participation pursuant 116673  
to this section, the department of job and family services or the 116674  
department of children and youth may either enter into an 116675  
agreement with the entity that is to receive the funds or 116676  
distribute the funds in accordance with rules adopted under 116677  
division (F) of this section. If ~~the department decides to enter~~ 116678  
~~into~~ an agreement to distribute the funds is entered into, the 116679  
agreement may include terms that do any of the following: 116680

(1) Provide for the whole or partial reimbursement of any 116681  
cost incurred by the entity in implementing the program; 116682

(2) In the event that federal financial participation is 116683  
disallowed or otherwise unavailable for any expenditure, require 116684  
the applicable department or the entity, whichever party caused 116685  
the disallowance or unavailability of federal financial 116686  
participation, to assume responsibility for the expenditures; 116687

(3) Permit the applicable department to retain not more than 116688  
five per cent of the amount of the federal financial participation 116689  
to be distributed to the entity; 116690

(4) Require the public entity to certify the availability of 116691  
sufficient unencumbered funds to match the federal financial 116692  
participation it receives under this section; 116693

(5) Establish the length of the agreement, which may be for a 116694  
fixed or a continuing period of time; 116695

(6) Establish any other requirements determined by the 116696

applicable department to be necessary for the efficient 116697  
administration of the agreement. 116698

(E) An entity that receives federal financial participation 116699  
pursuant to this section for a program aiding children and their 116700  
families shall establish a process for collaborative planning with 116701  
the department of job and family services or the department of 116702  
children and youth for the use of the funds to improve and expand 116703  
the program. 116704

(F) The director of job and family services and the director 116705  
of children and youth each shall adopt rules as necessary to 116706  
implement this section, including rules for the distribution of 116707  
federal financial participation pursuant to this section. The 116708  
rules shall be adopted in accordance with Chapter 119. of the 116709  
Revised Code. ~~The~~ Each director may adopt or amend any statewide 116710  
plan required by the federal government for a program administered 116711  
by ~~the~~ that department, as necessary to implement this section. 116712

(G) Federal financial participation received pursuant to this 116713  
section shall not be included in any calculation made under 116714  
section 5101.16 or 5101.161 of the Revised Code. 116715

**Sec. 5101.111.** The foundation grant fund is hereby created in 116716  
the state treasury. Money the department of job and family 116717  
services or the department of children and youth receives from 116718  
private foundations in support of pilot projects that promote 116719  
exemplary programs for enhancing the health, safety, and 116720  
well-being of children and families shall be credited to the fund. 116721  
The applicable department may expend the money on such projects, 116722  
may use the money, to the extent allowable, to match federal funds 116723  
in support of such projects, and shall comply with requirements 116724  
the foundations have stipulated in their agreements with the 116725  
applicable department as to the purposes for which the money may 116726  
be expended. 116727

**Sec. 5101.12.** The department of job and family services or 116728  
department of children and youth may enter into contracts to 116729  
maximize federal revenue without the expenditure of state money. 116730  
In selecting private entities with which to contract, the 116731  
applicable department shall engage in a request for proposals 116732  
process. The applicable department, subject to the approval of the 116733  
controlling board, may also directly enter into contracts with 116734  
public entities providing revenue maximization services. 116735

**Sec. 5101.13.** (A) The department of ~~job and family services~~ 116736  
children and youth shall establish and maintain a uniform 116737  
statewide automated child welfare information system in accordance 116738  
with the requirements of 42 U.S.C.A. 674(a)(3)(C) and related 116739  
federal regulations and guidelines. The information system shall 116740  
contain records regarding any of the following: 116741

(1) Investigations of children and families, and children's 116742  
care in out-of-home care, in accordance with sections 2151.421 and 116743  
5153.16 of the Revised Code; 116744

(2) Care and treatment provided to children and families; 116745

(3) Any other information related to children and families 116746  
that state or federal law, regulation, or rule requires the 116747  
department or a public children services agency to maintain. 116748

(B) The department shall plan implementation of the 116749  
information system on a county-by-county basis and shall finalize 116750  
statewide implementation by all public children services agencies 116751  
as described in section 5153.02 of the Revised Code not later than 116752  
January 1, 2008. 116753

(C) The department shall promptly notify all public children 116754  
services agencies of the initiation and completion of statewide 116755  
implementation of the statewide information system established 116756  
under division (A) of this section. 116757

(D) "Out-of-home care" has the same meaning as in section 116758  
2151.011 of the Revised Code. 116759

**Sec. 5101.132.** (A) Information contained in the information 116760  
system established and maintained under section 5101.13 of the 116761  
Revised Code may be accessed or entered only as follows: 116762

(1) The department of job and family services, the department 116763  
of children and youth, a public children services agency, a title 116764  
IV-E agency, a prosecuting attorney, a private child placing 116765  
agency, and a private noncustodial agency may access or enter the 116766  
information when either of the following is the case: 116767

(a) The access or entry is directly connected with 116768  
assessment, investigation, or services regarding a child or 116769  
family; 116770

(b) The access or entry is permitted by state or federal law, 116771  
rule, or regulation. 116772

(2) A person may access or enter the information in a manner, 116773  
to the extent, and for the purposes authorized by rules adopted by 116774  
the department. 116775

(B) As used in this section, "title IV-E agency" means a 116776  
public children services agency or a public entity with which the 116777  
department of job and family services or department of children 116778  
and youth has a title IV-E subgrant agreement in effect. 116779

**Sec. 5101.134.** (A) Notwithstanding any provision of the 116780  
Revised Code that requires confidentiality of information that is 116781  
contained in the uniform statewide automated child welfare 116782  
information system established in section 5101.13 of the Revised 116783  
Code, the department of ~~job and family services~~ children and youth 116784  
shall adopt rules in accordance with Chapter 119. of the Revised 116785  
Code regarding a private child placing agency's or private 116786  
noncustodial agency's access, data entry, and use of information 116787

in the uniform statewide automated child welfare information system. 116788  
116789

(B)(1) The department of ~~job and family services~~ children and youth may adopt rules in accordance with section 111.15 of the Revised Code, as if they were internal management rules, as necessary to carry out the purposes of sections 5101.13 to 5101.133 of the Revised Code. 116790  
116791  
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(2) The department may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to carry out the purposes of division (A)(2) of section 5101.132 of the Revised Code. 116795  
116796  
116797

(C) Public children services agencies shall implement and use the information system established pursuant to section 5101.13 of the Revised Code in accordance with rules adopted by the department. 116798  
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116801

**Sec. 5101.135.** (A) A public children services employee who is entering a report of an investigation of child abuse in the statewide automated child welfare information system, as required by section 5101.13 of the Revised Code, shall make a notation on each case of child abuse that indicates whether the child abuse arose from an act that caused the child to suffer from, or resulted in the child suffering from, shaken baby syndrome. 116802  
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(B) ~~Beginning March 1, 2009, and each~~ On the first day of March ~~thereafter~~ of each year, the department of ~~job and family services~~ children and youth shall report to the director of health the number of reports of child abuse that arose from an act that caused the child to suffer from, or resulted in the child suffering from, shaken baby syndrome and that arose during the calendar year immediately preceding the calendar year in which the report is made, as determined by an examination of the statewide automated child welfare information system established and maintained under section 5101.13 of the Revised Code. 116809  
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(C) As used in this section, "shaken baby syndrome" has the same meaning as in section ~~3701.63~~ 5180.14 of the Revised Code.

**Sec. 5101.14.** (A) As used in this section and section 5101.144 of the Revised Code, "children services" means services provided to children pursuant to Chapter 5153. of the Revised Code.

(B) Within available funds, the department of ~~job~~ children and ~~family services~~ youth shall distribute funds to the counties within thirty days after the beginning of each calendar quarter for a part of the counties' costs for children services.

Funds provided to the county under this section shall be deposited into the children services fund created pursuant to section 5101.144 of the Revised Code.

(C) In each fiscal year, the amount of funds available for distribution under this section shall be allocated to counties as follows:

(1) If the amount is less than the amount initially appropriated for the immediately preceding fiscal year, each county shall receive an amount equal to the percentage of the funding it received in the immediately preceding fiscal year, exclusive of any releases from or additions to the allocation or any sanctions imposed under this section;

(2) If the amount is equal to the amount initially appropriated for the immediately preceding fiscal year, each county shall receive an amount equal to the amount it received in the preceding fiscal year, exclusive of any releases from or additions to the allocation or any sanctions imposed under this section;

(3) If the amount is greater than the amount initially appropriated for the immediately preceding fiscal year, each

county shall receive the amount determined under division (C)(2) 116849  
of this section as a base allocation, plus a percentage of the 116850  
amount that exceeds the amount initially appropriated for the 116851  
immediately preceding fiscal year. The amount exceeding the amount 116852  
initially appropriated in the immediately preceding fiscal year 116853  
shall be allocated to the counties as follows: 116854

(a) Twelve per cent divided equally among all counties; 116855

(b) Forty-eight per cent in the ratio that the number of 116856  
residents of the county under the age of eighteen bears to the 116857  
total number of such persons residing in this state; 116858

(c) Forty per cent in the ratio that the number of residents 116859  
of the county with incomes under the federal poverty guideline 116860  
bears to the total number of such persons in this state. 116861

As used in division (C)(3)(c) of this section, "federal 116862  
poverty guideline" means the poverty guideline as defined by the 116863  
United States office of management and budget and revised by the 116864  
United States secretary of health and human services in accordance 116865  
with section 673 of the "Community Services Block Grant Act," 95 116866  
Stat. 511 (1981), 42 U.S.C.A. 9902, as amended. 116867

(D) Within ninety days after the end of each state fiscal 116868  
biennium, each county shall return any unspent funds to the 116869  
department. 116870

(E) The director of ~~job children and family services~~ youth 116871  
may adopt the following rules in accordance with section 111.15 of 116872  
the Revised Code: 116873

(1) Rules that are necessary for the allocation of funds 116874  
under this section; 116875

(2) Rules prescribing reports on expenditures to be submitted 116876  
by the counties as necessary for the implementation of this 116877  
section. 116878

Sec. 5101.141. (A) As used in sections 5101.141 to 5101.1417	116879
of the Revised Code:	116880
(1) "Adopted young adult" means a person:	116881
(a) Who was in the temporary or permanent custody of a public	116882
children services agency;	116883
(b) Who was adopted at the age of sixteen or seventeen and	116884
attained the age of sixteen before a Title IV-E adoption	116885
assistance agreement became effective;	116886
(c) Who has attained the age of eighteen; and	116887
(d) Who has not yet attained the age of twenty-one.	116888
(2) "Child" means any of the following:	116889
(a) A person who meets the requirements of division (B)(3) of	116890
section 5153.01 of the Revised Code;	116891
(b) An adopted young adult;	116892
(c) An emancipated young adult.	116893
(3) "Emancipated young adult" means a person:	116894
(a) Who was in the temporary or permanent custody of a public	116895
children services agency, a planned permanent living arrangement,	116896
or in the Title-IV-E-eligible care and placement responsibility of	116897
a juvenile court or other governmental agency that provides Title	116898
IV-E reimbursable placement services;	116899
(b) Whose custody, arrangement, or care and placement was	116900
terminated on or after the person's eighteenth birthday; and	116901
(c) Who has not yet attained the age of twenty-one.	116902
(4) "Kinship guardianship young adult" means an individual	116903
that meets the following criteria:	116904
(a) Was in the temporary or permanent custody of a public	116905
children services agency or a planned permanent living arrangement	116906

prior to the commitment described in division (A)(4)(b) of this section; 116907  
116908

(b) Was committed to the legal custody or legal guardianship of a kinship caregiver at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E kinship guardianship assistance agreement became effective; 116909  
116910  
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(c) Has attained the age of eighteen; 116913

(d) Has not yet attained the age of twenty-one. 116914

(5) "Relative" means, with respect to a child, any of the following who is eighteen years of age or older: 116915  
116916

(a) The following individuals related by blood or adoption to the child: 116917  
116918

(i) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great"; 116919  
116920

(ii) Siblings; 116921

(iii) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand"; 116922  
116923  
116924

(iv) First cousins and first cousins once removed. 116925

(b) Stepparents and stepsiblings of the child; 116926

(c) Spouses and former spouses of individuals named in divisions (A)(5)(a) and (b) of this section; 116927  
116928

(d) A legal guardian of the child; 116929

(e) A legal custodian of the child; 116930

(f) Any nonrelative adult that has a familiar and long-standing relationship or bond with the child or the family, which relationship or bond will ensure the child's social ties. 116931  
116932  
116933

(6) "Representative" means a person with whom the department 116934

of ~~job children~~ and ~~family services youth~~ has entered into a 116935  
contract, pursuant to division (B)(2)(b) of this section. 116936

(7) "Title IV-E" means Title IV-E of the "Social Security 116937  
Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 116938

(B)(1) Except as provided in divisions (B)(2), (3), and (4) 116939  
of this section, the department of ~~job children~~ and ~~family~~  
~~services youth~~ shall act as the single state agency to administer 116940  
federal payments for foster care, kinship guardianship assistance, 116941  
and adoption assistance made pursuant to Title IV-E. The director 116942  
of ~~job children~~ and ~~family services youth~~ shall adopt rules to 116943  
implement this authority. Rules governing financial and 116944  
administrative requirements applicable to public children services 116945  
agencies and government entities that provide Title IV-E 116946  
reimbursable placement services to children shall be adopted in 116947  
accordance with section 111.15 of the Revised Code, as if they 116948  
were internal management rules. Rules governing requirements 116949  
applicable to private child placing agencies and private 116950  
noncustodial agencies and rules establishing eligibility, program 116951  
participation, and other requirements concerning Title IV-E shall 116952  
be adopted in accordance with Chapter 119. of the Revised Code. A 116953  
public children services agency to which the department 116954  
distributes Title IV-E funds shall administer the funds in 116955  
accordance with those rules. 116956  
116957

(2) If the state plan is amended under divisions (A) and (B) 116958  
of section 5101.1411 of the Revised Code, both of the following 116959  
shall apply: 116960

(a) Implementation of the amendments to the plan shall begin 116961  
fifteen months after September 13, 2016, the effective date of 116962  
H.B. 50 of the 131st general assembly, if both of the following 116963  
apply: 116964

(i) The plan as amended is approved by the secretary of 116965

health and human services; 116966

(ii) The general assembly has appropriated sufficient funds 116967  
to operate the program required under the plan as amended. 116968

(b) The department shall have, exercise, and perform all new 116969  
duties required under the plan as amended. In doing so, the 116970  
department may contract with another person to carry out those new 116971  
duties, to the extent permitted under Title IV-E. 116972

(3) If the state plan is amended under division (C) of 116973  
section 5101.1411 of the Revised Code, both of the following 116974  
apply: 116975

(a) Implementation of the amendments to the plan shall begin 116976  
fifteen months after ~~the effective date of this section~~ September 116977  
30, 2021, if both of the following apply: 116978

(i) The plan as amended is approved by the secretary of 116979  
health and human services. 116980

(ii) The general assembly has appropriated sufficient funds 116981  
to operate the program required under the plan as amended. 116982

(b) The department shall perform all new duties required 116983  
under the amended plan. In doing so, the department may contract 116984  
with another person to carry out those new duties, to the extent 116985  
permitted under Title IV-E. 116986

(4) If the state plan is amended under section 5101.1416 of 116987  
the Revised Code, and is approved by the secretary of health and 116988  
human services, implementation of the amendments to the plan shall 116989  
begin fifteen months after ~~the effective date of this section~~ 116990  
September 30, 2021. 116991

(C)(1) Except with regard to the new duties imposed on the 116992  
department or its contractor under divisions (B)(2)(b) and 116993  
(B)(3)(b) of this section that are not imposed on the county, the 116994  
county, on behalf of each child eligible for foster care 116995

maintenance payments under Title IV-E, shall make payments to 116996  
cover the cost of providing all of the following: 116997

(a) The child's food, clothing, shelter, daily supervision, 116998  
and school supplies; 116999

(b) The child's personal incidentals; 117000

(c) Reasonable travel to the child's home for visitation. 117001

(2) In addition to payments made under division (C)(1) of 117002  
this section, the county may, on behalf of each child eligible for 117003  
foster care maintenance payments under Title IV-E, make payments 117004  
to cover the cost of providing the following: 117005

(a) Liability insurance with respect to the child; 117006

(b) If the county is participating in the demonstration 117007  
project established under division (A) of section 5101.142 of the 117008  
Revised Code, services provided under the project. 117009

(3) With respect to a child who is in a child-care 117010  
institution, including any type of group home designed for the 117011  
care of children or any privately operated program consisting of 117012  
two or more certified foster homes operated by a common 117013  
administrative unit, the foster care maintenance payments made by 117014  
the county on behalf of the child shall include the reasonable 117015  
cost of the administration and operation of the institution, group 117016  
home, or program, as necessary to provide the items described in 117017  
divisions (C)(1) and (2) of this section. 117018

(D) To the extent that either foster care maintenance 117019  
payments under division (C) of this section, Title IV-E kinship 117020  
guardianship assistance, or Title IV-E adoption assistance 117021  
payments for maintenance costs require the expenditure of county 117022  
funds, the board of county commissioners shall report the nature 117023  
and amount of each expenditure of county funds to the department. 117024

(E) The department shall distribute to public children 117025

services agencies that incur and report expenditures of the type 117026  
described in division (D) of this section federal financial 117027  
participation received for administrative and training costs 117028  
incurred in the operation of foster care maintenance, kinship 117029  
guardianship assistance, and adoption assistance programs. The 117030  
department may withhold not more than three per cent of the 117031  
federal financial participation received. The funds withheld may 117032  
be used only to fund the following: 117033

(1) The Ohio child welfare training program established under 117034  
section 5103.30 of the Revised Code; 117035

(2) The university partnership program for college and 117036  
university students majoring in social work who have committed to 117037  
work for a public children services agency upon graduation; 117038

(3) Efforts supporting organizational excellence, including 117039  
voluntary activities to be accredited by a nationally recognized 117040  
accreditation organization. 117041

The funds withheld shall be in addition to any administration 117042  
and training cost for which the department is reimbursed through 117043  
its own cost allocation plan. 117044

(F) All federal financial participation funds received by a 117045  
county pursuant to this section shall be deposited into the 117046  
county's children services fund created pursuant to section 117047  
5101.144 of the Revised Code. 117048

(G) The department shall periodically publish and distribute 117049  
the maximum amounts that the department will reimburse public 117050  
children services agencies for making payments on behalf of 117051  
children eligible for foster care maintenance payments. 117052

(H) The department, by and through its director, is hereby 117053  
authorized to develop, participate in the development of, 117054  
negotiate, and enter into one or more interstate compacts on 117055  
behalf of this state with agencies of any other states, for the 117056

provision of social services to children in relation to whom all 117057  
of the following apply: 117058

(1) They have special needs. 117059

(2) This state or another state that is a party to the 117060  
interstate compact is providing kinship guardianship assistance or 117061  
adoption assistance on their behalf. 117062

(3) They move into this state from another state or move out 117063  
of this state to another state. 117064

**Sec. 5101.142.** (A) The department of ~~job~~ children and ~~family~~ 117065  
~~services~~ youth may apply to the United States secretary of health 117066  
and human services for a waiver of requirements established under 117067  
Title IV-E, or regulations adopted thereunder, to conduct a 117068  
demonstration project expanding eligibility for and services 117069  
provided under Title IV-E. The department may enter into 117070  
agreements with the secretary necessary to implement the 117071  
demonstration project, including agreements establishing the terms 117072  
and conditions of the waiver authorizing the project. If a 117073  
demonstration project is to be established, the department shall 117074  
do all of the following: 117075

(1) Have the director of ~~job~~ children and ~~family services~~ 117076  
youth adopt rules in accordance with Chapter 119. of the Revised 117077  
Code governing the project. The rules shall be consistent with the 117078  
agreements the department enters into with the secretary. 117079

(2) Enter into agreements with public children services 117080  
agencies that the department selects for participation in the 117081  
project. The department shall not select an agency that objects to 117082  
participation or refuses to be bound by the terms and conditions 117083  
of the project. 117084

(3) Contract with persons or governmental agencies providing 117085  
services under the project; 117086

(4) Amend the state plan required by section 471 of the "Social Security Act," 42 U.S.C.A. 671, as amended, as needed to implement the project;

(5) Conduct ongoing evaluations of the project;

(6) Perform other administrative and operational activities required by the agreement with the secretary.

(B) The department may apply to the United States secretary of health and human services for a waiver of the requirements established under Title IV-B of the "Social Security Act of 1967," 81 Stat. 821, 42 U.S.C.A. 620 or regulations adopted thereunder and established under any other federal law or regulations that affect the children services functions prescribed by Chapter 5153. of the Revised Code, to conduct demonstration projects or otherwise improve the effectiveness and efficiency of the children services function.

**Sec. 5101.143.** (A) The state adoption assistance loan fund is hereby created in the state treasury. The fund shall consist of all money appropriated or transferred to it and all loan repayments or other money, including interest and penalties, derived from state adoption assistance loans. The department of ~~job children~~ and ~~family services youth~~ shall administer the fund. Money in the fund shall be used to make state adoption assistance loans to prospective adoptive parents applying for a loan under section 3107.018 of the Revised Code. All investment earnings of the fund shall be credited to the fund.

(B) The director of ~~job children~~ and ~~family services youth~~ shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section, including rules for creating a loan application form, procedures and standards for reviewing and granting or denying loan applications, conditions on the use of the loan, loan repayment terms, procedures for

collection of loan arrearages, and any monetary penalties for loan 117118  
arrearages or improper use of loan funds. 117119

**Sec. 5101.145.** (A) In adopting rules under section 5101.141 117120  
of the Revised Code regarding financial requirements applicable to 117121  
public children services agencies, private child placing agencies, 117122  
private noncustodial agencies, and government entities that 117123  
provide Title IV-E reimbursable placement services to children, 117124  
the department of ~~job~~ children and ~~family services~~ youth shall 117125  
establish both of the following: 117126

(1) A single form for the agencies or entities to report 117127  
costs reimbursable under Title IV-E and costs reimbursable under 117128  
medicaid; 117129

(2) Procedures to monitor cost reports submitted by the 117130  
agencies or entities. 117131

(B) The procedures established under division (A)(2) of this 117132  
section shall be implemented not later than October 1, 2003. The 117133  
procedures shall be used to do both of the following: 117134

(1) Determine which of the costs are reimbursable under Title 117135  
IV-E; 117136

(2) Ensure that costs reimbursable under medicaid are 117137  
excluded from determinations made under division (B)(1) of this 117138  
section. 117139

**Sec. 5101.146.** The department of ~~job~~ children and ~~family~~ 117140  
~~services~~ youth shall establish the following penalties, which 117141  
shall be enforced at the discretion of the department, for the 117142  
failure of a public children services agency, private child 117143  
placing agency, private noncustodial agency, or government entity 117144  
that provides Title IV-E reimbursable placement services to 117145  
children to comply with procedures the department establishes to 117146  
ensure fiscal accountability: 117147

(A) For initial failure, the department and the agency or entity involved shall jointly develop and implement a corrective action plan according to a specific schedule. If requested by the agency or entity involved, the department shall provide technical assistance to the agency or entity to ensure the fiscal accountability procedures and goals of the plan are met.

(B) For subsequent failures or failure to achieve the goals of the plan described in division (A) of this section, one of the following:

(1) For public children services agencies, the department may take any action permitted under division (C)(2), (4), (5), or (6) of section 5101.24 of the Revised Code.

(2) For private child placing agencies or private noncustodial agencies, cancellation of any Title IV-E allowability rates for the agency involved pursuant to section 5101.141 of the Revised Code or revocation pursuant to Chapter 119. of the Revised Code of that agency's certificate issued under section 5103.03 of the Revised Code;

(3) For government entities, other than public children services agencies, that provide Title IV-E reimbursable placement services to children, cancellation of any Title IV-E allowability rates for the entity involved pursuant to section 5101.141 of the Revised Code.

**Sec. 5101.147.** If a public children services agency fails to comply with the fiscal accountability procedures established by the department of ~~job children and family services youth~~, the department shall notify the board of county commissioners of the county served by the agency. If a private child placing agency or private noncustodial agency fails to comply with the fiscal accountability procedures, the department shall notify the executive director of each public children services agency that

has entered into a contract for services with the private child placing agency or private noncustodial agency.

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**Sec. 5101.148.** If the department of ~~job children~~ and ~~family services~~ youth sanctions a public children services agency, private child placing agency, or private noncustodial agency, it shall take every possible precaution to ensure that any foster children that have been placed by the agency under sanction are not unnecessarily removed from the certified foster homes in which they reside.

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**Sec. 5101.1410.** In addition to the remedies available under sections 5101.146 and 5101.24 of the Revised Code, the department of ~~job children~~ and ~~family services~~ youth may certify a claim to the attorney general under section 131.02 of the Revised Code for the attorney general to take action under that section against a public children services agency, private child placing agency, private noncustodial agency, or government entity that provides Title IV-E reimbursable placement services to children if all of the following are the case:

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(A) The agency or entity files a cost report with the department pursuant to rules adopted under division (B) of section 5101.141 of the Revised Code.

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(B) The department receives and distributes federal Title IV-E reimbursement funds based on the cost report.

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(C) The agency's or entity's misstatement, misclassification, overstatement, understatement, or other inclusion or omission of any cost included in the cost report causes the United States department of health and human services to disallow all or part of the federal Title IV-E reimbursement funds the department received and distributed.

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(D) The agency's or entity's misstatement, misclassification,

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overstatement, understatement, or other inclusion or omission of 117209  
any cost included in the cost report is not the direct result of a 117210  
written directive concerning the agency or entity's cost report 117211  
that the department issued to the agency or entity. 117212

**Sec. 5101.1411.** (A)(1) The director of job and family 117213  
services shall, not later than nine months after September 13, 117214  
2016, the effective date of H.B. 50 of the 131st general assembly, 117215  
submit an amendment to the state plan required by 42 U.S.C. 671 to 117216  
the United States secretary of health and human services to 117217  
implement 42 U.S.C. 675(8) to make federal payments for foster 117218  
care under Title IV-E directly to, or on behalf of, any 117219  
emancipated young adult who meets the following requirements: 117220

(a) The emancipated young adult signs a voluntary 117221  
participation agreement. 117222

(b) The emancipated young adult satisfies division (D) of 117223  
this section. 117224

(2) Any emancipated young adult who meets the requirements of 117225  
division (A)(1) of this section may apply for foster care payments 117226  
and make the appropriate application at any time. 117227

(B)(1) The director of job and family services shall, not 117228  
later than nine months after September 13, 2016, the effective 117229  
date of H.B. 50 of the 131st general assembly, submit an amendment 117230  
to the state plan required by 42 U.S.C. 671 to the United States 117231  
secretary of health and human services to implement 42 U.S.C. 117232  
675(8) to make federal payments for adoption assistance under 117233  
Title IV-E available to any parent who meets all of the following 117234  
requirements: 117235

(a) The parent adopted a person who is an adopted young adult 117236  
and the parent entered into an adoption assistance agreement under 117237  
42 U.S.C. 673 while the adopted person was age sixteen or 117238

seventeen. 117239

(b) The parent maintains parental responsibility for the 117240  
adopted young adult. 117241

(c) The adopted young adult satisfies division (D) of this 117242  
section. 117243

(2) Any parent who meets the requirements of division (B)(1) 117244  
of this section that are applicable to a parent may request an 117245  
extension of adoption assistance payments at any time before the 117246  
adopted young adult reaches age twenty-one. 117247

(3) An adopted young adult who is eligible to receive 117248  
adoption assistance payments is not considered an emancipated 117249  
young adult and is therefore not eligible to receive payment under 117250  
division (A) of this section. 117251

(C)(1) The director of job and family services shall, not 117252  
later than nine months after ~~the effective date of this amendment~~ 117253  
September 30, 2021, submit an amendment to the state plan required 117254  
by 42 U.S.C. 671 to the United States secretary of health and 117255  
human services to implement 42 U.S.C. 673(d) to provide kinship 117256  
guardianship assistance under Title IV-E available to any relative 117257  
who meets all of the following requirements: 117258

(a) Both of the following apply: 117259

(i) A juvenile court issued an order granting legal custody 117260  
of a person who is a kinship guardianship young adult to the 117261  
relative, or a probate court issued an order granting guardianship 117262  
of a person who is a kinship guardianship young adult to the 117263  
relative, and the order is not a temporary court order. 117264

(ii) The relative entered into a kinship guardianship 117265  
assistance agreement under 42 U.S.C. 673(d) while the kinship 117266  
guardianship young adult was age sixteen or seventeen. 117267

(b) The relative maintains parental responsibility for the 117268

kinship guardianship young adult.	117269
(c) The kinship guardianship young adult satisfies division	117270
(D) of this section.	117271
(2) Any person who meets the requirements of division (C)(1)	117272
of this section may request an extension of kinship guardianship	117273
assistance at any time before the kinship guardianship young adult	117274
reaches age twenty-one.	117275
(3) A kinship guardianship young adult who is eligible to	117276
receive kinship guardianship assistance is not considered an	117277
emancipated young adult and is therefore not eligible to receive	117278
assistance under division (A) of this section.	117279
(D) In addition to other requirements, an adopted, kinship	117280
guardianship, or emancipated young adult must meet at least one of	117281
the following criteria:	117282
(1) Is completing secondary education or a program leading to	117283
an equivalent credential;	117284
(2) Is enrolled in an institution that provides	117285
post-secondary or vocational education;	117286
(3) Is participating in a program or activity designed to	117287
promote, or remove barriers to, employment;	117288
(4) Is employed for at least eighty hours per month;	117289
(5) Is incapable of doing any of the activities described in	117290
divisions (D)(1) to (4) of this section due to a physical or	117291
mental condition, which incapacity is supported by regularly	117292
updated information in the person's case record or plan.	117293
(E) Any emancipated young adult described in division (A)(1)	117294
of this section who is directly receiving foster care payments, or	117295
on whose behalf such foster care payments are received, or any	117296
relative described in division (C)(1) of this section who is	117297
receiving kinship guardianship assistance, or any parent receiving	117298

adoption assistance payments, may refuse the payments at any time. 117299

(F)(1) An emancipated young adult described in division 117300  
(A)(1) of this section who is directly receiving foster care 117301  
payments, or on whose behalf such foster care payments are 117302  
received, or any relative described in division (C)(1) of this 117303  
section who is receiving kinship guardianship assistance and the 117304  
kinship guardianship young adult, or a parent receiving adoption 117305  
assistance payments and the adopted young adult shall be eligible 117306  
for services set forth in the federal, "Fostering Connections to 117307  
Success and Increasing Adoptions Act of 2008," P.L. 110-351, 122 117308  
Stat. 3949. 117309

(2) An emancipated young adult described in division (A)(1) 117310  
of this section who is directly receiving foster care payments, or 117311  
on whose behalf such foster care payments are received, pursuant 117312  
to this section, may be eligible to reside in a supervised 117313  
independent living setting, including apartment living, room and 117314  
board arrangements, college or university dormitories, host homes, 117315  
and shared roommate settings. 117316

(G) Any determination by the department of job and family 117317  
services or the department of children and youth that denies or 117318  
terminates foster care assistance, kinship guardianship 117319  
assistance, kinship support program payments, or adoption 117320  
assistance payments shall be subject to a state hearing pursuant 117321  
to section 5101.35 of the Revised Code. 117322

**Sec. 5101.1412.** (A) Without the approval of a court, an 117323  
emancipated young adult who receives payments, or on whose behalf 117324  
payments are received, under division (A) of section 5101.1411 of 117325  
the Revised Code, may enter into a voluntary participation 117326  
agreement with the department of job children and ~~family services~~ 117327  
youth, or its representative, for the emancipated young adult's 117328  
care and placement. The agreement shall stay in effect until one 117329

of the following occurs: 117330

(1) The emancipated young adult enrolled in the program 117331  
notifies the department, or its representative, that they want to 117332  
terminate the agreement. 117333

(2) The emancipated young adult becomes ineligible for the 117334  
program. 117335

(B) In order to maintain Title IV-E eligibility for the 117336  
emancipated young adult, both of the following apply: 117337

(1) Not later than one hundred eighty days after the 117338  
effective date of the voluntary participation agreement, the 117339  
department or its representative must petition the court for, and 117340  
obtain, a judicial determination that the emancipated young 117341  
adult's best interest is served by continuing the care and 117342  
placement with the department or its representative. 117343

(2) Not later than twelve months after the effective date of 117344  
the voluntary participation agreement, and at least once every 117345  
twelve months thereafter, the department or its representative 117346  
must petition the court for, and obtain, a judicial determination 117347  
that the department or its representative has made reasonable 117348  
efforts to finalize a permanency plan to prepare the emancipated 117349  
young adult for independence. 117350

**Sec. 5101.1413.** Notwithstanding section 5101.141 of the 117351  
Revised Code and any rules adopted thereunder, the department of 117352  
~~job children~~ and ~~family services youth~~ shall pay the full 117353  
nonfederal share of payments made pursuant to section 5101.1411 of 117354  
the Revised Code. No public children services agency shall be 117355  
responsible for the cost of any payments made pursuant to section 117356  
5101.1411 of the Revised Code. 117357

**Sec. 5101.1414.** (A) ~~Not later than nine months after~~ 117358

~~September 13, 2016, the effective date of H.B. 50 of the 131st~~ 117359  
~~general assembly, the~~ The department of ~~job~~ children and ~~family~~ 117360  
~~services~~ youth shall adopt rules necessary to carry out the 117361  
purposes of sections 5101.1411 to 5101.1413 of the Revised Code, 117362  
including rules that do all of the following: 117363

(1) Allow an emancipated young adult described in division 117364  
(A)(1) of section 5101.1411 of the Revised Code who is directly 117365  
receiving foster care payments, or on whose behalf such foster 117366  
care payments are received, or an adopted young adult whose 117367  
adoptive parents are receiving adoption assistance payments, to 117368  
maintain eligibility while transitioning into, or out of, 117369  
qualified employment or educational activities; 117370

(2) Require that a thirty-day notice of termination be given 117371  
by the department to an emancipated young adult described in 117372  
division (A)(1) of section 5101.1411 of the Revised Code who is 117373  
receiving foster care payments, or on whose behalf such foster 117374  
care payments are received, or to a parent receiving adoption 117375  
assistance payments for an adopted young adult described in 117376  
division (B)(1) of section 5101.1411 of the Revised Code, who is 117377  
determined to be ineligible for payments; 117378

(3) Establish the scope of practice and training necessary 117379  
for case managers and supervisors who care for emancipated young 117380  
adults described in division (A)(1) of section 5101.1411 of the 117381  
Revised Code who are receiving foster care payments, or on whose 117382  
behalf such foster care payments are received, under section 117383  
5101.1411 of the Revised Code. 117384

(B) The department of ~~job~~ children and ~~family services~~ youth 117385  
shall create an advisory council to evaluate and make 117386  
recommendations for statewide implementation of sections 5101.1411 117387  
and 5101.1412 of the Revised Code ~~not later than one month after~~ 117388  
~~September 13, 2016, the effective date of H.B. 50 of the 131st~~ 117389

~~general assembly.~~ 117390

**Sec. 5101.1417.** ~~Not later than nine months after the~~ 117391  
~~effective date of this section, the~~ The department of ~~job~~ children 117392  
and ~~family services~~ youth shall adopt rules necessary to carry out 117393  
the purposes of sections 5101.141, 5101.1411, and 5101.1416 of the 117394  
Revised Code, and 42 U.S.C. 673(d) of the "Social Security Act," 117395  
including rules that do all of the following: 117396

(A) Allow a kinship guardianship young adult described in 117397  
division (C) of section 5101.1411 of the Revised Code on whose 117398  
behalf kinship guardianship assistance is received, to maintain 117399  
eligibility while transitioning into, or out of, qualified 117400  
employment or educational activities; 117401

(B) Require that a thirty-day notice of termination be given 117402  
by the department to a person receiving kinship guardianship 117403  
assistance for a kinship guardianship young adult described in 117404  
division (C) of section 5101.1411 of the Revised Code, who is 117405  
determined to be ineligible for assistance. 117406

**Sec. 5101.1418.** (A)(1) If, after a child's adoption is 117407  
finalized, the department of ~~job~~ children and ~~family services~~ 117408  
youth considers the child to be in need of public care or 117409  
protective services, the department may, to the extent state funds 117410  
are available for this purpose, enter into an agreement with the 117411  
child's adoptive parent under which the department may make post 117412  
adoption special services subsidy payments on behalf of the child 117413  
as needed when both of the following apply: 117414

(a) The child has a physical or developmental disability or 117415  
mental or emotional condition that either: 117416

(i) Existed before the adoption petition was filed; or 117417

(ii) Developed after the adoption petition was filed and can 117418  
be directly attributed to factors in the child's preadoption 117419

background, medical history, or biological family's background or 117420  
medical history. 117421

(b) The department determines the expenses necessitated by 117422  
the child's disability or condition are beyond the adoptive 117423  
parent's economic resources. 117424

(2) Services for which the department may make post adoption 117425  
special services subsidy payments on behalf of a child under this 117426  
section shall include medical, surgical, psychiatric, 117427  
psychological, and counseling services, including residential 117428  
treatment. 117429

(3) The department shall establish clinical standards to 117430  
evaluate a child's physical or developmental disability or mental 117431  
or emotional condition and assess the child's need for services. 117432

(4) The total dollar value of post adoption special services 117433  
subsidy payments made on a child's behalf shall not exceed ten 117434  
thousand dollars in any fiscal year, unless the department 117435  
determines that extraordinary circumstances exist that necessitate 117436  
further funding of services for the child. Under such 117437  
extraordinary circumstances, the value of the payments made on the 117438  
child's behalf shall not exceed fifteen thousand dollars in any 117439  
fiscal year. 117440

(5) The adoptive parent or parents of a child who receives 117441  
post adoption special services subsidy payments shall pay at least 117442  
five per cent of the total cost of all services provided to the 117443  
child; except that the department may waive this requirement if 117444  
the gross annual income of the child's adoptive family is not more 117445  
than two hundred per cent of the federal poverty guideline. 117446

(6) The department may use other sources of revenue to make 117447  
post adoption special services subsidy payments, in addition to 117448  
any state funds appropriated for that purpose. 117449

(7) The department may contract with another person to carry 117450

out any of the duties described in this section. 117451

(B) No payment shall be made on behalf of any person eighteen 117452  
years of age or older beyond the end of the school year during 117453  
which the person attains the age of eighteen or on behalf of a 117454  
mentally or physically disabled person twenty-one years of age or 117455  
older. 117456

(C) The director of ~~job children~~ and ~~family services~~, not 117457  
~~later than July 1, 2022~~, youth shall adopt rules in accordance 117458  
with Chapter 119. of the Revised Code necessary to implement this 117459  
section. The rules shall establish all of the following: 117460

(1) The application process for all forms of assistance 117461  
provided under this section; 117462

(2) Standards for determining the children who qualify to 117463  
receive assistance provided under this section; 117464

(3) The method of determining the amount, duration, and scope 117465  
of services provided to a child; 117466

(4) The method of transitioning the post adoption special 117467  
services subsidy program from public children services agencies to 117468  
the department; 117469

(5) Any other rule, requirement, or procedure the department 117470  
considers appropriate for the implementation of this section. 117471

(D) The department shall implement this section not later 117472  
than July 1, 2022. 117473

**Sec. 5101.15.** Within available funds the department of ~~job~~ 117474  
children and ~~family services~~ youth may reimburse counties in 117475  
accordance with this section for a portion of the salaries paid to 117476  
child welfare workers employed under section 5153.12 of the 117477  
Revised Code. No county with a population of eighty thousand or 117478  
less, according to the latest census accepted by the department as 117479  
official, shall be entitled to reimbursement on the salaries of 117480

more than two child welfare workers, and no county with a 117481  
population of more than eighty thousand, according to such census, 117482  
shall be entitled to reimbursement on the salaries of more than 117483  
two child welfare workers plus one additional child welfare worker 117484  
for each one hundred thousand of population in excess of eighty 117485  
thousand. 117486

The maximum reimbursement to which a county may be entitled 117487  
on any child welfare worker shall be as follows: 117488

(A) Twenty-seven hundred dollars a year for a child welfare 117489  
worker who is a graduate of an accredited high school, college, or 117490  
university; 117491

(B) Thirty-three hundred dollars a year for a child welfare 117492  
worker who has one year or more of graduate training in social 117493  
work or a field which the department finds to be related to social 117494  
work; 117495

(C) Thirty-nine hundred dollars a year for a child welfare 117496  
worker who has completed two years of social work training. 117497

The salary of the executive director, designated in 117498  
accordance with section 5153.10 of the Revised Code, shall be 117499  
subject to reimbursement under this section, provided that the 117500  
executive director qualifies under division (A), (B), or (C) of 117501  
this section. No funds shall be allocated under this section until 117502  
the director of ~~job children and family services~~ youth has 117503  
approved a plan of child welfare services for the county submitted 117504  
by the public children services agency. 117505

**Sec. 5101.183.** (A) The director of job and family services 117506  
and the director of children and youth, in accordance with section 117507  
111.15 of the Revised Code, may adopt rules under which county 117508  
family services agencies shall take action to recover the cost of 117509  
the following benefits and services available under programs 117510

administered by the department of job and family services or the 117511  
department of children and youth: 117512

(1) Benefits or services provided to any of the following: 117513

(a) Persons who were not eligible for the benefits or 117514  
services but who secured the benefits or services through fraud or 117515  
misrepresentation; 117516

(b) Persons who were eligible for the benefits or services 117517  
but who intentionally diverted the benefits or services to other 117518  
persons who were not eligible for the benefits or services. 117519

(2) Any benefits or services provided by a county family 117520  
services agency for which recovery is required or permitted by 117521  
federal law for the federal programs administered by the agency. 117522

(B) A county family services agency may bring a civil action 117523  
against a recipient of benefits or services to recover any costs 117524  
described in division (A) of this section. 117525

(C) A county family services agency shall retain any money it 117526  
recovers under division (A) of this section and shall use the 117527  
money to meet a family services duty, except that, if federal law 117528  
requires the department of job and family services or the 117529  
department of children and youth to return any portion of the 117530  
money so recovered to the federal government, the county family 117531  
services agency shall pay that portion to the department of job 117532  
and family services or the department of children and youth. 117533

**Sec. 5101.19.** As used in sections 5101.19 to 5101.194 of the 117534  
Revised Code: 117535

(A) "Adopted child" means a person who is less than eighteen 117536  
years of age when the person becomes subject to a final order of 117537  
adoption, an interlocutory order of adoption, or when the adoption 117538  
is recognized by this state under section 3107.18 of the Revised 117539  
Code. 117540

(B) "Adoption" includes an adoption arranged by an attorney, 117541  
a public children services agency, private child placing agency, 117542  
or a private noncustodial agency, an interstate adoption, or an 117543  
international or foreign adoption. 117544

(C) "Adoptive parent" means the person or persons who obtain 117545  
parental rights and responsibilities over an adopted child 117546  
pursuant to a final order of adoption, an interlocutory order of 117547  
adoption, or an adoption recognized by this state under section 117548  
3107.18 of the Revised Code. 117549

(D) "Casework services" means services performed or arranged 117550  
by a public children services agency, private child placing 117551  
agency, private noncustodial agency, or public entity with whom 117552  
the department of ~~job~~ children and ~~family services~~ youth has a 117553  
Title IV-E subgrant agreement in effect, to manage the progress, 117554  
provide supervision and protection of the child and the child's 117555  
parent, guardian, or custodian. 117556

(E) "Foster caregiver" has the same meaning as in section 117557  
5103.02 of the Revised Code. 117558

(F) "Qualified professional" means an individual that is, but 117559  
not limited to, any one of the following: 117560

- (1) Audiologist; 117561
- (2) Orthopedist; 117562
- (3) Physician; 117563
- (4) Certified nurse practitioner; 117564
- (5) Physician assistant; 117565
- (6) Psychiatrist; 117566
- (7) Psychologist; 117567
- (8) School psychologist; 117568
- (9) Licensed marriage and family therapist; 117569

(10) Speech and language pathologist;	117570
(11) Licensed independent social worker;	117571
(12) Licensed professional clinical counselor;	117572
(13) Licensed social worker who is under the direct supervision of a licensed independent social worker;	117573 117574
(14) Licensed professional counselor who is under the direct supervision of a licensed professional clinical counselor.	117575 117576
(G) "Special needs" means any of the following:	117577
(1) A developmental disability as defined in section 5123.01 of the Revised Code;	117578 117579
(2) A physical or mental impairment that substantially limits one or more of the major life activities;	117580 117581
(3) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems;	117582 117583 117584
(4) Any mental or psychological disorder;	117585
(5) A medical condition causing distress, pain, dysfunction, or social problems as diagnosed by a qualified professional that results in ongoing medical treatment.	117586 117587 117588
<b>Sec. 5101.191.</b> (A) The director of <del>job</del> <u>children</u> and <del>family services</del> <u>youth</u> shall establish and administer the Ohio adoption grant program in accordance with sections 5101.19 to 5101.194 of the Revised Code.	117589 117590 117591 117592
(B) The director shall provide one, but not both, of the following one-time payments for an adopted child to the child's adoptive parent if the requirements of division (A) of section 5101.192 of the Revised Code, but not division (B) of that section, are satisfied regarding the child:	117593 117594 117595 117596 117597

(1) Ten thousand dollars; 117598

(2) Fifteen thousand dollars, if the parent was a foster caregiver who cared for the child prior to adoption. 117599  
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(C) The director shall provide a one-time payment for an adopted child of twenty thousand dollars to the child's adoptive parent if the requirements of divisions (A) and (B) of section 5101.192 of the Revised Code are satisfied regarding the child. 117601  
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**Sec. 5101.193.** (A) The director of ~~job~~ children and ~~family services~~ youth shall adopt rules to administer and implement the Ohio adoption grant program. The director, in consultation with the tax commissioner, shall also adopt rules authorizing the department to withhold and remit to the Internal Revenue Service federal income tax from grant payments under division (B) of section 5101.191 of the Revised Code, provided such withholding is authorized under federal law or approved by the Internal Revenue Service. 117605  
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(B) No application fee shall be charged for the grant program. 117614  
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(C) Notwithstanding any law to the contrary, the director may require, as necessary to administer the Ohio adoption grant program, either or both of the following: 117616  
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(1) The submission of any court or legal document necessary to prove a final order of adoption, an interlocutory order of adoption, or recognition of the adoption under section 3107.18 of the Revised Code; 117619  
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(2) Any department, agency, or division of the state, including the department of health, to provide any document related to the adoption. 117623  
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(D) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained 117626  
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in a rule adopted under section 5101.193 of the Revised Code is 117628  
not subject to sections 121.95 to 121.953 of the Revised Code. 117629

**Sec. 5101.194.** Any document provided to the department of ~~job~~ 117630  
children and family services youth under division (C) of section 117631  
5101.193 of the Revised Code remains a public record under section 117632  
149.43 of the Revised Code if it was a public record under that 117633  
section before being provided to the department. 117634

**Sec. 5101.21.** (A) As used in sections 5101.21 to 5101.212 of 117635  
the Revised Code: 117636

(1) "County grantee" means all of the following: 117637

(a) A board of county commissioners; 117638

(b) A county children services board appointed under section 117639  
5153.03 of the Revised Code; 117640

(c) A county elected official that is a child support 117641  
enforcement agency. 117642

(2) "County subgrant" means a grant that a county grantee 117643  
awards to another entity. 117644

(3) "County subgrant agreement" means an agreement between a 117645  
county grantee and another entity under which the county grantee 117646  
awards the other entity one or more county subgrants. 117647

(4) "Fiscal biennial period" means a two-year period 117648  
beginning on the first day of July of an odd-numbered year and 117649  
ending on the last day of June of the next odd-numbered year. 117650

(5) "Grant" means an award for one or more family services 117651  
duties of federal financial assistance that a federal agency 117652  
provides in the form of money, or property in lieu of money, to 117653  
the department of job and family services or the department of 117654  
children and youth and that ~~the~~ either department awards to a 117655  
county grantee. "Grant" may include state funds the department 117656

awards to a county grantee to match the federal financial 117657  
assistance. "Grant" does not mean either of the following: 117658

(a) Technical assistance that provides services instead of 117659  
money; 117660

(b) Other assistance provided in the form of revenue sharing, 117661  
loans, loan guarantees, interest subsidies, or insurance. 117662

(6) "Grant agreement" means an agreement between the 117663  
department of job and family services or the department of 117664  
children and youth and a county grantee under which ~~the~~ either 117665  
department awards the county grantee one or more grants. 117666

(B) ~~Effective July 1, 2008, the~~ The director of job and 117667  
family services and the director of children and youth may award 117668  
grants to counties only through grant agreements entered into 117669  
under this section. 117670

(C) The ~~director~~ directors shall enter into one or more 117671  
written grant agreements with the county grantees of each county. 117672  
If a county has multiple county grantees, the director shall 117673  
jointly enter into the grant agreement with all of the county 117674  
grantees. ~~The initial grant agreement shall be entered into not~~ 117675  
~~later than January 31, 2008, and shall be in effect for fiscal~~ 117676  
~~year 2009.~~ Except as provided in rules adopted under this section, 117677  
subsequent grant agreements shall be entered into before the first 117678  
day of each successive fiscal biennial period and shall be in 117679  
effect for that fiscal biennial period or, in the case of a grant 117680  
agreement entered into after the first day of a fiscal biennial 117681  
period and except as provided by section 5101.211 of the Revised 117682  
Code, for the remainder of the fiscal biennial period. A grant 117683  
agreement shall do all of the following: 117684

(1) Comply with all of the conditions, requirements, and 117685  
restrictions applicable to the family services duties for which 117686  
the grants included in the agreement are awarded, including the 117687

conditions, requirements, and restrictions established by the 117688  
department, federal or state law, state plans for receipt of 117689  
federal financial participation, agreements between the ~~department~~ 117690  
departments and a federal agency, and executive orders issued by 117691  
the governor; 117692

(2) Establish terms and conditions governing the 117693  
accountability for and use of the grants included in the grant 117694  
agreement; 117695

(3) Specify both of the following: 117696

(a) The family services duties for which the grants included 117697  
in the agreement are awarded; 117698

(b) The private and government entities designated under 117699  
section 307.981 of the Revised Code to serve as the county family 117700  
services agencies performing the family services duties; 117701

(4) Provide for the department of job and family services and 117702  
the department of children and youth to award the grants included 117703  
in the agreement in accordance with a methodology for determining 117704  
the amount of the award established by rules adopted under this 117705  
section; 117706

(5) Specify the form of the grants which may be a cash draw, 117707  
reimbursement, property, advance, working capital advance, or 117708  
other forms specified in rules adopted under this section; 117709

(6) Provide that the grants are subject to the availability 117710  
of federal funds and appropriations made by the general assembly; 117711

(7) Specify annual financial, administrative, or other 117712  
incentive awards, if any, to be provided in accordance with 117713  
section 5101.23 of the Revised Code; 117714

(8) Include the assurance of each county grantee that the 117715  
county grantee will do all of the following: 117716

(a) Ensure that the grants included in the agreement are 117717

used, and the family services duties for which the grants are 117718  
awarded are performed, in accordance with conditions, 117719  
requirements, and restrictions applicable to the duties 117720  
established by the ~~department~~ departments, a federal or state law, 117721  
state plans for receipt of federal financial participation, 117722  
agreements between the ~~department~~ departments and a federal 117723  
agency, and executive orders issued by the governor; 117724

(b) Utilize a financial management system and other 117725  
accountability mechanisms for the grants awarded under the 117726  
agreement that meet requirements the ~~department establishes~~ 117727  
departments establish; 117728

(c) Do all of the following with regard to a county subgrant: 117729

(i) Award the subgrant through a written county subgrant 117730  
agreement that requires the entity awarded the county subgrant to 117731  
comply with all conditions, requirements, and restrictions 117732  
applicable to the county grantee regarding the grant that the 117733  
county grantee subgrants to the entity, including the conditions, 117734  
requirements, and restrictions of this section; 117735

(ii) Monitor the entity that is awarded the subgrant to 117736  
ensure that the entity uses the subgrant in accordance with 117737  
conditions, requirements, and restrictions applicable to the 117738  
family services duties for which the subgrant is awarded; 117739

(iii) Take action to recover subgrants that are not used in 117740  
accordance with the conditions, requirements, or restrictions 117741  
applicable to the family services duties for which the subgrant is 117742  
awarded. 117743

(d) Promptly reimburse the ~~department~~ departments the amount 117744  
that represents the amount the county grantee is responsible for, 117745  
pursuant to action the ~~department takes~~ departments take under 117746  
division (C) of section 5101.24 of the Revised Code, of funds the 117747  
~~department pays~~ departments pay to any entity because of an 117748

adverse audit finding, adverse quality control finding, final 117749  
disallowance of federal financial participation, or other sanction 117750  
or penalty; 117751

(e) Take prompt corrective action, including paying amounts 117752  
resulting from an adverse finding, sanction, or penalty, if the 117753  
~~department~~ departments, auditor of state, federal agency, or other 117754  
entity authorized by federal or state law to determine compliance 117755  
with the conditions, requirements, and restrictions applicable to 117756  
a family services duty for which a grant included in the agreement 117757  
is awarded determines compliance has not been achieved; 117758

(f) Ensure that any matching funds, regardless of the source, 117759  
that the county grantee manages are clearly identified and used in 117760  
accordance with federal and state laws and the agreement. 117761

(9) Provide for the ~~department~~ departments taking action 117762  
pursuant to division (C) of section 5101.24 of the Revised Code if 117763  
authorized by division (B)(1), (2), (3), or (4) of that section; 117764

(10) Provide for timely audits required by federal and state 117765  
law and require prompt release of audit findings and prompt action 117766  
to correct problems identified in an audit; 117767

(11) Provide for administrative review procedures in 117768  
accordance with section 5101.24 of the Revised Code; 117769

(12) Establish the method of amending or terminating the 117770  
agreement and an expedited process for correcting terms or 117771  
conditions of the agreement that the ~~director~~ directors and each 117772  
county grantee agree are erroneous. 117773

(D) A grant agreement does not have to be amended for a 117774  
county grantee to be required to comply with a new or amended 117775  
condition, requirement, or restriction for a family services duty 117776  
established by federal or state law, state plan for receipt of 117777  
federal financial participation, agreement between the ~~department~~ 117778  
departments and a federal agency, or executive order issued by the 117779

governor. 117780

(E) The ~~department~~ departments shall make payments authorized 117781  
by a grant agreement on vouchers ~~it prepares~~ they prepare and may 117782  
include any funds appropriated or allocated to ~~it~~ them for 117783  
carrying out family services duties for which a grant included in 117784  
the agreement is awarded, including funds for personal services 117785  
and maintenance. 117786

(F)(1) The ~~director~~ directors shall adopt rules in accordance 117787  
with section 111.15 of the Revised Code governing grant 117788  
agreements. The ~~director~~ directors shall adopt the rules as if 117789  
they were internal management rules. Before adopting the rules, 117790  
the ~~director~~ directors shall give the public an opportunity to 117791  
review and comment on the proposed rules. The rules shall 117792  
establish methodologies to be used to determine the amount of the 117793  
grants included in the agreements. The rules also shall establish 117794  
terms and conditions under which an agreement may be entered into 117795  
after the first day of a fiscal biennial period. The rules may do 117796  
any or all of the following: 117797

(a) Govern the award of grants included in grant agreements, 117798  
including the establishment of, and restrictions on, the form of 117799  
the grants and the distribution of the grants; 117800

(b) Specify allowable uses of the grants included in the 117801  
agreements; 117802

(c) Establish reporting, cash management, audit, and other 117803  
requirements the ~~director determines~~ directors determine are 117804  
necessary to provide accountability for the use of the grants 117805  
included in the agreements and determine compliance with 117806  
conditions, requirements, and restrictions established by the 117807  
~~department~~ departments, a federal or state law, state plans for 117808  
receipt of federal financial participation, agreements between the 117809  
~~department~~ departments and a federal agency, and executive orders 117810

issued by the governor. 117811

(2) A requirement of a grant agreement established by a rule 117812  
adopted under this division is applicable to a grant agreement 117813  
without having to be restated in the grant agreement. A 117814  
requirement established by a grant agreement is applicable to the 117815  
grant agreement without having to be restated in a rule. 117816

**Sec. 5101.214.** The director of job and family services and 117817  
the director of children and youth may enter into a written 117818  
agreement with one or more state agencies, as defined in section 117819  
117.01 of the Revised Code, and state universities and colleges to 117820  
assist in the coordination, provision, or enhancement of the 117821  
family services duties of a county family services agency or the 117822  
workforce development activities of a local board, as defined in 117823  
section 6301.01 of the Revised Code. The ~~director~~ directors also 117824  
may enter into written agreements or contracts with, or issue 117825  
grants to, private and government entities under which funds are 117826  
provided for the enhancement or innovation of family services 117827  
duties or workforce development activities on the state or local 117828  
level. 117829

The ~~director~~ directors may adopt internal management rules in 117830  
accordance with section 111.15 of the Revised Code to implement 117831  
this section. 117832

**Sec. 5101.216.** The director of job and family services and 117833  
the director of children and youth, as applicable, may enter into 117834  
one or more written operational agreements with boards of county 117835  
commissioners to do one or more of the following regarding family 117836  
services duties: 117837

(A) Provide for the ~~director~~ directors to amend or rescind a 117838  
rule the ~~director~~ directors previously adopted; 117839

(B) Provide for the ~~director~~ directors to modify procedures 117840

or establish alternative procedures to accommodate special 117841  
circumstances in a county; 117842

(C) Provide for the ~~director~~ directors and board to jointly 117843  
identify operational problems of mutual concern and develop a 117844  
joint plan to address the problems; 117845

(D) Establish a framework for the ~~director~~ directors and 117846  
board to modify the use of existing resources in a manner that is 117847  
beneficial to the department of job and family services, the 117848  
department of children and youth, and the county that the board 117849  
serves and improves family services duties for the recipients of 117850  
the services. 117851

**Sec. 5101.22.** The department of job and family services and 117852  
the department of children and youth, as applicable, may establish 117853  
performance and other administrative standards for the 117854  
administration and outcomes of family services duties and 117855  
determine at intervals the ~~department decides~~ departments decide 117856  
the degree to which a county family services agency complies with 117857  
a performance or other administrative standard. The ~~department~~ 117858  
departments may use statistical sampling, performance audits, case 117859  
reviews, or other methods ~~it determines~~ they determine necessary 117860  
and appropriate to determine compliance with performance and 117861  
administrative standards. 117862

**Sec. 5101.221.** (A) Except as provided by division (C) of this 117863  
section, if the department of job and family services or the 117864  
department of children and youth determines that a county family 117865  
services agency has failed to comply with a performance or other 117866  
administrative standard established under section 5101.22 of the 117867  
Revised Code or by federal law for the administration or outcome 117868  
of a family services duty, the department shall require the agency 117869  
to develop, submit to the department for approval, and comply with 117870

a corrective action plan. 117871

(B) If a county family services agency fails to develop, 117872  
submit to the department, or comply with a corrective action plan 117873  
under division (A) of this section, or the department disapproves 117874  
the agency's corrective action plan, the department may require 117875  
the agency to develop, submit to the department for approval, and 117876  
comply with a corrective action plan that requires the agency to 117877  
commit existing resources to the plan. 117878

(C) The department may not require a county family services 117879  
agency to take action under this section for failure to comply 117880  
with a performance or other administrative standard established 117881  
for an incentive awarded by the department. Instead, the 117882  
department may require a county family services agency that fails 117883  
to comply with that kind of performance or other administrative 117884  
standard to take action in accordance with rules adopted by the 117885  
department governing the standard. 117886

(D) At the request of a county family services agency, the 117887  
department shall assist the agency with the development of a 117888  
corrective action plan under this section and provide the agency 117889  
technical assistance in the implementation of the plan. 117890

**Sec. 5101.23.** Subject to the availability of funds, the 117891  
department of job and family services and the department of 117892  
children and youth may provide annual financial, administrative, 117893  
or other incentive awards to county family services agencies and 117894  
local areas as defined in section 6301.01 of the Revised Code. A 117895  
county family services agency or local area may spend an incentive 117896  
awarded under this section only for the purpose for which the 117897  
funds are appropriated. The ~~department~~ departments may adopt 117898  
internal management rules in accordance with section 111.15 of the 117899  
Revised Code to establish the amounts of awards, methodology for 117900

distributing the awards, types of awards, and standards for 117901  
administration. 117902

There is hereby created in the state treasury the social 117903  
services incentive fund. The director of job and family services 117904  
and the director of children and youth may request that the 117905  
director of budget and management transfer funds in the Title IV-A 117906  
reserve fund created under section 5101.82 of the Revised Code and 117907  
other funds appropriated for family services duties or workforce 117908  
investment activities into the fund. If the director of budget and 117909  
management determines that the funds identified by the director of 117910  
job and family services or the director of children and youth are 117911  
available and appropriate for transfer, the director of budget and 117912  
management shall make the transfer. Money in the fund shall be 117913  
used to provide incentive awards under this section. 117914

**Sec. 5101.24.** (A) As used in this section, "responsible 117915  
county grantee" means whichever county grantee, as defined in 117916  
section 5101.21 of the Revised Code, the director of job and 117917  
family services ~~determines~~ and the director of children and youth 117918  
determine is appropriate to take action against under division (C) 117919  
of this section. 117920

(B) Regardless of whether a family services duty is performed 117921  
by a county family services agency, private or government entity 117922  
pursuant to a contract entered into under section 307.982 of the 117923  
Revised Code or division (C)(2) of section 5153.16 of the Revised 117924  
Code, or private or government provider of a family service duty, 117925  
the department of job and family services or the department of 117926  
children and youth may take action under division (C) of this 117927  
section against the responsible county grantee if the department 117928  
determines any of the following are the case: 117929

(1) A requirement of a grant agreement entered into under 117930  
section 5101.21 of the Revised Code that includes a grant for the 117931

family services duty, including a requirement for grant agreements 117932  
established by rules adopted under that section, is not complied 117933  
with; 117934

(2) A county family services agency fails to develop, submit 117935  
to the department, or comply with a corrective action plan under 117936  
division (B) of section 5101.221 of the Revised Code, or the 117937  
department disapproves the agency's corrective action plan 117938  
developed under division (B) of section 5101.221 of the Revised 117939  
Code; 117940

(3) A requirement for the family services duty established by 117941  
the department or any of the following is not complied with: a 117942  
federal or state law, state plan for receipt of federal financial 117943  
participation, grant agreement between the department and a 117944  
federal agency, or executive order issued by the governor; 117945

(4) The responsible county grantee is solely or partially 117946  
responsible, as determined by the director of job and family 117947  
services or the director of children and youth, for an adverse 117948  
audit finding, adverse quality control finding, final disallowance 117949  
of federal financial participation, or other sanction or penalty 117950  
regarding the family services duty. 117951

(C) The department may take one or more of the following 117952  
actions against the responsible county grantee when authorized by 117953  
division (B)(1), (2), (3), or (4) of this section: 117954

(1) Require the responsible county grantee to comply with a 117955  
corrective action plan pursuant to a time schedule specified by 117956  
the department. The corrective action plan shall be established or 117957  
approved by the department and shall not require a county grantee 117958  
to commit resources to the plan. 117959

(2) Require the responsible county grantee to comply with a 117960  
corrective action plan pursuant to a time schedule specified by 117961  
the department. The corrective action plan shall be established or 117962

approved by the department and require a county grantee to commit 117963  
to the plan existing resources identified by the agency. 117964

(3) Require the responsible county grantee to do one of the 117965  
following: 117966

(a) Share with the department a final disallowance of federal 117967  
financial participation or other sanction or penalty; 117968

(b) Reimburse the department the final amount the department 117969  
pays to the federal government or another entity that represents 117970  
the amount the responsible county grantee is responsible for of an 117971  
adverse audit finding, adverse quality control finding, final 117972  
disallowance of federal financial participation, or other sanction 117973  
or penalty issued by the federal government, auditor of state, or 117974  
other entity; 117975

(c) Pay the federal government or another entity the final 117976  
amount that represents the amount the responsible county grantee 117977  
is responsible for of an adverse audit finding, adverse quality 117978  
control finding, final disallowance of federal financial 117979  
participation, or other sanction or penalty issued by the federal 117980  
government, auditor of state, or other entity; 117981

(d) Pay the department the final amount that represents the 117982  
amount the responsible county grantee is responsible for of an 117983  
adverse audit finding or adverse quality control finding. 117984

(4) Impose an administrative sanction issued by the 117985  
department against the responsible county grantee. A sanction may 117986  
be increased if the department has previously taken action against 117987  
the responsible entity under this division. 117988

(5) Perform, or contract with a government or private entity 117989  
for the entity to perform, the family services duty until the 117990  
department is satisfied that the responsible county grantee 117991  
ensures that the duty will be performed satisfactorily. If the 117992  
department performs or contracts with an entity to perform a 117993

family services duty under division (C)(5) of this section, the 117994  
department may do either or both of the following: 117995

(a) Spend funds in the county treasury appropriated by the 117996  
board of county commissioners for the duty; 117997

(b) Withhold funds allocated or reimbursements due to the 117998  
responsible county grantee for the duty and spend the funds for 117999  
the duty. 118000

(6) Request that the attorney general bring mandamus 118001  
proceedings to compel the responsible county grantee to take or 118002  
cease the action that causes division (B)(1), (2), (3), or (4) of 118003  
this section to apply. The attorney general shall bring mandamus 118004  
proceedings in the Franklin county court of appeals at the 118005  
department's request. 118006

(7) If the department takes action under this division 118007  
because of division (B)(3) of this section, temporarily withhold 118008  
funds allocated or reimbursement due to the responsible county 118009  
grantee until the department determines that the responsible 118010  
county grantee is in compliance with the requirement. The 118011  
department shall release the funds when the department determines 118012  
that compliance has been achieved. 118013

(D) If the department proposes to take action against the 118014  
responsible county grantee under division (C) of this section, the 118015  
department shall notify the responsible county grantee, director 118016  
of the appropriate county family services agency, and county 118017  
auditor. The notice shall be in writing and specify the action the 118018  
department proposes to take. The department shall send the notice 118019  
by regular United States mail. 118020

Except as provided by division (E) of this section, the 118021  
responsible county grantee may request an administrative review of 118022  
a proposed action in accordance with administrative review 118023  
procedures the department shall establish. The administrative 118024

review procedures shall comply with all of the following: 118025

(1) A request for an administrative review shall state 118026  
specifically all of the following: 118027

(a) The proposed action specified in the notice from the 118028  
department for which the review is requested; 118029

(b) The reason why the responsible county grantee believes 118030  
the proposed action is inappropriate; 118031

(c) All facts and legal arguments that the responsible county 118032  
grantee wants the department to consider; 118033

(d) The name of the person who will serve as the responsible 118034  
county grantee's representative in the review. 118035

(2) If the department's notice specifies more than one 118036  
proposed action and the responsible county grantee does not 118037  
specify all of the proposed actions in its request pursuant to 118038  
division (D)(1)(a) of this section, the proposed actions not 118039  
specified in the request shall not be subject to administrative 118040  
review and the parts of the notice regarding those proposed 118041  
actions shall be final and binding on the responsible county 118042  
grantee. 118043

(3) In the case of a proposed action under division (C)(1) of 118044  
this section, the responsible county grantee shall have fifteen 118045  
calendar days after the department mails the notice to the 118046  
responsible county grantee to send a written request to the 118047  
department for an administrative review. If it receives such a 118048  
request within the required time, the department shall postpone 118049  
taking action under division (C)(1) of this section for fifteen 118050  
calendar days following the day it receives the request or 118051  
extended period of time provided for in division (D)(5) of this 118052  
section to allow a representative of the department and a 118053  
representative of the responsible county grantee an informal 118054  
opportunity to resolve any dispute during that fifteen-day or 118055

extended period. 118056

(4) In the case of a proposed action under division (C)(2), 118057  
(3), (4), (5), or (7) of this section, the responsible county 118058  
grantee shall have thirty calendar days after the department mails 118059  
the notice to the responsible county grantee to send a written 118060  
request to the department for an administrative review. If it 118061  
receives such a request within the required time, the department 118062  
shall postpone taking action under division (C)(2), (3), (4), (5), 118063  
or (7) of this section for thirty calendar days following the day 118064  
it receives the request or extended period of time provided for in 118065  
division (D)(5) of this section to allow a representative of the 118066  
department and a representative of the responsible county grantee 118067  
an informal opportunity to resolve any dispute during that 118068  
thirty-day or extended period. 118069

(5) If the informal opportunity provided in division (D)(3) 118070  
or (4) of this section does not result in a written resolution to 118071  
the dispute within the fifteen- or thirty-day period, the director 118072  
of job and family services or the director of children and youth 118073  
and representative of the responsible county grantee may enter 118074  
into a written agreement extending the time period for attempting 118075  
an informal resolution of the dispute under division (D)(3) or (4) 118076  
of this section. 118077

(6) In the case of a proposed action under division (C)(3) of 118078  
this section, the responsible county grantee may not include in 118079  
its request disputes over a finding, final disallowance of federal 118080  
financial participation, or other sanction or penalty issued by 118081  
the federal government, auditor of state, or entity other than the 118082  
department. 118083

(7) If the responsible county grantee fails to request an 118084  
administrative review within the required time, the responsible 118085  
county grantee loses the right to request an administrative review 118086  
of the proposed actions specified in the notice and the notice 118087

becomes final and binding on the responsible county grantee. 118088

(8) If the informal opportunity provided in division (D)(3) 118089  
or (4) of this section does not result in a written resolution to 118090  
the dispute within the time provided by division (D)(3), (4), or 118091  
(5) of this section, the director shall appoint an administrative 118092  
review panel to conduct the administrative review. The review 118093  
panel shall consist of department employees and one director or 118094  
other representative of the type of county family services agency 118095  
that is responsible for the kind of family services duty that is 118096  
the subject of the dispute and serves a different county than the 118097  
county served by the responsible county grantee. No individual 118098  
involved in the department's proposal to take action against the 118099  
responsible county grantee may serve on the review panel. The 118100  
review panel shall review the responsible county grantee's 118101  
request. The review panel may require that the department or 118102  
responsible county grantee submit additional information and 118103  
schedule and conduct an informal hearing to obtain testimony or 118104  
additional evidence. A review of a proposal to take action under 118105  
division (C)(3) of this section shall be limited solely to the 118106  
issue of the amount the responsible county grantee shall share 118107  
with the department, reimburse the department, or pay to the 118108  
federal government, department, or other entity under division 118109  
(C)(3) of this section. The review panel is not required to make a 118110  
stenographic record of its hearing or other proceedings. 118111

(9) After finishing an administrative review, an 118112  
administrative review panel appointed under division (D)(8) of 118113  
this section shall submit a written report to the director setting 118114  
forth its findings of fact, conclusions of law, and 118115  
recommendations for action. The director may approve, modify, or 118116  
disapprove the recommendations. If the director modifies or 118117  
disapproves the recommendations, the director shall state the 118118  
reasons for the modification or disapproval and the actions to be 118119

taken against the responsible county grantee. 118120

(10) The director's approval, modification, or disapproval 118121  
under division (D)(9) of this section shall be final and binding 118122  
on the responsible county grantee and shall not be subject to 118123  
further departmental review. 118124

(E) The responsible county grantee is not entitled to an 118125  
administrative review under division (D) of this section for any 118126  
of the following: 118127

(1) An action taken under division (C)(6) of this section; 118128

(2) An action taken under section 5101.242 of the Revised 118129  
Code; 118130

(3) An action taken under division (C)(3) of this section if 118131  
the federal government, auditor of state, or entity other than the 118132  
department has identified the responsible county grantee as being 118133  
solely or partially responsible for an adverse audit finding, 118134  
adverse quality control finding, final disallowance of federal 118135  
financial participation, or other sanction or penalty; 118136

(4) An adjustment to an allocation, cash draw, advance, or 118137  
reimbursement to a responsible county grantee that the department 118138  
determines necessary for budgetary reasons; 118139

(5) Withholding of a cash draw or reimbursement due to 118140  
noncompliance with a reporting requirement established in rules 118141  
adopted under section 5101.243 of the Revised Code; 118142

(6) An action taken under division (C)(5) of this section if 118143  
the department determines that an emergency exists. 118144

(F) This section does not apply to other actions the 118145  
department takes against the responsible county grantee pursuant 118146  
to authority granted by another state law unless the other state 118147  
law requires the department to take the action in accordance with 118148  
this section. 118149

(G) The director of job and family services and children and youth may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section.

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**Sec. 5101.243.** The director of job and family services and the director of children and youth may adopt rules in accordance with section 111.15 of the Revised Code establishing reporting requirements for family services duties and workforce development activities. If the ~~director adopts~~ directors adopt the rules, the ~~director~~ directors shall adopt the rules as if they were internal management rules and, before adopting the rules, give the public an opportunity to review and comment on the proposed rules.

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**Sec. 5101.244.** (A) If the department of job and family services or the department of children and youth determines that a grant awarded to a county grantee in a grant agreement entered into under section 5101.21 of the Revised Code, an allocation, advance, or reimbursement the department makes to a county family services agency, or a cash draw a county family services agency makes exceeds the allowable amount for the grant, allocation, advance, reimbursement, or cash draw, the department may take one or more of the following actions to recover the excess amount:

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(1) The department may adjust, offset, withhold, or reduce an allocation, cash draw, advance, reimbursement, or other financial assistance to the county grantee or county family services agency as necessary to recover the excess amount.

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(2) The department may enter into an agreement with the county grantee or county family services agency for repayment of the excess amount by the grantee or agency. The department may require that the repayment include interest on the excess amount, calculated from the day that the excess occurred at a rate not exceeding the rate per annum prescribed by section 5703.47 of the

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Revised Code. 118180

(3) The department may certify a claim to the attorney 118181  
general under section 131.02 of the Revised Code for the attorney 118182  
general to take action under that section against the county 118183  
grantee or county family services agency to recover the excess 118184  
amount. 118185

(B) In taking an action authorized under this section, the 118186  
department is not required to take the action in accordance with 118187  
section 5101.24 of the Revised Code. 118188

(C) The director of job and family services and the director 118189  
of children and youth may adopt rules under section 111.15 of the 118190  
Revised Code as necessary to implement this section. The ~~director~~ 118191  
directors shall adopt the rules as if they were internal 118192  
management rules. 118193

**Sec. 5101.25.** The department of ~~human~~ job and family 118194  
services, and the department of children and youth in consultation 118195  
with county representatives, shall develop annual training goals 118196  
and model training curriculum for employees of county family 118197  
services agencies and identify a variety of state funded training 118198  
opportunities to meet the proposed goals. 118199

**Sec. 5101.26.** As used in this section and in sections 5101.27 118200  
to 5101.30 of the Revised Code: 118201

(A) "County agency" means a county department of job and 118202  
family services or a public children services agency. 118203

(B) "Fugitive felon" means an individual who is fleeing to 118204  
avoid prosecution, or custody or confinement after conviction, 118205  
under the laws of the place from which the individual is fleeing, 118206  
for a crime or an attempt to commit a crime that is a felony under 118207  
the laws of the place from which the individual is fleeing or, in 118208  
the case of New Jersey, a high misdemeanor, regardless of whether 118209

the individual has departed from the individual's usual place of residence. 118210  
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(C) "Information" means records as defined in section 149.011 of the Revised Code, any other documents in any format, and data derived from records and documents that are generated, acquired, or maintained by the department of job and family services, the department of children and youth, a county agency, or an entity performing duties on behalf of the department or a county agency. 118212  
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(D) "Law enforcement agency" means the state highway patrol, an agency that employs peace officers as defined in section 109.71 of the Revised Code, the adult parole authority, a county department of probation, a prosecuting attorney, the attorney general, similar agencies of other states, federal law enforcement agencies, and postal inspectors. "Law enforcement agency" includes the peace officers and other law enforcement officers employed by the agency. 118218  
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(E) "Public assistance" means financial assistance or social services that are provided under a program administered by the department of job and family services or a county agency pursuant to Chapter 329., 5101., 5104., 5107., or 5108. of the Revised Code or an executive order issued under section 107.17 of the Revised Code. "Public assistance" does not mean medical assistance provided under a medical assistance program, as defined in section 5160.01 of the Revised Code. 118226  
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(F) "Public assistance recipient" means an applicant for or recipient or former recipient of public assistance. 118234  
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(G) "Publicly funded child care" has the same meaning as in section 5104.01 of the Revised Code. 118236  
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(H) "Tuberculosis control unit" means the county tuberculosis control unit designated by a board of county commissioners under section 339.72 of the Revised Code or the district tuberculosis 118238  
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control unit designated pursuant to an agreement entered into by 118241  
two or more boards of community commissioners under that section. 118242

**Sec. 5101.27.** (A) Except as permitted by this section, 118243  
section 5101.273, 5101.28, or 5101.29 of the Revised Code, or 118244  
rules adopted under section 5101.30 of the Revised Code, or when 118245  
required by federal law, no person or government entity shall 118246  
knowingly solicit, disclose, receive, use, permit the use of, or 118247  
participate in the use of any information regarding a public 118248  
assistance recipient for any purpose not directly connected with 118249  
the administration of a public assistance program. 118250

(B) To the extent permitted by federal law, the department of 118251  
job and family services, the department of children and youth, and 118252  
county agencies shall do all of the following: 118253

(1) Release information regarding a public assistance 118254  
recipient for purposes directly connected to the administration of 118255  
the program to a government entity responsible for administering 118256  
that public assistance program; 118257

(2) Provide information regarding a public assistance 118258  
recipient to a law enforcement agency for the purpose of any 118259  
investigation, prosecution, or criminal or civil proceeding 118260  
relating to the administration of that public assistance program; 118261

(3) Provide, for purposes directly connected to the 118262  
administration of a program that assists needy individuals with 118263  
the costs of public utility services, information regarding a 118264  
recipient of financial assistance provided under a program 118265  
administered by the department or a county agency pursuant to 118266  
Chapter 5107. or 5108. of the Revised Code to an entity 118267  
administering the public utility services program. 118268

(C)(1) To the extent permitted by federal law and subject to 118269  
division (C)(2) of this section, the department of ~~job~~ children 118270

and ~~family services~~ youth shall release, for purposes directly 118271  
connected to a public health investigation related to section 118272  
3301.531 or 5104.037 of the Revised Code, information regarding a 118273  
public assistance recipient who receives publicly funded child 118274  
care, so long as all of the following conditions are met: 118275

(a) The department of health or the tuberculosis control unit 118276  
has initiated a public health investigation related to section 118277  
3301.531 or 5104.037 of the Revised Code and has assessed the 118278  
investigation as an emergency. 118279

(b) The department of health or the tuberculosis control unit 118280  
has notified the department of ~~job children~~ and ~~family services~~ 118281  
youth about the investigation and has requested that the 118282  
department of ~~job children~~ and ~~family services~~ youth release the 118283  
information for purposes of the investigation. 118284

(c) The department of ~~job children~~ and ~~family services~~ youth 118285  
is unable to timely obtain voluntary, written authorization that 118286  
complies with section 5101.272 of the Revised Code. 118287

(2) If the conditions specified in division (C)(1) of this 118288  
section are met, the department of ~~job children~~ and ~~family~~ 118289  
~~services~~ youth shall release to the department of health or the 118290  
tuberculosis control unit the minimum information necessary to 118291  
fulfill the needs of the department of health or tuberculosis 118292  
control unit related to the public health investigation. 118293

(3) If the department of ~~job children~~ and ~~family services~~ 118294  
youth releases information pursuant to division (C) of this 118295  
section, it shall immediately notify the public assistance 118296  
recipient. 118297

(D) To the extent permitted by federal law and section 118298  
1347.08 of the Revised Code, the ~~department~~ departments and county 118299  
agencies shall provide access to information regarding a public 118300  
assistance recipient to all of the following: 118301

(1) The recipient; 118302

(2) The authorized representative; 118303

(3) The legal guardian of the recipient; 118304

(4) The attorney of the recipient, if the attorney has 118305  
written authorization that complies with section 5101.272 of the 118306  
Revised Code from the recipient. 118307

(E) To the extent permitted by federal law and subject to 118308  
division (F) of this section, the ~~department~~ departments and 118309  
county agencies may do both of the following: 118310

(1) Release information about a public assistance recipient 118311  
if the recipient gives voluntary, written authorization that 118312  
complies with section 5101.272 of the Revised Code; 118313

(2) Release information regarding a public assistance 118314  
recipient to a state, federal, or federally assisted program that 118315  
provides cash or in-kind assistance or services directly to 118316  
individuals based on need or for the purpose of protecting 118317  
children to a government entity responsible for administering a 118318  
children's protective services program. 118319

(F) Except when the release is required by division (B), (C), 118320  
or (D) of this section or is authorized by division (E)(2) of this 118321  
section, the department or county agency shall release the 118322  
information only in accordance with the authorization. The 118323  
department or county agency shall provide, at no cost, a copy of 118324  
each written authorization to the individual who signed it. 118325

(G) The department of job and family services and the 118326  
department of children and youth may adopt rules defining 118327  
"authorized representative" for purposes of division (D)(2) of 118328  
this section. 118329

**Sec. 5101.29.** When contained in a record held by the 118330  
department of job and family services, the department of children 118331

and youth, or a county agency, the following are not public records for purposes of section 149.43 of the Revised Code: 118332  
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(A) Names and other identifying information regarding children enrolled in or attending a child day-care center or home subject to licensure or registration under Chapter 5104. of the Revised Code; 118334  
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(B) Names and other identifying information regarding children placed with an institution or association certified under section 5103.03 of the Revised Code; 118338  
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(C) Names and other identifying information regarding a person who makes an oral or written complaint regarding an institution, association, child day-care center, or home subject to licensure or registration to the department or other state or county entity responsible for enforcing Chapter 5103. or 5104. of the Revised Code; 118341  
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(D)(1) Except as otherwise provided in division (D)(2) of this section, names, documentation, and other identifying information regarding a foster caregiver or a prospective foster caregiver, including the foster caregiver application for certification under section 5103.03 of the Revised Code and the home study conducted pursuant to section 5103.0324 of the Revised Code. 118347  
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(2) Notwithstanding division (D)(1) of this section, the following are public records for the purposes of section 149.43 of the Revised Code, when contained in a record held by the department of job and family services, the department of children and youth, a county agency, or other governmental entity: 118354  
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(a) All of the following information regarding a currently certified foster caregiver who has had a foster care certificate revoked pursuant to Chapter 5103. of the Revised Code or, after receiving a current or current renewed certificate has been 118359  
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convicted of, pleaded guilty to, or indicted or otherwise charged 118363  
with any offense described in division (C)(1) of section 2151.86 118364  
of the Revised Code: 118365

(i) The foster caregiver's name, date of birth, and county of 118366  
residence; 118367

(ii) The date of the foster caregiver's certification; 118368

(iii) The date of each placement of a foster child into the 118369  
foster caregiver's home; 118370

(iv) If applicable, the date of the removal of a foster child 118371  
from the foster caregiver's home and the reason for the foster 118372  
child's removal unless release of such information would be 118373  
detrimental to the foster child or other children residing in the 118374  
foster caregiver's home; 118375

(v) If applicable, the date of the foster care certificate 118376  
revocation and all documents related to the revocation unless 118377  
otherwise not a public record pursuant to section 149.43 of the 118378  
Revised Code. 118379

(b) Nonidentifying foster care statistics including, but not 118380  
limited to, the number of foster caregivers and foster care 118381  
certificate revocations. 118382

**Sec. 5101.32.** (A) The department of job and family services 118383  
and the department of children and youth shall work with the 118384  
superintendent of the bureau of criminal identification and 118385  
investigation to develop procedures and formats necessary to 118386  
produce the notices described in division (D) of section 109.5721 118387  
of the Revised Code in a format that is acceptable for use by the 118388  
applicable department. ~~The~~ Each department may adopt rules in 118389  
accordance with section 111.15 of the Revised Code, as if they 118390  
were internal management rules, necessary for such collaboration. 118391

(B) The department of job and family services and department 118392

of children and youth may adopt rules in accordance with Chapter 118393  
119. of the Revised Code necessary for utilizing the information 118394  
received pursuant to section 109.5721 of the Revised Code, ~~with a~~ 118395  
~~final effective date that is not later than December 31, 2008.~~ 118396

**Sec. 5101.35.** (A) As used in this section: 118397

(1)(a) "Agency" means the following entities that administer 118398  
a family services program: 118399

(i) The department of job and family services; 118400

(ii) The department of children and youth; 118401

(iii) A county department of job and family services; 118402

~~(iii)~~(iv) A public children services agency; 118403

~~(iv)~~(v) A private or government entity administering, in 118404  
whole or in part, a family services program for or on behalf of 118405  
the department of job and family services, the department of 118406  
children and youth, or a county department of job and family 118407  
services or public children services agency. 118408

(b) If the department of medicaid contracts with the 118409  
department of job and family services to hear appeals authorized 118410  
by section 5160.31 of the Revised Code regarding medical 118411  
assistance programs, "agency" includes the department of medicaid. 118412

(2) "Appellant" means an applicant, participant, former 118413  
participant, recipient, or former recipient of a family services 118414  
program who is entitled by federal or state law to a hearing 118415  
regarding a decision or order of the agency that administers the 118416  
program. 118417

(3)(a) "Family services program" means all of the following: 118418

(i) A Title IV-A program as defined in section 5101.80 of the 118419  
Revised Code; 118420

(ii) Programs that provide assistance under Chapter 5104. of 118421

the Revised Code; 118422

(iii) Programs that provide assistance under section 118423  
5101.141, 5101.461, 5101.54, 5119.41, 5153.163, or 5153.165 of the 118424  
Revised Code; 118425

(iv) Title XX social services provided under section 5101.46 118426  
of the Revised Code, other than such services provided by the 118427  
department of mental health and addiction services, the department 118428  
of developmental disabilities, a board of alcohol, drug addiction, 118429  
and mental health services, or a county board of developmental 118430  
disabilities. 118431

(b) If the department of medicaid contracts with the 118432  
department of job and family services to hear appeals authorized 118433  
by section 5160.31 of the Revised Code regarding medical 118434  
assistance programs, "family services program" includes medical 118435  
assistance programs. 118436

(4) "Medical assistance program" has the same meaning as in 118437  
section 5160.01 of the Revised Code. 118438

(B) Except as provided by divisions (G) and (H) of this 118439  
section, an appellant who appeals under federal or state law a 118440  
decision or order of an agency administering a family services 118441  
program shall, at the appellant's request, be granted a state 118442  
hearing by the department of job and family services or the 118443  
department of children and youth, as appropriate. This state 118444  
hearing shall be conducted in accordance with rules adopted under 118445  
this section. The state hearing shall be recorded, but neither the 118446  
recording nor a transcript of the recording shall be part of the 118447  
official record of the proceeding. Except as provided in section 118448  
5160.31 of the Revised Code, a state hearing decision is binding 118449  
upon the agency and department, unless it is reversed or modified 118450  
on appeal to the director of job and family services, director of 118451  
children and youth, or a court of common pleas. 118452

(C) Except as provided by division (G) of this section, an appellant who disagrees with a state hearing decision may make an administrative appeal to the director of job and family services or director of children and youth in accordance with rules adopted under this section. This administrative appeal does not require a hearing, but the director or the director's designee shall review the state hearing decision and previous administrative action and may affirm, modify, remand, or reverse the state hearing decision. An administrative appeal decision is the final decision of the department and, except as provided in section 5160.31 of the Revised Code, is binding upon the department and agency, unless it is reversed or modified on appeal to the court of common pleas.

(D) An agency shall comply with a decision issued pursuant to division (B) or (C) of this section within the time limits established by rules adopted under this section. If a county department of job and family services or a public children services agency fails to comply within these time limits, the department may take action pursuant to section 5101.24 of the Revised Code. If another agency, other than the department of medicaid, fails to comply within the time limits, the department may force compliance by withholding funds due the agency or imposing another sanction established by rules adopted under this section.

(E) An appellant who disagrees with an administrative appeal decision of the director of job and family services, the director of children and youth, or ~~the~~ either director's designee issued under division (C) of this section may appeal from the decision to the court of common pleas pursuant to section 119.12 of the Revised Code. The appeal shall be governed by section 119.12 of the Revised Code except that:

(1) The person may appeal to the court of common pleas of the county in which the person resides, or to the court of common

pleas of Franklin county if the person does not reside in this state. 118485  
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(2) The person may apply to the court for designation as an indigent and, if the court grants this application, the appellant shall not be required to furnish the costs of the appeal. 118487  
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(3) The appellant shall mail the notice of appeal to the department of job and family services or director of children and youth, as appropriate, and file notice of appeal with the court within thirty days after the department mails the administrative appeal decision to the appellant. For good cause shown, the court may extend the time for mailing and filing notice of appeal, but such time shall not exceed six months from the date the department mails the administrative appeal decision. Filing notice of appeal with the court shall be the only act necessary to vest jurisdiction in the court. 118490  
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(4) The department shall be required to file a transcript of the testimony of the state hearing with the court only if the court orders the department to file the transcript. The court shall make such an order only if it finds that the department and the appellant are unable to stipulate to the facts of the case and that the transcript is essential to a determination of the appeal. The department shall file the transcript not later than thirty days after the day such an order is issued. 118500  
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(F) The department of job and family service and department of children and youth, as applicable, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including rules governing the following: 118508  
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(1) State hearings under division (B) of this section. The rules shall include provisions regarding notice of eligibility termination and the opportunity of an appellant appealing a decision or order of a county department of job and family 118512  
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services to request a county conference with the county department 118516  
before the state hearing is held. 118517

(2) Administrative appeals under division (C) of this 118518  
section; 118519

(3) Time limits for complying with a decision issued under 118520  
division (B) or (C) of this section; 118521

(4) Sanctions that may be applied against an agency under 118522  
division (D) of this section. 118523

(G) The department of job and family services and the 118524  
department of children and youth, as applicable, may adopt rules 118525  
in accordance with Chapter 119. of the Revised Code establishing 118526  
an appeals process for an appellant who appeals a decision or 118527  
order regarding a Title IV-A program identified under division 118528  
(A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of the Revised 118529  
Code that is different from the appeals process established by 118530  
this section. The different appeals process may include having a 118531  
state agency that administers the Title IV-A program pursuant to 118532  
an interagency agreement entered into under section 5101.801 of 118533  
the Revised Code administer the appeals process. 118534

(H) If an appellant receiving medicaid through a health 118535  
insuring corporation that holds a certificate of authority under 118536  
Chapter 1751. of the Revised Code is appealing a denial of 118537  
medicaid services based on lack of medical necessity or other 118538  
clinical issues regarding coverage by the health insuring 118539  
corporation, the person hearing the appeal may order an 118540  
independent medical review if that person determines that a review 118541  
is necessary. The review shall be performed by a health care 118542  
professional with appropriate clinical expertise in treating the 118543  
recipient's condition or disease. The department shall pay the 118544  
costs associated with the review. 118545

A review ordered under this division shall be part of the 118546

record of the hearing and shall be given appropriate evidentiary 118547  
consideration by the person hearing the appeal. 118548

(I) The requirements of Chapter 119. of the Revised Code 118549  
apply to a state hearing or administrative appeal under this 118550  
section only to the extent, if any, specifically provided by rules 118551  
adopted under this section. 118552

**Sec. 5101.37.** (A) The department of job and family services 118553  
or the department of children and youth and each county department 118554  
of job and family services and child support enforcement agency 118555  
may conduct any audits or investigations that are necessary in the 118556  
performance of their duties, and to that end they shall have the 118557  
same power as a judge of a county court to administer oaths and to 118558  
enforce the attendance and testimony of witnesses and the 118559  
production of books or papers. 118560

The applicable department and each county department and 118561  
agency shall keep a record of their audits and investigations 118562  
stating the time, place, charges, or subject; witnesses summoned 118563  
and examined; and their conclusions. 118564

Witnesses shall be paid the fees and mileage provided for 118565  
under section 119.094 of the Revised Code. 118566

(B) In conducting hearings pursuant to Chapters 3119., 3121., 118567  
and 3123. or pursuant to division (B) of section 5101.35 of the 118568  
Revised Code, the applicable department and each child support 118569  
enforcement agency have the same power as a judge of a county 118570  
court to administer oaths and to enforce the attendance and 118571  
testimony of witnesses and the production of books or papers. The 118572  
applicable department and each agency shall keep a record of those 118573  
hearings stating the time, place, charges, or subject; witnesses 118574  
summoned and examined; and their conclusions. 118575

The issuance of a subpoena by the applicable department or a 118576

child support enforcement agency to enforce attendance and 118577  
testimony of witnesses and the production of books or papers at a 118578  
hearing is discretionary and the applicable department or agency 118579  
is not required to pay the fees of witnesses for attendance and 118580  
travel. 118581

(C) Any judge of any division of the court of common pleas, 118582  
upon application of the applicable department or a county 118583  
department or child support enforcement agency, may compel the 118584  
attendance of witnesses, the production of books or papers, and 118585  
the giving of testimony before the applicable department, county 118586  
department, or agency, by a judgment for contempt or otherwise, in 118587  
the same manner as in cases before those courts. 118588

(D) Until an audit report is formally released by the 118589  
applicable department ~~of job and family services~~, the audit report 118590  
or any working paper or other document or record prepared by the 118591  
applicable department and related to the audit that is the subject 118592  
of the audit report is not a public record under section 149.43 of 118593  
the Revised Code. 118594

(E) The director of job and family services or director of 118595  
children and youth may adopt rules as necessary to implement this 118596  
section. The rules shall be adopted in accordance with section 118597  
111.15 of the Revised Code as if they were internal management 118598  
rules. 118599

**Sec. 5101.46.** (A) As used in this section: 118600

(1) "Title XX" means Title XX of the "Social Security Act," 118601  
88 Stat. 2337 (1974), 42 U.S.C.A. 1397, as amended. 118602

(2) "Respective local agency" means, with respect to the 118603  
department of job and family services and the department of 118604  
children and youth, a county department of job and family 118605  
services; with respect to the department of mental health and 118606

addiction services, a board of alcohol, drug addiction, and mental 118607  
health services; and with respect to the department of 118608  
developmental disabilities, a county board of developmental 118609  
disabilities. 118610

(3) "Federal poverty guidelines" means the poverty guidelines 118611  
as revised annually by the United States department of health and 118612  
human services in accordance with section 673(2) of the "Omnibus 118613  
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 118614  
9902, as amended, for a family size equal to the size of the 118615  
family of the person whose income is being determined. 118616

(B) The departments of job and family services, children and 118617  
youth, mental health, and developmental disabilities, with their 118618  
respective local agencies, shall administer the provision of 118619  
social services funded through grants made under Title XX. The 118620  
social services furnished with Title XX funds shall be directed at 118621  
the following goals: 118622

(1) Achieving or maintaining economic self-support to 118623  
prevent, reduce, or eliminate dependency; 118624

(2) Achieving or maintaining self-sufficiency, including 118625  
reduction or prevention of dependency; 118626

(3) Preventing or remedying neglect, abuse, or exploitation 118627  
of children and adults unable to protect their own interests, or 118628  
preserving, rehabilitating, or reuniting families; 118629

(4) Preventing or reducing inappropriate institutional care 118630  
by providing for community-based care, home-based care, or other 118631  
forms of less intensive care; 118632

(5) Securing referral or admission for institutional care 118633  
when other forms of care are not appropriate, or providing 118634  
services to individuals in institutions. 118635

(C)(1) All federal funds received under Title XX shall be 118636

appropriated as follows: 118637

(a) Seventy-two and one-half per cent to the department of 118638  
job and family services and the department of children and youth; 118639

(b) Twelve and ninety-three one-hundredths per cent to the 118640  
department of mental health and addiction services; 118641

(c) Fourteen and fifty-seven one-hundredths per cent to the 118642  
department of developmental disabilities. 118643

(2) Each of the state departments shall, subject to the 118644  
approval of the controlling board, develop a formula for the 118645  
distribution of the Title XX funds appropriated to the department 118646  
to its respective local agencies. The formula developed by each 118647  
state department shall take into account all of the following for 118648  
each of its respective local agencies: 118649

(a) The total population of the area that is served by the 118650  
respective local agency; 118651

(b) The percentage of the population in the area served that 118652  
falls below the federal poverty guidelines; 118653

(c) The respective local agency's history of and ability to 118654  
utilize Title XX funds. 118655

(3) Each of the state departments shall expend for state 118656  
administrative costs not more than three per cent of the Title XX 118657  
funds appropriated to the department. 118658

Each state department shall establish for each of its 118659  
respective local agencies the maximum percentage of the Title XX 118660  
funds distributed to the respective local agency that the 118661  
respective local agency may expend for local administrative costs. 118662  
The percentage shall be established by rule and shall comply with 118663  
federal law governing the use of Title XX funds. The rules shall 118664  
be adopted in accordance with section 111.15 of the Revised Code 118665  
as if they were internal management rules. 118666

(4) The department of job and family services and the 118667  
department of children and youth, as applicable, shall expend for 118668  
the training of the following not more than two per cent of the 118669  
Title XX funds appropriated to the department: 118670

(a) Employees of county departments of job and family 118671  
services; 118672

(b) Providers of services under contract with the state 118673  
departments' respective local agencies; 118674

(c) Employees of a public children services agency directly 118675  
engaged in providing Title XX services. 118676

(5) Title XX funds distributed for the purpose of providing 118677  
family planning services shall be distributed by the respective 118678  
local agencies according to the same order of priority that 118679  
applies to the department of job and family services under section 118680  
5101.101 of the Revised Code. 118681

(D) The department of job and family services and the 118682  
department of children and youth shall prepare an annual 118683  
comprehensive Title XX social services plan on the intended use of 118684  
Title XX funds. The ~~department~~ departments shall develop a method 118685  
for obtaining public comment during the development of the plan 118686  
and following its completion. 118687

For each federal fiscal year, the department of job and 118688  
family services and the department of children and youth shall 118689  
prepare a report on the actual use of Title XX funds. The 118690  
department shall make the annual report available for public 118691  
inspection. 118692

The departments of mental health and addiction services and 118693  
developmental disabilities shall prepare and submit to the 118694  
department of job and family services the portions of each annual 118695  
plan and report that apply to services for mental health and 118696  
developmental disabilities. Each respective local agency of the 118697

three state departments shall submit information as necessary for 118698  
the preparation of annual plans and reports. 118699

(E) Each county department of job and family services shall 118700  
adopt a county profile for the administration and provision of 118701  
Title XX social services in the county. In developing its county 118702  
profile, the county department shall take into consideration the 118703  
comments and recommendations received from the public by the 118704  
county family services planning committee pursuant to section 118705  
329.06 of the Revised Code. As part of its preparation of the 118706  
county profile, the county department may prepare a local needs 118707  
report analyzing the need for Title XX social services. 118708

The county department shall submit the county profile to the 118709  
board of county commissioners for its review. Once the county 118710  
profile has been approved by the board, the county department 118711  
shall file a copy of the county profile with the department of job 118712  
and family services. The department shall approve the county 118713  
profile if the department determines the profile provides for the 118714  
Title XX social services to meet the goals specified in division 118715  
(B) of this section. 118716

(F) Any of the three state departments and their respective 118717  
local agencies may require that an entity under contract to 118718  
provide social services with Title XX funds submit to an audit on 118719  
the basis of alleged misuse or improper accounting of funds. If an 118720  
audit is required, the social services provider shall reimburse 118721  
the state department or respective local agency for the cost it 118722  
incurred in conducting the audit or having the audit conducted. 118723

If an audit demonstrates that a social services provider is 118724  
responsible for one or more adverse findings, the provider shall 118725  
reimburse the appropriate state department or its respective local 118726  
agency the amount of the adverse findings. The amount shall not be 118727  
reimbursed with Title XX funds received under this section. The 118728  
three state departments and their respective local agencies may 118729

terminate or refuse to enter into a Title XX contract with a 118730  
social services provider if there are adverse findings in an audit 118731  
that are the responsibility of the provider. 118732

(G) Except with respect to the matters for which each of the 118733  
state departments must adopt rules under division (C)(3) of this 118734  
section, the department of job and family services and the 118735  
department of children and youth may adopt any rules ~~it considers~~ 118736  
they consider necessary to implement and carry out the purposes of 118737  
this section. Rules governing financial and operational matters of 118738  
the ~~department~~ departments or matters between the ~~department~~ 118739  
departments and county departments of job and family services 118740  
shall be adopted as internal management rules in accordance with 118741  
section 111.15 of the Revised Code. Rules governing eligibility 118742  
for services, program participation, and other matters pertaining 118743  
to applicants and participants shall be adopted in accordance with 118744  
Chapter 119. of the Revised Code. 118745

**Sec. 5101.47.** (A) Except as provided in divisions (B) and (C) 118746  
of this section, both of the following apply to the department of 118747  
job and family services: 118748

(1) The department shall accept applications, determine 118749  
eligibility, redetermine eligibility, and perform related 118750  
administrative activities for the supplemental nutrition 118751  
assistance program administered by the department pursuant to 118752  
section 5101.54 of the Revised Code. 118753

The department may assign the duties described in division 118754  
(A)(1) of this section to any county department of job and family 118755  
services. 118756

(2) The department may accept applications, determine 118757  
eligibility, redetermine eligibility, and perform related 118758  
administrative activities for ~~one or more~~ either of the following: 118759

(a) ~~Publicly funded child care provided under Chapter 5104.~~ 118760  
~~of the Revised Code;~~ 118761

~~(b) Other programs~~ Programs administered by the department 118762  
that the director of job and family services determines are 118763  
supportive of children, adults, or families; 118764

~~(e)~~(b) Other programs administered by the department 118765  
regarding which the director determines administrative cost 118766  
savings and efficiency may be achieved through the department 118767  
accepting applications, determining eligibility, redetermining 118768  
eligibility, or performing related administrative activities. 118769

(B) If federal law requires a face-to-face interview to 118770  
complete an eligibility determination for a program specified in 118771  
or pursuant to division (A) of this section, the face-to-face 118772  
interview shall not be conducted by the department of job and 118773  
family services. 118774

(C) Subject to division (B) of this section, if the 118775  
department is required or elects to accept applications, determine 118776  
eligibility, redetermine eligibility, and perform related 118777  
administrative activities for a program specified in or pursuant 118778  
to division (A) of this section, both of the following apply: 118779

(1) An individual seeking services under the program may 118780  
apply for the program to the department or to the entity that 118781  
state law governing the program authorizes to accept applications 118782  
for the program. 118783

(2) The department is subject to federal statutes and 118784  
regulations and state statutes and rules that require, permit, or 118785  
prohibit an action regarding accepting applications, determining 118786  
or redetermining eligibility, and performing related 118787  
administrative activities for the program. 118788

~~(D)~~(D)(1) The department of children and youth may accept 118789  
applications, determine eligibility, redetermine eligibility, and 118790

perform related administrative activities for publicly funded 118791  
child care provided under Chapter 5104. of the Revised Code. 118792

(2) If the department elects to accept applications, 118793  
determine eligibility, redetermine eligibility, and perform 118794  
related administrative activities for publicly funded child care, 118795  
both of the following apply: 118796

(a) An individual seeking publicly funded child care may 118797  
apply to the department or to the entity that state law governing 118798  
the program authorizes to accept applications for publicly funded 118799  
child care. 118800

(b) The department is subject to federal statutes and 118801  
regulations and state statutes and rules that require, permit, or 118802  
prohibit an action regarding accepting applications, determining 118803  
or redetermining eligibility, and performing related 118804  
administrative activities for publicly funded childcare. 118805

(E) The director of job and family services and the director 118806  
of children and youth may adopt rules as necessary to implement 118807  
this section. 118808

**Sec. 5101.76.** (A) A residential camp, as defined in section 118809  
2151.011 of the Revised Code, a child day camp, as defined in 118810  
section 5104.01 of the Revised Code, or a child day camp operated 118811  
by any county, township, municipal corporation, township park 118812  
district created under section 511.18 of the Revised Code, park 118813  
district created under section 1545.04 of the Revised Code, or 118814  
joint recreation district established under section 755.14 of the 118815  
Revised Code may procure epinephrine autoinjectors for use in 118816  
emergency situations identified under division (C)(5) of this 118817  
section by doing one of the following: 118818

(1) Having a licensed health professional authorized to 118819  
prescribe drugs, acting in accordance with section 4723.483, 118820

4730.433, or 4731.96 of the Revised Code, personally furnish the 118821  
epinephrine autoinjectors to the camp or issue a prescription for 118822  
them in the name of the camp; 118823

(2) Obtaining a prescriber-issued protocol that includes 118824  
definitive orders for epinephrine autoinjectors and the dosages of 118825  
epinephrine to be administered through them. 118826

A camp that elects to procure epinephrine autoinjectors under 118827  
this section is encouraged to maintain at least two epinephrine 118828  
autoinjectors at all times. 118829

(B) A camp that elects to procure epinephrine autoinjectors 118830  
under this section shall adopt a policy governing their 118831  
maintenance and use. Before adopting the policy, the camp shall 118832  
consult with a licensed health professional authorized to 118833  
prescribe drugs. 118834

(C) The policy adopted under division (B) of this section 118835  
shall do all of the following: 118836

(1) Identify the one or more locations in which an 118837  
epinephrine autoinjector must be stored; 118838

(2) Specify the conditions under which an epinephrine 118839  
autoinjector must be stored, replaced, and disposed; 118840

(3) Specify the individuals employed by or under contract 118841  
with the camp who may access and use an epinephrine autoinjector 118842  
to provide a dosage of epinephrine to an individual in an 118843  
emergency situation identified under division (C)(5) of this 118844  
section; 118845

(4) Specify any training that employees or contractors 118846  
specified under division (C)(3) of this section must complete 118847  
before being authorized to access and use an epinephrine 118848  
autoinjector; 118849

(5) Identify the emergency situations, including when an 118850

individual exhibits signs and symptoms of anaphylaxis, in which 118851  
employees or contractors specified under division (C)(3) of this 118852  
section may access and use an epinephrine autoinjector; 118853

(6) Specify that assistance from an emergency medical service 118854  
provider must be requested immediately after an epinephrine 118855  
autoinjector is used; 118856

(7) Specify the individuals to whom a dosage of epinephrine 118857  
may be administered through an epinephrine autoinjector in an 118858  
emergency situation specified under division (C)(5) of this 118859  
section. 118860

(D)(1) The following are not liable in damages in a civil 118861  
action for injury, death, or loss to person or property that 118862  
allegedly arises from an act or omission associated with 118863  
procuring, maintaining, accessing, or using an epinephrine 118864  
autoinjector under this section, unless the act or omission 118865  
constitutes willful or wanton misconduct: 118866

(a) A camp; 118867

(b) A camp employee or contractor; 118868

(c) A licensed health professional authorized to prescribe 118869  
drugs who personally furnishes or prescribes epinephrine 118870  
autoinjectors, provides a consultation, or issues a protocol 118871  
pursuant to this section. 118872

(2) This section does not eliminate, limit, or reduce any 118873  
other immunity or defense that a camp or camp employee or 118874  
contractor or licensed health professional may be entitled to 118875  
under Chapter 2744. or any other provision of the Revised Code or 118876  
under the common law of this state. 118877

(E) A camp may accept donations of epinephrine autoinjectors 118878  
from a wholesale distributor of dangerous drugs, as defined in 118879  
section 4729.01 of the Revised Code, and may accept donations of 118880

money from any person to purchase epinephrine autoinjectors. 118881

(F) A camp that elects to procure epinephrine autoinjectors 118882  
under this section shall report to the department of ~~job~~ children 118883  
and ~~family services~~ youth each procurement and occurrence in which 118884  
an epinephrine autoinjector is used from a camp's supply of 118885  
epinephrine autoinjectors. 118886

(G) As used in this section, "licensed health professional 118887  
authorized to prescribe drugs" and "prescriber" have the same 118888  
meanings as in section 4729.01 of the Revised Code. 118889

**Sec. 5101.77.** (A) As used in this section, "inhaler" means a 118890  
device that delivers medication to alleviate asthmatic symptoms, 118891  
is manufactured in the form of a metered dose inhaler or dry 118892  
powdered inhaler, and may include a spacer, holding chamber, or 118893  
other device that attaches to the inhaler and is used to improve 118894  
the delivery of the medication. 118895

(B) A residential camp, as defined in section 2151.011 of the 118896  
Revised Code, a child day camp, as defined in section 5104.01 of 118897  
the Revised Code, or a child day camp operated by any county, 118898  
township, municipal corporation, township park district created 118899  
under section 511.18 of the Revised Code, park district created 118900  
under section 1545.04 of the Revised Code, or joint recreation 118901  
district established under section 755.14 of the Revised Code may 118902  
procure inhalers for use in emergency situations identified under 118903  
division (D)(5) of this section. A camp that elects to procure 118904  
inhalers under this section is encouraged to maintain at least two 118905  
inhalers at all times. 118906

(C) A camp that elects to procure inhalers under this section 118907  
shall adopt a policy governing their maintenance and use. Before 118908  
adopting the policy, the camp shall consult with a licensed health 118909  
professional authorized to prescribe drugs, as defined in section 118910  
4729.01 of the Revised Code. 118911

(D) A component of a policy adopted by a camp under division 118912  
(C) of this section shall be a prescriber-issued protocol 118913  
specifying definitive orders for inhalers, including the dosages 118914  
of medication to be administered through them, the number of times 118915  
that each inhaler may be used before disposal, and the methods of 118916  
disposal. The policy also shall do all of the following: 118917

(1) Identify the one or more locations in which an inhaler 118918  
must be stored; 118919

(2) Specify the conditions under which an inhaler must be 118920  
stored, replaced, and disposed; 118921

(3) Specify the individuals employed by or under contract 118922  
with the camp who may access and use an inhaler to provide a 118923  
dosage of medication to an individual in an emergency situation 118924  
identified under division (D)(5) of this section; 118925

(4) Specify any training that employees or contractors 118926  
specified under division (D)(3) of this section must complete 118927  
before being authorized to access and use an inhaler; 118928

(5) Identify the emergency situations, including when an 118929  
individual exhibits signs and symptoms of asthma, in which 118930  
employees or contractors specified under division (D)(3) of this 118931  
section may access and use an inhaler; 118932

(6) Specify that assistance from an emergency medical service 118933  
provider must be requested immediately after an employee or 118934  
contractor, other than a licensed health professional, uses an 118935  
inhaler; 118936

(7) Specify the individuals to whom a dosage of medication 118937  
may be administered through an inhaler in an emergency situation 118938  
specified under division (D)(5) of this section. 118939

(E) A camp or camp employee or contractor is not liable in 118940  
damages in a civil action for injury, death, or loss to person or 118941

property that allegedly arises from an act or omission associated 118942  
with procuring, maintaining, accessing, or using an inhaler under 118943  
this section, unless the act or omission constitutes willful or 118944  
wanton misconduct. 118945

This section does not eliminate, limit, or reduce any other 118946  
immunity or defense that a camp or camp employee or contractor may 118947  
be entitled to under Chapter 2744. or any other provision of the 118948  
Revised Code or under the common law of this state. 118949

(F) A camp may accept donations of inhalers from a wholesale 118950  
distributor of dangerous drugs, as defined in section 4729.01 of 118951  
the Revised Code, and may accept donations of money from any 118952  
person to purchase inhalers. 118953

(G) A camp that elects to procure inhalers under this section 118954  
shall report to the department of ~~job~~ children and ~~family services~~ 118955  
youth each procurement and occurrence in which an inhaler is used 118956  
from a camp's supply of inhalers. 118957

**Sec. 5101.78.** (A) As used in this section, "licensed health 118958  
professional authorized to prescribe drugs" and "prescriber" have 118959  
the same meanings as in section 4729.01 of the Revised Code. 118960

(B) A residential camp, as defined in section 2151.011 of the 118961  
Revised Code; a child day camp, as defined in section 5104.01 of 118962  
the Revised Code; or a child day camp operated by any county, 118963  
township, municipal corporation, township park district created 118964  
under section 511.18 of the Revised Code, park district created 118965  
under section 1545.04 of the Revised Code, or joint recreation 118966  
district established under section 755.14 of the Revised Code may 118967  
procure injectable or nasally administered glucagon for use in 118968  
emergency situations identified under division (D)(5) of this 118969  
section by doing one of the following: 118970

(1) Having a licensed health professional authorized to 118971

prescribe drugs, acting in accordance with section 4723.4811, 118972  
4730.437, or 4731.92 of the Revised Code, personally furnish the 118973  
injectable or nasally administered glucagon to the camp or issue a 118974  
prescription for the drug in the name of the camp; 118975

(2) Obtaining a prescriber-issued protocol that includes 118976  
definitive orders for injectable or nasally administered glucagon 118977  
and the dosages to be administered; 118978

A camp that elects to procure injectable or nasally 118979  
administered glucagon under this section is encouraged to maintain 118980  
at least two doses of the drug at all times. 118981

(C) A camp that elects to procure injectable or nasally 118982  
administered glucagon under this section shall adopt a policy 118983  
governing maintenance and use of the drug. Before adopting the 118984  
policy, the camp shall consult with a licensed health professional 118985  
authorized to prescribe drugs. 118986

(D) The policy adopted under division (C) of this section 118987  
shall do all of the following: 118988

(1) Identify the one or more locations at the camp in which 118989  
injectable or nasally administered glucagon must be stored; 118990

(2) Specify the conditions under which injectable or nasally 118991  
administered glucagon must be stored, replaced, or disposed; 118992

(3) Specify the individuals employed by or under contract 118993  
with the camp, or who volunteer at the camp, who may access and 118994  
use injectable or nasally administered glucagon in an emergency 118995  
situation identified under division (D)(5) of this section; 118996

(4) Specify any training that employees, contractors, or 118997  
volunteers specified under division (D)(3) of this section must 118998  
complete before being authorized to access and use injectable or 118999  
nasally administered glucagon; 119000

(5) Identify the emergency situations, including when an 119001

individual exhibits signs and symptoms of severe hypoglycemia, in 119002  
which employees, contractors, or volunteers specified under 119003  
division (D)(3) of this section may access and use injectable or 119004  
nasally administered glucagon; 119005

(6) Specify that assistance from an emergency medical service 119006  
provider must be requested immediately after a dose of glucagon is 119007  
administered; 119008

(7) Specify the individuals to whom a dose of glucagon may be 119009  
administered in an emergency situation specified under division 119010  
(D)(5) of this section. 119011

(E)(1) The following are not liable in damages in a civil 119012  
action for injury, death, or loss to person or property that 119013  
allegedly arises from an act or omission associated with 119014  
procuring, maintaining, accessing, or using injectable or nasally 119015  
administered glucagon under this section, unless the act or 119016  
omission constitutes willful or wanton misconduct: 119017

(a) A camp; 119018

(b) A camp employee, contractor, or volunteer; 119019

(c) A licensed health professional authorized to prescribe 119020  
drugs who personally furnishes or prescribes injectable or nasally 119021  
administered glucagon, provides a consultation, or issues a 119022  
protocol pursuant to this section; 119023

(2) This section does not eliminate, limit, or reduce any 119024  
other immunity or defense that a camp; camp employee, contractor, 119025  
or volunteer; or licensed health professional may be entitled to 119026  
under Chapter 2744. or any other provision of the Revised Code or 119027  
under the common law of this state. 119028

(F) A camp may accept donations of injectable or nasally 119029  
administered glucagon from a wholesale distributor of dangerous 119030  
drugs or manufacturer of dangerous drugs, as defined in section 119031

4729.01 of the Revised Code, and may accept donations of money 119032  
from any person to purchase the drug. 119033

(G) A camp that elects to procure injectable or nasally 119034  
administered glucagon under this section shall report to the 119035  
department of ~~job~~ children and ~~family services~~ youth each 119036  
procurement and each occurrence in which a dose of the drug is 119037  
used from the camp's supply. 119038

**Sec. 5101.80.** (A) As used in this section and in section 119039  
5101.801 of the Revised Code: 119040

(1) "County family services agency" has the same meaning as 119041  
in section 307.981 of the Revised Code. 119042

(2) "State agency" has the same meaning as in section 9.82 of 119043  
the Revised Code. 119044

(3) "Title IV-A administrative agency" means both of the 119045  
following: 119046

(a) A county family services agency or state agency 119047  
administering a Title IV-A program under the supervision of the 119048  
department of job and family services or the department of 119049  
children and youth; 119050

(b) A government agency or private, not-for-profit entity 119051  
administering a project funded in whole or in part with funds 119052  
provided under the Title IV-A demonstration program created under 119053  
section 5101.803 of the Revised Code. 119054

(4) "Title IV-A program" means all of the following that are 119055  
funded in part with funds provided under the temporary assistance 119056  
for needy families block grant established by Title IV-A of the 119057  
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as 119058  
amended: 119059

(a) The Ohio works first program established under Chapter 119060  
5107. of the Revised Code; 119061

(b) The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code; 119062  
119063

(c) A program established by the general assembly or an executive order issued by the governor that is administered or supervised by the department of job and family services or department of children and youth pursuant to section 5101.801 of the Revised Code; 119064  
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(d) The kinship permanency incentive program created under section 5101.802 of the Revised Code; 119069  
119070

(e) The Title IV-A demonstration program created under section 5101.803 of the Revised Code; 119071  
119072

(f) The Ohio parenting and pregnancy program created under section 5101.804 of the Revised Code; 119073  
119074

(g) A component of a Title IV-A program identified under divisions (A)(4)(a) to (f) of this section that the Title IV-A state plan prepared under division (C)(1) of this section identifies as a component. 119075  
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(B) The department of job and family services shall act as the single state agency to administer and supervise the administration of Title IV-A programs. The Title IV-A state plan and amendments to the plan prepared under division (C) of this section are binding on Title IV-A administrative agencies. No Title IV-A administrative agency may establish, by rule or otherwise, a policy governing a Title IV-A program that is inconsistent with a Title IV-A program policy established, in rule or otherwise, by the director of job and family services. 119079  
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(C) The department of job and family services shall do all of the following: 119088  
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(1) Prepare and submit to the United States secretary of health and human services a Title IV-A state plan for Title IV-A 119090  
119091

programs; 119092

(2) Prepare and submit to the United States secretary of 119093  
health and human services amendments to the Title IV-A state plan 119094  
that the department determines necessary, including amendments 119095  
necessary to implement Title IV-A programs identified in divisions 119096  
(A)(4)(c) to (g) of this section; 119097

(3) Prescribe forms for applications, certificates, reports, 119098  
records, and accounts of Title IV-A administrative agencies, and 119099  
other matters related to Title IV-A programs; 119100

(4) Make such reports, in such form and containing such 119101  
information as the department may find necessary to assure the 119102  
correctness and verification of such reports, regarding Title IV-A 119103  
programs; 119104

(5) Require reports and information from each Title IV-A 119105  
administrative agency as may be necessary or advisable regarding a 119106  
Title IV-A program; 119107

(6) Afford a fair hearing in accordance with section 5101.35 119108  
of the Revised Code to any applicant for, or participant or former 119109  
participant of, a Title IV-A program aggrieved by a decision 119110  
regarding the program; 119111

(7) Administer and expend, pursuant to Chapters 5104., 5107., 119112  
and 5108. of the Revised Code and sections 5101.801, 5101.802, 119113  
5101.803, and 5101.804 of the Revised Code, any sums appropriated 119114  
by the general assembly for the purpose of those chapters and 119115  
sections and all sums paid to the state by the secretary of the 119116  
treasury of the United States as authorized by Title IV-A of the 119117  
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as 119118  
amended; 119119

(8) Conduct investigations and audits as are necessary 119120  
regarding Title IV-A programs; 119121

(9) Enter into reciprocal agreements with other states	119122
relative to the provision of Ohio works first and prevention,	119123
retention, and contingency to residents and nonresidents;	119124
(10) Contract with a private entity to conduct an independent	119125
on-going evaluation of the Ohio works first program and the	119126
prevention, retention, and contingency program. The contract must	119127
require the private entity to do all of the following:	119128
(a) Examine issues of process, practice, impact, and	119129
outcomes;	119130
(b) Study former participants of Ohio works first who have	119131
not participated in Ohio works first for at least one year to	119132
determine whether they are employed, the type of employment in	119133
which they are engaged, the amount of compensation they are	119134
receiving, whether their employer provides health insurance,	119135
whether and how often they have received benefits or services	119136
under the prevention, retention, and contingency program, and	119137
whether they are successfully self sufficient;	119138
(c) Provide the department with reports at times the	119139
department specifies.	119140
(11) Not later than the last day of each January and July,	119141
prepare a report containing information on the following:	119142
(a) Individuals exhausting the time limits for participation	119143
in Ohio works first set forth in section 5107.18 of the Revised	119144
Code.	119145
(b) Individuals who have been exempted from the time limits	119146
set forth in section 5107.18 of the Revised Code and the reasons	119147
for the exemption.	119148
(D) The department shall provide copies of the reports it	119149
receives under division (C)(10) of this section and prepares under	119150
division (C)(11) of this section to the governor, the president	119151

and minority leader of the senate, and the speaker and minority leader of the house of representatives. The department shall provide copies of the reports to any private or government entity on request.

(E) An authorized representative of the department or a county family services agency or state agency administering a Title IV-A program shall have access to all records and information bearing thereon for the purposes of investigations conducted pursuant to this section. An authorized representative of a government entity or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program shall have access to all records and information bearing on the project for the purpose of investigations conducted pursuant to this section.

**Sec. 5101.801.** (A) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of the Revised Code shall provide benefits and services that are not "assistance" as defined in 45 C.F.R. 260.31(a) and are benefits and services that 45 C.F.R. 260.31(b) excludes from the definition of assistance.

(B)(1) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, the department of job and family services or the department of children and youth, as appropriate, shall do either of the following regarding a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of the Revised Code:

(a) Administer the program or supervise a county family services agency's administration of the program;

(b) Enter into an interagency agreement with a state agency 119183  
for the state agency to administer the program under the 119184  
department's supervision. 119185

(2) The department of job and family services and the 119186  
department of children and youth may enter into an agreement with 119187  
a government entity and, to the extent permitted by federal law, a 119188  
private, not-for-profit entity for the entity to receive funding 119189  
for a project under the Title IV-A demonstration program created 119190  
under section 5101.803 of the Revised Code. 119191

(3) To the extent permitted by federal law, the department of 119192  
children and youth may enter into an agreement with a private, 119193  
not-for-profit entity for the entity to receive funds under the 119194  
Ohio parenting and pregnancy program created under section 119195  
5101.804 of the Revised Code. 119196

(C) The department of job and family services and the 119197  
department of children and youth, may adopt rules governing Title 119198  
IV-A programs identified under divisions (A)(4)(c), (d), (e), (f), 119199  
and (g) of section 5101.80 of the Revised Code. Rules governing 119200  
financial and operational matters of ~~the~~ either department or 119201  
between ~~the~~ either department and county family services agencies 119202  
shall be adopted as internal management rules adopted in 119203  
accordance with section 111.15 of the Revised Code. All other 119204  
rules shall be adopted in accordance with Chapter 119. of the 119205  
Revised Code. 119206

(D) If the department of job and family services or the 119207  
department of children and youth, enters into an agreement 119208  
regarding a Title IV-A program identified under division 119209  
(A)(4)(c), (e), (f), or (g) of section 5101.80 of the Revised Code 119210  
pursuant to division (B)(1)(b) or (2) of this section, the 119211  
agreement shall include at least all of the following: 119212

(1) A requirement that the state agency or entity comply with 119213

the requirements for the program or project, including all of the 119214  
following requirements established by federal statutes and 119215  
regulations, state statutes and rules, the United States office of 119216  
management and budget, and the Title IV-A state plan prepared 119217  
under section 5101.80 of the Revised Code: 119218

(a) Eligibility; 119219

(b) Reports; 119220

(c) Benefits and services; 119221

(d) Use of funds; 119222

(e) Appeals for applicants for, and recipients and former 119223  
recipients of, the benefits and services; 119224

(f) Audits. 119225

(2) A complete description of all of the following: 119226

(a) The benefits and services that the program or project is 119227  
to provide; 119228

(b) The methods of program or project administration; 119229

(c) The appeals process under section 5101.35 of the Revised 119230  
Code for applicants for, and recipients and former recipients of, 119231  
the program or project's benefits and services; 119232

(d) Other requirements that the department of job and family 119233  
services or the department of children and youth, as applicable, 119234  
requires be included. 119235

(3) Procedures for the department of job and family services 119236  
or the department of children and youth, as applicable, to approve 119237  
a policy, established by rule or otherwise, that the state agency 119238  
or entity establishes for the program or project before the policy 119239  
is established; 119240

(4) Provisions regarding how the department of job and family 119241  
services or the department of children and youth, as applicable, 119242

is to reimburse the state agency or entity for allowable 119243  
expenditures under the program or project that the applicable 119244  
department approves, including all of the following: 119245

(a) Limitations on administrative costs; 119246

(b) The department of job and family services or the 119247  
department of children and youth, as applicable, at its 119248  
discretion, doing either of the following: 119249

(i) Withholding no more than five per cent of the funds that 119250  
the department of job and family services or the department of 119251  
children and youth, as applicable, would otherwise provide to the 119252  
state agency or entity for the program or project; 119253

(ii) Charging the state agency or entity for the costs to the 119254  
department of job and family services or the department of 119255  
children and youth, as applicable, of performing, or contracting 119256  
for the performance of, audits and other administrative functions 119257  
associated with the program or project. 119258

(5) If the state agency or entity arranges by contract, 119259  
grant, or other agreement for another entity to perform a function 119260  
the state agency or entity would otherwise perform regarding the 119261  
program or project, the state agency or entity's responsibilities 119262  
for both of the following: 119263

(a) Ensuring that the other entity complies with the 119264  
agreement between the state agency or entity and the department of 119265  
job and family services or the department of children and youth, 119266  
as applicable and federal statutes and regulations and state 119267  
statutes and rules governing the use of funds for the program or 119268  
project; 119269

(b) Auditing the other entity in accordance with requirements 119270  
established by the United States office of management and budget. 119271

(6) The state agency or entity's responsibilities regarding 119272

the prompt payment, including any interest assessed, of any 119273  
adverse audit finding, final disallowance of federal funds, or 119274  
other sanction or penalty imposed by the federal government, 119275  
auditor of state, department of job and family services or the 119276  
department of children and youth, as applicable, a court, or other 119277  
entity regarding funds for the program or project; 119278

(7) Provisions for the department of job and family services 119279  
or the department of children and youth, as applicable, to 119280  
terminate the agreement or withhold reimbursement from the state 119281  
agency or entity if either of the following occur: 119282

(a) The federal government disapproves the program or project 119283  
or reduces federal funds for the program or project; 119284

(b) The state agency or entity fails to comply with the terms 119285  
of the agreement. 119286

(8) Provisions for both of the following: 119287

(a) The department of job and family services or the 119288  
department of children and youth, as applicable, and state agency 119289  
or entity determining the performance outcomes expected for the 119290  
program or project; 119291

(b) An evaluation of the program or project to determine its 119292  
success in achieving the performance outcomes determined under 119293  
division (D)(8)(a) of this section. 119294

(E) To the extent consistent with the law enacted by the 119295  
general assembly or executive order issued by the governor 119296  
establishing the Title IV-A program and subject to the approval of 119297  
the director of budget and management, the director of job and 119298  
family services or the director of children and youth, as 119299  
applicable, may terminate a Title IV-A program identified under 119300  
division (A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of 119301  
the Revised Code or reduce funding for the program if the 119302  
applicable director ~~of job and family services~~ determines that 119303

federal or state funds are insufficient to fund the program. If 119304  
the director of budget and management approves the termination or 119305  
reduction in funding for such a program, the director ~~of job and~~ 119306  
~~family services~~ of job and family services or the department of 119307  
children and youth, as applicable, shall issue instructions for 119308  
the termination or funding reduction. If a Title IV-A 119309  
administrative agency is administering the program, the agency is 119310  
bound by the termination or funding reduction and shall comply 119311  
with the applicable director's instructions. 119312

(F) The director of job and family services and the director 119313  
of children and youth may adopt internal management rules in 119314  
accordance with section 111.15 of the Revised Code as necessary to 119315  
implement this section. The rules are binding on each Title IV-A 119316  
administrative agency. 119317

**Sec. 5101.802.** (A) As used in this section: 119318

(1) "Custodian," "guardian," and "minor child" have the same 119319  
meanings as in section 5107.02 of the Revised Code. 119320

(2) "Federal poverty guidelines" has the same meaning as in 119321  
section 5101.46 of the Revised Code. 119322

(3) "Kinship caregiver" has the same meaning as in section 119323  
5101.85 of the Revised Code. 119324

(B) Subject to division (E) of section 5101.801 of the 119325  
Revised Code, there is hereby created the kinship permanency 119326  
incentive program to promote permanency for a minor child in the 119327  
legal and physical custody of a kinship caregiver. The program 119328  
shall provide an initial one-time incentive payment to the kinship 119329  
caregiver to defray the costs of initial placement of the minor 119330  
child in the kinship caregiver's home. The program may provide 119331  
additional permanency incentive payments for the minor child at 119332  
six-month intervals, based on the availability of funds. An 119333

eligible caregiver may receive a maximum of eight incentive 119334  
payments per minor child. 119335

(C) A kinship caregiver may participate in the program if all 119336  
of the following requirements are met: 119337

(1) The kinship caregiver applies to a public children 119338  
services agency in accordance with the application process 119339  
established in rules authorized by division (E) of this section; 119340

(2) Not earlier than July 1, 2005, a juvenile court issues an 119341  
order granting legal custody to the kinship caregiver, or a 119342  
probate court grants guardianship to the kinship caregiver, except 119343  
that a temporary court order is not sufficient to meet this 119344  
requirement; 119345

(3) The kinship caregiver is either the minor child's 119346  
custodian or guardian; 119347

(4) The minor child resides with the kinship caregiver 119348  
pursuant to a placement approval process established in rules 119349  
authorized by division (E) of this section; 119350

(5) Excluding any income excluded under rules adopted under 119351  
division (E) of this section, the gross income of the kinship 119352  
caregiver's family, including the minor child, does not exceed 119353  
three hundred per cent of the federal poverty guidelines. 119354

(6) The kinship caregiver is not receiving kinship 119355  
guardianship assistance under Title IV-E of the "Social Security 119356  
Act," 42 U.S.C. 673(d), as amended, or the program described in 119357  
section 5101.1411 of the Revised Code or the program described in 119358  
section 5153.163 of the Revised Code. 119359

(D) Public children services agencies shall make initial and 119360  
ongoing eligibility determinations for the kinship permanency 119361  
incentive program in accordance with rules authorized by division 119362  
(E) of this section. The director of ~~job~~ children and ~~family~~ 119363

~~services youth~~ shall supervise public children services agencies' 119364  
duties under this section. 119365

(E) The director of ~~job children~~ and ~~family services youth~~ 119366  
shall adopt rules under division (C) of section 5101.801 of the 119367  
Revised Code as necessary to implement the kinship permanency 119368  
incentive program. The rules shall establish all of the following: 119369

(1) The application process for the program; 119370

(2) The placement approval process through which a minor 119371  
child is placed with a kinship caregiver for the kinship caregiver 119372  
to be eligible for the program; 119373

(3) The initial and ongoing eligibility determination process 119374  
for the program, including the computation of income eligibility; 119375

(4) The amount of the incentive payments provided under the 119376  
program; 119377

(5) The method by which the incentive payments are provided 119378  
to a kinship caregiver. 119379

(F) The amendments made to this section by Am. Sub. H.B. 119 119380  
of the 127th general assembly shall not affect the eligibility of 119381  
any kinship caregiver whose eligibility was established before 119382  
June 30, 2007. 119383

**Sec. 5101.803.** (A) Subject to division (E) of section 119384  
5101.801 of the Revised Code, there is hereby created the Title 119385  
IV-A demonstration program to provide funding for innovative and 119386  
promising prevention and intervention projects that meet one or 119387  
more of the four purposes of the temporary assistance for needy 119388  
families block grant as specified in 42 U.S.C. 601 and are for 119389  
individuals with specific and multiple barriers to achieving or 119390  
maintaining self-sufficiency and personal responsibility. The 119391  
department of job and family services and the department of 119392  
children and youth, as applicable, may provide funding for such 119393

projects to government entities and, to the extent permitted by 119394  
federal law, private, not-for-profit entities with which ~~the~~ 119395  
either department enters into agreements under division (B)(2) of 119396  
section 5101.801 of the Revised Code. 119397

In accordance with criteria the department develops, the 119398  
department of job and family services or the department of 119399  
children and youth, as applicable, may solicit proposals from 119400  
entities seeking to enter into an agreement with the applicable 119401  
department under division (B)(2) of section 5101.801 of the 119402  
Revised Code. The department of job and family services or the 119403  
department of children and youth, as applicable, may enter into 119404  
such agreements with entities that do both of the following: 119405

(1) Meet the proposals' criteria; 119406

(2) If the entity's proposed project does not potentially 119407  
affect persons in each county of the state, provides the 119408  
department evidence that the entity has notified, in writing, the 119409  
county department of job and family services of each county where 119410  
persons may be affected by the implementation of the project. 119411

(B) In developing the criteria, soliciting the proposals, and 119412  
entering in the agreements, the department of job and family 119413  
services and the department of children and youth shall comply 119414  
with all applicable federal and state laws, the Title IV-A state 119415  
plan submitted to the United States secretary of health and human 119416  
services under section 5101.80 of the Revised Code, amendments to 119417  
the Title IV-A state plan submitted to the United States secretary 119418  
under that section, and federal waivers the United States 119419  
secretary grants. 119420

~~(C) The department shall begin implementation of the Title 119421  
IV-A demonstration program no later than January 1, 2006. 119422~~

**Sec. 5101.804.** (A) Subject to division (E) of section 119423

5101.801 of the Revised Code, there is hereby created the Ohio parenting and pregnancy program to provide services for pregnant women and parents or other relatives caring for children twelve months of age or younger that do both of the following:

(1) Promote childbirth, parenting, and alternatives to abortion;

(2) Meet one or more of the four purposes of the temporary assistance for needy families block grant as specified in 42 U.S.C. 601.

(B) To the extent permitted by federal law, the department of ~~job children~~ and ~~family services~~ youth may provide funds under the program to entities with which the department enters into agreements under division (B)(3) of section 5101.801 of the Revised Code. In accordance with criteria the department develops, the department may solicit proposals from entities seeking to provide services under the program. The department may enter into an agreement with an entity only if it meets all of the following conditions:

(1) Is a private, not-for-profit entity;

(2) Is an entity whose primary purpose is to promote childbirth, rather than abortion, through counseling and other services, including parenting and adoption support;

(3) Provides services to pregnant women and parents or other relatives caring for children twelve months of age or younger, including clothing, counseling, diapers, food, furniture, health care, parenting classes, postpartum recovery, shelter, and any other supportive services, programs, or related outreach;

(4) Does not charge pregnant women and parents or other relatives caring for children twelve months of age or younger a fee for any services received;

(5) Is not involved in or associated with any abortion activities, including providing abortion counseling or referrals to abortion clinics, performing abortion-related medical procedures, or engaging in pro-abortion advertising;

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(6) Does not discriminate in its provision of services on the basis of race, religion, color, age, marital status, national origin, disability, or gender.

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(C) An entity that has entered into an agreement with the department under division (B)(3) of section 5101.801 of the Revised Code may enter into a subcontract with another entity under which the other entity provides all or part of the services described in division (B)(3) of this section. A subcontract may be entered into with another entity only if that entity meets all of the following conditions:

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(1) Is a private, not-for-profit entity;

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(2) Is physically and financially separate from any entity, or component of an entity, that engages in abortion activities;

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(3) Is not involved in or associated with any abortion activities, including providing abortion counseling or referrals to abortion clinics, performing abortion-related medical procedures, or engaging in pro-abortion advertising.

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(D) The director of ~~job~~ children and ~~family services~~ youth shall adopt rules under division (C) of section 5101.801 of the Revised Code as necessary to implement the Ohio parenting and pregnancy program.

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**Sec. 5101.83.** (A) As used in this section:

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(1) "Assistance group" has the same meaning as in section 5107.02 of the Revised Code, except that it also means a group provided benefits and services under the prevention, retention, and contingency program or the comprehensive case management and

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employment program. 119484

(2) "Fraudulent assistance" means assistance and services, 119485  
including cash assistance, provided under the Ohio works first 119486  
program established under Chapter 5107., or benefits and services 119487  
provided under the prevention, retention, and contingency program 119488  
established under Chapter 5108. of the Revised Code or under the 119489  
comprehensive case management and employment program established 119490  
under Chapter 5116. of the Revised Code, to or on behalf of an 119491  
assistance group that is provided as a result of fraud by a member 119492  
of the assistance group, including an intentional violation of the 119493  
program's requirements. "Fraudulent assistance" does not include 119494  
assistance or services to or on behalf of an assistance group that 119495  
is provided as a result of an error that is the fault of a county 119496  
department of job and family services ~~or~~, the Ohio department of 119497  
job and family services, or the department of children and youth. 119498

(B) If a county director of job and family services 119499  
determines that an assistance group has received fraudulent 119500  
assistance, the assistance group is ineligible to participate in 119501  
the Ohio works first program, the prevention, retention, and 119502  
contingency program, or the comprehensive case management and 119503  
employment program until a member of the assistance group repays 119504  
the cost of the fraudulent assistance. If a member repays the cost 119505  
of the fraudulent assistance and the assistance group otherwise 119506  
meets the eligibility requirements for the Ohio works first 119507  
program, the prevention, retention, and contingency program, or 119508  
the comprehensive case management and employment program, the 119509  
assistance group shall not be denied the opportunity to 119510  
participate in the program. 119511

This section does not limit the ability of a county 119512  
department of job and family services to recover erroneous 119513  
payments under section 5107.76 of the Revised Code. 119514

The Ohio department of job and family services and the 119515

department of children and youth shall adopt rules in accordance 119516  
with Chapter 119. of the Revised Code to implement this section. 119517

**Sec. 5101.851.** The department of ~~job~~ children and ~~family~~ 119518  
~~services~~ youth shall establish a statewide kinship care navigator 119519  
program to assist kinship caregivers who are seeking information 119520  
regarding, or assistance obtaining, services and benefits 119521  
available at the state and local level that address the needs of 119522  
those caregivers residing in each county. The program shall 119523  
provide to kinship caregivers information and referral services 119524  
and assistance obtaining support services including the following: 119525

(A) Publicly funded child care; 119526

(B) Respite care; 119527

(C) Training related to caring for special needs children; 119528

(D) A toll-free telephone number that may be called to obtain 119529  
basic information about the rights of, and services available to, 119530  
kinship caregivers; 119531

(E) Legal services. 119532

**Sec. 5101.853.** The director of ~~job~~ children and ~~family~~ 119533  
~~services~~ youth shall divide the state into not less than five and 119534  
not greater than twelve regions, for the kinship care navigator 119535  
program under section 5101.851 of the Revised Code. The director 119536  
shall take the following into consideration when establishing the 119537  
regions: 119538

(A) The population size; 119539

(B) The estimated number of kinship caregivers; 119540

(C) The expertise of kinship navigators; 119541

(D) Any other factor the director considers relevant. 119542

**Sec. 5101.855.** ~~Not later than one year after the effective date of this amendment, the~~ The department of ~~job children~~ and ~~family services youth~~ shall adopt rules to implement the kinship care navigator program. The rules shall be adopted under Chapter 119. of the Revised Code, except that rules governing fiscal and administrative matters related to implementation of the program are internal management rules and shall be adopted under section 111.15 of the Revised Code.

**Sec. 5101.856.** (A)(1) The kinship care navigator program shall be funded to the extent that general revenue funds have been appropriated by the general assembly for that purpose.

(2) The director of ~~job children~~ and ~~family services youth~~ shall take any action necessary to obtain funds available for the kinship care navigator program under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C. 670, as amended.

(B) The department shall pay the full nonfederal share for the kinship care navigator program. No county department of job and family services or public children services agency shall be responsible for the cost of the program.

**Sec. 5101.881.** There is hereby established the kinship support program. The department of ~~job children~~ and ~~family services youth~~ shall coordinate and administer the program to the extent funds are appropriated and allocated for this purpose.

**Sec. 5101.885.** Kinship support program payments under section 5101.884 of the Revised Code shall be ten dollars and twenty cents per child, per day, to the extent funds are available. The department of ~~job children~~ and ~~family services youth~~ shall increase the payment amount on January 1, 2022, and on the first day of each January thereafter by the cost-of-living adjustment

made in the immediately preceding December. 119572

**Sec. 5101.8811.** The director of ~~job~~ children and ~~family~~ services youth may adopt rules for the administration of the 119573  
kinship support program in accordance with section 111.15 of the 119574  
Revised Code. 119575  
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**Sec. 5103.02.** As used in sections 5103.03 to 5103.181 of the 119577  
Revised Code: 119578

(A)(1) "Association" or "institution" includes all of the 119579  
following: 119580

(a) Any incorporated or unincorporated organization, society, 119581  
association, or agency, public or private, that receives or cares 119582  
for children for two or more consecutive weeks; 119583

(b) Any individual, including the operator of a foster home, 119584  
who, for hire, gain, or reward, receives or cares for children for 119585  
two or more consecutive weeks, unless the individual is related to 119586  
them by blood or marriage; 119587

(c) Any individual not in the regular employ of a court, or 119588  
of an institution or association certified in accordance with 119589  
section 5103.03 of the Revised Code, who in any manner becomes a 119590  
party to the placing of children in foster homes, unless the 119591  
individual is related to such children by blood or marriage or is 119592  
the appointed guardian of such children. 119593

(2) "Association" or "institution" does not include any of 119594  
the following: 119595

(a) Any organization, society, association, school, agency, 119596  
child guidance center, detention or rehabilitation facility, or 119597  
children's clinic licensed, regulated, approved, operated under 119598  
the direction of, or otherwise certified by the department of 119599  
education, a local board of education, the department of youth 119600

services, the department of mental health and addiction services, 119601  
or the department of developmental disabilities; 119602

(b) Any individual who provides care for only a single-family 119603  
group, placed there by their parents or other relative having 119604  
custody; 119605

(c) A private, nonprofit therapeutic wilderness camp; 119606

(d) A qualified organization as defined in section 2151.90 of 119607  
the Revised Code. 119608

(B) "Family foster home" means a foster home that is not a 119609  
specialized foster home. 119610

(C) "Foster caregiver" means a person holding a valid foster 119611  
home certificate issued under section 5103.03 of the Revised Code. 119612

(D) "Foster home" means a private residence in which children 119613  
are received apart from their parents, guardian, or legal 119614  
custodian, by an individual reimbursed for providing the children 119615  
nonsecure care, supervision, or training twenty-four hours a day. 119616  
"Foster home" does not include care provided for a child in the 119617  
home of a person other than the child's parent, guardian, or legal 119618  
custodian while the parent, guardian, or legal custodian is 119619  
temporarily away. Family foster homes and specialized foster homes 119620  
are types of foster homes. 119621

(E) "Kinship caregiver" has the same meaning as in section 119622  
5101.85 of the Revised Code. 119623

(F) "Medically fragile foster home" means a foster home that 119624  
provides specialized medical services designed to meet the needs 119625  
of children with intensive health care needs who meet all of the 119626  
following criteria: 119627

(1) Under rules adopted by the medicaid director governing 119628  
medicaid payments for long-term care services, the children 119629  
require a skilled level of care. 119630

(2) The children require the services of a doctor of medicine 119631  
or osteopathic medicine at least once a week due to the 119632  
instability of their medical conditions. 119633

(3) The children require the services of a registered nurse 119634  
on a daily basis. 119635

(4) The children are at risk of institutionalization in a 119636  
hospital, skilled nursing facility, or intermediate care facility 119637  
for individuals with intellectual disabilities. 119638

(G) "Private, nonprofit therapeutic wilderness camp" means a 119639  
structured, alternative residential setting for children who are 119640  
experiencing emotional, behavioral, moral, social, or learning 119641  
difficulties at home or school in which all of the following are 119642  
the case: 119643

(1) The children spend the majority of their time, including 119644  
overnight, either outdoors or in a primitive structure. 119645

(2) The children have been placed there by their parents or 119646  
another relative having custody. 119647

(3) The camp accepts no public funds for use in its 119648  
operations. 119649

(H) "Recommending agency" means a public children services 119650  
agency, private child placing agency, or private noncustodial 119651  
agency that recommends that the department of ~~job~~ children and 119652  
~~family services~~ youth take any of the following actions under 119653  
section 5103.03 of the Revised Code regarding a foster home: 119654

(1) Issue a certificate; 119655

(2) Deny a certificate; 119656

(3) Renew a certificate; 119657

(4) Deny renewal of a certificate; 119658

(5) Revoke a certificate. 119659

(I) "Resource caregiver" means a foster caregiver or a kinship caregiver. 119660  
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(J) "Resource family" means a foster home or the kinship caregiver family. 119662  
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(K) "Specialized foster home" means a medically fragile foster home or a treatment foster home. 119664  
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(L) "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, who are chemically dependent, who have developmental disabilities, or who otherwise have exceptional needs. 119666  
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**Sec. 5103.03.** (A) The director of ~~job~~ children and ~~family services~~ youth shall adopt rules as necessary for the adequate and competent management and certification of institutions or associations. The director shall ensure that foster care home study rules adopted under this section align any home study content, time period, and process with any home study content, time period, and process required by rules adopted under section 3107.033 of the Revised Code. 119673  
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(B)(1) Except for facilities under the control of the department of youth services, places of detention for children established and maintained pursuant to sections 2152.41 to 2152.44 of the Revised Code, and child day-care centers subject to Chapter 5104. of the Revised Code, the department of ~~job~~ children and ~~family services~~ youth shall pass upon the fitness of every institution and association that receives, or desires to receive and care for children, or places children in private homes, at a frequency established by rules adopted under division (A) of this section. 119681  
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(2) When the department of ~~job children and family services~~ youth is satisfied as to the care given such children, and that the requirements of the statutes and rules covering the management of such institutions and associations are being complied with, it shall issue to the institution or association a certificate to that effect. A certificate is valid for a length of time determined by rules adopted under division (A) of this section. When determining whether an institution or association meets a particular requirement for certification, the department may consider the institution or association to have met the requirement if the institution or association shows to the department's satisfaction that it has met a comparable requirement to be accredited by a nationally recognized accreditation organization.

(3) The department may issue a temporary certificate valid for less than one year authorizing an institution or association to operate until minimum requirements have been met.

(4) An institution or association that knowingly makes a false statement that is included as a part of certification under this section is guilty of the offense of falsification under section 2921.13 of the Revised Code and the department shall not certify that institution or association.

(5) The department shall not issue a certificate to a prospective foster home or prospective specialized foster home pursuant to this section if the prospective foster home or prospective specialized foster home operates as a type A family day-care home pursuant to Chapter 5104. of the Revised Code. The department shall not issue a certificate to a prospective specialized foster home if the prospective specialized foster home operates a type B family day-care home pursuant to Chapter 5104. of the Revised Code.

(C) The department may revoke a certificate if it finds that

the institution or association is in violation of law or rule. No 119723  
juvenile court shall commit a child to an association or 119724  
institution that is required to be certified under this section if 119725  
its certificate has been revoked or, if after revocation, the date 119726  
of reissue is less than fifteen months prior to the proposed 119727  
commitment. 119728

(D) On a frequency specified by the department by rules 119729  
adopted under division (A) of this section, each institution or 119730  
association desiring certification or recertification shall submit 119731  
to the department a report showing its condition, management, 119732  
competency to care adequately for the children who have been or 119733  
may be committed to it or to whom it provides care or services, 119734  
the system of visitation it employs for children placed in private 119735  
homes, and other information the department requires. 119736

(E) The department shall, not less than once each year, send 119737  
a list of certified institutions and associations to each juvenile 119738  
court and certified association or institution. 119739

(F) No person shall receive children or receive or solicit 119740  
money on behalf of such an institution or association not so 119741  
certified or whose certificate has been revoked. 119742

(G)(1) The director may delegate by rule any duties imposed 119743  
on it by this section to inspect and approve family foster homes 119744  
and specialized foster homes to public children services agencies, 119745  
private child placing agencies, or private noncustodial agencies. 119746

(2) The director shall adopt rules that require a foster 119747  
caregiver or other individual certified to operate a foster home 119748  
under this section to notify the recommending agency that the 119749  
foster caregiver or other individual is licensed to operate a type 119750  
B family day-care home under Chapter 5104. of the Revised Code. 119751

(H) If the director of ~~job~~ children and ~~family services~~ youth 119752  
determines that an institution or association that cares for 119753

children is operating without a certificate, the director may 119754  
petition the court of common pleas in the county in which the 119755  
institution or association is located for an order enjoining its 119756  
operation. The court shall grant injunctive relief upon a showing 119757  
that the institution or association is operating without a 119758  
certificate. 119759

(I) If both of the following are the case, the director of 119760  
~~job~~ children and ~~family services~~ youth may petition the court of 119761  
common pleas of any county in which an institution or association 119762  
that holds a certificate under this section operates for an order, 119763  
and the court may issue an order, preventing the institution or 119764  
association from receiving additional children into its care or an 119765  
order removing children from its care: 119766

(1) The department has evidence that the life, health, or 119767  
safety of one or more children in the care of the institution or 119768  
association is at imminent risk. 119769

(2) The department has issued a proposed adjudication order 119770  
pursuant to Chapter 119. of the Revised Code to deny renewal of or 119771  
revoke the certificate of the institution or association. 119772

**Sec. 5103.031.** Except as provided in section 5103.033 of the 119773  
Revised Code, the department of ~~job~~ children and ~~family services~~ 119774  
youth may not issue a certificate under section 5103.03 of the 119775  
Revised Code to a foster home unless the prospective foster 119776  
caregiver successfully completes preplacement training through a 119777  
preplacement training program approved by the department of ~~job~~ 119778  
children and ~~family services~~ youth under section 5103.038 of the 119779  
Revised Code or preplacement training provided under division (B) 119780  
of section 5103.30 of the Revised Code. 119781

**Sec. 5103.032.** (A) Except as provided in division (B) of this 119782  
section and in section 5103.033 of the Revised Code, the 119783

department of ~~job~~ children and ~~family services~~ youth may not renew 119784  
a foster home certificate under section 5103.03 of the Revised 119785  
Code unless the foster caregiver successfully completes continuing 119786  
training in accordance with the foster caregiver's needs 119787  
assessment and continuing training plan developed and implemented 119788  
under section 5103.035 of the Revised Code. 119789

(B) A foster caregiver shall be given an additional amount of 119790  
time within which the foster caregiver must complete the 119791  
continuing training required under division (A) of this section in 119792  
accordance with rules adopted by the department of ~~job~~ children 119793  
and ~~family services~~ youth if either of the following applies: 119794

(1) The foster caregiver has served in active duty outside 119795  
this state with a branch of the armed forces of the United States 119796  
for more than thirty days in the preceding two-year period. 119797

(2) The foster caregiver has served in active duty as a 119798  
member of the Ohio organized militia, as defined in section 119799  
5923.01 of the Revised Code, for more than thirty days in the 119800  
preceding two-year period and that active duty relates to either 119801  
an emergency in or outside of this state or to military duty in or 119802  
outside of this state. 119803

**Sec. 5103.033.** (A) The department of ~~job~~ children and ~~family~~ 119804  
~~services~~ youth may issue or renew a certificate under section 119805  
5103.03 of the Revised Code to a foster home for the care of a 119806  
child who is in the custody of a public children services agency 119807  
or private child placing agency pursuant to an agreement entered 119808  
into under section 5103.15 of the Revised Code regarding a child 119809  
who was less than six months of age on the date the agreement was 119810  
executed if the prospective foster caregiver or foster caregiver 119811  
successfully completes the following: 119812

(1) A preplacement training program approved under section 119813

5103.038 of the Revised Code or a program provided under division 119814  
(B) of section 5103.30 of the Revised Code; 119815

(2) Continuing training in accordance with the foster 119816  
caregiver's needs assessment and continuing training plan 119817  
developed and implemented under section 5103.035 of the Revised 119818  
Code. 119819

(B) A foster caregiver to whom either division (B)(1) or (2) 119820  
of this section applies shall be given an additional amount of 119821  
time within which to complete the continuing training required 119822  
under division (A)(2) of this section in accordance with rules 119823  
adopted by the department of ~~job~~ children and ~~family services~~ 119824  
youth: 119825

(1) The foster caregiver has served in active duty outside 119826  
this state with a branch of the armed forces of the United States 119827  
for more than thirty days in the preceding two-year period. 119828

(2) The foster caregiver has served in active duty as a 119829  
member of the Ohio organized militia, as defined in section 119830  
5923.01 of the Revised Code, for more than thirty days in the 119831  
preceding two-year period and that active duty relates to either 119832  
an emergency in or outside of this state or to military duty in or 119833  
outside of this state. 119834

**Sec. 5103.034.** (A) Private child placing agencies and private 119835  
noncustodial agencies operating a preplacement or continuing 119836  
training program approved by the department of ~~job~~ children and 119837  
~~family services~~ youth under section 5103.038 of the Revised Code 119838  
shall make the program available to a prospective foster caregiver 119839  
or foster caregiver without regard to the type of recommending 119840  
agency from which the prospective foster caregiver or foster 119841  
caregiver seeks a recommendation. 119842

(B) A private child placing agency or private noncustodial 119843

agency operating a preplacement or continuing training program 119844  
approved by the department of ~~job children~~ and ~~family services~~ 119845  
~~youth~~ under section 5103.038 of the Revised Code may condition the 119846  
enrollment of a prospective foster caregiver or foster caregiver 119847  
in the program on either or both of the following: 119848

(1) Availability of space in the training program; 119849

(2) Payment of an instruction or registration fee, if any, by 119850  
the prospective foster caregiver or foster caregiver's 119851  
recommending agency. 119852

(C) A private child placing agency or private noncustodial 119853  
agency operating a preplacement or continuing training program 119854  
approved by the department of ~~job children~~ and ~~family services~~ 119855  
~~youth~~ under section 5103.038 of the Revised Code may contract with 119856  
a person or governmental entity to administer the program. 119857

**Sec. 5103.036.** (A) For the purpose of determining whether a 119858  
prospective foster caregiver or foster caregiver has satisfied the 119859  
requirement of section 5103.031 or 5103.032 of the Revised Code, a 119860  
recommending agency shall accept training obtained from either of 119861  
the following: 119862

(1) Any preplacement or continuing training program approved 119863  
by the department of ~~job children~~ and ~~family services~~ ~~youth~~ under 119864  
section 5103.038 of the Revised Code; 119865

(2) The Ohio child welfare training program pursuant to 119866  
divisions (B) and (C) of section 5103.30 of the Revised Code. 119867

(B) A recommending agency may require that a prospective 119868  
foster caregiver or foster caregiver successfully complete 119869  
additional training as a condition of the agency recommending that 119870  
the department of ~~job children~~ and ~~family services~~ ~~youth~~ certify 119871  
or recertify the prospective foster caregiver or foster 119872  
caregiver's foster home under section 5103.03 of the Revised Code. 119873

**Sec. 5103.037.** (A) Prior to employing or appointing a person 119874  
as board president, or as an administrator or officer, an 119875  
institution or association shall do the following regarding the 119876  
person: 119877

(1) Request a summary report of a search of the uniform 119878  
statewide automated child welfare information system in accordance 119879  
with divisions (A) and (B) of section 5103.18 of the Revised Code; 119880

(2) Request a certified search of the findings for recovery 119881  
database; 119882

(3) Conduct a database review at the federal web site known 119883  
as the system for award management; 119884

(4) Conduct a search of the United States department of 119885  
justice national sex offender public web site. 119886

(B) The institution or association may refuse to hire or 119887  
appoint a person as board president, or as an administrator or 119888  
officer as follows: 119889

(1) Based solely on the findings of the summary report 119890  
described in division (B)(1)(a) of section 5103.18 of the Revised 119891  
Code or the results of the search described in division (A)(4) of 119892  
this section; 119893

(2) Based on the results of a certified search or database 119894  
review described in division (A)(2) or (3) of this section, when 119895  
considered within the totality of circumstances. 119896

(C) The director of ~~job~~ children and ~~family services~~ youth 119897  
shall adopt rules in accordance with Chapter 119. of the Revised 119898  
Code necessary for the implementation and execution of this 119899  
section. 119900

**Sec. 5103.038.** (A) Every other year by a date specified in 119901  
rules adopted under section 5103.0316 of the Revised Code, each 119902

private child placing agency and private noncustodial agency that 119903  
seeks to operate a preplacement training program or continuing 119904  
training program under section 5103.034 of the Revised Code shall 119905  
submit to the department of ~~job children and family services~~ youth 119906  
a proposal outlining the program. The proposal may be the same as, 119907  
a modification of, or different from, a model design developed by 119908  
the department. 119909

(B) Not later than thirty days after receiving a proposal 119910  
under division (A) of this section, the department shall either 119911  
approve or disapprove the proposed program. The department shall 119912  
approve a proposed preplacement training program if it complies 119913  
with rules adopted under section 5103.0316 of the Revised Code, as 119914  
appropriate, and, in the case of a proposal submitted by an agency 119915  
operating a preplacement training program at the time the proposal 119916  
is submitted, the department is satisfied with the agency's 119917  
operation of the program. The department shall approve a proposed 119918  
continuing training program if it complies with rules adopted 119919  
under section 5103.0316 of the Revised Code and, in the case of a 119920  
proposal submitted by an agency operating a continuing training 119921  
program at the time the proposal is submitted, the department is 119922  
satisfied with the agency's operation of the program. If the 119923  
department disapproves a proposal, it shall provide the reason for 119924  
disapproval to the agency that submitted the proposal and advise 119925  
the agency of how to revise the proposal so that the department 119926  
can approve it. 119927

(C) The department's approval under division (B) of this 119928  
section of a proposed preplacement training program or continuing 119929  
training program is valid only for two years following the year 119930  
the proposal for the program is submitted to the department under 119931  
division (A) of this section. 119932

**Sec. 5103.0310.** (A) Prior to employing a person or engaging a 119933

subcontractor, intern, or volunteer, an institution or 119934  
association, as defined in division (A)(1)(a) of section 5103.02 119935  
of the Revised Code, that is a residential facility, as defined in 119936  
division (A)(6) of section 5103.05 of the Revised Code, shall do 119937  
the following regarding the person, subcontractor, intern, or 119938  
volunteer: 119939

(1) Obtain a search of the United States department of 119940  
justice national sex offender public web site regarding the 119941  
person; 119942

(2) Obtain a summary report of a search of the uniform 119943  
statewide automated child welfare information system in accordance 119944  
with divisions (A) and (B) of section 5103.18 of the Revised Code. 119945

(B) An institution or association, as defined in division 119946  
(A)(1)(a) of section 5103.02 of the Revised Code, that is not a 119947  
residential facility, as defined in division (A)(6) of section 119948  
5103.05 of the Revised Code, shall obtain the search and summary 119949  
report described in division (A) of this section before hiring a 119950  
person, or engaging a subcontractor, intern, or volunteer, who 119951  
will have access to children. 119952

(C) If, at the time of ~~the effective date of this amendment~~ 119953  
September 30, 2021, the institution or association has not 119954  
obtained a report required under division (A) or (B) of this 119955  
section for the person, subcontractor, intern, or volunteer, the 119956  
institution or association shall obtain the report. 119957

(D) The institution or association may refuse to employ the 119958  
person or engage the subcontractor, intern, or volunteer based 119959  
solely on the results of the search described in division (A)(1) 119960  
or (B) of this section or the findings of the summary report 119961  
described in division (B)(1)(a) of section 5103.18 of the Revised 119962  
Code. 119963

(E) The director of ~~job children~~ and ~~family services youth~~ shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section.

**Sec. 5103.0312.** A public children services agency, private child placing agency, or private noncustodial agency acting as a recommending agency for a foster caregiver shall reimburse the foster caregiver in a lump sum for attending a preplacement training program operated under section 5103.034 or 5103.30 of the Revised Code and shall reimburse the foster caregiver a stipend for attending a continuing training program operated under section 5103.034 or 5103.30 of the Revised Code. The amount of the lump sum reimbursement and the stipend rate shall be established by the department of ~~job children~~ and ~~family services youth~~ and shall be the same regardless of the type of recommending agency from which the foster caregiver seeks a recommendation. The department shall, pursuant to rules adopted under section 5103.0316 of the Revised Code, reimburse the recommending agency for stipend reimbursements it makes in accordance with this section. The department shall adopt rules under Chapter 119. of the Revised Code regarding the release of lump sum stipends to an individual for attending a preplacement training program.

**Sec. 5103.0313.** Except as provided in section 5103.303 of the Revised Code, the department of ~~job children~~ and ~~family services youth~~ shall compensate a private child placing agency or private noncustodial agency for the cost of procuring or operating preplacement and continuing training programs approved by the department of ~~job children~~ and ~~family services youth~~ under section 5103.038 of the Revised Code for prospective foster caregivers and foster caregivers who are recommended for initial certification or recertification by the agency.

The compensation shall be paid to the agency in the form of 119995  
an allowance to reimburse the agency for the cost of training 119996  
pursuant to the rules adopted by the department of ~~job~~ children 119997  
and ~~family services~~ youth in accordance with section 5103.0316 of 119998  
the Revised Code. 119999

**Sec. 5103.0314.** The department of ~~job~~ children and ~~family~~ 120000  
~~services~~ youth shall adopt rules regarding the compensation of a 120001  
recommending agency for any training the agency requires a foster 120002  
caregiver to undergo as a condition of the agency recommending the 120003  
department certify the foster caregiver's foster home under 120004  
section 5103.03 of the Revised Code if the training is in excess 120005  
of the training required under section 5103.031 of the Revised 120006  
Code. 120007

The department of ~~job~~ children and ~~family services~~ youth 120008  
shall adopt rules regarding the compensation of a recommending 120009  
agency for any training the agency requires a foster caregiver to 120010  
undergo as a condition of the agency recommending the department 120011  
recertify the foster caregiver's foster home under section 5103.03 120012  
of the Revised Code if the training is in addition to the minimum 120013  
training required under section 5103.032 of the Revised Code. 120014

**Sec. 5103.0315.** The department of ~~job~~ children and ~~family~~ 120015  
~~services~~ youth shall seek federal financial participation for the 120016  
cost of making payments under section 5103.0312 of the Revised 120017  
Code and allowances under sections 5103.0313 and 5103.303 of the 120018  
Revised Code. The department shall notify the governor, president 120019  
of the senate, minority leader of the senate, speaker of the house 120020  
of representatives, and minority leader of the house of 120021  
representatives of any proposed federal legislation that endangers 120022  
the federal financial participation. 120023

**Sec. 5103.0316.** The department of ~~job~~ children and ~~family~~ 120024

~~services~~ youth shall adopt rules in accordance with Chapter 119. 120025  
of the Revised Code as necessary for the efficient administration 120026  
of sections 5103.031 to 5103.0316 of the Revised Code. The rules 120027  
shall provide for all of the following: 120028

(A) For the purpose of section 5103.038 of the Revised Code, 120029  
the date by which a private child placing agency or private 120030  
noncustodial agency that seeks to operate a preplacement training 120031  
program or continuing training program under section 5103.034 of 120032  
the Revised Code must submit to the department a proposal 120033  
outlining the program; 120034

(B) Requirements governing the department's compensation of 120035  
private child placing agencies and private noncustodial agencies 120036  
under sections 5103.0312 and 5103.0313 of the Revised Code, 120037  
including the allowance to reimburse the agencies for the cost of 120038  
providing the training under sections 5103.031, 5103.032, and 120039  
5103.033 of the Revised Code; 120040

(C) Requirements governing the continuing training required 120041  
by sections 5103.032 and 5103.033 of the Revised Code; 120042

(D) The amount of training hours necessary for preplacement 120043  
training and continuing training for purposes of sections 120044  
5103.031, 5103.032, and 5103.033 of the Revised Code; 120045

(E) Courses necessary to meet the preplacement and continuing 120046  
training requirements for foster homes under sections 5103.031, 120047  
5103.032, and 5103.033 of the Revised Code; 120048

(F) Criteria used to create a written needs assessment and 120049  
continuing training plan for each foster caregiver as required by 120050  
section 5103.035 of the Revised Code; 120051

(G) The amount of preplacement and continuing training hours 120052  
that may be completed online; 120053

(H) Any other matter the department considers appropriate. 120054

Sec. 5103.0317. The ~~Director~~ director of ~~Job~~ children and ~~Family Services~~ youth shall adopt rules concerning the maximum number of children a foster home may receive and any exceptions to the maximum number.

Sec. 5103.0319. (A) No foster caregiver or prospective foster caregiver shall fail to notify the recommending agency that recommended or is recommending the foster caregiver or prospective foster caregiver for certification in writing if a person at least twelve years of age but less than eighteen years of age residing with the foster caregiver or prospective foster caregiver has been convicted of or pleaded guilty to any of the following or has been adjudicated to be a delinquent child for committing an act that if committed by an adult would have constituted such a violation:

(1) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, ~~2923.13~~ 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.01 of the Revised Code that involved an attempt to commit aggravated murder or murder, an OVI or OVUAC violation if the person previously was convicted of or pleaded guilty to one or more OVI or OVUAC

violations within the three years immediately preceding the 120086  
current violation, or felonious sexual penetration in violation of 120087  
former section 2907.12 of the Revised Code; 120088

(2) An offense that would be a felony if committed by an 120089  
adult and the court determined that the child, if an adult, would 120090  
be guilty of a specification found in section 2941.141, 2941.144, 120091  
or 2941.145 of the Revised Code or in another section of the 120092  
Revised Code that relates to the possession or use of a firearm, 120093  
as defined in section 2923.11 of the Revised Code, during the 120094  
commission of the act for which the child was adjudicated a 120095  
delinquent child; 120096

(3) A violation of an existing or former law of this state, 120097  
any other state, or the United States that is substantially 120098  
equivalent to any of the offenses described in division (A)(1) or 120099  
(2) of this section. 120100

(B) If a recommending agency learns that a foster caregiver 120101  
has failed to comply with division (A) of this section, it shall 120102  
notify the department of ~~job children~~ and ~~family services youth~~ 120103  
and the department shall revoke the foster caregiver's foster home 120104  
certificate. 120105

(C) As used in this section, "OVI or OVUAC violation" means a 120106  
violation of section 4511.19 of the Revised Code or a violation of 120107  
an existing or former law of this state, any other state, or the 120108  
United States that is substantially equivalent to section 4511.19 120109  
of the Revised Code. 120110

**Sec. 5103.0320.** The department of ~~job children~~ and ~~family~~ 120111  
~~services youth~~ may deny a foster home certificate on the grounds 120112  
that a person at least twelve years of age but less than eighteen 120113  
years of age residing with the foster caregiver or prospective 120114  
foster caregiver has been convicted of or pleaded guilty to an 120115  
offense described in division (A) of section 5103.0319 of the 120116

Revised Code or has been adjudicated to be a delinquent child for 120117  
committing an act that if committed by an adult would have 120118  
constituted such an offense. 120119

**Sec. 5103.0321.** On receipt of notice under section 5103.0319 120120  
of the Revised Code, the recommending agency shall do all of the 120121  
following: 120122

(A) Review the foster caregiver's foster home certificate. 120123  
After review, the agency may recommend that the department of ~~job~~ 120124  
children and ~~family services~~ youth revoke the certificate. 120125

(B) Review the placement in the foster home of any child of 120126  
whom the agency has temporary, legal, or permanent custody. After 120127  
review, the agency may, consistent with any juvenile court order, 120128  
remove the child from the foster home in which the child is 120129  
residing and place the child in another certified foster home. 120130

(C) If the agency does not have temporary, legal, or 120131  
permanent custody of a foster child residing in the foster home, 120132  
notify the entity that has custody that it has received a notice 120133  
under section 5103.0319 of the Revised Code. 120134

(D) Assess the foster caregiver's need for training because 120135  
of the conviction, plea of guilty, or adjudication described in 120136  
section 5103.0319 of the Revised Code and provide any necessary 120137  
training. 120138

**Sec. 5103.0322.** On receipt of a recommendation from a public 120139  
children services agency, private child placing agency, or private 120140  
noncustodial agency regarding an application for, or renewal of, a 120141  
family foster home or treatment foster home certification under 120142  
section 5103.03 of the Revised Code, the department of ~~job~~ 120143  
children and ~~family services~~ youth shall decide whether to issue 120144  
or renew the certificate. The department shall notify the agency 120145  
and the applicant or certificate holder of its decision. If the 120146

department's decision is different from the recommendation of the 120147  
agency, the department shall state in the notice the reason that 120148  
the decision is different from the recommendation. 120149

**Sec. 5103.0323.** (A) As used in this section, "American 120150  
institute of certified public accountants auditing standards" and 120151  
"AICPA auditing standards" mean the auditing standards published 120152  
by the American institute of certified public accountants. 120153

(B) The first time that a private child placing agency or 120154  
private noncustodial agency seeks renewal of a certificate issued 120155  
under section 5103.03 of the Revised Code, it shall provide the 120156  
department of ~~job children~~ and ~~family services youth~~, as a 120157  
condition of renewal, evidence of an independent financial 120158  
statement audit performed by a licensed public accounting firm 120159  
following applicable AICPA auditing standards for the most recent 120160  
fiscal year. Thereafter, when an agency seeks renewal of its 120161  
certificate, it shall provide the department evidence of an 120162  
independent financial statement audit performed by a licensed 120163  
public accounting firm following applicable AICPA auditing 120164  
standards for the two most recent previous fiscal years it is 120165  
possible for an independent audit to have been conducted. 120166

(C) For an agency to be eligible for renewal, the independent 120167  
audits must demonstrate that the agency operated in a fiscally 120168  
accountable manner as determined by the department of ~~job children~~ 120169  
and ~~family services youth~~. 120170

(D) The director of ~~job children~~ and ~~family services youth~~ 120171  
may adopt rules as necessary to implement this section. The 120172  
director shall adopt the rules in accordance with section 111.15 120173  
of the Revised Code. 120174

**Sec. 5103.0325.** Notwithstanding section 106.03 of the Revised 120175  
Code, the department of ~~job children~~ and ~~family services youth~~ 120176

shall review once every two years the department's rules governing 120177  
visits and contacts by a public children services agency or 120178  
private child placing agency with a child in the agency's custody 120179  
and placed in foster care in this state. The department shall 120180  
adopt rules in accordance with Chapter 119. of the Revised Code to 120181  
ensure compliance with the department's rules governing agency 120182  
visits and contacts with a child in its custody. 120183

**Sec. 5103.0326.** (A) A recommending agency may recommend that 120184  
the department of ~~job~~ children and ~~family services~~ youth not renew 120185  
a foster home certificate under section 5103.03 of the Revised 120186  
Code if the foster caregiver refused to accept the placement of 120187  
any children into the foster home during the current certification 120188  
period. Based on the agency's recommendation, the department may 120189  
refuse to renew a foster home certificate. 120190

(B) The department of ~~job~~ children and ~~family services~~ youth 120191  
may revoke the certification of any foster caregiver who has not 120192  
cared for one or more foster children in the foster caregiver's 120193  
home within the preceding twelve months. Prior to the revocation 120194  
of any certification pursuant to this division, the recommending 120195  
agency shall have the opportunity to provide good cause for the 120196  
department to continue the certification and not revoke the 120197  
certification. If the department decides to revoke the 120198  
certification, the department shall notify the recommending agency 120199  
that the certification will be revoked. 120200

**Sec. 5103.0328.** (A) Not later than ninety-six hours after 120201  
receiving notice from the superintendent of the bureau of criminal 120202  
identification and investigation pursuant to section 109.5721 of 120203  
the Revised Code that a foster caregiver has been arrested for, 120204  
convicted of, or pleaded guilty to any foster 120205  
caregiver-disqualifying offense, and not later than ninety-six 120206  
hours after learning in any other manner that a foster caregiver 120207

has been arrested for, convicted of, or pleaded guilty to any 120208  
foster caregiver-disqualifying offense, the department of ~~job~~ 120209  
children and ~~family services~~ youth shall provide notice of that 120210  
arrest, conviction, or guilty plea to both the recommending agency 120211  
relative to the foster caregiver and the custodial agency of any 120212  
child currently placed with that caregiver. 120213

(B) If a recommending agency receives notice from the 120214  
department of ~~job~~ children and ~~family services~~ youth pursuant to 120215  
division (A) of this section that a foster caregiver has been 120216  
convicted of or pleaded guilty to any foster 120217  
caregiver-disqualifying offense, or if a recommending agency 120218  
learns in any other manner that a foster caregiver has been 120219  
convicted of or pleaded guilty to any foster 120220  
caregiver-disqualifying offense, the recommending agency shall 120221  
assess the foster caregiver's overall situation for safety 120222  
concerns and forward any recommendations, if applicable, for 120223  
revoking the foster caregiver's certificate to the department for 120224  
the department's review for possible revocation. 120225

(C) As used in this section, "foster caregiver-disqualifying 120226  
offense" means any offense or violation listed or described in 120227  
division (C)(1) of section 2151.86 of the Revised Code. 120228

**Sec. 5103.0329.** (A) A recommending agency may submit a 120229  
request to the department of ~~job~~ children and ~~family services~~ 120230  
youth, on a case-by-case basis only, to waive any non-safety 120231  
standards for a kinship caregiver seeking foster home 120232  
certification. Non-safety standards include training hours and 120233  
other requirements under sections 5103.031, 5103.032, and 5103.039 120234  
of the Revised Code and standards established by rules adopted 120235  
under sections 5103.03 and 5103.0316 of the Revised Code, in 120236  
accordance with 42 U.S.C. 671 (a)(10). 120237

(B) "Kinship caregiver" has the same meaning as in section 120238

5101.85 of the Revised Code. 120239

**Sec. 5103.04.** No association whose object embraces the care 120240  
of dependent, neglected, abused, or delinquent children, or the 120241  
placing of such children in private homes, shall be incorporated 120242  
unless the proposed articles of incorporation have been submitted 120243  
first to the department of ~~job~~ children and ~~family services~~ youth. 120244  
The secretary of state shall not issue a certificate of 120245  
incorporation to such association until there is filed in the 120246  
secretary of state's office the certificate of the department that 120247  
it has examined the articles of incorporation, that in its 120248  
judgment the incorporators are reputable and respectable persons, 120249  
the proposed work is needed, and the incorporation of such 120250  
association is desirable and for the public good. 120251

Amendments proposed to the articles of incorporation of any 120252  
such association shall be submitted in like manner to the 120253  
department, and the secretary of state shall not record such 120254  
amendment or issue a certificate therefor until there is filed in 120255  
the secretary of state's office the certificate of the department 120256  
that it has examined such amendment, that the association in 120257  
question is performing in good faith the work undertaken by it, 120258  
and that such amendment is a proper one, and for the public good. 120259

**Sec. 5103.05.** (A) As used in this section and section 120260  
5103.051 of the Revised Code: 120261

(1) "Children's residential center" means a facility that is 120262  
operated by a private child placing agency, private noncustodial 120263  
agency, or public children services agency, that has been 120264  
certified by the department of ~~job~~ children and ~~family services~~ 120265  
youth to operate a children's residential center, and in which 120266  
eleven or more children, including the children of any staff 120267  
residing at the facility, are given nonsecure care and supervision 120268

twenty-four hours a day. 120269

(2) "Children's crisis care facility" has the same meaning as 120270  
in section 5103.13 of the Revised Code. 120271

(3) "County children's home" means a facility established 120272  
under section 5153.21 of the Revised Code. 120273

(4) "District children's home" means a facility established 120274  
under section 5153.42 of the Revised Code. 120275

(5) "Group home for children" means any public or private 120276  
facility that is operated by a private child placing agency, 120277  
private noncustodial agency, or public children services agency, 120278  
that has been certified by the department to operate a group home 120279  
for children, and that meets all of the following criteria: 120280

(a) Gives, for compensation, a maximum of ten children, 120281  
including the children of the operator or any staff who reside in 120282  
the facility, nonsecure care and supervision twenty-four hours a 120283  
day by a person or persons who are unrelated to the children by 120284  
blood or marriage, or who is not the appointed guardian of any of 120285  
the children; 120286

(b) Is not certified as a foster home; 120287

(c) Receives or cares for children for two or more 120288  
consecutive weeks. 120289

"Group home for children" does not include any facility that 120290  
provides care for children from only a single-family group, placed 120291  
at the facility by the children's parents or other relative having 120292  
custody. 120293

(6) "Residential facility" means a group home for children, 120294  
children's crisis care facility, children's residential center, 120295  
residential parenting facility that provides twenty-four-hour 120296  
child care, county children's home, or district children's home. A 120297  
foster home is not a residential facility. 120298

(7) "Residential parenting facility" means a facility 120299  
operated by a private child placing agency, private noncustodial 120300  
agency, or public children services agency, that has been 120301  
certified by the department to operate a residential parenting 120302  
facility, in which teenage mothers and their children reside for 120303  
the purpose of keeping mother and child together, teaching 120304  
parenting and life skills to the mother, and assisting teenage 120305  
mothers in obtaining educational or vocational training and 120306  
skills. 120307

(8) "Nonsecure care and supervision" means care and 120308  
supervision of a child in a residential facility that does not 120309  
confine or prevent movement of the child within the facility or 120310  
from the facility. 120311

(B) Within ten days after the commencement of operations at a 120312  
residential facility, the facility shall provide the following to 120313  
all county, municipal, or township law enforcement agencies, 120314  
emergency management agencies, and fire departments with 120315  
jurisdiction over the facility: 120316

(1) Written notice that the facility is located and will be 120317  
operating in the agency's or department's jurisdiction. The 120318  
written notice shall provide the address of the facility, identify 120319  
the facility as a group home for children, children's crisis care 120320  
facility, children's residential center, residential parenting 120321  
facility, county children's home, or district children's home, and 120322  
provide contact information for the facility. 120323

(2) A copy of the facility's procedures for emergencies and 120324  
disasters established pursuant to rules adopted under section 120325  
5103.03 of the Revised Code; 120326

(3) A copy of the facility's medical emergency plan 120327  
established pursuant to rules adopted under section 5103.03 of the 120328  
Revised Code; 120329

(4) A copy of the facility's community engagement plan 120330  
established pursuant to rules adopted under section 5103.051 of 120331  
the Revised Code. 120332

(C) Within ten days of a facility's recertification by the 120333  
department, the facility shall provide to all county, municipal, 120334  
or township law enforcement agencies, emergency management 120335  
agencies, and fire departments with jurisdiction over the facility 120336  
updated copies of the information required to be provided under 120337  
divisions (B)(2), (3), and (4) of this section. 120338

(D) The department may adopt rules in accordance with Chapter 120339  
119. of the Revised Code necessary to implement this section. 120340

**Sec. 5103.051.** (A) Each private child placing agency, private 120341  
noncustodial agency, public children services agency, or 120342  
superintendent of a county or district children's home shall 120343  
establish a community engagement plan in accordance with rules 120344  
adopted under division (B) of this section for each residential 120345  
facility the agency, entity, or superintendent operates. 120346

~~(B)(1)(B)~~ The department of ~~job children~~ and ~~family services~~ 120347  
~~youth~~ shall adopt rules in accordance with Chapter 119. of the 120348  
Revised Code that establish the following: 120349

~~(a)(1)~~ The contents of a community engagement plan to be 120350  
established under division (A) of this section that includes the 120351  
following: 120352

~~(i)(a)~~ Protocols for the community in which a residential 120353  
facility is located to communicate concerns or other pertinent 120354  
information directly to the agency or entity; 120355

~~(ii)(b)~~ Protocols for the agency or entity in responding to a 120356  
communication made under division ~~(B)(1)(a)(i)(B)(1)(a)~~ of this 120357  
section. 120358

~~(b)(2)~~ Orientation procedures for training residential 120359

facility staff on the implementation of the community engagement 120360  
plan established under division (A) of this section and procedures 120361  
for responding to incidents involving a child at the facility and 120362  
neighbors or the police. 120363

~~(2) The department shall file initial rules adopted under 120364  
division (B)(1) of this section within ninety days after the 120365  
effective date of this section. 120366~~

**Sec. 5103.07.** The department of ~~job~~ children and ~~family~~ 120367  
~~services~~ youth shall administer funds received under Title IV-B of 120368  
the "Social Security Act," 81 Stat. 821 (1967), 42 U.S.C.A. 620, 120369  
as amended, and the "Child Abuse Prevention and Treatment Act," 88 120370  
Stat. 4 (1974), 42 U.S.C.A. 5101, as amended. In administering 120371  
these funds, the department may establish a child welfare services 120372  
program and a child abuse and neglect prevention and adoption 120373  
reform program. The department has all powers necessary for the 120374  
adequate administration of these funds and programs. The director 120375  
of ~~job~~ children and ~~family services~~ youth may adopt rules as 120376  
necessary to carry out the purposes of this section. 120377

**Sec. 5103.08.** The department of ~~job~~ children and ~~family~~ 120378  
~~services~~ youth may enter into contracts with the department of 120379  
education authorizing the department of ~~job~~ children and ~~family~~ 120380  
~~services~~ youth to administer funds received by the department of 120381  
education under the "State Dependent Care Development Grants Act," 120382  
100 Stat. 968 (1986), 42 U.S.C.A. 9871, as amended. In fulfilling 120383  
its duties under such a contract, the department of ~~job~~ children 120384  
and ~~family services~~ youth may make grants to or enter into 120385  
contracts with other public or private entities. 120386

**Sec. 5103.11.** There is hereby created the foster care and 120387  
adoption initiatives fund. The fund shall be in the custody of the 120388  
treasurer of state, but shall not be part of the state treasury. 120389

The fund shall consist of moneys collected under section 2919.1912 120390  
of the Revised Code. All interest earned on the fund shall be 120391  
credited to the fund. The purpose of the fund is to provide 120392  
funding for foster care and adoption services and initiatives. The 120393  
department of ~~job~~ children and ~~family services~~ youth shall 120394  
allocate moneys from the fund according to the following 120395  
distribution: 120396

(A) Fifty per cent of the moneys in the fund shall be used 120397  
for foster care services and initiatives. 120398

(B) Fifty per cent of the moneys in the fund shall be used 120399  
for adoption services and initiatives. 120400

**Sec. 5103.12.** (A) As used in this section: 120401

(1) "Hearing" has the same meaning as in section 119.01 of 120402  
the Revised Code. 120403

(2) "Permanent custody" has the same meaning as in section 120404  
2151.011 of the Revised Code. 120405

(B) The department of ~~job~~ children and ~~family services~~ youth 120406  
may enter into agreements with public children services agencies 120407  
and private child placing agencies under which the department will 120408  
make payments to encourage the adoptive placement of children in 120409  
the permanent custody of a public children services agency. If the 120410  
department terminates, or refuses to enter into or renew, an 120411  
agreement with a public children services agency or private child 120412  
placing agency under this section, the agency is entitled to a 120413  
hearing. 120414

Notwithstanding section 127.16 of the Revised Code, the 120415  
department is not required to follow competitive selection 120416  
procedures or to receive the approval of the controlling board to 120417  
enter into agreements under this section or to make payments 120418  
pursuant to the agreements. 120419

(C) The director of ~~job~~ children and ~~family services~~ youth 120420  
shall adopt rules in accordance with Chapter 119. of the Revised 120421  
Code to implement this section, including rules that establish all 120422  
of the following: 120423

(1) A single, uniform agreement that, at a minimum, 120424  
prescribes a payment schedule and the terms and conditions with 120425  
which a public children services agency or private child placing 120426  
agency must comply to receive a payment; 120427

(2) Eligibility requirements a public children services 120428  
agency or private child placing agency must meet to enter into an 120429  
agreement with the department; 120430

(3) Eligibility requirements that a child who is the subject 120431  
of an agreement must meet; 120432

(4) Other administrative and operational requirements. 120433

**Sec. 5103.13.** (A) As used in this section and section 120434  
5103.131 of the Revised Code: 120435

(1)(a) "Children's crisis care facility" means a facility 120436  
that has as its primary purpose the provision of residential and 120437  
other care to either or both of the following: 120438

(i) One or more preteens voluntarily placed in the facility 120439  
by the preteen's parent or other caretaker who is facing a crisis 120440  
that causes the parent or other caretaker to seek temporary care 120441  
for the preteen and referral for support services; 120442

(ii) One or more preteens placed in the facility by a public 120443  
children services agency or private child placing agency that has 120444  
legal custody or permanent custody of the preteen and determines 120445  
that an emergency situation exists necessitating the preteen's 120446  
placement in the facility rather than an institution certified 120447  
under section 5103.03 of the Revised Code or elsewhere. 120448

(b) "Children's crisis care facility" does not include any of 120449

the following: 120450

(i) Any organization, society, association, school, agency, 120451  
child guidance center, detention or rehabilitation facility, or 120452  
children's clinic licensed, regulated, approved, operated under 120453  
the direction of, or otherwise certified by the department of 120454  
education, a local board of education, the department of youth 120455  
services, the department of mental health and addiction services, 120456  
or the department of developmental disabilities; 120457

(ii) Any individual who provides care for only a 120458  
single-family group, placed there by their parents or other 120459  
relative having custody; 120460

(iii) Any residential infant care center, as an entity deemed 120461  
a residential infant care center under section 5103.602 of the 120462  
Revised Code shall no longer be licensed as a children's crisis 120463  
care center. 120464

(2) "Legal custody" and "permanent custody" have the same 120465  
meanings as in section 2151.011 of the Revised Code. 120466

(3) "Pediatric medical service" means medical service 120467  
required to be provided by, or with oversight from, a licensed 120468  
medical professional, including prescribing medication, 120469  
administering rectal or intravenous medication, and outpatient 120470  
laboratory service, and providing for sick visits, on-site well 120471  
child exams, and children assisted by medical technology. 120472

(4) "Preteen" means an individual under thirteen years of 120473  
age. 120474

(B) No person shall operate a children's crisis care facility 120475  
or hold a children's crisis care facility out as a certified 120476  
children's crisis care facility unless there is a valid children's 120477  
crisis care facility certificate issued under this section for the 120478  
facility. 120479

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

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

(b) The director shall not issue a waiver to a person for compliance with any of the requirements imposed under this section or any of the rules adopted under division (H) of this section.

(D) No certified children's crisis care facility shall do any of the following:

(1) Provide residential care to a preteen for more than one hundred twenty days in a calendar year;

(2) Provide residential care to a preteen for more than ninety consecutive days, which shall include the aggregate of days spent at different facility locations if a preteen is transferred in accordance with division (E)(4) of this section;

(3) Provide residential care to a preteen for more than fourteen consecutive days if a public children services agency or private child placing agency placed the preteen in the facility;

(4) Fail to comply with section 2151.86 of the Revised Code.

(E) A certified children's crisis care facility shall do the following:

(1) Employ a licensed social worker, a licensed independent

social worker, a licensed professional counselor, or a licensed professional clinical counselor; 120510  
120511

(2) Require, if pediatric medical service is provided at the facility, the following for the provision of pediatric medical service: 120512  
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120514

(a) Medical service to be provided by a qualified, licensed, and insured medical professional; 120515  
120516

(b) All staff, volunteers, and interns to comply with the privacy requirements of the "Health Insurance Portability and Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended; 120517  
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(c) If a preteen is admitted by the preteen's parent or caretaker and if the preteen requires ongoing medical care following discharge from the facility, a medical professional or licensed social worker to make the medical professional's or social worker's best effort to ensure the parent or caretaker is competent to provide the ongoing care; 120521  
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(d) The facility to have a dedicated and private enclosed space for the purpose of a medical professional to receive and treat patients and that contains a sink or tub, medical exam table, medical record system, and pediatric medical equipment. 120527  
120528  
120529  
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(3) Require, if a preteen is admitted by the preteen's parent or caretaker, the facility's licensed social worker, licensed independent social worker, licensed professional counselor, or licensed professional clinical counselor to make their best efforts to ensure the parent or caretaker is competent in the basic parenting skills needed to care for the preteen; 120531  
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(4) Require only a transfer summary for the transfer of a preteen from one certified children's crisis care facility location to another, if the facility has more than one location; 120537  
120538  
120539

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

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

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

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

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

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

(c) Are supervised by facility staff.

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

(G) The director of ~~job children and family services~~ youth may suspend or revoke a children's crisis care facility's certificate pursuant to Chapter 119. of the Revised Code if the facility violates or fails to comply with any of the requirements under this section or ceases to meet any of the certification

standards established in rules adopted under division (H) of this 120570  
section or the facility's operator ceases to comply with any of 120571  
the rules governing the certification of children's crisis care 120572  
facilities adopted under that division. 120573

(H) ~~Not later than ninety days after September 21, 2006, the~~ 120574  
~~The~~ director of ~~job~~ children and ~~family services~~ youth shall adopt 120575  
rules pursuant to Chapter 119. of the Revised Code for the 120576  
certification of children's crisis care facilities. The rules 120577  
shall specify that a certificate shall not be issued to an 120578  
applicant if the conditions at the children's crisis care facility 120579  
would jeopardize the health or safety of the preteens placed in 120580  
the facility. 120581

**Sec. 5103.131.** The department of ~~job~~ children and ~~family~~ 120582  
~~services~~ youth may apply to the United States secretary of health 120583  
and human services for a federal grant under the "Child Abuse 120584  
Prevention and Treatment Act," 42 U.S.C. 5116, and the "Family 120585  
First Prevention Services Act," 42 U.S.C. 50711, 50723, and 50741, 120586  
to assist children's crisis care facilities certified under 120587  
section 5103.13 of the Revised Code in providing temporary 120588  
residential and other care to preteens. 120589

**Sec. 5103.14.** The department of ~~job~~ children and ~~family~~ 120590  
~~services~~ youth shall enforce sections 2151.39, 5103.15, and 120591  
5103.16 of the Revised Code. 120592

**Sec. 5103.151.** (A) As used in this section and in section 120593  
5103.152 of the Revised Code, "identifying information" has the 120594  
same meaning as in section 3107.01 of the Revised Code. 120595

(B) Except as provided in division (C) of this section, a 120596  
parent of a minor who will be, if adopted, an adopted person as 120597  
defined in section 3107.45 of the Revised Code shall do all of the 120598  
following as a condition of a juvenile court approving the 120599

parent's agreement with a public children services agency or 120600  
private child placing agency under division (B)(1) of section 120601  
5103.15 of the Revised Code: 120602

(1) Appear personally before the court; 120603

(2) Sign the component of the form prescribed under division 120604  
(A)(1)(a) of section 3107.083 of the Revised Code; 120605

(3) Check either the "yes" or "no" space provided on the 120606  
component of the form prescribed under division (A)(1)(b) of 120607  
section 3107.083 of the Revised Code and sign that component; 120608

(4) If the parent is the mother, complete and sign the 120609  
component of the form prescribed under division (A)(1)(c) of 120610  
section 3107.083 of the Revised Code. 120611

At the time the parent signs the components of the form 120612  
prescribed under divisions (A)(1)(a), (b), and (c) of section 120613  
3107.083 of the Revised Code, the parent may sign, if the parent 120614  
chooses to do so, the components of the form prescribed under 120615  
divisions (A)(1)(d), (e), and (f) of that section. After the 120616  
parent signs the components required to be signed and any 120617  
discretionary components the parent chooses to sign, the parent or 120618  
agency shall file the form and agreement with the court. The court 120619  
or agency shall give the parent a copy of the form and agreement. 120620  
The court and agency shall keep a copy of the form and agreement 120621  
in the court and agency's records. The agency shall file a copy of 120622  
the form and agreement with the probate court with which a 120623  
petition to adopt the child who is the subject of the agreement is 120624  
filed. 120625

The juvenile court shall question the parent to determine 120626  
that the parent understands the adoption process, the 120627  
ramifications of entering into a voluntary permanent custody 120628  
surrender agreement, each component of the form prescribed under 120629  
division (A)(1) of section 3107.083 of the Revised Code, and that 120630

the child and adoptive parent may receive identifying information 120631  
about the parent in accordance with section 3107.47 of the Revised 120632  
Code unless the parent checks the "no" space provided on the 120633  
component of the form prescribed under division (A)(1)(b) of 120634  
section 3107.083 of the Revised Code or has a denial of release 120635  
form filed with the department of health under section 3107.46 of 120636  
the Revised Code. The court also shall question the parent to 120637  
determine that the parent enters into the permanent custody 120638  
surrender agreement voluntarily and any decisions the parent makes 120639  
in filling out the form prescribed under division (A)(1) of 120640  
section 3107.083 of the Revised Code are made voluntarily. 120641

(C) A juvenile court may approve an agreement entered into 120642  
under division (B)(1) of section 5103.15 of the Revised Code 120643  
between a public children services agency or private child placing 120644  
agency and the parents of a child who is less than six months of 120645  
age and will be, if adopted, an adopted person as defined in 120646  
section 3107.45 of the Revised Code without the parents personally 120647  
appearing before the court if both parents do all of the 120648  
following: 120649

(1) Enter into the agreement with the agency; 120650

(2) Sign the component of the form prescribed under division 120651  
(A)(1)(a) of section 3107.083 of the Revised Code; 120652

(3) Check either the "yes" or "no" space provided on the 120653  
component of the form prescribed under division (A)(1)(b) of 120654  
section 3107.083 of the Revised Code and sign that component. 120655

At the time the parents sign the components of the form 120656  
prescribed under divisions (A)(1)(a) and (b) of section 3107.083 120657  
of the Revised Code, the mother shall complete and sign the 120658  
component of the form prescribed under division (A)(1)(c) of that 120659  
section and the agency shall provide the parents the opportunity 120660  
to sign, if they choose to do so, the components of the form 120661

prescribed under divisions (A)(1)(d), (e), and (f) of that 120662  
section. Not later than two business days after the parents enter 120663  
into the agreements and sign the components of the form required 120664  
to be signed and any discretionary components the parents choose 120665  
to sign, the agency shall file the agreements and forms with the 120666  
court. The agency shall give the parents a copy of the agreements 120667  
and forms. At the time the agency files the agreements and forms 120668  
with the court, the agency also shall file with the court all 120669  
other documents the director of ~~job~~ children and ~~family services~~ 120670  
youth requires by rules adopted under division (D) of section 120671  
3107.083 of the Revised Code to be filed with the court. The court 120672  
and agency shall keep a copy of the agreements, forms, and 120673  
documents in the court and attorney's records. The agency shall 120674  
file a copy of the agreements, forms, and documents with the 120675  
probate court with which a petition to adopt the child who is the 120676  
subject of the agreement is filed. 120677

(D) Except as provided in division (E) of this section, a 120678  
parent of a minor, who will be, if adopted, an adopted person as 120679  
defined in section 3107.38 of the Revised Code, shall do all of 120680  
the following as a condition of a juvenile court approving the 120681  
parent's agreement with a public children services agency or 120682  
private child placing agency under division (B)(1) of section 120683  
5103.15 of the Revised Code: 120684

(1) Appear personally before the court; 120685

(2) Sign the component of the form prescribed under division 120686  
(B)(1)(a) of section 3107.083 of the Revised Code; 120687

(3) If the parent is the mother, complete and sign the 120688  
component of the form prescribed under division (B)(1)(b) of 120689  
section 3107.083 of the Revised Code. 120690

At the time the parent signs the components prescribed under 120691  
divisions (B)(1)(a) and (b) of section 3107.083 of the Revised 120692

Code, the parent may sign, if the parent chooses to do so, the 120693  
components of the form prescribed under divisions (B)(1)(c), (d), 120694  
and (e) of that section. After the parent signs the components 120695  
required to be signed and any discretionary components the parent 120696  
chooses to sign, the parent or agency shall file the form and 120697  
agreement with the court. The court or agency shall give the 120698  
parent a copy of the form and agreement. The court and agency 120699  
shall keep a copy of the form and agreement in the court and 120700  
agency's records. The agency shall file a copy of the form and 120701  
agreement with the probate court with which a petition to adopt 120702  
the child who is the subject of the agreement is filed. 120703

The juvenile court shall question the parent to determine 120704  
that the parent understands the adoption process, the 120705  
ramifications of entering into a voluntary permanent custody 120706  
surrender agreement, and each component of the form prescribed 120707  
under division (B)(1) of section 3107.083 of the Revised Code. The 120708  
court also shall question the parent to determine that the parent 120709  
enters into the permanent custody surrender agreement voluntarily 120710  
and any decisions the parent makes in filling out the form are 120711  
made voluntarily. 120712

(E) A juvenile court may approve an agreement entered into 120713  
under division (B)(1) of section 5103.15 of the Revised Code 120714  
between a public children services agency or private child placing 120715  
agency and the parent of a child who is less than six months of 120716  
age and will be, if adopted, an adopted person as defined in 120717  
section 3107.38 of the Revised Code without the parent personally 120718  
appearing before the court if the parent does both of the 120719  
following: 120720

(1) Signs the component of the form prescribed under division 120721  
(B)(1)(a) of section 3107.083 of the Revised Code; 120722

(2) If the parent is the mother, completes and signs the 120723  
component of the form prescribed under division (B)(1)(b) of 120724

section 3107.083 of the Revised Code. 120725

At the time the parent signs that component, the agency shall 120726  
provide the parent the opportunity to sign, if the parent chooses 120727  
to do so, the components of the form prescribed under divisions 120728  
(B)(1)(c), (d), and (e) of section 3107.083 of the Revised Code. 120729  
Not later than two business days after the parent enters into the 120730  
agreement and signs the components of the form required to be 120731  
signed and any discretionary components the parent chooses to 120732  
sign, the agency shall file the agreement and form with the court. 120733  
The agency shall give the parent a copy of the agreement and form. 120734  
At the time the agency files the agreement and form with the 120735  
court, the agency also shall file with the court all other 120736  
documents the director of ~~job~~ children and ~~family services~~ youth 120737  
requires by rules adopted under division (D) of section 3107.083 120738  
of the Revised Code to be filed with the court. The court and 120739  
agency shall keep a copy of the agreement, form, and documents in 120740  
the court and agency's records. The agency shall file a copy of 120741  
the agreement, form, and documents with the probate court with 120742  
which a petition to adopt the child who is the subject of the 120743  
agreement is filed. 120744

**Sec. 5103.152.** Not less than seventy-two hours before a 120745  
public children services agency or private child placing agency 120746  
enters into an agreement with a parent under division (B) of 120747  
section 5103.15 of the Revised Code, an assessor shall meet in 120748  
person with the parent and do both of the following: 120749

(A) Provide the parent with a copy of the written materials 120750  
about adoption prepared by the department of ~~job~~ children and 120751  
~~family services~~ youth under division (C) of section 3107.083 of 120752  
the Revised Code, discuss with the parent the adoption process and 120753  
ramifications of a parent entering into a voluntary permanent 120754  
custody surrender agreement, and provide the parent the 120755

opportunity to review the materials and ask questions about the materials, discussion, and related matters;

(B) If the child who is the subject of the agreement, if adopted, will be an adopted person as defined in section 3107.45 of the Revised Code, inform the parent that the parent's child and the adoptive parent may receive, in accordance with section 3107.47 of the Revised Code, identifying information about the parent that is contained in the child's adoption file maintained by the department of health unless the parent checks the "no" space provided on the component of the form prescribed under division (A)(1)(b) of section 3107.083 of the Revised Code or signs and has filed with the department a denial of release form prescribed under section 3107.50 of the Revised Code.

**Sec. 5103.155.** As used in this section, "children with special needs" has the same meaning as in rules adopted under section 5153.163 of the Revised Code.

If the department of job and family services determines that money in the putative father registry fund created under section 2101.16 of the Revised Code is more than is needed to perform its duties related to the putative father registry, the department may ~~use~~ transfer surplus moneys in the fund to the department of children and youth to promote adoption of children with special needs.

**Sec. 5103.16.** (A) Except as otherwise provided in this section, no child shall be placed or accepted for placement under any written or oral agreement or understanding that transfers or surrenders the legal rights, powers, or duties of the legal parent, parents, or guardian of the child into the temporary or permanent custody of any association or institution that is not certified by the department of ~~job children and family services~~

youth under section 5103.03 of the Revised Code, without the 120786  
written consent of the office in the department that oversees the 120787  
interstate compact for placement of children established under 120788  
section 5103.20 of the Revised Code or the interstate compact on 120789  
the placement of children established under section 5103.23 of the 120790  
Revised Code, as applicable, or by a commitment of a juvenile 120791  
court, or by a commitment of a probate court as provided in this 120792  
section. A child may be placed temporarily without written consent 120793  
or court commitment with persons related by blood or marriage or 120794  
in a legally licensed boarding home. 120795

(B)(1) Associations and institutions certified under section 120796  
5103.03 of the Revised Code for the purpose of placing children in 120797  
free foster homes or for legal adoption shall keep a record of the 120798  
temporary and permanent surrenders of children. This record shall 120799  
be available for separate statistics, which shall include a copy 120800  
of an official birth record and all information concerning the 120801  
social, mental, and medical history of the children that will aid 120802  
in an intelligent disposition of the children in case that becomes 120803  
necessary because the parents or guardians fail or are unable to 120804  
reassume custody. 120805

(2) No child placed on a temporary surrender with an 120806  
association or institution shall be placed permanently in a foster 120807  
home or for legal adoption. All surrendered children who are 120808  
placed permanently in foster homes or for adoption shall have been 120809  
permanently surrendered, and a copy of the permanent surrender 120810  
shall be a part of the separate record kept by the association or 120811  
institution. 120812

(C) Any agreement or understanding to transfer or surrender 120813  
the legal rights, powers, or duties of the legal parent or parents 120814  
and place a child with a person seeking to adopt the child under 120815  
this section shall be construed to contain a promise by the person 120816  
seeking to adopt the child to pay the expenses listed in divisions 120817

(C)(1), (2), and (4) of section 3107.055 of the Revised Code and, 120818  
if the person seeking to adopt the child refuses to accept 120819  
placement of the child, to pay the temporary costs of routine 120820  
maintenance and medical care for the child in a hospital, foster 120821  
home, or other appropriate place for up to thirty days or until 120822  
other custody is established for the child, as provided by law, 120823  
whichever is less. 120824

(D) No child shall be placed or received for adoption or with 120825  
intent to adopt unless placement is made by a public children 120826  
services agency, an institution or association that is certified 120827  
by the department of ~~job children~~ and ~~family services~~ youth under 120828  
section 5103.03 of the Revised Code to place children for 120829  
adoption, or custodians in another state or foreign country, or 120830  
unless all of the following criteria are met: 120831

(1) Prior to the placement and receiving of the child, the 120832  
parent or parents of the child personally have applied to, and 120833  
appeared before, the probate court of the county in which the 120834  
parent or parents reside, or in which the person seeking to adopt 120835  
the child resides, for approval of the proposed placement 120836  
specified in the application and have signed and filed with the 120837  
court a written statement showing that the parent or parents are 120838  
aware of their right to contest the decree of adoption subject to 120839  
the limitations of section 3107.16 of the Revised Code; 120840

(2) The court ordered an independent home study of the 120841  
proposed placement to be conducted as provided in section 3107.031 120842  
of the Revised Code, and after completion of the home study, the 120843  
court determined that the proposed placement is in the best 120844  
interest of the child; 120845

(3) The court has approved of record the proposed placement. 120846

In determining whether a custodian has authority to place 120847  
children for adoption under the laws of a foreign country, the 120848

probate court shall determine whether the child has been released 120849  
for adoption pursuant to the laws of the country in which the 120850  
child resides, and if the release is in a form that satisfies the 120851  
requirements of the immigration and naturalization service of the 120852  
United States department of justice for purposes of immigration to 120853  
this country pursuant to section 101(b)(1)(F) of the "Immigration 120854  
and Nationality Act," 75 Stat. 650 (1961), 8 U.S.C. 1101 120855  
(b)(1)(F), as amended or reenacted. 120856

If the parent or parents of the child are deceased or have 120857  
abandoned the child, as determined under division (A) of section 120858  
3107.07 of the Revised Code, the application for approval of the 120859  
proposed adoptive placement may be brought by the relative seeking 120860  
to adopt the child, or by the department, board, or organization 120861  
not otherwise having legal authority to place the orphaned or 120862  
abandoned child for adoption, but having legal custody of the 120863  
orphaned or abandoned child, in the probate court of the county in 120864  
which the child is a resident, or in which the department, board, 120865  
or organization is located, or where the person or persons with 120866  
whom the child is to be placed reside. Unless the parent, parents, 120867  
or guardian of the person of the child personally have appeared 120868  
before the court and applied for approval of the placement, notice 120869  
of the hearing on the application shall be served on the parent, 120870  
parents, or guardian. 120871

The consent to placement, surrender, or adoption executed by 120872  
a minor parent before a judge of the probate court or an 120873  
authorized deputy or referee of the court, whether executed within 120874  
or outside the confines of the court, is as valid as though 120875  
executed by an adult. A consent given as above before an employee 120876  
of a children services agency that is licensed as provided by law, 120877  
is equally effective, if the consent also is accompanied by an 120878  
affidavit executed by the witnessing employee or employees to the 120879  
effect that the legal rights of the parents have been fully 120880

explained to the parents, prior to the execution of any consent, 120881  
and that the action was done after the birth of the child. 120882

If the court approves a placement, the prospective adoptive 120883  
parent with whom the child is placed has care, custody, and 120884  
control of the child pending further order of the court. 120885

(E)(1) This section does not apply to an adoption by a 120886  
stepparent, a grandparent, a grandparent's husband or wife, a 120887  
legal custodian, or a guardian. 120888

(2) As used in division (E)(1) of this section: 120889

(a) "Legal custodian" means a person who has been granted the 120890  
legal custody of a child by a court of competent jurisdiction. 120891

(b) "Legal custody" has the same meaning as in section 120892  
2151.011 of the Revised Code or in any other substantially 120893  
equivalent statute. 120894

**Sec. 5103.163.** (A) The department of ~~job children and family~~ 120895  
~~services youth~~ shall adopt rules in accordance with Chapter 119. 120896  
of the Revised Code to establish and enforce a resource family 120897  
bill of rights for resource families providing care for 120898  
individuals who are in the custody or care and placement of an 120899  
agency that provides Title IV-E reimbursable services pursuant to 120900  
sections 5103.03 to 5103.181 of the Revised Code. 120901

(B) If the rights of the resource family conflict with the 120902  
rights of the individual established by section 2151.316 of the 120903  
Revised Code, division (B) of section 2151.316 of the Revised Code 120904  
shall apply. 120905

(C) The rights established by rules under this section shall 120906  
not create grounds for a civil action against the department, the 120907  
recommending agency, or the custodial agency. 120908

**Sec. 5103.17.** (A) As used in this section: 120909

(1) "Advertise" means a method of communication that is 120910  
electronic, written, visual, or oral and made by means of personal 120911  
representation, newspaper, magazine, circular, billboard, direct 120912  
mailing, sign, radio, television, telephone, or otherwise. 120913

(2) "Qualified adoptive parent" means a person who is 120914  
eligible to adopt a child under section 3107.03 of the Revised 120915  
Code and for whom an assessor has conducted a home study to 120916  
determine whether the person is suitable to adopt a child, if 120917  
required by section 3107.031 of the Revised Code. 120918

(B) Subject to section 5103.16 of the Revised Code and to 120919  
division (C), (D), or (E) of this section, no person or government 120920  
entity, other than a private child placing agency or private 120921  
noncustodial agency certified by the department of ~~job~~ children 120922  
and ~~family services~~ youth under section 5103.03 of the Revised 120923  
Code or a public children services agency, shall advertise that 120924  
the person or government entity will adopt children or place them 120925  
in foster homes, hold out inducements to parents to part with 120926  
their offspring or in any manner knowingly become a party to the 120927  
separation of a child from the child's parents or guardians, 120928  
except through a juvenile court or probate court commitment. 120929

(C) The biological parent of a child may advertise the 120930  
availability for placement of the parent's child for adoption to a 120931  
qualified adoptive parent. 120932

(D) A qualified adoptive parent may advertise that the 120933  
qualified adoptive parent is available for placement of a child 120934  
into the qualified adoptive parent's care for the purpose of 120935  
adopting the child. 120936

(E) A government entity may advertise about its role in the 120937  
placement of children for adoption or any other information that 120938  
would be relevant to qualified adoptive parents. 120939

(F) Except as provided in section 3107.055 of the Revised 120940

Code, the following apply: 120941

(1) No person shall offer money or anything of value in 120942  
exchange for placement of a child for adoption. 120943

(2) No biological parent may request money or anything of 120944  
value in exchange for placement for adoption of the parent's child 120945  
with a qualified adoptive parent. 120946

(G) If the department of ~~job children and family services~~ 120947  
youth has reasonable cause to believe a violation of this section 120948  
has been committed, the department shall notify the attorney 120949  
general or the county prosecutor, city attorney, village 120950  
solicitor, or other chief legal officer of the political 120951  
subdivision in which the violation has allegedly occurred. On 120952  
receipt of the notification, the attorney general, county 120953  
prosecutor, city attorney, village solicitor, or other chief legal 120954  
officer shall take action to enforce this section through 120955  
injunctive relief or criminal charge. 120956

**Sec. 5103.18.** (A)(1) Prior to certification or 120957  
recertification as a foster home under section 5103.03 of the 120958  
Revised Code, a recommending agency shall obtain a summary report 120959  
of a search of the uniform statewide automated child welfare 120960  
information system, established under section 5101.13 of the 120961  
Revised Code, from an entity listed in section 5101.132 of the 120962  
Revised Code. 120963

(2) Whenever a prospective foster parent or any other person 120964  
eighteen years of age or older who resides with a prospective 120965  
foster parent has resided in another state within the five-year 120966  
period immediately prior to the date on which a criminal records 120967  
check is requested for the person under division (A) of section 120968  
2151.86 of the Revised Code, the recommending agency shall request 120969  
a check of the central registry of abuse and neglect of this state 120970  
from the department of ~~job children and family services~~ youth 120971

regarding the prospective foster parent or the person eighteen 120972  
years of age or older who resides with the prospective foster 120973  
parent to enable the agency to check any child abuse and neglect 120974  
registry maintained by that other state. The recommending agency 120975  
shall make the request and shall review the results of the check 120976  
before the prospective foster parent may be finally approved for 120977  
placement of a child. Information received pursuant to such a 120978  
request shall be considered for purposes of this chapter as if it 120979  
were a summary report required under division (A) of this section. 120980  
The department of ~~job~~ children and ~~family services~~ youth shall 120981  
comply with any request to check the central registry that is 120982  
similar to the request described in this division and that is 120983  
received from any other state. 120984

(B)(1) The summary report required under division (A) of this 120985  
section shall contain, if applicable, a chronological list of 120986  
abuse and neglect determinations or allegations of which a person 120987  
seeking to become a foster caregiver of a child is subject and in 120988  
regards to which a public children services agency has done one of 120989  
the following: 120990

(a) Determined that abuse or neglect occurred; 120991

(b) Initiated an investigation, and the investigation is 120992  
ongoing; 120993

(c) Initiated an investigation, and the agency was unable to 120994  
determine whether abuse or neglect occurred. 120995

(2) The summary report required under division (A) of this 120996  
section shall not contain any of the following: 120997

(a) An abuse and neglect determination of which a person 120998  
seeking to become a foster caregiver of a child is subject and in 120999  
regards to which a public children services agency determined that 121000  
abuse or neglect did not occur; 121001

(b) Information or reports the dissemination of which is 121002

prohibited by, or interferes with eligibility under, the "Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 5101 et seq., as amended;

(c) The name of the person who or entity that made, or participated in the making of, the report of abuse or neglect.

(C)(1) A foster home certification or recertification may be denied based on a summary report containing the information described under division (B)(1)(a) of this section, when considered within the totality of the circumstances.

(2) A foster home certification or recertification shall not be denied solely based on a summary report containing the information described under division (B)(1)(b) or (c) of this section.

(D) ~~Not later than January 1, 2008, the~~ The director of ~~job children and family services youth~~ shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section.

**Sec. 5103.181.** (A) Prior to certification or recertification of a foster home under section 5103.03 of the Revised Code, a recommending agency shall conduct a search of the United States department of justice national sex offender public web site regarding the prospective or current foster caregiver and all persons eighteen years of age or older who reside with the prospective or current foster caregiver. Certification or recertification may be denied based solely on the results of the search.

(B) The director of ~~job children and family services youth~~ shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section.

**Sec. 5103.21.** The department of ~~job~~ children and ~~family~~  
~~services~~ youth may adopt rules necessary for the implementation of  
section 5103.20 of the Revised Code.

**Sec. 5103.22.** As used in division (B) of Article VIII of  
section 5103.20 of the Revised Code, "state human services  
administration" means the department of ~~job~~ children and ~~family~~  
~~services~~ youth.

**Sec. 5103.232.** The "appropriate public authorities" as used  
in Article III of ~~the interstate compact on the placement of~~  
section 5103.20 of the Revised Code means the department of ~~job~~  
children and ~~family services~~ youth and that department shall  
receive and act with reference to notices required by said Article  
III.

**Sec. 5103.233.** As used in paragraph (A) of Article V of the  
interstate compact on the placement of children, the phrase  
"appropriate authority in the receiving state" with reference to  
this state shall mean the department of ~~job~~ children and ~~family~~  
~~services~~ youth.

**Sec. 5103.30.** The Ohio child welfare training program is  
hereby established in the department of ~~job~~ children and ~~family~~  
~~services~~ youth as a statewide program. The program shall provide  
all of the following:

(A) The training that section 3107.014 of the Revised Code  
requires an assessor to complete;

(B) The preplacement training that sections 5103.031 and  
5103.033 of the Revised Code require a prospective foster  
caregiver to complete;

(C) The continuing training that sections 5103.032 and

5103.033 of the Revised Code require a foster caregiver to complete; 121061  
complete; 121062

(D) The training that section 5153.122 of the Revised Code requires a PCSA caseworker to complete; 121063  
requires a PCSA caseworker to complete; 121064

(E) The training that section 5153.123 of the Revised Code requires a PCSA caseworker supervisor to complete; 121065  
requires a PCSA caseworker supervisor to complete; 121066

(F) The training required under section 5101.1414 of the Revised Code for a case manager and supervisor. 121067  
Revised Code for a case manager and supervisor. 121068

**Sec. 5103.303.** When the Ohio child welfare training program provides preplacement or continuing training to a prospective foster caregiver or foster caregiver whose recommending agency is a private child placing agency or private noncustodial agency, the department of ~~job children~~ and ~~family services~~ youth shall not pay the Ohio child welfare training program the allowance the department would otherwise pay to the private child placing agency or private noncustodial agency under section 5103.0313 of the Revised Code for the training. 121069  
provides preplacement or continuing training to a prospective 121070  
foster caregiver or foster caregiver whose recommending agency is 121071  
a private child placing agency or private noncustodial agency, the 121072  
department of ~~job children~~ and ~~family services~~ youth shall not pay 121073  
the Ohio child welfare training program the allowance the 121074  
department would otherwise pay to the private child placing agency 121075  
or private noncustodial agency under section 5103.0313 of the 121076  
Revised Code for the training. 121077

**Sec. 5103.32.** (A) As used in this section: 121078

(1) "Title IV-B" means Title IV-B of the "Social Security Act of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended. 121079  
of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended. 121080

(2) "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670(1980). 121081  
Act," 94 Stat. 501, 42 U.S.C. 670(1980). 121082

(3) "Title XX" has the same meaning as in section 5101.46 of the Revised Code. 121083  
the Revised Code. 121084

(B) For purposes of adequately funding the Ohio child welfare training program, the department of ~~job children~~ and ~~family services~~ youth may use any of the following: 121085  
training program, the department of ~~job children~~ and ~~family 121086  
services~~ youth may use any of the following: 121087

(1) The federal financial participation funds withheld pursuant to division (E) of section 5101.141 of the Revised Code 121088  
pursuant to division (E) of section 5101.141 of the Revised Code 121089

in an amount determined by the department;	121090
(2) Funds available under Title XX, Title IV-B, and Title IV-E to pay for training costs;	121091
(3) Other available state or federal funds;	121092
(4) Funds that a person, including a foundation, makes available for the program.	121093
	121094
	121095
<b>Sec. 5103.33.</b> The director of <del>job</del> <u>children</u> and <del>family</del> <u>services youth</u> shall adopt rules under Chapter 119. of the Revised Code as necessary to implement the Ohio child welfare training program.	121096
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<b>Sec. 5103.34.</b> The department of <del>job</del> <u>children</u> and <del>family</del> <u>services youth</u> shall monitor and evaluate the Ohio child welfare training program to ensure that the program satisfies all of the requirements established by law enacted by the general assembly regarding the program and rules adopted under section 5103.33 of the Revised Code. As part of the monitoring and evaluation, the department shall ensure that the training provided under section 5103.30 of the Revised Code meets all of the requirements of section 5103.31 of the Revised Code, including the requirement that the training be competency based.	121100
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<b>Sec. 5103.35.</b> Each fiscal biennium, the department of <del>job</del> <u>children</u> and <del>family services youth</del> shall contract with an entity to serve as the Ohio child welfare training program coordinator. The department shall select the entity with which to contract from the entities that submit a proposal that meets, as determined under section 5103.362 of the Revised Code, the requirements of the request for proposals issued under section 5103.36 of the Revised Code. The department may contract with the entity the department contracted with the previous fiscal biennium even	121110
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though no request for proposals is issued if, as specified in 121119  
section 5103.361 of the Revised Code, a request for proposals is 121120  
not required for the upcoming fiscal biennium. 121121

A contract entered into under this section shall be effective 121122  
on the first day of the fiscal biennium for which it is entered 121123  
into and terminate on the last day of that fiscal biennium. The 121124  
contract shall require the coordinator to perform the duties 121125  
specified in section 5103.37 of the Revised Code. 121126

**Sec. 5103.36.** The department of ~~job~~ children and ~~family~~ 121127  
~~services~~ youth shall develop and issue or cause to be issued a 121128  
request for proposals for an entity to serve as the Ohio child 121129  
welfare training program coordinator. The department shall develop 121130  
the request for proposals in consultation with individuals 121131  
solicited under section 5103.365 of the Revised Code. The request 121132  
for proposals shall explain the types of duties of the 121133  
coordinator. 121134

**Sec. 5103.362.** After considering recommendations from the 121135  
individuals solicited under section 5103.363 of the Revised Code, 121136  
the department of ~~job~~ children and ~~family~~ ~~services~~ youth shall 121137  
determine which of the proposals received in response to a request 121138  
for proposals issued under section 5103.36 of the Revised Code 121139  
meet the requirements of the request. 121140

**Sec. 5103.363.** The director of ~~job~~ children and ~~family~~ 121141  
~~services~~ youth shall solicit representatives from all of the 121142  
following organizations to perform the consultation and 121143  
recommendation duties under sections 5103.36 and 5103.362 of the 121144  
Revised Code: 121145

(A) Regional training centers established under section 121146  
5103.42 of the Revised Code; 121147

(B) Staff of public children services agencies;	121148
(C) Staff of the <del>state</del> department of <del>job</del> <u>children</u> and <del>family</del> <del>services</del> <u>youth</u> ;	121149 121150
(D) A statewide organization that represents the interests of public children services agencies.	121151 121152
<b>Sec. 5103.38.</b> The department of <del>job</del> <u>children</u> and <del>family</del> <del>services</del> <u>youth</u> shall oversee the Ohio child welfare training program coordinator's development, implementation, and management of the Ohio child welfare training program.	121153 121154 121155 121156
<b>Sec. 5103.39.</b> The director of <del>job</del> <u>children</u> and <del>family</del> <del>services</del> <u>youth</u> shall establish the Ohio child welfare training program steering committee. Sections 101.82 to 101.87 of the Revised Code do not apply to the committee.	121157 121158 121159 121160
<b>Sec. 5103.391.</b> The director of <del>job</del> <u>children</u> and <del>family</del> <del>services</del> <u>youth</u> shall appoint all of the following to serve on the Ohio child welfare training program steering committee:	121161 121162 121163
(A) Employees of the department of <del>job</del> <u>children</u> and <del>family</del> <del>services</del> <u>youth</u> ;	121164 121165
(B) One representative of each of the regional training centers established under section 5103.42 of the Revised Code;	121166 121167
(C) One representative of a statewide organization that represents the interests of public children services agencies;	121168 121169
(D) One representative of the Ohio child welfare training program coordinator;	121170 121171
(E) Two current foster caregivers certified by the department of <del>job</del> <u>children</u> and <del>family</del> <del>services</del> <u>youth</u> under section 5103.03 of the Revised Code;	121172 121173 121174
(F) Employees of public children services agencies.	121175

Sec. 5103.40. The Ohio child welfare training program	121176
steering committee shall do all of the following:	121177
(A) Following procedures the committee shall establish,	121178
adopt, amend, and rescind by-laws as necessary regarding the	121179
committee's governance, frequency of meetings, and other matters	121180
concerning the committee's operation;	121181
(B) Conduct strategic planning activities regarding the Ohio	121182
child welfare training program;	121183
(C) Provide the department of <del>job</del> <u>children</u> and <del>family</del>	121184
<del>services</del> <u>youth</u> and Ohio child welfare training program coordinator	121185
recommendations regarding the program's operation;	121186
(D) After reviewing individual training needs assessments	121187
completed under sections 5153.125 and 5153.126 of the Revised	121188
Code, consult with the Ohio child welfare training program	121189
coordinator on the design and content of the training that the	121190
program provides pursuant to divisions (D) and (E) of section	121191
5103.30 of the Revised Code;	121192
(E) Review curricula created for the training provided under	121193
section 5103.30 of the Revised Code;	121194
(F) Provide the department recommendations regarding the	121195
curricula reviewed under division (E) of this section as the	121196
committee determines necessary for the training to be relevant to	121197
the needs of the child welfare field;	121198
(G) Evaluate the training and provide the department	121199
recommendations as the committee determines necessary for the	121200
training to be able to enable all of the following:	121201
(1) Assessors to satisfy the training requirement of section	121202
3107.014 of the Revised Code;	121203
(2) Prospective foster caregivers and foster caregivers to	121204
satisfy the preplacement and continuing training requirements of	121205

sections 5103.031, 5103.032, and 5103.033 of the Revised Code; 121206

(3) PCSA caseworkers to satisfy the training requirements of 121207  
section 5153.122 of the Revised Code; 121208

(4) PCSA caseworker supervisors to satisfy the training 121209  
requirements of section 5153.123 of the Revised Code. 121210

**Sec. 5103.41.** Prior to the beginning of the fiscal biennium 121211  
that first follows October 5, 2000, the department of job and 121212  
family services, in consultation with the Ohio child welfare 121213  
training program steering committee, shall designate eight 121214  
training regions in the state. The department of children and 121215  
youth, at times it selects, shall review the composition of the 121216  
training regions. The committee, at times it selects, shall also 121217  
review the training regions' composition and provide the 121218  
department recommendations on changes. The department of children 121219  
and youth may change the composition of the training regions as 121220  
the department considers necessary. Each training region shall 121221  
contain only one regional training center established and 121222  
maintained under section 5103.42 of the Revised Code. 121223

**Sec. 5103.42.** Prior to the beginning of the fiscal biennium 121224  
that first follows October 5, 2000, the public children services 121225  
agencies of Athens, Cuyahoga, Franklin, Greene, Guernsey, Lucas, 121226  
and Summit counties shall each establish and maintain a regional 121227  
training center. Prior to the beginning of the fiscal biennium 121228  
that first follows ~~the effective date of this amendment~~ September 121229  
29, 2013, the public children services agency of Butler county 121230  
shall establish and maintain a regional training center. ~~At any~~ 121231  
~~time after the beginning of the specified biennium, the~~ The 121232  
department of ~~job~~ children and family services youth, on the 121233  
recommendation of the Ohio child welfare training program steering 121234  
committee, may direct a public children services agency to 121235

establish and maintain a training center to replace the center 121236  
established by an agency under this section. There may be no more 121237  
and no less than eight centers in existence at any time. The 121238  
department of children and youth may make a grant to a public 121239  
children services agency that establishes and maintains a regional 121240  
training center under this section for the purpose of wholly or 121241  
partially subsidizing the operation of the center. The department 121242  
of children and youth shall specify in the grant all of the 121243  
center's duties, including the duties specified in section 121244  
5103.422 of the Revised Code. 121245

The regional training center established by the public 121246  
children services agency of Butler county under this section 121247  
replaces the regional training center previously established by 121248  
the public children services agency of Hamilton county under this 121249  
section. 121250

**Sec. 5103.50.** (A) As used in this section and sections 121251  
5103.51 to 5103.55 of the Revised Code, "private, nonprofit 121252  
therapeutic wilderness camp" has the same meaning as in section 121253  
5103.02 of the Revised Code. 121254

(B) The director of ~~job~~ children and ~~family services~~ youth 121255  
shall adopt rules in accordance with Chapter 119. of the Revised 121256  
Code to implement standards set forth in division (D) of this 121257  
section and section 5103.54 of the Revised Code that are 121258  
substantially similar, as determined by the director, to other 121259  
similarly situated providers of residential care to children. 121260

(C) The director of ~~job~~ children and ~~family services~~ youth 121261  
shall issue a license to a private, nonprofit therapeutic 121262  
wilderness camp that submits an application to the director, on a 121263  
form prescribed by the director, that indicates to the director's 121264  
satisfaction that the camp meets the standards set forth in rules 121265  
adopted under division (B) of this section. 121266

(D) In accordance with rules adopted by the director under	121267
division (B) of this section, the camp shall develop and implement	121268
written policies that establish all of the following:	121269
(1) Standards for hiring, training, and supervising staff;	121270
(2) Standards for behavioral intervention, including	121271
standards prohibiting the use of prone restraint and governing the	121272
use of other restraints or isolation;	121273
(3) Standards for recordkeeping, including specifying	121274
information that must be included in each child's record, who may	121275
access records, confidentiality, maintenance, security, and	121276
disposal of records;	121277
(4) A procedure for handling complaints about the camp from	121278
the children attending the camp, their families, staff, and the	121279
public;	121280
(5) Standards for emergency and disaster preparedness,	121281
including procedures for emergency evacuation and standards	121282
requiring that a method of emergency communication be accessible	121283
at all times;	121284
(6) Standards that ensure the protection of children's civil	121285
rights;	121286
(7) Standards for the admission and discharge of children	121287
attending the camp, including standards for emergency discharge;	121288
(8) Standards for the supervision of children, including	121289
minimum staff to child ratios;	121290
(9) Standards for ensuring proper medical care, including	121291
administration of medications;	121292
(10) Standards for proper notification of critical incidents;	121293
(11) Standards regarding the health and safety of residents,	121294
including proper health department approvals, fire inspections,	121295
and food service licenses;	121296

(12) Standards for ensuring the reporting requirements under section 2151.421 of the Revised Code are met. 121297  
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(E) The camp shall ensure that no child resides at the camp for more than twelve consecutive months, unless the camp has completed a full evaluation that determines the child is not ready for reunification with the child's family or guardian. Such evaluation shall include any outside professional determined to be necessary by the director of ~~job children~~ and ~~family services youth~~. This evaluation shall be conducted in accordance with rules adopted by the director. 121299  
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(F) The camp shall cooperate with any request from the director for an inspection or for access to records or written policies of the camp. 121307  
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(G) The camps shall ensure that no child is left without supervision of camp staff at any time. 121310  
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(H) The camp shall ensure that if there is a weather emergency or warning issued by the national weather service in the camp's geographic area, the children will be moved to a safe structure guarded from the weather event. 121312  
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(I) The camp shall ensure that all sharp tools used in the camp, including axes and knives, are locked unless in use by camp staff or otherwise under camp staff supervision. 121316  
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**Sec. 5103.51.** A license issued under section 5103.50 of the Revised Code is valid for two years, unless earlier revoked by the director of ~~job children~~ and ~~family services youth~~. The license may be renewed. 121319  
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Each private, nonprofit therapeutic wilderness camp seeking license renewal shall submit to the director an application for license renewal on such form as the director prescribes. 121323  
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**Sec. 5103.52.** (A) The director of ~~job~~ children and ~~family services~~ youth may inspect a private, nonprofit therapeutic wilderness camp at any time.

(B) The director may request access to the camp's records or to the written policies adopted by the camp pursuant to section 5103.50 of the Revised Code.

**Sec. 5103.53.** A private, nonprofit therapeutic wilderness camp shall not operate without a license issued under section 5103.50 of the Revised Code. If the director of ~~job~~ children and ~~family services~~ youth determines that a camp is operating without a license, the director may petition the court of common pleas in the county in which the camp is located for an order enjoining its operation. The court shall grant injunctive relief upon a showing that the camp is operating without a license.

**Sec. 5103.54.** (A) The director of ~~job~~ children and ~~family services~~ youth shall adopt rules in accordance with Chapter 119. of the Revised Code to establish the following:

(1) Policies and procedures for enforcing the minimum standards of operation for private, nonprofit therapeutic wilderness camps;

(2) Procedures the director shall follow if the director determines that conditions at a camp pose imminent risk to the life, health, or safety of one or more children at a camp.

(B) Rules adopted under this section shall be substantially similar, as determined by the director, to rules applicable to other residential care providers to children.

(C) The director may issue, deny, or revoke a license according to procedures set forth in rules adopted under this section or section 5103.50 of the Revised Code.

Sec. 5103.58. (A) Professional treatment staff employed by a public children services agency who are not subject to the licensing requirements of Chapter 4757. of the Revised Code shall meet the requirements of sections 5153.112 and 5153.122 of the Revised Code.

(B)(1) Professional treatment staff employed by a private child placing agency or private noncustodial agency who are not subject to the licensing requirements of Chapter 4757. of the Revised Code shall meet the requirements of:

(a) Section 5153.112 of the Revised Code; and

(b) Section 5153.122 of the Revised Code, except that, with respect to the training requirements during the first year of continuous employment, staff shall be required to have training only in the courses described in divisions (A), (B), (C), (G), (H), (J), and (L) of that section and only for the number of hours needed to complete those courses.

(2) Subject to divisions (B)(3) and (4) of this section, the training required under division (B)(1) of this section may be offered by a private child placing agency, private noncustodial agency, or qualified nonprofit organization.

(3) Prior to the department of ~~job~~ children and family services ~~services~~ youth establishing a training program under section 5103.59 of the Revised Code, training that meets the requirements described in division (B)(1) of this section may be offered only upon approval by the department. The department shall approve or disapprove a program not later than sixty days after the program is submitted for approval.

(4) A private child placing agency, private noncustodial agency, or qualified nonprofit organization shall cease to provide a training program approved under division (B)(3) of this section

once the department establishes a training program described in 121385  
section 5103.59 of the Revised Code, after which all training 121386  
shall be provided by the department only. 121387

**Sec. 5103.59.** The department of ~~job~~ children and ~~family~~ 121388  
~~services~~ youth shall work with private child placing agencies and 121389  
private noncustodial agencies to establish a comprehensive, 121390  
competency-based professional treatment staff training program for 121391  
employees of private child placing agencies and private 121392  
noncustodial agencies that meets the requirements of division 121393  
(B)(1) of section 5103.58 of the Revised Code. 121394

**Sec. 5103.602.** (A) A person seeking to operate a residential 121395  
infant care center after ~~the effective date of this section~~ June 121396  
13, 2022, shall apply to the director of ~~job~~ children and ~~family~~ 121397  
~~services~~ youth to obtain a certificate for the facility. 121398

(B) A person who, on ~~the effective date of this section~~ June 121399  
13, 2022, is operating a children's crisis care facility that has 121400  
as its primary purpose the provision of residential services for 121401  
infants affected by substance use and the preservation of families 121402  
through infant diversion practices and programs shall be deemed a 121403  
residential infant care center by the director if the center is in 121404  
compliance with the requirements and rules described under 121405  
division (B) of section 5103.603 of the Revised Code. 121406

**Sec. 5103.603.** The director of ~~job~~ children and ~~family~~ 121407  
~~services~~ youth shall issue a certificate to a person to operate a 121408  
residential infant care center as follows: 121409

(A) Pursuant to division (A) of section 5103.602 of the 121410  
Revised Code if the center complies with all of the requirements 121411  
under sections 5103.608 to 5103.6012 of the Revised Code and, if 121412  
applicable, all of the rules adopted under section 5103.6018 of 121413  
the Revised Code; 121414

(B)(1) Pursuant to division (B) of section 5103.602 of the Revised Code if the center is in compliance with all of the requirements under sections 5103.608 to 5103.6012 of the Revised Code and rules adopted under division (H) of section 5103.13 of the Revised Code, except the rules described in division (B) of section 5103.6011 of the Revised Code, on ~~the effective date of this section~~ June 13, 2022.

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

**Sec. 5103.6010.** A residential infant care center shall do the following:

(A) If using medication to treat infants, hold a terminal distributor of dangerous drugs license issued by the state board of pharmacy under section 4729.54 of the Revised Code.

(B) Comply, except as otherwise provided in this section and section 5103.6011 of the Revised Code, with all requirements under rule 5101:2-9-02 of the Administrative Code;

(C) Develop a plan of safe care in accordance with the "Comprehensive Addiction and Recovery Act of 2016," Pub. L. No. 114-198, for an infant born substance exposed as follows:

(1) Assist with the health and substance use disorder treatment needs of the infant and affected family or caregiver;

(2) Develop and implement a program to monitor, support, and connect affected families or caregivers through the provision of and referral to appropriate services for the infant and affected family or caregiver.

(D) Develop and implement a program for parents and

caregivers that, either individually or in a group setting, 121445  
teaches parenting skills, bonding, and caring for the infant's 121446  
special needs. 121447

(E) Require both of the following: 121448

(1) Child-care staff, volunteers, and interns in positions 121449  
responsible for the daily direct care or supervision of children 121450  
to be at least eighteen years old and have a high school diploma 121451  
or certificate of high school equivalence; 121452

(2) Volunteers and interns who are under twenty-one years of 121453  
age to be supervised. 121454

(F) Request a criminal records check with respect to 121455  
volunteers and interns in accordance with section 2151.86 of the 121456  
Revised Code; 121457

(G) Employ registered nurses, patient care assistants, or 121458  
licensed professional nurses to meet required child-to-staff 121459  
ratios; 121460

(H) Require the center's peer supporter, family advocate, 121461  
licensed social worker, licensed independent social worker, 121462  
licensed professional counselor, or licensed professional clinical 121463  
counselor to do the following: 121464

(1) Provide wraparound services to affected family and 121465  
caregivers; 121466

(2) Coordinate and cooperate with any transferring hospital, 121467  
public children services agency, and private child placing agency; 121468

(3) Refer affected families or caregivers to appropriate 121469  
community agencies and services for support and aftercare; 121470

(4) Follow up with affected families and caregivers following 121471  
the infant's discharge. 121472

(I)(1) Encourage employee-supervised dyad care and permit one 121473  
of the infant's parents or caregivers to room-in with the infant 121474

for bonding and education;	121475
(2) Provide the following for dyad care and rooming-in:	121476
(a) A single bed and all necessary bed sheets, pillow cases, pillows, and blankets;	121477 121478
(b) All meals and snacks, which shall be provided in a designated family kitchen area if the center has such an area;	121479 121480
(c) A minimum of one private shower and toilet for the use of the parents or caregivers who are rooming-in.	121481 121482
(3) Notify the parent or caregiver that the center's rules and policies shall be followed or rooming-in may be restricted or canceled.	121483 121484 121485
(J) Have one bathing room for every six infants that includes a minimum of one hip level bathtub with hot and cold water, one changing station, and a door with a full-length glass window for safety and observation;	121486 121487 121488 121489
(K) Meet the child-to-staff ratio of at least one awake child-care staff on duty at all times for every five infants;	121490 121491
(L) Use cribs and other infant sleep products that meet the United States consumer product safety commission's safety standards for safe sleep;	121492 121493 121494
(M) Follow the department of <del>health's</del> <u>children and youth's</u> safe sleep education program recommendations established under section <del>3701.66</del> <u>5180.16</u> of the Revised Code.	121495 121496 121497
<b>Sec. 5103.6011.</b> (A) A residential infant care center shall not be required to do the following:	121498 121499
(1) Provide toilets or potty chairs for infants.	121500
(2) Comply with the following rules:	121501
(a) Paragraph (E) of rule 5101:2-5-09 of the Administrative	121502

Code.	121503
(b) Paragraphs (N) and (P) to (R) of rule 5101:2-9-03 of the Administrative Code.	121504 121505
(c) Rule 5101:2-9-19 of the Administrative Code.	121506
(d) Paragraphs (A) to (H) of rule 5101:2-9-20 of the Administrative Code.	121507 121508
(e) Rules 5101:2-9-21 and 5101:2-9-22 of the Administrative Code.	121509 121510
(f) Paragraphs (D) to (F) of rule 5101:2-9-26 of the Administrative Code.	121511 121512
(g) Paragraphs (B), (D), (F), (G), (J), (K), (M) to (Q), and (S) of rule 5101:2-9-28 of the Administrative Code.	121513 121514
(h) Rules 5101:2-9-29, 5101:2-9-38, and 5101:2-9-40 of the Administrative Code.	121515 121516
(3) Require registered nurses and licensed professional nurses employed by the center to comply with the requirements under paragraph (M)(3) of rule 5101:2-9-02 and paragraphs (J) to (L) of rule 5101:2-9-03 of the Administrative Code.	121517 121518 121519 121520
(B) The provisions of this section do not apply on and after the date the department of <del>job children and family services</del> <u>youth</u> adopts rules regarding certification under section 5103.6018 of the Revised Code.	121521 121522 121523 121524
<b>Sec. 5103.6015.</b> The department of <del>job children and family services</del> <u>youth</u> may apply to the United States secretary of health and human services for a federal grant under the "Child Abuse Prevention and Treatment Act," 42 U.S.C. 5116, and the "Family First Prevention Services Act," 42 U.S.C. 50711, 50723, and 50741 to assist residential infant care centers certified under section 5103.603 of the Revised Code in providing temporary residential	121525 121526 121527 121528 121529 121530 121531

and other care to infants. 121532

**Sec. 5103.6017.** The director of ~~job~~ children and ~~family~~ services youth may suspend or revoke a residential infant care center's certificate pursuant to Chapter 119. of the Revised Code if the center violates or fails to comply with any of the requirements under sections 5103.608 to 5103.6012 of the Revised Code and, as applicable, the rules adopted under section 5103.6018 of the Revised Code or division (H) of section 5103.13 of the Revised Code. 121533  
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**Sec. 5103.6018.** The director of ~~job~~ children and ~~family~~ services youth shall adopt rules pursuant to Chapter 119. of the Revised Code for the certification of residential infant care centers. 121541  
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**Sec. 5103.611.** A person who holds an active license to operate a children's crisis care facility under section 5103.13 of the Revised Code or a residential infant care center under section 5103.602 of the Revised Code may apply to the director of ~~job~~ children and ~~family services youth~~ to obtain a certificate as a family preservation center under this section. 121545  
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**Sec. 5103.612.** (A) The director of ~~job~~ children and ~~family~~ services youth shall certify the person's family preservation center if the center complies with all of the requirements imposed under section 5103.614 of the Revised Code and all of the rules adopted under section 5103.617 of the Revised Code. 121551  
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(B) The director shall not issue a waiver to a person of compliance with any of the requirements imposed under this section or any of the rules adopted under section 5103.617 of the Revised Code. 121556  
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**Sec. 5103.615.** The director of ~~job children~~ and ~~family services youth~~ may suspend or revoke a family preservation center's certificate pursuant to Chapter 119. of the Revised Code if the center violates or fails to comply with section 5103.614 of the Revised Code or any of the rules adopted under section 5103.617 of the Revised Code.

**Sec. 5103.617.** Not later than ninety days ~~after the effective date of this section~~ June 13, 2022, the director of ~~job children~~ and ~~family services youth~~ shall adopt rules pursuant to Chapter 119. of the Revised Code for the certification of family preservation centers.

**Sec. 5104.01.** As used in this chapter:

(A) "Administrator" means the person responsible for the daily operation of a center, type A home, or approved child day camp. The administrator and the owner may be the same person.

(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code.

(C) "Authorized representative" means an individual employed by a center, type A home, or approved child day camp that is owned by a person other than an individual and who is authorized by the owner to do all of the following:

(1) Communicate on the owner's behalf;

(2) Submit on the owner's behalf applications for licensure or approval;

(3) Enter into on the owner's behalf provider agreements for publicly funded child care.

(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is

licensed, certified, or otherwise approved by that state to 121588  
provide child care funded by the child care block grant act. 121589

(E) "Career pathways model" means an alternative pathway to 121590  
meeting the requirements to be a child-care staff member or 121591  
administrator that does both of the following: 121592

(1) Uses a framework approved by the director of ~~job~~ children 121593  
and ~~family services~~ youth to document formal education, training, 121594  
experience, and specialized credentials and certifications; 121595

(2) Allows the child-care staff member or administrator to 121596  
achieve a designation as an early childhood professional level 121597  
one, two, three, four, five, or six. 121598

(F) "Caretaker parent" means the father or mother of a child 121599  
whose presence in the home is needed as the caretaker of the 121600  
child, a person who has legal custody of a child and whose 121601  
presence in the home is needed as the caretaker of the child, a 121602  
guardian of a child whose presence in the home is needed as the 121603  
caretaker of the child, and any other person who stands in loco 121604  
parentis with respect to the child and whose presence in the home 121605  
is needed as the caretaker of the child. 121606

(G) "Chartered nonpublic school" means a school that meets 121607  
standards for nonpublic schools prescribed by the state board of 121608  
education for nonpublic schools pursuant to section 3301.07 of the 121609  
Revised Code. 121610

(H) "Child" includes an infant, toddler, preschool-age child, 121611  
or school-age child. 121612

(I) "Child care block grant act" means the "Child Care and 121613  
Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 121614  
U.S.C. 9858, as amended. 121615

(J) "Child day camp" means a program in which only school-age 121616  
children attend or participate, that operates for no more than 121617

twelve hours per day and no more than fifteen weeks during the 121618  
summer. For purposes of this division, the maximum twelve hours of 121619  
operation time does not include transportation time from a child's 121620  
home to a child day camp and from a child day camp to a child's 121621  
home. 121622

(K) "Child care" means all of the following: 121623

(1) Administering to the needs of infants, toddlers, 121624  
preschool-age children, and school-age children outside of school 121625  
hours; 121626

(2) By persons other than their parents, guardians, or 121627  
custodians; 121628

(3) For part of the twenty-four-hour day; 121629

(4) In a place other than a child's own home, except that an 121630  
in-home aide provides child care in the child's own home; 121631

(5) By a provider required by this chapter to be licensed or 121632  
approved by the department of ~~job children and family services~~ 121633  
youth, certified by a county department of job and family services 121634  
, or under contract with the department to provide publicly funded 121635  
child care as described in section 5104.32 of the Revised Code. 121636

(L) "Child day-care center" and "center" mean any place that 121637  
is not the permanent residence of the licensee or administrator in 121638  
which child care or publicly funded child care is provided for 121639  
seven or more children at one time. "Child day-care center" and 121640  
"center" do not include any of the following: 121641

(1) A place located in and operated by a hospital, as defined 121642  
in section 3727.01 of the Revised Code, in which the needs of 121643  
children are administered to, if all the children whose needs are 121644  
being administered to are monitored under the on-site supervision 121645  
of a physician licensed under Chapter 4731. of the Revised Code or 121646  
a registered nurse licensed under Chapter 4723. of the Revised 121647

Code, and the services are provided only for children who, in the opinion of the child's parent, guardian, or custodian, are exhibiting symptoms of a communicable disease or other illness or are injured;

(2) A child day camp;

(3) A place that provides care, if all of the following apply:

(a) An organized religious body provides the care;

(b) A parent, custodian, or guardian of at least one child receiving care is on the premises and readily accessible at all times;

(c) The care is not provided for more than thirty days a year;

(d) The care is provided only for preschool-age and school-age children.

(M) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.

(N) "Child care resource and referral services" means all of the following services:

(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;

(2) Provision of individualized consumer education to families seeking child care;

(3) Provision of timely referrals of available child care providers to families seeking child care;

(4) Recruitment of child care providers;

(5) Assistance in developing, conducting, and disseminating

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training for child care professionals and provision of technical	121677
assistance to current and potential child care providers,	121678
employers, and the community;	121679
(6) Collection and analysis of data on the supply of and	121680
demand for child care in the community;	121681
(7) Technical assistance concerning locally, state, and	121682
federally funded child care and early childhood education	121683
programs;	121684
(8) Stimulation of employer involvement in making child care	121685
more affordable, more available, safer, and of higher quality for	121686
their employees and for the community;	121687
(9) Provision of written educational materials to caretaker	121688
parents and informational resources to child care providers;	121689
(10) Coordination of services among child care resource and	121690
referral service organizations to assist in developing and	121691
maintaining a statewide system of child care resource and referral	121692
services if required by the department of <del>job</del> <u>children</u> and <del>family</del>	121693
<del>services</del> <u>youth</u> ;	121694
(11) Cooperation with the county department of job and family	121695
services in encouraging the establishment of parent cooperative	121696
child care centers and parent cooperative type A family day-care	121697
homes.	121698
(O) "Child-care staff member" means an employee of a child	121699
day-care center, type A family day-care home, licensed type B	121700
family day-care home, or approved child day camp who is primarily	121701
responsible for the care and supervision of children. The	121702
administrator, authorized representative, or owner may be a	121703
child-care staff member when not involved in other duties.	121704
(P) "Drop-in child day-care center," "drop-in center,"	121705
"drop-in type A family day-care home," and "drop-in type A home"	121706

mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.

(Q) "Employee" means a person who either:

(1) Receives compensation for duties performed in a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp;

(2) Is assigned specific working hours or duties in a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp.

(R) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp subject to licensure or approval under this chapter.

(S) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(T) "Head start program" means a school-readiness program that satisfies all of the following:

(1) Is for children from birth to age five who are from low-income families;

(2) Receives funds distributed under the "Improving Head Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as amended;

(3) Is licensed as a child care program.

(U) "Homeless child care" means child care provided to a child who satisfies any of the following:

(1) Is homeless as defined in 42 U.S.C. 11302;

(2) Is a homeless child or youth as defined in 42 U.S.C. 11434a;	121737 121738
(3) Resides temporarily with a caretaker in a facility providing emergency shelter for homeless families or is determined by a county department of job and family services to be homeless.	121739 121740 121741
(V) "Income" means gross income, as defined in section 5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded.	121742 121743 121744
(W) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care center's type A family day-care home's, or licensed type B family day-care home's compliance with licensing requirements.	121745 121746 121747 121748 121749 121750 121751
(X) "Infant" means a child who is less than eighteen months of age.	121752 121753
(Y) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it.	121754 121755 121756 121757 121758 121759
(Z) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child day-care centers, type A family day-care homes, and licensed type B family day-care homes in which each licensing requirement is assigned a weight indicative of the relative importance of the requirement to the health, growth, and safety of the children that is used to develop an indicator checklist.	121760 121761 121762 121763 121764 121765 121766
(AA) "License capacity" means the maximum number in each age	121767

category of children who may be cared for in a child day-care center, type A family day-care home, or licensed type B family day-care home at one time as determined by the director of ~~job~~ children and ~~family services~~ youth considering building occupancy limits established by the department of commerce, amount of available indoor floor space and outdoor play space, and amount of available play equipment, materials, and supplies.

(BB) "Licensed child care program" means any of the following:

(1) A child day-care center licensed by the department of ~~job~~ children and ~~family services~~ youth pursuant to this chapter;

(2) A type A family day-care home or type B family day-care home licensed by the department of ~~job~~ children and ~~family services~~ youth pursuant to this chapter;

(3) A licensed preschool program or licensed school child program.

(CC) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that is licensed by the department of ~~education~~ children and youth pursuant to sections 3301.52 to 3301.59 of the Revised Code.

(DD) "Licensed type B family day-care home" and "licensed type B home" mean a type B family day-care home for which there is a valid license issued by the director of ~~job~~ children and ~~family services~~ youth pursuant to section 5104.03 of the Revised Code.

(EE) "Licensee" means the owner of a child day-care center, type A family day-care home, or type B family day-care home that is licensed pursuant to this chapter and who is responsible for ensuring compliance with this chapter and rules adopted pursuant to this chapter.

(FF) "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp.

(GG) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity.

(HH) "Parent cooperative child day-care center," "parent cooperative center," "parent cooperative type A family day-care home," and "parent cooperative type A home" mean a corporation or association organized for providing educational services to the children of members of the corporation or association, without gain to the corporation or association as an entity, in which the services of the corporation or association are provided only to children of the members of the corporation or association, ownership and control of the corporation or association rests solely with the members of the corporation or association, and at least one parent-member of the corporation or association is on the premises of the center or type A home during its hours of operation.

(II) "Part-time child day-care center," "part-time center," "part-time type A family day-care home," and "part-time type A home" mean a center or type A home that provides child care or publicly funded child care for not more than four hours a day for any child or not more than fifteen consecutive weeks per year, regardless of the number of hours per day.

(JJ) "Place of worship" means a building where activities of an organized religious group are conducted and includes the grounds and any other buildings on the grounds used for such activities.

(KK) "Preschool-age child" means a child who is three years old or older but is not a school-age child.

(LL) "Protective child care" means publicly funded child care for the direct care and protection of a child to whom all of the

following apply: 121829

(1) A case plan has been prepared and maintained for the 121830  
child pursuant to section 2151.412 of the Revised Code. 121831

(2) The case plan indicates a need for protective care. 121832

(3) The child resides with a parent, stepparent, guardian, or 121833  
another person who stands in loco parentis as defined in rules 121834  
adopted under section 5104.38 of the Revised Code. 121835

(MM) "Publicly funded child care" means administering to the 121836  
needs of infants, toddlers, preschool-age children, and school-age 121837  
children under age thirteen during any part of the 121838  
twenty-four-hour day by persons other than their caretaker parents 121839  
for remuneration wholly or in part with federal or state funds, 121840  
including funds available under the child care block grant act, 121841  
Title IV-A, and Title XX, distributed by the department of ~~job~~ 121842  
children and family services youth. 121843

(NN) "Religious activities" means any of the following: 121844  
worship or other religious services; religious instruction; Sunday 121845  
school classes or other religious classes conducted during or 121846  
prior to worship or other religious services; youth or adult 121847  
fellowship activities; choir or other musical group practices or 121848  
programs; meals; festivals; or meetings conducted by an organized 121849  
religious group. 121850

(OO) "School-age child" means a child who is enrolled in or 121851  
is eligible to be enrolled in a grade of kindergarten or above but 121852  
is less than fifteen years old or, in the case of a child who is 121853  
receiving special needs child care, is less than eighteen years 121854  
old. 121855

(PP) "Serious risk noncompliance" means a licensure or 121856  
certification rule violation that leads to a great risk of harm 121857  
to, or death of, a child, and is observable, not inferable. 121858

(QQ) "Special needs child care" means child care provided to 121859  
a child who is less than eighteen years of age and either has one 121860  
or more chronic health conditions or does not meet age appropriate 121861  
expectations in one or more areas of development, including 121862  
social, emotional, cognitive, communicative, perceptual, motor, 121863  
physical, and behavioral development and that may include on a 121864  
regular basis such services, adaptations, modifications, or 121865  
adjustments needed to assist in the child's function or 121866  
development. 121867

(RR) "Title IV-A" means Title IV-A of the "Social Security 121868  
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 121869

(SS) "Title XX" means Title XX of the "Social Security Act," 121870  
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 121871

(TT) "Toddler" means a child who is at least eighteen months 121872  
of age but less than three years of age. 121873

(UU) "Type A family day-care home" and "type A home" mean the 121874  
permanent residence of the administrator in which child care or 121875  
publicly funded child care is provided for seven to twelve 121876  
children at one time or a permanent residence of the administrator 121877  
in which child care is provided for four to twelve children at one 121878  
time if four or more children at one time are under two years of 121879  
age. In counting children for the purposes of this division, any 121880  
children under six years of age who are related to a licensee, 121881  
administrator, or employee and who are on the premises of the type 121882  
A home shall be counted. "Type A family day-care home" and "type A 121883  
home" do not include any child day camp. 121884

(VV) "Type B family day-care home" and "type B home" mean a 121885  
permanent residence of the provider in which care is provided for 121886  
one to six children at one time and in which no more than three 121887  
children are under two years of age at one time. In counting 121888  
children for the purposes of this division, any children under six 121889

years of age who are related to the provider and who are on the 121890  
premises of the type B home shall be counted. "Type B family 121891  
day-care home" and "type B home" do not include any child day 121892  
camp. 121893

**Sec. 5104.013.** (A) As used in this section: 121894

(1) "Applicant" means either of the following: 121895

(a) A person who is under final consideration for appointment 121896  
to or employment in a position with a licensed preschool program 121897  
or licensed school child program that provides publicly funded 121898  
child care, child day-care center, type A family day-care home, 121899  
licensed type B family day-care home, or child day camp; 121900

(b) A person who would serve in any position with a licensed 121901  
preschool program or licensed school child program that provides 121902  
publicly funded child care, child day-care center, type A family 121903  
day-care home, licensed type B family day-care home, or child day 121904  
camp pursuant to a contract with another entity. 121905

(2) "Criminal records check" has the same meaning as in 121906  
section 109.572 of the Revised Code. 121907

(B)(1) At the times specified in division (B)(2)(a) of this 121908  
section, the director of ~~job~~ children and ~~family services~~ youth 121909  
shall request the superintendent of the bureau of criminal 121910  
identification and investigation to conduct a criminal records 121911  
check for each of the following persons: 121912

(a) Any owner or licensee of a child day-care center; 121913

(b) Any owner or licensee of a type A family day-care home or 121914  
licensed type B family day-care home and any person eighteen years 121915  
of age or older who resides in the home; 121916

(c) Any owner of an approved child day camp; 121917

(d) Any director of a licensed preschool program or licensed 121918

school child program that provides publicly funded child care; 121919

(e) Any in-home aide; 121920

(f) Any applicant or employee, including an administrator, of 121921  
a child day-care center, type A family day-care home, licensed 121922  
type B family day-care home, approved child day camp, or licensed 121923  
preschool program or licensed school child program that provides 121924  
publicly funded child care. 121925

(2)(a) The director shall request a criminal records check at 121926  
the following times: 121927

(i) In the case of an owner or licensee of child day-care 121928  
center or an owner or licensee of a type A family day-care home or 121929  
licensed type B family day-care home or a resident of such a home, 121930  
at the time of initial application for licensure and every five 121931  
years thereafter; 121932

(ii) In the case of an owner of an approved child day camp, 121933  
at the time of initial application for approval and every five 121934  
years thereafter; 121935

(iii) In the case of a director of a licensed child care 121936  
program or licensed school child program, at the time of initial 121937  
application to provide publicly funded child care and every five 121938  
years thereafter; 121939

(iv) In the case of an in-home aide, at the time of initial 121940  
application for certification and every five years thereafter; 121941

(v) Except as provided in division (B)(2)(a)(vi) of this 121942  
section, in the case of an applicant or employee, at the time of 121943  
initial application for employment and every five years 121944  
thereafter; 121945

(vi) In the case of an applicant who has been determined 121946  
eligible for employment after a review of a criminal records check 121947  
within the past five years and who has been employed by a licensed 121948

preschool program or licensed school child program that provides 121949  
publicly funded child care, child day-care center, type A family 121950  
day-care home, licensed type B family day-care home, or approved 121951  
child day camp within the past one hundred eighty consecutive 121952  
days, every five years after the date of the initial 121953  
determination. 121954

(b) A criminal records check requested at the time of initial 121955  
application shall include a request that the superintendent of the 121956  
bureau of criminal identification and investigation obtain 121957  
information from the federal bureau of investigation as part of 121958  
the criminal records check for the person, including 121959  
fingerprint-based checks of national crime information databases 121960  
as described in 42 U.S.C. 671 for the person subject to the 121961  
criminal records check. 121962

(c) A criminal records check requested at any time other than 121963  
the time of initial application may include a request that the 121964  
superintendent of the bureau of criminal identification and 121965  
investigation obtain information from the federal bureau of 121966  
investigation as part of the criminal records check for the 121967  
person, including fingerprint-based checks of national crime 121968  
information databases as described in 42 U.S.C. 671 for the person 121969  
subject to the criminal records check. 121970

(3) With respect to a criminal records check requested for a 121971  
person described in division (B)(1) of this section, the director 121972  
of ~~job children~~ and ~~family services~~ youth shall do all of the 121973  
following: 121974

(a) Provide to the person a copy of the form prescribed 121975  
pursuant to division (C)(1) of section 109.572 of the Revised Code 121976  
and a standard impression sheet to obtain fingerprint impressions 121977  
prescribed pursuant to division (C)(2) of that section; 121978

(b) Obtain the completed form and impression sheet from the 121979

person; 121980

(c) Forward the completed form and impression sheet to the 121981  
superintendent of the bureau of criminal identification and 121982  
investigation; 121983

(d) Review the results of the criminal records check. 121984

(4) A person who receives from the director a copy of the 121985  
form and standard impression sheet and who is requested to 121986  
complete the form and provide a set of fingerprint impressions 121987  
shall complete the form or provide all of the information 121988  
necessary to complete the form and shall provide the impression 121989  
sheet with the impressions of the person's fingerprints. If the 121990  
person, upon request, fails to provide the information necessary 121991  
to complete the form or fails to provide impressions of the 121992  
person's fingerprints, the director of children and youth or a 121993  
county director of job and family services may consider the 121994  
failure a reason to deny licensure, approval, or certification or 121995  
to determine an employee ineligible for employment. 121996

(5) Except as provided in rules adopted under division (F) of 121997  
this section: 121998

(a) The director of ~~job~~ children and ~~family services~~ youth 121999  
shall refuse to issue a license to or approve a center, type A 122000  
home, type B home, child day camp, preschool program, or school 122001  
child program, and shall revoke a license or approval, and a 122002  
county director of job and family services shall not certify an 122003  
in-home aide and shall revoke a certification, if a person for 122004  
whom a criminal records check was required under division 122005  
(B)(1)(a) to (B)(1)(e) of this section has been convicted of or 122006  
pleaded guilty to any of the violations described in division 122007  
(A)(5) of section 109.572 of the Revised Code. 122008

(b) The director of ~~job~~ children and ~~family services~~ youth 122009  
shall not issue a license to a type A home or type B home if a 122010

resident of the type A home or type B home is under eighteen years 122011  
of age and has been adjudicated a delinquent child for committing 122012  
either a violation of any section listed in division (A)(5) of 122013  
section 109.572 of the Revised Code or an offense of another state 122014  
or the United States that is substantially equivalent to an 122015  
offense listed in division (A)(5) of section 109.572 of the 122016  
Revised Code. 122017

(c) The director shall determine an applicant or employee 122018  
ineligible for employment if the person has been convicted of or 122019  
pleaded guilty to any of the violations described in division 122020  
(A)(5) of section 109.572 of the Revised Code. 122021

(6) Each child day-care center, type A home, type B home, 122022  
approved child day camp, licensed child care program, licensed 122023  
school child program, and in-home aide shall pay to the bureau of 122024  
criminal identification and investigation the fee prescribed 122025  
pursuant to division (C)(3) of section 109.572 of the Revised Code 122026  
for each criminal records check conducted in accordance with that 122027  
section upon a request made pursuant to division (B) of this 122028  
section. 122029

A center, home, camp, preschool program, or school child 122030  
program may charge an applicant a fee for the costs it incurs in 122031  
obtaining a criminal records check under this section. A fee 122032  
charged under this division shall not exceed the amount the 122033  
center, home, camp, or program pays under this section. If a fee 122034  
is charged, the center, home, camp, or program shall notify the 122035  
applicant at the time of the applicant's initial application for 122036  
employment of the amount of the fee and that, unless the fee is 122037  
paid, the center, home, camp, or program will not consider the 122038  
applicant for employment. 122039

(7) The report of any criminal records check conducted by the 122040  
bureau of criminal identification and investigation in accordance 122041  
with section 109.572 of the Revised Code and pursuant to a request 122042

made under division (B) of this section is confidential and not a 122043  
public record for the purposes of section 149.43 of the Revised 122044  
Code. The report shall not be made available to any person other 122045  
than the person who is the subject of the criminal records check 122046  
or the person's representative, the director of ~~job~~ children and 122047  
~~family services~~ youth, the director of a county department of job 122048  
and family services, and any court, hearing officer, or other 122049  
necessary individual involved in a case dealing with a denial or 122050  
revocation of licensure, approval, or certification related to the 122051  
criminal records check. 122052

(C)(1) At the times specified in division (C)(2) of this 122053  
section, the director of ~~job~~ children and ~~family services~~ youth 122054  
shall search the uniform statewide automated child welfare 122055  
information system for information concerning any abuse or neglect 122056  
report made pursuant to section 2151.421 of the Revised Code of 122057  
which any of the following persons is a subject: 122058

(a) Any owner or licensee of a child day-care center; 122059

(b) Any owner or licensee of a type A family day-care home or 122060  
licensed type B family day-care home and any person eighteen years 122061  
of age or older who resides in the home; 122062

(c) Any owner of an approved child day camp; 122063

(d) Any director of a licensed preschool program or licensed 122064  
school child program that provides publicly funded child care; 122065

(e) Any in-home aide; 122066

(f) Any applicant or employee, including an administrator, of 122067  
a child day-care center, type A family day-care home, licensed 122068  
type B family day-care home, approved child day camp, or licensed 122069  
preschool program or licensed school child program that provides 122070  
publicly funded child care. 122071

(2) The director shall search the information system at the 122072

following times: 122073

~~(i)~~(a) In the case of an owner or licensee of child day-care center or an owner or licensee of a type A family day-care home or licensed type B family day-care home or a resident of such a home, at the time of initial application for licensure and every five years thereafter; 122074  
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~~(ii)~~(b) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter; 122079  
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~~(iii)~~(c) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care and every five years thereafter; 122082  
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~~(iv)~~(d) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter; 122086  
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~~(v)~~(e) Except as provided in division ~~(C)(2)(a)~~~~(vi)~~(C)(2)(f) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter; 122089  
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~~(vi)~~(f) In the case of an applicant who has been determined eligible for employment after a search of the uniform statewide automated child welfare information system within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination. 122093  
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(3) The director shall consider any information discovered pursuant to division (C)(1) of this section or that is provided by 122102  
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a public children services agency pursuant to section 5153.175 of 122104  
the Revised Code. If the director determines that the information, 122105  
when viewed within the totality of the circumstances, reasonably 122106  
leads to the conclusion that the person may directly or indirectly 122107  
endanger the health, safety, or welfare of children, the director 122108  
of children and youth or county director of job and family 122109  
services shall do any of the following: 122110

(a) Refuse to issue a license to or approve a center, type A 122111  
home, type B home, child day camp, preschool program, or school 122112  
child program; 122113

(b) Revoke a license or approval; 122114

(c) Refuse to certify an in-home aide or revoke a 122115  
certification; 122116

(d) Determine an applicant or employee ineligible for 122117  
employment with the center, type A home, licensed type B home, 122118  
child day camp, preschool program, or school child program. 122119

(4) Any information obtained under division (C) of this 122120  
section is confidential and not a public record for the purposes 122121  
of section 149.43 of the Revised Code. The information shall not 122122  
be made available to any person other than the person who is the 122123  
subject of the search or the person's representative, the director 122124  
of ~~job~~ children and family services youth, the director of a 122125  
county department of job and family services, and any court, 122126  
hearing officer, or other necessary individual involved in a case 122127  
dealing with a denial or revocation of licensure, approval, or 122128  
certification related to the search. 122129

(D)(1) At the times specified in division (D)(2) of this 122130  
section, the director of ~~job~~ children and family services youth 122131  
shall inspect the state registry of sex offenders and child-victim 122132  
offenders established under section 2950.13 of the Revised Code 122133  
and the national sex offender registry as described in 42 U.S.C. 122134

16901 to determine if any of the following persons is registered	122135
or required to be registered as an offender:	122136
(a) Any owner or licensee of a child day-care center;	122137
(b) Any owner or licensee of a type A family day-care home or	122138
licensed type B family day-care home and any person eighteen years	122139
of age or older who resides in the home;	122140
(c) Any owner of an approved child day camp;	122141
(d) Any director of a licensed preschool program or licensed	122142
school child program that provides publicly funded child care;	122143
(e) Any in-home aide;	122144
(f) Any applicant or employee, including an administrator, of	122145
a child day-care center, type A family day-care home, licensed	122146
type B family day-care home, approved child day camp, or licensed	122147
preschool program or licensed school child program that provides	122148
publicly funded child care.	122149
(2) The director shall inspect each registry at the following	122150
times:	122151
<del>(i)</del> <u>(a)</u> In the case of an owner or licensee of child day-care	122152
center or an owner or licensee of a type A family day-care home or	122153
type B family day-care home or a resident of such a home, at the	122154
time of initial application for licensure and every five years	122155
thereafter;	122156
<del>(ii)</del> <u>(b)</u> In the case of an owner of an approved child day	122157
camp, at the time of initial application for approval and every	122158
five years thereafter;	122159
<del>(iii)</del> <u>(c)</u> In the case of a director of a licensed child care	122160
program or licensed school child program, at the time of initial	122161
application to provide publicly funded child care;	122162
<del>(iv)</del> <u>(d)</u> In the case of an in-home aide, at the time of	122163
initial application for certification and every five years	122164

thereafter; 122165

~~(v)~~(e) Except as provided in division (D)(2)~~(a)~~~~(vi)~~(f) of 122166  
this section, in the case of an applicant or employee, at the time 122167  
of initial application for employment and every five years 122168  
thereafter; 122169

~~(vi)~~(f) In the case of an applicant who has been determined 122170  
eligible for employment after an inspection of the state registry 122171  
of sex offenders and child-victim offenders established under 122172  
section 2950.13 of the Revised Code and the national sex offender 122173  
registry as described in 42 U.S.C. 16901 within the past five 122174  
years and who has been employed by a licensed preschool program or 122175  
licensed school child program that provides publicly funded child 122176  
care, child day-care center, type A family day-care home, licensed 122177  
type B family day-care home, or approved child day camp within the 122178  
past one hundred eighty consecutive days, every five years after 122179  
the date of the initial determination. 122180

(3) If the director determines that the person is registered 122181  
or required to be registered on either registry, the director of 122182  
children and youth or county director of job and family services 122183  
shall do any of the following: 122184

(a) Refuse to issue a license to or approve a center, type A 122185  
home, type B home, child day camp, preschool program, or school 122186  
child program; 122187

(b) Revoke a license or approval; 122188

(c) Refuse to certify an in-home aide or revoke a 122189  
certification; 122190

(d) Determine an applicant or employee ineligible for 122191  
employment with the center, type A home, licensed type B home, 122192  
child day camp, preschool program, or school child program. 122193

(4) Any information obtained under division (D) of this 122194

section is confidential and not a public record for the purposes 122195  
of section 149.43 of the Revised Code. The information shall not 122196  
be made available to any person other than the person who is the 122197  
subject of the inspection or the person's representative, the 122198  
director of ~~job~~ children and ~~family services~~ youth, the director 122199  
of a county department of job and family services, and any court, 122200  
hearing officer, or other necessary individual involved in a case 122201  
dealing with a denial or revocation of licensure, approval, or 122202  
certification related to the search. 122203

(E) Whenever the director of ~~job~~ children and ~~family services~~ 122204  
youth determines a person ineligible for employment under division 122205  
(B), (C), or (D) of this section, the director shall as soon as 122206  
practicable notify the following of that determination: the 122207  
licensed preschool program or licensed school child program that 122208  
provides publicly funded child care, child day-care center, type A 122209  
family day-care home, licensed type B family day-care home, or 122210  
approved child day camp that is considering the person for 122211  
appointment or employment. A licensed preschool program or 122212  
licensed school child program that provides publicly funded child 122213  
care, child day-center, type A family day-care home, licensed type 122214  
B family day-care home, or approved child day camp shall not 122215  
employ a person who is determined under this section to be 122216  
ineligible for employment. 122217

(F)(1) An administrator of a child day camp, other than an 122218  
approved child day camp shall request the superintendent of the 122219  
bureau of criminal identification and investigation to conduct a 122220  
criminal records check for any applicant or employee, including an 122221  
administrator, of the child day camp. The request shall be made at 122222  
the time of initial application for employment and every five 122223  
years thereafter. 122224

(2) A criminal records check requested at the time of initial 122225  
application shall include a request that the superintendent of the 122226

bureau of criminal identification and investigation obtain 122227  
information from the federal bureau of investigation as part of 122228  
the criminal records check for the person, including 122229  
fingerprint-based checks of national crime information databases 122230  
as described in 42 U.S.C. 671 for the person subject to the 122231  
criminal records check. 122232

(3) A criminal records check requested at any time other than 122233  
the time of initial application may include a request that the 122234  
superintendent of the bureau of criminal identification and 122235  
investigation obtain information from the federal bureau of 122236  
investigation as part of the criminal records check for the 122237  
person, including fingerprint-based checks of national crime 122238  
information databases as described in 42 U.S.C. 671 for the person 122239  
subject to the criminal records check. 122240

(4) With respect to a criminal records check requested under 122241  
division (F) of this section, the administrator shall do all of 122242  
the following: 122243

(a) Provide to the applicant or employee a copy of the form 122244  
prescribed pursuant to division (C)(1) of section 109.572 of the 122245  
Revised Code and a standard impression sheet to obtain fingerprint 122246  
impressions prescribed pursuant to division (C)(2) of that 122247  
section; 122248

(b) Obtain the completed form and impression sheet from the 122249  
applicant or employee; 122250

(c) Forward the completed form and impression sheet to the 122251  
superintendent of the bureau of criminal identification and 122252  
investigation; 122253

(d) Review the results of the criminal records check. 122254

(5) An applicant or employee who receives from the 122255  
administrator a copy of the form and standard impression sheet and 122256  
who is requested to complete the form and provide a set of 122257

fingerprint impressions shall complete the form or provide all of 122258  
the information necessary to complete the form and shall provide 122259  
the impression sheet with the impressions of the person's 122260  
fingerprints. If the applicant or employee, upon request, fails to 122261  
provide the information necessary to complete the form or fails to 122262  
provide impressions of the person's fingerprints, the 122263  
administrator may consider the failure a reason to determine an 122264  
applicant or employee ineligible for employment. 122265

(6) A child day camp, other than an approved child day camp, 122266  
may employ an applicant or continue to employ an employee until 122267  
the criminal records check required by this section is completed 122268  
and the camp receives the results of the check. Until the 122269  
administrator has reviewed the results of the criminal records 122270  
check and determines that the applicant or employee is eligible 122271  
for employment, the camp shall not grant the applicant or employee 122272  
sole responsibility for the care, custody, or control of a child. 122273  
If the results indicate that the applicant or employee is 122274  
ineligible for employment, the camp shall immediately release the 122275  
applicant or employee from employment. 122276

(7) Except as provided in rules adopted under this section, 122277  
the administrator shall determine an applicant or employee 122278  
ineligible for employment if the person has been convicted of or 122279  
pleaded guilty to any of the violations described in division 122280  
(A)(5) of section 109.572 of the Revised Code. If the applicant or 122281  
employee is determined ineligible, the child day camp shall not 122282  
employ the applicant or employee or contract with another entity 122283  
for the services of the applicant or employee. 122284

(8) Each child day camp shall pay to the bureau of criminal 122285  
identification and investigation the fee prescribed pursuant to 122286  
division (C)(3) of section 109.572 of the Revised Code for each 122287  
criminal records check conducted in accordance with that section 122288  
upon a request made pursuant to division (F) of this section. A 122289

camp may charge an applicant or employee a fee for the costs it 122290  
incurs in obtaining a criminal records check under division (F) of 122291  
this section. A fee charged under this division shall not exceed 122292  
the fees the camp pays under this section. If a fee is charged, 122293  
the camp shall notify the applicant at the time of the applicant's 122294  
initial application for employment of the amount of the fee and 122295  
that, unless the fee is paid, the camp will not consider the 122296  
applicant for employment. 122297

(9) The report of any criminal records check conducted by the 122298  
bureau of criminal identification and investigation in accordance 122299  
with section 109.572 of the Revised Code and pursuant to a request 122300  
made under division (F) of this section is confidential and not a 122301  
public record for the purposes of section 149.43 of the Revised 122302  
Code. The report shall not be made available to any person other 122303  
than the person who is the subject of the criminal records check 122304  
or the person's representative, the director of ~~job children~~ and 122305  
~~family services youth~~, the administrator, and any court, hearing 122306  
officer, or other necessary individual involved in a case dealing 122307  
with a denial or revocation of registration related to the 122308  
criminal records check. 122309

(G) The director of ~~job children~~ and ~~family services youth~~ 122310  
shall adopt rules as necessary to implement this section. The 122311  
rules shall be adopted in accordance with Chapter 119. of the 122312  
Revised Code. The rules shall specify exceptions to the 122313  
prohibitions in ~~division~~ divisions (B), (E), and (F) of this 122314  
section for a person who has been convicted of or pleaded guilty 122315  
to a criminal offense listed in division (A)(5) of section 109.572 122316  
of the Revised Code but who meets standards in regard to 122317  
rehabilitation set by the director. 122318

(H)(1) Whenever the director of ~~job children~~ and ~~family~~ 122319  
~~services youth~~ requests a criminal records check, searches the 122320  
uniform statewide automated child welfare information system, or 122321

inspects the state registry of sex offenders and child-victim 122322  
offenders and national sex offender registry as required by this 122323  
section and finds that a person who is subject to the requirements 122324  
of division (B), (C), or (D) of this section resided in another 122325  
state during the previous five years, the director shall request 122326  
the following from the other state: a criminal records check and 122327  
information from the uniform statewide automated child welfare 122328  
information system or state registry of sex offenders. 122329

(2) Whenever the director receives from an agency of another 122330  
state a request for a criminal records check or for information 122331  
from the uniform statewide automated child welfare information 122332  
system or state registry of sex offenders that is related to a 122333  
child care license or the provision of publicly funded child care, 122334  
the director shall provide to that other state's agency the 122335  
results of the records check and information from the system and 122336  
registry. 122337

**Sec. 5104.015.** The director of ~~job~~ children and ~~family~~ 122338  
~~services~~ youth shall adopt rules in accordance with Chapter 119. 122339  
of the Revised Code governing the operation of child day-care 122340  
centers, including parent cooperative centers, part-time centers, 122341  
and drop-in centers. The rules shall reflect the various forms of 122342  
child care and the needs of children receiving child care or 122343  
publicly funded child care and shall include specific rules for 122344  
school-age child care centers that are developed in consultation 122345  
with the department of education. The rules shall include the 122346  
following: 122347

(A) Submission of a site plan and descriptive plan of 122348  
operation to demonstrate how the center proposes to meet the 122349  
requirements of this chapter and rules adopted pursuant to this 122350  
chapter for the initial license application; 122351

(B) Standards for ensuring that the physical surroundings of 122352

the center are safe and sanitary including the physical 122353  
environment, the physical plant, and the equipment of the center; 122354

(C) Standards for the supervision, care, and discipline of 122355  
children receiving child care or publicly funded child care in the 122356  
center; 122357

(D) Standards for a program of activities, and for play 122358  
equipment, materials, and supplies, to enhance the development of 122359  
each child; however, any educational curricula, philosophies, and 122360  
methodologies that are developmentally appropriate and that 122361  
enhance the social, emotional, intellectual, and physical 122362  
development of each child shall be permissible. As used in this 122363  
division, "program" does not include instruction in religious or 122364  
moral doctrines, beliefs, or values that is conducted at child 122365  
day-care centers owned and operated by churches and does include 122366  
methods of disciplining children at child day-care centers. 122367

(E) Admissions policies and procedures; 122368

(F) Health care policies and procedures, including procedures 122369  
for the isolation of children with communicable diseases; 122370

(G) First aid and emergency procedures; 122371

(H) Procedures for discipline and supervision of children; 122372

(I) Standards for the provision of nutritious meals and 122373  
snacks; 122374

(J) Procedures for screening children that may include any 122375  
necessary physical examinations and shall include immunizations in 122376  
accordance with section 5104.014 of the Revised Code; 122377

(K) Procedures for screening employees that may include any 122378  
necessary physical examinations and immunizations; 122379

(L) Methods for encouraging parental participation in the 122380  
center and methods for ensuring that the rights of children, 122381  
parents, and employees are protected and that responsibilities of 122382

parents and employees are met;	122383
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	122384 122385 122386
(N) Procedures for record keeping, organization, and administration;	122387 122388
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	122389 122390 122391
(P) Inspection procedures;	122392
(Q) Procedures and standards for setting initial license application fees;	122393 122394
(R) Procedures for receiving, recording, and responding to complaints about centers;	122395 122396
(S) Procedures for enforcing section 5104.04 of the Revised Code;	122397 122398
(T) Minimum qualifications for employment as an administrator or child-care staff member;	122399 122400
(U) Requirements for the training of administrators and child-care staff members, including training in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	122401 122402 122403 122404
(V) Standards providing for the needs of children who have disabilities or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;	122405 122406 122407 122408
(W) A procedure for reporting of injuries of children that occur at the center;	122409 122410
(X) Standards for licensing child day-care centers for	122411

children with short-term illnesses and other temporary medical conditions; 122412  
122413

(Y) Minimum requirements for instructional time for child day-care centers rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code; 122414  
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(Z) Any other procedures and standards necessary to carry out the provisions of this chapter regarding child day-care centers. 122417  
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**Sec. 5104.016.** The director of ~~job~~ children and ~~family services~~ youth, in addition to the rules adopted under section 5104.015 of the Revised Code, shall adopt rules establishing minimum requirements for child day-care centers. The rules shall include the requirements set forth in sections 5104.032 to 5104.034 of the Revised Code. Except as provided in section 5104.07 of the Revised Code, the rules shall not change the square footage requirements of section 5104.032 of the Revised Code or the maximum number of children per child-care staff member and maximum group size requirements of section 5104.033 of the Revised Code. However, the rules shall provide procedures for determining compliance with those requirements. 122419  
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**Sec. 5104.017.** The director of ~~job~~ children and ~~family services~~ youth shall adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of type A family day-care homes, including parent cooperative type A homes, part-time type A homes, and drop-in type A homes. The rules shall reflect the various forms of child care and the needs of children receiving child care. The rules shall include the following: 122431  
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(A) Submission of a site plan and descriptive plan of operation to demonstrate how the type A home proposes to meet the requirements of this chapter and rules adopted pursuant to this chapter for the initial license application; 122438  
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(B) Standards for ensuring that the physical surroundings of the type A home are safe and sanitary, including the physical environment, the physical plant, and the equipment of the type A home;	122442 122443 122444 122445
(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the type A home;	122446 122447 122448
(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;	122449 122450 122451 122452 122453 122454
(E) Admissions policies and procedures;	122455
(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	122456 122457
(G) First aid and emergency procedures;	122458
(H) Procedures for discipline and supervision of children;	122459
(I) Standards for the provision of nutritious meals and snacks;	122460 122461
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	122462 122463 122464
(K) Procedures for screening employees, including any necessary physical examinations and immunizations;	122465 122466
(L) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	122467 122468 122469 122470
(M) Procedures for ensuring the safety and adequate	122471

supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	122472
(N) Procedures for record keeping, organization, and administration;	122473
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	122474
(P) Inspection procedures;	122475
(Q) Procedures and standards for setting initial license application fees;	122476
(R) Procedures for receiving, recording, and responding to complaints about type A homes;	122477
(S) Procedures for enforcing section 5104.04 of the Revised Code;	122478
(T) A standard requiring the inclusion of a current department of <del>job children</del> and <del>family services</del> <u>youth</u> toll-free telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;	122479
(U) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	122480
(V) Standards providing for the needs of children who have disabilities or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;	122481
(W) Standards for the maximum number of children per child-care staff member;	122482
(X) Requirements for the amount of usable indoor floor space	122483

for each child;	122502
(Y) Requirements for safe outdoor play space;	122503
(Z) Qualifications and training requirements for administrators and for child-care staff members;	122504 122505
(AA) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;	122506 122507 122508
(BB) Minimum requirements for instructional time for type A homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	122509 122510 122511
(CC) Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes.	122512 122513
<b>Sec. 5104.018.</b> The director of <del>job</del> <u>children</u> and <del>family services</del> <u>youth</u> shall adopt rules in accordance with Chapter 119. of the Revised Code governing the licensure of type B family day-care homes. The rules shall provide for safeguarding the health, safety, and welfare of children receiving child care or publicly funded child care in a licensed type B family day-care home and shall include all of the following:	122514 122515 122516 122517 122518 122519 122520
(A) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;	122521 122522 122523
(B) Standards for ensuring that the type B home and the physical surroundings of the type B home are safe and sanitary, including physical environment, physical plant, and equipment;	122524 122525 122526
(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the home;	122527 122528 122529
(D) Standards for a program of activities, and for play	122530

equipment, materials, and supplies to enhance the development of 122531  
each child; however, any educational curricula, philosophies, and 122532  
methodologies that are developmentally appropriate and that 122533  
enhance the social, emotional, intellectual, and physical 122534  
development of each child shall be permissible; 122535

(E) Admission policies and procedures; 122536

(F) Health care, first aid and emergency procedures; 122537

(G) Procedures for the care of sick children; 122538

(H) Procedures for discipline and supervision of children; 122539

(I) Nutritional standards; 122540

(J) Procedures for screening children, including any 122541  
necessary physical examinations and the immunizations required 122542  
pursuant to section 5104.014 of the Revised Code; 122543

(K) Procedures for screening administrators and employees, 122544  
including any necessary physical examinations and immunizations; 122545

(L) Methods of encouraging parental participation and 122546  
ensuring that the rights of children, parents, and administrators 122547  
are protected and the responsibilities of parents and 122548  
administrators are met; 122549

(M) Standards for the safe transport of children when under 122550  
the care of administrators; 122551

(N) Procedures for issuing, denying, or revoking licenses; 122552

(O) Procedures for the inspection of type B homes that 122553  
require, at a minimum, that each type B home be inspected prior to 122554  
licensure to ensure that the home is safe and sanitary; 122555

(P) Procedures for record keeping and evaluation; 122556

(Q) Procedures for receiving, recording, and responding to 122557  
complaints; 122558

(R) Standards providing for the needs of children who have 122559

disabilities or who receive treatment for health conditions while	122560
the child is receiving child care or publicly funded child care in	122561
the type B home;	122562
(S) Requirements for the amount of usable indoor floor space	122563
for each child;	122564
(T) Requirements for safe outdoor play space;	122565
(U) Qualification and training requirements for	122566
administrators;	122567
(V) Procedures for granting a parent who is the residential	122568
parent and legal custodian, or a custodian or guardian access to	122569
the type B home during its hours of operation;	122570
(W) Requirements for the type B home to notify parents with	122571
children in the type B home that the type B home is certified as a	122572
foster home under section 5103.03 of the Revised Code;	122573
(X) Minimum requirements for instructional time for type B	122574
homes rated through the step up to quality program established	122575
pursuant to section 5104.29 of the Revised Code;	122576
(Y) Any other procedures and standards necessary to carry out	122577
the provisions of this chapter regarding licensure of type B	122578
homes.	122579
<b>Sec. 5104.019.</b> The director of <del>job</del> <u>children</u> and <del>family</del>	122580
<del>services</del> <u>youth</u> shall adopt rules in accordance with Chapter 119.	122581
of the Revised Code governing the certification of in-home aides.	122582
The rules shall provide for safeguarding the health, safety, and	122583
welfare of children receiving publicly funded child care in their	122584
own home and shall include the following:	122585
(A) Standards for ensuring that the child's home and the	122586
physical surroundings of the child's home are safe and sanitary,	122587
including physical environment, physical plant, and equipment;	122588

(B) Standards for the supervision, care, and discipline of children receiving publicly funded child care in their own home;	122589 122590
(C) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;	122591 122592 122593 122594 122595 122596
(D) Health care, first aid, and emergency procedures, procedures for the care of sick children, procedures for discipline and supervision of children, nutritional standards, and procedures for screening children and in-home aides, including any necessary physical examinations and immunizations;	122597 122598 122599 122600 122601
(E) Methods of encouraging parental participation and ensuring that the rights of children, parents, and in-home aides are protected and the responsibilities of parents and in-home aides are met;	122602 122603 122604 122605
(F) Standards for the safe transport of children when under the care of in-home aides;	122606 122607
(G) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;	122608 122609
(H) Procedures for inspection of homes of children receiving publicly funded child care in their own homes;	122610 122611
(I) Procedures for record keeping and evaluation;	122612
(J) Procedures for receiving, recording, and responding to complaints;	122613 122614
(K) Qualifications and training requirements for in-home aides;	122615 122616
(L) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions	122617 122618

while the child is receiving publicly funded child care in the 122619  
child's own home; 122620

(M) Any other procedures and standards necessary to carry out 122621  
the provisions of this chapter regarding certification of in-home 122622  
aides. 122623

**Sec. 5104.0111.** (A) The director of ~~job~~ children and ~~family~~ 122624  
~~services~~ youth shall do all of the following: 122625

(1) Provide or make available in either paper or electronic 122626  
form to each licensee notice of proposed rules governing the 122627  
licensure of child day-care centers, type A homes, and type B 122628  
homes; 122629

(2) Give public notice of hearings regarding the proposed 122630  
rules at least thirty days prior to the date of the public 122631  
hearing, in accordance with section 119.03 of the Revised Code; 122632

(3) At least thirty days before the effective date of a rule, 122633  
provide, in either paper or electronic form, a copy of the adopted 122634  
rule to each licensee; 122635

(4) Send to each county director of job and family services a 122636  
notice of proposed rules governing the certification of in-home 122637  
aides that includes an internet web site address where the 122638  
proposed rules can be viewed; 122639

(5) Provide to each county director of job and family 122640  
services an electronic copy of each adopted rule at least 122641  
forty-five days prior to the rule's effective date; 122642

(6) Review all rules adopted pursuant to this chapter at 122643  
least once every seven years. 122644

(B) The county director of job and family services shall 122645  
provide or make available in either paper or electronic form to 122646  
each in-home aide copies of proposed rules and shall give public 122647  
notice of hearings regarding the rules to each in-home aide at 122648

least thirty days prior to the date of the public hearing, in 122649  
accordance with section 119.03 of the Revised Code. At least 122650  
thirty days before the effective date of a rule, the county 122651  
director of job and family services shall provide, in either paper 122652  
or electronic form, copies of the adopted rule to each in-home 122653  
aide. 122654

(C) Additional copies of proposed and adopted rules shall be 122655  
made available by the director of ~~job~~ children and ~~family services~~ 122656  
youth to the public on request at no charge. 122657

(D) The director of ~~job~~ children and ~~family services~~ youth 122658  
may adopt rules in accordance with Chapter 119. of the Revised 122659  
Code for imposing sanctions on persons and entities that are 122660  
licensed or certified under this chapter. Sanctions may be imposed 122661  
only for an action or omission that constitutes a serious risk 122662  
noncompliance. The sanctions imposed shall be based on the scope 122663  
and severity of the violations. 122664

The director shall make a dispute resolution process 122665  
available for the implementation of sanctions. The process may 122666  
include an opportunity for appeal pursuant to Chapter 119. of the 122667  
Revised Code. 122668

(E) The director of ~~job~~ children and ~~family services~~ youth 122669  
shall adopt rules in accordance with Chapter 119. of the Revised 122670  
Code that establish standards for the training of individuals who 122671  
inspect or investigate type B family day-care homes pursuant to 122672  
section 5104.03 of the Revised Code. The department shall provide 122673  
training in accordance with those standards for individuals in the 122674  
categories described in this division. 122675

**Sec. 5104.0112.** Notwithstanding any provision of the Revised 122676  
Code, the director of ~~job~~ children and ~~family services~~ youth shall 122677  
not regulate in any way under this chapter or rules adopted 122678  
pursuant to this chapter, instruction in religious or moral 122679

doctrines, beliefs, or values. 122680

**Sec. 5104.02.** (A) The director of ~~job~~ children and ~~family~~ youth is responsible for licensing child day-care 122681  
centers, type A family day-care homes, and type B family day-care 122682  
homes. Each entity operating a head start program shall meet the 122683  
criteria for, and be licensed as, a child day-care center. The 122684  
director is responsible for the enforcement of this chapter and of 122685  
rules promulgated pursuant to this chapter. 122686  
122687

No person, firm, organization, institution, or agency shall 122688  
operate, establish, manage, conduct, or maintain a child day-care 122689  
center or type A family day-care home without a license issued 122690  
under section 5104.03 of the Revised Code. The current license 122691  
shall be posted in the center or home in a conspicuous place that 122692  
is accessible to parents, custodians, or guardians and employees 122693  
of the center or home at all times when the center or home is in 122694  
operation. 122695

(B) A person, firm, institution, organization, or agency 122696  
operating any of the following programs is exempt from the 122697  
requirements of this chapter: 122698

(1) A program caring for children that operates for two 122699  
consecutive weeks or less and not more than six weeks total in 122700  
each calendar year; 122701

(2) Caring for children in places of worship during religious 122702  
activities while at least one parent, guardian, or custodian of 122703  
each child is participating in such activities and is readily 122704  
available; 122705

(3) Supervised training, instruction, or activities of 122706  
children in specific areas, including, but not limited to: art; 122707  
drama; dance; music; athletic skills or sports; computers; or an 122708  
educational subject conducted on an organized or periodic basis 122709

that a child does not attend for more than eight total hours per week; 122710  
122711

(4) Programs in which the director determines that at least one parent, custodian, or guardian of each child who is not an employee of the facility engaged in employment duties is on the premises of the facility that offers care and is readily accessible at all times; 122712  
122713  
122714  
122715  
122716

(5) Programs that provide care and are regulated by state departments other than the department of ~~job children and family services~~ youth or the state board of education. 122717  
122718  
122719

(6) Any preschool program or school child program, except a head start program, that is subject to licensure by the department of ~~education~~ children and youth under sections 3301.52 to 3301.59 of the Revised Code. 122720  
122721  
122722  
122723

(7) Any program providing care that meets all of the following requirements and, on October 20, 1987, was being operated by a nonpublic school that holds a charter issued by the state board of education for kindergarten only: 122724  
122725  
122726  
122727

(a) The nonpublic school has given the notice to the state board and the director of ~~job children and family services~~ youth required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly; 122728  
122729  
122730  
122731

(b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five; 122732  
122733  
122734

(c) The program is conducted in a school building; 122735

(d) The program is operated in accordance with rules promulgated by the ~~state board~~ department of children and youth under section 3301.53 of the Revised Code. 122736  
122737  
122738

(8) A youth development program operated outside of school 122739

hours to which all of the following apply: 122740

(a) The children enrolled in the program are under nineteen 122741  
years of age and enrolled in or eligible to be enrolled in a grade 122742  
of kindergarten or above. 122743

(b) The program provides informal care, which is care that 122744  
does not require parental signature, permission, or notice for the 122745  
child receiving the care to enter or leave the program. 122746

(c) The program provides any of the following supervised 122747  
activities: educational, recreational, culturally enriching, 122748  
social, and personal development activities. 122749

(d) The entity operating the program is exempt from federal 122750  
income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 122751

(9) A preschool program operated by a nonchartered, 122752  
nontax-supported school if the preschool program meets all of the 122753  
following conditions: 122754

(a) The program complies with state and local health, fire, 122755  
and safety laws. 122756

(b) The program annually certifies in a report to the parents 122757  
of its pupils that the school is in compliance with division 122758  
(B)(9)(a) of this section and files a copy of the report with the 122759  
department of ~~job~~ children and ~~family services~~ youth on or before 122760  
the thirtieth day of September of each year. 122761

(c) The program complies with all applicable reporting 122762  
requirements in the same manner as required by the state board of 122763  
education for nonchartered, nonpublic primary and secondary 122764  
schools. 122765

(d) The program is associated with a nonchartered, 122766  
nontax-supported primary or secondary school. 122767

(10) A program that provides activities for children who are 122768  
five years of age or older and is operated by a county, township, 122769

municipal corporation, township park district created under 122770  
section 511.18 of the Revised Code, park district created under 122771  
section 1545.04 of the Revised Code, or joint recreation district 122772  
established under section 755.14 of the Revised Code. 122773

**Sec. 5104.021.** The director of ~~job~~ children and ~~family~~ 122774  
~~services~~ youth may issue a child day-care center or type A family 122775  
day-care home license to a youth development program that is 122776  
exempted by division (B)(8) of section 5104.02 of the Revised Code 122777  
from the requirements of this chapter if the youth development 122778  
program applies for and meets all of the requirements for the 122779  
license. 122780

**Sec. 5104.022.** In no case shall the director of ~~job~~ children 122781  
and ~~family services~~ youth issue a license to operate a type A 122782  
family day-care home if the type A home is certified as a foster 122783  
home or specialized foster home pursuant to Chapter 5103. of the 122784  
Revised Code. In no case shall the director issue a license to 122785  
operate a type B family day-care home if the type B home is 122786  
certified as a specialized foster home pursuant to Chapter 5103. 122787  
of the Revised Code. 122788

**Sec. 5104.03.** (A) As used in this section, "owner" has the 122789  
same meaning as in section 5104.01 of the Revised Code, except 122790  
that "owner" also includes a firm, organization, institution, or 122791  
agency, as well as any individual governing board members, 122792  
partners, or authorized representatives of the owner. 122793

(B) Any person, firm, organization, institution, or agency 122794  
seeking to establish a child day-care center, type A family 122795  
day-care home, or licensed type B family day-care home shall apply 122796  
for a license to the director of ~~job~~ children and ~~family services~~ 122797  
youth on such form as the director prescribes. The director shall 122798  
provide at no charge to each applicant for licensure a copy of the 122799

child care license requirements in this chapter and a copy of the 122800  
rules adopted pursuant to this chapter. The copies may be provided 122801  
in paper or electronic form. 122802

Fees shall be set by the director pursuant to sections 122803  
5104.015, 5104.017, and 5104.018 of the Revised Code and shall be 122804  
paid at the time of application for a license to operate a center, 122805  
type A home, or type B home. Fees collected under this section 122806  
shall be paid into the state treasury to the credit of the general 122807  
revenue fund. 122808

(C)(1) Upon filing of the application for a license, the 122809  
director shall investigate and inspect the center, type A home, or 122810  
type B home to determine the license capacity for each age 122811  
category of children of the center, type A home, or type B home 122812  
and to determine whether the center, type A home, or type B home 122813  
complies with this chapter and rules adopted pursuant to this 122814  
chapter. When, after investigation and inspection, the director is 122815  
satisfied that this chapter and rules adopted pursuant to it are 122816  
complied with, subject to division (G) of this section, a license 122817  
shall be issued as soon as practicable in such form and manner as 122818  
prescribed by the director. The license shall be designated as 122819  
provisional and shall be valid for at least twelve months from the 122820  
date of issuance and until the continuous license is issued or 122821  
until the provisional license is revoked or suspended pursuant to 122822  
section 5104.042 of the Revised Code. 122823

(2) The director may contract with a government entity or a 122824  
private nonprofit entity for the entity to inspect type A or type 122825  
B family day-care homes pursuant to this section. If the director 122826  
contracts with a government entity or private nonprofit entity for 122827  
that purpose, the entity may contract with another government 122828  
entity or private nonprofit entity for the other entity to inspect 122829  
type A or type B homes pursuant to this section. The director, 122830  
government entity, or private nonprofit entity shall conduct an 122831

inspection prior to the issuance of a license for a type A or type 122832  
B home and, as part of that inspection, ensure that the home is 122833  
safe and sanitary. 122834

(D) The director shall investigate and inspect the center, 122835  
type A home, or type B home at least once during operation under a 122836  
license designated as provisional. If after the investigation and 122837  
inspection the director determines that the requirements of this 122838  
chapter and rules adopted pursuant to this chapter are met, 122839  
subject to division (G) of this section, the director shall issue 122840  
a continuous license to the center or home. 122841

(E) Each license shall state the name of the licensee, the 122842  
name of the administrator, the address of the center, type A home, 122843  
or licensed type B home, and the license capacity for each age 122844  
category of children. The license shall include thereon, in 122845  
accordance with sections 5104.015, 5104.017, and 5104.018 of the 122846  
Revised Code, the toll-free telephone number to be used by persons 122847  
suspecting that the center, type A home, or licensed type B home 122848  
has violated a provision of this chapter or rules adopted pursuant 122849  
to this chapter. A license is valid only for the licensee, 122850  
administrator, address, and license capacity for each age category 122851  
of children designated on the license. The license capacity 122852  
specified on the license is the maximum number of children in each 122853  
age category that may be cared for in the center, type A home, or 122854  
licensed type B home at one time. 122855

A center or home licensee shall notify the director in 122856  
writing when the administrator, address, or license capacity of 122857  
the center or home changes. The director shall amend the current 122858  
license to reflect a change in any of the following: 122859

(1) An administrator, if the administrator meets the 122860  
requirements of this chapter and rules adopted pursuant to this 122861  
chapter; 122862

(2) Address, if the new address meets the requirements of 122863  
this chapter and rules adopted pursuant to this chapter; 122864

(3) License capacity for any age category of children as 122865  
determined by the director of ~~job~~ children and ~~family services~~  
youth. 122866  
122867

(F) If the director revokes the license of a center, a type A 122868  
home, or a type B home, the director shall not issue another 122869  
license to the owner of the center, type A home, or type B home 122870  
until five years have elapsed from the date the license is 122871  
revoked. 122872

If the director denies an application for a license, the 122873  
director shall not consider another application from the applicant 122874  
until five years have elapsed from the date the application is 122875  
denied. 122876

(G)(1) Except as provided in division (G)(2) of this section, 122877  
all actions of the director with respect to licensing centers, 122878  
type A homes, or type B homes, refusal to license, and revocation 122879  
of a license shall be in accordance with Chapter 119. of the 122880  
Revised Code. Except as provided in division (G)(2) of this 122881  
section, any applicant who is denied a license or any owner whose 122882  
license is revoked may appeal in accordance with section 119.12 of 122883  
the Revised Code. 122884

(2) The following actions by the director are not subject to 122885  
Chapter 119. of the Revised Code: 122886

(a) The director ceases its review of an application because 122887  
the owner of a center, type A home, or type B home sought a 122888  
license before five years had elapsed from the date the previous 122889  
license was revoked and the director does not issue the license. 122890

(b) The director ceases its review of an application because 122891  
the applicant applied for licensure before five years had elapsed 122892  
from the date the previous application was denied and the director 122893

does not issue the license. 122894

(c) The director closes a license because the director has 122895  
determined that the center, type A home, or type B home is no 122896  
longer operating at the address stated on the license and did not 122897  
notify the director of the address change as described in division 122898  
(E) of this section. 122899

(H) In no case shall the director issue a license under this 122900  
section for a center, type A home, or type B home if the director, 122901  
based on documentation provided by the appropriate county 122902  
department of job and family services, determines that the 122903  
applicant had been certified as an in-home aide, that the county 122904  
department revoked that certification within the immediately 122905  
preceding five years, that the revocation was based on the 122906  
applicant's refusal or inability to comply with the criteria for 122907  
certification, and that the refusal or inability resulted in a 122908  
risk to the health or safety of children. 122909

(I) An owner of a type B family day-care home that receives a 122910  
license pursuant to this section is an independent contractor and 122911  
is not an employee of the department of ~~job~~ children and ~~family~~ 122912  
~~services~~ youth. 122913

**Sec. 5104.034.** Each child day-care center shall have on the 122914  
center premises and readily available at all times at least one 122915  
child-care staff member who has completed a course in first aid, 122916  
one staff member who has completed a course in prevention, 122917  
recognition, and management of communicable diseases which is 122918  
approved by the state department of health, and a staff member who 122919  
has completed a course in child abuse recognition and prevention 122920  
training which is approved by the department of ~~job~~ children and 122921  
~~family services~~ youth. 122922

**Sec. 5104.038.** The administrator of each child day-care 122923

center shall maintain enrollment, health, and attendance records 122924  
for all children attending the center and health and employment 122925  
records for all center employees. The records shall be 122926  
confidential, except that they shall be disclosed by the 122927  
administrator to the director of children and youth upon request 122928  
for the purpose of administering and enforcing this chapter and 122929  
rules adopted pursuant to this chapter. Neither the center nor the 122930  
licensee, administrator, or employees of the center shall be 122931  
civilly or criminally liable in damages or otherwise for records 122932  
disclosed to the director by the administrator pursuant to this 122933  
division. It shall be a defense to any civil or criminal charge 122934  
based upon records disclosed by the administrator to the director 122935  
that the records were disclosed pursuant to this division. 122936

**Sec. 5104.04.** (A) The department of ~~job~~ children and ~~family~~ 122937  
~~services~~ youth shall establish procedures to be followed in 122938  
investigating, inspecting, and licensing child day-care centers, 122939  
type A family day-care homes, and licensed type B family day-care 122940  
homes. 122941

(B)(1)(a) The department shall, at least once during every 122942  
twelve-month period of operation of a center, type A home, or 122943  
licensed type B home, inspect the center, type A home, or licensed 122944  
type B home. The department shall inspect a part-time center or 122945  
part-time type A home at least once during every twelve-month 122946  
period of operation. The department shall provide a written 122947  
inspection report to the licensee within a reasonable time after 122948  
each inspection. 122949

Inspections may be unannounced. No person, firm, 122950  
organization, institution, or agency shall interfere with the 122951  
inspection of a center, type A home, or licensed type B home by 122952  
any state or local official engaged in performing duties required 122953  
of the state or local official by this chapter or rules adopted 122954

pursuant to this chapter, including inspecting the center, type A home, or licensed type B home, reviewing records, or interviewing licensees, employees, children, or parents.

(b) Upon receipt of any complaint that a center, type A home or licensed type B home is out of compliance with the requirements of this chapter or rules adopted pursuant to this chapter, the department shall investigate the center or home, and both of the following apply:

(i) If the complaint alleges that a child suffered physical harm while receiving child care at the center or home or that the noncompliance alleged in the complaint involved, resulted in, or poses a substantial risk of physical harm to a child receiving child care at the center or home, the department shall inspect the center or home.

(ii) If division (B)(1)(b)(i) of this section does not apply regarding the complaint, the department may inspect the center or home.

(c) Division (B)(1)(b) of this section does not limit, restrict, or negate any duty of the department to inspect a center, type A home, or licensed type B home that otherwise is imposed under this section, or any authority of the department to inspect a center, type A home, or licensed type B home that otherwise is granted under this section.

(2) If the department implements an instrument-based program monitoring information system, it may use an indicator checklist to comply with division (B)(1) of this section.

(C) The department may deny an application or revoke a license of a center, type A home, or licensed type B home, if the applicant knowingly submits falsified information to the department or if the center or home does not comply with the requirements of this chapter or rules adopted pursuant to this

chapter. 122986

(D) If the department finds, after notice and hearing 122987  
pursuant to Chapter 119. of the Revised Code, that any applicant, 122988  
person, firm, organization, institution, or agency applying for 122989  
licensure or licensed under section 5104.03 of the Revised Code is 122990  
in violation of any provision of this chapter or rules adopted 122991  
pursuant to this chapter, the department may issue an order of 122992  
denial to the applicant or an order of revocation to the center, 122993  
type A home, or licensed type B home revoking the license 122994  
previously issued by the department. Upon the issuance of such an 122995  
order, the person whose application is denied or whose license is 122996  
revoked may appeal in accordance with section 119.12 of the 122997  
Revised Code. 122998

(E) The surrender of a center, type A home, or licensed type 122999  
B home license to the department or the withdrawal of an 123000  
application for licensure by the owner or administrator of the 123001  
center, type A home, or licensed type B home shall not prohibit 123002  
the department from instituting any of the actions set forth in 123003  
this section. 123004

(F) Whenever the department receives a complaint, is advised, 123005  
or otherwise has any reason to believe that a center or type A 123006  
home is providing child care without a license issued pursuant to 123007  
section 5104.03 and is not exempt from licensing pursuant to 123008  
section 5104.02 of the Revised Code, the department shall 123009  
investigate the center or type A home and may inspect the areas 123010  
children have access to or areas necessary for the care of 123011  
children in the center or type A home during suspected hours of 123012  
operation to determine whether the center or type A home is 123013  
subject to the requirements of this chapter or rules adopted 123014  
pursuant to this chapter. 123015

(G) The department, upon determining that the center or type 123016  
A home is operating without a license, shall notify the attorney 123017

general, the prosecuting attorney of the county in which the center or type A home is located, or the city attorney, village solicitor, or other chief legal officer of the municipal corporation in which the center or type A home is located, that the center or type A home is operating without a license. Upon receipt of the notification, the attorney general, prosecuting attorney, city attorney, village solicitor, or other chief legal officer of a municipal corporation shall file a complaint in the court of common pleas of the county in which the center or type A home is located requesting that the court grant an order enjoining the owner from operating the center or type A home in violation of section 5104.02 of the Revised Code. The court shall grant such injunctive relief upon a showing that the respondent named in the complaint is operating a center or type A home and is doing so without a license.

(H) The department shall prepare an annual report on inspections conducted under this section. The report shall include the number of inspections conducted, the number and types of violations found, and the steps taken to address the violations. The department shall file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives on or before the first day of January of each year, beginning in 1999.

**Sec. 5104.041.** (A) All type A family day-care homes and licensed type B family day-care homes shall procure and maintain one of the following:

(1) Liability insurance issued by an insurer authorized to do business in this state under Chapter 3905. of the Revised Code insuring the type A or type B family day-care home against liability arising out of, or in connection with, the operation of the family day-care home. The insurance procured shall cover any

cause for which the type A or type B family day-care home would be liable, in the amount of at least one hundred thousand dollars per occurrence and three hundred thousand dollars in the aggregate.

(2) A written statement signed by the parent, guardian, or custodian of each child receiving child care from the type A or type B family day-care home that states all of the following:

(a) The family day-care home does not carry liability insurance described in division (A)(1) of this section;

(b) If the licensee of a type A family day-care home or a type B family day-care home is not the owner of the real property where the family day-care home is located, the liability insurance, if any, of the owner of the real property may not provide for coverage of any liability arising out of, or in connection with, the operation of the family day-care home.

(B) If the licensee of a type A family day-care home or a type B family day-care home is not the owner of the real property where the family day-care home is located and the family day-care home procures liability insurance described in division (A)(1) of this section, that licensee shall name the owner of the real property as an additional insured party on the liability insurance policy if all of the following apply:

(1) The owner of the real property requests the licensee or provider, in writing, to add the owner of the real property to the liability insurance policy as an additional insured party.

(2) The addition of the owner of the real property does not result in cancellation or nonrenewal of the insurance policy procured by the type A or type B family day-care home.

(3) The owner of the real property pays any additional premium assessed for coverage of the owner of the real property.

(C) Proof of insurance or written statement required under

division (A) of this section shall be maintained at the type A or 123079  
type B family day-care home and made available for review during 123080  
inspection or investigation as required under this chapter. 123081

(D) The director of ~~job children~~ and ~~family services youth~~ 123082  
shall adopt rules for the enforcement of this section. 123083

**Sec. 5104.042.** (A) The department of ~~job children~~ and ~~family~~ 123084  
~~services youth~~ may suspend, without a prior hearing, the license 123085  
of a child day-care center, type A family day-care home, or 123086  
licensed type B family day-care home if any of the following 123087  
occur: 123088

(1) A child dies or suffers a serious injury while receiving 123089  
child care in the center, type A home, or licensed type B home. 123090

(2) A public children services agency receives a report 123091  
pursuant to section 2151.421 of the Revised Code, and the person 123092  
alleged to have inflicted abuse or neglect on the child who is the 123093  
subject of the report is any of the following: 123094

(a) The owner, licensee, or administrator of the center, type 123095  
A home, or licensed type B home; 123096

(b) An employee of the center, type A home, or licensed type 123097  
B home who has not immediately been placed on administrative leave 123098  
or released from employment; 123099

(c) Any person who resides in the type A home or licensed 123100  
type B home. 123101

(3) An owner, licensee, administrator, or employee of the 123102  
center, type A home, or licensed type B home, or a resident of the 123103  
type A home or licensed type B home is charged by an indictment, 123104  
information, or complaint with an offense relating to the abuse or 123105  
neglect of a child. 123106

(4) The department or a county department of job and family 123107  
services determines that the center, type A home, or licensed type 123108

B home created a serious risk to the health or safety of a child receiving child care in the center, type A home, or licensed type B home that resulted in or could have resulted in a child's death or injury.

(5) The department determines that the owner or licensee of the center, type A home, or licensed type B home does not meet the requirements of section 5104.013 of the Revised Code.

(B) The department shall issue a written order of suspension and furnish a copy to the licensee either by certified mail or in person as described in section 119.07 of the Revised Code. The licensee may request an adjudicatory hearing before the department pursuant to sections 119.06 to 119.12 of the Revised Code.

(C) Any summary suspension imposed under this section shall remain in effect until any of the following occurs:

(1) The public children services agency completes its investigation of the report pursuant to section 2151.421 of the Revised Code and determines that all of the allegations are unsubstantiated.

(2) All criminal charges are disposed of through dismissal or a finding of not guilty.

(3) The department issues pursuant to Chapter 119. of the Revised Code a final order terminating the suspension.

(D) The center, type A home, or licensed type B home shall not provide child care while the summary suspension remains in effect. Upon issuance of the order of suspension, the licensee shall inform the caretaker parent of each child receiving child care in the center, type A home, or licensed type B home of the suspension.

(E) The director of ~~job children and family services~~ youth may adopt rules in accordance with Chapter 119. of the Revised

Code establishing standards and procedures for the summary 123139  
suspension of licenses. 123140

(F) This section does not limit the authority of the 123141  
department to revoke a license pursuant to section 5104.04 of the 123142  
Revised Code. 123143

**Sec. 5104.043.** (A) If the department of ~~job~~ children and 123144  
~~family services~~ youth determines that an act or omission of a 123145  
child day-care center, type A family day-care home, or licensed 123146  
type B family day-care home constitutes a serious risk 123147  
noncompliance, the licensee shall notify the caretaker parent of 123148  
each child receiving care in the center or home of the 123149  
department's determination. 123150

(B) With respect to the notice required by division (A) of 123151  
this section, all of the following apply: 123152

(1) The licensee shall notify caretaker parents not later 123153  
than fifteen business days after the department informs the 123154  
licensee of the department's determination. If the licensee 123155  
requests a review of the department's determination, the licensee 123156  
shall notify caretaker parents not later than five business days 123157  
after the department has completed its review. 123158

(2) The notice shall include a statement informing each 123159  
caretaker parent of the web site maintained by the department and 123160  
the location of further information regarding the determination. 123161

(3) The licensee may provide written or electronic notice to 123162  
caretaker parents. 123163

(4) The licensee shall provide a copy of the notice to the 123164  
department. 123165

(C) The director of ~~job~~ children and ~~family services~~ youth 123166  
shall adopt rules to enforce this section. 123167

(D) The requirements of this section do not apply if the 123168

department suspends the license of a child day-care center, type A 123169  
family day-care home, or licensed type B family day-care home 123170  
pursuant to section 5104.042 of the Revised Code. 123171

**Sec. 5104.05.** (A) The director of ~~job~~ children and ~~family~~ 123172  
~~services~~ youth shall issue a license or provisional license for 123173  
the operation of a child day-care center, if the director finds, 123174  
after investigation of the applicant and inspection of the center, 123175  
that other requirements of this chapter, rules promulgated 123176  
pursuant to this chapter, and the following requirements are met: 123177

(1) The buildings in which the center is housed, subsequent 123178  
to any major modification, have been approved by the department of 123179  
commerce or a certified municipal, township, or county building 123180  
department for the purpose of operating a child day-care center. 123181  
Any structure used for the operation of a center shall be 123182  
constructed, equipped, repaired, altered, and maintained in 123183  
accordance with applicable provisions of Chapters 3781. and 3791. 123184  
of the Revised Code and with regulations adopted by the board of 123185  
building standards under Chapter 3781. of the Revised Code and 123186  
this division for the safety and sanitation of structures erected 123187  
for this purpose. 123188

(2) The state fire marshal or the fire chief or fire 123189  
prevention officer of the municipal corporation or township in 123190  
which the center is located has inspected the center annually 123191  
within the preceding license period and has found the center to be 123192  
in compliance with rules promulgated by the fire marshal pursuant 123193  
to section 3737.83 of the Revised Code regarding fire prevention 123194  
and fire safety in a child day-care center. 123195

(3) The center has received a food service operation license 123196  
under Chapter 3717. of the Revised Code if meals are to be served 123197  
to children other than children of the licensee or administrator, 123198  
whether or not a consideration is received for the meals. 123199

(B) The director of ~~job~~ children and ~~family services~~ youth 123200  
shall issue a license or provisional license for the operation of 123201  
a type A family day-care home, if the director finds, after 123202  
investigation of the applicant and inspection of the type A home, 123203  
that other requirements of this chapter, rules promulgated 123204  
pursuant to this chapter, and the following requirements are met: 123205

(1) The state fire marshal or the fire chief or fire 123206  
prevention officer of the municipal corporation or township in 123207  
which the type A family day-care home is located has inspected the 123208  
type A home annually within the preceding license period and has 123209  
found the type A home to be in compliance with rules promulgated 123210  
by the fire marshal pursuant to section 3737.83 of the Revised 123211  
Code regarding fire prevention and fire safety in a type A home. 123212

(2) The type A home is in compliance with rules set by the 123213  
director of ~~job~~ children and ~~family services~~ youth in cooperation 123214  
with the director of health pursuant to section 3701.80 of the 123215  
Revised Code regarding meal preparation and meal service in the 123216  
home. The director of ~~job~~ children and ~~family services~~ youth, in 123217  
accordance with procedures recommended by the director of health, 123218  
shall inspect each type A home to determine compliance with those 123219  
rules. 123220

(3) The type A home is in compliance with rules promulgated 123221  
by the director of ~~job~~ children and ~~family services~~ youth in 123222  
cooperation with the board of building standards regarding safety 123223  
and sanitation pursuant to section 3781.10 of the Revised Code. 123224

**Sec. 5104.052.** The director of ~~job~~ children and ~~family~~ 123225  
~~services~~ youth, in cooperation with the fire marshal pursuant to 123226  
section 3737.22 of the Revised Code, shall adopt rules regarding 123227  
fire prevention and fire safety in licensed type B family day-care 123228  
homes. In accordance with those rules, the director shall inspect 123229  
each type B home that applies to be licensed that is providing or 123230

is to provide publicly funded child care. 123231

**Sec. 5104.053.** As a precondition of approval by the state 123232  
board of education pursuant to section 3313.813 of the Revised 123233  
Code for receipt of United States department of agriculture child 123234  
and adult care food program funds established under the "National 123235  
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 123236  
amended, the provider of child care in a type B family day-care 123237  
home that is not licensed by the director of ~~job~~ children and 123238  
~~family services~~ youth shall request an inspection of the type B 123239  
home by the fire marshal, who shall inspect the type B home 123240  
pursuant to section 3737.22 of the Revised Code to determine that 123241  
it is in compliance with rules established pursuant to section 123242  
5104.052 of the Revised Code for licensed type B homes. 123243

**Sec. 5104.054.** Any type B family day-care home, whether 123244  
licensed or not licensed by the director of ~~job~~ children and 123245  
~~family services~~ youth, shall be considered to be a residential use 123246  
of property for purposes of municipal, county, and township zoning 123247  
and shall be a permitted use in all zoning districts in which 123248  
residential uses are permitted. No municipal, county, or township 123249  
zoning regulations shall require a conditional use permit or any 123250  
other special exception certification for any such type B family 123251  
day-care home. 123252

**Sec. 5104.06.** (A) The director of ~~job~~ children and ~~family~~ 123253  
~~services~~ youth shall provide consultation, technical assistance, 123254  
and training to child day-care centers, type A family day-care 123255  
homes, and type B family day-care homes to improve programs and 123256  
facilities providing child care. As part of these activities, the 123257  
director shall provide assistance in meeting the requirements of 123258  
this chapter and rules adopted pursuant to this chapter and shall 123259  
furnish information regarding child abuse identification and 123260

reporting of child abuse. 123261

(B) The director of ~~job children~~ and ~~family services youth~~ 123262  
shall provide consultation and technical assistance to county 123263  
departments of job and family services to assist the departments 123264  
with the implementation of certification of in-home aides. 123265

**Sec. 5104.07.** (A) The director of ~~job children~~ and ~~family~~ 123266  
~~services youth~~ may prescribe additional requirements for licensing 123267  
child day-care centers or type A family day-care homes that 123268  
provide publicly funded child care pursuant to this chapter and 123269  
any rules adopted under it. The director shall develop standards 123270  
as required by federal laws and regulations for child care 123271  
programs supported by federal funds. 123272

(B)(1) ~~On or before February 28, 1992, the~~ The department of 123273  
~~job children~~ and ~~family services youth~~ shall develop a statewide 123274  
plan for child care resource and referral services. The plan shall 123275  
be based upon the experiences of other states with respect to 123276  
child care resource and referral services, the experiences of 123277  
communities in this state that have child care resource and 123278  
referral service organizations, and the needs of communities in 123279  
this state that do not have child care resource and referral 123280  
service organizations. The plan shall be designed to ensure that 123281  
child care resource and referral services are available in each 123282  
county in the state to families who need child care. The 123283  
department shall consider the special needs of migrant workers 123284  
when it develops the plan and shall include in the plan procedures 123285  
designed to accommodate the needs of migrant workers. 123286

(2) In addition to the requirements described in division 123287  
(B)(1) of this section, the plan shall include all of the 123288  
following: 123289

(a) A description of the services that a child care resource 123290  
and referral service organization is required to provide to 123291

families who need child care;	123292
(b) The qualifications for a child care resource and referral service organization;	123293 123294
(c) A description of the procedures for providing federal and state funding for county or multicounty child care resource and referral service organizations;	123295 123296 123297
(d) A timetable for providing child care resource and referral services to all communities in the state;	123298 123299
(e) Uniform information gathering and reporting procedures that are designed to be used in compatible computer systems;	123300 123301
(f) Procedures for establishing statewide nonprofit technical assistance services to coordinate uniform data collection and to publish reports on child care supply, demand, and cost and to provide technical assistance to communities that do not have child care resource and referral service organizations and to existing child care resource and referral service organizations;	123302 123303 123304 123305 123306 123307
(g) Requirements governing contracts entered into under division (C) of this section, which may include limits on the percentage of funds distributed by the department that may be used for the contracts.	123308 123309 123310 123311
(C) Child care resource and referral service organizations receiving funds distributed by the department may enter into contracts with local governmental entities, nonprofit organizations including nonprofit organizations that provide child care, and individuals under which the entities, organizations, or individuals may provide child care resource and referral services in the community with those funds, if the contracts are submitted to and approved by the department prior to execution.	123312 123313 123314 123315 123316 123317 123318 123319
<b>Sec. 5104.08.</b> (A) There is hereby created in the department of <del>job children</del> and <del>family services</del> <u>youth</u> a child care advisory	123320 123321

council to advise and assist the department in the administration 123322  
of this chapter and in the development of child care. The council 123323  
shall consist of twenty-two voting members appointed by the 123324  
director of ~~job children~~ and ~~family services~~ youth with the 123325  
approval of the governor. The director of job and family services, 123326  
the director of children and youth, the director of developmental 123327  
disabilities, the director of mental health and addiction 123328  
services, the superintendent of public instruction, the director 123329  
of health, the director of commerce, and the state fire marshal 123330  
shall serve as nonvoting members of the council. 123331

Six members shall be representatives of child care centers 123332  
subject to licensing, the members to represent a variety of 123333  
centers, including nonprofit and proprietary, from different 123334  
geographical areas of the state. At least three members shall be 123335  
parents, guardians, or custodians of children receiving child care 123336  
or publicly funded child care in the child's own home, a center, a 123337  
type A home, a head start program, a licensed type B home, or a 123338  
type B home at the time of appointment. Three members shall be 123339  
representatives of in-home aides, type A homes, licensed type B 123340  
homes, or type B homes or head start programs. At least six 123341  
members shall represent county departments of job and family 123342  
services. The remaining members shall be representatives of the 123343  
teaching, child development, and health professions, and other 123344  
individuals interested in the welfare of children. At least six 123345  
members of the council shall not be employees or licensees of a 123346  
child day-care center, head start program, or type A home, or 123347  
providers operating a licensed type B home or type B home, or 123348  
in-home aides. 123349

Appointments shall be for three-year terms. Vacancies shall 123350  
be filled for the unexpired terms. A member of the council is 123351  
subject to removal by the director of ~~job children~~ and ~~family~~ 123352  
~~services~~ youth for a willful and flagrant exercise of authority or 123353

power that is not authorized by law, for a refusal or willful 123354  
neglect to perform any official duty as a member of the council 123355  
imposed by law, or for being guilty of misfeasance, malfeasance, 123356  
nonfeasance, or gross neglect of duty as a member of the council. 123357

There shall be two co-chairpersons of the council. One 123358  
co-chairperson shall be the director of ~~job~~ children and ~~family~~ 123359  
~~services~~ youth or the director's designee, and one co-chairperson 123360  
shall be elected by the members of the council. The council shall 123361  
meet as often as is necessary to perform its duties, provided that 123362  
it shall meet at least once in each quarter of each calendar year 123363  
and at the call of the co-chairpersons. The co-chairpersons or 123364  
their designee shall send to each member a written notice of the 123365  
date, time, and place of each meeting. 123366

Members of the council shall serve without compensation, but 123367  
shall be reimbursed for necessary expenses. 123368

(B) The child care advisory council shall advise the director 123369  
on matters affecting the licensing of centers, type A homes, and 123370  
type B homes and the certification of in-home aides. The council 123371  
shall make an annual report to the director of ~~job~~ children and 123372  
~~family services~~ youth that addresses the availability, 123373  
affordability, accessibility, and quality of child care and that 123374  
summarizes the recommendations and plans of action that the 123375  
council has proposed to the director during the preceding fiscal 123376  
year. The director of ~~job~~ children and ~~family services~~ youth shall 123377  
provide copies of the report to the governor, speaker and minority 123378  
leader of the house of representatives, and the president and 123379  
minority leader of the senate and, on request, shall make copies 123380  
available to the public. 123381

(C) The director of ~~job~~ children and ~~family services~~ youth 123382  
shall adopt rules in accordance with Chapter 119. of the Revised 123383  
Code to implement this section. 123384

**Sec. 5104.081.** The department of ~~job~~ children and ~~family~~ services youth shall employ at least one senior-level, full-time employee who shall manage and oversee all child care functions under the authority of the department.

**Sec. 5104.10.** No employer shall discharge, demote, suspend, or threaten to discharge, demote, suspend, or in any manner discriminate against any employee based solely on the employee taking any of the following actions:

(A) Making any good faith oral or written complaint to the director of ~~job~~ children and ~~family~~ services youth or other agency responsible for enforcing Chapter 5104. of the Revised Code regarding a violation of this chapter or the rules adopted pursuant to Chapter 5104. of the Revised Code;

(B) Instituting or causing to be instituted any proceeding against the employer under section 5104.04 of the Revised Code;

(C) Acting as a witness in any proceeding under section 5104.04 of the Revised Code;

(D) Refusing to perform work that constitutes a violation of Chapter 5104., or the rules adopted pursuant to Chapter 5104. of the Revised Code.

**Sec. 5104.12.** (A)(1) A county director of job and family services may certify in-home aides to provide publicly funded child care pursuant to this chapter and any rules adopted under it. Any in-home aide who receives a certificate pursuant to this section to provide publicly funded child care is an independent contractor and is not an employee of the county department of job and family services that issues the certificate.

(2) Every person desiring to receive certification as an in-home aide shall apply for certification to a county director of

job and family services on such forms as the director of ~~job~~ 123414  
children and ~~family services~~ youth prescribes. A county director 123415  
shall provide at no charge to each applicant a copy of rules for 123416  
certifying in-home aides adopted pursuant to this chapter. 123417

(B) To be eligible for certification as an in-home aide, a 123418  
person shall not be either of the following: 123419

(1) The owner of a center or home whose license was revoked 123420  
pursuant to section 5104.04 of the Revised Code within the 123421  
previous five years; 123422

(2) An in-home aide whose certificate was revoked under 123423  
division (C)(2) of this section within the previous five years. 123424

(C)(1) If the county director of job and family services 123425  
determines that the applicant complies with this chapter and any 123426  
rules adopted under it, the county director shall certify the 123427  
person as an in-home aide and issue the person a certificate to 123428  
provide publicly funded child care for twenty-four months. The 123429  
county director shall furnish a copy of the certificate to the 123430  
parent, custodian, or guardian. The certificate shall state the 123431  
name and address of the in-home aide, the expiration date of the 123432  
certification, and the name and telephone number of the county 123433  
director who issued the certificate. 123434

(2) The county director may revoke the certificate in either 123435  
of the following circumstances: 123436

(a) The county director determines, pursuant to rules adopted 123437  
under Chapter 119. of the Revised Code, that revocation is 123438  
necessary; 123439

(b) The in-home aide does not comply with division (C)(2) of 123440  
section 5104.32 of the Revised Code. 123441

(D)(1) The county director of job and family services shall 123442  
inspect every home of a child who is receiving publicly funded 123443

child care in the child's own home while the in-home aide is 123444  
providing the services. Inspections may be unannounced. Upon 123445  
receipt of a complaint, the county director shall investigate the 123446  
in-home aide, shall investigate the home of a child who is 123447  
receiving publicly funded child care in the child's own home, and 123448  
division (D)(2) of this section applies regarding the complaint. 123449  
The caretaker parent shall permit the county director to inspect 123450  
any part of the child's home. The county director shall prepare a 123451  
written inspection report and furnish one copy each to the in-home 123452  
aide and the caretaker parent within a reasonable time after the 123453  
inspection. 123454

(2) Upon receipt of a complaint as described in division 123455  
(D)(1) of this section, in addition to the investigations that are 123456  
required under that division, both of the following apply: 123457

(a) If the complaint alleges that a child suffered physical 123458  
harm while receiving publicly funded child care in the child's own 123459  
home from an in-home aide or that the noncompliance with law or 123460  
act alleged in the complaint involved, resulted in, or poses a 123461  
substantial risk of physical harm to a child receiving publicly 123462  
funded child care in the child's own home from an in-home aide, 123463  
the county director shall inspect the home of the child. 123464

(b) If division (D)(2)(a) of this section does not apply 123465  
regarding the complaint, the county director may inspect the home 123466  
of the child. 123467

(3) Division (D)(2) of this section does not limit, restrict, 123468  
or negate any duty of the county director to inspect a home of a 123469  
child who is receiving publicly funded child care from an in-home 123470  
aide that otherwise is imposed under this section, or any 123471  
authority of the county director to inspect such a home that 123472  
otherwise is granted under this section when the county director 123473  
believes the inspection is necessary and it is permitted under the 123474  
grant. 123475

**Sec. 5104.13.** The department of ~~job~~ children and ~~family services~~ youth shall prepare a guide describing the state statutes and rules governing the licensure of type B family day-care homes. The department may publish the guide electronically or otherwise and shall do so in a manner that the guide is accessible to the public, including type B home providers.

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**Sec. 5104.14.** All materials that are supplied by the department of ~~job~~ children and ~~family services~~ youth to type A family day-care home providers, type B family day-care home providers, in-home aides, persons seeking to be type A family day-care home providers, type B family day-care home providers, or in-home aides, and caretaker parents shall be written at no higher than the sixth grade reading level. The department may employ a readability expert to verify its compliance with this section.

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**Sec. 5104.21.** (A) The department of ~~job~~ children and ~~family services~~ youth shall register child day camps and enforce this section and sections 5104.211 and 5104.22 of the Revised Code and the rules adopted pursuant to those sections. No person, firm, organization, institution, or agency shall operate a child day camp without annually registering with the department.

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(B) A person, firm, institution, organization, or agency operating any of the following programs is exempt from the provisions of this section and sections 5104.211 and 5104.22 of the Revised Code:

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(1) A child day camp that operates for two consecutive weeks or less and for no more than a total of two weeks during each calendar year;

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(2) Supervised training, instruction, or activities of children that is conducted on an organized or periodic basis in

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specific areas or in a combination of areas for a maximum of eight 123506  
hours each week, including art, drama, dance, music, athletic 123507  
skill or sport, computers, or an educational subject; 123508

(3) Programs in which the department determines that at least 123509  
one parent, custodian, or guardian of each child attending or 123510  
participating in the child day camp is on the child day camp 123511  
activity site and is readily accessible at all times, except that 123512  
a child day camp on the premises of a parent's, custodian's, or 123513  
guardian's place of employment shall be registered in accordance 123514  
with division (A) of this section; 123515

(4) Child day camps regulated by any state department other 123516  
than the department of ~~job children~~ and ~~family services youth~~; 123517

(5) A program that provides activities for children who are 123518  
five years of age or older and is operated by any county, 123519  
township, municipal corporation, township park district created 123520  
under section 511.18 of the Revised Code, park district created 123521  
under section 1545.04 of the Revised Code, or joint recreation 123522  
district established under section 755.04 of the Revised Code. 123523

(C) A person, firm, organization, institution, or agency 123524  
operating a child day camp that is exempt under division (B) of 123525  
this section from registering under division (A) of this section 123526  
may elect to register itself under division (A) of this section. 123527  
All requirements of this section and the rules adopted pursuant to 123528  
this section shall apply to any exempt child day camp that so 123529  
elects to register. 123530

(D) The director of ~~job children~~ and ~~family services youth~~ 123531  
shall adopt pursuant to Chapter 119. of the Revised Code rules 123532  
prescribing the registration form and establishing the procedure 123533  
for the child day camps to register. The form shall state both of 123534  
the following: 123535

(1) That the child day camp administrator or the 123536

administrator's representative agrees to provide the parents of 123537  
each school-age child who attends or participates in that child 123538  
day camp with the telephone number of the county department of 123539  
health and the public children services agency of the county in 123540  
which the child day camp is located; 123541

(2) That the child day camp administrator or the 123542  
administrator's representative agrees to permit a public children 123543  
services agency or the county department of health to review or 123544  
inspect the child day camp if a complaint is made to that 123545  
department or any other state department or public children 123546  
services agency against that child day camp. 123547

(E) The department may charge a fee to register a child day 123548  
camp. The fee for each child day camp shall be twenty-five 123549  
dollars. No organization that operates, or owner of, child day 123550  
camps shall pay a fee that exceeds two hundred fifty dollars for 123551  
all of its child day camps. 123552

(F) If a child day camp that is required to register under 123553  
this section fails to register with the department in accordance 123554  
with this section or the rules adopted pursuant to it or if a 123555  
child day camp that files a registration form under this section 123556  
knowingly provides false or misleading information on the 123557  
registration form, the department shall require the child day camp 123558  
to register or register correctly and to pay a registration fee 123559  
that equals three times the registration fee as set forth in 123560  
division (E) of this section. 123561

(G) A child day camp administrator or the administrator's 123562  
representative shall provide the parents of each school-age child 123563  
who attends or participates in that child day camp with both of 123564  
the following: 123565

(1) Telephone numbers of the county department of health and 123566  
the county public children services agency of the county in which 123567

the child day camp is located; 123568

(2) A statement that the parents may contact the county 123569  
department or agency to make a complaint regarding the child day 123570  
camp. 123571

**Sec. 5104.211.** (A) The director of ~~job~~ children and ~~family~~ 123572  
~~services~~ youth may periodically conduct a random sampling of child 123573  
day camps to determine compliance with section 5104.013 of the 123574  
Revised Code. 123575

(B)(1) No child day camp shall fail to comply with section 123576  
5104.013 of the Revised Code in regards to a person it appoints or 123577  
employs. 123578

(2) If the director determines that a camp has violated 123579  
division (B)(1) of this section, the director shall do both of the 123580  
following: 123581

(a) Consider imposing a civil penalty on the camp in an 123582  
amount that shall not exceed ten per cent of the camp's gross 123583  
revenues for the full month immediately preceding the month in 123584  
which the violation occurred. If the camp was not operating for 123585  
the entire calendar month preceding the month in which the 123586  
violation occurred, the penalty shall be five hundred dollars. 123587

(b) Order the camp to initiate a criminal records check of 123588  
the person who is the subject of the violation within a specified 123589  
period of time. 123590

(3) If, within the specified period of time, the camp fails 123591  
to comply with an order to initiate a criminal records check of 123592  
the person who is the subject of the violation or to release the 123593  
person from the appointment or employment, the director shall do 123594  
both of the following: 123595

(a) Impose a civil penalty in an amount that is not less than 123596  
the amount previously imposed and that does not exceed twice the 123597

amount permitted by division (B)(2)(a) of this section; 123598

(b) Order the camp to initiate a criminal records check of 123599  
the person who is the subject of the violation within a specified 123600  
period of time. 123601

(C) If the director determines that a child day camp has 123602  
violated division (B)(1) of this section, the director may post a 123603  
notice at a prominent place at the camp that states that the camp 123604  
has failed to conduct criminal records checks of its appointees or 123605  
employees as required by section 5104.013 of the Revised Code. 123606  
Once the camp demonstrates to the department that the camp is in 123607  
compliance with that section, the director shall permit the camp 123608  
to remove the notice. 123609

(D) The director may include on the web site of the 123610  
department of ~~job children~~ and ~~family services~~ youth a list of 123611  
child day camps that the director has determined to not be in 123612  
compliance with the criminal records check requirements of section 123613  
5104.013 of the Revised Code. The director shall remove a camp's 123614  
name from the list when the camp demonstrates to the director that 123615  
the camp is in compliance with that section. 123616

(E) For the purposes of divisions (C) and (D) of this 123617  
section, a child day camp will be considered to be in compliance 123618  
with section 5104.013 of the Revised Code by doing any of the 123619  
following: 123620

(1) Requesting that the bureau of criminal identification and 123621  
investigation conduct a criminal records check regarding the 123622  
person who is the subject of the violation of division (B)(1) of 123623  
this section and, if the person does not qualify for the 123624  
appointment or employment, releasing the person from the 123625  
appointment or employment; 123626

(2) Releasing the person who is the subject of the violation 123627  
from the appointment or employment. 123628

(F) The attorney general shall commence and prosecute to 123629  
judgment a civil action in a court of competent jurisdiction to 123630  
collect any civil penalty imposed under this section that remains 123631  
unpaid. 123632

(G) This section does not apply to a child day camp that is 123633  
an approved child day camp. 123634

**Sec. 5104.22.** (A) The director of children and ~~family~~ 123635  
~~services youth~~, ~~no later than September 1, 1993,~~ and pursuant to 123636  
Chapter 119. of the Revised Code, shall adopt rules establishing a 123637  
procedure and standards for the approval of child day camps that 123638  
will enable an approved child day camp to receive public moneys 123639  
pursuant to sections 5104.30 to 5104.39 of the Revised Code. The 123640  
department of ~~job~~ children and ~~family services youth~~ may charge a 123641  
reasonable fee to inspect a child day camp to determine whether 123642  
that child day camp meets the standards set forth in this section 123643  
or in the rules adopted under this section. The department shall 123644  
approve any child day camp that meets both of the following: 123645

(1) The department inspects the camp and determines that it 123646  
meets the standards established in rules adopted under this 123647  
section; 123648

(2) The camp is accredited by the American camp association 123649  
or a nationally recognized organization that accredits child day 123650  
camps by using standards that the department has determined are 123651  
substantially similar and comparable to those of the American camp 123652  
association. The department shall approve a child day camp for a 123653  
period of one year and shall inspect an approved child day camp on 123654  
an annual basis. 123655

(B) An approved child day camp shall comply with this section 123656  
and section 5104.21 of the Revised Code and the rules adopted 123657  
pursuant to those sections. If an approved child day camp is not 123658  
in substantial compliance with those sections or rules at any 123659

time, the department shall terminate the child day camp's approval 123660  
until the child day camp complies with those sections and rules or 123661  
for a period of two years, whichever period is longer. 123662

**Sec. 5104.25.** (A) Except as otherwise provided in division 123663  
(C) of this section, no child day-care center shall permit any 123664  
person to smoke in any indoor or outdoor space that is part of the 123665  
center. 123666

The administrator of a child day-care center shall post in a 123667  
conspicuous place at the main entrance of the center a notice 123668  
stating that smoking is prohibited in any indoor or outdoor space 123669  
that is part of the center, except under the conditions described 123670  
in division (C) of this section. 123671

(B) Except as otherwise provided in division (C) of this 123672  
section, no type A family day-care home or licensed type B family 123673  
day-care home shall permit any person to smoke in any indoor or 123674  
outdoor space that is part of the home during the hours the home 123675  
is in operation. Smoking may be permitted during hours other than 123676  
the hours of operation if the administrator of the home has 123677  
provided to a parent, custodian, or guardian of each child 123678  
receiving child care at the home notice that smoking occurs or may 123679  
occur at the home when it is not in operation. 123680

The administrator of a type A family day-care home or a 123681  
licensed type B family day-care home shall post in a conspicuous 123682  
place at the main entrance of the home a notice specifying the 123683  
hours the home is in operation and stating that smoking is 123684  
prohibited during those hours in any indoor or outdoor space that 123685  
is part of the home, except under the conditions described in 123686  
division (C) of this section. 123687

(C) A child day-care center, type A family day-care home, or 123688  
licensed type B family home may allow persons to smoke at the 123689  
center or home during its hours of operation if those persons 123690

cannot be seen smoking by the children being cared for and if they  
smoke in either of the following:

(1) An indoor area that is separately ventilated from the  
rest of the center or home;

(2) An outdoor area that is so far removed from the children  
being cared for that they cannot inhale any smoke.

(D) The director of ~~job children~~ and ~~family services youth~~,  
in consultation with the director of health, shall adopt rules in  
accordance with Chapter 119. of the Revised Code to implement the  
requirements of this section. These rules may prohibit smoking in  
a child day-care center, type A family day-care home, or licensed  
type B family home if its design and structure do not allow  
persons to smoke under the conditions described in division (C) of  
this section or if repeated violations of division (A) or (B) of  
this section have occurred there.

**Sec. 5104.29.** (A) As used in this section, "early learning  
and development program" has the same meaning as "licensed child  
care program" as defined in section 5104.01 of the Revised Code.

(B) There is hereby created in the department of ~~job children~~  
and ~~family services youth~~ the step up to quality program, under  
which the department of ~~job children~~ and ~~family services youth~~, in  
cooperation with the department of education, shall develop a  
tiered quality rating and improvement system for all early  
learning and development programs in this state. The step up to  
quality program shall include all of the following components:

(1) Quality program standards for early learning and  
development programs;

(2) Accountability measures that include tiered ratings  
representing each program's level of quality;

(3) Program and provider outreach and support to help

programs meet higher standards and promote participation in the 123721  
step up to quality program; 123722

(4) Financial incentives for early learning and development 123723  
programs that provide publicly funded child care and are linked to 123724  
achieving and maintaining quality standards; 123725

(5) Parent and consumer education to help parents learn about 123726  
program quality and ratings so they can make informed choices on 123727  
behalf of their children. 123728

(C) The step up to quality program shall have the following 123729  
goals: 123730

(1) Increasing the number of low-income children, special 123731  
needs children, and children with limited English proficiency 123732  
participating in quality early learning and development programs; 123733

(2) Providing families with an easy-to-use tool for 123734  
evaluating the quality of early learning and development programs; 123735

(3) Recognizing and supporting early learning and development 123736  
programs that achieve higher levels of quality; 123737

(4) Providing incentives and supports to help early learning 123738  
and development programs implement continuous quality improvement 123739  
systems. 123740

(D) Under the step up to quality program, participating early 123741  
learning and development programs may be eligible for grants, 123742  
technical assistance, training, and other assistance. Programs 123743  
that maintain a quality rating may be eligible for unrestricted 123744  
monetary awards. 123745

(E) The tiered ratings developed pursuant to this section 123746  
shall be based on an early learning and development program's 123747  
performance in meeting program standards in the following four 123748  
domains: 123749

(1) Learning and development; 123750

(2) Administration and leadership practices;	123751
(3) Staff quality and professional development;	123752
(4) Family and community partnerships.	123753
(F) The director of <del>job children</del> and <del>family services youth</del> ,	123754
in collaboration with the superintendent of public instruction,	123755
shall adopt rules in accordance with Chapter 119. of the Revised	123756
Code to implement the step up to quality program described in this	123757
section.-	123758
<b>Sec. 5104.30.</b> (A) The department of <del>job children</del> and <del>family</del>	123759
<del>services youth</del> is hereby designated as the state agency	123760
responsible for administration and coordination of federal and	123761
state funding for publicly funded child care in this state.	123762
Publicly funded child care shall be provided to the following:	123763
(1) Recipients of transitional child care as provided under	123764
section 5104.34 of the Revised Code;	123765
(2) Participants in the Ohio works first program established	123766
under Chapter 5107. of the Revised Code;	123767
(3) Individuals who would be participating in the Ohio works	123768
first program if not for a sanction under section 5107.16 of the	123769
Revised Code and who continue to participate in a work activity,	123770
developmental activity, or alternative work activity pursuant to	123771
an assignment under section 5107.42 of the Revised Code;	123772
(4) A family receiving publicly funded child care on October	123773
1, 1997, until the family's income reaches one hundred fifty per	123774
cent of the federal poverty line;	123775
(5) Subject to available funds, other individuals determined	123776
eligible in accordance with rules adopted under section 5104.38 of	123777
the Revised Code.	123778
The department shall apply to the United States department of	123779

health and human services for authority to operate a coordinated 123780  
program for publicly funded child care, if the director of ~~job~~ 123781  
children and ~~family services~~ youth determines that the application 123782  
is necessary. For purposes of this section, the department of ~~job~~ 123783  
children and ~~family services~~ youth may enter into agreements with 123784  
other state agencies that are involved in regulation or funding of 123785  
child care. The department shall consider the special needs of 123786  
migrant workers when it administers and coordinates publicly 123787  
funded child care and shall develop appropriate procedures for 123788  
accommodating the needs of migrant workers for publicly funded 123789  
child care. 123790

(B) The department of ~~job~~ children and ~~family services~~ youth 123791  
shall distribute state and federal funds for publicly funded child 123792  
care, including appropriations of state funds for publicly funded 123793  
child care and appropriations of federal funds available under the 123794  
child care block grant act, Title IV-A, and Title XX. The 123795  
department may use any state funds appropriated for publicly 123796  
funded child care as the state share required to match any federal 123797  
funds appropriated for publicly funded child care. 123798

(C) In the use of federal funds available under the child 123799  
care block grant act, all of the following apply: 123800

(1) The department may use the federal funds to hire staff to 123801  
prepare any rules required under this chapter and to administer 123802  
and coordinate federal and state funding for publicly funded child 123803  
care. 123804

(2) Not more than five per cent of the aggregate amount of 123805  
the federal funds received for a fiscal year may be expended for 123806  
administrative costs. 123807

(3) The department shall allocate and use at least four per 123808  
cent of the federal funds for the following: 123809

(a) Activities designed to provide comprehensive consumer 123810

education to parents and the public; 123811

(b) Activities that increase parental choice; 123812

(c) Activities, including child care resource and referral 123813  
services, designed to improve the quality, and increase the 123814  
supply, of child care; 123815

(d) Establishing the step up to quality program pursuant to 123816  
section 5104.29 of the Revised Code. 123817

(4) The department shall ensure that the federal funds will 123818  
be used only to supplement, and will not be used to supplant, 123819  
federal, state, and local funds available on the effective date of 123820  
the child care block grant act for publicly funded child care and 123821  
related programs. If authorized by rules adopted by the department 123822  
pursuant to section 5104.42 of the Revised Code, county 123823  
departments of job and family services may purchase child care 123824  
from funds obtained through any other means. 123825

(D) The department shall encourage the development of 123826  
suitable child care throughout the state, especially in areas with 123827  
high concentrations of recipients of public assistance and 123828  
families with low incomes. The department shall encourage the 123829  
development of suitable child care designed to accommodate the 123830  
special needs of migrant workers. On request, the department, 123831  
through its employees or contracts with state or community child 123832  
care resource and referral service organizations, shall provide 123833  
consultation to groups and individuals interested in developing 123834  
child care. The department of ~~job children~~ and ~~family services~~ 123835  
youth may enter into interagency agreements with the department of 123836  
education, the chancellor of higher education, the department of 123837  
development, and other state agencies and entities whenever the 123838  
cooperative efforts of the other state agencies and entities are 123839  
necessary for the department of ~~job children~~ and ~~family services~~ 123840  
youth to fulfill its duties and responsibilities under this 123841

chapter.	123842
The department shall develop and maintain a registry of	123843
persons providing child care. The director shall adopt rules in	123844
accordance with Chapter 119. of the Revised Code establishing	123845
procedures and requirements for the registry's administration.	123846
(E)(1) The director shall adopt rules in accordance with	123847
Chapter 119. of the Revised Code establishing both of the	123848
following:	123849
(a) Reimbursement rates for providers of publicly funded	123850
child care not later than the first day of July in each	123851
odd-numbered year;	123852
(b) A procedure for reimbursing and paying providers of	123853
publicly funded child care.	123854
(2) In establishing reimbursement rates under division	123855
(E)(1)(a) of this section, the director shall do all of the	123856
following:	123857
(a) Use the information obtained in accordance with 45 C.F.R.	123858
98.45;	123859
(b) Establish an enhanced reimbursement rate for providers	123860
who provide child care for caretaker parents who work	123861
nontraditional hours;	123862
(c) With regard to the step up to quality program established	123863
pursuant to section 5104.29 of the Revised Code, establish	123864
enhanced reimbursement rates for child day-care providers that	123865
participate in the program.	123866
(3) In establishing reimbursement rates under division	123867
(E)(1)(a) of this section, the director may establish different	123868
reimbursement rates based on any of the following:	123869
(a) Geographic location of the provider;	123870
(b) Type of care provided;	123871

(c) Age of the child served;	123872
(d) Special needs of the child served;	123873
(e) Whether the expanded hours of service are provided;	123874
(f) Whether weekend service is provided;	123875
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	123876 123877
(h) Any other factors the director considers appropriate.	123878
<b>Sec. 5104.301.</b> A county department of job and family services may establish a program to encourage the organization of parent cooperative child day-care centers and parent cooperative type A family day-care homes for recipients of publicly funded child care. A program established under this section may include any of the following:	123879 123880 123881 123882 123883 123884
(A) Recruitment of parents interested in organizing a parent cooperative child day-care center or parent cooperative type A family day-care home;	123885 123886 123887
(B) Provision of technical assistance in organizing a parent cooperative child day-care center or parent cooperative type A family day-care home;	123888 123889 123890
(C) Assistance in the developing, conducting, and disseminating training for parents interested in organizing a parent cooperative child day-care center or parent cooperative type A family day-care home.	123891 123892 123893 123894
A county department that implements a program under this section shall receive from funds available under the child care block grant act a five thousand dollar incentive payment for each parent cooperative child day-care center or parent cooperative type A family day-care home organized pursuant to this section.	123895 123896 123897 123898 123899
Parents of children enrolled in a parent cooperative child	123900

day-care center or parent cooperative type A family day-care home 123901  
pursuant to this section shall be required to work in the center 123902  
or home a minimum of four hours per week. 123903

The director of ~~job~~ children and ~~family services~~ youth shall 123904  
adopt rules governing the establishment and operation of programs 123905  
under this section. 123906

**Sec. 5104.31.** (A) Publicly funded child care may be provided 123907  
only by the following: 123908

(1) Any of the following licensed by the department of ~~job~~ 123909  
children and ~~family services~~ youth pursuant to section 5104.03 of 123910  
the Revised Code or pursuant to rules adopted under section 123911  
5104.018 of the Revised Code: 123912

(a) A child day-care center, including a parent cooperative 123913  
child day-care center; 123914

(b) A type A family day-care home, including a parent 123915  
cooperative type A family day-care home; 123916

(c) A licensed type B family day-care home. 123917

(2) An in-home aide who has been certified by the county 123918  
department of job and family services pursuant to section 5104.12 123919  
of the Revised Code; 123920

(3) A child day camp approved pursuant to section 5104.22 of 123921  
the Revised Code; 123922

(4) A licensed preschool program; 123923

(5) A licensed school child program; 123924

(6) A border state child care provider, except that a border 123925  
state child care provider may provide publicly funded child care 123926  
only to an individual who resides in an Ohio county that borders 123927  
the state in which the provider is located. 123928

(B) Publicly funded child day-care may be provided in a 123929

child's own home only by an in-home aide. 123930

(C)(1) Except as provided in division (C)(2) of this section, 123931  
a licensed child care program may provide publicly funded child 123932  
care only if the program is rated through the step up to quality 123933  
program established pursuant to section 5104.29 of the Revised 123934  
Code. 123935

(2) A licensed child care program that is any of the 123936  
following may provide publicly funded child care without being 123937  
rated through the step up to quality program: 123938

(a) A program that operates only during the summer and for 123939  
not more than fifteen consecutive weeks; 123940

(b) A program that operates only during school breaks; 123941

(c) A program that operates only on weekday evenings, 123942  
weekends, or both; 123943

(d) A program that holds a provisional license issued under 123944  
section 5104.03 of the Revised Code; 123945

(e) A program that had its step up to quality program rating 123946  
~~removed by the department of job and family services~~ within the 123947  
previous twelve months; 123948

(f) A program that is the subject of a revocation action 123949  
initiated by the department, but the license has not yet been 123950  
revoked; 123951

(g) A program that provides publicly funded child care to 123952  
less than twenty-five per cent of the program's license capacity; 123953

(h) A program that is a type A family day-care home or 123954  
licensed type B family day-care home. 123955

**Sec. 5104.32.** (A) All purchases of publicly funded child care 123956  
shall be made under a contract entered into by a licensed child 123957  
day-care center, licensed type A family day-care home, licensed 123958

type B family day-care home, certified in-home aide, approved 123959  
child day camp, licensed preschool program, licensed school child 123960  
program, or border state child care provider and the department of 123961  
~~job children~~ and ~~family services~~ youth. All contracts for publicly 123962  
funded child care shall be contingent upon the availability of 123963  
state and federal funds. The department shall prescribe a standard 123964  
form to be used for all contracts for the purchase of publicly 123965  
funded child care, regardless of the source of public funds used 123966  
to purchase the child care. To the extent permitted by federal law 123967  
and notwithstanding any other provision of the Revised Code that 123968  
regulates state contracts or contracts involving the expenditure 123969  
of state or federal funds, all contracts for publicly funded child 123970  
care shall be entered into in accordance with the provisions of 123971  
this chapter and are exempt from any other provision of the 123972  
Revised Code that regulates state contracts or contracts involving 123973  
the expenditure of state or federal funds. 123974

(B) Each contract for publicly funded child care shall 123975  
specify at least the following: 123976

(1) That the provider of publicly funded child care agrees to 123977  
be paid for rendering services at the lower of the rate 123978  
customarily charged by the provider for children enrolled for 123979  
child care or the reimbursement rate of payment established 123980  
pursuant to section 5104.30 of the Revised Code; 123981

(2) That, if a provider provides child care to an individual 123982  
potentially eligible for publicly funded child care who is 123983  
subsequently determined to be eligible, the department agrees to 123984  
pay for all child care provided between the date the county 123985  
department of job and family services receives the individual's 123986  
completed application and the date the individual's eligibility is 123987  
determined; 123988

(3) Whether the county department of job and family services, 123989

the provider, or a child care resource and referral service 123990  
organization will make eligibility determinations, whether the 123991  
provider or a child care resource and referral service 123992  
organization will be required to collect information to be used by 123993  
the county department to make eligibility determinations, and the 123994  
time period within which the provider or child care resource and 123995  
referral service organization is required to complete required 123996  
eligibility determinations or to transmit to the county department 123997  
any information collected for the purpose of making eligibility 123998  
determinations; 123999

(4) That the provider, other than a border state child care 124000  
provider, shall continue to be licensed, approved, or certified 124001  
pursuant to this chapter and shall comply with all standards and 124002  
other requirements in this chapter and in rules adopted pursuant 124003  
to this chapter for maintaining the provider's license, approval, 124004  
or certification; 124005

(5) That, in the case of a border state child care provider, 124006  
the provider shall continue to be licensed, certified, or 124007  
otherwise approved by the state in which the provider is located 124008  
and shall comply with all standards and other requirements 124009  
established by that state for maintaining the provider's license, 124010  
certificate, or other approval; 124011

(6) Whether the provider will be paid by the ~~state~~ department 124012  
of ~~job children~~ and ~~family services~~ youth or in some other manner 124013  
as prescribed by rules adopted under section 5104.42 of the 124014  
Revised Code; 124015

(7) That the contract is subject to the availability of state 124016  
and federal funds. 124017

(C)(1) The department shall establish an automated child care 124018  
system to track attendance and calculate payments for publicly 124019  
funded child care. 124020

(2) Each eligible provider that provides publicly funded child care shall participate in the automated child care system. A provider participating in the system shall not do any of the following:

(a) Use or have possession of a personal identification number or password issued to a caretaker parent under the automated child care system;

(b) Falsify attendance records;

(c) Knowingly seek or accept payment for publicly funded child care that was not provided or for which the provider was not eligible;

(d) Knowingly seek or accept payment for child care provided to a child who resides in the provider's own home.

(D) The department may withhold any money due under this chapter and may recover through any appropriate method any money erroneously paid under this chapter if evidence demonstrates that a provider of publicly funded child care failed to comply with either of the following:

(1) The terms of the contract entered into under this section;

(2) This chapter or any rules adopted under it.

(E) If the department has evidence that a provider has employed an individual who is ineligible for employment under section 5104.013 of the Revised Code and the provider has not released the individual from employment upon notice that the individual is ineligible, the department may terminate immediately the contract entered into under this section to provide publicly funded child care.

(F) Any decision by the department concerning publicly funded child care, including the recovery of funds, overpayment

determinations, and contract terminations is final and is not 124051  
subject to appeal, hearing, or further review under Chapter 119. 124052  
of the Revised Code. 124053

**Sec. 5104.33.** (A) The department of ~~job~~ children and ~~family~~ 124054  
~~services~~ youth shall prescribe an application form for use in 124055  
making eligibility determinations for publicly funded child care. 124056  
The form shall be as brief and simple as practicable. 124057

(B) In administering the process of applying for publicly 124058  
funded child care, the county department of job and family 124059  
services shall implement policies designed to ensure that the 124060  
application process is as accessible to the public as possible. 124061  
These policies shall include making the application forms 124062  
available at appropriate locations selected by the county 124063  
department and making arrangements that enable applicants to 124064  
complete the application process at times outside their normal 124065  
working hours, and at locations, convenient for them. The 124066  
arrangements may include stationing certain of their employees at 124067  
various sites in the county for the purpose of assisting 124068  
applicants in completing the application process and of making 124069  
eligibility determinations at those locations. The arrangements 124070  
may also include providing training and technical assistance to 124071  
appropriate entities that qualify them to provide assistance in 124072  
completing the application process and, to the extent permitted by 124073  
federal law, to make eligibility determinations. 124074

Each county department of job and family services shall 124075  
submit to the department of ~~job~~ children and ~~family services~~ youth 124076  
for approval its plan for ensuring that the application process is 124077  
as accessible to the public as possible and complies with this 124078  
division. The county department shall make any changes to its plan 124079  
that the department determines are necessary for compliance with 124080  
this division and with any state standards adopted for the 124081

administration of this division. 124082

**Sec. 5104.34.** (A)(1) Each county department of job and family 124083  
services shall implement procedures for making determinations of 124084  
eligibility for publicly funded child care. Under those 124085  
procedures, the eligibility determination for each applicant shall 124086  
be made no later than thirty calendar days from the date the 124087  
county department receives a completed application for publicly 124088  
funded child care. Each applicant shall be notified promptly of 124089  
the results of the eligibility determination. An applicant 124090  
aggrieved by a decision or delay in making an eligibility 124091  
determination may appeal the decision or delay to the department 124092  
of ~~job children~~ and ~~family services~~ youth in accordance with 124093  
section 5101.35 of the Revised Code. The due process rights of 124094  
applicants shall be protected. 124095

To the extent permitted by federal law, the county department 124096  
may make all determinations of eligibility for publicly funded 124097  
child care, may contract with child care providers or child care 124098  
resource and referral service organizations for the providers or 124099  
resource and referral service organizations to make all or any 124100  
part of the determinations, and may contract with child care 124101  
providers or child care resource and referral service 124102  
organizations for the providers or resource and referral service 124103  
organizations to collect specified information for use by the 124104  
county department in making determinations. If a county department 124105  
contracts with a child care provider or a child care resource and 124106  
referral service organization for eligibility determinations or 124107  
for the collection of information, the contract shall require the 124108  
provider or resource and referral service organization to make 124109  
each eligibility determination no later than thirty calendar days 124110  
from the date the provider or resource and referral organization 124111  
receives a completed application that is the basis of the 124112  
determination and to collect and transmit all necessary 124113

information to the county department within a period of time that 124114  
enables the county department to make each eligibility 124115  
determination no later than thirty days after the filing of the 124116  
application that is the basis of the determination. 124117

The county department may station employees of the department 124118  
in various locations throughout the county to collect information 124119  
relevant to applications for publicly funded child care and to 124120  
make eligibility determinations. The county department, child care 124121  
provider, and child care resource and referral service 124122  
organization shall make each determination of eligibility for 124123  
publicly funded child care no later than thirty days after the 124124  
filing of the application that is the basis of the determination, 124125  
shall make each determination in accordance with any relevant 124126  
rules adopted pursuant to section 5104.38 of the Revised Code, and 124127  
shall notify promptly each applicant for publicly funded child 124128  
care of the results of the determination of the applicant's 124129  
eligibility. 124130

The director of ~~job children~~ and ~~family services~~ youth shall 124131  
adopt rules in accordance with Chapter 119. of the Revised Code 124132  
for monitoring the eligibility determination process. In 124133  
accordance with those rules, the state department shall monitor 124134  
eligibility determinations made by county departments of job and 124135  
family services and shall direct any entity that is not in 124136  
compliance with this division or any rule adopted under this 124137  
division to implement corrective action specified by the 124138  
department. 124139

(2)(a) All eligibility determinations for publicly funded 124140  
child care shall be made in accordance with rules adopted pursuant 124141  
to division (A) of section 5104.38 of the Revised Code. Except as 124142  
otherwise provided in this section, all of the following apply: 124143

(i) Publicly funded child care may be provided only to 124144  
eligible infants, toddlers, preschool-age children, school-age 124145

children under age thirteen, or children receiving special needs child care. 124146  
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(ii) For an applicant to be eligible for publicly funded child care, the caretaker parent must be employed or participating in a program of education or training for an amount of time reasonably related to the time that the parent's children are receiving publicly funded child care. This restriction does not apply to families whose children are eligible for protective child care. 124148  
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(iii) The eligibility period for publicly funded child care shall be at least twelve months. 124155  
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(b) In accordance with rules adopted under division (B) of section 5104.38 of the Revised Code, an applicant may receive publicly funded child care while the county department determines eligibility. An applicant may receive publicly funded child care while a county department determines eligibility only once during a twelve-month period. If the county department determines that an applicant is not eligible for publicly funded child care, the child care provider shall be paid for providing publicly funded child care for up to five days after that determination if the county department received a completed application with all required documentation. A program may appeal a denial of payment under this division. 124157  
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(c) If a caretaker parent who has been determined eligible to receive publicly funded child care no longer meets the requirements of division (A)(2)(a)(ii) of this section, the caretaker parent may continue to receive publicly funded child care for a period of at least three but not more than four months not to extend beyond the caretaker parent's eligibility period. 124169  
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(d) If a child turns thirteen, or if a child receiving special needs child care turns eighteen, during the eligibility 124175  
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period, the caretaker parent may continue to receive publicly funded child care until the end of that eligibility period.

Subject to available funds, the department of ~~job~~ children and ~~family services~~ youth shall allow a family to receive publicly funded child care unless the family's income exceeds the maximum income eligibility limit. Initial and continued eligibility for publicly funded child care is subject to available funds unless the family is receiving child care pursuant to division (A)(1), (2), (3), or (4) of section 5104.30 of the Revised Code. If the department must limit eligibility due to lack of available funds, it shall give first priority for publicly funded child care to an assistance group whose income is not more than the maximum income eligibility limit that received transitional child care in the previous month but is no longer eligible because the eligibility period has expired. Such an assistance group shall continue to receive priority for publicly funded child care until its income exceeds the maximum income eligibility limit.

(3) An assistance group that ceases to participate in the Ohio works first program established under Chapter 5107. of the Revised Code is eligible for transitional child care at any time during the immediately following twelve-month period that both of the following apply:

(a) The assistance group requires child care due to employment;

(b) The assistance group's income is not more than one hundred fifty per cent of the federal poverty line.

An assistance group ineligible to participate in the Ohio works first program pursuant to section 5101.83 or section 5107.16 of the Revised Code is not eligible for transitional child care.

(B) To the extent permitted by federal law, the department of ~~job~~ children and ~~family services~~ youth may require a caretaker

parent determined to be eligible for publicly funded child care to 124208  
pay a fee according to the schedule of fees established in rules 124209  
adopted under section 5104.38 of the Revised Code. The department 124210  
shall make protective child care services and homeless child care 124211  
services available to children without regard to the income or 124212  
assets of the caretaker parent of the child. 124213

(C) A caretaker parent receiving publicly funded child care 124214  
shall report to the entity that determined eligibility any changes 124215  
in status with respect to employment or participation in a program 124216  
of education or training not later than ten calendar days after 124217  
the change occurs. 124218

(D) If the department of ~~job children~~ and ~~family services~~ 124219  
youth determines that available resources are not sufficient to 124220  
provide publicly funded child care to all eligible families who 124221  
request it, the department may establish a waiting list. The 124222  
department may establish separate waiting lists within the waiting 124223  
list based on income. 124224

(E) A caretaker parent shall not receive publicly funded 124225  
child care from more than one child care provider per child during 124226  
a week, unless a county department grants the family an exemption 124227  
for one of the following reasons: 124228

(1) The child needs additional care during non-traditional 124229  
hours; 124230

(2) The child needs to change providers in the middle of the 124231  
week and the hours of care provided by the providers do not 124232  
overlap; 124233

(3) The child's provider is closed on scheduled school days 124234  
off or on calamity days. 124235

(F) As used in this section, "maximum income eligibility 124236  
limit" means the amount of income specified in rules adopted under 124237  
division (A) of section 5104.38 of the Revised Code. 124238

**Sec. 5104.36.** The licensee or administrator of a child day-care center, type A family day-care home, or licensed type B family day-care home, an in-home aide providing child care services, the director or administrator of an approved child day camp, and a border state child care provider shall keep a record for each eligible child, to be made available to the county department of job and family services or the department of ~~job children~~ and ~~family services~~ youth on request. The record shall include all of the following:

- (A) The name and date of birth of the child;
- (B) The name and address of the child's caretaker parent;
- (C) The name and address of the caretaker parent's place of employment or program of education or training;
- (D) The hours for which child care services have been provided for the child;
- (E) Any other information required by the county department of job and family services or the ~~state~~ department of ~~job children~~ and ~~family services~~ youth.

**Sec. 5104.38.** In addition to any other rules adopted under this chapter, the director of ~~job children~~ and ~~family youth~~ services shall adopt rules in accordance with Chapter 119. of the Revised Code governing financial and administrative requirements for publicly funded child care and establishing all of the following:

- (A) Procedures and criteria to be used in making determinations of eligibility for publicly funded child care that give priority to children of families with lower incomes and procedures and criteria for eligibility for publicly funded protective child care or homeless child care. The rules shall specify the maximum amount of income a family may have for initial

and continued eligibility. The maximum amount shall not exceed 124269  
three hundred per cent of the federal poverty line. The rules may 124270  
specify exceptions to the eligibility requirements in the case of 124271  
a family that previously received publicly funded child care and 124272  
is seeking to have the child care reinstated after the family's 124273  
eligibility was terminated. 124274

(B) Procedures under which an applicant for publicly funded 124275  
child care may receive publicly funded child care while the county 124276  
department of job and family services determines eligibility and 124277  
under which a child care provider may appeal a denial of payment 124278  
under division (A)(2)(b) of section 5104.34 of the Revised Code; 124279

(C) A schedule of fees requiring all eligible caretaker 124280  
parents to pay a fee for publicly funded child care according to 124281  
income and family size, which shall be uniform for all types of 124282  
publicly funded child care, except as authorized by rule, and, to 124283  
the extent permitted by federal law, shall permit the use of state 124284  
and federal funds to pay the customary deposits and other advance 124285  
payments that a provider charges all children who receive child 124286  
care from that provider. 124287

(D) A formula for determining the amount of state and federal 124288  
funds appropriated for publicly funded child care that may be 124289  
allocated to a county department to use for administrative 124290  
purposes; 124291

(E) Procedures to be followed by the department and county 124292  
departments in recruiting individuals and groups to become 124293  
providers of child care; 124294

(F) Procedures to be followed in establishing state or local 124295  
programs designed to assist individuals who are eligible for 124296  
publicly funded child care in identifying the resources available 124297  
to them and to refer the individuals to appropriate sources to 124298  
obtain child care; 124299

(G) Procedures to deal with fraud and abuse committed by either recipients or providers of publicly funded child care;	124300 124301
(H) Procedures for establishing a child care grant or loan program in accordance with the child care block grant act;	124302 124303
(I) Standards and procedures for applicants to apply for grants and loans, and for the department to make grants and loans;	124304 124305
(J) A definition of "person who stands in loco parentis" for the purposes of division (LL)(3) of section 5104.01 of the Revised Code;	124306 124307 124308
(K) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department;	124309 124310 124311 124312 124313
(L) If the director establishes a different reimbursement rate under division (E)(3)(d) of section 5104.30 of the Revised Code, standards and procedures for determining the amount of the higher payment that is to be issued to a child care provider based on the special needs of the child being served;	124314 124315 124316 124317 124318
(M) To the extent permitted by federal law, procedures for paying for up to thirty days of child care for a child whose caretaker parent is seeking employment, taking part in employment orientation activities, or taking part in activities in anticipation of enrolling in or attending an education or training program or activity, if the employment or the education or training program or activity is expected to begin within the thirty-day period;	124319 124320 124321 124322 124323 124324 124325 124326
(N) Any other rules necessary to carry out sections 5104.30 to 5104.43 of the Revised Code.	124327 124328
<b>Sec. 5104.382.</b> In adopting rules under division (A) of	124329

section 5104.38 of the Revised Code establishing criteria for 124330  
eligibility for publicly funded child care, the director of ~~job~~ 124331  
children and ~~family services~~ youth may prescribe the amount, 124332  
duration, and scope of benefits available as publicly funded child 124333  
care. 124334

**Sec. 5104.39.** (A) The director of ~~job~~ children and ~~family~~ 124335  
~~services~~ youth shall adopt rules in accordance with Chapter 119. 124336  
of the Revised Code establishing a procedure for monitoring the 124337  
expenditures for publicly funded child care to ensure that 124338  
expenditures do not exceed the available federal and state funds 124339  
for publicly funded child care. The department of ~~job~~ children and 124340  
~~family services~~ youth, with the assistance of the office of budget 124341  
and management and the child care advisory council created 124342  
pursuant to section 5104.08 of the Revised Code, shall monitor the 124343  
anticipated future expenditures for publicly funded child care and 124344  
shall compare those anticipated future expenditures to available 124345  
federal and state funds for publicly funded child care. Whenever 124346  
the department determines that the anticipated future expenditures 124347  
for publicly funded child care will exceed the available federal 124348  
and state funds, the department shall promptly notify the county 124349  
departments of job and family services and, before the available 124350  
state and federal funds are used, the director shall issue and 124351  
implement an administrative order that shall specify both of the 124352  
following: 124353

(1) Priorities for expending the remaining available federal 124354  
and state funds for publicly funded child care; 124355

(2) Instructions and procedures to be used by the county 124356  
departments regarding eligibility determinations. 124357

(B) The order may do any or all of the following: 124358

(1) Suspend enrollment of all new participants in any program 124359

of publicly funded child care;	124360
(2) Limit enrollment of new participants to those with incomes at or below a specified percentage of the federal poverty line;	124361 124362 124363
(3) Disenroll existing participants with income above a specified percentage of the federal poverty line;	124364 124365
(4) Change the schedule of fees paid by eligible caretaker parents that has been established pursuant to section 5104.38 of the Revised Code;	124366 124367 124368
(5) Change the rate of payment for providers of publicly funded child care that has been established pursuant to section 5104.30 of the Revised Code.	124369 124370 124371
(C) Each county department shall comply with the order no later than thirty days after it is issued.	124372 124373
(D) If after issuing an order under this section to suspend or limit enrollment of new participants or disenroll existing participants the department determines that available state and federal funds for publicly funded child care exceed the anticipated future expenditures for publicly funded child care, the director may issue and implement another administrative order increasing income eligibility levels to a specified percentage of the federal poverty line. The order shall include instructions and procedures to be used by the county departments. Each county department shall comply with the order not later than thirty days after it is issued.	124374 124375 124376 124377 124378 124379 124380 124381 124382 124383 124384
(E) The department of <del>job</del> <u>children</u> and <del>family services</del> <u>youth</u> shall do all of the following:	124385 124386
(1) Conduct a quarterly evaluation of the program of publicly funded child care that is operated pursuant to sections 5104.30 to 5104.43 of the Revised Code;	124387 124388 124389

(2) Prepare reports based upon the evaluations that specify 124390  
for each county the number of participants and amount of 124391  
expenditures; 124392

(3) Provide copies of the reports to both houses of the 124393  
general assembly and, on request, to interested parties. 124394

**Sec. 5104.42.** (A) The director of ~~job~~ children and ~~family~~ 124395  
~~services~~ youth shall adopt rules pursuant to section 111.15 of the 124396  
Revised Code establishing a payment procedure for publicly funded 124397  
child care. 124398

(B) The director, by rule adopted in accordance with section 124399  
111.15 of the Revised Code, may establish a methodology for 124400  
allocating the state and federal funds appropriated for publicly 124401  
funded child care. 124402

**Sec. 5104.44.** On receipt of a notice pursuant to section 124403  
3123.43 of the Revised Code, the department of ~~job~~ children and 124404  
~~family services~~ youth shall comply with sections 3123.41 to 124405  
3123.50 of the Revised Code and any applicable rules adopted under 124406  
section 3123.63 of the Revised Code with respect to a license or 124407  
certificate issued pursuant to this chapter. 124408

**Sec. ~~3301.90~~ 5104.50.** The governor shall create the early 124409  
childhood advisory council in accordance with 42 U.S.C. 124410  
9837b(b)(1) and shall appoint one of its members to serve as 124411  
chairperson of the council. The council shall serve as the state 124412  
advisory council on early childhood education and care, as 124413  
described in 42 U.S.C. 9837b(b)(1). In addition to the duties 124414  
specified in 42 U.S.C. 9837b(b)(1), the council shall promote 124415  
family-centered programs and services that acknowledge and support 124416  
the social, emotional, cognitive, intellectual, and physical 124417  
development of children and the vital role of families in ensuring 124418  
the well-being and success of children. 124419

Sec. 5104.51. The department of children and youth shall 124420  
license a preschool program pursuant to sections 3301.52 to 124421  
3301.59 of the Revised Code. 124422

Sec. 5104.52. (A) The department of children and youth shall 124423  
develop a diagnostic assessment designed to measure each student's 124424  
readiness for kindergarten. The kindergarten readiness assessment 124425  
shall not include components to identify gifted students. Blank 124426  
copies of the kindergarten readiness assessment shall be public 124427  
records. 124428

(B) When the kindergarten readiness assessment has been 124429  
completed, the department shall inform all school districts of its 124430  
completion and the department shall make the kindergarten 124431  
readiness assessment available to districts at no cost to the 124432  
district. 124433

(C) School districts shall administer the kindergarten 124434  
readiness assessment pursuant to section 3301.0715 of the Revised 124435  
Code beginning the first school year following the development of 124436  
the kindergarten readiness assessment. Prior to that school year, 124437  
school districts shall administer the kindergarten readiness 124438  
assessment that was developed by the department of education under 124439  
section 3301.0715 of the Revised as it existed prior to the 124440  
effective date of this section. 124441

**Sec. 5107.24.** (A) As used in this section: 124442

(1) "Adult-supervised living arrangement" means a family 124443  
setting approved, licensed, or certified by the department of job 124444  
and family services, the department of mental health and addiction 124445  
services, the department of developmental disabilities, the 124446  
department of youth services, a public children services agency, a 124447  
private child placing agency, or a private noncustodial agency 124448  
that is maintained by a person age eighteen or older who assumes 124449

responsibility for the care and control of a minor parent, 124450  
pregnant minor, or child of a minor parent or provides the minor 124451  
parent, pregnant minor, or child of a minor parent supportive 124452  
services, including counseling, guidance, and supervision. 124453  
"Adult-supervised living arrangement" does not mean a public 124454  
institution. 124455

(2) "Child of a minor parent" means a child born to a minor 124456  
parent, except that the child ceases to be considered a child of 124457  
minor parent when the minor parent attains age eighteen. 124458

(3) "Minor parent" means a parent who is under age eighteen 124459  
and is not married. 124460

(4) "Pregnant minor" means a pregnant person who is under age 124461  
eighteen and not married. 124462

(B)(1) Except as provided in division (B)(2) of this section 124463  
and to the extent permitted by Title IV-A and federal regulations 124464  
adopted under Title IV-A, a pregnant minor, minor parent, or child 124465  
of a minor parent must reside in a place of residence maintained 124466  
by a parent, guardian, custodian, or specified relative of the 124467  
pregnant minor or minor parent as the parent's, guardian's, 124468  
custodian's, or specified relative's own home to be eligible to 124469  
participate in Ohio works first. 124470

(2) To the extent permitted by Title IV-A and federal 124471  
regulations adopted under it, a pregnant minor, minor parent, or 124472  
child of a minor parent is exempt from the requirement of division 124473  
(B)(1) of this section if any of the following apply: 124474

(a) The minor parent or pregnant minor does not have a 124475  
parent, guardian, custodian, or specified relative living or whose 124476  
whereabouts are known. 124477

(b) No parent, guardian, custodian, or specified relative of 124478  
the minor parent or pregnant minor will allow the pregnant minor, 124479  
minor parent, or minor parent's child to live in the parent's, 124480

guardian's, custodian's, or specified relative's home. 124481

(c) The department of job and family services, the department 124482  
of children and youth, a county department of job and family 124483  
services, or a public children services agency determines that the 124484  
physical or emotional health or safety of the pregnant minor, 124485  
minor parent, or minor parent's child would be in jeopardy if the 124486  
pregnant minor, minor parent, or minor parent's child lived in the 124487  
same home as the parent, guardian, custodian, or specified 124488  
relative. 124489

(d) The department of job and family services, the department 124490  
of children and youth, a county department of job and family 124491  
services, or a public children services agency otherwise 124492  
determines that it is in the best interest of the pregnant minor, 124493  
minor parent, or minor parent's child to waive the requirement of 124494  
division (B)(1) of this section. 124495

(C) A pregnant minor, minor parent, or child of a minor 124496  
parent exempt from the requirement of division (B)(1) of this 124497  
section must reside in an adult-supervised living arrangement to 124498  
be eligible to participate in Ohio works first. 124499

(D) The department of job and family services, whenever 124500  
possible and to the extent permitted by Title IV-A and federal 124501  
regulations adopted under it, shall provide cash assistance under 124502  
Ohio works first to the parent, guardian, custodian, or specified 124503  
relative of a pregnant minor or minor parent on behalf of the 124504  
pregnant minor, minor parent, or minor parent's child. 124505

**Sec. 5123.02.** The department of developmental disabilities 124506  
shall do the following: 124507

(A) Promote comprehensive statewide programs and services for 124508  
persons with developmental disabilities and their families 124509  
wherever they reside in the state. These programs shall include 124510

public awareness, prevention, assessment, treatment, training, and 124511  
care. 124512

(B) Provide administrative leadership for statewide services; 124513

(C) Develop and maintain, to the extent feasible, data on all 124514  
services and programs that governmental and private agencies 124515  
provide for persons with developmental disabilities; 124516

(D) Provide leadership to local authorities in planning and 124517  
developing community-wide services for persons with developmental 124518  
disabilities and their families; 124519

(E) Promote programs of professional training and research in 124520  
cooperation with other state departments, agencies, and 124521  
institutions of higher learning; 124522

~~(F) Serve as the "lead agency," as described by 20 U.S.C. 124523  
1435(a)(10), to implement the state's part C early intervention 124524  
services program, through which early intervention services are 124525  
provided to eligible infants and toddlers in accordance with part 124526  
C of the "Individuals with Disabilities Education Act," 20 U.S.C. 124527  
1431 et seq., and regulations implementing that part in 34 C.F.R. 124528  
part 303. 124529~~

**Sec. 5123.026.** (A) The director of developmental disabilities 124530  
shall establish a technology first task force consisting of 124531  
representatives from the office of innovateohio; the departments 124532  
of developmental disabilities, education, medicaid, aging, job and 124533  
family services, mental health and addiction services, children 124534  
and youth, and transportation; and the opportunities for Ohioans 124535  
with disabilities agency. 124536

(B) The task force shall do all of the following: 124537

(1) Expand innovative technology solutions within the 124538  
operation and delivery of services to individuals with 124539  
developmental disabilities; 124540

(2) Use technology to reduce the barriers individuals with developmental disabilities experience; 124541  
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(3) Align policies for all state agencies on the task force. 124543

(C) The department of developmental disabilities may enter into interagency agreements with any of the government entities on the task force. The interagency agreements may specify either or both of the following: 124544  
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(1) The roles and responsibilities of the government entities that are members of the task force, including any money to be contributed by those entities; 124548  
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(2) The projects and activities of the task force. 124551

(D) The department and state agencies may adopt rules to implement the task force. 124552  
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**Sec. 5139.39.** The department of youth services, in the manner provided in this chapter and Chapter 2151. of the Revised Code, may transfer to a foster care facility certified by the department of ~~job children~~ and ~~family services youth~~ under section 5103.03 of the Revised Code, any child committed to it and, in the event of a transfer of that nature, unless otherwise mutually agreed, the department of youth services shall bear the cost of care and services provided for the child in the foster care facility. A juvenile court may transfer to any foster facility certified by the department of ~~job children~~ and ~~family services youth~~ any child between twelve and eighteen years of age, other than a psychotic child or a child with an intellectual disability, who has been designated a delinquent child and placed on probation by order of the juvenile court as a result of having violated any law of this state or the United States or any ordinance of a political subdivision of this state. 124554  
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**Sec. 5153.01.** (A) As used in the Revised Code, "public 124570

children services agency" means an entity specified in section 124571  
5153.02 of the Revised Code that has assumed the powers and duties 124572  
of the children services function prescribed by this chapter for a 124573  
county. 124574

(B) As used in this chapter: 124575

(1) "Certified foster home" means a foster home, as defined 124576  
in section 5103.02 of the Revised Code, certified under section 124577  
5103.03 of the Revised Code. 124578

(2) "Certified organization" means any organization holding a 124579  
certificate issued pursuant to section 5103.03 of the Revised Code 124580  
that is in full force and effect. 124581

(3) "Child" means any person under eighteen years of age or a 124582  
person with a mental or physical disability, as defined by rule 124583  
adopted by the director of ~~job~~ children and ~~family services~~ youth, 124584  
under twenty-one years of age. 124585

(4) "Executive director" means the person charged with the 124586  
responsibility of administering the powers and duties of a public 124587  
children services agency appointed pursuant to section 5153.10 of 124588  
the Revised Code. 124589

(5) "Organization" means any public, semipublic, or private 124590  
institution, including maternity homes and day nurseries, and any 124591  
private association, society, or agency, located or operating in 124592  
this state, incorporated or unincorporated, having among its 124593  
functions the furnishing of protective services or care for 124594  
children or the placement of children in certified foster homes or 124595  
elsewhere. 124596

(6) "PCSA caseworker" means an individual employed by a 124597  
public children services agency as a caseworker. 124598

(7) "PCSA caseworker supervisor" means an individual employed 124599  
by a public children services agency to supervise PCSA 124600

caseworkers. 124601

**Sec. 5153.111.** (A)(1) The executive director of a public 124602  
children services agency shall request the superintendent of the 124603  
bureau of criminal identification and investigation to conduct a 124604  
criminal records check with respect to any applicant who has 124605  
applied to the agency for employment as a person responsible for 124606  
the care, custody, or control of a child. If the applicant does 124607  
not present proof that the applicant has been a resident of this 124608  
state for the five-year period immediately prior to the date upon 124609  
which the criminal records check is requested or does not provide 124610  
evidence that within that five-year period the superintendent has 124611  
requested information about the applicant from the federal bureau 124612  
of investigation in a criminal records check, the executive 124613  
director shall request that the superintendent obtain information 124614  
from the federal bureau of investigation as a part of the criminal 124615  
records check for the applicant. If the applicant presents proof 124616  
that the applicant has been a resident of this state for that 124617  
five-year period, the executive director may request that the 124618  
superintendent include information from the federal bureau of 124619  
investigation in the criminal records check. 124620

(2) Any person required by division (A)(1) of this section to 124621  
request a criminal records check shall provide to each applicant a 124622  
copy of the form prescribed pursuant to division (C)(1) of section 124623  
109.572 of the Revised Code, provide to each applicant a standard 124624  
impression sheet to obtain fingerprint impressions prescribed 124625  
pursuant to division (C)(2) of section 109.572 of the Revised 124626  
Code, obtain the completed form and impression sheet from each 124627  
applicant, and forward the completed form and impression sheet to 124628  
the superintendent of the bureau of criminal identification and 124629  
investigation at the time the person requests a criminal records 124630  
check pursuant to division (A)(1) of this section. 124631

(3) Any applicant who receives pursuant to division (A)(2) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the applicant's fingerprints, that agency shall not employ that applicant for any position for which a criminal records check is required by division (A)(1) of this section.

(B)(1) Except as provided in rules adopted by the director of ~~job children~~ and ~~family services~~ youth in accordance with division (E) of this section, no public children services agency shall employ a person as a person responsible for the care, custody, or control of a child if the person previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the

violation occurred prior to that date, a violation of section 124664  
2925.11 of the Revised Code that is not a minor drug possession 124665  
offense, or felonious sexual penetration in violation of former 124666  
section 2907.12 of the Revised Code; 124667

(b) A violation of an existing or former law of this state, 124668  
any other state, or the United States that is substantially 124669  
equivalent to any of the offenses or violations described in 124670  
division (B)(1)(a) of this section. 124671

(2) A public children services agency may employ an applicant 124672  
conditionally until the criminal records check required by this 124673  
section is completed and the agency receives the results of the 124674  
criminal records check. If the results of the criminal records 124675  
check indicate that, pursuant to division (B)(1) of this section, 124676  
the applicant does not qualify for employment, the agency shall 124677  
release the applicant from employment. 124678

(C)(1) Each public children services agency shall pay to the 124679  
bureau of criminal identification and investigation the fee 124680  
prescribed pursuant to division (C)(3) of section 109.572 of the 124681  
Revised Code for each criminal records check conducted in 124682  
accordance with that section upon the request pursuant to division 124683  
(A)(1) of this section of the executive director of the agency. 124684

(2) A public children services agency may charge an applicant 124685  
a fee for the costs it incurs in obtaining a criminal records 124686  
check under this section. A fee charged under this division shall 124687  
not exceed the amount of fees the agency pays under division 124688  
(C)(1) of this section. If a fee is charged under this division, 124689  
the agency shall notify the applicant at the time of the 124690  
applicant's initial application for employment of the amount of 124691  
the fee and that, unless the fee is paid, the agency will not 124692  
consider the applicant for employment. 124693

(D) The report of any criminal records check conducted by the 124694

bureau of criminal identification and investigation in accordance 124695  
with section 109.572 of the Revised Code and pursuant to a request 124696  
under division (A)(1) of this section is not a public record for 124697  
the purposes of section 149.43 of the Revised Code and shall not 124698  
be made available to any person other than the applicant who is 124699  
the subject of the criminal records check or the applicant's 124700  
representative, the public children services agency requesting the 124701  
criminal records check or its representative, and any court, 124702  
hearing officer, or other necessary individual involved in a case 124703  
dealing with the denial of employment to the applicant. 124704

(E) The director of ~~job children and family services~~ youth 124705  
shall adopt rules pursuant to Chapter 119. of the Revised Code to 124706  
implement this section, including rules specifying circumstances 124707  
under which a public children services agency may hire a person 124708  
who has been convicted of an offense listed in division (B)(1) of 124709  
this section but who meets standards in regard to rehabilitation 124710  
set by the department. 124711

(F) Any person required by division (A)(1) of this section to 124712  
request a criminal records check shall inform each person, at the 124713  
time of the person's initial application for employment, that the 124714  
person is required to provide a set of impressions of the person's 124715  
fingerprints and that a criminal records check is required to be 124716  
conducted and satisfactorily completed in accordance with section 124717  
109.572 of the Revised Code if the person comes under final 124718  
consideration for appointment or employment as a precondition to 124719  
employment for that position. 124720

(G) As used in this section: 124721

(1) "Applicant" means a person who is under final 124722  
consideration for appointment or employment in a position with the 124723  
agency as a person responsible for the care, custody, or control 124724  
of a child. 124725

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 124726  
124727

(3) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code. 124728  
124729

**Sec. 5153.113.** (A)(1) As used in this section, "applicant" has the same meaning as in section 5153.111 of the Revised Code, and includes an intern applicant or a volunteer applicant. 124730  
124731  
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(2) "Intern applicant" means a trainee seeking practical educational and career experience who is under consideration for a position with a public children services agency to work, with or without monetary gain or compensation, as a person responsible for the care, custody, or control of a child; 124733  
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(3) "Volunteer applicant" means a person who is under consideration for a position with a public children services agency to perform services within the agency voluntarily, without monetary gain or compensation, as a person responsible for the care, custody, or control of a child. 124738  
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(B) Notwithstanding division (I)(1) of section 2151.421, section 5153.17, and any other section of the Revised Code pertaining to confidentiality, before a public children services agency employs an applicant, the executive director of the agency, or the executive director's designee within the agency, shall review promptly any information the agency determines to be relevant for the purpose of evaluating the fitness of the applicant, including, but not limited to, the following: 124743  
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(1) Abuse and neglect reports made pursuant to section 2151.421 of the Revised Code of which the applicant is the subject where it has been determined that abuse or neglect occurred; 124751  
124752  
124753

(2) The final disposition of investigations of the abuse and neglect reports, or if the investigations have not been completed, 124754  
124755

the status of the investigations; 124756

(3) Any underlying documentation concerning the reports. 124757

(C) The information reviewed under division (B) of this 124758  
section shall not include the name of the person or entity that 124759  
made the report or participated in the making of the report of 124760  
child abuse or neglect. 124761

(D) The director of ~~job~~ children and ~~family services~~ youth 124762  
shall adopt rules pursuant to Chapter 119. of the Revised Code to 124763  
implement this section. 124764

**Sec. 5153.121.** (A) The board of county commissioners and the 124765  
county children services board may agree to permit any employee of 124766  
the department of ~~job~~ children and ~~family services~~ youth also to 124767  
perform duties for the county children services board, or to 124768  
permit any employee of the county children services board also to 124769  
perform duties for the department of ~~job~~ children and ~~family~~ 124770  
~~services~~ youth. 124771

(B) An agreement made under division (A) of this section may 124772  
require the board of county commissioners to pay a portion of the 124773  
wages of any employee of the county children services board who 124774  
also performs duties for the department of ~~job~~ children and ~~family~~ 124775  
~~services~~ youth or require the county children services board to 124776  
pay a portion of the wages of any employee of the department of 124777  
~~job~~ children and ~~family services~~ youth who also performs duties 124778  
for the county children services board. 124779

**Sec. 5153.122.** Each PCSA caseworker hired after January 1, 124780  
2007, shall complete at least one hundred two hours of in-service 124781  
training during the first year of the caseworker's continuous 124782  
employment as a PCSA caseworker, except that the executive 124783  
director of the public children services agency may waive the 124784  
training requirement for a school of social work graduate who 124785

participated in the university partnership program described in	124786
division (E) of section 5101.141 of the Revised Code and as	124787
provided in section 5153.124 of the Revised Code. The training	124788
shall consist of courses in all of the following:	124789
(A) Recognizing, accepting reports of, and preventing child	124790
abuse, neglect, and dependency;	124791
(B) Assessing child safety;	124792
(C) Assessing risks;	124793
(D) Interviewing persons;	124794
(E) Investigating cases;	124795
(F) Intervening;	124796
(G) Providing services to children and their families;	124797
(H) The importance of and need for accurate data;	124798
(I) Preparation for court;	124799
(J) Maintenance of case record information;	124800
(K) The legal duties of PCSA caseworkers to protect the	124801
constitutional and statutory rights of children and families from	124802
the initial time of contact during investigation through	124803
treatment, including instruction regarding parents' rights and the	124804
limitations that the Fourth Amendment to the United States	124805
Constitution places upon caseworkers and their investigations;	124806
(L) Content on other topics relevant to child abuse, neglect,	124807
and dependency, including permanency strategies, concurrent	124808
planning, and adoption as an option for unintended pregnancies.	124809
After a PCSA caseworker's first year of continuous employment	124810
as a PCSA caseworker, the caseworker annually shall complete	124811
thirty-six hours of training in areas relevant to the caseworker's	124812
assigned duties.	124813
During the first two years of continuous employment as a PCSA	124814

caseworker, each PCSA caseworker shall complete at least twelve 124815  
hours of training in recognizing the signs of domestic violence 124816  
and its relationship to child abuse as established in rules the 124817  
director of ~~job~~ children and ~~family services~~ youth shall adopt 124818  
pursuant to Chapter 119. of the Revised Code. The twelve hours may 124819  
be in addition to the training required during the caseworker's 124820  
first year of employment or part of the training required during 124821  
the second year of employment. 124822

**Sec. 5153.123.** Each PCSA caseworker supervisor shall complete 124823  
at least sixty hours of in-service training during the first year 124824  
of the supervisor's continuous employment as a PCSA caseworker 124825  
supervisor. The training shall include courses in screening 124826  
reports of child abuse, neglect, or dependency. After a PCSA 124827  
caseworker supervisor's first year of continuous employment as a 124828  
PCSA caseworker supervisor, the supervisor annually shall complete 124829  
thirty hours of training in areas relevant to the supervisor's 124830  
assigned duties. During the first two years of continuous 124831  
employment as a PCSA caseworker supervisor, each PCSA caseworker 124832  
supervisor shall complete at least twelve hours of training in 124833  
recognizing the signs of domestic violence and its relationship to 124834  
child abuse as established in rules the director of ~~job~~ children 124835  
and ~~family services~~ youth shall adopt pursuant to Chapter 119. of 124836  
the Revised Code. The twelve hours may be in addition to the 124837  
training required during the supervisor's first year of employment 124838  
or part of the training required during the second year of 124839  
employment. 124840

**Sec. 5153.124.** (A)(1) The director of ~~job~~ children and ~~family~~ 124841  
~~services~~ youth shall adopt rules as necessary to implement the 124842  
training requirements of sections 5153.122 and 5153.123 of the 124843  
Revised Code. 124844

(2) Not later than nine months after ~~the effective date of~~ 124845

~~the amendment to this section by H.B. 110 of the 134th general assembly September 30, 2021,~~ the director shall adopt rules in accordance with Chapter 119. of the Revised Code to establish the circumstances under which an executive director of a public children services agency may waive portions of in-service training for PCSA caseworkers, in addition to the waiver described in section 5153.122 of the Revised Code.

(B) Notwithstanding sections 5103.33 to 5103.422 and sections 5153.122 to 5153.127 of the Revised Code, the department of ~~job children and family services~~ youth may require additional training for PCSA caseworkers and PCSA caseworker supervisors as necessary to comply with federal requirements.

**Sec. 5153.14.** The executive director shall prepare and submit an annual report to the public children services agency at the end of each calendar year and shall file copies of such report with the department of ~~job children and family services~~ youth, the board of county commissioners, and the juvenile court. The executive director shall submit the inspection reports required under section 5153.16 of the Revised Code and such other reports as are required by law, by the rules of the director of ~~job children and family services~~ youth, or by the board of county commissioners to specified governmental bodies and officers and shall provide reports to the public, when so authorized.

**Sec. 5153.16.** (A) Except as provided in section 2151.422 of the Revised Code, in accordance with rules adopted under section 5153.166 of the Revised Code, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency shall do all of the following:

(1) Make an investigation concerning any child alleged to be

an abused, neglected, or dependent child; 124876

(2) Enter into agreements with the parent, guardian, or other 124877  
person having legal custody of any child, or with the department 124878  
of ~~job~~ children and ~~family services~~ youth, department of mental 124879  
health and addiction services, department of developmental 124880  
disabilities, other department, any certified organization within 124881  
or outside the county, or any agency or institution outside the 124882  
state, having legal custody of any child, with respect to the 124883  
custody, care, or placement of any child, or with respect to any 124884  
matter, in the interests of the child, provided the permanent 124885  
custody of a child shall not be transferred by a parent to the 124886  
public children services agency without the consent of the 124887  
juvenile court; 124888

(3) Accept custody of children committed to the public 124889  
children services agency by a court exercising juvenile 124890  
jurisdiction; 124891

(4) Provide such care as the public children services agency 124892  
considers to be in the best interests of any child adjudicated to 124893  
be an abused, neglected, or dependent child the agency finds to be 124894  
in need of public care or service; 124895

(5) Provide social services to any unmarried girl adjudicated 124896  
to be an abused, neglected, or dependent child who is pregnant 124897  
with or has been delivered of a child; 124898

(6) Make available to the children with medical handicaps 124899  
program of the department of health at its request any information 124900  
concerning a child with a disability found to be in need of 124901  
treatment under sections 3701.021 to 3701.028 of the Revised Code 124902  
who is receiving services from the public children services 124903  
agency; 124904

(7) Provide temporary emergency care for any child considered 124905  
by the public children services agency to be in need of such care, 124906

without agreement or commitment; 124907

(8) Find certified foster homes, within or outside the 124908  
county, for the care of children, including children with 124909  
disabilities from other counties attending special schools in the 124910  
county; 124911

(9) Subject to the approval of the board of county 124912  
commissioners and the ~~state~~ department of ~~job children~~ and ~~family~~ 124913  
~~services youth~~, establish and operate a training school or enter 124914  
into an agreement with any municipal corporation or other 124915  
political subdivision of the county respecting the operation, 124916  
acquisition, or maintenance of any children's home, training 124917  
school, or other institution for the care of children maintained 124918  
by such municipal corporation or political subdivision; 124919

(10) Acquire and operate a county children's home, establish, 124920  
maintain, and operate a receiving home for the temporary care of 124921  
children, or procure certified foster homes for this purpose; 124922

(11) Enter into an agreement with the trustees of any 124923  
district children's home, respecting the operation of the district 124924  
children's home in cooperation with the other county boards in the 124925  
district; 124926

(12) Cooperate with, make its services available to, and act 124927  
as the agent of persons, courts, the department of ~~job children~~ 124928  
and ~~family services youth~~, the department of health, and other 124929  
organizations within and outside the state, in matters relating to 124930  
the welfare of children, except that the public children services 124931  
agency shall not be required to provide supervision of or other 124932  
services related to the exercise of parenting time rights granted 124933  
pursuant to section 3109.051 or 3109.12 of the Revised Code or 124934  
companionship or visitation rights granted pursuant to section 124935  
3109.051, 3109.11, or 3109.12 of the Revised Code unless a 124936  
juvenile court, pursuant to Chapter 2151. of the Revised Code, or 124937

a common pleas court, pursuant to division (E)(6) of section 124938  
3113.31 of the Revised Code, requires the provision of supervision 124939  
or other services related to the exercise of the parenting time 124940  
rights or companionship or visitation rights; 124941

(13) Make investigations at the request of any superintendent 124942  
of schools in the county or the principal of any school concerning 124943  
the application of any child adjudicated to be an abused, 124944  
neglected, or dependent child for release from school, where such 124945  
service is not provided through a school attendance department; 124946

(14) Administer funds provided under Title IV-E of the 124947  
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 124948  
amended, in accordance with rules adopted under section 5101.141 124949  
of the Revised Code; 124950

(15) In addition to administering Title IV-E adoption 124951  
assistance funds, enter into agreements to make adoption 124952  
assistance payments under section 5153.163 of the Revised Code; 124953

(16) Implement a system of safety and risk assessment, in 124954  
accordance with rules adopted by the director of ~~job~~ children and 124955  
~~family services~~ youth, to assist the public children services 124956  
agency in determining the risk of abuse or neglect to a child; 124957

(17) Enter into a plan of cooperation with the board of 124958  
county commissioners under section 307.983 of the Revised Code and 124959  
comply with each fiscal agreement the board enters into under 124960  
section 307.98 of the Revised Code that include family services 124961  
duties of public children services agencies and contracts the 124962  
board enters into under sections 307.981 and 307.982 of the 124963  
Revised Code that affect the public children services agency; 124964

(18) Make reasonable efforts to prevent the removal of an 124965  
alleged or adjudicated abused, neglected, or dependent child from 124966  
the child's home, eliminate the continued removal of the child 124967  
from the child's home, or make it possible for the child to return 124968

home safely, except that reasonable efforts of that nature are not 124969  
required when a court has made a determination under division 124970  
(A)(2) of section 2151.419 of the Revised Code; 124971

(19) Make reasonable efforts to place the child in a timely 124972  
manner in accordance with the permanency plan approved under 124973  
division (E) of section 2151.417 of the Revised Code and to 124974  
complete whatever steps are necessary to finalize the permanent 124975  
placement of the child; 124976

(20) Administer a Title IV-A program identified under 124977  
division (A)(4)(c) or (g) of section 5101.80 of the Revised Code 124978  
that the department of ~~job~~ children and ~~family services~~ youth 124979  
provides for the public children services agency to administer 124980  
under the department's supervision pursuant to section 5101.801 of 124981  
the Revised Code; 124982

(21) Administer the kinship permanency incentive program 124983  
created under section 5101.802 of the Revised Code under the 124984  
supervision of the director of ~~job~~ children and ~~family services~~ 124985  
youth; 124986

(22) Provide independent living services pursuant to sections 124987  
2151.81 to 2151.84 of the Revised Code; 124988

(23) File a missing child report with a local law enforcement 124989  
agency upon becoming aware that a child in the custody of the 124990  
public children services agency is or may be missing. 124991

(B) The public children services agency shall use the system 124992  
implemented pursuant to division (A)(16) of this section in 124993  
connection with an investigation undertaken pursuant to division 124994  
(G)(1) of section 2151.421 of the Revised Code to assess both of 124995  
the following: 124996

(1) The ongoing safety of the child; 124997

(2) The appropriateness of the intensity and duration of the 124998

services provided to meet child and family needs throughout the 124999  
duration of a case. 125000

(C) Except as provided in section 2151.422 of the Revised 125001  
Code, in accordance with rules of the director of ~~job~~ children and 125002  
~~family services~~ youth, and on behalf of children in the county 125003  
whom the public children services agency considers to be in need 125004  
of public care or protective services, the public children 125005  
services agency may do the following: 125006

(1) Provide or find, with other child serving systems, 125007  
specialized foster care for the care of children in a specialized 125008  
foster home, as defined in section 5103.02 of the Revised Code, 125009  
certified under section 5103.03 of the Revised Code; 125010

(2)(a) Except as limited by divisions (C)(2)(b) and (c) of 125011  
this section, contract with the following for the purpose of 125012  
assisting the agency with its duties: 125013

(i) County departments of job and family services; 125014

(ii) Boards of alcohol, drug addiction, and mental health 125015  
services; 125016

(iii) County boards of developmental disabilities; 125017

(iv) Regional councils of political subdivisions established 125018  
under Chapter 167. of the Revised Code; 125019

(v) Private and government providers of services; 125020

(vi) Managed care organizations and prepaid health plans. 125021

(b) A public children services agency contract under division 125022  
(C)(2)(a) of this section regarding the agency's duties under 125023  
section 2151.421 of the Revised Code may not provide for the 125024  
entity under contract with the agency to perform any service not 125025  
authorized by the department's rules. 125026

(c) Only a county children services board appointed under 125027  
section 5153.03 of the Revised Code that is a public children 125028

services agency may contract under division (C)(2)(a) of this 125029  
section. If an entity specified in division (B) or (C) of section 125030  
5153.02 of the Revised Code is the public children services agency 125031  
for a county, the board of county commissioners may enter into 125032  
contracts pursuant to section 307.982 of the Revised Code 125033  
regarding the agency's duties. 125034

**Sec. 5153.163.** (A) As used in this section: 125035

(1) "Adoptive parent" means, as the context requires, a 125036  
prospective adoptive parent or an adoptive parent. 125037

(2) "Relative" has the same meaning as in section 5101.141 of 125038  
the Revised Code. 125039

(B)(1) Before a child's adoption is finalized, a public 125040  
children services agency may enter into an agreement with the 125041  
child's adoptive parent under which the agency, to the extent 125042  
state funds are available, may make state adoption maintenance 125043  
subsidy payments as needed on behalf of the child when all of the 125044  
following apply: 125045

(a) The child is a child with special needs. 125046

(b) The child was placed in the adoptive home by a public 125047  
children services agency or a private child placing agency and may 125048  
legally be adopted. 125049

(c) The adoptive parent has the capability of providing the 125050  
permanent family relationships needed by the child. 125051

(d) The needs of the child are beyond the economic resources 125052  
of the adoptive parent. 125053

(e) Acceptance of the child as a member of the adoptive 125054  
parent's family would not be in the child's best interest without 125055  
payments on the child's behalf under this section. 125056

(f) The gross income of the adoptive parent's family does not 125057

exceed one hundred twenty per cent of the median income of a 125058  
family of the same size, including the child, as most recently 125059  
determined for this state by the secretary of health and human 125060  
services under Title XX of the "Social Security Act," 88 Stat. 125061  
2337, 42 U.S.C.A. 1397, as amended. 125062

(g) The child is not eligible for adoption assistance 125063  
payments under Title IV-E of the "Social Security Act," 94 Stat. 125064  
501 (1980), 42 U.S.C.A. 671, as amended. 125065

(2) State adoption maintenance subsidy payment agreements 125066  
must be made by either the public children services agency that 125067  
has permanent custody of the child or the public children services 125068  
agency of the county in which the private child placing agency 125069  
that has permanent custody of the child is located. 125070

(3) State adoption maintenance subsidy payments shall be made 125071  
in accordance with the agreement between the public children 125072  
services agency and the adoptive parent and are subject to an 125073  
annual redetermination of need. 125074

(4) Payments under this division may begin either before or 125075  
after issuance of the final adoption decree, except that payments 125076  
made before issuance of the final adoption decree may be made only 125077  
while the child is living in the adoptive parent's home. 125078  
Preadoption payments may be made for not more than twelve months, 125079  
unless the final adoption decree is not issued within that time 125080  
because of a delay in court proceedings. Payments that begin 125081  
before issuance of the final adoption decree may continue after 125082  
its issuance. 125083

(C)(1) A public children services agency may enter into an 125084  
agreement with a child's relative under which the agency, to the 125085  
extent state funds are available, may provide state kinship 125086  
guardianship assistance as needed on behalf of the child when all 125087  
of the following apply: 125088

(a) The relative has cared for the eligible child as a foster caregiver as defined by section 5103.02 of the Revised Code for at least six consecutive months. 125089  
125090  
125091

(b) Both of the following apply: 125092

(i) A juvenile court issued an order granting legal custody of the child to the relative, or a probate court issued an order granting guardianship of the child to the relative, and the order is not a temporary court order. 125093  
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(ii) The relative has committed to care for the child on a permanent basis. 125097  
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(c) The relative signed a state kinship guardianship assistance agreement prior to assuming legal guardianship or legal custody of the child. 125099  
125100  
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(d) The child had been removed from home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child. 125102  
125103  
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(e) Returning the child home or adoption are not appropriate permanency options for the child. 125106  
125107

(f) The child demonstrates a strong attachment to the relative and the relative has a strong commitment to caring permanently for the child. 125108  
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125110

(g) With respect to a child who has attained fourteen years of age, the child has been consulted regarding the state kinship guardianship assistance arrangement. 125111  
125112  
125113

(h) The child is not eligible for kinship guardianship assistance payments under Title IV-E of the "Social Security Act," 42 U.S.C. 673(d), as amended. 125114  
125115  
125116

(2) The public children services agency that had custody of a child immediately prior to a court granting legal custody or 125117  
125118

guardianship of the child to a relative of the child described in 125119  
division (C)(1) of this section is authorized to enter into a 125120  
state kinship guardianship assistance agreement with that 125121  
relative. 125122

(3) State kinship guardianship assistance for a child shall 125123  
be provided in accordance with a state kinship guardianship 125124  
assistance agreement entered into between the public children 125125  
services agency and relative of the child described in division 125126  
(C)(1) of this section and is subject to an annual redetermination 125127  
of need. 125128

(4) Not later than fifteen months after ~~the effective date of~~ 125129  
~~this section~~ September 30, 2021, if the amended state plan 125130  
submitted under Title IV-E to implement 42 U.S.C. 673(d) as 125131  
described in section 5101.1416 of the Revised Code is approved, 125132  
division (C) of this section shall be implemented. 125133

(D) No payment shall be made under division (B) or (C) of 125134  
this section on behalf of any person eighteen years of age or 125135  
older beyond the end of the school year during which the person 125136  
attains the age of eighteen or on behalf of a person with a mental 125137  
or physical disability twenty-one years of age or older. 125138

(E) The director of ~~job children~~ and ~~family services~~ youth 125139  
shall adopt rules in accordance with Chapter 119. of the Revised 125140  
Code that are needed to implement this section. The rules shall 125141  
establish all of the following: 125142

(1) The application process for all forms of assistance 125143  
provided under this section; 125144

(2) The method to determine the amount of assistance payable 125145  
under division (B) of this section; 125146

(3) The definition of "child with special needs" for this 125147  
section; 125148

(4) The process whereby a child's continuing need for services provided under division (B) or (C) of this section is annually redetermined; 125149  
125150  
125151

(5) Any other rule, requirement, or procedure the department considers appropriate for the implementation of this section. 125152  
125153

(F) The state adoption special services subsidy program ceases to exist on July 1, 2004, except that, subject to the findings of the annual redetermination process established under division (E) of this section and the child's individual need for services, a public children services agency may continue to provide state adoption special services subsidy payments on behalf of a child for whom payments were being made prior to July 1, 2004. 125154  
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(G) Benefits and services provided under this section are inalienable whether by way of assignment, charge, or otherwise and exempt from execution, attachment, garnishment, and other like processes. 125162  
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**Sec. 5153.166.** In addition to other rules specifically authorized by the Revised Code, the director of ~~job~~ children and ~~family services~~ youth may adopt rules governing public children services agencies' performance of their family services duties, including the family services duties that public children services agencies have under sections 5153.16 to 5153.19 of the Revised Code. 125166  
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**Sec. 5153.17.** The public children services agency shall prepare and keep written records of investigations of families, children, and foster homes, and of the care, training, and treatment afforded children, and shall prepare and keep such other records as are required by the department of ~~job~~ children and ~~family services~~ youth. Such records shall be confidential, but, 125173  
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except as provided by division (B) of section 3107.17 of the Revised Code, shall be open to inspection by the agency, the director of ~~job~~ children and ~~family services~~ youth, and the director of the county department of job and family services, and by other persons upon the written permission of the executive director.

**Sec. 5153.175.** (A) Notwithstanding division (I)(1) of section 2151.421, section 5153.17, and any other section of the Revised Code pertaining to confidentiality, when a public children services agency has determined that child abuse or neglect occurred and that abuse or neglect involves a person who has applied for licensure as a type A family day-care home or type B family day-care home, the agency shall promptly provide to the department of ~~job~~ children and ~~family services~~ youth any information the agency determines to be relevant for the purpose of evaluating the fitness of the person, including, but not limited to, both of the following:

(1) A summary report of the chronology of abuse and neglect reports made pursuant to section 2151.421 of the Revised Code of which the person is the subject where the agency determined that abuse or neglect occurred and the final disposition of the investigation of the reports or, if the investigations have not been completed, the status of the investigations;

(2) Any underlying documentation concerning those reports.

(B) The agency shall not include in the information provided to the department under division (A) of this section the name of the person or entity that made the report or participated in the making of the report of child abuse or neglect.

(C) Upon provision of information under division (A) of this section, the agency shall notify the department of both of the following:

(1) That the information is confidential; 125210

(2) That unauthorized dissemination of the information is a 125211  
violation of division (I)(2) of section 2151.421 of the Revised 125212  
Code and any person who permits or encourages unauthorized 125213  
dissemination of the information is guilty of a misdemeanor of the 125214  
fourth degree pursuant to section 2151.99 of the Revised Code. 125215

**Sec. 5153.20.** (A)(1) Except as provided in division (B) of 125216  
this section, the cost of care furnished by the public children 125217  
services agency or the board of county commissioners to any child 125218  
having a legal residence in another county shall be charged to the 125219  
county of legal residence. No expense shall be incurred by the 125220  
agency or the board of county commissioners, on account of such 125221  
care, except for temporary or emergency care, without the consent 125222  
of the agency or board of county commissioners, or as provided by 125223  
this section. If such consent cannot be obtained the board of 125224  
county commissioners may file a petition in the court of common 125225  
pleas of the county in which the child is found for a 125226  
determination of legal residence of such child. Summons in such a 125227  
proceeding shall be served, as in other civil actions, upon the 125228  
board of county commissioners and the executive director of the 125229  
agency of the county alleged to be the county of legal residence, 125230  
but the answer day shall be the tenth day after the issuance of 125231  
such summons. The return day shall be the fifth day after issuance 125232  
of the summons. The cause shall be set for hearing not less than 125233  
ten nor more than thirty days after the issuance of the summons. 125234  
The finding and determination by the court upon such application, 125235  
subject to the right of appeal, shall be final and conclusive as 125236  
to the county chargeable under this section with the costs of the 125237  
care of such child. The board of county commissioners out of its 125238  
general funds shall reimburse the agency furnishing such care, 125239  
upon receipt of itemized statements. 125240

(2) Any moneys received by the agency furnishing such care 125241  
from persons liable for the cost of any part of such care, by 125242  
agreement or otherwise, shall be credited to the county of legal 125243  
residence. 125244

(3) The agency may remove and deliver any child, having legal 125245  
residence in another county in Ohio and deemed to be in need of 125246  
public care, to the public children services agency of the county 125247  
of legal residence. All cost incidental to the transportation of 125248  
such child and of any escort required shall be paid by the public 125249  
children services agency which delivers back the child. With the 125250  
approval of the department of ~~job children~~ and ~~family services~~ 125251  
youth, any child whose legal residence has been found to be in 125252  
another state or country may be transferred to the department for 125253  
return to the place of legal residence, or such child may be 125254  
returned by the agency. All costs incidental to the transportation 125255  
of such child and of any escort required shall be paid by the 125256  
department of ~~job children~~ and ~~family services~~ youth if it returns 125257  
the child, otherwise the cost shall be paid by the agency, subject 125258  
in either case to such reimbursement as may be obtained from the 125259  
responsible persons or authorities of the place of legal 125260  
residence. The department of ~~job children~~ and ~~family services~~ 125261  
youth may enter into agreements with the authorities of other 125262  
states relative to the placement and return of children. 125263

(B)(1) If a court determines that reasonable efforts have 125264  
been made to prevent removal of an adopted child from the child's 125265  
home pursuant to section 2151.419 of the Revised Code and an 125266  
adopted child is placed in the temporary or permanent custody of a 125267  
public children services agency or a private child placing agency 125268  
within thirty-six months of the date that the child's adoption was 125269  
finalized, the agency that previously held permanent custody of 125270  
the child when the child was placed with the adoptive parent shall 125271  
be given opportunity to participate in planning for the child's 125272

care and treatment and shall assume fifty per cent of the 125273  
financial responsibility for the care and treatment. Shared 125274  
planning and financial responsibility shall cease on the first day 125275  
of the thirty-seventh month after the date that the child's 125276  
adoption was finalized and, on this date, the custodial agency 125277  
shall then assume full planning and financial responsibility. The 125278  
custodial agency and the agency that previously held permanent 125279  
custody of the child may enter into a written agreement for shared 125280  
financial responsibility that differs from the responsibilities 125281  
allocated in this division. 125282

(2) Division (B)(1) of this section does not apply to any of 125283  
the following: 125284

(a) An adoption by a stepparent whose spouse is a biological 125285  
or adoptive parent of the child; 125286

(b) An international adoption; 125287

(c) An adoption where either the custodial agency or agency 125288  
that previously held permanent custody of the child is not in this 125289  
state. 125290

(3) Nothing in division (B) of this section shall prevent a 125291  
court or a child support enforcement agency from issuing a child 125292  
support order. 125293

**Sec. 5153.21.** The board of county commissioners may establish 125294  
a children's home upon the recommendation of the public children 125295  
services agency and subject to certification by the department of 125296  
~~job children~~ and ~~family services~~ youth under section 5103.03 of 125297  
the Revised Code and the requirements of sections 5103.05 and 125298  
5103.051 of the Revised Code. 125299

**Sec. 5153.22.** If there is no children's home in the county or 125300  
if the facilities for institutional care are inadequate, the 125301  
public children services agency may, subject to the approval of 125302

the department of ~~job~~ children and ~~family services~~ youth and the 125303  
board of county commissioners, enter into an agreement with the 125304  
public children services agency of, or a certified organization 125305  
located in, another county, or with the board of trustees of any 125306  
district or semipublic children's home, or with any agency or 125307  
institution outside the state for the furnishing of institutional 125308  
care to children of the county. 125309

**Sec. 5153.27.** A public children services agency operating a 125310  
children's home or other institution is subject to sections 125311  
5103.03 and 5103.04 of the Revised Code respecting certification 125312  
by the department of ~~job~~ children and ~~family services~~ youth. 125313

**Sec. 5153.29.** The board of county commissioners of any county 125314  
having a county children's home, may, upon the recommendation of 125315  
the public children services agency and with the approval of the 125316  
department of ~~job~~ children and ~~family services~~ youth, abandon the 125317  
use of such home and proceed to sell or lease the site, building, 125318  
furniture, and equipment of such home in the manner most 125319  
advantageous to the county, or it may use the home for other 125320  
necessary and proper purposes. The net proceeds of any such sale 125321  
or lease shall be paid into the county treasury. 125322

**Sec. 5153.30.** The public children services agency may accept 125323  
and receive bequests, donations, and gifts of funds or property, 125324  
real or personal, for child care and services. The facilities or 125325  
services to be established or maintained through any such gift 125326  
shall be subject to the approval of the department of ~~job~~ children 125327  
and ~~family services~~ youth. 125328

**Sec. 5153.32.** Any corporation, organized under the laws of 125329  
this state for the purpose of establishing, conducting, and 125330  
maintaining a child welfare institution or agency, which is 125331

unable, for any reason, to conduct and maintain such institution 125332  
or agency, and which has not, for a period of three consecutive 125333  
years, conducted or maintained a place or establishment for the 125334  
care of children, and which has in its hands funds or properties 125335  
acquired by it for the purpose of establishing, conducting, and 125336  
maintaining such institution or agency, may, subject to the 125337  
approval of the department of ~~job~~ children and ~~family services~~ 125338  
youth, and subject to the terms of any deed, will, or other 125339  
instrument pursuant to which such funds or properties were 125340  
acquired, transfer such funds or properties to the public children 125341  
services agency, to be used for the purposes for which such funds 125342  
or property were acquired. The transfer of such funds or 125343  
properties to the agency shall be a full discharge of the 125344  
obligation or liability of such corporation and its trustees with 125345  
respect to the funds and properties so transferred. 125346

**Sec. 5153.35.** The boards of county commissioners shall levy 125347  
taxes and make appropriations sufficient to enable the public 125348  
children services agency to perform its functions and duties under 125349  
this chapter. If the board of county commissioners levies a tax 125350  
for children services and the children services functions are 125351  
transferred from a county children services board to the 125352  
department of ~~job~~ children and ~~family services~~ youth, or from the 125353  
department of ~~job~~ children and ~~family services~~ youth to a county 125354  
children services board, the levy shall continue in effect for the 125355  
period for which it was approved by the electors for the use by 125356  
the public children services agency that provides children 125357  
services pursuant to the transfer. 125358

In addition to making the usual appropriations, there may be 125359  
allowed annually to the executive director an amount not to exceed 125360  
one-half the executive director's official salary to provide for 125361  
necessary expenses which are incurred by the executive director or 125362  
the executive director's staff in the performance of their 125363

official duties. Upon the order of the executive director, the county auditor shall draw a warrant on the county treasurer payable to the executive director or such other person as the order designates, for such amount as the order requires, not exceeding the amount provided for in this section, and to be paid out of the general fund of the county. The bond of the executive director provided for by section 5153.13 of the Revised Code shall at all times be in sufficient amount to cover the additional appropriations provided for by this section.

The executive director, annually, before the first Monday of January, shall file with the auditor a detailed and itemized statement, verified by the executive director, as to the manner in which the fund has been expended during the current year, and if any part of such fund remains in the executive director's hands unexpended, forthwith shall pay that amount into the county treasury.

**Sec. 5153.36.** The boards of county commissioners of two or more adjoining counties, not to exceed four, may, upon the recommendation of the public children services agencies of such counties, and subject to the approval of the department of ~~job~~ children and ~~family services~~ youth form themselves into a joint board, and proceed to organize a district for the establishment and support of a children's home, by using a site and buildings already established in one such county, or by providing for the purchase of a site and the erection of necessary buildings thereon.

**Sec. 5153.38.** When any person donates or bequeaths the person's real or personal estate, or any part thereof, to the use and benefit of a district children's home, the board of trustees of the home may accept and use such donation or bequest as they deem for the best interests of the institution, and consistent

with the conditions of such bequest. The facilities or services to 125395  
be established or maintained through any such gift shall be 125396  
subject to the approval of the department of ~~job~~ children and 125397  
~~family services~~ youth. 125398

**Sec. 5153.49.** The board of county commissioners of any county 125399  
within a children's home district may, upon the recommendation of 125400  
the public children services agency, and subject to the approval 125401  
of the department of ~~job~~ children and ~~family services~~ youth, 125402  
withdraw from such district and dispose of its interest in such 125403  
home by selling or leasing its right, title, and interest in the 125404  
site, buildings, furniture, and equipment to any counties in the 125405  
district, at such price and on such terms as are agreed upon among 125406  
the boards of county commissioners of the counties concerned. 125407  
Section 307.10 of the Revised Code does not apply to this section. 125408  
The net proceeds of any such sale or lease shall be paid into the 125409  
county treasury of the withdrawing county. 125410

Members of the board of trustees of a district children's 125411  
home who are residents of a county withdrawing from such district 125412  
are deemed to have resigned their positions upon completion of the 125413  
withdrawal procedure provided by this section. Vacancies thus 125414  
created shall be filled according to sections 5153.39 and 5153.45 125415  
of the Revised Code. 125416

**Sec. 5153.52.** The board of county commissioners of any county 125417  
which has no county children's home may aid an incorporated 125418  
children's home or other unincorporated society, whose object is 125419  
the care, aid, and education of neglected or destitute children, 125420  
by contributing toward the purchase of land for such home or 125421  
society, the erection of buildings by it, or of additions to 125422  
existing buildings, or other improvements, to an amount not to 125423  
exceed twenty-five hundred dollars in any one year. 125424

The board of any such county may submit to the people of such county, under section 133.18 of the Revised Code, the question of whether bonds of such county shall be issued for the purposes of this section. If the people of such county approve the issue of bonds, the board may issue the bonds under Chapter 133. of the Revised Code, as if they were being issued for the construction of a county children's home owned by the county, and may use the proceeds of such bond issue for the purposes of and without the restriction as to amount imposed by this section.

The board may contribute an amount not to exceed five hundred dollars in any one year for the purpose of keeping such property in repair. If such children's home ceases to exist, so that the property so purchased ceases to be used for the purpose of a children's home by the corporation, such county shall have a lien upon the property for the amount of money contributed for its purchase, and if such corporation fails to maintain, manage, and control such home so as to subserve the purpose of a children's home for which it was incorporated, the board may enforce such lien or, if it prefers may, upon approval of the department of ~~job children~~ and ~~family services~~, youth first being obtained, organize such home into a county children's home. The title to such property, where the county has contributed the whole amount of the purchase money, shall vest in and be the property of such county.

**Sec. 5160.011.** References to the department or director of public welfare, department or director of human services, department or director of job and family services, department or director of children and youth, office of medical assistance, or medical assistance director in any statute, rule, contract, grant, or other document is deemed to refer to the department of medicaid or medicaid director, as the case may be, to the extent the reference is about a duty or authority of the department of

medicaid or medicaid director regarding a medical assistance 125457  
program. 125458

**Sec. 5162.11.** (A) The department of medicaid shall enter into 125459  
an agreement with the department of administrative services for 125460  
the department of administrative services to contract through 125461  
competitive selection pursuant to section 125.07 of the Revised 125462  
Code with a vendor to perform an assessment of the data collection 125463  
and data warehouse functions of the medicaid data warehouse 125464  
system, including the ability to link the data sets of all 125465  
agencies serving medicaid recipients. 125466

The assessment of the data system shall include functions 125467  
related to fraud and abuse detection, program management and 125468  
budgeting, and performance measurement capabilities of all 125469  
agencies serving medicaid recipients, including the departments of 125470  
aging, health, job and family services, medicaid, mental health 125471  
and addiction services, children and youth, and developmental 125472  
disabilities. 125473

A qualified vendor with whom the department of administrative 125474  
services contracts to assess the data system shall also assist the 125475  
medicaid agencies in the definition of the requirements for an 125476  
enhanced data system or a new data system and assist the 125477  
department of administrative services in the preparation of a 125478  
request for proposals to enhance or develop a data system. 125479

(B) Based on the assessment performed pursuant to division 125480  
(A) of this section, the department of administrative services 125481  
shall seek a qualified vendor through competitive selection 125482  
pursuant to Chapter 125. of the Revised Code to develop or enhance 125483  
a data collection and data warehouse system for the department of 125484  
medicaid and all agencies serving medicaid recipients. 125485

The department of medicaid shall seek enhanced federal 125486

financial participation for ninety per cent of the funds required 125487  
to establish or enhance the data system. The department of 125488  
administrative services shall not award a contract for 125489  
establishing or enhancing the data system until the department of 125490  
medicaid receives approval from the United States secretary of 125491  
health and human services for the ninety per cent federal 125492  
financial participation. 125493

**Sec. 5162.135.** (A) As used in this section, "stillbirth" has 125494  
the same meaning as in section ~~3701.97~~ 5180.12 of the Revised 125495  
Code. 125496

(B) The department of medicaid shall create an infant 125497  
mortality scorecard. The scorecard shall report all of the 125498  
following: 125499

(1) The performance of the fee-for-service component of 125500  
medicaid and each medicaid managed care organization on population 125501  
health measures, including the infant mortality rate, preterm 125502  
birth rate, ~~and~~ low-birthweight rate, and stillbirth rate, 125503  
delineated in accordance with division (C) of this section; 125504

(2) The performance of the fee-for-service component of 125505  
medicaid and each medicaid managed care organization on service 125506  
utilization and outcome measures using claims data and data from 125507  
vital records; 125508

(3) The number and percentage of women who are at least 125509  
fifteen but less than forty-four years of age who are medicaid 125510  
recipients; 125511

(4) The number of medicaid recipients who delivered a newborn 125512  
and the percentage of those who reported tobacco use at the time 125513  
of delivery; 125514

(5) The number of prenatal, postpartum, and adolescent 125515  
wellness visits made by medicaid recipients; 125516

(6) The percentage of pregnant medicaid recipients who initiated progesterone therapy during pregnancy;	125517 125518
(7) The percentage of female medicaid recipients of childbearing age who participate in a tobacco cessation program or use a tobacco cessation product;	125519 125520 125521
(8) The percentage of female medicaid recipients of childbearing age who use long-acting reversible contraception;	125522 125523
(9) A comparison of the low-birthweight rate of medicaid recipients with the low-birthweight rate of women who are not medicaid recipients;	125524 125525 125526
(10) Any other information on maternal and child health that the department considers appropriate.	125527 125528
(C) To the extent possible, the performance measures described in division (B)(1) of this section shall be delineated in the scorecard as follows:	125529 125530 125531
(1) For each region of the state and the state as a whole, by race and ethnic group;	125532 125533
(2) For the urban and rural communities specified in rules adopted under section 3701.142 of the Revised Code, as well as for any other communities that are the subject of targeted infant mortality reduction initiatives administered by one or more state agencies, by race, ethnic group, and census tract.	125534 125535 125536 125537 125538
The scorecard shall be updated each calendar quarter and made available on the department's internet web site.	125539 125540
(D) The department shall make available the data sources and methodology used to complete the scorecard to any person or government entity on request.	125541 125542 125543
<b>Sec. 5164.15.</b> (A) As used in this section:	125544
(1) "Community mental health services provider or facility"	125545

means a community mental health services provider or facility that 125546  
has its community mental health services certified by the 125547  
department of mental health and addiction services under section 125548  
5119.36 of the Revised Code or by the department of ~~job~~ children 125549  
and ~~family services~~ youth under section 5103.03 of the Revised 125550  
Code. 125551

(2) "Mental health professional" means a person qualified to 125552  
work with persons with mental illnesses under the standards 125553  
established by the director of mental health and addiction 125554  
services pursuant to section 5119.36 of the Revised Code. 125555

(B) The medicaid program may cover the following mental 125556  
health services when provided by community mental health services 125557  
providers or facilities: 125558

(1) Outpatient mental health services, including, but not 125559  
limited to, preventive, diagnostic, therapeutic, rehabilitative, 125560  
and palliative interventions rendered to individuals in an 125561  
individual or group setting by a mental health professional in 125562  
accordance with a plan of treatment appropriately established, 125563  
monitored, and reviewed; 125564

(2) Partial-hospitalization mental health services rendered 125565  
by persons directly supervised by a mental health professional; 125566

(3) Unscheduled, emergency mental health services of a kind 125567  
ordinarily provided to persons in crisis when rendered by persons 125568  
supervised by a mental health professional; 125569

(4) Assertive community treatment and intensive home-based 125570  
mental health services. 125571

(C) The department of medicaid shall enter into a separate 125572  
contract with the department of mental health and addiction 125573  
services under section 5162.35 of the Revised Code with regard to 125574  
the mental health services the medicaid program covers pursuant to 125575  
this section. 125576

Sec. 5166.01. As used in this chapter:	125577
"209(b) option" means the option described in section 1902(f) of the "Social Security Act," 42 U.S.C. 1396a(f), under which the medicaid program's eligibility requirements for aged, blind, and disabled individuals are more restrictive than the eligibility requirements for the supplemental security income program.	125578 125579 125580 125581 125582
"Administrative agency" means, with respect to a home and community-based services medicaid waiver component, the department of medicaid or, if a state agency or political subdivision contracts with the department under section 5162.35 of the Revised Code to administer the component, that state agency or political subdivision.	125583 125584 125585 125586 125587 125588
"Care management system" has the same meaning as in section 5167.01 of the Revised Code.	125589 125590
"Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.	125591 125592
"Enrollee" has the same meaning as in section 5167.01 of the Revised Code.	125593 125594
"Expansion eligibility group" has the same meaning as in section 5163.01 of the Revised Code.	125595 125596
"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.	125597 125598
"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services.	125599 125600 125601 125602
"Hospital" has the same meaning as in section 3727.01 of the Revised Code.	125603 125604
"Hospital long-term care unit" has the same meaning as in	125605

section 5168.40 of the Revised Code. 125606

"ICDS participant" has the same meaning as in section 5164.01 125607  
of the Revised Code. 125608

"ICF/IID" and "ICF/IID services" have the same meanings as in 125609  
section 5124.01 of the Revised Code. 125610

"Integrated care delivery system" and "ICDS" have the same 125611  
meanings as in section 5164.01 of the Revised Code. 125612

"Level of care determination" means a determination of 125613  
whether an individual needs the level of care provided by a 125614  
hospital, nursing facility, or ICF/IID and whether the individual, 125615  
if determined to need that level of care, would receive hospital 125616  
services, nursing facility services, or ICF/IID services if not 125617  
for a home and community-based services medicaid waiver component. 125618

"Medicaid buy-in for workers with disabilities program" has 125619  
the same meaning as in section 5163.01 of the Revised Code. 125620

"Medicaid MCO plan" has the same meaning as in section 125621  
5167.01 of the Revised Code. 125622

"Medicaid provider" has the same meaning as in section 125623  
5164.01 of the Revised Code. 125624

"Medicaid services" has the same meaning as in section 125625  
5164.01 of the Revised Code. 125626

"Medicaid waiver component" means a component of the medicaid 125627  
program authorized by a waiver granted by the United States 125628  
department of health and human services under section 1115 or 1915 125629  
of the "Social Security Act," 42 U.S.C. 1315 or 1396n. "Medicaid 125630  
waiver component" does not include the care management system or 125631  
services delivered under a prepaid inpatient health plan, as 125632  
defined in 42 C.F.R. 438.2. 125633

"Medically fragile child" means an individual who is under 125634  
eighteen years of age, has intensive health care needs, and is 125635

considered blind or disabled under section 1614(a)(2) or (3) of 125636  
the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3). 125637

"Nursing facility" and "nursing facility services" have the 125638  
same meanings as in section 5165.01 of the Revised Code. 125639

"Ohio home care waiver program" means the home and 125640  
community-based services medicaid waiver component that is known 125641  
as Ohio home care and was created pursuant to section 5166.11 of 125642  
the Revised Code. 125643

"Provider agreement" has the same meaning as in section 125644  
5164.01 of the Revised Code. 125645

"Residential treatment facility" means a residential facility 125646  
licensed by the department of mental health and addiction services 125647  
under section 5119.34 of the Revised Code, or an institution 125648  
certified by the department of ~~job~~ children and ~~family services~~ 125649  
youth under section 5103.03 of the Revised Code, that serves 125650  
children and either has more than sixteen beds or is part of a 125651  
campus of multiple facilities or institutions that, combined, have 125652  
a total of more than sixteen beds. 125653

"Skilled nursing facility" has the same meaning as in section 125654  
5165.01 of the Revised Code. 125655

"Unified long-term services and support medicaid waiver 125656  
component" means the medicaid waiver component authorized by 125657  
section 5166.14 of the Revised Code. 125658

**Sec. 5167.16.** (A) As used in this section: 125659

(1) "Help me grow program" means the program established by 125660  
the department of health pursuant to section ~~3701.61~~ 5180.21 of 125661  
the Revised Code. 125662

(2) "Targeted case management" has the same meaning as in 42 125663  
C.F.R. 440.169(b). 125664

(B) A medicaid managed care organization shall provide to a medicaid recipient who meets the criteria in division (C) of this section, or arrange for such recipient to receive, both of the following types of services:

(1) Home visits, which shall include depression screenings, for which federal financial participation is available under the targeted case management benefit;

(2) Cognitive behavioral therapy, provided by a community mental health services provider, that is determined to be medically necessary through a depression screening conducted as part of a home visit.

(C) A medicaid recipient qualifies to receive the services specified in division (B) of this section if the medicaid recipient is enrolled in the help me grow program, enrolled in the medicaid managed care organization providing or arranging for the services, and is either pregnant or the birth mother of a child under five years of age.

(D) If requested by a medicaid recipient eligible for the cognitive behavioral therapy covered under division (B)(2) of this section, the therapy shall be provided in the recipient's home. The medicaid managed care organization shall inform the medicaid recipient of the right to make the request and how to make it.

**Sec. ~~3701.68~~ 5180.10.** (A) As used in this section:

(1) "Academic medical center" means a medical school and its affiliated teaching hospitals.

(2) "State registrar" has the same meaning as in section 3705.01 of the Revised Code.

(B) There is hereby created the commission on infant mortality. The commission shall do all of the following:

(1) Conduct a complete inventory of services provided or

administered by the state that are available to address the infant mortality rate in this state; 125695  
125696

(2) For each service identified under division (B)(1) of this section, determine both of the following: 125697  
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(a) The sources of the funds that are used to pay for the service; 125699  
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(b) Whether the service and its funding sources have a connection with programs provided or administered by local or community-based public or private entities and, to the extent they do not, whether they should. 125701  
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(3) With assistance from academic medical centers, track and analyze infant mortality rates by county for the purpose of determining the impact of state and local initiatives to reduce those rates. 125705  
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(C) The commission shall consist of the following members: 125709

(1) Two members of the senate, one from the majority party and one from the minority party, each appointed by the senate president; 125710  
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(2) Two members of the house of representatives, one from the majority party and one from the minority party, each appointed by the speaker of the house of representatives; 125713  
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(3) The governor or the governor's designee; 125716

(4) The medicaid director or the director's designee; 125717

(5) The director of children and youth or the director's designee; 125718  
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(6) The director of health or the director's designee; 125720

~~(6)~~(7) The director of developmental disabilities or the director's designee; 125721  
125722

~~(7)~~(8) The executive director of the commission on minority 125723

health or the executive director's designee; 125724

~~(8)~~(9) The attorney general or the attorney general's 125725  
designee; 125726

~~(9)~~(10) A health commissioner of a city or general health 125727  
district, appointed by the governor; 125728

~~(10)~~(11) A coroner, deputy coroner, or other person who 125729  
conducts death scene investigations, appointed by the governor; 125730

~~(11)~~(12) An individual who represents the Ohio hospital 125731  
association, appointed by the association's president; 125732

~~(12)~~(13) An individual who represents the Ohio children's 125733  
hospital association, appointed by the association's president; 125734

~~(13)~~(14) Two individuals who represent community-based 125735  
programs that serve pregnant women or new mothers whose infants 125736  
tend to be at a higher risk for infant mortality, appointed by the 125737  
governor; 125738

~~(14)~~(15) Two individuals who represent children's interests, 125739  
one to be appointed by the speaker of the house of representatives 125740  
and one to be appointed by the senate president. 125741

(D) An appointed commission member shall hold office until a 125742  
successor is appointed. A vacancy shall be filled in the same 125743  
manner as the original appointment. 125744

From among the members, the president of the senate and 125745  
speaker of the house of representatives shall appoint two to serve 125746  
as co-chairpersons of the commission. 125747

A member shall serve without compensation except to the 125748  
extent that serving on the commission is considered part of the 125749  
member's regular duties of employment. 125750

(E) The commission may request assistance from the staff of 125751  
the legislative service commission. 125752

(F) For purposes of division (B)(3) of this section, the state registrar shall ensure that the commission and academic medical centers located in this state have access to any electronic system of vital records the state registrar or department of health maintains, including the Ohio public health information warehouse. Not later than six months after March 19, 2015, the commission on infant mortality shall prepare a written report of its findings and recommendations concerning the matters described in division (B) of this section. On completion, the commission shall submit the report to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly.

(G) The president of the senate and speaker of the house of representatives shall determine the responsibilities of the commission following submission of the report under division (F) of this section.

(H) The commission is not subject to sections 101.82 to 101.87 of the Revised Code.

(I) The commission shall provide information to the Ohio housing finance agency for the purposes of division (A) of section 175.14 of the Revised Code.

**Sec. ~~3701.951~~ 5180.11.** (A) As used in this section:

(1) "Preliminary infant mortality and preterm birth rates" means infant mortality and preterm birth rates that are derived from vital records as defined in section 3705.01 of the Revised Code, are not considered finalized by the department of health, and are subject to modification as additional birth and death data are received by the department and added to vital records.

(2) "Stillbirth" has the same meaning as in section ~~3701.97~~ 5180.12 of the Revised Code.

(B) Each calendar quarter, the department of ~~health~~ children and youth shall determine the state's preliminary infant mortality and preterm birth rates, as well as the stillbirth rate, delineated by race and ethnic group. The rates shall be determined using a simple rolling average. The department shall publish the rates in a quarterly report, which shall also include a description of the data sources and methodology used to determine the rates. The department shall make each report available on its internet web site not later than five business days after the rates are determined.

**Sec. ~~3701.97~~ 5180.12.** (A) As used in this section, "stillbirth" means death prior to the complete expulsion or extraction from its mother of a product of human conception of at least twenty weeks of gestation, which after such expulsion or extraction does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

(B) The director of ~~health~~ children and youth shall do all of the following:

(1) Publish stillbirth data compiled from the department of health's fetal death statistical file and make it available on the ~~department's~~ department of children and youth's internet web site;

(2) Review the stillbirth data described in division (B)(1) of this section and identify potential trends in the incidence of stillbirth and the possible causes of, and conditions that could lead to or indicate the possible occurrence of, stillbirth;

(3) Develop educational materials in conjunction with statewide medical associations that may be used to apprise health care providers of trends, if any, that were identified through a review described in division (B)(2) of this section;

(4) Electronically disseminate the educational materials developed under division (B)(3) of this section to the state medical board and statewide medical associations and make them available on the department of ~~health's~~ children and youth's web site in an easily accessible format.

**Sec. ~~3701.953~~ 5180.13.** (A) The department of ~~health~~ children and youth shall create an infant mortality scorecard. The scorecard shall report all of the following:

(1) The state's performance on population health measures, including the infant mortality rate, preterm birth rate, and low birth weight rate, delineated by race, ethnic group, region of the state, and the state as a whole;

(2) Preliminary data the department possesses on the state's unexpected infant death rate;

(3) To the extent such information is available, the state's performance on outcome measures identified by the department that are related to preconception health, reproductive health, prenatal care, labor and delivery, smoking, infant safe sleep practices, breastfeeding, and behavioral health, delineated by race, ethnic group, region of the state, and the state as a whole;

(4) A comparison of the state's performance on the population health measures specified in division (A)(1) of this section and, to the extent such information is available, the state's performance on outcome measures specified in division (A)(3) of this section with the targets for the measures, or the targets for the objectives similar to the measures, established by the United States department of health and human services through the healthy people 2020 initiative or a subsequent initiative;

(5) Any other information on maternal and child health that the department considers appropriate.

(B) The scorecard shall be updated each calendar quarter and made available on the department's internet web site. 125843  
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(C) The scorecard shall include a description of the data sources and methodology used to complete the scorecard. 125845  
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**Sec. ~~3701.63~~ 5180.14.** (A) As used in this section and sections ~~3701.64~~ 5180.15, ~~3701.66~~ 5180.16, and ~~3701.67~~ 5180.17 of the Revised Code: 125847  
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(1) "Child day-care center," "type A family day-care home," and "licensed type B family day-care home" have the same meanings as in section 5104.01 of the Revised Code. 125850  
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(2) "Child care facility" means a child day-care center, a type A family day-care home, or a licensed type B family day-care home. 125853  
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(3) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code. 125856  
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(4) "Freestanding birthing center" has the same meaning as in section 3701.503 of the Revised Code. 125858  
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(5) "Hospital" has the same meaning as in section 3722.01 of the Revised Code to which either of the following applies: 125860  
125861

(a) The hospital has a maternity unit. 125862

(b) The hospital receives for care infants who have been transferred to it from other facilities and who have never been discharged to their residences following birth. 125863  
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(6) "Infant" means a child who is less than one year of age. 125866

(7) "Maternity unit" means the distinct portion of a hospital in which maternity services are provided. 125867  
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(8) "Other person responsible for the infant" includes a foster caregiver. 125869  
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(9) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. "Parent" also means a prospective adoptive parent with whom a child is placed.

(10) "Shaken baby syndrome" means signs and symptoms, including, but not limited to, retinal hemorrhages in one or both eyes, subdural hematoma, or brain swelling, resulting from the violent shaking or the shaking and impacting of the head of an infant or small child.

(B) The director of ~~health~~ children and youth shall establish the shaken baby syndrome education program by doing all of the following:

(1) Developing educational materials that present readily comprehensible information on shaken baby syndrome;

(2) Making available on the department of ~~health~~ children and youth web site in an easily accessible format the educational materials developed under division (B)(1) of this section;

(3) Annually assessing the effectiveness of the shaken baby syndrome education program by doing all of the following:

(a) Evaluating the reports received pursuant to section 5101.135 of the Revised Code;

(b) Reviewing the content of the educational materials to determine if updates or improvements should be made;

(c) Reviewing the manner in which the educational materials are distributed, as described in section ~~3701.64~~ 5180.15 of the Revised Code, to determine if modifications to that manner should be made.

(C) In meeting the requirements under division (B) of this section, the director shall develop educational materials that, to

the extent possible, minimize administrative or financial burdens 125901  
on any of the entities or persons listed in section ~~3701.64~~ 125902  
5180.15 of the Revised Code. 125903

**Sec. ~~3701.64~~ 5180.15.** (A) A copy of the shaken baby syndrome 125904  
educational materials developed under section ~~3701.63~~ 5180.14 of 125905  
the Revised Code shall be distributed in the following manner: 125906

(1) By ~~child birth~~ childbirth educators and the staff of 125907  
obstetricians' offices, to an expectant parent who uses their 125908  
services; 125909

(2) By the staff of pediatric physicians' offices, to any of 125910  
the following who use their services: an infant's parent, 125911  
guardian, or other person responsible for the infant; 125912

(3) By the staff of a hospital or freestanding birthing 125913  
center, to an infant's parent, guardian, or other person 125914  
responsible for the infant, before the child is discharged from 125915  
the facility to the infant's residence following birth; 125916

(4) By the staff of the help me grow program established 125917  
pursuant to section ~~3701.61~~ 5180.21 of the Revised Code, to an 125918  
infant's parent, guardian, or other person responsible for the 125919  
infant, during home-visiting services conducted in accordance with 125920  
that section; 125921

(5) By each child care facility operating in this state, to 125922  
each of its employees; 125923

(6) By a public children services agency, when the agency has 125924  
initial contact with an infant's parent, guardian, or other person 125925  
responsible for the infant. 125926

(B) An entity or person required to distribute educational 125927  
materials pursuant to division (A) of this section is not liable 125928  
for damages in a civil action for injury, death, or loss to person 125929  
or property that allegedly arises from an act or omission 125930

associated with the dissemination of those educational materials 125931  
unless the act or omission constitutes willful or wanton 125932  
misconduct. 125933

An entity or person required to distribute educational 125934  
materials in accordance with division (A) of this section is not 125935  
subject to criminal prosecution or, to the extent that a person is 125936  
regulated under Title XLVII of the Revised Code, professional 125937  
disciplinary action under that title, for an act or omission 125938  
associated with the dissemination of those educational materials. 125939

This division does not eliminate, limit, or reduce any other 125940  
immunity or defense that an entity or person may be entitled to 125941  
under Chapter 2744. of the Revised Code, or any other provision of 125942  
the Revised Code, or the common law of this state. 125943

**Sec. ~~3701.66~~ 5180.16.** (A) As used in this section, "sudden 125944  
unexpected infant death" means the death of an infant that occurs 125945  
suddenly and unexpectedly, the cause of which is not immediately 125946  
obvious prior to investigation. 125947

(B) The department of ~~health~~ children and youth shall 125948  
establish the safe sleep education program by doing all of the 125949  
following: 125950

(1) ~~By not later than sixty days after March 19, 2015,~~ 125951  
~~developing~~ Developing educational materials that present readily 125952  
comprehensible information on safe sleeping practices for infants 125953  
and possible causes of sudden unexpected infant death; 125954

(2) Making available on the department's internet web site in 125955  
an easily accessible format the educational materials developed 125956  
under division (B)(1) of this section; 125957

(3) Providing annual training classes at no cost to 125958  
individuals who provide safe sleep education to parents and infant 125959  
caregivers who reside in the urban and rural communities specified 125960

under section 3701.142 of the Revised Code, including child care 125961  
providers as defined in section 2151.011 of the Revised Code, 125962  
hospital staff and volunteers, local health department staff, 125963  
social workers, individuals who provide home visiting services, 125964  
and community health workers; 125965

(4) ~~Beginning in 2015, annually~~ Annually assessing the 125966  
effectiveness of the safe sleep education program by evaluating 125967  
the reports submitted by child fatality review boards to the 125968  
department pursuant to section 307.626 of the Revised Code. 125969

(C) In meeting the requirements under division (B) of this 125970  
section, the department shall develop educational materials that, 125971  
to the extent possible, minimize administrative or financial 125972  
burdens on any of the entities or persons required by division (D) 125973  
of this section to distribute the materials. 125974

(D) A copy of the safe sleep educational materials developed 125975  
under this section shall be distributed by entities and persons 125976  
with and in the same manner as the shaken baby syndrome 125977  
educational materials are distributed pursuant to section ~~3701.64~~ 125978  
5180.15 of the Revised Code. 125979

An entity or person required to distribute the educational 125980  
materials is not liable for damages in a civil action for injury, 125981  
death, or loss to person or property that allegedly arises from an 125982  
act or omission associated with the dissemination of those 125983  
educational materials unless the act or omission constitutes 125984  
willful or wanton misconduct. 125985

An entity or person required to distribute the educational 125986  
materials is not subject to criminal prosecution or, to the extent 125987  
that a person is regulated under Title XLVII of the Revised Code, 125988  
professional disciplinary action under that title, for an act or 125989  
omission associated with the dissemination of those educational 125990  
materials. 125991

This division does not eliminate, limit, or reduce any other immunity or defense that an entity or person may be entitled to under Chapter 2744. of the Revised Code, or any other provision of the Revised Code, or the common law of this state.

(E) Each entity or person that is required to distribute the educational materials and has infants regularly sleeping at a facility or location under the entity's or person's control shall adopt an internal infant safe sleep policy. The policy shall specify when and to whom educational materials on infant safe sleep practices are to be delivered to individuals working or volunteering at the facility or location and be consistent with the model internal infant safe sleep policy adopted under division (F) of this section.

(F) The director of ~~health~~ children and youth shall adopt a model internal infant safe sleep policy for use by entities and persons that must comply with division (E) of this section. The policy shall specify safe infant sleep practices, include images depicting safe infant sleep practices, and specify sample content for an infant safe sleep education program that entities and persons may use when conducting new staff orientation programs.

**Sec. ~~3701.67~~ 5180.17.** (A) As used in this section:

(1) "Contractor" means a person who provides personal services pursuant to a contract.

(2) "Critical access hospital" means a facility designated as a critical access hospital by the director of health under section 3701.073 of the Revised Code.

(3) "Crib" includes a portable play yard or other suitable sleeping place.

(B) Each hospital and freestanding birthing center shall implement an infant safe sleep screening procedure. The purpose of

the procedure is to determine whether there will be a safe crib 126022  
for an infant to sleep in once the infant is discharged from the 126023  
facility to the infant's residence following birth. The procedure 126024  
shall consist of questions that facility staff or volunteers must 126025  
ask the infant's parent, guardian, or other person responsible for 126026  
the infant regarding the infant's intended sleeping place and 126027  
environment. 126028

The director of ~~health~~ children and youth shall develop 126029  
questions that facilities may use when implementing the infant 126030  
safe sleep screening procedure required by this division. The 126031  
director may consult with persons and government entities that 126032  
have expertise in infant safe sleep practices when developing the 126033  
questions. 126034

(C) If, prior to an infant's discharge from a facility to the 126035  
infant's residence following birth, a facility other than a 126036  
critical access hospital or a facility identified under division 126037  
(D) of this section determines through the procedure implemented 126038  
under division (B) of this section that the infant is unlikely to 126039  
have a safe crib at the infant's residence, the facility shall 126040  
make a good faith effort to arrange for the parent, guardian, or 126041  
other person responsible for the infant to obtain a safe crib at 126042  
no charge to that individual. In meeting this requirement, the 126043  
facility may do any of the following: 126044

(1) Obtain a safe crib with its own resources; 126045

(2) Collaborate with or obtain assistance from persons or 126046  
government entities that are able to procure a safe crib or 126047  
provide money to purchase a safe crib; 126048

(3) Refer the parent, guardian, or other person responsible 126049  
for the infant to a person or government entity described in 126050  
division (C)(2) of this section to obtain a safe crib free of 126051  
charge from that source; 126052

(4) If funds are available for the cribs for kids program or a successor program administered by the department of ~~health~~ children and youth, refer the parent, guardian, or other person responsible for the infant to a site, designated by the department for purposes of the program, at which a safe crib may be obtained at no charge.

If a safe crib is procured as described in division (C)(1), (2), or (3) of this section, the facility shall ensure that the crib recipient receives safe sleep education and crib assembly instructions from the facility or another source. If a safe crib is procured as described in division (C)(4) of this section, the department of ~~health~~ children and youth shall ensure that the cribs for kids program or a successor program administered by the department provides safe sleep education and crib assembly instructions to the recipient.

(D) The director of ~~health~~ children and youth shall identify the facilities in this state that are not critical access hospitals and are not served by a site described in division (C)(4) of this section. The director shall identify not less than annually the facilities that meet both criteria and notify those that do so.

(E) When a facility that is a hospital registers with the department of health under section 3701.07 of the Revised Code or a facility that is a freestanding birthing center renews its license in accordance with rules adopted under section 3702.30 of the Revised Code, the facility shall report the following information to the department of children and youth in a manner the department prescribes:

(1) The number of safe cribs that the facility obtained and distributed by using its own resources as described in division (C)(1) of this section since the last time the facility reported this information to the department;

(2) The number of safe cribs that the facility obtained and distributed by collaborating with or obtaining assistance from another person or government entity as described in division (C)(2) of this section since the last time the facility reported this information to the department; 126085  
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(3) The number of referrals that the facility made to a person or government entity as described in division (C)(3) of this section since the last time the facility reported this information to the department; 126090  
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(4) The number of referrals that the facility made to a site designated by the department as described in division (C)(4) of this section since the last time the facility reported this information to the department; 126094  
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(5) Demographic information specified by the director of health children and youth regarding the individuals to whom safe cribs were distributed as described in division (E)(1) or (2) of this section or for whom a referral described in division (E)(3) or (4) of this section was made; 126098  
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(6) In the case of a critical access hospital or a facility identified under division (D) of this section, demographic information specified by the director of health children and youth regarding each parent, guardian, or other person responsible for the infant determined to be unlikely to have a safe crib at the infant's residence pursuant to the procedure implemented under division (B) of this section; 126103  
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(7) Any other information collected by the facility regarding infant sleep environments and intended infant sleep environments that the director determines to be appropriate. 126110  
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(F) The director of health children and youth shall prepare a written report that summarizes the information collected under division (E) of this section for the preceding twelve months, 126113  
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assesses whether at-risk families are sufficiently being served by 126116  
the crib distribution and referral system established by this 126117  
section, makes suggestions for system improvements, and provides 126118  
any other information the director considers appropriate for 126119  
inclusion in the report. On completion, the report shall be 126120  
submitted to the general assembly with, and in the same manner as, 126121  
the report that the department of medicaid submits to the general 126122  
assembly and joint medicaid oversight committee pursuant to 126123  
section 5162.13 of the Revised Code. A copy of the report also 126124  
shall be submitted to the governor. 126125

(G) A facility, and any employee, contractor, or volunteer of 126126  
a facility, that implements an infant safe sleep procedure in 126127  
accordance with division (B) of this section is not liable for 126128  
damages in a civil action for injury, death, or loss to person or 126129  
property that allegedly arises from an act or omission associated 126130  
with implementation of the procedure, unless the act or omission 126131  
constitutes willful or wanton misconduct. 126132

A facility, and any employee, contractor, or volunteer of a 126133  
facility, that implements an infant safe sleep screening procedure 126134  
in accordance with division (B) of this section is not subject to 126135  
criminal prosecution or, to the extent that a person is regulated 126136  
under Title XLVII of the Revised Code, professional disciplinary 126137  
action under that title, for an act or omission associated with 126138  
implementation of the procedure. 126139

This division does not eliminate, limit, or reduce any other 126140  
immunity or defense that a facility, or an employee, contractor, 126141  
or volunteer of a facility, may be entitled to under Chapter 2744. 126142  
of the Revised Code, or any other provision of the Revised Code, 126143  
or the common law of this state. 126144

(H) A facility, and any employee, contractor, or volunteer of 126145  
a facility, is neither liable for damages in a civil action, nor 126146  
subject to criminal prosecution, for injury, death, or loss to 126147

person or property that allegedly arises from a crib obtained by a parent, guardian, or other person responsible for the infant as a result of any action the facility, employee, contractor, or volunteer takes to comply with division (C) of this section.

The immunity provided by this division does not require compliance with division (D) of section 2305.37 of the Revised Code.

**Sec. ~~3701.671~~ 5180.18.** The director of ~~health children and youth~~ shall require each recipient of a grant the department of ~~health children and youth~~ administers that pertains to safe crib procurement to report annually to the department both of the following:

(A) Demographic information specified by the director of ~~health children and youth~~ regarding the individuals to whom safe cribs were distributed;

(B) If known, the extent to which distributed cribs are being used.

**Sec. ~~3701.952~~ 5180.19.** (A) The department of ~~health children and youth~~ shall create a population-based questionnaire designed to examine maternal behaviors and experiences before, during, and after a woman's pregnancy, as well as during the early infancy of the woman's child. The questionnaire shall collect information that is similar to the information collected by the pregnancy risk assessment monitoring system (PRAMS) questionnaire that the department of health most recently used prior to ~~the effective date of this section~~ April 6, 2017, as well as any additional information suggested by the United States centers for disease control and prevention (CDC) for PRAMS questionnaires.

(B) The department shall implement and use the questionnaires created under division (A) of this section in a manner that is

consistent with the standardized data collection methodology for 126178  
PRAMS questionnaires prescribed by the CDC model surveillance 126179  
protocol. In addition, for the purpose of having statistically 126180  
valid data for local analyses, the department shall oversample 126181  
women in Cuyahoga, Franklin, and Hamilton counties on an annual 126182  
basis, and shall oversample women in the remaining counties that 126183  
constitute the Ohio equity institute cohort (Butler, Stark, 126184  
Mahoning, Montgomery, Summit, and Lucas counties) on a biennial 126185  
basis. 126186

(C) The department shall report results from the 126187  
questionnaires not less than annually in a manner consistent with 126188  
guidelines established by the CDC for the reporting of PRAMS 126189  
questionnaire results. 126190

**Sec. ~~3701.95~~ 5180.20.** (A) ~~As used in this section,~~ 126191  
~~"government program providing public benefits" has the same~~ 126192  
~~meaning as in section 191.01 of the Revised Code.~~ 126193

~~(B)~~ The director of ~~health~~ children and youth shall identify 126194  
each government program providing benefits, other than the help me 126195  
grow program established by the department of ~~health~~ children and 126196  
youth pursuant to section ~~3701.61~~ 5180.21 of the Revised Code, 126197  
that has the goal of reducing infant mortality and negative birth 126198  
outcomes or the goal of reducing disparities among women who are 126199  
pregnant or capable of becoming pregnant and who belong to a 126200  
racial or ethnic minority. A program shall be identified only if 126201  
it provides education, training, and support services related to 126202  
those goals to program participants in their homes. The director 126203  
may consult with the Ohio partnership to build stronger families 126204  
for assistance with identifying the programs. 126205

~~(C)~~(B) An administrator of a program identified under 126206  
division ~~(B)~~(A) of this section shall report to the director data 126207  
on program performance indicators that are used to assess progress 126208

toward achieving program goals. The administrator shall report the 126209  
data in the format and within the time frames specified in rules 126210  
adopted under division ~~(D)~~(C) of this section. Using the data 126211  
reported under this division, the director shall prepare an annual 126212  
report assessing the performance of each government program 126213  
identified pursuant to division ~~(B)~~(A) of this section during the 126214  
immediately preceding twelve-month period. In addition, the report 126215  
shall summarize and provide an analysis of the information 126216  
contained in the "information for medical and health use only" 126217  
section of the birth records for individuals born during the prior 126218  
twelve-month period. 126219

The director shall provide a copy of the report to the 126220  
general assembly and the joint medicaid oversight committee. The 126221  
copy to the general assembly shall be provided in accordance with 126222  
section 101.68 of the Revised Code. 126223

~~(D)~~(C) The director shall adopt rules specifying program 126224  
performance indicators on which data must be reported by the 126225  
administrators described in division ~~(C)~~(B) of this section as 126226  
well as the format and time frames in which the data must be 126227  
reported. To the extent possible, the program performance 126228  
indicators specified in the rules shall be consistent with federal 126229  
reporting requirements for federally funded home visiting 126230  
services. The rules shall be adopted in accordance with Chapter 126231  
119. of the Revised Code. 126232

**Sec. ~~3701.61~~ 5180.21.** (A) The department of ~~health~~ children 126233  
and youth shall establish the help me grow program as the state's 126234  
evidence-based parent support program that encourages early 126235  
prenatal and well-baby care, as well as provides parenting 126236  
education to promote the comprehensive health and development of 126237  
children. The program shall provide home visiting services to 126238  
families with a pregnant woman or child under five years of age 126239

that meet the eligibility requirements established in rules 126240  
adopted under this section. Home visiting services shall be 126241  
provided through evidence-based home visiting models or 126242  
innovative, promising home visiting models recommended by the Ohio 126243  
home visiting consortium created under section ~~3701.612~~ 5180.23 of 126244  
the Revised Code. 126245

(B) Families shall be referred to the appropriate home 126246  
visiting services through the central intake and referral system 126247  
created under section ~~3701.611~~ 5180.22 of the Revised Code. 126248

(C) To the extent possible, the goals of the help me grow 126249  
program shall be consistent with the goals of the federal home 126250  
visiting program, as specified by the maternal and child health 126251  
bureau of the health resources and services administration in the 126252  
United States department of health and human services or its 126253  
successor. 126254

(D) The director of ~~health~~ children and youth may enter into 126255  
an interagency agreement with one or more state agencies to 126256  
implement the help me grow program and ensure coordination of 126257  
early childhood programs. 126258

(E) The director may distribute help me grow program funds 126259  
through contracts, grants, or subsidies to entities providing 126260  
services under the program. 126261

(F) As a condition of receiving payments for home visiting 126262  
services, providers shall report to the director data on the 126263  
program performance indicators, specified in rules adopted under 126264  
division (G) of this section, that are used to assess progress 126265  
toward achieving all of the following: 126266

(1) The benchmark domains established for the federal home 126267  
visiting program, including improvement in maternal and newborn 126268  
health; reduction in child injuries, abuse, and neglect; improved 126269

school readiness and achievement; reduction in crime and domestic violence; and improved family economic self-sufficiency;

(2) Improvement in birth outcomes and reduction in stillbirths, as that term is defined in section ~~3701.97~~ 5180.12 of the Revised Code;

(3) Reduction in tobacco use by pregnant women, new parents, and others living in households with children.

The providers shall report the data in the format and within the time frames specified in the rules.

The director shall prepare an annual report on the data received from the providers. The director shall make the report available on the internet web site maintained by the department of ~~health~~ children and youth.

(G) Pursuant to Chapter 119. of the Revised Code, the director shall adopt rules that are necessary and proper to implement this section. The rules shall specify all of the following:

(1) Subject to division (H) of this section, eligibility requirements for home visiting services;

(2) Eligibility requirements for providers of home visiting services;

(3) Standards and procedures for the provision of program services, including data collection, program monitoring, and program evaluation;

(4) Procedures for appealing the denial of an application for program services or the termination of services;

(5) Procedures for appealing the denial of an application to become a provider of program services or the termination of the department's approval of a provider;

(6) Procedures for addressing complaints;

(7) The program performance indicators on which data must be reported by providers of home visiting services under division (F) of this section, which, to the extent possible, shall be consistent with federal reporting requirements for federally funded home visiting services;

(8) The format in which reports must be submitted under division (F) of this section and the time frames within which the reports must be submitted;

(9) Criteria for payment of approved providers of program services;

(10) Any other rules necessary to implement the program.

(H) When adopting rules required by division (G)(1) of this section, the department shall specify that families residing in the urban and rural communities specified in rules adopted under section 3701.142 of the Revised Code are to receive priority over other families for home visiting services.

**Sec. ~~3701.611~~ 5180.22.** (A) The department of ~~health children and youth~~ shall create a central intake and referral system for all home visiting programs operating in this state. Through a competitive bidding process, the department of ~~health children and youth~~ may select one or more persons or government entities to operate the system.

(B) If the department of ~~health children and youth~~ chooses to select one or more system operators as described in division (A) of this section, a contract with any system operator shall require that the system do both of the following:

(1) Serve as a single point of entry for access, assessment, and referral of families to appropriate home visiting services based on each family's location of residence;

(2) Use a standardized form or other mechanism to assess for

each family member's risk factors and social determinants of 126330  
health, as well as ensure that the family is referred to the 126331  
appropriate home visiting program, which may include a program 126332  
that uses home visiting contractors who provide services within a 126333  
community HUB that fully or substantially complies with the 126334  
pathways community HUB certification standards developed by the 126335  
pathways community HUB institute. 126336

(C) The standardized form or other mechanism described in 126337  
division (B)(2) of this section shall be agreed to by the home 126338  
visiting consortium created under section ~~3701.612~~ 5180.23 of the 126339  
Revised Code. 126340

(D) A contract entered into under division (B) of this 126341  
section shall require a system operator to issue an annual report 126342  
to the department of ~~health~~ children and youth that includes data 126343  
regarding referrals made by the central intake and referral 126344  
system, costs associated with the referrals, and the quality of 126345  
services received by families who were referred to services 126346  
through the system. The report shall be distributed to the home 126347  
visiting consortium created under section ~~3701.612~~ 5180.23 of the 126348  
Revised Code. 126349

(E) Nothing in this section is intended to do any of the 126350  
following: 126351

(1) Prohibit the department of ~~health~~ children and youth from 126352  
using alternative promotional materials or names for the central 126353  
intake and referral system; 126354

(2) Require the use of help me grow program promotional 126355  
materials or names; 126356

(3) Prohibit providers, central coordinators, the department 126357  
of ~~health~~ children and youth, or stakeholders from using the help 126358  
me grow name for promotional materials for home visiting. 126359

**Sec. ~~3701.612~~ 5180.23.** (A) The Ohio home visiting consortium 126360  
is hereby created. The purpose of the consortium is to ensure that 126361  
home visiting services provided by home visiting programs 126362  
operating in this state, as well as home visiting services 126363  
provided or arranged for by medicaid managed care organizations, 126364  
are high-quality and delivered through evidence-based or 126365  
innovative, promising home visiting models, including models used 126366  
by home visiting contractors who provide services within one or 126367  
more community HUBs that fully or substantially comply with the 126368  
pathways community HUB certification standards developed by the 126369  
pathways community HUB institute. It is the intent of the general 126370  
assembly that all home visiting services provided in this state do 126371  
both of the following: 126372

(1) Improve health, educational, and social outcomes for 126373  
expectant and new parents and young children; 126374

(2) Promote safe, connected families and communities in which 126375  
children are able to grow up healthy and ready to learn. 126376

(B)(1) In furtherance of the consortium's purpose, the 126377  
consortium shall do both of the following: 126378

(a) Make recommendations to the department of children and 126379  
youth, department of health, department of medicaid, department of 126380  
mental health and addiction services, and department of 126381  
developmental disabilities regarding how to leverage all funding 126382  
sources available for home visiting services, including medicaid, 126383  
to accomplish both of the following in this state: 126384

(i) Expand the use of evidence-based home visiting program 126385  
models, including models used by home visiting contractors who 126386  
provide services within one or more community HUBs that fully or 126387  
substantially comply with the pathways community HUB certification 126388  
standards developed by the pathways community HUB institute; 126389

(ii) Initiate, as pilot projects, innovative, promising home visiting models. 126390  
126391

(b) Make recommendations to the department of medicaid on the terms to be included in contracts the department enters into with medicaid managed care organizations under section 5167.10 of the Revised Code to ensure that the organizations are providing or arranging for the medicaid recipients enrolled in their medicaid MCO plans, as defined in section 5167.01 of the Revised Code, to receive home visiting services that are delivered as part of the home visiting program models described in divisions (B)(1)(a)(i) and (ii) of this section. 126392  
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(2) The consortium may recommend a standardized form or other mechanism to assess family risk factors and social determinants of health for purposes of the central intake and referral system described in section ~~3701.611~~ 5180.22 of the Revised Code. 126401  
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(C) The consortium shall consist of the following members: 126405

(1) The director of children and youth or the director's designee; 126406  
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(2) The director of health or the director's designee; 126408

~~(2)~~(3) The medicaid director or the director's designee; 126409

~~(3)~~(4) The director of mental health and addiction services or the director's designee; 126410  
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~~(4)~~(5) The director of developmental disabilities or the director's designee; 126412  
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(5)(6) The executive director of the commission on minority health or the executive director's designee; 126414  
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~~(6)~~(7) A member of the commission on infant mortality who is not a legislator or an individual specified under this division; 126416  
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~~(7)~~(8) One individual who represents medicaid managed care organizations, recommended by the board of trustees of the Ohio 126418  
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association of health plans; 126420

~~(8)~~(9) One individual who represents county boards of 126421  
developmental disabilities, recommended by the Ohio association of 126422  
county boards of developmental disabilities; 126423

~~(9)~~(10) A home visiting contractor who provides services 126424  
within the help me grow program through a contract, grant, or 126425  
other agreement with the department of ~~health~~ children and youth; 126426

~~(10)~~(11) A home visiting contractor who provides services 126427  
within one or more community HUBs that fully or substantially 126428  
comply with the pathways community HUB certification standards 126429  
developed by the pathways community HUB institute through a 126430  
contract, grant, or other agreement with the commission on 126431  
minority health; 126432

~~(11)~~(12) An individual who receives home visiting services 126433  
from the help me grow program; 126434

~~(12)~~(13) An individual who receives home visiting services 126435  
from a home visiting contractor who provides services within one 126436  
or more community HUBs that fully or substantially comply with the 126437  
pathways community HUB certification standards developed by the 126438  
pathways community HUB institute; 126439

~~(13)~~(14) Two members of the senate, one from the majority 126440  
party and one from the minority party, each appointed by the 126441  
senate president; 126442

~~(14)~~(15) Two members of the house of representatives, one 126443  
from the majority party and one from the minority party, each 126444  
appointed by the speaker of the house of representatives. 126445

(D) The consortium members described in divisions 126446  
~~(C)~~(10)(C)(11) and ~~(12)~~(13) of this section shall be appointed not 126447  
later than thirty days after ~~the effective date of this amendment~~ 126448  
October 17, 2019. An appointed member shall hold office until a 126449

successor is appointed. A vacancy shall be filled in the same 126450  
manner as the original appointment. 126451

The director of ~~health~~ children and youth shall serve as the 126452  
chairperson of the consortium. 126453

A member shall serve without compensation except to the 126454  
extent that serving on the consortium is considered part of the 126455  
member's regular duties of employment. 126456

(E) The consortium shall meet at the call of the director of 126457  
~~health~~ children and youth but not less than once each calendar 126458  
quarter. The consortium's first meeting shall occur not later than 126459  
sixty days after April 6, 2017. 126460

(F) The department of ~~health~~ children and youth shall provide 126461  
meeting space and staff and other administrative support for the 126462  
consortium. 126463

(G) The consortium is not subject to sections 101.82 to 126464  
101.87 of the Revised Code. 126465

**Sec. ~~3701.613~~ 5180.24.** Beginning in fiscal year ~~2018~~ 2026, 126466  
the department of ~~health~~ children and youth shall facilitate and 126467  
allocate funds for a biennial summit on home visiting programs. 126468  
The purpose of each summit is to convene persons and government 126469  
entities involved with the delivery of home visiting services in 126470  
this state, as well as other interested persons, to do all of the 126471  
following: 126472

(A) Share the latest research on evidence-based and 126473  
innovative, promising home visiting models; 126474

(B) Discuss strategies to ensure that home visiting programs 126475  
in this state use evidence-based or innovative, promising home 126476  
visiting models; 126477

(C) Discuss strategies to reduce tobacco use by families 126478  
participating in home visiting programs; 126479

(D) Present successes and challenges encountered by home 126480  
visiting programs. 126481

**Sec. ~~3701.614~~ 5180.25.** (A) The department of ~~health children~~ 126482  
~~and youth~~ shall develop educational materials describing the 126483  
health risks of lead-based paint and measures that may be taken to 126484  
reduce those risks. 126485

(B) As part of the home visiting services described in 126486  
section ~~3701.61~~ 5180.21 of the Revised Code, each eligible family 126487  
residing in a house, apartment, or other residence built before 126488  
January 1, 1979, shall receive a copy of the educational materials 126489  
described in this section. If the date on which the residence was 126490  
built is unknown to the family or home visiting services provider, 126491  
the family shall receive a copy of the educational materials. 126492

(C) The educational materials developed and distributed under 126493  
this section shall be culturally and linguistically appropriate 126494  
for the families described in division (B) of this section. 126495

**Sec. 5180.30.** The department of children and youth shall 126496  
serve as the "lead agency," as described by 20 U.S.C. 1435(a)(10), 126497  
to implement the state's part C early intervention services 126498  
program, through which early intervention services are provided to 126499  
eligible infants and toddlers in accordance with part C of the 126500  
"Individuals with Disabilities Education Act," 20 U.S.C. 1431 et 126501  
seq., and regulations implementing that part in 34 C.F.R. part 126502  
303. 126503

**Sec. ~~5123.024~~ 5180.31.** The department of ~~developmental~~ 126504  
~~disabilities children and youth~~ may do any of the following as the 126505  
lead agency to implement the state's part C early intervention 126506  
services program, as described in section ~~5123.02~~ 5180.30 of the 126507  
Revised Code: 126508

(A) Enter into an interagency agreement with one or more other state agencies to implement the program and ensure coordination of early childhood programs;	126509 126510 126511
(B) Distribute program funds through contracts, grants, or subsidies to entities that are program service providers;	126512 126513
(C) Establish a system of payment to program service providers.	126514 126515
<b>Sec. <del>5123.0421</del> 5180.32.</b> The director of <del>developmental disabilities children and youth</del> shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary to implement the state's part C early intervention services program, including rules that specify all of the following:	126516 126517 126518 126519 126520
(A) Eligibility requirements to receive program services;	126521
(B) Eligibility requirements to be a program service provider;	126522 126523
(C) Operating standards and procedures for program service providers, including standards and procedures governing data collection, program monitoring, and program evaluation;	126524 126525 126526
(D) Procedures to appeal the denial of an application to receive program services or the termination of program services;	126527 126528
(E) Procedures to appeal a decision by the department of developmental disabilities to deny an application to be a program service provider or to terminate a provider's status;	126529 126530 126531
(F) Procedures for addressing complaints by persons who receive program services;	126532 126533
(G) Criteria for the payment of program service providers;	126534
(H) The metrics or indicators used to measure program service provider performance.	126535 126536

**Sec. ~~5123.0423~~ 5180.33.** As used in this section, "school district of residence" has the same meaning as in section 3323.01 of the Revised Code.

The director of ~~developmental disabilities~~ children and youth shall request a student data verification code from the independent contractor engaged by the department of education to create and maintain such codes for school districts and community schools under division (D)(2) of section 3301.0714 of the Revised Code for each child who is receiving services from the state's part C early intervention services program. The director shall request from the parent, guardian, or custodian of the child, or from any other person who is authorized by law to make decisions regarding the child's education, the name and address of the child's school district of residence. The director shall submit the data verification code for that child to the child's school district of residence at the time the child ceases to receive services from the part C early intervention services program.

The director and each school district that receives a data verification code under this section shall not release that code to any person except as provided by law. Any document that the director holds in the director's files that contains both a child's name or other personally identifiable information and the child's data verification code is not a public record under section 149.43 of the Revised Code.

**Sec. ~~5123.0422~~ 5180.34.** The governor shall establish the early intervention services advisory council, which shall serve as the state interagency coordinating council, as described in 20 U.S.C. 1441. In establishing the council, the governor shall comply with the requirements of 20 U.S.C. 1441, including the requirement to ensure that the membership of the council reasonably represents the population of the state.

The governor shall appoint one of the council members to 126568  
serve as chairperson of the council, or the governor may delegate 126569  
appointment of the chairperson to the council. No member of the 126570  
council representing the department of health or the department of 126571  
~~developmental disabilities~~ children and youth shall serve as 126572  
chairperson. 126573

The council is not subject to sections 101.82 to 101.87 of 126574  
the Revised Code. 126575

**Section 130.13.** That existing sections 9.55, 103.60, 109.65, 126576  
109.746, 121.37, 131.33, 131.41, 135.79, 153.39, 307.98, 307.981, 126577  
329.04, 2151.011, 2151.152, 2151.281, 2151.316, 2151.353, 126578  
2151.3519, 2151.3534, 2151.3535, 2151.36, 2151.39, 2151.412, 126579  
2151.413, 2151.416, 2151.421, 2151.429, 2151.4228, 2151.4229, 126580  
2151.4230, 2151.4231, 2151.4232, 2151.4233, 2151.452, 2151.454, 126581  
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3301.0714, 3301.0715, 3301.0723, 3301.15, 3301.30, 3301.311, 126588  
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5101.221, 5101.23, 5101.24, 5101.243, 5101.244, 5101.25, 5101.26, 126601  
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5101.881, 5101.885, 5101.8811, 5103.02, 5103.03, 5103.031, 126605  
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5103.0310, 5103.0312, 5103.0313, 5103.0314, 5103.0315, 5103.0316, 126607  
5103.0317, 5103.0319, 5103.0320, 5103.0321, 5103.0322, 5103.0323, 126608  
5103.0325, 5103.0326, 5103.0328, 5103.0329, 5103.04, 5103.05, 126609  
5103.051, 5103.07, 5103.08, 5103.11, 5103.12, 5103.13, 5103.131, 126610  
5103.14, 5103.151, 5103.152, 5103.155, 5103.16, 5103.163, 5103.17, 126611  
5103.18, 5103.181, 5103.21, 5103.22, 5103.232, 5103.233, 5103.30, 126612  
5103.303, 5103.32, 5103.33, 5103.34, 5103.35, 5103.36, 5103.362, 126613  
5103.363, 5103.38, 5103.39, 5103.391, 5103.40, 5103.41, 5103.42, 126614  
5103.50, 5103.51, 5103.52, 5103.53, 5103.54, 5103.58, 5103.59, 126615  
5103.602, 5103.603, 5103.6010, 5103.6011, 5103.6015, 5103.6017, 126616  
5103.6018, 5103.611, 5103.612, 5103.615, 5103.617, 5104.01, 126617  
5104.013, 5104.015, 5104.016, 5104.017, 5104.018, 5104.019, 126618  
5104.0111, 5104.0112, 5104.02, 5104.021, 5104.022, 5104.03, 126619  
5104.034, 5104.038, 5104.04, 5104.041, 5104.042, 5104.043, 126620  
5104.05, 5104.052, 5104.053, 5104.054, 5104.06, 5104.07, 5104.08, 126621  
5104.081, 5104.10, 5104.12, 5104.13, 5104.14, 5104.21, 5104.211, 126622  
5104.22, 5104.25, 5104.29, 5104.30, 5104.301, 5104.31, 5104.32, 126623  
5104.33, 5104.34, 5104.36, 5104.38, 5104.382, 5104.39, 5104.42, 126624  
5104.44, 5107.24, 5123.02, 5123.024, 5123.026, 5123.0421, 126625  
5123.0422, 5123.0423, 5139.39, 5153.01, 5153.111, 5153.113, 126626  
5153.121, 5153.122, 5153.123, 5153.124, 5153.14, 5153.16, 126627  
5153.163, 5153.166, 5153.17, 5153.175, 5153.20, 5153.21, 5153.22, 126628  
5153.27, 5153.29, 5153.30, 5153.32, 5153.35, 5153.36, 5153.38, 126629  
5153.49, 5153.52, 5160.011, 5162.11, 5162.135, 5164.15, 5166.01, 126630  
and 5167.16 of the Revised Code are hereby repealed. 126631

**Section 130.14.** That section 3301.521 of the Revised Code is 126632  
hereby repealed. 126633

**Section 130.15.** Sections 130.12, 130.13, and 130.14 of this 126634  
act take effect January 1, 2025. 126635

**Section 130.16.** The General Assembly, applying the principle 126636  
stated in division (B) of section 1.52 of the Revised Code that 126637  
amendments are to be harmonized if reasonably capable of 126638  
simultaneous operation, finds that the following sections, 126639  
presented in this act as composites of the sections as amended by 126640  
the acts indicated, are the resulting versions of the sections in 126641  
effect prior to the effective date of the sections as presented in 126642  
this act: 126643

Section 2151.353 of the Revised Code as amended by H.B. 8 and 126644  
H.B. 166, both of the 133rd General Assembly, H.B. 49 of the 132nd 126645  
General Assembly, and H.B. 50 and H.B. 158, both of the 131st 126646  
General Assembly. 126647

Section 3301.0715 of the Revised Code as amended by both H.B. 126648  
82 and H.B. 110 of the 134th General Assembly. 126649

Section 5104.017 of the Revised Code as amended by both H.B. 126650  
110 and H.B. 281 of the 134th General Assembly. 126651

Section 5123.02 of the Revised Code as amended by both H.B. 126652  
158 and H.B. 483 of the 131st General Assembly. 126653

Section 5153.163 of the Revised Code as amended by both H.B. 126654  
110 and H.B. 281 of the 134th General Assembly. 126655

**Section 130.20.** That sections 109.57, 349.01, 921.06, 126656  
1923.01, 1923.02, 2151.011, 2151.421, 2151.86, 2919.223, 2919.224, 126657  
2919.225, 2919.226, 2923.124, 2923.126, 2950.034, 2950.11, 126658  
2950.13, 3109.051, 3301.52, 3301.53, 3321.01, 3321.05, 3325.07, 126659

3325.071, 3701.63, 3701.80, 3714.03, 3717.42, 3728.01, 3737.22, 126660  
3737.83, 3737.841, 3742.01, 3767.41, 3781.06, 3781.10, 3796.30, 126661  
3797.06, 3905.064, 4510.021, 4511.01, 4511.81, 4513.182, 4715.36, 126662  
5101.29, 5103.03, 5104.01, 5104.013, 5104.014, 5104.015, 5104.016, 126663  
5104.017, 5104.018, 5104.0111, 5104.02, 5104.021, 5104.022, 126664  
5104.03, 5104.032, 5104.033, 5104.034, 5104.037, 5104.038, 126665  
5104.039, 5104.04, 5104.041, 5104.042, 5104.043, 5104.05, 126666  
5104.051, 5104.052, 5104.053, 5104.054, 5104.06, 5104.07, 5104.08, 126667  
5104.09, 5104.13, 5104.14, 5104.25, 5104.30, 5104.301, 5104.31, 126668  
5104.32, 5104.35, 5104.36, 5104.99, 5107.60, 5119.37, 5119.371, 126669  
5153.175, 5321.01, 5321.03, 5321.051, 5709.65, 5733.36, 5733.37, 126670  
5733.38, and 6109.121 of the Revised Code be amended to read as 126671  
follows: 126672

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 126673  
criminal identification and investigation shall procure from 126674  
wherever procurable and file for record photographs, pictures, 126675  
descriptions, fingerprints, measurements, and other information 126676  
that may be pertinent of all persons who have been convicted of 126677  
committing within this state a felony, any crime constituting a 126678  
misdemeanor on the first offense and a felony on subsequent 126679  
offenses, or any misdemeanor described in division (A)(1)(a), 126680  
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code, of 126681  
all children under eighteen years of age who have been adjudicated 126682  
delinquent children for committing within this state an act that 126683  
would be a felony or an offense of violence if committed by an 126684  
adult or who have been convicted of or pleaded guilty to 126685  
committing within this state a felony or an offense of violence, 126686  
and of all well-known and habitual criminals. The person in charge 126687  
of any county, multicounty, municipal, municipal-county, or 126688  
multicounty-municipal jail or workhouse, community-based 126689  
correctional facility, halfway house, alternative residential 126690

facility, or state correctional institution and the person in 126691  
charge of any state institution having custody of a person 126692  
suspected of having committed a felony, any crime constituting a 126693  
misdemeanor on the first offense and a felony on subsequent 126694  
offenses, or any misdemeanor described in division (A)(1)(a), 126695  
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code or 126696  
having custody of a child under eighteen years of age with respect 126697  
to whom there is probable cause to believe that the child may have 126698  
committed an act that would be a felony or an offense of violence 126699  
if committed by an adult shall furnish such material to the 126700  
superintendent of the bureau. Fingerprints, photographs, or other 126701  
descriptive information of a child who is under eighteen years of 126702  
age, has not been arrested or otherwise taken into custody for 126703  
committing an act that would be a felony or an offense of violence 126704  
who is not in any other category of child specified in this 126705  
division, if committed by an adult, has not been adjudicated a 126706  
delinquent child for committing an act that would be a felony or 126707  
an offense of violence if committed by an adult, has not been 126708  
convicted of or pleaded guilty to committing a felony or an 126709  
offense of violence, and is not a child with respect to whom there 126710  
is probable cause to believe that the child may have committed an 126711  
act that would be a felony or an offense of violence if committed 126712  
by an adult shall not be procured by the superintendent or 126713  
furnished by any person in charge of any county, multicounty, 126714  
municipal, municipal-county, or multicounty-municipal jail or 126715  
workhouse, community-based correctional facility, halfway house, 126716  
alternative residential facility, or state correctional 126717  
institution, except as authorized in section 2151.313 of the 126718  
Revised Code. 126719

(2) Every clerk of a court of record in this state, other 126720  
than the supreme court or a court of appeals, shall send to the 126721  
superintendent of the bureau a weekly report containing a summary 126722

of each case involving a felony, involving any crime constituting 126723  
a misdemeanor on the first offense and a felony on subsequent 126724  
offenses, involving a misdemeanor described in division (A)(1)(a), 126725  
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code, or 126726  
involving an adjudication in a case in which a child under 126727  
eighteen years of age was alleged to be a delinquent child for 126728  
committing an act that would be a felony or an offense of violence 126729  
if committed by an adult. The clerk of the court of common pleas 126730  
shall include in the report and summary the clerk sends under this 126731  
division all information described in divisions (A)(2)(a) to (f) 126732  
of this section regarding a case before the court of appeals that 126733  
is served by that clerk. The summary shall be written on the 126734  
standard forms furnished by the superintendent pursuant to 126735  
division (B) of this section and shall include the following 126736  
information: 126737

(a) The incident tracking number contained on the standard 126738  
forms furnished by the superintendent pursuant to division (B) of 126739  
this section; 126740

(b) The style and number of the case; 126741

(c) The date of arrest, offense, summons, or arraignment; 126742

(d) The date that the person was convicted of or pleaded 126743  
guilty to the offense, adjudicated a delinquent child for 126744  
committing the act that would be a felony or an offense of 126745  
violence if committed by an adult, found not guilty of the 126746  
offense, or found not to be a delinquent child for committing an 126747  
act that would be a felony or an offense of violence if committed 126748  
by an adult, the date of an entry dismissing the charge, an entry 126749  
declaring a mistrial of the offense in which the person is 126750  
discharged, an entry finding that the person or child is not 126751  
competent to stand trial, or an entry of a nolle prosequi, or the 126752  
date of any other determination that constitutes final resolution 126753  
of the case; 126754

(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;

(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.

If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.

(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in division (A)(1)(a), (A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code and of all children under eighteen years of age arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence if committed by an adult. The superintendent also shall file for record the fingerprint impressions of all persons confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution for the violation of state laws and of all children under eighteen years of age who are confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional

institution or in any facility for delinquent children for 126787  
committing an act that would be a felony or an offense of violence 126788  
if committed by an adult, and any other information that the 126789  
superintendent may receive from law enforcement officials of the 126790  
state and its political subdivisions. 126791

(4) The superintendent shall carry out Chapter 2950. of the 126792  
Revised Code with respect to the registration of persons who are 126793  
convicted of or plead guilty to a sexually oriented offense or a 126794  
child-victim oriented offense and with respect to all other duties 126795  
imposed on the bureau under that chapter. 126796

(5) The bureau shall perform centralized recordkeeping 126797  
functions for criminal history records and services in this state 126798  
for purposes of the national crime prevention and privacy compact 126799  
set forth in section 109.571 of the Revised Code and is the 126800  
criminal history record repository as defined in that section for 126801  
purposes of that compact. The superintendent or the 126802  
superintendent's designee is the compact officer for purposes of 126803  
that compact and shall carry out the responsibilities of the 126804  
compact officer specified in that compact. 126805

(6) The superintendent shall, upon request, assist a county 126806  
coroner in the identification of a deceased person through the use 126807  
of fingerprint impressions obtained pursuant to division (A)(1) of 126808  
this section or collected pursuant to section 109.572 or 311.41 of 126809  
the Revised Code. 126810

(B) The superintendent shall prepare and furnish to every 126811  
county, multicounty, municipal, municipal-county, or 126812  
multicounty-municipal jail or workhouse, community-based 126813  
correctional facility, halfway house, alternative residential 126814  
facility, or state correctional institution and to every clerk of 126815  
a court in this state specified in division (A)(2) of this section 126816  
standard forms for reporting the information required under 126817  
division (A) of this section. The standard forms that the 126818

superintendent prepares pursuant to this division may be in a 126819  
tangible format, in an electronic format, or in both tangible 126820  
formats and electronic formats. 126821

(C)(1) The superintendent may operate a center for 126822  
electronic, automated, or other data processing for the storage 126823  
and retrieval of information, data, and statistics pertaining to 126824  
criminals and to children under eighteen years of age who are 126825  
adjudicated delinquent children for committing an act that would 126826  
be a felony or an offense of violence if committed by an adult, 126827  
criminal activity, crime prevention, law enforcement, and criminal 126828  
justice, and may establish and operate a statewide communications 126829  
network to be known as the Ohio law enforcement gateway to gather 126830  
and disseminate information, data, and statistics for the use of 126831  
law enforcement agencies and for other uses specified in this 126832  
division. The superintendent may gather, store, retrieve, and 126833  
disseminate information, data, and statistics that pertain to 126834  
children who are under eighteen years of age and that are gathered 126835  
pursuant to sections 109.57 to 109.61 of the Revised Code together 126836  
with information, data, and statistics that pertain to adults and 126837  
that are gathered pursuant to those sections. 126838

(2) The superintendent or the superintendent's designee shall 126839  
gather information of the nature described in division (C)(1) of 126840  
this section that pertains to the offense and delinquency history 126841  
of a person who has been convicted of, pleaded guilty to, or been 126842  
adjudicated a delinquent child for committing a sexually oriented 126843  
offense or a child-victim oriented offense for inclusion in the 126844  
state registry of sex offenders and child-victim offenders 126845  
maintained pursuant to division (A)(1) of section 2950.13 of the 126846  
Revised Code and in the internet database operated pursuant to 126847  
division (A)(13) of that section and for possible inclusion in the 126848  
internet database operated pursuant to division (A)(11) of that 126849  
section. 126850

(3) In addition to any other authorized use of information, data, and statistics of the nature described in division (C)(1) of this section, the superintendent or the superintendent's designee may provide and exchange the information, data, and statistics pursuant to the national crime prevention and privacy compact as described in division (A)(5) of this section.

(4) The Ohio law enforcement gateway shall contain the name, confidential address, and telephone number of program participants in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code.

(5) The attorney general may adopt rules under Chapter 119. of the Revised Code establishing guidelines for the operation of and participation in the Ohio law enforcement gateway. The rules may include criteria for granting and restricting access to information gathered and disseminated through the Ohio law enforcement gateway. The attorney general shall adopt rules under Chapter 119. of the Revised Code that grant access to information in the gateway regarding an address confidentiality program participant under sections 111.41 to 111.47 of the Revised Code to only chiefs of police, village marshals, county sheriffs, county prosecuting attorneys, and a designee of each of these individuals. The attorney general shall permit an office of a county coroner, the state medical board, and board of nursing to access and view, but not alter, information gathered and disseminated through the Ohio law enforcement gateway.

The attorney general may appoint a steering committee to advise the attorney general in the operation of the Ohio law enforcement gateway that is comprised of persons who are representatives of the criminal justice agencies in this state that use the Ohio law enforcement gateway and is chaired by the superintendent or the superintendent's designee.

(D)(1) The following are not public records under section

149.43 of the Revised Code: 126883

(a) Information and materials furnished to the superintendent 126884  
pursuant to division (A) of this section; 126885

(b) Information, data, and statistics gathered or 126886  
disseminated through the Ohio law enforcement gateway pursuant to 126887  
division (C)(1) of this section; 126888

(c) Information and materials furnished to any board or 126889  
person under division (F) or (G) of this section. 126890

(2) The superintendent or the superintendent's designee shall 126891  
gather and retain information so furnished under division (A) of 126892  
this section that pertains to the offense and delinquency history 126893  
of a person who has been convicted of, pleaded guilty to, or been 126894  
adjudicated a delinquent child for committing a sexually oriented 126895  
offense or a child-victim oriented offense for the purposes 126896  
described in division (C)(2) of this section. 126897

(E)(1) The attorney general shall adopt rules, in accordance 126898  
with Chapter 119. of the Revised Code and subject to division 126899  
(E)(2) of this section, setting forth the procedure by which a 126900  
person may receive or release information gathered by the 126901  
superintendent pursuant to division (A) of this section. A 126902  
reasonable fee may be charged for this service. If a temporary 126903  
employment service submits a request for a determination of 126904  
whether a person the service plans to refer to an employment 126905  
position has been convicted of or pleaded guilty to an offense 126906  
listed or described in division (A)(1), (2), or (3) of section 126907  
109.572 of the Revised Code, the request shall be treated as a 126908  
single request and only one fee shall be charged. 126909

(2) Except as otherwise provided in this division or division 126910  
(E)(3) or (4) of this section, a rule adopted under division 126911  
(E)(1) of this section may provide only for the release of 126912  
information gathered pursuant to division (A) of this section that 126913

relates to the conviction of a person, or a person's plea of 126914  
guilty to, a criminal offense or to the arrest of a person as 126915  
provided in division (E)(3) of this section. The superintendent 126916  
shall not release, and the attorney general shall not adopt any 126917  
rule under division (E)(1) of this section that permits the 126918  
release of, any information gathered pursuant to division (A) of 126919  
this section that relates to an adjudication of a child as a 126920  
delinquent child, or that relates to a criminal conviction of a 126921  
person under eighteen years of age if the person's case was 126922  
transferred back to a juvenile court under division (B)(2) or (3) 126923  
of section 2152.121 of the Revised Code and the juvenile court 126924  
imposed a disposition or serious youthful offender disposition 126925  
upon the person under either division, unless either of the 126926  
following applies with respect to the adjudication or conviction: 126927

(a) The adjudication or conviction was for a violation of 126928  
section 2903.01 or 2903.02 of the Revised Code. 126929

(b) The adjudication or conviction was for a sexually 126930  
oriented offense, the juvenile court was required to classify the 126931  
child a juvenile offender registrant for that offense under 126932  
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 126933  
classification has not been removed, and the records of the 126934  
adjudication or conviction have not been sealed or expunged 126935  
pursuant to sections 2151.355 to 2151.358 or sealed or expunged 126936  
pursuant to section 2953.32 of the Revised Code. 126937

(3) A rule adopted under division (E)(1) of this section may 126938  
provide for the release of information gathered pursuant to 126939  
division (A) of this section that relates to the arrest of a 126940  
person who is eighteen years of age or older when the person has 126941  
not been convicted as a result of that arrest if any of the 126942  
following applies: 126943

(a) The arrest was made outside of this state. 126944

(b) A criminal action resulting from the arrest is pending, 126945  
and the superintendent confirms that the criminal action has not 126946  
been resolved at the time the criminal records check is performed. 126947

(c) The bureau cannot reasonably determine whether a criminal 126948  
action resulting from the arrest is pending, and not more than one 126949  
year has elapsed since the date of the arrest. 126950

(4) A rule adopted under division (E)(1) of this section may 126951  
provide for the release of information gathered pursuant to 126952  
division (A) of this section that relates to an adjudication of a 126953  
child as a delinquent child if not more than five years have 126954  
elapsed since the date of the adjudication, the adjudication was 126955  
for an act that would have been a felony if committed by an adult, 126956  
the records of the adjudication have not been sealed or expunged 126957  
pursuant to sections 2151.355 to 2151.358 of the Revised Code, and 126958  
the request for information is made under division (F) of this 126959  
section or under section 109.572 of the Revised Code. In the case 126960  
of an adjudication for a violation of the terms of community 126961  
control or supervised release, the five-year period shall be 126962  
calculated from the date of the adjudication to which the 126963  
community control or supervised release pertains. 126964

(F)(1) As used in division (F)(2) of this section, "head 126965  
start agency" means an entity in this state that has been approved 126966  
to be an agency for purposes of subchapter II of the "Community 126967  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 126968  
as amended. 126969

(2)(a) In addition to or in conjunction with any request that 126970  
is required to be made under section 109.572, 2151.86, 3301.32, 126971  
3301.541, division (C) of section 3310.58, or section 3319.39, 126972  
3319.391, 3327.10, 3740.11, 5104.013, 5123.081, or 5153.111 of the 126973  
Revised Code or that is made under section 3314.41, 3319.392, 126974  
3326.25, or 3328.20 of the Revised Code, the board of education of 126975  
any school district; the director of developmental disabilities; 126976

any county board of developmental disabilities; any provider or 126977  
subcontractor as defined in section 5123.081 of the Revised Code; 126978  
the chief administrator of any chartered nonpublic school; the 126979  
chief administrator of a registered private provider that is not 126980  
also a chartered nonpublic school; the chief administrator of any 126981  
home health agency; the chief administrator of or person operating 126982  
any child ~~day-care~~ care center, type A family ~~day-care~~ child care 126983  
home, or type B family ~~day-care~~ child care home licensed under 126984  
Chapter 5104. of the Revised Code; the chief administrator of any 126985  
head start agency; the executive director of a public children 126986  
services agency; a private company described in section 3314.41, 126987  
3319.392, 3326.25, or 3328.20 of the Revised Code; or an employer 126988  
described in division (J)(2) of section 3327.10 of the Revised 126989  
Code may request that the superintendent of the bureau investigate 126990  
and determine, with respect to any individual who has applied for 126991  
employment in any position after October 2, 1989, or any 126992  
individual wishing to apply for employment with a board of 126993  
education may request, with regard to the individual, whether the 126994  
bureau has any information gathered under division (A) of this 126995  
section that pertains to that individual. On receipt of the 126996  
request, subject to division (E)(2) of this section, the 126997  
superintendent shall determine whether that information exists 126998  
and, upon request of the person, board, or entity requesting 126999  
information, also shall request from the federal bureau of 127000  
investigation any criminal records it has pertaining to that 127001  
individual. The superintendent or the superintendent's designee 127002  
also may request criminal history records from other states or the 127003  
federal government pursuant to the national crime prevention and 127004  
privacy compact set forth in section 109.571 of the Revised Code. 127005  
Within thirty days of the date that the superintendent receives a 127006  
request, subject to division (E)(2) of this section, the 127007  
superintendent shall send to the board, entity, or person a report 127008  
of any information that the superintendent determines exists, 127009

including information contained in records that have been sealed 127010  
under section 2953.32 of the Revised Code, and, within thirty days 127011  
of its receipt, subject to division (E)(2) of this section, shall 127012  
send the board, entity, or person a report of any information 127013  
received from the federal bureau of investigation, other than 127014  
information the dissemination of which is prohibited by federal 127015  
law. 127016

(b) When a board of education or a registered private 127017  
provider is required to receive information under this section as 127018  
a prerequisite to employment of an individual pursuant to division 127019  
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 127020  
may accept a certified copy of records that were issued by the 127021  
bureau of criminal identification and investigation and that are 127022  
presented by an individual applying for employment with the 127023  
district in lieu of requesting that information itself. In such a 127024  
case, the board shall accept the certified copy issued by the 127025  
bureau in order to make a photocopy of it for that individual's 127026  
employment application documents and shall return the certified 127027  
copy to the individual. In a case of that nature, a district or 127028  
provider only shall accept a certified copy of records of that 127029  
nature within one year after the date of their issuance by the 127030  
bureau. 127031

(c) Notwithstanding division (F)(2)(a) of this section, in 127032  
the case of a request under section 3319.39, 3319.391, or 3327.10 127033  
of the Revised Code only for criminal records maintained by the 127034  
federal bureau of investigation, the superintendent shall not 127035  
determine whether any information gathered under division (A) of 127036  
this section exists on the person for whom the request is made. 127037

(3) The state board of education may request, with respect to 127038  
any individual who has applied for employment after October 2, 127039  
1989, in any position with the state board or the department of 127040  
education, any information that a school district board of 127041

education is authorized to request under division (F)(2) of this 127042  
section, and the superintendent of the bureau shall proceed as if 127043  
the request has been received from a school district board of 127044  
education under division (F)(2) of this section. 127045

(4) When the superintendent of the bureau receives a request 127046  
for information under section 3319.291 of the Revised Code, the 127047  
superintendent shall proceed as if the request has been received 127048  
from a school district board of education and shall comply with 127049  
divisions (F)(2)(a) and (c) of this section. 127050

(G) In addition to or in conjunction with any request that is 127051  
required to be made under section 3712.09, 3721.121, or 3740.11 of 127052  
the Revised Code with respect to an individual who has applied for 127053  
employment in a position that involves providing direct care to an 127054  
older adult or adult resident, the chief administrator of a home 127055  
health agency, hospice care program, home licensed under Chapter 127056  
3721. of the Revised Code, or adult day-care program operated 127057  
pursuant to rules adopted under section 3721.04 of the Revised 127058  
Code may request that the superintendent of the bureau investigate 127059  
and determine, with respect to any individual who has applied 127060  
after January 27, 1997, for employment in a position that does not 127061  
involve providing direct care to an older adult or adult resident, 127062  
whether the bureau has any information gathered under division (A) 127063  
of this section that pertains to that individual. 127064

In addition to or in conjunction with any request that is 127065  
required to be made under section 173.27 of the Revised Code with 127066  
respect to an individual who has applied for employment in a 127067  
position that involves providing ombudsman services to residents 127068  
of long-term care facilities or recipients of community-based 127069  
long-term care services, the state long-term care ombudsman, the 127070  
director of aging, a regional long-term care ombudsman program, or 127071  
the designee of the ombudsman, director, or program may request 127072  
that the superintendent investigate and determine, with respect to 127073

any individual who has applied for employment in a position that 127074  
does not involve providing such ombudsman services, whether the 127075  
bureau has any information gathered under division (A) of this 127076  
section that pertains to that applicant. 127077

In addition to or in conjunction with any request that is 127078  
required to be made under section 173.38 of the Revised Code with 127079  
respect to an individual who has applied for employment in a 127080  
direct-care position, the chief administrator of a provider, as 127081  
defined in section 173.39 of the Revised Code, may request that 127082  
the superintendent investigate and determine, with respect to any 127083  
individual who has applied for employment in a position that is 127084  
not a direct-care position, whether the bureau has any information 127085  
gathered under division (A) of this section that pertains to that 127086  
applicant. 127087

In addition to or in conjunction with any request that is 127088  
required to be made under section 3712.09 of the Revised Code with 127089  
respect to an individual who has applied for employment in a 127090  
position that involves providing direct care to a pediatric 127091  
respite care patient, the chief administrator of a pediatric 127092  
respite care program may request that the superintendent of the 127093  
bureau investigate and determine, with respect to any individual 127094  
who has applied for employment in a position that does not involve 127095  
providing direct care to a pediatric respite care patient, whether 127096  
the bureau has any information gathered under division (A) of this 127097  
section that pertains to that individual. 127098

On receipt of a request under this division, the 127099  
superintendent shall determine whether that information exists 127100  
and, on request of the individual requesting information, shall 127101  
also request from the federal bureau of investigation any criminal 127102  
records it has pertaining to the applicant. The superintendent or 127103  
the superintendent's designee also may request criminal history 127104  
records from other states or the federal government pursuant to 127105

the national crime prevention and privacy compact set forth in 127106  
section 109.571 of the Revised Code. Within thirty days of the 127107  
date a request is received, subject to division (E)(2) of this 127108  
section, the superintendent shall send to the requester a report 127109  
of any information determined to exist, including information 127110  
contained in records that have been sealed under section 2953.32 127111  
of the Revised Code, and, within thirty days of its receipt, shall 127112  
send the requester a report of any information received from the 127113  
federal bureau of investigation, other than information the 127114  
dissemination of which is prohibited by federal law. 127115

(H) Information obtained by a government entity or person 127116  
under this section is confidential and shall not be released or 127117  
disseminated. 127118

(I) The superintendent may charge a reasonable fee for 127119  
providing information or criminal records under division (F)(2) or 127120  
(G) of this section. 127121

(J) As used in this section: 127122

(1) "Pediatric respite care program" and "pediatric care 127123  
patient" have the same meanings as in section 3712.01 of the 127124  
Revised Code. 127125

(2) "Sexually oriented offense" and "child-victim oriented 127126  
offense" have the same meanings as in section 2950.01 of the 127127  
Revised Code. 127128

(3) "Registered private provider" means a nonpublic school or 127129  
entity registered with the superintendent of public instruction 127130  
under section 3310.41 of the Revised Code to participate in the 127131  
autism scholarship program or section 3310.58 of the Revised Code 127132  
to participate in the Jon Peterson special needs scholarship 127133  
program. 127134

**Sec. 349.01.** As used in this chapter: 127135

(A) "New community" means a community or development of property in relation to an existing community planned so that the resulting community includes facilities for the conduct of industrial, commercial, residential, cultural, educational, and recreational activities, and designed in accordance with planning concepts for the placement of utility, open space, and other supportive facilities.

(B) "New community development program" means a program for the development of a new community characterized by well-balanced and diversified land use patterns and which includes land acquisition and land development, the acquisition, construction, operation, and maintenance of community facilities, and the provision of services authorized in this chapter.

A new community development program may take into account any existing community in relation to which a new community is developed for purposes of being characterized by well-balanced and diversified land use patterns.

(C) "New community district" means the area of land described by the developer in the petition as set forth in division (A) of section 349.03 of the Revised Code for development as a new community and any lands added to the district by amendment of the resolution establishing the community authority.

(D) "New community authority" means a body corporate and politic in this state, established pursuant to section 349.03 of the Revised Code and governed by a board of trustees as provided in section 349.04 of the Revised Code.

(E) "Developer" means any person, organized for carrying out a new community development program who owns or controls, through leases of at least seventy-five years' duration, options, or contracts to purchase, the land within a new community district, or any municipal corporation, county, or port authority that owns

the land within a new community district, or has the ability to 127167  
acquire such land, either by voluntary acquisition or condemnation 127168  
in order to eliminate slum, blighted, and deteriorated or 127169  
deteriorating areas and to prevent the recurrence thereof. 127170  
"Developer" may also mean a person, municipal corporation, county, 127171  
or port authority that controls land within a new community 127172  
district through leases of at least seventy-five years' duration. 127173  
"Developer" includes a lessor that continues to own and control 127174  
land for purposes of this chapter pursuant to leases with a 127175  
ninety-nine-year renewable term, so long as all of the following 127176  
apply: 127177

(1) The developer's new community district consists of at 127178  
least five leases described in this section. 127179

(2) The leases are subject to forfeiture for all of the 127180  
following: 127181

(a) Failing to pay taxes and assessments; 127182

(b) Failing to pay an annual fee of up to one per cent of 127183  
rent for sanitary purposes and improvements made to streets; 127184

(c) Failing to keep the premises as required by sanitary and 127185  
police regulations of the developer. 127186

(3) The new community authority is established on or before 127187  
December 31, 2024. 127188

(F) "Organizational board of commissioners" means the 127189  
following: 127190

(1) For a new community district that is located in only one 127191  
county, the board of county commissioners of that county; 127192

(2) For a new community district that is located in more than 127193  
one county, a board consisting of the members of the board of 127194  
county commissioners of each of the counties in which the district 127195  
is located, provided that action of the board shall require a 127196

majority vote of the members of each separate board of county commissioners; or

(3) For a new community district that is located entirely within the boundaries of a municipal corporation or for a new community district where more than half of the new community district is located within the boundaries of the most populous municipal corporation of a county, the legislative authority of the municipal corporation.

(G) "Land acquisition" means the acquisition of real property and interests in real property as part of a new community development program.

(H) "Land development" means the process of clearing and grading land, making, installing, or constructing water distribution systems, sewers, sewage collection systems, steam, gas, and electric lines, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or work, whether within or without the new community district, and the construction of community facilities.

(I) "Community facilities" means all real property, buildings, structures, or other facilities, including related fixtures, equipment, and furnishings, to be owned, operated, financed, constructed, and maintained under this chapter or in furtherance of community activities, whether within or without the new community district, including public, community, village, neighborhood, or town buildings, centers and plazas, auditoriums, ~~day~~ child care centers, recreation halls, educational facilities, health care facilities including hospital facilities as defined in section 140.01 of the Revised Code, telecommunications facilities, including all facilities necessary to provide telecommunications service as defined in section 4927.01 of the Revised Code, recreational facilities, natural resource facilities, including parks and other open space land, lakes and streams, cultural

facilities, community streets and off-street parking facilities, 127229  
pathway and bikeway systems, pedestrian underpasses and 127230  
overpasses, lighting facilities, design amenities, or other 127231  
community facilities, and buildings needed in connection with 127232  
water supply or sewage disposal installations, or energy 127233  
facilities including those for renewable or sustainable energy 127234  
sources, and steam, gas, or electric lines or installation. 127235

(J) "Cost" as applied to a new community development program 127236  
means all costs related to land acquisition and land development, 127237  
the acquisition, construction, maintenance, and operation of 127238  
community facilities and offices of the community authority, and 127239  
of providing furnishings and equipment therefor, financing charges 127240  
including interest prior to and during construction and for the 127241  
duration of the new community development program, planning 127242  
expenses, engineering expenses, administrative expenses including 127243  
working capital, and all other expenses necessary and incident to 127244  
the carrying forward of the new community development program. 127245

(K) "Income source" means any and all sources of income to 127246  
the community authority, including community development charges 127247  
of which the new community authority is the beneficiary as 127248  
provided in section 349.07 of the Revised Code, rentals, user fees 127249  
and other charges received by the new community authority, any 127250  
gift or grant received, any moneys received from any funds 127251  
invested by or on behalf of the new community authority, and 127252  
proceeds from the sale or lease of land and community facilities. 127253

(L) "Community development charge" means: 127254

(1) A dollar amount which shall be determined on the basis of 127255  
the assessed valuation of real property or interests in real 127256  
property in a new community district, the income of the residents 127257  
of such property subject to such charge under section 349.07 of 127258  
the Revised Code, if such property is devoted to residential uses 127259  
or to the profits, gross receipts, or other revenues of any 127260

business including, but not limited to, rentals received from 127261  
leases of real property located in the district, a uniform or 127262  
other fee on each parcel of such real property in a new community 127263  
district, or any combination of the foregoing bases. 127264

(2) If a new community authority imposes a community 127265  
development charge determined on the basis of rentals received 127266  
from leases of real property, improvements of any real property 127267  
located in the new community district and subject to that charge 127268  
may not be exempted from taxation under section 5709.40, 5709.41, 127269  
5709.73, or 5709.78 of the Revised Code. 127270

(M) "Proximate city" means the following: 127271

(1) For a new community district other than a new community 127272  
district described in division (M)(2) or (3) of this section, any 127273  
city that, as of the date of filing of the petition under section 127274  
349.03 of the Revised Code, is the city with the greatest 127275  
population located in the county in which the proposed new 127276  
community district is located, is the city with the greatest 127277  
population located in an adjoining county if any portion of such 127278  
city is within five miles of any part of the boundaries of such 127279  
district, or exercises extraterritorial subdivision authority 127280  
under section 711.09 of the Revised Code with respect to any part 127281  
of such district. 127282

(2) A municipal corporation in which, at the time of filing 127283  
the petition under section 349.03 of the Revised Code, any portion 127284  
of the proposed new community district is located. 127285

(3) For a new community district other than a new community 127286  
district described in division (M)(2) of this section, if at the 127287  
time of filing the petition under section 349.03 of the Revised 127288  
Code, more than one-half of the proposed district is contained 127289  
within a joint economic development district created under 127290  
sections 715.70 to 715.83 of the Revised Code, the township 127291

containing the greatest portion of the territory of the joint 127292  
economic development district. 127293

(N) "Community activities" means cultural, educational, 127294  
governmental, recreational, residential, industrial, commercial, 127295  
distribution and research activities, or any combination thereof 127296  
that includes residential activities. 127297

**Sec. 921.06.** (A)(1) No individual shall do any of the 127298  
following without having a commercial applicator license issued by 127299  
the director of agriculture: 127300

(a) Apply pesticides for a pesticide business without direct 127301  
supervision; 127302

(b) Apply pesticides as part of the individual's duties while 127303  
acting as an employee of the United States government, a state, 127304  
county, township, or municipal corporation, or a park district, 127305  
port authority, or sanitary district created under Chapter 1545., 127306  
4582., or 6115. of the Revised Code, respectively; 127307

(c) Apply restricted use pesticides. Division (A)(1)(c) of 127308  
this section does not apply to a private applicator or an 127309  
immediate family member or a subordinate employee of a private 127310  
applicator who is acting under the direct supervision of that 127311  
private applicator. 127312

(d) If the individual is the owner of a business other than a 127313  
pesticide business or an employee of such an owner, apply 127314  
pesticides at any of the following publicly accessible sites that 127315  
are located on the property: 127316

(i) Food service operations that are licensed under Chapter 127317  
3717. of the Revised Code; 127318

(ii) Retail food establishments that are licensed under 127319  
Chapter 3717. of the Revised Code; 127320

(iii) Golf courses; 127321

(iv) Rental properties of more than four apartment units at one location;	127322 127323
(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;	127324 127325
(vi) Child <del>day-care</del> <u>care</u> centers or <u>licensed</u> school child <del>day-care centers</del> <u>programs</u> as defined in section 5104.01 of the Revised Code;	127326 127327 127328
(vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an educational service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the state board of education;	127329 127330 127331 127332 127333 127334
(viii) State institutions of higher education as defined in section 3345.011 of the Revised Code, nonprofit institutions holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, institutions holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code, and private institutions exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code;	127335 127336 127337 127338 127339 127340 127341 127342 127343 127344
(ix) Food processing establishments as defined in section 3715.021 of the Revised Code;	127345 127346
(x) Any other site designated by rule.	127347
(e) Conduct authorized diagnostic inspections.	127348
(2) Divisions (A)(1)(a) to (d) of this section do not apply to an individual who is acting as a trained serviceperson under the direct supervision of a commercial applicator.	127349 127350 127351

(3) Licenses shall be issued for a period of time established 127352  
by rule and shall be renewed in accordance with deadlines 127353  
established by rule. The fee for each such license shall be 127354  
established by rule. If a license is not issued or renewed, the 127355  
application fee shall be retained by the state as payment for the 127356  
reasonable expense of processing the application. The director 127357  
shall by rule classify by pesticide-use category licenses to be 127358  
issued under this section. A single license may include more than 127359  
one pesticide-use category. No individual shall be required to pay 127360  
an additional license fee if the individual is licensed for more 127361  
than one category. 127362

The fee for each license or renewal does not apply to an 127363  
applicant who is an employee of the department of agriculture 127364  
whose job duties require licensure as a commercial applicator as a 127365  
condition of employment. 127366

(B) Application for a commercial applicator license shall be 127367  
made on a form prescribed by the director. Each application for a 127368  
license shall state the pesticide-use category or categories of 127369  
license for which the applicant is applying and other information 127370  
that the director determines essential to the administration of 127371  
this chapter. 127372

(C) If the director finds that the applicant is competent to 127373  
apply pesticides and conduct diagnostic inspections and that the 127374  
applicant has passed both the general examination and each 127375  
applicable pesticide-use category examination as required under 127376  
division (A) of section 921.12 of the Revised Code, the director 127377  
shall issue a commercial applicator license limited to the 127378  
pesticide-use category or categories for which the applicant is 127379  
found to be competent. If the director rejects an application, the 127380  
director may explain why the application was rejected, describe 127381  
the additional requirements necessary for the applicant to obtain 127382  
a license, and return the application. The applicant may resubmit 127383

the application without payment of any additional fee. 127384

(D)(1) A person who is a commercial applicator shall be 127385  
deemed to hold a private applicator's license for purposes of 127386  
applying pesticides on agricultural commodities that are produced 127387  
by the commercial applicator. 127388

(2) A commercial applicator shall apply pesticides only in 127389  
the pesticide-use category or categories in which the applicator 127390  
is licensed under this chapter. 127391

(E) All money collected under this section shall be credited 127392  
to the pesticide, fertilizer, and lime program fund created in 127393  
section 921.22 of the Revised Code. 127394

**Sec. 1923.01.** (A) As provided in this chapter, any judge of a 127395  
county or municipal court or a court of common pleas, within the 127396  
judge's proper area of jurisdiction, may inquire about persons who 127397  
make unlawful and forcible entry into lands or tenements and 127398  
detain them, and about persons who make a lawful and peaceable 127399  
entry into lands or tenements and hold them unlawfully and by 127400  
force. If, upon the inquiry, it is found that an unlawful and 127401  
forcible entry has been made and the lands or tenements are 127402  
detained, or that, after a lawful entry, lands or tenements are 127403  
held unlawfully and by force, a judge shall cause the plaintiff in 127404  
an action under this chapter to have restitution of the lands or 127405  
tenements. 127406

(B) An action shall be brought under this chapter within two 127407  
years after the cause of action accrues. 127408

(C) As used in this chapter: 127409

(1) "Tenant" means a person who is entitled under a rental 127410  
agreement to the use or occupancy of premises, other than premises 127411  
located in a manufactured home park, to the exclusion of others, 127412  
except that as used in division (A)(6) of section 1923.02 and 127413

section 1923.051 of the Revised Code, "tenant" includes a 127414  
manufactured home park resident. 127415

(2) "Landlord" means the owner, lessor, or sublessor of 127416  
premises, or the agent or person the landlord authorizes to manage 127417  
premises or to receive rent from a tenant under a rental 127418  
agreement, except, if required by the facts of the action to which 127419  
the term is applied, "landlord" means a park operator. 127420

(3) "Resident" has the same meaning as in section 4781.01 of 127421  
the Revised Code. 127422

(4) "Residential premises" has the same meaning as in section 127423  
5321.01 of the Revised Code, except, if required by the facts of 127424  
the action to which the term is applied, "residential premises" 127425  
has the same meaning as in section 4781.01 of the Revised Code. 127426

(5) "Rental agreement" means any agreement or lease, written 127427  
or oral, that establishes or modifies the terms, conditions, 127428  
rules, or other provisions concerning the use or occupancy of 127429  
premises by one of the parties to the agreement or lease, except 127430  
that "rental agreement," as used in division (A)(13) of section 127431  
1923.02 of the Revised Code and where the context requires as used 127432  
in this chapter, means a rental agreement as defined in division 127433  
(D) of section 5322.01 of the Revised Code. 127434

(6) "Controlled substance" has the same meaning as in section 127435  
3719.01 of the Revised Code. 127436

(7) "School premises" has the same meaning as in section 127437  
2925.01 of the Revised Code. 127438

(8) "Sexually oriented offense" and "child-victim oriented 127439  
offense" have the same meanings as in section 2950.01 of the 127440  
Revised Code. 127441

(9) "Recreational vehicle" and "mobile home" have the same 127442  
meanings as in section 4501.01 of the Revised Code. 127443

(10) "Manufactured home" has the same meaning as in section 127444  
3781.06 of the Revised Code. 127445

(11) "Manufactured home park" has the same meaning as in 127446  
section 4781.01 of the Revised Code and also means any tract of 127447  
land upon which one or two manufactured or mobile homes used for 127448  
habitation are parked, either free of charge or for revenue 127449  
purposes, pursuant to rental agreements between the owners of the 127450  
manufactured or mobile homes and the owner of the tract of land. 127451

(12) "Park operator" has the same meaning as in section 127452  
4781.01 of the Revised Code and also means a landlord of premises 127453  
upon which one or two manufactured or mobile homes used for 127454  
habitation are parked, either free of charge or for revenue 127455  
purposes, pursuant to rental agreements between the owners of the 127456  
manufactured or mobile homes and a landlord who is not licensed as 127457  
a manufactured home park operator pursuant to Chapter 4781. of the 127458  
Revised Code. 127459

(13) "Personal property" means tangible personal property 127460  
other than a manufactured home, mobile home, or recreational 127461  
vehicle that is the subject of an action under this chapter. 127462

(14) "Preschool or child ~~day-care~~ care center premises" has 127463  
the same meaning as in section 2950.034 of the Revised Code. 127464

**Sec. 1923.02.** (A) Proceedings under this chapter may be had 127465  
as follows: 127466

(1) Against tenants or manufactured home park residents 127467  
holding over their terms; 127468

(2) Against tenants or manufactured home park residents in 127469  
possession under an oral tenancy, who are in default in the 127470  
payment of rent as provided in division (B) of this section; 127471

(3) In sales of real estate, on executions, orders, or other 127472  
judicial process, when the judgment debtor was in possession at 127473

the time of the rendition of the judgment or decree, by virtue of 127474  
which the sale was made; 127475

(4) In sales by executors, administrators, or guardians, and 127476  
on partition, when any of the parties to the complaint were in 127477  
possession at the commencement of the action, after the sales, so 127478  
made on execution or otherwise, have been examined by the proper 127479  
court and adjudged legal; 127480

(5) When the defendant is an occupier of lands or tenements, 127481  
without color of title, and the complainant has the right of 127482  
possession to them; 127483

(6) In any other case of the unlawful and forcible detention 127484  
of lands or tenements. For purposes of this division, in addition 127485  
to any other type of unlawful and forcible detention of lands or 127486  
tenements, such a detention may be determined to exist when both 127487  
of the following apply: 127488

(a) A tenant fails to vacate residential premises within 127489  
three days after both of the following occur: 127490

(i) The tenant's landlord has actual knowledge of or has 127491  
reasonable cause to believe that the tenant, any person in the 127492  
tenant's household, or any person on the premises with the consent 127493  
of the tenant previously has or presently is engaged in a 127494  
violation of Chapter 2925. or 3719. of the Revised Code, or of a 127495  
municipal ordinance that is substantially similar to any section 127496  
in either of those chapters, which involves a controlled substance 127497  
and which occurred in, is occurring in, or otherwise was or is 127498  
connected with the premises, whether or not the tenant or other 127499  
person has been charged with, has pleaded guilty to or been 127500  
convicted of, or has been determined to be a delinquent child for 127501  
an act that, if committed by an adult, would be a violation as 127502  
described in this division. For purposes of this division, a 127503  
landlord has "actual knowledge of or has reasonable cause to 127504

believe" that a tenant, any person in the tenant's household, or 127505  
any person on the premises with the consent of the tenant 127506  
previously has or presently is engaged in a violation as described 127507  
in this division if a search warrant was issued pursuant to 127508  
Criminal Rule 41 or Chapter 2933. of the Revised Code; the 127509  
affidavit presented to obtain the warrant named or described the 127510  
tenant or person as the individual to be searched and particularly 127511  
described the tenant's premises as the place to be searched, named 127512  
or described one or more controlled substances to be searched for 127513  
and seized, stated substantially the offense under Chapter 2925. 127514  
or 3719. of the Revised Code or the substantially similar 127515  
municipal ordinance that occurred in, is occurring in, or 127516  
otherwise was or is connected with the tenant's premises, and 127517  
states the factual basis for the affiant's belief that the 127518  
controlled substances are located on the tenant's premises; the 127519  
warrant was properly executed by a law enforcement officer and any 127520  
controlled substance described in the affidavit was found by that 127521  
officer during the search and seizure; and, subsequent to the 127522  
search and seizure, the landlord was informed by that or another 127523  
law enforcement officer of the fact that the tenant or person has 127524  
or presently is engaged in a violation as described in this 127525  
division and it occurred in, is occurring in, or otherwise was or 127526  
is connected with the tenant's premises. 127527

(ii) The landlord gives the tenant the notice required by 127528  
division (C) of section 5321.17 of the Revised Code. 127529

(b) The court determines, by a preponderance of the evidence, 127530  
that the tenant, any person in the tenant's household, or any 127531  
person on the premises with the consent of the tenant previously 127532  
has or presently is engaged in a violation as described in 127533  
division (A)(6)(a)(i) of this section. 127534

(7) In cases arising out of Chapter 5313. of the Revised 127535  
Code. In those cases, the court has the authority to declare a 127536

forfeiture of the vendee's rights under a land installment 127537  
contract and to grant any other claims arising out of the 127538  
contract. 127539

(8) Against tenants who have breached an obligation that is 127540  
imposed by section 5321.05 of the Revised Code, other than the 127541  
obligation specified in division (A)(9) of that section, and that 127542  
materially affects health and safety. Prior to the commencement of 127543  
an action under this division, notice shall be given to the tenant 127544  
and compliance secured with section 5321.11 of the Revised Code. 127545

(9) Against tenants who have breached an obligation imposed 127546  
upon them by a written rental agreement; 127547

(10) Against manufactured home park residents who have 127548  
defaulted in the payment of rent or breached the terms of a rental 127549  
agreement with a park operator. Nothing in this division precludes 127550  
the commencement of an action under division (A)(12) of this 127551  
section when the additional circumstances described in that 127552  
division apply. 127553

(11) Against manufactured home park residents who have 127554  
committed two material violations of the rules of the manufactured 127555  
home park, of the division of industrial compliance of the 127556  
department of commerce, or of applicable state and local health 127557  
and safety codes and who have been notified of the violations in 127558  
compliance with section 4781.45 of the Revised Code; 127559

(12) Against a manufactured home park resident, or the estate 127560  
of a manufactured home park resident, who as a result of death or 127561  
otherwise has been absent from the manufactured home park for a 127562  
period of thirty consecutive days prior to the commencement of an 127563  
action under this division and whose manufactured home or mobile 127564  
home, or recreational vehicle that is parked in the manufactured 127565  
home park, has been left unoccupied for that thirty-day period, 127566  
without notice to the park operator and without payment of rent 127567

due under the rental agreement with the park operator; 127568

(13) Against occupants of self-service storage facilities, as 127569  
defined in division (A) of section 5322.01 of the Revised Code, 127570  
who have breached the terms of a rental agreement or violated 127571  
section 5322.04 of the Revised Code; 127572

(14) Against any resident or occupant who, pursuant to a 127573  
rental agreement, resides in or occupies residential premises 127574  
located within one thousand feet of any school premises, preschool 127575  
or child ~~day-care~~ care center premises, children's crisis care 127576  
facility premises, or residential infant care center premises and 127577  
to whom both of the following apply: 127578

(a) The resident's or occupant's name appears on the state 127579  
registry of sex offenders and child-victim offenders maintained 127580  
under section 2950.13 of the Revised Code. 127581

(b) The state registry of sex offenders and child-victim 127582  
offenders indicates that the resident or occupant was convicted of 127583  
or pleaded guilty to a sexually oriented offense or a child-victim 127584  
oriented offense in a criminal prosecution and was not sentenced 127585  
to a serious youthful offender dispositional sentence for that 127586  
offense. 127587

(15) Against any tenant who permits any person to occupy 127588  
residential premises located within one thousand feet of any 127589  
school premises, preschool or child ~~day-care~~ care center premises, 127590  
children's crisis care facility premises, or residential infant 127591  
care center premises if both of the following apply to the person: 127592

(a) The person's name appears on the state registry of sex 127593  
offenders and child-victim offenders maintained under section 127594  
2950.13 of the Revised Code. 127595

(b) The state registry of sex offenders and child-victim 127596  
offenders indicates that the person was convicted of or pleaded 127597  
guilty to a sexually oriented offense or a child-victim oriented 127598

offense in a criminal prosecution and was not sentenced to a 127599  
serious youthful offender dispositional sentence for that offense. 127600

(B) If a tenant or manufactured home park resident holding 127601  
under an oral tenancy is in default in the payment of rent, the 127602  
tenant or resident forfeits the right of occupancy, and the 127603  
landlord may, at the landlord's option, terminate the tenancy by 127604  
notifying the tenant or resident, as provided in section 1923.04 127605  
of the Revised Code, to leave the premises, for the restitution of 127606  
which an action may then be brought under this chapter. 127607

(C)(1) If a tenant or any other person with the tenant's 127608  
permission resides in or occupies residential premises that are 127609  
located within one thousand feet of any school premises, 127610  
children's crisis care facility premises, or residential infant 127611  
care center premises and is a resident or occupant of the type 127612  
described in division (A)(14) of this section or a person of the 127613  
type described in division (A)(15) of this section, the landlord 127614  
for those residential premises, upon discovery that the tenant or 127615  
other person is a resident, occupant, or person of that nature, 127616  
may terminate the rental agreement or tenancy for those 127617  
residential premises by notifying the tenant and all other 127618  
occupants, as provided in section 1923.04 of the Revised Code, to 127619  
leave the premises. 127620

(2) If a landlord is authorized to terminate a rental 127621  
agreement or tenancy pursuant to division (C)(1) of this section 127622  
but does not so terminate the rental agreement or tenancy, the 127623  
landlord is not liable in a tort or other civil action in damages 127624  
for any injury, death, or loss to person or property that 127625  
allegedly result from that decision. 127626

(D) This chapter does not apply to a student tenant as 127627  
defined by division (H) of section 5321.01 of the Revised Code 127628  
when the college or university proceeds to terminate a rental 127629  
agreement pursuant to section 5321.031 of the Revised Code. 127630

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

**Sec. 2151.011.** (A) As used in the Revised Code:

(1) "Juvenile court" means whichever of the following is applicable that has jurisdiction under this chapter and Chapter 2152. of the Revised Code:

(a) The division of the court of common pleas specified in section 2101.022 or 2301.03 of the Revised Code as having jurisdiction under this chapter and Chapter 2152. of the Revised Code or as being the juvenile division or the juvenile division combined with one or more other divisions;

(b) The juvenile court of Cuyahoga county or Hamilton county that is separately and independently created by section 2151.08 or Chapter 2153. of the Revised Code and that has jurisdiction under this chapter and Chapter 2152. of the Revised Code;

(c) If division (A)(1)(a) or (b) of this section does not apply, the probate division of the court of common pleas.

(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter.

(3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.

(4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of job and family services that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following:

(a) Receives and cares for children for two or more consecutive weeks;	127661 127662
(b) Participates in the placement of children in certified foster homes;	127663 127664
(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.	127665 127666
(B) As used in this chapter:	127667
(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.	127668 127669 127670 127671 127672 127673
(2) "Adult" means an individual who is eighteen years of age or older.	127674 127675
(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.	127676 127677 127678 127679
(4) "Alternative response" means the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs and that does not include a determination as to whether child abuse or neglect occurred.	127680 127681 127682 127683 127684 127685
(5) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.	127686 127687 127688
(6) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any	127689 127690

person who is adjudicated an unruly child prior to attaining 127691  
eighteen years of age until the person attains twenty-one years of 127692  
age, and, for purposes of that jurisdiction related to that 127693  
adjudication, a person who is so adjudicated an unruly child shall 127694  
be deemed a "child" until the person attains twenty-one years of 127695  
age. 127696

(7) "Child day camp," "child care," "child ~~day-care~~ care 127697  
center," "part-time child ~~day-care~~ care center," "type A family 127698  
~~day-care~~ child care home," "licensed type B family ~~day-care~~ child 127699  
care home," "type B family ~~day-care~~ child care home," 127700  
"administrator of a child ~~day-care~~ care center," "administrator of 127701  
a type A family ~~day-care~~ child care home," and "in-home aide" have 127702  
the same meanings as in section 5104.01 of the Revised Code. 127703

(8) "Child care provider" means an individual who is a 127704  
child-care staff member or administrator of a child ~~day-care~~ care 127705  
center, a type A family ~~day-care~~ child care home, or a type B 127706  
family ~~day-care~~ child care home, or an in-home aide or an 127707  
individual who is licensed, is regulated, is approved, operates 127708  
under the direction of, or otherwise is certified by the 127709  
department of job and family services, department of developmental 127710  
disabilities, or the early childhood programs of the department of 127711  
education. 127712

(9) "Commit" means to vest custody as ordered by the court. 127713

(10) "Counseling" includes both of the following: 127714

(a) General counseling services performed by a public 127715  
children services agency or shelter for victims of domestic 127716  
violence to assist a child, a child's parents, and a child's 127717  
siblings in alleviating identified problems that may cause or have 127718  
caused the child to be an abused, neglected, or dependent child. 127719

(b) Psychiatric or psychological therapeutic counseling 127720  
services provided to correct or alleviate any mental or emotional 127721

illness or disorder and performed by a licensed psychiatrist, 127722  
licensed psychologist, or a person licensed under Chapter 4757. of 127723  
the Revised Code to engage in social work or professional 127724  
counseling. 127725

(11) "Custodian" means a person who has legal custody of a 127726  
child or a public children services agency or private child 127727  
placing agency that has permanent, temporary, or legal custody of 127728  
a child. 127729

(12) "Delinquent child" has the same meaning as in section 127730  
2152.02 of the Revised Code. 127731

(13) "Detention" means the temporary care of children pending 127732  
court adjudication or disposition, or execution of a court order, 127733  
in a public or private facility designed to physically restrict 127734  
the movement and activities of children. 127735

(14) "Developmental disability" has the same meaning as in 127736  
section 5123.01 of the Revised Code. 127737

(15) "Differential response approach" means an approach that 127738  
a public children services agency may use to respond to accepted 127739  
reports of child abuse or neglect with either an alternative 127740  
response or a traditional response. 127741

(16) "Foster caregiver" has the same meaning as in section 127742  
5103.02 of the Revised Code. 127743

(17) "Guardian" means a person, association, or corporation 127744  
that is granted authority by a probate court pursuant to Chapter 127745  
2111. of the Revised Code to exercise parental rights over a child 127746  
to the extent provided in the court's order and subject to the 127747  
residual parental rights of the child's parents. 127748

(18) "Habitual truant" means any child of compulsory school 127749  
age who is absent without legitimate excuse for absence from the 127750  
public school the child is supposed to attend for thirty or more 127751

consecutive hours, forty-two or more hours in one school month, or 127752  
seventy-two or more hours in a school year. 127753

(19) "Intellectual disability" has the same meaning as in 127754  
section 5123.01 of the Revised Code. 127755

(20) "Juvenile traffic offender" has the same meaning as in 127756  
section 2152.02 of the Revised Code. 127757

(21) "Legal custody" means a legal status that vests in the 127758  
custodian the right to have physical care and control of the child 127759  
and to determine where and with whom the child shall live, and the 127760  
right and duty to protect, train, and discipline the child and to 127761  
provide the child with food, shelter, education, and medical care, 127762  
all subject to any residual parental rights, privileges, and 127763  
responsibilities. An individual granted legal custody shall 127764  
exercise the rights and responsibilities personally unless 127765  
otherwise authorized by any section of the Revised Code or by the 127766  
court. 127767

(22) A "legitimate excuse for absence from the public school 127768  
the child is supposed to attend" includes, but is not limited to, 127769  
any of the following: 127770

(a) The fact that the child in question has enrolled in and 127771  
is attending another public or nonpublic school in this or another 127772  
state; 127773

(b) The fact that the child in question is excused from 127774  
attendance at school for any of the reasons specified in section 127775  
3321.04 of the Revised Code; 127776

(c) The fact that the child in question has received an age 127777  
and schooling certificate in accordance with section 3331.01 of 127778  
the Revised Code. 127779

(23) "Mental illness" has the same meaning as in section 127780  
5122.01 of the Revised Code. 127781

(24) "Mental injury" means any behavioral, cognitive, 127782  
emotional, or mental disorder in a child caused by an act or 127783  
omission that is described in section 2919.22 of the Revised Code 127784  
and is committed by the parent or other person responsible for the 127785  
child's care. 127786

(25) "Nonsecure care, supervision, or training" means care, 127787  
supervision, or training of a child in a facility that does not 127788  
confine or prevent movement of the child within the facility or 127789  
from the facility. 127790

(26) "Of compulsory school age" has the same meaning as in 127791  
section 3321.01 of the Revised Code. 127792

(27) "Organization" means any institution, public, 127793  
semipublic, or private, and any private association, society, or 127794  
agency located or operating in the state, incorporated or 127795  
unincorporated, having among its functions the furnishing of 127796  
protective services or care for children, or the placement of 127797  
children in certified foster homes or elsewhere. 127798

(28) "Out-of-home care" means detention facilities, shelter 127799  
facilities, certified children's crisis care facilities, certified 127800  
foster homes, placement in a prospective adoptive home prior to 127801  
the issuance of a final decree of adoption, organizations, 127802  
certified organizations, child ~~day-care~~ care centers, type A 127803  
family ~~day-care~~ child care homes, type B family ~~day-care~~ child 127804  
care homes, child care provided by in-home aides, group home 127805  
providers, group homes, institutions, state institutions, 127806  
residential facilities, residential care facilities, residential 127807  
camps, day camps, private, nonprofit therapeutic wilderness camps, 127808  
public schools, chartered nonpublic schools, educational service 127809  
centers, hospitals, and medical clinics that are responsible for 127810  
the care, physical custody, or control of children. 127811

(29) "Out-of-home care child abuse" means any of the 127812

following when committed by a person responsible for the care of a	127813
child in out-of-home care:	127814
(a) Engaging in sexual activity with a child in the person's	127815
care;	127816
(b) Denial to a child, as a means of punishment, of proper or	127817
necessary subsistence, education, medical care, or other care	127818
necessary for a child's health;	127819
(c) Use of restraint procedures on a child that cause injury	127820
or pain;	127821
(d) Administration of prescription drugs or psychotropic	127822
medication to the child without the written approval and ongoing	127823
supervision of a licensed physician;	127824
(e) Commission of any act, other than by accidental means,	127825
that results in any injury to or death of the child in out-of-home	127826
care or commission of any act by accidental means that results in	127827
an injury to or death of a child in out-of-home care and that is	127828
at variance with the history given of the injury or death.	127829
(30) "Out-of-home care child neglect" means any of the	127830
following when committed by a person responsible for the care of a	127831
child in out-of-home care:	127832
(a) Failure to provide reasonable supervision according to	127833
the standards of care appropriate to the age, mental and physical	127834
condition, or other special needs of the child;	127835
(b) Failure to provide reasonable supervision according to	127836
the standards of care appropriate to the age, mental and physical	127837
condition, or other special needs of the child, that results in	127838
sexual or physical abuse of the child by any person;	127839
(c) Failure to develop a process for all of the following:	127840
(i) Administration of prescription drugs or psychotropic	127841
drugs for the child;	127842

(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	127843 127844
(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.	127845 127846 127847
(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;	127848 127849 127850
(e) Confinement of the child to a locked room without monitoring by staff;	127851 127852
(f) Failure to provide ongoing security for all prescription and nonprescription medication;	127853 127854
(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.	127855 127856 127857
(31) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.	127858 127859 127860 127861 127862 127863
(32) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency.	127864 127865 127866 127867 127868
(33) "Person" means an individual, association, corporation, or partnership and the state or any of its political subdivisions, departments, or agencies.	127869 127870 127871
(34) "Person responsible for a child's care in out-of-home	127872

care" means any of the following:	127873
(a) Any foster caregiver, in-home aide, or provider;	127874
(b) Any administrator, employee, or agent of any of the	127875
following: a public or private detention facility; shelter	127876
facility; certified children's crisis care facility; organization;	127877
certified organization; child <del>day-care</del> <u>care</u> center; type A family	127878
<del>day-care</del> <u>child care</u> home; licensed type B family <del>day-care</del> <u>child</u>	127879
<u>care</u> home; group home; institution; state institution; residential	127880
facility; residential care facility; residential camp; day camp;	127881
school district; community school; chartered nonpublic school;	127882
educational service center; hospital; or medical clinic;	127883
(c) Any person who supervises or coaches children as part of	127884
an extracurricular activity sponsored by a school district, public	127885
school, or chartered nonpublic school;	127886
(d) Any other person who performs a similar function with	127887
respect to, or has a similar relationship to, children.	127888
(35) "Physical impairment" means having one or more of the	127889
following conditions that substantially limit one or more of an	127890
individual's major life activities, including self-care, receptive	127891
and expressive language, learning, mobility, and self-direction:	127892
(a) A substantial impairment of vision, speech, or hearing;	127893
(b) A congenital orthopedic impairment;	127894
(c) An orthopedic impairment caused by disease, rheumatic	127895
fever or any other similar chronic or acute health problem, or	127896
amputation or another similar cause.	127897
(36) "Placement for adoption" means the arrangement by a	127898
public children services agency or a private child placing agency	127899
with a person for the care and adoption by that person of a child	127900
of whom the agency has permanent custody.	127901
(37) "Placement in foster care" means the arrangement by a	127902

public children services agency or a private child placing agency 127903  
for the out-of-home care of a child of whom the agency has 127904  
temporary custody or permanent custody. 127905

(38) "Planned permanent living arrangement" means an order of 127906  
a juvenile court pursuant to which both of the following apply: 127907

(a) The court gives legal custody of a child to a public 127908  
children services agency or a private child placing agency without 127909  
the termination of parental rights. 127910

(b) The order permits the agency to make an appropriate 127911  
placement of the child and to enter into a written agreement with 127912  
a foster care provider or with another person or agency with whom 127913  
the child is placed. 127914

(39) "Practice of social work" and "practice of professional 127915  
counseling" have the same meanings as in section 4757.01 of the 127916  
Revised Code. 127917

(40) "Private, nonprofit therapeutic wilderness camp" has the 127918  
same meaning as in section 5103.02 of the Revised Code. 127919

(41) "Sanction, service, or condition" means a sanction, 127920  
service, or condition created by court order following an 127921  
adjudication that a child is an unruly child that is described in 127922  
division (A)(4) of section 2152.19 of the Revised Code. 127923

(42) "Protective supervision" means an order of disposition 127924  
pursuant to which the court permits an abused, neglected, 127925  
dependent, or unruly child to remain in the custody of the child's 127926  
parents, guardian, or custodian and stay in the child's home, 127927  
subject to any conditions and limitations upon the child, the 127928  
child's parents, guardian, or custodian, or any other person that 127929  
the court prescribes, including supervision as directed by the 127930  
court for the protection of the child. 127931

(43) "Psychiatrist" has the same meaning as in section 127932

5122.01 of the Revised Code.	127933
(44) "Psychologist" has the same meaning as in section	127934
4732.01 of the Revised Code.	127935
(45) "Resource caregiver" has the same meaning as in section	127936
5103.02 of the Revised Code.	127937
(46) "Resource family" has the same meaning as in section	127938
5103.02 of the Revised Code.	127939
(47) "Residential camp" means a program in which the care,	127940
physical custody, or control of children is accepted overnight for	127941
recreational or recreational and educational purposes.	127942
(48) "Residential care facility" means an institution,	127943
residence, or facility that is licensed by the department of	127944
mental health and addiction services under section 5119.34 of the	127945
Revised Code and that provides care for a child.	127946
(49) "Residential facility" means a home or facility that is	127947
licensed by the department of developmental disabilities under	127948
section 5123.19 of the Revised Code and in which a child with a	127949
developmental disability resides.	127950
(50) "Residual parental rights, privileges, and	127951
responsibilities" means those rights, privileges, and	127952
responsibilities remaining with the natural parent after the	127953
transfer of legal custody of the child, including, but not	127954
necessarily limited to, the privilege of reasonable visitation,	127955
consent to adoption, the privilege to determine the child's	127956
religious affiliation, and the responsibility for support.	127957
(51) "School day" means the school day established by the	127958
board of education of the applicable school district pursuant to	127959
section 3313.481 of the Revised Code.	127960
(52) "School year" has the same meaning as in section 3313.62	127961
of the Revised Code.	127962

(53) "Secure correctional facility" means a facility under 127963  
the direction of the department of youth services that is designed 127964  
to physically restrict the movement and activities of children and 127965  
used for the placement of children after adjudication and 127966  
disposition. 127967

(54) "Sexual activity" has the same meaning as in section 127968  
2907.01 of the Revised Code. 127969

(55) "Shelter" means the temporary care of children in 127970  
physically unrestricted facilities pending court adjudication or 127971  
disposition. 127972

(56) "Shelter for victims of domestic violence" has the same 127973  
meaning as in section 3113.33 of the Revised Code. 127974

(57) "Temporary custody" means legal custody of a child who 127975  
is removed from the child's home, which custody may be terminated 127976  
at any time at the discretion of the court or, if the legal 127977  
custody is granted in an agreement for temporary custody, by the 127978  
person who executed the agreement. 127979

(58) "Traditional response" means a public children services 127980  
agency's response to a report of child abuse or neglect that 127981  
encourages engagement of the family in a comprehensive evaluation 127982  
of the child's current and future safety needs and a fact-finding 127983  
process to determine whether child abuse or neglect occurred and 127984  
the circumstances surrounding the alleged harm or risk of harm. 127985

(C) For the purposes of this chapter, a child shall be 127986  
presumed abandoned when the parents of the child have failed to 127987  
visit or maintain contact with the child for more than ninety 127988  
days, regardless of whether the parents resume contact with the 127989  
child after that period of ninety days. 127990

**Sec. 2151.421.** (A)(1)(a) No person described in division 127991  
(A)(1)(b) of this section who is acting in an official or 127992

professional capacity and knows, or has reasonable cause to 127993  
suspect based on facts that would cause a reasonable person in a 127994  
similar position to suspect, that a child under eighteen years of 127995  
age, or a person under twenty-one years of age with a 127996  
developmental disability or physical impairment, has suffered or 127997  
faces a threat of suffering any physical or mental wound, injury, 127998  
disability, or condition of a nature that reasonably indicates 127999  
abuse or neglect of the child shall fail to immediately report 128000  
that knowledge or reasonable cause to suspect to the entity or 128001  
persons specified in this division. Except as otherwise provided 128002  
in this division or section 5120.173 of the Revised Code, the 128003  
person making the report shall make it to the public children 128004  
services agency or a peace officer in the county in which the 128005  
child resides or in which the abuse or neglect is occurring or has 128006  
occurred. If the person making the report is a peace officer, the 128007  
officer shall make it to the public children services agency in 128008  
the county in which the child resides or in which the abuse or 128009  
neglect is occurring or has occurred. In the circumstances 128010  
described in section 5120.173 of the Revised Code, the person 128011  
making the report shall make it to the entity specified in that 128012  
section. 128013

(b) Division (A)(1)(a) of this section applies to any person 128014  
who is an attorney; health care professional; practitioner of a 128015  
limited branch of medicine as specified in section 4731.15 of the 128016  
Revised Code; licensed school psychologist; independent marriage 128017  
and family therapist or marriage and family therapist; coroner; 128018  
administrator or employee of a child ~~day-care~~ care center; 128019  
administrator or employee of a residential camp, child day camp, 128020  
or private, nonprofit therapeutic wilderness camp; administrator 128021  
or employee of a certified child care agency or other public or 128022  
private children services agency; school teacher; school employee; 128023  
school authority; peace officer; humane society agent; dog warden, 128024

deputy dog warden, or other person appointed to act as an animal control officer for a municipal corporation or township in accordance with state law, an ordinance, or a resolution; person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; employee of a county department of job and family services who is a professional and who works with children and families; superintendent or regional administrator employed by the department of youth services; superintendent, board member, or employee of a county board of developmental disabilities; investigative agent contracted with by a county board of developmental disabilities; employee of the department of developmental disabilities; employee of a facility or home that provides respite care in accordance with section 5123.171 of the Revised Code; employee of an entity that provides homemaker services; employee of a qualified organization as defined in section 2151.90 of the Revised Code; a host family as defined in section 2151.90 of the Revised Code; foster caregiver; a person performing the duties of an assessor pursuant to Chapter 3107. or 5103. of the Revised Code; third party employed by a public children services agency to assist in providing child or family related services; court appointed special advocate; or guardian ad litem.

(c) If two or more health care professionals, after providing health care services to a child, determine or suspect that the child has been or is being abused or neglected, the health care professionals may designate one of the health care professionals to report the abuse or neglect. A single report made under this division shall meet the reporting requirements of division (A)(1) of this section.

(2) Except as provided in division (A)(3) of this section, an attorney or a physician is not required to make a report pursuant

to division (A)(1) of this section concerning any communication 128057  
the attorney or physician receives from a client or patient in an 128058  
attorney-client or physician-patient relationship, if, in 128059  
accordance with division (A) or (B) of section 2317.02 of the 128060  
Revised Code, the attorney or physician could not testify with 128061  
respect to that communication in a civil or criminal proceeding. 128062

(3) The client or patient in an attorney-client or 128063  
physician-patient relationship described in division (A)(2) of 128064  
this section is deemed to have waived any testimonial privilege 128065  
under division (A) or (B) of section 2317.02 of the Revised Code 128066  
with respect to any communication the attorney or physician 128067  
receives from the client or patient in that attorney-client or 128068  
physician-patient relationship, and the attorney or physician 128069  
shall make a report pursuant to division (A)(1) of this section 128070  
with respect to that communication, if all of the following apply: 128071

(a) The client or patient, at the time of the communication, 128072  
is a child under eighteen years of age or is a person under 128073  
twenty-one years of age with a developmental disability or 128074  
physical impairment. 128075

(b) The attorney or physician knows, or has reasonable cause 128076  
to suspect based on facts that would cause a reasonable person in 128077  
similar position to suspect that the client or patient has 128078  
suffered or faces a threat of suffering any physical or mental 128079  
wound, injury, disability, or condition of a nature that 128080  
reasonably indicates abuse or neglect of the client or patient. 128081

(c) The abuse or neglect does not arise out of the client's 128082  
or patient's attempt to have an abortion without the notification 128083  
of her parents, guardian, or custodian in accordance with section 128084  
2151.85 of the Revised Code. 128085

(4)(a) No cleric and no person, other than a volunteer, 128086  
designated by any church, religious society, or faith acting as a 128087

leader, official, or delegate on behalf of the church, religious 128088  
society, or faith who is acting in an official or professional 128089  
capacity, who knows, or has reasonable cause to believe based on 128090  
facts that would cause a reasonable person in a similar position 128091  
to believe, that a child under eighteen years of age, or a person 128092  
under twenty-one years of age with a developmental disability or 128093  
physical impairment, has suffered or faces a threat of suffering 128094  
any physical or mental wound, injury, disability, or condition of 128095  
a nature that reasonably indicates abuse or neglect of the child, 128096  
and who knows, or has reasonable cause to believe based on facts 128097  
that would cause a reasonable person in a similar position to 128098  
believe, that another cleric or another person, other than a 128099  
volunteer, designated by a church, religious society, or faith 128100  
acting as a leader, official, or delegate on behalf of the church, 128101  
religious society, or faith caused, or poses the threat of 128102  
causing, the wound, injury, disability, or condition that 128103  
reasonably indicates abuse or neglect shall fail to immediately 128104  
report that knowledge or reasonable cause to believe to the entity 128105  
or persons specified in this division. Except as provided in 128106  
section 5120.173 of the Revised Code, the person making the report 128107  
shall make it to the public children services agency or a peace 128108  
officer in the county in which the child resides or in which the 128109  
abuse or neglect is occurring or has occurred. In the 128110  
circumstances described in section 5120.173 of the Revised Code, 128111  
the person making the report shall make it to the entity specified 128112  
in that section. 128113

(b) Except as provided in division (A)(4)(c) of this section, 128114  
a cleric is not required to make a report pursuant to division 128115  
(A)(4)(a) of this section concerning any communication the cleric 128116  
receives from a penitent in a cleric-penitent relationship, if, in 128117  
accordance with division (C) of section 2317.02 of the Revised 128118  
Code, the cleric could not testify with respect to that 128119  
communication in a civil or criminal proceeding. 128120

(c) The penitent in a cleric-penitent relationship described 128121  
in division (A)(4)(b) of this section is deemed to have waived any 128122  
testimonial privilege under division (C) of section 2317.02 of the 128123  
Revised Code with respect to any communication the cleric receives 128124  
from the penitent in that cleric-penitent relationship, and the 128125  
cleric shall make a report pursuant to division (A)(4)(a) of this 128126  
section with respect to that communication, if all of the 128127  
following apply: 128128

(i) The penitent, at the time of the communication, is a 128129  
child under eighteen years of age or is a person under twenty-one 128130  
years of age with a developmental disability or physical 128131  
impairment. 128132

(ii) The cleric knows, or has reasonable cause to believe 128133  
based on facts that would cause a reasonable person in a similar 128134  
position to believe, as a result of the communication or any 128135  
observations made during that communication, the penitent has 128136  
suffered or faces a threat of suffering any physical or mental 128137  
wound, injury, disability, or condition of a nature that 128138  
reasonably indicates abuse or neglect of the penitent. 128139

(iii) The abuse or neglect does not arise out of the 128140  
penitent's attempt to have an abortion performed upon a child 128141  
under eighteen years of age or upon a person under twenty-one 128142  
years of age with a developmental disability or physical 128143  
impairment without the notification of her parents, guardian, or 128144  
custodian in accordance with section 2151.85 of the Revised Code. 128145

(d) Divisions (A)(4)(a) and (c) of this section do not apply 128146  
in a cleric-penitent relationship when the disclosure of any 128147  
communication the cleric receives from the penitent is in 128148  
violation of the sacred trust. 128149

(e) As used in divisions (A)(1) and (4) of this section, 128150  
"cleric" and "sacred trust" have the same meanings as in section 128151

2317.02 of the Revised Code. 128152

(B) Anyone who knows, or has reasonable cause to suspect 128153  
based on facts that would cause a reasonable person in similar 128154  
circumstances to suspect, that a child under eighteen years of 128155  
age, or a person under twenty-one years of age with a 128156  
developmental disability or physical impairment, has suffered or 128157  
faces a threat of suffering any physical or mental wound, injury, 128158  
disability, or other condition of a nature that reasonably 128159  
indicates abuse or neglect of the child may report or cause 128160  
reports to be made of that knowledge or reasonable cause to 128161  
suspect to the entity or persons specified in this division. 128162  
Except as provided in section 5120.173 of the Revised Code, a 128163  
person making a report or causing a report to be made under this 128164  
division shall make it or cause it to be made to the public 128165  
children services agency or to a peace officer. In the 128166  
circumstances described in section 5120.173 of the Revised Code, a 128167  
person making a report or causing a report to be made under this 128168  
division shall make it or cause it to be made to the entity 128169  
specified in that section. 128170

(C) Any report made pursuant to division (A) or (B) of this 128171  
section shall be made forthwith either by telephone or in person 128172  
and shall be followed by a written report, if requested by the 128173  
receiving agency or officer. The written report shall contain: 128174

(1) The names and addresses of the child and the child's 128175  
parents or the person or persons having custody of the child, if 128176  
known; 128177

(2) The child's age and the nature and extent of the child's 128178  
injuries, abuse, or neglect that is known or reasonably suspected 128179  
or believed, as applicable, to have occurred or of the threat of 128180  
injury, abuse, or neglect that is known or reasonably suspected or 128181  
believed, as applicable, to exist, including any evidence of 128182  
previous injuries, abuse, or neglect; 128183

(3) Any other information, including, but not limited to, 128184  
results and reports of any medical examinations, tests, or 128185  
procedures performed under division (D) of this section, that 128186  
might be helpful in establishing the cause of the injury, abuse, 128187  
or neglect that is known or reasonably suspected or believed, as 128188  
applicable, to have occurred or of the threat of injury, abuse, or 128189  
neglect that is known or reasonably suspected or believed, as 128190  
applicable, to exist. 128191

(D)(1) Any person, who is required by division (A) of this 128192  
section to report child abuse or child neglect that is known or 128193  
reasonably suspected or believed to have occurred, may take or 128194  
cause to be taken color photographs of areas of trauma visible on 128195  
a child and, if medically necessary for the purpose of diagnosing 128196  
or treating injuries that are suspected to have occurred as a 128197  
result of child abuse or child neglect, perform or cause to be 128198  
performed radiological examinations and any other medical 128199  
examinations of, and tests or procedures on, the child. 128200

(2) The results and any available reports of examinations, 128201  
tests, or procedures made under division (D)(1) of this section 128202  
shall be included in a report made pursuant to division (A) of 128203  
this section. Any additional reports of examinations, tests, or 128204  
procedures that become available shall be provided to the public 128205  
children services agency, upon request. 128206

(3) If a health care professional provides health care 128207  
services in a hospital, children's advocacy center, or emergency 128208  
medical facility to a child about whom a report has been made 128209  
under division (A) of this section, the health care professional 128210  
may take any steps that are reasonably necessary for the release 128211  
or discharge of the child to an appropriate environment. Before 128212  
the child's release or discharge, the health care professional may 128213  
obtain information, or consider information obtained, from other 128214  
entities or individuals that have knowledge about the child. 128215

Nothing in division (D)(3) of this section shall be construed to 128216  
alter the responsibilities of any person under sections 2151.27 128217  
and 2151.31 of the Revised Code. 128218

(4) A health care professional may conduct medical 128219  
examinations, tests, or procedures on the siblings of a child 128220  
about whom a report has been made under division (A) of this 128221  
section and on other children who reside in the same home as the 128222  
child, if the professional determines that the examinations, 128223  
tests, or procedures are medically necessary to diagnose or treat 128224  
the siblings or other children in order to determine whether 128225  
reports under division (A) of this section are warranted with 128226  
respect to such siblings or other children. The results of the 128227  
examinations, tests, or procedures on the siblings and other 128228  
children may be included in a report made pursuant to division (A) 128229  
of this section. 128230

(5) Medical examinations, tests, or procedures conducted 128231  
under divisions (D)(1) and (4) of this section and decisions 128232  
regarding the release or discharge of a child under division 128233  
(D)(3) of this section do not constitute a law enforcement 128234  
investigation or activity. 128235

(E)(1) When a peace officer receives a report made pursuant 128236  
to division (A) or (B) of this section, upon receipt of the 128237  
report, the peace officer who receives the report shall refer the 128238  
report to the appropriate public children services agency, in 128239  
accordance with requirements specified under division (B)(6) of 128240  
section 2151.4211 of the Revised Code, unless an arrest is made at 128241  
the time of the report that results in the appropriate public 128242  
children services agency being contacted concerning the possible 128243  
abuse or neglect of a child or the possible threat of abuse or 128244  
neglect of a child. 128245

(2) When a public children services agency receives a report 128246  
pursuant to this division or division (A) or (B) of this section, 128247

upon receipt of the report, the public children services agency 128248  
shall do all of the following: 128249

(a) Comply with section 2151.422 of the Revised Code; 128250

(b) If the county served by the agency is also served by a 128251  
children's advocacy center and the report alleges sexual abuse of 128252  
a child or another type of abuse of a child that is specified in 128253  
the memorandum of understanding that creates the center as being 128254  
within the center's jurisdiction, comply regarding the report with 128255  
the protocol and procedures for referrals and investigations, with 128256  
the coordinating activities, and with the authority or 128257  
responsibility for performing or providing functions, activities, 128258  
and services stipulated in the interagency agreement entered into 128259  
under section 2151.428 of the Revised Code relative to that 128260  
center; 128261

(c) Unless an arrest is made at the time of the report that 128262  
results in the appropriate law enforcement agency being contacted 128263  
concerning the possible abuse or neglect of a child or the 128264  
possible threat of abuse or neglect of a child, and in accordance 128265  
with requirements specified under division (B)(6) of section 128266  
2151.4211 of the Revised Code, notify the appropriate law 128267  
enforcement agency of the report, if the public children services 128268  
agency received either of the following: 128269

(i) A report of abuse of a child; 128270

(ii) A report of neglect of a child that alleges a type of 128271  
neglect identified by the department of job and family services in 128272  
rules adopted under division (L)(2) of this section. 128273

(F) No peace officer shall remove a child about whom a report 128274  
is made pursuant to this section from the child's parents, 128275  
stepparents, or guardian or any other persons having custody of 128276  
the child without consultation with the public children services 128277  
agency, unless, in the judgment of the officer, and, if the report 128278

was made by physician, the physician, immediate removal is 128279  
considered essential to protect the child from further abuse or 128280  
neglect. The agency that must be consulted shall be the agency 128281  
conducting the investigation of the report as determined pursuant 128282  
to section 2151.422 of the Revised Code. 128283

(G)(1) Except as provided in section 2151.422 of the Revised 128284  
Code or in an interagency agreement entered into under section 128285  
2151.428 of the Revised Code that applies to the particular 128286  
report, the public children services agency shall investigate, 128287  
within twenty-four hours, each report of child abuse or child 128288  
neglect that is known or reasonably suspected or believed to have 128289  
occurred and of a threat of child abuse or child neglect that is 128290  
known or reasonably suspected or believed to exist that is 128291  
referred to it under this section to determine the circumstances 128292  
surrounding the injuries, abuse, or neglect or the threat of 128293  
injury, abuse, or neglect, the cause of the injuries, abuse, 128294  
neglect, or threat, and the person or persons responsible. The 128295  
investigation shall be made in cooperation with the law 128296  
enforcement agency and in accordance with the memorandum of 128297  
understanding prepared under sections 2151.4210 to 2151.4224 of 128298  
the Revised Code. A representative of the public children services 128299  
agency shall, at the time of initial contact with the person 128300  
subject to the investigation, inform the person of the specific 128301  
complaints or allegations made against the person. The information 128302  
shall be given in a manner that is consistent with division (I)(1) 128303  
of this section and protects the rights of the person making the 128304  
report under this section. 128305

A failure to make the investigation in accordance with the 128306  
memorandum is not grounds for, and shall not result in, the 128307  
dismissal of any charges or complaint arising from the report or 128308  
the suppression of any evidence obtained as a result of the report 128309  
and does not give, and shall not be construed as giving, any 128310

rights or any grounds for appeal or post-conviction relief to any 128311  
person. The public children services agency shall report each case 128312  
to the uniform statewide automated child welfare information 128313  
system that the department of job and family services shall 128314  
maintain in accordance with section 5101.13 of the Revised Code. 128315  
The public children services agency shall submit a report of its 128316  
investigation, in writing, to the law enforcement agency. 128317

(2) The public children services agency shall make any 128318  
recommendations to the county prosecuting attorney or city 128319  
director of law that it considers necessary to protect any 128320  
children that are brought to its attention. 128321

(H)(1)(a) Except as provided in divisions (H)(1)(b) and 128322  
(I)(3) of this section, any person, health care professional, 128323  
hospital, institution, school, health department, or agency shall 128324  
be immune from any civil or criminal liability for injury, death, 128325  
or loss to person or property that otherwise might be incurred or 128326  
imposed as a result of any of the following: 128327

(i) Participating in the making of reports pursuant to 128328  
division (A) of this section or in the making of reports in good 128329  
faith, pursuant to division (B) of this section; 128330

(ii) Participating in medical examinations, tests, or 128331  
procedures under division (D) of this section; 128332

(iii) Providing information used in a report made pursuant to 128333  
division (A) of this section or providing information in good 128334  
faith used in a report made pursuant to division (B) of this 128335  
section; 128336

(iv) Participating in a judicial proceeding resulting from a 128337  
report made pursuant to division (A) of this section or 128338  
participating in good faith in a proceeding resulting from a 128339  
report made pursuant to division (B) of this section. 128340

(b) Immunity under division (H)(1)(a)(ii) of this section 128341

shall not apply when a health care provider has deviated from the 128342  
standard of care applicable to the provider's profession. 128343

(c) Notwithstanding section 4731.22 of the Revised Code, the 128344  
physician-patient privilege shall not be a ground for excluding 128345  
evidence regarding a child's injuries, abuse, or neglect, or the 128346  
cause of the injuries, abuse, or neglect in any judicial 128347  
proceeding resulting from a report submitted pursuant to this 128348  
section. 128349

(2) In any civil or criminal action or proceeding in which it 128350  
is alleged and proved that participation in the making of a report 128351  
under this section was not in good faith or participation in a 128352  
judicial proceeding resulting from a report made under this 128353  
section was not in good faith, the court shall award the 128354  
prevailing party reasonable attorney's fees and costs and, if a 128355  
civil action or proceeding is voluntarily dismissed, may award 128356  
reasonable attorney's fees and costs to the party against whom the 128357  
civil action or proceeding is brought. 128358

(I)(1) Except as provided in divisions (I)(4) and (N) of this 128359  
section and sections 2151.423 and 2151.4210 of the Revised Code, a 128360  
report made under this section is confidential. The information 128361  
provided in a report made pursuant to this section and the name of 128362  
the person who made the report shall not be released for use, and 128363  
shall not be used, as evidence in any civil action or proceeding 128364  
brought against the person who made the report. Nothing in this 128365  
division shall preclude the use of reports of other incidents of 128366  
known or suspected abuse or neglect in a civil action or 128367  
proceeding brought pursuant to division (M) of this section 128368  
against a person who is alleged to have violated division (A)(1) 128369  
of this section, provided that any information in a report that 128370  
would identify the child who is the subject of the report or the 128371  
maker of the report, if the maker of the report is not the 128372  
defendant or an agent or employee of the defendant, has been 128373

redacted. In a criminal proceeding, the report is admissible in 128374  
evidence in accordance with the Rules of Evidence and is subject 128375  
to discovery in accordance with the Rules of Criminal Procedure. 128376

(2)(a) Except as provided in division (I)(2)(b) of this 128377  
section, no person shall permit or encourage the unauthorized 128378  
dissemination of the contents of any report made under this 128379  
section. 128380

(b) A health care professional that obtains the same 128381  
information contained in a report made under this section from a 128382  
source other than the report may disseminate the information, if 128383  
its dissemination is otherwise permitted by law. 128384

(3) A person who knowingly makes or causes another person to 128385  
make a false report under division (B) of this section that 128386  
alleges that any person has committed an act or omission that 128387  
resulted in a child being an abused child or a neglected child is 128388  
guilty of a violation of section 2921.14 of the Revised Code. 128389

(4) If a report is made pursuant to division (A) or (B) of 128390  
this section and the child who is the subject of the report dies 128391  
for any reason at any time after the report is made, but before 128392  
the child attains eighteen years of age, the public children 128393  
services agency or peace officer to which the report was made or 128394  
referred, on the request of the child fatality review board, the 128395  
suicide fatality review committee, or the director of health 128396  
pursuant to guidelines established under section 3701.70 of the 128397  
Revised Code, shall submit a summary sheet of information 128398  
providing a summary of the report to the review board or review 128399  
committee of the county in which the deceased child resided at the 128400  
time of death or to the director. On the request of the review 128401  
board, review committee, or director, the agency or peace officer 128402  
may, at its discretion, make the report available to the review 128403  
board, review committee, or director. If the county served by the 128404  
public children services agency is also served by a children's 128405

advocacy center and the report of alleged sexual abuse of a child 128406  
or another type of abuse of a child is specified in the memorandum 128407  
of understanding that creates the center as being within the 128408  
center's jurisdiction, the agency or center shall perform the 128409  
duties and functions specified in this division in accordance with 128410  
the interagency agreement entered into under section 2151.428 of 128411  
the Revised Code relative to that advocacy center. 128412

(5) A public children services agency shall advise a person 128413  
alleged to have inflicted abuse or neglect on a child who is the 128414  
subject of a report made pursuant to this section, including a 128415  
report alleging sexual abuse of a child or another type of abuse 128416  
of a child referred to a children's advocacy center pursuant to an 128417  
interagency agreement entered into under section 2151.428 of the 128418  
Revised Code, in writing of the disposition of the investigation. 128419  
The agency shall not provide to the person any information that 128420  
identifies the person who made the report, statements of 128421  
witnesses, or police or other investigative reports. 128422

(J) Any report that is required by this section, other than a 128423  
report that is made to the state highway patrol as described in 128424  
section 5120.173 of the Revised Code, shall result in protective 128425  
services and emergency supportive services being made available by 128426  
the public children services agency on behalf of the children 128427  
about whom the report is made, in an effort to prevent further 128428  
neglect or abuse, to enhance their welfare, and, whenever 128429  
possible, to preserve the family unit intact. The agency required 128430  
to provide the services shall be the agency conducting the 128431  
investigation of the report pursuant to section 2151.422 of the 128432  
Revised Code. 128433

(K)(1) Except as provided in division (K)(4) or (5) of this 128434  
section, a person who is required to make a report under division 128435  
(A) of this section may make a reasonable number of requests of 128436  
the public children services agency that receives or is referred 128437

the report, or of the children's advocacy center that is referred 128438  
the report if the report is referred to a children's advocacy 128439  
center pursuant to an interagency agreement entered into under 128440  
section 2151.428 of the Revised Code, to be provided with the 128441  
following information: 128442

(a) Whether the agency or center has initiated an 128443  
investigation of the report; 128444

(b) Whether the agency or center is continuing to investigate 128445  
the report; 128446

(c) Whether the agency or center is otherwise involved with 128447  
the child who is the subject of the report; 128448

(d) The general status of the health and safety of the child 128449  
who is the subject of the report; 128450

(e) Whether the report has resulted in the filing of a 128451  
complaint in juvenile court or of criminal charges in another 128452  
court. 128453

(2)(a) A person may request the information specified in 128454  
division (K)(1) of this section only if, at the time the report is 128455  
made, the person's name, address, and telephone number are 128456  
provided to the person who receives the report. 128457

(b) When a peace officer or employee of a public children 128458  
services agency receives a report pursuant to division (A) or (B) 128459  
of this section the recipient of the report shall inform the 128460  
person of the right to request the information described in 128461  
division (K)(1) of this section. The recipient of the report shall 128462  
include in the initial child abuse or child neglect report that 128463  
the person making the report was so informed and, if provided at 128464  
the time of the making of the report, shall include the person's 128465  
name, address, and telephone number in the report. 128466

(c) If the person making the report provides the person's 128467

name and contact information on making the report, the public 128468  
children services agency that received or was referred the report 128469  
shall send a written notice via United States mail or electronic 128470  
mail, in accordance with the person's preference, to the person 128471  
not later than seven calendar days after receipt of the report. 128472  
The notice shall provide the status of the agency's investigation 128473  
into the report made, who the person may contact at the agency for 128474  
further information, and a description of the person's rights 128475  
under division (K)(1) of this section. 128476

(d) Each request is subject to verification of the identity 128477  
of the person making the report. If that person's identity is 128478  
verified, the agency shall provide the person with the information 128479  
described in division (K)(1) of this section a reasonable number 128480  
of times, except that the agency shall not disclose any 128481  
confidential information regarding the child who is the subject of 128482  
the report other than the information described in those 128483  
divisions. 128484

(3) A request made pursuant to division (K)(1) of this 128485  
section is not a substitute for any report required to be made 128486  
pursuant to division (A) of this section. 128487

(4) If an agency other than the agency that received or was 128488  
referred the report is conducting the investigation of the report 128489  
pursuant to section 2151.422 of the Revised Code, the agency 128490  
conducting the investigation shall comply with the requirements of 128491  
division (K) of this section. 128492

(5) A health care professional who made a report under 128493  
division (A) of this section, or on whose behalf such a report was 128494  
made as provided in division (A)(1)(c) of this section, may 128495  
authorize a person to obtain the information described in division 128496  
(K)(1) of this section if the person requesting the information is 128497  
associated with or acting on behalf of the health care 128498  
professional who provided health care services to the child about 128499

whom the report was made. 128500

(6) If the person making the report provides the person's 128501  
name and contact information on making the report, the public 128502  
children services agency that received or was referred the report 128503  
shall send a written notice via United States mail or electronic 128504  
mail, in accordance with the person's preference, to the person 128505  
not later than seven calendar days after the agency closes the 128506  
investigation into the case reported by the person. The notice 128507  
shall notify the person that the agency has closed the 128508  
investigation. 128509

(L)(1) The director of job and family services shall adopt 128510  
rules in accordance with Chapter 119. of the Revised Code to 128511  
implement this section. The department of job and family services 128512  
may enter into a plan of cooperation with any other governmental 128513  
entity to aid in ensuring that children are protected from abuse 128514  
and neglect. The department shall make recommendations to the 128515  
attorney general that the department determines are necessary to 128516  
protect children from child abuse and child neglect. 128517

(2) Not later than ninety days after ~~the effective date of~~ 128518  
~~this amendment~~ May 30, 2022, the director of job and family 128519  
services shall adopt rules in accordance with Chapter 119. of the 128520  
Revised Code to identify the types of neglect of a child that a 128521  
public children services agency shall be required to notify law 128522  
enforcement of pursuant to division (E)(2)(c)(ii) of this section. 128523

(M) Whoever violates division (A) of this section is liable 128524  
for compensatory and exemplary damages to the child who would have 128525  
been the subject of the report that was not made. A person who 128526  
brings a civil action or proceeding pursuant to this division 128527  
against a person who is alleged to have violated division (A)(1) 128528  
of this section may use in the action or proceeding reports of 128529  
other incidents of known or suspected abuse or neglect, provided 128530  
that any information in a report that would identify the child who 128531

is the subject of the report or the maker of the report, if the maker is not the defendant or an agent or employee of the defendant, has been redacted.

(N)(1) As used in this division:

(a) "Out-of-home care" includes a nonchartered nonpublic school if the alleged child abuse or child neglect, or alleged threat of child abuse or child neglect, described in a report received by a public children services agency allegedly occurred in or involved the nonchartered nonpublic school and the alleged perpetrator named in the report holds a certificate, permit, or license issued by the state board of education under section 3301.071 or Chapter 3319. of the Revised Code.

(b) "Administrator, director, or other chief administrative officer" means the superintendent of the school district if the out-of-home care entity subject to a report made pursuant to this section is a school operated by the district.

(2) No later than the end of the day following the day on which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall provide written notice of the allegations contained in and the person named as the alleged perpetrator in the report to the administrator, director, or other chief administrative officer of the out-of-home care entity that is the subject of the report unless the administrator, director, or other chief administrative officer is named as an alleged perpetrator in the report. If the administrator, director, or other chief administrative officer of an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency

shall provide the written notice to the owner or governing board 128564  
of the out-of-home care entity that is the subject of the report. 128565  
The agency shall not provide witness statements or police or other 128566  
investigative reports. 128567

(3) No later than three days after the day on which a public 128568  
children services agency that conducted the investigation as 128569  
determined pursuant to section 2151.422 of the Revised Code makes 128570  
a disposition of an investigation involving a report of alleged 128571  
child abuse or child neglect, or a report of an alleged threat of 128572  
child abuse or child neglect, that allegedly occurred in or 128573  
involved an out-of-home care entity, the agency shall send written 128574  
notice of the disposition of the investigation to the 128575  
administrator, director, or other chief administrative officer and 128576  
the owner or governing board of the out-of-home care entity. The 128577  
agency shall not provide witness statements or police or other 128578  
investigative reports. 128579

(0) As used in this section: 128580

(1) "Children's advocacy center" and "sexual abuse of a 128581  
child" have the same meanings as in section 2151.425 of the 128582  
Revised Code. 128583

(2) "Health care professional" means an individual who 128584  
provides health-related services including a physician, hospital 128585  
intern or resident, dentist, podiatrist, registered nurse, 128586  
licensed practical nurse, visiting nurse, licensed psychologist, 128587  
speech pathologist, audiologist, person engaged in social work or 128588  
the practice of professional counseling, and employee of a home 128589  
health agency. "Health care professional" does not include a 128590  
practitioner of a limited branch of medicine as specified in 128591  
section 4731.15 of the Revised Code, licensed school psychologist, 128592  
independent marriage and family therapist or marriage and family 128593  
therapist, or coroner. 128594

(3) "Investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response.

(4) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper.

**Sec. 2151.86.** (A)(1) The appointing or hiring officer of any entity that appoints or employs any person responsible for a child's care in out-of-home care shall request the superintendent of BCII to conduct a criminal records check with respect to any person who is under final consideration for appointment or employment as a person responsible for a child's care in out-of-home care. The request shall be made at the time of initial application for appointment or employment and every four years thereafter. If the out-of-home care entity is a public school, educational service center, or chartered nonpublic school, then section 3319.39 of the Revised Code shall apply instead. If the out-of-home care entity is a child ~~day-care~~ care center, type A family ~~day-care~~ child care home, type B family ~~day-care~~ child care home, certified in-home aide, or child day camp, then section 5104.013 of the Revised Code shall apply instead.

(2) At the times specified in this division, the administrative director of an agency, or attorney, who arranges an adoption for a prospective adoptive parent shall request the superintendent of BCII to conduct a criminal records check with respect to that prospective adoptive parent and a criminal records check with respect to all persons eighteen years of age or older who reside with the prospective adoptive parent. The administrative director or attorney shall request a criminal records check pursuant to this division at the time of the initial

home study, every four years after the initial home study at the 128626  
time of an update, and at the time that an adoptive home study is 128627  
completed as a new home study. 128628

(3) Before a recommending agency submits a recommendation to 128629  
the department of job and family services on whether the 128630  
department should issue a certificate to a foster home under 128631  
section 5103.03 of the Revised Code, and every four years 128632  
thereafter prior to a recertification under that section, the 128633  
administrative director of the agency shall request that the 128634  
superintendent of BCII conduct a criminal records check with 128635  
respect to the prospective foster caregiver and a criminal records 128636  
check with respect to all other persons eighteen years of age or 128637  
older who reside with the foster caregiver. 128638

(B)(1) When the appointing or hiring officer requests, at the 128639  
time of initial application for appointment or employment, a 128640  
criminal records check for a person subject to division (A)(1) of 128641  
this section, the officer shall request that the superintendent of 128642  
BCII obtain information from the federal bureau of investigation 128643  
as part of the criminal records check, including fingerprint-based 128644  
checks of national crime information databases as described in 42 128645  
U.S.C. 671, for the person subject to the criminal records check. 128646  
In all other cases in which the appointing or hiring officer 128647  
requests a criminal records check for a person pursuant to 128648  
division (A)(1) of this section, the officer may request that the 128649  
superintendent of BCII obtain information from the federal bureau 128650  
of investigation as part of the criminal records check, including 128651  
fingerprint-based checks of national crime information databases 128652  
as described in 42 U.S.C. 671, for the person subject to the 128653  
criminal records check. 128654

When the administrative director of an agency, or attorney, 128655  
who arranges an adoption for a prospective parent requests, at the 128656  
time of the initial home study, a criminal records check for a 128657

person pursuant to division (A)(2) of this section, the 128658  
administrative director or attorney shall request that the 128659  
superintendent of BCII obtain information from the federal bureau 128660  
of investigation as part of the criminal records check, including 128661  
fingerprint-based checks of national crime information databases 128662  
as described in 42 U.S.C. 671, for the person subject to the 128663  
criminal records check. In all other cases in which the 128664  
administrative director of an agency, or attorney, who arranges an 128665  
adoption for a prospective parent requests a criminal records 128666  
check for a person pursuant to division (A)(2) of this section, 128667  
the administrative director or attorney may request that the 128668  
superintendent of BCII include information from the federal bureau 128669  
of investigation in the criminal records check, including 128670  
fingerprint-based checks of national crime information databases 128671  
as described in 42 U.S.C. 671. 128672

When the administrative director of a recommending agency 128673  
requests, before submitting a recommendation to the department of 128674  
job and family services on whether the department should issue a 128675  
certificate to a foster home under section 5103.03 of the Revised 128676  
Code, a criminal records check for a person pursuant to division 128677  
(A)(3) of this section, the administrative director shall request 128678  
that the superintendent of BCII obtain information from the 128679  
federal bureau of investigation as part of a criminal records 128680  
check, including fingerprint-based checks of national crime 128681  
information databases as described in 42 U.S.C. 671, for the 128682  
person subject to the criminal records check. In all other cases 128683  
in which the administrative director of a recommending agency 128684  
requests a criminal records check for a person pursuant to 128685  
division (A)(3) of this section, the administrative director may 128686  
request that the superintendent of BCII include information from 128687  
the federal bureau of investigation in the criminal records check, 128688  
including fingerprint-based checks of national crime information 128689  
databases as described in 42 U.S.C. 671. 128690

Prior to a hearing on a final decree of adoption or 128691  
interlocutory order of adoption by a probate court, the 128692  
administrative director of an agency, or an attorney, who arranges 128693  
an adoption for a prospective parent shall provide to the clerk of 128694  
the probate court either of the following: 128695

(a) Any information received pursuant to a request made under 128696  
this division from the superintendent of BCII or the federal 128697  
bureau of investigation as part of the criminal records check, 128698  
including fingerprint-based checks of national crime information 128699  
databases as described in 42 U.S.C. 671, for the person subject to 128700  
the criminal records check; 128701

(b) Written notification that the person subject to a 128702  
criminal records check pursuant to this division failed upon 128703  
request to provide the information necessary to complete the form 128704  
or failed to provide impressions of the person's fingerprints as 128705  
required under division (B)(2) of this section. 128706

(2) An appointing or hiring officer, administrative director, 128707  
or attorney required by division (A) of this section to request a 128708  
criminal records check shall provide to each person subject to a 128709  
criminal records check a copy of the form prescribed pursuant to 128710  
division (C)(1) of section 109.572 of the Revised Code and a 128711  
standard impression sheet to obtain fingerprint impressions 128712  
prescribed pursuant to division (C)(2) of section 109.572 of the 128713  
Revised Code, obtain the completed form and impression sheet from 128714  
the person, and forward the completed form and impression sheet to 128715  
the superintendent of BCII at the time the criminal records check 128716  
is requested. 128717

Any person subject to a criminal records check who receives 128718  
pursuant to this division a copy of the form prescribed pursuant 128719  
to division (C)(1) of section 109.572 of the Revised Code and a 128720  
copy of an impression sheet prescribed pursuant to division (C)(2) 128721  
of that section and who is requested to complete the form and 128722

provide a set of fingerprint impressions shall complete the form 128723  
or provide all the information necessary to complete the form and 128724  
shall provide the impression sheet with the impressions of the 128725  
person's fingerprints. If a person subject to a criminal records 128726  
check, upon request, fails to provide the information necessary to 128727  
complete the form or fails to provide impressions of the person's 128728  
fingerprints, the appointing or hiring officer shall not appoint 128729  
or employ the person as a person responsible for a child's care in 128730  
out-of-home care, a probate court may not issue a final decree of 128731  
adoption or an interlocutory order of adoption making the person 128732  
an adoptive parent, and the department of job and family services 128733  
shall not issue a certificate authorizing the prospective foster 128734  
caregiver to operate a foster home. 128735

(C)(1) No appointing or hiring officer shall appoint or 128736  
employ a person as a person responsible for a child's care in 128737  
out-of-home care, the department of job and family services shall 128738  
not issue a certificate under section 5103.03 of the Revised Code 128739  
authorizing a prospective foster caregiver to operate a foster 128740  
home, and no probate court shall issue a final decree of adoption 128741  
or an interlocutory order of adoption making a person an adoptive 128742  
parent if the person or, in the case of a prospective foster 128743  
caregiver or prospective adoptive parent, any person eighteen 128744  
years of age or older who resides with the prospective foster 128745  
caregiver or prospective adoptive parent previously has been 128746  
convicted of or pleaded guilty to any of the violations described 128747  
in division (A)(4) of section 109.572 of the Revised Code, unless 128748  
the person meets rehabilitation standards established in rules 128749  
adopted under division (F) of this section. 128750

(2) Prior to certification or recertification under section 128751  
5103.03 of the Revised Code, the prospective foster caregiver 128752  
subject to a criminal records check under division (A)(3) of this 128753  
section shall notify the recommending agency of the revocation of 128754

any foster home license, certificate, or other similar 128755  
authorization in another state occurring within the five years 128756  
prior to the date of application to become a foster caregiver in 128757  
this state. The failure of a prospective foster caregiver to 128758  
notify the recommending agency of any revocation of that type in 128759  
another state that occurred within that five-year period shall be 128760  
grounds for denial of the person's foster home application or the 128761  
revocation of the person's foster home certification, whichever is 128762  
applicable. If a person has had a revocation in another state 128763  
within the five years prior to the date of the application, the 128764  
department of job and family services shall not issue a foster 128765  
home certificate to the prospective foster caregiver. 128766

(D) The appointing or hiring officer, administrative 128767  
director, or attorney shall pay to the bureau of criminal 128768  
identification and investigation the fee prescribed pursuant to 128769  
division (C)(3) of section 109.572 of the Revised Code for each 128770  
criminal records check conducted in accordance with that section 128771  
upon a request pursuant to division (A) of this section. The 128772  
officer, director, or attorney may charge the person subject to 128773  
the criminal records check a fee for the costs the officer, 128774  
director, or attorney incurs in obtaining the criminal records 128775  
check. A fee charged under this division shall not exceed the 128776  
amount of fees the officer, director, or attorney pays for the 128777  
criminal records check. If a fee is charged under this division, 128778  
the officer, director, or attorney shall notify the person who is 128779  
the applicant at the time of the person's initial application for 128780  
appointment or employment, an adoption to be arranged, or a 128781  
certificate to operate a foster home of the amount of the fee and 128782  
that, unless the fee is paid, the person who is the applicant will 128783  
not be considered for appointment or employment or as an adoptive 128784  
parent or foster caregiver. 128785

(E) The report of any criminal records check conducted by the 128786

bureau of criminal identification and investigation in accordance 128787  
with section 109.572 of the Revised Code and pursuant to a request 128788  
made under division (A) of this section is not a public record for 128789  
the purposes of section 149.43 of the Revised Code and shall not 128790  
be made available to any person other than the following: 128791

(1) The person who is the subject of the criminal records 128792  
check or the person's representative; 128793

(2) The appointing or hiring officer, administrative 128794  
director, or attorney requesting the criminal records check or the 128795  
officer's, director's, or attorney's representative; 128796

(3) The department of job and family services, a county 128797  
department of job and family services, or a public children 128798  
services agency; 128799

(4) Any court, hearing officer, or other necessary individual 128800  
involved in a case dealing with the denial of employment, a final 128801  
decree of adoption or interlocutory order of adoption, or a foster 128802  
home certificate. 128803

(F) The director of job and family services shall adopt rules 128804  
in accordance with Chapter 119. of the Revised Code to implement 128805  
this section. The rules shall include rehabilitation standards a 128806  
person who has been convicted of or pleaded guilty to an offense 128807  
listed in division (A)(4) of section 109.572 of the Revised Code 128808  
must meet for an appointing or hiring officer to appoint or employ 128809  
the person as a person responsible for a child's care in 128810  
out-of-home care, a probate court to issue a final decree of 128811  
adoption or interlocutory order of adoption making the person an 128812  
adoptive parent, or the department to issue a certificate 128813  
authorizing the prospective foster caregiver to operate a foster 128814  
home or not revoke a foster home certificate for a violation 128815  
specified in section 5103.0328 of the Revised Code. 128816

(G) An appointing or hiring officer, administrative director, 128817

or attorney required by division (A) of this section to request a criminal records check shall inform each person who is the applicant, at the time of the person's initial application for appointment or employment, an adoption to be arranged, or a foster home certificate, that the person subject to the criminal records check is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code.

(H) As used in this section:

(1) "Children's hospital" means any of the following:

(a) A hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(b) A distinct portion of a hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, has a total of at least one hundred fifty registered pediatric special care and pediatric acute care beds, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(c) A distinct portion of a hospital, if the hospital is registered under section 3701.07 of the Revised Code as a children's hospital and the children's hospital meets all the requirements of division (H)(1)(a) of this section.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "Person responsible for a child's care in out-of-home care" has the same meaning as in section 2151.011 of the Revised

Code, except that it does not include a prospective employee of 128849  
the department of youth services or a person responsible for a 128850  
child's care in a hospital or medical clinic other than a 128851  
children's hospital. 128852

(4) "Person subject to a criminal records check" means the 128853  
following: 128854

(a) A person who is under final consideration for appointment 128855  
or employment as a person responsible for a child's care in 128856  
out-of-home care; 128857

(b) A prospective or current adoptive parent; 128858

(c) A prospective or current foster caregiver; 128859

(d) A person eighteen years old or older who resides with a 128860  
prospective or current foster caregiver or a prospective or 128861  
current adoptive parent. 128862

(5) "Recommending agency" means a public children services 128863  
agency, private child placing agency, or private noncustodial 128864  
agency to which the department of job and family services has 128865  
delegated a duty to inspect and approve foster homes. 128866

(6) "Superintendent of BCII" means the superintendent of the 128867  
bureau of criminal identification and investigation. 128868

**Sec. 2919.223.** As used in sections 2919.223 to 2919.227 of 128869  
the Revised Code: 128870

(A) "Child care," "child ~~day-care~~ care center," "in-home 128871  
aide," "type A family ~~day-care~~ child care home," and "type B 128872  
family ~~day-care~~ child care home" have the same meanings as in 128873  
section 5104.01 of the Revised Code. 128874

(B) "Child care center licensee" means the owner of a child 128875  
~~day-care~~ care center licensed pursuant to Chapter 5104. of the 128876  
Revised Code who is responsible for ensuring the center's 128877

compliance with Chapter 5104. of the Revised Code and rules	128878
adopted pursuant to that chapter.	128879
(C) "Child care facility" means a child <del>day-care</del> <u>care</u> center,	128880
a type A family <del>day-care</del> <u>child care</u> home, or a type B family	128881
<del>day-care</del> <u>child care</u> home.	128882
(D) "Child care provider" means any of the following:	128883
(1) An owner, provider, administrator, or employee of, or	128884
volunteer at, a child care facility;	128885
(2) An in-home aide;	128886
(3) A person who represents that the person provides child	128887
care.	128888
(E) "Peace officer" has the same meaning as in section	128889
2935.01 of the Revised Code.	128890
<b>Sec. 2919.224.</b> (A) No child care provider shall knowingly	128891
misrepresent any factor or condition that relates to the provision	128892
of child care and that substantially affects the health or safety	128893
of any child or children in that provider's facility or receiving	128894
child care from that provider to any of the following:	128895
(1) A parent, guardian, custodian, or other person	128896
responsible for the care of a child in the provider's facility or	128897
receiving child care from the provider;	128898
(2) A parent, guardian, custodian, or other person	128899
responsible for the care of a child who is considering the	128900
provider as a child care provider for the child;	128901
(3) A public official responsible for issuing the provider a	128902
license or certificate to provide child care;	128903
(4) A public official investigating or inquiring about the	128904
provision of child care by the provider;	128905
(5) A peace officer.	128906

(B) For the purposes of this section, "any factor or condition that relates to the provision of child care" includes, but is not limited to, the following:

(1) The person or persons who will provide child care to the child of the parent, guardian, custodian, or other person responsible for the care of the child, or to the children in general;

(2) The qualifications to provide child care of the child care provider, of a person employed by the provider, or of a person who provides child care as a volunteer;

(3) The number of children to whom child care is provided at one time or the number of children receiving child care in the child care facility at one time;

(4) The conditions or safety features of the child care facility;

(5) The area of the child care facility in which child ~~day-care~~ care is provided.

(C) Whoever violates division (A) of this section is guilty of misrepresentation by a child care provider, a misdemeanor of the first degree.

**Sec. 2919.225.** (A) Subject to division (C) of this section, no owner, provider, or administrator of a type A family ~~day-care~~ child care home or type B family ~~day-care~~ child care home, knowing that the event described in division (A)(1) or (2) of this section has occurred, shall accept a child into that home without first disclosing to the parent, guardian, custodian, or other person responsible for the care of that child any of the following that has occurred:

(1) A child died while under the care of the home or while receiving child care from the owner, provider, or administrator or

died as a result of injuries suffered while under the care of the 128937  
home or while receiving child care from the owner, provider, or 128938  
administrator. 128939

(2) Within the preceding ten years, a child suffered injuries 128940  
while under the care of the home or while receiving child care 128941  
from the owner, provider, or administrator, and those injuries led 128942  
to the child being hospitalized for more than twenty-four hours. 128943

(B)(1) Subject to division (C) of this section, no owner, 128944  
provider, or administrator of a type A family ~~day-care~~ child care 128945  
home or type B family ~~day-care~~ child care home shall fail to 128946  
provide notice in accordance with division (B)(3) of this section 128947  
to the persons and entities specified in division (B)(2) of this 128948  
section, of any of the following that occurs: 128949

(a) A child who is under the care of the home or is receiving 128950  
child care from the owner, provider, or administrator dies while 128951  
under the care of the home or while receiving child care from the 128952  
owner, provider, or administrator or dies as a result of injuries 128953  
suffered while under the care of the home or while receiving child 128954  
~~day-care~~ care from the owner, provider, or administrator. 128955

(b) A child who is under the care of the home or is receiving 128956  
child care from the owner, provider, or administrator is 128957  
hospitalized for more than twenty-four hours as a result of 128958  
injuries suffered while under the care of the home or while 128959  
receiving child care from the owner, provider, or administrator. 128960

(2) An owner, provider, or administrator of a home shall 128961  
provide the notices required under division (B)(1) of this section 128962  
to each of the following: 128963

(a) For each child who, at the time of the injury or death 128964  
for which the notice is required, is receiving or is enrolled to 128965  
receive child care at the home or from the owner, provider, or 128966  
administrator, to the parent, guardian, custodian, or other person 128967

responsible for the care of the child; 128968

(b) If the notice is required as the result of the death of a 128969  
child as described in division (B)(1)(a) of this section, to the 128970  
public children services agency of the county in which the home is 128971  
located or the child care was given, a municipal or county peace 128972  
officer in the county in which the child resides or in which the 128973  
home is located or the child care was given, and the child 128974  
fatality review board appointed under section 307.621 of the 128975  
Revised Code that serves the county in which the home is located 128976  
or the child care was given. 128977

(3) An owner, provider, or administrator of a home shall 128978  
provide the notices required by divisions (B)(1) and (2) of this 128979  
section not later than forty-eight hours after the child dies or, 128980  
regarding a child who is hospitalized for more than twenty-four 128981  
hours as a result of injuries suffered while under the care of the 128982  
home, not later than forty-eight hours after the child suffers the 128983  
injuries. If a child is hospitalized for more than twenty-four 128984  
hours as a result of injuries suffered while under the care of the 128985  
home, and the child subsequently dies as a result of those 128986  
injuries, the owner, provider, or administrator shall provide 128987  
separate notices under divisions (B)(1) and (2) of this section 128988  
regarding both the injuries and the death. All notices provided 128989  
under divisions (B)(1) and (2) of this section shall state that 128990  
the death or injury occurred. 128991

(C) Division (A) of this section does not require more than 128992  
one person to make disclosures to the same parent, guardian, 128993  
custodian, or other person responsible for the care of a child 128994  
regarding any single injury or death for which disclosure is 128995  
required under that division. Division (B) of this section does 128996  
not require more than one person to give notices to the same 128997  
parent, guardian, custodian, other person responsible for the care 128998  
of the child, public children services agency, peace officer, or 128999

child fatality review board regarding any single injury or death 129000  
for which disclosure is required under division (B)(1) of this 129001  
section. 129002

(D) An owner, provider, or administrator of a type A family 129003  
~~day-care~~ child care home or type B family ~~day-care~~ child care home 129004  
is not subject to civil liability solely for making a disclosure 129005  
required by this section. 129006

(E) Whoever violates division (A) or (B) of this section is 129007  
guilty of failure of a type A or type B family ~~day-care~~ child care 129008  
home to disclose the death or serious injury of a child, a 129009  
misdemeanor of the fourth degree. 129010

**Sec. 2919.226.** (A) If a child care provider accurately 129011  
answers the questions on a child care disclosure form that is in 129012  
substantially the form set forth in division (B) of this section, 129013  
presents the form to a person identified in division (A)(1) or (2) 129014  
of section 2919.224 of the Revised Code, and obtains the person's 129015  
signature on the acknowledgement in the form, to the extent that 129016  
the information set forth on the form is accurate, the provider 129017  
who presents the form is not subject to prosecution under division 129018  
(A) of section 2919.224 of the Revised Code regarding presentation 129019  
of that information to that person. 129020

An owner, provider, or administrator of a type A family 129021  
~~day-care~~ child care home or a type B family ~~day-care~~ child care 129022  
home may comply with division (A) of section 2919.225 of the 129023  
Revised Code by accurately answering the questions on a child care 129024  
disclosure form that is in substantially the form set forth in 129025  
division (B) of this section, providing a copy of the form to the 129026  
parent, guardian, custodian, or other person responsible for the 129027  
care of a child and to whom disclosure is to be made under 129028  
division (A) of section 2919.225 of the Revised Code, and 129029  
obtaining the person's signature on the acknowledgement in the 129030

form. 129031

The use of the form set forth in division (B) of this section 129032  
is discretionary and is not required to comply with any disclosure 129033  
requirement contained in section 2919.225 of the Revised Code or 129034  
for any purpose related to section 2919.224 of the Revised Code. 129035

(B) To be sufficient for the purposes described in division 129036  
(A) of this section, a child care disclosure form shall be in 129037  
substantially the following form: 129038

"CHILD CARE DISCLOSURE FORM 129039

Please Note: This form contains information that is accurate 129040  
only at the time the form is given to you. The information 129041  
provided in this form is likely to change over time. It is the 129042  
duty of the person responsible for the care of the child to 129043  
monitor the status of child care services to ensure that those 129044  
services remain satisfactory. If a question on this form is left 129045  
unanswered, the child care provider makes no assertion regarding 129046  
the question. Choosing appropriate child care for a child is a 129047  
serious responsibility, and the person responsible for the care of 129048  
the child is encouraged to make all appropriate inquiries. Also, 129049  
in acknowledging receipt of this form, the person responsible for 129050  
the care of the child acknowledges that in selecting the child 129051  
care provider the person is not relying on any representations 129052  
other than those provided in this form unless the child care 129053  
provider has acknowledged the other representations in writing. 129054

1. What are the names and qualifications to provide child 129055  
care of: (a) the child care provider, (b) the employee who will 129056  
provide child care to the applicant child, (c) the volunteer who 129057  
will provide child care to the applicant child, and (d) any other 129058  
employees or volunteers of the child care provider? (attach 129059  
additional sheets if necessary): 129060  
..... 129061

.....	129062
.....	129063
2. What is the maximum number of children to whom you provide	129064
child care at one time? (If children are divided into groups or	129065
classes, please describe the maximum number of children in each	129066
group or class and indicate the group or class in which the	129067
applicant child will be placed.):	129068
.....	129069
.....	129070
.....	129071
3. Where in the home will you provide child care to the	129072
applicant child?:	129073
.....	129074
.....	129075
.....	129076
4. Has a child died while in the care of, or receiving child	129077
care from, the child care provider? (Yes/No)	129078
Description/explanation (attach additional sheets if	129079
necessary)	129080
.....	129081
.....	129082
.....	129083
5. Has a child died as a result of injuries suffered while	129084
under the care of, or receiving child care from, the child	129085
<del>day-care</del> <u>care</u> provider? (Yes/No)	129086
Description/explanation (attach additional sheets if	129087
necessary)	129088
.....	129089
.....	129090
.....	129091
6. Within the preceding ten years, has a child suffered	129092

injuries while under the care of, or receiving child care from, 129093  
the child care provider that led to the child being hospitalized 129094  
for more than 24 hours? (Yes/No) 129095

Description/explanation (attach additional sheets if 129096  
necessary) 129097  
..... 129098  
..... 129099  
..... 129100  
..... 129101

Signature of person completing form Date 129102  
..... 129103

Name of person completing form 129104  
(Typed or printed) 129105  
..... 129106

Title of person completing form 129107  
(Typed or printed) 129108

Acknowledgement: 129109

I hereby acknowledge that I have been given a copy of the 129110  
preceding document and have read and understood its contents. I 129111  
further acknowledge that I am not relying on any other 129112  
representations in selecting the child care provider unless the 129113  
child care provider has acknowledged the other representations in 129114  
writing. 129115

..... 129116  
Person receiving the form Date" 129117

(C) If a child care provider accurately answers the questions 129118  
on a disclosure form that is substantially similar to the form 129119  
described in division (B) of this section, presents the form to a 129120  
person identified in division (A)(1) or (2) of section 2919.224 of 129121  
the Revised Code, and obtains the person's signature on the 129122  
acknowledgement in the form, to the extent that the information 129123  
set forth on the form is accurate, the form is sufficient for the 129124

purposes described in division (A) of this section. 129125

An owner, provider, or administrator of a type A family 129126  
~~day-care~~ child care home or a type B family ~~day-care~~ child care 129127  
home who accurately answers the questions on a disclosure form 129128  
that is substantially similar to the form described in division 129129  
(B) of this section, provides a copy of the completed form to the 129130  
parent, guardian, custodian, or other person who is responsible 129131  
for the care of a child and to whom disclosure is to be made under 129132  
division (A) of section 2919.225 of the Revised Code, and obtains 129133  
the person's signature on the acknowledgement in the form complies 129134  
with the requirements of that division. If the owner, provider, or 129135  
administrator uses the disclosure form, leaving a portion of the 129136  
disclosure form blank does not constitute a misrepresentation for 129137  
the purposes of section 2919.224 of the Revised Code but may 129138  
constitute a violation of section 2919.225 of the Revised Code. 129139  
The owner, provider, or administrator of a type A family ~~day-care~~ 129140  
child care home or type B family ~~day-care~~ child care home who 129141  
completes the disclosure form and provides a copy of the form to 129142  
any person described in section 2919.224 or 2919.225 of the 129143  
Revised Code may retain a copy of the completed form. 129144

**Sec. 2923.124.** As used in sections 2923.124 to 2923.1213 of 129145  
the Revised Code: 129146

(A) "Application form" means the application form prescribed 129147  
pursuant to division (A)(1) of section 109.731 of the Revised Code 129148  
and includes a copy of that form. 129149

(B) "Competency certification" and "competency certificate" 129150  
mean a document of the type described in division (B)(3) of 129151  
section 2923.125 of the Revised Code. 129152

(C) "Detention facility" has the same meaning as in section 129153  
2921.01 of the Revised Code. 129154

(D) "Licensee" means a person to whom a concealed handgun license has been issued under section 2923.125 of the Revised Code and, except when the context clearly indicates otherwise, includes a person to whom a concealed handgun license on a temporary emergency basis has been issued under section 2923.1213 of the Revised Code and a person to whom a concealed handgun license has been issued by another state.

(E) "License fee" or "license renewal fee" means the fee for a concealed handgun license or the fee to renew that license that is to be paid by an applicant for a license of that type.

(F) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.

(G) "State correctional institution" has the same meaning as in section 2967.01 of the Revised Code.

(H) "Civil protection order" means a protection order issued, or consent agreement approved, under section 2903.214 or 3113.31 of the Revised Code.

(I) "Temporary protection order" means a protection order issued under section 2903.213 or 2919.26 of the Revised Code.

(J) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.

(K) "Child ~~day-care~~ care center," "type A family ~~day-care~~ child care home" and "type B family ~~day-care~~ child care home" have the same meanings as in section 5104.01 of the Revised Code.

(L) "Foreign air transportation," "interstate air transportation," and "intrastate air transportation" have the same meanings as in 49 U.S.C. 40102, as now or hereafter amended.

(M) "Commercial motor vehicle" has the same meaning as in division (A) of section 4506.25 of the Revised Code.

(N) "Motor carrier enforcement unit" has the same meaning as

in section 2923.16 of the Revised Code. 129185

**Sec. 2923.126.** (A) A concealed handgun license that is issued 129186  
under section 2923.125 of the Revised Code shall expire five years 129187  
after the date of issuance. A licensee who has been issued a 129188  
license under that section shall be granted a grace period of 129189  
thirty days after the licensee's license expires during which the 129190  
licensee's license remains valid. Except as provided in divisions 129191  
(B) and (C) of this section, a licensee who has been issued a 129192  
concealed handgun license under section 2923.125 or 2923.1213 of 129193  
the Revised Code may carry a concealed handgun anywhere in this 129194  
state if the license is valid when the licensee is in actual 129195  
possession of a concealed handgun. The licensee shall give notice 129196  
of any change in the licensee's residence address to the sheriff 129197  
who issued the license within forty-five days after that change. 129198  
129199

(B) A valid concealed handgun license does not authorize the 129200  
licensee to carry a concealed handgun in any manner prohibited 129201  
under division (B) of section 2923.12 of the Revised Code or in 129202  
any manner prohibited under section 2923.16 of the Revised Code. A 129203  
valid license does not authorize the licensee to carry a concealed 129204  
handgun into any of the following places: 129205

(1) A police station, sheriff's office, or state highway 129206  
patrol station, premises controlled by the bureau of criminal 129207  
identification and investigation; a state correctional 129208  
institution, jail, workhouse, or other detention facility; any 129209  
area of an airport passenger terminal that is beyond a passenger 129210  
or property screening checkpoint or to which access is restricted 129211  
through security measures by the airport authority or a public 129212  
agency; or an institution that is maintained, operated, managed, 129213  
and governed pursuant to division (A) of section 5119.14 of the 129214  
Revised Code or division (A)(1) of section 5123.03 of the Revised 129215

Code; 129216

(2) A school safety zone if the licensee's carrying the 129217  
concealed handgun is in violation of section 2923.122 of the 129218  
Revised Code; 129219

(3) A courthouse or another building or structure in which a 129220  
courtroom is located if the licensee's carrying the concealed 129221  
handgun is in violation of section 2923.123 of the Revised Code; 129222

(4) Any premises or open air arena for which a D permit has 129223  
been issued under Chapter 4303. of the Revised Code if the 129224  
licensee's carrying the concealed handgun is in violation of 129225  
section 2923.121 of the Revised Code; 129226

(5) Any premises owned or leased by any public or private 129227  
college, university, or other institution of higher education, 129228  
unless the handgun is in a locked motor vehicle or the licensee is 129229  
in the immediate process of placing the handgun in a locked motor 129230  
vehicle or unless the licensee is carrying the concealed handgun 129231  
pursuant to a written policy, rule, or other authorization that is 129232  
adopted by the institution's board of trustees or other governing 129233  
body and that authorizes specific individuals or classes of 129234  
individuals to carry a concealed handgun on the premises; 129235

(6) Any church, synagogue, mosque, or other place of worship, 129236  
unless the church, synagogue, mosque, or other place of worship 129237  
posts or permits otherwise; 129238

(7) Any building that is a government facility of this state 129239  
or a political subdivision of this state and that is not a 129240  
building that is used primarily as a shelter, restroom, parking 129241  
facility for motor vehicles, or rest facility and is not a 129242  
courthouse or other building or structure in which a courtroom is 129243  
located that is subject to division (B)(3) of this section, unless 129244  
the governing body with authority over the building has enacted a 129245  
statute, ordinance, or policy that permits a licensee to carry a 129246

concealed handgun into the building; 129247

(8) A place in which federal law prohibits the carrying of 129248  
handguns. 129249

(C)(1) Nothing in this section shall negate or restrict a 129250  
rule, policy, or practice of a private employer that is not a 129251  
private college, university, or other institution of higher 129252  
education concerning or prohibiting the presence of firearms on 129253  
the private employer's premises or property, including motor 129254  
vehicles owned by the private employer. Nothing in this section 129255  
shall require a private employer of that nature to adopt a rule, 129256  
policy, or practice concerning or prohibiting the presence of 129257  
firearms on the private employer's premises or property, including 129258  
motor vehicles owned by the private employer. 129259

(2)(a) A private employer shall be immune from liability in a 129260  
civil action for any injury, death, or loss to person or property 129261  
that allegedly was caused by or related to a licensee bringing a 129262  
handgun onto the premises or property of the private employer, 129263  
including motor vehicles owned by the private employer, unless the 129264  
private employer acted with malicious purpose. A private employer 129265  
is immune from liability in a civil action for any injury, death, 129266  
or loss to person or property that allegedly was caused by or 129267  
related to the private employer's decision to permit a licensee to 129268  
bring, or prohibit a licensee from bringing, a handgun onto the 129269  
premises or property of the private employer. 129270

(b) A political subdivision shall be immune from liability in 129271  
a civil action, to the extent and in the manner provided in 129272  
Chapter 2744. of the Revised Code, for any injury, death, or loss 129273  
to person or property that allegedly was caused by or related to a 129274  
licensee bringing a handgun onto any premises or property owned, 129275  
leased, or otherwise under the control of the political 129276  
subdivision. As used in this division, "political subdivision" has 129277  
the same meaning as in section 2744.01 of the Revised Code. 129278

(c) An institution of higher education shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the institution, including motor vehicles owned by the institution, unless the institution acted with malicious purpose. An institution of higher education is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the institution's decision to permit a licensee or class of licensees to bring a handgun onto the premises of the institution.

(d) A nonprofit corporation shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the nonprofit corporation, including any motor vehicle owned by the nonprofit corporation, or to any event organized by the nonprofit corporation, unless the nonprofit corporation acted with malicious purpose. A nonprofit corporation is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the nonprofit corporation's decision to permit a licensee to bring a handgun onto the premises of the nonprofit corporation or to any event organized by the nonprofit corporation.

(3)(a) Except as provided in division (C)(3)(b) of this section and section 2923.1214 of the Revised Code, the owner or person in control of private land or premises, and a private person or entity leasing land or premises owned by the state, the United States, or a political subdivision of the state or the United States, may post a sign in a conspicuous location on that land or on those premises prohibiting persons from carrying firearms or concealed firearms on or onto that land or those

premises. Except as otherwise provided in this division, a person 129311  
who knowingly violates a posted prohibition of that nature is 129312  
guilty of criminal trespass in violation of division (A)(4) of 129313  
section 2911.21 of the Revised Code and is guilty of a misdemeanor 129314  
of the fourth degree. If a person knowingly violates a posted 129315  
prohibition of that nature and the posted land or premises 129316  
primarily was a parking lot or other parking facility, the person 129317  
is not guilty of criminal trespass under section 2911.21 of the 129318  
Revised Code or under any other criminal law of this state or 129319  
criminal law, ordinance, or resolution of a political subdivision 129320  
of this state, and instead is subject only to a civil cause of 129321  
action for trespass based on the violation. 129322

If a person knowingly violates a posted prohibition of the 129323  
nature described in this division and the posted land or premises 129324  
is a child ~~day-care~~ care center, type A family ~~day-care~~ child care 129325  
home, or type B family ~~day-care~~ child care home, unless the person 129326  
is a licensee who resides in a type A family ~~day-care~~ child care 129327  
home or type B family ~~day-care~~ child care home, the person is 129328  
guilty of aggravated trespass in violation of section 2911.211 of 129329  
the Revised Code. Except as otherwise provided in this division, 129330  
the offender is guilty of a misdemeanor of the first degree. If 129331  
the person previously has been convicted of a violation of this 129332  
division or of any offense of violence, if the weapon involved is 129333  
a firearm that is either loaded or for which the offender has 129334  
ammunition ready at hand, or if the weapon involved is dangerous 129335  
ordnance, the offender is guilty of a felony of the fourth degree. 129336

(b) A landlord may not prohibit or restrict a tenant who is a 129337  
licensee and who on or after September 9, 2008, enters into a 129338  
rental agreement with the landlord for the use of residential 129339  
premises, and the tenant's guest while the tenant is present, from 129340  
lawfully carrying or possessing a handgun on those residential 129341  
premises. 129342

(c) As used in division (C)(3) of this section: 129343

(i) "Residential premises" has the same meaning as in section 129344  
5321.01 of the Revised Code, except "residential premises" does 129345  
not include a dwelling unit that is owned or operated by a college 129346  
or university. 129347

(ii) "Landlord," "tenant," and "rental agreement" have the 129348  
same meanings as in section 5321.01 of the Revised Code. 129349

(D) A person who holds a valid concealed handgun license 129350  
issued by another state that is recognized by the attorney general 129351  
pursuant to a reciprocity agreement entered into pursuant to 129352  
section 109.69 of the Revised Code or a person who holds a valid 129353  
concealed handgun license under the circumstances described in 129354  
division (B) of section 109.69 of the Revised Code has the same 129355  
right to carry a concealed handgun in this state as a person who 129356  
was issued a concealed handgun license under section 2923.125 of 129357  
the Revised Code and is subject to the same restrictions that 129358  
apply to a person who has been issued a license under that section 129359  
that is valid at the time in question. 129360

(E)(1) A peace officer has the same right to carry a 129361  
concealed handgun in this state as a person who was issued a 129362  
concealed handgun license under section 2923.125 of the Revised 129363  
Code, provided that the officer when carrying a concealed handgun 129364  
under authority of this division is carrying validating 129365  
identification. For purposes of reciprocity with other states, a 129366  
peace officer shall be considered to be a licensee in this state. 129367

(2) An active duty member of the armed forces of the United 129368  
States who is carrying a valid military identification card and 129369  
documentation of successful completion of firearms training that 129370  
meets or exceeds the training requirements described in division 129371  
(G)(1) of section 2923.125 of the Revised Code has the same right 129372  
to carry a concealed handgun in this state as a person who was 129373

issued a concealed handgun license under section 2923.125 of the Revised Code and is subject to the same restrictions as specified in this section.

(3) A tactical medical professional who is qualified to carry firearms while on duty under section 109.771 of the Revised Code has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code.

(F)(1) A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (F)(2) of this section and a valid firearms requalification certification issued pursuant to division (F)(3) of this section has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code and is subject to the same restrictions that apply to a person who has been issued a license issued under that section that is valid at the time in question. For purposes of reciprocity with other states, a qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (F)(2) of this section and a valid firearms requalification certification issued pursuant to division (F)(3) of this section shall be considered to be a licensee in this state.

(2)(a) Each public agency of this state or of a political subdivision of this state that is served by one or more peace officers shall issue a retired peace officer identification card to any person who retired from service as a peace officer with that agency, if the issuance is in accordance with the agency's policies and procedures and if the person, with respect to the person's service with that agency, satisfies all of the following:

(i) The person retired in good standing from service as a peace officer with the public agency, and the retirement was not

for reasons of mental instability. 129406

(ii) Before retiring from service as a peace officer with 129407  
that agency, the person was authorized to engage in or supervise 129408  
the prevention, detection, investigation, or prosecution of, or 129409  
the incarceration of any person for, any violation of law and the 129410  
person had statutory powers of arrest. 129411

(iii) At the time of the person's retirement as a peace 129412  
officer with that agency, the person was trained and qualified to 129413  
carry firearms in the performance of the peace officer's duties. 129414

(iv) Before retiring from service as a peace officer with 129415  
that agency, the person was regularly employed as a peace officer 129416  
for an aggregate of fifteen years or more, or, in the alternative, 129417  
the person retired from service as a peace officer with that 129418  
agency, after completing any applicable probationary period of 129419  
that service, due to a service-connected disability, as determined 129420  
by the agency. 129421

(b) A retired peace officer identification card issued to a 129422  
person under division (F)(2)(a) of this section shall identify the 129423  
person by name, contain a photograph of the person, identify the 129424  
public agency of this state or of the political subdivision of 129425  
this state from which the person retired as a peace officer and 129426  
that is issuing the identification card, and specify that the 129427  
person retired in good standing from service as a peace officer 129428  
with the issuing public agency and satisfies the criteria set 129429  
forth in divisions (F)(2)(a)(i) to (iv) of this section. In 129430  
addition to the required content specified in this division, a 129431  
retired peace officer identification card issued to a person under 129432  
division (F)(2)(a) of this section may include the firearms 129433  
requalification certification described in division (F)(3) of this 129434  
section, and if the identification card includes that 129435  
certification, the identification card shall serve as the firearms 129436  
requalification certification for the retired peace officer. If 129437

the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with division (F)(2)(a) of this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section, provided that the credentials so issued to retired peace officers are stamped with the word "RETIRED."

(c) A public agency of this state or of a political subdivision of this state may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to division (F)(2)(a) of this section.

(3) If a person retired from service as a peace officer with a public agency of this state or of a political subdivision of this state and the person satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section, the public agency may provide the retired peace officer with the opportunity to attend a firearms requalification program that is approved for purposes of firearms requalification required under section 109.801 of the Revised Code. The retired peace officer may be required to pay the cost of the course.

If a retired peace officer who satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section attends a firearms requalification program that is approved for purposes of firearms requalification required under section 109.801 of the Revised Code, the retired peace officer's successful completion of the firearms requalification program requalifies the retired peace officer for purposes of division (F) of this section for five years from the date on which the program was successfully completed, and the requalification is valid during that five-year period. If a retired peace officer who satisfies the criteria set

forth in divisions (F)(2)(a)(i) to (iv) of this section 129470  
satisfactorily completes such a firearms requalification program, 129471  
the retired peace officer shall be issued a firearms 129472  
requalification certification that identifies the retired peace 129473  
officer by name, identifies the entity that taught the program, 129474  
specifies that the retired peace officer successfully completed 129475  
the program, specifies the date on which the course was 129476  
successfully completed, and specifies that the requalification is 129477  
valid for five years from that date of successful completion. The 129478  
firearms requalification certification for a retired peace officer 129479  
may be included in the retired peace officer identification card 129480  
issued to the retired peace officer under division (F)(2) of this 129481  
section. 129482

A retired peace officer who attends a firearms 129483  
requalification program that is approved for purposes of firearms 129484  
requalification required under section 109.801 of the Revised Code 129485  
may be required to pay the cost of the program. 129486

(G) As used in this section: 129487

(1) "Qualified retired peace officer" means a person who 129488  
satisfies all of the following: 129489

(a) The person satisfies the criteria set forth in divisions 129490  
(F)(2)(a)(i) to (v) of this section. 129491

(b) The person is not under the influence of alcohol or 129492  
another intoxicating or hallucinatory drug or substance. 129493

(c) The person is not prohibited by federal law from 129494  
receiving firearms. 129495

(2) "Retired peace officer identification card" means an 129496  
identification card that is issued pursuant to division (F)(2) of 129497  
this section to a person who is a retired peace officer. 129498

(3) "Government facility of this state or a political 129499

subdivision of this state" means any of the following: 129500

(a) A building or part of a building that is owned or leased 129501  
by the government of this state or a political subdivision of this 129502  
state and where employees of the government of this state or the 129503  
political subdivision regularly are present for the purpose of 129504  
performing their official duties as employees of the state or 129505  
political subdivision; 129506

(b) The office of a deputy registrar serving pursuant to 129507  
Chapter 4503. of the Revised Code that is used to perform deputy 129508  
registrar functions. 129509

(4) "Governing body" has the same meaning as in section 129510  
154.01 of the Revised Code. 129511

(5) "Tactical medical professional" has the same meaning as 129512  
in section 109.71 of the Revised Code. 129513

(6) "Validating identification" means photographic 129514  
identification issued by the agency for which an individual serves 129515  
as a peace officer that identifies the individual as a peace 129516  
officer of the agency. 129517

(7) "Nonprofit corporation" means any private organization 129518  
that is exempt from federal income taxation pursuant to subsection 129519  
501(a) and described in subsection 501(c) of the Internal Revenue 129520  
Code. 129521

**Sec. 2950.034.** (A) No person who has been convicted of, is 129522  
convicted of, has pleaded guilty to, or pleads guilty to a 129523  
sexually oriented offense or a child-victim oriented offense shall 129524  
establish a residence or occupy residential premises within one 129525  
thousand feet of any school premises, preschool or child ~~day-care~~ 129526  
care center premises, children's crisis care facility premises, or 129527  
residential infant care center premises. 129528

(B) If a person to whom division (A) of this section applies 129529

violates division (A) of this section by establishing a residence 129530  
or occupying residential premises within one thousand feet of any 129531  
school premises, preschool or child ~~day-care~~ care center premises, 129532  
children's crisis care facility premises, or residential infant 129533  
care center premises, an owner or lessee of real property that is 129534  
located within one thousand feet of those school premises, 129535  
preschool or child ~~day-care~~ care center premises, children's 129536  
crisis care facility premises, or residential infant care center 129537  
premises, or the prosecuting attorney, village solicitor, city or 129538  
township director of law, similar chief legal officer of a 129539  
municipal corporation or township, or official designated as a 129540  
prosecutor in a municipal corporation that has jurisdiction over 129541  
the place at which the person establishes the residence or 129542  
occupies the residential premises in question, has a cause of 129543  
action for injunctive relief against the person. The plaintiff 129544  
shall not be required to prove irreparable harm in order to obtain 129545  
the relief. 129546

(C) As used in this section: 129547

(1) "Child ~~day-care~~ care center" has the same meaning as in 129548  
section 5104.01 of the Revised Code. 129549

(2) "Children's crisis care facility" has the same meaning as 129550  
in section 5103.13 of the Revised Code. 129551

(3) "Children's crisis care facility premises" means both of 129552  
the following: 129553

(a) The parcel of real property on which any children's 129554  
crisis care facility is situated; 129555

(b) Any grounds, play areas, and other facilities of a 129556  
children's crisis care facility that are regularly used by the 129557  
children served by the facility. 129558

(4) "Preschool" means any public or private institution or 129559  
center that provides early childhood instructional or educational 129560

services to children who are at least three years of age but less than six years of age and who are not enrolled in or are not eligible to be enrolled in kindergarten, whether or not those services are provided in a child ~~day-care~~ care setting.

"Preschool" does not include any place that is the permanent residence of the person who is providing the early childhood instructional or educational services to the children described in this division.

(5) "Preschool or child ~~day-care~~ care center premises" means all of the following:

(a) Any building in which any preschool or child ~~day-care~~ care center activities are conducted if the building has signage that indicates that the building houses a preschool or child ~~day-care~~ care center, is clearly visible and discernable without obstruction, and meets any local zoning ordinances which may apply;

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

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

(6) "Residential infant care center" has the same meaning as

in section 5103.60 of the Revised Code. 129592

(7) "Residential infant care center premises" means both of 129593  
the following: 129594

(a) The parcel of real property on which any residential 129595  
infant care center is situated; 129596

(b) Any grounds, play areas, and other facilities of a 129597  
residential infant care center that are regularly used by the 129598  
children served by the center. 129599

**Sec. 2950.11.** (A) Regardless of when the sexually oriented 129600  
offense or child-victim oriented offense was committed, if a 129601  
person is convicted of, pleads guilty to, has been convicted of, 129602  
or has pleaded guilty to a sexually oriented offense or a 129603  
child-victim oriented offense or a person is or has been 129604  
adjudicated a delinquent child for committing a sexually oriented 129605  
offense or a child-victim oriented offense and is classified a 129606  
juvenile offender registrant or is an out-of-state juvenile 129607  
offender registrant based on that adjudication, and if the 129608  
offender or delinquent child is in any category specified in 129609  
division (F)(1)(a), (b), or (c) of this section, the sheriff with 129610  
whom the offender or delinquent child has most recently registered 129611  
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 129612  
and the sheriff to whom the offender or delinquent child most 129613  
recently sent a notice of intent to reside under section 2950.04 129614  
or 2950.041 of the Revised Code, within the period of time 129615  
specified in division (C) of this section, shall provide a written 129616  
notice containing the information set forth in division (B) of 129617  
this section to all of the persons described in divisions (A)(1) 129618  
to (10) of this section. If the sheriff has sent a notice to the 129619  
persons described in those divisions as a result of receiving a 129620  
notice of intent to reside and if the offender or delinquent child 129621  
registers a residence address that is the same residence address 129622

described in the notice of intent to reside, the sheriff is not 129623  
required to send an additional notice when the offender or 129624  
delinquent child registers. The sheriff shall provide the notice 129625  
to all of the following persons: 129626

(1)(a) Any occupant of each residential unit that is located 129627  
within one thousand feet of the offender's or delinquent child's 129628  
residential premises, that is located within the county served by 129629  
the sheriff, and that is not located in a multi-unit building. 129630  
Division (D)(3) of this section applies regarding notices required 129631  
under this division. 129632

(b) If the offender or delinquent child resides in a 129633  
multi-unit building, any occupant of each residential unit that is 129634  
located in that multi-unit building and that shares a common 129635  
hallway with the offender or delinquent child. For purposes of 129636  
this division, an occupant's unit shares a common hallway with the 129637  
offender or delinquent child if the entrance door into the 129638  
occupant's unit is located on the same floor and opens into the 129639  
same hallway as the entrance door to the unit the offender or 129640  
delinquent child occupies. Division (D)(3) of this section applies 129641  
regarding notices required under this division. 129642

(c) The building manager, or the person the building owner or 129643  
condominium unit owners association authorizes to exercise 129644  
management and control, of each multi-unit building that is 129645  
located within one thousand feet of the offender's or delinquent 129646  
child's residential premises, including a multi-unit building in 129647  
which the offender or delinquent child resides, and that is 129648  
located within the county served by the sheriff. In addition to 129649  
notifying the building manager or the person authorized to 129650  
exercise management and control in the multi-unit building under 129651  
this division, the sheriff shall post a copy of the notice 129652  
prominently in each common entryway in the building and any other 129653  
location in the building the sheriff determines appropriate. The 129654

manager or person exercising management and control of the 129655  
building shall permit the sheriff to post copies of the notice 129656  
under this division as the sheriff determines appropriate. In lieu 129657  
of posting copies of the notice as described in this division, a 129658  
sheriff may provide notice to all occupants of the multi-unit 129659  
building by mail or personal contact; if the sheriff so notifies 129660  
all the occupants, the sheriff is not required to post copies of 129661  
the notice in the common entryways to the building. Division 129662  
(D)(3) of this section applies regarding notices required under 129663  
this division. 129664

(d) All additional persons who are within any category of 129665  
neighbors of the offender or delinquent child that the attorney 129666  
general by rule adopted under section 2950.13 of the Revised Code 129667  
requires to be provided the notice and who reside within the 129668  
county served by the sheriff; 129669

(2) The executive director of the public children services 129670  
agency that has jurisdiction within the specified geographical 129671  
notification area and that is located within the county served by 129672  
the sheriff; 129673

(3)(a) The superintendent of each board of education of a 129674  
school district that has schools within the specified geographical 129675  
notification area and that is located within the county served by 129676  
the sheriff; 129677

(b) The principal of the school within the specified 129678  
geographical notification area and within the county served by the 129679  
sheriff that the delinquent child attends; 129680

(c) If the delinquent child attends a school outside of the 129681  
specified geographical notification area or outside of the school 129682  
district where the delinquent child resides, the superintendent of 129683  
the board of education of a school district that governs the 129684  
school that the delinquent child attends and the principal of the 129685

school that the delinquent child attends. 129686

(4)(a) The appointing or hiring officer of each chartered 129687  
nonpublic school located within the specified geographical 129688  
notification area and within the county served by the sheriff or 129689  
of each other school located within the specified geographical 129690  
notification area and within the county served by the sheriff and 129691  
that is not operated by a board of education described in division 129692  
(A)(3) of this section; 129693

(b) Regardless of the location of the school, the appointing 129694  
or hiring officer of a chartered nonpublic school that the 129695  
delinquent child attends. 129696

(5) The director, head teacher, elementary principal, or site 129697  
administrator of each preschool program governed by Chapter 3301. 129698  
of the Revised Code that is located within the specified 129699  
geographical notification area and within the county served by the 129700  
sheriff; 129701

(6) The administrator of each child ~~day-care~~ care center or 129702  
type A family ~~day-care~~ child care home that is located within the 129703  
specified geographical notification area and within the county 129704  
served by the sheriff, and each holder of a license to operate a 129705  
type B family ~~day-care~~ child care home that is located within the 129706  
specified geographical notification area and within the county 129707  
served by the sheriff. As used in this division, "child ~~day-care~~ 129708  
care center," "type A family ~~day-care~~ child care home," and "type 129709  
B family ~~day-care~~ child care home" have the same meanings as in 129710  
section 5104.01 of the Revised Code. 129711

(7) The president or other chief administrative officer of 129712  
each institution of higher education, as defined in section 129713  
2907.03 of the Revised Code, that is located within the specified 129714  
geographical notification area and within the county served by the 129715  
sheriff, and the chief law enforcement officer of the state 129716

university law enforcement agency or campus police department 129717  
established under section 3345.04 or 1713.50 of the Revised Code, 129718  
if any, that serves that institution; 129719

(8) The sheriff of each county that includes any portion of 129720  
the specified geographical notification area; 129721

(9) If the offender or delinquent child resides within the 129722  
county served by the sheriff, the chief of police, marshal, or 129723  
other chief law enforcement officer of the municipal corporation 129724  
in which the offender or delinquent child resides or, if the 129725  
offender or delinquent child resides in an unincorporated area, 129726  
the constable or chief of the police department or police district 129727  
police force of the township in which the offender or delinquent 129728  
child resides; 129729

(10) Volunteer organizations in which contact with minors or 129730  
other vulnerable individuals might occur or any organization, 129731  
company, or individual who requests notification as provided in 129732  
division (J) of this section. 129733

(B) The notice required under division (A) of this section 129734  
shall include all of the following information regarding the 129735  
subject offender or delinquent child: 129736

(1) The offender's or delinquent child's name; 129737

(2) The address or addresses of the offender's or public 129738  
registry-qualified juvenile offender registrant's residence, 129739  
school, institution of higher education, or place of employment, 129740  
as applicable, or the residence address or addresses of a 129741  
delinquent child who is not a public registry-qualified juvenile 129742  
offender registrant; 129743

(3) The sexually oriented offense or child-victim oriented 129744  
offense of which the offender was convicted, to which the offender 129745  
pleaded guilty, or for which the child was adjudicated a 129746  
delinquent child; 129747

(4) A statement that identifies the category specified in 129748  
division (F)(1)(a), (b), or (c) of this section that includes the 129749  
offender or delinquent child and that subjects the offender or 129750  
delinquent child to this section; 129751

(5) The offender's or delinquent child's photograph. 129752

(C) If a sheriff with whom an offender or delinquent child 129753  
registers under section 2950.04, 2950.041, or 2950.05 of the 129754  
Revised Code or to whom the offender or delinquent child most 129755  
recently sent a notice of intent to reside under section 2950.04 129756  
or 2950.041 of the Revised Code is required by division (A) of 129757  
this section to provide notices regarding an offender or 129758  
delinquent child and if, pursuant to that requirement, the sheriff 129759  
provides a notice to a sheriff of one or more other counties in 129760  
accordance with division (A)(8) of this section, the sheriff of 129761  
each of the other counties who is provided notice under division 129762  
(A)(8) of this section shall provide the notices described in 129763  
divisions (A)(1) to (7) and (A)(9) and (10) of this section to 129764  
each person or entity identified within those divisions that is 129765  
located within the specified geographical notification area and 129766  
within the county served by the sheriff in question. 129767

(D)(1) A sheriff required by division (A) or (C) of this 129768  
section to provide notices regarding an offender or delinquent 129769  
child shall provide the notice to the neighbors that are described 129770  
in division (A)(1) of this section and the notices to law 129771  
enforcement personnel that are described in divisions (A)(8) and 129772  
(9) of this section as soon as practicable, but no later than five 129773  
days after the offender sends the notice of intent to reside to 129774  
the sheriff and again no later than five days after the offender 129775  
or delinquent child registers with the sheriff or, if the sheriff 129776  
is required by division (C) of this section to provide the 129777  
notices, no later than five days after the sheriff is provided the 129778  
notice described in division (A)(8) of this section. 129779

A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notices to all other specified persons that are described in divisions (A)(2) to (7) and (A)(10) of this section as soon as practicable, but not later than seven days after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) of this section to provide the notices, no later than five days after the sheriff is provided the notice described in division (A)(8) of this section.

(2) If an offender or delinquent child in relation to whom division (A) of this section applies verifies the offender's or delinquent child's current residence, school, institution of higher education, or place of employment address, as applicable, with a sheriff pursuant to section 2950.06 of the Revised Code, the sheriff may provide a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to (10) of this section. If a sheriff provides a notice pursuant to this division to the sheriff of one or more other counties in accordance with division (A)(8) of this section, the sheriff of each of the other counties who is provided the notice under division (A)(8) of this section may provide, but is not required to provide, a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to (7) and (A)(9) and (10) of this section.

(3) A sheriff may provide notice under division (A)(1)(a) or (b) of this section, and may provide notice under division (A)(1)(c) of this section to a building manager or person authorized to exercise management and control of a building, by mail, by personal contact, or by leaving the notice at or under the entry door to a residential unit. For purposes of divisions (A)(1)(a) and (b) of this section, and the portion of division

(A)(1)(c) of this section relating to the provision of notice to 129812  
occupants of a multi-unit building by mail or personal contact, 129813  
the provision of one written notice per unit is deemed as 129814  
providing notice to all occupants of that unit. 129815

(E) All information that a sheriff possesses regarding an 129816  
offender or delinquent child who is in a category specified in 129817  
division (F)(1)(a), (b), or (c) of this section that is described 129818  
in division (B) of this section and that must be provided in a 129819  
notice required under division (A) or (C) of this section or that 129820  
may be provided in a notice authorized under division (D)(2) of 129821  
this section is a public record that is open to inspection under 129822  
section 149.43 of the Revised Code. 129823

The sheriff shall not cause to be publicly disseminated by 129824  
means of the internet any of the information described in this 129825  
division that is provided by a delinquent child unless that child 129826  
is in a category specified in division (F)(1)(a), (b), or (c) of 129827  
this section. 129828

(F)(1) Except as provided in division (F)(2) of this section, 129829  
the duties to provide the notices described in divisions (A) and 129830  
(C) of this section apply regarding any offender or delinquent 129831  
child who is in any of the following categories: 129832

(a) The offender is a tier III sex offender/child-victim 129833  
offender, or the delinquent child is a public registry-qualified 129834  
juvenile offender registrant, and a juvenile court has not removed 129835  
pursuant to section 2950.15 of the Revised Code the delinquent 129836  
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 129837  
and 2950.06 of the Revised Code. 129838

(b) The delinquent child is a tier III sex 129839  
offender/child-victim offender who is not a public 129840  
registry-qualified juvenile offender registrant, the delinquent 129841  
child was subjected to this section prior to January 1, 2008, as a 129842

sexual predator, habitual sex offender, child-victim predator, or 129843  
habitual child-victim offender, as those terms were defined in 129844  
section 2950.01 of the Revised Code as it existed prior to January 129845  
1, 2008, and a juvenile court has not removed pursuant to section 129846  
2152.84 or 2152.85 of the Revised Code the delinquent child's duty 129847  
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 129848  
the Revised Code. 129849

(c) The delinquent child is a tier III sex 129850  
offender/child-victim offender who is not a public 129851  
registry-qualified juvenile offender registrant, the delinquent 129852  
child was classified a juvenile offender registrant on or after 129853  
January 1, 2008, the court has imposed a requirement under section 129854  
2152.82, 2152.83, or 2152.84 of the Revised Code subjecting the 129855  
delinquent child to this section, and a juvenile court has not 129856  
removed pursuant to section 2152.84 or 2152.85 of the Revised Code 129857  
the delinquent child's duty to comply with sections 2950.04, 129858  
2950.041, 2950.05, and 2950.06 of the Revised Code. 129859

(2) The notification provisions of this section do not apply 129860  
to a person described in division (F)(1)(a), (b), or (c) of this 129861  
section if a court finds at a hearing after considering the 129862  
factors described in this division that the person would not be 129863  
subject to the notification provisions of this section that were 129864  
in the version of this section that existed immediately prior to 129865  
January 1, 2008. In making the determination of whether a person 129866  
would have been subject to the notification provisions under prior 129867  
law as described in this division, the court shall consider the 129868  
following factors: 129869

(a) The offender's or delinquent child's age; 129870

(b) The offender's or delinquent child's prior criminal or 129871  
delinquency record regarding all offenses, including, but not 129872  
limited to, all sexual offenses; 129873

(c) The age of the victim of the sexually oriented offense	129874
for which sentence is to be imposed or the order of disposition is	129875
to be made;	129876
(d) Whether the sexually oriented offense for which sentence	129877
is to be imposed or the order of disposition is to be made	129878
involved multiple victims;	129879
(e) Whether the offender or delinquent child used drugs or	129880
alcohol to impair the victim of the sexually oriented offense or	129881
to prevent the victim from resisting;	129882
(f) If the offender or delinquent child previously has been	129883
convicted of or pleaded guilty to, or been adjudicated a	129884
delinquent child for committing an act that if committed by an	129885
adult would be, a criminal offense, whether the offender or	129886
delinquent child completed any sentence or dispositional order	129887
imposed for the prior offense or act and, if the prior offense or	129888
act was a sex offense or a sexually oriented offense, whether the	129889
offender or delinquent child participated in available programs	129890
for sexual offenders;	129891
(g) Any mental illness or mental disability of the offender	129892
or delinquent child;	129893
(h) The nature of the offender's or delinquent child's sexual	129894
conduct, sexual contact, or interaction in a sexual context with	129895
the victim of the sexually oriented offense and whether the sexual	129896
conduct, sexual contact, or interaction in a sexual context was	129897
part of a demonstrated pattern of abuse;	129898
(i) Whether the offender or delinquent child, during the	129899
commission of the sexually oriented offense for which sentence is	129900
to be imposed or the order of disposition is to be made, displayed	129901
cruelty or made one or more threats of cruelty;	129902
(j) Whether the offender or delinquent child would have been	129903
a habitual sex offender or a habitual child victim offender under	129904

the definitions of those terms set forth in section 2950.01 of the Revised Code as that section existed prior to January 1, 2008;

(k) Any additional behavioral characteristics that contribute to the offender's or delinquent child's conduct.

(G)(1) The department of job and family services shall compile, maintain, and update in January and July of each year, a list of all agencies, centers, or homes of a type described in division (A)(2) or (6) of this section that contains the name of each agency, center, or home of that type, the county in which it is located, its address and telephone number, and the name of an administrative officer or employee of the agency, center, or home.

(2) The department of education shall compile, maintain, and update in January and July of each year, a list of all boards of education, schools, or programs of a type described in division (A)(3), (4), or (5) of this section that contains the name of each board of education, school, or program of that type, the county in which it is located, its address and telephone number, the name of the superintendent of the board or of an administrative officer or employee of the school or program, and, in relation to a board of education, the county or counties in which each of its schools is located and the address of each such school.

(3) The ~~Ohio board~~ department of regents higher education shall compile, maintain, and update in January and July of each year, a list of all institutions of a type described in division (A)(7) of this section that contains the name of each such institution, the county in which it is located, its address and telephone number, and the name of its president or other chief administrative officer.

(4) A sheriff required by division (A) or (C) of this section, or authorized by division (D)(2) of this section, to provide notices regarding an offender or delinquent child, or a

designee of a sheriff of that type, may request the department of 129936  
job and family services, department of education, or ~~Ohio board~~ 129937  
department of regents higher education, by telephone, in person, 129938  
or by mail, to provide the sheriff or designee with the names, 129939  
addresses, and telephone numbers of the appropriate persons and 129940  
entities to whom the notices described in divisions (A)(2) to (7) 129941  
of this section are to be provided. Upon receipt of a request, the 129942  
department ~~or board~~ shall provide the requesting sheriff or 129943  
designee with the names, addresses, and telephone numbers of the 129944  
appropriate persons and entities to whom those notices are to be 129945  
provided. 129946

(H)(1) Upon the motion of the offender or the prosecuting 129947  
attorney of the county in which the offender was convicted of or 129948  
pleaded guilty to the sexually oriented offense or child-victim 129949  
oriented offense for which the offender is subject to community 129950  
notification under this section, or upon the motion of the 129951  
sentencing judge or that judge's successor in office, the judge 129952  
may schedule a hearing to determine whether the interests of 129953  
justice would be served by suspending the community notification 129954  
requirement under this section in relation to the offender. The 129955  
judge may dismiss the motion without a hearing but may not issue 129956  
an order suspending the community notification requirement without 129957  
a hearing. At the hearing, all parties are entitled to be heard, 129958  
and the judge shall consider all of the factors set forth in 129959  
division (K) of this section. If, at the conclusion of the 129960  
hearing, the judge finds that the offender has proven by clear and 129961  
convincing evidence that the offender is unlikely to commit in the 129962  
future a sexually oriented offense or a child-victim oriented 129963  
offense and if the judge finds that suspending the community 129964  
notification requirement is in the interests of justice, the judge 129965  
may suspend the application of this section in relation to the 129966  
offender. The order shall contain both of these findings. 129967

The judge promptly shall serve a copy of the order upon the sheriff with whom the offender most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon the bureau of criminal identification and investigation.

An order suspending the community notification requirement does not suspend or otherwise alter an offender's duties to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and does not suspend the victim notification requirement under section 2950.10 of the Revised Code.

(2) A prosecuting attorney, a sentencing judge or that judge's successor in office, and an offender who is subject to the community notification requirement under this section may initially make a motion under division (H)(1) of this section upon the expiration of twenty years after the offender's duty to comply with division (A)(2), (3), or (4) of section 2950.04, division (A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 2950.06 of the Revised Code begins in relation to the offense for which the offender is subject to community notification. After the initial making of a motion under division (H)(1) of this section, thereafter, the prosecutor, judge, and offender may make a subsequent motion under that division upon the expiration of five years after the judge has entered an order denying the initial motion or the most recent motion made under that division.

(3) The offender and the prosecuting attorney have the right to appeal an order approving or denying a motion made under division (H)(1) of this section.

(4) Divisions (H)(1) to (3) of this section do not apply to any of the following types of offender:

(a) A person who is convicted of or pleads guilty to a violent sex offense or designated homicide, assault, or kidnapping offense and who, in relation to that offense, is adjudicated a

sexually violent predator; 129999

(b) A person who is convicted of or pleads guilty to a 130000  
sexually oriented offense that is a violation of division 130001  
(A)(1)(b) of section 2907.02 of the Revised Code committed on or 130002  
after January 2, 2007, and either who is sentenced under section 130003  
2971.03 of the Revised Code or upon whom a sentence of life 130004  
without parole is imposed under division (B) of section 2907.02 of 130005  
the Revised Code; 130006

(c) A person who is convicted of or pleads guilty to a 130007  
sexually oriented offense that is attempted rape committed on or 130008  
after January 2, 2007, and who also is convicted of or pleads 130009  
guilty to a specification of the type described in section 130010  
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 130011

(d) A person who is convicted of or pleads guilty to an 130012  
offense described in division (B)(3)(a), (b), (c), or (d) of 130013  
section 2971.03 of the Revised Code and who is sentenced for that 130014  
offense pursuant to that division; 130015

(e) An offender who is in a category specified in division 130016  
(F)(1)(a), (b), or (c) of this section and who, subsequent to 130017  
being subjected to community notification, has pleaded guilty to 130018  
or been convicted of a sexually oriented offense or child-victim 130019  
oriented offense. 130020

(I) If a person is convicted of, pleads guilty to, has been 130021  
convicted of, or has pleaded guilty to a sexually oriented offense 130022  
or a child-victim oriented offense or a person is or has been 130023  
adjudicated a delinquent child for committing a sexually oriented 130024  
offense or a child-victim oriented offense and is classified a 130025  
juvenile offender registrant or is an out-of-state juvenile 130026  
offender registrant based on that adjudication, and if the 130027  
offender or delinquent child is not in any category specified in 130028  
division (F)(1)(a), (b), or (c) of this section, the sheriff with 130029

whom the offender or delinquent child has most recently registered 130030  
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 130031  
and the sheriff to whom the offender or delinquent child most 130032  
recently sent a notice of intent to reside under section 2950.04 130033  
or 2950.041 of the Revised Code, within the period of time 130034  
specified in division (D) of this section, shall provide a written 130035  
notice containing the information set forth in division (B) of 130036  
this section to the executive director of the public children 130037  
services agency that has jurisdiction within the specified 130038  
geographical notification area and that is located within the 130039  
county served by the sheriff. 130040

(J) Each sheriff shall allow a volunteer organization or 130041  
other organization, company, or individual who wishes to receive 130042  
the notice described in division (A)(10) of this section regarding 130043  
a specific offender or delinquent child or notice regarding all 130044  
offenders and delinquent children who are located in the specified 130045  
geographical notification area to notify the sheriff by electronic 130046  
mail or through the sheriff's web site of this election. The 130047  
sheriff shall promptly inform the bureau of criminal 130048  
identification and investigation of these requests in accordance 130049  
with the forwarding procedures adopted by the attorney general 130050  
pursuant to section 2950.13 of the Revised Code. 130051

(K) In making a determination under division (H)(1) of this 130052  
section as to whether to suspend the community notification 130053  
requirement under this section for an offender, the judge shall 130054  
consider all relevant factors, including, but not limited to, all 130055  
of the following: 130056

(1) The offender's age; 130057

(2) The offender's prior criminal or delinquency record 130058  
regarding all offenses, including, but not limited to, all 130059  
sexually oriented offenses or child-victim oriented offenses; 130060

(3) The age of the victim of the sexually oriented offense or child-victim oriented offense the offender committed;	130061 130062
(4) Whether the sexually oriented offense or child-victim oriented offense the offender committed involved multiple victims;	130063 130064
(5) Whether the offender used drugs or alcohol to impair the victim of the sexually oriented offense or child-victim oriented offense the offender committed or to prevent the victim from resisting;	130065 130066 130067 130068
(6) If the offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing an act that if committed by an adult would be a criminal offense, whether the offender completed any sentence or dispositional order imposed for the prior offense or act and, if the prior offense or act was a sexually oriented offense or a child-victim oriented offense, whether the offender or delinquent child participated in available programs for sex offenders or child-victim offenders;	130069 130070 130071 130072 130073 130074 130075 130076
(7) Any mental illness or mental disability of the offender;	130077
(8) The nature of the offender's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense the offender committed or the nature of the offender's interaction in a sexual context with the victim of the child-victim oriented offense the offender committed, whichever is applicable, and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse;	130078 130079 130080 130081 130082 130083 130084 130085
(9) Whether the offender, during the commission of the sexually oriented offense or child-victim oriented offense the offender committed, displayed cruelty or made one or more threats of cruelty;	130086 130087 130088 130089
(10) Any additional behavioral characteristics that contribute to the offender's conduct.	130090 130091

(L) As used in this section, "specified geographical notification area" means the geographic area or areas within which the attorney general, by rule adopted under section 2950.13 of the Revised Code, requires the notice described in division (B) of this section to be given to the persons identified in divisions (A)(2) to (8) of this section.

**Sec. 2950.13.** (A) The attorney general shall do all of the following:

(1) No later than July 1, 1997, establish and maintain a state registry of sex offenders and child-victim offenders that is housed at the bureau of criminal identification and investigation and that contains all of the registration, change of residence, school, institution of higher education, or place of employment address, and verification information the bureau receives pursuant to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code regarding each person who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense and each person who is or has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, all of the information the bureau receives pursuant to section 2950.14 of the Revised Code, and any notice of an order terminating or modifying an offender's or delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code the bureau receives pursuant to section 2152.84, 2152.85, or 2950.15 of the Revised Code. For a person who was convicted of or pleaded guilty to the sexually oriented offense or child-victim related offense, the registry also shall indicate whether the person was convicted of or pleaded guilty to the offense in a criminal prosecution or in a serious youthful

offender case. The registry shall not be open to inspection by the public or by any person other than a person identified in division (A) of section 2950.08 of the Revised Code. In addition to the information and material previously identified in this division, the registry shall include all of the following regarding each person who is listed in the registry:

(a) A citation for, and the name of, all sexually oriented offenses or child-victim oriented offenses of which the person was convicted, to which the person pleaded guilty, or for which the person was adjudicated a delinquent child and that resulted in a registration duty, and the date on which those offenses were committed;

(b) The text of the sexually oriented offenses or child-victim oriented offenses identified in division (A)(1)(a) of this section as those offenses existed at the time the person was convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing those offenses, or a link to a database that sets forth the text of those offenses;

(c) A statement as to whether the person is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender for the sexually oriented offenses or child-victim oriented offenses identified in division (A)(1)(a) of this section;

(d) The community supervision status of the person, including, but not limited to, whether the person is serving a community control sanction and the nature of any such sanction, whether the person is under supervised release and the nature of the release, or regarding a juvenile, whether the juvenile is under any type of release authorized under Chapter 2152. or 5139. of the Revised Code and the nature of any such release;

(e) The offense and delinquency history of the person, as determined from information gathered or provided under sections 109.57 and 2950.14 of the Revised Code;	130155 130156 130157
(f) The bureau of criminal identification and investigation tracking number assigned to the person if one has been so assigned, the federal bureau of investigation number assigned to the person if one has been assigned and the bureau of criminal identification and investigation is aware of the number, and any other state identification number assigned to the person of which the bureau is aware;	130158 130159 130160 130161 130162 130163 130164
(g) Fingerprints and palmprints of the person;	130165
(h) A DNA specimen, as defined in section 109.573 of the Revised Code, from the person;	130166 130167
(i) Whether the person has any outstanding arrest warrants;	130168
(j) Whether the person is in compliance with the person's duties under this chapter.	130169 130170
(2) In consultation with local law enforcement representatives and no later than July 1, 1997, adopt rules that contain guidelines necessary for the implementation of this chapter;	130171 130172 130173 130174
(3) In consultation with local law enforcement representatives, adopt rules for the implementation and administration of the provisions contained in section 2950.11 of the Revised Code that pertain to the notification of neighbors of an offender or a delinquent child who has committed a sexually oriented offense or a child-victim oriented offense and is in a category specified in division (F)(1) of that section and rules that prescribe a manner in which victims of a sexually oriented offense or a child-victim oriented offense committed by an offender or a delinquent child who is in a category specified in division (B)(1) of section 2950.10 of the Revised Code may make a	130175 130176 130177 130178 130179 130180 130181 130182 130183 130184 130185

request that specifies that the victim would like to be provided 130186  
the notices described in divisions (A)(1) and (2) of section 130187  
2950.10 of the Revised Code; 130188

(4) In consultation with local law enforcement 130189  
representatives and through the bureau of criminal identification 130190  
and investigation, prescribe the forms to be used by judges and 130191  
officials pursuant to section 2950.03 or 2950.032 of the Revised 130192  
Code to advise offenders and delinquent children of their duties 130193  
of filing a notice of intent to reside, registration, notification 130194  
of a change of residence, school, institution of higher education, 130195  
or place of employment address and registration of the new school, 130196  
institution of higher education, or place of employment address, 130197  
as applicable, and address verification under sections 2950.04, 130198  
2950.041, 2950.05, and 2950.06 of the Revised Code, and prescribe 130199  
the forms to be used by sheriffs relative to those duties of 130200  
filing a notice of intent to reside, registration, change of 130201  
residence, school, institution of higher education, or place of 130202  
employment address notification, and address verification; 130203

(5) Make copies of the forms prescribed under division (A)(4) 130204  
of this section available to judges, officials, and sheriffs; 130205

(6) Through the bureau of criminal identification and 130206  
investigation, provide the notifications, the information and 130207  
materials, and the documents that the bureau is required to 130208  
provide to appropriate law enforcement officials and to the 130209  
federal bureau of investigation pursuant to sections 2950.04, 130210  
2950.041, 2950.05, and 2950.06 of the Revised Code; 130211

(7) Through the bureau of criminal identification and 130212  
investigation, maintain the verification forms returned under the 130213  
address verification mechanism set forth in section 2950.06 of the 130214  
Revised Code; 130215

(8) In consultation with representatives of the officials, 130216

judges, and sheriffs, adopt procedures for officials, judges, and sheriffs to use to forward information, photographs, and fingerprints to the bureau of criminal identification and investigation pursuant to the requirements of sections 2950.03, 2950.04, 2950.041, 2950.05, 2950.06, and 2950.11 of the Revised Code;

(9) In consultation with the director of education, the director of job and family services, and the director of rehabilitation and correction, adopt rules that contain guidelines to be followed by boards of education of a school district, chartered nonpublic schools or other schools not operated by a board of education, preschool programs, ~~child day-care~~ care centers, type A family ~~day-care~~ child care homes, licensed type B family ~~day-care~~ child care homes, and institutions of higher education regarding the proper use and administration of information received pursuant to section 2950.11 of the Revised Code relative to an offender or delinquent child who has committed a sexually oriented offense or a child-victim oriented offense and is in a category specified in division (F)(1) of that section;

(10) In consultation with local law enforcement representatives and no later than July 1, 1997, adopt rules that designate a geographic area or areas within which the notice described in division (B) of section 2950.11 of the Revised Code must be given to the persons identified in divisions (A)(2) to (8) and (A)(10) of that section;

(11) Through the bureau of criminal identification and investigation, not later than January 1, 2004, establish and operate on the internet a sex offender and child-victim offender database that contains information for every offender who has committed a sexually oriented offense or a child-victim oriented offense and registers in any county in this state pursuant to section 2950.04 or 2950.041 of the Revised Code and for every

delinquent child who has committed a sexually oriented offense, is 130249  
a public registry-qualified juvenile offender registrant, and 130250  
registers in any county in this state pursuant to either such 130251  
section. The bureau shall not include on the database the identity 130252  
of any offender's or public registry-qualified juvenile offender 130253  
registrant's victim, any offender's or public registry-qualified 130254  
juvenile offender registrant's social security number, the name of 130255  
any school or institution of higher education attended by any 130256  
offender or public registry-qualified juvenile offender 130257  
registrant, the name of the place of employment of any offender or 130258  
public registry-qualified juvenile offender registrant, any 130259  
tracking or identification number described in division (A)(1)(f) 130260  
of this section, or any information described in division (C)(7) 130261  
of section 2950.04 or 2950.041 of the Revised Code. The bureau 130262  
shall provide on the database, for each offender and each public 130263  
registry-qualified juvenile offender registrant, at least the 130264  
information specified in divisions (A)(11)(a) to (h) of this 130265  
section. Otherwise, the bureau shall determine the information to 130266  
be provided on the database for each offender and public 130267  
registry-qualified juvenile offender registrant and shall obtain 130268  
that information from the information contained in the state 130269  
registry of sex offenders and child-victim offenders described in 130270  
division (A)(1) of this section, which information, while in the 130271  
possession of the sheriff who provided it, is a public record open 130272  
for inspection as described in section 2950.081 of the Revised 130273  
Code. The database is a public record open for inspection under 130274  
section 149.43 of the Revised Code, and it shall be searchable by 130275  
offender or public registry-qualified juvenile offender registrant 130276  
name, by county, by zip code, and by school district. The database 130277  
shall provide a link to the web site of each sheriff who has 130278  
established and operates on the internet a sex offender and 130279  
child-victim offender database that contains information for 130280  
offenders and public registry-qualified juvenile offender 130281

registrants who register in that county pursuant to section 130282  
2950.04 or 2950.041 of the Revised Code, with the link being a 130283  
direct link to the sex offender and child-victim offender database 130284  
for the sheriff. The bureau shall provide on the database, for 130285  
each offender and public registry-qualified juvenile offender 130286  
registrant, at least the following information: 130287

(a) The information described in divisions (A)(1)(a), (b), 130288  
(c), and (d) of this section relative to the offender or public 130289  
registry-qualified juvenile offender registrant; 130290

(b) The address of the offender's or public 130291  
registry-qualified juvenile offender registrant's school, 130292  
institution of higher education, or place of employment provided 130293  
in a registration form; 130294

(c) The information described in division (C)(6) of section 130295  
2950.04 or 2950.041 of the Revised Code; 130296

(d) A chart describing which sexually oriented offenses and 130297  
child-victim oriented offenses are included in the definitions of 130298  
tier I sex offender/child-victim offender, tier II sex 130299  
offender/child-victim offender, and tier III sex 130300  
offender/child-victim offender; 130301

(e) Fingerprints and palmprints of the offender or public 130302  
registry-qualified juvenile offender registrant and a DNA specimen 130303  
from the offender or public registry-qualified juvenile offender 130304  
registrant; 130305

(f) The information set forth in division (B) of section 130306  
2950.11 of the Revised Code; 130307

(g) Any outstanding arrest warrants for the offender or 130308  
public registry-qualified juvenile offender registrant; 130309

(h) The offender's or public registry-qualified juvenile 130310  
offender registrant's compliance status with duties under this 130311

chapter. 130312

(12) Develop software to be used by sheriffs in establishing 130313  
on the internet a sex offender and child-victim offender database 130314  
for the public dissemination of some or all of the information and 130315  
materials described in division (A) of section 2950.081 of the 130316  
Revised Code that are public records under that division, that are 130317  
not prohibited from inclusion by division (B) of that section, and 130318  
that pertain to offenders and public registry-qualified juvenile 130319  
offender registrants who register in the sheriff's county pursuant 130320  
to section 2950.04 or 2950.041 of the Revised Code and for the 130321  
public dissemination of information the sheriff receives pursuant 130322  
to section 2950.14 of the Revised Code and, upon the request of 130323  
any sheriff, provide technical guidance to the requesting sheriff 130324  
in establishing on the internet such a database; 130325

(13) Through the bureau of criminal identification and 130326  
investigation, not later than January 1, 2004, establish and 130327  
operate on the internet a database that enables local law 130328  
enforcement representatives to remotely search by electronic means 130329  
the state registry of sex offenders and child-victim offenders 130330  
described in division (A)(1) of this section and any information 130331  
and materials the bureau receives pursuant to sections 2950.04, 130332  
2950.041, 2950.05, 2950.06, and 2950.14 of the Revised Code. The 130333  
database shall enable local law enforcement representatives to 130334  
obtain detailed information regarding each offender and delinquent 130335  
child who is included in the registry, including, but not limited 130336  
to the offender's or delinquent child's name, aliases, residence 130337  
address, name and address of any place of employment, school, 130338  
institution of higher education, if applicable, license plate 130339  
number of each vehicle identified in division (C)(5) of section 130340  
2950.04 or 2950.041 of the Revised Code to the extent applicable, 130341  
victim preference if available, date of most recent release from 130342  
confinement if applicable, fingerprints, and palmprints, all of 130343

the information and material described in divisions (A)(1)(a) to 130344  
(h) of this section regarding the offender or delinquent child, 130345  
and other identification parameters the bureau considers 130346  
appropriate. The database is not a public record open for 130347  
inspection under section 149.43 of the Revised Code and shall be 130348  
available only to law enforcement representatives as described in 130349  
this division. Information obtained by local law enforcement 130350  
representatives through use of this database is not open to 130351  
inspection by the public or by any person other than a person 130352  
identified in division (A) of section 2950.08 of the Revised Code. 130353

(14) Through the bureau of criminal identification and 130354  
investigation, maintain a list of requests for notice about a 130355  
specified offender or delinquent child or specified geographical 130356  
notification area made pursuant to division (J) of section 2950.11 130357  
of the Revised Code and, when an offender or delinquent child 130358  
changes residence to another county, forward any requests for 130359  
information about that specific offender or delinquent child to 130360  
the appropriate sheriff; 130361

(15) Through the bureau of criminal identification and 130362  
investigation, establish and operate a system for the immediate 130363  
notification by electronic means of the appropriate officials in 130364  
other states specified in this division each time an offender or 130365  
delinquent child registers a residence, school, institution of 130366  
higher education, or place of employment address under section 130367  
2950.04 or 2950.041 of the Revised Code or provides a notice of a 130368  
change of address or registers a new address under division (A) or 130369  
(B) of section 2950.05 of the Revised Code. The immediate 130370  
notification by electronic means shall be provided to the 130371  
appropriate officials in each state in which the offender or 130372  
delinquent child is required to register a residence, school, 130373  
institution of higher education, or place of employment address. 130374  
The notification shall contain the offender's or delinquent 130375

child's name and all of the information the bureau receives from 130376  
the sheriff with whom the offender or delinquent child registered 130377  
the address or provided the notice of change of address or 130378  
registered the new address. 130379

(B) The attorney general in consultation with local law 130380  
enforcement representatives, may adopt rules that establish one or 130381  
more categories of neighbors of an offender or delinquent child 130382  
who, in addition to the occupants of residential premises and 130383  
other persons specified in division (A)(1) of section 2950.11 of 130384  
the Revised Code, must be given the notice described in division 130385  
(B) of that section. 130386

(C) No person, other than a local law enforcement 130387  
representative, shall knowingly do any of the following: 130388

(1) Gain or attempt to gain access to the database 130389  
established and operated by the attorney general, through the 130390  
bureau of criminal identification and investigation, pursuant to 130391  
division (A)(13) of this section. 130392

(2) Permit any person to inspect any information obtained 130393  
through use of the database described in division (C)(1) of this 130394  
section, other than as permitted under that division. 130395

(D) As used in this section, "local law enforcement 130396  
representatives" means representatives of the sheriffs of this 130397  
state, representatives of the municipal chiefs of police and 130398  
marshals of this state, and representatives of the township 130399  
constables and chiefs of police of the township police departments 130400  
or police district police forces of this state. 130401

**Sec. 3109.051.** (A) If a divorce, dissolution, legal 130402  
separation, or annulment proceeding involves a child and if the 130403  
court has not issued a shared parenting decree, the court shall 130404  
consider any mediation report filed pursuant to section 3109.052 130405

of the Revised Code and, in accordance with division (C) of this 130406  
section, shall make a just and reasonable order or decree 130407  
permitting each parent who is not the residential parent to have 130408  
parenting time with the child at the time and under the conditions 130409  
that the court directs, unless the court determines that it would 130410  
not be in the best interest of the child to permit that parent to 130411  
have parenting time with the child and includes in the journal its 130412  
findings of fact and conclusions of law. Whenever possible, the 130413  
order or decree permitting the parenting time shall ensure the 130414  
opportunity for both parents to have frequent and continuing 130415  
contact with the child, unless frequent and continuing contact by 130416  
either parent with the child would not be in the best interest of 130417  
the child. The court shall include in its final decree a specific 130418  
schedule of parenting time for that parent. Except as provided in 130419  
division (E)(6) of section 3113.31 of the Revised Code, if the 130420  
court, pursuant to this section, grants parenting time to a parent 130421  
or companionship or visitation rights to any other person with 130422  
respect to any child, it shall not require the public children 130423  
services agency to provide supervision of or other services 130424  
related to that parent's exercise of parenting time or that 130425  
person's exercise of companionship or visitation rights with 130426  
respect to the child. This section does not limit the power of a 130427  
juvenile court pursuant to Chapter 2151. of the Revised Code to 130428  
issue orders with respect to children who are alleged to be 130429  
abused, neglected, or dependent children or to make dispositions 130430  
of children who are adjudicated abused, neglected, or dependent 130431  
children or of a common pleas court to issue orders pursuant to 130432  
section 3113.31 of the Revised Code. 130433

(B)(1) In a divorce, dissolution of marriage, legal 130434  
separation, annulment, or child support proceeding that involves a 130435  
child, the court may grant reasonable companionship or visitation 130436  
rights to any grandparent, any person related to the child by 130437

consanguinity or affinity, or any other person other than a parent, if all of the following apply:

(a) The grandparent, relative, or other person files a motion with the court seeking companionship or visitation rights.

(b) The court determines that the grandparent, relative, or other person has an interest in the welfare of the child.

(c) The court determines that the granting of the companionship or visitation rights is in the best interest of the child.

(2) A motion may be filed under division (B)(1) of this section during the pendency of the divorce, dissolution of marriage, legal separation, annulment, or child support proceeding or, if a motion was not filed at that time or was filed at that time and the circumstances in the case have changed, at any time after a decree or final order is issued in the case.

(C) When determining whether to grant parenting time rights to a parent pursuant to this section or section 3109.12 of the Revised Code or to grant companionship or visitation rights to a grandparent, relative, or other person pursuant to this section or section 3109.11 or 3109.12 of the Revised Code, when establishing a specific parenting time or visitation schedule, and when determining other parenting time matters under this section or section 3109.12 of the Revised Code or visitation matters under this section or section 3109.11 or 3109.12 of the Revised Code, the court shall consider any mediation report that is filed pursuant to section 3109.052 of the Revised Code and shall consider all other relevant factors, including, but not limited to, all of the factors listed in division (D) of this section. In considering the factors listed in division (D) of this section for purposes of determining whether to grant parenting time or visitation rights, establishing a specific parenting time or

visitation schedule, determining other parenting time matters 130469  
under this section or section 3109.12 of the Revised Code or 130470  
visitation matters under this section or under section 3109.11 or 130471  
3109.12 of the Revised Code, and resolving any issues related to 130472  
the making of any determination with respect to parenting time or 130473  
visitation rights or the establishment of any specific parenting 130474  
time or visitation schedule, the court, in its discretion, may 130475  
interview in chambers any or all involved children regarding their 130476  
wishes and concerns. If the court interviews any child concerning 130477  
the child's wishes and concerns regarding those parenting time or 130478  
visitation matters, the interview shall be conducted in chambers, 130479  
and no person other than the child, the child's attorney, the 130480  
judge, any necessary court personnel, and, in the judge's 130481  
discretion, the attorney of each parent shall be permitted to be 130482  
present in the chambers during the interview. No person shall 130483  
obtain or attempt to obtain from a child a written or recorded 130484  
statement or affidavit setting forth the wishes and concerns of 130485  
the child regarding those parenting time or visitation matters. A 130486  
court, in considering the factors listed in division (D) of this 130487  
section for purposes of determining whether to grant any parenting 130488  
time or visitation rights, establishing a parenting time or 130489  
visitation schedule, determining other parenting time matters 130490  
under this section or section 3109.12 of the Revised Code or 130491  
visitation matters under this section or under section 3109.11 or 130492  
3109.12 of the Revised Code, or resolving any issues related to 130493  
the making of any determination with respect to parenting time or 130494  
visitation rights or the establishment of any specific parenting 130495  
time or visitation schedule, shall not accept or consider a 130496  
written or recorded statement or affidavit that purports to set 130497  
forth the child's wishes or concerns regarding those parenting 130498  
time or visitation matters. 130499

(D) In determining whether to grant parenting time to a 130500  
parent pursuant to this section or section 3109.12 of the Revised 130501

Code or companionship or visitation rights to a grandparent, 130502  
relative, or other person pursuant to this section or section 130503  
3109.11 or 3109.12 of the Revised Code, in establishing a specific 130504  
parenting time or visitation schedule, and in determining other 130505  
parenting time matters under this section or section 3109.12 of 130506  
the Revised Code or visitation matters under this section or 130507  
section 3109.11 or 3109.12 of the Revised Code, the court shall 130508  
consider all of the following factors: 130509

(1) The prior interaction and interrelationships of the child 130510  
with the child's parents, siblings, and other persons related by 130511  
consanguinity or affinity, and with the person who requested 130512  
companionship or visitation if that person is not a parent, 130513  
sibling, or relative of the child; 130514

(2) The geographical location of the residence of each parent 130515  
and the distance between those residences, and if the person is 130516  
not a parent, the geographical location of that person's residence 130517  
and the distance between that person's residence and the child's 130518  
residence; 130519

(3) The child's and parents' available time, including, but 130520  
not limited to, each parent's employment schedule, the child's 130521  
school schedule, and the child's and the parents' holiday and 130522  
vacation schedule; 130523

(4) The age of the child; 130524

(5) The child's adjustment to home, school, and community; 130525

(6) If the court has interviewed the child in chambers, 130526  
pursuant to division (C) of this section, regarding the wishes and 130527  
concerns of the child as to parenting time by the parent who is 130528  
not the residential parent or companionship or visitation by the 130529  
grandparent, relative, or other person who requested companionship 130530  
or visitation, as to a specific parenting time or visitation 130531  
schedule, or as to other parenting time or visitation matters, the 130532

wishes and concerns of the child, as expressed to the court; 130533

(7) The health and safety of the child; 130534

(8) The amount of time that will be available for the child 130535  
to spend with siblings; 130536

(9) The mental and physical health of all parties; 130537

(10) Each parent's willingness to reschedule missed parenting 130538  
time and to facilitate the other parent's parenting time rights, 130539  
and with respect to a person who requested companionship or 130540  
visitation, the willingness of that person to reschedule missed 130541  
visitation; 130542

(11) In relation to parenting time, whether either parent 130543  
previously has been convicted of or pleaded guilty to any criminal 130544  
offense involving any act that resulted in a child being an abused 130545  
child or a neglected child; whether either parent, in a case in 130546  
which a child has been adjudicated an abused child or a neglected 130547  
child, previously has been determined to be the perpetrator of the 130548  
abusive or neglectful act that is the basis of the adjudication; 130549  
and whether there is reason to believe that either parent has 130550  
acted in a manner resulting in a child being an abused child or a 130551  
neglected child; 130552

(12) In relation to requested companionship or visitation by 130553  
a person other than a parent, whether the person previously has 130554  
been convicted of or pleaded guilty to any criminal offense 130555  
involving any act that resulted in a child being an abused child 130556  
or a neglected child; whether the person, in a case in which a 130557  
child has been adjudicated an abused child or a neglected child, 130558  
previously has been determined to be the perpetrator of the 130559  
abusive or neglectful act that is the basis of the adjudication; 130560  
whether either parent previously has been convicted of or pleaded 130561  
guilty to a violation of section 2919.25 of the Revised Code 130562  
involving a victim who at the time of the commission of the 130563

offense was a member of the family or household that is the 130564  
subject of the current proceeding; whether either parent 130565  
previously has been convicted of an offense involving a victim who 130566  
at the time of the commission of the offense was a member of the 130567  
family or household that is the subject of the current proceeding 130568  
and caused physical harm to the victim in the commission of the 130569  
offense; and whether there is reason to believe that the person 130570  
has acted in a manner resulting in a child being an abused child 130571  
or a neglected child; 130572

(13) Whether the residential parent or one of the parents 130573  
subject to a shared parenting decree has continuously and 130574  
willfully denied the other parent's right to parenting time in 130575  
accordance with an order of the court; 130576

(14) Whether either parent has established a residence or is 130577  
planning to establish a residence outside this state; 130578

(15) In relation to requested companionship or visitation by 130579  
a person other than a parent, the wishes and concerns of the 130580  
child's parents, as expressed by them to the court; 130581

(16) Any other factor in the best interest of the child. 130582

(E) The remarriage of a residential parent of a child does 130583  
not affect the authority of a court under this section to grant 130584  
parenting time rights with respect to the child to the parent who 130585  
is not the residential parent or to grant reasonable companionship 130586  
or visitation rights with respect to the child to any grandparent, 130587  
any person related by consanguinity or affinity, or any other 130588  
person. 130589

(F)(1) If the court, pursuant to division (A) of this 130590  
section, denies parenting time to a parent who is not the 130591  
residential parent or denies a motion for reasonable companionship 130592  
or visitation rights filed under division (B) of this section and 130593  
the parent or movant files a written request for findings of fact 130594

and conclusions of law, the court shall state in writing its findings of fact and conclusions of law in accordance with Civil Rule 52.

(2) On or before July 1, 1991, each court of common pleas, by rule, shall adopt standard parenting time guidelines. A court shall have discretion to deviate from its standard parenting time guidelines based upon factors set forth in division (D) of this section.

(G)(1) If the residential parent intends to move to a residence other than the residence specified in the parenting time order or decree of the court, the parent shall file a notice of intent to relocate with the court that issued the order or decree. Except as provided in divisions (G)(2), (3), and (4) of this section, the court shall send a copy of the notice to the parent who is not the residential parent. Upon receipt of the notice, the court, on its own motion or the motion of the parent who is not the residential parent, may schedule a hearing with notice to both parents to determine whether it is in the best interest of the child to revise the parenting time schedule for the child.

(2) When a court grants parenting time rights to a parent who is not the residential parent, the court shall determine whether that parent has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child. If the court

determines that that parent has not been so convicted and has not  
been determined to be the perpetrator of an abusive act that is  
the basis of a child abuse adjudication, the court shall issue an  
order stating that a copy of any notice of relocation that is  
filed with the court pursuant to division (G)(1) of this section  
will be sent to the parent who is given the parenting time rights  
in accordance with division (G)(1) of this section.

If the court determines that the parent who is granted the  
parenting time rights has been convicted of or pleaded guilty to a  
violation of section 2919.25 of the Revised Code involving a  
victim who at the time of the commission of the offense was a  
member of the family or household that is the subject of the  
proceeding, has been convicted of or pleaded guilty to any other  
offense involving a victim who at the time of the commission of  
the offense was a member of the family or household that is the  
subject of the proceeding and caused physical harm to the victim  
in the commission of the offense, or has been determined to be the  
perpetrator of the abusive act that is the basis of an  
adjudication that a child is an abused child, it shall issue an  
order stating that that parent will not be given a copy of any  
notice of relocation that is filed with the court pursuant to  
division (G)(1) of this section unless the court determines that  
it is in the best interest of the children to give that parent a  
copy of the notice of relocation, issues an order stating that  
that parent will be given a copy of any notice of relocation filed  
pursuant to division (G)(1) of this section, and issues specific  
written findings of fact in support of its determination.

(3) If a court, prior to April 11, 1991, issued an order  
granting parenting time rights to a parent who is not the  
residential parent and did not require the residential parent in  
that order to give the parent who is granted the parenting time  
rights notice of any change of address and if the residential

parent files a notice of relocation pursuant to division (G)(1) of 130659  
this section, the court shall determine if the parent who is 130660  
granted the parenting time rights has been convicted of or pleaded 130661  
guilty to a violation of section 2919.25 of the Revised Code 130662  
involving a victim who at the time of the commission of the 130663  
offense was a member of the family or household that is the 130664  
subject of the proceeding, has been convicted of or pleaded guilty 130665  
to any other offense involving a victim who at the time of the 130666  
commission of the offense was a member of the family or household 130667  
that is the subject of the proceeding and caused physical harm to 130668  
the victim in the commission of the offense, or has been 130669  
determined to be the perpetrator of the abusive act that is the 130670  
basis of an adjudication that a child is an abused child. If the 130671  
court determines that the parent who is granted the parenting time 130672  
rights has not been so convicted and has not been determined to be 130673  
the perpetrator of an abusive act that is the basis of a child 130674  
abuse adjudication, the court shall issue an order stating that a 130675  
copy of any notice of relocation that is filed with the court 130676  
pursuant to division (G)(1) of this section will be sent to the 130677  
parent who is granted parenting time rights in accordance with 130678  
division (G)(1) of this section. 130679

If the court determines that the parent who is granted the 130680  
parenting time rights has been convicted of or pleaded guilty to a 130681  
violation of section 2919.25 of the Revised Code involving a 130682  
victim who at the time of the commission of the offense was a 130683  
member of the family or household that is the subject of the 130684  
proceeding, has been convicted of or pleaded guilty to any other 130685  
offense involving a victim who at the time of the commission of 130686  
the offense was a member of the family or household that is the 130687  
subject of the proceeding and caused physical harm to the victim 130688  
in the commission of the offense, or has been determined to be the 130689  
perpetrator of the abusive act that is the basis of an 130690  
adjudication that a child is an abused child, it shall issue an 130691

order stating that that parent will not be given a copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section unless the court determines that it is in the best interest of the children to give that parent a copy of the notice of relocation, issues an order stating that that parent will be given a copy of any notice of relocation filed pursuant to division (G)(1) of this section, and issues specific written findings of fact in support of its determination.

(4) If a parent who is granted parenting time rights pursuant to this section or any other section of the Revised Code is authorized by an order issued pursuant to this section or any other court order to receive a copy of any notice of relocation that is filed pursuant to division (G)(1) of this section or pursuant to court order, if the residential parent intends to move to a residence other than the residence address specified in the parenting time order, and if the residential parent does not want the parent who is granted the parenting time rights to receive a copy of the relocation notice because the parent with parenting time rights has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child, the residential parent may file a motion with the court requesting that the parent who is granted the parenting time rights not receive a copy of any notice of relocation. Upon the filing of the motion, the court shall schedule a hearing on the motion and give both parents

notice of the date, time, and location of the hearing. If the court determines that the parent who is granted the parenting time rights has been so convicted or has been determined to be the perpetrator of an abusive act that is the basis of a child abuse adjudication, the court shall issue an order stating that the parent who is granted the parenting time rights will not be given a copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section or that the residential parent is no longer required to give that parent a copy of any notice of relocation unless the court determines that it is in the best interest of the children to give that parent a copy of the notice of relocation, issues an order stating that that parent will be given a copy of any notice of relocation filed pursuant to division (G)(1) of this section, and issues specific written findings of fact in support of its determination. If it does not so find, it shall dismiss the motion.

(H)(1) Subject to section 3125.16 and division (F) of section 3319.321 of the Revised Code, a parent of a child who is not the residential parent of the child is entitled to access, under the same terms and conditions under which access is provided to the residential parent, to any record that is related to the child and to which the residential parent of the child legally is provided access, unless the court determines that it would not be in the best interest of the child for the parent who is not the residential parent to have access to the records under those same terms and conditions. If the court determines that the parent of a child who is not the residential parent should not have access to records related to the child under the same terms and conditions as provided for the residential parent, the court shall specify the terms and conditions under which the parent who is not the residential parent is to have access to those records, shall enter its written findings of facts and opinion in the journal, and shall issue an order containing the terms and conditions to both

the residential parent and the parent of the child who is not the residential parent. The court shall include in every order issued pursuant to this division notice that any keeper of a record who knowingly fails to comply with the order or division (H) of this section is in contempt of court.

(2) Subject to section 3125.16 and division (F) of section 3319.321 of the Revised Code, subsequent to the issuance of an order under division (H)(1) of this section, the keeper of any record that is related to a particular child and to which the residential parent legally is provided access shall permit the parent of the child who is not the residential parent to have access to the record under the same terms and conditions under which access is provided to the residential parent, unless the residential parent has presented the keeper of the record with a copy of an order issued under division (H)(1) of this section that limits the terms and conditions under which the parent who is not the residential parent is to have access to records pertaining to the child and the order pertains to the record in question. If the residential parent presents the keeper of the record with a copy of that type of order, the keeper of the record shall permit the parent who is not the residential parent to have access to the record only in accordance with the most recent order that has been issued pursuant to division (H)(1) of this section and presented to the keeper by the residential parent or the parent who is not the residential parent. Any keeper of any record who knowingly fails to comply with division (H) of this section or with any order issued pursuant to division (H)(1) of this section is in contempt of court.

(3) The prosecuting attorney of any county may file a complaint with the court of common pleas of that county requesting the court to issue a protective order preventing the disclosure pursuant to division (H)(1) or (2) of this section of any

confidential law enforcement investigatory record. The court shall 130790  
schedule a hearing on the motion and give notice of the date, 130791  
time, and location of the hearing to all parties. 130792

(I) A court that issues a parenting time order or decree 130793  
pursuant to this section or section 3109.12 of the Revised Code 130794  
shall determine whether the parent granted the right of parenting 130795  
time is to be permitted access, in accordance with section 130796  
5104.039 of the Revised Code, to any child ~~day-care~~ care center 130797  
that is, or that in the future may be, attended by the children 130798  
with whom the right of parenting time is granted. Unless the court 130799  
determines that the parent who is not the residential parent 130800  
should not have access to the center to the same extent that the 130801  
residential parent is granted access to the center, the parent who 130802  
is not the residential parent and who is granted parenting time 130803  
rights is entitled to access to the center to the same extent that 130804  
the residential parent is granted access to the center. If the 130805  
court determines that the parent who is not the residential parent 130806  
should not have access to the center to the same extent that the 130807  
residential parent is granted such access under section 5104.039 130808  
of the Revised Code, the court shall specify the terms and 130809  
conditions under which the parent who is not the residential 130810  
parent is to have access to the center, provided that the access 130811  
shall not be greater than the access that is provided to the 130812  
residential parent under section 5104.039 of the Revised Code, the 130813  
court shall enter its written findings of fact and opinions in the 130814  
journal, and the court shall include the terms and conditions of 130815  
access in the parenting time order or decree. 130816

(J)(1) Subject to division (F) of section 3319.321 of the 130817  
Revised Code, when a court issues an order or decree allocating 130818  
parental rights and responsibilities for the care of a child, the 130819  
parent of the child who is not the residential parent of the child 130820  
is entitled to access, under the same terms and conditions under 130821

which access is provided to the residential parent, to any student 130822  
activity that is related to the child and to which the residential 130823  
parent of the child legally is provided access, unless the court 130824  
determines that it would not be in the best interest of the child 130825  
to grant the parent who is not the residential parent access to 130826  
the student activities under those same terms and conditions. If 130827  
the court determines that the parent of the child who is not the 130828  
residential parent should not have access to any student activity 130829  
that is related to the child under the same terms and conditions 130830  
as provided for the residential parent, the court shall specify 130831  
the terms and conditions under which the parent who is not the 130832  
residential parent is to have access to those student activities, 130833  
shall enter its written findings of facts and opinion in the 130834  
journal, and shall issue an order containing the terms and 130835  
conditions to both the residential parent and the parent of the 130836  
child who is not the residential parent. The court shall include 130837  
in every order issued pursuant to this division notice that any 130838  
school official or employee who knowingly fails to comply with the 130839  
order or division (J) of this section is in contempt of court. 130840

(2) Subject to division (F) of section 3319.321 of the 130841  
Revised Code, subsequent to the issuance of an order under 130842  
division (J)(1) of this section, all school officials and 130843  
employees shall permit the parent of the child who is not the 130844  
residential parent to have access to any student activity under 130845  
the same terms and conditions under which access is provided to 130846  
the residential parent of the child, unless the residential parent 130847  
has presented the school official or employee, the board of 130848  
education of the school, or the governing body of the chartered 130849  
nonpublic school with a copy of an order issued under division 130850  
(J)(1) of this section that limits the terms and conditions under 130851  
which the parent who is not the residential parent is to have 130852  
access to student activities related to the child and the order 130853  
pertains to the student activity in question. If the residential 130854

parent presents the school official or employee, the board of 130855  
education of the school, or the governing body of the chartered 130856  
nonpublic school with a copy of that type of order, the school 130857  
official or employee shall permit the parent who is not the 130858  
residential parent to have access to the student activity only in 130859  
accordance with the most recent order that has been issued 130860  
pursuant to division (J)(1) of this section and presented to the 130861  
school official or employee, the board of education of the school, 130862  
or the governing body of the chartered nonpublic school by the 130863  
residential parent or the parent who is not the residential 130864  
parent. Any school official or employee who knowingly fails to 130865  
comply with division (J) of this section or with any order issued 130866  
pursuant to division (J)(1) of this section is in contempt of 130867  
court. 130868

(K) If any person is found in contempt of court for failing 130869  
to comply with or interfering with any order or decree granting 130870  
parenting time rights issued pursuant to this section or section 130871  
3109.12 of the Revised Code or companionship or visitation rights 130872  
issued pursuant to this section, section 3109.11 or 3109.12 of the 130873  
Revised Code, or any other provision of the Revised Code, the 130874  
court that makes the finding, in addition to any other penalty or 130875  
remedy imposed, shall assess all court costs arising out of the 130876  
contempt proceeding against the person and require the person to 130877  
pay any reasonable attorney's fees of any adverse party, as 130878  
determined by the court, that arose in relation to the act of 130879  
contempt, and may award reasonable compensatory parenting time or 130880  
visitation to the person whose right of parenting time or 130881  
visitation was affected by the failure or interference if such 130882  
compensatory parenting time or visitation is in the best interest 130883  
of the child. Any compensatory parenting time or visitation 130884  
awarded under this division shall be included in an order issued 130885  
by the court and, to the extent possible, shall be governed by the 130886  
same terms and conditions as was the parenting time or visitation 130887

that was affected by the failure or interference. 130888

(L) Any parent who requests reasonable parenting time rights 130889  
with respect to a child under this section or section 3109.12 of 130890  
the Revised Code or any person who requests reasonable 130891  
companionship or visitation rights with respect to a child under 130892  
this section, section 3109.11 or 3109.12 of the Revised Code, or 130893  
any other provision of the Revised Code may file a motion with the 130894  
court requesting that it waive all or any part of the costs that 130895  
may accrue in the proceedings. If the court determines that the 130896  
movant is indigent and that the waiver is in the best interest of 130897  
the child, the court, in its discretion, may waive payment of all 130898  
or any part of the costs of those proceedings. 130899

(M)(1) A parent who receives an order for active military 130900  
service in the uniformed services and who is subject to a 130901  
parenting time order may apply to the court for any of the 130902  
following temporary orders for the period extending from the date 130903  
of the parent's departure to the date of return: 130904

(a) An order delegating all or part of the parent's parenting 130905  
time with the child to a relative or to another person who has a 130906  
close and substantial relationship with the child if the 130907  
delegation is in the child's best interest; 130908

(b) An order that the other parent make the child reasonably 130909  
available for parenting time with the parent when the parent is on 130910  
leave from active military service; 130911

(c) An order that the other parent facilitate contact, 130912  
including telephone and electronic contact, between the parent and 130913  
child while the parent is on active military service. 130914

(2)(a) Upon receipt of an order for active military service, 130915  
a parent who is subject to a parenting time order and seeks an 130916  
order under division (M)(1) of this section shall notify the other 130917  
parent who is subject to the parenting time order and apply to the 130918

court as soon as reasonably possible after receipt of the order 130919  
for active military service. The application shall include the 130920  
date on which the active military service begins. 130921

(b) The court shall schedule a hearing upon receipt of an 130922  
application under division (M) of this section and hold the 130923  
hearing not later than thirty days after its receipt, except that 130924  
the court shall give the case calendar priority and handle the 130925  
case expeditiously if exigent circumstances exist in the case. No 130926  
hearing shall be required if both parents agree to the terms of 130927  
the requested temporary order and the court determines that the 130928  
order is in the child's best interest. 130929

(c) In determining whether a delegation under division 130930  
(M)(1)(a) of this section is in the child's best interest, the 130931  
court shall consider all relevant factors, including the factors 130932  
set forth in division (D) of this section. 130933

(d) An order delegating all or part of the parent's parenting 130934  
time pursuant to division (M)(1)(a) of this section does not 130935  
create standing on behalf of the person to whom parenting time is 130936  
delegated to assert visitation or companionship rights independent 130937  
of the order. 130938

(3) At the request of a parent who is ordered for active 130939  
military service in the uniformed services and who is a subject of 130940  
a proceeding pertaining to a parenting time order or pertaining to 130941  
a request for companionship rights or visitation with a child, the 130942  
court shall permit the parent to participate in the proceeding and 130943  
present evidence by electronic means, including communication by 130944  
telephone, video, or internet to the extent permitted by rules of 130945  
the supreme court of Ohio. 130946

(N) The juvenile court has exclusive jurisdiction to enter 130947  
the orders in any case certified to it from another court. 130948

(O) As used in this section: 130949

(1) "Abused child" has the same meaning as in section 2151.031 of the Revised Code, and "neglected child" has the same meaning as in section 2151.03 of the Revised Code.	130950 130951 130952
(2) "Active military service" and "uniformed services" have the same meanings as in section 3109.04 of the Revised Code.	130953 130954
(3) "Confidential law enforcement investigatory record" has the same meaning as in section 149.43 of the Revised Code.	130955 130956
(4) "Parenting time order" means an order establishing the amount of time that a child spends with the parent who is not the residential parent or the amount of time that the child is to be physically located with a parent under a shared parenting order.	130957 130958 130959 130960
(5) "Record" means any record, document, file, or other material that contains information directly related to a child, including, but not limited to, any of the following:	130961 130962 130963
(a) Records maintained by public and nonpublic schools;	130964
(b) Records maintained by facilities that provide child care, as defined in section 5104.01 of the Revised Code, publicly funded child care, as defined in section 5104.01 of the Revised Code, or pre-school services operated by or under the supervision of a school district board of education or a nonpublic school;	130965 130966 130967 130968 130969
(c) Records maintained by hospitals, other facilities, or persons providing medical or surgical care or treatment for the child;	130970 130971 130972
(d) Records maintained by agencies, departments, instrumentalities, or other entities of the state or any political subdivision of the state, other than a child support enforcement agency. Access to records maintained by a child support enforcement agency is governed by section 3125.16 of the Revised Code.	130973 130974 130975 130976 130977 130978
<b>Sec. 3301.52.</b> As used in sections 3301.52 to 3301.59 of the	130979

Revised Code:	130980
(A) "Preschool program" means either of the following:	130981
(1) A child care program for preschool children that is operated by a school district board of education or an eligible nonpublic school.	130982 130983 130984
(2) A child care program for preschool children age three or older that is operated by a county board of developmental disabilities or a community school.	130985 130986 130987
(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age.	130988 130989
(C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code.	130990 130991 130992
(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of a community school or an eligible nonpublic school.	130993 130994 130995
(E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program.	130996 130997 130998
(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children.	130999 131000 131001
(G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children.	131002 131003 131004 131005
(H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B)(7) of section 5104.02 of the Revised Code or chartered by the state board of education for	131006 131007 131008

any combination of grades one through twelve, regardless of 131009  
whether it also offers kindergarten. 131010

(I) "School child program" means a child care program for 131011  
only school children that is operated by a school district board 131012  
of education, county board of developmental disabilities, 131013  
community school, or eligible nonpublic school. 131014

(J) "School child" means a child who is enrolled in or is 131015  
eligible to be enrolled in a grade of kindergarten or above but is 131016  
less than fifteen years old. 131017

(K) "School child program staff member" means an employee 131018  
whose primary responsibility is the care, teaching, or supervision 131019  
of children in a school child program. 131020

(L) "Child care" means administering to the needs of infants, 131021  
toddlers, preschool children, and school children outside of 131022  
school hours by persons other than their parents or guardians, 131023  
custodians, or relatives by blood, marriage, or adoption for any 131024  
part of the twenty-four-hour day in a place or residence other 131025  
than a child's own home. 131026

(M) "Child ~~day-care~~ care center" and "publicly funded child 131027  
care" have the same meanings as in section 5104.01 of the Revised 131028  
Code. 131029

(N) "Community school" means either of the following: 131030

(1) A community school established under Chapter 3314. of the 131031  
Revised Code that is sponsored by an entity that is rated 131032  
"exemplary" under section 3314.016 of the Revised Code. 131033

(2) A community school established under Chapter 3314. of the 131034  
Revised Code that has received, on its most recent report card, 131035  
either of the following: 131036

(a) If the school offers any of grade levels four through 131037  
twelve, either of the following: 131038

(i) A grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code;

(ii) A performance rating of three stars or higher for achievement under division (D)(3)(b) of section 3302.03 of the Revised Code and progress under division (D)(3)(c) of that section.

(b) If the school does not offer a grade level higher than three, either of the following:

(i) A grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code;

(ii) A performance rating of three stars or higher for early literacy under division (D)(3)(e) of that section.

**Sec. 3301.53.** (A) The state board of education, in consultation with the director of job and family services, shall formulate and prescribe by rule adopted under Chapter 119. of the Revised Code minimum standards to be applied to preschool programs operated by school district boards of education, county boards of developmental disabilities, community schools, or eligible nonpublic schools. The rules shall include the following:

(1) Standards ensuring that the preschool program is located in a safe and convenient facility that accommodates the enrollment of the program, is of the quality to support the growth and development of the children according to the program objectives, and meets the requirements of section 3301.55 of the Revised Code;

(2) Standards ensuring that supervision, discipline, and programs will be administered according to established objectives and procedures;

(3) Standards ensuring that preschool staff members and nonteaching employees are recruited, employed, assigned, evaluated, and provided inservice education without discrimination on the basis of age, color, national origin, race, or sex; and that preschool staff members and nonteaching employees are assigned responsibilities in accordance with written position descriptions commensurate with their training and experience;

(4) A requirement that boards of education intending to establish a preschool program demonstrate a need for a preschool program prior to establishing the program;

(5) Requirements that children participating in preschool programs have been immunized to the extent considered appropriate by the state board to prevent the spread of communicable disease;

(6) Requirements that the parents of preschool children complete the emergency medical authorization form specified in section 3313.712 of the Revised Code.

(B) The state board of education in consultation with the director of job and family services shall ensure that the rules adopted by the state board under sections 3301.52 to 3301.58 of the Revised Code are consistent with and meet or exceed the requirements of Chapter 5104. of the Revised Code with regard to child ~~day-care~~ care centers that serve preschool children. The state board and the director of job and family services shall review all such rules at least once every five years.

(C) The state board of education, in consultation with the director of job and family services, shall adopt rules for school child programs that are consistent with and meet or exceed the requirements of the rules adopted for child ~~day-care~~ care centers that serve school-age children under Chapter 5104. of the Revised Code.

**Sec. 3321.01.** (A)(1) As used in this chapter, "parent," 1311099  
"guardian," or "other person having charge or care of a child" 1311100  
means either parent unless the parents are separated or divorced 1311101  
or their marriage has been dissolved or annulled, in which case 1311102  
"parent" means the parent who is the residential parent and legal 1311103  
custodian of the child. If the child is in the legal or permanent 1311104  
custody of a person or government agency, "parent" means that 1311105  
person or government agency. When a child is a resident of a home, 1311106  
as defined in section 3313.64 of the Revised Code, and the child's 1311107  
parent is not a resident of this state, "parent," "guardian," or 1311108  
"other person having charge or care of a child" means the head of 1311109  
the home. 1311110

A child between six and eighteen years of age is "of 1311111  
compulsory school age" for the purpose of sections 3321.01 to 1311112  
3321.13 of the Revised Code. A child under six years of age who 1311113  
has been enrolled in kindergarten also shall be considered "of 1311114  
compulsory school age" for the purpose of sections 3321.01 to 1311115  
3321.13 of the Revised Code unless at any time the child's parent 1311116  
or guardian, at the parent's or guardian's discretion and in 1311117  
consultation with the child's teacher and principal, formally 1311118  
withdraws the child from kindergarten. The compulsory school age 1311119  
of a child shall not commence until the beginning of the term of 1311120  
such schools, or other time in the school year fixed by the rules 1311121  
of the board of the district in which the child resides. 1311122

(2) In a district in which all children are admitted to 1311123  
kindergarten and the first grade in August or September, a child 1311124  
shall be admitted if the child is five or six years of age, 1311125  
respectively, by the thirtieth day of September of the year of 1311126  
admittance, or by the first day of a term or semester other than 1311127  
one beginning in August or September in school districts granting 1311128  
admittance at the beginning of such term or semester. A child who 1311129  
does not meet the age requirements of this section for admittance 1311130

to kindergarten or first grade, but who will be five or six years 131131  
old, respective, prior to the first day of January of the school 131132  
year in which admission is requested, shall be evaluated for early 131133  
admittance in accordance with district policy upon referral by the 131134  
child's parent or guardian, an educator employed by the district, 131135  
a preschool educator who knows the child, or a pediatrician or 131136  
psychologist who knows the child. Following an evaluation in 131137  
accordance with a referral under this section, the district board 131138  
shall decide whether to admit the child. If a child for whom 131139  
admission to kindergarten or first grade is requested will not be 131140  
five or six years of age, respectively, prior to the first day of 131141  
January of the school year in which admission is requested, the 131142  
child shall be admitted only in accordance with the district's 131143  
acceleration policy adopted under section 3324.10 of the Revised 131144  
Code. 131145

(3) Notwithstanding division (A)(2) of this section, 131146  
beginning with the school year that starts in 2001 and continuing 131147  
thereafter the board of education of any district may adopt a 131148  
resolution establishing the first day of August in lieu of the 131149  
thirtieth day of September as the required date by which students 131150  
must have attained the age specified in that division. 131151

(4) After a student has been admitted to kindergarten in a 131152  
school district or chartered nonpublic school, no board of 131153  
education of a school district to which the student transfers 131154  
shall deny that student admission based on the student's age. 131155

(B) As used in division (C) of this section, "successfully 131156  
completed kindergarten" means that the child has completed the 131157  
kindergarten requirements at one of the following: 131158

(1) A public or chartered nonpublic school; 131159

(2) A kindergarten class that is both of the following: 131160

(a) Offered by a ~~day-care~~ child care provider licensed under 131161

Chapter 5104. of the Revised Code;	131162
(b) If offered after July 1, 1991, is directly taught by a teacher who holds one of the following:	131163 131164
(i) A valid educator license issued under section 3319.22 of the Revised Code;	131165 131166
(ii) A Montessori preprimary credential or age-appropriate diploma granted by the American Montessori society or the association Montessori internationale;	131167 131168 131169
(iii) Certification determined under division (F) of this section to be equivalent to that described in division (B)(2)(b)(ii) of this section;	131170 131171 131172
(iv) Certification for teachers in nontax-supported schools pursuant to section 3301.071 of the Revised Code.	131173 131174
(C)(1) Except as provided in division (A)(2) of this section, no school district shall admit to the first grade any child who has not successfully completed kindergarten.	131175 131176 131177
(2) Notwithstanding division (A)(2) of this section, any student who has successfully completed kindergarten in accordance with section (B) of this section shall be admitted to first grade.	131178 131179 131180
(D) The scheduling of times for kindergarten classes and length of the school day for kindergarten shall be determined by the board of education of a city, exempted village, or local school district.	131181 131182 131183 131184
(E) Any kindergarten class offered by a <del>day-care</del> <u>child care</u> provider or school described by division (B)(1) or (B)(2)(a) of this section shall be developmentally appropriate.	131185 131186 131187
(F) Upon written request of a <del>day-care</del> <u>child care</u> provider described by division (B)(2)(a) of this section, the department of education shall determine whether certification held by a teacher employed by the provider meets the requirement of division	131188 131189 131190 131191

(B)(2)(b)(iii) of this section and, if so, shall furnish the provider a statement to that effect.

(G) As used in this division, "all-day kindergarten" has the same meaning as in section 3321.05 of the Revised Code.

(1) A school district that is offering all-day kindergarten for the first time or that charged fees or tuition for all-day kindergarten in the 2012-2013 school year may charge fees or tuition for a student enrolled in all-day kindergarten in any school year following the 2012-2013 school year. The department shall adjust the district's average daily membership certification under section 3317.03 of the Revised Code by one-half of the full-time equivalency for each student charged fees or tuition for all-day kindergarten under this division. If a district charges fees or tuition for all-day kindergarten under this division, the district shall develop a sliding fee scale based on family incomes.

(2) The department of education shall conduct an annual survey of each school district described in division (G)(1) of this section to determine the following:

(a) Whether the district charges fees or tuition for students enrolled in all-day kindergarten;

(b) The amount of the fees or tuition charged;

(c) How many of the students for whom tuition is charged are eligible for free lunches under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, and how many of the students for whom tuition is charged are eligible for reduced price lunches under those acts;

(d) How many students are enrolled in traditional half-day kindergarten rather than all-day kindergarten.

Each district shall report to the department, in the manner 131222  
prescribed by the department, the information described in 131223  
divisions (G)(2)(a) to (d) of this section. 131224

The department shall issue an annual report on the results of 131225  
the survey and shall post the report on its web site. The 131226  
department shall issue the first report not later than April 30, 131227  
2008, and shall issue a report not later than the thirtieth day of 131228  
April each year thereafter. 131229

**Sec. 3321.05.** (A) As used in this section, "all-day 131230  
kindergarten" means a kindergarten class that is in session for 131231  
not less than the same number of clock hours each week as for 131232  
students in grades one through six. 131233

(B) Any school district may operate all-day kindergarten or 131234  
extended kindergarten, but no district shall require any student 131235  
to attend kindergarten for more than the number of clock hours 131236  
required each day for traditional kindergarten by the minimum 131237  
standards adopted under division (D) of section 3301.07 of the 131238  
Revised Code. Each school district that operates all-day or 131239  
extended kindergarten shall accommodate kindergarten students 131240  
whose parents or guardians elect to enroll them for the minimum 131241  
number of hours. 131242

(C) A school district may use space in child ~~day-care~~ care 131243  
centers licensed under Chapter 5104. of the Revised Code to 131244  
provide all-day kindergarten under this section. 131245

**Sec. 3325.07.** The state board of education in carrying out 131246  
this section and division (A) of section 3325.06 of the Revised 131247  
Code shall, insofar as practicable, plan, present, and carry into 131248  
effect an educational program by means of any of the following 131249  
methods of instruction: 131250

(A) Classes for parents of deaf or hard of hearing children 131251

of preschool age;	131252
(B) A nursery school where parent and child would enter the nursery school as a unit;	131253 131254
(C) Correspondence course;	131255
(D) Personal consultations and interviews;	131256
(E) <del>Day-care</del> <u>Child care</u> or child development courses;	131257
(F) Summer enrichment courses;	131258
(G) By such other means or methods as the superintendent of the state school for the deaf deems advisable that would permit a deaf or hard of hearing child of preschool age to construct a pattern of communication at an early age.	131259 131260 131261 131262
The superintendent may allow children who are not deaf or hard of hearing to participate in the methods of instruction described in divisions (A) to (G) of this section as a means to assist deaf or hard of hearing children to construct a pattern of communication. The superintendent shall establish policies and procedures regarding the participation of children who are not deaf or hard of hearing.	131263 131264 131265 131266 131267 131268 131269
The superintendent may establish reasonable fees for participation in the methods of instruction described in divisions (A) to (G) of this section to defray the costs of carrying them out. The superintendent shall determine the manner by which any such fees shall be collected. All fees shall be deposited in the even start fees and gifts fund, which is hereby created in the state treasury. The money in the fund shall be used to implement this section.	131270 131271 131272 131273 131274 131275 131276 131277
<b>Sec. 3325.071.</b> The state board of education in carrying out this section and division (B) of section 3325.06 of the Revised Code shall, insofar as practicable, plan, present, and carry into effect an educational program by means of any of the following	131278 131279 131280 131281

methods of instruction:	131282
(A) Classes for parents of children of preschool age whose disabilities are visual impairments, independently or in cooperation with community agencies;	131283 131284 131285
(B) Periodic interactive parent-child classes for infants and toddlers whose disabilities are visual impairments;	131286 131287
(C) Correspondence course;	131288
(D) Personal consultations and interviews;	131289
(E) <del>Day-care</del> <u>Child care</u> or child development courses for children and parents;	131290 131291
(F) Summer enrichment courses;	131292
(G) By such other means or methods as the superintendent of the state school for the blind deems advisable that would permit a child of preschool age whose disability is a visual impairment to construct a pattern of communication and develop literacy, mobility, and independence at an early age.	131293 131294 131295 131296 131297
The superintendent may allow children who do not have disabilities that are visual impairments to participate in the methods of instruction described in divisions (A) to (G) of this section so that children of preschool age whose disabilities are visual impairments are able to learn alongside their peers while receiving specialized instruction that is based on early learning and development strategies. The superintendent shall establish policies and procedures regarding the participation of children who do not have disabilities that are visual impairments.	131298 131299 131300 131301 131302 131303 131304 131305 131306
The superintendent may establish reasonable fees for participation in the methods of instruction described in divisions (A) to (G) of this section to defray the costs of carrying them out. The superintendent shall determine the manner by which any such fees shall be collected. All fees shall be deposited in the	131307 131308 131309 131310 131311

state school for the blind even start fees and gifts fund, which 131312  
is hereby created in the state treasury. The money in the fund 131313  
shall be used to implement this section. 131314

**Sec. 3701.63.** (A) As used in this section and sections 131315  
3701.64, 3701.66, and 3701.67 of the Revised Code: 131316

(1) "Child ~~day-care~~ care center," "type A family ~~day-care~~ 131317  
child care home," and "licensed type B family ~~day-care~~ child care 131318  
home" have the same meanings as in section 5104.01 of the Revised 131319  
Code. 131320

(2) "Child care facility" means a child ~~day-care~~ care center, 131321  
a type A family ~~day-care~~ child care home, or a licensed type B 131322  
family ~~day-care~~ child care home. 131323

(3) "Foster caregiver" has the same meaning as in section 131324  
5103.02 of the Revised Code. 131325

(4) "Freestanding birthing center" has the same meaning as in 131326  
section 3702.141 of the Revised Code. 131327

(5) "Hospital" means a hospital classified pursuant to rules 131328  
adopted under section 3701.07 of the Revised Code as a general 131329  
hospital or children's hospital and to which either of the 131330  
following applies: 131331

(a) The hospital has a maternity unit. 131332

(b) The hospital receives for care infants who have been 131333  
transferred to it from other facilities and who have never been 131334  
discharged to their residences following birth. 131335

(6) "Infant" means a child who is less than one year of age. 131336

(7) "Maternity unit" means the distinct portion of a hospital 131337  
licensed as a maternity unit under Chapter 3711. of the Revised 131338  
Code. 131339

(8) "Other person responsible for the infant" includes a 131340

foster caregiver. 131341

(9) "Parent" means either parent, unless the parents are 131342  
separated or divorced or their marriage has been dissolved or 131343  
annulled, in which case "parent" means the parent who is the 131344  
residential parent and legal custodian of the child. "Parent" also 131345  
means a prospective adoptive parent with whom a child is placed. 131346

(10) "Shaken baby syndrome" means signs and symptoms, 131347  
including, but not limited to, retinal hemorrhages in one or both 131348  
eyes, subdural hematoma, or brain swelling, resulting from the 131349  
violent shaking or the shaking and impacting of the head of an 131350  
infant or small child. 131351

(B) The director of health shall establish the shaken baby 131352  
syndrome education program by doing all of the following: 131353

(1) Developing educational materials that present readily 131354  
comprehensible information on shaken baby syndrome; 131355

(2) Making available on the department of health web site in 131356  
an easily accessible format the educational materials developed 131357  
under division (B)(1) of this section; 131358

(3) Annually assessing the effectiveness of the shaken baby 131359  
syndrome education program by doing all of the following: 131360

(a) Evaluating the reports received pursuant to section 131361  
5101.135 of the Revised Code; 131362

(b) Reviewing the content of the educational materials to 131363  
determine if updates or improvements should be made; 131364

(c) Reviewing the manner in which the educational materials 131365  
are distributed, as described in section 3701.64 of the Revised 131366  
Code, to determine if modifications to that manner should be made. 131367

(C) In meeting the requirements under division (B) of this 131368  
section, the director shall develop educational materials that, to 131369  
the extent possible, minimize administrative or financial burdens 131370

on any of the entities or persons listed in section 3701.64 of the Revised Code. 131371  
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**Sec. 3701.80.** The department of health shall cooperate with 131373  
the director of job and family services when the director 131374  
promulgates rules pursuant to Chapter 5104. of the Revised Code 131375  
governing the health and sanitary practices of meal preparation 131376  
and service for type A family ~~day-care~~ child care homes, as 131377  
defined in section 5104.01 of the Revised Code, recommend 131378  
procedures for inspecting type A family ~~day-care~~ child care homes 131379  
to determine whether they are in compliance with those rules, and 131380  
provide training and technical assistance to the director on the 131381  
procedures for determining compliance with those rules. 131382

**Sec. 3714.03.** (A) As used in this section: 131383

(1) "Aquifer system" means one or more geologic units or 131384  
formations that are wholly or partially saturated with water and 131385  
are capable of storing, transmitting, and yielding significant 131386  
amounts of water to wells or springs. 131387

(2) "Category 3 wetland" means a wetland that supports 131388  
superior habitat or hydrological or recreational functions as 131389  
determined by an appropriate wetland evaluation methodology 131390  
acceptable to the director of environmental protection. "Category 131391  
3 wetland" includes a wetland with high levels of diversity, a 131392  
high proportion of native species, and high functional values and 131393  
includes, but is not limited to, a wetland that contains or 131394  
provides habitat for threatened or endangered species. "Category 3 131395  
wetland" may include high quality forested wetlands, including old 131396  
growth forested wetlands, mature forested riparian wetlands, 131397  
vernal pools, bogs, fens, and wetlands that are scarce regionally. 131398

(3) "Natural area" means either of the following: 131399

(a) An area designated by the director of natural resources 131400

as a wild, scenic, or recreational river under section 1547.81 of the Revised Code; 131401  
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(b) An area designated by the United States department of the interior as a national wild, scenic, or recreational river. 131403  
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(4) "Occupied dwelling" means a residential dwelling and also includes a place of worship as defined in section 5104.01 of the Revised Code, a child ~~day-care~~ care center as defined in that section, a hospital as defined in section 3727.01 of the Revised Code, a nursing home as defined in that section, a school, and a restaurant or other eating establishment. "Occupied dwelling" does not include a dwelling owned or controlled by the owner or operator of a construction and demolition debris facility to which the siting criteria established under this section are being applied. 131405  
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(5) "Residential dwelling" means a building used or intended to be used in whole or in part as a personal residence by the owner, part-time owner, or lessee of the building or any person authorized by the owner, part-time owner, or lessee to use the building as a personal residence. 131415  
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(B) Neither the director of environmental protection nor any board of health shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when any portion of the facility is proposed to be located in either of the following locations: 131420  
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(1) Within the boundaries of a one-hundred-year flood plain, as those boundaries are shown on the applicable maps prepared under the "National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended, unless the owner or operator has obtained an exemption from division (B)(1) of this section in accordance with section 3714.04 of the Revised Code. If no such maps have been prepared, the boundaries of a one-hundred-year 131425  
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flood plain shall be determined by the applicant for a permit 131432  
based upon standard methodologies set forth in "urban hydrology 131433  
for small watersheds" (soil conservation service technical release 131434  
number 55) and section 4 of the "national engineering hydrology 131435  
handbook" of the soil conservation service of the United States 131436  
department of agriculture. 131437

(2) Within the boundaries of a sole source aquifer designated 131438  
by the administrator of the United States environmental protection 131439  
agency under the "Safe Drinking Water Act," 88 Stat. 1660 (1974), 131440  
42 U.S.C.A. 300f, as amended. 131441

(C) Neither the director nor any board shall issue a permit 131442  
to install under section 3714.051 of the Revised Code to establish 131443  
a new construction and demolition debris facility when the 131444  
horizontal limits of construction and demolition debris placement 131445  
at the new facility are proposed to be located in any of the 131446  
following locations: 131447

(1) Within one hundred feet of a perennial stream as defined 131448  
by the United States geological survey seven and one-half minute 131449  
quadrangle map or a category 3 wetland; 131450

(2) Within one hundred feet of the facility's property line; 131451

(3)(a) Except as provided in division (C)(3)(b) of this 131452  
section, within five hundred feet of a residential or public water 131453  
supply well. 131454

(b) Division (C)(3)(a) of this section does not apply to a 131455  
residential well under any of the circumstances specified in 131456  
divisions (C)(3)(b)(i) to (iii) of this section as follows: 131457

(i) The well is controlled by the owner or operator of the 131458  
construction and demolition debris facility. 131459

(ii) The well is hydrologically separated from the horizontal 131460  
limits of construction and demolition debris placement. 131461

(iii) The well is at least three hundred feet upgradient from 131462  
the horizontal limits of construction and demolition debris 131463  
placement and division (D) of this section does not prohibit the 131464  
issuance of the permit to install. 131465

(4) Within five hundred feet of a park created or operated 131466  
pursuant to section 301.26, 511.18, 755.08, 1545.04, or 1545.041 131467  
of the Revised Code, a state park established or dedicated under 131468  
Chapter 1546. of the Revised Code, a state park purchase area 131469  
established under section 1546.06 of the Revised Code, a national 131470  
recreation area, any unit of the national park system, or any 131471  
property that lies within the boundaries of a national park or 131472  
recreation area, but that has not been acquired or is not 131473  
administered by the secretary of the United States department of 131474  
the interior, located in this state, or any area located in this 131475  
state that is recommended by the secretary for study for potential 131476  
inclusion in the national park system in accordance with "The Act 131477  
of August 18, 1970," 84 Stat. 825, 16 U.S.C.A. 1a-5, as amended; 131478

(5) Within five hundred feet of a natural area, any area 131479  
established by the department of natural resources as a state 131480  
wildlife area under Chapter 1531. of the Revised Code and rules 131481  
adopted under it, any area that is formally dedicated as a nature 131482  
preserve under section 1517.05 of the Revised Code, or any area 131483  
designated by the United States department of the interior as a 131484  
national wildlife refuge; 131485

(6) Within five hundred feet of a lake or reservoir of one 131486  
acre or more that is hydrogeologically connected to ground water. 131487  
For purposes of division (C)(6) of this section, a lake or 131488  
reservoir does not include a body of water constructed and used 131489  
for purposes of surface water drainage or sediment control. 131490

(7) Within five hundred feet of a state forest purchased or 131491  
otherwise acquired under Chapter 1503. of the Revised Code; 131492

(8) Within five hundred feet of an occupied dwelling unless written permission is given by the owner of the dwelling. 131493  
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(D) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when the limits of construction and demolition debris placement at the new facility are proposed to have an isolation distance of less than five feet from the uppermost aquifer system that consists of material that has a maximum hydraulic conductivity of  $1 \times 10^{-5}$  cm/sec and all of the geologic material comprising the isolation distance has a hydraulic conductivity equivalent to or less than  $1 \times 10^{-6}$  cm/sec. 131495  
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(E) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when the road that is designated by the owner or operator as the main hauling road at the facility to and from the limits of construction and demolition debris placement is proposed to be located within five hundred feet of an occupied dwelling unless written permission is given by the owner of the occupied dwelling. 131505  
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(F) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility unless the new facility will have all of the following: 131513  
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(1) Access roads that shall be constructed in a manner that allows use in all weather conditions and will withstand the anticipated degree of use and minimize erosion and generation of dust; 131517  
131518  
131519  
131520

(2) Surface water drainage and sediment controls that are required by the director; 131521  
131522

(3) If the facility is proposed to be located in an area in 131523

which an applicable zoning resolution allows residential 131524  
construction, vegetated earthen berms or an equivalent barrier 131525  
with a minimum height of six feet separating the facility from 131526  
adjoining property. 131527

(G)(1) The siting criteria established in this section shall 131528  
be applied to an application for a permit to install at the time 131529  
that the application is submitted to the director or a board of 131530  
health, as applicable. Circumstances related to the siting 131531  
criteria that change after the application is submitted shall not 131532  
be considered in approving or disapproving the application. 131533

(2) The siting criteria established in this section by this 131534  
amendment do not apply to an expansion of a construction and 131535  
demolition debris facility that was in operation prior to December 131536  
22, 2005, onto property within the property boundaries identified 131537  
in the application for the initial license for that facility or 131538  
any subsequent license issued for that facility up to and 131539  
including the license issued for that facility for calendar year 131540  
2005. The siting criteria established in this section prior to 131541  
December 22, 2005, apply to such an expansion. 131542

**Sec. 3717.42.** (A) The following are not food service 131543  
operations: 131544

(1) A retail food establishment licensed under this chapter, 131545  
including a retail food establishment that provides the services 131546  
of a food service operation pursuant to an endorsement issued 131547  
under section 3717.24 of the Revised Code; 131548

(2) An entity exempt from the requirement to be licensed as a 131549  
retail food establishment under division (B) of section 3717.22 of 131550  
the Revised Code; 131551

(3) A business or that portion of a business that is 131552  
regulated by the federal government or the department of 131553

agriculture as a food manufacturing or food processing business, 131554  
including a business or that portion of a business regulated by 131555  
the department of agriculture under Chapter 911., 913., 915., 131556  
917., 918., or 925. of the Revised Code. 131557

(B) All of the following are exempt from the requirement to 131558  
be licensed as a food service operation: 131559

(1) A private home in which individuals related by blood, 131560  
marriage, or law reside and in which the food that is prepared or 131561  
served is intended only for those individuals and their nonpaying 131562  
guests; 131563

(2) A private home operated as a bed-and-breakfast that 131564  
prepares and offers food to guests, if the home is owner-occupied, 131565  
the number of available guest bedrooms does not exceed six, 131566  
breakfast is the only meal offered, and the number of guests 131567  
served does not exceed sixteen; 131568

(3) A stand operated on the premises of a private home by one 131569  
or more children under the age of twelve, if the food served is 131570  
not potentially hazardous; 131571

(4) A residential facility that accommodates not more than 131572  
sixteen residents; is licensed, certified, registered, or 131573  
otherwise regulated by the federal government or by the state or a 131574  
political subdivision of the state; and prepares food for or 131575  
serves food to only the residents of the facility, the staff of 131576  
the facility, and any nonpaying guests of residents or staff; 131577

(5) A church, school, fraternal or veterans' organization, 131578  
volunteer fire organization, or volunteer emergency medical 131579  
service organization preparing or serving food intended for 131580  
individual portion service on its premises for not more than seven 131581  
consecutive days or not more than fifty-two separate days during a 131582  
licensing period. This exemption extends to any individual or 131583  
group raising all of its funds during the time periods specified 131584

in division (B)(5) of this section for the benefit of the church, 131585  
school, or organization by preparing or serving food intended for 131586  
individual portion service under the same conditions. 131587

(6) A common carrier that prepares or serves food, if the 131588  
carrier is regulated by the federal government; 131589

(7) A food service operation serving thirteen or fewer 131590  
individuals daily; 131591

(8) A type A or type B family ~~day-care~~ child care home, as 131592  
defined in section 5104.01 of the Revised Code, that prepares or 131593  
serves food for the children receiving ~~day-care~~ child care; 131594

(9) A vending machine location where the only foods dispensed 131595  
are foods from one or both of the following categories: 131596

(a) Prepackaged foods that are not potentially hazardous; 131597

(b) Nuts, panned or wrapped bulk chewing gum, or panned or 131598  
wrapped bulk candies. 131599

(10) A place servicing the vending machines at a vending 131600  
machine location described in division (B)(9) of this section; 131601

(11) A commissary servicing vending machines that dispense 131602  
only milk, milk products, or frozen desserts that are under a 131603  
state or federal inspection and analysis program; 131604

(12) A "controlled location vending machine location," which 131605  
means a vending machine location at which all of the following 131606  
apply: 131607

(a) The vending machines dispense only foods that are not 131608  
potentially hazardous; 131609

(b) The machines are designed to be filled and maintained in 131610  
a sanitary manner by untrained persons; 131611

(c) Minimal protection is necessary to ensure against 131612  
contamination of food and equipment. 131613

(13) A private home that prepares and offers food to guests, 131614  
if the home is owner-occupied, meals are served on the premises of 131615  
that home, the number of meals served does not exceed one hundred 131616  
fifteen per week, and the home displays a notice in a place 131617  
conspicuous to all of its guests informing them that the home is 131618  
not required to be licensed as a food service operation; 131619

(14) An individual who prepares full meals or meal 131620  
components, such as pies or baked goods, in the individual's home 131621  
to be served off the premises of that home, if the number of meals 131622  
or meal components prepared for that purpose does not exceed 131623  
twenty in a seven-day period. 131624

(15) The holder of an A-1-A permit issued under section 131625  
4303.021 of the Revised Code to which both of the following apply: 131626

(a) The A-1-A permit holder has also been issued an A-1c 131627  
permit under section 4303.022 of the Revised Code; 131628

(b) The A-1-A permit holder serves only unopened commercially 131629  
prepackaged meals and nonalcoholic beverages, as well as beer and 131630  
intoxicating liquor. 131631

**Sec. 3728.01.** As used in this chapter: 131632

(A) "Administer epinephrine" means to inject an individual 131633  
with epinephrine using an autoinjector in a manufactured dosage 131634  
form. 131635

(B) "Prescriber" means an individual who is authorized by law 131636  
to prescribe drugs or dangerous drugs or drug therapy related 131637  
devices in the course of the individual's professional practice, 131638  
including only the following: 131639

(1) A clinical nurse specialist, certified nurse-midwife, or 131640  
certified nurse practitioner who holds a certificate to prescribe 131641  
issued under section 4723.48 of the Revised Code; 131642

(2) A physician authorized under Chapter 4731. of the Revised 131643

Code to practice medicine and surgery, osteopathic medicine and 131644  
surgery, or podiatric medicine and surgery; 131645

(3) A physician assistant who is licensed under Chapter 4730. 131646  
of the Revised Code, holds a valid prescriber number issued by the 131647  
state medical board, and has been granted physician-delegated 131648  
prescriptive authority. 131649

(C) "Qualified entity" means any public or private entity 131650  
that is associated with a location where allergens capable of 131651  
causing anaphylaxis may be present, including child ~~day-care~~ care 131652  
centers, colleges and universities, places of employment, 131653  
restaurants, amusement parks, recreation camps, sports playing 131654  
fields and arenas, and other similar locations, except that 131655  
"qualified entity" does not include either of the following: 131656

(1) A chartered or nonchartered nonpublic school; community 131657  
school; science, technology, engineering, and mathematics school; 131658  
or a school operated by the board of education of a city, local, 131659  
exempted village, or joint vocational school district; 131660

(2) A camp described in section 5101.76 of the Revised Code. 131661

**Sec. 3737.22.** (A) The fire marshal shall do all of the 131662  
following: 131663

(1) Adopt the state fire code under sections 3737.82 to 131664  
3737.86 of the Revised Code; 131665

(2) Enforce the state fire code; 131666

(3) Appoint assistant fire marshals who are authorized to 131667  
enforce the state fire code; 131668

(4) Conduct investigations into the cause, origin, and 131669  
circumstances of fires and explosions, and assist in the 131670  
prosecution of persons believed to be guilty of arson or a similar 131671  
crime; 131672

(5) Compile statistics concerning loss due to fire and explosion as the fire marshal considers necessary, and consider the compatibility of the fire marshal's system of compilation with the systems of other state and federal agencies and fire marshals of other states;	131673 131674 131675 131676 131677
(6) Engage in research on the cause and prevention of losses due to fire and explosion;	131678 131679
(7) Engage in public education and informational activities which will inform the public of fire safety information;	131680 131681
(8) Operate a fire training academy and forensic laboratory;	131682
(9) Conduct other fire safety and fire fighting training activities for the public and groups as will further the cause of fire safety;	131683 131684 131685
(10) Conduct licensing examinations, and issue permits, licenses, and certificates, as authorized by the Revised Code;	131686 131687
(11) Conduct tests of fire protection systems and devices, and fire fighting equipment to determine compliance with the state fire code, unless a building is insured against the hazard of fire, in which case such tests may be performed by the company insuring the building;	131688 131689 131690 131691 131692
(12) Establish and collect fees for conducting licensing examinations and for issuing permits, licenses, and certificates;	131693 131694
(13) Make available for the prosecuting attorney and an assistant prosecuting attorney from each county of this state, in accordance with section 3737.331 of the Revised Code, a seminar program, attendance at which is optional, that is designed to provide current information, data, training, and techniques relative to the prosecution of arson cases;	131695 131696 131697 131698 131699 131700
(14) Administer and enforce Chapter 3743. of the Revised Code;	131701 131702

(15) Develop a uniform standard for the reporting of 131703  
information required to be filed under division (E)(4) of section 131704  
2921.22 of the Revised Code, and accept the reports of the 131705  
information when they are filed. 131706

(B) The fire marshal shall appoint a chief deputy fire 131707  
marshal, and shall employ professional and clerical assistants as 131708  
the fire marshal considers necessary. The chief deputy shall be a 131709  
competent former or current member of a fire agency and possess 131710  
five years of recent, progressively more responsible experience in 131711  
fire inspection, fire code enforcement, and fire code management. 131712  
The chief deputy, with the approval of the director of commerce, 131713  
shall temporarily assume the duties of the fire marshal when the 131714  
fire marshal is absent or temporarily unable to carry out the 131715  
duties of the office. When there is a vacancy in the office of 131716  
fire marshal, the chief deputy, with the approval of the director 131717  
of commerce, shall temporarily assume the duties of the fire 131718  
marshal until a new fire marshal is appointed under section 131719  
3737.21 of the Revised Code. 131720

All employees, other than the fire marshal; the chief deputy 131721  
fire marshal; the superintendent of the Ohio fire academy; the 131722  
grants administrator; the fiscal officer; the executive secretary 131723  
to the fire marshal; legal counsel; the pyrotechnics 131724  
administrator, the chief of the forensic laboratory; the person 131725  
appointed by the fire marshal to serve as administrator over 131726  
functions concerning testing, license examinations, and the 131727  
issuance of permits and certificates; and the chiefs of the 131728  
bureaus of fire prevention, of fire and explosion investigation, 131729  
of code enforcement, and of underground storage tanks shall be in 131730  
the classified civil service. The fire marshal shall authorize the 131731  
chief deputy and other employees under the fire marshal's 131732  
supervision to exercise powers granted to the fire marshal by law 131733  
as may be necessary to carry out the duties of the fire marshal's 131734

office. 131735

(C) The fire marshal shall create, in and as a part of the 131736  
office of fire marshal, a fire and explosion investigation bureau 131737  
consisting of a chief of the bureau and additional assistant fire 131738  
marshals as the fire marshal determines necessary for the 131739  
efficient administration of the bureau. The chief shall be 131740  
experienced in the investigation of the cause, origin, and 131741  
circumstances of fires, and in administration, including the 131742  
supervision of subordinates. The chief, among other duties 131743  
delegated to the chief by the fire marshal, shall be responsible, 131744  
under the direction of the fire marshal, for the investigation of 131745  
the cause, origin, and circumstances of fires and explosions in 131746  
the state, and for assistance in the prosecution of persons 131747  
believed to be guilty of arson or a similar crime. 131748

(D)(1) The fire marshal shall create, as part of the office 131749  
of fire marshal, a bureau of code enforcement consisting of a 131750  
chief of the bureau and additional assistant fire marshals as the 131751  
fire marshal determines necessary for the efficient administration 131752  
of the bureau. The chief shall be qualified, by education or 131753  
experience, in fire inspection, fire code development, fire code 131754  
enforcement, or any other similar field determined by the fire 131755  
marshal, and in administration, including the supervision of 131756  
subordinates. The chief is responsible, under the direction of the 131757  
fire marshal, for fire inspection, fire code development, fire 131758  
code enforcement, and any other duties delegated to the chief by 131759  
the fire marshal. 131760

(2) The fire marshal, the chief deputy fire marshal, the 131761  
chief of the bureau of code enforcement, or any assistant fire 131762  
marshal under the direction of the fire marshal, the chief deputy 131763  
fire marshal, or the chief of the bureau of code enforcement may 131764  
cause to be conducted the inspection of all buildings, structures, 131765  
and other places, the condition of which may be dangerous from a 131766

fire safety standpoint to life or property, or to property 131767  
adjacent to the buildings, structures, or other places. 131768

(E) The fire marshal shall create, as a part of the office of 131769  
fire marshal, a bureau of fire prevention consisting of a chief of 131770  
the bureau and additional assistant fire marshals as the fire 131771  
marshal determines necessary for the efficient administration of 131772  
the bureau. The chief shall be qualified, by education or 131773  
experience, to promote programs for rural and urban fire 131774  
prevention and protection. The chief, among other duties delegated 131775  
to the chief by the fire marshal, is responsible, under the 131776  
direction of the fire marshal, for the promotion of rural and 131777  
urban fire prevention and protection through public information 131778  
and education programs. 131779

(F) The fire marshal shall cooperate with the director of job 131780  
and family services when the director adopts rules under section 131781  
5104.052 of the Revised Code regarding fire prevention and fire 131782  
safety in licensed type B family ~~day-care~~ child care homes, as 131783  
defined in section 5104.01 of the Revised Code, recommend 131784  
procedures for inspecting type B homes to determine whether they 131785  
are in compliance with those rules, and provide training and 131786  
technical assistance to the director and county directors of job 131787  
and family services on the procedures for determining compliance 131788  
with those rules. 131789

(G) The fire marshal, upon request of a provider of child 131790  
care in a type B home that is not licensed by the director of job 131791  
and family services, as a precondition of approval by the state 131792  
board of education under section 3313.813 of the Revised Code for 131793  
receipt of United States department of agriculture child and adult 131794  
care food program funds established under the "National School 131795  
Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, shall 131796  
inspect the type B home to determine compliance with rules adopted 131797  
under section 5104.052 of the Revised Code regarding fire 131798

prevention and fire safety in licensed type B homes. In municipal 131799  
corporations and in townships where there is a certified fire 131800  
safety inspector, the inspections shall be made by that inspector 131801  
under the supervision of the fire marshal, according to rules 131802  
adopted under section 5104.052 of the Revised Code. In townships 131803  
outside municipal corporations where there is no certified fire 131804  
safety inspector, inspections shall be made by the fire marshal. 131805

**Sec. 3737.83.** The fire marshal shall, as part of the state 131806  
fire code, adopt rules to: 131807

(A) Establish minimum standards of performance for fire 131808  
protection equipment and fire fighting equipment; 131809

(B) Establish minimum standards of training, fix minimum 131810  
qualifications, and require certificates for all persons who 131811  
engage in the business for profit of installing, testing, 131812  
repairing, or maintaining fire protection equipment; 131813

(C) Provide for the issuance of certificates required under 131814  
division (B) of this section and establish the fees to be charged 131815  
for such certificates. A certificate shall be granted, renewed, or 131816  
revoked according to rules the fire marshal shall adopt. 131817

(D) Establish minimum standards of flammability for consumer 131818  
goods in any case where the federal government or any department 131819  
or agency thereof has established, or may from time to time 131820  
establish standards of flammability for consumer goods. The 131821  
standards established by the fire marshal shall be identical to 131822  
the minimum federal standards. 131823

In any case where the federal government or any department or 131824  
agency thereof, establishes standards of flammability for consumer 131825  
goods subsequent to the adoption of a flammability standard by the 131826  
fire marshal, standards previously adopted by the fire marshal 131827  
shall not continue in effect to the extent such standards are not 131828

identical to the minimum federal standards. 131829

With respect to the adoption of minimum standards of 131830  
flammability, this division shall supersede any authority granted 131831  
a political subdivision by any other section of the Revised Code. 131832

(E) Establish minimum standards pursuant to section 5104.05 131833  
of the Revised Code for fire prevention and fire safety in child 131834  
~~day-care~~ care centers and in type A family ~~day-care~~ child care 131835  
homes, as defined in section 5104.01 of the Revised Code. 131836

(F) Establish minimum standards for fire prevention and 131837  
safety in a residential facility licensed under section 5119.34 of 131838  
the Revised Code that provides accommodations, supervision, and 131839  
personal care services for three to sixteen unrelated adults. The 131840  
fire marshal shall adopt the rules under this division in 131841  
consultation with the director of mental health and addiction 131842  
services and interested parties designated by the director of 131843  
mental health and addiction services. 131844

**Sec. 3737.841.** As used in this section and section 3737.842 131845  
of the Revised Code: 131846

(A) "Public occupancy" means all of the following: 131847

(1) Any state correctional institution as defined in section 131848  
2967.01 of the Revised Code and any county, multicounty, 131849  
municipal, or municipal-county jail or workhouse; 131850

(2) Any hospital as defined in section 3727.01 of the Revised 131851  
Code, any hospital licensed by the department of mental health and 131852  
addiction services under section 5119.33 of the Revised Code, and 131853  
any institution, hospital, or other place established, controlled, 131854  
or supervised by the department of mental health and addiction 131855  
services under Chapter 5119. of the Revised Code; 131856

(3) Any nursing home, residential care facility, or home for 131857  
the aging as defined in section 3721.01 of the Revised Code and 131858

any residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults; 131859  
131860  
131861

(4) Any child ~~day-care~~ care center and any type A family ~~day-care~~ child care home as defined in section 5104.01 of the Revised Code; 131862  
131863  
131864

(5) Any public auditorium or stadium; 131865

(6) Public assembly areas of hotels and motels containing more than ten articles of seating furniture. 131866  
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(B) "Sell" includes sell, offer or expose for sale, barter, trade, deliver, give away, rent, consign, lease, possess for sale, or dispose of in any other commercial manner. 131868  
131869  
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(C) Except as provided in division (D) of this section, "seating furniture" means any article of furniture, including children's furniture, that can be used as a support for an individual, or an individual's limbs or feet, when sitting or resting in an upright or reclining position and that either: 131871  
131872  
131873  
131874  
131875

(1) Is made with loose or attached cushions or pillows; 131876

(2) Is stuffed or filled in whole or in part with any filling material; 131877  
131878

(3) Is or can be stuffed or filled in whole or in part with any substance or material, concealed by fabric or any other covering. 131879  
131880  
131881

"Seating furniture" includes the cushions or pillows belonging to or forming a part of the furniture, the structural unit, and the filling material and its container or covering. 131882  
131883  
131884

(D) "Seating furniture" does not include, except if intended for use by children or in facilities designed for the care or treatment of humans, any of the following: 131885  
131886  
131887

(1) Cushions or pads intended solely for outdoor use; 131888

(2) Any article with a smooth surface that contains no more than one-half inch of filling material, if that article does not have an upholstered horizontal surface meeting an upholstered vertical surface;

(3) Any article manufactured solely for recreational use or physical fitness purposes, including weight-lifting benches, gymnasium mats or pads, and sidehorses.

(E) "Filling material" means cotton, wool, kapok, feathers, down, hair, liquid, or any other natural or artificial material or substance that is used or can be used as stuffing in seating furniture.

**Sec. 3742.01.** As used in this chapter:

(A) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.

(B) "Child care facility" means each area of any of the following in which child care, as defined in section 5104.01 of the Revised Code, is provided to children under six years of age:

(1) A child ~~day-care~~ care center, type A family ~~day-care~~ child care home, or type B family ~~day-care~~ child care home as defined in section 5104.01 of the Revised Code;

(2) A preschool program or school child program as defined in section 3301.52 of the Revised Code.

(C) "Clearance examination" means an examination to determine whether the lead hazards in a residential unit, child care facility, or school have been sufficiently controlled. A clearance examination includes a visual assessment, collection, and analysis of environmental samples.

(D) "Clearance technician" means a person, other than a licensed lead inspector or licensed lead risk assessor, who

performs a clearance examination. 131919

(E) "Clinical laboratory" means a facility for the 131920  
biological, microbiological, serological, chemical, 131921  
immunohematological, hematological, biophysical, cytological, 131922  
pathological, or other examination of substances derived from the 131923  
human body for the purpose of providing information for the 131924  
diagnosis, prevention, or treatment of any disease, or in the 131925  
assessment or impairment of the health of human beings. "Clinical 131926  
laboratory" does not include a facility that only collects or 131927  
prepares specimens, or serves as a mailing service, and does not 131928  
perform testing. 131929

(F) "Encapsulation" means the coating and sealing of surfaces 131930  
with durable surface coating specifically formulated to be 131931  
elastic, able to withstand sharp and blunt impacts, long-lasting, 131932  
and resilient, while also resistant to cracking, peeling, algae, 131933  
fungus, and ultraviolet light, so as to prevent any part of 131934  
lead-containing paint from becoming part of house dust or 131935  
otherwise accessible to children. 131936

(G) "Enclosure" means the resurfacing or covering of surfaces 131937  
with durable materials such as wallboard or paneling, and the 131938  
sealing or caulking of edges and joints, so as to prevent or 131939  
control chalking, flaking, peeling, scaling, or loose 131940  
lead-containing substances from becoming part of house dust or 131941  
otherwise accessible to children. 131942

(H) "Environmental lead analytical laboratory" means a 131943  
facility that analyzes air, dust, soil, water, paint, film, or 131944  
other substances, other than substances derived from the human 131945  
body, for the presence and concentration of lead. 131946

(I) "HEPA" means the designation given to a product, device, 131947  
or system that has been equipped with a high-efficiency 131948  
particulate air filter, which is a filter capable of removing 131949

particles of 0.3 microns or larger from air at 99.97 per cent or greater efficiency. 131950  
131951

(J) "Interim controls" means a set of measures designed to reduce temporarily human exposure or likely human exposure to lead hazards. Interim controls include specialized cleaning, repairs, painting, temporary containment, ongoing lead hazard maintenance activities, and the establishment and operation of management and resident education programs. 131952  
131953  
131954  
131955  
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(K)(1) "Lead abatement" means a measure or set of measures designed for the single purpose of permanently eliminating lead hazards. "Lead abatement" includes all of the following: 131958  
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131960

(a) Removal of lead-based paint and lead-contaminated dust; 131961

(b) Permanent enclosure or encapsulation of lead-based paint; 131962

(c) Replacement of surfaces or fixtures painted with lead-based paint; 131963  
131964

(d) Removal or permanent covering of lead-contaminated soil; 131965

(e) Preparation, cleanup, and disposal activities associated with lead abatement. 131966  
131967

(2) "Lead abatement" does not include any of the following: 131968

(a) Residential rental unit lead-safe maintenance practices performed pursuant to sections 3742.41 and 3742.42 of the Revised Code; 131969  
131970  
131971

(b) Implementation of interim controls; 131972

(c) Activities performed by a property owner on a residential unit to which both of the following apply: 131973  
131974

(i) It is a freestanding single-family home used as the property owner's private residence. 131975  
131976

(ii) No child under six years of age who has lead poisoning resides in the unit. 131977  
131978

(L) "Lead abatement contractor" means any individual who 131979  
engages in or intends to engage in lead abatement and employs or 131980  
supervises one or more lead abatement workers, including on-site 131981  
supervision of lead abatement projects, or prepares 131982  
specifications, plans, or documents for a lead abatement project. 131983

(M) "Lead abatement project" means one or more lead abatement 131984  
activities that are conducted by a lead abatement contractor and 131985  
are reasonably related to each other. 131986

(N) "Lead abatement project designer" means a person who is 131987  
responsible for designing lead abatement projects and preparing a 131988  
pre-abatement plan for all designed projects. 131989

(O) "Lead abatement worker" means an individual who is 131990  
responsible in a nonsupervisory capacity for the performance of 131991  
lead abatement. 131992

(P) "Lead-based paint" means any paint or other similar 131993  
surface-coating substance containing lead at or in excess of the 131994  
level that is hazardous to human health, as that level is 131995  
established in rules adopted under section 3742.45 of the Revised 131996  
Code. 131997

(Q) "Lead-contaminated dust" means dust that contains an area 131998  
or mass concentration of lead at or in excess of the level that is 131999  
hazardous to human health, as that level is established in rules 132000  
adopted under section 3742.45 of the Revised Code. 132001

(R) "Lead-contaminated soil" means soil that contains lead at 132002  
or in excess of the level that is hazardous to human health, as 132003  
that level is established in rules adopted under section 3742.45 132004  
of the Revised Code. 132005

(S) "Lead free" means no lead-based paint is present in any 132006  
area referenced in division (B) of section 3742.42 of the Revised 132007  
Code. 132008

(T) "Lead hazard" means material that is likely to cause lead exposure and endanger an individual's health as determined by the director of health in rules adopted under section 3742.45 of the Revised Code. "Lead hazard" includes lead-based paint, lead-contaminated dust, lead-contaminated soil, and lead-contaminated water pipes.

(U) "Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint. The inspection shall use a sampling or testing technique approved by the director in rules adopted under section 3742.03 of the Revised Code. A licensed lead inspector or laboratory approved under section 3742.09 of the Revised Code shall certify in writing the precise results of the inspection.

(V) "Lead inspector" means any individual who conducts a lead inspection, provides professional advice regarding a lead inspection, or prepares a report explaining the results of a lead inspection.

(W) "Lead poisoning" means the level of lead in human blood that is hazardous to human health, as specified in rules adopted under section 3742.45 of the Revised Code.

(X) "Lead risk assessment" means an on-site investigation to determine and report the existence, nature, severity, and location of lead hazards in a residential unit, child care facility, or school, including information gathering from the unit, facility, or school's current owner's knowledge regarding the age and painting history of the unit, facility, or school and occupancy by children under six years of age, visual inspection, limited wipe sampling or other environmental sampling techniques, and any other activity as may be appropriate.

(Y) "Lead risk assessor" means a person who is responsible for developing a written inspection, risk assessment, and analysis

plan; conducting inspections for lead hazards in a residential 132040  
unit, child care facility, or school; interpreting results of 132041  
inspections and risk assessments; identifying hazard control 132042  
strategies to reduce or eliminate lead exposures; and completing a 132043  
risk assessment report. 132044

(Z) "Lead-safe residential rental unit" means a residential 132045  
rental unit that has undergone the residential rental unit 132046  
lead-safe maintenance practices described in section 3742.42 of 132047  
the Revised Code, including post-maintenance dust sampling or are 132048  
registered pursuant to division (D) of section 3742.41 of the 132049  
Revised Code. 132050

(AA) "Manager" means a person, who may be the same person as 132051  
the owner, responsible for the daily operation of a residential 132052  
unit, child care facility, or school. 132053

(BB) "Permanent" means an expected design life of at least 132054  
twenty years. 132055

(CC) "Replacement" means an activity that entails removing 132056  
components such as windows, doors, and trim that have lead hazards 132057  
on their surfaces and installing components free of lead hazards. 132058

(DD) "Residential unit" means a dwelling or any part of a 132059  
building being used as an individual's private residence. 132060  
"Residential unit" includes a residential rental unit. 132061

(EE) "Residential rental unit" means a rental property 132062  
containing a dwelling or any part of a building being used as an 132063  
individual's private residence. 132064

(FF) "School" means a public or nonpublic school in which 132065  
children under six years of age receive education. 132066

**Sec. 3767.41.** (A) As used in this section: 132067

(1) "Building" means, except as otherwise provided in this 132068  
division, any building or structure that is used or intended to be 132069

used for residential purposes. "Building" includes, but is not 132070  
limited to, a building or structure in which any floor is used for 132071  
retail stores, shops, salesrooms, markets, or similar commercial 132072  
uses, or for offices, banks, civic administration activities, 132073  
professional services, or similar business or civic uses, and in 132074  
which the other floors are used, or designed and intended to be 132075  
used, for residential purposes. "Building" does not include any 132076  
building or structure that is occupied by its owner and that 132077  
contains three or fewer residential units. 132078

(2)(a) "Public nuisance" means a building that is a menace to 132079  
the public health, welfare, or safety; that is structurally 132080  
unsafe, unsanitary, or not provided with adequate safe egress; 132081  
that constitutes a fire hazard, is otherwise dangerous to human 132082  
life, or is otherwise no longer fit and habitable; or that, in 132083  
relation to its existing use, constitutes a hazard to the public 132084  
health, welfare, or safety by reason of inadequate maintenance, 132085  
dilapidation, obsolescence, or abandonment. 132086

(b) "Public nuisance" as it applies to subsidized housing 132087  
means subsidized housing that fails to meet the following 132088  
standards as specified in the federal rules governing each 132089  
standard: 132090

(i) Each building on the site is structurally sound, secure, 132091  
habitable, and in good repair, as defined in 24 C.F.R. 5.703(b); 132092

(ii) Each building's domestic water, electrical system, 132093  
elevators, emergency power, fire protection, HVAC, and sanitary 132094  
system is free of health and safety hazards, functionally 132095  
adequate, operable, and in good repair, as defined in 24 C.F.R. 132096  
5.703(c); 132097

(iii) Each dwelling unit within the building is structurally 132098  
sound, habitable, and in good repair, and all areas and aspects of 132099  
the dwelling unit are free of health and safety hazards, 132100

functionally adequate, operable, and in good repair, as defined in 24 C.F.R. 5.703(d)(1);

(iv) Where applicable, the dwelling unit has hot and cold running water, including an adequate source of potable water, as defined in 24 C.F.R. 5.703(d)(2);

(v) If the dwelling unit includes its own sanitary facility, it is in proper operating condition, usable in privacy, and adequate for personal hygiene, and the disposal of human waste, as defined in 24 C.F.R. 5.703(d)(3);

(vi) The common areas are structurally sound, secure, and functionally adequate for the purposes intended. The basement, garage, carport, restrooms, closets, utility, mechanical, community rooms, ~~daycare~~ child care rooms, halls, corridors, stairs, kitchens, laundry rooms, office, porch, patio, balcony, and trash collection areas are free of health and safety hazards, operable, and in good repair. All common area ceilings, doors, floors, HVAC, lighting, smoke detectors, stairs, walls, and windows, to the extent applicable, are free of health and safety hazards, operable, and in good repair, as defined in 24 C.F.R. 5.703(e);

(vii) All areas and components of the housing are free of health and safety hazards. These areas include, but are not limited to, air quality, electrical hazards, elevators, emergency/fire exits, flammable materials, garbage and debris, handrail hazards, infestation, and lead-based paint, as defined in 24 C.F.R. 5.703(f).

(3) "Abate" or "abatement" in connection with any building means the removal or correction of any conditions that constitute a public nuisance and the making of any other improvements that are needed to effect a rehabilitation of the building that is consistent with maintaining safe and habitable conditions over its

remaining useful life. "Abatement" does not include the closing or 132132  
boarding up of any building that is found to be a public nuisance. 132133

(4) "Interested party" means any owner, mortgagee, 132134  
lienholder, tenant, or person that possesses an interest of record 132135  
in any property that becomes subject to the jurisdiction of a 132136  
court pursuant to this section, and any applicant for the 132137  
appointment of a receiver pursuant to this section. 132138

(5) "Neighbor" means any owner of property, including, but 132139  
not limited to, any person who is purchasing property by land 132140  
installment contract or under a duly executed purchase contract, 132141  
that is located within five hundred feet of any property that 132142  
becomes subject to the jurisdiction of a court pursuant to this 132143  
section, and any occupant of a building that is so located. 132144

(6) "Tenant" has the same meaning as in section 5321.01 of 132145  
the Revised Code. 132146

(7) "Subsidized housing" means a property consisting of more 132147  
than four dwelling units that, in whole or in part, receives 132148  
project-based assistance pursuant to a contract under any of the 132149  
following federal housing programs: 132150

(a) The new construction or substantial rehabilitation 132151  
program under section 8(b)(2) of the "United States Housing Act of 132152  
1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f(b)(2) as 132153  
that program was in effect immediately before the first day of 132154  
October, 1983; 132155

(b) The moderate rehabilitation program under section 8(e)(2) 132156  
of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 132157  
Stat. 888, 42 U.S.C. 1437f(e)(2); 132158

(c) The loan management assistance program under section 8 of 132159  
the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 132160  
Stat. 888, 42 U.S.C. 1437f; 132161

(d) The rent supplement program under section 101 of the "Housing and Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat. 667, 12 U.S.C. 1701s;	132162 132163 132164
(e) Section 8 of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f, following conversion from assistance under section 101 of the "Housing and Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat. 667, 12 U.S.C. 1701s;	132165 132166 132167 132168 132169
(f) The program of supportive housing for the elderly under section 202 of the "Housing Act of 1959," Pub. L. No. 86-372, 73 Stat. 654, 12 U.S.C. 1701q;	132170 132171 132172
(g) The program of supportive housing for persons with disabilities under section 811 of the "National Affordable Housing Act of 1990," Pub. L. No. 101-625, 104 Stat. 4313, 42 U.S.C. 8013;	132173 132174 132175
(h) The rental assistance program under section 521 of the "United States Housing Act of 1949," Pub. L. No. 90-448, 82 Stat. 551, as amended by Pub. L. No. 93-383, 88 Stat. 696, 42 U.S.C. 1490a.	132176 132177 132178 132179
(8) "Project-based assistance" means the assistance is attached to the property and provides rental assistance only on behalf of tenants who reside in that property.	132180 132181 132182
(9) "Landlord" has the same meaning as in section 5321.01 of the Revised Code.	132183 132184
(B)(1)(a) In any civil action to enforce any local building, housing, air pollution, sanitation, health, fire, zoning, or safety code, ordinance, resolution, or regulation applicable to buildings, that is commenced in a court of common pleas, municipal court, housing or environmental division of a municipal court, or county court, or in any civil action for abatement commenced in a court of common pleas, municipal court, housing or environmental division of a municipal court, or county court, by a municipal	132185 132186 132187 132188 132189 132190 132191 132192

corporation or township in which the building involved is located, 132193  
by any neighbor, tenant, or by a nonprofit corporation that is 132194  
duly organized and has as one of its goals the improvement of 132195  
housing conditions in the county or municipal corporation in which 132196  
the building involved is located, if a building is alleged to be a 132197  
public nuisance, the municipal corporation, township, neighbor, 132198  
tenant, or nonprofit corporation may apply in its complaint for an 132199  
injunction or other order as described in division (C)(1) of this 132200  
section, or for the relief described in division (C)(2) of this 132201  
section, including, if necessary, the appointment of a receiver as 132202  
described in divisions (C)(2) and (3) of this section, or for both 132203  
such an injunction or other order and such relief. The municipal 132204  
corporation, township, neighbor, tenant, or nonprofit corporation 132205  
commencing the action is not liable for the costs, expenses, and 132206  
fees of any receiver appointed pursuant to divisions (C)(2) and 132207  
(3) of this section. 132208

(b) Prior to commencing a civil action for abatement when the 132209  
property alleged to be a public nuisance is subsidized housing, 132210  
the municipal corporation, township, neighbor, tenant, or 132211  
nonprofit corporation commencing the action shall provide the 132212  
landlord of that property with written notice that specifies one 132213  
or more defective conditions that constitute a public nuisance as 132214  
that term applies to subsidized housing and states that if the 132215  
landlord fails to remedy the condition within sixty days of the 132216  
service of the notice, a claim pursuant to this section may be 132217  
brought on the basis that the property constitutes a public 132218  
nuisance in subsidized housing. Any party authorized to bring an 132219  
action against the landlord shall make reasonable attempts to 132220  
serve the notice in the manner prescribed in the Rules of Civil 132221  
Procedure to the landlord or the landlord's agent for the property 132222  
at the property's management office, or at the place where the 132223  
tenants normally pay or send rent. If the landlord is not the 132224  
owner of record, the party bringing the action shall make a 132225

reasonable attempt to serve the owner. If the owner does not 132226  
receive service the person bringing the action shall certify the 132227  
attempts to serve the owner. 132228

(2)(a) In a civil action described in division (B)(1) of this 132229  
section, a copy of the complaint and a notice of the date and time 132230  
of a hearing on the complaint shall be served upon the owner of 132231  
the building and all other interested parties in accordance with 132232  
the Rules of Civil Procedure. If certified mail service, personal 132233  
service, or residence service of the complaint and notice is 132234  
refused or certified mail service of the complaint and notice is 132235  
not claimed, and if the municipal corporation, township, neighbor, 132236  
tenant, or nonprofit corporation commencing the action makes a 132237  
written request for ordinary mail service of the complaint and 132238  
notice, or uses publication service, in accordance with the Rules 132239  
of Civil Procedure, then a copy of the complaint and notice shall 132240  
be posted in a conspicuous place on the building. 132241

(b) The judge in a civil action described in division (B)(1) 132242  
of this section shall conduct a hearing at least twenty-eight days 132243  
after the owner of the building and the other interested parties 132244  
have been served with a copy of the complaint and the notice of 132245  
the date and time of the hearing in accordance with division 132246  
(B)(2)(a) of this section. 132247

(c) In considering whether subsidized housing is a public 132248  
nuisance, the judge shall construe the standards set forth in 132249  
division (A)(2)(b) of this section in a manner consistent with 132250  
department of housing and urban development and judicial 132251  
interpretations of those standards. The judge shall deem that the 132252  
property is not a public nuisance if during the twelve months 132253  
prior to the service of the notice that division (B)(1)(b) of this 132254  
section requires, the department of housing and urban 132255  
development's real estate assessment center issued a score of 132256  
seventy-five or higher out of a possible one hundred points 132257

pursuant to its regulations governing the physical condition of 132258  
multifamily properties pursuant to 24 C.F.R. part 200, subpart P, 132259  
and since the most recent inspection, there has been no 132260  
significant change in the property's conditions that would create 132261  
a serious threat to the health, safety, or welfare of the 132262  
property's tenants. 132263

(C)(1) If the judge in a civil action described in division 132264  
(B)(1) of this section finds at the hearing required by division 132265  
(B)(2) of this section that the building involved is a public 132266  
nuisance, if the judge additionally determines that the owner of 132267  
the building previously has not been afforded a reasonable 132268  
opportunity to abate the public nuisance or has been afforded such 132269  
an opportunity and has not refused or failed to abate the public 132270  
nuisance, and if the complaint of the municipal corporation, 132271  
township, neighbor, tenant, or nonprofit corporation commencing 132272  
the action requested the issuance of an injunction as described in 132273  
this division, then the judge may issue an injunction requiring 132274  
the owner of the building to abate the public nuisance or issue 132275  
any other order that the judge considers necessary or appropriate 132276  
to cause the abatement of the public nuisance. If an injunction is 132277  
issued pursuant to this division, the owner of the building 132278  
involved shall be given no more than thirty days from the date of 132279  
the entry of the judge's order to comply with the injunction, 132280  
unless the judge, for good cause shown, extends the time for 132281  
compliance. 132282

(2) If the judge in a civil action described in division 132283  
(B)(1) of this section finds at the hearing required by division 132284  
(B)(2) of this section that the building involved is a public 132285  
nuisance, if the judge additionally determines that the owner of 132286  
the building previously has been afforded a reasonable opportunity 132287  
to abate the public nuisance and has refused or failed to do so, 132288  
and if the complaint of the municipal corporation, township, 132289

neighbor, tenant, or nonprofit corporation commencing the action 132290  
requested relief as described in this division, then the judge 132291  
shall offer any mortgagee, lienholder, or other interested party 132292  
associated with the property on which the building is located, in 132293  
the order of the priority of interest in title, the opportunity to 132294  
undertake the work and to furnish the materials necessary to abate 132295  
the public nuisance. Prior to selecting any interested party, the 132296  
judge shall require the interested party to demonstrate the 132297  
ability to promptly undertake the work and furnish the materials 132298  
required, to provide the judge with a viable financial and 132299  
construction plan for the rehabilitation of the building as 132300  
described in division (D) of this section, and to post security 132301  
for the performance of the work and the furnishing of the 132302  
materials. 132303

If the judge determines, at the hearing, that no interested 132304  
party is willing or able to undertake the work and to furnish the 132305  
materials necessary to abate the public nuisance, or if the judge 132306  
determines, at any time after the hearing, that any party who is 132307  
undertaking corrective work pursuant to this division cannot or 132308  
will not proceed, or has not proceeded with due diligence, the 132309  
judge may appoint a receiver pursuant to division (C)(3) of this 132310  
section to take possession and control of the building. 132311

(3)(a) The judge in a civil action described in division 132312  
(B)(1) of this section shall not appoint any person as a receiver 132313  
unless the person first has provided the judge with a viable 132314  
financial and construction plan for the rehabilitation of the 132315  
building involved as described in division (D) of this section and 132316  
has demonstrated the capacity and expertise to perform the 132317  
required work and to furnish the required materials in a 132318  
satisfactory manner. An appointed receiver may be a financial 132319  
institution that possesses an interest of record in the building 132320  
or the property on which it is located, a nonprofit corporation as 132321

described in divisions (B)(1) and (C)(3)(b) of this section, 132322  
including, but not limited to, a nonprofit corporation that 132323  
commenced the action described in division (B)(1) of this section, 132324  
or any other qualified property manager. 132325

(b) To be eligible for appointment as a receiver, no part of 132326  
the net earnings of a nonprofit corporation shall inure to the 132327  
benefit of any private shareholder or individual. Membership on 132328  
the board of trustees of a nonprofit corporation appointed as a 132329  
receiver does not constitute the holding of a public office or 132330  
employment within the meaning of sections 731.02 and 731.12 or any 132331  
other section of the Revised Code and does not constitute a direct 132332  
or indirect interest in a contract or expenditure of money by any 132333  
municipal corporation. A member of a board of trustees of a 132334  
nonprofit corporation appointed as a receiver shall not be 132335  
disqualified from holding any public office or employment, and 132336  
shall not forfeit any public office or employment, by reason of 132337  
membership on the board of trustees, notwithstanding any law to 132338  
the contrary. 132339

(D) Prior to ordering any work to be undertaken, or the 132340  
furnishing of any materials, to abate a public nuisance under this 132341  
section, the judge in a civil action described in division (B)(1) 132342  
of this section shall review the submitted financial and 132343  
construction plan for the rehabilitation of the building involved 132344  
and, if it specifies all of the following, shall approve that 132345  
plan: 132346

(1) The estimated cost of the labor, materials, and any other 132347  
development costs that are required to abate the public nuisance; 132348

(2) The estimated income and expenses of the building and the 132349  
property on which it is located after the furnishing of the 132350  
materials and the completion of the repairs and improvements; 132351

(3) The terms, conditions, and availability of any financing 132352

that is necessary to perform the work and to furnish the materials; 132353  
132354

(4) If repair and rehabilitation of the building are found not to be feasible, the cost of demolition of the building or of the portions of the building that constitute the public nuisance. 132355  
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132357

(E) Upon the written request of any of the interested parties to have a building, or portions of a building, that constitute a public nuisance demolished because repair and rehabilitation of the building are found not to be feasible, the judge may order the demolition. However, the demolition shall not be ordered unless the requesting interested parties have paid the costs of demolition and, if any, of the receivership, and, if any, all notes, certificates, mortgages, and fees of the receivership. 132358  
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(F) Before proceeding with the duties of receiver, any receiver appointed by the judge in a civil action described in division (B)(1) of this section may be required by the judge to post a bond in an amount fixed by the judge, but not exceeding the value of the building involved as determined by the judge. 132366  
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The judge may empower the receiver to do any or all of the following: 132371  
132372

(1) Take possession and control of the building and the property on which it is located, operate and manage the building and the property, establish and collect rents and income, lease and rent the building and the property, and evict tenants; 132373  
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(2) Pay all expenses of operating and conserving the building and the property, including, but not limited to, the cost of electricity, gas, water, sewerage, heating fuel, repairs and supplies, custodian services, taxes and assessments, and insurance premiums, and hire and pay reasonable compensation to a managing agent; 132377  
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(3) Pay pre-receivership mortgages or installments of them 132383

and other liens; 132384

(4) Perform or enter into contracts for the performance of 132385  
all work and the furnishing of materials necessary to abate, and 132386  
obtain financing for the abatement of, the public nuisance; 132387

(5) Pursuant to court order, remove and dispose of any 132388  
personal property abandoned, stored, or otherwise located in or on 132389  
the building and the property that creates a dangerous or unsafe 132390  
condition or that constitutes a violation of any local building, 132391  
housing, air pollution, sanitation, health, fire, zoning, or 132392  
safety code, ordinance, or regulation; 132393

(6) Obtain mortgage insurance for any receiver's mortgage 132394  
from any agency of the federal government; 132395

(7) Enter into any agreement and do those things necessary to 132396  
maintain and preserve the building and the property and comply 132397  
with all local building, housing, air pollution, sanitation, 132398  
health, fire, zoning, or safety codes, ordinances, resolutions, 132399  
and regulations; 132400

(8) Give the custody of the building and the property, and 132401  
the opportunity to abate the nuisance and operate the property, to 132402  
its owner or any mortgagee or lienholder of record; 132403

(9) Issue notes and secure them by a mortgage bearing 132404  
interest, and upon terms and conditions, that the judge approves. 132405  
When sold or transferred by the receiver in return for valuable 132406  
consideration in money, material, labor, or services, the notes or 132407  
certificates shall be freely transferable. Any mortgages granted 132408  
by the receiver shall be superior to any claims of the receiver. 132409  
Priority among the receiver's mortgages shall be determined by the 132410  
order in which they are recorded. 132411

(G) A receiver appointed pursuant to this section is not 132412  
personally liable except for misfeasance, malfeasance, or 132413  
nonfeasance in the performance of the functions of the office of 132414

receiver. 132415

(H)(1) The judge in a civil action described in division 132416  
(B)(1) of this section may assess as court costs, the expenses 132417  
described in division (F)(2) of this section, and may approve 132418  
receiver's fees to the extent that they are not covered by the 132419  
income from the property. Subject to that limitation, a receiver 132420  
appointed pursuant to divisions (C)(2) and (3) of this section is 132421  
entitled to receive fees in the same manner and to the same extent 132422  
as receivers appointed in actions to foreclose mortgages. 132423

(2)(a) Pursuant to the police powers vested in the state, all 132424  
expenditures of a mortgagee, lienholder, or other interested party 132425  
that has been selected pursuant to division (C)(2) of this section 132426  
to undertake the work and to furnish the materials necessary to 132427  
abate a public nuisance, and any expenditures in connection with 132428  
the foreclosure of the lien created by this division, is a first 132429  
lien upon the building involved and the property on which it is 132430  
located and is superior to all prior and subsequent liens or other 132431  
encumbrances associated with the building or the property, 132432  
including, but not limited to, those for taxes and assessments, 132433  
upon the occurrence of both of the following: 132434

(i) The prior approval of the expenditures by, and the entry 132435  
of a judgment to that effect by, the judge in the civil action 132436  
described in division (B)(1) of this section; 132437

(ii) The recordation of a certified copy of the judgment 132438  
entry and a sufficient description of the property on which the 132439  
building is located with the county recorder in the county in 132440  
which the property is located within sixty days after the date of 132441  
the entry of the judgment. 132442

(b) Pursuant to the police powers vested in the state, all 132443  
expenses and other amounts paid in accordance with division (F) of 132444  
this section by a receiver appointed pursuant to divisions (C)(2) 132445

and (3) of this section, the amounts of any notes issued by the receiver in accordance with division (F) of this section, all mortgages granted by the receiver in accordance with that division, the fees of the receiver approved pursuant to division (H)(1) of this section, and any amounts expended in connection with the foreclosure of a mortgage granted by the receiver in accordance with division (F) of this section or with the foreclosure of the lien created by this division, are a first lien upon the building involved and the property on which it is located and are superior to all prior and subsequent liens or other encumbrances associated with the building or the property, including, but not limited to, those for taxes and assessments, upon the occurrence of both of the following:

(i) The approval of the expenses, amounts, or fees by, and the entry of a judgment to that effect by, the judge in the civil action described in division (B)(1) of this section; or the approval of the mortgages in accordance with division (F)(9) of this section by, and the entry of a judgment to that effect by, that judge;

(ii) The recordation of a certified copy of the judgment entry and a sufficient description of the property on which the building is located, or, in the case of a mortgage, the recordation of the mortgage, a certified copy of the judgment entry, and such a description, with the county recorder of the county in which the property is located within sixty days after the date of the entry of the judgment.

(c) Priority among the liens described in divisions (H)(2)(a) and (b) of this section shall be determined as described in division (I) of this section. Additionally, the creation pursuant to this section of a mortgage lien that is prior to or superior to any mortgage of record at the time the mortgage lien is so created, does not disqualify the mortgage of record as a legal

investment under Chapter 1107. or any other chapter of the Revised Code. 132478  
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(I)(1) If a receiver appointed pursuant to divisions (C)(2) 132480  
and (3) of this section files with the judge in the civil action 132481  
described in division (B)(1) of this section a report indicating 132482  
that the public nuisance has been abated, if the judge confirms 132483  
that the receiver has abated the public nuisance, and if the 132484  
receiver or any interested party requests the judge to enter an 132485  
order directing the receiver to sell the building and the property 132486  
on which it is located, the judge may enter that order after 132487  
holding a hearing as described in division (I)(2) of this section 132488  
and otherwise complying with that division. 132489

(2)(a) The receiver or interested party requesting an order 132490  
as described in division (I)(1) of this section shall cause a 132491  
notice of the date and time of a hearing on the request to be 132492  
served on the owner of the building involved and all other 132493  
interested parties in accordance with division (B)(2)(a) of this 132494  
section. The judge in the civil action described in division 132495  
(B)(1) of this section shall conduct the scheduled hearing. At the 132496  
hearing, if the owner or any interested party objects to the sale 132497  
of the building and the property, the burden of proof shall be 132498  
upon the objecting person to establish, by a preponderance of the 132499  
evidence, that the benefits of not selling the building and the 132500  
property outweigh the benefits of selling them. If the judge 132501  
determines that there is no objecting person, or if the judge 132502  
determines that there is one or more objecting persons but no 132503  
objecting person has sustained the burden of proof specified in 132504  
this division, the judge may enter an order directing the receiver 132505  
to offer the building and the property for sale upon terms and 132506  
conditions that the judge shall specify. 132507

(b) In any sale of subsidized housing that is ordered 132508  
pursuant to this section, the judge shall specify that the 132509

subsidized housing not be conveyed unless that conveyance complies 132510  
with applicable federal law and applicable program contracts for 132511  
that housing. Any such conveyance shall be subject to the 132512  
condition that the purchaser enter into a contract with the 132513  
department of housing and urban development or the rural housing 132514  
service of the federal department of agriculture under which the 132515  
property continues to be subsidized housing and the owner 132516  
continues to operate that property as subsidized housing unless 132517  
the secretary of housing and urban development or the 132518  
administrator of the rural housing service terminates that 132519  
property's contract prior to or upon the conveyance of the 132520  
property. 132521

(3) If a sale of a building and the property on which it is 132522  
located is ordered pursuant to divisions (I)(1) and (2) of this 132523  
section and if the sale occurs in accordance with the terms and 132524  
conditions specified by the judge in the judge's order of sale, 132525  
then the receiver shall distribute the proceeds of the sale and 132526  
the balance of any funds that the receiver may possess, after the 132527  
payment of the costs of the sale, in the following order of 132528  
priority and in the described manner: 132529

(a) First, in satisfaction of any notes issued by the 132530  
receiver pursuant to division (F) of this section, in their order 132531  
of priority; 132532

(b) Second, any unreimbursed expenses and other amounts paid 132533  
in accordance with division (F) of this section by the receiver, 132534  
and the fees of the receiver approved pursuant to division (H)(1) 132535  
of this section; 132536

(c) Third, all expenditures of a mortgagee, lienholder, or 132537  
other interested party that has been selected pursuant to division 132538  
(C)(2) of this section to undertake the work and to furnish the 132539  
materials necessary to abate a public nuisance, provided that the 132540  
expenditures were approved as described in division (H)(2)(a) of 132541

this section and provided that, if any such interested party 132542  
subsequently became the receiver, its expenditures shall be paid 132543  
prior to the expenditures of any of the other interested parties 132544  
so selected; 132545

(d) Fourth, the amount due for delinquent taxes, assessments, 132546  
charges, penalties, and interest owed to this state or a political 132547  
subdivision of this state, provided that, if the amount available 132548  
for distribution pursuant to division (I)(3)(d) of this section is 132549  
insufficient to pay the entire amount of those taxes, assessments, 132550  
charges, penalties, and interest, the proceeds and remaining funds 132551  
shall be paid to each claimant in proportion to the amount of 132552  
those taxes, assessments, charges, penalties, and interest that 132553  
each is due. 132554

(e) The amount of any pre-receivership mortgages, liens, or 132555  
other encumbrances, in their order of priority. 132556

(4) Following a distribution in accordance with division 132557  
(I)(3) of this section, the receiver shall request the judge in 132558  
the civil action described in division (B)(1) of this section to 132559  
enter an order terminating the receivership. If the judge 132560  
determines that the sale of the building and the property on which 132561  
it is located occurred in accordance with the terms and conditions 132562  
specified by the judge in the judge's order of sale under division 132563  
(I)(2) of this section and that the receiver distributed the 132564  
proceeds of the sale and the balance of any funds that the 132565  
receiver possessed, after the payment of the costs of the sale, in 132566  
accordance with division (I)(3) of this section, and if the judge 132567  
approves any final accounting required of the receiver, the judge 132568  
may terminate the receivership. 132569

(J)(1) A receiver appointed pursuant to divisions (C)(2) and 132570  
(3) of this section may be discharged at any time in the 132571  
discretion of the judge in the civil action described in division 132572  
(B)(1) of this section. The receiver shall be discharged by the 132573

judge as provided in division (I)(4) of this section, or when all 132574  
of the following have occurred: 132575

(a) The public nuisance has been abated; 132576

(b) All costs, expenses, and approved fees of the 132577  
receivership have been paid; 132578

(c) Either all receiver's notes issued and mortgages granted 132579  
pursuant to this section have been paid, or all the holders of the 132580  
notes and mortgages request that the receiver be discharged. 132581

(2) If a judge in a civil action described in division (B)(1) 132582  
of this section determines that, and enters of record a 132583  
declaration that, a public nuisance has been abated by a receiver, 132584  
and if, within three days after the entry of the declaration, all 132585  
costs, expenses, and approved fees of the receivership have not 132586  
been paid in full, then, in addition to the circumstances 132587  
specified in division (I) of this section for the entry of such an 132588  
order, the judge may enter an order directing the receiver to sell 132589  
the building involved and the property on which it is located. Any 132590  
such order shall be entered, and the sale shall occur, only in 132591  
compliance with division (I) of this section. 132592

(K) The title in any building, and in the property on which 132593  
it is located, that is sold at a sale ordered under division (I) 132594  
or (J)(2) of this section shall be incontestable in the purchaser 132595  
and shall be free and clear of all liens for delinquent taxes, 132596  
assessments, charges, penalties, and interest owed to this state 132597  
or any political subdivision of this state, that could not be 132598  
satisfied from the proceeds of the sale and the remaining funds in 132599  
the receiver's possession pursuant to the distribution under 132600  
division (I)(3) of this section. All other liens and encumbrances 132601  
with respect to the building and the property shall survive the 132602  
sale, including, but not limited to, a federal tax lien notice 132603  
properly filed in accordance with section 317.09 of the Revised 132604

Code prior to the time of the sale, and the easements and 132605  
covenants of record running with the property that were created 132606  
prior to the time of the sale. 132607

(L)(1) Nothing in this section shall be construed as a 132608  
limitation upon the powers granted to a court of common pleas, a 132609  
municipal court or a housing or environmental division of a 132610  
municipal court under Chapter 1901. of the Revised Code, or a 132611  
county court under Chapter 1907. of the Revised Code. 132612

(2) The monetary and other limitations specified in Chapters 132613  
1901. and 1907. of the Revised Code upon the jurisdiction of 132614  
municipal and county courts, and of housing or environmental 132615  
divisions of municipal courts, in civil actions do not operate as 132616  
limitations upon any of the following: 132617

(a) Expenditures of a mortgagee, lienholder, or other 132618  
interested party that has been selected pursuant to division 132619  
(C)(2) of this section to undertake the work and to furnish the 132620  
materials necessary to abate a public nuisance; 132621

(b) Any notes issued by a receiver pursuant to division (F) 132622  
of this section; 132623

(c) Any mortgage granted by a receiver in accordance with 132624  
division (F) of this section; 132625

(d) Expenditures in connection with the foreclosure of a 132626  
mortgage granted by a receiver in accordance with division (F) of 132627  
this section; 132628

(e) The enforcement of an order of a judge entered pursuant 132629  
to this section; 132630

(f) The actions that may be taken pursuant to this section by 132631  
a receiver or a mortgagee, lienholder, or other interested party 132632  
that has been selected pursuant to division (C)(2) of this section 132633  
to undertake the work and to furnish the materials necessary to 132634

abate a public nuisance. 132635

(3) A judge in a civil action described in division (B)(1) of 132636  
this section, or the judge's successor in office, has continuing 132637  
jurisdiction to review the condition of any building that was 132638  
determined to be a public nuisance pursuant to this section. 132639

(4) Nothing in this section shall be construed to limit or 132640  
prohibit a municipal corporation or township that has filed with 132641  
the superintendent of insurance a certified copy of an adopted 132642  
resolution, ordinance, or regulation authorizing the procedures 132643  
described in divisions (C) and (D) of section 3929.86 of the 132644  
Revised Code from receiving insurance proceeds under section 132645  
3929.86 of the Revised Code. 132646

**Sec. 3781.06.** (A)(1) Any building that may be used as a place 132647  
of resort, assembly, education, entertainment, lodging, dwelling, 132648  
trade, manufacture, repair, storage, traffic, or occupancy by the 132649  
public, any residential building, and all other buildings or parts 132650  
and appurtenances of those buildings erected within this state, 132651  
shall be so constructed, erected, equipped, and maintained that 132652  
they shall be safe and sanitary for their intended use and 132653  
occupancy. 132654

(2) Nothing in sections 3781.06 to 3781.18, 3781.40, and 132655  
3791.04 of the Revised Code shall be construed to limit the power 132656  
of the division of industrial compliance of the department of 132657  
commerce to adopt rules of uniform application governing 132658  
manufactured home parks pursuant to section 4781.26 of the Revised 132659  
Code. 132660

(B) Sections 3781.06 to 3781.18, 3781.40, and 3791.04 of the 132661  
Revised Code do not apply to any of the following: 132662

(1) Buildings or structures that are incident to the use for 132663  
agricultural purposes of the land on which the buildings or 132664

structures are located, provided those buildings or structures are 132665  
not used in the business of retail trade. For purposes of this 132666  
division, a building or structure is not considered used in the 132667  
business of retail trade if fifty per cent or more of the gross 132668  
income received from sales of products in the building or 132669  
structure by the owner or operator is from sales of products 132670  
produced or raised in a normal crop year on farms owned or 132671  
operated by the seller. 132672

(2) Existing single-family, two-family, and three-family 132673  
detached dwelling houses for which applications have been 132674  
submitted to the director of job and family services pursuant to 132675  
section 5104.03 of the Revised Code for the purposes of operating 132676  
type A family ~~day-care~~ child care homes as defined in section 132677  
5104.01 of the Revised Code; 132678

(3) A mobile computing unit. As used in this division, 132679  
"mobile computing unit" means an assembly that meets all of the 132680  
following criteria: 132681

(a) Its purpose is to house and operate computers as defined 132682  
in section 2913.01 of the Revised Code. 132683

(b) Its exterior is integral to the protection or cooling, or 132684  
both, of the computers housed within it. 132685

(c) It is not attached to a permanent foundation. 132686

(d) It is not accessible to the public. 132687

(e) It is not designed for regular occupancy, but rather 132688  
limited access for service and maintenance. 132689

(f) It can be moved or transported as a single integrated 132690  
unit. 132691

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 132692  
Revised Code: 132693

(1) "Agricultural purposes" include agriculture, farming, 132694

dairying, pasturage, apiculture, algaculture meaning the farming 132695  
of algae, horticulture, floriculture, viticulture, ornamental 132696  
horticulture, olericulture, pomiculture, and animal and poultry 132697  
husbandry. 132698

(2) "Building" means any structure consisting of foundations, 132699  
walls, columns, girders, beams, floors, and roof, or a combination 132700  
of any number of these parts, with or without other parts or 132701  
appurtenances. 132702

(3) "Industrialized unit" means a building unit or assembly 132703  
of closed construction fabricated in an off-site facility, that is 132704  
substantially self-sufficient as a unit or as part of a greater 132705  
structure, and that requires transportation to the site of 132706  
intended use. "Industrialized unit" includes units installed on 132707  
the site as independent units, as part of a group of units, or 132708  
incorporated with standard construction methods to form a 132709  
completed structural entity. "Industrialized unit" does not 132710  
include a manufactured home as defined by division (C)(4) of this 132711  
section or a mobile home as defined by division (O) of section 132712  
4501.01 of the Revised Code. 132713

(4) "Manufactured home" means a building unit or assembly of 132714  
closed construction that is fabricated in an off-site facility and 132715  
constructed in conformance with the federal construction and 132716  
safety standards established by the secretary of housing and urban 132717  
development pursuant to the "Manufactured Housing Construction and 132718  
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 132719  
5403, and that has a permanent label or tag affixed to it, as 132720  
specified in 42 U.S.C.A. 5415, certifying compliance with all 132721  
applicable federal construction and safety standards. 132722

(5) "Permanent foundation" means permanent masonry, concrete, 132723  
or a footing or foundation approved by the division of industrial 132724  
compliance of the department of commerce pursuant to Chapter 4781. 132725  
of the Revised Code, to which a manufactured or mobile home may be 132726

affixed. 132727

(6) "Permanently sited manufactured home" means a 132728  
manufactured home that meets all of the following criteria: 132729

(a) The structure is affixed to a permanent foundation and is 132730  
connected to appropriate facilities; 132731

(b) The structure, excluding any addition, has a width of at 132732  
least twenty-two feet at one point, a length of at least 132733  
twenty-two feet at one point, and a total living area, excluding 132734  
garages, porches, or attachments, of at least nine hundred square 132735  
feet; 132736

(c) The structure has a minimum 3:12 residential roof pitch, 132737  
conventional residential siding, and a six-inch minimum eave 132738  
overhang, including appropriate guttering; 132739

(d) The structure was manufactured after January 1, 1995; 132740

(e) The structure is not located in a manufactured home park 132741  
as defined by section 4781.01 of the Revised Code. 132742

(7) "Safe," with respect to a building, means it is free from 132743  
danger or hazard to the life, safety, health, or welfare of 132744  
persons occupying or frequenting it, or of the public and from 132745  
danger of settlement, movement, disintegration, or collapse, 132746  
whether such danger arises from the methods or materials of its 132747  
construction or from equipment installed therein, for the purpose 132748  
of lighting, heating, the transmission or utilization of electric 132749  
current, or from its location or otherwise. 132750

(8) "Sanitary," with respect to a building, means it is free 132751  
from danger or hazard to the health of persons occupying or 132752  
frequenting it or to that of the public, if such danger arises 132753  
from the method or materials of its construction or from any 132754  
equipment installed therein, for the purpose of lighting, heating, 132755  
ventilating, or plumbing. 132756

(9) "Residential building" means a one-family, two-family, or three-family dwelling house, and any accessory structure incidental to that dwelling house. "Residential building" includes a one-family, two-family, or three-family dwelling house that is used as a model to promote the sale of a similar dwelling house. "Residential building" does not include an industrialized unit as defined by division (C)(3) of this section, a manufactured home as defined by division (C)(4) of this section, or a mobile home as defined by division (O) of section 4501.01 of the Revised Code.

(10) "Nonresidential building" means any building that is not a residential building or a manufactured or mobile home.

(11) "Accessory structure" means a structure that is attached to a residential building and serves the principal use of the residential building. "Accessory structure" includes, but is not limited to, a garage, porch, or screened-in patio.

**Sec. 3781.10.** (A)(1) The board of building standards shall formulate and adopt rules governing the erection, construction, repair, alteration, and maintenance of all buildings or classes of buildings specified in section 3781.06 of the Revised Code, including land area incidental to those buildings, the construction of industrialized units, the installation of equipment, and the standards or requirements for materials used in connection with those buildings. The board shall incorporate those rules into separate residential and nonresidential building codes. The standards shall relate to the conservation of energy and the safety and sanitation of those buildings.

(2) The rules governing nonresidential buildings are the lawful minimum requirements specified for those buildings and industrialized units, except that no rule other than as provided in division (C) of section 3781.108 of the Revised Code that specifies a higher requirement than is imposed by any section of

the Revised Code is enforceable. The rules governing residential 132788  
buildings are uniform requirements for residential buildings in 132789  
any area with a building department certified to enforce the state 132790  
residential building code. In no case shall any local code or 132791  
regulation differ from the state residential building code unless 132792  
that code or regulation addresses subject matter not addressed by 132793  
the state residential building code or is adopted pursuant to 132794  
section 3781.01 of the Revised Code. 132795

(3) The rules adopted pursuant to this section are complete, 132796  
lawful alternatives to any requirements specified for buildings or 132797  
industrialized units in any section of the Revised Code. Except as 132798  
otherwise provided in division (I) of this section, the board 132799  
shall, on its own motion or on application made under sections 132800  
3781.12 and 3781.13 of the Revised Code, formulate, propose, 132801  
adopt, modify, amend, or repeal the rules to the extent necessary 132802  
or desirable to effectuate the purposes of sections 3781.06 to 132803  
3781.18 of the Revised Code. 132804

(B) The board shall report to the general assembly proposals 132805  
for amendments to existing statutes relating to the purposes 132806  
declared in section 3781.06 of the Revised Code that public health 132807  
and safety and the development of the arts require and shall 132808  
recommend any additional legislation to assist in carrying out 132809  
fully, in statutory form, the purposes declared in that section. 132810  
The board shall prepare and submit to the general assembly a 132811  
summary report of the number, nature, and disposition of the 132812  
petitions filed under sections 3781.13 and 3781.14 of the Revised 132813  
Code. 132814

(C) On its own motion or on application made under sections 132815  
3781.12 and 3781.13 of the Revised Code, and after thorough 132816  
testing and evaluation, the board shall determine by rule that any 132817  
particular fixture, device, material, process of manufacture, 132818  
manufactured unit or component, method of manufacture, system, or 132819

method of construction complies with performance standards adopted 132820  
pursuant to section 3781.11 of the Revised Code. The board shall 132821  
make its determination with regard to adaptability for safe and 132822  
sanitary erection, use, or construction, to that described in any 132823  
section of the Revised Code, wherever the use of a fixture, 132824  
device, material, method of manufacture, system, or method of 132825  
construction described in that section of the Revised Code is 132826  
permitted by law. The board shall amend or annul any rule or issue 132827  
an authorization for the use of a new material or manufactured 132828  
unit on any like application. No department, officer, board, or 132829  
commission of the state other than the board of building standards 132830  
or the board of building appeals shall permit the use of any 132831  
fixture, device, material, method of manufacture, newly designed 132832  
product, system, or method of construction at variance with what 132833  
is described in any rule the board of building standards adopts or 132834  
issues or that is authorized by any section of the Revised Code. 132835  
Nothing in this section shall be construed as requiring approval, 132836  
by rule, of plans for an industrialized unit that conforms with 132837  
the rules the board of building standards adopts pursuant to 132838  
section 3781.11 of the Revised Code. 132839

(D) The board shall recommend rules, codes, and standards to 132840  
help carry out the purposes of section 3781.06 of the Revised Code 132841  
and to help secure uniformity of state administrative rulings and 132842  
local legislation and administrative action to the bureau of 132843  
workers' compensation, the director of commerce, any other 132844  
department, officer, board, or commission of the state, and to 132845  
legislative authorities and building departments of counties, 132846  
townships, and municipal corporations, and shall recommend that 132847  
they audit those recommended rules, codes, and standards by any 132848  
appropriate action that they are allowed pursuant to law or the 132849  
constitution. 132850

(E)(1) The board shall certify municipal, township, and 132851

county building departments, the personnel of those building 132852  
departments, persons described in division (E)(7) of this section, 132853  
and employees of individuals, firms, the state, or corporations 132854  
described in division (E)(7) of this section to exercise 132855  
enforcement authority, to accept and approve plans and 132856  
specifications, and to make inspections, pursuant to sections 132857  
3781.03, 3791.04, and 4104.43 of the Revised Code. 132858

(2) The board shall certify departments, personnel, and 132859  
persons to enforce the state residential building code, to enforce 132860  
the nonresidential building code, or to enforce both the 132861  
residential and the nonresidential building codes. Any department, 132862  
personnel, or person may enforce only the type of building code 132863  
for which certified. 132864

(3) The board shall not require a building department, its 132865  
personnel, or any persons that it employs to be certified for 132866  
residential building code enforcement if that building department 132867  
does not enforce the state residential building code. The board 132868  
shall specify, in rules adopted pursuant to Chapter 119. of the 132869  
Revised Code, the requirements for certification for residential 132870  
and nonresidential building code enforcement, which shall be 132871  
consistent with this division. The requirements for residential 132872  
and nonresidential certification may differ. Except as otherwise 132873  
provided in this division, the requirements shall include, but are 132874  
not limited to, the satisfactory completion of an initial 132875  
examination and, to remain certified, the completion of a 132876  
specified number of hours of continuing building code education 132877  
within each three-year period following the date of certification 132878  
which shall be not less than thirty hours. The rules shall provide 132879  
that continuing education credits and certification issued by the 132880  
council of American building officials, national model code 132881  
organizations, and agencies or entities the board recognizes are 132882  
acceptable for purposes of this division. The rules shall specify 132883

requirements that are consistent with the provisions of section 132884  
5903.12 of the Revised Code relating to active duty military 132885  
service and are compatible, to the extent possible, with 132886  
requirements the council of American building officials and 132887  
national model code organizations establish. 132888

(4) The board shall establish and collect a certification and 132889  
renewal fee for building department personnel, and persons and 132890  
employees of persons, firms, or corporations as described in this 132891  
section, who are certified pursuant to this division. 132892

(5) Any individual certified pursuant to this division shall 132893  
complete the number of hours of continuing building code education 132894  
that the board requires or, for failure to do so, forfeit 132895  
certification. 132896

(6) This division does not require or authorize the board to 132897  
certify personnel of municipal, township, and county building 132898  
departments, and persons and employees of persons, firms, or 132899  
corporations as described in this section, whose responsibilities 132900  
do not include the exercise of enforcement authority, the approval 132901  
of plans and specifications, or making inspections under the state 132902  
residential and nonresidential building codes. 132903

(7) Enforcement authority for approval of plans and 132904  
specifications and enforcement authority for inspections may be 132905  
exercised, and plans and specifications may be approved and 132906  
inspections may be made on behalf of a municipal corporation, 132907  
township, or county, by any of the following who the board of 132908  
building standards certifies: 132909

(a) Officers or employees of the municipal corporation, 132910  
township, or county; 132911

(b) Persons, or employees of persons, firms, or corporations, 132912  
pursuant to a contract to furnish architectural, engineering, or 132913  
other services to the municipal corporation, township, or county; 132914

(c) Officers or employees of, and persons under contract with, a municipal corporation, township, county, health district, or other political subdivision, pursuant to a contract to furnish architectural, engineering, or other services;

(d) Officers or employees of the division of industrial compliance in the department of commerce pursuant to a contract authorized by division (B) of section 121.083 of the Revised Code.

(8) Municipal, township, and county building departments have jurisdiction within the meaning of sections 3781.03, 3791.04, and 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters for which they are certified under this section.

(9) A certified municipal, township, or county building department may exercise enforcement authority, accept and approve plans and specifications, and make inspections pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a park district created pursuant to Chapter 1545. of the Revised Code upon the approval, by resolution, of the board of park commissioners of the park district requesting the department to exercise that authority and conduct those activities, as applicable.

(10) Certification shall be granted upon application by the municipal corporation, the board of township trustees, or the board of county commissioners and approval of that application by the board of building standards. The application shall set forth:

(a) Whether the certification is requested for residential or nonresidential buildings, or both;

(b) The number and qualifications of the staff composing the building department;

(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services

pursuant to division (E)(7)(b) of this section; 132946

(d) The names of any other municipal corporation, township, 132947  
county, health district, or political subdivision under contract 132948  
to furnish work or services pursuant to division (E)(7) of this 132949  
section; 132950

(e) The proposed budget for the operation of the building 132951  
department. 132952

(11) The board of building standards shall adopt rules 132953  
governing all of the following: 132954

(a) The certification of building department personnel and 132955  
persons and employees of persons, firms, or corporations 132956  
exercising authority pursuant to division (E)(7) of this section. 132957  
The rules shall disqualify any employee of the department or 132958  
person who contracts for services with the department from 132959  
performing services for the department when that employee or 132960  
person would have to pass upon, inspect, or otherwise exercise 132961  
authority over any labor, material, or equipment the employee or 132962  
person furnishes for the construction, alteration, or maintenance 132963  
of a building or the preparation of working drawings or 132964  
specifications for work within the jurisdictional area of the 132965  
department. The department shall provide other similarly qualified 132966  
personnel to enforce the residential and nonresidential building 132967  
codes as they pertain to that work. 132968

(b) The minimum services to be provided by a certified 132969  
building department. 132970

(12) The board of building standards may revoke or suspend 132971  
certification to enforce the residential and nonresidential 132972  
building codes, on petition to the board by any person affected by 132973  
that enforcement or approval of plans, or by the board on its own 132974  
motion. Hearings shall be held and appeals permitted on any 132975  
proceedings for certification or revocation or suspension of 132976

certification in the same manner as provided in section 3781.101 132977  
of the Revised Code for other proceedings of the board of building 132978  
standards. 132979

(13) Upon certification, and until that authority is revoked, 132980  
any county or township building department shall enforce the 132981  
residential and nonresidential building codes for which it is 132982  
certified without regard to limitation upon the authority of 132983  
boards of county commissioners under Chapter 307. of the Revised 132984  
Code or boards of township trustees under Chapter 505. of the 132985  
Revised Code. 132986

(F) In addition to hearings sections 3781.06 to 3781.18 and 132987  
3791.04 of the Revised Code require, the board of building 132988  
standards shall make investigations and tests, and require from 132989  
other state departments, officers, boards, and commissions 132990  
information the board considers necessary or desirable to assist 132991  
it in the discharge of any duty or the exercise of any power 132992  
mentioned in this section or in sections 3781.06 to 3781.18, 132993  
3791.04, and 4104.43 of the Revised Code. 132994

(G) The board shall adopt rules and establish reasonable fees 132995  
for the review of all applications submitted where the applicant 132996  
applies for authority to use a new material, assembly, or product 132997  
of a manufacturing process. The fee shall bear some reasonable 132998  
relationship to the cost of the review or testing of the 132999  
materials, assembly, or products and for the notification of 133000  
approval or disapproval as provided in section 3781.12 of the 133001  
Revised Code. 133002

(H) The residential construction advisory committee shall 133003  
provide the board with a proposal for a state residential building 133004  
code that the committee recommends pursuant to division (D)(1) of 133005  
section 4740.14 of the Revised Code. Upon receiving a 133006  
recommendation from the committee that is acceptable to the board, 133007  
the board shall adopt rules establishing that code as the state 133008

residential building code. 133009

(I)(1) The committee may provide the board with proposed 133010  
rules to update or amend the state residential building code that 133011  
the committee recommends pursuant to division (E) of section 133012  
4740.14 of the Revised Code. 133013

(2) If the board receives a proposed rule to update or amend 133014  
the state residential building code as provided in division (I)(1) 133015  
of this section, the board either may accept or reject the 133016  
proposed rule for incorporation into the residential building 133017  
code. If the board does not act to either accept or reject the 133018  
proposed rule within ninety days after receiving the proposed rule 133019  
from the committee as described in division (I)(1) of this 133020  
section, the proposed rule shall become part of the residential 133021  
building code. 133022

(J) The board shall cooperate with the director of job and 133023  
family services when the director promulgates rules pursuant to 133024  
section 5104.05 of the Revised Code regarding safety and 133025  
sanitation in type A family ~~day-care~~ child care homes. 133026

(K) The board shall adopt rules to implement the requirements 133027  
of section 3781.108 of the Revised Code. 133028

**Sec. 3796.30.** (A) Except as provided in division (B) of this 133029  
section, no medical marijuana cultivator, processor, retail 133030  
dispensary, or laboratory that tests medical marijuana shall be 133031  
located within five hundred feet of the boundaries of a parcel of 133032  
real estate having situated on it a school, church, public 133033  
library, public playground, or public park. 133034

If the relocation of a cultivator, processor, retail 133035  
dispensary, or laboratory licensed under this chapter results in 133036  
the cultivator, processor, retail dispensary, or laboratory being 133037  
located within five hundred feet of the boundaries of a parcel of 133038

real estate having situated on it a school, church, public library, public playground, or public park, the department of commerce or state board of pharmacy shall revoke the license it previously issued to the cultivator, processor, retail dispensary, or laboratory.

(B) This section does not apply to research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity.

(C) As used in this section and sections 3796.04 and 3796.12 of the Revised Code:

"Church" has the meaning defined in section 1710.01 of the Revised Code.

"Public library" means a library provided for under Chapter 3375. of the Revised Code.

"Public park" means a park established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district.

"Public playground" means a playground established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district.

"School" means a child ~~day-care~~ care center as defined under section 5104.01 of the Revised Code, a preschool as defined under section 2950.034 of the Revised Code, or a public or nonpublic primary school or secondary school.

**Sec. 3797.06.** (A) As used in this section, "specified geographical notification area" means the geographic area or areas within which the attorney general requires by rule adopted under section 3797.08 of the Revised Code the notice described in

division (B) of this section to be given to the persons identified 133069  
in divisions (A)(1) to (9) of this section. If a court enters a 133070  
declaratory judgment against a registrant under section 2721.21 of 133071  
the Revised Code, the sheriff with whom the registrant has most 133072  
recently registered under section 3797.02 or 3797.03 of the 133073  
Revised Code and the sheriff to whom the registrant most recently 133074  
sent a notice of intent to reside under section 3797.03 of the 133075  
Revised Code shall provide within the period of time specified in 133076  
division (C) of this section a written notice containing the 133077  
information set forth in division (B) of this section to all of 133078  
the persons described in divisions (A)(1) to (9) of this section. 133079  
If the sheriff has sent a notice to the persons described in those 133080  
divisions as a result of receiving a notice of intent to reside 133081  
and if the registrant registers a residence address that is the 133082  
same residence address described in the notice of intent to 133083  
reside, the sheriff is not required to send an additional notice 133084  
when the registrant registers. The sheriff shall provide the 133085  
notice to all of the following persons: 133086

(1)(a) Any occupant of each residential unit that is located 133087  
within one thousand feet of the registrant's residential premises, 133088  
that is located within the county served by the sheriff, and that 133089  
is not located in a multi-unit building. Division (D)(3) of this 133090  
section applies regarding notices required under this division. 133091

(b) If the registrant resides in a multi-unit building, any 133092  
occupant of each residential unit that is located in that 133093  
multi-unit building and that shares a common hallway with the 133094  
registrant. For purposes of this division, an occupant's unit 133095  
shares a common hallway with the registrant if the entrance door 133096  
into the occupant's unit is located on the same floor and opens 133097  
into the same hallway as the entrance door to the unit the 133098  
registrant occupies. Division (D)(3) of this section applies 133099  
regarding notices required under this division. 133100

(c) The building manager, or the person the building owner or condominium unit owners association authorizes to exercise management and control, of each multi-unit building that is located within one thousand feet of the registrant's residential premises, including a multi-unit building in which the registrant resides, and that is located within the county served by the sheriff. In addition to notifying the building manager or the person authorized to exercise management and control in the multi-unit building under this division, the sheriff shall post a copy of the notice prominently in each common entryway in the building and any other location in the building the sheriff determines appropriate. The manager or person exercising management and control of the building shall permit the sheriff to post copies of the notice under this division as the sheriff determines appropriate. In lieu of posting copies of the notice as described in this division, a sheriff may provide notice to all occupants of the multi-unit building by mail or personal contact. If the sheriff so notifies all the occupants, the sheriff is not required to post copies of the notice in the common entryways to the building. Division (D)(3) of this section applies regarding notices required under this division.

(d) All additional persons who are within any category of neighbors of the registrant that the attorney general by rule adopted under section 3797.08 of the Revised Code requires to be provided the notice and who reside within the county served by the sheriff.

(2) The executive director of the public children services agency that has jurisdiction within the specified geographical notification area and that is located within the county served by the sheriff;

(3) The superintendent of each board of education of a school district that has schools within the specified geographical

notification area and that is located within the county served by the sheriff; 133133  
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(4) The appointing or hiring officer of each nonpublic school located within the specified geographical notification area and within the county served by the sheriff or of each other school located within the specified geographical notification area and within the county served by the sheriff and that is not operated by a board of education described in division (A)(3) of this section; 133135  
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(5) The director, head teacher, elementary principal, or site administrator of each preschool program governed by Chapter 3301. of the Revised Code that is located within the specified geographical notification area and within the county served by the sheriff; 133142  
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(6) The administrator of each child ~~day-care~~ care center or type A family ~~day-care~~ child care home that is located within the specified geographical notification area and within the county served by the sheriff, and each holder of a license to operate a type B family ~~day-care~~ child care home that is located within the specified geographical notification area and within the county served by the sheriff. As used in this division, "child ~~day-care~~ care center," "type A family ~~day-care~~ child care home," and "type B family ~~day-care~~ child care home" have the same meanings as in section 5104.01 of the Revised Code. 133147  
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(7) The president or other chief administrative officer of each institution of higher education, as defined in section 2907.03 of the Revised Code, that is located within the specified geographical notification area and within the county served by the sheriff and the chief law enforcement officer of any state university law enforcement agency or campus police department established under section 3345.04 or 1713.50 of the Revised Code that serves that institution; 133157  
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(8) The sheriff of each county that includes any portion of 133165  
the specified geographical notification area; 133166

(9) If the registrant resides within the county served by the 133167  
sheriff, the chief of police, marshal, or other chief law 133168  
enforcement officer of the municipal corporation in which the 133169  
registrant resides or, if the registrant resides in an 133170  
unincorporated area, the constable or chief of the police 133171  
department or police district police force of the township in 133172  
which the registrant resides. 133173

(B) The notice required under division (A) of this section 133174  
shall include the registrant's name, residence or employment 133175  
address, as applicable, and a statement that the registrant has 133176  
been found liable for childhood sexual abuse in a civil action and 133177  
is listed on the civil registry established by the attorney 133178  
general pursuant to section 3797.08 of the Revised Code. 133179

(C) If a sheriff with whom a registrant registers under 133180  
section 3797.02 or 3797.03 of the Revised Code or to whom the 133181  
registrant most recently sent a notice of intent to reside under 133182  
section 3797.03 of the Revised Code is required by division (A) of 133183  
this section to provide notices regarding a registrant and if the 133184  
sheriff provides a notice pursuant to that requirement the sheriff 133185  
provides a notice to a sheriff of one or more other counties in 133186  
accordance with division (A)(8) of this section, the sheriff of 133187  
each of the other counties who is provided notice under division 133188  
(A)(8) of this section shall provide the notices described in 133189  
divisions (A)(1) to (7) and (A)(9) of this section to each person 133190  
or entity identified within those divisions that is located within 133191  
the specified geographical notification area and within the county 133192  
served by the sheriff in question. 133193

(D)(1) A sheriff required by division (A) or (C) of this 133194  
section to provide notices regarding a registrant shall provide 133195  
the notice to the neighbors that are described in division (A)(1) 133196

of this section and the notices to law enforcement personnel that 133197  
are described in divisions (A)(8) and (9) of this section as soon 133198  
as practicable, but not later than five days after the registrant 133199  
sends the notice of intent to reside to the sheriff, and again not 133200  
later than five days after the registrant registers with the 133201  
sheriff or, if the sheriff is required by division (C) to provide 133202  
the notices, not later than five days after the sheriff is 133203  
provided the notice described in division (A)(8) of this section. 133204

A sheriff required by division (A) or (C) of this section to 133205  
provide notices regarding a registrant shall provide the notices 133206  
to all other specified persons that are described in divisions 133207  
(A)(2) to (7) of this section as soon as practicable, but not 133208  
later than seven days after the registrant registers with the 133209  
sheriff, or, if the sheriff is required by division (C) to provide 133210  
the notices, not later than five days after the sheriff is 133211  
provided the notice described in division (A)(8) of this section. 133212

(2) If a registrant in relation to whom division (A) of this 133213  
section applies verifies the registrant's current residence 133214  
address with a sheriff pursuant to section 3797.04 of the Revised 133215  
Code, the sheriff may provide a written notice containing the 133216  
information set forth in division (B) of this section to the 133217  
persons identified in divisions (A)(1) to (9) of this section. If 133218  
a sheriff provides a notice pursuant to this division to the 133219  
sheriff of one or more other counties in accordance with division 133220  
(A)(8) of this section, the sheriff of each of the other counties 133221  
who is provided the notice under division (A)(8) of this section 133222  
may provide, but is not required to provide, a written notice 133223  
containing the information set forth in division (B) of this 133224  
section to the persons identified in divisions (A)(1) to (7) and 133225  
(A)(9) of this section. 133226

(3) A sheriff may provide notice under division (A)(1)(a) or 133227  
(b) of this section, and may provide notice under division 133228

(A)(1)(c) of this section to a building manager or person 133229  
authorized to exercise management and control of a building, by 133230  
mail, by personal contact, or by leaving the notice at or under 133231  
the entry door to a residential unit. For purposes of divisions 133232  
(A)(1)(a) and (b) of this section and of the portion of division 133233  
(A)(1)(c) of this section relating to the provision of notice to 133234  
occupants of a multi-unit building by mail or personal contact, 133235  
the provision of one written notice per unit is deemed providing 133236  
notice to all occupants of that unit. 133237

(E) All information that a sheriff possesses regarding a 133238  
registrant that is described in division (B) of this section and 133239  
that must be provided in a notice required under division (A) or 133240  
(C) of this section or that may be provided in a notice authorized 133241  
under division (D)(2) of this section is a public record that is 133242  
open to inspection under section 149.43 of the Revised Code. 133243

(F) A sheriff required by division (A) or (C) of this 133244  
section, or authorized by division (D)(2) of this section, to 133245  
provide notices regarding a registrant may request the department 133246  
of job and family services, department of education, or ~~Ohio board~~ 133247  
department of regents higher education, by telephone, in 133248  
registrant, or by mail, to provide the sheriff with the names, 133249  
addresses, and telephone numbers of the appropriate persons and 133250  
entities to whom the notices described in divisions (A)(2) to (7) 133251  
of this section are to be provided. Upon receipt of a request, the 133252  
department ~~or board~~ shall provide the requesting sheriff with the 133253  
names, addresses, and telephone numbers of the appropriate persons 133254  
and entities to whom those notices are to be provided. 133255

(G)(1) Upon the motion of the registrant or the judge that 133256  
entered a declaratory judgment pursuant to section 2721.21 of the 133257  
Revised Code or that judge's successor in office, the judge may 133258  
schedule a hearing to determine whether the interests of justice 133259  
would be served by suspending the community notification 133260

requirement under this section in relation to the registrant. The 133261  
judge may dismiss the motion without a hearing but may not issue 133262  
an order suspending the community notification requirement without 133263  
a hearing. At the hearing, all parties are entitled to be heard. 133264  
If, at the conclusion of the hearing, the judge finds that the 133265  
registrant has proven by clear and convincing evidence that the 133266  
registrant is unlikely to commit childhood sexual abuse in the 133267  
future and that suspending the community notification requirement 133268  
is in the interests of justice, the judge may issue an order 133269  
suspending the application of this section in relation to the 133270  
registrant. The order shall contain both of these findings. 133271

The judge promptly shall serve a copy of the order upon the 133272  
sheriff with whom the registrant most recently registered a 133273  
residence address and the sheriff with whom the registrant most 133274  
recently registered an employment address under section 3797.02 of 133275  
the Revised Code. 133276

An order suspending the community notification requirement 133277  
does not suspend or otherwise alter a registrant's duties to 133278  
comply with sections 3797.02, 3797.03, and 3797.04 of the Revised 133279  
Code. 133280

(2) A registrant has the right to appeal an order denying a 133281  
motion made under division (G)(1) of this section. 133282

**Sec. 3905.064.** As used in sections 3905.064 to 3905.0611 of 133283  
the Revised Code: 133284

(A) "Aggregator site" means a web site that provides access 133285  
to information regarding insurance products from more than one 133286  
insurer, including product and insurer information, for use in 133287  
comparison shopping. 133288

(B) "Blanket travel insurance" means a policy of travel 133289  
insurance issued to any eligible group providing coverage for 133290

specific classes of persons defined in the policy with coverage 133291  
provided to all members of the eligible group without a separate 133292  
charge to individual members of the eligible group. 133293

(C) "Cancellation fee waiver" means a contractual agreement 133294  
between a supplier of travel services and its customer to waive 133295  
some or all of the nonrefundable cancellation fee provisions of 133296  
the supplier's underlying travel contract, with or without regard 133297  
to the reason for the cancellation or form of reimbursement. 133298

(D) "Eligible group" means, solely for the purposes of travel 133299  
insurance, two or more persons who are engaged in a common 133300  
enterprise, or have an economic, educational, or social affinity 133301  
or relationship. "Eligible group" includes any of the following: 133302

(1) Any entity engaged in the business of providing travel or 133303  
travel services, including all of the following: 133304

(a) Tour operators; 133305

(b) Lodging providers; 133306

(c) Vacation property owners; 133307

(d) Hotels and resorts; 133308

(e) Travel clubs; 133309

(f) Travel agencies; 133310

(g) Property managers; 133311

(h) Cultural exchange programs; 133312

(i) Common carriers or the operator, owner, or lessor of a 133313  
means of transportation of passengers, including airlines, cruise 133314  
lines, railroads, steamship companies, and public bus carriers 133315  
that, with regard to any particular travel or type of travel or 133316  
travelers, subjects all members or customers of the group to a 133317  
common exposure to risk attendant to such travel; 133318

(2) Any college, school, or other institution of learning, 133319

obtaining travel insurance covering students, teachers, employees, or volunteers;	133320 133321
(3) Any employer obtaining travel insurance coverage for any group of employees, volunteers, contractors, board of directors, dependents, or guests;	133322 133323 133324
(4) Any sports team, camp, or sponsor thereof, obtaining travel insurance coverage for participants, members, campers, employees, officials, supervisors, or volunteers;	133325 133326 133327
(5) Any religious, charitable, recreational, educational, or civic organization, or branch thereof, obtaining travel insurance coverage for any group of members, participants, or volunteers;	133328 133329 133330
(6) Any financial institution or financial institution vendor, or parent holding company, trustee, or agent of, or designated by, one or more financial institutions or financial institution vendors, including account holders, credit card holders, debtors, guarantors, or purchasers;	133331 133332 133333 133334 133335
(7) Any incorporated or unincorporated association, including labor unions, that have a common interest, constitution, and bylaws, and that are organized and maintained in good faith for purposes other than obtaining insurance for members or participants of such association covering its members;	133336 133337 133338 133339 133340
(8) Any trust or the trustees of a fund established, created, or maintained for the benefit of and covering members, employees, or customers of one or more associations meeting the requirements of division (D)(7) of this section, subject to the superintendent's permitting the use of a trust and the state's premium tax provisions in section 3905.068 of the Revised Code;	133341 133342 133343 133344 133345 133346
(9) Any entertainment production company obtaining travel insurance coverage for any group of participants, volunteers, audience members, contestants, or workers;	133347 133348 133349

(10) Any volunteer fire department, ambulance, rescue, 133350  
police, or court, or any first aid, civil defense, or other such 133351  
volunteer group; 133352

(11) Preschools, child care centers, adult day-care 133353  
institutions ~~for children or adults~~, and senior citizen clubs; 133354

(12) Any automobile or truck rental or leasing company 133355  
obtaining travel insurance coverage for a group of individuals who 133356  
may become renters, lessees, or passengers, defined by their 133357  
travel status, on the rented or leased vehicles; 133358

(13) Any other group whose members the superintendent has 133359  
determined are engaged in a common enterprise, or that have an 133360  
economic, educational, or social affinity or relationship, if the 133361  
superintendent also determines that issuance of the travel 133362  
insurance policy would not be contrary to the public interest. 133363

(E) "Fulfillment materials" means documentation sent to the 133364  
purchaser of a travel protection plan confirming the purchase and 133365  
providing the travel protection plan's coverage and assistance 133366  
details. 133367

(F) "Group travel insurance" means travel insurance issued to 133368  
any eligible group. 133369

(G) "Limited lines travel insurance agent" means an 133370  
individual or business entity licensed to sell, solicit, or 133371  
negotiate travel insurance under section 3905.065 of the Revised 133372  
Code. "Limited lines travel insurance agent" includes a licensed 133373  
insurance agent and a travel administrator. 133374

(H) "Offer and sell" means providing general information, 133375  
including a description of the coverage and price, as well as 133376  
processing the application and collecting premiums. 133377

(I) "Primary certificate holder" means an individual person 133378  
who elects and purchases travel insurance under a group policy. 133379

(J) "Primary policyholder" means an individual person who  
elects and purchases individual travel insurance. 133380  
133381

(K) "Travel administrator" means a person who directly or 133382  
indirectly underwrites, collects charges, collateral, or premiums 133383  
from, or adjusts or settles claims on residents of this state, in 133384  
connection with travel insurance. The following persons shall not 133385  
be considered a travel administrator if they engage in no other 133386  
activities that would cause them to be considered a travel 133387  
administrator: 133388

(1) A person working for a travel administrator to the extent 133389  
that the person's activities are subject to the supervision and 133390  
control of the travel administrator; 133391

(2) An insurance agent selling insurance or engaged in 133392  
administrative and claims-related activities within the scope of 133393  
the agent's license; 133394

(3) A travel retailer offering and selling travel insurance 133395  
and registered under the license of a limited-lines travel 133396  
insurance agent in accordance with sections 3905.065 and 3905.066 133397  
of the Revised Code; 133398

(4) An individual adjusting or settling claims in the normal 133399  
course of that individual's practice or employment as an attorney 133400  
at law and who does not collect charges or premiums in connection 133401  
with insurance coverage; 133402

(5) A business entity affiliated with a licensed insurer 133403  
while that insurer is acting as a travel administrator for the 133404  
direct and assumed insurance business of a separate affiliated 133405  
insurer. 133406

(L) "Travel assistance services" means noninsurance services 133407  
for which the consumer is not indemnified based on a fortuitous 133408  
event, and where providing the service does not result in transfer 133409  
or shifting of risk that would constitute the business of 133410

insurance. "Travel assistance services" include all of the	133411
following:	133412
(1) Security advisories;	133413
(2) Destination information;	133414
(3) Vaccination and immunization information services;	133415
(4) Travel reservation services;	133416
(5) Entertainment;	133417
(6) Activity and event planning;	133418
(7) Translation assistance;	133419
(8) Emergency messaging;	133420
(9) International legal and medical referrals;	133421
(10) Medical case monitoring;	133422
(11) Coordination of transportation arrangements;	133423
(12) Emergency cash transfer assistance;	133424
(13) Medical prescription replacement assistance;	133425
(14) Passport and travel document replacement assistance;	133426
(15) Lost luggage assistance;	133427
(16) Concierge services;	133428
(17) Any other service that is furnished in connection with planned travel.	133429 133430
(M)(1) "Travel insurance" means insurance coverage for personal risks incident to planned travel, including all of the following:	133431 133432 133433
(a) Interruption or cancellation of a trip or event;	133434
(b) Loss of baggage or personal effects;	133435
(c) Damages to accommodations or rental vehicles;	133436

(d) Sickness, accident, disability, or death occurring during travel;	133437 133438
(e) Emergency evacuation;	133439
(f) Repatriation of remains;	133440
(g) Any other contractual obligations to indemnify or pay a specified amount to the traveler upon determinable contingencies related to travel as approved by the superintendent of insurance.	133441 133442 133443
(2) "Travel insurance" does not include any of the following:	133444
(a) Major medical plans that provide comprehensive medical protection for a traveler with a trip lasting six months or longer, including a plan covering a person working overseas as an expatriate or in a deployed military unit;	133445 133446 133447 133448
(b) Any other product that requires a specific insurance agent license;	133449 133450
(c) Travel assistance services;	133451
(d) Cancellation fee waivers.	133452
(N) "Travel insurer" means an insurer, as defined in section 3901.32 of the Revised Code, that provides travel insurance.	133453 133454
(O) "Travel protection plan" means a plan that provides one or more of the following: travel insurance, travel assistance services, and cancellation fee waivers.	133455 133456 133457
(P) "Travel retailer" means a business entity that makes, arranges, or offers travel services, and that may offer or sell travel insurance as a service to its customers on behalf of, and under the direction of, a limited lines travel insurance agent in conjunction with the making, arranging, or offering of travel services.	133458 133459 133460 133461 133462 133463
<b>Sec. 4510.021.</b> (A) Unless expressly prohibited by section 2919.22, section 4510.13, or any other section of the Revised	133464 133465

Code, a court may grant limited driving privileges for any purpose 133466  
described in division (A) of this section during any suspension 133467  
imposed by the court. In granting the privileges, the court shall 133468  
specify the purposes, times, and places of the privileges and may 133469  
impose any other reasonable conditions on the person's driving of 133470  
a motor vehicle. The privileges shall be for any of the following 133471  
limited purposes: 133472

(1) Occupational, educational, vocational, or medical 133473  
purposes; 133474

(2) Taking the driver's or commercial driver's license 133475  
examination; 133476

(3) Attending court-ordered treatment; 133477

(4) Attending any court proceeding related to the offense for 133478  
which the offender's suspension was imposed; 133479

(5) Transporting a minor to a child care provider, ~~day care~~ 133480  
child care, preschool, school, or to any other location for 133481  
purposes of receiving child care; 133482

(6) Any other purpose the court determines to be appropriate. 133483

(B) Unless expressly authorized by a section of the Revised 133484  
Code, a court may not grant limited driving privileges during any 133485  
suspension imposed by the bureau of motor vehicles. To obtain 133486  
limited driving privileges during a suspension imposed by the 133487  
bureau, the person under suspension may file a petition in a court 133488  
of record in the county in which the person resides. A person who 133489  
is not a resident of this state shall file any petition for 133490  
privileges either in the Franklin county municipal court or in the 133491  
municipal or county court located in the county where the offense 133492  
occurred. If the person who is not a resident of this state is a 133493  
minor, the person may file the petition either in the Franklin 133494  
county juvenile court or in the juvenile court with jurisdiction 133495

over the offense. If a court grants limited driving privileges as 133496  
described in this division, the privileges shall be for any of the 133497  
limited purposes identified in division (A) of this section. 133498

(C) When the use of an immobilizing or disabling device is 133499  
not otherwise required by law, the court, as a condition of 133500  
granting limited driving privileges, may require that the person's 133501  
vehicle be equipped with an immobilizing or disabling device, 133502  
except as provided in division (C) of section 4510.43 of the 133503  
Revised Code. When the use of restricted license plates issued 133504  
under section 4503.231 of the Revised Code is not otherwise 133505  
required by law, the court, as a condition of granting limited 133506  
driving privileges, may require that the person's vehicle be 133507  
equipped with restricted license plates of that nature, except as 133508  
provided in division (B) of that section. 133509

(D) When the court grants limited driving privileges under 133510  
section 4510.31 of the Revised Code or any other provision of law 133511  
during the suspension of the temporary instruction permit or 133512  
probationary driver's license of a person who is under eighteen 133513  
years of age, the court may include as a purpose of the privilege 133514  
the person's practicing of driving with the person's parent, 133515  
guardian, or other custodian during the period of the suspension. 133516  
If the court grants limited driving privileges for this purpose, 133517  
the court, in addition to all other conditions it imposes, shall 133518  
impose as a condition that the person exercise the privilege only 133519  
when a parent, guardian, or custodian of the person who holds a 133520  
current valid driver's or commercial driver's license issued by 133521  
this state actually occupies the seat beside the person in the 133522  
vehicle the person is operating. 133523

(E) Before granting limited driving privileges under this 133524  
section, the court shall require the offender to provide proof of 133525  
financial responsibility pursuant to section 4509.45 of the 133526  
Revised Code. 133527

Sec. 4511.01. As used in this chapter and in Chapter 4513. of 133528  
the Revised Code: 133529

(A) "Vehicle" means every device, including a motorized 133530  
bicycle and an electric bicycle, in, upon, or by which any person 133531  
or property may be transported or drawn upon a highway, except 133532  
that "vehicle" does not include any motorized wheelchair, any 133533  
electric personal assistive mobility device, any low-speed 133534  
micromobility device, any personal delivery device as defined in 133535  
section 4511.513 of the Revised Code, any device that is moved by 133536  
power collected from overhead electric trolley wires or that is 133537  
used exclusively upon stationary rails or tracks, or any device, 133538  
other than a bicycle, that is moved by human power. 133539

(B) "Motor vehicle" means every vehicle propelled or drawn by 133540  
power other than muscular power or power collected from overhead 133541  
electric trolley wires, except motorized bicycles, electric 133542  
bicycles, road rollers, traction engines, power shovels, power 133543  
cranes, and other equipment used in construction work and not 133544  
designed for or employed in general highway transportation, 133545  
hole-digging machinery, well-drilling machinery, ditch-digging 133546  
machinery, farm machinery, and trailers designed and used 133547  
exclusively to transport a boat between a place of storage and a 133548  
marina, or in and around a marina, when drawn or towed on a street 133549  
or highway for a distance of no more than ten miles and at a speed 133550  
of twenty-five miles per hour or less. 133551

(C) "Motorcycle" means every motor vehicle, other than a 133552  
tractor, having a seat or saddle for the use of the operator and 133553  
designed to travel on not more than three wheels in contact with 133554  
the ground, including, but not limited to, motor vehicles known as 133555  
"motor-driven cycle," "motor scooter," "autocycle," "cab-enclosed 133556  
motorcycle," or "motorcycle" without regard to weight or brake 133557  
horsepower. 133558

(D) "Emergency vehicle" means emergency vehicles of 133559  
municipal, township, or county departments or public utility 133560  
corporations when identified as such as required by law, the 133561  
director of public safety, or local authorities, and motor 133562  
vehicles when commandeered by a police officer. 133563

(E) "Public safety vehicle" means any of the following: 133564

(1) Ambulances, including private ambulance companies under 133565  
contract to a municipal corporation, township, or county, and 133566  
private ambulances and nontransport vehicles bearing license 133567  
plates issued under section 4503.49 of the Revised Code; 133568

(2) Motor vehicles used by public law enforcement officers or 133569  
other persons sworn to enforce the criminal and traffic laws of 133570  
the state; 133571

(3) Any motor vehicle when properly identified as required by 133572  
the director of public safety, when used in response to fire 133573  
emergency calls or to provide emergency medical service to ill or 133574  
injured persons, and when operated by a duly qualified person who 133575  
is a member of a volunteer rescue service or a volunteer fire 133576  
department, and who is on duty pursuant to the rules or directives 133577  
of that service. The state fire marshal shall be designated by the 133578  
director of public safety as the certifying agency for all public 133579  
safety vehicles described in division (E)(3) of this section. 133580

(4) Vehicles used by fire departments, including motor 133581  
vehicles when used by volunteer fire fighters responding to 133582  
emergency calls in the fire department service when identified as 133583  
required by the director of public safety. 133584

Any vehicle used to transport or provide emergency medical 133585  
service to an ill or injured person, when certified as a public 133586  
safety vehicle, shall be considered a public safety vehicle when 133587  
transporting an ill or injured person to a hospital regardless of 133588  
whether such vehicle has already passed a hospital. 133589

(5) Vehicles used by the motor carrier enforcement unit for 133590  
the enforcement of orders and rules of the public utilities 133591  
commission as specified in section 5503.34 of the Revised Code. 133592

(F) "School bus" means every bus designed for carrying more 133593  
than nine passengers that is owned by a public, private, or 133594  
governmental agency or institution of learning and operated for 133595  
the transportation of children to or from a school session or a 133596  
school function, or owned by a private person and operated for 133597  
compensation for the transportation of children to or from a 133598  
school session or a school function, provided "school bus" does 133599  
not include a bus operated by a municipally owned transportation 133600  
system, a mass transit company operating exclusively within the 133601  
territorial limits of a municipal corporation, or within such 133602  
limits and the territorial limits of municipal corporations 133603  
immediately contiguous to such municipal corporation, nor a common 133604  
passenger carrier certified by the public utilities commission 133605  
unless such bus is devoted exclusively to the transportation of 133606  
children to and from a school session or a school function, and 133607  
"school bus" does not include a van or bus used by a licensed 133608  
child ~~day-care~~ care center or type A family ~~day-care~~ child care 133609  
home to transport children from the child ~~day-care~~ care center or 133610  
type A family ~~day-care~~ child care home to a school if the van or 133611  
bus does not have more than fifteen children in the van or bus at 133612  
any time. 133613

(G) "Bicycle" means every device, other than a device that is 133614  
designed solely for use as a play vehicle by a child, that is 133615  
propelled solely by human power upon which a person may ride, and 133616  
that has two or more wheels, any of which is more than fourteen 133617  
inches in diameter. 133618

(H) "Motorized bicycle" or "moped" means any vehicle having 133619  
either two tandem wheels or one wheel in the front and two wheels 133620  
in the rear, that may be pedaled, and that is equipped with a 133621

helper motor of not more than fifty cubic centimeters piston 133622  
displacement that produces not more than one brake horsepower and 133623  
is capable of propelling the vehicle at a speed of not greater 133624  
than twenty miles per hour on a level surface. "Motorized bicycle" 133625  
or "moped" does not include an electric bicycle. 133626

(I) "Commercial tractor" means every motor vehicle having 133627  
motive power designed or used for drawing other vehicles and not 133628  
so constructed as to carry any load thereon, or designed or used 133629  
for drawing other vehicles while carrying a portion of such other 133630  
vehicles, or load thereon, or both. 133631

(J) "Agricultural tractor" means every self-propelling 133632  
vehicle designed or used for drawing other vehicles or wheeled 133633  
machinery but having no provision for carrying loads independently 133634  
of such other vehicles, and used principally for agricultural 133635  
purposes. 133636

(K) "Truck" means every motor vehicle, except trailers and 133637  
semitrailers, designed and used to carry property. 133638

(L) "Bus" means every motor vehicle designed for carrying 133639  
more than nine passengers and used for the transportation of 133640  
persons other than in a ridesharing arrangement, and every motor 133641  
vehicle, automobile for hire, or funeral car, other than a taxicab 133642  
or motor vehicle used in a ridesharing arrangement, designed and 133643  
used for the transportation of persons for compensation. 133644

(M) "Trailer" means every vehicle designed or used for 133645  
carrying persons or property wholly on its own structure and for 133646  
being drawn by a motor vehicle, including any such vehicle when 133647  
formed by or operated as a combination of a "semitrailer" and a 133648  
vehicle of the dolly type, such as that commonly known as a 133649  
"trailer dolly," a vehicle used to transport agricultural produce 133650  
or agricultural production materials between a local place of 133651  
storage or supply and the farm when drawn or towed on a street or 133652

highway at a speed greater than twenty-five miles per hour, and a 133653  
vehicle designed and used exclusively to transport a boat between 133654  
a place of storage and a marina, or in and around a marina, when 133655  
drawn or towed on a street or highway for a distance of more than 133656  
ten miles or at a speed of more than twenty-five miles per hour. 133657

(N) "Semitrailer" means every vehicle designed or used for 133658  
carrying persons or property with another and separate motor 133659  
vehicle so that in operation a part of its own weight or that of 133660  
its load, or both, rests upon and is carried by another vehicle. 133661

(O) "Pole trailer" means every trailer or semitrailer 133662  
attached to the towing vehicle by means of a reach, pole, or by 133663  
being boomed or otherwise secured to the towing vehicle, and 133664  
ordinarily used for transporting long or irregular shaped loads 133665  
such as poles, pipes, or structural members capable, generally, of 133666  
sustaining themselves as beams between the supporting connections. 133667

(P) "Railroad" means a carrier of persons or property 133668  
operating upon rails placed principally on a private right-of-way. 133669

(Q) "Railroad train" means a steam engine or an electric or 133670  
other motor, with or without cars coupled thereto, operated by a 133671  
railroad. 133672

(R) "Streetcar" means a car, other than a railroad train, for 133673  
transporting persons or property, operated upon rails principally 133674  
within a street or highway. 133675

(S) "Trackless trolley" means every car that collects its 133676  
power from overhead electric trolley wires and that is not 133677  
operated upon rails or tracks. 133678

(T) "Explosives" means any chemical compound or mechanical 133679  
mixture that is intended for the purpose of producing an explosion 133680  
that contains any oxidizing and combustible units or other 133681  
ingredients in such proportions, quantities, or packing that an 133682  
ignition by fire, by friction, by concussion, by percussion, or by 133683

a detonator of any part of the compound or mixture may cause such 133684  
a sudden generation of highly heated gases that the resultant 133685  
gaseous pressures are capable of producing destructive effects on 133686  
contiguous objects, or of destroying life or limb. Manufactured 133687  
articles shall not be held to be explosives when the individual 133688  
units contain explosives in such limited quantities, of such 133689  
nature, or in such packing, that it is impossible to procure a 133690  
simultaneous or a destructive explosion of such units, to the 133691  
injury of life, limb, or property by fire, by friction, by 133692  
concussion, by percussion, or by a detonator, such as fixed 133693  
ammunition for small arms, firecrackers, or safety fuse matches. 133694

(U) "Flammable liquid" means any liquid that has a flash 133695  
point of seventy degrees fahrenheit, or less, as determined by a 133696  
tagliabue or equivalent closed cup test device. 133697

(V) "Gross weight" means the weight of a vehicle plus the 133698  
weight of any load thereon. 133699

(W) "Person" means every natural person, firm, 133700  
co-partnership, association, or corporation. 133701

(X) "Pedestrian" means any natural person afoot. "Pedestrian" 133702  
includes a personal delivery device as defined in section 4511.513 133703  
of the Revised Code unless the context clearly suggests otherwise. 133704

(Y) "Driver or operator" means every person who drives or is 133705  
in actual physical control of a vehicle, trackless trolley, or 133706  
streetcar. 133707

(Z) "Police officer" means every officer authorized to direct 133708  
or regulate traffic, or to make arrests for violations of traffic 133709  
regulations. 133710

(AA) "Local authorities" means every county, municipal, and 133711  
other local board or body having authority to adopt police 133712  
regulations under the constitution and laws of this state. 133713

(BB) "Street" or "highway" means the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.

(CC) "Controlled-access highway" means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway.

(DD) "Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

(EE) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, except the berm or shoulder. If a highway includes two or more separate roadways the term "roadway" means any such roadway separately but not all such roadways collectively.

(FF) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

(GG) "Laned highway" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

(HH) "Through highway" means every street or highway as provided in section 4511.65 of the Revised Code.

(II) "State highway" means a highway under the jurisdiction of the department of transportation, outside the limits of municipal corporations, provided that the authority conferred upon the director of transportation in section 5511.01 of the Revised Code to erect state highway route markers and signs directing

traffic shall not be modified by sections 4511.01 to 4511.79 and 133745  
4511.99 of the Revised Code. 133746

(JJ) "State route" means every highway that is designated 133747  
with an official state route number and so marked. 133748

(KK) "Intersection" means: 133749

(1) The area embraced within the prolongation or connection 133750  
of the lateral curb lines, or, if none, the lateral boundary lines 133751  
of the roadways of two highways that join one another at, or 133752  
approximately at, right angles, or the area within which vehicles 133753  
traveling upon different highways that join at any other angle 133754  
might come into conflict. The junction of an alley or driveway 133755  
with a roadway or highway does not constitute an intersection 133756  
unless the roadway or highway at the junction is controlled by a 133757  
traffic control device. 133758

(2) If a highway includes two roadways that are thirty feet 133759  
or more apart, then every crossing of each roadway of such divided 133760  
highway by an intersecting highway constitutes a separate 133761  
intersection. If both intersecting highways include two roadways 133762  
thirty feet or more apart, then every crossing of any two roadways 133763  
of such highways constitutes a separate intersection. 133764

(3) At a location controlled by a traffic control signal, 133765  
regardless of the distance between the separate intersections as 133766  
described in division (KK)(2) of this section: 133767

(a) If a stop line, yield line, or crosswalk has not been 133768  
designated on the roadway within the median between the separate 133769  
intersections, the two intersections and the roadway and median 133770  
constitute one intersection. 133771

(b) Where a stop line, yield line, or crosswalk line is 133772  
designated on the roadway on the intersection approach, the area 133773  
within the crosswalk and any area beyond the designated stop line 133774  
or yield line constitute part of the intersection. 133775

(c) Where a crosswalk is designated on a roadway on the departure from the intersection, the intersection includes the area that extends to the far side of the crosswalk.

(LL) "Crosswalk" means:

(1) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;

(2) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;

(3) Notwithstanding divisions (LL)(1) and (2) of this section, there shall not be a crosswalk where local authorities have placed signs indicating no crossing.

(MM) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or marked or indicated by adequate signs as to be plainly visible at all times.

(NN) "Business district" means the territory fronting upon a street or highway, including the street or highway, between successive intersections within municipal corporations where fifty per cent or more of the frontage between such successive intersections is occupied by buildings in use for business, or within or outside municipal corporations where fifty per cent or more of the frontage for a distance of three hundred feet or more is occupied by buildings in use for business, and the character of such territory is indicated by official traffic control devices.

(OO) "Residence district" means the territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of three hundred feet or more, the frontage is improved with residences or residences

and buildings in use for business. 133807

(PP) "Urban district" means the territory contiguous to and 133808  
including any street or highway which is built up with structures 133809  
devoted to business, industry, or dwelling houses situated at 133810  
intervals of less than one hundred feet for a distance of a 133811  
quarter of a mile or more, and the character of such territory is 133812  
indicated by official traffic control devices. 133813

(QQ) "Traffic control device" means a flagger, sign, signal, 133814  
marking, or other device used to regulate, warn, or guide traffic, 133815  
placed on, over, or adjacent to a street, highway, private road 133816  
open to public travel, pedestrian facility, or shared-use path by 133817  
authority of a public agency or official having jurisdiction, or, 133818  
in the case of a private road open to public travel, by authority 133819  
of the private owner or private official having jurisdiction. 133820

(RR) "Traffic control signal" means any highway traffic 133821  
signal by which traffic is alternately directed to stop and 133822  
permitted to proceed. 133823

(SS) "Railroad sign or signal" means any sign, signal, or 133824  
device erected by authority of a public body or official or by a 133825  
railroad and intended to give notice of the presence of railroad 133826  
tracks or the approach of a railroad train. 133827

(TT) "Traffic" means pedestrians, ridden or herded animals, 133828  
vehicles, streetcars, trackless trolleys, and other devices, 133829  
either singly or together, while using for purposes of travel any 133830  
highway or private road open to public travel. 133831

(UU) "Right-of-way" means either of the following, as the 133832  
context requires: 133833

(1) The right of a vehicle, streetcar, trackless trolley, or 133834  
pedestrian to proceed uninterruptedly in a lawful manner in the 133835  
direction in which it or the individual is moving in preference to 133836  
another vehicle, streetcar, trackless trolley, or pedestrian 133837

approaching from a different direction into its or the 133838  
individual's path; 133839

(2) A general term denoting land, property, or the interest 133840  
therein, usually in the configuration of a strip, acquired for or 133841  
devoted to transportation purposes. When used in this context, 133842  
right-of-way includes the roadway, shoulders or berm, ditch, and 133843  
slopes extending to the right-of-way limits under the control of 133844  
the state or local authority. 133845

(VV) "Rural mail delivery vehicle" means every vehicle used 133846  
to deliver United States mail on a rural mail delivery route. 133847

(WW) "Funeral escort vehicle" means any motor vehicle, 133848  
including a funeral hearse, while used to facilitate the movement 133849  
of a funeral procession. 133850

(XX) "Alley" means a street or highway intended to provide 133851  
access to the rear or side of lots or buildings in urban districts 133852  
and not intended for the purpose of through vehicular traffic, and 133853  
includes any street or highway that has been declared an "alley" 133854  
by the legislative authority of the municipal corporation in which 133855  
such street or highway is located. 133856

(YY) "Freeway" means a divided multi-lane highway for through 133857  
traffic with all crossroads separated in grade and with full 133858  
control of access. 133859

(ZZ) "Expressway" means a divided arterial highway for 133860  
through traffic with full or partial control of access with an 133861  
excess of fifty per cent of all crossroads separated in grade. 133862

(AAA) "Thruway" means a through highway whose entire roadway 133863  
is reserved for through traffic and on which roadway parking is 133864  
prohibited. 133865

(BBB) "Stop intersection" means any intersection at one or 133866  
more entrances of which stop signs are erected. 133867

(CCC) "Arterial street" means any United States or state  
numbered route, controlled access highway, or other major radial  
or circumferential street or highway designated by local  
authorities within their respective jurisdictions as part of a  
major arterial system of streets or highways.

(DDD) "Ridesharing arrangement" means the transportation of  
persons in a motor vehicle where such transportation is incidental  
to another purpose of a volunteer driver and includes ridesharing  
arrangements known as carpools, vanpools, and buspools.

(EEE) "Motorized wheelchair" means any self-propelled vehicle  
designed for, and used by, a person with a disability and that is  
incapable of a speed in excess of eight miles per hour.

(FFF) "Child ~~day-care~~ care center" and "type A family  
~~day-care~~ child care home" have the same meanings as in section  
5104.01 of the Revised Code.

(GGG) "Multi-wheel agricultural tractor" means a type of  
agricultural tractor that has two or more wheels or tires on each  
side of one axle at the rear of the tractor, is designed or used  
for drawing other vehicles or wheeled machinery, has no provision  
for carrying loads independently of the drawn vehicles or  
machinery, and is used principally for agricultural purposes.

(HHH) "Operate" means to cause or have caused movement of a  
vehicle, streetcar, or trackless trolley.

(III) "Predicate motor vehicle or traffic offense" means any  
of the following:

(1) A violation of section 4511.03, 4511.051, 4511.12,  
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213,  
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29,  
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36,  
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43,  
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452,

4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 133899  
4511.522, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 133900  
4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 133901  
4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 133902  
4511.73, 4511.763, 4511.771, 4511.78, or 4511.84 of the Revised 133903  
Code; 133904

(2) A violation of division (A)(2) of section 4511.17, 133905  
divisions (A) to (D) of section 4511.51, or division (A) of 133906  
section 4511.74 of the Revised Code; 133907

(3) A violation of any provision of sections 4511.01 to 133908  
4511.76 of the Revised Code for which no penalty otherwise is 133909  
provided in the section that contains the provision violated; 133910

(4) A violation of section 4511.214 of the Revised Code; 133911

(5) A violation of a municipal ordinance that is 133912  
substantially similar to any section or provision set forth or 133913  
described in division (III)(1), (2), (3), or (4) of this section. 133914

(JJJ) "Road service vehicle" means wreckers, utility repair 133915  
vehicles, and state, county, and municipal service vehicles 133916  
equipped with visual signals by means of flashing, rotating, or 133917  
oscillating lights. 133918

(KKK) "Beacon" means a highway traffic signal with one or 133919  
more signal sections that operate in a flashing mode. 133920

(LLL) "Hybrid beacon" means a type of beacon that is 133921  
intentionally placed in a dark mode between periods of operation 133922  
where no indications are displayed and, when in operation, 133923  
displays both steady and flashing traffic control signal 133924  
indications. 133925

(MMM) "Highway traffic signal" means a power-operated traffic 133926  
control device by which traffic is warned or directed to take some 133927  
specific action. "Highway traffic signal" does not include a 133928

power-operated sign, steadily illuminated pavement marker, warning light, or steady burning electric lamp. 133929  
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(NNN) "Median" means the area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way, but excluding turn lanes. The width of a median may be different between intersections, between interchanges, and at opposite approaches of the same intersection. 133931  
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(OOO) "Private road open to public travel" means a private toll road or road, including any adjacent sidewalks that generally run parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that is privately owned but where the public is allowed to travel without access restrictions. "Private road open to public travel" includes a gated toll road but does not include a road within a private gated property where access is restricted at all times, a parking area, a driving aisle within a parking area, or a private grade crossing. 133936  
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(PPP) "Shared-use path" means a bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use. 133946  
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(QQQ) "Highway maintenance vehicle" means a vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in 133957  
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specific highway maintenance activities. 133961

(RRR) "Waste collection vehicle" means a vehicle used in the 133962  
collection of garbage, refuse, trash, or recyclable materials. 133963

(SSS) "Electric bicycle" means a "class 1 electric bicycle," 133964  
a "class 2 electric bicycle," or a "class 3 electric bicycle" as 133965  
defined in this section. 133966

(TTT) "Class 1 electric bicycle" means a bicycle that is 133967  
equipped with fully operable pedals and an electric motor of less 133968  
than seven hundred fifty watts that provides assistance only when 133969  
the rider is pedaling and ceases to provide assistance when the 133970  
bicycle reaches the speed of twenty miles per hour. 133971

(UUU) "Class 2 electric bicycle" means a bicycle that is 133972  
equipped with fully operable pedals and an electric motor of less 133973  
than seven hundred fifty watts that may provide assistance 133974  
regardless of whether the rider is pedaling and is not capable of 133975  
providing assistance when the bicycle reaches the speed of twenty 133976  
miles per hour. 133977

(VVV) "Class 3 electric bicycle" means a bicycle that is 133978  
equipped with fully operable pedals and an electric motor of less 133979  
than seven hundred fifty watts that provides assistance only when 133980  
the rider is pedaling and ceases to provide assistance when the 133981  
bicycle reaches the speed of twenty-eight miles per hour. 133982

(WWW) "Low-speed micromobility device" means a device 133983  
weighing less than one hundred pounds that has handlebars, is 133984  
propelled by an electric motor or human power, and has an 133985  
attainable speed on a paved level surface of not more than twenty 133986  
miles per hour when propelled by the electric motor. 133987

**Sec. 4511.81.** (A) When any child who is in either or both of 133988  
the following categories is being transported in a motor vehicle, 133989  
other than a taxicab or public safety vehicle as defined in 133990

section 4511.01 of the Revised Code, that is required by the 133991  
United States department of transportation to be equipped with 133992  
seat belts at the time of manufacture or assembly, the operator of 133993  
the motor vehicle shall have the child properly secured in 133994  
accordance with the manufacturer's instructions in a child 133995  
restraint system that meets federal motor vehicle safety 133996  
standards: 133997

(1) A child who is less than four years of age; 133998

(2) A child who weighs less than forty pounds. 133999

(B) When any child who is in either or both of the following 134000  
categories is being transported in a motor vehicle, other than a 134001  
taxicab, that is owned, leased, or otherwise under the control of 134002  
a nursery school or ~~day-care~~ child care center, the operator of 134003  
the motor vehicle shall have the child properly secured in 134004  
accordance with the manufacturer's instructions in a child 134005  
restraint system that meets federal motor vehicle safety 134006  
standards: 134007

(1) A child who is less than four years of age; 134008

(2) A child who weighs less than forty pounds. 134009

(C) When any child who is less than eight years of age and 134010  
less than four feet nine inches in height, who is not required by 134011  
division (A) or (B) of this section to be secured in a child 134012  
restraint system, is being transported in a motor vehicle, other 134013  
than a taxicab or public safety vehicle as defined in section 134014  
4511.01 of the Revised Code or a vehicle that is regulated under 134015  
section 5104.015 of the Revised Code, that is required by the 134016  
United States department of transportation to be equipped with 134017  
seat belts at the time of manufacture or assembly, the operator of 134018  
the motor vehicle shall have the child properly secured in 134019  
accordance with the manufacturer's instructions on a booster seat 134020  
that meets federal motor vehicle safety standards. 134021

(D) When any child who is at least eight years of age but not older than fifteen years of age, and who is not otherwise required by division (A), (B), or (C) of this section to be secured in a child restraint system or booster seat, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section 4511.01 of the Revised Code, that is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in section 4513.263 of the Revised Code.

(E) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of division (C) or (D) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of division (C) or (D) of this section or causing the arrest of or commencing a prosecution of a person for a violation of division (C) or (D) of this section, and absent another violation of law, a law enforcement officer's view of the interior or visual inspection of a motor vehicle being operated on any street or highway may not be used for the purpose of determining whether a violation of division (C) or (D) of this section has been or is being committed.

(F) The director of public safety shall adopt such rules as are necessary to carry out this section.

(G) The failure of an operator of a motor vehicle to secure a child in a child restraint system, a booster seat, or an occupant restraining device as required by this section is not negligence

imputable to the child, is not admissible as evidence in any civil 134054  
action involving the rights of the child against any other person 134055  
allegedly liable for injuries to the child, is not to be used as a 134056  
basis for a criminal prosecution of the operator of the motor 134057  
vehicle other than a prosecution for a violation of this section, 134058  
and is not admissible as evidence in any criminal action involving 134059  
the operator of the motor vehicle other than a prosecution for a 134060  
violation of this section. 134061

(H) This section does not apply when an emergency exists that 134062  
threatens the life of any person operating or occupying a motor 134063  
vehicle that is being used to transport a child who otherwise 134064  
would be required to be restrained under this section. This 134065  
section does not apply to a person operating a motor vehicle who 134066  
has an affidavit signed by a physician licensed to practice in 134067  
this state under Chapter 4731. of the Revised Code or a 134068  
chiropractor licensed to practice in this state under Chapter 134069  
4734. of the Revised Code that states that the child who otherwise 134070  
would be required to be restrained under this section has a 134071  
physical impairment that makes use of a child restraint system, 134072  
booster seat, or an occupant restraining device impossible or 134073  
impractical, provided that the person operating the vehicle has 134074  
safely and appropriately restrained the child in accordance with 134075  
any recommendations of the physician or chiropractor as noted on 134076  
the affidavit. 134077

(I) There is hereby created in the state treasury the child 134078  
highway safety fund, consisting of fines imposed pursuant to 134079  
division ~~(K)~~~~(1)~~(L)(1) of this section for violations of divisions 134080  
(A), (B), (C), and (D) of this section. The money in the fund 134081  
shall be used by the department of health only to defray the cost 134082  
of designating hospitals as pediatric trauma centers under section 134083  
3727.081 of the Revised Code and to establish and administer a 134084  
child highway safety program. The purpose of the program shall be 134085

to educate the public about child restraint systems and booster seats and the importance of their proper use. The program also shall include a process for providing child restraint systems and booster seats to persons who meet the eligibility criteria established by the department, and a toll-free telephone number the public may utilize to obtain information about child restraint systems and booster seats, and their proper use.

(J) The director of health, in accordance with Chapter 119. of the Revised Code, shall adopt any rules necessary to carry out this section, including rules establishing the criteria a person must meet in order to receive a child restraint system or booster seat under the department's child highway safety program; provided that rules relating to the verification of pediatric trauma centers shall not be adopted under this section.

(K) Nothing in this section shall be construed to require any person to carry with the person the birth certificate of a child to prove the age of the child, but the production of a valid birth certificate for a child showing that the child was not of an age to which this section applies is a defense against any ticket, citation, or summons issued for violating this section.

(L)(1) Whoever violates division (A), (B), (C), or (D) of this section shall be punished as follows, provided that the failure of an operator of a motor vehicle to secure more than one child in a child restraint system, booster seat, or occupant restraining device as required by this section that occurred at the same time, on the same day, and at the same location is deemed to be a single violation of this section:

(a) Except as otherwise provided in division (L)(1)(b) of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than twenty-five dollars nor more than seventy-five dollars.

(b) If the offender previously has been convicted of or 134117  
pleaded guilty to a violation of division (A), (B), (C), or (D) of 134118  
this section or of a municipal ordinance that is substantially 134119  
similar to any of those divisions, the offender is guilty of a 134120  
misdemeanor of the fourth degree. 134121

(2) All fines imposed pursuant to division (L)(1) of this 134122  
section shall be forwarded to the treasurer of state for deposit 134123  
in the child highway safety fund created by division (I) of this 134124  
section. 134125

**Sec. 4513.182.** (A) No person shall operate any motor vehicle 134126  
owned, leased, or hired by a nursery school, kindergarten, or 134127  
~~day-care~~ child care center, while transporting preschool children 134128  
to or from such an institution unless the motor vehicle is 134129  
equipped with and displaying two amber flashing lights mounted on 134130  
a bar attached to the top of the vehicle, and a sign bearing the 134131  
designation "caution--children," which shall be attached to the 134132  
bar carrying the amber flashing lights in such a manner as to be 134133  
legible to persons both in front of and behind the vehicle. The 134134  
lights and sign shall meet standards and specifications adopted by 134135  
the director of public safety. The director, subject to Chapter 134136  
119. of the Revised Code, shall adopt standards and specifications 134137  
for the lights and sign, which shall include, but are not limited 134138  
to, requirements for the color and size of lettering to be used on 134139  
the sign, the type of material to be used for the sign, and the 134140  
method of mounting the lights and sign so that they can be removed 134141  
from a motor vehicle being used for purposes other than those 134142  
specified in this section. 134143

(B) No person shall operate a motor vehicle displaying the 134144  
lights and sign required by this section for any purpose other 134145  
than the transportation of preschool children as provided in this 134146  
section. 134147

(C) Whoever violates this section shall be punished as 134148  
provided in section 4513.99 of the Revised Code. 134149

**Sec. 4715.36.** As used in this section and sections 4715.361 134150  
to 4715.374 of the Revised Code: 134151

(A) "Accredited dental hygiene school" means a dental hygiene 134152  
school accredited by the American dental association commission on 134153  
dental accreditation or a dental hygiene school whose educational 134154  
standards are recognized by the American dental association 134155  
commission on dental accreditation and approved by the state 134156  
dental board. 134157

(B) "Authorizing dentist" means a dentist who authorizes a 134158  
dental hygienist to perform dental hygiene services under section 134159  
4715.365 of the Revised Code. 134160

(C) "Clinical evaluation" means a diagnosis and treatment 134161  
plan formulated for an individual patient by a dentist. 134162

(D) "Dentist" means an individual licensed under this chapter 134163  
to practice dentistry. 134164

(E) "Dental hygienist" means an individual licensed under 134165  
this chapter to practice as a dental hygienist. 134166

(F) "Dental hygiene services" means the prophylactic, 134167  
preventive, and other procedures that dentists are authorized by 134168  
this chapter and rules of the state dental board to assign to 134169  
dental hygienists, except for procedures while a patient is 134170  
anesthetized, definitive root planing, definitive subgingival 134171  
curettage, the administration of local anesthesia, and the 134172  
procedures specified in rules adopted by the board as described in 134173  
division (C)(3) of section 4715.22 of the Revised Code. 134174

(G) "Facility" means any of the following: 134175

(1) A health care facility, as defined in section 4715.22 of 134176  
the Revised Code; 134177

(2) A state correctional institution, as defined in section 2967.01 of the Revised Code;	134178 134179
(3) A comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C. 9831, as amended, and is licensed as a child <del>day-care</del> <u>care</u> center;	134180 134181 134182 134183
(4) A residential facility licensed under section 5123.19 of the Revised Code;	134184 134185
(5) A public school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code;	134186 134187 134188 134189
(6) A nonpublic school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code;	134190 134191 134192 134193
(7) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	134194 134195 134196
(8) A shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code;	134197 134198
(9) A facility operated by the department of youth services under Chapter 5139. of the Revised Code;	134199 134200
(10) A foster home, as defined in section 5103.02 of the Revised Code;	134201 134202
(11) A nonprofit clinic, as defined in section 3715.87 of the Revised Code;	134203 134204
(12) The residence of one or more individuals receiving services provided by a home health agency, as defined in section 3740.11 of the Revised Code;	134205 134206 134207

(13) A dispensary;	134208
(14) A health care facility, such as a clinic or hospital, of the United States department of veterans affairs;	134209 134210
(15) The residence of one or more individuals enrolled in a home and community-based services medicaid waiver component, as defined in section 5166.01 of the Revised Code;	134211 134212 134213
(16) A facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	134214 134215 134216
(17) A women, infants, and children clinic;	134217
(18) A mobile dental facility, as defined in section 4715.70 of the Revised Code, located at any location listed in divisions (G)(1) to (17) of this section;	134218 134219 134220
(19) Any other location, as specified by the state dental board in rules adopted under section 4715.372 of the Revised Code, that is in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code and provides health care services to individuals who are medicaid recipients and to indigent and uninsured persons, as defined in section 2305.234 of the Revised Code.	134221 134222 134223 134224 134225 134226 134227
<b>Sec. 5101.29.</b> When contained in a record held by the department of job and family services or a county agency, the following are not public records for purposes of section 149.43 of the Revised Code:	134228 134229 134230 134231
(A) Names and other identifying information regarding children enrolled in or attending a child <del>day-care</del> <u>care</u> center or home subject to licensure or registration under Chapter 5104. of the Revised Code;	134232 134233 134234 134235
(B) Names and other identifying information regarding children placed with an institution or association certified under	134236 134237

section 5103.03 of the Revised Code; 134238

(C) Names and other identifying information regarding a 134239  
person who makes an oral or written complaint regarding an 134240  
institution, association, child ~~day-care~~ care center, or home 134241  
subject to licensure or registration to the department or other 134242  
state or county entity responsible for enforcing Chapter 5103. or 134243  
5104. of the Revised Code; 134244

(D)(1) Except as otherwise provided in division (D)(2) of 134245  
this section, names, documentation, and other identifying 134246  
information regarding a foster caregiver or a prospective foster 134247  
caregiver, including the foster caregiver application for 134248  
certification under section 5103.03 of the Revised Code and the 134249  
home study conducted pursuant to section 5103.0324 of the Revised 134250  
Code. 134251

(2) Notwithstanding division (D)(1) of this section, the 134252  
following are public records for the purposes of section 149.43 of 134253  
the Revised Code, when contained in a record held by the 134254  
department of job and family services, a county agency, or other 134255  
governmental entity: 134256

(a) All of the following information regarding a currently 134257  
certified foster caregiver who has had a foster care certificate 134258  
revoked pursuant to Chapter 5103. of the Revised Code or, after 134259  
receiving a current or current renewed certificate has been 134260  
convicted of, pleaded guilty to, or indicted or otherwise charged 134261  
with any offense described in division (C)(1) of section 2151.86 134262  
of the Revised Code: 134263

(i) The foster caregiver's name, date of birth, and county of 134264  
residence; 134265

(ii) The date of the foster caregiver's certification; 134266

(iii) The date of each placement of a foster child into the 134267  
foster caregiver's home; 134268

(iv) If applicable, the date of the removal of a foster child 134269  
from the foster caregiver's home and the reason for the foster 134270  
child's removal unless release of such information would be 134271  
detrimental to the foster child or other children residing in the 134272  
foster caregiver's home; 134273

(v) If applicable, the date of the foster care certificate 134274  
revocation and all documents related to the revocation unless 134275  
otherwise not a public record pursuant to section 149.43 of the 134276  
Revised Code. 134277

(b) Nonidentifying foster care statistics including, but not 134278  
limited to, the number of foster caregivers and foster care 134279  
certificate revocations. 134280

**Sec. 5103.03.** (A) The director of job and family services 134281  
shall adopt rules as necessary for the adequate and competent 134282  
management and certification of institutions or associations. The 134283  
director shall ensure that foster care home study rules adopted 134284  
under this section align any home study content, time period, and 134285  
process with any home study content, time period, and process 134286  
required by rules adopted under section 3107.033 of the Revised 134287  
Code. 134288

(B)(1) Except for facilities under the control of the 134289  
department of youth services, places of detention for children 134290  
established and maintained pursuant to sections 2152.41 to 2152.44 134291  
of the Revised Code, and child ~~day-care~~ care centers subject to 134292  
Chapter 5104. of the Revised Code, the department of job and 134293  
family services shall pass upon the fitness of every institution 134294  
and association that receives, or desires to receive and care for 134295  
children, or places children in private homes, at a frequency 134296  
established by rules adopted under division (A) of this section. 134297

(2) When the department of job and family services is 134298  
satisfied as to the care given such children, and that the 134299

requirements of the statutes and rules covering the management of 134300  
such institutions and associations are being complied with, it 134301  
shall issue to the institution or association a certificate to 134302  
that effect. A certificate is valid for a length of time 134303  
determined by rules adopted under division (A) of this section. 134304  
When determining whether an institution or association meets a 134305  
particular requirement for certification, the department may 134306  
consider the institution or association to have met the 134307  
requirement if the institution or association shows to the 134308  
department's satisfaction that it has met a comparable requirement 134309  
to be accredited by a nationally recognized accreditation 134310  
organization. 134311

(3) The department may issue a temporary certificate valid 134312  
for less than one year authorizing an institution or association 134313  
to operate until minimum requirements have been met. 134314

(4) An institution or association that knowingly makes a 134315  
false statement that is included as a part of certification under 134316  
this section is guilty of the offense of falsification under 134317  
section 2921.13 of the Revised Code and the department shall not 134318  
certify that institution or association. 134319

(5) The department shall not issue a certificate to a 134320  
prospective foster home or prospective specialized foster home 134321  
pursuant to this section if the prospective foster home or 134322  
prospective specialized foster home operates as a type A family 134323  
~~day-care~~ child care home pursuant to Chapter 5104. of the Revised 134324  
Code. The department shall not issue a certificate to a 134325  
prospective specialized foster home if the prospective specialized 134326  
foster home operates a type B family ~~day-care~~ child care home 134327  
pursuant to Chapter 5104. of the Revised Code. 134328

(C) The department may revoke a certificate if it finds that 134329  
the institution or association is in violation of law or rule. No 134330  
juvenile court shall commit a child to an association or 134331

institution that is required to be certified under this section if 134332  
its certificate has been revoked or, if after revocation, the date 134333  
of reissue is less than fifteen months prior to the proposed 134334  
commitment. 134335

(D) On a frequency specified by the department by rules 134336  
adopted under division (A) of this section, each institution or 134337  
association desiring certification or recertification shall submit 134338  
to the department a report showing its condition, management, 134339  
competency to care adequately for the children who have been or 134340  
may be committed to it or to whom it provides care or services, 134341  
the system of visitation it employs for children placed in private 134342  
homes, and other information the department requires. 134343

(E) The department shall, not less than once each year, send 134344  
a list of certified institutions and associations to each juvenile 134345  
court and certified association or institution. 134346

(F) No person shall receive children or receive or solicit 134347  
money on behalf of such an institution or association not so 134348  
certified or whose certificate has been revoked. 134349

(G)(1) The director may delegate by rule any duties imposed 134350  
on it by this section to inspect and approve family foster homes 134351  
and specialized foster homes to public children services agencies, 134352  
private child placing agencies, or private noncustodial agencies. 134353

(2) The director shall adopt rules that require a foster 134354  
caregiver or other individual certified to operate a foster home 134355  
under this section to notify the recommending agency that the 134356  
foster caregiver or other individual is licensed to operate a type 134357  
B family ~~day-care~~ child care home under Chapter 5104. of the 134358  
Revised Code. 134359

(H) If the director of job and family services determines 134360  
that an institution or association that cares for children is 134361  
operating without a certificate, the director may petition the 134362

court of common pleas in the county in which the institution or 134363  
association is located for an order enjoining its operation. The 134364  
court shall grant injunctive relief upon a showing that the 134365  
institution or association is operating without a certificate. 134366

(I) If both of the following are the case, the director of 134367  
job and family services may petition the court of common pleas of 134368  
any county in which an institution or association that holds a 134369  
certificate under this section operates for an order, and the 134370  
court may issue an order, preventing the institution or 134371  
association from receiving additional children into its care or an 134372  
order removing children from its care: 134373

(1) The department has evidence that the life, health, or 134374  
safety of one or more children in the care of the institution or 134375  
association is at imminent risk. 134376

(2) The department has issued a proposed adjudication order 134377  
pursuant to Chapter 119. of the Revised Code to deny renewal of or 134378  
revoke the certificate of the institution or association. 134379

**Sec. 5104.01.** As used in this chapter: 134380

(A) "Administrator" means the person responsible for the 134381  
daily operation of a center, type A home, or approved child day 134382  
camp. The administrator and the owner may be the same person. 134383

(B) "Approved child day camp" means a child day camp approved 134384  
pursuant to section 5104.22 of the Revised Code. 134385

(C) "Authorized representative" means an individual employed 134386  
by a center, type A home, or approved child day camp that is owned 134387  
by a person other than an individual and who is authorized by the 134388  
owner to do all of the following: 134389

(1) Communicate on the owner's behalf; 134390

(2) Submit on the owner's behalf applications for licensure 134391  
or approval; 134392

(3) Enter into on the owner's behalf provider agreements for 134393  
publicly funded child care. 134394

(D) "Border state child care provider" means a child care 134395  
provider that is located in a state bordering Ohio and that is 134396  
licensed, certified, or otherwise approved by that state to 134397  
provide child care funded by the child care block grant act. 134398

(E) "Career pathways model" means an alternative pathway to 134399  
meeting the requirements to be a ~~child-care~~ child care staff 134400  
member or administrator that does both of the following: 134401

(1) Uses a framework approved by the director of job and 134402  
family services to document formal education, training, 134403  
experience, and specialized credentials and certifications; 134404

(2) Allows the ~~child-care~~ child care staff member or 134405  
administrator to achieve a designation as an early childhood 134406  
professional level one, two, three, four, five, or six. 134407

(F) "Caretaker parent" means the father or mother of a child 134408  
whose presence in the home is needed as the caretaker of the 134409  
child, a person who has legal custody of a child and whose 134410  
presence in the home is needed as the caretaker of the child, a 134411  
guardian of a child whose presence in the home is needed as the 134412  
caretaker of the child, and any other person who stands in loco 134413  
parentis with respect to the child and whose presence in the home 134414  
is needed as the caretaker of the child. 134415

(G) "Chartered nonpublic school" means a school that meets 134416  
standards for nonpublic schools prescribed by the state board of 134417  
education for nonpublic schools pursuant to section 3301.07 of the 134418  
Revised Code. 134419

(H) "Child" includes an infant, toddler, preschool-age child, 134420  
or school-age child. 134421

(I) "Child care block grant act" means the "Child Care and 134422

Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 134423  
U.S.C. 9858, as amended. 134424

(J) "Child day camp" means a program in which only school-age 134425  
children attend or participate, that operates for no more than 134426  
twelve hours per day and no more than fifteen weeks during the 134427  
summer. For purposes of this division, the maximum twelve hours of 134428  
operation time does not include transportation time from a child's 134429  
home to a child day camp and from a child day camp to a child's 134430  
home. 134431

(K) "Child care" means all of the following: 134432

(1) Administering to the needs of infants, toddlers, 134433  
preschool-age children, and school-age children outside of school 134434  
hours; 134435

(2) By persons other than their parents, guardians, or 134436  
custodians; 134437

(3) For part of the twenty-four-hour day; 134438

(4) In a place other than a child's own home, except that an 134439  
in-home aide provides child care in the child's own home; 134440

(5) By a provider required by this chapter to be licensed or 134441  
approved by the department of job and family services, certified 134442  
by a county department of job and family services, or under 134443  
contract with the department to provide publicly funded child care 134444  
as described in section 5104.32 of the Revised Code. 134445

(L) "Child ~~day-care~~ care center" and "center" mean any place 134446  
that is not the permanent residence of the licensee or 134447  
administrator in which child care or publicly funded child care is 134448  
provided for seven or more children at one time. "Child ~~day-care~~ 134449  
care center" and "center" do not include any of the following: 134450

(1) A place located in and operated by a hospital, as defined 134451  
in section 3727.01 of the Revised Code, in which the needs of 134452

children are administered to, if all the children whose needs are 134453  
being administered to are monitored under the on-site supervision 134454  
of a physician licensed under Chapter 4731. of the Revised Code or 134455  
a registered nurse licensed under Chapter 4723. of the Revised 134456  
Code, and the services are provided only for children who, in the 134457  
opinion of the child's parent, guardian, or custodian, are 134458  
exhibiting symptoms of a communicable disease or other illness or 134459  
are injured; 134460

(2) A child day camp; 134461

(3) A place that provides care, if all of the following 134462  
apply: 134463

(a) An organized religious body provides the care; 134464

(b) A parent, custodian, or guardian of at least one child 134465  
receiving care is on the premises and readily accessible at all 134466  
times; 134467

(c) The care is not provided for more than thirty days a 134468  
year; 134469

(d) The care is provided only for preschool-age and 134470  
school-age children. 134471

(M) "Child care resource and referral service organization" 134472  
means a community-based nonprofit organization that provides child 134473  
care resource and referral services but not child care. 134474

(N) "Child care resource and referral services" means all of 134475  
the following services: 134476

(1) Maintenance of a uniform data base of all child care 134477  
providers in the community that are in compliance with this 134478  
chapter, including current occupancy and vacancy data; 134479

(2) Provision of individualized consumer education to 134480  
families seeking child care; 134481

(3) Provision of timely referrals of available child care 134482

providers to families seeking child care;	134483
(4) Recruitment of child care providers;	134484
(5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community;	134485 134486 134487 134488
(6) Collection and analysis of data on the supply of and demand for child care in the community;	134489 134490
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	134491 134492 134493
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	134494 134495 134496
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	134497 134498
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;	134499 134500 134501 134502
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family <del>day-care</del> <u>child care</u> homes.	134503 134504 134505 134506
(0) " <del>Child-care</del> <u>Child care</u> staff member" means an employee of a child <del>day-care</del> <u>care</u> center, type A family <del>day-care</del> <u>child care</u> home, licensed type B family <del>day-care</del> <u>child care</u> home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a <del>child-care</del> <u>child care</u> staff	134507 134508 134509 134510 134511 134512

member when not involved in other duties. 134513

(P) "Drop-in child ~~day-care~~ care center," "drop-in center," 134514  
"drop-in type A family ~~day-care~~ child care home," and "drop-in 134515  
type A home" mean a center or type A home that provides child care 134516  
or publicly funded child care for children on a temporary, 134517  
irregular basis. 134518

(Q) "Employee" means a person who either: 134519

(1) Receives compensation for duties performed in a child 134520  
~~day-care~~ care center, type A family ~~day-care~~ child care home, 134521  
licensed type B family ~~day-care~~ child care home, or approved child 134522  
day camp; 134523

(2) Is assigned specific working hours or duties in a child 134524  
~~day-care~~ care center, type A family ~~day-care~~ child care home, 134525  
licensed type B family ~~day-care~~ child care home, or approved child 134526  
day camp. 134527

(R) "Employer" means a person, firm, institution, 134528  
organization, or agency that operates a child ~~day-care~~ care 134529  
center, type A family ~~day-care~~ child care home, licensed type B 134530  
family ~~day-care~~ child care home, or approved child day camp 134531  
subject to licensure or approval under this chapter. 134532

(S) "Federal poverty line" means the official poverty 134533  
guideline as revised annually in accordance with section 673(2) of 134534  
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 134535  
U.S.C. 9902, as amended, for a family size equal to the size of 134536  
the family of the person whose income is being determined. 134537

(T) "Head start program" means a school-readiness program 134538  
that satisfies all of the following: 134539

(1) Is for children from birth to age five who are from 134540  
low-income families; 134541

(2) Receives funds distributed under the "Improving Head 134542

Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as 134543  
amended; 134544

(3) Is licensed as a child care program. 134545

(U) "Homeless child care" means child care provided to a 134546  
child who satisfies any of the following: 134547

(1) Is homeless as defined in 42 U.S.C. 11302; 134548

(2) Is a homeless child or youth as defined in 42 U.S.C. 134549  
11434a; 134550

(3) Resides temporarily with a caretaker in a facility 134551  
providing emergency shelter for homeless families or is determined 134552  
by a county department of job and family services to be homeless. 134553

(V) "Income" means gross income, as defined in section 134554  
5107.10 of the Revised Code, less any amounts required by federal 134555  
statutes or regulations to be disregarded. 134556

(W) "Indicator checklist" means an inspection tool, used in 134557  
conjunction with an instrument-based program monitoring 134558  
information system, that contains selected licensing requirements 134559  
that are statistically reliable indicators or predictors of a 134560  
child ~~day-care~~ care center's, type A family ~~day-care~~ child care 134561  
home's, or licensed type B family ~~day-care~~ child care home's 134562  
compliance with licensing requirements. 134563

(X) "Infant" means a child who is less than eighteen months 134564  
of age. 134565

(Y) "In-home aide" means a person who does not reside with 134566  
the child but provides care in the child's home and is certified 134567  
by a county director of job and family services pursuant to 134568  
section 5104.12 of the Revised Code to provide publicly funded 134569  
child care to a child in a child's own home pursuant to this 134570  
chapter and any rules adopted under it. 134571

(Z) "Instrument-based program monitoring information system" 134572

means a method to assess compliance with licensing requirements 134573  
for child ~~day-care~~ care centers, type A family ~~day-care~~ child care 134574  
homes, and licensed type B family ~~day-care~~ child care homes in 134575  
which each licensing requirement is assigned a weight indicative 134576  
of the relative importance of the requirement to the health, 134577  
growth, and safety of the children that is used to develop an 134578  
indicator checklist. 134579

(AA) "License capacity" means the maximum number in each age 134580  
category of children who may be cared for in a child ~~day-care~~ care 134581  
center, type A family ~~day-care~~ child care home, or licensed type B 134582  
family ~~day-care~~ child care home at one time as determined by the 134583  
director of job and family services considering building occupancy 134584  
limits established by the department of commerce, amount of 134585  
available indoor floor space and outdoor play space, and amount of 134586  
available play equipment, materials, and supplies. 134587

(BB) "Licensed child care program" means any of the 134588  
following: 134589

(1) A child ~~day-care~~ care center licensed by the department 134590  
of job and family services pursuant to this chapter; 134591

(2) A type A family ~~day-care~~ child care home or type B family 134592  
~~day-care~~ child care home licensed by the department of job and 134593  
family services pursuant to this chapter; 134594

(3) A licensed preschool program or licensed school child 134595  
program. 134596

(CC) "Licensed preschool program" or "licensed school child 134597  
program" means a preschool program or school child program, as 134598  
defined in section 3301.52 of the Revised Code, that is licensed 134599  
by the department of education pursuant to sections 3301.52 to 134600  
3301.59 of the Revised Code. 134601

(DD) "Licensed type B family ~~day-care~~ child care home" and 134602  
"licensed type B home" mean a type B family ~~day-care~~ child care 134603

home for which there is a valid license issued by the director of 134604  
job and family services pursuant to section 5104.03 of the Revised 134605  
Code. 134606

(EE) "Licensee" means the owner of a child ~~day-care~~ care 134607  
center, type A family ~~day-care~~ child care home, or type B family 134608  
~~day-care~~ child care home that is licensed pursuant to this chapter 134609  
and who is responsible for ensuring compliance with this chapter 134610  
and rules adopted pursuant to this chapter. 134611

(FF) "Operate a child day camp" means to operate, establish, 134612  
manage, conduct, or maintain a child day camp. 134613

(GG) "Owner" includes a person, as defined in section 1.59 of 134614  
the Revised Code, or government entity. 134615

(HH) "Parent cooperative child ~~day-care~~ care center," "parent 134616  
cooperative center," "parent cooperative type A family ~~day-care~~ 134617  
child care home," and "parent cooperative type A home" mean a 134618  
corporation or association organized for providing educational 134619  
services to the children of members of the corporation or 134620  
association, without gain to the corporation or association as an 134621  
entity, in which the services of the corporation or association 134622  
are provided only to children of the members of the corporation or 134623  
association, ownership and control of the corporation or 134624  
association rests solely with the members of the corporation or 134625  
association, and at least one parent-member of the corporation or 134626  
association is on the premises of the center or type A home during 134627  
its hours of operation. 134628

(II) "Part-time child ~~day-care~~ care center," "part-time 134629  
center," "part-time type A family ~~day-care~~ child care home," and 134630  
"part-time type A home" mean a center or type A home that provides 134631  
child care or publicly funded child care for not more than four 134632  
hours a day for any child or not more than fifteen consecutive 134633  
weeks per year, regardless of the number of hours per day. 134634

(JJ) "Place of worship" means a building where activities of 134635  
an organized religious group are conducted and includes the 134636  
grounds and any other buildings on the grounds used for such 134637  
activities. 134638

(KK) "Preschool-age child" means a child who is three years 134639  
old or older but is not a school-age child. 134640

(LL) "Protective child care" means publicly funded child care 134641  
for the direct care and protection of a child to whom all of the 134642  
following apply: 134643

(1) A case plan has been prepared and maintained for the 134644  
child pursuant to section 2151.412 of the Revised Code. 134645

(2) The case plan indicates a need for protective care. 134646

(3) The child resides with a parent, stepparent, guardian, or 134647  
another person who stands in loco parentis as defined in rules 134648  
adopted under section 5104.38 of the Revised Code. 134649

(MM) "Publicly funded child care" means administering to the 134650  
needs of infants, toddlers, preschool-age children, and school-age 134651  
children under age thirteen during any part of the 134652  
twenty-four-hour day by persons other than their caretaker parents 134653  
for remuneration wholly or in part with federal or state funds, 134654  
including funds available under the child care block grant act, 134655  
Title IV-A, and Title XX, distributed by the department of job and 134656  
family services. 134657

(NN) "Religious activities" means any of the following: 134658  
worship or other religious services; religious instruction; Sunday 134659  
school classes or other religious classes conducted during or 134660  
prior to worship or other religious services; youth or adult 134661  
fellowship activities; choir or other musical group practices or 134662  
programs; meals; festivals; or meetings conducted by an organized 134663  
religious group. 134664

(OO) "School-age child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old or, in the case of a child who is receiving special needs child care, is less than eighteen years old.

(PP) "Serious risk noncompliance" means a licensure or certification rule violation that leads to a great risk of harm to, or death of, a child, and is observable, not inferable.

(QQ) "Special needs child care" means child care provided to a child who is less than eighteen years of age and either has one or more chronic health conditions or does not meet age appropriate expectations in one or more areas of development, including social, emotional, cognitive, communicative, perceptual, motor, physical, and behavioral development and that may include on a regular basis such services, adaptations, modifications, or adjustments needed to assist in the child's function or development.

(RR) "Title IV-A" means Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended.

(SS) "Title XX" means Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended.

(TT) "Toddler" means a child who is at least eighteen months of age but less than three years of age.

(UU) "Type A family ~~day-care~~ child care home" and "type A home" mean the permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this division, any children under six years of age who are related

to a licensee, administrator, or employee and who are on the 134696  
premises of the type A home shall be counted. "Type A family 134697  
~~day-care~~ child care home" and "type A home" do not include any 134698  
child day camp. 134699

(VV) "Type B family ~~day-care~~ child care home" and "type B 134700  
home" mean a permanent residence of the provider in which care is 134701  
provided for one to six children at one time and in which no more 134702  
than three children are under two years of age at one time. In 134703  
counting children for the purposes of this division, any children 134704  
under six years of age who are related to the provider and who are 134705  
on the premises of the type B home shall be counted. "Type B 134706  
family ~~day-care~~ child care home" and "type B home" do not include 134707  
any child day camp. 134708

**Sec. 5104.013.** (A) As used in this section: 134709

(1) "Applicant" means either of the following: 134710

(a) A person who is under final consideration for appointment 134711  
to or employment in a position with a licensed preschool program 134712  
or licensed school child program that provides publicly funded 134713  
child care, child ~~day-care~~ care center, type A family ~~day-care~~ 134714  
child care home, licensed type B family ~~day-care~~ child care home, 134715  
or child day camp; 134716

(b) A person who would serve in any position with a licensed 134717  
preschool program or licensed school child program that provides 134718  
publicly funded child care, child ~~day-care~~ care center, type A 134719  
family ~~day-care~~ child care home, licensed type B family ~~day-care~~ 134720  
child care home, or child day camp pursuant to a contract with 134721  
another entity. 134722

(2) "Criminal records check" has the same meaning as in 134723  
section 109.572 of the Revised Code. 134724

(B)(1) At the times specified in division (B)(2)(a) of this 134725

section, the director of job and family services shall request the 134726  
superintendent of the bureau of criminal identification and 134727  
investigation to conduct a criminal records check for each of the 134728  
following persons: 134729

(a) Any owner or licensee of a child ~~day-care~~ care center; 134730

(b) Any owner or licensee of a type A family ~~day-care~~ child 134731  
care home or licensed type B family ~~day-care~~ child care home and 134732  
any person eighteen years of age or older who resides in the home; 134733

(c) Any owner of an approved child day camp; 134734

(d) Any director of a licensed preschool program or licensed 134735  
school child program that provides publicly funded child care; 134736

(e) Any in-home aide; 134737

(f) Any applicant or employee, including an administrator, of 134738  
a child ~~day-care~~ care center, type A family ~~day-care~~ child care 134739  
home, licensed type B family ~~day-care~~ child care home, approved 134740  
child day camp, or licensed preschool program or licensed school 134741  
child program that provides publicly funded child care. 134742

(2)(a) The director shall request a criminal records check at 134743  
the following times: 134744

(i) In the case of an owner or licensee of child ~~day-care~~ 134745  
care center or an owner or licensee of a type A family ~~day-care~~ 134746  
child care home or licensed type B family ~~day-care~~ child care home 134747  
or a resident of such a home, at the time of initial application 134748  
for licensure and every five years thereafter; 134749

(ii) In the case of an owner of an approved child day camp, 134750  
at the time of initial application for approval and every five 134751  
years thereafter; 134752

(iii) In the case of a director of a licensed child care 134753  
program or licensed school child program, at the time of initial 134754  
application to provide publicly funded child care and every five 134755

years thereafter; 134756

(iv) In the case of an in-home aide, at the time of initial 134757  
application for certification and every five years thereafter; 134758

(v) Except as provided in division (B)(2)(a)(vi) of this 134759  
section, in the case of an applicant or employee, at the time of 134760  
initial application for employment and every five years 134761  
thereafter; 134762

(vi) In the case of an applicant who has been determined 134763  
eligible for employment after a review of a criminal records check 134764  
within the past five years and who has been employed by a licensed 134765  
preschool program or licensed school child program that provides 134766  
publicly funded child care, child ~~day-care~~ care center, type A 134767  
family ~~day-care~~ child care home, licensed type B family ~~day-care~~ 134768  
child care home, or approved child day camp within the past one 134769  
hundred eighty consecutive days, every five years after the date 134770  
of the initial determination. 134771

(b) A criminal records check requested at the time of initial 134772  
application shall include a request that the superintendent of the 134773  
bureau of criminal identification and investigation obtain 134774  
information from the federal bureau of investigation as part of 134775  
the criminal records check for the person, including 134776  
fingerprint-based checks of national crime information databases 134777  
as described in 42 U.S.C. 671 for the person subject to the 134778  
criminal records check. 134779

(c) A criminal records check requested at any time other than 134780  
the time of initial application may include a request that the 134781  
superintendent of the bureau of criminal identification and 134782  
investigation obtain information from the federal bureau of 134783  
investigation as part of the criminal records check for the 134784  
person, including fingerprint-based checks of national crime 134785  
information databases as described in 42 U.S.C. 671 for the person 134786

subject to the criminal records check. 134787

(3) With respect to a criminal records check requested for a 134788  
person described in division (B)(1) of this section, the director 134789  
of job and family services shall do all of the following: 134790

(a) Provide to the person a copy of the form prescribed 134791  
pursuant to division (C)(1) of section 109.572 of the Revised Code 134792  
and a standard impression sheet to obtain fingerprint impressions 134793  
prescribed pursuant to division (C)(2) of that section; 134794

(b) Obtain the completed form and impression sheet from the 134795  
person; 134796

(c) Forward the completed form and impression sheet to the 134797  
superintendent of the bureau of criminal identification and 134798  
investigation; 134799

(d) Review the results of the criminal records check. 134800

(4) A person who receives from the director a copy of the 134801  
form and standard impression sheet and who is requested to 134802  
complete the form and provide a set of fingerprint impressions 134803  
shall complete the form or provide all of the information 134804  
necessary to complete the form and shall provide the impression 134805  
sheet with the impressions of the person's fingerprints. If the 134806  
person, upon request, fails to provide the information necessary 134807  
to complete the form or fails to provide impressions of the 134808  
person's fingerprints, the director or a county director of job 134809  
and family services may consider the failure a reason to deny 134810  
licensure, approval, or certification or to determine an employee 134811  
ineligible for employment. 134812

(5) Except as provided in rules adopted under division (F) of 134813  
this section: 134814

(a) The director of job and family services shall refuse to 134815  
issue a license to or approve a center, type A home, type B home, 134816

child day camp, preschool program, or school child program, and 134817  
shall revoke a license or approval, and a county director of job 134818  
and family services shall not certify an in-home aide and shall 134819  
revoke a certification, if a person for whom a criminal records 134820  
check was required under division (B)(1)(a) to (B)(1)(e) of this 134821  
section has been convicted of or pleaded guilty to any of the 134822  
violations described in division (A)(5) of section 109.572 of the 134823  
Revised Code. 134824

(b) The director of job and family services shall not issue a 134825  
license to a type A home or type B home if a resident of the type 134826  
A home or type B home is under eighteen years of age and has been 134827  
adjudicated a delinquent child for committing either a violation 134828  
of any section listed in division (A)(5) of section 109.572 of the 134829  
Revised Code or an offense of another state or the United States 134830  
that is substantially equivalent to an offense listed in division 134831  
(A)(5) of section 109.572 of the Revised Code. 134832

(c) The director shall determine an applicant or employee 134833  
ineligible for employment if the person has been convicted of or 134834  
pleaded guilty to any of the violations described in division 134835  
(A)(5) of section 109.572 of the Revised Code. 134836

(6) Each child ~~day-care~~ care center, type A home, type B 134837  
home, approved child day camp, licensed child care program, 134838  
licensed school child program, and in-home aide shall pay to the 134839  
bureau of criminal identification and investigation the fee 134840  
prescribed pursuant to division (C)(3) of section 109.572 of the 134841  
Revised Code for each criminal records check conducted in 134842  
accordance with that section upon a request made pursuant to 134843  
division (B) of this section. 134844

A center, home, camp, preschool program, or school child 134845  
program may charge an applicant a fee for the costs it incurs in 134846  
obtaining a criminal records check under this section. A fee 134847  
charged under this division shall not exceed the amount the 134848

center, home, camp, or program pays under this section. If a fee 134849  
is charged, the center, home, camp, or program shall notify the 134850  
applicant at the time of the applicant's initial application for 134851  
employment of the amount of the fee and that, unless the fee is 134852  
paid, the center, home, camp, or program will not consider the 134853  
applicant for employment. 134854

(7) The report of any criminal records check conducted by the 134855  
bureau of criminal identification and investigation in accordance 134856  
with section 109.572 of the Revised Code and pursuant to a request 134857  
made under division (B) of this section is confidential and not a 134858  
public record for the purposes of section 149.43 of the Revised 134859  
Code. The report shall not be made available to any person other 134860  
than the person who is the subject of the criminal records check 134861  
or the person's representative, the director of job and family 134862  
services, the director of a county department of job and family 134863  
services, and any court, hearing officer, or other necessary 134864  
individual involved in a case dealing with a denial or revocation 134865  
of licensure, approval, or certification related to the criminal 134866  
records check. 134867

(C)(1) At the times specified in division (C)(2) of this 134868  
section, the director of job and family services shall search the 134869  
uniform statewide automated child welfare information system for 134870  
information concerning any abuse or neglect report made pursuant 134871  
to section 2151.421 of the Revised Code of which any of the 134872  
following persons is a subject: 134873

(a) Any owner or licensee of a child ~~day-care~~ care center; 134874

(b) Any owner or licensee of a type A family ~~day-care~~ child  
care home or licensed type B family ~~day-care~~ child care home and 134875  
any person eighteen years of age or older who resides in the home; 134876  
134877

(c) Any owner of an approved child day camp; 134878

(d) Any director of a licensed preschool program or licensed 134879

school child program that provides publicly funded child care; 134880

(e) Any in-home aide; 134881

(f) Any applicant or employee, including an administrator, of 134882  
a child ~~day-care~~ care center, type A family ~~day-care~~ child care 134883  
home, licensed type B family ~~day-care~~ child care home, approved 134884  
child day camp, or licensed preschool program or licensed school 134885  
child program that provides publicly funded child care. 134886

(2) The director shall search the information system at the 134887  
following times: 134888

~~(i)~~(a) In the case of an owner or licensee of child ~~day-care~~ 134889  
care center or an owner or licensee of a type A family ~~day-care~~ 134890  
child care home or licensed type B family ~~day-care~~ child care home 134891  
or a resident of such a home, at the time of initial application 134892  
for licensure and every five years thereafter; 134893

~~(ii)~~(b) In the case of an owner of an approved child day 134894  
camp, at the time of initial application for approval and every 134895  
five years thereafter; 134896

~~(iii)~~(c) In the case of a director of a licensed child care 134897  
program or licensed school child program, at the time of initial 134898  
application to provide publicly funded child care and every five 134899  
years thereafter; 134900

~~(iv)~~(d) In the case of an in-home aide, at the time of 134901  
initial application for certification and every five years 134902  
thereafter; 134903

~~(v)~~(e) Except as provided in division ~~(C)(2)(a)~~(vi)(C)(2)(f) 134904  
of this section, in the case of an applicant or employee, at the 134905  
time of initial application for employment and every five years 134906  
thereafter; 134907

~~(vi)~~(f) In the case of an applicant who has been determined 134908  
eligible for employment after a search of the uniform statewide 134909

automated child welfare information system within the past five 134910  
years and who has been employed by a licensed preschool program or 134911  
licensed school child program that provides publicly funded child 134912  
care, child ~~day-care~~ care center, type A family ~~day-care~~ child 134913  
care home, licensed type B family ~~day-care~~ child care home, or 134914  
approved child day camp within the past one hundred eighty 134915  
consecutive days, every five years after the date of the initial 134916  
determination. 134917

(3) The director shall consider any information discovered 134918  
pursuant to division (C)(1) of this section or that is provided by 134919  
a public children services agency pursuant to section 5153.175 of 134920  
the Revised Code. If the director determines that the information, 134921  
when viewed within the totality of the circumstances, reasonably 134922  
leads to the conclusion that the person may directly or indirectly 134923  
endanger the health, safety, or welfare of children, the director 134924  
or county director of job and family services shall do any of the 134925  
following: 134926

(a) Refuse to issue a license to or approve a center, type A 134927  
home, type B home, child day camp, preschool program, or school 134928  
child program; 134929

(b) Revoke a license or approval; 134930

(c) Refuse to certify an in-home aide or revoke a 134931  
certification; 134932

(d) Determine an applicant or employee ineligible for 134933  
employment with the center, type A home, licensed type B home, 134934  
child day camp, preschool program, or school child program. 134935

(4) Any information obtained under division (C) of this 134936  
section is confidential and not a public record for the purposes 134937  
of section 149.43 of the Revised Code. The information shall not 134938  
be made available to any person other than the person who is the 134939  
subject of the search or the person's representative, the director 134940

of job and family services, the director of a county department of 134941  
job and family services, and any court, hearing officer, or other 134942  
necessary individual involved in a case dealing with a denial or 134943  
revocation of licensure, approval, or certification related to the 134944  
search. 134945

(D)(1) At the times specified in division (D)(2) of this 134946  
section, the director of job and family services shall inspect the 134947  
state registry of sex offenders and child-victim offenders 134948  
established under section 2950.13 of the Revised Code and the 134949  
national sex offender registry as described in 42 U.S.C. 16901 to 134950  
determine if any of the following persons is registered or 134951  
required to be registered as an offender: 134952

(a) Any owner or licensee of a child ~~day-care~~ care center; 134953

(b) Any owner or licensee of a type A family ~~day-care~~ child 134954  
care home or licensed type B family ~~day-care~~ child care home and 134955  
any person eighteen years of age or older who resides in the home; 134956

(c) Any owner of an approved child day camp; 134957

(d) Any director of a licensed preschool program or licensed 134958  
school child program that provides publicly funded child care; 134959

(e) Any in-home aide; 134960

(f) Any applicant or employee, including an administrator, of 134961  
a child ~~day-care~~ care center, type A family ~~day-care~~ child care 134962  
home, licensed type B family ~~day-care~~ child care home, approved 134963  
child day camp, or licensed preschool program or licensed school 134964  
child program that provides publicly funded child care. 134965

(2) The director shall inspect each registry at the following 134966  
times: 134967

~~(i)~~(a) In the case of an owner or licensee of child ~~day-care~~ 134968  
care center or an owner or licensee of a type A family ~~day-care~~ 134969  
child care home or type B family ~~day-care~~ child care home or a 134970

resident of such a home, at the time of initial application for  
licensure and every five years thereafter;

~~(ii)~~(b) In the case of an owner of an approved child day  
camp, at the time of initial application for approval and every  
five years thereafter;

~~(iii)~~(c) In the case of a director of a licensed child care  
program or licensed school child program, at the time of initial  
application to provide publicly funded child care;

~~(iv)~~(d) In the case of an in-home aide, at the time of  
initial application for certification and every five years  
thereafter;

~~(v)~~(e) Except as provided in division ~~(D)(2)(a)~~~~(vi)~~(D)(2)(f)  
of this section, in the case of an applicant or employee, at the  
time of initial application for employment and every five years  
thereafter;

~~(vi)~~(f) In the case of an applicant who has been determined  
eligible for employment after an inspection of the state registry  
of sex offenders and child-victim offenders established under  
section 2950.13 of the Revised Code and the national sex offender  
registry as described in 42 U.S.C. 16901 within the past five  
years and who has been employed by a licensed preschool program or  
licensed school child program that provides publicly funded child  
care, child ~~day-care~~ care center, type A family ~~day-care~~ child  
care home, licensed type B family ~~day-care~~ child care home, or  
approved child day camp within the past one hundred eighty  
consecutive days, every five years after the date of the initial  
determination.

(3) If the director determines that the person is registered  
or required to be registered on either registry, the director or  
county director of job and family services shall do any of the  
following:

(a) Refuse to issue a license to or approve a center, type A home, type B home, child day camp, preschool program, or school child program; 135002  
135003  
135004

(b) Revoke a license or approval; 135005

(c) Refuse to certify an in-home aide or revoke a certification; 135006  
135007

(d) Determine an applicant or employee ineligible for employment with the center, type A home, licensed type B home, child day camp, preschool program, or school child program. 135008  
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135010

(4) Any information obtained under division (D) of this section is confidential and not a public record for the purposes of section 149.43 of the Revised Code. The information shall not be made available to any person other than the person who is the subject of the inspection or the person's representative, the director of job and family services, the director of a county department of job and family services, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial or revocation of licensure, approval, or certification related to the search. 135011  
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(E) Whenever the director of job and family services determines a person ineligible for employment under division (B), (C), or (D) of this section, the director shall as soon as practicable notify the following of that determination: the licensed preschool program or licensed school child program that provides publicly funded child care, child ~~day-care~~ care center, type A family ~~day-care~~ child care home, licensed type B family ~~day-care~~ child care home, or approved child day camp that is considering the person for appointment or employment. A licensed preschool program or licensed school child program that provides publicly funded child care, child ~~day-center~~ care center, type A family ~~day-care~~ child care home, licensed type B family ~~day-care~~ 135021  
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child care home, or approved child day camp shall not employ a 135033  
person who is determined under this section to be ineligible for 135034  
employment. 135035

(F)(1) An administrator of a child day camp, other than an 135036  
approved child day camp shall request the superintendent of the 135037  
bureau of criminal identification and investigation to conduct a 135038  
criminal records check for any applicant or employee, including an 135039  
administrator, of the child day camp. The request shall be made at 135040  
the time of initial application for employment and every five 135041  
years thereafter. 135042

(2) A criminal records check requested at the time of initial 135043  
application shall include a request that the superintendent of the 135044  
bureau of criminal identification and investigation obtain 135045  
information from the federal bureau of investigation as part of 135046  
the criminal records check for the person, including 135047  
fingerprint-based checks of national crime information databases 135048  
as described in 42 U.S.C. 671 for the person subject to the 135049  
criminal records check. 135050

(3) A criminal records check requested at any time other than 135051  
the time of initial application may include a request that the 135052  
superintendent of the bureau of criminal identification and 135053  
investigation obtain information from the federal bureau of 135054  
investigation as part of the criminal records check for the 135055  
person, including fingerprint-based checks of national crime 135056  
information databases as described in 42 U.S.C. 671 for the person 135057  
subject to the criminal records check. 135058

(4) With respect to a criminal records check requested under 135059  
division (F) of this section, the administrator shall do all of 135060  
the following: 135061

(a) Provide to the applicant or employee a copy of the form 135062  
prescribed pursuant to division (C)(1) of section 109.572 of the 135063

Revised Code and a standard impression sheet to obtain fingerprint 135064  
impressions prescribed pursuant to division (C)(2) of that 135065  
section; 135066

(b) Obtain the completed form and impression sheet from the 135067  
applicant or employee; 135068

(c) Forward the completed form and impression sheet to the 135069  
superintendent of the bureau of criminal identification and 135070  
investigation; 135071

(d) Review the results of the criminal records check. 135072

(5) An applicant or employee who receives from the 135073  
administrator a copy of the form and standard impression sheet and 135074  
who is requested to complete the form and provide a set of 135075  
fingerprint impressions shall complete the form or provide all of 135076  
the information necessary to complete the form and shall provide 135077  
the impression sheet with the impressions of the person's 135078  
fingerprints. If the applicant or employee, upon request, fails to 135079  
provide the information necessary to complete the form or fails to 135080  
provide impressions of the person's fingerprints, the 135081  
administrator may consider the failure a reason to determine an 135082  
applicant or employee ineligible for employment. 135083

(6) A child day camp, other than an approved child day camp, 135084  
may employ an applicant or continue to employ an employee until 135085  
the criminal records check required by this section is completed 135086  
and the camp receives the results of the check. Until the 135087  
administrator has reviewed the results of the criminal records 135088  
check and determines that the applicant or employee is eligible 135089  
for employment, the camp shall not grant the applicant or employee 135090  
sole responsibility for the care, custody, or control of a child. 135091  
If the results indicate that the applicant or employee is 135092  
ineligible for employment, the camp shall immediately release the 135093  
applicant or employee from employment. 135094

(7) Except as provided in rules adopted under this section, 135095  
the administrator shall determine an applicant or employee 135096  
ineligible for employment if the person has been convicted of or 135097  
pleaded guilty to any of the violations described in division 135098  
(A)(5) of section 109.572 of the Revised Code. If the applicant or 135099  
employee is determined ineligible, the child day camp shall not 135100  
employ the applicant or employee or contract with another entity 135101  
for the services of the applicant or employee. 135102

(8) Each child day camp shall pay to the bureau of criminal 135103  
identification and investigation the fee prescribed pursuant to 135104  
division (C)(3) of section 109.572 of the Revised Code for each 135105  
criminal records check conducted in accordance with that section 135106  
upon a request made pursuant to division (F) of this section. A 135107  
camp may charge an applicant or employee a fee for the costs it 135108  
incurs in obtaining a criminal records check under division (F) of 135109  
this section. A fee charged under this division shall not exceed 135110  
the fees the camp pays under this section. If a fee is charged, 135111  
the camp shall notify the applicant at the time of the applicant's 135112  
initial application for employment of the amount of the fee and 135113  
that, unless the fee is paid, the camp will not consider the 135114  
applicant for employment. 135115

(9) The report of any criminal records check conducted by the 135116  
bureau of criminal identification and investigation in accordance 135117  
with section 109.572 of the Revised Code and pursuant to a request 135118  
made under division (F) of this section is confidential and not a 135119  
public record for the purposes of section 149.43 of the Revised 135120  
Code. The report shall not be made available to any person other 135121  
than the person who is the subject of the criminal records check 135122  
or the person's representative, the director of job and family 135123  
services, the administrator, and any court, hearing officer, or 135124  
other necessary individual involved in a case dealing with a 135125  
denial or revocation of registration related to the criminal 135126

records check. 135127

(G) The director of job and family services shall adopt rules 135128  
as necessary to implement this section. The rules shall be adopted 135129  
in accordance with Chapter 119. of the Revised Code. The rules 135130  
shall specify exceptions to the prohibitions in ~~division~~ divisions 135131  
(B), (E), and (F) of this section for a person who has been 135132  
convicted of or pleaded guilty to a criminal offense listed in 135133  
division (A)(5) of section 109.572 of the Revised Code but who 135134  
meets standards in regard to rehabilitation set by the director. 135135

(H)(1) Whenever the director of job and family services 135136  
requests a criminal records check, searches the uniform statewide 135137  
automated child welfare information system, or inspects the state 135138  
registry of sex offenders and child-victim offenders and national 135139  
sex offender registry as required by this section and finds that a 135140  
person who is subject to the requirements of division (B), (C), or 135141  
(D) of this section resided in another state during the previous 135142  
five years, the director shall request the following from the 135143  
other state: a criminal records check and information from the 135144  
uniform statewide automated child welfare information system or 135145  
state registry of sex offenders. 135146

(2) Whenever the director receives from an agency of another 135147  
state a request for a criminal records check or for information 135148  
from the uniform statewide automated child welfare information 135149  
system or state registry of sex offenders that is related to a 135150  
child care license or the provision of publicly funded child care, 135151  
the director shall provide to that other state's agency the 135152  
results of the records check and information from the system and 135153  
registry. 135154

**Sec. 5104.014.** (A) As used in this section: 135155

(1) "Child" includes both of the following: 135156

(a) An infant, toddler, or preschool age child;	135157
(b) A school-age child who is not enrolled in a public or nonpublic school but is enrolled in a child <del>day-care</del> <u>care</u> center, type A family <del>day-care</del> <u>child care</u> home, or licensed type B family <del>day-care</del> <u>child care</u> home or receives child care from a certified in-home aide.	135158 135159 135160 135161 135162
(2) "In the process of being immunized" means having received at least the first dose of an immunization sequence and complying with the immunization intervals or catch-up schedule prescribed by the director of health.	135163 135164 135165 135166
(B) Except as provided in division (C) of this section, not later than thirty days after enrollment in a child <del>day-care</del> <u>care</u> center, type A family <del>day-care</del> <u>child care</u> home, or licensed type B family <del>day-care</del> <u>child care</u> home and every thirteen months thereafter while enrolled in the center or home and not later than thirty days after beginning to receive child care from a certified in-home aide and every thirteen months thereafter while continuing to receive child care from the aide, each child's caretaker parent shall provide to the center, home, or in-home aide a medical statement, as described in division (D) of this section, indicating that the child has been immunized against or is in the process of being immunized against all of the following diseases:	135167 135168 135169 135170 135171 135172 135173 135174 135175 135176 135177 135178
(1) Chicken pox;	135179
(2) Diphtheria;	135180
(3) Haemophilus influenzae type b;	135181
(4) Hepatitis A;	135182
(5) Hepatitis B;	135183
(6) Influenza;	135184
(7) Measles;	135185
(8) Mumps;	135186

(9) Pertussis;	135187
(10) Pneumococcal disease;	135188
(11) Poliomyelitis;	135189
(12) Rotavirus;	135190
(13) Rubella;	135191
(14) Tetanus.	135192
(C)(1) A child is not required to be immunized against a	135193
disease specified in division (B) of this section if any of the	135194
following is the case:	135195
(a) Immunization against the disease is medically	135196
contraindicated for the child;	135197
(b) The child's parent or guardian has declined to have the	135198
child immunized against the disease for reasons of conscience,	135199
including religious convictions;	135200
(c) Immunization against the disease is not medically	135201
appropriate for the child's age.	135202
(2) In the case of influenza, a child is not required to be	135203
immunized against the disease if the seasonal vaccine is not	135204
available.	135205
(D)(1) The medical statement shall include all of the	135206
following information:	135207
(a) The dates that a child received immunizations against	135208
each of the diseases specified in division (B) of this section;	135209
(b) Whether a child is subject to any of the exceptions	135210
specified in division (C) of this section.	135211
(2) The medical statement shall include a component where a	135212
parent or guardian may indicate that the parent or guardian has	135213
declined to have the child immunized.	135214

**Sec. 5104.015.** The director of job and family services shall 135215  
adopt rules in accordance with Chapter 119. of the Revised Code 135216  
governing the operation of child ~~day-care~~ care centers, including 135217  
parent cooperative centers, part-time centers, and drop-in 135218  
centers. The rules shall reflect the various forms of child care 135219  
and the needs of children receiving child care or publicly funded 135220  
child care and shall include specific rules for school-age child 135221  
care centers that are developed in consultation with the 135222  
department of education. The rules shall include the following: 135223

(A) Submission of a site plan and descriptive plan of 135224  
operation to demonstrate how the center proposes to meet the 135225  
requirements of this chapter and rules adopted pursuant to this 135226  
chapter for the initial license application; 135227

(B) Standards for ensuring that the physical surroundings of 135228  
the center are safe and sanitary including the physical 135229  
environment, the physical plant, and the equipment of the center; 135230

(C) Standards for the supervision, care, and discipline of 135231  
children receiving child care or publicly funded child care in the 135232  
center; 135233

(D) Standards for a program of activities, and for play 135234  
equipment, materials, and supplies, to enhance the development of 135235  
each child; however, any educational curricula, philosophies, and 135236  
methodologies that are developmentally appropriate and that 135237  
enhance the social, emotional, intellectual, and physical 135238  
development of each child shall be permissible. As used in this 135239  
division, "program" does not include instruction in religious or 135240  
moral doctrines, beliefs, or values that is conducted at child 135241  
~~day-care~~ care centers owned and operated by churches and does 135242  
include methods of disciplining children at child ~~day-care~~ care 135243  
centers. 135244

(E) Admissions policies and procedures; 135245

(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	135246
(G) First aid and emergency procedures;	135248
(H) Procedures for discipline and supervision of children;	135249
(I) Standards for the provision of nutritious meals and snacks;	135250 135251
(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;	135252 135253 135254
(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	135255 135256
(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	135257 135258 135259 135260
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	135261 135262 135263
(N) Procedures for record keeping, organization, and administration;	135264 135265
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	135266 135267 135268
(P) Inspection procedures;	135269
(Q) Procedures and standards for setting initial license application fees;	135270 135271
(R) Procedures for receiving, recording, and responding to complaints about centers;	135272 135273
(S) Procedures for enforcing section 5104.04 of the Revised	135274

Code;	135275
(T) Minimum qualifications for employment as an administrator or <del>child-care</del> <u>child care</u> staff member;	135276 135277
(U) Requirements for the training of administrators and <del>child-care</del> <u>child care</u> staff members, including training in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	135278 135279 135280 135281
(V) Standards providing for the needs of children who have disabilities or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;	135282 135283 135284 135285
(W) A procedure for reporting of injuries of children that occur at the center;	135286 135287
(X) Standards for licensing child <del>day-care</del> <u>care</u> centers for children with short-term illnesses and other temporary medical conditions;	135288 135289 135290
(Y) Minimum requirements for instructional time for child <del>day-care</del> <u>care</u> centers rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	135291 135292 135293
(Z) Any other procedures and standards necessary to carry out the provisions of this chapter regarding child <del>day-care</del> <u>care</u> centers.	135294 135295 135296
<b>Sec. 5104.016.</b> The director of job and family services, in addition to the rules adopted under section 5104.015 of the Revised Code, shall adopt rules establishing minimum requirements for child <del>day-care</del> <u>care</u> centers. The rules shall include the requirements set forth in sections 5104.032 to 5104.034 of the Revised Code. Except as provided in section 5104.07 of the Revised Code, the rules shall not change the square footage requirements of section 5104.032 of the Revised Code or the maximum number of	135297 135298 135299 135300 135301 135302 135303 135304

children per ~~child-care~~ care staff member and maximum group size 135305  
requirements of section 5104.033 of the Revised Code. However, the 135306  
rules shall provide procedures for determining compliance with 135307  
those requirements. 135308

**Sec. 5104.017.** The director of job and family services shall 135309  
adopt rules pursuant to Chapter 119. of the Revised Code governing 135310  
the operation of type A family ~~day-care~~ child care homes, 135311  
including parent cooperative type A homes, part-time type A homes, 135312  
and drop-in type A homes. The rules shall reflect the various 135313  
forms of child care and the needs of children receiving child 135314  
care. The rules shall include the following: 135315

(A) Submission of a site plan and descriptive plan of 135316  
operation to demonstrate how the type A home proposes to meet the 135317  
requirements of this chapter and rules adopted pursuant to this 135318  
chapter for the initial license application; 135319

(B) Standards for ensuring that the physical surroundings of 135320  
the type A home are safe and sanitary, including the physical 135321  
environment, the physical plant, and the equipment of the type A 135322  
home; 135323

(C) Standards for the supervision, care, and discipline of 135324  
children receiving child care or publicly funded child care in the 135325  
type A home; 135326

(D) Standards for a program of activities, and for play 135327  
equipment, materials, and supplies, to enhance the development of 135328  
each child; however, any educational curricula, philosophies, and 135329  
methodologies that are developmentally appropriate and that 135330  
enhance the social, emotional, intellectual, and physical 135331  
development of each child shall be permissible; 135332

(E) Admissions policies and procedures; 135333

(F) Health care policies and procedures, including procedures 135334

for the isolation of children with communicable diseases;	135335
(G) First aid and emergency procedures;	135336
(H) Procedures for discipline and supervision of children;	135337
(I) Standards for the provision of nutritious meals and snacks;	135338 135339
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	135340 135341 135342
(K) Procedures for screening employees, including any necessary physical examinations and immunizations;	135343 135344
(L) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	135345 135346 135347 135348
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	135349 135350 135351
(N) Procedures for record keeping, organization, and administration;	135352 135353
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	135354 135355 135356
(P) Inspection procedures;	135357
(Q) Procedures and standards for setting initial license application fees;	135358 135359
(R) Procedures for receiving, recording, and responding to complaints about type A homes;	135360 135361
(S) Procedures for enforcing section 5104.04 of the Revised Code;	135362 135363

(T) A standard requiring the inclusion of a current 135364  
department of job and family services toll-free telephone number 135365  
on each type A home license that any person may use to report a 135366  
suspected violation by the type A home of this chapter or rules 135367  
adopted pursuant to this chapter; 135368

(U) Requirements for the training of administrators and 135369  
~~child-care~~ child care staff members in first aid, in prevention, 135370  
recognition, and management of communicable diseases, and in child 135371  
abuse recognition and prevention; 135372

(V) Standards providing for the needs of children who have 135373  
disabilities or who require treatment for health conditions while 135374  
the child is receiving child care or publicly funded child care in 135375  
the type A home; 135376

(W) Standards for the maximum number of children per 135377  
~~child-care~~ child care staff member; 135378

(X) Requirements for the amount of usable indoor floor space 135379  
for each child; 135380

(Y) Requirements for safe outdoor play space; 135381

(Z) Qualifications and training requirements for 135382  
administrators and for ~~child-care~~ child care staff members; 135383

(AA) Procedures for granting a parent who is the residential 135384  
parent and legal custodian, or a custodian or guardian access to 135385  
the type A home during its hours of operation; 135386

(BB) Minimum requirements for instructional time for type A 135387  
homes rated through the step up to quality program established 135388  
pursuant to section 5104.29 of the Revised Code; 135389

(CC) Any other procedures and standards necessary to carry 135390  
out the provisions of this chapter regarding type A homes. 135391

**Sec. 5104.018.** The director of job and family services shall 135392

adopt rules in accordance with Chapter 119. of the Revised Code 135393  
governing the licensure of type B family ~~day-care~~ child care 135394  
homes. The rules shall provide for safeguarding the health, 135395  
safety, and welfare of children receiving child care or publicly 135396  
funded child care in a licensed type B family ~~day-care~~ child care 135397  
home and shall include all of the following: 135398

(A) Requirements for the type B home to notify parents with 135399  
children in the type B home that the type B home is certified as a 135400  
foster home under section 5103.03 of the Revised Code; 135401

(B) Standards for ensuring that the type B home and the 135402  
physical surroundings of the type B home are safe and sanitary, 135403  
including physical environment, physical plant, and equipment; 135404

(C) Standards for the supervision, care, and discipline of 135405  
children receiving child care or publicly funded child care in the 135406  
home; 135407

(D) Standards for a program of activities, and for play 135408  
equipment, materials, and supplies to enhance the development of 135409  
each child; however, any educational curricula, philosophies, and 135410  
methodologies that are developmentally appropriate and that 135411  
enhance the social, emotional, intellectual, and physical 135412  
development of each child shall be permissible; 135413

(E) Admission policies and procedures; 135414

(F) Health care, first aid and emergency procedures; 135415

(G) Procedures for the care of sick children; 135416

(H) Procedures for discipline and supervision of children; 135417

(I) Nutritional standards; 135418

(J) Procedures for screening children, including any 135419  
necessary physical examinations and the immunizations required 135420  
pursuant to section 5104.014 of the Revised Code; 135421

(K) Procedures for screening administrators and employees, 135422

including any necessary physical examinations and immunizations;	135423
(L) Methods of encouraging parental participation and	135424
ensuring that the rights of children, parents, and administrators	135425
are protected and the responsibilities of parents and	135426
administrators are met;	135427
(M) Standards for the safe transport of children when under	135428
the care of administrators;	135429
(N) Procedures for issuing, denying, or revoking licenses;	135430
(O) Procedures for the inspection of type B homes that	135431
require, at a minimum, that each type B home be inspected prior to	135432
licensure to ensure that the home is safe and sanitary;	135433
(P) Procedures for record keeping and evaluation;	135434
(Q) Procedures for receiving, recording, and responding to	135435
complaints;	135436
(R) Standards providing for the needs of children who have	135437
disabilities or who receive treatment for health conditions while	135438
the child is receiving child care or publicly funded child care in	135439
the type B home;	135440
(S) Requirements for the amount of usable indoor floor space	135441
for each child;	135442
(T) Requirements for safe outdoor play space;	135443
(U) Qualification and training requirements for	135444
administrators;	135445
(V) Procedures for granting a parent who is the residential	135446
parent and legal custodian, or a custodian or guardian access to	135447
the type B home during its hours of operation;	135448
(W) Requirements for the type B home to notify parents with	135449
children in the type B home that the type B home is certified as a	135450
foster home under section 5103.03 of the Revised Code;	135451

(X) Minimum requirements for instructional time for type B homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;

(Y) Any other procedures and standards necessary to carry out the provisions of this chapter regarding licensure of type B homes.

**Sec. 5104.0111.** (A) The director of job and family services shall do all of the following:

(1) Provide or make available in either paper or electronic form to each licensee notice of proposed rules governing the licensure of child ~~day-care~~ care centers, type A homes, and type B homes;

(2) Give public notice of hearings regarding the proposed rules at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code;

(3) At least thirty days before the effective date of a rule, provide, in either paper or electronic form, a copy of the adopted rule to each licensee;

(4) Send to each county director of job and family services a notice of proposed rules governing the certification of in-home aides that includes an internet web site address where the proposed rules can be viewed;

(5) Provide to each county director of job and family services an electronic copy of each adopted rule at least forty-five days prior to the rule's effective date;

(6) Review all rules adopted pursuant to this chapter at least once every seven years.

(B) The county director of job and family services shall provide or make available in either paper or electronic form to each in-home aide copies of proposed rules and shall give public

notice of hearings regarding the rules to each in-home aide at 135482  
least thirty days prior to the date of the public hearing, in 135483  
accordance with section 119.03 of the Revised Code. At least 135484  
thirty days before the effective date of a rule, the county 135485  
director of job and family services shall provide, in either paper 135486  
or electronic form, copies of the adopted rule to each in-home 135487  
aide. 135488

(C) Additional copies of proposed and adopted rules shall be 135489  
made available by the director of job and family services to the 135490  
public on request at no charge. 135491

(D) The director of job and family services may adopt rules 135492  
in accordance with Chapter 119. of the Revised Code for imposing 135493  
sanctions on persons and entities that are licensed or certified 135494  
under this chapter. Sanctions may be imposed only for an action or 135495  
omission that constitutes a serious risk noncompliance. The 135496  
sanctions imposed shall be based on the scope and severity of the 135497  
violations. 135498

The director shall make a dispute resolution process 135499  
available for the implementation of sanctions. The process may 135500  
include an opportunity for appeal pursuant to Chapter 119. of the 135501  
Revised Code. 135502

(E) The director of job and family services shall adopt rules 135503  
in accordance with Chapter 119. of the Revised Code that establish 135504  
standards for the training of individuals who inspect or 135505  
investigate type B family ~~day-care~~ child care homes pursuant to 135506  
section 5104.03 of the Revised Code. The department shall provide 135507  
training in accordance with those standards for individuals in the 135508  
categories described in this division. 135509

**Sec. 5104.02.** (A) The director of job and family services is 135510  
responsible for licensing child ~~day-care~~ care centers, type A 135511  
family ~~day-care~~ child care homes, and type B family ~~day-care~~ child 135512

care homes. Each entity operating a head start program shall meet 135513  
the criteria for, and be licensed as, a child ~~day-care~~ care 135514  
center. The director is responsible for the enforcement of this 135515  
chapter and of rules promulgated pursuant to this chapter. 135516

No person, firm, organization, institution, or agency shall 135517  
operate, establish, manage, conduct, or maintain a child ~~day-care~~ 135518  
care center or type A family ~~day-care~~ child care home without a 135519  
license issued under section 5104.03 of the Revised Code. The 135520  
current license shall be posted in the center or home in a 135521  
conspicuous place that is accessible to parents, custodians, or 135522  
guardians and employees of the center or home at all times when 135523  
the center or home is in operation. 135524

(B) A person, firm, institution, organization, or agency 135525  
operating any of the following programs is exempt from the 135526  
requirements of this chapter: 135527

(1) A program caring for children that operates for two 135528  
consecutive weeks or less and not more than six weeks total in 135529  
each calendar year; 135530

(2) Caring for children in places of worship during religious 135531  
activities while at least one parent, guardian, or custodian of 135532  
each child is participating in such activities and is readily 135533  
available; 135534

(3) Supervised training, instruction, or activities of 135535  
children in specific areas, including, but not limited to: art; 135536  
drama; dance; music; athletic skills or sports; computers; or an 135537  
educational subject conducted on an organized or periodic basis 135538  
that a child does not attend for more than eight total hours per 135539  
week; 135540

(4) Programs in which the director determines that at least 135541  
one parent, custodian, or guardian of each child who is not an 135542  
employee of the facility engaged in employment duties is on the 135543

premises of the facility that offers care and is readily accessible at all times;

(5) Programs that provide care and are regulated by state departments other than the department of job and family services or the state board of education.

(6) Any preschool program or school child program, except a head start program, that is subject to licensure by the department of education under sections 3301.52 to 3301.59 of the Revised Code.

(7) Any program providing care that meets all of the following requirements and, on October 20, 1987, was being operated by a nonpublic school that holds a charter issued by the state board of education for kindergarten only:

(a) The nonpublic school has given the notice to the state board and the director of job and family services required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly;

(b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five;

(c) The program is conducted in a school building;

(d) The program is operated in accordance with rules promulgated by the state board under section 3301.53 of the Revised Code.

(8) A youth development program operated outside of school hours to which all of the following apply:

(a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above.

(b) The program provides informal care, which is care that

does not require parental signature, permission, or notice for the child receiving the care to enter or leave the program.

(c) The program provides any of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities.

(d) The entity operating the program is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3).

(9) A preschool program operated by a nonchartered, nontax-supported school if the preschool program meets all of the following conditions:

(a) The program complies with state and local health, fire, and safety laws.

(b) The program annually certifies in a report to the parents of its pupils that the school is in compliance with division (B)(9)(a) of this section and files a copy of the report with the department of job and family services on or before the thirtieth day of September of each year.

(c) The program complies with all applicable reporting requirements in the same manner as required by the state board of education for nonchartered, nonpublic primary and secondary schools.

(d) The program is associated with a nonchartered, nontax-supported primary or secondary school.

(10) A program that provides activities for children who are five years of age or older and is operated by a county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code.

**Sec. 5104.021.** The director of job and family services may

issue a child ~~day-care~~ care center or type A family ~~day-care~~ child  
care home license to a youth development program that is exempted  
by division (B)(8) of section 5104.02 of the Revised Code from the  
requirements of this chapter if the youth development program  
applies for and meets all of the requirements for the license.

**Sec. 5104.022.** In no case shall the director of job and  
family services issue a license to operate a type A family  
~~day-care~~ child care home if the type A home is certified as a  
foster home or specialized foster home pursuant to Chapter 5103.  
of the Revised Code. In no case shall the director issue a license  
to operate a type B family ~~day-care~~ child care home if the type B  
home is certified as a specialized foster home pursuant to Chapter  
5103. of the Revised Code.

**Sec. 5104.03.** (A) As used in this section, "owner" has the  
same meaning as in section 5104.01 of the Revised Code, except  
that "owner" also includes a firm, organization, institution, or  
agency, as well as any individual governing board members,  
partners, or authorized representatives of the owner.

(B) Any person, firm, organization, institution, or agency  
seeking to establish a child ~~day-care~~ care center, type A family  
~~day-care~~ child care home, or licensed type B family ~~day-care~~ child  
care home shall apply for a license to the director of job and  
family services on such form as the director prescribes. The  
director shall provide at no charge to each applicant for  
licensure a copy of the child care license requirements in this  
chapter and a copy of the rules adopted pursuant to this chapter.  
The copies may be provided in paper or electronic form.

Fees shall be set by the director pursuant to sections  
5104.015, 5104.017, and 5104.018 of the Revised Code and shall be  
paid at the time of application for a license to operate a center,

type A home, or type B home. Fees collected under this section 135634  
shall be paid into the state treasury to the credit of the general 135635  
revenue fund. 135636

(C)(1) Upon filing of the application for a license, the 135637  
director shall investigate and inspect the center, type A home, or 135638  
type B home to determine the license capacity for each age 135639  
category of children of the center, type A home, or type B home 135640  
and to determine whether the center, type A home, or type B home 135641  
complies with this chapter and rules adopted pursuant to this 135642  
chapter. When, after investigation and inspection, the director is 135643  
satisfied that this chapter and rules adopted pursuant to it are 135644  
complied with, subject to division (G) of this section, a license 135645  
shall be issued as soon as practicable in such form and manner as 135646  
prescribed by the director. The license shall be designated as 135647  
provisional and shall be valid for at least twelve months from the 135648  
date of issuance and until the continuous license is issued or 135649  
until the provisional license is revoked or suspended pursuant to 135650  
section 5104.042 of the Revised Code. 135651

(2) The director may contract with a government entity or a 135652  
private nonprofit entity for the entity to inspect type A or type 135653  
B family ~~day-care~~ child care homes pursuant to this section. If 135654  
the director contracts with a government entity or private 135655  
nonprofit entity for that purpose, the entity may contract with 135656  
another government entity or private nonprofit entity for the 135657  
other entity to inspect type A or type B homes pursuant to this 135658  
section. The director, government entity, or private nonprofit 135659  
entity shall conduct an inspection prior to the issuance of a 135660  
license for a type A or type B home and, as part of that 135661  
inspection, ensure that the home is safe and sanitary. 135662

(D) The director shall investigate and inspect the center, 135663  
type A home, or type B home at least once during operation under a 135664  
license designated as provisional. If after the investigation and 135665

inspection the director determines that the requirements of this 135666  
chapter and rules adopted pursuant to this chapter are met, 135667  
subject to division (G) of this section, the director shall issue 135668  
a continuous license to the center or home. 135669

(E) Each license shall state the name of the licensee, the 135670  
name of the administrator, the address of the center, type A home, 135671  
or licensed type B home, and the license capacity for each age 135672  
category of children. The license shall include thereon, in 135673  
accordance with sections 5104.015, 5104.017, and 5104.018 of the 135674  
Revised Code, the toll-free telephone number to be used by persons 135675  
suspecting that the center, type A home, or licensed type B home 135676  
has violated a provision of this chapter or rules adopted pursuant 135677  
to this chapter. A license is valid only for the licensee, 135678  
administrator, address, and license capacity for each age category 135679  
of children designated on the license. The license capacity 135680  
specified on the license is the maximum number of children in each 135681  
age category that may be cared for in the center, type A home, or 135682  
licensed type B home at one time. 135683

A center or home licensee shall notify the director in 135684  
writing when the administrator, address, or license capacity of 135685  
the center or home changes. The director shall amend the current 135686  
license to reflect a change in any of the following: 135687

(1) An administrator, if the administrator meets the 135688  
requirements of this chapter and rules adopted pursuant to this 135689  
chapter; 135690

(2) Address, if the new address meets the requirements of 135691  
this chapter and rules adopted pursuant to this chapter; 135692

(3) License capacity for any age category of children as 135693  
determined by the director of job and family services. 135694

(F) If the director revokes the license of a center, a type A 135695  
home, or a type B home, the director shall not issue another 135696

license to the owner of the center, type A home, or type B home 135697  
until five years have elapsed from the date the license is 135698  
revoked. 135699

If the director denies an application for a license, the 135700  
director shall not consider another application from the applicant 135701  
until five years have elapsed from the date the application is 135702  
denied. 135703

(G)(1) Except as provided in division (G)(2) of this section, 135704  
all actions of the director with respect to licensing centers, 135705  
type A homes, or type B homes, refusal to license, and revocation 135706  
of a license shall be in accordance with Chapter 119. of the 135707  
Revised Code. Except as provided in division (G)(2) of this 135708  
section, any applicant who is denied a license or any owner whose 135709  
license is revoked may appeal in accordance with section 119.12 of 135710  
the Revised Code. 135711

(2) The following actions by the director are not subject to 135712  
Chapter 119. of the Revised Code: 135713

(a) The director ceases its review of an application because 135714  
the owner of a center, type A home, or type B home sought a 135715  
license before five years had elapsed from the date the previous 135716  
license was revoked and the director does not issue the license. 135717

(b) The director ceases its review of an application because 135718  
the applicant applied for licensure before five years had elapsed 135719  
from the date the previous application was denied and the director 135720  
does not issue the license. 135721

(c) The director closes a license because the director has 135722  
determined that the center, type A home, or type B home is no 135723  
longer operating at the address stated on the license and did not 135724  
notify the director of the address change as described in division 135725  
(E) of this section. 135726

(H) In no case shall the director issue a license under this 135727

section for a center, type A home, or type B home if the director, 135728  
based on documentation provided by the appropriate county 135729  
department of job and family services, determines that the 135730  
applicant had been certified as an in-home aide, that the county 135731  
department revoked that certification within the immediately 135732  
preceding five years, that the revocation was based on the 135733  
applicant's refusal or inability to comply with the criteria for 135734  
certification, and that the refusal or inability resulted in a 135735  
risk to the health or safety of children. 135736

(I) An owner of a type B family ~~day-care~~ child care home that 135737  
receives a license pursuant to this section is an independent 135738  
contractor and is not an employee of the department of job and 135739  
family services. 135740

**Sec. 5104.032.** (A) The child ~~day-care~~ care center shall have, 135741  
for each child for whom the center is licensed, at least 135742  
thirty-five square feet of usable indoor floor space wall-to-wall 135743  
regularly available for the child care operation exclusive of any 135744  
parts of the structure in which the care of children is prohibited 135745  
by law or by rules adopted by the board of building standards. The 135746  
minimum of thirty-five square feet of usable indoor floor space 135747  
shall not include hallways, kitchens, storage areas, or any other 135748  
areas that are not available for the care of children, as 135749  
determined by the director, in meeting the space requirement of 135750  
this division, and bathrooms shall be counted in determining 135751  
square footage only if they are used exclusively by children 135752  
enrolled in the center, except that the exclusion of hallways, 135753  
kitchens, storage areas, bathrooms not used exclusively by 135754  
children enrolled in the center, and any other areas not available 135755  
for the care of children from the minimum of thirty-five square 135756  
feet of usable indoor floor space shall not apply to: 135757

(1) Centers licensed prior to or on September 1, 1986, that 135758

continue under licensure after that date; 135759

(2) Centers licensed prior to or on September 1, 1986, that 135760  
are issued a new license after that date solely due to a change of 135761  
ownership of the center. 135762

(B) The child ~~day-care~~ care center shall have on the site a 135763  
safe outdoor play space which is enclosed by a fence or otherwise 135764  
protected from traffic or other hazards. The play space shall 135765  
contain not less than sixty square feet per child using such space 135766  
at any one time, and shall provide an opportunity for supervised 135767  
outdoor play each day in suitable weather. The director may exempt 135768  
a center from the requirement of this division, if an outdoor play 135769  
space is not available and if all of the following are met: 135770

(1) The center provides an indoor recreation area that has 135771  
not less than sixty square feet per child using the space at any 135772  
one time, that has a minimum of one thousand four hundred forty 135773  
square feet of space, and that is separate from the indoor space 135774  
required under division (A) of this section. 135775

(2) The director has determined that there is regularly 135776  
available and scheduled for use a conveniently accessible and safe 135777  
park, playground, or similar outdoor play area for play or 135778  
recreation. 135779

(3) The children are closely supervised during play and while 135780  
traveling to and from the area. 135781

The director also shall exempt from the requirement of this 135782  
division a child ~~day-care~~ care center that was licensed prior to 135783  
September 1, 1986, if the center received approval from the 135784  
director prior to September 1, 1986, to use a park, playground, or 135785  
similar area, not connected with the center, for play or 135786  
recreation in lieu of the outdoor space requirements of this 135787  
section and if the children are closely supervised both during 135788  
play and while traveling to and from the area and except if the 135789

director determines upon investigation and inspection pursuant to 135790  
 section 5104.04 of the Revised Code and rules adopted pursuant to 135791  
 that section that the park, playground, or similar area, as well 135792  
 as access to and from the area, is unsafe for the children. 135793

**Sec. 5104.033.** (A)(1) A child ~~day-care~~ care center shall have 135794  
 at least two responsible adults available on the premises at all 135795  
 times when seven or more children are in the center. The center 135796  
 shall organize the children in the center in small groups, shall 135797  
 provide ~~child-care~~ child care staff to give continuity of care and 135798  
 supervision to the children on a day-by-day basis, and shall 135799  
 ensure that no child is left alone or unsupervised. Except as 135800  
 otherwise provided in division (B) of this section, the maximum 135801  
 number of children per ~~child-care~~ child care staff member and 135802  
 maximum group size, by age category of children, are as follows: 135803

	Maximum Number of		
	Children Per	Maximum	
Age Category	<del>Child-Care</del> <u>child</u>	Group	
	<u>care</u>		
of Children	Staff Member	Size	
(a) Infants:			135807
(i) Less than twelve			135808
months old	5:1, or		135809
	12:2 if two		135810
	<del>child-care</del> <u>child</u>		135811
	<u>care</u>		135812
	staff members		135813
	are in the room	12	135814
(ii) At least twelve			135815
months old, but			135816
less than eighteen			135817
months old	6:1	12	135818
(b) Toddlers:			135819

(i) At least eighteen			135820
months old, but			135821
less than thirty			135822
months old	7:1	14	135823
(ii) At least thirty months			135824
old, but less than			135825
three years old	8:1	16	135826
(c) Preschool-age			135827
children:			135828
(i) Three years old	12:1	24	135829
(ii) Four years old and			135830
five years old who			135831
are not school			135832
children	14:1	28	135833
(d) School-age children:			135834
(i) A child who is			135835
enrolled in or is			135836
eligible to be			135837
enrolled in a grade			135838
of kindergarten			135839
or above, but			135840
is less than			135841
eleven years old	18:1	36	135842
(ii) Eleven through fourteen			135843
years old	20:1	40	135844
(2) Except as otherwise provided in division (B) of this			135845
section, the maximum number of children per <del>child-care</del> <u>child care</u>			135846
staff member and maximum group size requirements of the younger			135847
age group shall apply when age groups are combined.			135848
(B)(1) When age groups are combined, the maximum number of			135849
children per <del>child-care</del> <u>child care</u> staff member shall be			135850
determined by the age of the youngest child in the group, except			135851
that when no more than one child thirty months of age or older			135852

receives services in a group in which all the other children are 135853  
in the next older age group, the maximum number of children per 135854  
~~child-care~~ child care staff member and maximum group size 135855  
requirements of the older age group established under division (A) 135856  
of this section shall apply. 135857

(2) The maximum number of toddlers or preschool-age children 135858  
per ~~child-car~~ child care staff member in a room where children are 135859  
napping shall be twice the maximum number of children per 135860  
child-care staff member established under division (A) of this 135861  
section if all the following criteria are met: 135862

(a) At least one ~~child-care~~ child care staff member is 135863  
present in the room. 135864

(b) Sufficient ~~child-care~~ child care staff members are on the 135865  
child ~~day-care~~ care center premises to meet the maximum number of 135866  
children per ~~child-care~~ child care staff member requirements 135867  
established under division (A) of this section. 135868

(c) Naptime preparations are complete and all napping 135869  
children are resting or sleeping on cots. 135870

(d) The maximum number established under division (B)(2) of 135871  
this section is in effect for no more than two hours during a 135872  
twenty-four-hour day. 135873

**Sec. 5104.034.** Each child ~~day-care~~ care center shall have on 135874  
the center premises and readily available at all times at least 135875  
one ~~child-care~~ child care staff member who has completed a course 135876  
in first aid, one staff member who has completed a course in 135877  
prevention, recognition, and management of communicable diseases 135878  
which is approved by the state department of health, and a staff 135879  
member who has completed a course in child abuse recognition and 135880  
prevention training which is approved by the department of job and 135881  
family services. 135882

<b>Sec. 5104.037.</b> (A) As used in this section:	135883
(1) "Active tuberculosis" has the same meaning as in section 339.71 of the Revised Code.	135884 135885
(2) "Latent tuberculosis" means tuberculosis that has been demonstrated by a positive reaction to a tuberculosis test but has no clinical, bacteriological, or radiographic evidence of active tuberculosis.	135886 135887 135888 135889
(3) "Licensed health professional" means any of the following:	135890 135891
(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	135892 135893 135894
(b) A physician assistant who holds a current, valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code;	135895 135896 135897
(c) A certified nurse practitioner as defined in section 4723.01 of the Revised Code;	135898 135899
(d) A clinical nurse specialist as defined in section 4723.01 of the Revised Code.	135900 135901
(4) "Tuberculosis control unit" means the county tuberculosis control unit designated by a board of county commissioners under section 339.72 of the Revised Code or the district tuberculosis control unit designated pursuant to an agreement entered into by two or more boards of county commissioners under that section.	135902 135903 135904 135905 135906
(5) "Tuberculosis test" means either of the following:	135907
(a) A two-step Mantoux tuberculin skin test;	135908
(b) A blood assay for m. tuberculosis.	135909
(B) Before employing a person as an administrator or employee, for the purpose of tuberculosis screening, each child	135910 135911

~~day-care~~ care center shall determine if the person has done both 135912  
of the following: 135913

(1) Resided in a country identified by the world health 135914  
organization as having a high burden of tuberculosis; 135915

(2) Arrived in the United States within the five years 135916  
immediately preceding the date of application for employment. 135917

(C) If the person meets the criteria described in division 135918  
(B) of this section, the center shall require the person to 135919  
undergo a tuberculosis test before employment. If the result of 135920  
the test is negative, the center may employ the person. 135921

(D) If the result of any tuberculosis test performed as 135922  
described in division (C) of this section is positive, the center 135923  
shall require the person to undergo additional testing for 135924  
tuberculosis, which may include a chest radiograph or the 135925  
collection and examination of specimens. 135926

(1) If additional testing indicates active tuberculosis, then 135927  
until the person is no longer infectious as determined by the 135928  
county tuberculosis unit, the center shall not employ the person 135929  
or, if employed, shall not allow the person to be physically 135930  
present at the center's location. 135931

For purposes of this section, evidence that a person is no 135932  
longer infectious shall consist of a written statement to that 135933  
effect signed by a representative of the tuberculosis control 135934  
unit. 135935

(2) If additional testing indicates latent tuberculosis, then 135936  
until the person submits to the program evidence that the person 135937  
is receiving treatment as prescribed by a licensed health 135938  
professional, the preschool program shall not employ the person 135939  
or, if employed, shall not allow the person to be physically 135940  
present at the program's location. Once the person submits to the 135941  
program evidence that the person is in the process of completing a 135942

tuberculosis treatment regimen as prescribed by a licensed health professional, the preschool program may employ the person and allow the person to be physically present at the program's location so long as periodic evidence of compliance with the treatment regimen is submitted in accordance with rules adopted under section 3701.146 of the Revised Code.

For purposes of this section, evidence that a person is in the process of completing and is compliant with a tuberculosis treatment regimen shall consist of a written statement to that effect signed by the tuberculosis control unit that is overseeing the person's treatment.

**Sec. 5104.038.** The administrator of each child ~~day-care~~ care center shall maintain enrollment, health, and attendance records for all children attending the center and health and employment records for all center employees. The records shall be confidential, except that they shall be disclosed by the administrator to the director upon request for the purpose of administering and enforcing this chapter and rules adopted pursuant to this chapter. Neither the center nor the licensee, administrator, or employees of the center shall be civilly or criminally liable in damages or otherwise for records disclosed to the director by the administrator pursuant to this division. It shall be a defense to any civil or criminal charge based upon records disclosed by the administrator to the director that the records were disclosed pursuant to this division.

**Sec. 5104.039.** (A) Any parent who is the residential parent and legal custodian of a child enrolled in a child ~~day-care~~ care center and any custodian or guardian of such a child shall be permitted unlimited access to the center during its hours of operation for the purposes of contacting their children, evaluating the care provided by the center, evaluating the

premises of the center, or for other purposes approved by the 135974  
director. A parent of a child enrolled in a child ~~day-care~~ care 135975  
center who is not the child's residential parent shall be 135976  
permitted unlimited access to the center during its hours of 135977  
operation for those purposes under the same terms and conditions 135978  
under which the residential parent of that child is permitted 135979  
access to the center for those purposes. However, the access of 135980  
the parent who is not the residential parent is subject to any 135981  
agreement between the parents and, to the extent described in 135982  
division (B) of this section, is subject to any terms and 135983  
conditions limiting the right of access of the parent who is not 135984  
the residential parent, as described in division (I) of section 135985  
3109.051 of the Revised Code, that are contained in a parenting 135986  
time order or decree issued under that section, section 3109.12 of 135987  
the Revised Code, or any other provision of the Revised Code. 135988

(B) If a parent who is the residential parent of a child has 135989  
presented the administrator or the administrator's designee with a 135990  
copy of a parenting time order that limits the terms and 135991  
conditions under which the parent who is not the residential 135992  
parent is to have access to the center, as described in division 135993  
(I) of section 3109.051 of the Revised Code, the parent who is not 135994  
the residential parent shall be provided access to the center only 135995  
to the extent authorized in the order. If the residential parent 135996  
has presented such an order, the parent who is not the residential 135997  
parent shall be permitted access to the center only in accordance 135998  
with the most recent order that has been presented to the 135999  
administrator or the administrator's designee by the residential 136000  
parent or the parent who is not the residential parent. 136001

(C) Upon entering the premises pursuant to division (A) or 136002  
(B) of this section, the parent who is the residential parent and 136003  
legal custodian, the parent who is not the residential parent, or 136004  
the custodian or guardian shall notify the administrator or the 136005

administrator's designee of the parent's, custodian's, or 136006  
guardian's presence. 136007

**Sec. 5104.04.** (A) The department of job and family services 136008  
shall establish procedures to be followed in investigating, 136009  
inspecting, and licensing child ~~day-care~~ care centers, type A 136010  
family ~~day-care~~ child care homes, and licensed type B family 136011  
~~day-care~~ child care homes. 136012

(B)(1)(a) The department shall, at least once during every 136013  
twelve-month period of operation of a center, type A home, or 136014  
licensed type B home, inspect the center, type A home, or licensed 136015  
type B home. The department shall inspect a part-time center or 136016  
part-time type A home at least once during every twelve-month 136017  
period of operation. The department shall provide a written 136018  
inspection report to the licensee within a reasonable time after 136019  
each inspection. 136020

Inspections may be unannounced. No person, firm, 136021  
organization, institution, or agency shall interfere with the 136022  
inspection of a center, type A home, or licensed type B home by 136023  
any state or local official engaged in performing duties required 136024  
of the state or local official by this chapter or rules adopted 136025  
pursuant to this chapter, including inspecting the center, type A 136026  
home, or licensed type B home, reviewing records, or interviewing 136027  
licensees, employees, children, or parents. 136028

(b) Upon receipt of any complaint that a center, type A home 136029  
or licensed type B home is out of compliance with the requirements 136030  
of this chapter or rules adopted pursuant to this chapter, the 136031  
department shall investigate the center or home, and both of the 136032  
following apply: 136033

(i) If the complaint alleges that a child suffered physical 136034  
harm while receiving child care at the center or home or that the 136035  
noncompliance alleged in the complaint involved, resulted in, or 136036

poses a substantial risk of physical harm to a child receiving 136037  
child care at the center or home, the department shall inspect the 136038  
center or home. 136039

(ii) If division (B)(1)(b)(i) of this section does not apply 136040  
regarding the complaint, the department may inspect the center or 136041  
home. 136042

(c) Division (B)(1)(b) of this section does not limit, 136043  
restrict, or negate any duty of the department to inspect a 136044  
center, type A home, or licensed type B home that otherwise is 136045  
imposed under this section, or any authority of the department to 136046  
inspect a center, type A home, or licensed type B home that 136047  
otherwise is granted under this section. 136048

(2) If the department implements an instrument-based program 136049  
monitoring information system, it may use an indicator checklist 136050  
to comply with division (B)(1) of this section. 136051

(C) The department may deny an application or revoke a 136052  
license of a center, type A home, or licensed type B home, if the 136053  
applicant knowingly submits falsified information to the 136054  
department or if the center or home does not comply with the 136055  
requirements of this chapter or rules adopted pursuant to this 136056  
chapter. 136057

(D) If the department finds, after notice and hearing 136058  
pursuant to Chapter 119. of the Revised Code, that any applicant, 136059  
person, firm, organization, institution, or agency applying for 136060  
licensure or licensed under section 5104.03 of the Revised Code is 136061  
in violation of any provision of this chapter or rules adopted 136062  
pursuant to this chapter, the department may issue an order of 136063  
denial to the applicant or an order of revocation to the ~~center,~~ 136064  
~~type center,~~ type A home, or licensed type B home revoking the 136065  
license previously issued by the department. Upon the issuance of 136066  
such an order, the person whose application is denied or whose 136067

license is revoked may appeal in accordance with section 119.12 of 136068  
the Revised Code. 136069

(E) The surrender of a center, type A home, or licensed type 136070  
B home license to the department or the withdrawal of an 136071  
application for licensure by the owner or administrator of the 136072  
center, type A home, or licensed type B home shall not prohibit 136073  
the department from instituting any of the actions set forth in 136074  
this section. 136075

(F) Whenever the department receives a complaint, is advised, 136076  
or otherwise has any reason to believe that a center or type A 136077  
home is providing child care without a license issued pursuant to 136078  
section 5104.03 and is not exempt from licensing pursuant to 136079  
section 5104.02 of the Revised Code, the department shall 136080  
investigate the center or type A home and may inspect the areas 136081  
children have access to or areas necessary for the care of 136082  
children in the center or type A home during suspected hours of 136083  
operation to determine whether the center or type A home is 136084  
subject to the requirements of this chapter or rules adopted 136085  
pursuant to this chapter. 136086

(G) The department, upon determining that the center or type 136087  
A home is operating without a license, shall notify the attorney 136088  
general, the prosecuting attorney of the county in which the 136089  
center or type A home is located, or the city attorney, village 136090  
solicitor, or other chief legal officer of the municipal 136091  
corporation in which the center or type A home is located, that 136092  
the center or type A home is operating without a license. Upon 136093  
receipt of the notification, the attorney general, prosecuting 136094  
attorney, city attorney, village solicitor, or other chief legal 136095  
officer of a municipal corporation shall file a complaint in the 136096  
court of common pleas of the county in which the center or type A 136097  
home is located requesting that the court grant an order enjoining 136098  
the owner from operating the center or type A home in violation of 136099

section 5104.02 of the Revised Code. The court shall grant such injunctive relief upon a showing that the respondent named in the complaint is operating a center or type A home and is doing so without a license.

(H) The department shall prepare an annual report on inspections conducted under this section. The report shall include the number of inspections conducted, the number and types of violations found, and the steps taken to address the violations. The department shall file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives on or before the first day of January of each year, beginning in 1999.

**Sec. 5104.041.** (A) All type A family ~~day-care~~ child care homes and licensed type B family ~~day-care~~ child care homes shall procure and maintain one of the following:

(1) Liability insurance issued by an insurer authorized to do business in this state under Chapter 3905. of the Revised Code insuring the type A or type B family ~~day-care~~ child care home against liability arising out of, or in connection with, the operation of the family ~~day-care~~ child care home. The insurance procured shall cover any cause for which the type A or type B family ~~day-care~~ child care home would be liable, in the amount of at least one hundred thousand dollars per occurrence and three hundred thousand dollars in the aggregate.

(2) A written statement signed by the parent, guardian, or custodian of each child receiving child care from the type A or type B family ~~day-care~~ child care home that states all of the following:

(a) The family ~~day-care~~ child care home does not carry liability insurance described in division (A)(1) of this section;

(b) If the licensee of a type A family ~~day-care~~ child care home or a type B family ~~day-care~~ child care home is not the owner of the real property where the family ~~day-care~~ child care home is located, the liability insurance, if any, of the owner of the real property may not provide for coverage of any liability arising out of, or in connection with, the operation of the family ~~day-care~~ child care home.

(B) If the licensee of a type A family ~~day-care~~ child care home or a type B family ~~day-care~~ child care home is not the owner of the real property where the family ~~day-care~~ child care home is located and the family ~~day-care~~ child care home procures liability insurance described in division (A)(1) of this section, that licensee shall name the owner of the real property as an additional insured party on the liability insurance policy if all of the following apply:

(1) The owner of the real property requests the licensee or provider, in writing, to add the owner of the real property to the liability insurance policy as an additional insured party.

(2) The addition of the owner of the real property does not result in cancellation or nonrenewal of the insurance policy procured by the type A or type B family ~~day-care~~ child care home.

(3) The owner of the real property pays any additional premium assessed for coverage of the owner of the real property.

(C) Proof of insurance or written statement required under division (A) of this section shall be maintained at the type A or type B family ~~day-care~~ child care home and made available for review during inspection or investigation as required under this chapter.

(D) The director of job and family services shall adopt rules for the enforcement of this section.

Sec. 5104.042. (A) The department of job and family services 136160  
may suspend, without a prior hearing, the license of a child 136161  
~~day-care~~ care center, type A family ~~day-care~~ child care home, or 136162  
licensed type B family ~~day-care~~ child care home if any of the 136163  
following occur: 136164

(1) A child dies or suffers a serious injury while receiving 136165  
child care in the center, type A home, or licensed type B home. 136166

(2) A public children services agency receives a report 136167  
pursuant to section 2151.421 of the Revised Code, and the person 136168  
alleged to have inflicted abuse or neglect on the child who is the 136169  
subject of the report is any of the following: 136170

(a) The owner, licensee, or administrator of the center, type 136171  
A home, or licensed type B home; 136172

(b) An employee of the center, type A home, or licensed type 136173  
B home who has not immediately been placed on administrative leave 136174  
or released from employment; 136175

(c) Any person who resides in the type A home or licensed 136176  
type B home. 136177

(3) An owner, licensee, administrator, or employee of the 136178  
center, type A home, or licensed type B home, or a resident of the 136179  
type A home or licensed type B home is charged by an indictment, 136180  
information, or complaint with an offense relating to the abuse or 136181  
neglect of a child. 136182

(4) The department or a county department of job and family 136183  
services determines that the center, type A home, or licensed type 136184  
B home created a serious risk to the health or safety of a child 136185  
receiving child care in the center, type A home, or licensed type 136186  
B home that resulted in or could have resulted in a child's death 136187  
or injury. 136188

(5) The department determines that the owner or licensee of 136189

the center, type A home, or licensed type B home does not meet the requirements of section 5104.013 of the Revised Code.

(B) The department shall issue a written order of suspension and furnish a copy to the licensee either by certified mail or in person as described in section 119.07 of the Revised Code. The licensee may request an adjudicatory hearing before the department pursuant to sections 119.06 to 119.12 of the Revised Code.

(C) Any summary suspension imposed under this section shall remain in effect until any of the following occurs:

(1) The public children services agency completes its investigation of the report pursuant to section 2151.421 of the Revised Code and determines that all of the allegations are unsubstantiated.

(2) All criminal charges are disposed of through dismissal or a finding of not guilty.

(3) The department issues pursuant to Chapter 119. of the Revised Code a final order terminating the suspension.

(D) The center, type A home, or licensed type B home shall not provide child care while the summary suspension remains in effect. Upon issuance of the order of suspension, the licensee shall inform the caretaker parent of each child receiving child care in the center, type A home, or licensed type B home of the suspension.

(E) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the summary suspension of licenses.

(F) This section does not limit the authority of the department to revoke a license pursuant to section 5104.04 of the Revised Code.

**Sec. 5104.043.** (A) If the department of job and family

services determines that an act or omission of a child ~~day-care~~ 136220  
care center, type A family ~~day-care~~ child care home, or licensed 136221  
type B family ~~day-care~~ child care home constitutes a serious risk 136222  
noncompliance, the licensee shall notify the caretaker parent of 136223  
each child receiving care in the center or home of the 136224  
department's determination. 136225

(B) With respect to the notice required by division (A) of 136226  
this section, all of the following apply: 136227

(1) The licensee shall notify caretaker parents not later 136228  
than fifteen business days after the department informs the 136229  
licensee of the department's determination. If the licensee 136230  
requests a review of the department's determination, the licensee 136231  
shall notify caretaker parents not later than five business days 136232  
after the department has completed its review. 136233

(2) The notice shall include a statement informing each 136234  
caretaker parent of the web site maintained by the department and 136235  
the location of further information regarding the determination. 136236

(3) The licensee may provide written or electronic notice to 136237  
caretaker parents. 136238

(4) The licensee shall provide a copy of the notice to the 136239  
department. 136240

(C) The director of job and family services shall adopt rules 136241  
to enforce this section. 136242

(D) The requirements of this section do not apply if the 136243  
department suspends the license of a child ~~day-care~~ care center, 136244  
type A family ~~day-care~~ child care home, or licensed type B family 136245  
~~day-care~~ child care home pursuant to section 5104.042 of the 136246  
Revised Code. 136247

**Sec. 5104.05.** (A) The director of job and family services 136248

shall issue a license or provisional license for the operation of a child ~~day-care~~ care center, if the director finds, after investigation of the applicant and inspection of the center, that other requirements of this chapter, rules promulgated pursuant to this chapter, and the following requirements are met:

(1) The buildings in which the center is housed, subsequent to any major modification, have been approved by the department of commerce or a certified municipal, township, or county building department for the purpose of operating a child ~~day-care~~ care center. Any structure used for the operation of a center shall be constructed, equipped, repaired, altered, and maintained in accordance with applicable provisions of Chapters 3781. and 3791. of the Revised Code and with regulations adopted by the board of building standards under Chapter 3781. of the Revised Code and this division for the safety and sanitation of structures erected for this purpose.

(2) The state fire marshal or the fire chief or fire prevention officer of the municipal corporation or township in which the center is located has inspected the center annually within the preceding license period and has found the center to be in compliance with rules promulgated by the fire marshal pursuant to section 3737.83 of the Revised Code regarding fire prevention and fire safety in a child ~~day-care~~ care center.

(3) The center has received a food service operation license under Chapter 3717. of the Revised Code if meals are to be served to children other than children of the licensee or administrator, whether or not a consideration is received for the meals.

(B) The director of job and family services shall issue a license or provisional license for the operation of a type A family ~~day-care~~ child care home, if the director finds, after investigation of the applicant and inspection of the type A home, that other requirements of this chapter, rules promulgated

pursuant to this chapter, and the following requirements are met: 136281

(1) The state fire marshal or the fire chief or fire 136282  
prevention officer of the municipal corporation or township in 136283  
which the type A family ~~day-care~~ child care home is located has 136284  
inspected the type A home annually within the preceding license 136285  
period and has found the type A home to be in compliance with 136286  
rules promulgated by the fire marshal pursuant to section 3737.83 136287  
of the Revised Code regarding fire prevention and fire safety in a 136288  
type A home. 136289

(2) The type A home is in compliance with rules set by the 136290  
director of job and family services in cooperation with the 136291  
director of health pursuant to section 3701.80 of the Revised Code 136292  
regarding meal preparation and meal service in the home. The 136293  
director of job and family services, in accordance with procedures 136294  
recommended by the director of health, shall inspect each type A 136295  
home to determine compliance with those rules. 136296

(3) The type A home is in compliance with rules promulgated 136297  
by the director of job and family services in cooperation with the 136298  
board of building standards regarding safety and sanitation 136299  
pursuant to section 3781.10 of the Revised Code. 136300

**Sec. 5104.051.** (A)(1) The department of commerce is 136301  
responsible for the inspections of child ~~day-care~~ care centers as 136302  
required by division (A)(1) of section 5104.05 of the Revised 136303  
Code. Where there is a municipal, township, or county building 136304  
department certified under section 3781.10 of the Revised Code to 136305  
exercise enforcement authority with respect to the category of 136306  
building occupancy which includes ~~day-care~~ child care centers, all 136307  
inspections required under division (A)(1) of section 5104.05 of 136308  
the Revised Code shall be made by that department according to the 136309  
standards established by the board of building standards. 136310  
Inspections in areas of the state where there is no municipal, 136311

township, or county building department certified under section 136312  
3781.10 of the Revised Code to exercise enforcement authority with 136313  
respect to the category of building occupancy which includes 136314  
~~day-care~~ child care centers shall be made by personnel of the 136315  
department of commerce. Inspections of centers shall be contingent 136316  
upon payment of a fee by the applicant to the department having 136317  
jurisdiction to inspect. 136318

(2) The department of commerce is responsible for the 136319  
inspections of type A family ~~day-care~~ child care homes as required 136320  
by division (B)(3) of section 5104.05 of the Revised Code. Where 136321  
there is a municipal, township, or county building department 136322  
certified under section 3781.10 of the Revised Code to exercise 136323  
enforcement authority with respect to the category of building 136324  
occupancy which includes type A homes, all inspections required 136325  
under division (B)(3) of section 5104.05 of the Revised Code shall 136326  
be made by that department according to the standards established 136327  
by the board of building standards. Inspections in areas of the 136328  
state where there is no municipal, township, or county building 136329  
department certified under section 3781.10 of the Revised Code to 136330  
exercise enforcement authority with respect to the category of 136331  
building occupancy which includes type A homes shall be made by 136332  
personnel of the department of commerce. Inspections of type A 136333  
homes shall be contingent upon payment of a fee by the applicant 136334  
to the department having jurisdiction to inspect. 136335

(B) The state fire marshal is responsible for the inspections 136336  
required by divisions (A)(2) and (B)(1) of section 5104.05 of the 136337  
Revised Code. In municipal corporations and in townships outside 136338  
municipal corporations where there is a fire prevention official, 136339  
the inspections shall be made by the fire chief or the fire 136340  
prevention official under the supervision of and according to the 136341  
standards established by the state fire marshal. In townships 136342  
outside municipal corporations where there is no fire prevention 136343

official, inspections shall be made by the employees of the state 136344  
fire marshal. 136345

(C) The state fire marshal shall enforce all statutes and 136346  
rules pertaining to fire safety and fire prevention in child 136347  
~~day-care~~ care centers and type A family ~~day-care~~ child care homes. 136348  
In the event of a dispute between the state fire marshal and any 136349  
other responsible officer under sections 5104.05 and 5104.051 of 136350  
the Revised Code with respect to the interpretation or application 136351  
of a specific fire safety statute or rule, the interpretation of 136352  
the state fire marshal shall prevail. 136353

(D) As used in this division, "licensor" has the same meaning 136354  
as in section 3717.01 of the Revised Code. 136355

The licensor for food service operations in the city or 136356  
general health district in which the center is located is 136357  
responsible for the inspections required under Chapter 3717. of 136358  
the Revised Code. 136359

(E) Any moneys collected by the department of commerce under 136360  
this section shall be paid into the state treasury to the credit 136361  
of the industrial compliance operating fund created in section 136362  
121.084 of the Revised Code. 136363

**Sec. 5104.052.** The director of job and family services, in 136364  
cooperation with the fire marshal pursuant to section 3737.22 of 136365  
the Revised Code, shall adopt rules regarding fire prevention and 136366  
fire safety in licensed type B family ~~day-care~~ child care homes. 136367  
In accordance with those rules, the director shall inspect each 136368  
type B home that applies to be licensed that is providing or is to 136369  
provide publicly funded child care. 136370

**Sec. 5104.053.** As a precondition of approval by the state 136371  
board of education pursuant to section 3313.813 of the Revised 136372  
Code for receipt of United States department of agriculture child 136373

and adult care food program funds established under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, the provider of child care in a type B family ~~day-care~~ child care home that is not licensed by the director of job and family services shall request an inspection of the type B home by the fire marshal, who shall inspect the type B home pursuant to section 3737.22 of the Revised Code to determine that it is in compliance with rules established pursuant to section 5104.052 of the Revised Code for licensed type B homes.

**Sec. 5104.054.** Any type B family ~~day-care~~ child care home, whether licensed or not licensed by the director of job and family services, shall be considered to be a residential use of property for purposes of municipal, county, and township zoning and shall be a permitted use in all zoning districts in which residential uses are permitted. No municipal, county, or township zoning regulations shall require a conditional use permit or any other special exception certification for any such type B family ~~day-care~~ child care home.

**Sec. 5104.06.** (A) The director of job and family services shall provide consultation, technical assistance, and training to child ~~day-care~~ care centers, type A family ~~day-care~~ child care homes, and type B family ~~day-care~~ child care homes to improve programs and facilities providing child care. As part of these activities, the director shall provide assistance in meeting the requirements of this chapter and rules adopted pursuant to this chapter and shall furnish information regarding child abuse identification and reporting of child abuse.

(B) The director of job and family services shall provide consultation and technical assistance to county departments of job and family services to assist the departments with the implementation of certification of in-home aides.

Sec. 5104.07. (A) The director of job and family services may 136405  
prescribe additional requirements for licensing child ~~day-care~~ 136406  
care centers or type A family ~~day-care~~ child care homes that 136407  
provide publicly funded child care pursuant to this chapter and 136408  
any rules adopted under it. The director shall develop standards 136409  
as required by federal laws and regulations for child care 136410  
programs supported by federal funds. 136411

(B)(1) On or before February 28, 1992, the department of job 136412  
and family services shall develop a statewide plan for child care 136413  
resource and referral services. The plan shall be based upon the 136414  
experiences of other states with respect to child care resource 136415  
and referral services, the experiences of communities in this 136416  
state that have child care resource and referral service 136417  
organizations, and the needs of communities in this state that do 136418  
not have child care resource and referral service organizations. 136419  
The plan shall be designed to ensure that child care resource and 136420  
referral services are available in each county in the state to 136421  
families who need child care. The department shall consider the 136422  
special needs of migrant workers when it develops the plan and 136423  
shall include in the plan procedures designed to accommodate the 136424  
needs of migrant workers. 136425

(2) In addition to the requirements described in division 136426  
(B)(1) of this section, the plan shall include all of the 136427  
following: 136428

(a) A description of the services that a child care resource 136429  
and referral service organization is required to provide to 136430  
families who need child care; 136431

(b) The qualifications for a child care resource and referral 136432  
service organization; 136433

(c) A description of the procedures for providing federal and 136434  
state funding for county or multicounty child care resource and 136435

referral service organizations; 136436

(d) A timetable for providing child care resource and 136437  
referral services to all communities in the state; 136438

(e) Uniform information gathering and reporting procedures 136439  
that are designed to be used in compatible computer systems; 136440

(f) Procedures for establishing statewide nonprofit technical 136441  
assistance services to coordinate uniform data collection and to 136442  
publish reports on child care supply, demand, and cost and to 136443  
provide technical assistance to communities that do not have child 136444  
care resource and referral service organizations and to existing 136445  
child care resource and referral service organizations; 136446

(g) Requirements governing contracts entered into under 136447  
division (C) of this section, which may include limits on the 136448  
percentage of funds distributed by the department that may be used 136449  
for the contracts. 136450

(C) Child care resource and referral service organizations 136451  
receiving funds distributed by the department may enter into 136452  
contracts with local governmental entities, nonprofit 136453  
organizations including nonprofit organizations that provide child 136454  
care, and individuals under which the entities, organizations, or 136455  
individuals may provide child care resource and referral services 136456  
in the community with those funds, if the contracts are submitted 136457  
to and approved by the department prior to execution. 136458

**Sec. 5104.08.** (A) There is hereby created in the department 136459  
of job and family services a child care advisory council to advise 136460  
and assist the department in the administration of this chapter 136461  
and in the development of child care. The council shall consist of 136462  
twenty-two voting members appointed by the director of job and 136463  
family services with the approval of the governor. The director of 136464  
job and family services, the director of developmental 136465

disabilities, the director of mental health and addiction 136466  
services, the superintendent of public instruction, the director 136467  
of health, the director of commerce, and the state fire marshal 136468  
shall serve as nonvoting members of the council. 136469

Six members shall be representatives of child care centers 136470  
subject to licensing, the members to represent a variety of 136471  
centers, including nonprofit and proprietary, from different 136472  
geographical areas of the state. At least three members shall be 136473  
parents, guardians, or custodians of children receiving child care 136474  
or publicly funded child care in the child's own home, a center, a 136475  
type A home, a head start program, a licensed type B home, or a 136476  
type B home at the time of appointment. Three members shall be 136477  
representatives of in-home aides, type A homes, licensed type B 136478  
homes, or type B homes or head start programs. At least six 136479  
members shall represent county departments of job and family 136480  
services. The remaining members shall be representatives of the 136481  
teaching, child development, and health professions, and other 136482  
individuals interested in the welfare of children. At least six 136483  
members of the council shall not be employees or licensees of a 136484  
child ~~day-care~~ care center, head start program, or type A home, or 136485  
providers operating a licensed type B home or type B home, or 136486  
in-home aides. 136487

Appointments shall be for three-year terms. Vacancies shall 136488  
be filled for the unexpired terms. A member of the council is 136489  
subject to removal by the director of job and family services for 136490  
a willful and flagrant exercise of authority or power that is not 136491  
authorized by law, for a refusal or willful neglect to perform any 136492  
official duty as a member of the council imposed by law, or for 136493  
being guilty of misfeasance, malfeasance, nonfeasance, or gross 136494  
neglect of duty as a member of the council. 136495

There shall be two co-chairpersons of the council. One 136496  
co-chairperson shall be the director of job and family services or 136497

the director's designee, and one co-chairperson shall be elected 136498  
by the members of the council. The council shall meet as often as 136499  
is necessary to perform its duties, provided that it shall meet at 136500  
least once in each quarter of each calendar year and at the call 136501  
of the co-chairpersons. The co-chairpersons or their designee 136502  
shall send to each member a written notice of the date, time, and 136503  
place of each meeting. 136504

Members of the council shall serve without compensation, but 136505  
shall be reimbursed for necessary expenses. 136506

(B) The child care advisory council shall advise the director 136507  
on matters affecting the licensing of centers, type A homes, and 136508  
type B homes and the certification of in-home aides. The council 136509  
shall make an annual report to the director of job and family 136510  
services that addresses the availability, affordability, 136511  
accessibility, and quality of child care and that summarizes the 136512  
recommendations and plans of action that the council has proposed 136513  
to the director during the preceding fiscal year. The director of 136514  
job and family services shall provide copies of the report to the 136515  
governor, speaker and minority leader of the house of 136516  
representatives, and the president and minority leader of the 136517  
senate and, on request, shall make copies available to the public. 136518

(C) The director of job and family services shall adopt rules 136519  
in accordance with Chapter 119. of the Revised Code to implement 136520  
this section. 136521

**Sec. 5104.09.** No administrator, employee, licensee, or 136522  
~~child care~~ child care staff member shall discriminate in the 136523  
enrollment of children in a child ~~day care~~ care center, type A 136524  
home, licensed type B home, or approved child day camp upon the 136525  
basis of race, color, religion, sex, disability, or national 136526  
origin. 136527

**Sec. 5104.13.** The department of job and family services shall 136528  
prepare a guide describing the state statutes and rules governing 136529  
the licensure of type B family ~~day-care~~ child care homes. The 136530  
department may publish the guide electronically or otherwise and 136531  
shall do so in a manner that the guide is accessible to the 136532  
public, including type B home providers. 136533

**Sec. 5104.14.** All materials that are supplied by the 136534  
department of job and family services to type A family ~~day-care~~ 136535  
child care home providers, type B family ~~day-care~~ child care home 136536  
providers, in-home aides, persons seeking to be type A family 136537  
~~day-care~~ child care home providers, type B family ~~day-care~~ child 136538  
care home providers, or in-home aides, and caretaker parents shall 136539  
be written at no higher than the sixth grade reading level. The 136540  
department may employ a readability expert to verify its 136541  
compliance with this section. 136542

**Sec. 5104.25.** (A) Except as otherwise provided in division 136543  
(C) of this section, no child ~~day-care~~ care center shall permit 136544  
any person to smoke in any indoor or outdoor space that is part of 136545  
the center. 136546

The administrator of a child ~~day-care~~ care center shall post 136547  
in a conspicuous place at the main entrance of the center a notice 136548  
stating that smoking is prohibited in any indoor or outdoor space 136549  
that is part of the center, except under the conditions described 136550  
in division (C) of this section. 136551

(B) Except as otherwise provided in division (C) of this 136552  
section, no type A family ~~day-care~~ child care home or licensed 136553  
type B family ~~day-care~~ child care home shall permit any person to 136554  
smoke in any indoor or outdoor space that is part of the home 136555  
during the hours the home is in operation. Smoking may be 136556  
permitted during hours other than the hours of operation if the 136557

administrator of the home has provided to a parent, custodian, or guardian of each child receiving child care at the home notice that smoking occurs or may occur at the home when it is not in operation.

The administrator of a type A family ~~day-care~~ child care home or a licensed type B family ~~day-care~~ child care home shall post in a conspicuous place at the main entrance of the home a notice specifying the hours the home is in operation and stating that smoking is prohibited during those hours in any indoor or outdoor space that is part of the home, except under the conditions described in division (C) of this section.

(C) A child ~~day-care~~ care center, type A family ~~day-care~~ child care home, or licensed type B family child care home may allow persons to smoke at the center or home during its hours of operation if those persons cannot be seen smoking by the children being cared for and if they smoke in either of the following:

(1) An indoor area that is separately ventilated from the rest of the center or home;

(2) An outdoor area that is so far removed from the children being cared for that they cannot inhale any smoke.

(D) The director of job and family services, in consultation with the director of health, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the requirements of this section. These rules may prohibit smoking in a child ~~day-care~~ care center, type A family ~~day-care~~ child care home, or licensed type B family child care home if its design and structure do not allow persons to smoke under the conditions described in division (C) of this section or if repeated violations of division (A) or (B) of this section have occurred there.

**Sec. 5104.30.** (A) The department of job and family services

is hereby designated as the state agency responsible for 136588  
administration and coordination of federal and state funding for 136589  
publicly funded child care in this state. Publicly funded child 136590  
care shall be provided to the following: 136591

(1) Recipients of transitional child care as provided under 136592  
section 5104.34 of the Revised Code; 136593

(2) Participants in the Ohio works first program established 136594  
under Chapter 5107. of the Revised Code; 136595

(3) Individuals who would be participating in the Ohio works 136596  
first program if not for a sanction under section 5107.16 of the 136597  
Revised Code and who continue to participate in a work activity, 136598  
developmental activity, or alternative work activity pursuant to 136599  
an assignment under section 5107.42 of the Revised Code; 136600

(4) A family receiving publicly funded child care on October 136601  
1, 1997, until the family's income reaches one hundred fifty per 136602  
cent of the federal poverty line; 136603

(5) Subject to available funds, other individuals determined 136604  
eligible in accordance with rules adopted under section 5104.38 of 136605  
the Revised Code. 136606

The department shall apply to the United States department of 136607  
health and human services for authority to operate a coordinated 136608  
program for publicly funded child care, if the director of job and 136609  
family services determines that the application is necessary. For 136610  
purposes of this section, the department of job and family 136611  
services may enter into agreements with other state agencies that 136612  
are involved in regulation or funding of child care. The 136613  
department shall consider the special needs of migrant workers 136614  
when it administers and coordinates publicly funded child care and 136615  
shall develop appropriate procedures for accommodating the needs 136616  
of migrant workers for publicly funded child care. 136617

(B) The department of job and family services shall 136618  
distribute state and federal funds for publicly funded child care, 136619  
including appropriations of state funds for publicly funded child 136620  
care and appropriations of federal funds available under the child 136621  
care block grant act, Title IV-A, and Title XX. The department may 136622  
use any state funds appropriated for publicly funded child care as 136623  
the state share required to match any federal funds appropriated 136624  
for publicly funded child care. 136625

(C) In the use of federal funds available under the child 136626  
care block grant act, all of the following apply: 136627

(1) The department may use the federal funds to hire staff to 136628  
prepare any rules required under this chapter and to administer 136629  
and coordinate federal and state funding for publicly funded child 136630  
care. 136631

(2) Not more than five per cent of the aggregate amount of 136632  
the federal funds received for a fiscal year may be expended for 136633  
administrative costs. 136634

(3) The department shall allocate and use at least four per 136635  
cent of the federal funds for the following: 136636

(a) Activities designed to provide comprehensive consumer 136637  
education to parents and the public; 136638

(b) Activities that increase parental choice; 136639

(c) Activities, including child care resource and referral 136640  
services, designed to improve the quality, and increase the 136641  
supply, of child care; 136642

(d) Establishing the step up to quality program pursuant to 136643  
section 5104.29 of the Revised Code. 136644

(4) The department shall ensure that the federal funds will 136645  
be used only to supplement, and will not be used to supplant, 136646  
federal, state, and local funds available on the effective date of 136647

the child care block grant act for publicly funded child care and 136648  
related programs. If authorized by rules adopted by the department 136649  
pursuant to section 5104.42 of the Revised Code, county 136650  
departments of job and family services may purchase child care 136651  
from funds obtained through any other means. 136652

(D) The department shall encourage the development of 136653  
suitable child care throughout the state, especially in areas with 136654  
high concentrations of recipients of public assistance and 136655  
families with low incomes. The department shall encourage the 136656  
development of suitable child care designed to accommodate the 136657  
special needs of migrant workers. On request, the department, 136658  
through its employees or contracts with state or community child 136659  
care resource and referral service organizations, shall provide 136660  
consultation to groups and individuals interested in developing 136661  
child care. The department of job and family services may enter 136662  
into interagency agreements with the department of education, the 136663  
chancellor of higher education, the department of development, and 136664  
other state agencies and entities whenever the cooperative efforts 136665  
of the other state agencies and entities are necessary for the 136666  
department of job and family services to fulfill its duties and 136667  
responsibilities under this chapter. 136668

The department shall develop and maintain a registry of 136669  
persons providing child care. The director shall adopt rules in 136670  
accordance with Chapter 119. of the Revised Code establishing 136671  
procedures and requirements for the registry's administration. 136672

(E)(1) The director shall adopt rules in accordance with 136673  
Chapter 119. of the Revised Code establishing both of the 136674  
following: 136675

(a) Reimbursement rates for providers of publicly funded 136676  
child care not later than the first day of July in each 136677  
odd-numbered year; 136678

(b) A procedure for reimbursing and paying providers of publicly funded child care.	136679 136680
(2) In establishing reimbursement rates under division (E)(1)(a) of this section, the director shall do all of the following:	136681 136682 136683
(a) Use the information obtained in accordance with 45 C.F.R. 98.45;	136684 136685
(b) Establish an enhanced reimbursement rate for providers who provide child care for caretaker parents who work nontraditional hours;	136686 136687 136688
(c) With regard to the step up to quality program established pursuant to section 5104.29 of the Revised Code, establish enhanced reimbursement rates for child <del>day-care</del> <u>care</u> providers that participate in the program.	136689 136690 136691 136692
(3) In establishing reimbursement rates under division (E)(1)(a) of this section, the director may establish different reimbursement rates based on any of the following:	136693 136694 136695
(a) Geographic location of the provider;	136696
(b) Type of care provided;	136697
(c) Age of the child served;	136698
(d) Special needs of the child served;	136699
(e) Whether the expanded hours of service are provided;	136700
(f) Whether weekend service is provided;	136701
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	136702 136703
(h) Any other factors the director considers appropriate.	136704
<b>Sec. 5104.301.</b> A county department of job and family services may establish a program to encourage the organization of parent	136705 136706

cooperative child ~~day-care~~ care centers and parent cooperative 136707  
type A family ~~day-care~~ child care homes for recipients of publicly 136708  
funded child care. A program established under this section may 136709  
include any of the following: 136710

(A) Recruitment of parents interested in organizing a parent 136711  
cooperative child ~~day-care~~ care center or parent cooperative type 136712  
A family ~~day-care~~ child care home; 136713

(B) Provision of technical assistance in organizing a parent 136714  
cooperative child ~~day-care~~ care center or parent cooperative type 136715  
A family ~~day-care~~ child care home; 136716

(C) Assistance in the developing, conducting, and 136717  
disseminating training for parents interested in organizing a 136718  
parent cooperative child ~~day-care~~ care center or parent 136719  
cooperative type A family ~~day-care~~ child care home. 136720

A county department that implements a program under this 136721  
section shall receive from funds available under the child care 136722  
block grant act a five thousand dollar incentive payment for each 136723  
parent cooperative child ~~day-care~~ care center or parent 136724  
cooperative type A family ~~day-care~~ child care home organized 136725  
pursuant to this section. 136726

Parents of children enrolled in a parent cooperative child 136727  
~~day-care~~ care center or parent cooperative type A family ~~day-care~~ 136728  
child care home pursuant to this section shall be required to work 136729  
in the center or home a minimum of four hours per week. 136730

The director of job and family services shall adopt rules 136731  
governing the establishment and operation of programs under this 136732  
section. 136733

**Sec. 5104.31.** (A) Publicly funded child care may be provided 136734  
only by the following: 136735

(1) Any of the following licensed by the department of job 136736

and family services pursuant to section 5104.03 of the Revised Code or pursuant to rules adopted under section 5104.018 of the Revised Code: 136737  
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(a) A child ~~day-care~~ care center, including a parent cooperative child ~~day-care~~ care center; 136740  
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(b) A type A family ~~day-care~~ child care home, including a parent cooperative type A family ~~day-care~~ child care home; 136742  
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(c) A licensed type B family ~~day-care~~ child care home. 136744

(2) An in-home aide who has been certified by the county department of job and family services pursuant to section 5104.12 of the Revised Code; 136745  
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(3) A child day camp approved pursuant to section 5104.22 of the Revised Code; 136748  
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(4) A licensed preschool program; 136750

(5) A licensed school child program; 136751

(6) A border state child care provider, except that a border state child care provider may provide publicly funded child care only to an individual who resides in an Ohio county that borders the state in which the provider is located. 136752  
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(B) Publicly funded child ~~day-care~~ care may be provided in a child's own home only by an in-home aide. 136756  
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(C)(1) Except as provided in division (C)(2) of this section, a licensed child care program may provide publicly funded child care only if the program is rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code. 136758  
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(2) A licensed child care program that is any of the following may provide publicly funded child care without being rated through the step up to quality program: 136763  
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(a) A program that operates only during the summer and for not more than fifteen consecutive weeks;	136766 136767
(b) A program that operates only during school breaks;	136768
(c) A program that operates only on weekday evenings, weekends, or both;	136769 136770
(d) A program that holds a provisional license issued under section 5104.03 of the Revised Code;	136771 136772
(e) A program that had its step up to quality program rating removed by the department of job and family services within the previous twelve months;	136773 136774 136775
(f) A program that is the subject of a revocation action initiated by the department, but the license has not yet been revoked;	136776 136777 136778
(g) A program that provides publicly funded child care to less than twenty-five per cent of the program's license capacity;	136779 136780
(h) A program that is a type A family <del>day-care</del> <u>child care</u> home or licensed type B family <del>day-care</del> <u>child care</u> home.	136781 136782
<b>Sec. 5104.32.</b> (A) All purchases of publicly funded child care shall be made under a contract entered into by a licensed child <del>day-care</del> <u>care</u> center, licensed type A family <del>day-care</del> <u>child care</u> home, licensed type B family <del>day-care</del> <u>child care</u> home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child care provider and the department of job and family services. All contracts for publicly funded child care shall be contingent upon the availability of state and federal funds. The department shall prescribe a standard form to be used for all contracts for the purchase of publicly funded child care, regardless of the source of public funds used to purchase the child care. To the extent permitted by federal law and notwithstanding any other provision	136783 136784 136785 136786 136787 136788 136789 136790 136791 136792 136793 136794 136795

of the Revised Code that regulates state contracts or contracts 136796  
involving the expenditure of state or federal funds, all contracts 136797  
for publicly funded child care shall be entered into in accordance 136798  
with the provisions of this chapter and are exempt from any other 136799  
provision of the Revised Code that regulates state contracts or 136800  
contracts involving the expenditure of state or federal funds. 136801

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(B) Each contract for publicly funded child care shall 136803  
specify at least the following: 136804

(1) That the provider of publicly funded child care agrees to 136805  
be paid for rendering services at the lower of the rate 136806  
customarily charged by the provider for children enrolled for 136807  
child care or the reimbursement rate of payment established 136808  
pursuant to section 5104.30 of the Revised Code; 136809

(2) That, if a provider provides child care to an individual 136810  
potentially eligible for publicly funded child care who is 136811  
subsequently determined to be eligible, the department agrees to 136812  
pay for all child care provided between the date the county 136813  
department of job and family services receives the individual's 136814  
completed application and the date the individual's eligibility is 136815  
determined; 136816

(3) Whether the county department of job and family services, 136817  
the provider, or a child care resource and referral service 136818  
organization will make eligibility determinations, whether the 136819  
provider or a child care resource and referral service 136820  
organization will be required to collect information to be used by 136821  
the county department to make eligibility determinations, and the 136822  
time period within which the provider or child care resource and 136823  
referral service organization is required to complete required 136824  
eligibility determinations or to transmit to the county department 136825  
any information collected for the purpose of making eligibility 136826

determinations; 136827

(4) That the provider, other than a border state child care 136828  
provider, shall continue to be licensed, approved, or certified 136829  
pursuant to this chapter and shall comply with all standards and 136830  
other requirements in this chapter and in rules adopted pursuant 136831  
to this chapter for maintaining the provider's license, approval, 136832  
or certification; 136833

(5) That, in the case of a border state child care provider, 136834  
the provider shall continue to be licensed, certified, or 136835  
otherwise approved by the state in which the provider is located 136836  
and shall comply with all standards and other requirements 136837  
established by that state for maintaining the provider's license, 136838  
certificate, or other approval; 136839

(6) Whether the provider will be paid by the state department 136840  
of job and family services or in some other manner as prescribed 136841  
by rules adopted under section 5104.42 of the Revised Code; 136842

(7) That the contract is subject to the availability of state 136843  
and federal funds. 136844

(C)(1) The department shall establish an automated child care 136845  
system to track attendance and calculate payments for publicly 136846  
funded child care. 136847

(2) Each eligible provider that provides publicly funded 136848  
child care shall participate in the automated child care system. A 136849  
provider participating in the system shall not do any of the 136850  
following: 136851

(a) Use or have possession of a personal identification 136852  
number or password issued to a caretaker parent under the 136853  
automated child care system; 136854

(b) Falsify attendance records; 136855

(c) Knowingly seek or accept payment for publicly funded 136856

child care that was not provided or for which the provider was not 136857  
eligible; 136858

(d) Knowingly seek or accept payment for child care provided 136859  
to a child who resides in the provider's own home. 136860

(D) The department may withhold any money due under this 136861  
chapter and may recover through any appropriate method any money 136862  
erroneously paid under this chapter if evidence demonstrates that 136863  
a provider of publicly funded child care failed to comply with 136864  
either of the following: 136865

(1) The terms of the contract entered into under this 136866  
section; 136867

(2) This chapter or any rules adopted under it. 136868

(E) If the department has evidence that a provider has 136869  
employed an individual who is ineligible for employment under 136870  
section 5104.013 of the Revised Code and the provider has not 136871  
released the individual from employment upon notice that the 136872  
individual is ineligible, the department may terminate immediately 136873  
the contract entered into under this section to provide publicly 136874  
funded child care. 136875

(F) Any decision by the department concerning publicly funded 136876  
child care, including the recovery of funds, overpayment 136877  
determinations, and contract terminations is final and is not 136878  
subject to appeal, hearing, or further review under Chapter 119. 136879  
of the Revised Code. 136880

**Sec. 5104.35.** (A) Each county department of job and family 136881  
services shall do all of the following: 136882

(1) Accept any gift, grant, or other funds from either public 136883  
or private sources offered unconditionally or under conditions 136884  
which are, in the judgment of the department, proper and 136885  
consistent with this chapter and deposit the funds in the county 136886

public assistance fund established by section 5101.161 of the Revised Code; 136887  
136888

(2) Recruit individuals and groups interested in certification as in-home aides or in developing and operating suitable licensed child ~~day-care~~ care centers, type A family ~~day-care~~ child care homes, or licensed type B family ~~day-care~~ child care homes, especially in areas with high concentrations of recipients of public assistance, and for that purpose provide consultation to interested individuals and groups on request; 136889  
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(3) Inform clients of the availability of child care services. 136896  
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(B) A county department of job and family services may, to the extent permitted by federal law, use public child care funds to extend the hours of operation of the county department to accommodate the needs of working caretaker parents and enable those parents to apply for publicly funded child care. 136898  
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**Sec. 5104.36.** The licensee or administrator of a child ~~day-care~~ care center, type A family ~~day-care~~ child care home, or licensed type B family ~~day-care~~ child care home, an in-home aide providing child care services, the director or administrator of an approved child day camp, and a border state child care provider shall keep a record for each eligible child, to be made available to the county department of job and family services or the department of job and family services on request. The record shall include all of the following: 136903  
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(A) The name and date of birth of the child; 136912

(B) The name and address of the child's caretaker parent; 136913

(C) The name and address of the caretaker parent's place of employment or program of education or training; 136914  
136915

(D) The hours for which child care services have been 136916

provided for the child; 136917

(E) Any other information required by the county department 136918  
of job and family services or the state department of job and 136919  
family services. 136920

**Sec. 5104.99.** (A) Whoever violates section 5104.02 of the 136921  
Revised Code shall be punished as follows: 136922

(1) For each offense, the offender shall be fined not less 136923  
than one hundred dollars nor more than five hundred dollars 136924  
multiplied by the number of children receiving child care at the 136925  
child ~~day-care~~ care center or type A family ~~day-care~~ child care 136926  
home that either exceeds the number of children to which a type B 136927  
family day-care home may provide child care or, if the offender is 136928  
a licensed type A family ~~day-care~~ child care home that is 136929  
operating as a child ~~day-care~~ care center without being licensed 136930  
as a center, exceeds the license capacity of the type A home. 136931

(2) In addition to the fine specified in division (A)(1) of 136932  
this section, all of the following apply: 136933

(a) Except as provided in divisions (A)(2)(b), (c), and (d) 136934  
of this section, the court shall order the offender to reduce the 136935  
number of children to which it provides child care to a number 136936  
that does not exceed either the number of children to which a type 136937  
B family ~~day-care~~ child care home may provide child care or, if 136938  
the offender is a licensed type A family ~~day-care~~ child care home 136939  
that is operating as a child ~~day-care~~ care center without being 136940  
licensed as a center, the license capacity of the type A home. 136941

(b) If the offender previously has been convicted of or 136942  
pleaded guilty to one violation of section 5104.02 of the Revised 136943  
Code, the court shall order the offender to cease the provision of 136944  
child care to any person until it obtains a child ~~day-care~~ care 136945  
center license or a type A family ~~day-care~~ child care home 136946

license, as appropriate, under section 5104.03 of the Revised Code. 136947  
136948

(c) If the offender previously has been convicted of or 136949  
pleaded guilty to two violations of section 5104.02 of the Revised 136950  
Code, the offender is guilty of a misdemeanor of the first degree, 136951  
and the court shall order the offender to cease the provision of 136952  
child care to any person until it obtains a child ~~day-care~~ care 136953  
center license or a type A family ~~day-care~~ child care home 136954  
license, as appropriate, under section 5104.03 of the Revised 136955  
Code. The court shall impose the fine specified in division (A)(1) 136956  
of this section and may impose an additional fine provided that 136957  
the total amount of the fines so imposed does not exceed the 136958  
maximum fine authorized for a misdemeanor of the first degree 136959  
under section 2929.28 of the Revised Code. 136960

(d) If the offender previously has been convicted of or 136961  
pleaded guilty to three or more violations of section 5104.02 of 136962  
the Revised Code, the offender is guilty of a felony of the fifth 136963  
degree, and the court shall order the offender to cease the 136964  
provision of child care to any person until it obtains a child 136965  
~~day-care~~ care center license or a type A family ~~day-care~~ child 136966  
care home license, as appropriate, under section 5104.03 of the 136967  
Revised Code. The court shall impose the fine specified in 136968  
division (A)(1) of this section and may impose an additional fine 136969  
provided that the total amount of the fines so imposed does not 136970  
exceed the maximum fine authorized for a felony of the fifth 136971  
degree under section 2929.18 of the Revised Code. 136972

(B) Whoever violates section 5104.09 of the Revised Code is 136973  
guilty of a misdemeanor of the third degree. 136974

**Sec. 5107.60.** In accordance with Title IV-A, federal 136975  
regulations, state law, the Title IV-A state plan prepared under 136976  
section 5101.80 of the Revised Code, and amendments to the plan, 136977

county departments of job and family services shall establish and 136978  
administer the following work activities, in addition to the work 136979  
activities established under sections 5107.50, 5107.52, 5107.54, 136980  
and 5107.58 of the Revised Code, for minor heads of households and 136981  
adults participating in Ohio works first: 136982

(A) Unsubsidized employment activities, including activities 136983  
a county department determines are legitimate entrepreneurial 136984  
activities; 136985

(B) On-the-job training activities, including training to 136986  
become an employee of a child ~~day-care~~ care center or type A 136987  
family ~~day-care~~ child care home, administrator of a licensed type 136988  
B family ~~day-care~~ child care home, or in-home aide; 136989

(C) Community service activities including a program under 136990  
which a participant of Ohio works first who is the parent, 136991  
guardian, custodian, or specified relative responsible for the 136992  
care of a minor child enrolled in grade twelve or lower is 136993  
involved in the minor child's education on a regular basis; 136994

(D) Vocational educational training activities; 136995

(E) Jobs skills training activities that are directly related 136996  
to employment; 136997

(F) Education activities that are directly related to 136998  
employment for participants who have not earned a high school 136999  
diploma or certificate of high school equivalence; 137000

(G) Education activities for participants who have not 137001  
completed secondary school or received a certificate of high 137002  
school equivalence under which the participants attend a secondary 137003  
school or a course of study leading to a certificate of high 137004  
school equivalence, including LEAP participation by a minor head 137005  
of household; 137006

(H) Child-care service activities aiding another participant 137007

assigned to a community service activity or other work activity. A 137008  
county department may provide for a participant assigned to this 137009  
work activity to receive training necessary to provide child-care 137010  
services. 137011

**Sec. 5119.37.** (A)(1)(a) Except as provided in division 137012  
(A)(1)(b) of this section, no person or government entity shall 137013  
operate an opioid treatment program requiring certification, as 137014  
certification is defined in 42 C.F.R. 8.2, unless the person or 137015  
government entity is a community addiction services provider and 137016  
the program is licensed under this section. 137017

(b) Division (A)(1)(a) of this section does not apply to a 137018  
program operated by the United States department of veterans 137019  
affairs. 137020

(2) No community addiction services provider licensed under 137021  
this section shall operate an opioid treatment program in a manner 137022  
inconsistent with this section and the rules adopted under it. 137023

(B) A community addiction services provider seeking a license 137024  
to operate an opioid treatment program shall apply to the 137025  
department of mental health and addiction services. The department 137026  
shall review all applications received. 137027

(C) The department may issue a license to operate an opioid 137028  
treatment program to a community addiction services provider only 137029  
if all of the following apply: 137030

(1) During the three-year period immediately preceding the 137031  
date of application, the provider or any owner, sponsor, medical 137032  
director, administrator, or principal of the provider has been in 137033  
good standing to operate an opioid treatment program in all other 137034  
locations where the provider or such other person has been 137035  
operating a similar program, as evidenced by both of the 137036  
following: 137037

(a) Not having been denied a license, certificate, or similar approval to operate an opioid treatment program by this state or another jurisdiction; 137038  
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(b) Not having been the subject of any of the following in this state or another jurisdiction: 137041  
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(i) An action that resulted in the suspension or revocation of the license, certificate, or similar approval of the provider or other person; 137043  
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(ii) A voluntary relinquishment, withdrawal, or other action taken by the provider or other person to avoid suspension or revocation of the license, certificate, or similar approval; 137046  
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(iii) A disciplinary action that was based, in whole or in part, on the provider or other person engaging in the inappropriate prescribing, dispensing, administering, personally furnishing, diverting, storing, supplying, compounding, or selling of a controlled substance or other dangerous drug. 137049  
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(2) It affirmatively appears to the department that the provider is adequately staffed and equipped to operate an opioid treatment program. 137054  
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(3) It affirmatively appears to the department that the provider will operate an opioid treatment program in strict compliance with all laws relating to drug abuse and the rules adopted by the department. 137057  
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(4) Except as provided in division (D) of this section and section 5119.371 of the Revised Code, if the provider is seeking an initial license for a particular location, the proposed opioid treatment program is not located on a parcel of real estate that is within a radius of five hundred linear feet of the boundaries of a parcel of real estate having situated on it a public or private school, child ~~day-care~~ care center licensed under Chapter 5104. of the Revised Code, or child-serving agency regulated by 137061  
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the department under this chapter. 137069

(5) The provider meets any additional requirements 137070  
established by the department in rules adopted under division (F) 137071  
of this section. 137072

(D) The department may waive the requirement of division 137073  
(C)(4) of this section if it receives, from each public or private 137074  
school, child ~~day-care~~ care center, or child-serving agency that 137075  
is within the five hundred linear feet radius described in that 137076  
division, a letter of support for the location. The department 137077  
shall determine whether a letter of support is satisfactory for 137078  
purposes of waiving the requirement. 137079

(E)(1) Except as provided in division (E)(2) of this section, 137080  
a license to operate an opioid treatment program shall expire two 137081  
years from the date of issuance. Licenses may be renewed. 137082

(2) In circumstances in which the director of mental health 137083  
and addiction services has concerns regarding compliance of a 137084  
community addiction services provider licensed as an opioid 137085  
treatment program, the department shall notify the provider of 137086  
those concerns and stipulate that the provider's license expires 137087  
annually on a date determined by the department. 137088

(F) The department shall establish procedures and adopt rules 137089  
for licensing, inspection, and supervision of community addiction 137090  
services providers that operate an opioid treatment program. The 137091  
rules shall establish standards for the control, storage, 137092  
furnishing, use, dispensing, and administering of medications used 137093  
in medication-assisted treatment; prescribe minimum standards for 137094  
the operation of the opioid treatment program component of the 137095  
provider's operations; and comply with federal laws and 137096  
regulations. 137097

All rules adopted under this division shall be adopted in 137098  
accordance with Chapter 119. of the Revised Code. All actions 137099

taken by the department regarding the licensing of providers to 137100  
operate opioid treatment programs shall be conducted in accordance 137101  
with Chapter 119. of the Revised Code, except as provided in 137102  
division (L) of this section. 137103

(G)(1) The department shall inspect all community addiction 137104  
services providers licensed to operate an opioid treatment 137105  
program. Inspections shall be conducted at least biennially and 137106  
may be conducted more frequently. 137107

In addition, the department may inspect any provider or other 137108  
person that it reasonably believes to be operating an opioid 137109  
treatment program without a license issued under this section. 137110

(2) When conducting an inspection, the department may do both 137111  
of the following: 137112

(a) Examine and copy all records, accounts, and other 137113  
documents relating to the provider's or other person's operations, 137114  
including records pertaining to patients or clients; 137115

(b) Conduct interviews with any individual employed by or 137116  
contracted or otherwise associated with the provider or person, 137117  
including an administrator, staff person, patient, or client. 137118

(3) No person or government entity shall interfere with a 137119  
state or local government official acting on behalf of the 137120  
department while conducting an inspection. 137121

(H) A community addiction services provider shall not 137122  
administer or dispense methadone in a tablet, powder, or 137123  
intravenous form. Methadone shall be administered or dispensed 137124  
only in a liquid form intended for ingestion. 137125

A community addiction services provider shall not administer 137126  
or dispense a medication used in medication-assisted treatment for 137127  
pain or other medical reasons. 137128

(I) As used in this division, "program sponsor" means a 137129

person who assumes responsibility for the operation and employees 137130  
of the opioid treatment program component of a community addiction 137131  
services provider's operations. 137132

A provider shall not permit an individual to act as a program 137133  
sponsor, medical director, or director of the provider if the 137134  
individual is receiving a medication used in medication-assisted 137135  
treatment from any community addiction services provider. 137136

(J) The department may issue orders to ensure compliance with 137137  
all laws relating to drug abuse and the rules adopted under this 137138  
section. Subject to section 5119.27 of the Revised Code, the 137139  
department may hold hearings, require the production of relevant 137140  
matter, compel testimony, issue subpoenas, and make adjudications. 137141  
Upon failure of a person without lawful excuse to obey a subpoena 137142  
or to produce relevant matter, the department may apply to a court 137143  
of common pleas for an order compelling compliance. 137144

(K) The department may refuse to issue, or may withdraw or 137145  
revoke, a license to operate an opioid treatment program. A 137146  
license may be refused if a community addiction services provider 137147  
does not meet the requirements of division (C) of this section. A 137148  
license may be withdrawn at any time the department determines 137149  
that the provider no longer meets the requirements for receiving 137150  
the license. A license may be revoked in accordance with division 137151  
(L) of this section. 137152

Once a license is issued under this section, the department 137153  
shall not consider the requirement of division (C)(4) of this 137154  
section in determining whether to renew, withdraw, or revoke the 137155  
license or whether to reissue the license as a result of a change 137156  
in ownership. 137157

(L) If the department finds reasonable cause to believe that 137158  
a community addiction services provider licensed under this 137159  
section is in violation of any state or federal law or rule 137160

relating to drug abuse, the department may issue an order 137161  
immediately revoking the license, subject to division (M) of this 137162  
section. The department shall set a date not more than fifteen 137163  
days later than the date of the order of revocation for a hearing 137164  
on the continuation or cancellation of the revocation. For good 137165  
cause, the department may continue the hearing on application of 137166  
any interested party. In conducting hearings, the department has 137167  
all the authority and power set forth in division (J) of this 137168  
section. Following the hearing, the department shall either 137169  
confirm or cancel the revocation. The hearing shall be conducted 137170  
in accordance with Chapter 119. of the Revised Code, except that 137171  
the provider shall not be permitted to operate an opioid treatment 137172  
program pending the hearing or pending any appeal from an 137173  
adjudication made as a result of the hearing. Notwithstanding any 137174  
provision of Chapter 119. of the Revised Code to the contrary, a 137175  
court shall not stay or suspend any order of revocation issued by 137176  
the department under this division pending judicial appeal. 137177

(M) The department shall not revoke a license to operate an 137178  
opioid treatment program unless all clients receiving medication 137179  
used in medication-assisted treatment from the community addiction 137180  
services provider are provided adequate substitute medication or 137181  
treatment. For purposes of this division, the department may 137182  
transfer the clients to other providers licensed to operate opioid 137183  
treatment programs or replace any or all of the administrators and 137184  
staff of the provider with representatives of the department who 137185  
shall continue on a provisional basis the opioid treatment 137186  
component of the provider's operations. 137187

(N) Each time the department receives an application from a 137188  
community addiction services provider for a license to operate an 137189  
opioid treatment program, issues or refuses to issue a license, or 137190  
withdraws or revokes a license, the department shall notify the 137191  
board of alcohol, drug addiction, and mental health services of 137192

each alcohol, drug addiction, and mental health service district 137193  
in which the provider operates. 137194

(O) Whenever it appears to the department from files, upon 137195  
complaint, or otherwise, that a community addiction services 137196  
provider has engaged in any practice declared to be illegal or 137197  
prohibited by section 3719.61 of the Revised Code, or any other 137198  
state or federal laws or regulations relating to drug abuse, or 137199  
when the department believes it to be in the best interest of the 137200  
public and necessary for the protection of the citizens of the 137201  
state, the department may request criminal proceedings by laying 137202  
before the prosecuting attorney of the proper county any evidence 137203  
of criminality which may come to its knowledge. 137204

(P) The department shall maintain a current list of community 137205  
addiction services providers licensed by the department under this 137206  
section and shall provide a copy of the current list to a judge of 137207  
a court of common pleas who requests a copy for the use of the 137208  
judge under division (H) of section 2925.03 of the Revised Code. 137209  
The list of licensed community addiction services providers shall 137210  
identify each licensed provider by its name, its address, and the 137211  
county in which it is located. 137212

**Sec. 5119.371.** (A) On application by a community addiction 137213  
services provider that has purchased or leased real property to be 137214  
used as the location of an opioid treatment program subject to 137215  
licensure under section 5119.37 of the Revised Code, the 137216  
department of mental health and addiction services shall determine 137217  
whether the location of the proposed program complies with the 137218  
requirements of division (C)(4) of section 5119.37 of the Revised 137219  
Code by not being located on a parcel of real estate that is 137220  
within a radius of five hundred linear feet of the boundaries of a 137221  
parcel of real estate having situated on it a public or private 137222  
school, child ~~day-care~~ care center licensed under Chapter 5104. of 137223

the Revised Code, or child-serving agency regulated by the 137224  
department under this chapter. 137225

If the department determines that the location is in 137226  
compliance with division (C)(4) of section 5119.37 of the Revised 137227  
Code, the department shall issue a declaration stating that the 137228  
location is in compliance. The declaration is valid for two years 137229  
from the date of issuance. 137230

The department shall provide to the provider either a copy of 137231  
the declaration or a notice that the department has determined 137232  
that the location is not in compliance with division (C)(4) of 137233  
section 5119.37 of the Revised Code. 137234

If, before expiration of the declaration, a community 137235  
addiction services provider applies for a license to operate an 137236  
opioid treatment program, the department shall not consider the 137237  
requirement of division (C)(4) of section 5119.37 of the Revised 137238  
Code in determining whether to issue the license. 137239

(B) A community addiction services provider seeking to 137240  
relocate an opioid treatment program licensed under section 137241  
5119.37 of the Revised Code may apply for and be granted a 137242  
declaration under division (A) of this section. If, before 137243  
expiration of the declaration, the provider applies for issuance 137244  
of a license due to relocation, the department shall not consider 137245  
the requirement of division (C)(4) of section 5119.37 of the 137246  
Revised Code in determining whether to reissue the license due to 137247  
relocation. 137248

**Sec. 5153.175.** (A) Notwithstanding division (I)(1) of section 137249  
2151.421, section 5153.17, and any other section of the Revised 137250  
Code pertaining to confidentiality, when a public children 137251  
services agency has determined that child abuse or neglect 137252  
occurred and that abuse or neglect involves a person who has 137253

applied for licensure as a type A family ~~day-care~~ child care home 137254  
or type B family ~~day-care~~ child care home, the agency shall 137255  
promptly provide to the department of job and family services any 137256  
information the agency determines to be relevant for the purpose 137257  
of evaluating the fitness of the person, including, but not 137258  
limited to, both of the following: 137259

(1) A summary report of the chronology of abuse and neglect 137260  
reports made pursuant to section 2151.421 of the Revised Code of 137261  
which the person is the subject where the agency determined that 137262  
abuse or neglect occurred and the final disposition of the 137263  
investigation of the reports or, if the investigations have not 137264  
been completed, the status of the investigations; 137265

(2) Any underlying documentation concerning those reports. 137266

(B) The agency shall not include in the information provided 137267  
to the department under division (A) of this section the name of 137268  
the person or entity that made the report or participated in the 137269  
making of the report of child abuse or neglect. 137270

(C) Upon provision of information under division (A) of this 137271  
section, the agency shall notify the department of both of the 137272  
following: 137273

(1) That the information is confidential; 137274

(2) That unauthorized dissemination of the information is a 137275  
violation of division (I)(2) of section 2151.421 of the Revised 137276  
Code and any person who permits or encourages unauthorized 137277  
dissemination of the information is guilty of a misdemeanor of the 137278  
fourth degree pursuant to section 2151.99 of the Revised Code. 137279

**Sec. 5321.01.** As used in this chapter: 137280

(A) "Tenant" means a person entitled under a rental agreement 137281  
to the use and occupancy of residential premises to the exclusion 137282

of others. 137283

(B) "Landlord" means the owner, lessor, or sublessor of 137284  
residential premises, the agent of the owner, lessor, or 137285  
sublessor, or any person authorized by the owner, lessor, or 137286  
sublessor to manage the premises or to receive rent from a tenant 137287  
under a rental agreement. 137288

(C) "Residential premises" means a dwelling unit for 137289  
residential use and occupancy and the structure of which it is a 137290  
part, the facilities and appurtenances in it, and the grounds, 137291  
areas, and facilities for the use of tenants generally or the use 137292  
of which is promised the tenant. "Residential premises" includes a 137293  
dwelling unit that is owned or operated by a college or 137294  
university. "Residential premises" does not include any of the 137295  
following: 137296

(1) Prisons, jails, workhouses, and other places of 137297  
incarceration or correction, including, but not limited to, 137298  
halfway houses or residential arrangements that are used or 137299  
occupied as a requirement of a community control sanction, a 137300  
post-release control sanction, or parole; 137301

(2) Hospitals and similar institutions with the primary 137302  
purpose of providing medical services, and homes licensed pursuant 137303  
to Chapter 3721. of the Revised Code; 137304

(3) Tourist homes, hotels, motels, recreational vehicle 137305  
parks, recreation camps, combined park-camps, temporary 137306  
park-camps, and other similar facilities where circumstances 137307  
indicate a transient occupancy; 137308

(4) Elementary and secondary boarding schools, where the cost 137309  
of room and board is included as part of the cost of tuition; 137310

(5) Orphanages and similar institutions; 137311

(6) Farm residences furnished in connection with the rental 137312

of land of a minimum of two acres for production of agricultural products by one or more of the occupants; 137313  
137314

(7) Dwelling units subject to sections 3733.41 to 3733.49 of the Revised Code; 137315  
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(8) Occupancy by an owner of a condominium unit; 137317

(9) Occupancy in a facility licensed as an SRO facility pursuant to Chapter 3731. of the Revised Code, if the facility is owned or operated by an organization that is exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or group of entities in which such an organization has a controlling interest, and if either of the following applies: 137318  
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(a) The occupancy is for a period of less than sixty days. 137325

(b) The occupancy is for participation in a program operated by the facility, or by a public entity or private charitable organization pursuant to a contract with the facility, to provide either of the following: 137326  
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(i) Services licensed, certified, registered, or approved by a governmental agency or private accrediting organization for the rehabilitation of persons with mental illnesses, persons with developmental disabilities, adults or juveniles convicted of criminal offenses, or persons experiencing substance abuse; 137330  
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(ii) Shelter for juvenile runaways, victims of domestic violence, or homeless persons. 137335  
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(10) Emergency shelters operated by organizations exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, for persons whose circumstances indicate a transient occupancy, including homeless people, victims of domestic violence, and juvenile runaways. 137337  
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(D) "Rental agreement" means any agreement or lease, written 137343  
or oral, which establishes or modifies the terms, conditions, 137344  
rules, amount of rent charged or paid, or any other provisions 137345  
concerning the use and occupancy of residential premises by one of 137346  
the parties. 137347

(E) "Security deposit" means any deposit of money or property 137348  
to secure performance by the tenant under a rental agreement. 137349

(F) "Dwelling unit" means a structure or the part of a 137350  
structure that is used as a home, residence, or sleeping place by 137351  
one person who maintains a household or by two or more persons who 137352  
maintain a common household. 137353

(G) "Controlled substance" has the same meaning as in section 137354  
3719.01 of the Revised Code. 137355

(H) "Student tenant" means a person who occupies a dwelling 137356  
unit owned or operated by the college or university at which the 137357  
person is a student, and who has a rental agreement that is 137358  
contingent upon the person's status as a student. 137359

(I) "Recreational vehicle park," "recreation camp," "combined 137360  
park-camp," and "temporary park-camp" have the same meanings as in 137361  
section 3729.01 of the Revised Code. 137362

(J) "Community control sanction" has the same meaning as in 137363  
section 2929.01 of the Revised Code. 137364

(K) "Post-release control sanction" has the same meaning as 137365  
in section 2967.01 of the Revised Code. 137366

(L) "School premises" has the same meaning as in section 137367  
2925.01 of the Revised Code. 137368

(M) "Sexually oriented offense" and "child-victim oriented 137369  
offense" have the same meanings as in section 2950.01 of the 137370  
Revised Code. 137371

(N) "Preschool or child ~~day-care~~ care center premises" has 137372

the same meaning as in section 2950.034 of the Revised Code. 137373

(O) "Rent control" means requiring below-market rents for 137374  
residential premises or controlling rental rates for residential 137375  
premises in any manner, including by prohibiting rent increases, 137376  
regulating rental rate changes between tenancies, limiting rental 137377  
rate increases, regulating the rental rates of residential 137378  
premises based on income or wealth of tenants, and other forms of 137379  
restraint or limitation of rental rates. 137380

(P) "Rent stabilization" means allowing rent increases for 137381  
residential premises of a fixed amount or on a fixed schedule as 137382  
set by a political subdivision. 137383

(Q) "Political subdivision" means a county, township, 137384  
municipal corporation, or any other body corporate and politic 137385  
that is responsible for government activities in a geographic area 137386  
smaller than that of the state. 137387

**Sec. 5321.03.** (A) Notwithstanding section 5321.02 of the 137388  
Revised Code, a landlord may bring an action under Chapter 1923. 137389  
of the Revised Code for possession of the premises if: 137390

(1) The tenant is in default in the payment of rent; 137391

(2) The violation of the applicable building, housing, 137392  
health, or safety code that the tenant complained of was primarily 137393  
caused by any act or lack of reasonable care by the tenant, or by 137394  
any other person in the tenant's household, or by anyone on the 137395  
premises with the consent of the tenant; 137396

(3) Compliance with the applicable building, housing, health, 137397  
or safety code would require alteration, remodeling, or demolition 137398  
of the premises which would effectively deprive the tenant of the 137399  
use of the dwelling unit; 137400

(4) A tenant is holding over the tenant's term. 137401

(5) The residential premises are located within one thousand 137402

feet of any school premises, preschool or child ~~day-care~~ care center premises, children's crisis care facility premises, or residential infant care center premises, and both of the following apply regarding the tenant or other occupant who resides in or occupies the premises:

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

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

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

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

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

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

(a) The person's name appears on the state registry of sex

offenders and child-victim offenders maintained under section 137433  
2950.13 of the Revised Code. 137434

(b) The state registry of sex offenders and child-victim 137435  
offenders indicates that the person was convicted of or pleaded 137436  
guilty to either a sexually oriented offense that is not a 137437  
registration-exempt sexually oriented offense or a child-victim 137438  
oriented offense in a criminal prosecution and was not sentenced 137439  
to a serious youthful offender dispositional sentence for that 137440  
offense. 137441

(2) If a tenant allows occupancy in violation of this section 137442  
or a person establishes a residence or occupies residential 137443  
premises in violation of section 2950.034 of the Revised Code, the 137444  
landlord for the residential premises that are the subject of the 137445  
rental agreement or other tenancy may terminate the rental 137446  
agreement or other tenancy of the tenant and all other occupants. 137447

(B) If a landlord is authorized to terminate a rental 137448  
agreement or other tenancy pursuant to division (A) of this 137449  
section but does not so terminate the rental agreement or other 137450  
tenancy, the landlord is not liable in a tort or other civil 137451  
action in damages for any injury, death, or loss to person or 137452  
property that allegedly results from that decision. 137453

(C) As used in this section, "children's crisis care facility 137454  
premises" and "residential infant care center premises" have the 137455  
same meanings as in section 2950.034 of the Revised Code. 137456

**Sec. 5709.65.** (A) An enterprise issued a certificate under 137457  
section 5709.64 of the Revised Code shall be entitled to the 137458  
following tax incentives: 137459

(1) With the exception of improvements to land or tangible 137460  
personal property constituting or used in the retail portion, if 137461  
any, of a facility, any improvement to land or tangible personal 137462

property at a facility for which a certificate is issued, first 137463  
used in business at the facility as the result of a project, shall 137464  
not be considered an asset of a corporate enterprise in 137465  
determining the value of its issued and outstanding stock under 137466  
division (A) of section 5733.05 of the Revised Code at the end of 137467  
the taxable year that includes the certificate's date of issuance. 137468

(2) With the exception of the original cost of improvements 137469  
to land or tangible personal property constituting or used in the 137470  
retail portion, if any, of a facility, the original cost of any 137471  
improvement to land or tangible personal property at the facility 137472  
for which the certificate is issued, first used in business at the 137473  
facility as a result of a project, shall be excluded from the 137474  
numerator upon computation of the property factor of a corporate 137475  
enterprise under division (B)(2)(a) of section 5733.05 of the 137476  
Revised Code, or of a noncorporate enterprise under division (A) 137477  
of section 5747.21 of the Revised Code, for the taxable year that 137478  
includes the certificate's date of issuance. 137479

As used in divisions (A)(1) and (2) of this section, the 137480  
"retail portion" of a facility is that part of a facility used 137481  
primarily for making retail sales as defined in division (O) of 137482  
section 5739.01 of the Revised Code. 137483

(3) Compensation paid to new employees described under 137484  
divisions (A)(2)(a) to (e) of section 5709.64 of the Revised Code 137485  
at the facility for which the certificate is issued, who are hired 137486  
as a result of a project, shall be excluded from the numerator 137487  
upon computation of the payroll factor of a corporate enterprise 137488  
under division (B)(2)(b) of section 5733.05 of the Revised Code, 137489  
or of a noncorporate enterprise under division (B) of section 137490  
5747.21 of the Revised Code, for the taxable year that includes 137491  
the certificate's date of issuance. 137492

(4) An enterprise that reimburses its new employees described 137493  
under divisions (A)(2)(a) to (e) of section 5709.64 of the Revised 137494

Code for all or part of the cost of ~~day-care~~ child care services 137495  
necessary to enable them to be employed at a facility for which a 137496  
certificate is issued shall be entitled to a credit equal to the 137497  
amounts so reimbursed, up to a maximum of three hundred dollars 137498  
for each child or dependent receiving the services, for the 137499  
taxable year in which reimbursement is made, against the tax 137500  
imposed by section 5733.06 of the Revised Code on a corporate 137501  
enterprise, or against the aggregate amount of tax imposed on the 137502  
owners of a noncorporate enterprise under section 5747.02 of the 137503  
Revised Code, for the taxable year that includes the certificate's 137504  
date of issuance. Only reimbursements of amounts paid by new 137505  
employees to ~~day-care~~ child care centers licensed by the 137506  
department of job and family services for ~~day-care~~ child care 137507  
services provided during the first twenty-four months of 137508  
employment as a new employee may be applied toward the credit 137509  
provided under this division. Any enterprise claiming this credit 137510  
shall maintain records verifying that the credit is claimed only 137511  
for reimbursement of amounts expended by new employees for such 137512  
services. 137513

(5) For each new employee described in divisions (A)(2)(a) to 137514  
(e) of section 5709.64 of the Revised Code who completes a 137515  
training program and is subsequently employed by an enterprise for 137516  
at least ninety days, if the enterprise pays or reimburses all or 137517  
part of the cost of the employee's participation in the training 137518  
program, it may claim a credit equal to the amount paid or 137519  
reimbursed or one thousand dollars, whichever is less, in the 137520  
taxable year in which the employee completes the ninety days of 137521  
subsequent employment, against the tax imposed on a corporate 137522  
enterprise by section 5733.06 of the Revised Code, or against the 137523  
aggregate amount of tax imposed on the owners of a noncorporate 137524  
enterprise under section 5747.02 of the Revised Code. Only one 137525  
credit shall be allowed with respect to any individual. Attendance 137526  
at a qualified training program under this section does not bar an 137527

otherwise eligible individual from receipt of benefits under 137528  
Chapter 4141. of the Revised Code. 137529

(B) None of the items set forth in divisions (A)(2) and (3) 137530  
of this section shall be considered in making any allocation or 137531  
apportionment under division (B)(2)(d) of section 5733.05 or 137532  
division (D) of section 5747.21 of the Revised Code. 137533

(C) All credits provided under this section to a noncorporate 137534  
enterprise shall be divided pro rata among the owners of the 137535  
enterprise subject to the tax imposed by section 5747.02 of the 137536  
Revised Code, based upon their proportionate ownership interests 137537  
in the enterprise. The enterprise shall file with the tax 137538  
commissioner, on a form prescribed by the commissioner, a 137539  
statement showing the total available credit and the portion 137540  
thereof attributed to each owner. The statement shall identify 137541  
each owner by name and social security number and shall be filed 137542  
with the tax commissioner by the date prescribed by the 137543  
commissioner, which shall be no earlier than the fifteenth day of 137544  
the month following the close of the enterprise's taxable year for 137545  
which the credit is claimed. 137546

(D) All state income tax or corporation franchise tax credits 137547  
provided under this section shall be claimed in the order required 137548  
under section 5733.98 or 5747.98 of the Revised Code. The credits, 137549  
to the extent they exceed the taxpayer's aggregate tax liability 137550  
for the taxable year after allowance for any other credits that 137551  
precede the credits under this section in that order, shall be 137552  
carried forward to the next succeeding taxable year or years until 137553  
fully utilized. 137554

**Sec. 5733.36.** This section applies only to tax years 1999, 137555  
2000, 2001, 2002, and 2003. 137556

A nonrefundable credit is allowed against the tax imposed by 137557  
sections 5733.06, 5733.065, and 5733.066 of the Revised Code for a 137558

taxpayer that enters into an agreement with a child ~~day-care~~ care 137559  
center pursuant to this section. Under the terms of the agreement, 137560  
the taxpayer must make one or more support payments to the 137561  
~~day-care~~ center on a periodic basis, and the center must agree to 137562  
serve a child of an employee of the taxpayer for the period 137563  
covered by each support payment. The center must be licensed under 137564  
section 5104.03 of the Revised Code. The amount of the support 137565  
payment must be set forth in the agreement, and cannot exceed a 137566  
reasonable charge for a child to attend a ~~day-care~~ center in the 137567  
vicinity of the taxpayer's worksite. The agreement must specify 137568  
that an employee has the option of refusing to place the 137569  
employee's child in a ~~day-care~~ center that receives support 137570  
payments from the taxpayer. 137571

The amount of the credit equals fifty per cent of the total 137572  
amount of support payments made by the taxpayer during the taxable 137573  
year. The taxpayer shall not count toward the credit any amount it 137574  
paid directly or indirectly in connection with a plan or program 137575  
described in section 125 of the Internal Revenue Code or under 137576  
section 5733.38 of the Revised Code. The taxpayer shall claim the 137577  
credit in the order required under section 5733.98 of the Revised 137578  
Code. 137579

**Sec. 5733.37.** (A) A nonrefundable credit is allowed against 137580  
the tax imposed by sections 5733.06, 5733.065, and 5733.066 of the 137581  
Revised Code equal to the lesser of one hundred thousand dollars, 137582  
or fifty per cent of the amount incurred by a taxpayer for 137583  
equipment, supplies, labor, and real property, including 137584  
renovation of real property, used exclusively to establish a child 137585  
~~day-care~~ care center. The credit is allowed only for the tax year 137586  
immediately following the taxable year in which the ~~child day-care~~ 137587  
center begins operations. The credit may be claimed only for tax 137588  
year 1999, 2000, 2001, 2002, or 2003, but may be carried forward 137589  
pursuant to division (B) of this section. 137590

The center must be licensed under section 5104.03 of the Revised Code, used exclusively by employees of the taxpayer, and located at the employees' worksite. Amounts incurred for supplies that are to be used after the center begins operations may be included only with regard to supplies that are expected to last more than one year under normal usage. To be eligible for the credit, the taxpayer must specify that an employee has the option of refusing to place the employee's child in the ~~day-care~~ center established by the taxpayer.

(B) The taxpayer shall claim the credit in the order required under section 5733.98 of the Revised Code. The taxpayer may carry forward any credit amount in excess of its tax due after allowing for any other credits that precede the credit under this section in the order required under section 5733.98 of the Revised Code, and shall deduct the amount of the excess credit allowed in any such year from the balance carried forward to the next taxable year. The credit may be carried forward for five tax years following the tax year for which the credit is claimed under division (A) of this section. However, if the taxpayer disposes of the ~~day-care~~ center or ceases to operate it at any time during the five-year period, it shall not claim or carry forward any credit in connection with that property in the taxable year of disposal or cessation of operation or in any ensuing taxable year.

**Sec. 5733.38.** This section applies only to tax years 1999, 2000, 2001, 2002, and 2003.

A nonrefundable credit is allowed against the tax imposed by sections 5733.06, 5733.065, and 5733.066 of the Revised Code equal to fifty per cent of the amount incurred by a taxpayer during the taxable year immediately preceding the tax year to reimburse employees of the taxpayer for child care expenses. The amount of the credit for a tax year shall not exceed seven hundred fifty

dollars per child. 137622

The taxpayer shall count toward the credit only 137623  
reimbursements it pays to or for the benefit of employees for 137624  
amounts paid by those employees for child care provided to 137625  
dependents of the employees at child ~~day-care~~ care centers 137626  
licensed under section 5104.03 of the Revised Code. The taxpayer 137627  
shall not count toward the credit any amount it paid directly or 137628  
indirectly in connection with a plan or program described in 137629  
section 125 of the Internal Revenue Code or under section 5733.36 137630  
of the Revised Code. The taxpayer shall claim the credit in the 137631  
order required under section 5733.98 of the Revised Code. 137632

**Sec. 6109.121.** (A) The director of environmental protection 137633  
shall adopt rules in accordance with Chapter 119. of the Revised 137634  
Code that do all of the following: 137635

(1) Require the owner or operator of a community or 137636  
nontransient noncommunity water system to conduct sampling of the 137637  
system for lead and copper; 137638

(2) Establish a schedule for lead and copper sampling 137639  
applicable to the owner or operator of a community or nontransient 137640  
noncommunity water system that, at a minimum, does both of the 137641  
following: 137642

(a) Allows the director, in establishing the schedule, to 137643  
consider the following factors when determining if a community or 137644  
nontransient noncommunity water system must conduct sampling at 137645  
least once annually: 137646

(i) The age of the water system; 137647

(ii) Whether corrosion control requirements are met; 137648

(iii) Any other relevant risk factors, as determined by the 137649  
director, including aging infrastructure likely to contain lead 137650  
service lines. 137651

(b) Requires the owner or operator of a system where such risk factors are identified to conduct sampling at least once annually until the risk factors are mitigated in accordance with rules.

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(3) Require the owner or operator of a community or nontransient noncommunity water system to provide collected samples to a certified laboratory for analysis;

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(4) Authorize the director to require additional sampling for pH level and other water quality parameters to determine if corrosion control requirements are met;

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(5) Authorize the director to establish corrosion control requirements for community and nontransient noncommunity water systems;

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(6) Require the owner or operator of a community or nontransient noncommunity water system to conduct a new or updated corrosion control treatment study and submit a new or updated corrosion control treatment plan not later than eighteen months after any of the following events:

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(a) The system changes or adds a source from which water is obtained.

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(b) The system makes a substantial change in water treatment.

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(c) The system operates outside of acceptable ranges for lead, copper, pH, or other corrosion indicators, as determined by the director.

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(d) Any other event determined by the director to have the potential to impact the water quality or corrosiveness of water in the system.

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(7) Authorize the director to waive the requirement to conduct a new or updated corrosion control study established in rules adopted under division (A)(6) of this section in appropriate

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circumstances; 137682

(8) When the owner or operator of a community or nontransient 137683  
noncommunity water system is required to complete a corrosion 137684  
control treatment study and submit a plan in accordance with rules 137685  
adopted under division (A)(6) of this section, require the owner 137686  
or operator to complete the study and submit the plan to the 137687  
director for approval even if sampling results conducted 137688  
subsequent to the initiation of the study and plan do not exceed 137689  
the lead action level established in rules adopted under this 137690  
chapter; 137691

(9) When the owner or operator of a community or nontransient 137692  
noncommunity water system is required to complete a corrosion 137693  
control treatment study and submit a plan in accordance with rules 137694  
adopted under division (A)(6) of this section, require the owner 137695  
or operator to submit to the director an interim status report of 137696  
actions taken to implement the corrosion control study six months 137697  
and twelve months from the date of initiation of the corrosion 137698  
control study requirement; 137699

(10) Establish a lead threshold for individual taps; 137700

(11) Establish and revise content for public education 137701  
materials; 137702

(12) Authorize the director to develop procedures and 137703  
requirements to document that notices were provided by the owner 137704  
or operator of a community or nontransient noncommunity water 137705  
system as required under the rules adopted under division (A)(15) 137706  
of this section; 137707

(13) Authorize the director to assess administrative 137708  
penalties in accordance with section 6109.23 of the Revised Code 137709  
for violations of the notice requirements established in rules 137710  
adopted under divisions (A)(15)(b) and (c)(i) of this section; 137711

(14) Require a laboratory that receives a lead or copper tap 137712

water sample from a community or nontransient noncommunity water system to do both of the following:

(a) Complete a lead or copper analysis of the sample, as applicable, not later than thirty business days after the receipt of the sample;

(b) Not later than the end of the next business day following the day the analysis of the sample is completed, report the results of the analysis and all identifying information about where the sample was collected to the community or nontransient noncommunity water system and the director.

(15) Require the owner or operator of a community or nontransient noncommunity water system to do all of the following, as applicable, with regard to laboratory results received under rules adopted under division (A)(14) of this section:

(a) If the laboratory results show that a sample from an individual tap is below the applicable lead threshold as established in rules adopted under this chapter, provide notice of the results of each individual tap sample to the owner and persons served at the residence or other structure where the tap was sampled within a time period specified in rules that is not more than thirty business days after the receipt of the laboratory results;

(b) If the results show that a sample from an individual tap is above the applicable lead threshold as established under rules adopted under this chapter, provide notice of the results of each individual tap sample to the owner and persons served at the residence or other structure where the tap was sampled within a time period specified in rules that is not more than two business days after the receipt of the laboratory results, and do all of the following, as applicable:

(i) For the owner or operator of a nontransient noncommunity

water system, immediately remove from service all fixtures 137744  
identified as contributing to elevated lead levels; 137745

(ii) For the owner or operator of a community water system, 137746  
include in the system's annual consumer confidence report the lead 137747  
or copper laboratory results, an explanation of the associated 137748  
health risks, what actions consumers of the system can take to 137749  
reduce health risks, and the actions the system is taking to 137750  
reduce public exposure; 137751

(iii) Not later than two business days after the receipt of 137752  
the laboratory results, provide information on the availability of 137753  
health screening and blood lead level testing to the owner and 137754  
persons served at the residence or other structure where the 137755  
sample was collected and provide notice of the laboratory results 137756  
to the applicable local board of health. 137757

(c) If the laboratory results show that the community or 137758  
nontransient noncommunity water system exceeds the lead action 137759  
level established in rules adopted under this chapter, do all of 137760  
the following, as applicable: 137761

(i) Not later than two business days after the receipt of the 137762  
laboratory results, provide notice to all of the system's water 137763  
consumers that the system exceeds the lead action level. The owner 137764  
or operator shall provide the notice in a form specified by the 137765  
director. 137766

(ii) Not later than five business days after the receipt of 137767  
the laboratory results by the owner or operator of a community 137768  
water system, provide information on the availability of tap water 137769  
testing for lead to all consumers served by the system who are 137770  
known or likely to have lead service lines, lead pipes, or lead 137771  
solder as identified in the map required to be completed by rules 137772  
adopted under division (A)(18) of this section; 137773

(iii) Not later than thirty business days after the receipt 137774

of the laboratory results, make an analysis of laboratory results 137775  
available to all consumers served by the system, comply with 137776  
public education requirements established in rules adopted under 137777  
this chapter that apply when a public water system exceeds the 137778  
lead action level, and provide information to consumers served by 137779  
the system about the availability of health screenings and blood 137780  
lead level testing in the area served by the water system; 137781

(iv) Subject to rules adopted under division (A)(7) of this 137782  
section, perform a corrosion control treatment study and submit a 137783  
corrosion control treatment plan to the director not later than 137784  
eighteen months after the date on which laboratory results were 137785  
received by the owner or operator indicating that the system 137786  
exceeded the lead action level. 137787

(16) Require that not later than five business days after the 137788  
receipt of the laboratory results, the owner or operator shall 137789  
certify to the director that the owner or operator has complied 137790  
with the requirements of rules adopted under divisions (A)(15)(b), 137791  
(A)(15)(c)(i), and (A)(15)(c)(ii) of this section, as applicable. 137792

(17) Require that if the owner or operator of a community or 137793  
nontransient noncommunity water system fails to provide the 137794  
notices required under rules adopted under division (A)(15)(b) or 137795  
(c)(i) of this section, the director shall provide those notices 137796  
beginning ten business days from the date that the director 137797  
receives laboratory results under the rules adopted under division 137798  
(A)(14) of this section. 137799

(18) Require the owner or operator of a community or 137800  
nontransient noncommunity water system to submit a map to the 137801  
director showing areas of the system that are known or are likely 137802  
to contain lead service lines and identifying characteristics of 137803  
buildings served by the system that may contain lead piping, 137804  
solder, or fixtures. The rules shall, at a minimum, require the 137805  
owner or operator to do all of the following: 137806

(a) Submit a copy of the applicable map to the department of health and the department of job and family services; 137807  
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(b) Submit a report to the director containing at least the applicable map and a list of sampling locations that are tier I sites used to collect samples as required by rules adopted under this chapter, including contact information for the owner and occupant of each sampling site; 137809  
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(c) Update and resubmit the information required by divisions (A)(18)(a) and (b) of this section according to a schedule determined by the director, but not less frequently than required under the Safe Drinking Water Act. 137814  
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(B) The director shall post information on the environmental protection agency's web site about sources of funding that are available to assist communities with lead service line identification and replacement and schools with fountain and water-service fixture replacement. 137818  
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(C) As required by the director, an owner or operator of a nontransient noncommunity water system that is a school or child ~~day-care~~ care center shall collect additional tap water samples in buildings identified in the map required to be completed by rules adopted under division (A)(18) of this section. 137823  
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(D) As used in this section: 137828

(1) "Child ~~day-care~~ care center" has the same meaning as in section 5104.01 of the Revised Code. 137829  
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(2) "School" means a school operated by the board of education of a city, local, exempted village, or joint vocational school district, the governing board of an educational service center, the governing authority of a community school established under Chapter 3314. of the Revised Code, the governing body of a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, the board of 137831  
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trustees of a college-preparatory boarding school established 137838  
under Chapter 3328. of the Revised Code, or the governing 137839  
authority of a chartered or nonchartered nonpublic school. 137840

(3) "Local board of health" means the applicable board of 137841  
health of a city or general health district or the authority 137842  
having the duties of a board of health under section 3709.05 of 137843  
the Revised Code. 137844

**Section 130.21.** That existing sections 109.57, 349.01, 137845  
921.06, 1923.01, 1923.02, 2151.011, 2151.421, 2151.86, 2919.223, 137846  
2919.224, 2919.225, 2919.226, 2923.124, 2923.126, 2950.034, 137847  
2950.11, 2950.13, 3109.051, 3301.52, 3301.53, 3321.01, 3321.05, 137848  
3325.07, 3325.071, 3701.63, 3701.80, 3714.03, 3717.42, 3728.01, 137849  
3737.22, 3737.83, 3737.841, 3742.01, 3767.41, 3781.06, 3781.10, 137850  
3796.30, 3797.06, 3905.064, 4510.021, 4511.01, 4511.81, 4513.182, 137851  
4715.36, 5101.29, 5103.03, 5104.01, 5104.013, 5104.014, 5104.015, 137852  
5104.016, 5104.017, 5104.018, 5104.0111, 5104.02, 5104.021, 137853  
5104.022, 5104.03, 5104.032, 5104.033, 5104.034, 5104.037, 137854  
5104.038, 5104.039, 5104.04, 5104.041, 5104.042, 5104.043, 137855  
5104.05, 5104.051, 5104.052, 5104.053, 5104.054, 5104.06, 5104.07, 137856  
5104.08, 5104.09, 5104.13, 5104.14, 5104.25, 5104.30, 5104.301, 137857  
5104.31, 5104.32, 5104.35, 5104.36, 5104.99, 5107.60, 5119.37, 137858  
5119.371, 5153.175, 5321.01, 5321.03, 5321.051, 5709.65, 5733.36, 137859  
5733.37, 5733.38, and 6109.121 of the Revised Code are hereby 137860  
repealed. 137861

**Section 130.22.** The General Assembly, applying the principle 137862  
stated in division (B) of section 1.52 of the Revised Code that 137863  
amendments are to be harmonized if reasonably capable of 137864  
simultaneous operation, finds that the following sections, 137865  
presented in this act as composites of the resulting versions of 137866  
the sections in effect prior to the effective date of the sections 137867  
as presented in this act: 137868

Section 109.57 of the Revised Code as amended by both H.B. 137869  
405 and S.B. 288 of the 134th General Assembly. 137870

Section 4510.021 of the Revised Code as amended by both H.B. 137871  
300 and S.B. 204 of the 131st General Assembly. 137872

Section 5104.017 of the Revised Code as amended by both H.B. 137873  
110 and H.B. 281 of the 134th General Assembly. 137874

Section 5321.01 of the Revised Code amended by both H.B. 281 137875  
and H.B. 430 of the 134th General Assembly. 137876

**Section 130.23.** That the version of section 3701.63 of the 137877  
Revised Code that is scheduled to take effect September 30, 2024, 137878  
be amended to read as follows: 137879

**Sec. 3701.63.** (A) As used in this section and sections 137880  
3701.64, 3701.66, and 3701.67 of the Revised Code: 137881

(1) "Child ~~day-care~~ care center," "type A family ~~day-care~~ 137882  
child care home," and "licensed type B family ~~day-care~~ child care 137883  
home" have the same meanings as in section 5104.01 of the Revised 137884  
Code. 137885

(2) "Child care facility" means a child ~~day-care~~ care center, 137886  
a type A family ~~day-care~~ child care home, or a licensed type B 137887  
family ~~day-care~~ child care home. 137888

(3) "Foster caregiver" has the same meaning as in section 137889  
5103.02 of the Revised Code. 137890

(4) "Freestanding birthing center" has the same meaning as in 137891  
section 3701.503 of the Revised Code. 137892

(5) "Hospital" has the same meaning as in section 3722.01 of 137893  
the Revised Code to which either of the following applies: 137894

(a) The hospital has a maternity unit. 137895

(b) The hospital receives for care infants who have been 137896

transferred to it from other facilities and who have never been	137897
discharged to their residences following birth.	137898
(6) "Infant" means a child who is less than one year of age.	137899
(7) "Maternity unit" means the distinct portion of a hospital	137900
in which maternity services are provided.	137901
(8) "Other person responsible for the infant" includes a	137902
foster caregiver.	137903
(9) "Parent" means either parent, unless the parents are	137904
separated or divorced or their marriage has been dissolved or	137905
annulled, in which case "parent" means the parent who is the	137906
residential parent and legal custodian of the child. "Parent" also	137907
means a prospective adoptive parent with whom a child is placed.	137908
(10) "Shaken baby syndrome" means signs and symptoms,	137909
including, but not limited to, retinal hemorrhages in one or both	137910
eyes, subdural hematoma, or brain swelling, resulting from the	137911
violent shaking or the shaking and impacting of the head of an	137912
infant or small child.	137913
(B) The director of health shall establish the shaken baby	137914
syndrome education program by doing all of the following:	137915
(1) Developing educational materials that present readily	137916
comprehensible information on shaken baby syndrome;	137917
(2) Making available on the department of health web site in	137918
an easily accessible format the educational materials developed	137919
under division (B)(1) of this section;	137920
(3) Annually assessing the effectiveness of the shaken baby	137921
syndrome education program by doing all of the following:	137922
(a) Evaluating the reports received pursuant to section	137923
5101.135 of the Revised Code;	137924
(b) Reviewing the content of the educational materials to	137925
determine if updates or improvements should be made;	137926

(c) Reviewing the manner in which the educational materials 137927  
are distributed, as described in section 3701.64 of the Revised 137928  
Code, to determine if modifications to that manner should be made. 137929

(C) In meeting the requirements under division (B) of this 137930  
section, the director shall develop educational materials that, to 137931  
the extent possible, minimize administrative or financial burdens 137932  
on any of the entities or persons listed in section 3701.64 of the 137933  
Revised Code. 137934

**Section 130.24.** That the existing version of section 3701.63 137935  
of the Revised Code that is scheduled to take effect September 30, 137936  
2024, is hereby repealed. 137937

**Section 130.25.** Sections 130.23 and 130.24 of this act take 137938  
effect September 30, 2024. 137939

**Section 130.26.** That the versions of sections 921.06, 137940  
3737.83, and 3781.10 of the Revised Code that are scheduled to 137941  
take effect December 29, 2023, be amended to read as follows: 137942

**Sec. 921.06.** (A)(1) No individual shall do any of the 137943  
following without having a commercial applicator license issued by 137944  
the director of agriculture: 137945

(a) Apply pesticides for a pesticide business without direct 137946  
supervision; 137947

(b) Apply pesticides as part of the individual's duties while 137948  
acting as an employee of the United States government, a state, 137949  
county, township, or municipal corporation, or a park district, 137950  
port authority, or sanitary district created under Chapter 1545., 137951  
4582., or 6115. of the Revised Code, respectively; 137952

(c) Apply restricted use pesticides. Division (A)(1)(c) of 137953  
this section does not apply to a private applicator or an 137954

immediate family member or a subordinate employee of a private applicator who is acting under the direct supervision of that private applicator. 137955  
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(d) If the individual is the owner of a business other than a pesticide business or an employee of such an owner, apply pesticides at any of the following publicly accessible sites that are located on the property: 137958  
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(i) Food service operations that are licensed under Chapter 3717. of the Revised Code; 137962  
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(ii) Retail food establishments that are licensed under Chapter 3717. of the Revised Code; 137964  
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(iii) Golf courses; 137966

(iv) Rental properties of more than four apartment units at one location; 137967  
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(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code; 137969  
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(vi) Child ~~day-care~~ care centers or licensed school child ~~day-care centers~~ programs as defined in section 5104.01 of the Revised Code; 137971  
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(vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an educational service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the state board of education; 137974  
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(viii) State institutions of higher education as defined in section 3345.011 of the Revised Code, nonprofit institutions holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, institutions holding a certificate of registration from the state board of career colleges and schools 137980  
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and program authorization for an associate or bachelor's degree 137985  
program issued under section 3332.05 of the Revised Code, and 137986  
private institutions exempt from regulation under Chapter 3332. of 137987  
the Revised Code as prescribed in section 3333.046 of the Revised 137988  
Code; 137989

(ix) Food processing establishments as defined in section 137990  
3715.021 of the Revised Code; 137991

(x) Any other site designated by rule. 137992

(e) Conduct authorized diagnostic inspections. 137993

(2) Divisions (A)(1)(a) to (d) of this section do not apply 137994  
to an individual who is acting as a trained serviceperson under 137995  
the direct supervision of a commercial applicator. 137996

(3) Licenses shall be issued for a period of time established 137997  
by rule and shall be renewed in accordance with deadlines 137998  
established by rule. The fee for each such license shall be 137999  
established by rule. If a license is not issued or renewed, the 138000  
application fee shall be retained by the state as payment for the 138001  
reasonable expense of processing the application. The director 138002  
shall by rule classify by pesticide-use category licenses to be 138003  
issued under this section. A single license may include more than 138004  
one pesticide-use category. No individual shall be required to pay 138005  
an additional license fee if the individual is licensed for more 138006  
than one category. 138007

The fee for each license or renewal does not apply to an 138008  
applicant who is an employee of the department of agriculture 138009  
whose job duties require licensure as a commercial applicator as a 138010  
condition of employment. 138011

(B) Application for a commercial applicator license shall be 138012  
made on a form prescribed by the director. Each application for a 138013  
license shall state the pesticide-use category or categories of 138014  
license for which the applicant is applying and other information 138015

that the director determines essential to the administration of 138016  
this chapter. 138017

(C)(1) Except as provided in division (C)(2) of this section, 138018  
if the director finds that the applicant is competent to apply 138019  
pesticides and conduct diagnostic inspections and that the 138020  
applicant has passed both the general examination and each 138021  
applicable pesticide-use category examination as required under 138022  
division (A) of section 921.12 of the Revised Code, the director 138023  
shall issue a commercial applicator license limited to the 138024  
pesticide-use category or categories for which the applicant is 138025  
found to be competent. If the director rejects an application, the 138026  
director may explain why the application was rejected, describe 138027  
the additional requirements necessary for the applicant to obtain 138028  
a license, and return the application. The applicant may resubmit 138029  
the application without payment of any additional fee. 138030

(2) The director shall issue a commercial applicator license 138031  
in accordance with Chapter 4796. of the Revised Code to an 138032  
individual if either of the following applies: 138033

(a) The individual holds a commercial applicator license in 138034  
another state. 138035

(b) The individual has satisfactory work experience, a 138036  
government certification, or a private certification as described 138037  
in that chapter as a commercial applicator in a state that does 138038  
not issue that license. 138039

A license issued under this division shall be limited to the 138040  
pesticide-use category or categories for which the applicant is 138041  
licensed in another state or has satisfactory work experience, a 138042  
government certification, or a private certification in that 138043  
state. 138044

(D)(1) A person who is a commercial applicator shall be 138045  
deemed to hold a private applicator's license for purposes of 138046

applying pesticides on agricultural commodities that are produced 138047  
by the commercial applicator. 138048

(2) A commercial applicator shall apply pesticides only in 138049  
the pesticide-use category or categories in which the applicator 138050  
is licensed under this chapter. 138051

(E) All money collected under this section shall be credited 138052  
to the pesticide, fertilizer, and lime program fund created in 138053  
section 921.22 of the Revised Code. 138054

**Sec. 3737.83.** The state fire marshal shall, as part of the 138055  
state fire code, adopt rules to: 138056

(A) Establish minimum standards of performance for fire 138057  
protection equipment and fire fighting equipment; 138058

(B) Establish minimum standards of training, fix minimum 138059  
qualifications, and require certificates for all persons who 138060  
engage in the business for profit of installing, testing, 138061  
repairing, or maintaining fire protection equipment; 138062

(C) Provide for the issuance of certificates required under 138063  
division (B) of this section and establish the fees to be charged 138064  
for such certificates. A certificate shall be granted, renewed, or 138065  
revoked according to rules the state fire marshal shall adopt, 138066  
except that the state fire marshal shall grant a certificate in 138067  
accordance with Chapter 4796. of the Revised Code to an applicant 138068  
if either of the following applies: 138069

(1) The applicant holds a license or certificate in another 138070  
state. 138071

(2) The applicant has satisfactory work experience, a 138072  
government certification, or a private certification as described 138073  
in that chapter as a person engaged in the business of installing, 138074  
testing, repairing, or maintaining fire protection equipment in a 138075  
state that does not issue that certificate. 138076

(D) Establish minimum standards of flammability for consumer goods in any case where the federal government or any department or agency thereof has established, or may from time to time establish standards of flammability for consumer goods. The standards established by the state fire marshal shall be identical to the minimum federal standards.

In any case where the federal government or any department or agency thereof, establishes standards of flammability for consumer goods subsequent to the adoption of a flammability standard by the state fire marshal, standards previously adopted by the state fire marshal shall not continue in effect to the extent such standards are not identical to the minimum federal standards.

With respect to the adoption of minimum standards of flammability, this division shall supersede any authority granted a political subdivision by any other section of the Revised Code.

(E) Establish minimum standards pursuant to section 5104.05 of the Revised Code for fire prevention and fire safety in ~~child day-care~~ care centers and in type A family ~~day-care~~ child care homes, as defined in section 5104.01 of the Revised Code.

(F) Establish minimum standards for fire prevention and safety in a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults. The state fire marshal shall adopt the rules under this division in consultation with the director of mental health and addiction services and interested parties designated by the director of mental health and addiction services.

**Sec. 3781.10.** (A)(1) The board of building standards shall formulate and adopt rules governing the erection, construction, repair, alteration, and maintenance of all buildings or classes of buildings specified in section 3781.06 of the Revised Code,

including land area incidental to those buildings, the 138108  
construction of industrialized units, the installation of 138109  
equipment, and the standards or requirements for materials used in 138110  
connection with those buildings. The board shall incorporate those 138111  
rules into separate residential and nonresidential building codes. 138112  
The standards shall relate to the conservation of energy and the 138113  
safety and sanitation of those buildings. 138114

(2) The rules governing nonresidential buildings are the 138115  
lawful minimum requirements specified for those buildings and 138116  
industrialized units, except that no rule other than as provided 138117  
in division (C) of section 3781.108 of the Revised Code that 138118  
specifies a higher requirement than is imposed by any section of 138119  
the Revised Code is enforceable. The rules governing residential 138120  
buildings are uniform requirements for residential buildings in 138121  
any area with a building department certified to enforce the state 138122  
residential building code. In no case shall any local code or 138123  
regulation differ from the state residential building code unless 138124  
that code or regulation addresses subject matter not addressed by 138125  
the state residential building code or is adopted pursuant to 138126  
section 3781.01 of the Revised Code. 138127

(3) The rules adopted pursuant to this section are complete, 138128  
lawful alternatives to any requirements specified for buildings or 138129  
industrialized units in any section of the Revised Code. Except as 138130  
otherwise provided in division (I) of this section, the board 138131  
shall, on its own motion or on application made under sections 138132  
3781.12 and 3781.13 of the Revised Code, formulate, propose, 138133  
adopt, modify, amend, or repeal the rules to the extent necessary 138134  
or desirable to effectuate the purposes of sections 3781.06 to 138135  
3781.18 of the Revised Code. 138136

(B) The board shall report to the general assembly proposals 138137  
for amendments to existing statutes relating to the purposes 138138

declared in section 3781.06 of the Revised Code that public health 138139  
and safety and the development of the arts require and shall 138140  
recommend any additional legislation to assist in carrying out 138141  
fully, in statutory form, the purposes declared in that section. 138142  
The board shall prepare and submit to the general assembly a 138143  
summary report of the number, nature, and disposition of the 138144  
petitions filed under sections 3781.13 and 3781.14 of the Revised 138145  
Code. 138146

(C) On its own motion or on application made under sections 138147  
3781.12 and 3781.13 of the Revised Code, and after thorough 138148  
testing and evaluation, the board shall determine by rule that any 138149  
particular fixture, device, material, process of manufacture, 138150  
manufactured unit or component, method of manufacture, system, or 138151  
method of construction complies with performance standards adopted 138152  
pursuant to section 3781.11 of the Revised Code. The board shall 138153  
make its determination with regard to adaptability for safe and 138154  
sanitary erection, use, or construction, to that described in any 138155  
section of the Revised Code, wherever the use of a fixture, 138156  
device, material, method of manufacture, system, or method of 138157  
construction described in that section of the Revised Code is 138158  
permitted by law. The board shall amend or annul any rule or issue 138159  
an authorization for the use of a new material or manufactured 138160  
unit on any like application. No department, officer, board, or 138161  
commission of the state other than the board of building standards 138162  
or the board of building appeals shall permit the use of any 138163  
fixture, device, material, method of manufacture, newly designed 138164  
product, system, or method of construction at variance with what 138165  
is described in any rule the board of building standards adopts or 138166  
issues or that is authorized by any section of the Revised Code. 138167  
Nothing in this section shall be construed as requiring approval, 138168  
by rule, of plans for an industrialized unit that conforms with 138169  
the rules the board of building standards adopts pursuant to 138170  
section 3781.11 of the Revised Code. 138171

(D) The board shall recommend rules, codes, and standards to help carry out the purposes of section 3781.06 of the Revised Code and to help secure uniformity of state administrative rulings and local legislation and administrative action to the bureau of workers' compensation, the director of commerce, any other department, officer, board, or commission of the state, and to legislative authorities and building departments of counties, townships, and municipal corporations, and shall recommend that they audit those recommended rules, codes, and standards by any appropriate action that they are allowed pursuant to law or the constitution.

(E)(1) The board shall certify municipal, township, and county building departments, the personnel of those building departments, persons described in division (E)(7) of this section, and employees of individuals, firms, the state, or corporations described in division (E)(7) of this section to exercise enforcement authority, to accept and approve plans and specifications, and to make inspections, pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code.

(2) The board shall certify departments, personnel, and persons to enforce the state residential building code, to enforce the nonresidential building code, or to enforce both the residential and the nonresidential building codes. Any department, personnel, or person may enforce only the type of building code for which certified.

(3) The board shall not require a building department, its personnel, or any persons that it employs to be certified for residential building code enforcement if that building department does not enforce the state residential building code. The board shall specify, in rules adopted pursuant to Chapter 119. of the Revised Code, the requirements for certification for residential and nonresidential building code enforcement, which shall be

consistent with this division. The requirements for residential 138204  
and nonresidential certification may differ. Except as otherwise 138205  
provided in this division, the requirements shall include, but are 138206  
not limited to, the satisfactory completion of an initial 138207  
examination and, to remain certified, the completion of a 138208  
specified number of hours of continuing building code education 138209  
within each three-year period following the date of certification 138210  
which shall be not less than thirty hours. The rules shall provide 138211  
that continuing education credits and certification issued by the 138212  
council of American building officials, national model code 138213  
organizations, and agencies or entities the board recognizes are 138214  
acceptable for purposes of this division. The rules shall specify 138215  
requirements that are consistent with the provisions of section 138216  
5903.12 of the Revised Code relating to active duty military 138217  
service and are compatible, to the extent possible, with 138218  
requirements the council of American building officials and 138219  
national model code organizations establish. 138220

(4) The board shall establish and collect a certification and 138221  
renewal fee for building department personnel, and persons and 138222  
employees of persons, firms, or corporations as described in this 138223  
section, who are certified pursuant to this division. 138224

(5) Any individual certified pursuant to this division shall 138225  
complete the number of hours of continuing building code education 138226  
that the board requires or, for failure to do so, forfeit 138227  
certification. 138228

(6) This division does not require or authorize the board to 138229  
certify personnel of municipal, township, and county building 138230  
departments, and persons and employees of persons, firms, or 138231  
corporations as described in this section, whose responsibilities 138232  
do not include the exercise of enforcement authority, the approval 138233  
of plans and specifications, or making inspections under the state 138234  
residential and nonresidential building codes. 138235

(7) Enforcement authority for approval of plans and specifications and enforcement authority for inspections may be exercised, and plans and specifications may be approved and inspections may be made on behalf of a municipal corporation, township, or county, by any of the following who the board of building standards certifies:

(a) Officers or employees of the municipal corporation, township, or county;

(b) Persons, or employees of persons, firms, or corporations, pursuant to a contract to furnish architectural, engineering, or other services to the municipal corporation, township, or county;

(c) Officers or employees of, and persons under contract with, a municipal corporation, township, county, health district, or other political subdivision, pursuant to a contract to furnish architectural, engineering, or other services;

(d) Officers or employees of the division of industrial compliance in the department of commerce pursuant to a contract authorized by division (B) of section 121.083 of the Revised Code.

(8) Municipal, township, and county building departments have jurisdiction within the meaning of sections 3781.03, 3791.04, and 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters for which they are certified under this section.

(9) A certified municipal, township, or county building department may exercise enforcement authority, accept and approve plans and specifications, and make inspections pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a park district created pursuant to Chapter 1545. of the Revised Code upon the approval, by resolution, of the board of park commissioners of the park district requesting the department to exercise that authority and conduct those activities, as

applicable. 138267

(10) Certification shall be granted upon application by the 138268  
municipal corporation, the board of township trustees, or the 138269  
board of county commissioners and approval of that application by 138270  
the board of building standards. The application shall set forth: 138271

(a) Whether the certification is requested for residential or 138272  
nonresidential buildings, or both; 138273

(b) The number and qualifications of the staff composing the 138274  
building department; 138275

(c) The names, addresses, and qualifications of persons, 138276  
firms, or corporations contracting to furnish work or services 138277  
pursuant to division (E)(7)(b) of this section; 138278

(d) The names of any other municipal corporation, township, 138279  
county, health district, or political subdivision under contract 138280  
to furnish work or services pursuant to division (E)(7) of this 138281  
section; 138282

(e) The proposed budget for the operation of the building 138283  
department. 138284

(11) The board of building standards shall adopt rules 138285  
governing all of the following: 138286

(a) The certification of building department personnel and 138287  
persons and employees of persons, firms, or corporations 138288  
exercising authority pursuant to division (E)(7) of this section. 138289  
The rules shall disqualify any employee of the department or 138290  
person who contracts for services with the department from 138291  
performing services for the department when that employee or 138292  
person would have to pass upon, inspect, or otherwise exercise 138293  
authority over any labor, material, or equipment the employee or 138294  
person furnishes for the construction, alteration, or maintenance 138295  
of a building or the preparation of working drawings or 138296

specifications for work within the jurisdictional area of the 138297  
department. The department shall provide other similarly qualified 138298  
personnel to enforce the residential and nonresidential building 138299  
codes as they pertain to that work. 138300

(b) The minimum services to be provided by a certified 138301  
building department. 138302

(12) The board of building standards may revoke or suspend 138303  
certification to enforce the residential and nonresidential 138304  
building codes, on petition to the board by any person affected by 138305  
that enforcement or approval of plans, or by the board on its own 138306  
motion. Hearings shall be held and appeals permitted on any 138307  
proceedings for certification or revocation or suspension of 138308  
certification in the same manner as provided in section 3781.101 138309  
of the Revised Code for other proceedings of the board of building 138310  
standards. 138311

(13) Upon certification, and until that authority is revoked, 138312  
any county or township building department shall enforce the 138313  
residential and nonresidential building codes for which it is 138314  
certified without regard to limitation upon the authority of 138315  
boards of county commissioners under Chapter 307. of the Revised 138316  
Code or boards of township trustees under Chapter 505. of the 138317  
Revised Code. 138318

(14) The board shall certify a person to exercise enforcement 138319  
authority, to accept and approve plans and specifications, or to 138320  
make inspections in this state in accordance with Chapter 4796. of 138321  
the Revised Code if either of the following applies: 138322

(a) The person holds a license or certificate in another 138323  
state. 138324

(b) The person has satisfactory work experience, a government 138325  
certification, or a private certification as described in that 138326  
chapter in the same profession, occupation, or occupational 138327

activity as the profession, occupation, or occupational activity 138328  
for which the certificate is required in this state in a state 138329  
that does not issue that license or certificate. 138330

(F) In addition to hearings sections 3781.06 to 3781.18 and 138331  
3791.04 of the Revised Code require, the board of building 138332  
standards shall make investigations and tests, and require from 138333  
other state departments, officers, boards, and commissions 138334  
information the board considers necessary or desirable to assist 138335  
it in the discharge of any duty or the exercise of any power 138336  
mentioned in this section or in sections 3781.06 to 3781.18, 138337  
3791.04, and 4104.43 of the Revised Code. 138338

(G) The board shall adopt rules and establish reasonable fees 138339  
for the review of all applications submitted where the applicant 138340  
applies for authority to use a new material, assembly, or product 138341  
of a manufacturing process. The fee shall bear some reasonable 138342  
relationship to the cost of the review or testing of the 138343  
materials, assembly, or products and for the notification of 138344  
approval or disapproval as provided in section 3781.12 of the 138345  
Revised Code. 138346

(H) The residential construction advisory committee shall 138347  
provide the board with a proposal for a state residential building 138348  
code that the committee recommends pursuant to division (D)(1) of 138349  
section 4740.14 of the Revised Code. Upon receiving a 138350  
recommendation from the committee that is acceptable to the board, 138351  
the board shall adopt rules establishing that code as the state 138352  
residential building code. 138353

(I)(1) The committee may provide the board with proposed 138354  
rules to update or amend the state residential building code that 138355  
the committee recommends pursuant to division (E) of section 138356  
4740.14 of the Revised Code. 138357

(2) If the board receives a proposed rule to update or amend 138358

the state residential building code as provided in division (I)(1) 138359  
of this section, the board either may accept or reject the 138360  
proposed rule for incorporation into the residential building 138361  
code. If the board does not act to either accept or reject the 138362  
proposed rule within ninety days after receiving the proposed rule 138363  
from the committee as described in division (I)(1) of this 138364  
section, the proposed rule shall become part of the residential 138365  
building code. 138366

(J) The board shall cooperate with the director of job and 138367  
family services when the director promulgates rules pursuant to 138368  
section 5104.05 of the Revised Code regarding safety and 138369  
sanitation in type A family ~~day-care~~ child care homes. 138370

(K) The board shall adopt rules to implement the requirements 138371  
of section 3781.108 of the Revised Code. 138372

**Section 130.27.** That the existing versions of sections 138373  
921.06, 3737.83, and 3781.10 of the Revised Code that are 138374  
scheduled to take effect December 29, 2023, are hereby repealed. 138375

**Section 130.28.** Sections 130.26 and 130.27 of this act take 138376  
effect December 29, 2023. 138377

**Section 130.30.** That sections 127.15, 173.03, 753.19, 138378  
1121.38, 1509.06, 1513.071, 1513.08, 1513.16, 1565.12, 1571.05, 138379  
1571.08, 1571.10, 1571.14, 1571.15, 1571.16, 1707.02, 1707.04, 138380  
1707.042, 1707.091, 1707.11, 1707.43, 1733.16, 2941.401, 3111.23, 138381  
3301.05, 3302.04, 3310.521, 3313.41, 3313.818, 3314.21, 3319.081, 138382  
3319.11, 3319.16, 3319.291, 3319.311, 3321.13, 3321.21, 3704.03, 138383  
3734.02, 3734.021, 3734.575, 3746.09, 3752.11, 3772.031, 3772.04, 138384  
3772.11, 3772.12, 3772.13, 3772.131, 3781.08, 3781.11, 3781.25, 138385  
3781.29, 3781.342, 3904.08, 4121.19, 4123.512, 4123.52, 4125.03, 138386  
4141.09, 4141.47, 4167.10, 4301.17, 4301.30, 4303.24, 4507.081, 138387  
4508.021, 4509.101, 4510.41, 4735.13, 4735.14, 5107.161, 5120.14, 138388

5165.193, 5165.86, 5166.303, 5168.08, 5168.22, 5168.23, 5525.01, 138389  
5703.37, 5709.83, 5736.041, and 5751.40 be amended and sections 138390  
1509.031 and 3745.019 of the Revised Code be enacted to read as 138391  
follows: 138392

**Sec. 127.15.** The controlling board may authorize any state 138393  
agency for which an appropriation is made, in any act making 138394  
appropriations for capital improvements, to expend the moneys 138395  
appropriated otherwise than in accordance with the items set 138396  
forth, and for such purpose may authorize transfers among items or 138397  
create new items and authorize transfers thereto, provided that 138398  
prior to such transfers the agency seeking the same shall notify 138399  
by mail or electronic mail the elected representatives to the 138400  
general assembly from the counties affected by such transfers, 138401  
stating the time and place of the hearing on the proposed 138402  
transfers thereto. Such transfers among items shall not alter in 138403  
total the appropriation to any state agency except as otherwise 138404  
provided by the general assembly. The board may not authorize the 138405  
transfer of a capital appropriation item of any state agency for 138406  
use by such agency for operating expenses, except as otherwise 138407  
provided by the general assembly. 138408

**Sec. 173.03.** (A) There is hereby created the Ohio advisory 138409  
council for the aging, which shall consist of twelve members to be 138410  
appointed by the governor with the advice and consent of the 138411  
senate. Two ex officio members of the council shall be members of 138412  
the house of representatives appointed by the speaker of the house 138413  
of representatives and shall be members of two different political 138414  
parties. Two ex officio members of the council shall be members of 138415  
the senate appointed by the president of the senate and shall be 138416  
members of two different political parties. The medicaid director 138417  
and directors of mental health and addiction services, 138418

developmental disabilities, health, and job and family services, 138419  
or their designees, shall serve as ex officio members of the 138420  
council. The council shall carry out its role as defined under the 138421  
"Older Americans Act of 1965," 79 Stat. 219, 42 U.S.C. 3001, as 138422  
amended. 138423

At the first meeting of the council, and annually thereafter, 138424  
the members shall select one of their members to serve as 138425  
chairperson and one of their members to serve as vice-chairperson. 138426  
The council may form a quorum and take votes at meetings conducted 138427  
by interactive electronic medium if provisions are made for public 138428  
attendance through the interactive electronic meeting. 138429

(B) Members of the council shall be appointed for a term of 138430  
three years, except that for the first appointment members of the 138431  
Ohio commission on aging who were serving on the commission 138432  
immediately prior to July 26, 1984, shall become members of the 138433  
council for the remainder of their unexpired terms. Thereafter, 138434  
appointment to the council shall be for a three-year term by the 138435  
governor. Each member shall hold office from the date of 138436  
appointment until the end of the term for which the member was 138437  
appointed. Any member appointed to fill a vacancy occurring prior 138438  
to the expiration of the term for which the member's predecessor 138439  
was appointed shall hold office for the remainder of the term. No 138440  
member shall continue in office subsequent to the expiration date 138441  
of the member's term unless reappointed under the provisions of 138442  
this section, and no member shall serve more than three 138443  
consecutive terms on the council. 138444

(C) Membership of the council shall represent all areas of 138445  
Ohio and shall be as follows: 138446

(1) A majority of members of the council shall have attained 138447  
the age of fifty and have a knowledge of and continuing interest 138448  
in the affairs and welfare of the older citizens of Ohio. The 138449  
fields of business, labor, health, law, and human services shall 138450

be represented in the membership. 138451

(2) No more than seven members shall be of the same political 138452  
party. 138453

(D) Any member of the council may be removed from office by 138454  
the governor for neglect of duty, misconduct, or malfeasance in 138455  
office after being informed in writing of the charges and afforded 138456  
an opportunity for a hearing. Two consecutive unexcused absences 138457  
from regularly scheduled meetings constitute neglect of duty. 138458

(E) The director of aging may reimburse a member for actual 138459  
and necessary traveling and other expenses incurred in the 138460  
discharge of official duties. But reimbursement shall be made in 138461  
the manner and at rates that do not exceed those prescribed by the 138462  
director of budget and management for any officer, member, or 138463  
employee of, or consultant to, any state agency. 138464

(F) Council members are not limited as to the number of terms 138465  
they may serve. 138466

(G)(1) The department of aging may award grants to or enter 138467  
into contracts with a member of the advisory council or an entity 138468  
that the member represents if any of the following apply: 138469

(a) The department determines that the member or the entity 138470  
the member represents is capable of providing the goods or 138471  
services specified under the terms of the grant or contract. 138472

(b) The member has not taken part in any discussion or vote 138473  
of the council related to whether the council should recommend 138474  
that the department of aging award the grant to or enter into the 138475  
contract with the member of the advisory council or the entity 138476  
that the member represents. 138477

(2) A member of the advisory council is not in violation of 138478  
Chapter 102. or section 2921.42 of the Revised Code with regard to 138479  
receiving a grant or entering into a contract under this section 138480

if the conditions of division (G)(1)(a) and (b) of this section 138481  
have been met. 138482

**Sec. 753.19.** (A) If a person who was convicted of or pleaded 138483  
guilty to an offense or was indicted or otherwise charged with the 138484  
commission of an offense escapes from a jail or workhouse of a 138485  
municipal corporation or otherwise escapes from the custody of a 138486  
municipal corporation, the chief of police or other chief law 138487  
enforcement officer of that municipal corporation immediately 138488  
after the escape shall report the escape, by telephone and in 138489  
writing, to all local law enforcement agencies with jurisdiction 138490  
over the place where the person escaped from custody, to the state 138491  
highway patrol, to the department of rehabilitation and correction 138492  
if the escaped person is a prisoner under the custody of the 138493  
department who is in the jail or workhouse, to the prosecuting 138494  
attorney of the county, and to a newspaper of general circulation 138495  
in the municipal corporation in a newspaper of general circulation 138496  
in each county in which part of the municipal corporation is 138497  
located. The written notice may be by ~~either~~ facsimile 138498  
transmission, electronic mail, or mail. A failure to comply with 138499  
this requirement is a violation of section 2921.22 of the Revised 138500  
Code. 138501

(B) Upon the apprehension of the escaped person, the chief 138502  
law enforcement officer shall give notice of the apprehension of 138503  
the escaped person by telephone and in writing to the persons 138504  
notified under division (A) of this section. 138505

**Sec. 1121.38.** (A)(1) An administrative hearing provided for 138506  
in section 1121.32, 1121.33, 1121.35, or 1121.41 of the Revised 138507  
Code shall be held in the county in which the principal place of 138508  
business of the bank or trust company or residence of the 138509  
regulated person is located, unless the bank, trust company, or 138510  
regulated person requesting the hearing consents to another place. 138511

Within ninety days after the hearing, the superintendent of 138512  
financial institutions shall render a decision, which shall 138513  
include findings of fact upon which the decision is predicated, 138514  
and shall issue and serve on the bank, trust company, or regulated 138515  
person the decision and an order consistent with the decision. 138516  
Judicial review of the order is exclusively as provided in 138517  
division (B) of this section. Unless a notice of appeal is filed 138518  
in a court of common pleas within thirty days after service of the 138519  
superintendent's order as provided in division (B) of this 138520  
section, and until the record of the administrative hearing has 138521  
been filed, the superintendent may, at anytime, upon the notice 138522  
and in the manner the superintendent considers proper, modify, 138523  
terminate, or set aside the superintendent's order. After filing 138524  
the record, the superintendent may modify, terminate, or set aside 138525  
the superintendent's order with permission of the court. 138526

(a) A hearing provided for in section 1121.32, 1121.35, or 138527  
1121.41 of the Revised Code shall be confidential, unless the 138528  
superintendent determines that holding an open hearing would be in 138529  
the public interest. Within twenty days after service of the 138530  
notice of a hearing, a respondent may file a written request for a 138531  
public hearing with the superintendent. A respondent's failure to 138532  
file such a request constitutes a waiver of any objections to a 138533  
confidential hearing. 138534

(b) A hearing provided for in section 1121.33 of the Revised 138535  
Code shall be an open hearing. Within twenty days after service of 138536  
the notice of a hearing, a respondent may file a written request 138537  
for a confidential hearing with the superintendent. If such a 138538  
request is received by the superintendent, the hearing shall be 138539  
confidential unless the superintendent determines that holding an 138540  
open hearing would be in the public interest. 138541

(2) In the course of, or in connection with, an 138542  
administrative hearing governed by this section, the 138543

superintendent, or a person designated by the superintendent to 138544  
conduct the hearing, may administer oaths and affirmations, take 138545  
or cause depositions to be taken, and issue, revoke, quash, or 138546  
modify subpoenas and subpoenas duces tecum. At any administrative 138547  
hearing required by section 1121.32, 1121.33, 1121.35, or 1121.41 138548  
of the Revised Code, the record of which may be the basis of an 138549  
appeal to court, a stenographic record of the testimony and other 138550  
evidence submitted shall be taken at the expense of the division 138551  
of financial institutions. The record shall include all of the 138552  
testimony and other evidence, and any rulings on the admissibility 138553  
thereof, presented at the hearing. The superintendent may adopt 138554  
rules regarding these hearings. The attendance of witnesses and 138555  
the production of documents provided for in this section may be 138556  
required from any place within or outside the state. A party to a 138557  
hearing governed by this section may apply to the court of common 138558  
pleas of Franklin county, or the court of common pleas of the 138559  
county in which the hearing is being conducted or the witness 138560  
resides or carries on business, for enforcement of a subpoena or 138561  
subpoena duces tecum issued pursuant to this section, and the 138562  
courts have jurisdiction and power to order and require compliance 138563  
with the subpoena. Witnesses subpoenaed under this section shall 138564  
be paid the fees and mileage provided for under section 119.094 of 138565  
the Revised Code. 138566

As used in this division, "stenographic record" means a 138567  
record provided by stenographic means or by the use of audio 138568  
electronic recording devices, as the division of financial 138569  
institutions determines. 138570

(B)(1) A bank, trust company, or regulated person against 138571  
whom the superintendent issues an order upon the record of a 138572  
hearing under the authority of section 1121.32, 1121.33, 1121.35, 138573  
or 1121.41 of the Revised Code may obtain a review of the order by 138574  
filing a notice of appeal in the court of common pleas in the 138575

county in which the principal place of business of the bank, trust 138576  
company, or regulated person, or residence of the regulated 138577  
person, is located, or in the court of common pleas of Franklin 138578  
county, within thirty days after the date of service of the 138579  
superintendent's order. The clerk of the court shall promptly 138580  
transmit a copy of the notice of appeal to the superintendent. 138581  
Within thirty days after receiving the notice of appeal, the 138582  
superintendent shall file a certified copy of the record of the 138583  
administrative hearing with the clerk of the court. In the event 138584  
of a private hearing, the record of the administrative hearing 138585  
shall be filed under seal with the clerk of the court. Upon the 138586  
filing of the notice of appeal, the court has jurisdiction, which 138587  
upon the filing of the record of the administrative hearing is 138588  
exclusive, to affirm, modify, terminate, or set aside, in whole or 138589  
in part, the superintendent's order. 138590

(2) The commencement of proceedings for judicial review 138591  
pursuant to division (B) of this section does not, unless 138592  
specifically ordered by the court, operate as a stay of any order 138593  
issued by the superintendent. If it appears to the court an 138594  
unusual hardship to the appellant bank, trust company, or 138595  
regulated person will result from the execution of the 138596  
superintendent's order pending determination of the appeal, and 138597  
the interests of depositors and the public will not be threatened 138598  
by a stay of the order, the court may grant a stay and fix its 138599  
terms. 138600

(C) The superintendent may, in the sole discretion of the 138601  
superintendent, apply to the court of common pleas of the county 138602  
in which the principal place of business of the bank, trust 138603  
company, or regulated person, or residence of the regulated 138604  
person, is located, or the court of common pleas of Franklin 138605  
county, for the enforcement of an effective and outstanding 138606  
superintendent's order issued under section 1121.32, 1121.33, 138607

1121.34, 1121.35, or 1121.41 of the Revised Code, and the court 138608  
has jurisdiction and power to order and require compliance with 138609  
the superintendent's order. In an action by the superintendent 138610  
pursuant to this division to enforce an order assessing a civil 138611  
penalty issued under section 1121.35 of the Revised Code, the 138612  
validity and appropriateness of the civil penalty is not subject 138613  
to review. 138614

(D) No court has jurisdiction to affect, by injunction or 138615  
otherwise, the issuance or enforcement of an order issued under 138616  
section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the 138617  
Revised Code or to review, modify, suspend, terminate, or set 138618  
aside an order issued under section 1121.32, 1121.33, 1121.34, 138619  
1121.35, or 1121.41 of the Revised Code, except as provided in 138620  
this section, in division (G) of section 1121.32 of the Revised 138621  
Code for an order issued pursuant to division (C)(3) or (4) of 138622  
section 1121.32 of the Revised Code, or in division (A)(3) of 138623  
section 1121.34 of the Revised Code for an order issued pursuant 138624  
to division (A)(1) of section 1121.34 of the Revised Code. 138625

(E) Nothing in this section or in any other section of the 138626  
Revised Code or rules implementing this or any other section of 138627  
the Revised Code shall prohibit or limit the superintendent from 138628  
doing any of the following: 138629

(1) Issuing orders pursuant to section 1121.32, 1121.33, 138630  
1121.34, 1121.35, or 1121.41 of the Revised Code; 138631

(2) Individually or contemporaneously taking any other action 138632  
provided by law or rule with respect to a bank, trust company, or 138633  
regulated person; 138634

(3) Taking any action provided by law or rule with respect to 138635  
a bank, trust company, or regulated person, whether alone or in 138636  
conjunction with another regulatory agency or authority. 138637

Sec. 1509.031. (A) Notwithstanding any other provision of law 138638  
to the contrary and other than a statement of production, the 138639  
chief of the division of oil and gas resources management may 138640  
require the electronic submission of any application, report, test 138641  
result, fee, or document that is required to be submitted under 138642  
this chapter. The chief shall require the submission of statements 138643  
of production to be made electronically regardless of well type 138644  
and the number of wells owned. 138645

(B) For good cause, a person may request to be excluded from 138646  
any requirement to make an electronic submission under division 138647  
(A) of this section other than the requirement to submit a 138648  
statement of production electronically. The chief shall establish 138649  
the procedure and form by which a person may request such 138650  
exclusion. 138651

**Sec. 1509.06. (A)** An application for a permit to drill a new 138652  
well, drill an existing well deeper, reopen a well, convert a well 138653  
to any use other than its original purpose, or plug back a well to 138654  
a different source of supply, including associated production 138655  
operations, shall be filed with the chief of the division of oil 138656  
and gas resources management upon such form as the chief 138657  
prescribes and shall contain each of the following that is 138658  
applicable: 138659

(1) The name and address of the owner and, if a corporation, 138660  
the name and address of the statutory agent; 138661

(2) The signature of the owner or the owner's authorized 138662  
agent. When an authorized agent signs an application, it shall be 138663  
accompanied by a certified copy of the appointment as such agent. 138664

(3) The names and addresses of all persons holding the 138665  
royalty interest in the tract upon which the well is located or is 138666  
to be drilled or within a proposed drilling unit; 138667

(4) The location of the tract or drilling unit on which the well is located or is to be drilled identified by section or lot number, city, village, township, and county; 138668  
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(5) Designation of the well by name and number; 138671

(6)(a) The geological formation to be tested or used and the proposed total depth of the well; 138672  
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(b) If the well is for the injection of a liquid, identity of the geological formation to be used as the injection zone and the composition of the liquid to be injected. 138674  
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(7) The type of drilling equipment to be used; 138677

(8)(a) An identification, to the best of the owner's knowledge, of each proposed source of ground water and surface water that will be used in the production operations of the well. The identification of each proposed source of water shall indicate if the water will be withdrawn from the Lake Erie watershed or the Ohio river watershed. In addition, the owner shall provide, to the best of the owner's knowledge, the proposed estimated rate and volume of the water withdrawal for the production operations. If recycled water will be used in the production operations, the owner shall provide the estimated volume of recycled water to be used. The owner shall submit to the chief an update of any of the information that is required by division (A)(8)(a) of this section if any of that information changes before the chief issues a permit for the application. 138678  
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(b) Except as provided in division (A)(8)(c) of this section, for an application for a permit to drill a new well within an urbanized area, the results of sampling of water wells within three hundred feet of the proposed well prior to commencement of drilling. In addition, the owner shall include a list that identifies the location of each water well where the owner of the property on which the water well is located denied the owner 138692  
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access to sample the water well. The sampling shall be conducted 138699  
in accordance with the guidelines established in "Best Management 138700  
Practices For Pre-drilling Water Sampling" in effect at the time 138701  
that the application is submitted. The division shall furnish 138702  
those guidelines upon request and shall make them available on the 138703  
division's web site. If the chief determines that conditions at 138704  
the proposed well site warrant a revision, the chief may revise 138705  
the distance established in this division for purposes of 138706  
pre-drilling water sampling. 138707

(c) For an application for a permit to drill a new horizontal 138708  
well, the results of sampling of water wells within one thousand 138709  
five hundred feet of the proposed horizontal wellhead prior to 138710  
commencement of drilling. In addition, the owner shall include a 138711  
list that identifies the location of each water well where the 138712  
owner of the property on which the water well is located denied 138713  
the owner access to sample the water well. The sampling shall be 138714  
conducted in accordance with the guidelines established in "Best 138715  
Management Practices For Pre-drilling Water Sampling" in effect at 138716  
the time that the application is submitted. The division shall 138717  
furnish those guidelines upon request and shall make them 138718  
available on the division's web site. If the chief determines that 138719  
conditions at the proposed well site warrant a revision, the chief 138720  
may revise the distance established in this division for purposes 138721  
of pre-drilling water sampling. 138722

(9) For an application for a permit to drill a new well 138723  
within an urbanized area, a sworn statement that the applicant has 138724  
provided notice by regular mail of the application to the owner of 138725  
each parcel of real property that is located within five hundred 138726  
feet of the surface location of the well and to the executive 138727  
authority of the municipal corporation or the board of township 138728  
trustees of the township, as applicable, in which the well is to 138729  
be located. In addition, the notice shall contain a statement that 138730

informs an owner of real property who is required to receive the 138731  
notice under division (A)(9) of this section that within five days 138732  
of receipt of the notice, the owner is required to provide notice 138733  
under section 1509.60 of the Revised Code to each residence in an 138734  
occupied dwelling that is located on the owner's parcel of real 138735  
property. The notice shall contain a statement that an application 138736  
has been filed with the division of oil and gas resources 138737  
management, identify the name of the applicant and the proposed 138738  
well location, include the name and address of the division, and 138739  
contain a statement that comments regarding the application may be 138740  
sent to the division. The notice may be provided by hand delivery 138741  
or regular mail. The identity of the owners of parcels of real 138742  
property shall be determined using the tax records of the 138743  
municipal corporation or county in which a parcel of real property 138744  
is located as of the date of the notice. 138745

(10) A plan for restoration of the land surface disturbed by 138746  
drilling operations. The plan shall provide for compliance with 138747  
the restoration requirements of division (A) of section 1509.072 138748  
of the Revised Code and any rules adopted by the chief pertaining 138749  
to that restoration. 138750

(11)(a) A description by name or number of the county, 138751  
township, and municipal corporation roads, streets, and highways 138752  
that the applicant anticipates will be used for access to and 138753  
egress from the well site; 138754

(b) For an application for a permit for a horizontal well, a 138755  
copy of an agreement concerning maintenance and safe use of the 138756  
roads, streets, and highways described in division (A)(11)(a) of 138757  
this section entered into on reasonable terms with the public 138758  
official that has the legal authority to enter into such 138759  
maintenance and use agreements for each county, township, and 138760  
municipal corporation, as applicable, in which any such road, 138761  
street, or highway is located or an affidavit on a form prescribed 138762

by the chief attesting that the owner attempted in good faith to 138763  
enter into an agreement under division (A)(11)(b) of this section 138764  
with the applicable public official of each such county, township, 138765  
or municipal corporation, but that no agreement was executed. 138766

(12) Such other relevant information as the chief prescribes 138767  
by rule. 138768

Each application shall be accompanied by a map, on a scale 138769  
not smaller than four hundred feet to the inch, prepared by an 138770  
Ohio registered surveyor, showing the location of the well and 138771  
containing such other data as may be prescribed by the chief. If 138772  
the well is or is to be located within the excavations and 138773  
workings of a mine, the map also shall include the location of the 138774  
mine, the name of the mine, and the name of the person operating 138775  
the mine. 138776

(B) The chief shall cause a copy of the weekly circular 138777  
prepared by the division to be provided to the county engineer of 138778  
each county that contains active or proposed drilling activity. 138779  
The weekly circular shall contain, in the manner prescribed by the 138780  
chief, the names of all applicants for permits, the location of 138781  
each well or proposed well, the information required by division 138782  
(A)(11) of this section, and any additional information the chief 138783  
prescribes. In addition, the chief promptly shall transfer an 138784  
electronic copy ~~or facsimile~~, or if ~~those methods are~~ that method 138785  
is not available to a municipal corporation or township, a copy 138786  
via regular mail, of a drilling permit application to the clerk of 138787  
the legislative authority of the municipal corporation or to the 138788  
clerk of the township in which the well or proposed well is or is 138789  
to be located if the legislative authority of the municipal 138790  
corporation or the board of township trustees has asked to receive 138791  
copies of such applications and the appropriate clerk has provided 138792  
the chief an accurate, current electronic mailing address ~~or~~ 138793  
~~facsimile number, as applicable.~~ 138794

(C)(1) Except as provided in division (C)(2) of this section, 138795  
the chief shall not issue a permit for at least ten days after the 138796  
date of filing of the application for the permit unless, upon 138797  
reasonable cause shown, the chief waives that period or a request 138798  
for expedited review is filed under this section. However, the 138799  
chief shall issue a permit within twenty-one days of the filing of 138800  
the application unless the chief denies the application by order. 138801

(2) If the location of a well or proposed well will be or is 138802  
within an urbanized area, the chief shall not issue a permit for 138803  
at least eighteen days after the date of filing of the application 138804  
for the permit unless, upon reasonable cause shown, the chief 138805  
waives that period or the chief at the chief's discretion grants a 138806  
request for an expedited review. However, the chief shall issue a 138807  
permit for a well or proposed well within an urbanized area within 138808  
thirty days of the filing of the application unless the chief 138809  
denies the application by order. 138810

(D) An applicant may file a request with the chief for 138811  
expedited review of a permit application if the well is not or is 138812  
not to be located in a gas storage reservoir or reservoir 138813  
protective area, as "reservoir protective area" is defined in 138814  
section 1571.01 of the Revised Code. If the well is or is to be 138815  
located in a coal bearing township, the application shall be 138816  
accompanied by the affidavit of the landowner prescribed in 138817  
section 1509.08 of the Revised Code. 138818

In addition to a complete application for a permit that meets 138819  
the requirements of this section and the permit fee prescribed by 138820  
this section, a request for expedited review shall be accompanied 138821  
by a separate nonrefundable filing fee of two hundred fifty 138822  
dollars. Upon the filing of a request for expedited review, the 138823  
chief shall cause the county engineer of the county in which the 138824  
well is or is to be located to be notified of the filing of the 138825  
permit application and the request for expedited review by 138826

telephone or other means that in the judgment of the chief will 138827  
provide timely notice of the application and request. The chief 138828  
shall issue a permit within seven days of the filing of the 138829  
request unless the chief denies the application by order. 138830  
Notwithstanding the provisions of this section governing expedited 138831  
review of permit applications, the chief may refuse to accept 138832  
requests for expedited review if, in the chief's judgment, the 138833  
acceptance of the requests would prevent the issuance, within 138834  
twenty-one days of their filing, of permits for which applications 138835  
are pending. 138836

(E) A well shall be drilled and operated in accordance with 138837  
the plans, sworn statements, and other information submitted in 138838  
the approved application. 138839

(F) The chief shall issue an order denying a permit if the 138840  
chief finds that there is a substantial risk that the operation 138841  
will result in violations of this chapter or rules adopted under 138842  
it that will present an imminent danger to public health or safety 138843  
or damage to the environment, provided that where the chief finds 138844  
that terms or conditions to the permit can reasonably be expected 138845  
to prevent such violations, the chief shall issue the permit 138846  
subject to those terms or conditions, including, if applicable, 138847  
terms and conditions regarding subjects identified in rules 138848  
adopted under section 1509.03 of the Revised Code. The issuance of 138849  
a permit shall not be considered an order of the chief. 138850

The chief shall post notice of each permit that has been 138851  
approved under this section on the division's web site not later 138852  
than two business days after the application for a permit has been 138853  
approved. 138854

(G) Each application for a permit required by section 1509.05 138855  
of the Revised Code, except an application for a well drilled or 138856  
reopened for purposes of section 1509.22 of the Revised Code, also 138857  
shall be accompanied by a nonrefundable fee as follows: 138858

(1) Five hundred dollars for a permit to conduct activities	138859
in a township with a population of fewer than ten thousand;	138860
(2) Seven hundred fifty dollars for a permit to conduct	138861
activities in a township with a population of ten thousand or	138862
more, but fewer than fifteen thousand;	138863
(3) One thousand dollars for a permit to conduct activities	138864
in either of the following:	138865
(a) A township with a population of fifteen thousand or more;	138866
(b) A municipal corporation regardless of population.	138867
(4) If the application is for a permit that requires	138868
mandatory pooling, an additional five thousand dollars.	138869
For purposes of calculating fee amounts, populations shall be	138870
determined using the most recent federal decennial census.	138871
Each application for the revision or reissuance of a permit	138872
shall be accompanied by a nonrefundable fee of two hundred fifty	138873
dollars.	138874
(H)(1) Prior to the commencement of well pad construction and	138875
prior to the issuance of a permit to drill a proposed horizontal	138876
well or a proposed well that is to be located in an urbanized	138877
area, the division shall conduct a site review to identify and	138878
evaluate any site-specific terms and conditions that may be	138879
attached to the permit. At the site review, a representative of	138880
the division shall consider fencing, screening, and landscaping	138881
requirements, if any, for similar structures in the community in	138882
which the well is proposed to be located. The terms and conditions	138883
that are attached to the permit shall include the establishment of	138884
fencing, screening, and landscaping requirements for the surface	138885
facilities of the proposed well, including a tank battery of the	138886
well.	138887
(2) Prior to the issuance of a permit to drill a proposed	138888

well, the division shall conduct a review to identify and evaluate 138889  
any site-specific terms and conditions that may be attached to the 138890  
permit if the proposed well will be located in a one-hundred-year 138891  
floodplain or within the five-year time of travel associated with 138892  
a public drinking water supply. 138893

(I) A permit shall be issued by the chief in accordance with 138894  
this chapter. A permit issued under this section for a well that 138895  
is or is to be located in an urbanized area shall be valid for 138896  
twelve months, and all other permits issued under this section 138897  
shall be valid for twenty-four months. 138898

(J) An applicant or a permittee, as applicable, shall submit 138899  
to the chief an update of the information that is required under 138900  
division (A)(8)(a) of this section if any of that information 138901  
changes prior to commencement of production operations. 138902

(K) A permittee or a permittee's authorized representative 138903  
shall notify an inspector from the division at least twenty-four 138904  
hours, or another time period agreed to by the chief's authorized 138905  
representative, prior to the commencement of well pad construction 138906  
and of drilling, reopening, converting, well stimulation, or 138907  
plugback operations. 138908

**Sec. 1513.071.** (A) Simultaneously with the filing of an 138909  
application for a permit or significant revision of an existing 138910  
permit under section 1513.07 of the Revised Code, the applicant 138911  
shall submit to the chief of the division of mineral resources 138912  
management a copy of the applicant's advertisement of the 138913  
ownership, precise location, and boundaries of the land to be 138914  
affected. At the time of submission, the advertisement shall be 138915  
placed by the applicant in a newspaper of general circulation in 138916  
the locality of the proposed coal mine at least once a week for 138917  
four consecutive weeks. The chief shall notify, in each county or 138918  
part of a county in which a proposed area to be permitted is 138919

located, the board of county commissioners, the board of township trustees, the legislative authorities of municipal corporations, private water companies, regional councils of governments, and the boards of directors of conservancy districts informing them of the operator's intention to conduct a coal mining operation on a particularly described tract of land and indicating the permit application number and where a copy of the proposed mining and reclamation plan may be inspected. The chief shall also notify the planning commissions with jurisdiction over all or part of the area to be permitted. These agencies, authorities, or companies may submit written comments on the application with respect to the effects of the proposed operation on the environment that are within their area of responsibility in quadruplicate to the chief within thirty days after notification by the chief of receipt of the application. The chief shall immediately transmit these comments to the applicant and make them available to the public at the same locations at which the mining application is available for inspection.

(B) A person having an interest that is or may be adversely affected or the officer or head of any federal, state, or local governmental agency or authority may file written objections to the proposed initial or revised application for a coal mining and reclamation permit with the chief within thirty days after the last publication of the notice required by division (A) of this section. The objections shall immediately be transmitted to the applicant by the chief and shall be made available to the public. If written objections are filed and an informal conference requested, the chief or the chief's representative shall then hold an informal conference on the application for a permit within a reasonable time in the county where the largest area of the area to be permitted is located. The date, time, and location of the informal conference shall be advertised by the chief in a newspaper of general circulation in the locality at least two

weeks prior to the scheduled conference date. The chief may 138953  
arrange with the applicant, upon request by any objecting party, 138954  
access to the proposed mining area for the purpose of gathering 138955  
information relevant to the proceeding. An electronic ~~or~~ 138956  
~~stenographic~~ record shall be made of the conference proceeding 138957  
unless waived by all parties. The record shall be maintained and 138958  
shall be accessible to the parties until final release of the 138959  
applicant's performance security. If all parties requesting the 138960  
informal conference stipulate agreement prior to the requested 138961  
informal conference and withdraw their request, the informal 138962  
conference need not be held. 138963

**Sec. 1513.08.** (A) After a coal mining and reclamation permit 138964  
application has been approved, the applicant shall file with the 138965  
chief of the division of mineral resources management, on a form 138966  
prescribed and furnished by the chief, the performance security 138967  
required under this section that shall be payable to the state and 138968  
conditioned on the faithful performance of all the requirements of 138969  
this chapter and rules adopted under it and the terms and 138970  
conditions of the permit. 138971

(B) Using the information contained in the permit 138972  
application; the requirements contained in the approved permit and 138973  
reclamation plan; and, after considering the topography, geology, 138974  
hydrology, and revegetation potential of the area of the approved 138975  
permit, the probable difficulty of reclamation; the chief shall 138976  
determine the estimated cost of reclamation under the initial term 138977  
of the permit if the reclamation has to be performed by the 138978  
division of mineral resources management in the event of 138979  
forfeiture of the performance security by the applicant. The chief 138980  
shall send either written notice by certified mail or electronic 138981  
notice with acknowledgment of receipt of the amount of the 138982  
estimated cost of reclamation ~~by certified mail~~ to the applicant. 138983  
The applicant shall send either written notice or electronic 138984

notice with acknowledgment of receipt to the chief indicating the 138985  
method by which the applicant will provide the performance 138986  
security pursuant to division (C) of this section. 138987

(C) The applicant shall provide the performance security in 138988  
an amount using one of the following: 138989

(1) If the applicant elects to provide performance security 138990  
without reliance on the reclamation forfeiture fund created in 138991  
section 1513.18 of the Revised Code, the amount of the estimated 138992  
cost of reclamation as determined by the chief under division (B) 138993  
of this section for the increments of land on which the operator 138994  
will conduct a coal mining and reclamation operation under the 138995  
initial term of the permit as indicated in the application; 138996

(2) If the applicant elects to provide performance security 138997  
together with reliance on the reclamation forfeiture fund through 138998  
payment of the additional tax on the severance of coal that is 138999  
levied under division (A)(8) of section 5749.02 of the Revised 139000  
Code, an amount of twenty-five hundred dollars per acre of land on 139001  
which the operator will conduct coal mining and reclamation under 139002  
the initial term of the permit as indicated in the application. In 139003  
order for an applicant to be eligible to provide performance 139004  
security in accordance with division (C)(2) of this section, the 139005  
applicant, an owner and controller of the applicant, or an 139006  
affiliate of the applicant shall have held a permit issued under 139007  
this chapter for any coal mining and reclamation operation for a 139008  
period of not less than five years. 139009

If a permit is transferred, assigned, or sold, the transferee 139010  
is not eligible to provide performance security under division 139011  
(C)(2) of this section if the transferee has not held a permit 139012  
issued under this chapter for any coal mining and reclamation 139013  
operation for a period of not less than five years. This 139014  
restriction applies even if the status or name of the permittee 139015  
otherwise remains the same after the transfer, assignment, or 139016

sale. 139017

In the event of forfeiture of performance security that was 139018  
provided in accordance with division (C)(2) of this section, the 139019  
difference between the amount of that performance security and the 139020  
estimated cost of reclamation as determined by the chief under 139021  
division (B) of this section shall be obtained from money in the 139022  
reclamation forfeiture fund as needed to complete the reclamation. 139023

The performance security provided under division (C) of this 139024  
section for the entire area to be mined under one permit issued 139025  
under this chapter shall not be less than ten thousand dollars. 139026

The performance security shall cover areas of land affected 139027  
by mining within or immediately adjacent to the permitted area, so 139028  
long as the total number of acres does not exceed the number of 139029  
acres for which the performance security is provided. However, the 139030  
authority for the performance security to cover areas of land 139031  
immediately adjacent to the permitted area does not authorize a 139032  
permittee to mine areas outside an approved permit area. As 139033  
succeeding increments of coal mining and reclamation operations 139034  
are to be initiated and conducted within the permit area, the 139035  
permittee shall file with the chief additional performance 139036  
security to cover the increments in accordance with this section. 139037  
If a permittee intends to mine areas outside the approved permit 139038  
area, the permittee shall provide additional performance security 139039  
in accordance with this section to cover the areas to be mined. 139040

If an applicant or permittee is not eligible to provide 139041  
performance security in accordance with division (C)(2) of this 139042  
section, the applicant or permittee shall provide performance 139043  
security in accordance with division (C)(1) of this section in the 139044  
full amount of the estimated cost of reclamation as determined by 139045  
the chief for a permitted coal preparation plant or coal refuse 139046  
disposal area that is not located within a permitted area of a 139047  
mine. If an applicant for a permit for a coal preparation plant or 139048

coal refuse disposal area or a permittee of a permitted coal 139049  
preparation plant or coal refuse disposal area that is not located 139050  
within a permitted area of a mine has held a permit issued under 139051  
this chapter for any coal mining and reclamation operation for a 139052  
period of five years or more, the applicant or permittee may 139053  
provide performance security for the coal preparation plant or 139054  
coal refuse disposal area either in accordance with division 139055  
(C)(1) of this section in the full amount of the estimated cost of 139056  
reclamation as determined by the chief or in accordance with 139057  
division (C)(2) of this section in an amount of twenty-five 139058  
hundred dollars per acre of land with reliance on the reclamation 139059  
forfeiture fund. If a permittee has previously provided 139060  
performance security under division (C)(1) of this section for a 139061  
coal preparation plant or coal refuse disposal area that is not 139062  
located within a permitted area of a mine and elects to provide 139063  
performance security in accordance with division (C)(2) of this 139064  
section, the permittee shall submit written notice to the chief 139065  
indicating that the permittee elects to provide performance 139066  
security in accordance with division (C)(2) of this section. Upon 139067  
receipt of such a written notice, the chief shall release to the 139068  
permittee the amount of the performance security previously 139069  
provided under division (C)(1) of this section that exceeds the 139070  
amount of performance security that is required to be provided 139071  
under division (C)(2) of this section. 139072

(D) A permittee's liability under the performance security 139073  
shall be limited to the obligations established under the permit, 139074  
which include completion of the reclamation plan in order to make 139075  
the land capable of supporting the postmining land use that was 139076  
approved in the permit. The period of liability under the 139077  
performance security shall be for the duration of the coal mining 139078  
and reclamation operation and for a period coincident with the 139079  
operator's responsibility for revegetation requirements under 139080  
section 1513.16 of the Revised Code. 139081

(E) The amount of the estimated cost of reclamation 139082  
determined under division (B) of this section and the amount of a 139083  
permittee's performance security provided in accordance with 139084  
division (C)(1) of this section shall be adjusted by the chief as 139085  
the land that is affected by mining increases or decreases or if 139086  
the cost of reclamation increases or decreases. If the performance 139087  
security was provided in accordance with division (C)(2) of this 139088  
section and the chief has issued a cessation order under division 139089  
(D)(2) of section 1513.02 of the Revised Code for failure to abate 139090  
a violation of the contemporaneous reclamation requirement under 139091  
division (A)(15) of section 1513.16 of the Revised Code, the chief 139092  
may require the permittee to increase the amount of performance 139093  
security from twenty-five hundred dollars per acre of land to five 139094  
thousand dollars per acre of land. 139095

The chief shall notify the permittee, each surety, and any 139096  
person who has a property interest in the performance security and 139097  
who has requested to be notified of any proposed adjustment to the 139098  
performance security. The permittee may request an informal 139099  
conference with the chief concerning the proposed adjustment, and 139100  
the chief shall provide such an informal conference. 139101

If the chief increases the amount of performance security 139102  
under this division, the permittee shall provide additional 139103  
performance security in an amount determined by the chief. If the 139104  
chief decreases the amount of performance security under this 139105  
division, the chief shall determine the amount of the reduction of 139106  
the performance security and send either written notice or 139107  
electronic notice with acknowledgment of receipt of the amount of 139108  
reduction to the permittee. The permittee may reduce the amount of 139109  
the performance security in the amount determined by the chief. 139110

(F) A permittee may request a reduction in the amount of the 139111  
performance security by submitting to the chief documentation 139112  
proving that the amount of the performance security provided by 139113

the permittee exceeds the estimated cost of reclamation if the 139114  
reclamation would have to be performed by the division in the 139115  
event of forfeiture of the performance security. The chief shall 139116  
examine the documentation and determine whether the permittee's 139117  
performance security exceeds the estimated cost of reclamation. If 139118  
the chief determines that the performance security exceeds that 139119  
estimated cost, the chief shall determine the amount of the 139120  
reduction of the performance security and send either written 139121  
notice or electronic notice with acknowledgment of receipt of the 139122  
amount to the permittee. The permittee may reduce the amount of 139123  
the performance security in the amount determined by the chief. 139124  
Adjustments in the amount of performance security under this 139125  
division shall not be considered release of performance security 139126  
and are not subject to section 1513.16 of the Revised Code. 139127

(G) If the performance security is a bond, it shall be 139128  
executed by the operator and a corporate surety licensed to do 139129  
business in this state. If the performance security is a cash 139130  
deposit or negotiable certificates of deposit of a bank or savings 139131  
and loan association, the bank or savings and loan association 139132  
shall be licensed and operating in this state. The cash deposit or 139133  
market value of the securities shall be equal to or greater than 139134  
the amount of the performance security required under this 139135  
section. The chief shall review any documents pertaining to the 139136  
performance security and approve or disapprove the documents. The 139137  
chief shall notify the applicant of the chief's determination. 139138

(H) If the performance security is a bond, the chief may 139139  
accept the bond of the applicant itself without separate surety 139140  
when the applicant demonstrates to the satisfaction of the chief 139141  
the existence of a suitable agent to receive service of process 139142  
and a history of financial solvency and continuous operation 139143  
sufficient for authorization to self-insure or bond the amount. 139144

(I) Performance security provided under this section may be 139145

held in trust, provided that the state is the primary beneficiary 139146  
of the trust and the custodian of the performance security held in 139147  
trust is a bank, trust company, or other financial institution 139148  
that is licensed and operating in this state. The chief shall 139149  
review the trust document and approve or disapprove the document. 139150  
The chief shall notify the applicant of the chief's determination. 139151

(J) If a surety, bank, savings and loan association, trust 139152  
company, or other financial institution that holds the performance 139153  
security required under this section becomes insolvent, the 139154  
permittee shall notify the chief of the insolvency, and the chief 139155  
shall order the permittee to submit a plan for replacement 139156  
performance security within thirty days after receipt of notice 139157  
from the chief. If the permittee provided performance security in 139158  
accordance with division (C)(1) of this section, the permittee 139159  
shall provide the replacement performance security within ninety 139160  
days after receipt of notice from the chief. If the permittee 139161  
provided performance security in accordance with division (C)(2) 139162  
of this section, the permittee shall provide the replacement 139163  
performance security within one year after receipt of notice from 139164  
the chief, and, for a period of one year after the permittee's 139165  
receipt of notice from the chief or until the permittee provides 139166  
the replacement performance security, whichever occurs first, 139167  
money in the reclamation forfeiture fund shall be the permittee's 139168  
replacement performance security in an amount not to exceed the 139169  
estimated cost of reclamation as determined by the chief. 139170

(K) If a permittee provided performance security in 139171  
accordance with division (C)(1) of this section, the permittee's 139172  
responsibility for repairing material damage and replacement of 139173  
water supply resulting from subsidence shall be satisfied by 139174  
either of the following: 139175

(1) The purchase prior to mining of a noncancelable 139176  
premium-prepaid liability insurance policy in lieu of the 139177

permittee's performance security for subsidence damage. The 139178  
insurance policy shall contain terms and conditions that 139179  
specifically provide coverage for repairing material damage and 139180  
replacement of water supply resulting from subsidence. 139181

(2) The provision of additional performance security in the 139182  
amount of the estimated cost to the division of mineral resources 139183  
management to repair material damage and replace water supplies 139184  
resulting from subsidence until the repair or replacement is 139185  
completed. However, if such repair or replacement is completed, or 139186  
compensation for structures that have been damaged by subsidence 139187  
is provided, by the permittee within ninety days of the occurrence 139188  
of the subsidence, additional performance security is not 139189  
required. In addition, the chief may extend the ninety-day period 139190  
for a period not to exceed one year if the chief determines that 139191  
the permittee has demonstrated in writing that subsidence is not 139192  
complete and that probable subsidence-related damage likely will 139193  
occur and, as a result, the completion of repairs of 139194  
subsidence-related material damage to lands or protected 139195  
structures or the replacement of water supply within ninety days 139196  
of the occurrence of the subsidence would be unreasonable. 139197

(L) If the performance security provided in accordance with 139198  
this section exceeds the estimated cost of reclamation, the chief 139199  
may authorize the amount of the performance security that exceeds 139200  
the estimated cost of reclamation together with any interest or 139201  
other earnings on the performance security to be paid to the 139202  
permittee. 139203

(M) A permittee that held a valid coal mining and reclamation 139204  
permit immediately prior to April 6, 2007, shall provide, not 139205  
later than a date established by the chief, performance security 139206  
in accordance with division (C)(1) or (2) of this section, rather 139207  
than in accordance with the law as it existed prior to that date, 139208  
by filing it with the chief on a form that the chief prescribes 139209

and furnishes. Accordingly, for purposes of this section, 139210  
"applicant" is deemed to include such a permittee. 139211

(N) As used in this section: 139212

(1) "Affiliate of the applicant" means an entity that has a 139213  
parent entity in common with the applicant. 139214

(2) "Owner and controller of the applicant" means a person 139215  
that has any relationship with the applicant that gives the person 139216  
authority to determine directly or indirectly the manner in which 139217  
the applicant conducts coal mining operations. 139218

**Sec. 1513.16.** (A) Any permit issued under this chapter to 139219  
conduct coal mining operations shall require that the operations 139220  
meet all applicable performance standards of this chapter and such 139221  
other requirements as the chief of the division of mineral 139222  
resources management shall adopt by rule. General performance 139223  
standards shall apply to all coal mining and reclamation 139224  
operations and shall require the operator at a minimum to do all 139225  
of the following: 139226

(1) Conduct coal mining operations so as to maximize the 139227  
utilization and conservation of the solid fuel resource being 139228  
recovered so that re-affecting the land in the future through coal 139229  
mining can be minimized; 139230

(2) Restore the land affected to a condition capable of 139231  
supporting the uses that it was capable of supporting prior to any 139232  
mining, or higher or better uses of which there is reasonable 139233  
likelihood, so long as the uses do not present any actual or 139234  
probable hazard to public health or safety or pose any actual or 139235  
probable threat of diminution or pollution of the waters of the 139236  
state, and the permit applicants' declared proposed land uses 139237  
following reclamation are not considered to be impractical or 139238  
unreasonable, to be inconsistent with applicable land use policies 139239

and plans, to involve unreasonable delay in implementation, or to 139240  
violate federal, state, or local law; 139241

(3) Except as provided in division (B) of this section, with 139242  
respect to all coal mining operations, backfill, compact where 139243  
advisable to ensure stability or to prevent leaching of toxic 139244  
materials, and grade in order to restore the approximate original 139245  
contour of the land with all highwalls, spoil piles, and 139246  
depressions eliminated unless small depressions are needed in 139247  
order to retain moisture to assist revegetation or as otherwise 139248  
authorized pursuant to this chapter, provided that if the operator 139249  
demonstrates that due to volumetric expansion the amount of 139250  
overburden and the spoil and waste materials removed in the course 139251  
of the mining operation are more than sufficient to restore the 139252  
approximate original contour, the operator shall backfill, grade, 139253  
and compact the excess overburden and other spoil and waste 139254  
materials to attain the lowest grade, but not more than the angle 139255  
of repose, and to cover all acid-forming and other toxic materials 139256  
in order to achieve an ecologically sound land use compatible with 139257  
the surrounding region in accordance with the approved mining 139258  
plan. The overburden or spoil shall be shaped and graded in such a 139259  
way as to prevent slides, erosion, and water pollution and shall 139260  
be revegetated in accordance with this chapter. 139261

(4) Stabilize and protect all surface areas, including spoil 139262  
piles affected by the coal mining and reclamation operation, to 139263  
control erosion and attendant air and water pollution effectively; 139264

(5) Remove the topsoil from the land in a separate layer, 139265  
replace it on the backfill area, or, if not utilized immediately, 139266  
segregate it in a separate pile from the spoil, and when the 139267  
topsoil is not replaced on a backfill area within a time short 139268  
enough to avoid deterioration of the topsoil, maintain a 139269  
successful cover by quick-growing plants or other means thereafter 139270  
so that the topsoil is preserved from wind and water erosion, 139271

remains free of any contamination by acid or other toxic material, 139272  
and is in a usable condition for sustaining vegetation when 139273  
restored during reclamation. If the topsoil is of insufficient 139274  
quantity or of poor quality for sustaining vegetation or if other 139275  
strata can be shown to be more suitable for vegetation 139276  
requirements, the operator shall remove, segregate, and preserve 139277  
in a like manner such other strata as are best able to support 139278  
vegetation. 139279

(6) Restore the topsoil or the best available subsoil that is 139280  
best able to support vegetation; 139281

(7) For all prime farmlands as identified in division 139282  
(B)(1)(p) of section 1513.07 of the Revised Code to be mined and 139283  
reclaimed, perform soil removal, storage, replacement, and 139284  
reconstruction in accordance with specifications established by 139285  
the secretary of the United States department of agriculture under 139286  
the "Surface Mining Control and Reclamation Act of 1977," 91 Stat. 139287  
445, 30 U.S.C.A. 1201. The operator, at a minimum, shall be 139288  
required to do all of the following: 139289

(a) Segregate the A horizon of the natural soil, except where 139290  
it can be shown that other available soil materials will create a 139291  
final soil having a greater productive capacity, and, if not 139292  
utilized immediately, stockpile this material separately from the 139293  
spoil and provide needed protection from wind and water erosion or 139294  
contamination by acid or other toxic material; 139295

(b) Segregate the B horizon of the natural soil, or 139296  
underlying C horizons or other strata, or a combination of such 139297  
horizons or other strata that are shown to be both texturally and 139298  
chemically suitable for plant growth and that can be shown to be 139299  
equally or more favorable for plant growth than the B horizon, in 139300  
sufficient quantities to create in the regraded final soil a root 139301  
zone of comparable depth and quality to that which existed in the 139302  
natural soil, and, if not utilized immediately, stockpile this 139303

material separately from the spoil and provide needed protection 139304  
from wind and water erosion or contamination by acid or other 139305  
toxic material; 139306

(c) Replace and regrade the root zone material described in 139307  
division (A)(7)(b) of this section with proper compaction and 139308  
uniform depth over the regraded spoil material; 139309

(d) Redistribute and grade in a uniform manner the surface 139310  
soil horizon described in division (A)(7)(a) of this section. 139311

(8) Create, if authorized in the approved mining and 139312  
reclamation plan and permit, permanent impoundments of water on 139313  
mining sites as part of reclamation activities only when it is 139314  
adequately demonstrated by the operator that all of the following 139315  
conditions will be met: 139316

(a) The size of the impoundment is adequate for its intended 139317  
purposes. 139318

(b) The impoundment dam construction will be so designed as 139319  
to achieve necessary stability with an adequate margin of safety 139320  
compatible with that of structures constructed under the 139321  
"Watershed Protection and Flood Prevention Act," 68 Stat. 666 139322  
(1954), 16 U.S.C. 1001, as amended. 139323

(c) The quality of impounded water will be suitable on a 139324  
permanent basis for its intended use and discharges from the 139325  
impoundment will not degrade the water quality below water quality 139326  
standards established pursuant to applicable federal and state law 139327  
in the receiving stream. 139328

(d) The level of water will be reasonably stable. 139329

(e) Final grading will provide adequate safety and access for 139330  
proposed water users. 139331

(f) The water impoundments will not result in the diminution 139332  
of the quality or quantity of water utilized by adjacent or 139333

surrounding landowners for agricultural, industrial, recreational, 139334  
or domestic uses. 139335

(9) Conduct any augering operation associated with strip 139336  
mining in a manner to maximize recoverability of mineral reserves 139337  
remaining after the operation and reclamation are complete and 139338  
seal all auger holes with an impervious and noncombustible 139339  
material in order to prevent drainage, except where the chief 139340  
determines that the resulting impoundment of water in such auger 139341  
holes may create a hazard to the environment or the public health 139342  
or safety. The chief may prohibit augering if necessary to 139343  
maximize the utilization, recoverability, or conservation of the 139344  
solid fuel resources or to protect against adverse water quality 139345  
impacts. 139346

(10) Minimize the disturbances to the prevailing hydrologic 139347  
balance at the mine site and in associated offsite areas and to 139348  
the quality and quantity of water in surface and ground water 139349  
systems both during and after coal mining operations and during 139350  
reclamation by doing all of the following: 139351

(a) Avoiding acid or other toxic mine drainage by such 139352  
measures as, but not limited to: 139353

(i) Preventing or removing water from contact with toxic 139354  
producing deposits; 139355

(ii) Treating drainage to reduce toxic content that adversely 139356  
affects downstream water upon being released to water courses in 139357  
accordance with rules adopted by the chief in accordance with 139358  
section 1513.02 of the Revised Code; 139359

(iii) Casing, sealing, or otherwise managing boreholes, 139360  
shafts, and wells, and keeping acid or other toxic drainage from 139361  
entering ground and surface waters. 139362

(b)(i) Conducting coal mining operations so as to prevent, to 139363  
the extent possible using the best technology currently available, 139364

additional contributions of suspended solids to streamflow or 139365  
runoff outside the permit area, but in no event shall 139366  
contributions be in excess of requirements set by applicable state 139367  
or federal laws; 139368

(ii) Constructing any siltation structures pursuant to 139369  
division (A)(10)(b)(i) of this section prior to commencement of 139370  
coal mining operations. The structures shall be certified by 139371  
persons approved by the chief to be constructed as designed and as 139372  
approved in the reclamation plan. 139373

(c) Cleaning out and removing temporary or large settling 139374  
ponds or other siltation structures from drainways after disturbed 139375  
areas are revegetated and stabilized, and depositing the silt and 139376  
debris at a site and in a manner approved by the chief; 139377

(d) Restoring recharge capacity of the mined area to 139378  
approximate premining conditions; 139379

(e) Avoiding channel deepening or enlargement in operations 139380  
requiring the discharge of water from mines; 139381

(f) Such other actions as the chief may prescribe. 139382

(11) With respect to surface disposal of mine wastes, 139383  
tailings, coal processing wastes, and other wastes in areas other 139384  
than the mine working areas or excavations, stabilize all waste 139385  
piles in designated areas through construction in compacted 139386  
layers, including the use of noncombustible and impervious 139387  
materials if necessary, and ensure that the final contour of the 139388  
waste pile will be compatible with natural surroundings and that 139389  
the site can and will be stabilized and revegetated according to 139390  
this chapter; 139391

(12) Refrain from coal mining within five hundred feet of 139392  
active and abandoned underground mines in order to prevent 139393  
breakthroughs and to protect the health or safety of miners. The 139394  
chief shall permit an operator to mine near, through, or partially 139395

through an abandoned underground mine or closer than five hundred feet to an active underground mine if both of the following conditions are met:

(a) The nature, timing, and sequencing of the approximate coincidence of specific strip mine activities with specific underground mine activities are approved by the chief.

(b) The operations will result in improved resource recovery, abatement of water pollution, or elimination of hazards to the health and safety of the public.

(13) Design, locate, construct, operate, maintain, enlarge, modify, and remove or abandon, in accordance with the standards and criteria developed pursuant to rules adopted by the chief, all existing and new coal mine waste piles consisting of mine wastes, tailings, coal processing wastes, or other liquid and solid wastes, and used either temporarily or permanently as dams or embankments;

(14) Ensure that all debris, acid-forming materials, toxic materials, or materials constituting a fire hazard are treated or buried and compacted or otherwise disposed of in a manner designed to prevent contamination of ground or surface waters and that contingency plans are developed to prevent sustained combustion;

(15) Ensure that all reclamation efforts proceed in an environmentally sound manner and as contemporaneously as practicable with the coal mining operations, except that where the applicant proposes to combine strip mining operations with underground mining operations to ensure maximum practical recovery of the mineral resources, the chief may grant a variance for specific areas within the reclamation plan from the requirement that reclamation efforts proceed as contemporaneously as practicable to permit underground mining operations prior to reclamation if:

(a) The chief finds in writing that: 139427

(i) The applicant has presented, as part of the permit 139428  
application, specific, feasible plans for the proposed underground 139429  
mining operations. 139430

(ii) The proposed underground mining operations are necessary 139431  
or desirable to ensure maximum practical recovery of the mineral 139432  
resource and will avoid multiple disturbance of the surface. 139433

(iii) The applicant has satisfactorily demonstrated that the 139434  
plan for the underground mining operations conforms to 139435  
requirements for underground mining in this state and that permits 139436  
necessary for the underground mining operations have been issued 139437  
by the appropriate authority. 139438

(iv) The areas proposed for the variance have been shown by 139439  
the applicant to be necessary for the implementing of the proposed 139440  
underground mining operations. 139441

(v) No substantial adverse environmental damage, either 139442  
on-site or off-site, will result from the delay in completion of 139443  
reclamation as required by this chapter. 139444

(vi) Provisions for the off-site storage of spoil will comply 139445  
with division (A)(21) of this section. 139446

(b) The chief has adopted specific rules to govern the 139447  
granting of such variances in accordance with this division and 139448  
has imposed such additional requirements as the chief considers 139449  
necessary. 139450

(c) Variances granted under this division shall be reviewed 139451  
by the chief not more than three years from the date of issuance 139452  
of the permit. 139453

(d) Liability under the performance security filed by the 139454  
applicant with the chief pursuant to section 1513.08 of the 139455  
Revised Code shall be for the duration of the underground mining 139456

operations and until the requirements of this section and section 139457  
1513.08 of the Revised Code have been fully complied with. 139458

(16) Ensure that the construction, maintenance, and 139459  
postmining conditions of access roads into and across the site of 139460  
operations will control or prevent erosion and siltation, 139461  
pollution of water, and damage to fish or wildlife or their 139462  
habitat, or to public or private property; 139463

(17) Refrain from the construction of roads or other access 139464  
ways up a stream bed or drainage channel or in such proximity to 139465  
the channel as to seriously alter the normal flow of water; 139466

(18) Establish, on the regraded areas and all other lands 139467  
affected, a diverse, effective, and permanent vegetative cover of 139468  
the same seasonal variety native to the area of land to be 139469  
affected and capable of self-regeneration and plant succession at 139470  
least equal in extent of cover to the natural vegetation of the 139471  
area, except that introduced species may be used in the 139472  
revegetation process where desirable and necessary to achieve the 139473  
approved postmining land use plan; 139474

(19)(a) Assume the responsibility for successful 139475  
revegetation, as required by division (A)(18) of this section, for 139476  
a period of five full years after the last year of augmented 139477  
seeding, fertilizing, irrigation, or other work in order to ensure 139478  
compliance with that division, except that when the chief approves 139479  
a long-term intensive agricultural postmining land use, the 139480  
applicable five-year period of responsibility for revegetation 139481  
shall commence at the date of initial planting for that long-term 139482  
intensive agricultural postmining land use, and except that when 139483  
the chief issues a written finding approving a long-term intensive 139484  
agricultural postmining land use as part of the mining and 139485  
reclamation plan, the chief may grant an exception to division 139486  
(A)(18) of this section; 139487

(b) On lands eligible for re-mining, assume the responsibility for successful revegetation, as required by division (A)(18) of this section, for a period of two full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order to ensure compliance with that division.

(20) Protect off-site areas from slides or damage occurring during the coal mining and reclamation operations and not deposit spoil material or locate any part of the operations or waste accumulations outside the permit area;

(21) Place all excess spoil material resulting from coal mining and reclamation operations in such a manner that all of the following apply:

(a) Spoil is transported and placed in a controlled manner in position for concurrent compaction and in such a way as to ensure mass stability and to prevent mass movement.

(b) The areas of disposal are within the permit areas for which performance security has been provided. All organic matter shall be removed immediately prior to spoil placement except in the zoned concept method.

(c) Appropriate surface and internal drainage systems and diversion ditches are used so as to prevent spoil erosion and mass movement.

(d) The disposal area does not contain springs, natural watercourses, or wet weather seeps unless lateral drains are constructed from the wet areas to the main underdrains in such a manner that filtration of the water into the spoil pile will be prevented unless the zoned concept method is used.

(e) If placed on a slope, the spoil is placed upon the most moderate slope among those slopes upon which, in the judgment of the chief, the spoil could be placed in compliance with all the requirements of this chapter and is placed, where possible, upon,

or above, a natural terrace, bench, or berm if that placement provides additional stability and prevents mass movement. (f) Where the toe of the spoil rests on a downslope, a rock toe buttress of sufficient size to prevent mass movement is constructed. (g) The final configuration is compatible with the natural drainage pattern and surroundings and suitable for intended uses. (h) Design of the spoil disposal area is certified by a qualified registered professional engineer in conformance with professional standards. (i) All other provisions of this chapter are met. (22) Meet such other criteria as are necessary to achieve reclamation in accordance with the purpose of this chapter, taking into consideration the physical, climatological, and other characteristics of the site; (23) To the extent possible, using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable; (24) Provide for an undisturbed natural barrier beginning at the elevation of the lowest coal seam to be mined and extending from the outslope for such distance as the chief shall determine to be retained in place as a barrier to slides and erosion; (25) Restore on the permit area streams and wetlands affected by mining operations unless the chief approves restoration off the permit area without a permit required by section 1513.07 or 1513.074 of the Revised Code, instead of restoration on the permit area, of a stream or wetland or a portion of a stream or wetland, provided that the chief first makes all of the following written determinations:

(a) A hydrologic and engineering assessment of the affected lands, submitted by the operator, demonstrates that restoration on the permit area is not possible.

(b) The proposed mitigation plan under which mitigation activities described in division (A)(25)(c) of this section will be conducted is limited to a stream or wetland, or a portion of a stream or wetland, for which restoration on the permit area is not possible.

(c) Mitigation activities off the permit area, including mitigation banking and payment of in-lieu mitigation fees, will be performed pursuant to a permit issued under sections 401 and 404 of the "Federal Water Pollution Control Act" as defined in section 6111.01 of the Revised Code or an isolated wetland permit issued under Chapter 6111. of the Revised Code or pursuant to a no-cost reclamation contract for the restoration of water resources affected by past mining activities pursuant to section 1513.37 of the Revised Code.

(d) The proposed mitigation plan and mitigation activities comply with the standards established in this section.

If the chief approves restoration off the permit area in accordance with this division, the operator shall complete all mitigation construction or other activities required by the mitigation plan.

Performance security for reclamation activities on the permit area shall be released pursuant to division (F) of this section, except that the release of the remaining portion of performance security under division (F)(3)(c) of this section shall not be approved prior to the construction of required mitigation activities off the permit area.

(B)(1) The chief may permit mining operations for the purposes set forth in division (B)(3) of this section.

(2) When an applicant meets the requirements of divisions 139580  
(B)(3) and (4) of this section, a permit without regard to the 139581  
requirement to restore to approximate original contour known as 139582  
mountain top removal set forth in divisions (A)(3) or (C)(2) and 139583  
(3) of this section may be granted for the mining of coal where 139584  
the mining operation will remove an entire coal seam or seams 139585  
running through the upper fraction of a mountain, ridge, or hill, 139586  
except as provided in division (B)(4)(a) of this section, by 139587  
removing all of the overburden and creating a level plateau or a 139588  
gently rolling contour with no highwalls remaining, and capable of 139589  
supporting postmining uses in accordance with this division. 139590

(3) In cases where an industrial, commercial, agricultural, 139591  
residential, or public facility use, including recreational 139592  
facilities, is proposed for the postmining use of the affected 139593  
land, the chief may grant a permit for a mining operation of the 139594  
nature described in division (B)(2) of this section when all of 139595  
the following apply: 139596

(a) After consultation with the appropriate land use planning 139597  
agencies, if any, the proposed postmining land use is considered 139598  
to constitute an equal or better economic or public use of the 139599  
affected land, as compared with premining use. 139600

(b) The applicant presents specific plans for the proposed 139601  
postmining land use and appropriate assurances that the use will 139602  
be all of the following: 139603

(i) Compatible with adjacent land uses; 139604

(ii) Obtainable according to data regarding expected need and 139605  
market; 139606

(iii) Assured of investment in necessary public facilities; 139607

(iv) Supported by commitments from public agencies where 139608  
appropriate; 139609

(v) Practicable with respect to private financial capability	139610
for completion of the proposed use;	139611
(vi) Planned pursuant to a schedule attached to the	139612
reclamation plan so as to integrate the mining operation and	139613
reclamation with the postmining land use;	139614
(vii) Designed by a registered engineer in conformity with	139615
professional standards established to ensure the stability,	139616
drainage, and configuration necessary for the intended use of the	139617
site.	139618
(c) The proposed use is consistent with adjacent land uses	139619
and existing state and local land use plans and programs.	139620
(d) The chief provides the governing body of the unit of	139621
general-purpose local government in which the land is located, and	139622
any state or federal agency that the chief, in the chief's	139623
discretion, determines to have an interest in the proposed use, an	139624
opportunity of not more than sixty days to review and comment on	139625
the proposed use.	139626
(e) All other requirements of this chapter will be met.	139627
(4) In granting a permit pursuant to this division, the chief	139628
shall require that each of the following is met:	139629
(a) The toe of the lowest coal seam and the overburden	139630
associated with it are retained in place as a barrier to slides	139631
and erosion.	139632
(b) The reclaimed area is stable.	139633
(c) The resulting plateau or rolling contour drains inward	139634
from the out slopes except at specified points.	139635
(d) No damage will be done to natural watercourses.	139636
(e) Spoil will be placed on the mountaintop bench as is	139637
necessary to achieve the planned postmining land use, except that	139638
all excess spoil material not retained on the mountaintop bench	139639

shall be placed in accordance with division (A)(21) of this section. 139640  
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(f) Stability of the spoil retained on the mountaintop bench is ensured and the other requirements of this chapter are met. 139642  
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(5) The chief shall adopt specific rules to govern the granting of permits in accordance with divisions (B)(1) to (4) of this section and may impose such additional requirements as the chief considers necessary. 139644  
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(6) All permits granted under divisions (B)(1) to (4) of this section shall be reviewed not more than three years from the date of issuance of the permit unless the applicant affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan. 139648  
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(C) All of the following performance standards apply to steep-slope coal mining and are in addition to those general performance standards required by this section, except that this division does not apply to those situations in which an operator is mining on flat or gently rolling terrain on which an occasional steep slope is encountered through which the mining operation is to proceed, leaving a plain or predominantly flat area, or where an operator is in compliance with division (B) of this section: 139654  
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(1) The operator shall ensure that when performing coal mining on steep slopes, no debris, abandoned or disabled equipment, spoil material, or waste mineral matter is placed on the downslope below the bench or mining cut. Spoil material in excess of that required for the reconstruction of the approximate original contour under division (A)(3) or (C)(2) of this section shall be permanently stored pursuant to division (A)(21) of this section. 139662  
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(2) The operator shall complete backfilling with spoil 139670

material to cover completely the highwall and return the site to 139671  
the approximate original contour, which material will maintain 139672  
stability following mining and reclamation. 139673

(3) The operator shall not disturb land above the top of the 139674  
highwall unless the chief finds that the disturbance will 139675  
facilitate compliance with the environmental protection standards 139676  
of this section, except that any such disturbance involving land 139677  
above the highwall shall be limited to that amount of land 139678  
necessary to facilitate compliance. 139679

(D)(1) The chief may permit variances for the purposes set 139680  
forth in division (D)(3) of this section, provided that the 139681  
watershed control of the area is improved and that complete 139682  
backfilling with spoil material shall be required to cover 139683  
completely the highwall, which material will maintain stability 139684  
following mining and reclamation. 139685

(2) Where an applicant meets the requirements of divisions 139686  
(D)(3) and (4) of this section, a variance from the requirement to 139687  
restore to approximate original contour set forth in division 139688  
(C)(2) of this section may be granted for the mining of coal when 139689  
the owner of the surface knowingly requests in writing, as a part 139690  
of the permit application, that such a variance be granted so as 139691  
to render the land, after reclamation, suitable for an industrial, 139692  
commercial, residential, or public use, including recreational 139693  
facilities, in accordance with divisions (D)(3) and (4) of this 139694  
section. 139695

(3) A variance pursuant to division (D)(2) of this section 139696  
may be granted if: 139697

(a) After consultation with the appropriate land use planning 139698  
agencies, if any, the potential use of the affected land is 139699  
considered to constitute an equal or better economic or public 139700  
use. 139701

(b) The postmining land condition is designed and certified 139702  
by a registered professional engineer in conformity with 139703  
professional standards established to ensure the stability, 139704  
drainage, and configuration necessary for the intended use of the 139705  
site. 139706

(c) After approval of the appropriate state environmental 139707  
agencies, the watershed of the affected land is considered to be 139708  
improved. 139709

(4) In granting a variance pursuant to division (D) of this 139710  
section, the chief shall require that only such amount of spoil 139711  
will be placed off the mine bench as is necessary to achieve the 139712  
planned postmining land use, ensure stability of the spoil 139713  
retained on the bench, and meet all other requirements of this 139714  
chapter. All spoil placement off the mine bench shall comply with 139715  
division (A)(21) of this section. 139716

(5) The chief shall adopt specific rules to govern the 139717  
granting of variances under division (D) of this section and may 139718  
impose such additional requirements as the chief considers 139719  
necessary. 139720

(6) All variances granted under division (D) of this section 139721  
shall be reviewed not more than three years from the date of 139722  
issuance of the permit unless the permittee affirmatively 139723  
demonstrates that the proposed development is proceeding in 139724  
accordance with the terms of the reclamation plan. 139725

(E) The chief shall establish standards and criteria 139726  
regulating the design, location, construction, operation, 139727  
maintenance, enlargement, modification, removal, and abandonment 139728  
of new and existing coal mine waste piles referred to in division 139729  
(A)(13) of this section and division (A)(5) of section 1513.35 of 139730  
the Revised Code. The standards and criteria shall conform to the 139731  
standards and criteria used by the chief of the United States army 139732

corps of engineers to ensure that flood control structures are 139733  
safe and effectively perform their intended function. In addition 139734  
to engineering and other technical specifications, the standards 139735  
and criteria developed pursuant to this division shall include 139736  
provisions for review and approval of plans and specifications 139737  
prior to construction, enlargement, modification, removal, or 139738  
abandonment; performance of periodic inspections during 139739  
construction; issuance of certificates of approval upon completion 139740  
of construction; performance of periodic safety inspections; and 139741  
issuance of notices for required remedial or maintenance work. 139742

(F)(1) The permittee may file a request with the chief for 139743  
release of a part of a performance security under division (F)(3) 139744  
of this section. Within thirty days after any request for 139745  
performance security release under this section has been filed 139746  
with the chief, the operator shall submit a copy of an 139747  
advertisement placed at least once a week for four successive 139748  
weeks in a newspaper of general circulation in the locality of the 139749  
coal mining operation. The advertisement shall be considered part 139750  
of any performance security release application and shall contain 139751  
a notification of the precise location of the land affected, the 139752  
number of acres, the permit number and the date approved, the 139753  
amount of the performance security filed and the portion sought to 139754  
be released, the type and appropriate dates of reclamation work 139755  
performed, and a description of the results achieved as they 139756  
relate to the operator's approved reclamation plan and, if 139757  
applicable, the operator's pollution abatement plan. In addition, 139758  
as part of any performance security release application, the 139759  
applicant shall submit copies of the letters sent to adjoining 139760  
property owners, local governmental bodies, planning agencies, and 139761  
sewage and water treatment authorities or water companies in the 139762  
locality in which the coal mining and reclamation activities took 139763  
place, notifying them of the applicant's intention to seek release 139764  
from the performance security. 139765

(2) Upon receipt of a copy of the advertisement and request for release of a performance security under division (F)(3)(c) of this section, the chief, within thirty days, shall conduct an inspection and evaluation of the reclamation work involved. The evaluation shall consider, among other things, the degree of difficulty to complete any remaining reclamation, whether pollution of surface and subsurface water is occurring, the probability of continuation or future occurrence of the pollution, and the estimated cost of abating the pollution. The chief shall notify the permittee in writing of the decision to release or not to release all or part of the performance security within sixty days after the filing of the request if no public hearing is held pursuant to division (F)(6) of this section or, if there has been a public hearing held pursuant to division (F)(6) of this section, within thirty days thereafter.

(3) The chief may release the performance security if the reclamation covered by the performance security or portion thereof has been accomplished as required by this chapter and rules adopted under it according to the following schedule:

(a) When the operator completes the backfilling, regrading, and drainage control of an area for which performance security has been provided in accordance with the approved reclamation plan, and, if the area covered by the performance security is one for which an authorization was made under division (E)(7) of section 1513.07 of the Revised Code, the operator has complied with the approved pollution abatement plan and all additional requirements established by the chief in rules adopted under section 1513.02 of the Revised Code governing coal mining and reclamation operations on pollution abatement areas, the chief shall grant a release of fifty per cent of the performance security for the applicable permit area.

(b) After resoiling and revegetation have been established on

the regraded mined lands in accordance with the approved 139798  
reclamation plan, the chief shall grant a release in an amount not 139799  
exceeding thirty-five per cent of the original performance 139800  
security for all or part of the affected area under the permit. 139801  
When determining the amount of performance security to be released 139802  
after successful revegetation has been established, the chief 139803  
shall retain that amount of performance security for the 139804  
revegetated area that would be sufficient for a third party to 139805  
cover the cost of reestablishing revegetation for the period 139806  
specified for operator responsibility in this section for 139807  
reestablishing revegetation. No part of the performance security 139808  
shall be released under this division so long as the lands to 139809  
which the release would be applicable are contributing suspended 139810  
solids to streamflow or runoff outside the permit area in excess 139811  
of the requirements of this section or until soil productivity for 139812  
prime farmlands has returned to equivalent levels of yield as 139813  
nonmined land of the same soil type in the surrounding area under 139814  
equivalent management practices as determined from the soil survey 139815  
performed pursuant to section 1513.07 of the Revised Code. If the 139816  
area covered by the performance security is one for which an 139817  
authorization was made under division (E)(7) of section 1513.07 of 139818  
the Revised Code, no part of the performance security shall be 139819  
released under this division until the operator has complied with 139820  
the approved pollution abatement plan and all additional 139821  
requirements established by the chief in rules adopted under 139822  
section 1513.02 of the Revised Code governing coal mining and 139823  
reclamation operations on pollution abatement areas. Where a silt 139824  
dam is to be retained as a permanent impoundment pursuant to 139825  
division (A)(10) of this section, the portion of performance 139826  
security may be released under this division so long as provisions 139827  
for sound future maintenance by the operator or the landowner have 139828  
been made with the chief. 139829

(c) When the operator has completed successfully all coal 139830

mining and reclamation activities, including, if applicable, all 139831  
additional requirements established in the pollution abatement 139832  
plan approved under division (E)(7) of section 1513.07 of the 139833  
Revised Code and all additional requirements established by the 139834  
chief in rules adopted under section 1513.02 of the Revised Code 139835  
governing coal mining and reclamation operations on pollution 139836  
abatement areas, the chief shall release all or any of the 139837  
remaining portion of the performance security for all or part of 139838  
the affected area under a permit, but not before the expiration of 139839  
the period specified for operator responsibility in this section, 139840  
except that the chief may adopt rules for a variance to the 139841  
operator period of responsibility considering vegetation success 139842  
and probability of continued growth and consent of the landowner, 139843  
provided that no performance security shall be fully released 139844  
until all reclamation requirements of this chapter are fully met. 139845

(4) If the chief disapproves the application for release of 139846  
the performance security or portion thereof, the chief shall 139847  
notify the permittee, in writing, stating the reasons for 139848  
disapproval and recommending corrective actions necessary to 139849  
secure the release, and allowing the opportunity for a public 139850  
adjudicatory hearing. 139851

(5) When any application for total or partial performance 139852  
security release is filed with the chief under this section, the 139853  
chief shall notify the municipal corporation in which the coal 139854  
mining operation is located by certified mail at least thirty days 139855  
prior to the release of all or a portion of the performance 139856  
security. 139857

(6) A person with a valid legal interest that might be 139858  
adversely affected by release of a performance security under this 139859  
section or the responsible officer or head of any federal, state, 139860  
or local government agency that has jurisdiction by law or special 139861  
expertise with respect to any environmental, social, or economic 139862

impact involved in the operation or is authorized to develop and 139863  
enforce environmental standards with respect to such operations 139864  
may file written objections to the proposed release from the 139865  
performance security with the chief within thirty days after the 139866  
last publication of the notice required by division (F)(1) of this 139867  
section. If written objections are filed and an informal 139868  
conference is requested, the chief shall inform all interested 139869  
parties of the time and place of the conference. The date, time, 139870  
and location of the informal conference shall be advertised by the 139871  
chief in a newspaper of general circulation in the locality of the 139872  
coal mining operation proposed for performance security release 139873  
for at least once a week for two consecutive weeks. The informal 139874  
conference shall be held in the locality of the coal mining 139875  
operation proposed for performance security release or in Franklin 139876  
county, at the option of the objector, within thirty days after 139877  
the request for the conference. An electronic ~~or stenographic~~ 139878  
record shall be made of the conference proceeding unless waived by 139879  
all parties. The record shall be maintained and shall be 139880  
accessible to the parties until final release of the performance 139881  
security at issue. In the event all parties requesting the 139882  
informal conference stipulate agreement prior to the requested 139883  
informal conference and withdraw their request, the informal 139884  
conference need not be held. 139885

(7) If an informal conference has been held pursuant to 139886  
division (F)(6) of this section, the chief shall issue and furnish 139887  
the applicant and persons who participated in the conference with 139888  
the written decision regarding the release within sixty days after 139889  
the conference. Within thirty days after notification of the final 139890  
decision of the chief regarding the performance security release, 139891  
the applicant or any person with an interest that is or may be 139892  
adversely affected by the decision may appeal the decision to the 139893  
reclamation commission pursuant to section 1513.13 of the Revised 139894  
Code. 139895

(8)(a) If the chief determines that a permittee is responsible for mine drainage that requires water treatment after reclamation is completed under the terms of the permit or that a permittee must provide an alternative water supply after reclamation is completed under the terms of the permit, the permittee shall provide alternative financial security in an amount determined by the chief prior to the release of the remaining portion of performance security under division (F)(3)(c) of this section. The alternative financial security shall be in an amount that is equal to or greater than the present value of the estimated cost over time to develop and implement mine drainage plans and provide water treatment or in an amount that is necessary to provide and maintain an alternative water supply, as applicable. The alternative financial security shall include a contract, trust, or other agreement or mechanism that is enforceable under law to provide long-term water treatment or a long-term alternative water supply, or both. The contract, trust, or other agreement or mechanism included with the alternative financial security may provide for the funding of the alternative financial security incrementally over a period of time, not to exceed five years, with reliance on guarantees or other collateral provided by the permittee and approved by the chief for the balance of the alternative financial security required until the alternative financial security has been fully funded by the permittee.

(b) The chief shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary for the administration of division (F)(8)(a) of this section.

(c) If the chief determines that a permittee must provide alternative financial security under division (F)(8)(a) of this section and the performance security for the permit was provided under division (C)(2) of section 1513.08 of the Revised Code, the

permittee may fund the alternative financial security 139928  
incrementally over a period of time, not to exceed five years, 139929  
with reliance on the reclamation forfeiture fund created in 139930  
section 1513.18 of the Revised Code for the balance of the 139931  
alternative financial security required until the alternative 139932  
financial security has been fully funded by the permittee. The 139933  
permittee semiannually shall pay to the division of mineral 139934  
resources management a fee that is equal to seven and one-half per 139935  
cent of the average balance of the alternative financial security 139936  
that is being provided by reliance on the reclamation forfeiture 139937  
fund over the previous six months. All money received from the fee 139938  
shall be credited to the reclamation forfeiture fund. 139939

(9) Final release of the performance security in accordance 139940  
with division (F)(3)(c) of this section terminates the 139941  
jurisdiction of the chief under this chapter over the reclaimed 139942  
site of a surface coal mining and reclamation operation or 139943  
applicable portion of an operation. However, the chief shall 139944  
reassert jurisdiction over such a site if the release was based on 139945  
fraud, collusion, or misrepresentation of a material fact and the 139946  
chief, in writing, demonstrates evidence of the fraud, collusion, 139947  
or misrepresentation. Any person with an interest that is or may 139948  
be adversely affected by the chief's determination may appeal the 139949  
determination to the reclamation commission in accordance with 139950  
section 1513.13 of the Revised Code. 139951

(G) The chief shall adopt rules governing the criteria for 139952  
forfeiture of performance security, the method of determining the 139953  
forfeited amount, and the procedures to be followed in the event 139954  
of forfeiture. Cash received as the result of such forfeiture is 139955  
the property of the state. 139956

**Sec. 1565.12.** When a loss of life is occasioned by accident 139957  
in any mine, the operator thereof shall forthwith give notice 139958

thereof to the chief of the division of mineral resources 139959  
management, and to the deputy mine inspector in charge of the 139960  
district. Such notice shall be given by telephone or ~~telegraph~~ 139961  
electronic format. The operator of such mine shall, within 139962  
twenty-four hours after such accident causing loss of life, send a 139963  
written report of the accident to the chief. Such written report 139964  
shall specify the character and cause of the accident, the names 139965  
of the persons killed, and the nature of the injuries that caused 139966  
death. In the case of injury thereafter resulting in death, the 139967  
operator shall send a written notice thereof to the chief, and to 139968  
the deputy mine inspector of such district, at such time as such 139969  
death comes to the operator's knowledge. 139970

No operator of a mine shall refuse or neglect to comply with 139971  
this section. 139972

**Sec. 1571.05.** (A) Whenever any part of a gas storage 139973  
reservoir or any part of its protective area underlies any part of 139974  
a coal mine, or is, or within nine months is expected or intended 139975  
to be, within two thousand linear feet of the boundary of a coal 139976  
mine that is operating in a coal seam any part of which extends 139977  
over any part of the storage reservoir or its protective area, the 139978  
operator of the reservoir, if the reservoir operator or some other 139979  
reservoir operator has not theretofore done so, shall: 139980

(1) Use every known method that is reasonable under the 139981  
circumstance for discovering and locating all wells drilled within 139982  
the area of the reservoir or its protective area that underlie any 139983  
part of the coal mine or its protective area; 139984

(2) Plug or recondition all known wells drilled within the 139985  
area of the reservoir or its protective area that underlie any 139986  
part of the coal mine. 139987

(B) Whenever an operator of a gas storage reservoir is 139988  
notified by the operator of a coal mine, as provided in division 139989

(B) of section 1571.03 of the Revised Code, that the coal mine operator believes that part of the boundary of the mine is within two thousand linear feet of a well that is drilled through the horizon of the coal mine and into or through the storage stratum or strata of the reservoir within the boundary of the reservoir or within its protective area, the reservoir operator shall plug or recondition the well as in this section prescribed, unless it is agreed in a conference or is ordered by the chief of the division of oil and gas resources management after a hearing, as provided in section 1571.10 of the Revised Code, that the well referred to in the notice is not such a well as is described in division (B) of section 1571.03 of the Revised Code.

Whenever an operator of a gas storage reservoir is notified by the operator of a coal mine as provided in division (C) or (D) of section 1571.03 of the Revised Code, that part of the boundary of the mine is, or within nine months is intended or expected to be, within two thousand linear feet of a well that is drilled through the horizon of the mine and into or through the storage stratum or strata of the reservoir within the boundary of the reservoir or within its protective area, the reservoir operator shall plug or recondition the well as in this section prescribed.

Whenever the operator of a coal mine considers that the use of a well such as in this section described, if used for injecting gas into, or storing gas in, or removing gas from, a gas storage reservoir, would be hazardous to the safety of persons or property on or in the vicinity of the premises of the coal mine or the reservoir or well, the coal mine operator may file with the division objections to the use of the well for such purposes, and a request that a conference be held as provided in section 1571.10 of the Revised Code, to discuss and endeavor to resolve by mutual agreement whether or not the well shall or shall not be used for such purposes, and whether or not the well shall be reconditioned,

inactivated, or plugged. The request shall set forth the mine operator's reasons for such objections. If no approved agreement is reached in the conference, the gas storage well inspector shall within ten days after the termination of the conference, file with the chief a request that the chief hear and determine the matters considered at the conference as provided in section 1571.10 of the Revised Code. Upon conclusion of the hearing, the chief shall find and determine whether or not the safety of persons or of the property on or in the vicinity of the premises of the coal mine, or the reservoir, or the well requires that the well be reconditioned, inactivated, or plugged, and shall make an order consistent with that determination, provided that the chief shall not order a well plugged unless the chief first finds that there is underground leakage of gas therefrom.

The plugging or reconditioning of each well described in a notice from a coal mine operator to a reservoir operator as provided in division (B) of section 1571.03 of the Revised Code, which must be plugged or reconditioned, shall be completed within such time as the gas storage well inspector may fix in the case of each such well. The plugging or reconditioning of each well described in a notice from a coal mine operator to a reservoir operator as provided in division (C) of section 1571.03 of the Revised Code, which must be plugged or reconditioned, shall be completed by the time the well, by reason of the extension of the boundary of the coal mine, is within two thousand linear feet of any part of the boundary of the mine. The plugging or reconditioning of each well described in a notice from a coal mine operator to a reservoir operator, as provided in division (D) of section 1571.03 of the Revised Code, which must be plugged or reconditioned, shall be completed by the time the well, by reason of the opening of the new mine, is within two thousand linear feet of any part of the boundary of the new mine. A reservoir operator who is required to complete the plugging or reconditioning of a

well within a period of time fixed as in this division prescribed, 140055  
may prior to the end of that period of time, notify the division 140056  
and the mine operator from whom the reservoir operator received a 140057  
notice as provided in division (B), (C), or (D) of section 1571.03 140058  
of the Revised Code, in writing by ~~registered~~ certified mail or 140059  
electronic format, that the completion of the plugging or 140060  
reconditioning of the well referred to in the notice will be 140061  
delayed beyond the end of the period of time fixed therefor as in 140062  
this section provided, and that the reservoir operator requests 140063  
that a conference be held for the purpose of endeavoring to reach 140064  
an agreement establishing a date subsequent to the end of that 140065  
period of time, on or before which the reservoir operator may 140066  
complete the plugging or reconditioning without incurring any 140067  
penalties for failure to do so as provided in this chapter. If 140068  
such a reservoir operator sends to such a mine operator and to the 140069  
division a notice and request for a conference as in this division 140070  
provided, the reservoir operator shall not incur any penalties for 140071  
failure to complete the plugging or reconditioning of the well 140072  
within the period of time fixed as in this division prescribed, 140073  
unless the reservoir operator fails to complete the plugging or 140074  
reconditioning of the well within the period of time fixed by an 140075  
approved agreement reached in the conference, or fixed by an order 140076  
by the chief upon a hearing held in the matter in the event of 140077  
failure to reach an approved agreement in the conference. 140078

Whenever, in compliance with this division, a well is to be 140079  
plugged by a reservoir operator, the operator shall give to the 140080  
division notice thereof, as many days in advance as will be 140081  
necessary for the gas storage well inspector or a deputy mine 140082  
inspector to be present at the plugging. The notification shall be 140083  
made on blanks furnished by the division and shall show the 140084  
following information: 140085

(1) Name and address of the applicant; 140086

(2) The location of the well identified by section or lot number, city or village, and township and county;	140087 140088
(3) The well name and number of each well to be plugged.	140089
(C) The operator shall give written notice at the same time to the owner of the land upon which the well is located, the owners or agents of the adjoining land, and adjoining well owners or agents of the operator's intention to abandon the well, and of the time when the operator will be prepared to commence plugging and filling the same. In addition to giving such notices, the reservoir operator shall also at the same time send a copy of the notice by <del>registered</del> <u>certified mail or electronic format</u> to the coal mine operator, if any, who sent to the reservoir operator the notice as provided in division (B), (C), or (D) of section 1571.03 of the Revised Code, in order that the coal mine operator or the coal mine operator's designated representative may attend and observe the manner in which the plugging of the well is done.	140090 140091 140092 140093 140094 140095 140096 140097 140098 140099 140100 140101 140102
If the reservoir operator plugs the well without the gas storage well inspector or a deputy mine inspector being present to supervise the plugging, the reservoir operator shall send to the division and to the coal mine operator a copy of the report of the plugging of the well, including in the report:	140103 140104 140105 140106 140107
(1) The date of abandonment;	140108
(2) The name of the owner or operator of the well at the time of abandonment and the well owner's or operator's post office address;	140109 140110 140111
(3) The location of the well as to township and county and the name of the owner of the surface upon which the well is drilled, with the address thereof;	140112 140113 140114
(4) The date of the permit to drill;	140115
(5) The date when drilled;	140116

(6) Whether the well has been mapped;	140117
(7) The depth of the well;	140118
(8) The depth of the top of the sand to which the well was drilled;	140119 140120
(9) The depth of each seam of coal drilled through;	140121
(10) A detailed report as to how the well was plugged, giving in particular the manner in which the coal and various sands were plugged, and the date of the plugging of the well, including therein the names of those who witnessed the plugging of the well.	140122 140123 140124 140125
The report shall be signed by the operator or the operator's agent who plugged the well and verified by the oath of the party so signing. For the purposes of this section, a deputy mine inspector may take acknowledgements and administer oaths to the parties signing the report.	140126 140127 140128 140129 140130
Whenever, in compliance with this division, a well is to be reconditioned by a reservoir operator, the operator shall give to the division notice thereof as many days before the reconditioning is begun as will be necessary for the gas storage well inspector, or a deputy mine inspector, to be present at the reconditioning. No well shall be reconditioned if an inspector of the division is not present unless permission to do so has been granted by the chief. The reservoir operator, at the time of giving notice to the division as in this section required, also shall send a copy of the notice by <del>registered</del> <u>certified</u> mail <u>or electronic format</u> to the coal mine operator, if any, who sent to the reservoir operator the notice as provided in division (B), (C), or (D) of section 1571.03 of the Revised Code, in order that the coal mine operator or the coal mine operator's designated representative may attend and observe the manner in which the reconditioning of the well is done.	140131 140132 140133 140134 140135 140136 140137 140138 140139 140140 140141 140142 140143 140144 140145 140146
If the reservoir operator reconditions the well when the gas	140147

storage well inspector or a deputy mine inspector is not present 140148  
to supervise the reconditioning, the reservoir operator shall make 140149  
written report to the division describing the manner in which the 140150  
reconditioning was done, and shall send to the coal mine operator 140151  
a copy of the report by ~~registered~~ certified mail or electronic 140152  
format. 140153

(D) Wells that are required by this section to be plugged 140154  
shall be plugged in the manner specified in sections 1509.13 to 140155  
1509.17 of the Revised Code, and the operator shall give the 140156  
notifications and reports required by divisions (B) and (C) of 140157  
this section. No such well shall be plugged or abandoned without 140158  
the written approval of the division, and no such well shall be 140159  
mudded, plugged, or abandoned without the gas storage well 140160  
inspector or a deputy mine inspector present unless written 140161  
permission has been granted by the chief or the gas storage well 140162  
inspector. For purposes of this section, the chief of the division 140163  
of mineral resources management has the authority given the chief 140164  
of the division of oil and gas resources management in sections 140165  
1509.15 and 1509.17 of the Revised Code. If such a well has been 140166  
plugged prior to the time plugging thereof is required by this 140167  
section, and, on the basis of the data, information, and other 140168  
evidence available it is determined that the plugging was done in 140169  
the manner required by this section, or was done in accordance 140170  
with statutes prescribing the manner of plugging wells in effect 140171  
at the time the plugging was done, and that there is no evidence 140172  
of leakage of gas from the well either at or below the surface, 140173  
and that the plugging is sufficiently effective to prevent the 140174  
leakage of gas from the well, the obligations imposed upon the 140175  
reservoir operator by this section as to plugging the well shall 140176  
be considered fully satisfied. The operator of a coal mine any 140177  
part of the boundary of which is, or within nine months is 140178  
expected or intended to be, within two thousand linear feet of the 140179  
well may at any time raise a question as to whether the plugging 140180

of the well is sufficiently effective to prevent the leakage of 140181  
gas therefrom, and the issue so made shall be determined by a 140182  
conference or hearing as provided in section 1571.10 of the 140183  
Revised Code. 140184

(E) Wells that are to be reconditioned as required by this 140185  
section shall be, or shall be made to be: 140186

(1) Cased in accordance with the statutes of this state in 140187  
effect at the time the wells were drilled, with the casing being, 140188  
or made to be, sufficiently effective in that there is no evidence 140189  
of any leakage of gas therefrom; 140190

(2) Equipped with a producing string and well head composed 140191  
of new pipe, or pipe as good as new, and fittings designed to 140192  
operate with safety and to contain the stored gas at maximum 140193  
pressures contemplated. 140194

When a well that is to be reconditioned as required by this 140195  
section has been reconditioned for use in the operation of the 140196  
reservoir prior to the time prescribed in this section, and on the 140197  
basis of the data, information, and other evidence available it is 140198  
determined that at the time the well was so reconditioned the 140199  
requirements prescribed in this division were met, and that there 140200  
is no evidence of underground leakage of gas from the well, and 140201  
that the reconditioning is sufficiently effective to prevent 140202  
underground leakage from the well, the obligations imposed upon 140203  
the reservoir operator by this section as to reconditioning the 140204  
well shall be considered fully satisfied. Any operator of a coal 140205  
mine any part of the boundary of which is, or within nine months 140206  
is expected or intended to be, within two thousand linear feet of 140207  
the well may at any time raise a question as to whether the 140208  
reconditioning of the well is sufficiently effective to prevent 140209  
underground leakage of gas therefrom, and the issue so made shall 140210  
be determined by a conference or hearing as provided in section 140211  
1571.10 of the Revised Code. 140212

If the gas storage well inspector at any time finds that a well that is drilled through the horizon of a coal mine and into or through the storage stratum or strata of a reservoir within the boundary of the reservoir or within its protective area is located within the boundary of the coal mine or within two thousand linear feet of the mine boundary, and was drilled prior to the time the statutes of this state required that wells be cased, and that the well fails to meet the casing and equipping requirements prescribed in this division, the gas storage well inspector shall promptly notify the operator of the reservoir thereof in writing, and the reservoir operator upon receipt of the notice shall promptly recondition the well in the manner prescribed in this division for reconditioning wells, unless, in a conference or hearing as provided in section 1571.10 of the Revised Code, a different course of action is agreed upon or ordered.

(F)(1) When a well within the boundary of a gas storage reservoir or within the reservoir's protective area penetrates the storage stratum or strata of the reservoir, but does not penetrate the coal seam within the boundary of a coal mine, the gas storage well inspector may, upon application of the operator of the storage reservoir, exempt the well from the requirements of this section. Either party affected by the action of the gas storage well inspector may request a conference and hearing with respect to the exemption.

(2) When a well located within the boundary of a storage reservoir or a reservoir's protective area is a producing well in a stratum above or below the storage stratum, the obligations imposed by this section shall not begin until the well ceases to be a producing well.

(G) When retreat mining reaches a point in a coal mine when the operator of the mine expects that within ninety days retreat work will be at the location of a pillar surrounding an active

storage reservoir well, the operator of the mine shall promptly 140245  
send by ~~registered~~ certified mail or electronic format notice to 140246  
that effect to the operator of the reservoir. Thereupon the 140247  
operators may by agreement determine whether it is necessary or 140248  
advisable to temporarily inactivate the well. If inactivated, the 140249  
well shall not be reactivated until a reasonable period of time 140250  
has elapsed, such period of time to be determined by agreement by 140251  
the operators. In the event that the parties cannot agree upon 140252  
either of the foregoing matters, the question shall be submitted 140253  
to the gas storage well inspector for a conference in accordance 140254  
with section 1571.10 of the Revised Code. 140255

(H)(1) The provisions of this section that require the 140256  
plugging or reconditioning of wells shall not apply to such wells 140257  
as are used to inject gas into, store gas in, or remove gas from a 140258  
gas storage reservoir when the sole purpose of the injection, 140259  
storage, or removal is testing. The operator of a gas storage 140260  
reservoir who injects gas into, stores gas in, or removes gas from 140261  
a reservoir for the sole purpose of testing shall be subject to 140262  
all other provisions of this chapter that are applicable to 140263  
operators of reservoirs. 140264

(2) If the injection of gas into, or storage of gas in, a gas 140265  
storage reservoir any part of which, or of the protective area of 140266  
which, is within the boundary of a coal mine is begun after 140267  
September 9, 1957, and if the injection or storage of gas is for 140268  
the sole purpose of testing, the operator of the reservoir shall 140269  
send by ~~registered~~ certified mail or electronic format to the 140270  
operator of the coal mine, the division of oil and gas resources 140271  
management, and the division of mineral resources management at 140272  
least sixty days' notice of the date upon which the testing will 140273  
be begun. 140274

If at any time within the period of time during which testing 140275  
of a reservoir is in progress, any part of the reservoir or of its 140276

protective area comes within any part of the boundary of a coal mine, the operator of the reservoir shall promptly send notice to that effect by ~~registered~~ certified mail or electronic format to the operator of the mine, the division of oil and gas resources management, and the division of mineral resources management.

(3) Any coal mine operator who receives a notice as provided for in division (H)(2) of this section may within thirty days of the receipt thereof file with the division objections to the testing. The gas storage well inspector also may, within the time within which a coal mine operator may file an objection, place in the files of the division objections to the testing. The reservoir operator shall comply throughout the period of the testing operations with all conditions and requirements agreed upon and approved in the conference on such objections conducted as provided in section 1571.10 of the Revised Code, or in an order made by the chief following a hearing in the matter as provided in section 1571.10 of the Revised Code. If in complying with the agreement or order either the reservoir operator or the coal mine operator encounters or discovers conditions that were not known to exist at the time of the conference or hearing and that materially affect the agreement or order, or the ability of the reservoir operator to comply therewith, either operator may apply for a rehearing or modification of the order.

(I) In addition to complying with all other provisions of this chapter and any lawful orders issued thereunder, the operator of each gas storage reservoir shall keep all wells drilled into or through the storage stratum or strata within the boundary of the operator's reservoir or within the reservoir's protective area in such condition, and operate the same in such manner, as to prevent the escape of gas therefrom into any coal mine, and shall operate and maintain the storage reservoir and its facilities in such manner and at such pressures as will prevent gas from escaping

from the reservoir or its facilities into any coal mine. 140309

**Sec. 1571.08.** (A) Whenever in this chapter, the method or 140310  
material to be used in discharging any obligations imposed by this 140311  
chapter is specified, an alternative method or material may be 140312  
used if approved by the gas storage well inspector or the chief of 140313  
the division of oil and gas resources management. A person 140314  
desiring to use such alternative method or material shall file 140315  
with the division of oil and gas resources management an 140316  
application for permission to do so. Such application shall 140317  
describe such alternative method or material in reasonable detail. 140318  
The gas storage well inspector shall promptly send by ~~registered~~ 140319  
certified mail or electronic format notice of the filing of such 140320  
application to any coal mine operator or reservoir operator whose 140321  
mine or reservoir may be directly affected thereby. Any such coal 140322  
mine operator or reservoir operator may within ten days following 140323  
receipt of such notice, file with the division objections to such 140324  
application. The gas storage well inspector may also file with the 140325  
division an objection to such application at any time during which 140326  
coal mine operators or reservoir operators are permitted to file 140327  
objections. If no objections are filed within the ten-day period 140328  
of time, the gas storage well inspector shall thereupon issue a 140329  
permit approving the use of such alternative method or material. 140330  
If any such objections are filed by any coal mine operator or 140331  
reservoir operator, or by the gas storage well inspector, the 140332  
question as to whether or not the use of such alternative method 140333  
or material, or a modification thereof is approved, shall be 140334  
determined by a conference or hearing as provided in section 140335  
1571.10 of the Revised Code. 140336

(B) Whenever in this chapter, provision is made for the 140337  
filing of objections with the division, such objections shall be 140338  
in writing and shall state as definitely as is reasonably possible 140339  
the reasons for such objections. Upon the filing of any such 140340

objection the gas storage well inspector shall promptly fix the 140341  
time and place for holding a conference for the purpose of 140342  
discussing and endeavoring to resolve by mutual agreement the 140343  
issue raised by such objection. The gas storage well inspector 140344  
shall send written notice thereof by ~~registered~~ certified mail or 140345  
electronic format to each person having a direct interest therein. 140346  
Thereupon the issue made by such objection shall be determined by 140347  
a conference or hearing in accordance with the procedures for 140348  
conferences and hearings as provided in section 1571.10 of the 140349  
Revised Code. 140350

**Sec. 1571.10.** (A) The gas storage well inspector or any 140351  
person having a direct interest in the administration of this 140352  
chapter may at any time file with the division of oil and gas 140353  
resources management a written request that a conference be held 140354  
for the purpose of discussing and endeavoring to resolve by mutual 140355  
agreement any question or issue relating to the administration of 140356  
this chapter, or to compliance with its provisions, or to any 140357  
violation thereof. Such request shall describe the matter 140358  
concerning which the conference is requested. Thereupon the gas 140359  
storage well inspector shall promptly fix the time and place for 140360  
the holding of such conference and shall send written notice 140361  
thereof to each person having a direct interest therein. At such 140362  
conference the gas storage well inspector or a representative of 140363  
the division designated by the gas storage well inspector shall be 140364  
in attendance, and shall preside at the conference, and the gas 140365  
storage well inspector or designated representative may make such 140366  
recommendations as the gas storage well inspector or designated 140367  
representative deems proper. Any agreement reached at such 140368  
conference shall be consistent with the requirements of this 140369  
chapter and, if approved by the gas storage well inspector, it 140370  
shall be reduced to writing and shall be effective. Any such 140371  
agreement approved by the gas storage well inspector shall be kept 140372

on file in the division and a copy thereof shall be furnished to 140373  
each of the persons having a direct interest therein. The 140374  
conference shall be deemed terminated as of the date an approved 140375  
agreement is reached or when any person having a direct interest 140376  
therein refuses to confer thereafter. Such a conference shall be 140377  
held in all cases prior to the holding of a hearing as provided in 140378  
this section. 140379

(B) Within ten days after the termination of a conference at 140380  
which no approved agreement is reached, any person who 140381  
participated in such conference and who has a direct interest in 140382  
the subject matter thereof, or the gas storage well inspector, may 140383  
file with the chief of the division of oil and gas resources 140384  
management a request that the chief hear and determine the matter 140385  
or matters, or any part thereof considered at the conference. 140386  
Thereupon the chief shall promptly fix the time and place for the 140387  
holding of such hearing and shall send written notice thereof to 140388  
each person having a direct interest therein. The form of the 140389  
request for such hearing and the conduct of the hearing shall be 140390  
in accordance with rules that the chief adopts under section 140391  
1571.11 of the Revised Code. Consistent with the requirement for 140392  
reasonable notice each such hearing shall be held promptly after 140393  
the filing of the request therefor. Any person having a direct 140394  
interest in the matter to be heard shall be entitled to appear and 140395  
be heard in person or by attorney. The division may present at 140396  
such hearing any evidence that is material to the matter being 140397  
heard and that has come to the division's attention in any 140398  
investigation or inspection made pursuant to this chapter. 140399

(C) For the purpose of conducting such a hearing the chief 140400  
may require the attendance of witnesses and the production of 140401  
books, records, and papers, and the chief may, and at the request 140402  
of any person having a direct interest in the matter being heard, 140403  
the chief shall, issue subpoenas for witnesses or subpoenas duces 140404

tecum to compel the production of any books, records, or papers, 140405  
directed to the sheriffs of the counties where such witnesses are 140406  
found, which subpoenas shall be served and returned in the same 140407  
manner as subpoenas in criminal cases are served and returned. The 140408  
fees of sheriffs shall be the same as those allowed by the court 140409  
of common pleas in criminal cases. Witnesses shall be paid the 140410  
fees and mileage provided for under section 119.094 of the Revised 140411  
Code. Such fee and mileage expenses shall be paid in advance by 140412  
the persons at whose request they are incurred, and the remainder 140413  
of such expenses shall be paid out of funds appropriated for the 140414  
expenses of the division. 140415

In case of disobedience or neglect of any subpoena served on 140416  
any person, or the refusal of any witness to testify to any matter 140417  
regarding which the witness may be lawfully interrogated, the 140418  
court of common pleas of the county in which such disobedience, 140419  
neglect, or refusal occurs, or any judge thereof, on application 140420  
of the chief, shall compel obedience by attachment proceedings for 140421  
contempt as in the case of disobedience of the requirements of a 140422  
subpoena issued from such court or a refusal to testify therein. 140423  
Witnesses at such hearings shall testify under oath, and the chief 140424  
may administer oaths or affirmations to persons who so testify. 140425

(D) With the consent of the chief, the testimony of any 140426  
witness may be taken by deposition at the instance of a party to 140427  
any hearing before the chief at any time after hearing has been 140428  
formally commenced. The chief may, of the chief's own motion, 140429  
order testimony to be taken by deposition at any stage in any 140430  
hearing, proceeding, or investigation pending before the chief. 140431  
Such deposition shall be taken in the manner prescribed by the 140432  
laws of this state for taking depositions in civil cases in courts 140433  
of record. 140434

(E) After the conclusion of a hearing the chief shall make a 140435  
determination and finding of facts. Every adjudication, 140436

determination, or finding by the chief shall be made by written 140437  
order and shall contain a written finding by the chief of the 140438  
facts upon which the adjudication, determination, or finding is 140439  
based. Notice of the making of such order shall be given to the 140440  
persons whose rights, duties, or privileges are affected thereby, 140441  
by sending a certified copy thereof by ~~registered~~ certified mail 140442  
or electronic format to each of such persons. 140443

Adjudications, determinations, findings, and orders made by 140444  
the chief shall not be governed by, or be subject to, Chapter 119. 140445  
of the Revised Code. 140446

**Sec. 1571.14.** Any person claiming to be aggrieved or 140447  
adversely affected by an order of the chief of the division of oil 140448  
and gas resources management made as provided in section 1571.10 140449  
or 1571.16 of the Revised Code may appeal to the director of 140450  
natural resources for an order vacating or modifying such order. 140451  
Upon receipt of the appeal, the director shall appoint an 140452  
individual who has knowledge of the laws and rules regarding the 140453  
underground storage of gas and who shall act as a hearing officer 140454  
in accordance with Chapter 119. of the Revised Code in hearing the 140455  
appeal. 140456

The person appealing to the director shall be known as 140457  
appellant and the chief shall be known as appellee. The appellant 140458  
and the appellee shall be deemed parties to the appeal. 140459

The appeal shall be in writing and shall set forth the order 140460  
complained of and the grounds upon which the appeal is based. The 140461  
appeal shall be filed with the director within thirty days after 140462  
the date upon which appellant received notice by ~~registered~~ 140463  
certified mail or electronic format of the making of the order 140464  
complained of, as required by section 1571.10 of the Revised Code. 140465  
Notice of the filing of such appeal shall be delivered by 140466  
appellant to the chief within three days after the appeal is filed 140467

with the director. 140468

Within seven days after receipt of the notice of appeal the 140469  
chief shall prepare and certify to the director at the expense of 140470  
appellant a complete transcript of the proceedings out of which 140471  
the appeal arises, including a transcript of the testimony 140472  
submitted to the chief. 140473

Upon the filing of the appeal the director shall fix the time 140474  
and place at which the hearing on the appeal will be held, and 140475  
shall give appellant and the chief at least ten days' written 140476  
notice thereof by mail. The director may postpone or continue any 140477  
hearing upon the director's own motion or upon application of 140478  
appellant or of the chief. 140479

The filing of an appeal provided for in this section does not 140480  
automatically suspend or stay execution of the order appealed 140481  
from, but upon application by the appellant the director may 140482  
suspend or stay such execution pending determination of the appeal 140483  
upon such terms as the director deems proper. 140484

The hearing officer appointed by the director shall hear the 140485  
appeal de novo, and either party to the appeal may submit such 140486  
evidence as the hearing officer deems admissible. 140487

For the purpose of conducting a hearing on an appeal, the 140488  
hearing officer may require the attendance of witnesses and the 140489  
production of books, records, and papers, and may, and at the 140490  
request of any party shall, issue subpoenas for witnesses or 140491  
subpoenas duces tecum to compel the production of any books, 140492  
records, or papers, directed to the sheriffs of the counties where 140493  
such witnesses are found, which subpoenas shall be served and 140494  
returned in the same manner as subpoenas in criminal cases are 140495  
served and returned. The fees of sheriffs shall be the same as 140496  
those allowed by the court of common pleas in criminal cases. 140497  
Witnesses shall be paid the fees and mileage provided for under 140498

section 119.094 of the Revised Code. Such fee and mileage expenses 140499  
incurred at the request of appellant shall be paid in advance by 140500  
appellant, and the remainder of such expenses shall be paid out of 140501  
funds appropriated for the expenses of the division of oil and gas 140502  
resources management. 140503

In case of disobedience or neglect of any subpoena served on 140504  
any person, or the refusal of any witness to testify to any matter 140505  
regarding which the witness may be lawfully interrogated, the 140506  
court of common pleas of the county in which such disobedience, 140507  
neglect, or refusal occurs, or any judge thereof, on application 140508  
of the director, shall compel obedience by attachment proceedings 140509  
for contempt as in the case of disobedience of the requirements of 140510  
a subpoena issued from such court or a refusal to testify therein. 140511  
Witnesses at such hearings shall testify under oath, and the 140512  
hearing officer may administer oaths or affirmations to persons 140513  
who so testify. 140514

At the request of any party to the appeal, a record of the 140515  
testimony and other evidence submitted shall be taken by an 140516  
official court reporter at the expense of the party making the 140517  
request for the record. The record shall include all of the 140518  
testimony and other evidence and the rulings on the admissibility 140519  
thereof presented at the hearing. The hearing officer shall pass 140520  
upon the admissibility of evidence, but any party may at the time 140521  
object to the admission of any evidence and except to the ruling 140522  
of the hearing officer thereon, and if the hearing officer refuses 140523  
to admit evidence, the party offering same may make a proffer 140524  
thereof, and such proffer shall be made a part of the record of 140525  
such hearing. 140526

If upon completion of the hearing the hearing officer finds 140527  
that the order appealed from was lawful and reasonable, the 140528  
hearing officer shall make a written order affirming the order 140529  
appealed from. If the hearing officer finds that such order was 140530

unreasonable or unlawful, the hearing officer shall make a written order vacating the order appealed from and making the order that it finds the chief should have made. Every order made by the hearing officer shall contain a written finding by the hearing officer of the facts upon which the order is based. Notice of the making of such order shall be given forthwith to each party to the appeal by mailing a certified copy thereof to each such party by ~~registered~~ certified mail or electronic format.

**Sec. 1571.15.** Any party adversely affected by an order of the hearing officer under section 1571.14 of the Revised Code may appeal to the court of common pleas of any county in which the well, or part of the gas storage reservoir, or part of the coal mine, involved in the order of the hearing officer which is being appealed, is located. Any party desiring to so appeal shall file with the director of natural resources a notice of appeal designating the order appealed from and stating whether the appeal is taken on questions of law or questions of law and fact. A copy of such notice shall also be filed by appellant with the court and shall be mailed or otherwise delivered to appellee. The notice shall be filed and mailed or otherwise delivered within thirty days after the date upon which appellant received notice from the hearing officer by ~~registered~~ certified mail or electronic format of the making of the order appealed from. No appeal bond shall be required to make either an appeal on questions of law or an appeal on questions of law and fact effective.

The filing of a notice of appeal shall not automatically operate as a suspension of the order of the hearing officer. If it appears to the court that an unjust hardship to the appellant will result from the execution of the hearing officer's order pending determination of the appeal, the court may grant a suspension of such order and fix its terms.

Within fifteen days after receipt of the notice of appeal the hearing officer shall prepare and file in the court the complete record of proceedings out of which the appeal arises, including a transcript of the testimony and other evidence which has been submitted before ~~him~~ the hearing officer. The expense of preparing and transcribing such record shall be taxed as a part of the costs of the appeal. Appellant shall provide security for costs satisfactory to the court. Upon demand by a party the director shall furnish at the cost of the party requesting the same a copy of such record. In the event such complete record is not filed in the court within the time provided for in this section either party may apply to the court to have the case docketed, and the court shall order such record filed.

Appeals taken on questions of law shall be heard upon assignments of error filed in the cause or set out in the briefs of the appellant before the hearing. Errors not argued by brief may be disregarded, but the court may consider and decide errors which are not assigned or argued. Failure to file such briefs and assignments of error within the time prescribed by the court's rules shall be a cause for dismissal of such appeal.

In appeals taken on questions of law and fact, the hearing in the court shall be a hearing de novo of the appeal heard by the hearing officer in which the order appealed from was made. In such hearings any party may offer as evidence any part of the record of the proceedings out of which the appeal arises, certified to the court as provided for in this section, and any other evidence which the court deems admissible.

If the court finds that the order of the hearing officer appealed from was lawful and reasonable, it shall affirm such order. If the court finds that such order was unreasonable or unlawful, it shall vacate such order and make the order which it finds the hearing officer should have made. The judgment of the

court is final unless reversed, vacated, or modified on appeal as 140594  
in civil actions. 140595

**Sec. 1571.16.** (A) The gas storage well inspector or any 140596  
person having a direct interest in the subject matter of this 140597  
chapter may file with the division of oil and gas resources 140598  
management a complaint in writing stating that a person is 140599  
violating, or is about to violate, a provision or provisions of 140600  
this chapter, or has done, or is about to do, an act, matter, or 140601  
thing therein prohibited or declared to be unlawful, or has 140602  
failed, omitted, neglected, or refused, or is about to fail, omit, 140603  
neglect, or refuse, to perform a duty enjoined upon the person by 140604  
this chapter. Upon the filing of such a complaint, the chief of 140605  
the division of oil and gas resources management shall promptly 140606  
fix the time for the holding of a hearing on such complaint and 140607  
shall send by ~~registered~~ certified mail or electronic format to 140608  
the person so complained of, a copy of such complaint together 140609  
with at least five days' notice of the time and place at which 140610  
such hearing will be held. Such notice of such hearing shall also 140611  
be given to all persons having a direct interest in the matters 140612  
complained of in such complaint. Such hearing shall be conducted 140613  
in the same manner, and the chief and persons having a direct 140614  
interest in the matter being heard, shall have the same powers, 140615  
rights, and duties as provided in divisions (B), (C), (D), and (E) 140616  
of section 1571.10 of the Revised Code, in connection with 140617  
hearings by the chief, provided that if after conclusion of the 140618  
hearing the chief finds that the charges against the person 140619  
complained of, as stated in such complaint, have not been 140620  
sustained by a preponderance of evidence, the chief shall make an 140621  
order dismissing the complaint, and if the chief finds that the 140622  
charges have been so sustained, the chief shall by appropriate 140623  
order require compliance with those provisions. 140624

(B) Whenever the chief is of the opinion that any person is 140625

violating, or is about to violate, any provision of this chapter, 140626  
or has done, or is about to do, any act, matter, or thing therein 140627  
prohibited or declared to be unlawful, or has failed, omitted, 140628  
neglected, or refused, or is about to fail, omit, neglect, or 140629  
refuse, to perform any duty enjoined upon the person by this 140630  
chapter, or has failed, omitted, neglected, or refused, or is 140631  
about to fail, omit, neglect, or refuse, to obey any lawful 140632  
requirement or order made by the chief, or any final judgment, 140633  
order, or decree made by any court pursuant to this chapter, then 140634  
and in every such case, the chief may institute in a court of 140635  
competent jurisdiction of the county or counties wherein the 140636  
operation is situated, an action to enjoin or restrain such 140637  
violations or to enforce obedience with law or the orders of the 140638  
chief. No injunction bond shall be required to be filed in any 140639  
such proceeding. Such persons or corporations as the court may 140640  
deem necessary or proper to be joined as parties in order to make 140641  
its judgment, order, or writ effective may be joined as parties. 140642  
An appeal may be taken as in other civil actions. 140643

(C) In addition to the other remedies as provided in 140644  
divisions (A) and (B) of this section, any reservoir operator or 140645  
coal mine operator affected by this chapter may proceed by 140646  
injunction or other appropriate remedy to restrain violations or 140647  
threatened violations of this chapter or of orders of the chief, 140648  
or of the hearing officer appointed under section 1571.14 of the 140649  
Revised Code, or the judgments, orders, or decrees of any court or 140650  
to enforce obedience therewith. 140651

(D) Each remedy prescribed in divisions (A), (B), and (C) of 140652  
this section is deemed concurrent or contemporaneous with each 140653  
other remedy prescribed therein, and the existence or exercise of 140654  
any one such remedy shall not prevent the exercise of any other 140655  
such remedy. 140656

(E) The provisions of this chapter providing for conferences, 140657

hearings by the chief, appeals to the hearing officer from orders 140658  
of the chief, and appeals to the court of common pleas from orders 140659  
of the hearing officer, and the remedies prescribed in divisions 140660  
(A), (B), (C), and (D) of this section, do not constitute the 140661  
exclusive procedure that a person, who deems the person's rights 140662  
to be unlawfully affected by any official action taken thereunder, 140663  
must pursue in order to protect and preserve such rights, nor does 140664  
this chapter constitute a procedure that such a person must pursue 140665  
before the person may lawfully proceed by other actions, legal or 140666  
equitable, to protect and preserve such rights. 140667

**Sec. 1707.02.** (A) "Exempt," as used in this section, means 140668  
exempt from sections 1707.08 to 1707.11 and 1707.39 of the Revised 140669  
Code. 140670

(B)(1) Except as provided in division (B)(2) of this section, 140671  
the following securities are exempt, if the issuer or guarantor 140672  
has the power of taxation or assessment for the purpose of paying 140673  
the obligation represented by the security, or is in specific 140674  
terms empowered by the laws of the state of issuance to issue 140675  
securities payable as to principal or interest, or as to both, out 140676  
of revenues collected or administered by such issuer: 140677

(a) Any security issued or guaranteed by the United States; 140678

(b) Any security issued or guaranteed by, and recognized, at 140679  
the time of sale, as its valid obligation by, any foreign 140680  
government with which the United States is, at the time of sale, 140681  
maintaining diplomatic relations; 140682

(c) Any security issued or guaranteed, and recognized as its 140683  
valid obligation, by any political subdivision or any governmental 140684  
or other public body, corporation, or agency in or of the United 140685  
States, any state, territory, or possession of the United States, 140686  
or any foreign government with which the United States is, at the 140687  
time of sale, maintaining diplomatic relations. 140688

(2) If a security described in division (B)(1) of this section is not payable out of the proceeds of a general tax, the security is exempt only if, at the time of its first sale in this state, there is no default in the payment of any of the interest or principal of the security, and there are no adjudications or pending suits adversely affecting its validity.

(C) Any security issued or guaranteed by a state or nationally chartered bank, savings and loan association, savings bank, or credit union, or a governmental corporation or agency created by or under the laws of the United States or of Canada is exempt, if it is under the supervision of or subject to regulation by the government or state under whose laws it was organized.

(D) Any interim certificate is exempt, if the securities to be delivered therefor are themselves exempt, are the subject matter of an exempt transaction, have been registered by description or registered by qualification, or are the subject matter of a transaction which has been registered by description.

(E)(1) A security is exempt if it meets any of the following requirements:

(a) The security is listed, or authorized for listing, on the New York stock exchange, the American stock exchange, or the national market system of the NASDAQ stock market, or any successor to such entities.

(b) The security is listed, or authorized for listing, on a national securities exchange or system, or on a tier or segment of such exchange or system, designated by the securities and exchange commission in rule 146(b) promulgated under section 18(b)(1) of the Securities Act of 1933.

(c) The security is listed, or authorized for listing, on a national securities exchange or system, or on a tier or segment of such exchange or system, that has listing standards that the

division of securities, on its own initiative or on the basis of 140720  
an application, determines by rule are substantially similar to 140721  
the listing standards applicable to securities described in 140722  
division (E)(1)(a) of this section. 140723

(d) The security is a security of the same issuer that is 140724  
equal in seniority or that is a senior security to a security 140725  
described in division (E)(1)(a), (b), or (c) of this section. 140726

(2) Application for approval of a stock exchange or system 140727  
not approved in this section may be made by any organized stock 140728  
exchange or system, or by any dealer who is a member of such 140729  
exchange, in such manner and upon such forms as are prescribed by 140730  
the division, accompanied by payment of an approval fee of two 140731  
hundred dollars, and the division shall make such investigation 140732  
and may hold such hearings as it deems necessary to determine the 140733  
propriety of giving approval. The cost of such investigation shall 140734  
be borne by the applicant. The division may enter an order of 140735  
approval, and if it does so, it shall notify the applicant of such 140736  
approval. 140737

(3) The division may revoke the approval of an exchange or 140738  
system enumerated in division (E)(1) of this section, provided 140739  
that the exchange or system is not listed in section 18(b)(1) of 140740  
the Securities Act of 1933 or any rule promulgated thereunder. The 140741  
division may effect a revocation after due notice, investigation, 140742  
a hearing, and a finding that the practices or requirements of 140743  
such exchange or system have been so changed or modified, or are, 140744  
in their actual operation, such that the contemplated protection 140745  
is no longer afforded. The principles of res adjudicata ordinarily 140746  
applicable in civil matters shall not be applicable to this 140747  
matter, which is hereby declared to be administrative rather than 140748  
judicial. Notice of the hearing may be given by ~~certified~~ 140749  
electronic mail at least ten days before such hearing. 140750

(4) The division may suspend the exemption of any security 140751

described in division (E)(1) of this section, provided that the security is listed or authorized for listing on an exchange or system that is not listed in section 18(b)(1) of the Securities Act of 1933 or any rule promulgated thereunder. The division may effect a suspension by giving notice, by ~~certified~~ electronic mail, to that effect to the exchange or system upon which such security is listed or designated and to the issuer of such security. After notice and hearing, the division may revoke such exemption if it appears to it that sales of such security have been fraudulent or that future sales of it would be fraudulent. The division shall set such hearing not later than ten days from the date of the order of suspension, but may for good cause continue such hearing upon application of the exchange or system upon which such security is listed or designated or upon application of the issuer of such security.

(F) Any security, issued or guaranteed as to principal, interest, or dividend or distribution by a corporation owning or operating any public utility, is exempt, if such corporation is, as to its rates and charges or as to the issuance and guaranteeing of securities, under the supervision of or regulated by a public commission, board, or officer of the United States, or of Canada, or of any state, province, or municipal corporation in either of such countries. Equipment-trust securities based on chattel mortgages, leases, or agreements for conditional sale, of cars, locomotives, motor trucks, or other rolling stock or of motor vehicles mortgaged, leased, or sold to, or finished for the use of, a public utility, are exempt; and so are equipment securities where the ownership or title of such equipment is pledged or retained, in accordance with the laws of the United States or of any state, or of Canada or any province thereof, to secure the payment of such securities.

(G) Commercial paper and promissory notes are exempt when

they are not offered directly or indirectly for sale to the public. 140784  
140785

(H) Any security issued or guaranteed by an insurance company, except as provided in section 1707.32 of the Revised Code, is exempt if such company is under the supervision of, and the issuance or guaranty of such security is regulated by, a state. 140786  
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(I) Any security, except notes, bonds, debentures, or other evidences of indebtedness or of promises or agreements to pay money, which is issued by a person, corporation, or association organized not for profit, including persons, corporations, and associations organized exclusively for conducting county fairs, or for religious, educational, social, recreational, athletic, benevolent, fraternal, charitable, or reformatory purposes, and agricultural cooperatives as defined in section 1729.01 of the Revised Code, is exempt, if no part of the net earnings of such issuer inures to the benefit of any shareholder or member of such issuer or of any individual, and if the total commission, remuneration, expense, or discount in connection with the sale of such securities does not exceed two per cent of the total sale price thereof plus five hundred dollars. 140791  
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(J)(1) Any securities outstanding for a period of not less than five years, on which there has occurred no default in payment of principal, interest, or dividend or distribution for the five years immediately preceding the sale, are exempt. 140805  
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(2) For the purpose of division (J) of this section, the dividend, distribution, or interest rate on securities in which no such rate is specified shall be at the rate of at least four per cent annually on the aggregate of the price at which such securities are to be sold. 140809  
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(K) All bonds issued under authority of Chapter 165. or 761., 140814

or section 4582.06 or 4582.31 of the Revised Code are exempt. 140815

**Sec. 1707.04.** (A) The division of securities may consider and 140816  
conduct hearings upon any plan of reorganization, 140817  
recapitalization, or refinancing of a corporation organized under 140818  
the laws of this state, or having its principal place of business 140819  
within this state, when such plan is proposed by such corporation 140820  
or by any of its shareholders or creditors and contains a proposal 140821  
to issue securities in exchange for one or more bona fide 140822  
outstanding securities, claims, or property interests, or partly 140823  
in such exchange or partly for cash. The division may also approve 140824  
the terms of such issuance and exchange and the fairness of such 140825  
terms, after a hearing upon such fairness at which all persons to 140826  
whom it is proposed to issue securities in such exchange have the 140827  
right to appear, if application for such a hearing is made by such 140828  
corporation, by the holders of a majority in amount of its debts, 140829  
or by the holders of a majority in amount of any outstanding class 140830  
of securities issued by it. Notice in person or by electronic or 140831  
regular mail of the time and place of such hearing shall be given 140832  
to all persons to whom it is proposed to issue such securities, 140833  
and evidence satisfactory to the division that such notice has 140834  
been given shall be filed with the division. Securities issued in 140835  
accordance with a plan so approved by the division are exempt from 140836  
sections 1707.01 to 1707.50 of the Revised Code, relating to 140837  
registration or qualification of securities or the registration of 140838  
transactions therein. 140839

(B) "Reorganization," "recapitalization," and "refinancing," 140840  
as used in this section, include the following: 140841

(1) A readjustment by modification of the terms of securities 140842  
by agreement; 140843

(2) A readjustment by the exchange of securities by the 140844  
issuer for others of its securities; 140845

(3) The exchange of securities by the issuer for securities of another issuer;	140846 140847
(4) The acquisition of assets of a person, directly or indirectly, partly or wholly in consideration for securities distributed or to be distributed as part of the same transaction, directly or indirectly, to holders of securities issued by such person or secured by assets of such person;	140848 140849 140850 140851 140852
(5) A merger or consolidation.	140853
(C) Upon filing an application with the division under this section, the applicant shall pay to the division a filing fee of one hundred dollars and shall deposit with the division such sum, not in excess of one thousand dollars, as the division requires for the purpose of defraying the costs of the hearing provided for in this section and of any investigation which the division may make in connection herewith.	140854 140855 140856 140857 140858 140859 140860
<b>Sec. 1707.042.</b> (A) No person who makes or opposes a control bid to offerees in this state shall knowingly do any of the following:	140861 140862 140863
(1) Make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading;	140864 140865 140866 140867
(2) Engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any such offeree;	140868 140869 140870
(3) Engage in any manipulative act or practice.	140871
(B) Any person who makes or opposes a control bid to offerees in this state, or who realizes any profit which inures to and is recoverable by a corporation, formed in this state, pursuant to section 1707.043 of the Revised Code, is conclusively presumed to	140872 140873 140874 140875

have designated the secretary of state as its agent for the 140876  
service of process in any action or proceeding under this chapter. 140877  
Upon receipt of any such process, together with an affidavit 140878  
showing the last known address of the person who made or opposed 140879  
the control bid or who realized such profit, the secretary of 140880  
state shall forthwith give notice ~~by telegraph of the fact~~ of the 140881  
service of process ~~and forward a copy of such process to such~~ 140882  
~~address by certified mail, return receipt requested.~~ This section 140883  
does not affect any right to serve process in any other manner 140884  
permitted by law. 140885

(C) Any person who makes or opposes a control bid is subject 140886  
to the liabilities and penalties applicable to a seller, and an 140887  
offeree is entitled to the remedies applicable to a purchaser, as 140888  
set forth in sections 1707.41 to 1707.50 of the Revised Code. 140889

(D) In case any provision or application of any provision of 140890  
this section is for any reason held to be illegal or invalid, such 140891  
illegality or invalidity shall not affect any legal and valid 140892  
provision or application of this section. 140893

**Sec. 1707.091.** (A) Any security for which a registration 140894  
statement has been filed pursuant to Section 6 of the Securities 140895  
Act of 1933 or for which a notification form and offering circular 140896  
has been filed pursuant to regulation A of the general rules and 140897  
regulations of the securities and exchange commission, 17 C.F.R. 140898  
sections 230.251 to 230.256 and 230.258 to 230.263, as amended 140899  
before or after the effective date of this section, in connection 140900  
with the same offering may be registered by coordination. 140901

(B) A registration statement filed by or on behalf of the 140902  
issuer under this section with the division of securities shall 140903  
contain the following information and be accompanied by the 140904  
following items in addition to the consent to service of process 140905  
required by section 1707.11 of the Revised Code: 140906

(1) One copy of the latest form of prospectus or offering circular and notification filed with the securities and exchange commission;	140907 140908 140909
(2) If the division of securities by rule or otherwise requires, a copy of the articles of incorporation and code of regulations or bylaws, or their substantial equivalents, as currently in effect, a copy of any agreements with or among underwriters, a copy of any indenture or other instrument governing the issuance of the security to be registered, and a specimen or copy of the security;	140910 140911 140912 140913 140914 140915 140916
(3) If the division of securities requests, any other information, or copies of any other documents, filed with the securities and exchange commission;	140917 140918 140919
(4) An undertaking by the issuer to forward to the division, promptly and in any event not later than the first business day after the day they are forwarded to or thereafter are filed with the securities and exchange commission, whichever occurs first, all amendments to the federal prospectus, offering circular, notification form, or other documents filed with the securities and exchange commission, other than an amendment that merely delays the effective date;	140920 140921 140922 140923 140924 140925 140926 140927
(5) A filing fee of one hundred dollars.	140928
(C) A registration statement filed under this section becomes effective either at the moment the federal registration statement becomes effective or at the time the offering may otherwise be commenced in accordance with the rules, regulations, or orders of the securities and exchange commission, if all of the following conditions are satisfied:	140929 140930 140931 140932 140933 140934
(1) No stop order is in effect, no proceeding is pending under section 1707.13 of the Revised Code, and no cease and desist order has been issued pursuant to section 1707.23 of the Revised	140935 140936 140937

Code; 140938

(2) The registration statement has been on file with the 140939  
division for at least fifteen days or for such shorter period as 140940  
the division by rule or otherwise permits; provided, that if the 140941  
registration statement is not filed with the division within five 140942  
days of the initial filing with the securities and exchange 140943  
commission, the registration statement must be on file with the 140944  
division for thirty days or for such shorter period as the 140945  
division by rule or otherwise permits. 140946

(3) A statement of the maximum and minimum proposed offering 140947  
prices and the maximum underwriting discounts and commissions has 140948  
been on file with the division for two full business days or for 140949  
such shorter period as the division by rule or otherwise permits 140950  
and the offering is made within those limitations; 140951

(4) The division has received a registration fee of one-tenth 140952  
of one per cent of the aggregate price at which the securities are 140953  
to be sold to the public in this state, which fee, however, shall 140954  
in no case be less than one hundred or more than one thousand 140955  
dollars. 140956

(D) The issuer shall promptly notify the division by 140957  
telephone ~~or telegram~~ of the date and time when the federal 140958  
registration statement became effective, or when the offering may 140959  
otherwise be commenced in accordance with the rules, regulations, 140960  
or orders of the securities and exchange commission, and of the 140961  
contents of the price amendment, if any, and shall promptly file 140962  
the price amendment. 140963

"Price amendment" for the purpose of this division, means the 140964  
final federal registration statement amendment that includes a 140965  
statement of the offering price, underwriting and selling 140966  
discounts or commissions, amount of proceeds, conversion rates, 140967  
call prices, and other matters dependent upon the offering price. 140968

If the division fails to receive the required notice and 140969  
required copies of the price amendment, the division may enter a 140970  
provisional stop order retroactively denying effectiveness to the 140971  
registration statement or suspending its effectiveness until there 140972  
is compliance with this division, provided the division promptly 140973  
notifies the issuer or its representative by telephone ~~or~~ 140974  
~~telegram~~, and promptly confirms by letter ~~or telegram~~ when it 140975  
notifies by telephone, of the entry of the order. If the issuer or 140976  
its representative proves compliance with the requirements of this 140977  
division as to notice and price amendment filing, the stop order 140978  
is void as of the time of its entry. The division may by rule or 140979  
otherwise waive either or both of the conditions specified in 140980  
divisions (C)(2) and (3) of this section. If the federal 140981  
registration statement becomes effective, or if the offering may 140982  
otherwise be commenced in accordance with the rules, regulations, 140983  
or orders of the securities and exchange commission, before all of 140984  
the conditions specified in divisions (C) and (D) of this section 140985  
are satisfied and they are not waived by the division the 140986  
registration statement becomes effective as soon as all of the 140987  
conditions are satisfied. 140988

If the issuer advises the division of the date when the 140989  
federal registration statement is expected to become effective, or 140990  
when the offering may otherwise be commenced in accordance with 140991  
the rules, regulations, or orders of the securities and exchange 140992  
commission, the division shall promptly advise the issuer or its 140993  
representative by telephone ~~or telegram~~, at the issuer's expense, 140994  
whether all of the conditions have been satisfied or whether the 140995  
division then contemplates the institution of a proceeding under 140996  
section 1707.13 or 1707.23 of the Revised Code, but such advice 140997  
does not preclude the institution of such a proceeding at any 140998  
time. 140999

**Sec. 1707.11.** (A) Each person that is not organized under the 141000

laws of this state, that is not licensed under section 1703.03 of 141001  
the Revised Code, or that does not have its principal place of 141002  
business in this state, shall submit to the division of securities 141003  
an irrevocable consent to service of process, as described in 141004  
division (B) of this section, in connection with any of the 141005  
following: 141006

(1) Filings to claim any of the exemptions enumerated in 141007  
division (Q), (W), or (Y) of section 1707.03 of the Revised Code; 141008

(2) Applications for registration by description, 141009  
qualification, or coordination; 141010

(3) Notice filings pursuant to section 1707.092 of the 141011  
Revised Code. 141012

(B) The irrevocable written consent shall be executed and 141013  
acknowledged by an individual duly authorized to give the consent 141014  
and shall do all of the following: 141015

(1) Designate the secretary of state as agent for service of 141016  
process or pleadings; 141017

(2) State that actions growing out of the sale of such 141018  
securities, the giving of investment advice, or fraud committed by 141019  
a person on whose behalf the consent is submitted may be commenced 141020  
against the person, in the proper court of any county in this 141021  
state in which a cause of action may arise or in which the 141022  
plaintiff in the action may reside, by serving on the secretary of 141023  
state any proper process or pleading authorized by the laws of 141024  
this state; 141025

(3) Stipulate that service of process or pleading on the 141026  
secretary of state shall be taken in all courts to be as valid and 141027  
binding as if service had been made upon the person on whose 141028  
behalf the consent is submitted. 141029

(C) Notwithstanding any application, form, or other material 141030

filed with or submitted to the division that purports to appoint 141031  
as agent for service of process a person other than the secretary 141032  
of state, the application, form, or other material shall be 141033  
considered to appoint the secretary of state as agent for service 141034  
of process. 141035

(D) Service of any process or pleadings may be made on the 141036  
secretary of state ~~by duplicate copies, of which one shall be~~ 141037  
~~filed~~ in the office of the secretary of state, and ~~the other~~ 141038  
~~immediately~~ forwarded by the secretary of state ~~by certified mail~~ 141039  
to the principal place of business of the person on whose behalf 141040  
the consent is submitted or to the last known address as shown on 141041  
the filing made with the division. However, failure to ~~mail~~ send 141042  
such copy does not invalidate the service. 141043

(E) Notwithstanding any provision of this chapter, or of any 141044  
rule adopted by the division of securities under this chapter, 141045  
that requires the submission of a consent to service of process, 141046  
the division may provide by rule for the electronic filing or 141047  
submission of a consent to service of process. 141048

**Sec. 1707.43.** (A) Subject to divisions (B) and (C) of this 141049  
section, every sale or contract for sale made in violation of 141050  
Chapter 1707. of the Revised Code, is voidable at the election of 141051  
the purchaser. The person making such sale or contract for sale, 141052  
and every person that has participated in or aided the seller in 141053  
any way in making such sale or contract for sale, are jointly and 141054  
severally liable to the purchaser, in an action at law in any 141055  
court of competent jurisdiction, upon tender to the seller ~~in~~ 141056  
~~person or in open court~~ of the securities sold or of the contract 141057  
made, for the full amount paid by the purchaser and for all 141058  
taxable court costs, unless the court determines that the 141059  
violation did not materially affect the protection contemplated by 141060  
the violated provision. 141061

(B) No action for the recovery of the purchase price as 141062  
provided for in this section, and no other action for any recovery 141063  
based upon or arising out of a sale or contract for sale made in 141064  
violation of Chapter 1707. of the Revised Code, shall be brought 141065  
more than two years after the plaintiff knew, or had reason to 141066  
know, of the facts by reason of which the actions of the person or 141067  
director were unlawful, or more than five years from the date of 141068  
such sale or contract for sale, whichever is the shorter period. 141069

(C) No purchaser is entitled to the benefit of this section 141070  
who has failed to accept, within thirty days from the date of such 141071  
offer, an offer in writing made after two weeks from the date of 141072  
the sale or contract of sale, by the seller or by any person that 141073  
has participated in or aided the seller in any way in making the 141074  
sale or contract of sale, to take back the security in question 141075  
and to refund the full amount paid by the purchaser. 141076

**Sec. 1733.16.** Unless otherwise provided in the articles, 141077  
regulations, or bylaws, and subject to the exceptions applicable 141078  
during an emergency, as that term is defined in section 1733.01 of 141079  
the Revised Code: 141080

(A) Meetings of the directors may be called by the 141081  
chairperson, vice-chairperson, president, or any vice-president of 141082  
the board or any two directors. 141083

(B) Regularly scheduled meetings of the directors shall be 141084  
held in the manner prescribed by the credit union's code of 141085  
regulations, but not less frequently than quarterly. 141086

(C) Meetings of the directors may be held within or without 141087  
the state. Unless the articles or regulations prohibit 141088  
participation by directors at a meeting by means of communication 141089  
equipment, meetings of the directors may be held through any 141090  
communication equipment if all the persons participating can hear 141091  
each other, and participation in the meeting pursuant to this 141092

division constitutes presence at the meeting. 1411093

(D) Notice of the place, if any, and time of each meeting of 1411094  
the directors shall be given to each director either by personal 1411095  
delivery or by mail, ~~telegram, cablegram,~~ overnight delivery 1411096  
service, or any other means of communication authorized by the 1411097  
~~director~~ board of directors at least two days before the meeting, 1411098  
unless otherwise specified in the regulations or bylaws. The 1411099  
notice described in this division need not specify the purpose of 1411100  
the meeting. 1411101

(E) Notice of adjournment of a meeting need not be given, if 1411102  
the time and place to which it is adjourned are fixed and 1411103  
announced at the meeting. 1411104

**Sec. 2941.401.** When a person has entered upon a term of 1411105  
imprisonment in a correctional institution of this state, and when 1411106  
during the continuance of the term of imprisonment there is 1411107  
pending in this state any untried indictment, information, or 1411108  
complaint against the prisoner, ~~he~~ the prisoner shall be brought 1411109  
to trial within one hundred eighty days after ~~he~~ the prisoner 1411110  
causes to be delivered to the prosecuting attorney and the 1411111  
appropriate court in which the matter is pending, written notice 1411112  
of the place of ~~his~~ the prisoner's imprisonment and a request for 1411113  
a final disposition to be made of the matter, except that for good 1411114  
cause shown in open court, with the prisoner or ~~his~~ the prisoner's 1411115  
counsel present, the court may grant any necessary or reasonable 1411116  
continuance. The request of the prisoner shall be accompanied by a 1411117  
certificate of the warden or superintendent having custody of the 1411118  
prisoner, stating the term of commitment under which the prisoner 1411119  
is being held, the time served and remaining to be served on the 1411120  
sentence, the amount of good time earned, the time of parole 1411121  
eligibility of the prisoner, and any decisions of the adult parole 1411122  
authority relating to the prisoner. 1411123

The written notice and request for final disposition shall be 141124  
given or sent by the prisoner to the warden or superintendent 141125  
having custody of ~~him~~ the prisoner, who shall promptly forward it 141126  
with the certificate to the appropriate prosecuting attorney and 141127  
court by registered or certified mail, return receipt requested. 141128  
If the appropriate prosecuting attorney and agency having custody 141129  
of the prisoner have previously agreed, then the written notice, 141130  
request, and certificate may be sent by electronic mail or 141131  
facsimile, in lieu of registered mail or certified mail. 141132

The warden or superintendent having custody of the prisoner 141133  
shall promptly inform ~~him~~ the prisoner in writing of the source 141134  
and contents of any untried indictment, information, or complaint 141135  
against ~~him~~ the prisoner, concerning which the warden or 141136  
superintendent has knowledge, and of ~~his~~ the prisoner's right to 141137  
make a request for final disposition thereof. 141138

Escape from custody by the prisoner, subsequent to ~~his~~ the 141139  
prisoner's execution of the request for final disposition, voids 141140  
the request. 141141

If the action is not brought to trial within the time 141142  
provided, subject to continuance allowed pursuant to this section, 141143  
no court any longer has jurisdiction thereof, the indictment, 141144  
information, or complaint is void, and the court shall enter an 141145  
order dismissing the action with prejudice. 141146

This section does not apply to any person adjudged to be 141147  
mentally ill or who is under sentence of life imprisonment or 141148  
death, or to any prisoner under sentence of death. 141149

**Sec. 3111.23.** The natural mother, the man acknowledging he is 141150  
the natural father, or the other custodian or guardian of a child, 141151  
a child support enforcement agency pursuant to section 3111.22 of 141152  
the Revised Code, a local registrar of vital statistics pursuant 141153  
to section 3705.091 of the Revised Code, or a hospital staff 141154

person pursuant to section 3727.17 of the Revised Code, ~~in person~~ 141155  
~~or~~ by mail, may file an acknowledgment of paternity with the 141156  
office of child support in the department of job and family 141157  
services, acknowledging that the child is the child of the man who 141158  
signed the acknowledgment. The acknowledgment of paternity shall 141159  
be made on the affidavit prepared pursuant to section 3111.31 of 141160  
the Revised Code, shall be signed by the natural mother and the 141161  
man acknowledging that he is the natural father, and each 141162  
signature shall be notarized. The mother and man may sign and have 141163  
the signature notarized outside of each other's presence. An 141164  
acknowledgment shall be sent to the office no later than ten days 141165  
after it has been signed and notarized. If a person knows a man is 141166  
presumed under section 3111.03 of the Revised Code to be the 141167  
father of the child described in this section and that the 141168  
presumed father is not the man who signed an acknowledgment with 141169  
respect to the child, the person shall not notarize or file the 141170  
acknowledgment pursuant to this section. 141171

**Sec. 3301.05.** A majority of the voting members of the state 141172  
board of education shall constitute a quorum for the transaction 141173  
of business. Official actions of the state board, including the 141174  
making and adoption of motions and resolutions, shall be 141175  
transacted only at public meetings open to the public. The 141176  
superintendent of public instruction, or a designated subordinate 141177  
~~designated by him~~, shall record all official actions taken at each 141178  
meeting of the board ~~in a book provided for that purpose~~, which 141179  
shall be a public record. The record of the proceedings of each 141180  
meeting of the board shall be read at its next succeeding meeting 141181  
and corrected and approved, which approval shall be noted in the 141182  
proceedings. The president shall sign the record and the 141183  
superintendent of public instruction or ~~his~~ a designated 141184  
subordinate attest it. The president's signature of the record and 141185

the attestation of the superintendent or designated subordinate 141186  
may be made electronically. 141187

**Sec. 3302.04.** As used in divisions (A), (C), and (D) of this 141188  
section, for the 2014-2015 school year, and for each school year 141189  
thereafter, when a provision refers to a school district or school 141190  
building in a state of academic emergency, it shall mean a 141191  
district or building rated "F"; when a provision refers to a 141192  
school district or school building under an academic watch, it 141193  
shall mean a district or building rated "D"; and when a provision 141194  
refers to a school district or school building in need of 141195  
continuous improvement, it shall mean a district or building rated 141196  
"C" as those letter grade ratings for overall performance are 141197  
assigned under division (C)(3) of section 3302.03 of the Revised 141198  
Code, as it exists on or after March 22, 2013. 141199

(A) The department of education shall establish a system of 141200  
intensive, ongoing support for the improvement of school districts 141201  
and school buildings. In accordance with the model of 141202  
differentiated accountability described in section 3302.041 of the 141203  
Revised Code, the system shall give priority to the following: 141204

(1) For any school year prior to the 2012-2013 school year, 141205  
districts and buildings that have been declared to be under an 141206  
academic watch or in a state of academic emergency under section 141207  
3302.03 of the Revised Code; 141208

(2) For the 2012-2013 school year, and for each school year 141209  
thereafter, districts and buildings in the manner prescribed by 141210  
any agreement currently in force between the department and the 141211  
United States department of education. The department shall 141212  
endeavor to include schools and buildings that receive grades or 141213  
performance ratings under section 3302.03 of the Revised Code that 141214  
the department considers to be low performing. 141215

The system shall include services provided to districts and 141216

buildings through regional service providers, such as educational 141217  
service centers. The system may include the appointment of an 141218  
improvement coordinator for any of the lowest performing 141219  
districts, as determined by the department, to coordinate the 141220  
district's academic improvement efforts and to build support among 141221  
the community for those efforts. 141222

(B) This division does not apply to any school district after 141223  
June 30, 2008. 141224

When a school district has been notified by the department 141225  
pursuant to section 3302.03 of the Revised Code that the district 141226  
or a building within the district has failed to make adequate 141227  
yearly progress for two consecutive school years, the district 141228  
shall develop a three-year continuous improvement plan for the 141229  
district or building containing each of the following: 141230

(1) An analysis of the reasons for the failure of the 141231  
district or building to meet any of the applicable performance 141232  
indicators established under section 3302.02 of the Revised Code 141233  
that it did not meet and an analysis of the reasons for its 141234  
failure to make adequate yearly progress; 141235

(2) Specific strategies that the district or building will 141236  
use to address the problems in academic achievement identified in 141237  
division (B)(1) of this section; 141238

(3) Identification of the resources that the district will 141239  
allocate toward improving the academic achievement of the district 141240  
or building; 141241

(4) A description of any progress that the district or 141242  
building made in the preceding year toward improving its academic 141243  
achievement; 141244

(5) An analysis of how the district is utilizing the 141245  
professional development standards adopted by the state board 141246  
pursuant to section 3319.61 of the Revised Code; 141247

(6) Strategies that the district or building will use to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.

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No three-year continuous improvement plan shall be developed or adopted pursuant to this division unless at least one public hearing is held within the affected school district or building concerning the final draft of the plan. Notice of the hearing shall be given two weeks prior to the hearing by publication in one newspaper of general circulation within the territory of the affected school district or building. Copies of the plan shall be made available to the public.

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(C)(1) For any school year prior to the school year that begins on July 1, 2012, when a school district or building has been notified by the department pursuant to section 3302.03 of the Revised Code that the district or building is under an academic watch or in a state of academic emergency, the district or building shall be subject to any rules establishing intervention in academic watch or emergency school districts or buildings.

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(2) For the 2012-2013 school year, and for each school year thereafter, a district or building that meets the conditions for intervention prescribed by the agreement described in division (A)(2) of this section shall be subject to any rules establishing such intervention.

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(D)(1) For any school year prior to the 2012-2013 school year, within one hundred twenty days after any school district or building is declared to be in a state of academic emergency under section 3302.03 of the Revised Code, the department may initiate a site evaluation of the building or school district.

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(2) For the 2012-2013 school year, and for each school year thereafter, the department may initiate a site evaluation of a building or school district that meets the conditions for a site

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evaluation prescribed by the agreement described in division	141279
(A)(2) of this section.	141280
<del>(3) Division (D)(3) of this section does not apply to any</del>	141281
<del>school district after June 30, 2008.</del>	141282
<del>If any school district that is declared to be in a state of</del>	141283
<del>academic emergency or in a state of academic watch under section</del>	141284
<del>3302.03 of the Revised Code or encompasses a building that is</del>	141285
<del>declared to be in a state of academic emergency or in a state of</del>	141286
<del>academic watch fails to demonstrate to the department satisfactory</del>	141287
<del>improvement of the district or applicable buildings or fails to</del>	141288
<del>submit to the department any information required under rules</del>	141289
<del>established by the state board of education, prior to approving a</del>	141290
<del>three year continuous improvement plan under rules established by</del>	141291
<del>the state board of education, the department shall conduct a site</del>	141292
<del>evaluation of the school district or applicable buildings to</del>	141293
<del>determine whether the school district is in compliance with</del>	141294
<del>minimum standards established by law or rule.</del>	141295
<del>(4) Division (D)(4) of this section does not apply to any</del>	141296
<del>school district after June 30, 2008. Site evaluations conducted</del>	141297
<del>under divisions (D)(1), (2), and (3) of this section shall</del>	141298
<del>include, but not be limited to, the following:</del>	141299
<del>(a) Determining whether teachers are assigned to subject</del>	141300
<del>areas for which they are licensed or certified;</del>	141301
<del>(b) Determining pupil teacher ratios;</del>	141302
<del>(c) Examination of compliance with minimum instruction time</del>	141303
<del>requirements for each school day and for each school year;</del>	141304
<del>(d) Determining whether materials and equipment necessary to</del>	141305
<del>implement the curriculum approved by the school district board are</del>	141306
<del>available;</del>	141307
<del>(e) Examination of whether the teacher and principal</del>	141308

~~evaluation systems comply with sections 3311.80, 3311.84, 3319.02, 141309  
and 3319.111 of the Revised Code; 141310~~

~~(f) Examination of the adequacy of efforts to improve the 141311  
cultural competency, as defined pursuant to section 3319.61 of the 141312  
Revised Code, of teachers and other educators. 141313~~

(E) This division applies only to school districts that 141314  
operate a school building that fails to make adequate yearly 141315  
progress for two or more consecutive school years. It does not 141316  
apply to any such district after June 30, 2008, except as provided 141317  
in division (D)(2) of section 3313.97 of the Revised Code. 141318

(1) For any school building that fails to make adequate 141319  
yearly progress for two consecutive school years, the district 141320  
shall do all of the following: 141321

(a) Provide written notification of the academic issues that 141322  
resulted in the building's failure to make adequate yearly 141323  
progress to the parent or guardian of each student enrolled in the 141324  
building. The notification shall also describe the actions being 141325  
taken by the district or building to improve the academic 141326  
performance of the building and any progress achieved toward that 141327  
goal in the immediately preceding school year. 141328

(b) If the building receives funds under Title I, Part A of 141329  
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 141330  
6311 to 6339, from the district, in accordance with section 141331  
3313.97 of the Revised Code, offer all students enrolled in the 141332  
building the opportunity to enroll in an alternative building 141333  
within the district that is not in school improvement status as 141334  
defined by the "No Child Left Behind Act of 2001." Notwithstanding 141335  
Chapter 3327. of the Revised Code, the district shall spend an 141336  
amount equal to twenty per cent of the funds it receives under 141337  
Title I, Part A of the "Elementary and Secondary Education Act of 141338  
1965," 20 U.S.C. 6311 to 6339, to provide transportation for 141339

students who enroll in alternative buildings under this division, 141340  
unless the district can satisfy all demand for transportation with 141341  
a lesser amount. If an amount equal to twenty per cent of the 141342  
funds the district receives under Title I, Part A of the 141343  
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 141344  
to 6339, is insufficient to satisfy all demand for transportation, 141345  
the district shall grant priority over all other students to the 141346  
lowest achieving students among the subgroup described in division 141347  
(B)(3) of section 3302.01 of the Revised Code in providing 141348  
transportation. Any district that does not receive funds under 141349  
Title I, Part A of the "Elementary and Secondary Education Act of 141350  
1965," 20 U.S.C. 6311 to 6339, shall not be required to provide 141351  
transportation to any student who enrolls in an alternative 141352  
building under this division. 141353

(2) For any school building that fails to make adequate 141354  
yearly progress for three consecutive school years, the district 141355  
shall do both of the following: 141356

(a) If the building receives funds under Title I, Part A of 141357  
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 141358  
6311 to 6339, from the district, in accordance with section 141359  
3313.97 of the Revised Code, provide all students enrolled in the 141360  
building the opportunity to enroll in an alternative building 141361  
within the district that is not in school improvement status as 141362  
defined by the "No Child Left Behind Act of 2001." Notwithstanding 141363  
Chapter 3327. of the Revised Code, the district shall provide 141364  
transportation for students who enroll in alternative buildings 141365  
under this division to the extent required under division (E)(2) 141366  
of this section. 141367

(b) If the building receives funds under Title I, Part A of 141368  
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 141369  
6311 to 6339, from the district, offer supplemental educational 141370  
services to students who are enrolled in the building and who are 141371

in the subgroup described in division (B)(3) of section 3302.01 of 141372  
the Revised Code. 141373

The district shall spend a combined total of an amount equal 141374  
to twenty per cent of the funds it receives under Title I, Part A 141375  
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 141376  
6311 to 6339, to provide transportation for students who enroll in 141377  
alternative buildings under division (E)(1)(b) or (E)(2)(a) of 141378  
this section and to pay the costs of the supplemental educational 141379  
services provided to students under division (E)(2)(b) of this 141380  
section, unless the district can satisfy all demand for 141381  
transportation and pay the costs of supplemental educational 141382  
services for those students who request them with a lesser amount. 141383  
In allocating funds between the requirements of divisions 141384  
(E)(1)(b) and (E)(2)(a) and (b) of this section, the district 141385  
shall spend at least an amount equal to five per cent of the funds 141386  
it receives under Title I, Part A of the "Elementary and Secondary 141387  
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 141388  
transportation for students who enroll in alternative buildings 141389  
under division (E)(1)(b) or (E)(2)(a) of this section, unless the 141390  
district can satisfy all demand for transportation with a lesser 141391  
amount, and at least an amount equal to five per cent of the funds 141392  
it receives under Title I, Part A of the "Elementary and Secondary 141393  
Education Act of 1965," 20 U.S.C. 6311 to 6339, to pay the costs 141394  
of the supplemental educational services provided to students 141395  
under division (E)(2)(b) of this section, unless the district can 141396  
pay the costs of such services for all students requesting them 141397  
with a lesser amount. If an amount equal to twenty per cent of the 141398  
funds the district receives under Title I, Part A of the 141399  
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 141400  
to 6339, is insufficient to satisfy all demand for transportation 141401  
under divisions (E)(1)(b) and (E)(2)(a) of this section and to pay 141402  
the costs of all of the supplemental educational services provided 141403  
to students under division (E)(2)(b) of this section, the district 141404

shall grant priority over all other students in providing 141405  
transportation and in paying the costs of supplemental educational 141406  
services to the lowest achieving students among the subgroup 141407  
described in division (B)(3) of section 3302.01 of the Revised 141408  
Code. 141409

Any district that does not receive funds under Title I, Part 141410  
A of the "Elementary and Secondary Education Act of 1965," 20 141411  
U.S.C. 6311 to 6339, shall not be required to provide 141412  
transportation to any student who enrolls in an alternative 141413  
building under division (E)(2)(a) of this section or to pay the 141414  
costs of supplemental educational services provided to any student 141415  
under division (E)(2)(b) of this section. 141416

No student who enrolls in an alternative building under 141417  
division (E)(2)(a) of this section shall be eligible for 141418  
supplemental educational services under division (E)(2)(b) of this 141419  
section. 141420

(3) For any school building that fails to make adequate 141421  
yearly progress for four consecutive school years, the district 141422  
shall continue to comply with division (E)(2) of this section and 141423  
shall implement at least one of the following options with respect 141424  
to the building: 141425

(a) Institute a new curriculum that is consistent with the 141426  
statewide academic standards adopted pursuant to division (A) of 141427  
section 3301.079 of the Revised Code; 141428

(b) Decrease the degree of authority the building has to 141429  
manage its internal operations; 141430

(c) Appoint an outside expert to make recommendations for 141431  
improving the academic performance of the building. The district 141432  
may request the department to establish a state intervention team 141433  
for this purpose pursuant to division (G) of this section. 141434

(d) Extend the length of the school day or year; 141435

(e) Replace the building principal or other key personnel;	141436
(f) Reorganize the administrative structure of the building.	141437
(4) For any school building that fails to make adequate	141438
yearly progress for five consecutive school years, the district	141439
shall continue to comply with division (E)(2) of this section and	141440
shall develop a plan during the next succeeding school year to	141441
improve the academic performance of the building, which shall	141442
include at least one of the following options:	141443
(a) Reopen the school as a community school under Chapter	141444
3314. of the Revised Code;	141445
(b) Replace personnel;	141446
(c) Contract with a nonprofit or for-profit entity to operate	141447
the building;	141448
(d) Turn operation of the building over to the department;	141449
(e) Other significant restructuring of the building's	141450
governance.	141451
(5) For any school building that fails to make adequate	141452
yearly progress for six consecutive school years, the district	141453
shall continue to comply with division (E)(2) of this section and	141454
shall implement the plan developed pursuant to division (E)(4) of	141455
this section.	141456
(6) A district shall continue to comply with division	141457
(E)(1)(b) or (E)(2) of this section, whichever was most recently	141458
applicable, with respect to any building formerly subject to one	141459
of those divisions until the building makes adequate yearly	141460
progress for two consecutive school years.	141461
(F) This division applies only to school districts that have	141462
been identified for improvement by the department pursuant to the	141463
"No Child Left Behind Act of 2001." It does not apply to any such	141464
district after June 30, 2008.	141465

(1) If a school district has been identified for improvement 141466  
for one school year, the district shall provide a written 141467  
description of the continuous improvement plan developed by the 141468  
district pursuant to division (B) of this section to the parent or 141469  
guardian of each student enrolled in the district. If the district 141470  
does not have a continuous improvement plan, the district shall 141471  
develop such a plan in accordance with division (B) of this 141472  
section and provide a written description of the plan to the 141473  
parent or guardian of each student enrolled in the district. 141474

(2) If a school district has been identified for improvement 141475  
for two consecutive school years, the district shall continue to 141476  
implement the continuous improvement plan developed by the 141477  
district pursuant to division (B) or (F)(1) of this section. 141478

(3) If a school district has been identified for improvement 141479  
for three consecutive school years, the department shall take at 141480  
least one of the following corrective actions with respect to the 141481  
district: 141482

(a) Withhold a portion of the funds the district is entitled 141483  
to receive under Title I, Part A of the "Elementary and Secondary 141484  
Education Act of 1965," 20 U.S.C. 6311 to 6339; 141485

(b) Direct the district to replace key district personnel; 141486

(c) Institute a new curriculum that is consistent with the 141487  
statewide academic standards adopted pursuant to division (A) of 141488  
section 3301.079 of the Revised Code; 141489

(d) Establish alternative forms of governance for individual 141490  
school buildings within the district; 141491

(e) Appoint a trustee to manage the district in place of the 141492  
district superintendent and board of education. 141493

The department shall conduct individual audits of a sampling 141494  
of districts subject to this division to determine compliance with 141495

the corrective actions taken by the department. 141496

(4) If a school district has been identified for improvement 141497  
for four consecutive school years, the department shall continue 141498  
to monitor implementation of the corrective action taken under 141499  
division (F)(3) of this section with respect to the district. 141500

(5) If a school district has been identified for improvement 141501  
for five consecutive school years, the department shall take at 141502  
least one of the corrective actions identified in division (F)(3) 141503  
of this section with respect to the district, provided that the 141504  
corrective action the department takes is different from the 141505  
corrective action previously taken under division (F)(3) of this 141506  
section with respect to the district. 141507

(G) The department may establish a state intervention team to 141508  
evaluate all aspects of a school district or building, including 141509  
management, curriculum, instructional methods, resource 141510  
allocation, and scheduling. Any such intervention team shall be 141511  
appointed by the department and shall include teachers and 141512  
administrators recognized as outstanding in their fields. The 141513  
intervention team shall make recommendations regarding methods for 141514  
improving the performance of the district or building. 141515

The department shall not approve a district's request for an 141516  
intervention team under division (E)(3) of this section if the 141517  
department cannot adequately fund the work of the team, unless the 141518  
district agrees to pay for the expenses of the team. 141519

(H) The department shall conduct individual audits of a 141520  
sampling of community schools established under Chapter 3314. of 141521  
the Revised Code to determine compliance with this section. 141522

(I) A school district in which the pilot project scholarship 141523  
program is operating under sections 3313.974 to 3313.979 of the 141524  
Revised Code shall report the use of funding for tutorial 141525  
assistance grants under that program in the district's three-year 141526

continuous improvement plan under this section in a manner 141527  
approved by the department. 141528

(J) The state board shall adopt rules for implementing this 141529  
section. 141530

**Sec. 3310.521.** (A) As a condition of receiving payments for a 141531  
scholarship, each eligible applicant shall attest to receipt of 141532  
the profile prescribed by division (B) of this section. Such 141533  
attestation shall be made and submitted to the department of 141534  
education in the form and manner as required by the department. 141535

(B) The alternative public provider or registered private 141536  
provider that enrolls a qualified special education child shall 141537  
submit in writing to the eligible applicant to whom a scholarship 141538  
is awarded on behalf of that child a profile of the provider's 141539  
special education program, in a form as prescribed by the 141540  
department, that shall contain the following: 141541

(1) Methods of instruction that will be utilized by the 141542  
provider to provide services to the qualified special education 141543  
child; 141544

(2) Qualifications of teachers, instructors, and other 141545  
persons who will be engaged by the provider to provide services to 141546  
the qualified special education child. 141547

The form required under division (B) of this section may be 141548  
submitted electronically. 141549

**Sec. 3313.41.** (A) Except as provided in divisions (C), (D), 141550  
and (F) of this section and in sections 3313.412 and 3313.413 of 141551  
the Revised Code, when a board of education decides to dispose of 141552  
real or personal property that it owns in its corporate capacity 141553  
and that exceeds in value ten thousand dollars, it shall sell the 141554  
property at public auction, after giving at least thirty days' 141555  
notice of the auction by publication in a newspaper of general 141556

circulation in the school district, by publication as provided in 141557  
section 7.16 of the Revised Code, or by posting notices in five of 141558  
the most public places in the school district in which the 141559  
property, if it is real property, is situated, or, if it is 141560  
personal property, in the school district of the board of 141561  
education that owns the property. The board may offer real 141562  
property for sale as an entire tract or in parcels. 141563

(B) When the board of education has offered real or personal 141564  
property for sale at public auction at least once pursuant to 141565  
division (A) of this section, and the property has not been sold, 141566  
the board may sell it at a private sale. Regardless of how it was 141567  
offered at public auction, at a private sale, the board shall, as 141568  
it considers best, sell real property as an entire tract or in 141569  
parcels, and personal property in a single lot or in several lots. 141570

(C) If a board of education decides to dispose of real or 141571  
personal property that it owns in its corporate capacity and that 141572  
exceeds in value ten thousand dollars, it may sell the property to 141573  
the adjutant general; to any subdivision or taxing authority as 141574  
respectively defined in section 5705.01 of the Revised Code, 141575  
township park district, board of park commissioners established 141576  
under Chapter 755. of the Revised Code, or park district 141577  
established under Chapter 1545. of the Revised Code; to a wholly 141578  
or partially tax-supported university, university branch, or 141579  
college; to a nonprofit institution of higher education that has a 141580  
certificate of authorization under Chapter 1713. of the Revised 141581  
Code; to the governing authority of a chartered nonpublic school; 141582  
or to the board of trustees of a school district library, upon 141583  
such terms as are agreed upon. The sale of real or personal 141584  
property to the board of trustees of a school district library is 141585  
limited, in the case of real property, to a school district 141586  
library within whose boundaries the real property is situated, or, 141587  
in the case of personal property, to a school district library 141588

whose boundaries lie in whole or in part within the school 141589  
district of the selling board of education. 141590

(D) When a board of education decides to trade as a part or 141591  
an entire consideration, an item of personal property on the 141592  
purchase price of an item of similar personal property, it may 141593  
trade the same upon such terms as are agreed upon by the parties 141594  
to the trade. 141595

(E) The president and the treasurer of the board of education 141596  
shall execute and deliver deeds or other necessary instruments of 141597  
conveyance to complete any sale or trade under this section. 141598

(F) When a board of education has identified a parcel of real 141599  
property that it determines is needed for school purposes, the 141600  
board may, upon a majority vote of the members of the board, 141601  
acquire that property by exchanging real property that the board 141602  
owns in its corporate capacity for the identified real property or 141603  
by using real property that the board owns in its corporate 141604  
capacity as part or an entire consideration for the purchase price 141605  
of the identified real property. Any exchange or acquisition made 141606  
pursuant to this division shall be made by a conveyance executed 141607  
by the president and the treasurer of the board. 141608

(G) When a school district board of education has property 141609  
that the board, by resolution, finds is not needed for school 141610  
district use, is obsolete, or is unfit for the use for which it 141611  
was acquired, the board may donate that property in accordance 141612  
with this division if the fair market value of the property is, in 141613  
the opinion of the board, two thousand five hundred dollars or 141614  
less. 141615

The property may be donated to an eligible nonprofit 141616  
organization that is located in this state and is exempt from 141617  
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 141618  
Before donating any property under this division, the board shall 141619

adopt a resolution expressing its intent to make unneeded, 141620  
obsolete, or unfit-for-use school district property available to 141621  
these organizations. The resolution shall include guidelines and 141622  
procedures the board considers to be necessary to implement the 141623  
donation program and shall indicate whether the school district 141624  
will conduct the donation program or the board will contract with 141625  
a representative to conduct it. If a representative is known when 141626  
the resolution is adopted, the resolution shall provide contact 141627  
information such as the representative's name, address, and 141628  
telephone number. 141629

The resolution shall include within its procedures a 141630  
requirement that any nonprofit organization desiring to obtain 141631  
donated property under this division shall submit a written notice 141632  
to the board or its representative. The written notice shall 141633  
include evidence that the organization is a nonprofit organization 141634  
that is located in this state and is exempt from federal income 141635  
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 141636  
the organization's primary purpose; a description of the type or 141637  
types of property the organization needs; and the name, address, 141638  
and telephone number of a person designated by the organization's 141639  
governing board to receive donated property and to serve as its 141640  
agent. The written notice may be submitted electronically to the 141641  
board or its representative. 141642

After adoption of the resolution, the board shall ~~publish, in~~ 141643  
~~a newspaper of general circulation in the school district or as~~ 141644  
~~provided in section 7.16 of the Revised Code, notice of its intent~~ 141645  
~~to donate unneeded, obsolete, or unfit for use school district~~ 141646  
~~property to eligible nonprofit organizations. The notice shall~~ 141647  
~~include a summary of the information provided in the resolution~~ 141648  
~~and shall be published twice. The second notice shall be published~~ 141649  
~~not less than ten nor more than twenty days after the previous~~ 141650  
~~notice. A similar notice also shall be posted continually post in~~ 141651

the board's office notice of its intent to donate school district property that is unneeded, obsolete, or unfit for use to eligible nonprofit organizations. If the school district maintains a web site on the internet, the notice shall be posted continually at that web site.

The board or its representatives shall maintain a list of all nonprofit organizations that notify the board or its representative of their desire to obtain donated property under this division and that the board or its representative determines to be eligible, in accordance with the requirements set forth in this section and in the donation program's guidelines and procedures, to receive donated property.

The board or its representative also shall maintain a list of all school district property the board finds to be unneeded, obsolete, or unfit for use and to be available for donation under this division. The list shall be posted continually in a conspicuous location in the board's office, and, if the school district maintains a web site on the internet, the list shall be posted continually at that web site. An item of property on the list shall be donated to the eligible nonprofit organization that first declares to the board or its representative its desire to obtain the item unless the board previously has established, by resolution, a list of eligible nonprofit organizations that shall be given priority with respect to the item's donation. Priority may be given on the basis that the purposes of a nonprofit organization have a direct relationship to specific school district purposes of programs provided or administered by the board. A resolution giving priority to certain nonprofit organizations with respect to the donation of an item of property shall specify the reasons why the organizations are given that priority.

Members of the board shall consult with the Ohio ethics

commission, and comply with Chapters 102. and 2921. of the Revised Code, with respect to any donation under this division to a nonprofit organization of which a board member, any member of a board member's family, or any business associate of a board member is a trustee, officer, board member, or employee.

**Sec. 3313.818.** (A)(1) The department of education shall establish a program under which public schools that meet the conditions prescribed in this section shall offer breakfast to all students either before or during the school day. Each of the following shall apply:

(a) In the ~~first~~ 2020-2021 school year ~~after the effective date of this section~~, the program shall apply to any public school in which seventy per cent or more of the students enrolled in the school during the previous school year were eligible under federal requirements for free or reduced-price breakfasts or lunches.

(b) In the ~~second~~ 2021-2022 school year ~~after the effective date of this section~~, the program shall apply to any public school in which sixty per cent or more of the students enrolled in the school during the previous school year were eligible under federal requirements for free or reduced-price breakfasts or lunches.

(c) In the ~~third~~ 2022-2023 school year ~~after the enactment date of this section~~ and every school year thereafter, the program shall apply to any public school in which fifty per cent or more of the students enrolled in the school during the previous school year were eligible under federal requirements for free or reduced-price breakfasts or lunches.

(2) The district superintendent or building principal, in consultation with the building staff, shall determine the model for serving breakfast under the program. Each breakfast served under the program shall comply with federal meal patterns and nutritional standards and with section 3313.814 of the Revised

Code. A school district board of education may make a charge in 141715  
accordance with federal requirements for each meal to cover all or 141716  
part of the costs incurred in operating the program. 141717

(B) The department shall publish a list of public schools 141718  
that meet the conditions of division (A) of this section. The 141719  
department shall offer technical assistance to school districts 141720  
and schools regarding the implementation of a school breakfast 141721  
program that complies with this section and the submission of 141722  
claims for reimbursement under the federal school breakfast 141723  
program. 141724

(C)(1) The department shall monitor each school participating 141725  
in the program and ensure that each participating school complies 141726  
with the requirements of this section. 141727

(2) If the board of education of a school district determines 141728  
that, for financial reasons, a school under the board's control 141729  
cannot comply with the requirements of this section or the board 141730  
already has a successful breakfast program or partnership in 141731  
place, the district board may choose not to comply with those 141732  
requirements. 141733

(D) Not later than the thirty-first day of December of each 141734  
school year, the department shall provide statistical reports on 141735  
its web site that specify the number and percentage of students 141736  
participating in school breakfast programs disaggregated by school 141737  
district and individual schools, including community schools, 141738  
established under Chapter 3314. of the Revised Code, and STEM 141739  
schools, established under Chapter 3326. of the Revised Code. 141740

(E) Not later than the thirty-first day of December of each 141741  
school year, the department shall prepare a report on the 141742  
implementation and effectiveness of the program established under 141743  
this section and submit the report to the general assembly, in 141744  
accordance with section 101.68 of the Revised Code, and to the 141745

governor. The report may be submitted electronically. The report shall include:

(1) The number of students and participation rates in the free and reduced-price breakfast programs under this section for each school building;

(2) The type of breakfast model used by each school building participating in the breakfast program;

(3) The number of students and participation rates in free or reduced-price lunch for each school building.

**Sec. 3314.21.** (A) As used in this section:

(1) "Harmful to juveniles" has the same meaning as in section 2907.01 of the Revised Code.

(2) "Obscene" has the same meaning as in division (F) of section 2907.01 of the Revised Code as that division has been construed by the supreme court of this state.

(3) "Teacher of record" means a teacher who is responsible for the overall academic development and achievement of a student and not merely the student's instruction in any single subject.

(B)(1) It is the intent of the general assembly that teachers employed by internet- or computer-based community schools conduct visits with their students ~~in-person~~ throughout the school year.

(2) Each internet- or computer-based community school shall retain an affiliation with at least one full-time teacher of record licensed in accordance with division (A)(10) of section 3314.03 of the Revised Code.

(3) Each student enrolled in an internet- or computer-based community school shall be assigned to at least one teacher of record. No teacher of record shall be primarily responsible for the academic development and achievement of more than one hundred

twenty-five students enrolled in the internet- or computer-based 141775  
community school that has retained that teacher. 141776

(C) For any internet- or computer-based community school, the 141777  
contract between the sponsor and the governing authority of the 141778  
school described in section 3314.03 of the Revised Code shall 141779  
specify each of the following: 141780

(1) A requirement that the school use a filtering device or 141781  
install filtering software that protects against internet access 141782  
to materials that are obscene or harmful to juveniles on each 141783  
computer provided to students for instructional use. The school 141784  
shall provide such device or software at no cost to any student 141785  
who works primarily from the student's residence on a computer 141786  
obtained from a source other than the school. 141787

(2) A plan for fulfilling the intent of the general assembly 141788  
specified in division (B)(1) of this section. The plan shall 141789  
indicate the number of times teachers will visit each student 141790  
throughout the school year and the manner in which those visits 141791  
will be conducted. The visits may be conducted electronically. 141792

(3) That the school will set up a central base of operation 141793  
and the sponsor will maintain a representative within fifty miles 141794  
of that base of operation to provide monitoring and assistance. 141795

(D)(1) Annually, each internet- or computer-based community 141796  
school shall prepare and submit to the department of education, in 141797  
a time and manner prescribed by the department, a report that 141798  
contains information about all of the following: 141799

(a) Classroom size; 141800

(b) The ratio of teachers to students per classroom; 141801

(c) The number of student-teacher meetings conducted in 141802  
person or by video conference; 141803

(d) Any other information determined necessary by the 141804

department. 141805

(2) The department annually shall prepare and submit to the 141806  
state board of education a report that contains the information 141807  
received under division (D)(1) of this section. 141808

**Sec. 3319.081.** Except as otherwise provided in division (G) 141809  
of this section, in all school districts wherein the provisions of 141810  
Chapter 124. of the Revised Code do not apply, the following 141811  
employment contract system shall control for employees whose 141812  
contracts of employment are not otherwise provided by law: 141813

(A) Newly hired regular nonteaching school employees, 141814  
including regular hourly rate and per diem employees, shall enter 141815  
into written contracts for their employment which shall be for a 141816  
period of not more than one year. If such employees are rehired, 141817  
their three subsequent contracts shall be for a period of two 141818  
years each. 141819

(B) After the termination of the third two-year contract 141820  
provided in division (A) of this section, if the contract of a 141821  
nonteaching employee is renewed, the employee shall be continued 141822  
in employment, and the salary provided in the contract may be 141823  
increased but not reduced unless such reduction is a part of a 141824  
uniform plan affecting the nonteaching employees of the entire 141825  
district. 141826

(C) The contracts as provided for in this section may be 141827  
terminated by a majority vote of the board of education. Except as 141828  
provided in sections 3319.0810 and 3319.172 of the Revised Code, 141829  
the contracts may be terminated only for violation of written 141830  
rules and regulations as set forth by the board of education or 141831  
for incompetency, inefficiency, dishonesty, drunkenness, immoral 141832  
conduct, insubordination, discourteous treatment of the public, 141833  
neglect of duty, or any other acts of misfeasance, malfeasance, or 141834  
nonfeasance. In addition to the right of the board of education to 141835

terminate the contract of an employee, the board may suspend an 141836  
employee for a definite period of time or demote the employee for 141837  
the reasons set forth in this division. The action of the board of 141838  
education terminating the contract of an employee or suspending or 141839  
demoting the employee shall be served upon the employee by 141840  
certified mail, regular mail with a certificate of mailing, or 141841  
other form of delivery with proof of delivery, including 141842  
electronic delivery with electronic proof of delivery. Within ten 141843  
days following the receipt of such notice by the employee, the 141844  
employee may file an appeal, in writing, with the court of common 141845  
pleas of the county in which such school board is situated. After 141846  
hearing the appeal the common pleas court may affirm, disaffirm, 141847  
or modify the action of the school board. 141848

A violation of division (A)(7) of section 2907.03 of the 141849  
Revised Code is grounds for termination of employment of a 141850  
nonteaching employee under this division. 141851

(D) All employees who have been employed by a school district 141852  
where the provisions of Chapter 124. of the Revised Code do not 141853  
apply, for a period of at least three years on November 24, 1967, 141854  
shall hold continuing contracts of employment pursuant to this 141855  
section. 141856

(E) Any nonteaching school employee may terminate the 141857  
nonteaching school employee's contract of employment thirty days 141858  
subsequent to the filing of a written notice of such termination 141859  
with the treasurer of the board. 141860

(F) A person hired exclusively for the purpose of replacing a 141861  
nonteaching school employee while such employee is on leave of 141862  
absence granted under section 3319.13 of the Revised Code is not a 141863  
regular nonteaching school employee under this section. 141864

(G) All nonteaching employees employed pursuant to this 141865  
section and Chapter 124. of the Revised Code shall be paid for all 141866

time lost when the schools in which they are employed are closed 141867  
owing to an epidemic or other public calamity. Nothing in this 141868  
division shall be construed as requiring payment in excess of an 141869  
employee's regular wage rate or salary for any time worked while 141870  
the school in which the employee is employed is officially closed 141871  
for the reasons set forth in this division. 141872

**Sec. 3319.11.** (A) As used in this section: 141873

(1) "Evaluation procedures" means the procedures required by 141874  
the policy adopted pursuant to division (A) of section 3319.111 of 141875  
the Revised Code. 141876

(2) "Limited contract" means a limited contract, as described 141877  
in section 3319.08 of the Revised Code, that a school district 141878  
board of education or governing board of an educational service 141879  
center enters into with a teacher who is not eligible for 141880  
continuing service status. 141881

(3) "Extended limited contract" means a limited contract, as 141882  
described in section 3319.08 of the Revised Code, that a board of 141883  
education or governing board enters into with a teacher who is 141884  
eligible for continuing service status. 141885

(B) Teachers eligible for continuing service status in any 141886  
city, exempted village, local, or joint vocational school district 141887  
or educational service center shall be those teachers qualified as 141888  
described in division (D) of section 3319.08 of the Revised Code, 141889  
who within the last five years have taught for at least three 141890  
years in the district or center, and those teachers who, having 141891  
attained continuing contract status elsewhere, have served two 141892  
years in the district or center, but the board, upon the 141893  
recommendation of the superintendent, may at the time of 141894  
employment or at any time within such two-year period, declare any 141895  
of the latter teachers eligible. 141896

(1) Upon the recommendation of the superintendent that a teacher eligible for continuing service status be reemployed, a continuing contract shall be entered into between the board and the teacher unless the board by a three-fourths vote of its full membership rejects the recommendation of the superintendent. If the board rejects by a three-fourths vote of its full membership the recommendation of the superintendent that a teacher eligible for continuing service status be reemployed and the superintendent makes no recommendation to the board pursuant to division (C) of this section, the board may declare its intention not to reemploy the teacher by giving the teacher written notice on or before the first day of June of its intention not to reemploy the teacher. If evaluation procedures have not been complied with pursuant to section 3319.111 of the Revised Code or the board does not give the teacher written notice on or before the first day of June of its intention not to reemploy the teacher, the teacher is deemed reemployed under an extended limited contract for a term not to exceed one year at the same salary plus any increment provided by the salary schedule. The teacher is presumed to have accepted employment under the extended limited contract for a term not to exceed one year unless such teacher notifies the board in writing to the contrary on or before the fifteenth day of June, and an extended limited contract for a term not to exceed one year shall be executed accordingly. Upon any subsequent reemployment of the teacher only a continuing contract may be entered into.

(2) If the superintendent recommends that a teacher eligible for continuing service status not be reemployed, the board may declare its intention not to reemploy the teacher by giving the teacher written notice on or before the first day of June of its intention not to reemploy the teacher. If evaluation procedures have not been complied with pursuant to section 3319.111 of the Revised Code or the board does not give the teacher written notice on or before the first day of June of its intention not to

reemploy the teacher, the teacher is deemed reemployed under an 141930  
extended limited contract for a term not to exceed one year at the 141931  
same salary plus any increment provided by the salary schedule. 141932  
The teacher is presumed to have accepted employment under the 141933  
extended limited contract for a term not to exceed one year unless 141934  
such teacher notifies the board in writing to the contrary on or 141935  
before the fifteenth day of June, and an extended limited contract 141936  
for a term not to exceed one year shall be executed accordingly. 141937  
Upon any subsequent reemployment of a teacher only a continuing 141938  
contract may be entered into. 141939

(3) Any teacher receiving written notice of the intention of 141940  
a board not to reemploy such teacher pursuant to this division is 141941  
entitled to the hearing provisions of division (G) of this 141942  
section. 141943

(C)(1) If a board rejects the recommendation of the 141944  
superintendent for reemployment of a teacher pursuant to division 141945  
(B)(1) of this section, the superintendent may recommend 141946  
reemployment of the teacher, if continuing service status has not 141947  
previously been attained elsewhere, under an extended limited 141948  
contract for a term not to exceed two years, provided that written 141949  
notice of the superintendent's intention to make such 141950  
recommendation has been given to the teacher with reasons directed 141951  
at the professional improvement of the teacher on or before the 141952  
first day of June. Upon subsequent reemployment of the teacher 141953  
only a continuing contract may be entered into. 141954

(2) If a board of education takes affirmative action on a 141955  
superintendent's recommendation, made pursuant to division (C)(1) 141956  
of this section, of an extended limited contract for a term not to 141957  
exceed two years but the board does not give the teacher written 141958  
notice of its affirmative action on the superintendent's 141959  
recommendation of an extended limited contract on or before the 141960  
first day of June, the teacher is deemed reemployed under a 141961

continuing contract at the same salary plus any increment provided 141962  
by the salary schedule. The teacher is presumed to have accepted 141963  
employment under such continuing contract unless such teacher 141964  
notifies the board in writing to the contrary on or before the 141965  
fifteenth day of June, and a continuing contract shall be executed 141966  
accordingly. 141967

(3) A board shall not reject a superintendent's 141968  
recommendation, made pursuant to division (C)(1) of this section, 141969  
of an extended limited contract for a term not to exceed two years 141970  
except by a three-fourths vote of its full membership. If a board 141971  
rejects by a three-fourths vote of its full membership the 141972  
recommendation of the superintendent of an extended limited 141973  
contract for a term not to exceed two years, the board may declare 141974  
its intention not to reemploy the teacher by giving the teacher 141975  
written notice on or before the first day of June of its intention 141976  
not to reemploy the teacher. If evaluation procedures have not 141977  
been complied with pursuant to section 3319.111 of the Revised 141978  
Code or if the board does not give the teacher written notice on 141979  
or before the first day of June of its intention not to reemploy 141980  
the teacher, the teacher is deemed reemployed under an extended 141981  
limited contract for a term not to exceed one year at the same 141982  
salary plus any increment provided by the salary schedule. The 141983  
teacher is presumed to have accepted employment under the extended 141984  
limited contract for a term not to exceed one year unless such 141985  
teacher notifies the board in writing to the contrary on or before 141986  
the fifteenth day of June, and an extended limited contract for a 141987  
term not to exceed one year shall be executed accordingly. Upon 141988  
any subsequent reemployment of the teacher only a continuing 141989  
contract may be entered into. 141990

Any teacher receiving written notice of the intention of a 141991  
board not to reemploy such teacher pursuant to this division is 141992  
entitled to the hearing provisions of division (G) of this 141993

section. 141994

(D) A teacher eligible for continuing contract status 141995  
employed under an extended limited contract pursuant to division 141996  
(B) or (C) of this section, is, at the expiration of such extended 141997  
limited contract, deemed reemployed under a continuing contract at 141998  
the same salary plus any increment granted by the salary schedule, 141999  
unless evaluation procedures have been complied with pursuant to 142000  
section 3319.111 of the Revised Code and the employing board, 142001  
acting on the superintendent's recommendation that the teacher not 142002  
be reemployed, gives the teacher written notice on or before the 142003  
first day of June of its intention not to reemploy such teacher. A 142004  
teacher who does not have evaluation procedures applied in 142005  
compliance with section 3319.111 of the Revised Code or who does 142006  
not receive notice on or before the first day of June of the 142007  
intention of the board not to reemploy such teacher is presumed to 142008  
have accepted employment under a continuing contract unless such 142009  
teacher notifies the board in writing to the contrary on or before 142010  
the fifteenth day of June, and a continuing contract shall be 142011  
executed accordingly. 142012

Any teacher receiving a written notice of the intention of a 142013  
board not to reemploy such teacher pursuant to this division is 142014  
entitled to the hearing provisions of division (G) of this 142015  
section. 142016

(E) The board shall enter into a limited contract with each 142017  
teacher employed by the board who is not eligible to be considered 142018  
for a continuing contract. 142019

Any teacher employed under a limited contract, and not 142020  
eligible to be considered for a continuing contract, is, at the 142021  
expiration of such limited contract, considered reemployed under 142022  
the provisions of this division at the same salary plus any 142023  
increment provided by the salary schedule unless evaluation 142024  
procedures have been complied with pursuant to section 3319.111 of 142025

the Revised Code and the employing board, acting upon the 142026  
superintendent's written recommendation that the teacher not be 142027  
reemployed, gives such teacher written notice of its intention not 142028  
to reemploy such teacher on or before the first day of June. A 142029  
teacher who does not have evaluation procedures applied in 142030  
compliance with section 3319.111 of the Revised Code or who does 142031  
not receive notice of the intention of the board not to reemploy 142032  
such teacher on or before the first day of June is presumed to 142033  
have accepted such employment unless such teacher notifies the 142034  
board in writing to the contrary on or before the fifteenth day of 142035  
June, and a written contract for the succeeding school year shall 142036  
be executed accordingly. 142037

Any teacher receiving a written notice of the intention of a 142038  
board not to reemploy such teacher pursuant to this division is 142039  
entitled to the hearing provisions of division (G) of this 142040  
section. 142041

(F) The failure of a superintendent to make a recommendation 142042  
to the board under any of the conditions set forth in divisions 142043  
(B) to (E) of this section, or the failure of the board to give 142044  
such teacher a written notice pursuant to divisions (C) to (E) of 142045  
this section shall not prejudice or prevent a teacher from being 142046  
deemed reemployed under either a limited or continuing contract as 142047  
the case may be under the provisions of this section. A failure of 142048  
the parties to execute a written contract shall not void any 142049  
automatic reemployment provisions of this section. 142050

(G)(1) Any teacher receiving written notice of the intention 142051  
of a board of education not to reemploy such teacher pursuant to 142052  
division (B), (C)(3), (D), or (E) of this section may, within ten 142053  
days of the date of receipt of the notice, file with the treasurer 142054  
of the board a written demand for a written statement describing 142055  
the circumstances that led to the board's intention not to 142056  
reemploy the teacher. 142057

(2) The treasurer of a board, on behalf of the board, shall, 142058  
within ten days of the date of receipt of a written demand for a 142059  
written statement pursuant to division (G)(1) of this section, 142060  
provide to the teacher a written statement describing the 142061  
circumstances that led to the board's intention not to reemploy 142062  
the teacher. 142063

(3) Any teacher receiving a written statement describing the 142064  
circumstances that led to the board's intention not to reemploy 142065  
the teacher pursuant to division (G)(2) of this section may, 142066  
within five days of the date of receipt of the statement, file 142067  
with the treasurer of the board a written demand for a hearing 142068  
before the board pursuant to divisions (G)(4) to (6) of this 142069  
section. 142070

(4) The treasurer of a board, on behalf of the board, shall, 142071  
within ten days of the date of receipt of a written demand for a 142072  
hearing pursuant to division (G)(3) of this section, provide to 142073  
the teacher a written notice setting forth the time, date, and 142074  
place of the hearing. The board shall schedule and conclude the 142075  
hearing within forty days of the date on which the treasurer of 142076  
the board receives a written demand for a hearing pursuant to 142077  
division (G)(3) of this section. 142078

(5) Any hearing conducted pursuant to this division shall be 142079  
conducted by a majority of the members of the board. The hearing 142080  
shall be held in executive session of the board unless the board 142081  
and the teacher agree to hold the hearing in public. The 142082  
superintendent, assistant superintendent, the teacher, and any 142083  
person designated by either party to take a record of the hearing 142084  
may be present at the hearing. The board may be represented by 142085  
counsel and the teacher may be represented by counsel or a 142086  
designee. A record of the hearing may be taken by either party at 142087  
the expense of the party taking the record. 142088

(6) Within ten days of the conclusion of a hearing conducted 142089

pursuant to this division, the board shall issue to the teacher a written decision containing an order affirming the intention of the board not to reemploy the teacher reported in the notice given to the teacher pursuant to division (B), (C)(3), (D), or (E) of this section or an order vacating the intention not to reemploy and expunging any record of the intention, notice of the intention, and the hearing conducted pursuant to this division.

(7) A teacher may appeal an order affirming the intention of the board not to reemploy the teacher to the court of common pleas of the county in which the largest portion of the territory of the school district or service center is located, within thirty days of the date on which the teacher receives the written decision, on the grounds that the board has not complied with this section or section 3319.111 of the Revised Code.

Notwithstanding section 2506.04 of the Revised Code, the court in an appeal under this division is limited to the determination of procedural errors and to ordering the correction of procedural errors and shall have no jurisdiction to order a board to reemploy a teacher, except that the court may order a board to reemploy a teacher in compliance with the requirements of division (B), (C)(3), (D), or (E) of this section when the court determines that evaluation procedures have not been complied with pursuant to section 3319.111 of the Revised Code or the board has not given the teacher written notice on or before the first day of June of its intention not to reemploy the teacher pursuant to division (B), (C)(3), (D), or (E) of this section. Otherwise, the determination whether to reemploy or not reemploy a teacher is solely a board's determination and not a proper subject of judicial review and, except as provided in this division, no decision of a board whether to reemploy or not reemploy a teacher shall be invalidated by the court on any basis, including that the decision was not warranted by the results of any evaluation or was

not warranted by any statement given pursuant to division (G)(2) 142122  
of this section. 142123

No appeal of an order of a board may be made except as 142124  
specified in this division. 142125

(H)(1) In giving a teacher any notice required by division 142126  
(B), (C), (D), or (E) of this section, the board or the 142127  
superintendent shall do either of the following: 142128

(a) Deliver the notice by personal service upon the teacher; 142129

(b) Deliver the notice by certified mail, return receipt 142130  
requested, regular mail with a certificate of mailing, or other 142131  
form of delivery with proof of delivery, addressed to the teacher 142132  
at the teacher's place of employment and deliver a copy of the 142133  
notice by certified mail, return receipt requested, regular mail 142134  
with a certificate of mailing, or other form of delivery with 142135  
proof of delivery, addressed to the teacher at the teacher's place 142136  
of residence. Delivery of the notice required under division 142137  
(H)(1)(b) of this section may be satisfied by electronic delivery 142138  
with electronic proof of delivery. 142139

(2) In giving a board any notice required by division (B), 142140  
(C), (D), or (E) of this section, the teacher shall do either of 142141  
the following: 142142

(a) Deliver the notice by personal delivery to the office of 142143  
the superintendent during regular business hours; 142144

(b) Deliver the notice by certified mail, return receipt 142145  
requested, regular mail with a certificate of mailing, or other 142146  
form of delivery with proof of delivery, addressed to the office 142147  
of the superintendent and deliver a copy of the notice by 142148  
certified mail, return receipt requested, regular mail with a 142149  
certificate of mailing, or other form of delivery with proof of 142150  
delivery, addressed to the president of the board at the 142151  
president's place of residence. Delivery of the notice required 142152

under division (H)(2)(b) of this section may be satisfied by 142153  
electronic delivery with electronic proof of delivery. 142154

(3) When any notice and copy of the notice are mailed 142155  
pursuant to division (H)(1)(b) or (2)(b) of this section, the 142156  
notice or copy of the notice with the earlier date of receipt 142157  
shall constitute the notice for the purposes of division (B), (C), 142158  
(D), or (E) of this section. 142159

(I) The provisions of this section shall not apply to any 142160  
supplemental written contracts entered into pursuant to section 142161  
3319.08 of the Revised Code. 142162

(J) Notwithstanding any provision to the contrary in Chapter 142163  
4117. of the Revised Code, the dates set forth in this section as 142164  
"on or before the first day of June" or "on or before the 142165  
fifteenth day of June" prevail over any conflicting provisions of 142166  
a collective bargaining agreement entered into on or after ~~the~~ 142167  
~~effective date of this amendment~~ March 22, 2013. 142168

**Sec. 3319.16.** The contract of any teacher employed by the 142169  
board of education of any city, exempted village, local, county, 142170  
or joint vocational school district may not be terminated except 142171  
for good and just cause. Notwithstanding any provision to the 142172  
contrary in Chapter 4117. of the Revised Code, the provisions of 142173  
this section relating to the grounds for termination of the 142174  
contract of a teacher prevail over any conflicting provisions of a 142175  
collective bargaining agreement entered into after ~~the effective~~ 142176  
~~date of this amendment~~ October 16, 2009. 142177

Before terminating any contract, the employing board shall 142178  
furnish the teacher a written notice signed by its treasurer of 142179  
its intention to consider the termination of the teacher's 142180  
contract with full specification of the grounds for such 142181  
consideration. The board shall not proceed with formal action to 142182  
terminate the contract until after the tenth day after receipt of 142183

the notice by the teacher. Within ten days after receipt of the 142184  
notice from the treasurer of the board, the teacher may file with 142185  
the treasurer a written demand for a hearing before the board or 142186  
before a referee, and the board shall set a time for the hearing 142187  
which shall be within thirty days from the date of receipt of the 142188  
written demand, and the treasurer shall give the teacher at least 142189  
twenty days' notice in writing of the time and place of the 142190  
hearing. If a referee is demanded by either the teacher or board, 142191  
the treasurer also shall give twenty days' notice to the 142192  
superintendent of public instruction. No hearing shall be held 142193  
during the summer vacation without the teacher's consent. The 142194  
hearing shall be private unless the teacher requests a public 142195  
hearing. The hearing shall be conducted by a referee appointed 142196  
pursuant to section 3319.161 of the Revised Code, if demanded; 142197  
otherwise, it shall be conducted by a majority of the members of 142198  
the board and shall be confined to the grounds given for the 142199  
termination. The board shall provide for a complete stenographic 142200  
record of the proceedings, a copy of the record to be furnished to 142201  
the teacher. The board may suspend a teacher pending final action 142202  
to terminate the teacher's contract if, in its judgment, the 142203  
character of the charges warrants such action. 142204

Both parties may be present at such hearing, be represented 142205  
by counsel, require witnesses to be under oath, cross-examine 142206  
witnesses, take a record of the proceedings, and require the 142207  
presence of witnesses in their behalf upon subpoena to be issued 142208  
by the treasurer of the board. In case of the failure of any 142209  
person to comply with a subpoena, a judge of the court of common 142210  
pleas of the county in which the person resides, upon application 142211  
of any interested party, shall compel attendance of the person by 142212  
attachment proceedings as for contempt. Any member of the board or 142213  
the referee may administer oaths to witnesses. After a hearing by 142214  
a referee, the referee shall file a report within ten days after 142215  
the termination of the hearing. After consideration of the 142216

referee's report, the board, by a majority vote, may accept or 142217  
reject the referee's recommendation on the termination of the 142218  
teacher's contract. After a hearing by the board, the board, by 142219  
majority vote, may enter its determination upon its minutes. Any 142220  
order of termination of a contract shall state the grounds for 142221  
termination. If the decision, after hearing, is against 142222  
termination of the contract, the charges and the record of the 142223  
hearing shall be physically expunged from the minutes, and, if the 142224  
teacher has suffered any loss of salary by reason of being 142225  
suspended, the teacher shall be paid the teacher's full salary for 142226  
the period of such suspension. 142227

Any teacher affected by an order of termination of contract 142228  
may appeal to the court of common pleas of the county in which the 142229  
school is located within thirty days after receipt of notice of 142230  
the entry of such order. The appeal shall be an original action in 142231  
the court and shall be commenced by the filing of a complaint 142232  
against the board, in which complaint the facts shall be alleged 142233  
upon which the teacher relies for a reversal or modification of 142234  
such order of termination of contract. Upon service or waiver of 142235  
summons in that appeal, the board immediately shall transmit to 142236  
the clerk of the court for filing a transcript of the original 142237  
papers filed with the board, a certified copy of the minutes of 142238  
the board into which the termination finding was entered, and a 142239  
certified transcript of all evidence adduced at the hearing or 142240  
hearings before the board or a certified transcript of all 142241  
evidence adduced at the hearing or hearings before the referee, 142242  
whereupon the cause shall be at issue without further pleading and 142243  
shall be advanced and heard without delay. The court shall examine 142244  
the transcript and record of the hearing and shall hold such 142245  
additional hearings as it considers advisable, at which it may 142246  
consider other evidence in addition to the transcript and record. 142247

Upon final hearing, the court shall grant or deny the relief 142248

prayed for in the complaint as may be proper in accordance with 142249  
the evidence adduced in the hearing. Such an action is a special 142250  
proceeding, and either the teacher or the board may appeal from 142251  
the decision of the court of common pleas pursuant to the Rules of 142252  
Appellate Procedure and, to the extent not in conflict with those 142253  
rules, Chapter 2505. of the Revised Code. 142254

In any court action, the board may utilize the services of 142255  
the prosecuting attorney, village solicitor, city director of law, 142256  
or other chief legal officer of a municipal corporation as 142257  
authorized by section 3313.35 of the Revised Code, or may employ 142258  
other legal counsel. 142259

A violation of division (A)(7) of section 2907.03 of the 142260  
Revised Code is grounds for termination of a teacher contract 142261  
under this section. 142262

**Sec. 3319.291.** (A) The state board of education shall require 142263  
each of the following persons, at the times prescribed by division 142264  
(A) of this section, to undergo a criminal records check, unless 142265  
the person has undergone a records check under this section or a 142266  
former version of this section less than five years prior to that 142267  
time. 142268

(1) Any person initially applying for any certificate, 142269  
license, or permit described in this chapter or in division (B) of 142270  
section 3301.071 or in section 3301.074 of the Revised Code at the 142271  
time that application is made; 142272

(2) Any person applying for renewal of any certificate, 142273  
license, or permit described in division (A)(1) of this section at 142274  
the time that application is made; 142275

(3) Any person who is teaching under a professional teaching 142276  
certificate issued under former section 3319.222 of the Revised 142277  
Code upon a date prescribed by the state board; 142278

(4) Any person who is teaching under a permanent teaching certificate issued under former section 3319.22 as it existed prior to October 29, 1996, or under former section 3319.222 of the Revised Code upon a date prescribed by the state board and every five years thereafter.

(B)(1) Except as otherwise provided in division (B)(2) of this section, the state board shall require each person subject to a criminal records check under this section to submit two complete sets of fingerprints and written permission that authorizes the superintendent of public instruction to forward the fingerprints to the bureau of criminal identification and investigation pursuant to division (F) of section 109.57 of the Revised Code and that authorizes that bureau to forward the fingerprints to the federal bureau of investigation for purposes of obtaining any criminal records that the federal bureau maintains on the person.

(2) If both of the following conditions apply to a person subject to a criminal records check under this section, the state board shall require the person to submit one complete set of fingerprints and written permission that authorizes the superintendent of public instruction to forward the fingerprints to the bureau of criminal identification and investigation so that bureau may forward the fingerprints to the federal bureau of investigation for purposes of obtaining any criminal records that the federal bureau maintains on the person:

(a) Under this section or any former version of this section, the state board or the superintendent of public instruction previously requested the superintendent of the bureau of criminal identification and investigation to determine whether the bureau has any information, gathered pursuant to division (A) of section 109.57 of the Revised Code, on the person.

(b) The person presents proof that the person has been a resident of this state for the five-year period immediately prior

to the date upon which the person becomes subject to a criminal 142311  
records check under this section. 142312

(C) Except as provided in division (D) of this section, prior 142313  
to issuing or renewing any certificate, license, or permit for a 142314  
person described in division (A)(1) or (2) of this section who is 142315  
subject to a criminal records check and in the case of a person 142316  
described in division (A)(3) or (4) of this section who is subject 142317  
to a criminal records check, the state board or the superintendent 142318  
of public instruction shall do one of the following: 142319

(1) If the person is required to submit fingerprints and 142320  
written permission under division (B)(1) of this section, request 142321  
the superintendent of the bureau of criminal identification and 142322  
investigation to determine whether the bureau has any information, 142323  
gathered pursuant to division (A) of section 109.57 of the Revised 142324  
Code, pertaining to the person and to obtain any criminal records 142325  
that the federal bureau of investigation has on the person. 142326

(2) If the person is required to submit fingerprints and 142327  
written permission under division (B)(2) of this section, request 142328  
the superintendent of the bureau of criminal identification and 142329  
investigation to obtain any criminal records that the federal 142330  
bureau of investigation has on the person. 142331

(D) The state board or the superintendent of public 142332  
instruction may choose not to request any information about a 142333  
person required by division (C) of this section if the person 142334  
provides proof that a criminal records check that satisfies the 142335  
requirements of that division was conducted on the person as a 142336  
condition of employment pursuant to section 3319.39 of the Revised 142337  
Code within the immediately preceding year. The state board or the 142338  
superintendent of public instruction may accept a certified copy 142339  
of records that were issued by the bureau of criminal 142340  
identification and investigation and that are presented by the 142341  
person in lieu of requesting that information under division (C) 142342

of this section if the records were issued by the bureau within 142343  
the immediately preceding year. 142344

(E)(1) If a person described in division (A)(3) or (4) of 142345  
this section who is subject to a criminal records check fails to 142346  
submit fingerprints and written permission by the date specified 142347  
in the applicable division, and the state board or the 142348  
superintendent of public instruction does not apply division (D) 142349  
of this section to the person, or if a person who is subject to 142350  
division (G) of this section fails to submit fingerprints and 142351  
written permission by the date prescribed under that division, the 142352  
superintendent shall prepare a written notice to be sent to the 142353  
person by mail or electronically stating that if the person does 142354  
not submit the fingerprints and written permission within fifteen 142355  
days after the date the notice was mailed or sent electronically, 142356  
the person's application will be rejected or the person's 142357  
professional or permanent teaching certificate or license will be 142358  
inactivated. The superintendent shall send the notification by 142359  
regular mail to the person's last known residence address or last 142360  
known place of employment, as indicated in the department of 142361  
education's records, or both. If the notice is sent 142362  
electronically, the notification shall be sent via electronic mail 142363  
to the person's last known electronic mail address. 142364

If the person fails to submit the fingerprints and written 142365  
permission within fifteen days after the date the notice was 142366  
mailed, the superintendent of public instruction, on behalf of the 142367  
state board, shall issue a written order rejecting the application 142368  
or inactivating the person's professional or permanent teaching 142369  
certificate or license. The rejection or inactivation shall remain 142370  
in effect until the person submits the fingerprints and written 142371  
permission. The superintendent shall send the order by regular 142372  
mail or electronic mail to the person's last known residence 142373  
address, last known electronic mail address, or last known place 142374

of employment, as indicated in the department's records, ~~or both.~~ 142375  
The order shall state the reason for the rejection or inactivation 142376  
and shall explain that the rejection or inactivation remains in 142377  
effect until the person submits the fingerprints and written 142378  
permission. 142379

The rejection or inactivation of a professional or permanent 142380  
teaching certificate or license under division (E)(1) of this 142381  
section does not constitute a suspension or revocation of the 142382  
certificate or license by the state board under section 3319.31 of 142383  
the Revised Code and the state board and the superintendent of 142384  
public instruction need not provide the person with an opportunity 142385  
for a hearing with respect to the rejection or inactivation. 142386

(2) If a person whose professional or permanent teaching 142387  
certificate or license has been rejected or inactivated under 142388  
division (E)(1) of this section submits fingerprints and written 142389  
permission as required by division (B) or (G) of this section, the 142390  
superintendent of public instruction, on behalf of the state 142391  
board, shall issue a written order issuing or reactivating the 142392  
certificate or license. The superintendent shall send the order to 142393  
the person by regular mail or electronic mail. 142394

(F) Notwithstanding divisions (A) to (C) of this section, if 142395  
a person holds more than one certificate, license, or permit 142396  
described in division (A)(1) of this section, the following shall 142397  
apply: 142398

(1) If the certificates, licenses, or permits are of 142399  
different durations, the person shall be subject to divisions (A) 142400  
to (C) of this section only when applying for renewal of the 142401  
certificate, license, or permit that is of the longest duration. 142402  
Prior to renewing any certificate, license, or permit with a 142403  
shorter duration, the state board or the superintendent of public 142404  
instruction shall determine whether the department of education 142405  
has received any information about the person pursuant to section 142406

109.5721 of the Revised Code, but the person shall not be subject 142407  
to divisions (A) to (C) of this section as long as the person's 142408  
certificate, license, or permit with the longest duration is 142409  
valid. 142410

(2) If the certificates, licenses, or permits are of the same 142411  
duration but do not expire in the same year, the person shall 142412  
designate one of the certificates, licenses, or permits as the 142413  
person's primary certificate, license, or permit and shall notify 142414  
the department of that designation. The person shall be subject to 142415  
divisions (A) to (C) of this section only when applying for 142416  
renewal of the person's primary certificate, license, or permit. 142417  
Prior to renewing any certificate, license, or permit that is not 142418  
the person's primary certificate, license, or permit, the state 142419  
board or the superintendent of public instruction shall determine 142420  
whether the department has received any information about the 142421  
person pursuant to section 109.5721 of the Revised Code, but the 142422  
person shall not be subject to divisions (A) to (C) of this 142423  
section as long as the person's primary certificate, license, or 142424  
permit is valid. 142425

(3) If the certificates, licenses, or permits are of the same 142426  
duration and expire in the same year and the person applies for 142427  
renewal of the certificates, licenses, or permits at the same 142428  
time, the state board or the superintendent of public instruction 142429  
shall request only one criminal records check of the person under 142430  
division (C) of this section. 142431

(G) If the department is unable to enroll a person who has 142432  
submitted an application for licensure, or to whom the state board 142433  
has issued a license, in the retained applicant fingerprint 142434  
database established under section 109.5721 of the Revised Code 142435  
because the person has not satisfied the requirements for 142436  
enrollment, the department shall require the person to satisfy the 142437  
requirements for enrollment, including requiring the person to 142438

submit, by a date prescribed by the department, one complete set 142439  
of fingerprints and written permission that authorizes the 142440  
superintendent of public instruction to forward the fingerprints 142441  
to the bureau of criminal identification and investigation for the 142442  
purpose of enrolling the person in the database. If the person 142443  
fails to comply by the prescribed date, the department shall 142444  
reject the application or shall take action to inactivate the 142445  
person's license in accordance with division (E) of this section. 142446

**Sec. 3319.311.** (A)(1) The state board of education, or the 142447  
superintendent of public instruction on behalf of the board, may 142448  
investigate any information received about a person that 142449  
reasonably appears to be a basis for action under section 3319.31 142450  
of the Revised Code, including information received pursuant to 142451  
section 3314.40, 3319.291, 3319.313, 3326.24, 3328.19, 5126.253, 142452  
or 5153.176 of the Revised Code. Except as provided in division 142453  
(A)(2) of this section, the board shall contract with the office 142454  
of the Ohio attorney general to conduct any investigation of that 142455  
nature. The board shall pay for the costs of the contract only 142456  
from moneys in the state board of education licensure fund 142457  
established under section 3319.51 of the Revised Code. Except as 142458  
provided in division (A)(2) of this section, all information 142459  
received pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 142460  
3328.19, 5126.253, or 5153.176 of the Revised Code, and all 142461  
information obtained during an investigation is confidential and 142462  
is not a public record under section 149.43 of the Revised Code. 142463  
If an investigation is conducted under this division regarding 142464  
information received about a person and no action is taken against 142465  
the person under this section or section 3319.31 of the Revised 142466  
Code within two years of the completion of the investigation, all 142467  
records of the investigation shall be expunged. 142468

(2) In the case of a person about whom the board has learned 142469  
of a plea of guilty to, finding of guilt by a jury or court of, or 142470

a conviction of an offense listed in division (C) of section 142471  
3319.31 of the Revised Code, or substantially comparable conduct 142472  
occurring in a jurisdiction outside this state, the board or the 142473  
superintendent of public instruction need not conduct any further 142474  
investigation and shall take the action required by division (C) 142475  
or (F) of that section. Except as provided in division (G) of this 142476  
section, all information obtained by the board or the 142477  
superintendent of public instruction pertaining to the action is a 142478  
public record under section 149.43 of the Revised Code. 142479

(B) The superintendent of public instruction shall review the 142480  
results of each investigation of a person conducted under division 142481  
(A)(1) of this section and shall determine, on behalf of the state 142482  
board, whether the results warrant initiating action under 142483  
division (B) of section 3319.31 of the Revised Code. The 142484  
superintendent shall advise the board of such determination at a 142485  
meeting of the board. Within fourteen days of the next meeting of 142486  
the board, any member of the board may ask that the question of 142487  
initiating action under section 3319.31 of the Revised Code be 142488  
placed on the board's agenda for that next meeting. Prior to 142489  
initiating that action against any person, the person's name and 142490  
any other personally identifiable information shall remain 142491  
confidential. 142492

(C) The board shall take no action against a person under 142493  
division (B) of section 3319.31 of the Revised Code without 142494  
providing the person with written notice of the charges and with 142495  
an opportunity for a hearing in accordance with Chapter 119. of 142496  
the Revised Code. 142497

(D) For purposes of an investigation under division (A)(1) of 142498  
this section or a hearing under division (C) of this section or 142499  
under division (E)(2) of section 3319.31 of the Revised Code, the 142500  
board, or the superintendent on behalf of the board, may 142501  
administer oaths, order the taking of depositions, issue 142502

subpoenas, and compel the attendance of witnesses and the 142503  
production of books, accounts, papers, records, documents, and 142504  
testimony. The issuance of subpoenas under this division may be by 142505  
certified mail, regular mail with a certificate of mailing, or 142506  
other form of delivery with proof of delivery, including 142507  
electronic delivery with electronic proof of delivery, or personal 142508  
delivery to the person. 142509

(E) The superintendent, on behalf of the board, may enter 142510  
into a consent agreement with a person against whom action is 142511  
being taken under division (B) of section 3319.31 of the Revised 142512  
Code. The board may adopt rules governing the superintendent's 142513  
action under this division. 142514

(F) No surrender of a license shall be effective until the 142515  
board takes action to accept the surrender unless the surrender is 142516  
pursuant to a consent agreement entered into under division (E) of 142517  
this section. 142518

(G) The name of any person who is not required to report 142519  
information under section 3314.40, 3319.313, 3326.24, 3328.19, 142520  
5126.253, or 5153.176 of the Revised Code, but who in good faith 142521  
provides information to the state board or superintendent of 142522  
public instruction about alleged misconduct committed by a person 142523  
who holds a license or has applied for issuance or renewal of a 142524  
license, shall be confidential and shall not be released. Any such 142525  
person shall be immune from any civil liability that otherwise 142526  
might be incurred or imposed for injury, death, or loss to person 142527  
or property as a result of the provision of that information. 142528

(H)(1) No person shall knowingly make a false report to the 142529  
superintendent of public instruction or the state board of 142530  
education alleging misconduct by an employee of a public or 142531  
chartered nonpublic school or an employee of the operator of a 142532  
community school established under Chapter 3314. or a 142533  
college-preparatory boarding school established under Chapter 142534

3328. of the Revised Code. 142535

(2)(a) In any civil action brought against a person in which 142536  
it is alleged and proved that the person violated division (H)(1) 142537  
of this section, the court shall award the prevailing party 142538  
reasonable attorney's fees and costs that the prevailing party 142539  
incurred in the civil action or as a result of the false report 142540  
that was the basis of the violation. 142541

(b) If a person is convicted of or pleads guilty to a 142542  
violation of division (H)(1) of this section, if the subject of 142543  
the false report that was the basis of the violation was charged 142544  
with any violation of a law or ordinance as a result of the false 142545  
report, and if the subject of the false report is found not to be 142546  
guilty of the charges brought against the subject as a result of 142547  
the false report or those charges are dismissed, the court that 142548  
sentences the person for the violation of division (H)(1) of this 142549  
section, as part of the sentence, shall order the person to pay 142550  
restitution to the subject of the false report, in an amount equal 142551  
to reasonable attorney's fees and costs that the subject of the 142552  
false report incurred as a result of or in relation to the 142553  
charges. 142554

**Sec. 3321.13.** (A) Whenever any child of compulsory school age 142555  
withdraws from school the teacher of that child shall ascertain 142556  
the reason for withdrawal. The fact of the withdrawal and the 142557  
reason for it shall be immediately transmitted by the teacher to 142558  
the superintendent of the city, local, or exempted village school 142559  
district. If the child who has withdrawn from school has done so 142560  
because of change of residence, the next residence shall be 142561  
ascertained and shall be included in the notice thus transmitted. 142562  
The superintendent shall thereupon forward a card showing the 142563  
essential facts regarding the child and stating the place of the 142564  
child's new residence to the superintendent of schools of the 142565

district to which the child has moved. 142566

The superintendent of public instruction may prescribe the 142567  
forms to be used in the operation of this division. 142568

(B)(1) Upon receipt of information that a child of compulsory 142569  
school age has withdrawn from school for a reason other than 142570  
because of change of residence and is not enrolled in and 142571  
attending in accordance with school policy an approved program to 142572  
obtain a diploma or its equivalent, the superintendent shall 142573  
notify the registrar of motor vehicles and the juvenile judge of 142574  
the county in which the district is located of the withdrawal and 142575  
failure to enroll in and attend an approved program to obtain a 142576  
diploma or its equivalent. A notification to the registrar 142577  
required by this division shall be given in the manner the 142578  
registrar by rule requires and a notification to the juvenile 142579  
judge required by this division shall be given in writing. Each 142580  
notification shall be given within two weeks after the withdrawal 142581  
and failure to enroll in and attend an approved program or its 142582  
equivalent. 142583

(2) The board of education of a school district may adopt a 142584  
resolution providing that the provisions of division (B)(2) of 142585  
this section apply within the district. The provisions of division 142586  
(B)(2) of this section do not apply within any school district, 142587  
and no superintendent of a school district shall send a 142588  
notification of the type described in division (B)(2) of this 142589  
section to the registrar of motor vehicles or the juvenile judge 142590  
of the county in which the district is located, unless the board 142591  
of education of the district has adopted such a resolution. If the 142592  
board of education of a school district adopts a resolution 142593  
providing that the provisions of division (B)(2) of this section 142594  
apply within the district, and if the superintendent of schools of 142595  
that district receives information that, during any semester or 142596

term, a child of compulsory school age has been absent without 142597  
legitimate excuse from the school the child is supposed to attend 142598  
for more than sixty consecutive hours in a single month or for at 142599  
least ninety hours in a school year, the superintendent shall 142600  
notify the child and the child's parent, guardian, or custodian, 142601  
in writing, that the information has been provided to the 142602  
superintendent, that as a result of that information the child's 142603  
temporary instruction permit or driver's license will be suspended 142604  
or the opportunity to obtain such a permit or license will be 142605  
denied, and that the child and the child's parent, guardian, or 142606  
custodian may ~~appear in person~~ participate in a hearing at a 142607  
scheduled date, time, and place ~~before~~ conducted by the 142608  
superintendent or a designee to challenge the information provided 142609  
to the superintendent. The hearing may be conducted by electronic 142610  
means. 142611

The notification to the child and the child's parent, 142612  
guardian, or custodian required by division (B)(2) of this section 142613  
shall set forth the information received by the superintendent and 142614  
shall inform the child and the child's parent, guardian, or 142615  
custodian of the scheduled date, time, and ~~place~~ participation 142616  
method of the ~~appearance that they may have~~ hearing before the 142617  
superintendent or a designee. The date scheduled for the 142618  
~~appearance~~ hearing shall be no earlier than three and no later 142619  
than five days after the notification is given, provided that an 142620  
extension may be granted upon request of the child or the child's 142621  
parent, guardian, or custodian. If an extension is granted, the 142622  
superintendent shall schedule a new date, time, and ~~place~~ method 142623  
for the ~~appearance~~ hearing and shall inform the child and the 142624  
child's parent, guardian, or custodian of the new date, time, and 142625  
~~place~~ method. 142626

If the child and the child's parent, guardian, or custodian 142627  
do not appear before the superintendent or a designee on the 142628

scheduled date and ~~at~~ for the scheduled ~~time and place~~ hearing, or 142629  
if the child and the child's parent, guardian, or custodian appear 142630  
before the superintendent or a designee on the scheduled date and 142631  
at the scheduled time ~~and place~~ but the superintendent or a 142632  
designee determines that the information the superintendent 142633  
received indicating that, during the semester or term, the child 142634  
had been absent without legitimate excuse from the school the 142635  
child was supposed to attend for more than sixty consecutive hours 142636  
or for at least ninety total hours, the superintendent shall 142637  
notify the registrar of motor vehicles and the juvenile judge of 142638  
the county in which the district is located that the child has 142639  
been absent for that period of time and that the child does not 142640  
have any legitimate excuse for the habitual absence. A 142641  
notification to the registrar required by this division shall be 142642  
given in the manner the registrar by rule requires and a 142643  
notification to the juvenile judge required by this division shall 142644  
be given in writing. Each notification shall be given within two 142645  
weeks after the receipt of the information of the habitual absence 142646  
from school without legitimate excuse, or, if the child and the 142647  
child's parent, guardian, or custodian appear before the 142648  
superintendent or a designee to challenge the information, within 142649  
two weeks after the ~~appearance~~ hearing. 142650

For purposes of division (B)(2) of this section, a legitimate 142651  
excuse for absence from school includes, but is not limited to, 142652  
the fact that the child in question has enrolled in another school 142653  
or school district in this or another state, the fact that the 142654  
child in question was excused from attendance for any of the 142655  
reasons specified in section 3321.04 of the Revised Code, or the 142656  
fact that the child in question has received an age and schooling 142657  
certificate in accordance with section 3331.01 of the Revised 142658  
Code. 142659

(3) Whenever a pupil is suspended or expelled from school 142660

pursuant to section 3313.66 of the Revised Code and the reason for 142661  
the suspension or expulsion is the use or possession of alcohol, a 142662  
drug of abuse, or alcohol and a drug of abuse, the superintendent 142663  
of schools of that district may notify the registrar and the 142664  
juvenile judge of the county in which the district is located of 142665  
such suspension or expulsion. Any such notification of suspension 142666  
or expulsion shall be given to the registrar, in the manner the 142667  
registrar by rule requires and shall be given to the juvenile 142668  
judge in writing. The notifications shall be given within two 142669  
weeks after the suspension or expulsion. 142670

(4) Whenever a pupil is suspended, expelled, removed, or 142671  
permanently excluded from a school for misconduct included in a 142672  
policy that the board of education of a city, exempted village, or 142673  
local school district has adopted under division (A) of section 142674  
3313.661 of the Revised Code, and the misconduct involves a 142675  
firearm or a knife or other weapon as defined in that policy, the 142676  
superintendent of schools of that district shall notify the 142677  
registrar and the juvenile judge of the county in which the 142678  
district is located of the suspension, expulsion, removal, or 142679  
permanent exclusion. The notification shall be given to the 142680  
registrar in the manner the registrar, by rule, requires and shall 142681  
be given to the juvenile judge in writing. The notifications shall 142682  
be given within two weeks after the suspension, expulsion, 142683  
removal, or permanent exclusion. 142684

(C) A notification of withdrawal, habitual absence without 142685  
legitimate excuse, suspension, or expulsion given to the registrar 142686  
or a juvenile judge under division (B)(1), (2), (3), or (4) of 142687  
this section shall contain the name, address, date of birth, 142688  
school, and school district of the child. If the superintendent 142689  
finds, after giving a notification of withdrawal, habitual absence 142690  
without legitimate excuse, suspension, or expulsion to the 142691  
registrar and the juvenile judge under division (B)(1), (2), (3), 142692

or (4) of this section, that the notification was given in error, 142693  
the superintendent immediately shall notify the registrar and the 142694  
juvenile judge of that fact. 142695

**Sec. 3321.21.** A notice under section 3321.19 or 3321.20 of 142696  
the Revised Code, sent by registered mail, regular mail with a 142697  
certificate of mailing, or other form of delivery with proof of 142698  
delivery, including electronic delivery and electronic proof of 142699  
delivery, is a legal notice. 142700

**Sec. 3704.03.** The director of environmental protection may do 142701  
any of the following: 142702

(A) Develop programs for the prevention, control, and 142703  
abatement of air pollution; 142704

(B) Advise, consult, contract, and cooperate with any 142705  
governmental or private agency in the furtherance of the purposes 142706  
of this chapter; 142707

(C) Encourage, participate in, or conduct studies, 142708  
investigations, and research relating to air pollution, collect 142709  
and disseminate information, and conduct education and training 142710  
programs relating to the causes, prevention, control, and 142711  
abatement of air pollution; 142712

(D) Adopt, modify, and rescind rules prescribing ambient air 142713  
quality standards for the state as a whole or for various areas of 142714  
the state that are consistent with and no more stringent than the 142715  
national ambient air quality standards in effect under the federal 142716  
Clean Air Act; 142717

(E) Adopt, modify, suspend, and rescind rules for the 142718  
prevention, control, and abatement of air pollution, including 142719  
rules prescribing for the state as a whole or for various areas of 142720  
the state emission standards for air contaminants, and other 142721  
necessary rules for the purpose of achieving and maintaining 142722

compliance with ambient air quality standards in all areas within 142723  
the state as expeditiously as practicable, but not later than any 142724  
deadlines applicable under the federal Clean Air Act; rules for 142725  
the prevention or control of the emission of hazardous or toxic 142726  
air contaminants; rules prescribing fugitive dust limitations and 142727  
standards that are related, on an areawide basis, to attainment 142728  
and maintenance of ambient air quality standards; rules 142729  
prescribing shade, density, or opacity limitations and standards 142730  
for emissions, provided that with regard to air contaminant 142731  
sources for which there are particulate matter emission standards 142732  
in addition to a shade, density, or opacity rule, upon 142733  
demonstration by such a source of compliance with those other 142734  
standards, the shade, density, or opacity rule shall provide for 142735  
establishment of a shade, density, or opacity limitation for that 142736  
source that does not require the source to reduce emissions below 142737  
the level specified by those other standards; rules for the 142738  
prevention or control of odors and air pollution nuisances; rules 142739  
that prevent significant deterioration of air quality to the 142740  
extent required by the federal Clean Air Act; rules for the 142741  
protection of visibility as required by the federal Clean Air Act; 142742  
and rules prescribing open burning limitations and standards. In 142743  
adopting, modifying, suspending, or rescinding any such rules, the 142744  
director, to the extent consistent with the federal Clean Air Act, 142745  
shall hear and give consideration to evidence relating to all of 142746  
the following: 142747

(1) Conditions calculated to result from compliance with the 142748  
rules, the overall cost within this state of compliance with the 142749  
rules, and their relation to benefits to the people of the state 142750  
to be derived from that compliance; 142751

(2) The quantity and characteristics of air contaminants, the 142752  
frequency and duration of their presence in the ambient air, and 142753  
the dispersion and dilution of those contaminants; 142754

(3) Topography, prevailing wind directions and velocities, 142755  
physical conditions, and other factors that may or may combine to 142756  
affect air pollution. 142757

Consistent with division (K) of section 3704.036 of the 142758  
Revised Code, the director shall consider alternative emission 142759  
limits proposed by the owner or operator of an air contaminant 142760  
source that is subject to an emission limit established in rules 142761  
adopted under this division and shall accept those alternative 142762  
emission limits that the director determines to be equivalent to 142763  
emission limits established in rules adopted under this division. 142764

(F)(1) Adopt, modify, suspend, and rescind rules consistent 142765  
with the purposes of this chapter prohibiting the location, 142766  
installation, construction, or modification of any air contaminant 142767  
source or any machine, equipment, device, apparatus, or physical 142768  
facility intended primarily to prevent or control the emission of 142769  
air contaminants unless an installation permit therefor has been 142770  
obtained from the director or the director's authorized 142771  
representative. 142772

(2)(a) Applications for installation permits shall be 142773  
accompanied by plans, specifications, construction schedules, and 142774  
such other pertinent information and data, including data on 142775  
ambient air quality impact and a demonstration of best available 142776  
technology, as the director may require. Installation permits 142777  
shall be issued for a period specified by the director and are 142778  
transferable. The director shall specify in each permit the 142779  
applicable emission standards and that the permit is conditioned 142780  
upon payment of the applicable fees as required by section 3745.11 142781  
of the Revised Code and upon the right of the director's 142782  
authorized representatives to enter upon the premises of the 142783  
person to whom the permit has been issued, at any reasonable time 142784  
and subject to safety requirements of the person in control of the 142785  
premises, for the purpose of determining compliance with such 142786

standards, this chapter, the rules adopted thereunder, and the 142787  
conditions of any permit, variance, or order issued thereunder. 142788  
Each proposed new or modified air contaminant source shall provide 142789  
such notice of its proposed installation or modification to other 142790  
states as is required under the federal Clean Air Act. 142791  
Installation permits shall include the authorization to operate 142792  
sources installed and operated in accordance with terms and 142793  
conditions of the installation permits for a period not to exceed 142794  
one year from commencement of operation, which authorization shall 142795  
constitute an operating permit under division (G) of this section 142796  
and rules adopted under it. 142797

No installation permit shall be required for activities that 142798  
are subject to and in compliance with a plant-wide applicability 142799  
limit issued by the director in accordance with rules adopted 142800  
under this section. 142801

No installation permit shall be issued except in accordance 142802  
with all requirements of this chapter and rules adopted 142803  
thereunder. No application shall be denied or permit revoked or 142804  
modified without a written order stating the findings upon which 142805  
denial, revocation, or modification is based. A copy of the order 142806  
shall be sent to the applicant or permit holder by certified mail. 142807

(b) An air contaminant source that is the subject of an 142808  
installation permit shall be installed or modified in accordance 142809  
with the permit not later than eighteen months after the permit's 142810  
effective date at which point the permit shall terminate unless 142811  
one of the following applies: 142812

(i) The owner or operator has undertaken a continuing program 142813  
of installation or modification during the eighteen-month period. 142814

(ii) The owner or operator has entered into a binding 142815  
contractual obligation to undertake and complete within a 142816  
reasonable period of time a continuing program of installation or 142817

modification of the air contaminant source during the 142818  
eighteen-month period. 142819

(iii) The director has extended the date by which the air 142820  
contaminant source that is the subject of the installation permit 142821  
must be installed or modified. 142822

(iv) The installation permit is the subject of an appeal by a 142823  
party other than the owner or operator of the air contaminant 142824  
source that is the subject of the installation permit, in which 142825  
case the date of termination of the permit is not later than 142826  
eighteen months after the effective date of the permit plus the 142827  
number of days between the date in which the permit was appealed 142828  
and the date on which all appeals concerning the permit have been 142829  
resolved. 142830

(v) The installation permit has been superseded by a 142831  
subsequent installation permit, in which case the original 142832  
installation permit terminates on the effective date of the 142833  
superseding installation permit. 142834

Division (F)(2)(b) of this section applies to an installation 142835  
permit that has not terminated as of ~~the effective date of this~~ 142836  
~~amendment~~ October 16, 2009. 142837

The director may adopt rules in accordance with Chapter 119. 142838  
of the Revised Code for the purpose of establishing additional 142839  
requirements that are necessary for the implementation of division 142840  
(F)(2)(b) of this section. 142841

(3) Not later than two years after August 3, 2006, the 142842  
director shall adopt a rule in accordance with Chapter 119. of the 142843  
Revised Code specifying that a permit to install is required only 142844  
for new or modified air contaminant sources that emit any of the 142845  
following air contaminants: 142846

(a) An air contaminant or precursor of an air contaminant for 142847  
which a national ambient air quality standard has been adopted 142848

under the federal Clean Air Act; 142849

(b) An air contaminant for which the air contaminant source 142850  
is regulated under the federal Clean Air Act; 142851

(c) An air contaminant that presents, or may present, through 142852  
inhalation or other routes of exposure, a threat of adverse human 142853  
health effects, including, but not limited to, substances that are 142854  
known to be, or may reasonably be anticipated to be, carcinogenic, 142855  
mutagenic, teratogenic, or neurotoxic, that cause reproductive 142856  
dysfunction, or that are acutely or chronically toxic, or a threat 142857  
of adverse environmental effects whether through ambient 142858  
concentrations, bioaccumulation, deposition, or otherwise, and 142859  
that is identified in the rule by chemical name and chemical 142860  
abstract service number. 142861

The director may modify the rule adopted under division 142862  
(F)(3)(c) of this section for the purpose of adding or deleting 142863  
air contaminants. For each air contaminant that is contained in or 142864  
deleted from the rule adopted under division (F)(3)(c) of this 142865  
section, the director shall include in a notice accompanying any 142866  
proposed or final rule an explanation of the director's 142867  
determination that the air contaminant meets the criteria 142868  
established in that division and should be added to, or no longer 142869  
meets the criteria and should be deleted from, the list of air 142870  
contaminants. The explanation shall include an identification of 142871  
the scientific evidence on which the director relied in making the 142872  
determination. Until adoption of the rule under division (F)(3)(c) 142873  
of this section, nothing shall affect the director's authority to 142874  
issue, deny, modify, or revoke permits to install under this 142875  
chapter and rules adopted under it. 142876

(4)(a) Applications for permits to install new or modified 142877  
air contaminant sources shall contain sufficient information 142878  
regarding air contaminants for which the director may require a 142879  
permit to install to determine conformity with the environmental 142880

protection agency's document entitled "Review of New Sources of  
Air Toxics Emissions, Option A," dated May 1986, which the  
director shall use to evaluate toxic emissions from new or  
modified air contaminant sources. The director shall make copies  
of the document available to the public upon request at no cost  
and post the document on the environmental protection agency's web  
site. Any inconsistency between the document and division (F)(4)  
of this section shall be resolved in favor of division (F)(4) of  
this section.

(b) The maximum acceptable ground level concentration of an  
air contaminant shall be calculated in accordance with the  
document entitled "Review of New Sources of Air Toxics Emissions,  
Option A." Modeling shall be conducted to determine the increase  
in the ground level concentration of an air contaminant beyond the  
facility's boundary caused by the emissions from a new or modified  
source that is the subject of an application for a permit to  
install. Modeling shall be based on the maximum hourly rate of  
emissions from the source using information including, but not  
limited to, any emission control devices or methods, operational  
restrictions, stack parameters, and emission dispersion devices or  
methods that may affect ground level concentrations, either  
individually or in combination. The director shall determine  
whether the activities for which a permit to install is sought  
will cause an increase in the ground level concentration of one or  
more relevant air contaminants beyond the facility's boundary by  
an amount in excess of the maximum acceptable ground level  
concentration. In making the determination as to whether the  
maximum acceptable ground level concentration will be exceeded,  
the director shall give consideration to the modeling conducted  
under division (F)(4)(b) of this section and other relevant  
information submitted by the applicant.

(c) If the modeling conducted under division (F)(4)(b) of

this section with respect to an application for a permit to 142913  
install demonstrates that the maximum ground level concentration 142914  
from a new or modified source will be greater than or equal to 142915  
eighty per cent, but less than one hundred per cent of the maximum 142916  
acceptable ground level concentration for an air contaminant, the 142917  
director may establish terms and conditions in the permit to 142918  
install for the air contaminant source that will require the owner 142919  
or operator of the air contaminant source to maintain emissions of 142920  
that air contaminant commensurate with the modeled level, which 142921  
shall be expressed as allowable emissions per day. In order to 142922  
calculate the allowable emissions per day, the director shall 142923  
multiply the hourly emission rate modeled under division (F)(4)(b) 142924  
of this section to determine the ground level concentration by the 142925  
operating schedule that has been identified in the permit to 142926  
install application. Terms and conditions imposed under division 142927  
(F)(4)(c) of this section are not federally enforceable 142928  
requirements and, if included in a Title V permit, shall be placed 142929  
in the portion of the permit that is only enforceable by the 142930  
state. 142931

(d) If the modeling conducted under division (F)(4)(b) of 142932  
this section with respect to an application for a permit to 142933  
install demonstrates that the maximum ground level concentration 142934  
from a new or modified source will be less than eighty per cent of 142935  
the maximum acceptable ground level concentration, the owner or 142936  
operator of the source annually shall report to the director, on a 142937  
form prescribed by the director, whether operations of the source 142938  
are consistent with the information regarding the operations that 142939  
was used to conduct the modeling with regard to the permit to 142940  
install application. The annual report to the director shall be in 142941  
lieu of an emission limit or other permit terms and conditions 142942  
imposed pursuant to division (F)(4) of this section. The director 142943  
may consider any significant departure from the operations of the 142944  
source described in the permit to install application that results 142945

in greater emissions than the emissions rate modeled to determine 142946  
the ground level concentration as a modification and require the 142947  
owner or operator to submit a permit to install application for 142948  
the increased emissions. The requirements established in division 142949  
(F)(4)(d) of this section are not federally enforceable 142950  
requirements and, if included in a Title V permit, shall be placed 142951  
in the portion of the permit that is only enforceable by the 142952  
state. 142953

(e) Division (F)(4) of this section and the document entitled 142954  
"Review of New Sources of Air Toxics Emissions, Option A" shall 142955  
not be included in the state implementation plan under section 110 142956  
of the federal Clean Air Act and do not apply to an air 142957  
contaminant source that is subject to a maximum achievable control 142958  
technology standard or residual risk standard under section 112 of 142959  
the federal Clean Air Act, to a particular air contaminant 142960  
identified under 40 C.F.R. 51.166, division (b)(23), for which the 142961  
director has determined that the owner or operator of the source 142962  
is required to install best available control technology for that 142963  
particular air contaminant, or to a particular air contaminant for 142964  
which the director has determined that the source is required to 142965  
meet the lowest achievable emission rate, as defined in 40 C.F.R. 142966  
part 51, Appendix S, for that particular air contaminant. 142967

(f)(i) Division (F)(4) of this section and the document 142968  
entitled "Review of New Sources of Air Toxics Emissions, Option A" 142969  
do not apply to parking lots, storage piles, storage tanks, 142970  
transfer operations, grain silos, grain dryers, emergency 142971  
generators, gasoline dispensing operations, air contaminant 142972  
sources that emit air contaminants solely from the combustion of 142973  
fossil fuels, or the emission of wood dust, sand, glass dust, coal 142974  
dust, silica, and grain dust. 142975

(ii) Notwithstanding division (F)(4)(f)(i) of this section, 142976  
the director may require an individual air contaminant source that 142977

is within one of the source categories identified in division 142978  
(F)(4)(f)(i) of this section to submit information in an 142979  
application for a permit to install a new or modified source in 142980  
order to determine the source's conformity to the document if the 142981  
director has information to conclude that the particular new or 142982  
modified source will potentially cause an increase in ground level 142983  
concentration beyond the facility's boundary that exceeds the 142984  
maximum acceptable ground level concentration as set forth in the 142985  
document. 142986

(iii) The director may adopt rules in accordance with Chapter 142987  
119. of the Revised Code that are consistent with the purposes of 142988  
this chapter and that add to or delete from the source category 142989  
exemptions established in division (F)(4)(f)(i) of this section. 142990

(5) Not later than one year after August 3, 2006, the 142991  
director shall adopt rules in accordance with Chapter 119. of the 142992  
Revised Code specifying activities that do not, by themselves, 142993  
constitute beginning actual construction activities related to the 142994  
installation or modification of an air contaminant source for 142995  
which a permit to install is required such as the grading and 142996  
clearing of land, on-site storage of portable parts and equipment, 142997  
and the construction of foundations or buildings that do not 142998  
themselves emit air contaminants. The rules also shall allow 142999  
specified initial activities that are part of the installation or 143000  
modification of an air contaminant source, such as the 143001  
installation of electrical and other utilities for the source, 143002  
prior to issuance of a permit to install, provided that the owner 143003  
or operator of the source has filed a complete application for a 143004  
permit to install, the director or the director's designee has 143005  
determined that the application is complete, and the owner or 143006  
operator of the source has notified the director that this 143007  
activity will be undertaken prior to the issuance of a permit to 143008  
install. Any activity that is undertaken by the source under those 143009

rules shall be at the risk of the owner or operator. The rules 143010  
shall not apply to activities that are precluded prior to permit 143011  
issuance under section 111, section 112, Part C of Title I, and 143012  
Part D of Title I of the federal Clean Air Act. 143013

(G) Adopt, modify, suspend, and rescind rules prohibiting the 143014  
operation or other use of any new, modified, or existing air 143015  
contaminant source unless an operating permit has been obtained 143016  
from the director or the director's authorized representative, or 143017  
the air contaminant source is being operated in compliance with 143018  
the conditions of a variance issued pursuant to division (H) of 143019  
this section. Applications for operating permits shall be 143020  
accompanied by such plans, specifications, and other pertinent 143021  
information as the director may require. Operating permits may be 143022  
issued for a period determined by the director not to exceed ten 143023  
years, are renewable, and are transferable. The director shall 143024  
specify in each operating permit that the permit is conditioned 143025  
upon payment of the applicable fees as required by section 3745.11 143026  
of the Revised Code and upon the right of the director's 143027  
authorized representatives to enter upon the premises of the 143028  
person to whom the permit has been issued, at any reasonable time 143029  
and subject to safety requirements of the person in control of the 143030  
premises, for the purpose of determining compliance with this 143031  
chapter, the rules adopted thereunder, and the conditions of any 143032  
permit, variance, or order issued thereunder. Operating permits 143033  
may be denied or revoked for failure to comply with this chapter 143034  
or the rules adopted thereunder. An operating permit shall be 143035  
issued only upon a showing satisfactory to the director or the 143036  
director's representative that the air contaminant source is being 143037  
operated in compliance with applicable emission standards and 143038  
other rules or upon submission of a schedule of compliance 143039  
satisfactory to the director for a source that is not in 143040  
compliance with all applicable requirements at the time of permit 143041  
issuance, provided that the compliance schedule shall be 143042

consistent with and at least as stringent as that contained in any 143043  
judicial consent decree or administrative order to which the air 143044  
contaminant source is subject. The rules shall provide for the 143045  
issuance of conditional operating permits for such reasonable 143046  
periods as the director may determine to allow the holder of an 143047  
installation permit, who has constructed, installed, located, or 143048  
modified a new air contaminant source in accordance with the 143049  
provisions of an installation permit, to make adjustments or 143050  
modifications necessary to enable the new air contaminant source 143051  
to comply with applicable emission standards and other rules. 143052  
Terms and conditions of operating permits issued pursuant to this 143053  
division shall be federally enforceable for the purpose of 143054  
establishing the potential to emit of a stationary source and 143055  
shall be expressly designated as federally enforceable. Any such 143056  
federally enforceable restrictions on a source's potential to emit 143057  
shall include both an annual limit and a short-term limit of not 143058  
more than thirty days for each pollutant to be restricted together 143059  
with adequate methods for establishing compliance with the 143060  
restrictions. In other respects, operating permits issued pursuant 143061  
to this division are enforceable as state law only. No application 143062  
shall be denied or permit revoked or modified without a written 143063  
order stating the findings upon which denial, revocation, or 143064  
modification is based. A copy of the order shall be sent to the 143065  
applicant or permit holder by certified mail. 143066

(H) Adopt, modify, and rescind rules governing the issuance, 143067  
revocation, modification, or denial of variances that authorize 143068  
emissions in excess of the applicable emission standards. 143069

No variance shall be issued except pursuant to those rules. 143070  
The rules shall prescribe conditions and criteria in furtherance 143071  
of the purposes of this chapter and consistent with the federal 143072  
Clean Air Act governing eligibility for issuance of variances, 143073  
which shall include all of the following: 143074

(1) Provisions requiring consistency of emissions authorized	143075
by a variance with timely attainment and maintenance of ambient	143076
air quality standards;	143077
(2) Provisions prescribing the classes and categories of air	143078
contaminants and air contaminant sources for which variances may	143079
be issued;	143080
(3) Provisions defining the circumstances under which an	143081
applicant shall demonstrate that compliance with applicable	143082
emission standards is technically infeasible, economically	143083
unreasonable, or impossible because of conditions beyond the	143084
control of the applicant;	143085
(4) Other provisions prescribed in furtherance of the goals	143086
of this chapter.	143087
The rules shall prohibit the issuance of variances from any	143088
emission limitation that was applicable to a source pursuant to an	143089
installation permit and shall prohibit issuance of variances that	143090
conflict with the federal Clean Air Act.	143091
Applications for variances shall be accompanied by such	143092
information as the director may require. In issuing variances, the	143093
director may order the person to whom a variance is issued to	143094
furnish plans and specifications and such other information and	143095
data, including interim reports, as the director may require and	143096
to proceed to take such action within such time as the director	143097
may determine to be appropriate and reasonable to prevent,	143098
control, or abate the person's existing emissions of air	143099
contaminants. The director shall specify in each variance that the	143100
variance is conditioned upon payment of the applicable fees as	143101
required by section 3745.11 of the Revised Code and upon the right	143102
of the director's authorized representatives to enter upon the	143103
premises of the person to whom the variance has been issued, at	143104
any reasonable time and subject to safety requirements of the	143105

person in control of the premises, for the purpose of determining 143106  
compliance with this chapter, the rules adopted thereunder, and 143107  
the conditions of any permit, variance, or order issued 143108  
thereunder. 143109

The director may hold a public hearing on an application for 143110  
a variance or renewal thereof at a location in the county where 143111  
the variance is sought. The director shall give not less than 143112  
twenty days' notice of the hearing to the applicant by certified 143113  
mail or another type of mail accompanied by a receipt and. The 143114  
director also shall cause at least one publication of notice in a 143115  
newspaper with general circulation in the county where the 143116  
variance is sought or may instead provide public notice by 143117  
publication on the environmental protection agency's web site. The 143118  
director shall keep available for public inspection at the 143119  
principal office of the environmental protection agency a current 143120  
schedule of pending applications for variances and a current 143121  
schedule of pending variance hearings. The director shall make a 143122  
complete stenographic record or electronic record of testimony and 143123  
other evidence submitted at the hearing. The director shall make a 143124  
written determination to issue, renew, or deny the variance and 143125  
shall enter the determination and the basis therefor into the 143126  
record of the hearing. The director shall issue, renew, or deny an 143127  
application for a variance or renewal thereof, or issue a proposed 143128  
action upon the application pursuant to section 3745.07 of the 143129  
Revised Code, within six months of the date upon which the 143130  
director receives a complete application with all pertinent 143131  
information and data required by the director. 143132

Any variance granted pursuant to rules adopted under this 143133  
division shall be for a period specified by the director, not to 143134  
exceed three years, and may be renewed from time to time on such 143135  
terms and for such periods, not to exceed three years each, as the 143136  
director determines to be appropriate. A variance may be revoked, 143137

or renewal denied, for failure to comply with conditions specified 143138  
in the variance. No variance shall be issued, denied, revoked, or 143139  
modified without a written order stating the findings upon which 143140  
the issuance, denial, revocation, or modification is based. A copy 143141  
of the order shall be sent to the applicant or variance holder by 143142  
certified mail. 143143

(I) Require the owner or operator of an air contaminant 143144  
source to install, employ, maintain, and operate such emissions, 143145  
ambient air quality, meteorological, or other monitoring devices 143146  
or methods as the director shall prescribe; to sample those 143147  
emissions at such locations, at such intervals, and in such manner 143148  
as the director prescribes; to maintain records and file periodic 143149  
reports with the director containing information as to location, 143150  
size, and height of emission outlets, rate, duration, and 143151  
composition of emissions, and any other pertinent information the 143152  
director prescribes; and to provide such written notice to other 143153  
states as the director shall prescribe. In requiring monitoring 143154  
devices, records, and reports, the director, to the extent 143155  
consistent with the federal Clean Air Act, shall give 143156  
consideration to technical feasibility and economic reasonableness 143157  
and allow reasonable time for compliance. For sources where a 143158  
specific monitoring, record-keeping, or reporting requirement is 143159  
specified for a particular air contaminant from a particular air 143160  
contaminant source in an applicable regulation adopted by the 143161  
United States environmental protection agency under the federal 143162  
Clean Air Act or in an applicable rule adopted by the director, 143163  
the director shall not impose an additional requirement in a 143164  
permit that is a different monitoring, record-keeping, or 143165  
reporting requirement other than the requirement specified in the 143166  
applicable regulation or rule for that air contaminant except as 143167  
otherwise agreed to by the owner or operator of the air 143168  
contaminant source and the director. If two or more regulations or 143169  
rules impose different monitoring, record-keeping, or reporting 143170

requirements for the same air contaminant from the same air 143171  
contaminant source, the director may impose permit terms and 143172  
conditions that consolidate or streamline the monitoring, 143173  
record-keeping, or reporting requirements in a manner that 143174  
conforms with each applicable requirement. To the extent 143175  
consistent with the federal Clean Air Act and except as otherwise 143176  
agreed to by the owner or operator of an air contaminant source 143177  
and the director, the director shall not require an operating 143178  
restriction that has the practical effect of increasing the 143179  
stringency of an existing applicable emission limitation or 143180  
standard. 143181

(J) Establish, operate, and maintain monitoring stations and 143182  
other devices designed to measure air pollution and enter into 143183  
contracts with any public or private agency for the establishment, 143184  
operation, or maintenance of such stations and devices; 143185

(K) By rule adopt procedures for giving reasonable public 143186  
notice and conducting public hearings on any plans for the 143187  
prevention, control, and abatement of air pollution that the 143188  
director is required to submit to the federal government; 143189

(L) Through any employee, agent, or authorized representative 143190  
of the director or the environmental protection agency, enter upon 143191  
private or public property, including improvements thereon, at any 143192  
reasonable time, to make inspections, take samples, conduct tests, 143193  
and examine records or reports pertaining to any emission of air 143194  
contaminants and any monitoring equipment or methods and to 143195  
determine if there are any actual or potential emissions from such 143196  
premises and, if so, to determine the sources, amounts, contents, 143197  
and extent of those emissions, or to ascertain whether there is 143198  
compliance with this chapter, any orders issued or rules adopted 143199  
thereunder, or any other determination of the director. The 143200  
director, at reasonable times, may have access to and copy any 143201  
such records. If entry or inspection authorized by this division 143202

is refused, hindered, or thwarted, the director or the director's 143203  
authorized representative may by affidavit apply for, and any 143204  
judge of a court of record may issue, an appropriate inspection 143205  
warrant necessary to achieve the purposes of this chapter within 143206  
the court's territorial jurisdiction. 143207

(M) Accept and administer gifts or grants from the federal 143208  
government and from any other source, public or private, for 143209  
carrying out any of the functions under this chapter; 143210

(N) Obtain necessary scientific, technical, and laboratory 143211  
services; 143212

(O) Establish advisory boards in accordance with section 143213  
121.13 of the Revised Code; 143214

(P) Delegate to any city or general health district or 143215  
political subdivision of the state any of the director's 143216  
enforcement and monitoring powers and duties, other than 143217  
rule-making powers, as the director elects to delegate, and in 143218  
addition employ, compensate, and prescribe the powers and duties 143219  
of such officers, employees, and consultants as are necessary to 143220  
enable the director to exercise the authority and perform duties 143221  
imposed upon the director by law. Technical and other services 143222  
shall be performed, insofar as practical, by personnel of the 143223  
environmental protection agency. 143224

(Q) Certify to the government of the United States or any 143225  
agency thereof that an industrial air pollution facility is in 143226  
conformity with the state program or requirements for control of 143227  
air pollution whenever such certificate is required for a taxpayer 143228  
pursuant to any federal law or requirements; 143229

(R) Issue, modify, or revoke orders requiring abatement of or 143230  
prohibiting emissions that violate applicable emission standards 143231  
or other requirements of this chapter and rules adopted 143232  
thereunder, or requiring emission control devices or measures in 143233

order to comply with applicable emission standards or other 143234  
requirements of this chapter and rules adopted thereunder. Any 143235  
such order shall require compliance with applicable emission 143236  
standards by a specified date and shall not conflict with any 143237  
requirement of the federal Clean Air Act. In the making of such 143238  
orders, the director, to the extent consistent with the federal 143239  
Clean Air Act, shall give consideration to, and base the 143240  
determination on, evidence relating to the technical feasibility 143241  
and economic reasonableness of compliance with such orders and 143242  
their relation to benefits to the people of the state to be 143243  
derived from such compliance. If, under the federal Clean Air Act, 143244  
any such order shall provide for the posting of a bond or surety 143245  
to secure compliance with the order as a condition of issuance of 143246  
the order, the order shall so provide, but only to the extent 143247  
required by the federal Clean Air Act. 143248

(S) To the extent provided by the federal Clean Air Act, 143249  
adopt, modify, and rescind rules providing for the administrative 143250  
assessment and collection of monetary penalties, not in excess of 143251  
those required pursuant to the federal Clean Air Act, for failure 143252  
to comply with any emission limitation or standard, compliance 143253  
schedule, or other requirement of any rule, order, permit, or 143254  
variance issued or adopted under this chapter or required under 143255  
the applicable implementation plan whether or not the source is 143256  
subject to a federal or state consent decree. The director may 143257  
require the submission of compliance schedules, calculations of 143258  
penalties for noncompliance, and related information. Any orders, 143259  
payments, sanctions, or other requirements imposed pursuant to 143260  
rules adopted under this division shall be in addition to any 143261  
other permits, orders, payments, sanctions, or other requirements 143262  
established under this chapter and shall not affect any civil or 143263  
criminal enforcement proceedings brought under any provision of 143264  
this chapter or any other provision of state or local law. This 143265  
division does not apply to any requirement of this chapter 143266

regarding the prevention or abatement of odors. 143267

(T) Require new or modified air contaminant sources to 143268  
install best available technology, but only in accordance with 143269  
this division. With respect to permits issued pursuant to division 143270  
(F) of this section beginning three years after August 3, 2006, 143271  
best available technology for air contaminant sources and air 143272  
contaminants emitted by those sources that are subject to 143273  
standards adopted under section 112, Part C of Title I, and Part D 143274  
of Title I of the federal Clean Air Act shall be equivalent to and 143275  
no more stringent than those standards. For an air contaminant or 143276  
precursor of an air contaminant for which a national ambient air 143277  
quality standard has been adopted under the federal Clean Air Act, 143278  
best available technology only shall be required to the extent 143279  
required by rules adopted under Chapter 119. of the Revised Code 143280  
for permit to install applications filed three or more years after 143281  
August 3, 2006. 143282

Best available technology requirements established in rules 143283  
adopted under this division shall be expressed only in one of the 143284  
following ways that is most appropriate for the applicable source 143285  
or source categories: 143286

(1) Work practices; 143287

(2) Source design characteristics or design efficiency of 143288  
applicable air contaminant control devices; 143289

(3) Raw material specifications or throughput limitations 143290  
averaged over a twelve-month rolling period; 143291

(4) Monthly allowable emissions averaged over a twelve-month 143292  
rolling period. 143293

Best available technology requirements shall not apply to an 143294  
air contaminant source that has the potential to emit, taking into 143295  
account air pollution controls installed on the source, less than 143296  
ten tons per year of emissions of an air contaminant or precursor 143297

of an air contaminant for which a national ambient air quality 143298  
standard has been adopted under the federal Clean Air Act. In 143299  
addition, best available technology requirements established in 143300  
rules adopted under this division shall not apply to any existing, 143301  
new, or modified air contaminant source that is subject to a 143302  
plant-wide applicability limit that has been approved by the 143303  
director. Further, best available technology requirements 143304  
established in rules adopted under this division shall not apply 143305  
to general permits issued prior to January 1, 2006, under rules 143306  
adopted under this chapter. 143307

For permits to install issued three or more years after 143308  
August 3, 2006, any new or modified air contaminant source that 143309  
has the potential to emit, taking into account air pollution 143310  
controls installed on the source, ten or more tons per year of 143311  
volatile organic compounds or nitrogen oxides shall meet, at a 143312  
minimum, the requirements of any applicable reasonably available 143313  
control technology rule in effect as of January 1, 2006, 143314  
regardless of the location of the source. 143315

(U) Consistent with section 507 of the federal Clean Air Act, 143316  
adopt, modify, suspend, and rescind rules for the establishment of 143317  
a small business stationary source technical and environmental 143318  
compliance assistance program as provided in section 3704.18 of 143319  
the Revised Code; 143320

(V) Provide for emissions trading, marketable permits, 143321  
auctions of emission rights, and economic incentives that would 143322  
reduce the cost or increase the efficiency of achieving a 143323  
specified level of environmental protection; 143324

(W) Provide for the construction of an air contaminant source 143325  
prior to obtaining a permit to install pursuant to division (F) of 143326  
this section if the applicant demonstrates that the source will be 143327  
installed to comply with all applicable emission limits and will 143328  
not adversely affect public health or safety or the environment 143329

and if the director determines that such an action will avoid an 143330  
unreasonable hardship on the owner or operator of the source. Any 143331  
such determination shall be consistent with the federal Clean Air 143332  
Act. 143333

(X) Exercise all incidental powers, including adoption of 143334  
rules, required to carry out this chapter. 143335

The environmental protection agency shall develop a plan to 143336  
control air pollution resulting from state-operated facilities and 143337  
property. 143338

**Sec. 3734.02.** (A) The director of environmental protection, 143339  
in accordance with Chapter 119. of the Revised Code, shall adopt 143340  
and may amend, suspend, or rescind rules having uniform 143341  
application throughout the state governing solid waste facilities 143342  
and the inspections of and issuance of permits and licenses for 143343  
all solid waste facilities in order to ensure that the facilities 143344  
will be located, maintained, and operated, and will undergo 143345  
closure and post-closure care, in a sanitary manner so as not to 143346  
create a nuisance, cause or contribute to water pollution, create 143347  
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 143348  
257.3-8, as amended. The rules may include, without limitation, 143349  
financial assurance requirements for closure and post-closure care 143350  
and corrective action and requirements for taking corrective 143351  
action in the event of the surface or subsurface discharge or 143352  
migration of explosive gases or leachate from a solid waste 143353  
facility, or of ground water contamination resulting from the 143354  
transfer or disposal of solid wastes at a facility, beyond the 143355  
boundaries of any area within a facility that is operating or is 143356  
undergoing closure or post-closure care where solid wastes were 143357  
disposed of or are being disposed of. The rules shall not concern 143358  
or relate to personnel policies, salaries, wages, fringe benefits, 143359  
or other conditions of employment of employees of persons owning 143360

or operating solid waste facilities. The director, in accordance 143361  
with Chapter 119. of the Revised Code, shall adopt and may amend, 143362  
suspend, or rescind rules governing the issuance, modification, 143363  
revocation, suspension, or denial of variances from the director's 143364  
solid waste rules, including, without limitation, rules adopted 143365  
under this chapter governing the management of scrap tires. 143366

Variances shall be issued, modified, revoked, suspended, or 143367  
rescinded in accordance with this division, rules adopted under 143368  
it, and Chapter 3745. of the Revised Code. The director may order 143369  
the person to whom a variance is issued to take such action within 143370  
such time as the director may determine to be appropriate and 143371  
reasonable to prevent the creation of a nuisance or a hazard to 143372  
the public health or safety or the environment. Applications for 143373  
variances shall contain such detail plans, specifications, and 143374  
information regarding objectives, procedures, controls, and other 143375  
pertinent data as the director may require. The director shall 143376  
grant a variance only if the applicant demonstrates to the 143377  
director's satisfaction that construction and operation of the 143378  
solid waste facility in the manner allowed by the variance and any 143379  
terms or conditions imposed as part of the variance will not 143380  
create a nuisance or a hazard to the public health or safety or 143381  
the environment. In granting any variance, the director shall 143382  
state the specific provision or provisions whose terms are to be 143383  
varied and also shall state specific terms or conditions imposed 143384  
upon the applicant in place of the provision or provisions. 143385

The director may hold a public hearing on an application for 143386  
a variance or renewal of a variance at a location in the county 143387  
where the operations that are the subject of the application for 143388  
the variance are conducted. The director shall give not less than 143389  
twenty days' notice of the hearing to the applicant by certified 143390  
mail or by another type of mail accompanied by a receipt ~~and~~. The 143391  
director shall publish at least one notice of the hearing in a 143392

newspaper with general circulation in the county where the hearing 143393  
is to be held or may instead provide public notice by publication 143394  
on the environmental protection agency's web site. The director 143395  
shall make available for public inspection at the principal office 143396  
of the environmental protection agency a current list of pending 143397  
applications for variances and a current schedule of pending 143398  
variance hearings. The director shall make a complete stenographic 143399  
record or electronic record of testimony and other evidence 143400  
submitted at the hearing. 143401

Within ten days after the hearing, the director shall make a 143402  
written determination to issue, renew, or deny the variance and 143403  
shall enter the determination and the basis for it into the record 143404  
of the hearing. The director shall issue, renew, or deny an 143405  
application for a variance or renewal of a variance within six 143406  
months of the date upon which the director receives a complete 143407  
application with all pertinent information and data required. No 143408  
variance shall be issued, revoked, modified, or denied until the 143409  
director has considered the relative interests of the applicant, 143410  
other persons and property affected by the variance, and the 143411  
general public. Any variance granted under this division shall be 143412  
for a period specified by the director and may be renewed from 143413  
time to time on such terms and for such periods as the director 143414  
determines to be appropriate. No application shall be denied and 143415  
no variance shall be revoked or modified without a written order 143416  
stating the findings upon which the denial, revocation, or 143417  
modification is based. A copy of the order shall be sent to the 143418  
applicant or variance holder by certified mail or by another type 143419  
of mail accompanied by a receipt. 143420

(B) The director shall prescribe and furnish the forms 143421  
necessary to administer and enforce this chapter. The director may 143422  
cooperate with and enter into agreements with other state, local, 143423  
or federal agencies to carry out the purposes of this chapter. The 143424

director may exercise all incidental powers necessary to carry out 143425  
the purposes of this chapter. 143426

(C) Except as provided in this division and divisions (N)(2) 143427  
and (3) of this section, no person shall establish a new solid 143428  
waste facility or infectious waste treatment facility, or modify 143429  
an existing solid waste facility or infectious waste treatment 143430  
facility, without submitting an application for a permit with 143431  
accompanying detail plans, specifications, and information 143432  
regarding the facility and method of operation and receiving a 143433  
permit issued by the director, except that no permit shall be 143434  
required under this division to install or operate a solid waste 143435  
facility for sewage sludge treatment or disposal when the 143436  
treatment or disposal is authorized by a current permit issued 143437  
under Chapter 3704. or 6111. of the Revised Code. 143438

No person shall continue to operate a solid waste facility 143439  
for which the director has disapproved plans and specifications 143440  
required to be filed by an order issued under division (A)(3) of 143441  
section 3734.05 of the Revised Code, after the date prescribed for 143442  
commencement of closure of the facility in the order issued under 143443  
division (A)(4) of that section denying the permit application or 143444  
approval. 143445

On and after the effective date of the rules adopted under 143446  
division (A) of this section and division (D) of section 3734.12 143447  
of the Revised Code governing solid waste transfer facilities, no 143448  
person shall establish a new, or modify an existing, solid waste 143449  
transfer facility without first submitting an application for a 143450  
permit with accompanying engineering detail plans, specifications, 143451  
and information regarding the facility and its method of operation 143452  
to the director and receiving a permit issued by the director. 143453

No person shall establish a new compost facility or continue 143454  
to operate an existing compost facility that accepts exclusively 143455  
source separated yard wastes without submitting a completed 143456

registration for the facility to the director in accordance with 143457  
rules adopted under divisions (A) and (N)(3) of this section. 143458

This division does not apply to a generator of infectious 143459  
wastes that does any of the following: 143460

(1) Treats, by methods, techniques, and practices established 143461  
by rules adopted under division (B)(2)(a) of section 3734.021 of 143462  
the Revised Code, any of the following: 143463

(a) Infectious wastes that are generated on any premises that 143464  
are owned or operated by the generator; 143465

(b) Infectious wastes that are generated by a generator who 143466  
has staff privileges at a hospital as defined in section 3727.01 143467  
of the Revised Code; 143468

(c) Infectious wastes that are generated in providing care to 143469  
a patient by an emergency medical services organization as defined 143470  
in section 4765.01 of the Revised Code. 143471

(2) Holds a license or renewal of a license to operate a 143472  
crematory facility issued under Chapter 4717. and a permit issued 143473  
under Chapter 3704. of the Revised Code; 143474

(3) Treats or disposes of dead animals or parts thereof, or 143475  
the blood of animals, and is subject to any of the following: 143476

(a) Inspection under the "Federal Meat Inspection Act," 81 143477  
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 143478

(b) Chapter 918. of the Revised Code; 143479

(c) Chapter 953. of the Revised Code. 143480

(D) Neither this chapter nor any rules adopted under it apply 143481  
to single-family residential premises; to infectious wastes 143482  
generated by individuals for purposes of their own care or 143483  
treatment; to the temporary storage of solid wastes, other than 143484  
scrap tires, prior to their collection for disposal; to the 143485  
storage of one hundred or fewer scrap tires unless they are stored 143486

in such a manner that, in the judgment of the director or the 143487  
board of health of the health district in which the scrap tires 143488  
are stored, the storage causes a nuisance, a hazard to public 143489  
health or safety, or a fire hazard; or to the collection of solid 143490  
wastes, other than scrap tires, by a political subdivision or a 143491  
person holding a franchise or license from a political subdivision 143492  
of the state; to composting, as defined in section 1511.01 of the 143493  
Revised Code, conducted in accordance with section 1511.022 of the 143494  
Revised Code; or to any person who is licensed to transport raw 143495  
rendering material to a compost facility pursuant to section 143496  
953.23 of the Revised Code. 143497

(E)(1) As used in this division: 143498

(a) "On-site facility" means a facility that stores, treats, 143499  
or disposes of hazardous waste that is generated on the premises 143500  
of the facility. 143501

(b) "Off-site facility" means a facility that stores, treats, 143502  
or disposes of hazardous waste that is generated off the premises 143503  
of the facility and includes such a facility that is also an 143504  
on-site facility. 143505

(c) "Satellite facility" means any of the following: 143506

(i) An on-site facility that also receives hazardous waste 143507  
from other premises owned by the same person who generates the 143508  
waste on the facility premises; 143509

(ii) An off-site facility operated so that all of the 143510  
hazardous waste it receives is generated on one or more premises 143511  
owned by the person who owns the facility; 143512

(iii) An on-site facility that also receives hazardous waste 143513  
that is transported uninterruptedly and directly to the facility 143514  
through a pipeline from a generator who is not the owner of the 143515  
facility. 143516

(2) Except as provided in division (E)(3) of this section, no person shall establish or operate a hazardous waste facility, or use a solid waste facility for the storage, treatment, or disposal of any hazardous waste, without a hazardous waste facility installation and operation permit issued in accordance with section 3734.05 of the Revised Code and subject to the payment of an application fee not to exceed one thousand five hundred dollars, payable upon application for a hazardous waste facility installation and operation permit and upon application for a renewal permit issued under division (H) of section 3734.05 of the Revised Code, to be credited to the hazardous waste facility management fund created in section 3734.18 of the Revised Code. The term of a hazardous waste facility installation and operation permit shall not exceed ten years.

In addition to the application fee, there is hereby levied an annual permit fee to be paid by the permit holder upon the anniversaries of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits and to be credited to the hazardous waste facility management fund. Annual permit fees totaling forty thousand dollars or more for any one facility may be paid on a quarterly basis with the first quarterly payment each year being due on the anniversary of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits. The annual permit fee shall be determined for each permit holder by the director in accordance with the following schedule:

TYPE OF BASIC	TYPE OF FACILITY	FEE
MANAGEMENT UNIT		
Storage facility using:		
Containers	On-site, off-site, and	
	satellite	\$ 500

Tanks	On-site, off-site, and		143549
	satellite	500	143550
Waste pile	On-site, off-site, and		143551
	satellite	3,000	143552
Surface impoundment	On-site and satellite	8,000	143553
	Off-site	10,000	143554
Disposal facility using:			143555
Deep well injection	On-site and satellite	15,000	143556
	Off-site	25,000	143557
Landfill	On-site and satellite	25,000	143558
	Off-site	40,000	143559
Land application	On-site and satellite	2,500	143560
	Off-site	5,000	143561
Surface impoundment	On-site and satellite	10,000	143562
	Off-site	20,000	143563
Treatment facility using:			143564
Tanks	On-site, off-site, and		143565
	satellite	700	143566
Surface impoundment	On-site and satellite	8,000	143567
	Off-site	10,000	143568
Incinerator	On-site and satellite	5,000	143569
	Off-site	10,000	143570
Other forms			143571
of treatment	On-site, off-site, and		143572
	satellite	1,000	143573

A hazardous waste disposal facility that disposes of 143574  
hazardous waste by deep well injection and that pays the annual 143575  
permit fee established in section 6111.046 of the Revised Code is 143576  
not subject to the permit fee established in this division for 143577  
disposal facilities using deep well injection unless the director 143578  
determines that the facility is not in compliance with applicable 143579  
requirements established under this chapter and rules adopted 143580  
under it. 143581

In determining the annual permit fee required by this section, the director shall not require additional payments for multiple units of the same method of storage, treatment, or disposal or for individual units that are used for both storage and treatment. A facility using more than one method of storage, treatment, or disposal shall pay the permit fee indicated by the schedule for each such method.

The director shall not require the payment of that portion of an annual permit fee of any permit holder that would apply to a hazardous waste management unit for which a permit has been issued, but for which construction has not yet commenced. Once construction has commenced, the director shall require the payment of a part of the appropriate fee indicated by the schedule that bears the same relationship to the total fee that the number of days remaining until the next anniversary date at which payment of the annual permit fee is due bears to three hundred sixty-five.

The director, by rules adopted in accordance with Chapters 119. and 3745. of the Revised Code, shall prescribe procedures for collecting the annual permit fee established by this division and may prescribe other requirements necessary to carry out this division.

(3) The prohibition against establishing or operating a hazardous waste facility without a hazardous waste facility installation and operation permit does not apply to either of the following:

(a) A facility that is operating in accordance with a permit renewal issued under division (H) of section 3734.05 of the Revised Code, a revision issued under division (I) of that section as it existed prior to August 20, 1996, or a modification issued by the director under division (I) of that section on and after August 20, 1996;

(b) Except as provided in division (J) of section 3734.05 of the Revised Code, a facility that will operate or is operating in accordance with a permit by rule, or that is not subject to permit requirements, under rules adopted by the director. In accordance with Chapter 119. of the Revised Code, the director shall adopt, and subsequently may amend, suspend, or rescind, rules for the purposes of division (E)(3)(b) of this section. Any rules so adopted shall be consistent with and equivalent to regulations pertaining to interim status adopted under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise provided in this chapter.

If a modification is requested or proposed for a facility described in division (E)(3)(a) or (b) of this section, division (I)(7) of section 3734.05 of the Revised Code applies.

(F) No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following:

(1) A hazardous waste facility operating under a permit issued in accordance with this chapter;

(2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended;

(3) A facility in another nation operating in accordance with the laws of that nation;

(4) A facility holding a permit issued pursuant to Title I of the "Marine Protection, Research, and Sanctuaries Act of 1972," 86

Stat. 1052, 33 U.S.C.A. 1401, as amended; 143644

(5) A hazardous waste facility as described in division 143645  
(E)(3)(a) or (b) of this section. 143646

(G) The director, by order, may exempt any person generating, 143647  
collecting, storing, treating, disposing of, or transporting solid 143648  
wastes, infectious wastes, or hazardous waste, or processing solid 143649  
wastes that consist of scrap tires, in such quantities or under 143650  
such circumstances that, in the determination of the director, are 143651  
unlikely to adversely affect the public health or safety or the 143652  
environment from any requirement to obtain a registration 143653  
certificate, permit, or license or comply with the manifest system 143654  
or other requirements of this chapter. Such an exemption shall be 143655  
consistent with and equivalent to any regulations adopted by the 143656  
administrator of the United States environmental protection agency 143657  
under the "Resource Conservation and Recovery Act of 1976," 90 143658  
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 143659  
provided in this chapter. 143660

(H) No person shall engage in filling, grading, excavating, 143661  
building, drilling, or mining on land where a hazardous waste 143662  
facility, or a solid waste facility, was operated without prior 143663  
authorization from the director, who shall establish the procedure 143664  
for granting such authorization by rules adopted in accordance 143665  
with Chapter 119. of the Revised Code. 143666

A public utility that has main or distribution lines above or 143667  
below the land surface located on an easement or right-of-way 143668  
across land where a solid waste facility was operated may engage 143669  
in any such activity within the easement or right-of-way without 143670  
prior authorization from the director for purposes of performing 143671  
emergency repair or emergency replacement of its lines; of the 143672  
poles, towers, foundations, or other structures supporting or 143673  
sustaining any such lines; or of the appurtenances to those 143674  
structures, necessary to restore or maintain existing public 143675

utility service. A public utility may enter upon any such easement 143676  
or right-of-way without prior authorization from the director for 143677  
purposes of performing necessary or routine maintenance of those 143678  
portions of its existing lines; of the existing poles, towers, 143679  
foundations, or other structures sustaining or supporting its 143680  
lines; or of the appurtenances to any such supporting or 143681  
sustaining structure, located on or above the land surface on any 143682  
such easement or right-of-way. Within twenty-four hours after 143683  
commencing any such emergency repair, replacement, or maintenance 143684  
work, the public utility shall notify the director or the 143685  
director's authorized representative of those activities and shall 143686  
provide such information regarding those activities as the 143687  
director or the director's representative may request. Upon 143688  
completion of the emergency repair, replacement, or maintenance 143689  
activities, the public utility shall restore any land of the solid 143690  
waste facility disturbed by those activities to the condition 143691  
existing prior to the commencement of those activities. 143692

(I) No owner or operator of a hazardous waste facility, in 143693  
the operation of the facility, shall cause, permit, or allow the 143694  
emission therefrom of any particulate matter, dust, fumes, gas, 143695  
mist, smoke, vapor, or odorous substance that, in the opinion of 143696  
the director, unreasonably interferes with the comfortable 143697  
enjoyment of life or property by persons living or working in the 143698  
vicinity of the facility, or that is injurious to public health. 143699  
Any such action is hereby declared to be a public nuisance. 143700

(J) Notwithstanding any other provision of this chapter, in 143701  
the event the director finds an imminent and substantial danger to 143702  
public health or safety or the environment that creates an 143703  
emergency situation requiring the immediate treatment, storage, or 143704  
disposal of hazardous waste, the director may issue a temporary 143705  
emergency permit to allow the treatment, storage, or disposal of 143706  
the hazardous waste at a facility that is not otherwise authorized 143707

by a hazardous waste facility installation and operation permit to 143708  
treat, store, or dispose of the waste. The emergency permit shall 143709  
not exceed ninety days in duration and shall not be renewed. The 143710  
director shall adopt, and may amend, suspend, or rescind, rules in 143711  
accordance with Chapter 119. of the Revised Code governing the 143712  
issuance, modification, revocation, and denial of emergency 143713  
permits. 143714

(K) Except for infectious wastes generated by a person who 143715  
produces fewer than fifty pounds of infectious wastes at a 143716  
premises during any one month, no owner or operator of a sanitary 143717  
landfill shall knowingly accept for disposal, or dispose of, any 143718  
infectious wastes that have not been treated to render them 143719  
noninfectious. 143720

(L) The director, in accordance with Chapter 119. of the 143721  
Revised Code, shall adopt, and may amend, suspend, or rescind, 143722  
rules having uniform application throughout the state establishing 143723  
a training and certification program that shall be required for 143724  
employees of boards of health who are responsible for enforcing 143725  
the solid waste and infectious waste provisions of this chapter 143726  
and rules adopted under them and for persons who are responsible 143727  
for the operation of solid waste facilities or infectious waste 143728  
treatment facilities. The rules shall provide all of the 143729  
following, without limitation: 143730

(1) The program shall be administered by the director and 143731  
shall consist of a course on new solid waste and infectious waste 143732  
technologies, enforcement procedures, and rules; 143733

(2) The course shall be offered on an annual basis; 143734

(3) Those persons who are required to take the course under 143735  
division (L) of this section shall do so triennially; 143736

(4) Persons who successfully complete the course shall be 143737  
certified by the director; 143738

(5) Certification shall be required for all employees of boards of health who are responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and for all persons who are responsible for the operation of solid waste facilities or infectious waste treatment facilities;

(6)(a) All employees of a board of health who, on the effective date of the rules adopted under this division, are responsible for enforcing the solid waste or infectious waste provisions of this chapter and the rules adopted under them shall complete the course and be certified by the director not later than January 1, 1995;

(b) All employees of a board of health who, after the effective date of the rules adopted under division (L) of this section, become responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and who do not hold a current and valid certification from the director at that time shall complete the course and be certified by the director within two years after becoming responsible for performing those activities.

No person shall fail to obtain the certification required under this division.

(M) The director shall not issue a permit under section 3734.05 of the Revised Code to establish a solid waste facility, or to modify a solid waste facility operating on December 21, 1988, in a manner that expands the disposal capacity or geographic area covered by the facility, that is or is to be located within the boundaries of a state park established or dedicated under Chapter 1546. of the Revised Code, a state park purchase area established under section 1546.06 of the Revised Code, any unit of the national park system, or any property that lies within the boundaries of a national park or recreation area, but that has not

been acquired or is not administered by the secretary of the 143771  
United States department of the interior, located in this state, 143772  
or any candidate area located in this state and identified for 143773  
potential inclusion in the national park system in the edition of 143774  
the "national park system plan" submitted under paragraph (b) of 143775  
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 143776  
U.S.C.A. 1a-5, as amended, current at the time of filing of the 143777  
application for the permit, unless the facility or proposed 143778  
facility is or is to be used exclusively for the disposal of solid 143779  
wastes generated within the park or recreation area and the 143780  
director determines that the facility or proposed facility will 143781  
not degrade any of the natural or cultural resources of the park 143782  
or recreation area. The director shall not issue a variance under 143783  
division (A) of this section and rules adopted under it, or issue 143784  
an exemption order under division (G) of this section, that would 143785  
authorize any such establishment or expansion of a solid waste 143786  
facility within the boundaries of any such park or recreation 143787  
area, state park purchase area, or candidate area, other than a 143788  
solid waste facility exclusively for the disposal of solid wastes 143789  
generated within the park or recreation area when the director 143790  
determines that the facility will not degrade any of the natural 143791  
or cultural resources of the park or recreation area. 143792

(N)(1) The rules adopted under division (A) of this section, 143793  
other than those governing variances, do not apply to scrap tire 143794  
collection, storage, monocell, monofill, and recovery facilities. 143795  
Those facilities are subject to and governed by rules adopted 143796  
under sections 3734.70 to 3734.73 of the Revised Code, as 143797  
applicable. 143798

(2) Division (C) of this section does not apply to scrap tire 143799  
collection, storage, monocell, monofill, and recovery facilities. 143800  
The establishment and modification of those facilities are subject 143801  
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 143802

Code, as applicable. 143803

(3) The director may adopt, amend, suspend, or rescind rules 143804  
under division (A) of this section creating an alternative system 143805  
for authorizing the establishment, operation, or modification of a 143806  
solid waste compost facility in lieu of the requirement that a 143807  
person seeking to establish, operate, or modify a solid waste 143808  
compost facility apply for and receive a permit under division (C) 143809  
of this section and section 3734.05 of the Revised Code and a 143810  
license under division (A)(1) of that section. The rules may 143811  
include requirements governing, without limitation, the 143812  
classification of solid waste compost facilities, the submittal of 143813  
operating records for solid waste compost facilities, and the 143814  
creation of a registration or notification system in lieu of the 143815  
issuance of permits and licenses for solid waste compost 143816  
facilities. The rules shall specify the applicability of divisions 143817  
(A)(1) and (2)(a) of section 3734.05 of the Revised Code to a 143818  
solid waste compost facility. 143819

(O)(1) As used in this division, "secondary aluminum waste" 143820  
means waste material or byproducts, when disposed of, containing 143821  
aluminum generated from secondary aluminum smelting operations and 143822  
consisting of dross, salt cake, baghouse dust associated with 143823  
aluminum recycling furnace operations, or dry-milled wastes. 143824

(2) The owner or operator of a sanitary landfill shall not 143825  
dispose of municipal solid waste that has been commingled with 143826  
secondary aluminum waste. 143827

(3) The owner or operator of a sanitary landfill may dispose 143828  
of secondary aluminum waste, but only in a monocell or monofill 143829  
that has been permitted for that purpose in accordance with this 143830  
chapter and rules adopted under it. 143831

(P)(1) As used in divisions (P) and (Q) of this section: 143832

(a) "Natural background" means two picocuries per gram or the 143833

actual number of picocuries per gram as measured at an individual 143834  
solid waste facility, subject to verification by the director of 143835  
health. 143836

(b) "Drilling operation" includes a production operation as 143837  
defined in section 1509.01 of the Revised Code. 143838

(2) The owner or operator of a solid waste facility shall not 143839  
accept for transfer or disposal technologically enhanced naturally 143840  
occurring radioactive material if that material contains or is 143841  
contaminated with radium-226, radium-228, or any combination of 143842  
radium-226 and radium-228 at concentrations equal to or greater 143843  
than five picocuries per gram above natural background. 143844

(3) The owner or operator of a solid waste facility may 143845  
receive and process for purposes other than transfer or disposal 143846  
technologically enhanced naturally occurring radioactive material 143847  
that contains or is contaminated with radium-226, radium-228, or 143848  
any combination of radium-226 and radium-228 at concentrations 143849  
equal to or greater than five picocuries per gram above natural 143850  
background, provided that the owner or operator has obtained and 143851  
maintains all other necessary authorizations, including any 143852  
authorization required by rules adopted by the director of health 143853  
under section 3748.04 of the Revised Code. 143854

(4) The director of environmental protection may adopt rules 143855  
in accordance with Chapter 119. of the Revised Code governing the 143856  
receipt, acceptance, processing, handling, management, and 143857  
disposal by solid waste facilities of material that contains or is 143858  
contaminated with radioactive material, including, without 143859  
limitation, technologically enhanced naturally occurring 143860  
radioactive material that contains or is contaminated with 143861  
radium-226, radium-228, or any combination of radium-226 and 143862  
radium-228 at concentrations less than five picocuries per gram 143863  
above natural background. Rules adopted by the director may 143864  
include at a minimum both of the following: 143865

(a) Requirements in accordance with which the owner or operator of a solid waste facility must monitor leachate and ground water for radium-226, radium-228, and other radionuclides;

(b) Requirements in accordance with which the owner or operator of a solid waste facility must develop procedures to ensure that technologically enhanced naturally occurring radioactive material accepted at the facility neither contains nor is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background.

(Q) Notwithstanding any other provision of this section, the owner or operator of a solid waste facility shall not receive, accept, process, handle, manage, or dispose of technologically enhanced naturally occurring radioactive material associated with drilling operations without first obtaining representative analytical results to determine compliance with divisions (P)(2) and (3) of this section and rules adopted under it.

**Sec. 3734.021.** (A) Infectious wastes shall be segregated, managed, treated, and disposed of in accordance with rules adopted under this section.

(B) The director of environmental protection, in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary or appropriate to protect human health or safety or the environment that do both of the following:

(1) Establish standards for generators of infectious wastes that include, without limitation, the following requirements and authorizations that:

(a) All generators of infectious wastes:

(i) Either treat all specimen cultures and cultures of viable infectious agents on the premises where they are generated to

render them noninfectious by methods, techniques, or practices 143896  
prescribed by rules adopted under division (B)(2)(a) of this 143897  
section before they are transported off that premises for disposal 143898  
or ensure that such wastes are treated to render them 143899  
noninfectious at an infectious waste treatment facility off that 143900  
premises prior to disposal of the wastes; 143901

(ii) Transport and dispose of infectious wastes, if a 143902  
generator produces fewer than fifty pounds of infectious wastes 143903  
during any one month that are subject to and packaged and labeled 143904  
in accordance with federal requirements, in the same manner as 143905  
solid wastes. Such generators who treat specimen cultures and 143906  
cultures of viable infectious agents on the premises where they 143907  
are generated shall not be considered treatment facilities as 143908  
"treatment" and "facility" are defined in section 3734.01 of the 143909  
Revised Code. 143910

(iii) Dispose of infectious wastes subject to and treated in 143911  
accordance with rules adopted under division (B)(1)(a)(i) of this 143912  
section in the same manner as solid wastes; 143913

(iv) May take wastes generated in providing care to a patient 143914  
by an emergency medical services organization, as defined in 143915  
section 4765.01 of the Revised Code, to and leave them at a 143916  
hospital, as defined in section 3727.01 of the Revised Code, for 143917  
treatment at a treatment facility owned or operated by the 143918  
hospital or, in conjunction with infectious wastes generated by 143919  
the hospital, at another treatment facility regardless of whether 143920  
the wastes were generated in providing care to the patient at the 143921  
scene of an emergency or during the transportation of the patient 143922  
to a hospital; 143923

(v) May take wastes generated by an individual for purposes 143924  
of the individual's own care or treatment to and leave them at a 143925  
hospital, as defined in section 3727.01 of the Revised Code, for 143926  
treatment at a treatment facility owned or operated by the 143927

hospital or, in conjunction with infectious wastes generated by 143928  
the hospital, at another treatment facility. 143929

(b) Each generator of fifty pounds or more of infectious 143930  
wastes during any one month: 143931

(i) Register with the environmental protection agency as a 143932  
generator of infectious wastes and obtain a registration 143933  
certificate. The fee for issuance of a generator registration 143934  
certificate is one hundred forty dollars payable at the time of 143935  
application. The registration certificate applies to all the 143936  
premises owned or operated by the generator in this state where 143937  
infectious wastes are generated and shall list the address of each 143938  
such premises. If a generator owns or operates facilities for the 143939  
treatment of infectious wastes it generates, the certificate shall 143940  
list the address and method of treatment used at each such 143941  
facility. 143942

A generator registration certificate is valid for three years 143943  
from the date of issuance and shall be renewed for a term of three 143944  
years upon the generator's submission of an application for 143945  
renewal and payment of a one hundred forty dollar renewal fee. 143946

The rules may establish a system of staggered renewal dates 143947  
with approximately one-third of such certificates subject to 143948  
renewal each year. The applicable renewal date shall be prescribed 143949  
on each registration certificate. Registration fees shall be 143950  
prorated according to the time remaining in the registration cycle 143951  
to the nearest year. 143952

The registration and renewal fees collected under division 143953  
(B)(1)(b)(i) of this section shall be deposited in the state 143954  
treasury to the credit of the waste management fund created in 143955  
section 3734.061 of the Revised Code. 143956

(ii) Segregate infectious wastes from other wastes at the 143957  
point of generation. Nothing in this section and rules adopted 143958

under it prohibits a generator of infectious wastes from 143959  
designating and managing any wastes, in addition to those defined 143960  
as infectious wastes under section 3734.01 of the Revised Code, as 143961  
infectious wastes. After designating any such other wastes as 143962  
infectious, the generator shall manage those wastes in compliance 143963  
with the requirements of this chapter and rules adopted under it 143964  
applicable to the management of infectious wastes. 143965

(iii) Either treat the infectious wastes that it generates at 143966  
a facility owned or operated by the generator by methods, 143967  
techniques, or practices prescribed by rules adopted under 143968  
division (B)(2)(a) of this section to render them noninfectious, 143969  
or designate the wastes for treatment off that premises at an 143970  
infectious waste treatment facility holding a license issued under 143971  
division (B) of section 3734.05 of the Revised Code, at an 143972  
infectious waste treatment facility that is located in another 143973  
state that is in compliance with applicable state and federal 143974  
laws, or at a treatment facility authorized by rules adopted under 143975  
division (B)(2)(d) of this section, prior to disposal of the 143976  
wastes. After being treated to render them noninfectious, the 143977  
wastes shall be disposed of at a solid waste disposal facility 143978  
holding a license issued under division (A) of section 3734.05 of 143979  
the Revised Code or at a disposal facility in another state that 143980  
is in compliance with applicable state and federal laws. 143981

(iv) Not compact or grind any type of infectious wastes prior 143982  
to treatment in accordance with rules adopted under division 143983  
(B)(2)(a) of this section; 143984

(v) May discharge untreated liquid or semiliquid infectious 143985  
wastes consisting of blood, blood products, body fluids, and 143986  
excreta into a disposal system, as defined in section 6111.01 of 143987  
the Revised Code, unless the discharge of those wastes into a 143988  
disposal system is inconsistent with the terms and conditions of 143989  
the permit for the system issued under Chapter 6111. of the 143990

Revised Code;	143991
(vi) May transport or cause to be transported infectious wastes that have been treated to render them noninfectious in the same manner as solid wastes are transported.	143992 143993 143994
(2) Establish standards for owners and operators of infectious waste treatment facilities that include, without limitation, the following requirements and authorizations that:	143995 143996 143997
(a) Require treatment of all wastes received to be performed in accordance with methods, techniques, and practices approved by the director;	143998 143999 144000
(b) Govern the location, design, construction, and operation of infectious waste treatment facilities. The rules adopted under division (B)(2)(b) of this section shall require that a new infectious waste incineration facility be located so that the incinerator unit and all areas where infectious wastes are handled on the premises where the facility is proposed to be located are at least three hundred feet inside the property line of the tract of land on which the facility is proposed to be located and are at least one thousand feet from any domicile, school, prison, or jail that is in existence on the date on which the application for the permit to establish the incinerator is submitted under division (B)(2)(b) of section 3734.05 of the Revised Code.	144001 144002 144003 144004 144005 144006 144007 144008 144009 144010 144011 144012
(c) Establish quality control and testing procedures to ensure compliance with the rules adopted under division (B)(2)(b) of this section;	144013 144014 144015
(d) Authorize infectious wastes to be treated at a facility that holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717., and a permit issued under Chapter 3704., of the Revised Code to the extent that the treatment of those wastes is consistent with that permit and its terms and conditions. The rules adopted under divisions (B)(2)(b)	144016 144017 144018 144019 144020 144021

and (c) of this section do not apply to a facility holding such a license and permit.

In adopting the rules required by divisions (B)(2)(a) to (d) of this section, the director shall consider and, to the maximum feasible extent, utilize existing standards and guidelines established by professional and governmental organizations having expertise in the fields of infection control and infectious wastes management.

(e) Require shipping papers to accompany shipments of wastes that have been treated to render them noninfectious. The shipping papers shall include only the following elements:

(i) The name of the owner or operator of the facility where the wastes were treated and the address of the treatment facility;

(ii) A certification by the owner or operator of the treatment facility where the wastes were treated indicating that the wastes have been treated by the methods, techniques, and practices prescribed in rules adopted under division (B)(2)(a) of this section.

(C) This section and rules adopted under it do not apply to the treatment or disposal of wastes consisting of dead animals or parts thereof, or the blood of animals:

(1) By the owner of the animal after slaughter by the owner on the owner's premises to obtain meat for consumption by the owner and the members of the owner's household;

(2) In accordance with Chapter 941. of the Revised Code; or

(3) By persons who are subject to any of the following:

(a) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended;

(b) Chapter 918. of the Revised Code;

(c) Chapter 953. of the Revised Code. 144052

(D) As used in this section, "generator" means a person who 144053  
produces infectious wastes at a specific premises. 144054

(E) Rules adopted under this section shall not concern or 144055  
relate to personnel policies, salaries, wages, fringe benefits, or 144056  
other conditions of employment of employees of persons owning or 144057  
operating infectious waste treatment facilities. 144058

(F)(1) The director, in accordance with Chapter 119. of the 144059  
Revised Code, shall adopt rules governing the issuance, 144060  
modification, revocation, suspension, and denial of variances from 144061  
the rules adopted under division (B) of this section. Variances 144062  
shall be issued, modified, revoked, suspended, or denied in 144063  
accordance with division (F) of this section, rules adopted under 144064  
it, and Chapter 3745. of the Revised Code. 144065

(2) A person who desires to obtain a variance or renew a 144066  
variance from the rules adopted under division (B) of this section 144067  
shall submit to the director an application as prescribed by the 144068  
director. The application shall contain detail plans, 144069  
specifications, and information regarding objectives, procedures, 144070  
controls, and any other information that the director may require. 144071  
The director shall issue, renew, or deny a variance or renewal of 144072  
a variance within six months of the date on which the director 144073  
receives a complete application with all required information and 144074  
data. 144075

(3) The director may hold a public hearing on an application 144076  
submitted under division (F) of this section for a variance at a 144077  
location in the county in which the operations that are the 144078  
subject of the application for a variance or renewal of variance 144079  
are conducted. Not less than twenty days before the hearing, the 144080  
director shall provide to the applicant notice of the hearing by 144081  
certified mail or by another type of mail that is accompanied by a 144082

receipt and shall publish notice of the hearing at least one time 144083  
in a newspaper of general circulation in the county in which the 144084  
hearing is to be held or may instead provide public notice by 144085  
publication on the environmental protection agency's web site. The 144086  
director shall make a complete stenographic record or electronic 144087  
record of testimony and other evidence submitted at the hearing. 144088  
Not later than ten days after the hearing, the director shall make 144089  
a written determination to issue, renew, or deny the variance and 144090  
shall enter the determination and the basis for it into the record 144091  
of the hearing. 144092

(4) A variance shall not be issued, modified, revoked, or 144093  
denied under division (F) of this section until the director has 144094  
considered the relative interests of the applicant, other persons 144095  
and property that will be affected by the variance, and the 144096  
general public. The director shall grant a variance only if the 144097  
applicant demonstrates to the director's satisfaction that the 144098  
requested action will not create a nuisance or a hazard to the 144099  
health or safety of the public or to the environment. In granting 144100  
a variance, the director shall state the specific provision or 144101  
provisions whose terms are to be varied and also shall state 144102  
specific terms or conditions imposed on the applicant in place of 144103  
the provision or provisions. 144104

(5) A variance granted under division (F) of this section 144105  
shall be for a period specified by the director and may be renewed 144106  
from time to time on terms and for periods that the director 144107  
determines to be appropriate. The director may order the person to 144108  
whom a variance has been issued to take action within the time 144109  
that the director determines to be appropriate and reasonable to 144110  
prevent the creation of a nuisance or a hazard to the health or 144111  
safety of the public or to the environment. 144112

(6) An application submitted under division (F) of this 144113  
section shall not be denied and a variance shall not be revoked or 144114

modified under that division without a written order of the 144115  
director stating the findings on which the denial, revocation, or 144116  
modification is based. A copy of the order shall be sent to the 144117  
applicant or holder of a variance by certified mail or by another 144118  
type of mail that is accompanied by a receipt. 144119

(7) The director shall make available for public inspection 144120  
at the principal office of the environmental protection agency a 144121  
current list of pending applications for variances submitted under 144122  
division (F) of this section and a current schedule of pending 144123  
variance hearings under it. 144124

**Sec. 3734.575.** (A) The board of county commissioners of a 144125  
county solid waste management district and the board of directors 144126  
of a joint solid waste management district that is levying fees or 144127  
amended fees or receiving fee revenue under division (B) of 144128  
section 3734.57; section 3734.571, 3734.572, or 3734.573; or 144129  
division (A), (B), or (D) of section 3734.574 of the Revised Code, 144130  
within thirty days after the end of each calendar quarter, shall 144131  
submit to the director of environmental protection a report 144132  
containing all of the following information for that preceding 144133  
quarter: 144134

- (1) The specific fees levied by the district; 144135
- (2) Revenues received by the district during the quarter from 144136  
each of those sources, as applicable; 144137
- (3) All district planning account balances; 144138
- (4) The amount and use of revenues spent; 144139
- (5) A certification statement that the information in the 144140  
report is true and accurate. 144141

A board shall submit each report on forms prescribed by the 144142  
director and ~~by computer disk as~~ in a manner prescribed by ~~him~~ the  
director. A board is responsible for the accuracy of the 144144

information contained in each report and for providing it to the 144145  
director not later than the deadline established in this division. 144146

Annually by not earlier than the first day of April, the 144147  
director shall submit a compilation of the individual district 144148  
reports received during the preceding calendar year to the speaker 144149  
of the house of representatives and the president of the senate. 144150  
In submitting the compilation, the director's sole responsibility 144151  
shall be to compile the information submitted by the boards under 144152  
this division. 144153

(B) If changes in the 1994 budget of a county or joint 144154  
district result from the required change in the fees levied by the 144155  
district under division (B) of section 3734.57 of the Revised 144156  
Code, the levying of the fees under section 3734.573 of the 144157  
Revised Code, or the levying of fees under division (A) or (B) of 144158  
section 3734.574 of the Revised Code, the board of county 144159  
commissioners or directors of the district shall include a 144160  
description of the changes in the annual report of the district 144161  
required to be submitted to the director pursuant to rules adopted 144162  
under section 3734.50 of the Revised Code. 144163

Sec. 3745.019. (A) Notwithstanding any provision of the 144164  
Revised Code or Administrative Code requiring the director of 144165  
environmental protection to provide public notice by publication 144166  
in one or more newspapers, including one or more newspapers of 144167  
general circulation, the director may instead provide public 144168  
notice by publication on the environmental protection agency's 144169  
official web site. 144170

(B) Notwithstanding any provision of the Revised Code or 144171  
Administrative Code requiring the director of environmental 144172  
protection to deliver a document or notice by certified mail, the 144173  
director may instead deliver the document or notice by any method 144174  
capable of documenting the intended recipient's receipt of the 144175

document or notice. 144176

**Sec. 3746.09.** (A) A person who proposes to enter into or who 144177  
is participating in the voluntary action program under this 144178  
chapter and rules adopted under it, in accordance with this 144179  
section and rules adopted under division (B)(10) of section 144180  
3746.04 of the Revised Code, may apply to the director of 144181  
environmental protection for a variance from applicable standards 144182  
otherwise established in this chapter and rules adopted under it. 144183  
The application for a variance shall be prepared by a certified 144184  
professional. The director shall issue a variance from those 144185  
applicable standards only if the application makes all of the 144186  
following demonstrations to the director's satisfaction: 144187

(1) Either or both of the following: 144188

(a) It is technically infeasible to comply with the 144189  
applicable standards otherwise established at the property named 144190  
in the application; 144191

(b) The costs of complying with the applicable standards 144192  
otherwise established at the property substantially exceed the 144193  
economic benefits. 144194

(2) The proposed alternative standard or set of standards and 144195  
terms and conditions set forth in the application will result in 144196  
an improvement of environmental conditions at the property and 144197  
ensure that public health and safety will be protected. 144198

(3) The establishment of and compliance with the alternative 144199  
standard or set of standards and terms and conditions are 144200  
necessary to promote, protect, preserve, or enhance employment 144201  
opportunities or the reuse of the property named in the 144202  
application. 144203

A variance issued under this section shall state the specific 144204  
standard or standards whose terms are being varied and shall set 144205

forth the specific alternative standard or set of standards and 144206  
the terms and conditions imposed on the applicant in their place. 144207  
A variance issued under this section shall include only standards 144208  
and terms and conditions proposed by the applicant in the 144209  
application, except that the director may impose any additional or 144210  
alternative terms and conditions that the director determines to 144211  
be necessary to ensure that public health and safety will be 144212  
protected. If the director finds that compliance with any standard 144213  
or term or condition proposed by the applicant will not protect 144214  
public health and safety and that the imposition of additional or 144215  
alternative terms and conditions will not ensure that public 144216  
health or safety will be protected, the director shall disapprove 144217  
the application and shall include in the order of denial the 144218  
specific findings on which the denial was based. 144219

(B) Variances shall be issued or denied in accordance with 144220  
this section, rules adopted under division (B)(10) of section 144221  
3746.04 of the Revised Code, and Chapter 3745. of the Revised 144222  
Code. Upon determining that an application for a variance is 144223  
complete, the director shall schedule a public meeting on the 144224  
application to be held within ninety days after the director 144225  
determines that the application is complete in the county in which 144226  
is located the property to which the application pertains. 144227

(C) Not less than thirty days before the date scheduled for 144228  
the public meeting on an application for a variance, the director 144229  
shall publish notice of the public meeting and that the director 144230  
will receive written comments on the application for a period of 144231  
forty-five days commencing on the date of the publication of the 144232  
notice. The notice shall contain all of the following information, 144233  
at a minimum: 144234

(1) The address of the property to which the application 144235  
pertains; 144236

(2) A brief summary of the alternative standards and terms 144237

and conditions proposed by the applicant; 144238

(3) The date, time, and location of the public meeting. 144239

The notice shall be published in a newspaper of general 144240  
circulation in the county in which the property is located and, if 144241  
the property is located in close proximity to the boundary of the 144242  
county with an adjacent county, as determined by the director, 144243  
shall be published in a newspaper of general circulation in the 144244  
adjacent county. Concurrently with the publication of the notice 144245  
of the public meeting, the director shall mail notice of the 144246  
application, comment period, and public meeting to the owner of 144247  
each parcel of land that is adjacent to the affected property and 144248  
to the legislative authority of the municipal corporation or 144249  
township, and county, in which the affected property is located. 144250  
The notices mailed to the adjacent land owners and legislative 144251  
authorities shall contain the same information as the published 144252  
notice. 144253

(D) At the public meeting on an application for a variance, 144254  
the applicant, or a representative of the applicant who is 144255  
knowledgeable about the affected property and the application, 144256  
shall present information regarding the application and the basis 144257  
of the request for the variance and shall respond to questions 144258  
from the public regarding the affected property and the 144259  
application. A representative of the environmental protection 144260  
agency who is familiar with the affected property and the 144261  
application shall attend the public meeting to hear the public's 144262  
comments and to respond to questions from the public regarding the 144263  
affected property and the application. A stenographic record or 144264  
electronic record of the proceedings at the public meeting shall 144265  
be kept and shall be made a part of the administrative record 144266  
regarding the application. 144267

(E) Within ninety days after conducting the public meeting on 144268  
an application for a variance under division (D) of this section, 144269

the director shall issue a proposed action to the applicant in 144270  
accordance with section 3745.07 of the Revised Code that indicates 144271  
the director's intent with regard to the issuance or denial of the 144272  
application. When considering whether to issue or deny the 144273  
application or whether to impose terms and conditions of the 144274  
variance that are in addition or alternative to those proposed by 144275  
the applicant, the director shall consider comments on the 144276  
application made by the public at the public meeting and written 144277  
comments on the application received from the public. 144278

**Sec. 3752.11.** (A) As used in this section: 144279

(1) "Reporting facility" means a reporting facility at which 144280  
all regulated operations have been temporarily or permanently 144281  
discontinued. 144282

(2) "Abandoned by the owner" means either of the following 144283  
that occurs on or after ~~the effective date of this section~~ July 1, 144284  
1996: 144285

(a) All of the fee owners of a reporting facility have 144286  
indicated ~~affirmately~~ affirmatively in writing to the holder of 144287  
the first mortgage on the real property at the facility that they, 144288  
and all tenants claiming possession under those owners, have 144289  
abandoned all rights of possession to the reporting facility; 144290

(b) The first mortgage loan on the real property at the 144291  
reporting facility is in default, the property is not occupied by 144292  
any tenants, and the holder of the first ~~morgage~~ mortgage has been 144293  
unable to contact the mortgagor under the mortgage regarding the 144294  
default within the earlier of ninety days after the default or 144295  
sixty days after the first time the first mortgage holder has 144296  
attempted unsuccessfully to contact the mortgagor following the 144297  
default if the first mortgage holder is unable to contact the 144298  
mortgagor within the sixty-day period. 144299

(3) "Default" means the failure of the mortgagor to make any payment to the holder of the first mortgage required by the terms of the mortgage documents that is not cured by the mortgagor within any applicable cure periods, deferred with the consent of the holder of the first mortgage, or waived by the holder of the first mortgage.

(4) "Contact" means actual person to person, telephonic, or similar direct voice conversation between the holder of the first mortgage and the mortgagor or written correspondence from the mortgagor to the holder of the first mortgage by mail, ~~telegram,~~ ~~telefax~~ any other method capable of documenting the intended recipient's receipt of the document or notice, or similar means of communication.

(B) Not later than fifteen days after a reporting facility has been abandoned by the owner, the holder of the first mortgage on real property at the reporting facility shall do both of the following:

(1) Secure against unauthorized entry each building or structure at the facility where regulated operations were conducted and that contains or is contaminated with regulated substances and each outdoor location of operation. The holder shall secure each such building, structure, or outdoor location of operation by boarding windows, doors, and other potential means of entry, by providing security personnel, or by other methods prescribed in rules adopted under section 3752.03 of the Revised Code. Within that period, the holder also shall post about each such building, structure, or outdoor location of operation in publicly visible locations warning signs that prohibit trespassing and state that the building, structure, or outdoor location of operation contains or is contaminated with regulated substances that may endanger public health or safety if released into the environment. The holder shall continue the security measures, and

maintain the warning signs, as required at each such building, 144332  
structure, or outdoor location of operation until title to the 144333  
facility has been transferred or until the holder files a release 144334  
of the mortgage with the county recorder of the county in which 144335  
the facility is located. Promptly after discovering that any of 144336  
the entry barriers or warning signs installed pursuant to division 144337  
(B)(1) of this section have been damaged, lost, or removed, the 144338  
holder shall repair or replace them in order to maintain the 144339  
security of the building, structure, or outdoor location of 144340  
operation. 144341

(2) Submit to the director of environmental protection, the 144342  
local emergency planning committee of the emergency planning 144343  
district in which the facility is located, and the fire department 144344  
having jurisdiction where the facility is located a notice of the 144345  
abandonment of the facility by the owner and of the holder's 144346  
compliance with division (B)(1) of this section. The holder shall 144347  
submit the notice on a form prescribed by the director. 144348

(C) Within thirty days before the date when the holder of a 144349  
mortgage will cease to maintain security and warning signs at a 144350  
reporting facility pursuant to the filing of a release of the 144351  
mortgage as provided in division (B)(1) of this section, the 144352  
holder shall so notify the director, the local emergency planning 144353  
committee of the emergency planning district in which the facility 144354  
is located, and the fire department having jurisdiction where the 144355  
facility is located. The holder shall submit the notice on a form 144356  
prescribed by the director. 144357

(D) Actions undertaken by a holder of a mortgage under 144358  
division (B) of this section, and the undertaking of any other 144359  
activities relating to protecting and securing the facility, do 144360  
not cause the holder to be an owner, operator, or mortgagee in 144361  
possession of the facility or subject the holder to this chapter 144362  
or any other provision of state law imposing liability or 144363

responsibility for the cleanup, removal, or remediation of 144364  
regulated substances, provided that all activities not specified 144365  
in that division shall be performed in compliance with the 144366  
applicable requirements of Chapters 3704., 3714., 3734., 3737., 144367  
3750., 3751., 6109., and 6111. of the Revised Code and rules 144368  
adopted under them. 144369

(E) The holder of a mortgage who proceeds in good faith under 144370  
divisions (B) and (C) of this section is not liable to the owner 144371  
of the facility or the mortgagor, as appropriate, for damages 144372  
suffered by the owner or mortgagor due to actions taken by the 144373  
holder under those divisions. 144374

(F) Nothing in this section prevents the holder of a first 144375  
mortgage from applying to the court for the appointment of a 144376  
receiver. If a receiver is appointed, the receiver shall succeed 144377  
to the obligations of the holder of the first mortgage under 144378  
divisions (B) and (C) of this section. 144379

(G) No person shall fail to comply with this section. 144380

**Sec. 3772.031.** (A)(1) The general assembly finds that the 144381  
exclusion or ejection of certain persons from casino facilities 144382  
and from sports gaming is necessary to effectuate the intents and 144383  
purposes of this chapter and Chapter 3775. of the Revised Code and 144384  
to maintain strict and effective regulation of casino gaming and 144385  
sports gaming. 144386

(2) The commission, by rule, shall provide for a list of 144387  
persons who are to be excluded or ejected from a casino facility 144388  
and a list of persons who are to be excluded or ejected from a 144389  
sports gaming facility and from participating in the play or 144390  
operation of sports gaming in this state. Persons included on an 144391  
exclusion list shall be identified by name and physical 144392  
description. The commission shall publish the exclusion lists on 144393  
its web site, and shall transmit a copy of the exclusion lists 144394

periodically to casino operators and sports gaming proprietors, as 144395  
applicable, as they are initially issued and thereafter as they 144396  
are revised from time to time. 144397

(3) A casino operator shall take steps necessary to ensure 144398  
that all its key employees and casino gaming employees are aware 144399  
of and understand the casino exclusion list and its function, and 144400  
that all its key employees and casino gaming employees are kept 144401  
aware of the content of the casino exclusion list as it is issued 144402  
and thereafter revised from time to time. 144403

(4) A sports gaming proprietor shall take steps necessary to 144404  
ensure that its appropriate agents and employees are aware of and 144405  
understand the sports gaming exclusion list and its function, and 144406  
that all its appropriate agents and employees are kept aware of 144407  
the content of the sports gaming exclusion list as it is issued 144408  
and thereafter revised from time to time. 144409

(B) The casino exclusion list may include any person whose 144410  
presence in a casino facility is determined by the commission to 144411  
pose a threat to the interests of the state, to achieving the 144412  
intents and purposes of this chapter, or to the strict and 144413  
effective regulation of casino gaming. The sports gaming exclusion 144414  
list may include any person whose presence in a sports gaming 144415  
facility or whose participation in the play or operation of sports 144416  
gaming in this state is determined by the commission to pose a 144417  
threat to the interests of the state, to achieving the intents and 144418  
purposes of Chapter 3775. of the Revised Code, or to the strict 144419  
and effective regulation of sports gaming. In determining whether 144420  
to include a person on an exclusion list, the commission may 144421  
consider: 144422

(1) Any prior conviction of a crime that is a felony under 144423  
the laws of this state, another state, or the United States, a 144424  
crime involving moral turpitude, or a violation of the gaming laws 144425  
of this state, another state, or the United States; and 144426

(2) A violation, or a conspiracy to violate, any provision of this chapter or Chapter 3775. of the Revised Code, as applicable, that consists of:

(a) A failure to disclose an interest in a gaming facility or a sports gaming-related person or entity for which the person must obtain a license;

(b) Purposeful evasion of taxes or fees;

(c) A notorious or unsavory reputation that would adversely affect public confidence and trust that casino gaming or sports gaming is free from criminal or corruptive elements; or

(d) A violation of an order of the commission or of any other governmental agency that warrants exclusion or ejection of the person from a casino facility, from a sports gaming facility, or from participating in the play or operation of sports gaming in this state.

(3) If the person has pending charges or indictments for a gaming or gambling crime or a crime related to the integrity of gaming operations in any state;

(4) If the person's conduct or reputation is such that the person's presence within a casino facility or in the sports gaming industry in this state may call into question the honesty and integrity of the casino gaming or sports gaming operations or interfere with the orderly conduct of the casino gaming or sports gaming operations;

(5) If the person is a career or professional offender whose presence in a casino facility or in the sports gaming industry in this state would be adverse to the interest of licensed gaming in this state;

(6) If the person has a known relationship or connection with a career or professional offender whose presence in a casino

facility or in the sports gaming industry in this state would be 144457  
adverse to the interest of licensed gaming in this state; 144458

(7) If the commission has suspended the person's gaming 144459  
privileges; 144460

(8) If the commission has revoked the person's licenses 144461  
related to this chapter or Chapter 3775. of the Revised Code; 144462

(9) If the commission determines that the person poses a 144463  
threat to the safety of patrons or employees of a casino facility 144464  
or a sports gaming facility; 144465

(10) If the person has a history of conduct involving the 144466  
disruption of gaming operations within a casino facility or in the 144467  
sports gaming industry in this state. 144468

Race, color, creed, national origin or ancestry, or sex are 144469  
not grounds for placing a person on an exclusion list. 144470

(C) The commission shall notify a person of the commission's 144471  
intent to include such person on one or both exclusion lists. The 144472  
notice shall be provided by personal service, by certified mail to 144473  
the person's last known address, by commercial carrier utilizing a 144474  
method of delivery that provides confirmation of delivery, or, if 144475  
service cannot be accomplished by personal service ~~or~~, certified 144476  
mail, or commercial carrier, by publication daily for two weeks in 144477  
a newspaper of general circulation within the county in which the 144478  
person resides and in a newspaper of general circulation within 144479  
each county in which a casino facility or sports gaming facility, 144480  
as applicable, is located. 144481

(D)(1) Except as otherwise provided in this section, a person 144482  
who receives notice of intent to include the person on an 144483  
exclusion list is entitled, upon the person's request, to an 144484  
adjudication hearing under Chapter 119. of the Revised Code, in 144485  
which the person may demonstrate why the person should not be 144486  
included on the exclusion list or lists. The person shall request 144487

such an adjudication hearing not later than thirty days after the 144488  
person receives the notice by personal service ~~or~~, certified mail, 144489  
or commercial carrier, or not later than thirty days after the 144490  
last newspaper publication of the notice. 144491

(2) If the person does not request a hearing in accordance 144492  
with division (D)(1) of this section, the commission may, but is 144493  
not required to, conduct an adjudication hearing under Chapter 144494  
119. of the Revised Code. The commission may reopen an 144495  
adjudication under this section at any time. 144496

(3) If the adjudication hearing, order, or any appeal thereof 144497  
under Chapter 119. of the Revised Code results in an order that 144498  
the person should not be included on the exclusion list or lists, 144499  
the commission shall publish a revised exclusion list that does 144500  
not include the person. The commission also shall notify casino 144501  
operators or sports gaming proprietors, as applicable, that the 144502  
person has been removed from the exclusion list or lists. A casino 144503  
operator shall take all steps necessary to ensure its key 144504  
employees and casino gaming employees are made aware that the 144505  
person has been removed from the casino exclusion list. A sports 144506  
gaming proprietor shall take all steps necessary to ensure its 144507  
appropriate agents and employees are made aware that the person 144508  
has been removed from the sports gaming exclusion list. 144509

(E) This section does not apply to any voluntary exclusion 144510  
list created as part of a voluntary exclusion program under this 144511  
chapter or Chapter 3775. of the Revised Code. 144512

**Sec. 3772.04.** (A)(1) If the commission concludes that an 144513  
applicant, licensee, or other person subject to the commission's 144514  
jurisdiction under this chapter should be fined or penalized, or 144515  
that a license required by this chapter or Chapter 3775. of the 144516  
Revised Code should be limited, conditioned, restricted, 144517  
suspended, revoked, denied, or not renewed, the commission may, 144518

and if so requested by the licensee, applicant, or other person, 144519  
shall, conduct a hearing in an adjudication under Chapter 119. of 144520  
the Revised Code. After notice and opportunity for a hearing, the 144521  
commission may fine or penalize the applicant, licensee, or other 144522  
person or limit, condition, restrict, suspend, revoke, deny, or 144523  
not renew a license under rules adopted by the commission. The 144524  
commission may reopen an adjudication under this section at any 144525  
time. 144526

(2) The commission shall appoint a hearing examiner to 144527  
conduct the hearing in the adjudication. A party to the 144528  
adjudication may file written objections to the hearing examiner's 144529  
report and recommendations not later than the thirtieth day after 144530  
they are served upon the party or the party's attorney or other 144531  
representative of record. The commission shall not take up the 144532  
hearing examiner's report and recommendations earlier than the 144533  
thirtieth day after the hearing examiner's report and 144534  
recommendations were submitted to the commission. 144535

(3) If the commission finds that a person fails or has failed 144536  
to meet any requirement under this chapter or Chapter 3775. of the 144537  
Revised Code or a rule adopted thereunder, or violates or has 144538  
violated this chapter or Chapter 3775. of the Revised Code or a 144539  
rule adopted thereunder, the commission may issue an order: 144540

(a) Limiting, conditioning, restricting, suspending, 144541  
revoking, denying, or not renewing, a license issued under this 144542  
chapter or Chapter 3775. of the Revised Code; 144543

(b) Requiring a casino facility to exclude a licensee from 144544  
the casino facility or requiring a casino facility not to pay to 144545  
the licensee any remuneration for services or any share of 144546  
profits, income, or accruals on the licensee's investment in the 144547  
casino facility; or 144548

(c) Fining a licensee or other person according to the 144549

penalties adopted by the commission.	144550
(4) An order may be judicially reviewed under section 119.12 of the Revised Code.	144551 144552
(B) Without in any manner limiting the authority of the commission to impose the level and type of discipline the commission considers appropriate, the commission may take into consideration the following:	144553 144554 144555 144556
(1) If the licensee knew or reasonably should have known that the action complained of was a violation of any law, rule, or condition on the licensee's license;	144557 144558 144559
(2) If the licensee has previously been disciplined by the commission;	144560 144561
(3) If the licensee has previously been subject to discipline by the commission concerning the violation of any law, rule, or condition of the licensee's license;	144562 144563 144564
(4) If the licensee reasonably relied upon professional advice from a lawyer, doctor, accountant, or other recognized professional that was relevant to the action resulting in the violation;	144565 144566 144567 144568
(5) If the licensee or the licensee's employer had a reasonably constituted and functioning compliance program;	144569 144570
(6) If the imposition of a condition requiring the licensee to establish and implement a written self-enforcement and compliance program would assist in ensuring the licensee's future compliance with all statutes, rules, and conditions of the license;	144571 144572 144573 144574 144575
(7) If the licensee realized a pecuniary gain from the violation;	144576 144577
(8) If the amount of any fine or other penalty imposed would result in disgorgement of any gains unlawfully realized by the	144578 144579

licensee;	144580
(9) If the violation was caused by an officer or employee of the licensee, the level of authority of the individual who caused the violation;	144581 144582 144583
(10) If the individual who caused the violation acted within the scope of the individual's authority as granted by the licensee;	144584 144585 144586
(11) The adequacy of any training programs offered by the licensee or the licensee's employer that were relevant to the activity that resulted in the violation;	144587 144588 144589
(12) If the licensee's action substantially deviated from industry standards and customs;	144590 144591
(13) The extent to which the licensee cooperated with the commission during the investigation of the violation;	144592 144593
(14) If the licensee has initiated remedial measures to prevent similar violations;	144594 144595
(15) The magnitude of penalties imposed on other licensees for similar violations;	144596 144597
(16) The proportionality of the penalty in relation to the misconduct;	144598 144599
(17) The extent to which the amount of any fine imposed would punish the licensee for the conduct and deter future violations;	144600 144601
(18) Any mitigating factors offered by the licensee; and	144602
(19) Any other factors the commission considers relevant.	144603
(C) For the purpose of conducting any study or investigation, the commission may direct that public hearings be held at a time and place, prescribed by the commission, in accordance with section 121.22 of the Revised Code. The commission shall give notice of all public hearings in such manner as will give actual	144604 144605 144606 144607 144608

notice to all interested parties. 144609

(D)(1) For the purpose of conducting the hearing in an 144610  
adjudication under division (A) of this section, or in the 144611  
discharge of any duties imposed by this chapter or Chapter 3775. 144612  
of the Revised Code, the commission may require that testimony be 144613  
given under oath and administer such oath, issue subpoenas 144614  
compelling the attendance of witnesses and the production of any 144615  
papers, books, and accounts, directed to the sheriffs of the 144616  
counties where such witnesses or papers, books, and accounts are 144617  
found and cause the deposition of any witness. The subpoenas shall 144618  
be served and returned in the same manner as subpoenas in criminal 144619  
cases are served and returned. The fees of sheriffs shall be the 144620  
same as those allowed by the court of common pleas in criminal 144621  
cases. 144622

(2) In the event of the refusal of any person without good 144623  
cause to comply with the terms of a subpoena issued by the 144624  
commission or refusal to testify on matters about which the person 144625  
may lawfully be questioned, the prosecuting attorney of the county 144626  
in which such person resides, upon the petition of the commission, 144627  
may bring a proceeding for contempt against such person in the 144628  
court of common pleas of that county. 144629

(3) Witnesses shall be paid the fees and mileage provided for 144630  
in section 119.094 of the Revised Code. 144631

(4) All fees and mileage expenses incurred at the request of 144632  
a party shall be paid in advance by the party. 144633

(E) When conducting a public hearing, the commission shall 144634  
not limit the number of speakers who may testify. However, the 144635  
commission may set reasonable time limits on the length of an 144636  
individual's testimony or the total amount of time allotted to 144637  
proponents and opponents of an issue before the commission. 144638

(F) The commission may rely, in whole or in part, upon 144639

investigations, conclusions, or findings of other casino gaming or 144640  
sports gaming commissions, as applicable, or other government 144641  
regulatory bodies in connection with licensing, investigations, or 144642  
other matters relating to an applicant or licensee under this 144643  
chapter. 144644

(G) Notwithstanding anything to the contrary in this chapter 144645  
or Chapter 3775. of the Revised Code, and except with respect to a 144646  
license issued under this chapter to a casino operator, management 144647  
company, or holding company, the executive director may issue an 144648  
emergency order for the suspension, limitation, or conditioning of 144649  
any license, registration, approval, or certificate issued, 144650  
approved, granted, or otherwise authorized by the commission under 144651  
Chapter 3772. or 3775. of the Revised Code or the rules adopted 144652  
thereunder, requiring the inclusion of persons on the casino 144653  
exclusion list or sports gaming exclusion list provided for under 144654  
section 3772.031 of the Revised Code or Chapter 3775. of the 144655  
Revised Code and the rules adopted thereunder, and requiring a 144656  
casino facility not to pay a licensee, registrant, or approved or 144657  
certified person any remuneration for services or any share of 144658  
profits, income, or accruals on that person's investment in the 144659  
casino facility. 144660

(1) An emergency order may be issued when the executive 144661  
director finds either of the following: 144662

(a) A licensee, registrant, or approved or certified person 144663  
has been charged with a violation of any of the criminal laws of 144664  
this state, another state, or the federal government; 144665

(b) Such an action is necessary to prevent a violation of 144666  
this chapter or Chapter 3775. of the Revised Code or a rule 144667  
adopted thereunder. 144668

(2) An emergency order issued under division (G) of this 144669  
section shall state the reasons for the commission's action, cite 144670

the law or rule directly involved, and state that the party will 144671  
be afforded a hearing if the party requests it within thirty days 144672  
after the time of mailing or personal delivery of the order. 144673

(3)(a) Not later than the next business day after the 144674  
issuance of the emergency order, the order shall be sent by 144675  
registered or certified mail, return receipt requested, or by 144676  
commercial carrier utilizing any form of delivery requiring a 144677  
signed receipt, to the party at the party's last known mailing 144678  
address appearing in the commission's records or personally 144679  
delivered at any time to the party by an employee or agent of the 144680  
commission. 144681

(b) A copy of the order shall be mailed or an electronic copy 144682  
provided to the attorney or other representative of record 144683  
representing the party. 144684

(c) If the order sent by registered or certified mail or by 144685  
commercial carrier is returned because the party fails to claim 144686  
the order, the commission shall send the order by ordinary mail to 144687  
the party at the party's last known address and shall obtain a 144688  
certificate of mailing. Service by ordinary mail is complete when 144689  
the certificate of mailing is obtained unless the order is 144690  
returned showing failure of delivery. 144691

(d) If the order sent by commercial carrier or registered, 144692  
certified, or ordinary mail is returned for failure of delivery, 144693  
the commission shall either make personal delivery of the order by 144694  
an employee or agent of the commission or cause a summary of the 144695  
substantive provisions of the order to be published once a week 144696  
for three consecutive weeks in a newspaper of general circulation 144697  
in the county where the last known address of the party is 144698  
located. 144699

(i) Failure of delivery occurs only when a mailed order is 144700  
returned by the postal authorities or commercial carrier marked 144701

undeliverable, address or addressee unknown, or forwarding address 144702  
unknown or expired. 144703

(ii) When service is completed by publication, a proof of 144704  
publication affidavit, with the first publication of the summary 144705  
set forth in the affidavit, shall be mailed by ordinary mail to 144706  
the party at the party's last known address and the order shall be 144707  
deemed received as of the date of the last publication. 144708

(e) Refusal of delivery of the order sent by mail or 144709  
personally delivered to the party is not failure of delivery and 144710  
service is deemed to be complete. 144711

(4) The emergency order shall be effective immediately upon 144712  
service of the order on the party. The emergency order shall 144713  
remain effective until further order of the executive director or 144714  
the commission. 144715

(5) The commission may, and if so requested by the person 144716  
affected by the emergency order shall, promptly conduct a hearing 144717  
in an adjudication under Chapter 119. of the Revised Code. 144718

**Sec. 3772.11.** (A) A person may apply to the commission for a 144719  
casino operator, management company, or holding company license to 144720  
conduct casino gaming at a casino facility as provided in this 144721  
chapter. The application shall be ~~made under oath~~ certified as 144722  
true on forms provided by the commission and shall contain 144723  
information as prescribed by rule, including, but not limited to, 144724  
all of the following: 144725

(1) The name, business address, business telephone number, 144726  
social security number, and, where applicable, the federal tax 144727  
identification number of any applicant; 144728

(2) The identity of every person having a greater than five 144729  
per cent direct or indirect interest in the applicant casino 144730  
facility for which the license is sought; 144731

(3) An identification of any business, including the state of 144732  
incorporation or registration if applicable, in which an 144733  
applicant, or the spouse or children of an applicant, has an 144734  
equity interest of more than five per cent; 144735

(4) The name of any casino operator, management company, 144736  
holding company, and gaming-related vendor in which the applicant 144737  
has an equity interest of at least five per cent; 144738

(5) If an applicant has ever applied for or has been granted 144739  
any gaming license or certificate issued by a licensing authority 144740  
in Ohio or any other jurisdiction that has been denied, 144741  
restricted, suspended, revoked, or not renewed and a statement 144742  
describing the facts and circumstances concerning the application, 144743  
denial, restriction, suspension, revocation, or nonrenewal, 144744  
including the licensing authority, the date each action was taken, 144745  
and the reason for each action; 144746

(6) If an applicant has ever filed or had filed against it a 144747  
civil or administrative action or proceeding in bankruptcy, 144748  
including the date of filing, the name and location of the court, 144749  
the case caption, the docket number, and the disposition; 144750

(7) The name and business telephone number of any attorney 144751  
representing an applicant in matters before the commission; 144752

(8) Information concerning the amount, type of tax, the 144753  
taxing agency, and times involved, if the applicant has filed or 144754  
been served with a complaint or notice filed with a public body 144755  
concerning a delinquency in the payment of or a dispute over a 144756  
filing concerning the payment of a tax required under federal, 144757  
state, or local law; 144758

(9) A description of any proposed casino gaming operation and 144759  
related casino enterprises, including the type of casino facility, 144760  
location, expected economic benefit to the community, anticipated 144761  
or actual number of employees, any statement from an applicant 144762

regarding compliance with federal and state affirmative action 144763  
guidelines, projected or actual admissions, projected or actual 144764  
gross receipts, and scientific market research; 144765

(10) Financial information in the manner and form prescribed 144766  
by the commission; 144767

(11) If an applicant has directly made a political 144768  
contribution, loan, donation, or other payment of one hundred 144769  
dollars or more to a statewide office holder, a member of the 144770  
general assembly, a local government official elected in a 144771  
jurisdiction where a casino facility is located, or a ballot issue 144772  
not more than one year before the date the applicant filed the 144773  
application and all information relating to the contribution, 144774  
loan, donation, or other payment; 144775

(12) Any criminal conviction; and 144776

(13) Other information required by the commission under rules 144777  
adopted by the commission. 144778

(B) Any holding company or management company, its directors, 144779  
executive officers, members, managers, and any shareholder who 144780  
holds more than five per cent ownership interest of a holding 144781  
company or management company shall be required to submit the same 144782  
information as required by an applicant under this section. 144783

**Sec. 3772.12.** (A) A person may apply for a gaming-related 144784  
vendor license. All applications shall be ~~made under oath~~ 144785  
certified as true. 144786

(B) A person who holds a gaming-related vendor's license is 144787  
authorized to sell or lease, and to contract to sell or lease, 144788  
equipment and supplies to any licensee involved in the ownership 144789  
or management of a casino facility. 144790

(C) Gambling supplies and equipment shall not be distributed 144791  
unless supplies and equipment conform to standards adopted in 144792

rules adopted by the commission. 144793

**Sec. 3772.13.** (A) No person may be employed as a key employee 144794  
of a casino operator, management company, or holding company 144795  
unless the person is the holder of a valid key employee license 144796  
issued by the commission. 144797

(B) No person may be employed as a key employee of a 144798  
gaming-related vendor unless that person is either the holder of a 144799  
valid key employee license issued by the commission, or the 144800  
person, at least five business days prior to the first day of 144801  
employment as a key employee, has filed a notification of 144802  
employment with the commission and subsequently files a completed 144803  
application for a key employee license within the first thirty 144804  
days of employment as a key employee. 144805

(C) Each applicant shall, before the issuance of any key 144806  
employee license, produce information, documentation, and 144807  
assurances as are required by this chapter and rules adopted 144808  
thereunder. In addition, each applicant shall, in writing, 144809  
authorize the examination of all bank accounts and records as may 144810  
be deemed necessary by the commission. 144811

(D) To be eligible for a key employee license, the applicant 144812  
shall be at least twenty-one years of age and shall meet the 144813  
criteria set forth by rule by the commission. 144814

(E) Each application for a key employee license shall be on a 144815  
form prescribed by the commission and shall contain all 144816  
information required by the commission. The applicant shall set 144817  
forth in the application if the applicant has been issued prior 144818  
gambling-related licenses; if the applicant has been licensed in 144819  
any other state under any other name, and, if so, the name under 144820  
which the license was issued and the applicant's age at the time 144821  
the license was issued; any criminal conviction the applicant has 144822  
had; and if a permit or license issued to the applicant in any 144823

other state has been suspended, restricted, or revoked, and, if 144824  
so, the cause and the duration of each action. The applicant also 144825  
shall complete a cover sheet for the application on which the 144826  
applicant shall disclose the applicant's name, the business 144827  
address of the casino operator, management company, holding 144828  
company, or gaming-related vendor employing the applicant, the 144829  
business address and telephone number of such employer, and the 144830  
county, state, and country in which the applicant's residence is 144831  
located. 144832

(F) Each applicant shall submit with each application, on a 144833  
form provided by the commission, two sets of fingerprints. The 144834  
commission shall charge each applicant an application fee set by 144835  
the commission to cover all actual costs generated by each 144836  
licensee and all background checks under this section and section 144837  
3772.07 of the Revised Code. 144838

(G)(1) The casino operator, management company, or holding 144839  
company by whom a person is employed as a key employee shall 144840  
terminate the person's employment in any capacity requiring a 144841  
license under this chapter and shall not in any manner permit the 144842  
person to exercise a significant influence over the operation of a 144843  
casino facility if: 144844

(a) The person does not apply for and receive a key employee 144845  
license within three months of being issued a provisional license, 144846  
as established under commission rule. 144847

(b) The person's application for a key employee license is 144848  
denied by the commission. 144849

(c) The person's key employee license is revoked by the 144850  
commission. 144851

The commission shall notify the casino operator, management 144852  
company, or holding company who employs such a person by certified 144853  
mail, personal service, common carrier service utilizing any form 144854

of delivery requiring a signed receipt, or by an electronic means 144855  
that provides evidence of delivery, of any such finding, denial, 144856  
or revocation. 144857

(2) A casino operator, management company, or holding company 144858  
shall not pay to a person whose employment is terminated under 144859  
division (G)(1) of this section, any remuneration for any services 144860  
performed in any capacity in which the person is required to be 144861  
licensed, except for amounts due for services rendered before 144862  
notice was received under that division. A contract or other 144863  
agreement for personal services or for the conduct of any casino 144864  
gaming at a casino facility between a casino operator, management 144865  
company, or holding company and a person whose employment is 144866  
terminated under division (G)(1) of this section may be terminated 144867  
by the casino operator, management company, or holding company 144868  
without further liability on the part of the casino operator, 144869  
management company, or holding company. Any such contract or other 144870  
agreement is deemed to include a term authorizing its termination 144871  
without further liability on the part of the casino operator, 144872  
management company, or holding company upon receiving notice under 144873  
division (G)(1) of this section. That a contract or other 144874  
agreement does not expressly include such a term is not a defense 144875  
in any action brought to terminate the contract or other 144876  
agreement, and is not grounds for relief in any action brought 144877  
questioning termination of the contract or other agreement. 144878

(3) A casino operator, management company, or holding 144879  
company, without having obtained the prior approval of the 144880  
commission, shall not enter into any contract or other agreement 144881  
with a person who has been found unsuitable, who has been denied a 144882  
license, or whose license has been revoked under division (G)(1) 144883  
of this section, or with any business enterprise under the control 144884  
of such a person, after the date on which the casino operator, 144885  
management company, or holding company receives notice under that 144886

division. 144887

**Sec. 3772.131.** (A) All casino gaming employees are required 144888  
to have a casino gaming employee license. "Casino gaming employee" 144889  
means the following and their supervisors: 144890

(1) Individuals involved in operating a casino gaming pit, 144891  
including dealers, skills, clerks, hosts, and junket 144892  
representatives; 144893

(2) Individuals involved in handling money, including 144894  
cashiers, change persons, count teams, and coin wrappers; 144895

(3) Individuals involved in operating casino games; 144896

(4) Individuals involved in operating and maintaining slot 144897  
machines, including mechanics, floor persons, and change and 144898  
payoff persons; 144899

(5) Individuals involved in security, including guards and 144900  
game observers; 144901

(6) Individuals with duties similar to those described in 144902  
divisions (A)(1) to (5) of this section or other persons as the 144903  
commission determines. "Casino gaming employee" does not include 144904  
an individual whose duties are related solely to nongaming 144905  
activities such as entertainment, hotel operation, maintenance, or 144906  
preparing or serving food and beverages. 144907

(B) The commission may issue a casino gaming employee license 144908  
to an applicant after it has determined that the applicant is 144909  
eligible for a license under rules adopted by the commission and 144910  
paid any applicable fee. All applications shall be ~~made under oath~~ 144911  
certified as true. 144912

(C) To be eligible for a casino gaming employee license, an 144913  
applicant shall be at least twenty-one years of age. 144914

(D) Each application for a casino gaming employee license 144915

shall be on a form prescribed by the commission and shall contain 144916  
all information required by the commission. The applicant shall 144917  
set forth in the application if the applicant has been issued 144918  
prior gambling-related licenses; if the applicant has been 144919  
licensed in any other state under any other name, and, if so, the 144920  
name under which the license was issued and the applicant's age at 144921  
the time the license was issued; any criminal conviction the 144922  
applicant has had; and if a permit or license issued to the 144923  
applicant in any other state has been suspended, restricted, or 144924  
revoked, and, if so, the cause and the duration of each action. 144925

(E) Each applicant shall submit with each application, on a 144926  
form provided by the commission, two sets of the applicant's 144927  
fingerprints. The commission shall charge each applicant an 144928  
application fee to cover all actual costs generated by each 144929  
licensee and all background checks. 144930

**Sec. 3781.08.** The board of building standards shall organize 144931  
by choosing a ~~chairman~~ chairperson who shall serve for a term of 144932  
two years. The department of commerce shall provide and assign to 144933  
the board of building standards such ~~stenographers~~, clerks, 144934  
experts, and other employees as are required to enable the board 144935  
to perform the duties and exercise the powers imposed upon or 144936  
vested in it by law. 144937

**Sec. 3781.11.** (A) The rules of the board of building 144938  
standards shall: 144939

(1) For nonresidential buildings, provide uniform minimum 144940  
standards and requirements, and for residential buildings, provide 144941  
standards and requirements that are uniform throughout the state, 144942  
for construction and construction materials, including 144943  
construction of industrialized units, to make residential and 144944  
nonresidential buildings safe and sanitary as defined in section 144945

3781.06 of the Revised Code;	144946
(2) Formulate such standards and requirements, so far as may be practicable, in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability;	144947 144948 144949 144950
(3) Permit, to the fullest extent feasible, the use of materials and technical methods, devices, and improvements, including the use of industrialized units which tend to reduce the cost of construction and erection without affecting minimum requirements for the health, safety, and security of the occupants or users of buildings or industrialized units and without preferential treatment of types or classes of materials or products or methods of construction;	144951 144952 144953 144954 144955 144956 144957 144958
(4) Encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material, and techniques, including methods employed to produce industrialized units;	144959 144960 144961 144962
(5) Not require any alteration or repair of any part of a school building owned by a chartered nonpublic school or a city, local, exempted village, or joint vocational school district and operated in conjunction with any primary or secondary school program that is not being altered or repaired if all of the following apply:	144963 144964 144965 144966 144967 144968
(a) The school building meets all of the applicable building code requirements in existence at the time of the construction of the building.	144969 144970 144971
(b) The school building otherwise satisfies the requirements of section 3781.06 of the Revised Code.	144972 144973
(c) The part of the school building altered or repaired conforms to all rules of the board existing on the date of the repair or alteration.	144974 144975 144976

(6) Not require any alteration or repair to any part of a workshop or factory that is not otherwise being altered, repaired, or added to if all of the following apply:

(a) The workshop or factory otherwise satisfies the requirements of section 3781.06 of the Revised Code.

(b) The part of the workshop or factory altered, repaired, or added conforms to all rules of the board existing on the date of plan approval of the repair, alteration, or addition.

(B) The rules of the board shall supersede and govern any order, standard, or rule of the division of industrial compliance in the department of commerce, division of the state fire marshal, the department of health, and of counties and townships, in all cases where such orders, standards, or rules are in conflict with the rules of the board, except that rules adopted and orders issued by the state fire marshal pursuant to Chapter 3743. of the Revised Code prevail in the event of a conflict.

(C) The construction, alteration, erection, and repair of buildings including industrialized units, and the materials and devices of any kind used in connection with them and the heating and ventilating of them and the plumbing and electric wiring in them shall conform to the statutes of this state or the rules adopted and promulgated by the board, and to provisions of local ordinances not inconsistent therewith. Any building, structure, or part thereof, constructed, erected, altered, manufactured, or repaired not in accordance with the statutes of this state or with the rules of the board, and any building, structure, or part thereof in which there is installed, altered, or repaired any fixture, device, and material, or plumbing, heating, or ventilating system, or electric wiring not in accordance with such statutes or rules is a public nuisance.

(D) As used in this section:

(1) "Nonpublic school" means a chartered school for which 145008  
minimum standards are prescribed by the state board of education 145009  
pursuant to division (D) of section 3301.07 of the Revised Code. 145010

(2) "Workshop or factory" includes manufacturing, mechanical, 145011  
electrical, mercantile, art, and laundering establishments, 145012  
printing, ~~telegraph~~, and telephone offices, railroad depots, and 145013  
memorial buildings, but does not include hotels and tenement and 145014  
apartment houses. 145015

**Sec. 3781.25.** As used in sections 3781.25 to 3781.38 of the 145016  
Revised Code: 145017

(A) "Protection service" means a notification center, but not 145018  
an owner of an individual utility, that exists for the purpose of 145019  
receiving notice from persons that prepare plans and 145020  
specifications for or that engage in excavation work, that 145021  
distributes this information to its members and participants, and 145022  
that has registered by March 14, 1989, with the secretary of state 145023  
and the public utilities commission of Ohio under former division 145024  
(F) of section 153.64 of the Revised Code as it existed on that 145025  
date. 145026

(B) "Underground utility facility" includes any item buried 145027  
or placed below ground or submerged under water for use in 145028  
connection with the storage or conveyance of water or sewage; 145029  
electronic, or telephonic, ~~or telegraphic~~ communications; 145030  
television signals; electricity; crude oil; petroleum products; 145031  
artificial or liquefied petroleum; manufactured, mixed, or natural 145032  
gas; synthetic or liquefied natural gas; propane gas; coal; steam; 145033  
hot water; or other substances. "Underground utility facility" 145034  
includes all operational underground pipes, sewers, tubing, 145035  
conduits, cables, valves, lines, wires, worker access holes, and 145036  
attachments, owned by any person, firm, or company. "Underground 145037  
utility facility" does not include a private septic system in a 145038

one-family or multi-family dwelling utilized only for that 145039  
dwelling and not connected to any other system. 145040

(C) "Utility" means any owner or operator, or an agent of an 145041  
owner or operator, of an underground utility facility, including 145042  
any public authority, that owns or operates an underground utility 145043  
facility. "Utility" does not include the owners of the following 145044  
types of real property with respect to any underground utility 145045  
facility located on that property: 145046

(1) The owner of a single-family or two-, three-, or 145047  
four-unit residential dwelling; 145048

(2) The owner of an apartment complex; 145049

(3) The owner of a commercial or industrial building or 145050  
complex of buildings, including but not limited to, factories and 145051  
shopping centers; 145052

(4) The owner of a farm; 145053

(5) The owner of an exempt domestic well as defined in 145054  
section 1509.01 of the Revised Code. 145055

(D) "Approximate location" means the immediate area within 145056  
the perimeter of a proposed excavation site where the underground 145057  
utility facilities are located. 145058

(E) "Tolerance zone" means the site of the underground 145059  
utility facility including the width of the underground utility 145060  
facility plus eighteen inches on each side of the facility. 145061

(F) "Working days" excludes Saturdays, Sundays, and legal 145062  
holidays as defined in section 1.14 of the Revised Code and 145063  
"hours" excludes hours on Saturdays, Sundays, and legal holidays. 145064

(G) "Designer" means an engineer, architect, landscape 145065  
architect, contractor, surveyor, or other person who develops 145066  
plans or designs for real property improvement or any other 145067  
activity that will involve excavation. 145068

(H) "Developer" means the person for whom the excavation is made and who will own or be the lessee of any improvement that is the object of the excavation.

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(I) "Excavation" means the use of hand tools, powered equipment, or explosives to move earth, rock, or other materials in order to penetrate or bore or drill into the earth, or to demolish any structure whether or not it is intended that the demolition will disturb the earth. "Excavation" includes such agricultural operations as the installation of drain tile, but excludes agricultural operations such as tilling that do not penetrate the earth to a depth of more than twelve inches. "Excavation" excludes any activity by a governmental entity which does not penetrate the earth to a depth of more than twelve inches. "Excavation" excludes coal mining and reclamation operations regulated under Chapter 1513. of the Revised Code and rules adopted under it.

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(J) "Excavation site" means the area within which excavation will be performed.

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(K) "Excavator" means the person or persons responsible for making the actual excavation.

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(L) "Interstate gas pipeline" means an interstate gas pipeline subject to the "Natural Gas Pipeline Safety Act of 1968," 82 Stat. 720, 49 U.S.C. 1671, as amended.

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(M) "Interstate hazardous liquids pipeline" means an interstate hazardous liquids pipeline subject to the "Hazardous Liquid Pipeline Safety Act of 1979," 93 Stat. 1003, 49 U.S.C. 2002, as amended.

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(N) "Special notification requirements" means requirements for notice to an owner of an interstate hazardous liquids pipeline or an interstate gas pipeline that must be made prior to commencing excavation and pursuant to the owner's public safety

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program adopted under federal law. 145100

(O) "Commercial excavator" means any excavator, excluding a utility as defined in this section, that satisfies both of the following: 145101  
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(1) For compensation, performs, directs, supervises, or is responsible for the excavation, construction, improvement, renovation, repair, or maintenance on a construction project and holds out or represents oneself as qualified or permitted to act as such; 145104  
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(2) Employs tradespersons who actually perform excavation, construction, improvement, renovation, repair, or maintenance on a construction project. 145109  
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(P) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes a public authority. 145112  
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(Q) "Positive response system" means an automated system facilitated by a protection service allowing a utility to communicate to an excavator the presence or absence of any conflict between the existing underground utility facilities and the proposed excavation site. 145114  
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(R) "One-call notification system" means the software or communications system used by a protection system to notify its membership of proposed excavation sites. 145119  
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(S) "Project" means any undertaking by a private party of an improvement requiring excavation. 145122  
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(T) "Public authority" has the same meaning as in section 153.64 of the Revised Code. 145124  
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(U) "Improvement" means any construction, reconstruction, improvement, enlargement, alteration, or repair of a building, highway, drainage system, water system, road, street, alley, sewer, ditch, sewage disposal plant, water works, and all other 145126  
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structures or works of any nature. 145130

(V) "Emergency" means an unexpected occurrence causing a 145131  
disruption or damage to an underground utility facility that 145132  
requires immediate repair or a situation that creates a clear and 145133  
imminent danger that demands immediate action to prevent or 145134  
mitigate loss of or damage to life, health, property, or essential 145135  
public services. 145136

(W) "Nondestructive manner" means using low-impact, low-risk 145137  
technologies such as hand tools, or hydro or air vacuum excavation 145138  
equipment. 145139

(X) "Cable service provider" has the same meaning as in 145140  
section 1332.01 of the Revised Code. 145141

(Y) "Electric cooperative" and "electric utility" have the 145142  
same meanings as in section 4928.01 of the Revised Code. 145143

**Sec. 3781.29.** (A)(1) Except as otherwise provided in division 145144  
(A)(2) of this section, within forty-eight hours of receiving 145145  
notice under section 3781.28 of the Revised Code, each utility 145146  
shall review the status of its facilities within the excavation 145147  
site, locate and mark its underground utility facilities at the 145148  
excavation site in such a manner as to indicate their course, and 145149  
report the appropriate information to the protection service for 145150  
its positive response system. If a utility does not mark its 145151  
underground utility facilities or contact the excavator within 145152  
that time, the utility is deemed to have given notice that it does 145153  
not have any facilities at the excavation site. If the utility 145154  
cannot accurately mark the facilities, the utility shall mark them 145155  
to the best of its ability, notify the excavator using the 145156  
positive response system that the markings may not be accurate, 145157  
and provide additional guidance to the excavator in locating the 145158  
facilities as needed during the excavation. 145159

(2) In the case of an interstate hazardous liquids pipeline 145160  
or an interstate gas pipeline, the owner of the pipeline shall 145161  
locate and mark its pipeline within the time frame established in 145162  
the public safety program of the owner. 145163

(B) Unless a facility actually is uncovered or probed by the 145164  
utility or excavator, any indications of the depth of the facility 145165  
shall be treated as estimates only. 145166

(C)(1) Except as provided in division (C)(2) of this section, 145167  
a utility shall mark its underground facilities using the 145168  
following color codes: 145169

Type of Underground			
Utility Facility	Color		145171
Electric power transmission	Safety red		145172
and distribution			145173
Gas transmission and distribution	High visibility safety yellow		145174
Oil transmission and distribution	High visibility safety yellow		145175
Dangerous materials, product	High visibility safety yellow		145176
lines, and steam lines			145177
Telephone and telegraph systems	Safety alert orange		145178
Police and fire communications	Safety alert orange		145179
Cable television	Safety alert orange		145180
Water systems	Safety precaution blue		145181
Slurry systems	Safety precaution purple		145182
Sewer lines	Safety green.		145183

(2) All underground facilities shall be marked in accordance 145184  
with the Ohio universal marking standards that are on file with 145185  
the Ohio utilities protection service. Industry representatives 145186  
serving on Ohio damage prevention councils shall review the 145187  
marking standards every two years. 145188

(D) Except as otherwise provided in divisions (E) and (F) of 145189  
this section, prior to notifying a protection service of the 145190  
proposed excavation, an excavator shall define and premark the 145191

approximate location. Proposed construction or excavation markings 145192  
shall be made in white through the use of an industry-recognized 145193  
method such as chalk-based paint, flags, stakes, or other method 145194  
applicable to the specific site and when possible shall indicate 145195  
the excavator's identity by name, abbreviation, or initial. 145196

(E)(1) Before beginning an emergency excavation, or as soon 145197  
as possible thereafter, an excavator shall make every effort to 145198  
notify a protection service of the excavation. In providing 145199  
notification, the excavator shall provide, at a minimum: 145200

(a) The name of the individual notifying the protection 145201  
service; 145202

(b) The name, address, any electronic mail address, and ~~any~~ 145203  
telephone ~~and facsimile~~ numbers of the excavator; 145204

(c) The specific location of the excavation site; 145205

(d) A description of the excavation. 145206

(2) Upon receiving the information set forth in division 145207  
(E)(1) of this section, the protection service shall provide the 145208  
excavator with a reference number and a list of utilities that the 145209  
protection service intends to notify. The protection service shall 145210  
immediately notify each utility that according to the registration 145211  
information provided under section 3781.26 of the Revised Code has 145212  
facilities located within the designated area of the emergency 145213  
excavation. 145214

(3) Any utility notified of an emergency excavation may 145215  
inspect all of its underground utility facilities located at the 145216  
emergency excavation site and may take any otherwise lawful action 145217  
it considers necessary to prevent disturbance to or interference 145218  
with its facilities during excavation. 145219

(F) An excavator is not required to premark the approximate 145220  
location of an excavation as provided in division (D) of this 145221

section in any of the following situations: 145222

(1) The utility can determine the precise location, 145223  
direction, size, and length of the proposed excavation site by 145224  
referring to the notification provided by the protection service 145225  
pursuant to sections 3781.27 and 3781.28 of the Revised Code. 145226

(2) The excavator and the affected utility have had an 145227  
on-site, preconstruction meeting for the purpose of premarking the 145228  
excavation site. 145229

(3) The excavation involves replacing a pole that is within 145230  
five feet of the location of an existing pole. 145231

(4) Premarking by the excavator would clearly interfere with 145232  
pedestrian or vehicular traffic control. 145233

**Sec. 3781.342.** (A) The underground technical committee may 145234  
conduct meetings in person, by teleconference, or by video 145235  
conference. 145236

(B) The committee shall establish a primary meeting location 145237  
that is open and accessible to the public. 145238

(C) Before convening a meeting by teleconference or video 145239  
conference, the committee shall send, via electronic mail, 145240  
~~facsimile~~, or United States postal service, a copy of 145241  
meeting-related documents to each committee member. 145242

(D) The minutes of each meeting shall specify who was 145243  
attending by teleconference, who was attending by video 145244  
conference, and who was physically present. Any vote taken in a 145245  
meeting held by teleconference that is not unanimous shall be 145246  
recorded as a roll call vote. 145247

**Sec. 3904.08.** (A) If any individual, after proper 145248  
identification, submits a written request to an insurance 145249  
institution, agent, or insurance support organization for access 145250

to recorded personal information about the individual that is 145251  
reasonably described by the individual and reasonably locatable 145252  
and retrievable by the insurance institution, agent, or insurance 145253  
support organization, the insurance institution, agent, or 145254  
insurance support organization, within thirty business days from 145255  
the date such request is received, shall do all of the following: 145256

(1) Inform the individual of the nature and substance of such 145257  
recorded personal information in writing, by telephone, or by 145258  
other oral communication, whichever the insurance institution, 145259  
agent, or insurance support organization prefers; 145260

(2) Permit the individual to ~~see and copy, in person, such~~ 145261  
~~recorded personal information pertaining to him or to~~ obtain a 145262  
copy of such recorded ~~personal~~ information ~~by mail, whichever the~~ 145263  
~~individual prefers~~ in a manner agreed upon by the individual and 145264  
insurance institution, agent, or insurance support organization, 145265  
unless such recorded personal information is in coded form, in 145266  
which case an accurate translation in plain language shall be 145267  
provided in writing; 145268

(3) Disclose to the individual the identity, if recorded, of 145269  
those persons to whom the insurance institution, agent, or 145270  
insurance support organization has disclosed such personal 145271  
information within two years prior to such request, and if the 145272  
identity is not recorded, the names of those insurance 145273  
institutions, agents, insurance support organizations, or other 145274  
persons to whom such information is normally disclosed; 145275

(4) Provide the individual with a summary of the procedures 145276  
by which ~~he~~ the individual may request correction, amendment, or 145277  
deletion of recorded personal information. 145278

(B) Any personal information provided pursuant to division 145279  
(A) of this section shall identify the source of the information 145280  
if such source is an institutional source. 145281

(C) Medical record information supplied by a medical care institution or medical professional and requested under division (A) of this section, together with the identity of the medical professional or medical care institution that provided such information, shall be supplied either directly to the individual or to a medical professional designated by the individual and licensed to provide medical care with respect to the condition to which the information relates, whichever the insurance institution, agent, or insurance support organization prefers. If it elects to disclose the information to a medical professional designated by the individual, the insurance institution, agent, or insurance support organization shall notify the individual, at the time of the disclosure, that it has provided the information to the medical professional.

(D) Except for personal information provided under section 3904.10 of the Revised Code, an insurance institution, agent, or insurance support organization may charge a reasonable fee to cover the costs incurred in providing a copy of recorded personal information to individuals.

(E) The obligations imposed by this section upon an insurance institution or agent may be satisfied by another insurance institution or agent authorized to act on its behalf. With respect to the copying and disclosure of recorded personal information pursuant to a request under division (A) of this section, an insurance institution, agent, or insurance support organization may make arrangements with an insurance support organization or a consumer reporting agency to copy and disclose recorded personal information on its behalf.

(F) The rights granted to individuals in this section extend to all natural persons to the extent information about them is collected and maintained by an insurance institution, agent, or insurance support organization in connection with an insurance

transaction. The rights granted to all natural persons by this 145314  
division do not extend to information about them that relates to 145315  
and is collected in connection with or in reasonable anticipation 145316  
of a claim or civil or criminal proceeding involving them. 145317

(G) This section does not apply to a consumer reporting 145318  
agency. 145319

**Sec. 4121.19.** A full and complete record shall be kept of all 145320  
proceedings had before the bureau of workers' compensation on any 145321  
investigation, ~~and all testimony shall be taken down by a~~ 145322  
~~stenographer appointed by the bureau.~~ 145323

**Sec. 4123.512.** (A) The claimant or the employer may appeal an 145324  
order of the industrial commission made under division (E) of 145325  
section 4123.511 of the Revised Code in any injury or occupational 145326  
disease case, other than a decision as to the extent of disability 145327  
to the court of common pleas of the county in which the injury was 145328  
inflicted or in which the contract of employment was made if the 145329  
injury occurred outside the state, or in which the contract of 145330  
employment was made if the exposure occurred outside the state. If 145331  
no common pleas court has jurisdiction for the purposes of an 145332  
appeal by the use of the jurisdictional requirements described in 145333  
this division, the appellant may use the venue provisions in the 145334  
Rules of Civil Procedure to vest jurisdiction in a court. If the 145335  
claim is for an occupational disease, the appeal shall be to the 145336  
court of common pleas of the county in which the exposure which 145337  
caused the disease occurred. Like appeal may be taken from an 145338  
order of a staff hearing officer made under division (D) of 145339  
section 4123.511 of the Revised Code from which the commission has 145340  
refused to hear an appeal. Except as otherwise provided in this 145341  
division, the appellant shall file the notice of appeal with a 145342  
court of common pleas within sixty days after the date of the 145343  
receipt of the order appealed from or the date of receipt of the 145344

order of the commission refusing to hear an appeal of a staff 145345  
hearing officer's decision under division (D) of section 4123.511 145346  
of the Revised Code. Either the claimant or the employer may file 145347  
a notice of an intent to settle the claim within thirty days after 145348  
the date of the receipt of the order appealed from or of the order 145349  
of the commission refusing to hear an appeal of a staff hearing 145350  
officer's decision. The claimant or employer shall file notice of 145351  
intent to settle with the administrator of workers' compensation, 145352  
and the notice shall be served on the opposing party and the 145353  
party's representative. The filing of the notice of intent to 145354  
settle extends the time to file an appeal to one hundred fifty 145355  
days, unless the opposing party files an objection to the notice 145356  
of intent to settle within fourteen days after the date of the 145357  
receipt of the notice of intent to settle. The party shall file 145358  
the objection with the administrator, and the objection shall be 145359  
served on the party that filed the notice of intent to settle and 145360  
the party's representative. The filing of the notice of the appeal 145361  
with the court is the only act required to perfect the appeal. 145362

If an action has been commenced in a court of a county other 145363  
than a court of a county having jurisdiction over the action, the 145364  
court, upon notice by any party or upon its own motion, shall 145365  
transfer the action to a court of a county having jurisdiction. 145366

Notwithstanding anything to the contrary in this section, if 145367  
the commission determines under section 4123.522 of the Revised 145368  
Code that an employee, employer, or their respective 145369  
representatives have not received written notice of an order or 145370  
decision which is appealable to a court under this section and 145371  
which grants relief pursuant to section 4123.522 of the Revised 145372  
Code, the party granted the relief has sixty days from receipt of 145373  
the order under section 4123.522 of the Revised Code to file a 145374  
notice of appeal under this section. 145375

(B) The notice of appeal shall state the names of the administrator of workers' compensation, the claimant, and the employer; the number of the claim; the date of the order appealed from; and the fact that the appellant appeals therefrom.

The administrator, the claimant, and the employer shall be parties to the appeal and the court, upon the application of the commission, shall make the commission a party. The party filing the appeal shall serve a copy of the notice of appeal on the administrator at the central office of the bureau of workers' compensation in Columbus. The administrator shall notify the employer that if the employer fails to become an active party to the appeal, then the administrator may act on behalf of the employer and the results of the appeal could have an adverse effect upon the employer's premium rates or may result in a recovery from the employer if the employer is determined to be a noncomplying employer under section 4123.75 of the Revised Code.

(C) The attorney general or one or more of the attorney general's assistants or special counsel designated by the attorney general shall represent the administrator and the commission. In the event the attorney general or the attorney general's designated assistants or special counsel are absent, the administrator or the commission shall select one or more of the attorneys in the employ of the administrator or the commission as the administrator's attorney or the commission's attorney in the appeal. Any attorney so employed shall continue the representation during the entire period of the appeal and in all hearings thereof except where the continued representation becomes impractical.

(D) Upon receipt of notice of appeal, the clerk of courts shall provide notice to all parties who are appellees and to the commission.

The claimant shall, within thirty days after the filing of the notice of appeal, file a petition containing a statement of

facts in ordinary and concise language showing a cause of action 145408  
to participate or to continue to participate in the fund and 145409  
setting forth the basis for the jurisdiction of the court over the 145410  
action. Further pleadings shall be had in accordance with the 145411  
Rules of Civil Procedure, provided that service of summons on such 145412  
petition shall not be required and provided that the claimant may 145413  
not dismiss the complaint without the employer's consent if the 145414  
employer is the party that filed the notice of appeal to court 145415  
pursuant to this section. The clerk of the court shall, upon 145416  
receipt thereof, transmit by certified mail a copy thereof to each 145417  
party named in the notice of appeal other than the claimant. Any 145418  
party may file with the clerk prior to the trial of the action a 145419  
deposition of any physician taken in accordance with the 145420  
provisions of the Revised Code, which deposition may be read in 145421  
the trial of the action even though the physician is a resident of 145422  
or subject to service in the county in which the trial is had. The 145423  
bureau of workers' compensation shall pay the cost of the 145424  
~~stenographic~~ deposition filed in court and of copies of the 145425  
~~stenographic~~ deposition for each party from the surplus fund and 145426  
charge the costs thereof against the unsuccessful party if the 145427  
claimant's right to participate or continue to participate is 145428  
finally sustained or established in the appeal. In the event the 145429  
deposition is taken and filed, the physician whose deposition is 145430  
taken is not required to respond to any subpoena issued in the 145431  
trial of the action. The court, or the jury under the instructions 145432  
of the court, if a jury is demanded, shall determine the right of 145433  
the claimant to participate or to continue to participate in the 145434  
fund upon the evidence adduced at the hearing of the action. 145435

(E) The court shall certify its decision to the commission 145436  
and the certificate shall be entered in the records of the court. 145437  
Appeals from the judgment are governed by the law applicable to 145438  
the appeal of civil actions. 145439

(F) The cost of any legal proceedings authorized by this section, including an attorney's fee to the claimant's attorney to be fixed by the trial judge, based upon the effort expended, in the event the claimant's right to participate or to continue to participate in the fund is established upon the final determination of an appeal, shall be taxed against the employer or the commission if the commission or the administrator rather than the employer contested the right of the claimant to participate in the fund. The attorney's fee shall not exceed five thousand dollars.

(G) If the finding of the court or the verdict of the jury is in favor of the claimant's right to participate in the fund, the commission and the administrator shall thereafter proceed in the matter of the claim as if the judgment were the decision of the commission, subject to the power of modification provided by section 4123.52 of the Revised Code.

(H)(1) An appeal from an order issued under division (E) of section 4123.511 of the Revised Code or any action filed in court in a case in which an award of compensation or medical benefits has been made shall not stay the payment of compensation or medical benefits under the award, or payment for subsequent periods of total disability or medical benefits during the pendency of the appeal. If, in a final administrative or judicial action, it is determined that payments of compensation or benefits, or both, made to or on behalf of a claimant should not have been made, the amount thereof shall be charged to the surplus fund account under division (B) of section 4123.34 of the Revised Code. In the event the employer is a state risk, the amount shall not be charged to the employer's experience, and the administrator shall adjust the employer's account accordingly. In the event the employer is a self-insuring employer, the self-insuring employer shall deduct the amount from the paid compensation the

self-insuring employer reports to the administrator under division 145472  
(L) of section 4123.35 of the Revised Code. If an employer is a 145473  
state risk and has paid an assessment for a violation of a 145474  
specific safety requirement, and, in a final administrative or 145475  
judicial action, it is determined that the employer did not 145476  
violate the specific safety requirement, the administrator shall 145477  
reimburse the employer from the surplus fund account under 145478  
division (B) of section 4123.34 of the Revised Code for the amount 145479  
of the assessment the employer paid for the violation. 145480

(2)(a) Notwithstanding a final determination that payments of 145481  
benefits made to or on behalf of a claimant should not have been 145482  
made, the administrator or self-insuring employer shall award 145483  
payment of medical or vocational rehabilitation services submitted 145484  
for payment after the date of the final determination if all of 145485  
the following apply: 145486

(i) The services were approved and were rendered by the 145487  
provider in good faith prior to the date of the final 145488  
determination. 145489

(ii) The services were payable under division (I) of section 145490  
4123.511 of the Revised Code prior to the date of the final 145491  
determination. 145492

(iii) The request for payment is submitted within the time 145493  
limit set forth in section 4123.52 of the Revised Code. 145494

(b) Payments made under division (H)(1) of this section shall 145495  
be charged to the surplus fund account under division (B) of 145496  
section 4123.34 of the Revised Code. If the employer of the 145497  
employee who is the subject of a claim described in division 145498  
(H)(2)(a) of this section is a state fund employer, the payments 145499  
made under that division shall not be charged to the employer's 145500  
experience. If that employer is a self-insuring employer, the 145501  
self-insuring employer shall deduct the amount from the paid 145502

compensation the self-insuring employer reports to the 145503  
administrator under division (L) of section 4123.35 of the Revised 145504  
Code. 145505

(c) Division (H)(2) of this section shall apply only to a 145506  
claim under this chapter or Chapter 4121., 4127., or 4131. of the 145507  
Revised Code arising on or after July 29, 2011. 145508

(3) A self-insuring employer may elect to pay compensation 145509  
and benefits under this section directly to an employee or an 145510  
employee's dependents by filing an application with the bureau of 145511  
workers' compensation not more than one hundred eighty days and 145512  
not less than ninety days before the first day of the employer's 145513  
next six-month coverage period. If the self-insuring employer 145514  
timely files the application, the application is effective on the 145515  
first day of the employer's next six-month coverage period, 145516  
provided that the administrator shall compute the employer's 145517  
assessment for the surplus fund account due with respect to the 145518  
period during which that application was filed without regard to 145519  
the filing of the application. On and after the effective date of 145520  
the employer's election, the self-insuring employer shall pay 145521  
directly to an employee or to an employee's dependents 145522  
compensation and benefits under this section regardless of the 145523  
date of the injury or occupational disease, and the employer shall 145524  
receive no money or credits from the surplus fund account on 145525  
account of those payments and shall not be required to pay any 145526  
amounts into the surplus fund account on account of this section. 145527  
The election made under this division is irrevocable. 145528

(I) All actions and proceedings under this section which are 145529  
the subject of an appeal to the court of common pleas or the court 145530  
of appeals shall be preferred over all other civil actions except 145531  
election causes, irrespective of position on the calendar. 145532

This section applies to all decisions of the commission or 145533  
the administrator on November 2, 1959, and all claims filed 145534

thereafter are governed by sections 4123.511 and 4123.512 of the Revised Code.

Any action pending in common pleas court or any other court on January 1, 1986, under this section is governed by former sections 4123.514, 4123.515, 4123.516, and 4123.519 and section 4123.522 of the Revised Code.

**Sec. 4123.52.** (A) The jurisdiction of the industrial commission and the authority of the administrator of workers' compensation over each case is continuing, and the commission may make such modification or change with respect to former findings or orders with respect thereto, as, in its opinion is justified. No modification or change nor any finding or award in respect of any claim shall be made with respect to disability, compensation, dependency, or benefits, after five years from the date of injury in the absence of medical benefits being provided under this chapter or in the absence of payment of compensation under section 4123.57, 4123.58, or division (A) or (B) of section 4123.56 of the Revised Code or wages in lieu of compensation in a manner so as to satisfy the requirements of section 4123.84 of the Revised Code, in which event the modification, change, finding, or award shall be made within five years from the date of the last medical services being rendered or the date of the last payment of compensation or from the date of death, nor unless written notice of claim for the specific part or parts of the body injured or disabled has been given as provided in section 4123.84 or 4123.85 of the Revised Code. The commission shall not make any modification, change, finding, or award which shall award compensation for a back period in excess of two years prior to the date of filing application therefor.

(B) Notwithstanding division (A) of this section, and except as otherwise provided in a rule that shall be adopted by the

administrator, with the advice and consent of the bureau of 145566  
workers' compensation board of directors, neither the 145567  
administrator nor the commission shall make any finding or award 145568  
for payment of medical or vocational rehabilitation services 145569  
submitted for payment more than one year after the date the 145570  
services were rendered or more than one year after the date the 145571  
services became payable under division (I) of section 4123.511 of 145572  
the Revised Code, whichever is later. No medical or vocational 145573  
rehabilitation provider shall bill a claimant for services 145574  
rendered if the administrator or commission is prohibited from 145575  
making that payment under this division. 145576

(C) Division (B) of this section does not apply to requests 145577  
made by the centers for medicare and medicaid services in the 145578  
United States department of health and human services for 145579  
reimbursement of conditional payments made pursuant to section 145580  
1395y(b)(2) of title 42, United States Code (commonly known as the 145581  
"Medicare Secondary Payer Act"). 145582

(D) This section does not affect the right of a claimant to 145583  
compensation accruing subsequent to the filing of any such 145584  
application, provided the application is filed within the time 145585  
limit provided in this section. 145586

(E) This section does not deprive the commission of its 145587  
continuing jurisdiction to determine the questions raised by any 145588  
application for modification of award which has been filed with 145589  
the commission after June 1, 1932, and prior to the expiration of 145590  
the applicable period but in respect to which no award has been 145591  
granted or denied during the applicable period. 145592

(F) The commission may, by general rules, provide for the 145593  
destruction of files of cases in which no further action may be 145594  
taken. 145595

(G) The commission and administrator of workers' compensation 145596

each may, by general rules, provide for the retention and 145597  
destruction of all other records in their possession or under 145598  
their control pursuant to section 121.211 and sections 149.34 to 145599  
149.36 of the Revised Code. The bureau of workers' compensation 145600  
may purchase or rent required equipment for the document retention 145601  
media, as determined necessary to preserve the records. 145602  
Photographs, microphotographs, microfilm, films, or other direct 145603  
or electronic document retention media, when properly identified, 145604  
have the same effect as the original record and may be offered in 145605  
like manner and may be received as evidence in proceedings before 145606  
the industrial commission, staff hearing officers, and district 145607  
hearing officers, and in any court where the original record could 145608  
have been introduced. 145609

**Sec. 4125.03.** (A) The professional employer organization with 145610  
whom a shared employee is coemployed shall do all of the 145611  
following: 145612

(1) Pay wages associated with a shared employee pursuant to 145613  
the terms and conditions of compensation in the professional 145614  
employer organization agreement between the professional employer 145615  
organization and the client employer; 145616

(2) Pay all related payroll taxes associated with a shared 145617  
employee independent of the terms and conditions contained in the 145618  
professional employer organization agreement between the 145619  
professional employer organization and the client employer; 145620

(3) Maintain workers' compensation coverage, pay all workers' 145621  
compensation premiums and manage all workers' compensation claims, 145622  
filings, and related procedures associated with a shared employee 145623  
in compliance with Chapters 4121. and 4123. of the Revised Code, 145624  
except that when shared employees include family farm officers, 145625  
ordained ministers, or corporate officers of the client employer, 145626  
payroll reports shall include the entire amount of payroll 145627

associated with those persons; 145628

(4) Provide written notice to each shared employee it assigns 145629  
to perform services to a client employer of the relationship 145630  
between and the responsibilities of the professional employer 145631  
organization and the client employer; 145632

(5) Maintain complete records separately listing the manual 145633  
classifications of each client employer and the payroll reported 145634  
to each manual classification for each client employer for each 145635  
payroll reporting period during the time period covered in the 145636  
professional employer organization agreement; 145637

(6) Maintain a record of workers' compensation claims for 145638  
each client employer; 145639

(7) Make periodic reports, as determined by the administrator 145640  
of workers' compensation, of client employers and total workforce 145641  
to the administrator; 145642

(8) Report individual client employer payroll, claims, and 145643  
classification data under a separate and unique subaccount to the 145644  
administrator; 145645

(9) Within fourteen days after receiving notice from the 145646  
bureau of workers' compensation that a refund or rebate will be 145647  
applied to workers' compensation premiums, provide a copy of that 145648  
notice to any client employer to whom that notice is relevant. 145649

(B) The professional employer organization with whom a shared 145650  
employee is coemployed shall provide a list of all of the 145651  
following information to the client employer upon the written 145652  
request of the client employer: 145653

(1) All workers' compensation claims, premiums, and payroll 145654  
associated with that client employer; 145655

(2) Compensation and benefits paid and reserves established 145656  
for each claim listed under division (B)(1) of this section; 145657

(3) Any other information available to the professional employer organization from the bureau of workers' compensation regarding that client employer.

(C)(1) A professional employer organization shall provide the information required under division (B) of this section in writing to the requesting client employer within forty-five days after receiving a written request from the client employer.

(2) For purposes of division (C) of this section, a professional employer organization has provided the required information to the client employer when the any of the following occur:

(a) The information is received by the United States postal service ~~or when the;~~

(b) The information is personally delivered, in writing, directly to the client employer;

(c) The information is delivered by electronic mail to the client employer.

(D) Except as provided in section 4125.08 of the Revised Code and unless otherwise agreed to in the professional employer organization agreement, the professional employer organization with whom a shared employee is coemployed has a right of direction and control over each shared employee assigned to a client employer's location. However, a client employer shall retain sufficient direction and control over a shared employee as is necessary to do any of the following:

(1) Conduct the client employer's business, including training and supervising shared employees;

(2) Ensure the quality, adequacy, and safety of the goods or services produced or sold in the client employer's business;

(3) Discharge any fiduciary responsibility that the client

employer may have; 145688

(4) Comply with any applicable licensure, regulatory, or 145689  
statutory requirement of the client employer. 145690

(E) Unless otherwise agreed to in the professional employer 145691  
organization agreement, liability for acts, errors, and omissions 145692  
shall be determined as follows: 145693

(1) A professional employer organization shall not be liable 145694  
for the acts, errors, and omissions of a client employer or a 145695  
shared employee when those acts, errors, and omissions occur under 145696  
the direction and control of the client employer. 145697

(2) A client employer shall not be liable for the acts, 145698  
errors, and omissions of a professional employer organization or a 145699  
shared employee when those acts, errors, and omissions occur under 145700  
the direction and control of the professional employer 145701  
organization. 145702

(F) Nothing in divisions (D) and (E) of this section shall be 145703  
construed to limit any liability or obligation specifically agreed 145704  
to in the professional employer organization agreement. 145705

**Sec. 4141.09.** (A) There is hereby created an unemployment 145706  
compensation fund to be administered by the state without 145707  
liability on the part of the state beyond the amounts paid into 145708  
the fund and earned by the fund. The unemployment compensation 145709  
fund shall consist of all contributions, payments in lieu of 145710  
contributions described in sections 4141.241 and 4141.242 of the 145711  
Revised Code, reimbursements of the federal share of extended 145712  
benefits described in section 4141.301 of the Revised Code, 145713  
collected under sections 4141.01 to 4141.56 of the Revised Code, 145714  
and the amount required under division (A)(4) of section 4141.35 145715  
of the Revised Code, together with all interest earned upon any 145716  
moneys deposited with the secretary of the treasury of the United 145717

States to the credit of the account of this state in the 145718  
unemployment trust fund established and maintained pursuant to 145719  
section 904 of the "Social Security Act," any property or 145720  
securities acquired through the use of moneys belonging to the 145721  
fund, and all earnings of such property or securities. The 145722  
unemployment compensation fund shall be used to pay benefits, 145723  
shared work compensation as defined in section 4141.50 of the 145724  
Revised Code, and refunds as provided by such sections and for no 145725  
other purpose. 145726

(B) The treasurer of state shall be the custodian of the 145727  
unemployment compensation fund and shall administer such fund in 145728  
accordance with the directions of the director of job and family 145729  
services. All disbursements therefrom shall be paid by the 145730  
treasurer of state on warrants drawn by the director. Such 145731  
warrants may ~~bear the facsimile~~ have the signature of the director 145732  
printed thereon and that of a deputy or other employee of the 145733  
director charged with the duty of keeping the account of the 145734  
unemployment compensation fund and with the preparation of 145735  
warrants for the payment of benefits to the persons entitled 145736  
thereto. Moneys in the clearing and benefit accounts shall not be 145737  
commingled with other state funds, except as provided in division 145738  
(C) of this section, but shall be maintained in separate accounts 145739  
on the books of the depository bank. Such money shall be secured 145740  
by the depository bank to the same extent and in the same manner 145741  
as required by sections 135.01 to 135.21 of the Revised Code; and 145742  
collateral pledged for this purpose shall be kept separate and 145743  
distinct from any collateral pledged to secure other funds of this 145744  
state. All sums recovered for losses sustained by the unemployment 145745  
compensation fund shall be deposited therein. The treasurer of 145746  
state shall be liable on the treasurer's official bond for the 145747  
faithful performance of the treasurer's duties in connection with 145748  
the unemployment compensation fund, such liability to exist in 145749  
addition to any liability upon any separate bond. 145750

(C) The treasurer of state shall maintain within the 145751  
unemployment compensation fund three separate accounts which shall 145752  
be a clearing account, a trust fund account, and a benefit 145753  
account. All moneys payable to the unemployment compensation fund, 145754  
upon receipt by the director, shall be forwarded to the treasurer 145755  
of state, who shall immediately deposit them in the clearing 145756  
account. Refunds of contributions, or payments in lieu of 145757  
contributions, payable pursuant to division (E) of this section 145758  
may be paid from the clearing account upon warrants signed by a 145759  
deputy or other employee of the director charged with the duty of 145760  
keeping the record of the clearing account and with the 145761  
preparation of warrants for the payment of refunds to persons 145762  
entitled thereto. After clearance thereof, all moneys in the 145763  
clearing account shall be deposited with the secretary of the 145764  
treasury of the United States to the credit of the account of this 145765  
state in the unemployment trust fund established and maintained 145766  
pursuant to section 904 of the "Social Security Act," in 145767  
accordance with requirements of the "Federal Unemployment Tax 145768  
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301, 3304(a)(3), any law 145769  
in this state relating to the deposit, administration, release, or 145770  
disbursement of moneys in the possession or custody of this state 145771  
to the contrary notwithstanding. The benefit account shall consist 145772  
of all moneys requisitioned from this state's account in the 145773  
unemployment trust fund. Federal funds may be deposited, at the 145774  
director's discretion, into the benefit account. Any funds 145775  
deposited into the benefit account shall be disbursed solely for 145776  
payment of benefits under a federal program administered by this 145777  
state and for no other purpose. Moneys in the clearing and benefit 145778  
accounts may be deposited by the treasurer of state, under the 145779  
direction of the director, in any bank or public depository in 145780  
which general funds of the state may be deposited, but no public 145781  
deposit insurance charge or premium shall be paid out of the fund. 145782

(D) Moneys shall be requisitioned from this state's account 145783

in the unemployment trust fund solely for the payment of benefits 145784  
and in accordance with regulations prescribed by the director. The 145785  
director shall requisition from the unemployment trust fund such 145786  
amounts, not exceeding the amount standing to this state's account 145787  
therein, as are deemed necessary for the payment of benefits for a 145788  
reasonable future period. Upon receipt thereof, the treasurer of 145789  
state shall deposit such moneys in the benefit account. 145790  
Expenditures of such money in the benefit account and refunds from 145791  
the clearing account shall not require specific appropriations or 145792  
other formal release by state officers of money in their custody. 145793  
Any balance of moneys requisitioned from the unemployment trust 145794  
fund which remains unclaimed or unpaid in the benefit account 145795  
after the expiration of the period for which such sums were 145796  
requisitioned shall either be deducted from estimates for and may 145797  
be utilized for the payment of benefits during succeeding periods, 145798  
or, in the discretion of the director, shall be redeposited with 145799  
the secretary of the treasury of the United States to the credit 145800  
of this state's account in the unemployment trust fund, as 145801  
provided in division (C) of this section. Unclaimed or unpaid 145802  
federal funds redeposited with the secretary of the treasury of 145803  
the United States shall be credited to the appropriate federal 145804  
account. 145805

(E) No claim for an adjustment or a refund on contribution, 145806  
payment in lieu of contributions, interest, or forfeiture alleged 145807  
to have been erroneously or illegally assessed or collected, or 145808  
alleged to have been collected without authority, and no claim for 145809  
an adjustment or a refund of any sum alleged to have been 145810  
excessive or in any manner wrongfully collected shall be allowed 145811  
unless an application, in writing, therefor is made within four 145812  
years from the date on which such payment was made. If the 145813  
director determines that such contribution, payment in lieu of 145814  
contributions, interest, or forfeiture, or any portion thereof, 145815  
was erroneously collected, the director shall allow such employer 145816

to make an adjustment thereof without interest in connection with 145817  
subsequent contribution payments, or payments in lieu of 145818  
contributions, by the employer, or the director may refund said 145819  
amount, without interest, from the clearing account of the 145820  
unemployment compensation fund, except as provided in division (B) 145821  
of section 4141.11 of the Revised Code. For like cause and within 145822  
the same period, adjustment or refund may be so made on the 145823  
director's own initiative. An overpayment of contribution, payment 145824  
in lieu of contributions, interest, or forfeiture for which an 145825  
employer has not made application for refund prior to the date of 145826  
sale of the employer's business shall accrue to the employer's 145827  
successor in interest. 145828

An application for an adjustment or a refund, or any portion 145829  
thereof, that is rejected is binding upon the employer unless, 145830  
within thirty days after the mailing of a written notice of 145831  
rejection to the employer's last known address, or, in the absence 145832  
of mailing of such notice, within thirty days after the delivery 145833  
of such notice, the employer files an application for a review and 145834  
redetermination setting forth the reasons therefor. The director 145835  
shall promptly examine the application for review and 145836  
redetermination, and if a review is granted, the employer shall be 145837  
promptly notified thereof, and shall be granted an opportunity for 145838  
a prompt hearing. 145839

(F) If the director finds that contributions have been paid 145840  
to the director in error, and that such contributions should have 145841  
been paid to a department of another state or of the United States 145842  
charged with the administration of an unemployment compensation 145843  
law, the director may upon request by such department or upon the 145844  
director's own initiative transfer to such department the amount 145845  
of such contributions, less any benefits paid to claimants whose 145846  
wages were the basis for such contributions. The director may 145847  
request and receive from such department any contributions or 145848

adjusted contributions paid in error to such department which 145849  
should have been paid to the director. 145850

(G) In accordance with section 303(c)(3) of the Social 145851  
Security Act, and section 3304(a)(17) of the Internal Revenue Code 145852  
of 1954 for continuing certification of Ohio unemployment 145853  
compensation laws for administrative grants and for tax credits, 145854  
any interest required to be paid on advances under Title XII of 145855  
the Social Security Act shall be paid in a timely manner and shall 145856  
not be paid, directly or indirectly, by an equivalent reduction in 145857  
the Ohio unemployment taxes or otherwise, by the state from 145858  
amounts in the unemployment compensation fund. 145859

(H) The treasurer of state, under the direction of the 145860  
director and in accordance with the "Cash Management Improvement 145861  
Act of 1990," 104 Stat. 1061, 31 U.S.C.A. 335, 6503, shall deposit 145862  
amounts of interest earned by the state on funds in the benefit 145863  
account established pursuant to division (C) of this section into 145864  
the unemployment trust fund. 145865

(I) The treasurer of state, under the direction of the 145866  
director, shall deposit federal funds received by the director for 145867  
training and administration and for payment of benefits, job 145868  
search, relocation, transportation, and subsistence allowances 145869  
pursuant to the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 145870  
2101, as amended; the "North American Free Trade Agreement 145871  
Implementation Act," 107 Stat. 2057 (1993), 19 U.S.C.A. 3301, as 145872  
amended; and the "Trade Act of 2002," 116 Stat. 993, 19 U.S.C.A. 145873  
3801, as amended, into the Trade Act training and administration 145874  
account, which is hereby created for the purpose of making 145875  
payments specified under those acts. The treasurer of state, under 145876  
the direction of the director, may transfer funds from the Trade 145877  
Act training and administration account to the benefit account for 145878  
the purpose of making any payments directly to claimants for 145879  
benefits, job search, relocation, transportation, and subsistence 145880

allowances, as specified by those acts. 145881

**Sec. 4141.47.** (A) There is hereby created the auxiliary 145882  
services personnel unemployment compensation fund, which shall not 145883  
be a part of the state treasury. The fund shall consist of moneys 145884  
paid into the fund pursuant to section 3317.06 of the Revised 145885  
Code. The treasurer of state shall administer it in accordance 145886  
with the directions of the director of job and family services. 145887  
The director shall establish procedures under which school 145888  
districts that are charged and have paid for unemployment benefits 145889  
as reimbursing employers pursuant to this chapter for personnel 145890  
employed pursuant to section 3317.06 of the Revised Code may apply 145891  
for and receive reimbursement for those payments under this 145892  
section. School districts are not entitled to reimbursement for 145893  
any delinquency charges, except as otherwise provided by law. In 145894  
the case of school districts electing to pay contributions under 145895  
section 4141.242 of the Revised Code, the director shall establish 145896  
procedures for reimbursement of the district from the fund of 145897  
contributions made on wages earned by any auxiliary service 145898  
personnel. 145899

(B) In the event of the termination of the auxiliary services 145900  
program established pursuant to section 3317.06 of the Revised 145901  
Code, and after the director has made reimbursement to school 145902  
districts for all possible unemployment compensation claims of 145903  
persons who were employed pursuant to section 3317.06 of the 145904  
Revised Code, the director shall certify that fact to the 145905  
treasurer of state, who shall then transfer all unexpended moneys 145906  
in the auxiliary services personnel unemployment compensation fund 145907  
to the general revenue fund. In the event the auxiliary services 145908  
personnel unemployment compensation fund contains insufficient 145909  
moneys to pay all valid claims by school districts for 145910  
reimbursement pursuant to this section, the director shall 145911  
estimate the total additional amount necessary to meet the 145912

liabilities of the fund and submit a request to the general 145913  
assembly for an appropriation of that amount of money from the 145914  
general revenue fund to the auxiliary services personnel 145915  
unemployment compensation fund. 145916

(C) All disbursements from the auxiliary services personnel 145917  
unemployment compensation fund shall be paid by the treasurer of 145918  
state on warrants drawn by the director. The warrants may ~~bear~~ 145919  
have the ~~facsimile~~ signature of the director printed thereon or 145920  
that of a deputy or other employee of the director charged with 145921  
the duty of keeping the account of the fund. Moneys in the fund 145922  
shall be maintained in a separate account on the books of the 145923  
depository bank. The money shall be secured by the depository bank 145924  
to the same extent and in the same manner as required by Chapter 145925  
135. of the Revised Code. All sums recovered for losses sustained 145926  
by the fund shall be deposited therein. The treasurer of state is 145927  
liable on the treasurer of state's official bond for the faithful 145928  
performance of the treasurer of state's duties in connection with 145929  
the fund. 145930

(D) All necessary and proper expenses incurred in 145931  
administering this section shall be paid to the director from the 145932  
auxiliary services personnel unemployment compensation fund. For 145933  
this purpose, there is hereby created in the state treasury the 145934  
auxiliary services program administrative fund. The treasurer of 145935  
state, pursuant to the warrant procedures specified in division 145936  
(C) of this section, shall advance moneys as requested by the 145937  
director from the auxiliary services personnel unemployment 145938  
compensation fund to the auxiliary services program administrative 145939  
fund. The director periodically may request the advance of such 145940  
moneys as in the treasurer of state's opinion are needed to meet 145941  
anticipated administrative expenses and may make disbursements 145942  
from the auxiliary services program administrative fund to pay 145943  
those expenses. 145944

(E) Upon receipt of a certification from the department of education regarding a refund to a board of education pursuant to section 3317.06 of the Revised Code, the director shall issue a refund in the amount certified to the board from the auxiliary services personnel unemployment compensation fund.

**Sec. 4167.10.** (A) In order to carry out the purposes of this chapter, the administrator of workers' compensation or the administrator's designee shall, as provided in this section, enter without delay during normal working hours and at other reasonable times, to inspect and investigate any plant, facility, establishment, construction site, or any other area, workplace, or environment where work is being performed by a public employee of a public employer, and any place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and question privately any public employer, administrator, department head, operator, agent, or public employee. The authority to inspect and investigate includes the taking of environmental samples, the taking and obtaining of photographs related to the purposes of the inspection or investigation, the examination of records required to be kept under section 4167.11 of the Revised Code and other documents and records relevant to the inspection and investigation, the issuance of subpoenas, and the conducting of tests and other studies reasonably calculated to serve the purposes of implementing and enforcing this chapter. Except as provided in this section, the administrator or the administrator's designee shall conduct scheduled inspections and investigations only pursuant to rules adopted under section 4167.02 of the Revised Code, a request to do so by a public employee or public employee representative, or the notification the administrator receives pursuant to division (B) of section 4167.06 of the Revised Code and only if the administrator or the administrator's designee complies with this

section. The administrator or the administrator's designee shall 145977  
conduct all requested or required inspections within a reasonable 145978  
amount of time following receipt of the request or notification. 145979

(B)(1) Any public employee or public employee representative 145980  
who believes that a violation of an Ohio employment risk reduction 145981  
standard exists that threatens physical harm, or that an imminent 145982  
danger exists, may request an inspection by giving written notice 145983  
to the administrator or the administrator's designee of the 145984  
violation or danger. The notice shall set forth with reasonable 145985  
particularity the grounds for the notice, and shall be signed by 145986  
the public employee or public employee representative. The names 145987  
of individual public employees making the notice or referred to 145988  
therein shall not appear in the copy provided to the public 145989  
employer pursuant to division (B)(2) of this section and shall be 145990  
kept confidential. 145991

(2) If, upon receipt of a notification pursuant to division 145992  
(B)(1) of this section, the administrator determines that there 145993  
are no reasonable grounds to believe that a violation or danger 145994  
exists, the administrator shall inform the public employee or 145995  
public employee representative in writing of the determination. 145996  
If, upon receipt of a notification, the administrator determines 145997  
that there are reasonable grounds to believe that a violation or 145998  
danger exists, the administrator shall, within one week, excluding 145999  
Saturdays, Sundays, and any legal holiday as defined in section 146000  
1.14 of the Revised Code, after receipt of the notification, 146001  
notify the public employer, by certified mail, return receipt 146002  
requested, of the alleged violation or danger. The notice provided 146003  
to the public employer or the public employer's agent shall inform 146004  
the public employer of the alleged violation or danger and that 146005  
the administrator or the administrator's designee will investigate 146006  
and inspect the public employer's workplace as provided in this 146007  
section. The public employer must respond to the administrator, in 146008

a method determined by the administrator, concerning the alleged 146009  
violation or danger, within thirty days after receipt of the 146010  
notice. If the public employer does not correct the violation or 146011  
danger within the thirty-day period or if the public employer 146012  
fails to respond within that time period, the administrator or the 146013  
administrator's designee shall investigate and inspect the public 146014  
employer's workplace as provided in this section. The 146015  
administrator or the administrator's designee shall not conduct 146016  
any inspection prior to the end of the thirty-day period unless 146017  
requested or permitted by the public employer. The administrator 146018  
may, at any time upon the request of the public employer, inspect 146019  
and investigate any violation or danger alleged to exist at the 146020  
public employer's place of employment. 146021

(3) The authority of the administrator or the administrator's 146022  
designee to investigate and inspect a premises pursuant to a 146023  
public employee or public employee representative notification is 146024  
not limited to the alleged violation or danger contained in the 146025  
notification. The administrator or the administrator's designee 146026  
may investigate and inspect any other area of the premises where 146027  
there is reason to believe that a violation or danger exists. In 146028  
addition, if the administrator or the administrator's designee 146029  
detects any obvious or apparent violation at any temporary place 146030  
of employment while en route to the premises to be inspected or 146031  
investigated, and that violation presents a substantial 146032  
probability that the condition or practice could result in death 146033  
or serious physical harm, the administrator or the administrator's 146034  
designee may use any of the enforcement mechanisms provided in 146035  
this section to correct or remove the condition or practice. 146036

(4) If, during an inspection or investigation, the 146037  
administrator or the administrator's designee finds any condition 146038  
or practice in any place of employment that presents a substantial 146039  
probability that the condition or practice could result in death 146040

or serious physical harm, after notifying the employer of the 146041  
administrator's intent to issue an order, the administrator shall 146042  
issue an order, or the administrator's designee shall issue an 146043  
order after consultation ~~either by telephone or in person~~ with the 146044  
administrator and upon the recommendation of the administrator, 146045  
which prohibits the employment of any public employee or any 146046  
continuing operation or process under such condition or practice 146047  
until necessary steps are taken to correct or remove the condition 146048  
or practice. The order shall not be effective for more than 146049  
fifteen days, unless a court of competent jurisdiction otherwise 146050  
orders as provided in section 4167.14 of the Revised Code. 146051

(C) In making any inspections or investigations under this 146052  
chapter, the administrator or the administrator's designee may 146053  
administer oaths and require, by subpoena, the attendance and 146054  
testimony of witnesses and the production of evidence under oath. 146055  
Witnesses shall receive the fees and mileage provided for under 146056  
section 119.094 of the Revised Code. In the case of contumacy, 146057  
failure, or refusal of any person to comply with an order or any 146058  
subpoena lawfully issued, or upon the refusal of any witness to 146059  
testify to any matter regarding which the witness may lawfully be 146060  
interrogated, a judge of the court of common pleas of any county 146061  
in this state, on the application of the administrator or the 146062  
administrator's designee, shall issue an order requiring the 146063  
person to appear and to produce evidence if, as, and when so 146064  
ordered, and to give testimony relating to the matter under 146065  
investigation or in question. The court may punish any failure to 146066  
obey the order of the court as a contempt thereof. 146067

(D) If, upon inspection or investigation, the administrator 146068  
or the administrator's designee believes that a public employer 146069  
has violated any requirement of this chapter or any rule, Ohio 146070  
employment risk reduction standard, or order adopted or issued 146071  
pursuant thereto, the administrator or the administrator's 146072

designee shall, with reasonable promptness, issue a citation to 146073  
the public employer. The citation shall be in writing and describe 146074  
with particularity the nature of the alleged violation, including 146075  
a reference to the provision of law, Ohio employment risk 146076  
reduction standard, rule, or order alleged to have been violated. 146077  
In addition, the citation shall fix a time for the abatement of 146078  
the violation, as provided in division (H) of this section. The 146079  
administrator may prescribe procedures for the issuance of a 146080  
notice with respect to minor violations and for enforcement of 146081  
minor violations that have no direct or immediate relationship to 146082  
safety or health. 146083

(E) Upon receipt of any citation under this section, the 146084  
public employer shall immediately post the citation, or a copy 146085  
thereof, at or near each place an alleged violation referred to in 146086  
the citation occurred. 146087

(F) The administrator may not issue a citation under this 146088  
section after the expiration of six months following the final 146089  
occurrence of any violation. 146090

(G) If the administrator issues a citation pursuant to this 146091  
section, the administrator shall mail the citation to the public 146092  
employer by certified mail, return receipt requested. The public 146093  
employer has fourteen days after receipt of the citation within 146094  
which to notify the administrator that the employer wishes to 146095  
contest the citation. If the employer notifies the administrator 146096  
within the fourteen days that the employer wishes to contest the 146097  
citation, or if within fourteen days after the issuance of a 146098  
citation a public employee or public employee representative files 146099  
notice that the time period fixed in the citation for the 146100  
abatement of the violation is unreasonable, the administrator 146101  
shall hold an adjudication hearing in accordance with Chapter 119. 146102  
of the Revised Code. 146103

(H) In establishing the time limits in which a public 146104

employer must abate a violation under this section, the 146105  
administrator shall consider the costs to the public employer, the 146106  
size and financial resources of the public employer, the severity 146107  
of the violation, the technological feasibility of the public 146108  
employer's ability to comply with requirements of the citation, 146109  
the possible present and future detriment to the health and safety 146110  
of any public employee for failure of the public employer to 146111  
comply with requirements of the citation, and such other factors 146112  
as the administrator determines appropriate. The administrator 146113  
may, after considering the above factors, permit the public 146114  
employer to comply with the citation over a period of up to two 146115  
years and may extend that period an additional one year, as the 146116  
administrator determines appropriate. 146117

(I) Any public employer may request the administrator to 146118  
conduct an employment risk reduction inspection of the public 146119  
employer's place of employment. The administrator or the 146120  
administrator's designee shall conduct the inspection within a 146121  
reasonable amount of time following the request. Neither the 146122  
administrator nor any other person may use any information 146123  
obtained from the inspection for a period not to exceed three 146124  
years in any proceeding for a violation of this chapter or any 146125  
rule or order issued thereunder nor in any other action in any 146126  
court in this state. 146127

**Sec. 4301.17.** (A)(1) Subject to local option as provided in 146128  
sections 4301.32 to 4301.40 of the Revised Code, five state liquor 146129  
stores or agencies may be established in each county. One 146130  
additional store may be established in any county for each twenty 146131  
thousand of population of that county or major fraction thereof in 146132  
excess of the first forty thousand, according to the last 146133  
preceding federal decennial census or according to the population 146134  
estimates certified by the department of development between 146135  
decennial censuses. A person engaged in a mercantile business may 146136

act as the agent for the division of liquor control for the sale 146137  
of spirituous liquor in a municipal corporation, in the 146138  
unincorporated area of a township, or in an area designated and 146139  
approved as a resort area under section 4303.262 of the Revised 146140  
Code. The division shall fix the compensation for such an agent in 146141  
the manner it considers best, but the compensation shall not 146142  
exceed seven per cent of the gross sales made by the agent in any 146143  
one year. 146144

(2) The division shall adopt rules in accordance with Chapter 146145  
119. of the Revised Code governing the allocation and equitable 146146  
distribution of agency store contracts. The division shall comply 146147  
with the rules when awarding a contract under division (A)(1) of 146148  
this section. 146149

(3) Pursuant to an agency store's contract, an agency store 146150  
may be issued a D-1 permit to sell beer, a D-2 permit to sell wine 146151  
and mixed beverages, and a D-5 permit to sell beer, wine, mixed 146152  
beverages, and spirituous liquor. 146153

(4) Pursuant to an agency store's contract, an agency store 146154  
may be issued a D-3 permit to sell spirituous liquor if the agency 146155  
store contains at least ten thousand square feet of sales floor 146156  
area. A D-3 permit issued to an agency store shall not be 146157  
transferred to a new location. The division shall revoke any D-3 146158  
permit issued to an agency store under division (A)(4) of this 146159  
section if the agent no longer operates the agency store. The 146160  
division shall not issue a D-3a permit to an agency store. 146161

(5) An agency store to which a D-8 permit has been issued may 146162  
allow the sale of tasting samples of spirituous liquor in 146163  
accordance with section 4301.171 of the Revised Code. 146164

(6) An agency store may sell beer, wine, mixed beverages, and 146165  
spirituous liquor only between the hours of nine a.m. and eleven 146166  
p.m. 146167

(B) When an agency contract is proposed, when an existing agency contract is assigned, when an existing agency proposes to relocate, or when an existing agency is relocated and assigned, before entering into any contract, consenting to any assignment, or consenting to any relocation, the division shall notify the legislative authority of the municipal corporation in which the agency store is to be located, or the board of county commissioners and the board of township trustees of the county and the township in which the agency store is to be located if the agency store is to be located outside the corporate limits of a municipal corporation, of the proposed contract, assignment, or relocation, and an opportunity shall be provided officials or employees of the municipal corporation or county and township for a complete hearing upon the advisability of entering into the contract or consenting to the assignment or relocation. When the division sends notice to the legislative authority of the political subdivision, the division shall notify, ~~by certified mail or by personal service,~~ the chief peace officer of the political subdivision, who may appear and testify, either in person or through a representative, at any hearing held on the advisability of entering into the contract or consenting to the assignment or relocation.

If the proposed agency store, the assignment of an agency contract, or the relocation of an agency store would be located within five hundred feet of a school, church, library, public playground, or township park, the division shall not enter into an agency contract until it has provided notice of the proposed contract to the authorities in control of the school, church, library, public playground, or township park and has provided those authorities with an opportunity for a complete hearing upon the advisability of entering into the contract. If an agency store so located is operating under an agency contract, the division may consent to relocation of the agency store or to the assignment of

that contract to operate an agency store at the same location. The 146201  
division may also consent to the assignment of an existing agency 146202  
contract simultaneously with the relocation of the agency store. 146203  
In any such assignment or relocation, the assignee and the 146204  
location shall be subject to the same requirements that the 146205  
existing location met at the time that the contract was first 146206  
entered into as well as any additional requirements imposed by the 146207  
division in rules adopted by the superintendent of liquor control. 146208  
The division shall not consent to an assignment or relocation of 146209  
an agency store until it has notified the authorities in control 146210  
of the school, church, library, public playground, or township 146211  
park and has provided those authorities with an opportunity for a 146212  
complete hearing upon the advisability of consenting to the 146213  
assignment or relocation. 146214

Any hearing provided for in this division shall be held in 146215  
the central office of the division, except that upon written 146216  
request of the legislative authority of the municipal corporation, 146217  
the board of county commissioners, the board of township trustees, 146218  
or the authorities in control of the school, church, library, 146219  
public playground, or township park, the hearing shall be held in 146220  
the county seat of the county where the proposed agency store is 146221  
to be located. 146222

(C) All agency contracts entered into by the division 146223  
pursuant to this section shall be in writing and shall contain a 146224  
clause providing for the termination of the contract at will by 146225  
the division upon its giving ninety days' notice in writing to the 146226  
agent of its intention to do so. Any agency contract may include a 146227  
clause requiring the agent to report to the appropriate law 146228  
enforcement agency the name and address of any individual under 146229  
twenty-one years of age who attempts to make an illegal purchase. 146230

The division shall issue a C-1 and C-2 permit to each agent 146231  
who prior to November 1, 1994, had not been issued both of these 146232

permits, notwithstanding the population quota restrictions 146233  
contained in section 4303.29 of the Revised Code or in any rule of 146234  
the liquor control commission and notwithstanding the requirements 146235  
of section 4303.31 of the Revised Code. The location of a C-1 or 146236  
C-2 permit issued to such an agent shall not be transferred. The 146237  
division shall revoke any C-1 or C-2 permit issued to an agent 146238  
under this paragraph if the agent no longer operates an agency 146239  
store. 146240

The division may enter into agreements with the department of 146241  
development to implement a minority loan program to provide 146242  
low-interest loans to minority business enterprises, as defined in 146243  
section 122.71 of the Revised Code, that are awarded liquor agency 146244  
contracts or assignments. 146245

(D) If the division closes a state liquor store and replaces 146246  
that store with an agency store, any employees of the division 146247  
employed at that state liquor store who lose their jobs at that 146248  
store as a result shall be given preference by the agent who 146249  
operates the agency store in filling any vacancies that occur 146250  
among the agent's employees, if that preference does not conflict 146251  
with the agent's obligations pursuant to a collective bargaining 146252  
agreement. 146253

If the division closes a state liquor store and replaces the 146254  
store with an agency store, any employees of the division employed 146255  
at the state liquor store who lose their jobs at that store as a 146256  
result may displace other employees as provided in sections 146257  
124.321 to 124.328 of the Revised Code. If an employee cannot 146258  
displace other employees and is laid off, the employee shall be 146259  
reinstated in another job as provided in sections 124.321 to 146260  
124.328 of the Revised Code, except that the employee's rights of 146261  
reinstatement in a job at a state liquor store shall continue for 146262  
a period of two years after the date of the employee's layoff and 146263  
shall apply to jobs at state liquor stores located in the 146264

employee's layoff jurisdiction and any layoff jurisdiction 146265  
adjacent to the employee's layoff jurisdiction. 146266

(E) The division shall require every agent to give bond with 146267  
surety to the satisfaction of the division, in the amount the 146268  
division fixes, conditioned for the faithful performance of the 146269  
agent's duties as prescribed by the division. 146270

**Sec. 4301.30.** (A) All fees collected by the division of 146271  
liquor control shall be deposited in the state treasury to the 146272  
credit of the undivided liquor permit fund, which is hereby 146273  
created, at the time prescribed under section 4301.12 of the 146274  
Revised Code. Each payment shall be accompanied by a statement 146275  
showing separately the amount collected for each class of permits 146276  
in each municipal corporation and in each township outside the 146277  
limits of any municipal corporation in such township. 146278

(B)(1) An amount equal to forty-five per cent of the fund 146279  
shall be paid from the fund into the state liquor regulatory fund, 146280  
which is hereby created in the state treasury. The state liquor 146281  
regulatory fund shall be used to pay the operating expenses of the 146282  
division of liquor control in administering and enforcing Title 146283  
XLIII of the Revised Code and the operating expenses of the liquor 146284  
control commission. Investment earnings of the fund shall be 146285  
credited to the fund. 146286

(2) Whenever, in the judgment of the director of budget and 146287  
management, the amount of money that is in the state liquor 146288  
regulatory fund is in excess of the amount that is needed to pay 146289  
the operating expenses of the division in administering and 146290  
enforcing Title XLIII of the Revised Code and the operating 146291  
expenses of the commission, the director shall credit the excess 146292  
amount to the general revenue fund. 146293

(C) Twenty per cent of the undivided liquor permit fund shall 146294  
be paid into the statewide treatment and prevention fund, which is 146295

hereby created in the state treasury. This amount shall be 146296  
appropriated by the general assembly, together with an amount 146297  
equal to one and one-half per cent of the gross profit of the 146298  
division of liquor control derived under division (B)(4) of 146299  
section 4301.10 of the Revised Code, to the department of mental 146300  
health and addiction services. In planning for the allocation of 146301  
and in allocating these amounts for the purposes of Chapter 5119. 146302  
of the Revised Code, the department shall comply with the 146303  
nondiscrimination provisions of Title VI of the Civil Rights Act 146304  
of 1964, and any rules adopted under that act. 146305

(D) Thirty-five per cent of the undivided liquor permit fund 146306  
shall be distributed by the superintendent of liquor control at 146307  
quarterly calendar periods as follows: 146308

(1) To each municipal corporation, the aggregate amount shown 146309  
by the statements to have been collected from permits in the 146310  
municipal corporation, for the use of the general fund of the 146311  
municipal corporation; 146312

(2) To each township, the aggregate amount shown by the 146313  
statements to have been collected from permits in its territory, 146314  
outside the limits of any municipal corporation located in the 146315  
township, for the use of the general fund of the township, or for 146316  
fire protection purposes, including buildings and equipment in the 146317  
township or in an established fire district within the township, 146318  
to the extent that the funds are derived from liquor permits 146319  
within the territory comprising such fire district. 146320

(E) For the purpose of the distribution required by this 146321  
section, E, H, and D permits covering boats or vessels are deemed 146322  
to have been issued in the municipal corporation or township 146323  
wherein the owner or operator of the vehicle, boat, vessel, or 146324  
dining car equipment to which the permit relates has the owner's 146325  
or operator's principal office or place of business within the 146326  
state. 146327

(F) If the ~~liquor control commission~~ division determines that 146328  
the police or other officers of any municipal corporation or 146329  
township entitled to share in distributions under this section are 146330  
refusing or culpably neglecting to enforce this chapter and 146331  
Chapter 4303. of the Revised Code, or the penal laws of this state 146332  
relating to the manufacture, importation, transportation, 146333  
distribution, and sale of beer and intoxicating liquors, or if the 146334  
prosecuting officer of a municipal corporation or a municipal 146335  
court fails to comply with the request of the ~~commission~~ division 146336  
authorized by division (A)(4) of section 4301.10 of the Revised 146337  
Code, the ~~commission~~ division, by certified mail or by electronic 146338  
means as determined by the superintendent to provide proper notice 146339  
under the laws of this state, may notify the chief executive 146340  
officer of the municipal corporation or the board of township 146341  
trustees of the township of the failure and require the immediate 146342  
cooperation of the responsible officers of the municipal 146343  
corporation or township with the division ~~of liquor control~~ in the 146344  
enforcement of those chapters and penal laws. Within thirty days 146345  
after the notice is served, the ~~commission~~ division shall 146346  
determine whether the requirement has been complied with. If the 146347  
~~commission~~ division determines that the requirement has not been 146348  
complied with, it may ~~issue an order to the superintendent to~~ 146349  
withhold the distributive share of the municipal corporation or 146350  
township ~~until further order of the commission~~. This action of the 146351  
~~commission~~ division is reviewable within thirty days thereafter in 146352  
the court of common pleas of Franklin county. 146353

(G) All fees collected by the division of liquor control from 146354  
the issuance or renewal of B-2a, S-1, and S-2 permits, and paid by 146355  
B-2a, S-1, and S-2 permit holders who do not also hold A-1 or A-1c 146356  
permits or A-2 or A-2f permits, shall be deposited in the state 146357  
treasury to the credit of the state liquor regulatory fund. Once 146358  
during each fiscal year, an amount equal to fifty per cent of the 146359  
fees collected shall be paid from the state liquor regulatory fund 146360

into the general revenue fund. 146361

**Sec. 4303.24.** All application processing fees shall be 146362  
remitted to the division of liquor control when applications are 146363  
filed. The pendency, priority, or validity of an application for a 146364  
permit or duplicate permit received by the division shall not be 146365  
affected because the division did not issue the permit applied for 146366  
or the applicant failed to appeal to the liquor control 146367  
commission. 146368

The division, prior to the granting of a permit or duplicate 146369  
permit applied for, shall notify, by certified mail, the applicant 146370  
or the applicant's authorized agent. The applicant or the 146371  
applicant's authorized agent, within thirty days after the mailing 146372  
of that notice, shall pay to the division the entire amount of ~~the~~ 146373  
any unpaid requisite permit fee required by sections 4303.02 to 146374  
4303.231 or, in the case of a duplicate permit, section 4303.30 of 146375  
the Revised Code, if the permit or duplicate permit is issued 146376  
during the first six months of the year the permit or duplicate 146377  
permit covers, or one-half of the amount of the requisite permit 146378  
fee, if the permit or duplicate permit is issued during the last 146379  
six months of the year the permit or duplicate permit covers. If 146380  
the notice is returned because of failure or refusal of delivery, 146381  
the division shall send another notice, by regular mail or by 146382  
electronic means as determined by the division to provide proper 146383  
notice under the laws of this state, to the applicant or the 146384  
applicant's agent. If the applicant fails to pay the applicable 146385  
amount of that requisite permit fee within ~~these~~ thirty days of 146386  
the mailing of the last notice, the division shall cancel the 146387  
applicant's application. 146388

All other fees shall be paid at the time and in the manner 146389  
prescribed by the division. The liquor control commission may 146390  
adopt rules requiring reports or returns for the purpose of 146391

determining the amounts of additional permit fees. 146392

**Sec. 4507.081.** (A) Upon the expiration of a restricted 146393  
license issued under division (D)(3) of section 4507.08 of the 146394  
Revised Code and submission of a statement as provided in division 146395  
(C) of this section, the registrar of motor vehicles may issue a 146396  
driver's license to the person to whom the restricted license was 146397  
issued. A driver's license issued under this section, unless 146398  
otherwise suspended or canceled, shall be effective for one year. 146399

(B) A driver's license issued under this section may be 146400  
renewed annually, for no more than three consecutive years, 146401  
whenever the person to whom the license has been issued submits to 146402  
the registrar, ~~by certified mail and~~ no sooner than thirty days 146403  
prior to the expiration date of the license or renewal thereof, a 146404  
statement as provided in division (C) of this section. A renewal 146405  
of a driver's license, unless the license is otherwise suspended 146406  
or canceled, shall be effective for one year following the 146407  
expiration date of the license or renewal thereof, ~~and shall be~~ 146408  
~~evidenced by a validation sticker. The renewal validation sticker~~ 146409  
~~shall be in a form prescribed by the registrar and shall be~~ 146410  
~~affixed to the license.~~ 146411

(C) No person may be issued a driver's license under this 146412  
section, and no such driver's license may be renewed, unless the 146413  
person presents a signed statement from a licensed physician that 146414  
the person's condition either is dormant or is under effective 146415  
medical control, that the control has been maintained continuously 146416  
for at least one year prior to the date on which application for 146417  
the license is made, and that, if continued medication is 146418  
prescribed to control the condition, the person may be depended 146419  
upon to take the medication. 146420

The statement shall be made on a form provided by the 146421  
registrar, ~~shall be in not less than duplicate,~~ and shall contain 146422

any other information the registrar considers necessary. The 146423  
~~duplicate copy of the statement may be retained by the person~~ 146424  
~~requesting the license renewal and, when in the person's immediate~~ 146425  
~~possession and used in conjunction with the original license,~~ 146426  
~~shall entitle the person to operate a motor vehicle during a~~ 146427  
~~period of no more than thirty days following the date of~~ 146428  
~~submission of the statement to the registrar, except when the~~ 146429  
~~registrar denies the request for the license renewal and so~~ 146430  
~~notifies the person.~~ 146431

(D) Whenever the registrar receives a statement indicating 146432  
that the condition of a person to whom a driver's license has been 146433  
issued under this section no longer is dormant or under effective 146434  
medical control, the registrar shall cancel the person's driver's 146435  
license. 146436

(E) Nothing in this section shall require a person submitting 146437  
a signed statement from a licensed physician to obtain a medical 146438  
examination prior to the submission of the statement. 146439

(F) Any person whose driver's license has been canceled under 146440  
this section may apply for a subsequent restricted license 146441  
according to the provisions of section 4507.08 of the Revised 146442  
Code. 146443

**Sec. 4508.021.** (A) As used in this section: 146444

(1) "State agency" has the same meaning as in section 1.60 of 146445  
the Revised Code. 146446

(2) "Electronic medium" means a ~~video cassette tape, CD-ROM,~~ 146447  
~~interactive videodisc~~ web site, electronic mail communication, 146448  
compact disc media, or other electronic format used to convey 146449  
information to students through electronic means which information 146450  
is sent or conveyed. 146451

(B) The classroom instruction required by division (C) of 146452

section 4508.02 of the Revised Code shall include the 146453  
dissemination of information regarding anatomical gifts and 146454  
anatomical gift procedures or a presentation and discussion of 146455  
such gifts and procedures in accordance with this section. The 146456  
second chance trust fund advisory committee created under section 146457  
2108.35 of the Revised Code shall approve any brochure, written 146458  
material, or electronic medium used by a driver training school to 146459  
provide information to students regarding anatomical gifts and 146460  
anatomical gift procedures. However, the committee shall not 146461  
approve any such brochure, written material, or electronic medium 146462  
that contains religious content for use in a driver education 146463  
course conducted by a school district or educational service 146464  
center. 146465

(C)(1) If any brochure or other written material approved by 146466  
the committee under division (B) of this section is made available 146467  
to a driver training school at no cost, the instructor shall 146468  
provide such brochure or material to students. 146469

(2) If any electronic medium that is less than twenty minutes 146470  
in length and that is approved by the committee under division (B) 146471  
of this section is made available to a driver training school at 146472  
no cost, the instructor shall show the electronic medium to 146473  
students, provided that the school maintains operable viewing 146474  
equipment. If more than one such electronic medium is made 146475  
available to a school in accordance with this division, the 146476  
instructor shall select one electronic medium from among those 146477  
received by the school to show to students. 146478

(3) If no electronic medium is shown to students as specified 146479  
in division (C)(2) of this section, the instructor shall organize 146480  
a classroom presentation and discussion regarding anatomical gifts 146481  
and anatomical gift procedures. The instructor may arrange for the 146482  
presentation to be conducted by an employee of the department of 146483  
health or any other state agency, an employee or volunteer of the 146484

second chance trust fund, an employee or volunteer of any 146485  
organization involved in the procurement of organ donations, an 146486  
organ donor, an organ recipient, an employee or volunteer of a 146487  
tissue or eye bank, or a tissue or corneal transplant recipient, 146488  
provided that no such person charges a fee to the school for the 146489  
presentation. However, no such presentation that contains 146490  
religious content shall be made to students of a driver education 146491  
course conducted by a school district or educational service 146492  
center. Students shall be granted the opportunity to ask questions 146493  
on anatomical gifts and anatomical gift procedures during the 146494  
presentation and discussion. 146495

Nothing in this section shall prohibit an instructor from 146496  
also organizing a classroom presentation and discussion regarding 146497  
anatomical gifts and anatomical gift procedures in accordance with 146498  
this division if the instructor shows an electronic medium to 146499  
students pursuant to division (C)(2) of this section. 146500

(D) No student shall be required to participate in any 146501  
instruction in anatomical gifts or anatomical gift procedures 146502  
conducted under this section upon written notification from the 146503  
student's parent or guardian, or the student if the student is 146504  
over eighteen years of age, that such instruction conflicts with 146505  
the religious convictions of the student or the student's parent 146506  
or guardian. If a student is excused from such instruction, the 146507  
instructor shall give the student an alternative assignment. 146508

**Sec. 4509.101.** (A)(1) No person shall operate, or permit the 146509  
operation of, a motor vehicle in this state, unless proof of 146510  
financial responsibility is maintained continuously throughout the 146511  
registration period with respect to that vehicle, or, in the case 146512  
of a driver who is not the owner, with respect to that driver's 146513  
operation of that vehicle. 146514

(2) Whoever violates division (A)(1) of this section shall be 146515

subject to the following civil penalties: 146516

(a) Subject to divisions (A)(2)(b) and (c) of this section, a 146517  
class (F) suspension of the person's driver's license, commercial 146518  
driver's license, temporary instruction permit, probationary 146519  
license, or nonresident operating privilege for the period of time 146520  
specified in division (B)(6) of section 4510.02 of the Revised 146521  
Code and impoundment of the person's license. The court may grant 146522  
limited driving privileges to the person, but only if the person 146523  
presents proof of financial responsibility and is enrolled in a 146524  
reinstatement fee payment plan pursuant to section 4510.10 of the 146525  
Revised Code. 146526

(b) If, within five years of the violation, the person's 146527  
operating privileges are again suspended and the person's license 146528  
again is impounded for a violation of division (A)(1) of this 146529  
section, a class C suspension of the person's driver's license, 146530  
commercial driver's license, temporary instruction permit, 146531  
probationary license, or nonresident operating privilege for the 146532  
period of time specified in division (B)(3) of section 4510.02 of 146533  
the Revised Code. The court may grant limited driving privileges 146534  
to the person only if the person presents proof of financial 146535  
responsibility and has complied with division (A)(5) of this 146536  
section, and no court may grant limited driving privileges for the 146537  
first fifteen days of the suspension. 146538

(c) If, within five years of the violation, the person's 146539  
operating privileges are suspended and the person's license is 146540  
impounded two or more times for a violation of division (A)(1) of 146541  
this section, a class B suspension of the person's driver's 146542  
license, commercial driver's license, temporary instruction 146543  
permit, probationary license, or nonresident operating privilege 146544  
for the period of time specified in division (B)(2) of section 146545  
4510.02 of the Revised Code. The court may grant limited driving 146546  
privileges to the person only if the person presents proof of 146547

financial responsibility and has complied with division (A)(5) of 146548  
this section, except that no court may grant limited driving 146549  
privileges for the first thirty days of the suspension. 146550

(d) In addition to the suspension of an owner's license under 146551  
division (A)(2)(a), (b), or (c) of this section, the suspension of 146552  
the rights of the owner to register the motor vehicle and the 146553  
impoundment of the owner's certificate of registration and license 146554  
plates until the owner complies with division (A)(5) of this 146555  
section. 146556

The clerk of court shall waive the cost of filing a petition 146557  
for limited driving privileges if, pursuant to section 2323.311 of 146558  
the Revised Code, the petitioner applies to be qualified as an 146559  
indigent litigant and the court approves the application. 146560

(3) A person to whom this state has issued a certificate of 146561  
registration for a motor vehicle or a license to operate a motor 146562  
vehicle or who is determined to have operated any motor vehicle or 146563  
permitted the operation in this state of a motor vehicle owned by 146564  
the person shall be required to verify the existence of proof of 146565  
financial responsibility covering the operation of the motor 146566  
vehicle or the person's operation of the motor vehicle under 146567  
either of the following circumstances: 146568

(a) The person or a motor vehicle owned by the person is 146569  
involved in a traffic accident that requires the filing of an 146570  
accident report under section 4509.06 of the Revised Code. 146571

(b) The person receives a traffic ticket indicating that 146572  
proof of the maintenance of financial responsibility was not 146573  
produced upon the request of a peace officer or state highway 146574  
patrol trooper made in accordance with division (D)(2) of this 146575  
section. 146576

(4) An order of the registrar that suspends and impounds a 146577  
license or registration, or both, shall state the date on or 146578

before which the person is required to surrender the person's 146579  
license or certificate of registration and license plates. The 146580  
person is deemed to have surrendered the license or certificate of 146581  
registration and license plates, in compliance with the order, if 146582  
the person does either of the following: 146583

(a) On or before the date specified in the order, ~~personally~~ 146584  
delivers the license or certificate of registration and license 146585  
plates, ~~or causes the delivery of the items,~~ to the registrar; 146586

(b) Mails the license or certificate of registration and 146587  
license plates to the registrar in an envelope or container 146588  
bearing a postmark showing a date no later than the date specified 146589  
in the order. 146590

(5) Except as provided in division (L) of this section, the 146591  
registrar shall not restore any operating privileges or 146592  
registration rights suspended under this section, return any 146593  
license, certificate of registration, or license plates impounded 146594  
under this section, or reissue license plates under section 146595  
4503.232 of the Revised Code, if the registrar destroyed the 146596  
impounded license plates under that section, or reissue a license 146597  
under section 4510.52 of the Revised Code, if the registrar 146598  
destroyed the suspended license under that section, unless the 146599  
rights are not subject to suspension or revocation under any other 146600  
law and unless the person, in addition to complying with all other 146601  
conditions required by law for reinstatement of the operating 146602  
privileges or registration rights, complies with all of the 146603  
following: 146604

(a) Pays to the registrar or an eligible deputy registrar a 146605  
financial responsibility reinstatement fee of one hundred dollars 146606  
for the first violation of division (A)(1) of this section, three 146607  
hundred dollars for a second violation of that division, and six 146608  
hundred dollars for a third or subsequent violation of that 146609  
division; 146610

(b) If the person has not voluntarily surrendered the license, certificate, or license plates in compliance with the order, pays to the registrar or an eligible deputy registrar a financial responsibility nonvoluntary compliance fee in an amount, not to exceed fifty dollars, determined by the registrar;

(c) Files and continuously maintains proof of financial responsibility under sections 4509.44 to 4509.65 of the Revised Code;

(d) Pays a deputy registrar a service fee of ten dollars to compensate the deputy registrar for services performed under this section. The deputy registrar shall retain eight dollars of the service fee and shall transmit the reinstatement fee, any nonvoluntary compliance fee, and two dollars of the service fee to the registrar in the manner the registrar shall determine.

(B)(1) Every party required to file an accident report under section 4509.06 of the Revised Code also shall include with the report a document described in division (G)(1)(a) of this section or shall present proof of financial responsibility through use of an electronic wireless communications device as permitted by division (G)(1)(b) of this section.

If the registrar determines, within forty-five days after the report is filed, that an operator or owner has violated division (A)(1) of this section, the registrar shall do all of the following:

(a) Order the impoundment, with respect to the motor vehicle involved, required under division (A)(2)(d) of this section, of the certificate of registration and license plates of any owner who has violated division (A)(1) of this section;

(b) Order the suspension required under division (A)(2)(a), (b), or (c) of this section of the license of any operator or owner who has violated division (A)(1) of this section;

(c) Record the name and address of the person whose 146642  
certificate of registration and license plates have been impounded 146643  
or are under an order of impoundment, or whose license has been 146644  
suspended or is under an order of suspension; the serial number of 146645  
the person's license; the serial numbers of the person's 146646  
certificate of registration and license plates; and the person's 146647  
social security account number, if assigned, or, where the motor 146648  
vehicle is used for hire or principally in connection with any 146649  
established business, the person's federal taxpayer identification 146650  
number. The information shall be recorded in such a manner that it 146651  
becomes a part of the person's permanent record, and assists the 146652  
registrar in monitoring compliance with the orders of suspension 146653  
or impoundment. 146654

(d) Send written notification to every person to whom the 146655  
order pertains, at the person's last known address as shown on the 146656  
records of the bureau. The person, within ten days after the date 146657  
of the mailing of the notification, shall surrender to the 146658  
registrar, in a manner set forth in division (A)(4) of this 146659  
section, any certificate of registration and registration plates 146660  
under an order of impoundment, or any license under an order of 146661  
suspension. 146662

(2) The registrar shall issue any order under division (B)(1) 146663  
of this section without a hearing. Any person adversely affected 146664  
by the order, within ten days after the issuance of the order, may 146665  
request an administrative hearing before the registrar, who shall 146666  
provide the person with an opportunity for a hearing in accordance 146667  
with this paragraph. A request for a hearing does not operate as a 146668  
suspension of the order. The scope of the hearing shall be limited 146669  
to whether the person in fact demonstrated to the registrar proof 146670  
of financial responsibility in accordance with this section. The 146671  
registrar shall determine the date, time, and place of any 146672  
hearing, provided that the hearing shall be held, and an order 146673

issued or findings made, within thirty days after the registrar 146674  
receives a request for a hearing. If requested by the person in 146675  
writing, the registrar may designate as the place of hearing the 146676  
county seat of the county in which the person resides or a place 146677  
within fifty miles of the person's residence. The person shall pay 146678  
the cost of the hearing before the registrar, if the registrar's 146679  
order of suspension or impoundment is upheld. 146680

(C) Any order of suspension or impoundment issued under this 146681  
section or division (B) of section 4509.37 of the Revised Code may 146682  
be terminated at any time if the registrar determines upon a 146683  
showing of proof of financial responsibility that the operator or 146684  
owner of the motor vehicle was in compliance with division (A)(1) 146685  
of this section at the time of the traffic offense, motor vehicle 146686  
inspection, or accident that resulted in the order against the 146687  
person. A determination may be made without a hearing. This 146688  
division does not apply unless the person shows good cause for the 146689  
person's failure to present satisfactory proof of financial 146690  
responsibility to the registrar prior to the issuance of the 146691  
order. 146692

(D)(1)(a) For the purpose of enforcing this section, every 146693  
peace officer is deemed an agent of the registrar. 146694

(b) Any peace officer who, in the performance of the peace 146695  
officer's duties as authorized by law, becomes aware of a person 146696  
whose license is under an order of suspension, or whose 146697  
certificate of registration and license plates are under an order 146698  
of impoundment, pursuant to this section, may confiscate the 146699  
license, certificate of registration, and license plates, and 146700  
return them to the registrar. 146701

(2) A peace officer shall request the owner or operator of a 146702  
motor vehicle to produce proof of financial responsibility in a 146703  
manner described in division (G) of this section at the time the 146704  
peace officer acts to enforce the traffic laws of this state and 146705

during motor vehicle inspections conducted pursuant to section 146706  
4513.02 of the Revised Code. 146707

(3) A peace officer shall indicate on every traffic ticket 146708  
whether the person receiving the traffic ticket produced proof of 146709  
the maintenance of financial responsibility in response to the 146710  
officer's request under division (D)(2) of this section. The peace 146711  
officer shall inform every person who receives a traffic ticket 146712  
and who has failed to produce proof of the maintenance of 146713  
financial responsibility that the person must submit proof to the 146714  
traffic violations bureau with any payment of a fine and costs for 146715  
the ticketed violation or, if the person is to appear in court for 146716  
the violation, the person must submit proof to the court. 146717

(4)(a) If a person who has failed to produce proof of the 146718  
maintenance of financial responsibility appears in court for a 146719  
ticketed violation, the court may permit the defendant to present 146720  
evidence of proof of financial responsibility to the court at such 146721  
time and in such manner as the court determines to be necessary or 146722  
appropriate. In a manner prescribed by the registrar, the clerk of 146723  
courts shall provide the registrar with the identity of any person 146724  
who fails to submit proof of the maintenance of financial 146725  
responsibility pursuant to division (D)(3) of this section. 146726

(b) If a person who has failed to produce proof of the 146727  
maintenance of financial responsibility also fails to submit that 146728  
proof to the traffic violations bureau with payment of a fine and 146729  
costs for the ticketed violation, the traffic violations bureau, 146730  
in a manner prescribed by the registrar, shall notify the 146731  
registrar of the identity of that person. 146732

(5)(a) Upon receiving notice from a clerk of courts or 146733  
traffic violations bureau pursuant to division (D)(4) of this 146734  
section, the registrar shall order the suspension of the license 146735  
of the person required under division (A)(2)(a), (b), or (c) of 146736  
this section and the impoundment of the person's certificate of 146737

registration and license plates required under division (A)(2)(d) 146738  
of this section, effective thirty days after the date of the 146739  
mailing of notification. The registrar also shall notify the 146740  
person that the person must present the registrar with proof of 146741  
financial responsibility in accordance with this section, 146742  
surrender to the registrar the person's certificate of 146743  
registration, license plates, and license, or submit a statement 146744  
subject to section 2921.13 of the Revised Code that the person did 146745  
not operate or permit the operation of the motor vehicle at the 146746  
time of the offense. Notification shall be in writing and shall be 146747  
sent to the person at the person's last known address as shown on 146748  
the records of the bureau of motor vehicles. The person, within 146749  
fifteen days after the date of the mailing of notification, shall 146750  
present proof of financial responsibility, surrender the 146751  
certificate of registration, license plates, and license to the 146752  
registrar in a manner set forth in division (A)(4) of this 146753  
section, or submit the statement required under this section 146754  
together with other information the person considers appropriate. 146755

If the registrar does not receive proof or the person does 146756  
not surrender the certificate of registration, license plates, and 146757  
license, in accordance with this division, the registrar shall 146758  
permit the order for the suspension of the license of the person 146759  
and the impoundment of the person's certificate of registration 146760  
and license plates to take effect. 146761

(b) In the case of a person who presents, within the 146762  
fifteen-day period, proof of financial responsibility, the 146763  
registrar shall terminate the order of suspension and the 146764  
impoundment of the registration and license plates required under 146765  
division (A)(2)(d) of this section and shall send written 146766  
notification to the person, at the person's last known address as 146767  
shown on the records of the bureau. 146768

(c) Any person adversely affected by the order of the 146769

registrar under division (D)(5)(a) or (b) of this section, within 146770  
ten days after the issuance of the order, may request an 146771  
administrative hearing before the registrar, who shall provide the 146772  
person with an opportunity for a hearing in accordance with this 146773  
paragraph. A request for a hearing does not operate as a 146774  
suspension of the order. The scope of the hearing shall be limited 146775  
to whether, at the time of the hearing, the person presents proof 146776  
of financial responsibility covering the vehicle and whether the 146777  
person is eligible for an exemption in accordance with this 146778  
section or any rule adopted under it. The registrar shall 146779  
determine the date, time, and place of any hearing; ~~provided, that~~ 146780  
~~the hearing shall be held, and an order issued or findings made,~~ 146781  
~~within thirty days after the registrar receives a request for a~~ 146782  
~~hearing. The hearing may be held remotely by electronic means.~~ If 146783  
requested by the person in writing, the registrar may designate as 146784  
the place of hearing the county seat of the county in which the 146785  
person resides or a place within fifty miles of the person's 146786  
residence. Such person shall pay the cost of the hearing before 146787  
the registrar, if the registrar's order of suspension or 146788  
impoundment under division (D)(5)(a) or (b) of this section is 146789  
upheld. 146790

(6) A peace officer may charge an owner or operator of a 146791  
motor vehicle with a violation of section 4510.16 of the Revised 146792  
Code when the owner or operator fails to show proof of the 146793  
maintenance of financial responsibility pursuant to a peace 146794  
officer's request under division (D)(2) of this section, if a 146795  
check of the owner or operator's driving record indicates that the 146796  
owner or operator, at the time of the operation of the motor 146797  
vehicle, is required to file and maintain proof of financial 146798  
responsibility under section 4509.45 of the Revised Code for a 146799  
previous violation of this chapter. 146800

(7) Any forms used by law enforcement agencies in 146801

administering this section shall be prescribed, supplied, and paid 146802  
for by the registrar. 146803

(8) No peace officer, law enforcement agency employing a 146804  
peace officer, or political subdivision or governmental agency 146805  
that employs a peace officer shall be liable in a civil action for 146806  
damages or loss to persons arising out of the performance of any 146807  
duty required or authorized by this section. 146808

(9) As used in this section, "peace officer" has the meaning 146809  
set forth in section 2935.01 of the Revised Code. 146810

(E) All fees, except court costs, fees paid to a deputy 146811  
registrar, and those portions of the financial responsibility 146812  
reinstatement fees as otherwise specified in this division, 146813  
collected under this section shall be paid into the state treasury 146814  
to the credit of the public safety - highway purposes fund 146815  
established in section 4501.06 of the Revised Code and used to 146816  
cover costs incurred by the bureau in the administration of this 146817  
section and sections 4503.20, 4507.212, and 4509.81 of the Revised 146818  
Code, and by any law enforcement agency employing any peace 146819  
officer who returns any license, certificate of registration, and 146820  
license plates to the registrar pursuant to division (C) of this 146821  
section. 146822

Of each financial responsibility reinstatement fee the 146823  
registrar collects pursuant to division (A)(5)(a) of this section 146824  
or receives from a deputy registrar under division (A)(5)(d) of 146825  
this section, the registrar shall deposit twenty-five dollars of 146826  
each one-hundred-dollar reinstatement fee, fifty dollars of each 146827  
three-hundred-dollar reinstatement fee, and one hundred dollars of 146828  
each six-hundred-dollar reinstatement fee into the state treasury 146829  
to the credit of the indigent defense support fund created by 146830  
section 120.08 of the Revised Code. 146831

(F) Chapter 119. of the Revised Code applies to this section 146832

only to the extent that any provision in that chapter is not 146833  
clearly inconsistent with this section. 146834

(G)(1)(a) The registrar, court, traffic violations bureau, or 146835  
peace officer may require proof of financial responsibility to be 146836  
demonstrated by use of a standard form prescribed by the 146837  
registrar. If the use of a standard form is not required, a person 146838  
may demonstrate proof of financial responsibility under this 146839  
section by presenting to the traffic violations bureau, court, 146840  
registrar, or peace officer any of the following documents or a 146841  
copy of the documents: 146842

(i) A financial responsibility identification card as 146843  
provided in section 4509.103 of the Revised Code; 146844

(ii) A certificate of proof of financial responsibility on a 146845  
form provided and approved by the registrar for the filing of an 146846  
accident report required to be filed under section 4509.06 of the 146847  
Revised Code; 146848

(iii) A policy of liability insurance, a declaration page of 146849  
a policy of liability insurance, or liability bond, if the policy 146850  
or bond complies with section 4509.20 or sections 4509.49 to 146851  
4509.61 of the Revised Code; 146852

(iv) A bond or certification of the issuance of a bond as 146853  
provided in section 4509.59 of the Revised Code; 146854

(v) A certificate of deposit of money or securities as 146855  
provided in section 4509.62 of the Revised Code; 146856

(vi) A certificate of self-insurance as provided in section 146857  
4509.72 of the Revised Code. 146858

(b) A person also may present proof of financial 146859  
responsibility under this section to the traffic violations 146860  
bureau, court, registrar, or peace officer through use of an 146861  
electronic wireless communications device as specified under 146862

section 4509.103 of the Revised Code. 146863

(2) If a person fails to demonstrate proof of financial 146864  
responsibility in a manner described in division (G)(1) of this 146865  
section, the person may demonstrate proof of financial 146866  
responsibility under this section by any other method that the 146867  
court or the bureau, by reason of circumstances in a particular 146868  
case, may consider appropriate. 146869

(3) A motor carrier certificated by the interstate commerce 146870  
commission or by the public utilities commission may demonstrate 146871  
proof of financial responsibility by providing a statement 146872  
designating the motor carrier's operating authority and averring 146873  
that the insurance coverage required by the certificating 146874  
authority is in full force and effect. 146875

(4)(a) A finding by the registrar or court that a person is 146876  
covered by proof of financial responsibility in the form of an 146877  
insurance policy or surety bond is not binding upon the named 146878  
insurer or surety or any of its officers, employees, agents, or 146879  
representatives and has no legal effect except for the purpose of 146880  
administering this section. 146881

(b) The preparation and delivery of a financial 146882  
responsibility identification card or any other document 146883  
authorized to be used as proof of financial responsibility and the 146884  
generation and delivery of proof of financial responsibility to an 146885  
electronic wireless communications device that is displayed on the 146886  
device as text or images does not do any of the following: 146887

(i) Create any liability or estoppel against an insurer or 146888  
surety, or any of its officers, employees, agents, or 146889  
representatives; 146890

(ii) Constitute an admission of the existence of, or of any 146891  
liability or coverage under, any policy or bond; 146892

(iii) Waive any defenses or counterclaims available to an 146893

insurer, surety, agent, employee, or representative in an action 146894  
commenced by an insured or third-party claimant upon a cause of 146895  
action alleged to have arisen under an insurance policy or surety 146896  
bond or by reason of the preparation and delivery of a document 146897  
for use as proof of financial responsibility or the generation and 146898  
delivery of proof of financial responsibility to an electronic 146899  
wireless communications device. 146900

(c) Whenever it is determined by a final judgment in a 146901  
judicial proceeding that an insurer or surety, which has been 146902  
named on a document or displayed on an electronic wireless 146903  
communications device accepted by a court or the registrar as 146904  
proof of financial responsibility covering the operation of a 146905  
motor vehicle at the time of an accident or offense, is not liable 146906  
to pay a judgment for injuries or damages resulting from such 146907  
operation, the registrar, notwithstanding any previous contrary 146908  
finding, shall forthwith suspend the operating privileges and 146909  
registration rights of the person against whom the judgment was 146910  
rendered as provided in division (A)(2) of this section. 146911

(H) In order for any document or display of text or images on 146912  
an electronic wireless communications device described in division 146913  
(G)(1) of this section to be used for the demonstration of proof 146914  
of financial responsibility under this section, the document or 146915  
words or images shall state the name of the insured or obligor, 146916  
the name of the insurer or surety company, and the effective and 146917  
expiration dates of the financial responsibility, and designate by 146918  
explicit description or by appropriate reference all motor 146919  
vehicles covered which may include a reference to fleet insurance 146920  
coverage. 146921

(I) For purposes of this section, "owner" does not include a 146922  
licensed motor vehicle leasing dealer as defined in section 146923  
4517.01 of the Revised Code, but does include a motor vehicle 146924  
renting dealer as defined in section 4549.65 of the Revised Code. 146925

Nothing in this section or in section 4509.51 of the Revised Code 146926  
shall be construed to prohibit a motor vehicle renting dealer from 146927  
entering into a contractual agreement with a person whereby the 146928  
person renting the motor vehicle agrees to be solely responsible 146929  
for maintaining proof of financial responsibility, in accordance 146930  
with this section, with respect to the operation, maintenance, or 146931  
use of the motor vehicle during the period of the motor vehicle's 146932  
rental. 146933

(J) The purpose of this section is to require the maintenance 146934  
of proof of financial responsibility with respect to the operation 146935  
of motor vehicles on the highways of this state, so as to minimize 146936  
those situations in which persons are not compensated for injuries 146937  
and damages sustained in motor vehicle accidents. The general 146938  
assembly finds that this section contains reasonable civil 146939  
penalties and procedures for achieving this purpose. 146940

(K) Nothing in this section shall be construed to be subject 146941  
to section 4509.78 of the Revised Code. 146942

(L)(1) The registrar may terminate any suspension imposed 146943  
under this section and not require the owner to comply with 146944  
divisions (A)(5)(a), (b), and (c) of this section if the registrar 146945  
with or without a hearing determines that the owner of the vehicle 146946  
has established by clear and convincing evidence that all of the 146947  
following apply: 146948

(a) The owner customarily maintains proof of financial 146949  
responsibility. 146950

(b) Proof of financial responsibility was not in effect for 146951  
the vehicle on the date in question for one of the following 146952  
reasons: 146953

(i) The vehicle was inoperable. 146954

(ii) The vehicle is operated only seasonally, and the date in 146955  
question was outside the season of operation. 146956

(iii) A person other than the vehicle owner or driver was at fault for the lapse of proof of financial responsibility through no fault of the owner or driver.

(iv) The lapse of proof of financial responsibility was caused by excusable neglect under circumstances that are not likely to recur and do not suggest a purpose to evade the requirements of this chapter.

(2) The registrar may grant an owner or driver relief for a reason specified in division (L)(1)(b)(iii) or (iv) of this section only if the owner or driver has not previously been granted relief under division (L)(1)(b)(iii) or (iv) of this section.

(M) The registrar shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary to administer and enforce this section. The rules shall include procedures for the surrender of license plates upon failure to maintain proof of financial responsibility and provisions relating to reinstatement of registration rights, acceptable forms of proof of financial responsibility, the use of an electronic wireless communications device to present proof of financial responsibility, and verification of the existence of financial responsibility during the period of registration.

(N)(1) When a person utilizes an electronic wireless communications device to present proof of financial responsibility, only the evidence of financial responsibility displayed on the device shall be viewed by the registrar, peace officer, employee or official of the traffic violations bureau, or the court. No other content of the device shall be viewed for purposes of obtaining proof of financial responsibility.

(2) When a person provides an electronic wireless communications device to the registrar, a peace officer, an

employee or official of a traffic violations bureau, or the court, 146988  
the person assumes the risk of any resulting damage to the device 146989  
unless the registrar, peace officer, employee, or official, or 146990  
court personnel purposely, knowingly, or recklessly commits an 146991  
action that results in damage to the device. 146992

**Sec. 4510.03.** (A) Every county court judge, mayor of a 146993  
mayor's court, and clerk of a court of record shall keep a full 146994  
record of every case in which a person is charged with any 146995  
violation of any provision of sections 4511.01 to 4511.771 or 146996  
4513.01 to 4513.36 of the Revised Code or of any other law or 146997  
ordinance regulating the operation of vehicles, streetcars, and 146998  
trackless trolleys on highways or streets. 146999

(B) If a person is convicted of or forfeits bail in relation 147000  
to a violation of any section listed in division (A) of this 147001  
section or a violation of any other law or ordinance regulating 147002  
the operation of vehicles, streetcars, and trackless trolleys on 147003  
highways or streets, the county court judge, mayor of a mayor's 147004  
court, or clerk, within seven days after the conviction or bail 147005  
forfeiture, shall prepare and immediately forward to the bureau of 147006  
motor vehicles, in a secure electronic format, an abstract, 147007  
certified by the preparer to be true and correct, of the court 147008  
record covering the case in which the person was convicted or 147009  
forfeited bail. Every court of record also shall forward to the 147010  
bureau of motor vehicles, in a secure electronic format, an 147011  
abstract of the court record as described in division (C) of this 147012  
section upon the conviction of any person of aggravated vehicular 147013  
homicide or vehicular homicide or of a felony in the commission of 147014  
which a vehicle was used. 147015

(C) Each abstract required by this section shall be made upon 147016  
a form approved and furnished by the bureau and shall include the 147017  
name and address of the person charged, the number of the person's 147018

driver's or commercial driver's license, probationary driver's 147019  
license, or temporary instruction permit, the registration number 147020  
of the vehicle involved, the nature of the offense, the date of 147021  
the offense, the date of hearing, the plea, the judgment, or 147022  
whether bail was forfeited, and the amount of the fine or 147023  
forfeiture. 147024

**Sec. 4510.41.** (A) As used in this section: 147025

(1) "Arrested person" means a person who is arrested for a 147026  
violation of section 4510.14 or 4511.203 of the Revised Code, or a 147027  
municipal ordinance that is substantially equivalent to either of 147028  
those sections, and whose arrest results in a vehicle being seized 147029  
under division (B) of this section. 147030

(2) "Vehicle owner" means either of the following: 147031

(a) The person in whose name is registered, at the time of 147032  
the seizure, a vehicle that is seized under division (B) of this 147033  
section; 147034

(b) A person to whom the certificate of title to a vehicle 147035  
that is seized under division (B) of this section has been 147036  
assigned and who has not obtained a certificate of title to the 147037  
vehicle in that person's name, but who is deemed by the court as 147038  
being the owner of the vehicle at the time the vehicle was seized 147039  
under division (B) of this section. 147040

(3) "Interested party" includes the owner of a vehicle seized 147041  
under this section, all lienholders, the arrested person, the 147042  
owner of the place of storage at which a vehicle seized under this 147043  
section is stored, and the person or entity that caused the 147044  
vehicle to be removed. 147045

(B)(1) If a person is arrested for a violation of section 147046  
4510.14 or 4511.203 of the Revised Code or a municipal ordinance 147047  
that is substantially equivalent to either of those sections, the 147048

arresting officer or another officer of the law enforcement agency 147049  
that employs the arresting officer, in addition to any action that 147050  
the arresting officer is required or authorized to take by any 147051  
other provision of law, shall seize the vehicle that the person 147052  
was operating at the time of, or that was involved in, the alleged 147053  
offense if the vehicle is registered in the arrested person's name 147054  
and its license plates. A law enforcement agency that employs a 147055  
law enforcement officer who makes an arrest of a type that is 147056  
described in this division and that involves a rented or leased 147057  
vehicle that is being rented or leased for a period of thirty days 147058  
or less shall notify, within twenty-four hours after the officer 147059  
makes the arrest, the lessor or owner of the vehicle regarding the 147060  
circumstances of the arrest and the location at which the vehicle 147061  
may be picked up. At the time of the seizure of the vehicle, the 147062  
law enforcement officer who made the arrest shall give the 147063  
arrested person written notice that the vehicle and its license 147064  
plates have been seized; that the vehicle either will be kept by 147065  
the officer's law enforcement agency or will be immobilized at 147066  
least until the person's initial appearance on the charge of the 147067  
offense for which the arrest was made; that, at the initial 147068  
appearance, the court in certain circumstances may order that the 147069  
vehicle and license plates be released to the arrested person 147070  
until the disposition of that charge; that, if the arrested person 147071  
is convicted of that charge, the court generally must order the 147072  
immobilization of the vehicle and the impoundment of its license 147073  
plates or the forfeiture of the vehicle; and that the arrested 147074  
person may be charged expenses or charges incurred under this 147075  
section and section 4503.233 of the Revised Code for the removal 147076  
and storage of the vehicle. 147077

(2) The arresting officer or a law enforcement officer of the 147078  
agency that employs the arresting officer shall give written 147079  
notice of the seizure under division (B)(1) of this section to the 147080  
court that will conduct the initial appearance of the arrested 147081

person on the charges arising out of the arrest. Upon receipt of 147082  
the notice, the court promptly shall determine whether the 147083  
arrested person is the vehicle owner. If the court determines that 147084  
the arrested person is not the vehicle owner, it promptly shall 147085  
send by regular mail written notice of the seizure to the 147086  
vehicle's registered owner. The written notice shall contain all 147087  
of the information required by division (B)(1) of this section to 147088  
be in a notice to be given to the arrested person and also shall 147089  
specify the date, time, and place of the arrested person's initial 147090  
appearance. The notice also shall inform the vehicle owner that if 147091  
title to a motor vehicle that is subject to an order for criminal 147092  
forfeiture under this section is assigned or transferred and 147093  
division (B)(2) or (3) of section 4503.234 of the Revised Code 147094  
applies, the court may fine the arrested person the value of the 147095  
vehicle. The notice also shall state that if the vehicle is 147096  
immobilized under division (A) of section 4503.233 of the Revised 147097  
Code, seven days after the end of the period of immobilization a 147098  
law enforcement agency will send the vehicle owner a notice, 147099  
informing the owner that if the release of the vehicle is not 147100  
obtained in accordance with division (D)(3) of section 4503.233 of 147101  
the Revised Code, the vehicle shall be forfeited. The notice also 147102  
shall inform the vehicle owner that the owner may be charged 147103  
expenses or charges incurred under this section and section 147104  
4503.233 of the Revised Code for the removal and storage of the 147105  
vehicle. 147106

The written notice that is given to the arrested person also 147107  
shall state that if the person is convicted of or pleads guilty to 147108  
the offense and the court issues an immobilization and impoundment 147109  
order relative to that vehicle, division (D)(4) of section 147110  
4503.233 of the Revised Code prohibits the vehicle from being sold 147111  
during the period of immobilization without the prior approval of 147112  
the court. 147113

(3) At or before the initial appearance, the vehicle owner 147114  
may file a motion requesting the court to order that the vehicle 147115  
and its license plates be released to the vehicle owner. Except as 147116  
provided in this division and subject to the payment of expenses 147117  
or charges incurred in the removal and storage of the vehicle, the 147118  
court, in its discretion, then may issue an order releasing the 147119  
vehicle and its license plates to the vehicle owner. Such an order 147120  
may be conditioned upon such terms as the court determines 147121  
appropriate, including the posting of a bond in an amount 147122  
determined by the court. If the arrested person is not the vehicle 147123  
owner and if the vehicle owner is not present at the arrested 147124  
person's initial appearance, and if the court believes that the 147125  
vehicle owner was not provided with adequate notice of the initial 147126  
appearance, the court, in its discretion, may allow the vehicle 147127  
owner to file a motion within seven days of the initial 147128  
appearance. If the court allows the vehicle owner to file such a 147129  
motion after the initial appearance, the extension of time granted 147130  
by the court does not extend the time within which the initial 147131  
appearance is to be conducted. If the court issues an order for 147132  
the release of the vehicle and its license plates, a copy of the 147133  
order shall be made available to the vehicle owner. If the vehicle 147134  
owner presents a copy of the order to the law enforcement agency 147135  
that employs the law enforcement officer who arrested the arrested 147136  
person, the law enforcement agency promptly shall release the 147137  
vehicle and its license plates to the vehicle owner upon payment 147138  
by the vehicle owner of any expenses or charges incurred in the 147139  
removal or storage of the vehicle. 147140

(4) A vehicle seized under division (B)(1) of this section 147141  
either shall be towed to a place specified by the law enforcement 147142  
agency that employs the arresting officer to be safely kept by the 147143  
agency at that place for the time and in the manner specified in 147144  
this section or shall be otherwise immobilized for the time and in 147145  
the manner specified in this section. ~~A law enforcement officer of~~ 147146

~~that agency shall remove the identification license plates of the~~ 147147  
~~vehicle, and they shall be safely kept by the agency for the time~~ 147148  
~~and in the manner specified in this section. The license plates~~ 147149  
~~shall remain on the seized vehicle unless otherwise ordered by the~~ 147150  
~~court.~~ No vehicle that is seized and either towed or immobilized 147151  
pursuant to this division shall be considered contraband for 147152  
purposes of Chapter 2981. of the Revised Code. The vehicle shall 147153  
not be immobilized at any place other than a commercially operated 147154  
private storage lot, a place owned by a law enforcement or other 147155  
government agency, or a place to which one of the following 147156  
applies: 147157

(a) The place is leased by or otherwise under the control of 147158  
a law enforcement or other government agency. 147159

(b) The place is owned by the arrested person, the arrested 147160  
person's spouse, or a parent or child of the arrested person. 147161

(c) The place is owned by a private person or entity, and, 147162  
prior to the immobilization, the private entity or person that 147163  
owns the place, or the authorized agent of that private entity or 147164  
person, has given express written consent for the immobilization 147165  
to be carried out at that place. 147166

(d) The place is a public street or highway on which the 147167  
vehicle is parked in accordance with the law. 147168

(C)(1) A vehicle seized under division (B)(1) of this section 147169  
shall be safely kept at the place to which it is towed or 147170  
otherwise moved by the law enforcement agency that employs the 147171  
arresting officer until the initial appearance of the arrested 147172  
person relative to the charge in question. The license plates ~~of~~ 147173  
shall remain on the seized vehicle that are removed pursuant to 147174  
~~division (B)(1) of this section shall be safely kept by the law~~ 147175  
~~enforcement agency that employs the arresting officer until at~~ 147176  
~~least the initial appearance of the arrested person relative to~~ 147177

~~the charge in question unless otherwise ordered by the court.~~ 147178

(2)(a) At the initial appearance or not less than seven days 147179  
prior to the date of final disposition, the court shall notify the 147180  
arrested person that, if title to a motor vehicle that is subject 147181  
to an order for criminal forfeiture under this section is assigned 147182  
or transferred and division (B)(2) or (3) of section 4503.234 of 147183  
the Revised Code applies, the court may fine the arrested person 147184  
the value of the vehicle. If, at the initial appearance, the 147185  
arrested person pleads guilty to the violation of section 4510.14 147186  
or 4511.203 of the Revised Code, or a municipal ordinance that is 147187  
substantially equivalent to either of those sections or pleads no 147188  
contest to and is convicted of the violation, the following 147189  
sentencing provisions apply: 147190

(i) If the person violated section 4510.14 of the Revised 147191  
Code or a municipal ordinance that is substantially equivalent to 147192  
that section, the court shall impose sentence upon the person as 147193  
provided by law or ordinance; the court shall order the 147194  
immobilization of the vehicle the arrested person was operating at 147195  
the time of, or that was involved in, the offense if registered in 147196  
the arrested person's name and the impoundment of its license 147197  
plates under sections 4503.233 and 4510.14 of the Revised Code or 147198  
the criminal forfeiture to the state of the vehicle if registered 147199  
in the arrested person's name under sections 4503.234 and 4510.14 147200  
of the Revised Code, whichever is applicable; and the vehicle and 147201  
its license plates shall not be returned or released to the 147202  
arrested person. 147203

(ii) If the person violated section 4511.203 of the Revised 147204  
Code or a municipal ordinance that is substantially equivalent to 147205  
that section, the court shall impose sentence upon the person as 147206  
provided by law or ordinance; the court may order the 147207  
immobilization of the vehicle the arrested person was operating at 147208  
the time of, or that was involved in, the offense if registered in 147209

the arrested person's name and the impoundment of its license 147210  
plates under section 4503.233 and section 4511.203 of the Revised 147211  
Code or the criminal forfeiture to the state of the vehicle if 147212  
registered in the arrested person's name under section 4503.234 147213  
and section 4511.203 of the Revised Code, whichever is applicable; 147214  
and the vehicle and its license plates shall not be returned or 147215  
released to the arrested person. 147216

(b) If, at any time, the charge that the arrested person 147217  
violated section 4510.14 or 4511.203 of the Revised Code, or a 147218  
municipal ordinance that is substantially equivalent to either of 147219  
those sections is dismissed for any reason, the court shall order 147220  
that the vehicle seized at the time of the arrest and its license 147221  
plates immediately be released to the person. 147222

(D) If a vehicle and its license plates are seized under 147223  
division (B)(1) of this section and are not returned or released 147224  
to the arrested person pursuant to division (C) of this section, 147225  
the vehicle and its license plates shall be retained until the 147226  
final disposition of the charge in question. Upon the final 147227  
disposition of that charge, the court shall do whichever of the 147228  
following is applicable: 147229

(1) If the arrested person is convicted of or pleads guilty 147230  
to the violation of section 4510.14 of the Revised Code or a 147231  
municipal ordinance that is substantially equivalent to that 147232  
section, the court shall impose sentence upon the person as 147233  
provided by law or ordinance and shall order the immobilization of 147234  
the vehicle the person was operating at the time of, or that was 147235  
involved in, the offense if it is registered in the arrested 147236  
person's name and the impoundment of its license plates under 147237  
sections 4503.233 and 4510.14 of the Revised Code or the criminal 147238  
forfeiture of the vehicle if it is registered in the arrested 147239  
person's name under sections 4503.234 and 4510.14 of the Revised 147240  
Code, whichever is applicable. 147241

(2) If the arrested person is convicted of or pleads guilty to the violation of section 4511.203 of the Revised Code, or a municipal ordinance that is substantially equivalent to that section, the court shall impose sentence upon the person as provided by law or ordinance and may order the immobilization of the vehicle the person was operating at the time of, or that was involved in, the offense if it is registered in the arrested person's name and the impoundment of its license plates under section 4503.233 and section 4511.203 of the Revised Code or the criminal forfeiture of the vehicle if it is registered in the arrested person's name under section 4503.234 and section 4511.203 of the Revised Code, whichever is applicable.

(3) If the arrested person is found not guilty of the violation of section 4510.14 or 4511.203 of the Revised Code, or a municipal ordinance that is substantially equivalent to either of those sections, the court shall order that the vehicle and its license plates immediately be released to the arrested person.

(4) If the charge that the arrested person violated section 4510.14 or 4511.203 of the Revised Code, or a municipal ordinance that is substantially equivalent to either of those sections is dismissed for any reason, the court shall order that the vehicle and its license plates immediately be released to the arrested person.

(5) If the impoundment of the vehicle was not authorized under this section, the court shall order that the vehicle and its license plates be returned immediately to the arrested person or, if the arrested person is not the vehicle owner, to the vehicle owner and shall order that the state or political subdivision of the law enforcement agency served by the law enforcement officer who seized the vehicle pay all expenses and charges incurred in its removal and storage.

(E) If a vehicle is seized under division (B)(2) of this

section, the time between the seizure of the vehicle and either 147274  
its release to the arrested person pursuant to division (C) of 147275  
this section or the issuance of an order of immobilization of the 147276  
vehicle under section 4503.233 of the Revised Code shall be 147277  
credited against the period of immobilization ordered by the 147278  
court. 147279

(F)(1) Except as provided in division (D)(4) of this section, 147280  
the arrested person may be charged expenses or charges incurred in 147281  
the removal and storage of the immobilized vehicle. The court with 147282  
jurisdiction over the case, after notice to all interested 147283  
parties, including lienholders, and after an opportunity for them 147284  
to be heard, if the court finds that the arrested person does not 147285  
intend to seek release of the vehicle at the end of the period of 147286  
immobilization under section 4503.233 of the Revised Code or that 147287  
the arrested person is not or will not be able to pay the expenses 147288  
and charges incurred in its removal and storage, may order that 147289  
title to the vehicle be transferred, in order of priority, first 147290  
into the name of the person or entity that removed it, next into 147291  
the name of a lienholder, or lastly into the name of the owner of 147292  
the place of storage. 147293

Any lienholder that receives title under a court order shall 147294  
do so on the condition that it pay any expenses or charges 147295  
incurred in the vehicle's removal and storage. If the person or 147296  
entity that receives title to the vehicle is the person or entity 147297  
that removed it, the person or entity shall receive title on the 147298  
condition that it pay any lien on the vehicle. The court shall not 147299  
order that title be transferred to any person or entity other than 147300  
the owner of the place of storage if the person or entity refuses 147301  
to receive the title. Any person or entity that receives title 147302  
either may keep title to the vehicle or may dispose of the vehicle 147303  
in any legal manner that it considers appropriate, including 147304  
assignment of the certificate of title to the motor vehicle to a 147305

salvage dealer or a scrap metal processing facility. The person or 147306  
entity shall not transfer the vehicle to the person who is the 147307  
vehicle's immediate previous owner. 147308

If the person or entity that receives title assigns the motor 147309  
vehicle to a salvage dealer or scrap metal processing facility, 147310  
the person or entity shall send the assigned certificate of title 147311  
to the motor vehicle to the clerk of the court of common pleas of 147312  
the county in which the salvage dealer or scrap metal processing 147313  
facility is located. The person or entity shall mark the face of 147314  
the certificate of title with the words "FOR DESTRUCTION" and 147315  
shall deliver a photocopy of the certificate of title to the 147316  
salvage dealer or scrap metal processing facility for its records. 147317

(2) Whenever a court issues an order under division (F)(1) of 147318  
this section, the court also shall order removal of the license 147319  
plates from the vehicle and cause them to be sent to the registrar 147320  
if they have not already been sent to the registrar. Thereafter, 147321  
no further proceedings shall take place under this section or 147322  
under section 4503.233 of the Revised Code. 147323

(3) Prior to initiating a proceeding under division (F)(1) of 147324  
this section, and upon payment of the fee under division (B) of 147325  
section 4505.14, any interested party may cause a search to be 147326  
made of the public records of the bureau of motor vehicles or the 147327  
clerk of the court of common pleas, to ascertain the identity of 147328  
any lienholder of the vehicle. The initiating party shall furnish 147329  
this information to the clerk of the court with jurisdiction over 147330  
the case, and the clerk shall provide notice to the arrested 147331  
person, any lienholder, and any other interested parties listed by 147332  
the initiating party, at the last known address supplied by the 147333  
initiating party, by certified mail, or, at the option of the 147334  
initiating party, by personal service or ordinary mail. 147335

**Sec. 4735.13.** (A) Every real estate broker licensed under 147336

this chapter shall have and maintain a definite place of business 147337  
in this state. A post office box address is not a definite place 147338  
of business for purposes of this section. The license of a real 147339  
estate broker shall be prominently displayed in the office or 147340  
place of business of the broker, and no license shall authorize 147341  
the licensee to do business except from the location specified in 147342  
it. If the broker maintains more than one place of business within 147343  
the state, the broker shall apply for and procure a duplicate 147344  
license for each branch office maintained by the broker. Each 147345  
branch office shall be in the charge of a licensed broker or 147346  
salesperson. The branch office license shall be prominently 147347  
displayed at the branch office location. 147348

(B) The license of each real estate salesperson shall be 147349  
electronically mailed to and remain in the possession of the 147350  
licensed broker with whom the salesperson is or is to be 147351  
associated until the licensee places the license on inactive or 147352  
resigned status or until the salesperson leaves the brokerage or 147353  
is terminated. The broker shall keep a copy of each salesperson's 147354  
license in a way that it can, and shall on request, be made 147355  
immediately available for public inspection at the office or place 147356  
of business of the broker. Except as provided in divisions (G) and 147357  
(H) of this section, immediately upon the salesperson's leaving 147358  
the association or termination of the association of a real estate 147359  
salesperson with the broker, the broker shall ~~return the~~ 147360  
~~salesperson's license to~~ notify the superintendent of real estate 147361  
by electronic mail to the division of real estate's general 147362  
electronic mail address. The broker shall keep a copy of the 147363  
written notification for three years after it is sent. 147364

The failure of a broker to ~~return the license~~ notify the 147365  
superintendent of real estate in writing of a real estate 147366  
salesperson or broker who leaves or who is terminated, via 147367  
~~certified~~ electronic mail ~~return receipt requested~~, within three 147368

business days of the receipt of a written request from the 147369  
superintendent for ~~the return of the license~~ such notification, is 147370  
prima-facie evidence of misconduct under division (A)(6) of 147371  
section 4735.18 of the Revised Code. 147372

(C) A licensee shall notify the superintendent in writing 147373  
within fifteen days of any of the following occurrences: 147374

(1) The licensee is convicted of a felony. 147375

(2) The licensee is convicted of a crime involving moral 147376  
turpitude. 147377

(3) The licensee is found to have violated any federal, 147378  
state, or municipal civil rights law pertaining to discrimination 147379  
in housing. 147380

(4) The licensee is found to have engaged in a discriminatory 147381  
practice pertaining to housing accommodations described in 147382  
division (H) of section 4112.02 of the Revised Code. 147383

(5) The licensee is the subject of an order by the department 147384  
of commerce, the department of insurance, or the department of 147385  
agriculture revoking or permanently surrendering any professional 147386  
license, certificate, or registration. 147387

(6) The licensee is the subject of an order by any government 147388  
agency concerning real estate, financial matters, or the 147389  
performance of fiduciary duties with respect to any license, 147390  
certificate, or registration. 147391

If a licensee fails to notify the superintendent within the 147392  
required time, the superintendent immediately may suspend the 147393  
license of the licensee. 147394

Any court that convicts a licensee of a violation of any 147395  
municipal civil rights law pertaining to housing discrimination 147396  
also shall notify the Ohio civil rights commission within fifteen 147397  
days of the conviction. 147398

(D) In case of any change of business location, a broker shall give notice to the superintendent, on a form prescribed by the superintendent, within thirty days after the change of location, whereupon the superintendent shall issue new licenses for the unexpired period without charge. If a broker changes a business location without giving the required notice and without receiving new licenses that action is prima-facie evidence of misconduct under division (A)(6) of section 4735.18 of the Revised Code.

(E) If a real estate broker desires to associate with another real estate broker in the capacity of a real estate salesperson, the broker shall apply to the superintendent to deposit the broker's real estate broker's license with the superintendent and for the issuance of a real estate salesperson's license. The application shall be made on a form prescribed by the superintendent and shall be accompanied by the recommendation of the real estate broker with whom the applicant intends to become associated and a fee of thirty-four dollars for the real estate salesperson's license. One dollar of the fee shall be credited to the real estate education and research fund. If the superintendent is satisfied that the applicant is honest and truthful, has not been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code, and has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate, and that the association of the real estate broker and the applicant will be in the public interest, the superintendent shall grant the application and issue a real estate salesperson's license to the applicant. Any license so deposited with the superintendent shall be subject to this chapter. A broker who intends to deposit the broker's license with the superintendent, as provided in this section, shall give written notice of this fact in a format prescribed by the

superintendent to all salespersons associated with the broker when 147432  
applying to place the broker's license on deposit. 147433

(F) If a real estate broker desires to become a member or 147434  
officer of a partnership, association, limited liability company, 147435  
limited liability partnership, or corporation that is or intends 147436  
to become a licensed real estate broker, the broker shall notify 147437  
the superintendent of the broker's intentions. The notice of 147438  
intention shall be on a form prescribed by the superintendent and 147439  
shall be accompanied by a fee of thirty-four dollars. One dollar 147440  
of the fee shall be credited to the real estate education and 147441  
research fund. 147442

A licensed real estate broker who is a member or officer of a 147443  
partnership, association, limited liability company, limited 147444  
liability partnership, or corporation shall only act as a real 147445  
estate broker for such partnership, association, limited liability 147446  
company, limited liability partnership, or corporation. 147447

(G)(1) If a real estate broker or salesperson enters the 147448  
armed forces, the broker or salesperson may place the broker's or 147449  
salesperson's license on deposit with the Ohio real estate 147450  
commission. The licensee shall not be required to renew the 147451  
license until the renewal date that follows the date of discharge 147452  
from the armed forces. Any license deposited with the commission 147453  
shall be subject to this chapter. 147454

Any licensee whose license is on deposit under this division 147455  
and who fails to meet the continuing education requirements of 147456  
section 4735.141 of the Revised Code because the licensee is in 147457  
the armed forces shall satisfy the commission that the licensee 147458  
has complied with the continuing education requirements within 147459  
twelve months of the licensee's first birthday after discharge or 147460  
within the amount of time equal to the total number of months the 147461  
licensee spent on active duty, whichever is greater. The licensee 147462  
shall submit proper documentation of active duty service and the 147463

length of that active duty service to the superintendent. The 147464  
extension shall not exceed the total number of months that the 147465  
licensee served in active duty. The superintendent shall notify 147466  
the licensee of the licensee's obligations under section 4735.141 147467  
of the Revised Code at the time the licensee applies for 147468  
reactivation of the licensee's license. 147469

(2) If a licensee is a spouse of a member of the armed forces 147470  
and the spouse's service resulted in the licensee's absence from 147471  
this state, both of the following apply: 147472

(a) The licensee shall not be required to renew the license 147473  
until the renewal date that follows the date of the spouse's 147474  
discharge from the armed forces. 147475

(b) If the licensee fails to meet the continuing education 147476  
requirements of section 4735.141 of the Revised Code, the licensee 147477  
shall satisfy the commission that the licensee has complied with 147478  
the continuing education requirements within twelve months after 147479  
the licensee's first birthday after the spouse's discharge or 147480  
within the amount of time equal to the total number of months the 147481  
licensee's spouse spent on active duty, whichever is greater. The 147482  
licensee shall submit proper documentation of the spouse's active 147483  
duty service and the length of that active duty service. This 147484  
extension shall not exceed the total number of months that the 147485  
licensee's spouse served in active duty. 147486

(3) In the case of a licensee as described in division (G)(2) 147487  
of this section, who holds the license through a reciprocity 147488  
agreement with another state, the spouse's service shall have 147489  
resulted in the licensee's absence from the licensee's state of 147490  
residence for the provisions of that division to apply. 147491

(4) As used in this division, "armed forces" means the armed 147492  
forces of the United States or reserve component of the armed 147493  
forces of the United States including the Ohio national guard or 147494

the national guard of any other state. 147495

(H) If a licensed real estate salesperson submits an 147496  
application to the superintendent to leave the association of one 147497  
broker to associate with a different broker, the broker possessing 147498  
the licensee's license need not ~~return the salesperson's license~~ 147499  
~~to~~ notify the superintendent pursuant to division (B) of this 147500  
section. The superintendent may process the application regardless 147501  
of whether the licensee's license is returned to the 147502  
superintendent or the superintendent is notified pursuant to 147503  
division (B) of this section. 147504

**Sec. 4735.14.** (A) Each license issued under this chapter, 147505  
shall be valid without further recommendation or examination until 147506  
it is placed in an inactive or resigned status, is revoked or 147507  
suspended, or such license expires by operation of law. 147508

(B) Except for a licensee who has placed the licensee's 147509  
license in resigned status pursuant to section 4735.142 of the 147510  
Revised Code, each licensed broker, brokerage, or salesperson 147511  
shall file, on or before the date the Ohio real estate commission 147512  
has adopted by rule for that licensee in accordance with division 147513  
(A)(2)(f) of section 4735.10 of the Revised Code, a notice of 147514  
renewal on a form prescribed by the superintendent of real estate. 147515  
The notice of renewal shall be ~~mailed~~ sent by the superintendent 147516  
two months prior to the filing deadline to the ~~personal residence~~ 147517  
electronic mail address of each broker or salesperson that is on 147518  
file with the division. If the licensee is a partnership, 147519  
association, limited liability company, limited liability 147520  
partnership, or corporation, the notice of renewal shall be ~~mailed~~ 147521  
sent by the superintendent two months prior to the filing deadline 147522  
to the brokerage's business electronic mail address on file with 147523  
the division. A licensee shall not renew the licensee's license 147524  
any earlier than two months prior to the filing deadline. 147525

(C) Except as otherwise provided in division (B) of this section, the license of any real estate broker, brokerage, or salesperson that fails to file a notice of renewal on or before the filing deadline of each ensuing year shall be suspended automatically without the taking of any action by the superintendent. A suspended license may be reactivated within twelve months of the date of suspension, provided that the renewal fee plus a penalty fee of fifty per cent of the renewal fee is paid to the superintendent. Failure to reactivate the license as provided in this division shall result in automatic revocation of the license without the taking of any action by the superintendent. No person, partnership, association, corporation, limited liability company, or limited partnership shall engage in any act or acts for which a real estate license is required while that entity's license is placed in an inactive or resigned status, or is suspended, or revoked. The commission shall adopt rules in accordance with Chapter 119. of the Revised Code to provide to licensees notice of suspension or revocation or both.

(D) Each licensee shall notify the superintendent of a change in personal residence address within thirty days after the change of location. A licensee's failure to notify the superintendent of a change in personal residence address does not negate the requirement to file the license renewal by the required deadline established by the commission by rule under division (A)(2)(f) of section 4735.10 of the Revised Code. Each licensee shall maintain a valid electronic mail address on file with the division and notify the superintendent of any change in electronic mail address within thirty days after the change.

(E) The superintendent shall not renew a license if the licensee fails to comply with section 4735.141 of the Revised Code or is otherwise not in compliance with this chapter.

(F) The superintendent shall make notice of successful

renewal available electronically to licensees as soon as 147558  
practicable, but not later than thirty days after receipt by the 147559  
division of a complete application and renewal fee. This notice 147560  
shall serve as a notice of renewal for purposes of section 4745.02 147561  
of the Revised Code. 147562

**Sec. 5107.161.** Before a county department of job and family 147563  
services sanctions an assistance group under section 5107.16 of 147564  
the Revised Code, the state department of job and family services 147565  
shall provide the assistance group written notice of the sanction 147566  
in accordance with rules adopted under section 5107.05 of the 147567  
Revised Code. The written notice shall include a provision printed 147568  
in bold type face that informs the assistance group that, not 147569  
later than fifteen calendar days after the state department mailed 147570  
the written notice to the assistance group, the assistance group 147571  
may request, for the purpose of explaining why the assistance 147572  
group believes it should not be sanctioned, a state hearing under 147573  
division (B) of section 5101.35 of the Revised Code which, at the 147574  
assistance group's request, may be preceded by a ~~face-to-face~~ 147575  
county conference with the county department. The written notice 147576  
shall include either the telephone number of an Ohio works first 147577  
ombudsperson provided for under section 329.07 of the Revised Code 147578  
or the toll-free telephone number of the state department of job 147579  
and family services that the assistance group may call to obtain 147580  
the telephone number of an Ohio works first ombudsperson. 147581

**Sec. 5120.14.** (A) If a person who was convicted of or pleaded 147582  
guilty to an offense escapes from a correctional institution in 147583  
this state under the control of the department of rehabilitation 147584  
and correction or otherwise escapes from the custody of the 147585  
department, the department immediately after the escape shall 147586  
report the escape, by telephone and in writing, to all local law 147587  
enforcement agencies with jurisdiction in the county in which the 147588

institution from which the escape was made or to which the person 147589  
was sentenced is located, to all local law enforcement agencies 147590  
with jurisdiction in the county in which the person was convicted 147591  
or pleaded guilty to the offense for which the escaped person was 147592  
sentenced, to the state highway patrol, to the prosecuting 147593  
attorney of the county in which the institution from which the 147594  
escape was made or to which the person was sentenced is located, 147595  
to the prosecuting attorney of the county in which the person was 147596  
convicted or pleaded guilty to the offense for which the escaped 147597  
person was sentenced, to a newspaper of general circulation in the 147598  
county in which the institution from which the escape was made or 147599  
to which the person was sentenced is located, and to a newspaper 147600  
of general circulation in each county in which the escaped person 147601  
was indicted for an offense for which, at the time of the escape, 147602  
the escaped person had been sentenced to that institution. The 147603  
written notice may be by ~~either~~ facsimile transmission, electronic 147604  
mail, or mail. A failure to comply with this requirement is a 147605  
violation of section 2921.22 of the Revised Code. 147606

147607  
(B) Upon the apprehension of the escaped person, the 147608  
department shall give notice of the apprehension by telephone and 147609  
in writing to the persons who were given notice of the escape 147610  
under division (A) of this section. 147611

**Sec. 5165.193.** (A) The department of medicaid may, pursuant 147612  
to rules authorized by this section, conduct an exception review 147613  
of resident assessment data submitted by a nursing facility 147614  
provider under section 5165.191 of the Revised Code. The 147615  
department may conduct an exception review based on the findings 147616  
of a medicaid certification survey conducted by the department of 147617  
health, a risk analysis, or prior performance of the provider. 147618

Exception reviews shall be conducted ~~at the nursing facility~~ 147619

by appropriate health professionals under contract with or 147620  
employed by the department. The professionals may review resident 147621  
assessment forms and supporting documentation, conduct interviews, 147622  
and observe residents to identify any patterns or trends of 147623  
inaccurate resident assessments and resulting inaccurate case-mix 147624  
scores. 147625

(B) If an exception review is conducted before the effective 147626  
date of a nursing facility's rate for direct care costs that is 147627  
based on the resident assessment data being reviewed and the 147628  
review results in findings that exceed tolerance levels specified 147629  
in the rules authorized by this section, the department, in 147630  
accordance with those rules, may use the findings to redetermine 147631  
individual resident case-mix scores, the nursing facility's 147632  
case-mix score for the quarter, and the nursing facility's annual 147633  
average case-mix score. The department may use the nursing 147634  
facility's redetermined quarterly and annual average case-mix 147635  
scores to determine the nursing facility's rate for direct care 147636  
costs for the appropriate calendar quarter or quarters. 147637

(C) The department shall prepare a written summary of any 147638  
exception review finding that is made after the effective date of 147639  
a nursing facility's rate for direct care costs that is based on 147640  
the resident assessment data that was reviewed. Where the provider 147641  
is pursuing judicial or administrative remedies in good faith 147642  
regarding the finding, the department shall not withhold from the 147643  
provider's current payments any amounts the department claims to 147644  
be due from the provider pursuant to section 5165.41 of the 147645  
Revised Code. 147646

(D)(1) The medicaid director shall adopt rules under section 147647  
5165.02 of the Revised Code as necessary to implement this 147648  
section. The rules shall establish an exception review program 147649  
that does all of the following: 147650

(a) Requires each exception review to comply with Title XVIII 147651

and Title XIX; 147652

(b) Requires a written summary for each exception review that 147653  
states whether resident assessment forms have been completed 147654  
accurately; 147655

(c) Prohibits each health professional who conducts an 147656  
exception review from doing either of the following: 147657

(i) During the period of the professional's contract or 147658  
employment with the department, having or being committed to 147659  
acquire any direct or indirect financial interest in the 147660  
ownership, financing, or operation of nursing facilities in this 147661  
state; 147662

(ii) Reviewing any provider that has been a client of the 147663  
professional. 147664

(2) For the purposes of division (D)(1)(c)(i) of this 147665  
section, employment of a member of a health professional's family 147666  
by a nursing facility that the professional does not review does 147667  
not constitute a direct or indirect financial interest in the 147668  
ownership, financing, or operation of the nursing facility. 147669

**Sec. 5165.86.** The department of medicaid, the department of 147670  
health, and any contracting agency shall deliver a written notice, 147671  
statement, or order to a nursing facility under sections 5165.60 147672  
to 5165.66 and 5165.69 to 5165.89 of the Revised Code by certified 147673  
mail ~~or~~, hand delivery, or other means reasonably calculated to 147674  
provide prompt actual notice. If the notice, statement, or order 147675  
is mailed, it shall be addressed to the administrator of the 147676  
facility as indicated in the department's or agency's records. If 147677  
it is hand delivered, it shall be delivered to a person at the 147678  
facility who would appear to the average prudent person to have 147679  
authority to accept it. 147680

Delivery of written notice by a nursing facility to the 147681

department of health, the department of medicaid, or a contracting 147682  
agency under sections 5165.60 to 5165.89 of the Revised Code shall 147683  
be by certified mail ~~or~~, hand delivery, or other means reasonably 147684  
calculated to provide prompt actual notice to the appropriate 147685  
department or the agency. 147686

**Sec. 5166.303.** A home care attendant shall do all of the 147687  
following: 147688

(A) Maintain a clinical record for each consumer to whom the 147689  
attendant provides home care attendant services in a manner that 147690  
protects the consumer's privacy; 147691

(B) Participate in a face-to-face visit every ninety days 147692  
with all of the following to monitor the health and welfare of 147693  
each of the consumers to whom the attendant provides home care 147694  
attendant services: 147695

(1) The consumer; 147696

(2) The consumer's authorized representative, if any; 147697

(3) A registered nurse who agrees to answer any questions 147698  
that the attendant, consumer, or authorized representative has 147699  
about consumer care needs, medications, and other issues. 147700

(C) Document the activities of each visit required by 147701  
division (B) of this section in the consumer's clinical record 147702  
with the assistance of the registered nurse. 147703

(D) The face-to-face visit requirement in division (B) of 147704  
this section may be satisfied by telephone or electronically if 147705  
permitted by rules adopted under section 5166.02 of the Revised 147706  
Code. 147707

**Sec. 5168.08.** (A) Before or during each program year, the 147708  
department of medicaid shall ~~mail~~ issue to each hospital ~~by~~ 147709  
~~certified mail, return receipt requested,~~ the preliminary 147710

determination of the amount that the hospital is assessed under 147711  
section 5168.06 of the Revised Code during the program year. The 147712  
preliminary determination of a hospital's assessment shall be 147713  
calculated for a cost-reporting period that is specified in rules 147714  
adopted under section 5168.02 of the Revised Code. 147715

The department shall consult with hospitals each year when 147716  
determining the date on which it will ~~mail~~ issue the preliminary 147717  
determinations in order to minimize hospitals' cash flow 147718  
difficulties. 147719

If no hospital submits a request for reconsideration under 147720  
division (B) of this section, the preliminary determination 147721  
constitutes the final reconciliation of each hospital's assessment 147722  
under section 5168.06 of the Revised Code. The final 147723  
reconciliation is subject to adjustments under division (D) of 147724  
this section. 147725

(B) Not later than fourteen days after the preliminary 147726  
determinations are ~~mailed~~ issued, any hospital may submit to the 147727  
department a written request to reconsider the preliminary 147728  
determinations. The request shall be accompanied by written 147729  
materials setting forth the basis for the reconsideration. If one 147730  
or more hospitals submit a request, the department shall hold a 147731  
public hearing not later than thirty days after the preliminary 147732  
determinations are ~~mailed~~ issued to reconsider the preliminary 147733  
determinations. The department shall ~~mail~~ issue to each hospital a 147734  
written notice of the date, time, and place of the hearing at 147735  
least ten days prior to the hearing. On the basis of the evidence 147736  
submitted to the department or presented at the public hearing, 147737  
the department shall reconsider and may adjust the preliminary 147738  
determinations. The result of the reconsideration is the final 147739  
reconciliation of the hospital's assessment under section 5168.06 147740  
of the Revised Code. The final reconciliation is subject to 147741  
adjustments under division (D) of this section. 147742

(C) The department shall ~~mail~~ issue to each hospital a 147743  
written notice of its assessment for the program year under the 147744  
final reconciliation. A hospital may appeal the final 147745  
reconciliation of its assessment to the court of common pleas of 147746  
Franklin county. While a judicial appeal is pending, the hospital 147747  
shall pay, in accordance with the schedules required by division 147748  
(B) of section 5168.06 of the Revised Code, any amount of its 147749  
assessment that is not in dispute into the hospital care assurance 147750  
program fund created in section 5168.11 of the Revised Code. 147751

(D) In the course of any program year, the department may 147752  
adjust the assessment rate or rates established in rules pursuant 147753  
to section 5168.06 of the Revised Code or adjust the amounts of 147754  
intergovernmental transfers required under section 5168.07 of the 147755  
Revised Code and, as a result of the adjustment, adjust each 147756  
hospital's assessment and intergovernmental transfer, to reflect 147757  
refinements made by the United States centers for medicare and 147758  
medicaid services during that program year to the limits it 147759  
prescribed under the "Social Security Act," section 1923(f), 42 147760  
U.S.C. 1396r-4(f). When adjusted, the assessment rate or rates 147761  
must comply with division (A) of section 5168.06 of the Revised 147762  
Code. An adjusted intergovernmental transfer must comply with 147763  
division (A) of section 5168.07 of the Revised Code. The 147764  
department shall notify hospitals of adjustments made under this 147765  
division and adjust for the remainder of the program year the 147766  
installments paid by hospitals under sections 5168.06 and 5168.07 147767  
of the Revised Code in accordance with rules adopted under section 147768  
5168.02 of the Revised Code. 147769

**Sec. 5168.22.** (A) Before or during each assessment program 147770  
year, the department of medicaid shall ~~mail~~ issue to each hospital 147771  
~~by certified mail, return receipt requested,~~ the preliminary 147772  
determination of the amount that the hospital is assessed under 147773  
section 5168.21 of the Revised Code for the assessment program 147774

year. Except as provided in division (B) of this section, the preliminary determination becomes the final determination for the assessment program year fifteen days after the preliminary determination is ~~mailed~~ issued to the hospital.

(B) A hospital may request that the department reconsider the preliminary determination ~~mailed~~ issued to the hospital under division (A) of this section by submitting to the department a written request for a reconsideration not later than fourteen days after the hospital's preliminary determination is ~~mailed~~ issued to the hospital. The request must be accompanied by written materials setting forth the basis for the reconsideration. On receipt of the timely request, the department shall reconsider the preliminary determination and may adjust the preliminary determination on the basis of the written materials accompanying the request. The result of the reconsideration is the final determination of the hospital's assessment under section 5168.21 of the Revised Code for the assessment program year.

(C) The department shall ~~mail~~ issue to each hospital a written notice of the final determination of its assessment for the assessment program year. A hospital may appeal the final determination to the court of common pleas of Franklin county. While a judicial appeal is pending, the hospital shall pay, in accordance with section 5168.23 of the Revised Code, any amount of its assessment that is not in dispute.

**Sec. 5168.23.** Each hospital shall pay the amount it is assessed under section 5168.21 of the Revised Code in accordance with a payment schedule the department of medicaid shall establish for each assessment program year. The department shall consult with the Ohio hospital association before establishing the payment schedule for any assessment program year. The department shall include the payment schedule in each preliminary determination

notice the department ~~mail~~ issues to hospitals under division (A) 147806  
of section 5168.22 of the Revised Code. 147807

**Sec. 5525.01.** Before entering into a contract, the director 147808  
of transportation ~~shall~~ may advertise for bids for two consecutive 147809  
weeks in one newspaper of general circulation published in the 147810  
county in which the improvement or part thereof is located, but if 147811  
there is no such newspaper then in one newspaper having general 147812  
circulation in an adjacent county. In the alternative, the 147813  
director may advertise for bids as provided in section 7.16 of the 147814  
Revised Code. The director ~~may~~ shall advertise for bids in such 147815  
other publications as the director considers advisable. Such 147816  
notices shall state that plans and specifications for the 147817  
improvement are on file in the office of the director and the 147818  
district deputy director of the district in which the improvement 147819  
or part thereof is located and the time within which bids therefor 147820  
will be received. 147821

Each bidder shall be required to file with the bidder's bid a 147822  
bid guaranty in the form of a certified check, a cashier's check, 147823  
or an electronic funds transfer to the treasurer of state that is 147824  
evidenced by a receipt or by a certification to the director of 147825  
transportation in a form prescribed by the director that an 147826  
electronic funds transfer has been made to the treasurer of state, 147827  
for an amount equal to five per cent of the bidder's bid, but in 147828  
no event more than fifty thousand dollars, or a bid bond for ten 147829  
per cent of the bidder's bid, payable to the director, which 147830  
check, transferred sum, or bond shall be forthwith returned to the 147831  
bidder in case the contract is awarded to another bidder, or, in 147832  
case of a successful bidder, when the bidder has entered into a 147833  
contract and furnished the bonds required by section 5525.16 of 147834  
the Revised Code. In the event the contract is awarded to a 147835  
bidder, and the bidder fails or refuses to furnish the bonds as 147836

required by section 5525.16 of the Revised Code, the check, 147837  
transferred sum, or bid bond filed with the bidder's bid shall be 147838  
forfeited as liquidated damages. No bidder shall be required 147839  
either to file a signed contract with the bidder's bid, to enter 147840  
into a contract, or to furnish the contract performance bond and 147841  
the payment bond required by that section until the bids have been 147842  
opened and the bidder has been notified by the director that the 147843  
bidder is awarded the contract. 147844

The director shall permit a bidder to withdraw the bidder's 147845  
bid from consideration, without forfeiture of the check, 147846  
transferred sum, or bid bond filed with the bid, providing a 147847  
written request together with a sworn statement of the grounds for 147848  
such withdrawal is delivered within forty-eight hours after the 147849  
time established for the receipt of bids, and if the price bid was 147850  
substantially lower than the other bids, providing the bid was 147851  
submitted in good faith, and the reason for the price bid being 147852  
substantially lower was a clerical mistake evident on the face of 147853  
the bid, as opposed to a judgment mistake, and was actually due to 147854  
an unintentional and substantial arithmetic error or an 147855  
unintentional omission of a substantial quantity of work, labor, 147856  
or material made directly in the compilation of the bid. In the 147857  
event the director decides the conditions for withdrawal have not 147858  
been met, the director may award the contract to such bidder. If 147859  
such bidder does not then enter into a contract and furnish the 147860  
contract bond as required by law, the director may declare 147861  
forfeited the check, transferred sum, or bid bond as liquidated 147862  
damages and award the contract to the next higher bidder or reject 147863  
the remaining bids and readvertise the project for bids. Such 147864  
bidder, within thirty days, may appeal the decision of the 147865  
director to the court of common pleas of Franklin county and the 147866  
court may affirm or reverse the decision of the director and may 147867  
order the director to refund the amount of the forfeiture. At the 147868  
hearing before the common pleas court evidence may be introduced 147869

for and against the decision of the director. The decision of the 147870  
common pleas court may be appealed as in other cases. 147871

There is hereby created the ODOT letting fund, which shall be 147872  
in the custody of the treasurer of state but shall not be part of 147873  
the state treasury. All certified checks and cashiers' checks 147874  
received with bidders' bids, and all sums transferred to the 147875  
treasurer of state by electronic funds transfer in connection with 147876  
bidders' bids, under this section shall be credited to the fund. 147877  
All such bid guaranties shall be held in the fund until a 147878  
determination is made as to the final disposition of the money. If 147879  
the department determines that any such bid guaranty is no longer 147880  
required to be held, the amount of the bid guaranty shall be 147881  
returned to the appropriate bidder. If the department determines 147882  
that a bid guaranty under this section shall be forfeited, the 147883  
amount of the bid guaranty shall be transferred or, in the case of 147884  
money paid on a forfeited bond, deposited into the state treasury, 147885  
to the credit of the highway operating fund. Any investment 147886  
earnings of the ODOT letting fund shall be distributed as the 147887  
treasurer of state considers appropriate. 147888

The director shall require all bidders to furnish the 147889  
director, upon such forms as the director may prescribe, detailed 147890  
information with respect to all pending work of the bidder, 147891  
whether with the department of transportation or otherwise, 147892  
together with such other information as the director considers 147893  
necessary. 147894

In the event a bidder fails to submit anything required to be 147895  
submitted with the bid and then fails or refuses to so submit such 147896  
at the request of the director, the failure or refusal constitutes 147897  
grounds for the director, in the director's discretion, to declare 147898  
as forfeited the bid guaranty submitted with the bid. 147899

The director may reject any or all bids. Except in regard to 147900  
contracts for environmental remediation and specialty work for 147901

which there are no classes of work set out in the rules adopted by 147902  
the director, if the director awards the contract, the director 147903  
shall award it to the lowest competent and responsible bidder as 147904  
defined by rules adopted by the director under section 5525.05 of 147905  
the Revised Code, who is qualified to bid under sections 5525.02 147906  
to 5525.09 of the Revised Code. In regard to contracts for 147907  
environmental remediation and specialty work for which there are 147908  
no classes of work set out in the rules adopted by the director, 147909  
the director shall competitively bid the projects in accordance 147910  
with this chapter and shall award the contracts to the lowest and 147911  
best bidder. 147912

The award for all projects competitively let by the director 147913  
under this section shall be made within ten days after the date on 147914  
which the bids are opened, and the successful bidder shall enter 147915  
into a contract and furnish a contract performance bond and a 147916  
payment bond, as provided for in section 5525.16 of the Revised 147917  
Code, within ten days after the bidder is notified that the bidder 147918  
has been awarded the contract. 147919

The director may insert in any contract awarded under this 147920  
chapter a clause providing for value engineering change proposals, 147921  
under which a contractor who has been awarded a contract may 147922  
propose a change in the plans and specifications of the project 147923  
that saves the department time or money on the project without 147924  
impairing any of the essential functions and characteristics of 147925  
the project such as service life, reliability, economy of 147926  
operation, ease of maintenance, safety, and necessary standardized 147927  
features. If the director adopts the value engineering proposal, 147928  
the savings from the proposal shall be divided between the 147929  
department and the contractor according to guidelines established 147930  
by the director, provided that the contractor shall receive at 147931  
least fifty per cent of the savings from the proposal. The 147932  
adoption of a value engineering proposal does not invalidate the 147933

award of the contract or require the director to rebid the 147934  
project. 147935

**Sec. 5703.37.** (A)(1) Except as provided in division (B) of 147936  
this section, whenever service of a notice or order is required in 147937  
the manner provided in this section, a copy of the notice or order 147938  
shall be served upon the person affected thereby either by 147939  
personal service, by certified mail, or by a delivery service 147940  
authorized under section 5703.056 of the Revised Code that 147941  
notifies the tax commissioner of the date of delivery. 147942

(2) In lieu of serving a copy of a notice or order through 147943  
one of the means provided in division (A)(1) of this section, the 147944  
commissioner may serve a notice or order upon the person affected 147945  
thereby through alternative means as provided in this section, 147946  
including, but not limited to, delivery by secure electronic mail 147947  
as provided in division (F) of this section. Delivery by such 147948  
means satisfies the requirements for delivery under this section. 147949

(B)(1)(a) If certified mail is returned because of an 147950  
undeliverable address, the commissioner shall first utilize 147951  
reasonable means to ascertain a new last known address, including 147952  
the use of a change of address service offered by the United 147953  
States postal service or an authorized delivery service under 147954  
section 5703.056 of the Revised Code. If, after using reasonable 147955  
means, the commissioner is unable to ascertain a new last known 147956  
address, the assessment is final for purposes of section 131.02 of 147957  
the Revised Code sixty days after the notice or order sent by 147958  
certified mail is first returned to the commissioner, and the 147959  
commissioner shall certify the notice or order, if applicable, to 147960  
the attorney general for collection under section 131.02 of the 147961  
Revised Code. 147962

(b) Notwithstanding certification to the attorney general 147963  
under division (B)(1)(a) of this section, once the commissioner or 147964

attorney general, or the designee of either, makes an initial 147965  
contact with the person to whom the notice or order is directed, 147966  
the person may protest an assessment by filing a petition for 147967  
reassessment within sixty days after the initial contact. The 147968  
certification of an assessment under division (B)(1)(a) of this 147969  
section is prima-facie evidence that delivery is complete and that 147970  
the notice or order is served. 147971

(2) If mailing of a notice or order by certified mail is 147972  
returned for some cause other than an undeliverable address or if 147973  
a person does not access an electronic notice or order within the 147974  
time provided in division (F) of this section, the commissioner 147975  
shall resend the notice or order by ordinary mail. The notice or 147976  
order shall show the date the commissioner sends the notice or 147977  
order and include the following statement: 147978

"This notice or order is deemed to be served on the addressee 147979  
under applicable law ten days from the date this notice or order 147980  
was mailed by the commissioner as shown on the notice or order, 147981  
and all periods within which an appeal may be filed apply from and 147982  
after that date." 147983

Unless the mailing is returned because of an undeliverable 147984  
address, the mailing of that information is prima-facie evidence 147985  
that delivery of the notice or order was completed ten days after 147986  
the commissioner sent the notice or order by ordinary mail and 147987  
that the notice or order was served. 147988

If the ordinary mail is subsequently returned because of an 147989  
undeliverable address, the commissioner shall proceed under 147990  
division (B)(1)(a) of this section. A person may challenge the 147991  
presumption of delivery and service under this division in 147992  
accordance with division (C) of this section. 147993

(C)(1) A person disputing the presumption of delivery and 147994  
service under division (B) of this section bears the burden of 147995

proving by a preponderance of the evidence that the address to 147996  
which the notice or order was sent was not an address with which 147997  
the person was associated at the time the commissioner originally 147998  
mailed the notice or order by certified mail. For the purposes of 147999  
this section, a person is associated with an address at the time 148000  
the commissioner originally mailed the notice or order if, at that 148001  
time, the person was residing, receiving legal documents, or 148002  
conducting business at the address; or if, before that time, the 148003  
person had conducted business at the address and, when the notice 148004  
or order was mailed, the person's agent or the person's affiliate 148005  
was conducting business at the address. For the purposes of this 148006  
section, a person's affiliate is any other person that, at the 148007  
time the notice or order was mailed, owned or controlled at least 148008  
twenty per cent, as determined by voting rights, of the 148009  
addressee's business. 148010

(2) If the person elects to protest an assessment certified 148011  
to the attorney general for collection, the person must do so 148012  
within sixty days after the attorney general's initial contact 148013  
with the person. The attorney general may enter into a compromise 148014  
with the person under sections 131.02 and 5703.06 of the Revised 148015  
Code if the person does not file a petition for reassessment with 148016  
the commissioner. 148017

(D) Nothing in this section prohibits the commissioner or the 148018  
commissioner's designee from delivering a notice or order by 148019  
personal service. 148020

(E) Collection actions taken pursuant to section 131.02 of 148021  
the Revised Code upon any assessment being challenged under 148022  
division (B)(1)(b) of this section shall be stayed upon the 148023  
pendency of an appeal under this section. If a petition for 148024  
reassessment is filed pursuant to this section on a claim that has 148025  
been certified to the attorney general for collection, the claim 148026  
shall be uncertified. 148027

~~(F)~~(F)(1) The commissioner may serve a notice or order upon 148028  
the person affected by the notice or order or that person's 148029  
authorized representative through secure electronic means ~~only~~ 148030  
~~with the person's consent~~ associated with the person's or 148031  
representative's last known address. The commissioner must inform 148032  
the recipient, electronically or by mail, that a notice or order 148033  
is available for electronic review and provide instructions to 148034  
access and print the notice or order. The types of electronic 148035  
notification the commissioner may use include electronic mail, 148036  
text message, or any other form of electronic communication. The 148037  
recipient's electronic access of the notice or order satisfies the 148038  
requirements for delivery under this section. If the recipient 148039  
fails to access the notice or order electronically within ten 148040  
business days, then the commissioner shall inform the recipient a 148041  
second time, electronically or by mail, that a notice or order is 148042  
available for electronic review and provide instructions to access 148043  
and print the notice or order. If the recipient fails to access 148044  
the notice or order electronically within ten business days of the 148045  
second notification, the notice or order shall be served upon the 148046  
person through the means provided in division (B)(2) of this 148047  
section. 148048

(2) The tax commissioner shall establish a system to issue 148049  
notification of assessments to taxpayers through secure electronic 148050  
means. 148051

(G) As used in this section: 148052

(1) "Last known address" means the address the department has 148053  
at the time the document is originally sent by certified mail, or 148054  
any address the department can ascertain using reasonable means 148055  
such as the use of a change of address service offered by the 148056  
United States postal service or an authorized delivery service 148057  
under section 5703.056 of the Revised Code. For documents sent by 148058  
secure electronic means, "last known address" means an electronic 148059

mode of communication that is identified on a form prescribed by 148060  
the commissioner for such purpose or that is associated with the 148061  
person or the authorized representative of the person on the Ohio 148062  
business gateway, as defined in section 718.01 of the Revised 148063  
Code, as of the date the notification was sent. 148064

(2) "Undeliverable address" means an address to which the 148065  
United States postal service or an authorized delivery service 148066  
under section 5703.056 of the Revised Code is not able to deliver 148067  
a notice or order, except when the reason for nondelivery is 148068  
because the addressee fails to acknowledge or accept the notice or 148069  
order. 148070

**Sec. 5709.83.** (A) Except as otherwise provided in division 148071  
(B) or (C) of this section, prior to taking formal action to adopt 148072  
or enter into any instrument granting a tax exemption under 148073  
section 725.02, 1728.06, 5709.40, 5709.41, 5709.45, 5709.62, 148074  
5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 of the 148075  
Revised Code or formally approving an agreement under section 148076  
3735.671 of the Revised Code, or prior to forwarding an 148077  
application for a tax exemption for residential property under 148078  
section 3735.67 of the Revised Code to the county auditor, the 148079  
legislative authority of the political subdivision or housing 148080  
officer shall notify the board of education of each city, local, 148081  
exempted village, or joint vocational school district in which the 148082  
proposed tax-exempted property is located. The notice shall 148083  
include a copy of the instrument or application. The notice shall 148084  
be delivered not later than fourteen days prior to the day the 148085  
legislative authority takes formal action to adopt or enter into 148086  
the instrument, or not later than fourteen days prior to the day 148087  
the housing officer forwards the application to the county 148088  
auditor. If the board of education comments on the instrument or 148089  
application to the legislative authority or housing officer, the 148090  
legislative authority or housing officer shall consider the 148091

comments. If the board of education of the city, local, exempted 148092  
village, or joint vocational school district so requests, the 148093  
legislative authority or the housing officer shall meet ~~in person~~ 148094  
with a representative designated by the board of education to 148095  
discuss the terms of the instrument or application. 148096

(B) The notice otherwise required to be provided to boards of 148097  
education under division (A) of this section is not required if 148098  
the board has adopted a resolution waiving its right to receive 148099  
such notices, and that resolution remains in effect. If a board of 148100  
education adopts such a resolution, the board shall cause a copy 148101  
of the resolution to be certified to the legislative authority. If 148102  
the board of education rescinds such a resolution, it shall 148103  
certify notice of the rescission to the legislative authority. A 148104  
board of education may adopt such a resolution with respect to any 148105  
one or more counties, townships, or municipal corporations 148106  
situated in whole or in part within the school district. 148107

(C) If a legislative authority is required to provide notice 148108  
to a city, local, or exempted village school district of its 148109  
intent to adopt or enter into any instrument granting a tax 148110  
exemption as required by section 3735.671, 5709.40, 5709.41, 148111  
5709.45, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the 148112  
Revised Code, the legislative authority, before adopting a 148113  
resolution or ordinance or entering into an agreement under that 148114  
section, shall notify the board of education of each joint 148115  
vocational school district in which the property to be exempted is 148116  
located using the same time requirements for the notice that 148117  
applies to notices to city, local, and exempted village school 148118  
districts. The content of the notice and procedures for responding 148119  
to the notice are the same as required in division (A) of this 148120  
section. 148121

**Sec. 5736.041.** The tax commissioner shall prepare and 148122

maintain a list of suppliers holding a license issued under 148123  
section 5736.06 of the Revised Code that has not been revoked or 148124  
canceled under section 5736.07 of the Revised Code. The list shall 148125  
contain the names and addresses of all such suppliers and each 148126  
supplier's account number for the tax imposed under section 148127  
5736.02 of the Revised Code. ~~The list shall be open to public~~ 148128  
~~inspection in the office of the commissioner.~~ The commissioner ~~may~~ 148129  
shall post the list on the department of taxation's web site. 148130

**Sec. 5751.40.** (A) As used in this section and division 148131  
(F)(2)(z) of section 5751.01 of the Revised Code: 148132

(1) "Qualifying distribution center receipts" means receipts 148133  
of a supplier from qualified property that is delivered to a 148134  
qualified distribution center, multiplied by a quantity that 148135  
equals one minus the Ohio delivery percentage. If the qualified 148136  
distribution center is a refining facility, "supplier" includes 148137  
all dealers, brokers, processors, sellers, vendors, cosigners, and 148138  
distributors of qualified property. 148139

(2) "Qualified property" means tangible personal property 148140  
delivered to a qualified distribution center that is shipped to 148141  
that qualified distribution center solely for further shipping by 148142  
the qualified distribution center to another location in this 148143  
state or elsewhere or, in the case of gold, silver, platinum, or 148144  
palladium delivered to a refining facility solely for refining to 148145  
a grade and fineness acceptable for delivery to a registered 148146  
commodities exchange. "Further shipping" includes storing and 148147  
repackaging property into smaller or larger bundles, so long as 148148  
the property is not subject to further manufacturing or 148149  
processing. "Refining" is limited to extracting impurities from 148150  
gold, silver, platinum, or palladium through smelting or some 148151  
other process at a refining facility. 148152

(3) "Qualified distribution center" means a warehouse, a 148153

facility similar to a warehouse, or a refining facility in this 148154  
state that, for the qualifying year, is operated by a person that 148155  
is not part of a combined taxpayer group and that has a qualifying 148156  
certificate. All warehouses or facilities similar to warehouses 148157  
that are operated by persons in the same taxpayer group and that 148158  
are located within one mile of each other shall be treated as one 148159  
qualified distribution center. All refining facilities that are 148160  
operated by persons in the same taxpayer group and that are 148161  
located in the same or adjacent counties may be treated as one 148162  
qualified distribution center. 148163

(4) "Qualifying year" means the calendar year to which the 148164  
qualifying certificate applies. 148165

(5) "Qualifying period" means the period of the first day of 148166  
July of the second year preceding the qualifying year through the 148167  
thirtieth day of June of the year preceding the qualifying year. 148168

(6) "Qualifying certificate" means the certificate issued by 148169  
the tax commissioner after the operator of a distribution center 148170  
files an annual application with the commissioner under division 148171  
(B) of this section. 148172

(7) "Ohio delivery percentage" means the proportion of the 148173  
total property delivered to a destination inside Ohio from the 148174  
qualified distribution center during the qualifying period 148175  
compared with total deliveries from such distribution center 148176  
everywhere during the qualifying period. 148177

(8) "Refining facility" means one or more buildings located 148178  
in a county in the Appalachian region of this state as defined by 148179  
section 107.21 of the Revised Code and utilized for refining or 148180  
smelting gold, silver, platinum, or palladium to a grade and 148181  
fineness acceptable for delivery to a registered commodities 148182  
exchange. 148183

(9) "Registered commodities exchange" means a board of trade, 148184

such as New York mercantile exchange, inc. or commodity exchange, 148185  
inc., designated as a contract market by the commodity futures 148186  
trading commission under the "Commodity Exchange Act," 7 U.S.C. 1 148187  
et seq., as amended. 148188

(10) "Ineligible operator's supplier tax liability" means an 148189  
amount equal to the tax liability of all suppliers of a 148190  
distribution center had the distribution center not been issued a 148191  
qualifying certificate for the qualifying year. Ineligible 148192  
operator's supplier tax liability shall not include interest or 148193  
penalties. 148194

(B) For purposes of division (B) of this section, "supplier" 148195  
excludes any person that is part of the consolidated elected 148196  
taxpayer group, if applicable, of the operator of the qualified 148197  
distribution center. 148198

(1) An application for a qualifying certificate to be a 148199  
qualified distribution center shall be filed, and an annual fee 148200  
paid, for each qualified distribution center on or before the 148201  
first day of September before the qualifying year or within 148202  
forty-five days after the distribution center opens, whichever is 148203  
later. The applicant must substantiate to the commissioner's 148204  
satisfaction that, for the qualifying period, all persons 148205  
operating the distribution center have more than fifty per cent of 148206  
the cost of the qualified property shipped to a location such that 148207  
it would be situated outside this state under the provisions of 148208  
division (E) of section 5751.033 of the Revised Code. The 148209  
applicant must also substantiate that the distribution center 148210  
cumulatively had costs from its suppliers equal to or exceeding 148211  
five hundred million dollars during the qualifying period. 148212

The commissioner may require an applicant to have an 148213  
independent certified public accountant certify that the 148214  
calculation of the minimum thresholds required for a qualified 148215  
distribution center by the operator of a distribution center has 148216

been made in accordance with generally accepted accounting 148217  
principles. The commissioner shall issue or deny the issuance of a 148218  
certificate within sixty days after the receipt of the 148219  
application. A denial is subject to appeal under section 5717.02 148220  
of the Revised Code. If the operator files a timely appeal under 148221  
section 5717.02 of the Revised Code, the operator shall be granted 148222  
a qualifying certificate effective for the remainder of the 148223  
qualifying year or until the appeal is finalized, whichever is 148224  
earlier. If the operator does not prevail in the appeal, the 148225  
operator shall pay the ineligible operator's supplier tax 148226  
liability. 148227

(2) If the distribution center is new and was not open for 148228  
the entire qualifying period, the operator of the distribution 148229  
center may request that the commissioner grant a qualifying 148230  
certificate. If the certificate is granted and it is later 148231  
determined that more than fifty per cent of the qualified property 148232  
during that year was not shipped to a location such that it would 148233  
be situated outside of this state under the provisions of division 148234  
(E) of section 5751.033 of the Revised Code or if it is later 148235  
determined that the person that operates the distribution center 148236  
had average monthly costs from its suppliers of less than forty 148237  
million dollars during that year, then the operator of the 148238  
distribution center shall pay the ineligible operator's supplier 148239  
tax liability. 148240

(3) The commissioner may grant a qualifying certificate to a 148241  
distribution center that does not qualify as a qualified 148242  
distribution center for an entire qualifying period if the 148243  
operator of the distribution center demonstrates that the business 148244  
operations of the distribution center have changed or will change 148245  
such that the distribution center will qualify as a qualified 148246  
distribution center within thirty-six months after the date the 148247  
operator first applies for a certificate. If, at the end of that 148248

thirty-six-month period, the business operations of the 148249  
distribution center have not changed such that the distribution 148250  
center qualifies as a qualified distribution center, the operator 148251  
of the distribution center shall pay the ineligible operator's 148252  
supplier tax liability for each year that the distribution center 148253  
received a certificate but did not qualify as a qualified 148254  
distribution center. For each year the distribution center 148255  
receives a certificate under division (B)(3) of this section, the 148256  
distribution center shall pay all applicable fees required under 148257  
this section and shall submit an updated business plan showing the 148258  
progress the distribution center made toward qualifying as a 148259  
qualified distribution center during the preceding year. 148260

(4) An operator may appeal a determination under division 148261  
(B)(2) or (3) of this section that the ineligible operator is 148262  
liable for the operator's supplier tax liability as a result of 148263  
not qualifying as a qualified distribution center, as provided in 148264  
section 5717.02 of the Revised Code. 148265

(C)(1) When filing an application for a qualifying 148266  
certificate under division (B)(1) of this section, the operator of 148267  
a qualified distribution center also shall provide documentation, 148268  
as the commissioner requires, for the commissioner to ascertain 148269  
the Ohio delivery percentage. The commissioner, upon issuing the 148270  
qualifying certificate, also shall certify the Ohio delivery 148271  
percentage. The operator of the qualified distribution center may 148272  
appeal the commissioner's certification of the Ohio delivery 148273  
percentage in the same manner as an appeal is taken from the 148274  
denial of a qualifying certificate under division (B)(1) of this 148275  
section. 148276

(2) In the case where the distribution center is new and not 148277  
open for the entire qualifying period, the operator shall make a 148278  
good faith estimate of an Ohio delivery percentage for use by 148279  
suppliers in their reports of taxable gross receipts for the 148280

remainder of the qualifying period. The operator of the facility 148281  
shall disclose to the suppliers that such Ohio delivery percentage 148282  
is an estimate and is subject to recalculation. By the due date of 148283  
the next application for a qualifying certificate, the operator 148284  
shall determine the actual Ohio delivery percentage for the 148285  
estimated qualifying period and proceed as provided in division 148286  
(C)(1) of this section with respect to the calculation and 148287  
recalculation of the Ohio delivery percentage. The supplier is 148288  
required to file, within sixty days after receiving notice from 148289  
the operator of the qualified distribution center, amended reports 148290  
for the impacted calendar quarter or quarters or calendar year, 148291  
whichever the case may be. Any additional tax liability or tax 148292  
overpayment shall be subject to interest but shall not be subject 148293  
to the imposition of any penalty so long as the amended returns 148294  
are timely filed. 148295

(3) The operator of a distribution center that receives a 148296  
qualifying certificate under division (B)(3) of this section shall 148297  
make a good faith estimate of the Ohio delivery percentage that 148298  
the operator estimates will apply to the distribution center at 148299  
the end of the thirty-six-month period after the operator first 148300  
applied for a qualifying certificate under that division. The 148301  
result of the estimate shall be multiplied by a factor of one and 148302  
seventy-five one-hundredths. The product of that calculation shall 148303  
be the Ohio delivery percentage used by suppliers in their reports 148304  
of taxable gross receipts for each qualifying year that the 148305  
distribution center receives a qualifying certificate under 148306  
division (B)(3) of this section, except that, if the product is 148307  
less than five per cent, the Ohio delivery percentage used shall 148308  
be five per cent and that, if the product exceeds forty-nine per 148309  
cent, the Ohio delivery percentage used shall be forty-nine per 148310  
cent. 148311

(D) Qualifying certificates and Ohio delivery percentages 148312

issued by the commissioner shall be ~~open to public inspection and~~ 148313  
~~shall be~~ timely published ~~by the commissioner~~ on the department of 148314  
taxation's web site and shall be accessible on that web site for 148315  
at least four years after the date of issuance. A supplier relying 148316  
in good faith on a certificate issued under this section shall not 148317  
be subject to tax on the qualifying distribution center receipts 148318  
under this section and division (F)(2)(z) of section 5751.01 of 148319  
the Revised Code. An operator receiving a qualifying certificate 148320  
is liable for the ineligible operator's supplier tax liability for 148321  
each year the operator received a certificate but did not qualify 148322  
as a qualified distribution center. 148323

(E) The tax commissioner shall determine an ineligible 148324  
operator's supplier tax liability based on information that the 148325  
commissioner may request from the operator of the distribution 148326  
center. An operator shall provide a list of all suppliers of the 148327  
distribution center and the corresponding costs of qualified 148328  
property for the qualifying year at issue within sixty days of a 148329  
request by the commissioner under this division. 148330

(F) The annual fee for a qualifying certificate shall be one 148331  
hundred thousand dollars for each qualified distribution center. 148332  
If a qualifying certificate is not issued, the annual fee is 148333  
subject to refund after the exhaustion of all appeals provided for 148334  
in division (B)(1) of this section. The first one hundred thousand 148335  
dollars of the annual application fees collected each calendar 148336  
year shall be credited to the revenue enhancement fund. The 148337  
remainder of the annual application fees collected shall be 148338  
distributed in the same manner required under section 5751.20 of 148339  
the Revised Code. 148340

(G) The tax commissioner may require that adequate security 148341  
be posted by the operator of the distribution center on appeal 148342  
when the commissioner disagrees that the applicant has met the 148343  
minimum thresholds for a qualified distribution center as set 148344

forth in this section. 148345

**Section 130.31.** That existing sections 127.15, 173.03, 148346  
753.19, 1121.38, 1509.06, 1513.071, 1513.08, 1513.16, 1565.12, 148347  
1571.05, 1571.08, 1571.10, 1571.14, 1571.15, 1571.16, 1707.02, 148348  
1707.04, 1707.042, 1707.091, 1707.11, 1707.43, 1733.16, 2941.401, 148349  
3111.23, 3301.05, 3302.04, 3310.521, 3313.41, 3313.818, 3314.21, 148350  
3319.081, 3319.11, 3319.16, 3319.291, 3319.311, 3321.13, 3321.21, 148351  
3704.03, 3734.02, 3734.021, 3734.575, 3746.09, 3752.11, 3772.031, 148352  
3772.04, 3772.11, 3772.12, 3772.13, 3772.131, 3781.08, 3781.11, 148353  
3781.25, 3781.29, 3781.342, 3904.08, 4121.19, 4123.512, 4123.52, 148354  
4125.03, 4141.09, 4141.47, 4167.10, 4301.17, 4301.30, 4303.24, 148355  
4507.081, 4508.021, 4509.101, 4510.41, 4735.13, 4735.14, 5107.161, 148356  
5120.14, 5165.193, 5165.86, 5166.303, 5168.08, 5168.22, 5168.23, 148357  
5525.01, 5703.37, 5709.83, 5736.041, and 5751.40 of the Revised 148358  
Code are hereby repealed. 148359

**Section 130.32.** That section 5123.195 of the Revised Code is 148360  
hereby repealed. 148361

**Section 130.33.** The amendment by this act of sections 5168.22 148362  
and 5168.23 of the Revised Code does not supersede the repeal of 148363  
those sections on October 1, 2023, as prescribed by Section 610.20 148364  
of H.B. 110 of the 134th General Assembly. 148365

The amendment by this act of section 5168.08 of the Revised 148366  
Code does not supersede the repeal of that section on October 16, 148367  
2023, as prescribed by Section 610.20 of H.B. 110 of the 134th 148368  
General Assembly. 148369

**Section 130.34.** The General Assembly, applying the principle 148370  
stated in division (B) of section 1.52 of the Revised Code that 148371  
amendments are to be harmonized if reasonably capable of 148372  
simultaneous operation, finds that the following sections, 148373

presented in this act as composites of the sections as amended by 148374  
the acts indicated, are the resulting versions of the sections in 148375  
effect prior to the effective date of the sections as presented in 148376  
this act: 148377

Section 3302.04 of the Revised Code as amended by both H.B. 148378  
82 and H.B. 110 of the 134th General Assembly. 148379

The version of section 3772.13 of the Revised Code that is 148380  
scheduled to take effect December 29, 2023, as amended by both 148381  
H.B. 509 and S.B. 131 of the 134th General Assembly. 148382

The version of section 3772.131 of the Revised Code that is 148383  
scheduled to take effect December 29, 2023, as amended by both 148384  
H.B. 509 and S.B. 131 of the 134th General Assembly. 148385

Section 4509.101 of the Revised Code as amended by both H.B. 148386  
62 and H.B. 158 of the 133rd General Assembly. 148387

**Section 130.35.** That the versions of sections 3772.13 and 148388  
3772.131 of the Revised Code that are scheduled to take effect 148389  
December 29, 2023, be amended to read as follows: 148390

**Sec. 3772.13.** (A) No person may be employed as a key employee 148391  
of a casino operator, management company, or holding company 148392  
unless the person is the holder of a valid key employee license 148393  
issued by the commission. 148394

(B) No person may be employed as a key employee of a 148395  
gaming-related vendor unless that person is either the holder of a 148396  
valid key employee license issued by the commission, or the 148397  
person, at least five business days prior to the first day of 148398  
employment as a key employee, has filed a notification of 148399  
employment with the commission and subsequently files a completed 148400  
application for a key employee license within the first thirty 148401  
days of employment as a key employee. 148402

(C) Each applicant shall, before the issuance of any key employee license, produce information, documentation, and assurances as are required by this chapter and rules adopted thereunder. In addition, each applicant shall, in writing, authorize the examination of all bank accounts and records as may be deemed necessary by the commission.

(D) To be eligible for a key employee license, the applicant shall be at least twenty-one years of age and shall meet the criteria set forth by rule by the commission.

(E) Each application for a key employee license shall be on a form prescribed by the commission and shall contain all information required by the commission. The applicant shall set forth in the application if the applicant has been issued prior gambling-related licenses; if the applicant has been licensed in any other state under any other name, and, if so, the name under which the license was issued and the applicant's age at the time the license was issued; any criminal conviction the applicant has had; and if a permit or license issued to the applicant in any other state has been suspended, restricted, or revoked, and, if so, the cause and the duration of each action. The applicant also shall complete a cover sheet for the application on which the applicant shall disclose the applicant's name, the business address of the casino operator, management company, holding company, or gaming-related vendor employing the applicant, the business address and telephone number of such employer, and the county, state, and country in which the applicant's residence is located.

(F) Each applicant shall submit with each application, on a form provided by the commission, two sets of fingerprints. The commission shall charge each applicant an application fee set by the commission to cover all actual costs generated by each licensee and all background checks under this section and section

3772.07 of the Revised Code. 148435

(G)(1) The casino operator, management company, or holding 148436  
company by whom a person is employed as a key employee shall 148437  
terminate the person's employment in any capacity requiring a 148438  
license under this chapter and shall not in any manner permit the 148439  
person to exercise a significant influence over the operation of a 148440  
casino facility if: 148441

(a) The person does not apply for and receive a key employee 148442  
license within three months of being issued a provisional license, 148443  
as established under commission rule. 148444

(b) The person's application for a key employee license is 148445  
denied by the commission. 148446

(c) The person's key employee license is revoked by the 148447  
commission. 148448

The commission shall notify the casino operator, management 148449  
company, or holding company who employs such a person by certified 148450  
mail, personal service, common carrier service utilizing any form 148451  
of delivery requiring a signed receipt, or by an electronic means 148452  
that provides evidence of delivery, of any such finding, denial, 148453  
or revocation. 148454

(2) A casino operator, management company, or holding company 148455  
shall not pay to a person whose employment is terminated under 148456  
division (G)(1) of this section, any remuneration for any services 148457  
performed in any capacity in which the person is required to be 148458  
licensed, except for amounts due for services rendered before 148459  
notice was received under that division. A contract or other 148460  
agreement for personal services or for the conduct of any casino 148461  
gaming at a casino facility between a casino operator, management 148462  
company, or holding company and a person whose employment is 148463  
terminated under division (G)(1) of this section may be terminated 148464  
by the casino operator, management company, or holding company 148465

without further liability on the part of the casino operator, 148466  
management company, or holding company. Any such contract or other 148467  
agreement is deemed to include a term authorizing its termination 148468  
without further liability on the part of the casino operator, 148469  
management company, or holding company upon receiving notice under 148470  
division (G)(1) of this section. That a contract or other 148471  
agreement does not expressly include such a term is not a defense 148472  
in any action brought to terminate the contract or other 148473  
agreement, and is not grounds for relief in any action brought 148474  
questioning termination of the contract or other agreement. 148475

(3) A casino operator, management company, or holding 148476  
company, without having obtained the prior approval of the 148477  
commission, shall not enter into any contract or other agreement 148478  
with a person who has been found unsuitable, who has been denied a 148479  
license, or whose license has been revoked under division (G)(1) 148480  
of this section, or with any business enterprise under the control 148481  
of such a person, after the date on which the casino operator, 148482  
management company, or holding company receives notice under that 148483  
division. 148484

(H) Notwithstanding the requirements for a license under this 148485  
section, the commission shall issue a key employee license in 148486  
accordance with Chapter 4796. of the Revised Code to an applicant 148487  
if either of the following applies: 148488

(1) The applicant holds a license in another state. 148489

(2) The applicant has satisfactory work experience, a 148490  
government certification, or a private certification as described 148491  
in that chapter as a key employee of a casino operator, management 148492  
company, or holding company in a state that does not issue that 148493  
license. 148494

**Sec. 3772.131.** (A) All casino gaming employees are required 148495  
to have a casino gaming employee license. "Casino gaming employee" 148496

means the following and their supervisors: 148497

(1) Individuals involved in operating a casino gaming pit, 148498  
including dealers, skills, clerks, hosts, and junket 148499  
representatives; 148500

(2) Individuals involved in handling money, including 148501  
cashiers, change persons, count teams, and coin wrappers; 148502

(3) Individuals involved in operating casino games; 148503

(4) Individuals involved in operating and maintaining slot 148504  
machines, including mechanics, floor persons, and change and 148505  
payoff persons; 148506

(5) Individuals involved in security, including guards and 148507  
game observers; 148508

(6) Individuals with duties similar to those described in 148509  
divisions (A)(1) to (5) of this section or other persons as the 148510  
commission determines. "Casino gaming employee" does not include 148511  
an individual whose duties are related solely to nongaming 148512  
activities such as entertainment, hotel operation, maintenance, or 148513  
preparing or serving food and beverages. 148514

(B) The commission may issue a casino gaming employee license 148515  
to an applicant after it has determined that the applicant is 148516  
eligible for a license under rules adopted by the commission and 148517  
paid any applicable fee. All applications shall be ~~made under oath~~ 148518  
certified as true. 148519

(C) To be eligible for a casino gaming employee license, an 148520  
applicant shall be at least twenty-one years of age. 148521

(D) Each application for a casino gaming employee license 148522  
shall be on a form prescribed by the commission and shall contain 148523  
all information required by the commission. The applicant shall 148524  
set forth in the application if the applicant has been issued 148525  
prior gambling-related licenses; if the applicant has been 148526

licensed in any other state under any other name, and, if so, the name under which the license was issued and the applicant's age at the time the license was issued; any criminal conviction the applicant has had; and if a permit or license issued to the applicant in any other state has been suspended, restricted, or revoked, and, if so, the cause and the duration of each action.

(E) Each applicant shall submit with each application, on a form provided by the commission, two sets of the applicant's fingerprints. The commission shall charge each applicant an application fee to cover all actual costs generated by each licensee and all background checks.

(F) Notwithstanding the requirements for a license under this section, the commission shall issue a casino gaming employee license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a casino gaming employee in a state that does not issue that license.

**Section 130.36.** That the existing versions of sections 3772.13 and 3772.131 of the Revised Code that are scheduled to take effect December 29, 2023, are hereby repealed.

**Section 130.37.** Sections 130.35 and 130.36 of this act take effect December 29, 2023.

**Section 130.40.** That sections 2925.01, 3701.33, 3701.83, 3717.27, 3717.47, 3718.011, 3718.03, 3742.03, 4736.01, 4736.02, 4736.03, 4736.07, 4736.08, 4736.09, 4736.11, 4736.12, 4736.13, 4736.14, 4736.15, 4743.05, 4776.20, and 5903.12 be amended and

sections 4736.01 (3776.01), 4736.02 (3776.02), 4736.03 (3776.03), 148556  
4736.07 (3776.04), 4736.08 (3776.05), 4736.09 (3776.06), 4736.11 148557  
(3776.07), 4736.12 (3776.08), 4736.13 (3776.09), 4736.14 148558  
(3776.10), 4736.15 (3776.11), 4736.17 (3776.12), and 4736.18 148559  
(3776.13) of the Revised Code be amended for the purpose of 148560  
adopting new section numbers as indicated in parentheses to read 148561  
as follows: 148562

**Sec. 2925.01.** As used in this chapter: 148563

(A) "Administer," "controlled substance," "controlled 148564  
substance analog," "dispense," "distribute," "hypodermic," 148565  
"manufacturer," "official written order," "person," "pharmacist," 148566  
"pharmacy," "sale," "schedule I," "schedule II," "schedule III," 148567  
"schedule IV," "schedule V," and "wholesaler" have the same 148568  
meanings as in section 3719.01 of the Revised Code. 148569

(B) "Drug of abuse" and "person with a drug dependency" have 148570  
the same meanings as in section 3719.011 of the Revised Code. 148571

(C) "Drug," "dangerous drug," "licensed health professional 148572  
authorized to prescribe drugs," and "prescription" have the same 148573  
meanings as in section 4729.01 of the Revised Code. 148574

(D) "Bulk amount" of a controlled substance means any of the 148575  
following: 148576

(1) For any compound, mixture, preparation, or substance 148577  
included in schedule I, schedule II, or schedule III, with the 148578  
exception of any controlled substance analog, marihuana, cocaine, 148579  
L.S.D., heroin, any fentanyl-related compound, and hashish and 148580  
except as provided in division (D)(2), (5), or (6) of this 148581  
section, whichever of the following is applicable: 148582

(a) An amount equal to or exceeding ten grams or twenty-five 148583  
unit doses of a compound, mixture, preparation, or substance that 148584  
is or contains any amount of a schedule I opiate or opium 148585

derivative; 148586

(b) An amount equal to or exceeding ten grams of a compound, 148587  
mixture, preparation, or substance that is or contains any amount 148588  
of raw or gum opium; 148589

(c) An amount equal to or exceeding thirty grams or ten unit 148590  
doses of a compound, mixture, preparation, or substance that is or 148591  
contains any amount of a schedule I hallucinogen other than 148592  
tetrahydrocannabinol or lysergic acid amide, or a schedule I 148593  
stimulant or depressant; 148594

(d) An amount equal to or exceeding twenty grams or five 148595  
times the maximum daily dose in the usual dose range specified in 148596  
a standard pharmaceutical reference manual of a compound, mixture, 148597  
preparation, or substance that is or contains any amount of a 148598  
schedule II opiate or opium derivative; 148599

(e) An amount equal to or exceeding five grams or ten unit 148600  
doses of a compound, mixture, preparation, or substance that is or 148601  
contains any amount of phencyclidine; 148602

(f) An amount equal to or exceeding one hundred twenty grams 148603  
or thirty times the maximum daily dose in the usual dose range 148604  
specified in a standard pharmaceutical reference manual of a 148605  
compound, mixture, preparation, or substance that is or contains 148606  
any amount of a schedule II stimulant that is in a final dosage 148607  
form manufactured by a person authorized by the "Federal Food, 148608  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 148609  
amended, and the federal drug abuse control laws, as defined in 148610  
section 3719.01 of the Revised Code, that is or contains any 148611  
amount of a schedule II depressant substance or a schedule II 148612  
hallucinogenic substance; 148613

(g) An amount equal to or exceeding three grams of a 148614  
compound, mixture, preparation, or substance that is or contains 148615  
any amount of a schedule II stimulant, or any of its salts or 148616

isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act and the federal drug abuse control laws.

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

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

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

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

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

(D)(1), (2), (3), (4), or (5) of this section for the other 148648  
schedule III, IV, or V controlled substance that is combined with 148649  
the fentanyl-related compound. 148650

(E) "Unit dose" means an amount or unit of a compound, 148651  
mixture, or preparation containing a controlled substance that is 148652  
separately identifiable and in a form that indicates that it is 148653  
the amount or unit by which the controlled substance is separately 148654  
administered to or taken by an individual. 148655

(F) "Cultivate" includes planting, watering, fertilizing, or 148656  
tilling. 148657

(G) "Drug abuse offense" means any of the following: 148658

(1) A violation of division (A) of section 2913.02 that 148659  
constitutes theft of drugs, or a violation of section 2925.02, 148660  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 148661  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 148662  
2925.37 of the Revised Code; 148663

(2) A violation of an existing or former law of this or any 148664  
other state or of the United States that is substantially 148665  
equivalent to any section listed in division (G)(1) of this 148666  
section; 148667

(3) An offense under an existing or former law of this or any 148668  
other state, or of the United States, of which planting, 148669  
cultivating, harvesting, processing, making, manufacturing, 148670  
producing, shipping, transporting, delivering, acquiring, 148671  
possessing, storing, distributing, dispensing, selling, inducing 148672  
another to use, administering to another, using, or otherwise 148673  
dealing with a controlled substance is an element; 148674

(4) A conspiracy to commit, attempt to commit, or complicity 148675  
in committing or attempting to commit any offense under division 148676  
(G)(1), (2), or (3) of this section. 148677

(H) "Felony drug abuse offense" means any drug abuse offense 148678  
that would constitute a felony under the laws of this state, any 148679  
other state, or the United States. 148680

(I) "Harmful intoxicant" does not include beer or 148681  
intoxicating liquor but means any of the following: 148682

(1) Any compound, mixture, preparation, or substance the gas, 148683  
fumes, or vapor of which when inhaled can induce intoxication, 148684  
excitement, giddiness, irrational behavior, depression, 148685  
stupefaction, paralysis, unconsciousness, asphyxiation, or other 148686  
harmful physiological effects, and includes, but is not limited 148687  
to, any of the following: 148688

(a) Any volatile organic solvent, plastic cement, model 148689  
cement, fingernail polish remover, lacquer thinner, cleaning 148690  
fluid, gasoline, or other preparation containing a volatile 148691  
organic solvent; 148692

(b) Any aerosol propellant; 148693

(c) Any fluorocarbon refrigerant; 148694

(d) Any anesthetic gas. 148695

(2) Gamma Butyrolactone; 148696

(3) 1,4 Butanediol. 148697

(J) "Manufacture" means to plant, cultivate, harvest, 148698  
process, make, prepare, or otherwise engage in any part of the 148699  
production of a drug, by propagation, extraction, chemical 148700  
synthesis, or compounding, or any combination of the same, and 148701  
includes packaging, repackaging, labeling, and other activities 148702  
incident to production. 148703

(K) "Possess" or "possession" means having control over a 148704  
thing or substance, but may not be inferred solely from mere 148705  
access to the thing or substance through ownership or occupation 148706  
of the premises upon which the thing or substance is found. 148707

(L) "Sample drug" means a drug or pharmaceutical preparation 148708  
that would be hazardous to health or safety if used without the 148709  
supervision of a licensed health professional authorized to 148710  
prescribe drugs, or a drug of abuse, and that, at one time, had 148711  
been placed in a container plainly marked as a sample by a 148712  
manufacturer. 148713

(M) "Standard pharmaceutical reference manual" means the 148714  
current edition, with cumulative changes if any, of references 148715  
that are approved by the state board of pharmacy. 148716

(N) "Juvenile" means a person under eighteen years of age. 148717

(O) "Counterfeit controlled substance" means any of the 148718  
following: 148719

(1) Any drug that bears, or whose container or label bears, a 148720  
trademark, trade name, or other identifying mark used without 148721  
authorization of the owner of rights to that trademark, trade 148722  
name, or identifying mark; 148723

(2) Any unmarked or unlabeled substance that is represented 148724  
to be a controlled substance manufactured, processed, packed, or 148725  
distributed by a person other than the person that manufactured, 148726  
processed, packed, or distributed it; 148727

(3) Any substance that is represented to be a controlled 148728  
substance but is not a controlled substance or is a different 148729  
controlled substance; 148730

(4) Any substance other than a controlled substance that a 148731  
reasonable person would believe to be a controlled substance 148732  
because of its similarity in shape, size, and color, or its 148733  
markings, labeling, packaging, distribution, or the price for 148734  
which it is sold or offered for sale. 148735

(P) An offense is "committed in the vicinity of a school" if 148736  
the offender commits the offense on school premises, in a school 148737

building, or within one thousand feet of the boundaries of any 148738  
school premises, regardless of whether the offender knows the 148739  
offense is being committed on school premises, in a school 148740  
building, or within one thousand feet of the boundaries of any 148741  
school premises. 148742

(Q) "School" means any school operated by a board of 148743  
education, any community school established under Chapter 3314. of 148744  
the Revised Code, or any nonpublic school for which the state 148745  
board of education prescribes minimum standards under section 148746  
3301.07 of the Revised Code, whether or not any instruction, 148747  
extracurricular activities, or training provided by the school is 148748  
being conducted at the time a criminal offense is committed. 148749

(R) "School premises" means either of the following: 148750

(1) The parcel of real property on which any school is 148751  
situated, whether or not any instruction, extracurricular 148752  
activities, or training provided by the school is being conducted 148753  
on the premises at the time a criminal offense is committed; 148754

(2) Any other parcel of real property that is owned or leased 148755  
by a board of education of a school, the governing authority of a 148756  
community school established under Chapter 3314. of the Revised 148757  
Code, or the governing body of a nonpublic school for which the 148758  
state board of education prescribes minimum standards under 148759  
section 3301.07 of the Revised Code and on which some of the 148760  
instruction, extracurricular activities, or training of the school 148761  
is conducted, whether or not any instruction, extracurricular 148762  
activities, or training provided by the school is being conducted 148763  
on the parcel of real property at the time a criminal offense is 148764  
committed. 148765

(S) "School building" means any building in which any of the 148766  
instruction, extracurricular activities, or training provided by a 148767  
school is conducted, whether or not any instruction, 148768

extracurricular activities, or training provided by the school is 148769  
being conducted in the school building at the time a criminal 148770  
offense is committed. 148771

(T) "Disciplinary counsel" means the disciplinary counsel 148772  
appointed by the board of commissioners on grievances and 148773  
discipline of the supreme court under the Rules for the Government 148774  
of the Bar of Ohio. 148775

(U) "Certified grievance committee" means a duly constituted 148776  
and organized committee of the Ohio state bar association or of 148777  
one or more local bar associations of the state of Ohio that 148778  
complies with the criteria set forth in Rule V, section 6 of the 148779  
Rules for the Government of the Bar of Ohio. 148780

(V) "Professional license" means any license, permit, 148781  
certificate, registration, qualification, admission, temporary 148782  
license, temporary permit, temporary certificate, or temporary 148783  
registration that is described in divisions (W)(1) to (37) of this 148784  
section and that qualifies a person as a professionally licensed 148785  
person. 148786

(W) "Professionally licensed person" means any of the 148787  
following: 148788

(1) A person who has received a certificate or temporary 148789  
certificate as a certified public accountant or who has registered 148790  
as a public accountant under Chapter 4701. of the Revised Code and 148791  
who holds an Ohio permit issued under that chapter; 148792

(2) A person who holds a certificate of qualification to 148793  
practice architecture issued or renewed and registered under 148794  
Chapter 4703. of the Revised Code; 148795

(3) A person who is registered as a landscape architect under 148796  
Chapter 4703. of the Revised Code or who holds a permit as a 148797  
landscape architect issued under that chapter; 148798

(4) A person licensed under Chapter 4707. of the Revised Code;	148799 148800
(5) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	148801 148802 148803
(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	148804 148805 148806
(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	148807 148808 148809 148810 148811 148812 148813 148814 148815 148816
(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	148817 148818 148819 148820 148821
(9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	148822 148823 148824 148825
(10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	148826 148827 148828 148829

(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	148830 148831 148832
(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	148833 148834
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	148835 148836
(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	148837 148838 148839 148840
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;	148841 148842 148843 148844 148845
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	148846 148847
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	148848 148849 148850 148851 148852
(18) A person licensed as a psychologist, independent school psychologist, or school psychologist under Chapter 4732. of the Revised Code;	148853 148854 148855
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	148856 148857
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	148858 148859

(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	148860 148861
(22) A person registered as a registered environmental health specialist under Chapter <del>4736.</del> <u>3776.</u> of the Revised Code;	148862 148863
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	148864 148865
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	148866 148867
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	148868 148869
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	148870 148871 148872 148873
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	148874 148875 148876
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	148877 148878 148879
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	148880 148881
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	148882 148883 148884
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	148885 148886
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family	148887 148888 148889

therapist, or marriage and family therapist, or registered as a	148890
social work assistant under Chapter 4757. of the Revised Code;	148891
(33) A person issued a license to practice dietetics under	148892
Chapter 4759. of the Revised Code;	148893
(34) A person who has been issued a license or limited permit	148894
to practice respiratory therapy under Chapter 4761. of the Revised	148895
Code;	148896
(35) A person who has been issued a real estate appraiser	148897
certificate under Chapter 4763. of the Revised Code;	148898
(36) A person who has been issued a home inspector license	148899
under Chapter 4764. of the Revised Code;	148900
(37) A person who has been admitted to the bar by order of	148901
the supreme court in compliance with its prescribed and published	148902
rules.	148903
(X) "Cocaine" means any of the following:	148904
(1) A cocaine salt, isomer, or derivative, a salt of a	148905
cocaine isomer or derivative, or the base form of cocaine;	148906
(2) Coca leaves or a salt, compound, derivative, or	148907
preparation of coca leaves, including ecgonine, a salt, isomer, or	148908
derivative of ecgonine, or a salt of an isomer or derivative of	148909
ecgonine;	148910
(3) A salt, compound, derivative, or preparation of a	148911
substance identified in division (X)(1) or (2) of this section	148912
that is chemically equivalent to or identical with any of those	148913
substances, except that the substances shall not include	148914
decocainized coca leaves or extraction of coca leaves if the	148915
extractions do not contain cocaine or ecgonine.	148916
(Y) "L.S.D." means lysergic acid diethylamide.	148917
(Z) "Hashish" means a resin or a preparation of a resin to	148918
which both of the following apply:	148919

(1) It is contained in or derived from any part of the plant 148920  
of the genus cannabis, whether in solid form or in a liquid 148921  
concentrate, liquid extract, or liquid distillate form. 148922

(2) It has a delta-9 tetrahydrocannabinol concentration of 148923  
more than three-tenths per cent. 148924

"Hashish" does not include a hemp byproduct in the possession 148925  
of a licensed hemp processor under Chapter 928. of the Revised 148926  
Code, provided that the hemp byproduct is being produced, stored, 148927  
and disposed of in accordance with rules adopted under section 148928  
928.03 of the Revised Code. 148929

(AA) "Marihuana" has the same meaning as in section 3719.01 148930  
of the Revised Code, except that it does not include hashish. 148931

(BB) An offense is "committed in the vicinity of a juvenile" 148932  
if the offender commits the offense within one hundred feet of a 148933  
juvenile or within the view of a juvenile, regardless of whether 148934  
the offender knows the age of the juvenile, whether the offender 148935  
knows the offense is being committed within one hundred feet of or 148936  
within view of the juvenile, or whether the juvenile actually 148937  
views the commission of the offense. 148938

(CC) "Presumption for a prison term" or "presumption that a 148939  
prison term shall be imposed" means a presumption, as described in 148940  
division (D) of section 2929.13 of the Revised Code, that a prison 148941  
term is a necessary sanction for a felony in order to comply with 148942  
the purposes and principles of sentencing under section 2929.11 of 148943  
the Revised Code. 148944

(DD) "Major drug offender" has the same meaning as in section 148945  
2929.01 of the Revised Code. 148946

(EE) "Minor drug possession offense" means either of the 148947  
following: 148948

(1) A violation of section 2925.11 of the Revised Code as it 148949

existed prior to July 1, 1996; 148950

(2) A violation of section 2925.11 of the Revised Code as it 148951  
exists on and after July 1, 1996, that is a misdemeanor or a 148952  
felony of the fifth degree. 148953

(FF) "Mandatory prison term" has the same meaning as in 148954  
section 2929.01 of the Revised Code. 148955

(GG) "Adulterate" means to cause a drug to be adulterated as 148956  
described in section 3715.63 of the Revised Code. 148957

(HH) "Public premises" means any hotel, restaurant, tavern, 148958  
store, arena, hall, or other place of public accommodation, 148959  
business, amusement, or resort. 148960

(II) "Methamphetamine" means methamphetamine, any salt, 148961  
isomer, or salt of an isomer of methamphetamine, or any compound, 148962  
mixture, preparation, or substance containing methamphetamine or 148963  
any salt, isomer, or salt of an isomer of methamphetamine. 148964

(JJ) "Deception" has the same meaning as in section 2913.01 148965  
of the Revised Code. 148966

(KK) "Fentanyl-related compound" means any of the following: 148967

(1) Fentanyl; 148968

(2) Alpha-methylfentanyl 148969  
(N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 148970  
1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine); 148971

(3) Alpha-methylthiofentanyl 148972  
(N-[1-methyl-2-(2-thienyl)ethyl-4- 148973  
piperidinyl]-N-phenylpropanamide); 148974

(4) Beta-hydroxyfentanyl 148975  
(N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide); 148976

(5) Beta-hydroxy-3-methylfentanyl (other name: 148977  
N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N- 148978

phenylpropanamide);	148979
(6) 3-methylfentanyl	148980
(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	148981
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-	148982
piperidinyl]-N-phenylpropanamide);	148983
(8) Para-fluorofentanyl	148984
(N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide;	148985
(9) Thiofentanyl	148986
(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;	148987
(10) Alfentanil;	148988
(11) Carfentanil;	148989
(12) Remifentanil;	148990
(13) Sufentanil;	148991
(14) Acetyl-alpha-methylfentanyl	148992
(N-[1-(1-methyl-2-phenethyl)-4- piperidinyl]-N-phenylacetamide);	148993
and	148994
(15) Any compound that meets all of the following fentanyl	148995
pharmacophore requirements to bind at the mu receptor, as	148996
identified by a report from an established forensic laboratory,	148997
including acetylfentanyl, furanylfentanyl, valerylfentanyl,	148998
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl,	148999
para-fluorobutyrylfentanyl, acrylfentanyl, and	149000
ortho-fluorofentanyl:	149001
(a) A chemical scaffold consisting of both of the following:	149002
(i) A five, six, or seven member ring structure containing a	149003
nitrogen, whether or not further substituted;	149004
(ii) An attached nitrogen to the ring, whether or not that	149005
nitrogen is enclosed in a ring structure, including an attached	149006
aromatic ring or other lipophilic group to that nitrogen.	149007

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

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

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

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

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

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

(OO) "Maximum second degree felony mandatory prison term" means the maximum definite prison term prescribed in division (A)(2)(b) of section 2929.14 of the Revised Code for a felony of

the second degree, except that if the violation for which sentence 149039  
is being imposed is committed on or after March 22, 2019, it means 149040  
the longest minimum prison term prescribed in division (A)(2)(a) 149041  
of that section for a felony of the second degree. 149042

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning as 149043  
in section 928.01 of the Revised Code. 149044

(QQ) An offense is "committed in the vicinity of a substance 149045  
addiction services provider or a recovering addict" if either of 149046  
the following apply: 149047

(1) The offender commits the offense on the premises of a 149048  
substance addiction services provider's facility, including a 149049  
facility licensed prior to June 29, 2019, under section 5119.391 149050  
of the Revised Code to provide methadone treatment or an opioid 149051  
treatment program licensed on or after that date under section 149052  
5119.37 of the Revised Code, or within five hundred feet of the 149053  
premises of a substance addiction services provider's facility and 149054  
the offender knows or should know that the offense is being 149055  
committed within the vicinity of the substance addiction services 149056  
provider's facility. 149057

(2) The offender sells, offers to sell, delivers, or 149058  
distributes the controlled substance or controlled substance 149059  
analog to a person who is receiving treatment at the time of the 149060  
commission of the offense, or received treatment within thirty 149061  
days prior to the commission of the offense, from a substance 149062  
addiction services provider and the offender knows that the person 149063  
is receiving or received that treatment. 149064

(RR) "Substance addiction services provider" means an agency, 149065  
association, corporation or other legal entity, individual, or 149066  
program that provides one or more of the following at a facility: 149067

(1) Either alcohol addiction services, or drug addiction 149068  
services, or both such services that are certified by the director 149069

of mental health and addiction services under section 5119.36 of 149070  
the Revised Code; 149071

(2) Recovery supports that are related to either alcohol 149072  
addiction services, or drug addiction services, or both such 149073  
services and paid for with federal, state, or local funds 149074  
administered by the department of mental health and addiction 149075  
services or a board of alcohol, drug addiction, and mental health 149076  
services. 149077

(SS) "Premises of a substance addiction services provider's 149078  
facility" means the parcel of real property on which any substance 149079  
addiction service provider's facility is situated. 149080

(TT) "Alcohol and drug addiction services" has the same 149081  
meaning as in section 5119.01 of the Revised Code. 149082

**Sec. 3701.33.** (A) There is hereby created the Ohio public 149083  
health advisory board. The board shall consist of the following 149084  
members: 149085

(1) The following members appointed by the director of health 149086  
from among individuals who are not employed by the state and are 149087  
recommended by statewide trade or professional organizations that 149088  
represent interests in public health: 149089

(a) One individual authorized under Chapter 4731. of the 149090  
Revised Code to practice medicine and surgery or osteopathic 149091  
medicine and surgery; 149092

(b) One individual authorized under Chapter 4723. of the 149093  
Revised Code to practice nursing as a registered nurse; 149094

(c) Three members of the public, two of whom are 149095  
representatives of entities licensed by the department of health 149096  
or boards of health. 149097

(2) One representative of the association of Ohio health 149098  
commissioners, appointed by the association; 149099

(3) One representative of the Ohio public health association, 149100  
appointed by the association; 149101

(4) One representative of the Ohio environmental health 149102  
association, appointed by the association, who is registered as an 149103  
environmental health specialist under Chapter ~~4736~~ 3776. of the 149104  
Revised Code; 149105

(5) One representative of the Ohio association of boards of 149106  
health, appointed by the association; 149107

(6) One representative of the Ohio society for public health 149108  
education, appointed by the society; 149109

(7) One representative of the Ohio hospital association, 149110  
appointed by the association. 149111

The director of health or the director's designee shall serve 149112  
as an ex officio, nonvoting member of the board. 149113

(B) Not later than thirty days after September 10, 2012, 149114  
initial appointments shall be made to the board. Of the initial 149115  
appointments, the members specified in divisions (A)(5), (6), and 149116  
(7) and division (A)(1)(c) of this section representing entities 149117  
licensed by the department of health or boards of health shall 149118  
serve terms ending June 30, 2014, and the members specified in 149119  
divisions (A)(1)(a) and (b), divisions (A)(2), (3), and (4), and 149120  
division (A)(1)(c) of this section not representing entities 149121  
licensed by the department or boards of health shall serve terms 149122  
ending June 30, 2015. Thereafter, terms of office for all members 149123  
shall be three years, with each term ending on the same day of the 149124  
same month as the term it succeeds. Each member shall hold office 149125  
from the date of appointment until the end of the term for which 149126  
the member was appointed. Members may be reappointed, except that 149127  
no member who has served two consecutive terms may be reappointed 149128  
until three years have elapsed since the member's last term ended. 149129

Each member shall hold office from the date of appointment 149130

until the end of the term for which the member was appointed. 149131  
Vacancies shall be filled in the same manner as original 149132  
appointments. 149133

Any member appointed to fill a vacancy occurring prior to the 149134  
expiration of the term for which the member's predecessor was 149135  
appointed shall hold office for the remainder of that term. A 149136  
member shall continue in office subsequent to the expiration date 149137  
of the member's term until the member's successor takes office or 149138  
until a period of ninety days has elapsed, whichever occurs first. 149139

(C) The board shall annually select from among its members a 149140  
chairperson and vice-chairperson. The director shall designate an 149141  
officer or employee of the department to act as the board's 149142  
secretary. The secretary shall be a nonvoting board member. 149143

The board may adopt by laws governing its operation. The 149144  
chairperson may appoint subcommittees as the chairperson considers 149145  
necessary. 149146

(D) The board shall meet at the call of the chairperson, but 149147  
not less than four times per year. A majority of the members of 149148  
the board constitutes a quorum. Special meetings may be called by 149149  
the chairperson and shall be called by the chairperson at the 149150  
request of the director. In a request for a special meeting, the 149151  
director shall specify the purpose of the meeting and the date and 149152  
place the meeting is to be held. No other business shall be 149153  
considered at a special meeting except by a unanimous vote of 149154  
members present at the meeting. 149155

In conducting any meeting, the board and its subcommittees 149156  
may use an interactive video teleconferencing system. If 149157  
provisions are made that allow public attendance at a designated 149158  
location with respect to a meeting using such a system, the board 149159  
members who attend the meeting by video teleconference shall be 149160  
counted for purposes of determining whether a quorum is present 149161

and shall be permitted to vote. 149162

Members shall be expected to attend a majority of meetings of 149163  
the board. Unexcused absence from three consecutive meetings shall 149164  
be considered notice of a member's intent to resign from the 149165  
board. 149166

(E)(1) The department shall provide meeting space and staff 149167  
and other administrative support for the board to carry out its 149168  
duties. 149169

(2) To facilitate the board's review of proposed rules under 149170  
division (A)(1) of section 3701.34 of the Revised Code, the 149171  
department shall establish and maintain an electronic web-based 149172  
database of board meeting agendas, board meeting minutes, proposed 149173  
rules, public comments, and other documents relevant to the work 149174  
of the board. 149175

(F) Notice of meetings shall be provided to members through 149176  
the board's mailing list, the department's web site, or any other 149177  
means available to the board. 149178

The minutes of previous meetings, the next meeting's agenda, 149179  
and information on any matters to be presented to the board at any 149180  
regular or special meeting shall be provided to the board in an 149181  
electronic format. 149182

(G) Members shall attend annual ethics training provided by 149183  
the Ohio ethics commission. 149184

(H) Members shall serve without compensation, but may be 149185  
reimbursed for actual and necessary expenses incurred in the 149186  
performance of their official duties. 149187

(I) Sections 101.82 to 101.87 of the Revised Code do not 149188  
apply to the Ohio public health advisory board. 149189

**Sec. 3701.83.** There is hereby created in the state treasury 149190  
the general operations fund. Moneys in the fund shall be used for 149191

the purposes specified in sections 3701.04, 3701.344, 3702.20, 149192  
3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 3733.43, 149193  
3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 3749.07, 149194  
~~4736.06~~, 3776.08, and 4769.09 of the Revised Code. 149195

**Sec. 3717.27.** (A) All inspections of retail food 149196  
establishments conducted by a licenser under this chapter shall be 149197  
conducted according to the procedures and schedule of frequency 149198  
specified in rules adopted under section 3717.33 of the Revised 149199  
Code. An inspection may be performed only by an individual 149200  
registered as an environmental health specialist or environmental 149201  
health specialist in training under Chapter ~~4736~~ 3776. of the 149202  
Revised Code. Each inspection shall be recorded on a form 149203  
prescribed and furnished by the director of agriculture or a form 149204  
approved by the director that has been prescribed by a board of 149205  
health acting as licenser. With the assistance of the director, a 149206  
board acting as licenser, to the extent practicable, shall 149207  
computerize the inspection process and standardize the manner in 149208  
which its inspections are conducted. 149209

(B) A person or government entity holding a retail food 149210  
establishment license shall permit the licenser to inspect the 149211  
retail food establishment for purposes of determining compliance 149212  
with this chapter and the rules adopted under it or investigating 149213  
a complaint concerning the establishment. On request of the 149214  
licenser, the license holder shall permit the licenser to examine 149215  
the records of the retail food establishment to obtain information 149216  
about the purchase, receipt, or use of food, supplies, and 149217  
equipment. 149218

A licenser may inspect any mobile retail food establishment 149219  
being operated within the licenser's district. If an inspection of 149220  
a mobile retail food establishment is conducted by a licenser 149221  
other than the licenser that issued the license for the 149222

establishment, a report of the inspection shall be sent to the 149223  
issuing licensor. The issuing licensor may use the inspection 149224  
report to suspend or revoke the license under section 3717.29 or 149225  
3717.30 of the Revised Code. 149226

(C) An inspection may include the following: 149227

(1) An investigation to determine the identity and source of 149228  
a particular food; 149229

(2) Removal from use of any equipment, utensils, hand tools, 149230  
or parts of facilities found to be maintained in a condition that 149231  
presents a clear and present danger to the public health. 149232

**Sec. 3717.47.** (A) All inspections of food service operations 149233  
conducted by a licensor under this chapter shall be conducted 149234  
according to the procedures and schedule of frequency specified in 149235  
rules adopted under section 3717.51 of the Revised Code. An 149236  
inspection may be performed only by an individual registered as an 149237  
environmental health specialist or environmental health specialist 149238  
in training under Chapter ~~4736~~ 3776. of the Revised Code. Each 149239  
inspection shall be recorded on a form prescribed and furnished by 149240  
the director of health or a form approved by the director that has 149241  
been prescribed by a board of health acting as licensor. With the 149242  
assistance of the director, a board acting as licensor, to the 149243  
extent practicable, shall computerize the inspection process and 149244  
shall standardize the manner in which its inspections are 149245  
conducted. 149246

(B) A person or government entity holding a food service 149247  
operation license shall permit the licensor to inspect the food 149248  
service operation for purposes of determining compliance with this 149249  
chapter and the rules adopted under it or investigating a 149250  
complaint regarding foodborne disease. On request of the licensor, 149251  
the license holder shall permit the licensor to examine the 149252  
records of the food service operation to obtain information about 149253

the purchase, receipt, or use of food, supplies, and equipment. 149254

A licensor may inspect any mobile food service operation or 149255  
catering food service operation being operated within the 149256  
licensor's district. If an inspection of a mobile or catering food 149257  
service operation is conducted by a licensor other than the 149258  
licensor that issued the license for the operation, a report of 149259  
the inspection shall be sent to the issuing licensor. The issuing 149260  
licensor may use the inspection report to suspend or revoke the 149261  
license under section 3717.49 of the Revised Code. 149262

(C) An inspection may include an investigation to determine 149263  
the identity and source of a particular food. 149264

**Sec. 3718.011.** (A) For purposes of this chapter, a sewage 149265  
treatment system is causing a public health nuisance if any of the 149266  
following situations occurs and, after notice by a board of health 149267  
to the applicable property owner, timely repairs are not made to 149268  
that system to eliminate the situation: 149269

(1) The sewage treatment system is not operating properly due 149270  
to a missing component, incorrect settings, or a mechanical or 149271  
electrical failure. 149272

(2) There is a blockage in a known sewage treatment system 149273  
component or pipe that causes a backup of sewage or effluent 149274  
affecting the treatment process or inhibiting proper plumbing 149275  
drainage. 149276

(3) An inspection conducted by, or under the supervision of, 149277  
the environmental protection agency or an environmental health 149278  
specialist registered under Chapter ~~4736~~ 3776. of the Revised Code 149279  
documents that there is ponding of liquid or bleeding of liquid 149280  
onto the surface of the ground or into surface water and the 149281  
liquid has a distinct sewage odor, a black or gray coloration, or 149282  
the presence of organic matter and any of the following: 149283

(a) The presence of sewage effluent identified through a dye test; 149284  
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(b) The presence of fecal coliform at a level that is equal to or greater than five thousand colonies per one hundred milliliters of liquid as determined in two or more samples of the liquid when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples of the liquid are collected; 149286  
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(c) Water samples that exceed one thousand thirty e. coli counts per one hundred milliliters in two or more samples when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples are collected. 149292  
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(4) With respect to a discharging system for which an NPDES permit has been issued under Chapter 6111. of the Revised Code and rules adopted under it, the system routinely exceeds the effluent discharge limitations specified in the permit. 149296  
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(B) With respect to divisions (A)(1) and (2) of this section, a property owner may request a test to be conducted by a board of health to verify that the sewage treatment system is causing a public health nuisance. The property owner is responsible for the costs of the test. 149300  
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**Sec. 3718.03.** (A) There is hereby created the sewage treatment system technical advisory committee consisting of the director of health or the director's designee and thirteen members who are knowledgeable about sewage treatment systems and technologies. The director or the director's designee shall serve as committee secretary and may vote on actions taken by the committee. Of the thirteen members, five shall be appointed by the governor, four shall be appointed by the president of the senate, and four shall be appointed by the speaker of the house of representatives. 149305  
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(1) Of the members appointed by the governor, one shall represent academia and shall be active in teaching or research in the area of on-site wastewater treatment, one shall be a representative of the public who is not employed by the state or any of its political subdivisions and who does not have a pecuniary interest in sewage treatment systems, one shall be a registered professional engineer employed by the environmental protection agency, one shall be selected from among soil scientists in the division of soil and water conservation in the department of agriculture, and one shall be a representative of a statewide organization representing townships.

(2) Of the members appointed by the president of the senate, one shall be a health commissioner who is a member of and recommended by the association of Ohio health commissioners, one shall represent the interests of manufacturers of sewage treatment systems, one shall represent installers and service providers, and one shall be a person with demonstrated experience in the design of sewage treatment systems.

(3) Of the members appointed by the speaker of the house of representatives, one shall be a health commissioner who is a member of and recommended by the association of Ohio health commissioners, one shall represent the interests of manufacturers of sewage treatment systems, one shall be an environmental health specialist who is registered under Chapter ~~4736~~ 3776. of the Revised Code and who is a member of the Ohio environmental health association, and one shall be a registered professional engineer with experience in sewage treatment systems.

(B) Terms of members appointed to the committee shall be for three years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall serve from the date of appointment until the end of the term for which the member was appointed.

Members may be reappointed. Vacancies shall be filled in the same manner as provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member was appointed shall hold office for the remainder of that term. A member shall continue to serve after the expiration date of the member's term until the member's successor is appointed or until a period of sixty days has elapsed, whichever occurs first. The applicable appointing authority may remove a member from the committee for failure to attend two consecutive meetings without showing good cause for the absences.

(C) The technical advisory committee annually shall select from among its members a chairperson and a vice-chairperson. The secretary shall keep a record of its proceedings. A majority vote of the members of the full committee is necessary to take action on any matter. The committee may adopt bylaws governing its operation, including bylaws that establish the frequency of meetings.

(D) Serving as a member of the sewage treatment system technical advisory committee does not constitute holding a public office or position of employment under the laws of this state and does not constitute grounds for removal of public officers or employees from their offices or positions of employment. Members of the committee shall serve without compensation for attending committee meetings.

(E) A member of the committee shall not have a conflict of interest with the position. For the purposes of this division, "conflict of interest" means the taking of any action that violates any provision of Chapter 102. or 2921. of the Revised Code.

(F) The sewage treatment system technical advisory committee shall do all of the following:

(1) Develop with the department of health standards, 149379  
guidelines, and protocols for approving or disapproving a sewage 149380  
treatment system or components of a system under section 3718.04 149381  
of the Revised Code. Any guideline requiring the submission of 149382  
scientific information or testing data shall specify, in writing, 149383  
the protocol and format to be used in submitting the information 149384  
or data. 149385

(2) Develop with the department an application form to be 149386  
submitted to the director by an applicant for approval or 149387  
disapproval of a sewage treatment system or components of a system 149388  
and specify the information that must be included with an 149389  
application form; 149390

(3) Make recommendations to the director regarding the 149391  
approval or disapproval of an application sent to the director 149392  
under section 3718.04 of the Revised Code requesting approval of a 149393  
sewage treatment system or components of a system; 149394

(4) Pursue and recruit in an active manner the research, 149395  
development, introduction, and timely approval of innovative and 149396  
cost-effective sewage treatment systems and components of a system 149397  
for use in this state, which shall include conducting pilot 149398  
projects to assess the effectiveness of a system or components of 149399  
a system. 149400

(G) The chairperson of the committee shall prepare and submit 149401  
an annual report concerning the activities of the committee to the 149402  
general assembly not later than ninety days after the end of the 149403  
calendar year. The report shall discuss the number of applications 149404  
submitted under section 3718.04 of the Revised Code for the 149405  
approval of a new sewage treatment system or a component of a 149406  
system, the number of such systems and components that were 149407  
approved, any information that the committee considers beneficial 149408  
to the general assembly, and any other information that the 149409  
chairperson determines is beneficial to the general assembly. If 149410

other members of the committee determine that certain information 149411  
should be included in the report, they shall submit the 149412  
information to the chairperson not later than thirty days after 149413  
the end of the calendar year. 149414

(H) The department shall provide meeting space for the 149415  
committee. The committee shall be assisted in its duties by the 149416  
staff of the department. 149417

(I) Sections 101.82 to 101.87 of the Revised Code do not 149418  
apply to the sewage treatment system technical advisory committee. 149419

**Sec. 3742.03.** The director of health shall adopt rules in 149420  
accordance with Chapter 119. of the Revised Code for the 149421  
administration and enforcement of sections 3742.01 to 3742.19 and 149422  
3742.99 of the Revised Code. The rules shall specify all of the 149423  
following: 149424

(A) Procedures to be followed by a lead abatement contractor, 149425  
lead abatement project designer, lead abatement worker, lead 149426  
inspector, or lead risk assessor licensed under section 3742.05 of 149427  
the Revised Code for undertaking lead abatement activities and 149428  
procedures to be followed by a clearance technician, lead 149429  
inspector, or lead risk assessor in performing a clearance 149430  
examination; 149431

(B)(1) Requirements for training and licensure, in addition 149432  
to those established under section 3742.08 of the Revised Code, to 149433  
include levels of training and periodic refresher training for 149434  
each class of worker, and to be used for licensure under section 149435  
3742.05 of the Revised Code. Except in the case of clearance 149436  
technicians, these requirements shall include at least twenty-four 149437  
classroom hours of training based on the Occupational Safety and 149438  
Health Act training program for lead set forth in 29 C.F.R. 149439  
1926.62. For clearance technicians, the training requirements to 149440  
obtain an initial license shall not exceed six hours and the 149441

requirements for refresher training shall not exceed two hours 149442  
every four years. In establishing the training and licensure 149443  
requirements, the director shall consider the core of information 149444  
that is needed by all licensed persons, and establish the training 149445  
requirements so that persons who would seek licenses in more than 149446  
one area would not have to take duplicative course work. 149447

(2) Persons certified by the American board of industrial 149448  
hygiene as a certified industrial hygienist or as an industrial 149449  
hygienist-in-training, and persons registered as a ~~sanitarian~~ 149450  
environmental health specialist or ~~sanitarian-in-training~~ 149451  
environmental health specialist in training under Chapter ~~4736~~ 149452  
3776. of the Revised Code, shall be exempt from any training 149453  
requirements for initial licensure established under this chapter, 149454  
but shall be required to take any examinations for licensure 149455  
required under section 3742.05 of the Revised Code. 149456

(C) Fees for licenses issued under section 3742.05 of the 149457  
Revised Code and for their renewal; 149458

(D) Procedures to be followed by lead inspectors, lead 149459  
abatement contractors, environmental lead analytical laboratories, 149460  
lead risk assessors, lead abatement project designers, and lead 149461  
abatement workers to prevent public exposure to lead hazards and 149462  
ensure worker protection during lead abatement projects; 149463

(E)(1) Record-keeping and reporting requirements for clinical 149464  
laboratories, environmental lead analytical laboratories, lead 149465  
inspectors, lead abatement contractors, lead risk assessors, lead 149466  
abatement project designers, and lead abatement workers for lead 149467  
abatement projects and record-keeping and reporting requirements 149468  
for clinical laboratories, environmental lead analytical 149469  
laboratories, and clearance technicians for clearance 149470  
examinations; 149471

(2) Record-keeping and reporting requirements regarding lead 149472

poisoning for physicians; 149473

(3) Information that is required to be reported under rules 149474  
based on divisions (E)(1) and (2) of this section and that is a 149475  
medical record is not a public record under section 149.43 of the 149476  
Revised Code and shall not be released, except in aggregate 149477  
statistical form. 149478

(F) Environmental sampling techniques for use in collecting 149479  
samples of air, water, dust, paint, and other materials; 149480

(G) Requirements for a respiratory protection plan prepared 149481  
in accordance with section 3742.07 of the Revised Code; 149482

(H) Requirements under which a manufacturer of encapsulants 149483  
must demonstrate evidence of the safety and durability of its 149484  
encapsulants by providing results of testing from an independent 149485  
laboratory indicating that the encapsulants meet the standards 149486  
developed by the "E06.23.30 task group on encapsulants," which is 149487  
the task group of the lead hazards associated with buildings 149488  
subcommittee of the performance of buildings committee of the 149489  
American society for testing and materials. 149490

**Sec. ~~4736.01~~ 3776.01.** As used in this chapter: 149491

(A) "Environmental health science" means the aspect of public 149492  
health science that includes, but is not limited to, the following 149493  
bodies of knowledge: air quality, food quality and protection, 149494  
hazardous and toxic substances, consumer product safety, housing, 149495  
institutional health and safety, community noise control, 149496  
radiation protection, recreational facilities, solid and liquid 149497  
waste management, vector control, drinking water quality, milk 149498  
sanitation, and rabies control. 149499

(B) "Environmental health specialist" means a person who 149500  
performs for compensation educational, investigational, technical, 149501  
or administrative duties requiring specialized knowledge and 149502

skills in the field of environmental health science. 149503

(C) "Registered environmental health specialist" means a 149504  
person who is registered as an environmental health specialist in 149505  
accordance with this chapter. 149506

(D) "Environmental health specialist in training" means a 149507  
person who is registered as an environmental health specialist in 149508  
training in accordance with this chapter. 149509

(E) "Practice of environmental health" means consultation, 149510  
instruction, investigation, inspection, or evaluation by an 149511  
employee of a city health district, a general health district, the 149512  
environmental protection agency, the department of health, or the 149513  
department of agriculture requiring specialized knowledge, 149514  
training, and experience in the field of environmental health 149515  
science, with the primary purpose of improving or conducting 149516  
administration or enforcement under any of the following: 149517

(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., 149518  
3730., or 3733. of the Revised Code; 149519

(2) Chapter 3734. of the Revised Code as it pertains to solid 149520  
and hazardous waste; 149521

(3) Section 955.26, 955.261, 3701.344, 3707.01, ~~or~~ 3707.03, 149522  
~~sections 3707.38 to 3707.99~~ 3707.26, or ~~section 3715.21~~ 3715.021 149523  
of the Revised Code; 149524

(4) Rules adopted under ~~former section 3701.34~~ Chapter 3749. 149525  
of the Revised Code pertaining to ~~rabies control or~~ swimming 149526  
pools; 149527

~~(5) Rules adopted under section 3701.935 of the Revised Code 149528  
for school health and safety network inspections and rules adopted 149529  
under section 3707.26 of the Revised Code for sanitary 149530  
inspections. 149531~~

"Practice of environmental health" does not include sampling, 149532

testing, controlling of vectors, reporting of observations, or 149533  
other duties that do not require application of specialized 149534  
knowledge and skills in environmental health science performed 149535  
under the supervision of a registered environmental health 149536  
specialist. 149537

The director of health may further define environmental 149538  
health science in relation to specific functions in the practice 149539  
of environmental health through rules adopted by the director 149540  
under Chapter 119. of the Revised Code. 149541

**Sec. ~~4736.02~~ 3776.02.** There is hereby created the 149542  
environmental health specialist advisory board consisting of seven 149543  
members appointed by the director of health ~~with the advice and~~ 149544  
~~consent of the senate~~ for terms established in accordance with 149545  
rules adopted by the director under section ~~4736.03~~ 3776.03 of the 149546  
Revised Code. The advisory board shall advise the director 149547  
regarding the registration of environmental health specialists in 149548  
training and environmental health specialists, continuing 149549  
education requirements for environmental health specialists, the 149550  
manner in which the passage of an examination required by section 149551  
~~4736.09~~ 3776.06 of the Revised Code is verified, the education and 149552  
employment criteria required under section ~~4736.08~~ 3776.05 of the 149553  
Revised Code, and any other matters as may be of assistance to the 149554  
director in the regulation of environmental health specialists and 149555  
environmental health specialists in training. 149556

Each member appointed by the director shall be a registered 149557  
environmental health specialist who meets the education and 149558  
~~experience~~ employment requirements of section ~~4736.08~~ 3776.05 of 149559  
the Revised Code for registration as an environmental health 149560  
specialist. At least one and not more than two of the members 149561  
shall be employees of a general health district; at least one and 149562  
not more than two shall be employees of a city health district; 149563

and at least one and not more than two shall be employed in 149564  
private industry. Not more than one member may be employed by a 149565  
university and not more than one member may be employed by an 149566  
agency or department of the state. 149567

Within ninety days of September 29, 2017, the director shall 149568  
make initial appointments to the advisory board. 149569

**Sec. ~~4736.03~~ 3776.03.** (A) The director of health shall adopt 149570  
and may amend or rescind rules in accordance with Chapter 119. of 149571  
the Revised Code governing ~~the~~ all of the following: 149572

(1) The manner in which the passage of an examination 149573  
required by section ~~4736.09~~ 3776.06 of the Revised Code is 149574  
verified, ~~prescribing the;~~ 149575

(2) The form for application, ~~establishing;~~ 149576

(3) The establishment of criteria for determining what 149577  
courses may be included toward fulfillment of the science course 149578  
requirements of section ~~4736.08~~ 3776.05 of the Revised Code, 149579  
~~determining;~~ 149580

(4) The determination of the continuing education program 149581  
requirements of section ~~4736.11~~ 3776.07 of the Revised Code, ~~and~~ 149582  
~~for the;~~ 149583

(5) The administration and enforcement of this chapter. 149584

(B) The director ~~shall~~ may adopt, in accordance with Chapter 149585  
119. of the Revised Code, rules ~~establishing~~ of a general 149586  
application throughout the state for the practice of environmental 149587  
health that are necessary to administer and enforce this chapter, 149588  
including rules governing all of the following: 149589

(1) The registration, advancement, and reinstatement of 149590  
applicants to practice as an environmental health specialist or 149591  
environmental health specialist in training; 149592

<u>(2) Educational requirements necessary for qualification for registration as an environmental health specialist or an environmental health specialist in training under division of (B) section 3776.05 of the Revised Code, including criteria for determining what courses may be included toward fulfillment of the science course requirements of that section;</u>	149593
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<u>(3) Continuing education requirements for environmental health specialists and environmental health specialists in training, including the process for applying for continuing education credits;</u>	149599
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<u>(4) The terms of office for members of the environmental health specialist advisory board created in section <del>4736.02</del> 3776.02 of the Revised Code;</u>	149603
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	149605
<u>(5) Any other rule necessary for the administration and enforcement of this chapter.</u>	149606
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<b>Sec. <del>4736.07</del> 3776.04.</b> The director of health shall keep a record of all applications for registration, <del>which shall include</del> <u>including:</u>	149608
	149609
	149610
(A) The name and address of each applicant;	149611
(B) The name and address of the employer or business connection of each applicant;	149612
	149613
(C) The date of the application;	149614
(D) The educational and <del>experience</del> <u>employment</u> qualifications of each applicant;	149615
	149616
(E) The date on which the director reviewed and acted upon each application;	149617
	149618
(F) The action taken by the director on each application;	149619
<del>(G) A serial number of each certificate of registration issued by the director.</del>	149620
	149621

~~The director shall prepare annually a list of the names and addresses of every person registered by it and a list of every person whose registration has been suspended or revoked within the previous year.~~

**Sec. ~~4736.08~~ 3776.05.** (A) A person seeking to register as an environmental health specialist or environmental health specialist in training shall submit an application to the director of health on a form prescribed by the director. Along with the application, the person shall submit the application fee prescribed in ~~section 4736.12 of the Revised Code~~ rules adopted under this chapter. The

(B) The director shall register an applicant as an environmental health specialist if the applicant complies with the examination requirements specified under section ~~4736.09~~ 3776.06 of the Revised Code and meets ~~the~~ any of the following education and ~~experience~~ employment requirements ~~of division (A), (B), or (C) of this section:~~

~~(A)(1)~~ Graduated from an accredited college or university with at least a baccalaureate degree, including at least forty-five quarter units or thirty semester units of science courses approved by the director; and completed at least two years of full-time employment as an environmental health specialist;

~~(B)(2)~~ Graduated from an accredited college or university with at least a baccalaureate degree, completed a major in environmental health science which included an internship program approved by the director; and completed at least one year of full-time employment as an environmental health specialist;

~~(C)(3)~~ Graduated from an accredited college or university with a degree higher than a baccalaureate degree, including at least forty-five quarter units or thirty semester units of science courses approved by the director; and completed at least one year of full-time employment as an environmental health specialist.

(C)(1) The director shall register an applicant as an environmental health specialist in training if the applicant meets the educational qualifications of division (B)(1), (2), or (3) of this section, but does not meet the employment requirement of any such division. 149653  
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(2) An environmental health specialist in training shall apply for registration as an environmental health specialist within four years after registration as an environmental health specialist in training. The director may extend the registration of any environmental health specialist in training who furnishes, in writing, sufficient cause for not applying for registration as an environmental health specialist within the four-year period. However, the director shall not extend the registration more than an additional two years beyond the four-year period. 149658  
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**Sec. ~~4736.09~~ 3776.06.** (A) Prior to applying for an initial environmental health specialist registration, a person shall take the credentialed national environmental health association examination administered by the department of health. 149667  
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(B) The director of health shall not register the person if the person fails to meet the minimum grade requirement for the examination specified by the national environmental health association. An applicant for registration who meets the minimum grade requirement shall verify the grade with the director on a form and in a manner prescribed by the director. 149671  
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**Sec. ~~4736.11~~ 3776.07.** (A) The director of health shall issue a certificate of registration to practice to any applicant whom it registers as an environmental health specialist or an environmental health specialist in training. ~~Such~~ The director shall include the following information on the certificate shall bear of registration: 149677  
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(1) The name of the person; 149683

(2) The date of issue; 149684

(3) ~~A serial number, designated by the director;~~ 149685

~~(4)~~ The signature of the director; 149686

~~(5)~~(4) The designation "registered environmental health specialist" or "environmental health specialist in training." 149687  
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(B) ~~Certificates~~ The director shall issue certificates of 149689  
registration to practice, which expire biennially on the date 149690  
fixed by the director and become invalid on that date unless 149691  
renewed pursuant to this section. ~~All~~ The director may renew a 149692  
registration sixty days prior to the date of expiration, provided 149693  
the applicant for renewal has done both of the following: 149694

(1) Paid the renewal fee in accordance with rules adopted 149695  
under section 3776.03 of the Revised Code; 149696

(2) Submitted proof of compliance with the continuing 149697  
education requirements described in this section. 149698

(C) All registered environmental health specialists and 149699  
environmental health specialists in training are required 149700  
biennially to complete a continuing education program in subjects 149701  
relating to practices of the profession as an environmental health 149702  
specialist. The purpose of the program is that the utilization and 149703  
application of new techniques, scientific advancements, and 149704  
research findings will assure comprehensive service to the public. 149705

~~(C)~~(D) The director shall prescribe by rule a continuing 149706  
education program for registered environmental health specialists 149707  
and environmental health specialists in training to meet this 149708  
requirement. Under the program, an environmental health specialist 149709  
and environmental health specialists in training shall complete 149710  
twenty-four hours of continuing education during the biennial 149711  
period. At least once annually the director shall provide to each 149712

registered environmental health specialist and environmental 149713  
health specialist in training a list of courses approved by the 149714  
director as satisfying the program prescribed by rule. Upon the 149715  
request of a registered environmental health specialist or 149716  
environmental health specialist in training, the director shall 149717  
supply a list of applicable courses that the director has 149718  
approved. 149719

~~(D)~~(E) A certificate may be renewed for a period of two years 149720  
at any time prior to the date of expiration upon payment of the 149721  
renewal fee prescribed by section ~~4736.12~~ 3776.08 of the Revised 149722  
Code and upon showing proof of having complied with the continuing 149723  
education requirements of this section. The director may waive the 149724  
continuing education requirement in cases of certified illness or 149725  
disability which prevents the attendance at any qualified 149726  
educational seminars during the twenty-four months immediately 149727  
preceding the biennial certificate of registration renewal date. 149728  
Certificates that expire may be reinstated under rules adopted by 149729  
the director. 149730

~~(E)~~(F) An environmental health specialist shall not be 149731  
required to pass an examination for purposes of renewal. 149732

**Sec. ~~4736.12~~ 3776.08.** (A) The director of health shall charge 149733  
the following fees: 149734

(1) To apply as an environmental health specialist in 149735  
training, fifty dollars; 149736

(2) For an environmental health specialist in training to 149737  
apply for registration as an environmental health specialist, 149738  
fifty dollars. 149739

(3) For persons other than environmental health specialists 149740  
in training to apply for registration as environmental health 149741  
specialists, one hundred dollars. 149742

(4) The renewal fee for a registered environmental health specialist is seventy-five dollars. 149743  
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(5) The renewal fee for a registered environmental health specialist in training is thirty-five dollars. 149745  
149746

(6) For late application for renewal, an additional seventy-five dollars. 149747  
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The director, with the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that such fees do not exceed the amounts permitted by this section by more than fifty per cent. 149749  
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(B) The director shall charge a fee for the examination required by section ~~4736.08~~ 3776.06 of the Revised Code, provided that the fee is not in excess of the actual cost to the department of health of conducting the examinations. 149753  
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(C) The director may adopt rules establishing fees for all of the following: 149757  
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(1) Application for the registration of a training agency approved under rules adopted by the director pursuant to section ~~4736.11~~ 3776.07 of the Revised Code and for the annual registration renewal of an approved training agency; 149759  
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(2) Application for the review of continuing education hours submitted for the director's approval by approved training agencies or by registered environmental health specialists or environmental health specialists in training; 149763  
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(3) Additional copies of pocket identification cards and wall certificates. 149767  
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(D) Any fee collected under this section shall be deposited into the general operations fund created in section 3701.83 of the Revised Code. The director shall use the money collected from such fees for the administration and enforcement of this chapter and 149769  
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rules adopted under it. 149773

**Sec. 4736.13 3776.09.** The director of health may deny, refuse 149774  
to renew, revoke, or suspend a certificate of registration to 149775  
practice in accordance with Chapter 119. of the Revised Code for 149776  
unprofessional conduct, the practice of fraud or deceit in 149777  
obtaining a certificate of registration, dereliction of duty, 149778  
incompetence in the practice of environmental health science, or 149779  
for other good and sufficient cause. 149780

**Sec. 4736.14 3776.10.** The director of health may, upon 149781  
application and proof of valid registration, issue a certificate 149782  
of registration to any person who is or has been registered as an 149783  
environmental health specialist or environmental health specialist 149784  
in training by any other state, if the requirements of that state 149785  
at the time of such registration are determined by the director to 149786  
be at least equivalent to the requirements of this chapter. 149787

**Sec. 4736.15 3776.11.** (A) No person shall engage in, or offer 149788  
to engage in, the practice of environmental health without being 149789  
registered in accordance with ~~sections 4736.01 to 4736.15 of the~~ 149790  
~~Revised Code~~ this chapter. ~~An environmental health specialist in~~ 149791  
~~training may engage in the practice of environmental health for a~~ 149792  
~~period not to exceed five years, provided the environmental health~~ 149793  
~~specialist in training is supervised by a registered environmental~~ 149794  
~~health specialist. No~~ 149795

(B) No person except a registered environmental health 149796  
specialist shall use the title "registered environmental health 149797  
specialist" or the abbreviation "R.E.H.S." after the person's 149798  
name, or represent self as a registered environmental health 149799  
specialist. ~~Whoever~~ 149800

(C)(1) No person except a registered environmental health 149801  
specialist in training shall use the title "registered 149802

environmental health specialist in training" or the abbreviation 149803  
"E.H.S.I.T." after the person's name, or represent self as a 149804  
registered environmental health specialist in training. 149805

(2) No environmental health specialist in training shall 149806  
engage in the active practice of environmental health for a period 149807  
exceeding six years from the date that the environmental health 149808  
specialist in training's registration was initially issued. During 149809  
the period that a person is engaged as an environmental health 149810  
specialist in training, the person shall undertake the duties of 149811  
an environmental health specialist in training solely under the 149812  
supervision of a registered environmental health specialist in 149813  
good standing. Such supervision is a condition for the advancement 149814  
of an environmental health specialist in training to an 149815  
environmental health specialist. 149816

(D) Whoever violates this section is guilty of a misdemeanor 149817  
of the fourth degree. 149818

**Sec. ~~4736.17~~ 3776.12.** On receipt of a notice pursuant to 149819  
section 3123.43 of the Revised Code, the director of health shall 149820  
comply with sections 3123.41 to 3123.50 of the Revised Code and 149821  
any applicable rules adopted under section 3123.63 of the Revised 149822  
Code with respect to a certificate issued pursuant to this 149823  
chapter. 149824

**Sec. ~~4736.18~~ 3776.13.** The director of health shall comply 149825  
with section 4776.20 of the Revised Code. 149826

**Sec. 4743.05.** (A) Except as otherwise provided in sections 149827  
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of the 149828  
Revised Code, all money collected under Chapters 3773., 4701., 149829  
4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 149830  
4733., 4734., ~~4736.~~ 4741., 4744., 4747., 4753., 4755., 4757., 149831  
4758., 4771., 4775., 4779., and 4781. of the Revised Code shall be 149832

paid into the state treasury to the credit of the occupational 149833  
licensing and regulatory fund, which is hereby created for use in 149834  
administering such chapters. 149835

(B) At the end of each quarter, the director of budget and 149836  
management shall transfer from the occupational licensing and 149837  
regulatory fund to the nurse education assistance fund created in 149838  
section 3333.28 of the Revised Code the amount certified to the 149839  
director under division (B) of section 4723.08 of the Revised 149840  
Code. 149841

(C) At the end of each quarter, the director shall transfer 149842  
from the occupational licensing and regulatory fund to the 149843  
certified public accountant education assistance fund created in 149844  
section 4701.26 of the Revised Code the amount certified to the 149845  
director under division (H)(2) of section 4701.10 of the Revised 149846  
Code. 149847

(D) On August 30, 2021, and every two years thereafter, the 149848  
director shall transfer from the occupational licensing and 149849  
regulatory fund to the veterinary student debt assistance fund 149850  
created in section 4741.56 of the Revised Code the amount 149851  
certified to the director under section 4741.57 of the Revised 149852  
Code. 149853

**Sec. 4776.20.** (A) As used in this section: 149854

(1) "Licensing agency" means, in addition to each board 149855  
identified in division (C) of section 4776.01 of the Revised Code, 149856  
the board or other government entity authorized to issue a license 149857  
under Chapters 3776., 4703., 4707., 4709., 4712., 4713., 4719., 149858  
4723., 4727., 4728., 4733., 4735., ~~4736.~~, 4737., 4738., 4740., 149859  
4742., 4747., 4749., 4752., 4753., 4758., 4759., 4763., 4764., 149860  
4765., 4766., 4771., 4773., and 4781. of the Revised Code. 149861  
"Licensing agency" includes an administrative officer that has 149862

authority to issue a license. 149863

(2) "Licensee" means, in addition to a licensee as described 149864  
in division (B) of section 4776.01 of the Revised Code, the person 149865  
to whom a license is issued by the board or other government 149866  
entity authorized to issue a license under Chapters 3776., 4703., 149867  
4707., 4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 149868  
4735., ~~4736.~~, 4737., 4738., 4740., 4742., 4747., 4749., 4751., 149869  
4752., 4753., 4758., 4759., 4763., 4764., 4765., 4766., 4771., 149870  
4773., and 4781. of the Revised Code. 149871

(3) "Prosecutor" has the same meaning as in section 2935.01 149872  
of the Revised Code. 149873

(B) On a licensee's conviction of, plea of guilty to, 149874  
judicial finding of guilt of, or judicial finding of guilt 149875  
resulting from a plea of no contest to the offense of trafficking 149876  
in persons in violation of section 2905.32 of the Revised Code, 149877  
the prosecutor in the case shall promptly notify the licensing 149878  
agency of the conviction, plea, or finding and provide the 149879  
licensee's name and residential address. On receipt of this 149880  
notification, the licensing agency shall immediately suspend the 149881  
licensee's license. 149882

(C) If there is a conviction of, plea of guilty to, judicial 149883  
finding of guilt of, or judicial finding of guilt resulting from a 149884  
plea of no contest to the offense of trafficking in persons in 149885  
violation of section 2905.32 of the Revised Code and all or part 149886  
of the violation occurred on the premises of a facility that is 149887  
licensed by a licensing agency, the prosecutor in the case shall 149888  
promptly notify the licensing agency of the conviction, plea, or 149889  
finding and provide the facility's name and address and the 149890  
offender's name and residential address. On receipt of this 149891  
notification, the licensing agency shall immediately suspend the 149892  
facility's license. 149893

(D) Notwithstanding any provision of the Revised Code to the contrary, the suspension of a license under division (B) or (C) of this section shall be implemented by a licensing agency without a prior hearing. After the suspension, the licensing agency shall give written notice to the subject of the suspension of the right to request a hearing under Chapter 119. of the Revised Code. After a hearing is held, the licensing agency shall either revoke or permanently revoke the license of the subject of the suspension, unless it determines that the license holder has not been convicted of, pleaded guilty to, been found guilty of, or been found guilty based on a plea of no contest to the offense of trafficking in persons in violation of section 2905.32 of the Revised Code.

**Sec. 5903.12.** (A) As used in this section: 149907

"Continuing education" means continuing education required of a licensee by law and includes, but is not limited to, the continuing education required of licensees under sections 3737.881, 3776.07, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 4734.25, 4735.141, ~~4736.11~~, 4741.16, 4741.19, 4751.24, 4751.25, 4755.63, 4757.33, 4759.06, 4761.06, and 4763.07 of the Revised Code.

"Reporting period" means the period of time during which a licensee must complete the number of hours of continuing education required of the licensee by law.

(B) A licensee may submit an application to a licensing agency, stating that the licensee requires an extension of the current reporting period because the licensee has served on active duty during the current or a prior reporting period. The licensee shall submit proper documentation certifying the active duty service and the length of that active duty service. Upon receiving

the application and proper documentation, the licensing agency 149925  
shall extend the current reporting period by an amount of time 149926  
equal to the total number of months that the licensee spent on 149927  
active duty during the current reporting period. For purposes of 149928  
this division, any portion of a month served on active duty shall 149929  
be considered one full month. 149930

**Section 130.41.** That existing sections 2925.01, 3701.33, 149931  
3701.83, 3717.27, 3717.47, 3718.011, 3718.03, 3742.03, 4736.01, 149932  
4736.02, 4736.03, 4736.07, 4736.08, 4736.09, 4736.11, 4736.12, 149933  
4736.13, 4736.14, 4736.15, 4736.17, 4736.18, 4743.05, 4776.20, and 149934  
5903.12 of the Revised Code are hereby repealed. 149935

**Section 130.42.** That sections 4736.05, 4736.06, and 4736.10 149936  
of the Revised Code are hereby repealed. 149937

**Section 130.43.** That the version of section 3701.83 of the 149938  
Revised Code that is scheduled to take effect on September 30, 149939  
2024, be amended to read as follows: 149940

**Sec. 3701.83.** There is hereby created in the state treasury 149941  
the general operations fund. Moneys in the fund shall be used for 149942  
the purposes specified in sections 3701.04, 3701.344, 3711.16, 149943  
3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 3733.43, 3748.04, 149944  
3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 3749.07, ~~4736.06~~ 149945  
3776.08, and 4769.09 of the Revised Code. 149946

**Section 130.44.** That the existing version of section 3701.83 149947  
of the Revised Code that is scheduled to take effect on September 149948  
30, 2024, is hereby repealed. 149949

**Section 130.45.** That the version of section 4736.14 of the 149950  
Revised Code that is scheduled to take effect on December 29, 149951

2023, be amended and section 4736.14 (3776.10) of the Revised Code 149952  
that is scheduled to take effect on December 29, 2023, be amended 149953  
for the purpose of adopting a new section number as indicated in 149954  
parentheses to read as follows: 149955

**Sec. ~~4736.14~~ 3776.10.** The director of health ~~shall~~ may, upon 149956  
application and proof of valid registration, issue a certificate 149957  
of registration ~~in accordance with Chapter 4796. of the Revised~~ 149958  
Code to a any person if either of the following applies: 149959

~~(A) The person who is or has been registered as an 149960  
environmental health specialist or environmental health specialist 149961  
in training by any other state.~~ 149962

~~(B) The person has satisfactory work experience, a government 149963  
certification, or a private certification as described in that 149964  
chapter as an environmental health specialist in a state that does 149965  
not issue that certificate of registration, if the requirements of 149966  
that state at the time of such registration are determined by the 149967  
director to be at least equivalent to the requirements of this 149968  
chapter. 149969~~

**Section 130.46.** That the existing version of section 4736.14 149970  
of the Revised Code that is scheduled to take effect on December 149971  
29, 2023, is hereby repealed. 149972

**Section 130.47.** That the version of section 4736.10 of the 149973  
Revised Code that is scheduled to take effect on December 29, 149974  
2023, is hereby repealed. The outright repeal by this act of 149975  
section 4736.10 of the Revised Code supersedes the amendment of 149976  
that section scheduled to take effect on December 29, 2023, as 149977  
prescribed by Section 1 of S.B. 131 of the 134th General Assembly. 149978

**Section 130.48.** Sections 130.45, 130.46, and 130.47 of this 149979

act take effect on December 29, 2023. 149980

Sections 130.43 and 130.44 of this act take effect on 149981  
September 30, 2024. 149982

**Section 130.49.** The General Assembly, applying the principle 149983  
stated in division (B) of section 1.52 of the Revised Code that 149984  
amendments are to be harmonized if reasonably capable of 149985  
simultaneous operation, finds that the following sections, 149986  
presented in this act as composites of the sections as amended by 149987  
the acts indicated, are the resulting versions of the sections in 149988  
effect prior to the effective date of the sections as presented in 149989  
this act: 149990

Section 2925.01 of the Revised Code as amended by H.B. 281, 149991  
H.B. 509, and S.B. 25, all of the 134th General Assembly. 149992

Section 4736.08 of the Revised Code as amended by both H.B. 149993  
442 and H.B. 263 of the 133rd General Assembly. 149994

**Section 130.50.** That the version of section 3701.351 of the 149995  
Revised Code that is scheduled to take effect September 30, 2024, 149996  
be amended to read as follows: 149997

**Sec. 3701.351.** (A) The governing body of every hospital shall 149998  
set standards and procedures to be applied by the hospital and its 149999  
medical staff in considering and acting upon applications for 150000  
staff membership or professional privileges. These standards and 150001  
procedures shall be available for public inspection. 150002

(B) The governing body of any hospital, in considering and 150003  
acting upon applications for staff membership or professional 150004  
privileges within the scope of the applicants' respective 150005  
licensures, shall not discriminate against a qualified person 150006  
solely on the basis of whether that person is licensed to practice 150007

medicine, osteopathic medicine, or podiatry, is licensed to 150008  
practice dentistry or psychology, or is licensed to practice 150009  
nursing as an advanced practice registered nurse. Staff membership 150010  
or professional privileges shall be considered and acted on in 150011  
accordance with standards and procedures established under 150012  
division (A) of this section. This section does not permit a 150013  
psychologist to admit a patient to a hospital in violation of 150014  
section 3727.06 of the Revised Code. 150015

(C) The governing body of any hospital that provides 150016  
maternity services, in considering and acting upon applications 150017  
for clinical privileges, shall not discriminate against a 150018  
qualified person solely on the basis that the person is authorized 150019  
to practice nurse-midwifery. An application from a certified 150020  
nurse-midwife who is not employed by the hospital shall contain 150021  
the name of a physician member of the hospital's medical staff who 150022  
holds clinical privileges in obstetrics at that hospital and who 150023  
has agreed to be the collaborating physician for the applicant in 150024  
accordance with section 4723.43 of the Revised Code. 150025

(D) Any person may apply to the court of common pleas for 150026  
temporary or permanent injunctions restraining a violation of 150027  
division (A), (B), or (C) of this section. This action is an 150028  
additional remedy not dependent on the adequacy of the remedy at 150029  
law. 150030

(E)(1) If a hospital does not provide or permit the provision 150031  
of any diagnostic or treatment service for mental or emotional 150032  
disorders or any other service that may be legally performed by a 150033  
psychologist licensed under Chapter 4732. of the Revised Code, 150034  
this section does not require the hospital to provide or permit 150035  
the provision of any such service and the hospital shall be exempt 150036  
from requirements of this section pertaining to psychologists. 150037

(2) This section does not impair the right of a hospital to 150038  
enter into an employment, personal service, or any other kind of 150039

contract with a licensed psychologist, upon any such terms as the parties may mutually agree, for the provision of any service that may be legally performed by a licensed psychologist.

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**Section 130.51.** That the existing version of section 3701.351 of the Revised Code that is scheduled to take effect September 30, 2024, is hereby repealed.

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**Section 130.52.** Sections 130.50 and 130.51 of this act take effect September 30, 2024.

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**Section 130.53.** That the versions of sections 3727.70 and 4723.431 of the Revised Code that are scheduled to take effect September 30, 2024, are hereby repealed.

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**Section 130.54.** That Sections 130.11 and 130.12 (as amended by H.B. 66 of the 134th General Assembly) of H.B. 110 of the 134th General Assembly be amended to read as follows:

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**Sec. 130.11.** That existing sections 111.15, 140.01, 3701.07, 3701.351, 3701.503, 3701.5010, 3701.63, 3701.69, 3701.83, 3702.30, 3702.31, 3702.51, 3702.52, 3702.521, 3702.55, 3702.592, 3702.593, 3705.30, 3705.41, 3711.01, 3711.02, 3711.04, 3711.05, 3711.06, 3711.10, 3711.12, 3711.14, 3711.30, ~~3727.70~~, 3781.112, 3901.40, 3929.67, ~~4723.431~~, 4723.481, 4730.411, 4731.31, and 4761.01 are hereby repealed.

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**Sec. 130.12.** That sections 3702.11, 3702.12, 3702.13, 3702.14, 3702.141, 3702.15, 3702.16, 3702.18, 3702.19, 3702.20, 3727.01, 3727.02, 3727.03, 3727.04, 3727.05, ~~3727.06~~, 3727.07, and 3727.99 of the Revised Code are hereby repealed.

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**Section 130.55.** That existing Sections 130.11 and 130.12 (as amended by H.B. 66 of the 134th General Assembly) of H.B. 110 of

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the 134th General Assembly are hereby repealed. 150067

**Section 130.56.** Sections 130.54 and 130.55 of this act remove 150068  
the limitations imposed on the continued existence of sections 150069  
3727.06, 3727.70, and 4723.431 of the Revised Code. 150070

**Section 130.60.** That sections 128.01, 128.02, 128.021, 150071  
128.022, 128.03, 128.06, 128.07, 128.08, 128.12, 128.18, 128.22, 150072  
128.32, 128.34, 128.40, 128.42, 128.44, 128.45, 128.46, 128.461, 150073  
128.462, 128.47, 128.52, 128.54, 128.55, 128.57, 128.60, 128.63, 150074  
128.99, 149.43, 2913.01, 4776.20, 5703.052, 5733.55, and 5751.01 150075  
be amended; sections 128.18 (128.33), 128.22 (128.35), 128.32 150076  
(128.96), 128.34 (128.98), 128.40 (128.20), 128.42 (128.40), and 150077  
128.45 (128.451) be amended for the purpose of adopting new 150078  
section numbers as indicated in parentheses; and new sections 150079  
128.22, 128.25, 128.26, 128.27, 128.42, and 128.45 and sections 150080  
128.05, 128.21, 128.211, 128.212, 128.221, 128.23, 128.24, 150081  
128.241, 128.242, 128.243, 128.28, 128.41, 128.411, 128.412, 150082  
128.413, 128.414, 128.416, 128.417, 128.418, 128.421, 128.422, and 150083  
128.43 of the Revised Code be enacted to read as follows: 150084

**Sec. 128.01.** As used in this chapter: 150085

(A) "9-1-1 system" means a system through which individuals 150086  
can request emergency service using the ~~telephone~~ access number 150087  
9-1-1. 150088

(B) "Basic 9-1-1" means a ~~9-1-1~~ an emergency telephone system 150089  
~~in~~ to which all of the following apply: 150090

(1) The system automatically connects a caller ~~provides~~ 150091  
~~information on the nature of and the location of an emergency, and~~ 150092  
~~the personnel receiving the call must determine the appropriate~~ 150093  
~~emergency service provider to respond at that location~~ to a 150094  
designated public safety answering point. 150095

<u>(2) Call routing is determined by a central office only.</u>	150096
<u>(3) Automatic number identification and automatic location information may or may not be supported.</u>	150097 150098
(C) " <del>Enhanced 9-1-1</del> " means <del>a 9-1-1</del> <u>an emergency telephone system capable of providing both enhanced wireline 9-1-1 and wireless enhanced 9-1-1 that includes both of the following:</u>	150099 150100 150101
<u>(1) Network switching;</u>	150102
<u>(2) Database- and public-safety-answering-point premise elements capable of providing automatic location identification data, selective routing, selective transfer, fixed transfer, and a call back number.</u>	150103 150104 150105 150106
(D) "Enhanced wireline 9-1-1" means a 9-1-1 system in which the wireline telephone network, in providing wireline 9-1-1, does either of the following:	150107 150108 150109
(1) Automatically routes the call to emergency service providers that serve the location from which the call is made and immediately provides to personnel answering the 9-1-1 call information on the location and the telephone number from which the call is being made;	150110 150111 150112 150113 150114
(2) Receives, develops, collects, or processes requests for emergency assistance and relays, transfers, operates, maintains, or provides emergency notification services or system capabilities.	150115 150116 150117 150118
(E) "Wireless enhanced 9-1-1" means a 9-1-1 system that, in providing wireless 9-1-1, has the capabilities of phase I and, to the extent available, phase II enhanced 9-1-1 services as described in 47 C.F.R. 20.18 (d) to (h).	150119 150120 150121 150122
<del>(F)(1)</del> (F) "Wireless service" means federally licensed commercial mobile service as defined in 47 U.S.C. 332(d) and further defined as commercial mobile radio service in 47 C.F.R.	150123 150124 150125

20.3, and includes services for communicating voice, text, and data and service provided by any wireless, two-way communications device, including a radio-telephone communications line used in cellular telephone service or personal communications service, a network radio access line, or any functional or competitive equivalent of such a radio-telephone communications or network radio access line.

~~(2) Nothing in this chapter applies to paging or any service that cannot be used to call 9-1-1.~~

(G) "Wireless service provider" means ~~a facilities-based provider of~~ any of the following that provides wireless service to one or more end users in this state:

(1) A facilities-based provider;

(2) A mobile virtual network operator;

(3) A mobile other licensed operator.

(H) "Wireless 9-1-1" means the emergency calling service provided by a 9-1-1 system pursuant to a call originating in the network of a wireless service provider.

(I) "Wireline 9-1-1" means the emergency calling service provided by a 9-1-1 system pursuant to a call originating in the network of a wireline service provider.

(J) "Wireline service provider" means a facilities-based provider of wireline service to one or more ~~end users~~ end users in this state.

(K) "Wireline service" means basic local exchange service, as defined in section 4927.01 of the Revised Code, that is transmitted by means of interconnected wires or cables by a wireline service provider authorized by the public utilities commission.

(L) "Wireline telephone network" means the selective router

and data base processing systems, trunking and data wiring cross 150156  
connection points at the public safety answering point, and all 150157  
other voice and data components of the 9-1-1 system. 150158

(M) "Subdivision" means a county, municipal corporation, 150159  
township, township fire district, joint fire district, township 150160  
police district, joint police district, joint ambulance district, 150161  
or joint emergency medical services district that provides 150162  
emergency service within its territory, or that contracts with 150163  
another municipal corporation, township, or district or with a 150164  
private entity to provide such service; and a state college or 150165  
university, port authority, or park district of any kind that 150166  
employs law enforcement officers that act as the primary police 150167  
force on the grounds of the college or university or port 150168  
authority or in the parks operated by the district. 150169

(N) "Emergency service" means emergency law enforcement, 150170  
firefighting, ambulance, rescue, and medical service. 150171

(O) "Emergency service provider" means the state highway 150172  
patrol and an emergency service department or unit of a 150173  
subdivision or that provides emergency service to a subdivision 150174  
under contract with the subdivision. 150175

(P) "Public safety answering point" means ~~a facility to which~~ 150176  
an entity responsible for receiving requests for emergency 150177  
services sent by dialing 9-1-1 system calls for within a specific 150178  
specified territory ~~are initially routed for response and where~~ 150179  
~~personnel respond to specific~~ and processing those requests for 150180  
emergency ~~service by~~ services according to a specific operational 150181  
policy that includes directly dispatching the appropriate 150182  
emergency service provider, relaying a message to the appropriate 150183  
emergency service provider, or transferring the ~~call request for~~ 150184  
emergency services to the appropriate emergency service provider. 150185  
A public safety answering point may be either of the following: 150186

<u>(1) Located in a specific facility;</u>	150187
<u>(2) Virtual, if telecommunicators are geographically dispersed and do not work from the same facility. The virtual workplace may be a logical combination of physical facilities, an alternate work environment such as a satellite facility, or a combination of the two. Workers may be connected and interoperate via internet-protocol connectivity.</u>	150188 150189 150190 150191 150192 150193
(Q) "Customer premises equipment" means telecommunications equipment, including telephone instruments, on the premises of a public safety answering point that is used in answering and responding to 9-1-1 system calls.	150194 150195 150196 150197
(R) "Municipal corporation in the county" includes any municipal corporation that is wholly contained in the county and each municipal corporation located in more than one county that has a greater proportion of its territory in the county to which the term refers than in any other county.	150198 150199 150200 150201 150202
(S) "Board of county commissioners" includes the legislative authority of a county established under Section 3 of Article X, Ohio Constitution, or Chapter 302. of the Revised Code.	150203 150204 150205
(T) "Final plan" means a final plan adopted under division (B) of section 128.08 of the Revised Code and, except as otherwise expressly provided, an amended final plan adopted under section 128.12 of the Revised Code.	150206 150207 150208 150209
(U) "Subdivision served by a public safety answering point" means a subdivision that provides emergency service for any part of its territory that is located within the territory of a public safety answering point whether the subdivision provides the emergency service with its own employees or pursuant to a contract.	150210 150211 150212 150213 150214 150215
(V) A township's population includes only population of the unincorporated portion of the township.	150216 150217

(W) "Telephone company" means a company engaged in the 150218  
business of providing local exchange telephone service by making 150219  
available or furnishing access and a dial tone to persons within a 150220  
local calling area for use in originating and receiving voice 150221  
grade communications over a switched network operated by the 150222  
provider of the service within the area and gaining access to 150223  
other telecommunications services. Unless otherwise specified, 150224  
"telephone company" includes a wireline service provider, a 150225  
wireless service provider, and any entity that is a covered 9-1-1 150226  
service provider under 47 C.F.R. 12.4. ~~For purposes of sections 150227~~  
~~128.25 and 128.26 of the Revised Code, "telephone company" means a 150228~~  
~~wireline service provider.~~ 150229

(X) "Prepaid wireless calling service" has the same meaning 150230  
as in division (AA)(5) of section 5739.01 of the Revised Code. 150231

(Y) "Provider of a prepaid wireless calling service" means a 150232  
wireless service provider that provides a prepaid wireless calling 150233  
service. 150234

(Z) "Retail sale" has the same meaning as in section 5739.01 150235  
of the Revised Code. 150236

(AA) "Seller" means a person that sells a prepaid wireless 150237  
calling service to another person by retail sale. 150238

(BB) "Consumer" means the ~~person~~ end user for whom the 150239  
prepaid wireless calling service is provided, to whom the transfer 150240  
effected or license given by a sale is or is to be made or given, 150241  
to whom the prepaid wireless calling service is charged, or to 150242  
whom the admission is granted. 150243

(CC) "Reseller" means a nonfacilities-based provider of 150244  
wireless service that provides wireless service under its own name 150245  
to one or more end users in this state using the network of a 150246  
wireless service provider. 150247

(DD) "Steering committee" means the statewide ~~emergency~~ 150248

~~services internet protocol network 9-1-1 steering committee~~ 150249  
~~established by division (A)(1) of section 128.02 of the Revised~~ 150250  
~~Code.~~ 150251

(EE) "Communications service" includes wired or wireless 150252  
telecommunications, voice over internet protocol service, 150253  
multiline telephone systems, nonvoice messaging devices, devices 150254  
such as sensors that generate data-only messages such as photos or 150255  
videos, and other similar services or devices, regardless of 150256  
whether those services or devices existed on the effective date of 150257  
the amendments to this section by this act. 150258

(FF) "Ancillary connection service" means a communication 150259  
connection service that allows devices, not otherwise able to 150260  
connect directly with a 9-1-1 system, to communicate with a 9-1-1 150261  
system. 150262

(GG) "Next generation 9-1-1" means an internet-protocol-based 150263  
system comprised of managed emergency services internet protocol 150264  
networks, functional elements, and databases that replicate 150265  
traditional enhanced 9-1-1 features and functions and provide 150266  
additional capabilities. 150267

(HH) "Emergency services internet-protocol network" means a 150268  
managed internet-protocol network that is used for emergency 150269  
services communications and provides the internet-protocol 150270  
transport infrastructure upon which independent application 150271  
platforms and core services can be deployed, including those 150272  
necessary for providing next generation 9-1-1 services. The term 150273  
designates the network and not the services that ride on the 150274  
network. 150275

(II) "9-1-1 system service provider" means a company or 150276  
entity engaged in the business of providing all or part of the 150277  
emergency services internet-protocol network, software 150278  
applications, hardware, databases, customer premises equipment 150279

components and operations, and management procedures required to 150280  
support basic 9-1-1, enhanced 9-1-1, enhanced wireline 9-1-1, 150281  
wireless enhanced 9-1-1, or next generation 9-1-1 systems. 150282

(JJ) "Voice over internet protocol" means technologies for 150283  
the delivery of voice communications and multimedia sessions over 150284  
internet-protocol networks, including private networks or the 150285  
internet. 150286

(KK) "Multiline telephone system" means a system to which 150287  
both of the following apply: 150288

(1) The system consists of common control units, telephone 150289  
sets, control hardware and software, and adjunct systems, 150290  
including network and premises-based systems. 150291

(2) The system is designed to aggregate more than one 150292  
incoming voice communication channel for use by more than one 150293  
telephone. 150294

(LL) "Business service user" means a user of business service 150295  
that provides telecommunications service, including 9-1-1 service, 150296  
to end users through a publicly or privately owned or controlled 150297  
telephone switch. 150298

(MM) "Emergency response location" means an additional 150299  
location identification that provides a specific location. It may 150300  
include information regarding a specific location within a 150301  
building, structure, complex, or campus, including a building 150302  
name, floor number, wing name or number, unit name or number, room 150303  
name or number, or office or cubicle name or number. 150304

(NN) "Operator of a multiline telephone system" means an 150305  
entity to which both of the following apply: 150306

(1) The entity manages or operates a multiline telephone 150307  
system through which an end user may initiate communication using 150308  
the 9-1-1 system. 150309

(2) The entity owns, leases, or rents a multiline telephone system through which an end user may initiate communication using the 9-1-1 system. 150310  
150311  
150312

(00) "Core services" means the base set of services needed to process a 9-1-1 call on an emergency services internet-protocol network. It includes all of the following: 150313  
150314  
150315

(1) Emergency services routing proxy; 150316

(2) Emergency call routing function; 150317

(3) Location validation function; 150318

(4) Border control function; 150319

(5) Bridge, policy-store, and logging services; 150320

(6) Typical internet-protocol services such as domain name system and dynamic host configuration protocol. 150321  
150322

The term includes the services and not the network on which they operate. 150323  
150324

(PP) "Bill and keep arrangements" has the same meaning as in 47 C.F.R. 51.713. 150325  
150326

**Sec. 128.02.** (A)(1) There is hereby created the statewide emergency services internet protocol network 9-1-1 steering committee, consisting of the following ten members: 150327  
150328  
150329

(a) The state chief information officer or the officer's designee; 150330  
150331

(b) Two members of the house of representatives appointed by the speaker, one from the majority party and one from the minority party; 150332  
150333  
150334

(c) Two members of the senate appointed by the president, one from the majority party and one from the minority party; 150335  
150336

(d) Five members appointed by the governor. 150337

(2) In appointing the five members under division (A)(1)(d) 150338  
of this section, the governor shall appoint two representatives of 150339  
the county commissioners' association of Ohio or a successor 150340  
organization, two representatives of the Ohio municipal league or 150341  
a successor organization, and one representative of the Ohio 150342  
township association or a successor organization. For each of 150343  
these appointments, the governor shall consider a nominee proposed 150344  
by the association or successor organization. The governor may 150345  
reject any of the nominees and may request that a nominating 150346  
entity submit alternative nominees. 150347

~~(3) Initial appointments shall be made not later than ten 150348  
days after September 28, 2012. 150349~~

(B)(1) The state chief information officer or the officer's 150350  
designee shall serve as the chairperson of the steering committee 150351  
and shall be a nonvoting member. All other members shall be voting 150352  
members. 150353

(2) A member of the steering committee appointed from the 150354  
membership of the senate or the house of representatives shall 150355  
serve during the member's term as a member of the general assembly 150356  
and until a successor is appointed and qualified, notwithstanding 150357  
adjournment of the general assembly or the expiration of the 150358  
member's term as a member of the general assembly. 150359

(3) The initial terms of one of the representatives of the 150360  
county commissioners' association of Ohio, one of the 150361  
representatives of the Ohio municipal league, and the 150362  
representative of the Ohio township association shall all expire 150363  
on December 31, 2016. The initial terms of the other 150364  
representatives of the county commissioners' association of Ohio 150365  
and the Ohio municipal league shall expire on December 31, 2014. 150366  
Thereafter, terms of the members appointed by the governor shall 150367  
be for four years, with each term ending on the same day of the 150368  
same month as the term it succeeds. Each member appointed by the 150369

governor shall hold office from the date of the member's 150370  
appointment until the end of the term for which the member was 150371  
appointed, and may be reappointed. A member appointed by the 150372  
governor shall continue in office after the expiration date of the 150373  
member's term until the member's successor takes office or until a 150374  
period of sixty days has elapsed, whichever occurs first. Members 150375  
appointed by the governor shall serve without compensation and 150376  
shall not be reimbursed for expenses. 150377

(4) A vacancy in the position of any member of the steering 150378  
committee shall be filled for the unexpired term in the same 150379  
manner as the original appointment. 150380

(C) The steering committee shall generally advise the state 150381  
on the implementation, operation, and maintenance of a statewide 150382  
emergency services internet protocol network ~~that would support~~ 150383  
~~state and local government, a statewide next-generation next~~ 150384  
generation 9-1-1 core-services system, and the dispatch of 150385  
emergency service providers. The steering committee shall do all 150386  
of the following: 150387

(1) ~~On or before May 15, 2013, deliver an initial report to~~ 150388  
~~the speaker of the house of representatives, the president of the~~ 150389  
~~senate, and the governor providing recommendations for the state~~ 150390  
~~to address the development of a statewide emergency services~~ 150391  
~~internet protocol network, which recommendations shall include a~~ 150392  
~~review of the current funding model for this state's 9-1-1 systems~~ 150393  
~~and may include a recommendation for a reduction in wireless 9-1-1~~ 150394  
~~charges;~~ 150395

~~(2)~~ Examine the readiness of the state's current technology 150396  
infrastructure for a statewide emergency services internet 150397  
protocol network; 150398

~~(3)~~(2) Research legislative authority with regard to 150399  
governance and funding of a statewide emergency services internet 150400

protocol network, and provide recommendations on best practices to 150401  
limit duplicative efforts to ensure an effective transition to 150402  
~~next-generation~~ next generation 9-1-1; 150403

~~(4)(3)~~ Make Where feasible, make recommendations for 150404  
consolidation of public-safety-answering-point operations in this 150405  
state, ~~including recommendations for accelerating the~~ 150406  
~~consolidation schedule established in section 128.571 of the~~ 150407  
~~Revised Code,~~ to accommodate ~~next-generation~~ next generation 9-1-1 150408  
technology and to facilitate a more efficient and effective 150409  
emergency services system; 150410

~~(5)(4)~~ Recommend policies, procedures, and statutory or 150411  
regulatory authority to effectively govern a statewide ~~emergency~~ 150412  
~~services internet protocol network~~ next generation 9-1-1 system; 150413

~~(6)(5)~~ Designate a ~~next-generation~~ next generation 9-1-1 150414  
statewide coordinator to serve as the primary point of contact for 150415  
federal initiatives; 150416

~~(7)(6)~~ Coordinate with statewide initiatives and associations 150417  
such as the state interoperable executive committee, the Ohio 150418  
geographically referenced information program council, the Ohio 150419  
multi-agency radio communications system steering committee, and 150420  
other interested parties; 150421

~~(8)(7)~~ Serve as the entity responsible for the administration 150422  
of Chapter 128. of the Revised Code. 150423

(D)(1) A 9-1-1 service provider shall provide to the steering 150424  
committee: 150425

(a) The aggregate number of access lines that the provider 150426  
maintains within the state of Ohio; 150427

(b) The aggregate amount of costs and cost recovery 150428  
associated with providing 9-1-1 service, including coverage under 150429  
tariffs and bill and keep arrangements within this state; 150430

(c) Any other information requested by the steering committee 150431  
deemed necessary to support the transition to next generation 150432  
9-1-1. 150433

(2) Any ~~political subdivision or governmental~~ entity 150434  
operating a public safety answering point shall provide to the 150435  
steering committee: 150436

(a) The geographic location and population of the area for 150437  
which the ~~planning committee~~ entity is responsible; 150438

(b) Statistics detailing the number of 9-1-1 calls received; 150439

(c) A report of expenditures made from disbursements for 150440  
9-1-1; 150441

(d) An inventory of and the technical specifications for the 150442  
current 9-1-1 network and equipment; 150443

(e) Any other information requested by the steering committee 150444  
that is deemed necessary to support the transition to next 150445  
generation 9-1-1. 150446

(3) The information requested under divisions (D)(1) and (2) 150447  
of this section shall be provided by the 9-1-1 service provider, 150448  
political subdivision, or governmental entity within forty-five 150449  
days of the request of the steering committee. 150450

(E) The ~~steering committee shall hold its inaugural meeting~~ 150451  
~~not later than thirty days after September 28, 2012. Thereafter,~~ 150452  
the steering committee shall meet at least once a ~~month~~ quarter, 150453  
either in person or utilizing telecommunication-conferencing 150454  
technology. A majority of the voting members shall constitute a 150455  
quorum. 150456

(F)(1) The steering committee shall have a permanent 150457  
technical-standards subcommittee and a permanent 150458  
public-safety-answering-point-operations subcommittee, and may, 150459  
from time to time, establish additional subcommittees, to advise 150460

and assist the steering committee based upon the subcommittees' 150461  
areas of expertise. The subcommittees may meet either in person or 150462  
utilizing telecommunication-conferencing technology. A majority of 150463  
the voting members shall constitute a quorum. 150464

(2) The membership of subcommittees shall be determined by 150465  
the steering committee. 150466

(a) The technical-standards subcommittee shall include one 150467  
member representing a wireline or wireless service provider that 150468  
participates in the state's 9-1-1 system, one representative of 150469  
the Ohio academic resources network, one representative of the 150470  
Ohio multi-agency radio communications system steering committee, 150471  
one representative of the Ohio geographically referenced 150472  
information program, and one member representing each of the 150473  
following associations selected by the steering committee from 150474  
nominations received from that association: 150475

(i) The Ohio telephone association; 150476

(ii) The Ohio chapter of the association of public-safety 150477  
communications officials; 150478

(iii) The Ohio chapter of the national emergency number 150479  
association. 150480

(b) The public-safety-answering-point-operations subcommittee 150481  
shall include one member representing the division of emergency 150482  
management of the department of public safety, one member 150483  
representing the state highway patrol, one member representing the 150484  
division of emergency medical services of the department of public 150485  
safety, two members recommended by the county commissioners' 150486  
association of Ohio who are managers of public safety answering 150487  
points, two members recommended by the Ohio municipal league who 150488  
are managers of public safety answering points, and one member 150489  
from each of the following associations selected by the steering 150490  
committee from nominations received from that association: 150491

(i) The buckeye state sheriffs' association;	150492
(ii) The Ohio association of chiefs of police;	150493
(iii) The Ohio <del>association of</del> fire chiefs <u>association</u> ;	150494
(iv) The Ohio chapter of the association of public-safety communications officials;	150495 150496
(v) The Ohio chapter of the national emergency number association.	150497 150498
(G) The committee is not an agency, as defined in section 101.82 of the Revised Code, for purposes of sections 101.82 to 101.87 of the Revised Code.	150499 150500 150501
<del>(H) As used in this section, "9-1-1 system," "wireless service provider," "wireline service provider," "emergency service provider," and "public safety answering point" have the same meanings as in section 128.01 of the Revised Code.</del>	150502 150503 150504 150505
<del>(I) As used in this section, "bill and keep arrangements" has the same meaning as in 47 C.F.R. 51.713.</del>	150506 150507
<b>Sec. 128.021.</b> (A) Not later than January 1, 2014, and in accordance with Chapter 119. of the Revised Code, the steering committee shall adopt rules that establish technical and operational standards for public safety answering points eligible to receive disbursements under section 128.55 of the Revised Code. The rules shall incorporate industry standards and best practices for <del>wireless</del> 9-1-1 services. Public safety answering points shall comply with the standards not later than two years after the effective date of the rules adopting the standards. A public safety answering point may be deemed compliant with rules for minimum staffing standards, if it can demonstrate compliance with all other rules for operational standards.	150508 150509 150510 150511 150512 150513 150514 150515 150516 150517 150518 150519
(B) Not later than one year after September 29, 2015, and in accordance with Chapter 119. of the Revised Code, the steering	150520 150521

committee shall conduct an assessment of the operational standards 150522  
for public safety answering points developed under division (A) of 150523  
this section and revise the standards as necessary to ensure that 150524  
the operational standards contain the following: 150525

(1) Policies to ensure that public safety answering point 150526  
personnel prioritize life-saving questions in responding to each 150527  
call to a 9-1-1 system established under this chapter; 150528

(2) A requirement that all public safety answering point 150529  
personnel complete proper training or provide proof of prior 150530  
training to give instructions regarding emergency situations. 150531

(C) Upon the effective date of the amendments to this section 150532  
by this act, all public safety answering points that answer 9-1-1 150533  
calls for service from communications services shall be subject to 150534  
the public safety answering point operations rules. Public safety 150535  
answering points not originally required to be compliant shall 150536  
comply with the standards not later than two years after the 150537  
effective date of the amendments to this section by this act. 150538

**Sec. 128.022.** (A) The steering committee shall establish 150539  
guidelines for the tax commissioner to use when disbursing money 150540  
from the ~~next-generation~~ 9-1-1 government assistance fund to 150541  
countywide 9-1-1 systems in the state, as well as guidelines for 150542  
the use of funds from the next generation 9-1-1 fund. The 150543  
guidelines shall be consistent with the standards adopted in 150544  
section 128.021 of the Revised Code and shall specify that 150545  
disbursements may be used for costs associated with the operation 150546  
of and equipment for phase II wireless systems and for costs 150547  
associated with a county's migration to next generation 9-1-1 150548  
systems and technology. The committee shall periodically review 150549  
the guidelines described in this division and adjust them as 150550  
needed. 150551

(B) The committee shall report any adjustments to the 150552

guidelines described in division (A) of this section to the 150553  
department of taxation. The adjustments shall take effect six 150554  
months from the date the department is notified of the 150555  
adjustments. 150556

**Sec. 128.03.** (A)~~(1)~~ A countywide 9-1-1 system shall include 150557  
all of the territory of the townships and municipal corporations 150558  
in the county and any portion of such a municipal corporation that 150559  
extends into an adjacent county. 150560

~~(2) The system shall exclude any territory served by a~~ 150561  
~~wireline service provider that is not capable of reasonably~~ 150562  
~~meeting the technical and economic requirements of providing the~~ 150563  
~~wireline telephone network portion of the countywide system for~~ 150564  
~~that territory. The system shall exclude from enhanced 9-1-1 any~~ 150565  
~~territory served by a wireline service provider that is not~~ 150566  
~~capable of reasonably meeting the technical and economic~~ 150567  
~~requirements of providing the wireline telephone network portion~~ 150568  
~~of enhanced 9-1-1 for that territory. If a 9-1-1 planning~~ 150569  
~~committee and a wireline service provider do not agree on whether~~ 150570  
~~the provider is so capable, the planning committee shall notify~~ 150571  
~~the steering committee, and the steering committee shall determine~~ 150572  
~~whether the wireline service provider is so capable. The planning~~ 150573  
~~committee shall ascertain whether such disagreement exists before~~ 150574  
~~making its implementation proposal under division (A) of section~~ 150575  
~~128.07 of the Revised Code. The steering committee's determination~~ 150576  
~~shall be in the form of an order. No final plan shall require a~~ 150577  
~~wireline service provider to provide the wireline telephone~~ 150578  
~~network portion of a 9-1-1 system that the steering committee has~~ 150579  
~~determined the provider is not reasonably capable of providing.~~ 150580

(B) A countywide 9-1-1 system may be a ~~basic~~ or an enhanced 150581  
or next generation 9-1-1 system, or a combination of the two, and 150582  
shall be for the purpose of providing both wireline 9-1-1 and 150583

wireless 9-1-1 designed to provide access to emergency services 150584  
from all connected communications sources. 150585

(C)(1) Every emergency service provider that provides 150586  
emergency service within the territory of a countywide 9-1-1 150587  
system shall participate in the countywide system. 150588

(2) A countywide 9-1-1 system may be provided directly by the 150589  
county, by a regional council of governments, or by connecting 150590  
directly to the statewide next generation 9-1-1 system for call 150591  
routing and core services. 150592

(D)(1) Each public safety answering point shall be operated 150593  
by a subdivision or a regional council of governments and shall be 150594  
operated constantly. 150595

(2) A subdivision or a regional council of governments that 150596  
operates a public safety answering point shall pay all of the 150597  
costs associated with establishing, equipping, furnishing, 150598  
operating, and maintaining that facility and shall allocate those 150599  
costs among itself and the subdivisions served by the answering 150600  
point based on the allocation formula in a final plan. The 150601  
wireline service provider or other entity that provides or 150602  
maintains the customer premises equipment shall bill the operating 150603  
subdivision or the operating regional council of governments for 150604  
the cost of providing such equipment, or its maintenance. A 150605  
wireless service provider and a subdivision or regional council of 150606  
governments operating a public safety answering point may enter 150607  
into a service agreement for providing wireless enhanced 9-1-1 150608  
pursuant to a final plan adopted under this chapter. 150609

(E) Except to the extent provided in a final plan that 150610  
provides for funding of a 9-1-1 system in part through charges 150611  
imposed under section ~~128.22~~ 128.35 of the Revised Code, each 150612  
subdivision served by a public safety answering point shall pay 150613  
the subdivision or regional council of governments that operates 150614

the answering point the amount computed in accordance with the 150615  
allocation formula set forth in the final plan. 150616

(F) Notwithstanding any other provision of law, the purchase 150617  
or other acquisition, installation, and maintenance of the 150618  
telephone network for a 9-1-1 system and the purchase or other 150619  
acquisition, installation, and maintenance of customer premises 150620  
equipment at a public safety answering point made in compliance 150621  
with a final plan ~~or an agreement under section 128.09 of the~~ 150622  
~~Revised Code~~, including customer premises equipment used to 150623  
provide wireless enhanced 9-1-1, are not subject to any 150624  
requirement of competitive bidding. 150625

(G) Each emergency service provider participating in a 150626  
countywide 9-1-1 system shall maintain a telephone number in 150627  
addition to 9-1-1. 150628

(H) ~~Whenever a final plan provides for the implementation of~~ 150629  
~~basic 9-1-1, the planning committee shall so notify the steering~~ 150630  
~~committee, which shall determine whether the wireline service~~ 150631  
~~providers serving the territory covered by the plan are capable of~~ 150632  
~~reasonably meeting the technical and economic requirements of~~ 150633  
~~providing the wireline telephone network portion of an enhanced~~ 150634  
~~9-1-1 system. The determination shall be made solely for purposes~~ 150635  
~~of division (C)(2) of section 128.18 of the Revised Code.~~ 150636

~~(I)~~ If the public safety answering point personnel reasonably 150637  
determine that a 9-1-1 call is not an emergency, the personnel 150638  
shall provide the caller with the telephone number of an 150639  
appropriate subdivision agency as applicable. 150640

~~(J)~~(I) A final plan adopted under this chapter, ~~or an~~ 150641  
~~agreement under section 128.09 of the Revised Code~~, may provide 150642  
that, by further agreement included in the plan ~~or agreement~~, the 150643  
state highway patrol or one or more public safety answering points 150644  
of another 9-1-1 system is the public safety answering point or 150645

points for the provision of wireline or wireless 9-1-1 for all or 150646  
part of the territory of the 9-1-1 system established under the 150647  
plan ~~or agreement~~. In that event, the subdivision for which the 150648  
wireline or wireless 9-1-1 is provided as named in the agreement 150649  
shall be deemed the subdivision operating the public safety 150650  
answering point or points for purposes of this chapter, except 150651  
that, for the purpose of division (D)(2) of this section, that 150652  
subdivision shall pay only so much of the costs of establishing, 150653  
equipping, furnishing, operating, or maintaining any such public 150654  
safety answering point as are specified in the agreement with the 150655  
patrol or other system. 150656

~~(K)~~(J) A final plan for the provision of wireless enhanced 150657  
9-1-1 shall provide that any wireless 9-1-1 calls routed to a 150658  
state highway patrol-operated public safety answering point by 150659  
default, due to a wireless service provider so routing all such 150660  
calls of its subscribers without prior permission, are instead to 150661  
be routed as provided under the plan. Upon the implementation of 150662  
countywide wireless enhanced 9-1-1 pursuant to a final plan, the 150663  
state highway patrol shall cease any functioning as a public 150664  
safety answering point providing wireless 9-1-1 within the 150665  
territory covered by the countywide 9-1-1 system so established, 150666  
unless the patrol functions as a public safety answering point 150667  
providing wireless enhanced 9-1-1 pursuant to an agreement 150668  
included in the plan as authorized under division ~~(J)~~(I) of this 150669  
section. 150670

Sec. 128.05. Each county shall appoint a county 9-1-1 150671  
coordinator to serve as the administrative coordinator for all 150672  
public safety answering points participating in the countywide 150673  
9-1-1 final plan described in section 128.03 of the Revised Code 150674  
and shall also serve as a liaison with other county coordinators 150675  
and the 9-1-1 program office. 150676

Sec. 128.06. (A) ~~A board of~~ Except as provided in divisions 150677  
~~(B) and (C) of this section, every county commissioners or the~~ 150678  
~~legislative authority of any municipal corporation in the county~~ 150679  
~~that contains at least thirty per cent of the county's population~~ 150680  
~~may adopt a resolution to convene~~ shall maintain a county 9-1-1 150681  
~~planning program review~~ committee, which shall serve without 150682  
compensation and shall consist of ~~three~~ six voting members as 150683  
follows: 150684

(1) ~~The president or other presiding officer~~ A member of the 150685  
board of county commissioners, who shall serve as chairperson of 150686  
the committee; 150687

(2) The chief executive officer of the most populous 150688  
municipal corporation in the county; 150689

(3) ~~From the more populous of the following, either the chief~~ 150690  
~~executive officer of the second most populous municipal~~ 150691  
~~corporation in the county or a~~ A member of the board of township 150692  
trustees of the most populous township in the county as selected 150693  
by majority vote of the board of trustees. 150694

~~In counties with a population of one hundred seventy five~~ 150695  
~~thousand or more, the planning committee shall consist of two~~ 150696  
~~additional voting members as follows: a;~~ 150697

(4) A member of a board of township trustees selected by the 150698  
majority of boards of township trustees in the county pursuant to 150699  
resolutions they adopt, ~~and the chief executive officer;~~ 150700

(5) A member of the legislative authority of a municipal 150701  
corporation in the county selected by the majority of the 150702  
legislative authorities of municipal corporations in the county 150703  
pursuant to resolutions they adopt; 150704

(6) An elected official from within the county appointed by 150705  
the board of county commissioners. 150706

When determining population under ~~this~~ division (A)(2) of 150707  
this section, population residing outside the county shall be 150708  
excluded. 150709

(B) In counties with fewer than five townships, a population 150710  
in excess of seven hundred fifty thousand, and which contains more 150711  
than one public safety answering point, the composition of the 150712  
9-1-1 program review committee shall consist of five members as 150713  
follows: 150714

(1) A member of the board of county commissioners, who shall 150715  
serve as chairperson of the committee; 150716

(2) The chief executive officer of the most populous 150717  
municipal corporation in the county. Population residing outside 150718  
the county shall be excluded when making this determination. 150719

(3) A member from one of the following, whichever is more 150720  
populous: 150721

(a) The chief executive officer of the second most populous 150722  
municipal corporation in the county; 150723

(b) A member of the board of township trustees of the most 150724  
populous township in the county as selected by majority vote of 150725  
the board of trustees. 150726

(4) The chief executive officer of a municipal corporation in 150727  
the county selected by the majority of the legislative authorities 150728  
of municipal corporations in the county pursuant to resolutions 150729  
they adopt; 150730

(5) A member of a board of township trustees selected by the 150731  
majority of boards of township trustees in the county pursuant to 150732  
resolutions they adopt. 150733

~~Within thirty days after the adoption of a resolution to~~ 150734  
~~convene the~~ (C) In counties that contain only one public safety 150735  
answering point, the composition of the 9-1-1 review committee 150736

shall consist of three members as follows: 150737

(1) If the public safety answering point is not operated by 150738  
the board of county commissioners, the committee shall be composed 150739  
of the following: 150740

(a) A member of the board of county commissioners, who shall 150741  
serve as chairperson of the committee; 150742

(b) One of the following: 150743

(i) If the public safety answering point is operated by a 150744  
township, then a member of the board of township trustees; 150745

(ii) If the public safety answering point is operated by a 150746  
municipal corporation, then the chief executive officer of the 150747  
municipal corporation; 150748

(iii) If the public safety answering point is operated by a 150749  
subdivision that is not a township or municipal corporation or is 150750  
operated by a regional council of governments, then an elected 150751  
official of that subdivision or regional council of governments. 150752

(c) A member who is an elected official of the most populous 150753  
township or municipal corporation in the county that does not 150754  
operate the public safety answering point. When determining 150755  
population under this division, population residing outside the 150756  
county shall be excluded. 150757

(2) If the public safety answering point is operated by the 150758  
board of county commissioners, then the board of county 150759  
commissioners shall serve as the 9-1-1 program review committee. 150760

(D) ~~Each~~ committee ~~under division (A) of this section, the~~ 150761  
~~committee shall convene for the sole purpose of developing~~ 150762  
~~maintain and amend~~ a final plan for implementing and operating a 150763  
countywide 9-1-1 system. ~~The~~ Any amendment to the final plan shall 150764  
~~require a two-thirds vote of the committee. Each committee shall~~ 150765  
~~convene at least once annually for the purposes of maintaining or~~ 150766

amending a final plan described in this section. 150767

(E) Each committee shall, not later than the first day of 150768  
March of each year, submit a report to the political subdivisions 150769  
within the county and to the 9-1-1 program office detailing the 150770  
sources and amounts of revenue expended to support and all costs 150771  
incurred to operate the countywide 9-1-1 system and the public 150772  
safety answering points that are a part of that system for the 150773  
previous calendar year. A county shall provide the county's 150774  
committee with any clerical, legal, and other staff assistance 150775  
necessary to ~~develop the final plan and shall pay for copying,~~ 150776  
~~mailing, and any other such expenses incurred by the committee in~~ 150777  
~~developing the final plan and in meeting the requirements imposed~~ 150778  
~~by sections 128.06 to 128.08 of the Revised Code.~~ 150779

~~(C) The 9-1-1 planning committee shall appoint a 9-1-1~~ 150780  
~~technical advisory committee to assist it in planning the~~ 150781  
~~countywide 9-1-1 system. The advisory committee shall include at~~ 150782  
~~least one fire chief and one police chief serving in the county,~~ 150783  
~~the county sheriff, a representative of the state highway patrol~~ 150784  
~~selected by the patrol, one representative of each telephone~~ 150785  
~~company in each case selected by the telephone company~~ 150786  
~~represented, the director/coordinator of emergency management~~ 150787  
~~appointed under section 5502.26, 5502.27, or 5502.271 of the~~ 150788  
~~Revised Code, as appropriate, and a member of a board of township~~ 150789  
~~trustees of a township in the county selected by a majority of~~ 150790  
~~boards of township trustees in the county pursuant to resolutions~~ 150791  
~~they adopt.~~ 150792

**Sec. 128.07.** ~~(A) The 9-1-1 planning committee shall prepare a~~ 150793  
~~proposal on the implementation of a countywide 9-1-1 system and~~ 150794  
~~shall hold a public meeting on the proposal to explain the system~~ 150795  
~~to and receive comments from public officials. At least thirty but~~ 150796  
~~not more than sixty days before the meeting, the committee shall~~ 150797

~~send a copy of the implementation proposal and written notice of  
the meeting;~~ 150798  
150799

~~(1) To the board of county commissioners, the legislative  
authority of each municipal corporation in the county, and to the  
board of trustees of each township in the county, either by  
certified mail or, if the committee has record of an internet  
identifier of record associated with the board or legislative  
authority, by ordinary mail and by that internet identifier of  
record; and~~ 150800  
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~~(2) To the board of trustees, directors, or park  
commissioners of each subdivision that will be served by a public  
safety answering point under the plan.~~ 150807  
150808  
150809

~~(B) The proposal and the final plan adopted by the committee  
required under section 128.06 of the Revised Code shall specify:~~ 150810  
150811

~~(1) Which telephone companies serving customers in the county  
and, as authorized in division (A)(1) of section 128.03 of the  
Revised Code, in an adjacent county will participate in the 9-1-1  
system;~~ 150812  
150813  
150814  
150815

~~(2) The location and number of public safety answering  
points; how they the public safety answering points will be  
connected to a ~~company's telephone network~~ county's preferred next  
generation 9-1-1 system; from what geographic territory each  
public safety answering point will receive 9-1-1 calls; whether  
~~basic or~~ enhanced 9-1-1 or next generation 9-1-1 service will be  
provided within such territory; what subdivisions will be served  
by the public safety answering point; and whether ~~an~~ a public  
safety answering point will respond to calls by directly  
dispatching an emergency service provider, by relaying a message  
to the appropriate emergency service provider, or by transferring  
the call to the appropriate emergency service provider;~~ 150816  
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(3) How originating service providers must connect to the core 9-1-1 system identified by the final plan and what methods will be utilized by the originating service providers to provide 9-1-1 voice, text, other forms of messaging media, and caller location to the core 9-1-1 system; 150828  
150829  
150830  
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150832

(4) That in instances where a public safety answering point, even if capable, does not directly dispatch all entities that provide the emergency services potentially needed for an incident, without significant delay, that request shall be transferred or the information electronically relayed to the entity that directly dispatches the potentially needed emergency services; 150833  
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150837  
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(5) Which subdivision or regional council of governments will establish, equip, furnish, operate, and maintain a particular public safety answering point; 150839  
150840  
150841

~~(4)~~(6) A projection of the initial cost of establishing, equipping, and furnishing and of the annual cost of the first five years of operating and maintaining each public safety answering point; 150842  
150843  
150844  
150845

~~(5)~~(7) Whether the cost of establishing, equipping, furnishing, operating, or maintaining each public safety answering point should be funded through charges imposed under section ~~128.22~~ 128.35 of the Revised Code or will be allocated among the subdivisions served by the answering point and, if any such cost is to be allocated, the formula for so allocating it; 150846  
150847  
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~~(6)~~(8) How each emergency service provider will respond to a misdirected call or the provision of a caller location that is either misrepresentative of the actual location or does not meet requirements of the federal communications commission or other accepted national standards as they exist on the date of the call origination. 150852  
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~~(C) Following the meeting required by this section, the 9-1-1~~ 150858

~~planning committee may modify the implementation proposal and, no later than nine months after the resolution authorized by section 128.06 of the Revised Code is adopted, may adopt, by majority vote, a final plan for implementing a countywide 9-1-1 system. If a planning committee and wireline service provider do not agree on whether the wireline service provider is capable of providing the wireline telephone network as described under division (A) of section 128.03 of the Revised Code and the planning committee refers that question to the steering committee, the steering committee may extend the nine-month deadline established by this division to twelve months. Immediately on completion of the plan, the planning~~ (B)(1) The 9-1-1 program review committee shall send a copy of the final plan:

~~(1)(a)~~ To the board of county commissioners of the county, to the legislative authority of each municipal corporation in the county, and to the board of township trustees of each township in the county either by certified mail or, if the committee has record of an internet identifier of record associated with the board or legislative authority, by ordinary mail and by that internet identifier of record; and

~~(2)(b)~~ To the board of trustees, directors, or park commissioners of each subdivision that will be served by a public safety answering point under the plan.

~~(D)(2)~~ The 9-1-1 program review committee shall file a copy of its current final plan with the Ohio 9-1-1 program office not later than six months after the effective date of this amendment. Any revisions or amendments shall be filed not later than ninety days after adoption.

(C) As used in this section, "internet identifier of record" has the same meaning as in section 9.312 of the Revised Code.

**Sec. 128.08.** (A) Within sixty days after receipt of the final

plan pursuant to division ~~(C)~~(B)(1) of section 128.07 of the 150890  
Revised Code, the board of county commissioners of the county and 150891  
the legislative authority of each municipal corporation in the 150892  
county and of each township whose territory is proposed to be 150893  
included in a countywide 9-1-1 system shall act by resolution to 150894  
approve or disapprove the plan, except that, with respect to a 150895  
final plan that provides for funding of the 9-1-1 system in part 150896  
through charges imposed under section ~~128.22~~ 128.35 of the Revised 150897  
Code, the board of county commissioners shall not act by 150898  
resolution to approve or disapprove the plan until after a 150899  
resolution adopted under section ~~128.22~~ 128.35 of the Revised Code 150900  
has become effective as provided in division (D) of that section. 150901  
~~A municipal corporation or township whose territory is proposed to~~ 150902  
~~be included in the system includes any municipal corporation or~~ 150903  
~~township in which a part of its territory is excluded pursuant to~~ 150904  
~~division (A)(2) of section 128.03 of the Revised Code. Each such~~ 150905  
authority immediately shall notify the board of county 150906  
commissioners in writing of its approval or disapproval of the 150907  
final plan. Failure by a board or legislative authority to notify 150908  
the board of county commissioners of approval or disapproval 150909  
within such sixty-day period shall be deemed disapproval by the 150910  
board or authority. 150911

(B) As used in this division, "county's population" excludes 150912  
the population of any municipal corporation or township that, 150913  
under the plan, is completely excluded from 9-1-1 service in the 150914  
county's final plan. A countywide plan is effective if all of the 150915  
following entities approve the plan in accordance with this 150916  
section: 150917

(1) The board of county commissioners; 150918

(2) The legislative authority of a municipal corporation that 150919  
contains at least thirty per cent of the county's population, if 150920  
any; 150921

(3) The legislative authorities of municipal corporations and townships that contain at least sixty per cent of the county's population or, if the plan has been approved by a municipal corporation that contains at least sixty per cent of the county's population, by the legislative authorities of municipal corporations and townships that contain at least seventy-five per cent of the county's population.

(C) After a countywide plan approved in accordance with this section is adopted, all of the telephone companies, subdivisions, and regional councils of governments included in the plan are subject to the specific requirements of the plan and to this chapter.

**Sec. 128.12.** (A) An amended final plan is required for any of the following purposes:

(1) Expanding the territory included in the countywide 9-1-1 system;

(2) Upgrading any part or all of a the countywide 9-1-1 system ~~from basic to enhanced wireline 9-1-1;~~

(3) Adjusting the territory served by a public safety answering point;

(4) Permitting a regional council of governments to operate a public safety answering point;

(5) Represcribing the funding of public safety answering points as between the alternatives set forth in division ~~(B)-(5)~~ (A)(7) of section 128.07 of the Revised Code;

(6) Providing for wireless enhanced 9-1-1;

(7) Adding, changing, or removing a ~~telephone company~~ system service provider 9-1-1 as a participant in a the countywide 9-1-1 system ~~after the implementation of wireline 9-1-1 or wireless enhanced 9-1-1;~~

(8) Providing that the state highway patrol or one or more public safety answering points of another 9-1-1 system function as a public safety answering point or points for the provision of wireline or wireless 9-1-1 for all or part of the territory of the system established under the final plan, as contemplated under division ~~(J)~~(I) of section 128.03 of the Revised Code;

(9) Making any other necessary adjustments to the plan.

~~(B)(1) To amend a final plan for the purpose described in division (A)(7) of this section, an entity that wishes to be added as a participant in a 9-1-1 system shall file a written letter of that intent with the board of county commissioners of the county that approved the final plan. The final plan is deemed amended upon the filing of that letter. The entity that files the letter shall send written notice of that filing to all subdivisions, regional councils of governments, and telephone companies participating in the system.~~

~~(2)~~ An amendment to a final plan for any other purpose set forth in division (A) of this section may be made by an addendum approved by a majority of the 9-1-1 planning program review committee. The board of county commissioners shall call a meeting of the 9-1-1 planning program review committee for the purpose of considering an addendum pursuant to this division.

~~(3)~~(2) Adoption of any resolution under section ~~128.22~~ 128.35 of the Revised Code pursuant to a final plan that both has been adopted and provides for funding through charges imposed under that section is not an amendment of a final plan for the purpose of this division.

(C) When a final plan is amended for a purpose described in division (A)(1), (2), or (7) of this section, sections ~~128.18~~ 128.33 and 5733.55 of the Revised Code apply with respect to the receipt of the nonrecurring and recurring rates and charges for

the wireline telephone network portion of the 9-1-1 system. 150983

**Sec. ~~128.40~~ 128.20.** There is hereby created within the 150984  
department of administrative services the 9-1-1 program office, 150985  
headed by an administrator in the unclassified civil service 150986  
pursuant to division (A)(9) of section 124.11 of the Revised Code. 150987  
The administrator shall be appointed by and serve at the pleasure 150988  
of the director of administrative services ~~and shall report~~ 150989  
~~directly to the state chief information officer.~~ The program 150990  
office shall oversee administration of the ~~wireless~~ 9-1-1 150991  
government assistance fund, the ~~wireless~~ 9-1-1 program fund, and 150992  
the next generation 9-1-1 fund. 150993

**Sec. 128.21.** (A) The 9-1-1 program office shall coordinate 150994  
and manage a statewide next generation 9-1-1 core services system. 150995  
The office shall interoperate the system with Canada and the 150996  
states that border this state. The office shall also manage the 150997  
vendors supplying the equipment and services for the system to the 150998  
department of administrative services. 150999

(B)(1) The statewide next generation 9-1-1 core services 151000  
system shall be capable of providing 9-1-1 core services for all 151001  
of the territory of all the counties within this state, over both 151002  
land and water. The system shall route all 9-1-1 traffic using 151003  
location and policy-based routing to legacy enhanced 9-1-1 public 151004  
safety answering points, next generation 9-1-1 public safety 151005  
answering points, and local next generation 9-1-1 systems. The 151006  
system shall be designed to provide access to emergency services 151007  
from all connected communications sources and provide multimedia 151008  
data capabilities for public safety answering points and other 151009  
emergency service organizations. 151010

(2) The emergency services internet protocol network that 151011  
supports the statewide next generation 9-1-1 core services system 151012

shall be capable of being shared by all public safety agencies. It 151013  
may be constructed from a mix of dedicated and shared facilities. 151014  
It may be interconnected at local, regional, state, federal, 151015  
national, and international levels to form an 151016  
internet-protocol-based inter-network, or network of networks. 151017

**Sec. 128.211.** (A) Not later than six months after the 151018  
effective date of this section, the 9-1-1 program office shall 151019  
draft, submit, or update a state of Ohio 9-1-1 plan to the 151020  
steering committee. The plan shall include all of the following: 151021

(1) A specific plan to address the amendments to this chapter 151022  
by this act; 151023

(2) Specific system details describing interoperability among 151024  
counties, the states bordering this state, and Canada; 151025

(3) A progression plan for the system and sustainability 151026  
within the funding method encompassed by sections 128.41 to 151027  
128.422 of the Revised Code. 151028

(B) Not later than six months after the plan is submitted 151029  
under division (A) of this section, the steering committee shall 151030  
review and may approve the plan. 151031

**Sec. 128.212.** (A) Any entity in this state that operates a 151032  
9-1-1 system, emergency services internet-protocol network, or 151033  
public safety answering point and that pursues a 9-1-1 grant from 151034  
the state or federal government shall present a letter of 151035  
coordination from the 9-1-1 program office.(B) The letter of 151036  
coordination shall state all of the following: 151037

(1) The entity described in division (A) of this section; 151038

(2) The specific grantor identification; 151039

(3) The dollar amount of the grant; 151040

(4) The intended use of the grant; 151041

(5) The system, equipment, software, or any component to be 151042  
procured with the grant and the purpose of the grant do not 151043  
inhibit, conflict, or reduce interoperability with the statewide 151044  
next generation 9-1-1 core services system and emergency services 151045  
internet-protocol network and is consistent with the state of Ohio 151046  
9-1-1 plan. 151047

Sec. 128.22. The 9-1-1 program office may do all of the 151048  
following: 151049

(A) Expend funds from the 9-1-1 program fund for the purposes 151050  
of 9-1-1 public education; 151051

(B) Coordinate, adopt, and communicate all necessary 151052  
technical and operational standards and requirements to ensure an 151053  
effective model for a statewide interconnected 9-1-1 system; 151054

(C) Collect and distribute data from and to public safety 151055  
answering points, service providers, and emergency service 151056  
providers regarding both of the following: 151057

(1) The status and operation of the components of the 151058  
statewide 9-1-1 system, including all of the following: 151059

(a) The aggregate number of access lines that the provider 151060  
maintains within this state; 151061

(b) The aggregate amount of costs and cost recovery 151062  
associated with providing 9-1-1 service, including coverage under 151063  
tariffs and bill and keep arrangements within this state; 151064

(c) Any other information requested by the steering committee 151065  
and deemed necessary to support the transition to next generation 151066  
9-1-1. 151067

(2) Location information necessary for the reconciliation and 151068  
synchronization of next generation 9-1-1 location information, 151069  
including all of the following: 151070

<u>(a) Address location information;</u>	151071
<u>(b) Master street address guide;</u>	151072
<u>(c) Service order inputs;</u>	151073
<u>(d) Geographic information system files;</u>	151074
<u>(e) Street center lines;</u>	151075
<u>(f) Response boundaries;</u>	151076
<u>(g) Administrative boundaries;</u>	151077
<u>(h) Address points.</u>	151078
<u>(D) Require, coordinate, oversee, and limit data collection</u>	151079
<u>and distribution to ensure that data collection and distribution</u>	151080
<u>meets legal privacy and confidentiality requirements;</u>	151081
<u>(E) With advice from the 9-1-1 steering committee, enter into</u>	151082
<u>interlocal contracts, interstate contracts, intrastate contracts,</u>	151083
<u>and federal contracts for the purpose of implementing statewide</u>	151084
<u>9-1-1 services.</u>	151085
<b><u>Sec. 128.221. (A) The data described in section 128.22 of the</u></b>	151086
<b><u>Revised Code shall be protected in accordance with applicable</u></b>	151087
<b><u>provisions of the Revised Code. Charges, terms, and conditions for</u></b>	151088
<b><u>the disclosure or use of that data provided by public safety</u></b>	151089
<b><u>answering points, service providers, and emergency service</u></b>	151090
<b><u>providers for the purpose of 9-1-1 shall be subject to the</u></b>	151091
<b><u>jurisdiction of the steering committee.</u></b>	151092
<u>(B) Data and information that contribute to more effective</u>	151093
<u>9-1-1 services and emergency response may be accessed and shared</u>	151094
<u>among 9-1-1 and emergency response functions specifically for the</u>	151095
<u>purposes of effective emergency response, while ensuring the</u>	151096
<u>overall privacy and confidentiality of the data and information</u>	151097
<u>involved.</u>	151098

<u>Sec. 128.23. (A) Every telecommunication service provider</u>	151099
<u>able to generate 9-1-1 traffic within the state shall do all of</u>	151100
<u>the following:</u>	151101
<u>(1) Register with the 9-1-1 program office;</u>	151102
<u>(2) Provide a single point of contact to the 9-1-1 program</u>	151103
<u>office who has the authority to assist in location-data</u>	151104
<u>discrepancies, including 9-1-1 traffic misroutes and</u>	151105
<u>no-record-found errors;</u>	151106
<u>(3) Provide location data for all 9-1-1 traffic with the</u>	151107
<u>accuracy and validity necessary to ensure proper routing to the</u>	151108
<u>most appropriate public safety answering point or local next</u>	151109
<u>generation 9-1-1 system. Provision of this location data may</u>	151110
<u>include both of the following:</u>	151111
<u>(a) Preprovisioning of location data into a state-operated</u>	151112
<u>database utilizing industry standard protocols;</u>	151113
<u>(b) Providing a routable location with the 9-1-1 traffic at</u>	151114
<u>call time, utilizing approved standards for both legacy and next</u>	151115
<u>generation 9-1-1.</u>	151116
<u>(B) If a service provider subject to division (A) of this</u>	151117
<u>section is notified by the 9-1-1 program office of a discrepancy</u>	151118
<u>in location data, the service provider shall correct the</u>	151119
<u>discrepancy within seventy-two hours.</u>	151120
<u>(C) All data provided under this section is private and</u>	151121
<u>subject to applicable privacy laws and shall not be considered a</u>	151122
<u>"public record" for purposes of section 149.43 of the Revised</u>	151123
<u>Code.</u>	151124
<u>Sec. 128.24. (A) Except as provided in division (C) of this</u>	151125
<u>section:</u>	151126
<u>(1) Each operator of a multiline telephone system that was</u>	151127

installed or substantially renovated on or after the effective 151128  
date of this section, shall provide to the end user the same level 151129  
of 9-1-1 service that is provided to other end users of 9-1-1 151130  
within the state. That service shall include the provision of 151131  
either of the following, which shall satisfy the requirements of 151132  
division (A)(3) of this section: 151133

(a) Legacy automatic number identification and automatic 151134  
location identification; 151135

(b) Next generation 9-1-1 location data. 151136

(2) Each operator of a multiline telephone system that was 151137  
installed or substantially renovated on or after the effective 151138  
date of this section, shall provide an emergency-response-location 151139  
identifier as part of the location transmission to the public 151140  
safety answering point, using either legacy private-switch 151141  
automatic location identification or next generation 9-1-1 151142  
methodologies. 151143

(3) Each operator of a multiline telephone system that was 151144  
installed or substantially renovated on or after the effective 151145  
date of this section, shall identify the specific location of the 151146  
caller using an emergency response location that includes the 151147  
public street address of the building from which the call 151148  
originated, a suite or room number, the building floor, and a 151149  
building identifier, if applicable. 151150

(B) All locations provided under this section shall be either 151151  
master-street-address-guide or 151152  
next-generation-9-1-1-location-validation-function valid. 151153

(C) The requirements of divisions (A)(1), (2), and (3) of 151154  
this section do not apply to a multiline telephone system in a 151155  
workspace of less than seven thousand square feet in a single 151156  
building, on a single level of a structure, having a single public 151157  
street address. 151158

Sec. 128.241. Beginning not later than one year after the effective date of this section and except as provided in sections 128.242 and 128.243 of the Revised Code, a business service user that provides residential or business facilities, owns or controls a multiline telephone system or voice over internet protocol system in those facilities, and provides outbound dialing capacity from those facilities shall ensure both of the following:

(A) In the case of a multiline telephone system that is capable of initiating a 9-1-1 call, the system is connected to the public switched telephone network in such a way that when an individual using the system dials 9-1-1, the call connects to the public safety answering point without requiring the user to dial any additional digit or code.

(B) The system is configured to provide notification of any 9-1-1 call made through the system to a centralized location on the same site as the system. The business service user is not required to have a person available at the location to receive a notification.

Sec. 128.242. Except as provided in section 128.243 of the Revised Code, a business service user to which all of the following apply is exempt from the requirements of section 128.241 of the Revised Code until two years after the effective date of this section:

(A) The requirements would be unduly and unreasonably burdensome.

(B) The multiline telephone system or voice over internet protocol system needs to be reprogrammed or replaced.

(C) The business service user made a good-faith attempt to reprogram or replace the system.

(D) The business service user agrees to place an

instructional sticker next to the telephones that explains how to 151189  
access 9-1-1 in case of emergency, provides the specific location 151190  
where the device is installed, and reminds the caller to give the 151191  
location information to the 9-1-1 call taker. 151192

(E) The instructions described in division (D) of this 151193  
section are printed in at least sixteen-point boldface type in a 151194  
contrasting color using a font that is easily readable. 151195

(F) The business service user affirms in an affidavit the 151196  
conditions specified in divisions (B), (C), (D), and (E) of this 151197  
section. 151198

(G) The affidavit described in division (F) of this section 151199  
includes the manufacturer and model number of the system. 151200

**Sec. 128.243.** Sections 128.241 and 128.242 of the Revised 151201  
Code shall not apply if they are preempted by or in conflict with 151202  
federal law. 151203

**Sec. 128.25.** Each county shall provide a single point of 151204  
contact to the 9-1-1 program office who has the authority to 151205  
assist in location-data discrepancies, 9-1-1 traffic misroutes, 151206  
and boundary disputes between public safety answering points. 151207

**Sec. 128.26.** Not later than five years after the date that 151208  
the statewide next generation 9-1-1 core services system is 151209  
operationally available to all counties in the state, each county 151210  
or, as applicable, each regional council of governments, shall 151211  
provide next generation 9-1-1 service for all areas to be covered 151212  
as set forth in the county's final plan or the council's 151213  
agreement. 151214

**Sec. 128.27.** A service provider that operates within a county 151215  
that participates in the statewide next generation 9-1-1 core 151216

services system or within the area served by a regional council of 151217  
governments that participates in that system shall deliver the 151218  
9-1-1 traffic that originates in that geographic area to the next 151219  
generation 9-1-1 core for that geographic area. 151220

Sec. 128.28. If a service provider or county participates in 151221  
the statewide next generation 9-1-1 core services system, the 151222  
service provider or county shall adhere to standards of the 9-1-1 151223  
program office, which may include standards created by the 151224  
national emergency number association and the internet engineering 151225  
task force. 151226

Sec. ~~128.18~~ 128.33. (A) In accordance with this chapter and 151227  
Chapters 4901., 4903., 4905., and 4909. of the Revised Code, the 151228  
public utilities commission shall determine the just, reasonable, 151229  
and compensatory rates, tolls, classifications, charges, or 151230  
rentals to be observed and charged for the wireline telephone 151231  
network portion of a basic or enhanced 9-1-1 system, and each 151232  
telephone company that is a wireline service provider 151233  
participating in the system shall be subject to those chapters, to 151234  
the extent they apply, as to the service provided by its portion 151235  
of the wireline telephone network for the system as described in 151236  
the final plan ~~or to be installed pursuant to agreements under~~ 151237  
~~section 128.09 of the Revised Code~~, and as to the rates, tolls, 151238  
classifications, charges, or rentals to be observed and charged 151239  
for that service. 151240

(B) Only the customers of a participating telephone company 151241  
described in division (A) of this section that are served within 151242  
the area covered by a 9-1-1 system shall pay the recurring rates 151243  
for the maintenance and operation of the company's portion of the 151244  
wireline telephone network of the system. Such rates shall be 151245  
computed by dividing the total monthly recurring rates set forth 151246

in the company's schedule as filed in accordance with section 151247  
4905.30 of the Revised Code, by the total number of residential 151248  
and business customer access lines, or their equivalent, within 151249  
the area served. Each residential and business customer within the 151250  
area served shall pay the recurring rates based on the number of 151251  
its residential and business customer access lines or their 151252  
equivalent. No company shall include such amount on any customer's 151253  
bill until the company has completed its portion of the wireline 151254  
telephone network in accordance with the terms, conditions, 151255  
requirements, and specifications of the final plan ~~or an agreement~~ 151256  
~~made under section 128.09 of the Revised Code.~~ 151257

(C)(1) Except as otherwise provided in division (C)(2) of 151258  
this section, a participating telephone company described in 151259  
division (A) of this section may receive through the credit 151260  
authorized by section 5733.55 of the Revised Code the total 151261  
nonrecurring charges for its portion of the wireline telephone 151262  
network of the system and the total nonrecurring charges for any 151263  
updating or modernization of that wireline telephone network in 151264  
accordance with the terms, conditions, requirements, and 151265  
specifications of the final plan ~~or pursuant to agreements under~~ 151266  
~~section 128.09 of the Revised Code~~, as such charges are set forth 151267  
in the schedule filed by the telephone company in accordance with 151268  
section 4905.30 of the Revised Code. However, that portion, 151269  
updating, or modernization shall not be for or include the 151270  
provision of wireless 9-1-1. As applicable, the receipt of 151271  
permissible charges shall occur only upon the completion of the 151272  
installation of the network or the completion of the updating or 151273  
modernization. 151274

(2) The credit shall not be allowed under division (C)(1) of 151275  
this section for the upgrading of a system from basic to enhanced 151276  
wireline 9-1-1 if both of the following apply: 151277

(a) The telephone company received the credit for the 151278

wireline telephone network portion of the basic 9-1-1 system now 151279  
proposed to be upgraded. 151280

(b) At the time the final plan ~~or agreement pursuant to~~ 151281  
~~section 128.09 of the Revised Code~~ calling for the basic 9-1-1 151282  
system was agreed to, the telephone company was capable of 151283  
reasonably meeting the technical and economic requirements of 151284  
providing the wireline telephone network portion of an enhanced 151285  
9-1-1 system within the territory proposed to be upgraded, ~~as~~ 151286  
~~determined by the steering committee under division (A) or (H) of~~ 151287  
~~section 128.03 or division (C) of section 128.09 of the Revised~~ 151288  
Code. 151289

(3) If the credit is not allowed under division (C)(2) of 151290  
this section, the total nonrecurring charges for the wireline 151291  
telephone network used in providing 9-1-1 service, as set forth in 151292  
the schedule filed by a telephone company in accordance with 151293  
section 4905.30 of the Revised Code, on completion of the 151294  
installation of the network in accordance with the terms, 151295  
conditions, requirements, and specifications of the final plan ~~or~~ 151296  
~~pursuant to section 128.09 of the Revised Code~~, shall be paid by 151297  
the municipal corporations and townships with any territory in the 151298  
area in which such upgrade from basic to enhanced 9-1-1 is made. 151299

(D) If customer premises equipment for a public safety 151300  
answering point is supplied by a telephone company that is 151301  
required to file a schedule under section 4905.30 of the Revised 151302  
Code pertaining to customer premises equipment, the recurring and 151303  
nonrecurring rates and charges for the installation and 151304  
maintenance of the equipment specified in the schedule shall 151305  
apply. 151306

**Sec. ~~128.22~~ 128.35.** (A)(1) For the purpose of paying the 151307  
costs of establishing, equipping, and furnishing one or more 151308  
public safety answering points as part of a countywide 9-1-1 151309

system effective under division (B) of section 128.08 of the Revised Code and paying the expense of administering and enforcing this section, the board of county commissioners of a county, in accordance with this section, may fix and impose, on each lot or parcel of real property in the county that is owned by a person, municipal corporation, township, or other political subdivision and is improved, or is in the process of being improved, reasonable charges to be paid by each such owner. The charges shall be sufficient to pay only the estimated allowed costs and shall be equal in amount for all such lots or parcels.

(2) For the purpose of paying the costs of operating and maintaining the answering points and paying the expense of administering and enforcing this section, the board, in accordance with this section, may fix and impose reasonable charges to be paid by each owner, as provided in division (A)(1) of this section, that shall be sufficient to pay only the estimated allowed costs and shall be equal in amount for all such lots or parcels. The board may fix and impose charges under this division pursuant to a resolution adopted for the purposes of both divisions (A)(1) and (2) of this section or pursuant to a resolution adopted solely for the purpose of division (A)(2) of this section, and charges imposed under division (A)(2) of this section may be separately imposed or combined with charges imposed under division (A)(1) of this section.

(B) Any board adopting a resolution under this section pursuant to a final plan initiating the establishment of a 9-1-1 system or pursuant to an amendment to a final plan shall adopt the resolution within sixty days after the board receives the final plan for the 9-1-1 system pursuant to division ~~(C)~~(B)(1) of section 128.07 of the Revised Code. The board by resolution may change any charge imposed under this section whenever the board considers it advisable. Any resolution adopted under this section

shall declare whether securities will be issued under Chapter 133. 151342  
of the Revised Code in anticipation of the collection of unpaid 151343  
special assessments levied under this section. 151344

(C) The board shall adopt a resolution under this section at 151345  
a public meeting held in accordance with section 121.22 of the 151346  
Revised Code. Additionally, the board, before adopting any such 151347  
resolution, shall hold at least two public hearings on the 151348  
proposed charges. Prior to the first hearing, the board shall 151349  
publish notice of the hearings once a week for two consecutive 151350  
weeks in a newspaper of general circulation in the county or as 151351  
provided in section 7.16 of the Revised Code. The notice shall 151352  
include a listing of the charges proposed in the resolution and 151353  
the date, time, and location of each of the hearings. The board 151354  
shall hear any person who wishes to testify on the charges or the 151355  
resolution. 151356

(D) No resolution adopted under this section shall be 151357  
effective sooner than thirty days following its adoption nor shall 151358  
any such resolution be adopted as an emergency measure. The 151359  
resolution is subject to a referendum in accordance with sections 151360  
305.31 to 305.41 of the Revised Code unless, in the resolution, 151361  
the board of county commissioners directs the board of elections 151362  
of the county to submit the question of imposing the charges to 151363  
the electors of the county at the next primary or general election 151364  
in the county occurring not less than ninety days after the 151365  
resolution is certified to the board. No resolution shall go into 151366  
effect unless approved by a majority of those voting upon it in 151367  
any election allowed under this division. 151368

(E) To collect charges imposed under division (A) of this 151369  
section, the board of county commissioners shall certify them to 151370  
the county auditor of the county who then shall place them upon 151371  
the real property duplicate against the properties to be assessed, 151372  
as provided in division (A) of this section. Each assessment shall 151373

bear interest at the same rate that securities issued in 151374  
anticipation of the collection of the assessments bear, is a lien 151375  
on the property assessed from the date placed upon the real 151376  
property duplicate by the auditor, and shall be collected in the 151377  
same manner as other taxes. 151378

(F) All money collected by or on behalf of a county under 151379  
this section shall be paid to the county treasurer of the county 151380  
and kept in a separate and distinct fund to the credit of the 151381  
county. The fund shall be used to pay the costs allowed in 151382  
division (A) of this section and specified in the resolution 151383  
adopted under that division. In no case shall any surplus so 151384  
collected be expended for other than the use and benefit of the 151385  
county. 151386

**Sec. ~~128.42~~ 128.40.** (A) ~~There~~ Ending three months after the 151387  
effective date of this section, there is hereby imposed a the 151388  
following wireless 9-1-1 ~~charge of twenty five cents per month as~~ 151389  
~~follows~~ charges: 151390

(1) On each wireless telephone number of a wireless service 151391  
subscriber who has a billing address in this state, a charge of 151392  
twenty-five cents per month. The subscriber shall pay the wireless 151393  
9-1-1 charge for each such wireless telephone number assigned to 151394  
the subscriber. Each wireless service provider and each reseller 151395  
shall collect the wireless 9-1-1 charge as a specific line item on 151396  
each subscriber's monthly bill. The line item shall be expressly 151397  
designated "State/Local Wireless-E911 Costs (\$0.25/billed 151398  
number)." If a provider bills a subscriber for any wireless 151399  
enhanced 9-1-1 costs that the provider may incur, the charge or 151400  
amount is not to appear in the same line item as the state/local 151401  
line item. If the charge or amount is to appear in its own, 151402  
separate line item on the bill, the charge or amount shall be 151403  
expressly designated "[Name of Provider] Federal Wireless-E911 151404

Costs." 151405

~~(2)(a) Prior to January 1, 2014, on each subscriber of~~ 151406  
~~prepaid wireless service. A wireless service provider or reseller~~ 151407  
~~shall collect the wireless 9-1-1 charge in either of the following~~ 151408  
~~manners:~~ 151409

~~(i) If the subscriber has a positive account balance on the~~ 151410  
~~last day of the month and has used the service during that month,~~ 151411  
~~by reducing that balance not later than the end of the first week~~ 151412  
~~of the following month by twenty five cents or an equivalent~~ 151413  
~~number of airtime minutes;~~ 151414

~~(ii) By dividing the total earned prepaid wireless telephone~~ 151415  
~~revenue from sales within this state received by the wireless~~ 151416  
~~service provider or reseller during the month by fifty,~~ 151417  
~~multiplying the quotient by twenty five cents.~~ 151418

~~(b) Amounts collected under division (A)(2) of this section~~ 151419  
~~shall be remitted pursuant to division (A)(1) of section 128.46 of~~ 151420  
~~the Revised Code.~~ 151421

~~The wireless 9-1-1 charges authorized under this section~~ 151422  
~~shall not be imposed on a subscriber of wireless lifeline service~~ 151423  
~~or a provider of that service.~~ 151424

~~(B) Beginning January 1, 2014:~~ 151425

~~(1) There is hereby imposed, on On each retail sale of a~~ 151426  
~~prepaid wireless calling service occurring in this state, a~~ 151427  
~~wireless 9-1-1 charge of five-tenths of one per cent of the sale~~ 151428  
~~price.~~ 151429

~~(2)(B) For purposes of division (B)(1)(A)(2) of this section,~~ 151430  
~~a retail sale occurs in this state if it is effected by the~~ 151431  
~~consumer appearing in person at a seller's business location in~~ 151432  
~~this state, or if the sale is sourced to this state under division~~ 151433  
~~(E)(3) of section 5739.034 of the Revised Code, except that under~~ 151434

that division, in lieu of sourcing a sale under division (C)(5) of 151435  
section 5739.033 of the Revised Code, the seller, rather than the 151436  
service provider, may elect to source the sale to the location 151437  
associated with the mobile telephone number. 151438

~~(3)(a)(C)(1)~~ Except as provided in division ~~(B)(4)(e)(D)(3)~~ 151439  
of this section, the seller of the prepaid wireless calling 151440  
service shall collect the charge imposed under division (A) of 151441  
this section from the consumer at the time of each retail sale and 151442  
disclose the amount of the charge to the consumer at the time of 151443  
the sale by itemizing the charge on the receipt, invoice, or 151444  
similar form of written documentation provided to the consumer. 151445

~~(b)(2)~~ The seller that collects the charge imposed under 151446  
division (A) of this section shall comply with the reporting and 151447  
remittance requirements under section 128.46 of the Revised Code. 151448

~~(4)(D)~~ When a prepaid wireless calling service is sold with 151449  
one or more other products or services for a single, nonitemized 151450  
price, the wireless 9-1-1 charge imposed under division 151451  
~~(B)(1)(A)(2)~~ of this section shall apply to the entire nonitemized 151452  
price, except as provided in divisions ~~(B)(4)(a)(D)(1)~~ to ~~(e)(3)~~ 151453  
of this section. 151454

~~(a)(1)~~ If the amount of the prepaid wireless calling service 151455  
is disclosed to the consumer as a dollar amount, the seller may 151456  
elect to apply the charge only to that dollar amount. 151457

~~(b)(2)~~ If the seller can identify the portion of the 151458  
nonitemized price that is attributable to the prepaid wireless 151459  
calling service, by reasonable and verifiable standards from the 151460  
seller's books and records that are kept in the regular course of 151461  
business for other purposes, including nontax purposes, the seller 151462  
may elect to apply the charge only to that portion. 151463

~~(e)(3)~~ If a minimal amount of a prepaid wireless calling 151464  
service is sold with a prepaid wireless calling device for the 151465

single, nonitemized price, the seller may elect not to collect the charge. As used in this division, "minimal" means either ten minutes or less or five dollars or less.

(C)(E) The wireless 9-1-1 charges authorized under this section shall not be imposed on a subscriber of wireless lifeline service or a provider of that service.

(F) The wireless 9-1-1 charges shall be exempt from state or local taxation.

**Sec. 128.41. Except as provided in sections 128.413 and 128.42 of the Revised Code:**

(A) For a two-year period after the expiration of the fee described in section 128.40 of the Revised Code, there is imposed a next generation 9-1-1 access fee of sixty-four cents per month on each communications service to which both of the following apply:

(1) The communications service is sold in this state, registered to a service address or location within this state, or the subscriber's primary place of using the communications service is in this state.

(2) The communications service is capable of initiating a direct connection to 9-1-1.

(B) For a five-year period after the period described in division (A) of this section, there is imposed a next generation 9-1-1 access fee on each communications service described in that division. The amount of the fee shall be sixty-four cents per month or, if the steering committee designates an alternate amount under section 128.411 of the Revised Code, that alternate amount.

(C) After the five-year period described in division (B) of this section, there is imposed a next generation 9-1-1 access fee of sixty-four cents per month on each communications service

described in division (A) of this section. 151496

**Sec. 128.411.** (A) For purposes of division (B) of section 151497  
128.41 of the Revised Code, the steering committee may, on the 151498  
first day of January of each year and subject to division (B) of 151499  
this section, designate an alternate amount for the monthly next 151500  
generation 9-1-1 access fee. The alternative amount shall satisfy 151501  
both of the following requirements: 151502

(1) It may not be more than two cents above the fee amount 151503  
for the previous year. 151504

(2) It may not be higher than sixty-four cents. 151505

(B) The steering committee may designate a fee amount that is 151506  
higher than the previous year's fee amount only if there are 151507  
outstanding transitional costs associated with the next generation 151508  
9-1-1 system. 151509

(C) The steering committee shall report to the general 151510  
assembly any action to increase the next generation 9-1-1 access 151511  
fee. The report shall state the remaining amount of the counties' 151512  
transitional costs of connecting to the statewide emergency 151513  
services internet protocol network. 151514

**Sec. 128.412.** (A) Except as provided in division (B) of this 151515  
section and division (A) of section 128.413 of the Revised Code, 151516  
the subscriber who is billed for a communications service 151517  
described in division (A) of section 128.41 of the Revised Code 151518  
shall pay a separate next generation 9-1-1 access fee for each 151519  
such communications service for which the subscriber is billed. 151520

(B) In the case of a multiline telephone system, the 151521  
subscriber shall pay a separate fee for each line. The maximum 151522  
number of separate fees imposed on a single subscriber with a 151523  
multiline telephone system shall not exceed two hundred per 151524  
building with a unique street address or physically identifiable 151525

location. 151526

(C) In the case of a voice over internet protocol system, the subscriber shall pay a separate fee for each voice channel provided to the subscriber. The number of channels shall be equal to the number of outbound calls the subscriber can maintain at the same time using the system, but excludes a direct inward dialing number that merely routes an inbound call. 151527  
151528  
151529  
151530  
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151532

**Sec. 128.413.** The following are exempt from the next generation 9-1-1 access fee imposed under section 128.41 of the Revised Code: 151533  
151534  
151535

(A) A subscriber of wireless lifeline service. 151536

(B) Wholesale transactions between telecommunications service providers where the service is a component of a service provided to an end user. This exemption includes network access charges and interconnection charges paid to a local exchange carrier. 151537  
151538  
151539  
151540

(C) Devices that solely rely on ancillary connection services for direct connection to the 9-1-1 system, excluding any devices capable of both direct and ancillary connection to the 9-1-1 system. 151541  
151542  
151543  
151544

**Sec. 128.414.** Each service provider and each reseller shall collect the next generation 9-1-1 access fee imposed under section 128.41 of the Revised Code as a specific line item on each subscriber's monthly bill or point of sale invoice. The line item shall be expressly designated "Ohio Next Generation 9-1-1 Access Fee ([amount]/service/month)." If a provider bills a subscriber for any other 9-1-1 costs that the provider may incur, the charge or amount is not to appear in the same line item as the next generation 9-1-1 access fee line item. If the charge or amount is to appear in a separate line item on the bill, the charge or amount shall be expressly designated "[Name of Provider] 151545  
151546  
151547  
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151553  
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151555

[Description of charge or amount]." 151556

Sec. 128.416. (A) Not later than twelve months after the 151557  
effective date of this section, the steering committee shall 151558  
submit a report to the general assembly on the effectiveness of 151559  
the next generation 9-1-1 access fee at sixty-four cents per 151560  
month. 151561

(B) After the five-year period described in division (C) of 151562  
section 128.41 of the Revised Code, the steering committee shall 151563  
submit a report to the general assembly on a future amount for the 151564  
next generation 9-1-1 access fee. 151565

Sec. 128.417. After installation and operation for twelve 151566  
months of the statewide next generation 9-1-1 system, the steering 151567  
committee shall monitor the accounts where funds are generated 151568  
from the next generation 9-1-1 access fee. The steering committee 151569  
may reduce the next generation access fee if it is determined the 151570  
obligations of the funds can still be met to avoid over-collection 151571  
of fees. If the fee is reduced, the steering committee may 151572  
increase the fee, not to exceed the maximum rate of sixty-four 151573  
cents, to ensure adequate funding exists to meet the obligations 151574  
of the funds. 151575

Sec. 128.418. The steering committee shall notify the tax 151576  
commissioner of the committee's intent to adjust the next 151577  
generation 9-1-1 access fee not later than six months before the 151578  
adjustment takes effect. 151579

Sec. 128.42. (A) Three months after the effective date of 151580  
this section, there is imposed, on each retail sale of a prepaid 151581  
wireless calling service occurring in this state, a next 151582  
generation 9-1-1 access fee of five-tenths of one per cent of the 151583

sale price. 151584

(B) For purposes of division (A) of this section, a retail 151585  
sale occurs in this state if it is effected by the consumer 151586  
appearing in person at a seller's business location in this state, 151587  
or if the sale is sourced to this state under division (E)(3) of 151588  
section 5739.034 of the Revised Code, except that under that 151589  
division, in lieu of sourcing a sale under division (C)(5) of 151590  
section 5739.033 of the Revised Code, the seller, rather than the 151591  
service provider, may elect to source the sale to the location 151592  
associated with the mobile telephone number. 151593

Sec. 128.421. Except as provided in division (B)(3) of 151594  
section 128.422 of the Revised Code, the seller of the prepaid 151595  
calling service shall collect the next generation 9-1-1 access fee 151596  
imposed under section 128.42 of the Revised Code from the consumer 151597  
at the time of each retail sale and disclose the amount of the fee 151598  
to the consumer at the time of the sale by itemizing the fee on 151599  
the receipt, invoice, or similar form of written documentation 151600  
provided to the consumer. 151601

Sec. 128.422. (A) When a prepaid calling service is sold with 151602  
one or more other products or services for a single, nonitemized 151603  
price, the next generation 9-1-1 access fee imposed under section 151604  
128.42 of the Revised Code shall apply to the entire nonitemized 151605  
price, except as provided in divisions (B)(1) to (3) of this 151606  
section. 151607

(B)(1) If the amount of the prepaid calling service is 151608  
disclosed to the consumer as a dollar amount, the seller may elect 151609  
to apply the fee only to that dollar amount. 151610

(2) If the seller can identify the portion of the nonitemized 151611  
price that is attributable to the prepaid calling service, by 151612  
reasonable and verifiable standards from the seller's books and 151613

records that are kept in the regular course of business for other 151614  
purposes, including nontax purposes, the seller may elect to apply 151615  
the fee only to that portion. 151616

(3) If a minimal amount of a prepaid calling service is sold 151617  
with a prepaid wireless calling device for the single, nonitemized 151618  
price, the seller may elect not to collect the fee. As used in 151619  
this division, "minimal" means either ten minutes or less or five 151620  
dollars or less. 151621

Sec. 128.43. The next generation 9-1-1 access fee imposed 151622  
under sections 128.41 and 128.42 of the Revised Code shall be 151623  
exempt from state or local taxation. 151624

Sec. 128.44. Beginning January 1, 2014, the The tax 151625  
commissioner shall provide notice to all known wireless service 151626  
providers, resellers, and sellers of prepaid wireless calling 151627  
services of any increase or decrease in either of the wireless 151628  
next generation 9-1-1 charges access fee imposed under section 151629  
sections 128.41 and 128.42 of the Revised Code. Each notice shall 151630  
be provided not less than thirty days before the effective date of 151631  
the increase or decrease. 151632

Sec. 128.45. (A) Each entity required to bill and collect a 151633  
wireless 9-1-1 charge under section 128.40 of the Revised Code or 151634  
the next generation 9-1-1 access fee under section 128.414 or 151635  
128.421 of the Revised Code shall keep complete and accurate 151636  
records of bills that include the charges and fees, together with 151637  
a record of the charges and fees collected under those sections. 151638  
The entities shall keep all related invoices and other pertinent 151639  
documents. 151640

(B) Each seller shall keep complete and accurate records of 151641  
retail sales of prepaid wireless calling services, together with a 151642  
record of the charges and fees collected under sections 128.40 and 151643

128.421 of the Revised Code, and shall keep all related invoices 151644  
and other pertinent documents. 151645

**Sec. ~~128.45~~ 128.451.** ~~Beginning January 1, 2014:~~ 151646

~~(A) Each wireless service provider and reseller shall keep~~ 151647  
~~complete and accurate records of bills for wireless service,~~ 151648  
~~together with a record of the wireless 9 1 1 charges collected~~ 151649  
~~under section 128.42 of the Revised Code, and shall keep all~~ 151650  
~~related invoices and other pertinent documents. Each seller shall~~ 151651  
~~keep complete and accurate records of retail sales of prepaid~~ 151652  
~~wireless calling services, together with a record of the wireless~~ 151653  
~~9 1 1 charges collected under section 128.42 of the Revised Code,~~ 151654  
~~and shall keep all related invoices and other pertinent documents.~~ 151655

~~(B) Records, invoices, and documents required to be kept~~ 151656  
~~under this section 128.45 of the Revised Code shall be open during~~ 151657  
~~business hours to the inspection of the tax commissioner. They~~ 151658  
~~shall be preserved for a period of four years unless the tax~~ 151659  
~~commissioner, in writing, consents to their destruction within~~ 151660  
~~that period, or by order requires that they be kept longer.~~ 151661

**Sec. 128.46.** (A) ~~Prior to January 1, 2014:~~ 151662

~~(1) A wireless service provider or reseller, not later than~~ 151663  
~~the last day of each month, shall remit the full amount of all~~ 151664  
~~wireless 9 1 1 charges it collected under division (A) of section~~ 151665  
~~128.42 of the Revised Code for the second preceding calendar month~~ 151666  
~~to the administrator, with the exception of charges equivalent to~~ 151667  
~~the amount authorized as a billing and collection fee under~~ 151668  
~~division (A)(2) of this section. In doing so, the provider or~~ 151669  
~~reseller may remit the requisite amount in any reasonable manner~~ 151670  
~~consistent with its existing operating or technological~~ 151671  
~~capabilities, such as by customer address, location associated~~ 151672  
~~with the wireless telephone number, or another allocation method~~ 151673

~~based on comparable, relevant data. If the wireless service provider or reseller receives a partial payment for a bill from a wireless service subscriber, the wireless service provider or reseller shall apply the payment first against the amount the subscriber owes the wireless service provider or reseller and shall remit to the administrator such lesser amount, if any, as results from that invoice.~~

~~(2) A wireless service provider or reseller may retain as a billing and collection fee two per cent of the total wireless 9-1-1 charges it collects in a month and shall account to the administrator for the amount retained.~~

~~(3) The administrator shall return to, or credit against the next month's remittance of, a wireless service provider or reseller the amount of any remittances the administrator determines were erroneously submitted by the provider or reseller.~~

~~(B) Beginning January 1, 2014:~~

~~(1) Each seller of a prepaid wireless calling service, wireless service provider, and reseller An entity required to collect a wireless 9-1-1 charge under section 128.40 of the Revised Code or the next generation 9-1-1 access fee under section 128.414 or 128.421 of the Revised Code shall, on or before the twenty-third day of each month, except as provided in divisions ~~(B)~~(A)(2) and (3) of this section, do both of the following:~~

~~(a) Make and file a return for the preceding month, in the form prescribed by the tax commissioner, showing the amount of the wireless 9-1-1 charges or fees due ~~under section 128.42 of the Revised Code~~ for that month;~~

~~(b) Remit the full amount due, as shown on the return, with the exception of charges and fees equivalent to the amount authorized as a collection fee under division (B)~~(4)~~ of this section.~~

(2) The commissioner may grant one or more thirty-day extensions for making and filing returns and remitting amounts due. 151705  
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(3) If a seller is required to collect prepaid wireless 9-1-1 charges under section 128.40 of the Revised Code or next generation 9-1-1 access fees under section 128.421 of the Revised Code in amounts that do not merit monthly returns, the commissioner may authorize the seller to make and file returns less frequently. The commissioner shall ascertain whether this authorization is warranted upon the basis of administrative costs to the state. 151708  
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~~(4)(B)~~ A wireless service provider, reseller, and seller may each retain as a collection fee three per cent of the total wireless 9-1-1 charges required to be collected under section ~~128.42~~ 128.40 of the Revised Code, and shall account to the tax commissioner for the amount retained. 151716  
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~~(5)(C)~~ The return required under division ~~(B)(A)~~(1)(a) of this section shall be filed electronically using the Ohio business gateway, as defined in section 718.01 of the Revised Code, ~~the Ohio telefile system,~~ or any other electronic means prescribed by the tax commissioner. Remittance of the amount due shall be made electronically in a manner approved by the commissioner. ~~A wireless service provider, reseller, or seller~~ An entity required to file the return may apply to the commissioner on a form prescribed by the commissioner to be excused from either electronic requirement of this division. For good cause shown, the commissioner may excuse the ~~provider, reseller, or seller~~ entity from either or both of the requirements and may permit the ~~provider, reseller, or seller~~ entity to file returns or make remittances by nonelectronic means. 151721  
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~~(C)(1)(D)(1)~~ Prior to January 1, 2014, each subscriber on which a wireless 9-1-1 charge is imposed under division (A) of 151735  
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~~section 128.42 of the Revised Code is liable to the state for the amount of the charge. If a wireless service provider or reseller fails to collect the charge under that division from a subscriber of prepaid wireless service, or fails to bill any other subscriber for the charge, the wireless service provider or reseller is liable to the state for the amount not collected or billed. If a wireless service provider or reseller collects charges under that division and fails to remit the money to the administrator, the wireless service provider or reseller is liable to the state for any amount collected and not remitted.~~

~~(2) Beginning January 1, 2014:~~

~~(a) Each subscriber or consumer on which a wireless 9-1-1 charge is imposed under section ~~128.42~~ 128.40 of the Revised Code or on which a next generation 9-1-1 access fee is imposed under section 128.41 or 128.42 of the Revised Code is liable to the state for the amount of the charge. If a wireless service provider or reseller fails~~

~~(2) An entity required to bill or collect the wireless 9-1-1 charge, under section 128.40 of the Revised Code or if a seller fails to collect the charge, the provider, reseller, or seller is liable to the state for the amount not billed or collected. If a provider, reseller, or seller fails to remit money to the tax commissioner as required under this section, the provider, reseller, or seller the next generation 9-1-1 access fee under section ~~128.414~~ or ~~128.421~~ 128.40 of the Revised Code is liable to the state for the any amount that was required to be collected but that was not remitted, regardless of whether the amount was collected.~~

~~(b)(3) No provider of a prepaid wireless calling service shall be liable to the state for any wireless 9-1-1 charge imposed under division (B)(1) of section 128.40 of the Revised Code or any next generation 9-1-1 access fee imposed under section 128.42 of~~

the Revised Code that was not collected or remitted. 151769

~~(D) Prior to January 1, 2014:~~ 151770

~~(1) If the steering committee has reason to believe that a wireless service provider or reseller has failed to bill, collect, or remit the wireless 9-1-1 charge as required by divisions (A)(1) and (C)(1) of this section or has retained more than the amount authorized under division (A)(2) of this section, and after written notice to the provider or reseller, the steering committee may audit the provider or reseller for the sole purpose of making such a determination. The audit may include, but is not limited to, a sample of the provider's or reseller's billings, collections, remittances, or retentions for a representative period, and the steering committee shall make a good faith effort to reach agreement with the provider or reseller in selecting that sample.~~ 151771  
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~~(2) Upon written notice to the wireless service provider or reseller, the steering committee, by order after completion of the audit, may make an assessment against the provider or reseller if, pursuant to the audit, the steering committee determines that the provider or reseller has failed to bill, collect, or remit the wireless 9-1-1 charge as required by divisions (A)(1) and (C)(1) of this section or has retained more than the amount authorized under division (A)(2) of this section. The assessment shall be in the amount of any remittance that was due and unpaid on the date notice of the audit was sent by the steering committee to the provider or reseller or, as applicable, in the amount of the excess amount under division (A)(2) of this section retained by the provider or reseller as of that date.~~ 151784  
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~~(3) The portion of any assessment not paid within sixty days after the date of service by the steering committee of the assessment notice under division (D)(2) of this section shall bear interest from that date until paid at the rate per annum~~ 151797  
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~~prescribed by section 5703.47 of the Revised Code. That interest 151801  
may be collected by making an assessment under division (D)(2) of 151802  
this section. An assessment under this division and any interest 151803  
due shall be remitted in the same manner as the wireless 9-1-1 151804  
charge imposed under division (A) of section 128.42 of the Revised 151805  
Code. 151806~~

~~(4) Unless the provider, reseller, or seller assessed files 151807  
with the steering committee within sixty days after service of the 151808  
notice of assessment, either personally or by certified mail, a 151809  
written petition for reassessment, signed by the party assessed or 151810  
that party's authorized agent having knowledge of the facts, the 151811  
assessment shall become final and the amount of the assessment 151812  
shall be due and payable from the party assessed to the 151813  
administrator. The petition shall indicate the objections of the 151814  
party assessed, but additional objections may be raised in writing 151815  
if received by the administrator or the steering committee prior 151816  
to the date shown on the final determination. 151817~~

~~(5) After an assessment becomes final, if any portion of the 151818  
assessment remains unpaid, including accrued interest, a certified 151819  
copy of the final assessment may be filed in the office of the 151820  
clerk of the court of common pleas in the county in which the 151821  
place of business of the assessed party is located. If the party 151822  
assessed maintains no place of business in this state, the 151823  
certified copy of the final assessment may be filed in the office 151824  
of the clerk of the court of common pleas of Franklin county. 151825  
Immediately upon the filing, the clerk shall enter a judgment for 151826  
the state against the assessed party in the amount shown on the 151827  
final assessment. The judgment may be filed by the clerk in a 151828  
loose leaf book entitled "special judgments for wireless 9-1-1 151829  
charges" and shall have the same effect as other judgments. The 151830  
judgment shall be executed upon the request of the steering 151831  
committee. 151832~~

~~(6) An assessment under this division does not discharge a subscriber's liability to reimburse the provider or reseller for the wireless 9-1-1 charge imposed under division (A) of section 128.42 of the Revised Code. If, after the date of service of the audit notice under division (D)(1) of this section, a subscriber pays a wireless 9-1-1 charge for the period covered by the assessment, the payment shall be credited against the assessment.~~

~~(7) All money collected by the administrator under division (D) of this section shall be paid to the treasurer of state, for deposit to the credit of the wireless 9-1-1 government assistance fund.~~

~~(E) Beginning January 1, 2014:~~

(1) If the tax commissioner has reason to believe that a wireless service provider, reseller, or seller an entity required to collect a wireless 9-1-1 charge under section 128.40 of the Revised Code or the next generation 9-1-1 access fee under section 128.414 or 128.421 of the Revised Code has failed to bill, collect, or remit the wireless 9-1-1 charge or fee as required by this section and ~~section 128.42~~ sections 128.40 to 128.422 of the Revised Code or has retained more than the amount authorized under division (B)~~(4)~~ of this section, and after written notice to the provider, reseller, or seller, entity the tax commissioner may audit the provider, reseller, or seller entity for the sole purpose of making such a determination. The audit may include, but is not limited to, a sample of the provider's, reseller's, or seller's entity's billings, collections, remittances, or retentions for a representative period, and the tax commissioner shall make a good faith effort to reach agreement with the provider, reseller, or seller entity in selecting that sample.

(2) Upon written notice to the wireless service provider, reseller, or seller entity, the tax commissioner, after completion of the audit, may make an assessment against the provider,

~~reseller, or seller~~ entity if, pursuant to the audit, the tax 151865  
commissioner determines that the ~~provider, reseller, or seller~~ 151866  
entity has failed to bill, collect, or remit the ~~wireless 9-1-1~~ 151867  
charge or fee as required by ~~this section and section 128.42~~ 151868  
sections 128.40 to 128.422 of the Revised Code or has retained 151869  
more than the amount authorized under division (B)(~~4~~) of this 151870  
section. The assessment shall be in the amount of any remittance 151871  
that was due and unpaid on the date notice of the audit was sent 151872  
by the tax commissioner to the ~~provider, reseller, or seller~~ 151873  
entity or, as applicable, in the amount of the excess amount under 151874  
division (B)(~~4~~) of this section retained by the ~~provider,~~ 151875  
~~reseller, or seller~~ entity as of that date. 151876

(3) The portion of any assessment consisting of ~~wireless~~ 151877  
~~9-1-1~~ charges or fees due and not paid within sixty days after the 151878  
date that the assessment was made under division (E)(2) of this 151879  
section shall bear interest from that date until paid at the rate 151880  
per annum prescribed by section 5703.47 of the Revised Code. That 151881  
interest may be collected by making an assessment under division 151882  
(E)(2) of this section. 151883

(4) Unless the ~~provider, reseller, or seller~~ entity assessed 151884  
files with the tax commissioner within sixty days after service of 151885  
the notice of assessment, either personally or by certified mail, 151886  
a written petition for reassessment, signed by the ~~party~~ entity 151887  
assessed or that ~~party's~~ entity's authorized agent having 151888  
knowledge of the facts, the assessment shall become final and the 151889  
amount of the assessment shall be due and payable from the ~~party~~ 151890  
entity assessed to the treasurer of state, for deposit to the next 151891  
generation 9-1-1 fund, which is created under section 128.54 of 151892  
the Revised Code. The petition shall indicate the objections of 151893  
the ~~party~~ entity assessed, but additional objections may be raised 151894  
in writing if received by the commissioner prior to the date shown 151895  
on the final determination. If the petition has been properly 151896

filed, the commissioner shall proceed under section 5703.60 of the Revised Code. 151897  
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(5) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the final assessment may be filed in the office of the clerk of the court of common pleas in the county in which the business of the assessed ~~party~~ entity is conducted. If the ~~party~~ entity assessed maintains no place of business in this state, the certified copy of the final assessment may be filed in the office of the clerk of the court of common pleas of Franklin county. Immediately upon the filing, the clerk shall enter a judgment for the state against the assessed ~~party~~ entity in the amount shown on the final assessment. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for ~~wireless~~ 9-1-1 charges and fees" and shall have the same effect as other judgments. The judgment shall be executed upon the request of the tax commissioner. 151899  
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(6) If the commissioner determines that the commissioner erroneously has refunded a ~~wireless~~ 9-1-1 charge or fee to any person, the commissioner may make an assessment against that person for recovery of the erroneously refunded charge. 151914  
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(7) An assessment under division (E) of this section does not discharge a subscriber's or consumer's liability to reimburse the ~~provider, reseller, or seller~~ entity for a ~~wireless~~ 9-1-1 charge or fee. If, after the date of service of the audit notice under division (E)(1) of this section, a subscriber or consumer pays a ~~wireless~~ 9-1-1 charge or fee for the period covered by the assessment, the payment shall be credited against the assessment. 151918  
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**Sec. 128.461.** ~~Beginning January 1, 2014, any~~ Every wireless 9-1-1 charge and next generation 9-1-1 access fee required to be remitted under section 128.46 of the Revised Code shall be subject 151925  
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to interest as prescribed by section 5703.47 of the Revised Code, 151928  
calculated from the date the ~~wireless 9-1-1~~ charge or fee was due 151929  
under section 128.46 of the Revised Code to the date the ~~wireless~~ 151930  
~~9-1-1~~ charge or fee is remitted or the date of assessment, 151931  
whichever occurs first. 151932

**Sec. 128.462. ~~Beginning January 1, 2014:~~** 151933

(A) Except as otherwise provided in this section, no 151934  
assessment shall be made or issued against a ~~wireless service~~ 151935  
~~provider, reseller, or seller~~ an entity for any wireless 9-1-1 151936  
charge ~~imposed by or pursuant to~~ required to be collected under 151937  
section ~~128.42~~ 128.40 of the Revised Code or any next generation 151938  
9-1-1 access fee required to be collected under section 128.414 or 151939  
128.421 of the Revised Code more than four years after the return 151940  
date for the period in which the sale or purchase was made, or 151941  
more than four years after the return for such period is filed, 151942  
whichever is later. This division does not bar an assessment: 151943

(1) When the tax commissioner has substantial evidence of 151944  
amounts of ~~wireless 9-1-1~~ charges or fees collected by a ~~provider,~~ 151945  
~~reseller, or seller~~ an entity from subscribers or consumers, which 151946  
were not returned to the state; 151947

(2) When the ~~provider, reseller, or seller~~ entity assessed 151948  
failed to file a return as required by section 128.46 of the 151949  
Revised Code; 151950

(3) When the ~~provider, reseller, or seller~~ entity and the 151951  
commissioner waive in writing the time limitation. 151952

(B) No assessment shall be made or issued against a ~~wireless~~ 151953  
~~service provider, reseller, or seller~~ an entity for any wireless 151954  
9-1-1 charge imposed by ~~or pursuant to~~ section 128.40 of the 151955  
Revised Code or next generation 9-1-1 access fee imposed by 151956  
section 128.41 or 128.42 of the Revised Code for any period during 151957

which there was in full force and effect a rule of the tax 151958  
commissioner under or by virtue of which the collection or payment 151959  
of any such ~~wireless 9-1-1~~ charge or fee was not required. This 151960  
division does not bar an assessment when the tax commissioner has 151961  
substantial evidence of amounts of ~~wireless 9-1-1~~ charges or fees 151962  
collected by a ~~provider, reseller, or seller~~ an entity from 151963  
subscribers or consumers, which were not returned to the state. 151964

**Sec. 128.47.** ~~Beginning January 1, 2014:~~ 151965

(A) ~~A wireless service provider, reseller, seller, wireless~~ 151966  
~~service~~ An entity required to collect a wireless 9-1-1 charge 151967  
under section 128.40 of the Revised Code or the next generation 151968  
9-1-1 access fee under section 128.414 or 128.421 of the Revised 151969  
Code, a subscriber, or a consumer of a prepaid wireless calling 151970  
~~service~~ may apply to the tax commissioner for a refund of ~~wireless~~ 151971  
~~9-1-1~~ charges or fees described in division (B) of this section 151972  
and of any penalties assessed with respect to such charges. The 151973  
application shall be made on the form prescribed by the tax 151974  
commissioner. The application shall be made not later than four 151975  
years after the date of the illegal or erroneous payment of the 151976  
charge or fee by the subscriber or consumer, unless the ~~wireless~~ 151977  
~~service provider, reseller, or seller~~ entity waives the time 151978  
limitation under division (A)(3) of section 128.462 of the Revised 151979  
Code. If the time limitation is waived, the refund application 151980  
period shall be extended for the same period as the waiver. 151981

(B)(1) If a ~~wireless service provider, reseller, or seller~~ an 151982  
entity refunds to a subscriber or consumer the full amount of 151983  
wireless 9-1-1 charges or next generation 9-1-1 access fees that 151984  
the subscriber or consumer paid illegally or erroneously, and if 151985  
the ~~provider, reseller, or seller~~ entity remitted that amount 151986  
under section 128.46 of the Revised Code, the tax commissioner 151987  
shall refund that amount to the ~~provider, reseller, or seller~~ 151988

entity. 151989

(2) If a ~~wireless service provider, reseller, or seller~~ an 151990  
entity has illegally or erroneously billed a subscriber or charged 151991  
a consumer for a wireless 9-1-1 charge or a next generation 9-1-1 151992  
access fee, and if the ~~provider, reseller, or seller~~ entity has 151993  
not collected the charge or fee but has remitted that amount under 151994  
section 128.46 of the Revised Code, the tax commissioner shall 151995  
refund that amount to the ~~provider, reseller, or seller~~ entity. 151996

(C)(1) The tax commissioner may refund to a subscriber or 151997  
consumer wireless 9-1-1 charges or next generation 9-1-1 access 151998  
fees paid illegally or erroneously to a ~~provider, reseller, or~~ 151999  
~~seller~~ an entity only if both of the following apply: 152000

(a) The tax commissioner has not refunded the wireless 9-1-1 152001  
charges or fees to the ~~provider, reseller, or seller~~ entity. 152002

(b) The ~~provider, reseller, or seller~~ entity has not refunded 152003  
the ~~wireless 9-1-1~~ charges or fees to the subscriber or consumer. 152004

(2) The tax commissioner may require the subscriber or 152005  
consumer to obtain from the ~~provider, reseller, or seller~~ entity a 152006  
written statement confirming that the ~~provider, reseller, or~~ 152007  
~~seller~~ entity has not refunded the ~~wireless 9-1-1~~ charges or fees 152008  
to the subscriber or consumer and that the ~~provider, reseller, or~~ 152009  
~~seller~~ entity has not filed an application for a refund under this 152010  
section. The tax commissioner may also require the ~~provider,~~ 152011  
~~reseller, or seller~~ entity to provide this statement. 152012

(D) On the filing of an application for a refund under this 152013  
section, the tax commissioner shall determine the amount of refund 152014  
to which the applicant is entitled. If the amount is not less than 152015  
that claimed, the commissioner shall certify the determined amount 152016  
to the director of budget and management and the treasurer of 152017  
state for payment from the tax refund fund created under section 152018  
5703.052 of the Revised Code. If the amount is less than that 152019

claimed, the commissioner shall proceed in accordance with section 152020  
5703.70 of the Revised Code. 152021

(E) Refunds granted under this section shall include interest 152022  
as provided by section 5739.132 of the Revised Code. 152023

**Sec. 128.52.** (A) ~~Beginning on July 1, 2013, each~~ Each seller 152024  
of a prepaid wireless calling service required to collect prepaid 152025  
wireless 9-1-1 charges under ~~division (B) of section 128.42~~ 128.40 152026  
of the Revised Code or next generation 9-1-1 access fees under 152027  
section 128.421 of the Revised Code shall also be subject to the 152028  
provisions of Chapter 5739. of the Revised Code regarding the 152029  
excise tax on retail sales levied under section 5739.02 of the 152030  
Revised Code, as those provisions apply to audits, assessments, 152031  
appeals, enforcement, liability, and penalties. 152032

(B) The tax commissioner shall establish procedures by which 152033  
a person may document that a sale is not a retail sale of a 152034  
prepaid wireless calling service. The procedures shall 152035  
substantially coincide with similar procedures under Chapter 5739. 152036  
of the Revised Code. 152037

**Sec. 128.54.** (A)(1) For the purpose of receiving, 152038  
distributing, and accounting for amounts received from the 152039  
wireless 9-1-1 charges imposed under section 128.40 of the Revised 152040  
Code and the next generation 9-1-1 access fees imposed under 152041  
sections 128.41 and 128.42 of the Revised Code, the following 152042  
funds are created in the state treasury: 152043

(a) The ~~wireless~~ 9-1-1 government assistance fund; 152044

(b) The ~~wireless~~ 9-1-1 administrative fund; 152045

(c) The ~~wireless~~ 9-1-1 program fund; 152046

(d) The next generation 9-1-1 fund. 152047

(2) Amounts remitted under section 128.46 of the Revised Code 152048

shall be paid to the treasurer of state for deposit as follows: 152049

(a) ~~Ninety-seven~~ Seventy-two per cent to the ~~wireless~~ 9-1-1 152050  
government assistance fund. All interest earned on the ~~wireless~~ 152051  
9-1-1 government assistance fund shall be credited to the fund. 152052

(b) One per cent to the ~~wireless~~ 9-1-1 administrative fund; 152053

(c) Two per cent to the 9-1-1 program fund; 152054

(d) Twenty-five per cent to the next generation 9-1-1 fund. 152055

(3) The tax commissioner shall use the ~~wireless~~ 9-1-1 152056  
administrative fund to defray the costs incurred in carrying out 152057  
this chapter. 152058

(4) The steering committee shall use the 9-1-1 program fund 152059  
to defray the costs incurred by the steering committee in carrying 152060  
out this chapter. 152061

(5) Annually, the tax commissioner, after paying 152062  
administrative costs under division (A)(3) of this section, shall 152063  
transfer any excess remaining in the ~~wireless~~ 9-1-1 administrative 152064  
fund to the next generation 9-1-1 fund, created under this 152065  
section. 152066

(B) At the direction of the steering committee, the tax 152067  
commissioner shall transfer the funds remaining in the ~~wireless~~ 152068  
9-1-1 government assistance fund to the credit of the next 152069  
generation 9-1-1 fund. All interest earned on the next generation 152070  
9-1-1 fund shall be credited to the fund. 152071

(C) From the ~~wireless~~ 9-1-1 government assistance fund, the 152072  
director of budget and management shall, as funds are available, 152073  
transfer to the tax refund fund, created under section 5703.052 of 152074  
the Revised Code, amounts equal to the refunds certified by the 152075  
tax commissioner under division (D) of section 128.47 of the 152076  
Revised Code. 152077

Sec. 128.55. (A)(1) The tax commissioner, ~~not later than the~~ 152078  
~~last day of each month,~~ shall disburse moneys from the ~~wireless~~ 152079  
9-1-1 government assistance fund, plus any accrued interest on the 152080  
fund, to each county treasurer in the same proportion distributed 152081  
to that county by the tax commissioner in the corresponding 152082  
calendar month of the previous year. Any shortfall in 152083  
distributions resulting from the timing of funds received in a 152084  
previous month shall be distributed in the following month. 152085  
Disbursements shall occur not later than the tenth day of the 152086  
month succeeding the month in which the wireless 9-1-1 charges 152087  
imposed under section 128.40 of the Revised Code and the next 152088  
generation 9-1-1 access fees imposed under sections 128.41 and 152089  
128.42 of the Revised Code are remitted. 152090

(2) The ~~tax commissioner shall disburse moneys from the next~~ 152091  
~~generation 9-1-1 fund in accordance with the guidelines~~ 152092  
~~established under section 128.022 of the Revised Code shall be~~ 152093  
administered by the department of administrative services and used 152094  
exclusively to pay costs of installing, maintaining, and operating 152095  
the call routing and core services statewide next generation 9-1-1 152096  
system. 152097

(B) Immediately upon receipt by a county treasurer of a 152098  
disbursement under division (A) of this section, the county shall 152099  
disburse, in accordance with the allocation formula set forth in 152100  
the final plan, the amount the county so received to any other 152101  
subdivisions in the county and any regional councils of 152102  
governments in the county that pay the costs of a public safety 152103  
answering point providing wireless enhanced 9-1-1 under the plan. 152104

(C) Nothing in this chapter affects the authority of a 152105  
subdivision operating or served by a public safety answering point 152106  
of a 9-1-1 system or a regional council of governments operating a 152107  
public safety answering point of a 9-1-1 system to use, as 152108

provided in the final plan for the system ~~or in an agreement under~~ 152109  
~~section 128.09 of the Revised Code~~, any other authorized revenue 152110  
of the subdivision or the regional council of governments for the 152111  
purposes of providing basic or enhanced 9-1-1. 152112

**Sec. 128.57.** ~~Except as otherwise provided in section 128.571~~ 152113  
~~of the Revised Code:~~ 152114

(A) A countywide 9-1-1 system receiving a disbursement under 152115  
section 128.55 of the Revised Code shall provide countywide 152116  
wireless enhanced 9-1-1 in accordance with this chapter beginning 152117  
as soon as reasonably possible after receipt of the first 152118  
disbursement or, if that service is already implemented, shall 152119  
continue to provide such service. Except as provided in divisions 152120  
(B), (C), ~~and (E)~~, and (F) of this section, a disbursement shall 152121  
be used solely for the purpose of paying either or both of the 152122  
following: 152123

(1) Any costs of ~~designing~~ the following: 152124

(a) Designing, upgrading, purchasing, leasing, programming, 152125  
installing, testing, or maintaining the necessary data, hardware, 152126  
software, and trunking required for the public safety answering 152127  
point or points of the 9-1-1 system to provide wireless, enhanced, 152128  
or next generation 9-1-1, ~~which costs are incurred before or on or~~ 152129  
~~after May 6, 2005, and consist of such additional costs of the~~ 152130  
~~9-1-1 system over and above any costs incurred to provide wireline~~ 152131  
~~9-1-1 or to otherwise provide wireless enhanced 9-1-1. Annually,~~ 152132  
~~up to twenty five thousand dollars of the disbursements received~~ 152133  
~~on or after January 1, 2009, may be applied to data, hardware, and~~ 152134  
~~software that automatically alerts personnel receiving a 9-1-1~~ 152135  
~~call that a person at the subscriber's address or telephone number~~ 152136  
~~may have a mental or physical disability, of which that personnel~~ 152137  
~~shall inform the appropriate~~ service; 152138

(b) Processing 9-1-1 emergency calls from the point of origin 152139

to include any expense for interoperable bidirectional computer 152140  
aided dispatch data transfers with other public safety answering 152141  
points or emergency services organizations and transferring and 152142  
receiving law enforcement, fire, and emergency medical service 152143  
provider. On or after the provision of technical and operational 152144  
standards pursuant to section 128.021 of the Revised Code, a 152145  
regional council of governments operating a public safety 152146  
answering point or a subdivision shall consider the standards 152147  
before incurring any costs described in this division. data via 152148  
wireless or internet connections from public safety answering 152149  
points or emergency services organizations to all applicable 152150  
emergency responders. 152151

(2) Any costs of training the staff of the public safety 152152  
answering point or points to provide wireless enhanced 9-1-1, 152153  
~~which costs are incurred before or on or after May 6, 2005.~~ 152154

(B) A subdivision or a regional council of governments that 152155  
certifies to the steering committee that it has paid the costs 152156  
described in divisions (A)(1) and (2) of this section and is 152157  
providing countywide wireless enhanced 9-1-1 may use disbursements 152158  
received under section 128.55 of the Revised Code to pay any of 152159  
its personnel costs of one or more public safety answering points 152160  
providing countywide wireless enhanced 9-1-1. 152161

(C) After receiving its July 2013 disbursement under division 152162  
(A) of section 128.55 of the Revised Code as that division existed 152163  
prior to the amendments to that division by H.B. 64 of the 131st 152164  
general assembly, a regional council of governments operating a 152165  
public safety answering point or a subdivision may use any 152166  
remaining balance of disbursements it received under that 152167  
division, as it existed prior to the amendments to it by H.B. 64 152168  
of the 131st general assembly, to pay any of its costs of 152169  
providing countywide wireless 9-1-1, including the personnel costs 152170  
of one or more public safety answering points providing that 152171

service. 152172

(D) The costs described in divisions (A), (B), (C), and (E) 152173  
of this section may include any such costs payable pursuant to an 152174  
agreement under division ~~(J)~~(I) of section 128.03 of the Revised 152175  
Code. 152176

(E)(1) No disbursement to a countywide 9-1-1 system for costs 152177  
of a public safety answering point shall be made from the ~~wireless~~ 152178  
9-1-1 government assistance fund or the next generation 9-1-1 fund 152179  
unless the public safety answering point meets the standards set 152180  
by rule of the steering committee under section 128.021 of the 152181  
Revised Code. 152182

(2) The steering committee shall monitor compliance with the 152183  
standards and shall notify the tax commissioner to suspend 152184  
disbursements to a countywide 9-1-1 system that fails to meet the 152185  
standards. Upon receipt of this notification, the commissioner 152186  
shall suspend disbursements until the commissioner is notified of 152187  
compliance with the standards. 152188

(F) The auditor of state may audit and review each county's 152189  
expenditures of funds received from the ~~wireless~~ 9-1-1 government 152190  
assistance fund to verify that the funds were used in accordance 152191  
with the requirements of this chapter. All funds generated from 152192  
the next generation 9-1-1 access fee imposed under sections 128.41 152193  
and 128.42 of the Revised Code may be used only for 9-1-1 related 152194  
expenses. 152195

**Sec. 128.60.** (A)(1) A telephone company, the state highway 152196  
patrol as described in division ~~(J)~~(I) of section 128.03 of the 152197  
Revised Code, and each subdivision or regional council of 152198  
governments operating one or more public safety answering points 152199  
for a countywide system providing wireless 9-1-1, shall provide 152200  
the steering committee and the tax commissioner with such 152201  
information as the steering committee and tax commissioner request 152202

for the purposes of carrying out their duties under this chapter, 152203  
including, but not limited to, duties regarding the collection of 152204  
the wireless 9-1-1 charges imposed under section 128.40 of the 152205  
Revised Code and the next generation 9-1-1 access fee imposed 152206  
under sections 128.41 and 128.42 of the Revised Code. 152207

(2) A wireless service provider shall provide an official, 152208  
employee, agent, or representative of a subdivision or regional 152209  
council of governments operating a public safety answering point, 152210  
or of the state highway patrol as described in division ~~(J)~~(I) of 152211  
section 128.03 of the Revised Code, with such technical, service, 152212  
and location information as the official, employee, agent, or 152213  
representative requests for the purpose of providing wireless 152214  
9-1-1. 152215

(3) A subdivision or regional council of governments 152216  
operating one or more public safety answering points of a 9-1-1 152217  
system, and a telephone company, shall provide to the steering 152218  
committee such information as the steering committee requires for 152219  
the purpose of carrying out its duties under Chapter 128. of the 152220  
Revised Code. 152221

(B)(1) Any information provided under division (A) of this 152222  
section that consists of trade secrets as defined in section 152223  
1333.61 of the Revised Code or of information regarding the 152224  
customers, revenues, expenses, or network information of a 152225  
telephone company shall be confidential and does not constitute a 152226  
public record for the purpose of section 149.43 of the Revised 152227  
Code. 152228

(2) The steering committee, tax commissioner, and any 152229  
official, employee, agent, or representative of the steering 152230  
committee, of the tax commissioner, of the state highway patrol as 152231  
described in division ~~(J)~~(I) of section 128.03 of the Revised 152232  
Code, or of a subdivision or regional council of governments 152233

operating a public safety answering point, while acting or 152234  
claiming to act in the capacity of the steering committee or tax 152235  
commissioner or such official, employee, agent, or representative, 152236  
shall not disclose any information provided under division (A) of 152237  
this section regarding a telephone company's customers, revenues, 152238  
expenses, or network information. Nothing in division (B)(2) of 152239  
this section precludes any such information from being aggregated 152240  
and included in any report of the steering committee, tax 152241  
commissioner, or any official, employee, agent, or representative 152242  
of the steering committee or tax commissioner, provided the 152243  
aggregated information does not identify the number of any 152244  
particular company's customers or the amount of its revenues or 152245  
expenses or identify a particular company as to any network 152246  
information. 152247

**Sec. 128.63.** ~~(A)~~ The tax commissioner may adopt rules in 152248  
accordance with Chapter 119. of the Revised Code to carry out this 152249  
chapter, including rules prescribing the necessary accounting for 152250  
the collection fee under division (B)~~(4)~~ of section 128.46 of the 152251  
Revised Code. 152252

~~(B) The amounts of the wireless 9-1-1 charges shall be 152253  
prescribed only by act of the general assembly. 152254~~

**Sec. ~~128.32~~128.96.** (A)(1) The state, the state highway 152255  
patrol, a subdivision, or a regional council of governments 152256  
participating in a 9-1-1 system established under this chapter and 152257  
any officer, agent, employee, or independent contractor of the 152258  
state, the state highway patrol, or such a participating 152259  
subdivision or regional council of governments is not liable in 152260  
damages in a civil action for injuries, death, or loss to persons 152261  
or property arising from any act or omission, except willful or 152262  
wanton misconduct, in connection with developing, adopting, or 152263  
approving any final plan ~~or any agreement made under section 152264~~

~~128.09 of the Revised Code~~ or otherwise bringing into operation 152265  
the 9-1-1 system pursuant to this chapter. 152266

(2) The steering committee and any member of the steering 152267  
committee are not liable in damages in a civil action for 152268  
injuries, death, or loss to persons or property arising from any 152269  
act or omission, except willful or wanton misconduct, in 152270  
connection with the development or operation of a 9-1-1 system 152271  
established under this chapter. 152272

(B) Except as otherwise provided in this section, an 152273  
individual who gives emergency instructions through a 9-1-1 system 152274  
established under this chapter, and the principals for whom the 152275  
person acts, including both employers and independent contractors, 152276  
public and private, and an individual who follows emergency 152277  
instructions and the principals for whom that person acts, 152278  
including both employers and independent contractors, public and 152279  
private, are not liable in damages in a civil action for injuries, 152280  
death, or loss to persons or property arising from the issuance or 152281  
following of emergency instructions, except where the issuance or 152282  
following of the instructions constitutes willful or wanton 152283  
misconduct. 152284

(C) Except for willful or wanton misconduct, a telephone 152285  
company, and any other installer, maintainer, or provider, through 152286  
the sale or otherwise, of customer premises equipment, or service 152287  
used for or with a 9-1-1 system, and their respective officers, 152288  
directors, employees, agents, suppliers, corporate parents, and 152289  
affiliates are not liable in damages in a civil action for 152290  
injuries, death, or loss to persons or property incurred by any 152291  
person resulting from any of the following: 152292

(1) Such an entity's or its officers', directors', 152293  
employees', agents', or suppliers' participation in or acts or 152294  
omissions in connection with participating in or developing, 152295

maintaining, or operating a 9-1-1 system; 152296

(2) Such an entity's or its officers', directors', 152297  
employees', agents', or suppliers' provision of assistance to a 152298  
public utility, municipal utility, or state or local government as 152299  
authorized by divisions ~~(G)~~(4)~~(H)~~(4) and (5) of this section. 152300

(D) Except for willful or wanton misconduct, a provider of 152301  
and a seller of a prepaid wireless calling service and their 152302  
respective officers, directors, employees, agents, and suppliers 152303  
are not liable in damages in a civil action for injuries, death, 152304  
or loss to persons or property incurred by any person resulting 152305  
from anything described in division (C) of this section. 152306

(E) Except for willful or wanton misconduct, a 9-1-1 system 152307  
service provider and the provider's respective officers, 152308  
directors, employees, agents, and suppliers are not liable for any 152309  
damages in a civil action for injuries, death, or loss to persons 152310  
or property incurred by any person resulting from developing, 152311  
adopting, implementing, maintaining, or operating a 9-1-1 system, 152312  
or from complying with emergency-related information requests from 152313  
state or local government officials. 152314

(F) No person shall knowingly use the telephone number of a 152315  
9-1-1 system established under this chapter to report an emergency 152316  
if the person knows that no emergency exists. 152317

~~(F)~~(G) No person shall knowingly use a 9-1-1 system for a 152318  
purpose other than obtaining emergency service. 152319

~~(G)~~(H) No person shall disclose or use any information 152320  
concerning telephone numbers, addresses, or names obtained from 152321  
the data base that serves the public safety answering point of a 152322  
9-1-1 system established under this chapter, except for any of the 152323  
following purposes or under any of the following circumstances: 152324

(1) For the purpose of the 9-1-1 system; 152325

(2) For the purpose of responding to an emergency call to an emergency service provider;

(3) In the circumstance of the inadvertent disclosure of such information due solely to technology of the wireline telephone network portion of the 9-1-1 system not allowing access to the data base to be restricted to 9-1-1 specific answering lines at a public safety answering point;

(4) In the circumstance of access to a data base being given by a telephone company that is a wireline service provider to a public utility or municipal utility in handling customer calls in times of public emergency or service outages. The charge, terms, and conditions for the disclosure or use of such information for the purpose of such access to a data base shall be subject to the jurisdiction of the steering committee.

(5) In the circumstance of access to a data base given by a telephone company that is a wireline service provider to a state and local government in warning of a public emergency, as determined by the steering committee. The charge, terms, and conditions for the disclosure or use of that information for the purpose of access to a data base is subject to the jurisdiction of the steering committee.

**Sec. ~~128.34~~128.98.** (A) The attorney general, upon request of the steering committee, or on the attorney general's own initiative, shall begin proceedings against a telephone company that is a wireline service provider to enforce compliance with this chapter or with the terms, conditions, requirements, or specifications of a final plan ~~or of an agreement under section 128.09 of the Revised Code~~ as to wireline or wireless 9-1-1.

(B) The attorney general, upon the attorney general's own initiative, or any prosecutor, upon the prosecutor's initiative, shall begin proceedings against a subdivision or a regional

council of governments as to wireline or wireless 9-1-1 to enforce 152357  
compliance with this chapter or with the terms, conditions, 152358  
requirements, or specifications of a final plan ~~or of an agreement~~ 152359  
~~under section 128.09 of the Revised Code~~ as to wireline or 152360  
wireless 9-1-1. 152361

**Sec. 128.99.** (A) Whoever violates division ~~(E)~~(F) of section 152362  
~~128.32~~ 128.96 of the Revised Code is guilty of a misdemeanor of 152363  
the fourth degree. 152364

(B) Whoever violates division ~~(F)~~~~or~~ (G) or (H) of section 152365  
~~128.32~~ 128.96 or division (B)(2) of section 128.60 of the Revised 152366  
Code is guilty of a misdemeanor of the fourth degree on a first 152367  
offense and a felony of the fifth degree on each subsequent 152368  
offense. 152369

(C) If a wireless service provider, reseller, or seller 152370  
violates division ~~(B)~~(A)(1)(a) of section 128.46 of the Revised 152371  
Code, and does not comply with any extensions granted under 152372  
division ~~(B)~~~~(2)~~(A)(2) of that section, the tax commissioner may 152373  
impose a late-filing penalty of not more than the greater of fifty 152374  
dollars or five per cent of the amount required to be remitted as 152375  
described in division (B)(1)(b) of that section. 152376

(D) If a wireless service provider, reseller, or seller fails 152377  
to comply with division ~~(B)~~(A)(1)(b) of section 128.46 of the 152378  
Revised Code, the tax commissioner may impose a late-payment 152379  
penalty of not more than the greater of fifty dollars or five per 152380  
cent of the wireless 9-1-1 charge required to be remitted for the 152381  
reporting period minus any partial remittance made on or before 152382  
the due date, including any extensions granted under division 152383  
~~(B)~~(A)(2) of section 128.46 of the Revised Code. 152384

(E) The tax commissioner may impose an assessment penalty of 152385  
not more than the greater of one hundred dollars or thirty-five 152386  
per cent of the wireless 9-1-1 charges due after the tax 152387

commissioner notifies the person of an audit, an examination, a delinquency, assessment, or other notice that additional wireless 9-1-1 charges are due.

(F) If a wireless service provider, reseller, or seller fails to comply with either electronic requirement of division ~~(B)(5)(C)~~ of section 128.46 of the Revised Code, the tax commissioner may impose an electronic penalty, for either or both failures to comply, of not more than the lesser of the following:

(1) The greater of one hundred dollars or ten per cent of the amount required to be, but not, remitted electronically;

(2) Five thousand dollars.

(G) Each penalty described in divisions (C) to (F) of this section is in addition to any other penalty described in those divisions. The tax commissioner may abate all or any portion of any penalty described in those divisions.

(H) An operator in violation of section 128.24 of the Revised Code may be assessed a fine of up to five thousand dollars per offense.

(I)(1) If a business service user fails to comply with section 128.241 of the Revised Code without being exempt under section 128.242 of the Revised Code, the 9-1-1 steering committee shall request the attorney general to bring an action to recover one of the following amounts from the user:

(a) One thousand dollars for an initial failure;

(b) Up to five thousand dollars for each subsequent failure within each continuing six-month period in which the user remains noncompliant.

(2) Any funds recovered under division (I)(1) of this section shall be deposited into the next generation 9-1-1 fund created under section 128.54 of the Revised Code.

(3) Divisions (I)(1) and (2) of this section shall not apply 152418  
if they are preempted by or in conflict with federal law. 152419

**Sec. 149.43.** (A) As used in this section: 152420

(1) "Public record" means records kept by any public office, 152421  
including, but not limited to, state, county, city, village, 152422  
township, and school district units, and records pertaining to the 152423  
delivery of educational services by an alternative school in this 152424  
state kept by the nonprofit or for-profit entity operating the 152425  
alternative school pursuant to section 3313.533 of the Revised 152426  
Code. "Public record" does not mean any of the following: 152427

(a) Medical records; 152428

(b) Records pertaining to probation and parole proceedings, 152429  
to proceedings related to the imposition of community control 152430  
sanctions and post-release control sanctions, or to proceedings 152431  
related to determinations under section 2967.271 of the Revised 152432  
Code regarding the release or maintained incarceration of an 152433  
offender to whom that section applies; 152434

(c) Records pertaining to actions under section 2151.85 and 152435  
division (C) of section 2919.121 of the Revised Code and to 152436  
appeals of actions arising under those sections; 152437

(d) Records pertaining to adoption proceedings, including the 152438  
contents of an adoption file maintained by the department of 152439  
health under sections 3705.12 to 3705.124 of the Revised Code; 152440

(e) Information in a record contained in the putative father 152441  
registry established by section 3107.062 of the Revised Code, 152442  
regardless of whether the information is held by the department of 152443  
job and family services or, pursuant to section 3111.69 of the 152444  
Revised Code, the office of child support in the department or a 152445  
child support enforcement agency; 152446

(f) Records specified in division (A) of section 3107.52 of 152447

the Revised Code;	152448
(g) Trial preparation records;	152449
(h) Confidential law enforcement investigatory records;	152450
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	152451 152452
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	152453 152454
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	152455 152456 152457 152458
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	152459 152460 152461 152462
(m) Intellectual property records;	152463
(n) Donor profile records;	152464
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	152465 152466
(p) Designated public service worker residential and familial information;	152467 152468
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	152469 152470 152471 152472 152473
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	152474 152475
(s) In the case of a child fatality review board acting under	152476

sections 307.621 to 307.629 of the Revised Code or a review 152477  
conducted pursuant to guidelines established by the director of 152478  
health under section 3701.70 of the Revised Code, records provided 152479  
to the board or director, statements made by board members during 152480  
meetings of the board or by persons participating in the 152481  
director's review, and all work products of the board or director, 152482  
and in the case of a child fatality review board, child fatality 152483  
review data submitted by the board to the department of health or 152484  
a national child death review database, other than the report 152485  
prepared pursuant to division (A) of section 307.626 of the 152486  
Revised Code; 152487

(t) Records provided to and statements made by the executive 152488  
director of a public children services agency or a prosecuting 152489  
attorney acting pursuant to section 5153.171 of the Revised Code 152490  
other than the information released under that section; 152491

(u) Test materials, examinations, or evaluation tools used in 152492  
an examination for licensure as a nursing home administrator that 152493  
the board of executives of long-term services and supports 152494  
administers under section 4751.15 of the Revised Code or contracts 152495  
under that section with a private or government entity to 152496  
administer; 152497

(v) Records the release of which is prohibited by state or 152498  
federal law; 152499

(w) Proprietary information of or relating to any person that 152500  
is submitted to or compiled by the Ohio venture capital authority 152501  
created under section 150.01 of the Revised Code; 152502

(x) Financial statements and data any person submits for any 152503  
purpose to the Ohio housing finance agency or the controlling 152504  
board in connection with applying for, receiving, or accounting 152505  
for financial assistance from the agency, and information that 152506  
identifies any individual who benefits directly or indirectly from 152507

financial assistance from the agency;	152508
(y) Records listed in section 5101.29 of the Revised Code;	152509
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;	152510 152511 152512
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	152513 152514 152515
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	152516 152517 152518
(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code;	152519 152520 152521
(dd) Personal information, as defined in section 149.45 of the Revised Code;	152522 152523
(ee) The confidential name, address, and other personally identifiable information of a program participant in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code, including the contents of any application for absent voter's ballots, absent voter's ballot identification envelope statement of voter, or provisional ballot affirmation completed by a program participant who has a confidential voter registration record; records or portions of records pertaining to that program that identify the number of program participants that reside within a precinct, ward, township, municipal corporation, county, or any other geographic area smaller than the state; and any real property confidentiality notice filed under section 111.431 of the Revised Code and the information described in division (C) of that section. As used in this division, "confidential address" and "program participant"	152524 152525 152526 152527 152528 152529 152530 152531 152532 152533 152534 152535 152536 152537 152538

have the meaning defined in section 111.41 of the Revised Code. 152539

(ff) Orders for active military service of an individual 152540  
serving or with previous service in the armed forces of the United 152541  
States, including a reserve component, or the Ohio organized 152542  
militia, except that, such order becomes a public record on the 152543  
day that is fifteen years after the published date or effective 152544  
date of the call to order; 152545

(gg) The name, address, contact information, or other 152546  
personal information of an individual who is less than eighteen 152547  
years of age that is included in any record related to a traffic 152548  
accident involving a school vehicle in which the individual was an 152549  
occupant at the time of the accident; 152550

(hh) Protected health information, as defined in 45 C.F.R. 152551  
160.103, that is in a claim for payment for a health care product, 152552  
service, or procedure, as well as any other health claims data in 152553  
another document that reveals the identity of an individual who is 152554  
the subject of the data or could be used to reveal that 152555  
individual's identity; 152556

(ii) Any depiction by photograph, film, videotape, or printed 152557  
or digital image under either of the following circumstances: 152558

(i) The depiction is that of a victim of an offense the 152559  
release of which would be, to a reasonable person of ordinary 152560  
sensibilities, an offensive and objectionable intrusion into the 152561  
victim's expectation of bodily privacy and integrity. 152562

(ii) The depiction captures or depicts the victim of a 152563  
sexually oriented offense, as defined in section 2950.01 of the 152564  
Revised Code, at the actual occurrence of that offense. 152565

(jj) Restricted portions of a body-worn camera or dashboard 152566  
camera recording; 152567

(kk) In the case of a fetal-infant mortality review board 152568

acting under sections 3707.70 to 3707.77 of the Revised Code, 152569  
records, documents, reports, or other information presented to the 152570  
board or a person abstracting such materials on the board's 152571  
behalf, statements made by review board members during board 152572  
meetings, all work products of the board, and data submitted by 152573  
the board to the department of health or a national infant death 152574  
review database, other than the report prepared pursuant to 152575  
section 3707.77 of the Revised Code. 152576

(ll) Records, documents, reports, or other information 152577  
presented to the pregnancy-associated mortality review board 152578  
established under section 3738.01 of the Revised Code, statements 152579  
made by board members during board meetings, all work products of 152580  
the board, and data submitted by the board to the department of 152581  
health, other than the biennial reports prepared under section 152582  
3738.08 of the Revised Code; 152583

(mm) Except as otherwise provided in division (A)(1)(oo) of 152584  
this section, telephone numbers for a victim, as defined in 152585  
section 2930.01 of the Revised Code or a witness to a crime that 152586  
are listed on any law enforcement record or report. 152587

(nn) A preneed funeral contract, as defined in section 152588  
4717.01 of the Revised Code, and contract terms and personally 152589  
identifying information of a preneed funeral contract, that is 152590  
contained in a report submitted by or for a funeral home to the 152591  
board of embalmers and funeral directors under division (C) of 152592  
section 4717.13, division (J) of section 4717.31, or section 152593  
4717.41 of the Revised Code. 152594

(oo) Telephone numbers for a party to a motor vehicle 152595  
accident subject to the requirements of section 5502.11 of the 152596  
Revised Code that are listed on any law enforcement record or 152597  
report, except that the telephone numbers described in this 152598  
division are not excluded from the definition of "public record" 152599  
under this division on and after the thirtieth day after the 152600

occurrence of the motor vehicle accident. 152601

(pp) Records pertaining to individuals who complete training 152602  
under section 5502.703 of the Revised Code to be permitted by a 152603  
school district board of education or governing body of a 152604  
community school established under Chapter 3314. of the Revised 152605  
Code, a STEM school established under Chapter 3326. of the Revised 152606  
Code, or a chartered nonpublic school to convey deadly weapons or 152607  
dangerous ordnance into a school safety zone; 152608

(qq) Records, documents, reports, or other information 152609  
presented to a domestic violence fatality review board established 152610  
under section 307.651 of the Revised Code, statements made by 152611  
board members during board meetings, all work products of the 152612  
board, and data submitted by the board to the department of 152613  
health, other than a report prepared pursuant to section 307.656 152614  
of the Revised Code; 152615

(rr) Records, documents, and information the release of which 152616  
is prohibited under sections 2930.04 and 2930.07 of the Revised 152617  
Code. 152618

(ss) Records of an existing qualified nonprofit corporation 152619  
that creates a special improvement district under Chapter 1710. of 152620  
the Revised Code that do not pertain to a purpose for which the 152621  
district is created; 152622

A record that is not a public record under division (A)(1) of 152623  
this section and that, under law, is permanently retained becomes 152624  
a public record on the day that is seventy-five years after the 152625  
day on which the record was created, except for any record 152626  
protected by the attorney-client privilege, a trial preparation 152627  
record as defined in this section, a statement prohibiting the 152628  
release of identifying information signed under section 3107.083 152629  
of the Revised Code, a denial of release form filed pursuant to 152630  
section 3107.46 of the Revised Code, or any record that is exempt 152631

from release or disclosure under section 149.433 of the Revised Code. If the record is a birth certificate and a biological parent's name redaction request form has been accepted under section 3107.391 of the Revised Code, the name of that parent shall be redacted from the birth certificate before it is released under this paragraph. If any other section of the Revised Code establishes a time period for disclosure of a record that conflicts with the time period specified in this section, the time period in the other section prevails.

(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:

(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;

(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;

(c) Specific confidential investigatory techniques or procedures or specific investigatory work product;

(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.

(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that

is generated and maintained in the process of medical treatment. 152663

(4) "Trial preparation record" means any record that contains 152664  
information that is specifically compiled in reasonable 152665  
anticipation of, or in defense of, a civil or criminal action or 152666  
proceeding, including the independent thought processes and 152667  
personal trial preparation of an attorney. 152668

(5) "Intellectual property record" means a record, other than 152669  
a financial or administrative record, that is produced or 152670  
collected by or for faculty or staff of a state institution of 152671  
higher learning in the conduct of or as a result of study or 152672  
research on an educational, commercial, scientific, artistic, 152673  
technical, or scholarly issue, regardless of whether the study or 152674  
research was sponsored by the institution alone or in conjunction 152675  
with a governmental body or private concern, and that has not been 152676  
publicly released, published, or patented. 152677

(6) "Donor profile record" means all records about donors or 152678  
potential donors to a public institution of higher education 152679  
except the names and reported addresses of the actual donors and 152680  
the date, amount, and conditions of the actual donation. 152681

(7) "Designated public service worker" means a peace officer, 152682  
parole officer, probation officer, bailiff, prosecuting attorney, 152683  
assistant prosecuting attorney, correctional employee, county or 152684  
multicounty corrections officer, community-based correctional 152685  
facility employee, designated Ohio national guard member, 152686  
protective services worker, youth services employee, firefighter, 152687  
EMT, medical director or member of a cooperating physician 152688  
advisory board of an emergency medical service organization, state 152689  
board of pharmacy employee, investigator of the bureau of criminal 152690  
identification and investigation, emergency service 152691  
telecommunicator, forensic mental health provider, mental health 152692  
evaluation provider, regional psychiatric hospital employee, 152693  
judge, magistrate, or federal law enforcement officer. 152694

(8) "Designated public service worker residential and familial information" means any information that discloses any of the following about a designated public service worker:	152695 152696 152697
(a) The address of the actual personal residence of a designated public service worker, except for the following information:	152698 152699 152700
(i) The address of the actual personal residence of a prosecuting attorney or judge; and	152701 152702
(ii) The state or political subdivision in which a designated public service worker resides.	152703 152704
(b) Information compiled from referral to or participation in an employee assistance program;	152705 152706
(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker;	152707 152708 152709 152710
(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a designated public service worker by the designated public service worker's employer;	152711 152712 152713 152714
(e) The identity and amount of any charitable or employment benefit deduction made by the designated public service worker's employer from the designated public service worker's compensation, unless the amount of the deduction is required by state or federal law;	152715 152716 152717 152718 152719
(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a	152720 152721 152722 152723 152724

designated public service worker; 152725

(g) A photograph of a peace officer who holds a position or 152726  
has an assignment that may include undercover or plain clothes 152727  
positions or assignments as determined by the peace officer's 152728  
appointing authority. 152729

(9) As used in divisions (A)(7) and (15) to (17) of this 152730  
section: 152731

"Peace officer" has the meaning defined in section 109.71 of 152732  
the Revised Code and also includes the superintendent and troopers 152733  
of the state highway patrol; it does not include the sheriff of a 152734  
county or a supervisory employee who, in the absence of the 152735  
sheriff, is authorized to stand in for, exercise the authority of, 152736  
and perform the duties of the sheriff. 152737

"Correctional employee" means any employee of the department 152738  
of rehabilitation and correction who in the course of performing 152739  
the employee's job duties has or has had contact with inmates and 152740  
persons under supervision. 152741

"County or multicounty corrections officer" means any 152742  
corrections officer employed by any county or multicounty 152743  
correctional facility. 152744

"Designated Ohio national guard member" means a member of the 152745  
Ohio national guard who is participating in duties related to 152746  
remotely piloted aircraft, including, but not limited to, pilots, 152747  
sensor operators, and mission intelligence personnel, duties 152748  
related to special forces operations, or duties related to 152749  
cybersecurity, and is designated by the adjutant general as a 152750  
designated public service worker for those purposes. 152751

"Protective services worker" means any employee of a county 152752  
agency who is responsible for child protective services, child 152753  
support services, or adult protective services. 152754

"Youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

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"Firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

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"EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the meanings defined in section 4765.01 of the Revised Code.

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"Investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code.

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~~"Emergency service telecommunicator" has the meaning defined in section 4742.01 of the Revised Code~~ means an individual employed by an emergency service provider as defined under section 128.01 of the Revised Code, whose primary responsibility is to be an operator for the receipt or processing of calls for emergency services made by telephone, radio, or other electronic means.

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"Forensic mental health provider" means any employee of a community mental health service provider or local alcohol, drug addiction, and mental health services board who, in the course of the employee's duties, has contact with persons committed to a local alcohol, drug addiction, and mental health services board by a court order pursuant to section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised Code.

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"Mental health evaluation provider" means an individual who, under Chapter 5122. of the Revised Code, examines a respondent who is alleged to be a mentally ill person subject to court order, as

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defined in section 5122.01 of the Revised Code, and reports to the 152786  
probate court the respondent's mental condition. 152787

"Regional psychiatric hospital employee" means any employee 152788  
of the department of mental health and addiction services who, in 152789  
the course of performing the employee's duties, has contact with 152790  
patients committed to the department of mental health and 152791  
addiction services by a court order pursuant to section 2945.38, 152792  
2945.39, 2945.40, or 2945.402 of the Revised Code. 152793

"Federal law enforcement officer" has the meaning defined in 152794  
section 9.88 of the Revised Code. 152795

(10) "Information pertaining to the recreational activities 152796  
of a person under the age of eighteen" means information that is 152797  
kept in the ordinary course of business by a public office, that 152798  
pertains to the recreational activities of a person under the age 152799  
of eighteen years, and that discloses any of the following: 152800

(a) The address or telephone number of a person under the age 152801  
of eighteen or the address or telephone number of that person's 152802  
parent, guardian, custodian, or emergency contact person; 152803

(b) The social security number, birth date, or photographic 152804  
image of a person under the age of eighteen; 152805

(c) Any medical record, history, or information pertaining to 152806  
a person under the age of eighteen; 152807

(d) Any additional information sought or required about a 152808  
person under the age of eighteen for the purpose of allowing that 152809  
person to participate in any recreational activity conducted or 152810  
sponsored by a public office or to use or obtain admission 152811  
privileges to any recreational facility owned or operated by a 152812  
public office. 152813

(11) "Community control sanction" has the meaning defined in 152814  
section 2929.01 of the Revised Code. 152815

(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.	152816 152817
(13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.	152818 152819 152820 152821
(14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code.	152822 152823
(15) "Body-worn camera" means a visual and audio recording device worn on the person of a correctional employee, youth services employee, or peace officer while the correctional employee, youth services employee, or peace officer is engaged in the performance of official duties.	152824 152825 152826 152827 152828
(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.	152829 152830 152831 152832
(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:	152833 152834 152835 152836
(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the department of rehabilitation and correction, department of youth services, or the law enforcement agency knows or has reason to know the person is a child based on the department's or law enforcement agency's records or the content of the recording;	152837 152838 152839 152840 152841 152842 152843
(b) The death of a person or a deceased person's body, unless the death was caused by a correctional employee, youth services employee, or peace officer or, subject to division (H)(1) of this	152844 152845 152846

section, the consent of the decedent's executor or administrator 152847  
has been obtained; 152848

(c) The death of a correctional employee, youth services 152849  
employee, peace officer, firefighter, paramedic, or other first 152850  
responder, occurring while the decedent was engaged in the 152851  
performance of official duties, unless, subject to division (H)(1) 152852  
of this section, the consent of the decedent's executor or 152853  
administrator has been obtained; 152854

(d) Grievous bodily harm, unless the injury was effected by a 152855  
correctional employee, youth services employee, or peace officer 152856  
or, subject to division (H)(1) of this section, the consent of the 152857  
injured person or the injured person's guardian has been obtained; 152858

(e) An act of severe violence against a person that results 152859  
in serious physical harm to the person, unless the act and injury 152860  
was effected by a correctional employee, youth services employee, 152861  
or peace officer or, subject to division (H)(1) of this section, 152862  
the consent of the injured person or the injured person's guardian 152863  
has been obtained; 152864

(f) Grievous bodily harm to a correctional employee, youth 152865  
services employee, peace officer, firefighter, paramedic, or other 152866  
first responder, occurring while the injured person was engaged in 152867  
the performance of official duties, unless, subject to division 152868  
(H)(1) of this section, the consent of the injured person or the 152869  
injured person's guardian has been obtained; 152870

(g) An act of severe violence resulting in serious physical 152871  
harm against a correctional employee, youth services employee, 152872  
peace officer, firefighter, paramedic, or other first responder, 152873  
occurring while the injured person was engaged in the performance 152874  
of official duties, unless, subject to division (H)(1) of this 152875  
section, the consent of the injured person or the injured person's 152876  
guardian has been obtained; 152877

(h) A person's nude body, unless, subject to division (H)(1)	152878
of this section, the person's consent has been obtained;	152879
(i) Protected health information, the identity of a person in	152880
a health care facility who is not the subject of a law enforcement	152881
encounter, or any other information in a health care facility that	152882
could identify a person who is not the subject of a law	152883
enforcement encounter;	152884
(j) Information that could identify the alleged victim of a	152885
sex offense, menacing by stalking, or domestic violence;	152886
(k) Information, that does not constitute a confidential law	152887
enforcement investigatory record, that could identify a person who	152888
provides sensitive or confidential information to the department	152889
of rehabilitation and correction, the department of youth	152890
services, or a law enforcement agency when the disclosure of the	152891
person's identity or the information provided could reasonably be	152892
expected to threaten or endanger the safety or property of the	152893
person or another person;	152894
(l) Personal information of a person who is not arrested,	152895
cited, charged, or issued a written warning by a peace officer;	152896
(m) Proprietary police contingency plans or tactics that are	152897
intended to prevent crime and maintain public order and safety;	152898
(n) A personal conversation unrelated to work between peace	152899
officers or between a peace officer and an employee of a law	152900
enforcement agency;	152901
(o) A conversation between a peace officer and a member of	152902
the public that does not concern law enforcement activities;	152903
(p) The interior of a residence, unless the interior of a	152904
residence is the location of an adversarial encounter with, or a	152905
use of force by, a peace officer;	152906
(q) Any portion of the interior of a private business that is	152907

not open to the public, unless an adversarial encounter with, or a use of force by, a peace officer occurs in that location. 152908  
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As used in division (A)(17) of this section: 152910

"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code. 152911  
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"Health care facility" has the same meaning as in section 1337.11 of the Revised Code. 152913  
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"Protected health information" has the same meaning as in 45 C.F.R. 160.103. 152915  
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"Law enforcement agency" means a government entity that employs peace officers to perform law enforcement duties. 152917  
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"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases. 152919  
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"Sex offense" has the same meaning as in section 2907.10 of the Revised Code. 152923  
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"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code. 152925  
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(B)(1) Upon request by any person and subject to division (B)(8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to the requester at all reasonable times during regular business hours. Subject to division (B)(8) of this section, upon request by any person, a public office or person responsible for public records shall make copies of the requested public record available to the requester at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public 152927  
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record shall make available all of the information within the 152938  
public record that is not exempt. When making that public record 152939  
available for public inspection or copying that public record, the 152940  
public office or the person responsible for the public record 152941  
shall notify the requester of any redaction or make the redaction 152942  
plainly visible. A redaction shall be deemed a denial of a request 152943  
to inspect or copy the redacted information, except if federal or 152944  
state law authorizes or requires a public office to make the 152945  
redaction. 152946

(2) To facilitate broader access to public records, a public 152947  
office or the person responsible for public records shall organize 152948  
and maintain public records in a manner that they can be made 152949  
available for inspection or copying in accordance with division 152950  
(B) of this section. A public office also shall have available a 152951  
copy of its current records retention schedule at a location 152952  
readily available to the public. If a requester makes an ambiguous 152953  
or overly broad request or has difficulty in making a request for 152954  
copies or inspection of public records under this section such 152955  
that the public office or the person responsible for the requested 152956  
public record cannot reasonably identify what public records are 152957  
being requested, the public office or the person responsible for 152958  
the requested public record may deny the request but shall provide 152959  
the requester with an opportunity to revise the request by 152960  
informing the requester of the manner in which records are 152961  
maintained by the public office and accessed in the ordinary 152962  
course of the public office's or person's duties. 152963

(3) If a request is ultimately denied, in part or in whole, 152964  
the public office or the person responsible for the requested 152965  
public record shall provide the requester with an explanation, 152966  
including legal authority, setting forth why the request was 152967  
denied. If the initial request was provided in writing, the 152968  
explanation also shall be provided to the requester in writing. 152969

The explanation shall not preclude the public office or the person 152970  
responsible for the requested public record from relying upon 152971  
additional reasons or legal authority in defending an action 152972  
commenced under division (C) of this section. 152973

(4) Unless specifically required or authorized by state or 152974  
federal law or in accordance with division (B) of this section, no 152975  
public office or person responsible for public records may limit 152976  
or condition the availability of public records by requiring 152977  
disclosure of the requester's identity or the intended use of the 152978  
requested public record. Any requirement that the requester 152979  
disclose the requester's identity or the intended use of the 152980  
requested public record constitutes a denial of the request. 152981

(5) A public office or person responsible for public records 152982  
may ask a requester to make the request in writing, may ask for 152983  
the requester's identity, and may inquire about the intended use 152984  
of the information requested, but may do so only after disclosing 152985  
to the requester that a written request is not mandatory, that the 152986  
requester may decline to reveal the requester's identity or the 152987  
intended use, and when a written request or disclosure of the 152988  
identity or intended use would benefit the requester by enhancing 152989  
the ability of the public office or person responsible for public 152990  
records to identify, locate, or deliver the public records sought 152991  
by the requester. 152992

(6) If any person requests a copy of a public record in 152993  
accordance with division (B) of this section, the public office or 152994  
person responsible for the public record may require the requester 152995  
to pay in advance the cost involved in providing the copy of the 152996  
public record in accordance with the choice made by the requester 152997  
under this division. The public office or the person responsible 152998  
for the public record shall permit the requester to choose to have 152999  
the public record duplicated upon paper, upon the same medium upon 153000  
which the public office or person responsible for the public 153001

record keeps it, or upon any other medium upon which the public 153002  
office or person responsible for the public record determines that 153003  
it reasonably can be duplicated as an integral part of the normal 153004  
operations of the public office or person responsible for the 153005  
public record. When the requester makes a choice under this 153006  
division, the public office or person responsible for the public 153007  
record shall provide a copy of it in accordance with the choice 153008  
made by the requester. Nothing in this section requires a public 153009  
office or person responsible for the public record to allow the 153010  
requester of a copy of the public record to make the copies of the 153011  
public record. 153012

(7)(a) Upon a request made in accordance with division (B) of 153013  
this section and subject to division (B)(6) of this section, a 153014  
public office or person responsible for public records shall 153015  
transmit a copy of a public record to any person by United States 153016  
mail or by any other means of delivery or transmission within a 153017  
reasonable period of time after receiving the request for the 153018  
copy. The public office or person responsible for the public 153019  
record may require the person making the request to pay in advance 153020  
the cost of postage if the copy is transmitted by United States 153021  
mail or the cost of delivery if the copy is transmitted other than 153022  
by United States mail, and to pay in advance the costs incurred 153023  
for other supplies used in the mailing, delivery, or transmission. 153024

(b) Any public office may adopt a policy and procedures that 153025  
it will follow in transmitting, within a reasonable period of time 153026  
after receiving a request, copies of public records by United 153027  
States mail or by any other means of delivery or transmission 153028  
pursuant to division (B)(7) of this section. A public office that 153029  
adopts a policy and procedures under division (B)(7) of this 153030  
section shall comply with them in performing its duties under that 153031  
division. 153032

(c) In any policy and procedures adopted under division 153033

(B)(7) of this section: 153034

(i) A public office may limit the number of records requested 153035  
by a person that the office will physically deliver by United 153036  
States mail or by another delivery service to ten per month, 153037  
unless the person certifies to the office in writing that the 153038  
person does not intend to use or forward the requested records, or 153039  
the information contained in them, for commercial purposes; 153040

(ii) A public office that chooses to provide some or all of 153041  
its public records on a web site that is fully accessible to and 153042  
searchable by members of the public at all times, other than 153043  
during acts of God outside the public office's control or 153044  
maintenance, and that charges no fee to search, access, download, 153045  
or otherwise receive records provided on the web site, may limit 153046  
to ten per month the number of records requested by a person that 153047  
the office will deliver in a digital format, unless the requested 153048  
records are not provided on the web site and unless the person 153049  
certifies to the office in writing that the person does not intend 153050  
to use or forward the requested records, or the information 153051  
contained in them, for commercial purposes. 153052

(iii) For purposes of division (B)(7) of this section, 153053  
"commercial" shall be narrowly construed and does not include 153054  
reporting or gathering news, reporting or gathering information to 153055  
assist citizen oversight or understanding of the operation or 153056  
activities of government, or nonprofit educational research. 153057

(8) A public office or person responsible for public records 153058  
is not required to permit a person who is incarcerated pursuant to 153059  
a criminal conviction or a juvenile adjudication to inspect or to 153060  
obtain a copy of any public record concerning a criminal 153061  
investigation or prosecution or concerning what would be a 153062  
criminal investigation or prosecution if the subject of the 153063  
investigation or prosecution were an adult, unless the request to 153064  
inspect or to obtain a copy of the record is for the purpose of 153065

acquiring information that is subject to release as a public 153066  
record under this section and the judge who imposed the sentence 153067  
or made the adjudication with respect to the person, or the 153068  
judge's successor in office, finds that the information sought in 153069  
the public record is necessary to support what appears to be a 153070  
justiciable claim of the person. 153071

(9)(a) Upon written request made and signed by a journalist, 153072  
a public office, or person responsible for public records, having 153073  
custody of the records of the agency employing a specified 153074  
designated public service worker shall disclose to the journalist 153075  
the address of the actual personal residence of the designated 153076  
public service worker and, if the designated public service 153077  
worker's spouse, former spouse, or child is employed by a public 153078  
office, the name and address of the employer of the designated 153079  
public service worker's spouse, former spouse, or child. The 153080  
request shall include the journalist's name and title and the name 153081  
and address of the journalist's employer and shall state that 153082  
disclosure of the information sought would be in the public 153083  
interest. 153084

(b) Division (B)(9)(a) of this section also applies to 153085  
journalist requests for: 153086

(i) Customer information maintained by a municipally owned or 153087  
operated public utility, other than social security numbers and 153088  
any private financial information such as credit reports, payment 153089  
methods, credit card numbers, and bank account information; 153090

(ii) Information about minors involved in a school vehicle 153091  
accident as provided in division (A)(1)(gg) of this section, other 153092  
than personal information as defined in section 149.45 of the 153093  
Revised Code. 153094

(c) As used in division (B)(9) of this section, "journalist" 153095  
means a person engaged in, connected with, or employed by any news 153096

medium, including a newspaper, magazine, press association, news 153097  
agency, or wire service, a radio or television station, or a 153098  
similar medium, for the purpose of gathering, processing, 153099  
transmitting, compiling, editing, or disseminating information for 153100  
the general public. 153101

(10) Upon a request made by a victim, victim's attorney, or 153102  
victim's representative, as that term is used in section 2930.02 153103  
of the Revised Code, a public office or person responsible for 153104  
public records shall transmit a copy of a depiction of the victim 153105  
as described in division (A)(1)(ii) of this section to the victim, 153106  
victim's attorney, or victim's representative. 153107

(C)(1) If a person allegedly is aggrieved by the failure of a 153108  
public office or the person responsible for public records to 153109  
promptly prepare a public record and to make it available to the 153110  
person for inspection in accordance with division (B) of this 153111  
section or by any other failure of a public office or the person 153112  
responsible for public records to comply with an obligation in 153113  
accordance with division (B) of this section, the person allegedly 153114  
aggrieved may do only one of the following, and not both: 153115

(a) File a complaint with the clerk of the court of claims or 153116  
the clerk of the court of common pleas under section 2743.75 of 153117  
the Revised Code; 153118

(b) Commence a mandamus action to obtain a judgment that 153119  
orders the public office or the person responsible for the public 153120  
record to comply with division (B) of this section, that awards 153121  
court costs and reasonable attorney's fees to the person that 153122  
instituted the mandamus action, and, if applicable, that includes 153123  
an order fixing statutory damages under division (C)(2) of this 153124  
section. The mandamus action may be commenced in the court of 153125  
common pleas of the county in which division (B) of this section 153126  
allegedly was not complied with, in the supreme court pursuant to 153127  
its original jurisdiction under Section 2 of Article IV, Ohio 153128

Constitution, or in the court of appeals for the appellate 153129  
district in which division (B) of this section allegedly was not 153130  
complied with pursuant to its original jurisdiction under Section 153131  
3 of Article IV, Ohio Constitution. 153132

(2) If a requester transmits a written request by hand 153133  
delivery, electronic submission, or certified mail to inspect or 153134  
receive copies of any public record in a manner that fairly 153135  
describes the public record or class of public records to the 153136  
public office or person responsible for the requested public 153137  
records, except as otherwise provided in this section, the 153138  
requester shall be entitled to recover the amount of statutory 153139  
damages set forth in this division if a court determines that the 153140  
public office or the person responsible for public records failed 153141  
to comply with an obligation in accordance with division (B) of 153142  
this section. 153143

The amount of statutory damages shall be fixed at one hundred 153144  
dollars for each business day during which the public office or 153145  
person responsible for the requested public records failed to 153146  
comply with an obligation in accordance with division (B) of this 153147  
section, beginning with the day on which the requester files a 153148  
mandamus action to recover statutory damages, up to a maximum of 153149  
one thousand dollars. The award of statutory damages shall not be 153150  
construed as a penalty, but as compensation for injury arising 153151  
from lost use of the requested information. The existence of this 153152  
injury shall be conclusively presumed. The award of statutory 153153  
damages shall be in addition to all other remedies authorized by 153154  
this section. 153155

The court may reduce an award of statutory damages or not 153156  
award statutory damages if the court determines both of the 153157  
following: 153158

(a) That, based on the ordinary application of statutory law 153159  
and case law as it existed at the time of the conduct or 153160

threatened conduct of the public office or person responsible for 153161  
the requested public records that allegedly constitutes a failure 153162  
to comply with an obligation in accordance with division (B) of 153163  
this section and that was the basis of the mandamus action, a 153164  
well-informed public office or person responsible for the 153165  
requested public records reasonably would believe that the conduct 153166  
or threatened conduct of the public office or person responsible 153167  
for the requested public records did not constitute a failure to 153168  
comply with an obligation in accordance with division (B) of this 153169  
section; 153170

(b) That a well-informed public office or person responsible 153171  
for the requested public records reasonably would believe that the 153172  
conduct or threatened conduct of the public office or person 153173  
responsible for the requested public records would serve the 153174  
public policy that underlies the authority that is asserted as 153175  
permitting that conduct or threatened conduct. 153176

(3) In a mandamus action filed under division (C)(1) of this 153177  
section, the following apply: 153178

(a)(i) If the court orders the public office or the person 153179  
responsible for the public record to comply with division (B) of 153180  
this section, the court shall determine and award to the relator 153181  
all court costs, which shall be construed as remedial and not 153182  
punitive. 153183

(ii) If the court makes a determination described in division 153184  
(C)(3)(b)(iii) of this section, the court shall determine and 153185  
award to the relator all court costs, which shall be construed as 153186  
remedial and not punitive. 153187

(b) If the court renders a judgment that orders the public 153188  
office or the person responsible for the public record to comply 153189  
with division (B) of this section or if the court determines any 153190  
of the following, the court may award reasonable attorney's fees 153191

to the relator, subject to division (C)(4) of this section: 153192

(i) The public office or the person responsible for the 153193  
public records failed to respond affirmatively or negatively to 153194  
the public records request in accordance with the time allowed 153195  
under division (B) of this section. 153196

(ii) The public office or the person responsible for the 153197  
public records promised to permit the relator to inspect or 153198  
receive copies of the public records requested within a specified 153199  
period of time but failed to fulfill that promise within that 153200  
specified period of time. 153201

(iii) The public office or the person responsible for the 153202  
public records acted in bad faith when the office or person 153203  
voluntarily made the public records available to the relator for 153204  
the first time after the relator commenced the mandamus action, 153205  
but before the court issued any order concluding whether or not 153206  
the public office or person was required to comply with division 153207  
(B) of this section. No discovery may be conducted on the issue of 153208  
the alleged bad faith of the public office or person responsible 153209  
for the public records. This division shall not be construed as 153210  
creating a presumption that the public office or the person 153211  
responsible for the public records acted in bad faith when the 153212  
office or person voluntarily made the public records available to 153213  
the relator for the first time after the relator commenced the 153214  
mandamus action, but before the court issued any order described 153215  
in this division. 153216

(c) The court shall not award attorney's fees to the relator 153217  
if the court determines both of the following: 153218

(i) That, based on the ordinary application of statutory law 153219  
and case law as it existed at the time of the conduct or 153220  
threatened conduct of the public office or person responsible for 153221  
the requested public records that allegedly constitutes a failure 153222

to comply with an obligation in accordance with division (B) of 153223  
this section and that was the basis of the mandamus action, a 153224  
well-informed public office or person responsible for the 153225  
requested public records reasonably would believe that the conduct 153226  
or threatened conduct of the public office or person responsible 153227  
for the requested public records did not constitute a failure to 153228  
comply with an obligation in accordance with division (B) of this 153229  
section; 153230

(ii) That a well-informed public office or person responsible 153231  
for the requested public records reasonably would believe that the 153232  
conduct or threatened conduct of the public office or person 153233  
responsible for the requested public records would serve the 153234  
public policy that underlies the authority that is asserted as 153235  
permitting that conduct or threatened conduct. 153236

(4) All of the following apply to any award of reasonable 153237  
attorney's fees awarded under division (C)(3)(b) of this section: 153238

(a) The fees shall be construed as remedial and not punitive. 153239

(b) The fees awarded shall not exceed the total of the 153240  
reasonable attorney's fees incurred before the public record was 153241  
made available to the relator and the fees described in division 153242  
(C)(4)(c) of this section. 153243

(c) Reasonable attorney's fees shall include reasonable fees 153244  
incurred to produce proof of the reasonableness and amount of the 153245  
fees and to otherwise litigate entitlement to the fees. 153246

(d) The court may reduce the amount of fees awarded if the 153247  
court determines that, given the factual circumstances involved 153248  
with the specific public records request, an alternative means 153249  
should have been pursued to more effectively and efficiently 153250  
resolve the dispute that was subject to the mandamus action filed 153251  
under division (C)(1) of this section. 153252

(5) If the court does not issue a writ of mandamus under 153253

division (C) of this section and the court determines at that time 153254  
that the bringing of the mandamus action was frivolous conduct as 153255  
defined in division (A) of section 2323.51 of the Revised Code, 153256  
the court may award to the public office all court costs, 153257  
expenses, and reasonable attorney's fees, as determined by the 153258  
court. 153259

(D) Chapter 1347. of the Revised Code does not limit the 153260  
provisions of this section. 153261

(E)(1) To ensure that all employees of public offices are 153262  
appropriately educated about a public office's obligations under 153263  
division (B) of this section, all elected officials or their 153264  
appropriate designees shall attend training approved by the 153265  
attorney general as provided in section 109.43 of the Revised 153266  
Code. A future official may satisfy the requirements of this 153267  
division by attending the training before taking office, provided 153268  
that the future official may not send a designee in the future 153269  
official's place. 153270

(2) All public offices shall adopt a public records policy in 153271  
compliance with this section for responding to public records 153272  
requests. In adopting a public records policy under this division, 153273  
a public office may obtain guidance from the model public records 153274  
policy developed and provided to the public office by the attorney 153275  
general under section 109.43 of the Revised Code. Except as 153276  
otherwise provided in this section, the policy may not limit the 153277  
number of public records that the public office will make 153278  
available to a single person, may not limit the number of public 153279  
records that it will make available during a fixed period of time, 153280  
and may not establish a fixed period of time before it will 153281  
respond to a request for inspection or copying of public records, 153282  
unless that period is less than eight hours. 153283

The public office shall distribute the public records policy 153284  
adopted by the public office under this division to the employee 153285

of the public office who is the records custodian or records manager or otherwise has custody of the records of that office. The public office shall require that employee to acknowledge receipt of the copy of the public records policy. The public office shall create a poster that describes its public records policy and shall post the poster in a conspicuous place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public offices shall include the public records policy of the public office in the manual or handbook.

(F)(1) The bureau of motor vehicles may adopt rules pursuant to Chapter 119. of the Revised Code to reasonably limit the number of bulk commercial special extraction requests made by a person for the same records or for updated records during a calendar year. The rules may include provisions for charges to be made for bulk commercial special extraction requests for the actual cost of the bureau, plus special extraction costs, plus ten per cent. The bureau may charge for expenses for redacting information, the release of which is prohibited by law.

(2) As used in division (F)(1) of this section:

(a) "Actual cost" means the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.

(b) "Bulk commercial special extraction request" means a request for copies of a record for information in a format other than the format already available, or information that cannot be

extracted without examination of all items in a records series, 153318  
class of records, or database by a person who intends to use or 153319  
forward the copies for surveys, marketing, solicitation, or resale 153320  
for commercial purposes. "Bulk commercial special extraction 153321  
request" does not include a request by a person who gives 153322  
assurance to the bureau that the person making the request does 153323  
not intend to use or forward the requested copies for surveys, 153324  
marketing, solicitation, or resale for commercial purposes. 153325

(c) "Commercial" means profit-seeking production, buying, or 153326  
selling of any good, service, or other product. 153327

(d) "Special extraction costs" means the cost of the time 153328  
spent by the lowest paid employee competent to perform the task, 153329  
the actual amount paid to outside private contractors employed by 153330  
the bureau, or the actual cost incurred to create computer 153331  
programs to make the special extraction. "Special extraction 153332  
costs" include any charges paid to a public agency for computer or 153333  
records services. 153334

(3) For purposes of divisions (F)(1) and (2) of this section, 153335  
"surveys, marketing, solicitation, or resale for commercial 153336  
purposes" shall be narrowly construed and does not include 153337  
reporting or gathering news, reporting or gathering information to 153338  
assist citizen oversight or understanding of the operation or 153339  
activities of government, or nonprofit educational research. 153340

(G) A request by a defendant, counsel of a defendant, or any 153341  
agent of a defendant in a criminal action that public records 153342  
related to that action be made available under this section shall 153343  
be considered a demand for discovery pursuant to the Criminal 153344  
Rules, except to the extent that the Criminal Rules plainly 153345  
indicate a contrary intent. The defendant, counsel of the 153346  
defendant, or agent of the defendant making a request under this 153347  
division shall serve a copy of the request on the prosecuting 153348  
attorney, director of law, or other chief legal officer 153349

responsible for prosecuting the action. 153350

(H)(1) Any portion of a body-worn camera or dashboard camera 153351  
recording described in divisions (A)(17)(b) to (h) of this section 153352  
may be released by consent of the subject of the recording or a 153353  
representative of that person, as specified in those divisions, 153354  
only if either of the following applies: 153355

(a) The recording will not be used in connection with any 153356  
probable or pending criminal proceedings; 153357

(b) The recording has been used in connection with a criminal 153358  
proceeding that was dismissed or for which a judgment has been 153359  
entered pursuant to Rule 32 of the Rules of Criminal Procedure, 153360  
and will not be used again in connection with any probable or 153361  
pending criminal proceedings. 153362

(2) If a public office denies a request to release a 153363  
restricted portion of a body-worn camera or dashboard camera 153364  
recording, as defined in division (A)(17) of this section, any 153365  
person may file a mandamus action pursuant to this section or a 153366  
complaint with the clerk of the court of claims pursuant to 153367  
section 2743.75 of the Revised Code, requesting the court to order 153368  
the release of all or portions of the recording. If the court 153369  
considering the request determines that the filing articulates by 153370  
clear and convincing evidence that the public interest in the 153371  
recording substantially outweighs privacy interests and other 153372  
interests asserted to deny release, the court shall order the 153373  
public office to release the recording. 153374

**Sec. 2913.01.** As used in this chapter, unless the context 153375  
requires that a term be given a different meaning: 153376

(A) "Deception" means knowingly deceiving another or causing 153377  
another to be deceived by any false or misleading representation, 153378  
by withholding information, by preventing another from acquiring 153379

information, or by any other conduct, act, or omission that 153380  
creates, confirms, or perpetuates a false impression in another, 153381  
including a false impression as to law, value, state of mind, or 153382  
other objective or subjective fact. 153383

(B) "Defraud" means to knowingly obtain, by deception, some 153384  
benefit for oneself or another, or to knowingly cause, by 153385  
deception, some detriment to another. 153386

(C) "Deprive" means to do any of the following: 153387

(1) Withhold property of another permanently, or for a period 153388  
that appropriates a substantial portion of its value or use, or 153389  
with purpose to restore it only upon payment of a reward or other 153390  
consideration; 153391

(2) Dispose of property so as to make it unlikely that the 153392  
owner will recover it; 153393

(3) Accept, use, or appropriate money, property, or services, 153394  
with purpose not to give proper consideration in return for the 153395  
money, property, or services, and without reasonable justification 153396  
or excuse for not giving proper consideration. 153397

(D) "Owner" means, unless the context requires a different 153398  
meaning, any person, other than the actor, who is the owner of, 153399  
who has possession or control of, or who has any license or 153400  
interest in property or services, even though the ownership, 153401  
possession, control, license, or interest is unlawful. 153402

(E) "Services" include labor, personal services, professional 153403  
services, rental services, public utility services including 153404  
wireless service as defined in division ~~(F)(1)~~(F) of section 153405  
128.01 of the Revised Code, common carrier services, and food, 153406  
drink, transportation, entertainment, and cable television 153407  
services and, for purposes of section 2913.04 of the Revised Code, 153408  
include cable services as defined in that section. 153409

(F) "Writing" means any computer software, document, letter, memorandum, note, paper, plate, data, film, or other thing having in or upon it any written, typewritten, or printed matter, and any token, stamp, seal, credit card, badge, trademark, label, or other symbol of value, right, privilege, license, or identification.

(G) "Forge" means to fabricate or create, in whole or in part and by any means, any spurious writing, or to make, execute, alter, complete, reproduce, or otherwise purport to authenticate any writing, when the writing in fact is not authenticated by that conduct.

(H) "Utter" means to issue, publish, transfer, use, put or send into circulation, deliver, or display.

(I) "Coin machine" means any mechanical or electronic device designed to do both of the following:

(1) Receive a coin, bill, or token made for that purpose;

(2) In return for the insertion or deposit of a coin, bill, or token, automatically dispense property, provide a service, or grant a license.

(J) "Slug" means an object that, by virtue of its size, shape, composition, or other quality, is capable of being inserted or deposited in a coin machine as an improper substitute for a genuine coin, bill, or token made for that purpose.

(K) "Theft offense" means any of the following:

(1) A violation of section 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 2913.47, 2913.48, former section 2913.47 or 2913.48, or section 2913.51, 2915.05, or 2921.41 of the Revised Code;

(2) A violation of an existing or former municipal ordinance

or law of this or any other state, or of the United States, 153440  
substantially equivalent to any section listed in division (K)(1) 153441  
of this section or a violation of section 2913.41, 2913.81, or 153442  
2915.06 of the Revised Code as it existed prior to July 1, 1996; 153443

(3) An offense under an existing or former municipal 153444  
ordinance or law of this or any other state, or of the United 153445  
States, involving robbery, burglary, breaking and entering, theft, 153446  
embezzlement, wrongful conversion, forgery, counterfeiting, 153447  
deceit, or fraud; 153448

(4) A conspiracy or attempt to commit, or complicity in 153449  
committing, any offense under division (K)(1), (2), or (3) of this 153450  
section. 153451

(L) "Computer services" includes, but is not limited to, the 153452  
use of a computer system, computer network, computer program, data 153453  
that is prepared for computer use, or data that is contained 153454  
within a computer system or computer network. 153455

(M) "Computer" means an electronic device that performs 153456  
logical, arithmetic, and memory functions by the manipulation of 153457  
electronic or magnetic impulses. "Computer" includes, but is not 153458  
limited to, all input, output, processing, storage, computer 153459  
program, or communication facilities that are connected, or 153460  
related, in a computer system or network to an electronic device 153461  
of that nature. 153462

(N) "Computer system" means a computer and related devices, 153463  
whether connected or unconnected, including, but not limited to, 153464  
data input, output, and storage devices, data communications 153465  
links, and computer programs and data that make the system capable 153466  
of performing specified special purpose data processing tasks. 153467

(O) "Computer network" means a set of related and remotely 153468  
connected computers and communication facilities that includes 153469  
more than one computer system that has the capability to transmit 153470

among the connected computers and communication facilities through 153471  
the use of computer facilities. 153472

(P) "Computer program" means an ordered set of data 153473  
representing coded instructions or statements that, when executed 153474  
by a computer, cause the computer to process data. 153475

(Q) "Computer software" means computer programs, procedures, 153476  
and other documentation associated with the operation of a 153477  
computer system. 153478

(R) "Data" means a representation of information, knowledge, 153479  
facts, concepts, or instructions that are being or have been 153480  
prepared in a formalized manner and that are intended for use in a 153481  
computer, computer system, or computer network. For purposes of 153482  
section 2913.47 of the Revised Code, "data" has the additional 153483  
meaning set forth in division (A) of that section. 153484

(S) "Cable television service" means any services provided by 153485  
or through the facilities of any cable television system or other 153486  
similar closed circuit coaxial cable communications system, or any 153487  
microwave or similar transmission service used in connection with 153488  
any cable television system or other similar closed circuit 153489  
coaxial cable communications system. 153490

(T) "Gain access" means to approach, instruct, communicate 153491  
with, store data in, retrieve data from, or otherwise make use of 153492  
any resources of a computer, computer system, or computer network, 153493  
or any cable service or cable system both as defined in section 153494  
2913.04 of the Revised Code. 153495

(U) "Credit card" includes, but is not limited to, a card, 153496  
code, device, or other means of access to a customer's account for 153497  
the purpose of obtaining money, property, labor, or services on 153498  
credit, or for initiating an electronic fund transfer at a 153499  
point-of-sale terminal, an automated teller machine, or a cash 153500  
dispensing machine. It also includes a county procurement card 153501

issued under section 301.29 of the Revised Code. 153502

(V) "Electronic fund transfer" has the same meaning as in 92 153503  
Stat. 3728, 15 U.S.C.A. 1693a, as amended. 153504

(W) "Rented property" means personal property in which the 153505  
right of possession and use of the property is for a short and 153506  
possibly indeterminate term in return for consideration; the 153507  
rentee generally controls the duration of possession of the 153508  
property, within any applicable minimum or maximum term; and the 153509  
amount of consideration generally is determined by the duration of 153510  
possession of the property. 153511

(X) "Telecommunication" means the origination, emission, 153512  
dissemination, transmission, or reception of data, images, 153513  
signals, sounds, or other intelligence or equivalence of 153514  
intelligence of any nature over any communications system by any 153515  
method, including, but not limited to, a fiber optic, electronic, 153516  
magnetic, optical, digital, or analog method. 153517

(Y) "Telecommunications device" means any instrument, 153518  
equipment, machine, or other device that facilitates 153519  
telecommunication, including, but not limited to, a computer, 153520  
computer network, computer chip, computer circuit, scanner, 153521  
telephone, cellular telephone, pager, personal communications 153522  
device, transponder, receiver, radio, modem, or device that 153523  
enables the use of a modem. 153524

(Z) "Telecommunications service" means the providing, 153525  
allowing, facilitating, or generating of any form of 153526  
telecommunication through the use of a telecommunications device 153527  
over a telecommunications system. 153528

(AA) "Counterfeit telecommunications device" means a 153529  
telecommunications device that, alone or with another 153530  
telecommunications device, has been altered, constructed, 153531  
manufactured, or programmed to acquire, intercept, receive, or 153532

otherwise facilitate the use of a telecommunications service or 153533  
information service without the authority or consent of the 153534  
provider of the telecommunications service or information service. 153535  
"Counterfeit telecommunications device" includes, but is not 153536  
limited to, a clone telephone, clone microchip, tumbler telephone, 153537  
or tumbler microchip; a wireless scanning device capable of 153538  
acquiring, intercepting, receiving, or otherwise facilitating the 153539  
use of telecommunications service or information service without 153540  
immediate detection; or a device, equipment, hardware, or software 153541  
designed for, or capable of, altering or changing the electronic 153542  
serial number in a wireless telephone. 153543

(BB)(1) "Information service" means, subject to division 153544  
(BB)(2) of this section, the offering of a capability for 153545  
generating, acquiring, storing, transforming, processing, 153546  
retrieving, utilizing, or making available information via 153547  
telecommunications, including, but not limited to, electronic 153548  
publishing. 153549

(2) "Information service" does not include any use of a 153550  
capability of a type described in division (BB)(1) of this section 153551  
for the management, control, or operation of a telecommunications 153552  
system or the management of a telecommunications service. 153553

(CC) "Elderly person" means a person who is sixty-five years 153554  
of age or older. 153555

(DD) "Disabled adult" means a person who is eighteen years of 153556  
age or older and has some impairment of body or mind that makes 153557  
the person unable to work at any substantially remunerative 153558  
employment that the person otherwise would be able to perform and 153559  
that will, with reasonable probability, continue for a period of 153560  
at least twelve months without any present indication of recovery 153561  
from the impairment, or who is eighteen years of age or older and 153562  
has been certified as permanently and totally disabled by an 153563  
agency of this state or the United States that has the function of 153564

so classifying persons. 153565

(EE) "Firearm" and "dangerous ordnance" have the same 153566  
meanings as in section 2923.11 of the Revised Code. 153567

(FF) "Motor vehicle" has the same meaning as in section 153568  
4501.01 of the Revised Code. 153569

(GG) "Dangerous drug" has the same meaning as in section 153570  
4729.01 of the Revised Code. 153571

(HH) "Drug abuse offense" has the same meaning as in section 153572  
2925.01 of the Revised Code. 153573

(II)(1) "Computer hacking" means any of the following: 153574

(a) Gaining access or attempting to gain access to all or 153575  
part of a computer, computer system, or a computer network without 153576  
express or implied authorization with the intent to defraud or 153577  
with intent to commit a crime; 153578

(b) Misusing computer or network services including, but not 153579  
limited to, mail transfer programs, file transfer programs, proxy 153580  
servers, and web servers by performing functions not authorized by 153581  
the owner of the computer, computer system, or computer network or 153582  
other person authorized to give consent. As used in this division, 153583  
"misuse of computer and network services" includes, but is not 153584  
limited to, the unauthorized use of any of the following: 153585

(i) Mail transfer programs to send mail to persons other than 153586  
the authorized users of that computer or computer network; 153587

(ii) File transfer program proxy services or proxy servers to 153588  
access other computers, computer systems, or computer networks; 153589

(iii) Web servers to redirect users to other web pages or web 153590  
servers. 153591

(c)(i) Subject to division (II)(1)(c)(ii) of this section, 153592  
using a group of computer programs commonly known as "port 153593  
scanners" or "probes" to intentionally access any computer, 153594

computer system, or computer network without the permission of the owner of the computer, computer system, or computer network or other person authorized to give consent. The group of computer programs referred to in this division includes, but is not limited to, those computer programs that use a computer network to access a computer, computer system, or another computer network to determine any of the following: the presence or types of computers or computer systems on a network; the computer network's facilities and capabilities; the availability of computer or network services; the presence or versions of computer software including, but not limited to, operating systems, computer services, or computer contaminants; the presence of a known computer software deficiency that can be used to gain unauthorized access to a computer, computer system, or computer network; or any other information about a computer, computer system, or computer network not necessary for the normal and lawful operation of the computer initiating the access.

(ii) The group of computer programs referred to in division (II)(1)(c)(i) of this section does not include standard computer software used for the normal operation, administration, management, and test of a computer, computer system, or computer network including, but not limited to, domain name services, mail transfer services, and other operating system services, computer programs commonly called "ping," "tcpdump," and "traceroute" and other network monitoring and management computer software, and computer programs commonly known as "nslookup" and "whois" and other systems administration computer software.

(d) The intentional use of a computer, computer system, or a computer network in a manner that exceeds any right or permission granted by the owner of the computer, computer system, or computer network or other person authorized to give consent.

(2) "Computer hacking" does not include the introduction of a

computer contaminant, as defined in section 2909.01 of the Revised Code, into a computer, computer system, computer program, or computer network.

(JJ) "Police dog or horse" has the same meaning as in section 2921.321 of the Revised Code.

(KK) "Anhydrous ammonia" is a compound formed by the combination of two gaseous elements, nitrogen and hydrogen, in the manner described in this division. Anhydrous ammonia is one part nitrogen to three parts hydrogen (NH<sub>3</sub>). Anhydrous ammonia by weight is fourteen parts nitrogen to three parts hydrogen, which is approximately eighty-two per cent nitrogen to eighteen per cent hydrogen.

(LL) "Assistance dog" has the same meaning as in section 955.011 of the Revised Code.

(MM) "Federally licensed firearms dealer" has the same meaning as in section 5502.63 of the Revised Code.

(NN) "Active duty service member" means any member of the armed forces of the United States performing active duty under title 10 of the United States Code.

**Sec. 4776.20.** (A) As used in this section:

(1) "Licensing agency" means, in addition to each board identified in division (C) of section 4776.01 of the Revised Code, the board or other government entity authorized to issue a license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., ~~4742.~~, 4747., 4749., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 4766., 4771., 4773., and 4781. of the Revised Code. "Licensing agency" includes an administrative officer that has authority to issue a license.

(2) "Licensee" means, in addition to a licensee as described

in division (B) of section 4776.01 of the Revised Code, the person 153657  
to whom a license is issued by the board or other government 153658  
entity authorized to issue a license under Chapters 4703., 4707., 153659  
4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 153660  
4736., 4737., 4738., 4740., ~~4742.~~, 4747., 4749., 4751., 4752., 153661  
4753., 4758., 4759., 4763., 4764., 4765., 4766., 4771., 4773., and 153662  
4781. of the Revised Code. 153663

(3) "Prosecutor" has the same meaning as in section 2935.01 153664  
of the Revised Code. 153665

(B) On a licensee's conviction of, plea of guilty to, 153666  
judicial finding of guilt of, or judicial finding of guilt 153667  
resulting from a plea of no contest to the offense of trafficking 153668  
in persons in violation of section 2905.32 of the Revised Code, 153669  
the prosecutor in the case shall promptly notify the licensing 153670  
agency of the conviction, plea, or finding and provide the 153671  
licensee's name and residential address. On receipt of this 153672  
notification, the licensing agency shall immediately suspend the 153673  
licensee's license. 153674

(C) If there is a conviction of, plea of guilty to, judicial 153675  
finding of guilt of, or judicial finding of guilt resulting from a 153676  
plea of no contest to the offense of trafficking in persons in 153677  
violation of section 2905.32 of the Revised Code and all or part 153678  
of the violation occurred on the premises of a facility that is 153679  
licensed by a licensing agency, the prosecutor in the case shall 153680  
promptly notify the licensing agency of the conviction, plea, or 153681  
finding and provide the facility's name and address and the 153682  
offender's name and residential address. On receipt of this 153683  
notification, the licensing agency shall immediately suspend the 153684  
facility's license. 153685

(D) Notwithstanding any provision of the Revised Code to the 153686  
contrary, the suspension of a license under division (B) or (C) of 153687  
this section shall be implemented by a licensing agency without a 153688

prior hearing. After the suspension, the licensing agency shall 153689  
give written notice to the subject of the suspension of the right 153690  
to request a hearing under Chapter 119. of the Revised Code. After 153691  
a hearing is held, the licensing agency shall either revoke or 153692  
permanently revoke the license of the subject of the suspension, 153693  
unless it determines that the license holder has not been 153694  
convicted of, pleaded guilty to, been found guilty of, or been 153695  
found guilty based on a plea of no contest to the offense of 153696  
trafficking in persons in violation of section 2905.32 of the 153697  
Revised Code. 153698

**Sec. 5703.052.** (A) There is hereby created in the state 153699  
treasury the tax refund fund, from which refunds shall be paid for 153700  
taxes illegally or erroneously assessed or collected, or for any 153701  
other reason overpaid, that are levied by Chapter 4301., 4305., 153702  
5726., 5728., 5729., 5731., 5733., 5735., 5736., 5739., 5741., 153703  
5743., 5747., 5748., 5749., 5751., or 5753. and sections 3737.71, 153704  
3905.35, 3905.36, 4303.33, 5707.03, 5725.18, 5727.28, 5727.38, 153705  
5727.81, and 5727.811 of the Revised Code. Refunds for fees ~~or~~ 153706  
levied under sections 3734.90 to 3734.9014 of the Revised Code, 153707  
wireless 9-1-1 charges imposed under section 128.40 of the Revised 153708  
Code, or next generation 9-1-1 access fees imposed under sections 153709  
128.41 and 128.42 of the Revised Code illegally or erroneously 153710  
assessed or collected, or for any other reason overpaid, ~~that are~~ 153711  
~~levied by sections 128.42 or 3734.90 to 3734.9014 of the Revised~~ 153712  
~~Code~~ also shall be paid from the fund. Refunds for amounts 153713  
illegally or erroneously assessed or collected by the tax 153714  
commissioner, or for any other reason overpaid, that are due under 153715  
section 1509.50 of the Revised Code shall be paid from the fund. 153716  
Refunds for amounts illegally or erroneously assessed or collected 153717  
by the commissioner, or for any other reason overpaid to the 153718  
commissioner, under sections 718.80 to 718.95 of the Revised Code 153719  
shall be paid from the fund. However, refunds for taxes levied 153720

under section 5739.101 of the Revised Code shall not be paid from 153721  
the tax refund fund, but shall be paid as provided in section 153722  
5739.104 of the Revised Code. 153723

(B)(1) Upon certification by the tax commissioner to the 153724  
treasurer of state of a tax refund, next generation 9-1-1 access 153725  
fee, a wireless 9-1-1 charge refund, or another amount refunded, 153726  
or by the superintendent of insurance of a domestic or foreign 153727  
insurance tax refund, the treasurer of state shall place the 153728  
amount certified to the credit of the fund. The certified amount 153729  
transferred shall be derived from the receipts of the same tax, 153730  
fee, wireless 9-1-1 charge, next generation 9-1-1 access fee, or 153731  
other amount from which the refund arose. 153732

(2) When a refund is for a tax, fee, wireless 9-1-1 charge, 153733  
next generation 9-1-1 access fee, or other amount that is not 153734  
levied by the state or that was illegally or erroneously 153735  
distributed to a taxing jurisdiction, the tax commissioner shall 153736  
recover the amount of that refund from the next distribution of 153737  
that tax, fee, wireless 9-1-1 charge, next generation 9-1-1 access 153738  
fee, or other amount that otherwise would be made to the taxing 153739  
jurisdiction. If the amount to be recovered would exceed 153740  
twenty-five per cent of the next distribution of that tax, fee, 153741  
wireless 9-1-1 charge, next generation 9-1-1 access fee, or other 153742  
amount, the commissioner may spread the recovery over more than 153743  
one future distribution, taking into account the amount to be 153744  
recovered and the amount of the anticipated future distributions. 153745  
In no event may the commissioner spread the recovery over a period 153746  
to exceed thirty-six months. 153747

**Sec. 5733.55.** (A) As used in this section: 153748

(1) "9-1-1 system" has the same meaning as in section 128.01 153749  
of the Revised Code. 153750

(2) "Nonrecurring 9-1-1 charges" means nonrecurring charges approved by the public utilities commission for the telephone network portion of a 9-1-1 system pursuant to section ~~128.18~~ 128.33 of the Revised Code.

(3) "Eligible nonrecurring 9-1-1 charges" means all nonrecurring 9-1-1 charges for a 9-1-1 system except both of the following:

(a) Charges for a system that was not established pursuant to a plan adopted under section 128.08 of the Revised Code ~~or an agreement under section 128.09 of the Revised Code;~~

(b) Charges for that part of a system established pursuant to such a plan ~~or agreement~~ that are excluded from the credit by division (C)(2) of section ~~128.18~~ 128.33 of the Revised Code.

(4) "Telephone company" has the same meaning as in section 5727.01 of the Revised Code.

(B) Beginning in tax year 2005, a telephone company shall be allowed a nonrefundable credit against the tax imposed by section 5733.06 of the Revised Code equal to the amount of its eligible nonrecurring 9-1-1 charges. The credit shall be claimed for the company's taxable year that covers the period in which the 9-1-1 service for which the credit is claimed becomes available for use. The credit shall be claimed in the order required by section 5733.98 of the Revised Code. If the credit exceeds the total taxes due under section 5733.06 of the Revised Code for the tax year, the tax commissioner shall credit the excess against taxes due under that section for succeeding tax years until the full amount of the credit is granted.

(C) After the last day a return, with any extensions, may be filed by any telephone company that is eligible to claim a credit under this section, the commissioner shall determine whether the sum of the credits allowed for prior tax years commencing with tax

year 2005 plus the sum of the credits claimed for the current tax 153782  
year exceeds fifteen million dollars. If it does, the credits 153783  
allowed under this section for the current tax year shall be 153784  
reduced by a uniform percentage such that the sum of the credits 153785  
allowed for the current tax year do not exceed fifteen million 153786  
dollars claimed by all telephone companies for all tax years. 153787  
Thereafter, no credit shall be granted under this section, except 153788  
for the remaining portions of any credits allowed under division 153789  
(B) of this section. 153790

(D) A telephone company that is entitled to carry forward a 153791  
credit against its public utility excise tax liability under 153792  
section 5727.39 of the Revised Code is entitled to carry forward 153793  
any amount of that credit remaining after its last public utility 153794  
excise tax payment for the period of July 1, 2003, through June 153795  
30, 2004, and claim that amount as a credit against its 153796  
corporation franchise tax liability under this section. Nothing in 153797  
this section authorizes a telephone company to claim a credit 153798  
under this section for any eligible nonrecurring 9-1-1 charges for 153799  
which it has already claimed a credit under this section or 153800  
section 5727.39 of the Revised Code. 153801

**Sec. 5751.01.** As used in this chapter: 153802

(A) "Person" means, but is not limited to, individuals, 153803  
combinations of individuals of any form, receivers, assignees, 153804  
trustees in bankruptcy, firms, companies, joint-stock companies, 153805  
business trusts, estates, partnerships, limited liability 153806  
partnerships, limited liability companies, associations, joint 153807  
ventures, clubs, societies, for-profit corporations, S 153808  
corporations, qualified subchapter S subsidiaries, qualified 153809  
subchapter S trusts, trusts, entities that are disregarded for 153810  
federal income tax purposes, and any other entities. 153811

(B) "Consolidated elected taxpayer" means a group of two or 153812

more persons treated as a single taxpayer for purposes of this 153813  
chapter as the result of an election made under section 5751.011 153814  
of the Revised Code. 153815

(C) "Combined taxpayer" means a group of two or more persons 153816  
treated as a single taxpayer for purposes of this chapter under 153817  
section 5751.012 of the Revised Code. 153818

(D) "Taxpayer" means any person, or any group of persons in 153819  
the case of a consolidated elected taxpayer or combined taxpayer 153820  
treated as one taxpayer, required to register or pay tax under 153821  
this chapter. "Taxpayer" does not include excluded persons. 153822

(E) "Excluded person" means any of the following: 153823

(1) Any person with not more than one hundred fifty thousand 153824  
dollars of taxable gross receipts during the calendar year. 153825  
Division (E)(1) of this section does not apply to a person that is 153826  
a member of a consolidated elected taxpayer. 153827

(2) A public utility that paid the excise tax imposed by 153828  
section 5727.24 or 5727.30 of the Revised Code based on one or 153829  
more measurement periods that include the entire tax period under 153830  
this chapter, except that a public utility that is a combined 153831  
company is a taxpayer with regard to the following gross receipts: 153832

(a) Taxable gross receipts directly attributed to a public 153833  
utility activity, but not directly attributed to an activity that 153834  
is subject to the excise tax imposed by section 5727.24 or 5727.30 153835  
of the Revised Code; 153836

(b) Taxable gross receipts that cannot be directly attributed 153837  
to any activity, multiplied by a fraction whose numerator is the 153838  
taxable gross receipts described in division (E)(2)(a) of this 153839  
section and whose denominator is the total taxable gross receipts 153840  
that can be directly attributed to any activity; 153841

(c) Except for any differences resulting from the use of an 153842

accrual basis method of accounting for purposes of determining 153843  
gross receipts under this chapter and the use of the cash basis 153844  
method of accounting for purposes of determining gross receipts 153845  
under section 5727.24 of the Revised Code, the gross receipts 153846  
directly attributed to the activity of a natural gas company shall 153847  
be determined in a manner consistent with division (D) of section 153848  
5727.03 of the Revised Code. 153849

As used in division (E)(2) of this section, "combined 153850  
company" and "public utility" have the same meanings as in section 153851  
5727.01 of the Revised Code. 153852

(3) A financial institution, as defined in section 5726.01 of 153853  
the Revised Code, that paid the tax imposed by section 5726.02 of 153854  
the Revised Code based on one or more taxable years that include 153855  
the entire tax period under this chapter; 153856

(4) A person directly or indirectly owned by one or more 153857  
financial institutions, as defined in section 5726.01 of the 153858  
Revised Code, that paid the tax imposed by section 5726.02 of the 153859  
Revised Code based on one or more taxable years that include the 153860  
entire tax period under this chapter. 153861

For the purposes of division (E)(4) of this section, a person 153862  
owns another person under the following circumstances: 153863

(a) In the case of corporations issuing capital stock, one 153864  
corporation owns another corporation if it owns fifty per cent or 153865  
more of the other corporation's capital stock with current voting 153866  
rights; 153867

(b) In the case of a limited liability company, one person 153868  
owns the company if that person's membership interest, as defined 153869  
in section 1706.01 of the Revised Code, is fifty per cent or more 153870  
of the combined membership interests of all persons owning such 153871  
interests in the company; 153872

(c) In the case of a partnership, trust, or other 153873

unincorporated business organization other than a limited liability company, one person owns the organization if, under the articles of organization or other instrument governing the affairs of the organization, that person has a beneficial interest in the organization's profits, surpluses, losses, or distributions of fifty per cent or more of the combined beneficial interests of all persons having such an interest in the organization.

(5) A domestic insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18 or Chapter 5729. of the Revised Code, or an unauthorized insurance company whose gross premiums are subject to tax under section 3905.36 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter;

(6) A person that solely facilitates or services one or more securitizations of phase-in-recovery property pursuant to a final financing order as those terms are defined in section 4928.23 of the Revised Code. For purposes of this division, "securitization" means transferring one or more assets to one or more persons and then issuing securities backed by the right to receive payment from the asset or assets so transferred.

(7) Except as otherwise provided in this division, a pre-income tax trust as defined in section 5747.01 of the Revised Code and any pass-through entity of which such pre-income tax trust owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests. If the pre-income tax trust has made a qualifying pre-income tax trust election under division (EE) of section 5747.01 of the Revised Code, then the trust and the pass-through entities of which it owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests, shall not be

excluded persons for purposes of the tax imposed under section	153906
5751.02 of the Revised Code.	153907
(8) Nonprofit organizations or the state and its agencies,	153908
instrumentalities, or political subdivisions.	153909
(F) Except as otherwise provided in divisions (F)(2), (3),	153910
and (4) of this section, "gross receipts" means the total amount	153911
realized by a person, without deduction for the cost of goods sold	153912
or other expenses incurred, that contributes to the production of	153913
gross income of the person, including the fair market value of any	153914
property and any services received, and any debt transferred or	153915
forgiven as consideration.	153916
(1) The following are examples of gross receipts:	153917
(a) Amounts realized from the sale, exchange, or other	153918
disposition of the taxpayer's property to or with another;	153919
(b) Amounts realized from the taxpayer's performance of	153920
services for another;	153921
(c) Amounts realized from another's use or possession of the	153922
taxpayer's property or capital;	153923
(d) Any combination of the foregoing amounts.	153924
(2) "Gross receipts" excludes the following amounts:	153925
(a) Interest income except interest on credit sales;	153926
(b) Dividends and distributions from corporations, and	153927
distributive or proportionate shares of receipts and income from a	153928
pass-through entity as defined under section 5733.04 of the	153929
Revised Code;	153930
(c) Receipts from the sale, exchange, or other disposition of	153931
an asset described in section 1221 or 1231 of the Internal Revenue	153932
Code, without regard to the length of time the person held the	153933
asset. Notwithstanding section 1221 of the Internal Revenue Code,	153934
receipts from hedging transactions also are excluded to the extent	153935

the transactions are entered into primarily to protect a financial 153936  
position, such as managing the risk of exposure to (i) foreign 153937  
currency fluctuations that affect assets, liabilities, profits, 153938  
losses, equity, or investments in foreign operations; (ii) 153939  
interest rate fluctuations; or (iii) commodity price fluctuations. 153940  
As used in division (F)(2)(c) of this section, "hedging 153941  
transaction" has the same meaning as used in section 1221 of the 153942  
Internal Revenue Code and also includes transactions accorded 153943  
hedge accounting treatment under statement of financial accounting 153944  
standards number 133 of the financial accounting standards board. 153945  
For the purposes of division (F)(2)(c) of this section, the actual 153946  
transfer of title of real or tangible personal property to another 153947  
entity is not a hedging transaction. 153948

(d) Proceeds received attributable to the repayment, 153949  
maturity, or redemption of the principal of a loan, bond, mutual 153950  
fund, certificate of deposit, or marketable instrument; 153951

(e) The principal amount received under a repurchase 153952  
agreement or on account of any transaction properly characterized 153953  
as a loan to the person; 153954

(f) Contributions received by a trust, plan, or other 153955  
arrangement, any of which is described in section 501(a) of the 153956  
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 153957  
1, Subchapter (D) of the Internal Revenue Code applies; 153958

(g) Compensation, whether current or deferred, and whether in 153959  
cash or in kind, received or to be received by an employee, former 153960  
employee, or the employee's legal successor for services rendered 153961  
to or for an employer, including reimbursements received by or for 153962  
an individual for medical or education expenses, health insurance 153963  
premiums, or employee expenses, or on account of a dependent care 153964  
spending account, legal services plan, any cafeteria plan 153965  
described in section 125 of the Internal Revenue Code, or any 153966  
similar employee reimbursement; 153967

(h) Proceeds received from the issuance of the taxpayer's own stock, options, warrants, puts, or calls, or from the sale of the taxpayer's treasury stock;	153968 153969 153970
(i) Proceeds received on the account of payments from insurance policies, except those proceeds received for the loss of business revenue;	153971 153972 153973
(j) Gifts or charitable contributions received; membership dues received by trade, professional, homeowners', or condominium associations; and payments received for educational courses, meetings, meals, or similar payments to a trade, professional, or other similar association; and fundraising receipts received by any person when any excess receipts are donated or used exclusively for charitable purposes;	153974 153975 153976 153977 153978 153979 153980
(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts;	153981 153982 153983
(l) Property, money, and other amounts received or acquired by an agent on behalf of another in excess of the agent's commission, fee, or other remuneration;	153984 153985 153986
(m) Tax refunds, other tax benefit recoveries, and reimbursements for the tax imposed under this chapter made by entities that are part of the same combined taxpayer or consolidated elected taxpayer group, and reimbursements made by entities that are not members of a combined taxpayer or consolidated elected taxpayer group that are required to be made for economic parity among multiple owners of an entity whose tax obligation under this chapter is required to be reported and paid entirely by one owner, pursuant to the requirements of sections 5751.011 and 5751.012 of the Revised Code;	153987 153988 153989 153990 153991 153992 153993 153994 153995 153996
(n) Pension reversions;	153997
(o) Contributions to capital;	153998

(p) Sales or use taxes collected as a vendor or an out-of-state seller on behalf of the taxing jurisdiction from a consumer or other taxes the taxpayer is required by law to collect directly from a purchaser and remit to a local, state, or federal tax authority;

(q) In the case of receipts from the sale of cigarettes, tobacco products, or vapor products by a wholesale dealer, retail dealer, distributor, manufacturer, vapor distributor, or seller, all as defined in section 5743.01 of the Revised Code, an amount equal to the federal and state excise taxes paid by any person on or for such cigarettes, tobacco products, or vapor products under subtitle E of the Internal Revenue Code or Chapter 5743. of the Revised Code;

(r) In the case of receipts from the sale, transfer, exchange, or other disposition of motor fuel as "motor fuel" is defined in section 5736.01 of the Revised Code, an amount equal to the value of the motor fuel, including federal and state motor fuel excise taxes and receipts from billing or invoicing the tax imposed under section 5736.02 of the Revised Code to another person;

(s) In the case of receipts from the sale of beer or intoxicating liquor, as defined in section 4301.01 of the Revised Code, by a person holding a permit issued under Chapter 4301. or 4303. of the Revised Code, an amount equal to federal and state excise taxes paid by any person on or for such beer or intoxicating liquor under subtitle E of the Internal Revenue Code or Chapter 4301. or 4305. of the Revised Code;

(t) Receipts realized by a new motor vehicle dealer or used motor vehicle dealer, as defined in section 4517.01 of the Revised Code, from the sale or other transfer of a motor vehicle, as defined in that section, to another motor vehicle dealer for the purpose of resale by the transferee motor vehicle dealer, but only

if the sale or other transfer was based upon the transferee's need 154031  
to meet a specific customer's preference for a motor vehicle; 154032

(u) Receipts from a financial institution described in 154033  
division (E)(3) of this section for services provided to the 154034  
financial institution in connection with the issuance, processing, 154035  
servicing, and management of loans or credit accounts, if such 154036  
financial institution and the recipient of such receipts have at 154037  
least fifty per cent of their ownership interests owned or 154038  
controlled, directly or constructively through related interests, 154039  
by common owners; 154040

(v) Receipts realized from administering anti-neoplastic 154041  
drugs and other cancer chemotherapy, biologicals, therapeutic 154042  
agents, and supportive drugs in a physician's office to patients 154043  
with cancer; 154044

(w) Funds received or used by a mortgage broker that is not a 154045  
dealer in intangibles, other than fees or other consideration, 154046  
pursuant to a table-funding mortgage loan or warehouse-lending 154047  
mortgage loan. Terms used in division (F)(2)(w) of this section 154048  
have the same meanings as in section 1322.01 of the Revised Code, 154049  
except "mortgage broker" means a person assisting a buyer in 154050  
obtaining a mortgage loan for a fee or other consideration paid by 154051  
the buyer or a lender, or a person engaged in table-funding or 154052  
warehouse-lending mortgage loans that are first lien mortgage 154053  
loans. 154054

(x) Property, money, and other amounts received by a 154055  
professional employer organization, as defined in section 4125.01 154056  
of the Revised Code, or an alternate employer organization, as 154057  
defined in section 4133.01 of the Revised Code, from a client 154058  
employer, as defined in either of those sections as applicable, in 154059  
excess of the administrative fee charged by the professional 154060  
employer organization or the alternate employer organization to 154061  
the client employer; 154062

(y) In the case of amounts retained as commissions by a permit holder under Chapter 3769. of the Revised Code, an amount equal to the amounts specified under that chapter that must be paid to or collected by the tax commissioner as a tax and the amounts specified under that chapter to be used as purse money;	154063 154064 154065 154066 154067
(z) Qualifying distribution center receipts as determined under section 5751.40 of the Revised Code <del>;</del> <u>i</u>	154068 154069
(aa) Receipts of an employer from payroll deductions relating to the reimbursement of the employer for advancing moneys to an unrelated third party on an employee's behalf;	154070 154071 154072
(bb) Cash discounts allowed and taken;	154073
(cc) Returns and allowances;	154074
(dd) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" means any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and that may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted under that section, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include repossessed property, uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, or expenses in attempting to collect any account receivable or for any portion of the debt recovered <del>;</del> <u>.</u>	154075 154076 154077 154078 154079 154080 154081 154082 154083 154084 154085 154086 154087 154088
(ee) Any amount realized from the sale of an account receivable to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer;	154089 154090 154091 154092
(ff) Any receipts directly attributed to a transfer agreement	154093

or to the enterprise transferred under that agreement under	154094
section 4313.02 of the Revised Code— <i>i</i>	154095
(gg) Qualified uranium receipts as determined under section	154096
5751.41 of the Revised Code— <i>i</i>	154097
(hh) In the case of amounts collected by a licensed casino	154098
operator from casino gaming, amounts in excess of the casino	154099
operator's gross casino revenue. In this division, "casino	154100
operator" and "casino gaming" have the meanings defined in section	154101
3772.01 of the Revised Code, and "gross casino revenue" has the	154102
meaning defined in section 5753.01 of the Revised Code.	154103
(ii) Receipts realized from the sale of agricultural	154104
commodities by an agricultural commodity handler, both as defined	154105
in section 926.01 of the Revised Code, that is licensed by the	154106
director of agriculture to handle agricultural commodities in this	154107
state— <i>i</i>	154108
(jj) Qualifying integrated supply chain receipts as	154109
determined under section 5751.42 of the Revised Code— <i>i</i>	154110
(kk) In the case of a railroad company described in division	154111
(D)(9) of section 5727.01 of the Revised Code that purchases dyed	154112
diesel fuel directly from a supplier as defined by section 5736.01	154113
of the Revised Code, an amount equal to the product of the number	154114
of gallons of dyed diesel fuel purchased directly from such a	154115
supplier multiplied by the average wholesale price for a gallon of	154116
diesel fuel as determined under section 5736.02 of the Revised	154117
Code for the period during which the fuel was purchased multiplied	154118
by a fraction, the numerator of which equals the rate of tax	154119
levied by section 5736.02 of the Revised Code less the rate of tax	154120
computed in section 5751.03 of the Revised Code, and the	154121
denominator of which equals the rate of tax computed in section	154122
5751.03 of the Revised Code— <i>i</i>	154123
(ll) Receipts realized by an out-of-state disaster business	154124

from disaster work conducted in this state during a disaster 154125  
response period pursuant to a qualifying solicitation received by 154126  
the business. Terms used in division (F)(2)(11) of this section 154127  
have the same meanings as in section 5703.94 of the Revised Code. 154128

(mm) In the case of receipts from the sale or transfer of a 154129  
mortgage-backed security or a mortgage loan by a mortgage lender 154130  
holding a valid certificate of registration issued under Chapter 154131  
1322. of the Revised Code or by a person that is a member of the 154132  
mortgage lender's consolidated elected taxpayer group, an amount 154133  
equal to the principal balance of the mortgage loan; 154134

(nn) Amounts of excess surplus of the state insurance fund 154135  
received by the taxpayer from the Ohio bureau of workers' 154136  
compensation pursuant to rules adopted under section 4123.321 of 154137  
the Revised Code; 154138

(oo) Except as otherwise provided in division (B) of section 154139  
5751.091 of the Revised Code, receipts of a megaproject supplier 154140  
from sales of tangible personal property directly to a megaproject 154141  
operator in this state for use at the site of the megaproject 154142  
operator's megaproject, provided that the sale occurs during the 154143  
period that the megaproject operator has an agreement with the tax 154144  
credit authority for the megaproject under division (D) of section 154145  
122.17 of the Revised Code that remains in effect and has not 154146  
expired or been terminated, and provided the megaproject supplier 154147  
holds a certificate for such megaproject issued under section 154148  
5751.052 of the Revised Code for the calendar year in which the 154149  
sales are made and, if the megaproject supplier meets the 154150  
requirements described in division (A)(13)(b) of section 122.17 of 154151  
the Revised Code, the megaproject supplier holds a certificate for 154152  
such megaproject issued under division (D)(11) of section 122.17 154153  
of the Revised Code on the first day of that calendar year; 154154

(pp) Receipts from the sale of each new piece of capital 154155  
equipment that has a cost in excess of one hundred million dollars 154156

and that is used at the site of a megaproject that satisfies the 154157  
criteria described in division (A)(11)(a)(ii) of section 122.17 of 154158  
the Revised Code, provided that the sale occurs during the period 154159  
that a megaproject operator has an agreement for that megaproject 154160  
with the tax credit authority under division (D) of section 122.17 154161  
of the Revised Code that remains in effect and has not expired or 154162  
been terminated; 154163

(qq) In the case of amounts collected by a sports gaming 154164  
proprietor from sports gaming, amounts in excess of the 154165  
proprietor's sports gaming receipts. As used in this division, 154166  
"sports gaming proprietor" has the same meaning as in section 154167  
3775.01 of the Revised Code and "sports gaming receipts" has the 154168  
same meaning as in section 5753.01 of the Revised Code. 154169

(rr) Any receipts for which the tax imposed by this chapter 154170  
is prohibited by the constitution or laws of the United States or 154171  
the constitution of this state; 154172

(ss) Receipts from fees imposed under sections 128.41 and 154173  
128.42 of the Revised Code. 154174

(3) In the case of a taxpayer when acting as a real estate 154175  
broker, "gross receipts" includes only the portion of any fee for 154176  
the service of a real estate broker, or service of a real estate 154177  
salesperson associated with that broker, that is retained by the 154178  
broker and not paid to an associated real estate salesperson or 154179  
another real estate broker. For the purposes of this division, 154180  
"real estate broker" and "real estate salesperson" have the same 154181  
meanings as in section 4735.01 of the Revised Code. 154182

(4) A taxpayer's method of accounting for gross receipts for 154183  
a tax period shall be the same as the taxpayer's method of 154184  
accounting for federal income tax purposes for the taxpayer's 154185  
federal taxable year that includes the tax period. If a taxpayer's 154186  
method of accounting for federal income tax purposes changes, its 154187

method of accounting for gross receipts under this chapter shall 154188  
be changed accordingly. 154189

(G) "Taxable gross receipts" means gross receipts sitused to 154190  
this state under section 5751.033 of the Revised Code. 154191

(H) A person has "substantial nexus with this state" if any 154192  
of the following applies. The person: 154193

(1) Owns or uses a part or all of its capital in this state; 154194

(2) Holds a certificate of compliance with the laws of this 154195  
state authorizing the person to do business in this state; 154196

(3) Has bright-line presence in this state; 154197

(4) Otherwise has nexus with this state to an extent that the 154198  
person can be required to remit the tax imposed under this chapter 154199  
under the Constitution of the United States. 154200

(I) A person has "bright-line presence" in this state for a 154201  
reporting period and for the remaining portion of the calendar 154202  
year if any of the following applies. The person: 154203

(1) Has at any time during the calendar year property in this 154204  
state with an aggregate value of at least fifty thousand dollars. 154205  
For the purpose of division (I)(1) of this section, owned property 154206  
is valued at original cost and rented property is valued at eight 154207  
times the net annual rental charge. 154208

(2) Has during the calendar year payroll in this state of at 154209  
least fifty thousand dollars. Payroll in this state includes all 154210  
of the following: 154211

(a) Any amount subject to withholding by the person under 154212  
section 5747.06 of the Revised Code; 154213

(b) Any other amount the person pays as compensation to an 154214  
individual under the supervision or control of the person for work 154215  
done in this state; and 154216

(c) Any amount the person pays for services performed in this state on its behalf by another.	154217 154218
(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars <del>;</del> <u>i</u>	154219 154220
(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts <del>;</del> <u>i</u>	154221 154222 154223
(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes.	154224 154225
(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.	154226 154227
(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.	154228 154229 154230 154231 154232 154233 154234 154235
(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December.	154236 154237 154238
(M) "Tax period" means the calendar quarter or calendar year on the basis of which a taxpayer is required to pay the tax imposed under this chapter.	154239 154240 154241
(N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year.	154242 154243
(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.	154244 154245
(P) "Agent" means a person authorized by another person to	154246

act on its behalf to undertake a transaction for the other,	154247
including any of the following:	154248
(1) A person receiving a fee to sell financial instruments;	154249
(2) A person retaining only a commission from a transaction	154250
with the other proceeds from the transaction being remitted to	154251
another person;	154252
(3) A person issuing licenses and permits under section	154253
1533.13 of the Revised Code;	154254
(4) A lottery sales agent holding a valid license issued	154255
under section 3770.05 of the Revised Code;	154256
(5) A person acting as an agent of the division of liquor	154257
control under section 4301.17 of the Revised Code.	154258
(Q) "Received" includes amounts accrued under the accrual	154259
method of accounting.	154260
(R) "Reporting person" means a person in a consolidated	154261
elected taxpayer or combined taxpayer group that is designated by	154262
that group to legally bind the group for all filings and tax	154263
liabilities and to receive all legal notices with respect to	154264
matters under this chapter, or, for the purposes of section	154265
5751.04 of the Revised Code, a separate taxpayer that is not a	154266
member of such a group.	154267
(S) "Megaproject," "megaproject operator," and "megaproject	154268
supplier" have the same meanings as in section 122.17 of the	154269
Revised Code.	154270
<b>Section 130.61.</b> That existing sections 128.01, 128.02,	154271
128.021, 128.022, 128.03, 128.06, 128.07, 128.08, 128.12, 128.18,	154272
128.22, 128.32, 128.34, 128.40, 128.42, 128.44, 128.45, 128.46,	154273
128.461, 128.462, 128.47, 128.52, 128.54, 128.55, 128.57, 128.60,	154274
128.63, 128.99, 149.43, 2913.01, 4776.20, 5703.052, 5733.55, and	154275
5751.01 of the Revised Code are hereby repealed.	154276

**Section 130.62.** That sections 128.04, 128.09, 128.15, 128.25, 154277  
128.26, 128.27, 128.571, 4742.01, 4742.02, 4742.03, 4742.04, 154278  
4742.05, 4742.06, and 4742.07 of the Revised Code are hereby 154279  
repealed. 154280

**Section 130.63.** Not later than twenty-four months after the 154281  
effective date of this section, the 9-1-1 steering committee, in 154282  
consultation with the Tax Commissioner, shall deliver a report to 154283  
the General Assembly detailing any legislative recommendations to 154284  
address issues concerning the collection and use of the next 154285  
generation 9-1-1 access fees, including auditing carriers and 154286  
other companies subject to collect such fees. 154287

**Section 130.64.** Any monthly charge adopted and imposed on a 154288  
county's residents pursuant to sections 128.25 or 128.26 of the 154289  
Revised Code as those sections existed prior to the effective date 154290  
of this section are hereby terminated. 154291

**Section 130.65.** Section 149.43 of the Revised Code is 154292  
presented in this act as a composite of the section as amended by 154293  
H.B. 45, H.B. 99, H.B. 254, H.B. 343, H.B. 558, and S.B. 288, all 154294  
of the 134th General Assembly. The General Assembly, applying the 154295  
principle stated in division (B) of section 1.52 of the Revised 154296  
Code that amendments are to be harmonized and reconciled if 154297  
reasonably capable of simultaneous operation, finds that the 154298  
composite is the resulting version of the section in effect prior 154299  
to the effective date of the section as presented in this act. 154300

**Section 203.10.** ACC ACCOUNTANCY BOARD OF OHIO 154301  
Dedicated Purpose Fund Group 154302  
4J80 889601 CPA Education \$ 525,000 \$ 525,000 154303  
Assistance

4K90	889609	Operating Expenses	\$	1,343,885	\$	1,301,216	154304
TOTAL DPF Dedicated Purpose Fund							154305
Group			\$	1,868,885	\$	1,826,216	154306
TOTAL ALL BUDGET FUND GROUPS							154307
<b>Section 205.10. ADJ ADJUTANT GENERAL</b>							154309
General Revenue Fund							154310
GRF	745401	Ohio Military Reserve	\$	70,000	\$	77,000	154311
GRF	745404	Air National Guard	\$	2,140,000	\$	2,223,000	154312
GRF	745407	National Guard	\$	174,000	\$	174,000	154313
Benefits							
GRF	745409	Central	\$	3,299,000	\$	3,414,000	154314
Administration							
GRF	745499	Army National Guard	\$	4,865,000	\$	4,972,000	154315
GRF	745503	Ohio Cyber Reserve	\$	1,099,000	\$	1,151,000	154316
GRF	745504	Ohio Cyber Range	\$	2,650,000	\$	2,650,000	154317
GRF	745505	State Active Duty	\$	50,000	\$	50,000	154318
TOTAL GRF General Revenue Fund							154319
Dedicated Purpose Fund Group							154320
5340	745612	Property Operations	\$	900,000	\$	900,000	154321
Management							
5360	745605	Marksmanship	\$	115,000	\$	115,000	154322
Activities							
5360	745620	Camp Perry and	\$	913,114	\$	936,114	154323
Buckeye Inn							
Operations							
5370	745604	Ohio National Guard	\$	190,000	\$	190,000	154324
Facilities							
Maintenance							
5LY0	745626	Military Medal of	\$	5,000	\$	5,000	154325
Distinction							
5U80	745613	Community Match	\$	350,000	\$	350,000	154326

Armories

TOTAL DPF Dedicated Purpose Fund Group	\$	2,473,114	\$	2,496,114	154327
Federal Fund Group					154328
3420 745616 Army National Guard Service Agreement	\$	26,964,581	\$	26,964,581	154329
3E80 745628 Air National Guard Operations and Maintenance	\$	16,137,808	\$	16,903,235	154330
3R80 745603 Counter Drug Operations	\$	15,382	\$	15,382	154331
TOTAL FED Federal Fund Group	\$	43,117,771	\$	43,883,198	154332
TOTAL ALL BUDGET FUND GROUPS	\$	59,937,885	\$	61,090,312	154333

**Section 205.20. NATIONAL GUARD BENEFITS** 154335

The foregoing appropriation item 745407, National Guard Benefits, shall be used for purposes of sections 5919.31 and 5919.33 of the Revised Code, and for administrative costs of the associated programs. 154336  
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If necessary, in order to pay benefits in a timely manner pursuant to sections 5919.31 and 5919.33 of the Revised Code, the Adjutant General may request the Director of Budget and Management transfer appropriation from any appropriation item used by the Adjutant General to appropriation item 745407, National Guard Benefits. Such amounts are hereby appropriated. The Adjutant General may subsequently seek Controlling Board approval to restore the appropriation in the appropriation item from which such a transfer was made. 154340  
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For active duty members of the Ohio National Guard who died after October 7, 2001, while performing active duty, the death benefit, pursuant to section 5919.33 of the Revised Code, shall be paid to the beneficiary or beneficiaries designated on the 154349  
154350  
154351  
154352

member's Servicemembers' Group Life Insurance Policy. 154353

OHIO CYBER RESERVE 154354

The foregoing appropriation item 745503, Ohio Cyber Reserve, 154355  
shall be used for purposes of providing support for the 154356  
administration of the Ohio Cyber Reserve, a civilian cyber reserve 154357  
force that is part of the Ohio organized militia, capable of being 154358  
expanded and trained to educate and protect all levels of state 154359  
government, critical infrastructure, and the citizens of this 154360  
state from cyberattacks and incidences under sections 5922.01, 154361  
5922.02, and 5922.08 of the Revised Code. 154362

OHIO CYBER RANGE 154363

The foregoing appropriation item 745504, Ohio Cyber Range, 154364  
shall be used by the Adjutant General's Department to establish 154365  
and maintain the cyber range for purposes of providing cyber 154366  
training and education to K-12 students, higher education 154367  
students, members of the Ohio National Guard, federal employees, 154368  
and state and local government employees, and provide for 154369  
emergency preparedness exercises and trainings. 154370

The Adjutant General's Department, in conjunction and 154371  
collaboration with the Department of Administrative Services, the 154372  
Department of Public Safety, the Department of Higher Education, 154373  
and the Department of Education shall establish and maintain a 154374  
cyber range. The Adjutant General's Department may work with 154375  
federal agencies to assist in accomplishing this objective. The 154376  
state agencies identified in this paragraph may procure any 154377  
necessary goods and services including, but not limited to, 154378  
contracted services, hardware, networking services, maintenance 154379  
costs, and the training and management costs of a cyber range. 154380  
These state agencies shall determine the amount of funds each 154381  
agency will contribute from available funds and appropriations 154382  
enacted herein in order to establish and maintain a cyber range. 154383

	STATE ACTIVE DUTY				154384
	The foregoing appropriation item 745505, State Active Duty,				154385
	shall be used for the purpose of paying expenses related to state				154386
	active duty of members of the Ohio organized militia, in				154387
	accordance with a proclamation or order of the Governor. Expenses				154388
	include, but are not limited to, cost of equipment, supplies, and				154389
	services, as determined by the Adjutant General.				154390
	<b>Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES</b>				154391
	General Revenue Fund				154392
GRF	100043 Ohio Geographic	\$	7,000,000	\$	0 154393
	Reference Information				
	Program				
GRF	100412 Unemployment Insurance	\$	1,560,000	\$	1,560,000 154394
	System Lease Rental				
	Payments				
GRF	100413 EDCS Lease Rental	\$	13,300,000	\$	13,300,000 154395
	Payments				
GRF	100414 MARCS Lease Rental	\$	6,500,000	\$	6,500,000 154396
	Payments				
GRF	100415 OAKS Lease Rental	\$	2,450,000	\$	2,450,000 154397
	Payments				
GRF	100416 STARS Lease Rental	\$	3,500,000	\$	3,500,000 154398
	Payments				
GRF	100447 Administrative	\$	71,000,000	\$	65,500,000 154399
	Buildings Lease Rental				
	Bond Payments				
GRF	100456 State IT Services	\$	1,206,000	\$	1,189,000 154400
GRF	100459 Ohio Business Gateway	\$	14,022,000	\$	14,723,000 154401
GRF	100469 Aronoff Center	\$	222,000	\$	222,000 154402
	Building Maintenance				
GRF	100501 MARCS	\$	30,326,000	\$	30,221,000 154403

GRF 130321	State Agency Support Services	\$ 27,500,000	\$ 30,000,000	154404
TOTAL GRF	General Revenue Fund	\$ 178,586,000	\$ 169,165,000	154405
Dedicated Purpose Fund Group				154406
4K90 100673	Ohio Professionals Licensing System	\$ 6,008,646	\$ 6,045,167	154407
5AB1 100674	Next Generation 911	\$ 28,180,270	\$ 17,765,277	154408
5L70 100610	Professional Development	\$ 8,250,000	\$ 1,650,000	154409
5MV0 100662	Theater Equipment Maintenance	\$ 50,000	\$ 21,700	154410
5NM0 100663	911 Program	\$ 634,660	\$ 653,492	154411
5V60 100619	Employee Educational Development	\$ 1,600,000	\$ 1,600,000	154412
TOTAL DPF	Dedicated Purpose Fund Group	\$ 44,723,576	\$ 27,735,636	154413
Internal Service Activity Fund Group				154414
1120 100616	DAS Administration	\$ 14,146,827	\$ 14,275,267	154415
1170 100644	General Services Division - Operating	\$ 23,842,795	\$ 24,025,069	154416
1220 100637	Fleet Management	\$ 28,792,538	\$ 30,768,908	154417
1250 100622	Human Resources Division - Operating	\$ 22,496,517	\$ 22,874,397	154418
1250 100657	Benefits Communication	\$ 656,891	\$ 689,571	154419
1280 100620	Office of Collective Bargaining	\$ 4,480,378	\$ 4,480,378	154420
1300 100606	Risk Management Reserve	\$ 22,669,370	\$ 23,424,433	154421
1320 100631	DAS Building Management	\$ 50,851,619	\$ 52,446,892	154422
1330 100607	IT Services Delivery	\$ 186,208,726	\$ 194,251,395	154423
2100 100612	State Printing	\$ 30,383,950	\$ 30,048,288	154424

2290 100630	IT Governance	\$	38,610,855	\$	42,176,321	154425
2290 100640	Consolidated IT	\$	29,641,650	\$	30,265,838	154426
	Purchases					
4270 100602	Investment Recovery	\$	1,761,010	\$	1,824,362	154427
4N60 100617	Major IT Purchases	\$	3,380,000	\$	4,000,000	154428
5C20 100605	MARCS Administration	\$	3,000,000	\$	3,000,000	154429
5EB0 100635	OAKS Support	\$	79,736,888	\$	88,301,070	154430
	Organization					
5EB0 100656	OAKS Updates and	\$	5,397,061	\$	5,367,485	154431
	Developments					
5KZ0 100659	Building Improvement	\$	1,585,500	\$	1,567,400	154432
5LJ0 100661	IT Development	\$	18,127,406	\$	12,839,922	154433
5PC0 100665	Enterprise	\$	14,562,038	\$	13,913,351	154434
	Applications					
5WU0 100672	Ohio Benefits	\$	161,734,809	\$	165,962,055	154435
TOTAL ISA	Internal Service Activity					154436
Fund Group		\$	742,066,828	\$	766,502,402	154437
Fiduciary Fund Group						154438
5UH0 100670	Enterprise	\$	1,365,000	\$	1,365,000	154439
	Transactions					
TOTAL FID	Fiduciary Fund Group	\$	1,365,000	\$	1,365,000	154440
TOTAL ALL BUDGET	FUND GROUPS	\$	966,741,404	\$	964,768,038	154441

**Section 207.20.** REFERENCE INFORMATION PROGRAM 154443

The foregoing appropriation item 100043, Ohio Geographic 154444  
Reference Information Program, shall be used by the Director of 154445  
Administrative Services to create the Ohio Surface Water Model, 154446  
update Ohio's portion of the National Hydrography Dataset, and 154447  
update Ohio's portion of the Watershed Boundary Dataset. In 154448  
establishing the Ohio Surface Water Model, the Director may 154449  
cooperate with the United States Geological Survey, any relevant 154450  
state or federal agency, local governments, nonprofit entities, 154451  
and other entities that may benefit from a high-resolution surface 154452

water dataset.	154453
UNEMPLOYMENT INSURANCE SYSTEM LEASE RENTAL PAYMENTS	154454
The foregoing appropriation item 100412, Unemployment Insurance System Lease Rental Payments, shall be used to make payments during the period from July 1, 2023, through June 30, 2025, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.40 of H.B. 529 of the 132nd General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Unemployment Insurance System.	154455 154456 154457 154458 154459 154460 154461 154462 154463
EDCS LEASE RENTAL PAYMENTS	154464
The foregoing appropriation item 100413, EDCS Lease Rental Payments, shall be used to make payments during the period from July 1, 2023, through June 30, 2025, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of H.B. 529 of the 132nd General Assembly, as amended by Section 601.10 of H.B. 166 of the 133rd General Assembly, and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Enterprise Data Center Solutions (EDCS) information technology initiative.	154465 154466 154467 154468 154469 154470 154471 154472 154473 154474 154475
MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS	154476
The foregoing appropriation item 100414, MARCS Lease Rental Payments, shall be used to make payments during the period from July 1, 2023, through June 30, 2025, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of Sub. H.B. 497 of the 130th General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the	154477 154478 154479 154480 154481 154482 154483

acquisition, development, implementation, and integration of the	154484
Multi-Agency Radio Communications System (MARCS) upgrade.	154485
OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS	154486
The foregoing appropriation item 100415, OAKS Lease Rental	154487
Payments, shall be used to make payments during the period from	154488
July 1, 2023, through June 30, 2025, pursuant to leases and	154489
agreements entered into under Chapter 125. of the Revised Code, as	154490
supplemented by Section 701.10 of H.B. 529 of the 132nd General	154491
Assembly and other prior acts of the General Assembly, with	154492
respect to financing the costs associated with the acquisition,	154493
development, implementation, and integration of the Ohio	154494
Administrative Knowledge System (OAKS).	154495
STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL	154496
PAYMENTS	154497
The foregoing appropriation item 100416, STARS Lease Rental	154498
Payments, shall be used to make payments during the period from	154499
July 1, 2023, through June 30, 2025, pursuant to leases and	154500
agreements entered into under Chapter 125. of the Revised Code, as	154501
supplemented by Section 701.30 of H.B. 529 of the 132nd General	154502
Assembly and other prior acts of the General Assembly, with	154503
respect to financing the costs associated with the acquisition,	154504
development, implementation, and integration of the State Taxation	154505
Accounting and Revenue System (STARS).	154506
ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS	154507
The foregoing appropriation item 100447, Administrative	154508
Buildings Lease Rental Bond Payments, shall be used to meet all	154509
payments during the period from July 1, 2023, through June 30,	154510
2025, by the Department of Administrative Services pursuant to	154511
leases and agreements under Chapters 152. and 154. of the Revised	154512
Code. These appropriations are the source of funds pledged for	154513
bond service charges on related obligations issued under Chapters	154514

152. and 154. of the Revised Code. 154515

MARCS 154516

Of the foregoing appropriation item 100501, MARCS, \$2,000,000 154517  
in fiscal year 2024 shall be used by the Director of 154518  
Administrative Services to purchase, install, and maintain one 154519  
APCO P-25 compliant Motorola ISSI-8000 or a similar newer device 154520  
that supports 20 simultaneous talk groups and allows for standards 154521  
based interoperability between APCO P-25 compliant radio systems 154522  
of differing manufacturers. 154523

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT 154524  
FUND 154525

The foregoing appropriation item 130321, State Agency Support 154526  
Services, may be used to provide funding for the cost of property 154527  
appraisals or building studies that the Department of 154528  
Administrative Services may be required to obtain for property 154529  
that is being sold by the state or property under consideration to 154530  
be renovated or purchased by the state. 154531

Notwithstanding section 125.28 of the Revised Code, the 154532  
foregoing appropriation item 130321, State Agency Support 154533  
Services, also may be used to pay the operating expenses of state 154534  
facilities maintained by the Department of Administrative Services 154535  
that are not billed to building tenants, other costs associated 154536  
with the Voinovich Center in Youngstown, Ohio, or costs of 154537  
repairing vehicles donated pursuant to section 125.13 of the 154538  
Revised Code. These expenses may include, but are not limited to, 154539  
the costs for vacant space and space undergoing renovation, and 154540  
the rent expenses of tenants that are relocated because of 154541  
building renovations. These payments may be processed by the 154542  
Department of Administrative Services through intrastate transfer 154543  
vouchers and placed into the Building Management Fund (Fund 1320). 154544

At least once per year, the portion of appropriation item 154545

130321, State Agency Support Services, that is not used for the 154546  
regular expenses of the appropriation item may be processed by the 154547  
Department of Administrative Services through intrastate transfer 154548  
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 154549

On July 1, 2024, or as soon as possible thereafter, the 154550  
Director of Administrative Services may certify to the Director of 154551  
Budget and Management an amount up to the unexpended, unencumbered 154552  
balance of the foregoing appropriation item 130321, State Agency 154553  
Support Services, at the end of fiscal year 2024 to be 154554  
reappropriated to fiscal year 2025. The amount certified is hereby 154555  
reappropriated to the same appropriation item for fiscal year 154556  
2025. 154557

**Section 207.30. PROFESSIONAL DEVELOPMENT FUND** 154558

Of the foregoing appropriation item 100610, Professional 154559  
Development, up to \$1,650,000 in each fiscal year shall be used to 154560  
make payments from the Professional Development Fund (Fund 5L70) 154561  
under section 124.182 of the Revised Code. If it is determined by 154562  
the Director of Budget and Management that additional amounts are 154563  
necessary, the amounts are hereby appropriated. 154564

Of the foregoing appropriation item 100610, Professional 154565  
Development, up to \$6,600,000 during the FY 2024-FY 2025 biennium 154566  
may be used by the Director of Administrative Services for the 154567  
creation, staffing, and administration of the Ohio Digital 154568  
Academy. The Ohio Digital Academy shall exist to generate 154569  
high-tech workforce capacity and serve the state of Ohio in 154570  
advanced technology and cybersecurity needs. The goals of the Ohio 154571  
Digital Academy shall be to educate, train, and subsequently 154572  
employ analysts in completing boot camps, certifications, or 154573  
degree programs in cybersecurity, coding, software engineering, 154574  
user experience designers, and related fields. 154575

In consultation with CyberOhio, the Department of 154576

Administrative Services shall have full authority to select 154577  
qualified candidates for the Ohio Digital Academy. Candidates 154578  
shall be subject to all applicable background checks and if 154579  
selected, shall be required to commit to three years of service 154580  
with the state of Ohio. Ohio Digital Academy candidates may be 154581  
placed in an unclassified, administrative staff position pursuant 154582  
to division (A)(30) of section 124.11 of the Revised Code for 154583  
which the Director of Administrative Services is hereby given 154584  
specific authority to set compensation, or with other public or 154585  
private employers identified by the Department with which a 154586  
partnership agreement has been established. Notwithstanding any 154587  
provision of law to the contrary, the Department may use the 154588  
foregoing appropriation to reimburse selected students' tuition 154589  
expenses for coursework, certification achieved, or other 154590  
necessary expenses, prior to acceptance in the program, which is 154591  
directly attributable to the targeted skills of the program if 154592  
completed within one year prior to the effective date of this 154593  
section. Upon hiring, candidates shall also be eligible for 154594  
reimbursement of costs for continuing education or certification 154595  
at the discretion of the Director to support the development of 154596  
specialized skills in the areas of information technology and 154597  
cybersecurity. Each candidate shall be responsible for any tax 154598  
implications associated with the tuition. The Department reserves 154599  
the right to recover all or a portion of funds provided to an Ohio 154600  
Digital Academy participant who fails to complete the agreed upon 154601  
three years of service commitment to the state. 154602

On July 1, 2023, or as soon as possible thereafter, the 154603  
Department of Administrative Services may select and enter into a 154604  
subgrant agreement with a regionally accredited Ohio institution 154605  
of higher education with demonstrated significant coursework and 154606  
programming in cybersecurity to serve as a Digital Analyst 154607  
Training Academy (D.A.T.A.) Center. The Center shall be 154608  
responsible for paying for costs associated with the work of the 154609

Ohio Digital Academy as designated by the Department of 154610  
Administrative Services. On behalf of the Center, the selected 154611  
institution shall do all the following: 154612

(A) Provide necessary educational coursework or training for 154613  
the selected students' successful completion of a certificate or 154614  
degree program as prescribed by the Department of Administrative 154615  
Services at no cost to the selected students; 154616

(B) Administer weekly professional development programs for 154617  
students in an academic setting; 154618

(C) Prepare analysts for summer mandatory recruit training as 154619  
prescribed by the Department of Administrative Services; 154620

(D) Coordinate and manage summer scenarios; 154621

(E) Submit a quarterly report to the Department of 154622  
Administrative Services that contains detailed information on the 154623  
amount of grant funds expended for the aforementioned purposes; 154624

(F) Submit an annual report to the Department of 154625  
Administrative Services of all achievements, including a status 154626  
report of all expenditures, number of students enrolled by program 154627  
area, number of students graduated or certifications achieved by 154628  
program area, program expansion opportunities, and projected costs 154629  
to continue operating the Center. 154630

Additional Centers may be added over the biennium subject to 154631  
the approval of the Director of Administrative Services. 154632

On July 1, 2024, or as soon as possible thereafter, the 154633  
Director of Administrative Services may certify to the Director of 154634  
Budget and Management, the unencumbered, unexpended portion 154635  
remaining in appropriation item 100610, Professional Development 154636  
Fund, at the end of fiscal year 2024. The certified amount is 154637  
hereby reappropriated for the same purposes in fiscal year 2025. 154638

911 PROGRAM 154639

The foregoing appropriation item 100663, 911 Program, shall 154640  
be used by the Department of Administrative Services to pay the 154641  
administrative, marketing, and educational costs of the Statewide 154642  
Emergency Services Internet Protocol Network program. 154643

EMPLOYEE EDUCATIONAL DEVELOPMENT 154644

The foregoing appropriation item 100619, Employee Educational 154645  
Development, shall be used to make payments from the Employee 154646  
Educational Development Fund (Fund 5V60) under section 124.86 of 154647  
the Revised Code. The fund shall be used to pay the costs of 154648  
administering educational programs under existing collective 154649  
bargaining agreements with District 1199, the Health Care and 154650  
Social Service Union, Service Employees International Union; State 154651  
Council of Professional Educators; Ohio Education Association and 154652  
National Education Association; the Fraternal Order of Police 154653  
State of Ohio, Unit 2 Association; and the Ohio State Troopers 154654  
Association, Units 1 and 15. 154655

If it is determined by the Director of Budget and Management 154656  
that additional amounts are necessary, the amounts are hereby 154657  
appropriated. 154658

**Section 207.40.** GENERAL SERVICE CHARGES 154659

The Department of Administrative Services, with the approval 154660  
of the Director of Budget and Management, shall establish charges 154661  
for recovering the costs of administering the programs funded by 154662  
the General Services Fund (Fund 1170) and the State Printing Fund 154663  
(Fund 2100). 154664

COLLECTIVE BARGAINING ARBITRATION EXPENSES 154665

The Department of Administrative Services may seek 154666  
reimbursement from state agencies for the actual costs and 154667  
expenses the Department incurs in the collective bargaining 154668  
arbitration process. The reimbursements shall be processed through 154669

intrastate transfer vouchers and credited to the Collective Bargaining Fund (Fund 1280).	154670 154671
CONSOLIDATED IT PURCHASES	154672
The foregoing appropriation item 100640, Consolidated IT Purchases, shall be used by the Department of Administrative Services acting as the purchasing agent for one or more government entities under the authority of division (G) of section 125.18 of the Revised Code to make information technology purchases at a lower aggregate cost than each individual government entity could have obtained independently for that information technology purchase.	154673 154674 154675 154676 154677 154678 154679 154680
INVESTMENT RECOVERY FUND	154681
Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund (Fund 4270) may be used to support the operating expenses of the Federal Surplus Operating Program created in sections 125.84 to 125.90 of the Revised Code.	154682 154683 154684 154685 154686
MAJOR IT PURCHASES CHARGES	154687
Upon the request of the Director of Administrative Services, the Director of Budget and Management may transfer up to the amount collected for statewide indirect costs attributable to debt service paid for the enterprise data center solutions project from the General Revenue Fund to the Major Information Technology Purchases Fund (Fund 4N60).	154688 154689 154690 154691 154692 154693
PROFESSIONS LICENSING SYSTEM	154694
The foregoing appropriation item, 100673, Ohio Professionals Licensing System, shall be used to purchase the equipment, products, and services necessary to update and maintain an automated licensing system for the professional licensing boards.	154695 154696 154697 154698
The Department of Administrative Services shall establish	154699

charges for recovering the costs of ongoing maintenance of the 154700  
system that are not otherwise recovered under section 125.18 of 154701  
the Revised Code. The charges shall be proportionate to each 154702  
benefiting state agency, board, or commission's use of the system. 154703  
For agencies, boards, or commissions whose operations are not 154704  
funded by appropriations from the Occupational Licensing and 154705  
Regulatory Fund (Fund 4K90), the Director of Administrative 154706  
Services shall certify to the Director of Budget and Management 154707  
these entities' proportionate charges for use of the state's 154708  
enterprise electronic licensing system. The Director of Budget and 154709  
Management shall transfer cash equaling the certified amounts from 154710  
these entities' respective operating funds into the Occupational 154711  
Licensing and Regulatory Fund (Fund 4K90). 154712

**Section 207.45. BUILDING IMPROVEMENT FUND** 154713

The foregoing appropriation item 100659, Building 154714  
Improvement, shall be used to make payments from the Building 154715  
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 154716  
required in facilities maintained by the Department of 154717  
Administrative Services. The Department of Administrative Services 154718  
shall conduct or contract for regular assessments of these 154719  
buildings and may maintain a cash balance in Fund 5KZ0 equal to 154720  
the cost of the repairs and improvements that are recommended to 154721  
occur within the next five years, with the following exception 154722  
described below. 154723

Upon request of the Director of Administrative Services, the 154724  
Director of Budget and Management may permit a cash transfer from 154725  
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 154726  
of operating and maintaining facilities managed by the Department 154727  
of Administrative Services that are not charged to tenants during 154728  
the same fiscal year. 154729

Should the cash balance in Fund 1320 be determined to be 154730

sufficient, the Director of Administrative Services may request 154731  
that the Director of Budget and Management transfer cash from Fund 154732  
1320 to Fund 5KZ0 in an amount equal to the initial cash transfer 154733  
made under this section plus applicable interest. 154734

INFORMATION TECHNOLOGY DEVELOPMENT 154735

The foregoing appropriation item 100661, IT Development, 154736  
shall be used by the Department of Administrative Services to pay 154737  
the costs of modernizing the state's information technology 154738  
management and investment practices away from a limited, 154739  
agency-specific focus in favor of a statewide methodology 154740  
supporting development of enterprise solutions. This appropriation 154741  
item may be used to pay the costs of enterprise information 154742  
technology initiatives affecting state agencies or their 154743  
customers. 154744

Notwithstanding any provision of law to the contrary, the 154745  
Department of Administrative Services, with the approval of the 154746  
Director of Budget and Management, may charge state agencies an 154747  
information technology development assessment based on state 154748  
agencies' information technology expenditures or other methodology 154749  
and may assess fees or charges to entities that are not state 154750  
agencies to offset the cost of specific technology events or 154751  
services. The revenue from these assessments, fees, or charges 154752  
shall be deposited into the Information Technology Development 154753  
Fund (Fund 5LJ0), which is hereby created. 154754

ENTERPRISE APPLICATIONS 154755

The foregoing appropriation item 100665, Enterprise 154756  
Applications, shall be used for the operation and management of 154757  
information technology applications that support state agencies' 154758  
objectives. Charges billed to benefiting agencies shall be 154759  
deposited to the credit of the Enterprise Applications Fund (Fund 154760  
5PC0). 154761

**Section 207.50.** ENTERPRISE IT STRATEGY IMPLEMENTATION 154762

The Director of Administrative Services shall determine and 154763  
implement strategies that benefit the enterprise by improving 154764  
efficiency, reducing costs, or enhancing capacity of information 154765  
technology (IT) services. Such improvements and efficiencies may 154766  
result in the consolidation and transfer of such services. As 154767  
determined to be necessary for successful implementation of this 154768  
section and notwithstanding any provision of law to the contrary, 154769  
the Director of Administrative Services may request the Director 154770  
of Budget and Management to consolidate or transfer IT-specific 154771  
budget authority between agencies or within an agency as necessary 154772  
to implement enterprise IT cost containment strategies and related 154773  
efficiencies. Once the Director of Budget and Management is 154774  
satisfied that the proposed initiative is cost advantageous to the 154775  
enterprise, the Director of Budget and Management may request 154776  
Controlling Board approval to transfer appropriations, funds, and 154777  
cash to implement the proposed initiative. The establishment of 154778  
any new fund or additional appropriation as a result of this 154779  
section shall also be subject to Controlling Board approval. 154780

The Director of Budget and Management and the Director of 154781  
Administrative Services may transfer any employees, assets, and 154782  
liabilities, including, but not limited to, records, contracts, 154783  
and agreements in order to facilitate the improvements determined 154784  
in accordance with this section. 154785

**Section 209.10.** AGE DEPARTMENT OF AGING 154786

General Revenue Fund 154787  
GRF 490321 Operating Expenses \$ 2,000,000 \$ 2,000,000 154788  
GRF 490410 Long-Term Care \$ 3,123,000 \$ 3,123,000 154789  
Ombudsman  
GRF 490411 Senior Community \$ 11,600,000 \$ 11,300,000 154790

		Services				
GRF	490414	Alzheimer's and Other Dementia Respite	\$	4,300,000	\$	4,300,000 154791
GRF	490506	National Senior Service Corps	\$	222,000	\$	222,000 154792
GRF	490510	Community Projects	\$	250,000	\$	250,000 154793
GRF	656423	Long-Term Care Budget - State	\$	5,668,000	\$	4,762,000 154794
TOTAL GRF		General Revenue Fund	\$	27,163,000	\$	25,957,000 154795
		Dedicated Purpose Fund Group				154796
4800	490606	Senior Community Outreach and Education	\$	380,761	\$	380,761 154797
4C40	490609	Regional Long-Term Care Ombudsman Program	\$	1,000,000	\$	1,000,000 154798
5BA0	490620	Ombudsman Support	\$	1,532,919	\$	1,532,919 154799
5CV3	490678	Healthy Aging Grants	\$	40,000,000	\$	0 154800
5HC8	656698	AGE Home and Community Based Services	\$	6,000,000	\$	0 154801
5K90	490613	Long-Term Care Consumers Guide	\$	675,459	\$	675,459 154802
5MT0	490627	Board of Executives of Long-Term Services and Supports	\$	789,046	\$	789,446 154803
5T40	656625	Health Care Grants - State	\$	200,000	\$	200,000 154804
5TI0	656624	Provider Certification	\$	120,000	\$	120,000 154805
5W10	490616	Resident Services Coordinator Program	\$	262,500	\$	262,500 154806
TOTAL DPF		Dedicated Purpose				154807

Fund Group		\$	50,960,685	\$	4,961,085	154808
Federal Fund Group						154809
3220 490618	Federal Aging Grants	\$	11,000,000	\$	11,000,000	154810
3C40 656623	Long Term Care Budget	\$	5,670,000	\$	5,000,000	154811
	- Federal					
3M40 490612	Federal Independence	\$	75,143,802	\$	60,000,000	154812
	Services					
TOTAL FED	Federal Fund Group	\$	91,813,802	\$	76,000,000	154813
TOTAL ALL BUDGET	FUND GROUPS	\$	169,937,487	\$	106,918,085	154814

**Section 209.20. LONG-TERM CARE** 154816

Pursuant to an interagency agreement, the Department of 154817  
 Medicaid may designate the Department of Aging to perform 154818  
 assessments under section 5165.04 of the Revised Code. The 154819  
 Department of Aging shall provide long-term care consultations 154820  
 under section 173.42 of the Revised Code to assist individuals in 154821  
 planning for their long-term health care needs. 154822

The Department of Aging shall administer the Medicaid 154823  
 waiver-funded PASSPORT Home Care Program, the Assisted Living 154824  
 Program, and PACE as delegated by the Department of Medicaid in an 154825  
 interagency agreement. 154826

**PERFORMANCE-BASED REIMBURSEMENT** 154827

In order to improve health outcomes among populations served 154828  
 by PASSPORT administrative agencies, the Department of Aging, 154829  
 through rules adopted in accordance with Chapter 119. of the 154830  
 Revised Code, may design and utilize a payment method for PASSPORT 154831  
 administrative agency operations that includes a 154832  
 pay-for-performance incentive component that is earned by a 154833  
 PASSPORT administrative agency when defined consumer and policy 154834  
 outcomes are achieved. Prior to filing with the Joint Committee on 154835  
 Agency Rule Review, as provided in section 119.03 of the Revised 154836  
 Code, a proposed rule related to a payment method that includes a 154837

pay-for-performance incentive component, the Department shall 154838  
submit a report to the Joint Medicaid Oversight Committee 154839  
outlining the payment method. 154840

**Section 209.30. MYCARE OHIO** 154841

The authority of the Office of the State Long-Term Care 154842  
Ombudsman as described in sections 173.14 to 173.28 of the Revised 154843  
Code extends to MyCare Ohio during the period of the federal 154844  
financial alignment demonstration program. 154845

**SENIOR COMMUNITY SERVICES** 154846

Of the foregoing appropriation item 490411, Senior Community 154847  
Services, \$600,000 in fiscal year 2024 and \$300,000 in fiscal year 154848  
2025 shall be used for the Senior Transportation Accessibility and 154849  
Modernization Pilot Program administered by Senior Transportation 154850  
Connection in Cuyahoga County. 154851

The remainder of appropriation item 490411, Senior Community 154852  
Services, may be used for programs, services, and activities 154853  
designated by the Department of Aging, including, but not limited 154854  
to, home-delivered meals, congregate dining, transportation, 154855  
personal care, respite, adult day services, home maintenance and 154856  
chores, minor home modification, care coordination, evidence-based 154857  
disease prevention and healthpromotion, and decision support 154858  
systems. Funds may also be used to provide grants to community 154859  
organizations to support and expand older adult programming. 154860  
Services priority shall be given to low-income, high-need persons, 154861  
and/or persons with a cognitive impairment who are sixty years of 154862  
age or over. 154863

**NATIONAL SENIOR SERVICE CORPS** 154864

The foregoing appropriation item 490506, National Senior 154865  
Service Corps, may be used by the Department of Aging to fund 154866  
grants to organizations that receive federal funds from the 154867

Corporation for National and Community Service to support the 154868  
following Senior Corps programs: the Foster Grandparents Program, 154869  
the Senior Companion Program, and the Retired Senior Volunteer 154870  
Program. A recipient of these grant funds shall use the funds to 154871  
support priorities established by the Department and the Ohio 154872  
State Office of the Corporation for National and Community 154873  
Service. Neither the Department nor any area agencies on aging 154874  
that are involved in the distribution of these funds to 154875  
lower-tiered grant recipients may use any portion of these funds 154876  
to cover administrative costs. 154877

COMMUNITY PROJECTS 154878

The foregoing appropriation item 490510, Community Projects, 154879  
shall be distributed to the Benjamin Rose Institute on Aging to 154880  
provide mental health services. 154881

BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS 154882

The foregoing appropriation item 490627, Board of Executives 154883  
of Long-Term Services and Supports, may be used by the Board of 154884  
Executives of Long-Term Services and Supports to administer and 154885  
enforce Chapter 4751. of the Revised Code and rules adopted under 154886  
it. 154887

HEALTHY AGING GRANTS 154888

The foregoing appropriation item 490678, Healthy Aging 154889  
Grants, shall be used to provide one-time grants to the board of 154890  
county commissioners, or the county executive and county council 154891  
of a charter county, in all counties to foster improved quality of 154892  
life for seniors so they can remain in their homes and connected 154893  
to their communities, delay entry into Medicaid, preserve their 154894  
personal assets, and promote a healthy, independent, active 154895  
lifestyle. 154896

**Section 211.10. AGR DEPARTMENT OF AGRICULTURE 154897**

General Revenue Fund					154898
GRF 700401	Animal Health Programs	\$	7,622,000	\$	7,622,000 154899
GRF 700403	Dairy Division	\$	1,441,000	\$	1,513,000 154900
GRF 700404	Ohio Proud	\$	304,000	\$	280,000 154901
GRF 700406	Consumer Protection	\$	1,621,000	\$	1,705,000 154902
	Lab				
GRF 700407	Food Safety	\$	1,568,000	\$	1,657,000 154903
GRF 700409	Farmland Preservation	\$	524,000	\$	550,000 154904
GRF 700410	Plant Industry	\$	475,000	\$	489,000 154905
GRF 700412	Weights and Measures	\$	757,000	\$	791,000 154906
GRF 700415	Poultry Inspection	\$	909,000	\$	954,000 154907
GRF 700418	Livestock Regulation	\$	1,411,000	\$	1,453,000 154908
	Program				
GRF 700424	Livestock Testing and	\$	126,000	\$	129,000 154909
	Inspections				
GRF 700426	Dangerous and	\$	667,000	\$	687,000 154910
	Restricted Animals				
GRF 700427	High Volume Breeder	\$	1,449,000	\$	1,524,000 154911
	Kennel Control				
GRF 700428	Soil and Water	\$	4,000,000	\$	4,000,000 154912
	Division				
GRF 700499	Meat Inspection	\$	7,436,000	\$	7,839,000 154913
	Program - State Share				
GRF 700501	County Agricultural	\$	760,000	\$	760,000 154914
	Societies				
GRF 700509	Soil and Water	\$	13,410,000	\$	13,410,000 154915
	District Support				
GRF 700511	Ride Inspection	\$	716,000	\$	749,000 154916
GRF 700512	Local Fairs	\$	0	\$	4,700,000 154917
GRF 700674	Hemp Production	\$	379,000	\$	391,000 154918
TOTAL GRF	General Revenue Fund	\$	45,575,000	\$	51,203,000 154919
Dedicated Purpose Fund Group					154920

4900	700651	License Plates - Sustainable Agriculture	\$	18,300	\$	18,300	154921
4940	700612	Agricultural Commodity Marketing Program	\$	200,000	\$	200,000	154922
4960	700626	Ohio Grape Industries	\$	1,550,000	\$	1,550,000	154923
4970	700627	Grain Warehouse Program	\$	500,000	\$	500,000	154924
4C90	700605	Commercial Feed and Seed	\$	2,369,000	\$	2,396,000	154925
4D20	700609	Auction Education	\$	52,400	\$	54,900	154926
4E40	700606	Utility Radiological Safety	\$	109,800	\$	112,900	154927
4P70	700610	Food Safety Inspection	\$	1,200,000	\$	1,259,000	154928
4R00	700636	Ohio Proud Marketing	\$	30,500	\$	30,500	154929
4R20	700637	Dairy Industry Inspection	\$	1,950,000	\$	1,970,000	154930
4T60	700611	Poultry and Meat Inspection	\$	104,900	\$	109,900	154931
5780	700620	Ride Inspection	\$	1,355,000	\$	1,417,000	154932
5B80	700629	Auctioneers	\$	367,600	\$	367,600	154933
5BV0	700660	Heidelberg Water Quality Lab	\$	275,000	\$	275,000	154934
5BV0	700661	Soil and Water Districts	\$	9,500,000	\$	9,500,000	154935
5FC0	700648	Plant Pest Program	\$	1,300,000	\$	1,328,000	154936
5H20	700608	Metrology Lab and Scale Certification	\$	1,391,000	\$	1,460,000	154937
5L80	700604	Livestock Management Program	\$	245,000	\$	245,000	154938
5MA0	700657	Dangerous and	\$	10,000	\$	10,000	154939

		Restricted Animals				
5MR0	700658	High Volume Breeders and Kennels	\$	486,700	\$	510,000 154940
5MS0	700659	Captive Deer	\$	18,000	\$	18,000 154941
5PL0	700662	Pet Store License	\$	31,400	\$	32,900 154942
5QW0	700653	Watershed Assistance	\$	565,000	\$	565,000 154943
5WJ0	700671	Hemp Program	\$	400,000	\$	411,400 154944
6520	700634	Animal, Consumer, and ATL Labs	\$	6,833,500	\$	7,144,700 154945
6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$	5,735,000	\$	6,188,000 154946
6H20	700670	H2Ohio	\$	69,018,000	\$	69,114,000 154947
TOTAL DPF		Dedicated Purpose				154948
Fund Group			\$	105,616,100	\$	106,788,100 154949
Internal Service Activity		Fund Group				154950
5DA0	700644	Laboratory Administration Support	\$	1,479,000	\$	1,551,000 154951
5GH0	700655	Administrative Support	\$	6,748,000	\$	7,194,000 154952
TOTAL ISA		Internal Service Activity				154953
Fund Group			\$	8,227,000	\$	8,745,000 154954
Capital Projects		Fund Group				154955
7057	700632	Clean Ohio Agricultural Easement Operating	\$	512,000	\$	512,000 154956
TOTAL CPF		Capital Projects Fund	\$	512,000	\$	512,000 154957
Group						
Federal		Fund Group				154958
3260	700618	Meat Inspection Program - Federal	\$	5,541,500	\$	5,814,000 154959

		Share				
3360	700617	Ohio Farm Loan -	\$	225,000	\$	225,000 154960
		Revolving				
3820	700601	Federal Cooperative	\$	11,269,000	\$	11,399,000 154961
		Contracts				
3AB0	700641	Agricultural Easement	\$	200,000	\$	200,000 154962
3J40	700607	Federal	\$	1,936,000	\$	2,031,000 154963
		Administrative				
		Programs				
3R20	700614	Federal Plant	\$	7,652,000	\$	8,029,000 154964
		Industry				
TOTAL FED	Federal Fund Group		\$	26,823,500	\$	27,698,000 154965
TOTAL ALL BUDGET FUND GROUPS			\$	186,753,600	\$	194,946,100 154966

**Section 211.20. COUNTY AGRICULTURAL SOCIETIES** 154968

The foregoing appropriation item 700501, County Agricultural Societies, shall be used to reimburse county and independent agricultural societies for expenses related to Junior Fair activities. 154969  
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154971  
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**SUPPORT FOR SOIL AND WATER DISTRICTS** 154973

Of the foregoing appropriation item 700509, Soil and Water District Support, \$7,000,000 in each fiscal year shall be used to support county soil and water conservation districts in the Western Lake Erie Basin and other priority regions as defined by the Director of Agriculture, for staffing costs and to assist in soil testing and nutrient management plan development, including manure transformation and manure conversion technologies, enhanced filter strips, water management, and H2Ohio Program support. 154974  
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**LOCAL FAIRS** 154982

The foregoing appropriation item 700512, Local Fairs, shall be used to support county and independent agricultural societies. 154983  
154984

SOIL AND WATER DISTRICTS	154985
In addition to state payments to soil and water conservation districts authorized by section 940.15 of the Revised Code, the Department of Agriculture may use appropriation item 700661, Soil and Water Districts, to pay any soil and water conservation district an annual amount not to exceed \$40,000 upon receipt of a request and justification from the district and approval by the Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 940.12 of the Revised Code for use by the local soil and water conservation district. The amounts received by each district shall be expended for the purposes of the district.	154986 154987 154988 154989 154990 154991 154992 154993 154994 154995 154996
H2OHIO FUND	154997
The Department of Agriculture shall establish programs to assist in reducing total phosphorus, dissolved reactive phosphorus, sediment, and other nutrients in the Western Lake Erie Basin and other critical regions in the state as defined by the Director of Agriculture.	154998 154999 155000 155001 155002
The foregoing appropriation item 700670, H2Ohio, shall be used to support the programs described above, which may include, but not be limited to, the following: (1) equipment for subsurface placement of nutrients into the soil; (2) equipment for nutrient placement based on geographic information system data; (3) soil testing; (4) implementation of variable rate technology; (5) equipment implementing manure transformation and manure conversion technologies; (6) tributary monitoring; (7) best management practices recognized to reduce nutrients; (8) a revolving loan program; and (9) matching funds for the Conservation Reserve Enhancement Program in the Western Lake Erie Basin and Scioto River Basin.	155003 155004 155005 155006 155007 155008 155009 155010 155011 155012 155013 155014
Of the foregoing appropriation item 700670, H2Ohio, not less	155015

than \$10,700,000 in each fiscal year shall be used for programs to 155016  
assist in reducing total phosphorus, dissolved reactive 155017  
phosphorus, sediment, and other nutrients in the Western Lake Erie 155018  
Basin. 155019

Of the foregoing appropriation item 700670, H2Ohio, 155020  
\$2,000,000 in each fiscal year shall be used to establish a water 155021  
quality pilot program focused on legacy phosphorus fields. 155022

Not later than one hundred twenty days after the effective 155023  
date of this section, the Department of Agriculture, in 155024  
consultation with the Lake Erie Commission, the Ohio Soil and 155025  
Water Conservation Commission, and the Ohio State University 155026  
Extension, shall establish a pilot program that assists farmers, 155027  
agricultural retailers, and soil and water conservation districts 155028  
in reducing phosphorus and dissolved reactive phosphorous 155029  
discharging from legacy phosphorus fields. 155030

Funding under the program shall be used to pay for, but is 155031  
not limited to, the following: identifying and evaluating legacy 155032  
phosphorus fields for characteristics of high phosphorus run-off; 155033  
collaborating with agricultural retailers and other agricultural 155034  
organizations; soil testing; water management and edge-of-field 155035  
drainage management strategies; phosphorus removal structures; 155036  
monitoring and evaluating effectiveness of practices; and 155037  
implementation of nutrient best management practices according to 155038  
data collected by soil and water conservation. 155039

On July 1, 2024, or as soon as possible thereafter, the 155040  
Director of Agriculture may certify to the Director of Budget and 155041  
Management an amount up to the unexpended, unencumbered balance of 155042  
the foregoing appropriation item, 700670, H2Ohio, at the end of 155043  
fiscal year 2024 to be reappropriated in fiscal year 2025. The 155044  
amount certified is hereby reappropriated to the same 155045  
appropriation item for fiscal year 2025. 155046

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES				155047
The foregoing appropriation item 700632, Clean Ohio				155048
Agricultural Easement Operating, shall be used by the Department				155049
of Agriculture in administering Clean Ohio Agricultural Easement				155050
Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and				155051
5301.67 to 5301.70 of the Revised Code.				155052
<b>Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY</b>				155053
Dedicated Purpose Fund Group				155054
4Z90 898602 Small Business	\$	216,000	\$ 219,000	155055
Ombudsman				
5700 898601 Operating Expenses	\$	1,700,000	\$ 1,800,000	155056
5A00 898603 Small Business	\$	100,000	\$ 100,000	155057
Assistance				
TOTAL DPF Dedicated Purpose Fund	\$	2,016,000	\$ 2,119,000	155058
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	2,016,000	\$ 2,119,000	155059
<b>Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT</b>				155061
AUTHORITY TRUST ACCOUNT				155062
Notwithstanding any other provision of law to the contrary,				155063
the Air Quality Development Authority may reimburse the Air				155064
Quality Development Authority trust account established under				155065
section 3706.10 of the Revised Code from all operating funds of				155066
the agency for expenses pertaining to the administration and				155067
shared costs incurred by the Air Quality Development Authority in				155068
the execution of responsibilities as prescribed in Chapter 3706.				155069
of the Revised Code. The reimbursement shall occur in accordance				155070
with an administrative cost recovery plan approved by the Air				155071
Quality Development Authority Board.				155072
<b>Section 215.10. ARC ARCHITECTS BOARDS</b>				155073

Dedicated Purpose Fund Group				155074
4K90 891609 Operating	\$	667,469	\$ 667,469	155075
TOTAL DPF Dedicated Purpose Fund				155076
Group	\$	667,469	\$ 667,469	155077
TOTAL ALL BUDGET FUND GROUPS	\$	667,469	\$ 667,469	155078

**Section 217.10. ART OHIO ARTS COUNCIL** 155080

General Revenue Fund				155081
GRF 370321 Operating Expenses	\$	2,314,000	\$ 2,375,000	155082
GRF 370502 State Program	\$	23,038,000	\$ 23,038,000	155083
Subsidies				

TOTAL GRF General Revenue Fund	\$	25,352,000	\$ 25,413,000	155084
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Dedicated Purpose Fund Group 155085

4600 370602 Arts Council Program	\$	330,000	\$ 330,000	155086
Support				

4B70 370603 Percent for Art	\$	165,000	\$ 165,000	155087
Acquisitions				

TOTAL DPF Dedicated Purpose Fund	\$	495,000	\$ 495,000	155088
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Group

Federal Fund Group 155089

3140 370601 Federal Support	\$	1,350,000	\$ 1,500,000	155090
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TOTAL FED Federal Fund Group	\$	1,350,000	\$ 1,500,000	155091
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TOTAL ALL BUDGET FUND GROUPS	\$	27,197,000	\$ 27,408,000	155092
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FEDERAL SUPPORT 155093

Notwithstanding any provision of law to the contrary, the 155094  
foregoing appropriation item 370601, Federal Support, shall be 155095  
used by the Ohio Arts Council for subsidies only, and not for its 155096  
administrative costs, unless the Council is required to use a 155097  
portion of the funds for administrative costs under conditions of 155098  
the federal grant. 155099

**Section 219.10. ATH ATHLETIC COMMISSION** 155100

Dedicated Purpose Fund Group				155101
4K90 175609 Operating Expenses	\$	354,000	\$ 345,000	155102
TOTAL DPF Dedicated Purpose Fund Group	\$	354,000	\$ 345,000	155103
TOTAL ALL BUDGET FUND GROUPS	\$	354,000	\$ 345,000	155104

**Section 221.10. AGO ATTORNEY GENERAL** 155106

General Revenue Fund				155107
GRF 055321 Operating Expenses	\$	81,854,000	\$ 85,282,000	155108
GRF 055405 Law-Related Education	\$	68,000	\$ 68,000	155109
GRF 055406 BCIRS Lease Rental Payments	\$	2,500,000	\$ 2,500,000	155110
GRF 055411 County Sheriffs' Pay Supplement	\$	1,073,000	\$ 1,091,000	155111
GRF 055415 County Prosecutors' Pay Supplement	\$	1,398,000	\$ 1,437,000	155112
GRF 055431 Drug Abuse Response Team Grants	\$	1,500,000	\$ 1,500,000	155113
GRF 055432 Drug Testing Equipment	\$	964,000	\$ 964,000	155114
GRF 055434 Internet Crimes Against Children Task Force	\$	500,000	\$ 500,000	155115
GRF 055440 Rapid DNA Pilot Project	\$	465,000	\$ 397,000	155116
GRF 055441 Victims of Crime	\$	9,000,000	\$ 7,000,000	155117
GRF 055446 Cyber Crime Division Expansion	\$	750,000	\$ 750,000	155118
GRF 055447 Ohio Law Enforcement Gateway - (OHLEG)	\$	500,000	\$ 750,000	155119
GRF 055501 Rape Crisis Centers	\$	15,000,000	\$ 15,000,000	155120
GRF 055502 School Safety	\$	12,000,000	\$ 12,000,000	155121

		Training Grants				
GRF	055504	Domestic Violence Programs	\$	10,000,000	\$	10,000,000 155122
GRF	055505	Pike County Capital Case	\$	500,000	\$	0 155123
GRF	055509	Law Enforcement Training	\$	40,000,000	\$	40,000,000 155124
GRF	055511	Prosecutor Victim Programs	\$	8,000,000	\$	8,000,000 155125
TOTAL GRF		General Revenue Fund	\$	186,072,000	\$	187,239,000 155126
		Dedicated Purpose Fund Group				155127
1060	055612	Attorney General Operating	\$	67,000,000	\$	67,000,000 155128
4020	055616	Victims of Crime	\$	15,000,000	\$	13,000,000 155129
4170	055621	Domestic Violence Shelter	\$	25,000	\$	25,000 155130
4180	055615	Charitable Foundations	\$	8,498,138	\$	8,498,138 155131
4190	055623	Claims Section	\$	44,818,400	\$	44,818,400 155132
4210	055617	Police Officers' Training Academy Fee	\$	1,500,000	\$	1,500,000 155133
4L60	055606	DARE Programs	\$	2,300,000	\$	2,300,000 155134
4Y70	055608	Title Defect Recision	\$	1,013,751	\$	1,013,751 155135
4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	\$	1,000,000	\$	1,000,000 155136
5900	055633	Peace Officer Private Security Training	\$	95,325	\$	95,325 155137
5A90	055618	Telemarketing Fraud Enforcement	\$	10,000	\$	10,000 155138
5LR0	055655	Peace Officer Training - Casino	\$	4,764,760	\$	4,764,760 155139
5TL0	055659	Organized Crime Law	\$	100,000	\$	100,000 155140

		Enforcement Trust					
5VL0	055435	Stop Bullying License	\$	3,000	\$	2,500	155141
		Plate					
6310	055637	Consumer Protection	\$	9,276,000	\$	9,276,000	155142
		Enforcement					
6590	055641	Solid and Hazardous	\$	337,960	\$	337,960	155143
		Waste Background					
		Investigations					
U087	055402	Tobacco Settlement	\$	2,000,000	\$	2,000,000	155144
		Oversight,					
		Administration, and					
		Enforcement					
TOTAL DPF		Dedicated Purpose Fund					155145
Group			\$	157,742,334	\$	155,741,834	155146
		Internal Service Activity Fund Group					155147
1950	055660	Workers' Compensation	\$	9,115,000	\$	9,115,000	155148
		Section					
TOTAL ISA		Internal Service Activity	\$	9,115,000	\$	9,115,000	155149
Fund Group							
		Holding Account Fund Group					155150
R004	055631	General Holding	\$	1,000,000	\$	1,000,000	155151
		Account					
R005	055632	Antitrust Settlements	\$	1,000,000	\$	1,000,000	155152
R018	055630	Consumer Frauds	\$	1,000,000	\$	1,000,000	155153
R042	055601	Organized Crime	\$	750,000	\$	750,000	155154
		Commission					
		Distributions					
R054	055650	Collection Payment	\$	4,500,000	\$	4,500,000	155155
		Redistribution					
TOTAL HLD		Holding Account					155156
Fund Group			\$	8,250,000	\$	8,250,000	155157
		Federal Fund Group					155158

3060	055620	Medicaid Fraud Control	\$	14,069,270	\$	14,069,270	155159
3830	055634	Crime Victims Assistance	\$	50,000,000	\$	50,000,000	155160
3E50	055638	Attorney General Pass-Through Funds	\$	8,020,999	\$	8,020,999	155161
3FV0	055656	Crime Victim Compensation	\$	1,200,000	\$	3,800,000	155162
3R60	055613	Attorney General Federal Funds	\$	3,652,129	\$	3,652,129	155163
TOTAL FED	Federal Fund Group		\$	76,942,398	\$	79,542,398	155164
TOTAL ALL BUDGET FUND GROUPS			\$	438,121,732	\$	439,888,232	155165

**Section 221.20.** OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 155167  
 SCIENCE 155168

Of the foregoing appropriation item 055321, Operating Expenses, \$650,000 in each fiscal year shall be used for the Ohio Center for the Future of Forensic Science at Bowling Green State University. The purpose of the Center shall be to foster forensic science research techniques (BCI Eminent Scholar) and to create professional training opportunities to students (BCI Scholars) in the forensic science fields. 155169  
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NARCOTICS TASK FORCES 155176

Of the foregoing appropriation item 055321, Operating Expenses, up to \$500,000 in each fiscal year shall be used to support narcotics task forces funded by the Attorney General. 155177  
 155178  
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DOMESTIC VIOLENCE PROGRAM 155180

Of the foregoing appropriation item 055321, Operating Expenses, \$100,000 in each fiscal year may be used by the Attorney General for the purpose of providing funding to domestic violence programs as defined in section 109.46 of the Revised Code. 155181  
 155182  
 155183  
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OHIO FALLEN OFFICERS MEMORIAL WALL	155185
Of the foregoing appropriation item 055321, Operating Expenses, \$67,500 in fiscal year 2024 shall be used by the Attorney General to restore the Ohio Fallen Officers Memorial Wall on the grounds of the Ohio Peace Officer Training Academy.	155186 155187 155188 155189
BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS) LEASE RENTAL PAYMENTS	155190 155191
The foregoing appropriation item 055406, BCIRS Lease Rental Payments, shall be used for payments during the period from July 1, 2023, through June 30, 2025, pursuant to leases and agreements entered into pursuant to Section 701.40 of S.B. 310 of the 131st General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the BCIRS.	155192 155193 155194 155195 155196 155197 155198 155199
COUNTY SHERIFFS' PAY SUPPLEMENT	155200
The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.	155201 155202 155203 155204
At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055411, County Sheriffs' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.	155205 155206 155207 155208 155209 155210
COUNTY PROSECUTORS' PAY SUPPLEMENT	155211
The foregoing appropriation item 055415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by	155212 155213 155214

section 325.111 of the Revised Code. 155215

At the request of the Attorney General, the Director of 155216  
Budget and Management may transfer appropriation from 155217  
appropriation item 055321, Operating Expenses, to appropriation 155218  
item 055415, County Prosecutors' Pay Supplement. Any appropriation 155219  
so transferred shall be used to supplement the annual compensation 155220  
of county prosecutors as required by section 325.111 of the 155221  
Revised Code. 155222

DRUG ABUSE RESPONSE TEAM GRANT PROGRAM 155223

The Attorney General shall maintain the Drug Abuse Response 155224  
Team Grant Program for the purpose of replicating or expanding 155225  
successful law enforcement programs that address the opioid 155226  
epidemic similar to the Drug Abuse Response Team established by 155227  
the Lucas County Sheriff's Department, and the Quick Response 155228  
Teams established in Colerain Township's Department of Public 155229  
Safety in Hamilton County and Summit County. Any grants awarded by 155230  
this grant program may include requirements for private or 155231  
nonprofit matching support. 155232

The foregoing appropriation item 055431, Drug Abuse Response 155233  
Team Grants, shall be used by the Attorney General to fund grants 155234  
to law enforcement or other government agencies; the primary 155235  
purpose of the grants shall be to replicate or expand successful 155236  
law enforcement programs that address the opioid epidemic similar 155237  
to the Drug Abuse Response Team established by the Lucas County 155238  
Sheriff's Department and the Quick Response Teams established in 155239  
Colerain Township's Department of Public Safety in Hamilton County 155240  
and Summit County. 155241

Each recipient of a grant under this program shall, within 155242  
six months of the end date of the grant, submit a written report 155243  
describing the outcomes that resulted from the grant to the 155244  
Governor, the President of the Senate, the Speaker of the House of 155245

Representatives, the Minority Leader of the Senate, and the	155246
Minority Leader of the House of Representatives.	155247
DRUG TESTING EQUIPMENT	155248
The foregoing appropriation item 055432, Drug Testing	155249
Equipment, shall be used to purchase drug testing equipment for	155250
the Bureau of Criminal Identification and Investigation.	155251
INTERNET CRIMES AGAINST CHILDREN TASK FORCE	155252
The foregoing appropriation item 055434, Internet Crimes	155253
Against Children Task Force, shall be used by the Attorney General	155254
in support of the Ohio Internet Crimes Against Children Task Force	155255
for the purposes described in section 195.02 of the Revised Code.	155256
RAPID DNA PILOT PROJECT	155257
The foregoing appropriation item 055440, Rapid DNA Pilot	155258
Project, shall be used to fund the necessary expenses incurred by	155259
the Bureau of Criminal Identification and Investigation to pilot	155260
rapid DNA technology with cooperating local law enforcement	155261
agencies.	155262
VICTIMS OF CRIME	155263
The foregoing appropriation item 055441, Victims of Crime,	155264
shall be allocated to the Crime Victim Compensation Program. Prior	155265
to using the funds from this appropriation item, the Attorney	155266
General shall, to the extent possible, first use funds related to	155267
the federal Victims of Crime Act.	155268
SCHOOL SAFETY TRAINING GRANTS	155269
(A) The foregoing appropriation item 055502, School Safety	155270
Training Grants, shall be used by the Attorney General, in	155271
consultation with the Superintendent of Public Instruction and the	155272
Director of Mental Health and Addiction Services, solely to make	155273
grants to public and chartered nonpublic schools, educational	155274
service centers, local law enforcement agencies, and schools	155275

operated by county boards of developmental disabilities	155276
administering special education services programs pursuant to	155277
section 5126.05 of the Revised Code for school safety and school	155278
climate programs and training.	155279
(B) The use of the grants includes, but is not limited to,	155280
all of the following:	155281
(1) The support of school resource officer certification	155282
training;	155283
(2) Any type of active shooter and school safety training or	155284
equipment;	155285
(3) All grade level type educational resources;	155286
(4) Training to identify and assist students with mental	155287
health issues;	155288
(5) School supplies or equipment related to school safety or	155289
for implementing the school's safety plan;	155290
(6) Any other training related to school safety.	155291
(C) The schools, educational service centers, and county	155292
boards shall work or contract with the county sheriff's office or	155293
a local police department in whose jurisdiction they are located	155294
to develop the programs and training described in divisions	155295
(B)(1), (2), (3), (5), and (6) of this section. Any grant awarded	155296
directly to a local law enforcement agency shall not be used to	155297
fund a similar request made by a school located within the	155298
jurisdiction of the local law enforcement agency.	155299
(D) As used in this section, "public school" means any school	155300
operated by a school district board of education, any community	155301
school established under Chapter 3314. of the Revised Code, and	155302
any STEM school established under Chapter 3326. of the Revised	155303
Code.	155304
DOMESTIC VIOLENCE PROGRAMS	155305

The foregoing appropriation item 055504, Domestic Violence Programs, shall be used by the Attorney General for the purpose of funding domestic violence programs as defined in section 109.46 of the Revised Code.

FINDING MY CHILDHOOD AGAIN PILOT PROGRAM 155310

Of the foregoing appropriation item 055504, Domestic Violence Programs, \$300,000 in each fiscal year shall be distributed to the Battered Women's Shelter of Summit and Medina counties for expenses related to the creation and implementation of a pilot program called "Finding my Childhood Again."

BATTERED WOMEN'S SHELTER 155316

Of the foregoing appropriation item 055504, Domestic Violence Programs, \$50,000 in each fiscal year shall be distributed to the Battered Women's Shelter of Summit and Medina counties for the cost of operating the commercial kitchen located at its Market Street Facility, and \$50,000 in each fiscal year shall be distributed to the Battered Women's Shelter of Portage County.

TRANSPORTATION GRANTS 155323

Of the foregoing appropriation item 055504, Domestic Violence Programs, \$25,000 in fiscal year 2024 shall be provided as grants to Ohio domestic violence shelters to buy transportation vouchers, ridesharing credits, or gas cards for eligible clients. The Attorney General shall adopt any rules necessary for the administration of the grant program.

PIKE COUNTY CAPITAL CASE 155330

An amount equal to the unexpended, unencumbered balance of appropriation item 055505, Pike County Capital Case, at the end of fiscal year 2023 is hereby reappropriated to the same appropriation item for the same purpose in fiscal year 2024.

LAW ENFORCEMENT TRAINING 155335

The foregoing appropriation item 055509, Law Enforcement Training, shall be used by the Attorney General for state funding of the training of peace officers and troopers that is required under section 109.803 of the Revised Code.

Of the foregoing appropriation item 055509, Law Enforcement Training, the Attorney General may use up to \$100,000 for administrative expenses associated with the program, including curriculum development.

On July 1, 2024, or as soon as possible thereafter, the Attorney General shall certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 055509, Law Enforcement Training, at the end of fiscal year 2024 to be reappropriated for the same purpose in fiscal year 2025. Upon Controlling Board approval, the amount certified is hereby reappropriated to the same appropriation item for fiscal year 2025.

**PROSECUTOR VICTIM PROGRAMS**

The foregoing appropriation item 055511, Prosecutor Victim Programs, shall be used for grants to prosecutor programs and prosecutor designated programs that provide assistance to victims and promote victim rights implementation.

**ATTORNEY GENERAL OPERATING**

In fiscal year 2024, if the Attorney General determines that additional funds are needed to pay expenses related to representation in a concluded opioid litigation, the Attorney General shall certify to the Director of Budget and Management the amount needed, not to exceed \$14,400,000, and shall include supporting documentation showing the amount required. If the Director determines that the amounts are required, the Director may transfer cash, up to the amount certified, from the General Revenue Fund to Attorney General Reimbursement Fund (Fund 1060),

for the purpose of paying the expenses approved. Such amounts 155367  
transferred are hereby appropriated to appropriation item 055612, 155368  
Attorney General Operating, for fiscal year 2024. 155369

WORKERS' COMPENSATION SECTION 155370

The Workers' Compensation Fund (Fund 1950) is entitled to 155371  
receive quarterly payments from the Bureau of Workers' 155372  
Compensation and the Ohio Industrial Commission to fund legal 155373  
services provided to the Bureau of Workers' Compensation and the 155374  
Ohio Industrial Commission during the fiscal year. 155375

In addition, the Bureau of Workers' Compensation shall 155376  
transfer payments for the support of the Workers' Compensation 155377  
Fraud Unit. 155378

All amounts shall be mutually agreed upon by the Attorney 155379  
General, the Bureau of Workers' Compensation, and the Ohio 155380  
Industrial Commission. 155381

GENERAL HOLDING ACCOUNT 155382

The foregoing appropriation item 055631, General Holding 155383  
Account, shall be used, subject to Controlling Board approval, to 155384  
distribute moneys under the terms of relevant court orders or 155385  
other settlements received in a variety of cases involving the 155386  
Office of the Attorney General. 155387

ANTITRUST SETTLEMENTS 155388

The foregoing appropriation item 055632, Antitrust 155389  
Settlements, shall be used, subject to Controlling Board approval, 155390  
to distribute moneys under the terms of relevant court orders or 155391  
other out-of-court settlements in antitrust cases or antitrust 155392  
matters involving the Office of the Attorney General. 155393

CONSUMER FRAUDS 155394

The foregoing appropriation item 055630, Consumer Frauds, 155395  
shall be used for distribution of moneys from court-ordered 155396

judgments against sellers in actions brought by the Office of the Attorney General under sections 1334.08 and 4549.48 and division (B) of section 1345.07 of the Revised Code. These moneys shall be used to provide restitution to consumers victimized by the fraud that generated the court-ordered judgments. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ORGANIZED CRIME COMMISSION DISTRIBUTIONS

The foregoing appropriation item 055601, Organized Crime Commission Distributions, shall be used by the Organized Crime Investigations Commission, as provided by section 177.011 of the Revised Code, to reimburse political subdivisions for the expenses the political subdivisions incur when their law enforcement officers participate in an organized crime task force. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

COLLECTION PAYMENT REDISTRIBUTION

The foregoing appropriation item 055650, Collection Payment Redistribution, shall be used for the purpose of allocating the revenue where debtors mistakenly paid the client agencies instead of the Attorney General's Collections Enforcement Section. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

**Section 223.10.** AUD AUDITOR OF STATE

General Revenue Fund

GRF	070401	Audit Management and Services	\$	13,444,000	\$	13,748,000	155422
GRF	070402	Performance Audits	\$	2,311,000	\$	2,620,000	155423
GRF	070403	Fiscal Distress Technical Assistance	\$	500,000	\$	500,000	155424

GRF	070404	Fraud/Corruption	\$	2,877,000	\$	3,004,000	155425
		Audits and					
		Investigations					
GRF	070412	Local Government	\$	16,010,000	\$	16,550,000	155426
		Audit Support					
TOTAL GRF		General Revenue Fund	\$	35,142,000	\$	36,422,000	155427
		Dedicated Purpose Fund Group					155428
1090	070601	Public Audit Expense	\$	12,170,518	\$	12,539,160	155429
		- Intrastate					
4220	070602	Public Audit Expense	\$	33,346,525	\$	33,464,635	155430
		- Local Government					
5840	070603	Training Program	\$	200,000	\$	200,000	155431
5JZ0	070606	Auditor's Innovation	\$	300,000	\$	300,000	155432
		Fund					
5VP0	070611	Local Government	\$	16,010,000	\$	16,550,000	155433
		Audit Support Fund					
6750	070605	Uniform Accounting	\$	6,288,024	\$	10,734,834	155434
		Network					
TOTAL DPF		Dedicated Purpose Fund					155435
Group			\$	68,315,067	\$	73,788,629	155436
TOTAL ALL BUDGET FUND GROUPS			\$	103,457,067	\$	110,210,629	155437
		<b>Section 223.20. AUDIT MANAGEMENT AND SERVICES</b>					155439
		The foregoing appropriation item 070401, Audit Management and					155440
		Services, shall be used pursuant to section 117.13 of the Revised					155441
		Code to support costs of the Auditor of State that are not					155442
		recovered through charges to local governments and state entities,					155443
		including costs that cannot be recovered from audit clients under					155444
		federal indirect cost allocation guidelines. This appropriation					155445
		item also shall be used to cover costs of the Local Government					155446
		Services Section that are not charged to clients.					155447
		PERFORMANCE AUDITS					155448

The foregoing appropriation item 070402, Performance Audits, 155449  
shall be used pursuant to section 117.13 of the Revised Code to 155450  
support costs of the Auditor of State related to the provision of 155451  
performance audits for local governments, school districts, state 155452  
agencies, and colleges and universities that are not recovered 155453  
through charges to those entities, including costs that cannot be 155454  
recovered from audit clients under federal indirect cost 155455  
allocation guidelines. 155456

FISCAL DISTRESS TECHNICAL ASSISTANCE 155457

The foregoing appropriation item 070403, Fiscal Distress 155458  
Technical Assistance, shall be used to support costs of the 155459  
Auditor of State responsibilities under Chapters 118. and 3316. of 155460  
the Revised Code to provide services to local governments or 155461  
schools in, or at risk of entering, a state of fiscal caution, 155462  
watch, or emergency. 155463

LOCAL GOVERNMENT AUDIT SUPPORT 155464

The foregoing appropriation item 070412, Local Government 155465  
Audit Support, shall be used pursuant to section 117.13 of the 155466  
Revised Code to support costs of the Auditor of State that are not 155467  
recovered through charges to local governments, including costs 155468  
that cannot be recovered from audit clients under federal indirect 155469  
cost allocation guidelines. 155470

LOCAL GOVERNMENT AUDIT SUPPORT FUND 155471

The foregoing appropriation item 070611, Local Government 155472  
Audit Support Fund, shall be used pursuant to section 117.131 of 155473  
the Revised Code to offset costs of audits that would otherwise be 155474  
charged to local public offices in the absence of the fund. 155475

**Section 229.10.** OBM OFFICE OF BUDGET AND MANAGEMENT 155476

General Revenue Fund 155477

GRF 042321 Operating Expenses \$ 4,502,000 \$ 4,592,000 155478

TOTAL GRF General Revenue Fund	\$	4,502,000	\$	4,592,000	155479
Internal Service Activity Fund Group					155480
1050 042603 Financial Management	\$	26,219,399	\$	26,219,399	155481
TOTAL ISA Internal Service Activity					155482
Fund Group	\$	26,219,399	\$	26,219,399	155483
Fiduciary Fund Group					155484
5EH0 042604 Forgery Recovery	\$	30,000	\$	30,000	155485
TOTAL FID Fiduciary Fund Group	\$	30,000	\$	30,000	155486
TOTAL ALL BUDGET FUND GROUPS	\$	30,751,399	\$	30,841,399	155487

**Section 229.20. AUDIT COSTS** 155489

All centralized audit costs associated with either Single 155490  
 Audit Schedules or financial statements prepared in conformance 155491  
 with generally accepted accounting principles for the state shall 155492  
 be paid from the foregoing appropriation item 042603, Financial 155493  
 Management. 155494

Costs associated with the audit of the Auditor of State shall 155495  
 be paid from the foregoing appropriation item 042321, Operating 155496  
 Expenses. 155497

**SHARED SERVICES CENTER** 155498

The foregoing appropriation items 042321, Operating Expenses, 155499  
 and 042603, Financial Management, shall be used by the Director of 155500  
 Budget and Management to support the Shared Services program 155501  
 pursuant to division (D) of section 126.21 of the Revised Code. 155502

The Director of Budget and Management shall include the 155503  
 recovery of costs to operate the Shared Services program in the 155504  
 accounting and budgeting services payroll rate and through direct 155505  
 charges using intrastate transfer vouchers billed to agencies for 155506  
 services rendered using a methodology determined by the Director 155507  
 of Budget and Management. Such cost recovery revenues shall be 155508  
 deposited to the credit of the Accounting and Budgeting Fund (Fund 155509

1050).					155510
INTERNAL AUDIT					155511
The Director of Budget and Management shall include the					155512
recovery of costs to operate the Internal Audit Program pursuant					155513
to section 126.45 of the Revised Code in the accounting and					155514
budgeting services payroll rate using a methodology determined by					155515
the Director of Budget and Management. Such cost recovery revenues					155516
shall be deposited to the credit of Fund 1050.					155517
FORGERY RECOVERY					155518
The foregoing appropriation item 042604, Forgery Recovery,					155519
shall be used to reissue warrants that have been certified as					155520
forgeries by the rightful recipient as determined by the Bureau of					155521
Criminal Identification and Investigation and the Treasurer of					155522
State. Upon receipt of funds to cover the reissuance of the					155523
warrant, the Director of Budget and Management shall reissue a					155524
state warrant of the same amount. Any additional amounts needed to					155525
reissue warrants backed by the receipt of funds are hereby					155526
appropriated.					155527
<b>Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD</b>					155528
General Revenue Fund					155529
GRF 874321 Operating Expenses	\$	7,751,000	\$	7,751,000	155530
TOTAL GRF General Revenue Fund	\$	7,751,000	\$	7,751,000	155531
Dedicated Purpose Fund Group					155532
2080 874601 Underground Parking	\$	4,245,906	\$	4,245,906	155533
Garage Operations					
4G50 874603 Capitol Square	\$	6,000	\$	6,000	155534
Education Center and					
Arts					
TOTAL DPF Dedicated Purpose					155535
Fund Group	\$	4,251,906	\$	4,251,906	155536

Internal Service Activity Fund Group				155537
4S70 874602 Statehouse Gift	\$	800,000	\$ 800,000	155538
Shop/Events				
TOTAL ISA Internal Service Activity				155539
Fund Group	\$	800,000	\$ 800,000	155540
TOTAL ALL BUDGET FUND GROUPS	\$	12,802,906	\$ 12,802,906	155541

OPERATING EXPENSES 155542

On July 1, 2023, or as soon as possible thereafter, the 155543  
Executive Director of the Capitol Square Review and Advisory Board 155544  
may certify to the Director of Budget and Management the amount of 155545  
the unexpended, unencumbered balance of the appropriation items 155546  
874100, Personal Services, and 874320, Maintenance and Equipment, 155547  
at the end of fiscal year 2023 to be reappropriated to 155548  
appropriation item 874321, Operating Expenses, for fiscal year 155549  
2024. The amount certified is hereby reappropriated to 155550  
appropriation item 874321, Operating Expenses, for fiscal year 155551  
2024. 155552

On July 1, 2024, or as soon as possible thereafter, the 155553  
Executive Director of the Capitol Square Review and Advisory Board 155554  
may certify to the Director of Budget and Management an amount up 155555  
to the unexpended, unencumbered balance of the foregoing 155556  
appropriation item 874321, Operating Expenses, at the end of 155557  
fiscal year 2024 to be reappropriated for fiscal year 2025. The 155558  
amount certified is hereby reappropriated to the same 155559  
appropriation item 874321, Operating Expenses, for fiscal year 155560  
2025. 155561

UNDERGROUND PARKING GARAGE FUND 155562

Notwithstanding division (G) of section 105.41 of the Revised 155563  
Code and any other provision to the contrary, moneys in the 155564  
Underground Parking Garage Fund (Fund 2080) may be used for 155565  
personnel and operating costs related to the operations of the 155566

Statehouse and the Statehouse Underground Parking Garage.				155567
HOUSE AND SENATE PARKING REIMBURSEMENT				155568
On July 1 of each fiscal year, or as soon as possible				155569
thereafter, the Director of Budget and Management shall transfer				155570
\$500,000 cash from the General Revenue Fund to the Underground				155571
Parking Garage Fund (Fund 2080). The amounts transferred under				155572
this section shall be used to reimburse the Capitol Square Review				155573
and Advisory Board for legislative parking costs.				155574
<b>Section 233.10.</b> SCR STATE BOARD OF CAREER COLLEGES AND				155575
SCHOOLS				155576
Dedicated Purpose Fund Group				155577
4K90 233601 Operating Expenses	\$	551,000	\$ 567,000	155578
TOTAL DPF Dedicated Purpose Fund	\$	551,000	\$ 567,000	155579
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	551,000	\$ 567,000	155580
<b>Section 235.10.</b> CAC CASINO CONTROL COMMISSION				155582
Dedicated Purpose Fund Group				155583
5HS0 955321 Operating Expenses	\$	16,352,000	\$ 16,753,000	155584
5NU0 955601 Casino Commission	\$	250,000	\$ 250,000	155585
Enforcement				
5YR0 955602 Problem Sports Gaming	\$	500,000	\$ 500,000	155586
TOTAL DPF Dedicated Purpose Fund	\$	17,102,000	\$ 17,503,000	155587
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	17,102,000	\$ 17,503,000	155588
<b>Section 237.10.</b> CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD				155591
Dedicated Purpose Fund Group				155592
4K90 930609 Operating Expenses	\$	925,837	\$ 998,837	155593
TOTAL DPF Dedicated Purpose Fund	\$	925,837	\$ 998,837	155594

Group

TOTAL ALL BUDGET FUND GROUPS	\$	925,837	\$	998,837	155595
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**Section 239.10.** CHR STATE CHIROPRACTIC BOARD 155597

Dedicated Purpose Fund Group 155598

4K90 878609 Operating Expenses	\$	592,868	\$	593,868	155599
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TOTAL DPF Dedicated Purpose Fund	\$	592,868	\$	593,868	155600
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	592,868	\$	593,868	155601
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**Section 241.10.** CIV OHIO CIVIL RIGHTS COMMISSION 155603

General Revenue Fund 155604

GRF 876321 Operating Expenses	\$	6,963,000	\$	7,172,000	155605
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TOTAL GRF General Revenue Fund	\$	6,963,000	\$	7,172,000	155606
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Federal Fund Group 155607

3340 876601 Federal Programs	\$	3,786,800	\$	4,232,800	155608
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TOTAL FED Federal Special Revenue					155609
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Fund Group	\$	3,786,800	\$	4,232,800	155610
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TOTAL ALL BUDGET FUND GROUPS	\$	10,749,800	\$	11,404,800	155611
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**Section 243.10.** COM DEPARTMENT OF COMMERCE 155613

Dedicated Purpose Fund Group 155614

4B20 800631 Real Estate Appraisal	\$	35,000	\$	35,000	155615
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Recovery

4H90 800608 Cemeteries	\$	453,275	\$	453,275	155616
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4X20 800619 Financial Institutions	\$	2,196,327	\$	2,217,605	155617
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5430 800602 Unclaimed	\$	13,930,644	\$	14,039,257	155618
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Funds-Operating

5430 800625 Unclaimed Funds-Claims	\$	70,000,000	\$	70,000,000	155619
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5440 800612 Banks	\$	10,557,393	\$	12,557,393	155620
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5460 800610 Fire Marshal	\$	30,868,718	\$	29,102,147	155621
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5460 800639 Fire Department Grants	\$	7,515,000	\$	7,515,000	155622
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5480	800611	Real Estate Recovery	\$	50,000	\$	50,000	155623
5490	800614	Real Estate	\$	7,643,614	\$	6,672,175	155624
5500	800617	Securities	\$	10,955,287	\$	8,918,450	155625
5520	800604	Credit Union	\$	4,057,117	\$	5,213,603	155626
5530	800607	Consumer Finance	\$	6,139,757	\$	6,139,757	155627
5560	800615	Industrial Compliance	\$	31,832,113	\$	31,832,113	155628
5F10	800635	Small Government Fire	\$	600,000	\$	600,000	155629
		Departments					
5FW0	800616	Financial Literacy	\$	150,000	\$	150,000	155630
		Education					
5GK0	800609	Securities Investor	\$	2,182,150	\$	2,182,150	155631
		Education/Enforcement					
5HV0	800641	Cigarette Enforcement	\$	27,324	\$	27,324	155632
5LC0	800644	Liquor JobsOhio	\$	396,154	\$	396,154	155633
		Extraordinary Allowance					
5LN0	800645	Liquor Operating	\$	20,583,022	\$	20,583,022	155634
		Services					
5LP0	800646	Liquor Regulatory	\$	18,823,822	\$	15,823,822	155635
		Operating Expenses					
5SJ0	800648	Volunteer Peace	\$	50,000	\$	50,000	155636
		Officers' Dependent					
		Fund					
5SY0	800650	Medical Marijuana	\$	7,990,837	\$	9,050,379	155637
		Control Program					
5VD0	800653	Real Estate Home	\$	10,000	\$	10,000	155638
		Inspector Recovery					
5X60	800623	Video Service	\$	452,720	\$	452,720	155639
5XK0	800657	Ohio Investor Recovery	\$	2,500,000	\$	2,500,000	155640
6530	800629	UST Registration/Permit	\$	2,539,151	\$	2,539,151	155641
		Fee					
TOTAL	DPF	Dedicated Purpose					155642
Fund	Group		\$	252,539,425	\$	249,110,497	155643
Internal	Service	Activity Fund Group					155644

1630	800620	Division of Administration	\$	9,572,488	\$	9,572,488	155645
1630	800637	Information Technology	\$	13,090,791	\$	13,431,945	155646
TOTAL ISA Internal Service Activity							155647
Fund Group			\$	22,663,279	\$	23,004,433	155648
Federal Fund Group							155649
3480	800622	Underground Storage Tanks	\$	831,359	\$	831,359	155650
3480	800624	Leaking Underground Storage Tanks	\$	2,055,439	\$	2,055,439	155651
TOTAL FED Federal Fund Group			\$	2,886,798	\$	2,886,798	155652
TOTAL ALL BUDGET FUND GROUPS			\$	278,089,502	\$	275,001,728	155653

**Section 243.20. UNCLAIMED FUNDS PAYMENTS** 155655

The foregoing appropriation item 800625, Unclaimed Funds-Claims, shall be used to pay claims under section 169.08 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management approve such increases. Any approved increases are hereby appropriated. 155656-155662

**DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING** 155663

The foregoing appropriation item 800631, Real Estate Appraisal Recovery, shall be used to pay settlements, judgments, and court orders under section 4763.16 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management approve such increases. Any approved increases are hereby appropriated. 155664-155671

The foregoing appropriation item 800611, Real Estate Recovery, shall be used to pay settlements, judgments, and court 155672-155673

orders under section 4735.12 of the Revised Code. If it is 155674  
determined by the Director of Commerce that additional 155675  
appropriation amounts are necessary to make such payments, the 155676  
Director of Commerce may request that the Director of Budget and 155677  
Management approve such increases. Any approved increases are 155678  
hereby appropriated. 155679

The foregoing appropriation item 800653, Real Estate Home 155680  
Inspector Recovery, shall be used to pay settlements, judgments, 155681  
and court orders under section 4764.21 of the Revised Code. If it 155682  
is determined by the Director of Commerce that additional 155683  
appropriation amounts are necessary to make such payments, the 155684  
Director of Commerce may request that the Director of Budget and 155685  
Management approve such increases. Any approved increases are 155686  
hereby appropriated. 155687

REAL ESTATE SALESPERSON LICENSE GRANTS 155688

Notwithstanding section 4735.06 of the Revised Code, or any 155689  
other law to the contrary, the Superintendent of the Division of 155690  
Real Estate and Professional Licensing may provide grants, not 155691  
exceeding \$2,000, to applicants for salesperson licenses to defray 155692  
the costs of satisfying the educational requirements of division 155693  
(F) of section 4735.09 of the Revised Code. No more than \$25,000 155694  
shall be granted from the Division of Real Estate Operating Fund 155695  
(Fund 5490) in any one fiscal year. 155696

FIRE DEPARTMENT GRANTS 155697

(A) The foregoing appropriation item 800639, Fire Department 155698  
Grants, shall be used to make annual grants to the following 155699  
eligible recipients: volunteer fire departments, fire departments 155700  
that serve one or more small municipalities or small townships, 155701  
joint fire districts comprised of fire departments that primarily 155702  
serve small municipalities or small townships, local units of 155703  
government responsible for such fire departments, and local units 155704

of government responsible for the provision of fire protection 155705  
services for small municipalities or small townships. For the 155706  
purposes of these grants, a private fire company, as that phrase 155707  
is defined in section 9.60 of the Revised Code, that is providing 155708  
fire protection services under a contract to a political 155709  
subdivision of the state, is an additional eligible recipient for 155710  
a training grant. 155711

Eligible recipients that consist of small municipalities or 155712  
small townships that all intend to contract with the same fire 155713  
department or private fire company for fire protection services 155714  
may jointly apply and be considered for a grant. If a joint 155715  
applicant is awarded a grant, the State Fire Marshal shall, if 155716  
feasible, proportionately award the grant and any equipment 155717  
purchased with grant funds to each of the joint applicants based 155718  
upon each applicant's contribution to and demonstrated need for 155719  
fire protection services. For the purpose of this grant program, 155720  
an eligible recipient or any firefighting entity that is 155721  
contracted to serve an eligible recipient may only file, be listed 155722  
as joint applicant, or be designated as a service provider on one 155723  
grant application per fiscal year. 155724

If the grant awarded to joint applicants is an equipment 155725  
grant and the equipment to be purchased cannot be readily 155726  
distributed or possessed by multiple recipients, each of the joint 155727  
applicants shall be awarded by the State Fire Marshal an ownership 155728  
interest in the equipment so purchased in proportion to each 155729  
applicant's contribution to and demonstrated need for fire 155730  
protection services. The joint applicants shall then mutually 155731  
agree on how the equipment is to be maintained, operated, stored, 155732  
or disposed of. If, for any reason, the joint applicants cannot 155733  
agree as to how jointly owned equipment is to be maintained, 155734  
operated, stored, or disposed of or any of the joint applicants no 155735  
longer maintain a contract with the same fire protection service 155736

provider as the other applicants, then the joint applicants shall, 155737  
with the assistance of the State Fire Marshal, mutually agree as 155738  
to how the jointly owned equipment is to be maintained, operated, 155739  
stored, disposed of, or owned. If the joint applicants cannot 155740  
agree how the grant equipment is to be maintained, operated, 155741  
stored, disposed of, or owned, the State Fire Marshal may, in its 155742  
discretion, require all of the equipment acquired by the joint 155743  
applicants with grant funds to be returned to the State Fire 155744  
Marshal. The State Fire Marshal may then award the returned 155745  
equipment to any eligible recipients. For this paragraph only, an 155746  
"equipment grant" also includes a MARCS Grant. 155747

(B) Except as otherwise provided in this section, the grants 155748  
shall be used by recipients to purchase firefighting or rescue 155749  
equipment or gear or similar items, to provide full or partial 155750  
reimbursement for the documented costs of firefighter training, 155751  
or, at the discretion of the State Fire Marshal, to cover fire 155752  
department costs for providing fire protection services in that 155753  
grant recipient's jurisdiction. 155754

(1) Of the foregoing appropriation item 800639, Fire 155755  
Department Grants, up to \$1,300,000 per fiscal year may be used to 155756  
pay for the State Fire Marshal's costs of providing firefighter I 155757  
certification classes or other firefighter classes approved by the 155758  
State Fire Marshal at no cost to selected students attending the 155759  
Ohio Fire Academy or other class providers approved by the State 155760  
Fire Marshal. The State Fire Marshal may establish the 155761  
qualifications and selection processes for students to attend such 155762  
classes by written policy, and such students shall be considered 155763  
eligible recipients of fire department grants for the purposes of 155764  
this portion of the grant program. 155765

(2) Of the foregoing appropriation item 800639, Fire 155766  
Department Grants, up to \$4,000,000 in each fiscal year may be 155767  
used for MARCS Grants. MARCS Grants may be used for the payment of 155768

user access fees by the eligible recipient to cover costs for 155769  
accessing MARCS. 155770

For purposes of this section, a MARCS Grant is a grant for 155771  
systems, equipment, or services that are a part of, integrated 155772  
into, or otherwise interoperable with the Multi-Agency Radio 155773  
Communication System (MARCS) operated by the state. 155774

MARCS Grant awards may be up to \$50,000 in each fiscal year 155775  
per eligible recipient. Each eligible recipient may apply, as a 155776  
separate entity or as a part of a joint application, for only one 155777  
MARCS Grant per fiscal year. The State Fire Marshal may give a 155778  
preference to MARCS Grants that will enhance the overall 155779  
interoperability and effectiveness of emergency communication 155780  
networks in the geographic region that includes and that is 155781  
adjacent to the applicant. 155782

Eligible recipients that are or were awarded fire department 155783  
grants that are not MARCS Grants may also apply for and receive 155784  
MARCS Grants in accordance with criteria for the awarding of grant 155785  
funds established by the State Fire Marshal. 155786

(3) Grant awards for firefighting or rescue equipment or gear 155787  
or for fire department costs of providing fire protection services 155788  
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 155789  
fiscal year if an eligible entity serves a jurisdiction in which 155790  
the Governor declared a natural disaster during the preceding or 155791  
current fiscal year in which the grant was awarded. In addition to 155792  
any grant funds awarded for rescue equipment or gear, or for fire 155793  
department costs associated with the provision of fire protection 155794  
services, an eligible entity may receive a grant for up to \$15,000 155795  
per fiscal year for full or partial reimbursement of the 155796  
documented costs of firefighter training. For each fiscal year, 155797  
the State Fire Marshal shall determine the total amounts to be 155798  
allocated for each eligible purpose. 155799

(C) The grants shall be administered by the State Fire Marshal in accordance with rules the State Fire Marshal adopts as part of the state fire code adopted pursuant to section 3737.82 of the Revised Code that are necessary for the administration and operation of the grant program. The rules may further define the entities eligible to receive grants and establish criteria for the awarding and expenditure of grant funds, including methods the State Fire Marshal may use to verify the proper use of grant funds or to obtain reimbursement for or the return of equipment for improperly used grant funds. To the extent consistent with this section and until the rules are updated, the existing rules in the state fire code adopted pursuant to section 3737.82 of the Revised Code for fire department grants under this section apply to MARCS Grants. Any amounts in appropriation item 800639, Fire Department Grants, in excess of the amount allocated for these grants may be used for the administration of the grant program.

(D) Of the foregoing appropriation item 800639, Fire Department Grants, \$15,000 in each fiscal year shall be allocated to the Northwestern Ohio Volunteer Firemen's Association fire school.

DIVISION OF MARIJUANA CONTROL

The foregoing appropriation item 800650, Medical Marijuana Control Program, shall be used by the Department of Commerce to support the operation of the Division of Marijuana Control, including expenditures related to the transfer of the medical marijuana control program into the Department. If additional amounts are available in the Medical Marijuana Control Fund (Fund 5SY0), and additional amounts are necessary to transfer the program, the Director of Commerce may certify to the Director of the Office of Budget and Management the amount of additional appropriation necessary for this purpose. Upon approval by the Director of the Office of Budget and Management, that amount is

hereby appropriated. 155832

**Section 243.30.** CASH TRANSFERS TO DIVISION OF REAL ESTATE 155833  
OPERATING FUND 155834

If the Real Estate Recovery Fund (Fund 5480) cash balance 155835  
exceeds \$250,000 during the biennium ending June 30, 2025, the 155836  
Director of Budget and Management, upon the written request of the 155837  
Director of Commerce and subject to the approval of the 155838  
Controlling Board, may transfer cash from Fund 5480 to the 155839  
Division of Real Estate Operating Fund (Fund 5490), such that the 155840  
amount available in Fund 5480 is not less than \$250,000. 155841

If the Real Estate Appraiser Recovery Fund (Fund 4B20) cash 155842  
balance exceeds \$200,000 during the biennium ending June 30, 2025, 155843  
the Director of Budget and Management, upon the written request of 155844  
the Director of Commerce and subject to the approval of the 155845  
Controlling Board, may transfer cash from Fund 4B20 to the 155846  
Division of Real Estate Operating Fund (Fund 5490), such that the 155847  
amount available in Fund 4B20 is not less than \$200,000. 155848

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES 155849  
REVOLVING LOAN FUND 155850

Upon the written request of the Director of Commerce, and 155851  
subject to the approval of the Controlling Board, the Director of 155852  
Budget and Management may transfer up to \$600,000 in cash from the 155853  
State Fire Marshal Fund (Fund 5460) to the Small Government Fire 155854  
Department Services Revolving Loan Fund (Fund 5F10) during the 155855  
biennium ending June 30, 2025. 155856

CASH TRANSFERS TO THE DIVISION OF SECURITIES INVESTOR 155857  
EDUCATION AND ENFORCEMENT EXPENSE FUND 155858

Upon the written request of the Director of Commerce, the 155859  
Director of Budget and Management may transfer up to \$5,000,000 in 155860  
cash from the Division of Securities Fund (Fund 5500) to the 155861

Division of Securities Investor Education and Enforcement Expense 155862  
Fund (Fund 5GK0) in fiscal year 2024. Upon the written request of 155863  
the Director of Commerce, the Director of Budget and Management 155864  
may transfer up to five per cent of the fees and charges received 155865  
in Fund 5500 to Fund 5GK0 in fiscal year 2025. 155866

Of the foregoing appropriation item 800609, Securities 155867  
Investor Education/Enforcement, up to \$1,000,000 in each fiscal 155868  
year may be used by the Department of Commerce to provide grants 155869  
for the purpose of securities investor education. 155870

CASH TRANSFERS TO THE OHIO INVESTOR RECOVERY FUND 155871

Upon the written request of the Director of Commerce, and 155872  
subject to the approval of the Controlling Board, the Director of 155873  
Budget and Management may transfer up to \$2,500,000 in each fiscal 155874  
year from the Division of Securities Fund (Fund 5500) to the Ohio 155875  
Investor Recovery Fund (Fund 5XK0) during the biennium ending June 155876  
30, 2025. 155877

Of the foregoing appropriation item 800657, Ohio Investor 155878  
Recovery, up to \$2,500,000 in each fiscal year shall be used by 155879  
the Department of Commerce pursuant to section 1707.47 of the 155880  
Revised Code to provide restitution assistance to victims who: (1) 155881  
are identified in a final administrative order issued by the 155882  
Division of Securities or a final court order in a civil or 155883  
criminal proceeding initiated by the Division as a purchaser 155884  
damaged by a sale or contract for sale made in violation of 155885  
Chapter 1707. of the Revised Code; and (2) have not received the 155886  
full amount of any restitution ordered in a final order before the 155887  
application for restitution assistance is due. 155888

**Section 245.10. OCC OFFICE OF CONSUMERS' COUNSEL** 155889

Dedicated Purpose Fund Group 155890  
5F50 053601 Operating Expenses \$ 6,313,267 \$ 6,313,267 155891



TOTAL DPF Dedicated Purpose Fund	\$	1,967,897	\$	2,039,897	155918
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,967,897	\$	2,039,897	155919
<b>Section 253.10. CLA COURT OF CLAIMS</b>					155921
General Revenue Fund					155922
GRF 015321 Operating Expenses	\$	2,984,000	\$	3,109,000	155923
GRF 015403 Public Records	\$	1,040,000	\$	1,081,000	155924
Adjudication					
TOTAL GRF General Revenue Fund	\$	4,024,000	\$	4,190,000	155925
Dedicated Purpose Fund Group					155926
5K20 015603 CLA Victims of Crime	\$	572,502	\$	595,107	155927
5TE0 015604 Public Records	\$	6,000	\$	2,000	155928
TOTAL DPF Dedicated Purpose Fund	\$	578,502	\$	597,107	155929
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	4,602,502	\$	4,787,107	155930
<b>Section 255.10. DEN STATE DENTAL BOARD</b>					155932
Dedicated Purpose Fund Group					155933
4K90 880609 Operating Expenses	\$	1,979,497	\$	1,991,497	155934
TOTAL DPF Dedicated Purpose Fund	\$	1,979,497	\$	1,991,497	155935
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,979,497	\$	1,991,497	155936
<b>Section 257.10. BDP BOARD OF DEPOSIT</b>					155938
Dedicated Purpose Fund Group					155939
4M20 974601 Board of Deposit	\$	1,688,400	\$	1,688,400	155940
TOTAL DPF Dedicated Purpose Fund	\$	1,688,400	\$	1,688,400	155941
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,688,400	\$	1,688,400	155942
<b>Section 257.20. BOARD OF DEPOSIT EXPENSE FUND</b>					155944

Upon receiving certification of expenses from the Treasurer 155945  
of State, the Director of Budget and Management shall transfer 155946  
cash from the Investment Earnings Redistribution Fund (Fund 6080) 155947  
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 155948  
shall be used pursuant to section 135.02 of the Revised Code to 155949  
pay for any and all necessary expenses of the Board of Deposit or 155950  
for banking charges and fees required for the operation of the 155951  
State of Ohio Regular Account. 155952

**Section 259.10. DEV DEPARTMENT OF DEVELOPMENT** 155953

General Revenue Fund 155954

GRF 195405 Minority Business \$ 10,150,000 \$ 9,150,000 155955  
Development

GRF 195415 Business Development \$ 5,700,000 \$ 5,700,000 155956  
Services

GRF 195426 Redevelopment \$ 1,065,000 \$ 1,065,000 155957  
Assistance

GRF 195453 Technology Programs \$ 835,000 \$ 835,000 155958  
and Grants

GRF 195454 Small Business and \$ 4,000,000 \$ 4,000,000 155959  
Export Assistance

GRF 195455 Appalachia Assistance \$ 6,514,000 \$ 6,514,000 155960

GRF 195497 CDBG Operating Match \$ 1,400,000 \$ 1,400,000 155961

GRF 195499 BSD Federal Programs \$ 13,274,000 \$ 13,274,000 155962  
Match

GRF 195501 iBELIEVE \$ 300,000 \$ 300,000 155963

GRF 195503 Local Development \$ 23,100,000 \$ 22,425,000 155964  
Projects

GRF 195537 Ohio-Israel \$ 365,000 \$ 365,000 155965  
Agricultural  
Initiative

GRF 195553 Industry Sector \$ 7,500,000 \$ 7,500,000 155966

		Partnerships					
GRF	195556	TechCred Program	\$	25,200,000	\$	25,200,000	155967
GRF	195566	Main Street Job	\$	1,000,000	\$	1,000,000	155968
		Recovery Program					
GRF	195584	Ohio Nuclear	\$	750,000	\$	750,000	155969
		Development Authority					
TOTAL	GRF	General Revenue Fund	\$	101,153,000	\$	99,478,000	155970
		Dedicated Purpose Fund Group				155971	
4500	195624	Minority Business	\$	100,000	\$	100,000	155972
		Bonding Program					
		Administration					
4510	195649	Business Assistance	\$	3,000,000	\$	3,000,000	155973
		Programs					
4F20	195639	State Special Projects	\$	150,000	\$	150,000	155974
4F20	195655	Workforce Development	\$	1,175,000	\$	1,175,000	155975
		Programs					
4F20	195699	Utility Community	\$	750,000	\$	750,000	155976
		Assistance					
4W10	195646	Minority Business	\$	5,000,000	\$	5,000,000	155977
		Enterprise Loan					
5AF1	1956G8	Ohio Aviation	\$	2,500,000	\$	2,500,000	155978
		Workforce Innovation					
		Fund					
5AI1	1956G9	Broadband Pole	\$	50,000,000	\$	0	155979
		Replacement and					
		Undergrounding Program					
5CV3	1956A1	Water and Sewer	\$	160,000,000	\$	0	155980
		Quality Program					
5CV5	1956B4	ARPA Capital Projects	\$	267,000,000	\$	0	155981
5JR0	195635	Tax Incentives	\$	1,000,000	\$	1,000,000	155982
		Operating					
5KP0	195645	Historic	\$	1,300,000	\$	1,300,000	155983
		Rehabilitation					

		Operating			
5M40	195659	Low Income Energy Assistance (USF)	\$ 325,000,000	\$ 325,000,000	155984
5M50	195660	Advanced Energy Loan Programs	\$ 8,925,000	\$ 8,925,000	155985
5MH0	195644	SiteOhio Administration	\$ 5,000	\$ 5,000	155986
5MJ0	195683	TourismOhio Administration	\$ 10,000,000	\$ 10,000,000	155987
5UL0	195627	Brownfields Revolving Loan Program	\$ 1,695,000	\$ 1,695,000	155988
5UY0	195496	Sports Events Grants	\$ 10,000,000	\$ 0	155989
5W60	195691	International Trade Cooperative Projects	\$ 50,000	\$ 50,000	155990
5XH0	195632	Women Owned Business Loans	\$ 5,000,000	\$ 5,000,000	155991
5XH0	195694	Micro-Loan	\$ 2,500,000	\$ 2,500,000	155992
5XM0	195576	All Ohio Future Fund	\$ 40,000,000	\$ 0	155993
5XX0	195408	Meat Processing Investment Program	\$ 14,000,000	\$ 0	155994
5YE0	1956A2	Brownfield Remediation	\$ 175,000,000	\$ 175,000,000	155995
5YF0	1956A3	Demolition and Site Revitalization	\$ 150,000,000	\$ 0	155996
5ZK0	1956F8	Innovation Hubs	\$ 25,000,000	\$ 0	155997
5ZU0	1956G2	Downtown Development Grant	\$ 150,000,000	\$ 0	155998
5ZV0	1956G3	Township Development Grant	\$ 50,000,000	\$ 0	155999
5ZW0	1956G4	Cultural Center Grant	\$ 25,000,000	\$ 0	156000
5ZX0	1956G5	County and Independent Fairs Grant	\$ 25,000,000	\$ 0	156001
5ZZ0	1956G7	Local Projects	\$ 102,000,000	\$ 0	156002
6170	195654	Volume Cap	\$ 40,000	\$ 40,000	156003

		Administration				
6460	195638	Low- and Moderate- Income Housing Programs	\$	65,000,000	\$	65,000,000 156004
TOTAL DPF Dedicated Purpose Fund						
			\$	1,676,190,000	\$	608,190,000 156005
Group						
Internal Service Activity Fund Group						156006
1350	195684	Development Operations	\$	16,922,815	\$	17,112,847 156007
6850	195636	Development Services Reimbursable Expenditures	\$	125,000	\$	125,000 156008
TOTAL ISA Internal Service Activity						
			\$	17,047,815	\$	17,237,847 156009
Fund Group						
Facilities Establishment Fund Group						156010
4Z60	195647	Rural Industrial Park Loan	\$	20,000,000	\$	20,000,000 156011
5S90	195628	Capital Access Loan Program	\$	2,500,000	\$	2,500,000 156012
7009	195664	Innovation Ohio	\$	5,000,000	\$	5,000,000 156013
7010	195665	Research and Development	\$	5,000,000	\$	5,000,000 156014
7037	195615	Facilities Establishment	\$	15,000,000	\$	15,000,000 156015
TOTAL FCE Facilities Establishment						
			\$	47,500,000	\$	47,500,000 156016
Fund Group						
Bond Research and Development Fund Group						156017
7011	195686	Third Frontier Tax Exempt - Operating	\$	1,000,000	\$	1,000,000 156018
7011	195687	Third Frontier Research and Development Projects	\$	2,000,000	\$	2,000,000 156019

7014	195620	Third Frontier Taxable - Operating	\$	1,710,000	\$	1,710,000	156020
7014	195692	Research and Development Taxable Bond Projects	\$	20,000,000	\$	20,000,000	156021
TOTAL BRD Bond Research and Development Fund Group			\$	24,710,000	\$	24,710,000	156022
Federal Fund Group							156023
3080	195580	Energy Efficiency and Conservation Block Grant Program	\$	3,130,030	\$	0	156024
3080	195581	Energy Efficiency Revolving Loan Fund Capitalization Grant	\$	3,202,320	\$	0	156025
3080	195602	Appalachian Regional Commission	\$	5,750,000	\$	5,750,000	156026
3080	195603	Housing Assistance Programs	\$	12,575,000	\$	12,575,000	156027
3080	195609	Small Business Administration Grants	\$	5,550,000	\$	5,550,000	156028
3080	195618	Energy Grants	\$	20,000,000	\$	0	156029
3080	195670	Home Weatherization Program	\$	102,000,000	\$	102,000,000	156030
3080	195672	Manufacturing Extension Partnership	\$	6,600,000	\$	6,600,000	156031
3080	195675	Procurement Technical Assistance	\$	1,300,000	\$	1,300,000	156032
3080	195696	State Trade and Export Promotion	\$	1,000,000	\$	1,000,000	156033
3350	195610	Energy Programs	\$	350,000	\$	350,000	156034
3AE0	195643	Workforce Development Initiatives	\$	2,000,000	\$	2,000,000	156035
3FJ0	195626	Small Business	\$	8,000,000	\$	8,000,000	156036

		Capital Access and Collateral Enhancement Program					
3IC0	1956D9	Growth Capital Fund	\$	53,431,176	\$	0	156037
3IC0	1956E1	Early-Stage Focus Fund	\$	26,156,936	\$	0	156038
3IC0	1956E2	Certified Development Financial Institution Loan Participation	\$	32,571,614	\$	0	156039
3IC0	1956E3	Collateral Enhancement Program	\$	17,747,554	\$	0	156040
3IF0	1956E4	Broadband Equity, Access, and Deployment (BEAD) Program	\$	105,000,000	\$	0	156041
3IF0	1956E5	Broadband Digital Equity Acts Program	\$	1,000,000	\$	30,000,000	156042
3IM0	195582	Home-Owner Managing Energy Savings Rebate Program	\$	124,875,180	\$	0	156043
3IM0	195583	High-Efficiency Electric Home Rebate Program	\$	124,150,970	\$	0	156044
3K80	195613	Community Development Block Grant	\$	62,975,000	\$	62,975,000	156045
3K90	195611	Home Energy Assistance Block Grant	\$	165,000,000	\$	165,000,000	156046
3K90	195614	HEAP Weatherization	\$	40,000,000	\$	40,000,000	156047
3L00	195612	Community Services Block Grant	\$	29,000,000	\$	29,000,000	156048
3V10	195601	HOME Program	\$	62,975,000	\$	62,975,000	156049
TOTAL	FED	Federal Fund Group	\$	1,016,340,780	\$	535,075,000	156050

TOTAL ALL BUDGET FUND GROUPS                   \$ 2,882,941,595 \$ 1,332,190,847 156051

**Section 259.20.** MINORITY BUSINESS DEVELOPMENT 156053

The foregoing appropriation item 195405, Minority Business 156054  
Development, shall be used to support the activities of the 156055  
Minority Business Development Division, including providing grants 156056  
to local nonprofit organizations to support economic development 156057  
activities that promote minority business development, in 156058  
conjunction with local organizations funded through appropriation 156059  
item 195454, Small Business and Export Assistance. 156060

(A) Of the foregoing appropriation item 195405, Minority 156061  
Business Development, up to \$1,000,000 in fiscal year 2024 shall 156062  
be used to contract with an Ohio-based minority-, women-, or 156063  
veteran-owned research and consulting firm to conduct a study to 156064  
assess whether minority-, women-, and veteran-owned businesses 156065  
face any barriers to contracting with the state for goods and 156066  
services. The study shall focus on contracts awarded by the state 156067  
and state-supported educational institutions between July 1, 2017, 156068  
and June 30, 2022. 156069

(B) The study shall examine: 156070

(1) The percentage of contract dollars that state agencies 156071  
and state supported educational institutions spent with minority-, 156072  
women-, and veteran-owned businesses during the study period; 156073

(2) The percentage of contract dollars that minority-, 156074  
women-, and veteran-owned businesses might be expected to receive 156075  
based on their ability to deliver the required performance under 156076  
state contracts. 156077

(C) The study shall also include qualitative and quantitative 156078  
information related to all of the following: 156079

(1) Legal considerations surrounding the implementation of 156080  
the Minority Business Enterprise, Women-Owned Business Enterprise, 156081

and Veteran friendly Business Enterprise Programs;	156082
(2) Marketplace conditions for minority-, women-, and veteran-owned businesses;	156083 156084
(3) Contracting policies and business assistance programs offered by the state and state-supported educational institutions;	156085 156086
(4) Recommendations to further encourage minority-, women-, and veteran-owned business participation in state contracts.	156087 156088
BUSINESS DEVELOPMENT SERVICES	156089
The foregoing appropriation item 195415, Business Development Services, shall be used for the operating expenses of the Office of Strategic Business Investments and the regional economic development offices.	156090 156091 156092 156093
Of the foregoing appropriation item 195415, Business Development Services, \$1,800,000 in each fiscal year shall be allocated to Development Projects, Inc., for economic development programs and the creation of new jobs to leverage and support mission gains at Department of Defense and related facilities in Ohio by working with future base realignment and closure activities and ongoing Department of Defense efficiency and partnership initiatives, assisting efforts to secure Department of Defense support contracts for Ohio companies, assessing and supporting regional job and workforce development needs generated by the Department of Defense and the Ohio aerospace industry, promoting technology transfer to Ohio businesses, and for expanding job training and economic development programs in human performance and cyber security-related initiatives.	156094 156095 156096 156097 156098 156099 156100 156101 156102 156103 156104 156105 156106 156107
REDEVELOPMENT ASSISTANCE	156108
The foregoing appropriation item 195426, Redevelopment Assistance, shall be used to fund the costs of administering the energy, redevelopment, and other revitalization programs that may	156109 156110 156111

be implemented, and may be used to match federal grant funding. 156112

TECHNOLOGY PROGRAMS AND GRANTS 156113

The foregoing appropriation item 195453, Technology Programs 156114

and Grants, shall be used for operating expenses incurred in 156115

administering the Ohio Third Frontier Programs and other 156116

technology focused programs that may be implemented. 156117

SMALL BUSINESS AND EXPORT ASSISTANCE 156118

The foregoing appropriation item 195454, Small Business and 156119

Export Assistance, may be used to provide a range of business 156120

assistance, including grants to local organizations to support 156121

economic development activities that promote small business 156122

development, entrepreneurship, and exports of Ohio's goods and 156123

services, in conjunction with local organizations funded through 156124

appropriation item 195405, Minority Business Development. The 156125

foregoing appropriation item shall also be used as matching funds 156126

for grants from the United States Small Business Administration 156127

and other federal agencies, pursuant to Pub. L. No. 96-302 as 156128

amended by Pub. L. No. 98-395, and regulations and policy 156129

guidelines for the programs pursuant thereto. 156130

APPALACHIA ASSISTANCE 156131

The foregoing GRF appropriation item 195455, Appalachia 156132

Assistance, may be used for the administrative costs of planning 156133

and liaison activities for the Governor's Office of Appalachia, to 156134

provide financial assistance to projects in Ohio's Appalachian 156135

counties, to support four local development districts, and to pay 156136

dues for the Appalachian Regional Commission. These funds may be 156137

used to match federal funds from the Appalachian Regional 156138

Commission. Programs funded through the appropriation item shall 156139

be identified and recommended by the local development districts 156140

and approved by the Governor's Office of Appalachia. The 156141

Department of Development shall conduct compliance and regulatory 156142

review of the programs recommended by the local development 156143  
districts. Moneys allocated under the appropriation item may be 156144  
used to fund projects including, but not limited to, those 156145  
designated by the local development districts as community 156146  
investment and rapid response projects. 156147

Of the foregoing appropriation item 195455, Appalachia 156148  
Assistance, in each fiscal year, \$170,000 shall be allocated to 156149  
the Ohio Valley Regional Development Commission, \$170,000 shall be 156150  
allocated to the Ohio Mid-Eastern Government Association, \$170,000 156151  
shall be allocated to the Buckeye Hills-Hocking Valley Regional 156152  
Development District, and \$170,000 shall be allocated to the 156153  
Eastgate Regional Council of Governments. Local development 156154  
districts receiving funding under this section shall use the funds 156155  
for the implementation and administration of programs and duties 156156  
under section 107.21 of the Revised Code. 156157

CDBG OPERATING MATCH 156158

The foregoing appropriation item 195497, CDBG Operating 156159  
Match, shall be used as matching funds for grants from the United 156160  
States Department of Housing and Urban Development pursuant to the 156161  
Housing and Community Development Act of 1974 and regulations and 156162  
policy guidelines for the programs pursuant thereto. 156163

BSD FEDERAL PROGRAMS MATCH 156164

The foregoing appropriation item 195499, BSD Federal Programs 156165  
Match, shall be used as matching funds for grants from the U.S. 156166  
Department of Commerce, National Institute of Standards and 156167  
Technology Manufacturing Extension Partnership Program and 156168  
Department of Defense APEX Accelerator Program, and other federal 156169  
agencies, pursuant to Pub. L. No. 96-302 as amended by Pub. L. No. 156170  
98-395, and regulations and policy guidelines for the programs 156171  
pursuant thereto. The appropriation item shall also be used for 156172  
operating expenses of the Business Services Division. 156173

iBELIEVE 156174

The foregoing appropriation item 195501, iBELIEVE, shall be 156175  
allocated to the iBELIEVE Foundation to provide opportunities for 156176  
Appalachian youth to develop twenty-first century skills, 156177  
including leadership, communication, and problem-solving for 156178  
college access and retention. 156179

LOCAL DEVELOPMENT PROJECTS 156180

Of the foregoing appropriation item 195503, Local Development 156181  
Projects, \$10,000,000 in each fiscal year shall be allocated to 156182  
the Foundation for Appalachian Ohio. 156183

Of the foregoing appropriation item 195503, Local Development 156184  
Projects, up to \$5,000,000 in each fiscal year shall be allocated 156185  
for the GRIT program to be administered by the Governor's Office 156186  
of Appalachia and the Department of Development. The program shall 156187  
create jobs in economically distressed and at-risk areas within 156188  
eleven counties in the service territory of the Ohio Valley 156189  
Regional Development Commission. This portion of the foregoing 156190  
appropriation item shall be used to establish virtual workforce 156191  
development centers and place un- and under-employed adults into 156192  
jobs, in collaboration with private businesses and public sector 156193  
partners. Of this portion of the foregoing appropriation item, up 156194  
to \$1,250,000 in each fiscal year may be used for youth assessment 156195  
and career development activities, up to \$1,150,000 in each fiscal 156196  
year may be used to support the development of virtual workforce 156197  
centers, up to \$800,000 in each fiscal year may be used for 156198  
assessments, and up to \$800,000 in each fiscal year may be used 156199  
for operating costs. 156200

Of the foregoing appropriation item 195503, Local Development 156201  
Projects, \$3,000,000 in each fiscal year shall be allocated to the 156202  
Edison Welding Institute to provide technology development and 156203  
implementation assistance to manufacturers in the state to foster 156204

manufacturing industry jobs. 156205

Of the foregoing appropriation item 195503, Local Development 156206  
Projects, \$2,500,000 in each fiscal year shall be allocated to 156207  
Ohio Life Sciences Foundation for workforce initiatives and 156208  
operations. 156209

Of the foregoing appropriation item 195503, Local Development 156210  
Projects, \$1,000,000 in each fiscal year shall be allocated to 156211  
Ohio University's Voinovich School of Leadership and Public 156212  
Service to work on behalf of the Mayor's Partnership for Progress. 156213

Of the foregoing appropriation item 195503, Local Development 156214  
Projects, \$500,000 in fiscal year 2024 shall be allocated to 156215  
Mercer County to support the construction of the Market Hall. 156216

Of the foregoing appropriation item 195503, Local Development 156217  
Projects, \$300,000 in each fiscal year shall be used to support 156218  
the Camp James A. Garfield Joint Military Training Center and the 156219  
Youngstown Air Reserve Station. 156220

Of the foregoing appropriation item 195503, Local Development 156221  
Projects, \$300,000 in fiscal year 2024 and \$125,000 in fiscal year 156222  
2025 shall be allocated to the Buckeye Lake Region Corporation for 156223  
operating expenses associated with community development 156224  
activities in the Buckeye Lake region, including, but not limited 156225  
to, development planning, technical assistance for small 156226  
businesses, and community clean energy projects. 156227

Of the foregoing appropriation item 195503, Local Development 156228  
Projects, \$250,000 in each fiscal year shall be used to support a 156229  
study, including the acquisition of any necessary equipment, to 156230  
determine an estimate of storage capacity and maximum annual yield 156231  
of the network of aquifers that are in the state of Ohio and north 156232  
of the Maumee River, but that may also cross into other states. 156233

Of the foregoing appropriation item 195503, Local Development 156234  
Projects, \$250,000 in each fiscal year shall be allocated to the 156235

Center for Advanced Manufacturing and Logistics for operating and 156236  
equipment expenses incurred for providing workforce development, 156237  
supply chain management, automation, research and development, and 156238  
entrepreneurship to foster manufacturing and logistic industry 156239  
jobs and company creation. 156240

An amount equal to the unexpended, unencumbered portion of 156241  
appropriation item 195503, Local Development Projects, used to 156242  
support Fulton County or Fulton County Land Reutilization 156243  
Corporation for a program to demolish vacant commercial, 156244  
industrial, or residential buildings located in Fulton County at 156245  
the end of fiscal year 2023 is hereby reappropriated in fiscal 156246  
year 2024. 156247

OHIO-ISRAEL AGRICULTURAL INITIATIVE 156248

The foregoing appropriation item 195537, Ohio-Israel 156249  
Agricultural Initiative, shall be used for the Ohio-Israel 156250  
Agricultural Initiative. The appropriation shall not be used for 156251  
travel and entertainment expenses incurred under the initiative. 156252

SECTOR PARTNERSHIP NETWORKS 156253

The foregoing appropriation item 195553, Industry Sector 156254  
Partnerships, shall be used for the grant program described in 156255  
section 122.179 of the Revised Code. 156256

TEHCRED PROGRAM 156257

The foregoing appropriation item 195556, TechCred Program, 156258  
shall be used for the programs described under sections 122.178 156259  
and 122.1710 of the Revised Code. 156260

MAIN STREET JOB RECOVERY PROGRAM 156261

The foregoing appropriation item 195566, Main Street Job 156262  
Recovery Program, shall be used by the Department of Development 156263  
or in coordination with a statewide community development 156264  
organization to provide grants to nonprofit organizations to 156265

create permanent business development and employment opportunities 156266  
targeted to low- and moderate-income individuals or individuals of 156267  
the reentry population. Grants shall be awarded by the Department 156268  
based on the following criteria: number of businesses created and 156269  
expanded, number of jobs created for low- and moderate-income 156270  
individuals, and the amount of funds leveraged as a result of the 156271  
program. 156272

Not later than the thirtieth day of June of each year during 156273  
the FY 2024-FY 2025 biennium, the Department of Development shall 156274  
submit a written report describing the outcomes of the Main Street 156275  
Job Recovery Program to the President of the Senate, the Speaker 156276  
of the House of Representatives, the Minority Leader of the 156277  
Senate, the Minority Leader of the House of Representatives, and 156278  
the Ohio Legislative Service Commission. 156279

**Section 259.30. MINORITY BUSINESS BONDING FUND** 156280

Notwithstanding Chapters 122., 169., and 175. of the Revised 156281  
Code, the Director of Development may, upon the recommendation of 156282  
the Minority Development Financing Advisory Board, pledge up to 156283  
\$10,000,000 in the biennium ending June 30, 2025, of unclaimed 156284  
funds administered by the Director of Commerce and allocated to 156285  
the Minority Business Bonding Program under section 169.05 of the 156286  
Revised Code. 156287

If needed for the payment of losses arising from the Minority 156288  
Business Bonding Program, the Director of Budget and Management 156289  
may, at the request of the Director of Development, request that 156290  
the Director of Commerce transfer unclaimed funds that have been 156291  
reported by holders of unclaimed funds under section 169.05 of the 156292  
Revised Code to the Minority Bonding Fund (Fund 4490). The 156293  
transfer of unclaimed funds shall only occur after proceeds of the 156294  
initial transfer of \$2,700,000 by the Controlling Board to the 156295  
Minority Business Bonding Program have been used for that purpose. 156296

If expenditures are required for payment of losses arising from 156297  
the Minority Business Bonding Program, such expenditures shall be 156298  
made from appropriation item 195658, Minority Business Bonding 156299  
Contingency in the Minority Business Bonding Fund, and such 156300  
amounts are hereby appropriated. 156301

BUSINESS ASSISTANCE PROGRAMS 156302

The foregoing appropriation item 195649, Business Assistance 156303  
Programs, shall be used for administrative expenses associated 156304  
with the operation of loan incentives. 156305

STATE SPECIAL PROJECTS 156306

The State Special Projects Fund (Fund 4F20), may be used for 156307  
the deposit of private-sector funds from utility companies and for 156308  
the deposit of other miscellaneous state funds. State moneys so 156309  
deposited may also be used to match federal funding and to support 156310  
programs of the Community Service Division and Business Services 156311  
Division. 156312

MINORITY BUSINESS ENTERPRISE LOAN 156313

The foregoing appropriation item 195646, Minority Business 156314  
Enterprise Loan, shall be used for awards under the Minority 156315  
Business Enterprise Loan Program and to cover operating expenses 156316  
of the Minority Business Development Division. All repayments from 156317  
the Minority Development Financing Advisory Board Loan Program 156318  
shall be deposited in the state treasury to the credit of the 156319  
Minority Business Enterprise Loan Fund (Fund 4W10). 156320

OHIO AVIATION WORKFORCE INNOVATION FUND 156321

The foregoing appropriation item 1956G8, Ohio Aviation 156322  
Workforce Innovation Fund, shall be used by the Department of 156323  
Development, in consultation with any other relevant state 156324  
agencies, to provide supplemental support for fees incurred by 156325  
students enrolled at state institutions of higher education as 156326

defined in section 3345.011 of the Revised Code and private 156327  
nonprofit institutions of higher education holding certificates of 156328  
authorization under Chapter 1713. of the Revised Code that offer 156329  
manned fixed wing aviation programs. 156330

The Director of Development, in consultation with any other 156331  
relevant state agencies, shall establish an application process 156332  
for state institutions of higher education and private nonprofit 156333  
institutions of higher education to apply for the funds. To be 156334  
eligible for funds, state institutions of higher education and 156335  
private nonprofit institutions of higher education shall have an 156336  
established and accredited aviation program as of June 30, 2023. 156337  
The Director of Development shall require each applicant to 156338  
provide the cost per hour of flight the school is currently 156339  
charging, as well as other costs included in the total amount. 156340

The foregoing appropriation item 1956G8, Ohio Aviation 156341  
Workforce Innovation Fund, shall be used to support the cost per 156342  
hour of flight currently being paid by students. Based on 156343  
available funds, the Department shall not reimburse more than 156344  
fifty per cent of the cost per hour. The appropriation item shall 156345  
only be used for direct costs incurred by enrolled students 156346  
including, but not limited to, fuel, maintenance, and liability. 156347

Not later than January 1, 2025, the Director of Development 156348  
shall submit a report to the Ohio General Assembly and the 156349  
Legislative Service Commission detailing the use of funds under 156350  
the appropriation item. The report shall include input from other 156351  
state agencies that were consulted. The report shall be posted to 156352  
the Department of Development web site. 156353

**BROADBAND POLE REPLACEMENT AND UNDERGROUNDING PROGRAM 156354**

The foregoing appropriation item 1956G9, Broadband Pole 156355  
Replacement and Undergrounding Program, shall be used by the 156356  
Department of Development to support the Broadband Pole 156357

Replacement and Undergrounding Program under section 191.27 of the Revised Code. 156358  
156359

WATER AND SEWER QUALITY PROGRAM 156360

The foregoing appropriation item 1956A1, Water and Sewer Quality Program, shall be used to award grants under the Water and Sewer Quality Program established in Section 259.30 of H.B. 168 of the 134th General Assembly. This appropriation shall be used to fund a new round of grants under which all political subdivisions may apply for water and sewer improvements under the program. 156361  
156362  
156363  
156364  
156365  
156366

Of the foregoing appropriation item 1956A1, Water and Sewer Quality Program, \$5,000,000 in fiscal year 2024 shall be allocated to Ashtabula County to support a sewer project located in Kingsville Township at the interchange of State Route 193 and Interstate Route 90. 156367  
156368  
156369  
156370  
156371

Of the foregoing appropriation item 1956A1, Water and Sewer Quality Program, \$5,000,000 in fiscal year 2024 shall be used to support the Bacon Road Pump Station construction project in Lake County. 156372  
156373  
156374  
156375

Of the foregoing appropriation item 1956A1, Water and Sewer Quality Program, \$5,000,000 in fiscal year 2024 shall be allocated to the City of Coshocton to repay its existing water loan. 156376  
156377  
156378

Of the foregoing appropriation item 1956A1, Water and Sewer Quality Program, \$2,000,000 in fiscal year 2024 shall be allocated to Kelleys Island for the design and planning of its public sewer system. 156379  
156380  
156381  
156382

ARPA CAPITAL PROJECTS 156383

The Director of Development shall seek Controlling Board approval before expending any money under the foregoing appropriation item 1956B4, ARPA Capital Projects. 156384  
156385  
156386

BROADBAND DEVELOPMENT GRANTS 156387

On July 1, 2023, or as soon as possible thereafter, the 156388  
Director of Development shall certify to the Director of Budget 156389  
and Management the unexpended, unencumbered balance of the 156390  
appropriation item 195550, Broadband Development Grants, at the 156391  
end of fiscal year 2023 to be reappropriated in fiscal year 2024. 156392  
The amount certified is hereby reappropriated to the same 156393  
appropriation item for the same purpose in fiscal year 2024. 156394

On July 1, 2024, or as soon as possible thereafter, the 156395  
Director of Development shall certify to the Director of Budget 156396  
and Management the unexpended, unencumbered balance of the 156397  
appropriation item 195550, Broadband Development Grants, at the 156398  
end of fiscal year 2024 to be reappropriated in fiscal year 2025. 156399  
The amount certified is hereby reappropriated to the same 156400  
appropriation item for the same purpose in fiscal year 2025. 156401

ADVANCED ENERGY LOAN PROGRAMS 156402

The foregoing appropriation item 195660, Advanced Energy Loan 156403  
Programs, shall be used to provide financial assistance to 156404  
customers for eligible advanced energy projects for residential, 156405  
commercial, and industrial business, local government, educational 156406  
institution, nonprofit, and agriculture customers. The 156407  
appropriation item may be used to match federal grant funding and 156408  
to pay for the program's administrative costs as provided in 156409  
sections 4928.61 to 4928.63 of the Revised Code and rules adopted 156410  
by the Director of Development. 156411

TOURISMOHIO ADMINISTRATION 156412

Of the foregoing appropriation item 195683, TourismOhio 156413  
Administration, \$2,000,000 in each fiscal year shall be used by 156414  
TourismOhio to contract for a statewide trails economic impact 156415  
study and a data-driven statewide marketing plan for Ohio's trails 156416  
system, including motorized trails for all-terrain vehicles. 156417

The economic impact study shall utilize extensive user 156418

surveys and technology to measure existing trail use covering 156419  
various regions and types of trails, including underserved 156420  
populations and geographic areas of the state. The statewide 156421  
trails marketing plan shall address trail use from a broad 156422  
perspective, including economic development, public health, and 156423  
active transportation. TourismOhio shall work in consultation with 156424  
state agencies, local governments, industry, and trail user groups 156425  
when designing the scope and deliverables from the impact study 156426  
and the marketing plan. 156427

SPORTS EVENTS GRANTS 156428

The foregoing appropriation item 195496, Sports Events 156429  
Grants, shall be used for grants as described in sections 122.12 156430  
and 122.121 of the Revised Code. 156431

On July 1, 2024, or as soon as possible thereafter, the 156432  
Director of Development shall certify to the Director of Budget 156433  
and Management the amount of the unexpended, unencumbered balance 156434  
of appropriation item 195496, Sports Events Grants, at the end of 156435  
fiscal year 2024 to be reappropriated in fiscal year 2025. The 156436  
amount certified is hereby reappropriated to the same 156437  
appropriation item for the same purpose in fiscal year 2025. 156438

WOMEN OWNED BUSINESS LOAN 156439

The foregoing appropriation item 195632, Women Owned Business 156440  
Loan, shall be used to operate the Women Owned Business Loan 156441  
Program. 156442

MINORITY BUSINESS MICRO-LOAN 156443

The foregoing appropriation item 195694, Micro-Loan, shall be 156444  
used to operate the Minority Business Micro-Loan Program. 156445

TRANSFER FROM THE STATE SMALL BUSINESS CREDIT INITIATIVE FUND 156446  
TO THE MBD FINANCIAL ASSISTANCE FUND 156447

Upon the completion of the original Collateral Enhancement 156448

Program, the Director of Development shall certify to the Director 156449  
of Budget and Management the remaining cash balance in the State 156450  
Small Business Credit Initiative Fund (Fund 3FJ0). The Director of 156451  
Budget and Management may transfer the certified amount from Fund 156452  
3FJ0 to the MBD Financial Assistance Fund (Fund 5XH0). 156453

ALL OHIO FUTURE FUND 156454

The foregoing appropriation item 195576, All Ohio Future 156455  
Fund, shall be used for the purposes enumerated in section 126.62 156456  
of the Revised Code. 156457

MEAT PROCESSING INVESTMENT PROGRAM 156458

The foregoing appropriation item 195408, Meat Processing 156459  
Investment Program, shall be used by the Department of Development 156460  
to award grants under the Ohio Meat Processing Grant Program to 156461  
custom processors of food animals from farms. The grants shall be 156462  
used to support the construction of new, or improvements at 156463  
existing, processing facilities. 156464

BROWNFIELD REMEDIATION 156465

The appropriation item 1956A2, Brownfield Remediation, shall 156466  
be used to award grants under the Brownfield Remediation Program 156467  
as described in section 122.6511 of the Revised Code. An amount up 156468  
to two and one-half per cent of the appropriation item 1956A2, 156469  
Brownfield Remediation, may be used to pay the administrative 156470  
costs of the program. 156471

On July 1, 2023, or as soon as possible thereafter, the 156472  
Director of Development shall certify the unexpended, unencumbered 156473  
balance of appropriation item 1956A2, Brownfield Remediation, at 156474  
the end of fiscal year 2023 to be reappropriated in fiscal year 156475  
2024. The amount certified is hereby reappropriated to the same 156476  
appropriation item for the same purpose in fiscal year 2024. 156477

On July 1, 2024, or as soon as possible thereafter, the 156478

Director of Development shall certify to the Director of Budget 156479  
and Management the unexpended, unencumbered balance of 156480  
appropriation item 1956A2, Brownfield Remediation, at the end of 156481  
fiscal year 2024 to be reappropriated in fiscal year 2025. The 156482  
amount certified is hereby reappropriated to the same 156483  
appropriation item for the same purpose in fiscal year 2025. 156484

DEMOLITION AND SITE REVITALIZATION 156485

The appropriation item 1956A3, Demolition and Site 156486  
Revitalization, shall be used to award grants under the Building 156487  
Demolition and Site Revitalization Program as described in section 156488  
122.6512 of the Revised Code. An amount up to two and one-half per 156489  
cent of the appropriation item 1956A3, Demolition and Site 156490  
Revitalization, may be used to pay the administrative costs of the 156491  
program. 156492

On July 1, 2023, or as soon as possible thereafter, the 156493  
Director of Development shall certify to the Director of Budget 156494  
and Management the unexpended, unencumbered balance of 156495  
appropriation item 1956A3, Demolition and Site Revitalization, at 156496  
the end of fiscal year 2023 to be reappropriated in fiscal year 156497  
2024. The amount certified is hereby reappropriated to the same 156498  
appropriation item for the same purpose in fiscal year 2024. 156499

On July 1, 2024, or as soon as possible thereafter, the 156500  
Director of Development shall certify to the Director of Budget 156501  
and Management the unexpended, unencumbered balance of 156502  
appropriation item 1956A3, Demolition and Site Revitalization, at 156503  
the end of fiscal year 2024 to be reappropriated in fiscal year 156504  
2025. The amount certified is hereby reappropriated to the same 156505  
appropriation item for the same purpose in fiscal year 2025. 156506

INNOVATION HUBS 156507

The foregoing appropriation item 1956F8, Innovation Hubs, 156508  
shall be allocated to eligible innovation hubs as defined by the 156509

Department of Development. Innovation hubs located within an 156510  
existing innovation district, as defined by the Department of 156511  
Development, are ineligible to receive funding under the foregoing 156512  
appropriation item. 156513

Funding awarded to innovation hubs under the foregoing 156514  
appropriation item may be used for, but not limited to, capital 156515  
expenses to establish an innovation hub near a research-oriented 156516  
anchor institution, recruiting or providing research and 156517  
development opportunities within an innovation hub, or creating 156518  
new or preserving existing jobs and employment opportunities, any 156519  
of which would improve the economic welfare to the innovation 156520  
hub's region. 156521

On July 1, 2024, or as soon as possible thereafter, the 156522  
Director of Development shall certify to the Director of Budget 156523  
and Management the unexpended, unencumbered balance of 156524  
appropriation item 1956F8, Innovation Hubs, at the end of fiscal 156525  
year 2024 to be reappropriated in fiscal year 2025. The amount 156526  
certified is hereby reappropriated to the same appropriation item 156527  
for the same purpose in fiscal year 2025. 156528

DOWNTOWN DEVELOPMENT GRANT 156529

Of the foregoing appropriation item 1956G2, Downtown 156530  
Development Grant, \$3,500,000 in fiscal year 2024 shall be 156531  
allocated to the Dayton Dragons to support stadium improvements. 156532

Of the foregoing appropriation item 1956G2, Downtown 156533  
Development Grant, \$3,000,000 in fiscal year 2024 shall be 156534  
allocated to Cleveland Neighborhood Progress for the Middle 156535  
Neighborhood Investment Project. 156536

Of the foregoing appropriation item 1956G2, Downtown 156537  
Development Grant, \$3,000,000 in fiscal year 2024 shall be 156538  
allocated to the City of West Carrolton to support riverfront 156539  
development. 156540

Of the foregoing appropriation item 1956G2, Downtown 156541  
Development Grant, \$1,000,000 in fiscal year 2024 shall be used to 156542  
conduct a feasibility study, in conjunction with the Eastgate 156543  
Regional Council of Governments, examining infrastructure 156544  
improvements to enhance economic development in the City of Warren 156545  
in Trumbull County. 156546

Of the foregoing appropriation item 1956G2, Downtown 156547  
Development Grant, \$250,000 in fiscal year 2024 shall be provided 156548  
to the City of Nelsonville for community development; \$100,000 in 156549  
fiscal year 2024 shall be provided to the City of Belpre for 156550  
community development; and \$850,000 in fiscal year 2024 shall be 156551  
used to support the Chesapeake River Front Development Project. 156552

Of the foregoing appropriation item 1956G2, Downtown 156553  
Development Grant, \$175,000 in fiscal year 2024 shall be used to 156554  
provide for the construction of a sidewalk along U.S. 250 in the 156555  
City of Ashland, Ashland County. 156556

The remainder of appropriation item 1956G2, Downtown 156557  
Development Grant, shall be used to award grants to municipalities 156558  
for the development of infrastructure and capital projects 156559  
designed to support economic growth in downtown areas. The amount 156560  
shall be awarded equally to each of the following population tiers 156561  
as of the most recent federal decennial census: (A) less than 156562  
35,000, (B) 35,001 to 64,999, and (C) 65,000 or more. 156563

TOWNSHIP DEVELOPMENT GRANT 156564

Of the foregoing appropriation item 1956G3, Township 156565  
Development Grant, \$250,000 in fiscal year 2024 shall be provided 156566  
to Scipio Township in Meigs County for community development and 156567  
\$55,000 in fiscal year 2024 shall be provided to the Village of 156568  
Racine Fire Department for building improvements for its 156569  
firehouse. 156570

The remainder of appropriation item 1956G3, Township 156571

Development Grant, shall be used to award grants to townships for 156572  
the development of infrastructure and capital projects, including 156573  
township facility projects, designed to support economic growth in 156574  
the township. The Department of Development shall set an 156575  
application deadline and distribute grants evenly among all grant 156576  
applicants. 156577

CULTURAL CENTER GRANT 156578

Of the foregoing appropriation item 1956G4, Cultural Center 156579  
Grant, \$4,000,000 in fiscal year 2024 shall be used to support the 156580  
Norwalk Art Center. 156581

Of the foregoing appropriation item 1956G4, Cultural Center 156582  
Grant, \$650,000 in fiscal year 2024 shall be used to support the 156583  
Chesapeake Community Center; \$250,000 in fiscal year 2024 shall be 156584  
used to support the Dairy Barn in Athens for elevator and roof 156585  
repairs; \$250,000 in fiscal year 2024 shall be used to support the 156586  
Passion Works Studio in Athens; and \$110,000 in fiscal year 2024 156587  
shall be used to support Starmill Park. 156588

Of the foregoing appropriation item 1956G4, Cultural Center 156589  
Grant, \$600,000 in fiscal year 2024 shall be allocated to the 156590  
Cleveland Institute of Music (CIM) to support the Academy at CIM. 156591

Of the foregoing appropriation item 1956G4, Cultural Center 156592  
Grant, \$500,000 in fiscal year 2024 shall be used for the 156593  
Cleveland Museum of Art. 156594

Of the foregoing appropriation item 1956G4, Cultural Center 156595  
Grant, \$500,000 in fiscal year 2024 shall be allocated to the 156596  
Cleveland Museum of Natural History to increase access to its STEM 156597  
education programs for students in grades pre-kindergarten through 156598  
12 across Ohio with a focus on serving those attending Title 156599  
I-served schools. 156600

Of the foregoing appropriation item 1956G4, Cultural Center 156601  
Grant, \$500,000 in fiscal year 2024 shall be used for the 156602

Cleveland Orchestra. 156603

Of the foregoing appropriation item 1956G4, Cultural Center 156604  
Grant \$300,000 in fiscal year 2024 shall be used for the Nancy and 156605  
David Wolf Holocaust and Humanity Center. 156606

Of the foregoing appropriation item 1956G4, Cultural Center 156607  
Grant, \$110,000 in fiscal year 2024 shall be used to support the 156608  
Johnny Appleseed Museum and Education Center. 156609

Of the foregoing appropriation item 1956G4, Cultural Center 156610  
Grant, \$25,000 in fiscal year 2024 shall be allocated to Ashland 156611  
Community Theatre to purchase equipment for those with hearing 156612  
impairments. 156613

The remainder of appropriation item 1956G4, Cultural Center 156614  
Grant, shall be used to award grants to museums and other cultural 156615  
centers. 156616

COUNTY AND INDEPENDENT FAIRS GRANT 156617

Of the foregoing appropriation item 1956G5, County and 156618  
Independent Fairs Grant, \$1,500,000 in fiscal year 2024 shall be 156619  
used to support the Gallia County Fair. 156620

Of the foregoing appropriation item 1956G5, County and 156621  
Independent Fairs Grant, \$1,000,000 in fiscal year 2024 shall be 156622  
distributed to 4-H Camp Palmer for new dining hall and storm 156623  
shelter projects. 4-H Camp Palmer shall use all funds received 156624  
under this division within four years of receiving them. 156625

The remainder of appropriation item 1956G5, County and 156626  
Independent Fairs Grant, shall be used to award grants to county 156627  
and independent fairs to increase fair access or economic impact. 156628  
The Department of Development shall set an application deadline 156629  
and distribute grants evenly among all grant applicants. 156630

LOCAL PROJECTS 156631

Of the foregoing appropriation item 1956G7, Local Projects, 156632

\$62,000,000 in fiscal year 2024 shall be used to support the 156633  
Cleveland Municipal Land Bridge project. 156634

Of the foregoing appropriation item 1956G7, Local Projects, 156635  
\$22,500,000 in fiscal year 2024 shall be allocated to the City of 156636  
Mason to support the Western and Southern Open tennis tournament. 156637

Of the foregoing appropriation item 1956G7, Local Projects, 156638  
\$10,000,000 in fiscal year 2024 shall be allocated to Ohio State 156639  
University for the Multispecies Animal Learning Center. 156640

Of the foregoing appropriation item 1956G7, Local Projects, 156641  
\$4,500,000 in fiscal year 2024 shall be allocated to the North 156642  
East Ohio Medical School for the creation and running of a new 156643  
Certified Mental Health Assistant Program. 156644

Of the foregoing appropriation item 1956G7, Local Projects, 156645  
\$3,000,000 in fiscal year 2024 shall be allocated to Hamilton 156646  
County to support the construction of the Hamilton County Regional 156647  
Safety Complex. 156648

**VOLUME CAP ADMINISTRATION** 156649

The foregoing appropriation item 195654, Volume Cap 156650  
Administration, shall be used for expenses related to the 156651  
administration of the Volume Cap Program. Revenues received by the 156652  
Volume Cap Administration Fund (Fund 6170) shall consist of 156653  
application fees, forfeited deposits, and interest earned from the 156654  
custodial account held by the Treasurer of State. 156655

**Section 259.40. DEVELOPMENT OPERATIONS** 156656

The Director of Development may assess offices of the 156657  
department for the cost of central service operations. An 156658  
assessment shall contain the characteristics of administrative 156659  
ease and uniform application. A division's payments shall be 156660  
credited to the Supportive Services Fund (Fund 1350) using an 156661  
intrastate transfer voucher. 156662

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES	156663
The foregoing appropriation item 195636, Development Services Reimbursable Expenditures, shall be used for reimbursable costs incurred by the department. Revenues to the General Reimbursement Fund (Fund 6850) shall consist of moneys charged for administrative costs that are not central service costs and repayments of loans, including the interest thereon, made from the Water and Sewer Fund (Fund 4440).	156664 156665 156666 156667 156668 156669 156670
<b>Section 259.50. RURAL INDUSTRIAL PARK LOAN</b>	156671
The foregoing appropriation item 195647, Rural Industrial Park Loan, shall be used to award loans under the Rural Industrial Park Loan Program established in section 122.24 of the Revised Code. Loans awarded under the appropriation item shall not exceed \$4,000,000.	156672 156673 156674 156675 156676
CAPITAL ACCESS LOAN PROGRAM	156677
The foregoing appropriation item 195628, Capital Access Loan Program, shall be used for operating, program, and administrative expenses of the program. Capital Access Loan Program funds shall be used in accordance with section 122.603 of the Revised Code to assist participating financial institutions in making program loans to eligible businesses that face barriers in accessing working capital and obtaining fixed-asset financing.	156678 156679 156680 156681 156682 156683 156684
The Director of Budget and Management may transfer an amount not to exceed \$2,000,000 cash in each fiscal year between the Minority Business Enterprise Loan Fund (Fund 4W10) and the Capital Access Loan Fund (Fund 5S90), subject to Controlling Board approval.	156685 156686 156687 156688 156689
INNOVATION OHIO	156690
The foregoing appropriation item 195664, Innovation Ohio, shall be used to provide for Innovation Ohio purposes, including	156691 156692

loan guarantees and loans under Chapter 166. and particularly 156693  
sections 166.12 to 166.16 of the Revised Code. 156694

TRANSFERS FROM THE INNOVATION OHIO LOAN FUND 156695

Notwithstanding Chapter 166. of the Revised Code, the 156696  
Director of Budget and Management may transfer an amount to exceed 156697  
\$5,000,000 cash in each fiscal year from the Innovation Ohio Loan 156698  
Fund (Fund 7009) to the Minority Business Enterprise Loan Fund 156699  
(Fund 4W10), subject to Controlling Board approval. 156700

Notwithstanding Chapter 166. of the Revised Code, on July 1, 156701  
2023, or as soon as possible thereafter, the Director of Budget 156702  
and Management may transfer \$40,000,000 cash from Fund 7009 to the 156703  
Rural Industrial Park Loan Fund (Fund 4Z60). 156704

RESEARCH AND DEVELOPMENT 156705

The foregoing appropriation item 195665, Research and 156706  
Development, shall be used to provide for research and development 156707  
purposes, including loans, under Chapter 166. and particularly 156708  
sections 166.17 to 166.21 of the Revised Code. 156709

FACILITIES ESTABLISHMENT 156710

The foregoing appropriation item 195615, Facilities 156711  
Establishment, shall be used for the purposes of the Facilities 156712  
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 156713  
Code. 156714

In the biennium ending June 30, 2025, notwithstanding section 156715  
127.14 and division (B) of section 131.35 of the Revised Code, the 156716  
Controlling Board may authorize expenditures, in excess of the 156717  
amount appropriated, but not to exceed the limitation set in 156718  
division (E) of section 131.35 of the Revised Code, using the 156719  
Facilities Establishment Fund (Fund 7037) for purposes consistent 156720  
with Chapter 166. of the Revised Code. The amounts authorized by 156721  
the Controlling Board are hereby appropriated. 156722

TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND	156723
Notwithstanding Chapter 166. of the Revised Code, an amount	156724
not to exceed \$3,500,000 in cash in each fiscal year may be	156725
transferred from the Facilities Establishment Fund (Fund 7037) to	156726
the Business Assistance Fund (Fund 4510), subject to Controlling	156727
Board approval.	156728
Notwithstanding Chapter 166. of the Revised Code, the	156729
Director of Budget and Management may transfer an amount not to	156730
exceed \$2,000,000 in cash in each fiscal year from Fund 7037 to	156731
the Capital Access Loan Fund (Fund 5S90), subject to Controlling	156732
Board approval.	156733
<b>Section 259.60. THIRD FRONTIER OPERATING COSTS</b>	156734
The foregoing appropriation items 195686, Third Frontier Tax	156735
Exempt - Operating, and 195620, Third Frontier Taxable -	156736
Operating, shall be used for operating expenses incurred in	156737
administering projects pursuant to sections 184.10 to 184.20 of	156738
the Revised Code. Operating expenses paid from appropriation item	156739
195686 shall be limited to the administration of projects funded	156740
from the Third Frontier Research & Development Fund (Fund 7011),	156741
and operating expenses paid from appropriation item 195620 shall	156742
be limited to the administration of projects funded from the Third	156743
Frontier Research & Development Taxable Bond Project Fund (Fund	156744
7014).	156745
THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT	156746
PROJECTS	156747
The foregoing appropriation items 195687, Third Frontier	156748
Research and Development Projects, and 195692, Research and	156749
Development Taxable Bond Projects, shall be used to fund selected	156750
projects which may include internship programs. Eligible costs are	156751
those costs of research and development projects to which the	156752

proceeds of Fund 7011 and Fund 7014 are to be applied. 156753

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 156754

The Director of Budget and Management may approve written 156755  
requests from the Director of Development for the transfer of 156756  
appropriations between appropriation items 195687, Third Frontier 156757  
Research and Development Projects, and 195692, Research and 156758  
Development Taxable Bond Projects, based upon awards recommended 156759  
by the Third Frontier Commission. 156760

In fiscal year 2024, the Director of Development may request 156761  
that the Director of Budget and Management reappropriate any 156762  
unexpended, unencumbered balances of the prior fiscal year's 156763  
appropriation to the foregoing appropriation items 195687, Third 156764  
Frontier Research and Development Projects, and 195692, Research 156765  
and Development Taxable Bond Projects, for fiscal year 2024. The 156766  
Director of Budget and Management may request additional 156767  
information necessary for evaluating these requests, and the 156768  
Director of Development shall provide the requested information to 156769  
the Director of Budget and Management. Based on the information 156770  
provided by the Director of Development, the Director of Budget 156771  
and Management shall determine the amounts to be reappropriated, 156772  
and those amounts are hereby reappropriated for fiscal year 2024. 156773

**Section 259.70. BROADBAND EQUITY, ACCESS, AND DEPLOYMENT** 156774  
PROGRAM (BEAD) 156775

The foregoing appropriation item 1956E4, Broadband Equity, 156776  
Access, and Deployment Program (BEAD), shall be used to build 156777  
infrastructure that supports the adoption of high-speed internet. 156778

On July 1, 2023, or as soon as possible thereafter, the 156779  
Director of Development shall certify to the Director of Budget 156780  
and Management the unexpended, unencumbered balance of 156781  
appropriation item 1956E4, Broadband Equity, Access, and 156782

Deployment Program (BEAD), at the end of fiscal year 2023 to be 156783  
reappropriated in fiscal year 2024. The amount certified is hereby 156784  
reappropriated to the same appropriation item for the same purpose 156785  
in fiscal year 2024. 156786

On July 1, 2024, or as soon as possible thereafter, the 156787  
Director of Development shall certify to the Director of Budget 156788  
and Management the unexpended, unencumbered balance of 156789  
appropriation item 1956E4, Broadband Equity, Access, and 156790  
Deployment Program (BEAD), at the end of fiscal year 2024 to be 156791  
reappropriated in fiscal year 2025. The amount certified is hereby 156792  
reappropriated to the same appropriation item for the same purpose 156793  
in fiscal year 2025. 156794

HEAP WEATHERIZATION 156795

Up to twenty-five per cent of the federal funds deposited to 156796  
the credit of the Home Energy Assistance Block Grant Fund (Fund 156797  
3K90) may be expended from appropriation item 195614, HEAP 156798  
Weatherization, to provide home weatherization services in the 156799  
state as determined by the Director of Development. 156800

**Section 261.10.** DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES 156801

General Revenue Fund 156802

GRF 320411 Special Olympics \$ 100,000 \$ 100,000 156803

GRF 320412 Protective Services \$ 3,700,000 \$ 4,265,000 156804

GRF 320415 Developmental \$ 25,875,000 \$ 22,625,000 156805

Disabilities

Facilities Lease

Rental Bond Payments

GRF 322422 Multi System Youth \$ 5,000,000 \$ 5,000,000 156806

GRF 322423 Technology First \$ 3,200,000 \$ 3,200,000 156807

GRF 322508 Employment First \$ 2,700,000 \$ 2,700,000 156808

Initiative

GRF	322509	Community Supports and Rental Assistance	\$	700,000	\$	700,000	156809
GRF	322510	Best Buddies Ohio	\$	250,000	\$	250,000	156810
GRF	653321	Medicaid Program Support-State	\$	7,842,000	\$	7,842,000	156811
GRF	653407	Medicaid Services	\$	855,311,000	\$	1,004,334,000	156812
TOTAL GRF		General Revenue Fund	\$	904,678,000	\$	1,051,016,000	156813
Dedicated Purpose Fund Group							156814
2210	322620	Supplement Service Trust	\$	500,000	\$	500,000	156815
4890	653632	Developmental Centers Direct Care Services	\$	7,000,000	\$	7,000,000	156816
5DK0	322629	Capital Replacement Facilities	\$	750,000	\$	750,000	156817
5EV0	653627	Medicaid Program Support	\$	2,540,000	\$	2,540,000	156818
5GE0	320606	Central Office Operating Expenses	\$	20,526,874	\$	20,526,874	156819
5GE0	653606	ICF/IID and Waiver Match	\$	60,100,000	\$	60,100,000	156820
5H00	322619	Medicaid Repayment	\$	900,000	\$	900,000	156821
5HC8	653698	DDD Home and Community Based Services	\$	114,711,600	\$	63,627,125	156822
5S20	653622	Medicaid Administration and Oversight	\$	31,000,000	\$	32,000,000	156823
5Z10	653624	County Board Waiver Match	\$	490,000,000	\$	508,000,000	156824
TOTAL DPF		Dedicated Purpose Fund Group	\$	728,028,474	\$	695,943,999	156825
Internal Service Activity Fund Group							156826

1520	653609	DC and Residential Facilities Operating Services	\$	31,000,000	\$	31,000,000	156827
TOTAL ISA Internal Service Activity							
		Fund Group	\$	31,000,000	\$	31,000,000	156828
Federal Fund Group							156829
3250	322612	Community Social Service Programs	\$	17,971,092	\$	14,671,092	156830
3A40	653654	Medicaid Services	\$	2,621,043,102	\$	2,988,335,147	156831
3A40	653655	Medicaid Support	\$	80,000,000	\$	80,000,000	156832
3A50	320613	Developmental Disabilities Council	\$	3,254,000	\$	3,254,000	156833
3HC8	653699	DDD Home and Community Based Services - Federal	\$	112,413,400	\$	110,997,875	156834
TOTAL FED Federal Fund Group							156835
TOTAL ALL BUDGET FUND GROUPS			\$	4,498,388,068	\$	4,975,218,113	156836

**Section 261.20. SPECIAL OLYMPICS** 156838

The foregoing appropriation item 320411, Special Olympics, 156839  
shall be distributed by the Ohio Department of Developmental 156840  
Disabilities to the Special Olympics of Ohio in support of the 156841  
Ohio Special Olympics Summer Games. 156842

**Section 261.30. DEVELOPMENTAL DISABILITIES FACILITIES** 156843

**LEASE-RENTAL BOND PAYMENTS** 156844

The foregoing appropriation item 320415, Developmental 156845  
Disabilities Facilities Lease Rental Bond Payments, shall be used 156846  
to meet all payments during the period from July 1, 2023, through 156847  
June 30, 2025, by the Department of Developmental Disabilities 156848  
pursuant to leases and agreements made under section 154.20 of the 156849  
Revised Code. These appropriations are the source of funds pledged 156850

for bond service charges on related obligations issued under 156851  
Chapter 154. of the Revised Code. 156852

**Section 261.40. MULTI-SYSTEM YOUTH** 156853

Of the foregoing appropriation item 322422, Multi-System 156854  
Youth, a portion may be used to provide a subsidy to eligible 156855  
county boards of developmental disabilities for the provision of 156856  
respite services and other services and supports for youth with 156857  
complex or multi-system needs to enable them to remain in their 156858  
homes with their families or in their communities. The Director of 156859  
Developmental Disabilities shall establish the total amount 156860  
available for the subsidy, a formula for distributing the subsidy 156861  
to eligible county boards, and the eligibility requirements county 156862  
boards must satisfy to receive the subsidy. Of the foregoing 156863  
appropriation item, 322422, Multi-System Youth, the Director of 156864  
Developmental Disabilities shall transfer up to \$1,000,000 in each 156865  
fiscal year to the Ohio Department of Mental Health and Addiction 156866  
Services to assist in the support of the Child and Adolescent 156867  
Behavioral Health Center of Excellence at Case Western Reserve 156868  
University. 156869

**Section 261.45. TECHNOLOGY FIRST INITIATIVE** 156870

Of the foregoing appropriation item 322423, Technology First 156871  
Initiative, a portion may be used to increase access and 156872  
utilization of innovative technology for people with developmental 156873  
disabilities in accordance with the Technology First Policy 156874  
established in section 5123.025 of the Revised Code. 156875

**Section 261.50. EMPLOYMENT FIRST INITIATIVE** 156876

The foregoing appropriation item 322508, Employment First 156877  
Initiative, shall be used to increase employment opportunities for 156878  
individuals with developmental disabilities through the Employment 156879

First Initiative in accordance with section 5123.022 of the Revised Code. 156880  
156881

Of the foregoing appropriation item, 322508, Employment First Initiative, the Director of Developmental Disabilities shall transfer, in each fiscal year, to the Opportunities for Ohioans with Disabilities Agency an amount agreed upon by the Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used to support the Employment First Initiative. The Opportunities for Ohioans with Disabilities Agency shall use the funds transferred as state matching funds to obtain available federal grant dollars for vocational rehabilitation services. Any federal match dollars received by the Opportunities for Ohioans with Disabilities Agency shall be used for the initiative. The Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency shall enter into an interagency agreement in accordance with section 3304.181 of the Revised Code that will specify the responsibilities of each agency under the initiative. Under the interagency agreement, the Opportunities for Ohioans with Disabilities Agency shall retain responsibility for eligibility determination, order of selection, plan approval, plan amendment, and release of vendor payments. 156882  
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The remainder of appropriation item 322508, Employment First Initiative, shall be used to develop a long-term, sustainable system that places individuals with developmental disabilities in community employment, as defined in section 5123.022 of the Revised Code. 156904  
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156906  
156907  
156908

**Section 261.60.** COMMUNITY SUPPORTS AND RENTAL ASSISTANCE 156909

The foregoing appropriation item 322509, Community Supports 156910

and Rental Assistance, may be used by the Director of 156911  
Developmental Disabilities to provide funding to county boards of 156912  
developmental disabilities for rental assistance to people with 156913  
developmental disabilities receiving home and community-based 156914  
services as defined in section 5123.01 of the Revised Code 156915  
pursuant to section 5124.60 of the Revised Code or section 5124.69 156916  
of the Revised Code and people with developmental disabilities who 156917  
enroll in a Medicaid waiver component providing home and 156918  
community-based services after receiving preadmission counseling 156919  
pursuant to section 5124.68 of the Revised Code. The Director 156920  
shall establish the methodology for determining the amount and 156921  
distribution of such funding. 156922

**Section 261.65. BEST BUDDIES OHIO** 156923

The foregoing appropriation item 322510, Best Buddies Ohio, 156924  
shall be provided to the Best Buddies Ohio program to support the 156925  
delivery and expansion of inclusion services throughout Ohio 156926  
colleges and communities. 156927

**Section 261.70. MEDICAID SERVICES** 156928

(A) As used in this section: 156929

(1) "Home and community-based services" has the same meaning 156930  
as in section 5123.01 of the Revised Code. 156931

(2) "ICF/IID services" has the same meaning as in section 156932  
5124.01 of the Revised Code. 156933

(B) Except as provided in section 5123.0416 of the Revised 156934  
Code, the purposes for which the foregoing appropriation item 156935  
653407, Medicaid Services, shall be used include the following: 156936

(1) Home and community-based services; 156937

(2) Implementation of the requirements of the agreement 156938  
settling the consent decree in Sermak v. Manuel, Case No. 156939

C-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division;	156940 156941
(3) Implementation of the requirements of the agreement settling the consent decree in Martin v. Strickland, Case No. 89-CV-00362, United States District Court for the Southern District of Ohio, Eastern Division;	156942 156943 156944 156945
(4) ICF/IID services; and	156946
(5) Other programs as identified by the Director of Developmental Disabilities.	156947 156948
<b>Section 261.75. DIRECT CARE PAYMENT RATES</b>	156949
Of the foregoing appropriation item 653407, Medicaid Services, \$42,990,146 in fiscal year 2024 and \$145,076,944 in fiscal year 2025, and of the foregoing appropriation item 653654, Medicaid Services, \$76,426,925 in fiscal year 2024 and \$257,914,568 in fiscal year 2025, shall be used in accordance with this section. The funds shall be used to increase the base payment rates to \$17 per hour during fiscal year 2024 beginning on January 1, 2024, and \$18 per hour during fiscal year 2025, for the following services under Medicaid components administered by the Department of Developmental Disabilities:	156950 156951 156952 156953 156954 156955 156956 156957 156958 156959
(A) Personal care services;	156960
(B) Adult day services;	156961
(C) ICF/IID services, as defined in section 5124.01 of the Revised Code.	156962 156963
<b>Section 261.80. CENTRAL OFFICE OPERATING EXPENSES</b>	156964
Of the foregoing appropriation item 320606, Central Office Operating Expenses, \$100,000 in each fiscal year shall be provided to the Ohio Center for Autism and Low Incidence to establish a lifespan autism hub to support families and professionals.	156965 156966 156967 156968

**Section 261.100.** COUNTY BOARD SHARE OF WAIVER SERVICES 156969

As used in this section, "home and community-based services" 156970  
has the same meaning as in section 5123.01 of the Revised Code. 156971

The Director of Developmental Disabilities shall establish a 156972  
methodology to be used in fiscal year 2024 and fiscal year 2025 to 156973  
estimate the quarterly amount each county board of developmental 156974  
disabilities is to pay of the nonfederal share of home and 156975  
community-based services that section 5126.0510 of the Revised 156976  
Code requires county boards to pay. Each quarter, the Director 156977  
shall submit to a county board written notice of the amount the 156978  
county board is to pay for that quarter. The notice shall specify 156979  
when the payment is due. 156980

**Section 261.110.** WITHHOLDING OF FUNDS OWED THE DEPARTMENT 156981

If a county board of developmental disabilities does not 156982  
fully pay any amount owed to the Department of Developmental 156983  
Disabilities by the due date established by the Department, the 156984  
Director of Developmental Disabilities may withhold the amount the 156985  
county board did not pay from any amounts due to the county board. 156986  
The Director may use any appropriation item or fund used by the 156987  
Department to transfer cash to any other fund used by the 156988  
Department in an amount equal to the amount owed the Department 156989  
that the county board did not pay. Transfers under this section 156990  
shall be made using an intrastate transfer voucher. 156991

**Section 261.120.** ODODD INNOVATIVE PILOT PROJECTS 156992

(A) In fiscal year 2024 and fiscal year 2025, the Director of 156993  
Developmental Disabilities may authorize the continuation or 156994  
implementation of one or more innovative pilot projects that, in 156995  
the judgment of the Director, are likely to assist in promoting 156996  
the objectives of Chapter 5123. or 5126. of the Revised Code. 156997

Subject to division (B) of this section and notwithstanding any 156998  
provision of Chapters 5123. and 5126. of the Revised Code and any 156999  
rule adopted under either chapter, a pilot project authorized by 157000  
the Director may be continued or implemented in a manner 157001  
inconsistent with one or more provisions of either chapter or one 157002  
or more rules adopted under either chapter. Before authorizing a 157003  
pilot program, the Director shall consult with entities interested 157004  
in the issue of developmental disabilities, including the Ohio 157005  
Provider Resource Association, Ohio Association of County Boards 157006  
of Developmental Disabilities, Ohio Health Care Association/Ohio 157007  
Centers for Intellectual Disabilities, the Values and Faith 157008  
Alliance, and ARC of Ohio. 157009

(B) The Director may not authorize a pilot project to be 157010  
implemented in a manner that would cause the state to be out of 157011  
compliance with any requirements for a program funded in whole or 157012  
in part with federal funds. 157013

**Section 261.130. NONFEDERAL SHARE OF ICF/IID SERVICES** 157014

(A) As used in this section, "ICF/IID," "ICF/IID services," 157015  
and "Medicaid-certified capacity" have the same meanings as in 157016  
section 5124.01 of the Revised Code. 157017

(B) The Director of Developmental Disabilities shall pay the 157018  
nonfederal share of a claim for ICF/IID services using funds 157019  
specified in division (C) of this section if all of the following 157020  
apply: 157021

(1) Medicaid covers the ICF/IID services. 157022

(2) The ICF/IID services are provided to a Medicaid recipient 157023  
to whom both of the following apply: 157024

(a) The Medicaid recipient is eligible for the ICF/IID 157025  
services. 157026

(b) The Medicaid recipient does not occupy a bed in the 157027

ICF/IID that used to be included in the Medicaid-certified 157028  
capacity of another ICF/IID certified by the Director of Health 157029  
before June 1, 2003. 157030

(3) The ICF/IID services are provided by an ICF/IID whose 157031  
Medicaid certification by the Director of Health was initiated or 157032  
supported by a county board of developmental disabilities. 157033

(4) The provider of the ICF/IID services has a valid Medicaid 157034  
provider agreement for the services for the time that the services 157035  
are provided. 157036

(C) When required by division (B) of this section to pay the 157037  
nonfederal share of a claim, the Director of Developmental 157038  
Disabilities shall use the following funds to pay the claim: 157039

(1) Funds available from appropriation item 653407, Medicaid 157040  
Services, that the Director allocates to the county board that 157041  
initiated or supported the Medicaid certification of the ICF/IID 157042  
that provided the ICF/IID services for which the claim is made; 157043

(2) If the amount of funds used pursuant to division (C)(1) 157044  
of this section is insufficient to pay the claim in full, an 157045  
amount of funds that are needed to make up the difference and 157046  
available from amounts the Director allocates to other county 157047  
boards from appropriation item 653407, Medicaid Services. 157048

**Section 261.140. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 157049**  
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 157050

(A) As used in this section: 157051

(1) "Converted facility" means an ICF/IID, or former ICF/IID, 157052  
that converted some or all of its beds to providing home and 157053  
community-based services under the IO Waiver pursuant to section 157054  
5124.60 of the Revised Code. 157055

(2) "Developmental center" and "ICF/IID" have the same 157056  
meanings as in section 5124.01 of the Revised Code. 157057

(3) "IO Waiver" means the Medicaid waiver component, as 157058  
defined in section 5166.01 of the Revised Code, known as 157059  
Individual Options. 157060

(4) "Medicaid provider" has the same meaning as in section 157061  
5164.01 of the Revised Code. 157062

(5) "Public hospital" has the same meaning as in section 157063  
5122.01 of the Revised Code. 157064

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to 157065  
whom all of the following apply: 157066

(a) The enrollee resided in a developmental center, converted 157067  
facility, or public hospital immediately before enrolling in the 157068  
IO Wavier. 157069

(b) The enrollee did not receive before July 1, 2011, routine 157070  
homemaker/personal care services from the Medicaid provider that 157071  
is to be paid the Medicaid rate authorized by this section for 157072  
providing such services to the enrollee during the period 157073  
specified in division (C) of this section. 157074

(c) The Director of Developmental Disabilities has determined 157075  
that the enrollee's special circumstances (including the 157076  
enrollee's diagnosis, service needs, or length of stay at the 157077  
developmental center, converted facility, or public hospital) 157078  
warrants paying the Medicaid rate authorized by this section. 157079

(B) The total Medicaid payment rate for each fifteen minutes 157080  
of routine homemaker/personal care services that a Medicaid 157081  
provider provides to a qualifying IO enrollee during the period 157082  
specified in division (C) of this section shall be fifty-two cents 157083  
higher than the Medicaid payment rate in effect on the day the 157084  
services are provided for each fifteen minutes of routine 157085  
homemaker/personal care services that a Medicaid provider provides 157086  
to an IO enrollee who is not a qualifying IO enrollee. 157087

(C) Division (B) of this section applies to the first twelve 157088  
months, consecutive or otherwise, that a Medicaid provider, during 157089  
the period beginning July 1, 2023, and ending July 1, 2025, 157090  
provides routine homemaker/personal care services to a qualifying 157091  
IO enrollee. 157092

(D) Of the foregoing appropriation items 653407, Medicaid 157093  
Services, and 653654, Medicaid Services, portions shall be used to 157094  
pay the Medicaid payment rate determined in accordance with this 157095  
section for routine homemaker/personal care services provided to 157096  
qualifying IO enrollees. 157097

**Section 261.150.** COMPETITIVE WAGES FOR DIRECT CARE WORKFORCE 157098  
OF MEDICAID SERVICES 157099

As a result of the COVID-19 pandemic and extraordinary 157100  
inflationary pressures within the economy, Ohio Medicaid direct 157101  
care providers have been adversely impacted. The Department of 157102  
Developmental Disabilities, in collaboration with the Department 157103  
of Medicaid and the Department of Aging, have included funding in 157104  
the budget to be used for provider rate increases. Provider rate 157105  
increases shall be used to ensure workforce stability and greater 157106  
access to care for Medicaid recipients through increased wages and 157107  
needed workforce supports. 157108

**Section 261.160.** (A) In fiscal years 2024 and 2025, a portion 157109  
of funds from appropriation item 653624, County Board Waiver 157110  
Match, and appropriation item 653654, Medicaid Services, may be 157111  
used to implement the Direct Support Professional Quarterly 157112  
Retention Payments Program. The program shall commence July 1, 157113  
2023, and shall conclude June 30, 2025. The Director of 157114  
Developmental Disabilities shall administer the program by doing 157115  
all of the following: 157116

(1) Establishing criteria for eligible home and 157117

community-based waiver providers to participate in the program;	157118
(2) Implementing an opt-in system by which providers can	157119
elect to participate in the program;	157120
(3) Developing provider requirements as prerequisites for	157121
program payments;	157122
(4) Establishing quarterly provider payments based on	157123
percentage of the provider's reimbursed claims during the	157124
preceding quarter;	157125
(5) Collecting program data.	157126
(B) The Director of Developmental Disabilities shall adopt	157127
rules in accordance with Chapter 119. of the Revised Code to	157128
implement the program. The Director shall consult with county	157129
boards of developmental disabilities, the Ohio Association of	157130
County Boards of Developmental Disabilities, and provider	157131
organizations to review the effectiveness of the program and make	157132
recommendations on continuing the program.	157133
<b>Section 265.10. EDU DEPARTMENT OF EDUCATION</b>	157134
General Revenue Fund	157135
GRF 200321 Operating Expenses \$ 16,022,000 \$ 16,411,000	157136
GRF 200420 Information Technology \$ 4,109,000 \$ 4,228,000	157137
Development and Support	
GRF 200422 School Management \$ 2,897,000 \$ 2,598,000	157138
Assistance	
GRF 200424 Policy Analysis \$ 603,000 \$ 613,000	157139
GRF 200426 Ohio Educational \$ 22,064,000 \$ 17,864,000	157140
Computer Network	
GRF 200427 Academic Standards \$ 4,460,000 \$ 4,598,000	157141
GRF 200437 Student Assessment \$ 46,534,000 \$ 49,441,000	157142
GRF 200439 Accountability/Report \$ 6,730,000 \$ 7,266,000	157143

		Cards				
GRF 200446	Education Management Information System	\$	9,268,000	\$	9,437,000	157144
GRF 200448	Educator Preparation	\$	14,348,000	\$	14,359,000	157145
GRF 200455	Community Schools and Choice Programs	\$	4,163,000	\$	4,232,000	157146
GRF 200457	STEM Initiatives	\$	1,000,000	\$	0	157147
GRF 200465	Education Technology Resources	\$	5,545,000	\$	5,583,000	157148
GRF 200478	Industry-Recognized Credentials High School Students	\$	26,000,000	\$	26,000,000	157149
GRF 200502	Pupil Transportation	\$	774,089,000	\$	823,647,000	157150
GRF 200505	School Meal Programs	\$	13,163,000	\$	13,163,000	157151
GRF 200506	Learning Acceleration	\$	0	\$	15,000,000	157152
GRF 200511	Auxiliary Services	\$	162,928,000	\$	166,853,000	157153
GRF 200532	Nonpublic Administrative Cost Reimbursement	\$	73,607,000	\$	75,381,000	157154
GRF 200540	Special Education Enhancements	\$	195,850,000	\$	196,850,000	157155
GRF 200545	Career-Technical Education Enhancements	\$	28,500,000	\$	32,575,000	157156
GRF 200550	Foundation Funding - All Students	\$	7,879,550,000	\$	8,198,797,000	157157
GRF 200566	Literacy Improvement	\$	74,400,000	\$	36,824,000	157158
GRF 200572	Adult Education Programs	\$	9,796,000	\$	9,822,000	157159
GRF 200574	Half-Mill Maintenance Equalization	\$	13,658,000	\$	10,358,000	157160
GRF 200597	Program and Project Support	\$	7,473,000	\$	6,723,000	157161
GRF 657401	Medicaid in Schools	\$	325,000	\$	327,000	157162

TOTAL GRF	General Revenue Fund	\$ 9,397,082,000	\$ 9,748,950,000	157163
Dedicated Purpose Fund Group				157164
4520	200638	Charges and Reimbursements	\$ 1,500,000 \$ 1,500,000	157165
4L20	200681	Teacher Certification and Licensure	\$ 14,386,000 \$ 14,700,000	157166
5980	200659	Auxiliary Services Reimbursement	\$ 650,000 \$ 650,000	157167
5AD1	2006A2	Career-Technical Education Equipment	\$ 50,000,000 50,000,000	157168
5H30	200687	School District Solvency Assistance	\$ 2,000,000 \$ 2,000,000	157169
5KX0	200691	Ohio School Sponsorship Program	\$ 1,250,000 \$ 1,250,000	157170
5MM0	200677	Child Nutrition Refunds	\$ 550,000 \$ 550,000	157171
5U20	200685	National Education Statistics	\$ 180,000 \$ 185,000	157172
5VS0	200604	Foundation Funding - All Students	\$ 600,000,000 \$ 600,000,000	157173
5Y00	200490	Interscholastic Athletics and Extracurricular Activities	\$ 15,000,000 \$ 15,000,000	157174
5Y00	200491	Public and Nonpublic Education Support	\$ 50,000,000 \$ 50,000,000	157175
6200	200615	Educational Improvement Grants	\$ 600,000 \$ 600,000	157176
TOTAL DPF	Dedicated Purpose Fund Group	\$ 736,116,000	\$ 736,435,000	157177
Internal Service Activity Fund Group				157178
1380	200606	Information	\$ 12,940,577 \$ 13,911,120	157179

		Technology				
		Development and				
		Support				
4R70	200695	Indirect Operational	\$	8,501,941	\$	8,927,038 157180
		Support				
4V70	200633	Interagency Program	\$	5,000,000	\$	5,000,000 157181
		Support				
TOTAL ISA		Internal Service Activity	\$	26,442,518	\$	27,838,158 157182
		Fund Group				
		State Lottery Fund Group				157183
7017	200611	Education Studies	\$	1,300,000	\$	800,000 157184
7017	200612	Foundation Funding -	\$	1,263,645,000	\$	1,273,145,000 157185
		All Students				
7017	200614	Accelerate Great	\$	1,500,000	\$	1,500,000 157186
		Schools				
7017	200631	Quality Community and	\$	135,000,000	\$	135,000,000 157187
		Independent STEM				
		Schools Support				
7017	200684	Community School	\$	87,055,000	\$	88,555,000 157188
		Facilities				
TOTAL SLF		State Lottery Fund Group	\$	1,488,500,000	\$	1,499,000,000 157189
		Federal Fund Group				157190
3670	200607	School Food Services	\$	12,989,661	\$	13,379,350 157191
3700	200624	Education of	\$	1,750,000	\$	1,750,000 157192
		Exceptional Children				
3AF0	657601	Schools Medicaid	\$	250,000	\$	250,000 157193
		Administrative Claims				
3EH0	200620	Migrant Education	\$	2,700,000	\$	2,700,000 157194
3EJ0	200622	Homeless Children	\$	3,600,000	\$	3,600,000 157195
		Education				
3GE0	200674	Summer Food Service	\$	30,000,000	\$	30,000,000 157196
		Program				

3GG0	200676	Fresh Fruit and Vegetable Program	\$	5,145,074	\$	5,145,074	157197
3HF0	200649	Federal Education Grants	\$	6,831,327	\$	6,831,327	157198
3HI0	200634	Student Support and Academic Enrichment	\$	45,000,000	\$	48,000,000	157199
3HL0	200678	Comprehensive Literacy State Development Program	\$	14,630,000	\$	14,630,000	157200
3HS0	200640	Federal Coronavirus School Relief	\$	1,800,000,000	\$	0	157201
3L60	200617	Federal School Lunch	\$	443,762,110	\$	457,074,973	157202
3L70	200618	Federal School Breakfast	\$	168,250,583	\$	173,298,101	157203
3L80	200619	Child/Adult Food Programs	\$	114,461,866	\$	115,606,485	157204
3L90	200621	Career-Technical Education Basic Grant	\$	52,500,000	\$	54,500,000	157205
3M00	200623	ESEA Title 1A	\$	600,000,000	\$	600,000,000	157206
3M20	200680	Individuals with Disabilities Education Act	\$	510,000,000	\$	520,000,000	157207
3T40	200613	Public Charter Schools	\$	2,300,000	\$	0	157208
3Y20	200688	21st Century Community Learning Centers	\$	45,000,000	\$	47,000,000	157209
3Y60	200635	Improving Teacher Quality	\$	77,000,000	\$	77,000,000	157210
3Y70	200689	English Language Acquisition	\$	11,500,000	\$	12,000,000	157211
3Y80	200639	Rural and Low Income Technical Assistance	\$	3,600,000	\$	3,600,000	157212

3Z20	200690	State Assessments	\$	11,500,000	\$	11,500,000	157213
3Z30	200645	Consolidated Federal	\$	15,900,000	\$	15,900,000	157214
		Grant Administration					
TOTAL FED	Federal Fund Group		\$	3,978,670,621	\$	2,213,765,310	157215
TOTAL ALL BUDGET FUND GROUPS			\$	15,626,811,139	\$	14,225,988,468	157216

**Section 265.20. OPERATING EXPENSES** 157218

A portion of the foregoing appropriation item 200321, 157219  
Operating Expenses, shall be used by the Department of Education 157220  
to provide matching funds related to career-technical education 157221  
under 20 U.S.C. 2321. 157222

**Section 265.40. INFORMATION TECHNOLOGY DEVELOPMENT AND** 157223  
**SUPPORT** 157224

The foregoing appropriation item 200420, Information 157225  
Technology Development and Support, shall be used to support the 157226  
development and implementation of information technology solutions 157227  
designed to improve the performance and services of the Department 157228  
of Education. Funds may be used for personnel, maintenance, and 157229  
equipment costs related to the development and implementation of 157230  
these technical system projects. Implementation of these systems 157231  
shall allow the Department to provide greater levels of assistance 157232  
to school districts and to provide more timely information to the 157233  
public, including school districts, administrators, and 157234  
legislators. Funds may also be used to support data-driven 157235  
decision-making and differentiated instruction, as well as to 157236  
communicate academic content standards and curriculum models to 157237  
schools through web-based applications. 157238

**Section 265.50. SCHOOL MANAGEMENT ASSISTANCE** 157239

The foregoing appropriation item 200422, School Management 157240  
Assistance, shall be used by the Department of Education to 157241  
provide fiscal technical assistance and inservice education for 157242

school district management personnel and to administer, monitor, 157243  
and implement the fiscal caution, fiscal watch, and fiscal 157244  
emergency provisions under Chapter 3316. of the Revised Code. 157245

**Section 265.60. POLICY ANALYSIS** 157246

The foregoing appropriation item 200424, Policy Analysis, 157247  
shall be used by the Department of Education to support a system 157248  
of administrative and statistical education information to be used 157249  
for policy analysis. Staff supported by this appropriation shall 157250  
administer the development of reports, analyses, and briefings 157251  
regarding current trends in education practice, efficient and 157252  
effective use of resources, and evaluation of programs to improve 157253  
education results. A portion of these funds shall be used to 157254  
maintain a longitudinal database to support the assessment of the 157255  
impact of policies and programs on Ohio's education and workforce 157256  
development systems. The research efforts supported by this 157257  
appropriation item shall be used to supply information and 157258  
analysis of data to and in consultation with the General Assembly 157259  
and other state policymakers, including the Office of Budget and 157260  
Management and the Legislative Service Commission. 157261

A portion of the foregoing appropriation item, 200424, Policy 157262  
Analysis, may be used by the Department to support the development 157263  
and implementation of an evidence-based clearinghouse to support 157264  
school improvement strategies as part of the Every Student 157265  
Succeeds Act. 157266

The Department may use funding from this appropriation item 157267  
to purchase or contract for the development of software systems or 157268  
contract for policy studies that will assist in the provision and 157269  
analysis of policy-related information. Funding from this 157270  
appropriation item also may be used to monitor and enhance quality 157271  
assurance for research-based policy analysis and program 157272  
evaluation to enhance the effective use of education information 157273

to inform education policymakers. 157274

**Section 265.70.** OHIO EDUCATIONAL COMPUTER NETWORK 157275

The foregoing appropriation item 200426, Ohio Educational 157276  
Computer Network, shall be used by the Department of Education to 157277  
maintain a system of information technology throughout Ohio and to 157278  
provide technical assistance for such a system. 157279

Of the foregoing appropriation item 200426, Ohio Educational 157280  
Computer Network, up to \$9,686,658 in fiscal year 2024 and up to 157281  
\$11,926,658 in fiscal year 2025 shall be used by the Department to 157282  
support connection of all public school buildings and 157283  
participating chartered nonpublic schools to the state's education 157284  
network, to each other, and to the Internet. In each fiscal year, 157285  
the Department shall use these funds to assist information 157286  
technology centers or school districts with the operational costs 157287  
associated with this connectivity. The Department shall develop a 157288  
formula and guidelines for the distribution of these funds to 157289  
information technology centers or individual school districts. As 157290  
used in this section, "public school building" means a school 157291  
building of any city, local, exempted village, or joint vocational 157292  
school district, any community school established under Chapter 157293  
3314. of the Revised Code, any college preparatory boarding school 157294  
established under Chapter 3328. of the Revised Code, any STEM 157295  
school established under Chapter 3326. of the Revised Code, any 157296  
educational service center building used for instructional 157297  
purposes, the Ohio School for the Deaf and the Ohio State School 157298  
for the Blind, high schools chartered by the Ohio Department of 157299  
Youth Services, or high schools operated by Ohio Department of 157300  
Rehabilitation and Corrections' Ohio Central School System. 157301

Of the foregoing appropriation item 200426, Ohio Educational 157302  
Computer Network, up to \$5,999,907 in fiscal year 2024 and up to 157303  
\$5,359,907 in fiscal year 2025 shall be used, through a formula 157304

and guidelines devised by the Department, to support the 157305  
activities of designated information technology centers, as 157306  
defined by State Board of Education rules, to provide school 157307  
districts and chartered nonpublic schools with computer-based 157308  
student and teacher instructional and administrative information 157309  
services, including approved computerized financial accounting, to 157310  
ensure the effective operation of local automated administrative 157311  
and instructional systems, and to monitor and support the quality 157312  
of data submitted to the Department. 157313

Of the foregoing appropriation item 200426, Ohio Educational 157314  
Computer Network, up to \$5,800,000 in fiscal year 2024 shall be 157315  
used for middle mile connections for the information technology 157316  
centers established under section 3301.075 of the Revised Code and 157317  
select large urban districts to connect to the state broadband 157318  
backbone managed by the Ohio Technology Consortium and for other 157319  
connectivity upgrades necessary for K-12 school buildings with 157320  
severely restricted broadband connections. "Select large urban 157321  
districts" are those districts that connect to the state broadband 157322  
backbone directly rather than through an information technology 157323  
center. Upon request of the Superintendent of Public Instruction 157324  
and approval by the Director of Budget and Management, an amount 157325  
equal to the unexpended, unencumbered balance of the amount 157326  
allocated in this paragraph at the end of fiscal year 2024 is 157327  
hereby reappropriated to the Department for the same purpose in 157328  
fiscal year 2025. 157329

The remainder of appropriation item 200426, Ohio Educational 157330  
Computer Network, shall be used to support the work of the 157331  
development, maintenance, and operation of a network of uniform 157332  
and compatible computer-based information systems as well as the 157333  
teacher student linkage/roster verification process and systems to 157334  
support electronic sharing of student records and transcripts 157335  
between entities. This technical assistance shall include, but not 157336

be restricted to, development and maintenance of adequate computer 157337  
software systems to support network activities. In order to 157338  
improve the efficiency of network activities, the Department and 157339  
information technology centers may jointly purchase equipment, 157340  
materials, and services from funds provided under this 157341  
appropriation for use by the network and, when considered 157342  
practical by the Department, may utilize the services of 157343  
appropriate state purchasing agencies. 157344

**Section 265.80. ACADEMIC STANDARDS** 157345

The foregoing appropriation item 200427, Academic Standards, 157346  
shall be used by the Department of Education to develop and 157347  
communicate to school districts academic content standards and 157348  
curriculum models and to develop professional development programs 157349  
and other tools on the new content standards and model curricula. 157350

**Section 265.90. STUDENT ASSESSMENT** 157351

Of the foregoing appropriation item 200437, Student 157352  
Assessment, up to \$1,200,000 in fiscal year 2025 shall be used to 157353  
develop, field test, print, distribute, score, report results, and 157354  
support other associated costs for the tests required under 157355  
section 3323.251 of the Revised Code. 157356

Of the foregoing appropriation item 200437, Student 157357  
Assessment, up to \$772,713 in each fiscal year shall be used to 157358  
reimburse a portion of the costs associated with Advanced 157359  
Placement and College-Level Examination Program tests for students 157360  
from households with incomes at or below the statewide median 157361  
household income. Of these funds, up to \$622,713 in each fiscal 157362  
year shall be used to reimburse a portion of the costs associated 157363  
with these tests for low-income students, as determined by the 157364  
Department, and up to \$150,000 in each fiscal year shall be used 157365  
to reimburse a portion of the costs associated with these tests 157366

for students whose family income exceeds low-income status but are 157367  
at or below the statewide median household income, as determined 157368  
by the Department. 157369

The remainder of appropriation item 200437, Student 157370  
Assessment, shall be used to develop, field test, print, 157371  
distribute, score, report results, and support other associated 157372  
costs for the tests required under sections 3301.0710, 3301.0711, 157373  
and 3301.0712 of the Revised Code and for similar purposes as 157374  
required by section 3301.27 of the Revised Code. The funds may 157375  
also be used to update and develop diagnostic assessments 157376  
administered under sections 3301.079, 3301.0715, and 3313.608 of 157377  
the Revised Code and to support readiness assessments for students 157378  
in grades three and higher that assist districts and schools with 157379  
identifying and benchmarking student progress. 157380

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 157381  
ASSESSMENT 157382

In fiscal year 2024 and fiscal year 2025, if the 157383  
Superintendent of Public Instruction determines that additional 157384  
funds are needed to fully fund the requirements of sections 157385  
3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code 157386  
and this act for assessments of student performance, the 157387  
Superintendent may recommend to the Director of Budget and 157388  
Management the reallocation of unexpended and unencumbered General 157389  
Revenue Fund appropriations within the Department of Education to 157390  
appropriation item 200437, Student Assessment. If the Director 157391  
determines that such a reallocation is required, the Director may 157392  
transfer unexpended and unencumbered appropriations within the 157393  
Department of Education as necessary to appropriation item 200437, 157394  
Student Assessment. 157395

**Section 265.100. ACCOUNTABILITY/REPORT CARDS** 157396

Of the foregoing appropriation item 200439, 157397

Accountability/Report Cards, a portion in each fiscal year shall 157398  
be used to train district and regional specialists and district 157399  
educators in the use of the value-added progress dimension and in 157400  
the use of data as it relates to improving student achievement. 157401  
This training may include teacher and administrator professional 157402  
development in the use of data to improve instruction and student 157403  
learning, and teacher and administrator training in understanding 157404  
teacher value-added reports and how they can be used as a 157405  
component in measuring teacher and administrator effectiveness. A 157406  
portion of this funding shall be provided to educational service 157407  
centers to support training and professional development under 157408  
this section consistent with section 3312.01 of the Revised Code. 157409

The remainder of appropriation item 200439, 157410  
Accountability/Report Cards, shall be used by the Department of 157411  
Education to incorporate a statewide value-added progress 157412  
dimension into performance ratings for school districts and for 157413  
the development of an accountability system that includes the 157414  
preparation and distribution of school report cards, funding and 157415  
expenditure accountability reports under sections 3302.03 and 157416  
3302.031 of the Revised Code, the development and maintenance of 157417  
teacher value-added reports, the teacher student linkage/roster 157418  
verification process, and the performance management section of 157419  
the Department's web site required by section 3302.26 of the 157420  
Revised Code. 157421

**Section 265.110. EDUCATION MANAGEMENT INFORMATION SYSTEM** 157422

The foregoing appropriation item 200446, Education Management 157423  
Information System, shall be used by the Department of Education 157424  
to improve the Education Management Information System (EMIS). 157425

Of the foregoing appropriation item 200446, Education 157426  
Management Information System, up to \$405,000 in each fiscal year 157427  
shall be used to support grants to information technology centers 157428

to provide professional development opportunities to district and 157429  
school personnel related to the EMIS, with a focus placed on data 157430  
submission and data quality. 157431

Of the foregoing appropriation item 200446, Education 157432  
Management Information System, up to \$950,000 in each fiscal year 157433  
shall be distributed to designated information technology centers 157434  
for costs relating to processing, storing, and transferring data 157435  
for the effective operation of the EMIS. These costs may include, 157436  
but are not limited to, personnel, hardware, software development, 157437  
communications connectivity, professional development, and support 157438  
services. 157439

The remainder of appropriation item 200446, Education 157440  
Management Information System, shall be used to develop and 157441  
support the data definitions and standards outlined in the EMIS 157442  
guidelines adopted under section 3301.0714 of the Revised Code, to 157443  
implement recommendations of the EMIS Advisory Council and the 157444  
Superintendent of Public Instruction, to enhance data quality 157445  
assurance practices, and to support responsibilities related to 157446  
the school report cards prescribed by section 3302.03 of the 157447  
Revised Code and value-added progress dimension calculations. 157448

**Section 265.120. EDUCATOR PREPARATION** 157449

(A) Of the foregoing appropriation item 200448, Educator 157450  
Preparation, up to \$7,500,000 in each fiscal year shall be used by 157451  
the Department of Education, in consultation with the Department 157452  
of Higher Education, to provide awards to support graduate 157453  
coursework for high school teachers to receive credentialing to 157454  
teach College Credit Plus courses in a high school setting. 157455

The Department of Education, in consultation with the 157456  
Department of Higher Education, shall develop an application 157457  
process and criteria for awards. Priority shall be given to 157458  
education consortia that include high schools identified as 157459

economically disadvantaged in which there are no or limited 157460  
numbers of teachers currently credentialed to teach College Credit 157461  
Plus courses, as determined by the Department of Education, and a 157462  
public or private college or university in Ohio. Awards made by 157463  
the Department of Education may support graduate coursework for 157464  
high school teachers at a public or private college or university 157465  
in Ohio leading to credentialing to teach college courses. 157466

Upon the request of the Superintendent of Public Instruction 157467  
and the approval of the Director of Budget and Management, an 157468  
amount equal to the unexpended, unencumbered balance of the amount 157469  
allocated in this division at the end of fiscal year 2024 is 157470  
hereby reappropriated for the same purpose in fiscal year 2025. 157471

(B)(1) Of the foregoing appropriation item 200448, Educator 157472  
Preparation, up to \$3,225,000 in each fiscal year shall be used, 157473  
in consultation with the Department of Veterans Services, to 157474  
support the Ohio Military Veteran Educators Program, which shall 157475  
do all of the following: 157476

(a) Administer a grant program for institutions of higher 157477  
education to provide financial incentives and assistance for 157478  
eligible military individuals, as defined in section 3319.285 of 157479  
the Revised Code, to enroll in and complete an educator 157480  
preparation program approved under section 3333.048 of the Revised 157481  
Code; 157482

(b) Subsidize the costs for eligible military individuals 157483  
associated with completing college coursework or professional 157484  
development in pedagogy for the purpose of obtaining an 157485  
alternative military educator license pursuant to section 3319.285 157486  
of the Revised Code; 157487

(c) Provide funds to public schools to support activities to 157488  
recruit eligible military individuals to work in public schools 157489  
and support bonuses to public schools that hire eligible military 157490

individuals; 157491

(d) Reimburse public schools that pay financial bonuses to 157492  
eligible military individuals who complete at least one year of 157493  
employment with the school; 157494

(e) In consultation with the Department of Veterans Services, 157495  
establish and support the Governor's Ohio Military Veteran 157496  
Educators Fellowship Pilot Program to recruit and train eligible 157497  
military individuals to become licensed to teach in low-performing 157498  
public schools. 157499

(2) An amount equal to the unexpended, unencumbered balance 157500  
of the amount allocated in division (B)(1) of this section at the 157501  
end of fiscal year 2024 is hereby reappropriated for the same 157502  
purpose in fiscal year 2025. 157503

(C) Of the foregoing appropriation item 200448, Educator 157504  
Preparation, up to \$350,000 in fiscal year 2024 and up to \$358,000 157505  
in fiscal year 2025 may be used by the Department of Education to 157506  
monitor and support Ohio's State System of Support, as defined by 157507  
the Every Student Succeeds Act. 157508

(D) Of the foregoing appropriation item 200448, Educator 157509  
Preparation, up to \$73,000 in fiscal year 2024 and up to \$76,000 157510  
in fiscal year 2025 may be used by the Department to support the 157511  
Educator Standards Board under section 3319.61 of the Revised Code 157512  
and reforms under sections 3302.042, 3302.06 to 3302.068, 3302.12, 157513  
and 3302.20 to 3302.22 of the Revised Code. 157514

(E) Of the foregoing appropriation item 200448, Educator 157515  
Preparation, \$2,000,000 in each fiscal year shall be distributed 157516  
to Teach For America to increase recruitment of potential corps 157517  
members, to train and develop first-year and second-year teachers 157518  
in the Teach for America program in Ohio, and to support the 157519  
ongoing development and impact of Teach for America alumni working 157520  
in Ohio. 157521

(F) Of the foregoing appropriation item 200448, Educator Preparation, \$200,000 in each fiscal year shall be used to support selected school staff through the FASTER Saves Lives Program for the purpose of stopping active shooters and treating casualties.

(G) Of the foregoing appropriation item 200448, Educator Preparation, \$500,000 in each fiscal year shall be distributed to the PAST Foundation for the STEM Educator Workforce Collaborative to provide professional development and strategic training for teachers in STEM fields that is tailored to each region of the state.

(H) Of the foregoing appropriation item 200448, Educator Preparation, up to \$500,000 in each fiscal year shall be used to support the SmartOhio Financial Literacy Program at the University of Cincinnati.

(I) Notwithstanding any provision of law to the contrary, awards under this section may be used by recipients for award-related expenses incurred for the following periods of time according to guidelines established by the Department of Education:

(1) For awards under division (A) of this section, a period not to exceed four years from the date of the award;

(2) For awards under divisions (B), (E), (F), and (H) of this section, a period not to exceed two years from the date of the award.

**Section 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS**

The foregoing appropriation item 200455, Community Schools and Choice Programs, may be used by the Department of Education for the oversight and support of community schools established under Chapter 3314. of the Revised Code, community school sponsors, and nonpublic schools; and the administration of school

choice programs. The funds may be used to support the sponsor 157552  
evaluation system in accordance with section 3314.016 of the 157553  
Revised Code. 157554

STEM INITIATIVES 157555

The foregoing appropriation item 200457, STEM Initiatives, 157556  
shall be distributed to the Alliance for Working Together 157557  
Foundation to support ongoing STEM education. 157558

An amount equal to the unexpended, unencumbered balance of 157559  
the foregoing appropriation item 200457, STEM Initiatives, at the 157560  
end of fiscal year 2024 is hereby reappropriated for the same 157561  
purpose in fiscal year 2025. 157562

**Section 265.140.** EDUCATION TECHNOLOGY RESOURCES 157563

(A) Of the foregoing appropriation item 200465, Education 157564  
Technology Resources, up to \$2,500,000 in each fiscal year shall 157565  
be used for the Union Catalog and InfOhio Network and to support 157566  
the provision of electronic resources with priority given to 157567  
resources that support the teaching of state academic content 157568  
standards in all public schools and resources in support of Ohio's 157569  
Plan to Raise Literacy Achievement. The Department of Education 157570  
shall consider coordinating the allocation of these moneys with 157571  
the efforts of Libraries Connect Ohio, whose members include 157572  
OhioLINK, the Ohio Public Information Network, and the State 157573  
Library of Ohio. 157574

(B) Of the foregoing appropriation item 200465, Education 157575  
Technology Resources, up to \$1,778,879 in each fiscal year shall 157576  
be used by the Department to provide grants to educational 157577  
television stations working with partner education technology 157578  
centers to provide Ohio public schools with instructional 157579  
resources and services, with priority given to resources and 157580  
services aligned with state academic content standards. Such 157581

resources and services shall be based upon the advice and approval 157582  
of the Department, with an emphasis in both literacy and 157583  
mathematics, based on a formula developed in consultation with 157584  
Ohio's educational television stations and educational technology 157585  
centers. 157586

(C)(1) Of the foregoing appropriation item 200465, Education 157587  
Technology Resources, up to \$500,000 in each fiscal year shall be 157588  
used to provide state matching grants under the pilot project 157589  
established in Section 733.30 of this act, provided further that 157590  
the maximum amount of a state matching grant shall be as follows: 157591

(a) Five per cent of total eligible pre-discount costs for 157592  
projects approved for a discount rate of 90 per cent under the 157593  
federal E-Rate program; 157594

(b) 10 per cent of total eligible pre-discount costs for 157595  
projects approved for a discount rate of less than 90 per cent 157596  
under the federal E-Rate program. 157597

(2) An amount equal to the unexpended, unencumbered balance 157598  
of the amount allocated in division (C)(1) of this section at the 157599  
end of fiscal year 2024 is hereby reappropriated for the same 157600  
purpose in fiscal year 2025. 157601

(D) The remainder of the foregoing appropriation item 200465, 157602  
Education Technology Resources, may be used to support training, 157603  
technical support, guidance, and assistance with compliance 157604  
reporting to school districts and public libraries applying for 157605  
federal E-Rate funds; for oversight and guidance of school 157606  
district technology plans; for support to district technology 157607  
personnel; and for support of the development, maintenance, and 157608  
operation of a network of uniform and compatible computer-based 157609  
information and instructional systems. 157610

**Section 265.150.** INDUSTRY-RECOGNIZED CREDENTIALS HIGH SCHOOL 157611

STUDENTS 157612

Of the foregoing appropriation item 200478, 157613  
Industry-Recognized Credentials High School Students, up to 157614  
\$5,500,000 in each fiscal year may be used by the Department of 157615  
Education to support payments to city, local, and exempted village 157616  
school districts, community schools, STEM schools, and joint 157617  
vocational school districts whose students earn an 157618  
industry-recognized credential or receive a journeyman 157619  
certification recognized by the United States Department of Labor 157620  
in the school year preceding the fiscal year in which the funds 157621  
are appropriated. The educating entity shall be required to inform 157622  
students enrolled in career-technical education courses that lead 157623  
to an industry-recognized credential about the opportunity to earn 157624  
these credentials. The Department of Education shall work with the 157625  
Department of Higher Education and the Governor's Office of 157626  
Workforce Transformation to develop a schedule for reimbursement 157627  
based on the testing fees for credentials included on the 157628  
Department of Education's list of industry-recognized credentials. 157629  
The educating entity shall pay for the cost of the credential and 157630  
may claim and receive reimbursement for these testing fees. The 157631  
educating entity may claim reimbursement for testing fees incurred 157632  
on behalf of a student that earns a credential up to six months 157633  
after the student has graduated from high school. If the amount 157634  
appropriated is not sufficient, the Department shall prorate the 157635  
amounts so that the aggregate amount appropriated is not exceeded. 157636

Of the foregoing appropriation item 200478, 157637  
Industry-Recognized Credentials High School Students, up to 157638  
\$10,000,000 in each fiscal year may be used by the Department of 157639  
Education and the Governor's Office of Workforce Transformation to 157640  
establish and operate the Work-based Learning Incentive Program. 157641  
The program shall promote sustained interactions with industry or 157642  
community professionals in workplace settings that foster 157643

in-depth, firsthand engagement with the tasks required in a given 157644  
career field, in alignment with education programs. The Department 157645  
shall pay each city, local, and exempted village school district, 157646  
community school, STEM school, and joint vocational school 157647  
district an amount equal to \$1,000 for each student participating 157648  
in at least 250 hours of work-based learning, in accordance with 157649  
guidelines and requirements established by the Department. If the 157650  
amount appropriated is not sufficient, the Department shall 157651  
prorate the amounts so that the aggregate amount appropriated is 157652  
not exceeded. 157653

The remainder of the foregoing appropriation item 200478, 157654  
Industry-Recognized Credentials High School Students, may be used 157655  
by the Department of Education and the Governor's Office of 157656  
Workforce Transformation to establish and operate the Innovative 157657  
Workforce Incentive Program. In establishing the program, the 157658  
Office of Workforce Transformation shall maintain a list of 157659  
credentials that qualify for the program. The Department of 157660  
Education shall pay each city, local, and exempted village school 157661  
district, community school, STEM school, and joint vocational 157662  
school district an amount equal to \$1,250 for each qualifying 157663  
credential a student attending the district or school earned in 157664  
the school year preceding the fiscal year in which the funds are 157665  
appropriated. If the amount appropriated is not sufficient, the 157666  
Department shall prorate the amounts so that the aggregate amount 157667  
appropriated is not exceeded. 157668

**Section 265.190. PUPIL TRANSPORTATION** 157669

Of the foregoing appropriation item 200502, Pupil 157670  
Transportation, up to \$1,088,930 in each fiscal year may be used 157671  
by the Department of Education for training prospective and 157672  
experienced school bus drivers in accordance with training 157673  
programs prescribed by the Department. A portion of these funds 157674

may also be used to pay for costs associated with the enrollment 157675  
of bus drivers in the retained applicant fingerprint database. 157676

Of the foregoing appropriation item 200502, Pupil 157677  
Transportation, up to \$127,423,293 in fiscal year 2024 and up to 157678  
\$138,038,039 in fiscal year 2025 may be used by the Department for 157679  
special education transportation reimbursements to school 157680  
districts, educational service centers, and county boards of 157681  
developmental disabilities for transportation operating costs as 157682  
provided in divisions (C) and (F) of section 3317.024 of the 157683  
Revised Code. 157684

The remainder of the foregoing appropriation item 200502, 157685  
Pupil Transportation, shall be used to distribute the amounts 157686  
calculated for transportation aid under divisions (E), (F), (G), 157687  
(H), and (I) of section 3317.0212, and division (A)(2) of section 157688  
3317.019 of the Revised Code. 157689

PAYMENTS IN LIEU OF TRANSPORTATION 157690

For purposes of division (D) of section 3327.02 of the 157691  
Revised Code, if a parent, guardian, or other person in charge of 157692  
a pupil accepts an offer from a school district of payment in lieu 157693  
of providing transportation for the pupil, the school district 157694  
shall pay that parent, guardian, or other person an amount not 157695  
less than fifty per cent and not more than the amount determined 157696  
by the Department under division (C) of section 3317.0212 of the 157697  
Revised Code for the most recent school year for which data is 157698  
available. Payment may be prorated if the time period involved is 157699  
only a part of the school year. 157700

**Section 265.200.** SCHOOL MEAL PROGRAMS 157701

The foregoing appropriation item 200505, School Meal 157702  
Programs, shall be used to support the reimbursements required by 157703  
section 3301.91 of the Revised code and provide matching funds to 157704

obtain federal funds for the school lunch program. 157705

Any remaining appropriation may be used to partially 157706  
reimburse school buildings within school districts that are 157707  
required to have a school breakfast program under section 3313.813 157708  
of the Revised Code, at a rate decided by the Department. 157709

**Section 265.210. LEARNING ACCELERATION** 157710

The foregoing appropriation item 200506, Learning 157711  
Acceleration, shall be used by the Department of Education to 157712  
support the tutoring program established under section 3301.28 of 157713  
the Revised Code, student access to high-quality tutoring programs 157714  
on the list compiled under section 3301.136 of the Revised Code, 157715  
and the provision of tutoring services to public and chartered 157716  
nonpublic schools by institutions of higher education. 157717

A portion of the foregoing appropriation item 200506, 157718  
Learning Acceleration, may be used to support common training, 157719  
curricular tools, tutoring platforms, and program evaluation. The 157720  
Department may collect data from public and chartered nonpublic 157721  
schools, tutoring providers, institutions of higher education, and 157722  
educational service centers for purposes of program evaluation. 157723

**Section 265.230. AUXILIARY SERVICES** 157724

Of the foregoing appropriation item 200511, Auxiliary 157725  
Services, up to \$2,600,000 in each fiscal year may be used for 157726  
payment of the College Credit Plus Program for nonpublic secondary 157727  
school participants. The Department of Education shall distribute 157728  
these funds according to rule 3333-1-65.8 of the Administrative 157729  
Code, adopted by the Department of Higher Education pursuant to 157730  
division (A) of section 3365.071 of the Revised Code. 157731

The remainder of the foregoing appropriation item 200511, 157732  
Auxiliary Services, shall be used by the Department for the 157733  
purpose of implementing sections 3317.06 and 3317.062 of the 157734

Revised Code. 157735

**Section 265.240.** NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 157736

The foregoing appropriation item 200532, Nonpublic 157737  
Administrative Cost Reimbursement, shall be used by the Department 157738  
of Education for the purpose of implementing section 3317.063 of 157739  
the Revised Code. Payments made by the Department for this purpose 157740  
shall not exceed four hundred seventy-five dollars per student for 157741  
each school year. 157742

**Section 265.250.** SPECIAL EDUCATION ENHANCEMENTS 157743

Of the foregoing appropriation item 200540, Special Education 157744  
Enhancements, up to \$38,000,000 in each fiscal year shall be used 157745  
to fund special education and related services at county boards of 157746  
developmental disabilities for eligible students under section 157747  
3317.20 of the Revised Code and at institutions for eligible 157748  
students under section 3317.201 of the Revised Code. If necessary, 157749  
the Department of Education shall proportionately reduce the 157750  
amount calculated for each county board of developmental 157751  
disabilities and institution so as not to exceed the amount 157752  
appropriated in each fiscal year. 157753

Of the foregoing appropriation item 200540, Special Education 157754  
Enhancements, up to \$1,350,000 in each fiscal year shall be used 157755  
for parent mentoring programs. 157756

Of the foregoing appropriation item 200540, Special Education 157757  
Enhancements, up to \$3,000,000 in each fiscal year may be used for 157758  
school psychology interns. 157759

Of the foregoing appropriation item 200540, Special Education 157760  
Enhancements, the Department shall transfer \$5,500,000 in fiscal 157761  
year 2024 and \$6,500,000 in fiscal year 2025 to the Opportunities 157762  
for Ohioans with Disabilities Agency. The transfer shall be made 157763  
via an intrastate transfer voucher. The transferred funds shall be 157764

used by the Opportunities for Ohioans with Disabilities Agency as 157765  
state matching funds to draw down available federal funding for 157766  
vocational rehabilitation services. Total project funding shall be 157767  
used to hire dedicated vocational rehabilitation counselors who 157768  
shall work directly with school districts to provide transition 157769  
services for students with disabilities. Services shall include 157770  
vocational rehabilitation services such as person-centered career 157771  
planning, summer work experiences, job placement, and retention 157772  
services for mutually eligible students with disabilities. 157773

The Superintendent of Public Instruction and the Executive 157774  
Director of the Opportunities for Ohioans with Disabilities Agency 157775  
shall enter into an interagency agreement that shall specify the 157776  
responsibilities of each agency under the program. Under the 157777  
interagency agreement, the Opportunities for Ohioans with 157778  
Disabilities Agency shall retain responsibility for all 157779  
nondelegable functions, including eligibility and order of 157780  
selection determination, individualized plan for employment (IPE) 157781  
approval, IPE amendments, case closure, and release of vendor 157782  
payments. 157783

Of the foregoing appropriation item 200540, Special Education 157784  
Enhancements, up to \$2,000,000 in each fiscal year shall be used 157785  
by the Department of Education to build capacity to deliver a 157786  
regional system of training, support, coordination, and direct 157787  
service for secondary transition services for students with 157788  
disabilities beginning at fourteen years of age. These special 157789  
education enhancements shall support all students with 157790  
disabilities, regardless of partner agency eligibility 157791  
requirements, to provide stand-alone direct secondary transition 157792  
services by school districts. Secondary transition services shall 157793  
include, but not be limited to, job exploration counseling, 157794  
work-based learning experiences, counseling on opportunities for 157795  
enrollment in comprehensive transition or post-secondary 157796

educational programs at institutions of higher education, 157797  
workplace readiness training to develop occupational skills, 157798  
social skills and independent living skills, and instruction in 157799  
self-advocacy. Regional training shall support the expansion of 157800  
transition to work endorsement opportunities for middle school and 157801  
secondary level special education intervention specialists in 157802  
order to develop the necessary skills and competencies to meet the 157803  
secondary transition needs of students with disabilities beginning 157804  
at fourteen years of age. 157805

The remainder of appropriation item 200540, Special Education 157806  
Enhancements, shall be distributed by the Department of Education 157807  
to school districts and institutions, as defined in section 157808  
3323.091 of the Revised Code, for preschool special education 157809  
funding under section 3317.0213 of the Revised Code. 157810

The Department may reimburse school districts and 157811  
institutions for services provided by instructional assistants, 157812  
related services, as defined in rule 3301-51-11 of the 157813  
Administrative Code, physical therapy services provided by a 157814  
licensed physical therapist or physical therapist assistant under 157815  
the supervision of a licensed physical therapist, as required 157816  
under Chapter 4755. of the Revised Code and Chapter 4755-27 of the 157817  
Administrative Code, and occupational therapy services provided by 157818  
a licensed occupational therapist or occupational therapy 157819  
assistant under the supervision of a licensed occupational 157820  
therapist, as required under Chapter 4755. of the Revised Code and 157821  
Chapter 4755-7 of the Administrative Code. Nothing in this section 157822  
authorizes occupational therapy assistants or physical therapist 157823  
assistants to generate or manage their own caseloads. 157824

The Department shall require school districts, educational 157825  
service centers, county boards of developmental disabilities, and 157826  
institutions serving preschool children with disabilities to 157827  
adhere to Ohio's early learning program standards, participate in 157828

the Step Up to Quality Program established pursuant to section 157829  
5104.29 of the Revised Code, and document child progress using 157830  
research-based indicators prescribed by the Department and report 157831  
results annually. The reporting dates and method shall be 157832  
determined by the Department. All programs shall be rated through 157833  
the Step Up to Quality Program. 157834

**Section 265.260. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 157835

Of the foregoing appropriation item 200545, Career-Technical 157836  
Education Enhancements, up to \$12,250,000 in fiscal year 2024 and 157837  
up to \$16,325,000 in fiscal year 2025 shall be used to pay career 157838  
awareness and exploration funds pursuant to division (E) of 157839  
section 3317.014 of the Revised Code. If the amount appropriated 157840  
is not sufficient, the Department shall prorate the amounts so 157841  
that the aggregate amount appropriated is not exceeded. 157842

Of the foregoing appropriation item 200545, Career-Technical 157843  
Education Enhancements, up to \$2,750,000 in fiscal year 2024 and 157844  
up to \$3,250,000 in fiscal year 2025 shall be used by the 157845  
Department of Education to provide payments of up to \$50,000 in 157846  
each fiscal year to each business advisory council established 157847  
under section 3313.82 of the Revised Code designated as "high 157848  
quality" by receiving a rating of three or four stars under the 157849  
Department's business advisory council recognition initiative. 157850  
Payments provided under this set-aside shall be used to support 157851  
activities required under section 3313.82 of the Revised Code, 157852  
increase career awareness and exploration activities for students, 157853  
and expand access to work-based learning opportunities. 157854

Of the foregoing appropriation item 200545, Career-Technical 157855  
Education Enhancements, up to \$2,563,000 in each fiscal year shall 157856  
be used to fund secondary career-technical education at 157857  
institutions and Ohio Deaf and Blind Education Services using a 157858  
grant-based methodology, notwithstanding section 3317.05 of the 157859

Revised Code. 157860

Of the foregoing appropriation item 200545, Career-Technical 157861  
Education Enhancements, up to \$2,686,000 in each fiscal year shall 157862  
be used by the Department of Education to fund competitive grants 157863  
to tech prep regional centers that expand the number of students 157864  
with access to career-technical education. These grant funds shall 157865  
be used to directly support career services provided to students 157866  
enrolled in community schools, STEM schools, school districts, 157867  
including joint vocational school districts, and affiliated higher 157868  
education institutions. This support may include the purchase of 157869  
equipment. 157870

Of the foregoing appropriation item 200545, Career-Technical 157871  
Education Enhancements, up to \$3,001,000 in each fiscal year shall 157872  
be used by the Department to support existing Making Schools Work 157873  
sites, develop and support new sites, fund technical assistance, 157874  
and support regional centers and middle school programs. The 157875  
purpose of Making Schools Work is to combine challenging academic 157876  
courses and modern career-technical studies to raise the academic 157877  
achievement of students. Making Schools Work provides intensive 157878  
technical assistance, focused staff development, targeted 157879  
assessment services, and ongoing communications and networking 157880  
opportunities. 157881

Of the foregoing appropriation item 200545, Career-Technical 157882  
Education Enhancements, up to \$1,200,000 in each fiscal year shall 157883  
be used by the Department to enable students in agricultural 157884  
programs to enroll in a fifth quarter of instruction based on the 157885  
agricultural education model of delivering work-based learning 157886  
through supervised agricultural experience. The Department shall 157887  
determine eligibility criteria and the reporting process for the 157888  
Agriculture 5th Quarter Project and shall fund as many programs as 157889  
possible given the set-aside. The eligibility criteria developed 157890  
by the Department shall allow these funds to support supervised 157891

agricultural experience that occurs anytime outside of the regular school day. 157892  
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Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$1,550,000 in fiscal year 2024 and up to \$1,050,000 in fiscal year 2025 may be used to support career planning and reporting through the OhioMeansJobs web site. 157894  
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Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, \$500,000 in each fiscal year shall be used to prepare students for careers in culinary arts and restaurant management under the Ohio ProStart school restaurant program. 157898  
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Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, \$2,000,000 in each fiscal year shall be used to support Jobs for Ohio's Graduates. 157902  
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**Section 265.270. FOUNDATION FUNDING - ALL STUDENTS** 157905

Of the portion of the formula aid distributed to city, local, and exempted village school districts, joint vocational school districts, community schools, and STEM schools under this section, an amount in each fiscal year, as calculated by the Department of Education, shall be used for the purposes of division (B) of section 3317.0215 of the Revised Code. 157906  
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Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$5,357,606 in each fiscal year shall be used to fund gifted education at educational service centers. The Department shall distribute the funding through the unit-based funding methodology in place under division (L) of section 3317.024, division (E) of section 3317.05, and divisions (A), (B), and (C) of section 3317.053 of the Revised Code as they existed prior to fiscal year 2010. 157912  
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Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$45,650,000 in fiscal year 2024 and 157920  
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up to \$47,600,000 in fiscal year 2025 shall be reserved to fund 157922  
the state reimbursement of educational service centers under 157923  
section 3317.11 of the Revised Code. 157924

Of the foregoing appropriation item 200550, Foundation 157925  
Funding - All Students, up to \$3,500,000 in each fiscal year shall 157926  
be distributed to educational service centers for school 157927  
improvement initiatives and for the provision of technical 157928  
assistance to schools and districts consistent with requirements 157929  
of section 3312.01 of the Revised Code. The Department may 157930  
distribute these funds through a competitive grant process. 157931

Of the foregoing appropriation item 200550, Foundation 157932  
Funding - All Students, up to \$7,000,000 in each fiscal year shall 157933  
be reserved for payments under the section of this act entitled 157934  
"POWER PLANT VALUATION ADJUSTMENT." If this amount is not 157935  
sufficient, the Superintendent of Public Instruction may 157936  
reallocate excess funds for other purposes supported by this 157937  
appropriation item in order to fully pay the amounts required by 157938  
that section, provided that the aggregate amount appropriated in 157939  
appropriation item 200550, Foundation Funding - All Students, is 157940  
not exceeded. 157941

Of the foregoing appropriation item 200550, Foundation 157942  
Funding - All Students, up to \$4,000,000 in each fiscal year shall 157943  
be used to support the administration of state scholarship 157944  
programs. 157945

Of the foregoing appropriation item 200550, Foundation 157946  
Funding - All Students, up to \$1,000,000 in each fiscal year shall 157947  
be distributed to the Cleveland Municipal School District to 157948  
provide tutorial assistance as provided in division (B) of section 157949  
3313.979 of the Revised Code. The Cleveland Municipal School 157950  
District shall report the use of these funds in the district's 157951  
three-year continuous improvement plan as described in section 157952  
3302.04 of the Revised Code in a manner approved by the 157953

Department. 157954

Of the foregoing appropriation item 200550, Foundation 157955  
Funding - All Students, up to \$3,000,000 in each fiscal year may 157956  
be used for payment of the College Credit Plus Program for 157957  
students instructed at home pursuant to section 3321.04 of the 157958  
Revised Code. 157959

Of the foregoing appropriation item 200550, Foundation 157960  
Funding - All Students, an amount shall be available in each 157961  
fiscal year to be paid to joint vocational school districts in 157962  
accordance with sections 3317.16 and 3317.162 of the Revised Code 157963  
and the section of this act entitled "FORMULA TRANSITION 157964  
SUPPLEMENT." 157965

Of the foregoing appropriation item 200550, Foundation 157966  
Funding - All Students, up to \$700,000 in each fiscal year shall 157967  
be used by the Department for a program to pay for educational 157968  
services for youth who have been assigned by a juvenile court or 157969  
other authorized agency to any of the facilities described in 157970  
division (A) of the section of this act entitled "PRIVATE 157971  
TREATMENT FACILITY PROJECT." 157972

Of the foregoing appropriation item 200550, Foundation 157973  
Funding - All Students, a portion may be used to pay 157974  
college-preparatory boarding schools the per pupil boarding amount 157975  
pursuant to section 3328.34 of the Revised Code. 157976

Of the foregoing appropriation item 200550, Foundation 157977  
Funding - All Students, up to \$1,760,000 in each fiscal year may 157978  
be used by the Department for duties and activities related to the 157979  
establishment of academic distress commissions under section 157980  
3302.10 of the Revised Code, to provide support and assistance to 157981  
academic distress commissions to further their duties under 157982  
Chapter 3302. of the Revised Code, and to provide technical 157983  
assistance and tools to support districts subject to academic 157984

distress commissions. 157985

Of the foregoing appropriation item 200550, Foundation 157986  
Funding - All Students, up to \$1,500,000 in each fiscal year shall 157987  
be distributed to the Ohio STEM Learning Network to support the 157988  
expansion of free STEM programming aligned to Ohio's STEM 157989  
priorities, to create regional STEM supports targeting underserved 157990  
student populations, and to support the Ohio STEM Committee's STEM 157991  
school designation process. 157992

Of the foregoing appropriation item 200550, Foundation 157993  
Funding - All Students, up to \$2,500,000 in each fiscal year shall 157994  
be used to make supplemental payments under the section of this 157995  
act entitled "E-SCHOOL FUNDING PILOT." If the amount appropriated 157996  
is insufficient, the Department shall prorate the payments so that 157997  
the aggregate amount appropriated in this section is not exceeded. 157998

The remainder of the foregoing appropriation item 200550, 157999  
Foundation Funding - All Students, shall be used to distribute the 158000  
amounts calculated for formula aid under division (A)(1) of 158001  
section 3317.019, section 3317.022 of the Revised Code, and the 158002  
section of this act entitled "FORMULA TRANSITION SUPPLEMENT." 158003

Appropriation items 200502, Pupil Transportation, and 200550, 158004  
Foundation Funding - All Students, other than specific set-asides, 158005  
are collectively used in each fiscal year to pay state formula aid 158006  
obligations for school districts, community schools, STEM schools, 158007  
college preparatory boarding schools, joint vocational school 158008  
districts, and state scholarship programs under this act. The 158009  
first priority of these appropriation items, with the exception of 158010  
specific set-asides, is to fund state formula aid obligations. It 158011  
may be necessary to reallocate funds among these appropriation 158012  
items or use excess funds from other General Revenue Fund 158013  
appropriation items in the Department of Education's budget, 158014  
including appropriation item 200903, Property Tax Reimbursement - 158015  
Education, in each fiscal year in order to meet state formula aid 158016

obligations. If it is determined that it is necessary to transfer 158017  
funds among these appropriation items or to transfer funds from 158018  
other General Revenue Fund appropriations in the Department's 158019  
budget to meet state formula aid obligations, the Superintendent 158020  
of Public Instruction shall seek approval from the Director of 158021  
Budget and Management to transfer funds as needed. 158022

The Superintendent of Public Instruction shall make payments, 158023  
transfers, and deductions, as authorized by Title XXXIII of the 158024  
Revised Code in amounts substantially equal to those made in the 158025  
prior year, or otherwise, at the discretion of the Superintendent, 158026  
until at least the effective date of the amendments and enactments 158027  
made to Title XXXIII of the Revised Code by this act. Any funds 158028  
paid to districts or schools under this section shall be credited 158029  
toward the annual funds calculated for the district or school 158030  
after the changes made to Title XXXIII of the Revised Code in this 158031  
act are effective. Upon the effective date of changes made to 158032  
Title XXXIII of the Revised Code in this act, funds shall be 158033  
calculated as an annual amount. 158034

**Section 265.275. EDUCATIONAL CHOICE SCHOLARSHIP PILOT PROGRAM** 158035

Notwithstanding section 3310.032 of the Revised Code or any 158036  
provision of law to the contrary, beginning July 1, 2023, the 158037  
foregoing appropriation item 200550, Foundation Funding - All 158038  
Students, may be used to administer the expansion of the 158039  
Educational Choice Scholarship Pilot Program to students from 158040  
families with an income level at or below four hundred fifty per 158041  
cent of the federal poverty level for purposes of determining 158042  
eligibility under division (A)(1) of section 3310.032 of the 158043  
Revised Code. 158044

**Section 265.280. PHASE-IN PERCENTAGES** 158045

For purposes of division (X)(1) of section 3317.02 of the 158046

Revised Code, the General Assembly has determined that the general 158047  
phase-in percentage for fiscal year 2024 shall be 50 per cent and 158048  
the general phase-in percentage for fiscal year 2025 shall be 158049  
66.67 per cent. 158050

For purposes of division (X)(2) of section 3317.02 of the 158051  
Revised Code, the General Assembly has determined that the 158052  
phase-in percentage for disadvantaged pupil impact aid for fiscal 158053  
year 2024 shall be 50 per cent and the phase-in percentage for 158054  
disadvantaged pupil impact aid for fiscal year 2025 shall be 66.67 158055  
per cent. 158056

**Section 265.290. FORMULA TRANSITION SUPPLEMENT** 158057

(A)(1) For fiscal years 2024 and 2025, the Department of 158058  
Education shall pay a formula transition supplement to each city, 158059  
local, and exempted village school district according to the 158060  
following formula: 158061

(The district's funding base for fiscal year 2021) - (the 158062  
district's payments for the fiscal year for which the supplement 158063  
is calculated under sections 3317.019, 3317.022, and 3317.0212 of 158064  
the Revised Code) 158065

If the computation made under division (A)(1) of this section 158066  
for a fiscal year results in a negative number, the district's 158067  
formula transition supplement for that fiscal year shall be zero. 158068

(2) For purposes of division (A)(1) of this section, a city, 158069  
local, or exempted village school district's "funding base for 158070  
fiscal year 2021" means the amount calculated as follows: 158071

(a) Compute the sum of the following: 158072

(i) The amount calculated for the district for fiscal year 158073  
2021 under division (A)(1) of Section 265.220 of H.B. 166 of the 158074  
133rd General Assembly after any adjustments required under 158075  
Section 265.227 of H.B. 166 of the 133rd General Assembly and 158076

before any funding reductions authorized by Executive Order 158077  
2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, 158078  
issued on January 22, 2021; 158079

(ii) The amount calculated for the district for fiscal year 158080  
2021 under division (A)(2) of Section 265.220 of H.B. 166 of the 158081  
133rd General Assembly before any funding reductions authorized by 158082  
Executive Order 2020-19D, issued on May 7, 2020, and Executive 158083  
Order 2021-01D, issued on January 22, 2021; 158084

(iii) The amount calculated for the district for fiscal year 158085  
2021 under division (B) of Section 265.220 of H.B. 166 of the 158086  
133rd General Assembly; 158087

(iv) The district's payments for fiscal year 2021 under 158088  
divisions (C)(1), (2), (3), and (4) of section 3313.981 of the 158089  
Revised Code as those divisions existed for payments for fiscal 158090  
year 2021; 158091

(v) The district's payments for fiscal year 2021 under 158092  
section 3317.0219 of the Revised Code as that section existed for 158093  
payments for fiscal year 2021 and under Section 20 of S.B. 310 of 158094  
the 133rd General Assembly. 158095

(b) Subtract from the amount calculated in division (A)(2)(a) 158096  
of this section the sum of the following: 158097

(i) The payments deducted from the district and paid to a 158098  
community school established under Chapter 3314. of the Revised 158099  
Code for fiscal year 2021 under divisions (C)(1)(a), (b), (c), 158100  
(d), (e), (f), and (g) of section 3314.08 of the Revised Code and 158101  
division (D) of section 3314.091 of the Revised Code, as those 158102  
divisions existed for deductions and payments for fiscal year 158103  
2021, in accordance with division (A) of Section 265.230 of H.B. 158104  
166 of the 133rd General Assembly, before any funding reductions 158105  
authorized by Executive Order 2020-19D, issued on May 7, 2020, and 158106  
Executive Order 2021-01D, issued on January 22, 2021; 158107

(ii) The payments deducted from the district and paid to a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code for fiscal year 2021, under divisions (A), (B), (C), (D), (E), (F), and (G) of section 3326.33 of the Revised Code as those divisions existed for deductions and payments for fiscal year 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd General Assembly, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(iii) The payments deducted from the district for fiscal year 2021 under division (C) of section 3310.08 of the Revised Code as that division existed for deductions for fiscal year 2021, division (C)(2) of section 3310.41 of the Revised Code, as that division existed for deductions for fiscal year 2021, and section 3310.55 of the Revised Code as that section existed for deductions for fiscal year 2021 and, in the case of a pilot project school district as defined in section 3313.975 of the Revised Code, the funds deducted from the district for fiscal year 2021 under Section 265.210 of H.B. 166 of the 133rd General Assembly to operate the pilot project scholarship program for fiscal year 2021 under sections 3313.974 to 3313.979 of the Revised Code;

(iv) The payments subtracted from the district for fiscal year 2021 under divisions (B)(1), (2), and (3) of section 3313.981 of the Revised Code, as those divisions existed for subtractions from the district for fiscal year 2021.

(B)(1) For fiscal years 2024 and 2025, the Department of Education shall pay a formula transition supplement to each joint vocational school district according to the following formula:

(The district's funding base for fiscal year 2021) - (the district's payments for the fiscal year for which the supplement is calculated under sections 3317.16 and 3317.162 of the Revised

Code) 158140

If the computation made under division (B)(1) of this section 158141  
for a fiscal year results in a negative number, the district's 158142  
formula transition supplement for that fiscal year shall be zero. 158143

(2) For purposes of division (B)(1) of this section, a joint 158144  
vocational district's "funding base for fiscal year 2021" means 158145  
the sum of the following: 158146

(a) The district's payments for fiscal year 2021 under 158147  
Section 265.225 of H.B. 166 of the 133rd General Assembly after 158148  
any adjustments required under Section 265.227 of H.B. 166 of the 158149  
133rd General Assembly; 158150

(b) The district's payments for fiscal year 2021 under 158151  
divisions (D)(1) and (2) of section 3313.981 of the Revised Code, 158152  
as those divisions existed for payments for fiscal year 2021; 158153

(c) The district's payments for fiscal year 2021 under 158154  
section 3317.163 of the Revised Code as that section existed for 158155  
payments for fiscal year 2021 and under Section 20 of S.B. 310 of 158156  
the 133rd General Assembly. 158157

(C)(1) For fiscal years 2024 and 2025, the Department of 158158  
Education shall pay a formula transition supplement to each 158159  
community school established under Chapter 3314. of the Revised 158160  
Code according to the following formula: 158161

[(The school's funding base for fiscal year 2021 / the number of 158162  
students enrolled in the school for fiscal year 2021) - (the 158163  
school's payments for the fiscal year for which the supplement is 158164  
calculated under sections 3317.022 and 3317.0212 of the Revised 158165  
Code / the number of students enrolled in the school for the 158166  
fiscal year for which the supplement is calculated)] X the number 158167  
of students enrolled in the school for the fiscal year for which 158168  
the supplement is calculated. 158169

If the computation made under division (C)(1) of this section 158170

for a fiscal year results in a negative number, the school's 158171  
formula transition supplement for that fiscal year shall be zero. 158172

(2) For purposes of division (C)(1) of this section, a 158173  
community school's "funding base for fiscal year 2021" means the 158174  
sum of the following: 158175

(a) The amount calculated for the school for fiscal year 2021 158176  
under division (C)(1) of section 3314.08 of the Revised Code as 158177  
that section existed for payments for fiscal year 2021, before any 158178  
funding reductions authorized by Executive Order 2020-19D, issued 158179  
on May 7, 2020, and Executive Order 2021-01D, issued on January 158180  
22, 2021; 158181

(b) The amount calculated for the school for fiscal year 2021 158182  
under section 3314.085 of the Revised Code as that section existed 158183  
for payments for fiscal year 2021; 158184

(c) The amount calculated for the school for fiscal year 2021 158185  
under division (D)(1) of section 3314.091 of the Revised Code as 158186  
that division existed for payments for fiscal year 2021; 158187

(d) The amount calculated for the school for fiscal year 2021 158188  
under section 3314.088 of the Revised Code as that section existed 158189  
for payments for fiscal year 2021 and under Section 20 of S.B. 310 158190  
of the 133rd General Assembly. 158191

(D)(1) For fiscal years 2024 and 2025, the Department of 158192  
Education shall pay a formula transition supplement to each 158193  
science, technology, engineering, and mathematics school 158194  
established under Chapter 3326. of the Revised Code according to 158195  
the following formula: 158196

[(The school's funding base for fiscal year 2021 / the number of 158197  
students enrolled in the school for fiscal year 2021) - (the 158198  
school's payments for the fiscal year for which the supplement is 158199  
calculated under section 3317.022 of the Revised Code / the number 158200  
of students enrolled in the school for the fiscal year for which 158201

the supplement is calculated)] X the number of students enrolled	158202
in the school for the fiscal year for which the supplement is	158203
calculated.	158204
If the computation made under division (D)(1) of this section	158205
for a fiscal year results in a negative number, the school's	158206
formula transition supplement for that fiscal year shall be zero.	158207
(2) For purposes of division (D)(1) of this section, a	158208
science, technology, engineering, and mathematics school's	158209
"funding base for fiscal year 2021" means the sum of the	158210
following:	158211
(a) The amount calculated for the school for fiscal year 2021	158212
under section 3326.33 of the Revised Code as that section existed	158213
for payments for fiscal year 2021, before any funding reductions	158214
authorized by Executive Order 2020-19D, issued on May 7, 2020, and	158215
Executive Order 2021-01D, issued on January 22, 2021;	158216
(b) The amount calculated for the school for fiscal year 2021	158217
under section 3326.41 of the Revised Code as that section existed	158218
for payments for fiscal year 2021;	158219
(c) The amount calculated for the school for fiscal year 2021	158220
under section 3326.42 of the Revised Code as that section existed	158221
for payments for fiscal year 2021 and under Section 20 of S.B. 310	158222
of the 133rd General Assembly.	158223
<b>Section 265.310. POWER PLANT VALUATION ADJUSTMENT</b>	158224
(A)(1) On or before May 15, 2024, the Tax Commissioner shall	158225
determine all of the following for each city, local, exempted	158226
village, and joint vocational school district that has at least	158227
one power plant located within its territory:	158228
(a) Whether the taxable value of all utility tangible	158229
personal property subject to taxation by the district in tax year	158230
2023 was less than the taxable value of such property during tax	158231

year 2017;	158232
(b) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2023 was less than the taxable value of such property during tax year 2022.	158233 158234 158235 158236
(2) If the decrease determined under division (A)(1)(a) or (b) of this section exceeds ten per cent and the overall change in utility tangible personal property subject to taxation is negative, the Tax Commissioner shall certify all of the following to the Department of Education and the Office of Budget and Management:	158237 158238 158239 158240 158241 158242
(a) The district's total taxable value for tax year 2023;	158243
(b) The change in taxes charged and payable on the district's total taxable value for tax year 2017 and tax year 2023;	158244 158245
(c) The taxable value of the utility tangible personal property decrease, which shall be considered a change in valuation;	158246 158247 158248
(d) The change in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A)(3) of section 3317.021 of the Revised Code.	158249 158250 158251
(3) Upon receipt of a certification under division (A)(2) of this section, the Department of Education shall replace the three-year average valuations that were used in computing the district's state education aid for fiscal year 2019 with the taxable value certified under division (A)(2)(a) of this section and shall recompute the district's state education aid for fiscal year 2019 without applying any funding limitations enacted by the General Assembly to the computation. The Department shall pay to the district an amount equal to the greater of the following:	158252 158253 158254 158255 158256 158257 158258 158259 158260
(a) The lesser of the following:	158261

(i) The positive difference between the district's state education aid for fiscal year 2019 prior to the recomputation under division (A)(3) of this section and the district's recomputed state education aid for fiscal year 2019;	158262 158263 158264 158265
(ii) The absolute value of the amount certified under division (A)(2)(b) of this section.	158266 158267
(b) The absolute value of the amount certified under division (A)(2)(b) of this section X 0.50.	158268 158269
(B)(1) On or before May 15, 2025, the Tax Commissioner shall determine for each city, local, exempted village, and joint vocational school district that has at least one power plant located within its territory:	158270 158271 158272 158273
(a) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2024 was less than the taxable value of such property during tax year 2017;	158274 158275 158276 158277
(b) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2024 was less than the taxable value of such property during tax year 2023.	158278 158279 158280 158281
(2) If the decrease determined under division (B)(1)(a) or (b) of this section exceeds ten per cent and the overall change in utility tangible personal property subject to taxation is negative, the Tax Commissioner shall certify all of the following to the Department of Education and the Office of Budget and Management:	158282 158283 158284 158285 158286 158287
(a) The district's total taxable value for tax year 2024;	158288
(b) The change in taxes charged and payable on the district's total taxable value for tax year 2017 and tax year 2024;	158289 158290
(c) The taxable value of the utility tangible personal	158291

property decrease, which shall be considered a change in valuation; 158292  
158293

(d) The change in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A)(3) of section 3317.021 of the Revised Code. 158294  
158295  
158296

(3) Upon receipt of a certification under division (B)(2) of this section, the Department of Education shall replace the three-year average valuations that were used in computing the district's state education aid for fiscal year 2019 with the taxable value certified under division (B)(2)(a) of this section and shall recompute the district's state education aid for fiscal year 2019 without applying any funding limitations enacted by the General Assembly to the computation. The Department shall pay to the district an amount equal to the greater of the following: 158297  
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158305

(a) The lesser of the following: 158306

(i) The positive difference between the district's state education aid for fiscal year 2019 prior to the recomputation under division (B)(3) of this section and the district's recomputed state education aid for fiscal year 2019; 158307  
158308  
158309  
158310

(ii) The absolute value of the amount certified under division (B)(2)(b) of this section. 158311  
158312

(b) The absolute value of the amount certified under division (B)(2)(b) of this section X 0.50. 158313  
158314

(C) The Department of Education shall make payments under division (A)(3) of this section between June 1, 2024, and June 30, 2024, and the Department shall make payments under division (B)(3) of this section between June 1, 2025, and June 30, 2025. The Department shall not calculate or make payments under section 3317.028 of the Revised Code for fiscal years 2024 and 2025. 158315  
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**Section 265.320. E-SCHOOL FUNDING PILOT** 158321

(A) As used in this section:	158322
(1) "Eligible internet- or computer-based community school" means an internet- or computer-based community school that participated in the pilot program created under Section 5 of H.B. 123 of the 133rd General Assembly in fiscal year 2023.	158323 158324 158325 158326
(2) "Formula amount" shall equal the amount specified in division (F)(1) of the section of H.B. 166 of the 133rd General Assembly entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021."	158327 158328 158329 158330
(3) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.	158331 158332
(B) The Department of Education shall continue the pilot program created under Section 5 of H.B. 123 of the 133rd General Assembly to provide additional funding for students enrolled in grades eight through twelve in eligible internet- or computer-based community schools for fiscal years 2024 and 2025.	158333 158334 158335 158336 158337
(C) For fiscal years 2024 and 2025, the Department of Education shall require each eligible internet- or computer-based community school that chooses to participate in the pilot program to report all information that is necessary to make payments under division (D) of this section.	158338 158339 158340 158341 158342
(D) For fiscal years 2024 and 2025, the Department shall calculate an additional payment for each eligible internet- or computer-based community school that chooses to participate in the pilot program, as follows:	158343 158344 158345 158346
(1) Compute the lesser of the following for each student enrolled in grades eight through twelve:	158347 158348
(a) The formula amount X the maximum full-time equivalency for the portion of the school year for which the student is enrolled in the school;	158349 158350 158351

(b) The sum of the following: 158352

(i) A one-time payment of \$1,750. In the case of a student 158353  
enrolled in the school for the first time for the 2023-2024 or 158354  
2024-2025 school year, payment shall be made under division 158355  
(D)(1)(b)(i) of this section at least thirty days after the 158356  
student is considered to be enrolled in the school in accordance 158357  
with division (H)(2) of section 3314.08 of the Revised Code, 158358  
provided the student has been continuously enrolled in the school 158359  
during that time, as determined by the Department. In the case of 158360  
a student that was enrolled in the school for the 2023-2024 or 158361  
2024-2025 school year, payment shall be made under division 158362  
(D)(1)(b)(i) of this section at least thirty days after the 158363  
student has started to participate in learning opportunities for 158364  
the 2023-2024 or 2024-2025 school year, provided the student has 158365  
been continuously enrolled in the school during that time, as 158366  
determined by the Department. 158367

(ii) The formula amount  $X (1/920) X$  the lesser of the number 158368  
of hours the student participates in learning opportunities in 158369  
that fiscal year or 920; 158370

(iii) The lesser of ( $\$500 X$  either the number of courses 158371  
completed by the student in that fiscal year, in the case of a 158372  
student enrolled in grade eight, or the number of credits earned 158373  
by the student in that fiscal year, in the case of a student 158374  
enrolled in grades nine through twelve) or \$2,500. 158375

(2) Compute the sum of the amounts calculated under division 158376  
(D)(1) of this section for all students enrolled in grades eight 158377  
through twelve. 158378

(3) Compute the school's payment in accordance with the 158379  
following formula: 158380  
The amount determined under division (D)(2) of this section - (the 158381  
number of full-time equivalent students enrolled in grades eight 158382

through twelve in the school X the formula amount) 158383

If the amount computed under division (D)(3) is a negative 158384  
number, the school shall not receive a payment under this section. 158385

(E) The Department may complete a review of the enrollment of 158386  
each eligible internet- or computer-based community school that 158387  
chooses to participate in the pilot program in accordance with 158388  
division (K) of section 3314.08 of the Revised Code. If the 158389  
Department determines a school has been overpaid based on a review 158390  
completed under division (E) of this section, the Department shall 158391  
require a repayment of the overpaid funds and may require the 158392  
school to establish a plan to improve the reporting of enrollment. 158393

**Section 265.330. LITERACY IMPROVEMENT** 158394

(A)(1) Of the foregoing appropriation item 200566, Literacy 158395  
Improvement, up to \$21,500,000 in each fiscal year shall be used 158396  
by the Department of Education to reimburse school districts, 158397  
community schools established under Chapter 3314. of the Revised 158398  
Code, and STEM schools established under Chapter 3326. of the 158399  
Revised Code for stipends paid under division (A)(3) of this 158400  
section to teachers to complete professional development in the 158401  
science of reading and evidence-based strategies for effective 158402  
literacy instruction. The Department shall provide professional 158403  
development courses for this purpose. 158404

(2) Districts and schools shall require all teachers and 158405  
administrators to complete a course provided by the Department 158406  
under division (A)(1) of this section not later than June 30, 158407  
2025, except that any teacher or administrator who has previously 158408  
completed similar training, as determined by the Department, shall 158409  
not be required to complete the course. Teachers shall complete 158410  
the course at a time that minimizes disruptions to normal 158411  
instructional hours. Districts and schools shall pay a stipend to 158412  
each teacher who completes a professional development course under 158413

division (A)(2) of this section as follows:	158414
(a) \$600 for each of the following:	158415
(i) A teacher of grades kindergarten through five;	158416
(ii) An English language arts teacher of grades six through twelve;	158417 158418
(iii) An intervention specialist, English learner teacher, reading specialist, or instructional coach who serves any of grades pre-kindergarten through twelve.	158419 158420 158421
(b) \$200 for each teacher who teaches a subject area other than English language arts in grades six through twelve.	158422 158423
(3) Each district or school may apply to the Department, in a manner prescribed by the Department, for reimbursement of the cost of the stipends. The Department shall not reimburse any stipend paid to an administrator to complete a professional development course provided by the Department under division (A)(2) of this section.	158424 158425 158426 158427 158428 158429
(4)(a) The Department of Education shall work with the Department of Higher Education, institutions of higher education that offer educator preparation programs, and local professional development committees established under section 3319.22 of the Revised Code to help teachers and administrators who complete a professional development course under division (A)(2) of this section to earn college credit or to apply the coursework toward their licensure renewal requirements.	158430 158431 158432 158433 158434 158435 158436 158437
(b) The Department of Education shall collaborate with the Department of Higher Education and institutions of higher education that offer educator preparation programs to align the coursework of the programs with the science of reading and evidence-based strategies for effective literacy instruction.	158438 158439 158440 158441 158442
(5) An amount equal to the unexpended, unencumbered balance	158443

of the amount allocated in division (A)(1) of this section at the 158444  
end of fiscal year 2024 is hereby reappropriated to the Department 158445  
of Education for the same purpose in fiscal year 2025. 158446

(B)(1) Of the foregoing appropriation item 200566, Literacy 158447  
Improvement, up to \$44,000,000 in fiscal year 2024 shall be used 158448  
by the Department of Education to subsidize the cost for school 158449  
districts, community schools, and STEM schools to purchase 158450  
high-quality core curriculum and instructional materials in 158451  
English language arts and evidence-based reading intervention 158452  
programs from the lists established under section 3313.6028 of the 158453  
Revised Code. An amount equal to the unexpended, unencumbered 158454  
balance of the amount allocated in this division, at the end of 158455  
fiscal year 2024 is hereby reappropriated to the Department for 158456  
the same purpose in fiscal year 2025. 158457

(2) The Department shall conduct a survey to collect 158458  
information on the core curriculum and instructional materials in 158459  
English language arts in grades pre-kindergarten through five and 158460  
the reading intervention programs in grades pre-kindergarten 158461  
through twelve that are being used by public schools. Each school 158462  
district, community school, and STEM school shall participate in 158463  
the survey and shall provide the information requested by the 158464  
Department. 158465

(C) Of the foregoing appropriation item 200566, Literacy 158466  
Improvement, up to \$6,000,000 in fiscal year 2024 and up to 158467  
\$12,000,000 in fiscal year 2025 shall be used for coaches to 158468  
provide literacy supports to school districts, community schools, 158469  
and STEM schools with the lowest rates of proficiency in literacy 158470  
based on their performance on the English language arts 158471  
assessments prescribed under section 3301.0710 of the Revised 158472  
Code. The coaches shall have training in the science of reading 158473  
and evidence-based strategies for effective literacy instruction 158474  
and intervention and shall implement Ohio's Coaching Model, as 158475

described in Ohio's Plan to Raise Literacy Achievement. The 158476  
coaches shall be under the direction of the Department but shall 158477  
not be employed by the Department. 158478

(D) The remainder of the foregoing appropriation item 200566, 158479  
Literacy Improvement, shall be used by the Department of Education 158480  
to support early literacy activities to align state, local, and 158481  
federal efforts in order to bolster all students' reading success. 158482  
Funds shall be distributed to educational service centers to 158483  
establish and support regional literacy professional development 158484  
teams consistent with section 3312.01 of the Revised Code. A 158485  
portion of the funds may be used by the Department for program 158486  
administration, monitoring, technical assistance, support, 158487  
research, and evaluation. 158488

**Section 265.340. ADULT EDUCATION PROGRAMS** 158489

Of the foregoing appropriation item 200572, Adult Education 158490  
Programs, up to \$6,900,000 in each fiscal year shall be used to 158491  
make payments under sections 3314.38, 3317.23, 3317.24, and 158492  
3345.86 of the Revised Code. 158493

A portion of the foregoing appropriation item 200572, Adult 158494  
Education Programs, shall be used in each fiscal year to make 158495  
payments to institutions participating in the Adult Diploma Pilot 158496  
Program under section 3313.902 of the Revised Code and to pay 158497  
career-technical planning districts for the amounts reimbursed to 158498  
students, as prescribed in this section. If funds are insufficient 158499  
to make payments for the Adult Diploma Pilot Program, upon the 158500  
request of the Superintendent of Public Instruction, the Director 158501  
of Budget and Management may transfer appropriation from 158502  
appropriation item 200550, Foundation Funding - All Students, to 158503  
appropriation item 200572, Adult Education Programs, subject to an 158504  
available balance in appropriation item 200550 and Controlling 158505  
Board approval. Any appropriation so transferred shall be used to 158506

make payments to institutions participating in the Adult Diploma Pilot Program pursuant to section 3313.902 of the Revised Code. 158507  
158508

Each career-technical planning district shall reimburse individuals taking a nationally recognized high school equivalency examination approved by the Department of Education for the first time for application fees, examination fees, or both, in excess of \$40, up to a maximum reimbursement per individual of \$80. Each career-technical planning district shall designate a site or sites where individuals may register and take an approved examination. For each individual who registers for an approved examination, the career-technical planning district shall make available and offer career counseling services, including information on adult education programs that are available. A portion of the appropriation item may be used to reimburse the Department of Youth Services and the Department of Rehabilitation and Correction for individuals in these facilities who have taken an approved examination for the first time. The amounts reimbursed shall not exceed the per-individual amounts reimbursed to other individuals under this section for an approved examination. 158509  
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Notwithstanding any provision of law to the contrary, the unexpended balance of appropriations for payments under sections 3313.902, 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised Code at the end of each fiscal year may be encumbered by the Department of Education and remain available for payment for a period not to exceed two years from the end of each fiscal year in which the funds were originally appropriated, in accordance with guidelines established by the Superintendent of Public Instruction. 158526  
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A portion of the foregoing appropriation item 200572, Adult Education Programs, may be used for program administration, technical assistance, support, research, and evaluation of adult education programs, including high school equivalency examinations 158535  
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approved by the Department of Education. 158539

**Section 265.350.** HALF-MILL MAINTENANCE EQUALIZATION 158540

The foregoing appropriation item 200574, Half-Mill 158541  
Maintenance Equalization, shall be used to make payments pursuant 158542  
to section 3318.18 of the Revised Code. 158543

**Section 265.355.** PROGRAM AND PROJECT SUPPORT 158544

Of the foregoing appropriation item 200597, Program and 158545  
Project Support, up to \$3,500,000 in each fiscal year shall be 158546  
distributed to the Ohio Alliance of Boys and Girls Clubs to 158547  
support the establishment and expansion of Boys and Girls Clubs in 158548  
Ohio communities not already served by Boys and Girls Clubs, which 158549  
shall use these funds to support after-school and summer 158550  
programming. These funds shall also be used to support academic 158551  
programs to address learning loss. 158552

Of the foregoing appropriation item 200597, Program and 158553  
Project Support, up to \$1,500,000 in each fiscal year shall be 158554  
used for purposes of the section of this act entitled "FINANCIAL 158555  
LITERACY AND WORKFORCE READINESS PROGRAMMING INITIATIVE." 158556

Of the foregoing appropriation item 200597, Program and 158557  
Project Support, \$750,000 in fiscal year 2024 shall be used to 158558  
support the J. Harrington & Marie E. Glidden Foundation to support 158559  
the high school education of students with multiple disabilities, 158560  
including Autism and Down Syndrome. An amount equal to the 158561  
unexpended, unencumbered balance of this set aside at the end of 158562  
fiscal year 2024, is hereby reappropriated for the same purpose in 158563  
fiscal year 2025. 158564

Of the foregoing appropriation item 200597, Program and 158565  
Project Support, up to \$598,000 in each fiscal year shall be used 158566  
to support instruction in cardiopulmonary resuscitation and the 158567  
use of an automated external defibrillator required for high 158568

school students pursuant to section 3313.6021 of the Revised Code, 158569  
in a manner determined by the Department of Education. 158570

Of the foregoing appropriation item 200597, Program and 158571  
Project Support, up to \$500,000 in each fiscal year shall be used 158572  
for a pilot expansion of the City Connects program to at least 32 158573  
schools. Funds shall be used to provide participating schools with 158574  
resources and technical assistance to provide integrated student 158575  
supports including, but not limited to, academic opportunities, 158576  
mentoring programs, and critical nutritional, medical, and mental 158577  
health services; build collaborative leadership structures; and 158578  
strengthen wraparound services that support the needs of students, 158579  
families, and neighborhoods. An amount equal to the unexpended, 158580  
unencumbered balance of this set-aside at the end of fiscal year 158581  
2024 is hereby reappropriated for the same purpose in fiscal year 158582  
2025. 158583

Of the foregoing appropriation item 200597, Program and 158584  
Project Support, up to \$225,000 in each fiscal year shall be used 158585  
to support the Stark Education Partnership. 158586

Of the foregoing appropriation item 200597, Program and 158587  
Project Support, up to \$200,000 in each fiscal year shall be 158588  
distributed to Child and Adolescent Behavioral Health. 158589

Of the foregoing appropriation item 200597, Program and 158590  
Project Support, \$100,000 in each fiscal year shall be distributed 158591  
to the Ohio Valley Youth Network to support its Sycamore Youth 158592  
Center Education Enrichment and Life Skills After Schools Program. 158593

Of the foregoing appropriation item 200597, Program and 158594  
Project Support, up to \$100,000 in each fiscal year shall be 158595  
distributed to the Girl Scouts of North East Ohio to support the 158596  
Community Connection Team Building Program. 158597

**Section 265.360. MEDICAID IN SCHOOLS PROGRAM** 158598

The foregoing appropriation item, 657401, Medicaid in Schools Program, shall be used by the Department of Education to support the Medicaid in Schools Program.

**Section 265.370. TEACHER CERTIFICATION AND LICENSURE**

The foregoing appropriation item 200681, Teacher Certification and Licensure, shall be used by the Department of Education to administer and support teacher certification and licensure activities.

**Section 265.375. CAREER-TECHNICAL EDUCATION EQUIPMENT**

(A) Of the foregoing appropriation item 2006A2, Career-Technical Education Equipment, \$1,430,000 in fiscal year 2024 shall be used by the Medina County Career Center to construct a new fire training facility.

(B)(1) The remainder of the foregoing appropriation item 2006A2, Career-Technical Education Equipment, shall be used by the Department of Education, in consultation with the Governor's Office of Workforce Transformation and the Ohio Facilities Construction Commission, to establish a program to assist city, local, exempted village, and joint vocational school districts, community schools, and STEM schools in establishing or expanding career-technical education programs, with priority for career-technical education programs that support careers on Ohio's Top Jobs List, and establishing or expanding credentialing programs that qualify for the Innovative Workforce Incentive Program.

(2) An amount equal to the unexpended, unencumbered balance of the amount set aside in division (B)(1) of this section at the end of fiscal year 2024 is hereby reappropriated for the same purpose in fiscal year 2025.

(3) Notwithstanding any provision of law to the contrary, the

Department of Education may extend the period of availability of 158629  
awards made under division (B) of this section up to two fiscal 158630  
years according to guidelines established by the Department of 158631  
Education. 158632

**Section 265.380.** SCHOOL DISTRICT SOLVENCY ASSISTANCE 158633

(A) The foregoing appropriation item 200687, School District 158634  
Solvency Assistance, shall be allocated to the School District 158635  
Shared Resource Account and the Catastrophic Expenditures Account 158636  
in amounts determined by the Superintendent of Public Instruction. 158637  
These funds shall be used to provide assistance and grants to 158638  
school districts to enable them to remain solvent under section 158639  
3316.20 of the Revised Code. Assistance and grants shall be 158640  
subject to approval by the Controlling Board. Except as provided 158641  
under division (C) of this section, any required reimbursements 158642  
from school districts for solvency assistance shall be made to the 158643  
appropriate account in the School District Solvency Assistance 158644  
Fund (Fund 5H30). 158645

(B) Notwithstanding any provision of law to the contrary, 158646  
upon the request of the Superintendent of Public Instruction, the 158647  
Director of Budget and Management may make transfers to the School 158648  
District Solvency Assistance Fund (Fund 5H30) from any fund used 158649  
by the Department of Education or the General Revenue Fund to 158650  
maintain sufficient cash balances in Fund 5H30 in fiscal years 158651  
2024 and 2025. Any cash transferred is hereby appropriated. The 158652  
transferred cash may be used by the Department to provide 158653  
assistance and grants to school districts to enable them to remain 158654  
solvent and to pay unforeseeable expenses of a temporary or 158655  
emergency nature that the school district is unable to pay from 158656  
existing resources. The Director shall notify the members of the 158657  
Controlling Board of any such transfers. 158658

(C) If the cash balance of the School District Solvency 158659

Assistance Fund (Fund 5H30) is insufficient to pay solvency 158660  
assistance in fiscal years 2024 and 2025, at the request of the 158661  
Superintendent of Public Instruction, and with the approval of the 158662  
Controlling Board, the Director of Budget and Management may 158663  
transfer cash from the Lottery Profits Education Reserve Fund 158664  
(Fund 7018) to Fund 5H30 to provide assistance and grants to 158665  
school districts to enable them to remain solvent and to pay 158666  
unforeseeable expenses of a temporary nature that they are unable 158667  
to pay from existing resources under section 3316.20 of the 158668  
Revised Code. Such transfers are hereby appropriated to 158669  
appropriation item 200670, School District Solvency Assistance - 158670  
Lottery. Any required reimbursements from school districts for 158671  
solvency assistance granted from appropriation item 200670, School 158672  
District Solvency Assistance - Lottery, shall be made to Fund 158673  
7018. 158674

**Section 265.390. FOUNDATION FUNDING - ALL STUDENTS** 158675

(A) The foregoing appropriation item 200604, Foundation 158676  
Funding - All Students, shall be used in conjunction with 158677  
appropriation items 200550, Foundation Funding - All Students, and 158678  
200612, Foundation Funding - All Students, to distribute the 158679  
amounts calculated for disadvantaged pupil impact aid under 158680  
sections 3317.022 and 3317.16 of the Revised Code and the portions 158681  
of the state share of the base cost calculated under those 158682  
sections that are attributable to the staffing cost for the 158683  
student wellness and success component of the base cost, as 158684  
determined by the Department of Education. 158685

(B) A district or school shall spend any remaining student 158686  
wellness and success funds it received for fiscal year 2020 or 158687  
fiscal year 2021 under section 3317.26 of the Revised Code, as 158688  
that section existed prior to September 30, 2021, in accordance 158689  
with that section. The Department may require districts and 158690

schools to report how all of those funds are spent. 158691

**Section 265.400. SCHOOL BUS PURCHASE** 158692

Notwithstanding any provision of law to the contrary, school 158693  
bus purchase funds awarded in fiscal year 2022 or fiscal year 2023 158694  
may be used through fiscal year 2025. The Department may also 158695  
extend the period of availability due to supply chain disruptions 158696  
and delays. 158697

**Section 265.405. INTERSCHOLASTIC ATHLETICS AND** 158698  
**EXTRACURRICULAR ACTIVITIES** 158699

Of the foregoing appropriation item 200490, Interscholastic 158700  
Athletics and Extracurricular Activities, an amount equal to three 158701  
per cent of the cash deposited into the Sports Gaming Profits 158702  
Education Fund (Fund 5Y00) but not less than \$500,000 in each 158703  
fiscal year shall be used by the Department of Education, in 158704  
collaboration with the Adaptive Sports Program of Ohio, to fund 158705  
adaptive sports programs in school districts across the state. 158706  
After each quarterly deposit of cash into Fund 5Y00 in each fiscal 158707  
year, the Superintendent of Public Instruction shall certify to 158708  
the Director of Budget and Management three per cent of the amount 158709  
deposited. The Director may authorize additional expenditures from 158710  
appropriation item 200490, Interscholastic Athletics and 158711  
Extracurricular Activities, equal to the amount certified. The 158712  
amounts authorized by the Director are hereby appropriated. 158713

The remainder of the foregoing appropriation item 200490, 158714  
Interscholastic Athletics and Extracurricular Activities, shall be 158715  
distributed by the Department of Education on a per-pupil basis to 158716  
reduce or eliminate pay-to-play fees for interscholastic athletics 158717  
and extracurricular activities, as determined by the Department. 158718

**Section 265.407. PUBLIC AND NONPUBLIC EDUCATION SUPPORT** 158719

The foregoing appropriation item 200491, Public and Nonpublic Education Support, shall be used in conjunction with appropriation item 200550, Foundation Funding - All Students, to distribute the amounts calculated for formula aid under section 3317.022 of the Revised Code.

**Section 265.410. LOTTERY PROFITS EDUCATION FUND**

The foregoing appropriation item 200612, Foundation Funding - All Students, shall be used in conjunction with appropriation item 200550, Foundation Funding - All Students, to distribute the amounts calculated for formula aid under section 3317.022 of the Revised Code.

The Department of Education, with the approval of the Director of Budget and Management, shall determine the monthly distribution schedules of appropriation item 200550, Foundation Funding - All Students, and appropriation item 200612, Foundation Funding - All Students. If adjustments to the monthly distribution schedule are necessary, the Department shall make such adjustments with the approval of the Director.

**Section 265.420. EDUCATION STUDIES**

Of the foregoing appropriation item 200611, Education Studies, a portion of the funds shall be used by the Department of Education, in consultation with the Department of Mental Health and Addiction Services, to conduct an evaluation of the impact of student wellness and success funds on student measures such as school climate, attendance, discipline, and academic achievement, as determined by the department.

Of the foregoing appropriation item 200611, Education Studies, a portion of the funds shall be used by the Department of Education to conduct a study of access to all-day kindergarten across the state, including barriers to offering all-day

kindergarten and age cut-off dates. In conducting the study, the 158750  
Department shall engage with superintendents and school treasurers 158751  
from districts charging tuition for all-day kindergarten or not 158752  
offering all-day kindergarten. The department shall submit 158753  
recommendations to the Governor on the feasibility of requiring 158754  
the availability of all-day kindergarten. 158755

Of the foregoing appropriation item 200611, Education 158756  
Studies, up to \$500,000 in fiscal year 2024 shall be used by the 158757  
Department of Education to conduct a study to determine the needs 158758  
of Ohio's economically disadvantaged students, the most effective 158759  
services for meeting those needs, and the cost of implementing 158760  
those services using Ohio cost data, including all current 158761  
expenditures and inputs supporting economically disadvantaged 158762  
students. The Department shall issue a report on the results of 158763  
the study, which shall include recommendations regarding the 158764  
measures and parameters for determining student eligibility for 158765  
the services identified by the study. The recommendations shall 158766  
take into account existing state and federal resources used to 158767  
provide such services. An amount equal to the unexpended, 158768  
unencumbered balance of this set-aside at the end of fiscal year 158769  
2024 is hereby reappropriated for the same purpose in fiscal year 158770  
2025. 158771

ACCELERATE GREAT SCHOOLS 158772

The foregoing appropriation item 200614, Accelerate Great 158773  
Schools, shall be used by the Department of Education to support 158774  
the Accelerate Great Schools public-private partnership. 158775

**Section 265.430.** QUALITY COMMUNITY AND INDEPENDENT STEM 158776  
SCHOOLS SUPPORT 158777

(A) The foregoing appropriation item 200631, Quality 158778  
Community and Independent STEM Schools Support, shall be used for 158779  
the Quality Community and Independent STEM School Support Program. 158780

Under the program, the Department of Education shall pay each 158781  
community school established under Chapter 3314. of the Revised 158782  
Code and designated as a Community School of Quality under this 158783  
section and each STEM school established under Chapter 3326. of 158784  
the Revised Code and designated as an Independent STEM School of 158785  
Quality under this section an amount up to \$3,000 in each fiscal 158786  
year for each pupil identified as economically disadvantaged and 158787  
up to \$2,250 in each fiscal year for each pupil that is not 158788  
identified as economically disadvantaged. The payment for the 158789  
current fiscal year shall be calculated using the adjusted 158790  
full-time equivalent number of students enrolled in the school for 158791  
the current fiscal year as of the date the payment is made, as 158792  
reported by the school under section 3314.08 of the Revised Code. 158793  
The Department shall make the payment to each Community School of 158794  
Quality or Independent STEM School of Quality not later than 158795  
January 31 of each fiscal year. If the amount appropriated is not 158796  
sufficient to pay the amounts calculated pursuant to this section, 158797  
the Superintendent of Public Instruction may request the Director 158798  
of Budget and Management to authorize expenditures in excess of 158799  
the amounts appropriated. Upon approval by the Director of Budget 158800  
and Management, the additional amounts are hereby appropriated to 158801  
appropriation item 200631, Quality Community and Independent STEM 158802  
Schools Support. 158803

(B) To be designated as a Community School of Quality, a 158804  
community school shall satisfy at least one of the following 158805  
conditions: 158806

(1) The community school meets all of the following criteria: 158807

(a) The school's sponsor was rated "exemplary" or "effective" 158808  
on the sponsor's most recent evaluation conducted under section 158809  
3314.016 of the Revised Code. 158810

(b) The school received a higher performance index score than 158811  
the school district in which the school is located on the two most 158812

recent report cards issued for the school under section 3302.03 of 158813  
the Revised Code. 158814

(c) The school received a performance rating of four stars or 158815  
higher for the value-added progress dimension on the most recent 158816  
report card issued for the school under section 3302.03 of the 158817  
Revised Code or is a school described under division (A)(4) of 158818  
section 3314.35 of the Revised Code and did not receive a rating 158819  
for the value-added progress dimension on the most recent report 158820  
card. 158821

(d) At least fifty per cent of the students enrolled in the 158822  
school are economically disadvantaged, as determined by the 158823  
Department. 158824

(2) The community school meets all of the following criteria: 158825

(a) The school's sponsor was rated "exemplary" or "effective" 158826  
on the sponsor's most recent evaluation conducted under section 158827  
3314.016 of the Revised Code. 158828

(b) The school is in its first year of operation or the 158829  
school opened as a kindergarten school and has added one grade per 158830  
year and has been in operation for less than four school years. 158831

(c) The school is replicating an operational and 158832  
instructional model used by a community school described in 158833  
division (B)(1) of this section. 158834

(d) If the school has an operator, the operator received a 158835  
"C" or better on its most recent performance report published 158836  
under section 3314.031 of the Revised Code. 158837

(3) The community school meets all of the following criteria: 158838

(a) The school's sponsor was rated "exemplary" or "effective" 158839  
on the sponsor's most recent evaluation conducted under section 158840  
3314.016 of the Revised Code. 158841

(b) The school contracts with an operator that operates 158842

schools in other states and meets at least one of the following	158843
criteria:	158844
(i) Has operated a school that received a grant funded	158845
through the federal Charter School Program established under 20	158846
U.S.C. 7221 within the five years prior to the date of application	158847
or received funding from the Charter School Growth Fund;	158848
(ii) Meets all of the following criteria:	158849
(I) One of the operator's schools in another state performed	158850
better than the school district in which the school is located, as	158851
determined by the Department.	158852
(II) At least fifty per cent of the total number of students	158853
enrolled in all of the operator's schools are economically	158854
disadvantaged, as determined by the Department.	158855
(III) The operator is in good standing in all states where it	158856
operates schools, as determined by the Department.	158857
(IV) The Department has determined that the operator does not	158858
have any financial viability issues that would prevent it from	158859
effectively operating a community school in Ohio.	158860
(c) The school is in its first year of operation.	158861
(C) To be designated as an Independent STEM School of	158862
Quality, a STEM school shall satisfy all of the following	158863
criteria:	158864
(1) The STEM school operates autonomously under section	158865
3326.031 of the Revised Code.	158866
(2) The STEM school does not have a STEM school equivalent	158867
designation under section 3326.032 of the Revised Code.	158868
(3) The STEM school is not governed by a school district	158869
under section 3326.51 of the Revised Code.	158870
(4) The STEM school is not a community school established	158871

under Chapter 3314. of the Revised Code. 158872

(5) The STEM school cannot levy taxes or issue tax-secured 158873  
bonds in accordance with section 3326.49 of the Revised Code. 158874

(6) The STEM school satisfies the requirements prescribed by 158875  
section 3326.03 of the Revised Code. 158876

(7) The STEM school satisfies the requirements described in 158877  
the Quality Model for STEM and STEAM Schools established by the 158878  
Department of Education in accordance with Chapter 3326. of the 158879  
Revised Code. 158880

(D) A school designated as a Community School of Quality 158881  
under division (B) of this section or Independent STEM school of 158882  
Quality under division (C) of this section shall maintain that 158883  
designation for the two fiscal years following the fiscal year in 158884  
which the school was initially designated as a Community or 158885  
Independent STEM School of Quality. 158886

(E) A school designated a Community or Independent STEM 158887  
School of Quality may renew its designation each year that it 158888  
satisfies the criteria under division (B)(1) or (C) of this 158889  
section. The school shall maintain that designation for the two 158890  
fiscal years following each fiscal year in which the criteria 158891  
under division (B)(1) or (C) of this section are satisfied. This 158892  
division applies to schools designated as a Community or 158893  
Independent STEM School of Quality based on the report cards 158894  
issued in accordance with sections 3302.03 and 3314.012 of the 158895  
Revised Code for the 2017-2018 and 2018-2019 school years. 158896

(F) A school that was designated as a Community School of 158897  
Quality for the first time for the 2019-2020 school year shall be 158898  
considered to have maintained that designation for the 2022-2023 158899  
school year and may renew its designation under division (D) of 158900  
this section after that year. 158901

(G) If two or more community schools have merged or merge in 158902

accordance with division (B) of section 3314.0211 of the Revised Code on or after June 30, 2022, the surviving community school is eligible to receive funds under this program, provided it otherwise qualifies as a Community School of Quality under division (B)(1), (2), or (3) of this section. In such a case, the payment for the current fiscal year shall be calculated using the adjusted full-time equivalent number of students enrolled in the school for the current fiscal year as of the date the payment is made, as reported by the surviving community school under section 3314.08 of the Revised Code, regardless of whether those students were previously enrolled in a community school that was dissolved as part of the merger. A community school that was qualified to receive funds under the program prior to merging on or after June 30, 2022, and was dissolved due to the merger, shall be considered to have been eligible for funds under the program prior to the effective date of this section and shall not be required to return any funds received prior to that date.

**Section 265.440. COMMUNITY SCHOOL FACILITIES**

The foregoing appropriation item 200684, Community School Facilities, shall be used to pay each community school established under Chapter 3314. of the Revised Code and each STEM school established under Chapter 3326. of the Revised Code an amount equal to \$25 in each fiscal year for each full-time equivalent pupil in an internet- or computer-based community school and \$1,000 in each fiscal year for each full-time equivalent pupil in all other community or STEM schools for assistance with the cost associated with facilities. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

**Section 265.450. LOTTERY PROFITS EDUCATION RESERVE FUND**

(A) There is hereby created the Lottery Profits Education Reserve Fund (Fund 7018) in the State Treasury. Investment earnings of the Lottery Profits Education Reserve Fund shall be credited to the fund.

(B) Notwithstanding any other provision of law to the contrary, the Director of Budget and Management may transfer cash from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) in fiscal year 2024 and fiscal year 2025.

(C) On July 15, 2023, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$1,263,000,000 in fiscal year 2023.

(D) On July 15, 2024, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$1,424,000,000 in fiscal year 2024.

(E) Notwithstanding any provision of law to the contrary, in fiscal year 2024 and fiscal year 2025, the Director of Budget and Management may transfer cash in excess of the amounts necessary to support appropriations in Fund 7017 from that fund to Fund 7018.

**Section 265.460. FEDERAL COVID RELIEF REAPPROPRIATIONS**

(A) On July 1, 2023, or as soon as possible thereafter, the Superintendent of Public Instruction may certify to the Director of Budget and Management amounts equal to the unexpended, unencumbered balances of appropriation items under the following funds at the end of fiscal year 2023 to be reappropriated to fiscal year 2024:

(1) The ARP - Homeless Children and Youth Fund (Fund 3HZ0);

(2) The ARP - Students with Disabilities Fund (Fund 3IA0). 158963

The Director of Budget and Management may approve up to the 158964  
amounts certified. The approved amounts are hereby reappropriated 158965  
to the same appropriation items and shall be used for the same 158966  
purposes in fiscal year 2024. 158967

(B) On July 1, 2024, or as soon as possible thereafter, the 158968  
Superintendent of Public Instruction may certify to the Director 158969  
of Budget and Management amounts equal to the unexpended, 158970  
unencumbered balances of appropriation items under the following 158971  
funds at the end of fiscal year 2024 to be reappropriated to 158972  
fiscal year 2025: 158973

(1) The Governor's Emergency Education Relief Fund (Fund 158974  
3HQ0); 158975

(2) The Federal Coronavirus School Relief Fund (Fund 3HS0); 158976

(3) The ARP - Homeless Children and Youth Fund (Fund 3HZ0). 158977

The Director of Budget and Management may approve up to the 158978  
amounts certified. The approved amounts are hereby reappropriated 158979  
to the same appropriation items and shall be used for the same 158980  
purposes in fiscal year 2025. 158981

**Section 265.465. EMERGENCY ASSISTANCE TO NON-PUBLIC SCHOOLS** 158982  
**REALLOCATION** 158983

(A) Of appropriation item 200651, Emergency Assistance to 158984  
Non-Public Schools, up to \$1,000,000 in fiscal year 2024 shall be 158985  
used to support the pilot program established in the section of 158986  
this act entitled "PUPIL TRANSPORTATION PILOT PROGRAM." 158987

(B) The Department shall support the set-aside in division 158988  
(A) of this section using reallocated federal Emergency Assistance 158989  
to Non-Public Schools funds under Title III, section 312(d)(6) of 158990  
the federal "Consolidated Appropriations Act, 2021," Pub. L. No. 158991  
116-260. 158992

**Section 265.470.** NEGATIVE FUND BALANCE DUE TO DELAY IN 158993  
ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND CLAIMS 158994  
REIMBURSEMENTS 158995

Notwithstanding any provision of law to the contrary, a 158996  
school district, community school, or STEM school may have a 158997  
deficit in the special revenue fund established to receive funds 158998  
from the Elementary and Secondary School Emergency Relief Fund 158999  
under the federal "Coronavirus Aid, Relief, and Economic Security 159000  
Act," Pub. L. No. 116-136, the federal "Consolidated 159001  
Appropriations Act, 2021," Pub. L. No. 116-260, and the federal 159002  
"American Rescue Plan Act of 2021," Pub. L. No. 117-2, in fiscal 159003  
year 2023, fiscal year 2024, or fiscal year 2025 when that deficit 159004  
resulted from a temporary delay in the Department of Education's 159005  
ability to process claims for reimbursement. 159006

**Section 265.480.** SCHOOL DISTRICT PARTICIPATION IN NATIONAL 159007  
ASSESSMENT OF EDUCATIONAL PROGRESS 159008

The General Assembly intends for the Superintendent of Public 159009  
Instruction to provide for school district participation in the 159010  
administration of the National Assessment of Educational Progress 159011  
in accordance with section 3301.27 of the Revised Code. Each 159012  
school and school district selected for participation by the 159013  
Superintendent shall participate. 159014

**Section 265.490.** EARMARK ACCOUNTABILITY 159015

At the request of the Superintendent of Public Instruction, 159016  
any entity that receives a budget earmark under the Department of 159017  
Education shall submit annually to the Department a report that 159018  
includes a description of the services supported by the funds, a 159019  
description of the results achieved by those services, an analysis 159020  
of the effectiveness of the program, and an opinion as to the 159021  
program's applicability to other school districts. For an 159022

earmarked entity that received state funds from an earmark in the 159023  
prior fiscal year, no funds shall be provided by the Department to 159024  
an earmarked entity for a fiscal year until its report for the 159025  
prior fiscal year has been submitted. 159026

**Section 265.500.** COMMUNITY SCHOOL OPERATING FROM HOME 159027

A community school established under Chapter 3314. of the 159028  
Revised Code that was open for operation as a community school as 159029  
of May 1, 2005, may operate from or in any home, as defined in 159030  
section 3313.64 of the Revised Code, located in the state, 159031  
regardless of when the community school's operations from or in a 159032  
particular home began. 159033

**Section 265.510.** USE OF VOLUNTEERS 159034

The Department of Education may utilize the services of 159035  
volunteers to accomplish any of the purposes of the Department. 159036  
The Superintendent of Public Instruction shall approve for what 159037  
purposes volunteers may be used and for these purposes may 159038  
recruit, train, and oversee the services of volunteers. The 159039  
Superintendent may reimburse volunteers for necessary and 159040  
appropriate expenses in accordance with state guidelines and may 159041  
designate volunteers as state employees for the purpose of motor 159042  
vehicle accident liability insurance under section 9.83 of the 159043  
Revised Code, for immunity under section 9.86 of the Revised Code, 159044  
and for indemnification from liability incurred in the performance 159045  
of their duties under section 9.87 of the Revised Code. 159046

**Section 265.520.** FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 159047

In collaboration with the County Family and Children First 159048  
Council, a city, local, or exempted village school district, 159049  
community school, STEM school, joint vocational school district, 159050  
educational service center, or county board of developmental 159051

disabilities that receives allocations from the Department of 159052  
Education from appropriation item 200550, Foundation Funding - All 159053  
Students, or appropriation item 200540, Special Education 159054  
Enhancements, may transfer portions of those allocations to a 159055  
flexible funding pool authorized by the section of this act 159056  
entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 159057  
Allocations used for maintenance of effort or for federal or state 159058  
funding matching requirements shall not be transferred unless the 159059  
allocation may still be used to meet such requirements. 159060

**Section 265.530. PRIVATE TREATMENT FACILITY PROJECT** 159061

(A) As used in this section: 159062

(1) The following are "participating residential treatment 159063  
centers": 159064

(a) Private residential treatment facilities that have 159065  
entered into a contract with the Department of Youth Services to 159066  
provide services to children placed at the facility by the 159067  
Department and which, in fiscal year 2024 or fiscal year 2025 or 159068  
both, the Department pays through appropriation item 470401, 159069  
RECLAIM Ohio; 159070

(b) Abraxas, in Shelby; 159071

(c) Paint Creek, in Bainbridge; 159072

(d) F.I.R.S.T., in Mansfield. 159073

(2) "Education program" means an elementary or secondary 159074  
education program or a special education program and related 159075  
services. 159076

(3) "Served child" means any child receiving an education 159077  
program pursuant to division (B) of this section. 159078

(4) "School district responsible for tuition" means a city, 159079  
exempted village, or local school district that, if tuition 159080

payment for a child by a school district is required under law 159081  
that existed in fiscal year 1998, is the school district required 159082  
to pay that tuition. 159083

(5) "Residential child" means a child who resides in a 159084  
participating residential treatment center and who is receiving an 159085  
educational program under division (B) of this section. 159086

(B) A youth who is a resident of the state and has been 159087  
assigned by a juvenile court or other authorized agency to a 159088  
residential treatment facility specified in division (A) of this 159089  
section shall be enrolled in an approved educational program 159090  
located in or near the facility. Approval of the educational 159091  
program shall be contingent upon compliance with the criteria 159092  
established for such programs by the Department of Education. The 159093  
educational program shall be provided by a school district or 159094  
educational service center, or by the residential facility itself. 159095  
Maximum flexibility shall be given to the residential treatment 159096  
facility to determine the provider. In the event that a voluntary 159097  
agreement cannot be reached and the residential facility does not 159098  
choose to provide the educational program, the educational service 159099  
center in the county in which the facility is located shall 159100  
provide the educational program at the treatment center to 159101  
children under twenty-two years of age residing in the treatment 159102  
center. 159103

(C) Any school district responsible for tuition for a 159104  
residential child shall, notwithstanding any conflicting provision 159105  
of the Revised Code regarding tuition payment, pay tuition for the 159106  
child for fiscal year 2024 and fiscal year 2025 to the education 159107  
program provider and in the amount specified in this division. If 159108  
there is no school district responsible for tuition for a 159109  
residential child and if the participating residential treatment 159110  
center to which the child is assigned is located in the city, 159111  
exempted village, or local school district that, if the child were 159112

not a resident of that treatment center, would be the school 159113  
district where the child is entitled to attend school under 159114  
sections 3313.64 and 3313.65 of the Revised Code, that school 159115  
district, notwithstanding any conflicting provision of the Revised 159116  
Code, shall pay tuition for the child for fiscal year 2024 and 159117  
fiscal year 2025 under this division unless that school district 159118  
is providing the educational program to the child under division 159119  
(B) of this section. 159120

A tuition payment under this division shall be made to the 159121  
school district, educational service center, or residential 159122  
treatment facility providing the educational program to the child. 159123

The amount of tuition paid shall be: 159124

(1) The amount of tuition determined for the district under 159125  
division (A) of section 3317.08 of the Revised Code; 159126

(2) In addition, for any student receiving special education 159127  
pursuant to an individualized education program as defined in 159128  
section 3323.01 of the Revised Code, a payment for excess costs. 159129  
This payment shall equal the actual cost to the school district, 159130  
educational service center, or residential treatment facility of 159131  
providing special education and related services to the student 159132  
pursuant to the student's individualized education program, minus 159133  
the tuition paid for the child under division (C)(1) of this 159134  
section. 159135

A school district paying tuition under this division shall 159136  
not include the child for whom tuition is paid in the district's 159137  
average daily membership certified under division (A) of section 159138  
3317.03 of the Revised Code. 159139

(D) In each of fiscal years 2024 and 2025, the Department of 159140  
Education shall reimburse, from appropriations made for the 159141  
purpose, a school district, educational service center, or 159142  
residential treatment facility, whichever is providing the 159143

service, that has demonstrated that it is in compliance with the 159144  
funding criteria for each served child for whom a school district 159145  
must pay tuition under division (C) of this section. The amount of 159146  
the reimbursement shall be the amount appropriated for this 159147  
purpose divided by the full-time equivalent number of children for 159148  
whom reimbursement is to be made. 159149

(E) Funds provided to a school district, educational service 159150  
center, or residential treatment facility under this section shall 159151  
be used to supplement, not supplant, funds from other public 159152  
sources for which the school district, service center, or 159153  
residential treatment facility is entitled or eligible. 159154

(F) The Department of Education shall track the utilization 159155  
of funds provided to school districts, educational service 159156  
centers, and residential treatment facilities under this section 159157  
and monitor the effect of the funding on the educational programs 159158  
they provide in participating residential treatment facilities. 159159  
The Department shall monitor the programs for educational 159160  
accountability. 159161

**Section 265.540.** (A) Notwithstanding anything in the Revised 159162  
Code to the contrary, the Superintendent of Public Instruction 159163  
shall not establish any new academic distress commissions for the 159164  
2023-2024 and 2024-2025 school years. 159165

(B) This section does not affect an academic distress 159166  
commission established prior to the effective date of this 159167  
section. 159168

**Section 265.550. PUPIL TRANSPORTATION PILOT PROGRAM** 159169

(A) The Department of Education shall establish a pilot 159170  
program under which an educational service center shall provide 159171  
transportation to students enrolled in community schools 159172  
established under Chapter 3314. of the Revised Code, STEM schools 159173

established under Chapter 3326. of the Revised Code, and chartered 159174  
nonpublic schools, in lieu of the students receiving 159175  
transportation from their resident school district. The Department 159176  
shall take a regional approach to the pilot program when possible. 159177

(B) Not later than August 1, 2023, the Department, 159178  
collaborating with the Ohio Educational Service Center (ESC) 159179  
Association Program Cabinet, shall select up to five educational 159180  
service centers and a school district served by each service 159181  
center to participate in the pilot program. Interested educational 159182  
service centers shall apply to participate in the pilot program in 159183  
a form and manner determined by the Department and the Ohio ESC 159184  
Association Program Cabinet. The Department, Ohio ESC Association 159185  
Program Cabinet, and selected service centers jointly shall 159186  
identify community schools, STEM schools, and chartered nonpublic 159187  
schools that enroll students from the district and for whom the 159188  
service centers will provide transportation during the 2023-2024 159189  
school year. No community school, STEM school, or chartered 159190  
nonpublic school shall be required to participate in the pilot 159191  
program. 159192

(C) During the 2023-2024 school year, the Department and the 159193  
Ohio ESC Association Program Cabinet shall develop, and the 159194  
participating service centers shall implement, the pilot program's 159195  
transportation procedures and a payment structure for 159196  
transportation funding between participating school districts, 159197  
community schools, and STEM schools. 159198

(D) The participating educational service centers and school 159199  
districts shall not be subject to section 3327.021 of the Revised 159200  
Code during the 2023-2024 school year with regard to students 159201  
enrolled in participating schools. Notwithstanding section 3314.46 159202  
of the Revised Code, a participating service center may provide 159203  
transportation to any participating community school it sponsors. 159204

(E) The educational service centers shall comply with all 159205

transportation requirements for students with disabilities as 159206  
specified in the individualized education programs developed for 159207  
the students pursuant to Chapter 3323. of the Revised Code. 159208

(F) The Department, in collaboration with the Ohio ESC 159209  
Association Program Cabinet, shall evaluate the pilot program and 159210  
issue a report of the program's findings and recommendations not 159211  
later than July 1, 2024. The report shall include data on the 159212  
impact the program had on attendance at the participating school 159213  
districts and schools, the finances of the participating school 159214  
districts and schools, and any other metrics determined by the 159215  
Department and Ohio ESC Association Program Cabinet. The 159216  
participating educational service centers and schools shall submit 159217  
data and other information to the Department, in a manner 159218  
determined by the Department, for the purpose of conducting the 159219  
evaluation. 159220

**Section 265.560. FINANCIAL LITERACY AND WORKFORCE READINESS** 159221  
**PROGRAMMING INITIATIVE** 159222

(A) The Financial Literacy and Workforce Readiness 159223  
Programming Initiative is hereby established within the Department 159224  
of Education. The Programming Initiative shall operate in fiscal 159225  
years 2024 and 2025. The purpose of the Programming Initiative is 159226  
to ensure the next generation's preparedness in financial 159227  
literacy, workforce and career readiness, entrepreneurship, and 159228  
other relevant skills to enter and be competitive in Ohio's future 159229  
workforce economy. 159230

(B)(1) The Department shall distribute appropriated funds to 159231  
the following organizations as part of the Programming Initiative: 159232

(a) Junior Achievement of North Central Ohio; 159233

(b) Junior Achievement of Greater Cleveland; 159234

(c) Junior Achievement of Mahoning Valley. 159235

(2) The participating organizations listed under division	159236
(B)(1) of this section shall collaborate with local schools,	159237
institutions of higher education, local, regional, and statewide	159238
employers and businesses, subject matter experts, community-based	159239
organizations, and other public-private entities or agencies to	159240
implement the Programming Initiative.	159241
(C) The Programming Initiative shall do all of the following:	159242
(1) Place specific emphasis on engagement with students,	159243
teachers, and schools primarily located in underserved	159244
communities, under-resourced urban and rural areas, or those with	159245
populations considered economically disadvantaged;	159246
(2) Increase capacity and resources that expand each of the	159247
participating organizations collective ability to offer more	159248
financial literacy, workforce readiness and entrepreneurship, or	159249
related programming such as work-based learning experiences	159250
designed to engage more students in the geographic areas to which	159251
the participating organizations provide services;	159252
(3) Increase the number of students measurably impacted by	159253
the participating organizations' services to up to one hundred ten	159254
thousand students in any of grades kindergarten through twelve in	159255
fiscal years 2024 and 2025;	159256
(4) Assist students enrolled in any of grades nine through	159257
twelve with direct entry into the workforce, access to higher	159258
education, or in-demand job training;	159259
(5) Increase each participating organization's ability to	159260
provide teacher-focused programming and support to assist in the	159261
greater integration of the organization's programming into up to	159262
three hundred schools located within its service area;	159263
(6) Strengthen each participating organization's capacity and	159264
resources to collectively provide up to ten student-focused	159265
engagement events involving students and teachers from multiple	159266

schools and communities in northeast and central portions of the 159267  
state. The engagement events shall do both of the following: 159268

(a) Enhance and deepen participating students' ability to 159269  
demonstrate mastery of financial literacy, workforce or career 159270  
readiness, entrepreneurship, or related skills and knowledge vital 159271  
to equipping and preparing students with the requisite skills, 159272  
competencies, and knowledge to be competitive for in-demand jobs 159273  
within the state and global workforce economy, particularly those 159274  
that are considered high-growth jobs in the state of Ohio; 159275

(b) Be offered to all partnering schools and respective 159276  
students, however the emphasis shall remain on the engagement of 159277  
students and schools that meet the conditions prescribed under 159278  
division (C)(1) of this section. 159279

**Section 267.10. ELC OHIO ELECTIONS COMMISSION** 159280

General Revenue Fund 159281

GRF 051321	Operating Expenses	\$	415,000	\$	432,000	159282
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TOTAL GRF	General Revenue Fund	\$	415,000	\$	432,000	159283
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Dedicated Purpose Fund Group 159284

4P20 051601	Operating Support	\$	210,000	\$	210,000	159285
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TOTAL DPF	Dedicated Purpose Fund	\$	210,000	\$	210,000	159286
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	625,000	\$	642,000	159287
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**Section 269.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL** 159289

DIRECTORS 159290

Dedicated Purpose Fund Group 159291

4K90 881609	Operating Expenses	\$	1,444,500	\$	1,446,764	159292
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TOTAL DPF	Dedicated Purpose Fund	\$	1,444,500	\$	1,446,764	159293
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	1,444,500	\$	1,446,764	159294
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<b>Section 269.20.</b>	OPERATING EXPENSES				159296
Of the foregoing appropriation item 881609, Operating					159297
Expenses, up to \$92,000 in each fiscal year shall be used to					159298
employ an Automated Reporting and Preneed Payment Systems (ARPS)					159299
Administrator.					159300
Of the foregoing appropriation item 881609, Operating					159301
Expenses, up to \$80,000 in each fiscal year shall be used to					159302
employ an Indigent Burial and Cremation Support Program					159303
Administrator.					159304
<b>Section 271.10.</b>	PAY EMPLOYEE BENEFITS FUNDS				159305
Fiduciary Fund Group					159306
1240 995673	Payroll Deductions	\$ 900,725,600	\$ 927,747,368		159307
8060 995666	Accrued Leave Fund	\$ 125,489,317	\$ 129,253,996		159308
8070 995667	Disability Fund	\$ 26,672,965	\$ 27,471,726		159309
8080 995668	State Employee Health	\$ 1,008,347,532	\$ 1,008,157,697		159310
	Benefit Fund				
8090 995669	Dependent Care	\$ 4,483,500	\$ 4,483,500		159311
	Spending Account				
8100 995670	Life Insurance	\$ 2,123,113	\$ 2,123,113		159312
	Investment Fund				
8110 995671	Parental Leave	\$ 12,362,119	\$ 14,147,759		159313
	Benefit Fund				
8130 995672	Health Care Spending	\$ 14,904,666	\$ 14,904,666		159314
	Account				
TOTAL FID	Fiduciary Fund Group	\$ 2,095,108,812	\$ 2,128,289,825		159315
TOTAL ALL BUDGET FUND GROUPS		\$ 2,095,108,812	\$ 2,128,289,825		159316
<b>Section 271.20.</b>	PAYROLL DEDUCTION FUND				159318
The foregoing appropriation item 995673, Payroll Deductions,					159319
shall be used to make payments from the Payroll Deduction Fund					159320

(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 159321  
is determined by the Director of Budget and Management that 159322  
additional amounts are necessary, the amounts are hereby 159323  
appropriated. 159324

ACCRUED LEAVE LIABILITY FUND 159325

The foregoing appropriation item 995666, Accrued Leave Fund, 159326  
shall be used to make payments from the Accrued Leave Liability 159327  
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 159328  
If it is determined by the Director of Budget and Management that 159329  
additional amounts are necessary, the amounts are hereby 159330  
appropriated. 159331

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 159332

The foregoing appropriation item 995667, Disability Fund, 159333  
shall be used to make payments from the State Employee Disability 159334  
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 159335  
Revised Code. If it is determined by the Director of Budget and 159336  
Management that additional amounts are necessary, the amounts are 159337  
hereby appropriated. 159338

STATE EMPLOYEE HEALTH BENEFIT FUND 159339

The foregoing appropriation item 995668, State Employee 159340  
Health Benefit Fund, shall be used to make payments from the State 159341  
Employee Health Benefit Fund (Fund 8080) pursuant to section 159342  
124.87 of the Revised Code. If it is determined by the Director of 159343  
Budget and Management that additional amounts are necessary, the 159344  
amounts are hereby appropriated. 159345

DEPENDENT CARE SPENDING FUND 159346

The foregoing appropriation item 995669, Dependent Care 159347  
Spending Account, shall be used to make payments from the 159348  
Dependent Care Spending Fund (Fund 8090) to employees eligible for 159349  
dependent care expenses pursuant to section 124.822 of the Revised 159350

Code. If it is determined by the Director of Budget and Management 159351  
that additional amounts are necessary, the amounts are hereby 159352  
appropriated. 159353

LIFE INSURANCE INVESTMENT FUND 159354

The foregoing appropriation item 995670, Life Insurance 159355  
Investment Fund, shall be used to make payments from the Life 159356  
Insurance Investment Fund (Fund 8100) for the costs and expenses 159357  
of the state's life insurance benefit program pursuant to section 159358  
125.212 of the Revised Code. If it is determined by the Director 159359  
of Budget and Management that additional amounts are necessary, 159360  
the amounts are hereby appropriated. 159361

PARENTAL LEAVE BENEFIT FUND 159362

The foregoing appropriation item 995671, Parental Leave 159363  
Benefit Fund, shall be used to make payments from the Parental 159364  
Leave Benefit Fund (Fund 8110) to employees eligible for parental 159365  
leave benefits pursuant to sections 124.136 and 124.137 of the 159366  
Revised Code. If it is determined by the Director of Budget and 159367  
Management that additional amounts are necessary, the amounts are 159368  
hereby appropriated. 159369

Notwithstanding any provision of section 124.136 of the 159370  
Revised Code to the contrary, beginning July 1, 2023, the Director 159371  
of Administrative Services may use the foregoing appropriation 159372  
item 995671, Parental leave Benefit Fund, to pay parental leave to 159373  
employees eligible for parental leave under that section for up to 159374  
12 weeks, inclusive of the two week waiting period. 159375

HEALTH CARE SPENDING ACCOUNT FUND 159376

The foregoing appropriation item 995672, Health Care Spending 159377  
Account, shall be used to make payments from the Health Care 159378  
Spending Account Fund (Fund 8130) for payments pursuant to state 159379  
employees' participation in a flexible spending account for 159380  
nonreimbursed health care expenses and section 124.821 of the 159381

Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

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**Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD**

159385

General Revenue Fund

159386

GRF 125321	Operating Expenses	\$	4,421,000	\$	4,466,000	159387
TOTAL GRF	General Revenue Fund	\$	4,421,000	\$	4,466,000	159388

Dedicated Purpose Fund Group

159389

5720 125603	Training and Publications	\$	334,128	\$	162,149	159390
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TOTAL DPF	Dedicated Purpose Fund Group	\$	334,128	\$	162,149	159391
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	4,755,128	\$	4,628,149	159392
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**Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS**

159394

Dedicated Purpose Fund Group

159395

4K90 892609	Operating Expenses	\$	1,233,994	\$	1,281,904	159396
TOTAL DPF	Dedicated Purpose Fund Group	\$	1,233,994	\$	1,281,904	159397

Group

TOTAL ALL BUDGET FUND GROUPS		\$	1,233,994	\$	1,281,904	159398
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**Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY**

159400

General Revenue Fund

159401

GRF 715502	Auto Emissions E-Check Program	\$	13,865,000	\$	13,908,000	159402
TOTAL GRF	General Revenue Fund	\$	13,865,000	\$	13,908,000	159403

Dedicated Purpose Fund Group

159404

4D50 715618	Recycled State Materials	\$	50,000	\$	50,000	159405
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Materials

4J00 715638	Underground Injection	\$	485,800	\$	485,800	159406
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		Control				
4K20	715648	Clean Air - Non Title	\$	5,086,300	\$	5,086,300 159407
		V				
4K30	715649	Solid Waste	\$	16,711,135	\$	16,698,529 159408
4K40	715650	Surface Water	\$	11,541,000	\$	12,966,000 159409
		Protection				
4K50	715651	Drinking Water	\$	7,709,664	\$	7,992,257 159410
		Protection				
4P50	715654	Cozart Landfill	\$	10,000	\$	10,000 159411
4R50	715656	Scrap Tire Management	\$	3,431,065	\$	3,470,616 159412
4R90	715658	Voluntary Action	\$	1,143,598	\$	1,143,598 159413
		Program				
4T30	715659	Clean Air - Title V	\$	10,448,228	\$	10,377,528 159414
		Permit Program				
5000	715608	Immediate Removal	\$	750,000	\$	750,000 159415
		Special Account				
5030	715621	Hazardous Waste	\$	4,877,120	\$	4,877,120 159416
		Facility Management				
5050	715623	Hazardous Waste	\$	10,769,788	\$	10,769,788 159417
		Cleanup				
5050	715698	Response and	\$	3,715,000	\$	3,710,000 159418
		Investigations				
5320	715646	Recycling and Litter	\$	8,478,000	\$	8,508,000 159419
		Control				
5410	715670	Site Specific Cleanup	\$	1,271,193	\$	1,271,192 159420
5420	715671	Risk Management	\$	216,300	\$	220,470 159421
		Reporting				
5860	715637	Scrap Tire Market	\$	1,000,000	\$	1,000,000 159422
		Development				
5BC0	715622	Local Air Pollution	\$	2,100,000	\$	2,100,000 159423
		Control				
5BC0	715624	Surface Water	\$	6,606,600	\$	6,606,600 159424
5BC0	715672	Air Pollution Control	\$	8,910,000	\$	8,910,000 159425

5BC0	715673	Drinking and Ground Water	\$	3,700,000	\$	3,700,000	159426
5BC0	715676	Assistance and Prevention	\$	2,082,000	\$	2,093,000	159427
5BC0	715677	Laboratory	\$	3,684,000	\$	3,684,000	159428
5BC0	715678	Corrective Actions	\$	1,211,000	\$	1,211,000	159429
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	159430
5BC0	715692	Administration	\$	17,000,000	\$	17,000,000	159431
5BC0	715694	Environmental Resource Coordination	\$	875,000	\$	875,000	159432
5BT0	715679	C&DD Groundwater Monitoring	\$	101,000	\$	101,000	159433
5PZ0	715696	Drinking Water Loan Fee	\$	3,950,988	\$	4,021,500	159434
5Y30	715685	Surface Water Improvement	\$	520,000	\$	520,000	159435
5YY0	715405	National Priorities List Remedial Support Fund	\$	500,000	\$	900,000	159436
6440	715631	Emergency Response Radiological Safety	\$	332,287	\$	332,287	159437
6760	715642	Water Pollution Control Loan Administration	\$	5,778,100	\$	5,830,000	159438
6760	715699	Water Quality Administration	\$	4,223,000	\$	4,223,000	159439
6790	715636	Emergency Planning	\$	2,981,352	\$	3,018,540	159440
6960	715643	Air Pollution Control Administration	\$	400,000	\$	500,000	159441
6990	715644	Water Pollution Control Administration	\$	310,000	\$	310,000	159442

6A10	715645	Environmental Education	\$	550,000	\$	550,000	159443
6H20	715695	H2Ohio	\$	31,350,000	\$	31,350,000	159444
TOTAL DPF Dedicated Purpose Fund Group			\$	185,309,518	\$	187,673,125	159445
Internal Service Activity Fund Group							159446
1990	715602	Laboratory Services	\$	533,000	\$	533,000	159447
2190	715604	Central Support Indirect	\$	10,294,764	\$	10,294,764	159448
4A10	715640	Operating Expenses	\$	1,008,000	\$	1,008,000	159449
TOTAL ISA Internal Service Activity Fund Group			\$	11,835,764	\$	11,835,764	159450
Federal Fund Group							159451
3530	715612	Public Water Supply	\$	2,998,150	\$	2,998,150	159452
3570	715619	Air Pollution Control - Federal	\$	7,019,706	\$	7,059,570	159453
3620	715605	Underground Injection Control - Federal	\$	180,815	\$	181,818	159454
3BU0	715684	Water Quality Protection	\$	34,064,930	\$	34,345,960	159455
3CS0	715688	Federal NRD Settlements	\$	201,000	\$	201,000	159456
3F30	715632	Federally Supported Cleanup and Response	\$	9,859,094	\$	10,056,289	159457
3HE0	715697	Volkswagen Clean Air Act Settlement	\$	3,085,000	\$	3,095,000	159458
3T30	715669	Drinking Water State Revolving Fund	\$	3,155,035	\$	3,255,035	159459
3V70	715606	Agencywide Grants	\$	940,000	\$	940,000	159460
TOTAL FED Federal Fund Group			\$	61,503,730	\$	62,132,822	159461
TOTAL ALL BUDGET FUND GROUPS			\$	272,514,012	\$	275,549,711	159462

The Director of Environmental Protection may award grants 159465  
 from appropriation item 715687, Areawide Planning Agencies, to 159466  
 areawide planning agencies engaged in areawide water quality 159467  
 management and planning activities in accordance with Section 208 159468  
 of the "Federal Clean Water Act," 33 U.S.C. 1288. 159469

CASH TRANSFER TO THE SCRAP TIRE MANAGEMENT FUND FROM THE AUTO 159470  
 EMISSIONS TEST FUND 159471

The Director of Budget and Management, at the request of the 159472  
 Director of Environmental Protection, may transfer the remaining 159473  
 cash balance in the Auto Emissions Test Fund (Fund 5BY0) to the 159474  
 Scrap Tire Management Fund (Fund 4R50) in fiscal year 2024. 159475

H2OHIO FUND 159476

On July 1, 2024, or as soon as possible thereafter, the 159477  
 Director of Environmental Protection may certify to the Director 159478  
 of Budget and Management an amount up to the unexpended, 159479  
 unencumbered balance of the foregoing appropriation item, 715695, 159480  
 H2Ohio, at the end of fiscal year 2024 to be reappropriated in 159481  
 fiscal year 2025. The amount certified is hereby reappropriated to 159482  
 the same appropriation item for fiscal year 2025. 159483

**Section 279.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION** 159484

General Revenue Fund 159485  
 GRF 172321 Operating Expenses \$ 694,000 \$ 701,000 159486  
 TOTAL GRF General Revenue Fund \$ 694,000 \$ 701,000 159487  
 TOTAL ALL BUDGET FUND GROUPS \$ 694,000 \$ 701,000 159488

**Section 281.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION** 159490

General Revenue Fund 159491  
 GRF 935401 Statehouse News \$ 383,000 \$ 383,000 159492  
 Bureau  
 GRF 935402 Ohio Government \$ 2,233,000 \$ 2,233,000 159493

	Telecommunications				
	Services				
GRF 935410	Content Development,	\$ 3,909,000	\$ 3,909,000	159494	
	Acquisition, and				
	Distribution				
GRF 935430	Broadcast Education	\$ 4,041,000	\$ 4,041,000	159495	
	Operating				
TOTAL GRF General Revenue Fund		\$ 10,566,000	\$ 10,566,000	159496	
	Dedicated Purpose Fund Group			159497	
5FK0 935608	Media Services	\$ 500	\$ 500	159498	
5VB0 935650	Facility Rental	\$ 6,200	\$ 7,400	159499	
TOTAL DPF Dedicated Purpose Fund		\$ 6,700	\$ 7,900	159500	
	Internal Service Activity Fund Group			159501	
4F30 935603	Affiliate Services	\$ 4,000	\$ 4,000	159502	
TOTAL ISA Internal Service Activity		\$ 4,000	\$ 4,000	159503	
	Fund				
TOTAL ALL BUDGET FUND GROUPS		\$ 10,576,700	\$ 10,577,900	159504	
	<b>Section 281.20. STATEHOUSE NEWS BUREAU</b>			159506	
	The foregoing appropriation item 935401, Statehouse News			159507	
	Bureau, shall be used solely to support the operations of the Ohio			159508	
	Statehouse News Bureau.			159509	
	<b>OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES</b>			159510	
	The foregoing appropriation item 935402, Ohio Government			159511	
	Telecommunications Services, shall be used solely to support the			159512	
	operations of Ohio Government Telecommunications Services which			159513	
	include providing multimedia support to the state government and			159514	
	its affiliated organizations and broadcasting the activities of			159515	
	the legislative, judicial, and executive branches of state			159516	
	government, among its other functions.			159517	
	<b>CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION</b>			159518	

The foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, shall be used for the development, acquisition, and distribution of information resources by public media and radio reading services and for educational use in the classroom and online.

Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to \$965,000 in each fiscal year shall be allocated equally among the Ohio educational television stations. Funds shall be used for the production of interactive instructional programming series with priority given to resources aligned with state academic content standards.

Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to \$2,650,000 in each fiscal year shall be distributed by the Broadcast Educational Media Commission to Ohio's qualified public educational television stations and educational radio stations to support their operations. The funds shall be distributed pursuant to an allocation formula used by the Ohio Educational Telecommunications Network Commission unless a substitute formula is developed by the Broadcast Educational Media Commission in consultation with Ohio's qualified public educational television stations and educational radio stations.

Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to \$294,000 in each fiscal year shall be distributed by the Broadcast Educational Media Commission to Ohio's qualified radio reading services to support their operations. The funds shall be distributed pursuant to an allocation formula used by the Ohio Educational Telecommunications Network Commission unless a substitute formula is developed by the Broadcast Educational Media Commission in consultation with Ohio's qualified radio reading services.

<b>Section 283.10. ETH OHIO ETHICS COMMISSION</b>				159550
General Revenue Fund				159551
GRF 146321	Operating Expenses	\$ 2,289,000	\$ 2,305,000	159552
TOTAL GRF General Revenue Fund				159553
Dedicated Purpose Fund Group				159554
4M60 146601	Operating Support	\$ 515,100	\$ 515,100	159555
TOTAL DPF Dedicated Purpose Fund				159556
Group				
TOTAL ALL BUDGET FUND GROUPS				159557
 <b>Section 285.10. EXP OHIO EXPOSITIONS COMMISSION</b>				159559
General Revenue Fund				159560
GRF 723403	Junior Fair Subsidy	\$ 380,000	\$ 380,000	159561
TOTAL GRF General Revenue Fund				159562
Dedicated Purpose Fund Group				159563
4N20 723602	Ohio State Fair	\$ 350,000	\$ 350,000	159564
Harness Racing				
5060 723601	Operating Expenses	\$ 16,515,000	\$ 16,626,000	159565
5060 723604	Grounds Maintenance	\$ 300,000	\$ 300,000	159566
and Repairs				
5ZN0 723605	EXPO 2050	\$ 95,000,000	\$ 95,000,000	159567
TOTAL DPF Dedicated Purpose Fund				159568
Group				
TOTAL ALL BUDGET FUND GROUPS				159569
STATE FAIR RESERVE				159570
The General Manager of the Expositions Commission, in				159571
consultation with the Director of Budget and Management, may				159572
submit a request to the Controlling Board to use available amounts				159573
in the State Fair Reserve Fund (Fund 6400) if revenues from either				159574
the 2023 or the 2024 Ohio State Fair are unexpectedly low.				159575

On July 1 of each fiscal year, or as soon as possible 159576  
thereafter, the Director of Budget and Management, in consultation 159577  
with the General Manager of the Expositions Commission, may 159578  
determine that the Ohio Expositions Fund (Fund 5060) has a cash 159579  
balance in excess of the anticipated operating costs of the 159580  
Exposition Commission in that fiscal year. Notwithstanding section 159581  
991.04 of the Revised Code, the Director of Budget and Management 159582  
may transfer an amount up to the excess cash from Fund 5060 to 159583  
Fund 6400 in each fiscal year. 159584

**Section 287.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION** 159585

General Revenue Fund 159586

GRF 230321 Operating Expenses \$ 11,626,000 \$ 12,098,000 159587

GRF 230401 Cultural Facilities \$ 31,000,000 \$ 31,000,000 159588

Lease Rental Bond

Payments

GRF 230500 Program and Project \$ 125,000 0 159589

Support

GRF 230908 Common Schools \$ 370,000,000 \$ 297,000,000 159590

General Obligation

Bond Debt Service

TOTAL GRF General Revenue Fund \$ 412,751,000 \$ 340,098,000 159591

Dedicated Purpose Fund Group 159592

5AG1 230653 Accelerated School \$ 33,000,000 \$ 0 159593

Assistance Program

5CV3 230652 Career-Technical \$ 200,000,000 \$ 0 159594

Construction Program

TOTAL DPF Dedicated Purpose Fund \$ 233,000,000 \$ 0 159595

Group

Internal Service Activity Fund Group 159596

1310 230639 State Construction \$ 8,129,013 \$ 8,305,828 159597

Management Operations

TOTAL ISA Internal Service Activity \$ 8,129,013 \$ 8,305,828 159598  
Fund

TOTAL ALL BUDGET FUND GROUPS \$ 653,880,013 \$ 348,403,828 159599

**Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND** 159601

PAYMENTS 159602

The foregoing appropriation item 230401, Cultural Facilities 159603  
Lease Rental Bond Payments, shall be used to meet all payments 159604  
during the period from July 1, 2023, through June 30, 2025, by the 159605  
Ohio Facilities Construction Commission pursuant to leases and 159606  
agreements for cultural and sports facilities made under section 159607  
154.23 of the Revised Code. These appropriations are the source of 159608  
funds pledged for bond service charges on related obligations 159609  
issued under Chapter 154. of the Revised Code. 159610

PROGRAM AND PROJECT SUPPORT 159611

The forgoing appropriation item 230500, Program and Project 159612  
Support, shall be distributed to the Village of Owensville for 159613  
renovations to the Owensville Museum. 159614

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 159615

The foregoing appropriation item 230908, Common Schools 159616  
General Obligation Bond Debt Service, shall be used to pay all 159617  
debt service and related financing costs during the period from 159618  
July 1, 2023, through June 30, 2025, on obligations issued under 159619  
sections 151.01 and 151.03 of the Revised Code. 159620

ACCELERATED SCHOOL ASSISTANCE PROGRAM 159621

The foregoing appropriation item 230653, Accelerated School 159622  
Assistance Program, shall be used by the Ohio Facilities 159623  
Construction Commission to provide the state's portion of total 159624  
funding for school facilities projects under the Accelerated 159625  
School Assistance Program pursuant to section 3318.63 of the 159626  
Revised Code. 159627

CAREER-TECHNICAL CONSTRUCTION PROGRAM 159628

(A) Of the foregoing appropriation item 230652, 159629  
Career-Technical Construction Program, \$7,613,000 in fiscal year 159630  
2024 shall be distributed to the Sandusky City School District to 159631  
support the projects described in this division. Of these funds, 159632  
\$2,785,500 in fiscal year 2024 shall be used for a new culinary 159633  
facility and \$4,827,500 in fiscal year 2024 shall be used for a 159634  
new welding facility. An amount equal to the unexpended, 159635  
unencumbered balance of this set-aside at the end of fiscal year 159636  
2024 is hereby reappropriated for the same purposes in fiscal year 159637  
2025. 159638

(B)(1) The remainder of the foregoing appropriation item 159639  
230652, Career-Technical Construction Program, shall be used by 159640  
the Ohio Facilities Construction Commission to assist with 159641  
construction projects that support establishing or expanding 159642  
career-technical education programs. Funds shall be distributed to 159643  
joint vocational school districts or city, local, and exempted 159644  
village school districts designated as the lead district of a 159645  
career-technical planning district according to guidelines 159646  
established by the Executive Director of the Commission, in 159647  
consultation with the Governor's Office of Workforce 159648  
Transformation and the Department of Education. The guidelines 159649  
shall consider establishing or expanding career-technical 159650  
education programs that support the occupations on the Governor's 159651  
Office of Workforce Transformation's Ohio's Top Jobs List or that 159652  
qualify for the Innovative Workforce Incentive Program under the 159653  
Department of Education. 159654

(2) An amount equal to the unexpended, unencumbered balance 159655  
of the amount allocated in division (B)(1) of this section at the 159656  
end of fiscal year 2024 is hereby reappropriated for the same 159657  
purpose in fiscal year 2025. 159658

(3) As used in division (B) of this section, "construction 159659

project" means a project that will build, erect, alter, improve, 159660  
or demolish any public educational facility, including any 159661  
improvements to real property and the installation of heating, 159662  
cooling, ventilating, or other specialized equipment necessary for 159663  
educational purposes. 159664

**Section 287.30. SCHOOL FACILITIES ENCUMBRANCES AND 159665**  
REAPPROPRIATION 159666

At the request of the Executive Director of the Ohio 159667  
Facilities Construction Commission, the Director of Budget and 159668  
Management may cancel encumbrances for school district projects 159669  
from a previous biennium if the district has not raised its local 159670  
share of project costs within thirteen months of receiving 159671  
Controlling Board approval under section 3318.05 or 3318.41 of the 159672  
Revised Code. The Executive Director of the Ohio Facilities 159673  
Construction Commission shall certify the amounts of the canceled 159674  
encumbrances to the Director of Budget and Management on a 159675  
quarterly basis. The amounts of the canceled encumbrances are 159676  
hereby appropriated. 159677

**Section 287.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND 159678**  
APPROPRIATIONS 159679

On July 1, 2023, or as soon as possible thereafter, the 159680  
Executive Director of the Ohio Facilities Construction Commission 159681  
shall certify to the Director of Budget and Management the amount 159682  
of cash receipts and related investment income, irrevocable 159683  
letters of credit from a bank, or certification of the 159684  
availability of funds that have been received from a county or a 159685  
municipal corporation for deposit into the Capital Donations Fund 159686  
(Fund 5A10) and that are related to an anticipated project. These 159687  
amounts are hereby appropriated to appropriation item C37146, 159688  
Capital Donations. Prior to certifying these amounts to the 159689

Director, the Executive Director shall make a written agreement 159690  
with the participating entity on the necessary cash flows required 159691  
for the anticipated construction or equipment acquisition project. 159692

**Section 287.50.** AMENDMENT TO PROJECT AGREEMENT FOR 159693  
MAINTENANCE LEVY 159694

The Ohio Facilities Construction Commission shall amend the 159695  
project agreement between the Commission and a school district 159696  
that is participating in the Accelerated Urban School Building 159697  
Assistance Program as of September 29, 2018, if the Commission 159698  
determines that it is necessary to do so in order to comply with 159699  
division (B)(3)(c) of section 3318.38 of the Revised Code. 159700

**Section 287.60.** Notwithstanding any other provision of law to 159701  
the contrary, the Ohio Facilities Construction Commission may 159702  
determine the amount of funding available for disbursement in a 159703  
given fiscal year for any project approved under sections 3318.01 159704  
to 3318.20 of the Revised Code in order to keep aggregate state 159705  
capital spending within approved limits and may take actions 159706  
including, but not limited to, determining the schedule for design 159707  
or bidding of approved projects, to ensure appropriate and 159708  
supportable cash flow. 159709

**Section 287.70.** ASSISTANCE TO JOINT VOCATIONAL SCHOOL 159710  
DISTRICT 159711

Notwithstanding division (B) of section 3318.40 of the 159712  
Revised Code, in each fiscal year in which funds are available for 159713  
additional projects, the Ohio Facilities Construction Commission 159714  
shall provide assistance to at least one joint vocational school 159715  
district for the acquisition or improvement of classroom 159716  
facilities in accordance with sections 3318.40 to 3318.45 of the 159717  
Revised Code. 159718

<b>Section 287.80.</b>	RETURNED OR RECOVERED FUNDS			159719	
Notwithstanding any provision of law to the contrary, any				159720	
moneys a school district transfers to the Ohio Facilities				159721	
Construction Commission under division (C)(2) or (3) of section				159722	
3318.12 of the Revised Code as well as any moneys recovered from				159723	
settlements with or judgments against parties relating to their				159724	
involvement in a classroom facilities project shall be deposited				159725	
into the fund from which the capital appropriation for the project				159726	
was made. In any fiscal year in which the Commission has made a				159727	
deposit under this section, the Executive Director of the Ohio				159728	
Facilities Construction Commission may seek Controlling Board				159729	
approval to increase appropriations from those funds and specified				159730	
appropriation items in an amount equal to the amount of the funds				159731	
deposited under this section. The additional amounts, if approved,				159732	
shall be used in accordance with the purposes of Chapter 3318. of				159733	
the Revised Code for projects pursuant to sections 3318.01 to				159734	
3318.20 or sections 3318.40 to 3318.45 of the Revised Code. Upon				159735	
approval of the Controlling Board, the additional amounts are				159736	
hereby appropriated.				159737	
<b>Section 289.10.</b>	GOV OFFICE OF THE GOVERNOR			159738	
General Revenue Fund				159739	
GRF 040321 Operating Expenses	\$	3,219,000	\$	3,219,000	159740
TOTAL GRF General Revenue Fund	\$	3,219,000	\$	3,219,000	159741
Internal Service Activity Fund Group				159742	
5AK0 040607 Government Relations	\$	662,798	\$	662,798	159743
TOTAL ISA Internal Service Activity				159744	
Fund Group	\$	662,798	\$	662,798	159745
TOTAL ALL BUDGET FUND GROUPS	\$	3,881,798	\$	3,881,798	159746
GOVERNMENT RELATIONS				159747	
The Office of the Governor may issue an intrastate transfer				159748	

voucher to charge any state agency of the executive branch such 159749  
amounts necessary to represent the interests of Ohio to federal, 159750  
state, and local government units and to cover the costs or 159751  
membership dues related to Ohio's participation in national and 159752  
regional associations. Amounts collected shall be deposited in the 159753  
Government Relations Fund (Fund 5AK0). 159754

**Section 291.10. DOH DEPARTMENT OF HEALTH** 159755

General Revenue Fund 159756

GRF 440413 Local Health \$ 2,379,000 \$ 2,379,000 159757

Department Support

GRF 440416 Mothers and Children \$ 4,505,000 \$ 4,640,000 159758

Safety Net Services

GRF 440431 Free Clinic Safety Net \$ 1,750,000 \$ 1,750,000 159759

Services

GRF 440438 Breast and Cervical \$ 1,165,000 \$ 1,200,000 159760

Cancer Screening

GRF 440444 AIDS Prevention \$ 3,611,000 \$ 3,720,000 159761

GRF 440451 Public Health \$ 3,800,000 \$ 3,800,000 159762

Laboratory

GRF 440452 Child and Family \$ 623,000 \$ 641,000 159763

Health Services Match

GRF 440453 Health Care Quality \$ 6,427,000 \$ 6,619,000 159764

Assurance

GRF 440454 Environmental \$ 4,500,000 \$ 4,500,000 159765

Health/Radiation

Protection

GRF 440465 FQHC Primary Care \$ 2,686,000 \$ 2,686,000 159766

Workforce Initiative

GRF 440472 Alcohol Testing \$ 1,707,000 \$ 1,841,000 159767

GRF 440477 Emergency Preparation \$ 2,922,000 \$ 2,997,000 159768

and Response

GRF 440481	Lupus Awareness	\$	250,000	\$	250,000	159769
GRF 440482	Chronic Disease, Injury Prevention, and Drug Overdose	\$	10,500,000	\$	10,000,000	159770
GRF 440483	Infectious Disease Prevention and Control	\$	5,981,000	\$	6,244,000	159771
GRF 440484	Public Health Technology Innovation	\$	1,353,000	\$	1,393,000	159772
GRF 440485	Health Program Support	\$	13,625,000	\$	13,625,000	159773
GRF 440505	Children and Youth with Special Health Care Needs	\$	12,115,000	\$	12,478,000	159774
GRF 440507	Targeted Healthcare Services - Over 21	\$	2,000,000	\$	2,000,000	159775
GRF 440527	Lead Abatement	\$	6,500,000	\$	6,500,000	159776
GRF 440530	Lead-Safe Home Fund Program	\$	1,000,000	\$	1,000,000	159777
GRF 440672	Youth Homelessness	\$	3,505,000	\$	3,610,000	159778
GRF 654453	Medicaid - State Health Program Support	\$	4,504,000	\$	4,639,000	159779
TOTAL GRF	General Revenue Fund	\$	97,408,000	\$	98,512,000	159780
	Dedicated Purpose Fund Group					159781
4700 440647	Fee Supported Programs	\$	31,124,957	\$	32,650,080	159782
4710 440619	Certificate of Need	\$	550,000	\$	550,000	159783
4730 440622	Lab Operating Expenses	\$	8,986,199	\$	8,986,199	159784
4770 440627	Children and Youth with Special Health Care Needs Audit	\$	5,033,264	\$	5,033,264	159785
4D60 440608	Genetics Services	\$	3,316,583	\$	3,316,583	159786
4F90 440610	Sickle Cell Disease Control	\$	850,000	\$	850,000	159787
4G00 440636	Heirloom Birth Certificate	\$	15,000	\$	15,000	159788

4G00	440637	Birth Certificate Surcharge	\$	15,000	\$	15,000	159789
4L30	440609	HIV Care and Miscellaneous Expenses	\$	40,702,842	\$	42,697,281	159790
4P40	440628	Ohio Physician Loan Repayment	\$	700,000	\$	700,000	159791
4V60	440641	Save Our Sight	\$	3,000,000	\$	3,000,000	159792
5AE1	440697	Hospital Relief	\$	54,558,000	\$	0	159793
5B50	440616	Quality, Monitoring, and Inspection	\$	753,830	\$	753,830	159794
5BX0	440656	Tobacco Use Prevention, Cessation, and Enforcement	\$	14,500,000	\$	14,500,000	159795
5CN0	440645	Choose Life	\$	80,000	\$	80,000	159796
5D60	440620	Second Chance Trust	\$	1,607,317	\$	1,607,317	159797
5ED0	440651	Smoke Free Indoor Air	\$	280,000	\$	280,000	159798
5G40	440639	Adoption Services	\$	100,000	\$	100,000	159799
5PE0	440659	Breast and Cervical Cancer Services	\$	500,000	\$	500,000	159800
5QJ0	440662	Dental Hygienist Loan Repayments	\$	100,000	\$	100,000	159801
5SH0	440520	Children's Wish Grant Program	\$	275,000	\$	275,000	159802
5TZ0	440621	Toxicology Screenings	\$	1,000,000	\$	1,000,000	159803
5YS0	440491	Chiropractic Loan Repayment		25,000		25,000	159804
5Z70	440624	Ohio Dentist Loan Repayment	\$	275,000	\$	275,000	159805
6100	440626	Radiation Emergency Response	\$	1,405,870	\$	1,474,757	159806
6660	440607	Children and Youth with Special Health Care Needs - County	\$	24,060,298	\$	24,060,298	159807

Assessments							
6980	440634	Nurse Aide Training	\$	126,686	\$	126,686	159808
TOTAL DPF Dedicated Purpose Fund			\$	193,940,846	\$	142,971,295	159809
Group							
Internal Service Activity Fund Group							159810
1420	440646	Agency Health	\$	5,315,107	\$	5,575,547	159811
Services							
2110	440613	Central Support	\$	38,286,929	\$	38,286,929	159812
Indirect Costs							
TOTAL ISA Internal Service Activity			\$	43,602,036	\$	43,862,476	159813
Fund Group							
Highway Safety Fund Group							159814
4T40	440603	Child Highway Safety	\$	200,000	\$	200,000	159815
TOTAL HSF Highway Safety Fund Group			\$	200,000	\$	200,000	159816
Holding Account Fund Group							159817
R014	440631	Vital Statistics	\$	129,883	\$	155,859	159818
R048	440625	Refunds, Grants	\$	20,000	\$	20,000	159819
Reconciliation, and Audit Settlements							
TOTAL HLD Holding Account Fund			\$	149,883	\$	175,859	159820
Group							
Federal Fund Group							159821
3870	440602	Preventive Health	\$	10,298,039	\$	10,802,643	159822
Block Grant							
3890	440604	Women, Infants, and	\$	220,190,613	\$	220,190,613	159823
Children							
3910	440606	Medicare Survey and	\$	20,783,006	\$	21,801,373	159824
Certification							
3920	440618	Federal Public Health	\$	111,061,407	\$	116,503,416	159825
Programs							
3GD0	654601	Medicaid Program	\$	37,000,000	\$	37,000,000	159826
Support							

3GN0	440660	Public Health Emergency Preparedness	\$	57,983,775	\$	60,824,980	159827
3GN0	440683	ARPA - Crisis Response Workforce	\$	10,000,000	\$	10,000,000	159828
3HP0	440673	Public Health Emergency Response	\$	131,521,213	\$	9,707,387	159829
3HP0	440682	Epidemiology and Lab Capacity for School Testing (ARP)	\$	62,940,000	\$	66,024,060	159830
3HP0	440685	ELC Nursing Home & Long-Term Care Strike Teams	\$	5,375,935	\$	0	159831
3HP0	440686	ELC Strengthening HAI/AR Grant	\$	5,919,337	\$	3,159,489	159832
3HP0	440687	Healthier Communities	\$	8,000,000	\$	1,000,000	159833
3HP0	440688	Detection and Mitigation of COVID-19 - Confinement Facilities	\$	9,000,000	\$	1,000,000	159834
3HV0	440681	COVID-19 Vaccine Preparedness (ARP)	\$	10,000,000	\$	10,000,000	159835
TOTAL FED	Federal Fund Group		\$	700,073,325	\$	568,013,961	159836
TOTAL ALL BUDGET FUND GROUPS			\$	1,035,374,090	\$	853,735,591	159837

**Section 291.20. MOTHERS AND CHILDREN SAFETY NET SERVICES** 159839

Of the foregoing appropriation item 440416, Mothers and 159840  
 Children Safety Net Services, up to \$200,000 in each fiscal year 159841  
 may be used to assist families with hearing-impaired children 159842  
 under twenty-six years of age in purchasing hearing aids and 159843  
 hearing assistive technology. The Director of Health shall adopt 159844  
 rules governing the distribution of these funds, including rules 159845

that do both of the following: (1) establish eligibility criteria 159846  
to include families with incomes at or below four hundred per cent 159847  
of the federal poverty guidelines as defined in section 5101.46 of 159848  
the Revised Code and (2) develop a sliding scale of disbursements 159849  
under this section based on family income. The Director may adopt 159850  
other rules as necessary to implement this section. Rules adopted 159851  
under this section shall be adopted in accordance with Chapter 159852  
119. of the Revised Code. 159853

FREE CLINIC SAFETY NET SERVICES 159854

The foregoing appropriation item 440431, Free Clinic Safety 159855  
Net Services, shall be provided to the Charitable Healthcare 159856  
Network. Funds may be used to reimburse free clinics for health 159857  
care services provided, as well as for administrative services, 159858  
information technology costs, infrastructure repair, or other 159859  
clinic necessities. Additionally, the Director of Health may 159860  
designate up to five per cent of the appropriation in each fiscal 159861  
year to pay the administrative costs the Department of Health 159862  
incurs for operating the program. 159863

AIDS PREVENTION 159864

The foregoing appropriation item 440444, AIDS Prevention, 159865  
shall be used to administer educational and other prevention 159866  
initiatives. 159867

ENVIRONMENTAL HEALTH/RADIATION PROTECTION 159868

Of the foregoing appropriation item 440454, Environmental 159869  
Health/Radiation Protection, \$500,000 in each fiscal year shall be 159870  
distributed to the Ohio Association of Radon Professionals to 159871  
operate a pilot program to test for radon in school buildings 159872  
operated by a school district, community school established under 159873  
Chapter 3314., or STEM school established under Chapter 3326. of 159874  
the Revised Code, and if necessary, to conduct radon mitigation in 159875  
such schools. 159876

FQHC PRIMARY CARE WORKFORCE INITIATIVE 159877

The foregoing appropriation item 440465, FQHC Primary Care 159878  
Workforce Initiative, shall be provided to the Ohio Association of 159879  
Community Health Centers to administer the FQHC Primary Care 159880  
Workforce Initiative. The Initiative shall provide medical, 159881  
dental, behavioral health, physician assistant, and advanced 159882  
practice nursing students with clinical rotations through 159883  
federally qualified health centers. Additionally, the Director of 159884  
Health may designate up to five per cent of the appropriation in 159885  
each fiscal year to pay the administrative costs the Department of 159886  
Health incurs for operating the program. 159887

EMERGENCY PREPARATION AND RESPONSE 159888

The foregoing appropriation item 440477, Emergency 159889  
Preparation and Response, shall be used to support public health 159890  
emergency preparedness and response efforts. This appropriation 159891  
may also be used to support data infrastructure projects and other 159892  
data analysis and analytics work. 159893

LUPUS AWARENESS 159894

The foregoing appropriation item 440481, Lupus Awareness, 159895  
shall be distributed to the Lupus Foundation of America, Greater 159896  
Ohio Chapter, Inc., to operate a lupus education and awareness 159897  
program. 159898

CHRONIC DISEASE, INJURY PREVENTION AND DRUG OVERDOSE 159899

Of the foregoing appropriation item 440482, Chronic Disease, 159900  
Injury Prevention and Drug Overdose, \$500,000 in fiscal year 2024 159901  
shall be used for the development, maintenance, and staffing of a 159902  
Parkinson's disease registry, in accordance with section 3701.25 159903  
of the Revised Code, as enacted by this act. 159904

Of the foregoing appropriation item 440482, Chronic Disease, 159905  
Injury Prevention and Drug Overdose, up to \$1,000,000 in each 159906

fiscal year shall be used, in consultation with the Department of 159907  
Mental Health and Addiction Services and the Governor's 159908  
RecoveryOhio Initiative, to support the continuation of the 159909  
Emergency Department Comprehensive Care Initiative to enhance 159910  
Ohio's response to the addiction crisis by creating a 159911  
comprehensive system of care for patients who present in emergency 159912  
departments with addiction. 159913

Of the foregoing appropriation item 440482, Chronic Disease, 159914  
Injury Prevention and Drug Overdose, up to \$250,000 in fiscal year 159915  
2024 shall be used, in consultation with the Governor's 159916  
RecoveryOhio Initiative, to support local health providers' harm 159917  
reduction efforts to reduce overdose rates and deaths. 159918

INFECTIOUS DISEASE PREVENTION AND CONTROL 159919

On July 1, 2024, or as soon as possible thereafter, the 159920  
Director of Health may certify to the Director of Budget and 159921  
Management an amount up to the unexpended, unencumbered balance of 159922  
the foregoing appropriation item 440483, Infectious Disease 159923  
Prevention and Control, at the end of fiscal year 2024 to be 159924  
reappropriated to fiscal year 2025. The amount certified is hereby 159925  
reappropriated to the same appropriation item for fiscal year 159926  
2025. 159927

HEALTH PROGRAM SUPPORT 159928

Of the forgoing appropriation item 440485, Health Program 159929  
Support, \$7,500,000 in each fiscal year shall be used by the 159930  
Department of Health, in consultation with the Department of 159931  
Education, to support school-based health centers in high-need 159932  
counties, as determined by the departments. 159933

Of the foregoing appropriation item 440485, Health Program 159934  
Support, \$5,000,000 in each fiscal year shall be used for the 159935  
Center for Community Health Worker Excellence in accordance with 159936  
section 3701.0212 of the Revised Code. 159937

Of the foregoing appropriation item 440485, Health Program 159938  
Support, \$1,000,000 in each fiscal year shall be distributed to 159939  
Ohio organizations currently providing all of the following 159940  
services: wraparound care, including multidisciplinary clinical 159941  
care; local case management services by health care professionals; 159942  
durable medical and augmentative communication devices; state and 159943  
federal advocacy; and support groups and patient grants for those 159944  
diagnosed with amyotrophic lateral sclerosis (ALS). The 159945  
distribution of funds shall be based on each awarded 159946  
organization's identified Ohio county coverage and by the 159947  
prevalence rate of persons living with ALS using the most recent 159948  
population estimates available from the United States Census 159949  
Bureau. Funds shall be used to support persons living with ALS, 159950  
including any of the followings: wraparound care, case management, 159951  
purchase and distribution of durable medical equipment and 159952  
augmentative communication devices, and patient grants for 159953  
disease-related expenses. Funding is required to be designated in 159954  
service to Ohioans and shall not be used for persons living 159955  
outside of the state of Ohio. 159956

TARGETED HEALTH CARE SERVICES-OVER 21 159957

The foregoing appropriation item 440507, Targeted Health Care 159958  
Services-Over 21, shall be used to administer the Cystic Fibrosis 159959  
Program and to implement the Hemophilia Insurance Premium Payment 159960  
Program. The Department of Health shall expend up to \$100,000 in 159961  
each fiscal year to implement the Hemophilia Insurance Premium 159962  
Payment Program. 159963

The foregoing appropriation item 440507, Targeted Health Care 159964  
Services-Over 21, shall also be used to provide essential 159965  
medications and to pay the copayments for drugs approved by the 159966  
Department of Health and covered by Medicare Part D that are 159967  
dispensed to Program for Children and Youth with Special Health 159968  
Care Needs participants for the Cystic Fibrosis Program. 159969

The Department shall expend all of the funds appropriated in	159970
appropriation item 440507, Targeted Health Care Services-Over 21.	159971
LEAD ABATEMENT	159972
Of the foregoing appropriation item 440527, Lead Abatement,	159973
\$500,000 in each fiscal year shall be used by the Department of	159974
Health to distribute funds to local governments for projects that	159975
include, but are not limited to, lead hazard control and housing	159976
rehabilitation initiatives that expand the Department's lead	159977
hazard control and prevention efforts.	159978
LEAD-SAFE HOME FUND PROGRAM	159979
The foregoing appropriation item 440530, Lead-Safe Home Fund	159980
Program, shall be used by the Department of Health to make	159981
distributions to local governments for projects that include, but	159982
are not limited to, lead hazard control and housing rehabilitation	159983
initiatives that expand the Department's lead hazard control and	159984
prevention efforts.	159985
YOUTH HOMELESSNESS	159986
Of the foregoing appropriation item 440672, Youth	159987
Homelessness, \$900,000 in each fiscal year shall be distributed to	159988
the Star House for its Drop-In Centers and its Carol Stewart	159989
Village, or its other expansion projects, to provide services for	159990
homeless youth.	159991
The remainder of appropriation item 440672, Youth	159992
Homelessness, shall be used to address homelessness in youth and	159993
pregnant women by providing assertive outreach to provide stable	159994
housing, including recovery housing.	159995
FEE SUPPORTED PROGRAMS	159996
Of the foregoing appropriation item 440647, Fee Supported	159997
Programs, \$2,160,000 in each fiscal year shall be used to	159998
distribute subsidies, on a per capita basis, to local health	159999

departments accredited through the Public Health Accreditation Board, or local health departments that are in the process of earning accreditation. 160000  
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160002

Of the foregoing appropriation item 440647, Fee Supported Programs, \$1,840,000 in each fiscal year shall be used to distribute subsidies to local health departments accredited through the Public Health Accreditation Board on a per capita basis. 160003  
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CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS AUDIT 160008

The Children and Youth with Special Health Care Needs Audit Fund (Fund 4770) shall receive revenue from audits of hospitals and recoveries from third-party payers. Moneys may be expended for payment of audit settlements and for costs directly related to obtaining recoveries from third-party payers and for encouraging Program for Children and Youth with Special Health Care Needs recipients to apply for third-party benefits. Moneys also may be expended for payments for diagnostic and treatment services on behalf of children and youth with special health care needs, as defined in division (A) of section 3701.022 of the Revised Code, and Ohio residents who are twenty-one or more years of age and who are suffering from cystic fibrosis or hemophilia. Moneys may also be expended for administrative expenses incurred in operating the Program for Children and Youth with Special Health Care Needs. 160009  
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GENETICS SERVICES 160023

The foregoing appropriation item 440608, Genetics Services, shall be used by the Department of Health to administer programs authorized by sections 3701.501 and 3701.502 of the Revised Code. None of these funds shall be used to counsel or refer for abortion, except in the case of a medical emergency. 160024  
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160028

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT 160029

Of the foregoing appropriation item 440656, Tobacco Use 160030

Prevention, Cessation, and Enforcement, \$750,000 in each fiscal 160031  
year shall be used to award grants in accordance with the section 160032  
of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM." 160033

Of the foregoing appropriation item 440656, Tobacco Use 160034  
Prevention, Cessation, and Enforcement, \$250,000 in each fiscal 160035  
year shall be distributed to boards of health for the Baby and Me 160036  
Tobacco Free Program. The Director of Health shall determine how 160037  
the funds are to be distributed, but shall prioritize awards to 160038  
boards that serve women who reside in communities that have the 160039  
highest infant mortality rates in this state, as identified under 160040  
section 3701.142 of the Revised Code. 160041

The remainder of appropriation item 440656, Tobacco Use 160042  
Prevention, Cessation, and Enforcement, shall be used to 160043  
administer tobacco use prevention and cessation activities and 160044  
programs, to administer compliance checks, retailer education, and 160045  
programs related to legal age restrictions, and to enforce the 160046  
Ohio Smoke-Free Workplace Act. 160047

TOXICOLOGY SCREENINGS 160048

The foregoing appropriation item 440621, Toxicology 160049  
Screenings, shall be used to reimburse county coroners in counties 160050  
in which the coroner has performed toxicology screenings on 160051  
victims of a drug overdose. The Director of Health shall transfer 160052  
the funds to the counties in proportion to the numbers of 160053  
toxicology screenings performed per county. 160054

CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS - COUNTY 160055  
ASSESSMENTS 160056

The foregoing appropriation item 440607, Children and Youth 160057  
with Special Health Care Needs - County Assessments, shall be used 160058  
to make payments under division (E) of section 3701.023 of the 160059  
Revised Code. 160060

HOSPITAL RELIEF 160061

The foregoing appropriation item 440697, Hospital Relief, 160062  
shall be used in fiscal year 2024 to distribute funds as follows: 160063  
\$30,000,000 for the Memorial Health System Belpre Medical Campus, 160064  
\$10,000,000 for East Ohio Regional Hospital, \$4,000,000 for 160065  
Fairfield Medical Center, \$4,000,000 for the University of 160066  
Cincinnati Medical Center Emergency Department Critical Care 160067  
Pavilion expansion, \$3,028,000 for the Timothy Freeman, MD, Center 160068  
for Intellectual and Developmental Disabilities, \$2,500,000 for 160069  
Coleman Health Services, and \$1,030,000 for the DDC Clinic. 160070

**Section 291.30.** MOMS QUIT FOR TWO GRANT PROGRAM 160071

(A) The Department of Health shall create the Moms Quit for 160072  
Two Grant Program. Recognizing the significant health risks posed 160073  
to women and their children by tobacco use during and after 160074  
pregnancy, the Department shall award grants to private, nonprofit 160075  
entities or government entities that demonstrate the ability to 160076  
deliver evidence-based tobacco cessation interventions to women 160077  
who reside in communities that have the highest incidence of 160078  
infant mortality, as determined by the Director of Health, and who 160079  
are pregnant or to other adults residing in the home with a 160080  
pregnant woman. The Department may adopt any rules it considers 160081  
necessary to administer the Program. 160082

(B) The Department shall create a grant application and 160083  
develop a process for receiving and evaluating completed grant 160084  
applications on a competitive basis. The Department shall give 160085  
first preference to the entities described in division (A) of this 160086  
section that are able to target the interventions to pregnant 160087  
women and second preference to such entities that are able to 160088  
target the interventions to other adults residing in a home with a 160089  
pregnant woman. The Department's decision regarding a submitted 160090  
grant application is final. 160091

(C) The Department shall establish performance objectives to 160092

be met by grant recipients. The Department shall monitor the performance of each grant recipient in meeting the objectives.

**Section 291.40. WIC VENDOR CONTRACTS**

(A) As used in this section, "WIC" means the Special Supplemental Nutrition Program for Women, Infants, and Children established under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended.

(B) The Department of Health shall process and review a WIC vendor contract application pursuant to Chapter 3701-42 of the Administrative Code not later than forty-five days after receipt of the application if the applicant is a WIC-contracted vendor at the time of application and meets all of the following requirements:

(1) Submits a complete WIC vendor application with all required documents and information;

(2) Passes the required unannounced preauthorization visit within forty-five days of submitting a complete application;

(3) Completes the required in-person training within forty-five days of submitting the complete application.

(C) If an applicant fails to meet any of the requirements described in division (B) of this section, the Department shall deny the application for the contract. After an application has been denied, the applicant may reapply for a contract to act as a WIC vendor during the contracting cycle that is applicable to the applicant's WIC region.

**Section 293.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION**

Dedicated Purpose Fund Group					
4610 372601	Operating Expenses	\$	12,500	\$	12,500
TOTAL DPF	Dedicated Purpose Fund	\$	12,500	\$	12,500

Group

TOTAL ALL BUDGET FUND GROUPS \$ 12,500 \$ 12,500 160122

**Section 295.10.** SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 160124

General Revenue Fund 160125

GRF 148321 Operating Expenses \$ 479,000 \$ 490,000 160126

TOTAL GRF General Revenue Fund \$ 479,000 \$ 490,000 160127

Dedicated Purpose Fund Group 160128

6010 148602 Special Initiatives \$ 125,000 \$ 125,000 160129

TOTAL DPF Dedicated Purpose Fund \$ 125,000 \$ 125,000 160130

Group

TOTAL ALL BUDGET FUND GROUPS \$ 604,000 \$ 615,000 160131

**Section 297.10.** OHS OHIO HISTORY CONNECTION 160133

General Revenue Fund 160134

GRF 360400 Holocaust and Genocide \$ 1,160,000 \$ 1,190,000 160135

Memorial and Education  
Commission

GRF 360401 Ohio Commission for \$ 2,500,000 \$ 5,000,000 160136

the U.S.  
Semiquincentennial

GRF 360402 UNESCO World Heritage \$ 1,200,000 \$ 1,600,000 160137

Sites

GRF 360501 Education and \$ 5,604,000 \$ 5,882,000 160138

Collections

GRF 360502 Site and Museum \$ 7,721,000 \$ 9,002,000 160139

Operations

GRF 360504 Ohio Preservation \$ 731,000 \$ 738,000 160140

Office

GRF 360505 National Afro-American \$ 728,000 \$ 811,000 160141

Museum

GRF 360506 Hayes Presidential \$ 597,000 \$ 621,000 160142

		Center				
GRF	360508	State Historical	\$	830,000	\$	730,000 160143
		Grants				
GRF	360509	Outreach and	\$	148,000	\$	151,000 160144
		Partnership				
TOTAL GRF		General Revenue Fund	\$	21,219,000	\$	25,725,000 160145
		Dedicated Purpose Fund Group				160146
5KL0	360602	Ohio History Tax	\$	150,000	\$	150,000 160147
		Check-off				
5PD0	360603	Ohio History License	\$	10,000	\$	10,000 160148
		Plate				
TOTAL DPF		Dedicated Purpose Fund	\$	160,000	\$	160,000 160149
		Group				
TOTAL ALL BUDGET FUND GROUPS			\$	21,379,000	\$	25,885,000 160150

SUBSIDY APPROPRIATION 160151

Upon approval by the Director of Budget and Management, the 160152  
foregoing appropriation items shall be released to the Ohio 160153  
History Connection in quarterly amounts that in total do not 160154  
exceed the annual appropriations. The funds and fiscal records of 160155  
the Ohio History Connection for fiscal year 2024 and fiscal year 160156  
2025 shall be examined by independent certified public accountants 160157  
approved by the Auditor of State, and a copy of the audited 160158  
financial statements shall be filed with the Office of Budget and 160159  
Management. 160160

The foregoing appropriations shall be considered to be the 160161  
contractual consideration provided by the state to support the 160162  
state's offer to contract with the Ohio History Connection under 160163  
section 149.30 of the Revised Code. 160164

HOLOCAUST AND GENOCIDE MEMORIAL AND EDUCATION COMMISSION 160165

The foregoing appropriation item 360400, Holocaust and 160166  
Genocide Memorial and Education Commission, shall be used to 160167

support the operations of the Holocaust and Genocide Memorial and Education Commission established under section 197.03 of the Revised Code, including employment of a Director of the Office of the Commission and any other employees approved by the Commission.

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Of the foregoing appropriation item 360400, Holocaust and Genocide Memorial and Education Commission, \$75,000 in each fiscal year shall be used to support scholarships to attend certificate coursework in Holocaust education offered in partnership with Yad Veshem, Ohio colleges and universities, or one of Ohio's Holocaust educational museums.

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Of the foregoing appropriation item 360400, Holocaust and Genocide Memorial and Education Commission, \$125,000 in each fiscal year shall be used for recording the stories and testimonials of genocide survivors living in Ohio, as well as veterans or active duty military personnel involved in operations related to eliminating genocide.

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Of the foregoing appropriation item 360400, Holocaust and Genocide Memorial and Education Commission, \$125,000 in each fiscal year shall be used for students, teachers, and community and university student leaders to attend educational programming that visits Holocaust sites. Funding may also be used by the Commission to host such programs in Europe, or at institutions approved by the Commission.

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Of the foregoing appropriation item 360400, Holocaust and Genocide Memorial and Education Commission, \$175,000 in each fiscal year shall be used to create curriculum related to Holocaust education that is specific to Ohio. Funding shall also be used to make curricula and catalogued artifacts available online, indexed and searchable, for use by K-12 students, teachers, librarians, home schooled students and teachers, and other staff.

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Of the foregoing appropriation item 360400, Holocaust and Genocide Memorial and Education Commission, \$200,000 in each fiscal year shall be used for Ohio K-12 students, or other individuals approved by the Commission, to visit one of Ohio's Holocaust education and memorial museums. Funding may be used for transportation, admission, security, and other related costs.

Of the foregoing appropriation item 360400, Holocaust and Genocide Memorial and Education Commission, \$250,000 in each fiscal year shall be used to support the development of teacher training courses at colleges and universities related to instruction on the Holocaust as well as other approved programming by the Commission. Funding may be used to provide funding as well as scholarships to students in graduate teaching programs to attend such courses.

The Commission, in partnership with the Department of Education and the Department of Higher Education, shall submit two reports of findings and recommendations to the general assembly and the governor not later than June 30 of each fiscal year regarding the impact of such funding, reach, and any recommended changes to the programming.

UNESCO WORLD HERITAGE SITES

The foregoing appropriation item 360402, UNESCO World Heritage Sites, shall be used for operating costs for approved United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage sites in Ohio.

STATE HISTORICAL GRANTS

Of the foregoing appropriation item 360508, State Historical Grants, \$350,000 in each fiscal year shall be used for the Western Reserve Historical Society, and \$350,000 in each fiscal year shall be used for the Cincinnati Museum Center.

Of the foregoing appropriation item 360508, State Historical

Grants, \$70,000 in fiscal year 2024 shall be used for the Marlboro 160230  
 Volunteers. 160231

Of the foregoing appropriation item 360508, State Historical 160232  
 Grants, \$30,000 in each fiscal year shall be used for the 160233  
 Rootstown Historical Society. 160234

Of the foregoing appropriation item 360508, State Historical 160235  
 Grants, \$30,000 in fiscal year 2024 shall be used for the 160236  
 Armstrong Air and Space Museum. 160237

**Section 299.10. REP OHIO HOUSE OF REPRESENTATIVES** 160238

General Revenue Fund 160239

GRF 025321	Operating Expenses	\$	30,250,000	\$	30,250,000	160240
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TOTAL GRF	General Revenue Fund	\$	30,250,000	\$	30,250,000	160241
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Internal Service Activity Fund Group 160242

1030 025601	House of	\$	1,433,664	\$	1,433,664	160243
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Representatives

Reimbursement

4A40 025602	Miscellaneous Sales	\$	50,000	\$	50,000	160244
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TOTAL ISA	Internal Service Activity					160245
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Fund Group		\$	1,483,664	\$	1,483,664	160246
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TOTAL ALL BUDGET FUND GROUPS		\$	31,733,664	\$	31,733,664	160247
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**OPERATING EXPENSES** 160248

On July 1, 2023, or as soon as possible thereafter, the Chief 160249  
 Administrative Officer of the House of Representatives may certify 160250  
 to the Director of Budget and Management an amount up to the 160251  
 unexpended, unencumbered balance of the foregoing appropriation 160252  
 item 025321, Operating Expenses, at the end of fiscal year 2023 to 160253  
 be reappropriated to fiscal year 2024. The amount certified is 160254  
 hereby reappropriated to the same appropriation item for fiscal 160255  
 year 2024. 160256

On July 1, 2024, or as soon as possible thereafter, the Chief 160257

Administrative Officer of the House of Representatives may certify 160258  
to the Director of Budget and Management an amount up to the 160259  
unexpended, unencumbered balance of the foregoing appropriation 160260  
item 025321, Operating Expenses, at the end of fiscal year 2024 to 160261  
be reappropriated to fiscal year 2025. The amount certified is 160262  
hereby reappropriated to the same appropriation item for fiscal 160263  
year 2025. 160264

HOUSE REIMBURSEMENT 160265

If it is determined by the Chief Administrative Officer of 160266  
the House of Representatives that additional appropriations are 160267  
necessary for the foregoing appropriation item 025601, House of 160268  
Representatives Reimbursement, the amounts are hereby 160269  
appropriated. 160270

**Section 301.10.** HFA OHIO HOUSING FINANCE AGENCY 160271

Dedicated Purpose Fund Group 160272

5AZ0 997601 Housing Finance Agency \$ 16,861,741 \$ 17,433,489 160273

Personal Services

5ZM0 997602 Housing Finance Agency \$ 1,500,000 \$ 1,500,000 160274

- Landlord Credit

Score Cost Assistance

TOTAL DPF Dedicated Purpose Fund \$ 18,361,741 \$ 18,933,489 160275

Group

TOTAL ALL BUDGET FUND GROUPS \$ 18,361,741 \$ 18,933,489 160276

**Section 301.20.** Notwithstanding section 175.05 of the Revised 160278  
Code, of the foregoing appropriation item 997602, Housing Finance 160279  
Agency - Landlord Credit Score Cost Assistance, \$1,500,000 in each 160280  
fiscal year shall be used by the Ohio Housing Finance Agency to 160281  
establish and administer a pilot program to offset costs incurred 160282  
by landlords for reporting the payment of rents using a 160283  
third-party partner to credit monitoring services. Landlords of 160284

units participating in the Low-Income Housing Tax Credit program 160285  
 through the Ohio Housing Finance Agency or providing recovery 160286  
 housing that meets requirements under section 340.034 of the 160287  
 Revised Code are eligible for the program. 160288

**Section 303.10.** IGO OFFICE OF THE INSPECTOR GENERAL 160289

General Revenue Fund 160290

GRF 965321 Operating Expenses \$ 1,941,000 \$ 2,078,000 160291

TOTAL GRF General Revenue Fund \$ 1,941,000 \$ 2,078,000 160292

Internal Service Activity Fund Group 160293

5FA0 965603 Deputy Inspector \$ 400,000 \$ 400,000 160294

General for ODOT

5FT0 965604 Deputy Inspector \$ 425,000 \$ 425,000 160295

General for BWC/OIC

TOTAL ISA Internal Service Activity \$ 825,000 \$ 825,000 160296

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 2,766,000 \$ 2,903,000 160297

**Section 305.10.** INS DEPARTMENT OF INSURANCE 160299

Dedicated Purpose Fund Group 160300

5540 820401 Examination \$ 10,661,691 \$ 10,784,725 160301

5540 820601 Operating Expenses - \$ 189,000 \$ 189,000 160302

OSHIIP

5540 820606 Operating Expenses \$ 32,465,978 \$ 33,063,978 160303

TOTAL DPF Dedicated Purpose Fund \$ 43,316,669 \$ 44,037,703 160304

Group

Federal Fund Group 160305

3U50 820602 OSHIIP Operating \$ 3,050,000 \$ 3,050,000 160306

Grant

TOTAL FED Federal Fund Group \$ 3,050,000 \$ 3,050,000 160307

TOTAL ALL BUDGET FUND GROUPS \$ 46,366,669 \$ 47,087,703 160308

<b>Section 305.20.</b>	MARKET CONDUCT EXAMINATION				160310
	When conducting a market conduct examination of any insurer				160311
	doing business in this state, the Superintendent of Insurance may				160312
	assess the costs of the examination against the insurer. The				160313
	Superintendent may enter into consent agreements to impose				160314
	administrative assessments or fines for conduct discovered that				160315
	may be violations of statutes or rules administered by the				160316
	Superintendent. All costs, assessments, or fines collected shall				160317
	be deposited to the credit of the Department of Insurance				160318
	Operating Fund (Fund 5540).				160319
<b>Section 307.10.</b>	JFS DEPARTMENT OF JOB AND FAMILY SERVICES				160320
	General Revenue Fund				160321
GRF 600410	TANF State Maintenance	\$	149,268,000	\$	149,268,000
	of Effort				160322
GRF 600450	Program Operations	\$	205,000,000	\$	205,000,000
GRF 600502	Child Support- Local	\$	26,400,000	\$	26,400,000
GRF 600521	Family Assistance -	\$	53,248,000	\$	53,248,000
	Local				160325
GRF 600533	Child, Family, and	\$	13,500,000	\$	13,500,000
	Community Protection				160326
	Services				
GRF 600534	Adult Protective	\$	9,720,000	\$	9,720,000
	Services				160327
GRF 600551	Job and Family Services	\$	2,400,000	\$	2,400,000
	Program Support				160328
GRF 600561	Parenting and Pregnancy	\$	7,000,000	\$	7,000,000
	Program				160329
GRF 600562	Adoption Grant Program	\$	15,000,000	\$	15,000,000
GRF 655425	Medicaid Program	\$	15,605,000	\$	15,673,000
	Support				160331

GRF 655522	Medicaid Program	\$	44,000,000	\$	49,000,000	160332
	Support - Local					
GRF 655523	Medicaid Program	\$	43,530,000	\$	43,530,000	160333
	Support - Local					
	Transportation					
TOTAL GRF	General Revenue Fund	\$	584,671,000	\$	589,739,000	160334
	Dedicated Purpose Fund Group					160335
4A80 600658	Public Assistance	\$	19,900,000	\$	19,900,000	160336
	Activities					
4A90 600607	Unemployment	\$	11,400,000	\$	11,400,000	160337
	Compensation					
	Administration Fund					
4E70 600604	Family and Children	\$	650,000	\$	650,000	160338
	Services Collections					
5AJ1 6006A8	Foodbanks	\$	15,000,000	\$	15,000,000	160339
5CV3 600460	Job and Family	\$	10,000,000	\$	10,000,000	160340
	Services ARPA					
5CV3 6006A5	Foodbank Assistance	\$	10,000,000	\$	0	160341
	ARPA					
5DM0 600633	Audit Settlements and	\$	1,000,000	\$	1,000,000	160342
	Contingency					
5ES0 600630	Food Bank Assistance	\$	500,000	\$	500,000	160343
5RX0 600699	Workforce Development	\$	500,000	\$	500,000	160344
	Projects					
5TZ0 600674	Childrens Crisis Care	\$	1,250,000	\$	1,500,000	160345
5U60 600663	Family and Children	\$	6,932,065	\$	7,787,465	160346
	Support					
TOTAL DPF	Dedicated Purpose Fund	\$	77,132,065	\$	68,237,465	160347
	Group					
	Internal Service Activity Fund Group					160348
5HL0 600602	State and County	\$	2,000,000	\$	2,000,000	160349
	Shared Services					

TOTAL ISA Internal Service Activity	\$	2,000,000	\$	2,000,000	160350
Fund Group					
Fiduciary Fund Group					160351
1920 600646 Child Support	\$	100,000,000	\$	100,000,000	160352
Intercept - Federal					
5830 600642 Child Support	\$	13,000,000	\$	13,000,000	160353
Intercept - State					
5B60 600601 Food Assistance	\$	4,000,000	\$	4,000,000	160354
Intercept					
TOTAL FID Fiduciary Fund Group	\$	117,000,000	\$	117,000,000	160355
Holding Account Fund Group					160356
R012 600643 Refunds and Audit	\$	500,000	\$	500,000	160357
Settlements					
TOTAL HLD Holding Account Fund	\$	500,000	\$	500,000	160358
Group					
Federal Fund Group					160359
3310 600615 Veterans Programs	\$	11,872,779	\$	11,893,147	160360
3310 600624 Employment Services	\$	30,454,022	\$	30,882,752	160361
3310 600686 Workforce Programs	\$	3,926,746	\$	3,980,332	160362
3840 600610 Food Assistance	\$	245,396,656	\$	236,482,931	160363
Programs					
3850 600614 Refugee Services	\$	23,157,277	\$	12,375,030	160364
3950 600616 Federal Discretionary	\$	8,367,273	\$	5,047,878	160365
Grants					
3960 600620 Social Services Block	\$	38,191,659	\$	38,280,049	160366
Grant					
3970 600626 Child Support -	\$	205,929,146	\$	205,192,248	160367
Federal					
3F01 655624 Medicaid Program	\$	220,005,026	\$	220,103,397	160368
Support - Federal					
3S50 600622 Child Support Projects	\$	534,050	\$	534,050	160369
3V00 600688 Workforce Innovation	\$	165,190,735	\$	165,578,756	160370

	and Opportunity Act				
	Programs				
3V40 600632	Trade Programs	\$ 29,560,798	\$ 29,727,681		160371
3V40 600678	Federal Unemployment	\$ 132,198,612	\$ 131,184,431		160372
	Programs				
3V40 600679	Unemployment	\$ 6,830,615	\$ 6,948,482		160373
	Compensation Review				
	Commission - Federal				
3V60 600689	TANF Block Grant	\$ 814,044,607	\$ 818,722,142		160374
TOTAL FED	Federal Fund Group	\$ 1,935,660,001	\$ 1,916,933,306		160375
TOTAL ALL BUDGET FUND GROUPS		\$ 2,716,963,066	\$ 2,694,409,771		160376

**Section 307.20.** COUNTY ADMINISTRATIVE FUNDS 160378

(A) The foregoing appropriation item 600521, Family Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs. 160379  
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(B) Of the foregoing appropriation item 600521, Family Assistance - Local, \$2,500,000 in each fiscal year shall be provided to assist county departments that submit an approved plan on increasing fraud prevention, early detection of fraud, and investigations on potential fraud that may be occurring in public assistance programs. 160383  
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(C) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program. 160389  
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(D) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper appropriation item: 160393  
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(1) Appropriation item 600521, Family Assistance - Local, and 160398  
appropriation item 655522, Medicaid Program Support - Local; and 160399

(2) Appropriation item 655523, Medicaid Program Support - 160400  
Local Transportation, and appropriation item 655522, Medicaid 160401  
Program Support - Local. 160402

**Section 307.30.** NAME OF FOOD STAMP PROGRAM 160403

The Director of Job and Family Services is not required to 160404  
amend rules regarding the Food Stamp Program to change the name of 160405  
the program to the Supplemental Nutrition Assistance Program. The 160406  
Director may refer to the program as the Food Stamp Program, the 160407  
Supplemental Nutrition Assistance Program, or the Food Assistance 160408  
Program in rules and documents of the Department of Job and Family 160409  
Services. 160410

**Section 307.40.** OHIO ASSOCIATION OF FOOD BANKS 160411

Of the foregoing appropriation items 600410, TANF State 160412  
Maintenance of Effort, 600658, Public Assistance Activities, and 160413  
600689, TANF Block Grant, a total of up to \$22,050,000 in each 160414  
fiscal year, and also the foregoing appropriation item 6006A8, 160415  
Foodbanks, shall be used to provide funds to the Ohio Association 160416  
of Food Banks to purchase and distribute food products, support 160417  
Innovative Summer Meals programs for children, provide SNAP 160418  
outreach and free tax filing services, and provide capacity 160419  
building equipment for food pantries and soup kitchens. 160420

Notwithstanding section 5101.46 of the Revised Code and any 160421  
other provision in this act, the Director of Job and Family 160422  
Services shall provide assistance from eligible funds to the Ohio 160423  
Association of Food Banks in an amount not less than \$39,550,000 160424  
in each fiscal year. This amount includes the funds designated to 160425  
the Ohio Association of Food Banks in the first paragraph of this 160426  
section. 160427

Eligible nonfederal expenditures made by member food banks of 160428  
the Association shall be counted by the Department of Job and 160429  
Family Services toward the TANF maintenance of effort requirements 160430  
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 160431  
shall enter into an agreement with the Ohio Association of Food 160432  
Banks, in accordance with sections 5101.80 and 5101.801 of the 160433  
Revised Code, to carry out the requirements under this section. 160434

**Section 307.41.** TOLEDO SEAGATE FOODBANK 160435

Of the foregoing appropriation item 600689, TANF Block Grant, 160436  
\$250,000 in each fiscal year shall be provided to the Toledo 160437  
Seagate Foodbank, in accordance with sections 5101.80 and 5101.801 160438  
of the Revised Code. 160439

**Section 307.43.** OHIO ASSOCIATION OF FOODBANKS SUBGRANT 160440

The Department of Job and Family Services shall enter into a 160441  
subgrant agreement with the Ohio Association of Foodbanks to 160442  
enable the Association to provide food distribution to low-income 160443  
families and individuals via the statewide charitable emergency 160444  
food provider network and to support transportation of meals for 160445  
the Governor's Office of Faith-Based and Community Initiatives 160446  
Innovative Summer Meals programs for children and provide capacity 160447  
building equipment for food pantries and soup kitchens. 160448

The Ohio Association of Foodbanks shall do all of the 160449  
following: 160450

(A) Purchase food for the Agriculture Clearance and Ohio Food 160451  
Programs. Information regarding the food purchase shall be 160452  
reflected in the plan for statewide distribution of food products 160453  
to local food distribution agencies. 160454

(B) Support the Capacity Building Grant program and purchase 160455  
equipment for partner agencies that is needed to increase their 160456  
capacity to serve more families eligible under the Temporary 160457

Assistance for Needy Families program with perishable foods, 160458  
fruits, and vegetables. This equipment purchase shall include, but 160459  
is not limited to, shelving, pallet jacks, commercial 160460  
refrigerators, and commercial freezers. 160461

(C) Submit a quarterly report to the Department of Job and 160462  
Family Services not later than sixty days after the close of the 160463  
quarter to which the report pertains. The quarterly report shall 160464  
include all of the following: 160465

(1) A summary of the allocation and expenditure of grant 160466  
funds; 160467

(2) Product type and pounds distributed by foodbank service 160468  
region and county; 160469

(3) The number of households, households with children, a 160470  
breakdown of individuals served by age, including those over the 160471  
age of sixty, those between the ages of nineteen and fifty-nine, 160472  
and those up to the age of eighteen, and the number of meals 160473  
served. 160474

(D) Submit an annual report to the Agreement Manager at the 160475  
Department of Job and Family Services not later than one hundred 160476  
twenty days after the end of the fiscal year. The annual report 160477  
shall include the following: 160478

(1) A summary of the allocation and expenditure of grant 160479  
funds; 160480

(2) The number of households, households with children, a 160481  
breakdown of individuals served by age, including those over the 160482  
age of sixty, those between the ages of nineteen and fifty-nine, 160483  
and those up to the age of eighteen, and the number of meals 160484  
served. 160485

(3) The quantity and type of food distributed and the total 160486  
per pound cost of the food purchased; 160487

(4) Information on the cost of storage, transportation, and processing;	160488
	160489
(5) An evaluation of the success in achieving expected performance outcomes.	160490
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<b>Section 307.45. FOODBANK ASSISTANCE ARPA</b>	160492
The foregoing appropriation item 6006A5, Foodbank Assistance ARPA, shall be distributed to the Cleveland Foodbank.	160493
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<b>Section 307.50. FOOD STAMPS TRANSFER</b>	160495
On July 1, 2023, or as soon as possible thereafter, and upon request of the Director of Job and Family Services, the Director of Budget and Management may transfer up to \$1,000,000 cash from the Supplemental Nutrition Assistance Program Fund (Fund 3840), to the Food Assistance Fund (Fund 5ES0).	160496
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<b>Section 307.60. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE</b>	160501
The foregoing appropriation item 600658, Public Assistance Activities, shall be used by the Department of Job and Family Services to meet the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). When the state is assured that it will meet the maintenance of effort requirement, the Department of Job and Family Services may use funds from appropriation item 600658, Public Assistance Activities, to support public assistance activities.	160502
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<b>Section 307.70. TANF STATE MAINTENANCE OF EFFORT</b>	160510
Of the foregoing appropriation item 600410, TANF State Maintenance of Effort, \$7,500,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Ohio Alliance of Boys and Girls Clubs to provide after-school and summer programs that protect at-risk	160511
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children and enable youth to become responsible adults. Not less than \$150,000 in each fiscal year shall be provided to the Boys and Girls Club of Massillon.

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**Section 307.80.** TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT

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Of the foregoing appropriation item 600689, TANF Block Grant, up to \$13,535,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to provide support to programs or organizations that provide services that align with the mission and goals of the Governor's Office of Faith-Based and Community Initiatives, as outlined in section 107.12 of the Revised Code, and that further at least one of the four purposes of the TANF program, as specified in 42 U.S.C. 601.

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Of the foregoing appropriation item 600689, TANF Block Grant, \$2,800,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to Open Doors Academy to support out-of-school programs in northeast Ohio, Lima, Sandusky, and Mansfield, and to support other additional locations in the state.

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Of the foregoing appropriation item 600689, TANF Block Grant, \$2,250,000 in each fiscal year shall be allocated, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to College Now to provide payments to family support specialists employed by the Say Yes to Education Cleveland program.

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Of the foregoing appropriation item 600689, TANF Block Grant, up to \$2,000,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to support the Independent Living Initiative, including life skills training and work supports for older children in foster care and those who have recently aged out of foster care who meet TANF eligibility requirements.

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Of the foregoing appropriation item 600689, TANF Block Grant, 160547  
up to \$1,000,000 in each fiscal year shall be provided, in 160548  
accordance with sections 5101.80 and 5101.801 of the Revised Code, 160549  
to the Ohio Children's Trust Fund. 160550

Of the foregoing appropriation item 600689, TANF Block Grant, 160551  
\$3,750,000 in each fiscal year shall be provided, in accordance 160552  
with sections 5101.80 and 5101.801 of the Revised Code, to the 160553  
Children's Hunger Alliance to assist with meal sponsorship, early 160554  
child care programs, child care, consultations and nutrition 160555  
education, school district nutrition programs, after school 160556  
nutrition programs, and summer nutrition programs. 160557

Of the foregoing appropriation item 600689, TANF Block Grant, 160558  
\$1,000,000 in each fiscal year shall be provided, in accordance 160559  
with sections 5101.80 and 5101.801 of the Revised Code, to Big 160560  
Brothers Big Sisters of Central Ohio to provide mentoring services 160561  
to children throughout the state who have experienced trauma in 160562  
their lives, including parental incarceration. 160563

Of the foregoing appropriation item 600689, TANF Block Grant, 160564  
\$1,500,000 in each fiscal year shall be provided, in accordance 160565  
with sections 5101.80 and 5101.801 of the Revised Code, to the 160566  
Waterford Institute to implement a pilot program for 160567  
pre-kindergarten children. 160568

Of the foregoing appropriation item 600689, TANF Block Grant, 160569  
\$1,500,000 in each fiscal year shall be provided, in accordance 160570  
with sections 5101.80 and 5101.801 of the Revised Code, to the 160571  
Ohio Council of YWCAs to support programs that prevent domestic 160572  
violence, support victims of domestic violence, provide 160573  
trauma-informed support for survivors, and support educational 160574  
opportunities for at-risk youth. 160575

Of the foregoing appropriation item 600689, TANF Block Grant, 160576  
\$1,200,000 in fiscal year 2024 shall be provided, in accordance 160577

with sections 5101.80 and 5101.801 of the Revised Code, to 160578  
Birthing Beautiful Communities in Cleveland. 160579

Of the foregoing appropriation item 600689, TANF Block Grant, 160580  
\$1,000,000 in each fiscal year shall be provided, in accordance 160581  
with sections 5101.80 and 5101.801 of the Revised Code, to Produce 160582  
Perks Midwest to expand Ohio's Nutrition Incentive Program. 160583

Of the foregoing appropriation item 600689, TANF Block Grant, 160584  
\$1,000,000 in each fiscal year shall be used, in accordance with 160585  
sections 5101.80 and 5101.801 of the Revised Code, to support the 160586  
Somali Community Link's Social Service Program. 160587

Of the foregoing appropriation item 600689, TANF Block Grant, 160588  
\$500,000 in each fiscal year shall be provided, in accordance with 160589  
sections 5101.80 and 5101.801 of the Revised Code, to Child Focus, 160590  
Inc., to support programs that provide workforce development, life 160591  
skills training, and parent education to improve healthy family 160592  
formation, maintenance, and stability for young adult parents and 160593  
financially disadvantaged couples. 160594

Of the foregoing appropriation item 600689, TANF Block Grant, 160595  
\$400,000 in each fiscal year shall be used, in accordance with 160596  
sections 5101.80 and 5101.801 of the Revised Code, to support Ohio 160597  
YMCA day camps and before and after school programs to support 160598  
students' academic achievement and development. 160599

Of the foregoing appropriation item 600689, TANF Block Grant, 160600  
\$375,000 in fiscal year 2024 and \$600,000 in fiscal year 2025 160601  
shall be provided, in accordance with sections 5101.80 and 160602  
5101.801 of the Revised Code, to the Foundry Row, Sail, Dream 160603  
Program. 160604

Of the foregoing appropriation item 600689, TANF Block Grant, 160605  
\$300,000 in each fiscal year shall be provided, in accordance with 160606  
sections 5101.80 and 5101.801 of the Revised Code, to Shoes and 160607  
Clothes for Kids to further increase the number of children served 160608

in Cuyahoga County and surrounding counties. 160609

Of the foregoing appropriation item 600689, TANF Block Grant, 160610  
\$300,000 in each fiscal year shall be provided, in accordance with 160611  
sections 5101.80 and 5101.801 of the Revised Code, to support 160612  
Inspirededucation's educational planning, financial literacy, and 160613  
college and career counseling services to promote workforce 160614  
development and reduce student loan debt. 160615

Of the foregoing appropriation item 600689, TANF Block Grant, 160616  
\$250,000 in each fiscal year shall be provided, in accordance with 160617  
sections 5101.80 and 5101.801 of the Revised Code, to the United 160618  
Way of Greater Cincinnati to support the Project Lift Program in 160619  
Brown and Clermont counties to help families remove barriers to 160620  
secure sustainable income and achieve financial stability through 160621  
critical short-term assistance and support, coaching, workforce 160622  
development, and other resources. 160623

Of the foregoing appropriation item 600689, TANF Block Grant, 160624  
\$200,000 in each fiscal year shall be provided, in accordance with 160625  
sections 5101.80 and 5101.801 of the Revised Code, to Marriage 160626  
Works! Ohio in Dayton. 160627

Of the foregoing appropriation item 600689, TANF Block Grant, 160628  
\$200,000 in each fiscal year shall be provided, in accordance with 160629  
sections 5101.80 and 5101.801 of the Revised Code, to Bethany 160630  
House Services. 160631

Of the foregoing appropriation item 600689, TANF Block Grant, 160632  
\$200,000 in each fiscal year shall be provided, in accordance with 160633  
sections 5101.80 and 5101.801 of the Revised Code, to MY Project 160634  
USA to provide mentoring, leadership, and literacy programming for 160635  
at-risk youth. 160636

**Section 307.83. FAMILY STABILITY PROGRAMS** 160637

Of the foregoing appropriation item, 600689, TANF Block 160638

Grant, up to \$1,500,000 in each fiscal year shall be provided, in 160639  
accordance with sections 5101.80 and 5101.801 of the Revised Code, 160640  
to the Siemer Institute to support family stability programs in 160641  
collaboration with United Way affiliates on a quarterly basis. The 160642  
funds shall be used to provide services and early interventions 160643  
that are focused on improving family housing stability, increasing 160644  
household income, reducing school mobility, and supporting 160645  
two-generation programming to stabilize family units. 160646

Before any funds are reimbursed, the Siemer Institute or 160647  
affiliates shall provide the Department of Job and Family Services 160648  
with documentation showing the amount of private sector dollars 160649  
that have been collected to support the family stability programs. 160650  
The amount of each reimbursement provided by the Department to the 160651  
Siemer Institute shall not exceed the amount documented and shall 160652  
not exceed the amount of the earmark in each fiscal year. 160653

On July 1, 2023, or as soon as possible thereafter, the 160654  
Director of Job and Family Services shall certify to the Director 160655  
of Budget and Management the amount of the unexpended, 160656  
unencumbered balance of the earmark in fiscal year 2023. The 160657  
amount certified is hereby reappropriated to the same 160658  
appropriation item for the same purpose in fiscal year 2024. 160659

**Section 307.85. CAREER NAVIGATOR PILOT PROGRAM** 160660

Of the foregoing appropriation item 600450, Program 160661  
Operations, up to \$3,025,000 in each fiscal year shall be used to 160662  
support a career navigator program that assists high school 160663  
students with post-graduation planning. These funds shall be used 160664  
as follows: 160665

(A) Up to \$3,000,000 in each fiscal year shall be used by the 160666  
Department of Job and Family Services, in partnership with the 160667  
Department of Education and the Governor's Office of Workforce 160668  
Transformation, to establish a two-year pilot program to employ 160669

career navigators at select local workforce development boards, 160670  
defined as "local board" in section 6301.01 of the Revised Code. 160671  
The career navigators shall provide services to Ohio high school 160672  
students. These services may include OhioMeansJobs registration, 160673  
career planning information, and assistance with earning the 160674  
OhioMeansJobs-Readiness Seal for graduation. When implementing the 160675  
program, the career navigators and participating local workforce 160676  
development boards shall coordinate with the business advisory 160677  
council of a participating local school district. 160678

(B) Up to \$25,000 in each fiscal year shall be used by the 160679  
Department of Job and Family Services, in partnership with the 160680  
Department of Education and the Governor's Office of Workforce 160681  
Transformation, to conduct an evaluation of the pilot program. 160682  
This evaluation shall be completed not later than three months 160683  
after the end date of the program. 160684

**Section 307.90. CHILD SUPPORT COLLECTIONS PILOT** 160685

Of the foregoing appropriation item 600450, Program 160686  
Operations, up to \$2,000,000 in each fiscal year may be provided 160687  
to assist up to ten county child support enforcement agencies that 160688  
submit an approved plan to the Department of Job and Family 160689  
Services to administer a pilot program to secure consistent child 160690  
support payments in targeted non-payment child support cases and 160691  
to participate in a study to identify strategies for highest 160692  
success for obtaining collections. 160693

**Section 307.95. LA SOUPE** 160694

Of the foregoing appropriation item 600450, Program 160695  
Operations, up to \$1,770,000 in fiscal year 2024 shall be provided 160696  
to La Soupe, Inc. to expand and establish services in three new 160697  
sites in Ohio. 160698

**Section 307.100.** ELEVATE NORTHLAND 160699

Of the foregoing appropriation item 600450, Program 160700  
Operations, up to \$500,000 in fiscal year 2024 shall be allocated 160701  
to Elevate Northland and used for the capital improvements to the 160702  
Elevate Northland Center in the Northland area. 160703

**Section 307.120.** CHILD, FAMILY, AND COMMUNITY PROTECTION 160704  
SERVICES 160705

(A) The foregoing appropriation item 600533, Child, Family, 160706  
and Community Protection Services, shall be distributed to county 160707  
departments of job and family services. County departments shall 160708  
use the funds distributed to them under this section as follows, 160709  
in accordance with the written plan of cooperation entered into 160710  
under section 307.983 of the Revised Code: 160711

(1) To assist individuals in achieving or maintaining 160712  
self-sufficiency, including by reducing or preventing dependency 160713  
among individuals with family income not exceeding two hundred per 160714  
cent of the federal poverty guidelines; 160715

(2) Subject to division (B) of this section, to respond to 160716  
reports of abuse, neglect, or exploitation of children and adults, 160717  
including through the differential response approach program; 160718

(3) To provide outreach and referral services regarding home 160719  
and community-based services to individuals at risk of placement 160720  
in a group home or institution, regardless of the individuals' 160721  
family income and without need for a written application; 160722

(4) To provide outreach, referral, application assistance, 160723  
and other services to assist individuals to receive assistance, 160724  
benefits, or services under Medicaid; Title IV-A programs, as 160725  
defined in section 5101.80 of the Revised Code; the Supplemental 160726  
Nutrition Assistance Program; and other public assistance 160727  
programs. 160728

(B) Protective services may be provided to a child or adult 160729  
as part of a response, under division (A)(2) of this section, to a 160730  
report of abuse, neglect, or exploitation without regard to a 160731  
child or adult's family income and without need for a written 160732  
application. The protective services may be provided if the case 160733  
record documents circumstances of actual or potential abuse, 160734  
neglect, or exploitation. 160735

**Section 307.130. ADULT PROTECTIVE SERVICES** 160736

Of the foregoing appropriation item 600534, Adult Protective 160737  
Services, \$7,040,000 in each fiscal year shall be used to provide 160738  
an initial allocation of \$80,000 to each county. The remainder of 160739  
appropriation item 600534 shall be provided to counties in 160740  
accordance with the formula established in section 5101.14 of the 160741  
Revised Code. 160742

**Section 307.133. JOB AND FAMILY SERVICES PROGRAM SUPPORT** 160743

Of the foregoing appropriation item 600551, Job and Family 160744  
Services Program Support, \$2,250,000 in each fiscal year shall be 160745  
allocated to College Now to provide payments to family support 160746  
specialists employed by the Say Yes to Education Cleveland 160747  
program. 160748

Of the foregoing appropriation item 600551, Job and Family 160749  
Services Program Support, \$150,000 in each fiscal year shall be 160750  
distributed to Men's Challenge in Stark County. 160751

**Section 307.135. PARENTING AND PREGNANCY PROGRAM** 160752

The foregoing appropriation item 600561, Parenting and 160753  
Pregnancy Program, shall be used, in accordance with section 160754  
5101.804 of the Revised Code, to support the Ohio Parenting and 160755  
Pregnancy Program. 160756

**Section 307.140.** ADOPTION GRANT PROGRAM 160757

The foregoing appropriation item 600562, Adoption Grant 160758  
Program, shall be used, in consultation with the Department of 160759  
Children and Youth, to administer grants to adoptive parents 160760  
through the Adoption Grant Program, in accordance with sections 160761  
5101.191 and 5101.192 of the Revised Code. 160762

**Section 307.150.** FEDERAL DISCRETIONARY GRANTS 160763

Of the foregoing appropriation item 600616, Federal 160764  
Discretionary Grants, up to \$195,000 in each fiscal year shall be 160765  
used for the training of guardians ad litem and court-appointed 160766  
special advocates as well as to conduct a study to demonstrate the 160767  
impact of court-appointed special advocate volunteers on outcomes 160768  
for children who are in child welfare custody as a result of 160769  
abuse, neglect, or dependency. 160770

**Section 307.210.** CHILDRENS CRISIS CARE FACILITIES 160771

Of the foregoing appropriation item 600674, Childrens Crisis 160772  
Care Facilities, up to \$265,000 in each fiscal year may be 160773  
provided to Brigid's Path. 160774

The remainder of appropriation item 600674, Childrens Crisis 160775  
Care Facilities, shall be allocated by the Department of Job and 160776  
Family Services in each fiscal year to children's crisis care 160777  
facilities as defined in section 5103.13 of the Revised Code. The 160778  
Director of Job and Family Services shall allocate funds in each 160779  
fiscal year based on the total length of stay or days of care for 160780  
each child residing in the facility, which is determined by 160781  
calculating the total days each child resides at the crisis care 160782  
facility, including the date of admission, but not the day of 160783  
discharge. A children's crisis care facility may decline to 160784  
receive funds provided under this section. A children's crisis 160785

care facility that accepts funds provided under this section shall 160786  
use the funds in accordance with section 5103.13 of the Revised 160787  
Code and the rules as defined in rule 5101:2-9-36 of the 160788  
Administrative Code. 160789

**Section 307.220.** FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 160790

The Fiduciary Fund Group and Holding Account Fund Group shall 160791  
be used to hold revenues until the appropriate fund is determined 160792  
or until the revenues are directed to the appropriate governmental 160793  
agency other than the Department of Job and Family Services. Any 160794  
Department of Job and Family Services refunds or reconciliations 160795  
received or held by the Department of Medicaid shall be 160796  
transferred or credited to the Refunds and Audit Settlement Fund 160797  
(Fund R012). If receipts credited to the Support Intercept - 160798  
Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 160799  
5830), the Food Stamp Offset Fund (Fund 5B60), or the Refunds and 160800  
Audit Settlements Fund (Fund R012) exceed the amounts appropriated 160801  
from the fund, the Director of Job and Family Services may request 160802  
the Director of Budget and Management to authorize expenditures 160803  
from the fund in excess of the amounts appropriated. Upon the 160804  
approval of the Director of Budget and Management, the additional 160805  
amounts are hereby appropriated. 160806

**Section 307.240.** (A)(1) The Department of Job and Family 160807  
Services shall establish a two-year pilot program known as the 160808  
Actionable Help and New Dignity for Upward Progression (A HAND UP) 160809  
pilot program. Under the pilot program, the Department shall 160810  
assist program participants in transitioning into the workforce as 160811  
they become ineligible for public assistance benefits. 160812

(2) The Department shall select four counties in which to 160813  
operate the pilot program. In selecting counties, the Department 160814  
shall select one metropolitan county; one midsize county; and two 160815

rural counties, one of which is located in the Appalachian region 160816  
of the state. 160817

(3) Individuals participating in the program shall do so for 160818  
a maximum initial period of one year. Following an individual's 160819  
initial participation in the program, the Department shall 160820  
evaluate the progress made by the participant in meeting the goals 160821  
of the program. Following an evaluation of a participant's 160822  
progress, the Department may permit an individual to continue 160823  
participating in the program for additional six-month periods. At 160824  
the end of each six-month period, the Department shall evaluate 160825  
the progress of the participant and determine whether the 160826  
participant may continue in the program for another six-month 160827  
period. 160828

(B) Not later than one hundred eighty days after the 160829  
effective date of this section, the Department shall have the 160830  
pilot program fully operational. The Department shall do all of 160831  
the following in setting up the pilot program: 160832

(1) Establish eligibility criteria for individuals 160833  
participating in the pilot program; 160834

(2) Establish conditions for continued participation in the 160835  
pilot program; 160836

(3) Establish a competitive application process for employers 160837  
seeking to participate in the pilot program; 160838

(4) Identify existing subsidized employment programs and 160839  
provide training to program operators seeking to participate in 160840  
the pilot program; 160841

(5) Establish an assessment tool to determine the success of 160842  
employers participating in the pilot program; 160843

(6) Establish a process by which pilot program participants 160844  
are connected with employers participating in the program; 160845

(7) Establish a mentorship program, including training for mentors, that connects pilot program participants with program mentors;	160846 160847 160848
(8) Identify and establish a financial literacy program for pilot program participants.	160849 160850
(C) Under the pilot program, the Department shall do both of the following:	160851 160852
(1) Provide pilot program participants a stipend, on a sliding scale as determined by the Department, that each participant may use to pay for health care insurance premiums and deductibles or for child care expenses;	160853 160854 160855 160856
(2) Provide employers that participate in the pilot program with subsidies for employing pilot program participants.	160857 160858
(D) Not later than one hundred eighty days after the effective date of this section, the Department shall adopt rules, in accordance with Chapter 119. of the Revised Code, as necessary to implement the pilot program.	160859 160860 160861 160862
(E) To assist with the administration and operation of the pilot program, the Department shall establish a digital application that does all of the following:	160863 160864 160865
(1) Calculates a participant's income based on the individual's benefits received and income earned;	160866 160867
(2) Connects participants with pilot program resources;	160868
(3) Provides educational and motivational resources to participants;	160869 160870
(4) Connects participants with mentors or pilot program case workers.	160871 160872
In developing the digital application, the Department may work in collaboration with the Office of InnovateOhio.	160873 160874

(F) If a county department of job and family services 160875  
representing a county selected to participate in the pilot program 160876  
has established an individual development account program under 160877  
section 329.12 of the Revised Code, the Department of Job and 160878  
Family Services shall request a waiver from the United States 160879  
Department of Health and Human Services to allow pilot program 160880  
participants in those counties to use individual development 160881  
account funds for purposes other than those specified in 45 C.F.R. 160882  
263.22, such as rental assistance, moving costs, utilities, and 160883  
transportation costs. 160884

(G)(1) As part of the pilot program, the Department of Job 160885  
and Family Services shall study participants once they have 160886  
completed participation in the program to determine all of the 160887  
following: 160888

(a) Whether they are employed; 160889

(b) The type of employment in which they are engaged; 160890

(c) The amount of compensation they are receiving; 160891

(d) Whether their employer provides health insurance; 160892

(e) Whether and how often they have received public 160893  
assistance since completing participation in the program; 160894

(f) Whether they are successfully self-sufficient. 160895

(2) The Department shall include the results of this study in 160896  
the annual reports it submits to the General Assembly under 160897  
division (H) of this section. 160898

(H) Beginning one year after the effective date of this 160899  
section, the Department shall submit a report to the General 160900  
Assembly. Thereafter, the Department shall submit an annual report 160901  
to the General Assembly at the end of each calendar year in which 160902  
the pilot program operates. The reports shall specify the outcomes 160903  
of the pilot program, including data indicating the ways in which 160904

the pilot program is assisting participants in transitioning from receiving public assistance benefits to the workforce. The reports shall be submitted in accordance with section 101.68 of the Revised Code.

(I) The foregoing appropriation item 600460, Job and Family Services ARPA, shall be used to support the 'A Hand Up' pilot program in accordance with this section.

**Section 309.10.** JCR JOINT COMMITTEE ON AGENCY RULE REVIEW

General Revenue Fund

GRF 029321	Operating Expenses	\$	610,000	\$	620,000
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TOTAL GRF	General Revenue Fund	\$	610,000	\$	620,000
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TOTAL ALL BUDGET FUND GROUPS		\$	610,000	\$	620,000
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OPERATING GUIDANCE

The Legislative Service Commission shall act as fiscal agent for the Joint Committee on Agency Rule Review. Members of the Committee shall be paid in accordance with section 101.35 of the Revised Code.

OPERATING EXPENSES

On July 1, 2023, or as soon as possible thereafter, the Executive Director of the Joint Committee on Agency Rule Review may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 029321, Operating Expenses, at the end of fiscal year 2023 to be reappropriated to fiscal year 2024. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2024.

On July 1, 2024, or as soon as possible thereafter, the Executive Director of the Joint Committee on Agency Rule Review may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing

appropriation item 029321, Operating Expenses, at the end of 160935  
fiscal year 2024 to be reappropriated to fiscal year 2025. The 160936  
amount certified is hereby reappropriated to the same 160937  
appropriation item for fiscal year 2025. 160938

**Section 313.10.** JMO JOINT MEDICAID OVERSIGHT COMMITTEE 160939

General Revenue Fund 160940

GRF 048321 Operating Expenses	\$	408,000	\$	591,000	160941
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TOTAL GRF General Revenue Fund	\$	408,000	\$	591,000	160942
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TOTAL ALL BUDGET FUND GROUPS	\$	408,000	\$	591,000	160943
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OPERATING EXPENSES 160944

The foregoing appropriation item 048321, Operating Expenses, 160945  
shall be used to support expenses related to the Joint Medicaid 160946  
Oversight Committee created by section 103.41 of the Revised Code. 160947

On July 1, 2023, or as soon as possible thereafter, the 160948  
Executive Director of the Joint Medicaid Oversight Committee may 160949  
certify to the Director of Budget and Management an amount up to 160950  
the unexpended, unencumbered balance of the foregoing 160951  
appropriation item 048321, Operating Expenses, at the end of 160952  
fiscal year 2023 to be reappropriated to fiscal year 2024. The 160953  
amount certified is hereby reappropriated to the same 160954  
appropriation item for fiscal year 2024. 160955

On July 1, 2024, or as soon as possible thereafter, the 160956  
Executive Director of the Joint Medicaid Oversight Committee may 160957  
certify to the Director of Budget and Management an amount up to 160958  
the unexpended, unencumbered balance of the foregoing 160959  
appropriation item 048321, Operating Expenses, at the end of 160960  
fiscal year 2024 to be reappropriated to fiscal year 2025. The 160961  
amount certified is hereby reappropriated to the same 160962  
appropriation item for fiscal year 2025. 160963

**Section 315.10.** JCO JUDICIAL CONFERENCE OF OHIO 160964

General Revenue Fund				160965
GRF 018321 Operating Expenses	\$	1,192,000	\$ 1,231,000	160966
TOTAL GRF General Revenue Fund	\$	1,192,000	\$ 1,231,000	160967
Dedicated Purpose Fund Group				160968
4030 018601 Ohio Jury	\$	616,853	\$ 674,109	160969
Instructions				
TOTAL DPF Dedicated Purpose Fund	\$	616,853	\$ 674,109	160970
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	1,808,853	\$ 1,905,109	160971
STATE COUNCIL OF UNIFORM STATE LAWS				160972
Notwithstanding section 105.26 of the Revised Code, of the				160973
foregoing appropriation item 018321, Operating Expenses, up to				160974
\$93,710 in fiscal year 2024 and up to \$97,458 in fiscal year 2025				160975
shall be used to pay the expenses of the State Council of Uniform				160976
State Laws, including membership dues to the National Conference				160977
of Commissioners on Uniform State Laws.				160978
OHIO JURY INSTRUCTIONS FUND				160979
The Ohio Jury Instructions Fund (Fund 4030) shall consist of				160980
grants, royalties, dues, conference fees, bequests, devises, and				160981
other gifts received for the purpose of supporting costs incurred				160982
by the Judicial Conference of Ohio in its activities as a part of				160983
the judicial system of the state as determined by the Judicial				160984
Conference Executive Committee. Fund 4030 shall be used by the				160985
Judicial Conference of Ohio to pay expenses incurred in its				160986
activities as a part of the judicial system of the state as				160987
determined by the Judicial Conference Executive Committee. All				160988
moneys accruing to Fund 4030 in excess of the amount appropriated				160989
for the current fiscal year are hereby appropriated for the				160990
purposes authorized. No money in Fund 4030 shall be transferred to				160991
any other fund by the Director of Budget and Management or the				160992
Controlling Board.				160993

<b>Section 317.10. JSC THE JUDICIARY/SUPREME COURT</b>				160994
General Revenue Fund				160995
GRF	005321	Operating Expenses - Judiciary/Supreme Court	\$ 200,343,000 \$	207,543,000 160996
GRF	005401	State Criminal Sentencing Commission	\$ 2,185,000 \$	2,481,000 160997
GRF	005406	Law-Related Education	\$ 375,000 \$	375,000 160998
GRF	005409	Ohio Courts Technology Initiative	\$ 3,843,000 \$	3,843,000 160999
TOTAL GRF	General Revenue Fund		\$ 206,746,000 \$	214,242,000 161000
Dedicated Purpose Fund Group				161001
4C80	005605	Attorney Services	\$ 11,653,424 \$	11,636,801 161002
5HT0	005617	Court Interpreter Certification	\$ 7,500 \$	8,000 161003
5SP0	005626	Civil Justice Grant Program	\$ 400,000 \$	400,000 161004
5T80	005609	Grants and Awards	\$ 90,760 \$	90,760 161005
6720	005601	Continuing Judicial Education	\$ 79,000 \$	79,000 161006
TOTAL DPF	Dedicated Purpose Fund Group		\$ 12,230,684 \$	12,214,561 161007
Fiduciary Fund Group				161008
5JY0	005620	County Law Library Resources Boards	\$ 308,500 \$	308,500 161009
TOTAL FID	Fiduciary Fund Group		\$ 308,500 \$	308,500 161010
Federal Fund Group				161011
3J00	005603	Federal Grants	\$ 1,746,957 \$	1,717,558 161012
TOTAL FED	Federal Fund Group		\$ 1,746,957 \$	1,717,558 161013
TOTAL ALL BUDGET FUND GROUPS			\$ 221,032,141 \$	228,482,619 161014

**Section 317.20.** STATE CRIMINAL SENTENCING COMMISSION 161016

The foregoing appropriation item 005401, State Criminal Sentencing Commission, shall be used for the operation of the State Criminal Sentencing Commission established by section 181.21 of the Revised Code. 161017  
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LAW-RELATED EDUCATION 161021

Of the foregoing appropriation item 005406, Law-Related Education, \$225,000 in each fiscal year shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs. 161022  
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Of the foregoing appropriation item 005406, Law-Related Education, \$150,000 in each fiscal year shall be used to promote information about candidates who have filed to run for judicial office. No funds shall be used for the endorsement or promotion of any candidate. 161029  
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OHIO COURTS TECHNOLOGY INITIATIVE 161034

The foregoing appropriation item 005409, Ohio Courts Technology Initiative, shall be used to fund an initiative by the Supreme Court to facilitate the exchange of information and warehousing of data by and between Ohio courts and other justice system partners through the creation of an Ohio Courts Network, the delivery of technology services to courts throughout the state, including the provision of hardware, software, and the development and implementation of educational and training programs for judges and court personnel, and operation of the Commission on Technology and the Courts by the Supreme Court for the promulgation of statewide rules, policies, and uniform 161035  
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standards, and to aid in the orderly adoption and comprehensive 161046  
use of technology in Ohio courts. 161047

ATTORNEY SERVICES 161048

The Attorney Registration Fund (Fund 4C80) shall consist of 161049  
money received by the Supreme Court (The Judiciary) pursuant to 161050  
the Rules for the Government of the Bar of Ohio. In addition to 161051  
funding other activities considered appropriate by the Supreme 161052  
Court, the foregoing appropriation item 005605, Attorney Services, 161053  
may be used to compensate employees and to fund appropriate 161054  
activities of the following offices established by the Supreme 161055  
Court: the Office of Disciplinary Counsel, the Board of 161056  
Commissioners on Grievances and Discipline, the Clients' Security 161057  
Fund, and the Attorney Services Division which include the Office 161058  
of Bar Admissions. If it is determined by the Administrative 161059  
Director of the Supreme Court that changes to the appropriation 161060  
are necessary, the amounts are hereby appropriated. 161061

No money in Fund 4C80 shall be transferred to any other fund 161062  
by the Director of Budget and Management or the Controlling Board. 161063  
Interest earned on money in Fund 4C80 shall be credited to the 161064  
fund. 161065

COURT INTERPRETER CERTIFICATION 161066

The Court Interpreter Certification Fund (Fund 5HT0) shall 161067  
consist of money received by the Supreme Court (The Judiciary) 161068  
pursuant to Rules 80 through 87 of the Rules of Superintendence 161069  
for the Courts of Ohio. The foregoing appropriation item 005617, 161070  
Court Interpreter Certification, shall be used to provide 161071  
training, to provide the written examination, and to pay language 161072  
experts to rate, or grade, the oral examinations of those applying 161073  
to become certified court interpreters. If it is determined by the 161074  
Administrative Director of the Supreme Court that changes to the 161075  
appropriation are necessary, the amounts are hereby appropriated. 161076

No money in Fund 5HT0 shall be transferred to any other fund 161077  
by the Director of Budget and Management or the Controlling Board. 161078  
Interest earned on money in Fund 5HT0 shall be credited to the 161079  
fund. 161080

CIVIL JUSTICE GRANT PROGRAM 161081

The Civil Justice Program Fund (Fund 5SP0) shall consist of 161082  
(1) \$50 voluntary donations made as part of the biennium attorney 161083  
registration process and (2) \$150 of the pro hac vice fees for 161084  
out-of-state attorneys pursuant to Government of the Bar Rule 161085  
amendments. The foregoing appropriation item 005626, Civil Justice 161086  
Grant Program, shall be used by the Supreme Court of Ohio for 161087  
grants to not-for-profit organizations and agencies dedicated to 161088  
providing civil legal aid to underserved populations, to fund 161089  
innovative programs directed at this purpose, and to increase 161090  
access to judicial service to that population. If it is determined 161091  
by the Administrative Director of the Supreme Court that changes 161092  
to the appropriation are necessary, the amounts are hereby 161093  
appropriated. 161094

No money in Fund 5SP0 shall be transferred to any other fund 161095  
by the Director of Budget and Management or the Controlling Board. 161096  
Interest earned on money in Fund 5SP0 shall be credited to the 161097  
fund. 161098

GRANTS AND AWARDS 161099

The Grants and Awards Fund (Fund 5T80) shall consist of 161100  
grants and other money awarded to the Supreme Court (The 161101  
Judiciary) by the State Justice Institute, the Division of 161102  
Criminal Justice Services, or other entities. The foregoing 161103  
appropriation item 005609, Grants and Awards, shall be used in a 161104  
manner consistent with the purpose of the grant or award. If it is 161105  
determined by the Administrative Director of the Supreme Court 161106  
that changes to the appropriation are necessary, the amounts are 161107

hereby appropriated. 161108

No money in Fund 5T80 shall be transferred to any other fund 161109  
by the Director of Budget and Management or the Controlling Board. 161110  
Interest earned on money in Fund 5T80 shall be credited or 161111  
transferred to the General Revenue Fund. 161112

JUDICIARY/SUPREME COURT EDUCATION 161113

The Judiciary/Supreme Court Education Fund (Fund 6720) shall 161114  
consist of fees paid for attending judicial and public education 161115  
on the law, reimbursement of costs for judicial and public 161116  
education on the law, and other gifts and grants received for the 161117  
purpose of judicial and public education on the law. The foregoing 161118  
appropriation item 005601, Continuing Judicial Education, shall be 161119  
used to pay expenses for judicial education courses for judges, 161120  
court personnel, and those who serve the courts, and for public 161121  
education on the law. If it is determined by the Administrative 161122  
Director of the Supreme Court that changes to the appropriation 161123  
are necessary, the amounts are hereby appropriated. 161124

No money in Fund 6720 shall be transferred to any other fund 161125  
by the Director of Budget and Management or the Controlling Board. 161126  
Interest earned on money in Fund 6720 shall be credited to the 161127  
fund. 161128

COUNTY LAW LIBRARY RESOURCES BOARDS 161129

The Statewide Consortium of County Law Library Resources 161130  
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 161131  
to section 307.515 of the Revised Code into a county's law library 161132  
resources fund and forwarded by that county's treasurer for 161133  
deposit in the state treasury pursuant to division (E)(1) of 161134  
section 3375.481 of the Revised Code. The foregoing appropriation 161135  
item 005620, County Law Library Resources Boards, shall be used 161136  
for the operation of the Statewide Consortium of County Law 161137  
Library Resources Boards. If it is determined by the 161138

Administrative Director of the Supreme Court that changes to the 161139  
 appropriation are necessary, the amounts are hereby appropriated. 161140

No money in Fund 5JY0 shall be transferred to any other fund 161141  
 by the Director of Budget and Management or the Controlling Board. 161142  
 Interest earned on money in Fund 5JY0 shall be credited to the 161143  
 fund. 161144

**FEDERAL GRANTS** 161145

The Federal Grants Fund (Fund 3J00) shall consist of grants 161146  
 and other moneys awarded to the Supreme Court (The Judiciary) by 161147  
 the United States Government or other entities that receive the 161148  
 moneys directly from the United States Government and distribute 161149  
 those moneys to the Supreme Court (The Judiciary). The foregoing 161150  
 appropriation item 005603, Federal Grants, shall be used in a 161151  
 manner consistent with the purpose of the grant or award. If it is 161152  
 determined by the Administrative Director of the Supreme Court 161153  
 that changes to the appropriation are necessary, the amounts are 161154  
 hereby appropriated. 161155

No money in Fund 3J00 shall be transferred to any other fund 161156  
 by the Director of Budget and Management or the Controlling Board. 161157  
 However, interest earned on money in Fund 3J00 shall be credited 161158  
 or transferred to the General Revenue Fund. 161159

**Section 319.10. LEC LAKE ERIE COMMISSION** 161160

Dedicated Purpose Fund Group 161161

4C00 780601 Lake Erie Protection	\$	801,000	\$	1,416,000	161162
6H20 780604 H2Ohio	\$	132,000	\$	132,000	161163
TOTAL DPF Dedicated Purpose Fund	\$	933,000	\$	1,548,000	161164
Group					

Federal Fund Group 161165

3EP0 780603 LEC Federal Grants	\$	50,000	\$	50,000	161166
TOTAL FED Federal Fund Group	\$	50,000	\$	50,000	161167

TOTAL ALL BUDGET FUND GROUPS		\$	983,000	\$	1,598,000	161168
CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND						161169
On July 1 of each fiscal year, or as soon as possible						161170
thereafter, the Director of Budget and Management may transfer						161171
cash from the funds specified below, up to the amounts specified						161172
below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00 may						161173
accept contributions and transfers made to the fund.						161174
Fund	Fund Name	User	FY 2024	FY 2025		161175
5BC0	Environmental	Environmental	\$25,000	\$25,000		161176
	Protection	Protection Agency				
6690	Pesticide,	Department of	\$25,000	\$25,000		161177
	Fertilizer and Lime	Agriculture				
4700	General Operations	Department of	\$25,000	\$25,000		161178
		Health				
1570	Central Support	Department of	\$25,000	\$25,000		161179
	Indirect Chargeback	Natural Resources				
7002	Highway Operating	Department of	\$25,000	\$25,000		161180
		Transportation				
1350	Supportive Services	Department of	\$25,000	\$25,000		161181
		Development				
H2OHIO FUND						161182
On July 1, 2024, or as soon as possible thereafter, the						161183
Director of the Lake Erie Commission may certify to the Director						161184
of Budget and Management an amount up to the unexpended,						161185
unencumbered balance of the foregoing appropriation item, 780604,						161186
H2Ohio, at the end of fiscal year 2024 to be reappropriated in						161187
fiscal year 2025. The amount certified is hereby reappropriated to						161188
the same appropriation item for fiscal year 2025.						161189
<b>Section 321.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE</b>						161190
General Revenue Fund						161191

GRF 028321	Legislative Ethics Committee	\$	713,000	\$	713,000	161192
TOTAL GRF	General Revenue Fund	\$	713,000	\$	713,000	161193
	Dedicated Purpose Fund Group					161194
4G70 028601	Joint Legislative Ethics Committee	\$	150,000	\$	150,000	161195
5HN0 028602	Investigations and Financial Disclosure	\$	10,000	\$	10,000	161196
TOTAL DPF	Dedicated Purpose Fund Group	\$	160,000	\$	160,000	161197
TOTAL ALL BUDGET FUND GROUPS		\$	873,000	\$	873,000	161198

LEGISLATIVE ETHICS COMMITTEE 161199

Of the foregoing appropriation item 028321, Legislative Ethics Committee, up to \$87,717 in each fiscal year shall be used for the hiring of an additional staff attorney to assist the Joint Legislative Ethics Commission in carrying out the performance of its lawful functions. 161200-161204

On July 1, 2023, or as soon as possible thereafter, the Legislative Inspector General of the Joint Legislative Ethics Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 028321, Legislative Ethics Committee, at the end of fiscal year 2023 to be reappropriated to fiscal year 2024. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2024. 161205-161212

On July 1, 2024, or as soon as possible thereafter, the Legislative Inspector General of the Joint Legislative Ethics Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 028321, Legislative Ethics Committee, at the end of fiscal year 2024 to be reappropriated to fiscal year 2025. The amount certified is hereby reappropriated to the same 161213-161219

appropriation item for fiscal year 2025. 161220

**Section 323.10.** LSC LEGISLATIVE SERVICE COMMISSION 161221

General Revenue Fund 161222

GRF 035321 Operating Expenses \$ 24,862,000 \$ 24,862,000 161223

GRF 035402 Legislative Fellows \$ 1,150,000 \$ 1,150,000 161224

GRF 035405 Correctional \$ 447,000 \$ 447,000 161225

Institution Inspection  
 Committee

GRF 035409 National Associations \$ 600,000 \$ 600,000 161226

GRF 035410 Legislative \$ 13,713,000 \$ 13,713,000 161227

Information Systems

GRF 035501 Litigation \$ 1,250,000 \$ 0 161228

TOTAL GRF General Revenue Fund \$ 42,022,000 \$ 40,772,000 161229

Dedicated Purpose Fund Group 161230

4100 035601 Sale of Publications \$ 10,000 \$ 10,000 161231

TOTAL DPF Dedicated Purpose Fund \$ 10,000 \$ 10,000 161232

Group

TOTAL ALL BUDGET FUND GROUPS \$ 42,032,000 \$ 40,782,000 161233

**Section 323.20.** OPERATING EXPENSES 161235

On July 1, 2023, or as soon as possible thereafter, the 161236

Director of the Legislative Service Commission may certify to the 161237

Director of Budget and Management an amount up to the unexpended, 161238

unencumbered balance of the foregoing appropriation item 035321, 161239

Operating Expenses, at the end of fiscal year 2023 to be 161240

reappropriated to fiscal year 2024. The amount certified is hereby 161241

reappropriated to the same appropriation item for fiscal year 161242

2024. 161243

On July 1, 2024, or as soon as possible thereafter, the 161244

Director of the Legislative Service Commission may certify to the 161245

Director of Budget and Management an amount up to the unexpended, 161246

unencumbered balance of the foregoing appropriation item 035321, 161247  
Operating Expenses, at the end of fiscal year 2024 to be 161248  
reappropriated to fiscal year 2025. The amount certified is hereby 161249  
reappropriated to the same appropriation item for fiscal year 161250  
2025. 161251

CORRECTIONAL INSTITUTION INSPECTION COMMITTEE 161252

On July 1, 2023, or as soon as possible thereafter, the 161253  
Director of the Legislative Service Commission may certify to the 161254  
Director of Budget and Management an amount up to the unexpended, 161255  
unencumbered balance of the foregoing appropriation item 035405, 161256  
Correctional Institution Inspection Committee, at the end of 161257  
fiscal year 2023 to be reappropriated to fiscal year 2024. The 161258  
amount certified is hereby reappropriated to the same 161259  
appropriation item for fiscal year 2024. 161260

On July 1, 2024, or as soon as possible thereafter, the 161261  
Director of the Legislative Service Commission may certify to the 161262  
Director of Budget and Management an amount up to the unexpended, 161263  
unencumbered balance of the foregoing appropriation item 035405, 161264  
Correctional Institution Inspection Committee, at the end of 161265  
fiscal year 2024 to be reappropriated to fiscal year 2025. The 161266  
amount certified is hereby reappropriated to the same 161267  
appropriation item for fiscal year 2025. 161268

LEGISLATIVE TASK FORCE ON REDISTRICTING 161269

An amount equal to the unexpended, unencumbered balance of 161270  
the foregoing appropriation item 035407, Legislative Task Force on 161271  
Redistricting, at the end of fiscal year 2023 is hereby 161272  
reappropriated to the Legislative Service Commission for the same 161273  
purpose for fiscal year 2024. 161274

An amount equal to the unexpended, unencumbered balance of 161275  
the foregoing appropriation item 035407, Legislative Task Force on 161276  
Redistricting, at the end of fiscal year 2024 is hereby 161277

reappropriated to the Legislative Service Commission for the same 161278  
purpose for fiscal year 2025. 161279

LEGISLATIVE INFORMATION SYSTEMS 161280

On July 1, 2023, or as soon as possible thereafter, the 161281  
Director of the Legislative Service Commission may certify to the 161282  
Director of Budget and Management an amount up to the unexpended, 161283  
unencumbered balance of the foregoing appropriation item 035410, 161284  
Legislative Information Systems, at the end of fiscal year 2023 to 161285  
be reappropriated to fiscal year 2024. The amount certified is 161286  
hereby reappropriated to the same appropriation item for fiscal 161287  
year 2024. 161288

On July 1, 2024, or as soon as possible thereafter, the 161289  
Director of the Legislative Service Commission may certify to the 161290  
Director of Budget and Management an amount up to the unexpended, 161291  
unencumbered balance of the foregoing appropriation item 035410, 161292  
Legislative Information Systems, at the end of fiscal year 2024 to 161293  
be reappropriated to fiscal year 2025. The amount certified is 161294  
hereby reappropriated to the same appropriation item for fiscal 161295  
year 2025. 161296

LITIGATION 161297

The foregoing appropriation item 035501, Litigation, shall be 161298  
used for any lawsuit in which the General Assembly, or either 161299  
house of the General Assembly, is made a party. The chairperson 161300  
and vice-chairperson of the Legislative Service Commission shall 161301  
both approve the use of the appropriated moneys. 161302

An amount equal to the unexpended, unencumbered balance of 161303  
the foregoing appropriation item 035501, Litigation, at the end of 161304  
fiscal year 2023 is hereby reappropriated to the Legislative 161305  
Service Commission for the same purpose for fiscal year 2024. 161306

An amount equal to the unexpended, unencumbered balance of 161307  
the foregoing appropriation item 035501, Litigation, at the end of 161308

fiscal year 2024 is hereby reappropriated to the Legislative 161309  
 Service Commission for the same purpose for fiscal year 2025. 161310

**Section 325.10. LIB STATE LIBRARY BOARD** 161311

General Revenue Fund 161312

GRF 350321 Operating Expenses \$ 4,527,000 \$ 4,527,000 161313

GRF 350401 Ohioana Library \$ 314,000 \$ 314,000 161314  
 Association

GRF 350502 Regional Library \$ 494,000 \$ 494,000 161315  
 Systems

TOTAL GRF General Revenue Fund \$ 5,335,000 \$ 5,335,000 161316

Dedicated Purpose Fund Group 161317

4590 350603 Services for \$ 6,818,338 \$ 6,818,338 161318  
 Libraries

4S40 350604 Ohio Public Library \$ 6,009,243 \$ 6,009,243 161319  
 Information Network

5GB0 350605 Library for the Blind \$ 1,274,194 \$ 1,274,194 161320

TOTAL DPF Dedicated Purpose Fund \$ 14,101,775 \$ 14,101,775 161321

Group

Internal Service Activity Fund 161322

1390 350602 Services for State \$ 8,000 \$ 8,000 161323  
 Agencies

TOTAL ISA Internal Service Activity \$ 8,000 \$ 8,000 161324

Fund Group

Federal Fund Group 161325

3130 350601 LSTA Federal \$ 5,432,653 \$ 5,432,653 161326

TOTAL FED Federal Fund Group \$ 5,432,653 \$ 5,432,653 161327

TOTAL ALL BUDGET FUND GROUPS \$ 24,877,428 \$ 24,877,428 161328

**Section 325.20. OHIOANA LIBRARY ASSOCIATION** 161330

Of the foregoing appropriation item 350401, Ohioana Library 161331

Association, \$195,000 in each fiscal year shall be used to support 161332

the operating expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code. 161333  
161334

The remainder of the foregoing appropriation item 350401, Ohioana Library Association, shall be used to pay the rental expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code. 161335  
161336  
161337  
161338

REGIONAL LIBRARY SYSTEMS 161339

The foregoing appropriation item 350502, Regional Library Systems, shall be used to support regional library systems eligible for funding under sections 3375.83 and 3375.90 of the Revised Code. 161340  
161341  
161342  
161343

OHIO PUBLIC LIBRARY INFORMATION NETWORK 161344

(A) The foregoing appropriation item 350604, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state and such others as may participate in the Ohio Public Library Information Network (OPLIN). 161345  
161346  
161347  
161348  
161349

The Ohio Public Library Information Network Board of Trustees created under section 3375.65 of the Revised Code may make decisions regarding use of the foregoing appropriation item 350604, Ohio Public Library Information Network. 161350  
161351  
161352  
161353

(B) The OPLIN Board shall research and assist or advise local libraries with regard to emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Director shall provide written reports upon request within ten days to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate on any steps being taken by OPLIN and public libraries in the state to limit and control such improper usage as well as information on technological, legal, and law enforcement trends nationally and internationally affecting 161354  
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161361  
161362  
161363

this area of public access and service. 161364

(C) The Ohio Public Library Information Network, INFOhio, and 161365  
OhioLINK shall, to the extent feasible, coordinate and cooperate 161366  
in their purchase or other acquisition of the use of electronic 161367  
databases for their respective users and shall contribute funds in 161368  
an equitable manner to such effort. 161369

LIBRARY FOR THE BLIND 161370

The foregoing appropriation item 350605, Library for the 161371  
Blind, shall be used for the statewide Talking Book Program to 161372  
assist the blind and disabled. 161373

TRANSFER TO OPLIN TECHNOLOGY FUND 161374

Notwithstanding sections 5747.03 and 5747.47 of the Revised 161375  
Code and any other provision of law to the contrary, in accordance 161376  
with a schedule established by the Director of Budget and 161377  
Management, the Director of Budget and Management shall transfer 161378  
\$3,689,788 cash in each fiscal year from the Public Library Fund 161379  
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 161380

TRANSFER TO LIBRARY FOR THE BLIND FUND 161381

Notwithstanding sections 5747.03 and 5747.47 of the Revised 161382  
Code and any other provision of law to the contrary, in accordance 161383  
with a schedule established by the Director of Budget and 161384  
Management, the Director of Budget and Management shall transfer 161385  
\$1,274,194 cash in each fiscal year from the Public Library Fund 161386  
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 161387

**Section 327.10.** LCO LIQUOR CONTROL COMMISSION 161388

Dedicated Purpose Fund Group 161389

5LP0 970601 Commission Operating \$ 1,227,200 \$ 1,225,800 161390  
Expenses

TOTAL DPF Dedicated Purpose Fund \$ 1,227,200 \$ 1,225,800 161391

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,227,200 \$ 1,225,800 161392

**Section 329.10.** LOT STATE LOTTERY COMMISSION 161394

State Lottery Fund Group 161395

7044 950321 Operating Expenses \$ 61,967,164 \$ 64,686,040 161396

7044 950402 Advertising Contracts \$ 29,755,000 \$ 29,955,000 161397

7044 950403 Gaming Contracts \$ 109,197,677 \$ 120,685,198 161398

7044 950601 Direct Prize Payments \$ 179,366,000 \$ 182,106,000 161399

7044 950605 Problem Gambling \$ 4,850,000 \$ 4,850,000 161400

8710 950602 Annuity Prizes \$ 42,243,000 \$ 40,946,000 161401

TOTAL SLF State Lottery Fund Group \$ 427,378,841 \$ 443,228,238 161402

TOTAL ALL BUDGET FUND GROUPS \$ 427,378,841 \$ 443,228,238 161403

OPERATING EXPENSES 161404

Notwithstanding sections 127.14 and 131.35 of the Revised 161405  
Code, the Controlling Board may, at the request of the State 161406  
Lottery Commission, authorize expenditures from the State Lottery 161407  
Fund in excess of the amounts appropriated, up to a maximum of 10 161408  
per cent of anticipated total revenue accruing from the sale of 161409  
lottery products. Upon the approval of the Controlling Board, the 161410  
additional amounts are hereby appropriated. 161411

DIRECT PRIZE PAYMENTS 161412

Any amounts, in addition to the amounts appropriated in 161413  
appropriation item 950601, Direct Prize Payments, that the 161414  
Director of the State Lottery Commission determines to be 161415  
necessary to fund prizes are hereby appropriated. 161416

PROBLEM GAMBLING 161417

Notwithstanding sections 127.14 and 131.35 of the Revised 161418  
Code, if the revenue from the one-half of one per cent dispersed 161419  
from the video lottery sales agent commissions, as well as the 161420  
surrendered funds pursuant to rule 3770:2-8-03 of the 161421

Administrative Code, from the Voluntary Exclusion Program, exceeds 161422  
the amount appropriated, the Director of the State Lottery 161423  
Commission may certify to the Director of Budget and Management 161424  
the amount in excess requesting to be increased in the foregoing 161425  
appropriation item 950605, Problem Gambling, or to be transferred 161426  
to support programs provided for gambling addiction and other 161427  
related services through the Problem Gambling Services Fund (Fund 161428  
5T90). If the Director of Budget and Management determines 161429  
sufficient cash is available, the Director may transfer up to the 161430  
amount certified. Any additional amounts approved by the Director 161431  
pursuant to this section are hereby appropriated. 161432

ANNUITY PRIZES 161433

Upon request of the State Lottery Commission, the Director of 161434  
Budget and Management may transfer cash from the State Lottery 161435  
Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in 161436  
an amount sufficient to fund deferred prizes. The Treasurer of 161437  
State, from time to time, shall credit the Deferred Prizes Trust 161438  
Fund (Fund 8710) the pro rata share of interest earned by the 161439  
Treasurer of State on invested balances. 161440

Any amounts, in addition to the amounts appropriated in 161441  
appropriation item 950602, Annuity Prizes, that the Director of 161442  
the State Lottery Commission determines to be necessary to fund 161443  
deferred prizes and interest are hereby appropriated. 161444

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 161445

Estimated transfers from the State Lottery Fund (Fund 7044) 161446  
to the Lottery Profits Education Fund (Fund 7017) are to be 161447  
\$1,424,000,000 in fiscal year 2024 and \$1,440,000,000 in fiscal 161448  
year 2025. Transfers by the Director of Budget and Management to 161449  
the Lottery Profits Education Fund shall be administered as the 161450  
statutes direct. 161451

	<b>Section 333.10.</b>	MCD DEPARTMENT OF MEDICAID			161452
	General Revenue Fund				161453
GRF	651425	Medicaid Program	\$ 176,250,000	\$ 176,250,000	161454
		Support - State			
GRF	651525	Medicaid Health Care	\$ 5,576,963,000	\$ 6,264,542,000	161455
		Services - State			
		Medicaid Health Care	\$ 14,663,916,000	\$ 15,751,825,000	161456
		Services - Federal			
		Medicaid Health Care	\$ 20,240,879,000	\$ 22,016,367,000	161457
		Services - Total			
GRF	651526	Medicare Part D	\$ 645,860,000	\$ 724,638,000	161458
TOTAL GRF		General Revenue Fund			161459
		State	\$ 6,399,073,000	\$ 7,165,430,000	161460
		Federal	\$ 14,663,916,000	\$ 15,751,825,000	161461
		GRF Total	\$ 21,062,989,000	\$ 22,917,255,000	161462
	Dedicated Purpose Fund Group				161463
4E30	651605	Resident Protection	\$ 5,028,600	\$ 5,026,600	161464
		Fund			
5AN0	651686	Care Innovation and	\$ 77,673,500	\$ 86,650,700	161465
		Community Improvement			
		Program			
5DL0	651639	Medicaid Services -	\$ 953,417,800	\$ 1,098,017,800	161466
		Recoveries			
5DL0	651685	Medicaid Recoveries -	\$ 85,000,300	\$ 85,000,400	161467
		Program Support			
5DL0	651690	Multi-system Youth	\$ 26,250,000	\$ 27,562,500	161468
		Custody			
		Relinquishment			
5FX0	651638	Medicaid Services -	\$ 12,000,000	\$ 12,000,000	161469
		Payment Withholding			
5GF0	651656	Medicaid Services -	\$ 1,631,571,167	\$ 1,723,365,065	161470

		Hospital Franchise Fee				
5HC8	651698	MCD Home and Community Based Services	\$	86,027,329	\$	67,374,876 161471
5R20	651608	Medicaid Services - Long Term	\$	415,000,000	\$	415,000,000 161472
5TN0	651684	Medicaid Services - HIC Fee	\$	1,063,227,900	\$	1,138,441,200 161473
5XY0	651694	Improvements for Priority Populations	\$	10,500,000	\$	10,500,000 161474
6510	651649	Medicaid Services - Hospital Care Assurance Program	\$	244,642,100	\$	136,707,750 161475
TOTAL DPF		Dedicated Purpose Fund Group	\$	4,610,338,696	\$	4,805,646,891 161476
		Holding Account Fund Group				161477
R055	651644	Refunds and Reconciliation	\$	10,000,000	\$	10,000,000 161478
TOTAL HLD		Holding Account Fund Group	\$	10,000,000	\$	10,000,000 161479
		Federal Fund Group				161480
3ER0	651603	Medicaid and Health Transformation Technology	\$	787,100	\$	795,500 161481
3F00	651623	Medicaid Services - Federal	\$	11,013,604,990	\$	11,208,144,212 161482
3F00	651624	Medicaid Program Support - Federal	\$	538,250,300	\$	493,250,300 161483
3FA0	651680	Health Care Grants - Federal	\$	3,000,000	\$	3,000,000 161484
3G50	651655	Medicaid Interagency	\$	258,149,000	\$	258,149,000 161485

	Pass Through			
3HC8 651699	MCD Home and	122,897,812	\$ 121,350,266	161486
	Community Based			
	Services - Federal			
TOTAL FED	Federal Fund Group	\$11,936,689,202	\$12,084,689,278	161487
TOTAL ALL BUDGET	FUND GROUPS	\$37,620,016,898	\$39,817,591,169	161488

**Section 333.15. LODGING FOR FAMILIES** 161490

Of the foregoing appropriation items 651425, Medicaid Program Support - State, and 651624, Medicaid Program Support - Federal, \$1,250,000 from each appropriation item in each fiscal year shall be used by the Medicaid Director to work with the Centers for Medicare and Medicaid Services to add lodging as an administrative service available for families with children who have special health care needs.

**Section 333.17. FQHC RATE INCREASE** 161498

Of the foregoing appropriation item 651525, \$20,780,000 in each fiscal year shall be used by the Department of Medicaid to increase payment rates to federally qualified health centers and federally qualified health center look-alikes, as defined in section 3701.047 of the Revised Code, for all services.

**Section 333.20. MEDICAID HEALTH CARE SERVICES** 161504

The foregoing appropriation item 651525, Medicaid Health Care Services, shall not be limited by section 131.33 of the Revised Code.

**Section 333.25. PROVIDER RATE INCREASE FOR VISION AND EYE CARE** 161508

Of the foregoing appropriation item 651525, Medicaid Health Care Services, an allocation shall be made to provide an increase

in Medicaid provider payment rates for vision services and 161512  
medically billed eye care provided to Medicaid recipients in 161513  
fiscal year 2024. The increase shall be added to the Medicaid 161514  
payment rates for those services in fiscal year 2023. The 161515  
increased rate shall be maintained in fiscal year 2025. 161516

**Section 333.27. DENTAL SERVICE REIMBURSEMENT** 161517

Of the foregoing appropriation item 651525, Medicaid Health 161518  
Care Services, \$122,144,375 in fiscal year 2024 and \$244,288,751 161519  
in fiscal year 2025 shall be used to increase the reimbursement to 161520  
dental service providers who are treating Medicaid patients. 161521

**Section 333.29. DIRECT CARE PAYMENT RATES** 161522

Of the foregoing appropriation item 651525, Medicaid Health 161523  
Care Services, \$47,086,175 in fiscal year 2024 and \$194,924,947 in 161524  
fiscal year 2025, shall be used in accordance with this section. 161525  
The funds shall be used to increase the base payment rates to \$17 161526  
per hour during fiscal year 2024 beginning on January 1, 2024, and 161527  
\$18 per hour during fiscal year 2025, for the following services 161528  
under Medicaid components administered by the Department of 161529  
Medicaid or the Department of Aging: 161530

(A) Personal care services; 161531

(B) Adult day services; 161532

(C) Community behavioral health services; 161533

(D) Other waiver services under the Medicaid home and 161534  
community-based services waiver components administered by the 161535  
Department of Medicaid or the Department of Aging. 161536

**Section 333.30. LEAD ABATEMENT AND RELATED ACTIVITIES** 161537

Upon the request of the Medicaid Director, the Director of 161538  
Budget and Management may transfer up to \$5,000,000 in 161539

appropriations in each fiscal year from appropriation item 651525, 161540  
Medicaid Health Care Services, to appropriation items in the 161541  
Department of Health for the purpose of lead abatement activities. 161542  
The Medicaid Director may seek Controlling Board approval to 161543  
transfer amounts in excess of \$5,000,000 in appropriations in each 161544  
fiscal year to the Department of Health for lead abatement 161545  
activities. The Director of Medicaid may transfer federal funds as 161546  
the state's single state agency for Medicaid reimbursements, as 161547  
drawn for these transactions. Amounts transferred are hereby 161548  
appropriated. 161549

**Section 333.50. MEDICARE PART D** 161550

The foregoing appropriation item 651526, Medicare Part D, may 161551  
be used by the Department of Medicaid for the implementation and 161552  
operation of the Medicare Part D requirements contained in the 161553  
"Medicare Prescription Drug, Improvement, and Modernization Act of 161554  
2003," Pub. L. No. 108-173, as amended. Upon the request of the 161555  
Medicaid Director, the Director of Budget and Management may 161556  
transfer the state share of appropriations between appropriation 161557  
item 651525, Medicaid Health Care Services, and appropriation item 161558  
651526, Medicare Part D. If the state share of appropriation item 161559  
651525, Medicaid Health Care Services, is adjusted, the Director 161560  
of Budget and Management shall adjust the federal share 161561  
accordingly. The Department of Medicaid shall provide notification 161562  
to the Controlling Board of any transfers at the next scheduled 161563  
Controlling Board meeting. 161564

**Section 333.60. CARE INNOVATION AND COMMUNITY IMPROVEMENT** 161565  
PROGRAM 161566

(A) As used in this section: 161567

(1) "Nonprofit hospital agency" means a nonprofit hospital 161568  
agency, as defined in section 140.01 of the Revised Code, that is 161569

affiliated with a state university as defined in section 3345.011 161570  
of the Revised Code. 161571

(2) "Participating agency" means a nonprofit hospital agency 161572  
or public hospital agency participating in the Care Innovation and 161573  
Community Improvement Program. 161574

(3) "Public hospital agency" has the same meaning as in 161575  
section 140.01 of the Revised Code. 161576

(B) Subject to approval by the Centers for Medicare and 161577  
Medicaid Services, the Medicaid Director shall continue the Care 161578  
Innovation and Community Improvement Program for the 2024-2025 161579  
fiscal biennium. Any nonprofit hospital agency or public hospital 161580  
agency may volunteer to participate in the program if the agency 161581  
operates a hospital that has a Medicaid provider agreement. 161582

(C) Participating agencies are responsible for the state 161583  
share of the program's costs and shall make or request the 161584  
appropriate government entity to make intergovernmental transfers 161585  
to pay for those costs. The Medicaid Director shall establish a 161586  
schedule for making the intergovernmental transfers. 161587

(D) Each participating agency shall be eligible to receive 161588  
supplemental payments under the Medicaid program for physician and 161589  
other professional services that are covered by the Medicaid 161590  
program and provided to Medicaid recipients. Any nonprofit 161591  
hospital agency or public hospital agency seeking supplemental 161592  
payment for physician or professional services shall be governed 161593  
under the Care Innovation and Community Improvement Program. 161594  
Eligibility for supplemental payments shall depend on all 161595  
participating agencies meeting collective performance measures as 161596  
established by the Director. The maximum amount of the potential 161597  
supplemental payments shall equal the difference between the 161598  
Medicaid payment rates for the services and the average commercial 161599  
payment rates for the services. The Director may terminate, or 161600

adjust the amount of, the supplemental payments if the amount of 161601  
the funds available for the Care Innovation and Community 161602  
Improvement Program is inadequate. 161603

(E) Each participating agency shall work collaboratively with 161604  
all other participating agencies on quality improvement 161605  
initiatives that are approved by the Medicaid Director and that 161606  
align with and advance the goals of the Department of Medicaid's 161607  
quality strategy required under 42. C.F.R. 438.340. 161608

(F) The Medicaid Director shall maintain a process to 161609  
evaluate the work done by participating agencies under division 161610  
(E) of this section and the agencies' progress in meeting the 161611  
goals of the Care Innovation and Community Improvement Program. 161612  
The Director may terminate an agency's participation in the 161613  
program if the Director determines that the agency is not 161614  
participating as specified in division (E) of this section or 161615  
making progress in meeting the program's quality improvement 161616  
goals. 161617

(G) All intergovernmental transfers made under division (C) 161618  
of this section shall be deposited into the Care Innovation and 161619  
Community Improvement Program Fund created by Section 333.320 of 161620  
H.B. 49 of the 132nd General Assembly. Money in the fund and the 161621  
corresponding federal financial participation in the Health Care - 161622  
Federal Fund created under section 5162.50 of the Revised Code 161623  
shall be used to make supplemental payments under division (D) of 161624  
this section. 161625

(H) If the amount of the foregoing appropriation item 651686, 161626  
Care Innovation and Community Improvement Program, and the 161627  
corresponding federal financial participation in appropriation 161628  
item 651623, Medicaid Services - Federal, are inadequate to make 161629  
the supplemental payments required by division (E) of this 161630  
section, the Medicaid Director may request that the Director of 161631  
Budget and Management authorize additional expenditures from the 161632

Care Innovation and Community Improvement Program Fund and the 161633  
Health Care - Federal Fund as needed to make the supplemental 161634  
payments. If the Director of Budget and Management authorizes the 161635  
additional expenditures, the additional amounts are hereby 161636  
appropriated. 161637

**Section 333.70.** DEPOSITS TO THE HEALTH CARE/MEDICAID SUPPORT 161638  
AND RECOVERIES FUND 161639

Of the amount received by the Department of Medicaid during 161640  
fiscal year 2024 and fiscal year 2025 from the first installment 161641  
of assessments paid under section 5168.06 of the Revised Code and 161642  
intergovernmental transfers made under section 5168.07 of the 161643  
Revised Code, the Medicaid Director shall deposit \$2,500,000 cash 161644  
in each fiscal year into the state treasury to the credit of the 161645  
Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0). 161646

**Section 333.80.** CASH TRANSFERS FROM THE HEALTH CARE/MEDICAID 161647  
SUPPORT AND RECOVERIES FUND TO THE STATEWIDE PREVENTION AND 161648  
TREATMENT FUND 161649

Upon the request of the Medicaid Director, the Director of 161650  
Budget and Management may transfer up to \$2,200,000 cash in each 161651  
fiscal year from the Health Care/Medicaid Support and Recoveries 161652  
Fund (Fund 5DL0) to the Statewide Prevention and Treatment Fund 161653  
(Fund 4750), used by the Department of Mental Health and Addiction 161654  
Services. Any transferred funds shall be used to support Centers 161655  
of Excellence and related activities. Any transferred amounts are 161656  
hereby appropriated. 161657

**Section 333.90.** CASH TRANSFERS FROM THE HEALTH CARE/MEDICAID 161658  
SUPPORT AND RECOVERIES FUND TO THE DEPARTMENT OF AGING FOR THE 161659  
OMBUDSMAN PROGRAM 161660

Upon the request of the Medicaid Director, the Director of 161661

Budget and Management may transfer up to \$1,000,000 cash in each 161662  
fiscal year from the Health Care/Medicaid Support and Recoveries 161663  
Fund (Fund 5DL0) to the Department of Aging. Any transferred funds 161664  
shall be used to support the Ombudsman program. Any transferred 161665  
amounts are hereby appropriated. 161666

**Section 333.110. HOSPITAL CARE ASSURANCE MATCH** 161667

If receipts credited to the Health Care Federal Fund (Fund 161668  
3F00) exceed the amounts appropriated from the fund for making the 161669  
hospital care assurance program distribution, the Medicaid 161670  
Director may request the Director of Budget and Management to 161671  
authorize expenditures from the fund in excess of the amounts 161672  
appropriated. Upon the approval of the Director of Budget and 161673  
Management, the additional amounts are hereby appropriated. 161674

The foregoing appropriation item 651649, Medicaid Services - 161675  
Health Care Assurance Program, shall be used by the Department of 161676  
Medicaid for distributing the state share of all hospital care 161677  
assurance program funds to hospitals under section 5168.09 of the 161678  
Revised Code. If receipts credited to the Hospital Care Assurance 161679  
Program Fund (Fund 6510) exceed the amounts appropriated from the 161680  
fund for making the hospital care assurance program distribution, 161681  
the Medicaid Director may request the Director of Budget and 161682  
Management to authorize expenditures from the fund in excess of 161683  
the amounts appropriated. Upon the approval of the Director of 161684  
Budget and Management, the additional amounts are hereby 161685  
appropriated. 161686

**Section 333.120. REFUNDS AND RECONCILIATION FUND** 161687

If estimated receipts to the Refunds and Reconciliation Fund 161688  
(Fund R055) exceed the amounts appropriated from the fund, the 161689  
Medicaid Director may request the Director of Budget and 161690  
Management to authorize expenditures from the fund in excess of 161691

the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

**Section 333.130. NON-EMERGENCY MEDICAL TRANSPORTATION**

In order to ensure access to a non-emergency medical transportation brokerage program established pursuant to section 1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), upon the request of the Medicaid Director, the Director of Budget and Management may transfer the state share appropriations between General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid and 655523, Medicaid Program Support - Local Transportation, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and appropriation item 655624, Medicaid Program Support - Federal, within the Department of Job and Family Services. The Director of Medicaid shall transmit to the Medicaid Program Support Fund (Fund 3F01) the federal funds which the Department of Medicaid, as the state's sole point of contact with the federal government for Medicaid reimbursements, has drawn for this transaction.

**Section 333.135. MEDICAID PAYMENT RATES FOR AMBULANCE TRANSPORTATION**

Of the foregoing appropriation item 651525, Medicaid Health Care Services, \$119,000,000 in each fiscal year shall be used to increase the overall Medicaid reimbursement rates for ambulance transportation services. An amount equal to the unexpended, unencumbered balance of the amount allocated in this section, at the end of fiscal year 2024, is hereby reappropriated to the same

appropriation item for the same purpose in fiscal year 2025. 161722

**Section 333.140.** MEDICAID PAYMENT RATES FOR COMMUNITY 161723  
BEHAVIORAL HEALTH SERVICES 161724

(A) As used in this section: 161725

(1) "Community behavioral health services" has the same 161726  
meaning as in section 5164.01 of the Revised Code. 161727

(2) "Hospital" has the same meaning as in section 3727.01 of 161728  
the Revised Code. 161729

(3) "Intermediate care facility for individuals with 161730  
intellectual disabilities" has the same meaning as in section 161731  
5124.01 of the Revised Code. 161732

(4) "Nursing facility" has the same meaning as in section 161733  
5165.01 of the Revised Code. 161734

(B) Subject to division (C) of this section, the Department 161735  
of Medicaid may establish Medicaid payment rates for community 161736  
behavioral health services provided during fiscal year 2024 and 161737  
fiscal year 2025 that exceed the authorized rates paid for the 161738  
services under the Medicare program. 161739

(C) This section does not apply to community behavioral 161740  
health services provided by any of the following: 161741

(1) Hospitals on an inpatient basis; 161742

(2) Nursing facilities; 161743

(3) Intermediate care facilities for individuals with 161744  
intellectual disabilities. 161745

**Section 333.150.** HOME AND COMMUNITY BASED SERVICES 161746  
APPROPRIATIONS - STATE 161747

The Director of Budget and Management may authorize 161748  
additional expenditures in appropriation items 651698, MCD Home 161749

and Community Based Services, 653698, DDD Home and Community Based 161750  
Services, 652698, MHA Home and Community Based Services, 655698, 161751  
JFS Home and Community Based Services, and 656698, AGE Home and 161752  
Community Based Services, as long as the additional expenditures 161753  
are offset by equal expenditure reductions in another of these 161754  
appropriation items. Any additional expenditures shall be used in 161755  
accordance with Section 9817 of the "American Rescue Plan Act of 161756  
2021," Pub. L. No. 117-2, and shall comply with the Department of 161757  
Medicaid's Medicaid state plan approved by the Centers for 161758  
Medicare and Medicaid Services (CMS) and any associated CMS 161759  
guidance, reporting requirements, and certifications. Any 161760  
additional expenditures are hereby appropriated. 161761

**Section 333.160. HOME AND COMMUNITY BASED SERVICES** 161762  
**APPROPRIATIONS - FEDERAL** 161763

The Director of Budget and Management may authorize 161764  
additional expenditures in appropriation items 651699, MCD Home 161765  
and Community Based Services - Federal, 653699, DDD Home and 161766  
Community Based Services - Federal, 652699, MHA Home and Community 161767  
Based Services - Federal, 655699, JFS Home and Community Based 161768  
Services - Federal, and 656699, AGE Home and Community Based 161769  
Services - Federal. 161770

If additional expenditures are authorized in any of these 161771  
appropriation items, the Director of Budget and Management shall 161772  
make appropriation adjustments in any of the other items as 161773  
necessary. Any additional expenditures shall be used in accordance 161774  
with Section 9817 of the "American Rescue Plan Act of 2021," Pub. 161775  
L. No. 117-2, and shall comply with the Department of Medicaid's 161776  
Medicaid state plan approved by the Centers for Medicare and 161777  
Medicaid Services (CMS) and any associated CMS guidance, reporting 161778  
requirements, and certifications. Any additional expenditures are 161779  
hereby appropriated. 161780

Section 333.170. OHIO INVESTS IN IMPROVEMENTS FOR PRIORITY	161781
POPULATIONS	161782
(A) As used in this section:	161783
(1) "Care management system" and "enrollee" have the same	161784
meanings as in section 5167.01 of the Revised Code.	161785
(2) "State university" has the same meaning as in section	161786
3345.011 of the Revised Code.	161787
(B) There is hereby created the Ohio Invests in Improvements	161788
for Priority Populations (OIPP) Program. The program shall be a	161789
directed payment program for inpatient and outpatient hospital	161790
services provided to Medicaid care management system enrollees	161791
receiving care at state university-owned hospitals with less than	161792
three hundred inpatient beds. Participating hospitals shall	161793
receive payments directly for services provided under the program	161794
and remit to the Department of Medicaid, through intergovernmental	161795
transfer, the nonfederal share of those services. Transfers made	161796
for the program shall be deposited into the Hospital Directed	161797
Payment Program Fund (Fund 5XY0). The Medicaid Director shall seek	161798
approval from the Centers for Medicare and Medicaid Services for	161799
the program in accordance with section 5162.07 of the Revised	161800
Code.	161801
(C) The foregoing appropriation item 651694, Improvements for	161802
Priority Populations, and the corresponding federal share in	161803
appropriation item 651623, Medicaid Services - Federal, shall be	161804
used for the OIPP Program.	161805
(D) If receipts credited to the Hospital Directed Payment	161806
Program Fund (Fund 5XY0) exceed the amounts appropriated from the	161807
fund, the Medicaid Director may request the Director of Budget and	161808
Management to authorize expenditures from the fund in excess of	161809
the amounts appropriated. If any additional amounts are	161810

authorized, the Director of Budget and Management shall adjust, 161811  
using the federal reimbursement rate, the appropriation in 161812  
appropriation item 651623, Medicaid Services - Federal, 161813  
accordingly. Any authorized amounts are hereby appropriated. 161814

**Section 333.180.** WORK COMMUNITY ENGAGEMENT PROGRAM - COUNTY 161815  
COSTS 161816

Upon the request of the Medicaid Director, the Director of 161817  
Budget and Management may transfer state share appropriations in 161818  
each fiscal year between appropriation item 651525, Medicaid 161819  
Health Care Services, within the Department of Medicaid, and 161820  
655522, Medicaid Program Support - Local, within the Department of 161821  
Job and Family Services. If such a transfer occurs, the Director 161822  
of Budget and Management shall adjust, using the federal 161823  
reimbursement rate, the federal share appropriations of 161824  
appropriation item 651525, Medicaid Health Care Services, within 161825  
the Department of Medicaid, and appropriation item 655624, 161826  
Medicaid Program Support - Federal, within the Department of Job 161827  
and Family Services. Any increase in funding shall be provided to 161828  
county departments of job and family services and shall only be 161829  
used for costs related to transitioning to a new work community 161830  
engagement program under the Medicaid program as prescribed by the 161831  
Medicaid Director. These funds shall not be used for existing and 161832  
ongoing operating expenses. The Medicaid Director shall establish 161833  
criteria for distributing these funds and for county departments 161834  
of job and family services to submit allowable expenses. 161835

**Section 333.190.** VOLUNTARY MEDICAID COMMUNITY ENGAGEMENT 161836  
PROGRAM 161837

(A) As used in this section: 161838

(1) "Expansion eligibility group" has the same meaning as in 161839  
section 5163.01 of the Revised Code. 161840

(2) "Medical assistance recipient" has the same meaning as in section 5160.01 of the Revised Code.

(B) The Medicaid Director shall establish and implement a voluntary community engagement program in accordance with this section.

(C) The community engagement program shall be available to all medical assistance recipients. Participation in the program shall be voluntary.

(D) The community engagement program shall do all of the following:

(1) Encourage medical assistance recipients to work who are of working age and able-bodied;

(2) Promote to medical assistance recipients the economic stability, financial independence, and improved health outcomes from work;

(3) Provide information to medical assistance recipients about the services available under the community engagement program, including an explanation of the importance of work to overall physical and mental health.

(E) The community engagement program shall continue through the FY 2024 - FY 2025 fiscal biennium or until Ohio is able to implement the waiver component under section 5166.37 of the Revised Code, whichever is sooner, at which point it will cease to exist.

(F) As part of the community engagement program, the Medicaid Director shall explore partnerships with education and training providers to increase training opportunities for Medicaid recipients.

**Section 333.200. PUBLIC ASSISTANCE FOR ELIGIBILITY DETERMINATIONS DUE TO END OF PUBLIC HEALTH EMERGENCY**

During the FY 2024 - FY 2025 biennium, to facilitate the  
resumption of routine Medicaid eligibility determinations in  
accordance with federal guidance, counties shall proportionately  
supplement their Medicaid eligibility determinations and  
redeterminations with "American Rescue Plan Act of 2021," Pub. L.  
No 117-2, funding received for that purpose. The Director of Job  
and Family Services shall notify the Medicaid Director of any  
transfer requests from the Medicaid Income Maintenance (IM)  
Control allocation to other IM Control Programs (SNAP & TANF) or  
other allocations that exceed those made in fiscal year 2023. The  
Medicaid Director shall consult with the Director of Job and  
Family Services to establish conditions and criteria regarding  
when transfers may occur, including specifying which counties are  
eligible for transfer of funds. In fiscal year 2024 up to  
\$5,000,000 and in fiscal year 2025 up to \$10,000,000 of funds  
within appropriation item 655522, Medicaid Program Support -  
Local, may also be distributed based on performance criteria.  
Performance based amounts and criteria, and criteria for transfer  
approval may include but are not limited to timeliness and  
accuracy of application and renewal processing.

**Section 333.210. POST-COVID MEDICAID REDETERMINATION**

(A) The Department or the Department's designee shall use  
third-party data sources and systems to conduct eligibility  
redeterminations of all Medicaid recipients in this state after  
the conclusion of the emergency period due to COVID-19, as defined  
in 42 U.S.C. 1320b-5(g)(1)(B).

(B) To the full extent permitted by state and federal law,  
the Department, or the Department's designee shall verify Medicaid  
recipient enrollment records against third-party data sources and  
systems, including any records the Department considers  
appropriate in order to strengthen program integrity, reduce

costs, and reduce fraud, waste, and abuse in the Medicaid program. 161902

(C) At the conclusion of the emergency period due to 161903  
COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B), the 161904  
Department, or the Department's designee shall: 161905

(1) Conduct an eligibility review of Medicaid recipients for 161906  
whom a redetermination has not been conducted in the past twelve 161907  
months. The reviews shall be conducted on a schedule coinciding 161908  
with what would have been the recipients' next eligibility review 161909  
dates. 161910

(2) Conduct an eligibility review of Medicaid recipients for 161911  
whom a redetermination has been conducted in the past twelve 161912  
months. The reviews shall be conducted on a schedule coinciding 161913  
with the recipients' next eligibility review dates. 161914

(D) The Department shall disenroll those recipients who are 161915  
deemed no longer eligible for the Medicaid program under the 161916  
eligibility review. 161917

(E) The Department shall oversee the county determinations 161918  
and administration to ensure timely and accurate compliance with 161919  
the provisions of this section and federal requirements. 161920

(F) The Department shall complete a report containing its 161921  
findings under division (A) of this section, including any 161922  
findings of fraud, waste, or abuse in the Medicaid program. 161923  
Thirteen months after the conclusion of the emergency period due 161924  
to COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B), the 161925  
Department shall submit the report to the Joint Medicaid Oversight 161926  
Committee. 161927

**Section 333.230. COMPETITIVE WAGES FOR DIRECT CARE WORKFORCE** 161928  
**OF MEDICAID SERVICES** 161929

Direct care providers under Ohio's Medicaid program have been 161930  
adversely impacted by the COVID-19 pandemic and extraordinary 161931

inflationary pressures within the economy. The Department of 161932  
Medicaid in collaboration with the Department of Aging and the 161933  
Department of Developmental Disabilities has included funding in 161934  
the budget to be used for provider rate increases. These provider 161935  
rate increases shall be used to ensure workforce stability and 161936  
greater access to care for Medicaid recipients through increased 161937  
wages and needed workforce supports. 161938

**Section 333.240.** MEDICAID ASSISTED LIVING PROGRAM PAYMENT 161939  
RATES 161940

(A) As used in this section: 161941

(1) "Assisted living program" and "assisted living services" 161942  
have the same meanings as in section 173.51 of the Revised Code. 161943

(2) "Assisted living memory care service" means a service 161944  
provided by a residential care facility to an individual with a 161945  
documented diagnosis of any form of dementia who is residing in an 161946  
assisted living memory care unit and being served by an assisted 161947  
living Medicaid provider. 161948

(3) "Assisted living memory care unit" means a discrete unit 161949  
or section in a residential care facility or an entire residential 161950  
care facility that meets both of the following criteria: 161951

(a) The unit or facility is designated by the facility 161952  
operator as a memory care unit. 161953

(b) The unit or facility is operated in compliance with rules 161954  
applicable to memory care units adopted by the Department of 161955  
Health under Chapter 3721. of the Revised Code. 161956

(4) "Direct care staff" includes nurses, resident care 161957  
assistants, activities personnel, and social services personnel 161958  
who are employed by or contracted with a residential care 161959  
facility. 161960

(5) "Practitioner" means a health care provider engaging in 161961

activities authorized by the provider's license, certification, or registration. 161962  
161963

(6) "Residential care facility" has the same meaning as in section 3721.01 of the Revised Code. 161964  
161965

(B) The Department of Medicaid, in consultation with the Department of Aging, shall adopt rules, effective November 1, 2023, establishing an assisted living services base payment rate for residential care facilities participating in the Medicaid-funded component of the assisted living program that shall be no less than one hundred thirty dollars per day. 161966  
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(C) The Department of Medicaid and the Department of Aging shall adopt rules, effective November 1, 2023, establishing an assisted living memory care service payment rate for residential care facilities participating in the Medicaid-funded component of the assisted living program. This payment rate is based on additional costs that a provider may incur resulting from serving individuals with dementia and, except as provided in division (E) of this section, shall be at least twenty-five dollars per day more than the base payment rate established by rules adopted under division (B) of this section. The per diem for assisted living memory care service will only be available to assisted living providers if both the following conditions are met: 161972  
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(1) The resident for whom the per diem is paid was assessed by a practitioner and was determined by the practitioner to need the services of a memory care unit. 161984  
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161986

(2) The memory care unit in which the resident resides has a direct care staff to resident ratio that is at least twenty per cent higher than other units in the residential care facility. If the memory care unit is an entire residential care facility, the facility in which the resident resides has a direct care staff to resident ratio that is at least twenty per cent higher than the 161987  
161988  
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average direct care staff to resident ratio of a representative 161993  
sample of residential care facilities participating in the 161994  
Medicaid-funded component of the assisted living program or parts 161995  
of those facilities that are not memory care units. 161996

(D) The Department of Medicaid and the Department of Aging 161997  
shall adopt rules establishing an assisted living critical access 161998  
payment rate for residential care facilities participating in the 161999  
Medicaid-funded component of the assisted living program that 162000  
averaged at least fifty per cent of their residents receiving 162001  
Medicaid-funded services during the preceding state fiscal year or 162002  
in the case of a new residential care facility, that projects to 162003  
average at least fifty per cent of its residents receiving 162004  
Medicaid-funded services during the state fiscal year in which the 162005  
facility opens. The critical access payment rate shall be at least 162006  
fifteen dollars per day more than the base payment rate 162007  
established by rules adopted under division (B) of this section. 162008

(E) The assisted living memory care service payment rate for 162009  
a residential care facility participating in the Medicaid-funded 162010  
component of the assisted living program that receives a critical 162011  
access payment rate under rules adopted under division (D) of this 162012  
section shall be at least ten dollars higher than the critical 162013  
access payment rate. 162014

(F) The Department of Medicaid, in consultation with the 162015  
Department of Aging and stakeholders, shall adopt rules 162016  
establishing a methodology for determining rates for assisted 162017  
living services, including assisted living memory care services 162018  
and critical access services, which at minimum provides for 162019  
adjusting rates annually for changes in the Consumer Price Index 162020  
for All Items for All Urban Consumers for the Midwest region, 162021  
published by the U.S. Bureau of Labor Statistics. The Department 162022  
shall adopt rules under this section no later than July 1, 2024. 162023

**Section 333.250.** TRANSFER OF APPROPRIATION FOR PRE-ADMISSION 162024  
SCREENING RESIDENT REVIEW CONTRACT FROM MENTAL HEALTH AND 162025  
ADDICTION SERVICES TO OHIO DEPARTMENT OF MEDICAID 162026

On July 1, 2023, or as soon as possible thereafter, upon the 162027  
request of the Medicaid Director, in consultation with the 162028  
Director of Mental Health and Addiction Services, the Director of 162029  
Budget and Management may transfer appropriations between 162030  
appropriation line item 652321, Medicaid Support, within the 162031  
Department of Mental Health and Addiction Services and 162032  
appropriation line item 651425, Medicaid Program Support - State, 162033  
within the Department of Medicaid to fund Pre-Admission Screening 162034  
Resident Reviews. If such a transfer occurs, the Director of 162035  
Budget and Management shall adjust, using the federal 162036  
reimbursement rate, the federal share of appropriations in 162037  
appropriation line item 652636, Community Medicaid Legacy Support, 162038  
within the Department of Mental Health and Addiction Services and 162039  
appropriation line item 651624, Medicaid Program Support - 162040  
Federal, within the Department of Medicaid. 162041

**Section 333.260.** PHYSICIAN DIRECTED PAYMENT PROGRAM 162042

(A) As used in this section, "directed payment program" means 162043  
a payment program authorized by 42 C.F.R. 438.6(c) under which the 162044  
Department of Medicaid regulates payment rates between Medicaid 162045  
managed care organizations and certain Medicaid providers. 162046

(B)(1) The Medicaid Director may create a physician directed 162047  
payment program for Medicaid managed care organization payments to 162048  
nonpublic hospitals, and their related health systems, for 162049  
physician services provided to Medicaid enrollees. Payment amounts 162050  
under the program shall not exceed the average commercial level 162051  
paid to participating health systems for physician and other 162052  
professional services covered under the Medicaid program and 162053

provided to enrollees. 162054

(2) The program shall advance the maternal and child health 162055  
goals established in the Department's quality strategy required by 162056  
42 C.F.R. 438.340. 162057

(C) Under the program, participating hospitals shall receive 162058  
payments directly for physician services provided to enrollees and 162059  
remit to the Department the nonfederal share of those services 162060  
through intergovernmental transfer. 162061

(1) Eligible public entities may transfer funds to be used by 162062  
the Department for directed payments, as authorized by 42 C.F.R. 162063  
433.51, through intergovernmental transfer pursuant to an 162064  
interagency agreement with the Department. 162065

(2) Transfers made for the program shall be deposited into 162066  
the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) 162067  
created under section 5162.52 of the Revised Code. 162068

(D) If receipts credited to the physician directed payment 162069  
program exceed the amounts available in the fund, the director may 162070  
either adjust any payment amounts under the program or terminate 162071  
the program. 162072

**Section 333.270. LOCKABLE AND TAMPER-EVIDENT CONTAINERS** 162073

(A) As used in this section: 162074

(1) "Lockable container" means a container that meets both of 162075  
the following requirements: 162076

(a) Has special packaging; 162077

(b) Has a locking mechanism that can be unlocked in any of 162078  
the following ways: 162079

(i) Physically by using a key or other object capable of 162080  
unlocking a locked container; 162081

(ii) Physically by entering a numeric or alphanumeric 162082

combination code that is selected by the patient or an individual acting on behalf of the patient; 162083  
162084

(iii) Electronically by entering a password or code that is selected by the patient or an individual acting on behalf of the patient. 162085  
162086  
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(2) "Drug used in medication-assisted treatment" has the same meaning as in section 5119.19 of the Revised Code. 162088  
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(3) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code. 162090  
162091

(4) "Special packaging" has the same meaning as in the "Poison Prevention Packaging Act of 1970," 15 U.S.C. 1471. 162092  
162093

(5) "Tamper-evident container" means a container that meets both of the following requirements: 162094  
162095

(a) Has special packaging; 162096

(b) Displays a visual sign when there is unauthorized entry into the container or has a numerical display of the time that the container was last opened. 162097  
162098  
162099

(B) Subject to division (C) of this section, during fiscal year 2024 and fiscal year 2025, the Department of Medicaid shall reimburse any pharmacist or prescriber that seeks reimbursement for expenses related to the following: 162100  
162101  
162102  
162103

(1) Pharmacists for costs related to dispensing drugs used in medication-assisted treatment in lockable containers or tamper-evident containers; 162104  
162105  
162106

(2) Prescribers for costs related to personally furnishing drugs used in medication-assisted treatment in lockable containers or tamper-evident containers. 162107  
162108  
162109

(C) Reimbursement may be sought for the period provided in division (B) of this section, or until funds appropriated for the reimbursement are expended, whichever occurs first. 162110  
162111  
162112

(D) Of the foregoing appropriation item 651525, Medicaid 162113  
Health Care Services, \$500,000 state share in each fiscal year 162114  
shall be used for the reimbursement described in this section. 162115

**Section 333.280. MEDICAID IN SCHOOLS PROGRAM** 162116

The Department of Medicaid shall request approval from the 162117  
Centers for Medicare and Medicaid Services by December 31, 2023, 162118  
to expand the Medicaid in Schools Program to authorize Medicaid 162119  
payment for any covered service provided to an eligible individual 162120  
by a qualified provider in a school. 162121

**Section 333.290. NURSING FACILITY PAYMENT RATE NOTICES** 162122

In its notice to each nursing facility with the facility's 162123  
per Medicaid day payment rate for state fiscal year 2024, the 162124  
Department of Medicaid shall include an explanation of how many 162125  
quality points the facility would have received, based on calendar 162126  
year 2022 data, for each of the quality measures under division 162127  
(C)(1)(c) of section 5165.26 of the Revised Code, as amended by 162128  
this act. 162129

**Section 333.300. NURSING FACILITY BASE RATES** 162130

For state fiscal years 2024 and 2025, the Department of 162131  
Medicaid shall include in each nursing facility's base rate only 162132  
forty per cent of the sum of the increase in its rate for direct 162133  
care costs and its rate for ancillary and support costs that 162134  
results from the rebasing conducted pursuant to section 5165.36 of 162135  
the Revised Code. 162136

**Section 333.310. MEDICAID BUY IN FOR WORKERS WITH** 162137  
**DISABILITIES** 162138

Upon approval of a state plan amendment by the United States 162139  
Centers for Medicare and Medicaid Services authorizing Medicaid 162140

coverage for the optional eligibility group specified in section 162141  
1902(a)(10)(A)(ii)(XIII) of the "Social Security Act," 42 U.S.C. 162142  
1396a(a)(10)(A)(ii)(XIII) and authorized under sections 5163.06 162143  
and 5163.063 of the Revised Code, the Medicaid Director may 162144  
certify to the Director of Budget and Management the necessary 162145  
amount to pay for the optional eligibility group described in this 162146  
act in fiscal year 2025. Upon certification, the necessary 162147  
amounts, both state and federal shares, are hereby appropriated to 162148  
appropriation item 651525, Medicaid Health Care Services. 162149

**Section 335.10. MED STATE MEDICAL BOARD** 162150

Dedicated Purpose Fund Group 162151  
5C60 883609 Operating Expenses \$ 13,791,789 \$ 14,315,005 162152  
TOTAL DPF Dedicated Purpose Fund \$ 13,791,789 \$ 14,315,005 162153  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 13,791,789 \$ 14,315,005 162154

**Section 335.20. LEGACY PAIN MANAGEMENT STUDY COMMITTEE** 162156

(A) The Legacy Pain Management Study Committee is established 162157  
to study and evaluate the care and treatment of patients suffering 162158  
from chronic or debilitating pain, in particular those who have 162159  
been prescribed opioids for lengthy periods of time, often 162160  
referred to as legacy patients. In conducting its study and 162161  
evaluation, the committee shall consider all of the following 162162  
topics: 162163

(1) The needs of patients experiencing chronic or 162164  
debilitating pain; 162165

(2) The challenges associated with tapering opioid doses for 162166  
pain patients and the need for flexibility and tapering pauses 162167  
when treating such patients; 162168

(3) The ways in which communications between patients and 162169  
prescribers can be improved; 162170

(4) The availability of and patient access to pain management specialists in this state;	162171 162172
(5) Any other topic the committee considers relevant.	162173
(B) The committee consists of the following nine members:	162174
(1) Four members of the 135th General Assembly, two appointed by the Speaker of the House of Representatives and two appointed by the Senate President;	162175 162176 162177
(2) The Director of the Ohio Department of Mental Health and Addiction Services or the Director's designee;	162178 162179
(3) The President of the State Medical Board of Ohio or the President's designee;	162180 162181
(4) The Executive Director of the State Board of Pharmacy or the Executive Director's designee;	162182 162183
(5) Two public members, one who represents patients and is appointed by the Speaker of the House of Representatives and one who represents prescribers and is appointed by the Senate President.	162184 162185 162186 162187
The members shall be appointed not later than thirty days after the effective date of this section. The members shall select a chairperson from among the committee's membership and shall meet as necessary to satisfy the requirements of this section.	162188 162189 162190 162191
(C) Not later than December 1, 2024, the committee shall prepare and submit to the General Assembly a report of its recommendations for legislation addressing the care and treatment of legacy patients. The report shall be submitted in accordance with section 101.68 of the Revised Code. The State Medical Board shall provide to the committee the administrative support necessary to execute its duties.	162192 162193 162194 162195 162196 162197 162198
(D) The committee ceases to exist on the submission of the report described in division (C) of this section.	162199 162200

		<b>Section 337.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION</b>			162201
		SERVICES			162202
		General Revenue Fund			162203
GRF	336321	Program Support and Operations	\$ 54,807,000	\$ 57,100,000	162204
GRF	336402	Resident Trainees	\$ 450,000	\$ 450,000	162205
GRF	336406	Prevention and Wellness	\$ 7,000,000	\$ 7,000,000	162206
GRF	336412	Hospital Services	\$ 288,000,000	\$ 310,000,000	162207
GRF	336415	Mental Health Facilities Lease Rental Bond Payments	\$ 25,875,000	\$ 22,625,000	162208
GRF	336421	Continuum of Care Services	\$ 96,539,000	\$ 96,539,000	162209
GRF	336422	Criminal Justice Services	\$ 21,000,000	\$ 21,000,000	162210
GRF	336424	Recovery Housing	\$ 5,000,000	\$ 5,000,000	162211
GRF	336425	Specialized Docket Support	\$ 11,269,000	\$ 11,269,000	162212
GRF	336504	Community Innovations	\$ 11,250,000	\$ 11,250,000	162213
GRF	336510	Residential State Supplement	\$ 16,000,000	\$ 16,000,000	162214
GRF	336516	Appalachian Children Coalition	\$ 2,500,000	\$ 2,500,000	162215
GRF	336519	Community Projects	\$ 1,595,000	\$ 1,595,000	162216
GRF	336520	Digital Therapeutics	\$ 1,000,000	\$ 0	162217
GRF	652321	Medicaid Support	\$ 1,618,000	\$ 1,650,000	162218
	TOTAL GRF	General Revenue Fund	\$ 543,903,000	\$ 563,978,000	162219
		Dedicated Purpose Fund Group			162220
4750	336623	Statewide Treatment and Prevention	\$ 22,799,190	\$ 22,799,190	162221

4850	336632	Mental Health Operating	\$	15,000,000	\$	15,000,000	162222
5AA1	336661	988 Suicide and Crisis Response	\$	20,701,661	\$	25,831,020	162223
5AU0	336615	Behavioral Health Care	\$	19,000,000	\$	19,000,000	162224
5CV3	336648	ARPA Pediatric Behavioral Health	\$	1,200,000	\$	0	162225
5JL0	336629	Problem Gambling and Casino Addiction	\$	7,000,000	\$	7,000,000	162226
5T90	336641	Problem Gambling Services	\$	2,320,000	\$	2,320,000	162227
5TZ0	336600	Stabilization Centers	\$	6,000,000	\$	6,000,000	162228
5TZ0	336643	ADAMHS Boards	\$	11,000,000	\$	11,000,000	162229
5VV0	336645	Transcranial Magnetic Stimulaton Pilot	\$	6,000,000	\$	0	162230
6320	336616	Community Capital Replacement	\$	350,000	\$	350,000	162231
6890	336640	Education and Conferences	\$	75,000	\$	75,000	162232
TOTAL DPF		Dedicated Purpose Fund Group	\$	111,445,851	\$	109,375,210	162233
		Internal Service Activity Fund Group					162234
1490	336609	Hospital Operating Expenses	\$	16,000,000	\$	16,000,000	162235
1490	336610	Operating Expenses	\$	7,350,000	\$	7,350,000	162236
1510	336601	Ohio Pharmacy Services	\$	105,755,000	\$	106,955,000	162237
4P90	336604	Community Mental Health Projects	\$	250,000	\$	250,000	162238
TOTAL ISA		Internal Service Activity Fund Group	\$	129,355,000	\$	130,555,000	162239
		Federal Fund Group					162240

3240	336605	Medicaid/Medicare	\$	20,000,000	\$	20,000,000	162241
3A70	336612	Social Services Block Grant	\$	8,000,000	\$	8,000,000	162242
3A80	336613	Federal Grants	\$	5,500,000	\$	5,500,000	162243
3A90	336614	Mental Health Block Grant	\$	45,940,000	\$	45,940,000	162244
3B10	652636	Community Medicaid Legacy Support	\$	4,000,000	\$	4,000,000	162245
3G40	336618	Substance Abuse Block Grant	\$	86,000,000	\$	86,000,000	162246
3H80	336606	Demonstration Grants	\$	16,000,000	\$	16,000,000	162247
3HB1	336644	State Opioid Response	\$	113,000,000	\$	113,000,000	162248
3N80	336639	Administrative Reimbursement	\$	1,000,000	\$	1,000,000	162249
TOTAL FED	Federal Fund Group		\$	299,440,000	\$	299,440,000	162250
TOTAL ALL BUDGET FUND GROUPS			\$	1,084,143,851	\$	1,103,348,210	162251

**Section 337.20. PREVENTION AND WELLNESS** 162253

The foregoing appropriation item 336406, Prevention and Wellness, shall be used as follows: 162254  
162255

(A) Up to \$1,250,000 in each fiscal year shall be distributed to boards of alcohol, drug addiction, and mental health services to purchase the provision of evidence-based prevention services from providers certified by the Department of Mental Health and Addiction Services. 162256  
162257  
162258  
162259  
162260

(B) Up to \$3,350,000 in each fiscal year shall be used to support suicide prevention efforts. 162261  
162262

(C) Up to \$2,250,000 in each fiscal year shall be used to increase access to early identification and intervention of behavioral health disorders across the lifespan. 162263  
162264  
162265

**Section 337.30. MENTAL HEALTH FACILITIES LEASE RENTAL BOND** 162266

PAYMENTS 162267

The foregoing appropriation item 336415, Mental Health 162268  
Facilities Lease Rental Bond Payments, shall be used to meet all 162269  
payments during the period from July 1, 2023, through June 30, 162270  
2025, by the Department of Mental Health and Addiction Services 162271  
pursuant to leases and agreements made under section 154.20 of the 162272  
Revised Code. These appropriations are the source of funds pledged 162273  
for bond service charges on obligations issued pursuant to Chapter 162274  
154. of the Revised Code. 162275

**Section 337.40. CONTINUUM OF CARE SERVICES** 162276

The foregoing appropriation item 336421, Continuum of Care 162277  
Services, shall be used as follows: 162278

(A) A portion of this appropriation shall be allocated to 162279  
boards of alcohol, drug addiction, and mental health services in 162280  
accordance with a distribution methodology determined by the 162281  
Director of Mental Health and Addiction Services for the boards to 162282  
purchase mental health and addiction services permitted under 162283  
Chapter 340. of the Revised Code. Boards may use a portion of the 162284  
funds allocated: 162285

(1) To provide subsidized support for psychotropic medication 162286  
needs of indigent citizens in the community to reduce unnecessary 162287  
hospitalization due to lack of medication; and 162288

(2) To provide subsidized support for medication-assisted 162289  
treatment costs. 162290

(B) A portion of this appropriation may be distributed to 162291  
boards of alcohol, drug addiction, and mental health services, 162292  
community addiction and/or mental health services providers, 162293  
courts, or other governmental entities to provide specific grants 162294  
in support of initiatives concerning mental health and addiction 162295  
services. 162296

(C) Of the foregoing appropriation item 336421, Continuum of Care Services, \$1,500,000 in each fiscal year shall be allocated by the Department of Mental Health and Addiction Services to boards of alcohol, drug addiction, and mental health services. The boards shall use their allocations to establish and administer, in collaboration with the other boards that serve the same state psychiatric hospital region, mental health crisis stabilization centers or, upon approval from the Director of Mental Health and Addiction Services, boards may use these funds in conjunction with funds earmarked in division (A) of Section 337.130 of this act, to establish and administer crisis stabilization centers that have the ability to serve individuals with substance use and/or mental health needs. There shall be at least one center located in each state psychiatric hospital region.

Boards of alcohol, drug addiction, and mental health services shall ensure that each mental health crisis stabilization center established and administered under division (C) of this section complies with all of the following:

(1) It serves individuals before and after the individuals receive treatment and care at hospital emergency departments or freestanding emergency departments.

(2) It serves individuals before and after the individuals are confined in state or local correctional facilities.

(3) It has a Medicaid provider agreement.

(4) It serves individuals who present as needing the crisis stabilization services provided by the center.

(5) It connects individuals when they are discharged from the center with community-based continuum of care services and supports as described in section 340.032 of the Revised Code.

(D) Boards of alcohol, drug addiction, and mental health services shall submit to the Director of Mental Health and

Addiction Services for approval a plan for establishing and 162328  
administering crisis stabilization centers pursuant to division 162329  
(C) of this section and division (A) of Section 337.130 of this 162330  
act that meet the mental health and substance use needs of 162331  
individuals within their service districts. 162332

(E) As used in division (C) of this section: 162333

(1) "State or local correctional facility" means any of the 162334  
following: 162335

(a) A "state correctional institution," as defined in section 162336  
2967.01 of the Revised Code; 162337

(b) A "local correctional facility," as defined in section 162338  
2903.13 of the Revised Code; 162339

(c) A correctional facility that is privately operated and 162340  
managed pursuant to section 9.06 of the Revised Code. 162341

(2) "State psychiatric hospital regions" means the six 162342  
districts into which the Department of Mental Health and Addiction 162343  
Services has divided the state pursuant to division (B)(2) of 162344  
section 5119.14 of the Revised Code. 162345

(F) Of the foregoing appropriation item 336421, Continuum of 162346  
Care Services, up to \$9,000,000 in each fiscal year shall be used 162347  
to develop a strategic approach to strengthening cross-systems 162348  
collaboration efforts to serve adults with serious mental illness 162349  
who are involved in multiple behavioral health, developmental 162350  
disabilities, human services, or criminal justice systems. 162351

(G) Of the foregoing appropriation item 336421, Continuum of 162352  
Care Services, up to \$2,500,000 in each fiscal year shall be used 162353  
to develop, evaluate, and expand crisis services infrastructure to 162354  
provide support for adults, children, and families in a variety of 162355  
settings. 162356

(H) Of the foregoing appropriation item 336421, Continuum of 162357

Care Services, up to \$6,500,000 in each fiscal year shall be used 162358  
to support an evidence-informed intervention model that helps 162359  
public children services agencies bring together caseworkers, 162360  
behavioral health providers, and family peer mentors into teams 162361  
dedicated to helping families struggling with co-occurring child 162362  
maltreatment and substance use disorder. 162363

(I) Of the foregoing appropriation item 336421, Continuum of 162364  
Care, up to \$1,000,000 in each fiscal year shall be used for 162365  
operating expenses and critical repairs to improve the 162366  
habitability of homes and quality of life for adults with severe 162367  
mental illness living in class two and class three residential 162368  
facilities. 162369

(J) Of the foregoing appropriation item 336421, Continuum of 162370  
Care Services, up to \$4,000,000 in each fiscal year shall be used 162371  
to expand statewide access to rapid mobile response and 162372  
stabilization services provided to youth experiencing an emotional 162373  
or behavioral health crisis and their families. 162374

(K) Of the foregoing appropriation item 336421, Continuum of 162375  
Care Services, \$2,000,000 in each fiscal year shall be allocated 162376  
to Bellefaire Jewish Children's Bureau to be used for support of 162377  
its ongoing health care integration efforts to fund competitive 162378  
compensation to recruit and retain front-line staffing positions 162379  
across its core behavioral health programs including inpatient 162380  
psychiatric care and outpatient physical health care and to 162381  
maintain sufficient staff-to-client ratios for all programs. 162382

(L) Of the foregoing appropriation item 336421, Continuum of 162383  
Care Services, \$375,000 in each fiscal year shall be provided to 162384  
Arika's Angels and shall be used for addiction recovery and mental 162385  
health behavioral supports. 162386

(M) Of the foregoing appropriation item 336421, Continuum of 162387  
Care Services, \$150,000 in each fiscal year shall be distributed 162388

to Mental Health America of Ohio for the Perinatal Outreach and 162389  
Encouragement for Moms (POEM) Program. 162390

(N) Of the foregoing appropriation item 336421, Continuum of 162391  
Care Services, \$150,000 in each fiscal year shall be allocated to 162392  
the "Save a Warrior" Foundation to be used to fund their program 162393  
for first-responders suffering from severe forms of PTSD. 162394

(O) Of the foregoing appropriation item 336421, Continuum of 162395  
Care Services, \$550,000 in each fiscal year shall be distributed 162396  
to CHC Addiction Services, located in Akron, Ohio. Funds shall be 162397  
used for their Rocco Antenucci Memorial Adult Residential Center 162398  
(RAMAR). 162399

(P) Of the foregoing appropriation item 336421, Continuum of 162400  
Care Services, \$350,000 in each fiscal year shall be distributed 162401  
to the Star House for its Drop-In Centers and its Carol Stewart 162402  
Village, or its other expansion projects, to provide services for 162403  
homeless youth. 162404

(Q) Of the foregoing appropriation item 336421, Continuum of 162405  
Care Services, \$250,000 in each fiscal year shall be allocated to 162406  
Flying Horse Farms. 162407

(R) Of the foregoing appropriation item 336421, Continuum of 162408  
Care Services, \$225,000 in each fiscal year shall be distributed 162409  
to LifeTown Columbus to provide additional support for facility 162410  
renovations and operations, including professional development, 162411  
curriculum development, education materials, equipment, marketing, 162412  
and recruitment. 162413

**Section 337.45. HOSPITAL ACCESS FUND** 162414

(A) As used in this section, "mentally ill person subject to 162415  
court order" has the same meaning as in section 5122.01 of the 162416  
Revised Code. 162417

(B) Of the foregoing appropriation item 336421, Continuum of 162418

Care, up to \$7,000,000 in each fiscal year shall be used to pay 162419  
for the treatment of indigent mentally ill persons subject to 162420  
court order in hospitals or inpatient units licensed by the 162421  
Department of Mental Health and Addiction Services under section 162422  
5119.33 of the Revised Code. 162423

**Section 337.50. CRIMINAL JUSTICE SERVICES** 162424

(A) Except as otherwise provided in this act, the foregoing 162425  
appropriation item 336422, Criminal Justice Services, shall be 162426  
used for all of the following: 162427

(1) The provision of forensic psychiatric evaluations to 162428  
courts of common pleas; 162429

(2) The completion of evaluations of patients of forensic 162430  
status in facilities operated or designated by the Department of 162431  
Mental Health and Addiction Services prior to each patient's 162432  
conditional release to the community; 162433

(3) Workforce, training, and technological initiatives that 162434  
support the items specified in divisions (A)(1) and (2) of this 162435  
section. 162436

A portion of this appropriation may be allocated through 162437  
boards of alcohol, drug addiction, and mental health services to 162438  
community addiction and/or mental health services providers in 162439  
accordance with a distribution methodology determined by the 162440  
Director of Mental Health and Addiction Services. 162441

(B) Of the foregoing appropriation item, 336422, Criminal 162442  
Justice Services, up to \$5,000,000 in each fiscal year shall be 162443  
allocated to the Behavioral Health Drug Reimbursement Program 162444  
established in section 5119.19 of the Revised Code. 162445

On July 1, 2023, or as soon as possible thereafter, the 162446  
Director of Mental Health and Addiction Services shall certify to 162447  
the Director of Budget and Management the amount of the 162448

unexpended, unencumbered balance of this earmark in fiscal year 162449  
2023. The amount certified is hereby reappropriated to the 162450  
appropriation item in fiscal year 2024 for the same purpose. 162451

(C) The foregoing appropriation item 336422, Criminal Justice 162452  
Services, may also be used to: 162453

(1) Provide forensic monitoring and tracking of individuals 162454  
on conditional release; 162455

(2) Provide forensic and crisis response training; 162456

(3) Support projects that assist courts and law enforcement 162457  
to identify and develop appropriate alternative services to 162458  
incarceration for nonviolent mentally ill offenders; 162459

(4) Provide services to incarcerated individuals in jails, as 162460  
defined in section 2929.01 of the Revised Code, with a substance 162461  
use disorder, severe mental illness, or both, including screening 162462  
and clinically appropriate treatment; 162463

(5) Link and provide behavioral health treatment and recovery 162464  
supports to incarcerated individuals described in division (C)(4) 162465  
of this section upon release from jail; 162466

(6) Provide specialized re-entry services to offenders 162467  
leaving prisons and jails; 162468

(7) Provide specific grants in support of addiction services 162469  
alternatives to incarceration; 162470

(8) Support therapeutic communities; 162471

(9) Support specialty dockets and expand or create new 162472  
certified court programs; 162473

(10) Establish and administer outpatient competency 162474  
restoration services. The services shall be provided by forensic 162475  
centers described in section 5119.10 of the Revised Code or, to 162476  
the extent a forensic center in a community does not provide 162477  
outpatient competency restoration services, a psychiatric program 162478

or facility selected by a board of alcohol, drug addiction, and 162479  
mental health services to provide such services. 162480

**Section 337.60.** SUBSTANCE USE DISORDER TREATMENT IN 162481  
SPECIALIZED DOCKET PROGRAMS 162482

(A) As used in this section: 162483

(1) "Community addiction services provider" has the same 162484  
meaning as in section 5119.01 of the Revised Code. 162485

(2) "Community control sanction" has the same meaning as in 162486  
section 2929.01 of the Revised Code. 162487

(3) "Drug used in medication-assisted treatment" means a drug 162488  
approved by the United States Food and Drug Administration for use 162489  
in medication-assisted treatment. 162490

(4) "Drug used in withdrawal management or detoxification" 162491  
means a drug approved by the United States Food and Drug 162492  
Administration for use in, or a drug in standard use for, 162493  
mitigating alcohol or opioid withdrawal symptoms or assisting with 162494  
detoxification. 162495

(5) "Medication-assisted treatment" has the same meaning as 162496  
in section 340.01 of the Revised Code. 162497

(6) "Medication-assisted treatment drug court program" and 162498  
"MAT drug court program" mean a session of any of the following 162499  
that holds initial or final certification from the Supreme Court 162500  
of Ohio as a specialized docket program for drugs and that uses 162501  
medication-assisted treatment as part of its specialized docket 162502  
program: a common pleas court, municipal court, or county court, 162503  
or a division of any of those courts. 162504

(7) "Prescriber" has the same meaning as in section 4729.01 162505  
of the Revised Code. 162506

(8) "Recovery supports" has the same meaning as in section 162507

5119.01 of the Revised Code. 162508

(9) "Substance use disorder treatment" has the same meaning 162509  
as "alcohol and drug addiction services" as defined in section 162510  
5119.01 of the Revised Code. 162511

(B)(1) The Department of Mental Health and Addiction Services 162512  
shall conduct a program to provide substance use disorder 162513  
treatment to persons who are eligible to participate in a 162514  
medication-assisted treatment drug court program and are selected 162515  
under this section to be participants in a MAT drug court program 162516  
because of a substance use disorder. The substance use disorder 162517  
treatment provided under the Department's program may include the 162518  
following: 162519

(a) Drugs used in medication-assisted treatment; 162520

(b) Services involved in providing medication-assisted 162521  
treatment; 162522

(c) Drugs used in withdrawal management or detoxification; 162523

(d) Services involved in providing withdrawal management or 162524  
detoxification; 162525

(e) Recovery supports. 162526

(2) The Department shall conduct its program in collaboration 162527  
with any counties in Ohio that are conducting MAT drug court 162528  
programs. 162529

(3) In addition to conducting its program in accordance with 162530  
division (B)(2) of this section, the Department may conduct its 162531  
program in collaboration with any other court that is conducting a 162532  
MAT drug court program. 162533

(C) In conducting its program, the Department shall 162534  
collaborate with the Supreme Court, the Department of 162535  
Rehabilitation and Correction, and any agency of the state that 162536  
the Department of Mental Health and Addiction Services determines 162537

may be of assistance in accomplishing the objectives of the 162538  
Department's program. The Department may collaborate with the 162539  
boards of alcohol, drug addiction, and mental health services and 162540  
with local law enforcement agencies that serve the counties in 162541  
which a court participating in the Department's program is 162542  
located. 162543

(D)(1) A MAT drug court program participating in the 162544  
Department's program shall select the persons who are to be its 162545  
participants for purposes of the Department's program. To be 162546  
selected, a person must be a criminal offender, including an 162547  
offender under a community control sanction, or be involved in a 162548  
drug or family dependency court. A person shall not be selected to 162549  
be a participant unless the person meets the legal and clinical 162550  
eligibility criteria for the MAT drug court program and is an 162551  
active participant in the MAT drug court program, or unless the 162552  
offender is under a community control sanction with the program's 162553  
participating judge. 162554

(2) After a MAT drug court program enrolls a person as a 162555  
participant for purposes of the Department's program, the 162556  
participant shall comply with all requirements of the MAT drug 162557  
court program. 162558

(E) The substance use disorder treatment provided under the 162559  
Department's program in collaboration with a MAT drug court 162560  
program, including any recovery supports that are provided, shall 162561  
be provided by a community addiction services provider. The 162562  
provider shall do all of the following: 162563

(1) Provide treatment based on an integrated service delivery 162564  
model that consists of the coordination of care between a 162565  
prescriber and the community addiction services provider; 162566

(2) Conduct professional, comprehensive substance abuse and 162567  
mental health diagnostic assessments of a person under 162568

consideration for selection as a program participant to determine 162569  
whether the person would benefit from substance use disorder 162570  
treatment and monitoring; 162571

(3) Determine, based on the assessment described in division 162572  
(E)(2) of this section, the treatment needs of the program 162573  
participants served by the community addiction services provider; 162574

(4) Develop, for program participants served by the community 162575  
addiction services provider, individualized goals and objectives; 162576

(5) Subject to division (F) of this section, provide access 162577  
to both of the following drug therapies to the extent they are 162578  
included in the program's substance use disorder treatment: drugs 162579  
used in medication-assisted treatment and drugs used in withdrawal 162580  
management or detoxification; 162581

(6) Provide other types of therapies, including psychosocial 162582  
therapies, for both substance use disorder and any disorders that 162583  
are considered by the community addiction services provider to be 162584  
co-occurring disorders; 162585

(7) Monitor program compliance through the use of regular 162586  
drug testing, including urinalysis, of the program participants 162587  
served by the community addiction services provider; 162588

(8) Provide access to time-limited recovery supports that 162589  
help eliminate barriers to treatment and are specific to the 162590  
participant's needs, including assistance with housing, 162591  
transportation, child care, job training, obtaining a driver's 162592  
license or state identification card, and any other matter 162593  
considered relevant by the provider. 162594

(F) With regard to the drug therapies included in the 162595  
substance use disorder treatment provided under the Department's 162596  
program, both of the following apply: 162597

(1) One or more drugs may be used, but each drug that is used 162598

must constitute either or both of the following: 162599

(a) Long-acting antagonist therapy, partial agonist therapy, 162600  
or full agonist therapy; 162601

(b) Alpha-2 agonist therapy for withdrawal management or 162602  
detoxification. 162603

(2) If a drug constituting partial or full agonist therapy is 162604  
used, the program shall provide safeguards to minimize abuse and 162605  
diversion of the drug, including such safeguards as routine drug 162606  
testing of program participants. 162607

(G) It is anticipated and expected that MAT drug court 162608  
programs will expand their ability to serve more drug court 162609  
participants as a result of increased access to commercial or 162610  
publicly funded health insurance. In order to ensure that funds 162611  
appropriated to support the Department's program are used in the 162612  
most efficient manner with a goal of enrolling the maximum number 162613  
of participants, the Medicaid Director, in collaboration with 162614  
major Ohio health care plans, shall develop plans consistent with 162615  
this division. There shall be no prior authorizations or step 162616  
therapy for program participants to have access to any drug 162617  
therapy included in the substance use disorder treatment provided 162618  
under the Department's program. The plans developed under this 162619  
division shall ensure all of the following: 162620

(1) The development of an efficient and timely process for 162621  
review of eligibility for health benefits for all persons selected 162622  
to participate in the program; 162623

(2) A rapid conversion to reimbursement for all health care 162624  
services by the participant's health care plan following approval 162625  
for coverage of health care benefits; 162626

(3) The development of a consistent benefit package that 162627  
provides ready access to and reimbursement for essential health 162628  
care services including, but not limited to, primary health care 162629

services, alcohol and opioid detoxification services, appropriate 162630  
psychosocial services, drugs used in medication-assisted 162631  
treatment, and drugs used in withdrawal management or 162632  
detoxification; 162633

(4) The development of guidelines that require the provision 162634  
of all treatment services, including medication, with minimal 162635  
administrative barriers and within a time frame that meets the 162636  
requirements of individual patient care plans. 162637

(H) Of the foregoing appropriation item 336422, Criminal 162638  
Justice Services, up to \$5,000,000 in each fiscal year shall be 162639  
used to support the substance use disorder treatment included in 162640  
the Department's program for drug court specialized docket 162641  
programs and to support the administrative expenses of courts and 162642  
community addiction services providers participating in the 162643  
Department's program. 162644

**Section 337.70. RECOVERY HOUSING** 162645

(A) As used in this section, "recovery housing residence" has 162646  
the same meaning as in section 5119.01 of the Revised Code. 162647

(B) Of the foregoing appropriation item 336424, Recovery 162648  
Housing, up to \$5,000,000 in each fiscal year shall be used as 162649  
follows: 162650

(1) To expand, support access to, as well as assist the 162651  
operators of recovery housing residences in their efforts to 162652  
improve the quality of recovery housing residences in this state. 162653  
The Director of Mental Health and Addiction Services may provide 162654  
funds from this appropriation item to such operators for the 162655  
purpose of defraying costs associated with attaining certification 162656  
or accreditation, as applicable, under section 5119.39 of the 162657  
Revised Code. 162658

(2) To implement sections 5119.39 to 5119.397 of the Revised 162659

Code. 162660

**Section 337.80. SPECIALIZED DOCKET SUPPORT** 162661

(A) The foregoing appropriation item 336425, Specialized 162662  
Docket Support, shall be used to defray a portion of the annual 162663  
payroll costs associated with the specialized docket of a common 162664  
pleas court, municipal court, county court, juvenile court, or 162665  
family court that meets all of the eligibility requirements in 162666  
division (B) of this section, including a family dependency 162667  
treatment docket. The foregoing appropriation item 336425, 162668  
Specialized Docket Support, may also be used to defray costs 162669  
associated with treatment services and recovery supports for 162670  
participants. 162671

(B) To be eligible, the specialized docket must have received 162672  
Supreme Court of Ohio initial or final certification and include 162673  
participants with behavioral health needs in its target 162674  
population. 162675

(C) Of the foregoing appropriation item 336425, Specialized 162676  
Docket Support, the Department of Mental Health and Addiction 162677  
Services shall use up to one per cent of the funds appropriated in 162678  
each fiscal year to pay the cost it incurs in administering the 162679  
duties established in this section. 162680

(D) The Department, in consultation with the Supreme Court of 162681  
Ohio, may adopt funding distribution methodology, guidelines, and 162682  
procedures as necessary to carry out the purposes of this section. 162683

**Section 337.90. COMMUNITY INNOVATIONS** 162684

The foregoing appropriation item 336504, Community 162685  
Innovations, may be used by the Department of Mental Health and 162686  
Addiction Services to make targeted investments in programs, 162687  
projects, or systems operated by or under the authority of other 162688  
state agencies, governmental entities, or private not-for-profit 162689

agencies that impact, or are impacted by, the operations and 162690  
functions of the Department, with the goal of achieving a net 162691  
reduction in expenditure of state general revenue funds and/or 162692  
improved outcomes for Ohio citizens without a net increase in 162693  
state general revenue fund spending. 162694

The Director shall identify and evaluate programs, projects, 162695  
or systems proposed or operated, in whole or in part, outside of 162696  
the authority of the Department, where targeted investment of 162697  
these funds in the program, project, or system is expected to 162698  
decrease demand for the Department or other resources funded with 162699  
state general revenue funds, and/or to measurably improve outcomes 162700  
for Ohio citizens with mental illness or with alcohol, drug, or 162701  
gambling addictions. The Director shall have discretion to provide 162702  
funds from this appropriation item to private not-for-profit 162703  
entities in amounts, and subject to conditions, that the Director 162704  
determines most likely to achieve state savings and/or improved 162705  
outcomes. Distribution of funds from this appropriation item shall 162706  
not be subject to sections 9.23 to 9.239 or Chapter 125. of the 162707  
Revised Code. 162708

The Department shall enter into an agreement with each 162709  
recipient of community innovation funds, identifying: allowable 162710  
expenditure of the funds; other commitment of funds or other 162711  
resources to the program, project, or system; expected state 162712  
savings and/or improved outcomes and proposed mechanisms for 162713  
measurement of such savings or outcomes; and required reporting 162714  
regarding expenditure of funds and savings or outcomes achieved. 162715

Of the foregoing appropriation item 336504, Community 162716  
Innovations, up to \$3,000,000 in each fiscal year shall be used to 162717  
support workforce development initiatives. 162718

Of the foregoing appropriation item 336504, Community 162719  
Innovations, up to \$1,500,000 in each fiscal year shall be used to 162720  
mitigate behavioral health disparities. 162721

Of the foregoing appropriation item 336504, Community 162722  
Innovations, up to \$1,250,000 in each fiscal year shall be used to 162723  
establish additional clubhouses in this state for the purpose of 162724  
offering individuals with a mental illness or mental illness and 162725  
co-occurring substance use disorder opportunities for employment, 162726  
housing, education, and access to medical and psychiatric services 162727  
in a single caring and safe environment. The clubhouses shall be 162728  
operated in accordance with model standards and employment 162729  
benchmarks selected by the Department of Mental Health and 162730  
Addiction Services. 162731

Of the foregoing appropriation item 336504, Community 162732  
Innovations, up to \$1,000,000 in each fiscal year shall be used by 162733  
the Department of Mental Health and Addiction Services, in 162734  
partnership with the Department of Rehabilitation and Correction 162735  
and Ohio Housing Finance Agency, to establish a landlord incentive 162736  
program. Under the program, the Department of Mental Health and 162737  
Addiction Services shall do both of the following: 162738

(A) Issue incentive payments to landlords to encourage the 162739  
leasing of rental units to individuals with a criminal record who 162740  
have a mental illness, substance use disorder, or both, or are 162741  
being discharged from a hospital as defined in section 5122.01 of 162742  
the Revised Code. 162743

(B) Reimburse landlords for small repairs in rental units 162744  
leased to individuals described in division (A) of this section to 162745  
ensure that such units conform with Housing Quality Standards 162746  
specified by the United States Department of Housing and Urban 162747  
Development in 24 C.F.R. 982, et seq. 162748

The Department shall specify guidelines and a procedure for 162749  
the distribution of funds pursuant to divisions (A) and (B) of 162750  
this section. 162751

Of the foregoing appropriation item 336504, Community 162752

Innovations, \$250,000 in each fiscal year shall be allocated to 162753  
either the Northeast Ohio Medical University (NEOMED) or another 162754  
entity identified by the Department of Mental Health and Addiction 162755  
Services to deliver statewide continuing training and education to 162756  
professionals on the identification and treatment of alcohol and 162757  
other substance use disorders with medications that are approved 162758  
by the United States Food and Drug Administration. 162759

**Section 337.95. MOBILE-BASED OPIOID USE DISORDER TREATMENT** 162760

(A) As used in this section: 162761

(1) "Medication-assisted treatment" has the same meaning as 162762  
in section 340.01 of the Revised Code. 162763

(2) "Medication unit" has the same meaning as in 42 C.F.R. 162764  
8.2. 162765

(3) "Qualifying practitioner" has the same meaning as in 162766  
section 303(g)(2)(G)(iii) of the "Controlled Substances Act of 162767  
1970," 21 U.S.C. 823(g)(2)(G)(iii). 162768

(B) During fiscal years 2024 and 2025, the Department of 162769  
Mental Health and Addiction Services shall operate a pilot program 162770  
to provide opioid use disorder treatment to individuals in 162771  
underserved regions of this state, selected by the Department, 162772  
using medication units that are mobile. The purpose of the program 162773  
is to extend access to medication-assisted treatment to areas of 162774  
the state lacking opioid treatment programs licensed under section 162775  
5119.37 of the Revised Code and qualifying practitioners. 162776

(C) The Department shall ensure that the services provided in 162777  
mobile medication units used in the pilot program are those 162778  
specified in relevant guidance issued by the United States 162779  
Substance Abuse and Mental Health Services Administration. 162780

(D) Upon request of the Department, the State Board of 162781  
Pharmacy, State Medical Board, Board of Nursing, and any other 162782

state agency that the Department determines may be of assistance 162783  
in accomplishing the purpose of the pilot program, shall provide 162784  
the requested assistance. 162785

(E) Not later than sixty days after the effective date of 162786  
this section, the Department shall develop a plan for implementing 162787  
and evaluating the pilot program. 162788

(F) Not later than six months after the conclusion of the 162789  
pilot program, the Department shall complete a report of the 162790  
findings obtained from the program. On completion, the Department 162791  
shall submit the report to the Governor and to the General 162792  
Assembly. The Department shall submit the report to the General 162793  
Assembly in accordance with section 101.68 of the Revised Code. 162794

(G) Of the foregoing appropriation item 336504, Community 162795  
Innovations, up to \$750,000 in each fiscal year shall be used to 162796  
operate the pilot program established under this section. 162797

**Section 337.100. RESIDENTIAL STATE SUPPLEMENT** 162798

The foregoing appropriation item 336510, Residential State 162799  
Supplement, may be used by the Department of Mental Health and 162800  
Addiction Services to implement and operate the Residential State 162801  
Supplement (RSS) Program required by section 5119.41 of the 162802  
Revised Code. 162803

**Section 337.103. APPALACHIAN CHILDREN COALITION** 162804

The foregoing appropriation item 336516, Appalachian Children 162805  
Coalition, shall be provided to the Appalachian Children Coalition 162806  
to address systemic challenges children face in Appalachian Ohio. 162807  
The Coalition shall use the funds as follows: 162808

(A) \$1,000,000 in each fiscal year shall be used to provide 162809  
funding for training, hiring, and retention of entry-level child 162810  
mental and behavioral health workers in school and health provider 162811

settings; 162812

(B) \$1,000,000 in each fiscal year shall be used to provide 162813  
funding for research and facilitation of a publicly accessible 162814  
database of child wellbeing indicators as well as provide capacity 162815  
to child-serving entities in the region by way of grant writing 162816  
support, community assessments, and mental and behavioral health 162817  
workforce mapping; 162818

(C) \$250,000 in each fiscal year shall be used to enhance 162819  
child mental health outcomes, promote implementation of 162820  
whole-child models of care, and to expand the mental health 162821  
workforce in the region; and 162822

(D) \$250,000 in each fiscal year shall be used to provide 162823  
funding for prevention programming in the areas of teen suicide, 162824  
substance misuse, human trafficking, bullying, and child abuse and 162825  
neglect in the region. 162826

**Section 337.105. COMMUNITY PROJECTS** 162827

Of the foregoing appropriation item 336519, Community 162828  
Projects, \$1,500,000 in each fiscal year shall be provided to the 162829  
Ohio Alliance of Boys & Girls Clubs to support prevention and 162830  
early intervention for underserved children, youth, and families 162831  
in high-need and/or high-risk communities through the integration 162832  
of evidence-based trauma-informed practices into Club programming 162833  
and the provision of broader community partnerships for care 162834  
management, direct services, clinical interventions, as well as 162835  
additional support for addiction prevention and youth mental 162836  
health. 162837

Of the foregoing appropriation item 336519, Community 162838  
Projects, \$75,000 in each fiscal year shall be distributed to 162839  
Fringe Industries. 162840

Of the foregoing appropriation item 336519, Community 162841

Projects, \$20,000 in each fiscal year shall be distributed to 162842  
Natural Freedom Wellness Centers and shall be used for workforce 162843  
development, transportation costs, and facility upgrades. 162844

**Section 337.110. DIGITAL THERAPEUTICS** 162845

(A) As used in this section, "prescription digital 162846  
therapeutic approved or otherwise authorized for the treatment of 162847  
substance use disorders" and "prescription digital therapeutic" 162848  
means a class II medical device, as that term is described in 21 162849  
C.F.R. 860.3, that has been approved or otherwise authorized by 162850  
the United States Food and Drug Administration to deliver 162851  
therapeutic interventions for the treatment of substance use 162852  
disorders, including opioid use disorders. 162853

(B) The Department of Mental Health and Addiction Services 162854  
shall acquire prescription digital therapeutics approved or 162855  
otherwise authorized for the treatment of substance use disorders 162856  
for the purpose of operating a pilot program to explore the 162857  
effectiveness of prescription digital therapeutics. Under the 162858  
pilot program, patients who have been diagnosed with a substance 162859  
use disorder, including an opioid use disorder, and have been 162860  
prescribed a digital therapeutic as part of treatment shall be 162861  
provided the prescribed digital therapeutic at no cost to the 162862  
patient. 162863

(C) Each treatment provider that participates in the pilot 162864  
program shall identify patients who have been diagnosed with a 162865  
substance use disorder, including an opioid use disorder, and who 162866  
have been prescribed a digital therapeutic as part of treatment. 162867  
Patients who elect to use the prescribed digital therapeutic shall 162868  
be provided access to it by activating an access code. 162869

The Department and treatment providers shall make best 162870  
efforts to include patient participants with varied demographic 162871  
backgrounds and experiences with substance use and opioid use 162872

disorders. The use of prescription digital therapeutics by 162873  
participating patients may be in addition to any other treatment 162874  
for substance use and opioid use disorders, including 162875  
medication-assisted treatment and other behavioral health 162876  
services. 162877

(D) The pilot program shall begin as soon as practicable 162878  
after the effective date of this section and shall be operated 162879  
until December 31, 2024, or until funds appropriated for the 162880  
program are expended, whichever occurs first. 162881

(E) Not later than March 31, 2025, the Department shall 162882  
prepare a report, using data supplied by vendors of prescription 162883  
digital therapeutics and aggregated claims data, describing its 162884  
findings regarding the impact of the pilot program and submit it 162885  
to the chairpersons and ranking minority members of the standing 162886  
committees that consider health and human services issues in the 162887  
House of Representatives and the Senate. The report shall describe 162888  
all of the following: 162889

(1) The population included in the pilot program; 162890

(2) The successes and challenges of the program; 162891

(3) Treatment access for pilot program participants; 162892

(4) Participant satisfaction; 162893

(5) Participant treatment goals and whether those goals were 162894  
achieved; 162895

(6) Impacts related to health equity; 162896

(7) A comparison of hospitalization for program participants 162897  
as compared to other patients of participating treatment providers 162898  
who are being treated for substance use and opioid use disorders; 162899

(8) Any recommendations for future coverage of prescription 162900  
digital therapeutics. 162901

(F) The foregoing appropriation item 336520, Digital 162902

Therapeutics, shall be used for the pilot program established by 162903  
this section. 162904

(G) An amount equal to the unexpended, unencumbered balance 162905  
of appropriation item 336520, Digital Therapeutics, at the end of 162906  
fiscal year 2024 is hereby reappropriated to the same 162907  
appropriation item for the same purpose in fiscal year 2025. 162908

**Section 337.120. MEDICAID SUPPORT** 162909

The foregoing appropriation item 652321, Medicaid Support, 162910  
shall be used to fund specified Medicaid Services as delegated by 162911  
the state's single agency responsible for the Medicaid Program. 162912

**Section 337.130. STABILIZATION CENTERS** 162913

(A) Except as otherwise provided in this act, of the 162914  
foregoing appropriation item 336600, Stabilization Centers, up to 162915  
\$6,000,000 in each fiscal year shall be used to establish and 162916  
administer, in collaboration with the other boards that serve the 162917  
same state psychiatric hospital region, substance use 162918  
stabilization centers or, upon approval from the Director of 162919  
Mental Health and Addiction Services, boards may use these funds 162920  
in conjunction with funds earmarked in division (C) of Section 162921  
337.40 of this act to establish and administer crisis 162922  
stabilization centers that have the ability to serve individuals 162923  
with substance use and/or mental health needs. There shall be a 162924  
minimum of one center located in each state psychiatric hospital 162925  
region. 162926

(B) Boards of alcohol, drug addiction, and mental health 162927  
services shall submit to the Director of Mental Health and 162928  
Addiction Services for approval a plan for establishing and 162929  
administering crisis stabilization centers pursuant to division 162930  
(A) of this section and division (C) of Section 337.40 of this act 162931  
that meet the needs of individuals within their service districts. 162932

(C) As used in this section, "state psychiatric hospital regions" means the six districts into which the Department of Mental Health and Addiction Services has divided the state pursuant to division (B)(2) of section 5119.14 of the Revised Code. 162933  
162934  
162935  
162936  
162937

**Section 337.135. 9-8-8 LIFELINE** 162938

(A) As used in this section, "9-8-8 Suicide and Crisis Lifeline" means the 9-8-8 universal telephone number designated for use within the United States under section 251(e) of the "Communications Act of 1934," 47 U.S.C. 251(e), as amended by the "National Suicide Hotline Designation Act of 2020," Pub. L. No. 116-172, for the purpose of the national suicide prevention and mental health crisis hotline system. 162939  
162940  
162941  
162942  
162943  
162944  
162945

(B) The foregoing appropriation item 336661, 988 Suicide and Crisis Response, shall be used to support statewide operations and related activities of the 9-8-8 Suicide and Crisis Lifeline and mental health treatment and response. 162946  
162947  
162948  
162949

**Section 337.137. BEHAVIORAL HEALTH CARE** 162950

Of the foregoing appropriation item 336615, Behavioral Health Care, \$1,000,000 in each fiscal year shall be distributed to The Centers in Cuyahoga County and used to offer continuing comprehensive behavioral health services. 162951  
162952  
162953  
162954

Of the foregoing appropriation item 336615, Behavioral Health Care, \$500,000 in each fiscal year shall be distributed to the Nord Center in Lorain County and used to offer continuing comprehensive behavioral health services. 162955  
162956  
162957  
162958

**Section 337.140. ADAMHS BOARDS** 162959

(A) Of the foregoing appropriation item 336643, ADAMHS Boards, \$5,000,000 in each fiscal year shall be allocated as 162960  
162961

follows: 162962

(1) Each board shall receive \$50,000 in each fiscal year for 162963  
each of the counties that are part of the board's district. 162964

(2) Each board shall receive a percentage of any remaining 162965  
amount to be determined by a formula developed by the Director of 162966  
Mental Health and Addiction Services. 162967

(B) Of the foregoing appropriation item 336643, ADAMHS 162968  
Boards, up to \$6,000,000 in each fiscal year shall be used to fund 162969  
a continuum of crisis stabilization and crisis prevention services 162970  
and supports to allow individuals to be served in the least 162971  
restrictive setting. 162972

(C) Boards of alcohol, drug addiction, and mental health 162973  
services shall submit for approval by the Director of Mental 162974  
Health and Addiction Services a plan for establishing and 162975  
administering crisis services in conjunction with the plan 162976  
submitted pursuant to division (D) of Section 337.40 and division 162977  
(B) of Section 337.130 of this act. 162978

**Section 337.145. ARPA PEDIATRIC BEHAVIORAL HEALTH** 162979

The foregoing appropriation item 336648, ARPA Pediatric 162980  
Behavioral Health, shall be distributed to St. Vincent Family 162981  
Services for pediatric behavioral health workforce retention and 162982  
development. 162983

**Section 337.150. PROBLEM GAMBLING AND CASINO ADDICTION** 162984

A portion of appropriation item 336629, Problem Gambling and 162985  
Casino Addiction, shall be allocated to boards of alcohol, drug 162986  
addiction, and mental health services in accordance with a 162987  
distribution methodology determined by the Director of Mental 162988  
Health and Addiction Services. 162989

**Section 337.160.** TRANSCRANIAL MAGNETIC STIMULATION PROGRAM 162990

The foregoing appropriation item 336645, Transcranial 162991  
Magnetic Stimulation Program, shall be used for the 162992  
electroencephalogram (EEG) combined transcranial magnetic 162993  
stimulation program as described in section 5902.09 of the Revised 162994  
Code. These funds shall also be used to serve up to three hundred 162995  
additional veterans and up to three hundred additional first 162996  
responders and law enforcement officers. 162997

**Section 337.170.** ACCESS SUCCESS II PROGRAM 162998

To the extent cash is available, the Director of Budget and 162999  
Management may transfer cash from a fund designated by the 163000  
Medicaid Director, to the Sale of Goods and Services Fund (Fund 163001  
1490), used by the Department of Mental Health and Addiction 163002  
Services. The transferred cash is hereby appropriated. 163003

The Department of Mental Health and Addiction Services shall 163004  
use the transferred funds to administer the Access Success II 163005  
Program to help non-Medicaid patients in any hospital established, 163006  
controlled, or supervised by the Department under Chapter 5119. of 163007  
the Revised Code to transition from inpatient status to a 163008  
community setting. 163009

**Section 337.180.** CASH TRANSFER FROM THE INDIGENT DRIVERS 163010  
ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION 163011  
FUND 163012

On a schedule determined by the Director of Budget and 163013  
Management, the Director of Mental Health and Addiction Services 163014  
shall certify to the Director of Budget and Management the amount 163015  
of excess license reinstatement fees that are available pursuant 163016  
to division (F)(2)(c) of section 4511.191 of the Revised Code to 163017  
be transferred from the Indigent Drivers Alcohol Treatment Fund 163018

(Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 163019  
 4750). Upon certification, the Director of Budget and Management 163020  
 may transfer cash from the Indigent Drivers Alcohol Treatment Fund 163021  
 to the Statewide Treatment and Prevention Fund. 163022

**Section 339.10. MIH COMMISSION ON MINORITY HEALTH** 163023

General Revenue Fund 163024

GRF 149321	Operating Expenses	\$	820,000	\$	839,000	163025
GRF 149501	Demonstration Grants	\$	1,352,000	\$	1,352,000	163026
GRF 149502	Lupus Program	\$	118,000	\$	118,000	163027
GRF 149503	Infant Mortality	\$	3,376,000	\$	3,391,000	163028

Health Grants

TOTAL GRF General Revenue Fund	\$	5,666,000	\$	5,700,000	163029
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Dedicated Purpose Fund Group 163030

4C20 149601	Minority Health	\$	35,000	\$	35,000	163031
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Conference

TOTAL DPF Dedicated Purpose Fund	\$	35,000	\$	35,000	163032
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	5,701,000	\$	5,735,000	163033
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**Section 341.10. CRB MOTOR VEHICLE REPAIR BOARD** 163035

Dedicated Purpose Fund Group 163036

4K90 865601	Operating Expenses	\$	698,657	\$	704,675	163037
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TOTAL DPF Dedicated Purpose Fund	\$	698,657	\$	704,675	163038
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	698,657	\$	704,675	163039
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**Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES** 163041

General Revenue Fund 163042

GRF 725401	Division of	\$	1,700,000	\$	1,700,000	163043
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Wildlife-Operating

Subsidy

GRF	725413	Parks and Recreational Facilities Lease Rental Bond Payments	\$	63,750,000	\$	63,750,000	163044
GRF	725456	Canal Lands	\$	118,000	\$	118,000	163045
GRF	725460	LWCF Recreation Lands	\$	250,000	\$	250,000	163046
GRF	725505	Healthy Lake Erie Program	\$	911,000	\$	911,000	163047
GRF	725507	Coal and Mine Safety Programs	\$	2,939,000	\$	2,939,000	163048
GRF	725520	Special Projects	\$	125,000	\$	125,000	163049
GRF	725903	Natural Resources General Obligation Bond Debt Service	\$	20,200,000	\$	16,800,000	163050
GRF	727321	Division of Forestry	\$	7,187,000	\$	7,187,000	163051
GRF	729321	Office of Information Technology	\$	508,000	\$	508,000	163052
GRF	730321	Parks and Recreation	\$	41,303,000	\$	41,303,000	163053
GRF	736321	Division of Engineering	\$	2,154,000	\$	2,154,000	163054
GRF	737321	Division of Water Resources	\$	1,752,000	\$	1,752,000	163055
GRF	738321	Office of Real Estate and Land Management	\$	749,000	\$	749,000	163056
GRF	741321	Division of Natural Areas and Preserves	\$	3,800,000	\$	3,800,000	163057
TOTAL GRF		General Revenue Fund	\$	147,446,000	\$	144,046,000	163058
		Dedicated Purpose Fund Group					163059
2270	725406	Parks Projects Personnel	\$	4,623,473	\$	4,803,589	163060
4300	725671	Canal Lands	\$	705,298	\$	705,298	163061
4S90	725622	NatureWorks Personnel	\$	304,121	\$	304,121	163062
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	163063

5090	725602	State Forest	\$	10,008,687	\$	10,008,687	163064
5110	725646	Ohio Geological Mapping	\$	6,650,000	\$	6,650,000	163065
5110	725679	Geographic Information System Centralized Services	\$	281,023	\$	288,575	163066
5120	725605	State Parks Operations	\$	40,113,609	\$	40,113,609	163067
5140	725606	Lake Erie Shoreline	\$	1,819,849	\$	1,858,936	163068
5160	725620	Water Management	\$	3,249,848	\$	3,466,288	163069
5180	725643	Oil and Gas Regulation and Safety	\$	31,150,571	\$	31,161,659	163070
5180	725677	Oil and Gas Well Plugging	\$	21,048,391	\$	21,048,391	163071
5180	7256A4	Oil and Gas Roadway Repair	\$	12,000,000	\$	0	163072
5210	725627	Off-Road Vehicle Trails	\$	478,400	\$	478,400	163073
5220	725656	Natural Areas and Preserves	\$	623,524	\$	650,700	163074
5290	725639	Mining Regulation and Safety	\$	5,300,000	\$	5,300,000	163075
5310	725648	Reclamation Forfeiture	\$	200,000	\$	200,000	163076
5CV3	7256A3	ARPA - Special Projects	\$	8,500,000	\$	0	163077
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	163078
5HK0	725625	Ohio Nature Preserves	\$	100,000	\$	100,000	163079
5P20	725634	Wildlife Boater Angler Administration	\$	5,225,000	\$	8,825,000	163080
5TD0	725514	Park Maintenance	\$	1,555,208	\$	1,555,208	163081
5TD0	725615	Parks and Watercraft Vehicles	\$	9,636,500	\$	6,415,000	163082
6150	725661	Dam Safety	\$	3,226,325	\$	5,024,778	163083

6970	725670	Submerged Lands	\$	715,054	\$	715,054	163084
6H20	725681	H2Ohio	\$	53,050,000	\$	53,050,000	163085
7015	740401	Division of Wildlife Conservation	\$	81,288,161	\$	81,288,161	163086
7086	725414	Waterways Improvement	\$	6,195,948	\$	6,170,948	163087
7086	739401	Watercraft Operations	\$	29,805,719	\$	29,405,719	163088
8150	725636	Cooperative Management Projects	\$	679,250	\$	679,250	163089
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	163090
8170	725655	Wildlife Conservation Checkoff	\$	2,750,000	\$	2,750,000	163091
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	163092
8190	725685	Ohio River Management	\$	150,000	\$	150,000	163093
81B0	725688	Wildlife Habitats	\$	2,000,000	\$	2,000,000	163094
TOTAL	DPF	Dedicated Purpose Fund Group	\$	346,012,844	\$	327,746,256	163095
							163096
Internal Service Activity Fund Group							163096
1550	725601	Departmental Projects	\$	1,501,591	\$	1,587,336	163097
1570	725651	Program Support	\$	25,665,438	\$	25,665,438	163098
5100	725631	Maintenance - State-owned Residences	\$	189,611	\$	189,611	163099
TOTAL	ISA	Internal Service Activity Fund Group	\$	27,356,640	\$	27,442,385	163100
							163101
Capital Projects Fund Group							163101
7061	725405	Clean Ohio Trail Operating	\$	301,796	\$	291,796	163102
TOTAL	CPF	Capital Projects Fund Group	\$	301,796	\$	291,796	163103
							163104
Fiduciary Fund Group							163104
4M80	725675	FOP Contract	\$	20,219	\$	20,219	163105

TOTAL FID Fiduciary Fund Group	\$	20,219	\$	20,219	163106
Holding Account Fund Group					163107
R017 725659 Performance Cash Bond	\$	457,000	\$	457,000	163108
Refunds					
R043 725624 Forestry	\$	2,400,000	\$	2,400,000	163109
TOTAL HLD Holding Account Fund	\$	2,857,000	\$	2,857,000	163110
Group					
Federal Fund Group					163111
3320 725669 Federal Mine Safety	\$	335,000	\$	335,000	163112
Grant					
3B30 725640 Federal Forest	\$	780,000	\$	780,000	163113
Pass-Thru					
3B40 725641 Federal Flood	\$	108,000	\$	112,000	163114
Pass-Thru					
3B50 725645 Federal Abandoned	\$	61,150,000	\$	61,150,000	163115
Mine Lands					
3B60 725653 Federal Land and	\$	10,800,000	\$	10,800,000	163116
Water Conservation					
Grants					
3B70 725654 Reclamation -	\$	1,825,402	\$	1,825,402	163117
Regulatory					
3IK0 7256A1 Parks and Watercraft	\$	18,820,473	\$	16,548,566	163118
Fed Grants					
3P10 725632 Geological Survey -	\$	269,011	\$	269,011	163119
Federal					
3P20 725642 Oil and Gas - Federal	\$	154,350	\$	154,350	163120
3P20 725698 Oil And Gas - Federal	\$	25,000,000	\$	25,000,000	163121
Orphan Well Plug					
3P30 725650 Coastal Management -	\$	2,965,240	\$	3,024,545	163122
Federal					
3P40 725660 Federal - Soil and	\$	389,250	\$	405,600	163123
Water Resources					

3R50	725673	Acid Mine Drainage Abatement/Treatment	\$	200,000	\$	200,000	163124
3Z50	725657	Federal Recreation and Trails	\$	2,000,000	\$	2,000,000	163125
TOTAL FED	Federal Fund Group		\$	124,796,726	\$	122,604,474	163126
TOTAL ALL BUDGET FUND GROUPS			\$	648,791,225	\$	625,008,130	163127

**Section 343.20. PROGRAM SUPPORT FUND** 163129

The Department of Natural Resources shall use a methodology 163130  
for determining each division's payments into the Program Support 163131  
Fund (Fund 1570). The methodology used shall contain the 163132  
characteristics of administrative ease and uniform application in 163133  
compliance with federal grant requirements. It may include direct 163134  
cost charges for specific services provided. Payments to Fund 1570 163135  
shall be made using an intrastate transfer voucher. 163136

The foregoing appropriation item 725401, Division of 163137  
Wildlife-Operating Subsidy, shall be used to pay the direct and 163138  
indirect costs of the Division of Wildlife. 163139

**PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND PAYMENTS** 163140

The foregoing appropriation item 725413, Parks and 163141  
Recreational Facilities Lease Rental Bond Payments, shall be used 163142  
to meet all payments during the period from July 1, 2023, through 163143  
June 30, 2025, by the Department of Natural Resources pursuant to 163144  
leases and agreements made under section 154.22 of the Revised 163145  
Code. These appropriations are the source of funds pledged for 163146  
bond service charges on related obligations issued under Chapter 163147  
154. of the Revised Code. 163148

**HEALTHY LAKE ERIE PROGRAM** 163149

The foregoing appropriation item 725505, Healthy Lake Erie 163150  
Program, shall be used by the Director of Natural Resources, in 163151  
support of the following: (1) conservation measures in the Western 163152

Lake Erie Basin as determined by the Director; (2) funding 163153  
assistance for soil testing, winter cover crops, edge of field 163154  
testing, tributary monitoring, and animal waste abatement; and (3) 163155  
any additional efforts to reduce nutrient runoff as the Director 163156  
may decide. The Director shall give priority to recommendations 163157  
that encourage farmers to adopt agricultural production guidelines 163158  
commonly known as 4R nutrient stewardship practices. 163159

COAL AND MINE SAFETY PROGRAMS 163160

The foregoing appropriation item 725507, Coal and Mine Safety 163161  
Programs, shall be used for the administration of the Mine Safety 163162  
Program and the Coal Regulation Program. 163163

SPECIAL PROJECTS 163164

Of the foregoing appropriation item 725520, Special Projects, 163165  
\$125,000 in each fiscal year shall be used to support the 163166  
administrative costs and other expenses of the Indian Lake 163167  
Watershed Project. 163168

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 163169

The foregoing appropriation item 725903, Natural Resources 163170  
General Obligation Bond Debt Service, shall be used to pay all 163171  
debt service and related financing costs during the period July 1, 163172  
2023, through June 30, 2025, on obligations issued under sections 163173  
151.01 and 151.05 of the Revised Code. 163174

**Section 343.30.** H2OHIO FUND 163175

On July 1, 2024, or as soon as possible thereafter, the 163176  
Director of Natural Resources may certify to the Director of 163177  
Budget and Management an amount up to the unexpended, unencumbered 163178  
balance of the foregoing appropriation item, 725681, H2Ohio, at 163179  
the end of fiscal year 2024 to be reappropriated in fiscal year 163180  
2025. The amount certified is hereby reappropriated to the same 163181  
appropriation item for fiscal year 2025. 163182

WELL LOG FILING FEES 163183

The Chief of the Division of Water Resources shall deposit 163184  
fees forwarded to the Division pursuant to section 1521.05 of the 163185  
Revised Code into the Water Management Fund (Fund 5160) for the 163186  
purposes described in that section. 163187

PARKS CAPITAL EXPENSES FUND 163188

The Director of Natural Resources shall submit to the 163189  
Director of Budget and Management the estimated design, 163190  
engineering, and planning costs of capital-related work to be done 163191  
by Department of Natural Resources staff for parks projects within 163192  
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 163193  
Director of Budget and Management approves the estimated costs, 163194  
the Director may release appropriations from Fund 7035 163195  
appropriation item C725E6, Project Planning, for those purposes. 163196  
Upon release of the appropriations, the Department of Natural 163197  
Resources shall pay for these expenses from the Parks Capital 163198  
Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be 163199  
reimbursed by Fund 7035 using an intrastate transfer voucher. 163200

NATUREWORKS CAPITAL EXPENSES FUND 163201

The Department of Natural Resources shall submit to the 163202  
Director of Budget and Management the estimated design, planning, 163203  
and engineering costs of capital-related work to be done by 163204  
Department of Natural Resources staff for each capital improvement 163205  
project within the Ohio Parks and Natural Resources Fund (Fund 163206  
7031). If the Director of Budget and Management approves the 163207  
estimated costs, the Director may release appropriations from Fund 163208  
7031 appropriation item C725E5, Project Planning, for those 163209  
purposes. Upon release of the appropriations, the Department of 163210  
Natural Resources shall pay for these expenses from the Capital 163211  
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 163212  
reimbursed by Fund 7031 using an intrastate transfer voucher. 163213

OIL AND GAS ROADWAY REPAIR 163214

The foregoing appropriation item 7256A4, Oil and Gas Roadway Repair, shall be used to provide grants to county engineers and boards of township trustees for use in repairing roads. The Director of Natural Resources shall award grants to county engineers and boards of township trustees in the ten counties with the highest production of oil and natural gas from horizontal wells. The total amount distributed in each county shall be proportionate to each county's production of oil and natural gas from horizontal wells.

An amount equal to the unexpended, unencumbered balance remaining in appropriation item 7256A4 at the end of fiscal year 2024 is hereby reappropriated for the same purpose in fiscal year 2025.

ARPA - SPECIAL PROJECTS 163228

Of the foregoing appropriation item 7256A3, ARPA - Special Projects, \$5,000,000 in fiscal year 2024 shall be used by the Director of Natural Resources to support the Rock & Roll Hall of Fame and Museum.

Of the foregoing appropriation item 7256A3, ARPA - Special Projects, \$3,500,000 in fiscal year 2024 shall be used to support the Mentor Erosion Mitigation Project.

PARK MAINTENANCE 163236

The foregoing appropriation item 725514, Park Maintenance, shall be used by the Department of Natural Resources to pay the costs of projects supported by the State Park Maintenance Fund (Fund 5TD0) under section 1501.08 of the Revised Code.

On July 1 of each fiscal year or as soon as possible thereafter, the Director of Natural Resources shall certify the amount of five percent of the average of the previous five years

of deposits in the State Park Fund (Fund 5120) to the Director of 163244  
Budget and Management. The Director of Budget and Management may 163245  
transfer up to \$1,800,000 from Fund 5120 to the State Park 163246  
Maintenance Fund (Fund 5TD0). 163247

**Section 343.50.** CLEAN OHIO TRAIL OPERATING EXPENSES 163248

The foregoing appropriation item 725405, Clean Ohio Trail 163249  
Operating, shall be used by the Department of Natural Resources in 163250  
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 163251  
to section 1519.05 of the Revised Code. 163252

**Section 343.60.** (A) As used in this section: 163253

(1) "Locally administer" means to supervise the design and 163254  
construction of, and make contracts for the construction, 163255  
reconstruction, improvement, enlargement, alteration, repair, or 163256  
decoration of a capital facility project without the assistance of 163257  
the Ohio Facilities Construction Commission. 163258

(2) "Capital facility project" means any activities, 163259  
projects, or improvements described in division (B)(1) of section 163260  
1501.011 of the Revised Code. 163261

(B) Notwithstanding section 123.21 of the Revised Code or any 163262  
other provision of law to the contrary, for fiscal years 2024 and 163263  
2025, the Department of Natural Resources may locally administer 163264  
any capital facility project commenced within those fiscal years, 163265  
regardless of estimated cost. 163266

(C) The Department shall do both of the following regarding a 163267  
capital facility project that is locally administered: 163268

(1) Comply with the applicable procedures and guidelines 163269  
established in Chapter 153. of the Revised Code; 163270

(2) Track all project information in the Ohio Administrative 163271  
Knowledge System capital improvements application pursuant to Ohio 163272

Facilities Construction Commission guidelines as though the 163273  
 Department is administering the project pursuant to section 163274  
 123.211 of the Revised Code and all generally applicable laws. 163275

(D) Nothing in this section interferes with the powers of the 163276  
 Department of Natural Resources authorized in Chapter 1501. of the 163277  
 Revised Code. 163278

**Section 345.10. NUR STATE BOARD OF NURSING** 163279

Dedicated Purpose Fund Group 163280

4K90 884609 Operating Expenses \$ 13,045,656 \$ 13,032,656 163281

5AC0 884602 Nurse Education Grant \$ 1,513,000 \$ 894,000 163282  
 Program

5P80 884601 Nursing Special \$ 500 \$ 500 163283  
 Issues

TOTAL DPF Dedicated Purpose 163284

Fund Group \$ 14,559,156 \$ 13,927,156 163285

TOTAL ALL BUDGET FUND GROUPS \$ 14,559,156 \$ 13,927,156 163286

**Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY,** 163288  
**AND ATHLETIC TRAINERS BOARD** 163289

Dedicated Purpose Fund Group 163290

4K90 890609 Operating Expenses \$ 1,330,747 \$ 1,417,747 163291

TOTAL DPF Dedicated Purpose Fund \$ 1,330,747 \$ 1,417,747 163292  
 Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,330,747 \$ 1,417,747 163293

**Section 353.10. OOD OPPORTUNITIES FOR OHIOANS WITH** 163295  
**DISABILITIES AGENCY** 163296

General Revenue Fund 163297

GRF 415402 Independent Living \$ 252,000 \$ 252,000 163298  
 Council

GRF 415406 Assistive Technology \$ 26,000 \$ 26,000 163299

GRF	415431	Brain Injury	\$	1,100,000	\$	1,100,000	163300
GRF	415506	Services for Individuals with Disabilities	\$	24,820,000	\$	30,015,000	163301
GRF	415508	Services for the Deaf	\$	527,000	\$	527,000	163302
GRF	415511	Centers for Independent Living	\$	500,000	\$	500,000	163303
GRF	415512	Visually Impaired Reading Services	\$	50,000	\$	50,000	163304
GRF	415513	Accessible Ohio	\$	500,000	\$	500,000	163305
GRF	415514	Independent Living Supplement	\$	1,000,000	\$	0	163306
GRF	415515	DeafBlind Fund	\$	100,000	\$	100,000	163307
TOTAL GRF	General Revenue Fund		\$	28,875,000	\$	33,070,000	163308
Dedicated Purpose Fund Group							163309
4670	415609	Business Enterprise Operating Expenses	\$	1,555,368	\$	1,555,368	163310
4680	415618	Third Party Services Funding	\$	11,680,000	\$	12,680,000	163311
4L10	415619	Services for Rehabilitation	\$	2,200,000	\$	2,200,000	163312
TOTAL DPF	Dedicated Purpose Fund Group		\$	15,435,368	\$	16,435,368	163313
Internal Service Activity Fund Group							163314
4W50	415606	Program Management	\$	18,521,716	\$	20,191,107	163315
TOTAL ISA	Internal Service Activity Fund Group		\$	18,521,716	\$	20,191,107	163316
Federal Fund Group							163317
3170	415620	Disability Determination	\$	84,500,000	\$	86,000,000	163318
3790	415616	Federal - Vocational Rehabilitation	\$	150,000,000	\$	164,500,000	163319

3GH0	415602	Personal Care Assistance	\$	3,238,884	\$	3,336,051	163320
3GH0	415604	Community Centers for the Deaf	\$	772,420	\$	772,420	163321
3GH0	415613	Independent Living	\$	737,411	\$	737,411	163322
3GH0	415627	Independent Living Projects	\$	250,000	\$	250,000	163323
3IL0	415629	Works4Me Disability Innovation Fund Grant	\$	2,000,000	\$	2,300,000	163324
3L10	415608	Social Security Vocational Rehabilitation	\$	11,500,000	\$	13,000,000	163325
3L40	415615	Federal - Supported Employment	\$	1,200,000	\$	1,200,000	163326
3L40	415617	Independent Living Older Blind	\$	2,158,988	\$	2,180,226	163327
TOTAL FED	Federal Fund Group		\$	256,357,703	\$	274,276,108	163328
TOTAL ALL BUDGET FUND GROUPS			\$	319,189,787	\$	343,972,583	163329

**Section 353.20. INDEPENDENT LIVING** 163331

The foregoing appropriation item 415402, Independent Living Council, shall be used to support the state independent living programs and centers under Title VII of the Independent Living Services and Centers for Independent Living of the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 163332-163336

Of the foregoing appropriation item 415402, Independent Living Council, \$67,662 in each fiscal year shall be used as state matching funds for vocational rehabilitation innovation and expansion activities. 163337-163340

The foregoing appropriation item 415511, Centers for Independent Living, shall be used to support the operations of the Centers for Independent Living in accordance with the State Plan 163341-163343

for Independent Living.	163344
ASSISTIVE TECHNOLOGY	163345
The foregoing appropriation item 415406, Assistive	163346
Technology, shall be provided to Assistive Technology of Ohio to	163347
provide grants and assistive technology services for people with	163348
disabilities in the State of Ohio.	163349
BRAIN INJURY	163350
The foregoing appropriation item 415431, Brain Injury, shall	163351
be provided to The Ohio State University College of Medicine to	163352
support the Brain Injury Program established under section 3335.60	163353
of the Revised Code.	163354
SERVICES FOR INDIVIDUALS WITH DISABILITIES	163355
The foregoing appropriation item 415506, Services for	163356
Individuals with Disabilities, shall be used as state matching	163357
funds to provide vocational rehabilitation services to Ohioans	163358
with disabilities.	163359
SERVICES FOR THE DEAF	163360
The foregoing appropriation item 415508, Services for the	163361
Deaf, shall be used to support community centers for the deaf.	163362
VISUALLY IMPAIRED READING SERVICES	163363
The foregoing appropriation item 415512, Visually Impaired	163364
Reading Services, shall be used to support VOICEcorps Reading	163365
Services to provide reading services for blind individuals.	163366
INDEPENDENT LIVING SUPPLEMENT	163367
The foregoing appropriation item 415514, Independent Living	163368
Supplement, shall be distributed to the Ohio Statewide Independent	163369
Living Council. The Council shall distribute these funds to local	163370
centers for independent living to provide ramps, minor home	163371
modifications, and assistive technology to individuals with	163372

disabilities. 163373

An amount equal to the unexpended, unencumbered portion of 163374  
the foregoing appropriation item 415514, Independent Living 163375  
Supplement, at the end of fiscal year 2024 is hereby 163376  
reappropriated to the same appropriation item for the same purpose 163377  
in fiscal year 2025. 163378

DEAFBLIND FUND 163379

The foregoing appropriation item 415515, DeafBlind Fund, 163380  
shall be distributed to the Columbus Speech and Hearing Center. 163381  
Funds shall be used to establish a pilot program for the 163382  
recruitment and training of support service providers and to 163383  
connect support service providers with DeafBlind individuals. The 163384  
Columbus Speech and Hearing Center shall establish guidelines to 163385  
determine eligibility for services provided by support service 163386  
providers through the pilot program. 163387

SIGHT CENTERS 163388

Of the foregoing appropriation item 415617, Independent 163389  
Living Older Blind, \$30,000 in each fiscal year shall be used to 163390  
contract in equal amounts with the Cleveland Sight Center, the 163391  
Cincinnati Association for the Blind and Visually Impaired, and 163392  
the Sight Center of Northwest Ohio to provide outreach to the 163393  
community of individuals with blindness or low vision. 163394

**Section 361.10. PEN PENSION SUBSIDIES** 163395

General Revenue Fund 163396

GRF	090524	Police and Fire	\$	500	\$	500	163397
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Disability Pension  
Fund

GRF	090534	Police and Fire Ad	\$	17,000	\$	17,000	163398
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Hoc Cost of Living

GRF	090554	Police and Fire	\$	165,500	\$	165,500	163399
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Survivor Benefits

GRF 090575	Police and Fire Death	\$ 35,500,000	\$ 36,000,000	163400
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Benefits

TOTAL GRF General Revenue Fund	\$ 35,683,000	\$ 36,183,000	163401
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TOTAL ALL BUDGET FUND GROUPS	\$ 35,683,000	\$ 36,183,000	163402
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POLICE AND FIRE DEATH BENEFIT FUND	163403
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The foregoing appropriation item 090575, Police and Fire 163404  
 Death Benefits, shall be disbursed quarterly by the Treasurer of 163405  
 State at the beginning of each quarter of each fiscal year to the 163406  
 Board of Trustees of the Ohio Police and Fire Pension Fund, which 163407  
 serves as trustees of the Ohio Public Safety Officers Death 163408  
 Benefit Fund pursuant to section 742.62 of the Revised Code. The 163409  
 Treasurer of State shall certify such amounts quarterly to the 163410  
 Director of Budget and Management. By the twentieth day of June of 163411  
 each fiscal year, the Board of Trustees shall certify to the 163412  
 Treasurer of State the amount disbursed in the current fiscal year 163413  
 to make the payments required by sections 124.824 and 742.63 of 163414  
 the Revised Code and shall return to the Treasurer of State moneys 163415  
 received from this appropriation item but not disbursed. 163416

Notwithstanding any provision of section 124.824 of the 163417  
 Revised Code to the contrary, for each death benefit fund 163418  
 recipient who participates in health, medical, hospital, dental, 163419  
 surgical, or vision benefits under section 124.824 of the Revised 163420  
 Code, the Board of Trustees of the Ohio Police and Fire Pension 163421  
 Fund shall forward as a pass-through from the revenue received 163422  
 from the foregoing appropriation item 090575, Police and Fire 163423  
 Death Benefits, the percentage of the cost for the applicable 163424  
 benefits that would be paid by a state employer for a state 163425  
 employee who elects that coverage and any applicable 163426  
 administrative costs, which shall not exceed two per cent of the 163427  
 total cost of the benefits. The Board of Trustees shall also 163428  
 withhold from the benefits paid to a death benefit fund recipient 163429

under section 742.63 of the Revised Code the percentage of the 163430  
 cost for such benefits that would be paid by a state employee, and 163431  
 forward the withheld amounts to the Department of Administrative 163432  
 Services from the revenue received from the foregoing 163433  
 appropriation item 090575, Police and Fire Death Benefits. 163434

In fiscal year 2024 or 2025, if it is determined by the 163435  
 Director of Administrative Services, in consultation with the 163436  
 Chairperson of the Board of Trustees of the Ohio Police and Fire 163437  
 Pension Fund, or designee, that additional amounts are necessary 163438  
 to pay the cost of providing benefits under section 124.824 or 163439  
 742.63 of the Revised Code, the Director of Administrative 163440  
 Services may certify the additional amount necessary to the 163441  
 Director of Budget and Management. The amount certified is hereby 163442  
 appropriated. 163443

<b>Section 363.10. UST PETROLEUM UNDERGROUND STORAGE TANK</b>				163444
RELEASE COMPENSATION BOARD				163445
Dedicated Purpose Fund Group				163446
6910 810632	Petroleum Underground	\$ 1,616,900	\$ 1,638,600	163447
	Storage Tank Release			
	Compensation Board -			
	Operating			
TOTAL DPF Dedicated Purpose Fund		\$ 1,616,900	\$ 1,638,600	163448
Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 1,616,900	\$ 1,638,600	163449

<b>Section 367.10. PRX STATE BOARD OF PHARMACY</b>				163451
Dedicated Purpose Fund Group				163452
4A50 887605	Drug Law Enforcement	\$ 50,000	\$ 50,000	163453
4K90 658605	OARRS Integration -	\$ 492,000	\$ 492,000	163454
	STATE			
4K90 887609	Operating Expenses	\$ 12,785,300	\$ 13,439,300	163455

5SG0 887612	Drug Database	\$	100,000	\$	100,000	163456
5SY0 887613	Medical Marijuana Control Program	\$	2,081,000	\$	0	163457
TOTAL DPF	Dedicated Purpose Fund Group	\$	15,508,300	\$	14,081,300	163458
Federal Fund Group						163459
3HD0 887614	Pharmacy Federal Grants	\$	1,700,000	\$	1,765,000	163460
3HH0 658601	OARRS Integration - Federal	\$	1,392,000	\$	1,393,000	163461
3HM0 887615	Equitable Sharing Treasury	\$	5,000	\$	5,000	163462
3HN0 887616	Equitable Sharing Justice	\$	30,000	\$	30,000	163463
TOTAL FED	Federal Fund Group	\$	3,127,000	\$	3,193,000	163464
TOTAL ALL BUDGET FUND GROUPS		\$	18,635,300	\$	17,274,300	163465
CASH TRANSFER FROM THE MEDICAL MARIJUANA CONTROL PROGRAM FUND						163466
TO THE DRUG DATABASE FUND						163467
By August 1 of each fiscal year, or as soon as possible						163468
thereafter, upon request of the Executive Director of the State						163469
Board of Pharmacy, the Director of Commerce may certify to the						163470
Director of Budget and Management an amount determined by the						163471
Director of Commerce to assist with the operation of the drug						163472
database established and maintained by the State Board of Pharmacy						163473
pursuant to section 4729.75 of the Revised Code. Upon						163474
certification, the Director of Budget and Management may transfer						163475
that amount in cash from the Medical Marijuana Control Program						163476
Fund (Fund 5YS0), used by the Department of Commerce, to the Drug						163477
Database Fund (Fund 5SG0), used by the State Board of Pharmacy.						163478
<b>Section 369.10.</b> PSY STATE BOARD OF PSYCHOLOGY						163479
Dedicated Purpose Fund Group						163480

4K90 882609	Operating Expenses	\$	747,489	\$	757,489	163481
TOTAL DPF Dedicated Purpose						163482
Fund Group		\$	747,489	\$	757,489	163483
TOTAL ALL BUDGET FUND GROUPS						163484
 <b>Section 371.10. PUB OHIO PUBLIC DEFENDER COMMISSION</b>						163486
General Revenue Fund						163487
GRF 019401	State Legal Defense	\$	9,766,000	\$	11,387,000	163488
Services						
GRF 019405	Training Account	\$	50,000	\$	50,000	163489
GRF 019501	County Reimbursement	\$	166,096,000	\$	171,912,000	163490
TOTAL GRF General Revenue Fund						163491
Dedicated Purpose Fund Group						163492
1010 019607	Juvenile Legal	\$	205,000	\$	205,000	163493
Assistance						
4060 019603	Training and	\$	75,000	\$	75,000	163494
Publications						
4070 019604	County Representation	\$	375,000	\$	375,000	163495
4080 019605	Client Payments	\$	800,000	\$	800,000	163496
4N90 019613	Gifts and Grants	\$	13,400	\$	13,400	163497
5740 019606	Civil Legal Aid	\$	30,000,000	\$	28,000,000	163498
5CX0 019617	Civil Case Filing Fee	\$	620,000	\$	620,000	163499
5DY0 019618	Indigent Defense	\$	23,904,000	\$	23,904,000	163500
Support - County						
Share						
5DY0 019619	Indigent Defense	\$	6,000,000	\$	6,000,000	163501
Support - State						
Office						
TOTAL DPF Dedicated Purpose Fund						163502
Group						
Federal Fund Group						163503
3S80 019608	Federal	\$	38,300	\$	38,300	163504

Representation

TOTAL FED Federal Fund Group	\$	38,300	\$	38,300	163505
TOTAL ALL BUDGET FUND GROUPS	\$	237,942,700	\$	243,379,700	163506

TRAINING ACCOUNT 163507

The foregoing appropriation item 019405, Training Account, 163508  
shall be used by the Ohio Public Defender to provide legal 163509  
training programs at no cost for private appointed counsel who 163510  
represent at least one indigent defendant at no cost, and for 163511  
state and county public defenders and attorneys who contract with 163512  
the Ohio Public Defender to provide indigent defense services. 163513

INDIGENT DEFENSE SUPPORT 163514

The foregoing appropriation item 019501, County 163515  
Reimbursement, shall be used to reimburse counties for the costs 163516  
of operating county public defender offices, joint county public 163517  
defender offices and county appointed counsel systems, the 163518  
counties' costs and expenses of conducting the defense in capital 163519  
cases, the counties' costs and expenses of appointed counsel 163520  
covered by section 2941.51 of the Revised Code at an hourly rate 163521  
not to exceed the greater of \$75 per hour or the rate established 163522  
by the county as of April 1, 2023, pursuant to section 120.33 of 163523  
the Revised Code, and the costs and expenses of contracting with 163524  
the state public defender or with any nonprofit organization to 163525  
provide legal representation to indigent persons. The intent of 163526  
the General Assembly is to stabilize costs while allowing the task 163527  
force to study indigent defense established in H.B. 150 of the 163528  
134th General Assembly to issue its report. 163529

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL AID 163530  
FUND 163531

On July 1 of each fiscal year, or as soon as possible 163532  
thereafter, the Director of Budget and Management shall transfer 163533  
\$1,000,000 cash from the General Revenue Fund to the Legal Aid 163534

Fund (Fund 5740). The transferred cash shall be distributed by the Ohio Access to Justice Foundation to Ohio's civil legal aid societies as follows: \$250,000 in each fiscal year for the sole purpose of providing legal services for economically disadvantaged individuals and families seeking assistance with legal issues arising as a result of substance abuse disorders, and \$250,000 in each fiscal year for the sole purpose of providing legal services for veterans. None of the funds shall be used for administrative costs, including, but not limited to, salaries, benefits, or travel reimbursements.

**FEDERAL REPRESENTATION**

The foregoing appropriation item 019608, Federal Representation, shall be used to support representation provided by the Ohio Public Defender in federal court cases.

**Section 373.10. DPS DEPARTMENT OF PUBLIC SAFETY**

General Revenue Fund

GRF	761403	Recovery Ohio Law Enforcement	\$	6,500,000	\$	6,500,000	163551
GRF	761409	eWarrant Local Integration	\$	2,500,000	\$	2,500,000	163552
GRF	761411	Ohio Narcotics Intelligence Center	\$	13,100,000	\$	13,100,000	163553
GRF	763403	EMA Operating	\$	7,976,000	\$	7,341,000	163554
GRF	763407	State Hazard Mitigation	\$	1,050,000	\$	1,050,000	163555
GRF	763408	State Disaster Relief	\$	2,875,000	\$	1,875,000	163556
GRF	763511	Local Disaster Assistance	\$	2,250,000	\$	0	163557
GRF	763513	Security Grants	\$	8,500,000	\$	8,500,000	163558
GRF	765401	Emergency Medical Services Operating	\$	5,465,000	\$	5,646,000	163559

GRF	767420	Investigative Unit Operating	\$	15,517,000	\$	15,517,000	163560
GRF	768425	Justice Program Services	\$	19,516,000	\$	19,527,000	163561
GRF	768435	Community Police Relations	\$	2,510,000	\$	2,398,000	163562
GRF	769406	Homeland Security - Operating	\$	4,600,000	\$	4,695,000	163563
GRF	769407	Driver Safety	\$	6,520,000	\$	6,520,000	163564
GRF	769412	Ohio School Safety Center	\$	9,140,000	\$	9,165,000	163565
TOTAL GRF	General Revenue Fund		\$	108,019,000	\$	104,334,000	163566
	Highway Safety Fund Group						163567
5TM0	762321	Operating Expense - BMV	\$	127,532,000	\$	129,981,000	163568
5TM0	762637	Local Immobilization Reimbursement	\$	200,000	\$	200,000	163569
5TM0	764321	Operating Expense - Highway Patrol	\$	367,816,000	\$	392,252,000	163570
5TM0	764605	Motor Carrier Enforcement Expenses	\$	940,000	\$	985,000	163571
5TM0	769636	Administrative Expenses - Highway Purposes	\$	51,648,000	\$	52,047,000	163572
8370	764602	Turnpike Policing	\$	13,827,000	\$	14,134,000	163573
83C0	764630	Contraband, Forfeiture, and Other	\$	1,214,000	\$	1,214,000	163574
83F0	764657	Law Enforcement Automated Data System	\$	6,230,000	\$	5,846,000	163575
83G0	764633	OMVI Enforcement/Education	\$	369,000	\$	369,000	163576
83M0	765640	EMS - Grants	\$	2,900,000	\$	2,900,000	163577
8400	764607	State Fair Security	\$	2,063,000	\$	2,077,000	163578

8400	764617	Security and Investigations	\$	15,546,000	\$	15,806,000	163579
8400	764626	State Fairgrounds Police Force	\$	1,014,000	\$	1,029,000	163580
8460	761625	Motorcycle Safety Education	\$	4,175,000	\$	4,215,000	163581
8490	762627	Automated Title Processing Board	\$	16,501,000	\$	16,501,000	163582
8490	762630	Electronic Liens and Titles	\$	2,900,000	\$	2,900,000	163583
TOTAL	HSF Highway Safety Fund Group		\$	614,875,000	\$	642,456,000	163584
	Dedicated Purpose Fund Group						163585
4P60	768601	Justice Program Services	\$	227,000	\$	227,000	163586
4V30	763662	EMA Service and Reimbursements	\$	700,000	\$	700,000	163587
5390	762614	Motor Vehicle Dealers Board	\$	140,000	\$	140,000	163588
5B90	766632	Private Investigator and Security Guard Provider	\$	2,100,000	\$	2,150,000	163589
5BK0	768687	Criminal Justice Services - Operating	\$	580,000	\$	595,000	163590
5BK0	768689	Family Violence Shelter Programs	\$	1,550,000	\$	1,550,000	163591
5ET0	768625	Drug Law Enforcement	\$	4,000,000	\$	4,000,000	163592
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	2,000,000	\$	2,000,000	163593
5LM0	768431	Highway Patrol Training	\$	100,500	\$	100,500	163594
5LM0	768698	Criminal Justice Services Law	\$	851,000	\$	851,000	163595

		Enforcement Support					
5ML0	769635	Infrastructure	\$	83,000	\$	83,000	163596
		Protection					
5RH0	767697	OIU Special Projects	\$	900,000	\$	900,000	163597
5RS0	768621	Community Police	\$	1,099,636	\$	0	163598
		Relations					
5Y10	764695	State Highway Patrol	\$	792,000	\$	792,000	163599
		Continuing					
		Professional Training					
5Y10	767696	Ohio Investigative	\$	10,000	\$	10,000	163600
		Unit Continuing					
		Professional Training					
6220	767615	Investigative,	\$	1,000,000	\$	1,000,000	163601
		Contraband, and					
		Forfeiture					
6570	763652	Utility Radiological	\$	1,435,000	\$	1,449,000	163602
		Safety					
6810	763653	SARA Title III Hazmat	\$	297,000	\$	300,000	163603
		Planning					
TOTAL DPF		Dedicated Purpose Fund	\$	17,865,136	\$	16,847,500	163604
Group							
Fiduciary Fund Group							163605
5J90	761678	Federal Salvage/GSA	\$	600,000	\$	600,000	163606
5V10	762682	License Plate	\$	2,800,000	\$	2,900,000	163607
		Contributions					
TOTAL FID		Fiduciary Fund Group	\$	3,400,000	\$	3,500,000	163608
Group							
Group							163609
R024	762619	Unidentified Motor	\$	1,885,000	\$	1,885,000	163610
		Vehicle Receipts					
R052	762623	Security Deposits	\$	50,000	\$	50,000	163611
TOTAL HLD		Holding Account Fund	\$	1,935,000	\$	1,935,000	163612
Group							

	Federal Fund Group					163613	
3370	763515	COVID Relief - Federal	\$	150,000,000	\$	150,000,000	163614
3370	763609	Federal Disaster Relief	\$	73,500,000	\$	73,500,000	163615
3FP0	767620	Ohio Investigative Unit Justice Contraband	\$	30,000	\$	30,000	163616
3GL0	768619	Justice Assistance Grants	\$	12,500,000	\$	12,500,000	163617
3GR0	764693	Highway Patrol Justice Contraband	\$	500,000	\$	500,000	163618
3GS0	764694	Highway Patrol Treasury Contraband	\$	200,000	\$	200,000	163619
3GT0	767691	Investigative Unit Federal Equity Share	\$	100,000	\$	100,000	163620
3GU0	761610	Information and Education Grant	\$	300,000	\$	300,000	163621
3GU0	764608	Fatality Analysis Report System Grant	\$	175,000	\$	175,000	163622
3GU0	764610	Highway Safety Programs Grant	\$	6,303,571	\$	6,108,501	163623
3GU0	764659	Motor Carrier Safety Assistance Program Grant	\$	9,942,000	\$	10,129,000	163624
3GU0	765610	EMS Grants	\$	225,000	\$	225,000	163625
3GU0	769610	Investigations Grants - Food Stamps, Liquor and Tobacco Laws	\$	1,400,000	\$	1,400,000	163626
3GU0	769631	Homeland Security Disaster Grants	\$	800,000	\$	800,000	163627
3GV0	761612	Traffic Safety Action Plan Grants	\$	31,700,000	\$	31,700,000	163628

3HT0 768699	Coronavirus Emergency	\$	850,000	\$	850,000	163629
	Supplemental Funding					
3L50 768604	Justice Program	\$	16,375,000	\$	16,375,000	163630
TOTAL FED	Federal Fund Group	\$	304,900,571	\$	304,892,501	163631
TOTAL ALL BUDGET FUND GROUPS		\$	1,050,994,707	\$	1,073,965,001	163632

**Section 373.20. RECOVERY OHIO LAW ENFORCEMENT** 163634

Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to \$3,400,000 in each fiscal year may be used by the Office of Criminal Justice Services to support local law enforcement narcotics task forces that focus on cartel trafficking interdiction. The interdiction task forces shall be designated Ohio Organized Crime Commission task forces subject to approval and supervision of the Commission. This earmarked amount may also be used to provide funding to local law enforcement agencies, the Commission for task force-related equipment purchases, and for operating expenses of the Office of Criminal Justice Services related to the narcotics interdiction task force program. 163635  
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Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to \$2,500,000 in each fiscal year may be used by the Office of Criminal Justice Services for Ohio's narcotics task forces in order to build new and strengthen existing partnerships with local law enforcement. This earmarked amount may also be used to provide funding to local law enforcement agencies and for operating expenses of the Office of Criminal Justice Services related to the Ohio narcotics task force program. 163646  
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Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to \$600,000 in each fiscal year may be used to partner with the Office of Information Technology in the Department of Administrative Services to enhance and maintain a uniform records management and data intelligence system, and provide case management, collaboration, data sharing, and data 163654  
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analytics tools for Ohio narcotics task forces and law enforcement agencies. 163660  
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OHIO NARCOTICS INTELLIGENCE CENTER 163662

The foregoing appropriation item 761411, Ohio Narcotics Intelligence Center, may be used to operate and maintain a highly specialized Narcotics Intelligence Center consisting of personnel assigned to intelligence and computer forensic analysis that will assist Ohio narcotics task forces and law enforcement agencies. 163663  
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STATE HAZARD MITIGATION PROGRAM 163668

An amount equal to the unexpended, unencumbered balance of appropriation item 763407, State Hazard Mitigation Program, at the end of fiscal year 2024 is hereby reappropriated for fiscal year 2025. 163669  
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STATE DISASTER RELIEF 163673

Of the foregoing appropriation item 763408, State Disaster Relief, up to \$1,000,000 in fiscal year 2024 shall be used to reimburse eligible response costs for emergency management and first responders in connection to the 2024 solar eclipse. The Ohio Emergency Management Agency shall develop and release guidance regarding eligibility. 163674  
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On July 1, 2024, or as soon as possible thereafter, the Director Public Safety shall certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of this earmark in fiscal year 2024. The amount certified is hereby reappropriated to the appropriation item in fiscal year 2025 for the same purpose. 163680  
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LOCAL DISASTER ASSISTANCE 163686

Of the foregoing appropriation item 763511, Local Disaster Assistance, \$250,000 in fiscal year 2024 shall be distributed to the City of Columbiana for a mobile command post. 163687  
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An amount equal to the unexpended, unencumbered balance of appropriation item 763511, Local Disaster Assistance, at the end of fiscal year 2023 is hereby reappropriated for the April 17, 2018, and April 8, 2019, Major Disaster Declarations for fiscal year 2024.

An amount equal to the unexpended, unencumbered balance of appropriation item 763511, Local Disaster Assistance, at the end of fiscal year 2024 is hereby reappropriated for the April 17, 2018, and April 8, 2019, Major Disaster Declarations for fiscal year 2025.

SECURITY GRANTS

(A) The foregoing appropriation item 763513, Security Grants, shall be used to make competitive grants of up to \$100,000 to nonprofit organizations, houses of worship, chartered nonpublic schools, and licensed preschools for all of the following purposes:

(1) Eligible security improvements that assist the organization in preventing, preparing for, or responding to acts of terrorism;

(2) Acquiring or retaining the services of a resource officer, special duty police officer, or licensed armed security guards, including the training, licensing, or certification of resource officers;

(3) The lease or purchase of qualified equipment, including equipment for emergency and crisis communication, crisis management, or trauma and crisis response to assist in preventing, preparing for, or responding to acts of terrorism;

(4) Placing the qualified equipment at alternative locations that are off the premises belonging to the grantee, provided that the grantee receives prior permission from any appropriate county, municipal corporation, local law enforcement agency, local

emergency management agency, or local transportation agency, as applicable; 163721  
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(5) Funding coordinated training between law enforcement, counterterrorism agencies, and emergency responders on either the premises of a nonprofit corporation or through community-wide training efforts; 163723  
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(6) Continuing coverage of costs that were authorized and paid for by a grant issued previously to the grantee in accordance with this section in previous bienniums under the program. 163727  
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(B)(1) In addition to the purposes listed in division (A) of this section, a nonprofit organization that serves a broad community or geographic area may apply for and receive grants to provide antiterrorism related services for its serviced community or area, including providing armed security personnel. Prior to receiving a grant under division (B) of this section, the nonprofit organization shall provide the Emergency Management Agency with any appropriate compliance documentation. The Agency shall establish what compliance documentation is required prior to issuing grants under this division. 163730  
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(2) If more than one nonprofit organization is located at the same address listed on the application, each nonprofit organization may apply for the full amount of a grant issued under this section. Each nonprofit organization shall explain in its application how it will use the grant money to address a different vulnerability than the other applicant nonprofit organizations that are located at the same address. 163740  
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(C) The Emergency Management Agency shall administer and award the grants described in divisions (A) and (B) of this section. The Agency shall establish procedures and forms by which applicants may apply for a grant, a competitive process for ranking applicants and awarding the grants, and procedures for 163747  
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distributing grants to recipients. The procedures shall require each applicant to do all of the following:

(1) Identify and substantiate prior threats or attacks by a terrorist organization, network, or cell against the nonprofit organization, house of worship, chartered nonpublic school, or licensed preschool;

(2) Indicate the symbolic or strategic value of one or more sites that renders the site a possible target of terrorism;

(3) Discuss potential consequences to the organization if the site is damaged, destroyed, or disrupted by a terrorist;

(4) Describe how the grant will be used to integrate organizational preparedness with broader state and local preparedness efforts;

(5) Submit either a vulnerability assessment conducted by experienced security, law enforcement, or military personnel, or a credible intelligence and threat analysis from one or more qualified homeland security, counterintelligence, or anti-terrorism experts, and a description of how the grant will be used to address the vulnerabilities identified in the assessment.

The Agency shall consider all of the above factors in evaluating grant applications. The grantee shall have twenty-four months from the date of the first disbursement to meet program requirements. The Agency shall include information about the grants and the application process on its web site.

The Emergency Management Agency may prioritize a portion of funding, but not more than \$1,000,000 in each fiscal year, for innovative community-public safety partnerships addressing counterterrorism prevention, provided the grantee is eligible to receive the grant as a nonprofit organization that is at risk of terror attack.

(D) Any grant submission described in division (I) of section 163782  
3313.536 of the Revised Code or section 149.433 of the Revised 163783  
Code is not a public record under section 149.43 of the Revised 163784  
Code and is not subject to mandatory release or disclosure under 163785  
that section. 163786

(E) The Emergency Management Agency may use up to two and 163787  
one-half per cent of the total amount appropriated to administer 163788  
the program, a portion of which may be used to pay costs incurred 163789  
by the Department of Public Safety to provide security-related or 163790  
specialized assistance in reviewing vulnerability assessments and 163791  
prioritizing grant applications. 163792

(F) As used in this section: 163793

(1) "Eligible security improvements" means any of the 163794  
following: 163795

(a) Physical security enhancement equipment or inspection and 163796  
screening equipment included on the Authorized Equipment List 163797  
published by the United States Department of Homeland Security; 163798

(b) Attendance fees and associated materials, supplies, and 163799  
equipment costs for security-related training courses and programs 163800  
regarding the protection of critical infrastructure and key 163801  
resources, physical and cyber security, target hardening, or 163802  
terrorism awareness or preparedness. Personnel and travel costs 163803  
associated with training shall not be considered an eligible 163804  
expense of the grant; 163805

(c) The purchase, upgrade, or maintenance of high-speed 163806  
internet for those utilizing it for security purposes. 163807

(2) "Nonprofit organization" means a corporation, 163808  
association, group, institution, society, or other organization 163809  
that is exempt from federal income taxation under section 163810  
501(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 163811  
501(c)(3), as amended. 163812

(3) "Resource officer" means any law enforcement officer of 163813  
an accredited local law enforcement agency providing special duty 163814  
services in a school setting to create or maintain a safe, secure, 163815  
and orderly environment. A resource officer may include a special 163816  
duty police officer, off-duty police officer, deputy sheriff, or 163817  
other peace officer of the applicable local law enforcement agency 163818  
in which the chartered nonpublic school or licensed preschool is 163819  
located or qualifying personnel of an accredited local law 163820  
enforcement agency for any jurisdiction in this state. 163821

(4) "Terrorism" means any act taken by a group or individual 163822  
used to intimidate or coerce a nonprofit organization, house of 163823  
worship, chartered nonpublic school, or licensed preschool, its 163824  
employees, and anyone who is or in the future may be associated 163825  
with it, as well as their families; to influence the policy of the 163826  
nonprofit organization, house of worship, chartered nonpublic 163827  
school, or licensed preschool; and to affect the conduct of the 163828  
nonprofit organization, house of worship, chartered nonpublic 163829  
school, or licensed preschool. 163830

(G) An amount equal to the unexpended, unencumbered balance 163831  
of the foregoing appropriation item 763513, Security Grants, at 163832  
the end of fiscal year 2023 is hereby reappropriated for the same 163833  
purpose in fiscal year 2024. 163834

(H) An amount equal to the unexpended, unencumbered balance 163835  
of the foregoing appropriation item 763513, Security Grants, at 163836  
the end of fiscal year 2024 is hereby reappropriated for the same 163837  
purpose in fiscal year 2025. 163838

SECURITY GRANTS PILOT PROGRAMS 163839

(A) Of the foregoing appropriation item 763513, Security 163840  
Grants, \$197,000 in fiscal year 2024 shall be distributed to the 163841  
Jewish Federation of Cincinnati for a mail room pilot program. 163842

Of the foregoing appropriation item 763513, Security Grants, 163843

\$150,000 in fiscal year 2024 shall be distributed to JFC Security, LLC to fund a community-focused antiterrorism cybersecurity pilot program. 163844  
163845  
163846

Of the foregoing appropriation item 763513, Security Grants, \$95,000 in fiscal year 2024 shall be distributed to the Jewish Federation of Cincinnati, to fund a community-focused antiterrorism cybersecurity pilot program. 163847  
163848  
163849  
163850

Of the foregoing appropriation item 763513, Security Grants, \$87,000 in fiscal year 2024 shall be distributed to the Mayerson Jewish Community Center Campus for a 911 Geo-Location pilot program. 163851  
163852  
163853  
163854

(B) Funding recipients shall report to the Department of Public Safety by June 30 of each fiscal year, or as soon as possible thereafter, regarding best practices learned. Based on those reports, the Department of Public Safety shall make recommendations regarding increasing grant opportunities for the pilot program or including the pilot program as an eligible funding area within the security grants program. 163855  
163856  
163857  
163858  
163859  
163860  
163861

EMERGENCY MEDICAL SERVICES OPERATING 163862

Of the foregoing appropriation item 765401, Emergency Medical Services Operating, \$300,000 in each fiscal year shall be distributed to Ohio Cardiac Arrest Registry to Enhance Survival for operating expenses. 163863  
163864  
163865  
163866

JUSTICE PROGRAM SERVICES 163867

Of the foregoing appropriation item 768425, Justice Program Services, up to \$5,000,000 in each fiscal year shall be used by the Office of Criminal Justice Services to administer and distribute grants to state and local law enforcement agencies to implement or enhance body-worn camera programs. 163868  
163869  
163870  
163871  
163872

Of the foregoing appropriation item 768425, Justice Program 163873

Services, up to \$4,531,000 in fiscal year 2024 and \$4,542,000 in 163874  
fiscal year 2025 shall be used by the Office of Criminal Justice 163875  
Services to support anti-human trafficking efforts in the areas of 163876  
prosecution, victim services to specifically include assistance 163877  
for child victims, and prevention and policy to implement the 163878  
priorities of the Governor's Ohio Human Trafficking Task Force. 163879

Of the foregoing appropriation item 768425, Justice Program 163880  
Services, up to \$4,000,000 in each fiscal year shall be used by 163881  
the Office of Criminal Justice Services to administer and 163882  
distribute grants to state and local law enforcement agencies to 163883  
assist local communities in reducing and preventing crime through 163884  
the use of promising or proven crime reduction strategies. The use 163885  
of the grants includes, but is not limited to, overtime, 163886  
equipment, technical assistance, and analytical support to 163887  
implement crime reduction strategies. 163888

Of the foregoing appropriation item 768425, Justice Program 163889  
Services, up to \$3,000,000 in each fiscal year shall be provided 163890  
to the Ohio Network of Children's Advocacy Centers to administer 163891  
and distribute grants to child advocacy centers to coordinate the 163892  
investigation, prosecution, and treatment of child sexual abuse 163893  
while helping abused children heal. 163894

Of the foregoing appropriation item 768425, Justice Program 163895  
Services, up to \$1,000,000 in each fiscal year shall be used by 163896  
the Office of Criminal Justice Services to distribute grants to 163897  
state and/or local law enforcement to conduct investigations on 163898  
sexual assault kit testing results and related expenses. 163899

Of the foregoing appropriation item 768425, Justice Program 163900  
Services, up to \$500,000 in each fiscal year shall be used by the 163901  
Office of Criminal Justice Services to support state and local law 163902  
enforcement agencies in the recruitment, hiring, and training of 163903  
qualified individuals to serve as peace officers. 163904

Of the foregoing appropriation item 768425, Justice Program 163905  
Services, up to \$200,000 in each fiscal year shall be used by the 163906  
Office of Criminal Justice Services to implement recommendations 163907  
of the Governor's Warrant Task Force. 163908

OHIO SCHOOL SAFETY CENTER 163909

The foregoing appropriation item 769412, Ohio School Safety 163910  
Center, shall be used by the Department of Public Safety for the 163911  
operations of the Ohio School Safety Center, including maintaining 163912  
and promoting the Safer Ohio Schools Tip Line and assisting local 163913  
schools and first responders in preventing, preparing for, and 163914  
responding to threats and acts of violence, including self-harm, 163915  
through a holistic, solutions-based approach to improving school 163916  
safety. 163917

**Section 373.30.** CERTIFICATION OF COSTS FOR THE PUBLIC SAFETY 163918  
- HIGHWAY PURPOSES FUND 163919

The Director of Public Safety may certify to the Director of 163920  
Budget and Management, on a quarterly basis, the amounts paid to 163921  
deputy registrars pursuant to section 4507.49 of the Revised Code 163922  
for identification cards and temporary identification cards issued 163923  
or renewed without payment of any fees during the course of the 163924  
preceding quarter. 163925

The Director of Public Safety may certify to the Director of 163926  
Budget and Management, on a quarterly basis, the amount of fees 163927  
not collected by the registrar of motor vehicles for 163928  
identification cards and temporary identification cards issued or 163929  
renewed by the registrar of motor vehicles pursuant to section 163930  
4507.50 of the Revised Code without the payment of any fees during 163931  
the course of the preceding quarter. 163932

Upon receipt of the certifications, the Director of Budget 163933  
and Management may transfer cash, up to the certified amount, from 163934

the General Revenue Fund to the Public Safety - Highway Purposes Fund (Fund 5TM0). This amount is not to exceed \$4,000,000 per fiscal year.

MOTOR VEHICLE REGISTRATION

The Director of Public Safety may deposit revenues to meet the cash needs of the Public Safety - Highway Purposes Fund (Fund 5TM0) established in section 4501.06 of the Revised Code, obtained under section 4503.02 of the Revised Code, less all other available cash. Revenue deposited pursuant to this paragraph shall support in part appropriations for the administration and enforcement of laws relative to the operation and registration of motor vehicles, for payment of highway obligations and other statutory highway purposes. Notwithstanding section 4501.03 of the Revised Code, the revenues shall be paid into Fund 5TM0 before any revenues obtained pursuant to section 4503.02 of the Revised Code are paid into any other fund. The deposit of revenues to meet the aforementioned cash needs shall be in approximately equal amounts on a monthly basis or as otherwise approved by the Director of Budget and Management. Prior to July 1 of each fiscal year, the Director of Public Safety shall submit a plan to the Director of Budget and Management requesting approval of the anticipated revenue amounts to be deposited into Fund 5TM0 pursuant to this paragraph. If during the fiscal year changes to the plan as approved by the Director of Budget and Management are necessary, the Director of Public Safety shall submit a revised plan to the Director of Budget and Management for approval prior to any change in the deposit of revenues.

CASH TRANSFERS TO THE PUBLIC SAFETY - HIGHWAY PURPOSES FUND - SHIPLEY UPGRADES

Pursuant to a plan submitted by the Director of Public Safety, or as otherwise determined by the Director of Budget and Management, the Director of Budget and Management, upon approval

of the Controlling Board, may make appropriate cash transfers on a 163967  
pro-rata basis as approved by the Director of Budget and 163968  
Management from other funds used by the Department of Public 163969  
Safety, excluding the Public Safety Building Fund (Fund 7025), to 163970  
the Public Safety - Highway Purposes Fund (Fund 5TM0) in order to 163971  
reimburse expenditures for capital upgrades to the Shipley 163972  
Building. 163973

CASH BALANCE FUND REVIEW 163974

The Director of Public Safety shall review the cash balances 163975  
for each fund in the State Highway Safety Fund Group, and may 163976  
submit a request in writing to the Director of Budget and 163977  
Management to transfer amounts from any fund in the State Highway 163978  
Safety Fund Group to the credit of the Public Safety - Highway 163979  
Purposes Fund (Fund 5TM0), as appropriate. Upon receipt of such a 163980  
request, and subject to the approval of the Controlling Board, the 163981  
Director of Budget and Management may make appropriate transfers 163982  
as requested by the Director of Public Safety or as otherwise 163983  
determined by the Director of Budget and Management. 163984

CASH TRANSFERS TO THE SECURITY, INVESTIGATIONS, AND POLICING 163985  
FUND 163986

Notwithstanding any other provision of law to the contrary, 163987  
the Director of Budget and Management, upon written request of the 163988  
Director of Public Safety and approval of the Controlling Board, 163989  
may approve the transfer of cash from the State Highway Patrol 163990  
Contraband, Forfeiture, and Other Fund (Fund 83C0) to the 163991  
Security, Investigations and Policing Fund (Fund 8400). 163992

Notwithstanding any provision of law to the contrary, on July 163993  
1, 2023, or as soon as possible thereafter, the Director of Budget 163994  
and Management may, upon written request of the Director of Public 163995  
Safety, approve the transfer of no more than \$2,000,000 in cash 163996  
from the General Revenue Fund to the Security, Investigations, and 163997

Policing Fund (Fund 8400).	163998
COLLECTIVE BARGAINING INCREASES	163999
Notwithstanding division (D) of section 127.14 and division	164000
(B) of section 131.35 of the Revised Code, except for the General	164001
Revenue Fund, the Controlling Board may, upon the request of	164002
either the Director of Budget and Management, or the Department of	164003
Public Safety with the approval of the Director of Budget and	164004
Management, authorize expenditures in excess of appropriations and	164005
transfer appropriations, as necessary, for any fund used by the	164006
Department of Public Safety, to assist in paying the costs of	164007
increases in employee compensation that have occurred pursuant to	164008
collective bargaining agreements under Chapter 4117. of the	164009
Revised Code and, for exempt employees, under section 124.152 of	164010
the Revised Code. Any money approved for expenditure under this	164011
paragraph is hereby appropriated.	164012
VALIDATION STICKER REQUIREMENTS	164013
Validation stickers are required for the annual registration	164014
of passenger, commercial, motorcycle, and other vehicles and are	164015
produced in accordance with section 4503.191 of the Revised Code.	164016
Notwithstanding section 4503.191 of the Revised Code, the	164017
Registrar of Motor Vehicles may adopt rules authorizing validation	164018
stickers to be produced at any location.	164019
TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT	164020
AGENCY SERVICE AND REIMBURSEMENT FUND	164021
On July 1 of each fiscal year, or as soon as possible	164022
thereafter, the Director of Budget and Management shall transfer	164023
\$450,000 cash from the State Fire Marshall Fund (Fund 5460) to the	164024
Emergency Management Agency Service and Reimbursement Fund (Fund	164025
4V30).	164026
Of the foregoing appropriation item 763662, EMA Service and	164027
Reimbursements, \$250,000 in each fiscal year shall be distributed	164028

to the Ohio Task Force One - Urban Search and Rescue Unit to pay 164029  
for its operating expenses and developing new programs. 164030

Of the foregoing appropriation item 763662, EMA Service and 164031  
Reimbursements, \$200,000 in each fiscal year shall be distributed 164032  
to the Ohio Task Force One - Urban Search and Rescue Unit, other 164033  
similar urban search and rescue units around the state, and for 164034  
maintenance of the statewide fire emergency response plan by an 164035  
entity recognized by the Ohio Emergency Management Agency. 164036

STATE DISASTER RELIEF 164037

The State Disaster Relief Fund (Fund 5330) may accept 164038  
transfers of cash or appropriations from Controlling Board 164039  
appropriation items for the Ohio Emergency Management Agency 164040  
disaster response costs and disaster program management costs, and 164041  
may also be used for the following purposes: 164042

(A) To accept transfers of cash or appropriations from 164043  
Controlling Board appropriation items for Ohio Emergency 164044  
Management Agency recovery and mitigation program match costs to 164045  
reimburse eligible local governments and private nonprofit 164046  
organizations for costs related to disasters; 164047

(B) To accept transfers of cash or appropriations from 164048  
Controlling Board appropriation items to cover costs incurred and 164049  
to reimburse government entities for Emergency Management 164050  
Assistance Compact (EMAC) missions; 164051

(C) To accept disaster related reimbursement from federal, 164052  
state, and local governments. The Director of Budget and 164053  
Management may transfer cash from reimbursements received by this 164054  
fund to other funds of the state from which transfers were 164055  
originally approved by the Controlling Board. 164056

(D) To accept transfers of cash or appropriations from 164057  
Controlling Board appropriation items to fund the State Disaster 164058  
Relief Program, for disasters that qualify for the program by 164059

written authorization of the Governor, and the State Individual Assistance Program for disasters that have been declared by the federal Small Business Administration and that qualify for the program by written authorization from the Governor.

(E) The State Disaster Relief Fund (Fund 5330) may accept, hold, administer, and expend any cash received from a gift, donation, bequest, devise, or contribution.

DRUG LAW ENFORCEMENT FUND

Notwithstanding division (D) of section 5502.68 of the Revised Code, in each of fiscal years 2024 and 2025, the cumulative amount of funding provided to any single drug task force out of the Drug Law Enforcement Fund (Fund 5ET0) may not exceed \$500,000 in any calendar year.

HIGHWAY PATROL TRAINING

The foregoing appropriation item 768431, Highway Patrol Training, shall be used for Ohio State Highway Patrol training and associated costs at the Mid-Ohio Sports Car Course.

STATE HIGHWAY PATROL CONTINUING PROFESSIONAL TRAINING

Notwithstanding sections 109.802 and 109.803 of the Revised Code, of the foregoing appropriation item 764695, State Highway Patrol Continuing Professional Training, \$420,000 in each fiscal year shall be used for Ohio State Highway Patrol training and associated costs at the Mid-Ohio Sports Car Course.

SARA TITLE III HAZMAT PLANNING

The SARA Title III Hazmat Planning Fund (Fund 6810) is entitled to receive grant funds from the Emergency Response Commission to implement the Emergency Management Agency's responsibilities under Chapter 3750. of the Revised Code.

**Section 375.10.** PUC PUBLIC UTILITIES COMMISSION OF OHIO

Dedicated Purpose Fund Group				164089
4A30	870614	Grade Crossing Protection Devices-State	\$ 2,000,000 \$	1,700,000 164090
4L80	870617	Pipeline Safety-State	\$ 359,377 \$	359,377 164091
5610	870606	Power Siting Board	\$ 3,080,000 \$	3,180,000 164092
5F60	870622	Utility and Railroad Regulation	\$ 39,012,561 \$	39,012,561 164093
5F60	870624	NARUC/NRRI Subsidy	\$ 85,000 \$	85,000 164094
5LT0	870640	Intrastate Registration	\$ 210,661 \$	210,661 164095
5LT0	870641	Unified Carrier Registration	\$ 476,636 \$	476,636 164096
5LT0	870643	Non-hazardous Materials Civil Forfeiture	\$ 311,144 \$	311,114 164097
5LT0	870644	Hazardous Materials Civil Forfeiture	\$ 1,165,000 \$	1,165,000 164098
5LT0	870645	Motor Carrier Enforcement	\$ 6,400,372 \$	6,400,372 164099
5Q50	870626	Telecommunications Relay Service	\$ 1,020,000 \$	1,020,000 164100
5QR0	870646	Underground Facilities Protection	\$ 50,000 \$	50,000 164101
5QS0	870647	Underground Facilities Administration	\$ 500,000 \$	500,000 164102
TOTAL DPF Dedicated Purpose Fund Group			\$ 54,670,751 \$	54,470,721 164103
Federal Fund Group				164104
3330	870601	Gas Pipeline Safety	\$ 1,543,289 \$	1,543,289 164105
3500	870608	Motor Carrier Safety	\$ 15,710,777 \$	16,103,547 164106
3500	870648	Motor Carrier	\$ 750,000 \$	750,000 164107

		Administration High Priority Activities Grants and Cooperative Agreements				
3ID0	870649	Department of Energy Grid Resiliency	\$	7,122,706	\$	7,122,706 164108
3IE0	870650	Hazardous Material Commercial Vehicle Inspection Grants	\$	414,031	\$	414,031 164109
3V30	870604	Commercial Vehicle Information Systems/Networks	\$	32,300	\$	0 164110
TOTAL FED	Federal Fund Group		\$	25,573,103	\$	25,933,573 164111
TOTAL ALL BUDGET FUND GROUPS			\$	80,243,854	\$	80,404,294 164112
<b>Section 377.10. PWC PUBLIC WORKS COMMISSION</b>						164114
General Revenue Fund						164115
GRF	150904	Conservation General Obligation Bond Debt Service	\$	46,600,000	\$	40,900,000 164116
GRF	150907	Infrastructure Improvement General Obligation Bond Debt Service	\$	231,000,000	\$	236,000,000 164117
TOTAL GRF	General Revenue Fund		\$	277,600,000	\$	276,900,000 164118
Capital Projects Fund Group						164119
7038	150321	State Capital Improvements Program - Operating Expenses	\$	986,116	\$	971,376 164120
7056	150403	Clean Ohio Conservation	\$	328,705	\$	323,792 164121

Operating

TOTAL CPF Capital Projects Fund	\$	1,314,821	\$	1,295,168	164122
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	278,914,821	\$	278,195,168	164123

**Section 377.20.** CONSERVATION GENERAL OBLIGATION BOND DEBT 164125

SERVICE 164126

The foregoing appropriation item 150904, Conservation General 164127  
Obligation Bond Debt Service, shall be used to pay all debt 164128  
service and related financing costs during the period from July 1, 164129  
2023, through June 30, 2025, on obligations issued under sections 164130  
151.01 and 151.09 of the Revised Code. 164131

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 164132

SERVICE 164133

The foregoing appropriation item 150907, Infrastructure 164134  
Improvement General Obligation Bond Debt Service, shall be used to 164135  
pay all debt service and related financing costs during the period 164136  
from July 1, 2023, through June 30, 2025, on obligations issued 164137  
under sections 151.01 and 151.08 of the Revised Code. 164138

CLEAN OHIO CONSERVATION OPERATING 164139

The foregoing appropriation item 150403, Clean Ohio 164140  
Conservation Operating, shall be used by the Ohio Public Works 164141  
Commission in administering Clean Ohio Conservation Fund (Fund 164142  
7056) projects pursuant to sections 164.20 to 164.27 of the 164143  
Revised Code. 164144

STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES 164145

The foregoing appropriation item 150321, State Capital 164146  
Improvements Program - Operating Expenses, shall be used by the 164147  
Ohio Public Works Commission to administer the State Capital 164148  
Improvement Program under sections 164.01 to 164.16 of the Revised 164149  
Code. 164150

DISTRICT ADMINISTRATION COSTS 164151

The Director of the Public Works Commission is authorized to 164152  
create a District Administration Costs Program from proceeds of 164153  
the Capital Improvements Fund and Local Transportation Improvement 164154  
Program Fund. The program shall be used to provide for the direct 164155  
costs of district administration of the nineteen public works 164156  
districts. Districts choosing to participate in the program shall 164157  
only expend State Capital Improvements Fund moneys for State 164158  
Capital Improvements Fund costs and Local Transportation 164159  
Improvement Program Fund moneys for Local Transportation 164160  
Improvement Program Fund costs. The District Administration Costs 164161  
Program account shall not exceed \$1,235,000 per fiscal year. Each 164162  
public works district may be eligible for up to \$65,000 per fiscal 164163  
year from its district allocation as provided in sections 164.08 164164  
and 164.14 of the Revised Code. 164165

The Director, by rule, shall define allowable and 164166  
non-allowable costs for the purpose of the District Administration 164167  
Costs Program. Non-allowable costs include indirect costs, elected 164168  
official salaries and benefits, and project-specific costs. No 164169  
district public works committee may participate in the District 164170  
Administration Costs Program without the approval of those costs 164171  
by the district public works committee under section 164.04 of the 164172  
Revised Code. 164173

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 164174

The Director of the Public Works Commission is authorized to 164175  
create a District Administration Costs Program for districts 164176  
represented by natural resource assistance councils. This program 164177  
shall be funded from proceeds of the Clean Ohio Conservation Fund. 164178  
The program shall be used by natural resource assistance councils 164179  
in order to provide for administration costs of the nineteen 164180  
natural resource assistance councils for the direct costs of 164181  
council administration. Councils choosing to participate in this 164182

program may be eligible for up to \$15,000 per fiscal year from its 164183  
 district allocation as provided in section 164.27 of the Revised 164184  
 Code. 164185

The Director shall define allowable and non-allowable costs 164186  
 for the purpose of the District Administration Costs Program. 164187  
 Non-allowable costs include indirect costs, elected official 164188  
 salaries and benefits, and project-specific costs. 164189

**Section 379.10. RAC STATE RACING COMMISSION** 164190

Dedicated Purpose Fund Group 164191

5620 875601 Thoroughbred \$ 1,100,000 \$ 1,100,000 164192  
 Development

5630 875602 Standardbred \$ 1,400,000 \$ 1,400,000 164193  
 Development

5650 875604 Racing Commission \$ 4,210,497 \$ 4,210,497 164194  
 Operating

5JK0 875610 Horse Racing \$ 10,500,000 \$ 10,500,000 164195  
 Development - Casino

5NL0 875611 Revenue \$ 10,500,000 \$ 10,500,000 164196  
 Redistribution

TOTAL DPF Dedicated Purpose Fund \$ 27,710,497 \$ 27,710,497 164197  
 Group

Fiduciary Fund Group 164198

5C40 875607 Simulcast Horse \$ 5,500,000 \$ 5,500,000 164199  
 Racing Purse

TOTAL FID Fiduciary Fund Group \$ 5,500,000 \$ 5,500,000 164200

Holding Account Fund Group 164201

R021 875605 Bond Reimbursements \$ 100,000 \$ 100,000 164202

TOTAL HLD Holding Account Fund \$ 100,000 \$ 100,000 164203

Group

TOTAL ALL BUDGET FUND GROUPS \$ 33,310,497 \$ 33,310,497 164204

<b>Section 381.10. BOR DEPARTMENT OF HIGHER EDUCATION</b>				164206
General Revenue Fund				164207
GRF 235321	Operating Expenses	\$ 7,219,000	\$ 7,229,000	164208
GRF 235402	Sea Grants	\$ 308,000	\$ 317,000	164209
GRF 235406	Articulation and Transfer	\$ 2,070,000	\$ 2,225,000	164210
GRF 235408	Midwest Higher Education Compact	\$ 118,000	\$ 118,000	164211
GRF 235411	Teacher Apprenticeship Program	\$ 120,000	\$ 3,635,000	164212
GRF 235412	Textbook Affordability	\$ 455,000	\$ 455,000	164213
GRF 235414	Grants and Scholarship Administration	\$ 988,000	\$ 994,000	164214
GRF 235417	Technology Maintenance and Operations	\$ 5,503,000	\$ 5,782,000	164215
GRF 235419	Mental Health Support	\$ 10,000,000	\$ 10,000,000	164216
GRF 235421	IT Security Enhancements	\$ 1,872,000	\$ 1,930,000	164217
GRF 235425	Ohio Work Ready Grant	\$ 14,298,000	\$ 26,571,000	164218
GRF 235427	Adult Literacy Initiatives	\$ 1,035,000	\$ 1,035,000	164219
GRF 235428	Appalachian New Economy Workforce Partnership	\$ 4,243,000	\$ 4,455,000	164220
GRF 235438	Choose Ohio First Scholarship	\$ 30,000,000	\$ 32,000,000	164221
GRF 235443	Aspire - State	\$ 7,083,000	\$ 7,083,000	164222
GRF 235444	Ohio Technical Centers	\$ 22,464,000	\$ 23,138,000	164223
GRF 235474	Area Health Education Centers Program Support	\$ 899,000	\$ 926,000	164224
GRF 235492	Campus Safety and	\$ 675,000	\$ 700,000	164225

	Training				
GRF 235495	Northeast Ohio Medical University Dental School	\$ 2,000,000	\$ 2,000,000	164226	
GRF 235501	State Share of Instruction	\$ 2,106,000,000	\$ 2,136,000,000	164227	
GRF 235504	War Orphans and Severely Disabled Veterans' Children Scholarships	\$ 17,800,000	\$ 20,600,000	164228	
GRF 235507	OhioLINK	\$ 6,140,000	\$ 6,447,000	164229	
GRF 235508	Air Force Institute of Technology	\$ 2,200,000	\$ 2,200,000	164230	
GRF 235510	Ohio Supercomputer Center	\$ 4,844,000	\$ 5,086,000	164231	
GRF 235511	The Ohio State University Extension Service	\$ 25,504,000	\$ 26,269,000	164232	
GRF 235514	Central State Supplement	\$ 12,036,000	\$ 12,397,000	164233	
GRF 235515	Case Western Reserve University School of Medicine	\$ 2,039,000	\$ 2,039,000	164234	
GRF 235519	Family Practice	\$ 3,008,000	\$ 3,008,000	164235	
GRF 235520	Shawnee State Supplement	\$ 12,035,000	\$ 12,396,000	164236	
GRF 235525	Geriatric Medicine	\$ 496,000	\$ 496,000	164237	
GRF 235526	Primary Care Residencies	\$ 1,425,000	\$ 1,425,000	164238	
GRF 235533	Program and Project Support	\$ 7,325,000	\$ 6,430,000	164239	
GRF 235535	Ohio Agricultural Research	\$ 37,169,000	\$ 38,284,000	164240	

GRF 235536	The Ohio State University Clinical Teaching	\$	9,186,000	\$	9,186,000	164241
GRF 235537	University of Cincinnati Clinical Teaching	\$	7,835,000	\$	7,835,000	164242
GRF 235538	University of Toledo Clinical Teaching	\$	5,889,000	\$	5,889,000	164243
GRF 235539	Wright State University Clinical Teaching	\$	2,861,000	\$	2,861,000	164244
GRF 235540	Ohio University Clinical Teaching	\$	2,766,000	\$	2,766,000	164245
GRF 235541	Northeast Ohio Medical University Clinical Teaching	\$	2,845,000	\$	2,845,000	164246
GRF 235543	Kent State University College of Podiatric Medicine Clinic Subsidy	\$	500,000	\$	500,000	164247
GRF 235546	Central State Agricultural Research and Development	\$	5,828,000	\$	5,828,000	164248
GRF 235548	Central State Cooperative Extension Services	\$	5,168,000	\$	5,168,000	164249
GRF 235552	Capital Component	\$	1,584,000	\$	1,584,000	164250
GRF 235555	Library Depositories	\$	1,366,000	\$	1,407,000	164251
GRF 235556	Ohio Academic Resources Network	\$	3,262,000	\$	3,568,000	164252
GRF 235558	Long-term Care Research	\$	318,000	\$	327,000	164253
GRF 235563	Ohio College	\$	140,000,000	\$	175,000,000	164254

	Opportunity Grant				
GRF 235569	The Ohio State University College of Veterinary Medicine Supplement	\$	5,150,000	\$	5,304,000 164255
GRF 235572	The Ohio State University Clinic Support	\$	750,000	\$	772,000 164256
GRF 235578	Federal Research Network	\$	8,698,000	\$	8,851,000 164257
GRF 235585	Educator Preparation Programs	\$	500,000	\$	500,000 164258
GRF 235591	Co-Op Internship Program	\$	1,365,000	\$	1,365,000 164259
GRF 235593	Voinovich Academy of Excellence in Public Service	\$	750,000	\$	750,000 164260
GRF 235595	Commercial Truck Driver Student Aid Program	\$	10,000,000	\$	10,000,000 164261
GRF 235598	Rural University Program	\$	412,000	\$	424,000 164262
GRF 235599	National Guard Scholarship Program	\$	18,400,000	\$	19,250,000 164263
GRF 235909	Higher Education General Obligation Bond Debt Service	\$	250,000,000	\$	275,000,000 164264
TOTAL GRF	General Revenue Fund	\$	2,834,804,000	\$	2,950,650,000 164265
	Dedicated Purpose Fund Group				164266
2200 235614	Program Approval and Reauthorization	\$	875,000	\$	882,000 164267
4560 235603	Sales and Services	\$	199,250	\$	199,250 164268
4E80 235602	Higher Educational	\$	67,600	\$	67,600 164269

		Facility Commission					
		Administration					
5AH1	235688	Super RAPIDS	\$	100,000,000	\$	0	164270
5D40	235675	Conference/Special	\$	250,000	\$	250,000	164271
		Purposes					
5FR0	235650	State and Non-Federal	\$	1,402,150	\$	1,402,150	164272
		Grants and Award					
5NH0	235517	Talent Ready Grant	\$	25,000,000	\$	25,000,000	164273
		Program					
5P30	235663	Variable Savings Plan	\$	8,363,600	\$	8,522,034	164274
5YD0	235494	Second Chance Grant	\$	2,000,000	\$	2,000,000	164275
		Program					
5ZY0	235592	Grow Your Own Teacher	\$	5,000,000	\$	10,000,000	164276
		Program					
6450	235664	Guaranteed Savings	\$	1,099,122	\$	1,110,131	164277
		Plan					
6820	235606	Nursing Loan Program	\$	1,150,000	\$	1,200,000	164278
TOTAL DPF		Dedicated Purpose Fund	\$	145,406,722	\$	50,633,165	164279
		Group					
		Bond Research and Development Fund Group					164280
7014	235639	Research Incentive	\$	8,000,000	\$	8,000,000	164281
		Third Frontier - Tax					
TOTAL BRD		Bond Research and	\$	8,000,000	\$	8,000,000	164282
		Development Fund Group					
		Federal Fund Group					164283
3120	235611	Gear-up Grant	\$	2,400,000	\$	2,400,000	164284
3120	235612	Carl D. Perkins	\$	1,350,000	\$	1,350,000	164285
		Grant/Plan					
		Administration					
3120	235641	Aspire - Federal	\$	18,600,000	\$	18,600,000	164286
3120	235669	Industry Credential	\$	300,000	\$	300,000	164287
		Transfer Assurance					

		Guides Initiative				
3BG0	235651	Gear Up Grant	\$	3,100,000	\$	3,100,000 164288
		Scholarships				
3N60	235658	John R. Justice	\$	128,000	\$	128,000 164289
		Student Loan				
		Repayment Program				
TOTAL FED		Federal Fund Group	\$	25,878,000	\$	25,878,000 164290
TOTAL ALL BUDGET FUND GROUPS			\$	3,014,088,722	\$	3,035,161,165 164291

**Section 381.20. SEA GRANTS** 164293

The foregoing appropriation item 235402, Sea Grants, shall be 164294  
used to match federal dollars and leverage additional support by 164295  
The Ohio State University's Sea Grant program, including Stone 164296  
Laboratory, for research, education, and outreach to enhance the 164297  
economic value, public utilization, and responsible management of 164298  
Lake Erie and Ohio's coastal resources. 164299

**Section 381.30. ARTICULATION AND TRANSFER** 164300

The foregoing appropriation item 235406, Articulation and 164301  
Transfer, shall be used by the Chancellor of Higher Education to 164302  
maintain and expand the work of the Articulation and Transfer 164303  
Network Advisory Council to develop a system of transfer policies 164304  
to ensure that students at state institutions of higher education 164305  
can transfer and have coursework apply to their majors and degrees 164306  
at any other state institution of higher education without 164307  
unnecessary duplication or institutional barriers under sections 164308  
3333.16, 3333.161, 3333.162, and 3333.164 of the Revised Code. 164309

**Section 381.40. MIDWEST HIGHER EDUCATION COMPACT** 164310

The foregoing appropriation item 235408, Midwest Higher 164311  
Education Compact, shall be distributed by the Chancellor of 164312  
Higher Education under section 3333.40 of the Revised Code. 164313

<b>Section 381.60. TEACHER APPRENTICESHIP PROGRAM</b>	164314
(A) The foregoing appropriation item 235411, Teacher Apprenticeship Program, shall be used by the Chancellor of Higher Education, in consultation with the Superintendent of Public Instruction, to develop and implement the Teacher Apprenticeship Program, which is hereby established.	164315 164316 164317 164318 164319
(B) Under the program, the Chancellor shall establish up to five teacher apprenticeship programs for different teaching licenses. The Chancellor may use the funds provided under this section to pay for the following, as determined appropriate by the Chancellor:	164320 164321 164322 164323 164324
(1) Program development;	164325
(2) Program participant support, including payment of tuition, fees, and apprentice salary;	164326 164327
(3) Stipends for supervising teachers;	164328
(4) Administrative and technology support;	164329
(5) Any other expenses necessary to operate the program.	164330
<b>Section 381.70. TEXTBOOK AFFORDABILITY</b>	164331
(A) The foregoing appropriation item 235412, Textbook Affordability, shall be used by the Chancellor of Higher Education to encourage the adoption of open educational resources and other innovative low- or no-cost teaching materials at Ohio's public institutions of higher education. Funds disbursed under this section shall be used in a manner consistent with the goal of creating or identifying low- or no-cost teaching materials to produce cost savings for students.	164332 164333 164334 164335 164336 164337 164338 164339
(B) In disbursing funds to create open educational resources under this section, the Chancellor shall consider at least the following factors:	164340 164341 164342

(1) The volume of students enrolled in specific courses, with 164343  
a focus on converting teaching materials in high enrollment, 164344  
general education courses included in the Ohio Transfer 36 as a 164345  
first priority to broaden the scope of impact; 164346

(2) The likely rate of faculty adoption of materials produced 164347  
under this section, and the level of institutional support for 164348  
embracing open educational resources and other innovative low- or 164349  
no-cost teaching materials; and 164350

(3) The extent to which resources produced under this section 164351  
may be made available to institutions statewide for utilization. 164352  
In considering this factor, the Chancellor may partner with the 164353  
Ohio Open Ed Collaborative and OhioLINK and utilize or enhance 164354  
electronic resources under their management to store and provide 164355  
statewide access to materials. 164356

(C) The Chancellor and the faculty at state institutions of 164357  
higher education, as defined in section 3345.011 of the Revised 164358  
Code, in consultation with OhioLINK, shall collaborate to create 164359  
the Ohio Educational Resources Database consisting of open 164360  
educational resources that have been identified as meeting the 164361  
learning objectives for Ohio Transfer 36 and Transfer Assurance 164362  
Guides courses by, at a minimum: 164363

(1) Surveying all state institutions of higher education for 164364  
open educational resources currently used in these courses; 164365

(2) Identifying faculty to review materials available in 164366  
OpenStax, OER Commons, and other repositories of open educational 164367  
resources; and 164368

(3) Establishing processes and procedures to maintain regular 164369  
review and updating of materials to keep the database current. 164370

(D) State institutions of higher education, at the 164371  
Chancellor's direction, shall pursue collaborative efforts focused 164372  
on the goal of achieving wider acceptance and adoption of open 164373

educational materials.	164374
(E) Materials shall be accessible to all people in compliance with the "Americans with Disabilities Act of 1990," 42 U.S.C. 12101 et. seq.	164375 164376 164377
(F) The Chancellor and Superintendent of Public Instruction shall promote opportunities to increase the use of open educational materials in College Credit Plus courses to reduce the cost of instructional materials to school districts.	164378 164379 164380 164381
<b>Section 381.90. GRANTS AND SCHOLARSHIP ADMINISTRATION</b>	164382
The foregoing appropriation item 235414, Grants and Scholarship Administration, shall be used by the Chancellor of Higher Education to manage and administer student financial aid programs created by the General Assembly and grants for which the Department of Higher Education is responsible. The appropriation item also shall be used to support all state financial aid audits and student financial aid programs created by Congress, and to provide fiscal and administrative services for the Ohio National Guard Scholarship Program.	164383 164384 164385 164386 164387 164388 164389 164390 164391
<b>Section 381.110. TECHNOLOGY MAINTENANCE AND OPERATIONS</b>	164392
The foregoing appropriation item 235417, Technology Maintenance and Operations, shall be used by the Chancellor of Higher Education to support the development and implementation of information technology solutions designed to improve the performance and capacity of the Department of Higher Education. The information technology solutions may be provided by the Ohio Technology Consortium (OH-TECH).	164393 164394 164395 164396 164397 164398 164399
Of the foregoing appropriation item 235417, Technology Maintenance and Operations, a portion in each fiscal year may be used by the Chancellor to support the continued implementation of eStudent Services, a consortium organized under division (T) of	164400 164401 164402 164403

section 3333.04 of the Revised Code to expand access to dual 164404  
enrollment opportunities for high school students, continue the 164405  
support of the statewide eTutoring program, and for any other 164406  
strategic priorities of the Chancellor. 164407

Of the foregoing appropriation item 235417, Technology 164408  
Maintenance and Operations, a portion in each fiscal year shall be 164409  
used by the Chancellor to implement a high priority data 164410  
warehouse, advanced analytics, and visualization integration 164411  
services associated with the Higher Education Information (HEI) 164412  
system. The services may be facilitated by OH-TECH. 164413

Of the foregoing appropriation item 235417, Technology 164414  
Maintenance and Operations, \$150,000 in each fiscal year shall be 164415  
used to support Ohio Reach to provide mentoring and support 164416  
services to former foster youth attending college. 164417

**Section 381.130. MENTAL HEALTH SUPPORT** 164418

(A) The foregoing appropriation item 235419, Mental Health 164419  
Support, shall be used by the Chancellor of Higher Education to 164420  
provide resources and support to address behavioral health needs 164421  
at state institutions of higher education as defined in section 164422  
3345.011 of the Revised Code and private nonprofit institutions of 164423  
higher education holding certificates of authorization under 164424  
Chapter 1713. of the Revised Code. The Chancellor shall use the 164425  
funds to prioritize behavioral health services, including, but not 164426  
limited to, expansion of telehealth options, increased awareness 164427  
of telephone and text message care line services, expansion of 164428  
certified peer educator programs, and direct aid to students who 164429  
are unable to afford care. 164430

(B) In allocating funds under this section, the Chancellor 164431  
shall consider at least the following factors: 164432

(1) The relative severity of needs expressed and associated 164433

risks involved;	164434
(2) The extent to which funds awarded will increase campus-wide knowledge and awareness of available care options;	164435
(3) The extent to which funds awarded will increase access to, and availability of, care options;	164437
(4) The extent to which funds awarded will remove barriers to care options; and	164439
(5) The extent to which funds awarded will be leveraged to create long-term sustainability on campus and support collaborative, community-based programs and initiatives that can be sustained with community resources.	164441
(C) The Chancellor may consult with the Department of Mental Health and Addiction Services, RecoveryOhio, local and regional behavioral health providers, and other stakeholders as determined by the Chancellor to be appropriate when allocating funds under this section.	164445
(D) An institution receiving funds under this section shall not make changes to mental health support services offered by the institution that have the goal or net effect of shifting the cost burden of those programs to the program described in this section. An institution receiving funds under this section shall maintain the same level of mental health support services that the institution provided in the most recent academic year in the aggregate to all students or on a per-student basis.	164450
<b>Section 381.140. IT SECURITY ENHANCEMENTS</b>	164458
(A) The foregoing appropriation item 235421, IT Security Enhancements, shall be used by the Chancellor of Higher Education, in consultation with OH-TECH, to enhance security operations and services.	164459
(B) Enhanced security operations and services shall benefit	164463

all members of OH-TECH and may include but not be limited to:	164464
(1) Establishing an enterprise security operations center;	164465
(2) Configuration management in the area of data loss prevention;	164466 164467
(3) Endpoint patch and compliance;	164468
(4) Log aggregation;	164469
(5) Web application firewall;	164470
(6) Vulnerability management across the consortium; and	164471
(7) Other critical security enhancement services as determined appropriate by the Chancellor.	164472 164473
(C) The Ohio Academic Resource Network (OARnet) and the Ohio Supercomputer Center may use a portion of these funds to enhance their respective network security operations to better serve clients who store sensitive data that is subject to the highest data privacy standards imposed by federal regulations and national research organizations, including, but not limited to, the National Institutes of Health, the National Science Foundation, and the Department of Defense.	164474 164475 164476 164477 164478 164479 164480 164481
<b>Section 381.160. OHIO WORK READY GRANT</b>	164482
The foregoing appropriation item 235425, Ohio Work Ready Grant, shall be used by the Chancellor of Higher Education to establish and operate the Ohio Work Ready Grant Program pursuant to section 3333.24 of the Revised Code.	164483 164484 164485 164486
<b>Section 381.170. ADULT LITERACY INITIATIVES</b>	164487
(A) The foregoing appropriation item 235427, Adult Literacy Initiatives, shall be used by the Chancellor of Higher Education to implement strategies designed to increase literacy among Ohio's adult population.	164488 164489 164490 164491

(B) Of the foregoing appropriation item 235427, Adult Literacy Initiatives, a portion in each fiscal year shall be used by the Chancellor to support evidence-based literacy professional development and training opportunities for college and university faculty at state institutions of higher education as defined in section 3345.011 of the Revised Code and private nonprofit institutions of higher education that have a certificate of authorization pursuant to Chapter 1713. of the Revised Code, with priority for those faculty that teach reading instruction. The Chancellor shall allocate funds in the manner the Chancellor prescribes, consistent with the goal of encouraging faculty to increase their knowledge, awareness, and adoption of evidence-based literacy approaches, including the science of reading.

(C) Of the foregoing appropriation item 235427, Adult Literacy Initiatives, a portion in each fiscal year shall be used by the Chancellor to support all of the following:

(1) Literacy instruction for students not eligible for Aspire services due to National Reporting System assessment standards, as determined by the Chancellor;

(2) Instructional services for adult English language learners; and

(3) Evidence-based and high-quality professional development initiatives for Aspire instructors that support all levels of adult learners to create an impact of literacy instruction being delivered across the state of Ohio by all instructors to all levels of learners.

(D) Not later than March 31, 2024, the Chancellor shall do all of the following:

(1) Conduct a review of all educator preparation programs at state and private nonprofit institutions of higher education and

develop a summary of the curriculum used at those institutions to 164523  
provide training in the pedagogy of literacy, including the extent 164524  
to which the curriculum is aligned with the science of reading; 164525

(2) Conduct an analysis of curriculum used in Aspire 164526  
programming for alignment with best practices for literacy 164527  
education; and 164528

(3) Conduct an analysis, in consultation with the Director of 164529  
Job and Family Services, of Aspire programs available in Ohio, 164530  
with emphasis on communities with the highest unemployment and 164531  
underemployment rates and lowest rates of high school completion. 164532  
Upon completion of this analysis, the Chancellor and Director of 164533  
Job and Family Services shall do all of the following: 164534

(a) Assess and develop recommended best practices on how the 164535  
Department of Job and Family Services connects those on 164536  
unemployment, Supplemental Nutrition Assistance Program, and other 164537  
public benefits programs, as appropriate, to Aspire program 164538  
options to ensure that Aspire opportunities are well known to as 164539  
many potential beneficiaries as possible; and 164540

(b) Develop strategies to implement the best practices 164541  
identified in division (D)(3)(a) of this section and consider 164542  
mechanisms of accountability to encourage those enrolled in public 164543  
benefits programs to complete Aspire programming. 164544

(E) On July 1, 2024, or as soon as possible thereafter, the 164545  
Chancellor shall certify to the Director of Budget and Management 164546  
an amount up to the unexpended, unencumbered balance of the 164547  
foregoing appropriation item 235427, Adult Literacy Initiatives, 164548  
at the end of fiscal year 2024 to be reappropriated to fiscal year 164549  
2025. The amount certified is hereby reappropriated to the same 164550  
appropriation item in fiscal year 2025. 164551

**Section 381.180.** APPALACHIAN NEW ECONOMY WORKFORCE 164552

PARTNERSHIP 164553

Of the foregoing appropriation item 235428, Appalachian New Economy Workforce Partnership, \$500,000 in each fiscal year shall be allocated to the Mahoning Valley Innovation and Commercialization Center. 164554  
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The remainder of the foregoing appropriation item 235428, Appalachian New Economy Workforce Partnership, shall be distributed to Ohio University's Voinovich School to continue a multi-campus and multi-agency coordinated effort to link Appalachia to the new economy. Ohio University shall use these funds to provide leadership in the development and implementation of initiatives in the areas of entrepreneurship, management, education, and technology. 164558  
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**Section 381.190. CHOOSE OHIO FIRST SCHOLARSHIP** 164566

The foregoing appropriation item 235438, Choose Ohio First Scholarship, shall be used to operate the program prescribed in sections 3333.60 to 3333.69 of the Revised Code. 164567  
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During each fiscal year, the Chancellor of Higher Education, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235438, Choose Ohio First Scholarship. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the Choose Ohio First Scholarship Reserve Fund (Fund 5PV0). 164570  
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**Section 381.200. ASPIRE** 164578

The foregoing appropriation item 235443, Aspire - State, shall be used to support the Aspire program. The supported programs shall satisfy the state match and maintenance of effort 164579  
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164581

requirements for the state-administered grant program. 164582

**Section 381.210.** OHIO TECHNICAL CENTERS FUNDING 164583

The foregoing appropriation item 235444, Ohio Technical 164584  
Centers, shall be used by the Chancellor of Higher Education to 164585  
support post-secondary adult career-technical education. The 164586  
Chancellor shall provide coordination for Ohio Technical Centers 164587  
through program approval processes, data collection of program and 164588  
student outcomes, and subsidy disbursements from the foregoing 164589  
appropriation item 235444, Ohio Technical Centers. 164590

(A)(1) As soon as possible in each fiscal year, in accordance 164591  
with instructions of the Chancellor, each Ohio Technical Center 164592  
shall report its actual data, consistent with the definitions in 164593  
the Higher Education Information (HEI) system's files, to the 164594  
Chancellor. 164595

(a) In defining the number of full-time equivalent students 164596  
for state subsidy purposes, the Chancellor shall exclude all 164597  
students who are not residents of Ohio. 164598

(b) A full-time equivalent student shall be defined as a 164599  
student who completes 450 hours. Those students that complete some 164600  
portion of 450 hours shall be counted as a partial full-time 164601  
equivalent for funding purposes, while students that complete more 164602  
than 450 hours shall be counted as proportionally greater than one 164603  
full-time equivalent. 164604

(c) In calculating each Ohio Technical Center's full-time 164605  
equivalent students, the Chancellor shall use a three-year 164606  
average. 164607

(d) Ohio Technical Centers shall operate with, or be an 164608  
active candidate for, accreditation by an accreditor authorized by 164609  
the United States Department of Education to be eligible to 164610  
receive subsidies from the foregoing appropriation item 235444, 164611

Ohio Technical Centers. 164612

(2) In each fiscal year, 25 per cent of the allocation for 164613  
Ohio Technical Centers shall be distributed based on the 164614  
proportion of each Center's full-time equivalent students to the 164615  
total full-time equivalent students who complete a post-secondary 164616  
technical workforce training program approved by the Chancellor 164617  
with a grade of C or better or a grade of pass if the program is 164618  
evaluated on a pass/fail basis. 164619

(3) In each fiscal year, 20 per cent of the allocation for 164620  
Ohio Technical Centers shall be distributed based on the 164621  
proportion of each Center's full-time equivalent students to the 164622  
total full-time equivalent students who complete 50 per cent of a 164623  
program of study as a measure of student retention. 164624

(4) In each fiscal year, 50 per cent of the allocation for 164625  
Ohio Technical Centers shall be distributed based on the 164626  
proportion of each Center's full-time equivalent students to the 164627  
total full-time equivalent students who have found employment, 164628  
entered military service, or enrolled in additional post-secondary 164629  
education and training in accordance with the placement 164630  
definitions of the Strengthening Career and Technical Education 164631  
for the 21st Century Act, 20 U.S.C. 2323 (Perkins). The 164632  
calculation for eligible full-time equivalent students shall be 164633  
based on the per cent of Perkins placements for students who have 164634  
completed at least 50 per cent of a program of study. 164635

(5) In each fiscal year, five per cent of the allocation for 164636  
Ohio Technical Centers shall be distributed based on the 164637  
proportion of each Center's full-time equivalent students to the 164638  
total full-time equivalent students who have earned a credential 164639  
from an industry-recognized third party. 164640

(B) Of the foregoing appropriation item 235444, Ohio 164641  
Technical Centers, up to 2.38 per cent in each fiscal year may be 164642

distributed by the Chancellor to the Ohio Central School System, 164643  
up to \$48,000 in each fiscal year may be utilized for assistance 164644  
for Ohio Technical Centers, and up to \$3,000,000 in each fiscal 164645  
year may be distributed by the Chancellor to Ohio Technical 164646  
Centers that provide customized training and business consultation 164647  
services with matching local dollars, with preference to 164648  
industries on the in-demand jobs list created under section 164649  
6301.11 of the Revised Code, industries in regionally emerging 164650  
fields, or local businesses and industries. Each center meeting 164651  
this requirement shall receive at least \$25,000 but not more than 164652  
a maximum amount determined by the Chancellor. 164653

(C) The remainder of the foregoing appropriation item 235444, 164654  
Ohio Technical Centers, in each fiscal year shall be distributed 164655  
in accordance with division (A) of this section. 164656

**Section 381.220. AREA HEALTH EDUCATION CENTERS PROGRAM** 164657  
SUPPORT 164658

The foregoing appropriation item 235474, Area Health 164659  
Education Centers Program Support, shall be used by the Chancellor 164660  
of Higher Education to support the medical school regional area 164661  
health education centers' educational programs for the continued 164662  
support of medical and other health professions education and for 164663  
support of the Area Health Education Center Program. 164664

**Section 381.230. CAMPUS SAFETY AND TRAINING** 164665

The foregoing appropriation item 235492, Campus Safety and 164666  
Training, shall be used by the Chancellor of Higher Education for 164667  
the purpose of developing model best practices for preventing and 164668  
responding to sexual violence on campus. The Chancellor, in 164669  
consultation with state institutions of higher education as 164670  
defined in section 3345.011 of the Revised Code and private 164671  
nonprofit institutions of higher education holding certificates of 164672

authorization under Chapter 1713. of the Revised Code, shall 164673  
continue to develop model best practices in line with emerging 164674  
trends, research, and evidence-based training for preventing and 164675  
responding to sexual violence and protecting students and staff 164676  
who are victims of sexual violence on campus. The Chancellor shall 164677  
convene state institutions of higher education and private 164678  
nonprofit institutions of higher education in the training and 164679  
implementation of best practices regarding campus sexual violence. 164680

NORTHEAST OHIO MEDICAL UNIVERSITY DENTAL SCHOOL 164681

The foregoing appropriation item 235495, Northeast Ohio 164682  
Medical University Dental School, shall be distributed to 164683  
Northeast Ohio Medical University to support the creation and 164684  
operation of its dental school, which shall meet all of the 164685  
accreditation standards of the Commission on Dental Accreditation 164686  
to train dental students and award only a Doctor of Dental Surgery 164687  
(D.D.S.) or a Doctor of Dental Medicine (D.M.D.) degree. Northeast 164688  
Ohio Medical University shall report to the Chancellor of Higher 164689  
Education how it is using moneys it received from the foregoing 164690  
appropriation item 235495, Northeast Ohio Medical University 164691  
Dental School. 164692

**Section 381.240.** STATE SHARE OF INSTRUCTION FORMULAS 164693

The Chancellor of Higher Education shall establish procedures 164694  
to allocate the foregoing appropriation item 235501, State Share 164695  
of Instruction, based on the formulas detailed in this section 164696  
that utilize the enrollment, course completion, degree attainment, 164697  
and student achievement factors reported annually by each state 164698  
institution of higher education participating in the Higher 164699  
Education Information (HEI) system. 164700

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 164701  
COMPLETIONS 164702

(1) As soon as possible during each fiscal year of the 164703  
biennium ending June 30, 2025, in accordance with instructions of 164704  
the Department of Higher Education, each state institution of 164705  
higher education shall report its actual data, consistent with the 164706  
definitions in the Higher Education Information (HEI) system's 164707  
enrollment files, to the Chancellor. 164708

(2) In defining the number of full-time equivalent students 164709  
for state subsidy instructional cost purposes, the Chancellor 164710  
shall exclude all undergraduate students who are not residents of 164711  
Ohio or who do not meet the definition of residency for state 164712  
subsidy and tuition surcharge purposes, except those charged 164713  
in-state fees in accordance with reciprocity agreements made under 164714  
section 3333.17 of the Revised Code or employer contracts entered 164715  
into under section 3333.32 of the Revised Code. 164716

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 164717

For purposes of calculating state share of instruction 164718  
allocations, the total instructional costs per full-time 164719  
equivalent student shall be: 164720

Model	Fiscal Year 2024	Fiscal Year 2025	
ARTS AND HUMANITIES 1	\$9,893	\$10,116	164721
ARTS AND HUMANITIES 2	\$14,268	\$14,590	164722
ARTS AND HUMANITIES 3	\$17,722	\$18,123	164723
ARTS AND HUMANITIES 4	\$25,215	\$25,785	164724
ARTS AND HUMANITIES 5	\$41,603	\$42,543	164725
ARTS AND HUMANITIES 6	\$37,838	\$38,694	164726
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$9,726	\$9,946	164727
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$9,403	\$9,616	164728
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$12,825	\$13,115	164729
BUSINESS, EDUCATION &	\$15,305	\$15,651	164730

SOCIAL SCIENCES 4			
BUSINESS, EDUCATION &	\$23,170	\$23,694	164732
SOCIAL SCIENCES 5			
BUSINESS, EDUCATION &	\$25,931	\$26,517	164733
SOCIAL SCIENCES 6			
BUSINESS, EDUCATION &	\$33,864	\$34,629	164734
SOCIAL SCIENCES 7			
DOCTORAL 1	\$47,980	\$49,065	164735
DOCTORAL 2	\$52,103	\$53,280	164736
SCIENCE, TECHNOLOGY,	\$9,801	\$10,023	164737
ENGINEERING, MATHEMATICS,			
MEDICINE 1			
SCIENCE, TECHNOLOGY,	\$12,983	\$13,277	164738
ENGINEERING, MATHEMATICS,			
MEDICINE 2			
SCIENCE, TECHNOLOGY,	\$14,919	\$15,257	164739
ENGINEERING, MATHEMATICS,			
MEDICINE 3			
SCIENCE, TECHNOLOGY,	\$17,268	\$17,658	164740
ENGINEERING, MATHEMATICS,			
MEDICINE 4			
SCIENCE, TECHNOLOGY,	\$21,746	\$22,238	164741
ENGINEERING, MATHEMATICS,			
MEDICINE 5			
SCIENCE, TECHNOLOGY,	\$20,099	\$20,553	164742
ENGINEERING, MATHEMATICS,			
MEDICINE 6			
SCIENCE, TECHNOLOGY,	\$26,404	\$27,001	164743
ENGINEERING, MATHEMATICS,			
MEDICINE 7			
SCIENCE, TECHNOLOGY,	\$42,099	\$43,051	164744
ENGINEERING, MATHEMATICS,			
MEDICINE 8			

SCIENCE, TECHNOLOGY, \$56,307 \$57,580 164745  
 ENGINEERING, MATHEMATICS,  
 MEDICINE 9

Doctoral I and Doctoral II models shall be allocated in 164746  
 accordance with division (D)(2) of this section. 164747

Medical I and Medical II models shall be allocated in 164748  
 accordance with divisions (D)(3) and (D)(4) of this section. 164749

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, 164750  
 AND GRADUATE WEIGHTS 164751

For the purpose of implementing the recommendations of the 164752  
 2006 State Share of Instruction Consultation and the Higher 164753  
 Education Funding Study Council that priority be given to 164754  
 maintaining state support for science, technology, engineering, 164755  
 mathematics, medicine, and graduate programs, the costs in 164756  
 division (B) of this section shall be weighted by the amounts 164757  
 provided below: 164758

Model	Fiscal Year 2024	Fiscal Year 2025	
ARTS AND HUMANITIES 1	1.0000	1.0000	164759
ARTS AND HUMANITIES 2	1.0000	1.0000	164760
ARTS AND HUMANITIES 3	1.0000	1.0000	164761
ARTS AND HUMANITIES 4	1.0000	1.0000	164762
ARTS AND HUMANITIES 5	1.0425	1.0425	164763
ARTS AND HUMANITIES 6	1.0425	1.0425	164764
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	164765
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	164766
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	164767
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	164768
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0425	1.0425	164769
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0425	1.0425	164770

SOCIAL SCIENCES 5			
BUSINESS, EDUCATION &	1.0425	1.0425	164771
SOCIAL SCIENCES 6			
BUSINESS, EDUCATION &	1.0425	1.0425	164772
SOCIAL SCIENCES 7			
DOCTORAL 1	1.0000	1.0000	164773
DOCTORAL 2	1.0000	1.0000	164774
SCIENCE, TECHNOLOGY,	1.0000	1.0000	164775
ENGINEERING, MATHEMATICS,			
MEDICINE 1			
SCIENCE, TECHNOLOGY,	1.0017	1.0017	164776
ENGINEERING, MATHEMATICS,			
MEDICINE 2			
SCIENCE, TECHNOLOGY,	1.6150	1.6150	164777
ENGINEERING, MATHEMATICS,			
MEDICINE 3			
SCIENCE, TECHNOLOGY,	1.6920	1.6920	164778
ENGINEERING, MATHEMATICS,			
MEDICINE 4			
SCIENCE, TECHNOLOGY,	1.4222	1.4222	164779
ENGINEERING, MATHEMATICS,			
MEDICINE 5			
SCIENCE, TECHNOLOGY,	1.8798	1.8798	164780
ENGINEERING, MATHEMATICS,			
MEDICINE 6			
SCIENCE, TECHNOLOGY,	1.4380	1.4380	164781
ENGINEERING, MATHEMATICS,			
MEDICINE 7			
SCIENCE, TECHNOLOGY,	1.5675	1.5675	164782
ENGINEERING, MATHEMATICS,			
MEDICINE 8			
SCIENCE, TECHNOLOGY,	1.1361	1.1361	164783
ENGINEERING, MATHEMATICS,			

MEDICINE 9

(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA	164784
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES	164785
(1) Of the foregoing appropriation item 235501, State Share	164786
of Instruction, 50 per cent of the appropriation for universities,	164787
as established in division (A)(2) of the section of this act	164788
entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2024 AND	164789
2025," in each fiscal year shall be reserved for support of	164790
associate, baccalaureate, master's, and professional level degree	164791
attainment.	164792
The degree attainment funding shall be allocated to	164793
universities in proportion to each campus's share of the total	164794
statewide degrees granted, weighted by the cost of the degree	164795
programs. The degree cost calculations shall include the model	164796
cost weights for the science, technology, engineering,	164797
mathematics, and medicine models as established in division (C) of	164798
this section.	164799
For degrees including credits earned at multiple	164800
institutions, degree attainment funding shall be allocated to	164801
universities in proportion to each campus's share of the	164802
student-specific cost of earned credits for the degree. Each	164803
institution shall receive its prorated share of degree funding for	164804
credits earned at that institution. Cost of credits not earned at	164805
a university main or regional campus shall be credited to the	164806
degree-granting institution for the first degree earned by a	164807
student at each degree level. The cost credited to the	164808
degree-granting institution shall not be eligible for at-risk	164809
weights and shall be limited to 12.5 per cent of the	164810
student-specific degree costs. However, the 12.5 per cent	164811
limitation shall not apply if the student transferred 12 or fewer	164812
credits into the degree granting institution.	164813
In calculating the subsidy entitlements for degree attainment	164814

for universities, the Chancellor shall use the following count of 164815  
degrees and degree costs: 164816

(a) The subsidy eligible undergraduate degrees shall be 164817  
defined as follows: 164818

(i) The subsidy eligible degrees conferred to students 164819  
identified as residents of the state of Ohio in any term of their 164820  
studies, as reported through the Higher Education Information 164821  
(HEI) system student enrollment file, shall be weighted by a 164822  
factor of 1. 164823

(ii) The subsidy eligible degrees conferred to students 164824  
identified as out-of-state residents during all terms of their 164825  
studies, as reported through the Higher Education Information 164826  
(HEI) system student enrollment file, who remain in the state of 164827  
Ohio at least one year after graduation, as calculated based on 164828  
the three-year average in-state residency rate using the 164829  
Unemployment Wage data for out-of-state graduates at each 164830  
institution, shall be weighted by a factor of 50 per cent. 164831

(iii) Subsidy eligible associate degrees are defined as those 164832  
earned by students attending any state-supported university main 164833  
or regional campus. 164834

(b) In calculating each campus's count of degrees, the 164835  
Chancellor shall use the three-year average associate, 164836  
baccalaureate, master's, and professional degrees awarded for the 164837  
most recent completed three-year period that is practicable as 164838  
agreed to by the Inter-University Council and the Chancellor. 164839

(i) If a student is awarded an associate degree and, 164840  
subsequently, is awarded a baccalaureate degree, the amount funded 164841  
for the baccalaureate degree shall be limited to either the 164842  
difference in cost between the cost of the baccalaureate degree 164843  
and the cost of the associate degree paid previously, or if the 164844  
associate degree has a higher cost than the baccalaureate degree, 164845

the cost of the credits earned by the student after the associate degree was awarded. 164846  
164847

(ii) If a student earns an associate degree then, 164848  
subsequently, earns a baccalaureate degree, the associate degree 164849  
granting institution shall only receive the prorated share of the 164850  
baccalaureate degree funding for the credits earned at that 164851  
institution after the associate degree is awarded. 164852

(iii) If a student earns more than one degree at the same 164853  
institution at the same degree level in the same fiscal year, the 164854  
funding for the highest cost degree shall be prorated among 164855  
institutions based on where the credits were earned and additional 164856  
degrees shall be funded at 25 per cent of the cost of the degrees. 164857

(c) Associate degrees and baccalaureate degrees earned by a 164858  
student defined as at-risk based on academic under-preparation, 164859  
age, minority status, financial status, or first generation 164860  
post-secondary status based on neither parent completing any 164861  
education beyond high school, shall be defined as degrees earned 164862  
by an at-risk student and shall be weighted by the following: 164863

A student-specific degree completion weight, where the weight 164864  
is calculated based on the at-risk factors of the individual 164865  
student, determined by calculating the difference between the 164866  
percentage of students with each risk factor who earned a degree 164867  
and the percentage of non-at-risk students who earned a degree. 164868

(2) Of the foregoing appropriation item 235501, State Share 164869  
of Instruction, up to 11.78 per cent of the appropriation for 164870  
universities, as established in division (A)(2) of the section of 164871  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 164872  
2024 AND 2025," in each fiscal year shall be reserved for support 164873  
of doctoral programs to implement the funding recommendations made 164874  
by representatives of the universities. The amount so reserved 164875  
shall be referred to as the doctoral set-aside. 164876

In each fiscal year, the doctoral set-aside funding 164877  
allocation shall be allocated to universities as follows: 164878

(a) 25 per cent of the doctoral set-aside shall be allocated 164879  
to universities in proportion to their share of the statewide 164880  
total earnings of each state institution's three-year average 164881  
course completions. The subsidy eligible enrollments by model 164882  
shall equal only those FTE students who successfully complete the 164883  
course as defined and reported through the Higher Education 164884  
Information (HEI) system course enrollment file. Course completion 164885  
earnings shall be determined by multiplying the amounts listed 164886  
above in divisions (B) and (C) of this section by the 164887  
subsidy-eligible FTEs for the most recent completed three-year 164888  
period that is practicable as agreed to by the Inter-University 164889  
Council and the Chancellor for all doctoral enrollments in 164890  
graduate-level models. 164891

(b) 50 per cent of the doctoral set-aside shall be allocated 164892  
to universities in proportion to each campus's share of the total 164893  
statewide doctoral degrees, weighted by the cost of the doctoral 164894  
discipline. In calculating each campus's doctoral degrees the 164895  
Chancellor shall use the three-year average doctoral degrees 164896  
awarded for the most recent completed three-year period that is 164897  
practicable as agreed to by the Inter-University Council and the 164898  
Chancellor. 164899

(c) 25 per cent of the doctoral set-aside shall be allocated 164900  
to universities in proportion to their share of research grant 164901  
activity. Funding for this component shall be allocated to 164902  
eligible universities in proportion to their share of research 164903  
grant activity published by the National Science Foundation. Grant 164904  
awards from the Department of Health and Human Services shall be 164905  
weighted at 50 per cent. 164906

(3) Of the foregoing appropriation item 235501, State Share 164907  
of Instruction, 6.41 per cent of the appropriation for 164908

universities, as established in division (A)(2) of the section of 164909  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 164910  
2024 AND 2025," in each fiscal year shall be reserved for support 164911  
of Medical II FTEs. The amount so reserved shall be referred to as 164912  
the medical II set-aside. 164913

The medical II set-aside shall be allocated to universities 164914  
in proportion to their share of the statewide total of each state 164915  
institution's three-year average Medical II FTEs as calculated in 164916  
division (A) of this section. 164917

In calculating the core subsidy entitlements for Medical II 164918  
models only, students repeating terms may be no more than five per 164919  
cent of current year enrollment. 164920

(4) Of the foregoing appropriation item 235501, State Share 164921  
of Instruction, 1.48 per cent of the appropriation for 164922  
universities, as established in division (A)(2) of the section of 164923  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 164924  
2024 AND 2025," in each fiscal year shall be reserved for support 164925  
of Medical I FTEs. The amount so reserved shall be referred to as 164926  
the medical I set-aside. 164927

The medical I set-aside shall be allocated to universities in 164928  
proportion to their share of the statewide total of each state 164929  
institution's three-year average Medical I FTEs as calculated in 164930  
division (A) of this section. 164931

(5) In calculating the course completion funding for 164932  
universities, the Chancellor shall use the following count of FTE 164933  
students: 164934

(a) The subsidy eligible enrollments by model shall equal 164935  
only those FTE students who successfully complete the course as 164936  
defined and reported through the Higher Education Information 164937  
(HEI) system course enrollment file; 164938

(b) Those undergraduate FTE students with successful course 164939

completions, identified in division (D)(5)(a) of this section, 164940  
that are defined as at-risk based on academic under-preparation or 164941  
financial status shall have their eligible completions weighted by 164942  
the following: 164943

(i) Institution-specific course completion indexes, where the 164944  
indexes are calculated based upon the number of at-risk students 164945  
enrolled during the prior three calendar years; and 164946

(ii) A statewide average at-risk course completion weight 164947  
determined for each subsidy model. The statewide average at-risk 164948  
course completion weight shall be determined by calculating the 164949  
difference between the percentage of traditional students who 164950  
complete a course and the percentage of at-risk students who 164951  
complete the same course. 164952

(c) The course completion earnings shall be determined by 164953  
multiplying the amounts listed above in divisions (B) and (C) of 164954  
this section by the subsidy-eligible FTEs for the most recent 164955  
completed three-year period that is practicable as agreed to by 164956  
the Inter-University Council and the Chancellor for all models 164957  
except Medical I and Medical II. 164958

(d) For universities, the Chancellor shall compute the course 164959  
completion earnings by dividing the appropriation for 164960  
universities, established in division (A)(2) of the section of 164961  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 164962  
2024 AND 2025," less the degree attainment funding as calculated 164963  
in division (D)(1) of this section, less the doctoral set-aside, 164964  
less the medical I set-aside, and less the medical II set-aside, 164965  
by the sum of all campuses' instructional costs as calculated in 164966  
division (D)(5) of this section. 164967

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 164968  
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 164969

(1) Of the foregoing appropriation item 235501, State Share 164970

of Instruction, 50 per cent of the appropriation for 164971  
state-supported community colleges, state community colleges, and 164972  
technical colleges as established in division (A)(1) of the 164973  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 164974  
FISCAL YEARS 2024 AND 2025," in each fiscal year shall be reserved 164975  
for course completion FTEs as aggregated by the subsidy models 164976  
defined in division (B) of this section. 164977

The course completion funding shall be allocated to campuses 164978  
in proportion to each campus's share of the total sector's course 164979  
completions, weighted by the instructional cost of the subsidy 164980  
models. 164981

To calculate the subsidy entitlements for course completions 164982  
at community colleges, state community colleges, and technical 164983  
colleges, the Chancellor shall use the following calculations: 164984

(a) In calculating each campus's count of FTE course 164985  
completions, the Chancellor shall use a three-year average for 164986  
course completions for the three-year period ending in the prior 164987  
year for students identified as residents of the state of Ohio in 164988  
any term of their studies, as reported through the Higher 164989  
Education Information (HEI) system student enrollment file. 164990

(b) The subsidy eligible enrollments by model shall equal 164991  
only those FTE students who successfully complete the course as 164992  
defined and reported through the Higher Education Information 164993  
(HEI) system course enrollment file. 164994

(c) Those students with successful course completions, that 164995  
are defined as access students based on financial status, minority 164996  
status, age, or academic under-preparation shall have their 164997  
eligible course completions weighted by a statewide access weight. 164998  
The weight given to any student that meets any access factor shall 164999  
be 15 per cent for all course completions. 165000

(d) The model costs as used in the calculation shall be 165001

augmented by the model weights for science, technology, 165002  
engineering, mathematics, and medicine models as established in 165003  
division (C) of this section. 165004

(2) Of the foregoing appropriation item 235501, State Share 165005  
of Instruction, 25 per cent of the appropriation for 165006  
state-supported community colleges, state community colleges, and 165007  
technical colleges as established in division (A)(1) of the 165008  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 165009  
FISCAL YEARS 2024 AND 2025," in each fiscal year shall be reserved 165010  
for colleges in proportion to their share of college student 165011  
success factors. 165012

Student success factors shall be awarded at the institutional 165013  
level for each subsidy-eligible student that successfully: 165014

(a) Completes a college-level math course within the first 30 165015  
hours of completed coursework. 165016

(b) Completes a college-level English course within the first 165017  
30 hours of completed coursework. 165018

(c) Completes 12 semester credit hours of college-level 165019  
coursework. 165020

(d) Completes 24 semester credit hours of college-level 165021  
coursework. 165022

(e) Completes 36 semester credit hours of college-level 165023  
coursework. 165024

(3) Of the foregoing appropriation item 235501, State Share 165025  
of Instruction, 25 per cent of the appropriation for 165026  
state-supported community colleges, state community colleges, and 165027  
technical colleges as established in division (A)(1) of the 165028  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 165029  
FISCAL YEARS 2024 AND 2025," in each fiscal year shall be reserved 165030  
for completion milestones. 165031

Completion milestones shall include baccalaureate degrees, 165032  
associate degrees, technical certificates over 30 credit hours as 165033  
designated by the Department of Higher Education, and students 165034  
transferring to any four-year institution with at least 12 credit 165035  
hours of college-level coursework earned at that community 165036  
college, state community college, or technical college. 165037

The completion milestone funding shall be allocated to 165038  
colleges in proportion to each institution's share of the sector's 165039  
total completion milestones, weighted by the instructional cost of 165040  
the degree, certificate, or transfer models. Costs for technical 165041  
certificates over 30 hours shall be weighted at one-half of the 165042  
associate degree model costs and transfers with at least 12 credit 165043  
hours of college-level coursework shall be weighted at one-fourth 165044  
of the average cost for all associate degree model costs. 165045

(4) To calculate the subsidy entitlements for completions at 165046  
community colleges, state community colleges, and technical 165047  
colleges, the Chancellor shall use the following calculations: 165048

(a) In calculating each campus's count of completions, the 165049  
Chancellor shall use a three-year average for completion 165050  
milestones awarded to students identified as subsidy eligible in 165051  
any term of their studies, as reported through the Higher 165052  
Education Information (HEI) system student enrollment file. 165053

(b) The subsidy eligible completion milestones by model shall 165054  
equal only those students who successfully complete a 165055  
baccalaureate or an associate degree, or technical certificate 165056  
over 30 credit hours, or transfer to any four-year institution 165057  
with at least 12 credit hours of college-level coursework as 165058  
defined and reported in the Higher Education Information (HEI) 165059  
system. Student completions reported in HEI shall have an 165060  
accompanying course enrollment record in order to be subsidy 165061  
eligible. 165062

(c) Those students with successful completions for 165063  
baccalaureate or associate degrees, technical certificates over 30 165064  
credit hours, or transfer to any four-year institution with at 165065  
least 12 credit hours of college-level coursework, identified in 165066  
division (E)(3) of this section, that are defined as access 165067  
students based on financial status, minority status, age, or 165068  
academic under-preparation shall have their eligible completions 165069  
weighted by a statewide access weight. The weight shall be 25 per 165070  
cent for students with one access factor, 66 per cent for students 165071  
with two access factors, 150 per cent for students with three 165072  
access factors, and 200 per cent for students with four access 165073  
factors. 165074

(d) For those students who complete more than one completion 165075  
milestone, funding for each additional degree or technical 165076  
certificate over 30 credit hours designated as such by the 165077  
Department of Higher Education shall be funded at 50 per cent of 165078  
the model costs as defined in division (E)(3) of this section. 165079

(5) For purposes of the calculations made in division (E) of 165080  
this section, the Chancellor shall only include subsidy-eligible 165081  
students identified as residents of the state of Ohio in any term 165082  
of their studies, as reported through the Higher Education 165083  
Information (HEI) system student enrollment file. The Chancellor 165084  
shall be prohibited from including nonresident students as 165085  
subsidy-eligible except for those students otherwise identified as 165086  
subsidy-eligible in division (A)(2) of this section. 165087

(F) CAPITAL COMPONENT DEDUCTION 165088

After all other adjustments have been made, state share of 165089  
instruction earnings shall be reduced for each campus by the 165090  
amount, if any, by which debt service charged in H.B. 16 of the 165091  
126th General Assembly, H.B. 699 of the 126th General Assembly, 165092  
H.B. 496 of the 127th General Assembly, and H.B. 562 of the 127th 165093  
General Assembly for that campus exceeds that campus's capital 165094

component earnings. The sum of the amounts deducted shall be 165095  
transferred to appropriation item 235552, Capital Component, in 165096  
each fiscal year. 165097

(G) EXCEPTIONAL CIRCUMSTANCES 165098

Adjustments may be made to the state share of instruction 165099  
payments and other subsidies distributed by the Chancellor to 165100  
state colleges and universities for exceptional circumstances. No 165101  
adjustments for exceptional circumstances may be made without the 165102  
recommendation of the Chancellor and the approval of the 165103  
Controlling Board. 165104

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 165105  
INSTRUCTION 165106

The standard provisions of the state share of instruction 165107  
calculation as described in the preceding sections of temporary 165108  
law shall apply to any reductions made to appropriation item 165109  
235501, State Share of Instruction, before the Chancellor has 165110  
formally approved the final allocation of the state share of 165111  
instruction funds for any fiscal year. 165112

Any reductions made to appropriation item 235501, State Share 165113  
of Instruction, after the Chancellor has formally approved the 165114  
final allocation of the state share of instruction funds for any 165115  
fiscal year, shall be uniformly applied to each campus in 165116  
proportion to its share of the final allocation. 165117

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 165118

The state share of instruction payments to the institutions 165119  
shall be in substantially equal monthly amounts during the fiscal 165120  
year, unless otherwise determined by the Director of Budget and 165121  
Management pursuant to section 126.09 of the Revised Code. 165122  
Payments during the first six months of the fiscal year may be 165123  
based upon the state share of instruction appropriation estimates 165124  
made for the various institutions of higher education, and 165125

payments during the last six months of the fiscal year may be 165126  
based on the final data from the Chancellor. If agreed to by the 165127  
Chancellor and the Inter-University Council, payments to 165128  
universities in each month of a fiscal year shall be based on 165129  
final data in the higher education information system for the 165130  
selected three-year period that is acceptable to both parties. 165131

**Section 381.250.** STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 165132  
2024 AND 2025 165133

(A) The foregoing appropriation item 235501, State Share of 165134  
Instruction, shall be distributed according to the section of this 165135  
act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 165136

(1) Of the foregoing appropriation item 235501, State Share 165137  
of Instruction, \$484,972,000 in fiscal year 2024 and \$491,887,000 165138  
in fiscal year 2025 shall be distributed to state-supported 165139  
community colleges, state community colleges, and technical 165140  
colleges. 165141

(2) Of the foregoing appropriation item 235501, State Share 165142  
of Instruction, \$1,619,028,000 in fiscal year 2024 and 165143  
\$1,642,113,000 in fiscal year 2025 shall be distributed to 165144  
state-supported university main and regional campuses. 165145

(B) Any increases in the amount distributed to an institution 165146  
from appropriation item 235501, State Share of Instruction, above 165147  
the prior year may be used by the institution to provide 165148  
need-based aid and to provide counseling, support services, and 165149  
workforce preparation services to students. 165150

TRANSFER TO OPPORTUNITIES FOR OHIOANS WITH DISABILITIES 165151  
AGENCY 165152

Notwithstanding any provision of law to the contrary, upon 165153  
the request of the Chancellor of Higher Education, the Director of 165154  
Budget and Management may transfer \$2,000,000 in appropriations in 165155

each fiscal year from appropriation item 235501, State Share of 165156  
Instruction, to the Opportunities for Ohioans with Disabilities 165157  
Agency for the College2Careers Program. Amounts transferred are 165158  
hereby appropriated. 165159

**Section 381.260.** RESTRICTION ON FEE INCREASES 165160

(A) In fiscal years 2024 and 2025, the boards of trustees of 165161  
state institutions of higher education shall restrain increases in 165162  
in-state undergraduate instructional and general fees. 165163

(1) For the 2023-2024 and 2024-2025 academic years, all of 165164  
the following shall apply: 165165

(a) Each state university or college, as defined in section 165166  
3345.12 of the Revised Code, and university regional campus shall 165167  
not increase its in-state undergraduate instructional and general 165168  
fees over what the institution charged for the previous academic 165169  
year. 165170

(b) Each community college established under Chapter 3354., 165171  
state community college established under Chapter 3358., or 165172  
technical college established under Chapter 3357. of the Revised 165173  
Code may increase its in-state undergraduate instructional and 165174  
general fees by not more than five dollars per credit hour over 165175  
what the institution charged for the previous academic year. 165176

(c) For state institutions of higher education, as defined in 165177  
section 3345.011 of the Revised Code, increases for all other 165178  
special fees, including the creation of new special fees, shall be 165179  
subject to the approval of the Chancellor of Higher Education. 165180

(2) The limitations under division (A)(1) of this section do 165181  
not apply to student health insurance, fees for auxiliary goods or 165182  
services provided to students at the cost incurred to the 165183  
institution, fees assessed to students as a pass-through for 165184  
licensure and certification examinations, fees in elective courses 165185

associated with travel experiences, elective service charges, 165186  
fines, and voluntary sales transactions. 165187

(B) The limitations under this section shall not apply to 165188  
increases required to comply with institutional covenants related 165189  
to their obligations or to meet unfunded legal mandates or legally 165190  
binding obligations incurred or commitments made prior to the 165191  
effective date of this section with respect to which the 165192  
institution had identified such fee increases as the source of 165193  
funds. Any increase required by such covenants and any such 165194  
mandates, obligations, or commitments shall be reported by the 165195  
Chancellor to the Controlling Board. These limitations may also be 165196  
modified by the Chancellor, with the approval of the Controlling 165197  
Board, to respond to exceptional circumstances as identified by 165198  
the Chancellor. 165199

(C) Institutions offering an undergraduate tuition guarantee 165200  
pursuant to section 3345.48 of the Revised Code may increase 165201  
instructional and general fees pursuant to that section. 165202

**Section 381.270. HIGHER EDUCATION - BOARD OF TRUSTEES** 165203

(A) Funds appropriated for instructional subsidies at 165204  
colleges and universities may be used to provide such branch or 165205  
other off-campus undergraduate courses of study and such master's 165206  
degree courses of study as may be approved by the Chancellor of 165207  
Higher Education. 165208

(B) In providing instructional and other services to 165209  
students, boards of trustees of state institutions of higher 165210  
education shall supplement state subsidies with income from 165211  
charges to students. Except as otherwise provided in this act, 165212  
each board shall establish the fees to be charged to all students, 165213  
including an instructional fee for educational and associated 165214  
operational support of the institution and a general fee for 165215  
noninstructional services, including locally financed student 165216

services facilities used for the benefit of enrolled students. The 165217  
instructional fee and the general fee shall encompass all charges 165218  
for services assessed uniformly to all enrolled students. Each 165219  
board may also establish special purpose fees, service charges, 165220  
and fines as required; such special purpose fees and service 165221  
charges shall be for services or benefits furnished individual 165222  
students or specific categories of students and shall not be 165223  
applied uniformly to all enrolled students. A tuition surcharge 165224  
shall be paid by all students who are not residents of Ohio. 165225

The board of trustees of a state institution of higher 165226  
education shall not authorize a waiver or nonpayment of 165227  
instructional fees or general fees for any particular student or 165228  
any class of students other than waivers specifically authorized 165229  
by law or approved by the Chancellor. This prohibition is not 165230  
intended to limit the authority of boards of trustees to provide 165231  
for payments to students for services rendered the institution, 165232  
nor to prohibit the budgeting of income for staff benefits or for 165233  
student assistance in the form of payment of such instructional 165234  
and general fees. 165235

Each board may authorize a lower differential tuition rate of 165236  
instructional or general fees equal to the default rate options 165237  
provided under the College Credit Plus Program pursuant to Chapter 165238  
3365. of the Revised Code or equal to rates established pursuant 165239  
to an agreement for an alternative payment structure pursuant to 165240  
section 3365.07 of the Revised Code for nonpublic and home 165241  
schooled students participating in that program that are not 165242  
publicly funded. Each board may establish a lower differential 165243  
tuition rate for in-state undergraduate instructional fees or 165244  
general fees for students enrolled exclusively in online courses, 165245  
as well as a lower differential tuition rate for the surcharge for 165246  
nonresidents enrolled exclusively in online courses, provided a 165247  
surcharge is still assessed. 165248

Each state institution of higher education in its statement 165249  
of charges to students shall separately identify the instructional 165250  
fee, the general fee, the tuition charge, and the tuition 165251  
surcharge. Fee charges to students for instruction shall not be 165252  
considered to be a price of service but shall be considered to be 165253  
an integral part of the state government financing program in 165254  
support of higher educational opportunity for students. 165255

(C) The boards of trustees of state institutions of higher 165256  
education shall ensure that faculty members devote a proper and 165257  
judicious part of their work week to the actual instruction of 165258  
students. Total class credit hours of production per academic term 165259  
per full-time faculty member is expected to meet the standards set 165260  
forth in the budget data submitted by the Chancellor. 165261

(D) The authority of government vested by law in the boards 165262  
of trustees of state institutions of higher education shall in 165263  
fact be exercised by those boards. Boards of trustees may consult 165264  
extensively with appropriate student and faculty groups. 165265  
Administrative decisions about the utilization of available 165266  
resources, about organizational structure, about disciplinary 165267  
procedure, about the operation and staffing of all auxiliary 165268  
facilities, and about administrative personnel shall be the 165269  
exclusive prerogative of boards of trustees. Any delegation of 165270  
authority by a board of trustees in other areas of responsibility 165271  
shall be accompanied by appropriate standards of guidance 165272  
concerning expected objectives in the exercise of such delegated 165273  
authority and shall be accompanied by periodic review of the 165274  
exercise of this delegated authority to the end that the public 165275  
interest, in contrast to any institutional or special interest, 165276  
shall be served. 165277

**Section 381.280.** WAR ORPHANS AND SEVERELY DISABLED VETERANS' 165278  
CHILDREN SCHOLARSHIPS 165279

The foregoing appropriation item 235504, War Orphans and Severely Disabled Veterans' Children Scholarships, shall be used to reimburse state institutions of higher education for waivers of instructional fees and general fees provided by them, to provide grants to institutions that have received a certificate of authorization from the Chancellor of Higher Education under Chapter 1713. of the Revised Code, in accordance with the provisions of section 5910.04 of the Revised Code, and to fund additional scholarship benefits provided by section 5910.032 of the Revised Code.

During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235504, War Orphans and Severely Disabled Veterans' Children Scholarships. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the War Orphans and Severely Disabled Veterans' Children Scholarship Reserve Fund (Fund 5PW0).

**Section 381.290.** STATE SHARE OF INSTRUCTION RECONCILIATION

By the first day of September in each fiscal year, or as soon as possible thereafter, the Chancellor of Higher Education shall certify to the Director of Budget and Management the amount necessary to pay any outstanding prior-year obligations to higher education institutions under the State Share of Instruction formulas, as determined by the Chancellor. Notwithstanding any provisions of law to the contrary, the Director of Budget and Management, upon the request of the Chancellor, may transfer cash in an amount up to the amounts certified for State Share of Instruction reconciliation from the State Financial Aid Reconciliation Fund (Fund 5Y50) to the General Revenue Fund. The

amounts certified for State Share of Instruction reconciliation 165311  
are hereby appropriated to appropriation item 235505, State Share 165312  
of Instruction Reconciliation. 165313

**Section 381.300. OHIOLINK** 165314

The foregoing appropriation item 235507, OhioLINK, shall be 165315  
used by the Chancellor of Higher Education to support OhioLINK, a 165316  
consortium organized under division (T) of section 3333.04 of the 165317  
Revised Code to serve as the state's electronic library 165318  
information and retrieval system, which provides access statewide 165319  
to an extensive set of electronic databases and resources, the 165320  
library holdings of Ohio's public and participating private 165321  
nonprofit colleges and universities, and the State Library of 165322  
Ohio. 165323

**Section 381.310. AIR FORCE INSTITUTE OF TECHNOLOGY** 165324

(A) Of the foregoing appropriation item 235508, Air Force 165325  
Institute of Technology, \$75,000 in each fiscal year shall be 165326  
allocated to the Aerospace Professional Development Center in 165327  
Dayton for statewide workforce development services in the 165328  
aerospace industry. 165329

(B) The remainder of the foregoing appropriation item 235508, 165330  
Air Force Institute of Technology, shall be used to do both of the 165331  
following: 165332

(1) Strengthen the research and educational linkages between 165333  
the Wright Patterson Air Force Base and institutions of higher 165334  
education in Ohio; and 165335

(2) Support the Defense Associated Graduate Student 165336  
Innovators, an engineering graduate consortium of Wright State 165337  
University, the University of Dayton, and the Air Force Institute 165338  
of Technology, with the participation of the University of 165339  
Cincinnati and The Ohio State University. 165340

**Section 381.320.** OHIO SUPERCOMPUTER CENTER 165341

The foregoing appropriation item 235510, Ohio Supercomputer 165342  
Center, shall be used by the Chancellor of Higher Education to 165343  
support the operation of the Ohio Supercomputer Center, a 165344  
consortium organized under division (T) of section 3333.04 of the 165345  
Revised Code, located at The Ohio State University. The Ohio 165346  
Supercomputer Center is a statewide resource available to Ohio 165347  
research universities both public and private. It is also intended 165348  
that the center be made accessible to private industry as 165349  
appropriate. 165350

The Ohio Supercomputer Center's services shall support Ohio's 165351  
colleges, universities, and businesses to make Ohio a leader in 165352  
using computational science, modeling, and simulation to promote 165353  
higher education, research, and economic competitiveness. 165354

**Section 381.330.** THE OHIO STATE UNIVERSITY EXTENSION SERVICE 165355

The foregoing appropriation item 235511, The Ohio State 165356  
University Extension Service, shall be disbursed through the 165357  
Chancellor of Higher Education to The Ohio State University in 165358  
monthly payments, unless otherwise determined by the Director of 165359  
Budget and Management under section 126.09 of the Revised Code. 165360

**Section 381.340.** CENTRAL STATE SUPPLEMENT 165361

The foregoing appropriation item 235514, Central State 165362  
Supplement, shall be disbursed by the Chancellor of Higher 165363  
Education to Central State University. Funds shall be used in a 165364  
manner consistent with the goals of increasing enrollment, 165365  
improving course completion, and increasing the number of degrees 165366  
conferred. 165367

**Section 381.350.** CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 165368

MEDICINE 165369

The foregoing appropriation item 235515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Chancellor of Higher Education in accordance with agreements entered into under section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities. 165370  
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**Section 381.360. FAMILY PRACTICE** 165377

The foregoing appropriation item 235519, Family Practice, shall be distributed in each fiscal year, based on each medical school's share of residents placed in a family practice and graduates practicing in a family practice. 165378  
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**Section 381.370. SHAWNEE STATE SUPPLEMENT** 165382

The foregoing appropriation item 235520, Shawnee State Supplement, shall be disbursed by the Chancellor of Higher Education to Shawnee State University. Funds shall be used in a manner consistent with the goals of improving course completion, increasing the number of degrees conferred, and furthering the university's mission of service to the Appalachian region. 165383  
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**Section 381.380. GERIATRIC MEDICINE** 165389

The Chancellor of Higher Education shall distribute appropriation item 235525, Geriatric Medicine, consistent with existing criteria and guidelines. 165390  
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**Section 381.390. PRIMARY CARE RESIDENCIES** 165393

The foregoing appropriation item 235526, Primary Care Residencies, shall be distributed in each fiscal year, based on 165394  
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each medical school's share of residents placed in a primary care field and graduates practicing in a primary care field. 165396  
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**Section 381.410.** PROGRAM AND PROJECT SUPPORT 165398

(A)(1) Of the foregoing appropriation item 235533, Program and Project Support, \$1,000,000 in each fiscal year shall be distributed by the Chancellor of Higher Education to the Ohio Academy of Science to create an innovation pathway between Ohio's K-12 education system and Ohio's colleges and universities and post-secondary career centers. The purpose of this program is to help create a "Culture of Innovation" in Ohio schools, to encourage students to continue their educations and careers in Ohio, to provide college scholarships to encourage Ohio's most innovative and entrepreneurial high school students to remain in Ohio by focusing on the application of science, technology, engineering, and mathematics and related fields, and to prepare students for the future through the development of research, innovation, and entrepreneurial mindsets and critical thinking skills that will be needed in the future by Ohio's workforce and job creators. 165399  
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(2) The STEM Research, Innovation, and Entrepreneurship Program for Students to Help Develop Ohio's Future Workforce shall include: 165415  
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(a) A comprehensive professional development program for teachers in grades 5-12 to help them develop a "Culture of Innovation" in their schools; 165418  
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(b) In-school and local STEM Research, Innovation, and Entrepreneurship programs for students in grades 5-12 that include student incentive awards for competition winners and related curriculum, content, resources, and other program support to teachers and students; 165421  
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(c) Mentoring and service programs in collaboration with Ohio colleges and universities, industry practitioners, content experts, and other innovation or entrepreneurship organizations, with a special emphasis on underserved urban and rural schools;

(d) Qualifying and statewide STEM Research, Innovation, and Entrepreneurship competitions, open to the winners and qualifiers of related in-school and local competitions, that includes scholarships to attend any Ohio college, university, or post-secondary career center.

(3) All aspects of the STEM Research, Innovation, and Entrepreneurship Program for Students to Help Develop Ohio's Future Workforce shall be open to any Ohio student in grades 5-12, with an emphasis on minority, rural and economically disadvantaged students.

(4) The STEM Research, Innovation, and Entrepreneurship Program for Students to Help Develop Ohio's Future Workforce shall collaborate with Ohio's colleges and universities, and existing STEM research, innovation, and entrepreneurship programs to implement these provisions and encourage enrollment at Ohio institutions of post-secondary and higher education.

(B) Of the foregoing appropriation item 235533, Program and Project Support, \$1,000,000 in each fiscal year shall be used to support the Ohio Aerospace Institute's Space Grant Consortium.

(C) Of the foregoing appropriation item 235533, Program and Project Support, \$500,000 in each fiscal year shall be distributed to The Ohio State University to support research on the effects of turfgrass management practices on water quality in the state.

(D) Of the foregoing appropriation item 235533, Program and Project Support, \$400,000 in each fiscal year shall be used by the Chancellor of Higher Education to support the development and implementation of an apprenticeship program administered through

the Manufacturing Advocacy and Growth Network's (MAGNET) Early College Early Career Program. The apprenticeship program shall place high school students in a participating local private business that will employ the student and provide the training necessary for the student to earn a technical certification in Computer Integrated Manufacturing (CIM), machining, or welding.

(E) Of the foregoing appropriation item 235533, Program and Project Support, \$250,000 in each fiscal year shall be used by the Chancellor of Higher Education to support the expansion of the unmanned aviation STEM pilot program in Clark County.

(F) Of the foregoing appropriation item 235533, Program and Project Support, \$200,000 in each fiscal year shall be used to support the University of Dayton Statehouse Civic Scholars Program.

(G) Of the foregoing appropriation item 235533, Program and Project Support, \$125,000 in fiscal year 2024 and \$330,000 in fiscal year 2025 shall be distributed to TECH CORPS to provide technical training for rural high school students under the Student TECH CORPS program.

(H) Of the foregoing appropriation item 235533, Program and Project Support, \$100,000 in each fiscal year shall be distributed to S.U.C.C.E.S.S. for Autism to administer an interprofessional collaborative pilot program for the purpose of training professionals in The S.U.C.C.E.S.S. Approach, a transdisciplinary neurodevelopmental model to assess, educate, and treat children and adults with autism.

(I) Of the foregoing appropriation item 235533, Program and Project Support, \$2,000,000 in each fiscal year shall be provided to People Working Cooperatively for the Safe and Healthy at Home Initiative. The funds shall be used to make critical home modifications and emergency repairs for low-income and elderly

homeowners and for health care and housing partnerships to address chronic housing related health care issues.

(J) Of the foregoing appropriation item 235533, Program and Project Support, \$600,000 in fiscal year 2024 shall be allocated to support the Ashland University Military and Veterans Resource Center Project.

(K) Of the foregoing appropriation item 235533, Program and Project Support, \$500,000 in fiscal year 2024 shall be distributed to the Ashland University Center for Addictions Project.

(L) Of the foregoing appropriation item 235533, Program and Project Support, \$500,000 in each fiscal year shall be used to support the Clearance Ready Program at Wright State University.

(M) Of the foregoing appropriation item 235533, Program and Project Support, \$150,000 in each fiscal year shall be allocated to support the Kent State University Rising Scholars Program.

**Section 381.420. OHIO STATE AGRICULTURAL RESEARCH**

The foregoing appropriation item 235535, Ohio State Agricultural Research, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

**Section 381.430. STATE UNIVERSITY CLINICAL TEACHING**

The foregoing appropriation items 235536, The Ohio State University Clinical Teaching; 235537, University of Cincinnati Clinical Teaching; 235538, University of Toledo Clinical Teaching; 235539, Wright State University Clinical Teaching; 235540, Ohio University Clinical Teaching; and 235541, Northeast Ohio Medical University Clinical Teaching, shall be distributed through the Chancellor of Higher Education.

**Section 381.440.** CENTRAL STATE AGRICULTURAL RESEARCH AND DEVELOPMENT 165517  
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The foregoing appropriation item 235546, Central State Agricultural Research and Development, shall be used in conjunction with appropriation item 235548, Central State Cooperative Extension Services, by Central State University for its state match requirement as an 1890 land grant university. 165519  
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**Section 381.450.** CAPITAL COMPONENT 165524

The foregoing appropriation item 235552, Capital Component, shall be used by the Chancellor of Higher Education to provide funding for prior commitments made pursuant to the state's former capital funding policy for state colleges and universities that was originally established in H.B. 748 of the 121st General Assembly. Appropriations from this item shall be distributed to all campuses for which the estimated campus debt service attributable to qualifying capital projects was less than the campus's formula-determined capital component allocation. Campus allocations shall be determined by subtracting the estimated campus debt service attributable to qualifying capital projects from the campus's formula-determined capital component allocation. Moneys distributed from this appropriation item shall be restricted to capital-related purposes. 165525  
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Any campus for which the estimated campus debt service attributable to qualifying capital projects is greater than the campus's formula-determined capital component allocation shall have the difference subtracted from its State Share of Instruction allocation in each fiscal year. Appropriation equal to the sum of all such amounts shall be transferred from appropriation item 235501, State Share of Instruction, to appropriation item 235552, Capital Component. 165539  
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**Section 381.460.** LIBRARY DEPOSITORIES 165547

The foregoing appropriation item 235555, Library 165548  
Depositories, shall be distributed to the state's five regional 165549  
depository libraries for the cost-effective storage of and access 165550  
to lesser-used materials in university library collections. The 165551  
depositories shall be administrated by the Chancellor of Higher 165552  
Education, or by OhioLINK at the discretion of the Chancellor. 165553

**Section 381.470.** OHIO ACADEMIC RESOURCES NETWORK (OARNET) 165554

The foregoing appropriation item 235556, Ohio Academic 165555  
Resources Network, shall be used by the Chancellor of Higher 165556  
Education to support the operations of the Ohio Academic Resources 165557  
Network, a consortium organized under division (T) of section 165558  
3333.04 of the Revised Code, which shall include support for 165559  
Ohio's colleges and universities in maintaining and enhancing 165560  
network connections, using new network technologies to improve 165561  
research, education, and economic development programs, and 165562  
sharing information technology services. To the extent network 165563  
capacity is available, OARnet shall support allocating bandwidth 165564  
to eligible programs directly supporting Ohio's economic 165565  
development. 165566

**Section 381.480.** LONG-TERM CARE RESEARCH 165567

The foregoing appropriation item 235558, Long-term Care 165568  
Research, shall be disbursed to Miami University for long-term 165569  
care research. 165570

**Section 381.490.** OHIO COLLEGE OPPORTUNITY GRANT 165571

(A)(1) As used in this section: 165572

(a) "Eligible institution" means any institution described in 165573  
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised 165574

Code. 165575

(b) The three "sectors" of institutions of higher education 165576  
consist of the following: 165577

(i) A main campus at a state university, as defined in 165578  
section 3345.011 of the Revised Code; 165579

(ii) Eligible private nonprofit institutions of higher 165580  
education; 165581

(iii) Eligible private for-profit career colleges and 165582  
schools. 165583

(2) Notwithstanding anything to the contrary in the Revised 165584  
Code, if the Chancellor of Higher Education determines the amounts 165585  
appropriated for support of the Ohio College Opportunity Grant 165586  
Program are inadequate to provide grants to all eligible students 165587  
in the amounts specified in division (D) of section 3333.122 of 165588  
the Revised Code, the Chancellor shall determine a method to 165589  
calculate awards under that section for students attending 165590  
eligible institutions in each fiscal year based on the amounts 165591  
appropriated from the foregoing appropriation item 235563, Ohio 165592  
College Opportunity Grant. For students attending an eligible 165593  
institution year-round, awards may be distributed on an annual 165594  
basis. 165595

(3) If the Chancellor determines that reductions in award 165596  
amounts are necessary, the Chancellor shall reduce the award 165597  
amounts proportionally among the sectors of institutions specified 165598  
in division (A)(1) of this section in a manner determined by the 165599  
Chancellor. The Chancellor shall notify the Controlling Board of 165600  
the distribution method. Any formula calculated under this 165601  
division shall be complete and established to coincide with the 165602  
start of each academic year. 165603

(B) Prior to determining the amount of funds available to 165604  
award under this section, the Chancellor shall use the foregoing 165605

appropriation item 235563, Ohio College Opportunity Grant, to pay 165606  
for waivers of tuition and student fees for eligible students 165607  
under the Ohio Safety Officer's College Memorial Fund Program 165608  
under section 3333.26 of the Revised Code. 165609

In each fiscal year, with the exception of sections 3333.121 165610  
and 3333.124 of the Revised Code and the section of this act 165611  
entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor 165612  
shall not distribute or obligate or commit to be distributed an 165613  
amount greater than what is appropriated under the foregoing 165614  
appropriation item 235563, Ohio College Opportunity Grant. 165615

(C) The Chancellor shall establish, and post on the 165616  
Department of Higher Education's web site, award tables based on 165617  
the amounts determined under division (A) of this section. The 165618  
Chancellor shall notify students and institutions of any 165619  
reductions in awards. 165620

(D) Notwithstanding section 3333.122 of the Revised Code, no 165621  
student shall be eligible to receive an Ohio College Opportunity 165622  
Grant for more than ten semesters, fifteen quarters, or the 165623  
equivalent of five academic years, less the number of semesters or 165624  
quarters in which the student received an Ohio Instructional 165625  
Grant. 165626

(E) During each fiscal year, the Chancellor, as soon as 165627  
possible after cancellation, may certify to the Director of Budget 165628  
and Management the amount of canceled prior-year encumbrances in 165629  
appropriation item 235563, Ohio College Opportunity Grant. Upon 165630  
receipt of the certification, the Director of Budget and 165631  
Management may transfer cash, up to the certified amount, from the 165632  
General Revenue Fund to the Ohio College Opportunity Grant Program 165633  
Reserve Fund (Fund 5PU0). 165634

**Section 381.500.** THE OHIO STATE UNIVERSITY COLLEGE OF 165635  
VETERINARY MEDICINE SUPPLEMENT 165636

The foregoing appropriation item 235569, The Ohio State University College of Veterinary Medicine Supplement, shall be distributed through the Chancellor of Higher Education to The Ohio State University College of Veterinary Medicine to provide supplemental support for education, research, and operations.

**Section 381.510. THE OHIO STATE UNIVERSITY CLINIC SUPPORT**

The foregoing appropriation item 235572, The Ohio State University Clinic Support, shall be distributed through the Chancellor of Higher Education to The Ohio State University for support of dental and veterinary medicine clinics.

**Section 381.520. FEDERAL RESEARCH NETWORK**

The foregoing appropriation item 235578, Federal Research Network, shall be allocated to The Ohio State University to collaborate with federal installations in Ohio, state institutions of higher education as defined in section 3345.011 of the Revised Code, private nonprofit institutions of higher education holding certificates of authorization under Chapter 1713. of the Revised Code, and the private sector to align the state's research assets with emerging missions and job growth opportunities emanating from federal installations, strengthen related workforce development and technology commercialization programs, and better position the state's university system to directly impact new job creation in Ohio. A portion of the foregoing appropriation item 235578, Federal Research Network, shall be used to support the growth of small business federal contractors in the state and to expand the participation of Ohio businesses in the federal Small Business Innovation Research Program and related federal programs.

**Section 381.525. EDUCATOR PREPARATION PROGRAMS**

(A)(1) Of the foregoing appropriation item 235585, Educator

Preparation Programs, \$250,000 in each fiscal year shall be used 165666  
by the Chancellor of Higher Education to award competitive grants 165667  
of up to \$10,000 to institutions of higher education to promote 165668  
student teacher placement with teachers who: 165669

(a) Received instruction in evidenced-based strategies 165670  
aligned to the science of reading; 165671

(b) Use high quality instructional materials aligned to the 165672  
science of reading; and 165673

(c) Implement a structured literacy approach in their 165674  
classrooms. 165675

(2) The Chancellor shall establish procedures and criteria 165676  
for awarding the grants under this division. 165677

(B) Of the foregoing appropriation item 235585, Educator 165678  
Preparation Programs, \$175,000 in each fiscal year shall be used 165679  
by the Chancellor to award competitive grants of up to \$20,000 to 165680  
institutions of higher education to assist with aligning their 165681  
teacher preparation programs with the science of reading. The 165682  
Chancellor shall establish procedures and criteria for awarding 165683  
grants under this division. 165684

(C) The remainder of the foregoing appropriation item 235585, 165685  
Educator Preparation Programs, shall be used by the Chancellor 165686  
pursuant to section 3333.048 of the Revised Code. 165687

**Section 381.530. CO-OP INTERNSHIP PROGRAM** 165688

Of the foregoing appropriation item 235591, Co-Op Internship 165689  
Program, \$300,000 in each fiscal year shall be used to support 165690  
students who attend institutions of higher education in Ohio and 165691  
are participating in The Washington Center Internship Program or 165692  
the short-term programs of The Washington Center. 165693

Of the foregoing appropriation item 235591, Co-Op Internship 165694  
Program, \$165,000 in each fiscal year shall be used to support the 165695

operations of Ohio University's Voinovich School. 165696

Of the foregoing appropriation item 235591, Co-Op Internship 165697  
Program, \$75,000 in each fiscal year shall be used to support the 165698  
Model United Nations Program and the operations of the Center for 165699  
Liberal Arts Student Success at Wright State University. 165700

Of the foregoing appropriation item 235591, Co-Op Internship 165701  
Program, \$75,000 in each fiscal year shall be used to support the 165702  
operations of The Ohio State University's John Glenn College of 165703  
Public Affairs. 165704

Of the foregoing appropriation item 235591, Co-Op Internship 165705  
Program, \$75,000 in each fiscal year shall be used to support the 165706  
Bliss Institute of Applied Politics at the University of Akron. 165707

Of the foregoing appropriation item 235591, Co-Op Internship 165708  
Program, \$75,000 in each fiscal year shall be used to support the 165709  
Center for Public Management and Regional Affairs at Miami 165710  
University. 165711

Of the foregoing appropriation item 235591, Co-Op Internship 165712  
Program, \$75,000 in each fiscal year shall be used to support the 165713  
Ohio Center for the Advancement of Women in Public Service at the 165714  
Levin College of Public Affairs and Education at Cleveland State 165715  
University. 165716

Of the foregoing appropriation item 235591, Co-Op Internship 165717  
Program, \$75,000 in each fiscal year shall be used to support the 165718  
University of Cincinnati Internship Program. 165719

Of the foregoing appropriation item 235591, Co-Op Internship 165720  
Program, \$75,000 in each fiscal year shall be used to support the 165721  
Kent State University Washington Program in National Issues. 165722

Of the foregoing appropriation item 235591, Co-Op Internship 165723  
Program, \$75,000 in each fiscal year shall be used to support the 165724  
Kent State University Columbus Program. 165725

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$75,000 in each fiscal year shall be used to support the University of Toledo Urban Affairs Center.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$75,000 in each fiscal year shall be used to support the Shawnee State University Institute for Appalachian Public Policy.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$75,000 in each fiscal year shall be used to support the Center for Regional Development at Bowling Green State University.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$75,000 in each fiscal year shall be used to support the Regional Economic Development Initiative at Youngstown State University.

**Section 381.540. COMMERCIAL TRUCK DRIVER STUDENT AID PROGRAM**

The foregoing appropriation item 235595, Commercial Truck Driver Student Aid Program, shall be used by the Chancellor of Higher Education to administer and provide grants and loans under the Commercial Truck Driver Student Aid Program established in section 3333.125 of the Revised Code.

**Section 381.550. RURAL UNIVERSITY PROGRAM**

The foregoing appropriation item 235598, Rural University Program, shall be used for the Rural University Program, a collaboration of Bowling Green State University, Kent State University, Miami University, and Ohio University that provides rural communities with economic development, public administration, and public health services. Each of the four participating universities shall receive \$103,000 in each fiscal year to support their respective programs.

**Section 381.560. NATIONAL GUARD SCHOLARSHIP PROGRAM**

The Chancellor of Higher Education shall disburse funds from 165755  
appropriation item 235599, National Guard Scholarship Program. 165756  
During each fiscal year, the Chancellor, as soon as possible after 165757  
cancellation, may certify to the Director of Budget and Management 165758  
the amount of canceled prior-year encumbrances in appropriation 165759  
item 235599, National Guard Scholarship Program. Upon receipt of 165760  
the certification, the Director of Budget and Management may 165761  
transfer cash, up to the certified amount, from the General 165762  
Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 165763  
5BM0). 165764

**Section 381.570. PLEDGE OF FEES** 165765

Any new pledge of fees, or new agreement for adjustment of 165766  
fees, made in the biennium ending June 30, 2025, to secure bonds 165767  
or notes of a state institution of higher education for a project 165768  
for which bonds or notes were not outstanding on the effective 165769  
date of this section, to secure a refund of prior debt that is 165770  
anticipated to increase the total cost of retiring the original 165771  
debt, or to extend the period in which that full debt is retired 165772  
shall be effective only after approval by the Chancellor of Higher 165773  
Education, unless approved in a previous biennium. 165774

**Section 381.580. HIGHER EDUCATION GENERAL OBLIGATION BOND** 165775  
**DEBT SERVICE** 165776

The foregoing appropriation item 235909, Higher Education 165777  
General Obligation Bond Debt Service, shall be used to pay all 165778  
debt service and related financing costs during the period from 165779  
July 1, 2023, through June 30, 2025, for obligations issued under 165780  
sections 151.01 and 151.04 of the Revised Code. 165781

**Section 381.590. SALES AND SERVICES** 165782

The Chancellor of Higher Education is authorized to charge 165783

and accept payment for the provision of goods and services. Such 165784  
charges shall be reasonably related to the cost of producing the 165785  
goods and services. Except as otherwise provided by law, no 165786  
charges may be levied for goods or services that are produced as 165787  
part of the routine responsibilities or duties of the Chancellor. 165788  
All revenues received by the Chancellor shall be deposited into 165789  
Fund 4560 and may be used by the Chancellor to pay for the costs 165790  
of producing the goods and services. 165791

**Section 381.600. HIGHER EDUCATIONAL FACILITY COMMISSION 165792**  
ADMINISTRATION 165793

The foregoing appropriation item 235602, Higher Educational 165794  
Facility Commission Administration, shall be used by the 165795  
Chancellor of Higher Education for operating expenses related to 165796  
the Chancellor's support of the activities of the Ohio Higher 165797  
Educational Facility Commission. Upon the request of the 165798  
Chancellor, the Director of Budget and Management may transfer 165799  
cash in an amount up to the amount appropriated from the foregoing 165800  
appropriation item 235602, Higher Educational Facility Commission 165801  
Administration, in each fiscal year from the HEFC Operating 165802  
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 165803  
4E80). 165804

**Section 381.630. TALENT READY GRANT PROGRAM 165805**

(A) The foregoing appropriation item 235517, Talent Ready 165806  
Grant Program, shall be used by the Chancellor of Higher Education 165807  
to fund the Talent Ready Grant program to support workforce 165808  
credential and certificate programs under thirty credit hours at a 165809  
community college, state community college, technical college, 165810  
university regional campus, or less than 900 clock hours at an 165811  
Ohio Technical Center. Such funding shall be used to do all of the 165812  
following: 165813

(a) Award needs-based financial aid to students who are 165814  
enrolled in a credit or non-credit program that may be completed 165815  
in less than one year and for which a certificate or 165816  
industry-recognized credential is awarded in an in-demand job; 165817

(b) Establish and operate workforce credential and 165818  
certificate programs under thirty credit hours or less than 900 165819  
clock hours; 165820

(c) Provide additional support to short-term certificate 165821  
programs. 165822

(B) The Chancellor shall allocate funds among eligible 165823  
entities in approximate proportion to each entity's share of 165824  
eligible short-term certificate programs while also considering 165825  
student enrollments, completions, and past utilization of 165826  
short-term certificate funding disbursed under this line item, 165827  
among other factors. For purposes of allocating funds between 165828  
community colleges, state community colleges, and technical 165829  
colleges, the Chancellor shall allocate the funding to each campus 165830  
in proportion to each campus's share of the total sector's course 165831  
completions for the most recent available year, as reported 165832  
through the Higher Education Information System student enrollment 165833  
file, weighted by the instructional cost of the subsidy models. 165834

(C) The Chancellor, in collaboration with eligible entities 165835  
under this section, shall conduct a study on the types of data 165836  
that should be submitted to the Higher Education Information 165837  
System regarding workforce credentials and technical certificates 165838  
that may be earned in less than thirty credit hours or less than 165839  
900 clock hours. The study and associated recommendations shall be 165840  
completed not later than June 30, 2024. 165841

**Section 381.635. SUPER RAPIDS** 165842

(A) Of the foregoing appropriation item 235688, Super RAPIDS, 165843

\$4,280,000 in fiscal year 2024 shall be distributed to Fairfield 165844  
County to support building improvements, equipment purchases, and 165845  
operating expenses for programs of the Fairfield County Workforce 165846  
Center. 165847

(B)(1) The remainder of the foregoing appropriation item 165848  
235688, Super RAPIDS, shall be used by the Governor's Office of 165849  
Workforce Transformation and the Chancellor of Higher Education to 165850  
support collaborative projects among qualifying institutions to 165851  
strengthen education and training opportunities that maximize 165852  
workforce development efforts in defined areas of the state. These 165853  
funds shall be used to support efforts that build capacity, remove 165854  
employment and training barriers for prospective and unemployed 165855  
workers, develop and strengthen business-led strategies in the 165856  
impacted industries, and provide local guided solutions to 165857  
employment for communities in economic transition. Under the 165858  
program, the Chancellor shall distribute funds to Ohio regions or 165859  
subsets of regions, as defined by the Governor's Office of 165860  
Workforce Transformation. 165861

(2) Of the foregoing appropriation item 235688, Super RAPIDS, 165862  
a portion in each fiscal year may be used by the Governor's Office 165863  
of Workforce Transformation to meet urgent workforce development 165864  
and job creation needs throughout the state. 165865

(3) The Governor's Office of Workforce Transformation shall 165866  
consult with the Department of Development, the Chancellor, and 165867  
other stakeholders as determined to be appropriate, when defining 165868  
regions and awarding funds under this section. 165869

(4) The Chancellor and the Governor's Office of Workforce 165870  
Transformation shall develop and use a proposal and review process 165871  
to award funds under the program. In reviewing proposals and 165872  
making awards, priority shall be given to proposals that 165873  
demonstrate all of the following: 165874

(a) Clear compliance with all applicable state and federal rules and regulations;	165875 165876
(b) Collaboration between and among state institutions of higher education, as defined in section 3345.011 of the Revised Code, Ohio Technical Centers, and other education and workforce-related entities as determined to be appropriate by the Governor's Office of Workforce Transformation and the Department of Higher Education;	165877 165878 165879 165880 165881 165882
(c) Evidence of meaningful business support and engagement;	165883
(d) Identification of targeted occupations and industries supported by data, which sources shall include the Governor's Office of Workforce Transformation, OhioMeansJobs, labor market information from the Department of Job and Family Services, and lists of in-demand occupations;	165884 165885 165886 165887 165888
(e) Sustainability beyond the grant period with the opportunity to provide continued value and impact to the region; and	165889 165890 165891
(f) Evidence of a strong commitment to invest in one or more of the following areas:	165892 165893
(i) Broadband/5G;	165894
(ii) Cybersecurity;	165895
(iii) Healthcare;	165896
(iv) Transportation;	165897
(v) Advanced manufacturing;	165898
(vi) Trades.	165899
(5) As used in this section:	165900
(a) "Qualifying institution" means any of the following:	165901
(i) A state institution of higher education, as defined in section 3345.011 of the Revised Code;	165902 165903

(ii) An Ohio Technical Center, as defined in section 3333.94 165904  
of the Revised Code; 165905

(iii) Other secondary and postsecondary education and 165906  
workforce-related entities, as determined by the Chancellor. 165907

**Section 381.640. STATE FINANCIAL AID RECONCILIATION** 165908

By the first day of September in each fiscal year, or as soon 165909  
as possible thereafter, the Chancellor of Higher Education shall 165910  
certify to the Director of Budget and Management the amount 165911  
necessary to pay any outstanding prior year obligations to higher 165912  
education institutions for the state's financial aid programs. The 165913  
amounts certified are hereby appropriated to appropriation item 165914  
235618, State Financial Aid Reconciliation, from revenues received 165915  
in the State Financial Aid Reconciliation Fund (Fund 5Y50). 165916

**Section 381.650. SECOND CHANCE GRANT PROGRAM** 165917

The foregoing appropriation item 235494, Second Chance Grant 165918  
Program, shall be distributed by the Chancellor of Higher 165919  
Education to qualifying institutions of higher education and Ohio 165920  
Technical Centers to provide grants to eligible students under the 165921  
Second Chance Grant Program established in section 3333.127 of the 165922  
Revised Code. 165923

**Section 381.655. GROW YOUR OWN TEACHER PROGRAM** 165924

The foregoing appropriation item 235592, Grow Your Own 165925  
Teacher Program, shall be used by the Chancellor of Higher 165926  
Education to implement and administer the Grow Your Own Teacher 165927  
Program pursuant to sections 3333.393 and 3333.394 of the Revised 165928  
Code. 165929

**Section 381.660. NURSING LOAN PROGRAM** 165930

The foregoing appropriation item 235606, Nursing Loan 165931

Program, shall be used to administer the nurse education 165932  
assistance program. 165933

**Section 381.670. RESEARCH INCENTIVE THIRD FRONTIER - TAX** 165934

The foregoing appropriation item 235639, Research Incentive 165935  
Third Frontier - Tax, shall be used by the Chancellor of Higher 165936  
Education to advance collaborative research at institutions of 165937  
higher education. Of the foregoing appropriation item 235639, 165938  
Research Incentive Third Frontier - Tax, up to \$2,500,000 in each 165939  
fiscal year may be allocated toward research regarding the 165940  
improvement of water quality, up to \$1,500,000 in each fiscal year 165941  
may be allocated for spinal cord research, up to \$1,000,000 in 165942  
each fiscal year may be allocated toward research regarding the 165943  
reduction of infant mortality, up to \$1,000,000 in each fiscal 165944  
year may be allocated toward research regarding opiate addiction 165945  
issues in Ohio, up to \$750,000 in each fiscal year may be 165946  
allocated toward research regarding cyber security initiatives, up 165947  
to \$300,000 in each fiscal year may be allocated toward the 165948  
I-Corps@Ohio program, and up to \$200,000 in each fiscal year may 165949  
be allocated toward the Ohio Innovation Exchange program. 165950

**Section 381.680. VETERANS PREFERENCES** 165951

The Chancellor of Higher Education shall work with the 165952  
Department of Veterans Services to develop specific veterans 165953  
preference guidelines for higher education institutions. These 165954  
guidelines shall ensure that the institutions' hiring practices 165955  
are in accordance with the intent of Ohio's veterans' preference 165956  
laws. 165957

**Section 381.690. (A) As used in this section:** 165958

(1) "Board of trustees" includes the managing authority of a 165959  
university branch district. 165960

(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) The board of trustees of any state institution of higher education, notwithstanding any rule of the institution to the contrary, may adopt a policy providing for mandatory furloughs of employees, including faculty, to achieve spending reductions necessitated by institutional budget deficits.

**Section 381.700. EFFICIENCY REPORTS**

In each fiscal year, the board of trustees of each public institution of higher education shall approve the institution's efficiency report submitted to the Chancellor of Higher Education under section 3333.95 of the Revised Code.

**MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS**

For each fiscal year, each institution of higher education that receives funds from the foregoing appropriation items 235515, Case Western Reserve University School of Medicine, 235519, Family Practice, 235525, Geriatric Medicine, 235526, Primary Care Residencies, 235536, The Ohio State University Clinical Teaching, 235537, University of Cincinnati Clinical Teaching, 235538, University of Toledo Clinical Teaching, 235539, Wright State University Clinical Teaching, 235540, Ohio University Clinical Teaching, 235541, Northeast Ohio Medical University Clinical Teaching, 235558, Long-term Care Research, and 235572, The Ohio State University Clinic Support, shall report to the Chancellor of Higher Education the residency status of graduates from the respective programs receiving support from those appropriation items one year and five years after graduating.

**Section 381.710.** The Chancellor of Higher Education shall support the continued development of the Ohio Innovation Exchange for the purpose of showcasing the research expertise of Ohio's

university and college faculty in a variety of fields, including, 165991  
but not limited to, engineering, biomedicine, and information 165992  
technology, and to identify institutional research equipment 165993  
available in the state. 165994

**Section 381.720.** COLLEGE CREDIT PLUS PROGRAM 165995

(A) The Chancellor of Higher Education, in consultation with 165996  
the Superintendent of Public Instruction, may take action as 165997  
necessary to ensure that public colleges and universities and 165998  
school districts are fully engaging and participating in the 165999  
College Credit Plus Program as required by Chapter 3365. of the 166000  
Revised Code. Such actions may include publicly displaying program 166001  
participation data by district and institution. 166002

(B) For the purposes of model pathways required under section 166003  
3365.13 of the Revised Code, the Chancellor and Superintendent 166004  
shall work with public secondary schools and partnering public 166005  
colleges and universities, as necessary, to encourage the 166006  
establishment of model pathways that prepare participants to 166007  
successfully enter the workforce in certain fields, which may 166008  
include any of the following: 166009

(1) Engineering technology and other fields essential to the 166010  
superconductor industry; 166011

(2) Nursing, with particular emphasis on models that 166012  
facilitate a participant's potential progression through different 166013  
levels of nursing; 166014

(3) Teaching and other related education professions; 166015

(4) Social and behavioral or mental health professions; 166016

(5) Law enforcement or corrections; and 166017

(6) Other fields as determined appropriate by the Chancellor 166018  
and Superintendent, in consultation with the Governor's Office of 166019

Workforce Transformation.				166020
<b>Section 383.10.</b> DRC DEPARTMENT OF REHABILITATION AND				166021
CORRECTION				166022
General Revenue Fund				166023
GRF 501321	Institutional	\$ 1,317,065,000	\$ 1,395,734,000	166024
	Operations			
GRF 501405	Halfway House	\$ 78,832,000	\$ 84,676,000	166025
GRF 501406	Adult Correctional	\$ 72,500,000	\$ 68,500,000	166026
	Facilities Lease			
	Rental Bond Payments			
GRF 501407	Community	\$ 67,530,000	\$ 67,530,000	166027
	Nonresidential			
	Programs			
GRF 501408	Community Misdemeanor	\$ 9,620,000	\$ 9,620,000	166028
	Programs			
GRF 501501	Community Residential	\$ 94,545,000	\$ 99,657,000	166029
	Programs - Community			
	Based Correctional			
	Facilities			
GRF 503321	Parole and Community	\$ 119,720,000	\$ 128,654,000	166030
	Operations			
GRF 504321	Administrative	\$ 27,304,000	\$ 28,530,000	166031
	Operations			
GRF 505321	Institution Medical	\$ 332,434,000	\$ 352,380,000	166032
	Services			
GRF 506321	Institution Education	\$ 41,228,000	\$ 45,339,000	166033
	Services			
TOTAL GRF General Revenue Fund		\$ 2,160,778,000	\$ 2,280,620,000	166034
Dedicated Purpose Fund Group				166035
4B00 501601	Sewer Treatment	\$ 600,000	\$ 600,000	166036
	Services			

4D40	501603	Prisoner Programs	\$	400,000	\$	400,000	166037
4L40	501604	Transitional Control	\$	2,450,000	\$	2,450,000	166038
4S50	501608	Education Services	\$	4,660,000	\$	4,660,000	166039
5AF0	501609	State and Non-Federal Awards	\$	1,300,000	\$	1,300,000	166040
5H80	501617	Offender Financial Responsibility	\$	1,860,000	\$	1,860,000	166041
5TZ0	501610	Probation Improvement and Incentive Grants	\$	5,250,000	\$	5,250,000	166042
5ZQ0	501505	Local Jail Grants	\$	100,000,000	\$	100,000,000	166043
TOTAL DPF		Dedicated Purpose Fund Group	\$	116,520,000	\$	116,520,000	166044
		Internal Service Activity Fund Group					166045
1480	501602	Institutional Services	\$	2,850,000	\$	2,850,000	166046
2000	501607	Ohio Penal Industries	\$	46,515,000	\$	46,515,000	166047
4830	501605	Leased Property Maintenance and Operating	\$	7,500,000	\$	7,500,000	166048
5710	501606	Corrections Training Maintenance and Operating	\$	940,000	\$	940,000	166049
5L60	501611	Information Technology Services	\$	500,000	\$	500,000	166050
TOTAL ISA		Internal Activity Fund Group	\$	58,305,000	\$	58,305,000	166051
		Federal Fund Group					166052
3230	501619	Federal Grants	\$	3,540,000	\$	3,540,000	166054
3CW0	501622	Federal Equitable Sharing	\$	300,000	\$	300,000	166055
TOTAL FED		Federal Fund Group	\$	3,840,000	\$	3,840,000	166056
		Fund Group					166057

TOTAL ALL BUDGET FUND GROUPS	\$ 2,339,443,000	\$ 2,459,285,000	166058
EXPEDITED PARDON INITIATIVE			166059
Of the foregoing appropriation item 501321, Institutional Operations, up to \$750,000 in each fiscal year may be used by the Department of Rehabilitation and Correction to support projects connecting rehabilitated citizens with community partners to advance the expedited pardon initiative and help eligible individuals navigate the process and access clemency.			166060 166061 166062 166063 166064 166065
FELONY OFFENSE COST REIMBURSEMENTS			166066
Of the foregoing appropriation item 501321, Institutional Operations, the Department of Rehabilitation and Correction shall allocate an amount not to exceed \$250,000 in each fiscal year to reimburse counties for their costs incurred in the prosecution of felonies that occur on the grounds of state correctional institutions operated by the Department. Eligible reimbursement costs include those incurred by the prosecuting attorney, indigent defense counsel, courts of common pleas, clerk of courts of common pleas, and the sheriff.			166067 166068 166069 166070 166071 166072 166073 166074 166075
OSU MEDICAL CHARGES			166076
Notwithstanding section 341.192 of the Revised Code, at the request of the Department of Rehabilitation and Correction, the Ohio State University Medical Center, including the Arthur G. James Cancer Hospital and Richard J. Solove Research Institute and the Richard M. Ross Heart Hospital, shall provide necessary care to persons who are confined in state adult correctional facilities. The provision of necessary inpatient care billed to the Department shall be reimbursed at a rate not to exceed the authorized reimbursement rate for the same service established by the Department of Medicaid under the Medicaid Program.			166077 166078 166079 166080 166081 166082 166083 166084 166085 166086
TRANSITIONAL HOUSING FUNDING			166087
Of the foregoing appropriation item 501405, Halfway House,			166088

priority shall be given to residential providers that accept and place individuals released from institutions operated by the Department of Rehabilitation and Correction to the supervision of the Adult Parole Authority who were previously rejected by all other residential providers.

ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 501406, Adult Correctional Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2023, through June 30, 2025, by the Department of Rehabilitation and Correction pursuant to leases and agreements for facilities made under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code.

ANCHORED TO HOPE PILOT PROGRAM

Of the foregoing appropriation item 503321, Parole and Community Operations, \$500,000 in fiscal year 2024 shall be distributed directly to Anchored to Hope to fund a pilot program that will test the effectiveness of providing a full range of treatment services in reducing the recidivism of offenders in community-based correctional facilities and halfway houses. The services shall include medically assisted treatment, cognitive behavioral therapy, and behavioral intervention technologies. Anchored to Hope shall submit a report of its findings from the pilot program to the General Assembly by June 30, 2025.

REENTRY EMPLOYMENT GRANTS

Of the foregoing appropriation item 503321, Parole and Community Operations, \$400,000 in grants each fiscal year may be awarded by the Department of Rehabilitation and Correction to nonprofit organizations operating reentry employment programs meeting all of the following criteria:

(1) Serve parolees, releasees, and probationers assessed by 166120  
the Department as moderate or high risk to recidivate and referred 166121  
by the Adult Parole Authority or probation for services; 166122

(2) Provide job readiness training, transitional employment, 166123  
job coaching and placement, and post-placement retention services; 166124

(3) Have been independently and rigorously evaluated and 166125  
shown to reduce recidivism; 166126

(4) Have the ability to serve multiple large jurisdictions 166127  
across the state. 166128

INSTITUTION EDUCATION SERVICES 166129

Of the foregoing appropriation item 506321, Institution 166130  
Education Services, \$700,000 in fiscal year 2024 shall be used for 166131  
the Ashland University Correctional Education Expansion Program. 166132

PROBATION IMPROVEMENT AND INCENTIVE GRANTS 166133

The foregoing appropriation item 501610, Probation 166134  
Improvement and Incentive Grants, shall be allocated by the 166135  
Department of Rehabilitation and Correction to municipalities as 166136  
Probation Improvement and Incentive Grants with an emphasis on: 166137  
(1) providing services to those addicted to opiates and other 166138  
illegal substances, and (2) supplementing the programs and 166139  
services funded by grants distributed from the foregoing 166140  
appropriation item 501407, Community Nonresidential Programs. 166141

LOCAL JAIL GRANTS 166142

The foregoing appropriation item 501505, Local Jail Grants, 166143  
shall be used by the Department of Rehabilitation and Correction 166144  
to provide grants for county jail construction and renovation 166145  
projects. The Department shall accept and review applications and 166146  
designate the projects involving the construction and renovation 166147  
of county jails in the same manner as the Department administers 166148  
funds appropriated for the same purpose from the Adult 166149

Correctional Building Fund. The Department may consider 166150  
 applications for the reimbursement of county jail construction and 166151  
 renovation project expenditures that were incurred on or after 166152  
 July 1, 2021. 166153

**Section 387.10.** RDF STATE REVENUE DISTRIBUTIONS 166154

General Revenue Fund Group 166155

GRF 110908 Property Tax \$ 642,160,000 \$ 647,900,000 166156  
 Reimbursement - Local  
 Government

GRF 200903 Property Tax \$ 1,214,756,000 \$ 1,238,032,000 166157  
 Reimbursement -  
 Education

TOTAL GRF General Revenue Fund \$ 1,856,916,000 \$ 1,885,932,000 166158  
 Group

Revenue Distribution Fund Group 166159

5JG0 110633 Gross Casino Revenue \$ 179,057,966 \$ 183,534,415 166160  
 Payments-County

5JH0 110634 Gross Casino Revenue \$ 114,908,119 \$ 117,780,822 166161  
 Payments- School  
 Districts

5JJ0 110636 Gross Casino Revenue \$ 17,554,703 \$ 17,993,571 166162  
 - Host City

7047 200902 Property Tax \$ 60,386,576 \$ 53,927,487 166163  
 Replacement Phase  
 Out-Education

7050 762900 International \$ 23,000,000 \$ 23,000,000 166164  
 Registration Plan  
 Distribution

7051 762901 Auto Registration \$ 365,000,000 \$ 372,000,000 166165  
 Distribution

7065 110965 Public Library Fund \$ 505,000,000 \$ 530,000,000 166166

7066	800966	Undivided Liquor Permits	\$ 14,600,000	\$ 14,600,000	166167
7069	110969	Local Government Fund	\$ 505,000,000	\$ 530,000,000	166168
7081	110907	Local Government Property Tax Replacement - Business	\$ 6,829,862	\$ 6,488,369	166169
7082	110982	Horse Racing Tax	\$ 50,000	\$ 50,000	166170
7083	700900	Ohio Fairs Fund	\$ 1,000,000	\$ 1,000,000	166171
TOTAL RDF Revenue Distribution					166172
Fund Group			\$ 1,792,387,226	\$ 1,850,374,644	166173
Fiduciary Fund Group					166174
4P80	001698	Cash Management Improvement Fund	\$ 1,000,000	\$ 1,000,000	166175
5VR0	110902	Municipal Net Profit Tax	\$ 180,000,000	\$ 180,000,000	166176
6080	001699	Investment Earnings	\$ 350,000,000	\$ 350,000,000	166177
7001	110996	Horse Racing Tax Local Government Payments	\$ 200,000	\$ 200,000	166178
7062	110962	Resort Area Excise Tax Distribution	\$ 2,164,084	\$ 2,164,084	166179
7063	110963	Permissive Sales Tax Distribution	\$ 3,662,800,000	\$ 3,975,300,000	166180
7067	110967	School District Income Tax Distribution	\$ 710,666,667	\$ 774,000,000	166181
7085	800985	Volunteer Firemen's Dependents Fund	\$ 300,000	\$ 300,000	166182
7093	110640	Next Generation 9-1-1	\$ 1,000,000	\$ 1,000,000	166183
7094	110641	Wireless 9-1-1 Government Assistance	\$ 27,637,500	\$ 27,775,688	166184
7095	110995	Municipal Income Tax	\$ 15,450,000	\$ 15,913,500	166185

7099 762902	Permissive Tax	\$ 242,000,000	\$ 242,000,000	166186
	Distribution - Auto			
	Registration			
TOTAL FID	Fiduciary Fund Group	\$ 5,193,218,251	\$ 5,569,653,272	166187
	Holding Account Fund Group			166188
R045 110617	International Fuel	\$ 70,698,838	\$ 72,819,803	166189
	Tax Distribution			
TOTAL HLD	Holding Account Fund	\$ 70,698,838	\$ 72,819,803	166190
	Group			
TOTAL ALL BUDGET FUND GROUPS		\$ 8,913,220,315	\$ 9,378,779,739	166191

**Section 387.20. ADDITIONAL APPROPRIATIONS** 166193

Appropriation items in Section 387.10 of this act shall be 166194  
used for the purpose of administering and distributing the 166195  
designated revenue distribution funds according to the Revised 166196  
Code. If it is determined that additional appropriations are 166197  
necessary for this purpose in any appropriation items in Section 166198  
387.10 of this act, such amounts are hereby appropriated. 166199

**GENERAL REVENUE FUND TRANSFERS** 166200

Notwithstanding any provision of law to the contrary, in 166201  
fiscal year 2024 and fiscal year 2025, the Director of Budget and 166202  
Management may transfer from the General Revenue Fund to the Local 166203  
Government Tangible Property Tax Replacement Fund (Fund 7081) and 166204  
the School District Tangible Property Tax Replacement Fund (Fund 166205  
7047) in the Revenue Distribution Fund Group, those amounts 166206  
necessary to reimburse local taxing units and school districts 166207  
under sections 5709.92 and 5709.93 of the Revised Code. Also, in 166208  
fiscal year 2024 and fiscal year 2025, the Director of Budget and 166209  
Management may make temporary transfers from the General Revenue 166210  
Fund to ensure sufficient balances in the Local Government 166211  
Tangible Property Tax Replacement Fund (Fund 7081) and the School 166212  
District Tangible Property Tax Replacement Fund (Fund 7047) and to 166213

replenish the General Revenue Fund for such transfers. 166214

PROPERTY TAX REIMBURSEMENT - EDUCATION 166215

The foregoing appropriation item 200903, Property Tax 166216  
Reimbursement - Education, is appropriated to pay for the state's 166217  
costs incurred because of the homestead exemption, the property 166218  
tax rollback, and payments required under division (C) of section 166219  
5705.2110 of the Revised Code. In cooperation with the Department 166220  
of Taxation, the Department of Education shall distribute these 166221  
funds directly to the appropriate school districts of the state, 166222  
notwithstanding sections 321.24 and 323.156 of the Revised Code, 166223  
which provide for payment of the homestead exemption and property 166224  
tax rollback by the Tax Commissioner to the appropriate county 166225  
treasurer and the subsequent redistribution of these funds to the 166226  
appropriate local taxing districts by the county auditor. 166227

Upon receipt of these amounts, each school district shall 166228  
distribute the amount among the proper funds as if it had been 166229  
paid as real or tangible personal property taxes. Payments for the 166230  
costs of administration shall continue to be paid to the county 166231  
treasurer and county auditor as provided for in sections 319.54, 166232  
321.26, and 323.156 of the Revised Code. 166233

Any sums, in addition to the amount specifically appropriated 166234  
in appropriation item 200903, Property Tax Reimbursement - 166235  
Education, for the homestead exemption and the property tax 166236  
rollback payments, and payments required under division (C) of 166237  
section 5705.2110 of the Revised Code, which are determined to be 166238  
necessary for these purposes, are hereby appropriated. 166239

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 166240

The foregoing appropriation item 110908, Property Tax 166241  
Reimbursement-Local Government, is hereby appropriated to pay for 166242  
the state's costs incurred due to the Homestead Exemption, the 166243  
Manufactured Home Property Tax Rollback, and the Property Tax 166244

Rollback. The Tax Commissioner shall distribute these funds 166245  
directly to the appropriate local taxing districts, except for 166246  
school districts, notwithstanding the provisions in sections 166247  
321.24 and 323.156 of the Revised Code, which provide for payment 166248  
of the Homestead Exemption, the Manufactured Home Property Tax 166249  
Rollback, and Property Tax Rollback by the Tax Commissioner to the 166250  
appropriate county treasurer and the subsequent redistribution of 166251  
these funds to the appropriate local taxing districts by the 166252  
county auditor. 166253

Upon receipt of these amounts, each local taxing district 166254  
shall distribute the amount among the proper funds as if it had 166255  
been paid as real property taxes. Payments for the costs of 166256  
administration shall continue to be paid to the county treasurer 166257  
and county auditor as provided for in sections 319.54, 321.26, and 166258  
323.156 of the Revised Code. 166259

Any sums, in addition to the amounts specifically 166260  
appropriated in appropriation item 110908, Property Tax Allocation 166261  
- Local Government, for the Homestead Exemption, the Manufactured 166262  
Home Property Tax Rollback, and the Property Tax Rollback 166263  
payments, which are determined to be necessary for these purposes, 166264  
are hereby appropriated. 166265

MUNICIPAL INCOME TAX 166266

The foregoing appropriation item 110995, Municipal Income 166267  
Tax, shall be used to make payments to municipal corporations 166268  
under section 5745.05 of the Revised Code. If it is determined 166269  
that additional appropriations are necessary to make such 166270  
payments, such amounts are hereby appropriated. 166271

MUNICIPAL NET PROFIT TAX 166272

The foregoing appropriation item 110902, Municipal Net Profit 166273  
Tax, shall be used to make payments to municipal corporations 166274  
under section 718.83 of the Revised Code. If it is determined that 166275

additional amounts are necessary to make such payments, such 166276  
amounts are hereby appropriated. 166277

During fiscal year 2024 and fiscal year 2025, if the Tax 166278  
Commissioner determines that there is insufficient cash in the 166279  
Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly 166280  
distribution obligations under section 718.83 of the Revised Code, 166281  
the Tax Commissioner shall certify to the Director of Budget and 166282  
Management the amount of additional cash necessary to satisfy 166283  
those obligations. In addition, the Commissioner shall submit a 166284  
plan to the Director requesting the necessary cash be transferred 166285  
from one or a combination of the following funds: the Municipal 166286  
Income Tax Administrative Fund, the Local Sales Tax Administrative 166287  
Fund, the General School District Income Tax Administrative Fund, 166288  
the Motor Fuel Tax Administrative Fund, the Property Tax 166289  
Administrative Fund, or the General Revenue Fund. This plan shall 166290  
include a proposed repayment schedule to reimburse those funds for 166291  
any cash transferred in accordance with this section. After 166292  
receiving the certification and funding plan from the Tax 166293  
Commissioner and if the Director determines that sufficient cash 166294  
is available, the Director may transfer the cash to the Municipal 166295  
Net Profit Tax Fund in accordance with the plan submitted by the 166296  
Tax Commissioner or as otherwise determined by the Director of 166297  
Budget and Management. The Director of Budget and Management may 166298  
transfer cash from the Municipal Net Profit Tax Fund to reimburse 166299  
the funds from which cash was transferred for the purpose outlined 166300  
in this section. 166301

PUBLIC LIBRARY FUND 166302

Notwithstanding the requirement in division (B) of section 166303  
131.51 of the Revised Code that the Director of Budget and 166304  
Management shall credit to the Public Library Fund one and 166305  
sixty-six one-hundredths per cent of the total tax revenue 166306  
credited to the General Revenue Fund during the preceding month, 166307

the Director shall instead calculate these amounts during fiscal 166308  
 year 2024 and fiscal year 2025 using one and seven-tenths as the 166309  
 percentage. 166310

LOCAL GOVERNMENT FUND 166311

Notwithstanding the requirement in division (A) of section 166312  
 131.51 of the Revised Code that the Director of Budget and 166313  
 Management shall credit to the Local Government Fund one and 166314  
 sixty-six one-hundredths per cent of the total tax revenue 166315  
 credited to the General Revenue Fund during the preceding month, 166316  
 the Director shall instead calculate these amounts during fiscal 166317  
 year 2024 and fiscal year 2025 using one and seven-tenths as the 166318  
 percentage. 166319

**Section 391.10.** OSB DEAF AND BLIND EDUCATION SERVICES 166320

General Revenue Fund 166321

GRF 226321	Operations	\$	30,214,000	\$	30,634,000	166322
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TOTAL GRF	General Revenue Fund	\$	30,214,000	\$	30,634,000	166323
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Dedicated Purpose Fund Group 166324

4H80 226602	Blind School State	\$	260,000	\$	260,000	166325
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Grants

4M00 226400	Deaf School	\$	300,000	\$	300,000	166326
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Educational Program

Expenses

4M10 226401	Deaf School State	\$	195,000	\$	195,000	166327
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Grants

4M50 226601	Blind School	\$	313,952	\$	315,608	166328
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Educational Program

Expenses

5H60 226402	Early Childhood	\$	53,000	\$	53,000	166329
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Education

5NJ0 226622	Employee Food Service	\$	22,000	\$	22,000	166330
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Charges			
TOTAL DPF Dedicated Purpose Fund Group	\$	1,143,952	\$ 1,145,608 166331
Federal Fund Group			166332
3100 226626 Blind School Federal Grants	\$	1,058,848	\$ 1,061,679 166333
3110 226403 Deaf School Federal Grants	\$	570,000	\$ 535,030 166334
3DT0 226621 Ohio Transition Collaborative	\$	150,000	\$ 150,000 166335
3P50 226643 Medicaid Professional Services Reimbursement	\$	215,000	\$ 215,000 166336
TOTAL FED Federal Fund Group	\$	1,993,848	\$ 1,961,709 166337
TOTAL ALL BUDGET FUND GROUPS	\$	33,351,800	\$ 33,741,317 166338
<b>Section 395.10. SOS SECRETARY OF STATE</b>			166340
General Revenue Fund			166341
GRF 050321 Operating Expenses	\$	890,000	\$ 890,000 166342
GRF 050407 Poll Workers Training	\$	0	\$ 500,000 166343
GRF 050509 County Voting Systems Lease Rental Payments	\$	12,200,000	\$ 12,200,000 166344
TOTAL GRF General Revenue Fund	\$	13,090,000	\$ 13,590,000 166345
Dedicated Purpose Fund Group			166346
4120 050609 Notary Commission	\$	500,000	\$ 500,000 166347
4S80 050610 Board of Voting Machine Examiners	\$	14,400	\$ 14,400 166348
5990 050603 Business Services Operating Expenses	\$	23,818,137	\$ 24,850,878 166349
5990 050629 Statewide Voter Registration Database	\$	700,000	\$ 700,000 166350
5990 050630 Elections Support	\$	2,960,000	\$ 3,090,000 166351

		Supplement				
5990	050631	Precinct Election	\$	0	\$	500,000 166352
		Officials Training				
5990	050636	County Election	\$	220,000	\$	240,000 166353
		Official Training				
5SN0	050626	Address	\$	200,000	\$	200,000 166354
		Confidentiality				
TOTAL DPF		Dedicated Purpose Fund	\$	28,412,537	\$	30,095,278 166355
		Group				
		Holding Account Fund Group				166356
R002	050606	Corporate/Business	\$	85,000	\$	85,000 166357
		Filing Refunds				
TOTAL HLD		Holding Account Fund	\$	85,000	\$	85,000 166358
		Group				
		Federal Fund Group				166359
3AS0	050616	Help America Vote Act	\$	1,500,000	\$	1,500,000 166360
		(HAVA)				
TOTAL FED		Federal Fund Group	\$	1,500,000	\$	1,500,000 166361
TOTAL ALL		BUDGET FUND GROUPS	\$	43,087,537	\$	45,270,278 166362

**Section 395.20. POLL WORKERS TRAINING** 166364

The foregoing appropriation item 050407, Poll Workers 166365  
 Training, shall be used to provide funding to county boards of 166366  
 elections for precinct election official (PEO) training pursuant 166367  
 to section 3501.27 of the Revised Code. 166368

**COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS** 166369

The foregoing appropriation item 050509, County Voting 166370  
 Systems Lease Rental Payments, shall be used to make payments 166371  
 during the period from July 1, 2023, through June 30, 2025, 166372  
 pursuant to leases and agreements entered into under Section 4 of 166373  
 S.B. 135 of the 132nd General Assembly with respect to financing 166374  
 the costs associated with the acquisition, development, 166375

installation, and implementation of county voting systems. 166376

BOARD OF VOTING MACHINE EXAMINERS 166377

The foregoing appropriation item 050610, Board of Voting 166378  
Machine Examiners, shall be used to pay for the services and 166379  
expenses of the members of the Board of Voting Machine Examiners, 166380  
and for other expenses that are authorized to be paid from the 166381  
Board of Voting Machine Examiners Fund (Fund 4S80) created in 166382  
section 3506.05 of the Revised Code. Moneys not used shall be 166383  
returned to the person or entity submitting equipment for 166384  
examination. If it is determined by the Secretary of State that 166385  
additional appropriation amounts are necessary, the Secretary of 166386  
State may request that the Director of Budget and Management 166387  
approve such amounts. Upon approval of the Director of Budget and 166388  
Management, such amounts are hereby appropriated. 166389

BALLOT ADVERTISING COSTS 166390

Notwithstanding division (G) of section 3501.17 of the 166391  
Revised Code, upon requests submitted by the Secretary of State, 166392  
the Controlling Board may approve cash and appropriation transfers 166393  
from the Controlling Board Emergency Purposes/Contingencies Fund 166394  
(Fund 5KM0) to the Statewide Ballot Advertising Fund (Fund 5FH0) 166395  
in order to pay for the cost of public notices associated with 166396  
statewide ballot initiatives. 166397

ABSENT VOTER'S BALLOT APPLICATION MAILING 166398

Notwithstanding division (B) of section 111.31 of the Revised 166399  
Code, upon the request of the Secretary of State, the Controlling 166400  
Board may approve cash and appropriation transfers from the 166401  
Controlling Board Emergency Purposes/Contingencies Fund (Fund 166402  
5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund 166403  
5RG0) to be used by the Secretary of State to pay the costs of 166404  
printing and mailing unsolicited applications for absent voters' 166405  
ballots for the general election to be held in November 2024. 166406

ADDRESS CONFIDENTIALITY PROGRAM	166407
Upon the request of the Secretary of State, the Director of Budget and Management may transfer up to \$200,000 per fiscal year in cash from the Business Services Operating Expenses Fund (Fund 5990) to the Address Confidentiality Program Fund (Fund 5SN0).	166408 166409 166410 166411
CORPORATE/BUSINESS FILING REFUNDS	166412
The foregoing appropriation item 050606, Corporate/Business Filing Refunds, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Upon approval of the Director of Budget and Management, such amounts are hereby appropriated.	166413 166414 166415 166416 166417 166418 166419 166420
HAVA FUNDS	166421
An amount equal to the unexpended, unencumbered portion of appropriation item 050616, Help America Vote Act (HAVA), at the end of fiscal year 2023 is hereby reappropriated for the same purpose in fiscal year 2024.	166422 166423 166424 166425
An amount equal to the unexpended, unencumbered portion of appropriation item 050616, Help America Vote Act (HAVA), at the end of fiscal year 2024 is hereby reappropriated for the same purpose in fiscal year 2025.	166426 166427 166428 166429
<b>Section 397.10. SEN THE OHIO SENATE</b>	166430
GRF 020321 Operating Expenses \$ 20,000,000 \$ 20,000,000	166431
TOTAL GRF General Revenue Fund \$ 20,000,000 \$ 20,000,000	166432
Internal Service Activity Fund Group	166433
1020 020602 Senate Reimbursement \$ 425,800 \$ 425,800	166434
4090 020601 Miscellaneous Sales \$ 34,497 \$ 34,497	166435
TOTAL ISA Internal Service Activity	166436

Fund Group	\$	460,297	\$	460,297	166437
TOTAL ALL BUDGET FUND GROUPS	\$	20,460,297	\$	20,460,297	166438

OPERATING EXPENSES 166439

On July 1, 2023, or as soon as possible thereafter, the Clerk 166440  
of the Senate may certify to the Director of Budget and Management 166441  
an amount up to the unexpended, unencumbered balance of the 166442  
foregoing appropriation item 020321, Operating Expenses, at the 166443  
end of fiscal year 2023 to be reappropriated to fiscal year 2024. 166444  
The amount certified is hereby reappropriated to the same 166445  
appropriation item for fiscal year 2024. 166446

On July 1, 2024, or as soon as possible thereafter, the Clerk 166447  
of the Senate may certify to the Director of Budget and Management 166448  
an amount up to the unexpended, unencumbered balance of the 166449  
foregoing appropriation item 020321, Operating Expenses, at the 166450  
end of fiscal year 2024 to be reappropriated to fiscal year 2025. 166451  
The amount certified is hereby reappropriated to the same 166452  
appropriation item for fiscal year 2025. 166453

**Section 399.10.** CSV COMMISSION ON SERVICE AND VOLUNTEERISM 166454

General Revenue Fund 166455

GRF 866321 CSV Operations	\$	685,000	\$	694,000	166456
TOTAL GRF General Revenue Fund	\$	685,000	\$	694,000	166457

Dedicated Purpose Fund Group 166458

5GN0 866605 Serve Ohio Support	\$	13,000	\$	13,000	166459
TOTAL DPF Dedicated Purpose Fund	\$	13,000	\$	13,000	166460

Group

Federal Fund Group 166461

3R70 866617 AmeriCorps Programs	\$	13,868,066	\$	13,897,793	166462
TOTAL FED Federal Fund Group	\$	13,868,066	\$	13,897,793	166463
TOTAL ALL BUDGET FUND GROUPS	\$	14,566,066	\$	14,604,793	166464

**Section 401.10.** CSF COMMISSIONERS OF THE SINKING FUND 166466

Debt Service Fund Group				166467
7070 155905 Third Frontier	\$	196,260,000	\$	0 166468
Research and				
Development Bond				
Retirement Fund				
7072 155902 Highway Capital	\$	155,000,000	\$	136,000,000 166469
Improvement Bond				
Retirement Fund				
7073 155903 Natural Resources Bond	\$	20,200,000	\$	16,800,000 166470
Retirement Fund				
7074 155904 Conservation Projects	\$	46,600,000	\$	40,900,000 166471
Bond Retirement Fund				
7076 155906 Coal Research and	\$	18,340,000	\$	0 166472
Development Bond				
Retirement Fund				
7077 155907 State Capital	\$	231,000,000	\$	236,000,000 166473
Improvement Bond				
Retirement Fund				
7078 155908 Common Schools Bond	\$	370,000,000	\$	297,000,000 166474
Retirement Fund				
7079 155909 Higher Education Bond	\$	250,000,000	\$	275,000,000 166475
Retirement Fund				
7080 155901 Persian Gulf,	\$	4,995,000	\$	4,995,000 166476
Afghanistan, and Iraq				
Conflict Bond				
Retirement Fund				
TOTAL DSF Debt Service Fund Group	\$	1,292,395,000	\$	1,006,695,000 166477
TOTAL ALL BUDGET FUND GROUPS	\$	1,292,395,000	\$	1,006,695,000 166478
ADDITIONAL APPROPRIATIONS				166479
Appropriation items in this section are for the purpose of				166480
paying debt service and financing costs during the period from				166481
July 1, 2023, through June 30, 2025, on bonds or notes of the				166482

state issued under the Ohio Constitution, Revised Code, and acts 166483  
of the General Assembly. If it is determined that additional 166484  
amounts are necessary for this purpose, such amounts are hereby 166485  
appropriated. 166486

**Section 404.10.** SHP STATE SPEECH AND HEARING PROFESSIONALS 166487  
BOARD 166488  
Dedicated Purpose Fund Group 166489  
4K90 123609 Operating Expenses \$ 647,461 \$ 652,461 166490  
TOTAL DPF Dedicated Purpose Fund \$ 647,461 \$ 652,461 166491  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 647,461 \$ 652,461 166492

**Section 407.10.** BTA BOARD OF TAX APPEALS 166494  
General Revenue Fund 166495  
GRF 116321 Operating Expenses \$ 2,085,000 \$ 2,296,000 166496  
TOTAL GRF General Revenue Fund \$ 2,085,000 \$ 2,296,000 166497  
TOTAL ALL BUDGET FUND GROUPS \$ 2,085,000 \$ 2,296,000 166498

**Section 409.10.** TAX DEPARTMENT OF TAXATION 166500  
General Revenue Fund 166501  
GRF 110321 Operating Expenses \$ 60,141,000 \$ 60,530,000 166502  
GRF 110404 Tobacco Settlement \$ 154,000 \$ 154,000 166503  
Enforcement  
TOTAL GRF General Revenue Fund \$ 60,295,000 \$ 60,684,000 166504  
Dedicated Purpose Fund Group 166505  
2280 110628 CAT Administration \$ 11,336,886 \$ 11,336,886 166506  
4350 110607 Local Tax \$ 32,467,356 \$ 33,100,095 166507  
Administration  
4360 110608 Motor Vehicle Audit \$ 1,509,168 \$ 1,509,168 166508  
Administration  
4380 110609 School District \$ 9,098,829 \$ 9,168,747 166509

		Income Tax				
		Administration				
4C60	110616	International	\$	726,464	\$	726,464 166510
		Registration Plan				
		Administration				
4R60	110610	Tire Tax	\$	180,000	\$	180,000 166511
		Administration				
5BP0	110639	Wireless 9-1-1	\$	302,244	\$	302,244 166512
		Administration				
5JM0	110637	Casino Tax	\$	125,000	\$	125,000 166513
		Administration				
5N50	110605	Municipal Income Tax	\$	200,000	\$	200,000 166514
		Administration				
5N60	110618	Kilowatt Hour Tax	\$	100,000	\$	100,000 166515
		Administration				
5NY0	110643	Petroleum Activity	\$	1,010,356	\$	1,010,356 166516
		Tax Administration				
5V70	110622	Motor Fuel Tax	\$	6,118,069	\$	6,118,069 166517
		Administration				
5V80	110623	Property Tax	\$	5,108,681	\$	5,108,681 166518
		Administration				
5YQ0	110651	Sports Gaming Tax	\$	100,000	\$	100,000 166519
		Administration				
		Operating Expenses				
5ZA0	110650	Ohio Tax System	\$	3,000,000	\$	5,000,000 166520
		Operating Expenses				
6390	110614	Cigarette Tax	\$	1,300,000	\$	1,300,000 166521
		Enforcement				
6880	110615	Local Excise Tax	\$	511,916	\$	511,916 166522
		Administration				
TOTAL	DPF	Dedicated Purpose Fund	\$	73,194,969	\$	75,897,626 166523
		Group				
		Fiduciary Fund Group				166524

4250	110635	Tax Refunds	\$ 2,853,345,225	\$ 3,082,043,652	166525
5CZ0	110631	Vendor's License	\$ 500,000	\$ 500,000	166526
		Application			
TOTAL FID	Fiduciary Fund Group		\$ 2,853,845,225	\$ 3,082,543,652	166527
	Holding Account Fund Group				166528
R010	110611	Tax Distributions	\$ 25,000	\$ 25,000	166529
R011	110612	Miscellaneous Income	\$ 500	\$ 500	166530
		Tax Receipts			
TOTAL HLD	Holding Account Fund		\$ 25,500	\$ 25,500	166531
	Group				
TOTAL ALL BUDGET FUND GROUPS			\$ 2,987,360,694	\$ 3,219,150,778	166532

**Section 409.20. TAX REFUNDS** 166534

The foregoing appropriation item 110635, Tax Refunds, shall 166535  
be used to pay refunds under section 5703.052 of the Revised Code. 166536  
If it is determined that additional appropriations are necessary 166537  
for this purpose, such amounts are hereby appropriated. 166538

**VENDOR'S LICENSE PAYMENTS** 166539

The foregoing appropriation item 110631, Vendor's License 166540  
Application, shall be used to make payments to county auditors 166541  
under section 5739.17 of the Revised Code. If it is determined 166542  
that additional appropriations are necessary to make such 166543  
payments, such amounts are hereby appropriated. 166544

**INTERNATIONAL REGISTRATION PLAN ADMINISTRATION** 166545

The foregoing appropriation item 110616, International 166546  
Registration Plan Administration, shall be used under section 166547  
5703.12 of the Revised Code for audits of persons with vehicles 166548  
registered under the International Registration Plan. 166549

**TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT** 166550

Of the foregoing appropriation item 110607, Local Tax 166551  
Administration, the Tax Commissioner may disburse funds, if 166552

available, for the purposes of paying travel expenses incurred by 166553  
members of Ohio's delegation to the Streamlined Sales Tax Project, 166554  
as appointed under section 5740.02 of the Revised Code. Any travel 166555  
expense reimbursement paid for by the Department of Taxation shall 166556  
be done in accordance with applicable state laws and guidelines. 166557

TOBACCO SETTLEMENT ENFORCEMENT 166558

The foregoing appropriation item 110404, Tobacco Settlement 166559  
Enforcement, shall be used by the Tax Commissioner to pay costs 166560  
incurred in the enforcement of divisions (F) and (G) of section 166561  
5743.03 of the Revised Code. 166562

OHIO TAX SYSTEM SUPPORT FUND 166563

The foregoing appropriation item 110650, Ohio Tax System 166564  
Operating Expenses, shall be used to pay costs incurred in the 166565  
maintenance and support of the department's Ohio Tax System. The 166566  
Tax Commissioner shall submit a plan to the Director of Budget and 166567  
Management requesting the necessary cash be transferred to the 166568  
Ohio Tax System Support Fund (Fund 5ZA0) which is hereby created 166569  
in the state treasury. Cash shall be transferred from one or a 166570  
combination of the following funds: the Revenue Enhancement Fund, 166571  
Local Sales Tax Administrative Fund, General School District 166572  
Income Tax Administrative Fund, Motor Vehicle Sales Audit Fund, 166573  
Property Tax Administration Fund, STARS Development and 166574  
Implementation Fund, and the Motor Fuel Tax Administration Fund. 166575  
This plan shall include a schedule of cash transfers. After 166576  
receiving the funding plan from the Tax Commissioner and if the 166577  
Director determines that sufficient cash is available, the 166578  
Director may transfer the cash to the Ohio Tax System Support Fund 166579  
with the plan submitted by the Tax Commissioner or as otherwise 166580  
determined by the Director of Budget and Management. The transfers 166581  
of cash to the Ohio Tax System Support Fund shall not exceed 166582  
\$8,000,000 in the fiscal year 2024-2025 biennium. 166583

<b>Section 411.10. DOT DEPARTMENT OF TRANSPORTATION</b>				166584
General Revenue Fund				166585
GRF	772455	DriveOhio and UAS Center EV Workforce Transformation	\$ 500,000 \$	1,500,000 166586
GRF	772456	Unmanned Aerial Systems Center	\$ 5,500,000 \$	5,500,000 166587
GRF	776465	Rail Development	\$ 6,000,000 \$	6,000,000 166588
GRF	777471	Airport Improvements - State	\$ 12,500,000 \$	12,500,000 166589
TOTAL GRF General Revenue Fund				\$ 24,500,000 \$ 25,500,000 166590
Dedicated Purpose Fund Group				166591
5QT0	776670	Ohio Maritime Assistance Program	\$ 20,000,000 \$	20,000,000 166592
5ZR0	776673	Connect4Ohio	\$ 1,000,000,000 \$	0 166593
5AC1	776674	Airport Development Grants	\$ 50,000,000 \$	0 166594
TOTAL DPF Dedicated Purpose Fund Group				\$ 1,070,000,000 \$ 20,000,000 166595
TOTAL ALL BUDGET FUND GROUPS				\$1,094,500,000 \$ 45,500,000 166596

**Section 411.15. OHIO MARITIME ASSISTANCE PROGRAM** 166598

The foregoing appropriation item 776670, Ohio Maritime Assistance Program, shall be used to provide grants under the Ohio Maritime Assistance Program established under section 5501.91 of the Revised Code. 166599  
166600  
166601  
166602

The Director of Budget and Management, on July 1 or as soon as possible thereafter in each fiscal year, shall transfer \$20,000,000 cash from the General Revenue Fund to the Ohio Maritime Assistance Fund (Fund 5QT0). 166603  
166604  
166605  
166606

Section 411.30. CONNECT4OHIO 166607

The foregoing appropriation item 776673, Connect4Ohio, shall 166608  
be used to administer the Connect4Ohio Program created under 166609  
Section 755.30 of this act. The unexpended, unencumbered portion 166610  
of appropriation item 776673, Connect4Ohio, at the end of fiscal 166611  
year 2024 is hereby reappropriated for the same purpose in fiscal 166612  
year 2025. 166613

Of the foregoing appropriation item 776673, Connect4Ohio, the 166614  
amounts below shall be used as follows: 166615

(A) Up to \$200,000,000 of funding available under 166616  
appropriation item 776673, Connect4Ohio, shall be used to complete 166617  
qualifying bridge replacement projects as described under division 166618  
(C)(3) of Section 755.30 of this act. 166619

(B) Up to \$200,000,000 of funding available under 166620  
appropriation item 776673, Connect4Ohio, shall be used to provide 166621  
necessary matching funds under division (D)(3) of Section 755.30 166622  
of this act. 166623

(C) Up to \$24,000,000 in fiscal year 2024 under appropriation 166624  
item 776673, Connect4Ohio, shall be allocated in the following 166625  
manner: up to \$14,400,000 shall be allocated to the Licking County 166626  
Board of Commissioners, up to \$3,600,000 shall be allocated to the 166627  
City of Newark, up to \$3,600,000 shall be allocated to the City of 166628  
Johnstown, and up to \$2,400,000 shall be allocated to the City of 166629  
Heath. These allocations shall be used for road improvements 166630  
including road expansion, road development, bridges, culverts, and 166631  
right-of-way acquisitions in support of the Intel economic 166632  
development project. 166633

(D) Up to \$6,200,000 in fiscal year 2024 under appropriation 166634  
item 776673, Connect4Ohio, shall be allocated to the Fayette 166635  
County Engineer for road improvement projects. 166636

(E) Up to \$1,000,000 of funding available under appropriation 166637  
item 776673, Connect4Ohio, shall be used to conduct a feasibility 166638  
study to examine granting right-of-way access along State Route 11 166639  
connecting two deep sea ports in Ashtabula County with a deep sea 166640  
port in Columbiana County. 166641

(F) At least thirty-three per cent of the funding available 166642  
under appropriation item 776673, Connect4Ohio, notwithstanding the 166643  
allocations in divisions (A), (B), (C), (D), and (E) of this 166644  
section, shall be used for qualifying projects under division (A) 166645  
of Section 755.30 of this act. 166646

**Section 411.40. AIRPORT DEVELOPMENT GRANTS** 166647

Of the foregoing appropriation item 776674, Airport 166648  
Development Grants, \$3,000,000 in fiscal year 2024 shall be used 166649  
to support runway improvements and extensions for the 166650  
Youngstown-Warren Regional Airport in Trumbull County. 166651

The remainder of the foregoing appropriation item 776674, 166652  
Airport Development Grants, shall be used for commercial airport 166653  
improvements in the state. An amount equal to the unexpended, 166654  
unencumbered portion of this appropriation at the end of fiscal 166655  
year 2024 is hereby reappropriated for the same purposes in fiscal 166656  
year 2025. 166657

**Section 413.10. TOS TREASURER OF STATE** 166658

General Revenue Fund					166659	
GRF 090321	Operating Expenses	\$	6,478,000	\$	5,432,000	166660
GRF 090406	Treasury Management	\$	1,120,000	\$	1,120,000	166661
	System Lease Rental					
	Payments					
TOTAL GRF	General Revenue Fund	\$	7,598,000	\$	6,552,000	166662
	Dedicated Purpose Fund Group					166663

4E90	090603	Securities Lending	\$	10,022,465	\$	11,068,905	166664
		Income					
4X90	090614	Political Subdivision	\$	35,000	\$	35,000	166665
		Obligation					
5770	090605	Investment Pool	\$	1,700,000	\$	1,700,000	166666
		Reimbursement					
5C50	090602	County Treasurer	\$	250,000	\$	250,000	166667
		Education					
6050	090609	Treasurer of State	\$	1,800,000	\$	1,800,000	166668
		Administrative Fund					
TOTAL DPF Dedicated Purpose							166669
Fund Group			\$	13,807,465	\$	14,853,905	166670
Fiduciary Fund Group							166671
4250	090635	Tax Refunds	\$	12,000,000	\$	12,000,000	166672
TOTAL FID Fiduciary Fund Group							166673
TOTAL ALL BUDGET FUND GROUPS							166674

**Section 413.20. TAX REFUNDS** 166676

The foregoing appropriation item 090635, Tax Refunds, shall 166677  
be used to pay refunds under section 5703.052 of the Revised Code. 166678  
If the Director of Budget and Management determines that 166679  
additional amounts are necessary for this purpose, such amounts 166680  
are hereby appropriated. 166681

**Section 413.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL** 166682  
**PAYMENTS** 166683

The foregoing appropriation item 090406, Treasury Management 166684  
System Lease Rental Payments, shall be used to make payments 166685  
during the period from July 1, 2023, through June 30, 2025, 166686  
pursuant to leases and agreements entered into under Section 166687  
701.20 of H.B. 497 of the 130th General Assembly and other prior 166688  
acts of the General Assembly with respect to financing the costs 166689

associated with the acquisition, development, implementation, and 166690  
integration of the Treasury Management System. 166691

**Section 414.10.** VTO VETERANS' ORGANIZATIONS 166692

General Revenue Fund 166693

VAP AMERICAN EX-PRISONERS OF WAR 166694

GRF 743501 State Support \$ 40,000 \$ 40,000 166695

VAN ARMY AND NAVY UNION, USA, INC. 166696

GRF 746501 State Support \$ 75,000 \$ 75,000 166697

VKW KOREAN WAR VETERANS 166698

GRF 747501 State Support \$ 75,000 \$ 75,000 166699

VJW JEWISH WAR VETERANS 166700

GRF 748501 State Support \$ 55,000 \$ 55,000 166701

VCW CATHOLIC WAR VETERANS 166702

GRF 749501 State Support \$ 75,000 \$ 75,000 166703

VPH MILITARY ORDER OF THE PURPLE HEART 166704

GRF 750501 State Support \$ 75,000 \$ 75,000 166705

VVV VIETNAM VETERANS OF AMERICA 166706

GRF 751501 State Support \$ 275,000 \$ 275,000 166707

VAL AMERICAN LEGION OF OHIO 166708

GRF 752501 State Support \$ 450,000 \$ 450,000 166709

VII AMVETS 166710

GRF 753501 State Support \$ 450,000 \$ 450,000 166711

VAV DISABLED AMERICAN VETERANS 166712

GRF 754501 State Support \$ 450,000 \$ 450,000 166713

VMC MARINE CORPS LEAGUE 166714

GRF 756501 State Support \$ 190,000 \$ 190,000 166715

V37 37TH DIVISION VETERANS' ASSOCIATION 166716

GRF 757501 State Support \$ 15,000 \$ 15,000 166717

VFW VETERANS OF FOREIGN WARS 166718

GRF 758501 State Support \$ 450,000 \$ 450,000 166719

TOTAL GRF General Revenue Fund \$ 2,675,000 \$ 2,675,000 166720

TOTAL ALL BUDGET FUND GROUPS		\$	2,675,000	\$	2,675,000	166721
<b>Section 415.10. DVS DEPARTMENT OF VETERANS SERVICES</b>						166723
General Revenue Fund						166724
GRF 900321	Veterans' Homes	\$	48,972,000	\$	51,374,000	166725
GRF 900402	Hall of Fame	\$	105,000	\$	112,000	166726
GRF 900408	Department of Veterans Services	\$	4,794,000	\$	4,837,000	166727
GRF 900645	Veterans Long Term Healthcare Needs and Support (VET)	\$	1,560,000	\$	1,560,000	166728
GRF 900901	Veterans Compensation General Obligation Bond Debt Service	\$	4,995,000	\$	4,995,000	166729
TOTAL GRF General Revenue Fund		\$	60,426,000	\$	62,878,000	166730
Dedicated Purpose Fund Group						166731
4840 900603	Veterans' Homes Services	\$	700,000	\$	700,000	166732
4E20 900602	Veterans' Homes Operating	\$	14,000,000	\$	14,000,000	166733
5DB0 900643	Military Injury Relief Program	\$	55,800	\$	55,800	166734
5NX0 900646	State Opioid Response	\$	1,000,000	\$	1,000,000	166735
5YP0 900650	Sports Gaming - Veterans	\$	125,000	\$	125,000	166736
5Z00 900411	Veterans Homes Modernization	\$	65,000,000		0	166737
TOTAL DPF Dedicated Purpose Fund Group		\$	80,880,800	\$	15,880,800	166738
Debt Service Fund Group						166739
7041 900615	Veteran Bonus Program - Administration	\$	229,024	\$	205,643	166740

7041 900641	Persian Gulf, Afghanistan, and Iraq Compensation	\$ 4,770,976	\$ 4,794,357	166741
TOTAL DSF Debt Service				166742
Fund Group		\$ 5,000,000	\$ 5,000,000	166743
Federal Fund Group				166744
3680 900614	Veterans Training	\$ 936,491	\$ 963,333	166745
3BX0 900609	Medicare Services	\$ 1,000,000	\$ 1,000,000	166746
3L20 900601	Veterans' Homes Operations - Federal	\$ 30,500,000	\$ 30,500,000	166747
TOTAL FED Federal Fund Group				166748
TOTAL ALL BUDGET FUND GROUPS				166749
VETERANS ORGANIZATIONS' RENT				166750
The foregoing appropriation item 900408, Department of Veterans Services, shall be used to pay veterans organizations' rent in buildings managed by the Department of Administrative Services.				166751 166752 166753 166754
USA CARES - OHIO				166755
Of the foregoing appropriation item 900408, Department of Veterans Services, \$750,000 in each fiscal year shall be used for USA Cares - Ohio.				166756 166757 166758
VOLUNTEERS OF AMERICA CLEVELAND SHELTER FOR FEMALE VETERANS				166759
Of the foregoing appropriation item 900408, Department of Veterans Services, \$200,000 in fiscal year 2024 shall be distributed to Volunteers of America to construct temporary housing for female veterans in need and to provide related services to Ohio female veterans at their facility located in Cuyahoga County. All of this funding shall be spent in Ohio on Ohio female veterans.				166760 166761 166762 166763 166764 166765 166766
SAVE A WARRIOR				166767

Of the foregoing appropriation item 900408, Department of 166768  
Veterans Services, \$100,000 in each fiscal year shall be 166769  
distributed to Save a Warrior to provide post-traumatic stress 166770  
rehabilitation services to Ohio veterans at their facility located 166771  
in Highland County. 166772

**VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE** 166773

The foregoing appropriation item 900901, Veterans 166774  
Compensation General Obligation Bond Debt Service, shall be used 166775  
to pay all debt service and related financing costs during the 166776  
period from July 1, 2023, through June 30, 2025, on obligations 166777  
issued under Section 2r of Article VIII, Ohio Constitution. 166778

**Section 417.10. DVM STATE VETERINARY MEDICAL LICENSING BOARD** 166779

Dedicated Purpose Fund Group 166780

4K90 888609 Operating Expenses \$ 444,000 \$ 448,000 166781

5YG0 888603 Veterinarian Student \$ 0 \$ 250,000 166782

Debt Assistance

Program

TOTAL DPF Dedicated Purpose 166783

Fund Group \$ 444,000 \$ 698,000 166784

Internal Service Activity Fund Group 166785

5BU0 888602 Veterinary Student \$ 20,000 \$ 20,000 166786

Loan Program

TOTAL ISA Internal Service Activity 166787

Fund Group \$ 20,000 \$ 20,000 166788

TOTAL ALL BUDGET FUND GROUPS \$ 464,000 \$ 718,000 166789

**Section 419.10. VPB STATE VISION PROFESSIONALS BOARD** 166791

Dedicated Purpose Fund Group 166792

4K90 129609 Operating Expenses \$ 608,684 \$ 619,684 166793

TOTAL DPF Dedicated Purpose Fund \$ 608,684 \$ 619,684 166794

Group

TOTAL ALL BUDGET FUND GROUPS \$ 608,684 \$ 619,684 166795

**Section 421.10.** DYS DEPARTMENT OF YOUTH SERVICES 166797

General Revenue Fund 166798

GRF 470401 RECLAIM Ohio \$ 195,000,000 \$ 196,000,000 166799

GRF 470412 Juvenile Correctional \$ 15,300,000 \$ 18,500,000 166800

Facilities Lease

Rental Bond Payments

GRF 470510 Youth Services \$ 16,702,000 \$ 16,702,000 166801

GRF 472321 Parole Operations \$ 11,318,000 \$ 11,822,000 166802

GRF 477321 Administrative \$ 16,427,000 \$ 16,775,000 166803

Operations

TOTAL GRF General Revenue Fund \$ 254,747,000 \$ 259,799,000 166804

Dedicated Purpose Fund Group 166805

1470 470612 Vocational Education \$ 1,482,700 \$ 1,482,700 166806

1750 470613 Education Services \$ 3,718,100 \$ 3,915,300 166807

4790 470609 Employee Food Service \$ 21,400 \$ 21,400 166808

4A20 470602 Child Support \$ 95,000 \$ 95,000 166809

4G60 470605 Juvenile Special \$ 115,000 \$ 115,000 166810

Revenue - Non-Federal

5BN0 470629 E-Rate Program \$ 59,000 \$ 59,000 166811

TOTAL DPF Dedicated Purpose 166812

Fund Group \$ 5,491,200 \$ 5,688,400 166813

Federal Fund Group 166814

3210 470601 Education \$ 1,263,900 \$ 1,046,900 166815

3210 470603 Juvenile Justice \$ 2,716,500 \$ 2,747,300 166816

Prevention

3210 470606 Nutrition \$ 1,055,000 \$ 1,055,000 166817

3210 470614 Title IV-E \$ 3,506,000 \$ 1,406,000 166818

Reimbursements

3210 470691 COVID Mitigation and \$ 2,076,800 \$ 246,100 166819

	Detection				
3V50 470604	Juvenile	\$	1,912,400	\$	1,912,500 166820
	Justice/Delinquency				
	Prevention				
TOTAL FED	Federal				166821
Fund Group		\$	12,530,600	\$	8,413,800 166822
TOTAL ALL BUDGET FUND GROUPS		\$	272,768,800	\$	273,901,200 166823

COMMUNITY PROGRAMS 166824

For purposes of implementing juvenile sentencing reforms, and 166825  
notwithstanding any provision of law to the contrary, the 166826  
Department of Youth Services may use up to \$1,375,000 of the 166827  
unexpended, unencumbered balance of the portion of appropriation 166828  
item 470401, RECLAIM Ohio, that is allocated to juvenile 166829  
correctional facilities in each fiscal year to expand Targeted 166830  
RECLAIM, the Behavioral Health Juvenile Justice Initiative, and 166831  
other evidence-based community programs. 166832

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 166833

The foregoing appropriation item 470412, Juvenile 166834  
Correctional Facilities Lease Rental Bond Payments, shall be used 166835  
to meet all payments during the period from July 1, 2023, through 166836  
June 30, 2025, by the Department of Youth Services under the 166837  
leases and agreements for facilities made under Chapters 152. and 166838  
154. of the Revised Code. These appropriations are the source of 166839  
funds pledged for bond service charges on related obligations 166840  
issued under Chapters 152. and 154. of the Revised Code. 166841

EDUCATION SERVICES 166842

The foregoing appropriation item 470613, Education Services, 166843  
shall be used to fund the operating expenses of providing 166844  
educational services to youth supervised by the Department of 166845  
Youth Services. Operating expenses include, but are not limited 166846  
to, teachers' salaries, maintenance costs, and educational 166847

equipment.					166848
FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES					166849
In collaboration with the county family and children first					166850
council, the juvenile court of that county that receives					166851
allocations from one or both of the foregoing appropriation items					166852
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer					166853
portions of those allocations to a flexible funding pool as					166854
authorized by the section of this act titled "FAMILY AND CHILDREN					166855
FIRST FLEXIBLE FUNDING POOL."					166856
<b>Section 423.10.</b> KID DEPARTMENT OF CHILDREN AND YOUTH					166857
General Revenue Fund					166858
GRF 830400	Child Care	\$ 93,636,000	\$ 93,636,000		166859
	State/Maintenance of				
	Effort				
GRF 830401	Foster Care	\$ 952,000	\$ 952,000		166860
GRF 830402	Healthy Beginnings at	\$ 16,000,000	\$ 1,000,000		166861
	Home				
GRF 830403	Help Me Grow	\$ 46,500,000	\$ 55,000,000		166862
GRF 830404	Infant Vitality	\$ 16,361,000	\$ 17,800,000		166863
GRF 830405	Part C Early	\$ 24,402,000	\$ 24,402,000		166864
	Intervention				
GRF 830406	Strong Families	\$ 4,500,000	\$ 4,500,000		166865
	Strong Communities				
GRF 830407	Early Childhood	\$ 130,316,000	\$ 130,316,000		166866
	Education				
GRF 830408	Early Learning	\$ 2,760,000	\$ 2,760,000		166867
	Assessment				
GRF 830409	Childcare Licensing	\$ 3,823,000	\$ 3,863,000		166868
GRF 830410	Family and Children	\$ 2,706,000	\$ 2,706,000		166869
	First				
GRF 830411	Imagination Library	\$ 8,000,000	\$ 8,000,000		166870

GRF	830500	Early Care and Education	\$	141,285,000	\$	141,285,000	166871
GRF	830501	Kinship Permanency Incentive Program	\$	1,000,000	\$	1,000,000	166872
GRF	830502	Court Appointed Special Advocates	\$	1,000,000	\$	1,000,000	166873
GRF	830503	Adoption Services	\$	23,992,000	\$	23,992,000	166874
GRF	830504	Infant Health Grants	\$	1,587,000	\$	1,587,000	166875
GRF	830505	Early Childhood Mental Health (ECMH)	\$	6,250,000	\$	6,250,000	166876
GRF	830506	Family and Children Services	\$	252,212,000	\$	266,601,000	166877
TOTAL GRF	General Revenue Fund		\$	777,282,000	\$	786,650,000	166878
Dedicated Purpose Fund Group							166879
							166880
1980	830600	Children's Trust Fund	\$	5,777,313	\$	5,682,251	166881
2320	830613	Family and Children First	\$	2,389,999	\$	2,400,019	166882
4F10	830607	Family and Children Activities	\$	655,000	\$	655,000	166883
5AK1	830614	Child Care Infrastructure	\$	15,000,000	\$	15,000,000	166884
5KT0	830606	Early Childhood Education	\$	20,000,000	\$	20,000,000	166885
TOTAL DPF	Dedicated Purpose Fund Group		\$	43,822,312	\$	43,737,270	166886
							166887
Federal Fund Group							166888
3200	830608	Maternal and Child Health Block Grant	\$	26,632,123	\$	27,937,097	166889
3250	830609	Community Social Service Programs	\$	17,303,908	\$	17,303,908	166890
3270	830601	Child Welfare	\$	30,452,109	\$	30,662,072	166891

3980	830612	Adoption Program	\$	191,010,421	\$	196,784,786	166892
3C50	830610	Preschool Special	\$	14,026,864	\$	14,026,864	166893
		Education					
3D30	830602	Children's Trust Fund	\$	6,966,717	\$	6,978,646	166894
3H70	830604	Child Care	\$	594,570,212	\$	594,897,934	166895
3HF0	830611	Head Start	\$	225,000	\$	225,000	166896
		Collaboration					
3N00	830603	Foster Care Program	\$	334,844,117	\$	336,851,933	166897
3V60	830605	TANF Block Grant	\$	240,131,211	\$	240,131,211	166898
TOTAL FED	Federal						166899
Fund Group			\$	1,456,162,682	\$	1,465,799,451	166900
TOTAL ALL BUDGET FUND GROUPS			\$	2,277,266,994	\$	2,296,186,721	166901

**Section 423.20. INFANT VITALITY GRANTS AND PROGRAMS** 166903

Of the foregoing appropriation item 830402, Healthy Beginnings at Home, up to \$15,000,000 in fiscal year 2024 shall be used, in coordination with the Department of Health, to support stable housing initiatives for pregnant mothers and to improve maternal and infant health outcomes. 166904  
166905  
166906  
166907  
166908

Of the foregoing appropriation item, 830402, Healthy Beginnings at Home, up to \$1,000,000 in each fiscal year shall be used for Move to Prosper efforts. 166909  
166910  
166911

Of the foregoing appropriation item, 830404, Infant Vitality, up to \$2,500,000 in each fiscal year shall be used, in consultation with the Governor's Office of Children's Initiatives, to support programming by community and local faith-based service providers that invests in maternal health programs, provides services and support to pregnant mothers, and improves both maternal and infant health outcomes. 166912  
166913  
166914  
166915  
166916  
166917  
166918

Of the foregoing appropriation item 830404, Infant Vitality, \$2,000,000 in each fiscal year shall be distributed to Brigid's Path to support their infant and maternal health programs that 166919  
166920  
166921

improve health outcomes for infants who are born 166922  
substance-exposed, support family resiliency, and prevent 166923  
placements in the child welfare system. 166924

Beginning in state fiscal year 2024, the Department of 166925  
Children and Youth, in coordination with the Department of 166926  
Medicaid, shall establish a bundle of funding for nonmedical 166927  
maternal and child health programmatic services provided by 166928  
residential infant care centers to infants born substance-exposed 166929  
and their families. The Department of Children and Youth and the 166930  
Department of Medicaid shall establish a permanent reimbursement 166931  
model for services provided by residential infant care centers not 166932  
later than June 30, 2025. The permanent reimbursement model shall 166933  
include reimbursement for medical services in accordance with the 166934  
Medicaid program's coverage of the optional eligibility group 166935  
specified in division (I) of section 5163.06 of the Revised Code 166936  
and reimbursement for nonmedical services in accordance with this 166937  
section. 166938

The remainder of appropriation item 830404, Infant Vitality, 166939  
shall be used to fund a multi-pronged population health approach 166940  
to address infant mortality. This approach may include the 166941  
following: increasing awareness, including awareness regarding 166942  
respiratory syncytial virus; supporting data collection; analysis 166943  
and interpretation to inform decision-making and ensure 166944  
accountability; targeting resources where the need is greatest; 166945  
and implementing quality improvement science and programming that 166946  
is evidence-based or based on emerging practices. Measurable 166947  
interventions may include activities related to safe sleep, 166948  
community engagement, group prenatal care, preconception 166949  
education, continuous support for women during pregnancy and 166950  
childbirth, patient navigators, community health workers, early 166951  
childhood home visiting, newborn screening, safe birth spacing, 166952  
gestational diabetes, smoking cessation tailored for pregnant 166953

women, breastfeeding, care coordination, and progesterone. 166954

The foregoing appropriation item 830504, Infant Health 166955  
Grants, shall be used by the Department of Children and Youth, in 166956  
consultation and coordination with the Commission on Minority 166957  
Health, to support the continuation or expansion of a pathways 166958  
community HUB model that has the primary objective of reducing 166959  
infant mortality. 166960

**Section 423.25. PART C EARLY INTERVENTION** 166961

Of the foregoing appropriation item 830405, Part C Early 166962  
Intervention, \$1,000,000 in total in each fiscal year shall be 166963  
used to contract with the Cleveland Sight Center, the Cincinnati 166964  
Association for the Blind and Visually Impaired, and the Sight 166965  
Center of Northwest Ohio to provide early intervention special 166966  
instruction services and family support to children under the age 166967  
of three with blindness or low vision. 166968

**Section 423.30. CHILDREN'S MENTAL HEALTH** 166969

Of the foregoing appropriation item 830406, Strong Families 166970  
Strong Communities, up to \$4,500,000 in each fiscal year shall be 166971  
used to provide funding for community projects across the state 166972  
that focus on support for families, assisting families in avoiding 166973  
crisis, and crisis intervention. 166974

The foregoing appropriation item 830505, Early Childhood 166975  
Mental Health, shall be used to promote identification and 166976  
intervention for early childhood mental health and to enhance 166977  
healthy social emotional development in order to reduce preschool 166978  
to third grade classroom expulsions. Funds shall be used by the 166979  
Department of Children and Youth, in coordination with Department 166980  
of Mental Health and Addiction Services, to support early 166981  
childhood mental health credentialed counselors and consultation 166982  
services, as well as administration and workforce development for 166983

the program. 166984

**Section 423.40. EARLY CHILDHOOD EDUCATION** 166985

Of the foregoing appropriation item 830606, Early Childhood Education, up to \$20,000,000 in each fiscal year shall be used by the Department of Children and Youth, in coordination with the Department of Job and Family Services, to achieve the goals described in division (C) of section 5104.29 of the Revised Code. 166986  
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Of the foregoing appropriation item 830407, Early Childhood Education, up to \$1,100,000 in each fiscal year shall be used for the Supporting Partnerships to Assure Ready Kids (SPARK) program in Ohio. 166991  
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The Department of Children and Youth, in coordination with the Department of Education, shall distribute the remainder of appropriation item 830407, Early Childhood Education, to pay the costs of early childhood education programs. The Department shall distribute such funds directly to qualifying providers. 166995  
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(A) As used in this section: 167000

(1) "Provider" means a city, local, exempted village, or joint vocational school district; an educational service center; a community school established under Chapter 3314. of the Revised Code that is sponsored by an exemplary rated sponsor; notwithstanding anything to the contrary in Chapter 3326. of the Revised Code, a STEM school that is established under that chapter; a chartered nonpublic school; an early childhood education child care provider licensed under Chapter 5104. of the Revised Code that participates in and meets at least the third highest tier of the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code; or a combination of entities described in this paragraph. 167001  
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(2) In the case of a city, local, or exempted village school 167013

district or early childhood education child care provider licensed 167014  
under Chapter 5104. of the Revised Code, "new eligible provider" 167015  
means a provider that did not receive state funding for Early 167016  
Childhood Education in the previous fiscal year or demonstrates a 167017  
need for early childhood programs as defined in division (D) of 167018  
this section. 167019

(3) In the case of a community school, "new eligible 167020  
provider" means either of the following: 167021

(a) A community school established under Chapter 3314. of the 167022  
Revised Code that is sponsored by a sponsor rated "exemplary" in 167023  
accordance with section 3314.016 of the Revised Code that offers a 167024  
child care program in accordance with sections 3301.50 to 3301.59 167025  
of the Revised Code that did not receive state funding for Early 167026  
Childhood Education in the previous fiscal year; 167027

(b) A community school established under Chapter 3314. of the 167028  
Revised Code that satisfies all of the following criteria: 167029

(i) It has received, on its most recent report card, either 167030  
of the following: 167031

(I) If the school offers any of grade levels four through 167032  
twelve, a performance rating of three stars or higher for 167033  
achievement under division (D)(3)(b) of section 3302.03 of the 167034  
Revised Code and progress under division (D)(3)(c) of section 167035  
3302.03 of the Revised Code; 167036

(II) If the school does not offer a grade level higher than 167037  
three, a performance rating of three stars or higher for early 167038  
literacy under division (D)(3)(e) of section 3302.03 of the 167039  
Revised Code. 167040

(ii) It offers a child care program in accordance with 167041  
sections 3301.50 to 3301.59 of the Revised Code. 167042

(iii) It did not receive state funding for Early Childhood 167043

Education in the previous fiscal year. 167044

(4) "Eligible child" means a child who is at least three 167045  
years of age, is not of the age to be eligible for kindergarten, 167046  
and whose family earns not more than two hundred per cent of the 167047  
federal poverty guidelines as defined in division (A)(3) of 167048  
section 5101.46 of the Revised Code. Children with an 167049  
Individualized Education Program and where the Early Childhood 167050  
Education program is the least restrictive environment may be 167051  
enrolled on their third birthday. 167052

(5) "Early learning program standards" means early learning 167053  
program standards for school readiness developed by the Department 167054  
to assess the operation of Children and Youth programs. 167055

(6) "Children and Youth programs" has the same meaning as in 167056  
section 5104.29 of the Revised Code. 167057

(B) In each fiscal year, up to two per cent of the total 167058  
appropriation may be used by the Department for program support 167059  
and technical assistance. The Department shall distribute the 167060  
remainder of the appropriation in each fiscal year to serve 167061  
eligible children. 167062

(C) The Department of Children and Youth shall provide an 167063  
annual report to the Governor, the Speaker of the House of 167064  
Representatives, and the President of the Senate and post the 167065  
report to the Department's web site, regarding early childhood 167066  
education programs operated under this section and the early 167067  
learning program standards. 167068

(D) After setting aside the amounts to make payments due from 167069  
the previous fiscal year, in fiscal year 2024, the Department 167070  
shall distribute funds first to recipients of funds for early 167071  
childhood education programs under Section 265.20 of H.B. 110 of 167072  
the 134th General Assembly in the previous fiscal year and the 167073  
balance to new eligible providers of early childhood education 167074

programs or to existing providers to serve more eligible children 167075  
pursuant to division (E) of this section or for purposes of 167076  
program expansion, improvement, or special projects to promote 167077  
quality and innovation, including piloting all-day programming. 167078

After setting aside the amounts to make payments due from the 167079  
previous fiscal year, in fiscal year 2025, the Department shall 167080  
distribute funds first to providers of early childhood education 167081  
programs under this section in the previous fiscal year and the 167082  
balance to new eligible providers or to existing providers to 167083  
serve more eligible children as outlined under division (E) of 167084  
this section or for purposes of program expansion, improvement, or 167085  
special projects to promote quality and innovation, including 167086  
piloting all-day programming. 167087

(E)(1) The Department shall distribute any new or remaining 167088  
funding to existing providers of early childhood education 167089  
programs or any new eligible providers in an effort to invest in 167090  
high quality early childhood programs where there is a need as 167091  
determined by the Department. The Department shall distribute the 167092  
new or remaining funds to existing providers of early childhood 167093  
education programs or any new eligible providers to serve 167094  
additional eligible children based on community economic 167095  
disadvantage, limited access to high quality preschool or 167096  
childcare services, and demonstration of high quality preschool 167097  
services. 167098

(2) Awards under divisions (D) and (E) of this section shall 167099  
be distributed on a per-pupil basis, and in accordance with 167100  
division (I) of this section. The Department may adjust the 167101  
per-pupil amount so that the per-pupil amount multiplied by the 167102  
number of eligible children enrolled and receiving services on the 167103  
first day of December or the business day closest to that date 167104  
equals the amount allocated under this section. 167105

(F) Funds awarded under this section must be used to support 167106

expenses directly related to the operation of an early childhood 167107  
education program. Costs for developing and administering an early 167108  
childhood education program may not exceed fifteen per cent of the 167109  
total approved costs of the program. 167110

All providers shall maintain such fiscal control and 167111  
accounting procedures as may be necessary to ensure the 167112  
disbursement of, and accounting for, these funds. The control of 167113  
funds provided in this program, and title to property obtained, 167114  
shall be under the authority of the approved provider for purposes 167115  
provided in the program unless, as described in division (K) of 167116  
this section, the program waives its right for funding or a 167117  
program's funding is eliminated or reduced due to its inability to 167118  
meet financial or early learning program standards. The approved 167119  
provider shall administer and use such property and funds for the 167120  
purposes specified. 167121

(G) The Department may examine a provider's financial and 167122  
program records. If the financial practices of the program are not 167123  
in accordance with standard accounting principles or do not meet 167124  
financial standards outlined under division (F) of this section, 167125  
or if the program fails to substantially meet the early learning 167126  
program standards, meet a quality rating level in the Step Up to 167127  
Quality program established pursuant to section 5104.29 of the 167128  
Revised Code as prescribed by the Department, or exhibits below 167129  
average performance as measured against the standards, the early 167130  
childhood education program shall propose and implement a 167131  
corrective action plan that has been approved by the Department. 167132  
The approved corrective action plan shall be signed by the chief 167133  
executive officer and the executive of the official governing body 167134  
of the provider. The corrective action plan shall include a 167135  
schedule for monitoring by the Department. Such monitoring may 167136  
include monthly reports, inspections, a timeline for correction of 167137  
deficiencies, and technical assistance to be provided by the 167138

Department or obtained by the early childhood education program. 167139  
The Department may withhold funding pending corrective action. If 167140  
an early childhood education program fails to satisfactorily 167141  
complete a corrective action plan, the Department may deny 167142  
expansion funding to the program or withdraw all or part of the 167143  
funding to the program and establish a new eligible provider 167144  
through a selection process established by the Department. 167145

(H)(1) If the early childhood education program is not highly 167146  
rated, as determined by the Director of Children and Youth, under 167147  
the Step Up to Quality program established pursuant to section 167148  
5104.29 of the Revised Code, the program shall do all of the 167149  
following: 167150

(a) Meet teacher qualification requirements prescribed by 167151  
section 3301.311 of the Revised Code; 167152

(b) Align curriculum to the early learning content standards 167153  
developed by the Department; 167154

(c) Meet any child or program assessment requirements 167155  
prescribed by the Department; 167156

(d) Require teachers, except teachers enrolled and working to 167157  
obtain a degree pursuant to section 3301.311 of the Revised Code, 167158  
to attend a minimum of twenty hours every two years of 167159  
professional development as prescribed by the Department; 167160

(e) Document and report child progress as prescribed by the 167161  
Department; 167162

(f) Meet and report compliance with the early learning 167163  
program standards as prescribed by the Department; 167164

(g) Participate in the Step Up to Quality program established 167165  
pursuant to section 5104.29 of the Revised Code. 167166

(2) If the program is highly rated, as determined by the 167167  
Director of Children and Youth, under the Step Up to Quality 167168

program established pursuant to section 5104.29 of the Revised Code, the program shall comply with the requirements of that program.

(I) Per-pupil funding for programs subject to this section shall be sufficient to provide eligible children with services for a standard early childhood schedule which shall be defined in this section as a minimum of twelve and one-half hours per school week as defined in section 3313.62 of the Revised Code for the minimum school year as defined in sections 3313.48, 3313.481, and 3313.482 of the Revised Code. Nothing in this section shall be construed to prohibit program providers from utilizing other funds to serve eligible children in programs that exceed the twelve and one-half hours per week or that exceed the minimum school year. For any provider for which a standard early childhood education schedule creates a hardship or for which the provider shows evidence that the provider is working in collaboration with a preschool special education program, the provider may submit a waiver to the Department requesting an alternate schedule. If the Department approves a waiver for an alternate schedule that provides services for less time than the standard early childhood education schedule, the Department may reduce the provider's annual allocation proportionately. Under no circumstances shall an annual allocation be increased because of the approval of an alternate schedule.

(J) Each provider shall develop a sliding fee scale based on family incomes and shall charge families who earn more than two hundred per cent of the federal poverty guidelines, as defined in division (A)(3) of section 5101.46 of the Revised Code, for the early childhood education program.

The Department shall conduct an annual survey of each provider to determine whether the provider charges families tuition or fees, the amount families are charged relative to

family income levels, and the number of families and students 167201  
charged tuition and fees for the early childhood program. 167202

(K) If an early childhood education program voluntarily 167203  
waives its right for funding, or has its funding eliminated for 167204  
not meeting financial standards or the early learning program 167205  
standards, the provider shall transfer control of title to 167206  
property, equipment, and remaining supplies obtained through the 167207  
program to providers designated by the Department and return any 167208  
unexpended funds to the Department along with any reports 167209  
prescribed by the Department. The funding made available from a 167210  
program that waives its right for funding or has its funding 167211  
eliminated or reduced may be used by the Department for new grant 167212  
awards or expansion grants. The Department may award new grants or 167213  
expansion grants to eligible providers who apply. The eligible 167214  
providers who apply must do so in accordance with the selection 167215  
process established by the Department. 167216

(L) Eligible expenditures for the Early Childhood Education 167217  
Program shall be claimed each fiscal year to help meet the state's 167218  
TANF maintenance of effort requirement. The Superintendent of 167219  
Public Instruction, Director of Children and Youth, and the 167220  
Director of Job and Family Services shall enter into an 167221  
interagency agreement to carry out the requirements under this 167222  
division, which shall include developing reporting guidelines for 167223  
these expenditures. 167224

(M)(1) The Department of Children and Youth and the 167225  
Department of Job and Family Services shall continue to work 167226  
toward establishing the following in common between early 167227  
childhood education programs and publicly funded child care: 167228

(a) An application; 167229

(b) Program eligibility; 167230

(c) Funding; 167231

(d) An attendance policy;	167232
(e) An attendance tracking system.	167233
(2) In accordance with section 5104.34 of the Revised Code, eligible families may receive publicly funded child care beyond the standard early childhood schedule defined in division (I) of this section.	167234 167235 167236 167237
(3) All providers, agencies, and school districts participating in the early childhood education program or providing care to eligible families beyond the standard early childhood schedule shall follow the common policies established under this section.	167238 167239 167240 167241 167242
<b>Section 423.50. EARLY LEARNING STUDENT ASSESSMENT</b>	167243
Of the foregoing appropriation item 830408, Early Learning Assessment, up to \$2,760,000 in each fiscal year may be used to support the state's early learning assessment work and the assessments required under section 3301.0715 of the Revised Code.	167244 167245 167246 167247
CHILD CARE LICENSING	167248
The foregoing appropriation item 830409, Child Care Licensing, shall be used by the Department of Children and Youth, in consultation and coordination with the Department of Education, to license and to inspect preschool and school-age child care programs under sections 3301.52 to 3301.59 of the Revised Code.	167249 167250 167251 167252 167253
<b>Section 423.60. COURT APPOINTED SPECIAL ADVOCATES</b>	167254
Of the foregoing appropriation item 830502, Court Appointed Special Advocates, up to \$333,333 in each fiscal year shall be used to support administrative costs associated with existing court-appointed special advocate programs.	167255 167256 167257 167258
Of the foregoing appropriation item 830502, Court Appointed Special Advocates, up to \$666,667 in each fiscal year shall be	167259 167260

used to establish court-appointed special advocate programs in 167261  
areas of the state that are not served by an existing program and 167262  
to support existing programs. 167263

**Section 423.70. FAMILY AND CHILDREN SERVICES AND ACTIVITIES** 167264

Of the foregoing appropriation item 830506, Family and 167265  
Children Services, up to \$25,000,000 in each fiscal year shall be 167266  
provided to assist with the expense of providing services to youth 167267  
requiring support from multiple systems. These funds may be used 167268  
for youth currently in the custody of a public children services 167269  
agency or to prevent children from entering into the custody of a 167270  
public children services agency by custody relinquishment or 167271  
another mechanism. The Director of Children and Youth shall adopt 167272  
rules in accordance with section 111.15 of the Revised Code to 167273  
administer the funding. 167274

Of the foregoing appropriation item 830506, Family and 167275  
Children Services, up to \$10,000,000 in each fiscal year may be 167276  
used to incentivize best practices. The Director of Children and 167277  
Youth shall adopt rules in accordance with section 111.15 of the 167278  
Revised Code to administer the funding. 167279

Of the foregoing appropriation item, 830506, Family and 167280  
Children Services, up to \$145,040,010 in fiscal year 2024 and up 167281  
to \$155,040,010 in fiscal year 2025 shall be provided by the 167282  
Department of Children and Youth, in coordination with the 167283  
Department of Job and Family Services, to public children services 167284  
agencies. Of that amount, \$17,600,000 in each fiscal year shall be 167285  
used to provide an initial allocation of \$200,000 to each county 167286  
and the remainder shall be provided using the formula in section 167287  
5101.14 of the Revised Code. 167288

If the funds available for distribution under section 5101.14 167289  
of the Revised Code in fiscal year 2024 and fiscal year 2025 167290  
exceed the amount appropriated in fiscal year 2019, each county 167291

contributing local funds in county fiscal year 2019 to the county 167292  
children services fund shall contribute moneys to the children 167293  
services fund described in section 5101.144 of the Revised Code. 167294

The Director of Children and Youth, in consultation and 167295  
coordination with the Director of Job and Family Services shall 167296  
adopt rules, in accordance with section 111.15 of the Revised 167297  
Code, to determine the amount of local funds each county must 167298  
contribute to the children services fund based on past 167299  
contributions. Rules must include a hardship provision identifying 167300  
circumstances in which the county contribution may be waived or 167301  
reduced. 167302

The foregoing appropriation item 830607, Family and Children 167303  
Activities, shall be used to expend miscellaneous foundation funds 167304  
and grants to support family and children services activities. 167305

**Section 423.80. KINSHIP CARE NAVIGATOR PROGRAM** 167306

Of the foregoing appropriation item 830506, Family and 167307  
Children Services, up to \$8,500,000 in each fiscal year shall be 167308  
used to support the Kinship Care Navigator Program, and may be 167309  
used to match eligible federal Title IV-E funds. 167310

**Section 423.90. WENDY'S WONDERFUL KIDS** 167311

Of the foregoing appropriation items 830506, Family and 167312  
Children Services, 830601, Child Welfare, and 830612, Adoption 167313  
Program, a total of up to \$12,000,000 in each fiscal year may be 167314  
used to provide funds to the Dave Thomas Foundation for Adoption 167315  
to implement statewide the Wendy's Wonderful Kids program of 167316  
professional recruiters who use a child-focused model to find 167317  
permanent homes for children in Ohio foster care. 167318

**Section 423.100. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING** 167319  
POOL 167320

A county family and children first council may establish and operate a flexible funding pool in order to assure access to needed services by families, children, and older adults in need of protective services. The operation of the flexible funding pools is subject to the following restrictions:

(A) The county council shall establish and operate the flexible funding pool in accordance with formal guidance issued by the Family and Children First Cabinet Council;

(B) The county council shall produce an annual report on its use of the pooled funds. The annual report shall conform to a format prescribed in the formal guidance issued by the Family and Children First Cabinet Council;

(C) Unless otherwise restricted, funds transferred to the flexible funding pool may include state general revenues allocated to local entities to support the provision of services to families and children;

(D) The amounts transferred to the flexible funding pool shall be limited to amounts that can be redirected without impairing the achievement of the objectives for which the initial allocation is designated; and

(E) Each amount transferred to the flexible funding pool from a specific allocation shall be approved for transfer by the director of the local agency that was the original recipient of the allocation.

In collaboration with the county family and children first council, a county department of job and family services or public children services agency that receives an allocation from the Department of Children and Youth, in consultation and coordination with the Department of Job and Family Services, from the foregoing appropriation item 830506, Family and Children Services, or 830502, Court Appointed Special Advocates, may transfer a portion

of either or both allocations to a flexible funding pool as 167352  
authorized by this section. 167353

**Section 423.105. CHILD CARE INFRASTRUCTURE** 167354

The foregoing appropriation item 830614, Child Care 167355  
Infrastructure, shall be used to award child care infrastructure 167356  
grants to entities to assist them in providing safe and 167357  
developmentally appropriate child care for infants and toddlers in 167358  
Appalachian communities and communities with high infant mortality 167359  
rates. The Director of Children and Youth, in collaboration with 167360  
the Director of Job and Family Services and members of the Early 167361  
Childhood Advisory Council, shall review and evaluate grant 167362  
applications. The review process shall consider the needs of 167363  
applicants and the ability of the communities in which applicants 167364  
are located to serve publicly funded child care eligible infants 167365  
and toddlers in developmentally appropriate child care settings. 167366

These grants may be used to provide workforce supports, 167367  
family engagement and support, mental health services, 167368  
professional development and technical assistance, facilities 167369  
improvement, and classroom supplies. Applicants may include, but 167370  
are not limited to, early childhood collaboratives, nonprofit and 167371  
for-profit programs, early head start programs, local government 167372  
entities and child care resources and referral organizations. 167373

**Section 423.110. COMMUNITY SOCIAL SERVICE PROGRAMS** 167374

A portion of the foregoing appropriation item 830609, 167375  
Community Social Service Programs, in coordination with the 167376  
Department of Developmental Disabilities, may be used by the Early 167377  
Intervention Services Advisory Council for the following purposes: 167378

(A) In addition to other necessary and allowed uses of funds 167379  
and in accordance with 20 U.S.C. 1441(d), the Early Intervention 167380  
Services Advisory Council established pursuant to section 167381

5123.0422 of the Revised Code, may, in its discretion, use	167382
budgeted funds to do all of the following:	167383
(1) Conduct forums and hearings;	167384
(2) Reimburse council members for reasonable and necessary	167385
expenses, including child care expenses for parent	167386
representatives, for attending council meetings and performing	167387
council duties;	167388
(3) Pay compensation to a council member if the member is not	167389
employed or must forfeit wages from other employment when	167390
performing official council business;	167391
(4) Hire staff;	167392
(5) Obtain the services of professional, technical, and	167393
clerical personnel as necessary to carry out the performance of	167394
its lawful functions.	167395
(B) Except as provided in division (A) of this section,	167396
council members shall serve without compensation or reimbursement.	167397
<b>Section 423.120. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES</b>	167398
BLOCK GRANT	167399
Of the foregoing appropriation item 830605, TANF Block Grant,	167400
up to \$5,500,000 in each fiscal year shall be provided, in	167401
accordance with sections 5101.80 and 5101.801 of the Revised Code,	167402
to the Ohio Commission on Fatherhood.	167403
Of the foregoing appropriation item 830605, TANF Block Grant,	167404
\$500,000 in each fiscal year shall be provided, in accordance with	167405
sections 5101.80 and 5101.801 of the Revised Code, to Child Focus,	167406
Inc., to support programs that provide early learning and	167407
behavioral health services for at-risk youth.	167408
<b>Section 423.130. PUBLICLY FUNDED CHILD CARE ELIGIBILITY</b>	167409

Beginning on the effective date of this section and through 167410  
June 30, 2025, all of the following apply to a family's 167411  
eligibility for publicly funded child care as described in 167412  
division (A) of section 5104.38 of the Revised Code: 167413

(A) The maximum amount of income that a family may have for 167414  
initial eligibility shall not exceed one hundred sixty per cent of 167415  
the federal poverty line; 167416

(B) The maximum amount of income that a family may have for 167417  
continued eligibility shall not exceed three hundred per cent of 167418  
the federal poverty line. 167419

**Section 423.140.** (A) On July 1, 2023, the Department of 167420  
Children and Youth is created. The Director of the Department of 167421  
Children and Youth shall be a member of the Governor's cabinet, 167422  
appointed by the Governor with the advice and consent of the 167423  
Senate. The Department of Children and Youth shall coordinate and 167424  
facilitate the delivery in this state of children's services as 167425  
described in section 5180.01 of the Revised Code as enacted by 167426  
this act. 167427

(B) The directors of the Departments of Children and Youth, 167428  
Job and Family Services, Education, Health, Developmental 167429  
Disabilities, Medicaid, Mental Health and Addiction Services, and 167430  
Development, or their designees, shall work together to identify 167431  
duties, functions, programs, and staff resources within those 167432  
departments that provide children's services as described in 167433  
section 5180.01 of the Revised Code as enacted by this act. 167434

The directors or their designees shall develop a detailed 167435  
organizational plan to implement the transfer of children's 167436  
services duties, functions, programs, and staff to the Department 167437  
of Children and Youth by January 1, 2025. 167438

The directors shall enter into a memorandum of understanding 167439

with the Director of the Department of Children and Youth to 167440  
transfer all duties, functions, programs, and staff resources as 167441  
recommended by the directors. 167442

(C) Any business commenced but not completed by January 1, 167443  
2025, within the departments identified in division (B) of this 167444  
section that is planned to be transferred pursuant to this section 167445  
shall be completed by the Department of Children and Youth or its 167446  
Director in the same manner and with the same effect as if 167447  
completed by the identified departments. 167448

(D) The Director of Children and Youth and the Directors of 167449  
the Departments of Job and Family Services, Education, Health, 167450  
Developmental Disabilities, Medicaid, Mental Health and Addiction 167451  
Services, and Development may jointly or separately enter into one 167452  
or more contracts with public or private entities for staff 167453  
training and development to facilitate the transfer of the duties, 167454  
functions, programs, and staff resources to the Department of 167455  
Children and Youth. Division (B) of section 127.16 of the Revised 167456  
Code does not apply to contracts entered into under this division. 167457

(E) All employees and staff resources identified by the 167458  
workgroup in division (B) of this section are transferred to the 167459  
Department of Children and Youth on January 1, 2025, or on an 167460  
earlier date identified by the directors of the respective 167461  
departments under division (B) of this section. Subject to the 167462  
lay-off provisions of sections 124.321 to 124.381 of the Revised 167463  
Code, employees who are transferred retain their same positions 167464  
and all benefits accruing thereto. Once transferred to the 167465  
Department of Children and Youth, changes to positions or benefits 167466  
for employees not subject to Chapter 4117. of the Revised Code 167467  
shall be controlled by Chapter 124. of the Revised Code, or other 167468  
applicable Revised Code or Administrative Code sections. 167469

(1) Notwithstanding the foregoing, the Director of Children 167470  
and Youth has the authority to establish, change, and abolish 167471

positions for the Department of Children and Youth, and to assign, 167472  
reassign, classify, reclassify, transfer, reduce, promote, or 167473  
demote all employees of the Department of Children and Youth who 167474  
are not subject to Chapter 4117. of the Revised Code. 167475

(2) The authority granted under division (E)(1) of this 167476  
section includes assigning or reassigning an exempt employee, as 167477  
defined in section 124.152 of the Revised Code, to a bargaining 167478  
unit classification if the Director of Children and Youth 167479  
determines that the bargaining unit classification is the proper 167480  
classification for that employee. If an employee in the E-1 pay 167481  
range is to be assigned, reassigned, classified, reclassified, 167482  
transferred, reduced, or demoted to a position in a lower 167483  
classification, the Director of Children and Youth or in the case 167484  
of a position transferred outside of the Department, the Director 167485  
of Administrative Services, shall assign the employee to the 167486  
appropriate classification and place the employee in Step X. The 167487  
employee shall not receive any increase in compensation until the 167488  
maximum rate of pay for that classification exceeds the employee's 167489  
compensation. 167490

(3) Actions taken under division (E) of this section are not 167491  
subject to appeal to the State Personnel Board of Review. 167492

(F) Notwithstanding sections 4117.08 and 4117.10 of the 167493  
Revised Code, the creation of the Department of Children and 167494  
Youth, the transfer of programs and employees under this section, 167495  
and the reassignment of certain functions and duties, are not 167496  
appropriate subjects for collective bargaining under Chapter 4117. 167497  
of the Revised Code. 167498

(G) Notwithstanding section 145.297 of the Revised Code, the 167499  
Directors of the Departments of Job and Family Services, 167500  
Education, Health, Developmental Disabilities, Medicaid, Mental 167501  
Health and Addiction Services, and Development may, with the 167502  
approval of the Office of Budget and Management, establish a 167503

retirement incentive plan for eligible employees of those agencies 167504  
who are members of the Public Employee Retirement System whose job 167505  
duties will be transferred to the Department of Children and 167506  
Youth. Any retirement incentive plan established pursuant to this 167507  
section shall remain in effect until December 31, 2024. 167508

(H) No validation, cure, right, privilege, remedy, 167509  
obligation, or liability is lost or impaired by reason of the 167510  
transfer required by this section but shall be administered by the 167511  
Department of Children and Youth. No action or proceeding pending 167512  
on the effective date of the transfer of duties, functions, and 167513  
programs to the Department is affected by the transfer, and shall 167514  
be prosecuted or defended in the name of the Department or 167515  
Director, as appropriate. In all such actions for those 167516  
transferred duties, functions, and programs, the Department or 167517  
Director shall be substituted as a party. 167518

(I) Effective January 1, 2025, or on an earlier date 167519  
determined by the directors under division (B) of this section, 167520  
all records, documents, files, equipment, assets, and other 167521  
materials of the programs and staff resources transferred under 167522  
this section are transferred to the Department of Children and 167523  
Youth. 167524

(J) All rules, orders, and determinations made or undertaken 167525  
related to children's services programs transferred to the 167526  
Department of Children and Youth shall continue in effect as 167527  
rules, orders, and determinations of the Department until modified 167528  
or rescinded by the Department of Children and Youth. On and after 167529  
January 1, 2025, if necessary to ensure the integrity of the 167530  
numbering of the Administrative Code, the Director of the 167531  
Legislative Service Commission shall renumber the rules related to 167532  
children's services programs transferred to the Department of 167533  
Children and Youth to reflect this transfer. 167534

(K) Notwithstanding any provision of law to the contrary, on 167535

or after the effective date of this section, the Director of Budget and Management shall make budget and accounting changes to implement the transfer of duties, functions, and programs to the Department of Children and Youth as described in this section, including administrative organization, program transfers, renaming of funds, creation of new funds, transfer of state funds, and consolidation of funds. The Director may, if necessary, cancel or establish encumbrances or parts of encumbrances in fiscal years 2024 and 2025 in the appropriate funds and appropriation items for the same purposes and for payment to the same vendor. Such encumbrances are hereby appropriated. If necessary for the continued efficient administration of children's services programs and appropriations provided in Section 423.10 of this act, the Director of Budget and Management may transfer appropriations between the Department of Children and Youth, and the Departments of Job and Family Services, Education, Health, Developmental Disabilities, Medicaid, Mental Health and Addiction Services, and Development to continue levels of program services and efficiently deliver state funding to those programs as appropriated herein.

**Section 503.10. PERSONAL SERVICE EXPENSES**

Unless otherwise prohibited by law, any appropriation from which personal service expenses are paid shall bear the employer's share of public employees' retirement, workers' compensation, disabled workers' relief, and insurance programs; the costs of centralized financial services, centralized payroll processing, and related reports and services; centralized human resources services, including affirmative action and equal employment opportunity programs; the Office of Collective Bargaining; centralized information technology management services; administering the enterprise resource planning system; and administering the state employee merit system as required by section 124.07 of the Revised Code. These costs shall be

determined in conformity with the appropriate sections of law and 167568  
paid in accordance with procedures specified by the Office of 167569  
Budget and Management. Expenditures from appropriation item 167570  
070601, Public Audit Expense - Intra-State, may be exempted from 167571  
the requirements of this section. 167572

**Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS** 167573  
AGAINST THE STATE 167574

Except as otherwise provided in this section, an 167575  
appropriation in this act may be used for the purpose of 167576  
satisfying judgments, settlements, or administrative awards 167577  
ordered or approved by the Court of Claims or by any other court 167578  
of competent jurisdiction in connection with civil actions against 167579  
the state. This authorization does not apply to appropriations to 167580  
be applied to or used for payment of guarantees by or on behalf of 167581  
the state, or for payments under lease agreements relating to, or 167582  
debt service on, bonds, notes, or other obligations of the state. 167583  
Notwithstanding any other statute to the contrary, this 167584  
authorization includes appropriations from funds into which 167585  
proceeds of direct obligations of the state are deposited only to 167586  
the extent that the judgment, settlement, or administrative award 167587  
is for, or represents, capital costs for which the appropriation 167588  
may otherwise be used and is consistent with the purpose for which 167589  
any related obligations were issued or entered into. Nothing 167590  
contained in this section is intended to subject the state to suit 167591  
in any forum in which it is not otherwise subject to suit, and is 167592  
not intended to waive or compromise any defense or right available 167593  
to the state in any suit against it. 167594

**Section 503.30. CAPITAL PROJECT SETTLEMENTS** 167595

This section specifies an additional and supplemental 167596  
procedure to provide for payments of judgments and settlements if 167597

the Director of Budget and Management determines, pursuant to 167598  
division (C)(4) of section 2743.19 of the Revised Code, that 167599  
sufficient unencumbered moneys do not exist in the fund to support 167600  
a particular appropriation to pay the amount of a final judgment 167601  
rendered against the state or a state agency, including the 167602  
settlement of a claim approved by a court, in an action upon and 167603  
arising out of a contractual obligation for the construction or 167604  
improvement of a capital facility if the costs under the contract 167605  
were payable in whole or in part from a state capital projects 167606  
appropriation. In such a case, the Director may either proceed 167607  
pursuant to division (C)(4) of section 2743.19 of the Revised Code 167608  
or apply to the Controlling Board to increase an appropriation or 167609  
create an appropriation out of any unencumbered moneys in the 167610  
state treasury to the credit of the capital projects fund from 167611  
which the initial state appropriation was made. The amount of an 167612  
increase in appropriation or new appropriation approved by the 167613  
Controlling Board is hereby appropriated from the applicable 167614  
capital projects fund and made available for the payment of the 167615  
judgment or settlement. 167616

If the Director does not make the application authorized by 167617  
this section or the Controlling Board disapproves the application, 167618  
and the Director does not make application under division (C)(4) 167619  
of section 2743.19 of the Revised Code, the Director shall for the 167620  
purpose of making that payment make a request to the General 167621  
Assembly as provided for in division (C)(5) of that section. 167622

**Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS** 167623

In order to provide funds for the reissuance of voided 167624  
warrants under section 126.37 of the Revised Code, there is hereby 167625  
appropriated, out of moneys in the state treasury from the fund 167626  
credited as provided in section 126.37 of the Revised Code, that 167627  
amount sufficient to pay such warrants when approved by the Office 167628

of Budget and Management. 167629

**Section 503.50.** REAPPROPRIATION OF UNEXPENDED ENCUMBERED 167630  
BALANCES OF OPERATING APPROPRIATIONS 167631

(A) Notwithstanding the original year of appropriation or 167632  
encumbrance, the unexpended balance of an operating appropriation 167633  
or reappropriation that a state agency lawfully encumbered prior 167634  
to the close of fiscal year 2023 or fiscal year 2024 is hereby 167635  
reappropriated on the first day of July of the following fiscal 167636  
year from the fund from which it was originally appropriated or 167637  
reappropriated for the period of time listed in this section and 167638  
shall remain available only for the purpose of discharging the 167639  
encumbrance: 167640

(1) For an encumbrance for personal services, maintenance, 167641  
equipment, or items for resale not otherwise identified in this 167642  
section, for a period of not more than five months from the end of 167643  
the fiscal year; 167644

(2) For an encumbrance for an item of special order 167645  
manufacture not available on state contract or an item not 167646  
available in the open market, for a period of not more than five 167647  
months from the end of the fiscal year or, with the written 167648  
approval of the Director of Budget and Management, for a period of 167649  
not more than twelve months from the end of the fiscal year; 167650

(3) For an encumbrance for reclamation of land or oil and gas 167651  
wells, for a period ending when the encumbered appropriation is 167652  
expended provided such period does not extend beyond the FY 2024 - 167653  
FY 2025 biennium; 167654

(4) For an encumbrance for any other type of expense not 167655  
otherwise identified in division (A)(1), (2), or (3) of this 167656  
section, for such period as the Director approves, provided such 167657  
period does not extend beyond the FY 2024 - FY 2025 biennium. 167658

(B) Any operating appropriations for which unexpended 167659  
balances are reappropriated in fiscal year 2024 or fiscal year 167660  
2025 pursuant to division (A)(2) of this section shall be reported 167661  
to the Controlling Board by the Director of Budget and Management 167662  
by the thirty-first day of December of each year. The report shall 167663  
include the item, the cost of the item, and the name of the 167664  
vendor. The report shall be updated on a quarterly basis for 167665  
encumbrances remaining open. 167666

(C) Upon the expiration of the reappropriation period set out 167667  
in division (A) of this section, a reappropriation made by this 167668  
section lapses and the Director of Budget and Management shall 167669  
cancel the encumbrance of the unexpended reappropriation not later 167670  
than the end of the weekend following the expiration of the 167671  
reappropriation period. 167672

(D) If the Controlling Board approved a purchase, that 167673  
approval remains in effect so long as the appropriation used to 167674  
make that purchase remains encumbered. 167675

**Section 503.60. CORRECTION OF ACCOUNTING ERRORS** 167676

(A) The Director of Budget and Management may correct 167677  
accounting errors committed by the staff of the Office of Budget 167678  
and Management, such as reestablishing encumbrances or 167679  
appropriations canceled in error, during the cancellation of 167680  
operating encumbrances in November and of non-operating 167681  
encumbrances in December. 167682

(B) The Director of Budget and Management may at any time 167683  
correct accounting errors committed by staff or a state agency or 167684  
state institution of higher education, as defined in section 167685  
3345.011 of the Revised Code, such as reestablishing prior year 167686  
non-operating encumbrances canceled or modified in error. The 167687  
reestablished encumbrance amounts are hereby appropriated. 167688

**Section 503.70.** TEMPORARY REVENUE HOLDING 167689

The Director of Budget and Management may create funds in the 167690  
state treasury solely for the purpose of temporarily holding 167691  
revenue required to be credited to a fund in the state treasury, 167692  
whose disposition is not immediately known at the time of receipt. 167693  
Once identified, the Director shall credit the revenue to the 167694  
appropriate fund in the state treasury. 167695

Notwithstanding section 153.63 of the Revised Code or any 167696  
other provision of law to the contrary, upon certification by a 167697  
director or head of a state agency, in lieu of banks, buildings 167698  
and loan associations, or other institutions, the Director of 167699  
Budget and Management may create funds in the state treasury on 167700  
behalf of an agency when the agency is required by law to detain 167701  
funds in escrow. All investment earnings of the fund shall be 167702  
credited to the fund while the detained amounts remain in escrow. 167703  
The Director of Budget and Management may transfer cash between 167704  
funds within the state treasury to satisfy escrow requirements. 167705

**Section 503.80.** APPROPRIATIONS RELATED TO CASH TRANSFERS AND 167706  
RE-ESTABLISHMENT OF ENCUMBRANCES 167707

Any cash transferred by the Director of Budget and Management 167708  
under section 126.15 of the Revised Code is hereby appropriated. 167709  
Any amounts necessary to re-establish appropriations or 167710  
encumbrances under section 126.15 of the Revised Code are hereby 167711  
appropriated. 167712

**Section 503.90.** TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 167713

The Director of Budget and Management may transfer 167714  
appropriations between the Third Frontier Research and Development 167715  
Fund (Fund 7011) and the Third Frontier Research and Development 167716  
Taxable Bond Fund (Fund 7014) as necessary to maintain the 167717

exclusion from the calculation of gross income for federal income 167718  
taxation purposes under the Internal Revenue Code with respect to 167719  
obligations issued to fund projects appropriated from the Third 167720  
Frontier Research and Development Fund (Fund 7011). 167721

The Director may also create new appropriation items within 167722  
the Third Frontier Research and Development Taxable Bond Fund 167723  
(Fund 7014) and make transfers of appropriations to them for 167724  
projects originally funded from appropriations made from the Third 167725  
Frontier Research and Development Fund (Fund 7011). 167726

**Section 503.100. INCOME TAX DISTRIBUTION TO COUNTIES** 167727

There are hereby appropriated out of any moneys in the state 167728  
treasury to the credit of the General Revenue Fund, which are not 167729  
otherwise appropriated, funds sufficient to make any payment 167730  
required by division (B)(2) of section 5747.03 of the Revised 167731  
Code. 167732

**Section 503.110. EXPENDITURES AND APPROPRIATION INCREASES** 167733  
APPROVED BY THE CONTROLLING BOARD 167734

Any money that the Controlling Board approves for expenditure 167735  
or any increase in appropriation that the Controlling Board 167736  
approves under sections 127.14, 131.35, and 131.39 of the Revised 167737  
Code or any other provision of law is hereby appropriated for the 167738  
period ending June 30, 2025. 167739

**Section 503.120. FUNDS RECEIVED FOR USE OF GOVERNOR'S** 167740  
RESIDENCE 167741

If the Governor's Residence Fund (Fund 4H20) receives payment 167742  
for use of the residence pursuant to section 107.40 of the Revised 167743  
Code, the amounts so received are hereby appropriated to 167744  
appropriation item 100604, Governor's Residence Gift. 167745

**Section 504.10.** GENERAL OBLIGATION DEBT SERVICE PAYMENTS 167746

Certain appropriations are in this act for the purpose of 167747  
paying debt service and financing costs on general obligation 167748  
bonds or notes of the state issued pursuant to the Ohio 167749  
Constitution, Revised Code, and acts of the General Assembly. If 167750  
it is determined that additional appropriations are necessary for 167751  
this purpose, such amounts are hereby appropriated. 167752

**Section 504.20.** LEASE RENTAL PAYMENTS FOR DEBT SERVICE 167753

Certain appropriations are in this act for the purpose of 167754  
making lease rental payments pursuant to leases and agreements 167755  
relating to bonds, notes, or other obligations issued by or on 167756  
behalf of the state pursuant to the Ohio Constitution, Revised 167757  
Code, and acts of the General Assembly. If it is determined that 167758  
additional appropriations are necessary for this purpose, such 167759  
amounts are hereby appropriated. 167760

**Section 504.30.** AUTHORIZATION FOR TREASURER OF STATE AND OBM 167761  
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 167762

The Office of Budget and Management shall process payments 167763  
from general obligation and lease rental payment appropriation 167764  
items during the period from July 1, 2023, through June 30, 2025, 167765  
relating to bonds, notes, or other obligations issued by or on 167766  
behalf of the state pursuant to the Ohio Constitution, Revised 167767  
Code, and acts of the General Assembly. Payments shall be made 167768  
upon certification by the Treasurer of State of the dates and the 167769  
amounts due on those dates. 167770

**Section 505.10.** ARBITRAGE REBATE AUTHORIZATION 167771

If it is determined that a payment is necessary in the amount 167772  
computed at the time to represent the portion of investment income 167773

to be rebated or amounts in lieu of or in addition to any rebate 167774  
amount to be paid to the federal government in order to maintain 167775  
the exclusion from gross income for federal income tax purposes of 167776  
interest on those state obligations under section 148(f) of the 167777  
Internal Revenue Code, such an amount is hereby appropriated from 167778  
those funds designated by or pursuant to the applicable 167779  
proceedings authorizing the issuance of state obligations. 167780

Payments for this purpose shall be approved and vouchered by 167781  
the Office of Budget and Management. 167782

**Section 505.20. STATEWIDE INDIRECT COST RECOVERY** 167783

Whenever the Director of Budget and Management determines 167784  
that an appropriation made to a state agency from a fund of the 167785  
state is insufficient to provide for the recovery of statewide 167786  
indirect costs under section 126.12 of the Revised Code, the 167787  
amount required for such purpose is hereby appropriated from the 167788  
available receipts of such fund. 167789

**Section 505.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT** 167790  
**COST ALLOCATION PLAN** 167791

The total transfers made from the General Revenue Fund by the 167792  
Director of Budget and Management under this section shall not 167793  
exceed the amounts transferred into the General Revenue Fund under 167794  
section 126.12 of the Revised Code. 167795

The director of an agency may certify to the Director of 167796  
Budget and Management the amount of expenses not allowed to be 167797  
included in the Statewide Indirect Cost Allocation Plan under 167798  
federal regulations, from any fund included in the Statewide 167799  
Indirect Cost Allocation Plan, prepared as required by section 167800  
126.12 of the Revised Code. 167801

Upon determining that no alternative source of funding is 167802  
available to pay for such expenses, the Director of Budget and 167803

Management may transfer cash from the General Revenue Fund into 167804  
the fund for which the certification is made, up to the amount of 167805  
the certification. The director of the agency receiving such funds 167806  
shall include, as part of the next budget submission prepared 167807  
under section 126.02 of the Revised Code, a request for funding 167808  
for such activities from an alternative source such that further 167809  
federal disallowances would not be required. 167810

The director of an agency may certify to the Director of 167811  
Budget and Management the amount of expenses paid in error from a 167812  
fund included in the Statewide Indirect Cost Allocation Plan. The 167813  
Director of Budget and Management may transfer cash from the fund 167814  
from which the expenditure should have been made into the fund 167815  
from which the expenses were erroneously paid, up to the amount of 167816  
the certification. 167817

The director of an agency may certify to the Director of 167818  
Budget and Management the amount of expenses or revenues not 167819  
allowed to be included in the Statewide Indirect Cost Allocation 167820  
Plan under federal regulations, for any fund included in the 167821  
Statewide Indirect Cost Allocation Plan, for which the federal 167822  
government requires payment. If the Director of Budget and 167823  
Management determines that an appropriation made to a state agency 167824  
from a fund of the state is insufficient to pay the amount 167825  
required by the federal government, the amount required for such 167826  
purpose is hereby appropriated from the available receipts of such 167827  
fund, up to the amount of the certification. 167828

**Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS** 167829

Notwithstanding any provision of law to the contrary, on or 167830  
before the first day of September of each fiscal year, the 167831  
Director of Budget and Management, in order to reduce the payment 167832  
of adjustments to the federal government, as determined by the 167833  
plan prepared under division (A) of section 126.12 of the Revised 167834

Code, may designate such funds as the Director considers necessary 167835  
to retain their own interest earnings. 167836

**Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT** 167837

Pursuant to the plan for compliance with the Federal Cash 167838  
Management Improvement Act required by section 131.36 of the 167839  
Revised Code, the Director of Budget and Management may cancel and 167840  
re-establish all or part of encumbrances in like amounts within 167841  
the funds identified by the plan. The amounts necessary to 167842  
re-establish all or part of encumbrances are hereby appropriated. 167843

**Section 505.60. INTEREST EARNINGS FOR FEDERAL FUNDS** 167844

Notwithstanding section 113.09 of the Revised Code, the 167845  
Director of Budget and Management may designate any fund within 167846  
the state treasury that receives federal revenue to be credited 167847  
with investment earnings to comply with federal law. 167848

**Section 505.70. REPAYMENT OF FEDERAL FUNDS** 167849

Any unexpended federal revenue received into the state 167850  
treasury remaining at the end of its applicable period for 167851  
expenditure which must be returned in compliance with federal law, 167852  
is hereby appropriated to the fund in which it was received, for 167853  
that purpose. 167854

**Section 505.80. REAPPROPRIATION OF RECOVERY AND RELIEF FUNDS** 167855

Amounts equal to the unexpended portions of appropriation 167856  
items under the following recovery and relief funds, at the end of 167857  
fiscal year 2024, are hereby reappropriated to the same 167858  
appropriation items and shall be used for the same purposes in 167859  
fiscal year 2025: Governor's Emergency Education Relief Fund (Fund 167860  
3HQ0), CARES Act School Relief Fund (Fund 3HS0), Emergency Rental 167861  
Assistance Fund (Fund 5CV2), State Fiscal Recovery Fund (Fund 167862

5CV3), Local Fiscal Recovery Fund (Fund 5CV4), Coronavirus Capital 167863  
Projects Fund (Fund 5CV5), and the Health and Human Services 167864  
Reserve Fund (Fund 5SA4). 167865

**Section 509.10.** TRANSFERS IN TO GENERAL REVENUE FUND 167866

INTEREST EARNED 167867

Notwithstanding any provision of law to the contrary, the 167868  
Director of Budget and Management, through June 30, 2025, may 167869  
transfer interest earned by any state fund to the General Revenue 167870  
Fund. This section does not apply to funds whose source of revenue 167871  
is restricted or protected by the Ohio Constitution, federal tax 167872  
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 167873  
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 167874

NON-GRF FUNDS 167875

Notwithstanding any provision of law to the contrary, the 167876  
Director of Budget and Management may transfer up to \$200,000,000 167877  
cash, during the biennium ending June 30, 2025, from non-General 167878  
Revenue Funds that are not constitutionally restricted to the 167879  
General Revenue Fund. 167880

**Section 512.10.** TRANSFERS OUT OF GENERAL REVENUE FUND 167881

TOURISM FUND 167882

On July 1, 2023, or as soon as possible thereafter, the 167883  
Director of Budget and Management shall transfer up to \$20,000,000 167884  
cash from the General Revenue Fund to the Tourism Fund (Fund 167885  
5MJ0). 167886

CREDIT SCORE COST ASSISTANCE FUND 167887

On July 1, 2023, or as soon as possible thereafter, the 167888  
Director of Budget and Management shall transfer \$3,000,000 cash 167889  
from the General Revenue Fund to the Credit Score Cost Assistance 167890  
Fund (Fund 5ZM0), which is hereby created in the state treasury. 167891

TARGETED ADDICTION PROGRAM FUND	167892
Notwithstanding any provision of law to the contrary, the	167893
Director of Budget and Management may transfer up to \$24,500,000	167894
cash in fiscal year 2024 and \$24,750,000 cash in fiscal year 2025	167895
from the General Revenue Fund to the Targeted Addiction Program	167896
Fund (Fund 5TZ0).	167897
PERSIAN GULF, AFGHANISTAN, IRAQ COMPENSATION FUND	167898
On July 1 of each fiscal year, or as soon as possible	167899
thereafter, the Director of Budget and Management shall transfer	167900
\$5,000,000 cash from the General Revenue Fund to the Persian Gulf,	167901
Afghanistan, Iraq Compensation Fund (Fund 7041).	167902
TOBACCO USE PREVENTION FUND	167903
On July 1, 2023, or as soon as possible thereafter, the	167904
Director of Budget and Management shall transfer \$29,000,000 cash	167905
from the General Revenue Fund to the Tobacco Use Prevention Fund	167906
(Fund 5BX0).	167907
FOUNDATION FUNDING - ALL STUDENTS FUND	167908
Notwithstanding any provision of law to the contrary, the	167909
Director of Budget and Management may transfer up to \$600,000,000	167910
cash, in each fiscal year, from the General Revenue Fund to the	167911
Foundation Funding - All Students Fund (Fund 5VS0).	167912
TEACHER CERTIFICATION FUND	167913
On July 1, 2023, or as soon as possible thereafter, the	167914
Director of Budget and Management shall transfer \$10,000,000 cash	167915
from the General Revenue Fund to the State Board of Education	167916
Licensure Fund (Fund 4L20).	167917
OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING LOAN FUND	167918
On July 1, 2023, or as soon as possible thereafter, the	167919
Director of Budget and Management shall transfer \$50,000,000 cash	167920
from the General Revenue Fund to the OhioMeansJobs Workforce	167921

Development Revolving Loan Fund (Fund 5NH0) to support the Talent Ready Grant Program. 167922  
167923

TEACHER LOAN REPAYMENT FUND 167924

On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$25,000,000 cash from the General Revenue Fund to the Teacher Loan Repayment Fund (Fund 5W00) created in section 3319.58 of the Revised Code. 167925  
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SECOND CHANCE GRANT PROGRAM FUND 167929

On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer up to \$4,000,000 cash from the General Revenue Fund to the Second Chance Grant Program Fund (Fund 5YD0). 167930  
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167932  
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GROW YOUR OWN TEACHER PROGRAM FUND 167934

On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$5,000,000 cash from the General Revenue Fund to the Grow Your Own Teacher Program Fund (Fund 5ZY0), which is hereby created in the state treasury. 167935  
167936  
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On July 1, 2024, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$10,000,000 cash from the General Revenue Fund to the Grow Your Own Teacher Program Fund (Fund 5ZY0). 167939  
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INFORMATION TECHNOLOGY DEVELOPMENT FUND 167943

Upon the request of the Director of Administrative Services, the Director of Budget and Management may transfer up to \$2,500,000 cash in each fiscal year from the General Revenue Fund to the Information Technology Development Fund (Fund 5LJ0) to support the operations of the Office of InnovateOhio. 167944  
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PROFESSIONAL DEVELOPMENT FUND 167949

On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$6,600,000 cash 167950  
167951

from the General Revenue Fund to the Professional Development Fund 167952  
(Fund 5L70). 167953

WILDLIFE FUND 167954

On July 1 of each fiscal year, or as soon as possible 167955  
thereafter, the Director of Budget and Management shall transfer 167956  
\$500,000 cash from the General Revenue Fund to the Wildlife Fund 167957  
(Fund 7015). 167958

CAREER-TECHNICAL EDUCATION EQUIPMENT FUND 167959

On July 1 of each fiscal year, or as soon as possible 167960  
thereafter, the Director of Budget and Management shall transfer 167961  
\$50,000,000 cash from the General Revenue Fund to the 167962  
Career-Technical Education Equipment Fund (Fund 5AD1), which is 167963  
hereby created in the State Treasury. 167964

CAPITAL FUND TRANSFERS 167965

Up to the remaining amount authorized in Section 529.10 of 167966  
H.B. 687 of the 134th General Assembly, but not yet transferred as 167967  
of June 30, 2023, shall remain in the General Revenue Fund until 167968  
deemed necessary to be transferred in accordance with that 167969  
section. 167970

MEAT PROCESSING INVESTMENT PROGRAM FUND 167971

On July 1, 2023, or as soon as possible thereafter, the 167972  
Director of Budget and Management shall transfer \$14,000,000 cash 167973  
from the General Revenue Fund to the Meat Processing Investment 167974  
Program Fund (Fund 5XX0). 167975

SPORTS EVENT GRANT FUND 167976

On July 1, 2023, or as soon as possible thereafter, the 167977  
Director of Budget and Management shall transfer \$6,100,000 cash 167978  
from the General Revenue Fund to the Sports Event Grant Fund (Fund 167979  
5UY0). 167980

BROWNFIELD REMEDIATION FUND 167981

On July 1 of each fiscal year, or as soon as possible 167982  
thereafter, the Director of Budget and Management shall transfer 167983  
\$175,000,000 cash from the General Revenue Fund to the Brownfield 167984  
Remediation Fund (Fund 5YE0). 167985

BUILDING DEMOLITION AND SITE REVITALIZATION FUND 167986

On July 1, 2023, or as soon as possible thereafter, the 167987  
Director of Budget and Management shall transfer \$150,000,000 cash 167988  
from the General Revenue Fund to the Building Demolition and Site 167989  
Revitalization Fund (Fund 5YF0). 167990

NEXT GENERATION 911 167991

The Director of Budget and Management shall transfer from the 167992  
General Revenue Fund to the Next Generation 911 Fund (Fund 5AB1) 167993  
up to \$28,180,270 cash in fiscal year 2024 and up to \$17,765,277 167994  
cash in fiscal year 2025. 167995

988 SUICIDE AND CRISIS RESPONSE 167996

The Director of Budget and Management shall transfer from the 167997  
General Revenue Fund to the 988 Suicide and Crisis Response Fund 167998  
(Fund 5AA1) up to \$20,701,661 cash in fiscal year 2024 and up to 167999  
\$25,831,020 cash in fiscal year 2025. 168000

BEHAVIORAL HEALTH CARE-CHILDREN 168001

On July 1 of each fiscal year, or as soon as possible 168002  
thereafter, the Director of Budget and Management shall transfer 168003  
\$500,000 cash from the General Revenue Fund to the Behavioral 168004  
Health Care-Children Fund (Fund 5AU0). 168005

BEHAVIORAL HEALTH CARE-CHILDREN 168006

On July 1 of each fiscal year, or as soon as possible 168007  
thereafter, the Director of Budget and Management shall transfer 168008  
\$1,000,000 cash from the General Revenue Fund to the Behavioral 168009  
Health Care-Children Fund (Fund 5AU0). 168010

Section 513.10. FISCAL YEAR 2023 GENERAL REVENUE FUND ENDING	168011
BALANCE	168012
The Director of Budget and Management shall determine the	168013
surplus General Revenue Fund revenue that existed on June 30,	168014
2023. Notwithstanding section 131.44 of the Revised Code or any	168015
other provision of law to the contrary, the remaining surplus	168016
revenue, except for the transfers listed in this section, shall	168017
remain in the General Revenue Fund. The Director shall transfer	168018
cash, not to exceed the amount of the remaining surplus revenue	168019
from the General Revenue Fund in the following order:	168020
(A) Up to \$500,000,000 cash to the All Ohio Future Fund (Fund	168021
5XM0);	168022
(B) Up to \$307,196,000 cash to the H2Ohio Fund (Fund 6H20);	168023
(C) Up to \$200,000,000 cash to the Local Jails Grant Fund	168024
(Fund 5ZQ0);	168025
(D) Up to \$190,000,000 cash to the EXPO 2050 Fund (Fund	168026
5ZN0);	168027
(E) Up to \$25,000,000 cash to the Innovation Hubs Fund (Fund	168028
5ZK0);	168029
(F) Up to \$65,000,000 cash to the Veterans Homes	168030
Modernization Fund (Fund 5Z00);	168031
(G) Up to \$102,000,000 cash to the Local Projects Fund (Fund	168032
5ZZ0);	168033
(H) Up to \$50,000,000 cash to the Controlling Board Emergency	168034
Purposes/Contingencies Fund (Fund 5KM0);	168035
(I) Up to \$150,000,000 cash to the Downtown Development Grant	168036
Fund (Fund 5ZU0);	168037
(J) Up to \$50,000,000 cash to the Township Development Grant	168038
Fund (Fund 5ZV0);	168039

(K) Up to \$25,000,000 cash to the Cultural Center Grant Fund	168040
(Fund 5ZW0);	168041
(L) Up to \$25,000,000 cash to the County and Independent	168042
Fairs Grant Fund (Fund 5ZX0);	168043
(M) Up to \$196,260,000 cash to the Third Frontier Research	168044
and Development Bond Retirement Fund (Fund 7070);	168045
(N) Up to \$18,340,000 cash to the Coal Research and	168046
Development Bond Retirement Fund (Fund 7076);	168047
(O) \$54,558,000 cash to the Hospital Relief Fund (Fund 5AE1),	168048
which is hereby created in the state treasury;	168049
(P) Up to \$50,000,000 cash to the Airport Development Grants	168050
Fund (Fund 5AC1);	168051
(Q) Up to \$1,000,000,000 cash to the Connect4Ohio Fund (Fund	168052
5ZR0);	168053
(R) Up to \$100,000,000 cash to the Super RAPIDS Fund (Fund	168054
5AH1), which is hereby created in the state treasury;	168055
(S) Up to \$33,000,000 cash to the Accelerated School	168056
Assistance Program Fund (Fund 5AG1), which is hereby created in	168057
the state treasury;	168058
(T) \$30,000,000 cash to the Child Care Infrastructure Fund	168059
(Fund 5AK1), which is hereby created in the state treasury;	168060
(U) Up to \$50,000,000 cash to the Broadband Pole Replacement	168061
Fund (Fund 5AI1);	168062
(V) Up to \$30,000,000 cash to the Foodbanks Fund (Fund 5AJ1),	168063
which is hereby created in the state treasury; and	168064
(W) Up to \$5,000,000 cash to the Ohio Aviation Workforce	168065
Innovation Fund (Fund 5AF1), which is hereby created in the state	168066
treasury.	168067

**Section 513.20.** FISCAL YEAR 2024 GENERAL REVENUE FUND ENDING 168068  
 BALANCE 168069

Notwithstanding section 131.44 of the Revised Code, the cash 168070  
 balance of the General Revenue Fund on June 30, 2024, shall remain 168071  
 in the General Revenue Fund. 168072

**Section 514.10.** UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 168073

Unless the agency and nuclear electric utility mutually agree 168074  
 to a higher amount by contract, the maximum amounts that may be 168075  
 assessed against nuclear electric utilities under division (B)(2) 168076  
 of section 4937.05 of the Revised Code and deposited into the 168077  
 specified funds are as follows: 168078

<u>Fund</u>	<u>User</u>		<u>FY 2024</u>	<u>FY 2025</u>	
Utility	Department of	\$	109,800	\$	112,900
Radiological	Agriculture				
Safety Fund					
(Fund 4E40)					
Radiation	Department of	\$	1,405,870	\$	1,474,757
Emergency	Health				
Response Fund					
(Fund 6100)					
ER Radiological	Environmental	\$	332,287	\$	332,287
Safety Fund	Protection Agency				
(Fund 6440)					
Emergency	Department of	\$	1,435,000	\$	1,449,000
Response Plan	Public Safety				
Fund (Fund 6570)					

**Section 516.10.** CASH TRANSFERS AND ABOLISHMENT OF FUNDS 168084

(A) On July 1, 2023, or as soon as possible thereafter, the 168085  
 Director of Budget and Management shall transfer the cash balance 168086  
 from each of the funds as indicated in the table below to the fund 168087

also indicated in the table below. Upon completion of each 168088  
transfer and on the effective date of its repeal by this act, 168089  
where applicable, the fund from which the cash balance was 168090  
transferred is hereby abolished. 168091

User	Transfer from:	Transfer to:	
Agency	Fund Fund Name	Fund Fund Name	
COM	5470 Real Estate Education/Research Fund	5490 Division of Real Estate Operating Fund	168092
COM	5VC0 Real Estate Home Inspector Operating Fund	5490 Division of Real Estate Operating Fund	168093
COM	5SE0 Cemetery Grant Program Fund	4H90 Cemetery Registration Fund	168094
COM	5SU0 Manufactured Homes Regulation Fund	5490 Division of Real Estate Operating Fund	168095
COM	6A40 Real Estate Appraiser Operating Fund	5490 Division of Real Estate Operating Fund	168096
DAS	1880 State EEO Fund	1250 Human Resources Services Fund	168097
DAS	5JQ0 Professionals Licensing System Fund	4K90 Occupational Licensing and Regulatory Fund	168098
DEV	3BJ0 TANF Heating Assistance Fund	1350 Supportive Services Fund	168099
DEV	5RD0 Local Government Safety Capital Grant Fund	1350 Supportive Services Fund	168100
DEV	5RQ0 Lakes in Economic Distress Fund	1350 Supportive Services Fund	168101
DEV	5X10 Exempt Facility Inspection Fund	1350 Supportive Services Fund	168102
			168103
			168104

DEV	7008	Logistics and Distribution Infrastructure Fund	GRF	General Revenue Fund	168105
DMH	1500	Special Education Fund	1490	Sale of Goods and Services Fund	168106
DPS	3390	Personnel Administration Subdivisions Fund	3370	Federal Disaster Relief Fund	168107
DPS	5TJ0	Security Grants Fund	7021	Public School Building Fund	168108
ETC	3X80	Assistive Technology Infusion Fund	GRF	General Revenue Fund	168109
ETC	5D30	High Definition Television Fund	GRF	General Revenue Fund	168110
FCC	5S60	Classroom Facility Loan Guarantee Fund	GRF	General Revenue Fund	168111
INS	5550	Superintendent's Examination Fund	5540	Department of Insurance Operating Fund	168112
INS	5PT0	Captive Insurance Regulation and Supervision Fund	5540	Department of Insurance Operating Fund	168113
JFS	4Z70	Human Services Stabilization Fund	5RY0	Human Services Projects Fund	168114
JFS	5DP0	Adoption Assistance Loan Fund	5RY0	Human Services Projects Fund	168115
PUB	4X70	Trumbull County-County Share Fund	4C70	Multi-County County Share Fund	168116

(B) The following funds are hereby abolished on the effective date of their repeal by this act:

User	Fund	Fund Name			168119
DEV	5LU0	Racetrack Facility Community Economic Redevelopment Fund			168120

DMH	3FR0	RTTT Early Learning Challenge Fund	168121
DMH	3HB0	21st Century Cures Opioid State Targeted Response Fund	168122
DMH	3J80	Medicaid Fund	168123
DMH	5CH0	Residential State Supplemental Fund	168124
DMH	5DU0	Energy Projects Fund	168125
EPA	6780	Toxic Chemical Release Reporting Fund	168126

(C) On the effective date of this section or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance of the Central Service Agency Fund (Fund 1150) to the Accounting and Budgeting Fund (Fund 1050). Upon completion of the transfer, Fund 1150 is abolished. The Director shall cancel any existing encumbrances against appropriation item 100632, Central Service Agency, and reestablish them against either appropriation item 042603, Financial Management, or appropriation item 042620, Shared Services Operating. The reestablished encumbrance amounts are hereby appropriated.

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**Section 516.20. HEALTH AND HUMAN SERVICES RESERVE FUND**

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The Health and Human Services Fund (Fund 5SA4) created under Section 751.40 of H.B. 64 of the 131st General Assembly is hereby renamed the Health and Human Services Reserve Fund.

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**Section 525.10.** On the effective date of the amendments to section 125.22 (126.42) of the Revised Code as renumbered and amended by this act, or as soon as reasonably possible thereafter, the Central Service Agency is abolished. The administration of all duties performed by the Agency shall be transferred from the Department of Administrative Services to the Office of Budget and Management. Employment records and actions shall be transferred with the employee, and all equipment and assets shall be

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transferred from the Department of Administrative Services to the 168150  
Office of Budget and Management. 168151

Business related to the Central Service Agency commenced but 168152  
not completed by the Department of Administrative Services shall 168153  
be completed by the Office of Budget and Management, as 168154  
appropriate consistent with the amendments to section 125.22 168155  
(126.42) of the Revised Code as renumbered and amended by this act 168156  
and with the amendments to section 126.25 of the Revised Code as 168157  
amended by this act. 168158

Whenever the Department of Administrative Services, Director 168159  
of Administrative Services, or Central Service Agency is referred 168160  
to in any law, contract, or other document, related to the Central 168161  
Service Agency, the reference shall be deemed to refer to the 168162  
Office of Budget and Management or the Director of Budget and 168163  
Management, whichever is appropriate in context. 168164

**Section 525.20.** (A)(1) On or before December 31, 2023, the 168165  
Department of Commerce and the State Board of Pharmacy shall 168166  
transfer regulation of the Medical Marijuana Control Program to 168167  
the Division of Marijuana Control in the Department of Commerce. 168168  
Until the transfer is complete, the State Board of Pharmacy 168169  
retains regulatory authority over licensing of retail 168170  
dispensaries, registering patients and caregivers, and related 168171  
duties. 168172

(2) Upon completion of the transfer, the Medical Marijuana 168173  
Control Program in the State Board of Pharmacy is abolished. All 168174  
records of the Medical Marijuana Control Program in the State 168175  
Board of Pharmacy shall be transferred to the Division, and all of 168176  
its other assets and liabilities relating to the Medical Marijuana 168177  
Control Program shall be transferred to the Division. The Division 168178  
is successor to, and assumes the obligations of the Medical 168179

Marijuana Control Program in the State Board of Pharmacy. Any 168180  
business commenced, but not completed by the State Board of 168181  
Pharmacy Medical Marijuana Control Program on the date of the 168182  
completion of the transfer shall be completed by the Division in 168183  
the same manner, and with the same effect, as if completed by the 168184  
State Board of Pharmacy. No validation, cure, right, privilege, 168185  
remedy, obligation, or liability is lost or impaired by reason of 168186  
the transfer required by this section. 168187

(B) Upon this transfer, the Division is responsible for 168188  
adopting rules establishing standards and procedures for the 168189  
Medical Marijuana Control Program. The rules regulating the 168190  
Medical Marijuana Control Program in existence on the effective 168191  
date of this section continue in effect until repealed or amended 168192  
by the Division of Marijuana Control. 168193

(C) On or before March 1, 2024, the Division shall review and 168194  
propose revisions to the rules in the Administrative Code related 168195  
to medical marijuana retail dispensaries. 168196

(D) A license to operate as a retail dispensary issued by the 168197  
State Board of Pharmacy pursuant to section 3796.10 of the Revised 168198  
Code as it existed immediately prior to the effective date of this 168199  
section, and a registration issued by the State Board of Pharmacy 168200  
pursuant to section 3796.08 of the Revised Code as it existed 168201  
immediately prior to the effective date of this section, remain in 168202  
effect for the remainder of the license's or registration's term, 168203  
unless earlier suspended or revoked. Renewals shall be issued by 168204  
the State Board of Pharmacy until the transfer is complete, at 168205  
which time renewals shall be issued by the Division of Marijuana 168206  
Control. 168207

(E) Any form of medical marijuana approved by the State Board 168208  
of Pharmacy under section 3796.061 of the Revised Code as it 168209  
existed immediately prior to the effective date of this section 168210  
remains approved until that approval is revoked by the Division of 168211

Marijuana Control, after giving notice to the petitioner described 168212  
in section 3796.061 of the Revised Code. The Division shall post 168213  
notice of that revocation on its web site. 168214

**Section 525.30.** (A) "State schools" means the State School 168215  
for the Deaf and the State School for the Blind. 168216

(B) On the effective date of this section, all records of the 168217  
state schools shall be transferred to Ohio Deaf and Blind 168218  
Education Services established in section 3325.01 of the Revised 168219  
Code, and all of their other assets and liabilities shall be 168220  
transferred to Ohio Deaf and Blind Education Services. Ohio Deaf 168221  
and Blind Education Services is the successor to, and assumes the 168222  
obligations of, the state schools. 168223

(C) Any business commenced, but not completed by the state 168224  
schools or their superintendents on the effective date of this 168225  
section shall be completed by the superintendent of Ohio Deaf and 168226  
Blind Education Services in the same manner, and with the same 168227  
effect, as if completed by the state schools or their 168228  
superintendents. No validation, cure, right, privilege, remedy, 168229  
obligation, or liability is lost or impaired by reason of the 168230  
transfer required under this section. 168231

(D) Subject to the lay-off provisions of sections 124.321 to 168232  
124.328 of the Revised Code, all of the employees of the state 168233  
schools are transferred to Ohio Deaf and Blind Education Services 168234  
and retain their positions and all of the benefits accruing 168235  
thereto. 168236

(E) On and after the effective date of this section, pursuant 168237  
to section 126.15 of the Revised Code, the Director of Budget and 168238  
Management shall transfer the balance of all appropriations made 168239  
to the state schools to Ohio Deaf and Blind Education Services. 168240

(F) Wherever the state schools or their superintendents are 168241

referred to in any law, contract, or other document, the reference 168242  
shall be deemed to refer to Ohio Deaf and Blind Education Services 168243  
or its superintendent, whichever is appropriate. 168244

(G) No action or proceeding pending on the effective date of 168245  
this section is affected by the transfer, and any such action or 168246  
proceeding shall be prosecuted or defined in the name of Ohio Deaf 168247  
and Blind Education Services or its superintendent. In all such 168248  
actions and proceedings, the superintendent or Ohio Deaf and Blind 168249  
Education Services, on application to the court, shall be 168250  
substituted as a party. 168251

**Section 610.10.** That Sections 213.10, 237.10 (as amended by 168252  
H.B. 45 of the 134th General Assembly), 237.13 (as amended by H.B. 168253  
45 of the 134th General Assembly), 237.15, and 237.30 of H.B. 687 168254  
of the 134th General Assembly be amended to read as follows: 168255

**Sec. 213.10.** 168256

DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 168257

Building Improvement Fund (Fund 5KZ0) 168258

C10035 Building Improvement \$ 45,436,000 168259

TOTAL Building Improvement Fund \$ 45,436,000 168260

Administrative Building Taxable Bond Fund (Fund 7016) 168261

C10041 MARCS - Taxable \$ 16,888,000 168262

C10055 Highland County MARCS Tower \$ 750,000 168263

C10056 BGSU Public Safety Radio System - MARCS \$ 175,000 168264

TOTAL Administrative Building Taxable Bond Fund \$ 17,813,000 168265

Administrative Building Fund (Fund 7026) 168266

C10000 Governor's Residence \$ 1,436,000 168267

C10020 North High Building Complex Renovation \$ 14,209,000 168268

C10021 Office Space Planning \$ 24,907,000 168269

C10034 Aronoff Center Systems Replacements and \$ 375,000 168270

Upgrades

C10036	Rhodes Tower Renovations	\$	7,131,000	168271
C10038	Riffe Renovations	\$	10,470,000	168272
C10042	IT Projects	\$	24,345,375	168273
C10051	Fleet Sustainability	\$	500,000	168274
TOTAL Administrative Building Fund		\$	83,373,375	168275
Capital IT Projects Fund (Fund 7091)				168276
C10054	Statewide IT Projects	\$	33,085,524	168277
TOTAL Capital IT Projects Fund		\$	33,085,524	168278
TOTAL ALL FUNDS		\$	179,707,899	168279

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM 168280

(A) There is hereby continued a Multi-Agency Radio 168281  
Communications System (MARCS) Steering Committee consisting of all 168282  
of the following members: 168283

(1) The directors, or designees thereof, of the Directors of 168284  
Administrative Services, Public Safety, Natural Resources, 168285  
Transportation, Rehabilitation and Correction, and Budget and 168286  
Management, and the State Fire Marshal or the State Fire Marshal's 168287  
designee; 168288

(2) The following members appointed by the Governor: 168289

(a) One representative of the Ohio Chapter of the Association 168290  
of Public Safety Communications Officials or its successor 168291  
organization; 168292

(b) One representative of the Buckeye State Sheriff's 168293  
Association or its successor organization; 168294

(c) One representative of the Ohio Association of Chiefs of 168295  
Police or its successor organization; 168296

(d) One representative of the Ohio Fire Chiefs' Association 168297  
or its successor organization. 168298

(3) Two members of the House of Representatives appointed by 168299  
the Speaker of the House of Representatives, one from the majority 168300

party and one from the minority party; 168301

(4) Two members of the Senate appointed by the President of 168302  
the Senate, one from the majority party and one from the minority 168303  
party. The 168304

(B) The Director of Administrative Services or the Director's 168305  
designee shall chair the Committee. ~~The~~ 168306

(C) The Committee shall provide assistance to the Director of 168307  
Administrative Services for effective and efficient implementation 168308  
of MARCS as well as develop policies for the ongoing management of 168309  
the system. Upon dates prescribed by the Directors of 168310  
Administrative Services and Budget and Management, the MARCS 168311  
Steering Committee shall report to the Directors on the progress 168312  
of MARCS implementation and the development of policies related to 168313  
the system. 168314

(D) The Committee shall establish a subcommittee to represent 168315  
MARCS users on the local government level. The chairperson of the 168316  
subcommittee shall serve as a member of the MARCS Steering 168317  
Committee. 168318

(E) The foregoing appropriation item C10041, MARCS - Taxable, 168319  
shall be used to purchase or construct the components of MARCS 168320  
that are not specific to any one agency. The equipment may 168321  
include, but is not limited to, computer and telecommunications 168322  
equipment used for the functioning and integration of the system, 168323  
communications towers, tower sites, tower equipment, and linkages 168324  
among towers. The Director of Administrative Services shall, with 168325  
the concurrence of the MARCS Steering Committee, determine the 168326  
specific use of funds. Expenditures from this appropriation shall 168327  
not be subject to Chapters 123. and 153. of the Revised Code. 168328

**Sec. 237.10.** 168329

FCC FACILITIES CONSTRUCTION COMMISSION 168330

State Fiscal Recovery Fund (Fund 5CV3)			168331
C230GF	ARPA School Security	\$ 100,000,000	168332
TOTAL	State Fiscal Recovery Fund	\$ 100,000,000	168333
Administrative Building Fund (Fund 7026)			168334
C23016	Energy Conservation Projects	\$ 2,000,000	168335
C230E5	State Agency Planning/Assessment	\$ 2,800,000	168336
TOTAL	Administrative Building Fund	\$ 4,800,000	168337
Cultural and Sports Facilities Building Fund (Fund 7030)			168338
C23024	OHS - Statewide Site Exhibit Renovation	\$ 475,000	168339
C23025	OHS - Statewide Site Repairs	\$ 1,600,000	168340
C23028	OHS - Basic Renovations and Emergency Repairs	\$ 1,000,000	168341
C23032	OHS - Ohio Historical Center Rehabilitation	\$ 3,000,000	168342
C23033	OHS - Stowe House State Memorial	\$ 1,500,000	168343
C23034	OHS - National Afro-American Museum	\$ 900,000	168344
C23057	OHS - Online Portal to Ohio's Heritage	\$ 400,000	168345
C230C8	OHS - Serpent Mound	\$ 750,000	168346
C230E6	OHS - Exhibits Native American Sites	\$ 250,000	168347
C230EN	OHS - Storage Facility Expansion	\$ 5,000,000	168348
C230EO	OHS - Poindexter Village Museum	\$ 1,000,000	168349
C230FM	Cultural and Sports Facilities Projects	\$ 52,044,000	168350
C230FS	OHS - Ohio River Museum New Building	\$ 3,000,000	168351
C230FT	OHS - Statewide Site Security System	\$ 400,000	168352
C230FY	OHS - National Road Museum	\$ 500,000	168353
C230GG	OHS - Start Westward Monument	\$ 500,000	168354
C230W7	OHS - Lundy House Restoration	\$ 1,250,000	168355
C230X1	OHS - Site Energy Conservation	\$ 300,000	168356
TOTAL	Cultural and Sports Facilities Building Fund	\$ 73,869,000	168357
School Building Program Assistance Fund (Fund 7032)			168358
C23002	School Building Program Assistance	\$ 600,000,000	168359
<u>C230GD</u>	<u>Accelerated Appalachian School Building</u>	\$ <u>300,000,000</u>	168360

Assistance

TOTAL School Building Program Assistance Fund	\$	<del>600,000,000</del>	168361
		<u>900,000,000</u>	
Capital IT Projects Fund (Fund 7091)			168362
C230GF Data Management Solution	\$	3,000,000	168363
TOTAL Capital IT Projects Fund	\$	3,000,000	168364
TOTAL ALL FUNDS	\$	<del>781,669,000</del>	168365
		<u>1,081,669,000</u>	

ARPA SCHOOL SECURITY 168366

(A) The foregoing appropriation item C230GF, ARPA School Security, shall be used by the Facilities Construction Commission to award grants of up to \$100,000 per school building to eligible public school districts and chartered nonpublic schools. Grants shall be awarded according to guidelines adopted by the Commission after consultation with the Ohio Department of Education and the division of Homeland Security of the Department of Public Safety. In awarding grants, the Commission may consider applications submitted by eligible public school districts in response to similar grant programs operated by the Commission that have not been awarded if such applications comply with guidelines adopted under this division. 168367-168378

(B) All grants awarded under division (A) of this section shall comply with requirements of the federal American Rescue Plan Act of 2021, Pub. L. No. 117-2. 168379-168381

(C) As used in division (A) of this section: 168382

(1) "Eligible public school district" means any city, local, exempted village, or joint vocational school district, any community school established under Chapter 3314. of the Revised Code, and any STEM school established under Chapter 3326. of the Revised Code. 168383-168387

(2) "School building" means a classroom facility serving the 168388

educational needs of students that has not had construction 168389  
completed within the prior five years under any of the programs 168390  
authorized under Chapter 3318. of the Revised Code and that has 168391  
not received grant funding under the School Safety Grant Program 168392  
established in S.B. 310 of the 133rd General Assembly and funded 168393  
by appropriation item C23020, School Safety Grant Program. 168394

(3) "Chartered nonpublic school" means a school that meets 168395  
standards for nonpublic schools prescribed by the State Board of 168396  
Education for nonpublic schools pursuant to section 3301.07 of the 168397  
Revised Code. 168398

**ENERGY CONSERVATION PROJECTS** 168399

The foregoing appropriation item C23016, Energy Conservation 168400  
Projects, shall be used to perform energy conservation 168401  
renovations, including the United States Environmental Protection 168402  
Agency's Energy Star Program, in state-owned facilities. Prior to 168403  
the release of funds for renovation, state agencies shall have 168404  
performed a comprehensive energy audit for each project. The 168405  
Facilities Construction Commission shall review and approve 168406  
proposals from state agencies to use these funds for energy 168407  
conservation. Public school districts and state-supported and 168408  
state-assisted institutions of higher education are not eligible 168409  
for funding from this item. 168410

**STATE AGENCY PLANNING/ASSESSMENT** 168411

Capital appropriations in H.B. 687 of the 134th General 168412  
Assembly made from appropriation item C230E5, State Agency 168413  
Planning/Assessment, shall be used by the Facilities Construction 168414  
Commission to provide assistance to any state agency for 168415  
assessment, capital planning, and maintenance management. 168416

**Sec. 237.13. CULTURAL AND SPORTS FACILITIES PROJECTS** 168417

The foregoing appropriation item C230FM, Cultural and Sports 168418

Facilities Projects, shall be used to support the projects listed		168419
in this section.		168420
Project List		168421
Columbus Symphony Orchestra	\$2,000,000	168422
Findlay Market Garage	\$2,000,000	168423
Toledo Museum of Art	\$1,250,000	168424
Cincinnati Museum Center STEM - Biomedical and Early Childhood Exhibits	\$1,200,000	168425
Allen County Memorial Hall Improvements	\$1,000,000	168426
Historic Newark Arcade Renovation	\$1,000,000	168427
Eric Mendelsohn Park Synagogue Campus Restoration	\$1,000,000	168428
Playhouse Square	\$1,000,000	168429
Port Regal Theatre	\$1,000,000	168430
Pro Football Hall of Fame	\$1,000,000	168431
Rock and Roll Hall of Fame Expansion	\$1,000,000	168432
Cleveland Museum of Art Horace Kelley Art Foundation Lobby Renovation Phase II	\$900,000	168433
Cleveland Museum of Natural History	\$900,000	168434
A.B. Graham Memorial at I-70 and SR 72	\$750,000	168435
American Sign Museum	\$750,000	168436
James A. Garfield Memorial Preservation	\$750,000	168437
Springfield Art Museum	\$750,000	168438
Central Presbyterian Church	\$650,000	168439
Emery Theater Restoration	\$650,000	168440
Salmon Carter House	\$625,000	168441
Athens Hall of Honor Veterans Memorial	\$600,000	168442
DeYor Performing Arts Center	\$600,000	168443
Fremont Amphitheater Park	\$600,000	168444
National Museum of the Great Lakes Expansion Project	\$600,000	168445
OH WOW! The Roger and Gloria Jones Children's Center for Science and	\$600,000	168446

Technology		
Akron Art Museum-Center for Creative Learning	\$500,000	168447
Canton Township Palace Theater	\$500,000	168448
Champaign Aviation Museum Improvements	\$500,000	168449
Crawford Auto-Aviation Museum	\$500,000	168450
Day Air Credit Union Ballpark Professional Development License Facility Standard Improvements	\$500,000	168451
Dayton Institute of Art	\$500,000	168452
Fort Recovery Opera House	\$500,000	168453
Friends of the St. Marys Theater and Grand Opera House Downtown Revitalization Project	\$500,000	168454
International Soap Box Derby	\$500,000	168455
Lyric Theater Renovation	\$500,000	168456
Miami Valley Veterans Museum	\$500,000	168457
National Aviation Hall of Fame Innovation Laboratory	\$500,000	168458
National Voice of America Museum of Broadcasting	\$500,000	168459
Ohio Aerospace Institute Building Repair Project	\$500,000	168460
Stan Hywet Hall and Garden	\$500,000	168461
The Barn at Stratford	\$500,000	168462
York Mason Building Renovation	\$500,000	168463
Brown-Harris Historic Cemetery Preservation Schuster Center	\$450,000	168464
Taft Museum of Art Preservation Phase II	\$450,000	168465
Clifton Cultural Arts Center	\$400,000	168466
Orange Township Veterans Memorial	\$400,000	168467
Columbus Museum of Art	\$350,000	168468
Fort Laurens Restoration	\$330,000	168469
Cleveland Center for Arts and Technology	\$325,000	168470

Vandalia Art Park Amphitheater	\$300,000	168472
Butler Art Museum	\$300,000	168473
Champaign County Historical Society-Museum Additions and Renovation	\$300,000	168474
Gloria Theatre and the Urbana Youth Center Improvements	\$300,000	168475
Historic Washington Auditorium Renovation	\$300,000	168476
Jackson Amphitheater	\$300,000	168477
New Franklin Tudor House	\$300,000	168478
Robert (Sonny) Hill Community Center Expansion and Redevelopment Project	\$300,000	168479
Rockwell District Cultural and Arts Amphitheater - Whitehall	\$300,000	168480
Steubenville Grand Theater	\$300,000	168481
Veterans Memorial Lake Park	\$300,000	168482
Oak Harbor Riverfront	\$275,000	168483
City of Orrville Market West Historic Area	\$250,000	168484
Cranz Farm at Hale Farm and Village	\$250,000	168485
Everts Athletic and Arts Community Center	\$250,000	168486
Findlay Market Infrastructure Renovations	\$250,000	168487
Holmes Center for the Arts	\$250,000	168488
New London Hileman Community Building Project	\$250,000	168489
Piqua Arts - The Bank	\$250,000	168490
Rickenbacker Boyhood Home	\$250,000	168491
Sandusky State Theatre	\$250,000	168492
Toledo School for the Arts Expansion	\$250,000	168493
Youngstown <del>Heritage Manor</del> <u>Area Jewish Federation</u>	\$250,000	168494
Preble County Historical Society Restoration and Nature Reserve	\$240,000	168495
Pickaway County Memorial Hall	\$225,000	168496
Beck Center	\$200,000	168497

Cincinnati Carriage House Renovations	\$200,000	168498
Complete Cozad - Health Hospitality Campus	\$200,000	168499
East Liverpool Revitalization Project	\$200,000	168500
Grant Sawyer Carriage House	\$200,000	168501
Lorain Palace Theatre	\$200,000	168502
Marion Heritage Hall	\$200,000	168503
Painesville Amphitheater	\$200,000	168504
Karamu House Educational Wing Renovations	\$175,000	168505
McDowell-Phillips House Museum	\$175,000	168506
McKinley Presidential Library Upgrades	\$171,000	168507
Grafton Veterans Memorial	\$150,000	168508
Historic Ohio State Reformatory Tour Site	\$150,000	168509
Upgrade and Expansion		
Johnstown Amphitheater	\$150,000	168510
Marion Women's Club	\$150,000	168511
Necco Center Campus	\$150,000	168512
Nuestra Gente Community Center	\$150,000	168513
Powell Education Center	\$150,000	168514
St. Clairsville Train Depot	\$150,000	168515
Tecumseh! Actors Village Improvements	\$150,000	168516
Van Wert Area Performing Arts Annex	\$150,000	168517
Workshop		
Village of Richwood Opera House Restoration	\$150,000	168518
Woodsfield Monroe Theatre	\$135,000	168519
Pump House Center for the Arts	\$127,000	168520
Beach Park Railway Museum	\$125,000	168521
Ensemble Theatre of Cincinnati	\$125,000	168522
Forever Dads Historic Building Restoration	\$125,000	168523
John and Iris Hathaway Education and	\$125,000	168524
Community Center		
Logan Theater Renovation	\$125,000	168525
Anchorage Rehabilitation Phase III	\$100,000	168526
Armstrong Air and Space Museum	\$100,000	168527

Barker House Stabilization Project	\$100,000	168528
Boonshoft Museum of Discovery	\$100,000	168529
Bowling Green Oak Street Theater	\$100,000	168530
Chagrin Falls Historical Society	\$100,000	168531
Columbus College of Art and Design Youth and Community Learning Hub	\$100,000	168532
Dairy Barn Arts Center	\$100,000	168533
Delaware Arts Castle Mason Repairs	\$100,000	168534
Downtown Marion Community Culture and Entertainment Zone	\$100,000	168535
Dublin Arts Council - Muirfield Drive Project	\$100,000	168536
Evendale Cultural Arts Center - ADA Compliance	\$100,000	168537
Fayette County Museum	\$100,000	168538
Federal Valley Resource Center Improvements	\$100,000	168539
Firelands Historical Society Expansion	\$100,000	168540
Galion Big Four Depot Renovation	\$100,000	168541
Historic Hoover Auditorium Renovation	\$100,000	168542
Historic Sidney Theater Phase II	\$100,000	168543
Hotel McArthur	\$100,000	168544
Jacob Miller Tavern	\$100,000	168545
Kol Israel Foundation Holocaust Memorial	\$100,000	168546
Lilly Weston House	\$100,000	168547
Louis Sullivan Building	\$100,000	168548
Macedonia Missionary Baptist Church Renovation	\$100,000	168549
Middletown Entertainment and Sports Venue	\$100,000	168550
North Ridgeville Veterans Memorial	\$100,000	168551
Port Clinton Arts Garage	\$100,000	168552
Portage Riverwalk Arts Infrastructure - Oak Harbor	\$100,000	168553
Ro-Na Theater Entertainment and Performing	\$100,000	168554

Arts Theater		
Strand Theatre	\$100,000	168555
Swanton Memorial Park Improvements	\$100,000	168556
Walnut Hills Creative Campus	\$100,000	168557
Wellston Sport Complex	\$100,000	168558
Dennison Community Auditorium Accessibility	\$95,000	168559
Arts and Education Campus Improvements - Silverton	\$90,000	168560
Georgetown Hall - Adena	\$90,000	168561
Sugarcreek Township Veterans Memorial	\$90,000	168562
Case Barlow Farm	\$80,000	168563
Highland House Museum	\$77,000	168564
Boys and Girls Club - HVAC and Roof Repair - Orrville	\$75,000	168565
Danny Thomas Park Amphitheater	\$75,000	168566
Hudson Historic Boy Scout Cabin	\$75,000	168567
Pleasant Square Community Center	\$75,000	168568
Tarlton Community Building	\$75,000	168569
Warren County Community Services	\$75,000	168570
Massillon Museum Fire Monitoring System	\$68,000	168571
Pike Heritage Museum	\$60,000	168572
Allen County Museum	\$50,000	168573
Willoughby Arts Education and Performing Arts Center	\$50,000	168574
Fairfield County Historical Society Goslin Room	\$50,000	168575
G.A.R. Hall Historic Rehabilitation	\$50,000	168576
Gallipolis Railroad Freight Station Museum	\$50,000	168577
Grand Army of the Republic Hall	\$50,000	168578
Grant Memorial Building, Phase II	\$50,000	168579
Grant Presidential Sculpture	\$50,000	168580
History Manor Renovation and Reinterpretation - Wauseon	\$50,000	168581

Libbey House	\$50,000	168582
Mansard Building Project	\$50,000	168583
Mansfield Art Center Pavilion	\$50,000	168584
O.P. Chaney/Historic Mill	\$50,000	168585
Oviatt House	\$50,000	168586
Railroad Museum Upgrades - Bradford	\$50,000	168587
SAM Center Upgrades	\$50,000	168588
Spring Hill	\$50,000	168589
Trumpet in the Land Outdoor Drama Tower Project	\$50,000	168590
Westfield Center Community Center ADA Improvement Project	\$50,000	168591
Zanesville Gateway District	\$50,000	168592
Zanesville Museum of Art Facility EIFS Repairs and HVAC Replacement	\$50,000	168593
Hardin County Armory	\$45,000	168594
Genoa One Room School House	\$40,000	168595
Victorian House Museum	\$35,000	168596
Convoy Opera House Annex Restoration	\$31,000	168597
Stuart's Opera House	\$30,000	168598
Dayton Contemporary Dance Arts and Cultural Center	\$25,000	168599
Ohio Glass Museum	\$25,000	168600
Peoples Bank Theatre	\$25,000	168601
Poland Historical Society	\$25,000	168602
Village of Garrettsville Cemetery	\$25,000	168603
Scioto County Heritage Museum Restoration	\$10,000	168604

**Sec. 237.15. SCHOOL BUILDING PROGRAM ASSISTANCE** 168605

Capital appropriations in this act made from appropriation 168606  
item C23002, School Building Program Assistance, shall be used by 168607  
the Facilities Construction Commission to provide funding to 168608  
school districts that receive conditional approval from the 168609

Commission pursuant to Chapter 3318. of the Revised Code. 168610

ACCELERATED APPALACHIAN SCHOOL BUILDING ASSISTANCE 168611

Capital appropriations in this act made from appropriation 168612  
item C230GD, Accelerated Appalachian School Building Assistance, 168613  
shall be used by the Facilities Construction Commission to provide 168614  
funding to school districts that receive conditional approval from 168615  
the Commission pursuant to section 3318.33 of the Revised Code. 168616

**Sec. 237.30.** The Ohio Public Facilities Commission is hereby 168617  
authorized to issue and sell, in accordance with Section 2n of 168618  
Article VIII, Ohio Constitution, and Chapter 151. and particularly 168619  
sections 151.01 and 151.03 of the Revised Code, original 168620  
obligations in an aggregate principal amount not to exceed 168621  
~~\$470,100,000~~ \$770,100,000 in addition to the original issuance of 168622  
obligations heretofore authorized by prior acts of the General 168623  
Assembly. These authorized obligations shall be issued, subject to 168624  
applicable constitutional and statutory limitations, as needed to 168625  
provide sufficient moneys to the credit of the School Building 168626  
Program Assistance Fund (Fund 7032) to pay the state share of the 168627  
costs of constructing classroom facilities pursuant to Chapter 168628  
3318. of the Revised Code. 168629

**Section 610.11.** That existing Sections 213.10, 237.10 (as 168630  
amended by H.B. 45 of the 134th General Assembly), 237.13 (as 168631  
amended by H.B. 45 of the 134th General Assembly), 237.15, and 168632  
237.30 of H.B. 687 of the 134th General Assembly are hereby 168633  
repealed. 168634

**Section 610.20.** That Section 21 of H.B. 790 of the 120th 168635  
General Assembly, as amended by Section 11 of H.B. 670 of the 168636  
121st General Assembly, is hereby repealed. 168637

**Section 610.30.** That Sections 280.12, 280.28, and 285.12 of 168638

H.B. 45 of the 134th General Assembly be amended to read as 168639  
follows: 168640

**Sec. 280.12.** The foregoing appropriation item 042628, Adult 168641  
Day Care, shall be used by the Director of Budget and Management 168642  
to administer grants to eligible adult day care providers during 168643  
the current state fiscal year, and the remaining \$4,000,000 shall 168644  
be reappropriated and administered during the next state fiscal 168645  
year. 168646

**Sec. 280.28.** NURSING FACILITY WORKFORCE SUPPORT FOR ITEMS NOT 168647  
COVERED BY MEDICAID OR MEDICAID MANAGED CARE CONTRACTS 168648

(A) As used in this section: 168649

(1) "Ancillary and support costs," "direct care costs," 168650  
"nursing facility," and "operator" have the same meanings as in 168651  
section 5165.01 of the Revised Code. 168652

(2) "CMS" means the United States Centers for Medicare and 168653  
Medicaid Services. 168654

(3) "Long-stay resident" means an individual who has resided 168655  
in a nursing facility for at least one hundred one days. 168656

(4) "Nursing home" has the same meaning as in section 3721.01 168657  
of the Revised Code. 168658

(5) "Nursing facilities for which a quality score was 168659  
determined" includes nursing facilities that are determined to 168660  
have a quality score of zero. 168661

(B) The foregoing appropriation item 042636, Nursing Facility 168662  
Workforce Support, shall be used by the Office of Budget and 168663  
Management to provide a lump sum payment to nursing ~~facilities~~ 168664  
~~that are Medicaid providers homes,~~ for general relief and items 168665  
not covered by Medicaid managed care organization contracts or 168666  
general Medicaid rates. Nursing ~~facility providers~~ home operators 168667

shall use the funds from the lump sum payment to make workforce relief payments in accordance with this section. The Office of Budget and Management shall distribute the appropriated funds as soon as practicable after December 31, 2022, ~~but not later than April 1, 2023,~~ as follows:

(1) Forty per cent of the appropriated funds shall be made as payments to nursing facilities based on each facility's total number of Medicaid days in calendar year 2021. Nursing homes that are not nursing facilities shall receive payments under this division based on the median number of medicaid days for all nursing facilities in this state during calendar year 2021.

(2) Sixty per cent of the funds shall be made as quality payments to nursing ~~facilities~~ homes, to be determined in accordance with division (C) and (E) of this section.

(C) The Office of Budget and Management shall determine each nursing facility's quality payment under division (B)(2) of this section as follows:

(1) Determine the sum of the quality scores determined under division (D) of this section for all nursing facilities.

(2) Determine the value per quality point by determining the quotient of the following:

(a) The number that is sixty per cent of the appropriation made in this section;

(b) The sum determined under division (C)(1) of this section.

(3) Multiply the value per quality point determined under division (C)(2) of this section by the nursing facility's quality score determined under division (D) of this section.

(D) ~~A~~ Except as provided in division (E) of this section, a nursing facility's quality score shall be calculated as follows:

(1) Calculate the sum of the total number of points that CMS

assigned to the nursing facility under CMS's nursing facility 168698  
five-star quality rating system for the following quality metrics 168699  
based on the four-quarter average for calendar year 2021 in the 168700  
database maintained by CMS and known as care compare: 168701

(a) The percentage of the nursing facility's long-stay 168702  
residents at high risk for pressure ulcers who had pressure 168703  
ulcers; 168704

(b) The percentage of the nursing facility's long-stay 168705  
residents who had a urinary tract infection; 168706

(c) The percentage of the nursing facility's long-stay 168707  
residents whose ability to move independently worsened; 168708

(d) The percentage of the nursing facility's long-stay 168709  
residents who had a catheter inserted and left in their bladder. 168710

(2) If the nursing facility was in the lowest percentile for 168711  
any of the measures specified in division (D)(1) of this section, 168712  
reduce the facility's points to zero for that measure. 168713

(3) To the sum calculated under divisions (D)(1) and (2) of 168714  
this section, add seven and one-half points if the nursing 168715  
facility's occupancy rate during calendar year 2021 was 168716  
seventy-five per cent or more. 168717

(E) A new nursing facility, or a nursing home that is not a 168718  
nursing facility, shall receive a quality score that equals the 168719  
median quality score for all nursing facilities for which a 168720  
quality score was determined. 168721

(F) A nursing ~~facility provider~~ home operator shall use the 168722  
funds received under this section only for workforce expenses. 168723

**Sec. 285.12. ELECTRONIC POLLBOOKS** 168724

The foregoing appropriation item 050638, Electronic 168725  
Pollbooks, shall be used by the Secretary of State to pay 168726

eighty-five per cent of the calculated allocation cost of 168727  
acquiring electronic pollbooks, as defined in section 3506.05 of 168728  
the Revised Code, and ancillary equipment, for county boards of 168729  
elections in accordance with this section. 168730

An amount equal to the unexpended, unencumbered portion of 168731  
the foregoing appropriation item 050638, Electronic Pollbooks, at 168732  
the end of fiscal year 2023 is hereby reappropriated to the 168733  
Secretary of State for the same purpose in fiscal year 2024. 168734

~~On the effective date of this section~~ the effective date of 168735  
this section, or as soon as possible thereafter, the Director of 168736  
Budget and Management shall transfer \$7,500,000 cash from the 168737  
General Revenue Fund to the Electronic Pollbook Fund (Fund 5ZE0), 168738  
which is hereby created in the state treasury. 168739

When required, pursuant to state purchasing requirements and 168740  
at the request of the Secretary of State, the Office of 168741  
Procurement Services within the Department of Administrative 168742  
Services shall initiate a competitive solicitation for the purpose 168743  
of identifying and securing contracts with qualified vendors that 168744  
can provide electronic pollbooks, as defined in section 3506.05 of 168745  
the Revised Code, and ancillary equipment, for the county boards 168746  
of elections in accordance with this section. 168747

The Secretary of State shall calculate the portion of 168748  
appropriation item 050638, Electronic Pollbooks, to be allocated 168749  
to each county board of elections in proportion to the number of 168750  
registered voters in each county as recorded in the statewide 168751  
voter registration database as of July 1, 2022. The Secretary of 168752  
State, in conjunction with the Office of Procurement Services 168753  
within the Department of Administrative Services, shall use the 168754  
funding allocated to each county board of elections ~~for the~~ 168755  
~~purchase of~~ to reimburse them for the cost of acquiring electronic 168756  
pollbooks and ancillary equipment as follows: 168757

(A) For electronic pollbooks and ancillary equipment to be 168758  
~~purchased~~ acquired from vendors identified through competitive 168759  
solicitation by the Office of Procurement Services within the 168760  
Department of Administrative Services after ~~the effective date of~~ 168761  
~~this section~~ the effective date of this section, upon request by a 168762  
county board of elections, the Secretary of State shall provide a 168763  
list of the vendors and electronic pollbooks certified in 168764  
accordance with section 3506.05 of the Revised Code. The board of 168765  
elections shall select electronic pollbooks from this list, ~~and~~ 168766  
notify the ~~Office of Procurement Services~~ Secretary of State of 168767  
its selection. ~~The Office,~~ and shall ~~purchase~~ acquire the selected 168768  
electronic pollbooks and any other necessary equipment ~~on behalf~~ 168769  
~~of the board of elections and shall transfer those pollbooks and~~ 168770  
~~equipment to the board.~~ The board of elections shall enter into a 168771  
memorandum of understanding with the applicable board of county 168772  
commissioners and the ~~Department of Administrative Services~~ 168773  
Secretary of State concerning those ~~purchases~~ acquisitions. The 168774  
Secretary of State shall reimburse the board of elections for the 168775  
lesser amount of either eighty-five per cent of the cost of those 168776  
~~purchases~~ acquisitions, or the amount of the allocation as 168777  
determined by the Secretary of State under this section. 168778

(B) If, prior to ~~the effective date of this section~~ the 168779  
effective date of this section and after the date of December 31, 168780  
2019, a board of elections ~~purchased~~ acquired electronic pollbooks 168781  
or ancillary equipment and is otherwise in compliance with all 168782  
applicable directives and statutes, the Secretary of State shall 168783  
reimburse the board of elections for the lesser amount of either 168784  
eighty-five per cent of the cost of that ~~purchase~~ acquisition, or 168785  
the amount of the allocation as determined by the Secretary of 168786  
State under this section. Reimbursement shall be paid to the 168787  
county ~~general fund~~ board of elections. 168788

**Section 610.31.** That existing Sections 280.12, 280.28, and 168789

285.12 of H.B. 45 of the 134th General Assembly are hereby 168790  
repealed. 168791

**Section 610.50.** That Section 207.14 of H.B. 597 of the 134th 168792  
General Assembly be amended to read as follows: 168793

**Sec. 207.14.** 168794

LTC JAMES RHODES STATE COLLEGE 168795

Reappropriations

Higher Education Improvement Taxable Fund (Fund 7024) 168796

C38125 Workforce Based Training and Equipment - \$226,284 168797  
Taxable

TOTAL Higher Education Improvement Taxable Fund \$226,284 168798

Higher Education Improvement Fund (Fund 7034) 168799

C38100 Basic Renovations \$758,498 168800

C38116 Center for Health Science Education and \$128,978 168801  
Innovation

C38117 IT Infrastructure \$976,395 168802

C38122 Campus Safety Upgrades \$103,238 168803

C38123 St. Rita's Medical Center \$500,000 168804

C38124 Allen County Airport ~~Communications~~ \$300,000 168805

Facilities Improvements

C38126 Campus Safety Grant Program \$161,200 168806

TOTAL Higher Education Improvement Fund \$2,928,309 168807

TOTAL ALL FUNDS \$3,154,593 168808

BASIC RENOVATIONS 168809

The amount reappropriated for the foregoing appropriation 168810

item C38100, Basic Renovations, is the unencumbered balance as of 168811

June 30, 2022, in appropriation item C38100, Basic Renovations, 168812

plus \$74,715. Prior to the expenditure of this appropriation, 168813

James Rhodes State College shall certify to the Director of Budget 168814

and Management canceled encumbrances in the amount of at least 168815  
\$74,715. 168816

**Section 610.51.** That existing Section 207.14 of H.B. 597 of 168817  
the 134th General Assembly is hereby repealed. 168818

**Section 610.60.** That Section 5 of H.B. 371 of the 134th 168819  
General Assembly is hereby repealed. 168820

**Section 610.70.** That Section 3 of H.B. 669 of the 133rd 168821  
General Assembly, as amended by Section 4 of S.B. 102 of the 134th 168822  
General Assembly, is hereby repealed, effective January 1, 2024. 168823

**Section 610.80.** That Sections 125.10 and 125.11 of H.B. 59 of 168824  
the 130th General Assembly (as amended by H.B. 110 of the 134th 168825  
General Assembly) be amended to read as follows: 168826

**Sec. 125.10.** Sections 5168.01, 5168.02, 5168.03, 5168.04, 168827  
5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 168828  
5168.13, 5168.99, and 5168.991 of the Revised Code are hereby 168829  
repealed, effective October 16, ~~2023~~ 2025. 168830

**Sec. 125.11.** Sections 5168.20, 5168.21, 5168.22, 5168.23, 168831  
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised 168832  
Code are hereby repealed, effective October 1, ~~2023~~ 2025. 168833

**Section 610.81.** That existing Sections 125.10 and 125.11 of 168834  
H.B. 59 of the 130th General Assembly (as amended by H.B. 110 of 168835  
the 134th General Assembly) are hereby repealed. 168836

**Section 610.90.** That Section 5 of H.B. 29 of the 134th 168837  
General Assembly be amended to read as follows: 168838

**Sec. 5.** (A) The ~~Joint Committee~~ Study commission on ~~Sports~~ 168839

the Future of Gaming in Ohio is established. The Committee Study Commission consists of ~~six~~ the following eleven members. ~~The Speaker of the House of Representatives shall appoint to the Committee three;~~

(1) Three members of the House of Representatives, ~~and the President of the Senate shall appoint to the Committee three~~ appointed by the Speaker of the House of Representatives;

(2) One member of the House of Representatives appointed by the Minority Leader of the House of Representatives;

(3) Three members of the Senate appointed by the President of the Senate;

(4) One member of the Senate appointed by the Minority Leader of the Senate;

(5) The chairperson of the State Lottery Commission or the chairperson's designee;

(6) The chairperson of the Ohio Casino Control Commission or the chairperson's designee;

(7) The chairperson of the State Racing Commission or the chairperson's designee. ~~Not more than two members appointed from each chamber may be members of the same political party. The~~

The Speaker of the House of Representatives and the President of the Senate shall designate co-chairpersons of the Committee Study Commission.

(B) The Committee Study Commission shall ~~monitor~~ do all of the following:

(1) Examine the current status of the statewide lottery and the future of the lottery industry and make recommendations to the General Assembly concerning the statewide lottery;

(2) Examine the implementation of sports gaming under ~~this~~

~~act H.B. 29 of the 134th General Assembly and the future of the~~ 168869  
~~sports gaming industry and shall report its~~ 168870  
~~make recommendations,~~ 168871  
~~if any,~~ to the General Assembly concerning sports gaming in this 168872  
state;

(3) Examine the current status of casino gaming in this state 168873  
and the future of the casino gaming industry and make 168874  
recommendations to the General Assembly concerning casino gaming 168875  
in this state; 168876

(4) Examine the current status of horse racing in this state 168877  
and the future of the horse racing industry and make 168878  
recommendations to the General Assembly concerning horse racing in 168879  
this state. 168880

(C) Any ~~study, or any~~ expense incurred, in furtherance of the 168881  
~~Committee's~~ Study Commission's objectives shall be paid for from, 168882  
or out of, the Casino Control Commission Fund or other 168883  
appropriation provided by law. The members shall receive no 168884  
additional compensation, but shall be reimbursed for actual and 168885  
necessary expenses incurred in the performance of their official 168886  
duties. 168887

(D) The ~~Committee~~ Study Commission shall submit a report of 168888  
its findings and recommendations to the General Assembly not later 168889  
than June 30, 2024. After it submits its report, the Study 168890  
Commission ceases to exist ~~on the date that is two years after the~~ 168891  
~~effective date of this section.~~ 168892

**Section 610.91.** That existing Section 5 of H.B. 29 of the 168893  
134th General Assembly is hereby repealed. 168894

**Section 700.10.** Section 5.2320 of the Revised Code shall be 168895  
known as Brenna's Law. 168896

**Section 701.10.** The Tax Commissioner and Treasurer of State, 168897

or their appointed representatives, shall jointly study and design 168898  
a tax-favored savings program for home purchases and related home 168899  
improvements. The study may consider the potential for family 168900  
member and employer contributions, lifetime caps, eligibility 168901  
requirements, and any other items the Commissioner and Treasurer 168902  
of State, or their representatives, find appropriate. 168903

**Section 701.20.** As soon as practicable after the effective 168904  
date of this section, the Director of the Legislative Service 168905  
Commission shall remove rules adopted before the effective date of 168906  
this section by a state institution of higher education or its 168907  
governing body that the state institution of higher education 168908  
posted on its web site in accordance with section 3345.033 of the 168909  
Revised Code from the electronic Administrative Code published by 168910  
or under contract with the Director. 168911

**Section 701.30.** (A) Not later than one hundred twenty days 168912  
after the effective date of this section, the Department of 168913  
Development shall conduct a study to determine if the Ohio State 168914  
Fairgrounds should be relocated to an alternative location while 168915  
redeveloping the existing site of the Ohio State Fairgrounds and 168916  
Ohio Highway Patrol Training Facility. The Department shall 168917  
provide a copy of the completed study to the President of the Ohio 168918  
Senate, the Speaker of the Ohio House of Representatives, and the 168919  
Governor. 168920

(B) The study shall be conducted prior to the expenditure of 168921  
any state funds on the redevelopment of the existing Ohio State 168922  
Fairgrounds and Ohio Highway Patrol Training Facility site, 168923  
including any engineering and architectural plans, infrastructure 168924  
development, building demolition, and building construction on the 168925  
current Ohio State Fairgrounds and Ohio Highway Patrol Training 168926  
Facility site. 168927

(C) The study shall determine the following: 168928

(1) The value of the existing Ohio State Fairgrounds and Ohio Highway Patrol Training Facility site and how the sale, lease, and rental of all or part of the current Ohio State Fairgrounds and Ohio Highway Training Facility site can assist in the funding of the development of an alternative Ohio State Fairgrounds site inside Franklin County or a contiguous county. 168929  
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(2) The economic development benefits using an input-output model for the redevelopment of the existing Ohio State Fairgrounds and Ohio Highway Patrol Training Facility site into a mixed-use or other private sector development that may or may not include existing Ohio Exposition Commission facilities. 168935  
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(3) A plan, potential cost, and financing structure for the development of an alternative Ohio State Fairgrounds site inside Franklin County or a contiguous county. 168940  
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**Section 733.10.** Notwithstanding anything in the Revised Code or Administrative Code to the contrary, any school district community school, STEM school, or chartered nonpublic school that is subject to section 3301.163 of the Revised Code that retained a student in the third grade under that section or section 3313.608 of the Revised Code for the 2023-2024 school year based solely on a student's score on the assessment prescribed under section 3301.0710 of the Revised Code to measure skill in English language arts expected at the end of third grade in the 2022-2023 school year shall promote such a student to the fourth grade on the effective date of this section. 168943  
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**Section 733.20.** The enactment of section 3313.7117 of the Revised Code and related changes shall be known as "Sarah's Law for Seizure Safe Schools." 168954  
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<b>Section 733.30.</b> (A) As used in this section:	168957
(1) "E-Rate" means the federal Universal Service Fund's Schools and Libraries program.	168958 168959
(2) "Other public school" has the same meaning as in section 3301.0711 of the Revised Code.	168960 168961
(B) The Department of Education shall establish and administer a pilot project that provides state matching grants in fiscal year 2024 and fiscal year 2025 to school districts, educational service centers, other public schools, or libraries that meet the requirements of this section.	168962 168963 168964 168965 168966
(C) To be eligible for a matching grant under the pilot project, a school district, educational service center, other public school, or library shall first be approved for E-Rate funding and for special construction broadband expansion meeting the Federal Communications Commission's long term targets for E-Rate by the Federal Communications Commission or other entity empowered to grant approval.	168967 168968 168969 168970 168971 168972 168973
(D) The Department shall establish processes for accepting applications and making eligibility determinations for the pilot project that are consistent with E-Rate, provided that the Department shall not establish eligibility criteria more stringent than what is required under division (C) of this section.	168974 168975 168976 168977 168978
(E) The Department shall begin to accept applications for the pilot project through the Department's web site or other publicly accessible platform not later than ninety days after the effective date of this section.	168979 168980 168981 168982
(F) The Department may establish rules to carry out the pilot project pursuant to Chapter 119. of the Revised Code.	168983 168984
(G) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained	168985 168986

in a rule adopted under this section is not subject to sections 168987  
121.95 to 121.953 of the Revised Code. 168988

**Section 737.10.** (A) Not later than thirty days after the 168989  
effective date of this section, the State Lottery Commission shall 168990  
publish all of its operating procedures adopted under section 168991  
3770.03 of the Revised Code, as amended by this act, on the 168992  
Commission's official web site. 168993

(B) Notwithstanding division (A)(5) of section 3770.03 of the 168994  
Revised Code, as amended by this act, the State Lottery Commission 168995  
may eliminate any rule of the Commission that it replaces with an 168996  
operating procedure on or before the date that is thirty days 168997  
after the effective date of this section, without rescinding the 168998  
rule in accordance with section 111.15 or Chapter 119. of the 168999  
Revised Code, as applicable. The State Lottery Commission shall 169000  
notify the Director of the Legislative Service Commission of any 169001  
such eliminated rule, and the Director of the Legislative Service 169002  
Commission shall remove the rule from the Ohio Administrative 169003  
Code. 169004

**Section 737.20.** Section 3772.031 of the Revised Code, as 169005  
amended by Section 101.01 of this act, applies to any threat, 169006  
attempted threat, or illegal activity that impacts the integrity 169007  
of sports gaming, regardless of whether it occurs before, during, 169008  
or after a sporting event. This section enhances and in no way 169009  
decreases the Ohio Casino Control Commission's already existing 169010  
broad powers and broad authority in this area. 169011

**Section 737.30.** The Director of Health may begin implementing 169012  
Chapter 3724. of the Revised Code, including issuing 169013  
registrations, prior to adopting rules under section 3724.13 of 169014  
the Revised Code. 169015

**Section 741.10.** Not later than ninety days after the 169016  
effective date of this section, the Ohio nuclear development 169017  
authority nominating council shall provide the governor with a 169018  
list of possible initial appointees. 169019

**Section 745.10.** (A) The Public Safety - Highway Purposes Fund 169020  
Study Committee is established, consisting of the following 169021  
members: 169022

(1) Three members appointed by the Governor, including all of 169023  
the following: 169024

(a) One member representing the Department of Public Safety 169025  
other than the Bureau of Motor Vehicles and the Ohio State Highway 169026  
Patrol; 169027

(b) One member representing the Bureau of Motor Vehicles; 169028

(c) One member representing the Ohio State Highway Patrol; 169029

(2) Three members of the Senate appointed by the Senate 169030  
President and comprised of two Republicans and one Democrat; 169031

(3) Three members of the House of Representatives appointed 169032  
by the Speaker of the House of Representatives and comprised of 169033  
two Republicans and one Democrat. 169034

(B) The Committee shall complete a study of long-term issues 169035  
facing the Public Safety - Highway Purposes Fund created under 169036  
section 4501.06 of the Revised Code and, by July 1, 2024, submit a 169037  
report of its findings and recommendations to the Speaker of the 169038  
House of Representatives and the President of the Senate. 169039

(C) Upon submission of the report, the Committee ceases to 169040  
exist. 169041

**Section 747.10.** Individuals, who are members of the 169042  
Architects Board before the effective date of section 4703.01 of 169043

the Revised Code as amended in this act, may continue to hold that office until the expiration of the terms to which they were appointed, unless removed in accordance with that section. Upon the next vacancy on the Architects Board, the Governor shall appoint an individual who is a member of the general public, and who is not an architect, to the Architects Board.

**Section 747.20.** (A) As used in this section, "board-certified music therapist" means an individual who has completed the education and clinical training requirements established by the American Music Therapy Association, has passed the Certification Board for Music Therapists certification examination or obtained certification by that Board on January 1, 1985, and remains actively certified by the Certification Board for Music Therapists.

(B) Notwithstanding section 4787.04 of the Revised Code, as enacted by this act, individuals appointed to the Music Therapy Advisory Committee need not be licensed as required under that section during the first year after the effective date of this section.

(C) For a period of one year beginning on the effective date of this section, the State Medical Board shall waive the examination requirement under section 4787.05 of the Revised Code, as enacted by this act, that an individual must satisfy to obtain a license to practice as a music therapist if the individual demonstrates to the Board that the individual either is a board-certified music therapist or is designated as a registered music therapist, certified music therapist, or advanced certified music therapist and in good standing with the National Music Therapy Registry.

**Section 755.10.** DIESEL EMISSIONS REDUCTION GRANT PROGRAM

There is hereby established in the Highway Operating Fund 169074  
(Fund 7002), used by the Department of Transportation, a Diesel 169075  
Emissions Reduction Grant Program. The Director of Environmental 169076  
Protection shall administer the program and shall solicit, 169077  
evaluate, score, and select projects submitted by public and 169078  
private entities that are eligible for the federal Congestion 169079  
Mitigation and Air Quality (CMAQ) Program. The Director of 169080  
Transportation shall process Federal Highway 169081  
Administration-approved projects as recommended by the Director of 169082  
Environmental Protection. 169083

In addition to the allowable expenditures set forth in 169084  
section 122.861 of the Revised Code, Diesel Emissions Reduction 169085  
Grant Program funds also may be used to fund projects involving 169086  
the purchase or use of hybrid and alternative fuel vehicles that 169087  
are allowed under guidance developed by the Federal Highway 169088  
Administration for the CMAQ Program. 169089

Public entities eligible to receive funds under section 169090  
122.861 of the Revised Code and CMAQ shall be reimbursed from 169091  
moneys in Fund 7002 designated for the Department of 169092  
Transportation's Diesel Emissions Reduction Grant Program. 169093

Private entities eligible to receive funds under section 169094  
122.861 of the Revised Code and CMAQ shall be reimbursed, at the 169095  
direction of the local public agency sponsor and upon approval of 169096  
the Department of Transportation, through direct payments. These 169097  
reimbursements shall be made from moneys in Fund 7002 designated 169098  
for the Department of Transportation's Diesel Emissions Reduction 169099  
Grant Program. Total expenditures from Fund 7002 for the Diesel 169100  
Emissions Reduction Grant Program shall not exceed \$10,000,000 in 169101  
both fiscal year 2024 and fiscal year 2025. 169102

Any allocations under this section represent CMAQ program 169103  
moneys within the Department of Transportation for use by the 169104  
Diesel Emissions Reduction Grant Program by the Environmental 169105

Protection Agency. These allocations shall not reduce the amount 169106  
of such moneys designated for metropolitan planning organizations. 169107

The Director of Environmental Protection, in consultation 169108  
with the Director of Transportation, shall develop guidance for 169109  
the distribution of funds and for the administration of the Diesel 169110  
Emissions Reduction Grant Program. The guidance shall include a 169111  
method of prioritization for projects, acceptable technologies, 169112  
and procedures for awarding grants. 169113

**Section 755.20.** For purposes of adjusting the membership of 169114  
the Transportation Review Advisory Council in accordance with 169115  
section 5512.07 of the Revised Code, as amended by this act, all 169116  
of the following shall occur not later than sixty days after the 169117  
effective date of this section: 169118

(A) The Governor shall remove one member from the Council who 169119  
was appointed by the Governor prior to that effective date. 169120

(B) The President of the Senate shall appoint one additional 169121  
member to the Council who shall assume the remainder of the 169122  
five-year term of the member removed by the Governor under 169123  
division (A) of this section. 169124

(C) The Speaker of the House of Representatives shall appoint 169125  
one additional member to the Council who shall serve a five-year 169126  
term from the date of appointment in accordance with section 169127  
5512.07 of the Revised Code. 169128

**Section 755.30.** (A) As used in this section, "rural county" 169129  
means a county that does not contain a municipal corporation with 169130  
a population greater than sixty-five thousand residents according 169131  
to the most recent federal decennial census. 169132

(B) The Connect4Ohio Program is created, and the Department 169133  
of Transportation shall administer the Program. The purpose of the 169134  
Program is to assist in creating seamless transportation 169135

connections throughout all of Ohio and, by doing so, to make it 169136  
easier for all Ohio workers to commute from their homes to 169137  
employment centers. 169138

(C) As part of the Program, the Department, the 169139  
Transportation Review Advisory Council (TRAC), and the Public 169140  
Works Commission shall work together to prioritize all of the 169141  
following: 169142

(1) Completing existing corridor projects, particularly 169143  
corridor projects that benefit two or more connected rural 169144  
counties; 169145

(2) Eliminating traffic impediments on county, township, 169146  
state, and federal highway routes, particularly within rural 169147  
counties; 169148

(3) Replacing not less than one existing bridge in each rural 169149  
county with a population of not more than ninety thousand 169150  
residents, with preference given to bridges that have already had 169151  
a general appraisal and that have been identified by either the 169152  
Department or the county engineer as requiring replacement. 169153

(D) The Department shall use money appropriated for purposes 169154  
of the Program as follows: 169155

(1) Funding projects that align with the priorities 169156  
established under division (C) of this section; 169157

(2) Funding such projects at one hundred per cent of the 169158  
project cost, when appropriate, particularly for projects that are 169159  
located in a rural county or that extend between two or more 169160  
connected rural counties; 169161

(3) Providing the necessary matching funds to receive TRAC 169162  
approval for any construction projects that are related to the 169163  
Program and its purpose. 169164

(E) The Director of Transportation shall establish any 169165

procedures and requirements necessary to administer this section. 169166

**Section 757.10.** Notwithstanding section 5743.15 of the 169167  
Revised Code, any license issued under division (B), (C), or (F) 169168  
of that section that is active on the effective date of the 169169  
amendment by this act of that section shall remain valid until 169170  
June 1, 2024, rather than May 27, 2024. 169171

**Section 757.20. BUSINESS INCENTIVE TAX CREDITS** 169172

In order to facilitate an understanding of business incentive 169173  
tax credits, as defined in section 107.036 of the Revised Code, 169174  
the following table provides an estimate of the amount of credits 169175  
that may be authorized in each fiscal year of the 2024-2025 169176  
biennium, an estimate of the credits expected to be claimed in 169177  
each fiscal year of that biennium, and an estimate of the amount 169178  
of credits authorized that will remain outstanding at the end of 169179  
that biennium. In totality, this table provides an estimate of the 169180  
state revenue forgone due to business incentive tax credits in the 169181  
2024-2025 biennium and future biennium. 169182

Biennial Business Incentive Tax Credit Estimates 169183

	Estimate of total		Estimate of tax		Expected	169185
	value of tax credits		credits		Outstanding	
	authorized		issued/claimed		credits	
			(All figures in			169186
			thousands of			
			dollars)			
						169187
Tax Credit	FY 2024	FY 2025	FY 2024	FY 2025	End of	169188
					Biennium	
						169189
Job Creation	\$160,000	\$165,000	\$151,000	\$155,000	\$705,000	169190

Tax Credit						169191
Job Retention	\$0	\$0	\$28,700	\$20,300	\$23,000	169192
Tax Credit						169193
Historic Preservation	\$120,000	\$60,000	\$98,000	\$95,000	\$240,000	169194
Tax Credit						169195
Motion Picture	\$40,000	\$40,000	\$51,000	\$46,000	\$110,000	169196
Tax Credit						169197
New Markets	\$10,000	\$10,000	\$7,500	\$6,600	\$39,600	169198
Tax Credit						169199
R&D Loan Tax Credit	\$0	\$0	\$1,450	\$1,450	\$5,000	169200
InvestOhio Tax Credit	\$4,900	\$5,000	\$3,675	\$3,750	\$7,500	169201 169202
Ohio Rural Business	\$0	\$0	\$22,500	\$11,250	\$22,500	169203 169204
Ohio Opportunity Zone	\$50,000	\$25,000	\$50,000	\$25,000	\$0	169205 169206
Transformational Mixed-Use Development	\$100,000	\$100,000	\$60,300	\$66,200	\$255,200	169207

**Section 757.30.** All amended reports and applications for refund filed pursuant to section 5733.031 of the Revised Code, as

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amended by this act, must be received by the Department of 169210  
Taxation on or before December 31, 2023. The Department shall deny 169211  
all applications for refund related to reports amended pursuant to 169212  
that section and received after December 31, 2023, and any such 169213  
denial is not subject to appeal. The Department shall not issue 169214  
any assessments related to any amended report filed pursuant to 169215  
that section if the amended report is received by the Department 169216  
after December 31, 2023. For purposes of this section, a report or 169217  
application is "received" on or before December 31, 2023, if it is 169218  
postmarked on or before that date. 169219

**Section 757.40.** (A) As used in this section: 169220

(1) "Qualified property" means real property for which a 169221  
covenant not to sue was issued under section 3746.12 of the 169222  
Revised Code in 2020 and that is subject to the exemption 169223  
authorized by section 5709.87 of the Revised Code beginning for 169224  
tax year 2022. 169225

(2) "Exempt portion" means the portion of the assessed value 169226  
of improvements, buildings, fixtures, and structures that would be 169227  
exempt from taxation if they qualified for the exemption 169228  
authorized by section 5709.87 of the Revised Code for the 169229  
applicable tax year, as described in division (C)(1)(a) of that 169230  
section. 169231

(B) Notwithstanding section 5709.87 of the Revised Code, a 169232  
person that owned qualified property for tax year 2020 or 2021 may 169233  
file an application with the Tax Commissioner, on a form 169234  
prescribed by the Commissioner, on or before the date that is one 169235  
year after the effective date of this section, requesting both of 169236  
the following: 169237

(1) That unpaid property taxes, penalties, and interest on 169238  
the exempt portion of the qualified property for tax years 2020 169239

and 2021 be abated;	169240
(2) That all paid taxes, penalties, and interest on the exempt portion of the qualified property for those tax years be credited or paid to the applicant;	169241 169242 169243
(3) That, notwithstanding division (C)(1)(a) of section 5709.87 of the Revised Code, the exemption for the qualified property authorized by that division that began for tax year 2022 end after tax year 2029.	169244 169245 169246 169247
(C) Upon receipt of the application and after consideration of it, the Commissioner shall determine if the property is qualified property and, if so, shall issue an order directing both of the following:	169248 169249 169250 169251
(1) That all unpaid taxes, penalties, and interest described under division (B)(1) of this section be abated;	169252 169253
(2) That all taxes, penalties, and interest described in division (B)(2) of this section be regarded as an overpayment of taxes under section 5715.22 of the Revised Code and be credited or paid to the applicant in accordance with that section;	169254 169255 169256 169257
(3) That, notwithstanding division (C) of section 5709.87 of the Revised Code, the exemption for the property authorized by that division that began for tax year 2022 end after tax year 2029.	169258 169259 169260 169261
If the Commissioner finds that the property is not qualified property the Commissioner shall issue an order denying the application.	169262 169263 169264
(E) Nothing in this section authorizes the Tax Commissioner to abate, credit, or pay any portion of the tax on the portion of the assessed value of qualified property that is not the exempt portion.	169265 169266 169267 169268
<b>Section 757.50.</b> The Tax Commissioner shall not make	169269

adjustments in 2023 or 2024 to the income amounts in divisions 169270  
(A)(2) and (3) of section 5747.02 of the Revised Code, as 169271  
otherwise required by division (A)(5) of that section, or make 169272  
adjustments in 2023 or 2024 to the personal exemption amounts 169273  
prescribed in division (A) of section 5747.025 of the Revised 169274  
Code, as otherwise required by divisions (B) and (C) of that 169275  
section. 169276

**Section 757.60.** (A) The Joint Committee on Property Tax 169277  
Review and Reform is created, composed of the following members: 169278

(1) Five members of the Senate, three of whom are members of 169279  
the majority party appointed by the President of the Senate and 169280  
two of whom are members of the minority party appointed by the 169281  
Minority Leader of the Senate; 169282

(2) Five members of the House of Representatives, three of 169283  
whom are members of the majority party appointed by the Speaker of 169284  
the House of Representatives and two of whom are members of the 169285  
minority party appointed by the Minority Leader of the House of 169286  
Representatives; 169287

The Committee shall be co-chaired by one majority party 169288  
member of the Senate, appointed by the President of the Senate, 169289  
and one majority party member of the House of Representatives, 169290  
appointed by the Speaker of the House of Representatives. 169291

(B) The Committee shall review the history and purpose of all 169292  
aspects of Ohio's property tax law, including the forms of levies, 169293  
exemptions, and local subdivision budgeting. The Committee may 169294  
hold hearings on pending legislation related to property taxation 169295  
and make recommendations regarding that legislation. The Committee 169296  
shall hold its first meeting not later than ninety days after the 169297  
effective date of this section. 169298

The Committee shall produce a report describing the 169299

activities and findings of the Committee and making 169300  
recommendations on reforms to Ohio's property tax law and shall 169301  
submit this report to the President of the Senate, the Speaker of 169302  
the House of Representatives, and the Minority Leaders of the 169303  
Senate and the House of Representatives not later than December 169304  
31, 2024. 169305

(C) Members of the Committee shall serve at the pleasure of 169306  
the appointing authority and without compensation. 169307

(D) The Committee ceases to exist upon the submission of the 169308  
report required under division (B) of this section. 169309

**Section 759.10. FLYOHIO TETHERED DRONES PILOT PROGRAM** 169310

(A) The Office of Aviation within the Department of 169311  
Transportation shall conduct a pilot program to field test the use 169312  
of tethered drones over rural campsite areas and urban or suburban 169313  
areas to gauge the feasibility and cost-effectiveness of sharing 169314  
data collected from these overflights to emergency responders, 169315  
public safety professionals, and infrastructure security 169316  
professionals. 169317

This pilot project shall examine both mobile and permanent 169318  
tethered drones, including deployment in all weather and hazard 169319  
conditions through the purchase and use of tethered drones by the 169320  
Mandel Jewish Community Center in the city of Cleveland at its 169321  
main campus site as well as at the Center's campsite at Camp Wise 169322  
in Geauga County. 169323

(B) The Office may use up to \$247,500 from GRF appropriation 169324  
item 772456, Unmanned Aerial Systems Center, for purposes of 169325  
administering and implementing the pilot program. Up to three 169326  
percent of this funding may be used to pay administrative and 169327  
reporting costs of the pilot project. 169328

(C) The Office of Aviation shall issue a report of its 169329

findings on July 1, 2024, and July 1, 2025. Upon submission of the report on July 1, 2025, the pilot program is abolished.

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**Section 803.10.** The amendment by this act of division (D)(3)(c)(ii) of section 718.01 of the Revised Code applies to taxable years beginning on or after January 1, 2023. In accordance with division (A) of section 718.04 of the Revised Code, each municipal corporation that levies a tax on income shall adopt an ordinance or resolution incorporating that amendment and applying it to taxable years beginning on or after January 1, 2023.

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The amendment by this act of division (C)(15) of section 718.01 of the Revised Code applies to taxable years beginning on or after January 1, 2024. In accordance with division (A) of section 718.04 of the Revised Code, each municipal corporation that levies a tax on income shall adopt an ordinance or resolution incorporating that amendment and applying it to taxable years beginning on or after January 1, 2024.

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**Section 803.20.** The amendment by this act of sections 1710.06 and 3706.12 of the Revised Code shall not be construed or otherwise interpreted in derogation of any issuance of a bond or note by the Ohio air quality development authority, the levy of any special assessment by a municipal corporation or special improvement district, or the assignment or remittance of any such assessment to the authority, issued, levied, assigned, or remitted before the effective date of this section.

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**Section 803.30.** The amendment by this act of section 5751.033 of the Revised Code is intended to be remedial in nature and to clarify the law as it existed prior to that amendment, and shall be construed accordingly.

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**Section 803.40.** The amendment by this act of section 5753.031

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of the Revised Code applies to sports gaming receipts received on 169359  
and after July 1, 2023. 169360

**Section 803.50.** The amendment by this act of section 5739.02 169361  
of the Revised Code applies on and after October 1, 2023. 169362

**Section 803.60.** The amendment by this act of division (E) of 169363  
section 5747.07 of the Revised Code applies to filings and 169364  
payments due on or after January 1, 2024. 169365

**Section 803.70.** The amendment by this act of section 5726.01 169366  
of the Revised Code is intended to be remedial in nature and to 169367  
clarify the law as it existed prior to that amendment, and shall 169368  
be construed accordingly. 169369

**Section 803.80.** The amendment by this act of section 718.84 169370  
of the Revised Code applies beginning to the first report required 169371  
to be filed under division (B) of that section on or after the 169372  
effective date of that amendment. 169373

**Section 803.90.** The amendment by this act of section 323.152 169374  
of the Revised Code applies to tax year 2023 and every tax year 169375  
thereafter. The amendment by this act of section 4503.065 of the 169376  
Revised Code applies to tax year 2024 and every tax year 169377  
thereafter. 169378

**Section 803.100.** The amendment by this act of sections 169379  
718.05, 718.27, 718.85, and 718.89 of the Revised Code applies to 169380  
tax returns required to be filed for taxable years ending on or 169381  
after January 1, 2023. 169382

**Section 803.110.** The provisions of this act pertaining to the 169383  
certificate of need program, as they are established by the 169384

amendment of sections 3702.511, 3702.52, 3702.532, 3702.54, 169385  
3702.544, 3702.55, 3702.57, 3702.60, and 3702.61 of the Revised 169386  
Code and the repeal of section 3702.541 of the Revised Code and 169387  
Section 5 of H.B. 371 of the 134th General Assembly, apply 169388  
retroactively to the following extent: 169389

(A) The provisions apply to any certificate of need that was 169390  
granted prior to the effective date of this section and is still 169391  
valid on the effective date of this section. 169392

(B) The provisions apply to any application for a certificate 169393  
of need that is pending on the effective date of this section. 169394

(C) The provisions apply to any action for the imposition of 169395  
civil penalties or other sanctions, including any appeal of such 169396  
an action, that is pending on the effective date of this section 169397  
for a violation of sections 3702.51 to 3702.62 of the Revised 169398  
Code. 169399

**Section 803.120.** The amendment by this act of section 4301.62 169400  
and the enactment of section 4303.188 of the Revised Code apply 169401  
beginning on January 1, 2024. 169402

**Section 803.130.** The amendment or enactment by this act of 169403  
divisions (A) and (G) of section 5727.47 of the Revised Code 169404  
applies to petitions for reassessment filed for tax year 2024 and 169405  
thereafter. 169406

**Section 803.140.** The amendment by this act of divisions 169407  
(B)(1) and (10) of section 5739.02 of the Revised Code is a 169408  
remedial measure intended to clarify existing law and applies to 169409  
all cases pending on a petition for reassessment or on further 169410  
appeal, or transactions subject to an audit by the Department of 169411  
Taxation, on or after the effective date of this section. 169412

**Section 803.150.** The amendment or enactment by this act of sections 5743.06 and 5743.53 of the Revised Code apply to bad debts charged off as uncollectible on the books and records of a wholesale dealer, distributor, or vapor distributor on or after January 1, 2024.

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**Section 803.160.** The amendment or enactment by this act of division (A)(39) of section 5747.01 and division (F)(2)(ss) of section 5751.01 of the Revised Code applies to taxable years or tax periods beginning on or after January 1, 2023.

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**Section 803.170.** The amendment by this act of section 5747.501 of the Revised Code applies on and after July 1, 2023.

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**Section 803.180.** The enactment by this act of section 5747.64 of the Revised Code applies to taxable years beginning on and after January 1, 2023.

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**Section 803.190.** The enactment by this act of divisions (F)(2)(rr) and (tt) of section 5751.01 of the Revised Code applies to tax periods ending on or after the effective date of this section.

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**Section 803.200.** The amendment by this act of Section 280.28 of H.B. 45 of the 134th General Assembly is intended to be remedial in nature and applies on and after January 6, 2023.

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**Section 803.210.** The amendment by this act of section 5747.02 of the Revised Code applies to taxable years beginning in or after 2023.

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**Section 803.220.** The enactment by this act of divisions (A)(40) and (41) of section 5747.01 and section 5747.84 of the

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Revised Code apply to taxable years beginning on or after January 1, 2024. 169439  
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**Section 806.10. SEVERABILITY** 169441

The items of law contained in this act, and their 169442  
applications, are severable. If any item of law contained in this 169443  
act, or if any application of any item of law contained in this 169444  
act, is held invalid, the invalidity does not affect other items 169445  
of law contained in this act and their applications that can be 169446  
given effect without the invalid item of law or application. 169447

**Section 809.10. NO EFFECT AFTER END OF BIENNIUM** 169448

An item of law, other than an amending, enacting, or 169449  
repealing clause, that composes the whole or part of an uncodified 169450  
section contained in this act has no effect after June 30, 2025, 169451  
unless its context clearly indicates otherwise. 169452

**Section 812.10. SUBJECT TO REFERENDUM** 169453

Except as otherwise provided in this act, the amendment, 169454  
enactment, or repeal by this act of a section is subject to the 169455  
referendum under Ohio Constitution, Article II, section 1c and 169456  
therefore takes effect on the ninety-first day after this act is 169457  
filed with the Secretary of State or, if a later effective date is 169458  
specified below, on that date. 169459

**Section 812.11.** (A) The following sections of this act take 169460  
effect six months after the effective date of this section: 169461

(1) The amendment or enactment of sections 2151.231, 3103.03, 169462  
3109.53, 3109.66, 3111.01, 3111.04, 3111.041, 3111.06, 3111.07, 169463  
3111.111, 3111.15, 3111.29, 3111.38, 3111.381, 3111.48, 3111.49, 169464  
3111.78, 3119.01, 3119.06, 3119.07, 3119.95, 3119.951, 3119.953, 169465

3119.955, 3119.957, 3119.9511, 3119.9513, 3119.9515, 3119.9517, 169466  
3119.9519, 3119.9523, 3119.9525, 3119.9527, 3119.9529, 3119.9531, 169467  
3119.9533, 3119.9535, 3119.9537, 3119.9539, 3119.9541, and 3121.29 169468  
of the Revised Code; 169469

(2) The repeal of section 3121.46 of the Revised Code. 169470

(B) During the six-month period after the effective date of 169471  
this section, the Ohio Department of Job and Family Services shall 169472  
perform system changes, create rules and forms, and make any other 169473  
changes as necessary to implement the amendments, enactments, and 169474  
repeals listed in this section. 169475

**Section 812.20.** The amendment or enactment by this act of the 169476  
sections listed below is exempt from the referendum under Ohio 169477  
Constitution, Article II, section 1d and section 1.471 of the 169478  
Revised Code and therefore takes effect immediately when this act 169479  
becomes law or, if a later effective date is specified below, on 169480  
that date. 169481

Sections 122.4017, 122.4037, 122.4040, 5165.158, 5747.501, 169482  
5751.02, 5753.031, 5913.01, and 5922.01 of the Revised Code. 169483

**Section 812.30.** Sections of this act prefixed with numbers in 169484  
the 200s, 300s, 400s, and 500s, and Section 757.20 of this act are 169485  
exempt from the referendum under Ohio Constitution, Article II, 169486  
Section 1d, and therefore take immediate effect when this act 169487  
becomes law. 169488

**Section 812.40.** The enactment by this act of section 5163.063 169489  
of the Revised Code takes effect one year after the effective date 169490  
of this section. 169491

**Section 820.10.** The General Assembly, applying the principle 169492  
stated in division (B) of section 1.52 of the Revised Code that 169493  
amendments are to be harmonized if reasonably capable of 169494

simultaneous operation, finds that the following sections, 169495  
presented in this act as composites of the sections as amended by 169496  
the acts indicated, are the resulting versions of the sections in 169497  
effect prior to the effective date of the sections as presented in 169498  
this act: 169499

Section 109.42 of the Revised Code as amended by both H.B. 169500  
343 and S.B. 288 of the 134th General Assembly. 169501

Section 109.57 of the Revised Code as amended by both H.B. 169502  
405 and S.B. 288 of the 134th General Assembly. 169503

Section 109.572 of the Revised Code as amended by both H.B. 169504  
509 and S.B. 288 of the 134th General Assembly. 169505

Section 119.12 of the Revised Code as amended by both H.B. 52 169506  
and H.B. 64 of the 131st General Assembly. 169507

Section 121.95 of the Revised Code as amended by both H.B. 29 169508  
and S.B. 9 of the 134th General Assembly. 169509

Section 122.073 of the Revised Code as amended by both H.B. 169510  
487 and S.B. 314 of the 129th General Assembly. 169511

Section 127.16 of the Revised Code as amended by both H.B. 169512  
442 and S.B. 276 of the 133rd General Assembly. 169513

Section 149.43 of the Revised Code as amended by H.B. 45, 169514  
H.B. 99, H.B. 254, H.B. 343, H.B. 558, and S.B. 288, all of the 169515  
134th General Assembly. 169516

Section 317.08 of the Revised Code as amended by both H.B. 9 169517  
of the 130th General Assembly and H.B. 141 of the 131st General 169518  
Assembly. 169519

Section 718.01 of the Revised Code as amended by H.B. 228 and 169520  
S.B. 217 of the 134th General Assembly, and H.B. 197 and S.B. 276 169521  
of the 133rd General Assembly. 169522

Section 2101.16 of the Revised Code as amended by both H.B. 169523  
45 and H.B. 281 of the 134th General Assembly. 169524

Section 2109.21 of the Revised Code as amended by both S.B. 117 and S.B. 124 of the 129th General Assembly.	169525 169526
Section 2929.18 of the Revised Code as amended by both H.B. 343 and H.B. 462 of the 134th General Assembly.	169527 169528
Section 2930.16 of the Revised Code as amended by both H.B. 343 and S.B. 288 of the 134th General Assembly.	169529 169530
Section 2953.32 of the Revised Code as amended by both H.B. 343 and S.B. 288 of the 134th General Assembly.	169531 169532
Section 3119.06 of the Revised Code as amended by both H.B. 366 and S.B. 70 of the 132nd General Assembly.	169533 169534
Section 3302.03 of the Revised Code as amended by both S.B. 166 and S.B. 229 of the 134th General Assembly.	169535 169536
Section 3310.41 of the Revised Code as amended by both H.B. 509 and H.B. 554 of the 134th General Assembly.	169537 169538
The version of section 3319.22 of the Revised Code that is scheduled to take effect December 29, 2023, as amended by both H.B. 509 and S.B. 131 of the 134th General Assembly.	169539 169540 169541
Section 3328.24 of the Revised Code as amended by both H.B. 82 and H.B. 110 of the 134th General Assembly.	169542 169543
Section 3509.05 of the Revised Code as amended by both H.B. 45 and H.B. 458 of the 134th General Assembly.	169544 169545
Section 4507.06 of the Revised Code as amended by both H.B. 74 and H.B. 281 of the 134th General Assembly.	169546 169547
Section 4513.17 of the Revised Code as amended by both H.B. 30 and S.B. 224 of the 134th General Assembly.	169548 169549
Section 4715.30 of the Revised Code as amended by both H.B. 203 and H.B. 263 of the 133rd General Assembly.	169550 169551
Section 4731.22 of the Revised Code as amended by both H.B. 254 and S.B. 288 of the 134th General Assembly.	169552 169553

Section 4741.22 of the Revised Code as amended by both H.B. 33 and H.B. 263 of the 133rd General Assembly.	169554 169555
The version of section 4765.55 of the Revised Code that is scheduled to take effect December 29, 2023, as amended by both H.B. 509 and S.B. 131 of the 134th General Assembly.	169556 169557 169558
Section 4776.01 of the Revised Code as amended by both H.B. 166 and S.B. 57 of the 133rd General Assembly.	169559 169560
Section 5153.162 of the Revised Code as amended by both H.B. 215 and H.B. 408 of the 122nd General Assembly.	169561 169562
Section 5153.163 of the Revised Code as amended by both H.B. 110 and H.B. 281 of the 134th General Assembly.	169563 169564
Section 5321.01 of the Revised Code as amended by both H.B. 281 and H.B. 430 of the 134th General Assembly.	169565 169566
Section 5725.98 of the Revised Code as amended by both H.B. 197 and S.B. 39 of the 133rd General Assembly.	169567 169568
Section 5729.98 of the Revised Code as amended by both H.B. 197 and S.B. 39 of the 133rd General Assembly.	169569 169570
Section 5739.09 of the Revised Code as amended by S.B. 310 of the 133rd General Assembly and H.B. 110 of the 134th General Assembly.	169571 169572 169573
Section 5739.31 of the Revised Code as amended by both S.B. 143 and S.B. 200 of the 124th General Assembly.	169574 169575
Section 5739.99 of the Revised Code as amended by both S.B. 143 and S.B. 200 of the 124th General Assembly.	169576 169577
Section 5747.01 of the Revised Code as amended by H.B. 45, H.B. 110, H.B. 150, H.B. 515, S.B. 33, and S.B. 246, all of the 134th General Assembly.	169578 169579 169580
Section 5747.98 of the Revised Code as amended by both H.B. 45 and H.B. 66 of the 134th General Assembly.	169581 169582